



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

**APRIL 5, 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-I.....	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  
APRIL 5, 2018**

<b><u>PUBLIC HEARING</u></b>	<b><u>APPLICANT</u></b>	<b><u>DISTRICT</u></b>	<b><u>BZA Recommendations</u></b>	<b><u>PAGE #</u></b>
VA-18-03-172	Lui Ping Ng	5	Approved w/Conditions	1
VA-18-04-025	Grace Grant	3	Approved w/Conditions	10
VA-18-04-018	William Honnen	1	Request #1, Denied Request #2, Approved w/Conditions	19
SE-18-04-019	Sumate Vorasiangsuk	5	Approved w/Conditions	28
VA-18-04-027	Brittainy Skipper for Hosanna Building Contractors	3	Denied	43
VA-18-04-020	Homes In Partnership	1	Approved w/Conditions	51
VA-18-04-021	Homes In Partnership	1	Approved w/Conditions	60
VA-18-04-022	Luis Barragan	2	Approved w/Conditions	69
VA-18-04-023	Radway Littlejohn	5	Approved w/Conditions	79
VA-18-04-024	Gary Beverly	5	Approved w/Conditions	89
VA-18-04-026	Zoraida Sanchez	3	Denied	98
VA-18-04-029	Bryan Stewart	3	Approved w/Conditions	106
VA-18-02-169	Michael Pritchett for Premier Exhibition	6	Approved w/Conditions	114
SE-18-03-008	Eco-Site Inc.	4	Approved w/Conditions	124



**REQUEST:** **Variances** in the A-2 zoning district as follows:  
1) To permit an existing residence to remain on a lot with .25 acres of land in lieu of .5 acres.  
2) To allow a covered porch addition to the front of the house with a front (east) setback of 31 ft. in lieu of 35 ft.  
3) To allow an existing shed to remain with a side (north) setback of 4.5 ft. in lieu of 5 ft.

**ADDRESS:** 2916 Cleburne Road, Orlando FL 32817

**LOCATION:** West side of Cleburne Rd., approximately 275 ft. south of Buck Rd.

**S-T-R:** 08-22-31

**TRACT SIZE:** 110 ft. x 100 ft.

**DISTRICT#:** 5

**LEGAL:** THE S 110 FT OF W 130 FT OF E 770 FT OF N 400 FT OF NW1/4 OF SE1/4 (LESS E 30 FT FOR RD RW) OF SEC 08-22-31

**PARCEL ID:** 08-22-31-0000-00-106

**NO. OF NOTICES:** 47

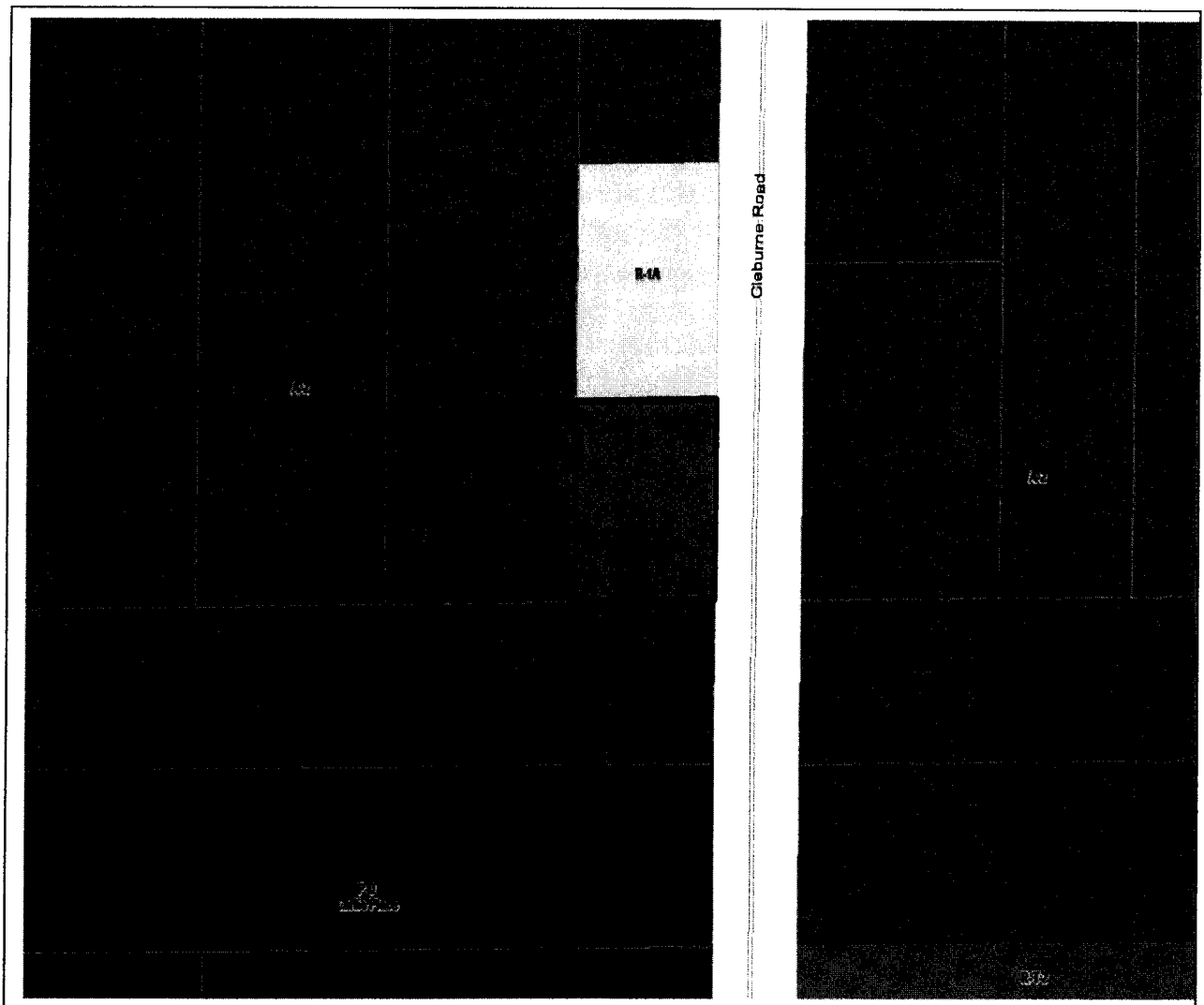
**DECISION: APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated December 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 porch shall be finished with a color consistent or compatible with that of the home, and the roof material shall match that of the home.

**SYNOPSIS:** Staff explained that the property was substandard in land area and is only 100 feet deep. A variance had been granted in the past to allow a reduction to the rear setback to allow the house to be built. The applicant wishes to build the porch so that the residents of the home can enter and exit out of the elements. Staff found that given the plain nature of the home, the porch will actually provide some interest to the appearance of the home. It was further noted that the shed had been properly permitted, it was just placed one-half (1/2) feet to close to the property line by a previous owner. Staff noted that it had received no correspondence for or against the application.

The applicant noted that they would like the porch for their tenants. There being no one in attendance to speak for or against the request, the public hearing was closed.

The BZA found that the size of the lot, and the location of the home posed a special condition, the variances were not self-imposed, the requested variances were the least amount needed, and that the approval would not impair the integrity of the Zoning Code. A motion to recommend approval was unanimously approved.



**Applicant:** LUI PING NG

**BZA Number:** VA-18-03-172

**BZA Date:** 04/05/2018

**District:** 5

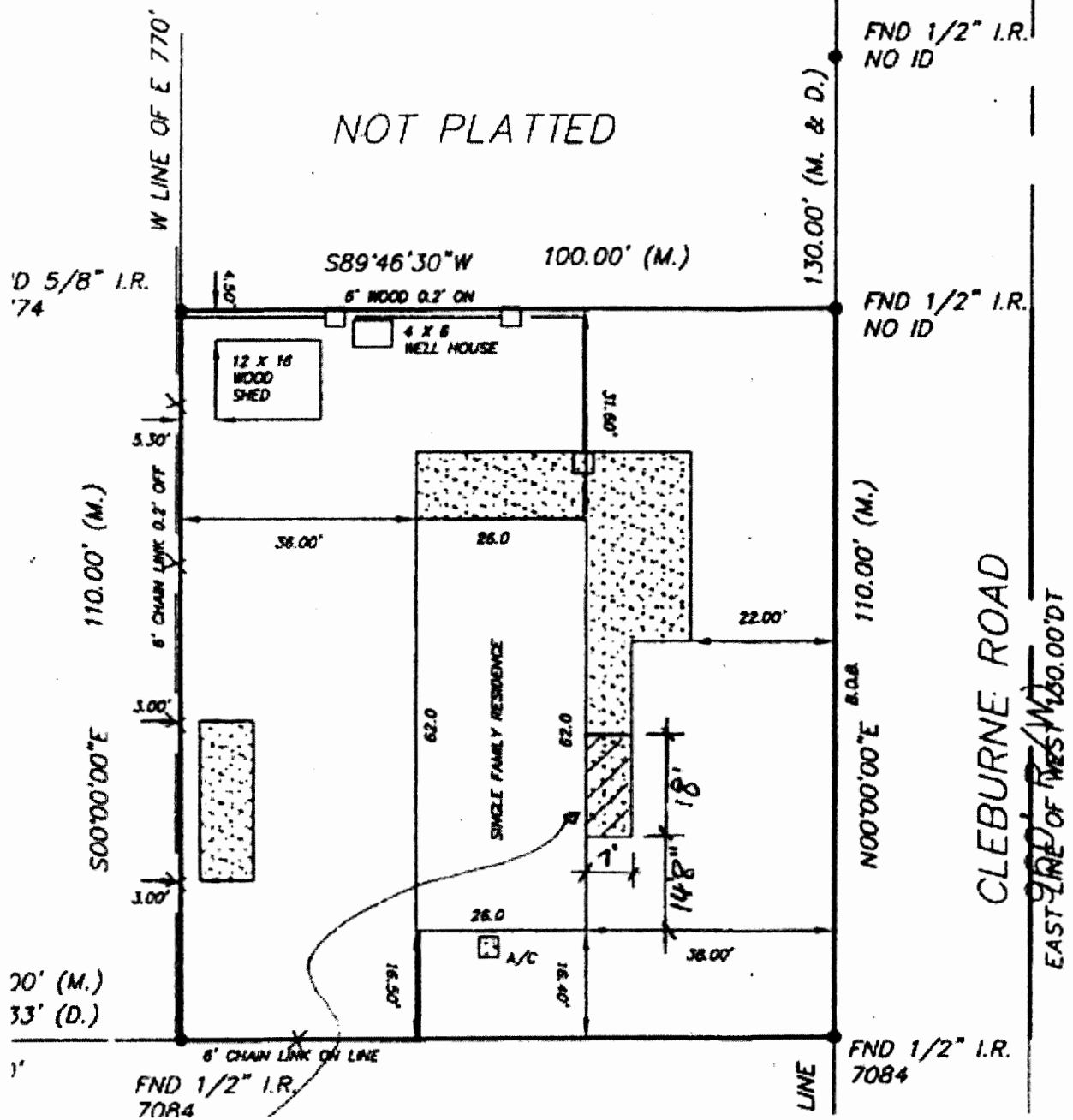
**Sec/Twn/Rge:** 08-22-31-SE-D

**Tract Size:** 110 ft. x 100 ft.

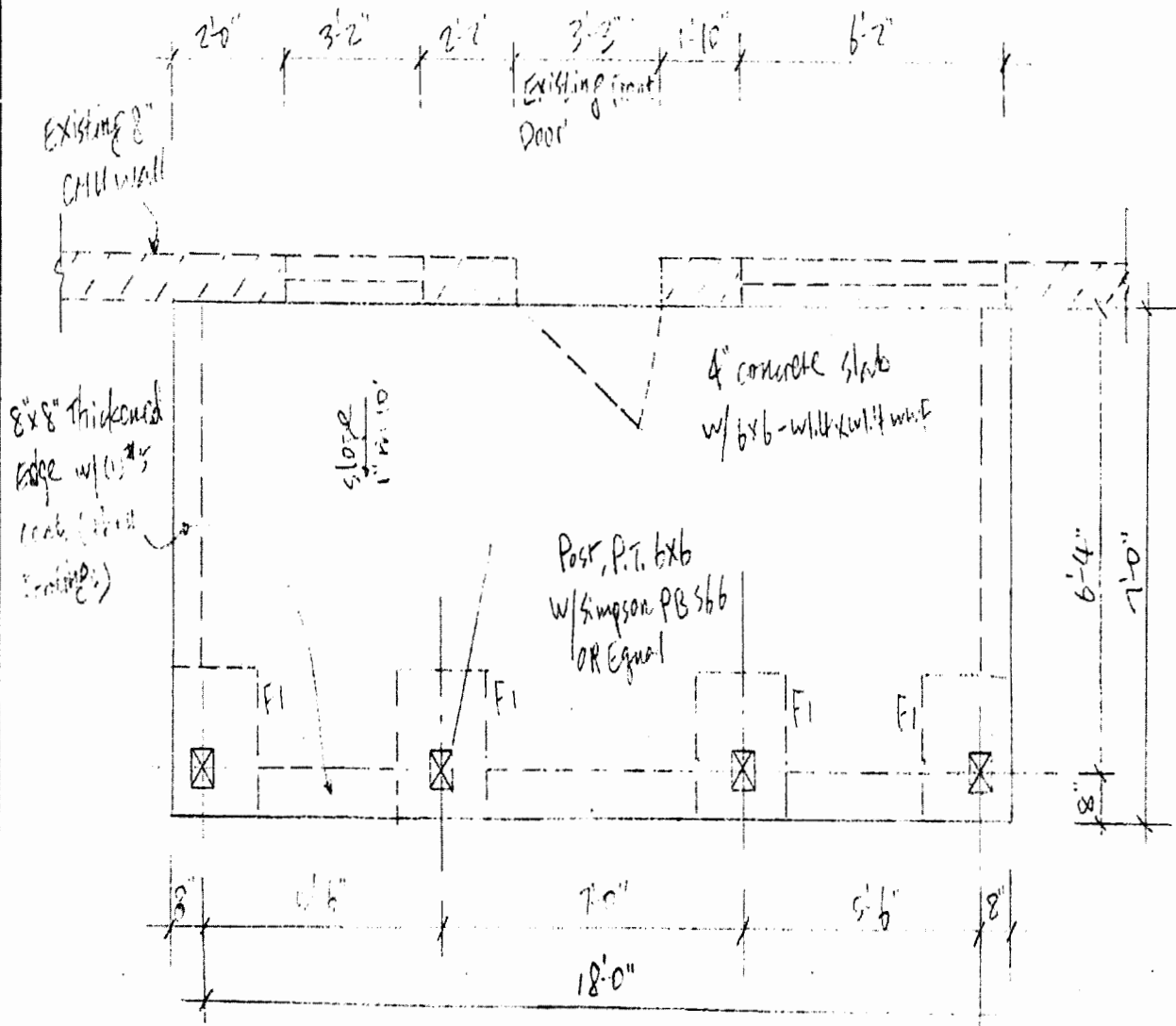
**Address:** 2916 Cleburne Road, Orlando FL 32817

**Location:** West side of Cleburne Rd., approximately 275 ft. south of Buck Rd.

The owner of 2916 Cleburne Rd. would like to construct a front porch to allow the occupants of the residence to be protected from the elements when entering or leaving the home. The porch is proposed to be seven feet deep by 18 ft. wide to provide an improved look to the house and a usable front sitting area. To construct the porch as they would like, they will require a variance of 4 ft. to the front setback. This the least that is needed in order for the porch to be deep enough to be useful. There are no sidewalks on the street, therefore, the encroachment will not be obvious.



F1: Concrete footing 2'0" x 2'0" x 16" Depth  
 w/ (3) #6 Rebars, centering  
 @ bottom, typical



XZ  
 12-27-77

Foundation Plan





STAFF REPORT  
CASE #: VA-18-03-172  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 5

GENERAL INFORMATION:

APPLICANT: LUI PING NG

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

- 1) To permit an existing residence to remain on a lot with .25 acres of land in lieu of .5 acres.
- 2) To allow a covered porch addition to the front of the house with a front (east) setback of 31 ft. in lieu of 35 ft.
- 3) To allow an existing shed to remain with a side (north) setback of 4.5 ft. in lieu of 5 ft.

Note: A variance was granted May 5, 1989 (#37) to allow a rear setback of 35 ft.

LOCATION: West side of Cleburne Rd., approximately 275 ft. south of Buck Rd.

PROPERTY ADDRESS: 2916 Cleburne Rd., Orlando, FL 32817

PARCEL ID: 08-22-31-0000-00-106

PUBLIC NOTIFICATION: 47

TRACT SIZE: 110 ft. x 100 ft.

DISTRICT #: 5

ZONING: A-2

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Covered front porch

SURROUNDING USES: N - Single Family Residence

S - Single Family Residence

E - Single Family Residence

W -Single Family Residence

## STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned A-2 (Farmland Rural). This zoning is generally an agricultural district which permits agricultural operations, but also permits residential in the form of single family residential on a minimum of 1/2 acre (dependent on Future Land Use designation), or mobile homes on lots or parcels which are a minimum of two (2) acres in size. The property to the east, south, and west is also in the A-2 district. To the north, the property is zoned R-1A, which permits single-family detached residences on lots with a minimum of 7,500 sq. ft. of lot area. However, that lot size is dependent on other factors such as the presence or absence of public water and/or wastewater. The absence of one or both will result in larger lots to accommodate on-site systems.
2. The owner of the subject property wishes to construct a front porch to allow the residents of the home protection from the elements while entering and exiting the home.
3. The lot is substandard in area, and only measures 100 feet in depth. A variance was granted to the rear setback in 1989, to allow a 35-foot setback in lieu of 50 feet. The home was constructed with a thirty-six (36) foot setback. The owner did not create the lot, nor construct the home; therefore, this request is not self-imposed.
4. The requested setback of thirty-one (31) feet equates to a variance of eleven percent (11%) which is minimal, and within the range of prior variances approved by the BZA. This is the least amount of variance needed.
5. The shallow depth of the subject property when combined with the setbacks required by this zoning district pose a hardship to providing any type of improvements to the subject property. The required setbacks are 35 ft. in the front, 50 ft. in the rear and 10 ft. on the sides.
6. The front of the existing residence is very plain, and the addition of a functional front porch would actually enhance the aesthetic appearance of the home.
7. The shed was properly permitted in 1994 through Permit #B94019700, however it was installed one-half (1/2) foot too close to the side property line. Therefore, the request was not self-imposed and constitutes the least amount of variance required.
8. As of the drafting of this report, staff has not received any correspondence regarding this application.

Staff finds that the following apply to the subject property:

- The property is substandard in size with respect to acreage and depth. This is a special circumstance specific to this property.
- The applicant purchased the property "as is." As such, they did not create the lot in its current configuration, nor did they install the shed in its current location. This is not a self-created hardship.

- The granting of this variance will not confer special privileges upon the applicant, it will simply permit the applicant to make improvements to the property which others in the same zoning district have the right to do.
- Without the variance, the applicant would not be permitted to make improvements to the property others in the same zoning district are allowed to make.
- The variance is not excessive, only enough to create a functional front porch. As such, this is the minimum variance necessary.
- Granting the variance will be in harmony with the purpose and intent of the Zoning Code.

**STAFF RECOMMENDATION:**

Based on the above findings, staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan and floor plan dated December 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 porch shall be finished with a color consistent or compatible with that of the home, and the roof material shall match that of the home.

c: Gorvy Ng  
844 Bristol Forest Way  
Orlando, Florida 32828

**GRACE GRANT  
VA-18-04-025**

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**REQUEST:** **Variances** in the IND-1/IND-5 zoning district to allow a pole sign as follows:  
1) To allow a maximum height of 50 ft. in lieu of 30 ft.  
2) To allow a maximum copy area of 208 sq. ft. in lieu of 95 sq. ft.

**ADDRESS:** 8076 South Orange Avenue, Orlando FL 32809

**LOCATION:** Northwest corner of E. Sand Lake Rd. and S. Orange Ave.

**S-T-R:** 25-23-29

**TRACT SIZE:** 190 ft. x 247 ft. (AVG)

**DISTRICT#:** 3

**LEGAL:** FROM SW COR OF NE1/4 RUN N89-57-44E 286.14 FT TH S00-27-44W 2192.24 FT TH S89-23-16E 601.5 FT FOR A POB TH S00-27-44W 187.84 FT TH S89-32-16E 277.23 FT TH NWLY ALON W R/W LINE OF SR 527 ON A 2914.93 FT RAD CURV TO LEFT 190.27 FT TH N89-32-16W 247.13 FT TO

**PARCEL ID:** 25-23-29-0000-00-016

**NO. OF NOTICES:** 77

**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 as amended (4 in favor and 3 opposed):

1. Development in accordance with the site plan and sign elevations dated February 14, 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.

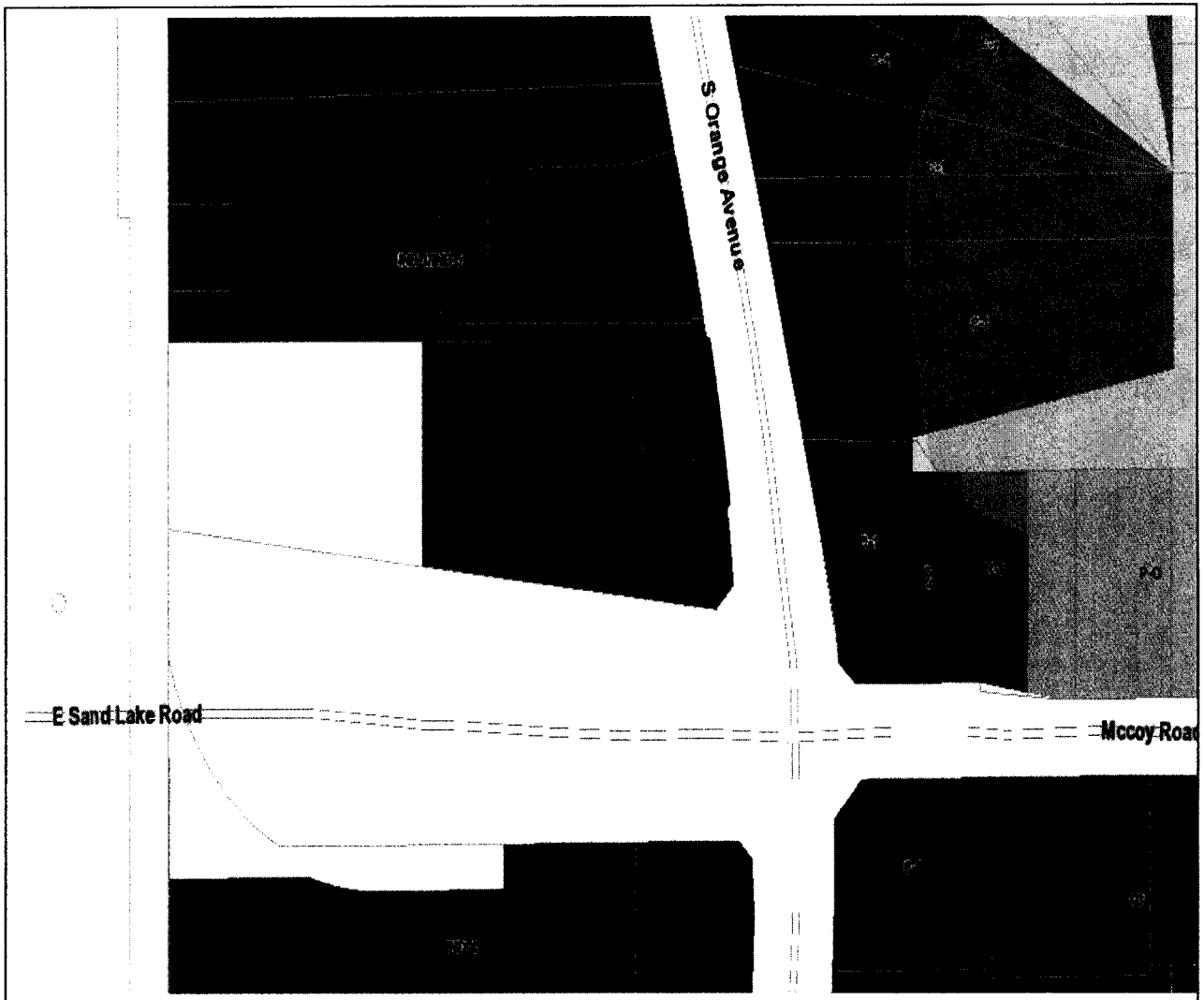
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain a permit for the sign within 180 days of final approval or this approval becomes null and void.

**SYNOPSIS:** Staff presented the case, showed site photos of the existing sign, and explained the need for the variances. The pole sign has existed since 1982, and was damaged in the recent hurricane. The sign is non-conforming and required a variance as the applicant would like to replace the cabinet. Staff recommended to deny the variances as the pole sign is out of character and does not meet the county's vision for the area.

The applicant presented their case and stated that they would simply want to keep the sign they have on-site. They also stated the sign is needed to attract customers.

The BZA discussed the options that the applicant had. If they wanted to just replace the sign face, a variance would not be required per code. The variance is required because the applicant would like to completely replace the cabinet and update the sign.

The BZA recommended approval as they believed the applicant suffered a hardship from the hurricane, other restaurants had similar signs, and could simply replace the panel without a variance. They felt approval of the variance allowed the applicant to upgrade the sign and keep the same size. The variances were approved on a 4-3 vote.



**Applicant:** GRACE GRANT

**BZA Number:** VA-18-04-025

**BZA Date:** 04/05/2018

**District:** 3

**Sec/Twn/Rge:** 25-23-29-SE-D

**Tract Size:** 190 ft. x 247 ft. (AVG)

**Address:** 8076 S Orange Avenue, Orlando FL 32809

**Location:** Northwest corner of E. Sand Lake Rd. and S. Orange Ave.

## *Dynamic Aspects, Inc.*

"Getting you noticed from every aspect."

Denny's #7954  
8076 S. Orange Ave.  
Orlando FL

We are requesting this variance to maintain an existing (freestanding) pylon sign which has been damaged by hurricane Irma in 2017. The particulars of the existing signage are as follows:

- The existing freestanding signage on premises is currently 50 ft elevated.
- Steel pole
- Steel cabinet-internally illuminated
- Faces sizes are 208 sq ft- backlit Panaflex material

The cabinet has been damaged due to hurricane Irma and we are proposing:

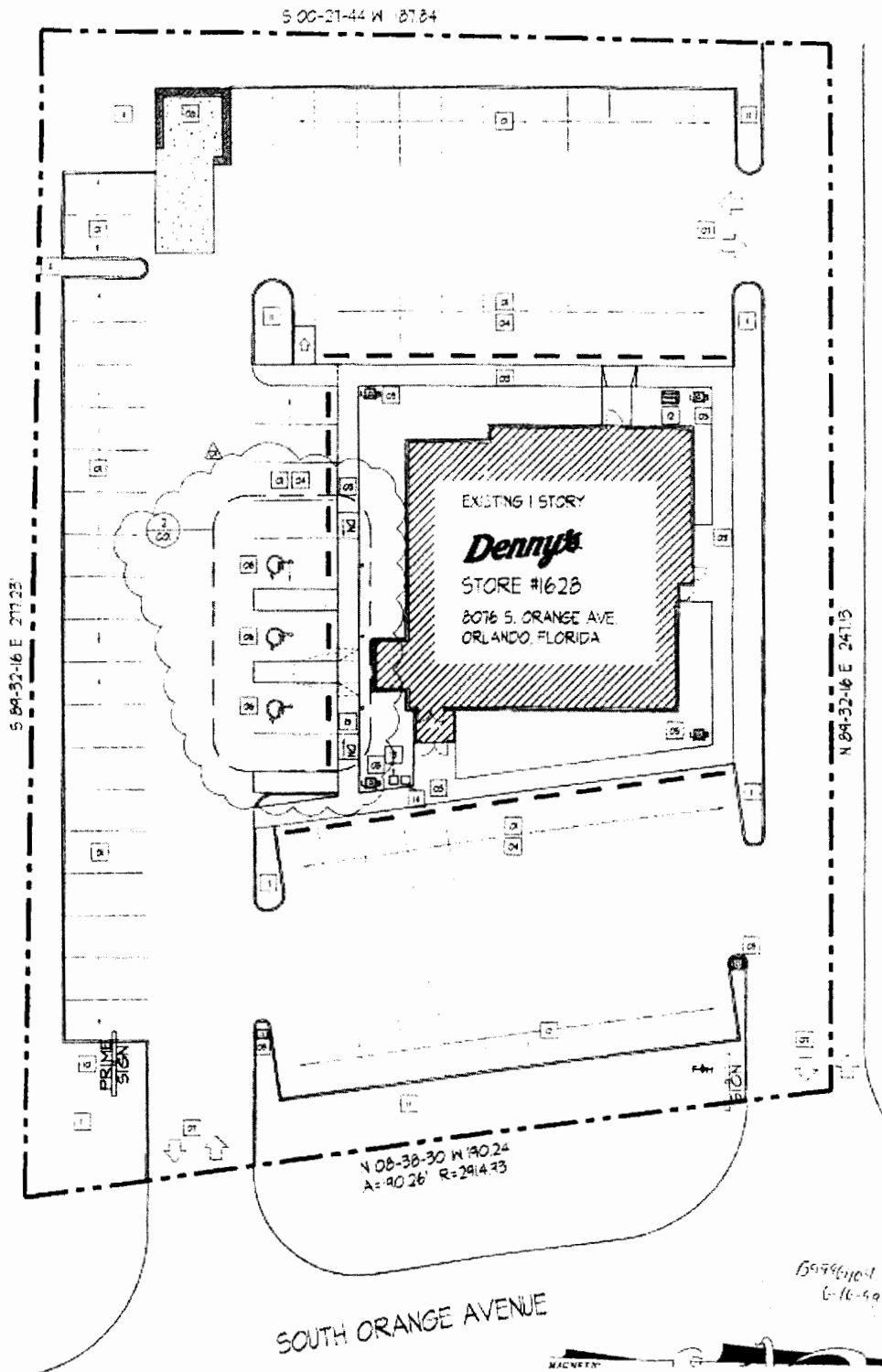
We are proposing:

- Utilizing the existing steel pole
- Manufacturing a new cabinet of the same square footage (208 sq. ft.)- Aluminum construction
- New faces- (of the same material which was existing) Full color printed Panaflex

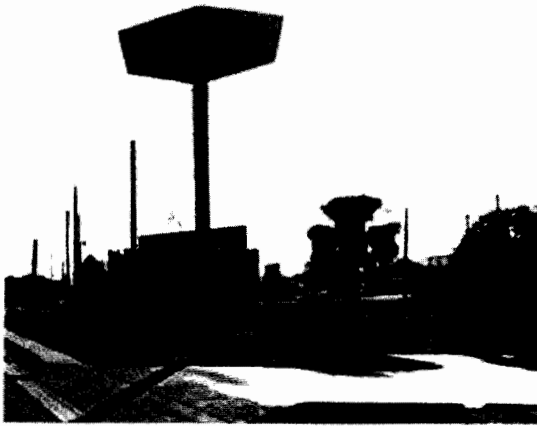
The existing pole currently is 10 ft set back from the public right of way (property line).

The current codes dictates that the all NEW signage be:

- 30 ft max height
- 10 ft set back
- 95 max sq. footage of copy area

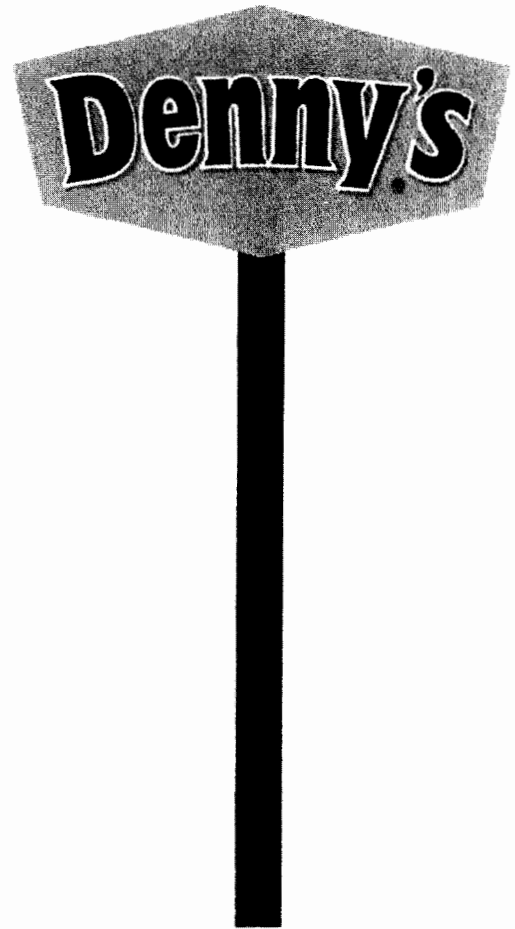
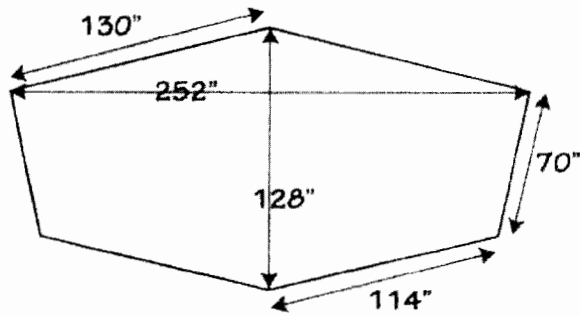






**Project Specs**

- replace existing doublesided cabinet
- manufacture and install 1 new doublesided cabinet with 2 new faces (full color print, panaflex)





STAFF REPORT  
CASE #: VA-18-04-025  
Orange County Zoning Division  
Planner: Sean Bailey  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: GRACE GRANT

REQUEST: Variances in the IND-1/IND-5 zoning district to allow a pole sign as follows:

1) To allow a maximum height of 50 ft. in lieu of 30 ft.  
2) To allow a maximum copy area of 208 sq. ft. in lieu of 95 sq. ft.

LOCATION: Northwest corner of E. Sand Lake Rd. and S. Orange Ave.

PROPERTY ADDRESS: 8076 S. Orange Ave.

PARCEL ID: 25-23-29-0000-00-016

PUBLIC NOTIFICATION: 77

TRACT SIZE: 190 ft. x 247 ft. (AVG)

DISTRICT #: 3

ZONING: IND-1/IND-5

EXISTING USE(S): restaurant

PROPOSED USE(S): pole sign

SURROUNDING USES: N - Retail  
S – Stormwater pond  
E – Right-of-way  
W –Stormwater pond

STAFF FINDINGS AND ANALYSIS:

1. This property is located in the IND-1/IND-5 zoning district, which is a light Industrial district that allows warehousing, light manufacturing, and retail uses.

2. The property is located in the Pine Castle District Urban Center near the Sand Lake Sunrail Station. The Planning Division is currently working on code amendments that would apply to this area that will create more pedestrian scaled signage, promote more transit-oriented development, and generally encourage revitalization of the area

3. The building has two (2) wall signs, which total 116 sq. ft. and were pulled under Permit #B99011140. The building is allowed up to 124 sq. ft. of wall signage per code.

4. The pole sign was permitted in 1982 when the restaurant was constructed. The sign is nonconforming and the code (Sect. 38-53) states any nonconforming sign, which is destroyed by any means (including hurricane or storm), shall not be replaced except in compliance with Chapter 31.5.

5. The existing pole sign is fifty (50) feet tall and has 208 sq. ft. of signage. The sign was damaged during Hurricane Irma and the applicant wishes to replace the cabinet.

6. Code allows a thirty (30) foot tall pole sign with ninety-five (95) sq. ft. of copy area based on the 190 linear feet of street frontage.

7. The height variance requested represents a sixty-six percent (66%) variance from code and the square footage proposed is a 118% variance.

8. Zoning recommends denial because the application does not meet any of the Variance Criteria.

- There are not any special conditions or circumstances on this site, and this is self-created as the sign was constructed by the current tenant.
- The applicant is permitted to have a pole sign on this site, therefore they would not be deprived of rights commonly enjoyed by other properties in the same zoning district.
- The request is not the minimal possible variance that would make reasonable use of the land.
- Orange County continues to discourage pole signs and approval of this variance would be contradictory to the county's vision, and will not be in harmony with the purpose and intent of the code.

#### STAFF RECOMMENDATION:

Staff recommends denial of both variances; however if the BZA recommends approval, the following conditions shall apply:

1. Development in accordance with the site plan and sign elevations dated February 14, 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.
- c: Grace Grant  
1490 Kastner Place  
Sanford, Florida 32771

**REQUEST:** **Variances** in the A-2 zoning district as follows:  
1) To allow a mobile home on a lot with .76 acres in lieu of 2 acres.  
2) To allow an existing structure to remain as an accessory structure 24 ft. from the NWHE line in lieu of 50 ft.

**ADDRESS:** 16877 Arrowhead Blvd., Winter Garden FL 34787

**LOCATION:** West of Arrowhead Blvd, north of Irlo Bronson Memorial Hwy

**S-T-R:** 31-24-27

**TRACT SIZE:** 103 ft. x 535 ft. (AVG)

**DISTRICT#:** 1

**LEGAL:** ARROWHEAD LAKES X/12 LOT 19 BLK D

**PARCEL ID:** 31-24-27-0306-04-190

**NO. OF NOTICES:** 51

**DECISION:** **DENIED** the Variance Request **#1**, 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); and further, **APPROVED** the Variance Request **#2**, 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 (6 in favor and 1 opposed):

1. Development in accordance with the site plan dated January 29, 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. 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 existing structure is no closer than 24 feet from the normal high water elevation line of Lake Rexford in lieu of 50 feet.

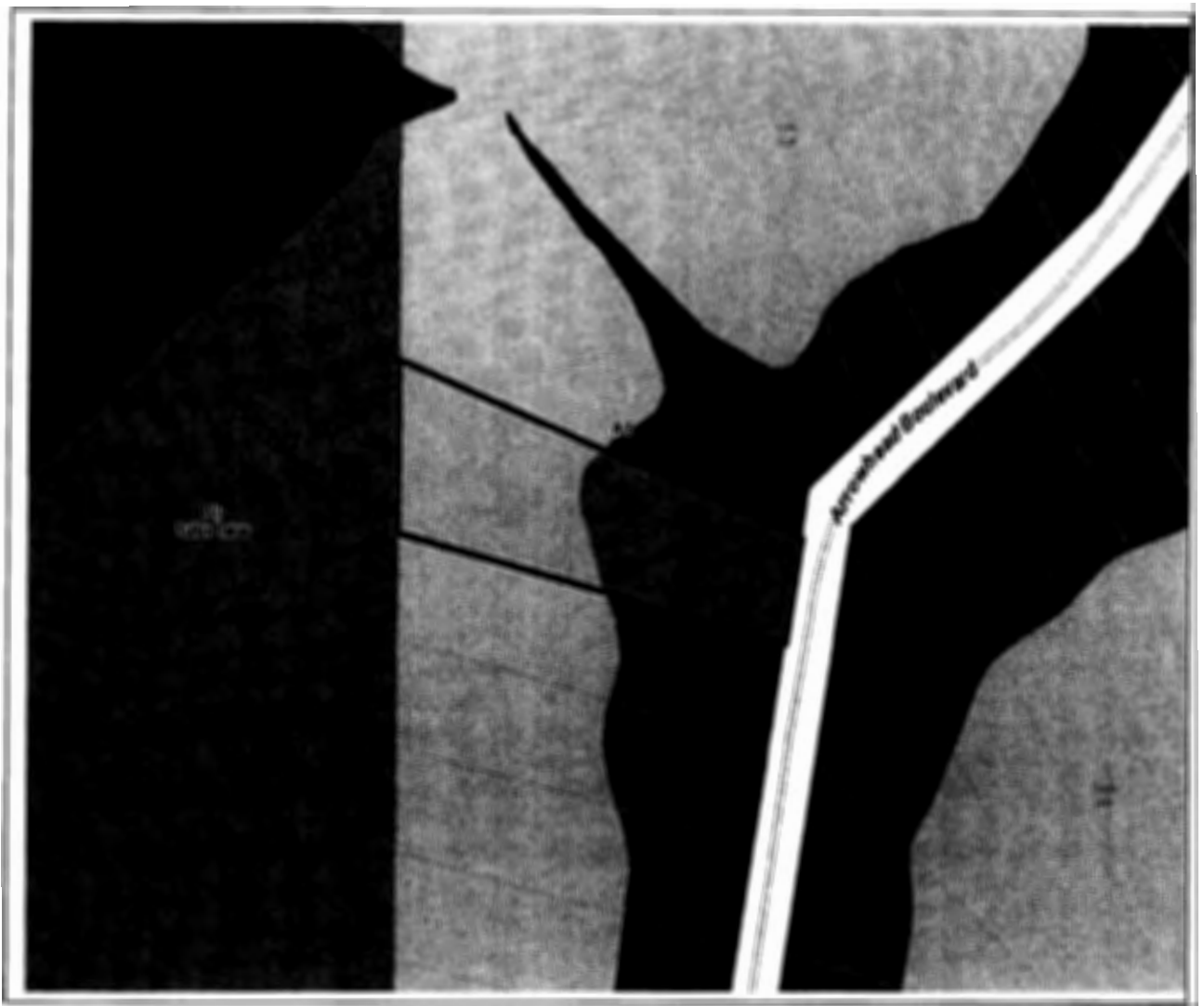
**SYNOPSIS:** Staff presented the case, showed site photos, and explained the variances requested. There is an existing residence on site the applicant would like to keep as a storage building and construct a new mobile home. Staff recommended denial of Variance request #1, as the applicant could construct a modular home or single family home without a variance.

The applicant spoke and explained they wanted to build a mobile home to save money and showed elevations of the proposed structure. The applicant stated the house would look the same as a modular home.

The BZA and staff discussed the difference between a mobile and modular home. The BZA decided that what the applicant proposed was a mobile home because it was delivered on a chassis and was not attached to a foundation.

Two (2) neighbors spoke in opposition of the request. They expressed concerns with new mobile homes in the area, past issues on the property, and how this might affect their property values. No one spoke in favor of the application. Staff received six (6) letters in opposition of the request.

The BZA discussed the variances and decided a new mobile home would not be appropriate and the applicant could construct a modular home. The BZA voted to deny Variance request #1, and approved Variance request #2.



**Applicant:** WILLIAM HONNEN

**BZA Number:** VA-18-04-018

**BZA Date:** 04/05/2018

**District:** 1

**Sec/Twn/Rge:** 32-24-27-SW-C

**Tract Size:** 103 ft. x 535 ft. (AVG)

**Address:** 16877 Arrowhead Blvd., Winter Garden FL 34787

**Location:** West of Arrowhead Blvd, north of Irlo Bronson Memorial Hwy

William A. Honnen  
300 W. Nedro Ave  
Philadelphia PA 19120  
215-341-7749  
[Whonnenw@hotmail.com](mailto:Whonnenw@hotmail.com)

Orange County Zoning Division  
201 South Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando Florida, 32801

Variance request for the property at 16877 Arrowhead Blvd, Winter Garden, Florida 34787

To Whom This May Concern:


Dear Sirs,

I wish to place a manufactured home system on the above listed property. After looking into the idea of a site built home I realized that the cost and the timeline would place my retirement living out of reach financially. I have some reoccurring issues with my spine and knees that are acerbated by the cold weather here. The warmer climate is an asset to me physically as is the lack of stairs. The existing house unfortunately would not meet my needs in the long term and restoration or remodeling of the 1963 home would entail more work and resources than benefit. I wish to maintain the existing structure as a habitable unit until the certificate of occupancy is issued on the new home once it is completed. I would then convert it into a storage or hobby room. I would also request that I be able to maintain the toilet and a small sink in that structure. I have had bladder surgery resulting in more discomfort and sporadic infections than I'd like. A functional facility is more a necessity than a luxury. The proposed location for the new house is approximately 125 feet from the existing structure. A permit has been Issued for a new septic system for the proposed new home and a variance has been obtained to maintain the septic system for the existing structure.

Being a landscape designer and a carpenter, I know what to look for in construction in most instances. I have spent time looking into the manufactured houses and I find that the quality in materials and construction to be as good as any site-built home without a long construction timetable. Another thing that impressed me is the building I have chosen meets or exceeds HUD standards for the area in which I am relocating. I believe that this house will fit well into the property and adjoining community. I also hope that there will be far less disruption to my neighbors as the set up and finish times will be far shorter than a site-built house.

I am working toward relocating as soon as possible, hopefully before the hearing for this variance, but I cannot be sure. I'm involved in the probate of an estate and other legal issues that require my attention in the near future here in Philadelphia. I have full confidence in Ms. Black and I know she will be able to answer any questions you may have on my behalf. I can be reached by phone or email if you find it necessary.

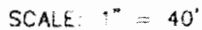
Respectfully yours,



William A. Honnen



PARCEL IDENTIFICATION  
# 31-24-27-0000-00-045  
(d).59'99" M..00.00.00N



OVERALL PARCEL  
CONTAINS 1.6760± ACRES  
73009.4848'± SQUARE FEET

OVERALL UPLAND PARCEL  
FROM (Normal high Water Line)  
CONTAINS 0.763± ACRES  
33247.200'± SQUARE FEET

OVERALL UPLAND PARCEL  
FROM (Wetland Jurisdictional Line)  
CONTAINS 0.700± ACRES  
30473.905'± SQUARE FEET

WITNESS MONUMENT  
FOUND 1 1/2" IRON ROD  
NO IDENTIFICATION  
END OF FENCE IS  
0.1' S. AND 0.5' E.

WITNESS MONUMENT  
FOUND 3/4" IRON PIPE  
NO IDENTIFICATION  
END OF FENCE IS  
0.1' N. AND 49.0' W.

LOT 20  
BLOCK D

LOT 18  
BLOCK D

Proposed mobile home

**RECEIVED**

**By Sean Bailey at 3:47 pm, Jan 29, 2018**

FOUND 1" IRON PIPE  
NO IDENTIFICATION  
FENCE CORNER IS  
0.4' N. AND 0.6' W.

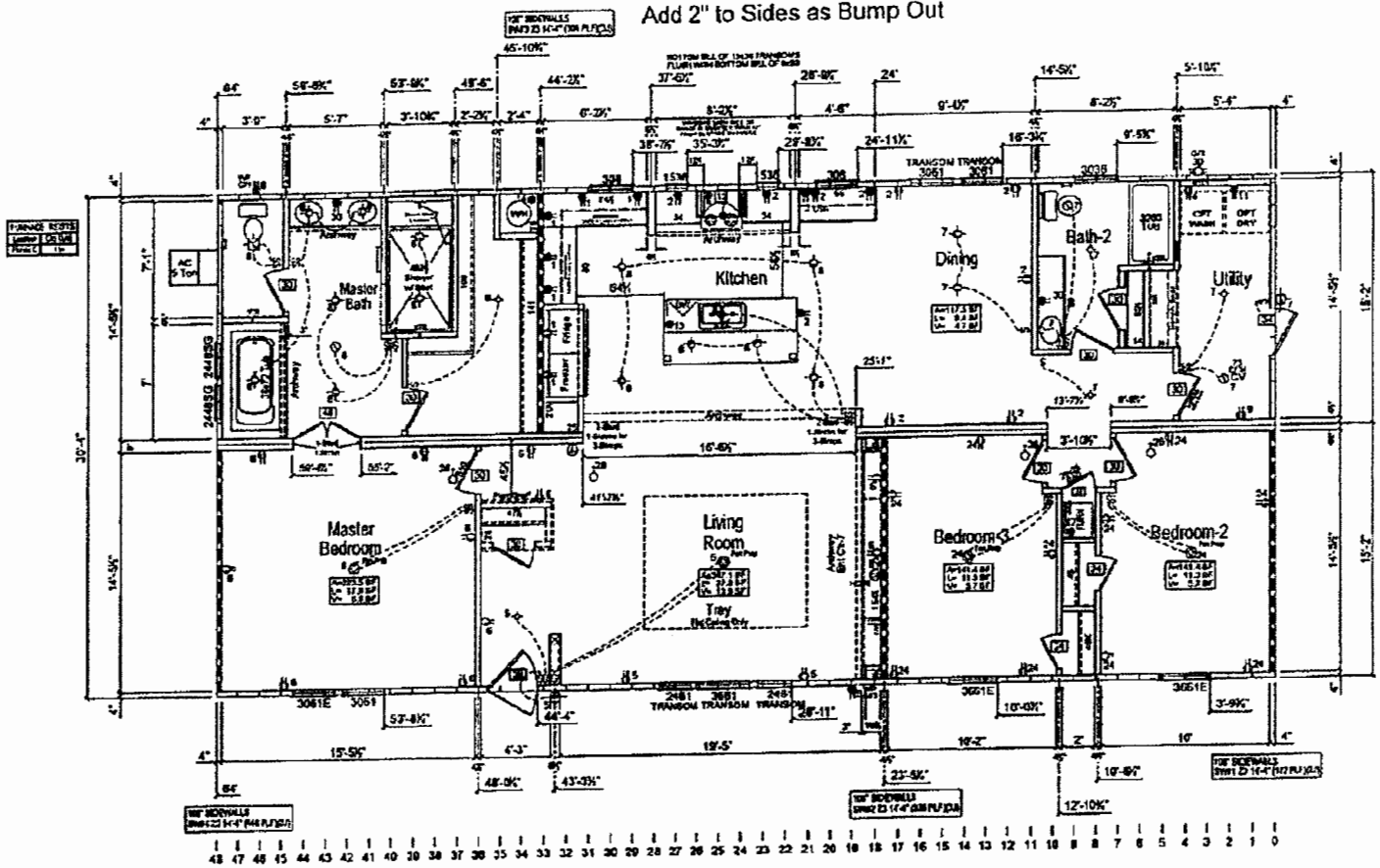
S11°56'30"W 103.15'(P)  
S 11°51'47" W 103.43'(P)

EDGE OF PAVEMENT  
ARROWHEAD BOULEVARD  
60' PLATTED RIGHT OF WAY  
21' ASPHALT ROAD

DRAWING: 14.2065

SURVEY DATE: 10/09/14

2x6 Exterior Walls  
Add 2" to Sides as Bump Out



Floor Plan



STAFF REPORT  
CASE #: VA-18-04-018  
Orange County Zoning Division  
Planner: Sean Bailey  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: WILLIAM HONNEN

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

- 1) To allow a mobile home on a lot with .76 acres in lieu of 2 acres.
- 2) To allow an existing structure to remain as an accessory structure 24 ft. from the NWHE line in lieu of 50 ft.

LOCATION: West of Arrowhead Blvd, north of Irlo Bronson Memorial Hwy

PROPERTY ADDRESS: 16877 Arrowhead Blvd

PARCEL ID: 31-24-27-0306-04-190

PUBLIC NOTIFICATION: 51

TRACT SIZE: 103 ft. x 535 ft. (AVG)

DISTRICT #: 1

ZONING: A-2

EXISTING USE(S): Single family residence

PROPOSED USE(S): Mobile home

SURROUNDING USES:

- N - Single family residence
- S - Single family residence
- E - Single family residence
- W -Lake Rexford

## STAFF FINDINGS AND ANALYSIS:

1. The property is located in the A-2 Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures.
2. The applicant is proposing to place the mobile home on a parcel, which has .76 acres of upland area. Per Orange County Code Section 38-79(4)(a)(1), an A-2 zoned property is required to have a minimum of two (2) acres of upland to allow a mobile home. To build a single family or modular home, 1/2 an acre is required in this zoning district.
3. This area was platted in 1959 as Arrowhead Lakes, and is located in the very southwest corner of Orange County.
4. The area is comprised of mostly single-family homes and a few mobile homes. Two of these mobile homes are on Lake Rexford. One of those mobile homes was built in 1963, and the other was built in 1970. Both of these are non-conforming structures and would not be allowed per today's county code. It appears that very few, if any, of the lots in this subdivision would meet the two (2) acre minimum.
5. There is an existing structure on this lot that was constructed in 1963 that does not meet the minimum living area requirements for the A-2 zoning district, which is 850 sq. ft. The applicant would like to live in this structure until the mobile home is complete. At that time, he would convert the existing structure into a storage room, if successful with this application.
6. The proposed site plan meets all of the development standards besides the minimum lot size. The proposed mobile is 1,920 sq. ft.
7. Staff recommends denial of request # 1 for the following reasons:
  - There are no special conditions or circumstances on this lot, which make it different from any other lot in this area.
  - The variance is self-created as it is proposed new construction on the property.
  - There would be no deprivation of rights as the applicant could construct a single family home or modular home on this property without the need for a variance.
  - Purpose and intent; the area is mostly comprised of single-family homes and new construction of a mobile home would be out of character with the neighborhood.
8. Staff recommends approval of request #2 for the following reasons:
  - The structure has existed since 1963 and would meet the size requirements for an accessory structure, therefore the need for the variance is not self-created.
  - There will be no special conferred as other variances from the NHWE have been granted in the area.
  - The variance will meet the purpose and intent as the structure has been in place for over 50 years.

### STAFF RECOMMENDATION:

Staff recommends denial of request #1 and approval of request #2; however if the BZA recommends approval, the following conditions shall be imposed:

1. Development in accordance with the site plan dated January 29, 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. 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 existing structure is no closer than 24 feet from the Normal High Water Elevation line of Lake Rexford in lieu of 50 feet.
5. A Certificate of Occupancy shall not be issued for the mobile home/single family home until the kitchen facilities have been removed from the existing structure on site.

c: Lynda Black, Applicant's Representative  
36814 Teresa Road  
Dade City, FL 33523

William Honnen, Applicant  
300 W. Nedro Avenue  
Philadelphia, PA 19120

**SUMATE VORASIANGSUK**  
**SE-18-04-019**

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**REQUEST:** **Special Exception and Variances** in the R-1 zoning district as follows:  
1) Special Exception to allow a guesthouse located over a detached garage.  
2) Variance to allow a two-story accessory structure.  
3) Variance to allow an accessory structure with a height of 24 ft. in lieu of 20 ft.

**ADDRESS:** 2128 Brighton Lane, Orlando FL 32817

**LOCATION:** Southwest end of Brighton Lane, approximately 260 ft. south of Eastwood Drive

**S-T-R:** 16-22-31

**TRACT SIZE:** 329 ft. x 300 ft. (2.6 Acres, Approx. 1.6 Acres Wetlands)

**DISTRICT#:** 5

**LEGAL:** EASTWOOD PARK V/46 LOTS 6 & 7

**PARCEL ID:** 16-22-31-2364-00-060

**NO. OF NOTICES:** 106

**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; 7-0):

1. Development in accordance with the site plan dated February 9, 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. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
5. The guesthouse shall never be rented, nor used as a full-time dwelling unit.
6. 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.
7. The exterior of the garage/guest house shall match the exterior of the existing residence with respect to color and materials.
8. The applicant shall provide a paved driving surface from the end of the existing driveway to the garage. This may consist of two strips of pavement with grass in between.
9. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
10. The applicant shall obtain an R.V. storage permit in conjunction with the permits for construction.

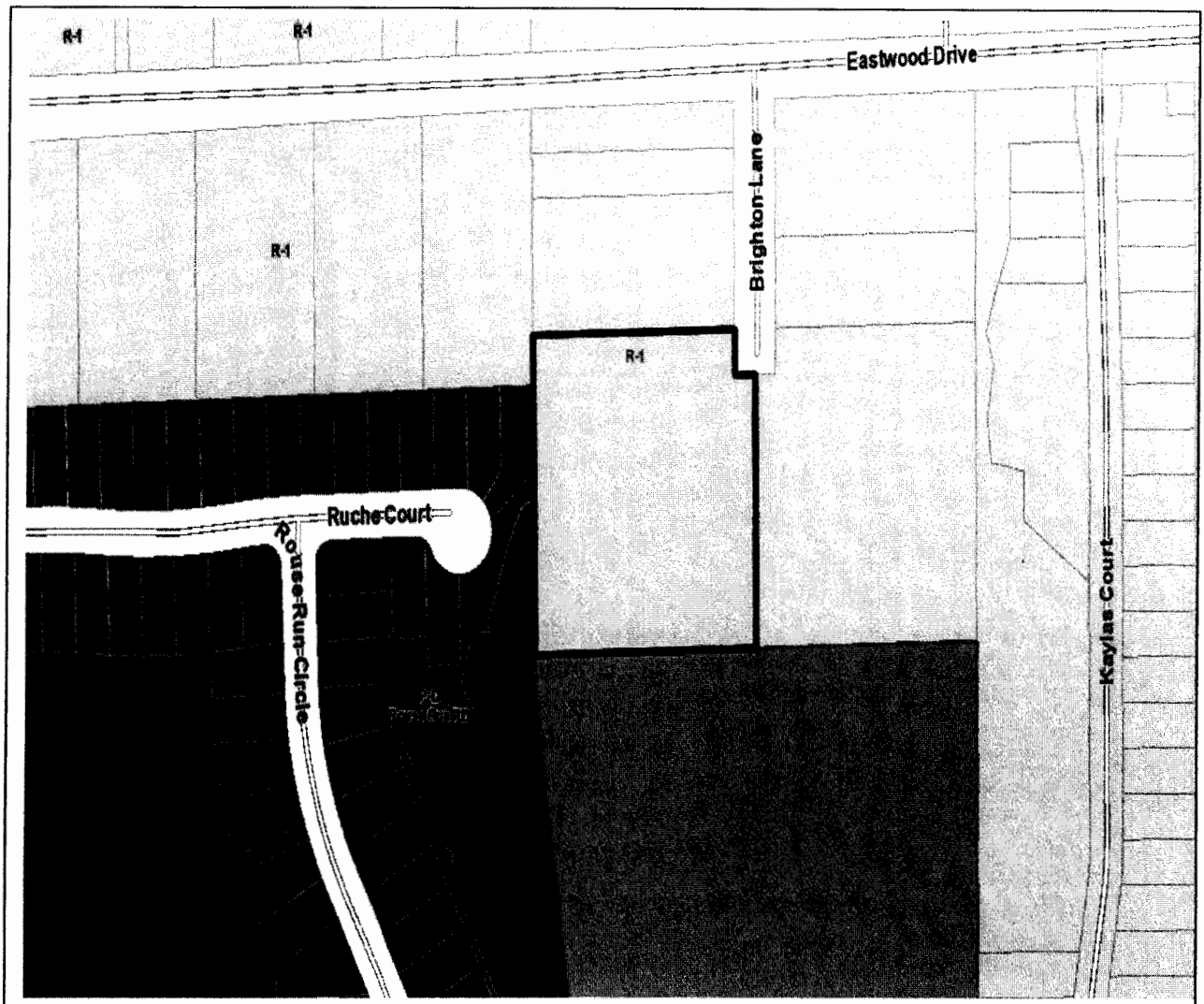
**SYNOPSIS:** Staff explained that a very large portion of the property is comprised of wetlands identified on the survey. The proposed location of the guesthouse is on the south side of the property behind the home. While the applicant was proposing a fifteen (15) foot setback, staff was recommending that the setback be increased to twenty-five (25) feet to preserve the airspace of an adjacent lot. The proposed use will not generate any negative impacts not generated by a typical residence, and in fact will be less intrusive as it cannot be occupied on a full time basis.

The applicant indicated that they were concerned that the garage/guesthouse may begin to encroach on their residence. They requested that it be allowed to remain as proposed or be moved to only twenty (20) feet. There being no one present to speak in favor or opposition of the request, the public hearing was closed.

The BZA asked what the normal setback for a guesthouse is. Staff noted that there is no specific setback called for by the Code. If this were an ADU, the setback from side and rear is ten (10) feet. A setback for a detached accessory structure such as the garage is only five (5) feet. The BZA concluded that the location of the garage/guest house was acceptable as proposed by the applicant, and directed staff to eliminate the

condition requiring that it have a rear setback of twenty-five (25) feet. A motion to recommend approval with the amended conditions passed unanimously.





**Applicant:** SUMATE VORASIANGSUK

**BZA Number:** SE-18-04-019

**BZA Date:** 04/05/2018

**District:** 5

**Sec/Twn/Rge:** 16-22-31-SE-D

**Tract Size:** 329 ft. x 300 ft. (2.6 Acres, Approx. 1.6 Acres Wetlands)

**Address:** 2128 Brighton Lane, Orlando FL 32817

**Location:** Southwest end of Brighton Lane, approximately 260 ft. south of Eastwood Drive

2128 Brighton Lane  
Orlando, FL 32817  
January 22<sup>nd</sup>, 2018

Board of Zoning Adjustment  
Orange County Zoning Division  
201 South Rosalind Ave., 1<sup>st</sup> Floor  
Orlando, FL 32801

To Whom It May Concern,

I am applying for a special exception to build a garage with a 2<sup>nd</sup> story living area to be used as a personal space for my son. (See the application for dimension and plan) My son, Vorarat, is working as a respiratory therapist for Florida Hospital for Children. He works at night and sleep during the day. Because of this his lifestyle schedule is opposite from the rest of everyone - at least for the three or four days that he works. It is inconvenience for us to try to be quite while he is asleep; and vice versa when he is awake and we are sleeping. Currently we are living in a five bed room three bath room home with plenty of space, and the space is not an issue. It is the lifestyle and time usage that are mismatched. With this garage we will be able to provide more storage space for the cars and other miscellaneous items as well as a private space that would allow us to live according to our schedule. He just need a space to sleep and entertain himself without interrupting others; and, thus why we are applying for this exception.

Currently the area which the garage is to be built is part of our yards. There is nothing blocking or obstruct the area at the moment. It will be built within the limits of our property obeying all setbacks and other local regulations as necessary. I believe the garage will suit our needs as it will not affect our neighbors or any other surrounding matter in any way.

Please kindly consider our application and thank you for your time on this matter.

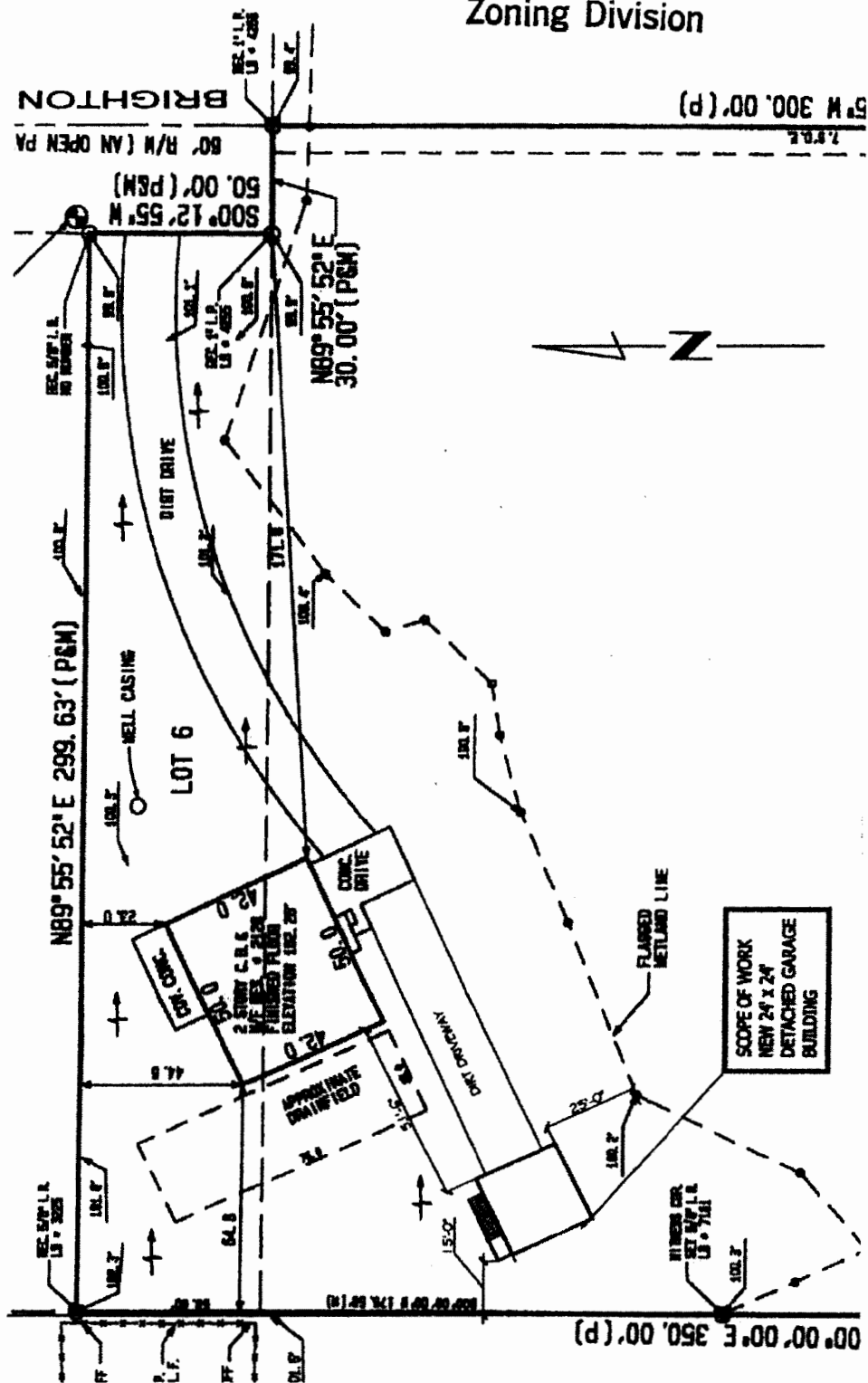
Sincerely Yours,

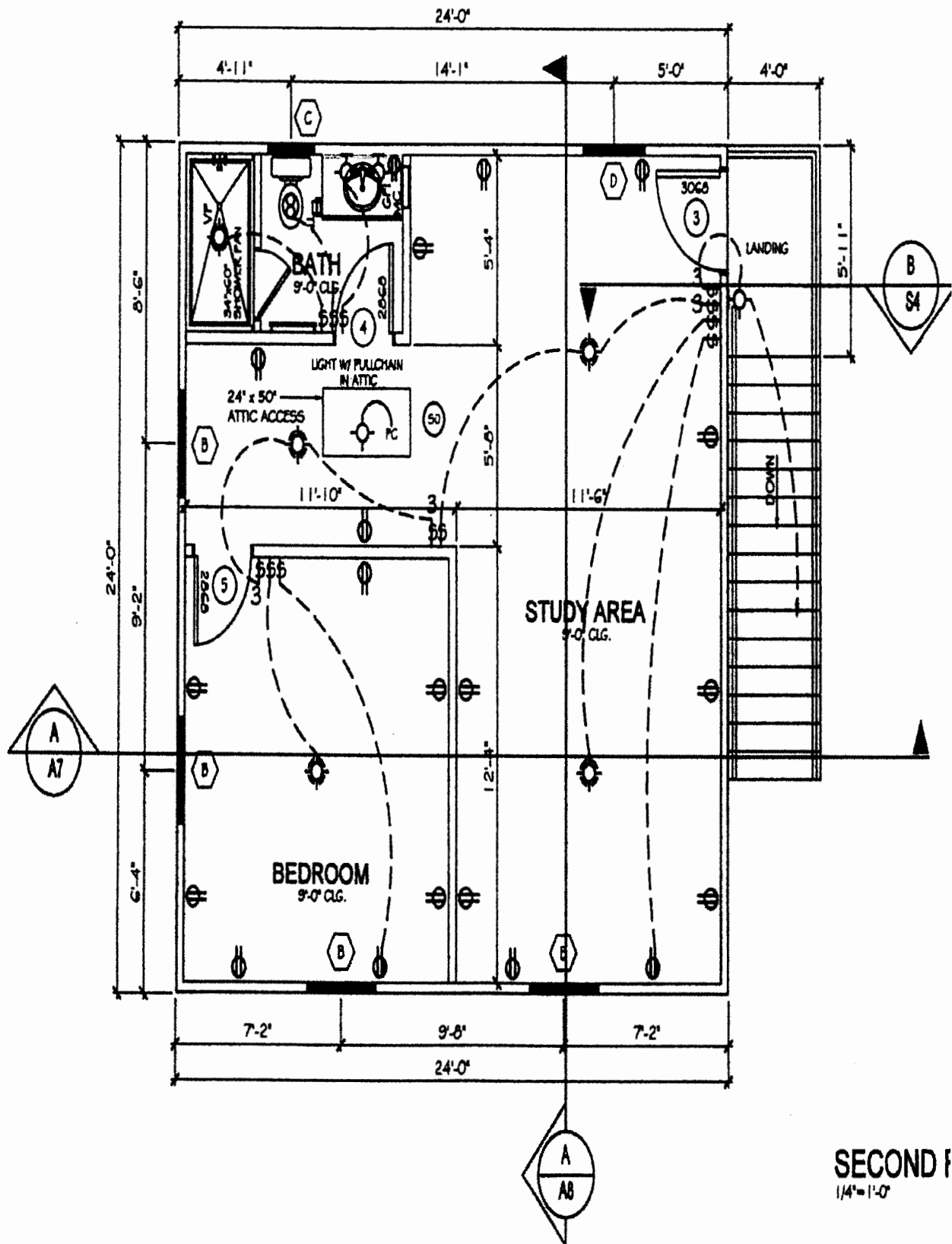


Sumate Vorasiangasuk

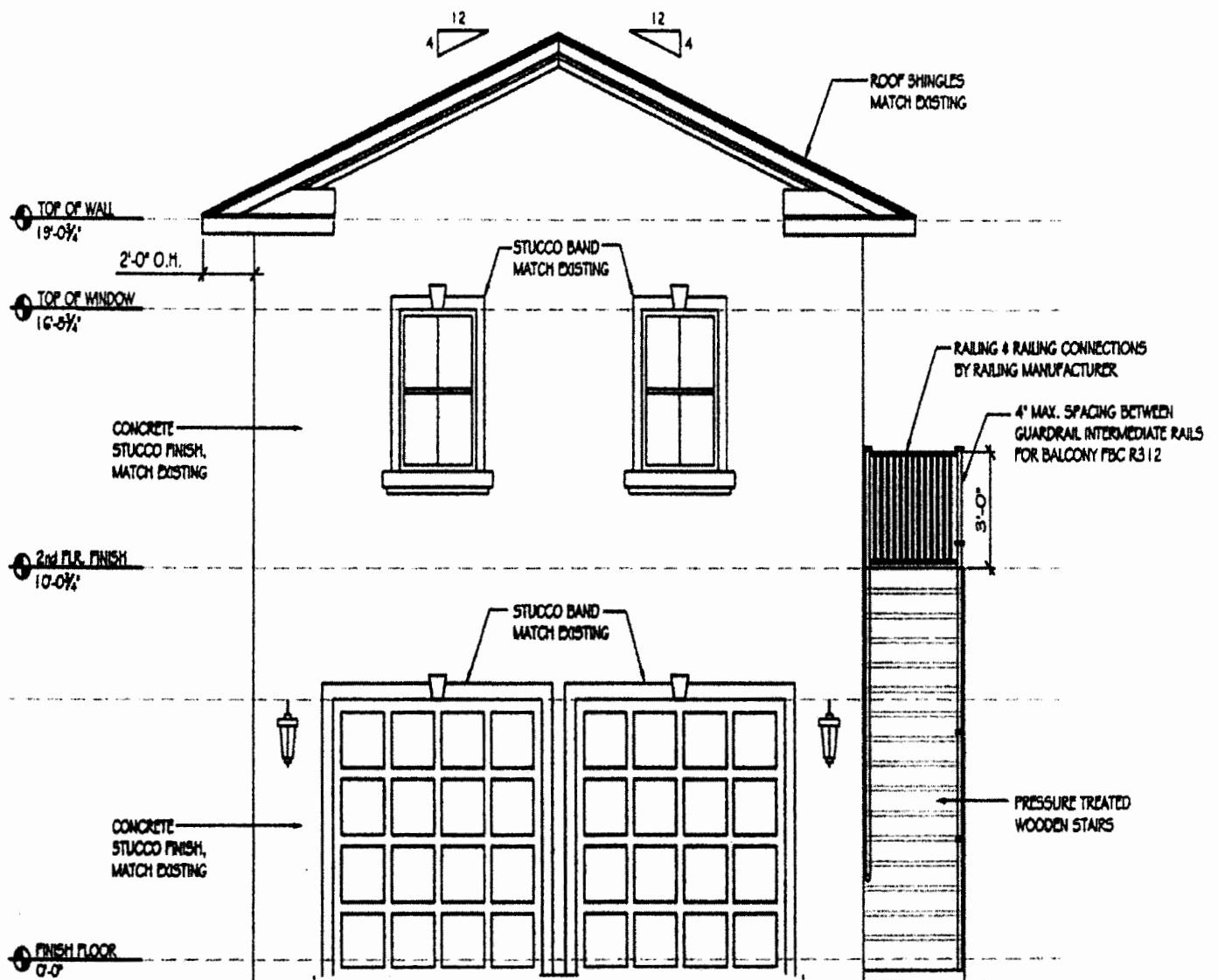
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Zoning Division

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Zoning Division



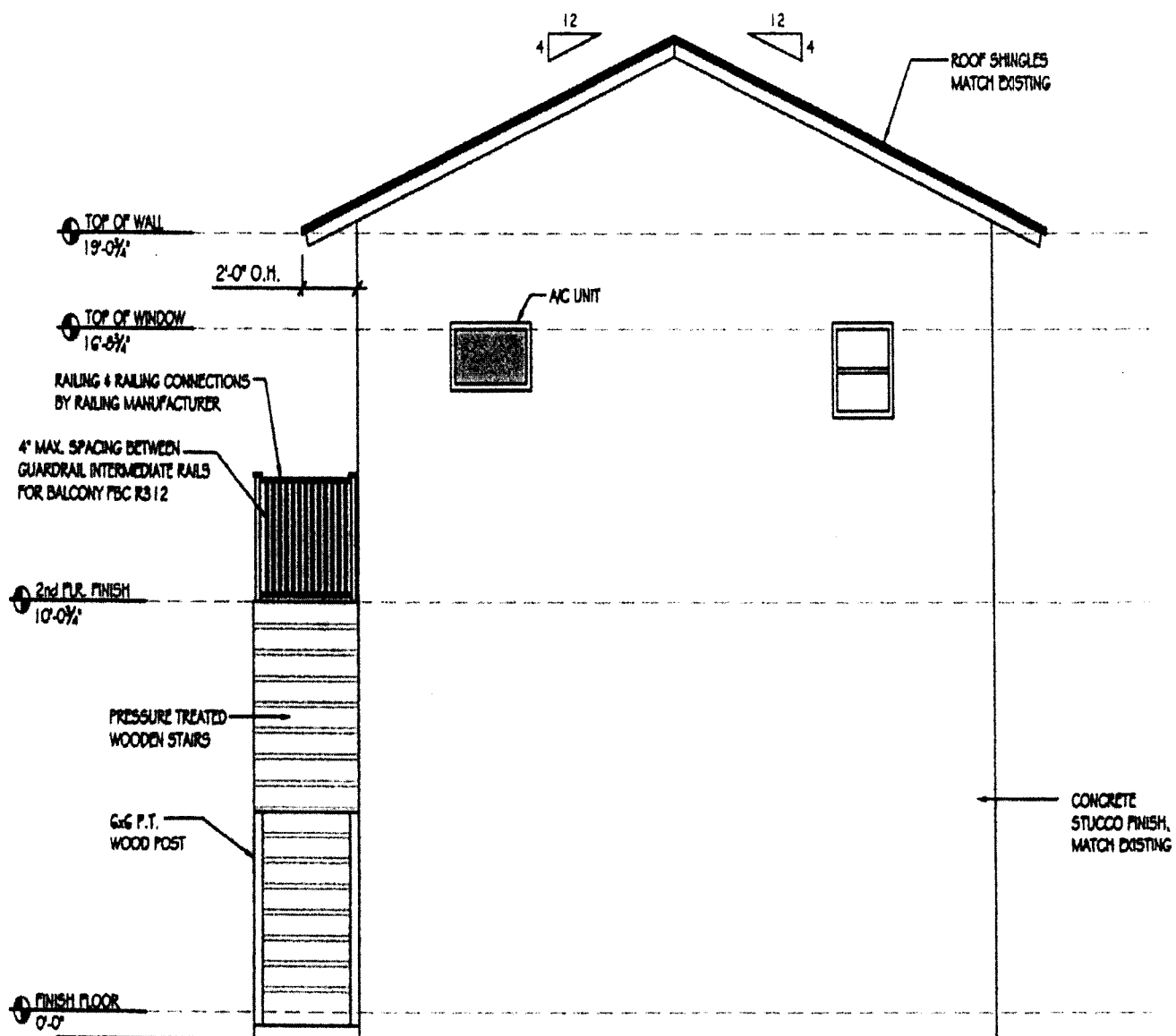


SECOND F  
1/4" = 1'-0"

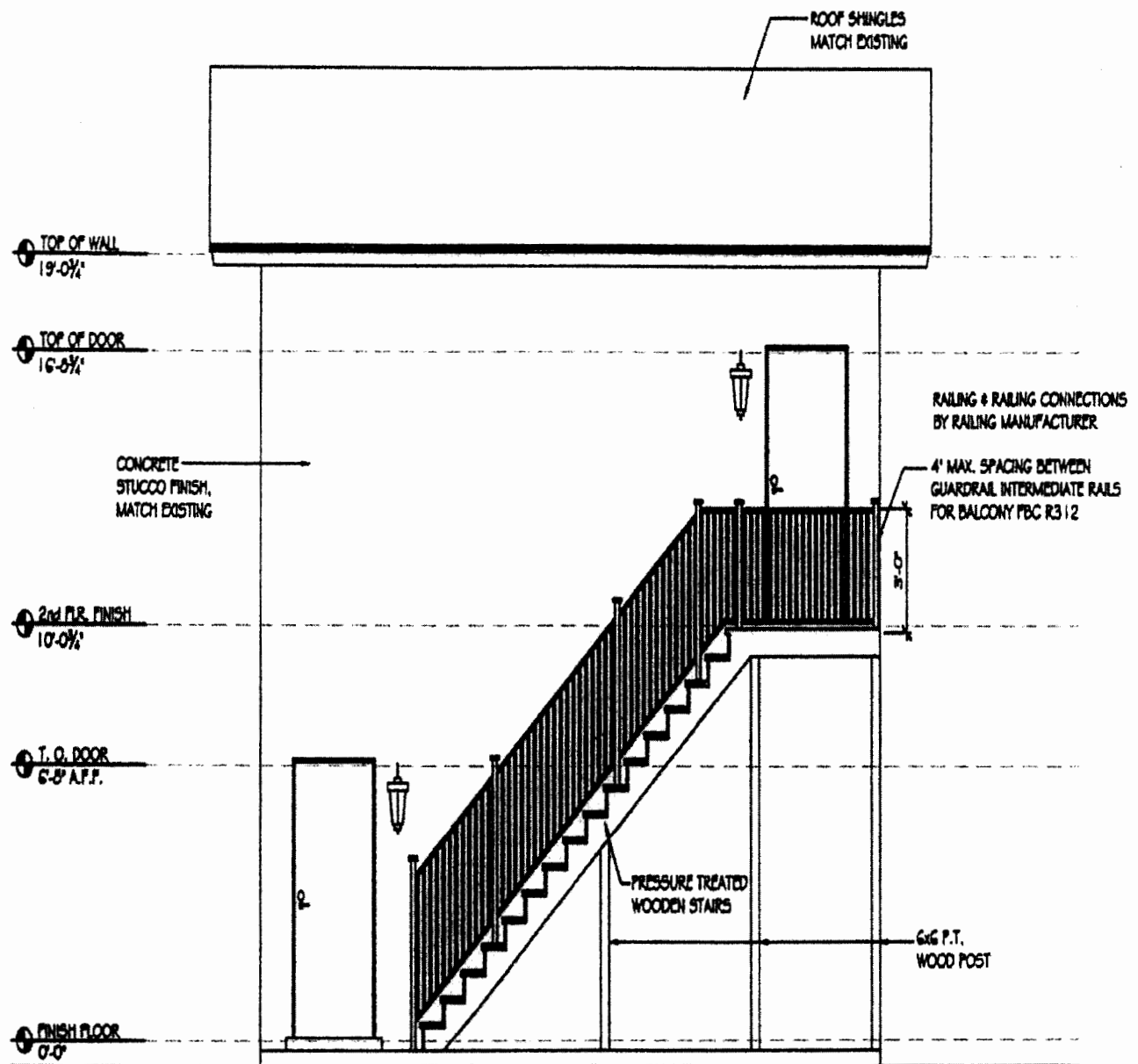


## FRONT ELEVATION

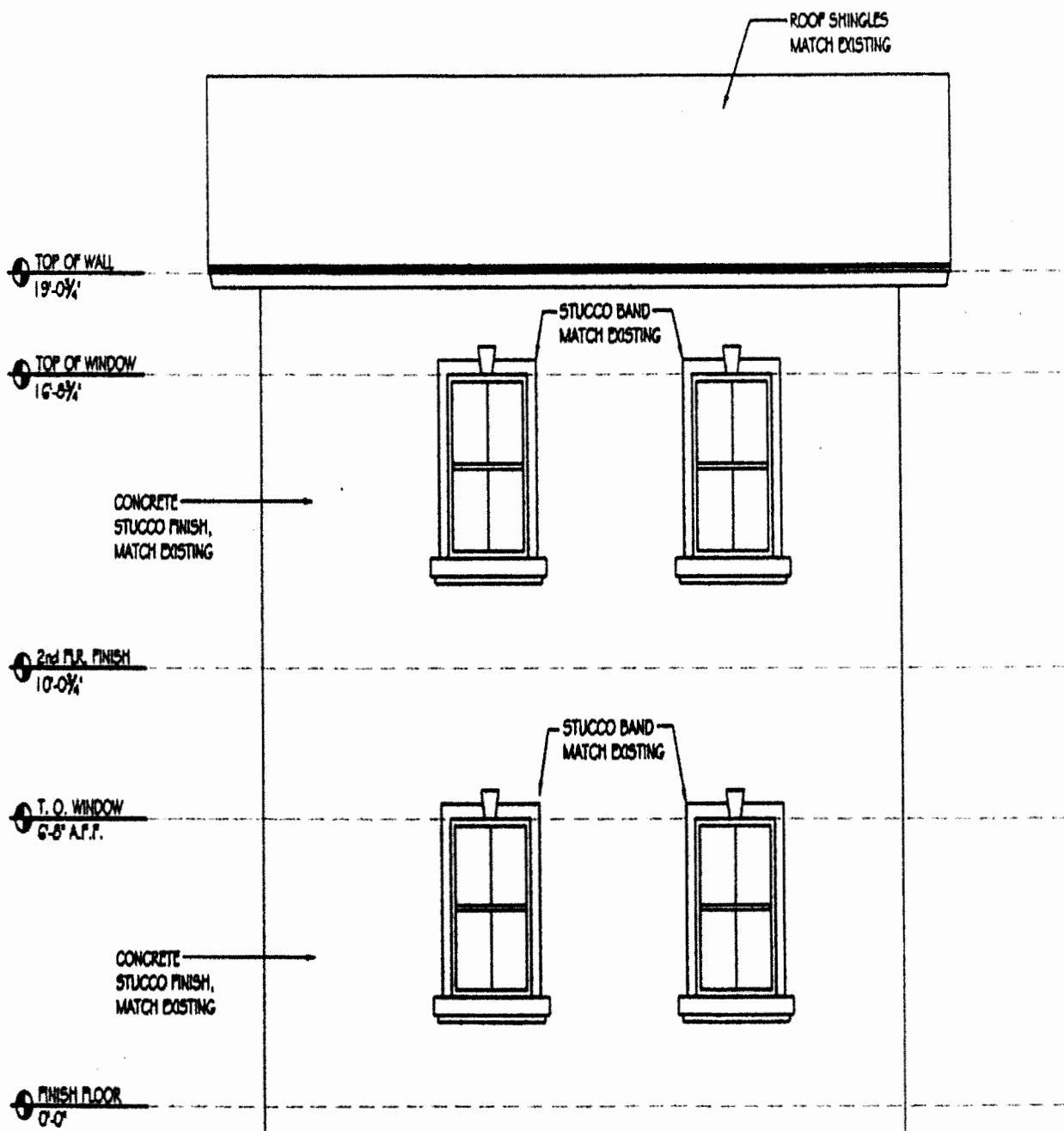
1/4" = 1'-0"



**REAR ELEVATION**  
1/4" = 1'-0"



**RIGHT ELEVATION**  
1/4" = 1'-0"



LEFT ELEVATION

1/4" = 1'-0"





STAFF REPORT  
CASE #SE-18-04-019  
Orange County Zoning Division  
Planner: David Nearing  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 5

GENERAL INFORMATION:

APPLICANT: SUMATE VORASIANGSUK

HEARING TYPE: Board of Zoning Adjustment

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

- 1) Special Exception to allow a guesthouse located over a detached garage.
- 2) Variance to allow a two-story accessory structure.
- 3) Variance to allow an accessory structure with a height of 24 ft. in lieu of 20 ft.

LOCATION: Southwest end of Brighton Lane, approximately 260 ft. south of Eastwood Drive

PROPERTY ADDRESS: 2128 Brighton Ln., Orlando, FL 32817

PARCEL ID: 16-22-31-2364-00-060

PUBLIC NOTIFICATION: 106

TRACT SIZE: 329 ft. x 300 ft. (2.6 Acres, Approx. 1.6 Acres Wetlands)

DISTRICT #: 5

ZONING: R-1

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Guesthouse over detached garage

SURROUNDING USES: N – Single Family Residence  
S – Single Family Residence  
E – Single Family Residence  
W – Single Family Residence

## STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-1, which is traditionally a single family residential zoning district for site built and modular homes on lots as small as 5,000 sq. ft. In addition to those uses, if a request satisfies the criteria for a Special Exception, one can also construct a guesthouse or an Accessory Dwelling Unit (ADU). The lots to the north and east are also in the R-1 district. To the south and west is a Planned Development which is approved for single-family homes on similar sized lots to those allowed in the R-1 district.
2. As noted, the minimum lot size in the R-1 zoning district is 5,000 sq. ft. The applicant's property is 2.6 acres in size. This makes the lot almost 20 times the size of a minimum R-1 lot. Even if the 1.6 acres of the lot located in a conservation easement is subtracted, the remaining upland is still over 8 times the minimum of R-1.
3. Because the lower level of the proposed structure is a garage, it technically makes the garage an accessory structure. Accessory structures are limited to a maximum height of twenty (20) feet, if they have a roof pitch greater than 2:12. However, in order to have a functional living area, the guesthouse will need to extend an additional four (4) feet. The requested variance equates to a deviation of 20%, which is within the range of past variances granted by the BZA.
4. Given the size of the lot, there will not be any negative impacts such as glare, odor, noise, etc. This is further reinforced by the fact that, unlike an ADU, a guesthouse will not be occupied on a full-time basis.
5. Given the size of the property, and the fact that the existing residence is a two-story structure, and the new structure is shorter, it will not be out of character with the neighborhood.
6. The proposed structure is shown at a 15 ft. rear yard setback, which meets the requirements for a guest house and accessory structure, however to ensure that there is no encroachment into neighboring air space, staff is recommending that the new structure meet the twenty-five (25) foot rear setback for the R-1 district. This will ensure that the use will meet the performance standards for the district. Since buffers are not required between single-family residences, this criteria is not applicable.
7. The Code is silent to allowing guest homes over garages. However, the guidelines for an ADU specifically address that case. Given that a guesthouse has less impacts than an ADU, staff has recommended approval of such arrangements, in the past, including height variances, and the BZA has concurred. Therefore, granting this request will not confer special privileges upon the applicant not enjoyed by others.
8. Given that the Code specifically addresses locating a more intense use (ADU) over a garage, this request is not a self-imposed hardship, as it is a logical request. Further, it will not be detrimental to purpose and intent of the Zoning Code.

9. Staff makes the following findings:

- The use is consistent to the Comprehensive Plan. The use is allowed as a Special Exception through the Zoning Code, which must be consistent with the Comprehensive Plan. Comprehensive Plan Policy FLU8.9.1 promotes the use of guesthouses.
- The use is compatible with a large lot single-family development pattern.
- The use will not be a permanent residence, but rather a part time temporary dwelling, which will not act as a detrimental intrusion.
- With the variance, the use will meet all performance standards for the R-1 zoning district.
- The use will not generate any noise, vibration, dust, odor, glare, or heat.
- No landscaping is needed between two (2) residential properties.
- Special circumstances include the fact that the Zoning Code specifically provides for placing ADU's, a more intense use, over garages, but is silent to guesthouses.
- The fact that the lot is far in excess of the minimum size for other lots in the R-1 zoning district provides the opportunity to place the guesthouse on the property, thereby, not granting a special privilege.
- The need for the added height is due to the need to create a functional living space. This is not excessive and is the minimum necessary.
- The request does not impair the purpose and intent of the Zoning Code.

STAFF RECOMMENDATION:

Based on the above findings, staff recommends approval of the requested Special Exception and Variances subject to the following conditions:

1. Development in accordance with the site plan, floor plans and elevations dated February 9, 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 guesthouse shall never be rented, nor used as a full-time dwelling unit.
5. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
6. 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.
7. The site plan shall be revised to reflect a rear setback of twenty-five (25) feet.
8. The exterior of the garage/guest house shall match the exterior of the existing residence with respect to color and materials.
9. The applicant shall provide a paved driving surface from the end of the existing driveway to the garage. This may consist of two strips of pavement with grass in between.
10. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
11. The applicant shall obtain an R.V. storage permit in conjunction with the permits for construction.

c: Sumate Vorasiangsuk  
Vorarut Vorasiangsuk  
2128 Brighton Lane  
Orlando, FL 32817

**BRITAINY SKIPPER FOR HOSANNA BUILDING CONTRACTORS**  
**VA-18-04-027**

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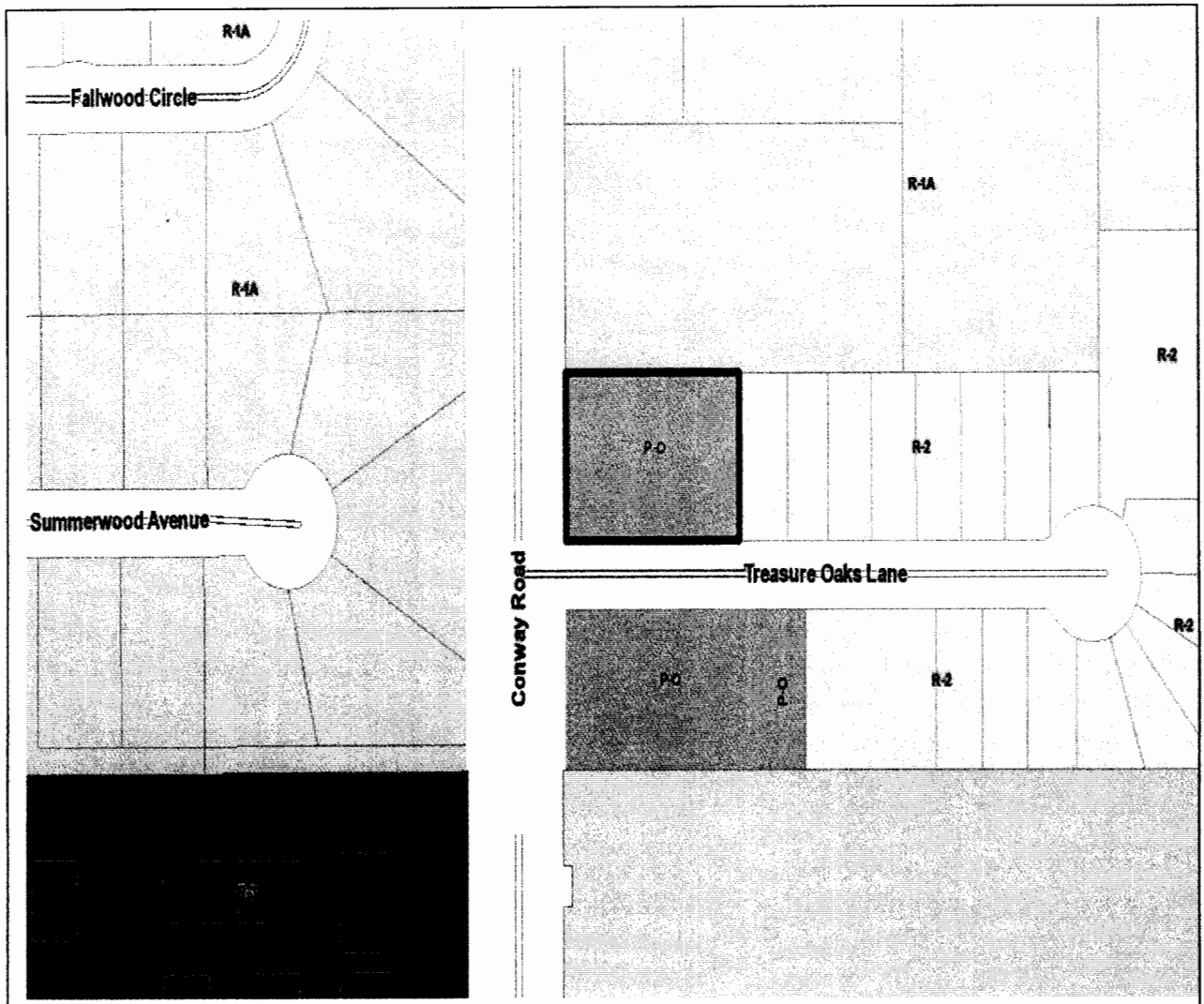
**REQUEST:** Variance in the P-O zoning district to permit a side street setback (south) of 10 ft. in lieu of 15 ft.  
**ADDRESS:** 4739 Conway Road, Orlando FL 32812  
**LOCATION:** Northeast corner of Conway Road and Treasure Oaks Lane, approximately 1/4 mile north of Hoffner Road.  
**S-T-R:** 17-23-30  
**TRACT SIZE:** 125 ft. x 175 ft.  
**DISTRICT#:** 3  
**LEGAL:** FROM SW COR OF NE1/4 OF SE1/4 RUN N 170.16 FT FOR A POB RUN N 125 FT E 225 FT S 125 FT W 225 FT TO POB (LESS W 25 FT FOR R/W) & (LESS PT ON W TAKEN FOR R/W PER OR 5401/4032 CI97-8183) IN SEC 17-23-30  
**PARCEL ID:** 17-23-30-0000-00-061  
**NO. OF NOTICES:** 175

**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; 7-0).

**SYNOPSIS:** Staff explained the zoning of the property and the future land use and zoning of the adjacent properties. Staff noted that since the existing residence would be demolished, in effect, resulting in a new undeveloped site; the applicant should pursue other design options to best maximized the site. Staff noted that they had spoken to the owners of the land to the north of the subject property, and after explaining what was being proposed, those owners had no opposition.

The applicants noted that the office building to the south had no landscaping along Conway Road; and, as such, the same consideration should be granted to them. Staff noted that this topic was not the subject of the public hearing, just the side street setback. There being no one present to speak for or against the request, the public hearing was closed.

The BZA concluded that the applicant's main argument was not the subject of the public hearing, and that the applicant had failed to demonstrate how they warranted the requested variance. A motion to recommend denial was approved by unanimous vote.



**Applicant:** BRITTAINY SKIPPER FOR HOSANNA BUILDING CONTRACTORS

**BZA Number:** VA-18-04-027

**BZA Date:** 04/05/2018

**District:** 3

**Sec/Twn/Rge:** 17-23-30-SE-D

**Tract Size:** 125 ft. x 175 ft.

**Address:** 4739 Conway Road, Orlando FL 32812

**Location:** Northeast corner of Conway Road and Treasure Oaks Lane, approximately 1/4 mile north of Hoffner Road.

To the Members of the Board of Zoning Adjustment, Orange County  
Variance Request Letter  
4739 South Conway Road  
Orlando, Orange County, FL

Proposing: The Dang Medical Plaza, a one story structure to replace a  
teardown SFR in PO zoning.

Project consists of a new 7,035 SF single story multiple tenant structure  
67 feet x 105 feet per the attached site plan & proposes exterior elevation.

This is a non-combustible structure with exterior stucco finish, approximately  
18'-0" maximum height.

Serving utilities are proposed as underground,  
including site stormwater detention & retention provided under front  
parking paving through an exfiltration system.

Site setbacks for this PO zoning are 25 feet front, 30 feet rear, 10 feet side.  
The South property line along Treasure Oaks Lane requires a 15' street  
side setback (5 feet in addition to the PO side yard of 10 feet).

There are 10 ft. Buffer Yards required all property lines.

We are requesting a 5'-0" variance on the South property line side yard of  
15'-0" to result in a 10'-0" side yard matching the buffer.

We are requesting relief to the 10'-0" West buffer along Conway Road to  
allow dumpster and overflow parking in rear East. We meet the rear build-  
ing setback and buffer yards.

Steven Hepner architect

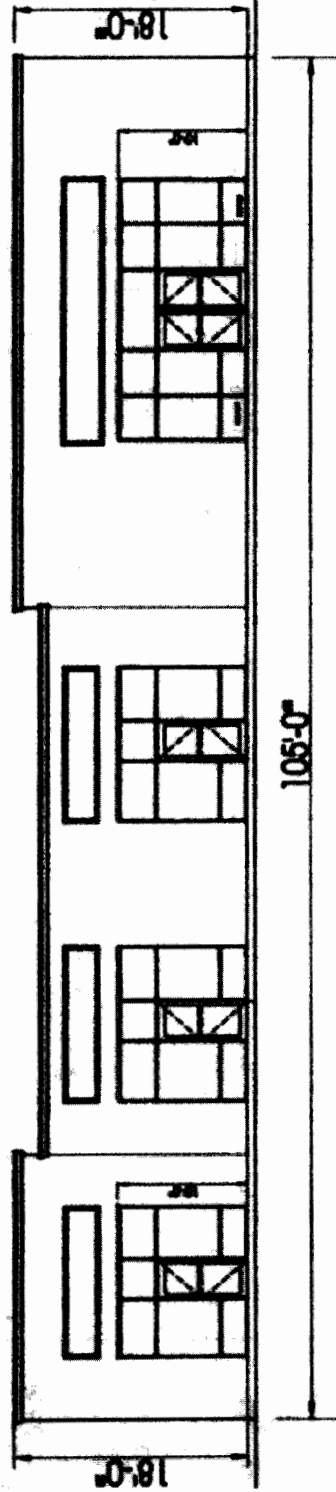
THIS ITEM HAS BEEN ELECTRONICALLY  
SIGNED AND SEALED BY STEVEN A.  
HEPNER USING A DIGITAL SIGNATURE.  
PRINTED COPIES OF THIS DOCUMENT  
ARE NOT CONSIDERED SIGNED AND  
SEALED AND THE SIGNATURE MUST BE  
VERIFIED ON ANY ELECTRONIC COPIES



Steven A  
Hepner  
2018.02.14  
12:12:25  
-05'00'







FRONT ELEVATION

DANG MEDICAL PLAZA

4739 Conway Road Orlando



STAFF REPORT  
CASE #: VA-18-04-027  
Orange County Zoning Division  
Planner: David Nearing  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Brittainy Skipper for Hosanna Building Contractors

REQUEST: Variance in the P-O zoning district to permit a side street setback (south) of 10 ft. in lieu of 15 ft.

LOCATION: Northeast corner of Conway Road and Treasure Oaks Lane, approximately 1/4 mile north of Hoffner Road.

PROPERTY ADDRESS: 4739 Conway Rd., Orlando, FL 32812

PARCEL ID: 17-23-30-0000-00-061

PUBLIC NOTIFICATION: 175

TRACT SIZE: 125 ft. x 175 ft.

DISTRICT #: 3

ZONING: P-O

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Medical Office Building

SURROUNDING USES: N - Single Family Residence  
S - Office Building  
E - Single Family Residence  
W - Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned P-O, Professional Office, with a Future Land Use (FLU) of O, Office. The zoning permits a variety of office uses, including medical as proposed by the applicant. To the east of the subject property is a single family home on a lot zoned R-2, which allows detached and attached single family residential. However, the FLU is O, which means that the owners of said property could apply for a rezoning and develop the site as a use allowed in the P-O zoning district. To the south is an office building on a parcel with P-O zoning and an O FLU. To the north is single family development on land zoned R-1A with a Low

Density Residential FLU. The property is located in Conway Road Corridor Overlay District which prohibits certain land uses and chain link fencing. The overlay should not impact this request.

2. This development would be required by code to provide a Type D, opaque buffer along the north and east property line adjacent to the residential. This buffer shall be completely opaque from the ground up to a height of at least six (6) feet and shall be a minimum of ten (10) feet wide. A minimum 7 ft. buffer yard/landscape strip is required along the west and south property lines where the vehicular use area is adjacent to the public right of way. The applicant also asking to eliminate the required seven (7) foot buffer yard along the west/Conway Road frontage; however, the Board does not review the requirements of Chapter 24 of the code. As a result, the building will be required to be shifted to the east to provide the buffer, and the parking area adjacent to the right of way along the south will need to be modified to meet the required buffer yard.
3. The applicant is proposing a 7,000 sq. ft. office building, which would require 35 parking spaces. The plan is showing 22 spaces in front of the building and additional parking to the rear (no amount provided). The lot is not irregularly shaped nor does it lack sufficient depth. Given that this is a new development proposal, the applicant should pursue design solutions rather than a variance to attain the desired square footage.
4. Staff finds that the applicant has failed to satisfy the criteria required for the granting of a variance.
  - There are not any special conditions or circumstances peculiar to this parcel or proposed building. This a rectangular shaped lot and building.
  - The need for the variance is self-created, as this is new construction.
  - Failure to grant the variance would not deprive the applicant of any rights.

#### STAFF RECOMMENDATION:

For the above reason, staff cannot support this request; however, if the BZA recommends approval, the following conditions should be imposed:

1. Development in accordance with the site plan dated February 14, 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. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail. This will require shifting the building to the east to accommodate the buffer strip required along Conway Road. This shall include a six (6) ft. tall opaque barrier along the sites north and east property lines in compliance with the Zoning Code.
5. Per the provision of the Conway Road Overlay District, use of chain link fencing in the front yard setback shall be prohibited.
6. Per the provision of the Conway Road Overlay District, the following shall be placed on the cover page of any site plan submitted for nonresidential permit review in lettering 2 inches in height: "THIS APPLICATION [OR THESE PLANS] RELATE TO THE CONWAY ROAD/HOFFNER AVENUE CORRIDOR OVERLAY DISTRICT, WHICH IS CODIFIED AT SECTION 38-1059 THROUGH SECTION 38-1065 OF THE ORANGE COUNTY CODE."

c: Brittainy Skipper for Hosanna Building Contractors  
278 Semoran Commerce Place  
Apopka, Florida 32703

**HOMES IN PARTNERSHIP  
VA-18-04-020**

---

**REQUEST:** Variances in the R-2 zoning district as follows:  
1) To allow a front setback of 20 ft. in lieu of 25 ft.  
2) To allow a rear setback of 21 ft. in lieu of 25 ft.  
3) To allow a side setback of 5 ft. in lieu of 6 ft.

**ADDRESS:** 546 Oak Street, Winter Garden FL 34787

**LOCATION:** West side of Oak St., north of Story Rd, north of W. Colonial Dr.

**S-T-R:** 24-22-27

**TRACT SIZE:** 50 ft. x 93 ft.

**DISTRICT#:** 1

**LEGAL:** MERCHANTS SUB Q/101 LOT 13 BLK B

**PARCEL ID:** 24-22-27-5584-02-130

**NO. OF NOTICES:** 128

**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; 7-0):

1. Development in accordance with the site plan dated February 8, 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.

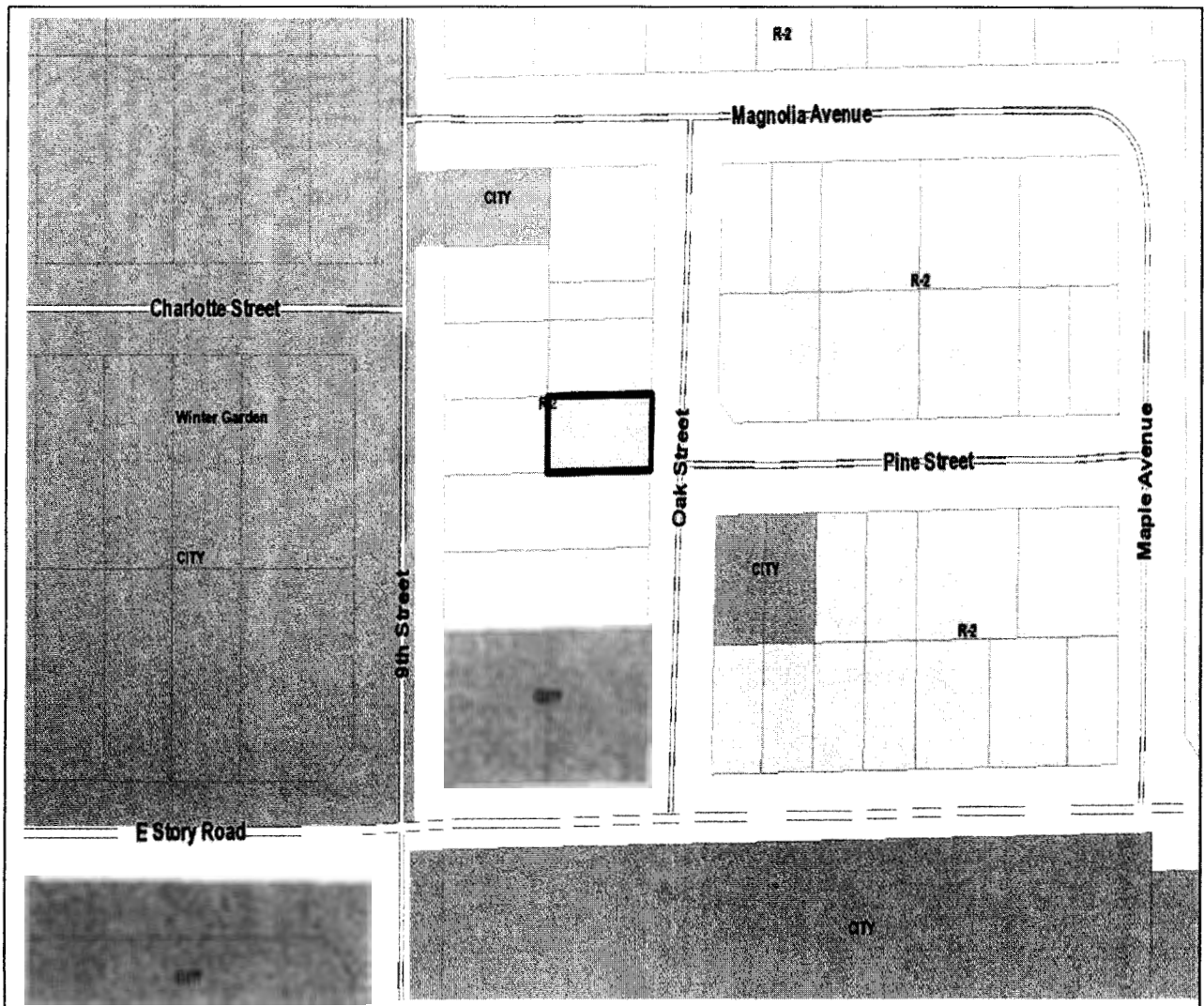
**SYNOPSIS:** Staff gave a presentation on the case covering the location, site layout, floorplan, and photos.

The applicant agreed with the staff report.

The BZA confirmed that the variance was less than twenty percent (20%), and felt that the request was straightforward.

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

The BZA approved the variance.



**Applicant:** HOMES IN PARTNERSHIP

**BZA Number:** VA-18-04-020

**BZA Date:** 04/05/2018

**District:** 1

**Sec/Twn/Rge:** 24-22-27-NW-B

**Tract Size:** 50 ft. x 93 ft.

**Address:** 546 Oak ST, Winter Garden FL 34787

**Location:** West side of Oak St., north of Story Rd, north of W. Colonial Dr.



Homes In Partnership, LLC

*"Providing Central Florida  
with affordable housing"*

January 31, 2018

Orange County Zoning  
201 S. Rosalind Ave  
Orlando FL

To whom it may concern:

We are requesting a variance of the front yard, rear yard and side yard setbacks located at Lot 13 Oak Street in Winter Garden. Currently this is a lot of record with the R-2 zoning. Approval of the zoning variance will be in harmony with the purpose and intent of the zoning regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public. We are requesting for the front yard setback to be reduced to 20' from 25, rear yard setback to be reduced to 21.4' from 25' and side yard setback to be reduced to 5' from 6'.

This structure being submitted is 40 x 50 and will conform to the houses in the area.

Thank you,

Toby Best  
Executive Director

**RECEIVED**

**FEB 08 2018  
ORANGE COUNTY  
ZONING DIVISION**

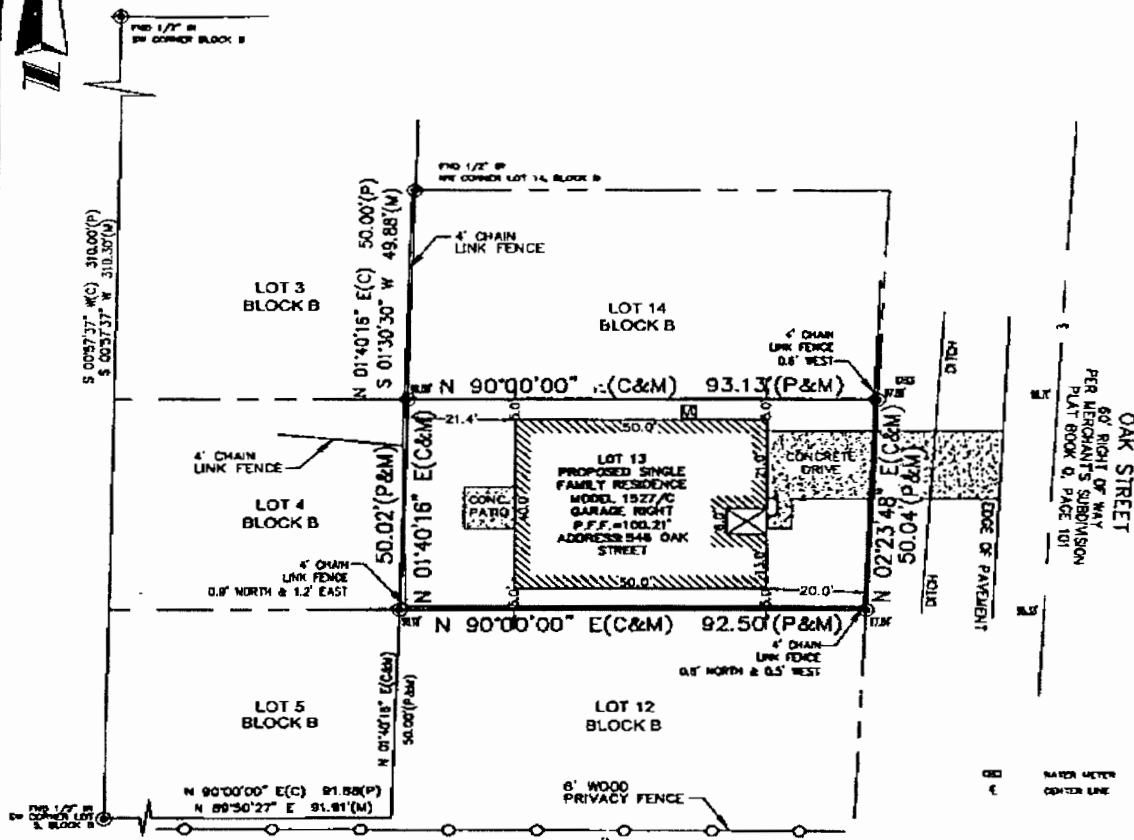
**CORPORATE OFFICE**

T (352) 383-7300 • T (407) 886-2451 • F (407) 886-5304 • [www.homesinpartnership.org](http://www.homesinpartnership.org)  
1140 South Grove Street • Eustis, FL 32726



# PLOT PLAN

OF  
LOTS 13, BLOCK B, MERCHANT'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN  
PLAT BOOK Q, PAGE 101 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



RECEIVED

FEB 08 2010

ORANGE COUNTY

ZONING DIVISION

1" = 30'

GRAPHIC SCALE

0 15 30 60

CERTIFIED TO:  
HOMES IN PARTNERSHIP

## SURVEYOR'S NOTES:

- Bearings shown hereon are based on the West line of BLOCK B as being S03°37'37"W. (assumed)
- There may be easements and restrictions of record and/or private agreements not furnished to this surveyor or shown on this boundary survey that may properly rights and/or land use rights of the subject property.
- There may be environmental issues and/or other matters regulated by various Departments of Federal, State or Local Governments affecting the subject property not shown on this survey.
- This Survey was performed for the sole and exclusive benefit of the entities listed hereon and shall not be relied upon by any other entity or individual whatsoever.
- This Survey is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper.
- Underground utilities, foundations and improvements were not located, unless shown hereon.
- Subject property shown hereon is in Zone X, area of 0.2% annual chance floodplain, according to Flood Insurance Rate Map panel number 12093C0213F, map date September 23, 2006.
- Elevations shown hereon are based on assumed elevation of 100.00'.

## ADDITIONAL SYMBOL LEGEND

- TELE ☐ = TELEPHONE RISER
- CATV ☐ = CABLE TV RISER
- WM ☐ = WATER METER
- ELECTRIC ☐ = ELECTRICAL BOX
- XXX.XX ☐ = PROPOSED GRADE
- XXX.XX ☐ = FINAL GRADE
- ~ ~ ~ ~ ~ = FLOW DIRECTION

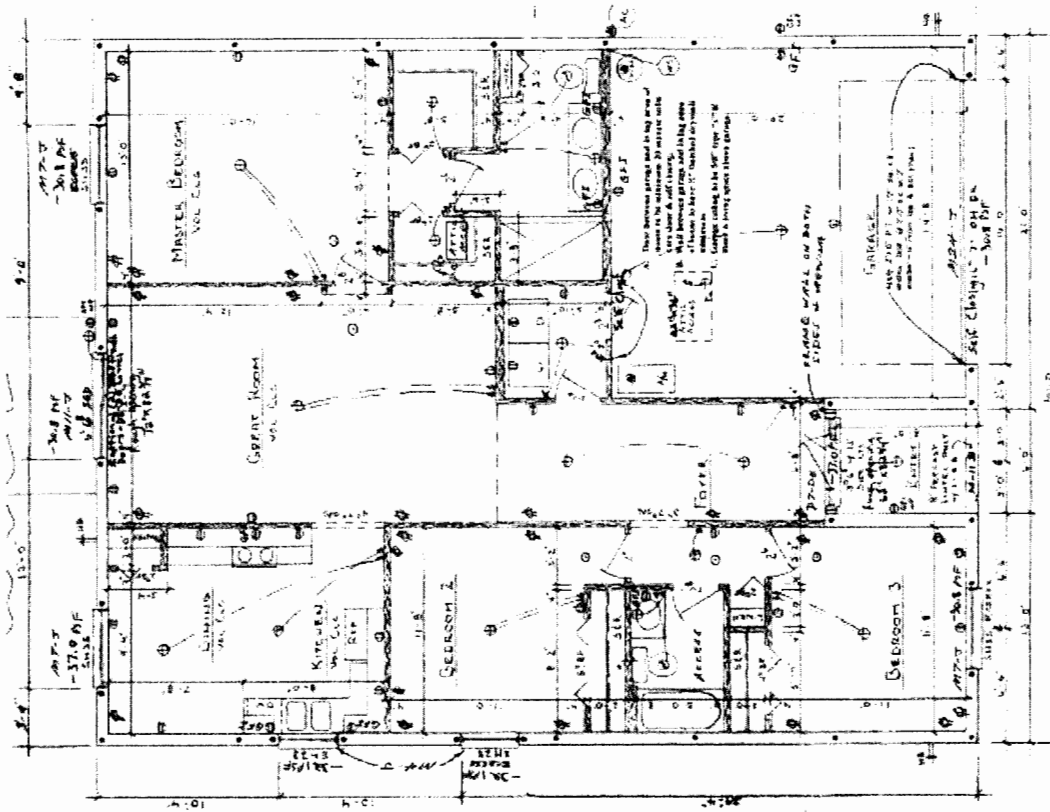


16 E. Plant Street  
Orlando, Florida 32801 (407) 654-5335

Drawing name: N:\Data\20170440\dwg\LOT 13.dwg PLOT PLAN

## LEGEND

- A/C = AIR CONDITIONER
- R/W = RIGHT OF WAY
- CONC = CONCRETE
- E = CENTERLINE
- (M) = MEASURED
- REC = RECOVERED
- Δ = CENTRAL ANGLE
- R = RADIUS
- L = ARC LENGTH
- P.I. = POINT OF INTERSECTION
- P.T. = POINT OF TANGENCY
- P.C. = POINT OF CURVATURE
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- P.R.C. = POINT OF REVERSE CURVATURE
- PCP = PERMANENT CONTROL POINT
- PRM = PERMANENT RECORDED MONUMENT
- P.F.F. = PROPOSED FINISH FLOOR ELEV
- F.F.E. = FINISH FLOOR ELEVATION
- ⊙ = SET 1/2" IRON ROD & CAP, #B 6723
- ⊙ = RECOVERED IRON ROD & CAP
- ⊙ = SET CONCRETE MONUMENT, #B 6723
- ⊙ = RECOVERED CONCRETE MONUMENT
- U.E. = UTILITY EASEMENT
- P.A.D.E. = PRIVATE ADDRESS & DRAINAGE EASEMENT
- LB = LICENSED BUSINESS
- LS = LICENSED SURVEYOR
- PSM = PROFESSIONAL SURVEYOR & MAPPER
- JOB NO. 20160101
- DATE: 9-9-18
- SCALE: 1" = 30 FEET
- FIELD BY: N/A
- CALCULATED BY: JR
- DRAWN BY: ML
- CHECKED BY: DN
- REVISED: N/A
- FOR THE LICENSED BUSINESS #6723 BY:  
James L. Rickman, P.S.M. #5633



ALBERTA  
SOUTH  
WEST  
NORTH  
EAST  
CENTRAL  
SOUTH  
WEST  
NORTH  
EAST  
CENTRAL

\* See Sheet 3 for  
Rough Openings of Windows

**FRONT ELEVATION Elev. C**



STAFF REPORT  
CASE #: VA-18-04-020  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: HOMES IN PARTNERSHIP

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

- 1) To allow a front setback of 20 ft. in lieu of 25 ft.
- 2) To allow a rear setback of 21 ft. in lieu of 25 ft.
- 3) To allow a side setback of 5 ft. in lieu of 6 ft.

LOCATION: West side of Oak St., north of Story Rd, north of W. Colonial Dr.

PROPERTY ADDRESS: 546 Oak Street, Winter Garden, Florida, 34787

PARCEL ID: 24-22-27-5584-02-130

PUBLIC NOTIFICATION: 128

TRACT SIZE: 50 ft. x 93 ft.

DISTRICT #: 1

ZONING: R-2

EXISTING USE(S): Vacant

PROPOSED USE(S): Single family residence

SURROUNDING USES: N - Vacant

S - Single family residence

E - Vacant

W -Vacant

### STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting variances from the front, side, and rear setbacks to build a single family home.
2. The property is located in the R-2 Multiple-family Residential zoning district, which allows a single family and multifamily development and associated accessory structures.
3. The property is located in an enclave which is surrounded by the City of Winter Garden.
4. The lot was platted in 1945 and is considered to be a conforming lot of record. If the lot was platted after 3/3/1997, the requested variances would not be needed as the required setbacks would be: 20 ft. front, 6 ft. side and 20 ft. rear. The setbacks were amended in a 1997 code change and all existing platted lots at that time were required to maintain the greater setbacks.
5. More than half of the properties in the immediate area have homes with equivalent or lesser setbacks than requested by the applicant. These include front yard setbacks as close as 2 ft. from the property line, side setbacks of 2 ft., and rear setbacks of 11 ft.
6. The BZA has granted variances for four properties located less than 350 ft. from the subject property. These include: 20 ft. front, 2 ft. side and 11 ft. rear setbacks.
7. This is the minimum possible variance to fit a reasonable sized house on a lot that is 93 ft. deep.
8. Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.
  - a) The greater setbacks are a special condition applying to lots platted prior to 1997, enforcing the larger setbacks would cause an undue hardship.
  - b) Similar and greater variances have been granted in the area.
  - c) Over half of the houses in the area have lesser setbacks than those requested by the applicant and this would not confer a special privilege to these lots.
  - d) Approval of this request will facilitate infill development and the proposal is consistent with the development pattern in the area.

### STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan and elevations dated February 8, 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.

c: Toby Best  
1140 South Grove Street  
Eustis, Florida 32726

**HOMES IN PARTNERSHIP  
VA-18-04-021**

---

**REQUEST:** **Variances** in the R-2 zoning district as follows:  
1) To allow a front setback of 20 ft. in lieu of 25 ft.  
2) To allow a rear setback of 22 ft. in lieu of 25 ft.  
3) To allow a side setback of 5 ft. in lieu of 6 ft

**ADDRESS:** Oak Street, Winter Garden FL 34787

**LOCATION:** West side of Oak St., north of Story Rd, north of W. Colonial Dr.

**S-T-R:** 24-22-27

**TRACT SIZE:** 50 ft. x 93 ft.

**DISTRICT#:** 1

**LEGAL:** MERCHANTS SUB Q/101 LOT 14 BLK B

**PARCEL ID:** 24-22-27-5584-02-140

**NO. OF NOTICES:** 131

**DECISION:** **APPROVE** 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; 7-0):

1. Development in accordance with the site plan dated February 8, 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.
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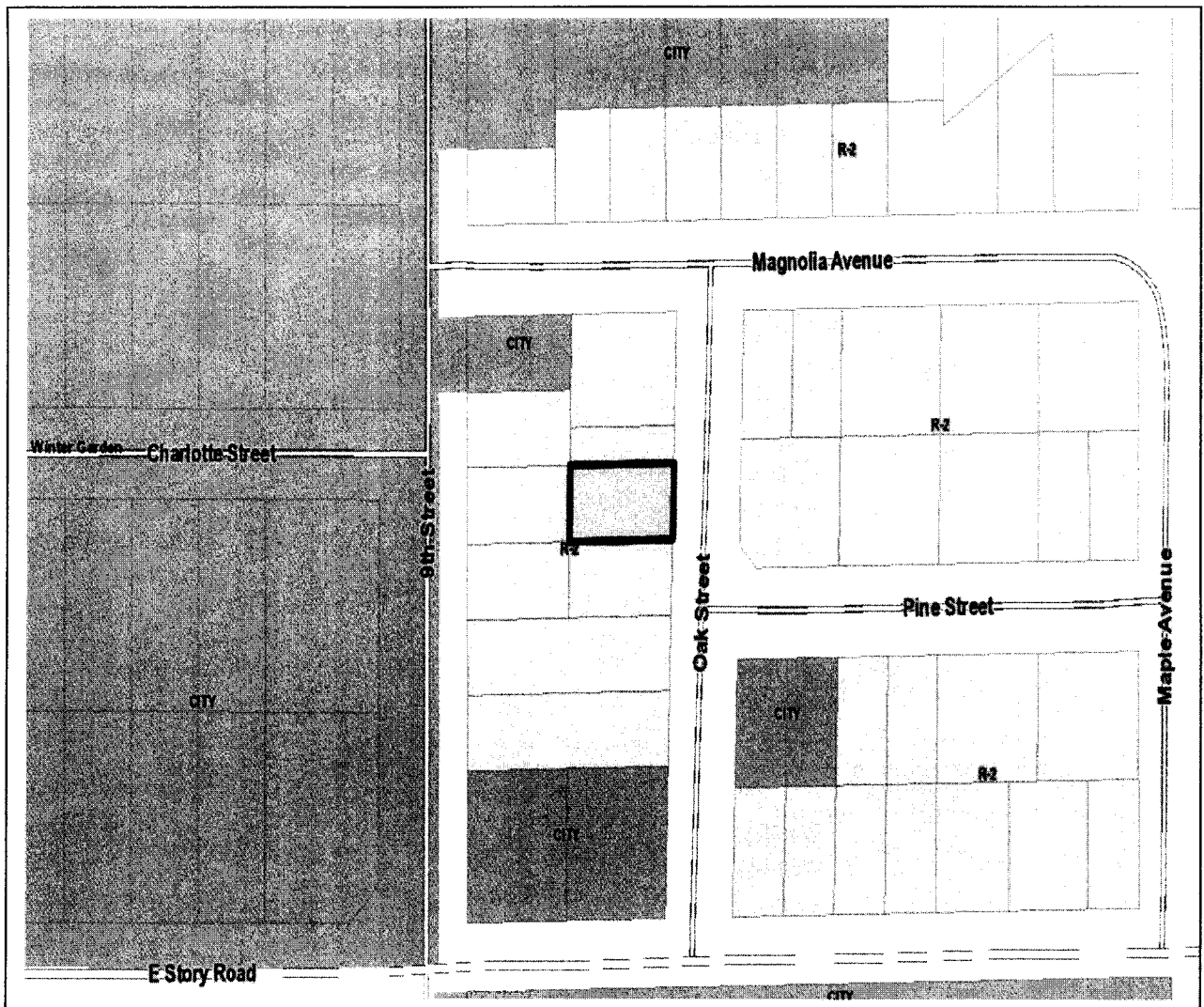
**SYNOPSIS:** Staff gave a presentation on the case covering the location, site layout, floorplan, and photos.

The applicant agreed with the staff report.

The BZA commented that the case was the same as the previous one, and felt that the request was straightforward.

Staff received no commentaries in favor of the application, and one (1) in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



**Applicant:** HOMES IN PARTNERSHIP

**BZA Number:** VA-18-04-021

**BZA Date:** 04/05/2018

**District:** 1

**Sec/Twn/Rge:** 24-22-27-NW-B

**Tract Size:** 50 ft. x 93 ft.

**Address:** Oak Street, Winter Garden FL 34787

**Location:** West side of Oak St., north of Story Rd, north of W. Colonial Dr.





In

"Providing Central Florida  
with affordable housing"

14-18-04-021

January 31, 2018

Orange County Zoning  
201 S. Rosalind Ave  
Orlando FL

To whom it may concern:

We are requesting a variance of the front yard, rear yard and side yard setbacks located at Lot 14 Oak Street in Winter Garden. Currently this is a lot of record with the R-2 zoning. Approval of the zoning variance will be in harmony with the purpose and intent of the zoning regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public. We are requesting for the front yard setback to be reduced to 20' from 25', rear yard setback to be reduced to 22' from 25' and side yard setback to be reduced to 5' from 6'.

This structure being submitted is 40 x 50 and will conform to the houses in the area.

Thank you,

Toby Best  
Executive Director

RECEIVED

FEB 08 2018

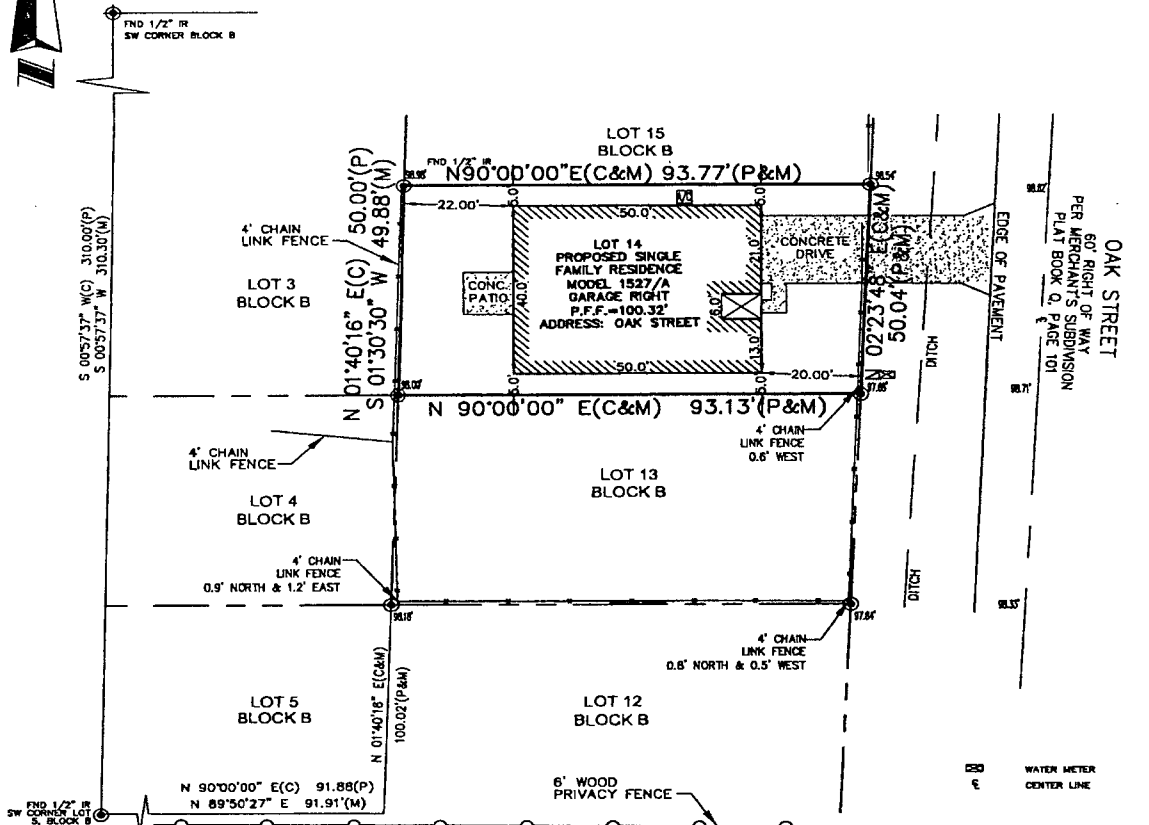
ORANGE COUNTY  
ZONING DIVISION

CORPORATE OFFICE

T (352) 838-2300 • F (407) 880-2451 • F (407) 880-8304 • [www.homes.org](http://www.homes.org)  
1140 South Grove Street • East Orlando, FL 32726

# PLOT PLAN

OF  
LOTS 14, BLOCK B, MERCHANT'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN  
PLAT BOOK Q, PAGE 101 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



RECEIVED  
FEB 08 2018  
ORANGE COUNTY  
ZONING DIVISION

## ADDITIONAL SYMBOL LEGEND

- TELE □ = TELEPHONE RISER
- CATV □ = CABLE TV RISER
- WM □ = WATER METER
- ELECTRIC □ = ELECTRICAL BOX
- XXX.XX = PROPOSED GRADE
- XXX.XX = FINAL GRADE
- ~ = FLOW DIRECTION

CERTIFIED TO:  
HOMES IN PARTNERSHIP

## SURVEYOR'S NOTES:

- Bearings shown hereon are based on the West line of BLOCK B as being S0°57'37"W. (assumed)
- There may be easements and restrictions of record and/or private agreements not furnished to this surveyor or shown on this boundary survey that may property rights and/or land use rights of the subject property.
- There may be environmental issues and/or other matters regulated by various Departments of Federal, State or Local Governments affecting the subject property not shown on this survey.
- This Survey was performed for the sole and exclusive benefit of the entities listed hereon and shall not be relied upon by any other entity or individual whatsoever.
- This Survey is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper.
- Underground utilities, foundations and improvements were not located, unless shown hereon.
- Subject property shown hereon is in Zone X, area of 0.2% annual chance floodplain, according to Flood Insurance Rate Map panel number 12095C0215F, map date September 25, 2009.
- Elevations shown hereon are based on assumed elevation of 100.00'.



16 E. Plant Street  
Winter Garden, Florida 34787 \* (407) 654-5355

## LEGEND

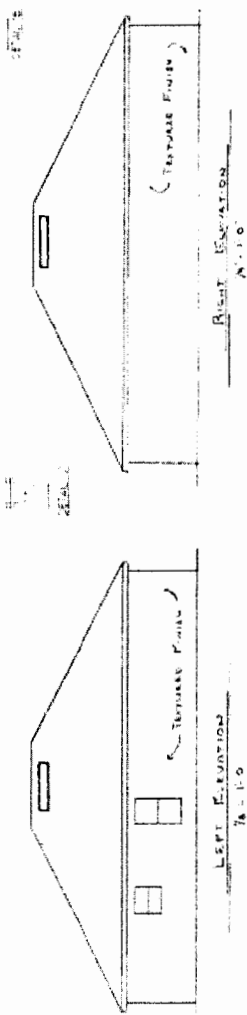
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- R/W = RIGHT OF WAY
- CONC. = CONCRETE
- C = CENTERLINE
- (M) = MEASURED
- REC = RECOVERED
- Δ = CENTRAL ANGLE
- R = RADIUS / L = ARC LENGTH
- P.I. = POINT OF INTERSECTION
- P.T. = POINT OF TANGENCY
- P.C. = POINT OF CURVATURE
- P.C.C. = POINT OF COMPOUND CURVATURE
- P.R.C. = POINT OF REVERSE CURVATURE
- PCP = PERMANENT CONTROL POINT
- PRM = PERMANENT RECORDED MONUMENT
- P.F.F. = PROPOSED FINISH FLOOR ELEV
- F.F.E. = FINISH FLOOR ELEVATION
- ⊙ = SET 1/2" IRON ROD & CAP, ALB 6723
- = RECOVERED IRON ROD & CAP, ALB 6723
- = SET CONCRETE MONUMENT, ALB 6723
- = RECOVERED CONCRETE MONUMENT
- U.E. = UTILITY EASEMENT
- P.A.D.E. = PRIVATE ACCESS & DRAINAGE EASEMENT
- LB = LICENSED BUSINESS
- LS = LICENSED SURVEYOR
- PSM = PROFESSIONAL SURVEYOR & MAPPER

JOB NO. 20170528  
DATE: 10-25-16  
SCALE: 1" = 30 FEET  
FIELD BY: N/A

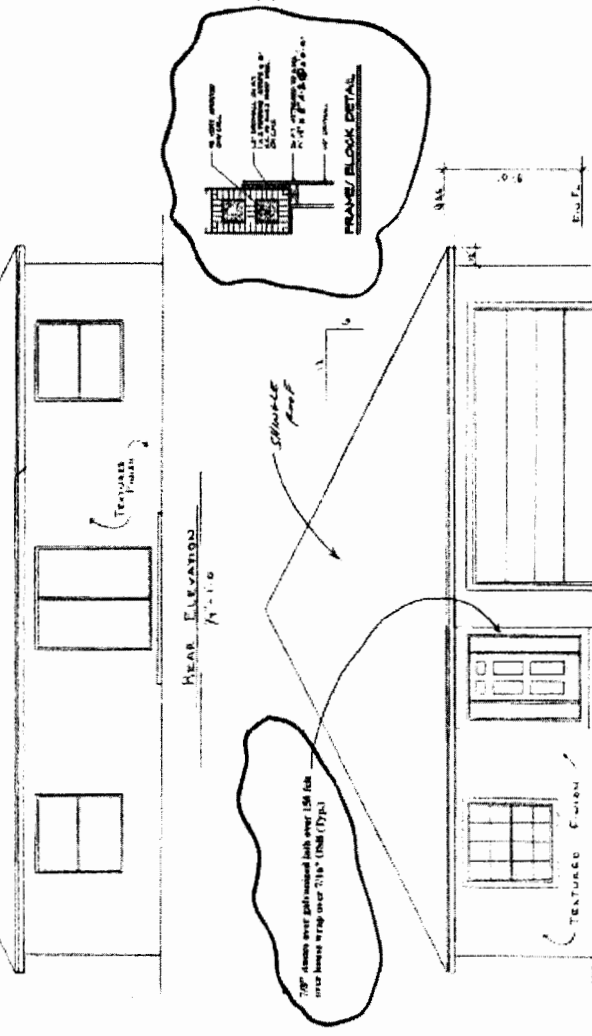
CALCULATED BY: JLR  
DRAWN BY: ML  
CHECKED BY: DM  
REVISED: N/A

FOR THE LICENSED BUSINESS #6723 BY:  
James L. Rickman, P.S.M. #5633

Drawing name: N:\Data\20170528\dwg\LOT 14.dwg PLOT PLAN

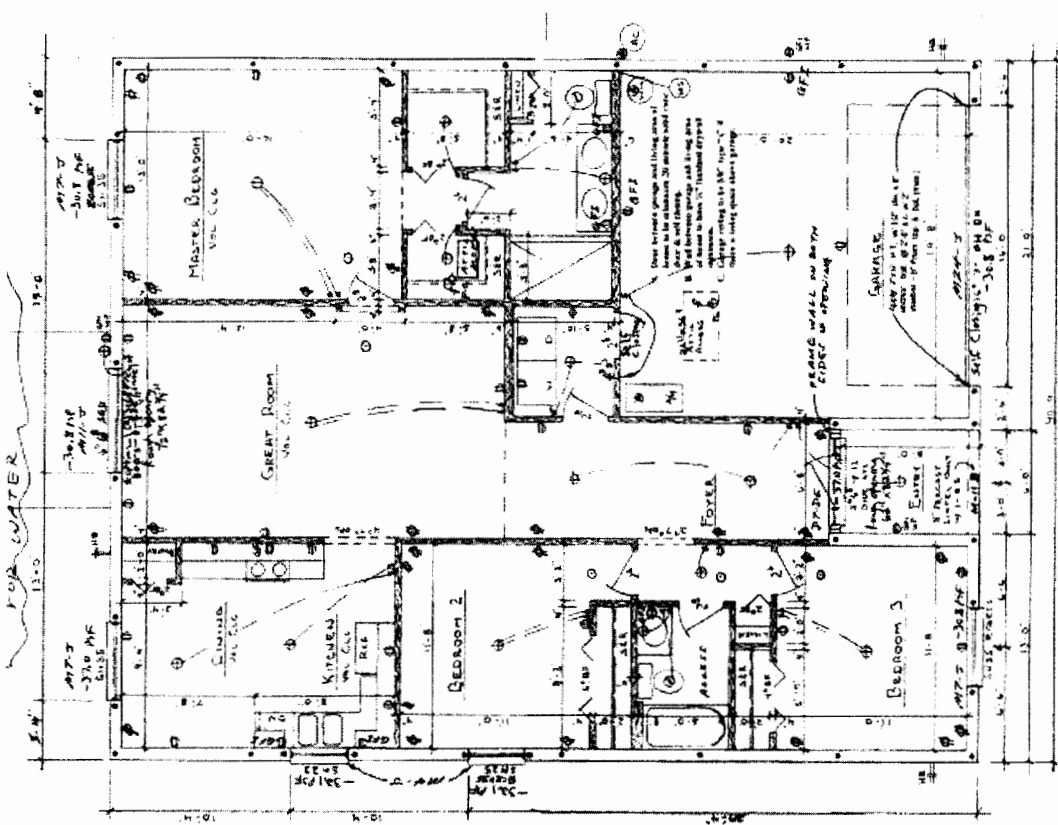


**Vent Cakes:**  
 2000 Square Feet of Roof Area  
 2000 - 1500 = 1500 Square Feet  
 # of Vents = 1500 / 100 = 15 Vents  
 of each Vent Area



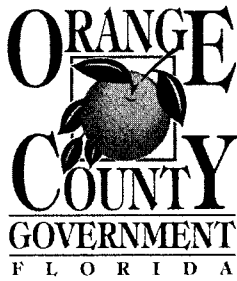
FRONT ELEVATION ELEV. A  
 N-110

NOTES: 1. SEE SHEET 3 FOR  
 ROUGH OPENINGS & WINDOWS



FLOOR PLAN  
 N-110

NOTES: 1. SEE SHEET 3 FOR  
 ROUGH OPENINGS & WINDOWS



STAFF REPORT  
CASE #: VA-18-04-021  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 1

GENERAL INFORMATION:

APPLICANT: HOMES IN PARTNERSHIP

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

- 1) To allow a front setback of 20 ft. in lieu of 25 ft.
- 2) To allow a rear setback of 22 ft. in lieu of 25 ft.
- 3) To allow a side setback of 5 ft. in lieu of 6 ft.

LOCATION: West side of Oak St., north of Story Rd, north of W. Colonial Dr.

PROPERTY ADDRESS: Oak Street

PARCEL ID: 24-22-27-5584-02-140

PUBLIC NOTIFICATION: 131

TRACT SIZE: 50 ft. x 93 ft.

DISTRICT #: 1

ZONING: R-2

EXISTING USE(S): Vacant

PROPOSED USE(S): Single family residence

SURROUNDING USES:

- N - Vacant
- S - Vacant
- E - Vacant
- W -Single family residence

### STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting variances from the front, side, and rear setbacks to build a single family home.
2. The property is located in the R-2 Multiple-family Residential zoning district, which allows a single family and multifamily development and associated accessory structures.
3. The property is located in an enclave which is surrounded by the City of Winter Garden.
4. The lot was platted in 1945 and is considered to be a conforming lot of record. If the lot was platted after 3/3/1997, the requested variances would not be needed as the required setbacks would be: 20 ft. front, 6 ft. side and 20 ft. rear. The setbacks were amended in a 1997 code change and all existing platted lots at that time were required to maintain the greater setbacks.
5. More than half of the properties in the immediate area have homes with equivalent or lesser setbacks than requested by the applicant. These include front yard setbacks as close as 2 ft. from the property line, side setbacks of 2 ft., and rear setbacks of 11 ft.
6. The BZA has granted variances for four properties located less than 350 ft. from the subject property. These include: 20 ft. front, 2 ft. side and 11 ft. rear setbacks.
7. This is the minimum possible variance to fit a reasonable sized house on a lot that is 93 ft. deep.
8. Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.
  - a) The greater setbacks are a special condition applying to lots platted prior to 1997, enforcing the larger setbacks would cause an undue hardship.
  - b) Similar and greater variances have been granted in the area.
  - c) Over half of the houses in the area have lesser setbacks than those requested by the applicant and this would not confer a special privilege to these lots.
  - d) Approval of this request will facilitate infill development and the proposal is consistent with the development pattern in the area.

### STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan and elevations dated February 8, 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.

c: Toby Best  
1140 South Grove Street  
Eustis, Florida 32726

**LUIS BARRAGAN**  
**VA-18-04-022**

---

**REQUEST:** **Variances** in the A-1 zoning district as follows:  
1) Minimum lot area of .23 acres in lieu of .5 acres.  
2) Front setback for existing residence of 18 ft. in lieu of 35 ft.  
3) Side street setback for existing residence of 13 ft. in lieu of 15 ft.  
4) Front setback for new addition of 20 ft. in lieu of 35 ft.  
5) Rear setback of 25 ft. for new addition in lieu of 50 ft.

**ADDRESS:** 10080 Schiller Avenue, Apopka FL 32703

**LOCATION:** Southeast corner of Schiller Avenue and Palm St., approximately 500 ft. west of Lake Meadow Rd.

**S-T-R:** 05-22-28

**TRACT SIZE:** 100 ft. x 104 ft.

**DISTRICT#:** 2

**LEGAL:** WEST ORANGE PARK M/1 & 4 & 5 LOTS 17 THROUGH 20 BLK 23

**PARCEL ID:** 05-22-28-9152-23-170

**NO. OF NOTICES:** 72

**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; 7-0):

1. Development in accordance with the site plan dated March 20, 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 addition shall match the exterior of the existing house.

5. The shed on the south side of the property that encroaches into the required five (5) feet setback shall be removed prior to issuance of permits.

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

The applicant agreed with the staff report.

The BZA agreed that the lots conformed to an R-1AA zoning and asked why the entire area had not been rezoned.

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:** LUIS BARRAGAN

**BZA Number:** VA-18-04-022

**BZA Date:** 04/05/2018

**District:** 2

**Sec/Twn/Rge:** 05-22-28-NE-A

**Tract Size:** 100 ft. x 104 ft.

**Address:** 10080 Schiller Avenue, Apopka FL 32703

**Location:** Southeast corner of Schiller Avenue and Palm St., approximately 500 ft. west of Lake Meadow Rd.



General Construction Associates, Inc.  
P.O. Box 692051  
Orlando, FL 32869-2051  
C 407.509.7625 | Established 1982  
[gcabob@yahoo.com](mailto:gcabob@yahoo.com) | [generalconstructionassoc.com](http://generalconstructionassoc.com)



2-13-18

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

Re: 10080 Schiller Rd. Apopka, FL 32703  
Parcel ID # 05-22-28-9152-23170

To Whom it May Concern:

This letter is regarding a variance requested by the owner to Construct a block addition to an existing home.  
Requesting a change in the setback in the rear which is now 50 feet to 25 feet this is to build an addition for his family which consists of two adults and six children. Total square feet proposed is 2000 square feet approximately.  
Code requires 35 front, 50 rear, 10 side and 15 street side

If there are any questions this letter please contact me at 407-509-7625 or [gcabob@yahoo.com](mailto:gcabob@yahoo.com)

Thank you,

Robert Foglia

RECEIVED

FEB 13 2018

Zoning Division

Certified General Contractor CGC 007194 | Certified Wind Mitigation Inspector  
Certified Pool Contractor CPC 057015

[Grab your reader's attention with a great quote from the document or use this space to emphasize a key point. To place this text box anywhere on the page, just drag it.]

Proposed addition

Existing home

SITE BENCHMARK #2, SET N&D  
LB #7084 ON NORTH EDGE OF  
ASPHALT ELEVATION 145.54'.

\*SCHILLER AVENUE (50' R/W)

PALM STREET (50' R/W)

19.1  
100' DESC  
18/99.59' MEAS

EXIST  
STORY  
CLOCK  
DRESS  
0080

FND. AXEL  
NO. 146  
0.12' N.  
0.40' W.

**PROPOSED  
20' FRONT  
SETRACK**

REMOVE  
EXIST  
CONCRETE  
SLAB

PROPOSED  
10' SIDE  
SETBACK

LOT 1

**PROPOSE  
HOUSE  
ADDITION**

ICHTMARK #1,  
LB #7084  
EDGE OF  
ELEVATION

**REMOVE**  
**EXIST**  
**FILE**

4' CLF  
100.34' MEAS

PROPOSED  
25' REAR  
SETBACK

SET 1/2"  
LB #7084  
ALSO  
FND. 1/2"  
NO #  
0.73' N.  
0.19' W.

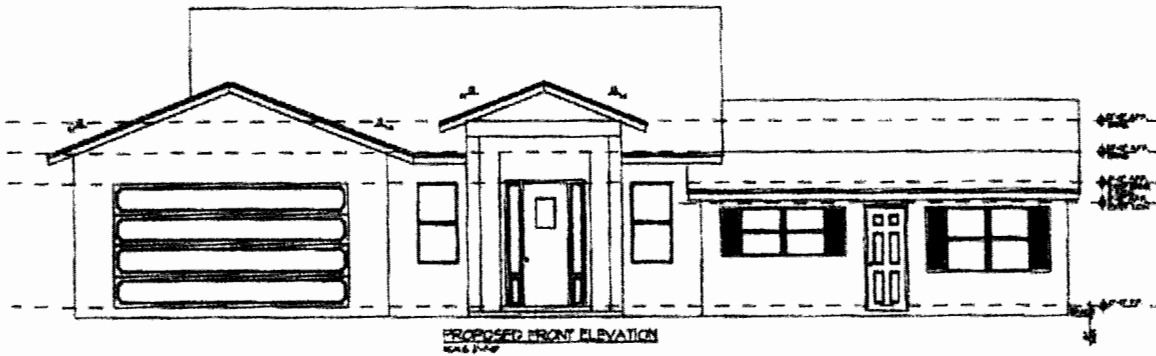
LOT 25

LOT 21

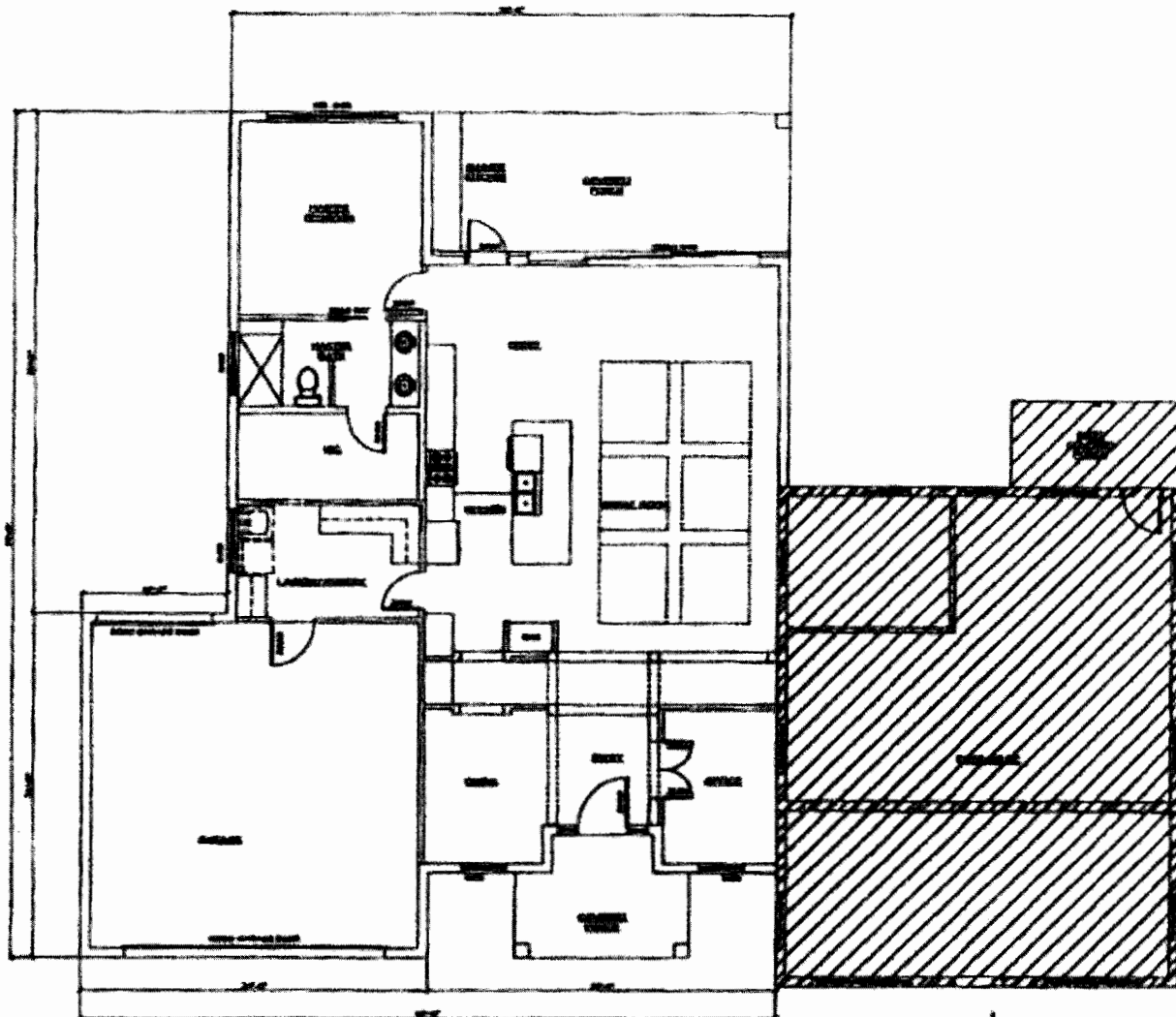
LOT 22

LOT 23

LOT 24



↑  
PROPOSED NEW BUILDING  
FOR 10080 SCHILLER RD.  
ALOPKA



PROPOSED FLOOR PLAN

1



STAFF REPORT  
CASE #: VA-18-04-022  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 2

GENERAL INFORMATION:

APPLICANT: LUIS BARRAGAN

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

- 1) Minimum lot area of .23 acres in lieu of .5 acres.
- 2) Front setback for existing residence of 18 ft. in lieu of 35 ft.
- 3) Side street setback for existing residence of 13 ft. in lieu of 15 ft.
- 4) Front setback for new addition of 20 ft. in lieu of 35 ft.
- 5) Rear setback of 25 ft. for new addition in lieu of 50 ft.

LOCATION: Southeast corner of Schiller Avenue and Palm St., approximately 500 ft. west of Lake Meadow Rd.

PROPERTY ADDRESS: 10080 Schiller Ave., Apopka, FL 32703

PARCEL ID: 05-22-28-9152-23-170

PUBLIC NOTIFICATION: 72

TRACT SIZE: 100 ft. x 104 ft.

DISTRICT #: 2

ZONING: A-1

EXISTING USE(S): Single family residence

PROPOSED USE(S): Single family residence with addition

SURROUNDING USES: N - Single family residence

S - Single family residence

E - Single family residence

W - Stormwater management ponds

### STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting variances from the front, side, and rear setbacks to build a 2,000 sq. ft. addition to an existing 1,052 sq. ft. single family home.
2. The property is located in the A-1 Citrus Rural zoning district which allows agricultural uses, and a single family residence with associated accessory structures on larger lots with a minimum of ½ acre. The development pattern in this neighborhood is not consistent with the A-1 zoning, but rather consists mostly of quarter acre or smaller lots similar to an R-1AA zoning district.
3. The property is located in an enclave which is surrounded by the City of Ocoee.
4. The property consists of 4 lots that were platted in 1925.
5. The most impacted neighbor (to the east) has provided a notice in support of the proposal.
6. While the property is zoned A-1, the lot size is similar to those found in R-1AA zoning and the reduced setbacks would be more suitable than the setbacks required for larger A-1 zoned lots. The required setbacks in R-1AA are 25 ft. in the front and 30 ft. in the rear.
6. The BZA has granted similar variances for properties on the same block and across the street from the subject property. Approval of this request will facilitate construction of an aesthetically pleasing design that will be an asset to the area.
7. Approval of this request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood.
  - a. The fact that the lot size is less than half the required lot size in the A-1 zoning district is a special condition in this area. If the required A-1 setbacks were applied on this lot the buildable area would be minimal.
  - b. The proposal is consistent with the development pattern in the area.
  - c. Similar and greater variances have been granted in the area and not allowing lesser setbacks would deprive this applicant of rights commonly enjoyed by other properties in the same zoning district in the immediate area.

### STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated March 20, 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 addition shall match the exterior of the existing house.
5. The shed on the south side of the property that encroaches into the required 5 ft. setback shall be removed prior to issuance of permits.

c: Robert Foglia, Applicant's Representative  
7212 Greenville Court  
Orlando, Florida 32819

Luis Barragan, Applicant  
10080 Schiller Avenue  
Apopka, Florida 32703



**RADWAY LITTLEJOHN**  
**VA-18-04-023**

---

**REQUEST:** **Variances** in the R-1A zoning district for the following:  
1) To allow a total of 1,400 sq. ft. of accessory structure floor area in lieu of 663 sq. ft. (25% of home's living area).  
2) To allow an accessory structure with a height of 17 ft. in lieu of 15 ft.  
3) To allow an accessory structure with a vinyl coated metal exterior in lieu of materials commonly used to construct a residence.

**ADDRESS:** 3114 Caesar Avenue, Orlando FL 32833

**LOCATION:** West side of Caesar Avenue, approximately 225 ft. south of Wembley Avenue.

**S-T-R:** 10-23-32

**TRACT SIZE:** 1.07 Acres

**DISTRICT#:** 5

**LEGAL:** CAPE ORLANDO ESTATES UNIT 12A 4/66 LOT 13 BLK 16

**PARCEL ID:** 10-23-32-1184-16-130

**NO. OF NOTICES:** 71

**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 as amended (unanimous; 7-0):

1. Development in accordance with the site plan dated February 14, 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 color of the accessory structure shall match or compliment the exterior of the existing residence.

**SYNOPSIS:** Staff explained that the subject property, and every other lot in the subdivision were significantly larger than the typical R-1A lot, all being over one (1) acre in size. Due to a grade difference between the street and the location of the house and proposed shed, the shed's roof would not be visible from the street. Further, due to the angle of the lot lines, the view of the shed would be nearly totally obscured by the home. Staff noted that it had received three (3) correspondence regarding the request, with two (2) nearby neighbors in support, and one (1) in opposition who actually lives over one-half (1/2) mile to the northeast in the section of Wedgefield which resembles an R-1 zoned subdivision.

The applicant indicated that they had chosen the proposed exterior due to its cost, and the insulating character of the material. When asked by a BZA member what the difference in cost was between the proposed material and another material similar to that used in finishing a home, the applicant had not looked into that difference.

The BZA discussed the materials to some length, concluding that the main issue with the exterior centered on its color. A motion was made to recommend approval of all variances with condition #4, being modified to require that the exterior color match or compliment the colors of the home. The motion passed unanimously.



**Applicant:** RADWAY LITTLEJOHN

**BZA Number:** VA-18-04-023

**BZA Date:** 04/05/2018

**District:** 5

**Sec/Twn/Rge:** 11-23-32-SE-D, 11-23-32-SW-C

**Tract Size:** 1.07 Acres

**Address:** 3114 Caesar Avenue, Orlando FL 32833

**Location:** West side of Caesar Avenue, approximately 225 ft. south of Wembley Avenue.

9 February 2018

COVER LETTER

Request for variance

TO: Whom it may concern

My name is Radway Littlejohn. My wife (Yolanda) and I recently purchased a house located at 3114 Caesar Avenue in the Wedgefield community. I am requesting a height and size variance to allow the erection of a metal building behind our house. The building is 35 wide by 40 deep, with a roof height of 16 feet (total 1400 sq ft). Our area is zoned R1A. Our lot is a little over an acre in size so there is plenty of space. The building will be built to look natural in a residential setting with a color to match our house as close as possible. We will use the building as storage for lawn equipment, boat, etc as well as a workshop for me. There are a few metal buildings in the neighborhood similar to the one I am requesting and they blend in well with the surroundings.

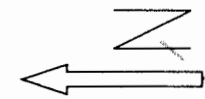
RECEIVED

FEB 14 2018

Zoning Division

# BOUND

DESCRIPTION: LOT 13, BLOCK  
ACCORDING TO THE PLAT TH  
PAGES 66 THROUGH 70. PUBLI



LOT 12

LOT 11

LOT 13

LOT 14

LOT 10

N90°00'00"E 150.00'  
124.96'

CLASS II WETLAND AREA = 14,055  
SQ. FT. OR 0.323 ACRES ±

N00°00'00"E 130.00'

232.79'

S86°31'41"E

N75°25'26"W 320.95'  
236.00'

RECEIVED  
FEB 14 2018  
Zoning Division

AREA CALCULATION:

WETLAND = 14,055 SQ. FT. OR 0.323 ACRES ±  
UPLAND = 32,875 SQ. FT. OR 0.755 ACRES ±  
SITE = 46,930 SQ. FT. OR 1.078 ACRES ±

CAESAR AVENUE

POINT OF CURVATURE

8" TO 14" DIA. IN  
WOOD UTILITY POLE  
ELEVATION = 88.03'

RECORDED  
5" DIA. WOOD  
CABLE WALK

SET 5' BT  
FROM R.O.D.  
PART

PROPOSED TYPICAL  
RAILROAD DRAINAGE  
DISTRICT EASEMENT

PROPOSED TYPICAL  
RAILROAD DRAINAGE  
DISTRICT EASEMENT

RECORDED  
5" DIA. WOOD  
CABLE WALK

PROPOSED  
5" DIA. WOOD  
CABLE WALK

PROPOSED  
5" DIA. WOOD  
CABLE WALK

SET 5' BT  
FROM R.O.D.  
PART

WETLAND FLAG

WETLAND FLAG

WETLAND FLAG

WETLAND FLAG

WETLAND FLAG

WETLAND FLAG

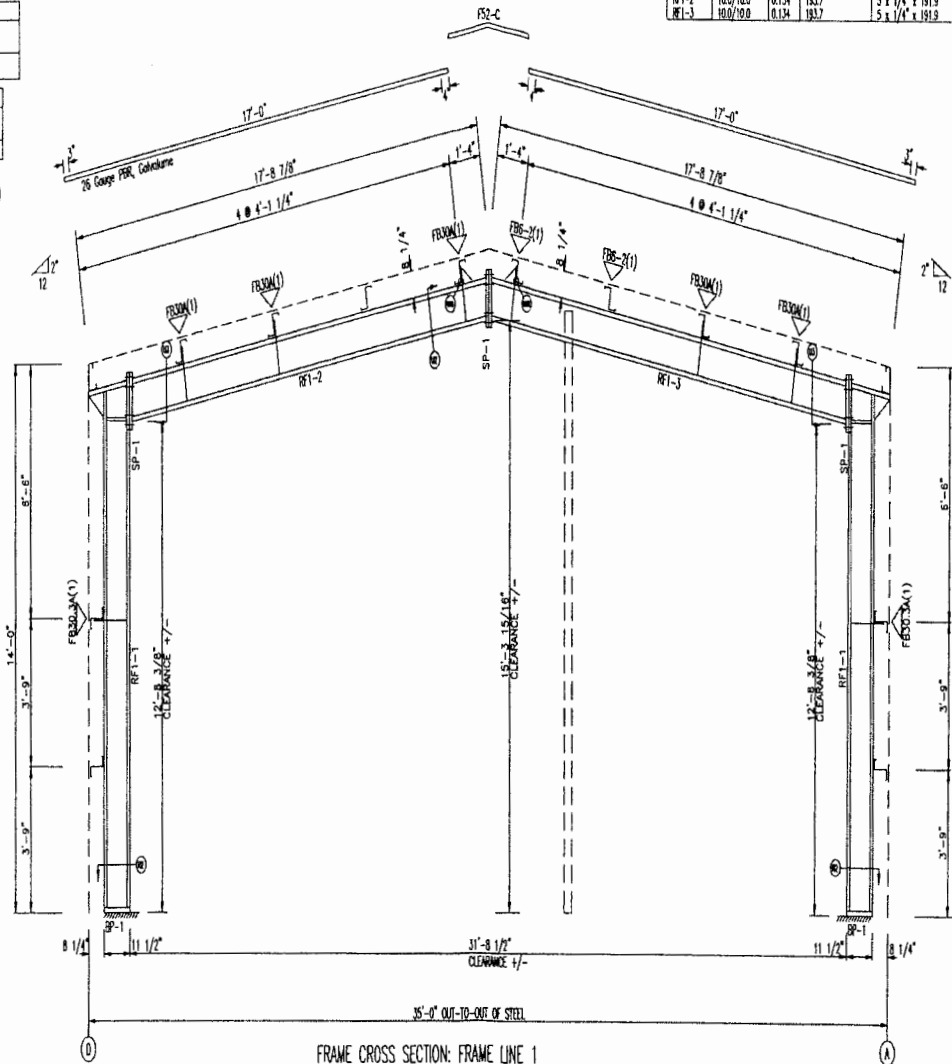
SPUR PLATE & BOLT TABLE									
Mark	Qty	Top	Bot	Wt	Type	Size	Length	Width	Thick
SP-1	4	4	0	4.225	3/4"	1 3/4"	8"	3/8"	1'-4 7/8"

STIFFENER TABLE				
Mark	SBT	Mark	Plate Size	Length
RF1-1	SL-1	2 1/2	1/4"	11"

BASE PLATE TABLE				
Col	Mark	Plate Size	Length	
BP-1	8"	3/8"	11 1/2"	

FLANGE BRACES, BOTH SIDES (UNLESS NOTED)  
 FBSM(1) - ex-length(n)  
 A - 12X22X1/8  
 FBS - 12X22X1/8"

MEMBER TABLE					
Mark	Web Depth	Web Thickness	Web Length	Outside Flange	Inside Flange
RF1-1	11.0/11.0	0.134	182.3	5 x 1/4" x 180.4	5 x 1/4" x 180.8
RF1-2	10.0/10.0	0.134	183.7	5 x 1/4" x 191.7	5 x 1/4" x 191.9
RF1-3	10.0/10.0	0.134	193.7	5 x 1/4" x 191.9	5 x 1/4" x 191.9



# GENERAL NOTES:

1. SHAG RIGHT - ALL BOLTED JOINTS WITH AISC TYPE 1 BOLTS ARE SPECIFIED AS SHAG-RIGHTED JOINTS IN ACCORDANCE WITH THE SPECIFICATION FOR STRUCTURAL JOINTS USING AISC A325 OR A490 BOLTS, DECEMBER 31, 2008. PRE-TENSIONING METHODS, INCLUDING TURN-OF-NUT, CALIBRATED WRENCH, TIGHT-OUT-TYPE, TENSION-CONTROL BOLTS OR DIRECT TENSION INDICATOR ARE NOT REQUIRED. INSTALLATION INSPECTION REQUIREMENTS FOR SHAG RIGHT BOLTS (SPECIFICATION FOR STRUCTURAL JOINTS SECTION 9.3) IS SUGGESTED.

2. ALL FIELD WELDED CONNECTIONS OF SECONDARY FRAMING SHALL BE BOLTED WITH AISC MACHINE BOLTS.

3. INSTALL ALL FLANGE BRACES ON COLUMN AND RAFTER AS SHOWN.

ISSUE	DATE	DESCRIPTION	BY	CHKD	ESN
A	12/4/17	FOR CONSTRUCTION PERM	TAK	SEM	AME

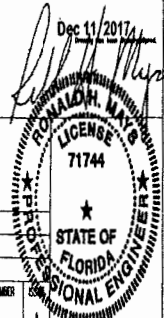
## LINCOLN STEEL BUILDINGS

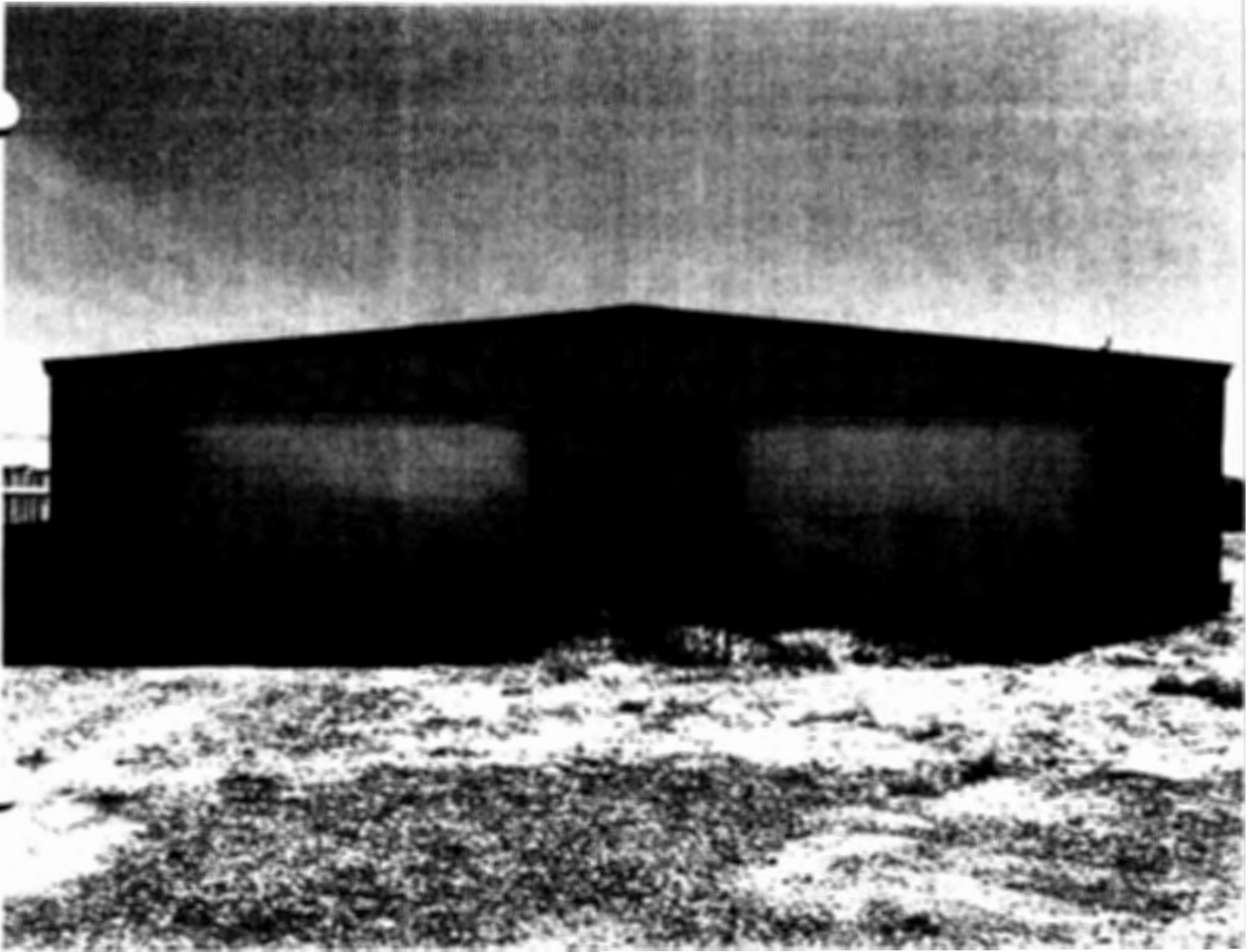
2436 N FEDERAL HWY #475  
 LIGHTHOUSE POINT, FL 33064

PROJECT: BROWNY UTILIZATION  
 CUSTOMER: BROWNY UTILIZATION  
 OWNER: BROWNY UTILIZATION

LOCATION: ORLANDO, FL 32833

CAD: DATE: 12/4/17 SCALE: N.T.S. PAPER: 1 BUILDING ID: A JOB NUMBER: 16-B-29440 SHEET NUMBER: E7





Proposed Front Elevation



STAFF REPORT  
CASE #: VA-18-04-023  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 5

GENERAL INFORMATION:

APPLICANT: RADWAY LITTLEJOHN

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

- 1) To allow a total of 1,400 sq. ft. of accessory structure floor area in lieu of 663 sq. ft. (25% of home's living area).
- 2) To allow an accessory structure with a height of 17 ft. in lieu of 15 ft.
- 3) To allow an accessory structure with a vinyl coated metal exterior in lieu of materials commonly used to construct a residence.

LOCATION: West side of Caesar Avenue, approximately 225 ft. south of Wembley Avenue.

PROPERTY ADDRESS: 3114 Caesar Ave., Orlando, FL 32833

PARCEL ID: 10-23-32-1184-16-130

PUBLIC NOTIFICATION: 71

TRACT SIZE: 1.07 Acres

DISTRICT #: 5

ZONING: R-1A

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Accessory Structure (Shed/Workshop)

SURROUNDING USES/: N - Vacant

S - Vacant

E - Single Family Residence

W - Vacant/Single Family Residence



## STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-1A, which requires lots with a minimum of 7,500 sq. ft. The primary use is single family detached residential consisting of site built and modular homes. Usually a subdivision consists of one zoning district; however, Wedgefield contains numerous zoning districts. The underlying Future Land Use is R, Rural, which permits one (1) unit per 10 (ten) acres. The zoning is inconsistent with the Future Land Use.
2. The subject property is over an acre in size, with the rear one-third (1/3) of the lot classified as a class I wetland. The applicant's lot is over six (6) times the minimum lot size for a lot in the R-1A zoning district. Since all of the lots in this subdivision are of the same size or larger, the area has developed in a rural manner. Numerous variances have been granted in this area of Wedgefield for similar sized accessory structures or larger, with similar heights, or larger. The average lot size of this subdivision creates a rural environment not commonly found in the R-1A zoning district, which creates a special condition and circumstance.
3. In past variances, staff has recommended approval, however, in most cases; the recommendation included a condition that the exterior be finished with a material similar to that of the residence. The applicant is proposing a finish which is a vinyl coated metal material with a wood-grained texture. The proposed structure will be nearly 100 ft. from the front property line and mostly located behind the existing residence.
4. The construction of an accessory structure as proposed would not be out of character with the neighborhood, nor would it impair the integrity of the Zoning Code. The proposed structure would be primarily behind the residence. Given the rise in grade from the road of the residence, the added height would be imperceptible, and the structure itself only slightly visible.
5. Were this area zoned in a way similar to how it was configured, that being A-1, A-2, or R-CE, the applicant would be entitled to 2,000 sq. ft. of accessory floor area. As such, a variance would not be necessary.
6. Staff makes the following findings:
  - a) The very nature of this portion of the Wedgefield community creates a special condition and circumstance. While the land has been assigned a suburban zoning designation of R-1A, the size and configuration of the lots creates a rural character which lends itself the provision of more rural uses such as larger accessory structures.
  - b) Given the number of previously approved accessory structures in excess of the size and height typically found in an R-1A zoned area, granting the variance will not confer any special privilege upon the applicant. In fact, failure to grant the variances will deprive the applicant of rights others are now enjoying.
  - c) The variance is not excessive, but well within the range of prior variances granted in this area, thus, the minimum necessary to accommodate the applicant's needs.

- d) Given the rural nature of this area, the granting of the variance will not impair the integrity of the Zoning Code.
- e) The applicant has not adequately demonstrated that the need for the exterior finish proposed has met the criteria for granting a variance.

**STAFF RECOMMENDATION:**

Based on the above findings, staff recommends approval of Variances #1 and #2, but does not support Variance #3. It is recommended that the following conditions be attached to any approval:

1. Development in accordance with the site plan dated February 14, 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 accessory structure shall match the exterior of the existing the residence.

c: Radway Littlejohn  
3114 Caesar Avenue  
Orlando, Florida 32837

**GARY BEVERLY**  
**VA-18-04-024**

---

**REQUEST:** Variance in the C-2 zoning district to allow a rear setback of 7.5 ft. in lieu 20 ft.  
**ADDRESS:** 5507 E. Colonial Drive, Orlando FL 32807  
**LOCATION:** Northwest corner of E. Colonial Dr., and Barton Dr.  
**S-T-R:** 21-22-30  
**TRACT SIZE:** 225 ft. x 142 ft. (AVG)  
**DISTRICT#:** 5  
**LEGAL:** LAKESIDE ESTATES Q/95 THE E 224.47 FT OF LOTS 22 & 23 (LESS RD R/W)  
**PARCEL ID:** 21-22-30-4828-00-221  
**NO. OF NOTICES:** 129

**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; 7-0):

1. Development in accordance with the site plan dated February 14, 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. All plans submitted for review shall including the following language in 2 inch lettering: "THIS APPLICATION [OR THESE PLANS] RELATE TO THE STATE ROAD 436/STATE ROAD 50 CORRIDOR OVERLAY DISTRICT, WHICH WAS ESTABLISHED UNDER AND IS SUBJECT TO ORDINANCE NO. 2004-15,

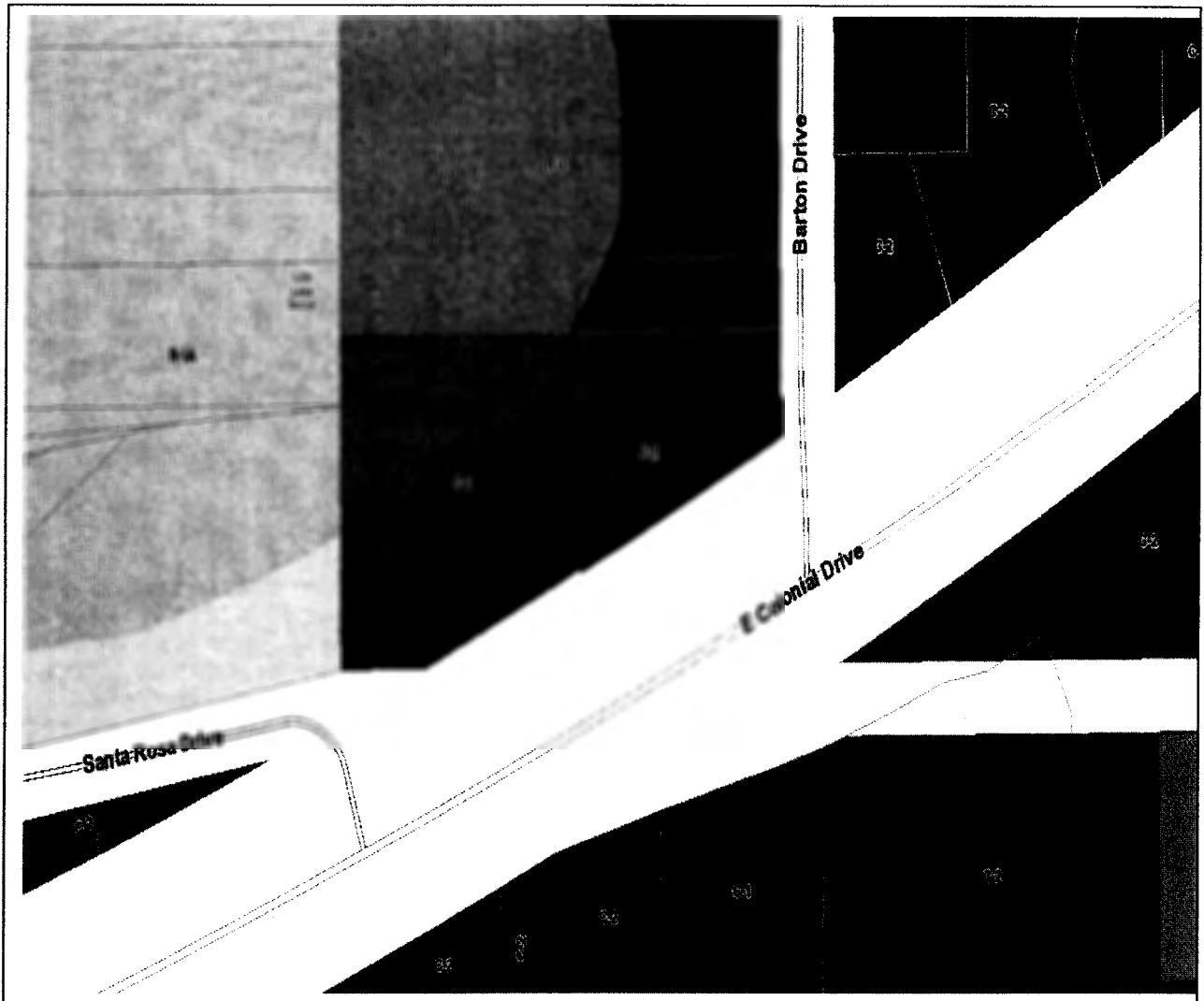
ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS on October 12, 2004."

5. Development, including the dumpster container, shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
6. The applicant shall apply for permits within 180 days of final action by the County on this application, and shall obtain said permits within twelve (12) months, or this application shall be deemed null and void.

**SYNOPSIS:** Staff noted that the applicant had been asked to resubmit a revised plan showing how they proposed to meet the Landscape Code. Staff was appreciative of the speed with which they had accomplished the resubmittal. Staff noted that the parcel was not only small, but also very irregularly shaped. The existing building is only 7.5 feet from the rear property line. This building is to be converted to office and storage. The new building will be ten (10) feet from the rear property line. To the north the land is zoned for multifamily, however, due to its location, it is questionable how much is actually high and dry. Staff noted that they had not received any written correspondence; however, they had spoken with several neighbors by phone. Most were not happy with the current appearance of the property, which the new building should help to resolve. The neighbors were also not happy about the vagrants and lack of maintenance on the property to the north of the subject property, and about some of the criminal activity which has taken place in the neighborhood.

The applicant wished for clarification that the variance would validate the existing building as well as allowing the new buildings. Staff confirmed that this was the case. There being no one in attendance to speak on this application, the public hearing was closed.

The BZA concluded that given the size and configuration of the lot, the lot would be virtually unusable without the variance. A motion to recommend approval was unanimously approved.



**Applicant:** GARY BEVERLY

**BZA Number:** VA-18-04-024

**BZA Date:** 04/05/2018

**District:** 5

**Sec/Twn/Rge:** 21-22-30-SE-D

**Tract Size:** 225 ft. x 142 ft. (AVG)

**Address:** 5507 East Colonial Drive, Orlando FL 32807

**Location:** Northwest corner of E. Colonial Dr., and Barton Dr.



February 13, 2018

MAR17-001

Orange County Board of Zoning Adjustment  
Orange County Zoning Division  
201 South Rosalind Ave., 1<sup>st</sup> Floor  
Orlando, FL 32801

Re: Mina's Transmission & Auto Repair  
Rear Yard Setback Variance Request

Dear Board of Zoning Adjustment:

The subject property address is 5507 E. Colonial Drive, Orlando, FL 32807, and is located at the northwest corner of the intersection of E. Colonial Drive and Barton Drive. The parcel ID # is 21-22-30-4828-00-221 with a land area of approximately 0.42 Acres. The site is zoned "C-2, General Commercial District" and has a FLU designation of "Commercial". See attached Orange County InfoMap/Planning Report. Currently, the site usage is classified as "Automotive Repair". There is an existing building on-site, meeting the current setback requirements except for the rear. The existing building (built in 1968) is situated approximately 7.5' from the rear property line. Based on the current zoning with regards to the adjacent north parcel, any new construction will require the rear setback to be 20'.

Neighboring parcels have the following zoning and FLU:

<u>Parcel</u>	<u>Zoning</u>	<u>FLU</u>
North	R-3, Multi-Family Dwelling District	Low Medium Density (Max. 10 DU/Ac)
East & West	C-2, General Commercial District	Commercial
South	C-1, Retail Commercial District and C-2, General Commercial District	Commercial

On June 22, 2017, the site received a Code Violation Notice (ref. 489607) to remove existing outdoor automotive lifts. See attached copy of the Violation Notice. Since that time the owner has removed the outdoor lifts and have satisfied the requirements of the violation notice.

In keeping with the county's requirement for automotive lifts being within enclosed structures, the owner is seeking to expand the automotive repair business by constructing a new building to include 5 lifts and converting the existing building into a office and parts area. The parts area will be dedicated to in-house automotive parts (no re-sale). The existing building has an area of 1,804 SF and the proposed building will have an approximate area of 2,550 SF, with a 900 SF awning connecting the buildings. It is the intent that the proposed building to be constructed without creating any new impervious areas. Additionally, the existing parking area will be re-stripped to provide code compliant parking count and better on-site traffic flow.

**Variance Request:** The owner is requesting the Orange County Board of Zoning Adjustment grant a rear yard setback variance to allow the proposed building to match the existing setback distance of 7.5'.

RECEIVED

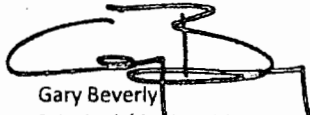
FEB 14 2018

ORANGE COUNTY  
ZONING DIVISION

225 S. Swoope Ave., Suite 206, Maitland, Florida 32751 • 407.636.4198 • [www.cdsllc-fl.com](http://www.cdsllc-fl.com)

Please process this application for approval. If you have any questions regarding the enclosed documents or need additional information concerning this submittal, please contact us at 407-636-4198 or via email at gbeverly@cdsllc-fl.com.

Sincerely,  
**Civil Design Solutions, LLC.**



Gary Beverly  
Principal / Project Manager

Enclosures

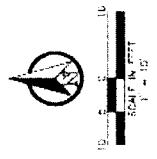
- Fee \$638.00, check #5052
- Application for Variance
- Code Violation Notice (ref. 489607)
- Orange County InfoMap/Planning Report
- Concept Plan
- Survey
- Picture of Similar Building Elevation

cc: Makram Mansour (via e-mail)

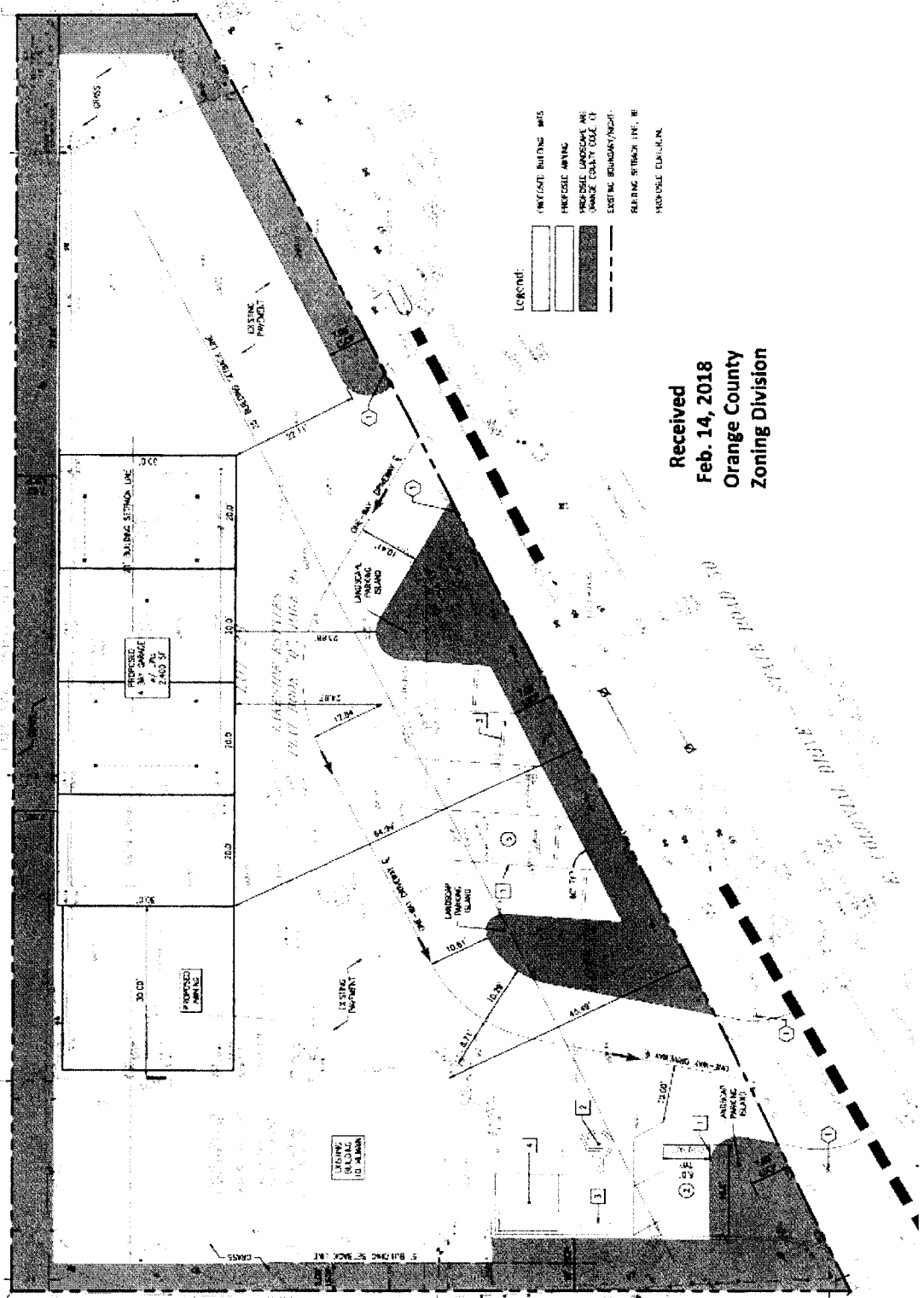
\\WDMYCLOUD\MIRROR\Projects\MAR17-001 Mina's Transmission & Auto Repair\Documents\2018-02-13 OC Cover Letter.docx

ADDITIONAL PAGE

ATTACH C-2  
TO COMPLETION



ZONING R-3  
ALL 20' MINIMUM WIDTH



- Legend:
- PROPOSED BUILDING
  - EXISTING BUILDING
  - PROPOSED LANDSCAPING
  - EXISTING LANDSCAPING
  - EXISTING BOUNDARY/RIGHT-OF-WAY
  - EXISTING STRUCK LINE, R/W
  - PROPOSED EASEMENT

Received  
Feb. 14, 2018  
Orange County  
Zoning Division





STAFF REPORT  
CASE #: VA-18-04-024  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 5

GENERAL INFORMATION:

APPLICANT: GARY BEVERLY

REQUEST: Variance in the C-2 zoning district to allow a rear setback of 7.5 ft. in lieu 20 ft.

LOCATION: Northwest corner of E. Colonial Dr., and Barton Dr.

PROPERTY ADDRESS: 5507 E. Colonial Drive, Orlando, Florida 32807

PARCEL ID: 21-22-30-4828-00-221

PUBLIC NOTIFICATION: 129

TRACT SIZE: 225 ft. x 142 ft. (AVG)

DISTRICT #: 5

ZONING: C-2

EXISTING USE(S): Transmission Repair

PROPOSED USE(S): New transmission repair shop

SURROUNDING USES/:

- N - Vacant
- S - E. Colonial Dr.
- E - Commercial
- W -Vacant

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned C-2. The C-2 district permits a broad array of commercial activities including, automotive repair, painting, and the current use of the subject property, transmission repair. The property is also located in the S.R. 436/S.R. 50 Corridor Overlay District, which prohibits certain uses and will not affect this application.
2. The Future Land Use of the surrounding properties is Commercial to the east and west, and Medium Density Residential to the north with a zoning of R-3, which

allows for multifamily residential uses. The applicant will be maintaining a maximum building height of thirty-five (35) feet, which meets code.

3. The lot is irregularly shaped, being triangular with the widest portion to the west narrowing to the east. Without the variance, it would not be possible to redevelop the site. Currently, much work is being done outdoors. Construction of a new modern facility will allow the applicant to comply with the requirements for all work to take place in an enclosed area.
4. The existing building will remain and be used as the office and storage. This structure is currently located 7.5 feet from the rear property line. Therefore, the increase to ten (10) feet represents not only the minimum variance required, but also an improved compliance with the current setback of twenty (20) feet. The existing structure was built in 1968 and this variance would allow that structure to remain.
5. The subject property is also only .42 acres in size. This further limits the buildable area on the site, also necessitating a variance.
6. Denying the variance will deprive the applicant of buildable area, depriving them of rights enjoyed by others in the same zoning district.
7. The applicant has redesigned the site from the original submittal, to provide landscaping along Colonial Drive. However, staff is recommending a condition which will require that all provisions of the Landscape Code (Chapter 24) be met. While redundant, it is intended to ensure that it is clear that no waivers have been granted to that chapter by the BZA.
8. Since the applicant did not create the parcel in its current configuration, the hardship necessitating the variance is not self-imposed.
9. Staff makes the following findings:
  - a) The shape and land area of the subject property pose special conditions and circumstances particular to this property.
  - b) The applicant did not create the property in its current configuration, and as such, the need for the variances is not self-imposed.
  - c) The granting of the variance will not grant special privileges upon the applicant, but rather, will permit the applicant to make improvements which will enhance the site and improve its appearance, improving the overall area.
  - d) The fact that the proposed structure will actually be farther from the rear property line than the current structure indicates that this is the minimum variance needed.
  - e) Given the development patterns in this area, granting the variance will not impair the integrity of the Zoning Code.

### STAFF RECOMMENDATION:

Based on the above findings, staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated February 14, 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. All plans submitted for review shall including the following language in 2 inch lettering: "THIS APPLICATION [OR THESE PLANS] RELATE TO THE STATE ROAD 436/STATE ROAD 50 CORRIDOR OVERLAY DISTRICT, WHICH WAS ESTABLISHED UNDER AND IS SUBJECT TO ORDINANCE NO. 2004-15, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON October 12, 2004."
5. Development, including the dumpster container, shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
6. The applicant shall apply for permits within 180 days of final action by the County on this application, and shall obtain said permits within twelve (12) months, or this application shall be deemed null and void.

c: Gary Beverly  
225 S Swoope Avenue  
Orlando, Florida 32751

**ZORAIDA SANCHEZ**  
**VA-18-04-026**

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**REQUEST:** Variances in the R-1 zoning district to allow an existing accessory structure to remain as follows:  
1) 4 ft. from the rear (east) property line in lieu of 5 ft.  
2) 3 ft. from the side (north) property line in lieu of 5 ft.

**ADDRESS:** 5003 Haines Circle, Orlando FL 32822

**LOCATION:** East side of Haines Circle, north of Hoffner Road and east of Commander Drive.

**S-T-R:** 15-23-30

**TRACT SIZE:** 70 ft. x 100 ft.

**DISTRICT#:** 3

**LEGAL:** CONWAY MANOR REPLAT 3/119 LOT 90

**PARCEL ID:** 15-23-30-1681-00-900

**NO. OF NOTICES:** 107

**DECISION:** **DENIED** the Variance requests 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; 7-0).

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

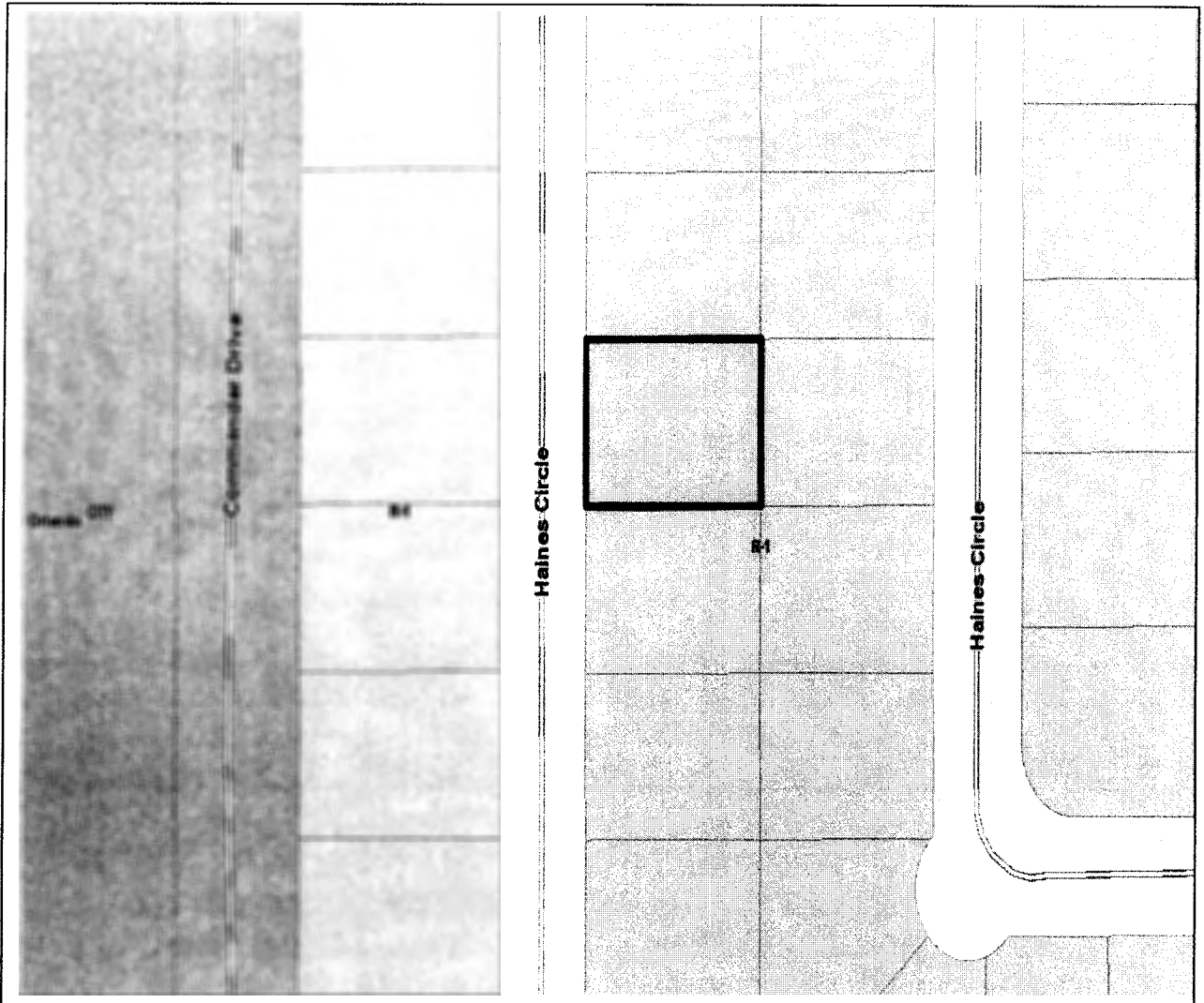
The applicant stated that they did not know permits were required.

The BZA questioned the multiple expansions to the shed without permits.

Code Enforcement explained that they cited the property for an accessory building without permits and in violation of setbacks.

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

The BZA denied the variances.



**Applicant:** ZORAIDA SANCHEZ

**BZA Number:** VA-18-04-026

**BZA Date:** 04/05/2018

**District:** 3

**Sec/Twn/Rge:** 15-23-30-SW-C

**Tract Size:** 70 ft. x 100 ft.

**Address:** 5003 Haines Circle, Orlando FL 32822

**Location:** East side of Haines Circle, north of Hoffner Road and east of Commander Drive.

2/13/18

to whom it may concern:

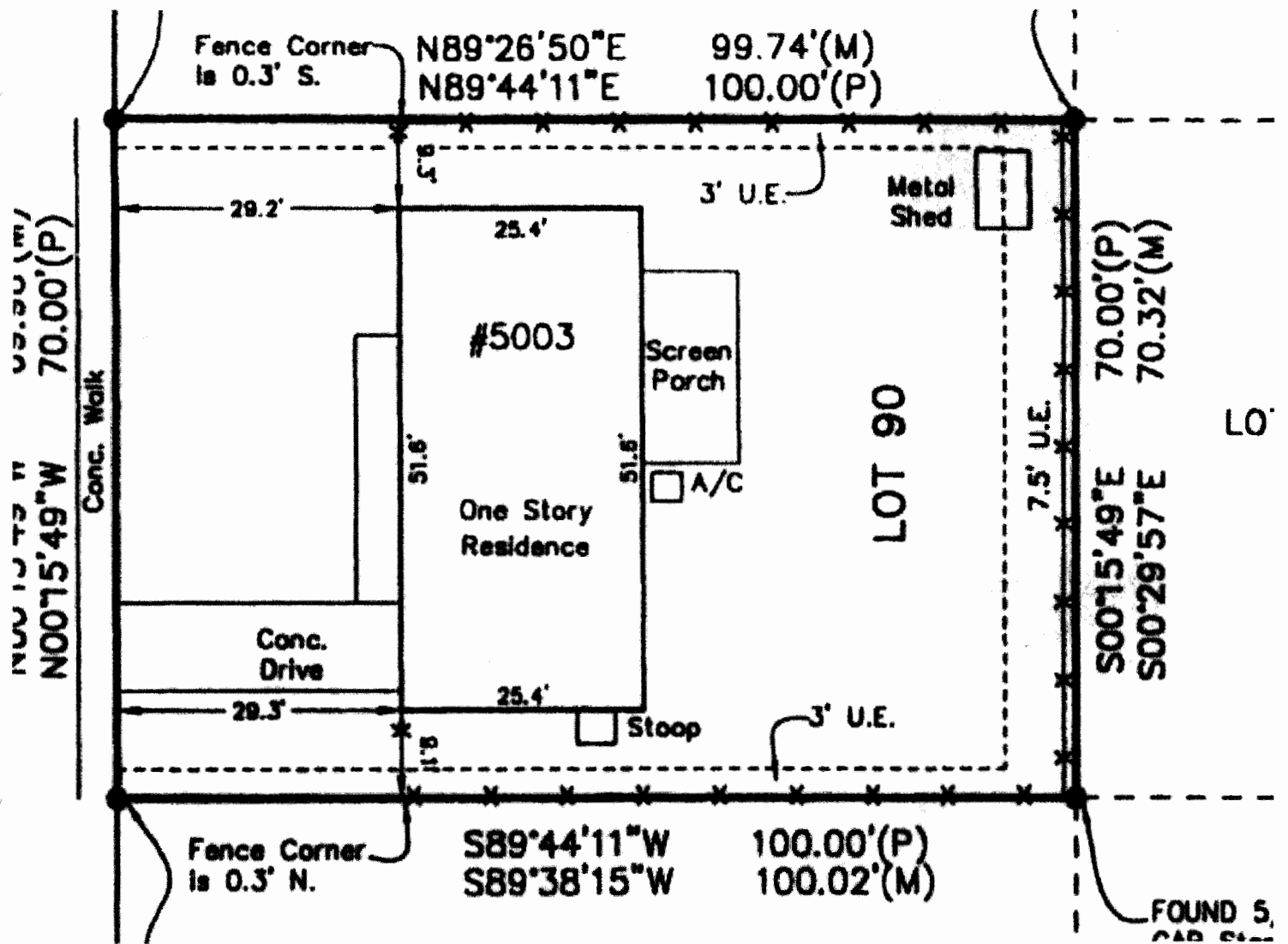
I Zoraida Sanchez am applying for a variance. I'm owner of property address 5023 Haines Circle. I bought said property in 2004. The property is located in Orlando, FL.

Parcel ID# 15-23-30-1681-00-900.

When I bought the above property the shed in question was already in existence and is on the attach application Survey. The original Survey. When property was bought back in 2004.

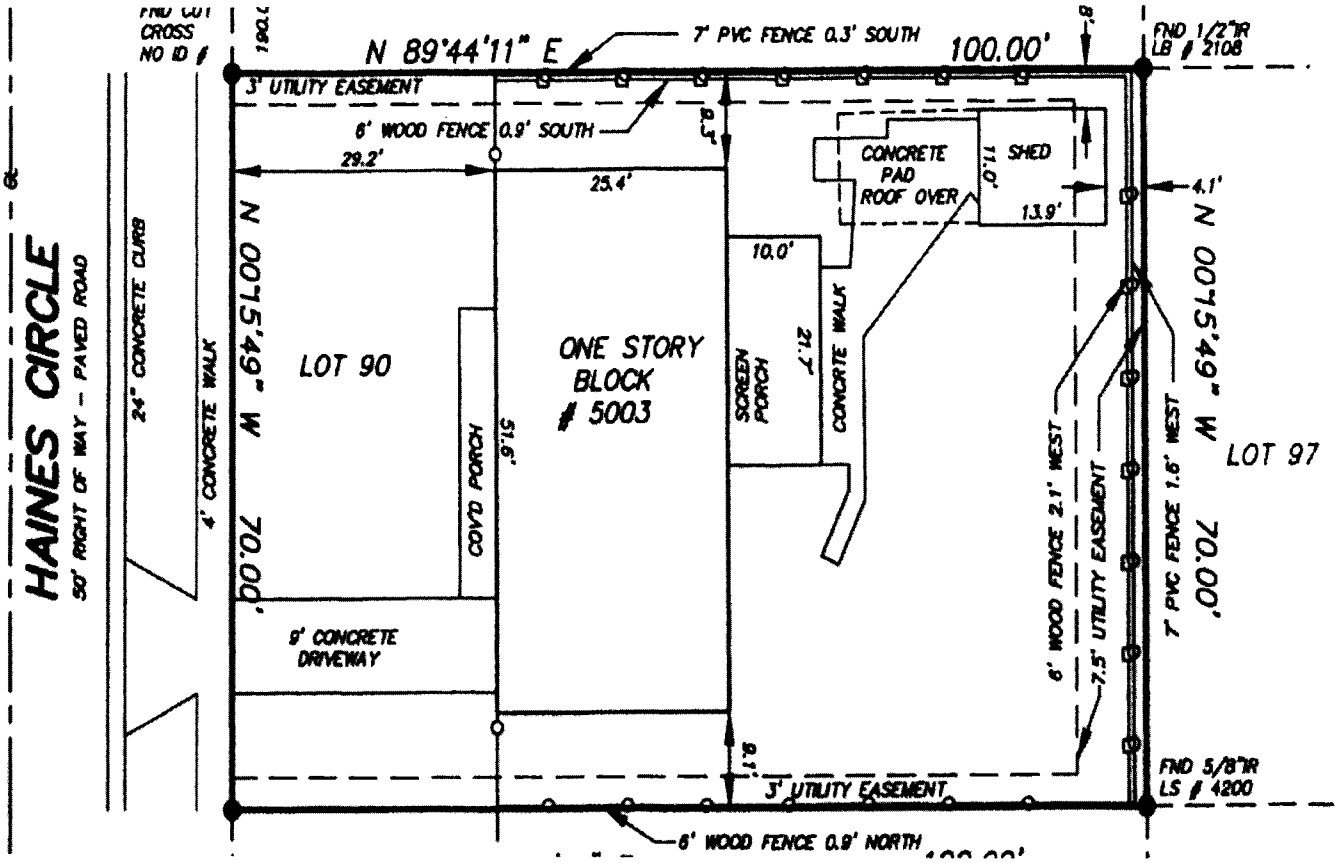
The variance I'm applying for is because the property had a shed that was place on Property line. I received a code enforcement violation. violation# 500957. Stating my corrective action plan: Obtain all required permits and setbacks. I'm applying for variance on the existing shed that is sitting on rear of property with a 3'8 Footage to the left and 4'1 Footage to the rear. There is an egress passage on the rear. The shed is 6'5 Feet in height and 11.0 by 13.9. Square Footage.

Zoraida Sanchez  
321-805-2320



2004 Survey

2018 Survey







STAFF REPORT  
CASE #: VA-18-04-026  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: ZORAIDA SANCHEZ

REQUEST: Variances in the R-1 zoning district to allow an existing accessory structure to remain as follows:

1) 4 ft. from the rear (east) property line in lieu of 5 ft.  
2) 3 ft. from the side (north) property line in lieu of 5 ft.

LOCATION: East side of Haines Circle, north of Hoffner Road and east of Commander Drive.

PROPERTY ADDRESS: 5003 Haines Circle, Orlando, FL 32822

PARCEL ID: 15-23-30-1681-00-900

PUBLIC NOTIFICATION: 107

TRACT SIZE: 70 ft. x 100 ft.

DISTRICT #: 3

ZONING: R-1

EXISTING USE(S): Single Family residence w/shed

PROPOSED USE(S): Single Family residence w/shed

SURROUNDING USES: N - Single family residence  
S - Single family residence  
E - Single family residence  
W -Single family residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting variances from the side and rear setbacks to allow an accessory structure to remain on the property.

2. The property is located in the R-1 single-family residential zoning district, which allows a single family home and accessory structures.
3. Code Enforcement cited the property on December 18, 2017, for an accessory building without permits and in violation of setbacks.
4. The applicant purchased the property in 2004, with an existing unpermitted accessory structure.
5. Code Enforcement has observed, and aerial photographs have verified, that the shed has been expanded multiple times from 2008 to the present, for an overall total of 318 sq. ft.
6. The original unpermitted accessory structure was expanded without permits. There appears to be ample space for such an accessory structure in the rear yard without requiring variances.
7. Staff recommends denial of this request.
  - a) The applicant has not demonstrated special conditions or circumstances to justify the request.
  - b) The need for the variance is self-created.
  - c) Literal interpretation of the code would not deprive the applicant rights commonly enjoyed by other properties, as there is plenty of room on the lot to construct a conforming accessory structure.
  - d) Approval would grant special privilege that is not granted to other properties in the area.

**STAFF RECOMMENDATION:**

Staff recommends denial of this request.

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

1. Development in accordance with the 2018 survey/site plan dated Feb 14, 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 applicant shall obtain a permit for the accessory structure within ninety (90) days of final approval or this approval becomes null and void.
5. The applicant shall work with the Orange County Development Engineering Division to obtain permission to encroach into, or vacate the rear utility easement prior to permitting. (Please contact Julie Alber at 407-836-9628)

c: Crucita Martinez, Applicant's Representative  
7788 Wendell Road  
Orlando, Florida 32802

Zoraida Sanchez, Applicant  
5003 Haines Circle  
Orlando, Florida 32822

**BRYAN STEWART**  
**VA-18-04-029**

---

**REQUEST:** **Variance** in the R-1AA zoning district to allow a fence 6 ft. in height in lieu of 4 ft. in height within the 50 ft. setback from the Normal High Water Elevation (NHWE).  
**ADDRESS:** 2430 Bayfront Parkway, Orlando FL 32806  
**LOCATION:** South side of Bayfront Parkway, approximately 400 ft. east of S. Bumby Ave.  
**S-T-R:** 07-23-30  
**TRACT SIZE:** 80 ft. x 205 ft. (AVG)  
**DISTRICT#:** 3  
**LEGAL:** WATERFRONT ESTATES 4TH ADDITION U/89 LOT 5 BLK F  
**PARCEL ID:** 07-23-30-9064-06-050  
**NO. OF NOTICES:** 87

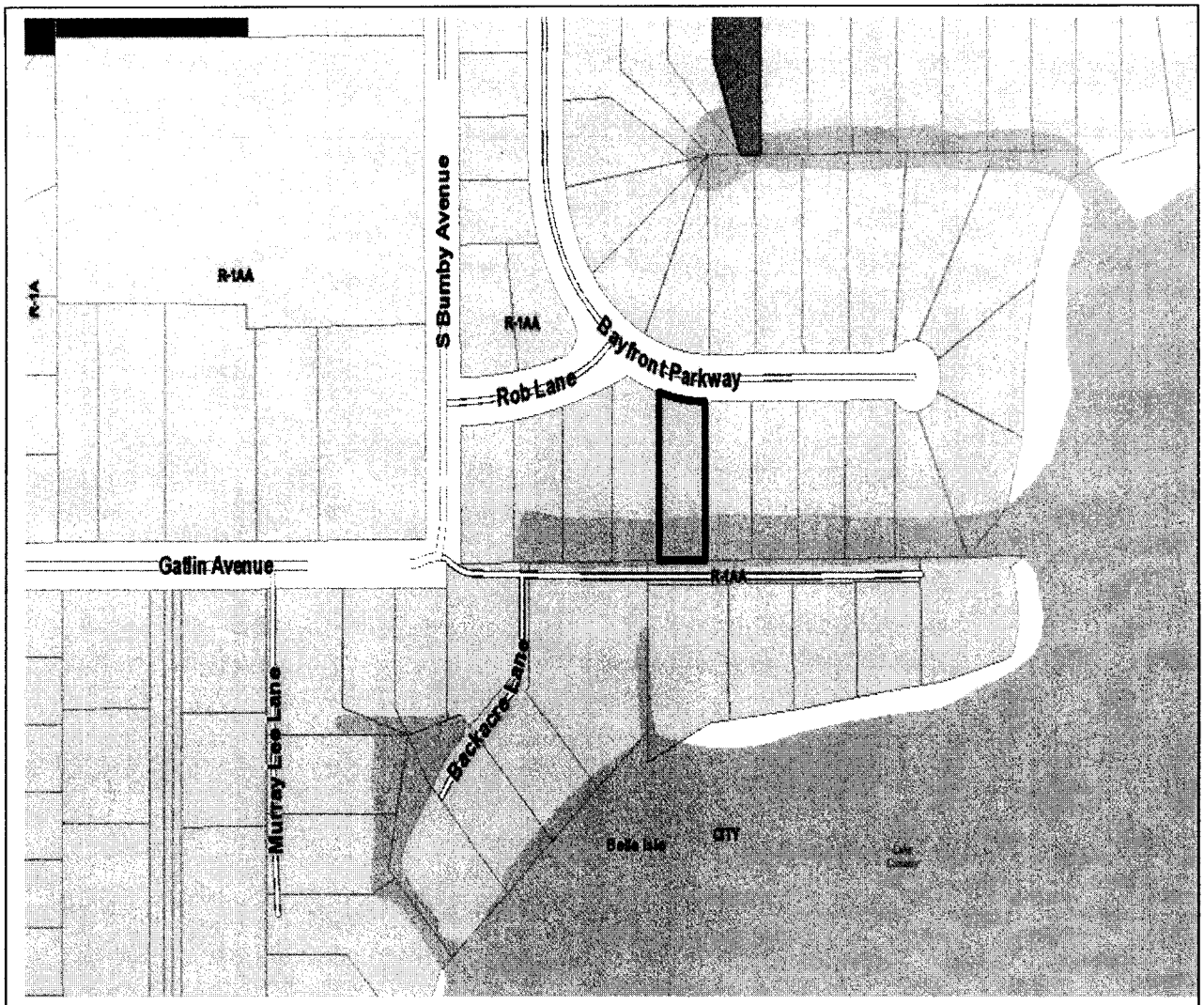
**DECISION: APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended (unanimous; 7-0):

1. Development in accordance with the site plan dated February 14, 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 applicant shall apply for permits for the fence within sixty (60) days of final action on this application by the County or the application shall be deemed null and void.

**SYNOPSIS:** Staff noted that though the application had been advertised as a variance from the fifty (50) feet NHWE, the actual NHWE is thirty-five (35) feet, due to the lack of depth of the subject property. In addition, unlike a true lakefront lot, a lot on a canal actually is closer to the neighbor to the rear, the area is more secluded, and a fence six (6) feet in height in lieu of four (4) feet would be far less apparent and conspicuous. Staff noted that the neighbor sharing the property line was in complete agreement with the request. Staff had a phone conversation with one other neighbor, who was not calling to object, but rather to find out how to apply for the same variance. No other correspondence had been received.

The applicant indicated that they were in complete agreement with the recommendation and conditions. There being no one present to speak for or against the request, the public hearing was closed.

The BZA concluded that the secluded nature of a canal was a special circumstance differentiating this case from a lot directly on a lake. A motion to recommend approval was passed unanimously.



**Applicant:** BRYAN STEWART

**BZA Number:** VA-18-04-029

**BZA Date:** 04/05/2018

**District:** 3

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

**Tract Size:** 80 ft. x 205 ft. (AVG)

**Address:** 2430 Bayfront Parkway, Orlando FL 32806

**Location:** South side of Bayfront Parkway, approximately 400 ft. east of S. Bumby Ave.

## **Cover Sheet**

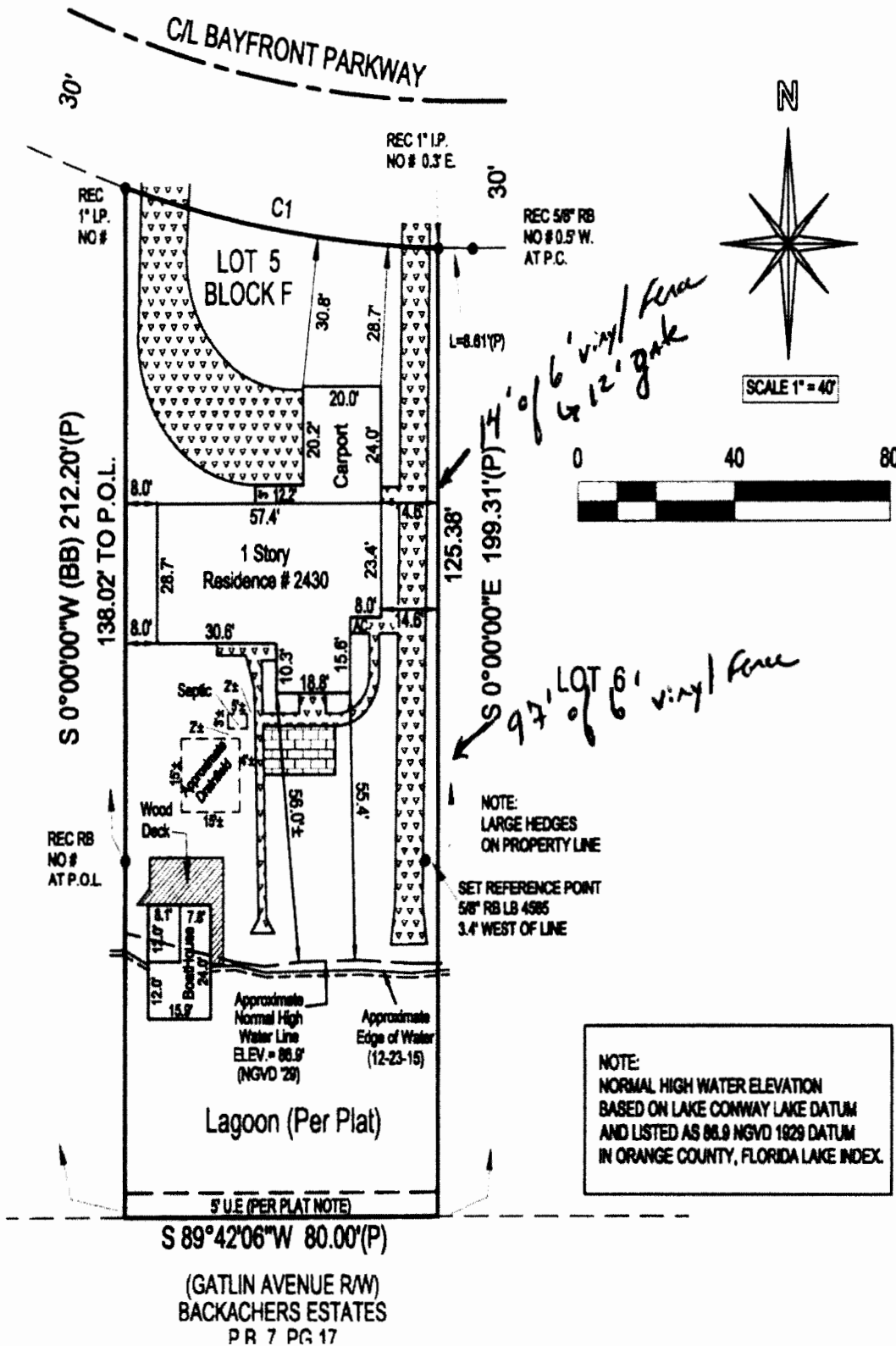
**Summary:** The Homeowner's of 2430 Bayfront Pkwy, are requesting a variance to install a 6 foot tall vinyl fence within the 50 foot setback code; that currently allows only 4 foot tall fences within this 50 foot of the normal high water elevation mark. The total fence length that will run the property line is 97 feet. The Homeowners of 2500 Bayfront Pkwy, which is adjacent to 2430, have given consent with no objection. This request is being made to help secure the property line for both family's pets.

**RECEIVED**

**FEB 14 2018**

**Zoning Division**

Curve	Delta Angle	Arc(M)	Arc(P)	Radius
1(P)	15°03'50"	81.50	81.18	310.00



**RECEIVED**

**FEB 14 2018**

**Zoning Division**





STAFF REPORT  
CASE #: VA-18-04-029  
Orange County Zoning Division  
Planner: David Nearing, AICP  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: BRYAN STEWART

REQUEST: Variance in the R-1AA zoning district to allow a fence 6 ft. in height in lieu of 4 ft. in height within the 50 ft. setback from the Normal High Water Elevation (NHWE).

LOCATION: South side of Bayfront Parkway, approximately 400 ft. east of S. Bumby Ave.

PROPERTY ADDRESS: 2430 Bayfront Parkway, Orlando, FL 32806

PARCEL ID: 07-23-30-9064-06-050

PUBLIC NOTIFICATION: 87

TRACT SIZE: 80 ft. x 205 ft. (AVG)

DISTRICT #: 3

ZONING: R-1AA

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Fence 6 ft. in height in lieu of 4 ft. in the NHWE setback

SURROUNDING USES: N - Single Family Residence  
S - Canal & Single Family Residence  
E - Single Family Residence  
W -Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-1AA, which requires lots with a minimum of 10,000 sq. ft. of lot area. The primary use is single family detached residential. The entire neighborhood in which the subject property is located is also zoned R-1AA.
2. The subject property faces a canal connected to Lake Conway. The code requires that fences within fifty (50) feet of the Normal High Water Elevation (NHWE) not

exceed four (4) feet in height. This is primarily to avoid obstructing the views of the neighbors. However, in this case, the neighbor sharing the property line has submitted a letter of support for the variance, waiving their right to the view. For this reason, the variance will not be contrary to the purpose and intent of the Zoning Code.

3. Both the applicant and the consenting neighbor have pets. The need for the variance is to keep said pets separated both physically and visually.
4. Since the subject property is not located on an open section of lake, but on a secluded canal, the appearance of a fence taller than four (4) feet will not be as obtrusive and conspicuous, and as such will not be out of character with the remainder of the neighborhood.
5. Staff makes the following findings:
  - a) The subject property is not located on an open lake, which is what the intent of the section of the Zoning Code was intended to protect, but rather on a secluded canal.
  - b) Granting of the variance will not confer any special privilege upon the applicant.
  - c) With the condition regarding the setback from the NHWE for the fence, the variance represents the minimum needed.
  - d) Given the secluded location of the subject property, granting the variance will not impair the integrity of the Zoning Code.

#### STAFF RECOMMENDATION:

Based on the above findings, staff recommends approval of the request subject to the following conditions:

1. Development in accordance with the site plan dated February 14, 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 applicant shall apply for permits for the fence within sixty (60) days of final action on this application by the County or the application shall be deemed null and void.

c: Bryan Stewart  
2430 Bayfront Pkwy.  
Orlando, Florida 32806

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

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**REQUEST:** Variance in the C-2 zoning district with a Tourist Commercial Overlay to allow a total of 280 sq. ft. of sign area in lieu of 100 sq. ft.  
**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:** 250

**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; 7-0):

1. Development in accordance with site plan dated March 4, 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. This approval shall be limited to a 280 sq. ft. wall sign. 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.

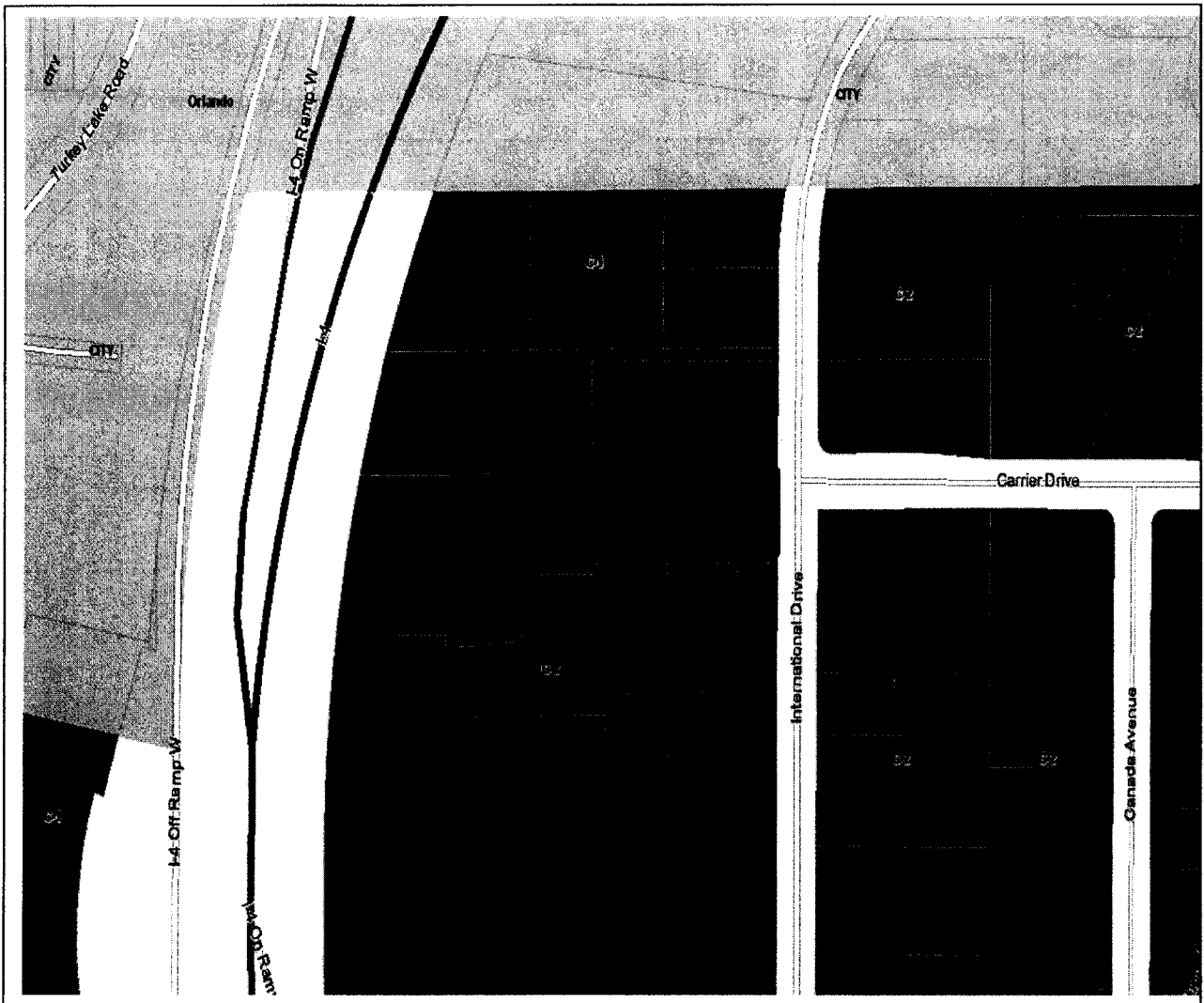
**SYNOPSIS:** Staff gave a presentation on the case covering the location, history, and photos.

The applicant stated that they have removed 2 of the 3 signs after the previous meeting. They also said that if the case is approved, they will replace the sign with higher quality materials.

The BZA noted that the original proposal was much larger and the most affected neighbor approves and benefits from the sign. The BZA felt the applicant went to great lengths to comply with the BZA concerns and that 280 sq. ft., is a significant reduction from 701 sq. ft.

Staff received one (1) commentary in favor of the application, and one (1) in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



**Applicant:** MICHAEL PRITCHETT FOR PREMIER EXHIBITION

**BZA Number:** VA-18-02-169

**BZA Date:** 04/05/2018

**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

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## EXHIBITIONS

Case # VA-18-02-169

Premier Exhibitions is requesting a Signage Variance for 7220 International Drive in Orlando. This variance is a newly proposed design that has been reduced in size and number of signs to one sign, on the front left of the street side front of the building and totals 280sf. 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, Extreme Dinosaurs, 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.

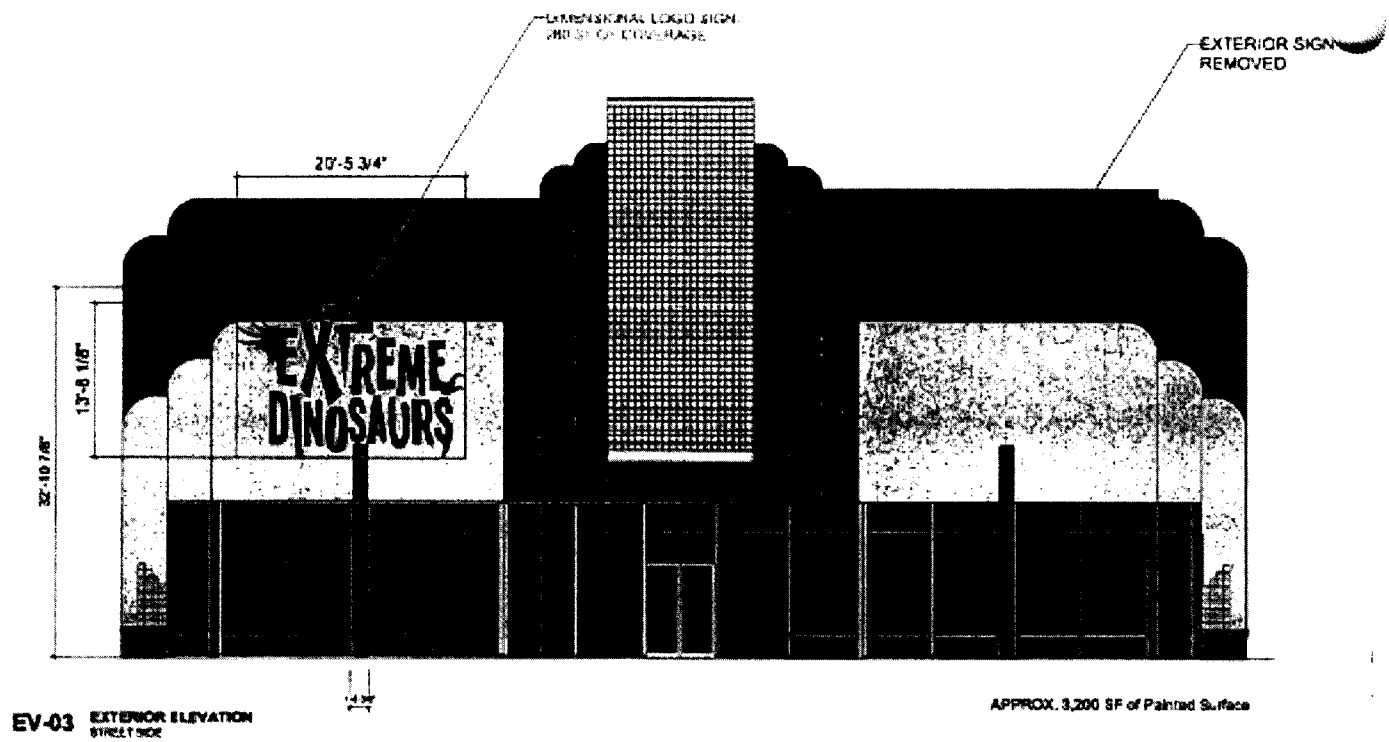
In addition to site line visibility issues, the building itself is a 2-story facility, with the second floor occupying approximately 1/3 of the useable space in the rear of the building. The front façade has a tremendous amount of exposed EFIS above our front windows and doors.

Premier Exhibitions respectfully request that our newly designed, one sign of 280sf be granted a variance based on these extenuating circumstances.

Thank you for your attention to this matter.

Sincerely,

Kerri Drake, PM  
Representing Premier Exhibitions  
[kerridrake@icloud.com](mailto:kerridrake@icloud.com)  
404.512.1962

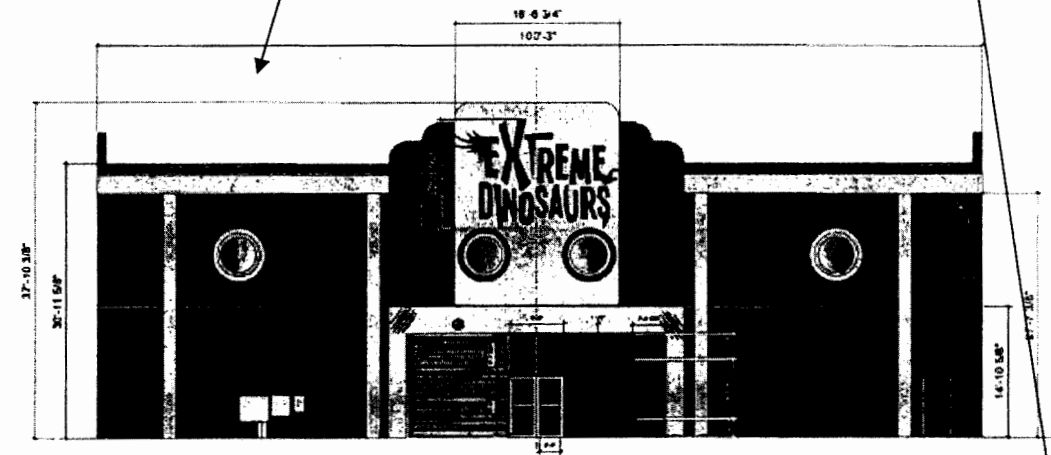


East Elevation – Facing International Drive



West Elevation – copy exempt

South Elevation



EV-01 EXTERIOR ELEVATION  
CHRYST ENTRANCE

APPROX. 4,000 SF of Painted Surface

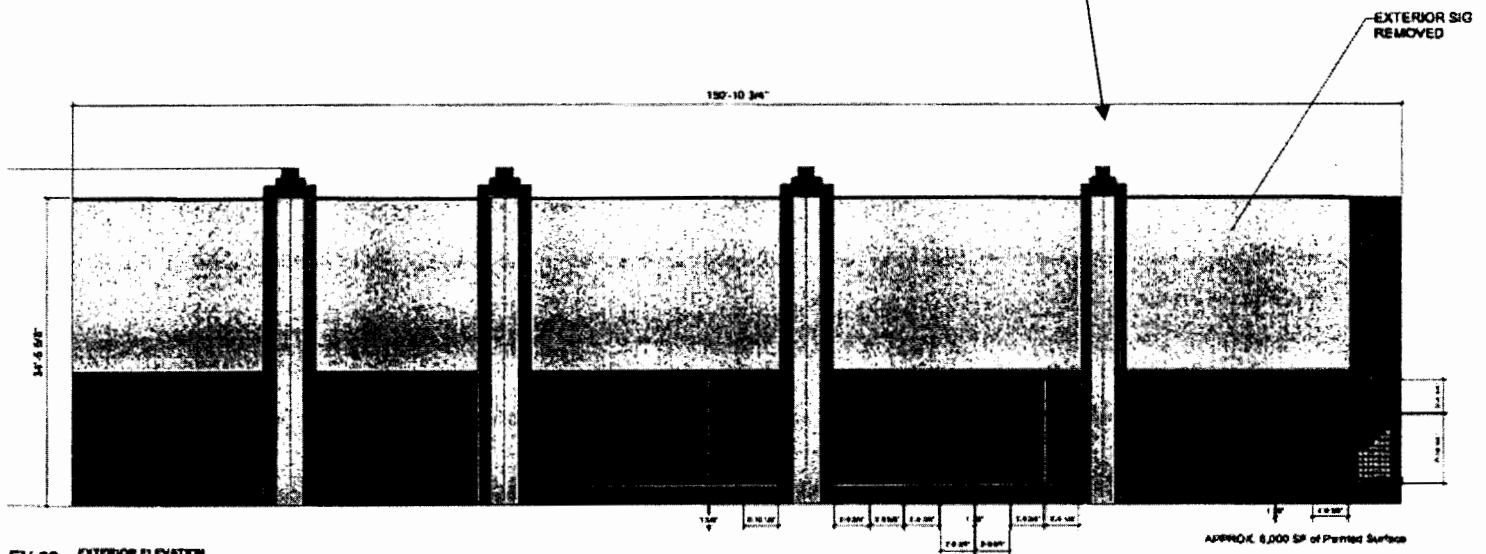
**PART KEY:**

PA 25A BLACK GRAY/BLD	2,200 SF
SW 871 CORPONENT YELLOW	1,000 SF
SW 881 POSITIVE RED	400 SF

**PART CALCULATION:**

7 GALLONS
3 GALLONS
2 GALLONS

PAINTED IN WHITE COLOR



EV-02 EXTERIOR ELEVATION  
DRIVE-WAY VIEW

APPROX. 6,000 SF of Painted Surface





STAFF REPORT  
CASE #: VA-18-02-169  
Orange County Zoning Division  
Planner: Nick Balevich  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 6

GENERAL INFORMATION:

APPLICANT: MICHAEL PRITCHETT FOR PREMIER EXHIBITION

REQUEST: Variance in the C-2 zoning district with a Tourist Commercial Overlay to allow a total of 280 sq. ft. of sign area in lieu of 100 sq. ft.

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: 250

TRACT SIZE: 134 ft. x 489 ft.

DISTRICT #: 6

ZONING: C-2

EXISTING USE(S): Private Museum

PROPOSED USE(S): Facade Sign

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

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. The building frontage is 100 ft., allowing for 100 sq. ft. of sign area on a single sign per the Tourist Commercial Overlay. The applicant is requesting a sign with 280 sq. ft. of sign area.

2. The property is zoned C-2, which is a general commercial zoning district, which allows retail/commercial uses and structures.
3. There is an existing pole sign on the property adjacent to International Drive which also advertises this establishment. This pole sign provides the needed visibility from the right-of-way.
4. This case was heard by the BZA on February 1, 2018 and was continued. The original application requested two 350.5 sq. ft. signs with a cumulative total of 701 sq. ft.
5. 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.
6. The amount of variance deviation requested is 180%. Staff cannot support this request. The applicant has not demonstrated special conditions or a hardship to justify the request. There is a pole sign on the property which provides visibility from the street. The additional square footage is not necessary. 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 based on the amount of deviation.

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

1. Development in accordance with site plan dated March 4, 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. This approval shall be limited to a 280 sq. ft. wall sign. 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.

c: Michael Pritchett  
3045 Kingston Court  
Norcross, GA 30071

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**REQUEST:** **Special Exception and Variances** in the I-2/I-3 zoning district to construct a 115 ft. high communications cell tower as follows:  
1) Tower to be camouflaged as a pine tree (monopine tower).  
2) Tower to be a single user tower (T-Mobile) at initial construction.  
3) To allow a side setback of 8 ft. in lieu of 15 ft.  
4) To allow installation of a cell tower without landscaping as required per Section 38-1427(d)(11).  
If the BZA determines the proposed tower is not camouflaged then the following variances are required:  
5) Variance to allow communications tower 404 ft. from single family to the northeast in lieu of 575 ft.  
6) Variance to allow communications tower 508 ft. from single family to the west in lieu of 575 ft.

**ADDRESS:** 11971 S. Orange Blossom Trail, Orlando FL 32837  
**LOCATION:** East of S. Orange Blossom Trail; north of Pepper Mill Blvd.  
**S-T-R:** 10-24-29  
**TRACT SIZE:** 201 ft. x 592 ft.  
**DISTRICT#:** 4  
**LEGAL:** IRLO O BRONSONS SUB Q/156 THE S 201.9 FT LOT 16 BLK B (LESS PT TAKEN ON W FOR RW PER 6723/4258)  
**PARCEL ID:** 10-24-29-0924-02-161  
**NO. OF NOTICES:** 747

**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 **#1** through **#4**, and deemed Variance requests **#5** and **#6** as **UNNECESSARY**, 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; 7-0):

1. Development in accordance with the site plan dated January 16, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
4. The proposed tower shall be maintained at all times, including any synthetic branches as they fade and may need to be replaced. Failure to do so will result in code enforcement action.
5. The applicant shall install metal inserts on the existing six (6) feet high chain link fence on the western property line facing the pond.
6. The proposed tower shall be constructed within eighteen (18) months of Board of County Commissioners approval or this approval becomes null and void.
7. Height limit is 115 feet; no additional tower height is permitted.
8. The applicant shall install shrubs on the western property line to fill in the gaps of the existing vegetation and understory trees on the recommended stock list at twenty-five (25) feet on center. At the northwest corner of the property the applicant shall install three (3) magnolia or pine trees.
9. Lighting on the proposed tower is prohibited unless mandated by the State of Florida or federal regulations

**SYNOPSIS:** Staff presented the case, showed site photos, simulation photos of the tower, proposed location of the tower, and explained the variances needed. Staff noted if that the tower was deemed not to be camouflaged, Variance requests #5 and #6 would be needed, as there are five (5) houses located within the 575-foot radius. Staff recommended approval of the tower as it is proposed to be located in an industrial area and will be blocked from view by the existing structures.

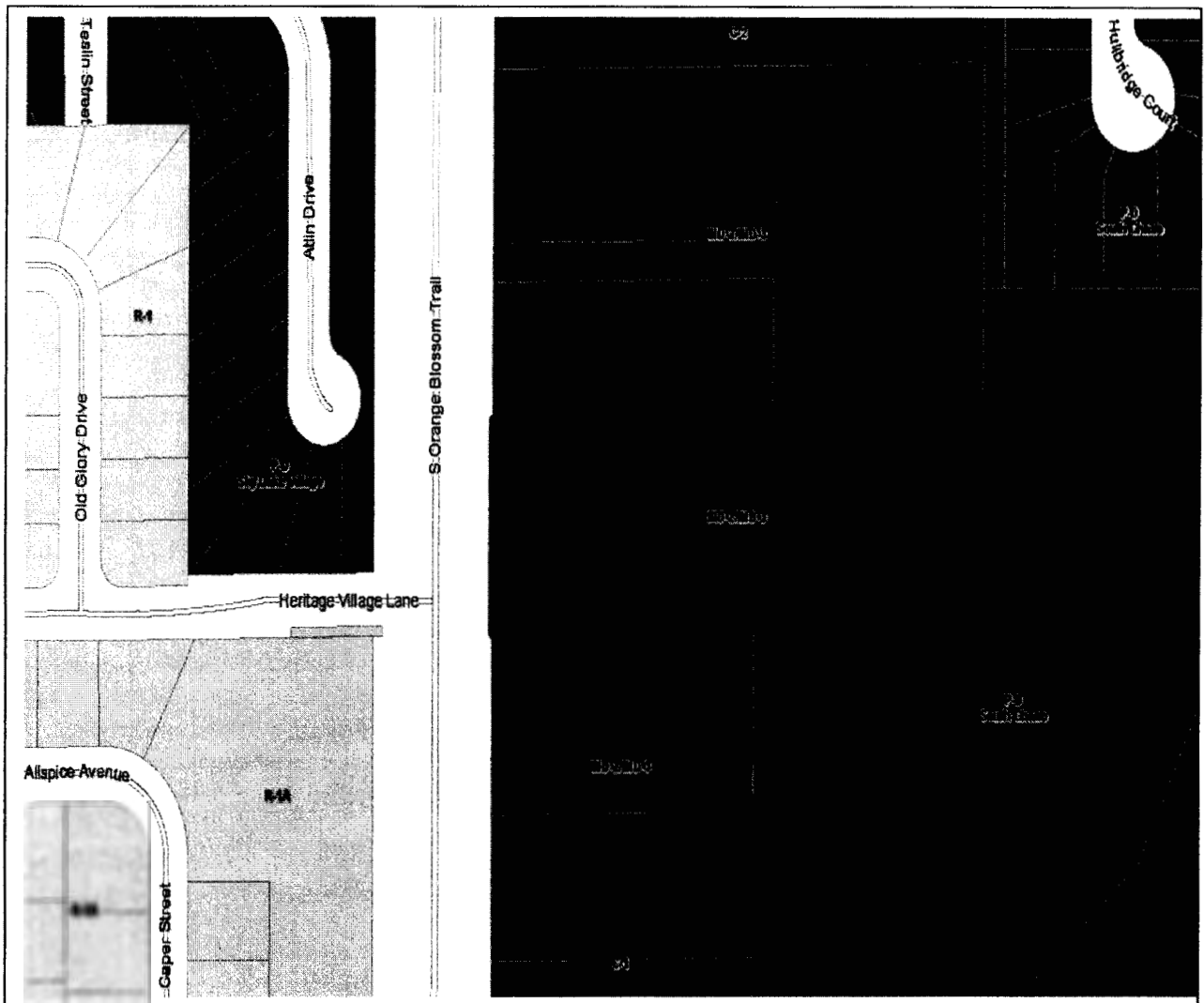
The applicant stated they looked at many sites in this area to provide cell coverage and found this site to be the best option. They also stated that they were open to either the monopine or the monopole option.

The BZA discussed the unipole option with the applicant and that would require a wider/taller tower to accommodate the equipment inside the pole. They also discussed that with multiple carriers will require multiple antennas. The BZA felt that the additional antennas would stand out more and the monopine design would aid in disguising those antennas.

No spoke in favor or in opposition of the request at the hearing. Staff received five (5) letters in opposition of the request.

The BZA had a discussion regarding which type of tower would fit in better and blend in with the existing development. The Board agreed that the monopine would disguise the antennas better and was the best option. The BZA determined the tower to be camouflaged, amended condition #4, and unanimously approved the request.





**Applicant:** ECO-SITE, INC.

**BZA Number:** SE-18-03-008

**BZA Date:** 04/05/2018

**District:** 4

**Sec/Twn/Rge:** 15-24-29-SW-SE

**Tract Size:** 201 ft. x 592 ft.

**Address:** 11971 S. Orange Blossom Trail, Orlando FL 32837

**Location:** East of S. Orange Blossom Trail; north of Pepper Mill Blvd.

## PROJECT NARRATIVE

Eco-Site proposes to construct a camouflaged communications tower designed as a monopine with an overall height of 115' to be located on the south side of an existing self-storage facility at the captioned location. The secure fenced compound is unusually small at only 98 square feet because the associated wireless communication equipment cabinets will be located inside the storage facility itself adjacent to the tower compound and separated only by a 12' wide driveway aisle. The Parent Tract that is 2.75 acres, more or less. The Monopine is designed to allow three wireless providers to collocate on this camouflage tower to minimize proliferation of towers. T-Mobile will be located at the top RAD center located at approximately 100' AGL. The tower compound is already heavily buffered along the southern boundary with existing dense mature landscape material as shown on the plans and existing site photos attached with the application. The North, East and West sides of the tower compound are paved. See Landscape Variance justifications for details.

The enclosed aerials and photo simulations show the existing Parent Tract conditions as well as the character of the surrounding area which is industrial. Directly south of the camouflaged tower location is a very large wet retention pond further buffered to the south by an extensive vegetated wetland area. Both of these physical land masses will act as buffers in perpetuity to the residential located to the East and Southeast. The actual self-storage buildings themselves create an intervening structural buffer to the industrially zoned property to the North. The closest residential is located to the NE but the intervening self-storage facility, the existing tree canopy and proposed monopine design significantly mitigate any perceived adverse visual impact and creates a reasonable effort to blend into the existing environment while also resolving the identified lack of wireless coverage and capacity as discussed below and shown in the enclosed before and after wireless coverage maps prepared by T-Mobile. Finally, the location of the camouflaged communications tower along the southern Parent Tract boundary, almost equidistant from East to West, was chosen to maximize the distance from the residential to the West and East and utilize the existing self-storage facility structures to mitigate the visibility of the lower portion of the camouflaged communications tower. See enclosed photo simulations and aerial key map. The associated wireless ground equipment will be fully concealed from public view because it will be housed inside the self-storage facility itself thereby eliminating any perceived visual impact to the public. The camouflaged design on the upper 2/3<sup>rd</sup> portion of the tower as a pine is intended to take advantage of the existing vegetation in the area, particularly the wetlands to the South, SE in helping this essential wireless service infrastructure blend as much as reasonably possible into the surrounding area.

The surrounding zoning is shown on Sheet Z-1 and are as follows:

**North:** IND-2/IND-3 300' ROW

**Southwest:** IND-2/IND-3

**Southeast:** Owned By Orange County - zoned PD - existing wet retention pond

**East:** Owned By Orange County - zoned PD - existing wet retention pond

**West:** 145' public ROW- US 441/ S. Orange Blossom Trail and further west: Whisper Lakes PD

Based upon the above listed adjacent uses, the separation distances from off-site designated uses for a 115' tower required pursuant to Section 38-1427(d)(2)d and provided are:

DIRECTION	OFF-SITE USE	REQUIRED	PROVIDED	VARIANCE
NORTH	IND	DISTRICT SETBACKS	185'-6"	N/A
SOUTH	IND	DISTRICT SETBACK 15'	8'-8"	6'-4"
EAST	HYDRO/WET RETENTION	N/A		N/A
WEST	PD	575'	550'	25'
NE	PD	575'	404'	171'

Pursuant 38-1427(n)(6), the above-described separation distances may be reduced by up to 50% if the BZA finds that the proposed Monopine design is a camouflaged facility. In the event such finding is made, the separation distance required would be as follows and no separation distance variances would be required except the onsite district setback variance of 6'-4" from the south property boundary:

DIRECTION	OFF-SITE USE	REQUIRED	PROVIDED	VARIANCE
NORTH	IND	DISTRICT SETBACKS	185'-6"	N/A
SOUTH	IND	DISTRICT SETBACK 15'	8'-8"	6'-4"
EAST	HYDRO/WET RETENTION	N/A		N/A
WEST	PD	287'-6"	550'	N/A
NE	PD	287'-6"	404'	N/A

Pursuant to Section 38-1427(d)(3)a providing for distance separation between existing and proposed towers, the following are the required and provided distance separations based upon a proposed 115' camouflaged tower designed as a Monocross:

SITE No.:	EXISTING TOWER ADDRESS	EXISTING TOWER HEIGHT & TYPE	REQUIRED DISTANCE SEPARATION	PROVIDED DISTANCE SEPARATION	VARIANCE
1	1800 10 Point Ln	Monopole - 140'	1500'	1.05 miles	N/A
2	740 Wetherbee Road	Monopole - 120'	1500'	2.27 miles	N/A
3	11351 United Way	Lattice - 250'	2500'	1.57 miles	N/A
4	11456 Satellite Blvd	Guyed - 195'	2500'	.635 miles	N/A

5	Grand Lakes Blvd	Monopole 165'	1500'	1.78 miles	N/A
6	3012 Crystal Creek Blvd	Monopole 185'	2500'	1.75 miles	N/A

Wireless Communications facilities are unmanned facilities that have zero impact on an public services or facilities. Such facilities only require power hook-up.

The plans proposed include fence and signage in compliance with Section 38-1427 requirements. Any required lighting will be in accordance with any FAA requirements.

The application's supporting documentation includes T-Mobile's search ring and propagation maps showing coverage with and without the proposed site. As the propagation plot maps prepared by T-Mobile show, T-Mobile is located on every existing tower immediately surrounding the proposed site and there is still deficient wireless service coverage that can be cured with the approval of the proposed camouflaged monopine communications tower. The Uncle Bob's storage site is located at the very Northern edge of the viable Search Area for the communications tower needed and recognizes that the sites to the South, East and West of this portion of the S. Orange Blossom Trail corridor is dominated almost exclusively by PD or other residential zoning districts. Thus, the Applicant targeted the industrial area within the viable Search Area to find and acquire a lease in the most suitably zoned industrial district within the Search Area. In further support of the existing need, please review the existing tower locations and the proposed camouflage tower location shown on the existing tower separation map provided. All but one existing tower is over a mile away. The tower immediately north is closer due to the fact that the proposed tower is located on the very northern edge of the Search Area which was necessary to be able to propose the project on industrially zoned land. The Monopine design and height proposed height balances the need to provide coverage and capacity for the major providers in the current market with the minimum height necessary that also reduces the proliferation of single user towers.

## VARIANCE JUSTIFICATION STATEMENT

The applicant is seeking a variance from the landscape buffer requirements and one setback variance of 6'-4" from the south boundary line for the following reasons:

**Special Conditions and circumstances:** The siting of a communications tower is complex and multi-layered because it involves not only zoning considerations but also technical radio frequency considerations not only to provide wireless service to the area intended to be served but also to provide seamless service within an existing network configuration while respecting land use and zoning regulations and the character of the surrounding area. As described in the project narrative, the site selection process dictated that the applicant focus on the northernmost edge of its Search Area to find a suitable industrially-zoned parcel of land and avoid PD and residentially used or zoned land. Unfortunately, the industrially-zoned parcel is narrow and literally nearly paved over or utilized with existing self-storage structures limiting the area for an equipment compound and landscape buffer.

**Not self-created:** The applicant did not create the limiting physical site condition circumstances.

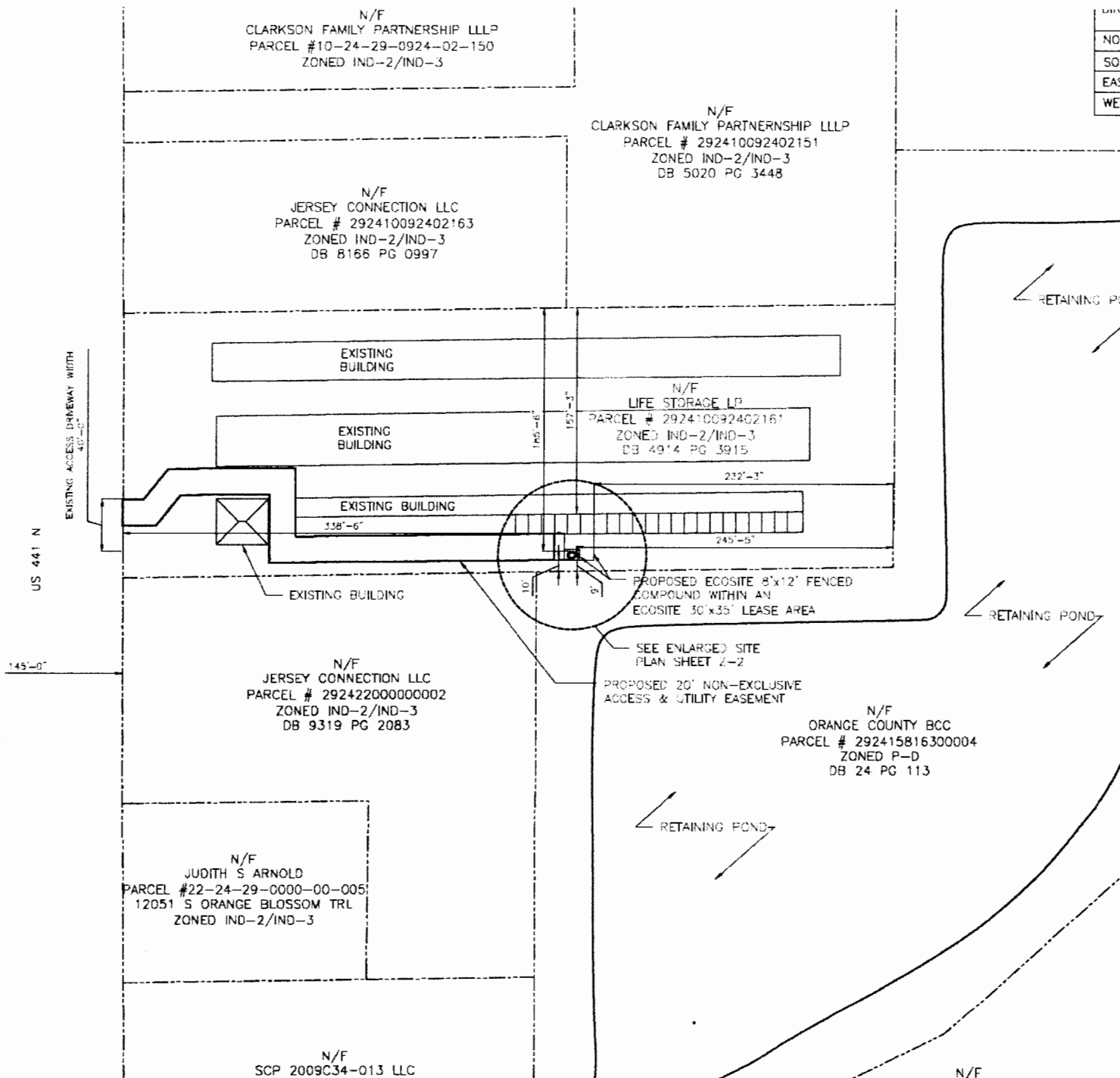
**No special privilege conferred:** approving a waiver from the landscape buffer and setback variance will not confer a special privilege upon the applicant. The property is zoned industrial and as such, the landscape buffer required for a communications tower is not typical in an industrial area. More importantly, the landscape buffer if installed, would not serve to add any visual mitigation to the surrounding properties than already exists by the existing mature dense vegetation along the south property line adjacent to a large wet retention pond and existing wetland and another industrially zoned parcel to the SW. Further, the intervening buildings to the north, buffer the view of the lower portion of the tower, similar to vegetation, to the North, East and West. The proposal is consistent with the industrial character of the property and property immediately north and south along S. Orange Blossom Trail.

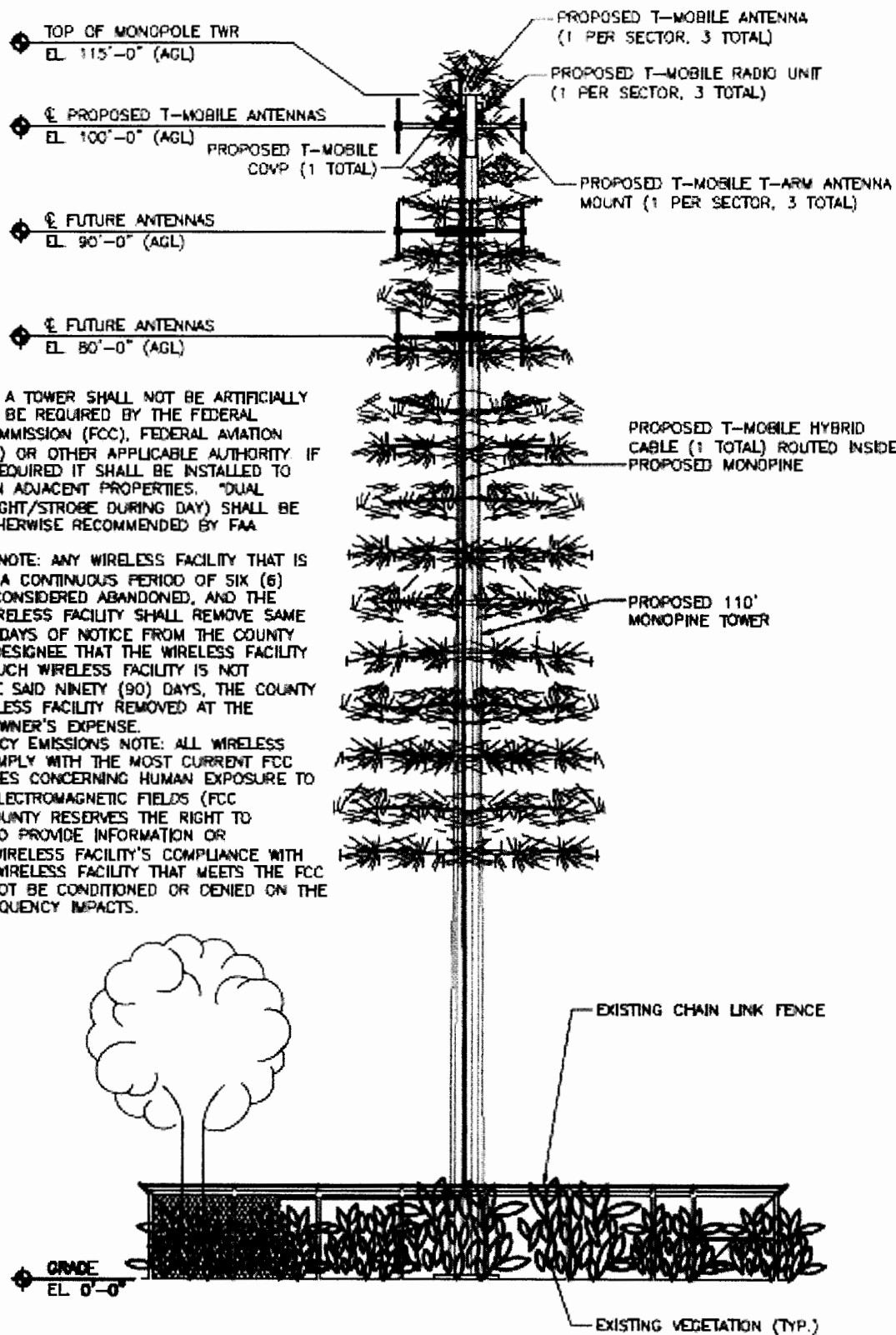
**Deprivation of Rights:** literal interpretation of the landscape and setback regulations would deprive the right of the applicant and it's primary wireless service provider to provide needed wireless service coverage and capacity in the area intended to be served which includes a major travel corridor along US 441/ S. Orange Blossom Trail as well as residential homes in the area. The communications tower will serve these residences without needing to locate a tower directly within their residential neighborhood.

**Minimum Possible Variance:** The applicant made every attempt to minimize the variances requested by locating its ground equipment inside the existing self-storage facility and locating the facility on-site to take advantage of the existing mature vegetation along the south boundary, intervening buildings and the location itself to maximize the distance and visibility to surrounding neighborhoods. In consideration of the existing site conditions, and need to maintain and not disrupt its existing use and function, including necessary driveway aisles, the on-site location selected was the best option but requires a landscape variance and one setback variance.

**Purpose and Intent:** for the forgoing reasons described in the project narrative and above, the applicant submits that the requested variances do not alter the character of the subject property or industrial character of the adjoining properties, reasonably blends with the surrounding area while balancing the need to provide essential wireless service.

OWN  
NOI  
SOL  
EAS  
WEI





**NOTES:**

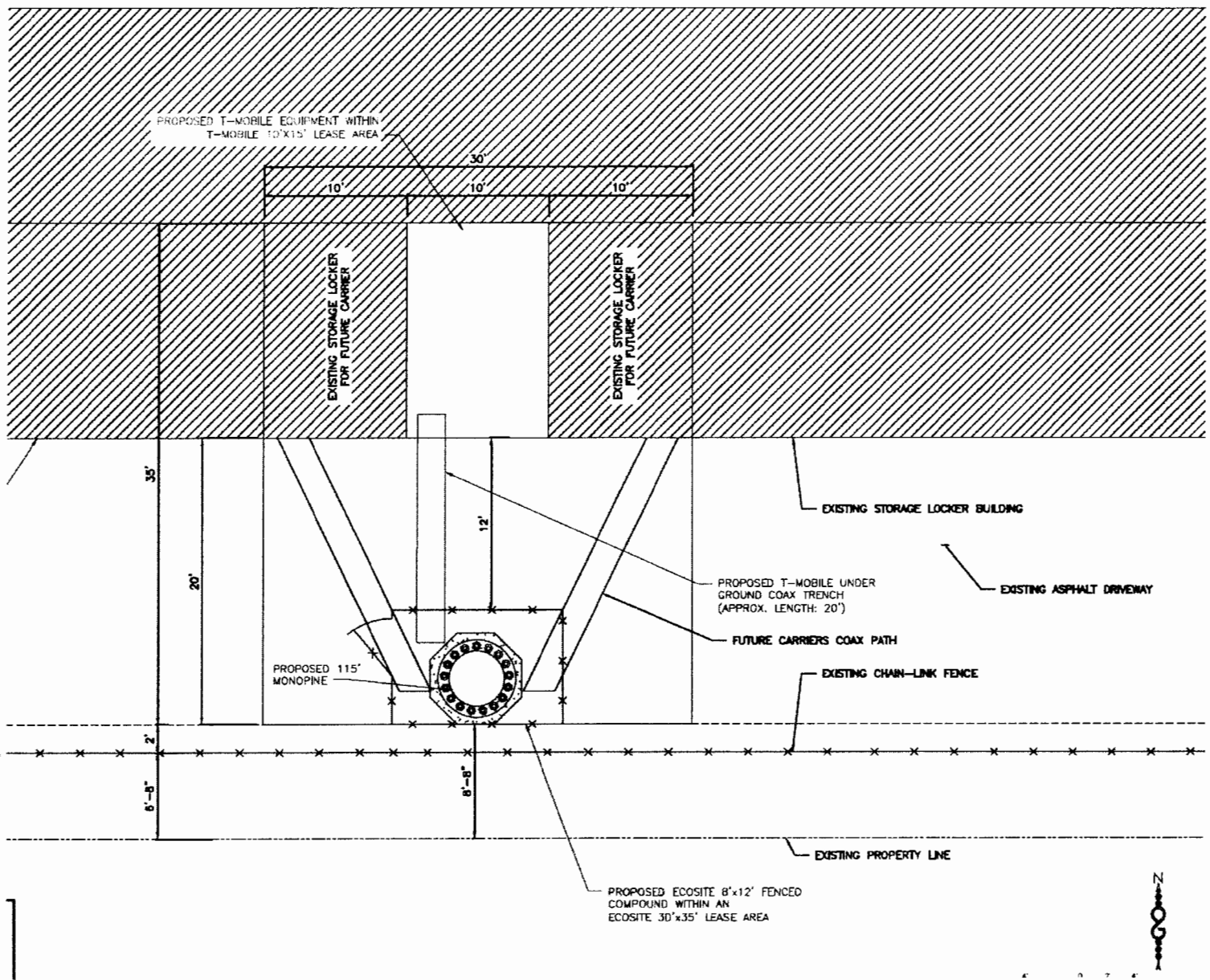
**LIGHTING NOTE:** A TOWER SHALL NOT BE ARTIFICIALLY LIT, EXCEPT AS MAY BE REQUIRED BY THE FEDERAL COMMUNICATIONS COMMISSION (FCC), FEDERAL AVIATION ADMINISTRATION (FAA) OR OTHER APPLICABLE AUTHORITY. IF SUCH LIGHTING IS REQUIRED IT SHALL BE INSTALLED TO MINIMIZE IMPACTS ON ADJACENT PROPERTIES. "DUAL LIGHTING" (RED AT NIGHT/STROBE DURING DAY) SHALL BE UTILIZED UNLESS OTHERWISE RECOMMENDED BY FAA GUIDELINES.

**ABANDONMENT NOTE:** ANY WIRELESS FACILITY THAT IS NOT OPERATED FOR A CONTINUOUS PERIOD OF SIX (6) MONTHS SHALL BE CONSIDERED ABANDONED, AND THE OWNER OF SUCH WIRELESS FACILITY SHALL REMOVE SAME WITHIN NINETY (90) DAYS OF NOTICE FROM THE COUNTY ADMINISTRATOR OR DESIGNEE THAT THE WIRELESS FACILITY IS ABANDONED. IF SUCH WIRELESS FACILITY IS NOT REMOVED WITHIN THE SAID NINETY (90) DAYS, THE COUNTY MAY HAVE THE WIRELESS FACILITY REMOVED AT THE WIRELESS FACILITY OWNER'S EXPENSE.

**RADIO FREQUENCY EMISSIONS NOTE:** ALL WIRELESS FACILITIES SHALL COMPLY WITH THE MOST CURRENT FCC RULES AND GUIDELINES CONCERNING HUMAN EXPOSURE TO RADIO FREQUENCY ELECTROMAGNETIC FIELDS (FCC GUIDELINES). THE COUNTY RESERVES THE RIGHT TO REQUEST THE FCC TO PROVIDE INFORMATION OR VERIFICATION OF A WIRELESS FACILITY'S COMPLIANCE WITH FCC GUIDELINES. A WIRELESS FACILITY THAT MEETS THE FCC GUIDELINES SHALL NOT BE CONDITIONED OR DENIED ON THE BASIS OF RADIO FREQUENCY IMPACTS.

LAW







STAFF REPORT  
CASE #SE-18-03-008  
Orange County Zoning Division  
Planner: Sean Bailey  
Board of Zoning Adjustment  
April 5, 2018  
Commission District: 4

GENERAL INFORMATION:

APPLICANT: ECO-SITE, INC.

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variances in the I-2/I-3 zoning district to construct a 115 ft. high communications cell tower as follows:

- 1) Tower to be camouflaged as a pine tree (monopine tower).
- 2) Tower to be a single user tower (T-Mobile) at initial construction.
- 3) To allow a side setback of 8 ft. in lieu of 15 ft.
- 4) To allow installation of a cell tower without landscaping as required per Section 38-1427(d)(11).

If the BZA determines the proposed tower is not camouflaged then the following variances are required:

- 5) Variance to allow communications tower 404 ft. from single family to the northeast in lieu of 575 ft.
- 6) Variance to allow communications tower 508 ft. from single family to the west in lieu of 575 ft.

LOCATION: East of S. Orange Blossom Trail; north of Pepper Mill Blvd.

PROPERTY ADDRESS: 11971 S. Orange Blossom Trl.

PARCEL ID: 10-24-29-0924-02-161

PUBLIC NOTIFICATION: 747

TRACT SIZE: 201 ft. x 592 ft.

DISTRICT #: 4

ZONING: I-2/I-3 (Industrial Park District)

EXISTING USE(S): Self-storage facility

PROPOSED USE(S): Communications Tower

SURROUNDING USES: N – Industrial  
S – Industrial/Stormwater Pond  
E – Stormwater Pond  
W - Right-of-Way/Single Family Neighborhood

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned I-2/I-3 Industrial Park District which allows for warehousing, manufacturing, and certain retail uses.
2. The property was re-zoned to Industrial from A-2 in 1986. The parcel is located on S. Orange Blossom Trail in an Industrial corridor. To the east and west of this corridor are single-family housing developments.
3. The property is currently developed as Self-Storage Facility.
4. The applicant has submitted a non-exclusive access and utility easement agreement with this application.
5. If approved, the tower will be built for T-Mobile. T-Mobile has indicated a desire to co-locate on the tower as well.
6. A Special Exception is required because the BZA must determine if the tower is camouflaged and the tower is proposed for a single user at the time of construction.
7. A Community Meeting was held on March 1, 2018. The Commissioner's Aide and the District #4 BZA Commissioner were in attendance. No residents attended the meeting.
8. The applicant is proposing to install a 115-foot tall monopine communications tower on the south side of the property.
9. The ancillary equipment for the tower will be located inside the actual storage units.
10. A balloon test was conducted by the applicant on March 22, 2018 to March 23, 2018, to mimic the visual impact of the proposed tower.
11. The proposed tower meets all distance requirements from existing towers per Sect 38-1427. If the monopine is determined to be camouflaged than no variances are required from single-family residence. If the BZA determines that the monopine is not camouflaged than two (2) variances will be required from existing single-family homes.

12. The 575 feet radius would include approximately five (5) single-family homes.

13. On May 5, 2016, the BZA denied a proposed 140 feet tall monopine tower based on it not meeting all the Special Exception Criteria.

14. Staff believes a monopole design would be less intrusive and blend in better with the surrounding development.

15. The Federal Telecommunications Act of 1996, states that a local government may not regulate any personal wireless service facility based on the concerns of environmental effects of radio frequency emissions.

### **Analysis:**

#### Variance Criteria

Special condition and circumstances:

The proposed site is narrow and has existing structures which limit the buildable area.

Minimum possible variance:

The variance from the side setback of 15 feet is a 46% deviation and only affects the pond and industrial business to the south. The variance from the residential distance separation will only include five (5) neighboring residential properties.

Purpose and intent:

While the proposed tower will be much taller than the existing structures in the proposed area, it will be relatedly isolated due the location between the existing buildings and existing storm water pond.

#### Special Exception Criteria:

1. Consistent with the Comprehensive Plan.

The Future Land Use is Commercial and a cell tower is an allowed use as a Special Exception.

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

The property is zoned Industrial and communication towers are an Industrial type use. While the tower will be visible from nearby residences, the view will be obstructed by other structures. Towers are by nature taller than most structures but are necessary for adequate communication for both emergency and non-emergency cellular calls.

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

The proposed location near the right of way and between buildings shall provide buffering. By comparison to other possible locations, this site seems to be the most reasonable.

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

The maximum height for buildings is fifty (50) feet in the IND-2/3 zoning district. This structure will be 115 feet tall but will be much smaller in width and shall not obstruct any views on a broad level. The tower will meet setbacks except the side setback, which will only affect the neighboring Industrial property and pond.

5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

The tower shall not emit any vibrations, dust, noise or glare. All of the equipment associated with the tower will be located indoors to minimize impacts.

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.

There is an existing landscape strip to the south of the proposed. The applicant is willing to provide additional landscaping on the east and west sides of the properties to help screen the tower.

#### STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan and elevations dated January 16, 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. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
3. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or

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

4. The proposed tower shall be maintained at all times. Failure to do so will result in code enforcement action.
5. The applicant shall install metal inserts on the existing six (6) feet high chain link fence on the western property line facing the pond.
6. The proposed tower shall be constructed within eighteen (18) months of Board of County Commissioners approval or this approval becomes null and void.
7. Height limit is 115 feet; no additional tower height is permitted.
8. The applicant shall install shrubs on the western property line to fill in the gaps of the existing vegetation and understory trees on the recommended stock list at twenty-five (25) feet on center. At the northwest corner of the property the applicant shall install three (3) magnolia or pine trees.
9. Lighting on the proposed tower is prohibited unless mandated by the State of Florida or federal regulations

c: Deborah L. Martohue  
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