

Orange County
Board of Zoning Adjustment
RECOMMENDATIONS
BOOKLET

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

Non- Residential Districts

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

Other District

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

VARIANCE CRITERIA

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

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

SPECIAL EXCEPTION CRITERIA:

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

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

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

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
February 1, 2018**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
SE-17-12-134	Jamal A. Hassounch	4	DENIED	1
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JAMAL A. HASSOUNEH
SE-17-12-134

REQUEST: Special Exception and Variance in the A-2 zoning district as follows:
1) Special Exception: To allow a religious use facility with ancillary uses (worshipping, social services, girls youth group, Monday evening gatherings, Sunday workshop, SAT program and family night); and
2) Variance: To allow unpaved parking spaces in lieu of paved.

ADDRESS: 1311 Hancock Lone Palm Road, Orlando FL 32828

LOCATION: East side of Hancock Lone Palm Rd., 1/2 mile south of East Colonial Dr.

S-T-R: 24-22-31

TRACT SIZE: 6 acres

DISTRICT#: 4

LEGAL: S 100 FT OF N 1700 FT & S 100 FT OF N 1600 FT BOTH OF THE W1/2 OF SW1/4 SEC 24-22-31 (LESS W 30 FT FOR R/W)

PARCEL ID: 24-22-31-0000-00-030

NO. OF NOTICES: 85

DECISION: **DENIED** the Special Exception request in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest; and further, **DENIED** the Variance request in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3) (unanimous; 5-0 and 2-absent).

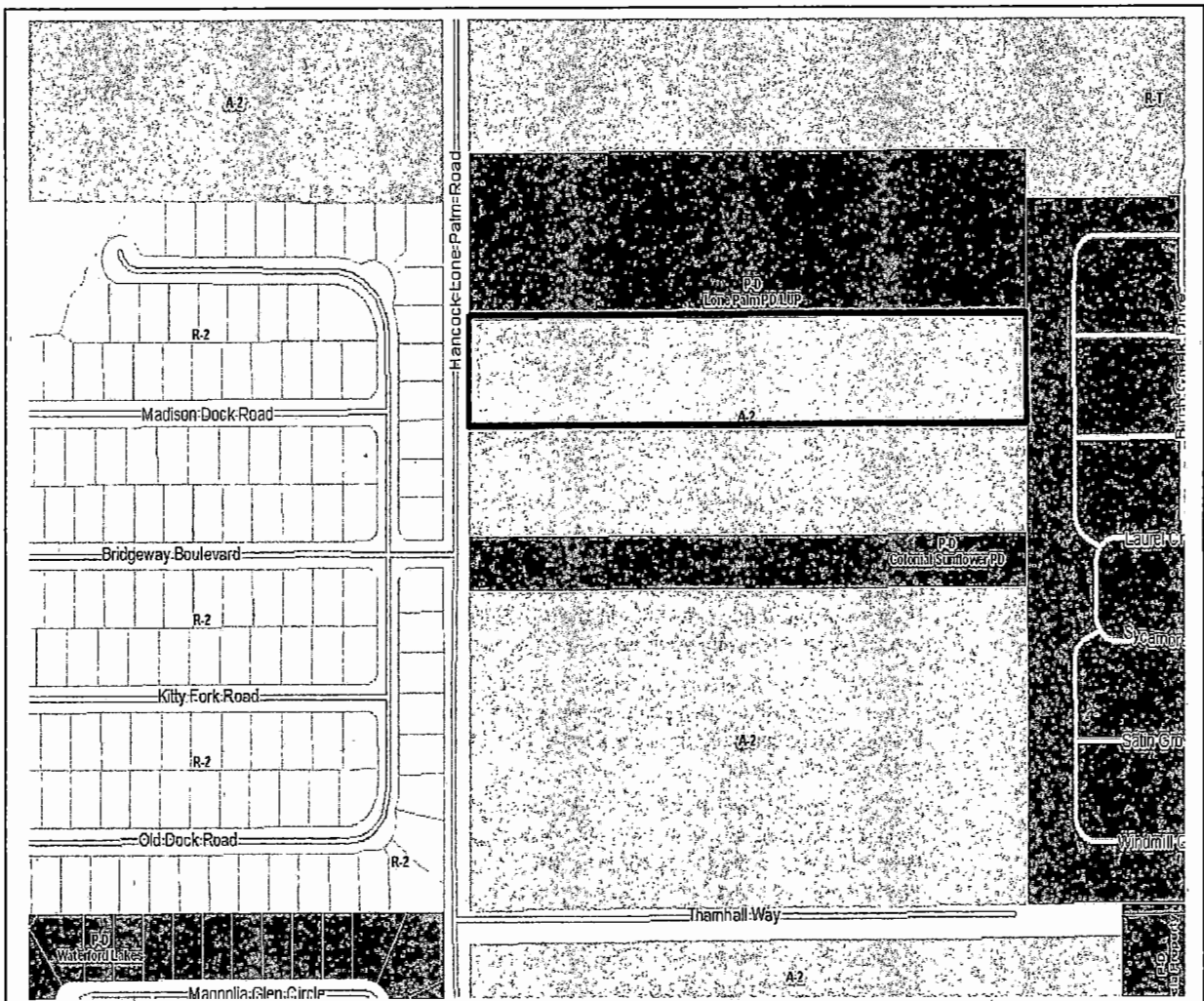
SYNOPSIS: The applicant proposed a religious use facility with other associated uses in the A-2 zoning district. Staff gave an overview of the proposed project, discussed the parking variance, and the public feedback that was received. Staff recommended approval as the project will use the existing structure, two (2) other religious facilities have been approved in the area, and Transportation Planning recommended approval of the project.

The applicant provided background on the project, explained the day to day operation, and how they felt the project met the Special Exception criteria.

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

Three (3) members of the community spoke in opposition of the application. They had concerns with traffic, compatibility with the rural area, outdoor events, lighting pollution, wetland impacts, and safety for the community.

The BZA had discussions and were concerned with the amount of letters from neighbors in opposition. The BZA denied the request due to concerns with traffic, felt the use would be a detrimental intrusion to the area, and negative responses from the community.



Applicant: Jamal A. Hassouneh

BZA Number: SE-17-12-134

BZA Date: 02/01/2018

District: 4

Sec/Twn/Rge: 24-22-31-SW-C

Tract Size: 6 acres

Address: 1311 Hancock Lone Palm Road, Orlando FL 32828

Location: East side of Hancock Lone Palm Rd., 1/2 mile south of East Colonial Dr.



FLORIDA
ENGINEERING
GROUP



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Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325

2302 Parklake Drive, Suite 134
Atlanta, GA 30341
Phone: 1-877-857-1581
Fax: 1-877-857-1582



SPECIAL EXCEPTION REQUEST JUSTIFICATION STATEMENT

**EAST ORLANDO RELIGIOUS INSTITUTION
1311 HANCOCK LONE PALM ROAD
ORANGE COUNTY, FLORIDA**

OCTOBER 16, 2017

The subject project site is 6.01 acres and is located on the east side of Hancock Lone Palm Road approximately 2,500 feet south of its intersection with E. Colonial Drive (SR 50), in unincorporated Orange County, Florida. The site is zoned A-2 and has an existing future land use (FLU) designation of Low-Medium Density Residential. The proposed use for the project site is Religious Institution. A religious institution is permitted in the A-2 Zoning District. However, since the FLU designation is not consistent with the zoning a Special Exception is required for the proposed use.

The site has been used for a nursery and related warehousing operation since 1977 and currently contains an existing 4,000 Sq.Ft. building with related infrastructure. The proposed project will utilize the existing building and provide parking and other needed infrastructure consistent with the Orange County requirements.

The surrounding area includes an existing single-family residence on the south side, a single-family residential subdivision on the east side, a single-family residential subdivision across from Hancock Lone Palm Road on the west side, and an existing single-family residence on the north side. The land parcel on the north side is currently being reviewed by Orange County for a single-family PD re-zone. There is an existing church to the north of the property being rezoned.

Activities for the proposed Religious Institution as indicated by the applicant will include prayer services, community gatherings, study hours, and annual events such as holidays and special occasions. The activities will also include the following programs:

1-Social Services for helping needy families in the community and provide them with special assistance such as donated food, furniture, clothing and toys. The ultimate mission of the East Orlando Religious Institution is to provide relief to the less fortunate in the community.

2-Girls Youth Group, which will include weekly meetings of middle and high school girls in the community to empower young women by building sisterly support, community activism, and general life skills.

3-Monday Evening Gathering; this is a weekly-gathering where parents and children gather to share dinner with the goal of building a caring community.

4-Sunday Workshop; this is a two-hour weekly workshop to discuss everyday concerns including family matters, community service, education or matters raised by members.

5-SAT Program; this is a unique educational program, which focuses on providing tutoring in Math and Critical reading to middle and high school students to better prepare them for a college career.

The weekly program is administered by well-educated volunteers with a humble goal of securing better future for the children in the community. The program also provides career workshops, training to acquire multitasking, and problem solving skills.

6-Family Night; a popular weekly social gathering, which is held on Saturday evenings. The Social involves the entire family with a goal of having a great time to see friends and to meet new friends. The gathering includes dinner and just fun. Community members are recognized in this activity by celebrating their success. The activity also provides a community comfort to members who lost loved ones.

The normal hours of operation will be from 8 am to 8 pm; however, the facility will only be used sporadically during the day. It is anticipated that the facility will serve 120 community members. No new buildings are proposed as part of this project. As stated above, the existing building on the site will be renovated for the religious institution with improvements and small addition to the building entrance.

The following paragraphs provide justification for this special exception request, which is consistent with the specific standards for the approval of special exceptions as outlined in Section 38-78 of the Orange County Code of Ordinances.

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

Response: The site is zoned A-2, and the Future Land Use Designation for the site is Low-Medium Density Residential. The proposed religious institution use is compatible with the existing A-2 site zoning. The special exception request is being submitted since the A-2 zoning district is not consistent with the existing FLU designation.

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

Response: The proposed use is compatible with the surrounding uses, since it is a low intensity use on a large agricultural tract of land. There is also a similar religious institution use in close proximity to the site. Specifically, there is existing church use approximately 400 linear feet to the north of the subject site.

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

Response: Currently, the site is used for a nursery and other related warehousing and other operations. The Religious Institution is an enhancement over the existing use as it will retrofit the existing building and would not impact the surrounding uses. A 6-foot-high wall is proposed to buffer the residential development to the west across from Hancock Lone Palm Road. In addition, over 1,000 linear feet of open space and existing vegetation will buffer the proposed use from the residential development to the east.

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

Response: The proposed use will be designed to meet the performance standards of the A-2 zoning district and other County development standards.

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.

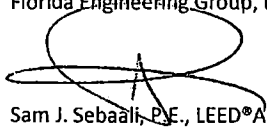
Response: The site is currently used for nurse/landscape operation and warehouse. The requested Special Exception use of religious institution will in decrease the production of noise, vibration, dust, glare, and heat producing characteristics when compared to the existing use.

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.

Response: There are currently existing landscaping bufferyards on the north and south sides of the property between the site and the existing single-family residences. Screening of these existing buffer yards will be provided in accordance with the Orange County Landscape Code. Additional buffer yards in accordance with Sec. 24-5, will be provided at the front yard to screen the proposed uses from the right-of-way. As indicated above, a 6-foot- high wall is proposed to buffer the residential development to the west across from Hancock Lone Palm Road. In addition, over 1,000 linear feet of open space and existing vegetation will buffer the proposed use from the residential development to the east.

Please do not hesitate to contact me should you have any questions or need additional clarification regarding this request. I can be reached by phone at 407-895-0324 or by email at SSebaali@feg-inc.us.

Sincerely,
Florida Engineering Group, Inc.



Sam J. Sebaali, P.E., LEED® AP
President

cc: Mr. Jamal A. Hassounah, Applicant

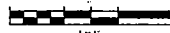
SITE STRIPING & SIGNAGE KEYNOTES

1. ALL STRIPING TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF INSTRUCTIONS FOR HIGHWAY DESIGN.
2. ALL SIGNAGE TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF INSTRUCTIONS FOR HIGHWAY DESIGN.

SITE CONSTRUCTION KEYNOTES

1. ALL CONSTRUCTION TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF INSTRUCTIONS FOR HIGHWAY DESIGN.
2. ALL CONSTRUCTION TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF INSTRUCTIONS FOR HIGHWAY DESIGN.

GRAPHIC SCALE



SITE DATA

PROJECT LOCATION: 1511 HANCOCK LANE PALM BEACH, FLORIDA 33480
 PROJECT ZONING: L-100
 EXISTING USE: RESIDENTIAL
 PROPOSED USE: RESIDENTIAL
 EXISTING GROUND FLOOR AREA: 1,000 SQ. FT.
 PROPOSED BUILDING HEIGHT: 1.5 STORIES
 BUILDING SETBACKS (FEET):
 FRONT: 10
 SIDE: 5
 REAR: 10

PARKING

STANDARD REQUIRED: 1 SPACE PER 100 SQ. FT. OF GROUND FLOOR AREA
 PROPOSED: 1 SPACE PER 100 SQ. FT. OF GROUND FLOOR AREA
 TOTAL: 10 SPACES

SITE AREA CALCULATIONS

TOTAL LOT AREA: 1.00 AC.
 TOTAL LOT AREA: 1.00 AC.
 TOTAL LOT AREA: 1.00 AC.

FLOOD ZONE

NO FLOOD ZONE DESIGNATED ON MAP.

HAZARDOUS MATERIALS STATEMENT

NO HAZARDOUS MATERIALS ARE STORED OR USED ON THE SITE.

LIGHTING NOTE

ALL LIGHTING TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF INSTRUCTIONS FOR HIGHWAY DESIGN.

SIGNAGE NOTE

ALL SIGNAGE TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF INSTRUCTIONS FOR HIGHWAY DESIGN.

SITE NOTES

1. ALL CONSTRUCTION TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF INSTRUCTIONS FOR HIGHWAY DESIGN.
2. ALL CONSTRUCTION TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF INSTRUCTIONS FOR HIGHWAY DESIGN.

NOTES

1. ALL CONSTRUCTION TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF INSTRUCTIONS FOR HIGHWAY DESIGN.
2. ALL CONSTRUCTION TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF INSTRUCTIONS FOR HIGHWAY DESIGN.

SITE NOTE:

ALL CONSTRUCTION TO BE DONE IN ACCORDANCE WITH THE LATEST EDITION OF THE MICHIGAN MANUAL OF INSTRUCTIONS FOR HIGHWAY DESIGN.



STAFF REPORT
CASE #SE-17-12-134
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
February 1, 2018
Commission District: 4

GENERAL INFORMATION:

APPLICANT: Jamal A. Hassouneh

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variance in the A-2 zoning district as follows:

1) Special Exception: To allow a religious use facility with ancillary uses (worshipping, social services, girls youth group, Monday evening gatherings, Sunday workshop, SAT program and family night); and

2) Variance: To allow unpaved parking spaces in lieu of paved.

LOCATION: East side of Hancock Lone Palm Rd., 1/2 mile south of East Colonial Dr.

PROPERTY ADDRESS: 1311 Hancock Lone Palm Rd.

PARCEL ID: 24-22-31-0000-00-030

PUBLIC NOTIFICATION: 85

TRACT SIZE: 6 acres

DISTRICT #: 4

ZONING: A-2 (Farmland Rural District)

EXISTING USE(S): Landscape Nursery

PROPOSED USE(S): Religious Use Facility

SURROUNDING USES:

N – SFR on larger agriculturally zoned parcels
S – SFR on larger agriculturally zoned parcels
E – Platted SFR's
W - Platted SFR's

STAFF FINDINGS AND ANALYSIS:

1. The site has been used as a landscape nursery and related warehousing. The site currently contains an existing 4,000 sq. ft. building. The proposed project will utilize the existing building and will provide the required parking and other infrastructure consistent with Orange County requirements.
2. The property directly to the north was re-zoned to Planned Development in 2017 and is proposing up to forty (40) single family homes.
3. A religious facility was approved in 2016 on a property to the north of the subject property.
4. The applicant is proposing a six (6) foot high masonry wall along the right-of-way to create a buffer from the existing single family homes located across the street.
5. A Community Meeting was held on January 10, 2017. Staff, the BZA Commissioner, the District #4 Aide, and the applicant's team were in attendance. No neighbors attended the Community Meeting.
6. The center is currently located off of Alafaya Trail. This project would be an expansion to their existing operation.
7. The required parking spaces and drive aisles will be paved. The requested unpaved parking is for overflow parking.
8. The applicant has submitted fifty-seven (57) letters in support of the application. Most of these letters were from citizens who do not live in the immediate area.
9. Staff has received approximately forty (40) letters in opposition from the immediate neighbors. Staff also received twenty-eight (28) letters from persons who do not live near the subject property.

Staff is in support as it meets the Special Exception criteria as follows:

- a) Two other religious facilities have been approved in the area which would make this consistent with the pattern of surrounding development.
- b) The proposed project will be using the existing building and all proposed activity will be indoors. The conditions regarding buffering will mitigate the noise, glare, dust and other characteristics associated with this use.

- c) The use is meeting all the performance standards outlined in the A-1 zoning district and the commercial standards for parking, height, open space, etc.
- d) Orange County Transportation Planning has indicated that this use based on ITE standards is de minimis and would not require a traffic study. The traffic will be sporadic throughout the day and shall not be a detrimental intrusion to the community.
- e) The use is consistent with the Comprehensive Plan Policy. The Future Land Use and Zoning on this property are inconsistent. The Zoning is A-2 and the FLU is LMDR. In this case, Comprehensive Plan policy FLU8.2.5.1, allows a special exception in the zoning districts that are consistent with the FLU.

STAFF RECOMMENDATION:

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

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

6. There shall be no more than four (4) outdoor special events per calendar year between the hours of 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.
7. No impacts to any approved Conservation Areas without Orange County approval.
8. A 6 ft. high block wall shall be constructed along the front (west) property line.
9. Prior to operating the site, all required permits shall be obtained.
10. Access, drainage, roadway improvements and concurrency management shall be determined by the Public Works Department.
11. A Type D landscape buffer shall be provided along the north property line and a Type C landscape buffer shall be provided along the south property line.
12. The applicant shall install a six (6) foot high vinyl fence along the north and south property lines abutting the parking areas and proposed development.
13. The hours of operation for this facility shall be limited to 8:00 a.m. to 8:00 p.m.

cc: Jamal A. Hassounah, Applicant
1569 Carrington Avenue
Winter Springs, FL 32708

Sam Sebaali, P.E. - Agent For Applicant
5127 South Orange Avenue, Suite 200
Orlando, FL 32809

LUTHERAN CROWN OF GLORY EVANGELICAL CHURCH
SE-18-02-153

REQUEST: Special Exception in the R-CE zoning district to establish a Daycare and Pre-K facility with a maximum of 60 children. (Property has an existing Church).

ADDRESS: 2017 South Apopka Vineland Road, Orlando FL 32835

LOCATION: East side of S. Apopka Vineland Rd., south of the Florida Turnpike

S-T-R: 03-23-28

TRACT SIZE: 300 ft. x 374 ft.

DISTRICT#: 1

LEGAL: N 300 FT OF W 465.6 FT OF SW1/4 OF SW1/4 (LESS W 30 FT FOR RD R/W) & (LESS PT TAKEN ON W FOR R/W PER 5880/1430) OF SEC 03-23-28

PARCEL ID: 03-23-28-0000-00-026

NO. OF NOTICES: 73

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous; 5-0 and 2-absent):

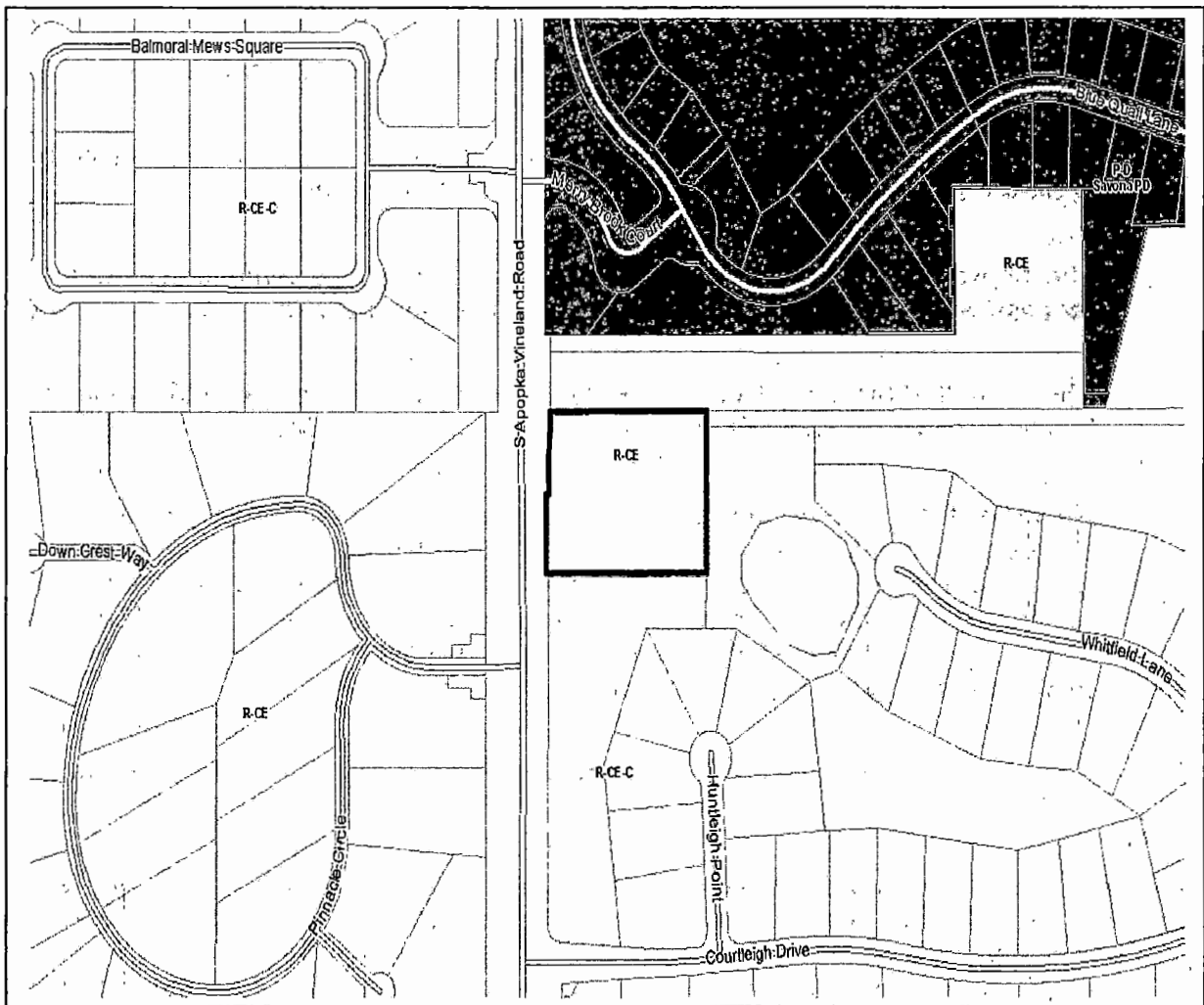
1. Development in accordance with site plan dated November 22, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Any physical expansions of the educational building shall require BZA approval.

5. No more than sixty (60) children shall be permitted without further approval by the BZA.
6. Hours of operation may be expanded from 6:00 a.m. to 7:30 p.m. at the discretion of the operator, however, in no case shall they exceed those hours.
7. The applicant shall submit construction plans through the commercial site plan review process within three (3) years or this approval is null and void.
8. The submitted plans shall be revised to depict the location of the outdoor play area. The location of said play area shall be approved by the Zoning Manager.
9. No more than four (4) outdoor special events in conjunction with the daycare/pre-k school per calendar year, and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
10. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

SYNOPSIS: Staff outlined the history of the Church, noting that the Church had at one time operated a Pre-K school for which no complaints had been filed with the Code Enforcement Division. The Church has grown with the neighborhood to the point where it was actually a part of the area which would provide a service to the area. It was noted that a Community Meeting had been held, however, the only attendees were the County Commissioner and her staff, the BZA representative, and BZA staff plus, the pastor of the Church, the project engineer, and nine (9) members of the congregation.

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

The BZA concluded that the request was compatible with the neighborhood, and would not pose any negative impacts. A motion for approval was passed unanimously.



Applicant: Lutheran Crown of Glory Evangelical Church

BZA Number: SE-18-02-153

BZA Date: 02/01/2018

District: 1

Sec/Twn/Rge: 03-23-28-SW-C

Tract Size: 300 ft. x 374 ft.

Address: 2017 S Apopka Vineland Road, Orlando FL 32835

Location: East side of S. Apopka Vineland Rd., south of the Florida Turnpike



TIMOTHY W. SCHUTZ, P.E.

September 5, 2017

Orange County Zoning Dept.
201 S. Rosalind Ave.
Orlando, FL 32801

RE: Crown of Gory Lutheran Church. Special Exception Request; Parcel ID 03-23-28-0000-00-026

To whom it concerns:

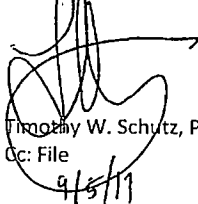
Please find attached the plans and applications for a special exception for the above site. The site is currently an existing church and offices/fellowship hall. The proposed Special Exception request is for an approximately 5,000SF Educational Building for Day Care and Pre-K students with a maximum of 60 children. There will approximately 5 full-time employees - the state of Florida will dictate the requirements. The proposed hours of operation for the educational facility are 7:00 am-6:00 pm Monday to Friday. No outdoor events are proposed for the new building, although the church itself does hold picnics every 3-6 months during weekend hours. It should be noted that the hours of use for the church and Day Care will not conflict, therefore no additional parking spaces will be required at the church.

The site will be in complete harmony with the surrounding area. The property on the north side of this property is PD (roadway area for Spectrum) and vacant institutional. The property on the east side of this property is a retention pond. The property on the west side of this property is Apopka-Vineland Rd. The property to the south of this property is a residential subdivision, which, the pastor states, include many people that attend the church and it's functions. It is anticipated that many of the patrons for the proposed building will be from this area and the pastor maintains that the residential area and the church have a very good relationship. An existing brick wall separates the church and residential property to the south.

The proposed improvements will also remove the existing church and fellowship hall from a septic system and will tie into Orange County's central sewer system (force main) in Apopka Vineland Rd. via a lift station.

Thank you very much for your help with this project. Please contact me if there are any questions regarding this submittal.

Sincerely,



Timothy W. Schutz, P.E.
Cc: File
9/5/17

RECEIVED

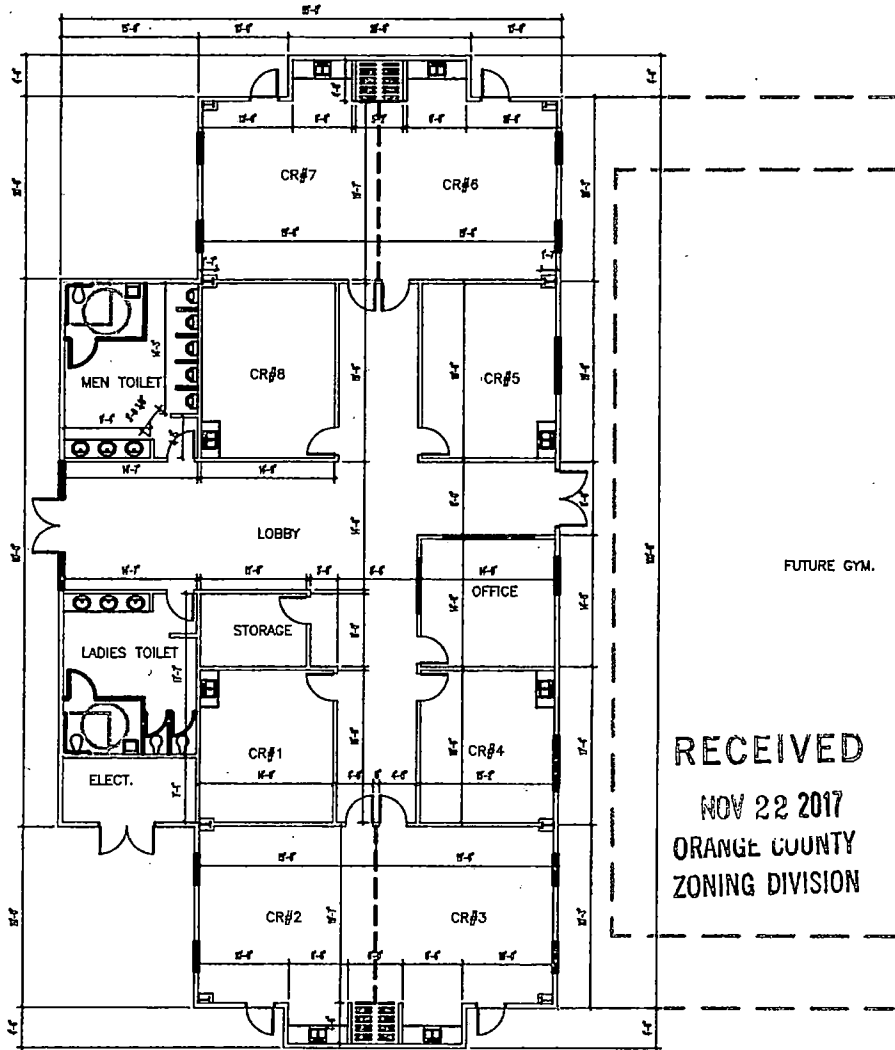
NOV 22 2017
ORANGE COUNTY
ZONING DIVISION

111 Suffolk Court, Longwood, FL 32779

Cell: 407.595.7314

E-mail: Tim.Schutz.pe@gmail.com

RECEIVED
NOV 22 2017
ORANGE COUNTY
ZONING DIVISION



RECEIVED
NOV 22 2017
ORANGE COUNTY
ZONING DIVISION

NOTE: DIMENSIONED FOR DESIGN ONLY

1 FLOOR PLAN
SCALE: 1/8" = 1'-0"



STAFF REPORT
CASE #SE-18-02-153
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
February 1, 2018
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Lutheran Crown of Glory Evangelical Church

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the R-CE zoning district to establish a Daycare and Pre-K facility with a maximum of 60 children.
(Property has an existing Church)

LOCATION: East side of S. Apopka Vineland Rd., south of the Florida Turnpike

PROPERTY ADDRESS: 2017 South Apopka Vineland Rd., Orlando, FL 32835

PARCEL ID: 03-23-28-0000-00-026

PUBLIC NOTIFICATION: 73

TRACT SIZE: 300 ft. x 374 ft. (2.5 acres)

DISTRICT #: 1

ZONING: R-CE

EXISTING USE(S): Church

PROPOSED USE(S): Church with Daycare and Pre-K facility

SURROUNDING USES: N – Vacant, Single Family Residences
S – Vacant, Single Family Residences
E – Retention
W – Single Family Residences

STAFF FINDINGS AND ANALYSIS:

1. The Crown of Glory Church was first approved by the BZA in December 1984. In May 1990, the church obtained approval to construct the current sanctuary building, and to convert the old sanctuary to office space and Sunday school facilities.
2. According the Church officials, around 1996, they opened a small day care, which existed until around 2015. Staff could find no records that the church had obtained approval for the additional use. However, staff also found no complaints filed with the Code Enforcement Division regarding the daycare.
3. While on the eastern edge, the subject property is not within the West Windermere Rural Settlement. However, were it within, daycares are a non-residential use specifically permitted in such districts. Further, the proposed use will provide a convenient beneficial use to the area.
4. Given that the church has been in this location since 1984, it has grown with the area as a part of the neighborhood. In that it had once housed a daycare, for which no complaints were found on record, the proposed daycare will function as a part of the neighborhood.
5. The daycare proposes hours of operation from 6:00 a.m. to 7:30 p.m., Monday through Friday.
6. On Wednesday, January 10, 2018, a Community Meeting was held at the church to discuss the proposed daycare/pre-k with the community. In attendance were the County Commissioner and BZA representative for District 1, staff, the applicant and their engineer, and approximately nine (9) members of the congregation. When asked if anyone was present who was not affiliated with the church, no one responded. No further attendees appeared.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated November 22, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Any physical expansions of the educational building shall require BZA approval.
5. No more than sixty (60) children shall be permitted without further approval by the BZA.
6. Hours of operation may be expanded from 6:00 a.m. to 7:30 p.m. at the discretion of the operator, however, in no case shall they exceed those hours.
7. The applicant shall submit construction plans through the commercial site plan review process within three (3) years of final approval or this approval is null and void.
8. The construction plans submitted shall depict the location of the outdoor play area. The location of said play area shall be approved by the Zoning Manager.
9. No more than four (4) outdoor special events in conjunction with the daycare/pre-k school per calendar year, and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
10. Failure to comply with the above conditions shall result in Code Enforcement action, not BZA action.

cc: Timothy Schutz, Agent for Applicant
111 Suffolk Court
Longwood, FL 32779

RYAN YOUNG
SE-18-02-154

REQUEST: Special Exception in the R-1 zoning district to allow a parking lot for adjacent commercial/office use.
ADDRESS: 1510 Russell Avenue, Orlando FL 32806
LOCATION: West side of Russell Ave., north of Curry Ford Rd.
S-T-R: 31-22-30
TRACT SIZE: 50 ft. x 150 ft.
DISTRICT#: 3
LEGAL: ORANGE VILLA K/21 LOT 7
PARCEL ID: 31-22-30-6268-00-070
NO. OF NOTICES: 206

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions as amended (unanimous; 5-0 and 2-absent):

1. Development in accordance with site plan dated November 28, 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. Landscaping shall be in accordance with Chapter 24, Orange County Code.
5. The parking lot shall comply with Chapter 38-1476 and the dumpster shall not be located on the residential lot.

6. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
7. Construction plans shall be submitted within two (2) years or this approval becomes null and void.
8. The applicant shall install an eight (8) foot high concrete or masonry wall on the north property line. The applicant shall install a four (4) foot high concrete or masonry wall along the east property line abutting Russell Avenue.

SYNOPSIS: The applicant is proposing a parking lot in an R-1 zoned property. The lot is located directly north of a C-1 Commercial property and would support the surrounding retail development. The property was re-zoned in 2017, to allow for this special exception.

Staff noted that the access provided will be through the existing commercial lot and walls will be provided to buffer the residential.

The applicant spoke briefly regarding the application and volunteered to build an eight (8) foot high wall. Also, the applicant agreed to remove the proposed dumpster from the plan.

No one spoke at the hearing regarding the case besides the applicant.

The BZA agreed with staff that the application met the Special Exception criteria and approved the request.



STAFF REPORT
CASE #SE-18-02-154
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
February 1, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Ryan Young

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the R-1 zoning district to allow a parking lot for adjacent commercial/office use.

LOCATION: West side of Russell Ave., north of Curry Ford Rd.

PROPERTY ADDRESS: 1510 Russell Ave.

PARCEL ID: 31-22-30-6268-00-070

PUBLIC NOTIFICATION: 206

TRACT SIZE: 50 ft. x 150 ft.

DISTRICT #: 3

ZONING: R-1

EXISTING USE(S): Vacant

PROPOSED USE(S): Parking lot

SURROUNDING USES:
N – Single family residences
S – Commercial
E – Commercial
W - Commercial

STAFF FINDINGS AND ANALYSIS:

1. The property was re-zoned from R-1A to R-1 in November 2017.
2. Staff visited the site on January 10, 2018, and the site appeared to be under construction, a demolition permit was pulled in 2017.
3. The applicant plans to use the site for parking for nearby commercial uses.
4. The applicant is re-developing other properties in the area and this parking lot would be a piece of the overall project.
5. The properties to the south and west of this parcel are zoned for C-1 Commercial Retail.
6. The plan must be revised to meet the Landscape Code found in Chapter 24.
7. The applicant has agreed to limiting access to Russell Ave. through the commercial property and will construct a six (6) foot high wall along the neighboring property and four (4) foot high wall along the front portion of the parking lot.
8. Staff is in support of this application for the following reasons:
 - a) The use will not be a detrimental intrusion as it will act as a transition between the commercial and residential zoning districts.
 - b) The parking will be necessary as the existing commercial establishments lack sufficient parking.
 - c) The BZA previously approved an identical request in this vicinity for the same applicant.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated November 28, 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. Landscaping shall be in accordance with Chapter 24, Orange County Code.
5. The parking lot shall comply with Chapter 38-1476 and the dumpster shall not be located on the residential lot.
6. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
7. Construction plans shall be submitted within two (2) years of final approval or this approval becomes null and void.
8. The applicant shall install a six (6) foot high concrete or masonry wall on the north property line, except in the required front yard setback. The applicant shall install a four (4) foot high concrete or masonry wall in the required front yard setback and along the east property line abutting Russell Avenue.

cc: Ryan Young, Applicant
121 South Orange Avenue, Suite 820N
Orlando, FL 32801

JAVIER MONTENEGRO
VA-18-02-155

REQUEST: Variance in the R-1A zoning district to allow a side setback of 7 ft. in lieu 7.5 ft.
ADDRESS: 7014 Budapest Way, Orlando FL 32822
LOCATION: South of Budapest Way, west of Barksdale Dr.
S-T-R: 02-23-30
TRACT SIZE: 75 ft. x 105 ft.
DISTRICT#: 3
LEGAL: AZALEA PARK SECTION THIRTY TWO X/128 LOT 3 BLK D
PARCEL ID: 02-23-30-0435-04-030
NO. OF NOTICES: 123

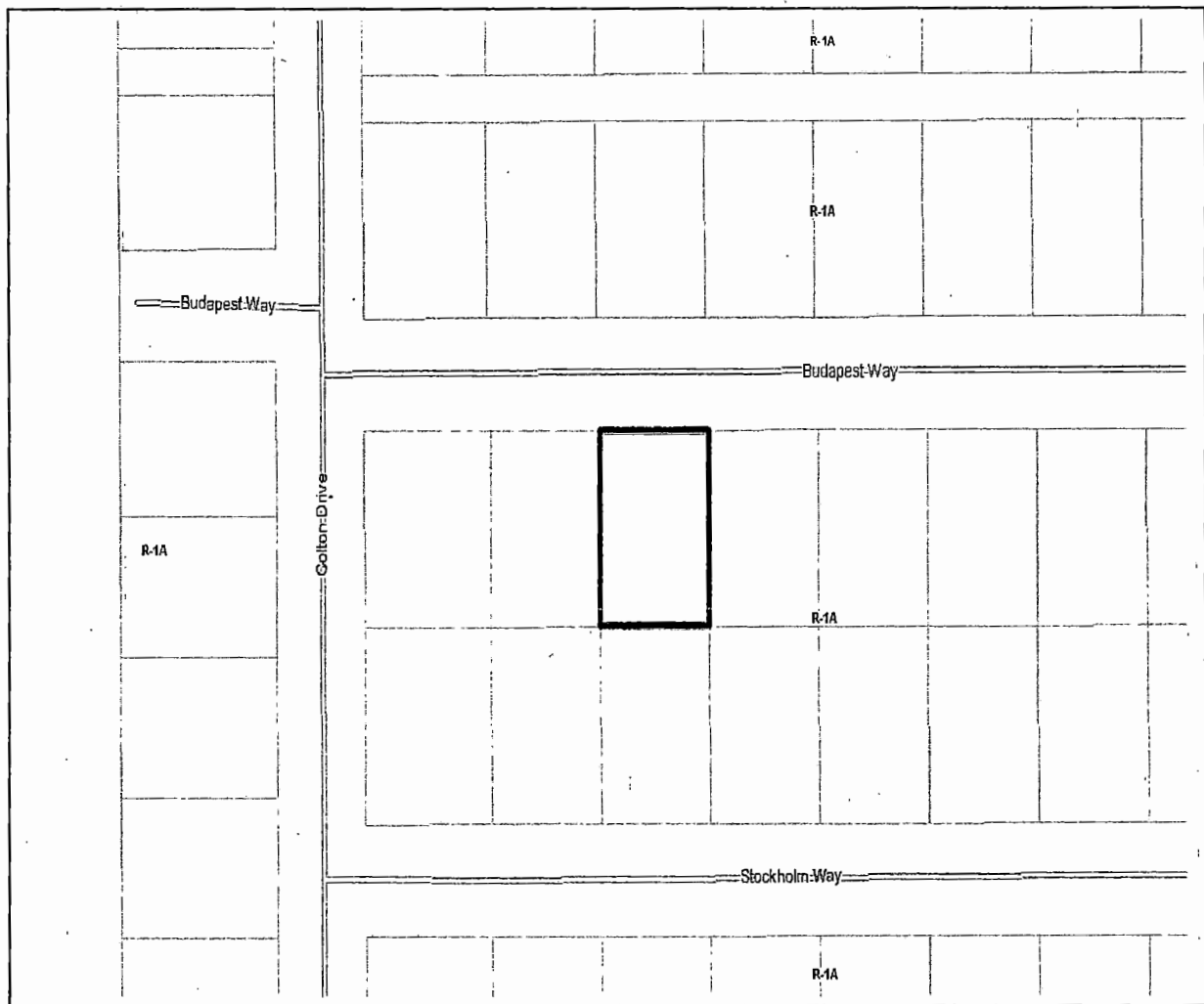
DECISION: **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 5-0 and 2-absent):

1. Development in accordance with the site plan dated November 29, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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 exterior of the proposed addition shall match the exterior of existing home.

SYNOPSIS: The applicant proposes to construct a two story addition to the existing residence. The required side setback is 7.5 feet, however, the house was built seven (7) feet from the property line. The new addition would be in line with the existing house. Staff noted the variance requested was minimal and would be in harmony with the community as the house already sits seven (7) feet from the side property line.

No one spoke in favor or against the application.

The BZA felt the variance was minor and approved the application.



Applicant: Javier Montenegro

BZA Number: VA-18-02-155

BZA Date: 02/01/2018

District: 3

Sec/Twn/Rge: 02-23-30-NW-B

Tract Size: 75 ft. x 105 ft.

Address: 7014 Budapest Way, Orlando FL 32822

Location: South of Budapest Way, west of Barksdale Dr.

BOUNDARY SURVEY

Legal Description:

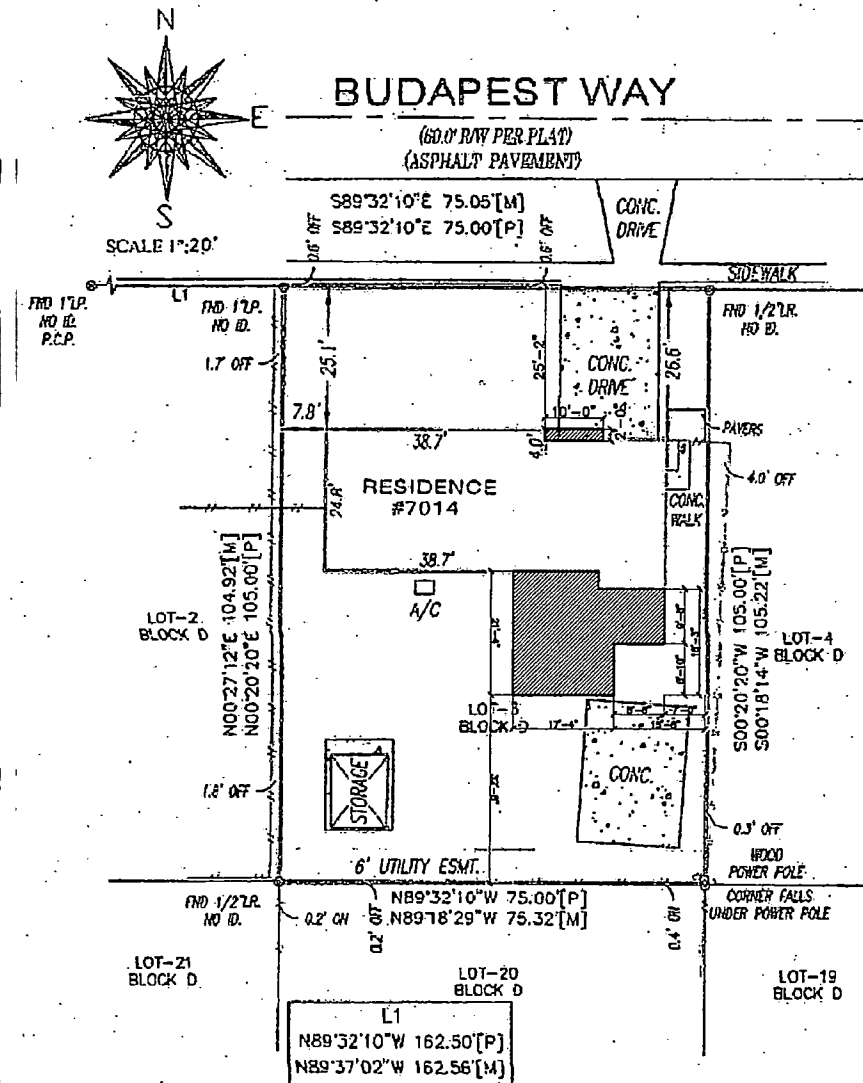
Lot 3, Block D, AZALEA PARK SECTION 32,
according to the plat thereof as recorded in Plat Book
N, Page 128, of the Public Records of Orange County,
Florida.

Certified to/ for the exclusive use of:

Javier E. Montenegro

Flood Insurance Rate Map:

Community Number: 120179 Panel: 0270
 Suffix H Flood Insurance Rate Map
 Dated September 25, 2009 Flood Zone: "X"



Address: 714 Budapest Way Orlando, Florida 32822

LEB/ON GROUP
LAND SURVEYING AND MAPPING CORP.
2216 Water Woods Blvd Suite 1000 Water Park Florida
Phone (407) 781-9122 Fax (407) 517-4359
Website: WWW.LEBONGROUP.COM
Email: Info@lebongroup.com



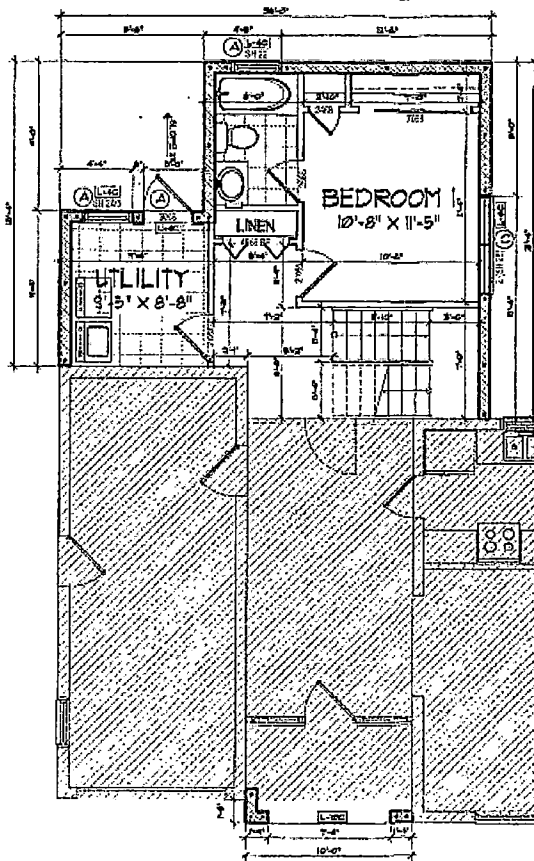
Legend:

- 8" WOOD PILING
- 4" X 8" X 10' PILING
- TELEPHONE RAILS
- WOOD POWER POLE
- 1/2" X 6" X 10' JOIST
- WOOD DECK
- COMBINED ASH
- CONCRETE

Surveyor's Notes:

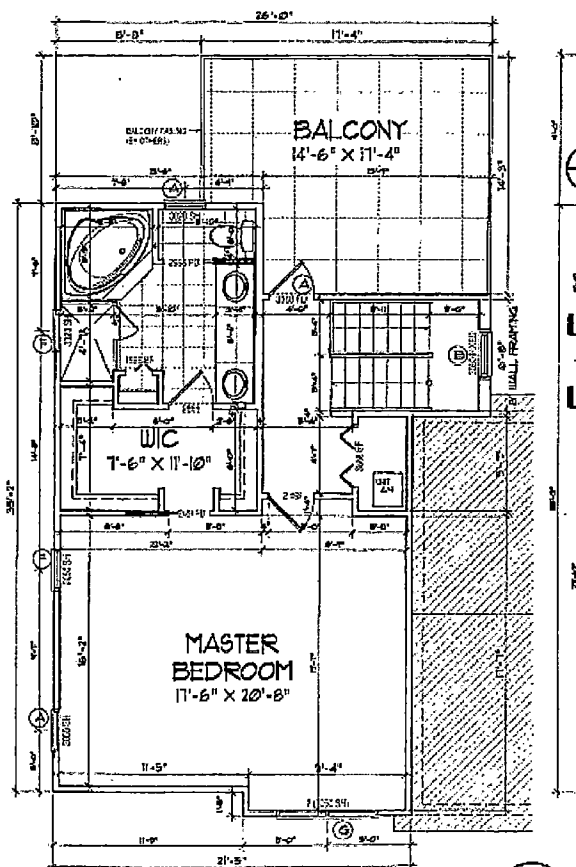
2. Legal Description provided by others
3. The funds shown herein are not obstructive for comments after recorded circumstances not shown on the title
4. Underground portions of existing foundations or other structures are shown
5. and are not to be the face of the wall and are not to be used to reconstruct boundary lines
6. Only major improvements are shown
7. No identification shown for property owners unless otherwise shown
8. Dimensions shown are Plot and Measures unless otherwise shown
9. Partial ownership not indicated
10. This survey includes herein the closed contiguous figure
11. The underground portions of existing foundations and other structures are shown on the face of the wall and are not to be used to reconstruct boundary lines
12. This survey is prepared for the assignee and is not to be used to reconstruct boundary lines
13. The underground portions of existing foundations and other structures are shown on the face of the wall and are not to be used to reconstruct boundary lines

Abbreviations:		A	ARC	POINT OF CURVATURE
- PLAT	L	ARC LENGTH	PS	POINT AND CUP
- FELD	L	CENTRAL ANGLE	CLP	CLAMP LOCK POINT
- CHORD	C	CHORD DISTANCE	CLC	CLAMP LOCK POINT
- INCH PCD	CS	CHORD SURFACES	PCP	CLAMP LOCK POINT
- INCH SCD	COL	CLAMP ON LIP	PCB	CLAMP LOCK POINT
- MEASURE	CLC	CLAMP AND VENTILATION	PCB	CLAMP LOCK POINT
- CHORD	CLC	CLAMP IN VENTILATION	PCB	CLAMP LOCK POINT
- CHORDS LINES	CLC	POINT OF CURVATURE	PCB	CLAMP LOCK POINT



PROPOSED 1ST FLOOR PLAN

2



PROPOSED 2ND FLOOR PLAN

3



STAFF REPORT

CASE #: VA-18-02-155

Orange County Zoning Division

Planner: Sean Bailey Board of

Zoning Adjustment

February 1, 2018

Commission District: 3

GENERAL INFORMATION:

APPLICANT: Javier Montenegro

REQUEST: Variance in the R-1A zoning district to allow a side setback of 7 ft. in lieu 7.5 ft.

LOCATION: South of Budapest Way, west of Barksdale Dr.

PROPERTY ADDRESS: 7014 Budapest Way

PARCEL ID: 02-23-30-0435-04-030

PUBLIC NOTIFICATION: 123

TRACT SIZE: 75 ft. x 105 ft.

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Single Family residence

PROPOSED USE(S): addition

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

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing a two-story addition to the rear of their residence.
2. The addition will be in line with the existing house which has a seven (7) foot setback.
3. The proposed variance is minimal in nature and is a six percent (6%) deviation from code.

4. The need for the variance is not self-created as the house was built in 1960.
5. The proposed addition meets all other development standards and would be in harmony with existing neighborhood.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated January 11, 2018, 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 exterior of the proposed addition shall match the exterior of the existing home.

cc: Javier Montenegro, Applicant
1619 Hollis Drive
Orlando, FL 32822

ANGEL MURIEL
VA-18-02-156

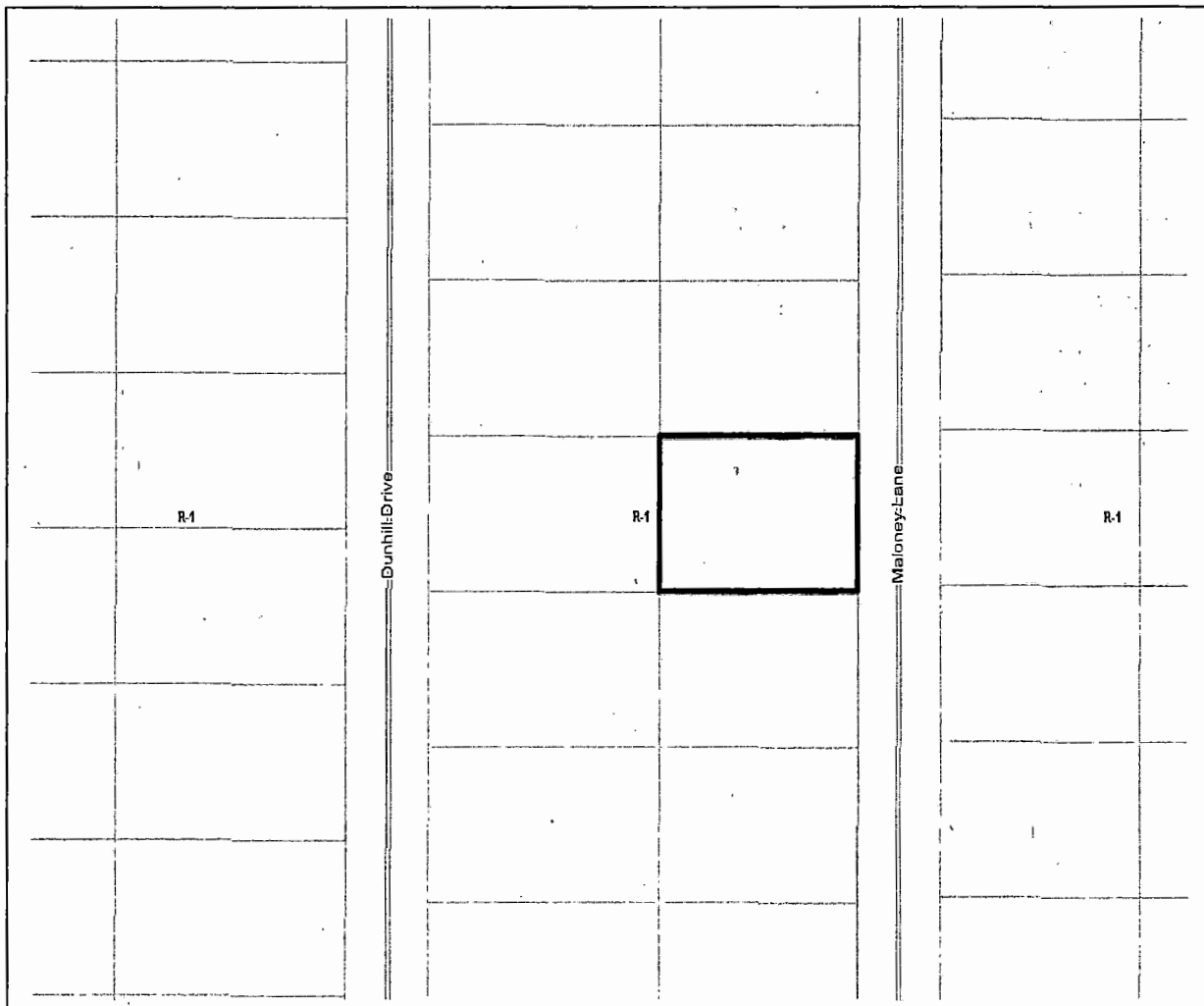
REQUEST: Variance in the R-1 zoning district to construct an accessory structure 1.7 ft. from side (north) property line in lieu of 5 ft.
ADDRESS: 732 Maloney Lane, Orlando FL 32825
LOCATION: East of Maloney Lane, south of Jepson St.
S-T-R: 29-22-31
TRACT SIZE: 73 ft. x 120 ft.
DISTRICT#: 4
LEGAL: PARK MANOR ESTATES SECTION 9 3/67 LOT 76
PARCEL ID: 29-22-31-6686-00-760
NO. OF NOTICES: 112

DECISION: DENIED the Variance request in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3) (unanimous; 5-0 and 2-absent).

SYNOPSIS: Staff explained that the applicant constructed an addition to the existing shed without permits and was cited by code enforcement. The addition encroached into the side setback and they were instructed to apply for a variance. The applicant stated that the accessory structure would be used for a pool house/storage and that no one would reside in the structure. Staff noted that the utility easement in the location where the addition was constructed was vacated through Orange County Utilities.

The applicant submitted two (2) letters of support from the adjacent neighbors, one of which spoke in favor of the application at the hearing. The neighbor stated that the shed was not a nuisance to them and they were fine with the location. No one spoke in opposition of the request.

The BZA noted that the need for the variance was self-created, there were no unique circumstances, and was a result of code enforcement action. The BZA denied the request as the application did not meet any of the Variance criteria.



Applicant: Angel Muriel

BZA Number: VA-18-02-156

BZA Date: 02/01/2018

District: 4

Sec/Twn/Rge: 29-22-31-NE-A

Tract Size: 73 ft. x 120 ft.

Address: 732 Maloney Lane, Orlando FL 32825

Location: East of Maloney Lane, south of Jepson St.

ALEBBOS
ENGINEERING LLC

November 27th, 2017

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

Re: **VARIANT REQUEST, Detached Accessory Building (SHED).**
Address: 732 Maloney Lane, Orlando Florida 32825-6824
Owner: Angel Muriel
Parcel ID: 29-22-31-6686-00-760
Property Description: Park manor estates section 9 3/67 lot 76

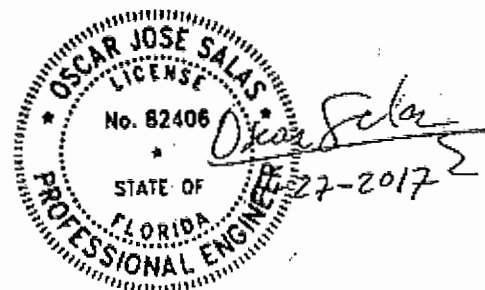
As a certified Professional Engineer within the State of Florida, I attest to the validity of the following statements.

Regarding a Variance Request for detached accessory building (Shed) for single family home zoning R-1, at: **732 Maloney Ln, Orlando Florida 32825**; AND that such property meets the zoning variance criteria according to Orange County Code Section 30-43 (3) with the following characteristics; AND that such property meets the requirements and criteria for the approval of the variance request.

- I. Existing shed, single story maximum height 11.25 ft.
- II. Dimensions and site plan: As per certified attached boundary survey.
- III. Size and Type: 306.83 Sq. Ft. wood construction, wood framing, shingled roof.
- IV. Siding and Roof: Siding and roof wood framing construction.

If there any questions regarding this cover letter, please do not hesitate to contact me.

Oscar J. Salas, P.E Lic 82406
Alebbos Engineering LLC, Lic 32390
Florida Board of Professional Engineers



200 Danville Drive Orlando Florida. 32825
407 538 9475 Oscar@alebbos.com

August 7, 2017

Orange County Board of Zoning Adjustment (BZA)
201 S. Rosalinda Avenue Post Office Box 2687
Orlando, Florida 32802-2687

I am Angel Muriel resident in 732 Maloney Lane, Orlando FL, 32825, very respectfully request the authorization of "Variance" for Wood Shed which is located on my property. Enclosed you will find the Boundary Survey where you can see the above mentioned. The Wood Shed was extended to be used for storing pool chairs, tables, umbrella, etc. I respectfully request the "Variance". Thank you very much for your help.



Angel Muriel
732 Ave, Orlando FL 32825
(787) 901-6569

On August 24, 2016 bought the property of 732 Maloney Ln, which had a wood shed and I added back and left side. I request permission because it does not meet the "setbacks" five feet minimum.



732 MALONEY LANE, ORLANDO, FLORIDA 32825

I hereby certify that this Boundary Survey of the above described Property is True and Correct to the Best of my Knowledge and Belief as described Property on hand and on my own personal knowledge and belief as described Property is limited to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with the Florida Land Surveyor's Board Administrative Codes, Pursuant to Section 472.02 Florida Statutes.


 Patrick K. Ireland FOR
 RECORD

Patrick K. Ireland, P.E. # 6637 LB 767
 This Survey is intended to be used in accordance with the use of Said Certified Practices.
 This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.

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



STAFF REPORT
CASE #: VA-18-02-156
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
February 1, 2018
Commission District: 4

GENERAL INFORMATION:

APPLICANT: Angel Muriel

REQUEST: Variance in the R-1 zoning district to construct an accessory structure 1.7 ft. from side (north) property line in lieu of 5 ft.

LOCATION: East of Maloney Lane, south of Jepson St.

PROPERTY ADDRESS: 732 Maloney Lane

PARCEL ID: 29-22-31-6686-00-760

PUBLIC NOTIFICATION: 112

TRACT SIZE: 73 ft. x 120 ft.

DISTRICT #: 4

ZONING: R-1

EXISTING USE(S): Single family residence

PROPOSED USE(S): shed

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

STAFF FINDINGS AND ANALYSIS:

1. The current resident constructed an addition to an existing shed on the property without a building permit. This resulted in code enforcement action.
2. The applicant vacated the utility easement on the north side of the property in 2017.
3. The applicant has stated the structure will be used for storage and a pool house with a bathroom. The applicant also stated the structure was being temporarily used for a guest house for visiting family members, but that those guests are moving back to Puerto Rico.

4. Staff visited the site and observed the structure which is adjacent to privacy fences on the north and west sides.
5. The structure is approximately 400 sq. ft. in size and meets the allowable square footage in the zoning district.
6. The applicant did provide letters of support from the neighbors to the north and west side.
7. Staff recommends denial as the requested variance does not meet any of the Variance criteria.

STAFF RECOMMENDATION:

Staff recommends denial, however, if the BZA recommends approval, the following conditions shall be imposed:

1. Development in accordance with site plan dated December 4, 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 structure shall be used for a pool house only and shall not contain any overhead cabinets, closets, or 220 volt outlets.
5. The existing structure shall be the only accessory structure allowed on the subject property.
6. Permits for the accessory structure shall be obtained within sixty (60) days or this approval becomes null and void.

cc: Angel Muriel, Applicant, 732 Maloney Lane, Orlando, FL 32825

MICHAEL DOSS
VA-18-02-157

REQUEST: **Variances** in the R-1AA zoning district for the following:
1) To allow a setback from the rear (east) property line of 31 ft. in lieu of 35 ft. for an existing addition.
2) To allow a setback from the front (west) property line of 29 ft. in lieu of 30 ft. for the existing residence.
Note: The addition was constructed in the past without the benefit of obtaining building permits. A review of historic aerials indicates that the addition has been in place since 2008.

ADDRESS: 3511 Rosswood Drive, Orlando FL 32806

LOCATION: East side of Rosewood Dr., approximately 700 ft. north of Pershing Ave.

S-T-R: 07-23-30

TRACT SIZE: 103 ft. x 136 ft.

DISTRICT#: 3

LEGAL: WYLDWOODE V/124 LOT 12 BLK D

PARCEL ID: 07-23-30-9492-04-120

NO. OF NOTICES: 75

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 5-0 and 2-absent):

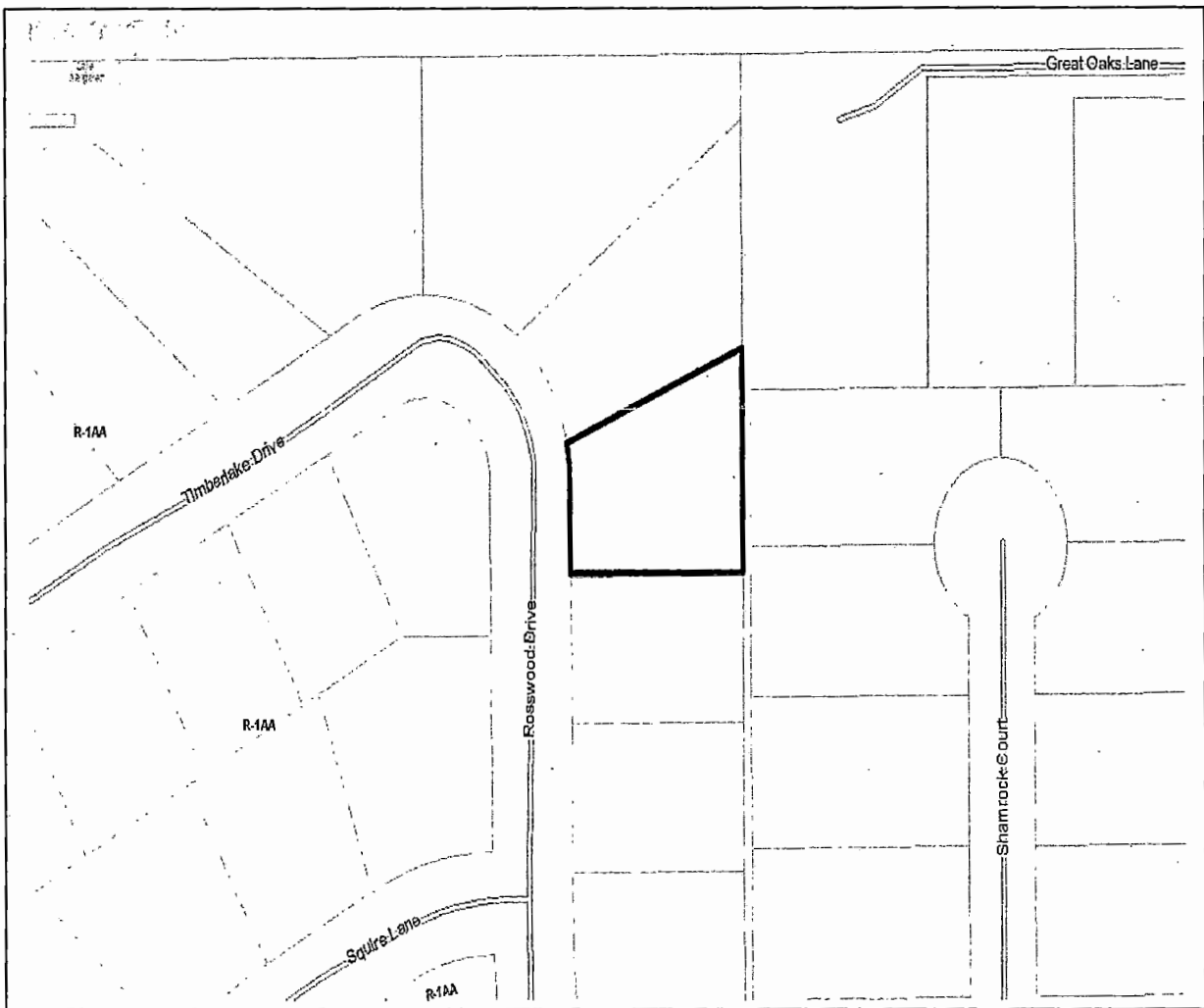
1. Development in accordance with site plan dated December 6, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall submit construction plans within 180 days of final action by Orange County, or this approval is null and void.
5. The existing shed shall be removed or moved to meet the setback requirements.

SYNOPSIS: Staff noted that the applicant had purchased the property "as is", and that they only discovered that the addition to the rear of the house had been constructed without permits when they were in the process of permitting their pool. They now wish to obtain the variance to correct all problems. Staff also noted that all abutting property owners, plus the owner of the property across the street from the subject property had submitted letters of support for the request.

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

The BZA concluded that the need for the variance was not self-imposed, and was minimal. A motion to recommend approval was passed unanimously.



Applicant: Michael Doss

BZA Number: VA-18-02-157

BZA Date: 02/01/2018

District: 3

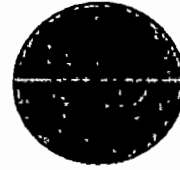
Sec/Twn/Rge: 07-23-30-SE-D

Tract Size: 103 ft. x 136 ft.

Address: 3511 Roswood Drive, Orlando FL 32806

Location: East side of Rosewood Dr., approximately 700 ft. north of Pershing Ave.

Mike Doss Construction LLC



October 11, 2017

Michael R. Doss
252 Rewis Street
Ocoee, FL 34761

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

To whom it may concern:

This letter is in reference to the single family dwelling variance request for the property located at 3511 Rosswood Drive Orlando, FL 32806.

In approximately 2009, an unpermitted addition was added to ongoing permitted work by the contractor. I have been hired by Ron Concoby to oversee the permitting and completion of the existing addition. We are requesting a zoning variance for the property line offset of 35', there is currently 31' to property line. The addition is on the new survey and measures approximately 15'3" x 12'8". Please see attached letters from surrounding home owners.

Thank you for your consideration.

Sincerely,

Michael R Doss
PH 423-488-0466
Email: MikeDossConstructionLLC@aol.com

October 3, 2017

Mr. Carlos Rocha
Ms. Jennifer Conrado
3505 Rosswood Drive
Orlando, FL 32806
Parcel ID 07-23-30-9492-04-110

Dear Carlos & Jennifer,

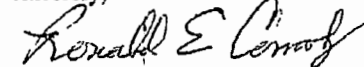
My name is Ronald Concoby, one of your neighbors. My wife and I (Stephani) need to speak with you regarding a property setback variance that we need to obtain from Orange County Zoning Department. A few years ago, we had a Contractor help us with the addition on the back of our home. At that time I mentioned to the previous owner that the Contractor needed letters from the adjacent neighbors because Orange County required a variance; the addition is 31 feet from the property line that belongs to Mr. Tom C. Grusenmeyer (located directly behind our home on the east side). It appears that Mr. Grusenmeyer owns a strip approximately 6.26 feet along the power line easement behind our home.

I am seeking to get approval letters from you and other neighbors that are adjacent to our property, prior to submitting a Variance Application to the OC Zoning Board. We recently found out that the Contractor did not file the appropriate zoning variance as he was supposed to do. We did not realize it was a problem and hope that you are willing to provide us a letter (attached) stating you do not have any problem with the addition where it is currently located as it was constructed in 2009.

Please note that the additions and upgrades we made during our remodel in 2009 have increased the property value and also provide a much nicer home for our area.

Please call me as soon as possible on my cell phone at (407) 701-4797. I am trying to get letters of approval from neighbors along with the Zoning Variance Application for submittal by Friday, October 13, 2017 for submittal to the Zoning Board on Monday, November 16, 2017. The Zoning Hearing would then be scheduled for December 7, 2017.

Sincerely,



Ronald E. & Stephani L. Concoby
3511 Rosswood Drive
Orlando, FL 32806
Parcel ID 07-23-30-9492-04-120

667

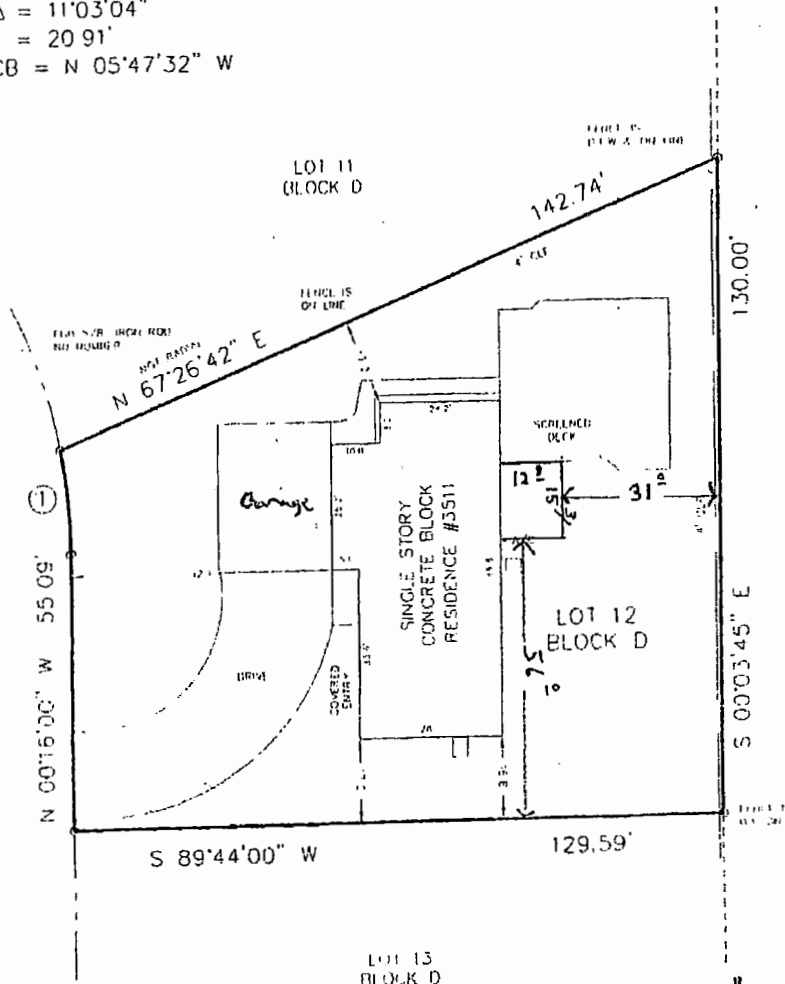
T. S. CHEHAL
 Licensed Professional Engineer
 531 S. S.R. 434
 Altamonte Spring, FL 32714
 Phone (407) 521-5557
 Fax (407) 521-5434
 P. E. 0040748

THIS IS NOT A SURVEY

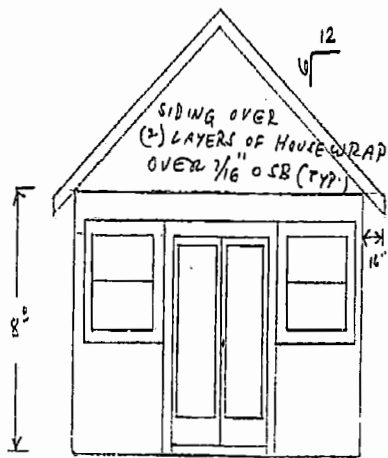
DESCRIPTION (AS FURNISHED)
 LOT 12 BLOCK D, WYLDWOODE, ACCORDING TO THE PLAT THEREOF,
 AS RECORDED IN PLAT BOOK V, PAGE 124, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

- ① $R = 108.41'$
 $\Delta = 11^{\circ}03'04''$
 $L = 20.91'$
 $CB = N 05^{\circ}47'32'' W$

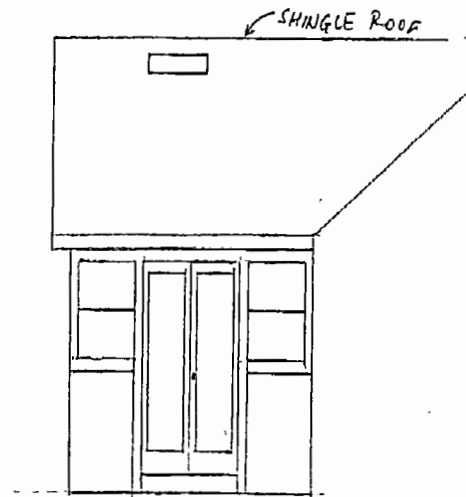
ROSSWOOD DRIVE
 50' PLATTED RIGHT-OF-WAY
 45'-0" ROADWAY



Scale: 1" = 30'

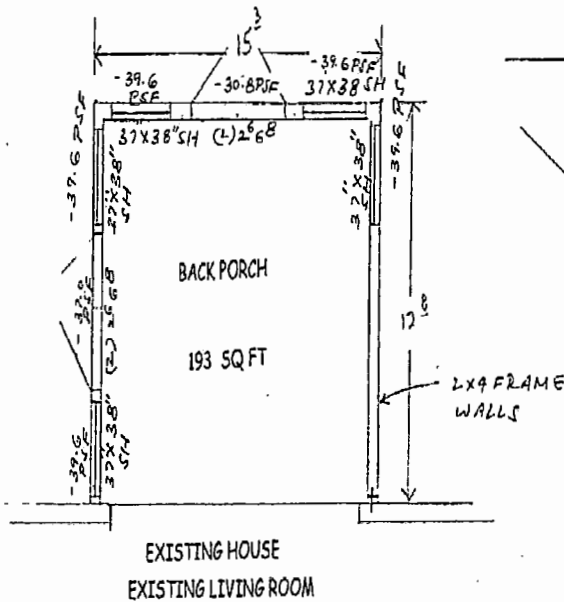


EAST ELEVATION

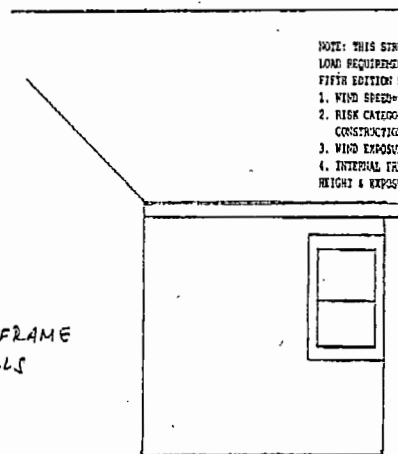


NORTH ELEVATION

CONCOBY RESIDENCE
BACK PORCH ADDITION
3511 ROSSWOOD DR.
ORLANDO, FL 32806



EXISTING HOUSE
EXISTING LIVING ROOM



SOUTH ELEVATION

NOTE: THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED THE WIND LOAD REQUIREMENTS OF THE 2014 FLORIDA BUILDING CODE RESIDENTIAL FIFTH EDITION SECTION R301 DESIGN CRITERIA AND INCORPORATING ASCE 7-1
1. WIND SPEED= 139 MPH ULTIMATE WIND SPEED (Vult) AND 108MPH (Vasst)
2. RISK CATEGORY 2
CONSTRUCTION TYPE= SINGLE FAMILY RESIDENCE (V)
3. WIND EXPOSURE= CATEGORY C
4. INTERNAL PRESSURE COEFFICIENT FOR ENCLOSED BUILDINGS IS .18 AND HEIGHT & EXPOSURE ADJUSTMENT COEFFICIENT IS 1.40

W.A. Cabal
Licensed Professional Engineer
311 N. N. E. 4th
Altamonte Springs, FL 32714
(407) 521-4387
PAL0001000-0000
PE 1040748

Sheet 2 of 6



STAFF REPORT
CASE #: VA-18-02-157
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
February 1, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Michael Doss

REQUEST: Variances in the R-1AA zoning district for the following:

- 1) To allow a setback from the rear (east) property line of 31 ft. in lieu of 35 ft. for an existing addition.
- 2) To allow a setback from the front (west) property line of 29 ft. in lieu of 30 ft. for the existing residence.

Note: The addition was constructed in the past without the benefit of obtaining building permits. A review of historic aerials indicates that the addition has been in place since 2010.

LOCATION: East side of Rosewood Dr., approximately 700 ft. north of Pershing Ave.

PROPERTY ADDRESS: 3511 Rosewood Dr., Orlando, FL 32806

PARCEL ID: 07-23-30-9492-04-120

PUBLIC NOTIFICATION: 75

TRACT SIZE: 103 ft. x 136 ft. (AVG)

DISTRICT #: 3

ZONING: R-1AA

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Single Family Residence

SURROUNDING USES: The area is characterized as a single-family detached residential area.

STAFF FINDINGS AND ANALYSIS:

1. The applicant purchased the property "as is" in 2009. The prior owner converted a covered screen porch in the rear of the home to a permanent living area without obtaining building permits. A review of historic aerials indicates that the addition has been in place since 2010. This indicates that the hardship was not self-created.
2. A variance of four (4) feet constitutes a variation of eleven percent (11%) from the standard. This is a minimal request, and, since the applicant is not proposing to add additional square footage, would be the least variance needed.
3. The applicant has provided letters of support from the five (5) owners of the lots abutting the subject property, plus, one from the owner of the property across the street.
4. The support of the neighbors is an indication that the variance is not considered detrimental the character of the neighborhood. The addition has been in place for over seven (7) years, and is a minor addition to the main structure, having replaced a prior covered porch.
5. The variance is minimal, and as such does not impair the integrity of the Zoning Code. A deviation of 11% from the overall setback is minimal, and will be visually imperceptible. Setbacks are typically intended to ensure adequate separation between structures to ensure proper flow of light and air. The rear setback is primarily intact.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated December 6, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit construction plans within 180 days of final action by Orange County, or this approval is null and void.
5. The existing sheds shall be removed or moved to meet the setback requirements.

cc: Michael Doss, Applicant
252 Rewis Street
Ocoee, FL 34761

ROBERT MCKINNEY
VA-18-02-158

REQUEST: Variances in the A-2 zoning district as follows:
1) To allow a cumulative total of 4,920 sq. ft. of accessory floor area in lieu of 3,000 sq. ft.
2) To allow an existing accessory structure in front of the principal residence in lieu of alongside or to the rear.

ADDRESS: 23056 Tex Wheeler Avenue, Christmas FL 32709

LOCATION: South side of Tex Wheeler Ave., approximately 275 ft. east of Hodges Blvd., south of E. Colonial Dr.

S-T-R: 33-22-33

TRACT SIZE: 660 ft. x 611 ft.

DISTRICT#: 5

LEGAL: CHRISTMAS HEIGHTS U/127 LOTS 81 & 82

PARCEL ID: 33-22-33-1324-00-810

NO. OF NOTICES: 34

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 (4 in favor, 1 opposed, and 2-absent):

1. Development in accordance with site plan dated December 7, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain an R.V. storage permit in conjunction with the permits for construction.

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

The applicant agreed with the staff report.

The BZA felt that the case was straightforward, that the size of the lot and the distance from the road all mitigated the percentage of deviation.

Staff received six (6) 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: Robert McKinney

BZA Number: VA-18-02-158

BZA Date: 02/01/2018

District: 5

Sec/Twn/Rge: 33-22-33-SW-C

Tract Size: 660 ft. x 611 ft.

Address: 23056 Tex Wheeler Avenue, Christmas FL 32709

Location: South side of Tex Wheeler Ave., approximately 275 ft. east of Hodges Blvd., south of E. Colonial Dr.

12-7-2017

Please Accept this application for a Variance to exceed the maximum Square Footage allowed to erect a Pole Barn on my Property at 23056 Texwheeler Ave Parcel ID # 33-22-33-1324-00-810

The Pole Barn will be used to house my RV, Tractors and other Farm Equipment.

The Pole Barn will be 40 ft by 60 ft by 19 ft high. 2400 Square Feet. It will be constructed of Steel. With PT Wood Columns set in Concrete according to the Engineered plans.

The Pole Barn will be located more than 100 ft of any property line, in the area marked on the Site Plan.

Included are Acceptance letters from all of the Neighbors living in the immediate area. Andrew and Sarah McKinney, and Ronald Fenton are the only Neighbors that would be able to see the structure from their house.

Thank You.



Robert E McKinney Jr

407-342-4969

RECEIVED

DEC 07 2017

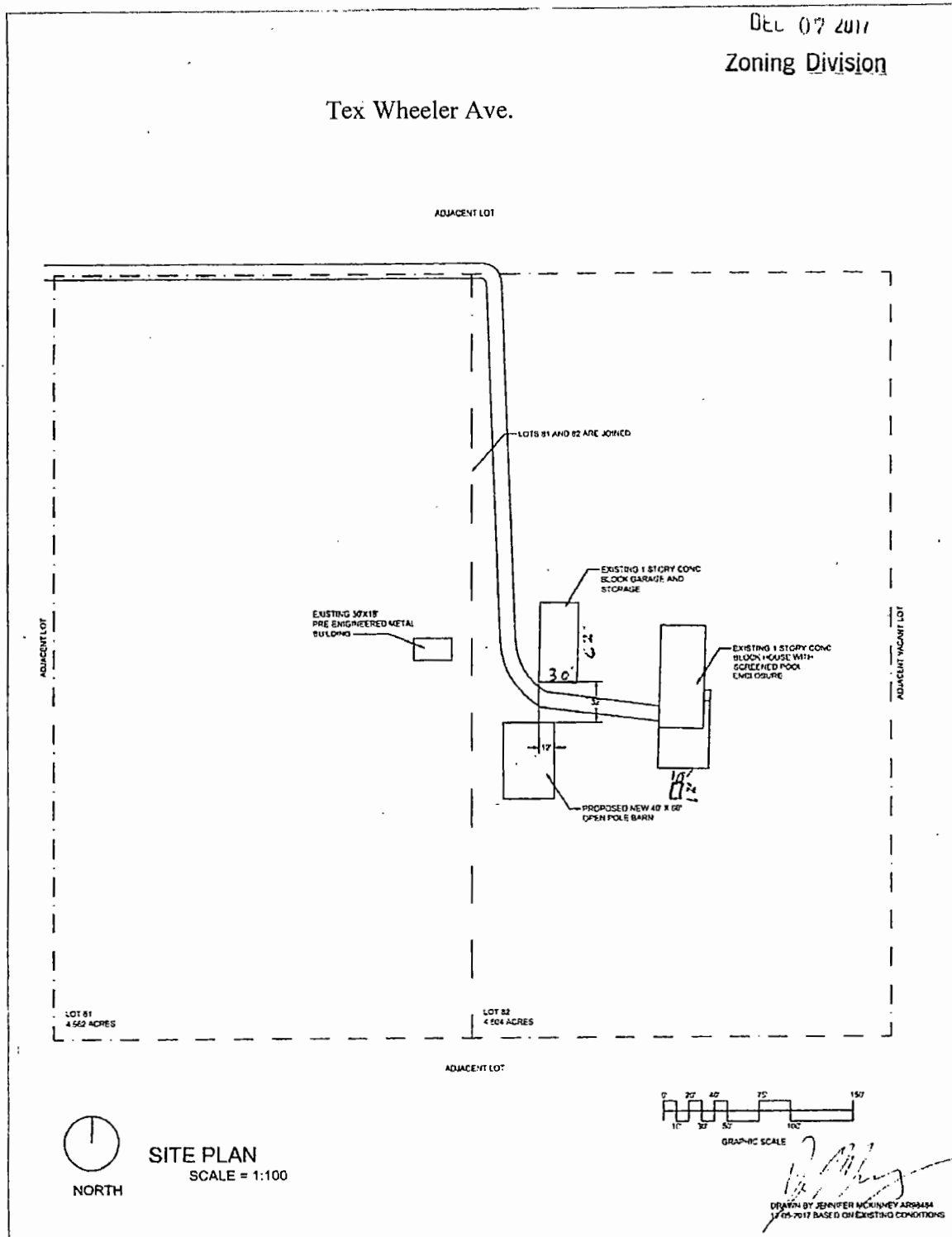
Zoning Division

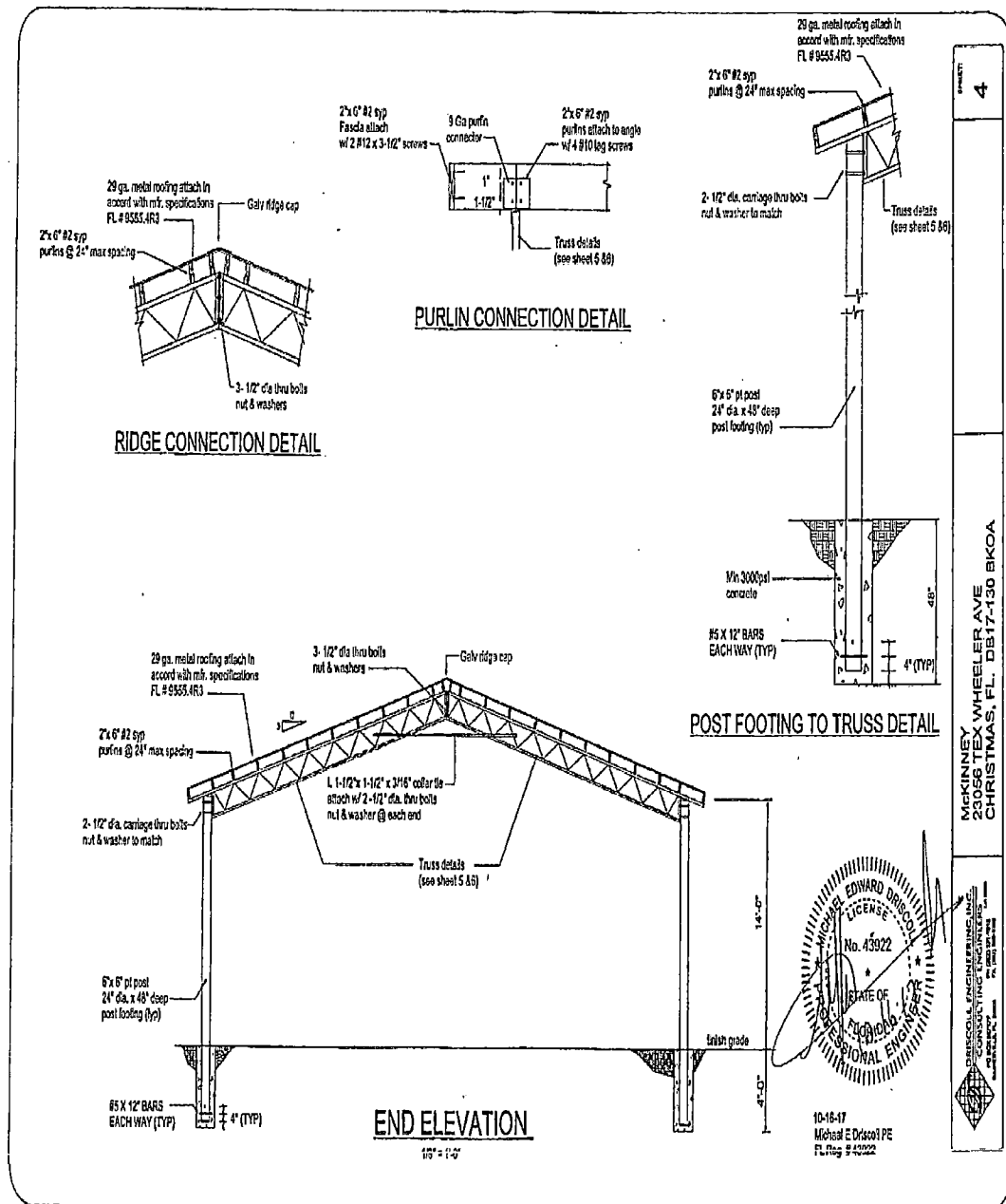
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DEC 07 2017

Zoning Division

Tex Wheeler Ave.







STAFF REPORT
CASE #: VA-18-02-158
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
February 1, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Robert McKinney

REQUEST: Variances in the A-2 zoning district as follows:

- 1) To allow a cumulative total of 4,920 sq. ft. of accessory floor area in lieu of 3,000 sq. ft.
- 2) To allow an existing accessory structure in front of the principal residence in lieu of alongside or to the rear.

LOCATION: South side of Tex Wheeler Ave., approximately 275 ft. east of Hodges Blvd., south of E. Colonial Dr.

PROPERTY ADDRESS: 23056 Tex Wheeler Ave., Christmas, FL 32709

PARCEL ID: 33-22-33-1324-00-810

PUBLIC NOTIFICATION: 34

TRACT SIZE: 660 ft. x 611 ft. (9.2 acres)

DISTRICT #: 5

ZONING: A-2

EXISTING USE(S): Single Family Residence w/Accessory Structures

PROPOSED USE(S): Pole Barn

SURROUNDING USES: N - Vacant
S - Single Family Residence
E - Vacant
W -Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant currently has a total of 2,520 sq. ft. of accessory floor area, and is proposing a new 2,400 sq. ft. pole barn to house an R.V, tractors, and farm equipment. The additional square footage brings the total to 4,920 sq. ft. The code allows for agricultural properties greater than five (5) acres to have up to 3,000 sq. ft. of accessory structures.
2. The applicant is also requesting a variance to validate an existing accessory structure located in front of the principal residence.
3. Approval of the request will not adversely impact anyone as the property is 9.2-acres in size, and is in an isolated location on a dead end road. The proposed structure is located over 100 feet from the any property line.
4. The neighbors have signed letters of no objection to this proposal.
5. The amount of variance deviation requested is sixty-four percent (64%), however, the above-mentioned factors mitigate, and staff can support the request. The variance will be in harmony with neighborhood and given the proposed location it will not be injurious to the community.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated December 7, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall obtain an R.V. storage permit in conjunction with the permits for construction.

cc: Robert McKinney, Applicant
P.O. Box 583
Christmas, FL 32709

CHRISTIAN BASSO
SE-18-02-159

REQUEST: **Special Exception and Variances** in the A-1 zoning district as follows:
1) Special Exception to allow conversion of an existing mobile home into an Accessory Dwelling Unit (ADU).
2) Variance to allow an ADU to be located in front of the principal residence in lieu of alongside of or behind.
3) Variance to allow existing accessory structures to be located in front of the principal residence in lieu of alongside of or behind.
4) Variance to allow the retention of 3,700 sq. ft. of existing accessory floor area in lieu of 3,000 sq. ft.

ADDRESS: 7921 Gilliam Road, Orlando FL 32818
LOCATION: North side of Gilliam Rd., approximately .4 miles east of Clarcona Rd.
S-T-R: 26-21-28
TRACT SIZE: 5.72 Acres
DISTRICT#: 2
LEGAL: BEG 237.62 FT E OF SW COR OF SEC RUN N 696.03 FT E 210.29 FT N 489.32 FT N 9 DEG E 146.54 FT W 455.1 FT S TO A PT 695.94 FT N OF SW COR E 178.64 FT S 696.03 FT E 20 FT TO POB (LESS S 30 FT RD R/W) & (LESS RR R/W) (LESS THAT PART LYING W OF RR R/W) IN SEC

PARCEL ID: 26-21-28-0000-00-031
NO. OF NOTICES: 35

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, to **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 5-0 and 2-absent):

1. Development in accordance with site plan dated December 12, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes

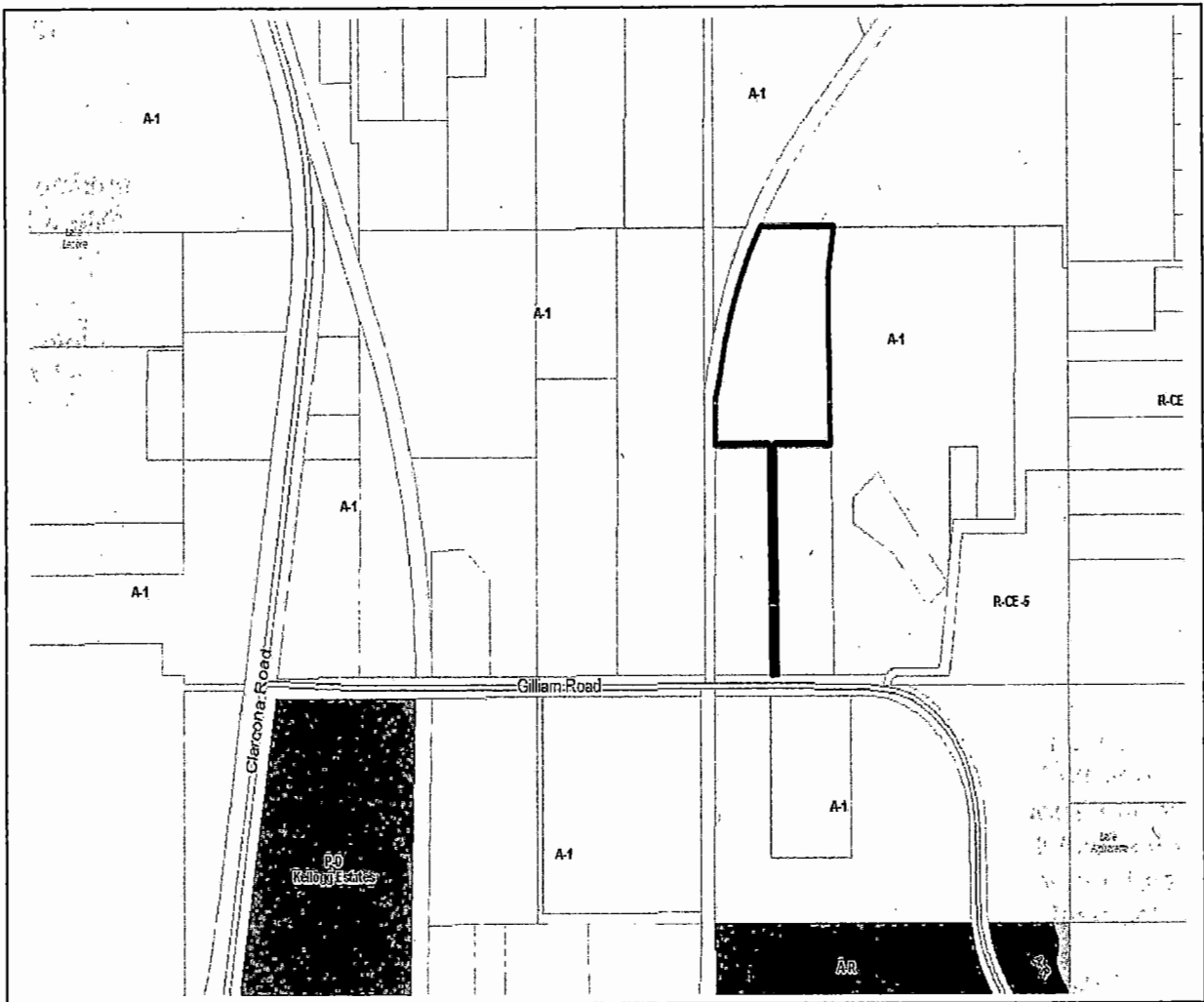
actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The mobile home shall only be occupied by the applicant and immediate family members during the construction of the new principal residence. It shall not be occupied by anyone other than the owner and immediate family members until a Homestead Exemption has been established for the principal residence.
5. The mobile home must be occupied by bona fide blood relatives for the first three (3) years it is occupied by someone other than the owner.

SYNOPSIS: Staff explained the history of the property, and the applicant's intent to place their new home in clearing in the rear half of the property, which would result in all previous site improvements being located in front of the new residence. Those improvements were the result of a second mobile home which had been approved for the site in the 1960s through a variance. That unit had since been removed, however, the pool and accessory structure have remained. Once the applicant has completed construction of their new home, they will move their parents into the mobile home which will be used as an Accessory Dwelling Unit. Staff also noted that several other ADU's had been approved in the area, making this a consistent pattern of development.

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

The BZA concluded that the request was consistent with the prior development in the neighborhood, and would not pose any negative externalities. A motion to recommend approval of the request was passed unanimously.



Applicant: Christian Basso

BZA Number: SE-18-02-159

BZA Date: 02/01/2018

District: 2

Sec/Twn/Rge: 26-21-28-SW-C

Tract Size: 5.72 Acres

Address: 7921 Gilliam Road, Orlando FL 32818

Location: North side of Gilliam Rd., approximately .4 miles east of Clarcona Rd.

12/18/17

Zoning Board

Orange County Florida

Ref # SE-18-02-159

Project Name# 7921 Gilliam Rd

Parcel # 26-21-28-0000-00-031

To Whom it may concern,

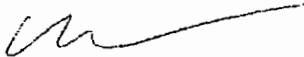
I am in the process of applying for permit to build a new Single Family Residence on my property located at 7921 Gilliam Rd. Orlando, FL 32818. I am located on a Flag Lot with two residential homes on either side of that 875' driveway. My property then opens up and totals 5.75 acres.

I have two current out buildings on the property a barn and a covered deck as well as a single wide mobile home that were already in place before I bought the property.

I would like to keep this mobile home as a dwelling for my aging parents. I know at some point they will be living with me.

Also I would like to place the new single family home in the back 50% of my property behind these other structures as there is plenty of room to do so.

Sincerely,



Christian Basso

7921 Gilliam Rd Orlando, FL 32818

RECEIVED
DEC 08 2017
Zoning Division

[illegible]

Zoning Division



STAFF REPORT
CASE #SE-18-02-159
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
February 1, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Christian Basso

HEARING TYPE: Board of Zoning Adjustment

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

- 1) Special Exception to allow conversion of an existing mobile home into an Accessory Dwelling Unit (ADU).
- 2) Variance to allow an ADU to be located in front of the principal residence in lieu of alongside of or behind.
- 3) Variance to allow existing accessory structures to be located in front of the principal residence in lieu of alongside of or behind.
- 4) Variance to allow the retention of 3,700 sq. ft. of existing accessory floor area in lieu of 3,000 sq. ft.

LOCATION: North side of Gilliam Rd., approximately .4 miles east of Clarcona Rd.

PROPERTY ADDRESS: 7921 Gilliam Rd., Orlando, FL 32818

PARCEL ID: 26-21-28-0000-00-031

PUBLIC NOTIFICATION: 35

TRACT SIZE: 5.72 Acres

DISTRICT #: 2

ZONING: A-1

EXISTING USE(S): Mobile Home w/Accessory Structures

PROPOSED USE(S): ADU

SURROUNDING USES: N – Vacant
S – Single Family Residential
E – Vacant
W – Single Family Residential

STAFF FINDINGS AND ANALYSIS:

1. The applicant purchased the subject property "as is" in 2014, and is currently living in the existing mobile home. They will be constructing a new home in the rear portion of the lot behind the existing mobile home and other improvements.
2. The subject property is a flag lot located over 800 feet, north of Gilliam Road. Both neighbors to the south between the subject property and Gilliam Road have submitted letters of support for the request.
3. Once the new home is completed, the applicant will move their parents into the mobile home, which will serve as an Accessory Dwelling Unit.
4. As of the writing of this report, staff has received one (1) correspondence in support of the application, and none in opposition.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated December 8, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The mobile home shall only be occupied by the applicant and immediate family members during the construction of the new principal residence. It shall not be occupied by anyone other than the owner and immediate family members until a Homestead Exemption has been established for the principal residence.
5. The mobile home must be occupied by the owner or bona fide blood relatives for the first three (3) years.

cc: Christian Basso, Applicant, 7921 Gilliam Road, Orlando, FL 32818

GARRETT KOEPKE
VA-18-02-161

WITHDRAWN BY THE APPLICANT VIA EMAIL DATED JANUARY 23, 2018, PRIOR TO THE BZA MEETING TO BE HELD ON FEBRUARY 1, 2018.

REQUEST: Variances in the A-2 zoning district to construct an accessory structure as follows:
In front of the principal residence in lieu of in the side or rear yards.
To allow a cumulative square footage of 2,347 sq. ft. of floor area in lieu of 2,000 sq. ft. for accessory structures.

ADDRESS: 918 Baron Road, Orlando FL 32828

LOCATION: West of Baron Rd., south of Bearle Rd

S-T-R: 32-22-32

TRACT SIZE: 200 ft. x 467 ft.

DISTRICT#: 4

LEGAL: SEAWARD PLANTATION ESTATES FOURTH ADDITION T/141
LOT 43

PARCEL ID: 32-22-32-7886-00-430

NO. OF NOTICES: 48

AAMIR ALI
SE-18-02-162

REQUEST: **Special Exception and Variance** in the A-2 zoning district as follows:
1) Special Exception to convert an existing accessory structure to a 961 sq. ft. guest house.
2) Variance to allow a guest house to be located 12 ft. from the front (north) property line in lieu of 35 ft.
3) Variance to allow a guest house and existing accessory structures to be located in front of the principal structure along Bermuda Street (north) property line.
Note: The property is a double frontage lot, making the setback variance to the front setback as opposed to the rear setback. This is a result of code enforcement action.

ADDRESS: 15533 Sunflower Trail, Orlando FL 32828
LOCATION: North side of Sunflower Trail, approximately 350 ft. east of Golden Isle Blvd.
S-T-R: 30-22-32
TRACT SIZE: 330 ft. x 271 ft.
DISTRICT#: 4
LEGAL: EAST PINE ACRES V/143 LOTS 4 5 6 17 18 & 19 BLK H
PARCEL ID: 30-22-32-2338-08-040
NO. OF NOTICES: 66

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, to **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 5-0 and 2-absent):

1. Development in accordance with site plan dated January 11, 2018, 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 Guest House shall be used by family members or guests and shall not be rented out.
5. Permits shall be submitted within two years of the final County approval, or this approval becomes null and void.
6. The converted guest house shall not have any 220 outlet, no dishwasher, and, no overhead cabinets. It may have a single compartment sink only and under the counter refrigerator.
7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
8. The applicant shall be responsible for payment of all applicable fees and assessments, including, but not limited to, impact fees.

SYNOPSIS: Staff gave a presentation on the case. It addressed the request, photos of the site, the zoning, and a brief analysis.

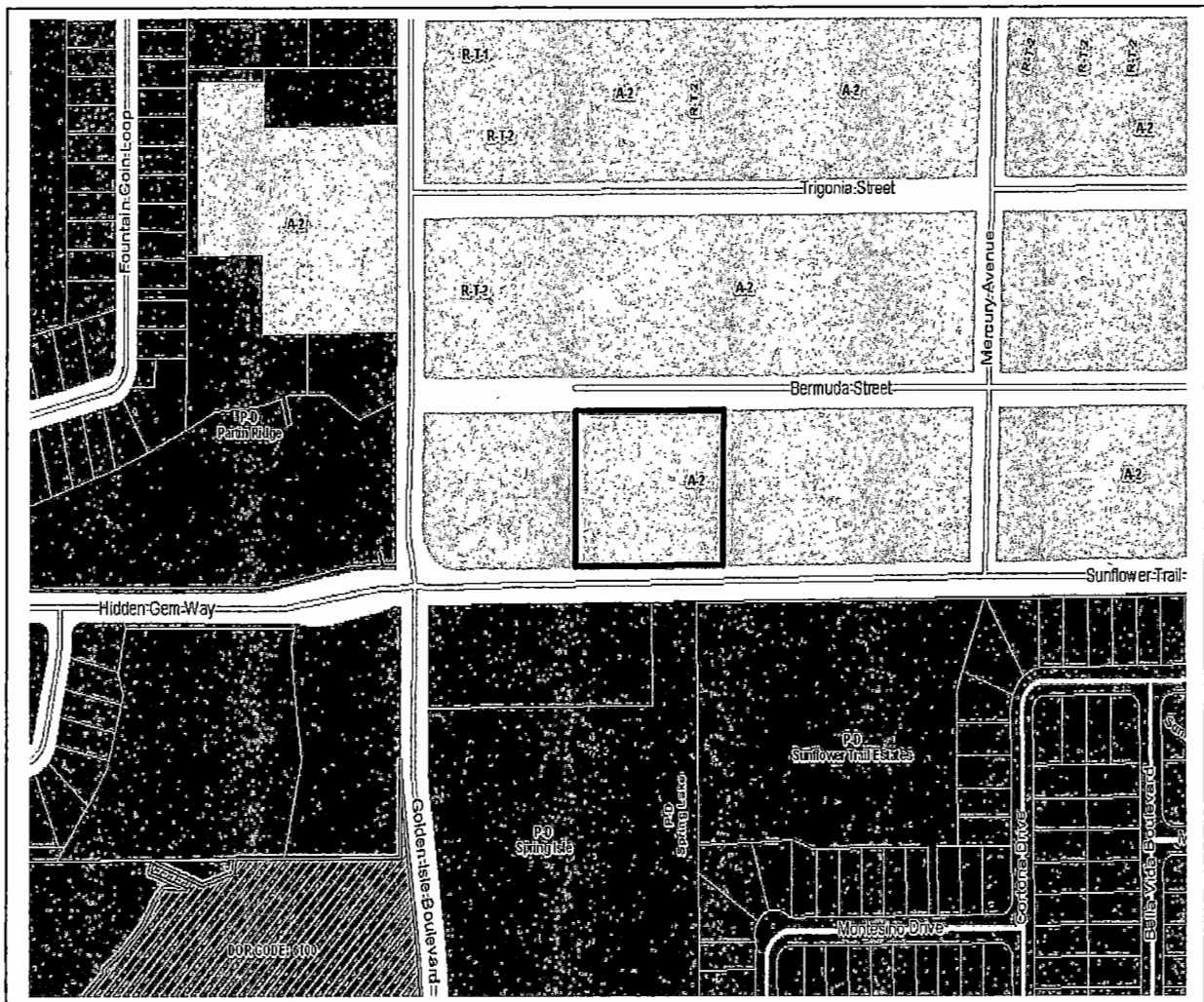
The applicant stated they found out that permits were not pulled after they bought the property. The applicant stated they plan to remove the mobile home and build a house. They also stated that the structure is actually 688 square feet.

The BZA confirmed that the applicant understood the conditions of approval.

Staff received 0 commentaries in favor of the application, and none in opposition to the application.

There was no opposition at the hearing.

The BZA approved the Special Exception.



Applicant: Aamir Ali

BZA Number: SE-18-02-162

BZA Date: 02/01/2018

District: 4

Sec/Twn/Rge: 30-22-32-NE-A

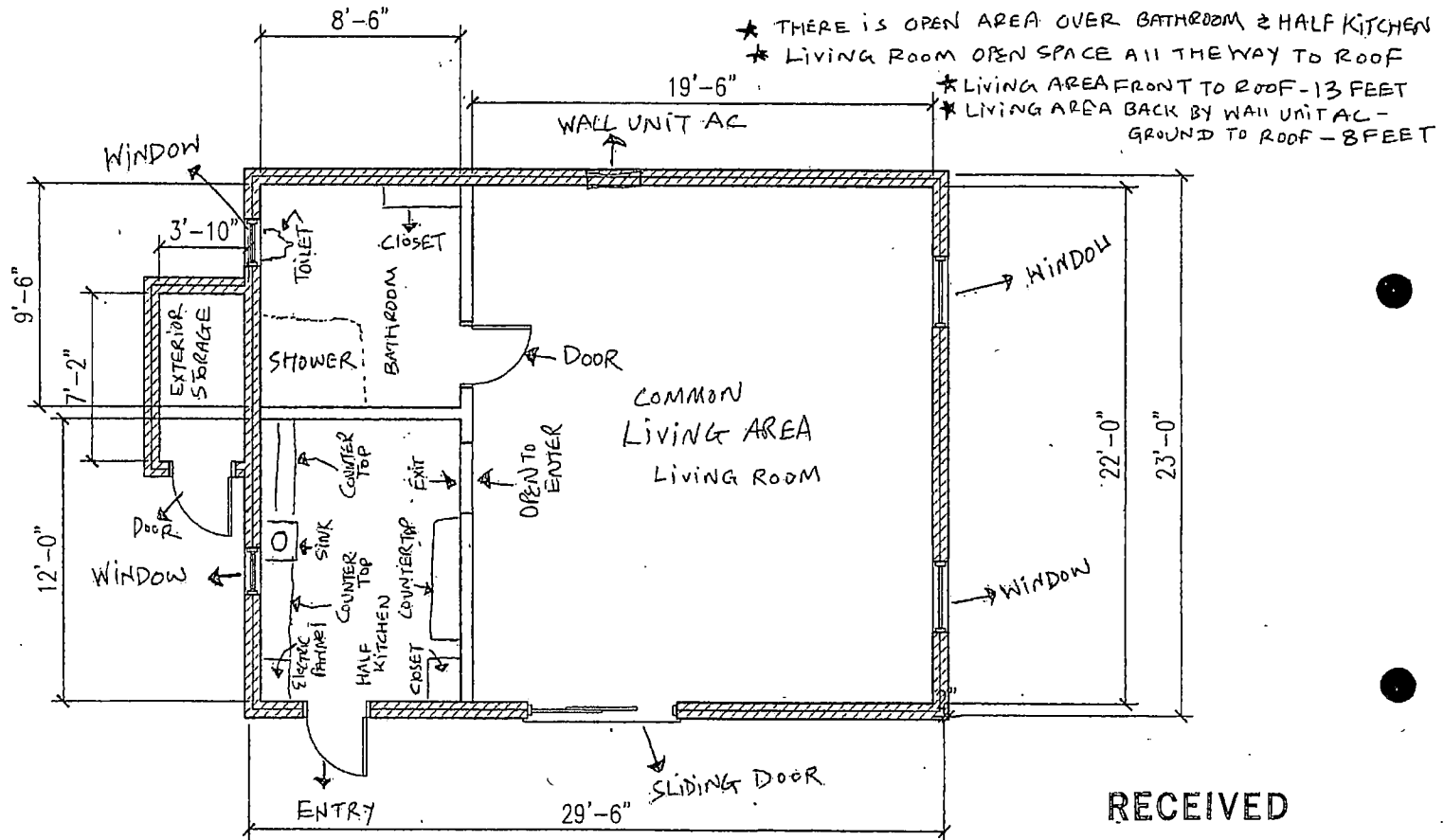
Tract Size: 330 ft. x 271 ft.

Address: 15533 Sunflower Trail, Orlando FL 32828

Location: North side of Sunflower Trail, approximately 350 ft. east of Golden Isle Blvd.

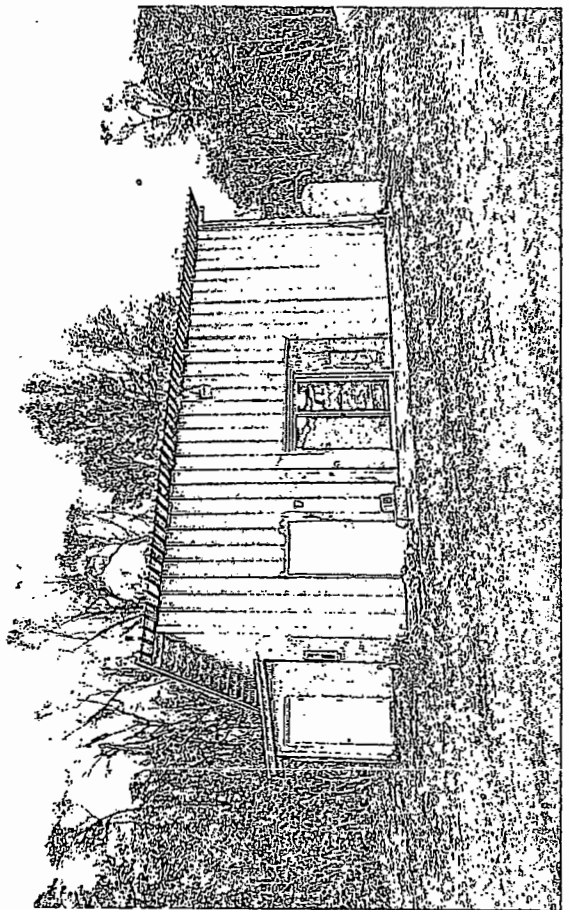
- 73 -





RECEIVED

JAN 11 2018
ORANGE COUNTY
ZONING DIVISION



TO : Nick & Board Members

From: Aamir Ali

15533 Sunflower Trall

Orlando FL 32828

Ref Case # 5E/18/02/162

Respected Members of Board for Orange County, My name is Aamir Ali. I have purchased subject property in Short Sale in 2014. There was an existing Mobile home on the property as well as Warehouse which was half way converted to Guest house and never permitted

I have gotton Penalties through Orange county Code Enforement Department and that is how i have come to find out that warehouse was never permitted but its in property appraisors office records since 1997. Subject property is being taxed from Orange County Property Appraisors Office as Mobile home & Warehouse Included.

My plan is to complete the warehouse in to Guest house since my near future plan is to remove Mobile home as it is currently my homestead residents and Build a Block-Stucco home to reside

Thank you everyone for your time and atmost attention to make subject property warehouse in to living guest home legal and as it should be with all Orange County code requirements.

Aamir Ali



Date: 1/10/2018

1

RECEIVED

JAN 11 2018

ORANGE COUNTY
ZONING DIVISION



STAFF REPORT
CASE #SE-18-02-162
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
February 1, 2018
Commission District: 4

GENERAL INFORMATION:

APPLICANT: Aamir Ali

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variance in the A-2 zoning district as follows:

- 1) Special Exception to convert an existing accessory structure to a 961 sq. ft. guest house.
- 2) Variance to allow a guest house to be located 12 ft. from the front (north) property line in lieu of 35 ft.
- 3) Variance to allow a guest house and existing accessory structures to be located in front of the principal structure along Bermuda Street (north) property line.

Note: The property is a double frontage lot, making the setback variance to the front setback as opposed to the rear setback. (This is a result of code enforcement action.)

LOCATION: North side of Sunflower Trail, approximately 350 ft. east of Golden Isle Blvd.

PROPERTY ADDRESS: 15533 Sunflower Trl.

PARCEL ID: 30-22-32-2338-08-040

PUBLIC NOTIFICATION: 66

TRACT SIZE: 330 ft. x 271 ft.

DISTRICT #: 4

ZONING: A-2

EXISTING USE(S): Mobile Home w/Accessory Structure

PROPOSED USE(S): Mobile Home w/Guest House

SURROUNDING USES: N – Manufactured Home
S – Mixed Use Planned Development
E – Manufactured Home
W – Manufactured Home

STAFF FINDINGS AND ANALYSIS:

1. The applicant is proposing to convert an existing structure into a 961 sq. ft. guest house.
2. The applicant is requesting a variance to allow a guest house to be located twelve (12) feet from the north property line.
3. The north property line is considered to be a second front due to the frontage on Bermuda Street (an unopened, unimproved right of way). This constitutes a special circumstance on this property. If this was a rear yard, the setback would be 10 ft. and a variance would not be needed.
4. The applicant is also requesting a variance to allow a guest house and existing accessory structures to be located in front of the principal structure along Bermuda Street (north) property line. Accessory buildings are shown on the survey, but were not on the property when staff visited the site. Clarification from the applicant is needed.
5. No new construction is proposed for this case. All structures are existing.
6. Code Enforcement cited the property on August 30 2017, for lot clearing and construction without a permit. Code Enforcement also cited the property on November 15, 2017, for an accessory structure without permits, and for broken and boarded up windows.
7. Approval of this request will not be detrimental to the neighborhood, as the property is over two (2) acres and is developed at a lower density than the surrounding area. Many of the parcels as small as 0.3 acres, have residences in the area.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated January 11, 2018, 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 Guest House shall be used by family members or guests and shall not be rented out.
5. Permits shall be submitted within two (2) years of the final County approval, or this approval becomes null and void.
6. The converted guest house shall not have any 220 outlet, no dishwasher, and, no overhead cabinets. It may have a single compartment sink only and under the counter refrigerator.
7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
8. The applicant shall be responsible for payment of all applicable fees and assessments, including, but not limited to impact fees.

cc: Aamir Ali, Applicant
15533 Sunflower Trail
Orlando, FL 32828

BRUCE BENNETT
VA-18-02-163

REQUEST: Variance in the R-1A zoning district to allow a detached garage with 840 sq. ft. of floor area in lieu of 500 sq. ft.
ADDRESS: 3170 Peel Avenue, Orlando FL 32806
LOCATION: West of Peel Ave., north of Lake Margaret Dr.
S-T-R: 07-23-30
TRACT SIZE: 67.5 ft. x 145 ft.
DISTRICT#: 3
LEGAL: 9558/2185 ERROR IN LEGAL DESC -- BEG 30 FT W & 166.22 FT N OF SE COR OF N 3/4 OF NW 1/4 OF NE 1/4 RUN W 145 FT N 67.5 FT E 145 FT S 67.5 FT TO POB IN SEC 07-23-30
PARCEL ID: 07-23-30-0000-00-022
NO. OF NOTICES: 111

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 and 2-absent):

1. Development in accordance with site plan dated December 12, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. An improved surface shall be installed from the street to the accessory structure.
5. The exterior of the proposed accessory structure shall match the exterior of the existing house.

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

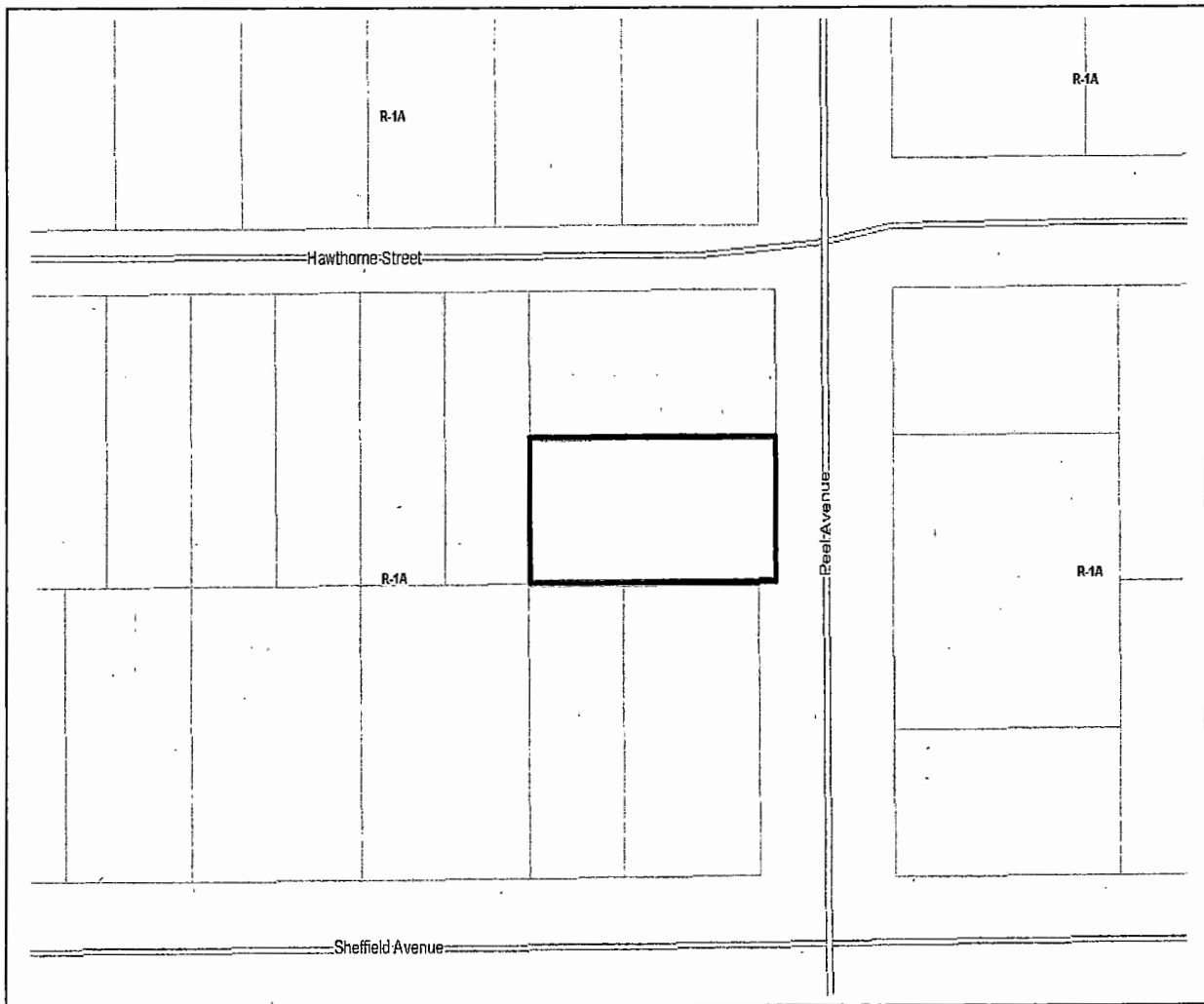
The applicant stated that the garage in the original house is so small that they cannot even park a car. They also confirmed that their insurance company is requiring garage parking for their classic cars. The applicant also stated that they have spoken to the neighbor to the north about the proposal.

The BZA confirmed that the garage will match the house.

Staff received eight (8) 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: Bruce Bennett

BZA Number: VA-18-02-163

BZA Date: 02/01/2018

District: 3

Sec/Twn/Rge: 07-23-30-NE-A

Tract Size: 67.5 ft. x 145 ft.

Address: 3170 Peel Avenue, Orlando FL 32806

Location: West of Peel Ave., north of Lake Margaret Dr.

Cover Letter for Variance Request
3170 Peel Avenue, Orlando, FL 32806

I Bruce Bennett am requesting a variance to build a detached storage garage behind my home. The reason for this request is that I own collector cars that my insurance company requires to keep indoors. The existing garage is too small for one vehicle and is used as a laundry/storage room. I would feel more comfortable storing my cars on personal property opposed to a public storage facility. My classic cars range in age from the 1930s to 1976.

The garage will be constructed of metal and aluminum. The proposed dimensions are 24ft. x 35ft. with 8ft. walls and a 11ft. maximum height to the the roof. This is a square footage of 840.

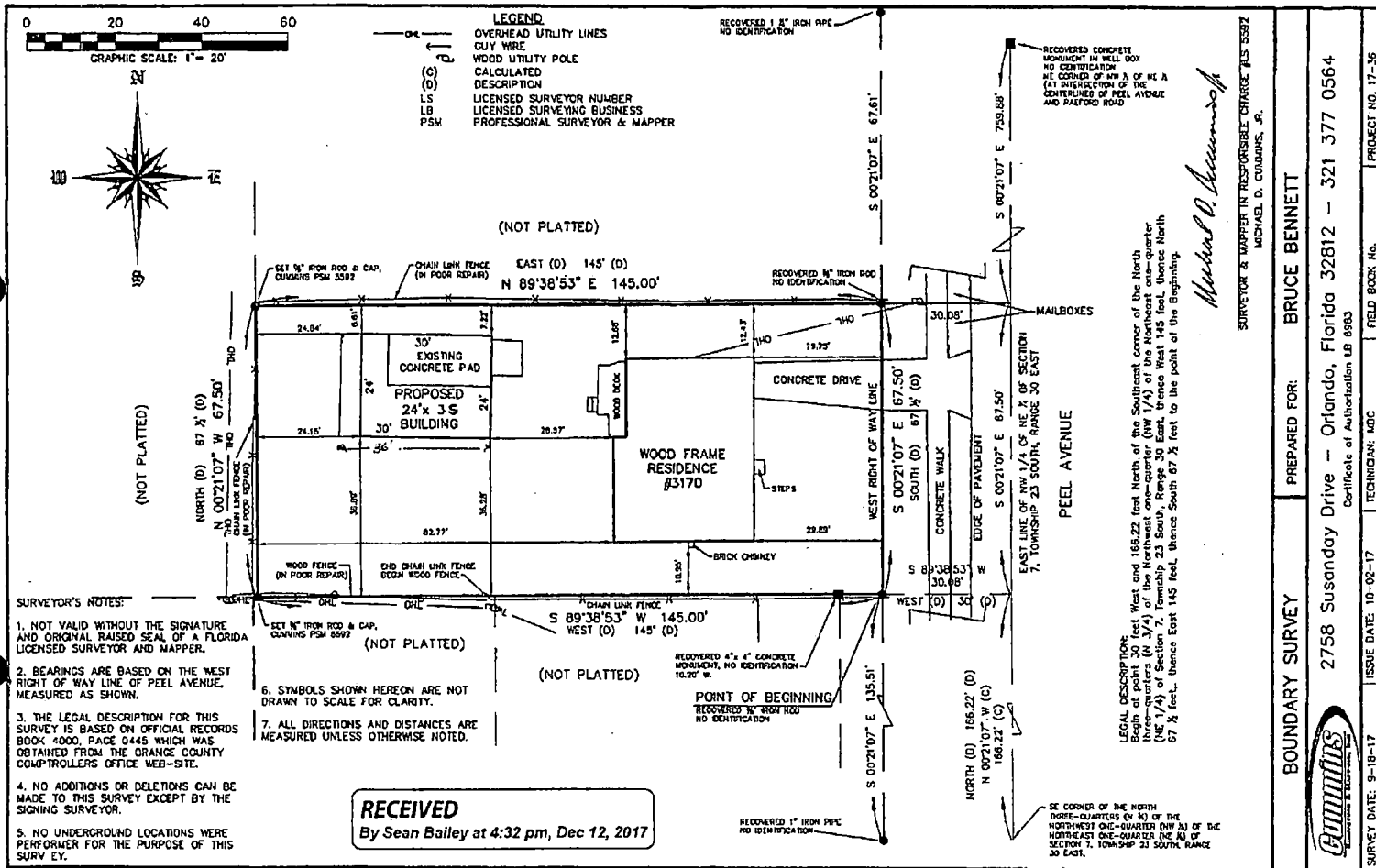
The garage will be 6ft. 6in. from the East property line, 24ft. from the North property line, 36' from the West property line, 28' from the back of the house, and 91' from the the street. The code requires a 4ft minimum to property lines.

See attached site plan for details.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Bennett".

Bruce Bennett



BOUNDARY SURVEY		PREPARED FOR:	BRUCE BENNETT
2758 Susanday Drive - Orlando, Florida 32812 - 321 377 0564		Certificate of Authorization LB 6983	
SURVEY DATE: 9-18-17	ISSUE DATE: 10-02-17	TECHNICIAN: MDC	FIELD BOOK NO.
		PROJECT NO. 17-35	



STAFF REPORT
CASE #: VA-18-02-163
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
February 1, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Bruce Bennett
REQUEST: Variance in the R-1A zoning district to allow a detached garage with 840 sq. ft. of floor area in lieu of 500 sq. ft.
LOCATION: West of Peel Ave., north of Lake Margaret Dr.
PROPERTY ADDRESS: 3170 Peel Ave.
PARCEL ID: 07-23-30-0000-00-022
PUBLIC NOTIFICATION: 111
TRACT SIZE: 67.5 ft. x 145 ft.
DISTRICT #: 3
ZONING: R-1A
EXISTING USE(S): Single family residence
PROPOSED USE(S): Single family residence with detached garage
SURROUNDING USES: The site is surrounded by single family residences

STAFF FINDINGS AND ANALYSIS:

1. The applicant proposes to install a detached garage in the rear yard.
2. The existing house only has a one car garage, which can be considered to be a special circumstance. The applicant has classic cars, and the insurance company requires these cars to be kept indoors.
3. The neighbors have signed letters of no objection to this proposal.
4. The proposed building will be setback over ninety (90) feet from the front and twenty-four (24) feet from the rear.

5. Approval of the request will not cause any negative impacts to the neighborhood.

STAFF RECOMMENDATION:

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

1. Development in accordance with site plan dated December 12, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. An improved surface shall be installed from the street to the accessory structure.
5. The exterior of the proposed accessory structure shall match the exterior of the existing house.

cc: Bruce Bennett, Applicant
2303 Nela Avenue
Belle Isle, FL 32809

MELISSA MERKLINGER
VA-18-02-164

REQUEST: Variances in the R-CE zoning district as follows:
1) To allow additional development on a substandard lot with a lot width of 100 ft. in lieu of 130 ft.
2) To allow additional development on a substandard lot with lot area of .3 acres in lieu of 1 acre.
3) To validate an existing home with a setback of 20 ft. from the front (north) property line in lieu of 35 ft.
4) To allow an addition to an existing lanai 25 ft. from the rear (south) property line in lieu of 50 ft.
5) To allow a lanai 40 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
6) To allow a pool/deck/enclosure 25 ft. from the NHWE in lieu of 50 ft.

ADDRESS: 10042 Lone Tree Lane, Orlando FL 32836

LOCATION: South side of Lone Tree Lane, approximately 675 ft. east of Trout Road.

S-T-R: 32-23-28

TRACT SIZE: 100 ft. x 124 ft.

DISTRICT#: 1

LEGAL: CYPRESS SHORES FIRST ADDITION T/56 LOT 25 & THAT PT OF LOT 10 IN CYPRESS SHORES R/43 DESC AS COMM AT SW COR OF LOT 26 RUN E 140.40 FT FOR POB CONT E 60 FT TH S 12 DEG W TO WATERS EDGE OF LAKE SHEEN TH WLY ALONG WATERS EDGE TO A PT LYING S OF POB TH N TO P

PARCEL ID: 32-23-28-1874-00-250

NO. OF NOTICES: 123

DECISION: APPROVED the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 5-0 and 2-absent):

1. Development in accordance with site plan dated December 12, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite

approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
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 lanai is no closer than 40 feet and the pool and associated enclosure be no more closer than twenty-five (25) feet from the normal high water elevation of Lake Sheen.
5. The lanai shall be constructed of materials consistent with those used in the main residence, and shall be consistent with the main residences color palette.

SYNOPSIS: Staff noted that the entire subdivision had been rezoned from R-1A to R-CE in 1967, causing the entire subdivision to become nonconforming. Therefore, the need for the variance is not self-imposed. Staff showed a graphic which indicated that virtually every property owner in the subdivision which made improvements to their property required a variance. Staff also noted that five (5) property owners, included the two (2) most impacted, had submitted letters or correspondence in support of the application. No opposition had been received. Staff concluded in explaining that since the request included a variance to the Normal High Water Elevation, a Hold Harmless Agreement between the applicant and the County would be needed, and that the applicant was aware of this.

The applicant indicated their agreement with the staff recommendation and conditions. There being no one in attendance in support or opposition to the request, the public hearing was closed.

The BZA concluded that the need for the variance was not self-imposed, the minimum needed, and in harmony with the intent of the Zoning Code. A motion to recommend approval of the request passed unanimously.



Applicant: Melissa Merklinger

BZA Number: VA-18-02-164

BZA Date: 02/01/2018

District: 1

Sec/Twn/Rge: 32-23-28-SE-D

Tract Size: 100 ft. x 124 ft.

Address: 10042 Lone Tree Lane, Orlando FL 32836

Location: South side of Lone Tree Lane, approximately 675 ft. east of Trout Road.

To: Board of Zoning

From: Melissa L. Merklinger and Rhonda K. Morgan

10042 Lone Tree Lane

Orlando Florida 32836

Parcel ID: 32-23-28-1874-00-250

Subject: Variance Request for 10042 Lone Tree Lane

We are requesting a rear set back and variance for 10042 Lone Tree Lane, Orlando Florida 32836.

We are requesting a rear setback of 22 feet from the Normal High Water line, a variance of 28 feet, to construct a covered patio, pool and pool enclosure. Because of the odd shape of the rear property line a 6 foot setback, 4 foot variance from the rear property line is also requested.

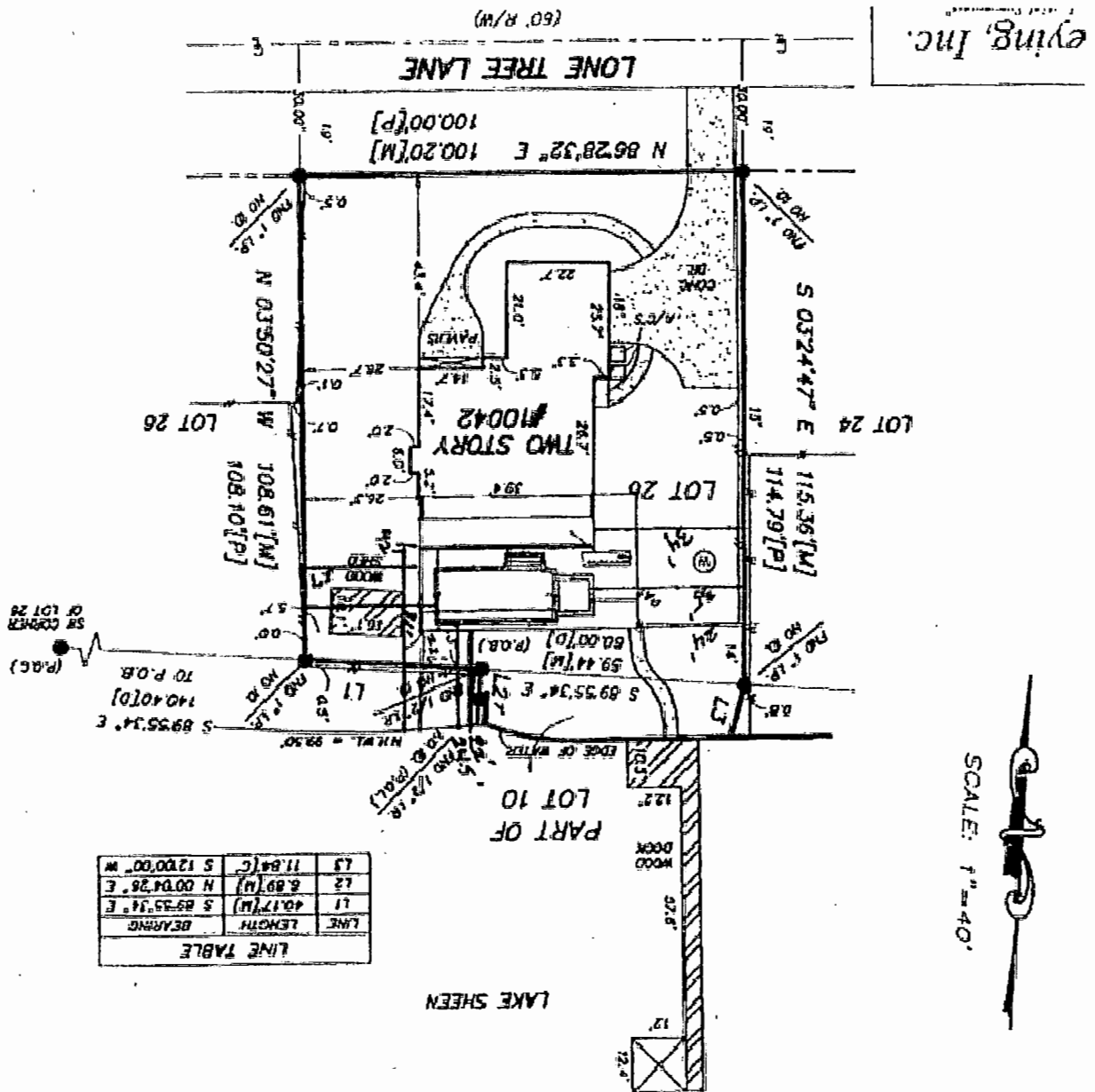
Due to the unique dimensions of the lots in our neighborhood many requests have already been approved for variances in the front, side and rear setbacks. The following properties on Lone Tree Lane have been granted similar variances: 10018,9924,9931,9948,9916,9932,10033,10017 as well as others. Residing on a peninsula gives uniqueness to the lots, but also offers great challenges due to the current setbacks. The rear property line is oddly shape and only cuts inward on the right side of the lot, thus the pool deck would be 6 feet from the property line in only a small section of the yard (4 foot variance). We are also requesting to extend a covered roof 7 feet which would be 42 feet from the high waterline.

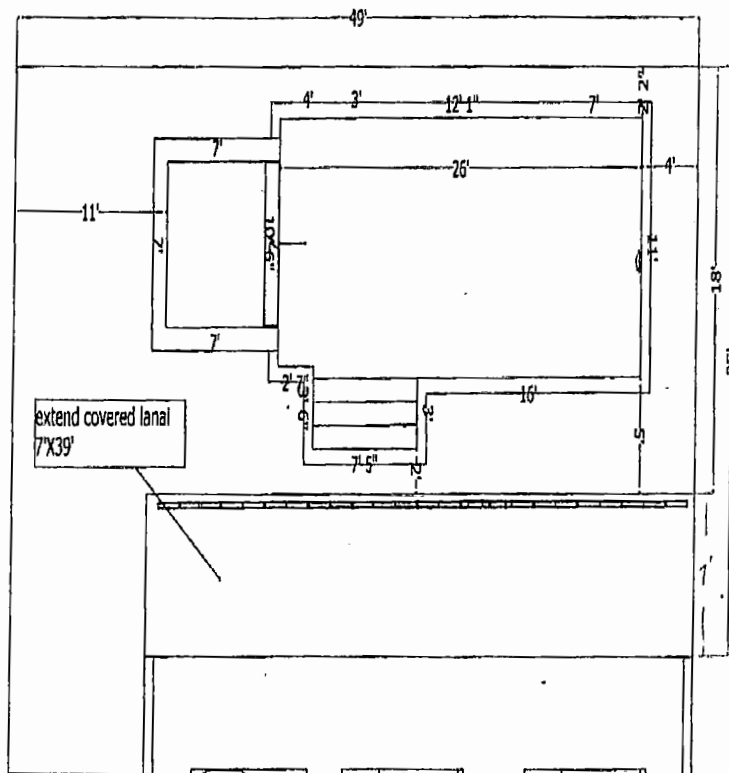
Included with this application are no objections letters from the adjacent as well as some property owners on the same street. We are unaware of any objections to this request.

Due to the recent variance approvals, mentioned above, we feel granting this variance request would not create an adverse impact and our home improvements would blend in with the surrounding homes.

Thank you for your consideration,


Melissa L. Merklinger and Rhonda K. Morgan





Customer Info	
Owner: <u>MORGAN/MERKLINGER</u>	State: <u>FL</u>
Address: <u>10042 LONE TREE LANE</u>	Zip: <u>32836</u>
City: <u>ORLANDO</u>	
Phone: _____	

1/8" Scale
RECEIVED
 DEC 12 2017
 Zoning Division



STAFF REPORT
CASE #: VA-18-02-164
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
February 1, 2018
Commission District: 1

GENERAL INFORMATION:

APPLICANT: Melissa Merklinger

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

- 1) To allow additional development on a substandard lot with a lot width of 100 ft. in lieu of 130 ft.
- 2) To allow additional development on a substandard lot with lot area of .3 acres in lieu of 1 acre.
- 3) To validate an existing home with a setback of 20 ft. from the front (north) property line in lieu of 35 ft.
- 4) To allow an addition to an existing lanai 25 ft. from the rear (south) property line in lieu of 50 ft.
- 5) To allow a lanai 40 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
- 6) To allow a pool/deck/enclosure 25 ft. from the NHWE in lieu of 50 ft.

LOCATION: South side of Lone Tree Lane, approximately 675 ft. east of Trout Road.

PROPERTY ADDRESS: 10042 Lone Tree Lane, Orlando, FL 32836

PARCEL ID: 32-23-28-1874-00-250

PUBLIC NOTIFICATION: 123

TRACT SIZE: 100 ft. x 124 ft.

DISTRICT #: 1

ZONING: R-CE

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Covered Lanai and Pool w/Enclosure

SURROUNDING USES: N - Single Family Residence
S - Lake Sheen
E - Single Family Residence

W -Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. In 1967, the County rezoned the property from R-1A to R-CE, rendering the entire subdivision lawfully nonconforming. This also caused the rear setback to expand from 35 feet to 50 feet. As a result, the home, which according to the Property Appraiser's records was constructed in 1984, fails to meet front and rear setbacks for the R-CE zoning district. As such, the need for the variance is not self-imposed.
2. In January 2000, the BZA granted the subject property a variance to construct a home which "encroaches" into the front setback, and which is 42 feet from the NHWE in lieu of 50 feet. However, the home which was ultimately constructed had a different footprint from that proposed during the variance proceedings.
3. A review of other variances in this neighborhood reveals that virtually every lot which proposed to add onto their existing residence required a variance from a setback, the NHWE, or some other dimensional criteria.
4. Had the zoning of the property remained R-1A, the severity of the variance would be much less. The lanai, which will be open air, will require the execution of a Hold Harmless Agreement, if this variance is granted.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated December 12, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
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 lanai is no closer than forty (40) feet and the pool and associated enclosure be no more closer than twenty-five (25) feet from the Normal High Water Elevation of Lake Sheen.
5. The lanai shall be constructed of materials consistent with those used in the main residence, and shall be consistent with the main residence's color palette.

cc: Melissa Merklinger, Applicant
10042 Lone Tree Lane
Orlando, FL 32836

DENNIS KURTZ
VA-18-02-165

REQUEST: Variance in the R-1A zoning district to allow a swimming pool 5 ft. from the side street (south) property line in lieu of 15 ft.
ADDRESS: 3511 Flagan Avenue, Orlando FL 32806
LOCATION: East of S Crystal Lake Dr.; north of Carnine Dr.
S-T-R: 08-23-30
TRACT SIZE: 80 ft x 110 ft
DISTRICT#: 3
LEGAL: VERADALE W/13 LOT 6 BLK B
PARCEL ID: 08-23-30-8864-02-060
NO. OF NOTICES: 111

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; 4-0 and 3-absent):

1. Development in accordance with site plan dated December 12, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

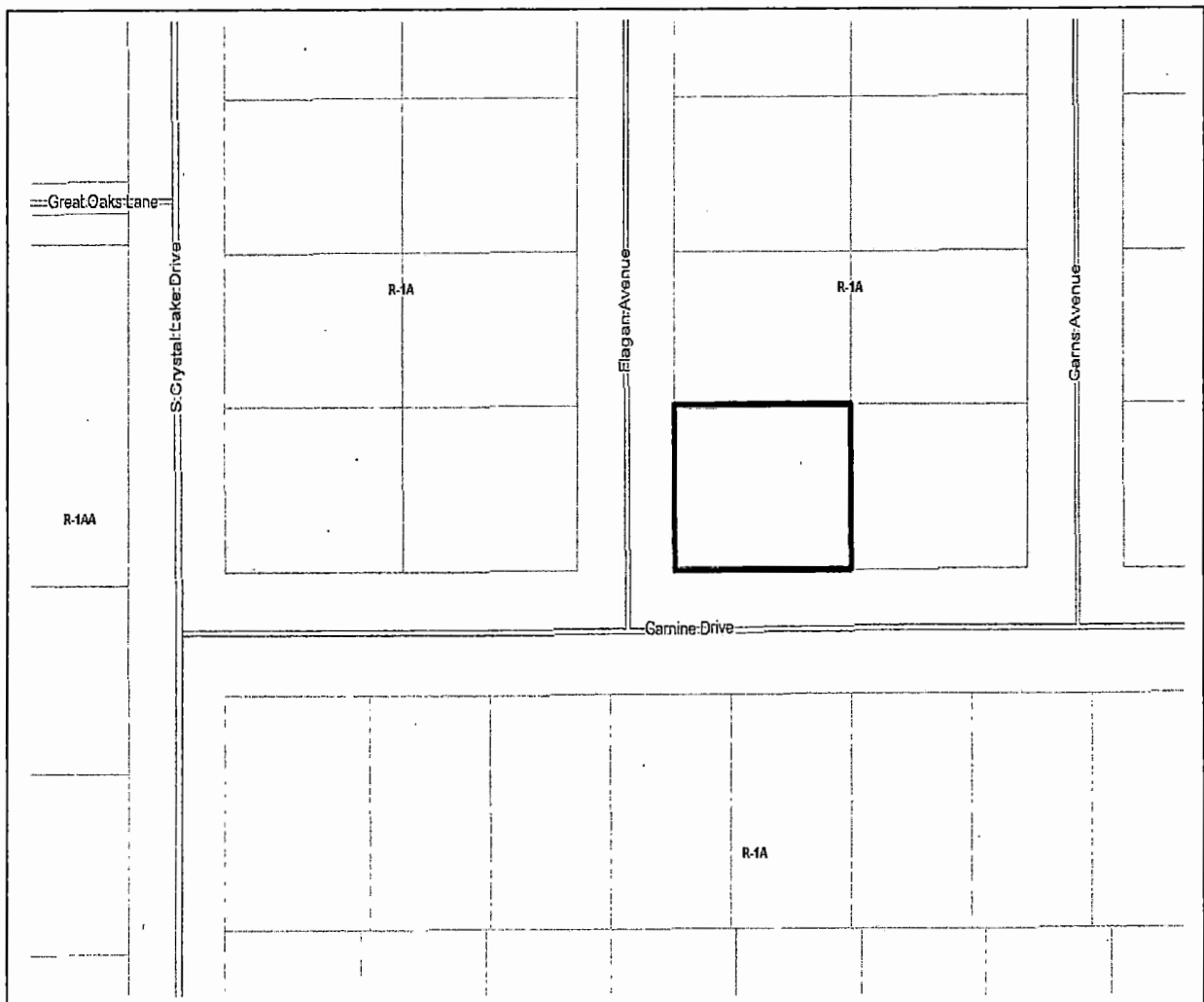
The applicant agreed with the staff report.

The BZA felt that the case was straightforward, and that there were special circumstances.

Staff received one (1) commentary 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: Dennis Kurtz

BZA Number: VA-18-02-165

BZA Date: 02/01/2018

District: 3

Sec/Twn/Rge: 08-23-30-SW-C

Tract Size: 80 ft. x 110 ft.

Address: 3511 Flagan Avenue, Orlando FL 32806

Location: East of S Crystal Lake Dr.; north of Carnine Dr.

Dennis Kurtz
3511 Flagan Ave
Orlando Fl 32806
December 11, 2017

Orange county Zoning Division

Dear Orange county Zoning Division:

The Kurtz family are in need and respectfully requesting a variance in order to build a swimming pool and small deck at are residence. The current street 15ft setback would make it impossible and deprive us the rights enjoyed by others on the same street. We believe this home improvement would not hinder but improve the value of our residence and the community we are in. There is no H.O.A. but we did take into consideration our neighbors and they have provided a letter of no objection. Because we do not have city sewer and on septic the location provided is the only possible place for the pool.

The proposed improvement would be 935 sq. ft of deck and pool with no screen enclosure. The entire project if approved would be 5 ft from our existing fence and property line.

The Kurtz family would like to thank the board for their time and consideration regarding this matter.

Sincerely,

Dennis Kurtz

Legal Description

Lot 6, Block B, VERADALE, according to the plat thereof, as recorded in Plat Book W, Page(s) 13, of the Public Records of Orange County, FL.

Community number: 120179 Panel: 0265
 Suffix: F.F.I.R.M. Date: 9/25/2009 Flood Zone: X
 Date of field work: 6/9/2017 Completion Date: 6/9/2017

Certified to:
 Dennis E. Kurtz; Kelly A. Kurtz; Prestige Title of Brevard, LLC;
 Stewart Title Guaranty Company; American Bancshares Mortgage, LLC, its successors and/or assigns.

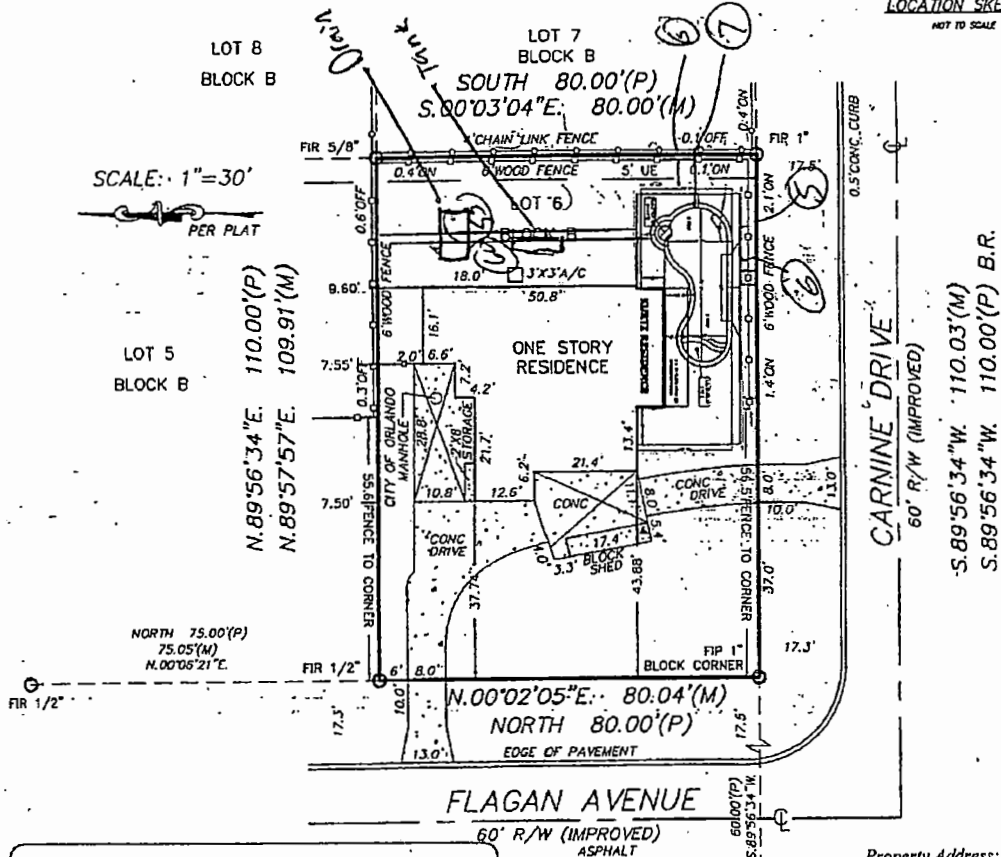
Flagan Ave

Anderson Rd

Carline Dr

LOCATION SKETCH
 NOT TO SCALE

SCALE: 1"=30'
 PER PLAT



REVIEWED

By Sean Bailey at 2:06 pm, Dec 12, 2017

Property Address:
 3511 Flagan Avenue
 Orlando, FL 32806

Survey number: SL 176836

LEGEND

- | | | |
|-------------------------|------------------------------------|-----------------------------------|
| -O- Wire Fence | D. Description or Dood | P.B. Plat Book |
| -O- Wood Fence | D.E. Drainage Easement | P.E. Pool Equipment |
| -O- Overhead Utilities | D.U.E. Drainage & Utility Easement | P.O.B. Point of Beginning |
| □ Power Pole | D/W Driveway | P.O.C. Point of Commencement |
| □ Water Meter | ESMT Easement | P.C.C. Point of Compound Curve |
| □ Electrical Facility | E.O.R. Edge of Right-of-Way | P.C. Point of Curvature |
| □ Asphalt | ENCR Encroachment | P.I. Point of Intersection |
| □ Block Wall | F Field | P.R.C. Point of Reverse Curvature |
| □ Error/Power | FD Found | P.T. Point of Tangency |
| □ Concrete/Hard Surface | FD HED Found Head & Last | P.T.L. Point on Line |
| □ Covered Area | P.C.M. Found Concrete Encroachment | P. Point |
| □ Contour | | |

GENERAL NOTES

1. Legal description provided by others.
2. There may be additional easements and/or restrictions either recorded or unrecorded not shown hereon that may affect this property.
3. Underground portions of buildings, foundations or other improvements were not located.
4. Building lines are to the face of the wall.
5. Only visible encroachments located.
6. No identification found on property corners unless noted.
7. Dimensions shown are plat and measured unless otherwise noted.
8. This is a **BOUNDARY SURVEY** unless noted otherwise.
9. Recordation does not indicate an update.
10. Text size may not be consistent with standards of practice due to client requested reduced drawing size.
11. Unless otherwise noted, flood zone information provided by others.
12. Septic tank and drainfield location shown hereon are APPROXIMATE only and are based upon visual location only. No attempt has been made to verify their location. Client must consult with a utility location company to confirm location.
13. The closure of structures may not be precise due to building immateriality and decorative details.
14. Walls and/or patios may be shown as an approximation and not necessarily shown to regular shape.
15. If a fence is shown, it may be



STAFF REPORT
CASE #: VA-18-02-165
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
February 1, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Dennis Kurtz

REQUEST: Variance in the R-1A zoning district to allow a swimming pool 5 ft. from the side street (south) property line in lieu of 15 ft.

LOCATION: East of S Crystal Lake Dr., north of Carnine Dr.

PROPERTY ADDRESS: 3511 Flagan Ave.

PARCEL ID: 08-23-30-8864-02-060

PUBLIC NOTIFICATION: 111

TRACT SIZE: 80 ft. x 110 ft.

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Single family residence

PROPOSED USE(S): Single family residence with a swimming pool

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

STAFF FINDINGS AND ANALYSIS:

1. The applicant wants to install a swimming pool and pool deck. A variance is requested from the fifteen (15) foot side street setback.
2. The proposed pool and pool deck will encroach ten (10) feet into the setback.
3. The most impacted neighbor has signed a letter of no objection to this proposal.

4. The property is a corner lot with the fifteen (15) feet side setback that is not imposed on the interior lots.
5. The applicant was required to locate the septic tank and drainfield in the rear yard. This constitutes a special circumstance, as the rear yard is unusable, leaving the proposed pool location on the side as the only option.
6. There is seventeen (17) feet of grass/open space between the property line and the edge of pavement, which provides ample space/separation. This is in harmony with the purpose and intent of the Zoning Regulations and is consistent with the character of the neighborhood.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated December 12, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

cc: Dennis Kurtz, Applicant
3511 Flagan Avenue
Orlando, FL 32806

REDEEMER EVANGELICAL LUTHERAN CHURCH
SE-18-02-166

REQUEST: Special Exception in the R-1A zoning district to construct a 4,312 sq. ft. classroom building on the existing church site.

ADDRESS: 3377 Aloma Avenue, Winter Park FL 32792

LOCATION: North side of Aloma Ave., approximately .2 miles east of N. Semoran Blvd.

S-T-R: 03-22-30

TRACT SIZE: 700 ft. x 430 ft.

DISTRICT#: 5

LEGAL: E 340 FT OF SE1/4 OF NW1/4 N OF RD IN SEC 03-22-30 (LESS N 320 FT)

PARCEL ID: 03-22-30-0000-00-043

NO. OF NOTICES: 157

DECISION: **APPROVED** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous; 5-0 and 2-absent):

1. Development in accordance with site plan dated December 12, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit construction plans through the commercial site plan review process within three (3) years or this approval is null and void.

5. No more than four (4) outdoor special events in conjunction with the daycare/preschool per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
6. Any expansions of the use shall require BZA approval.

SYNOPSIS: Staff noted that the Church had been in this location since 1959, and has become a centerpiece of the neighborhood. The preschool/daycare has been a continuous part of their operation, having been approved for expansion several times. The Church had received approval in 2016, to install two (2) modular classrooms, however, they chose to forgo installing those modular units for construction of permanent site built classrooms. Staff noted that they had one (1) verbal conversation and one (1) written correspondence in support of the request and no opposition.

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

The BZA found that the request was consistent with the neighborhood, and served a benefit to the area. A motion to recommend approval was passed unanimously.

385 DOUGLAS AVENUE, STE 2100
ALTAMONTE SPRINGS, FL 32714
TELEPHONE 407.478.8750
FACSIMILE 407.478.8740
www.klimoweeks.com



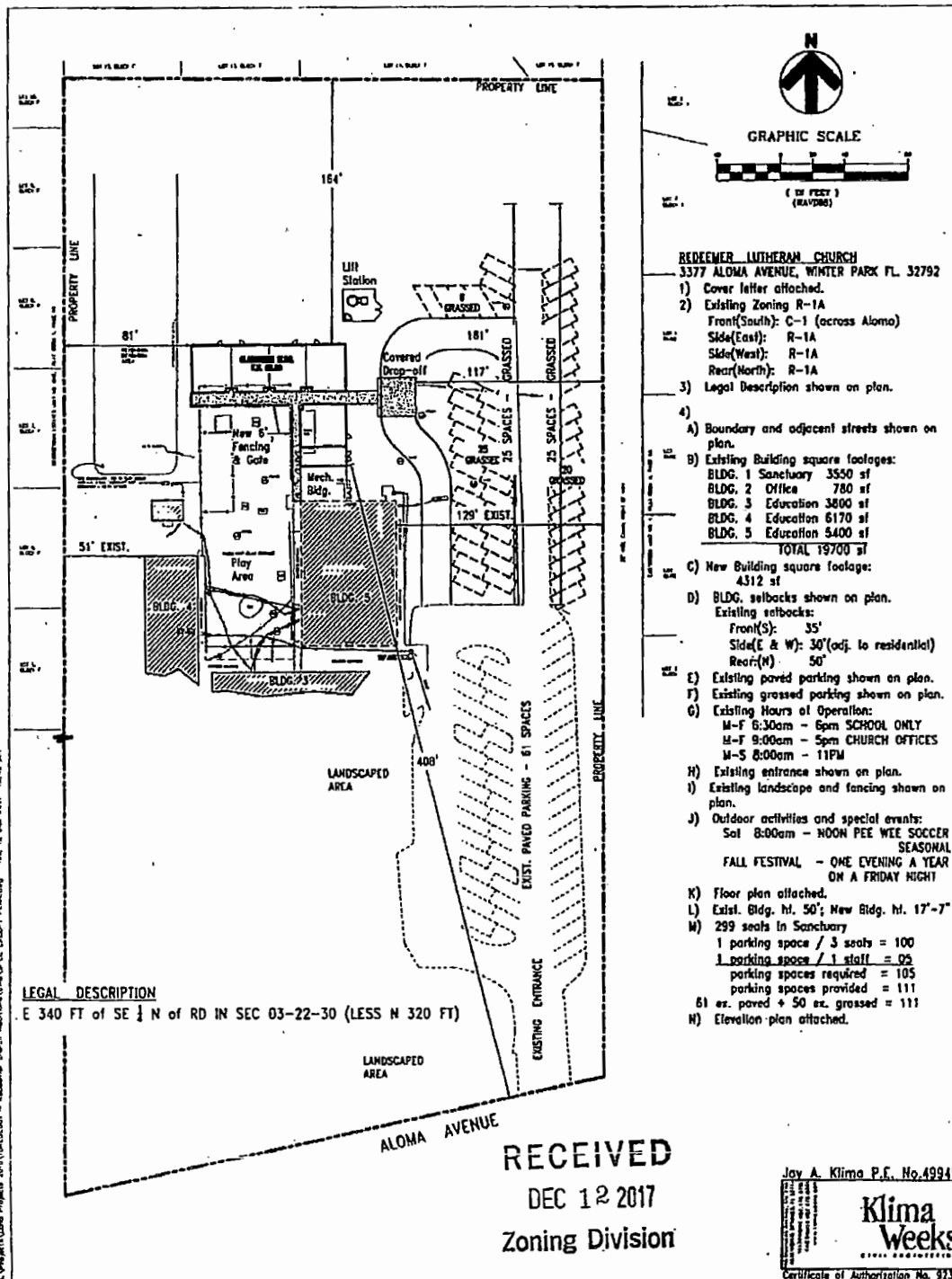
December 12, 2017

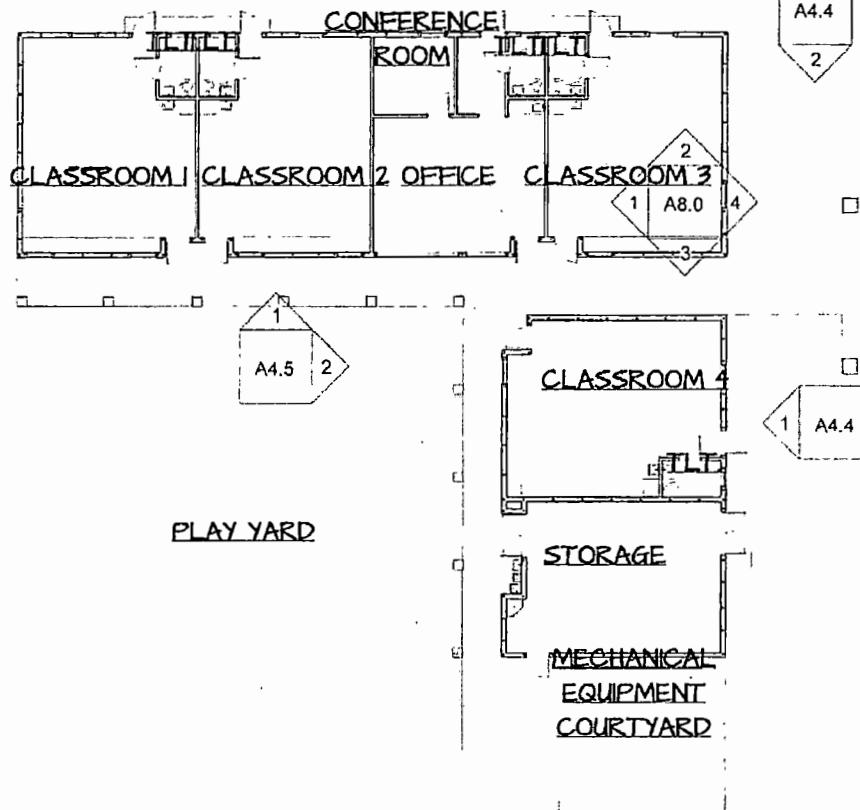
PROJECT NARRATIVE TO SUPPORT THE SPECIAL EXCEPTION APPLICATION FOR
REDEEMER LUTHERAN CHURCH CLASSROOM ADDITION

The proposed project is located on the existing church and school campus of Redeemer Lutheran Church which is located at 3377 Aloma Avenue just east of the intersection of Aloma Avenue and Coachlight Way. The church has been located and functioning on this property since 1960. It is our understanding from church staff that the church has functioned an infant thru pre-kindergarten program (school) at the church for approximately the last 40 years. This school function currently serves 103 students. The existing structures on the site include the sanctuary building, a structure that includes educational spaces and office spaces, and a third primary building which is the fellowship hall. In addition, there are several ancillary structures for storage.

The hours of operation for the school are Monday – Friday from 6:30 am to 6:00 pm which allows the parents to drop off students before work and to pick them up after work. In addition to the school, the church offices are open Monday – Friday from 9:00 am to 5:00 pm. There are various events that occur at the church on Monday – Sunday between the hours of 8:00 am and 11:00 pm. During various times of the year a pee-wee soccer league is also operated on the property on Saturdays from 8:00 am to 12:00 pm. Lastly, the church has one primary event at the church property known as a Fall Festival which is scheduled for a Friday night around late October which extends for the evening and uses the entire church facility including outdoor areas.

The proposed project request includes the addition of one (1) classroom addition of 4,312 SF to be located north of the northernmost building which is the fellowship hall. This addition will allow the school to increase from the existing 103 students to a maximum of 175 students. The proposed placement of the addition on the site will still have a setback from the north property line of 164 feet which would make this structure the closest structure to the north boundary. The new covered drop addition is proposed to be 117 feet from the east boundary which would make this structure the closest to the east boundary. The new addition is proposed to be 81 feet from the west boundary; however, the existing education building is closer to the west boundary than this addition.





1 FLOOR PLAN 8.5 sheet
A4.3 1" = 20'-0"

SYNERGY
ARCHITECTURAL
DESIGN

Architect of Record
John B. Hackler IV
AIA LEED-AP Florida AR 94864

28 West Central Blvd. Suite 200
Orlando, Florida 32801
P: 407.647.6600
F: 407.447.6510

FLOOR PLAN

Project number 1716
Date OCTOBER 11, 2017
Drawn by Author
Checked by Checker

A4.3

Scale 1" = 20'-0"

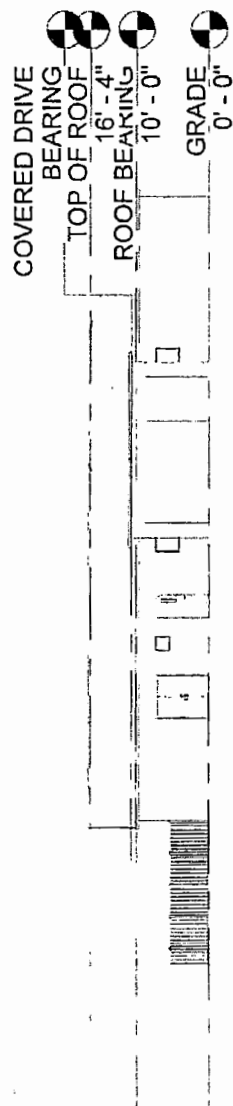
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SYNERGY

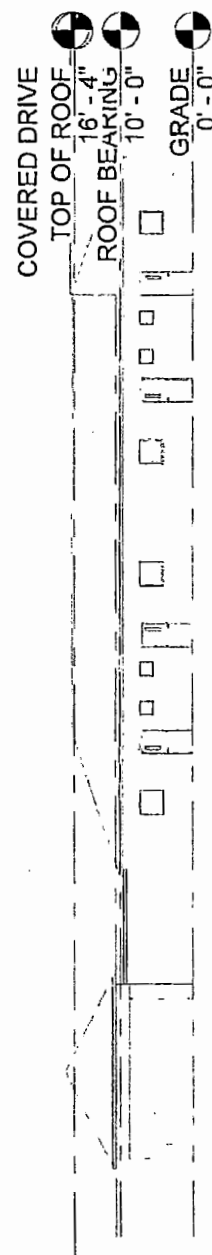
ARCHITECTURAL
DESIGN

Architect of Record
John B. Hackler IV
AIA LEED-AP Florida AR 94864

28 West Central Blvd. Suite 200
Orlando, Florida 32801
P: 407.647.6600
F: 407.447.6510



1 EAST EXTERIOR
A4.4
1" = 20'-0"



2 NORTH EXTERIOR SMALL
A4.4
1" = 20'-0"

ELEVATIONS

Project number	1716	A4.4
Date	OCTOBER 11, 2017	
Drawn by	Author	Scale 1" = 20'-0"
Checked by	Checker	

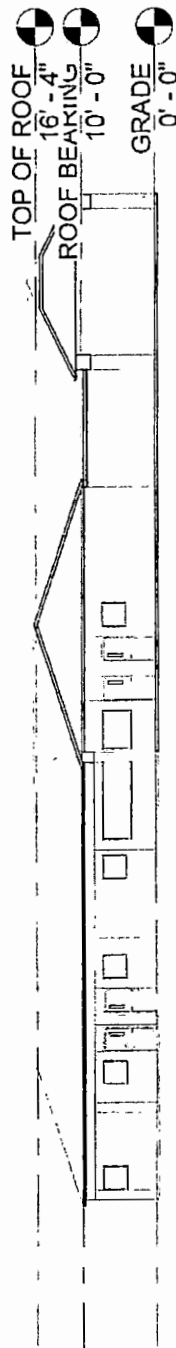
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SYNERGY

ARCHITECTURAL
DESIGN

Architect of Record
John B. Hackler IV
AIA LEED-AP Florida AR 94864

28 West Central Blvd Suite 200
Orlando, Florida 32801
P: 407.647.6600
F: 407.447.6510



1 SOUTH EXTERIOR
1" = 20'-0"



2 WEST EXTERIOR
1" = 20'-0"

ELEVATIONS

Project number	1716	A4.5
Date	OCTOBER 11, 2017	
Drawn by	Author	
Checked by	Checker	
Scale		1" = 20'-0"

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STAFF REPORT
CASE #SE-18-02-166
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
February 1, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Redeemer Evangelical Lutheran Church

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the R-1A zoning district to construct a 4,312 sq. ft. classroom building on the existing church site.

LOCATION: North side of Aloma Ave., approximately .2 miles east of N. Semoran Blvd.

PROPERTY ADDRESS: 3377 Aloma Ave., Orlando, FL 32792

PARCEL ID: 03-22-30-0000-00-043

PUBLIC NOTIFICATION: 157

TRACT SIZE: 700 ft. x 430 ft.

DISTRICT #: 5

ZONING: R-1A

EXISTING USE(S): Church/School

PROPOSED USE(S): Classrooms

SURROUNDING USES: N – Single Family Residential
S – Commercial/Multifamily
E – Single Family Residential
W – Single Family Residential

STAFF FINDINGS AND ANALYSIS:

1. The Church received its original approval in April 1959. In June 1992, the Church received approval to construct a new fellowship hall, classrooms, and expand the daycare. In December 2009, a second expansion was approved to further expand the campus with an improved play area for the daycare/preschool, and additional

storage. Finally, in October 2016, the Church received approval for two (2) modular classrooms. The Church has since decided not to build the modular units, and construct a permanent classroom building. This will allow expansion of the daycare/preschool to a maximum of 175 students.

2. The proposed classrooms will be located to the north side of the play area. A covered walkway will lead from the driveway back to the classrooms for inclement weather.
3. The Church is an established member of the community and neighborhood. The daycare/preschool provides a service to the area by providing convenient child care services.
4. As of the writing of this report, staff has received one (1) verbal communication and one (1) written correspondence in support.
5. The proposed classrooms will be compatible in nature with the existing structures on the campus. The new structure will be located 164 feet from the north (rear) property line, 117 feet from the east (side) property line, and 81 feet from the west (side) property line.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated December 12, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall submit construction plans through the commercial site plan review process within three (3) years of this approval or this approval is null and void.
5. No more than four (4) outdoor special events in conjunction with the daycare/preschool per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
6. Any expansions of the use shall require BZA approval.

cc: Stanley Reinemund, Applicant's Representative
3377 Aloma Avenue
Orlando, FL 32792

Jay A. Klima
385 Douglas Avenue, Suite 2100
Altamonte Springs, FL 32714

MICHAEL FUNK
VA-18-02-167

REQUEST: Variances in the R-1AA zoning district as follows:
1) To permit an accessory structure 23 ft. in height in lieu of 20 ft.
2) To allow an accessory structure with 575 sq. ft. of floor area in lieu of 539 sq. ft. (25% of living area).
3) To allow a two-story accessory structure in lieu of one-story.
4) To allow an additional structure on an existing flag lot with 15 ft. of fee simple access in lieu of 20 ft. of fee simple access.

ADDRESS: 7100 West Livingston Street, Orlando FL 32835

LOCATION: South side of W. Livingston St., approximately 625 ft. west of S. Hiawassee Rd., south of SR 408

S-T-R: 26-22-28

TRACT SIZE: 167 ft. x 197 ft. (Main Lot Area)

DISTRICT#: 6

LEGAL: E 15 FT & S 196 FT OF E1/2 OF E1/2 OF SW1/4 OF SE1/4 OF NE1/4 (LESS RD R/W) OF SEC 26-22-28

PARCEL ID: 26-22-28-0000-00-031

NO. OF NOTICES: 64

DECISION: **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 5-0 and 2-absent):

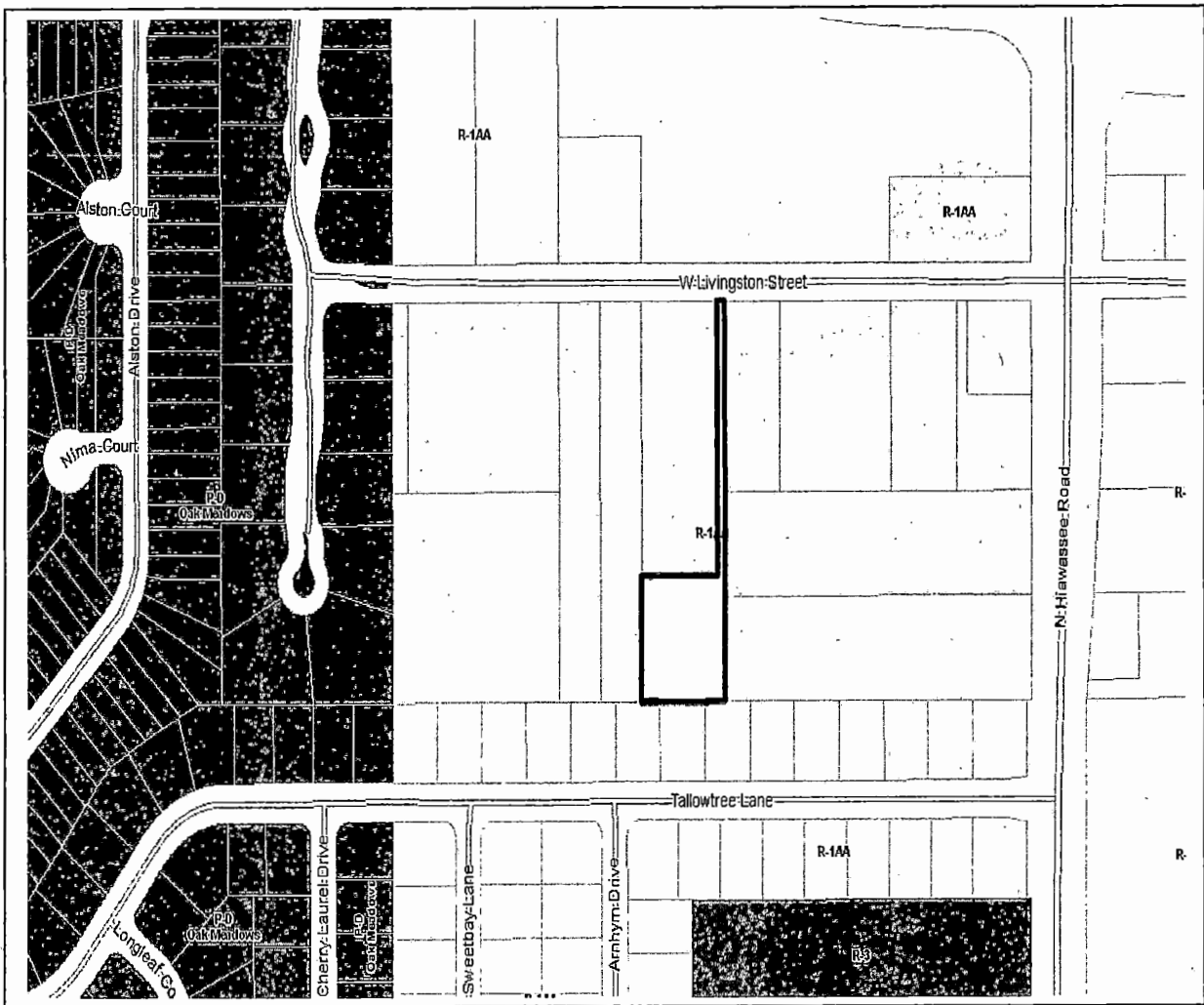
1. Development in accordance with site plan dated December 13, 2017, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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 exterior of the garage shall match or compliment the exterior of the existing residence with respect to colors and materials.
5. The second story of the garage shall not be converted to living area without approval of the BZA.

SYNOPSIS: Staff noted that the subject property was located in a large lot enclave which gave the area a more rural character. This would lend itself to a larger accessory structure. In addition, a previous variance had been approved for a 1,200+ sq. ft. accessory structure had been approved in the past, so the request was not out of character with the area. In addition, both neighbors to the south, who would be the most impacted, had submitted letters of support. In addition, staff had received one (1) correspondence in support, and one (1) in opposition.

The applicant indicated their agreement with the staff recommendation and conditions. There being no one in support or opposition in attendance, the public hearing was closed.

The BZA acknowledged that the variances being requested were minimal, and that the existence of the dense tree canopy and the fact that the flag lot is significantly larger than the minimum lot size justified the variance. A motion to recommend approval was passed unanimously.



Applicant: Michael Funk

BZA Number: VA-18-02-167

BZA Date: 02/01/2018

District: 6

Sec/Twn/Rge: 26-22-28-NE-A

Tract Size: 167 ft. x 197 ft. (Main Lot Area)

Address: 7100 West Livingston Street, Orlando FL 32835

Location: South side of W. Livingston St., approximately 625 ft. west of S. Hiwassee Rd., south of SR 408

Dear BZA,

It's been brought to my attention that you have a couple of questions about the proposed garage to be built on my property. I hope that I will be able to satisfy your concerns with a little explanation.

1. 575 sq.ft. as opposed to 500 sq. ft.: In attempting to continue the modern, clean line theme of my already existing house I am placing the stairs to the upstairs storage on the inside of the garage along the back wall. This way I will have no outside structures disrupting the clean exterior lines of the garage. The extra square footage provides enough depth to still allow me to park my vehicles inside.

2. 2 stories instead of one: When I initially designed the house 11 years ago I was single with one car and therefore a 2-car garage with no attic or basement was sufficient. Over time I have continued to accumulate an additional car along with lawnmowers, chainsaws, workout equipment, etc, and a girlfriend with a car of her own. There is now always a car that has to sit outside and no room to walk through the garage around all of the other things that have accumulated over the past 10 years. I need an area that will allow me to store the many things that have gathered over the years as well as having room for my girlfriend's car as well. I will also now be able to utilize the workout equipment that is now just shoved and stacked against the walls.

I've been living at my residence for more than 10 years and have never had a single negative incident with any of my neighbors and in addition, I have also obtained signed documents from my neighbors that have given their blessing to my proposed structure. I hope that you can appreciate my current situation and allow me to gain some relief from my very own home.

Regards,

Mike Funk



STAFF REPORT
CASE #: VA-18-02-167
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
February 1, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Michael Funk

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

- 1) To permit an accessory structure 23 ft. in height in lieu of 20 ft.
- 2) To allow an accessory structure with 575 sq. ft. of floor area in lieu of 539 sq. ft. (25% of living area).
- 3) To allow a two-story accessory structure in lieu of one-story.
- 4) To allow an additional structure on an existing flag lot with 15 ft. of fee simple access in lieu of 20 ft. of fee simple access.

LOCATION: South side of W. Livingston St., approximately 625 ft. west of S. Hiawassee Rd., south of SR 408

PROPERTY ADDRESS: 7100 W. Livingston St., Orlando, FL 32835

PARCEL ID: 26-22-28-0000-00-031

PUBLIC NOTIFICATION: 64

TRACT SIZE: 167 ft. x 197 ft. (Main Lot Area)

DISTRICT #: 6

ZONING: R-1AA

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Detached two-story garage

SURROUNDING USES: To the north, east and west are large unplatted lots; to the south is a traditional suburban subdivision.

STAFF FINDINGS AND ANALYSIS:

1. The subject property is a flag lot with the main developable portion of the lot having over three (3) times the amount of lot area as required by the Code. The actual developed portion of the lot lies 430+ feet from West Livingston Street. Due to dense vegetation, the lot is highly isolated.

2. The requested variance to the floor area constitutes a variance of 6.7%, which is minimal in nature. The applicant intends to locate the stairs within the structure, as opposed to outside. The additional floor area is to permit the parking of typical sized passenger vehicle. The variance is the least amount needed.
3. The need for a two-story accessory structure is due to the need for added storage space. The proposed accessory structure will not have plumbing. A condition prohibiting the conversion of the upper storage area to living space is proposed, should this variance be granted.
4. Both property owners abutting the rear of the subject property, which would be the most impacted neighbors, have submitted letters of support.
5. The subject property is actually a part of a large lot enclave of properties, each significantly larger than the minimum required for the zoning district, creating a more rural character. As such, a slightly larger accessory structure with two-stories will not appear out of character with the neighborhood.
6. The garage will exceed all setbacks from the rear and side property lines. To the immediate east of the subject property is a religious institution where all development is situated to the east along Hiawasse Road. This lot size is actually comparable to a lot zoned A-2, where a minimum of 1,000 sq. ft. of accessory structure would be permitted by right.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated December 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 exterior of the garage shall match or compliment the exterior of the existing residence with respect to colors and materials.
5. The second story of the garage shall not be converted to living area without approval of the BZA.

cc: Michael Funk, Applicant
7100 West Livingston Street
Orlando, FL 32835

VANESSA MORALES
VA-18-02-168

REQUEST: Variance in the C-3 zoning district to permit wall signage to extend above the roofline for all the tenants in the shopping center.
Note: According to the Property Appraiser's information, the center was constructed in 1980. The design of the building consists of a mansard roof beginning eight feet above the grade of the finished floor elevation of the building.

ADDRESS: 4901 East Colonial Drive, Orlando FL 32803

LOCATION: Northwest corner of E. Colonial Drive and Herman Ave.

S-T-R: 21-22-30

TRACT SIZE: 270 ft. x 146 ft.

DISTRICT#: 5

LEGAL: JAMAJO J/88 LOTS 9 THRU 15 BLK T (LESS RD R/W)

PARCEL ID: 21-22-30-3932-20-090

NO. OF NOTICES: 137

DECISION: DENIED the Variance request in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3) (unanimous; 5-0 and 2-absent).

SYNOPSIS: Staff explained that the existing structure was constructed in 1980. The architecture was no longer commonly used, and did not lend itself to signage. Staff could not support the request as it could set a precedent for similar designed structures. It was noted that all of the signage on the building was not installed through building permits. Staff concluded with a recommendation that the building be modified by adding an extension to the parapet wall to provide a surface on which to affix signage in compliance with the Code.

The applicant explained that the existing building is old, and that the tenants would be negatively impacted without the requested signage. Physically altering the building could be costly, and may result in unanticipated expenses. The owner of the building requested that the BZA give them a time to keep what signage is in place and to design the necessary improvements to properly place the signage upon. No one was in the audience to speak for or against the request, and the public hearing was closed.

The BZA discussed the possibility of granting a variance for a specific period to allow the existing signage to remain until the building could be altered to make an acceptable area to affix signage in compliance with the code. However, when it was established that none of the existing signage had been permitted, and all of it was electrified, the decision to deny the request was reached. A motion to deny the variance was passed unanimously.



Applicant: Vanessa Morales

BZA Number: VA-18-02-168

BZA Date: 02/01/2018

District: 5

Sec/Twn/Rge: 21-22-30-SW-C

Tract Size: 270 ft. x 146 ft.

Address: 4901 East Colonial Drive, Orlando FL 32803

Location: Northwest corner of E. Colonial Drive and Herman Ave.

MASSAGE SPA

4901 E. Colonial Dr. | 407-895-5757 | Vistarealty4905@gmail.com

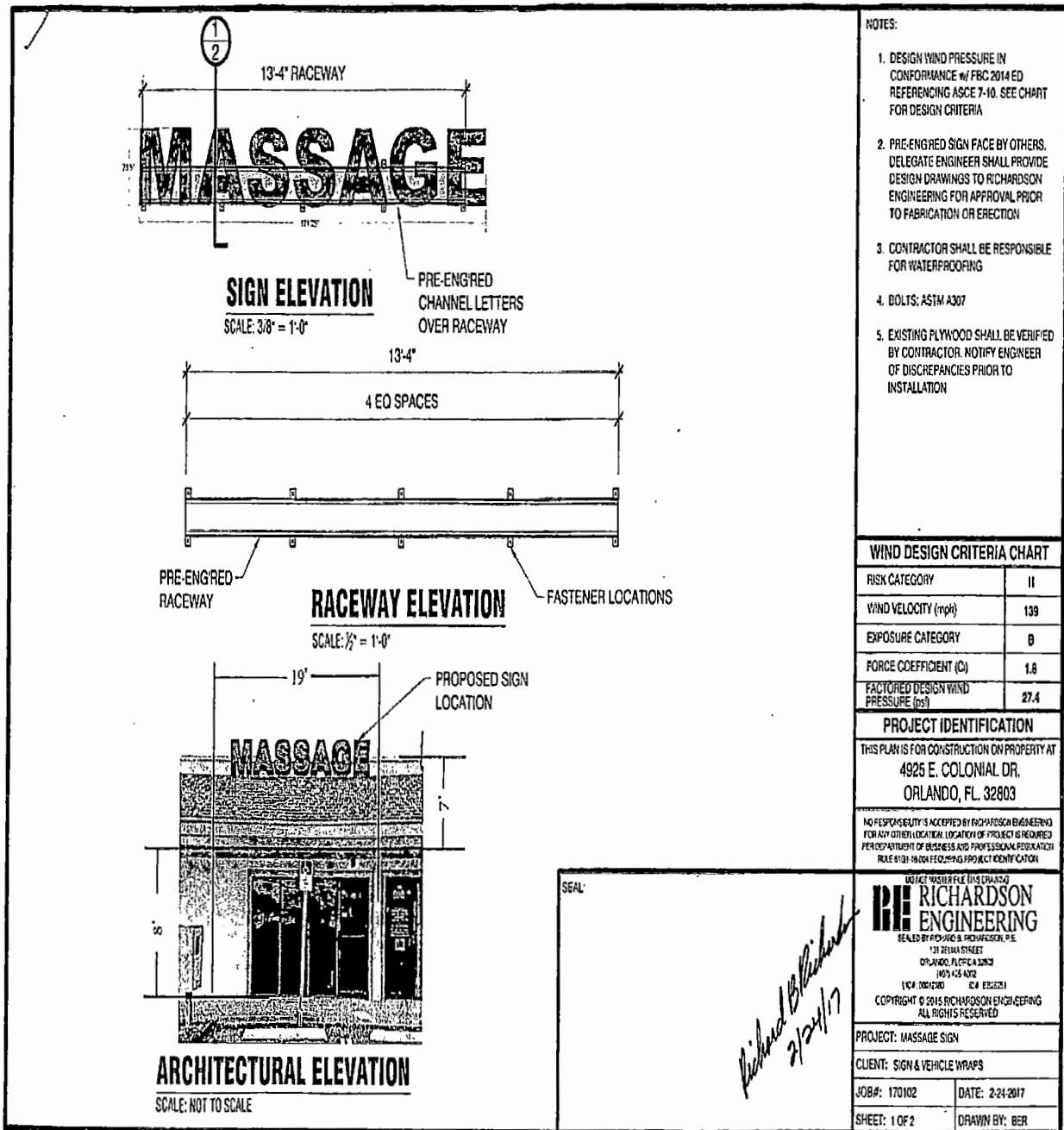
12/13/17

To whom it may concern:

The plaza property owner located on 4901 E. Colonial Dr. is requesting a variance for all signs on the plaza to be allowed to have their sign on the roofline. The tenants believe this is not fair to their advertisement needs and it does not adequately showcase their business to the public. The roofline is the only place to have their signs as the walls themselves are not big enough to place signs anywhere.

Tuoi Luu, property owner of the plaza requests that this variance allows all signs on plaza, now and future tenants, be allowed to place their signs in the location that they can.

Sincerely,
Tuoi V. Luu



RECEIVED
DEC 13 2017
Zoning Division



STAFF REPORT
CASE #: VA-18-02-168
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
February 1, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Vanessa Morales

REQUEST: Variance in the C-3 zoning district to permit wall signage to extend above the roofline for all the tenants in the shopping center.

Note: According to the Property Appraiser's information, the center was constructed in 1980. The design of the building consists of a mansard roof beginning eight feet above the grade of the finished floor elevation of the building. This is a result of code enforcement.

LOCATION: Northwest corner of E. Colonial Drive and Herman Ave.

PROPERTY ADDRESS: 4905, 4911 and 4937 E. Colonial Dr., Orlando, FL 32803

PARCEL ID: 21-22-30-3932-20-090

PUBLIC NOTIFICATION: 137

TRACT SIZE: 270 ft. x 146 ft.

DISTRICT #: 5

ZONING: C-3

EXISTING USE(S): Commercial

PROPOSED USE(S): Wall Signage Extending Above Roofline

SURROUNDING USES: N - Single Family Detached and Duplex
S - Commercial
E - Commercial
W -Commercial

STAFF FINDINGS AND ANALYSIS:

1. According to data from the Property Appraiser's Office, the structure on the subject property was constructed in 1980. The architecture consists of a covered walkway with a mansard roof extending to a short parapet wall at the top. Signage is not permitted to be affixed to mansard roofs. This leaves only the façade under the roof, and the short parapet wall to which signage may be attached.
2. The existing signs for the individual tenants are affixed to the short parapet wall, which result in the signs extending above the roofline. The applicant is not requesting variances to the sign area, just to the location.
3. In reviewing this application, it was determined that approval of this request could set an undesirable precedent for similar sites.
4. Staff is suggesting that the applicant increase the height of the parapet wall, which will provide an area where the signs can be affixed in compliance with the Code.

STAFF RECOMMENDATION:

Staff is recommending denial. The request will result in a potentially undesirable precedent for similar designed structures. There are physical alterations which could be made to the building façade which would result in accommodating the desired signage without the need for a variance.

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

1. Development in accordance with the site plan and elevations dated December 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. All signs shall be uniform in appearance, consisting of channel lettering, internally illuminated, not more than twenty-four (24) inches in height. All signage shall be affixed to the existing parapet wall in accordance with the applicable codes.

cc: Vanessa Morales, Applicant, 1011 West Lancaster Road, Orlando, FL 32809

**MICHAEL PRITCHETT FOR PREMIER EXHIBITION
VA-18-02-169**

REQUEST: Variances in the C-2 zoning district with a Tourist Commercial Overlay as follows:
1) To allow combined total of 701 sq. ft. of sign area (2 signs @ 350.5 sq. ft.) in lieu of 150 sq. ft.
2) To allow 2 signs on a single tenant building in lieu of 1 sign.
Note: The sign area request equates to a variance of 467%. This application is the result of code enforcement action.

ADDRESS: 7220 International Drive, Orlando FL 32819

LOCATION: West side of the intersection of I-Drive with Carrier Dr.

S-T-R: 25-23-28

TRACT SIZE: 134 ft. x 489 ft.

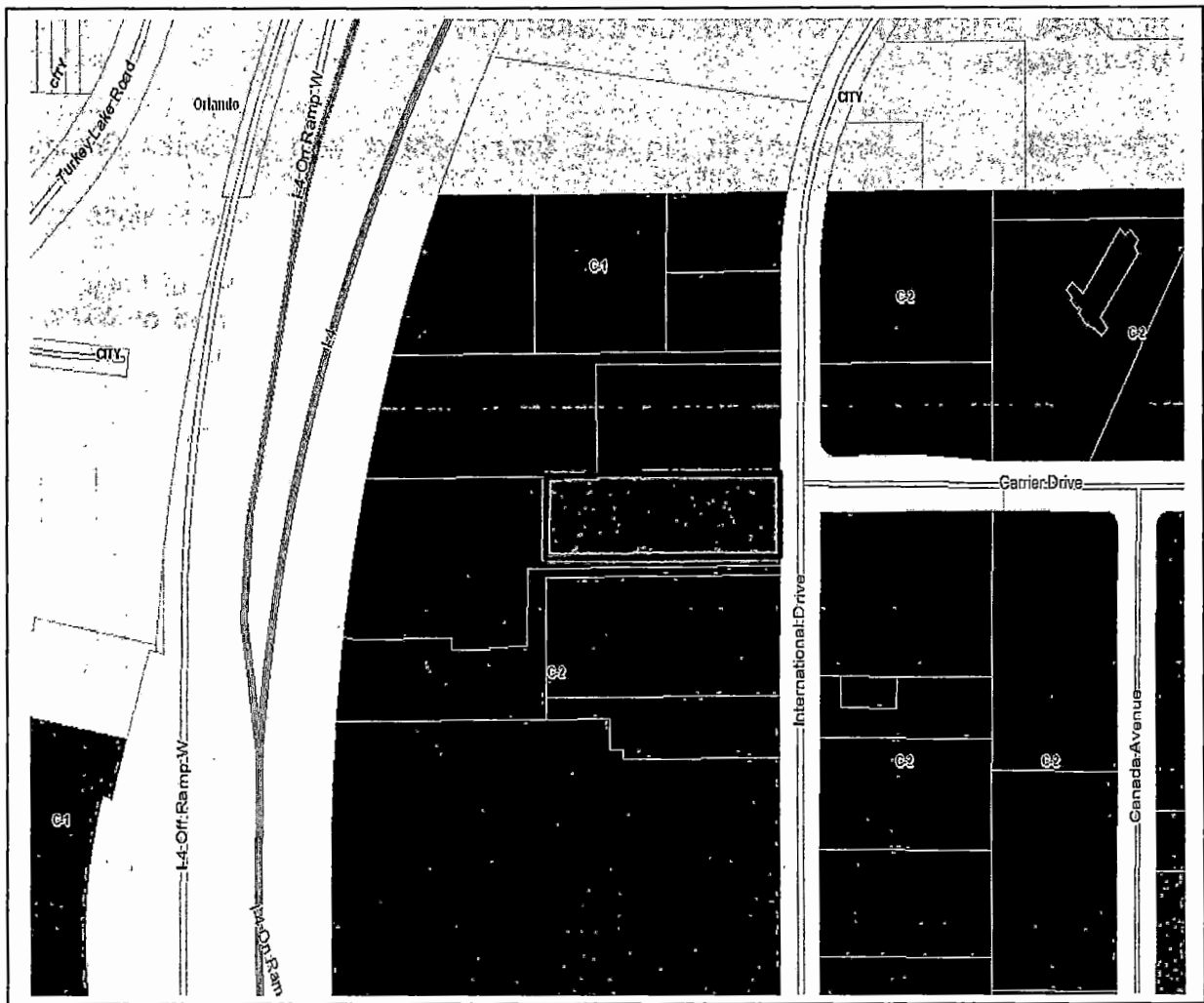
DISTRICT#: 6

LEGAL: INTERNATIONAL CENTER 31/123 LOT 2

PARCEL ID: 25-23-28-3858-00-020

NO. OF NOTICES: 188

DECISION: The BZA **CONTINUED** this case to a date uncertain due to further consideration of the applicant's alternative options in regards to this request.



Applicant: Michael Pritchett for Premier Exhibition

BZA Number: VA-18-02-169

BZA Date: 02/01/2018

District: 6

Sec/Twn/Rge: 25-23-28-SW-C

Tract Size: 134 ft. x 489 ft.

Address: 7220 International Drive, Orlando FL 32819

Location: West side of the intersection of I-Drive with Carrier Dr.

PREMIER

EXHIBITIONS

Anthony Codron
Elite Signs and Graphics
2431 Aloma Ave
Suite 100
Winter Park FL 32792

Premier Exhibitions is requesting a Signage Variance for 7220 International Drive in Orlando. Our current exhibition, Extreme Dinosaurs, has now opened and currently looking for more signage opportunities for branding/marketing purposes. In the past, this particular facility housed two museum exhibitions, with the main entrance located on I-Drive. Due to the nature of our single exhibition, we have had to change the flow of the exhibition for an entrance in the rear of the facility and there are a number of obstructions to our immediate right that reduces our visibility from I-Drive.

In addition to site line visibility issues, the building itself is a 2-story facility, with the second floor occupying approximately 1/3 of the useable space in the rear of the building. The front façade has a tremendous amount of exposed EFIS above our front windows and doors. Our ideal signage, with the elements listed above, would be to have 2 exhibit signs measuring 15ft-3 5/8 inches by 22 ft-10 7/8 inches wide.

Premier Exhibitions respectfully request that our two exhibit wall signs be granted a variance based on these extenuating circumstances.

Sincerely,

Daoping Bao



Executive Chairman
CEO & President
P (604) 277-0707 ext 555
C (604) 831-9999

RECEIVED

DEC 13 2017

Zoning Division

754

Store front 100' Lt.
 Elevation Sign #1 350.5' Sqf.
 Elevation Sign #2 350.5' Sqf.



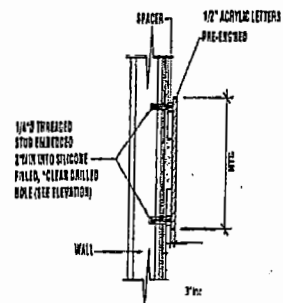
100'



Stud Mounting
 Studs are metal threaded on the rear the cut letters.



SIGN ELEVATION
 ELEVATION 10/17/17



*CLEAR DRILL HOLE *COMPRESSED AIR PRIOR TO FILLING HOLE WITH GROUT

SECTION LETTER 10/17/17
 NTS

PROJECT NAME: Titanic				Extreme Dinosaurs Channel Letter	
ADDRESS: 7220 International Dr		REVISION	DATE		
CITY/STATE: Orlando, FL 32819					
SALES PERSON:		DESIGN DATE: November 10, 2017			
DRAWING NO. 1	SCALE: As Noted	DRAWN BY:			

RECEIVED

DEC 13 2017

Zoning Division



STAFF REPORT
CASE #: VA-18-02-169
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
February 1, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Michael Pritchett for Premier Exhibition

REQUEST: Variances in the C-2 zoning district with a Tourist Commercial Overlay as follows:

1) To allow combined total of 701 sq. ft. of sign area (2 signs @ 350.5 sq. ft.) in lieu of 150 sq. ft.
2) To allow 2 signs on a single tenant building in lieu of 1 sign.
Note: The sign area request equates to a variance of 467%.
This application is the result of code enforcement action.

LOCATION: West side of the intersection of I-Drive with Carrier Dr.

PROPERTY ADDRESS: 7220 International Dr., Orlando, FL 32819

PARCEL ID: 25-23-28-3858-00-020

PUBLIC NOTIFICATION: 188

TRACT SIZE: 134 ft. x 489 ft.

DISTRICT #: 6

ZONING: C-2

EXISTING USE(S): Private Museum

PROPOSED USE(S): Private Museum with two (2) Facade Signs

SURROUNDING USES: The site is surrounded by commercial uses in all directions

STAFF FINDINGS AND ANALYSIS:

1. Allowable signage in the Tourist Commercial Overlay is calculated at an amount equal to one (1) sq. ft. of copy area per linear foot of building frontage.
2. The building frontage is 100 feet, allowing for 100 sq. ft. of sign area on a single sign per the Tourist Commercial Overlay. The applicant is requesting two (2) signs with 701 cumulative sq. ft. of sign area.

3. Code Enforcement informed the manager of the violation on October 23 2017. Code Enforcement also cited the property on December 11, 2017, for signage in violation.
4. On January 16, 2018, zoning staff visited the site and observed three (3) wall signs with deteriorating lettering. Code Enforcement has provided a photograph showing a 4th sign on the rear of the building. The application is requesting approval of two (2) signs. Clarification is requested from the applicant.
5. The amount of variance deviation requested is 701%. Staff cannot support this request. The applicant has not demonstrated special conditions or circumstances to justify the request. The need for the variance is self-created and approval would grant special privilege that is not granted to other properties in the area.

STAFF RECOMMENDATION:

Staff recommends denial in that the request does not meet the variance criteria. The amount of deviation and the number of signs are excessive, and the signage is not consistent with the area.

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

1. Development in accordance with the site plan and sign elevations dated December 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. This approval shall be limited to two (2) wall signs, with a combined total of 701 sq. ft. of copy area. No additional signage or outdoor graphics shall be permitted on the building without authorization of the BZA.
5. The applicant shall obtain a permit for the signage within ninety (90) days of final County action or this approval becomes null and void.
6. Any violations of these conditions shall be subject to action by the Code Enforcement Board, not the BZA.

cc: Michael Pritchett, Agent's Representative
3045 Kingston Court
Norcross, GA 30071

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 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.)

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

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, to **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 5-0 and 2-absent):

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 noon to 2:30 a.m., seven (7) days a week.
5. There shall be no more than six (6) 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.
7. There shall be no generators used in conjunction with this operation.

SYNOPSIS: The applicant is proposing an open air market to include six (6) food trucks in the existing Pointe Orlando Development. The trucks would be in place for a month at a time and located in the interior plaza of the shopping center. Staff provided photos of the trucks on the site which were issued a citation by Code Enforcement. Staff explained that the applicant was instructed to meet with the stakeholders in the International Drive Area. The applicant did meet with the I-Drive Chamber of Commerce and were given several stipulations regarding the use.

The applicant stated the purpose of the trucks is to provide variety for its patrons and more dining options for the late night guests of the development. The applicant agreed they would self-police the opening and closing times of the trucks.

No one was present at the hearing to speak for or against the request.

The BZA discussed the request and agreed that it was a compatible use in the I-Drive area. They added that moving the closing time to 2:30 a.m., would allow for more flexibility for the truck vendors. The BZA approved the request unanimously.



Applicant: Pointe Orlando

BZA Number: SE-17-10-093

BZA Date: 02/01/2018

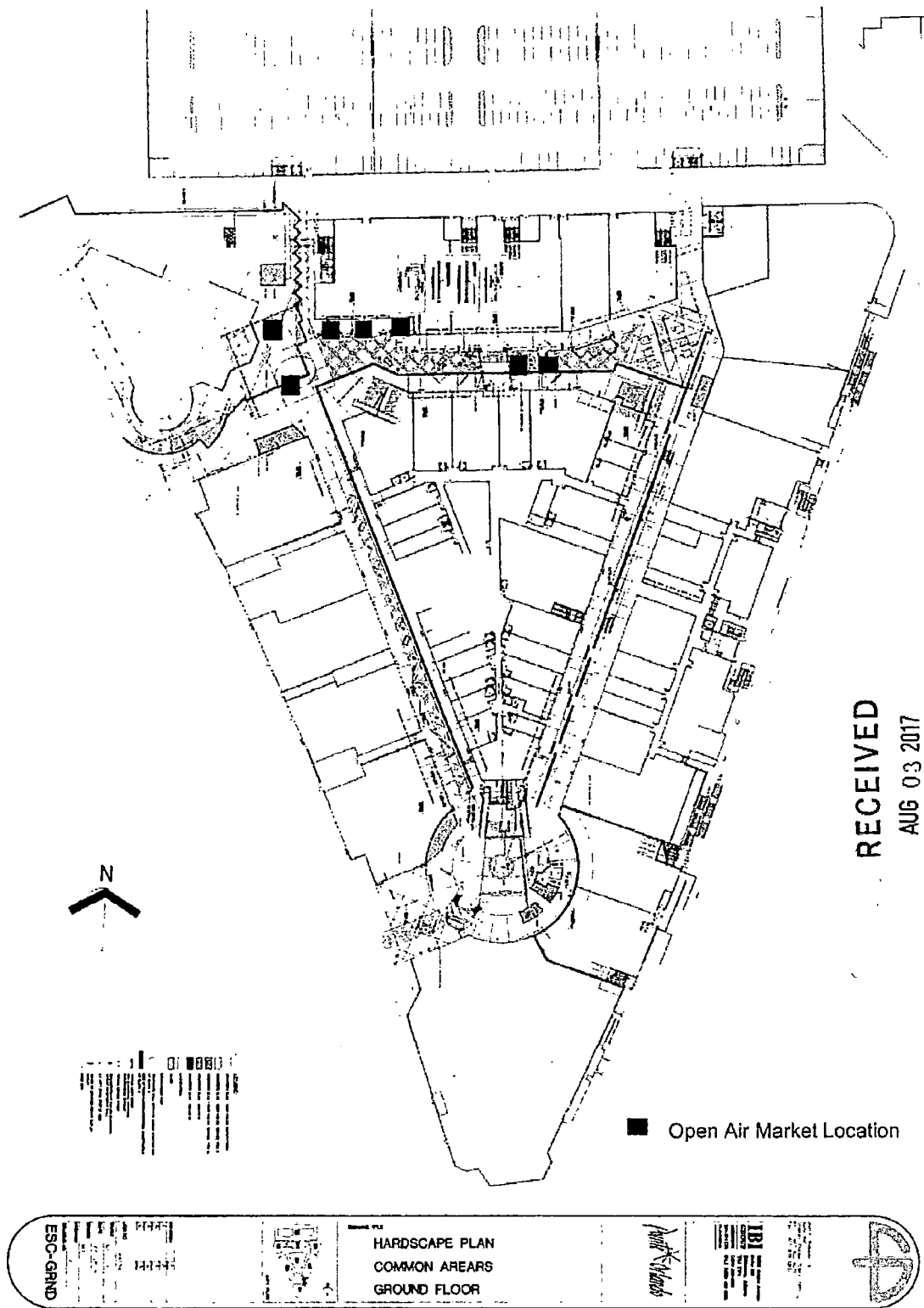
District: 6

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





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 years. 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 attendees 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. All 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 and 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 the 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 the 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 2:00 a.m., seven (7) days a week.
5. There be no more than seven (7) vendor vehicles on the site at any given time.
6. There shall be no signage advertising the food mobile vendors visible from any public right-of-way.

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

LAKE CONWAY LANDSCAPING OF ORLANDO, INC.
SE-18-01-145

REQUEST: **Special Exception and Variance** in the A-1 zoning district as follows:
1) Special Exception to operate a landscaping business and tree farm.
2) Variance to allow unpaved parking spaces in lieu of paved. (Applicant is proposing to construct a 6,000 sq. ft. warehouse building on the site.)

ADDRESS: 4954 North Apopka Vineland Road, Orlando FL 32818
LOCATION: West of N. Apopka Vineland Rd., north of Hackney Prairie Rd.
S-T-R: 03-22-28
TRACT SIZE: 660 ft. x 660 ft. (10 acres)
DISTRICT#: 2
LEGAL: W1/2 & N 15 FT OF E1/2 OF S1/2 OF SW1/4 OF NE1/4 OF SEC 03-22-28
PARCEL ID: 03-22-28-0000-00-081
NO. OF NOTICES: 157

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, to **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, 1 opposed and 2 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.

4. The use of a grinder and chipper shall be prohibited.
5. All materials brought onto the site by the landscape company shall be removed on a bi-weekly basis.
6. Hours of operation shall be limited to 6:00 a.m. to 6:30 p.m., Monday through Friday. Hours of operation on Saturday shall be limited to 8:00 a.m. to 4:00 p.m.
7. There shall be no vehicle maintenance conducted on site.
8. Noise and sound shall be regulated by Chapter 15, Orange County Code.
9. Prior to the issuance of permits the applicant shall complete a Conservation Area Determination.
10. There shall be no semi-trailer trucks allowed in conjunction with this operation.
11. The applicant shall coordinate with the City of Ocoee regarding the ingress and egress via Sawmill Blvd.
12. All required handicapped parking spaces shall be paved.

SYNOPSIS: The applicant proposed a landscaping business and tree farm in the A-2 zoning district. Staff explained the layout of the project and that the landscaping portion would be located in the southeast part of the property, furthest away from the single family development.

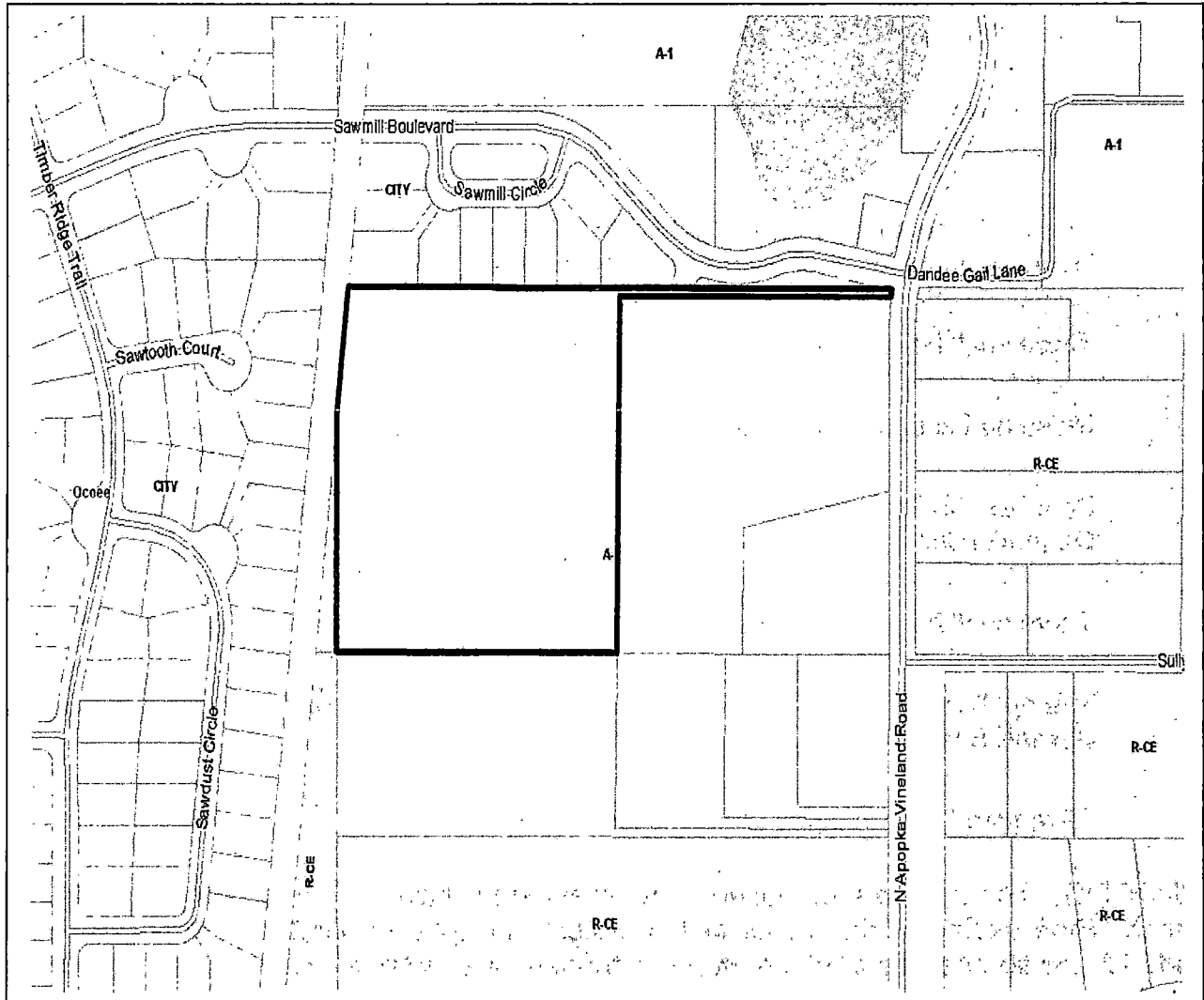
Staff stated that the City of Ocoee had issues with access via Sawmill Blvd. Staff recommended approval as the use is compatible with the area and it is the applicant's responsibility to get legal access to the property.

The applicant spoke and discussed changes to conditions of approval #5 and #6, regarding removal of waste and hours of operation. The applicant's engineer stated they were in communication with the City of Ocoee regarding the access.

Two (2) neighbors spoke in opposition of the application at the hearing. They raised concerns regarding crime, noise, commercial traffic in a residential area, environmental consequences, and suggested moving the location of the warehouse.

No one spoke in favor of the application at the hearing.

The BZA had discussions regarding the location of the proposed business and buffering against the residences to the south. The BZA discussed the hours and days of operation. The Board approved the application stating that it met the Special Exception criteria.



Applicant: Lake Conway Landscaping of Orlando, Inc.

BZA Number: SE-18-01-145

BZA Date: 02/01/2018

District: 2

Sec/Twn/Rge: 03-22-28-NE-A

Tract Size: 660 ft. x 660 ft.

Address: 4954 North Apopka Vineland Road, Orlando FL 32818

Location: West of N. Apopka Vineland Rd., north of Hackney Prairie Rd.



CivilCorp Engineering, Inc.
630 N Wymore Rd, Ste 310
Maitland, FL 32751
Certificate of Authorization No. 29390
407-516-0437

November 8, 2017

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

Re: Lake Conway Landscaping of Orlando, Inc. – Special Exception Request
4954 North Apopka-Vineland Rd, Orlando, FL

Mr Relvini:

Attached please find the Special Exception Application and documents for Lake Conway Landscaping of Orlando, Inc.

Lake Conway Landscaping of Orlando, Inc. has recently purchased the property at 4954 North Apopka-Vineland Rd (Parcel No. 03-22-28-00000-00-081) to use for their landscaping business. The property is currently zoned A-1 and Landscaping and irrigation business, lawn care, tree service uses are allowed with a Special Exception. The landscaping business will consist of approximately 30 employees and will utilize the majority of the land to grow trees for their business. The owner intends to convert the existing 5,735 SF residential structure to their offices.

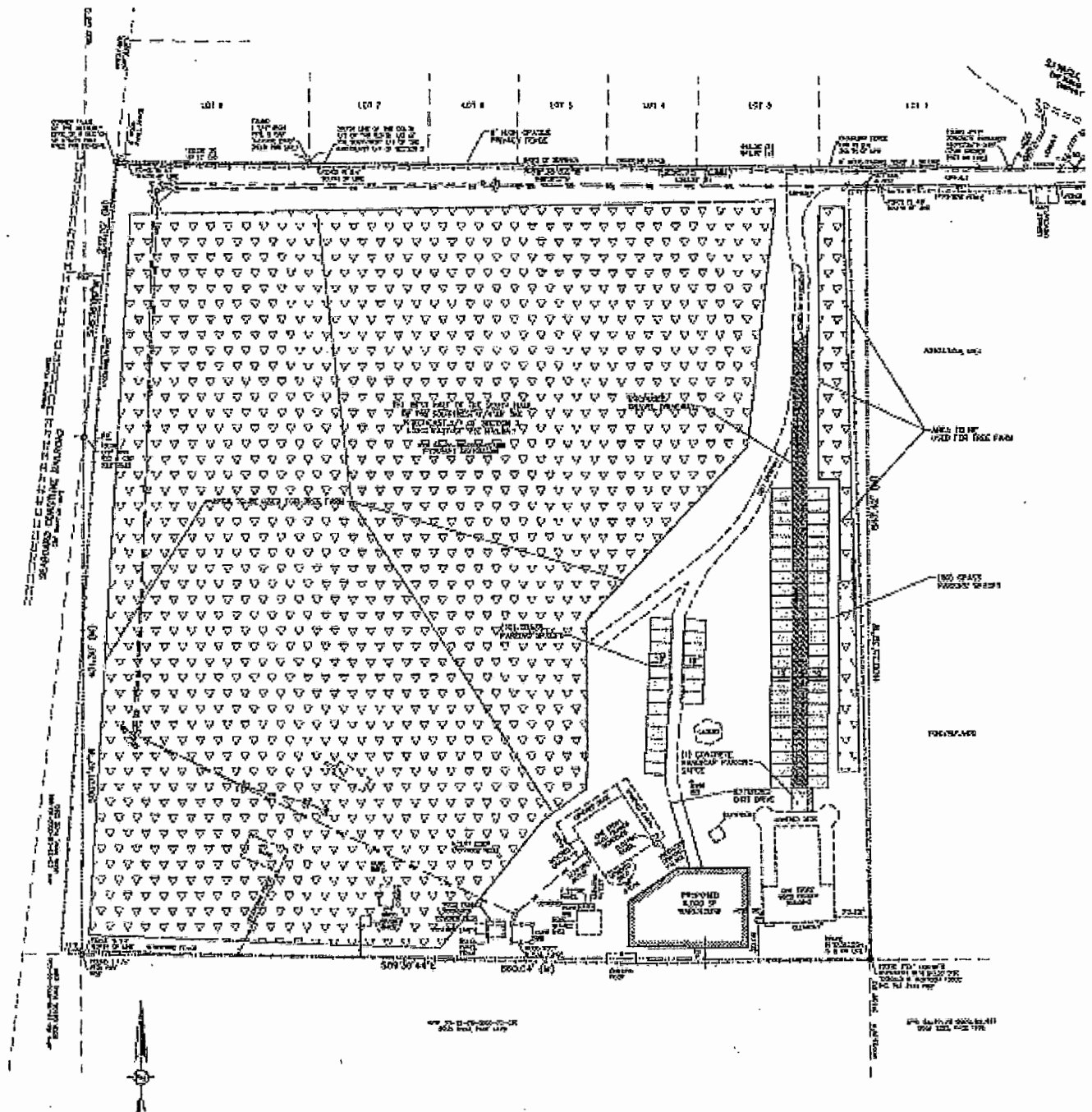
Because the owner intends to utilize the majority of the 10.13 acres to grow trees for their business, this will act as a natural buffer from the neighboring single family homes and will blend in with the intent of the A-1 Zoning District.

Should you have any questions or comments, please give me a call.

Sincerely,
CivilCorp Engineering, Inc.

A handwritten signature in black ink, appearing to read "Stephen Allen".

Stephen Allen, PE #59994
President





STAFF REPORT
CASE #SE-18-01-145
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
February 1, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Lake Conway Landscaping of Orlando, Inc.

HEARING TYPE: Board of Zoning Adjustment

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

1) Special Exception to operate a landscaping business and tree farm.

2) Variance to allow unpaved parking spaces in lieu of paved.

(Applicant is proposing to construct a 6,000 sq. ft. warehouse building on the site.)

LOCATION: West of N. Apopka Vineland Rd., north of Hackney Prairie Rd.

PROPERTY ADDRESS: 4954 North Apopka Vineland Rd.

PARCEL ID: 03-22-28-0000-00-081

PUBLIC NOTIFICATION: 157

TRACT SIZE: 660 ft. x 660 ft. (10 acres)

DISTRICT #: 2

ZONING: A-1 (Citrus Rural District)

EXISTING USE(S): Vacant Residential

PROPOSED USE(S): Landscaping Business and plant nursery

SURROUNDING USES: N – Single family homes
S – Single family home
E – Farm
W – Railroad/Single family homes

STAFF FINDINGS AND ANALYSIS:

1. A Community Meeting was held on December 14, 2017, for this project and approximately fifteen (15) neighbors were in attendance. The residents expressed concerns regarding access, flooding, crime, potential environmental affects, buffering, and noise impacts.
2. The property is currently accessed through Sawmill Boulevard which is a right-of-way in the City of Ocoee. The city has expressed concerns with a commercial business using a residential street for their access.
3. The property has a fifteen (15) wide strip of land which provides direct access to North Apopka Vineland Road. Staff cannot support this being the only access to the property as this is an unmaintained path and is located approximately five (5) feet away from the Sawmill Blvd. curb cut.
4. The applicant proposes to use the southeast corner of the property for the landscaping business as this portion is located furthest away from the single family development to the north.
5. A commercial plant nursery is a permitted use outright in the zoning district; however, a Special Exception is required for the landscaping business.
6. No mulching or chipping is proposed on site.
7. The applicant has proposed a six (6) foot high vinyl fence along the north property line abutting the residential development.
8. The property abuts a railroad to the west and an agricultural business to the east.
9. The applicant has stated there will be no semi-trucks used in conjunction with this business.
10. Staff recommends approval based on the following:
 - a) This is an agricultural type use and compatible with the surrounding area.
 - b) The area facing the single family development will be buffered by the tree farm, and this application is meeting the landscape buffer yard requirements.
 - c) The use meets the performance standards in the zoning district and will not be a detrimental intrusion.
 - d) The use is consistent with Comprehensive Policy Plan.
 - e) The use with the conditions proposed shall be similar in noise, dust, odor and other characteristics typically associated with other uses permitted in the agricultural zoning districts.

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.
4. The use of a grinder and chipper shall be prohibited.
5. All materials brought onto the site by the landscape company shall be removed by the end of the business day. No raw plant materials such as limbs, palm fronds, trunks or stumps can be stored overnight.
6. Hours of operation shall be limited to 6:00 a.m. to 6:30 p.m., Monday through Friday.
7. There shall be no vehicle maintenance conducted on site.
8. Noise and sound shall be regulated by Chapter 15, Orange County Code.
9. Prior to the issuance of permits the applicant shall complete a Conservation Area Determination.
10. There shall be no semi-trailer trucks allowed in conjunction with this operation.

11. The applicant shall coordinate with the City of Ocoee regarding the ingress and egress via Sawmill Blvd.

cc: Kevin Carmean, 1227 28th Street, Orlando, FL 32805
Stephen Allen, 465 Maitland Avenue, Altamonte Springs, FL 32701