



Interoffice Memorandum

DATE April 3, 2018

TO: Mayor Teresa Jacobs  
-AND-  
Board of County Commissioners

FROM: Jon V. Weiss, P.E., Director  
Community, Environmental and Development Services Department

CONTACT PERSON: Carol L. Knox, Manager, Zoning Division  
407-836-5585

SUBJECT: April 24, 2018 – Board Called Public Hearing  
Applicant: Derek Cook  
BZA Case #VA-18-03-003, March 1, 2018

Board of Zoning Adjustment (BZA) Case #VA-18-03-003, located at 3815 Laguna Street in District #3, is a board called public hearing to be heard on April 24, 2018. The applicant is requesting variances in the R-1AA zoning district to allow an existing shed and carport to remain 0 ft. from the side property line in lieu of 5 ft.

The subject property is located on the east side of Laguna St., south of 38<sup>th</sup> St. and on the west side of Lake Holden.

At the March 1, 2018 BZA hearing, staff recommended denial of variance #1 to allow the shed to remain 0 ft. from the side property line in lieu of 5 ft. and variance #2 to allow a carport to remain 0 ft. from the side property line in lieu of 5 ft. The BZA stated that the shed was a visual nuisance and should be moved to meet the side setback. The BZA also stated that since the existing fence shields the carport it was not an issue. The neighbors to the south spoke in opposition to the request stating the structures were built too close to their property line. The BZA recommended denial of variance #1 and approval of variance #2 on a 6-0 vote.

The application for this request is subject to the requirements of Ordinance 2008-14, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

**ACTION REQUESTED: Uphold the BZA's recommendation of denial of variance #1 and approval of variance #2 on March 1, 2018. District #3.**

**COMMUNITY ENVIRONMENTAL DEVELOPMENT SERVICES DEPARTMENT  
ZONING DIVISION PUBLIC HEARING REPORT  
April 24, 2018**

The following is a public hearing on an appeal before the Board of County Commissioners on April 24, 2018 at 2:00 p.m.

**APPELLANT/APPLICANT:** DEREK COOK

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

- 1) To allow an existing shed to remain 0 ft. from the side (southerly) property line in lieu of 5 ft. (Denied)
- 2) To allow an existing carport to remain 0 ft. from the side (southerly) property line in lieu of 5 ft. (Approved w/Conditions)

**LOCATION:** Easterly side of Laguna St., on the west side of Lake Holden, approximately 65 ft. south of 38th St.

**TRACT SIZE:** 1.5 Acres (Approximately .5 Acres upland remainder submerged).

**ZONING:** R-1AA

**DISTRICT:** #3

**PROPERTIES NOTIFIED:** 249

**BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:**

Staff explained that both structures were built on the property line and do not meet the 5 ft. side setback. It appears that both of the structures were existing when the current owner purchased the property. Staff recommended denial of the variances as the request did not meet the variance criteria.

The applicant stated they bought the property "as is" and were not aware of the permitting issues. They stated the shed was built in 1994 and the carport was built in 2016. The applicant also stated they want to get the structures permitted and be code compliant.

Code enforcement staff spoke regarding the case and stated the neighbor to the south called in the violation. The code enforcement officer showed photographs of the fence and the existing shed.

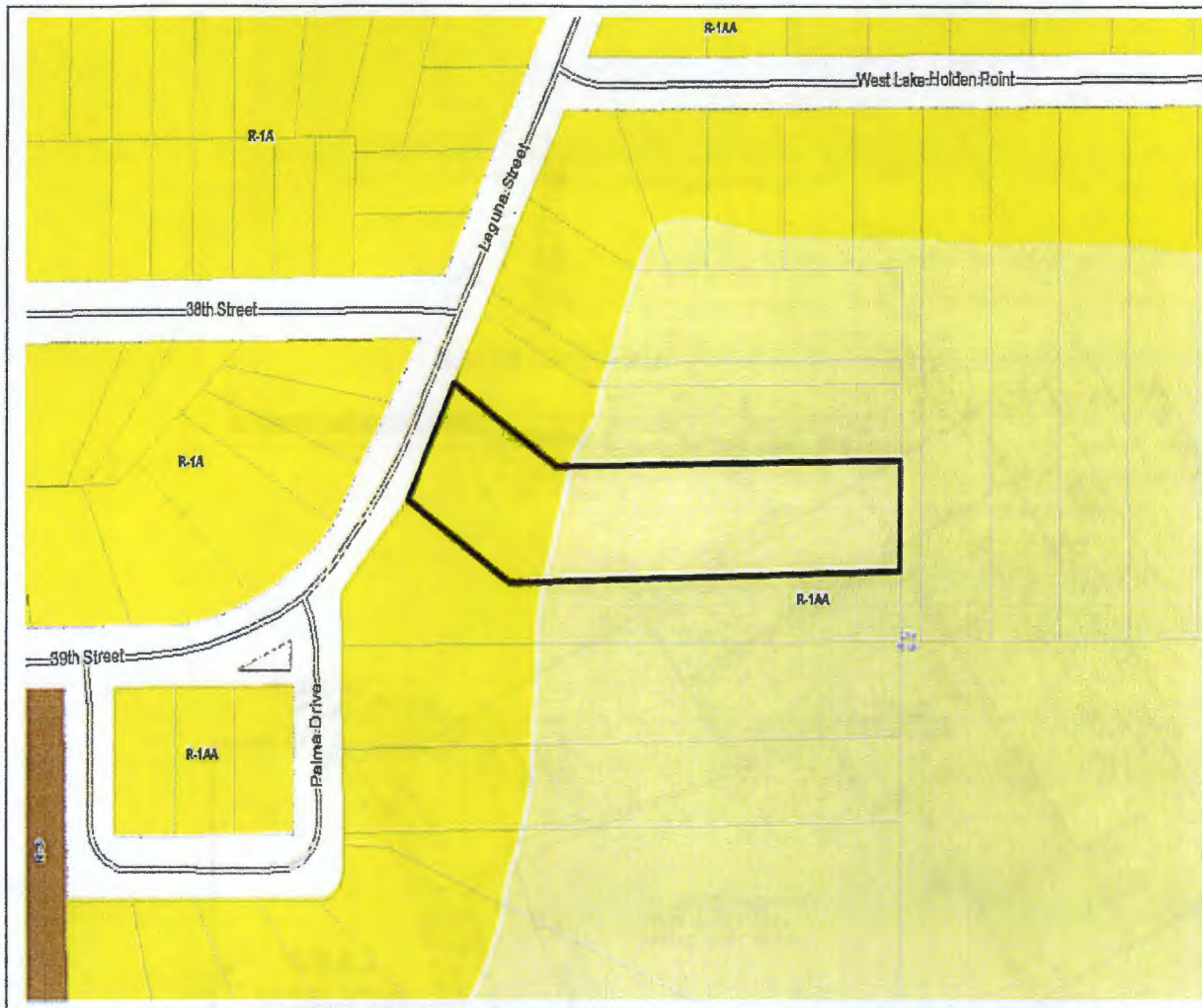
The neighbors to the south spoke in opposition of the application and felt that both structures needed to be moved to meet the side setbacks.



The BZA discussed the case and felt like the shed was a nuisance to the neighbor because it was on the property line. The board felt the carport was less intrusive and agreed to grant variance #2 and deny variance #1.

**BZA HEARING DECISION:**

A motion was made by Jose A. Rivas, Jr., seconded by Carolyn Karraker and unanimously carried to **DENY** the Variance request #1, in that there was no unnecessary hardship shown on the land; further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3); and further, to **APPROVE** 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 (unanimous; 6-0, 1 absent).



**Applicant:** Derek Cook

**BZA Number:** VA-18-03-003

**BZA Date:** 03/01/2018

**District:** 3

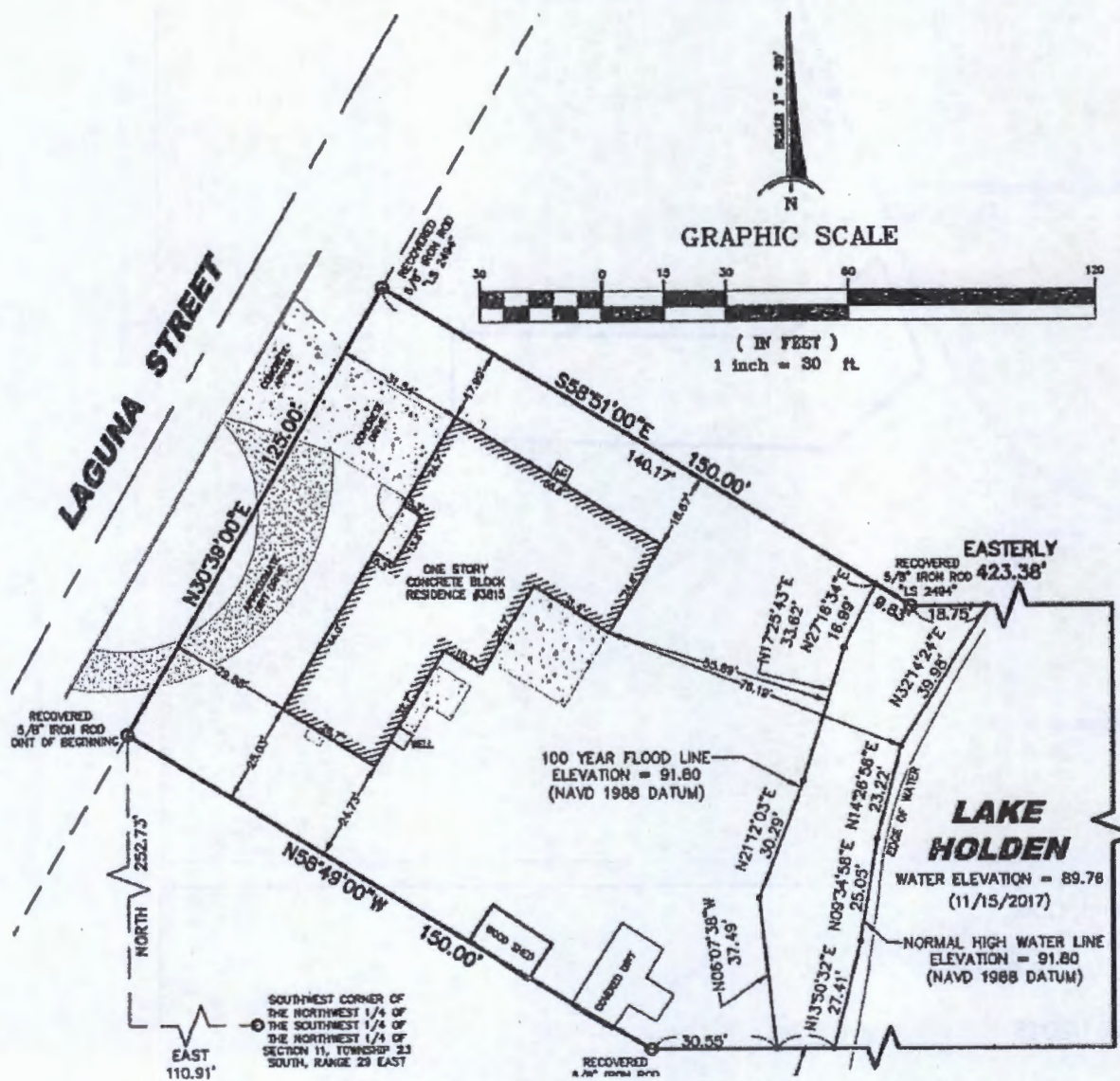
**Sec/Twn/Rge:** 11-23-29-NW-B

**Tract Size:** 1.5 Acres (Approximately .5 Acres upland remainder submerged.)

**Address:** 3815 Laguna Street, Orlando FL 32805

**Location:** Easterly side of Laguna St., on the west side of Lake Holden, approximately 65 ft. south of 38th St.





Derek Cook  
3815 Laguna St  
Orlando FL 32805

Derek and Lisa Cook bought their house at 3815 Laguna St. in May of 2016 "as is". We were un-aware of the shed having an expired permit and the car post not permitted in the back yard. After doing some research, the permit for the shed was pulled in 1993 but was not placed in the proper location. We need the variance to close the permit for the shed and to apply for a permit for the carport. We have erected a 6' wood privacy fence around the rear of the yard, which partly screens the view of the shed and carport from the neighbors.



STAFF REPORT  
CASE #: VA-18-03-003  
Orange County Zoning Division  
Planner: Sean Bailey  
Board of Zoning Adjustment  
March 1, 2018  
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Derek Cook

REQUEST: Variances in the R-1AA zoning district as follows:  
1) To allow an existing shed to remain 0 ft. from the side (southerly) property line in lieu of 5 ft.  
2) To allow an existing carport to remain 0 ft. from the side (southerly) property line in lieu of 5 ft.

LOCATION: Easterly side of Laguna St., on the west side of Lake Holden, approximately 65 ft. south of 38th St.

PROPERTY ADDRESS: 3815 Laguna St., Orlando, FL 32805

PARCEL ID: 11-23-29-0000-00-054

PUBLIC NOTIFICATION: 249

TRACT SIZE: 1.5 Acres (Approximately .5 Acres upland)

DISTRICT #: 3

ZONING: R-1AA

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

PROPOSED USE(S): Single Family Residential w/Accessory Structures

SURROUNDING USES:  
N - Single Family Residential  
S - Single Family Residential  
E - Lake Holden  
W - Single Family Residential



### STAFF FINDINGS AND ANALYSIS:

1. The property is zoned R-1AA, which is a single family zoning district that requires larger lots. This lot meets all the lot size requirements.
2. This is a lake front lot which overlooks Lake Holden. This lake is predominantly surrounded by single family homes.
3. The cumulative square footage of the accessory structures is less than what code allows.
4. A permit was pulled for the existing shed in 1993 (B93014674). The shed was built on the property line instead of five (5) feet away from the property line as indicated in the approved permit. That permit was never closed out and the applicant submitted for a permit to replace the original in 2016 (B16019084). The 2016 permit was not approved by the Building Division and is still in pending status. That permit indicated the structure would meet the side setback.
5. The carport structure was built sometime in 2016, without a permit. This case is a result of a code enforcement violation. The applicant purchased the property in May 2016.
6. The applicant states both structures were existing when they purchased the property. However, a title search or other due diligence should have uncovered the permitting issues on the property.
7. There is no special circumstance or condition preventing the structures from meeting the required side setback, which is five (5) feet. The rear yard is quite large and has adequate space to fit both structures.

### 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 dated January 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.



4. Permits for the accessory structures shall be obtained within sixty (60) days of final approval or this approval becomes null and void.

cc: Derek Cook, Applicant  
3815 Laguna Street  
Orlando, Florida 32805