



RECOMMENDATIONS BOOKLET

Orange County Board of Zoning Adjustment

Hearing Date:

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**Community, Environmental & Development Services Department
Orange County Zoning Division**

ORANGE COUNTY GOVERNMENT

BOARD OF ZONING ADJUSTMENT
(BZA)

Carolyn Karraker <i>Vice Chair</i>	District #1
Gregory A. Jackson <i>Chairman</i>	District #2
Jose A. Rivas, Jr.	District #3
Deborah Moskowitz	District #4
Wes A. Hodge	District #5
Eugene Roberson	District #6
Jessica Rivera	At Large

ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

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

Residential Districts

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

Non- Residential Districts

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

Other District

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

VARIANCE CRITERIA

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

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

SPECIAL EXCEPTION CRITERIA:

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

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

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

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
May 3, 2018**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
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VA-18-05-034	Oliver Cappel	5	Approved w/Conditions	19
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VA-18-05-039	Homes In Partnership	2	Approved w/Conditions	50
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VA-18-05-042	Cilantros Taqueria	3	Approved w/Conditions	147
VA-18-05-046	East West Place, LLC	3	Approved w/Conditions	156
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JIMMY DUNN
VA-18-05-032

REQUEST: **Variance** in the PD zoning district to allow a ground sign with a front setback (north property line) of 2 ft. in lieu of 10 ft.

ADDRESS: 10904 Moss Park Road, Orlando FL 32832

LOCATION: South of Moss Park Rd., west of SR 417

S-T-R: 08-24-31

TRACT SIZE: 284 ft. x 1130 ft. (AVG)

DISTRICT#: 4

LEGAL: LAKE NONA SELF STORAGE 93/129 LOT 1

PARCEL ID: 08-24-31-4756-01-000

NO. OF NOTICES: 180

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; 6-0 and 1 absent):

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

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

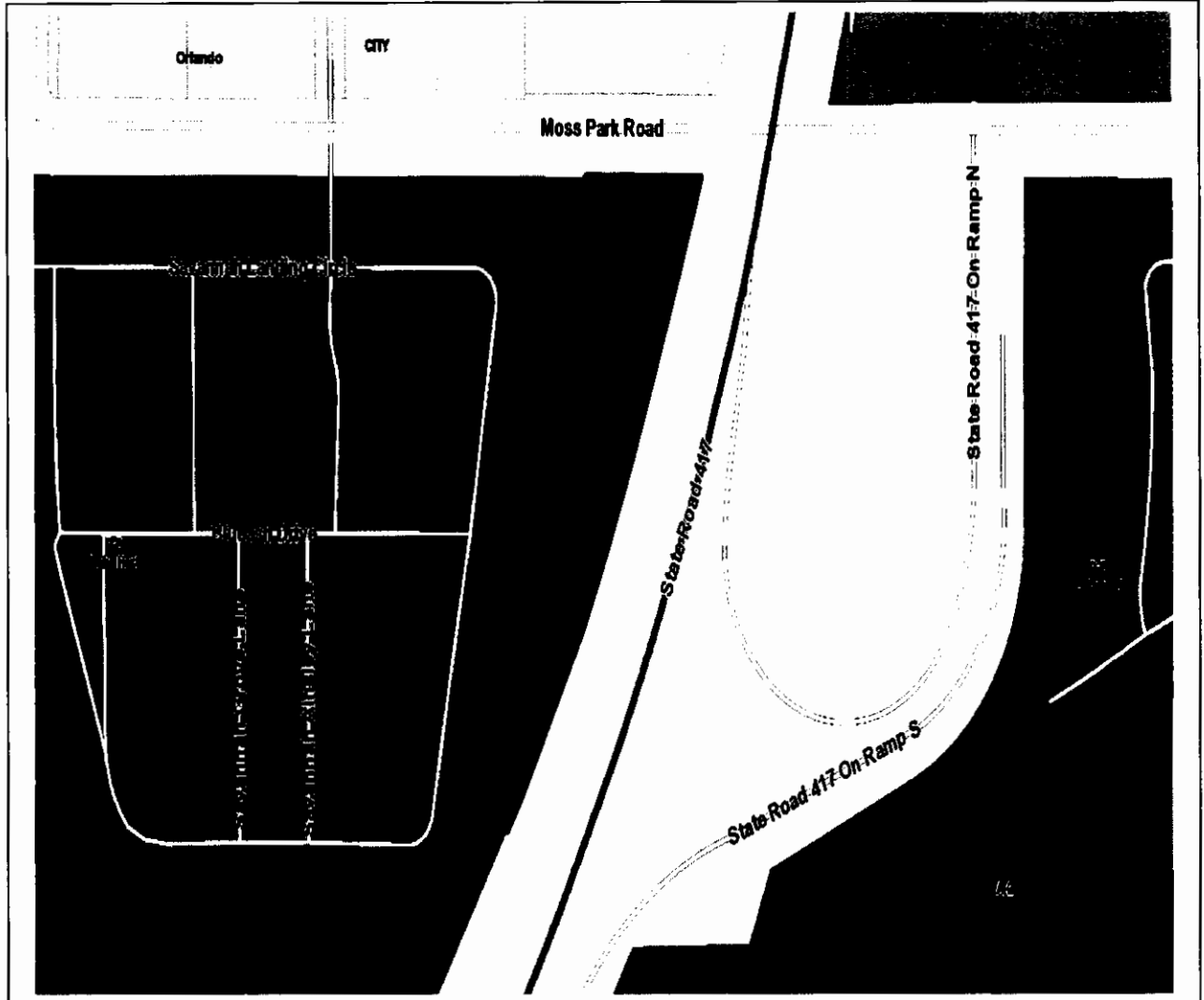
The applicant agreed with a five (5) foot setback in the staff report.

The BZA confirmed the location of the sidewalk, green area, and edge of the road.

The BZA recognized the unique situation due to the shape of the lot, and they felt that the variance was needed to have visibility.

Staff received no commentaries in favor of the application, and none in opposition to the application.

The BZA approved the variance for a five (5) foot setback.



Applicant: JIMMY DUNN

BZA Number: VA-18-05-032

BZA Date: 05/03/2018

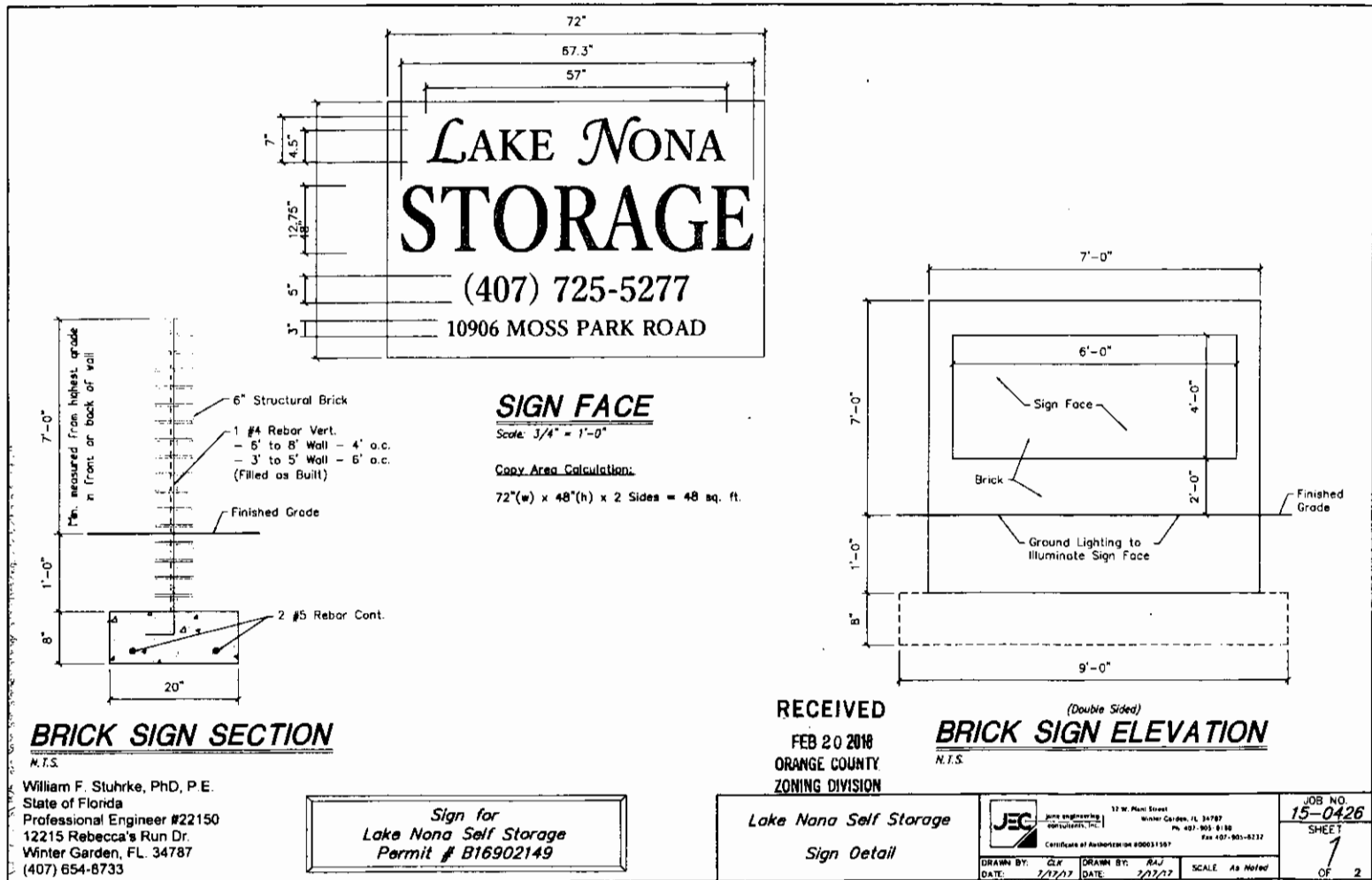
District: 4

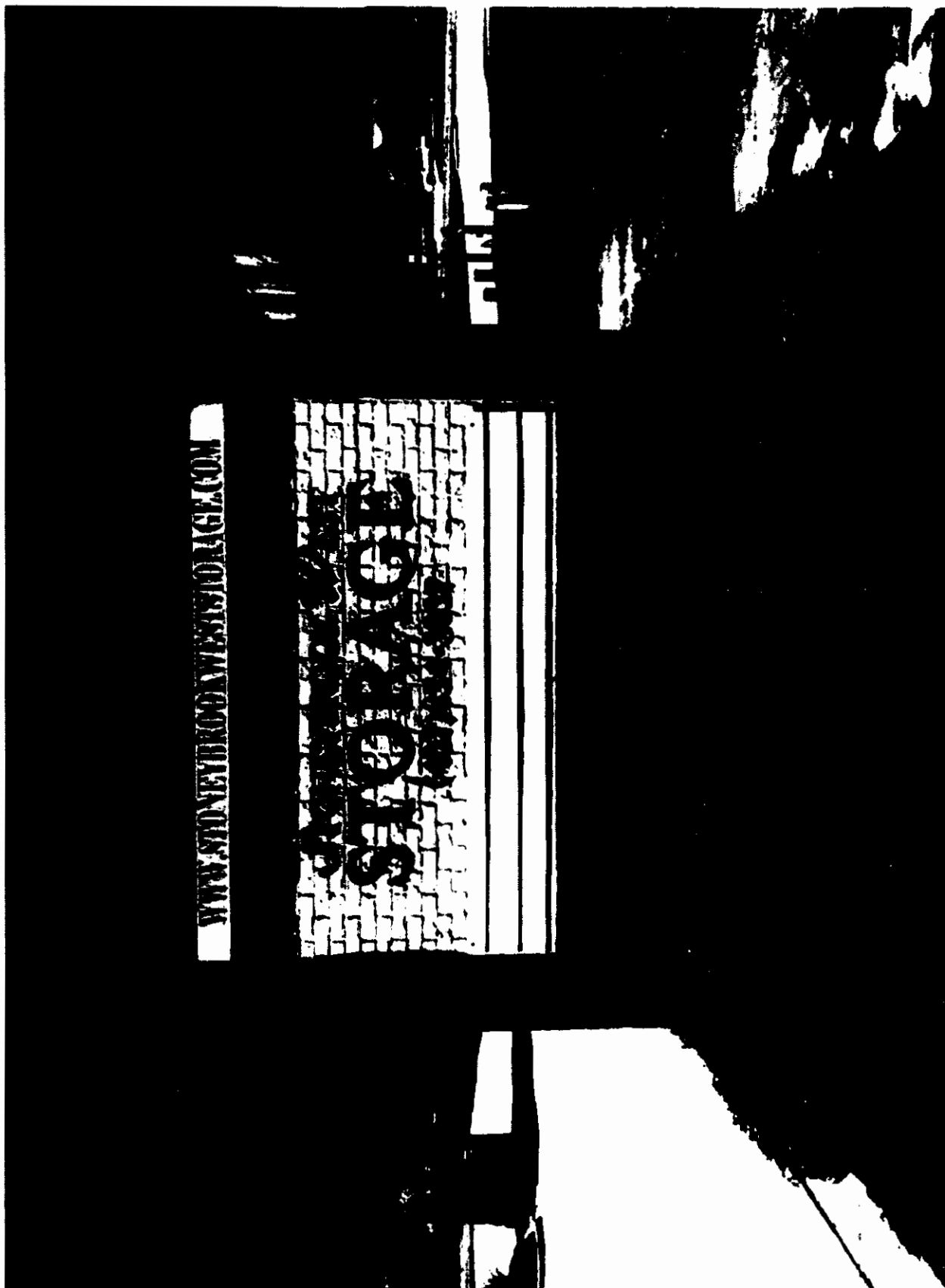
Sec/Twn/Rge: 08-24-31-SE-D

Tract Size: 284 ft. x 1130 ft. (AVG)

Address: 10904 Moss Park Road, Orlando FL 32832

Location: South of Moss Park Rd., west of SR 417





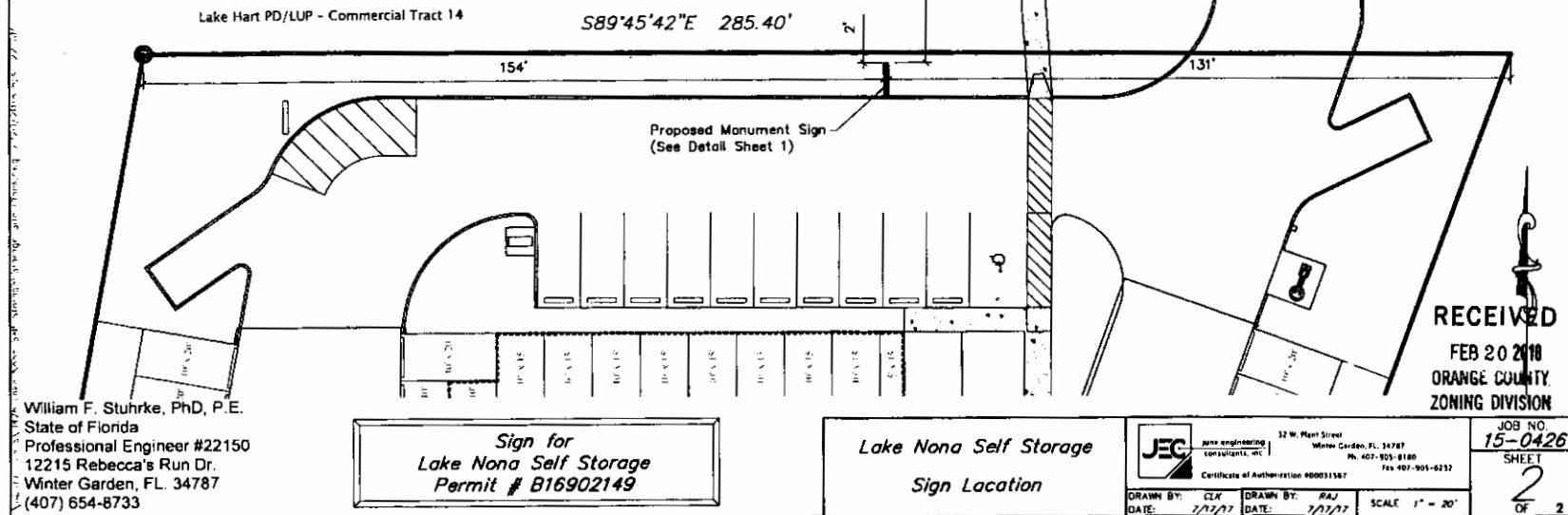
DESCRIPTION

A parcel of land located in the S 1/2 of Section 8, T24S, R31E, Orange County, Florida, being more particularly described as follows:

Commencing at the Northwest corner of the SW 1/4 of said Section 8; thence S89°45'42"E, with the North line of the S 1/2 of said Section 8, a distance of 4702.93 feet; thence leaving the North line of the S 1/2 of said Section 8, S0°14'18"W, a distance of 80.00 feet to a point on the Southerly Right-of-Way line of Moss Park Road (130-foot Right of Way), said point being the Point of Beginning;

Thence S89°45'42"E, along the Southerly Right-of-Way line of said Moss Park Road, a distance of 285.70 feet to the Westerly limited access Right-of-Way line of State Road 417 (variable-width Right of Way); thence with the Westerly limited access Right-of-Way line of said State Road 417 the following four (4) courses; (1) thence Southwesterly with the arc of a non-tangent curve to the right (said curve having a radius of 14500.93 feet, a central angle of 1°42'58" and a chord bearing and distance of S19°43'44"W, 434.35 feet) on arc distance of 434.36 feet; (2) thence Southwesterly with the arc of a non-tangent curve to the left (said curve having a radius of 5567.58 feet, a central angle of 4°01'57" and a chord bearing and distance of S22°36'13"W, 391.78 feet) on arc distance of 391.86 feet; (3) thence S28°11'05"W, a distance of 319.73 feet; (4) thence S31°33'55"W, a distance of 69.55 feet to a point on the Easterly line of Tract N, Plat of Savannah Landings, as recorded in Plat Book 64, Pages 17-24 of the Public Records of Orange County, Florida; thence with the Easterly line of said Tract N, N10°08'07"E, a distance of 1130.44 feet to the Point of Beginning.

CONTAINING: 4.288 acres, more or less.



William F. Stuhke, PhD, P.E.
State of Florida
Professional Engineer #22150
12215 Rebecca's Run Dr.
Winter Garden, FL. 34787
(407) 654-8733

Sign for
Lake Nona Self Storage
Permit # B16902149

Lake Nona Self Storage
Sign Location

JEC jec engineering
consultants, inc.
32 W. Plant Street
Winter Garden, FL. 34787
Ph. 407-955-8180
Fax 407-955-6232
Certificate of Authorization #00031567
DRAWN BY: CLK DATE: 7/12/17
DRAWN BY: RAJ DATE: 7/12/17
SCALE: 1" = 20'

RECEIVED
FEB 20 2018
ORANGE COUNTY
ZONING DIVISION

JOB NO.
15-0426
SHEET
2
OF 2

April 18, 2018

Mr. Nick Balevich
201 S. Rosalind Ave.
Orlando, FL 32801


Re: Request for a sign variance; Lake Nona Self Storage

Mr. Balevich,

We would like to request a variance that would permit us to construct a new monument sign along Moss Park Road. Due to the current setbacks and the configuration of the site our permitted sign location would be located behind fire risers and equipment. Special conditions and circumstances of the site are the 417 Toll Road overpass elevated more than 50 feet along our eastern boundary, the required fire protection equipment, and the irregular triangular shape of the property. This site is located within the Lake Hart PD and all of the neighboring retail/office properties have monument style signage along Moss Park Road. Due to the neighboring properties signage currently permitted within our PD no special privilege will be established. Our preference is to match other properties located within the Lake Hart PD. As part of this application we will agree not to construct a wall sign if this request is approved. The hardship has not been self created due to the special conditions and circumstance previously listed. The site is permitted for 120 sq. feet per sign face and we are proposing 24 sq. feet. This is significantly less than what is permitted per code.

Enclosed is a copy of the new sign rendering, a site plan that shows the location of the permitted sign and the proposed sign, a street view looking east at the elevated 417 Toll Road, and a street view that depicts other monument signs located within the Lake Hart PD. We greatly appreciate your consideration of this application.

Sincerely,


Jimmy Dunn
Lake Nona Self Storage

RECEIVED

**APR 18 2018
ORANGE COUNTY
ZONING DIVISION**



STAFF REPORT
CASE #: VA-18-05-032
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
May 3, 2018
Commission District: 4

GENERAL INFORMATION:

APPLICANT: JIMMY DUNN

REQUEST: Variance in the PD zoning district to allow a ground sign with a front setback (north property line) of 2 ft. in lieu of 10 ft.

LOCATION: South of Moss Park Rd., west of SR 417

PROPERTY ADDRESS: 10904 Moss Park Rd., Orlando, Florida, 32832

PARCEL ID: 08-24-31-4756-01-000

PUBLIC NOTIFICATION: 180

TRACT SIZE: 284 ft. x 1130 ft. (AVG)

DISTRICT #: 4

ZONING: P-D

EXISTING USE(S): Self-storage facility

PROPOSED USE(S): Ground sign

SURROUNDING USES: N - Stormwater Pond
S – Expressway
E – Expressway
W -Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a variance from the front setback for a ground sign.

2. The property is located in a PD Planned Development district, and is in the Lake Hart PD. This PD allows a variety of uses including single-family, multi-family, commercial and industrial.
3. The Lake Hart PD specifies that signage meets Ch. 31.5 of the Code. Code allows for one-half sq. ft. of copy area per linear foot of frontage for monument signs, and limits the height to eight (8) feet when located within 100 feet of a residential district. Based on the property frontage, a total of 120 sq. ft. of monument signage is permitted. The applicant is proposing a twenty-four (24) sq. ft. monument sign that is seven (7) feet in height. The dimensions of the sign meet code; however, the proposed placement on site does not. The sign is proposed to be setback a minimum of two (2) feet from the property line, where ten (10) feet is required.
4. The applicant is also entitled to over 240 sq. ft. of wall signage, but is not proposing any wall signage.
5. The applicant originally proposed a monument sign in the northwest corner of the site that met code, but during the development process additional fire safety equipment was required to be installed in the location of the proposed sign, prompting the new proposed location that does not meet the setbacks.
6. There is a location to the northeast corner of the site where a monument sign could be placed to meet the required setback area; however, the location of the berm and SR417 would limit this to a one (1) sided sign.
7. Although, there is a significant amount of green area and a multi-use trail running in front of the property, most of this area is right-of-way, which could ultimately be reduced to allow for additional vehicular travel such that the two (2) foot setback to the sign becomes more evident.
8. Staff recommends a lesser variance of five (5) feet, which would allow for a four (4) foot wide monument sign. This would still allow for some visibility from the street while also providing more of a buffer/setback from the property line in the event that the sidewalk and street configuration are adjusted. This would be considered the minimum variance possible. This approval, in combination with any additional wall signage, as allowed, should provide adequate signage for the site.
9. The location of SR417 and the berm associated with it, in combination with the required landscaping and fire equipment location are the special conditions and circumstances related to this site.
10. Approval of the lesser variance will be in harmony with the purpose and intent of the code and will not be injurious to the neighborhood.

STAFF RECOMMENDATION:

Staff recommends approval of a five (5) foot setback for the sign, subject to the following conditions:

1. Development in accordance with the site plan and sign specifications dated February 20, 2018, and the renderings dated April 18, 2018, as modified with the proposed changes, 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: Jimmy Dunn
P.O. Box 770609
Winter Garden, FL 34777

BRANDON LEGER
VA-18-05-033

REQUEST: **Variances** in the R-1A zoning district to allow an existing residence as follows:
1) To allow a minimum lot width of 60 ft. in lieu of 75 ft.
2) To allow a minimum lot size of 6,000 sq. ft. in lieu of 7,500 sq. ft.
3) To allow a front setback of 16 ft. in lieu of 25 ft.
4) To allow a minimum living area of 1,000 sq. ft. in lieu of 1,200 sq. ft.

ADDRESS: 4001 Grant Blvd., Orlando FL 32804

LOCATION: East of Grant Blvd., north of Hunter Ave.

S-T-R: 10-22-29

TRACT SIZE: 60 ft. x 100 ft.

DISTRICT#: 2

LEGAL: UNIVERSITY HEIGHTS N/59 S 60 FT OF LOTS 1 & 2 BLK F

PARCEL ID: 10-22-29-8828-06-012

NO. OF NOTICES: 124

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

1. Approval is in accordance with the site plan dated February 27, 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.

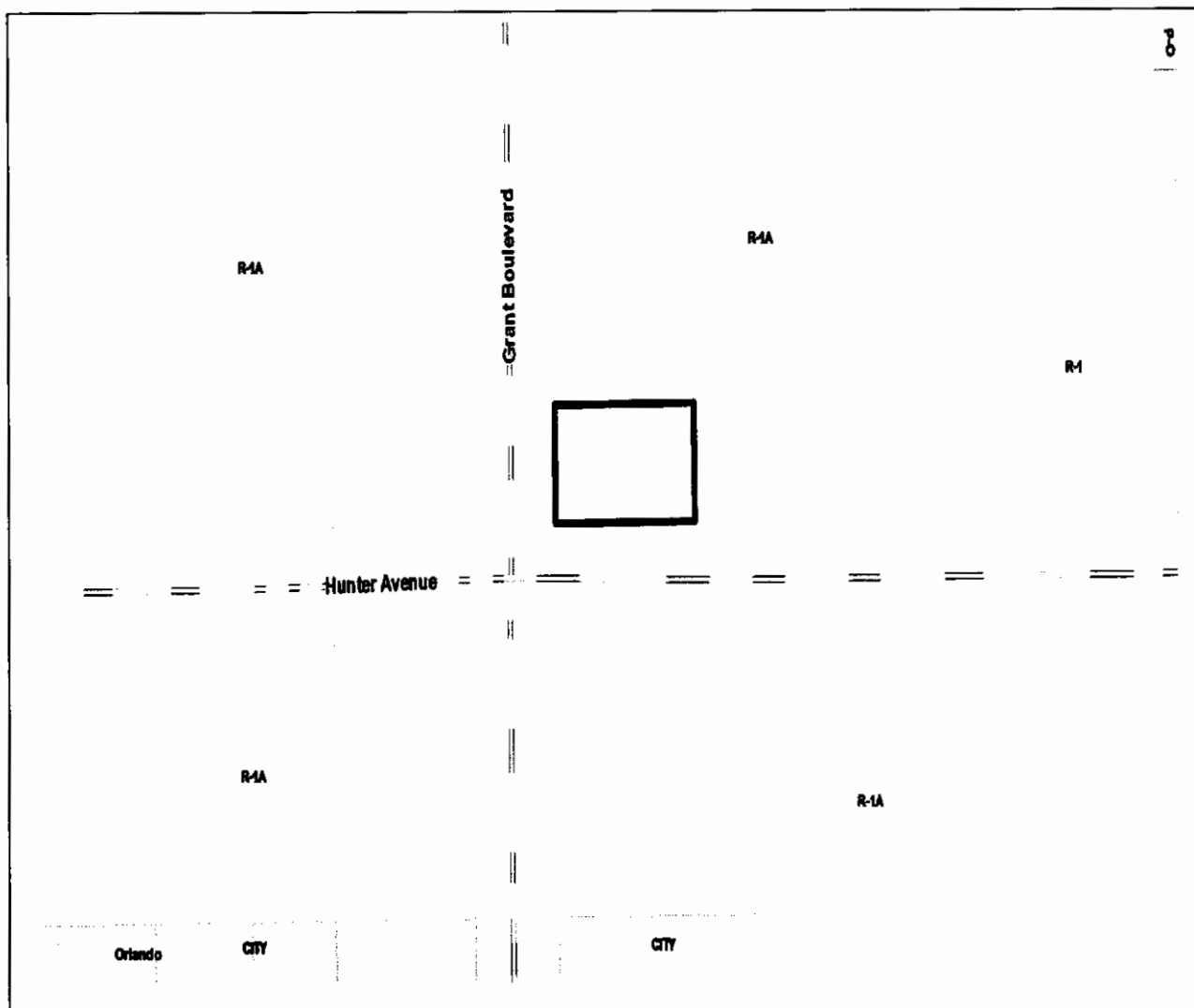
SYNOPSIS: Staff gave a presentation on the case covering the location, the layout, and photos.

The applicant discussed a discrepancy between the square footage stated on the application and in the Property Appraiser's records. The applicant stated they would get the property appraiser to update the records to match the enclosed area.

The BZA confirmed this was being done to clear up any issues that could arise in the future for the new buyers.

Staff received three (3) commentaries in favor of the application, and three (3) in opposition to the application.

The BZA approved the variances.



Applicant: BRANDON LEGER

BZA Number: VA-18-05-033

BZA Date: 05/03/2018

District: 2

Sec/Twn/Rge: 10-22-29-SE-D

Tract Size: 60 ft. x 100 ft.

Address: 4001 Grant Blvd., Orlando FL 32804

Location: East of Grant Blvd., north of Hunter Ave.

**BRANDON &
MELISSA LEGER**



BRANDON.LEGER@GMAIL.CO
M



(727) 688-1110
(813) 597-8687

1401 S STATE
APT 1505
CHICAGO, IL 60605

ORANGE COUNTY ZONING DIVISION
201 SOUTH ROSALIND AVENUE
1ST FLOOR
ORLANDO, FL 32801

Regarding Property Located at:

4001 Grant Blvd
Orlando, FL 32804

To Whom it May concern:

My wife and I purchased the property located at 4001 Grant Blvd Orlando, FL 32804 on August 8th 2015 as our permanent residence. We were not informed at the time of any zoning issues with the property and bought it in good faith.

Upon selling our house we discovered that lot was a substandard size for the zoning district and that we would require a variance to rebuild on the property if the existing structure were to be destroyed in some way. We would like to keep the existing structure but get permission to rebuild on the property should anything happen to the existing structure which would require rebuilding.

R1A requires 75 feet of width on the lot, ours is only 60 feet wide as platted. R1A also requires 7500 SQFT of lot area, ours is only about 6,000 SQFT. R1A additionally requires a house of 1200 SQFT of living space. The current structure is only about 1000 SQFT.

We send this application in hopes of receiving the variance for the Parcel ID # 10-22-29-8828-06-012 and would appreciate any assistance the county can provide in this matter.

Sincerely,

Brandon & Melissa Leger

RECEIVED

FEB 27 2018

**ORANGE COUNTY,
ZONING DIVISION**



STAFF REPORT
CASE #: VA-18-05-033
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
May 3, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: BRANDON LEGER

REQUEST: Variances in the R-1A zoning district to allow an existing residence as follows:

- 1) To allow a minimum lot width of 60 ft. in lieu of 75 ft.
- 2) To allow a minimum lot size of 6,000 sq. ft. in lieu of 7,500 sq. ft.
- 3) To allow a front setback of 16 ft. in lieu of 25 ft.
- 4) To allow a minimum living area of 1,000 sq. ft. in lieu of 1,200 sq. ft.

LOCATION: East of Grant Blvd., north of Hunter Ave.

PROPERTY ADDRESS: 4001 Grant Blvd.

PARCEL ID: 10-22-29-8828-06-012

TRACT SIZE: 60 ft. x 100 ft.

DISTRICT #: 2

ZONING: R-1A

EXISTING USE(S): Single Family House

PROPOSED USE(S): Single Family House

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

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting variances to validate an existing single family home, and to allow the possibility of rebuilding the house in the same footprint. The applicant purchased the home in 2015. They have not been cited by Code Enforcement, and only want to obtain approvals for the existing house and to have the possibility of rebuilding the same in the event the house is destroyed.
2. The property is located in the R-1A Single-Family Dwelling district, which allows a single family home and associated accessory structures on a 7,500 sq. ft. lot.
3. The site and building requirements in this district are as follows: minimum lot size of 7,500 sq. ft.; minimum lot width of 75 ft.; and, minimum living area of 1,200 sq. ft.
4. The house was built in 1950, prior to the establishment of the Orange County Zoning Code on October 7, 1957.
5. Other properties on the same street have homes with similar or lesser front setbacks than requested by the applicant. These include a front setback of thirteen (13) feet.
6. The BZA has granted multiple similar variances in the area for: lot size, lot width and setbacks.
7. The need for the variances are not self-created, as the house was constructed prior to the establishment of the zoning code.
8. These are the minimum possible variances needed to make the house and lot conforming. No new development is proposed.
9. 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.
 - The proposal is consistent with the development pattern in the area.
 - Similar and greater variances have been granted in the area.
 - Houses in the area have lesser setbacks than those requested by the applicant.
 - The house has been there since 1950 in the same configuration. No new construction is proposed.

STAFF RECOMMENDATION:

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

1. Approval is in accordance with the site plan dated February 27, 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: Donna Cox, Applicant's Representative
7600 Dr. Phillips Blvd., Suite 146
Orlando, FL 32819

Brandon Leger, Applicant
4001 Grant Blvd.
Orlando, FL 32804

OLIVER CAPPO
VA-18-05-034

REQUEST: **Variance** in the R-1A zoning district to allow construction of a carport to an existing free-standing shed with a cumulative square footage of 1,660 sq. ft. of floor area in lieu of 622 sq. ft. (25% of living area).

ADDRESS: 19302 Oakleaf Street, Orlando FL 32833

LOCATION: Southeast corner of Oakleaf St. and Cavalier Ave., approximately 300 ft. north of Oberly Parkway

S-T-R: 10-23-32

TRACT SIZE: 150 ft. x 300 ft.

DISTRICT#: 5

LEGAL: CAPE ORLANDO ESTATES UNIT 12A 4/66 LOT 1 BLK 20

PARCEL ID: 10-23-32-1184-20-010

NO. OF NOTICES: 63

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

1. Development in accordance with the site plan dated April 17, 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.

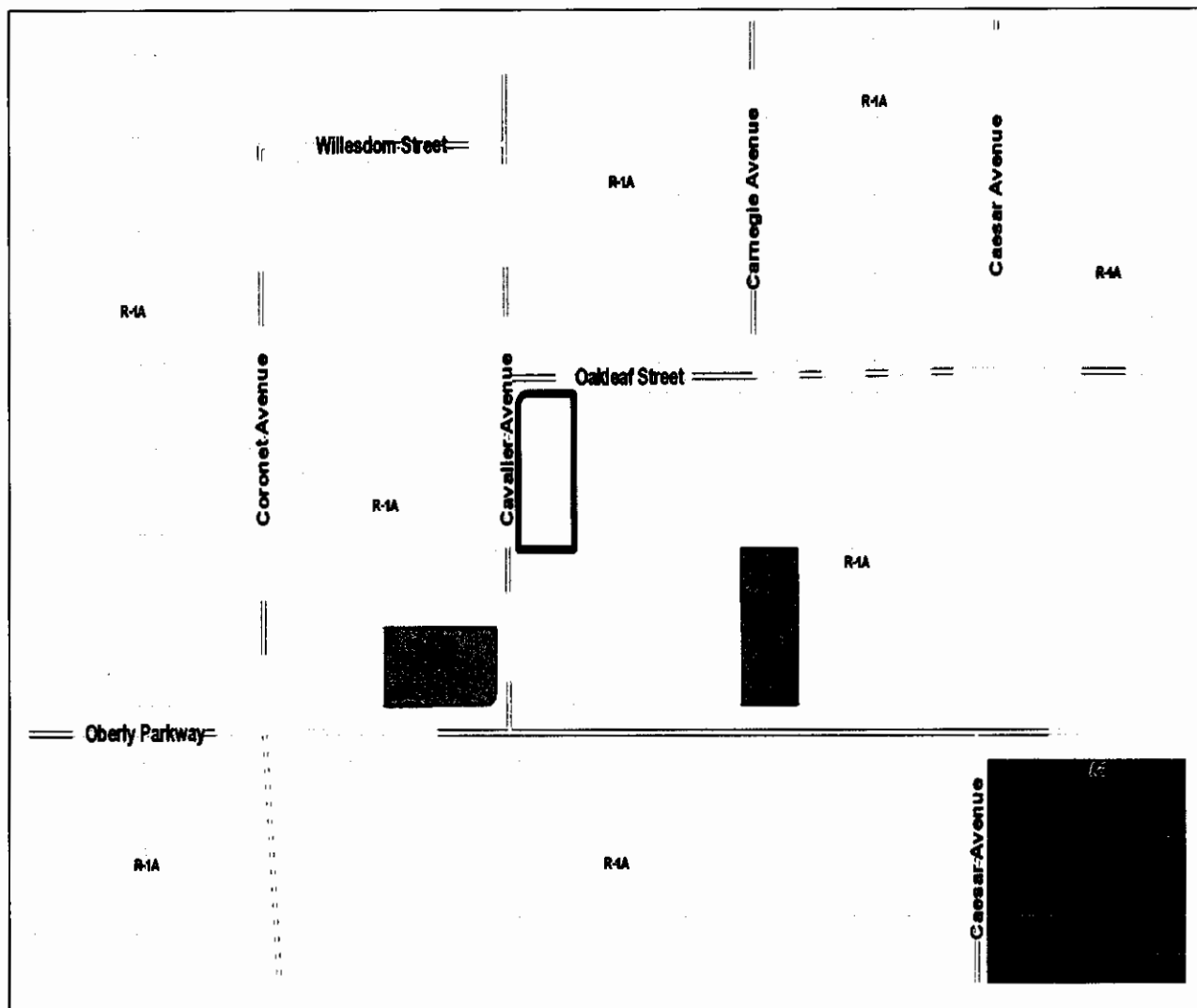
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the addition shall match the exterior of the existing house and existing accessory building.

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

The applicant agreed with the staff report.

Staff received four (4) commentaries in favor of the application, and none in opposition to the application.

The BZA approved the variance.



Applicant: OLIVER CAPPO

BZA Number: VA-18-05-034

BZA Date: 05/03/2018

District: 5

Sec/Twn/Rge: 11-23-32-SW-C

Tract Size: 150 ft. x 300 ft.

Address: 19302 Oakleaf Street, Orlando FL 32833

Location: Southeast corner of Oakleaf St. and Cavalier Ave., approximately 300 ft. north of Oberly Parkway

Cover Letter

Dear Board of Zoning Adjustment,

I Oliver Cappel, am requesting to install a 400 SF carport attached to my existing shed. The width of the proposed carport starts at 5' in the south and would angle to 15' in the north and is 40' long to match the length of the shed. The height of the proposed carport will be at 9' to match the height of the existing shed as well.

I own the acre next to me parcel 10-23-32-1184-20-020 and I am would be willing to combine the lot to mine if needed to get this approved. That would give me a combined total of 2.06 acre which I believe would accommodate for the added SF on the existing shed.

Please also take into consideration I have obtained approval from the community HOA as well as a Letter of Approval from all 3 surrounding neighbors.

Last, the area is all surrounded by woods and vegetation. Therefore the proposed carport would only be visible from the street in northwest corner only which is the front left corner of the property per the attached picture to to reference.

Regards,

Oliver Cappel

RECEIVED

APR 11 2018
ORANGE COUNTY
ZONING DIVISION

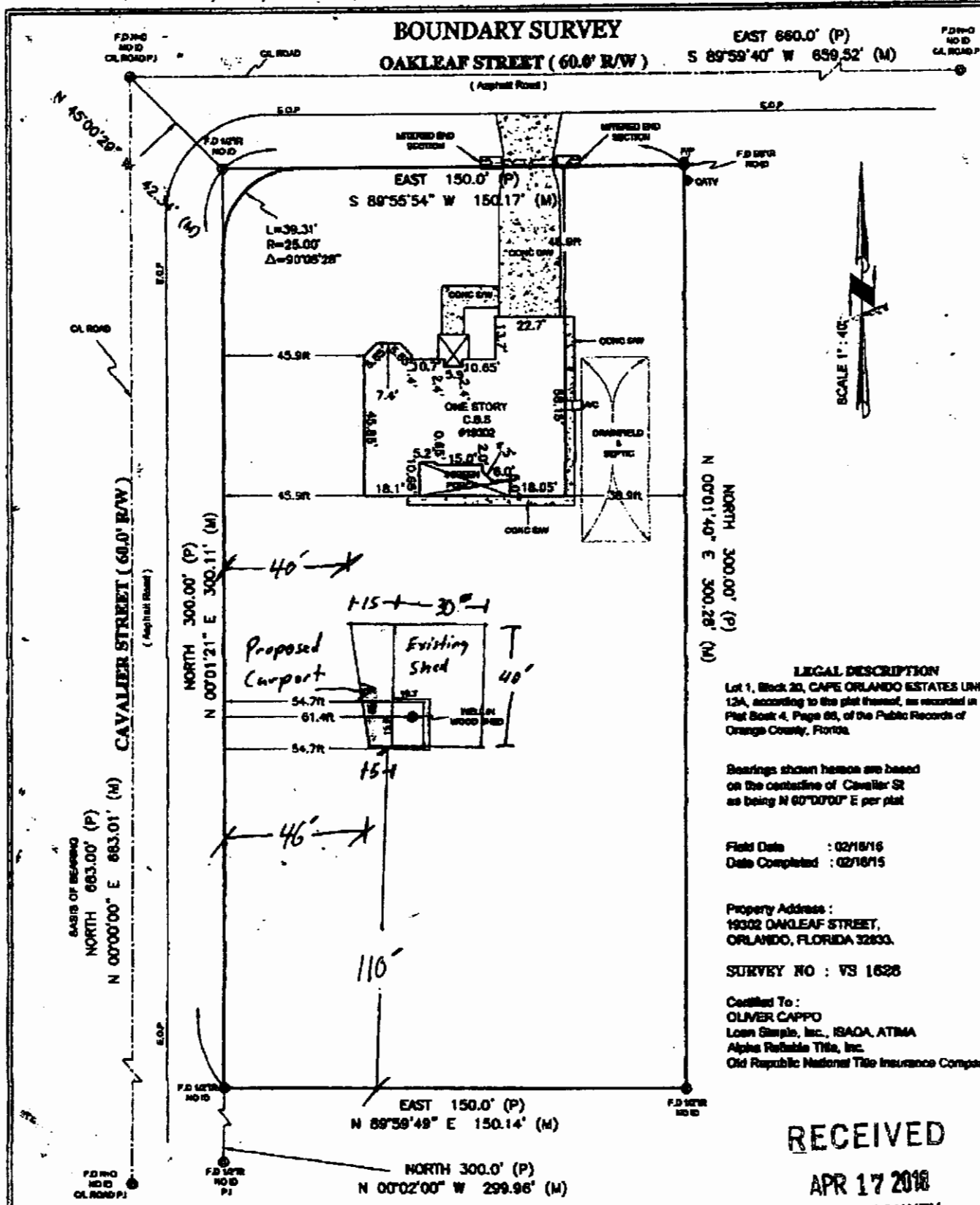
V & S SURVEYING, INC.

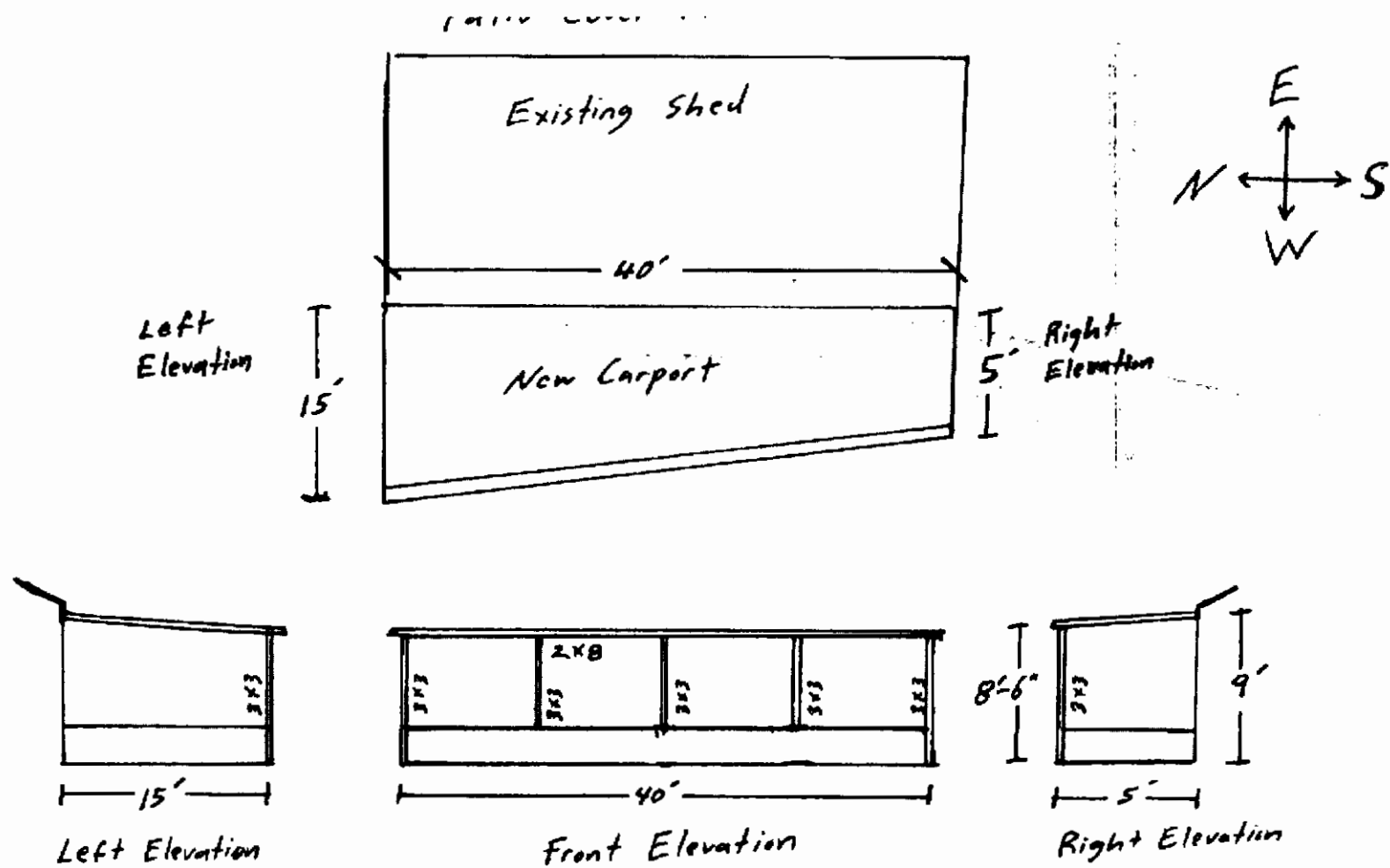
2412 Ormota Circle, Ocoee, Florida 34761

Tel: 407-342-1510

Fax: 407-658-8885

Email: vssurveying@aol.com





- 24 -

Project Address: Oliver Capps
 19302 Oakleaf St
 Orlando, FL 32833

RECEIVED
 APR 17 2018
 ORANGE COUNTY,
 ZONING DIVISION



STAFF REPORT
CASE #: VA-18-05-034
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
May 3, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: OLIVER CAPPO

REQUEST: Variance in the R-1A zoning district to allow construction of a carport to an existing free-standing shed with a cumulative square footage of 1,660 sq. ft. of floor area in lieu of 622 sq. ft. (25% of living area).

LOCATION: Southeast corner of Oakleaf St. and Cavalier Ave., approximately 300 ft. north of Oberly Parkway.

PROPERTY ADDRESS: 19302 Oakleaf St., Orlando, FL 32833

PARCEL ID: 10-23-32-1184-20-010

PUBLIC NOTIFICATION: 63

TRACT SIZE: 150 ft. x 300 ft.

DISTRICT #: 5

ZONING: R-1A

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

PROPOSED USE(S): Carport

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

STAFF FINDINGS AND ANALYSIS:

1. The applicant was granted a previous variance in 2017 (VA-17-03-012), to allow a 1,200 sq. ft. accessory structure (shed). The applicant is requesting a variance to allow the addition of a carport to the existing free-standing shed for a total of 1,660 sq. ft.
2. The property is located in the R-1A Single-Family Dwelling district, which allows a single family home with a minimum lot area of 7,500 sq. ft., and associated accessory structures with a maximum of 500 sq. ft. or 25% of the living area of the residence (whichever is greater).
3. The Future Land Use designation of the property is Rural 1/10, which allows one (1) dwelling unit per ten (10) acres.
4. The R-1A zoning is inconsistent with the Future Land Use. If the property had a consistent zoning of A-1 or A-2 (similar to the majority of properties located in Wedgefield) then the variance would not be necessary for a 1.03-acre lot, which allows accessory structures up to 2,000 sq. ft.
5. The BZA has granted multiple similar variances in the area on smaller lots.
6. The neighbors have signed letters of no objection to this proposal.
7. Literal interpretation of the code would deprive the applicant of rights commonly enjoyed by other properties that have the same Future Land Use designation but with a consistent zoning.
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.
 - The proposal is consistent with the development pattern in the area.
 - Similar variances have been granted for smaller lots 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 April 17, 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 and existing accessory building.
- c: Oliver Cappel
19302 Oakleaf Street
Orlando, FL 32833

ROBIN WALDON
VA-18-05-035

REQUEST: **Variance** in the R-1A zoning district to allow construction of a knee-wall and CBS support pillars for a screen room 15 ft. from the rear (north) property line in lieu of 30 ft.

ADDRESS: 4561 Cal Court, Orlando FL 32808

LOCATION: North side of Cal Ct., approximately 400 ft. northwest of San Jose Blvd.

S-T-R: 17-22-29

TRACT SIZE: 111 ft. x 104 ft. (AVG)

DISTRICT#: 6

LEGAL: SAN JOSE SHORES 4/97 LOT 54

PARCEL ID: 17-22-29-7802-00-540

NO. OF NOTICES: 148

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

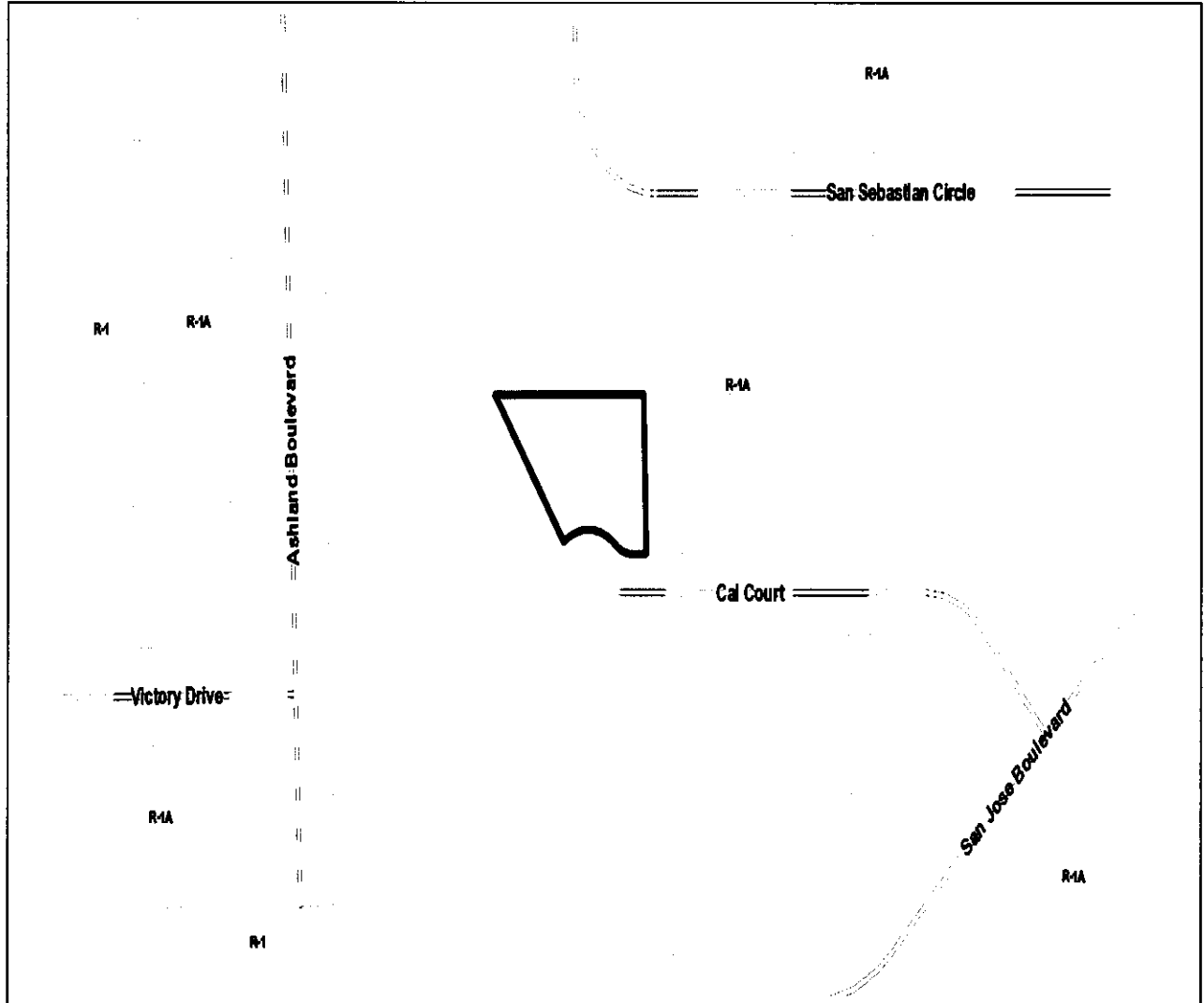
1. Development in accordance with the site plan dated March 6, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) 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. 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 ninety (90) days or this approval becomes null and void.

SYNOPSIS: Staff explained the history of the site, including the year the house was constructed, 1979, and that some type of porch was in the location of the current porch since at least 1991. The applicant purchased the home in 1994, and indicated that what is currently in place was there when they purchased the property. As such, this is not a self-imposed hardship. They wish to keep that which they purchased. Staff also clarified that this case is not the result of code enforcement action. The applicant discovered that the porch was unpermitted while attempting to obtain permits to repair the porch after last year's storms. Staff noted that the three (3) most impacted homeowners, plus one other neighbor supported the request. No correspondence in opposition had been submitted.

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

The BZA found that the application met the criteria for granting a variance. A motion to recommend approval was unanimously approved.



Applicant: ROBIN WALDON

BZA Number: VA-18-05-035

BZA Date: 05/03/2018

District: 6

Sec/Twn/Rge: 17-22-29-SW-C

Tract Size: 111 ft. x 104 ft. (AVG)

Address: 4561 Cal Court, Orlando FL 32808

Location: North side of Cal Ct., approximately 400 ft. northwest of San Jose Blvd.

Robin Waldon

4561 Cal Court, Orlando, FL 32808

waldonr4@aol.com

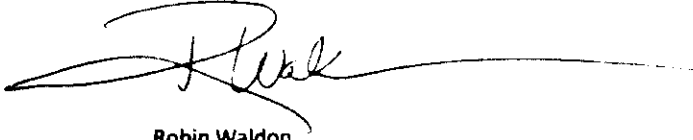
407-376-0517 - Cell

March 5, 2018

Approval Committee

My name is Robin Waldon I am submitting this application to repair the existing screen patio from the damage caused Hurricane Irma September 10, 2017. The damage that was sustained was roof panels blown off, and screen panels ripped from the wind. Adding the knee will provide added protection and add value to the property.

Sincerely,

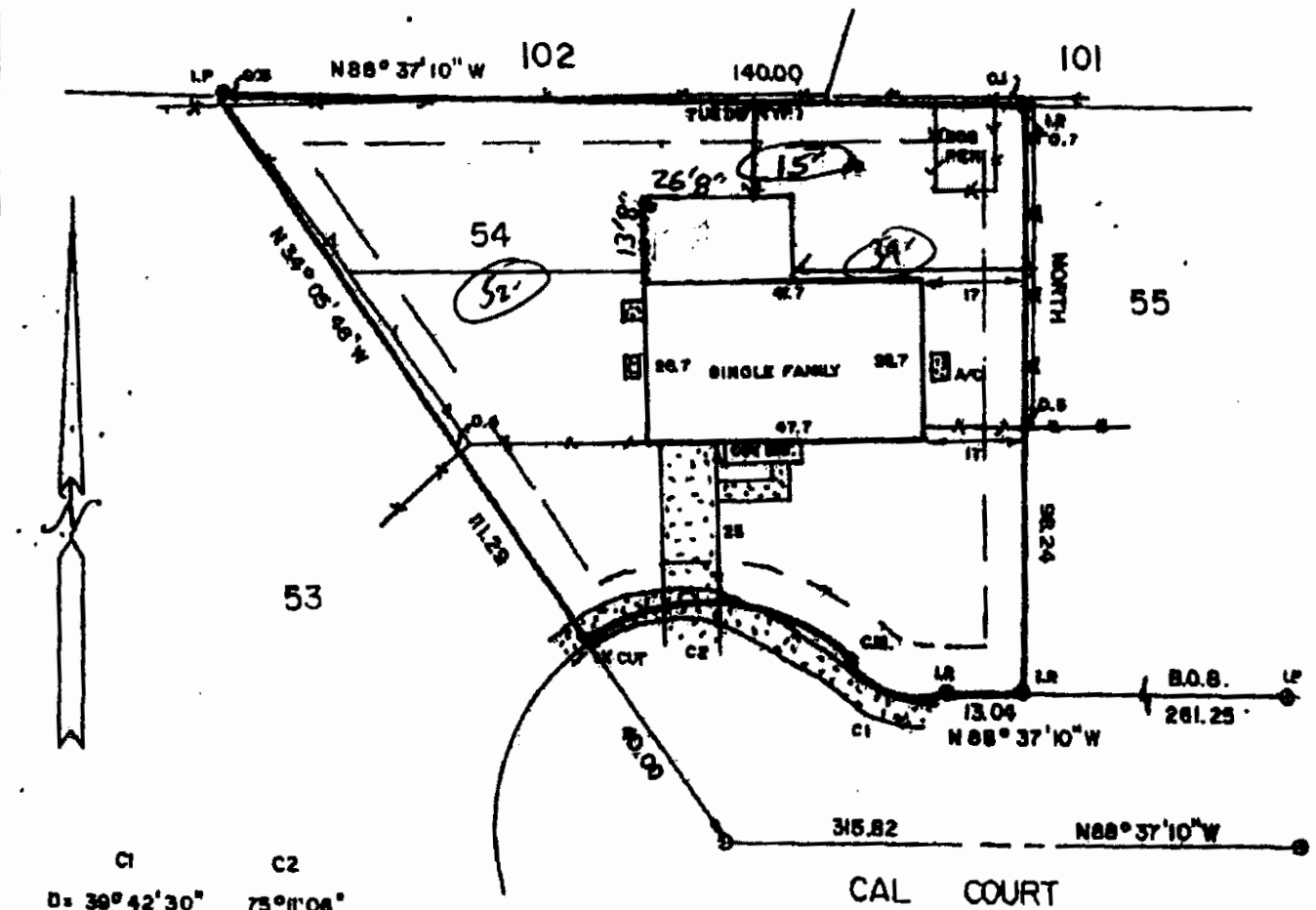
A handwritten signature in black ink, appearing to read 'Robin Waldon', with a long horizontal flourish extending to the right.

Robin Waldon

RECEIVED

MAR 06 2018

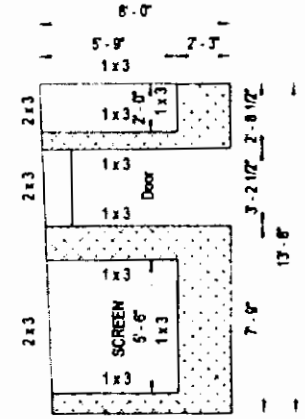
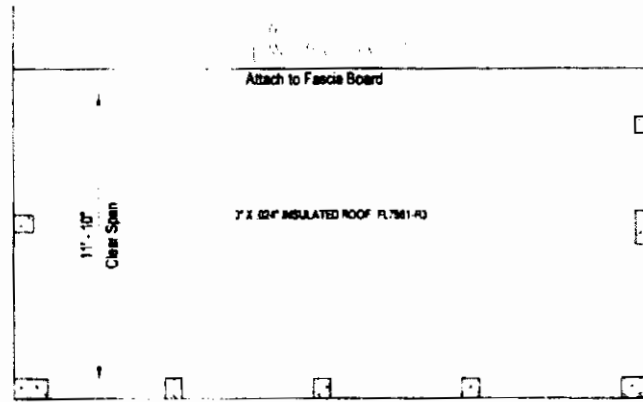
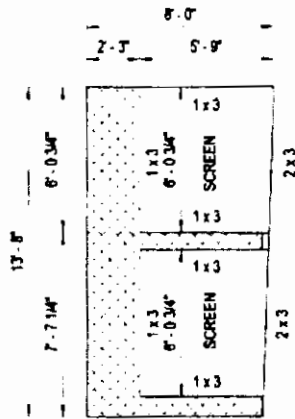
Zoning Division



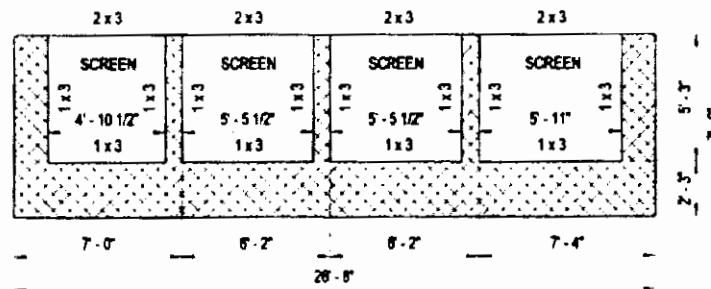
C1	C2
D = 39°42'30"	75°11'08"
R = 25.00	40.00
L = 17.33	52.49
CHD = 16.98	48.80
HQ. BRG. = N88°45'55"W	N88°29'54"W

RECEIVED

MAR 06 2018
Zoning Division



LEGEND: (ALL MAY NOT APPLY)
 SCR = SCREEN
 RP = RICK PLATE
 RF-I = RIGID FILL, INSULATED
 PW = PICTURE WINDOW
 X = HORIZ. SLIDING WINDOW
 O = HORIZ. STATIONARY WINDOW
 TG = TEMPERED GLASS
 DH = DOUBLE HINGE WINDOW
 SP = SOLID INSULATED PANEL
 CT = CABLE TIE
 SG = SUPER GUTTER
 CS = CLEAR SPAN
 KB = KNEE BRACE



WALDON JOB #2017-472
 4561 Cal Court
 Orlando, FL 32808
 Screen Room w/ Solid Roof



STAFF REPORT
CASE #: VA-18-05-035
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
May 3, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: ROBIN WALDON

REQUEST: Variance in the R-1A zoning district to allow construction of a knee-wall and concrete block support pillars for a screen room 15 ft. from the rear (north) property line in lieu of 30 ft.

LOCATION: North side of Cal Ct., approximately 400 ft. northwest of San Jose Blvd.

PROPERTY ADDRESS: 4561 Cal Ct., Orlando, FL 32808

PARCEL ID: 17-22-29-7802-00-540

PUBLIC NOTIFICATION: 148

TRACT SIZE: 111 ft. x 104 ft. (AVG)

DISTRICT #: 6

ZONING: R-1A

EXISTING USE(S): Single Family Residence w/Screen Covered Room

PROPOSED USE(S): Screen porch with CBS knee wall and support pillars.

SURROUNDING USES:

N - Single Family Residence	R-1A
S - Single Family Residence	R-1A
E - Single Family Residence	R-1A
W - Single Family Residence	R-1A

STAFF FINDINGS AND ANALYSIS:

1. The subject property and all adjacent properties are located in the R-1A zoning district. This district allows single family detached units on lots with a minimum size of 7,500 sq. ft. Traditional accessory and ancillary uses such as back porches, are also permitted provided they meet certain restrictions, such as location, or variances are obtained.
2. According to the Property Appraiser's information, the home was constructed in 1979. A review of historic photographs show that the screen room has been in its current location since at least 1991. The applicant provided letters of support from four (4) neighbors, including those abutting both sides and the rear property line.
3. According to the applicant, the masonry columns and knee wall existed in 1994, when they purchased the property. There are no records of permits ever having been obtained for the porch as it currently exists. Given that the applicant purchased the property "as is", this is not a self-imposed hardship.
4. Given that the construction technique and materials are very similar to that of the home, it is clear that the porch has existed for a considerable time. This presents itself as a special condition that the structure has been in existence for so many years, and it was not until the applicant came in to obtain permits for repairs that they discovered that no permits were issued. This is not a Code Enforcement related case.
5. A screen porch would be permitted up to thirteen (13) feet into the rear setback. Once the knee wall and columns are added, the porch must meet the setbacks for the principal structure. This may be why the porch was built where it is, if it replaced a pre-existing porch, for which no permits can be located as well.
6. It would be fair to say that if the variance is not approved, the applicant will be required to demolish the existing porch, thus, being deprived of a convenience they have enjoyed for many years.
7. Since the applicant is not proposing to increase the footprint of the porch, this is the minimum variance needed.
8. Approval of the variance will not impair the integrity of the Zoning Code.

STAFF RECOMMENDATION:

Staff recommends approval of the requested Variance subject to the following conditions:

1. Development in accordance with the site plan and elevations dated March 6, 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. 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 ninety (90) days or this approval becomes null and void.

c: Robin Waldon
4561 Cal Court
Orlando, FL 32808

TONY BENEDICT
SE-18-05-036

REQUEST: **Special Exception** in the A-1 and R-CE-2 zoning districts to allow a 932 sq. ft. guesthouse.

ADDRESS: 14124 Reams Road, Winter Garden FL 34786

LOCATION: Westerly side of Reams Rd., approximately 1/2 mile south of Summerlake Park Blvd.

S-T-R: 34-23-27

TRACT SIZE: Approximately 6 Acres of an overall 36+ acre Parcel

DISTRICT#: 1

LEGAL: FROM SW COR OF SEC RUN E 2649.62 FT N 1385.18 FT FOR A POB TH N 1794.06 FT E 1315.73 FT SLY ALONG CURVE 426.43 FT S 46 DEG W 2080.78 FT TO POB IN SEC 34-23-27

PARCEL ID: 34-23-27-0000-00-026

NO. OF NOTICES: 337

THIS CASE HAS BEEN CONTINUED TO JULY 5, 2018

RYAN SEADER
VA-18-05-038

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow an accessory structure (carport) in front of the principal structure.
2) To allow a two-story accessory structure in lieu of one story.
3) To allow an accessory structure 24 ft. in height in lieu of 20 ft.
4) To allow an accessory structure 1 ft. from the side (east) property line in lieu of 5 ft.
5) To allow an accessory structure to be located 20 ft. from the front (south) property line in lieu of 25 ft.
6) To allow additional construction on a lot with 6,750 sq. ft. of lot area in lieu of 7,500 sq. ft.
7) To allow additional construction on a lot with 50 ft. of frontage in lieu of 75 ft.
8) To validate an existing residence with a side (west) setback of 4 ft. in lieu of 7.5 ft.
9) To validate an existing residence with a side (east) setback of 7 ft. in lieu of 7.5 ft.

ADDRESS: 931 26th Street, Orlando FL 32805

LOCATION: North side of 26th St., approximately 50 ft. east of Westmorland Dr.

S-T-R: 03-23-29

TRACT SIZE: 50 ft. x 135 ft.

DISTRICT#: 6

LEGAL: ANGE BILT ADDITION H/79 LOT 14 BLK 44

PARCEL ID: 03-23-29-0180-44-140

NO. OF NOTICES: 144

DECISION: **APPROVED** the Variance requests **#1, #4 through #9**, 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; and, **DENIED** the Variance requests **#2 and #3**, 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; 6-0 and 1 absent).

1. Development in accordance with the site plan dated March 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.
4. The second floor of the carport shall be removed.
5. Permits for the accessory structures shall be obtained within sixty (60) days of final approval or this approval becomes null and void.

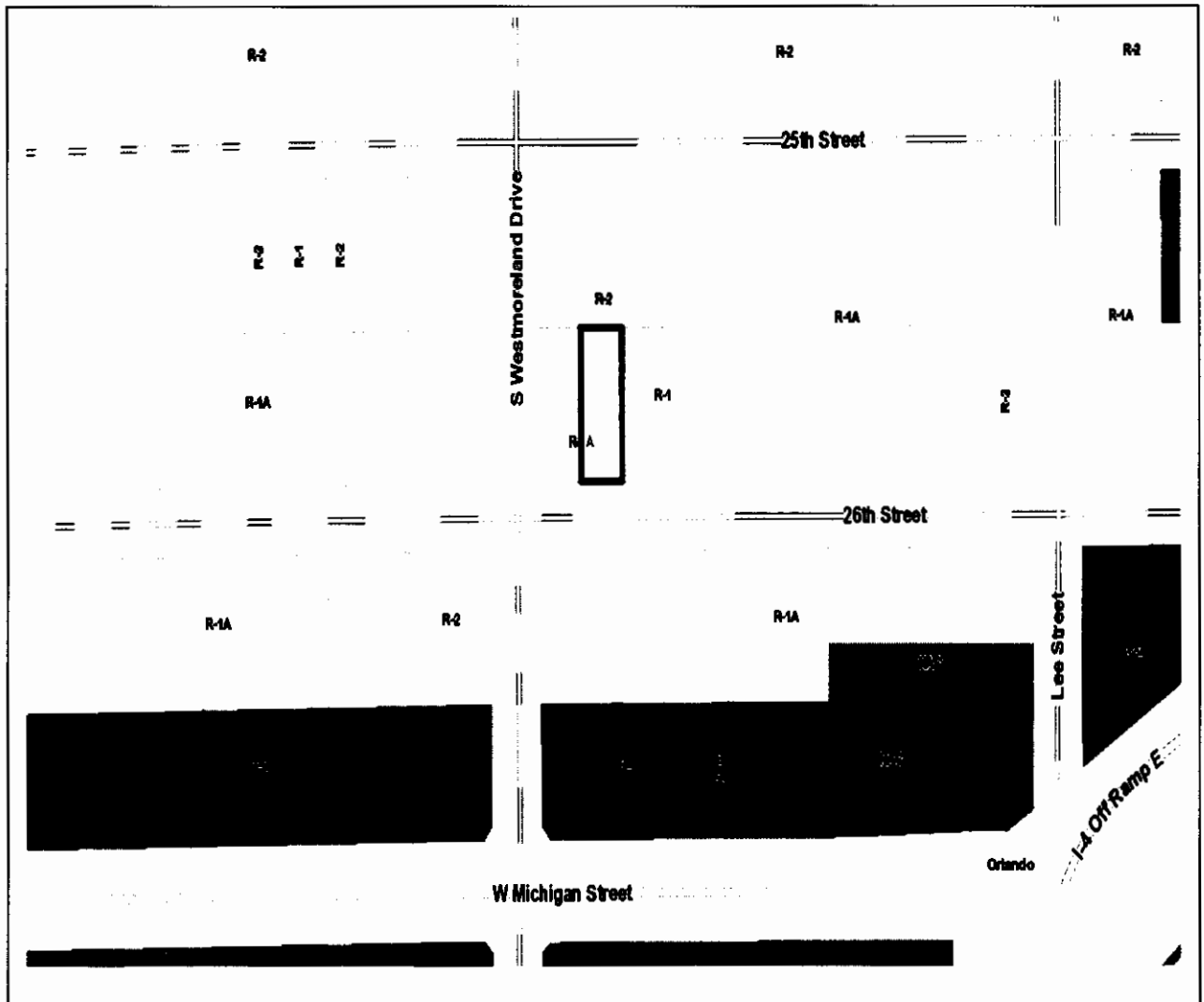
SYNOPSIS: Staff gave a brief overview of the case and stated that the applicant built the carport without permits. When the owner bought the property the house and carport were existing, however the carport was destroyed by the recent storms. When the applicant built the new carport, he was cited by code enforcement. Staff explained that variances #1 through #5, are for the carport; and, variances #6 through #9, are for the house. Staff also noted that the side setback for the carport is actually 3.5 feet and not one (1) foot.

Staff recommended approval of variances #1 and #4 through #9, as they met the Variance Criteria. Staff recommended denial of variances #2 and #3, as the second story deck was a visual nuisance in the front yard.

The applicant stated they built the carport where the previous one was located and wanted the second floor deck to be able to relax outside. No one spoke in

favor or in opposition of the request. Staff received three (3) letters in favor and one (1) letter in opposition.

The BZA discussed the variances and agreed that the second floor deck was not necessary. The BZA approved variances #1, #4 through #9, and denied variances #2 and #3.



Applicant: RYAN SEADER

BZA Number: VA-18-05-038

BZA Date: 05/03/2018

District: 6

Sec/Twn/Rge: 02-23-29-SW-C

Tract Size: 50 ft. x 135 ft.

Address: 931 26th Street, Orlando FL 32805

Location: North side of 26th St., approximately 50 ft. east of Westmorland Dr.

ORANGE COUNTY ZONING
DIVISION 201 South Rosalind
Avenue, 1st Floor, Orlando,
Florida 32801

APPLICATION – BOARD OF ZONING ADJUSTMENT (BZA) VARIANCE, SPECIAL EXCEPTION, AND APPEAL OF
ZONING MANAGER'S DETERMINATION

Dear Sir/Madam:

The purpose of this letter is to outline the variance request for my carport/second story at my residence at 931 26th Street. The existing carport built in 1994 was destroyed by hurricane Irma. In order to rebuild the carport to suit my current needs, the carport structure needed to be wider. In the process of rebuilding, I decided that a second story deck would fit the size of the property work with the carport design. My property is substandard for the R-1A Zoning setbacks. In order to rebuild in the location of demolished carport a variance is being requested. We require a variance of 3.99 ft. to the east side yard.

The following table below refers to the zoning lot size/living area and setbacks for the R-1A.

Sec. 38-1501. - Basic requirements.

<i>District</i>	<i>Min. lot area (sq. ft.) *</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.)</i>	<i>Min. rear yard (ft.)</i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>
R-1A	7,500	1,200	75	20 *	25 *	7.5	35

The reason for this variance is my original carport and slab was not built 7.5 ft. from the east side yard and was built non-conforming. The width of the yard is 50 ft., which is non-conforming in the R-1A zoning. This sub-size lot width from 75 ft. to 50 ft. creates a non-conforming condition, which encroaches into the buildable design area for the carport.

Because of the small buildable area, I am also requesting that I be allowed to build a second story screen deck of 323 square feet above the carport.

Regarding the carport size and setbacks:

The carport design is 20 ft long, 13 ft wide and 10 ft in height. The second story deck of the carport is an additional 10 ft in height.

The carport will meet the front yard setback of 20 ft. it is designed at 20.76 ft. from the front property line. From the west side yard the carport is 30.5 ft. From the rear yard, the carport is 94.74 ft.

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MAR 08 2018

Zoning Division

ORANGE COUNTY ZONING
DIVISION 201 South Rosalind
Avenue, 1st Floor, Orlando,
Florida 32801

The importance of the size of the carport is to provide a sufficient amount of space for my vehicle and room to open and close the doors without any difficulty of the side posts. I am requesting the second story screen deck because I have such small space to build a deck in the front yard. Within the front yard setback and side yard and carport the area is very limited only 679 square ft. In order to have landscaping and a deck the second story screened deck is the solution for my front yard space.

I also have signed letters from my neighbors stating that they do not object to the structure and my variance.

I have also attached the Orange County Property Record Card, which shows the building and lot size table below is from the OCPA record.

Property Description

Angebilt Addition H/79 Lot 14 BLK 44

Total Land Area

6,755 sqft | 0.16 acres

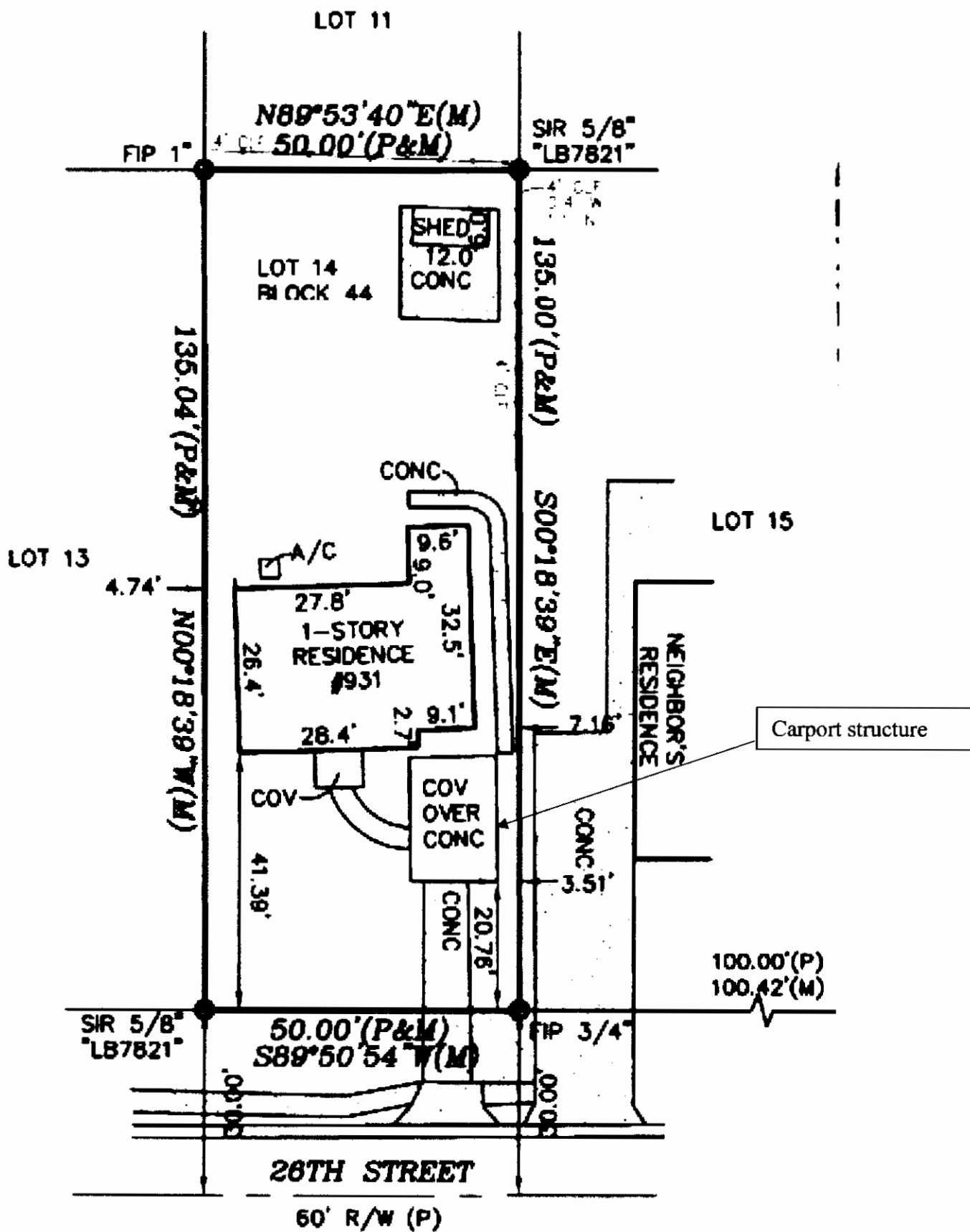
Land use code	Zoning	Land Units	Unit Price	Land Value	Class UnitPrice	Class Value
0100-single family	R-1A	1 Lot	\$10,925.00	\$10,925	\$0.00	\$10,925
Gross Area	1051 sqft	Living Area	935 sqft	Base Area	935 sqft	FOP- F/OPN Prch 35 sqft UEP- Unf E Prch 81 sqft

Thank you for your consideration of my request. I look forward to a resolution of this matter in order to rebuild my carport damaged from hurricane Irma.

Very respectfully,

Ryan Seader







STAFF REPORT
CASE #: VA-18-05-038
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
May 3, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: RYAN SEADER

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

- 1) To allow an accessory structure (carport) in front of the principal structure.
- 2) To allow a two-story accessory structure in lieu of one story.
- 3) To allow an accessory structure 24 ft. in height in lieu of 20 ft.
- 4) To allow an accessory structure 1 ft. from the side (east) property line in lieu of 5 ft.
- 5) To allow an accessory structure to be located 20 ft. from the front (south) property line in lieu of 25 ft.
- 6) To allow additional construction on a lot with 6,750 sq. ft. of lot area in lieu of 7,500 sq. ft.
- 7) To allow additional construction on a lot with 50 ft. of frontage in lieu of 75 ft.
- 8) To validate an existing residence with a side (west) setback of 4 ft. in lieu of 7.5 ft.
- 9) To validate an existing residence with a side (east) setback of 7 ft. in lieu of 7.5 ft.

LOCATION: North side of 26th St., approximately 50 ft. east of Westmorland Dr.

PROPERTY ADDRESS: 921 26th St., Orlando, FL 32801

PARCEL ID: 03-23-29-0180-44-140

PUBLIC NOTIFICATION: 144

TRACT SIZE: 50 ft. x 135 ft.

DISTRICT #: 6

ZONING: R-1A

EXISTING USE(S): Single Family Residence
PROPOSED USE(S): Carport w/Upper deck
SURROUNDING USES: N - Single Family Residence
 S - Single Family Residence
 E - Single Family Residence
 W -Single Family Residence

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-1A Single-Family Dwelling district, which allows for single-family homes and associated accessory structures. The minimum lot size for R-1A is 75 feet by 100 feet.
2. The property was platted in 1923, as part of the Angebilt Addition plat. The lot is still in the original configuration (50 feet by 135 feet).
3. According to the applicant's cover letter, the carport was constructed in 1994. No permits for that structure could be located. The carport was visible in a 2006 photo of the property on the Property Appraiser's website. The previous carport was destroyed during the recent storms and the applicant was cited by Code Enforcement for construction of the new carport without permits.
4. The existing house was built in 1943, and Variances #6-#9 are needed to validate the existing residence as constructed.
5. The existing shed in the rear yard meets setback requirements; however, no permit has been located for that shed. The applicant will be required to get a permit for this structure.
6. The carport is located further back from the front setback than several existing houses on the block.
7. Staff recommends approval of Variances #1 and #4 through #9, per the following:
 - **Special Conditions and Circumstances:** The existing house does not have a garage and the applicant needs a covered area to store their vehicle(s). There was an existing carport located in the same location and this is the only logical spot for a carport.
 - **Not Self-Created:** When the applicant purchased the property the house and carport were existing.

- **Special Privilege Conferred:** The carport will not be located any closer to the street than the front of both neighboring houses. Therefore, granting this variance will not grant a special privilege to this applicant.
- **Minimum Possible Variance:** The variance from the front setback is a twenty percent (20%) deviation from Code, which is minimal and the side setback is actually 3.5 feet in lieu of 5 feet. The variances for the house are also minimal in nature, and the house has existed since 1943.
- **Purpose and Intent:** The location of carport is line with the existing houses and will be in harmony with the neighborhood.

8. Staff recommends denial of Variances #2 and #3, per the following:

- **Special Privilege:** Allowing a two-story structure to that scale in the front yard would confer a special privilege to this applicant.
- **Purpose and Intent:** The second story addition to the carport is not necessary in the front yard; it creates a visual nuisance, and would not be in harmony with the neighborhood. The carport should remain as it existed before as a one-story structure.

STAFF RECOMMENDATION:

Staff recommends approval of Variances #1 and #4 through #9, and denial of Variances #2 and #3, per the following conditions:

1. Development in accordance with the site plan dated March 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.
4. The second floor of the carport shall be removed.
5. Permits for the accessory structures shall be obtained within sixty (60) days of final approval or this approval becomes null and void.

c: Ryan Seader
931 26th Street
Orlando, FL 32805

HOMES IN PARTNERSHIP
VA-18-05-039

REQUEST: **Variance** in the R-1 zoning district to allow a front setback of 20 ft. in lieu of 25 ft.

ADDRESS: 3751 Grice Street, Apopka FL 32703

LOCATION: East of Grice St., north of Valley Dr.

S-T-R: 29-21-28

TRACT SIZE: 50 ft. x 110 ft.

DISTRICT#: 2

LEGAL: PARADISE HEIGHTS FIRST ADDITION O/72 LOTS 30 & 31 BLK 8

PARCEL ID: 29-21-28-6644-08-300

NO. OF NOTICES: 105

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

1. Development in accordance with the site plan and elevations dated March 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.

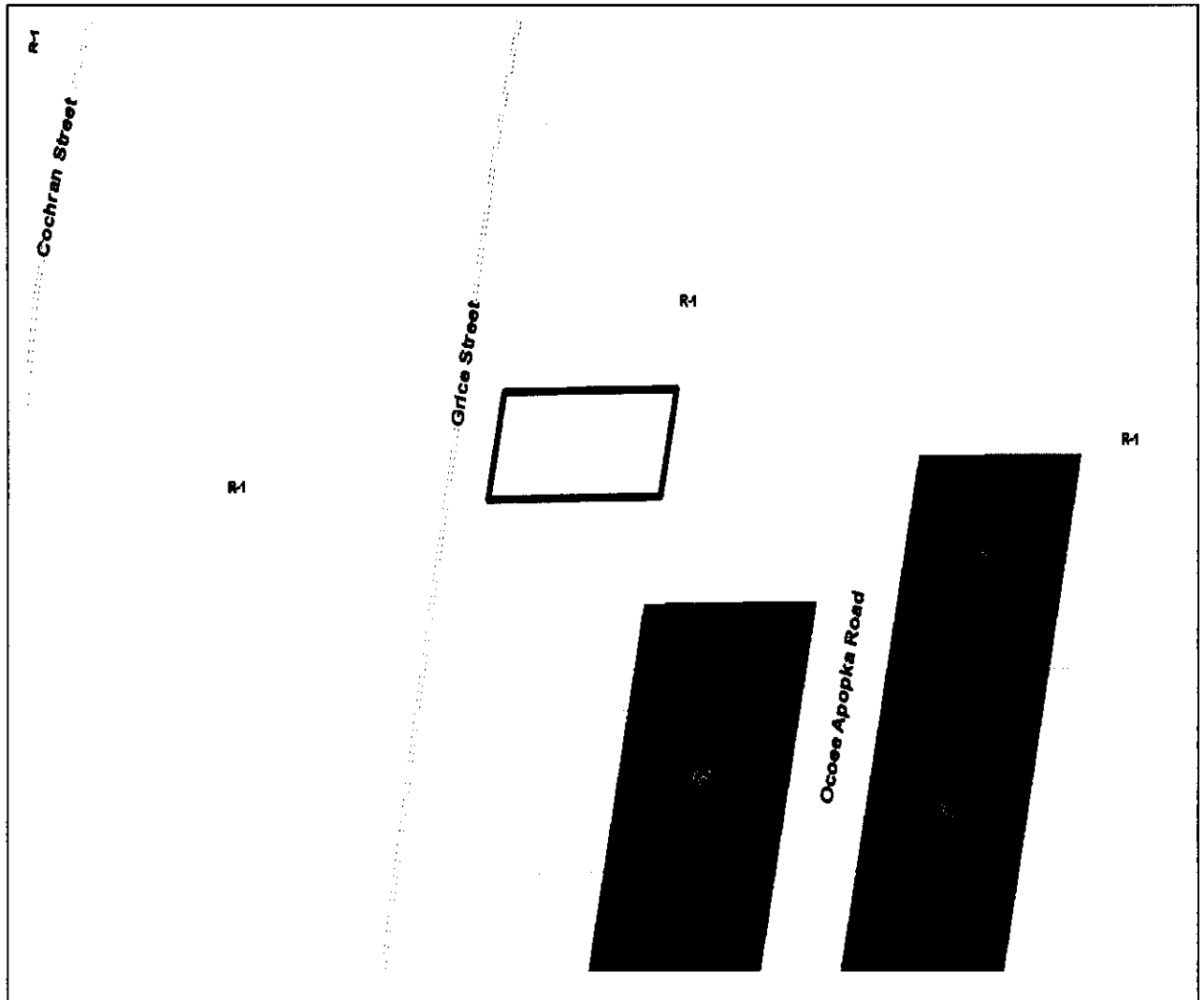
SYNOPSIS: Staff gave a presentation on the case covering the location, the site plan, lot layout and photos.

The applicant agreed with the staff report.

The BZA confirmed the benefits of infill development

Staff received zero (0) commentaries in favor of the application, and two (2) in opposition to the application.

The BZA approved the variance.



Applicant: HOMES IN PARTNERSHIP

BZA Number: VA-18-05-039

BZA Date: 05/03/2018

District: 2

Sec/Twn/Rge: 31-21-28-NE-A

Tract Size: 50 ft. x 110 ft.

Address: 3751 Grice Street, Apopka FL 32703

Location: East of Grice St., north of Valley Dr.



Homes In Partnership, Inc.

*"Providing Central Florida
with affordable housing"*

March 7, 2018

Orange County Zoning
201 S. Rosalind Ave
Orlando FL

To whom it may concern:

We are requesting a variance of the front yard setbacks located at 3751 Grice Street Apopka. Currently this is a lot of record with the R-1 and all other setbacks are being met with the exception for the front due to septic system. This property is angled so front setback of 25' can not be met. At present we have one corner at 20' and the other corner at 24'9".

This structure being submitted is 35 x 56 and will conform to the houses in the area.

Thank you,

Toby Best
Executive Director

RECEIVED

**MAR 08 2018
ORANGE COUNTY,
ZONING DIVISION**

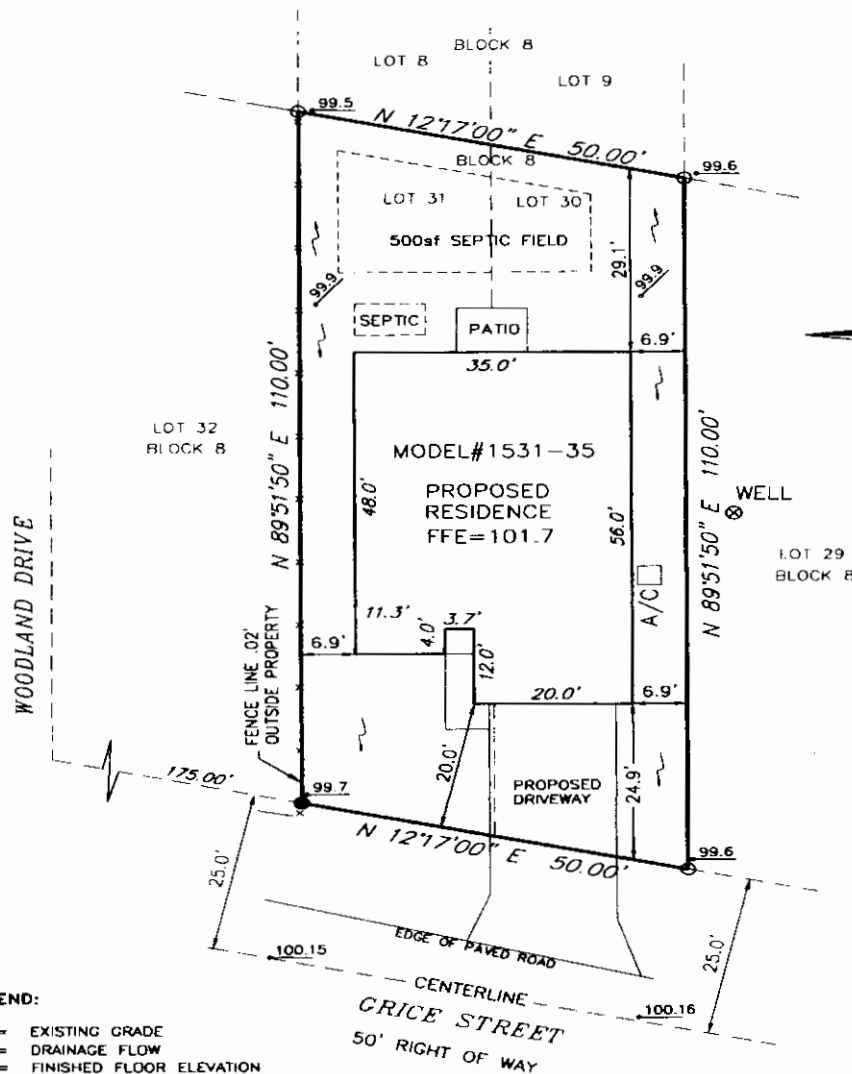
CORPORATE OFFICE

T (882) 888-7300 • T (407) 886-2451 • F (407) 886-5504 • www.homesip.org
1140 South Grove Street • Easta, FL 32726

SITE PLAN

LEGAL DESCRIPTION:

Lot 30 and Lot 31, Block 8, Paradise Heights First Addition, according to the map or plat thereof, as recorded in Plat Book O, Page 72, of the Public Records of Orange County, Florida.




RECEIVED
MAR 08 2010
ORANGE COUNTY,
ZONING DIVISION

LEGEND:

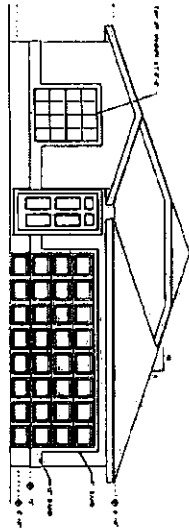
- 99.1 = EXISTING GRADE
- = DRAINAGE FLOW
- FFE = FINISHED FLOOR ELEVATION
- = FOUND 1" IRON PIPE NO#
- = FOUND 1/2" IRON ROD NO#

SURVEYOR'S REPORT:

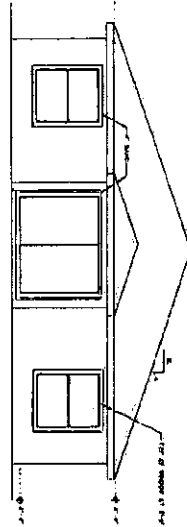
1. THE SURVEYOR DID NOT PERFORM AN ABSTRACT OF TITLE. THE ABOVE REFERENCED PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, RIGHTS-OF-WAY AND RESTRICTIONS OF RECORD, IF ANY.
2. LEGAL PROVIDED BY CLIENT.
3. UNDERGROUND UTILITIES AND/OR IMPROVEMENTS WERE NOT LOCATED EXCEPT AS NOTED.
4. REPRODUCTIONS OF THIS SKETCH ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
5. BEARINGS SHOWN HEREON ARE BASED ON THE E LINE OF GRICE STREET AS BEING N12°17'00"E, ASSUMED.

DATE: 7-8-16	SCALE: 1" = 20'	CAL. BY: SEB	DRAWN BY: SMO	JOB NO. 116006A
Date	Revisions	ATLANTIC SURVEYING 308 S. DILLARD STREET WINTER GARDEN, FLORIDA 34787 (407) 656-4993/FAX (407) 877-9983		
8-7-17	ADDED SEPTIC AREA			
		 STEVEN E. BLANKENSHIP P.S.M. #5361 STATE OF FLORIDA		

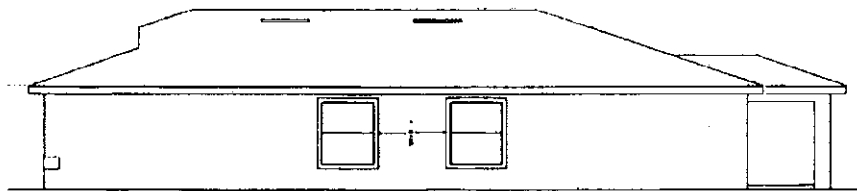
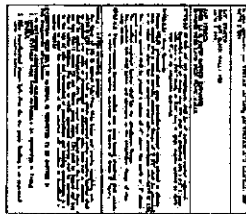
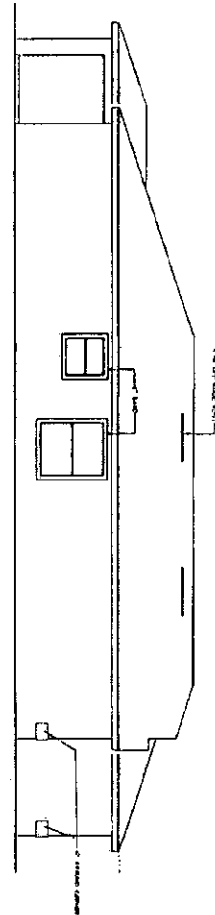
FRONT ELEVATION "A"



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

<p>15</p>	<p>DISCLAIMER</p> <p>These drawings are prepared for the use of the client and are not to be used for any other purpose without the written consent of the architect. The architect is not responsible for any errors or omissions in these drawings.</p>	<p>DONALD LURTZ ARCHITECT 235 E 6TH ST APOKA FL 32703 813-311-3535</p>	<p>HOMES IN PARTNERSHIP 235 E 6TH ST APOKA FL 32703 813-311-3535</p>	<p>RESIDENTIAL SERVICES FLORIDA 1995 481-4500 Email: TBC@residential.com</p>	<p>NOTES</p> <p>1. All dimensions are to the center of the wall unless otherwise noted.</p> <p>2. All windows and doors are to be installed in accordance with the manufacturer's instructions.</p> <p>3. All materials and finishes are to be as specified in the schedule of materials.</p>
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STAFF REPORT
CASE #: VA-18-05-039
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
May 3, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: HOMES IN PARTNERSHIP

REQUEST: Variance in the R-1 zoning district to allow a front setback of 20 ft. in lieu of 25 ft.

LOCATION: East of Grice St., north of Valley Dr.

PROPERTY ADDRESS: 3751 Grice St.

PARCEL ID: 29-21-28-6644-08-300

TRACT SIZE: 50 ft. x 110 ft.

DISTRICT #: 2

ZONING: R-1

EXISTING USE(S): Single Family Home

PROPOSED USE(S): Single Family Home

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

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a variance from the front setback to build a single family home.
2. The property is located in the R-1 Single-Family Dwelling district, which allows for single family homes and associated accessory structures on a minimum 5,000 sq. ft. lot.

3. The required setbacks in R-1 are twenty (20) feet in the front and rear, and five (5) feet on the sides. However, lots platted prior to March 3, 1997, are required to meet a twenty-five (25) ft. in the front and rear yard setbacks, and six (6) foot side setback.
4. The lot was platted in 1926, and is considered to be a conforming lot of record. If the lot was platted after March 3, 1997, the requested variance would not be needed as the required front setback would be twenty (20) feet.
5. Other properties on the same street have homes with lesser front setbacks than requested by the applicant. These include a front setback of approximately two (2) feet.
6. The front and rear property lines are angled. This is a unique condition/circumstance, that presents the applicant with a hardship when attempting to fit a reasonable sized house with a septic system on this lot.
7. This is the minimal possible variance as only a portion of the proposed house will encroach into the setback.
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.
 - The proposal is consistent with the development pattern in the area.
 - Houses in the area have lesser setbacks than those requested by the applicant.
 - Approval of this request will facilitate infill development.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan and elevations dated March 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

TRAEANNE REYNOLDS
SE-18-05-040

REQUEST: **Special Exception** in the R-CE zoning district to allow conversion of an existing accessory structure into an Accessory Dwelling Unit with 600 sq. ft. of living area and a 174 sq. ft. open air covered patio.

ADDRESS: 5517 Palm Lake Circle, Orlando FL 32819

LOCATION: Northwest side of Palm Lake Circle, approximately 825 ft. northeast of Palm Lake Drive

S-T-R: 15-23-28

TRACT SIZE: 1.98 Acres

DISTRICT#: 1

LEGAL: BEG 417.92 FT N OF S1/4 COR OF SEC TH RUN N 245 FT E 79.15 FT S 32 DEG E 718.14 FT S 49 DEG W 24 FT N 49 DEG W 579.91 FT TO POB & 1/12 INT IN BEG NE COR LOT 1 PALM LAKE MANOR 1ST ADD U/140 TH RUN WLY 100 FT S 32 DEG E TO INTERSECT E LOT LINE N 24 DEG W TO

PARCEL ID: 15-23-28-0000-00-064

NO. OF NOTICES: 94

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated March 12, 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

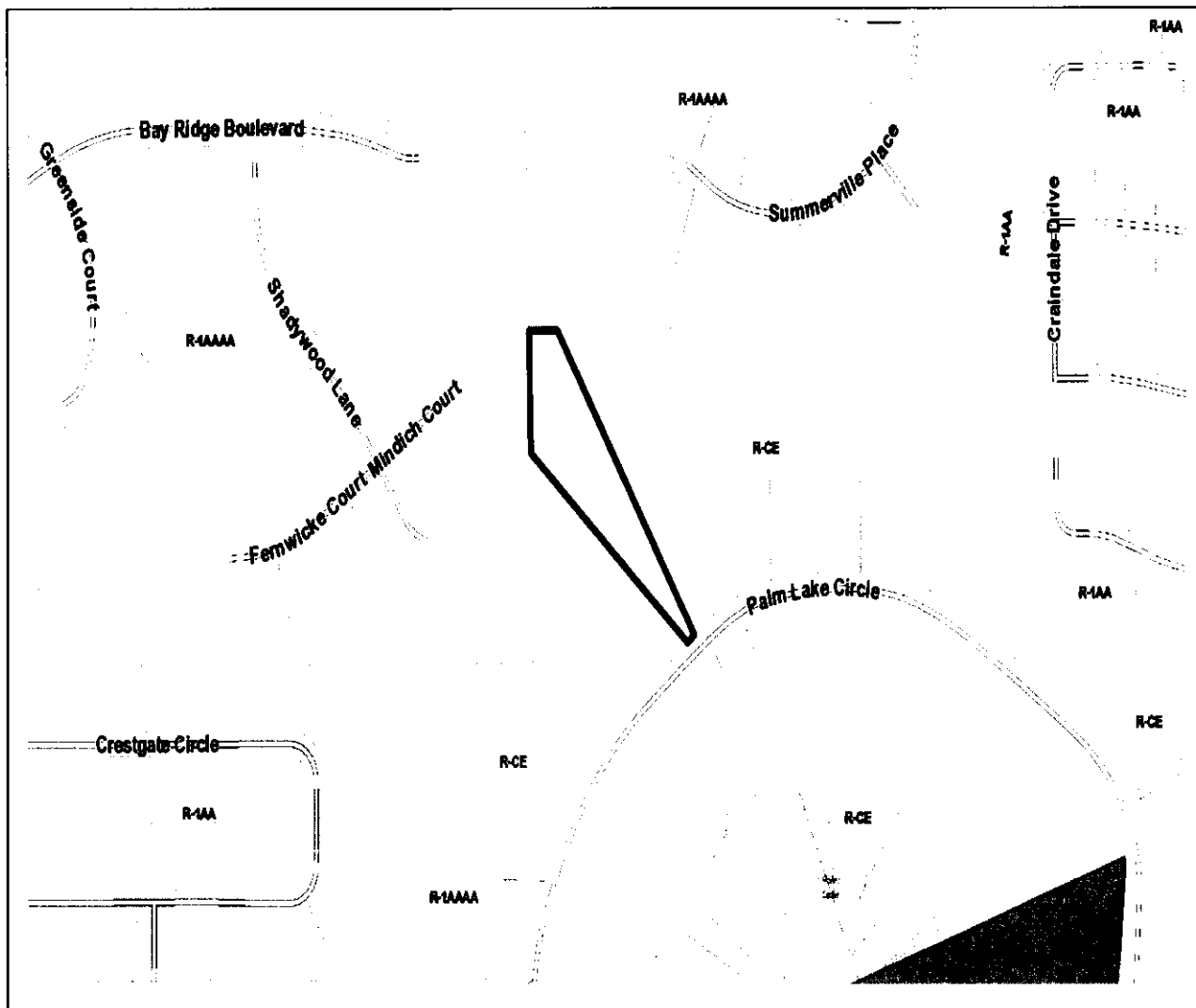
by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

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 ADU shall match or compliment the exterior of the existing residence.
5. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

SYNOPSIS: Staff noted that due to the size of the property and the location of the proposed ADU, there would not be any negative impacts on any adjacent neighbors. Also, the ADU would not be visible from the street, and it is actually located behind the nearest neighbor's residence. Staff stated that only two (2) correspondence had been received for this application, and both were in support.

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

The BZA found that the request satisfied the criteria for a Special Exception. A motion to recommend approval of the request was passed unanimously.



Applicant: TRAEANNE REYNOLDS

BZA Number: SE-18-05-040

BZA Date: 05/03/2018

District: 1

Sec/Twn/Rge: 15-23-28-SE-D

Tract Size: 1.98 Acres

Address: 5517 Palm Lake Circle, Orlando FL 32819

Location: Northwest side of Palm Lake Circle, approximately 825 ft. northeast of Palm Lake Drive

Cover Letter for Special Exception Application

03/12/2018

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

Dear Board Members,

We would like to request a special exception to convert an existing building on my property at 5517 Palm Lake Cir, Orlando, FL 32819 into an accessory dwelling unit to be used for my daughter who currently does not reside on my property but has expressed an interest in converting the existing unoccupied building adjacent to my main home as her own place of residence for herself.

Alternatively, I may move either my brother or my parents, who both currently reside in my home, into the converted residence which would free up a space in my main home for my daughter.

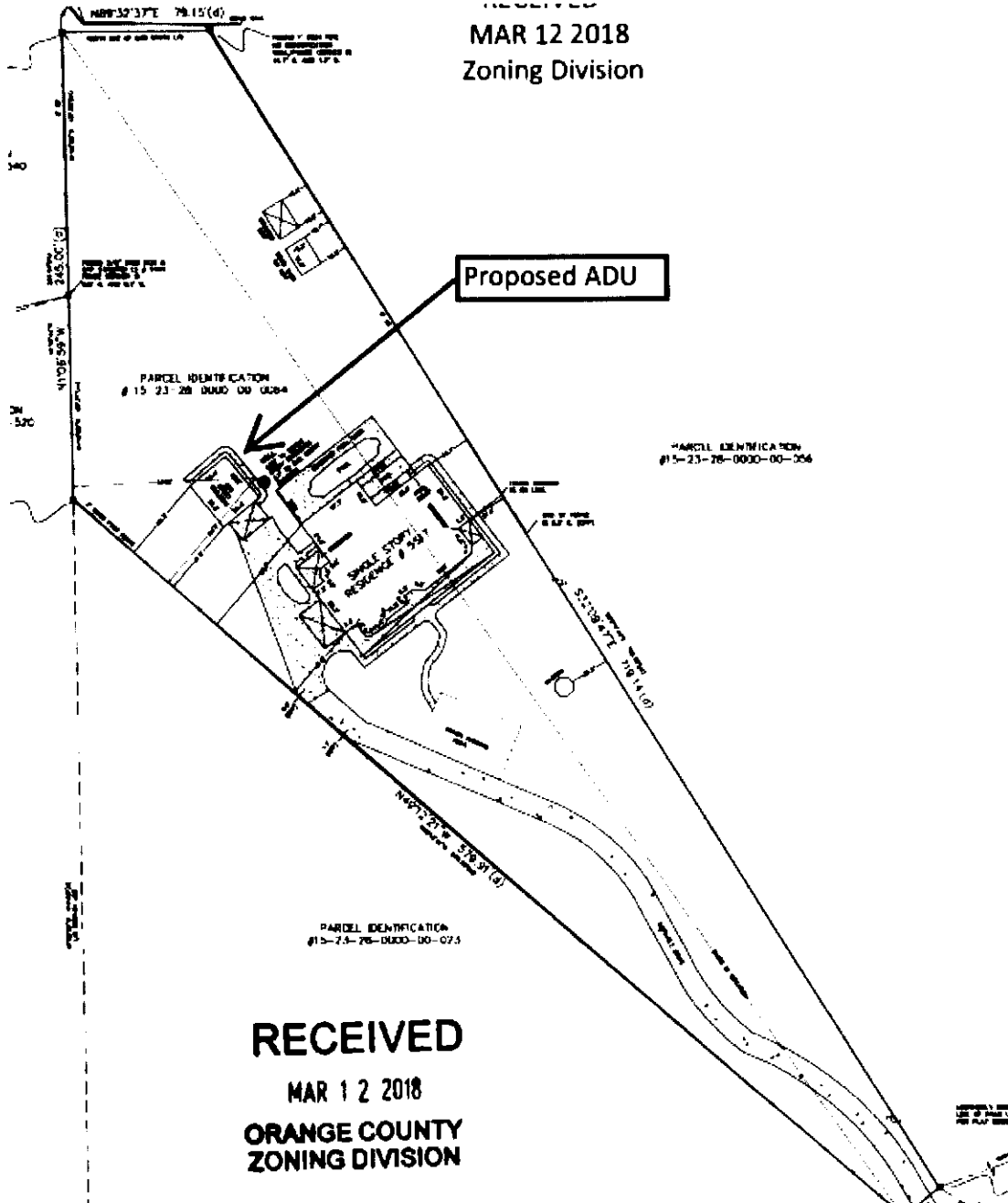
This unit will not be rented to the public.

Thank you,



Traeanne Reynolds

RECEIVED
MAR 12 2018
Zoning Division



RECEIVED
MAR 12 2018
ORANGE COUNTY
ZONING DIVISION

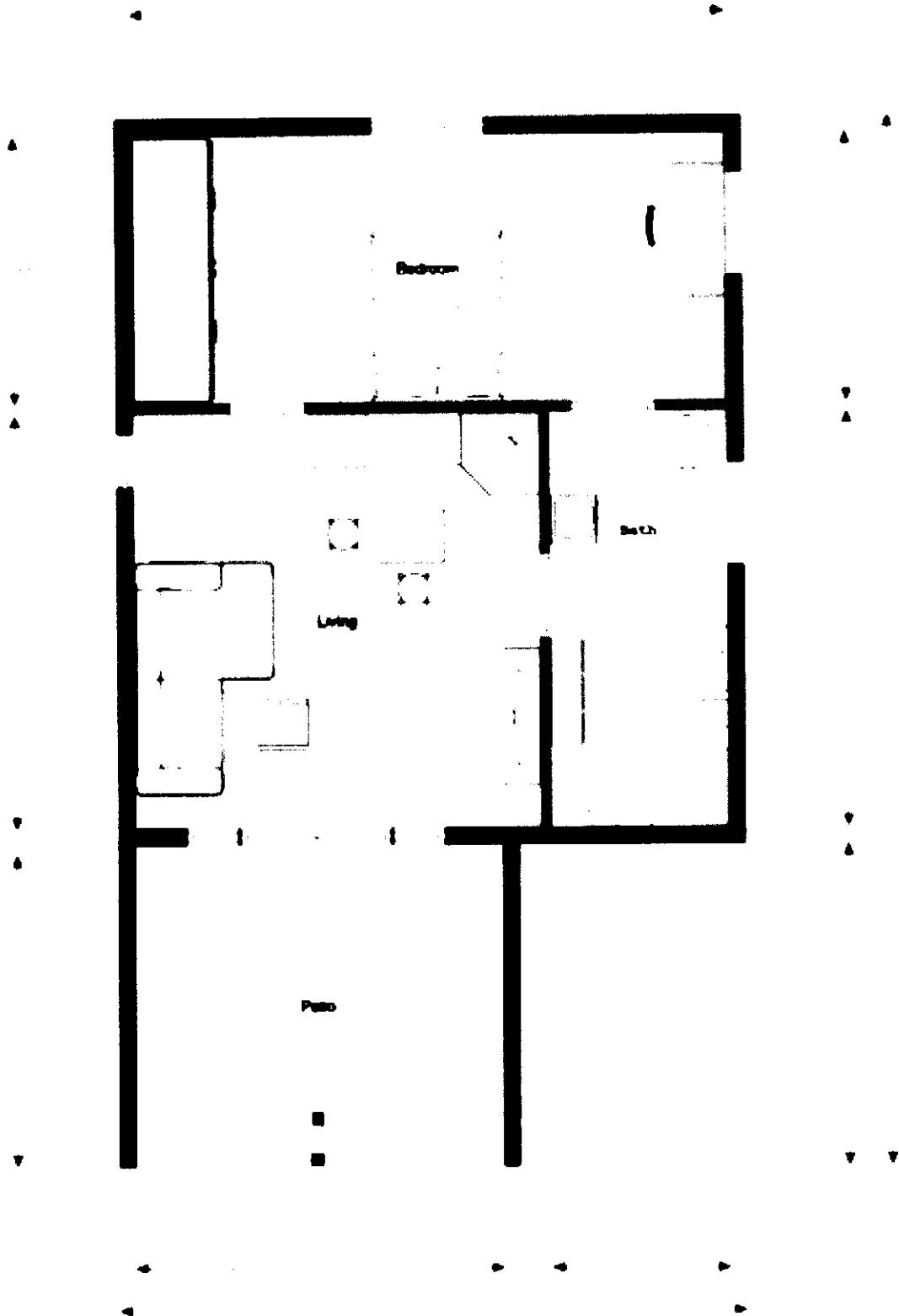
Primary Residence



Unit Front



Ground floor





STAFF REPORT
CASE #SE-18-05-040
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
May 3, 2018
Commission District: 1

GENERAL INFORMATION:

APPLICANT: TRAEANNE REYNOLDS

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the R-CE zoning district to allow conversion of an existing accessory structure into an Accessory Dwelling Unit with 600 sq. ft. of living area and a 174 sq. ft. open air covered patio.

LOCATION: Northwest side of Palm Lake Circle, approximately 825 ft. northeast of Palm Lake Drive

PROPERTY ADDRESS: 5517 Palm Lake Circle

PARCEL ID: 15-23-28-0000-00-064

PUBLIC NOTIFICATION: 94

TRACT SIZE: 1.98 Acres

DISTRICT #: 1

ZONING: R-CE

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

PROPOSED USE(S): Accessory Dwelling Unit

SURROUNDING USES/:
ZONING N – Single Family Residence/R-CE & R-1AAA
S – Single Family Residence/R-CE
E – Single Family Residence/R-CE
W - Single Family Residence/R-CE

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-CE, Rural Country Estate, which allows for primarily single family development on one (1) acre lots. However, it is permitted in more rural areas and in the proximity of agricultural uses, and it also allows the keeping of animals, citrus groves, and even commercial nurseries. To the north the land is zoned R-1AAAA, which allows primarily single family detached homes on 1/2 acre minimum lots. As a result, this area's composition is one of broad open area with homes set far off of the road in a semi-rural character.

2. The structure which is to become the ADU, if approved, is existing. It has been used as a place to store lawn and garden equipment as well as outdoor furniture. It is complimentary to the residence.

Special Exception Criteria:

3. The Comprehensive Plan specifically identifies ADUs as being consistent with residential development.

4. The concept of an ADU is that it is a dwelling unit. As such, it is fully compatible with single family detached development patterns. The fact that the subject property is a deep property, and the ADU will be over 500 feet from the front property line and 41 feet from the side lot line of the nearest neighbor, who also has a deep and wide line adds to the compatibility.

5. Regarding compatibility with the neighborhood, as of the writing of this report, staff has received two (2) correspondence, which are in favor of the request. The ADU is located approximately 40 ft. from the west property line and will not affect any surrounding neighbors.

6. By its very nature, an ADU will not produce the types of negative impacts, which the Special Exception Criteria call out as they are residential development.

7. While there is no requirement for landscaping between abutting single family developments, there is an existing vegetative buffer on the neighboring property to the west. Further, the neighboring lot to the east wraps around the rear of the subject property. To the north of that lot is a wall surrounding the R-1AAAA zoned subdivision.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan and floor plan dated March 12, 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 ADU shall match or compliment the exterior of the existing residence.
5. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

c: Traeanne Reynolds
Richard Ford
5517 Palm Lake Circle
Orlando, FL 32819

DEAN QUACH
VA-18-05-044

REQUEST: **Variance** in the R-1A zoning district to validate an existing addition 16 ft. from the rear (south) property line in lieu of 25 ft.

ADDRESS: 4490 Simmons Road, Orlando FL 32812

LOCATION: South side of Simmons Rd., approximately 725 ft. east of Conway Rd.

S-T-R: 17-23-30

TRACT SIZE: 75 ft. x 100 ft.

DISTRICT#: 3

LEGAL: BEG 30 FT S & 501 FT W OF NE COR OF SE1/4 RUN S 100 FT W 75 FT N 100 FT E 75 FT TO POB IN SEC 17-23-30

PARCEL ID: 17-23-30-0000-00-049

NO. OF NOTICES: 119

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) (5 in favor, 1 opposed, and 1 absent).

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

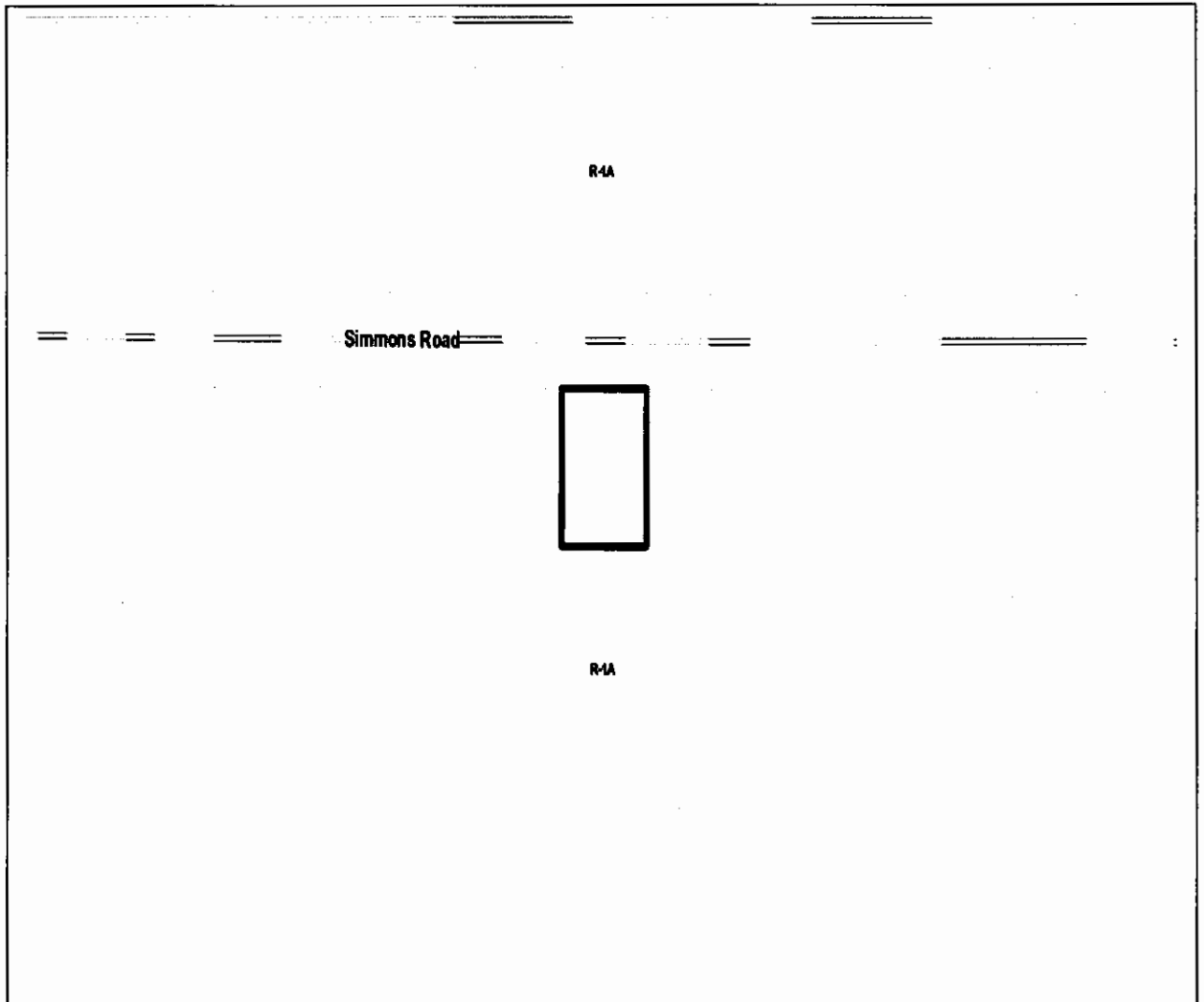
The applicant stated that he could not afford a contractor, so he built the addition himself without permits.

Code Enforcement came to the property for the fence, which was corrected. At that time, the applicant was cited for two (2) additions.

The BZA confirmed the applicant knew that permits were needed, but chose to build the addition for cheaper. The BZA felt that there were no demonstrated special conditions or circumstances and the need for the variance was self-created.

Staff received zero (0) commentaries in favor of the application, and one (1) in opposition to the application.

The BZA denied the variance.



Applicant: DEAN QUACH

BZA Number: VA-18-05-044

BZA Date: 05/03/2018

District: 3

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

Tract Size: 75 ft. x 100 ft.

Address: 4490 Simmons Road, Orlando FL 32812

Location: South side of Simmons Rd., approximately 725 ft. east of Conway Rd.

March 11, 2018

Building Department

Re: Application of Variance

4490 Simmons Rd. Orlando, FL 32812

To Whom It May Concern:

The Lot is zoned R-1A Low Density Residential. The minimum rear set back in the R-1A zone is 30 feet. In order to construct a reasonable house extension on the particular piece of property, I would like to site the house with 16 foot rear set back along the entire rear property line.

The property has a more than a sixteen feet setback at each side of house, and a more than a thirty eight feet setback at front of house. The original building was built in 2003, and neighboring property has no residential buildings.

Sincerely,

Dean Quach

2205 Hillcrest St
Orlando, FL 32803

RECEIVED

MAR 13 2018

**ORANGE COUNTY
ZONING DIVISION**

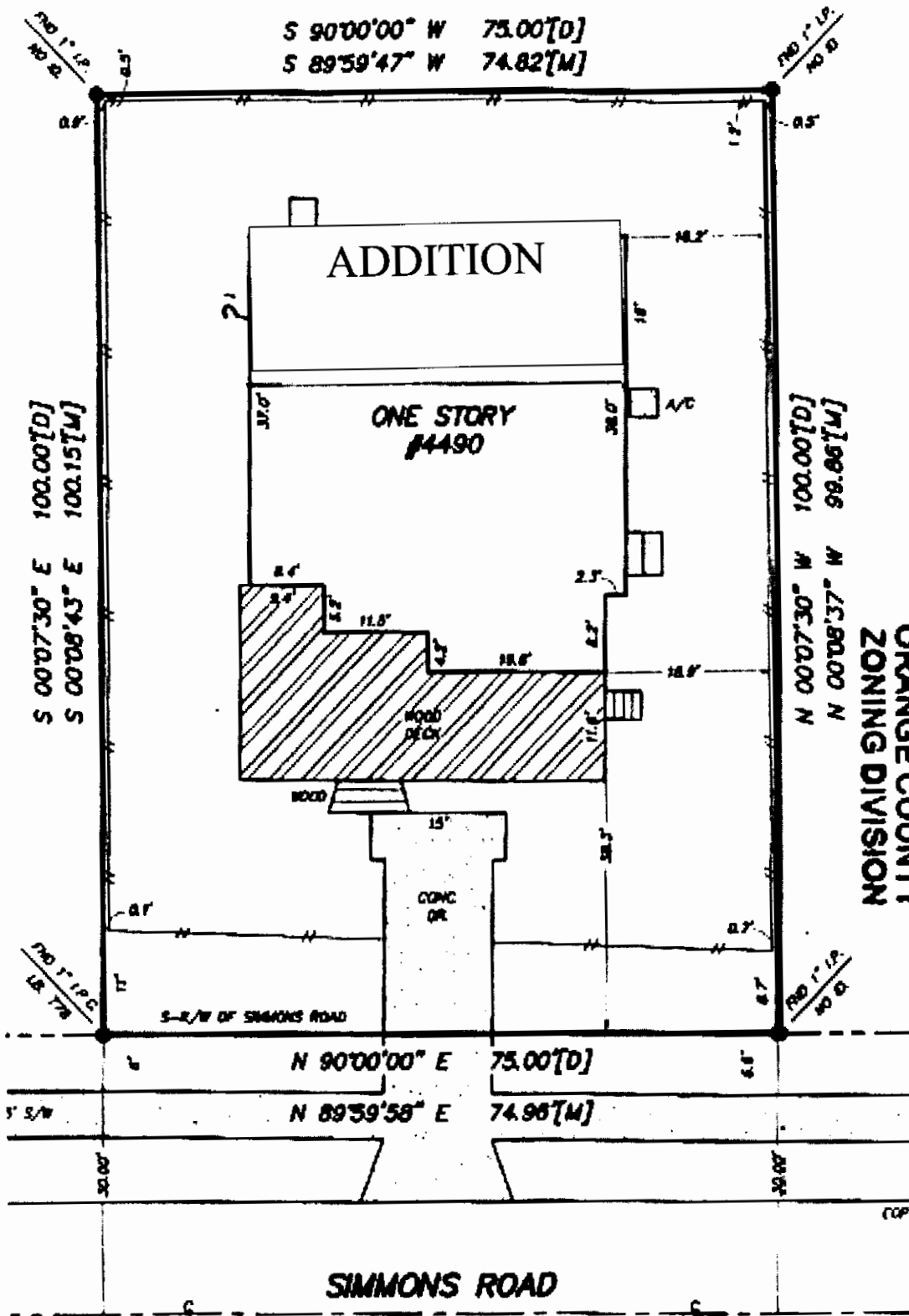
2205 Hillcrest St
Orlando, FL 32803

Boundary Survey

PARCEL ID: 17-23-30-0000-00-074

S 90°00'00" W 75.00[D]

S 89°59'47" W 74.82[M]



SCALE: 1"=20'

MAR 13 2018

ORANGE COUNTY
ZONING DIVISION

RECEIVED



STAFF REPORT
CASE #: VA-18-05-044
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
May 3, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: DEAN QUACH

REQUEST: Variance in the R-1A zoning district to validate an existing addition 16 ft. from the rear (south) property line in lieu of 25 ft.

LOCATION: South side of Simmons Rd., approximately 725 ft. east of Conway Rd.

PROPERTY ADDRESS: 4490 Simmons Rd., Orlando, FL 32812

PARCEL ID: 17-23-30-0000-00-049

PUBLIC NOTIFICATION: 119

TRACT SIZE: 75 ft. x 100 ft.

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Single Family Residence

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

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a variance from the rear setback to allow an existing addition to remain on the property.
2. The property is located in the R-1A Single-Family Dwelling district, which allows a single family home and associated accessory structures on a 7,500 sq. ft. lot.
3. The required setbacks in R-1A are twenty (20) feet in the front, twenty-five (25) feet in the rear and 7.5 feet sides.
4. Code Enforcement informed the applicant of the violation in January of 2018. (Addition to the house without permits and in violation of rear setback.)
5. Aerial photographs verify that the house has been expanded to the side (east) and rear (south). No permits were pulled for these additions.
6. The east addition while not permitted, meets the required side yard setback. The south addition does not. Therefore, this variance is being requested to allow a sixteen (16) foot rear setback.
7. There appears to be ample space for the addition of the same square footage utilizing the front, side and rear yards without encroaching into required setbacks, and without requiring variances.
8. Staff recommends denial of this request.
 - The applicant has not demonstrated special conditions or circumstances to justify the request.
 - The need for the variance is self-created, as the addition was built without a permit.
 - Literal interpretation of the Code would not deprive the applicant rights commonly enjoyed by other properties, as there is ample room on the lot to construct a conforming accessory structure.
 - Approval would grant special privilege that is not granted to other properties in the area.

STAFF RECOMMENDATION:

Staff recommends denial of this request; however, if the BZA approves the request, the following conditions should be imposed:

1. Development in accordance with the site plan dated March 13, 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 within 180 days of this meeting, or this approval becomes null and void.

c: Dean Quach
2205 Hillcrest Street
Orlando, FL 32803

JORGE MORA
SE-18-05-048

REQUEST: **Special Exception and Variances** in the A-2 zoning district to construct a 100 ft. tall FM radio lattice tower as follows:
1) To allow a tower 850 ft. from single-family to the north in lieu of 1,250 ft.
2) To allow a tower 1,150 ft. from single-family to the south in lieu of 1,250 ft.
3) To allow a tower 115 ft. from vacant unplatted residential land in lieu of 825 ft.
4) Tower to be a single user tower at initial construction.
5) To allow a tower 500 ft. from an existing lattice tower in lieu of 5,000 ft.

ADDRESS: 1808 S. Tanner Road, Orlando FL 32820

LOCATION: West of S. Tanner Rd., approximately 500 ft. north of E. Colonial Dr.

S-T-R: 19-22-32

TRACT SIZE: 193 ft. x 160 ft. (AVG)

DISTRICT#: 5

LEGAL: SEAWARD PLANTATION ESTATES T/109 THAT PORTION OF LOTS 9 & 10 BLK A DESC AS BEG AT THE NE COR OF LOT 9 LYING WLY OF TANNER RD TH N38-26-25W 261.60 FT S51-33-38W 14.16 FT S03-48-46E 333 FT S88-47-33E 160.52 FT N03-38-55W 139.83 FT TO POB

PARCEL ID: 19-22-32-7876-01-091

NO. OF NOTICES: 59

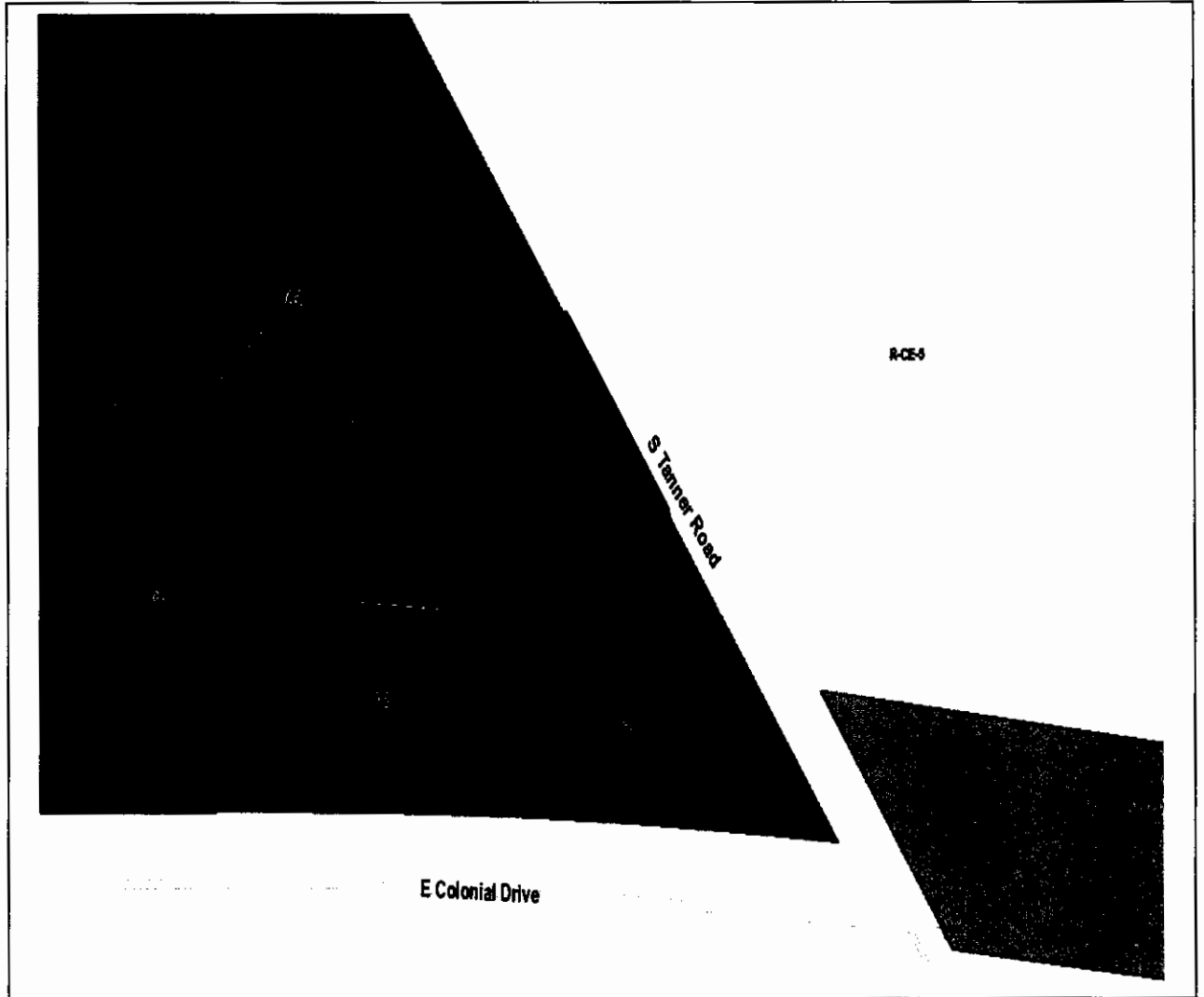
**THIS CASE HAS BEEN CONTINUED AT A TIME DEEMED
APPROPRIATE BY STAFF.**

SYNOPSIS: Staff explained that the proposed location would be highly visible to properties to the east. Further, due to the approval of "The Grow" development to the east, the complexion of the neighborhood would change significantly with the introduction of over 2,000 new homes. As such, the highly visible tower, while compatible with the surrounding uses, would no longer be compatible with the neighboring development. In the hierarchy of towers, a lattice tower is the most visually apparent. Further, the variances are not only self-imposed, but far

from the least needed, with the separation distance variance between two (2) lattice towers being 90%. While staff had not received any commentaries for or against the request, they could not find that the request met any of the criteria for granting a variance, nor for approving a Special Exception.

The applicant indicated that the existing uses in the area were not visually attractive, and that the inclusion of another tower would not be any more of a visual intrusion than what is already in existence. They also discussed the "towers" associated with the nearby power substation. Staff clarified that what the applicant was referring to were not towers, but tall power poles to carry three-phased power lines. Those poles were also not regulated by zoning.

The BZA discussed the various types of towers, and the separation distances. They also discussed the degree of variances required, and whether a different type of pole would reduce the amount of the variance. Staff noted that going to a shorter monopole would reduce the degree of all of the variances. The applicant indicated that they would revise their proposal to a monopole. Given that the type of tower had been advertised, it was determined that a continuance would be needed to allow for re-advertising and an a revised staff analysis. A motion to continue the request was passed unanimously.



Applicant: JORGE MORA

BZA Number: SE-18-05-048

BZA Date: 05/03/2018

District: 5

Sec/Twn/Rge: 19-22-32-NE-A

Tract Size: 193 ft. x 160 ft. (AVG)

Address: 1808 S. Tanner Road, Orlando FL 32820

Location: West of S. Tanner Rd., approximately 500 ft. north of E. Colonial Dr.

J.E. MORA PROPERTIES LLC

2825 S Tanner Road, Orlando FL. 32828

March 13, 2018

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

To whom it may concern:

We are interested in installing a FM antenna on the property located at 1808 S Tanner Road Orlando, Florida.

This antenna will be used to hold an FM frequency radio station equipment.

If you have any questions please let me know.

Sincerely,



J.E. Mora Properties LLC

RECEIVED

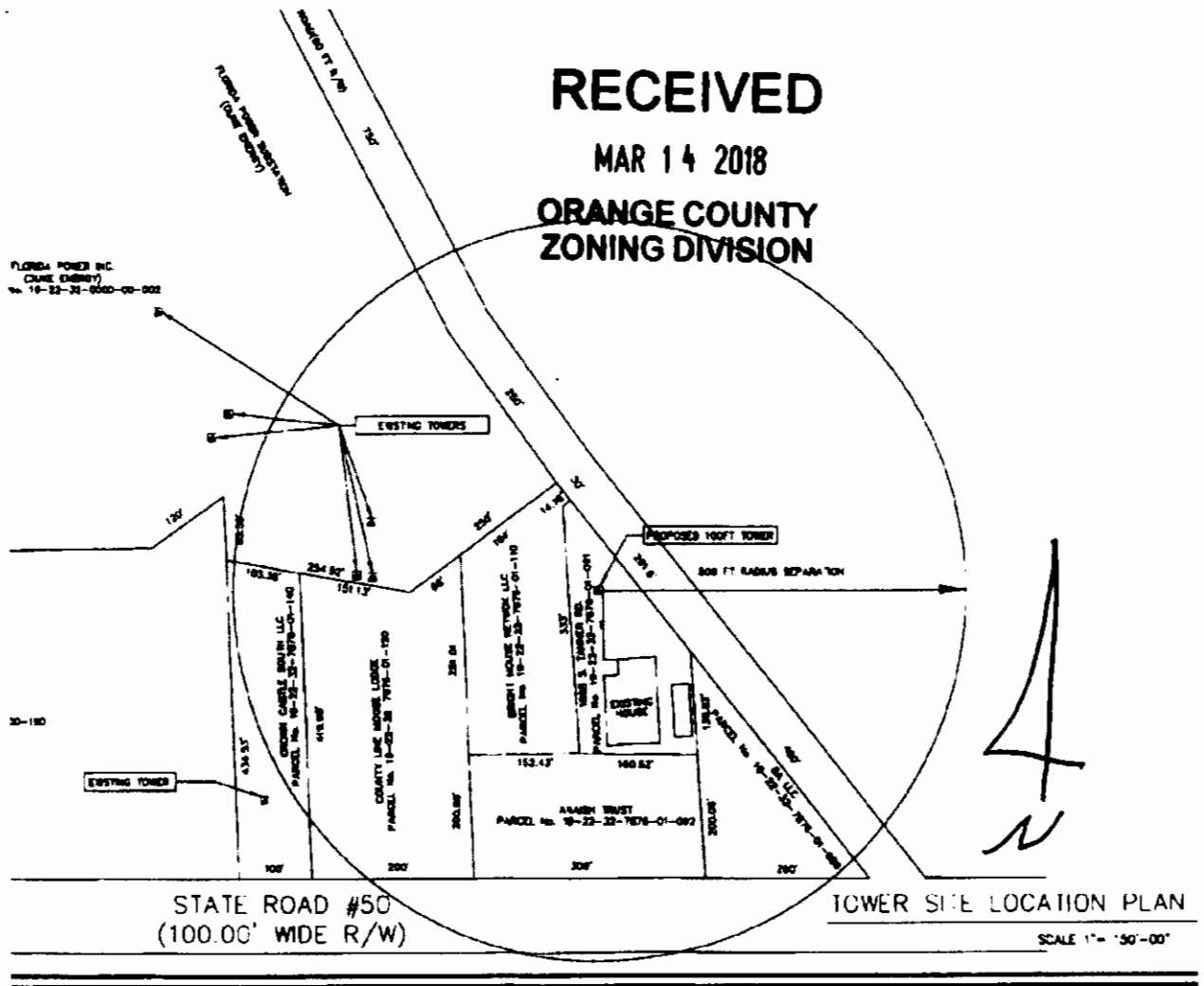
MAR 14 2018

**ORANGE COUNTY
ZONING DIVISION**

RECEIVED

MAR 14 2018

ORANGE COUNTY
ZONING DIVISION





STAFF REPORT
CASE #SE-18-05-048
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
May 3, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: Jorge Mora

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variances in the A-2 zoning district to construct a 100 ft. tall FM radio lattice tower as follows:

- 1) To allow a tower 850 ft. from single-family to the north in lieu of 1,250 ft.
- 2) To allow a tower 1,150 ft. from single-family to the south in lieu of 1,250 ft.
- 3) To allow a tower 115 ft. from vacant unplatted residential land in lieu of 825 ft.
- 4) Tower to be a single user tower at initial construction.
- 5) To allow a tower 500 ft. from an existing lattice tower in lieu of 5,000 ft.

LOCATION: West of S. Tanner Rd., approximately 500 ft. north of E. Colonial Dr.

PROPERTY ADDRESS: 1808 S Tanner Rd., Orlando, FL 32707

PARCEL ID: 19-22-32-7876-01-091

PUBLIC NOTIFICATION: 59

TRACT SIZE: 193 ft. x 160 ft. (AVG)

DISTRICT #: 5

ZONING: A-2

EXISTING USE(S): Single family home

PROPOSED USE(S): Single family home and FM Communication Tower

SURROUNDING USES/: N – Power Substation/A-2
ZONING S – Vacant Commercial/C-1
E – Vacant Agricultural/R-CE
W - Cable Substation/A-2

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned A-2, Farmland Rural District. This zoning district is generally intended for agricultural activities, however, it does also permit single family and mobile homes by right provided certain conditions are met, and will also permit communication towers as a Special Exception.
2. The Comprehensive Plan recognizes Special Exception uses as compatible provided they meet the performance standards do not impose negative impacts, or inconsistency with the neighborhood.
3. Although the proposed use could be found compatible with some small retail and an existing cell tower located 500 ft. away, and a major power substation, this area is evolving with respect to the future of the use of the property located immediately east of Tanner Road. The cell tower regulations found in Chapter 38 are intended to ensure that towers are sited at a greater distance from residential uses to avoid becoming a looming presence, and to reduce visual impacts, as distance causes larger objects to appear smaller. This why the taller the tower the greater the required separation distance. These separation distances also vary by type of pole. A monopole between 80 and 140 ft. has a separation distance from vacant unplatted residentially zoned land equal to the greater of 160 ft. or 200% of the towers height. The separation distance for a lattice tower, which is being proposed in this application, from vacant unplatted residentially zoned land is the greater of 825 ft. or 200% of the height of the tower. The land to the east across Tanner Road is zoned R-CE. While rural in nature, this a residential zoning district.
4. In 2016, a controversial development proposal known as "The Grow" was approved by the BCC for transmittal to the State Department of Economic Opportunity (DEO) as an amendment to both the text and Future Land Use Map of the Comprehensive Plan. The DEO did not have any comment. At that point a third party appealed the decision of the DEO. This sent the amendment to the Governor and Cabinet for a review. The plan was ultimately found consistent, and returned to the County. Staff is currently waiting for the 15 day judicial appeal period of the Governor and Cabinet decision to expire May 2nd. With its expiration the amendment will be in effect.
5. With the Plan amendments in effect, the owner of this property will have the ability to construct several thousand residential units within visual range of

the proposed tower. The existing cell tower will be somewhat buffered by the existing tree line. However the proposed tower will be totally visible. With the new development pending, this use will no longer be compatible with the surrounding neighborhood.

6. While comparable to nearby uses, the tower will ultimately be visually obtrusive to hundreds of nearby uses.
7. The following is an analysis of the criteria for the granting of variances:
 - There are no special conditions warranting the granting of the variances. Unlike cell towers, where it is often necessary to grant variance to allow their placement to fill gaps in the service, an FM tower can be located virtually anywhere, including a use not requiring variances.
 - The fact that the variances are needed is clearly self-imposed. While there are FCC regulations which provide cell towers certain exemptions for local regulations, staff is not aware that the same is true for radio broadcasting towers.
 - Staff would not consider this site suitable for a cell tower. Extending an approval to the subject property would clearly be conferring special privilege.
 - Deprivation of rights. The applicant has the opportunity to use the subject property for many other uses, including the existing single family use. Denial of this request will not deprive the owner of all use.
 - This cannot be considered the minimum possible variance, especially given that it is self-imposed. Variance #3 represents an 84% variance. Variance #5 represents a 90% deviation. These are excessive.
 - The Zoning Code is in part intended to avoid incompatible uses from being located in a place where they will pose a negative impact on adjacent uses and residents. Given the probable future of this area as primarily residential in nature the proposed tower will not be a compatible use. To allow a visual obtrusion to locate on the subject property would be contrary to the purpose and intent of the Code.

STAFF RECOMMENDATION:

Staff recommends denial of the request for the Special Exception and the Variances for the following reasons:

- The use is not compatible with the development which will most likely take place to the east.
- The tower can be located in another location which will comply with the required setbacks.
- Denial will not deprive the owner of all use of the land.

- Granting of this variance will confer special privileges upon the applicant.
- The variance requests are excessive.
- The proposed use does not meet the purpose and intent of the Zoning Code.

However, should the BZA find that the applicant has satisfied the criteria for the granting of the requested variances, and that the applicant has successfully satisfied the criteria for a Special Exception, staff recommends the following conditions be attached to the approval:

1. Development in accordance with the site plan and elevations dated March 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 subject property shall not be used as a radio station, a use which is not permitted in the zoning district in which it is located.
 5. A hedge consisting of Podocarpus, four (4) feet in height at time of planting, three (3) feet on center shall be planted along the sites entire Tanner Road frontage of the site. The Podocarpus shall be permitted to grow vertically to its maximum height, and horizontally to form a solid opaque barrier along the Tanner Road frontage of the site.
- c: Rafael Gonzalez, 950 S. Winter Park Drive, Orlando, FL 32707
Jorge Mora, Applicant, 1808 S. Tanner Road, Orlando, FL 32820

SIGN-O-SAURUS OF DAYTONA, INC.
VA-18-05-049

REQUEST: **Variance** in the C-1 zoning district to allow 204 sq. ft. of copy area in lieu of 145 sq. ft.

ADDRESS: 2300 S. Goldenrod Road, Orlando FL 32822

LOCATION: Located at the southwest corner of Goldenrod and Curry Ford Rd.

S-T-R: 02-23-30

TRACT SIZE: 210 ft. x 280 ft. (AVG)

DISTRICT#: 3

LEGAL: GOLDEN ACRES SECTION A Q/92 E 40 FT OF LOT 4 & LOT 5 (LESS RD RW ON N & E) & (LESS PT TAKEN FOR RW PER CI 91-2699)

PARCEL ID: 02-23-30-3024-00-050

NO. OF NOTICES: 170

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

1. Development in accordance with the site plan dated March 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.

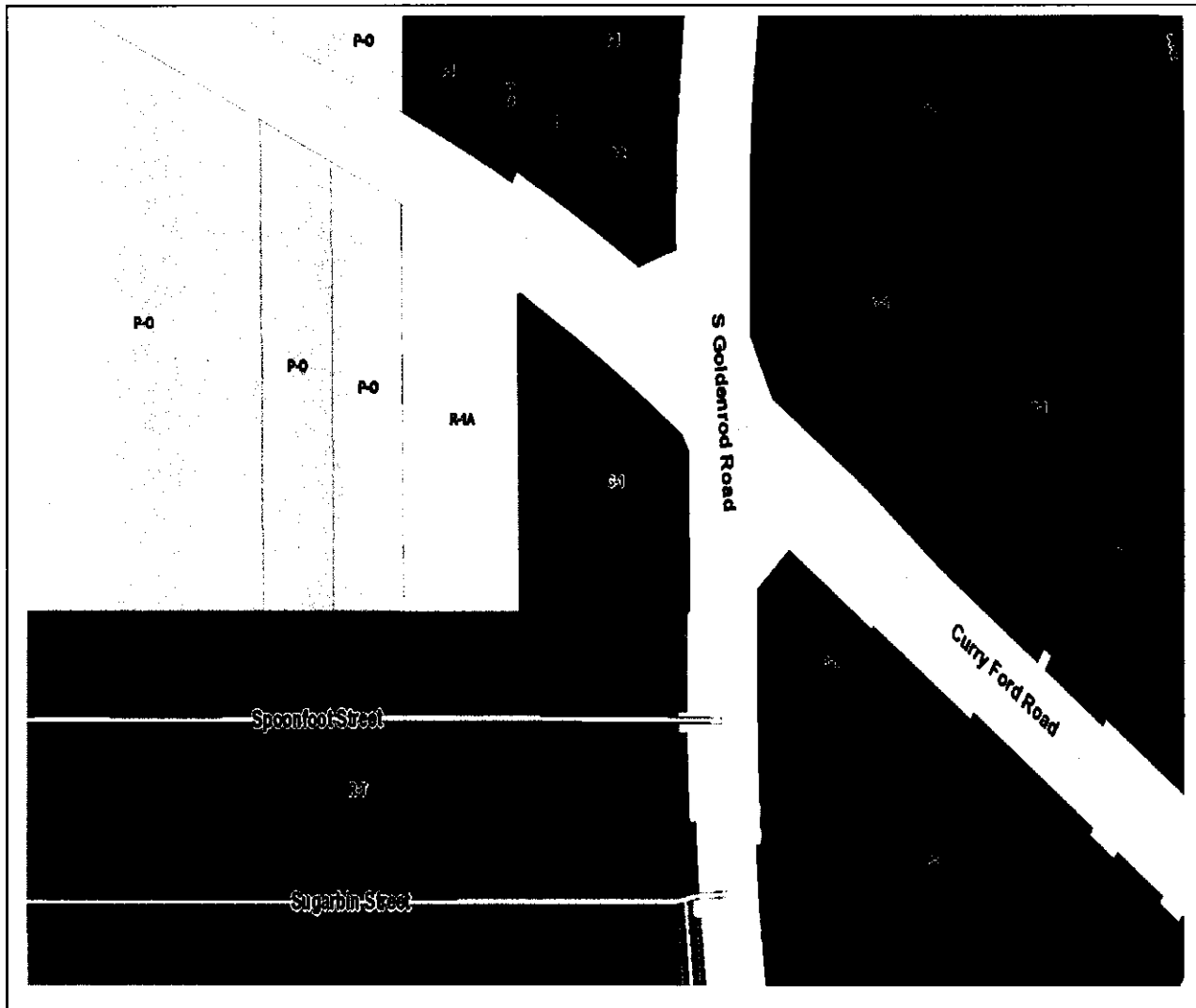
SYNOPSIS: Staff gave a presentation on the case covering the location, the site plan, building elevations, sign details, and site photos.

The applicant stated that the allowable signage was reduced due to a discrepancy between the assigned address and front door location.

The BZA confirmed that if the Goldenrod Road side of the property was considered to be the front, then the variance would not be needed as 225 square feet of signage would be permitted. The applicant based the signage calculations on the Goldenrod Road address which was assigned by the post office. The BZA noted that the Curry Ford Road side is considered to be the front due to the location of the front door, which has a smaller frontage and, thus, reduces the allowable signage. The BZA felt that this constituted a hardship.

Staff received one (1) commentary in favor of the application, and one (1) in opposition to the application.

The BZA approved the variance.



Applicant: SIGN-O-SAURUS OF DAYTONA, INC.

BZA Number: VA-18-05-049

BZA Date: 05/03/2018

District: 3

Sec/Twn/Rge: 02-23-30-SW-C

Tract Size: 210 ft. x 280 ft. (AVG)

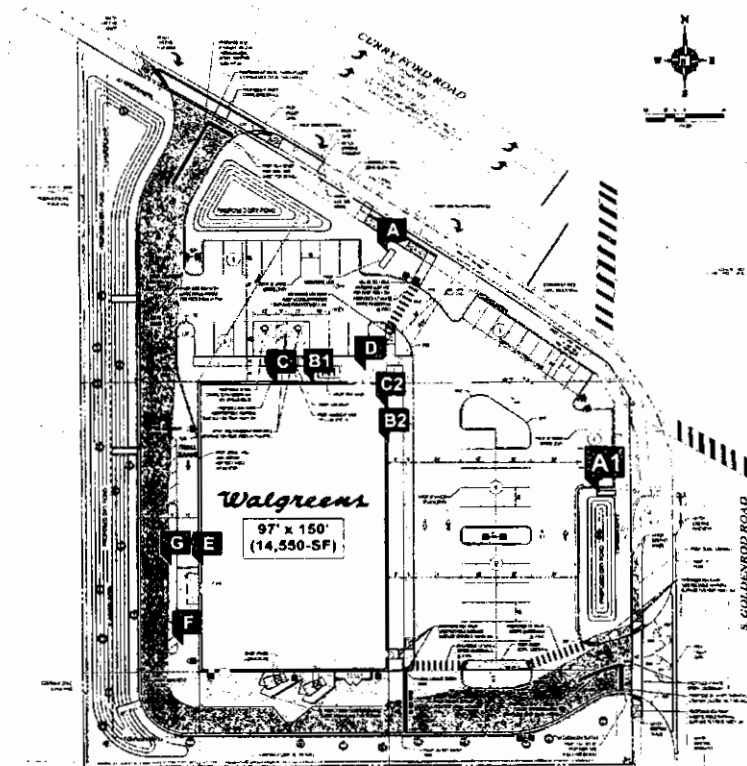
Address: 2300 S. Goldenrod Road, Orlando FL 32822

Location: Located at the southwest corner of Goldenrod and Curry Ford Rd.

DESIGN DATE: 05/10/2017
 ACCOUNT REP: Claire Goreing
 DESIGNER: LCL
 APPROVED BY:

Site Identification Site Map

- A** Pylon Sign
- A1** Pylon Sign
- B1** 18'-4 1/2" Walgreens Script Channel Letters
- B2** 18'-4 1/2" Walgreens Script Channel Letters
- C1** 16" Pharmacy Sign
- C2** 16" Pharmacy Sign
- D** 7' CW Entry Sign
- E** Drive Thru - Canopy Sign
- F** Exit - Canopy Sign
- G** Clearance - Canopy Sign



Walgreens Store 21144
 2300 S. Goldenrod Road
 Orlando, FL

RECEIVED
 MAR 14 2018
 ORANGE COUNTY
 RECORDING DIVISION

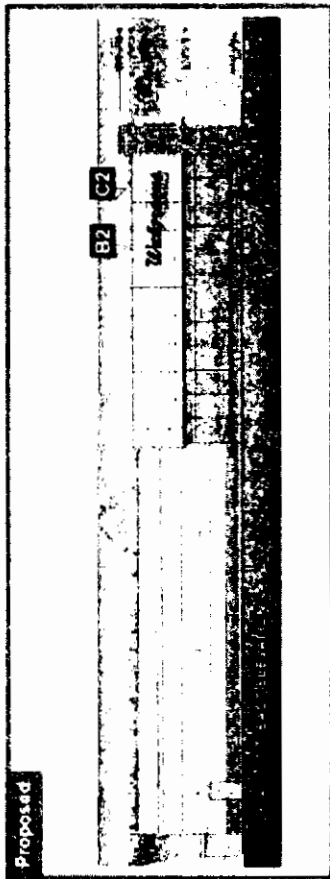
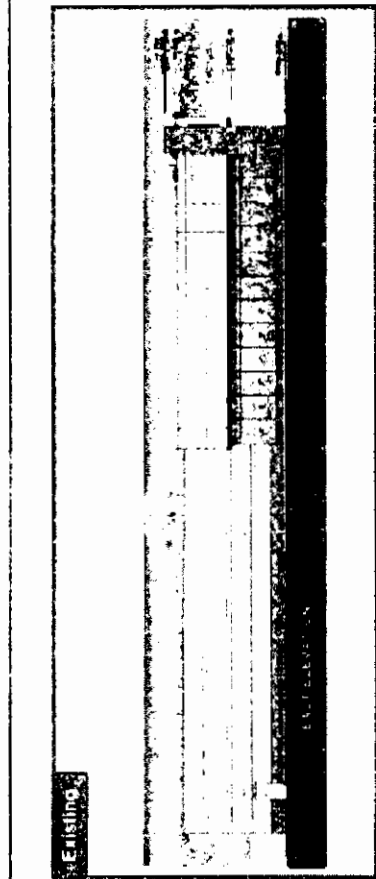
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△ Description	Lewis 2022.17	△ Add Aerial Site Map	CA 01.09.18
△ Description	Lewis 28.21.17	△ Description	01.16.18 01.02.18



Artwork of Design of Survey
 ALL BOXES CHECKED TO ENTER UNDER



Site Identification
East Elevation Opt. 1



© 2016
 W
 AGI

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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San Diego Air Center
 1000 S. Orange Ave.
 Orlando, FL

01/01/2011 10:12:11
 Walgreens Pharmacy
 10000
 10000

Site Identification
 Channel Letters

Walgreens
 PHARMACY

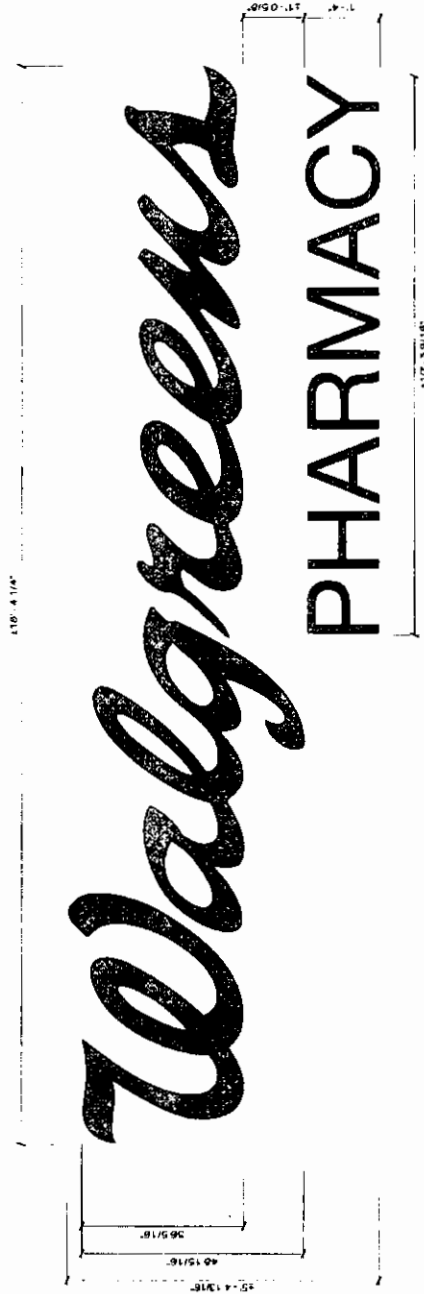
Walgreens Pharmacy
 10000
 Orlando, FL



DESIGN DATE: 05/10/2017
 ACCOUNT REP: Claire Goring
 DESIGNER: LCL
 APPROVED BY:

Site Identification

Channel Letters



Walgreens Store 21144
 2300 S. Goldenrod Road
 Orlando, FL

A. Design/Draw A. Engineer A. Designer A. Checker A. Date	A. Design/Draw A. Engineer A. Designer A. Checker A. Date	A. Design/Draw A. Engineer A. Designer A. Checker A. Date	A. Design/Draw A. Engineer A. Designer A. Checker A. Date
05/10/17	05/10/17	05/10/17	05/10/17
05/10/17	05/10/17	05/10/17	05/10/17
05/10/17	05/10/17	05/10/17	05/10/17
05/10/17	05/10/17	05/10/17	05/10/17

Exp 10/17



CU US
 LCL

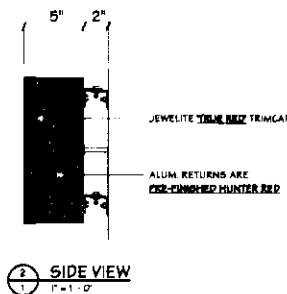
Artwork Design Survey
 ALL DATES CHECKED TO ENTER UNDER

DESIGN DATE: 05/10/2017
 ACCOUNT REP: Claire Goreing
 DESIGNER: LCL
 APPROVED BY:

Site Identification

Channel Letters

B1 B2 18'-4 1/2" Channel Letterset



SIGN TYPE	A	B	C	TRIMCAP	AREA (SQ. FT.)
TYPE 4	18' - 4 1/4"	56 5/16"	48 15/16"	1"	38

Walgreens
 TYPE 4

NOTE: DIMENSION A (OVERALL WIDTH) IS THE HOLD TIGHT DIMENSION.

Walgreens Store 21144
 2300 S. Goldenrod Road
 Orlando, FL

Δ Description	L. Lewis 06/20/17	Δ Description	M. H. 12/11/17
Δ Description	L. Lewis 06/20/17	Δ Description	M. H. 12/11/17
Δ Description	L. Lewis 06/20/17	Δ Add Detail Site Map	C. A. 11/25/18
Δ Description	L. Lewis 06/20/17	Δ Deep photo	M. H. 3. 25.20.20



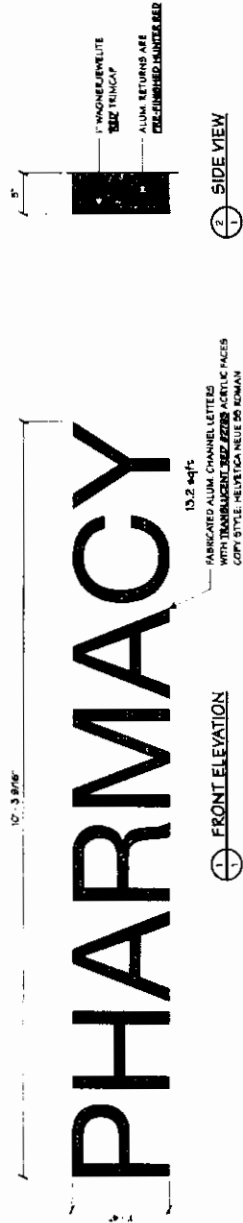
Artwork Design Survey
 ALL BOXES CHECKED TO ENTER ORDER



DESIGN DATE: 05/10/2017
 ACCOUNT REP: Claire Goring
 DESIGNER: LCL
 APPROVED BY:

C1 C2 16" Pharmacy Sign

Site Identification Wall Cabinet



Walgreens Store 21144
 2300 S. Goldenrod Road
 Orlando, FL

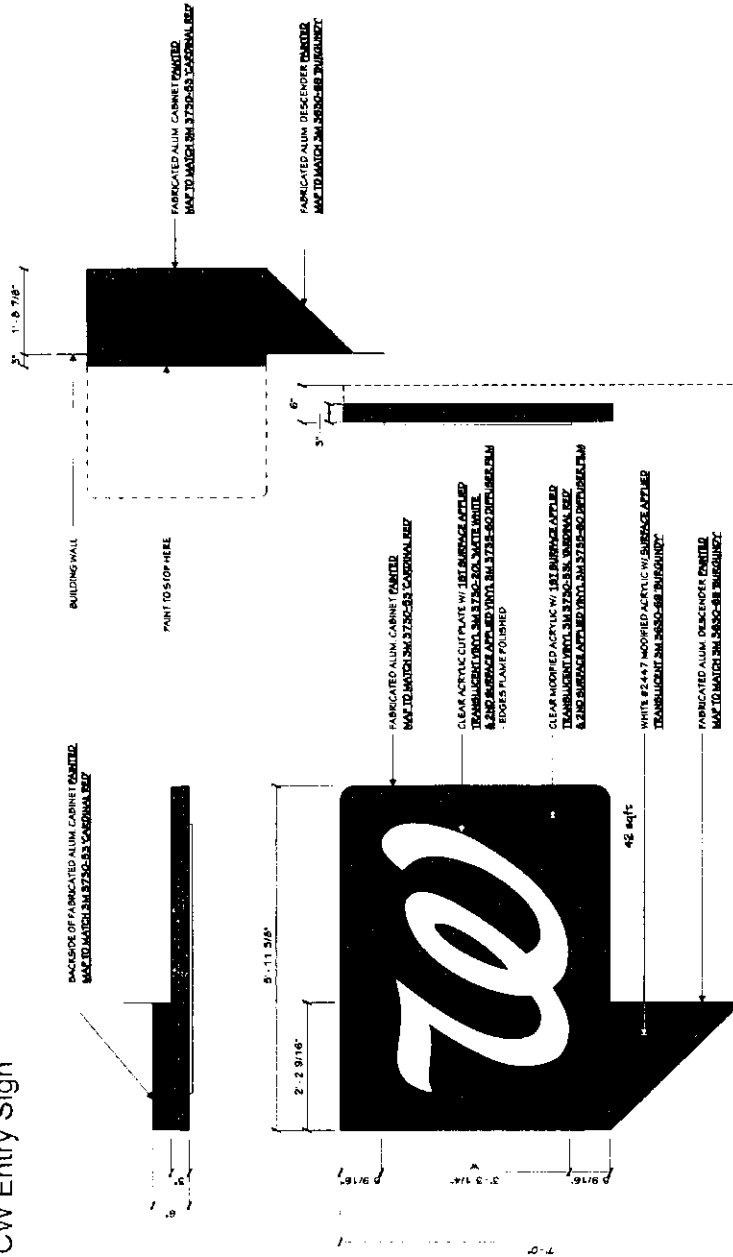


ITEMS		QTY	UNIT
1	Signage	1	sq/ft
2	Channel Letters	1	sq/ft
3	Acrylic Faces	1	sq/ft
4	Aluminum Sign Base	1	sq/ft
5	Signage	1	sq/ft
6	Channel Letters	1	sq/ft
7	Acrylic Faces	1	sq/ft
8	Aluminum Sign Base	1	sq/ft
9	Signage	1	sq/ft
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97	Signage	1	sq/ft
98	Channel Letters	1	sq/ft
99	Acrylic Faces	1	sq/ft
100	Aluminum Sign Base	1	sq/ft

DESIGN DATE: 05/10/2017
 ACCOUNT REP: Claire Goring
 DESIGNER: LCL
 APPROVED BY:

D 7'-0" CW Entry Sign

Site Identification **Wall Cabinet**



Walgreens Store 21144
 2300 S. Goldenrod Road
 Orlando, FL



REVISION	DATE	DESCRIPTION
1	05/10/2017	INITIAL 1.00 (0.00)
2	05/10/2017	INITIAL 1.00 (0.00)
3	05/10/2017	INITIAL 1.00 (0.00)
4	05/10/2017	INITIAL 1.00 (0.00)
5	05/10/2017	INITIAL 1.00 (0.00)
6	05/10/2017	INITIAL 1.00 (0.00)
7	05/10/2017	INITIAL 1.00 (0.00)
8	05/10/2017	INITIAL 1.00 (0.00)
9	05/10/2017	INITIAL 1.00 (0.00)
10	05/10/2017	INITIAL 1.00 (0.00)



March 8, 2018

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

RE: Wall Sign Variance for Walgreens at 2300 South Goldenrod Road

To Whom It May Concern,

Enclosed you will find the variance application for a Walgreens pharmacy located at 2300 South Goldenrod Road in Orlando. We are requesting a variance to Zoning Code section 35.5-15 for an increase in the permitted square feet of wall signs (fascia signs) for this property.

The location is a Walgreen pharmacy that is proposing (5) new wall signs consisting of (4) sets of channel letters reading "Walgreens" & "PHARMACY" two sets each and one "Walgreens corner W" wall sign. The total proposed signage adds up to 204.38 square feet. Per the county planners, using the smaller side of the building that faces Curry Ford Road is 145.5 square feet. Our variance is for 58.88 square feet of additional wall signs which an increase of 45.41%. Our request for a variance meets Orange County's Variance Criteria in all six areas:

1. **Special Conditions & Circumstances:** This property is located at the SE corner of South Goldenrod Road & Curry Ford Road. The address used at this property is 2300 South Goldenrod Road, which our sign design & family was based off. The length of our building is 150 feet. Using the sign criteria of 150 ft x 1.5 sq ft = 225 square feet. This would permit all signs in the application.
2. **Not Self-Created:** The address assigned to this property by Orange County & USPS is 2300 Goldenrod Road, which is how the sign package for this property was designed. Based on using this address, and that side of the building as the 'front' of the building, our proposed signage would meet code.
3. **No Special Privilege Conferred:** The granting of this variance will not confer any special privilege to Walgreens. This is a variance for 58.88 square feet of wall signs. By calculating square feet allowed using the Goldenrod Road address our business is in compliance with the zoning code for our zoning district.
4. **Deprivation of Rights:** By strictly interpreting the zoning code and not using our legal address for this property, has created an undue hardship on Walgreens by not allowing enough square feet of wall signage under the zoning ordinance.
5. **Minimum Possible Variance:** We are requesting the smallest variance possible to proceed with the enclosed sign package application. Based on using the Goldenrod Road address we would be allowed an additional 44 square feet than proposed. That is not necessary to adequately brand this building and therefore are only requesting a variance for 58.88 square feet.

RECEIVED

MAR 14 2018
ORANGE COUNTY
ZONING DIVISION

2655 International Parkway, Virginia Beach, VA 23452 (757) 427-1900
412 N. Cedar Bluff Road, Suite #306, Knoxville, TN 37923 (865) 692-1242
2 Kelli Clark Court, Cartersville, GA 30121 (770) 529-9331
10833 Valley View Street, Suite #450, Cypress, CA 90630 (714) 236-5510



6. **Purpose & Intent:** The approval of this wall sign variance is in harmony with the purpose and intent of the zoning regulations. Using the Goldenrod Road address we are 20.62 square feet under the allowed square feet under that address. In addition this sign will face away from the residential neighborhood. It will not be detrimental to the public welfare.

Based on the facts presented above you have seen that we are submitting for a small variance for wall signage based on our actual address of the Walgreens pharmacy, 2300 South Goldenrod Road. Our variance is minimal in nature and will not interfere with the public in general. If you need any additional questions please do not hesitate to ask. I look forward to working with you.

Thank you

Sandi Awad

RECEIVED
MAR 14 2010
ORANGE COUNTY
ZONING DIVISION

2655 International Parkway, Virginia Beach, VA 23452 (757) 427-1900
412 N. Cedar Bluff Road, Suite #306, Knoxville, TN 37923 (865) 692-1242
2 Kelli Clark Court, Cartersville, GA 30121 (770) 529-9331
10833 Valley View Street, Suite #450, Cypress, CA 90630 (714) 236-5510

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STAFF REPORT
CASE #: VA-18-05-049
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
May 3, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: SIGN-O-SAURUS OF DAYTONA, INC.

REQUEST: Variance in the C-1 zoning district to allow 204 sq. ft. of copy area in lieu of 145 sq. ft.

LOCATION: Located at the southwest corner of Goldenrod and Curry Ford Rd.

PROPERTY ADDRESS: 2300 S. Goldenrod Rd., Orlando, Florida, 32822

PARCEL ID: 02-23-30-3024-00-050

PUBLIC NOTIFICATION: 170

TRACT SIZE: 210 ft. x 280 ft. (AVG)

DISTRICT #: 3

ZONING: C-1

EXISTING USE(S): Vacant

PROPOSED USE(S): Pharmacy

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

STAFF FINDINGS AND ANALYSIS:

1. The applicant is requesting a variance to increase the wall sign square footage.

2. The property is located in the C-1 Retail Commercial district, which allows for restaurants, retail stores, offices, churches, and various other indoor commercial businesses.
3. The Orange County Sign Ordinance (Ch. 31.5 of the Code) allows for 1.5 sq. ft. of copy area per foot of linear building frontage for wall signs. Building frontage is measured on the side of the building with the front door. The front door to this building is located on the north side. Based on the building frontage of ninety-seven (97) feet, a total of 145.5 sq. ft. of wall signage is permitted. The applicant is proposing 204 sq. ft. of copy area.
4. The site is currently under construction. Permits have been issued for five (5) compliant wall signs (B18003408), and for two (2) pole signs (B18004428 and B18004432) that are adjacent to each road frontage.
5. In addition to the permitted wall signage, the two (2) pole signs (204 sq. ft. total) will provide adequate signage to identify and serve the property.
6. The applicant has not demonstrated special conditions or circumstances to justify the request. Adequate wall signage can be provided without the need for a variance, as well as two (2) pole signs, in addition to the wall signs, to provide adequate identification and signage.
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 adequate signage is available without variances.
 - d) Approval would grant special privilege that is not granted to other properties in the area.

STAFF RECOMMENDATION:

Staff recommends denial of this request. However, if the BZA approves the request, the following conditions should be imposed:

1. Development in accordance with the site plan, elevations and sign specifications dated March 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: Sign-O-Saurus Of Daytona Inc. (Sandi Awad)
2127 S. Ridgewood Avenue
South Daytona, FL 32119

DAVID WING
VA-18-05-050

REQUEST: **Variance** in the R-1A zoning district to construct a second floor addition to an existing single family residence with a side (east) setback of 7 ft. in lieu of 7.5 ft.

ADDRESS: 9914 Nicoma Lane, Orlando FL 32817

LOCATION: South side of Nicoma Ln., approximately 800 ft. west of N. Dean Rd.

S-T-R: 07-22-31

TRACT SIZE: 99 ft. x 131 ft.

DISTRICT#: 5

LEGAL: FROM SE COR OF NE1/4 OF SE1/4 OF SE1/4 RUN N 89 DEG W 832.62 FT FOR BEG TH N 89 DEG W 99 FT S 161.81 FT S 89 DEG E 99 FT N 161.76 FT TO POB SEC 07-22-31 (LESS 30 FT R/W ON N)

PARCEL ID: 07-22-31-0000-00-064

NO. OF NOTICES: 97

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

1. Development in accordance with the site plan dated March 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

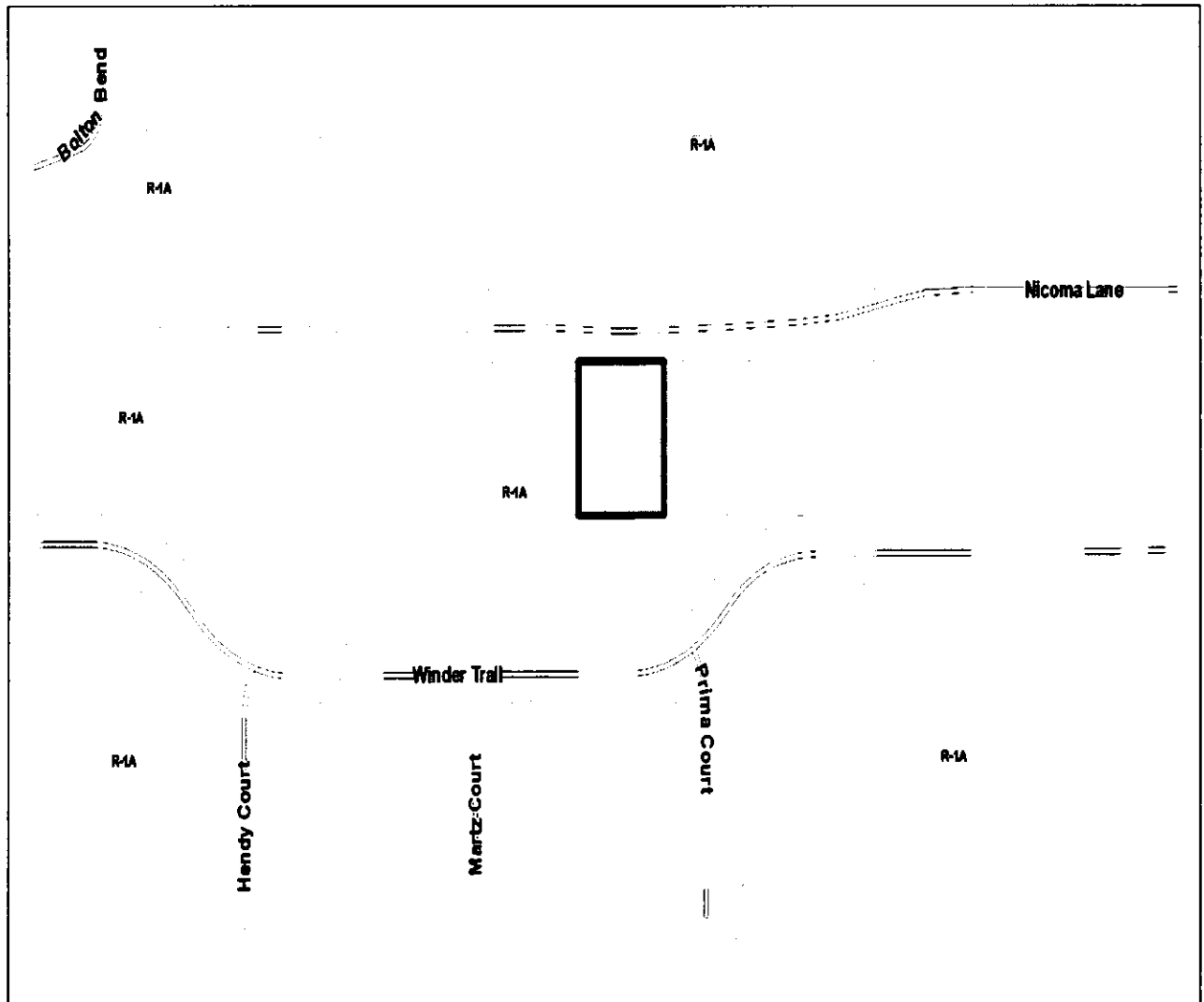
all other applicable state or federal permits before commencement of development.

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 second floor addition shall match or compliment the exterior of the existing residence.

SYNOPSIS: Staff explained that the home was constructed in 1970, and that the applicant purchased the home in 1987. As such, the need for the variance was not self-imposed. The applicant will not be increasing the footprint, but following the existing building line vertically. As such, this was the least variance needed. Virtually, all but one homeowner on the street supports the request. No correspondence in opposition was received.

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

The BZA found that the request satisfies the criteria for the granting of a variance. A motion to recommend approval passed unanimously.



Applicant: DAVID WING

BZA Number: VA-18-05-050

BZA Date: 05/03/2018

District: 5

Sec/Twn/Rge: 07-22-31-SE-D

Tract Size: 99 ft. x 131 ft.

Address: 9914 Nicoma Lane, Orlando FL 32817

Location: South side of Nicoma Ln., approximately 800 ft. west of N. Dean Rd.

Date: March 20, 2018

To: Dave Nearing, Planner II

Orange County

201 S. Rosalind Ave., 1st Floor

Orlando, FL 32801

From: David Wing



9914 Nicoma Lane

Orlando FL 32817

Subject: Zoning Variance VA-18-05-050 David Wing Storm Damage Renovation

I have applied for a building permit B18000613 and have been told I need a zoning variance due to set back requirements on the east side of my house.

The storm damage renovations I am requesting the permit for, resulted in damage to my roof from a tree that fell on it during hurricane Irma. Several trusses and decking were damaged. The insurance company required removal of decking and drywall, hiring a crane to remove the damaged trusses and replacing. Reviewing the area to be repaired it became evident I could modify the roof to create extra storage and a taller vehicle (RV).

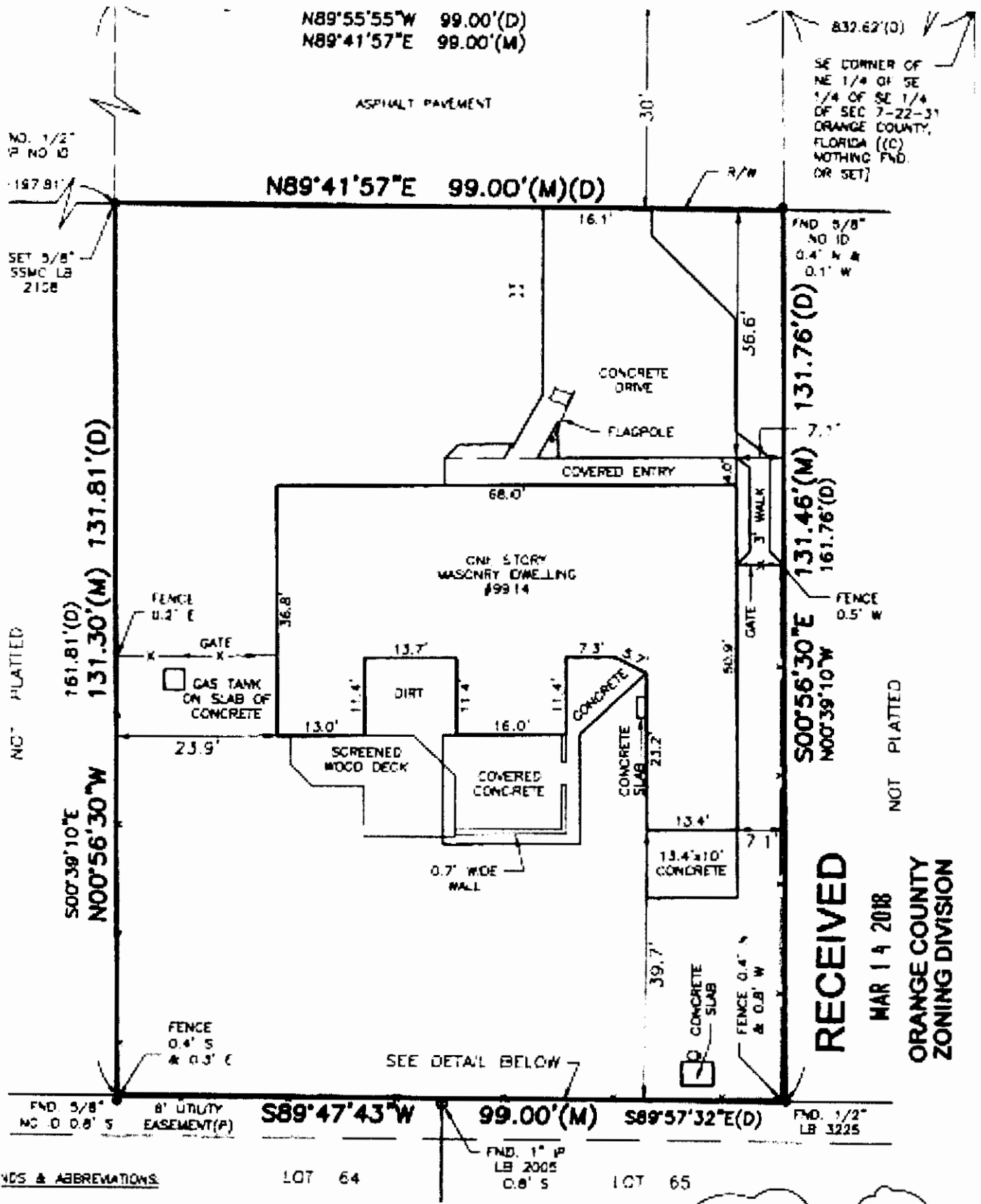
During the zoning approval stage, we found that the existing building was 7.1 feet from the property line instead of the required 7.5 feet. The approval stopped at this point.

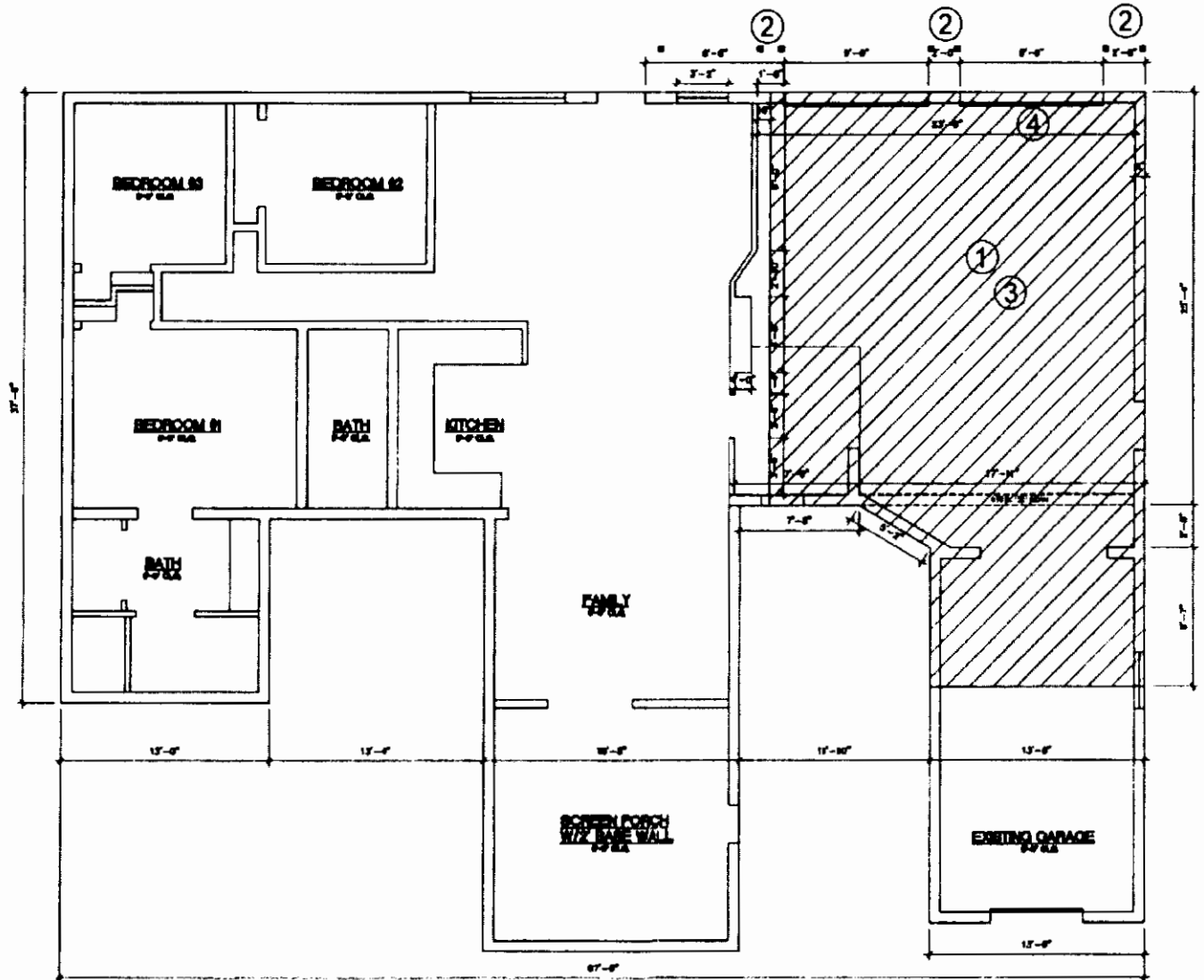
The existing building was modified in the late 1980's and was permitted and approved by Orange County at that time. Now 30 years later I have been asked to bring the building into compliance (move a 50-foot-long wall 5 inches to the west) or apply for a zoning variance.

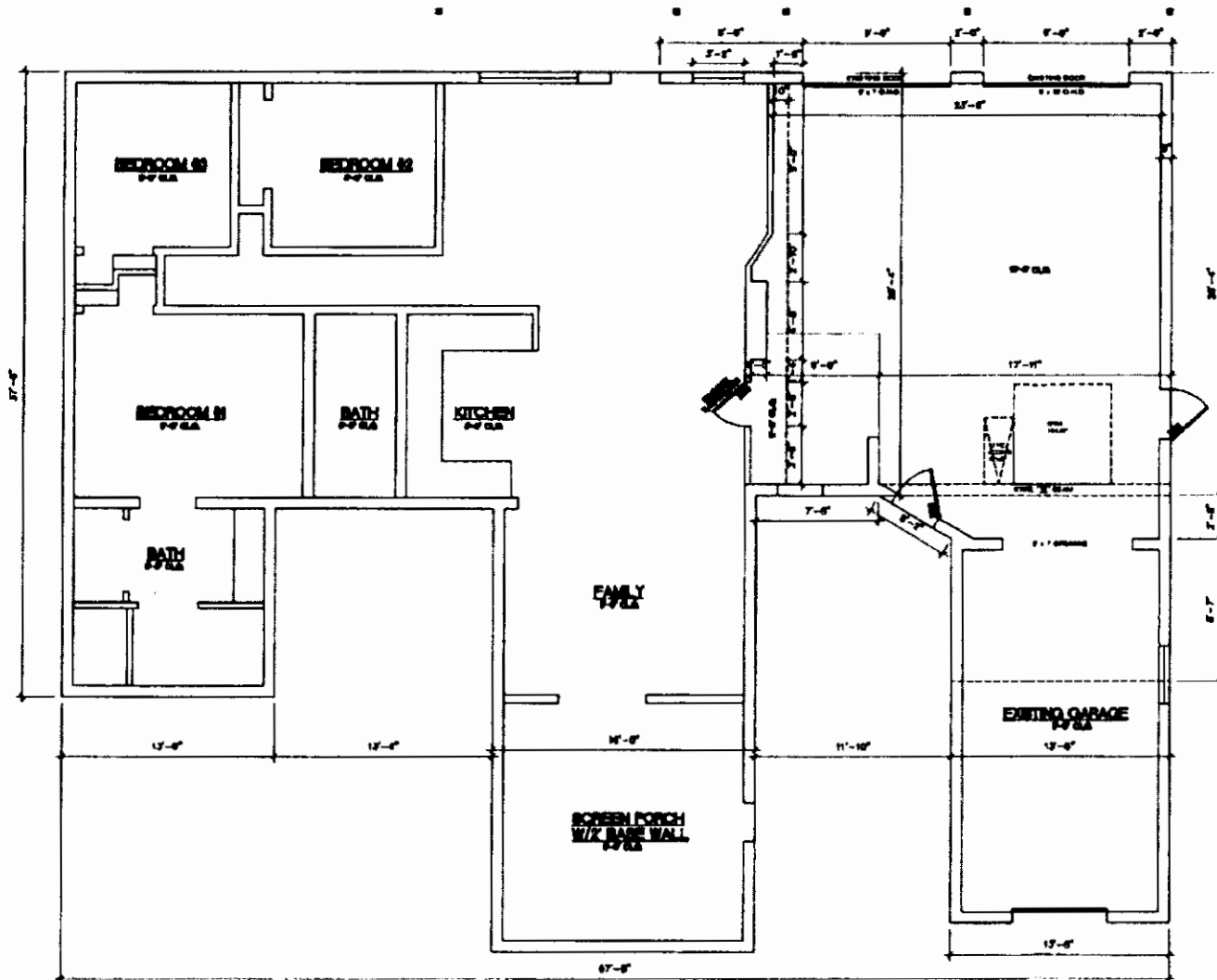
I am not changing the footprint of the building but are raising the roof of the front part of my garage by 5 feet and raising the roof of the back part of my garage by 7 feet and increasing the size of one of the garage doors from 7 to 10 feet.

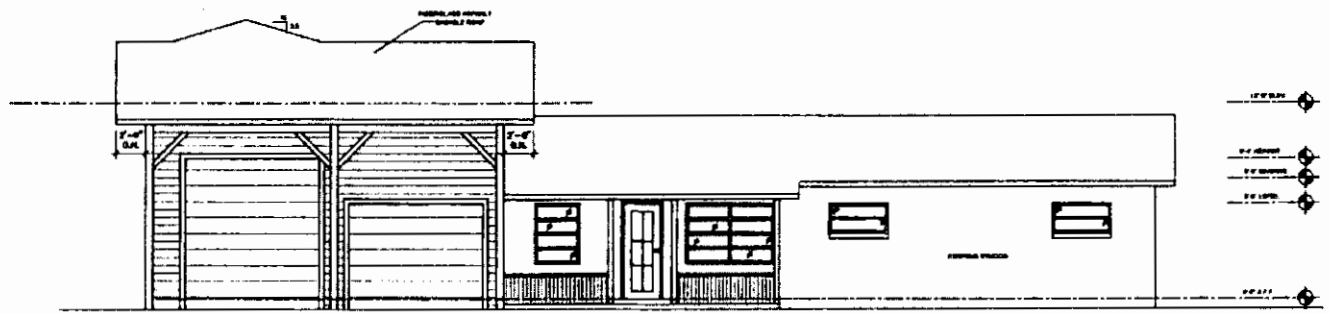
I have prepared a set of plans through a reputable design firm. I have reviewed this plan with all my neighbors and everyone has encouraged me to move forward.

I respectfully request this variance be approved.



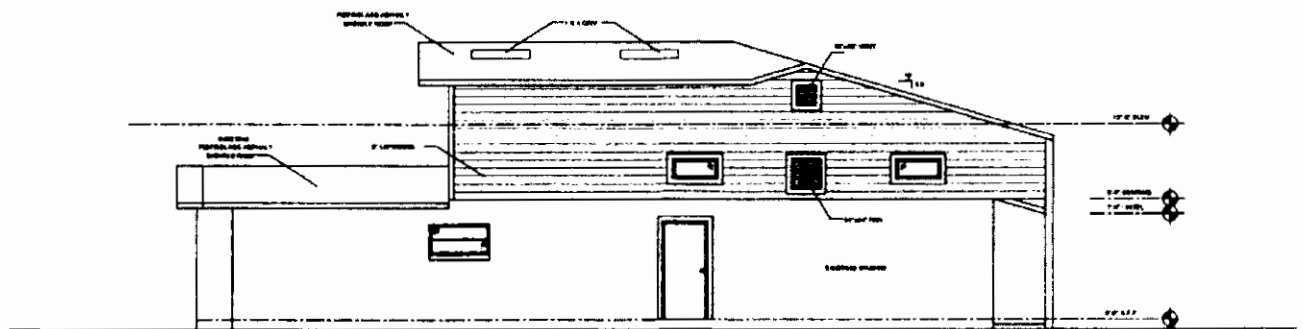






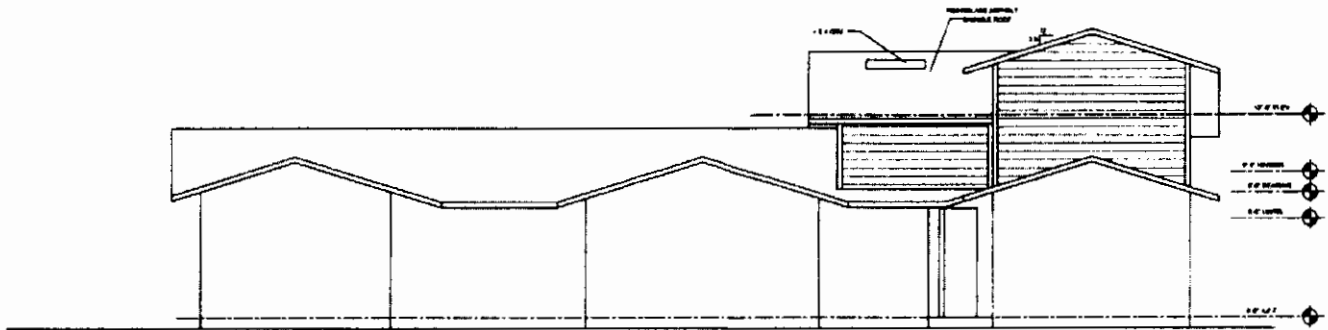
NORTH SIDE

1/8"=1'-0"



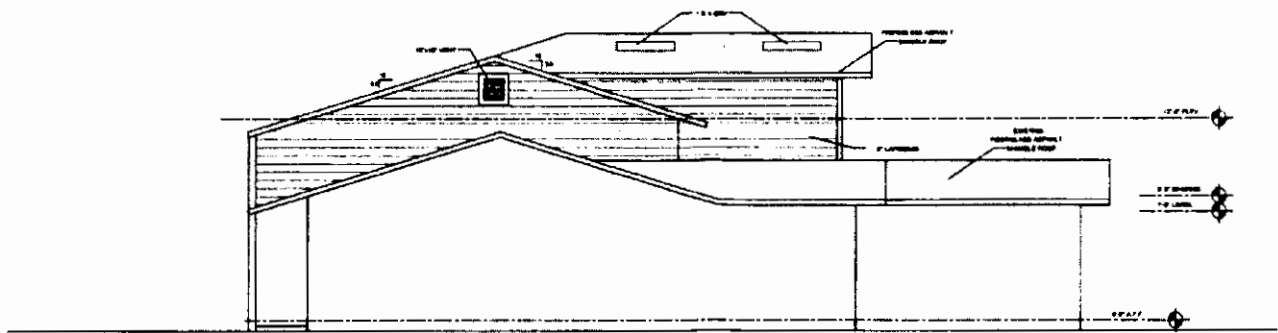
EAST SIDE

1/8"=1'-0"



SOUTH SIDE

1/8" = 1'-0"



WEST SIDE

1/8" = 1'-0"



STAFF REPORT
CASE #: VA-18-05-050
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
May 3, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: DAVID WING

REQUEST: Variance in the R-1A zoning district to construct a second floor addition to an existing single family residence with a side (east) setback of 7 ft. in lieu of 7.5 ft.

LOCATION: South side of Nicoma Ln., approximately 800 ft. west of N. Dean Rd.

PROPERTY ADDRESS: 9914 Nicoma Ln., Orlando, FL 32817

PARCEL ID: 07-22-31-0000-00-064

PUBLIC NOTIFICATION: 97

TRACT SIZE: 99 ft. x 131 ft.

DISTRICT #: 5

ZONING: R-1A

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Second Floor Addition

SURROUNDING USES: N - Single Family Residence R-1A
S - Single Family Residence R-1A
E - Single Family Residence R-1A
W -Single Family Residence R-1A

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-1A, Single Family Residential. This district allows for single family detached residences on lots with a minimum of 10,000 sq. ft. The minimum side yard setback is 7.5 ft.
2. According to the Property Appraiser's information, the home was constructed in 1970. The applicant took possession in 1987. Therefore, the location of the home at 7 ft. from the side (east) property line is a result of the prior owner, creating both a special circumstance, and establishing that the situation is not self-imposed.
3. The applicant intends to follow the existing building line up. There will be no expansion of the footprint further into the side yard setback. Granting the variance will not result in a special privilege, as they will not be increasing the degree of nonconformity. The proposed height is 17 ft. which is well below the code maximum of 35 ft.
4. Denying the variance would require the applicant to set the second floor addition in .5 ft., which could pose difficulties in its construction, and may not be aesthetically symmetrical.
5. Since the applicant is following the existing building line, this would be the least variance necessary.
6. Given that the house is existing, and there will be no increase in the encroachment into the side yard, approval of this variance will not impair the integrity of the Zoning Code.
7. The applicant submitted a total of 25 letters of support from 17 people, some of who own multiple properties.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated March 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 second floor addition shall match or compliment the exterior of the existing residence.

c: David Wing
9914 Nicoma Lane
Orlando, FL 32817

ALEX NOKHODCHI
VA-18-04-015

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To allow a side setback of 1.8 ft. in lieu of 5 ft.
2) To allow a rear setback of 3.8 ft. in lieu of 5 ft.

ADDRESS: 1313 E. Pineloch Avenue, Orlando FL 32806

LOCATION: North of E. Pineloch Ave., west of S. Brown Ave.

S-T-R: 01-23-29

TRACT SIZE: 40 ft. x 120 ft.

DISTRICT#: 3

LEGAL: INTERLAKE PARK SECOND ADDITION H/50 THE W 40 FT OF E 80 FT
OF LOTS 154 155 & 156

PARCEL ID: 01-23-29-3834-01-543

NO. OF NOTICES: 361

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, **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 (5 in favor, 1 opposed and 1 absent):

1. Development in accordance with the site plan dated January 18, 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 accessory building shall not contain any overhead cabinets, closets, or 220 volt outlets.
5. Permits for the accessory structure shall be obtained within sixty (60) days of final approval or this approval becomes null and void.
6. The applicant shall remove all plumbing from the structure.

SYNOPSIS: Staff gave a presentation on the case and stated that the structure is existing and is a result of code enforcement. The applicant attempted to allow this structure to remain as an accessory dwelling unit, however, since there is not a homestead exemption on the property that is not an option. The applicant decided to apply to allow this structure to remain for storage only.

Staff recommended denial of the variances as there were no special conditions and there is enough space to meet setbacks.

The applicant stated that they bought the property in 2013, and the structure was existing. They simply want to keep it as a storage building.

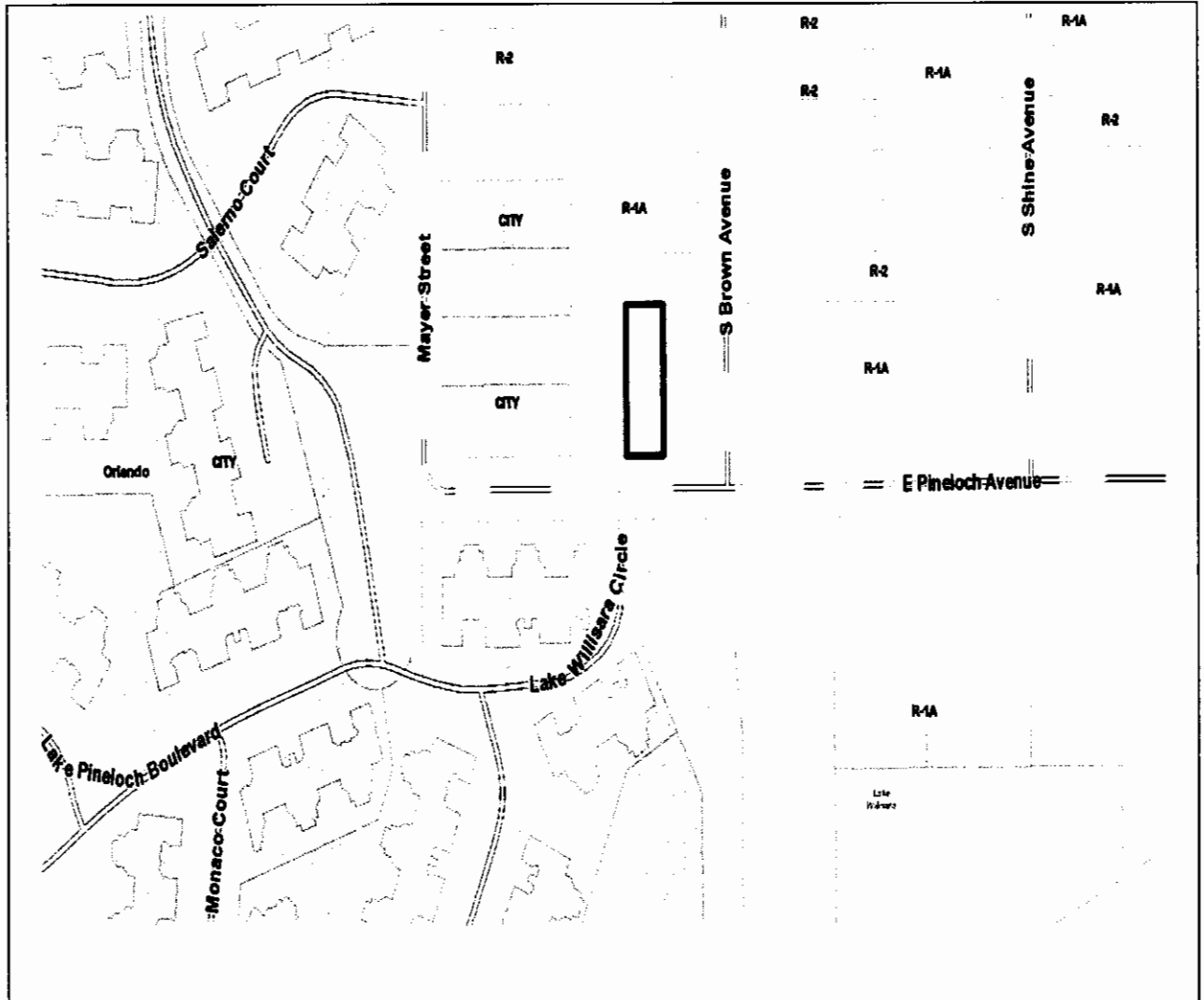
The neighbor to the east spoke in opposition to the request stating the building had previously been used as a rental unit and caused a nuisance.

Code Enforcement spoke at the hearing and explained that the officer cited the owner for construction without a permit and for using the structure as an ADU.

The BZA discussed the use and safety of the structure with the applicant. The applicant stated they would not use the structure as an ADU any longer and will make sure it meets all code requirements.

The BZA agreed the rear setback variance was minimal and approved variance #2. They felt the side setback variance was excessive and denied variance #1.

The BZA also added a condition that the applicant must remove all plumbing from the structure.



Applicant: ALEX NOKHODCHI

BZA Number: VA-18-04-015

BZA Date: 05/03/2018

District: 3

Sec/Twn/Rge: 01-23-29-SE-D

Tract Size: 40 ft. x 120 ft.

Address: 1313 E. Pineloch Avenue, Orlando FL 32806

Location: North of E. Pineloch Ave., west of S. Brown Ave.

K & A ORLANDO2 LLC
Orlando, FL Jan. 16/2018

Re: 1313 E. Pinetach Av. 32806
Requesting Variance as Storage Building

Dear Sir/Madame,

We bought this property in an auction. It was a two bedroom house and a storage room at the back, which is very old. I believe more than 20 years old but in good condition. We spoke to the auctioneer and he said "You are lucky, buy one, get the second one free". We cleaned and painted it.

The Tenant, who is renting the two bedroom house at the front and did not pay the rent fully to us, wanted to use that storage and we didn't give in then, because in the lease agreement it said no storage units.

We want to use it as a storage and would appreciate if you let us know if we can. We have a lot of things in there, mostly cars, but also some tools and all the things that are in the house. It is a very nice property, and we are very happy to have it. It is the best thing we have ever had.



STAFF REPORT
CASE #: VA-18-04-015
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
May 3, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: ALEX NOKHODCHI

REQUEST: Variances in the R-1A zoning district as follows:
1) To allow a side setback of 1.8 ft. in lieu of 5 ft.
2) To allow a rear setback of 3.8 ft. in lieu of 5 ft.

LOCATION: North of E. Pineloch Ave., west of S. Brown Ave.

PROPERTY ADDRESS: 1313 E. Pineloch Ave.

PARCEL ID: 01-23-29-3834-01-543

PUBLIC NOTIFICATION: 361

TRACT SIZE: 40 ft. x 120 ft.

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Single family residence

PROPOSED USE(S): Storage building

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

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-1A Single-Family Dwelling district, which allows for single-family homes and associated accessory structures. The minimum lot size for R-1A is 75 feet by 100 feet.

2. The existing structure was built without permits and had previously been used as an Accessory Dwelling Unit. The applicant cannot apply for an ADU as they do not live at the residence and do not have a homestead exemption on the property.

3. The house on the property was built in 1940, and staff could not locate any permits for this parcel. The existing house is nonconforming as it does not meet setbacks.

4. This area was platted in 1923, with 40 ft. by 140 ft. lots.

5. The applicant would like to keep the structure to use for storage and will be required to remove any components associated with the ADU if the variances are approved.

6. The applicant purchased the property in 2013, and both structures (house and shed) were existing at that time. A title search should have uncovered the permitting issues with the structure.

7. Staff recommends denial as the request does not meet the Variance Criteria and there is sufficient area to meet the setbacks.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated January 18, 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 accessory building shall not contain any overhead cabinets, closets, or 220 volt outlets.
 5. Permits for the accessory structure shall be obtained within sixty (60) days of final approval or this approval becomes null and void.
- c: Alex Nokhodchi
5286 Hopenita Street
Orlando, FL 32812

JAMIE GRANT
SE-18-05-047

REQUEST: **Special Exception and Variance** in the R-1 Zoning District as follows:
1) Special Exception to construct 500 sq. ft. Accessory Dwelling Unit (ADU).
2) Variance to allow an ADU with a rear (south) setback of 5 ft. in lieu of 10 ft.

ADDRESS: 7800 Napoleon Street, Orlando FL 32825

LOCATION: South side of Napoleon St., approximately 1/4 mile west of N. Chickasaw Trail

S-T-R: 23-22-30

TRACT SIZE: 90 ft. x 137 ft.

DISTRICT#: 3

LEGAL: W 90 FT OF S1/2 OF N1/2 OF S1/2 OF SE1/4 OF NE1/4 (LESS N 30 FT FOR R/W) OF SEC 23-22-30 SEE 3272/613

PARCEL ID: 23-22-30-0000-00-087

NO. OF NOTICES: 89

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

1. Development in accordance with the site plan dated March 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.
- . 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

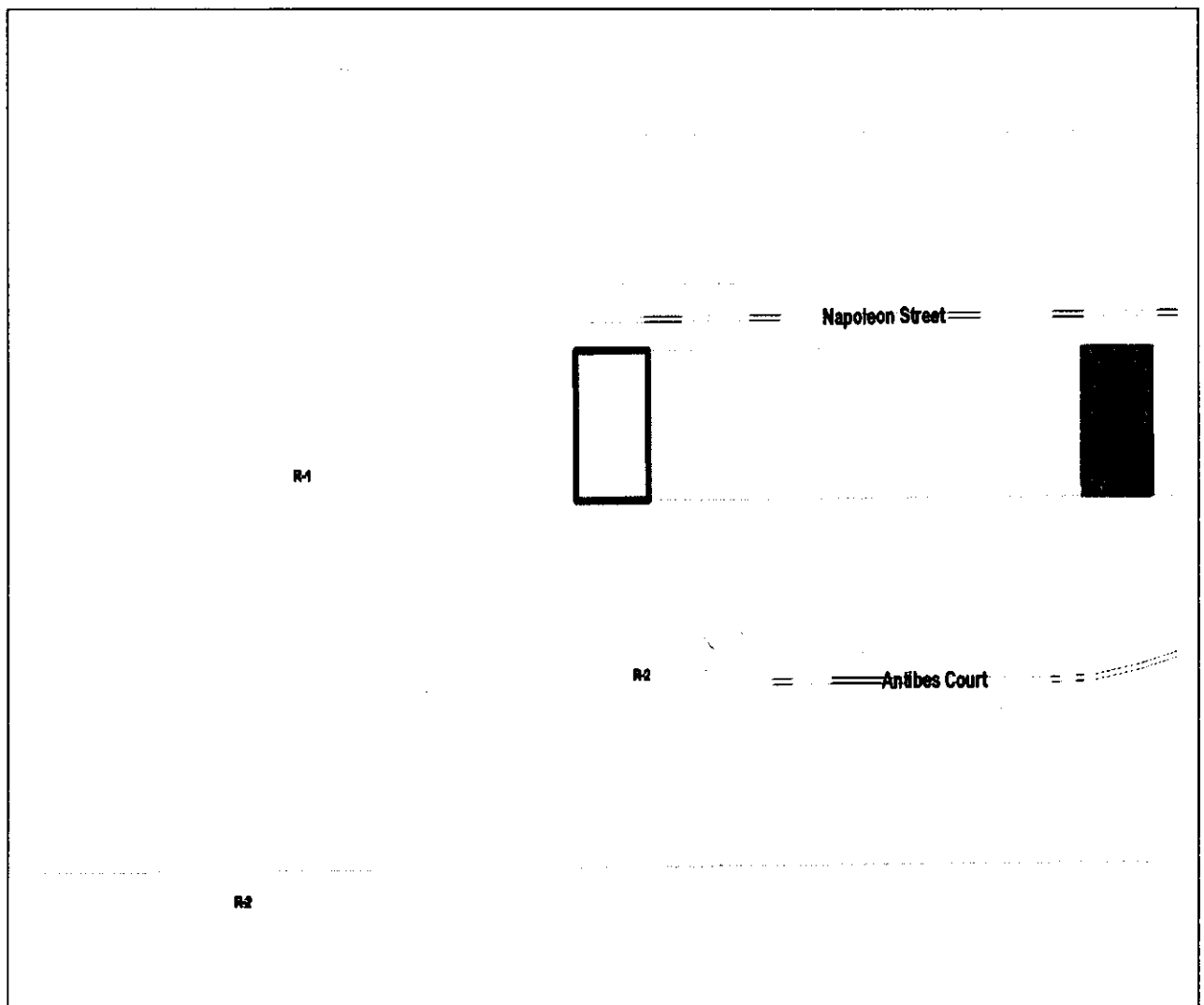
by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

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 ADU shall match or compliment the exterior of the existing residence.
5. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

SYNOPSIS: Staff noted that the proposed ADU would replace an existing accessory structure, for which no permits could be found. This structure had been constructed by a prior owner of the property. The applicants purchased the property 'as is'. The house is located on the rear 2/3 of the property, leaving little usable rear yard, most of which is covered by the pool and deck. The proposed location is the only location for any structure. The variance will ensure that the ten (10) foot separation distance, which is a life/safety issue, will be preserved. Staff noted that the property to the south is a privately owned/maintained stormwater management tract, and to the west is a large stormwater pond owned by the County. A total of three (3) correspondence were received, all of which were in support of the request, including the most impacted neighbor to the east.

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

The BZA found that the six (6) criteria for granting a variance have been met. In addition, the use will be compatible to the neighborhood, and therefore, it satisfies the criteria for a Special Exception. A motion to recommend approval of the Variance and Special Exception passed unanimously.



Applicant: JAMIE GRANT

BZA Number: SE-18-05-047

BZA Date: 05/03/2018

District: 3

Sec/Twn/Rge: 23-22-30-NE-A

Tract Size: 90 ft. x 137 ft.

Address: 7800 Napoleon Street, Orlando FL 32825

Location: South side of Napoleon St., approximately 1/4 mile west of N. Chickasaw Trail

Special Exception / Variance Request

March 14, 2018

Jamie S. Grant
7800 Napoleon Street
Orlando, FL 32825
772-563-3688

Orange County Board of Zoning Adjustment
201 South Rosalind Avenue, 1st Floor
Orlando, FL 32801

To whom it may concern,

The intent of this letter is to request an allowance to construct a 500 square foot (SF) accessory dwelling unit (ADU) addition to my property. The sole purpose of this addition is to be for the new residence of my mother-in-law. Due to the recent passing of her husband, we feel it is in her best interest to downsize and be closer to the family and her grandchildren. This dwelling will only be for her use and will not be used as a rental unit or any type of income property.

The ADU will be constructed in place of the current 220 SF storage shed that has a 200 SF awning for a total of 420 SF overall structure. This current structure is located adjacent to my primary residence at 7800 Napoleon St. Orlando, FL 32825. The new dwelling will be a 20'x25' (500 SF) wood-frame structure with a two-foot crawlspace, a peak elevation of 10'-8" with a 7/8" stucco finish over cement board to match the primary residence. Based on the current structural improvements of my property, my engineer proposed that the ADU will require a setback variance of 5' from the rear boundary of my property, which differs from the county ordinance of 10'. No structural or private owned land is present to the rear of my property; as it is a county water retention area. The 5' variance is still within the normal accessory structure setback per Orange County Code. The ADU meets the minimum 10' setback from primary residence and the 5' minimum side setback per Orange County Code for my residential zone.

Thank you in advance for your consideration of this special exception. You will find all the appropriate paperwork required attached. If there is any further information required please let me know. I look forward to hearing the board's decision.

Sincerely,

Jamie S. Grant



SCALE: 1"=30'

NOT PLATTED

NOT PLATTED

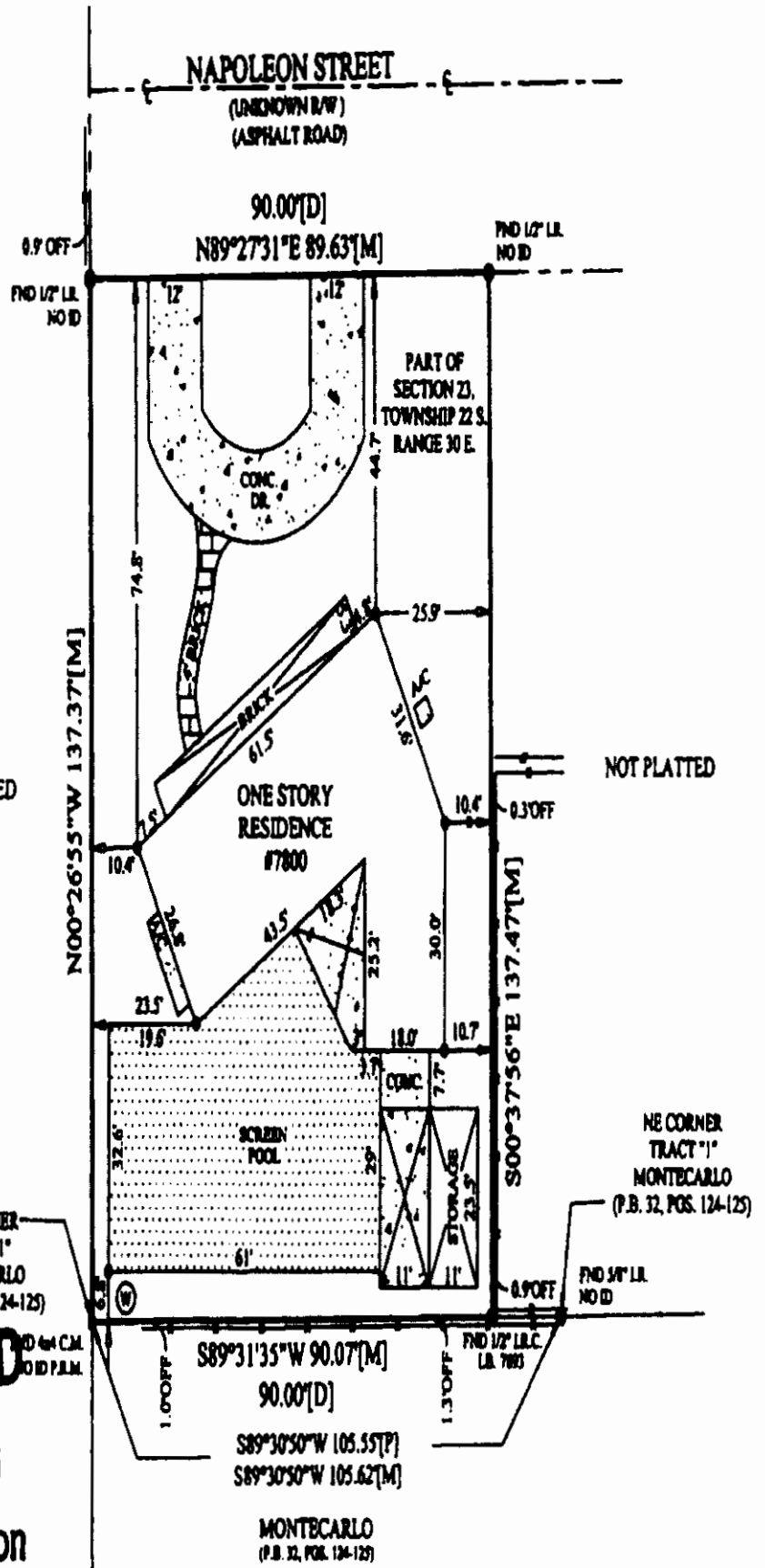
NW CORNER
TRACT "1"
MONTECARLO
(P.B. 32, PGS. 124-125)

NE CORNER
TRACT "1"
MONTECARLO
(P.B. 32, PGS. 124-125)

RECEIVED

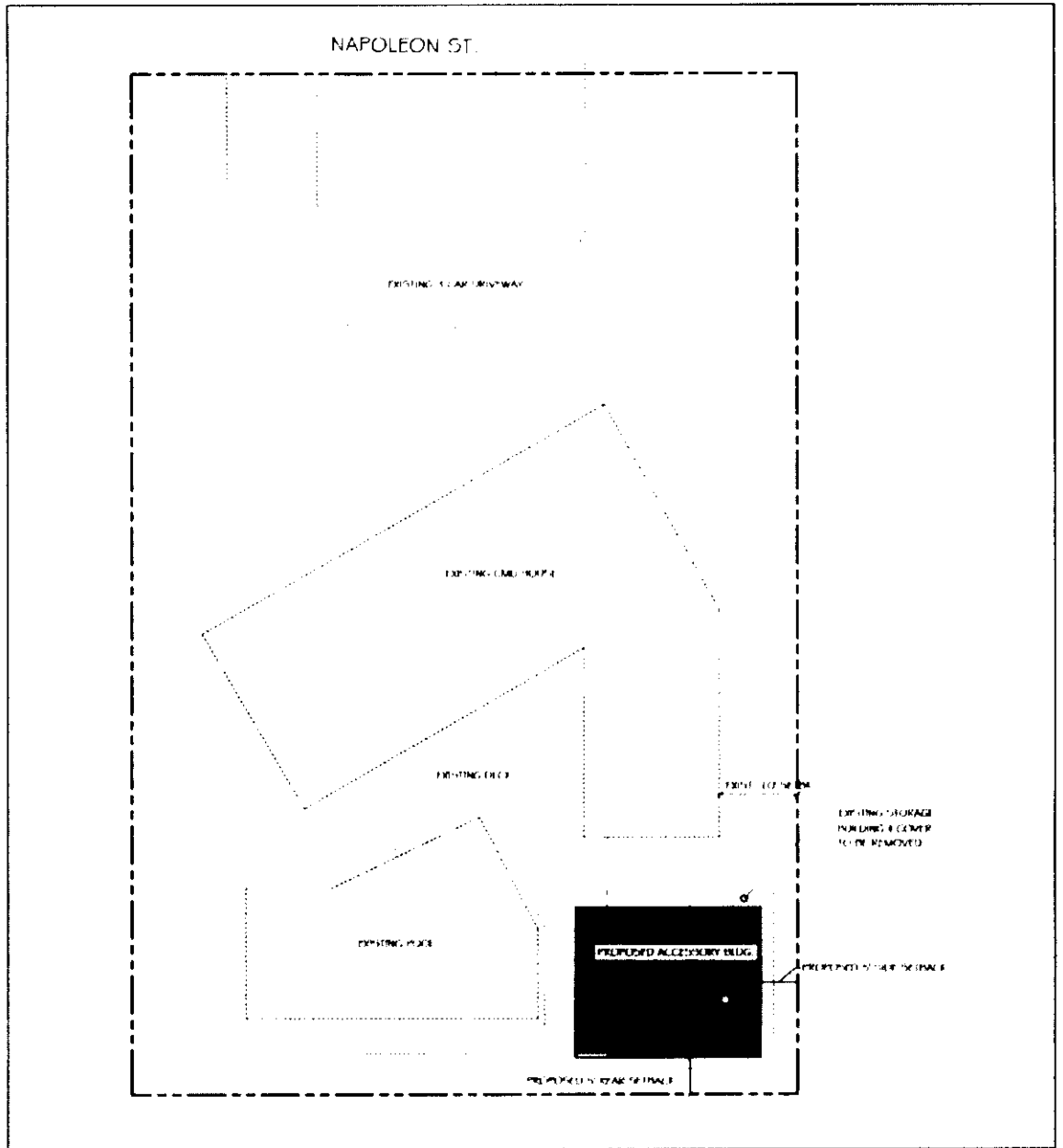
MAR 14 2018

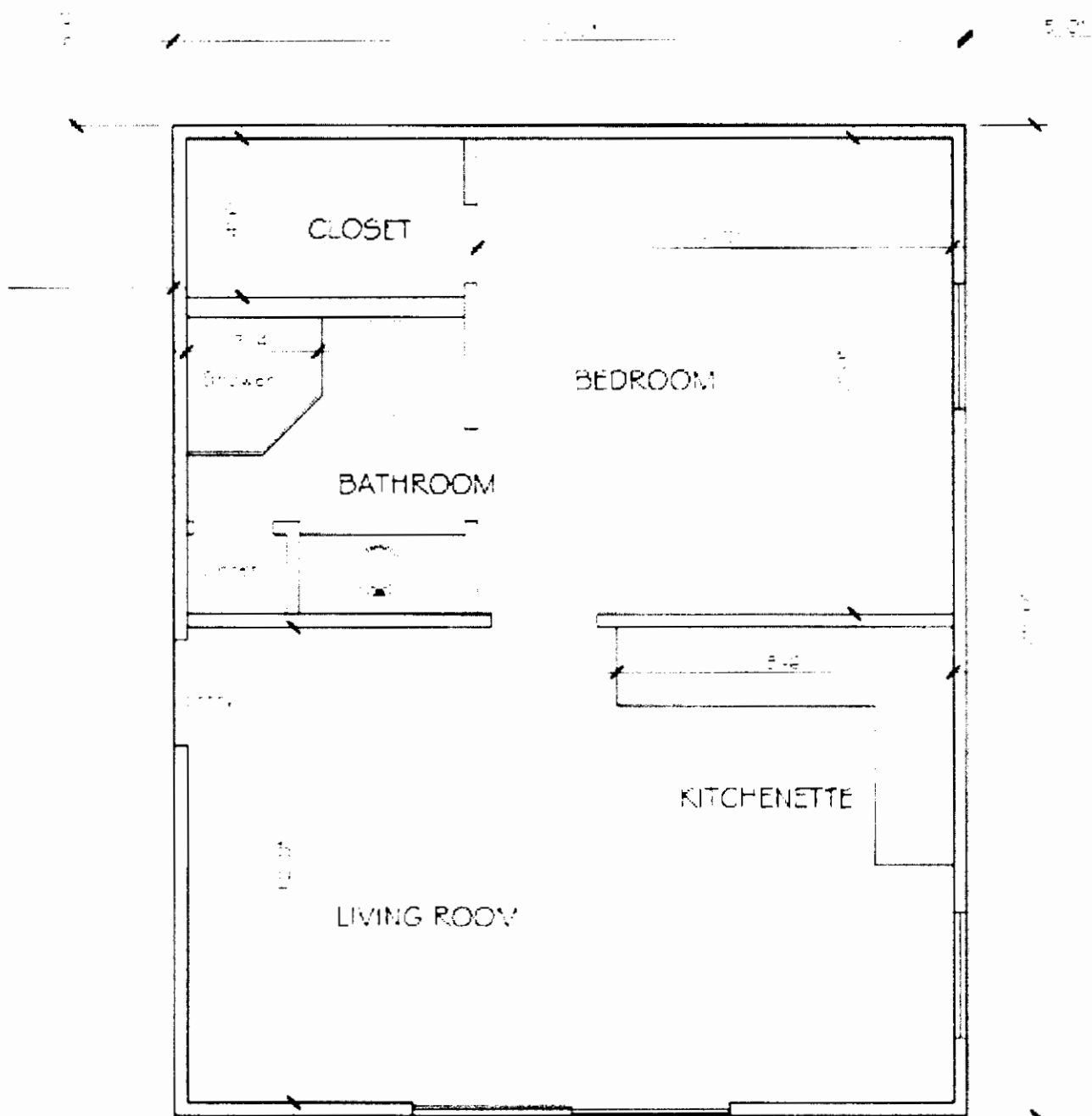
Zoning Division

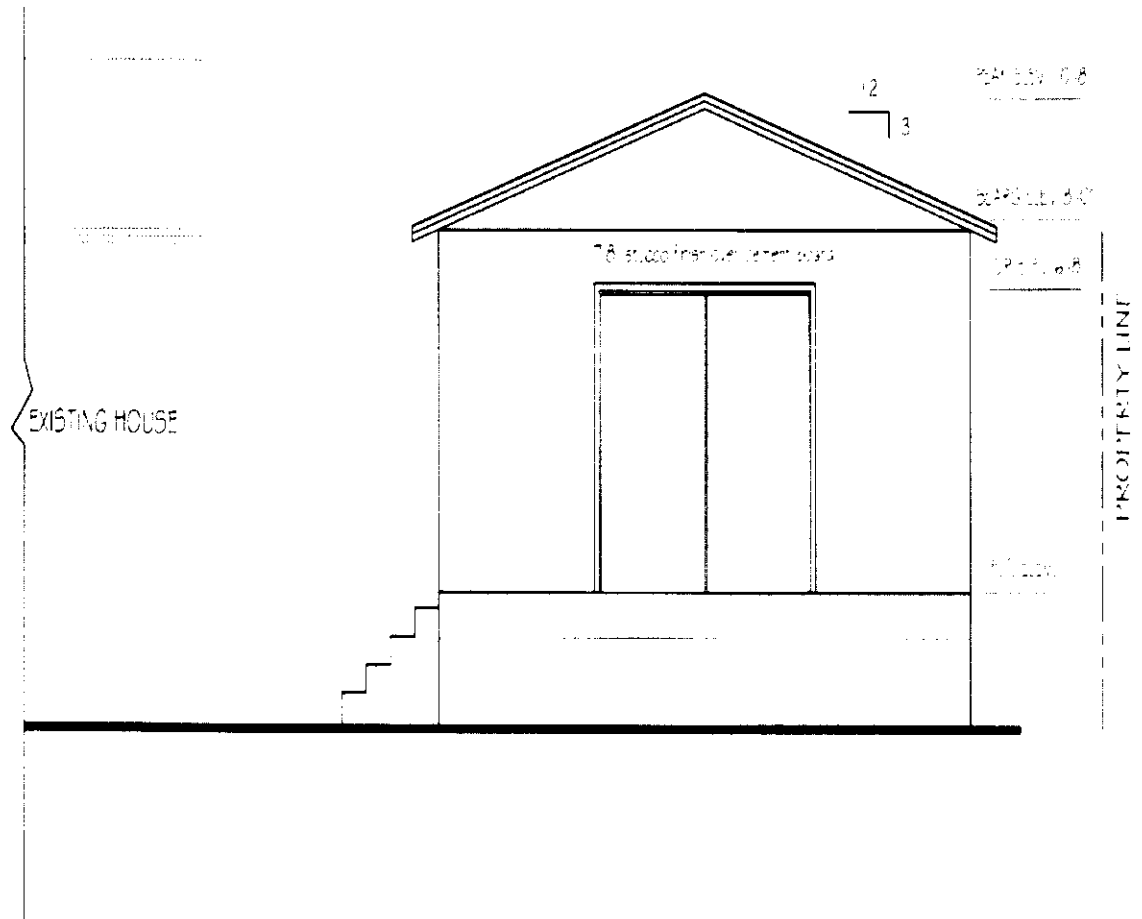


Floor Plan

SITE PLAN







FRONT ELEVATION



STAFF REPORT
CASE #SE-18-05-047
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
May 3, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: JAMIE GRANT

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variance in the R-1 Zoning District as follows:

- 1) Special Exception to construct a 500 sq. ft. Accessory Dwelling Unit (ADU).
- 2) Variance to allow an ADU with a rear (south) setback of 5 ft. in lieu of 10 ft.

LOCATION: South side of Napoleon St., approximately 1/4 mile west of N. Chickasaw Trail

PROPERTY ADDRESS: 7800 Napoleon St., Orlando, FL 32825

PARCEL ID: 23-22-30-0000-00-087

PUBLIC NOTIFICATION: 89

TRACT SIZE: 90 ft. x 137 ft.

DISTRICT #: 3

ZONING: R-1

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): ADU

SURROUNDING USES/
ZONING N – Single Family Residence/R-1
S – Dry Retention Pond/R-2
E – Single Family Residence/R-1
W - Stormwater Management Tract/R-1

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-1, Single Family Residential. This zone permits development of single family detached homes on smaller lots of 5,000 sq. ft. or greater. Accessory Dwelling Units (ADU) such as that proposed are permitted by Special Exception. The property to the south has an R-2, Residential District which permits construction of detached and attached units which may or may not be fee simple. This could include duplexes and townhouses. The number of units per acres is capped by the density of the underlying Futures Land Use (FLU) designation. In the case of the property to the south, the underlying FLU is Low Medium Density Residential, which permits a density of up to 10 units per acre.
2. The applicant intends to replace an existing unpermitted shed with a new ADU. According to historic aerials, the shed has existed on the property since at least 1995.
3. The property backs up to a privately owned and maintained stormwater management pond. The applicant has provided letters of support from the neighbors located immediately to the east and to the north across Napoleon St. To the west is a large County owned and maintained pond which more resembles a lake.
4. While the lot meets the size requirements for a detached ADU, the house was constructed on the rear 2/3 of the lot, and at an angle which was apparently intended to maximize the view of the pond. Given that the applicant's purchased the lot as is, this is not a self-imposed hardship. In addition, the pool encompasses most of the remaining rear yard, leaving only the area where the existing shed is located for the ADU, constituting a special hardship.
5. In addition to the factors above, the other circumstance which is intended by the Zoning Code as a life safety issue is preservation of the 10 ft. separation between the primary residence and the ADU. This is not only for provision of light and air circulation but to provide a buffer if fire were to occur. To reduce the square footage of the ADU to meet the setback would result in an extremely reduced living area, which would be contrary to the intent of the Code.
6. ADU's are specifically mentioned in the Comprehensive Plan as being compatible with residential zoning through the Special Exception process. By their nature ADU's are living units which are similar and compatible with the surrounding development pattern.
7. Given the orientation of the existing home, and the fact that no one lives behind or to the west of the subject property, the use will not be detrimental

to the neighborhood. The resident of the most impacted property to the east is in support of the request.

8. By their very nature, ADU's do not generate any impacts different than that of a traditional residence. In fact, given their size and the limitation on the number of bedrooms, they likely impose less.
9. While landscaping is not needed between abutting single family developments, the applicant's yard around the proposed location is well landscaped.

With regard to the Special Exception, staff finds that:

- The use will comply with intent of the Comprehensive Plan.
- With the granting of the Variance, the use will comply with the required performance standards.
- The use will not adversely impact the neighborhood, and will be in harmony with the development patterns of the area.

With respect to the requested variance:

- There are special conditions caused by the way the lot was laid out by its original owners, and fact that the swimming pool occupies such a large amount of the small rear yard.
- Not granting the variance would result in unusual hardships in that the amount of living area would be significantly less than the minimum required, or it would be violating the intent of the Code with regard to life safety by placing the ADU too close to the main residence.

STAFF RECOMMENDATION:

Staff recommends approval of the Special Exception and Variance requests subject to the following conditions:

1. Development in accordance with the site plan and elevation dated March 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 ADU shall match or compliment the exterior of the existing residence.
5. Construction plans shall be submitted within three (3) years or this approval becomes null and void.

c: Jamie Grant
 7800 Napoleon Street
 Orlando, FL 32825

MICHAEL HARDING
VA-18-05-037

REQUEST: **Variances** in the C-1 zoning district to allow on-site beverage consumption (2COP's) within 1,000 ft. a religious institution (Community of Resurrected Believers).
1) 939 ft. in lieu of 1,000 ft. for Claddagh Cottage.
2) 732 ft. in lieu of 1,000 ft. for Foxtail Coffee.
3) 802 ft. in lieu of 1,000 ft. for The Tamale Company.

ADDRESS: 2421 Curry Ford Road, Orlando FL 32806

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

S-T-R: 31-22-30

TRACT SIZE: 75 ft. x 115 ft.

DISTRICT#: 3

LEGAL: ORANGE VILLA K/21 LOT 6 & E1/2 LOT 5 (LESS S 22 FT FOR RD RW)

PARCEL ID: 31-22-30-6268-00-060

NO. OF NOTICES: 3490

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

1. Approval is subject to the information provided in the application and field measurements and all other applicable regulations. Any deviations, changes, or modifications to the this application 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 is limited to a 2COP license for on-site consumption of beer and wine only issued to the current applicants; Claddagh Cottage, Foxtail Coffee and Tamale Company. Any change in ownership or license type shall require new approval by the BZA for a change and/or transfer of the license. The state alcohol license shall be obtained within six (6) months after variance approval or the variance becomes null and void.

SYNOPSIS: The applicant is applying for three 2COP liquor licenses within 1,000 feet of an existing church. Staff outlined the case and showed aerials of the locations in question. Staff explained the area is currently undergoing re-development and the new restaurants in the area would like to serve beer and wine. The church in question provided a letter of no objection to the requests.

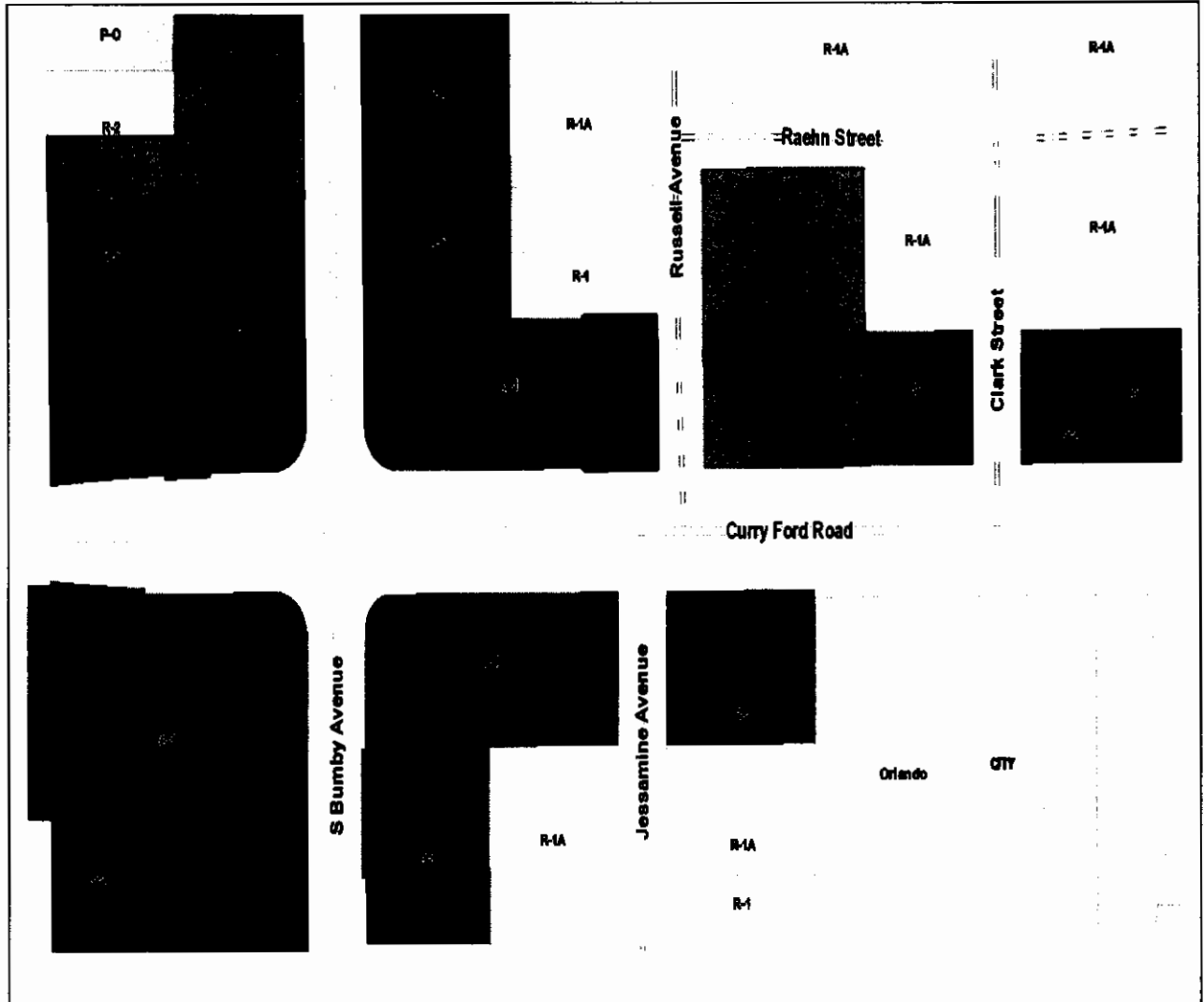
Staff recommended approval as the variances met the criteria and the church was in support.

Two (2) neighbors spoke in favor of the application and stated they are in support of what is going on in the area. One (1) neighbor spoke in opposition stating he had concerns with traffic and safety.

Staff received sixty-two (62) letters in support and fourteen (14) letters in opposition.

The applicant stated they are working to develop wider sidewalks and promote walkable streets.

The BZA stated they felt the variances were reasonable and recommended approval of all three (3) variances.



Applicant: MICHAEL HARDING

BZA Number: VA-18-05-037

BZA Date: 05/03/2018

District: 3

Sec/Twn/Rge: 31-22-30-SE-D

Tract Size: 75 ft. x 115 ft.

Address: 2421 Curry Ford Road, Orlando FL 32806

Location: West of Russell Ave., north of Curry Ford Rd.

M Harding Enterprises, Inc.
5005 Jennifer Place, Orlando Florida 32807
Phone: 407-342-8386
Email: michael@mhardingenterprises.com

March 6, 2018

Sean J Bailey, Chief Planner - BZA Section
Zoning Division
Community, Environmental, and Development Services Department
201 S Rosalind Avenue
Orlando FL 32801
E: Sean.Bailey@ocfl.net

RE: Variance for Claddagh Cottage 2421 Curry Ford Road

Mr. Bailey:

As required for the referenced variance application this letter will serve as justification to meet the variance criteria in Section 30-43 (3) of the Orange County Code.

1. **Special Conditions and Circumstances:** This is a renovation of an existing building which has been under construction for approximately 18 months. An Alcohol Beverage License (2COP) was applied for and signed by the county but expired approximately 2 months ago. Since then a new church has moved into the neighborhood less than 1,000 feet away. The renovations have passed all the building department inspections and there are no outstanding zoning violations.
2. **Not Self-Created:** When the building was leased, and the plans prepared, the church was not located in its present location. There were no church establishments closer than 1,800 feet from this location that would preclude the owner from obtaining an Alcohol Beverage License (ABL).
3. **No Special Privilege Conferred:** The other buildings located near this establishment are also going thru the variance process and no special consideration is being given to this request.
4. **Deprivation of Rights:** The owner of this business has invested substantial funds and time in this renovation over the last 18 months, with the understanding that an Alcohol Beverage License would be obtainable at this location. Proper due diligence was done prior to the lease being signed which concluded that all criteria would be met to allow the issuance of the ABL. This business will not be viable without an ABL.
5. **Minimum Possible Variance:** The required distance between the establishment and a church is 1,000 feet. According to the measurement, the distance is 967 feet, we are asking for a 3.3% reduction in the required distance. We are asking for a reduction of 33 feet over the 1,000 feet.
6. **Purpose and Intent:** This Irish Pub is the centerpiece of the new Hourglass District which has been designed to enhance the area. By approving this variance, the local area will be improved and not be negatively impacted. The current zoning and future land use for this area allows for business such as this.

Thank you for your cooperation and consideration in this matter. By approving this minor variance request the local establishments and neighborhood will be enhanced and the intent of the zoning district upheld.

Sincerely,



Michael D. Harding, P.E.
MHarding Enterprises, Inc.

**GIOVANNI FERNANDEZ, MANAGING MEMBER
EAST WEST PLACE LLC**

210 North Bumby Avenue, Orlando, Florida 32803 | 702-296-6945 | Giovanni@nationalealestate.com

March 8, 2018

Sean J Bailey, Chief Planner – BZA Section
Zoning Division
Community, Environmental, and Development Services Department
201 South Rosalind Avenue
Orlando, Florida 32801
E: Sean.Bailey@ocfl.net

RE: Variance for The Tamale Company 2411 Curry Ford Road

Mr. Bailey:

As required for the referenced variance application this letter will serve as justification to meet the variance criteria in Section 30-43 (3) of the Orange County Code.

1. **Special Conditions and Circumstances:** This is a renovation of an existing building which has been under construction for approximately 18 months. An Alcohol Beverage License (2COP) was applied for and signed by the county but expired approximately 2 months ago. Since then a new church has moved into the neighborhood less than 1,000 feet away. The renovations have passed all the building department inspections and there are no outstanding zoning violations.
2. **Not Self-Created:** When the building was leased, and the plans prepared, the church was not located in its present location. There were no church establishments closer than 1,800 feet from this location that would preclude the owner from obtaining an Alcohol Beverage License (ABL).
3. **No Special Privilege Conferred:** The other buildings located near this establishment are also going thru the variance process and no special consideration is being given to this request.
4. **Deprivation of Rights:** The owner of this business has invested substantial funds and time in this renovation over the last 18 months, with the understanding that an Alcohol Beverage License would be obtainable at this location. Proper due diligence was done prior to the lease being signed which concluded that all criteria would be met to allow the issuance of the ABL. This business will not be viable without an ABL.
5. **Minimum Possible Variance:** The required distance between the establishment and a church is 1,000 feet. According to the measurement, the distance is 875 feet, we are asking for a reduction of 125 feet over the 1,000 feet.
6. **Purpose and Intent:** The Tamale Company is the centerpiece of the new Hourglass District which has been designed to enhance the area. By approving this variance, the local area will be improved and not be negatively impacted. The current zoning and future land use for this area allows for business such as this.

Thank you for your cooperation and consideration in this matter. By approving this minor variance request the local establishments and neighborhood will be enhanced and the intent of the zoning district upheld.

Sincerely,



Giovanni Fernandez, Managing Member
East West Place LLC

**GIOVANNI FERNANDEZ, MANAGING MEMBER
EAST WEST PLACE LLC**

210 North Bumby Avenue, Orlando, Florida 32803 | 702-296-6945 | Giovanni@nationalealestate.com

March 8, 2018

Sean J Bailey, Chief Planner – BZA Section
Zoning Division
Community, Environmental, and Development Services Department
201 South Rosalind Avenue
Orlando, Florida 32801
E: Sean.Bailey@ocfl.net

RE: Variance for Foxtail Coffee 2401 Curry Ford Road

Mr. Bailey:

As required for the referenced variance application this letter will serve as justification to meet the variance criteria in Section 30-43 (3) of the Orange County Code.

1. **Special Conditions and Circumstances:** This is a renovation of an existing building which has been under construction for approximately 18 months. An Alcohol Beverage License (2COP) was applied for and signed by the county but expired approximately 2 months ago. Since then a new church has moved into the neighborhood less than 1,000 feet away. The renovations have passed all the building department inspections and there are no outstanding zoning violations.
2. **Not Self-Created:** When the building was leased, and the plans prepared, the church was not located in its present location. There were no church establishments closer than 1,800 feet from this location that would preclude the owner from obtaining an Alcohol Beverage License (ABL).
3. **No Special Privilege Conferred:** The other buildings located near this establishment are also going thru the variance process and no special consideration is being given to this request.
4. **Deprivation of Rights:** The owner of this business has invested substantial funds and time in this renovation over the last 18 months, with the understanding that an Alcohol Beverage License would be obtainable at this location. Proper due diligence was done prior to the lease being signed which concluded that all criteria would be met to allow the issuance of the ABL. This business will not be viable without an ABL.
5. **Minimum Possible Variance:** The required distance between the establishment and a church is 1,000 feet. According to the measurement, the distance is 875 feet, we are asking for a reduction of 125 feet over the 1,000 feet.
6. **Purpose and Intent:** Foxtail Coffee is the centerpiece of the new Hourglass District which has been designed to enhance the area. By approving this variance, the local area will be improved and not be negatively impacted. The current zoning and future land use for this area allows for business such as this.

Thank you for your cooperation and consideration in this matter. By approving this minor variance request the local establishments and neighborhood will be enhanced and the intent of the zoning district upheld.

Sincerely,



Giovanni Fernandez, Managing Member
East West Place LLC



COMMUNITY *of* RESURRECTED BELIEVERS

BISHOP ELECT TERRY AND CO-PASTOR CAROL SMITH
2209 Curry Ford Road Orlando, FL. 32806
Tel. 407-270-9606 Fax. 407-270-9607
Email: communityofresurrectedbeliever@gmail.com
Website: crborlando.com

March 15, 2018

REGARDING: SPECIAL EXCEPTIONS ON CURRY FORD ROAD IN THE 2400 BLOCK

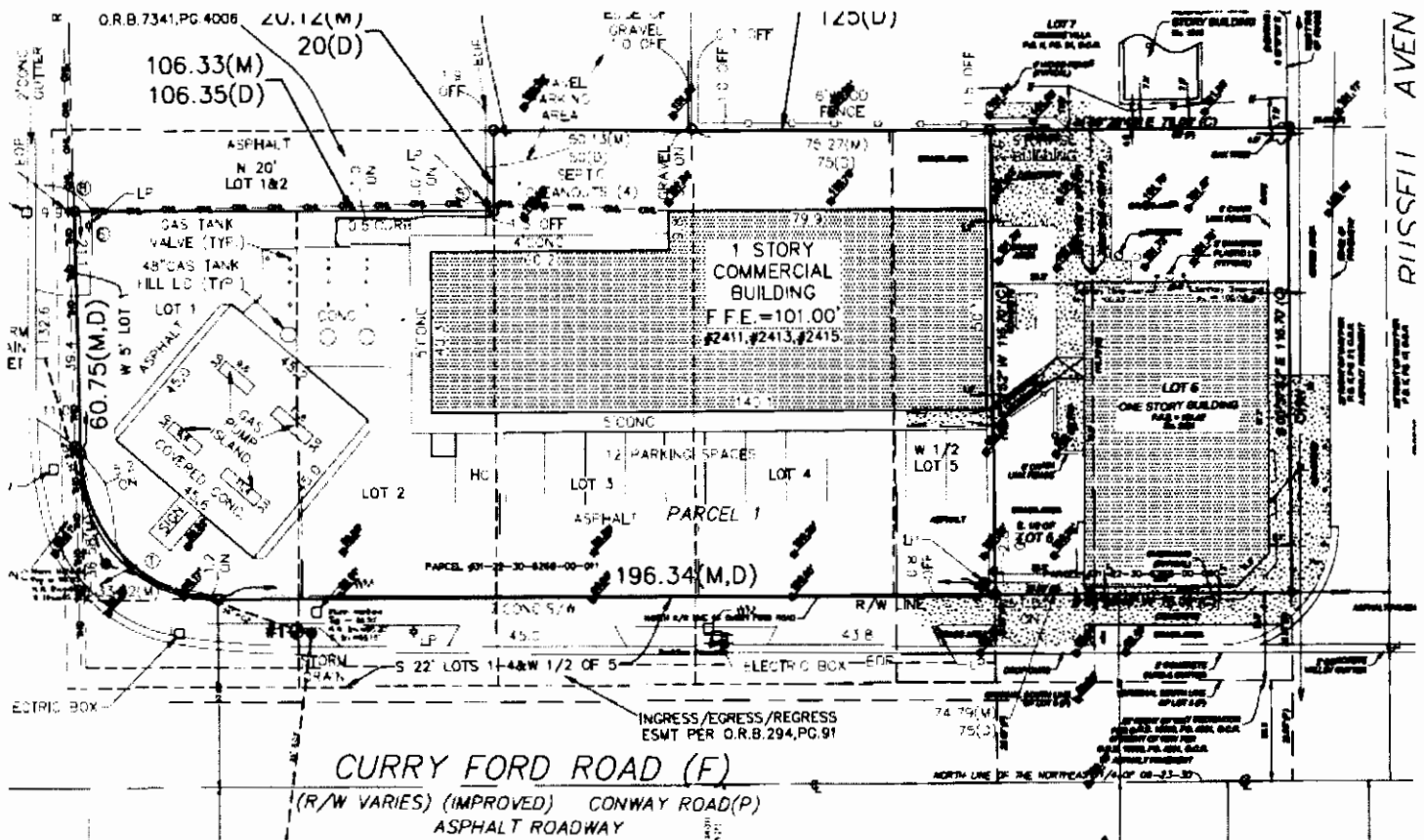
This letter is in support of 2400, 2401, 2411, 2421 Curry Ford Road and the Taco shop on Bumby Avenue and Curry Ford. These businesses are requesting a variance to sell wine and beer products. As a community church we believe that community is made up of several components. I leave it up to the Planning Department and the Zoning Department to determine balance and stability within the perimeters of these areas and who to grant this variance too. Community of Resurrected Believers do not have any refutation or disapproval.

Sincerely;

Terry L. Smith, Sr.

Senior Pastor

COMMUNITY OF RESURRECTED BELIEVERS





STAFF REPORT
CASE #: VA-18-05-037
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
April 5, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: MICHAEL HARDING

REQUEST: Variances in the C-1 zoning district to allow on-site beverage consumption (2COP's) within 1,000 ft. a religious institution (Community of Resurrected Believers).
1) 939 ft. in lieu of 1,000 ft. for Claddagh Cottage.
2) 732 ft. in lieu of 1,000 ft. for Foxtail Coffee.
3) 802 ft. in lieu of 1,000 ft. for The Tamale Company.

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

PROPERTY ADDRESS: 2421 Curry Ford Rd.

PARCEL ID: 31-22-30-6268-00-060

PUBLIC NOTIFICATION: 3490

TRACT SIZE: 75 ft. x 115 ft.

DISTRICT #: 3

ZONING: C-1

EXISTING USE(S): Vacant Buildings

PROPOSED USE(S): Bar/Restaurant

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

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned C-1 (Retail Commercial district) and the Future Land Use is Commercial. This zoning district allows for restaurants, retail stores, offices, churches, and various other indoor commercial businesses.
2. This property is located on the north side of Curry Ford Rd. between S. Bumby Ave and Russell Avenue. The applicant is in the process of re-developing properties in the area.
3. The affected church is located west of this property on Curry Ford Road, and has submitted a letter stating they do not object to these variances.
4. The applicant has an existing pub, a coffee shop, and restaurant each requesting a 2COP license within the 1,000 feet limit. Sec. 38-1415, requires any business serving alcohol on site to be located at least 1,000 feet away from any established religious institution or school. The code has a provision allowing businesses that derive more than fifty-one (51) percent of their business from the sale of food and nonalcoholic beverages to be at least 500 feet away from a school. Although it is expected that these businesses would meet that provision, this rule does not apply to churches.
5. These variances requested represent a 10%, 26%, and 19% variance respectively from the code.
6. This intersection is being developed as the Hourglass District and provides a variety of uses in a concentrated area. With this mixed-use environment, there is a higher likelihood that churches, restaurants, bars, and cafes will be in close proximity.
7. Staff recommends approval based on the following:
 - a) **Not Self-Created** - The need for the variance is not self-created because when the applicant purchased the property the church was not yet established. Also, the Claddagh Cottage applied for their 2COP license on February 28, 2018, and the church applied for their Business Tax Receipt on March 5, 2018. The other two locations have not yet applied for their 2COP licenses, as a variance is required.
 - b) **No Special Privilege** - If this variance is granted, it will not confer any special privilege as many other businesses in the area have received licenses for consumption on premises.

- c) **Deprivation of Rights** - Not allowing this applicant to serve beer and wine would deprive them of the rights commonly enjoyed by neighboring properties and restaurants.
- d) **Minimum Possible Variance** - The variances requested are minimal and the businesses will be located over 700 feet from the church, which is a substantial distance.
- e) **Purpose and Intent** - Approval of these variances will be in harmony with the Zoning Code as the commercial zoning in the area allows for restaurants and bars. Further, this area is being re-developed as a Commercial/Restaurant district. The Code allows for certain establishments to be within 500 feet of a school which would suggest that a 700 foot distance from a church is reasonable. Allowing on-site consumption at this location would not be detrimental or injurious to the adjacent neighborhood or church.

STAFF RECOMMENDATION:

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

1. Approval is subject to the information provided in the application and field measurements and all other applicable regulations. Any deviations, changes, or modifications to the this application 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 is limited to a 2COP license for on-site consumption of beer and wine only issued to the current applicants; Claddagh Cottage, Foxtail Coffee and Tamale Company. Any change in ownership or license type shall require new approval by the BZA for a change and/or transfer of the license. The state alcohol license shall be obtained within 6 months after variance approval or the variance becomes null and void.
- c: Michael D. Harding
5005 Jennifer Place
Orlando, FL 32807

CILANTROS TAQUERIA
VA-18-05-042

REQUEST: **Variance** in the C-1 zoning district to allow on-site beverage consumption (2COP) 825 ft. from a religious institution (Community of Resurrected Believers) in lieu of 1,000 ft.

ADDRESS: 1427 S. Bumby Avenue, Orlando FL 32806

LOCATION: East side of S. Bumby Avenue, approximately 100 ft. north of Curry Ford Road

S-T-R: 31-22-30

TRACT SIZE: 120 ft. x 156 ft.

DISTRICT#: 3

LEGAL: ORANGE VILLA K/21 THE N 20 FT OF LOTS 1 & 2 & LOTS 27 & 28 (LESS W 5 FT RD R/W)

PARCEL ID: 31-22-30-6268-00-012

NO. OF NOTICES: 3,464

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

1. Approval is subject to the information provided in the application and field measurements and all other applicable regulations. Any deviations, changes, or modifications to the this application 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.

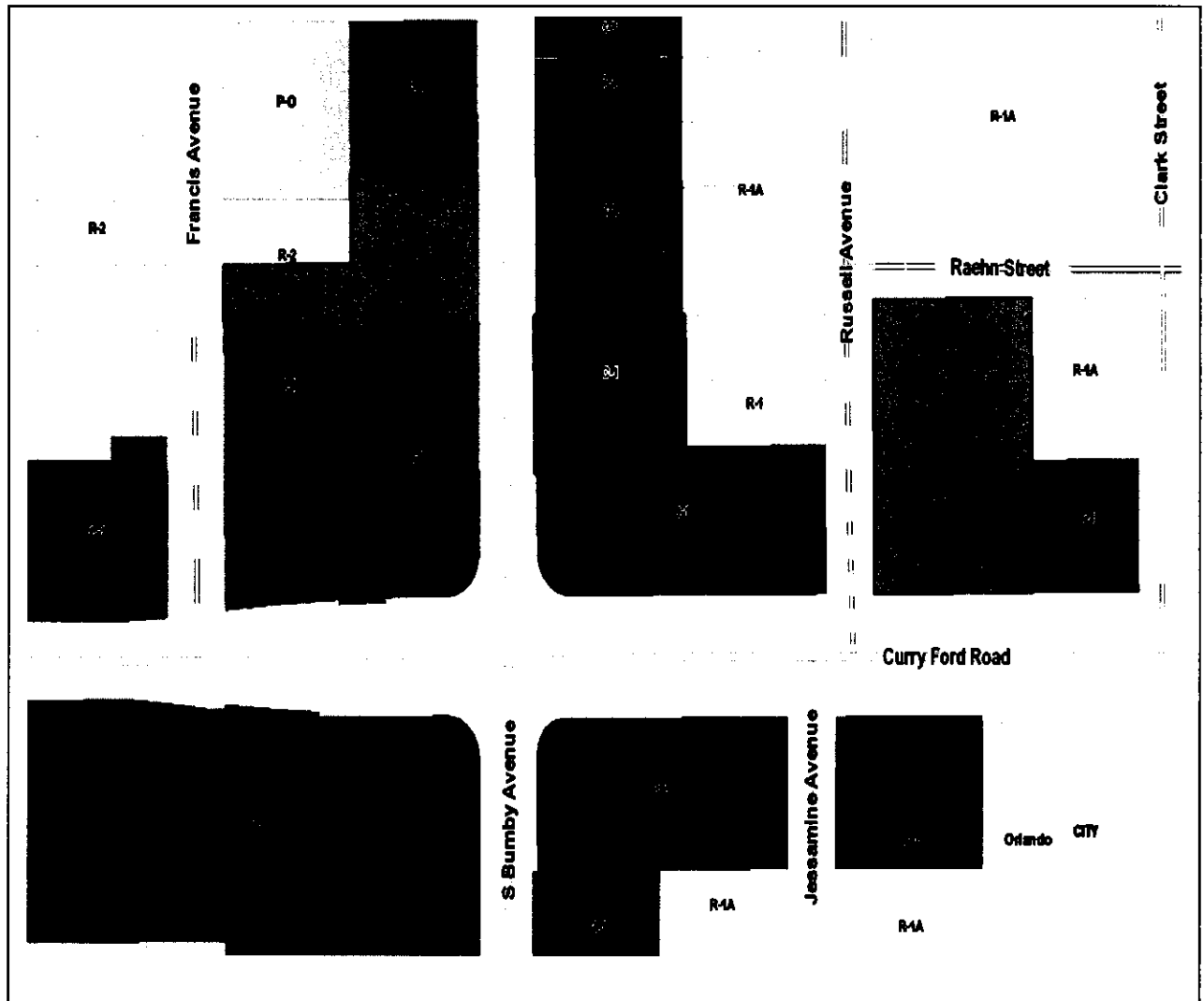
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. This approval is limited to a 2COP license for on-site consumption of beer and wine only issued to the current applicant, Cilantros Taqueria. Any change in ownership or license type shall require new approval by the BZA for a change and/or transfer of the license.

SYNOPSIS: The applicant is applying for a 2COP liquor license within 1,000 feet of an existing church. Staff outlined the case and showed aerials of the location in question. Staff explained the area is currently undergoing re-development and the restaurants in the area would like to serve beer and wine. The church, in question, provided a letter of no objection to the requests.

Staff recommended approval as the variance met the criteria and the church was in support.

Staff received fifty-five (55) letters in support and eight (8) letters in opposition.

The BZA stated they felt the variance was reasonable and recommended approval of the variance.



Applicant: CILANTROS TAQUERIA

BZA Number: VA-18-05-042

BZA Date: 05/03/2018

District: 3

Sec/Twn/Rge: 31-22-30-SE-D

Tract Size: 120 ft. x 156 ft.

Address: 1427 S. Bumby Avenue, Orlando FL 32806

Location: East side of S. Bumby Avenue, approximately 100 ft. north of Curry Ford Road

March 15, 2018
Orlando, Florida

BZA Advisory Board
Ref # VA-18-05-042
Project Name # 1427 S. Bumby Ave
Parcel ID 31-22-30-6268-00-012

To: Board of Zoning Adjustment
From: Janett M Hinojosa (CILANTRO'S TAQUERIA)
Subject: Request for Variance

To Whom It May Concern,

I am writing this letter as a request for a Variance. We submitted the proper documentation to apply for a 2COP beverage license for our business (CILANTRO'S TAQUERIA) located at 1427 S. Bumby Ave Orlando, FL 32806 which was denied due to the proximity to a Religious Institution (Community of Resurrected Believers) located at 2209 Curry Ford Road Orlando, FL 32806.

The separation required is 1000 feet and our business is at 825 feet from the religious institution. As such we are presenting this letter as a request for zoning Variance.

As is, our small business is currently contributing to the growth and revitalization of the Curry Ford West neighborhood---now being referred to as the Hourglass District of Orlando. It is our belief that the granting of the requested Variance will only help in further growing the economy in this up and coming area of Orlando.

We thank you for your attention and consideration.

Janett M Hinojosa
(CILANTRO'S TAQUERIA)

RECEIVED
MAR 13 2018
Zoning Division



COMMUNITY *of* RESURRECTED BELIEVERS

BISHOP ELECT TERRY AND CO-PASTOR CAROL SMITH

2209 Curry Ford Road Orlando, FL 32806

Tel. 407-270-9606 Fax. 407-270-9607

Email: communityofresurrectedbeliever@gmail.com

Website: crborlando.com

March 15, 2018

REGARDING: SPECIAL EXCEPTIONS ON CURRY FORD ROAD IN THE 2400 BLOCK

This letter is in support of 2400, 2401, 2411, 2421 Curry Ford Road and the Taco shop on Bumby Avenue and Curry Ford. These businesses are requesting a variance to sell wine and beer products. As a community church we believe that community is made up of several components. I leave it up to the Planning Department and the Zoning Department to determine balance and stability within the perimeters of these areas and who to grant this variance too. Community of Resurrected Believers do not have any refutation or disapproval.

Sincerely;

Terry L. Smith, Sr.

Senior Pastor

COMMUNITY OF RESURRECTED BELIEVERS





STAFF REPORT
CASE #: VA-18-05-042
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
May 3, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: CILANTROS TAQUERIA

REQUEST: Variance in the C-1 zoning district to allow on-site beverage consumption (2COP) 825 ft. from a religious institution (Community of Resurrected Believers) in lieu of 1,000 ft.

LOCATION: East side of S. Bumby Avenue, approximately 100 ft. north of Curry Ford Road

PROPERTY ADDRESS: 1427 S. Bumby Ave., Orlando, FL 32806

PARCEL ID: 31-22-30-6268-00-012

PUBLIC NOTIFICATION: 1 mile radius

TRACT SIZE: 120 ft. x 156 ft.

DISTRICT #: 3

ZONING: C-1

EXISTING USE(S): Sit down restaurant

PROPOSED USE(S): 2-COP Beer and Wine License

SURROUNDING USES: N - Commercial
S - Commercial
E - Commercial Parking Lot
W - Commercial/Vacant

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned C-1 (Retail Commercial district) and the Future Land Use is Commercial. This zoning district allows for restaurants, retail stores, offices, churches, and various other indoor commercial businesses.
2. This property is located on S. Bumby Avenue just north of Curry Ford Road.
3. The affected church is located west of this property on Curry Ford Road, and has submitted a letter stating they do not object to this variance.
4. The applicant would like to serve beer and wine at their existing restaurant. Sec. 38-1415, requires any business serving alcohol on-site to be located at least 1,000 feet away from any established religious institution or school. The Code has a provision allowing businesses that derive more than fifty-one (51) percent of their business from the sale of food and nonalcoholic beverages to be at least 500 feet away from a school. Although, it is expected that this business would meet that provision, this rule does not apply to churches.
5. The variance request represents a seventeen percent (17%) variance from the Code.
6. This area is being developed as the Hourglass District and provides a variety of uses in a concentrated area. With this mixed-use environment, there is a higher likelihood that churches, restaurants, bars, and cafes will be in close proximity.
7. Staff recommends approval based on the following:
 - a) **No Special Privilege** - If this variance is granted, it will not confer any special privilege as many other businesses in the area have received licenses for consumption on premises.
 - b) **Deprivation of Rights** - Not allowing this applicant to serve beer and wine would deprive them of the rights commonly enjoyed by neighboring properties and restaurants.
 - c) **Minimum Possible Variance** - The variance requested is minimal and the business will be located over 800 feet from the church, which is a substantial distance.
 - d) **Purpose and Intent** - Approval of this variance will be in harmony with the Zoning Code as the Commercial Zoning district in the area allows restaurants and bars. Further, this area is being re-developed as a Commercial/Restaurant district. The Code allows certain establishments

to be within 500 feet of a school, which would suggest that an 825 foot distance from a church is reasonable. Allowing on-site consumption at this location would not be detrimental or injurious to the adjacent neighborhood or church.

STAFF RECOMMENDATION:

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

1. Approval is subject to the information provided in the application and field measurements and all other applicable regulations. Any deviations, changes, or modifications to the this application 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 is limited to a 2COP license for on-site consumption of beer and wine only issued to the current applicant, Cilantros Taqueria. Any change in ownership or license type shall require new approval by the BZA for a change and/or transfer of the license. The state alcohol license shall be obtained within 6 months after variance approval or the variance becomes null and void.

c: Janett Hinojosa
1427 S. Bumby Avenue
Orlando, FL 32806

EAST WEST PLACE, LLC
VA-18-05-046

REQUEST: **Variance** in the C-1 zoning district to allow on-site beverage consumption (2COP) 707 ft. from a religious institution (Community of Resurrected Believers) in lieu of 1,000 ft.

ADDRESS: 2416 Curry Ford Road, Orlando FL 32806

LOCATION: Southeast corner of Bumby Ave Curry Ford Rd.

S-T-R: 06-23-30

TRACT SIZE: 185 ft. x 118 ft.

DISTRICT#: 3

LEGAL: HANDSONHURST PARK L/87 THE W 28 FT OF LOT 2 & ALL LOTS 3 THRU 5 BLK B (LESS RD RW ON W AND N PER DB 338/363 & 3341/1578)

PARCEL ID: 06-23-30-3328-02-021

NO. OF NOTICES: 3,418

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; 6-0 and 1 absent):

1. Approval is subject to the information provided in the application and field measurements and all other applicable regulations. Any deviations, changes, or modifications to the this application 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 is limited to a 2COP license for on-site consumption of beer and wine only. Any change in ownership or license type shall require new approval by the BZA for a change and/or transfer of the license.

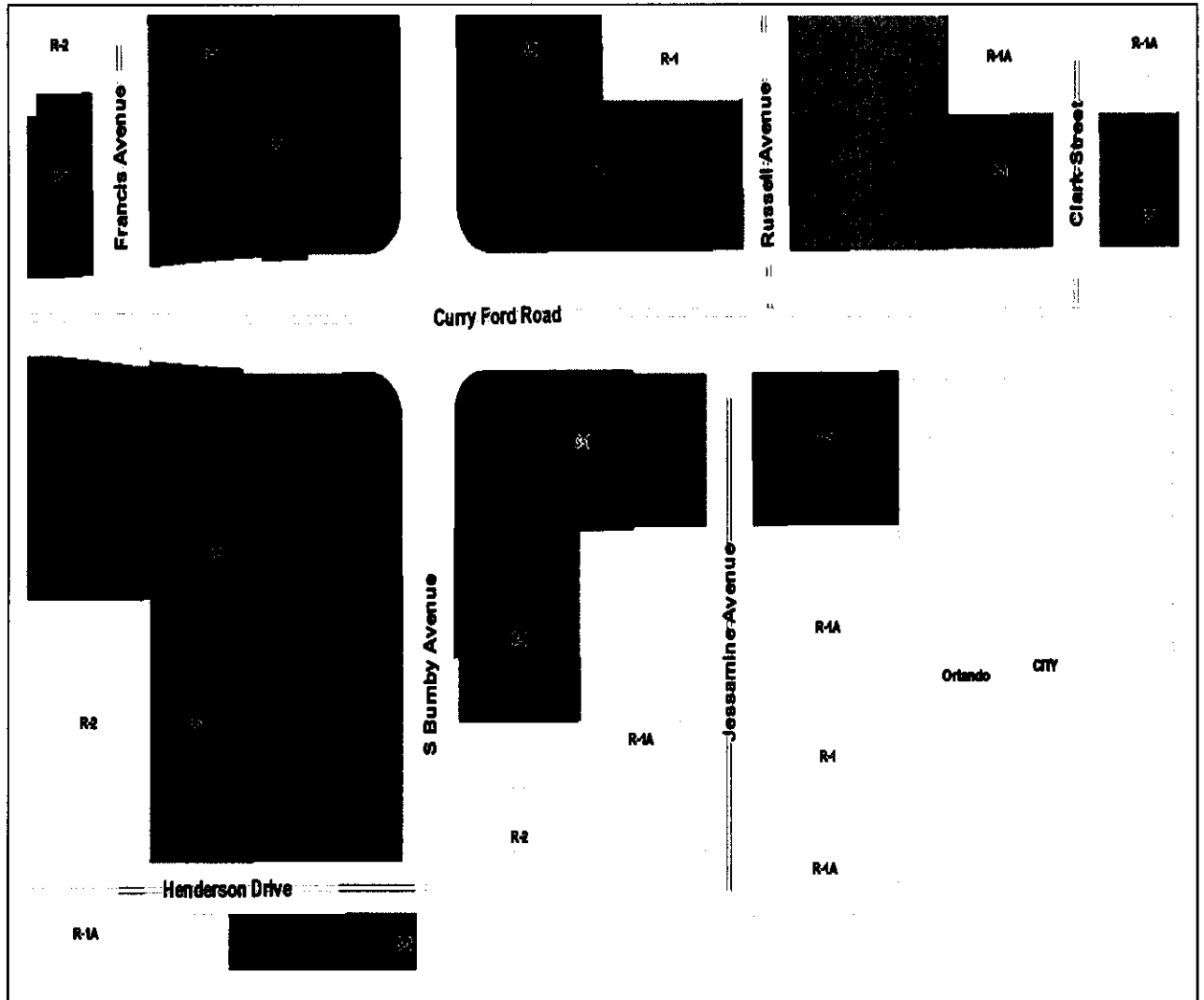
SYNOPSIS: The applicant is applying for a 2COP liquor license within 1,000 feet of an existing church. Staff outlined the case and showed aerials of the location in question. Staff explained the area is currently undergoing re-development and the restaurants in the area would like to serve beer and wine. The church, in question, provided a letter of no objection to the requests. Staff also noted that this applicant did not have an end user yet.

Staff recommended approval as the variance met the criteria and the church was in support.

The pastor from the church stated they were in support of the variances and the development going on in the area.

Staff received twenty-six (26) letters in support and five (5) letters in opposition.

The BZA stated they felt the variance met the criteria and recommended approval of the variance. The BZA amended condition #4, to remove the "for restaurant use only" portion.



Applicant: EAST WEST PLACE, LLC

BZA Number: VA-18-05-046

BZA Date: 05/03/2018

District: 3

Sec/Twn/Rge: 06-23-30-NE-A

Tract Size: 185 ft. x 118 ft.

Address: 2416 Curry Ford Road, Orlando FL 32806

Location: Southeast corner of Bumby Ave Curry Ford Rd.

**GIOVANNI FERNANDEZ, MANAGING MEMBER
EAST WEST PLACE LLC**

210 North Bumby Avenue, Orlando, Florida 32803 | 702-296-6945 | Giovanni@nationalealestate.com

March 8, 2018

Sean J Bailey, Chief Planner - BZA Section
Zoning Division
Community, Environmental, and Development Services Department
201 South Rosalind Avenue
Orlando, Florida 32801
E: Sean.Bailey@ocfl.net

RE: Variance for 2400 Curry Ford Road

Mr. Bailey:

As required for the referenced variance application this letter will serve as justification to meet the variance criteria in Section 30-43 (3) of the Orange County Code.

1. **Special Conditions and Circumstances:** This is a renovation of an existing building which has been under construction for approximately 18 months. An Alcohol Beverage License (2COP) was applied for and signed by the county but expired approximately 2 months ago. Since then a new church has moved into the neighborhood less than 1,000 feet away. The renovations have passed all the building department inspections and there are no outstanding zoning violations.
2. **Not Self-Created:** When the building was leased, and the plans prepared, the church was not located in its present location. There were no church establishments closer than 1,800 feet from this location that would preclude the owner from obtaining an Alcohol Beverage License (ABL).
3. **No Special Privilege Conferred:** The other buildings located near this establishment are also going thru the variance process and no special consideration is being given to this request.
4. **Deprivation of Rights:** The owner of this business has invested substantial funds and time in this renovation over the last 18 months, with the understanding that an Alcohol Beverage License would be obtainable at this location. Proper due diligence was done prior to the lease being signed which concluded that all criteria would be met to allow the issuance of the ABL. This business will not be viable without an ABL.
5. **Minimum Possible Variance:** The required distance between the establishment and a church is 1,000 feet. According to the measurement, the distance is 900 feet, we are asking for a reduction of 100 feet over the 1,000 feet.
6. **Purpose and Intent:** The existing structure will be the centerpiece of the new Hourglass District which has been designed to enhance the area. By approving this variance, the local area will be improved and not be negatively impacted. The current zoning and future land use for this area allows for business such as this.

Thank you for your cooperation and consideration in this matter. By approving this minor variance request the local establishments and neighborhood will be enhanced and the intent of the zoning district upheld.

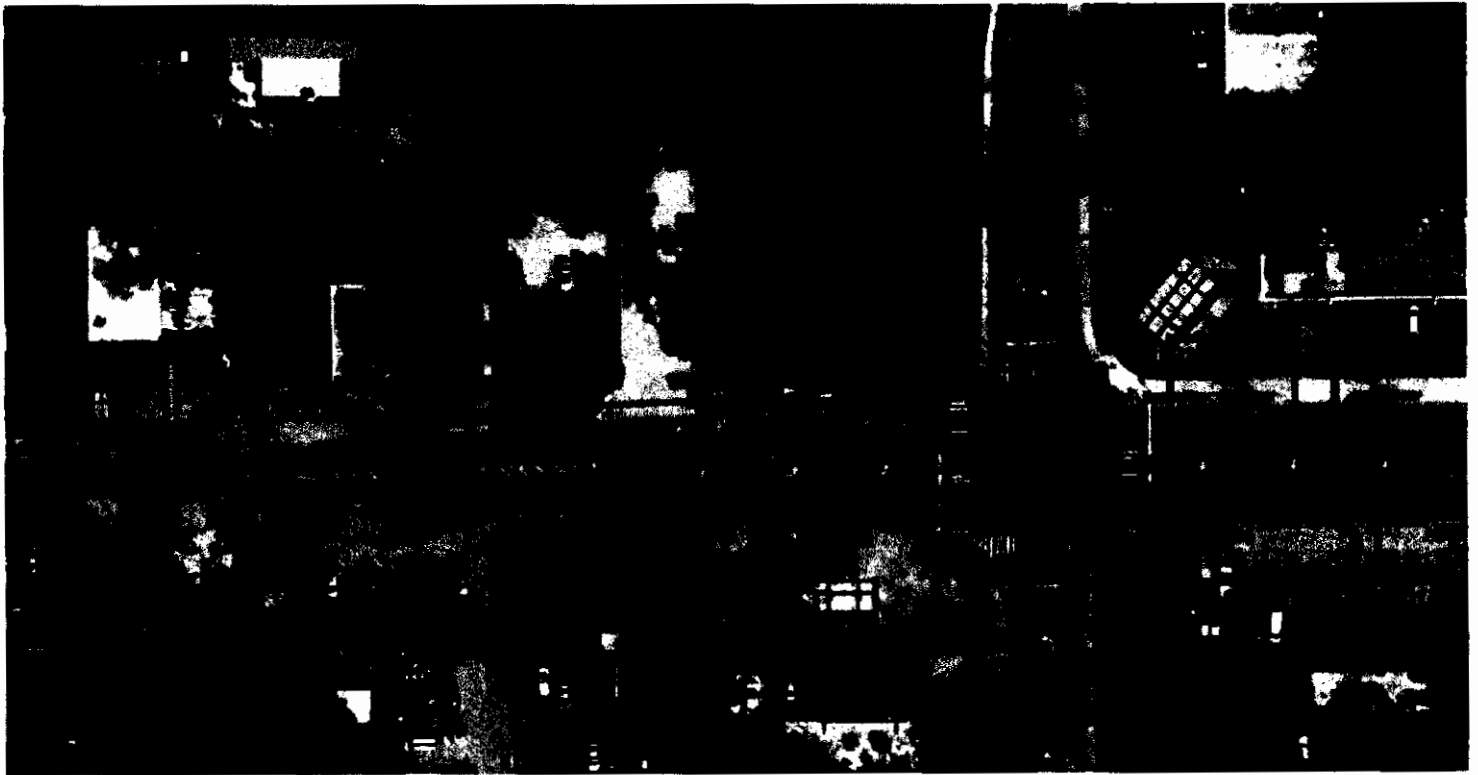
Sincerely,



Giovanni Fernandez, Managing Member
East West Place LLC

(R/W VARIES) (IMPROVED) CONWAY ROAD(P)
ASPHALT ROADWAY







COMMUNITY *of* RESURRECTED BELIEVERS

BISHOP ELECT TERRY AND CO-PASTOR CAROL SMITH

2209 Curry Ford Road Orlando, FL 32806

Tel. 407-270-9606 Fax. 407-270-9607

Email: communityofresurrectedbeliever@gmail.com

Website: crborlando.com

March 15, 2018

REGARDING: SPECIAL EXCEPTIONS ON CURRY FORD ROAD IN THE 2400 BLOCK

This letter is in support of 2400, 2401, 2411, 2421 Curry Ford Road and the Taco shop on Bumby Avenue and Curry Ford. These businesses are requesting a variance to sell wine and beer products. As a community church we believe that community is made up of several components. I leave it up to the Planning Department and the Zoning Department to determine balance and stability within the perimeters of these areas and who to grant this variance too. Community of Resurrected Believers do not have any refutation or disapproval.

Sincerely;

Terry L. Smith, Sr.

Senior Pastor

COMMUNITY OF RESURRECTED BELIEVERS



STAFF REPORT
CASE #: VA-18-05-046
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
May 3, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: EAST WEST PLACE, LLC

REQUEST: Variance in the C-1 zoning district to allow on-site beverage consumption (2COP) 707 ft. from a religious institution (Community of Resurrected Believers) in lieu of 1,000 ft.

LOCATION: Southwest corner of Bumby Ave Curry Ford Rd.

PROPERTY ADDRESS: 2400 Curry Ford Road

PARCEL ID: 06-23-30-3328-02-021

PUBLIC NOTIFICATION: 1 mile radius

TRACT SIZE: 185 ft. x 118 ft.

DISTRICT #: 3

ZONING: C-1

EXISTING USE(S): Vacant Building

PROPOSED USE(S): 2 COP Beer and Wine License

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

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned C-1 (Retail Commercial district) and the Future Land Use is Commercial. This zoning district allows for restaurants, retail stores, offices, churches, and various other indoor commercial businesses.

2. This property is located on the corner of Curry Ford Road and S. Bumby Avenue. The applicant is in the process of re-developing the surrounding area.

3. The affected church is located northwest of this property on Curry Ford Road, and has submitted a letter stating they do not object to this variance.

4. The applicant does not have an end user yet for the building but would like the variance to enable a future tenant to have the ability to serve beer and wine.

5. The variance request represents a twenty-nine percent (29%) variance from the code.

6. Sec. 38-1415, requires any business serving alcohol on site to be located at least 1,000 feet away from any established religious institution or school. The Code has a provision allowing businesses that derive more than fifty-one (51) percent of their business from the sale of food and nonalcoholic beverages to be at least 500 feet away from a school. Although, it is expected that this business would meet this provision, this rule does not apply to churches.

7. This intersection is being developed as the Hourglass District and provides a variety of uses in a concentrated area. With this mixed-use environment, there is a higher likelihood that churches, restaurants, bars, and cafes will be in close proximity.

8. Staff recommends approval based on the following:

- a) **No Special Privilege** - If this variance is granted, it will not confer any special privilege as many other businesses in the area have received licenses for consumption on premises.
- b) **Deprivation of Rights** - Not allowing this applicant to serve beer and wine would deprive them of the rights commonly enjoyed by neighboring properties and restaurants.
- c) **Minimum Possible Variance** - The variance requested is minimal and the business will be located over 700 feet from the church, which is a substantial distance.
- d) **Purpose and Intent** - Approval of this variance will be in harmony with the Zoning Code as the Commercial Zoning district in the area allows restaurants and bars. Further, this area is being re-developed as a Commercial/Restaurant district. The Code allows certain establishments to be within 500 feet of a school, which would suggest that a 700 foot distance from a church is reasonable. Allowing on-site consumption at

this location would not be detrimental or injurious to the adjacent neighborhood or the church.

STAFF RECOMMENDATION:

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

1. Approval is subject to the information provided in the application and field measurements and all other applicable regulations. Any deviations, changes, or modifications to the this application 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 is limited to a 2COP license for on-site consumption of beer and wine only for restaurant use only. Any change in ownership or license type shall require new approval by the BZA for a change and/or transfer of the license.

c: Giovanni Fernandez
210 N. Bumby Avenue
Orlando, FL 32803

CHARLES WHITTALL
VA-18-05-041

REQUEST: **Variances** in the P-D zoning district to allow package sales of alcohol within 5,000 ft. of another licensed vendor as follows:
 1) 1,258 ft. from 7611 International Drive (ABC Liquors).
 2) 3,696 ft. from 8739 International Drive (Plaza Liquors).

ADDRESS: 8021 International Drive, Orlando FL 32819

LOCATION: Southeast corner of International Dr. and W. Sand Lake Rd.

S-T-R: 36-23-28

TRACT SIZE: 1.48 Acres

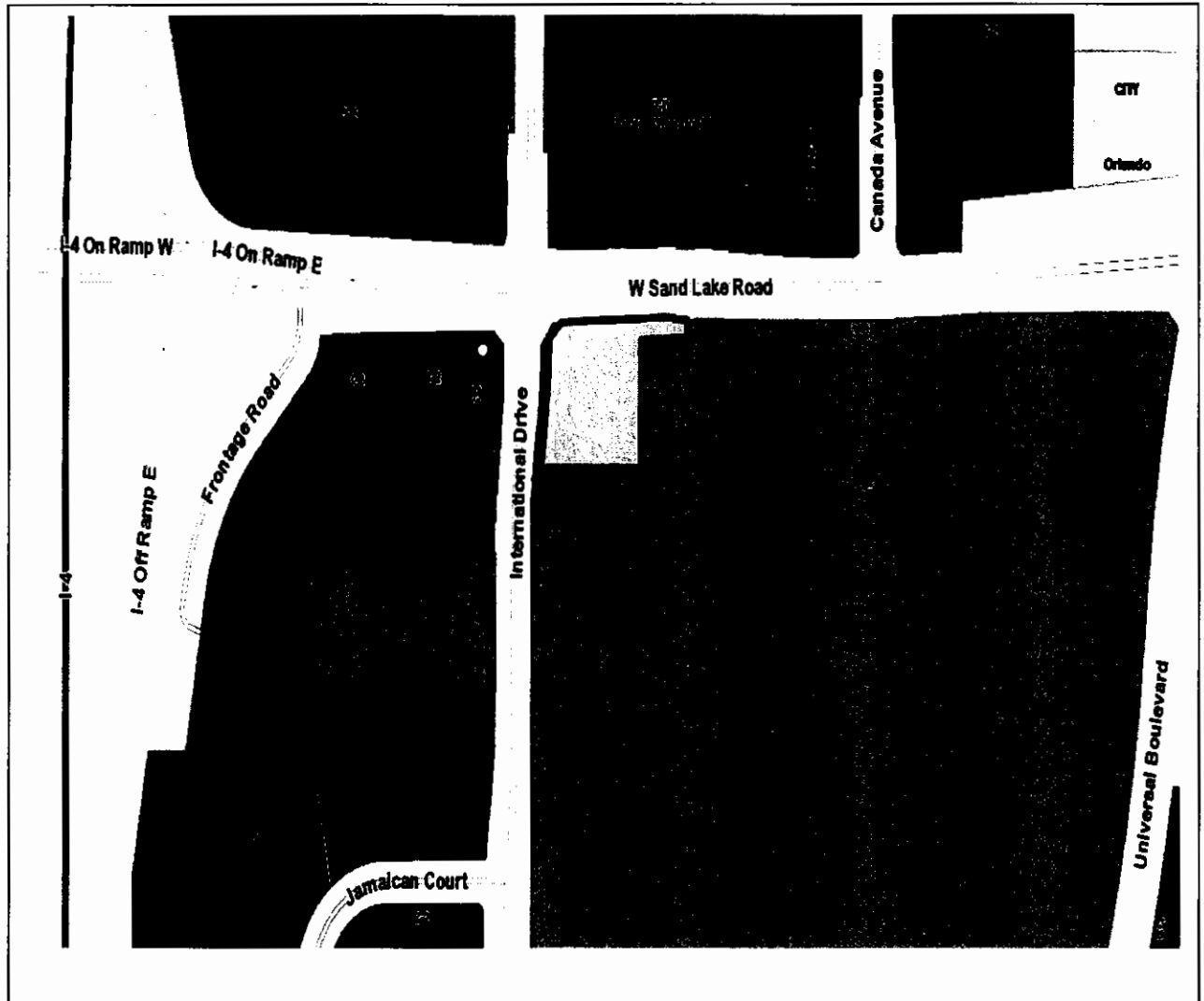
DISTRICT#: 6

LEGAL: I SHOPS 89/101 LOT 8

PARCEL ID: 36-23-28-3865-08-000

NO. OF NOTICES: 2,749

**THIS CASE HAS BEEN CONTINUED TO JULY 5, 2018,
UPON THE REQUEST OF THE APPLICANT
PRIOR TO THE BZA MEETING.**



Applicant: CHARLES WHITTALL

BZA Number: VA-18-05-041

BZA Date: 05/03/2018

District: 6

Sec/Twn/Rge: 36-23-28-NW-B

Tract Size: 1.48 Acres

Address: 8021 International Drive, Orlando FL 32819

Location: Southeast corner of International Dr. and W. Sand Lake Rd.

WAG-ORL (FL), LLC
7940 VIA DELLAGIO WAY
SUITE 200
ORLANDO, FLORIDA 32819
PHONE: 407.999.9985 • FACSIMILE: 407.999.9961

March 12, 2018

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

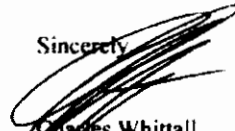
In re: Variance Request
Walgreen's located at 8021 International Drive, Orlando, FL 32819

To Whom It May Concern:

Enclosed please find a completed Application for a Variance with regard to the foregoing property. As the owner of the real property, we are requesting a variance from the liquor separation ordinance currently in place for Orange County. Recently, the County amended their liquor ordinance to include a reciprocity provision, which as written, does not truly achieve reciprocity. When the reciprocity was passed, we would have been able to open this Walgreen's because the only other store selling liquor in the proximity was Joe's Liquor, located within the limits of the City of Orlando, that is approximately 2,162 feet from Walgreens' front door. On the very first business day that the ordinance was instituted, representatives from ABC Liquors (who own an International Drive location) showed up at the Orange County Zoning building at approximately 11:00 p.m. the evening before and camped out all night in order to achieve receipt of a liquor license based on the 5,000-foot separation that was in place in Orange County. ABC Liquors is located approximately 1,372 feet from our Walgreen's location and is only open two (2) hours per day. It is my belief that ABC Liquors strategically enacted this maneuver to preclude our operation at the Walgreen's location based on the way the new ordinance was written.

We are also the owner of the real property located at 8739 International Drive where Plaza Liquors currently operates and we would also like to request that the separation requirement between Walgreen's and Plaza Liquors be excepted at a separation distance of 4,542 feet. The process for the Orange County liquor ordinance modification took approximately two (2) years and during this lengthy process, we leased out the building to another liquor business who currently has a thriving business at this location. We do have the ability to close this business, but our tenant would like to remain open and since he is the affected party of this request, and is agreeable to Walgreen's selling liquor, we ask that in approving this variance request, that you allow the store to remain open and this gentleman's business to continue.

Sincerely,



Charles Whittall
Manager

Enclosures

RECEIVED
MAR 13 2018
Zoning Division

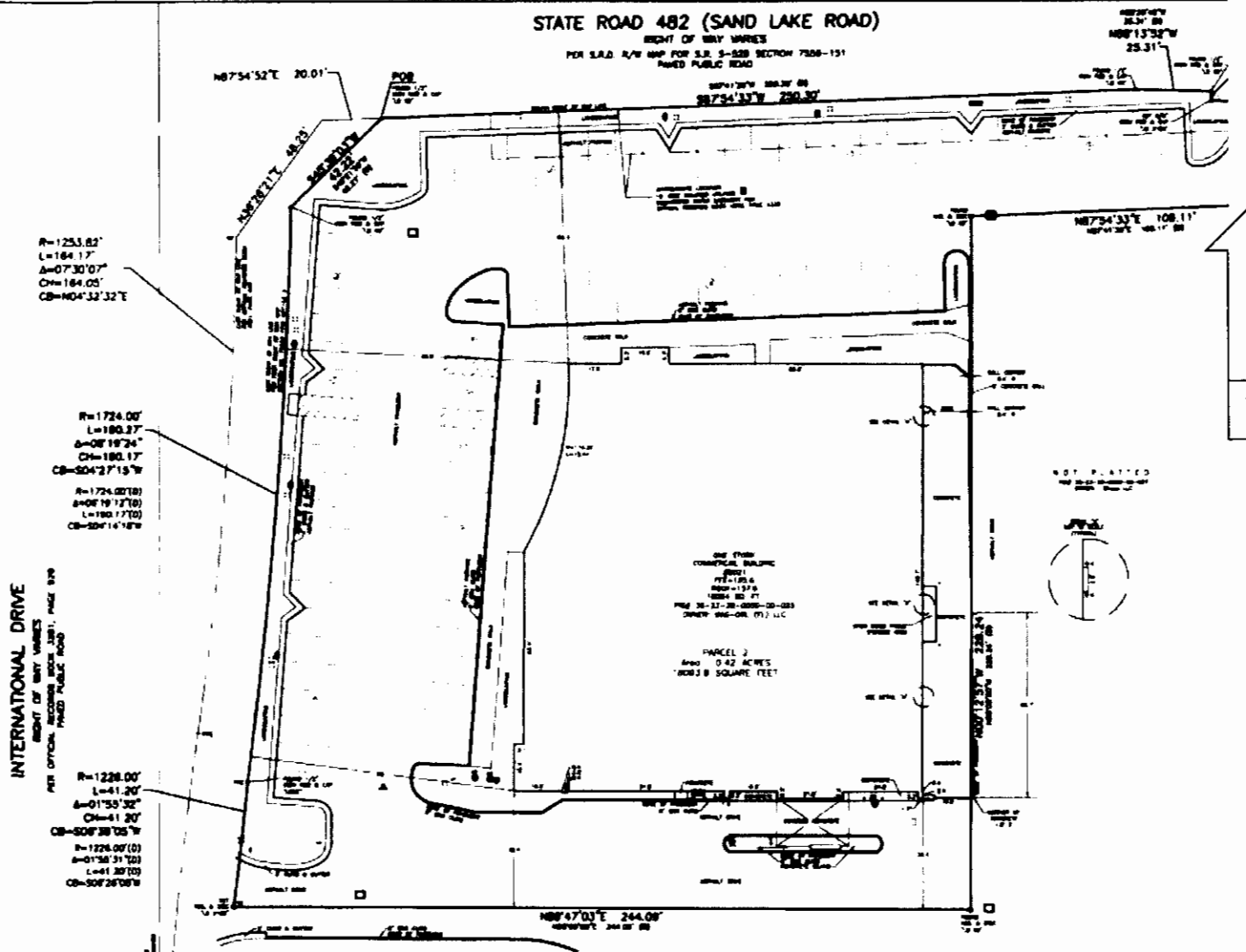
WAG-ORL (FL) LLC – Variance Application

Section C:

1. On behalf of the real property owner of the Walgreen's located at 8021 International Drive, we are requesting a variance from the liquor separation ordinance currently in place for Orange County. Recently, the County amended their liquor ordinance to include a reciprocity provision, which as written, does not truly achieve reciprocity. When the reciprocity was passed, we would have been able to open this Walgreen's because the only other store selling liquor in the proximity was Joe's Liquor, located within the limits of the City of Orlando, that is approximately 2,162 feet from Walgreens' front door. On the very first business day that the ordinance was instituted, representatives from ABC Liquors (who own an International Drive location) showed up at the Orange County Zoning building at approximately 11:00 p.m. the evening before and camped out all night in order to achieve receipt of a liquor license based on the 5,000-foot separation that was in place in Orange County. ABC Liquors is located approximately 1,372 feet from our Walgreen's location and is only open two (2) hours per day. It is my belief that ABC Liquors strategically enacted this maneuver to preclude our operation at the Walgreen's location based on the way the new ordinance was written.

We are also the owner of the real property located at 8739 International Drive where Plaza Liquors currently operates and we would also like to request that the separation requirement between Walgreen's and Plaza Liquors be excepted at a separation distance of 4,542 feet. The process for the Orange County liquor ordinance modification took approximately two (2) years and during this lengthy process, we leased out the building to another liquor business who currently has a thriving business at this location. We do have the ability to close this business, but our tenant would like to remain open and since he is the affected party of this request, and is agreeable to Walgreen's selling liquor, we ask that in approving this variance request, that you allow the store to remain open and this gentleman's business to continue.

It is our understanding that ABC Liquors is proposing an amendment to the ordinance, which we are agreeable to, that would clean up issues like the one we are currently experiencing. As you are well aware, our only other remedy would be to annex our entire 42-acre International Drive property (I Shops/Wyndham) into the City of Orlando which does not impose the restrictions of Orange County. Although ABC Liquors is going through the revision process, we ask that our variance be processed now as Walgreen's has kept an entire corner in their store dark for over two (2) years awaiting resolution of this matter. Our tenant (Walgreen's) is pushing us to annex the property and be done with this process but we are hopeful that we can remain with Orange County as we enjoy doing business with the County. However, as a land owner, we need to enjoy all the privileges of land ownership afforded to us whether it be in the City or the County and will proceed with an annexation if left with no other alternative.



Survey



BLUE = VEHICULAR TRAVEL :
1,738 LINEAR FEET

RED = PEDESTRIAN TRAVEL :
1,570 LINEAR FEET

NOTES:

1. THE SPECIFIC PURPOSE SURVEY REFLECTED HEREON WAS PREPARED BY THOMAS L. CONNER, FLORIDA LICENSED SURVEYOR AND MAPPER LS4340, 5424 SOUTH BRACKEN COURT, WINTER PARK, FLORIDA 32792

2. THE SPECIFIC PURPOSE OF THIS SURVEY IS TO PROVIDE THE LENGTH OF VEHICULAR AND PEDESTRIAN TRAVEL FROM THE FRONT DOOR OF ABC FINE WINE AND SPIRITS LOCATED AT 7611 INTERNATIONAL DRIVE TO THE FRONT DOOR OF THE WALGREENS BEER AND WINE SALES LOCATED AT 8021 INTERNATIONAL DRIVE.

3. THE DISTANCES WERE DETERMINED BY ERROR CORRECTED GPS REAL TIME KINEMATIC PROCEDURES CONNECTING WAYPOINTS ALONG EACH ROUTE.

4. THE LAST DAY IN THE FIELD WAS MARCH 14, 2018.

5. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN FLORIDA ADMINISTRATIVE CODE RULE 5J-17.05 FOR A SPECIFIC PURPOSE SURVEY, PURSUANT TO FLORIDA STATUTE CHAPTER 472.

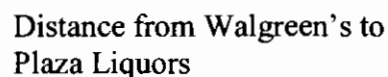
6. THE SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND EMBOSSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, EXCEPT WHERE ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH STATE STATUTES.

Thomas L Conner Date: 2018.03.2 11:35:46 -04'00

Distance from Walgreens to ABC



Thomas L Conner Date: 2018.03.20
11:33:19 -04'00'





STAFF REPORT
CASE #: VA-18-05-041
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
May 3, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: CHARLES WHITTALL

REQUEST: Variances in the P-D zoning district to allow package sales of alcohol within 5,000 ft. of another licensed vendor as follows:
1) 1,258 ft. from 7611 International Drive (ABC Liquors).
2) 3,696 ft. from 8739 International Drive (Plaza Liquors).

LOCATION: Southeast corner of International Dr. and W. Sand Lake Rd.

PROPERTY ADDRESS: 8021 International Dr., Orlando, FL 32819

PARCEL ID: 36-23-28-3865-08-000

PUBLIC NOTIFICATION: 1 mile radius

TRACT SIZE: 1.48 Acres

DISTRICT #: 6

ZONING: P-D

EXISTING USE(S): Retail//Pharmacy

PROPOSED USE(S): 3PS Package Alcohol Sales

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

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned Planned Development and is in the Wyndham Orlando Resort & Shops PD. This PD allows Commercial Retail (consistent with the C-1 zoning district), hotels, gas stations and convention center space.
2. The property is located in the Entertainment Sub-District of the I-Drive District Overlay Zone which is intended to create transit oriented development and provide entertainment options for visitors and local residents.
3. The subject site is located at the southeast corner of International Drive and Sand Lake Road. There is an existing Walgreens Pharmacy currently on site. The applicant would like the ability to add a package store component to the site as well.
4. The variances requested represent a seventy-four percent (74%) variance and twenty-six (26%) from the Code required 5,000 feet.
5. In February of 2018, the Board of County Commissioners reviewed several proposed code amendments regarding the distance requirements for package stores, including a reduced distance separation requirement of 3,500 feet. Ultimately, the distance separation requirement was amended to allow package stores within 750 feet of existing package stores in other municipalities; however, the 5,000 feet separation within county jurisdiction remained the same.
6. This proposed location is in between two (2) package stores. ABC Liquor is 1,258 feet to the north on International Drive and Plaza Liquors is 3,696 feet to the south along International Drive.
7. The applicant currently has a 2APS license at this location, which allows for the package sale of beer and wine and does not require a distance separation.
8. Staff recommends denial based on the following:
 - a) **Special Conditions and Circumstances** - There not any special conditions or circumstances unique to this land or property, which are not applicable to other parcels in this zoning district.
 - b) **Not Self-Created** - The applicant was aware of the 5,000 feet distance separation requirement when the building was constructed.
 - c) **No Special Privilege Conferred** - In the past, the county has not approved variances from this Code requirement and granting this approval would confer a privilege to this applicant.

- d) **Deprivation of Rights** - The applicant has a 2APS license at this location without the need for a variance.
- e) **Minimum Possible Variance** - The variances requested are over a seventy-four percent (74%) and twenty-six percent (26%) deviation from Code.
- f) **Purpose and Intent** - Approval of such a variance create a proliferation of liquor stores in the I-Drive Entertainment corridor.

STAFF RECOMMENDATION:

Staff recommends denial of the request; however, if the BZA approves the request, the following conditions shall apply:

1. Approval is subject to the information provided in the application and field measurements and all other applicable regulations. Any deviations, changes, or modifications to the this application 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 is limited to the current applicant. Any change in ownership or license type shall require new approval by the BZA for a change and/or transfer of the license. The state alcohol license shall be obtained within six (6) months after variance approval or the variance becomes null and void.

c: Charles Whittall, 7940 Via Dellagio Way, Suite 200, Orlando, FL 32819

**PLAZA LIQUORS
VA-18-05-045**

REQUEST: Variance in the C-2 zoning district to allow a 3PS license 3,696 ft. from another location.

ADDRESS: 8739 International Drive, Orlando FL 32819

LOCATION: East of International Dr., south of Austrian Row

S-T-R: 36-23-28

TRACT SIZE: 60 ft. x 175 ft.

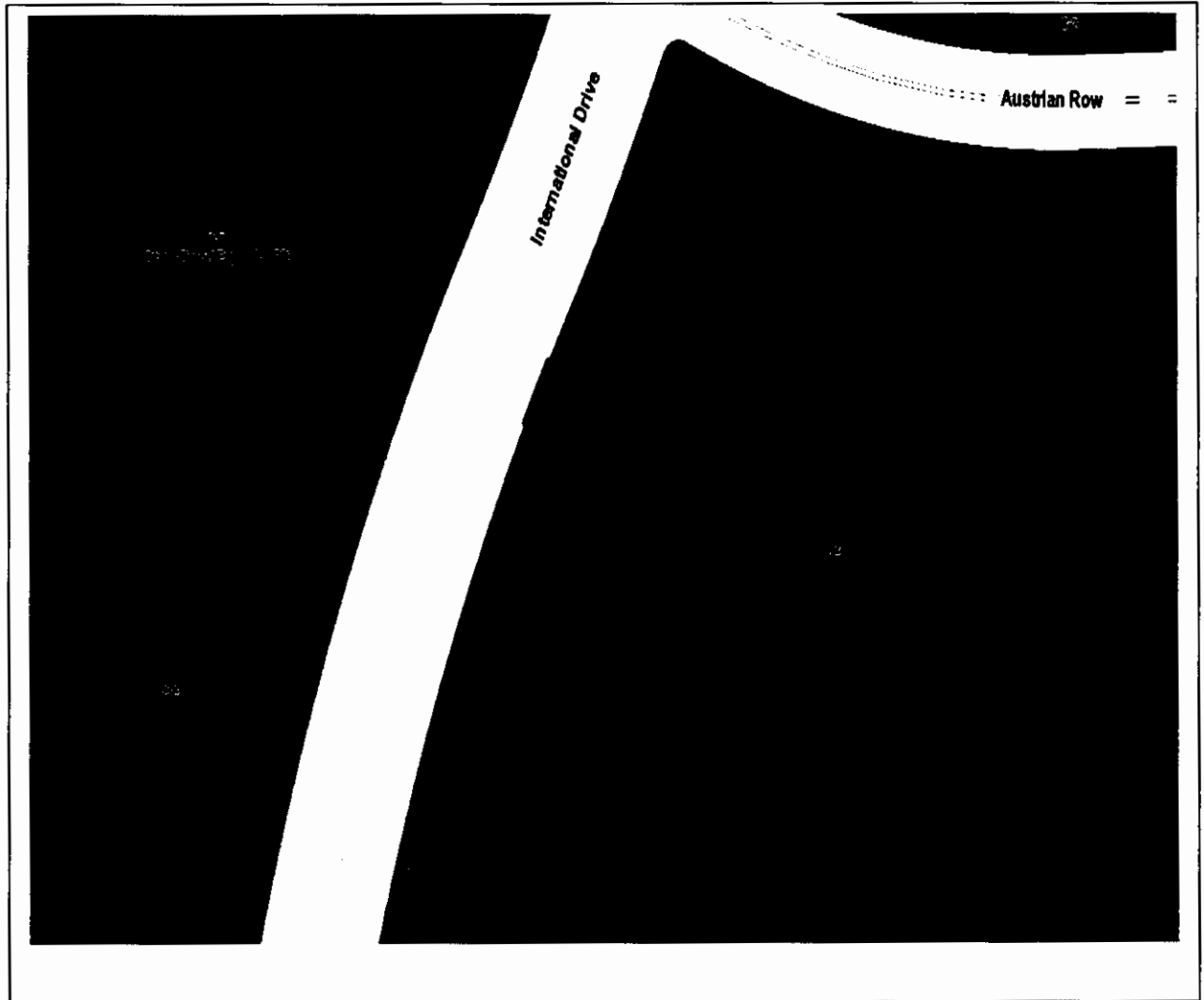
DISTRICT#: 6

LEGAL: PLAZA INTERNATIONAL UNIT ELEVEN 28/5 FROM NLY MOST COR OF LOT 1 RUN SLY 299.06 FT FOR POB TH RUN S 64 DEG E 172.86 FT S 25 DEG W 60 FT N 64 DEG W 174.65 FT NLY 60.03 FT TO POB

PARCEL ID: 36-23-28-7165-00-012

NO. OF NOTICES: 1,388

**THIS CASE HAS BEEN CONTINUED TO JULY 5, 2018,
UPON THE REQUEST OF THE APPLICANT
PRIOR TO THE BZA MEETING.**



Applicant: PLAZA LIQUORS

BZA Number: VA-18-05-045

BZA Date: 05/03/2018

District: 6

Sec/Twn/Rge: 36-23-28-SW-C

Tract Size: 60 ft. x 175 ft.

Address: 8739 International Drive, Orlando FL 32819

Location: East of International Dr., south of Austrian Row

UNICORP LIQUORS, LLC
7940 VIA DELLAGIO WAY
SUITE 200
ORLANDO, FLORIDA 32819
PHONE: 407.999.9985 • FACSIMILE: 407.999.9961

March 13, 2018

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

In re: Variance Request
Plaza Liquors located at 8739 International Drive, Orlando, FL 32819
Walgreen's located at 8021 International Drive, Orlando, FL 32819

To Whom It May Concern:

Enclosed please find a completed Application for a Variance with regard to the foregoing properties. As the owner of both real properties, we are requesting that the separation requirement between the Walgreen's and Plaza Liquors locations be excepted at a separation distance of 4,542 feet. The process for the Orange County liquor ordinance modification took approximately two (2) years and during this lengthy process, we leased out the building to another liquor business who currently has a thriving business at this location. We do have the ability to close this business, but our tenant would like to remain open and since he is the affected party of this request, and is agreeable to our Walgreen's location selling liquor, we ask that in approving this variance request, that you allow the store to remain open and this gentleman's business to continue.

Sincerely,

Charles Whitall
Manager

Enclosures

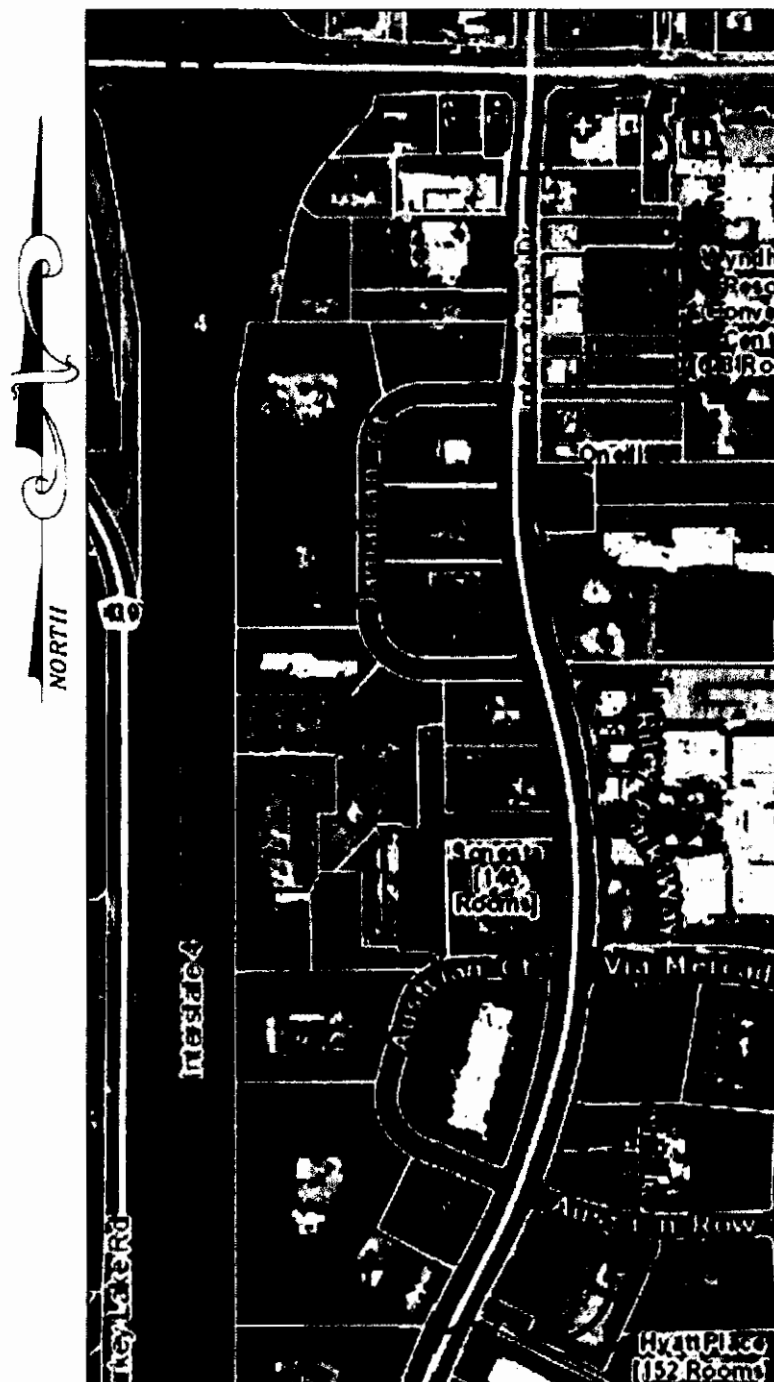
Unicorn Liquors, LLC - Variance Application

Section C:

1. On behalf of the real property owner of the Walgreen's located at 8021 International Drive, we are requesting a variance from the liquor separation ordinance currently in place for Orange County. Recently, the County amended their liquor ordinance to include a reciprocity provision, which as written, does not truly achieve reciprocity. When the reciprocity was passed, we would have been able to open this Walgreen's because the only other store selling liquor in the proximity was Joe's Liquor, located within the limits of the City of Orlando, that is approximately 2,162 feet from Walgreens' front door. On the very first business day that the ordinance was instituted, representatives from ABC Liquors (who own an International Drive location) showed up at the Orange County Zoning building at approximately 11:00 p.m. the evening before and camped out all night in order to achieve receipt of a liquor license based on the 5,000-foot separation that was in place in Orange County. ABC Liquors is located approximately 1,372 feet from our Walgreen's location and is only open two (2) hours per day. It is my belief that ABC Liquors strategically enacted this maneuver to preclude our operation at the Walgreen's location based on the way the new ordinance was written.

We are also the owner of the real property located at 8739 International Drive where Plaza Liquors currently operates and we would also like to request that the separation requirement between Walgreen's and Plaza Liquors be excepted at a separation distance of 4,542 feet. The process for the Orange County liquor ordinance modification took approximately two (2) years and during this lengthy process, we leased out the building to another liquor business who currently has a thriving business at this location. We do have the ability to close this business, but our tenant would like to remain open and since he is the affected party of this request, and is agreeable to Walgreen's selling liquor, we ask that in approving this variance request, that you allow the store to remain open and this gentleman's business to continue.

It is our understanding that ABC Liquors is proposing an amendment to the ordinance, which we are agreeable to, that would clean up issues like the one we are currently experiencing. As you are well aware, our only other remedy would be to annex our entire 42-acre International Drive property (I Shops/Wyndham) into the City of Orlando which does not impose the restrictions of Orange County. Although ABC Liquors is going through the revision process, we ask that our variance be processed now as Walgreen's has kept an entire corner in their store dark for over two (2) years awaiting resolution of this matter. Our tenant (Walgreen's) is pushing us to annex the property and be done with this process but we are hopeful that we can remain with Orange County as we enjoy doing business with the County. However, as a land owner, we need to enjoy all the privileges of land ownership afforded to us whether it be in the City or the County and will proceed with an annexation if left with no other alternative.



BLUE = VEHICULAR TRAVEL :
4,456 LINEAR FEET

RED = PEDESTRIAN TRAVEL :
4,181 LINEAR FEET

NOTES:

1. THE SPECIFIC PURPOSE SURVEY REFLECTED HEREON WAS PREPARED BY THOMAS L. CONNER, FLORIDA LICENSED SURVEYOR AND MAPPER LS4340, 5424 SOUTH BRACKEN COURT, WINTER PARK, FLORIDA 32792.

2. THE SPECIFIC PURPOSE OF THIS SURVEY IS TO PROVIDE THE LENGTH OF VEHICULAR AND PEDESTRIAN TRAVEL FROM THE FRONT DOOR OF PLAZA LIQUORS LOCATED AT 8739 INTERNATIONAL DRIVE TO THE FRONT DOOR OF THE WALGREEN'S BEER AND WINE SALES LOCATED AT 8021 INTERNATIONAL DRIVE.

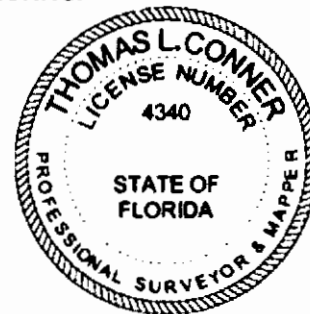
3. THE DISTANCES WERE DETERMINED BY ERROR CORRECTED GPS REAL TIME KINEMATIC PROCEDURES CONNECTING WAYPOINTS ALONG EACH ROUTE.

4. THE LAST DAY IN THE FIELD WAS MARCH 14, 2018.

5. THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH IN FLORIDA ADMINISTRATIVE CODE RULE 5J-17.05 FOR A SPECIFIC PURPOSE SURVEY, PURSUANT TO FLORIDA STATUTE CHAPTER 472.

6. THE SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND EMBOSSED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, EXCEPT WHERE ELECTRONICALLY SIGNED AND SEALED IN ACCORDANCE WITH STATE STATUTES.

Thomas L Conner Date: 2018.03.20
11:33:19 -04'00'



Distance from Walgreen's to
Plaza Liquors



STAFF REPORT
CASE #: VA-18-05-045
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
May 3, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: PLAZA LIQUORS

REQUEST: Variance in the C-2 zoning district to allow a 3PS license 3,696 ft. from another location.

LOCATION: East of International Dr., south of Austrian Row

PROPERTY ADDRESS: 8739 International Dr.

PARCEL ID: 36-23-28-7165-00-012

PUBLIC NOTIFICATION: 1,388

TRACT SIZE: 60 ft. x 175 ft.

DISTRICT #: 6

ZONING: C-2

EXISTING USE(S): Package Store

PROPOSED USE(S): Package Store

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

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned C-2 Commercial (General Commercial District) which allows a variety of commercial uses including restaurants, retail stores, and various other commercial businesses.

2. The property is located in Retail and Hospitality Sub-District of the I-Drive District Overlay Zone. This district is intended to create transit oriented development and provide dining/shopping options for visitors and local residents.

3. The variance requested represents a twenty-six percent (26%) variance from the Code required 5,000 feet.

4. In February of 2018, the Board of County Commissioners reviewed several proposed code amendments regarding the distance requirements for package stores, including a reduced distance separation requirement of 3,500 feet. Ultimately, the distance separation requirement was amended to allow package stores within 750 feet of existing package stores in other municipalities; however, the 5,000 feet separation within county jurisdiction remained the same.

5. Staff recommends denial based on the following:

- a) **Special Conditions and Circumstances** - There are not any special conditions or circumstances unique to this land or property, which are not applicable to other parcels in this zoning district.
- b) **Not Self-Created** - The applicant was aware of the 5,000 feet distance separation requirement when they purchased the property.
- c) **No Special Privilege Conferred** - In the past, the county has not approved variances from this Code requirement and granting this approval would confer a privilege to this applicant.
- d) **Deprivation of Rights** - The applicant may have a 2APS license at this location without the need for a variance.
- e) **Minimum Possible Variance** - The variance requested is a twenty-six percent (26%) deviation from Code.
- f) **Purpose and Intent** - Approval of such a variance would create a proliferation of liquor stores in the I-Drive Entertainment corridor.

STAFF RECOMMENDATION:

Staff recommends denial of the request; however, if the BZA approves the request, the following conditions shall apply:

- 1. Approval is subject to the information provided in the application and field measurements and all other applicable regulations. Any deviations, changes, or modifications to the this application are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be

reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

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c: Charles Whittall
7940 Via Dellagio Way, Ste 200
Orlando, FL 32819