

Orange County Board of Zoning Adjustment

Hearing Date:

September 6, 2018

**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
Wesley A. Hodge	District #5
Eugene Roberson	District #6
Jessica Rivera	At Large

ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

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

Residential Districts

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

Non- Residential Districts

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

Other District

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

VARIANCE CRITERIA

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

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

SPECIAL EXCEPTION CRITERIA:

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

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

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

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
September 6, 2018**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
SE-18-09-112	Shelley Maccini	5	Approved w/Conditions	1
SE-18-09-113	First Haitian Church of the Nazarene of Apopka	2	Approved w/Conditions	16
SE-18-09-114	Mary Homan	2	Approved w/Conditions	26
VA-18-09-115	Robert Burkhart	3	Approved w/Conditions	36
VA-18-09-116	Phyllis Smith	3	Requests #1 & #2, Approved w/Conditions Request #3, Unnecessary	46
SE-18-09-117	Cancala Associates, LLC	5	Approved w/Conditions	61
VA-18-09-118	Toby Best (Homes In Partnership)	2	Approved w/Conditions	70
VA-18-09-119	Aracelia Cuevas	3	Failed Motions	81
SE-18-09-120	Sandra Castano	3	Approved w/Conditions	91
VA-18-09-121	Almellia Brown	6	Approved w/Conditions	102
SE-18-07-077	Hudson Fortune	4	Approved w/Conditions	114
SE-18-07-090	Iglesia Hispana El Camino La Verdad Y La Vida, Inc.	2	Approved w/Conditions	126

SHELLEY MACCINI
SE-18-09-112

REQUEST: **Special Exception and Variance** in the A-2 zoning district as follows:
1) Special Exception: To construct 2 story detached Accessory Dwelling Unit (ADU)
2) Variance to allow the max height of an ADU of 28 ft. in lieu of 20 ft.
NOTE: Lot is vacant. ADU is proposed to be constructed with the house.

ADDRESS: Peabody Street, Orlando FL 32833

LOCATION: North side of Peabody St., west of Bancroft Blvd., north of S.R. 528

S-T-R: 14-23-32

TRACT SIZE: 2.603-acres

DISTRICT#: 5

LEGAL: ROCKET CITY UNIT 9A Z/86 A/K/A CAPE ORLANDO ESTATES
UNIT 9A 1855/292 THE E 180 FT OF TR 43

PARCEL ID: 14-23-32-7603-00-433

NO. OF NOTICES: 26

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; 7-0):

1. Development in accordance with the site plan dated September 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.
4. Construction plans shall be submitted within three (3) years of the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have similar colors and design materials as the primary residence.
7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
9. The applicant shall provide proof of the Homestead Exemption or evidence of pre-filing for the Homestead Exemption for the property prior to issuance of the Certificate of Occupancy for the ADU.

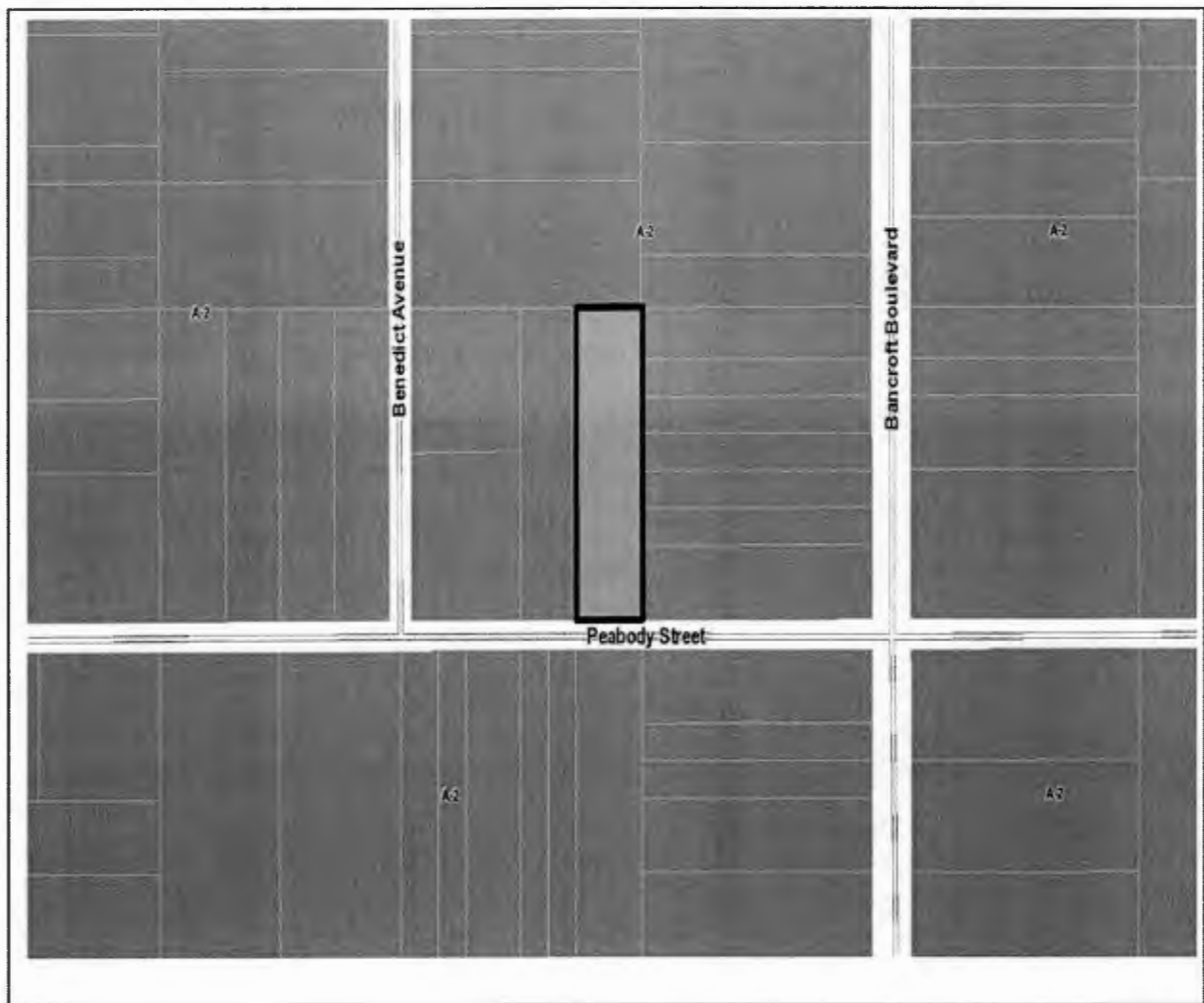
SYNOPSIS: Staff gave a presentation on the case covering the location, alternate site layout, elevations, floorplan, and photos.

The applicant stated that the Environmental Protection Division asked them to move the septic system and drainfield away from the adjacent canal, which will require them to move the ADU ten (10) feet.

The alternate plan was presented to staff and displayed for the BZA to view.

The BZA acknowledged that similar cases had been approved in the area, and that the request was consistent with the neighborhood.

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



Applicant: SHELLEY MACCINI

BZA Number: SE-18-09-112

BZA Date: 09/06/2018

District: 5

Sec/Twn/Rge: 14-23-32-SE-D

Tract Size: 2.603-acres

Address: Peabody Street, Orlando FL 32833

Location: North side of Peabody St., west of Bancroft Blvd., north of S.R. 528

July 2, 2018

3956 Town Center Blvd. #169
Orlando, FL 32837

Board of Zoning Adjustment
Orange County Zoning Division
201 South Rosalind Ave.
Orlando, FL 32801

Re: Special Exception Application for Parcel ID # 14-23-32-7603-00-433

To members of the Board of Zoning Adjustment:

We are requesting a Special Exception for an accessory dwelling unit in accordance with Sec. 38-1426. The following letter details the purpose of the ADU and conformance with Special Exception Criteria.

Purpose

The proposed accessory dwelling unit is a studio apartment in an A-2 Farmland Rural District, intended for the usage of my aging parents, to allow them to live with us on an as needed basis for assistance, while still maintaining some degree of independence. The studio is NOT intended as a rental.

Currently, the property is vacant, however a building permit is in process with the Building Department for a two-story single family home to serve as our primary residence. The house will have 4029 sq. ft. under roof, with 3034 sq. ft. of living area. The proposed ADU is 837 sq. ft. on the second floor, over a ground floor garage of 745 sq. ft. The proposed ADU is 27.9 ft. tall at its highest point. Both buildings were designed together so that the accessory dwelling unit is compatible with the primary residence in overall architectural elements.

Special Exception Criteria

1. The use shall be consistent with the Comprehensive Policy Plan.

Our parcel is located in the Wedgefield community, in an area designated as Rural per the Orange County Comprehensive Plan Map 1 Future Land Use on page FLUM 2, with a Zoning designation of A-2. Our proposed accessory dwelling unit is consistent with a rural residential lifestyle, as it is NOT intended as a rental unit. The intent is to have multi-generational living space to provide assistance for aging family members, who have had recent medical issues.

RECEIVED
JUL 02 2018
ORANGE COUNTY,
ZONING DIVISION

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

The Wedgefield community is a rural residential community. A number of houses have accessory dwelling units. Recently, an ADU was approved by the Board of Zoning Adjustment at the March 2018 meeting. Architecturally, our proposed ADU has been designed to share the same look and feel as the primary residence. The design was approved by the Wedgefield Homeowner's Association, which also provided an e-mail stating no objection the accessory dwelling unit.

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

Per section 38-1426 regarding accessory dwelling units, the ADU must be located on the side or rear of the property, setback at least 10 ft. from both the rear and side, and at least 10 ft. from the primary dwelling unit.

All of our proposed setbacks exceed these requirements. As shown on the site plan, the proposed ADU will be located to the rear of the primary dwelling unit, setback 15 ft. from the covered lanai, and 34.8 ft. from the main structure. In addition, the ADU will sit 59.5 ft. from the nearest side property line and 409.8 ft. from the rear.

Currently, the parcel to the west, the side nearest to the proposed ADU, is vacant and undeveloped. The parcel to the rear is vacant and undeveloped. The parcel due east of the proposed ADU is vacant and undeveloped. Because the parcels nearest to the proposed ADU are all vacant and undeveloped, we did not request letters of no objection from neighbors. However, our proposed ADU meets all requirements and will not act as an intrusion into the surrounding area.

Additional requirements of section 38-1426 require that the entrance be to the side or rear, and that one additional parking space is required. The entrance to the proposed ADU will be from the side when facing the street. The ADU will include a 3-car garage, and the site plan shows plans for two additional paved parking spaces to the rear of the garage.

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

Per section 35-1501, the A-2 zoning designation of our parcel requires a 35 ft. front yard, a 50 ft. rear yard, and a maximum building height of 35 ft. For the ADU to be detached, the parcel must be 1.5 times the minimum required lot size of 0.5 acres.

As shown on the site plan, the primary dwelling will be setback 100 ft. from the street, with the proposed ADU setback 184.8 ft. from the street. The proposed ADU is setback 409.8 ft. from the rear. Our parcel is 2.6 acres, which exceeds the minimum requirement for a detached ADU of .75 acres (1.5 times the minimum required lot size). The proposed structure height is 27.9 ft. at its tallest point.

For parcels exceeding 2 acres, the maximum living space of the ADU is 1,500 sq. ft., with a minimum of 500 sq. ft. Our proposed ADU is 837 sq. ft.

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.

Both the primary dwelling unit and the proposed accessory dwelling unit will be similar to the residential and agricultural uses permitted in the A-2 zoning designation.

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

All adjacent parcels are in the same A-2 Farmland Rural zoning district. Per section 24-5 no additional buffer is required. Therefore, we have no additional buffer planned beyond the required setbacks, which will be residential yard.

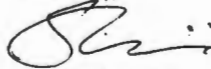
Additional Information Included in Application

Included with our application, please find:

- Email noting no objection from the Homeowner's Association.
- A detailed site plan showing the primary dwelling unit and accessory dwelling unit, and all requested information on the site plan.
- The proposed floor plan of the accessory dwelling unit.
- All architectural elevations for the accessory dwelling unit.
- Front architectural elevations for both the primary and accessory dwelling unit.

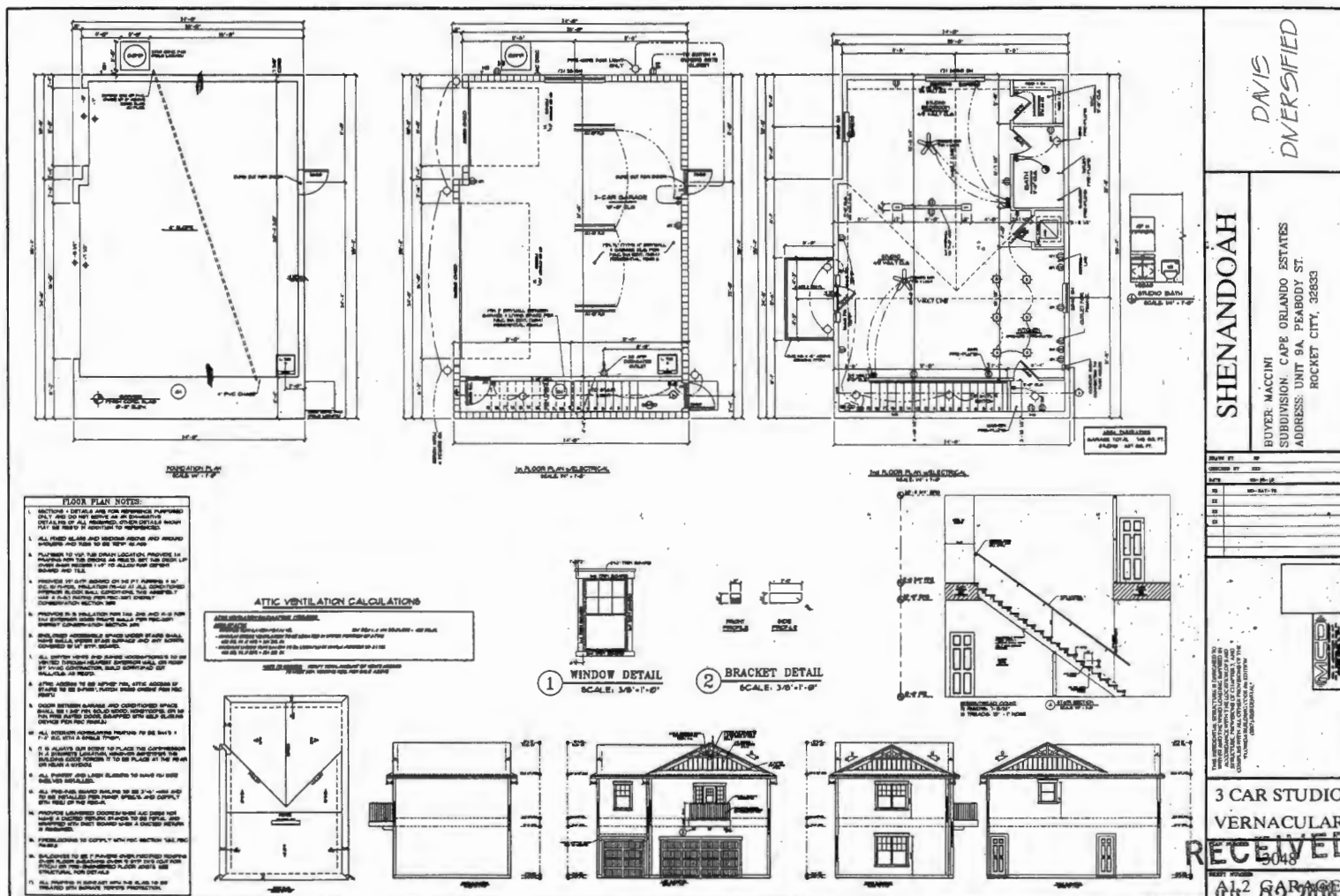
Thank you for your consideration of our application for an accessory dwelling unit, in accordance with the special exception of the A-2 zoning district.

Sincerely,



Shelley Maccini

- 8 -



DAVIS
DIVERSIFIED

SHENANDOAH

BUYER: MACCINI
SUBDIVISION: CAPE ORLANDO ESTATES
ADDRESS: UNIT 9A, PEABODY ST.
ROCKET CITY, 32833

3 CAR STUDIO
VERNACULAR
RECEIVED

A1.2 GARAGE
 02 02 2016

ORANGE COUNTY
ZONING DIVISION



FRONT ELEVATION

ICI HOMES.
MACCINI RESIDENCE

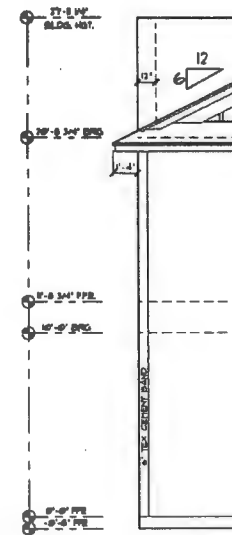
RECEIVED

JUL 02 2018
 ORANGE COUNTY,

AREA TABULATION	
LIVING 1st	1789
LIVING 2nd	1248
LIVING TOTAL	3037
ENTRY "VERNAUL" ELEV	112
COV. FRONT BALCONY	341
COV. LAMBI	280
COV. REAR BALCONY	280
TOTAL UNDER ROOF	4029

FINAL PLANS
 NO CHANGES

REVISION 06-21-18 RP OFF-SITE PLAN 30487 SHOWN DIVISION VERNACULAR



LEFT ELEVATION
SCALE 1/8" = 1'-0"

36.00 x 24.00 in

ORANGE COUNTY,
ZONING DIVISION



STAFF REPORT
CASE #SE-18-09-112
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
September 6, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: SHELLEY MACCINI

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception and Variance in the A-2 zoning district as follows:
1) Special Exception: To construct 2 story detached Accessory Dwelling Unit (ADU)
2) Variance to allow the max height of an ADU of 28 ft. in lieu of 20 ft.
NOTE: Lot is vacant. ADU is proposed to be constructed with the house.

LOCATION: North side of Peabody St., west of Bancroft Blvd., north of S.R. 528

PROPERTY ADDRESS: Peabody St. (vacant lot) Orlando, FL 32833

PARCEL ID: 14-23-32-7603-00-433

PUBLIC NOTIFICATION: 26

TRACT SIZE: 2.603-acres

DISTRICT #: 5

ZONING: A-2

EXISTING USE(S): Vacant

PROPOSED USE(S): Single family residence with ADU

SURROUNDING USES: N – Vacant
S – Single family residence
E – Vacant
W – Vacant

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the A-2, Farmland Rural zoning district, which allows agricultural uses, a single family home, and associated accessory structures on minimum one-half (1/2) acre lots. Accessory Dwelling Units are allowed by Special Exception. This lot is 2.603-acres, more than five (5) times the required lot area.
2. The applicant is requesting a Special Exception to construct a detached 2nd story accessory dwelling unit (approximately 837 sq. ft.) above a garage/storage building for their parents. The subject property is vacant, and the ADU is proposed to be constructed simultaneously with the house.
3. The applicant is also requesting a variance to allow the height of the ADU to be 28 feet in lieu of 20 feet. The house is allowed to be up to 35 feet high per code.
4. The sizeable lot allows for the building to be setback over 180 feet from the front property line, and over 59 feet (49 per site plan revisions) and 95 feet from the side property lines.
5. The ADU will be located above a 3-car garage, thus, adequate parking will be available to accommodate the ADU.
6. The BZA has granted multiple similar variances in the area, for height and ADUs.
7. The Wedgefield HOA has submitted a letter of no objection to the request.

VARIANCE CRITERIA

Minimum Possible Variance

The applicant has stated that this is the minimum possible variance to allow them to provide greater setbacks than single story structures, while constructing a structure that is still less than the maximum height for a single-family residence.

Purpose and Intent

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.
- The ADU/accessory building will be located on a 2.603-acre lot behind the main house.
- The ADU/accessory building will be located over 180 feet from the front property line, with side setbacks of over 59 feet and 95 feet.
- The ADU/accessory building will be located over 400 feet from any adjacent residence, and will be less than the 35 feet allowed height for single-family residences.

SPECIAL EXCEPTION CRITERIA

1. The use shall be consistent with the Comprehensive Policy Plan.

The Comprehensive Plan states that ADUs are compatible with residential zoning through the Special Exception process.

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

The ADU use is similar and compatible with the surrounding area. This ADU is designed with the same appearance as the primary residence.

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

The ADU will be located behind the house and will greatly exceed the required setbacks (over 59 feet from the nearest property line).

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

The ADU exceeds all required setbacks, and is less than the maximum size. The lot exceeds the minimum required size.

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

The characteristics and impacts of an ADU are consistent with the majority of uses permitted in the A-2 zoning district.

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

Additional landscaping is not required between residential properties.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan and elevations, dated July 20, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another

BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
 3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
 4. Construction plans shall be submitted within three (3) years of the final County approval, or this approval becomes null and void.
 5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
 6. The exterior of the ADU shall have similar colors and design materials as the primary residence.
 7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
 8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
 9. The applicant shall provide proof of the Homestead Exemption or evidence of pre-filing for the Homestead Exemption for the property prior to issuance of the Certificate of Occupancy for the ADU.
- c: Shelley Maccini
3956 Town Center Blvd., Suite 169
Orlando, FL 32837

**FIRST HAITIAN CHURCH OF THE NAZARENE OF APOPKA
SE-18-09-113**

REQUEST: **Special Exception** in the R-3 zoning district to allow the addition of a 360 sq. ft. modular office on an existing church property.
ADDRESS: 1428 Marvin C. Zanders Avenue, Apopka FL 32703
LOCATION: West of Marvin C. Zanders Ave., north of Cleveland St.
S-T-R: 16-21-28
TRACT SIZE: 168 ft. x 295 ft./1.13 Acres
DISTRICT#: 2
LEGAL: E 325 FT OF S1/2 OF N1/4 OF SW1/4 OF SE1/4 (LESS E 30 FT FOR R/W) OF SEC 16-21-28
PARCEL ID: 16-21-28-0000-00-047
NO. OF NOTICES: 101

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; 7-0):

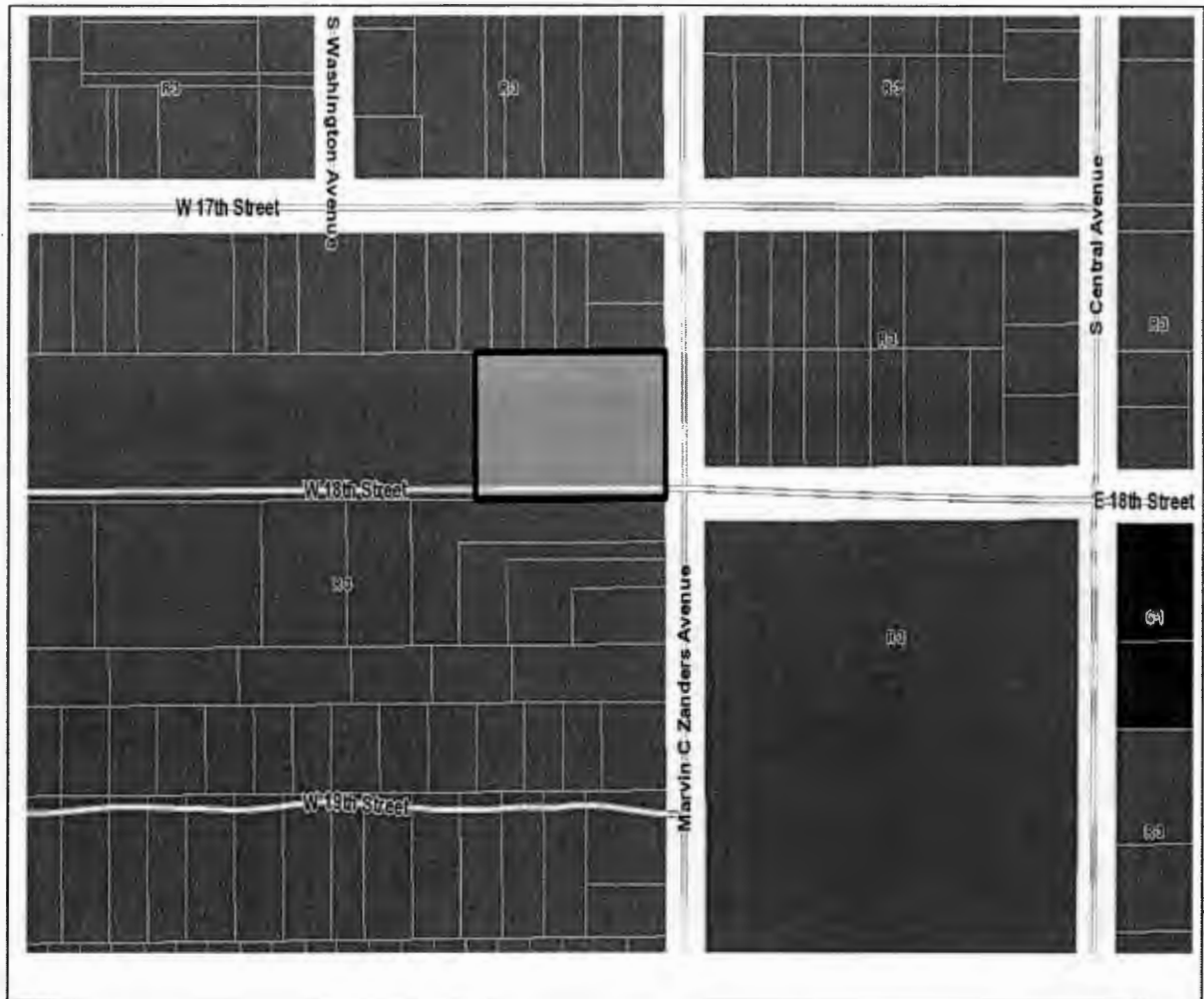
1. Development in accordance with the site plan dated June 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA)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

4. The modular office/storage unit shall be fitted with skirting from the ground to the bottom of the unit.
5. Foundation plantings consisting of low-maintenance drought tolerant plantings such as Indian Hawthorn or Hollies shall be planted around the foundation skirting of the office/Storage unit.
6. Screening foliage, such as Podocarpus or Loropetalum shall be planted along the front of the modular unit facing Marvin C. Zanders Avenue. The plantings shall be five (5) gallon in size at planting, and planted thirty (30) inches on center.

SYNOPSIS: Staff explained the inconsistency between the current zoning of the property and the Future Land Use designation assigned by the Comprehensive Plan. It is for that reason that the current application is before the BZA. Staff noted that with the inclusion of some added landscaping to soften the appearance of the proposed modular building, the use will be compatible with the neighborhood.

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

The BZA found that with the conditions recommended by staff, the use would be compatible with the neighborhood, and unanimously voted to recommend approval of the request.



Applicant: FIRST HAITIAN CHURCH OF THE NAZARENE OF APOPKA

BZA Number: SE-18-09-113

BZA Date: 09/06/2018

District: 2

Sec/Twn/Rge: 16-21-28-SE-D

Tract Size: 168 ft. x 295 ft./1.13 Acres

Address: 1428 Marvin C. Zanders Avenue, Apopka FL 32703

Location: West of Marvin C. Zanders Ave., north of Cleveland St.

We Are Better Together



*Though our backgrounds, cultures and ministries
may be different, our love for Christ is the same.*

750 Roger Williams Road, Apopka, Florida 32703
Phone: 407-889-2148 • www.apopkacalvary.org

July 10, 2018

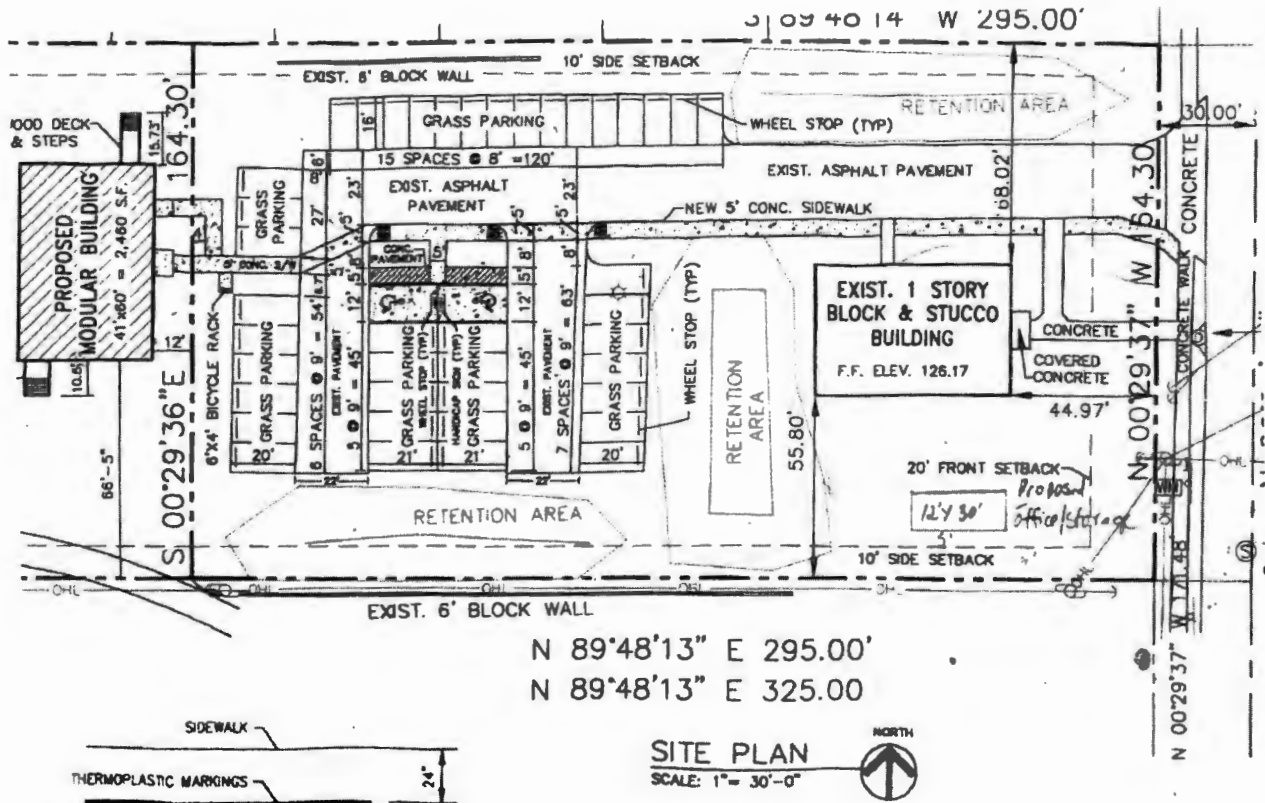
Orange County Zoning Division

Our request is for placement of a 12' x 30' modular structure that will serve as the Pastor's office and storage space for the 1st Haitian Church of the Nazarene. The reason for the request is that the current building is one room, with two bathrooms and is for the sole purpose of holding church services. The modular would allow the Pastor to have an office with storage space for supplies. The modular structure is wood frame, sheetrock and siding and is a total of 360' square feet in size and is 14' in height. The modular would sit 15' clear of the closest property line, and is shown on our proposed site plan in a location recommended to us by OCZD. It is not intended to increase the worship space or congregation size at all, however adequate storage and office space is greatly needed.

Phane Lormeus, Pastor
Apopka 1st Haitian Church of the Nazarene

Ronda Rieves
Executive Pastor, Calvary Church of the Nazarene
Authorized Agent for Apopka 1st Haitian.

"Jesus Christ is at the Heart of everything we do"







STAFF REPORT
CASE #SE-18-09-113
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
September 6, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: First Haitian Church of the Nazarene of Apopka

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the R-3 zoning district to allow the addition of a 360 sq. ft. modular office on an existing church property.

LOCATION: West of Marvin C. Zanders Ave., north of Cleveland St.

PROPERTY ADDRESS: 1428 Marvin C Zanders Ave., Apopka, FL 32703

PARCEL ID: 16-21-28-0000-00-047

PUBLIC NOTIFICATION: 101

TRACT SIZE: 168 ft. x 295 ft./1.13 Acres

DISTRICT #: 2

ZONING: R-3

EXISTING USE(S): Religious institution

PROPOSED USE(S): Office/storage

SURROUNDING USES: N – Residential
S – Residential
E – Residential/Elementary school
W - Religious institution

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-3, Multiple Family Dwelling District. This district allows a wide variety of housing types ranging from single family detached to high-

density apartment or condominium projects. It will also permit certain non-residential uses such as child/adult daycare centers and places of worship by right.

2. While religious institutions are permitted by right in the R-3 zoning district, the Future Land Use (FLU) of the property is LDR, Low Density Residential, which causes the zoning to be inconsistent with the FLU. Policy 8.2.5.2 of The Comprehensive Plan mandates that when a zoning is inconsistent with the Comprehensive Plan FLU, and the change in zoning required to make the zoning and FLU consistent requires that a use obtain a Special Exception, then a rezoning is not required; however, a Special Exception is required. Every zoning district which would be consistent with the current FLU requires a Special Exception for this use.
3. The current zoning of the subject property is that which was originally assigned to the property in 1957. According to the Property Appraiser's information the existing sanctuary was constructed in 1988, which predates the current Comprehensive Plan. This combination of factors likely explains how the structure was constructed without a Special Exception.
4. While the existing sanctuary is a lawfully nonconforming use, any new addition must be approved by the Special Exception process due to the inconsistency of the zoning and the FLU, which is why the proposed office/storage is proceeding through this process.
5. The applicant is proposing a 12 ft. x 30 ft. modular building to be used as an office and storage. In order to make it fit better into the more residential nature of development on the west side of Marvin C. Zanders Avenue, staff is recommending foundation plantings and screen plantings between the front of the office and the road.
6. There is an existing modular building to the west of the subject property currently being used as the sanctuary for another religious institution.

Special Exception Criteria

1. Consistent with the comprehensive plan:

Per the Comprehensive Plan, due to the inconsistency between the zoning of the property and the FLU, the use must obtain a Special Exception to expand.

2. Compatible with the surrounding area:

To the southeast of the subject property, across Marvin C. Zanders Avenue, is Wheatley Elementary School. To the immediate west of the subject property is another religious institution. In addition, the subject property has been used as a religious institution since 1988. The use is compatible with the neighborhood.

3. Not act as a detrimental intrusion:

Given the character of the neighborhood, the use is not a detrimental intrusion.

4. Meet the performance standards of the district:

The current proposed location, with some added amenities, will meet the performance standards for the district in which it is located.

5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics:

The office/storage facility will not generate any additional noise, vibration, dust, odor, glare, or heat, than any other adjacent use.

6. Landscape buffer yards consisted with Chapter 24-5:

In addition to the buffering, which would normally be required, staff is recommending that the new office/storage facility be fitted with skirting, foundation plantings, and a visual screening along the front of the unit facing Marvin C. Zanders Avenue.

STAFF RECOMMENDATION:

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

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

4. The modular office/storage unit shall be fitted with skirting from the ground to the bottom of the unit.
5. Foundation plantings consisting of low-maintenance drought tolerant plantings such as Indian Hawthorn or Hollies, shall be planted around the foundation skirting of the office/storage unit.
6. Screening foliage, such as Podocarpus or Loropetalum, shall be planted along the front of the modular unit facing Marvin C. Zanders Avenue. The plantings shall be five (5) gallons in size at planting, and planted 30 inches on center.

c: Ronda Rieves, Applicant's Representative
750 S. Roger Williams Road
Apopka, FL 32703

MARY HOMAN
SE-18-09-114

REQUEST: Special Exception and Variance in the R-CE zoning district as follows:
1) Special Exception to allow a 962 sq. ft. addition to an existing Accessory Dwelling Unit.
2) Variance to allow a total of 3,326 sq. ft. of living area in lieu of 1,500 sq. ft.

ADDRESS: 5400 Lake Street, Mount Dora FL 32757

LOCATION: West of Lake St., north of Lake Ola Dr.

S-T-R: 08-20-27

TRACT SIZE: 182 ft. x 557 ft.

DISTRICT#: 2

LEGAL: MAROTS ADDITION TO TANGERINE MTG E/506 THAT PART OF LOTS 1 & 2 & THE E1/2 OF LOT 3 DESC AS FROM THE NE COR OF LOT 1 RUN S ALONG THE E LINE OF LOT 1 FOR 190 FT E 30 FT FOR POB TH S 182.75 FT W 504.5 FT N 182.75 FT E 504.5 FT TO POB & TANGERINE TERRACE ON

PARCEL ID: 08-20-27-5512-01-019

NO. OF NOTICES: 44

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; 7-0):

1. Development in accordance with the site plan dated August 9, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain

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

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.

SYNOPSIS: The applicant applied for a variance to allow an addition to an existing attached Accessory Dwelling Unit. Staff explained the site, previous approval, showed site photos, and went over the background of the case.

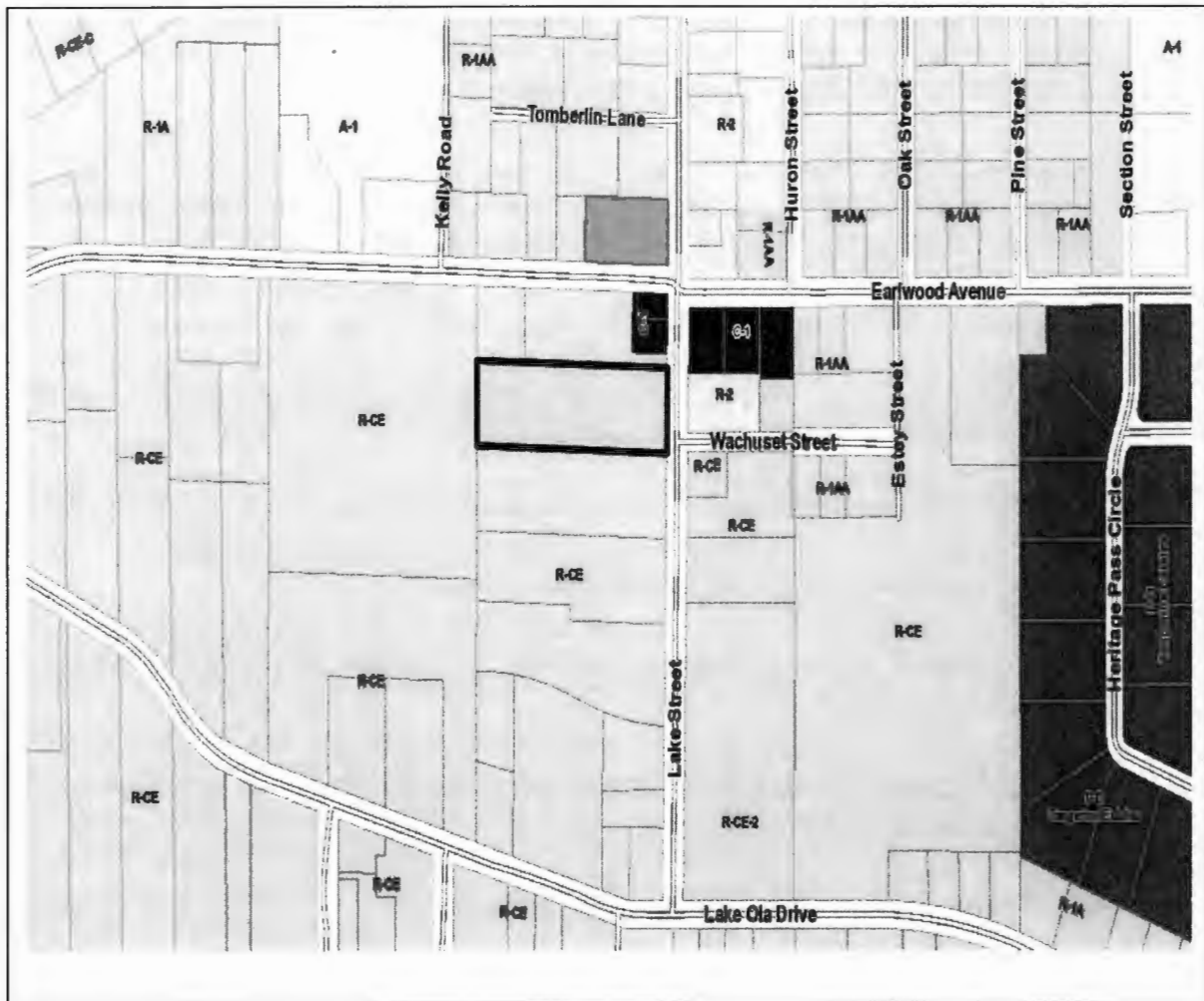
Staff recommended approval for the case based on the size of the lot and the location of the proposed addition.

The applicant stated the addition would be a workshop for her father and they would like it attached to keep out of the elements.

No one spoke in favor or in opposition of the project.

The Board discussed the need for the variance, and staff clarified that if the structure were detached, a variance would not be required as it met the accessory structure size requirements.

The BZA stated that the square footage deviation was large, however, due to the size of the lot, they agreed the variance was reasonable and approved the request.



Applicant: MARY HOMAN

BZA Number: SE-18-09-114

BZA Date: 09/06/2018

District: 2

Sec/Twn/Rge: 08-20-27-SE-D

Tract Size: 182 ft. x 557 ft.

Address: 5400 Lake Street, Mount Dora FL 32757

Location: West of Lake St., north of Lake Ola Dr.

July 10, 2018

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

Re: Variance Application for Improvements to 5400 Lake Street, Mt. Dora, FL, 32757

Dear Sir or Madam;

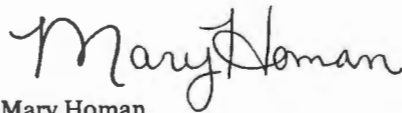
Attached, please find my Application of Board of Zoning Adjustment/Variance to seek approval for the planned improvements to my property at 5400 Lake Street, Mt. Dora, FL, 32757. I would like to build a workshop for my father who has recently moved into our home.

The purpose of this application is to request a variance to allow the additional attached structure to the existing garage and residence. The structure will be block construction with stucco, painted to match the existing residence. The landscaping around the structure will be similar to the rest of the residence. The proposed distance from the affected property line is 22 feet. The height of the structure is 19'6". The size of the structure is 39'0" x 24'7" for a square footage of 963. The structure includes three rooms, one for equipment, the second as a work area to hand carve wood, and the third is a half bathroom for easy access for my father's advanced age.

Approval of this variance request will allow us to proceed with our planned improvements and give my father many hours of enjoyment in his golden years.

Thank you for your time and consideration of this application.

Sincerely,

A handwritten signature in black ink that reads "Mary Homan". The signature is written in a cursive, flowing style.

Mary Homan
5400 Lake Street
Mt. Dora, FL, 32757
407-716-7900

Proposed addition

DELETED PAGE
PAGE 4 OF 50-27-2015-01-01

PEREZ, BRYAN
PAGE 4 05-25-87-0975-01-000

IN SERVICE OF GOD AND COUNTRY

CHINESE, WILL-DO
PAGE 2 00-00-00-00-00-00-00

NAME	LAST	FIRST
—	—	—
ADDRESS	—	—
—	P.O.B.	—
—	P.O.C.	—
—	—	—
—	—	—

GRAPHIC SCALE

(25 JUNE)
A. B. C. = 100

COPIED TO:

Mary J. Harnes, Trustee of the Mary J. Harnes Revocable Trust
Change Title Insurance
Apple Title Ltd
5700 Wisconsin Ave
Suite 1000



STAFF REPORT
CASE #SE-18-09-114
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
September 6, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: MARY HOMAN

HEARING TYPE: Board of Zoning Adjustment

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

1) Special Exception to allow a 962 sq. ft. addition to an existing 2,364 sq. ft. Accessory Dwelling Unit.
2) Variance to allow a total of 3,326 sq. ft. of living area in lieu of 1,500 sq. ft.

LOCATION: West of Lake St., north of Lake Ola Dr.

PROPERTY ADDRESS: 5400 Lake Street, Mount Dora, FL 32757

PARCEL ID: 08-20-27-5512-01-019

PUBLIC NOTIFICATION: 44

TRACT SIZE: 182 ft. x 557 ft., 2.33 acres

DISTRICT #: 2

ZONING: R-CE

EXISTING USE(S): Accessory Dwelling Unit

PROPOSED USE(S): Workshop addition

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

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. Accessory Dwelling Unit's are permitted in this district through the special exception process.
2. A special exception for an attached ADU was approved on this property in 2005. The previous special exception allowed 2,364 sq. ft. (per a variance) of living area, this applicant is proposing a 962 sq. ft. addition to the existing unit.
3. The applicant's parents occupy the ADU and they would like to construct a 24.66 feet x 39 feet workshop onto the existing ADU.
4. The property is located within the Tangerine Rural Settlement and each lot in this overlay is required to have a minimum of one (1) acre. The parcel is 2.33 acres in size which is more than two (2) times the minimum lot size required in R-CE.
5. The applicant could construct a detached workshop and would not be required a variance or special exception. However, the applicant would like to attach it to allow for easier access and convenience for her parents.
6. The proposed addition will be located behind the existing structure and will not be visible from the right-of-way. The addition exceeds the required side and rear setbacks for the zoning district.
7. The overall square footage of the existing house is approximately 4,192 sq. ft. and the proposed square footage for the ADU is 3,326 sq. ft.

Special Exception Criteria

1. Comprehensive Policy Plan

ADU's are specifically mentioned in the Comprehensive Policy Plan as being compatible with residential zoning through the Special Exception process.

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

The residential use of the ADU is compatible with the area and the lot is over 550 feet deep which is large enough to support the proposed addition.

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

The existing ADU is located behind the house and cannot be seen from the right-of-way. Also, the ADU and proposed addition are attached to the main house. The use is already there, this is just an extension of the existing ADU.

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

The existing ADU and addition meet the setback and height requirements. A variance is required for the additional square footage.

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

The ADU is essentially a residential unit and does not have any attributes that would produce any uncharacteristic noises, odors, or vibrations.

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

There is no landscaping buffer required between residential properties.

Variance Criteria

Special Conditions and Circumstances

The lot is over two (2) times larger than the minimum lot size and is an extremely deep lot, which can support the house and the ADU with the proposed addition.

No Special Privilege Conferred

Allowing the applicant to construct the addition would not provide any special privilege not provided to others in this zoning district as the addition meets code requirements for an addition; however, the variance is required because it is attached to the ADU.

Purpose and Intent

The applicant could construct a detached accessory structure up to 2,000 sq. ft. per code, which could be viewed as more detrimental to the area. Attaching the workshop creates a more unified structure and would be in harmony with the neighborhood.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated August 9, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on

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

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.

c: Mary Homan
5400 Lake Street
Mount Dora, FL 32757

ROBERT BURKHART
VA-18-09-115

REQUEST: **Variance** in the R-3 zoning district to validate an existing shed located 4 ft. from the side (north) property line in lieu of 5 ft. This is the result of code enforcement action.

ADDRESS: 2335 Dickson Avenue, Orlando FL 32806

LOCATION: East side of Dickson Ave., along the west shore of Crystal Lake, approximately 400 ft. east of S. Fern Creek Ave., via Page Ave.

S-T-R: 06-23-30

TRACT SIZE: 100 ft. x 119 (AVG) Above NHWE/.27 Acres High & Dry

DISTRICT#: 3

LEGAL: BUFFS SUB J/113 LOT 5 & LOT 4 (LESS S 20 FT)

PARCEL ID: 06-23-30-1016-00-050

NO. OF NOTICES: 88

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

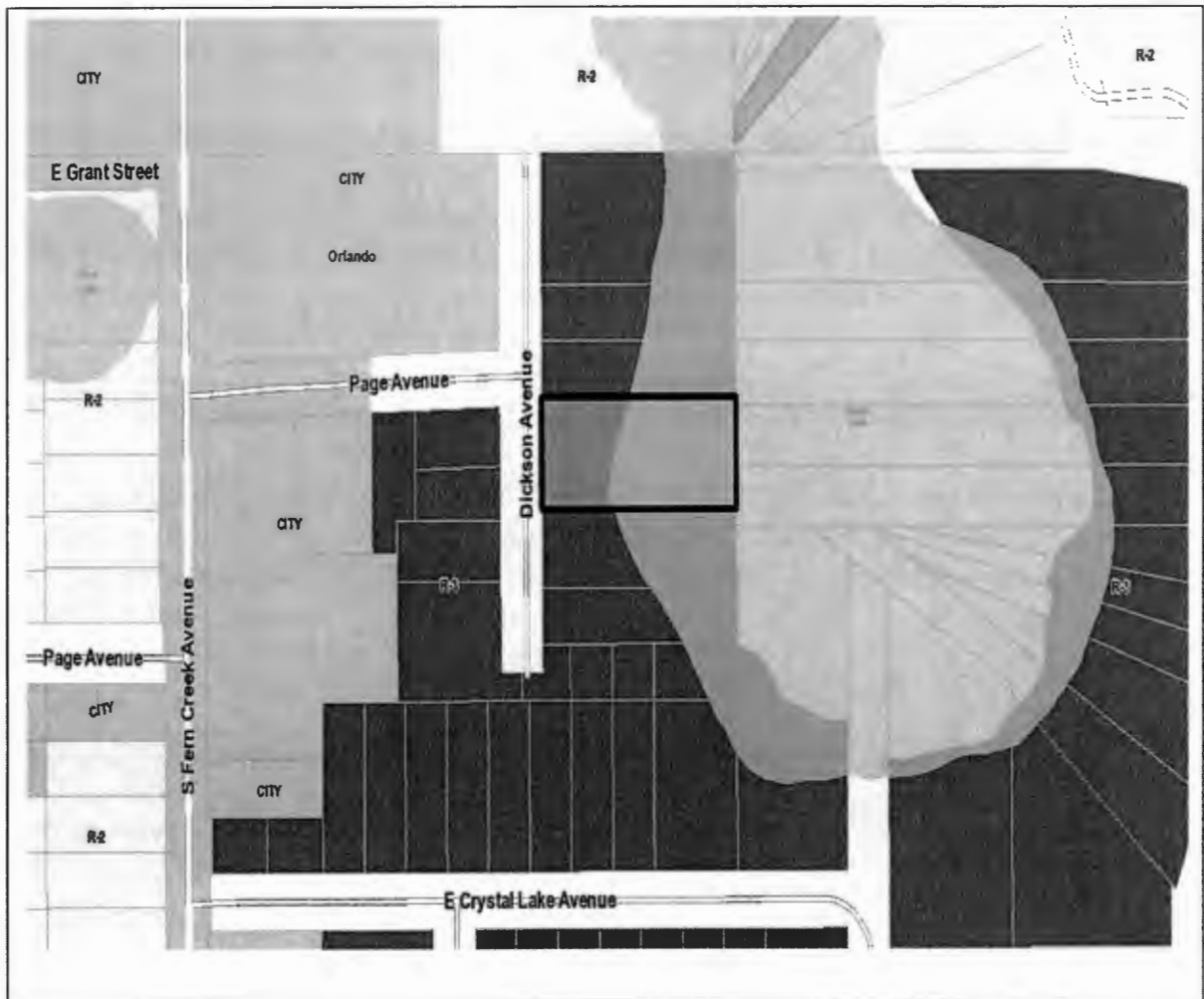
1. Development in accordance with the site plan and elevations dated July 12, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (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 applicant shall obtain a permit for the shed within 120 days of final action by Orange County on this application, or this approval becomes null and void.

SYNOPSIS: Staff noted that the subject property is a lakefront lot which contains a 100 year floodplain. When the applicant purchased the property, the front half of the shed was in place exactly as currently situated. The applicant's mistake was adding onto the shed without first attempting to obtain a permit. To this point, the request is in-part not self-imposed, and in-part self-imposed. However, sheds are a common improvement, thus, approving the request is not granting a special privilege, and the request is minor in nature. Requiring the relocation to meet the setback will actually result in more of the shed being located within the 100 year floodplain than currently does so.

The applicant acknowledged that they made a mistake in not first obtaining the permit, and upon being informed by the Code Enforcement officer, attempted to correct their error. A member of the Code Enforcement Division noted that the applicant has been very cooperative, and did begin the process of attempting to correct the situation as soon as they were informed of their errors. There being no one in attendance to speak for or against the request, the public hearing was closed.

The BZA concluded that the request was minimal, and was a variance, which they would likely have recommended approval of, had the applicant approached them before constructing the addition. They also appreciated the applicant's cooperation in correcting the error. A motion to recommend approval with the conditions recommended by staff passed unanimously.



Applicant: ROBERT BURKHART

BZA Number: VA-18-09-115

BZA Date: 09/06/2018

District: 3

Sec/Twn/Rge: 06-23-30-SW-C

Tract Size: 100 ft. x 119 (AVG) Above NHWE/.27 Acres High & Dry

Address: 2335 Dickson Avenue, Orlando FL 32806

Location: East side of Dickson Ave., along the west shore of Crystal Lake, approximately 400 ft. east of S. Fern Creek Ave., via Page Ave.

Cover letter for the application for a variance at 2335 Dickson Avenue Orlando Florida 32806

To the BZA Administration Board Associates,

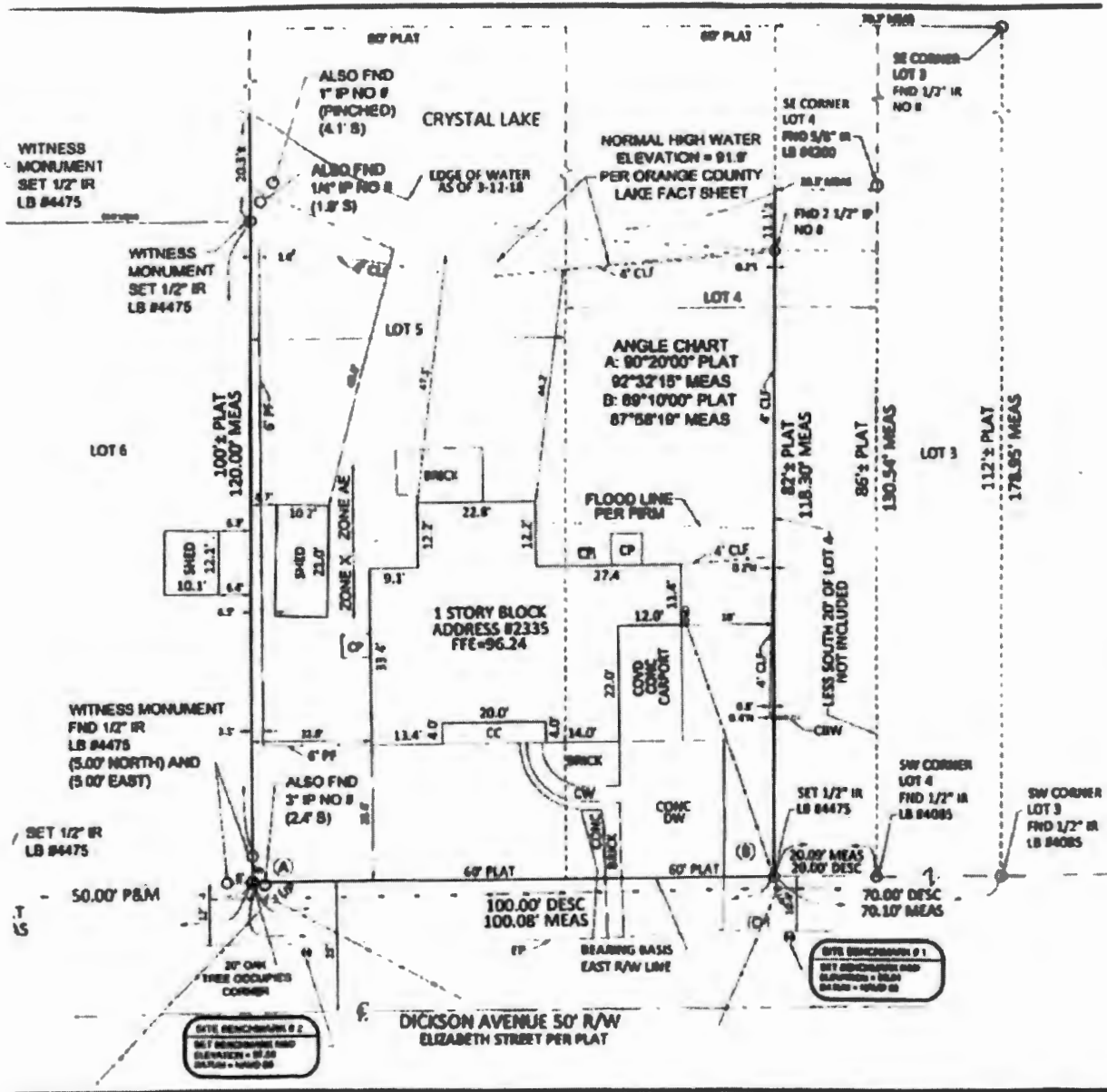
I Robert Burkhart added on to an existing shed without a permit. I purchased my home in January of 2004 and have done little to repair except storm damage, my shed roof which was damaged with a tree falling on it in 2016 and other various hurricane damages. I repaired the structure and realized I needed more room and added 8 feet to the shed not to extend beyond the house east side and encroach on the lake. My property slopes toward the lake, and I needed to raise that east end up approximately 12" to accommodate this slope. I was unaware that the original shed was not permitted and or not permitted properly. I also was not familiar with the permitting regulations at that time. The shed is raised and would be very costly to move along with the original shed which is ground level. I am very sorry that I added on to the shed without checking with zoning department for necessary approvals. The original shed was too close to the property line and as I just continued I worked my way further from the property line. I am in dire need of a variance from the legal setback distance of 5 foot to a 4.3- foot modification. I am now aware that I need to check with zoning or building departments before I attempt to tackle any other home construction projects. Again, I apologize for my oversights and would greatly appreciate the approval for this variance application. My sincere apologies for my oversight in this matter.

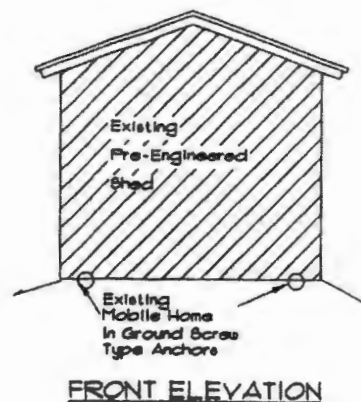
Sincerely,



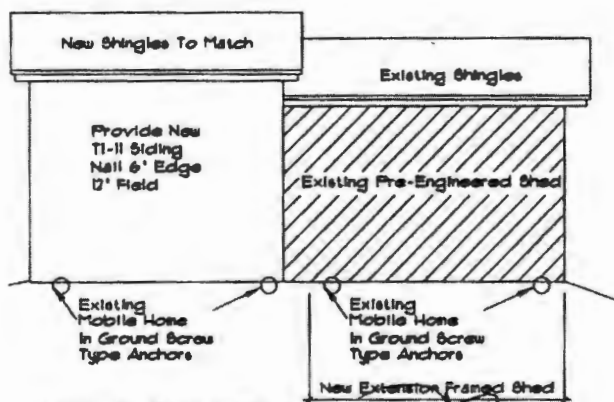
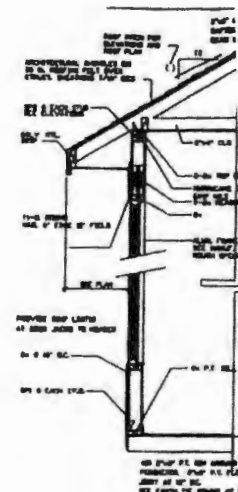
Robert G Burkhart

7/12/18

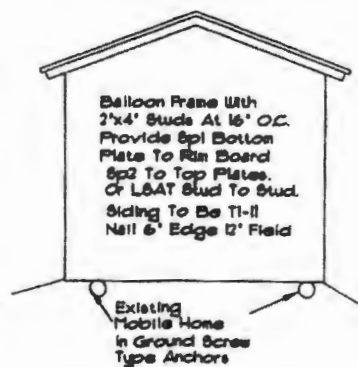




FRONT ELEVATION



LEFT ELEVATION



REAR ELEVATION



STAFF REPORT
CASE #: VA-18-09-115
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
September 6, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Robert Burkhart

REQUEST: Variance in the R-3 zoning district to validate an existing shed located 4 ft. from the side (north) property line in lieu of 5 ft.

This is the result of code enforcement action.

LOCATION: East side of Dickson Ave., along the west shore of Crystal Lake, approximately 400 ft. east of S. Fern Creek Ave., via Page Ave.

PROPERTY ADDRESS: 2335 Dickson Ave., Orlando, FL 32806

PARCEL ID: 06-23-30-1016-00-050

PUBLIC NOTIFICATION: 88

TRACT SIZE: 100 ft. x 119 (AVG) Above NHWE/.27 Acres High & Dry

DISTRICT #: 3

ZONING: R-3

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

PROPOSED USE(S): Shed

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

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-3, Multiple-Family Dwelling District. This zoning provides for a variety of dwelling types, ranging from single-family detached homes to condominiums and apartment buildings.
2. The applicant purchased the subject property in 2004. The front portion of the shed was in existence when the property was purchased. Subsequent to that, based on historic aerial photography, the applicant added onto the shed in 2016-2017, following the same building line. However, when the shed was originally constructed, it was only constructed 4.3 ft. from the side property line, in lieu of 5 feet. It was also not built parallel to the property line, but rather askew, trailing away from the property line. As a result, the end of the addition is actually 4.7 ft. from the property line, and, while less so than the original construction, still non-conforming.
3. The subject property is located on Crystal Lake, and slopes from the street back to the lake. The location where the addition to the original shed is constructed is actually the beginning of a slope which extends down to Crystal Lake. This area slightly encroaches into the 100-year floodplain. However, rather than fill the area, the applicant chose to suspend the east end of the shed on blocks, reducing the impact to the floodplain.
4. The applicant has obtained a letter of support from the most impacted neighbor to the north. While the neighbor's shed meets the side setback, the applicant's shed is in the same general location on their lot as the neighbor's shed on the subject property.

Variance Criteria

1. The special circumstance and condition regarding the subject property is the fact that it is a lakefront lot. In addition, the existing home and a portion of the shed are located in the 100-year floodplain. Relocating the shed to meet the required setback would result in a greater encroachment into the floodplain.
2. While the location of the existing shed was not a self-imposed hardship as it existed when the applicant purchased the property, the addition to the shed is self-imposed, as it followed the existing line rather than jogging in to meet the setback.
3. Granting the variance will not grant any special privilege upon the applicant, as sheds are a common improvement.
4. Denying the variance will result in the applicant being required to either demolish the shed or relocate it. Demolition will require the reconstruction of a shed which

may encroach further into the floodplain. The existing shed is compliant with all other dimensional requirements such as size and height.

5. The variance to retain the shed in its current location will amount to a 14% variance, which is minimal.
6. Given that the applicant will retain a side setback in excess of 4 feet, and that there is an existing shed on the property to the south, which is located six (6) ft. from the shared side lot line, this request will meet the purpose and intent of, nor will it impair the integrity of, the Zoning Code.
7. While the location of the original portion of the shed, which was in existence when the applicant purchased the property, was not the result of any action by the applicant, the location of the portion of the shed constructed by the applicant was the result of the applicant's action, thereby, creating a self-imposed hardship.

STAFF RECOMMENDATION:

Staff recommends denial of the request.

However, should the BZA find that the applicant has satisfied the criteria for the granting of a variance, staff recommends that the following conditions be attached to their recommendation for approval:

1. Development in accordance with the site plan and elevations dated July 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 applicant shall obtain a permit for the shed within 120 days of final action by Orange County on this application, or this approval becomes null and void.

c: Robert Burkhart
2335 Dickson Avenue
Orlando, FL 32806

PHYLLIS SMITH
VA-18-09-116

REQUEST: **Variances** in the R-1A zoning district as follows:
1) To permit two accessory structures to remain with a separation distance of 4 ft. in lieu of 10 ft.
2) To validate two existing sheds located 1 ft. off the rear (northerly) property line in lieu of 5 ft.
3) To validate 2 existing sheds located 40 ft. from the centerline of a major urban collector in lieu of 55 ft.
Note: One of the structures is constructed completely of metal. The applicant hired a contractor to install the newer structure. The contractor was to have obtained the necessary permits, but failed to do so.
This is the result of code enforcement action. A survey was provided, however, it was found to be in error.

ADDRESS: 7701 Pine Hollow Court, Orlando FL 32822

LOCATION: Northerly side of Pine Hollow Ct., at the south east corner of Curry Ford Rd. and Pine Branch Drive

S-T-R: 02-23-30

TRACT SIZE: 88 ft. x 110 ft. (AVG)

DISTRICT#: 3

LEGAL: HIDDEN HOLLOW 8/44 LOT 64 (LESS RD R/W)

PARCEL ID: 02-23-30-3550-00-640

NO. OF NOTICES: 121

DECISION: **APPROVED** the Variance requests **#1** and **#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; and, deemed the Variance Request **#3**, as **UNNECESSARY** (unanimous; 7-0):

1. Development in accordance with the site plan dated July 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to issuance of permits for the unpermitted structures on the subject property, the applicant shall either: obtain a permit to relocate the existing fence located in the Curry Ford Road right-of-way (r-o-w) back onto the subject property; or obtain right-of-way utilization permit from the Orange County Public Works Department.
5. The applicant shall obtain permits for all unpermitted structures within 180 days of final action on this application by Orange County, or this approval becomes null and void.

SYNOPSIS: Staff explained the history of the subject property, including the platting of the subdivision in 1979, with a dedication of thirty (30) feet for Curry Ford Road, and a subsequent condemnation proceeding which took an additional fifteen (15) feet of all lots on the south side of Curry Ford Road. This condemnation had been missed by the applicant's surveyor earlier this year when the original survey was submitted still showing the fifteen (15) feet, which had been condemned in 1982. As a result, not only are the applicant's sheds one (1) foot off of the property line, but the fence, which had been properly permitted in 2015, based on an erred survey, was located two (2) feet inside of the Curry Ford Road right-of-way. Since the condemnation had taken place long before the applicant purchased the property, they were unaware that their lot was shorter than their survey showed. Staff noted that it was recommending approval of Variance #1, and for that portion of Variance #2, dealing with the larger shed. The smaller shed should meet the setbacks. Variance #3, was not needed.

The applicant noted that they had no idea until staff had her surveyor redo the survey that their lot was so much smaller. Further, they thought that the contractor would have taken care of the permits as the vendor had indicated. A representative of the Code Enforcement Division had nothing to add to the discussion. There being no one in attendance to speak for or against the request, the public hearing was closed.

The BZA found that given the circumstances, the need for the requested variances was not self-imposed. Further, granting a variance for one (1) shed and not the other made no sense. A motion to recommend approval of Variance requests #1 and #2 as advertised less condition #6, and deem Variance request #3 to be unnecessary, was passed by unanimous vote.



Applicant: PHYLLIS SMITH

BZA Number: VA-18-09-116

BZA Date: 09/06/2018

District: 3

Sec/Twn/Rge: 02-23-30-SE-D

Tract Size: 88 ft. x 110 ft. (AVG)

Address: 7701 Pine Hollow Court, Orlando FL 32822

Location: Northerly side of Pine Hollow Ct., at the southeast corner of Curry Ford Rd. and Pine Branch Drive

CLEANING 2 PERFECTION, LLC



7701 Pine Hollow Court
Orlando, FL 32822

Phone: 240-350-2943
Toll Free: 1-866-301-1237
Fax: 866-528-1035
E-mail: phyllis@cxtpfllc.com

July 16, 2018

To Zoning Committee,

I'm requesting a variance at my home: 7701 Pine Hollow Ct, Orlando, FL, 32822 (02-23-30-3550-00-640)

I recently had a contractor install a 20X12 9ft tall metal wind certified carport in my yard to be used as my entertainment/family area and come to find out they didn't pull permit and per code enforcer it needs to be 10ft space between the carport and my previous shed that's 6.1X12.3 and the carport sits 4 ft from my

~~property lines.~~
Shed. PAS 7/16/18

Had this company done their job and pull the permit or gave me the blue prints to pull a permit I would have known to get a smaller carport or not purchase one at all which means the company would have lost a sell. I work hard to keep my property up and looking nice and I don't have money to throw away if it has to be removed and I don't have the money for the variance but it's cheaper than me losing over \$4,200.

The structure is not an eye sore for the neighborhood and it's not an intrusion on the surrounding properties.

Sincerely,

Phyllis A. Smith
Ms. Phyllis Smith, Owner
C2P, LLC
Orlando, FL 32822
Suitland, MD 20746

Boundary
Survey

C1

$\Delta=90^{\circ}00'00''(P)$
 $L=39.27'(P)$
 $R=25.00'(P)$
 $T=25.00'(P)$

$\Delta=91^{\circ}22'18''(M)$
 $L=39.87'(M)$
 $R=25.00'(M)$
 $T=25.61'(M)$

PINE BRANCH DRIVE
 50' PLATTED RIGHT-OF-WAY
 ASPHALT ROADWAY

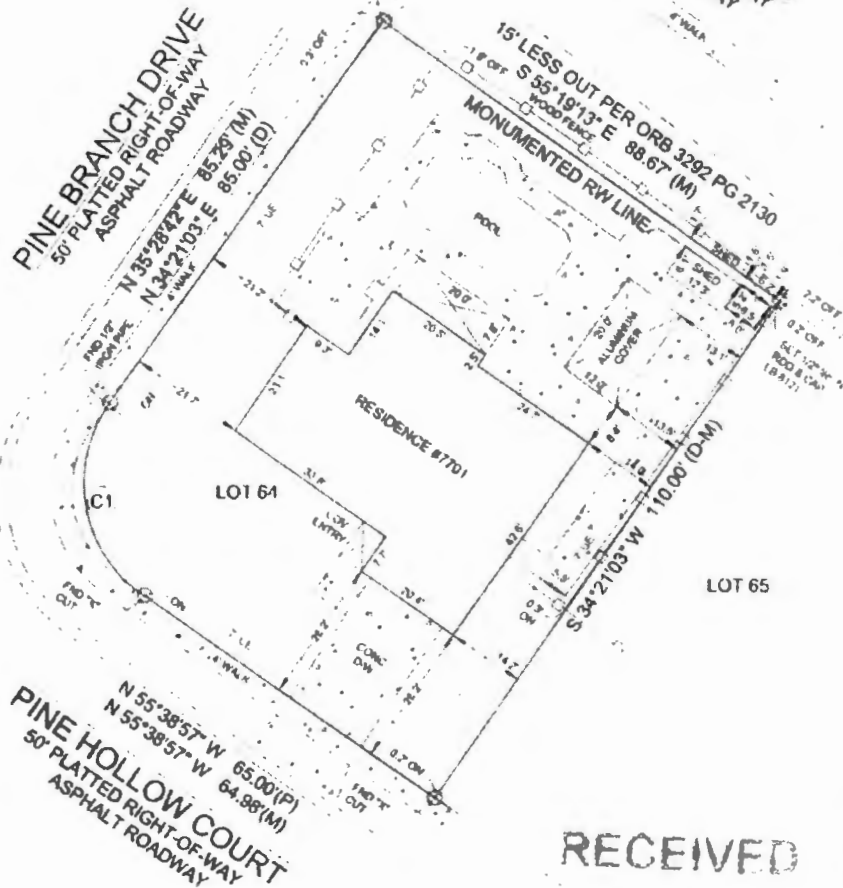
CURRY FORD ROAD
 60' PLATTED RIGHT-OF-WAY
 ASPHALT ROADWAY

N 35°28'42" E 85.28' (M)
 N 34°21'03" E 85.00' (D)

15' LESS OUT PER ORB 3292 PG 2130
 S 55°19'13" E 88.67' (M)
 MONUMENTED RW LINE

PINE HOLLOW COURT
 50' PLATTED RIGHT-OF-WAY
 ASPHALT ROADWAY

N 55°38'57" W 65.00' (P)
 N 55°38'57" W 64.88' (M)



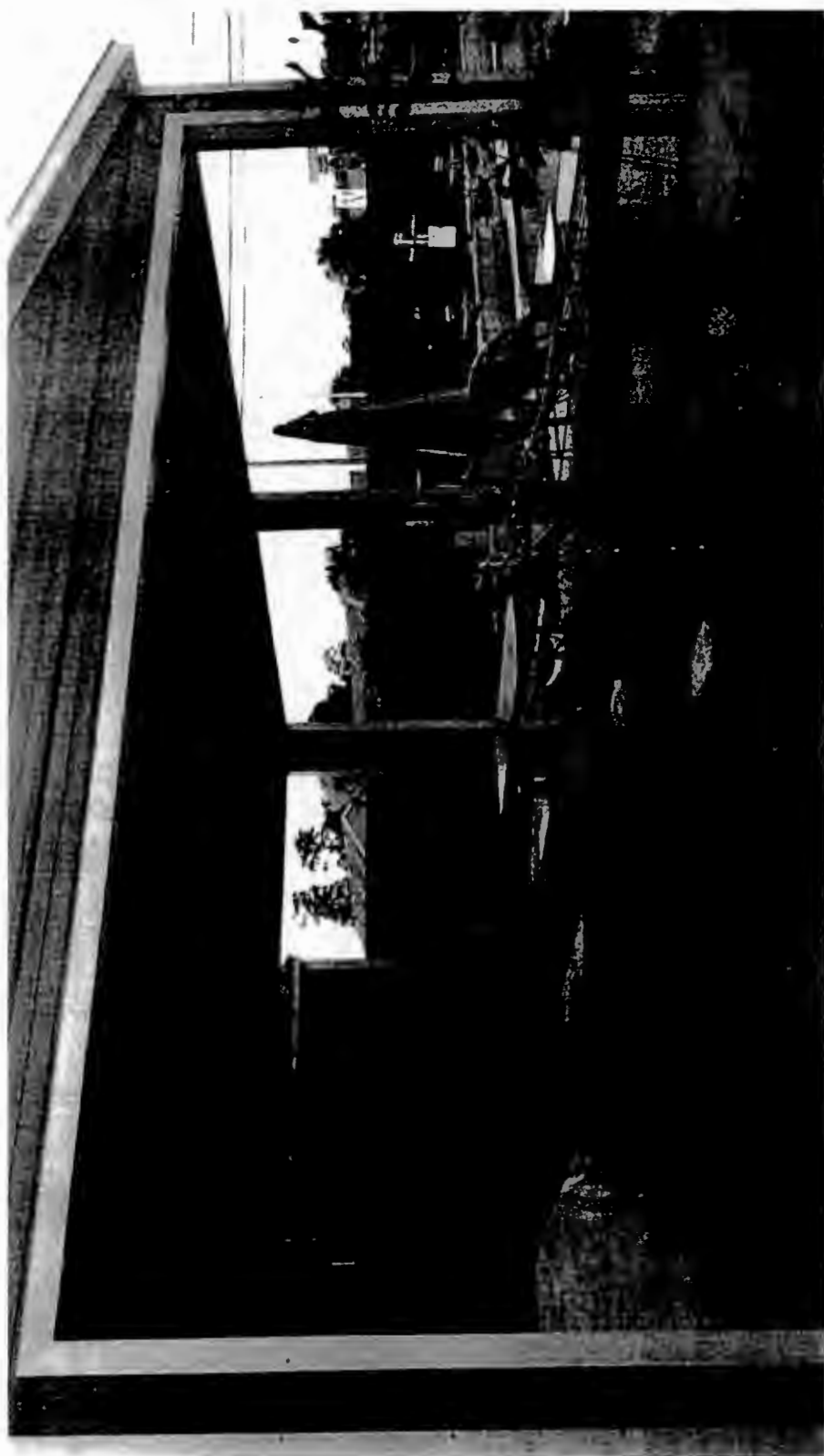
RECEIVED

JUL 16 2019

ORANGE COUNTY
 ZONING DIVISION

1" = 4'
 GRAPHIC SCALE











STAFF REPORT
CASE #: VA-18-09-116
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
September 6, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Phyllis Smith

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

- 1) To permit two accessory structures to remain with a separation distance of 4 ft. in lieu of 10 ft.
- 2) To validate two existing sheds located 1 ft. off the rear (northerly) property line in lieu of 5 ft
- 3) To validate 2 existing sheds located 40 ft. from the centerline of a major urban collector in lieu of 55 ft.

This is the result of code enforcement action

LOCATION: Northerly side of Pine Hollow Ct., at the south east corner of Curry Ford Rd. and Pine Branch Drive

PROPERTY ADDRESS: 7701 Pine Hollow Ct., Orlando, FL 32822

PARCEL ID: 02-23-30-3550-00-640

PUBLIC NOTIFICATION: 121

TRACT SIZE: 88 ft. x 110 ft. (AVG)/.22 Acres

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Single family residence

PROPOSED USE(S): Accessory structures

SURROUNDING USES: N - Curry Ford Rd.
S - Single family residence
E - Single family residence
W - Single family residence

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-1A, Single Family Dwelling District. This zoning permits the development of single-family dwellings on individual lots with a minimum of 7,500 sq. ft. of land area, including traditional accessory structures such as sheds.
2. The Hidden Hollow subdivision, in which the subject property is situated, was platted in 1979. The subject property is a corner thru-lot with three (3) sides adjacent to public right-of-way (r-o-w). The yard adjacent to Pine Branch Drive has a required setback of 15 feet rather than the normal side setback of 5 feet. In 1982, Orange County determined that an additional 15 ft. of land was required, and acquired the northerly 15 ft. of every lot abutting Curry Ford Road r-o-w, in addition to that dedicated through the Hidden Hollow Plat in 1979.
3. When the surveyor prepared the applicant's survey, the 1982 condemnation was overlooked, and a survey of the original lot lines was submitted for this application. That survey showed that the existing shed was over 16 feet from the rear property line. Staff found a discrepancy between the survey and the configuration of the lot on the Property Appraiser's map. The County surveyor's office provided staff with a copy of the condemnation order. Staff forwarded the Official Record Book and Page number to the applicant for their surveyor to correct the survey. A new survey revealed that the sheds are in fact only one (1) foot off the rear property as opposed to the required five (5) feet.
4. In addition to revealing the true location of the sheds, the new survey also reveals that the fence replacement constructed in 2015 through permit F15017551, was also permitted through a survey of the original property boundary before the 15 ft. acquisition by the County. As such, that fence was constructed two (2) ft. into the Curry Ford Road r-o-w. This situation will need to be rectified by the applicant by either relocating the fence to their property, or through acquisition of a r-o-w utilization permit. A condition to this effect has been added.
5. After consulting with the Public Works Department after the revised survey was submitted, it was determined that there is sufficient existing r-o-w that Variance #3, is not needed.
6. The applicant purchased the metal cabana from a company, which was to hire a local contractor to install it. The applicant indicated that they adamantly stressed that the cabana must meet wind loads, and be properly permitted. The contractor installed the cabana in its current location without obtaining the required permits. This resulted in the cabana being located only four (4) ft. from an existing shed as opposed the required ten (10) ft.

7. The ten (10) ft. separation is not a requirement of the Florida Building Code, but rather of the Zoning Ordinance. Presumably, it was originally intended for separation in case of fire. As previously noted, the cabana is 100% metal.
8. In addition to the cabana, there is a larger 6 ft. x 12 ft. shed, and a smaller 5 ft. x 6.5 ft. shed. Currently, both sheds are unpermitted and located in the southeasterly corner of the yard. The smaller shed is located only .2 feet from the side (easterly) property line. The original erred survey showed that both sheds were over 16 feet from the old property line. However, once the new corrected survey was provided, it showed that the sheds are only located one (1) foot from the property line. Upon submittal of this application, staff suggested that the applicant relocate the smaller shed to a place more toward the center of the lot. A permit to do so was processed. However, due to the incorrect survey, the site suggested by staff is actually only one (1) foot from the rear property line like the larger shed. The large shed does meet the side setback.
9. Staff research revealed that numerous variances were granted to lots backing up to Curry Ford Road on both sides. A variance was granted to the subject property itself in 1981, and for three (3) lots northwest across Pine Branch Drive for six (6) ft. fences within 110 ft. of the centerline of Curry Ford Road. On the north side of Curry Ford Road, every lot abutting that road was granted a variance to construct a residence 85 ft. from the centerline in lieu of 110 ft.

Variance Criteria

1. The special conditions and circumstances particular to the subject property is the fact that the lot is 15 ft. shallower than when originally platted, a fact, which even a licensed surveyor, overlooked. If the 15 ft. were still part of the lot, the applicant could relocate the shed to attain the required separation. Further, the cabana was situated to maximize its view of the pool. To relocate the cabana to attain the required separation would place it approximately two (2) ft. from the residence. It would also require the drilling of new holes in the concrete deck and repair of the current holes created by the prior contractor. The 15 ft. acquired by the County was never been utilized for any improvements.
2. The variances are not self-imposed. The applicant relied upon a contractor to follow proper procedure, including obtaining a permit. The applicant was also under the impression that they owned additional property north of the fence. In order to obtain a permit for the larger shed to remain, a variance to the rear setback is needed. In order to allow the smaller shed to be placed in the location selected by staff based on the erred survey, a variance to the rear setback will also be needed. This shed could be relocated to another area of the rear yard meeting setbacks without need of a variance.
3. Granting the variance will not confer any special privilege on the applicant. Based on staff research, numerous variances were granted, including one for the subject

property, resulting from the acquisition of added r-o-w on both sides of Curry Ford Road.

4. Denying the variances will require the applicant to relocate the two (2) sheds and the cabana, which will be difficult given the existence of, and location of, the pool.
5. The applicant is requesting the least variances needed to maintain the status quo and obtain the needed permits to retain the sheds, and for the cabana which they assumed to be properly permitted. The large shed should be permitted to remain in its current location, as there is no other location to relocate it to. However, the smaller shed is small enough that it could be relocated to another area of the rear yard other than that last chosen by staff.
6. Given the separation distance between Curry Ford Road and the sheds, the purpose and intent of the Code is being met.

STAFF RECOMMENDATION:

Staff recommends approval of Variance #1. However, staff cannot fully support Variance #2. Therefore, staff is recommending approval of Variance #1, and partial approval of Variance #2, for the 6 ft. x 12 ft. shed, but denial of that Variance for the 5 ft. x 6.5 ft. shed. No action is necessary for Variance #3. Should the BZA concur with staff's recommendation, the six (6) conditions listed below should be attached to the recommendation. However, should the BZA find that the granting of both Variances, as requested by the applicant, are warranted, that approval should include conditions #1 through #5, omitting condition #6.

1. Development in accordance with the site plan dated July 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and

reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Prior to issuance of permits for the unpermitted structures on the subject property, the applicant shall either: obtain a permit to relocate the existing fence located in the Curry Ford Road right-of-way (r-o-w) back onto the subject property; or obtain right-of-way utilization permit from the Orange County Public Works Department;
5. The applicant shall obtain permits for all unpermitted structures within 180 days of final action on this application by Orange County, or this approval becomes null and void.
6. The applicant shall relocate the 5 ft. x 6.5 ft. shed to a location complying with all required setbacks.

c: Phyllis Smith
7701 Pine Hollow Court
Orlando, FL 32822

CANCALA ASSOCIATES, LLC
SE-18-09-117

REQUEST: **Special Exception** in the A-2 zoning district to allow a retention pond in conjunction with a commercial business.

ADDRESS: East Colonial Drive, Orlando FL 32833

LOCATION: Southeast corner of E. Colonial Dr. and 3rd St.

S-T-R: 22-22-32

TRACT SIZE: 315 ft. x 150 ft.

DISTRICT#: 5

LEGAL: BITHLO J/17 THAT PART OF BLK 1203 LYING SWLY OF SR 50 IN 22-22-32 SW1/4 & THAT PORTION OF N 45 FT OF FIFTH AVE LYING S OF BLK 1203 (LESS THAT PORTION LYING WITHIN R/W OF SR 50) & BEG 15 FT E OF NW COR OF NW1/4 RUN E 150 FT S 215 FT W 150 FT N 215 FT TO PO

PARCEL ID: 22-22-32-0712-12-132

NO. OF NOTICES: 63

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 July 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. 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 install landscaping in front of the retention pond along 3rd Street. The landscaping shall comply with Sec. 24.4 (a)(1) which requires a seven (7) foot wide landscape strip with a shade tree every forty (40) feet, and a continuous hedge.
5. Per the Environmental Protection Division, a Conservation Area Determination will be required prior to issuance of a building permit or other authorization to allow construction activities on site.

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

The applicant agreed with the analysis and conditions.

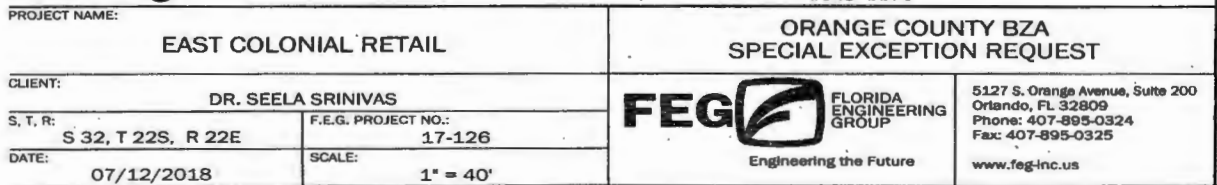
The BZA inquired about how the property came to have split zoning.

The BZA felt the case was straightforward.

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

There was no opposition at the hearing.

The BZA approved the Special Exception.





FLORIDA
ENGINEERING
GROUP

5127 S. Orange Avenue, Suite 200
Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325

2302 Parklake Drive, Suite 134
Atlanta, GA 30345
Phone: 1-877-857-1581
Fax: 1-877-857-1582



SPECIAL EXCEPTION REQUEST JUSTIFICATION STATEMENT

EAST COLONIAL RETAIL EAST COLONIAL & 3RD STREET ORANGE COUNTY, FLORIDA

JULY 12, 2018

The subject project site is a 0.34-acre parcel of land located at the northeast corner of the intersection of 3RD Street and 6th Avenue (not opened) approximately 360 feet south of its intersection with E. Colonial Drive (SR 50), in unincorporated Orange County, Florida. The site is zoned A-2 and has an existing Future Land Use (FLU) designation of Rural (R). The proposed use for the project site is a stormwater pond for a proposed commercial use on the property located to the north. A stormwater pond is permitted in the A-2 Zoning District, but a Special Exception is required for the stormwater pond if it will serve a commercial development. The site is currently vacant with vegetative cover.

The surrounding area includes a proposed commercial (C-1) development to the north; vacant land (A-2) to the east, single family residential (R-T) to the west; and vacant land (A-2) to the south.

The following paragraphs provide justification for this special exception request, which is consistent with the specific standards for the approval of special exceptions as outlined in Section 38-78 and listed in Section 38-79 with number 123 of the Orange County Code of Ordinances.

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

Response: The Comprehensive Policy Plan establishes the Stormwater Management Element Goal SM1: "Orange County shall manage stormwater to prevent flood damage and to protect water quality". The special exception request is being submitted to allow the A-2 zoning district to be used in conjunction with an adjacent Commercial Development proposed on the adjacent property to the north for water quality treatment and quantity control discharge.

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

Response: The proposed use as stormwater pond is compatible with the surrounding uses since the adjacent land is rural and the stormwater pond is a low intensity use.

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

Response: The proposed use of a stormwater pond is low intensity, which is compatible with single family uses to the west (on the west side of 3rd Street) and the vacant land to the east and south of the property.

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

RECEIVED

**JUL 16 2018
ORANGE COUNTY
ZONING DIVISION**

Response: The proposed use will not include any occupancy or activities that will impact the surrounding area.

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

Response: The proposed stormwater pond will not emit any noise, vibration, dust, glare, and heat producing characteristics, which is less than what is allowed within the A-2 zoning district.

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

Response: Buffer yard requirements will be provided in accordance with Sec. 24-5 of the Orange County Land Development Code.

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

Sincerely,
Florida Engineering Group, Inc.



Gregory Crawford, PE, PSM
President

cc: Dr. Srinivas Seela, Applicant



STAFF REPORT
CASE #SE-18-09-117
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
September 6, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: CANCALA ASSOCIATES, LLC

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-2 zoning district to allow a retention pond in conjunction with a commercial business.

LOCATION: Southeast corner of E. Colonial Dr. and 3rd St.

PROPERTY ADDRESS: E. Colonial Dr. (vacant)

PARCEL ID: 22-22-32-0712-12-132

PUBLIC NOTIFICATION: 63

TRACT SIZE: 315 ft. x 150 ft., 1.084-acres

DISTRICT #: 5

ZONING: C-1/A-2

EXISTING USE(S): Vacant

PROPOSED USE(S): Retention Pond

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

STAFF FINDINGS AND ANALYSIS:

1. The portion of the subject property for which the variance is being requested, is located in the A-2, Farmland Rural zoning district, which allows agricultural uses, single family homes, and associated accessory structures on minimum one-half (1/2) acre lots. A retention pond in affiliation with a commercial use is allowed by Special Exception.
2. The property has a split zoning. The northerly portion of the property (fronting on Colonial Drive) is zoned C-1, and is proposed to be a commercial development. The southern portion of the lot is zoned A-2. The applicant is requesting a Special Exception to use the southern portion of the lot as a retention pond in affiliation with the commercial use.
3. The front portion of the property was rezoned to C-1 in 2013, per RZ-13-09-027.
4. The property is bordered to the south by 6th Avenue, a platted right-of-way, which is unopened at this time.

Special Exception Criteria

1. The use shall be consistent with the Comprehensive Policy Plan.

The Comprehensive Plan states that a retention pond in affiliation with a commercial use is compatible with agricultural and commercial zoning through the Special Exception process.

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

A retention pond is a low intensity use, and is similar and compatible with the surrounding area.

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

The use is not proposing any vertical construction. The use will not be a detrimental intrusion into the surrounding area.

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

The retention pond use will meet all the performance standards.

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

The characteristics and impacts of a retention pond are consistent with the majority of uses permitted in the A-2 and C-1 zoning districts.

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

Per condition #4, a landscape buffer will be required adjacent to 3rd Street.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated July 16, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
 2. 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 install landscaping in front of the retention pond along 3rd Street. The landscaping shall comply with Sec. 24.4 (a)(1), which requires a seven (7) foot wide landscape strip with a shade tree every forty (40) feet, and a continuous hedge.
 5. Per the Environmental Protection Division, a Conservation Area Determination will be required prior to issuance of a building permit or other authorization to allow construction activities on site.
- c: Greg R. Crawford, Applicant's Representative
5127 S. Orange Avenue, Suite 200
Orlando, FL 32809

TOBY BEST (Homes In Partnership)
VA-18-09-118

REQUEST: **Variances** in the R-1AAAA zoning district as follows:
1) Variance to allow 6.3 ft. side setbacks in lieu of 10 ft.
2) Variance to allow a 46 ft. lot width in lieu of 110 ft.
3) Variance to allow a minimum lot size of 0.18-acres in lieu of 0.5-acres.
4) Variance to allow 1,061 sf. ft. of living area in lieu of 1,500 sf. ft.

ADDRESS: 2911 Donald Avenue, Zellwood FL 32798

LOCATION: East side of Donald Ave., north of N. Orange Blossom Trl., south of W. Ponkan Rd.

S-T-R: 27-20-27

TRACT SIZE: 52 ft. x 152 ft.

DISTRICT#: 2

LEGAL: BECKS ADDITION TO ZELLWOOD Q/124 S 52.6 FT OF LOT 4 BLK A (LESS THE N 6 FT OF E 23 FT OF W 75 FT OF S 52.6 FT OF LOT 4 BLK A)

PARCEL ID: 27-20-27-0560-01-045

NO. OF NOTICES: 33

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

1. Development in accordance with the site plan dated July 31, 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 demolition permit prior to issuance of a building permit.

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

The applicant agreed with the staff report.

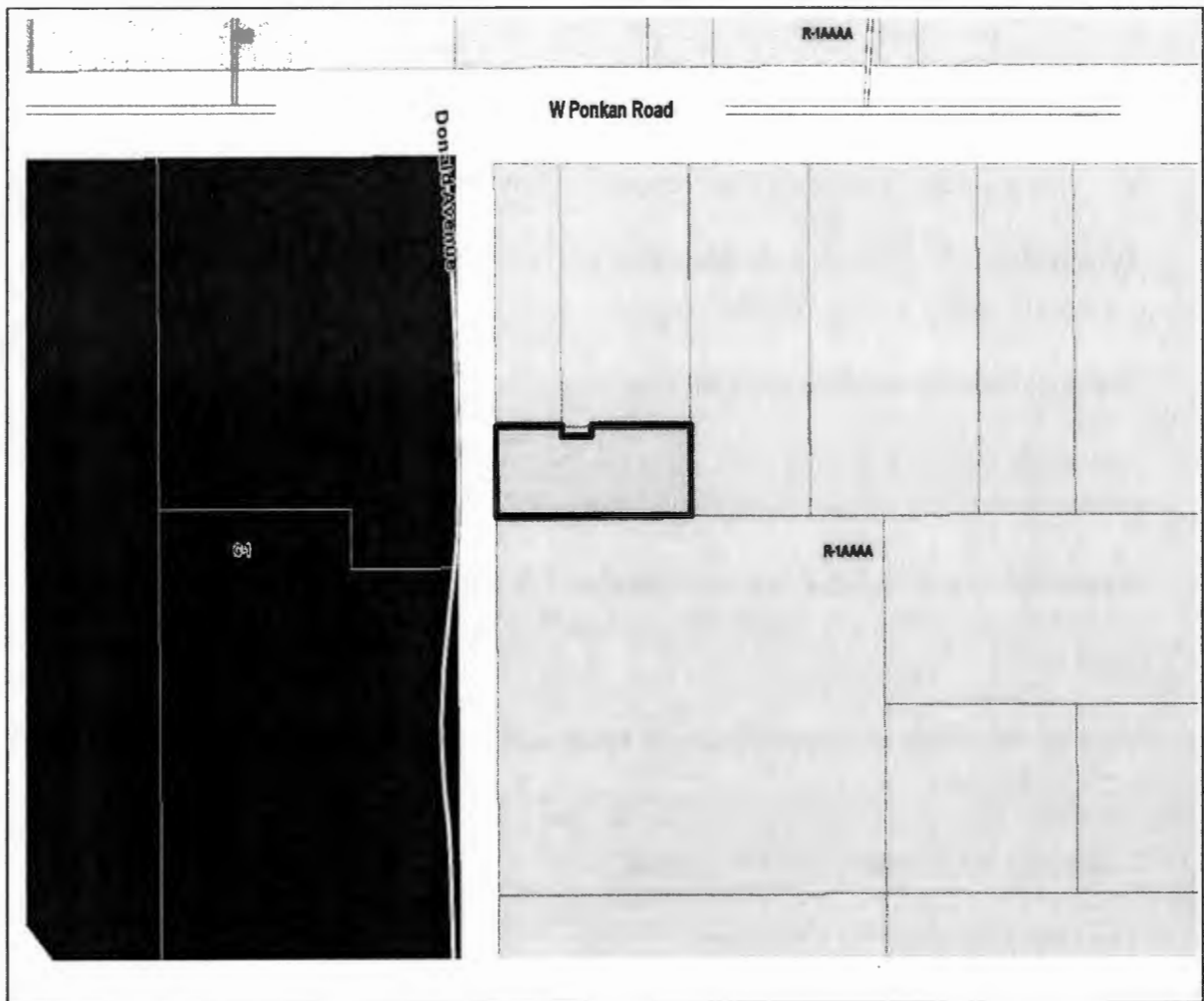
The BZA stated that this was a good project, with interesting circumstances that provided an opportunity to address the standards objectively, and to approve.

A member of the public spoke on behalf of the applicant, and described how a tree fell on the house during a hurricane, and how the owner was made homeless by the situation.

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

There was no opposition at the hearing.

The BZA approved the variances.



Applicant: TOBY BEST (Homes In Partnership)

BZA Number: VA-18-09-118

BZA Date: 09/06/2018

District: 2

Sec/Twn/Rge: 27-20-27-NE-A

Tract Size: 52 ft. x 152 ft.

Address: 2911 Donald Avenue, Zellwood FL 32798

Location: East side of Donald Ave., north of N. Orange Blossom Trl., south of W. Ponkan Rd.



Homes In Partnership, Inc

"Providing Central Florida
with affordable housing"

June 4, 2018

Orange County Zoning
201 S. Rosalind Ave
Orlando FL

To whom it may concern:

We are requesting a variance of the side yard setbacks and the required minimum living area located at 2911 Donald Ave, Zellwood, FL. Currently the lot has an R-1AAAA zoning. We are requesting for each side yard to have a setback of 6.3 FT in lieu of the 10 FT requirement & to reduce the required 1500 SF living area to 1061 SF living area.

The homeowner lost her home when a tree fell during Hurricane Irma. The proposed model is the smallest model available to closely accommodate the required setbacks, making the living area square footage under the amount required. The homeowner is receiving a minimal amount of funds from her insurance company.

Thank you,

Toby Best
Executive Director

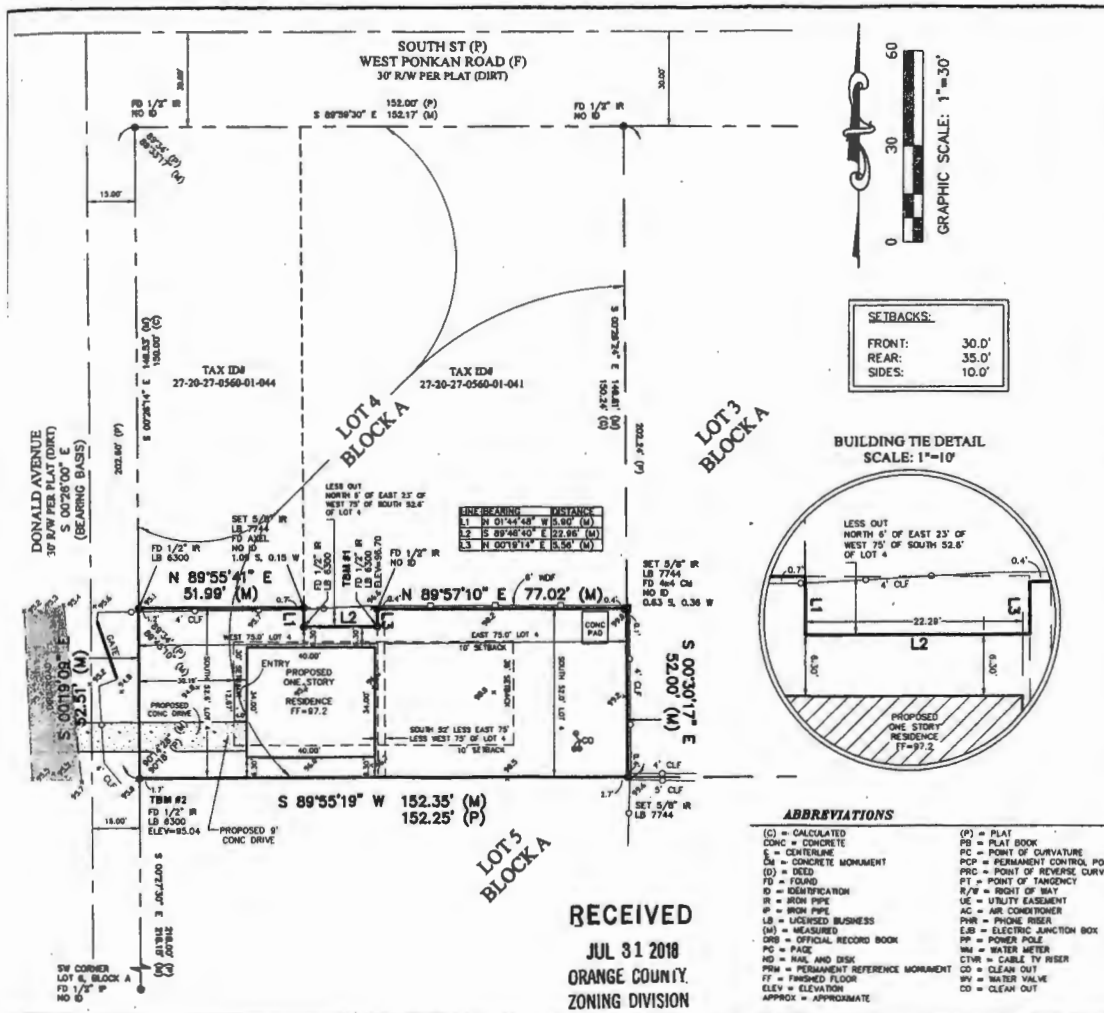
RECEIVED

JUL 31 2018
ORANGE COUNTY
ZONING DIVISION

VA-1809-118

CORPORATE OFFICE

T (352) 388-7300 • T (407) 886-2451 • F (407) 886-5304 • www.homesin.org
1140 South Grove Street • Eustis, FL 32726



BOUNDARY AND TOPOGRAPHIC SURVEY AND PLOT PLAN

Description:

West 75 feet of the South 52.6 feet (less North 6 feet of the East 23 feet of the West 75 feet of the South 52.6 feet) of Lot 4, Block "A", BECK'S ADDITION TO ZELLWOOD, according to the Plat thereof as recorded in Plat Book "Q" Page 124 of the Public Records of Orange County, Florida.

AND

East 75 feet of the South 52 feet of Lot 4, Block "A", BECK'S ADDITION TO ZELLWOOD, according to the Plat thereof as Recorded in Plat Book "Q" Page 124 of the Public Records of Orange County, Florida.

AND

The South 52 feet, less the East 75 feet and less the West 75 feet of Lot 4 Block "A", BECK'S ADDITION TO ZELLWOOD, according to the Plat thereof as Recorded in Plat Book "Q" Page 124 of the Public Records of Orange County, Florida.

SURVEYORS NOTES:

- THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE OPINION. THERE MAY EXIST MATTERS ON RECORD AFFECTING THE SUBJECT PROPERTY.
- BEARINGS BASED ON THE CENTER LINE OF DONALD AVENUE, AS BEING S 00°28'00" E (AN ASSUMED DATUM).
- NO UNDERGROUND UTILITIES, FOUNDATIONS OR IMPROVEMENTS HAVE BEEN LOCATED.
- ANGLES AND DISTANCES SHOWN HEREIN ARE IN RELATION TO PLATED INFORMATION. NO BEARINGS ARE REFERENCED ON THE RECORD PLAT OR ARE ASSUMED BY THE SURVEYOR.
- SYMBOLS ARE NOT TO SCALE.
- THIS SURVEY DOES NOT DETERMINE OWNERSHIP OF FENCES.
- FENCES ARE GRAPHICAL IN NATURE AND NOT TO SCALE. FENCE TIES ARE AS SHOWN HEREIN.
- ELEVATIONS SHOWN HEREIN ARE BASED UPON AND MATCHED TO ORANGE COUNTY BECHMARK DESIGNATION # L708033E, HAVING A PUBLISHED ELEVATION OF 86.15, NORTH AMERICAN VERTICAL DATUM OF 1988, (NAVD 88).
- SITE BENCHMARKS ARE AS SHOWN.
- THE SCALE FOR THE MAP/DRAWING SHOWN HEREIN IS 1"=30' AND IS INTENDED TO BE DISPLAYED ON A 11"X17" SIZED SHEET. ANY OTHER SHEET SIZE WILL ALTER THE SCALE OF THE DRAWING. COPIES AND REPRODUCTIONS MADE FROM PRINTS WILL/MAY ALTER THE SCALE OF THE DRAWING AS WELL.

ABBREVIATIONS

(C) = CALCULATED	(P) = PLAT
CONC = CONCRETE	PCP = POINT OF CURVATURE
E = CENTERLINE	PRC = POINT OF REVERSE CURVATURE
DM = DIRM	PT = POINT OF TANGENCY
FD = FOUND	R/R = RIGHT OF WAY
ID = IDENTIFICATION	UE = UTILITY EASEMENT
IR = IRON PIPE	AC = AIR CONDITIONER
IP = IRON PIPE	PRM = PHONE RISER
LB = LICENSED BUSINESS	EAB = ELECTRIC JUNCTION BOX
(M) = MEASURED	PP = POWER POLE
OR = OFFICIAL RECORD BOOK	WM = WATER METER
PC = PAGE	CTVR = CABLE TV RISER
RD = RAIL AND DISK	CD = CLEAN OUT
PRM = PERMANENT REFERENCE MONUMENT	WV = WATER VALVE
FF = FINISHED FLOOR	CO = CLEAN OUT
ELEV = ELEVATION	
APPROX = APPROXIMATE	

RECEIVED
JUL 31 2018
ORANGE COUNTY
ZONING DIVISION

I, **RALPH A. NIETO**, do hereby certify that this survey represented hereon is true and correct to the best of my knowledge and belief. Witness my hand and seal this 26th day of July, 2018.

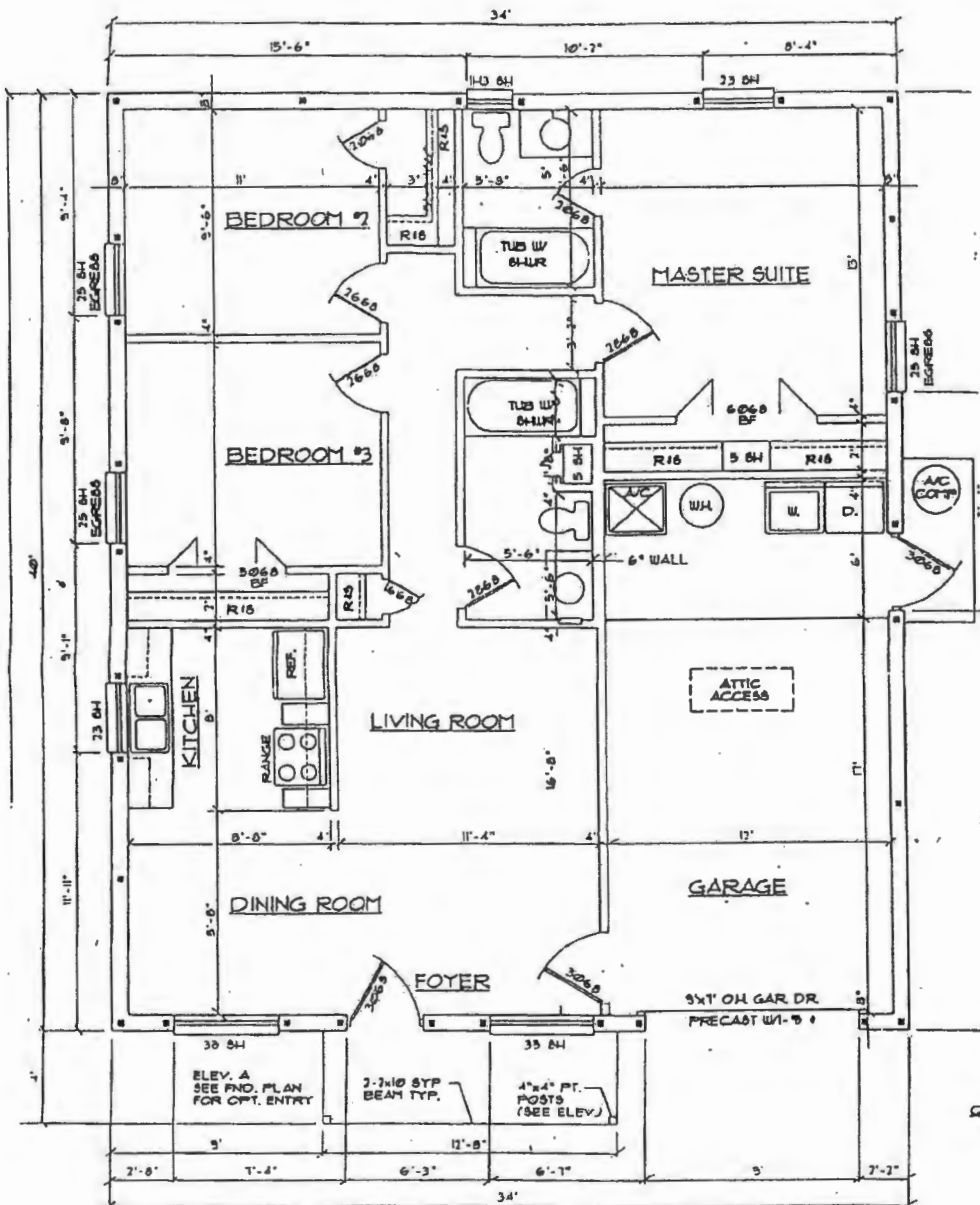
RALPH A. NIETO
RALPH A. NIETO PSM 6025

Allen Residence
2911 Donald Ave, Zellwood, FL 32798

PREPARED BY: **NIETO-Whitaker Surveying LLC**
1728 N. Ronald Reagan Blvd., Longwood, FL 32759
PH: (407) 636-8460 FAX: (407) 636-8461
LB No. 7744

DATE: 4/8/18
SCALE: 1"=30'
SHEET: 1 OF 1

H.A.



Seismic Hazard

FLOOR PLAN
SCALE: 1/4" = 1'-0"

Liv 1061
Gar 299
Entry 51

9107-556-
6763

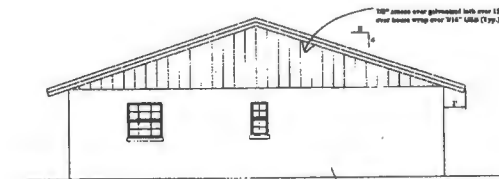
RECEIVED
JUL 31 2018
ORANGE COUNTY
ZONING DIVISION

1411 Total

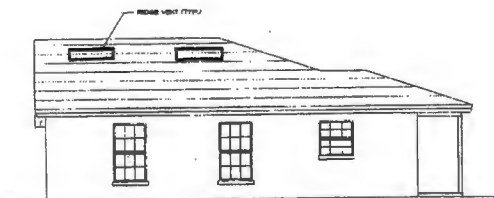
THESE PLANS ARE NOT VALID FOR PERMITTING WITHOUT THE PLUMBER SEAL AND SIGNATURE OF THE OWNER OF RECORD.



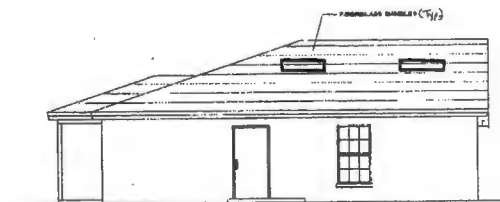
FRONT ELEVATION
SCALE 1/8" = 1'-0"



REAR ELEVATION
SCALE 1/8" = 1'-0"



LEFT SIDE ELEVATION
SCALE 1/8" = 1'-0"



RIGHT SIDE ELEVATION
SCALE 1/8" = 1'-0"

ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE ORDINANCES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSURANCE. THE OWNER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY INFORMATION AND ACCESS TO THE SITE.

FOR MORE INFORMATION, CONTACT THE PLUMBER AT THE ADDRESS LISTED BELOW. THE PLUMBER SHALL BE RESPONSIBLE FOR PROVIDING ALL NECESSARY INFORMATION AND ACCESS TO THE SITE.

RECEIVED

JUL 31 2018
ORANGE COUNTY,
ZONING DIVISION

ELEVATION PLAN

NOTES IN PARTNERSHIP

DATE	30
BY	
FOR	
BY	
FOR	



STAFF REPORT
CASE #: VA-18-09-118
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
September 6, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: TOBY BEST (Homes In Partnership)

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

- 1) Variance to allow 6.3 ft. side setbacks in lieu of 10 ft.
- 2) Variance to allow a 46 ft. lot width in lieu of 110 ft.
- 3) Variance to allow a minimum lot size of 0.18-acres in lieu of 0.5-acres.
- 4) Variance to allow 1,061 sf. ft. of living area in lieu of 1,500 sf. ft.

LOCATION: East side of Donald Ave., north of N. Orange Blossom Trl., south of W. Ponkan Rd.

PROPERTY ADDRESS: 2911 Donald Avenue, Zellwood, Florida, 32798

PARCEL ID: 27-20-27-0560-01-045

PUBLIC NOTIFICATION: 33

TRACT SIZE: 52 ft. x 152 ft., 0.178-acres

DISTRICT #: 2

ZONING: R-1AAAA

EXISTING USE(S): Vacant

PROPOSED USE(S): Single Family Residence

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

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-1AAAA, Residential Urban district, which allows for single family homes and associated accessory structures on a minimum 0.5-acre lot.
2. There was a 900 sq. ft. home on the property that the owner had occupied since 1993. The home was damaged in previous hurricanes and was destroyed by Hurricane Irma in 2017. The house was removed from the property, and the site is currently vacant.
3. The applicant is requesting variances from the side setbacks to build a single family home that is smaller than allowed by code, on an undersized lot with less than the required lot width.
4. The required side setbacks in R-1AAAA are ten (10) feet. The required minimum lot width is 110 feet. The required minimum lot size is 0.5-acres. The required minimum living area is 1,500 sq. ft.
5. The lot is irregular shaped in that it has a notch in the side, which forces the need for the side setback variances.

VARIANCE CRITERIA

Special Conditions and Circumstances

The lot has a unique shape/configuration along the north (side) property line. Also, the existing home was destroyed by a hurricane.

Minimum Possible Variance

The applicant has stated that this is the minimum possible variance to allow them to build a reasonable sized house on the property.

Purpose and Intent

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.
- The request is to rebuild a home on a lot that was previously developed.
- 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 July 31, 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 demolition permit for the previous structure, prior to issuance of a building permit.
- c: Tony Best
1140 S. Grove Street
Eustis, FL 32726

ARACELIA CUEVAS
VA-18-09-119

REQUEST: **Variances** in the R-2 zoning district as follows:
1) Variance to validate a completely enclosed porch 24 ft. from the rear (east) property line in lieu of 25 ft.
2) Variance to validate a lanai with a permanent roof 14 ft. from the rear property line in lieu of 25 ft.
This is the result of code enforcement action.

ADDRESS: 8262 Fort Thomas Way, Orlando FL 32822

LOCATION: Southerly corner of the intersection of Fort Thomas Way and Fort Jefferson Blvd.

S-T-R: 14-23-30

TRACT SIZE: 75 ft. x 109 ft. (AVG)/.19 ac.

DISTRICT#: 3

LEGAL: STONEBRIDGE PHASE 1 30/30 LOT 18 BLK B

PARCEL ID: 14-23-30-8325-02-180

NO. OF NOTICES: 116

DECISION: A motion was made by Jose A. Rivas, Jr., seconded by Wes A. Hodge, APPROVE Variance request **#1** and DENY Variance request **#2**, with amended conditions, which **FAILED** on a 3 in favor and 4 opposed vote.

A second motion was made by Eugene Roberson, seconded by Wes A. Hodge to APPROVE Variance request **#1** and DENY Variance request **#2**, with additional amended conditions, which then **FAILED** on a 3 in favor and 4 opposed vote.

A third motion was made by Deborah Moskowitz, seconded by Gregory A. Jackson to DENY both Variance requests, which also **FAILED** on a 2 in favor and 5 opposed vote.

A final motion was made by Wes A. Hodge, seconded by Jose A. Rivas, Jr., to APPROVE both Variance requests with additional amended conditions, which **FAILED** on a 3 in favor and 4 opposed vote, in that the Board was unable to make a legally effective recommendation due to lack of the required majority vote (3 in favor and 4 opposed).

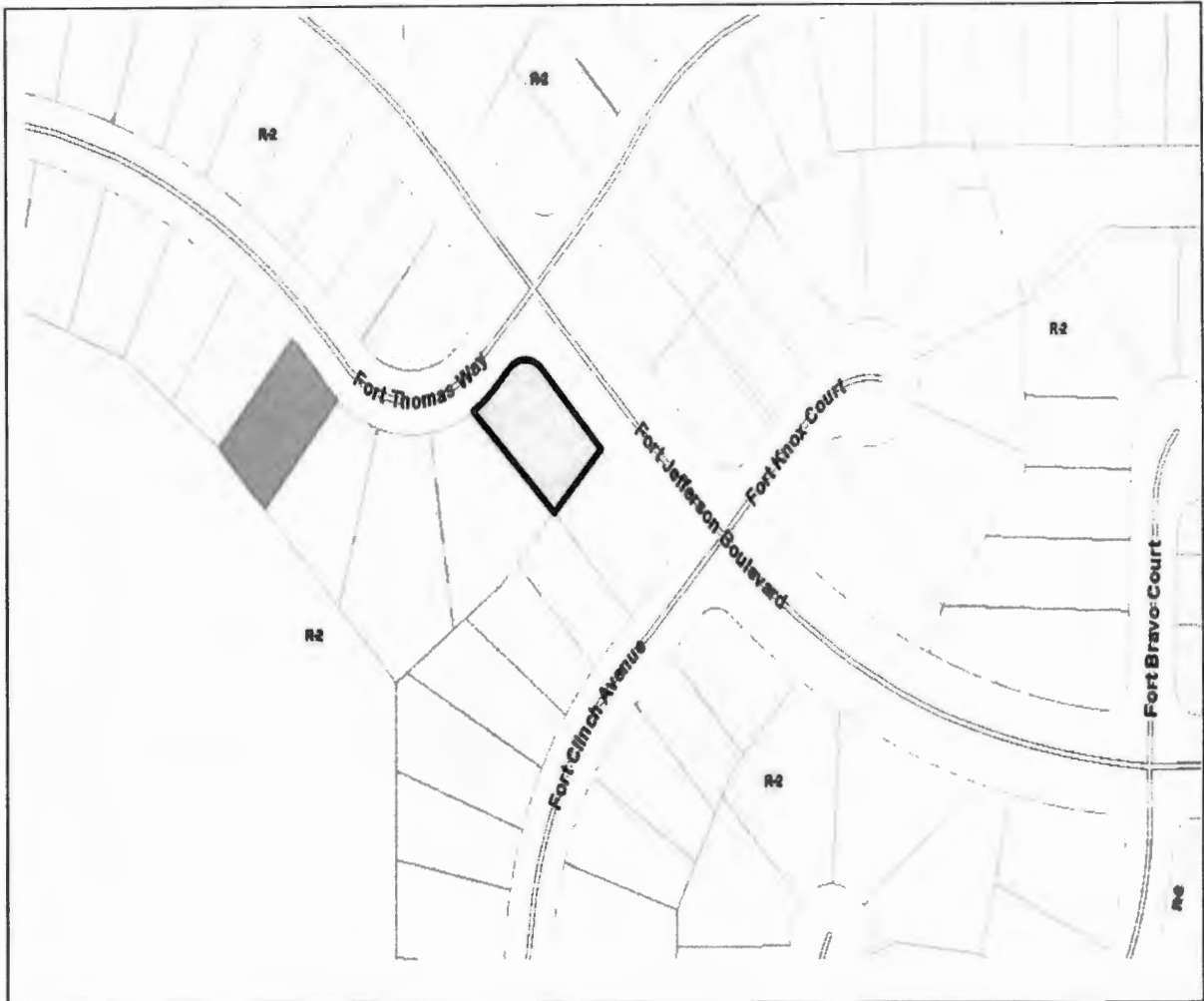
SYNOPSIS: Staff explained the history of the property which began with a permit issued in 2004, to construct a screen porch. The porch permit was finalized in 2010. At that time, the applicant indicated that they had asked the contractor what would be required to enclose the screen porch. The contractor indicated that the original permit was sufficient, which was not correct. Subsequently, the applicant's now ex-husband began constructing an accessory structure in the rear yard without a permit, for which a code violation was issued. That violation was dropped after construction ceased. However, a lanai was also added to the rear of the residence at or around the same

time-frame, also without a permit. The applicant was cited for the work in 2018, along with other improvements made to the property without permits.

Through an interpreter, the applicant indicated that they did not know the name of the contractor, as that was eight (8) years ago. They stated that they use the lanai to entertain their large family. A representative of the Code Enforcement Division indicated that with the exception of the unpermitted enclosure of the screen porch and the unpermitted lanai, all other violations have been resolved. There being no one in attendance to speak in favor or opposition to the request, the public hearing was closed.

The Board discussed at length the issue of the violations, and the unpermitted work. Other points of discussion included a need for the applicant to obtain approval of the improvements from their HOA, and the inconsistent color of the roof materials. In addition to the conditions suggested by staff, the BZA also discussed adding a condition to require that the applicant obtain approval of the improvements by the HOA before the County issues permits, the time-frame by which the applicant must obtain permits, and providing a consistent roof color over the entire roof. After a series of votes to recommend partial approval and full denial failed to gain majority vote, a motion for a full approval of the request also failed to gain enough votes to pass, at which point the BZA considered the application denied.

Note: This application will be returned to the BZA on their October meeting for a final recommendation.



Applicant: ARACELIA CUEVAS

BZA Number: VA-18-09-119

BZA Date: 09/06/2018

District: 3

Sec/Twn/Rge: 13-23-30-SW-C

Tract Size: 75 ft. x 109 ft. (AVG)/.19 ac.

Address: 8262 Fort Thomas Way, Orlando FL 32822

Location: Southerly corner of the intersection of Fort Thomas Way and Fort Jefferson Blvd.

July 16, 2018

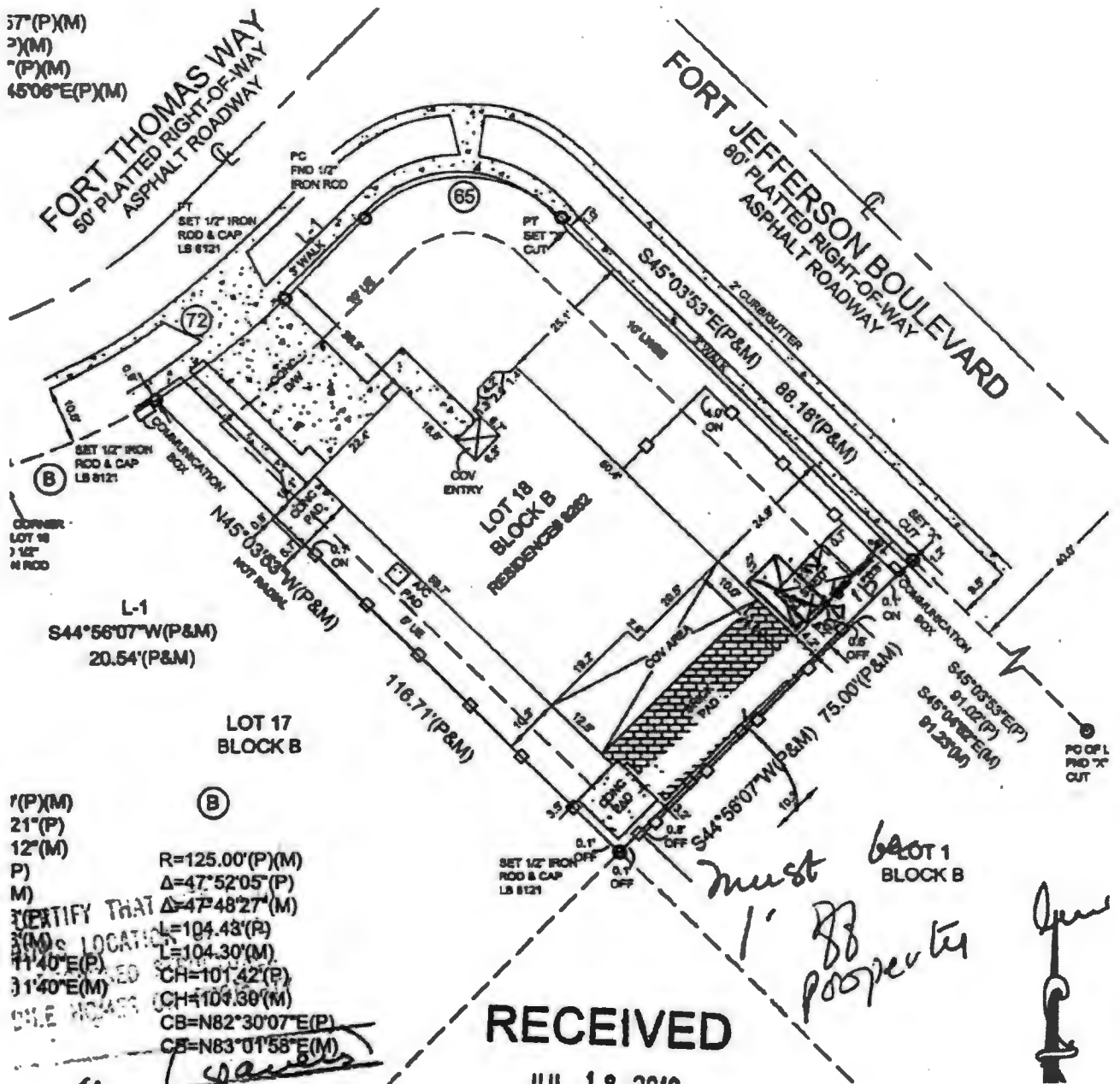
To Whom It May Concern,

The company that did the work for my porch assured me it could be closed. The extended part of the porch area is not closed, just has the ceiling part (overhead coverage).

A handwritten signature in cursive script that reads "Aracelia Cuevas". The signature is written in dark ink and is positioned above the printed name.

Aracelia Cuevas

57°(P)(M)
 2°(M)
 7°(P)(M)
 45°08'E(P)(M)







STAFF REPORT
CASE #: VA-18-09-119
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
September 6, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: Aracelia Cuevas

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

- 1) Variance to validate a completely enclosed porch 24 ft. from the rear (east) property line in lieu of 25 ft.
- 2) Variance to validate a lanai with a permanent roof 14 ft. from the rear property line in lieu of 25 ft.

This is the result of code enforcement action.

LOCATION: Southerly corner of the intersection of Fort Thomas Way and Fort Jefferson Blvd.

PROPERTY ADDRESS: 8262 Fort Thomas Way, Orlando, FL 32828

PARCEL ID: 14-23-30-8325-02-180

PUBLIC NOTIFICATION: 116

TRACT SIZE: 75 ft. x 109 ft. (AVG)/.19 ac.

DISTRICT #: 3

ZONING: R-2

EXISTING USE(S): Single family residence w/fully enclosed porch and lanai w/permanent roof

PROPOSED USE(S): Fully enclosed porch and lanai w/permanent roof

SURROUNDING USES: N - Single family residence

S - Single family residence

E - Single family residence

W - Single family residence

STAFF FINDINGS AND ANALYSIS:

1. The subject property is situated in the R-2, Residential District. This zoning district provides for a variety of single-family residential units both detached and attached. The number of units is regulated by the underlying Future Land Use (FLU), which regulates the density of the development. The FLU for the subject property is LMDR, Low-Medium Density Residential, which permits up to 10 units per acre.
2. The subject site is a corner lot. The property was platted in 1992. If platted prior to March 3, 1997, such as the subject property, the required setbacks for principle structures are 25 ft. in the front and rear, and 6 ft. on the interior side yard, and 15 ft. on the side street yard. However, lots platted after March 3, 1997, are required to meet 20 ft. front and rear yard setbacks, and 5 ft. side setbacks, and 15 ft. for the side street setback.
3. The existing setbacks for the home are 28.3 ft. on the front, 24.9 ft. on the side street, 10.1 ft. on the side, and 14 ft. on the rear. The requested variances are to validate the existing 14 ft. rear yard setback where 25 ft. is required.
4. The home was originally constructed in 1993. The applicant purchased the property in 2004. In 2006, a permit was issued to construct a screen porch onto the rear of the home (permit #B06013217). The permit was finalized in 2012.
5. Aerial photos show what appears to be a roof over the screen room sometime in 2010, and sometime in 2013, the addition and covered lanai were added. An approval letter was issued by the HOA for an "extended porch" on September 10, 2013. The applicant has indicated that the contractor told her the original permit would cover all of the additional work.
6. Code enforcement cited the property on July 10, 2013, for new construction of an accessory structure in their backyard with no active permit. The violation was cleared in August 9, 2013, after construction on that structure ceased and the materials were removed. Code Enforcement cited the property again with multiple citations on April 11, 2018, for work without zoning approval and/or permits for; a metal gazebo, driveway expansion, and concrete slab, fencing, pavers, relocated shed, side entry door, and additions to the rear of structure, and conversion of a permitted screened porch to enclosed living space.
7. An existing 8 ft. x 12 ft. shed was permitted in 2013 (B13010101), for the southwest corner of the lot. However, that shed was subsequently relocated further into that corner, into the required setbacks. After being cited by code enforcement for the shed's location, the applicant intended to relocate the shed to a new location. However, due to the age of the shed, and the fact that the new location would block windows, the applicant chose to remove the old shed through a demolition permit.

(B18015576), and construct a new 8 ft. x 8 ft. shed (B18015523) in a compliant location.

8. The current survey adequately depicts all of the improvements listed above as violations, with the exception of the gazebo, which more resembles a tiki-hut for entertainment. Either, because the structure was not on the property at the time the survey was prepared, or because it is not a permanent structure, tied down as an accessory structure should be, it is not on the survey. In order to retain all of the unpermitted improvements including the tiki-hut, required permits must be obtained or the improvements must be removed. The applicant is only seeking variances to retain the additions made to the rear of the home. This application is not related to any of the other violations.
9. Staff located two other variance granted for similar variances in the same neighborhood. One granted in 2013 allowed a rear setback of 18 ft. in lieu of 25 ft., and another granted in 2014, approximately ½ block away, allowed a rear setback of 16 ft. in lieu of 25 ft.

Variance Criteria

1. Staff does not find any special conditions or circumstances regarding the subject property. The house does fill out most of the building envelope from front to rear. There is some room between the side of the house and the side street setback line.
2. If the applicant's recount of what her contractor stated regarding permits is accurate, it could be argued that the hardship is not entirely self-imposed.
3. Given that similar variances have been granted in this neighborhood, granting the variance will not confer any special privilege.
4. Denial of the variance will not deprive the applicant of rights enjoyed by others, in that they could construct an enclosed or open porch along the street side yard of their property between the residence and Ft. Jefferson Blvd.
5. Again, since the applicant could construct a covered porch along the side of the residence, this is not the least variance necessary.
6. There will be 14 feet of rear setback open to the sky. This provides a setback from the rear yard, which is consistent with the purpose and intent of the Zoning Code.

STAFF RECOMMENDATION:

Staff recommends denial. However, should the BZA find that the applicant has met the criteria for the granting of the requested variances; staff recommends that the following conditions be attached to the BZA's recommendation:

1. Development in accordance with the site plan dated July 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 applicant shall obtain permits for the unpermitted improvements within 180 days of final action on this application by Orange County, or this approval becomes null and void.

c: Aracelia Cuevas
8262 Fort Thomas Way
Orlando, FL 32822

SANDRA CASTANO
SE-18-09-120

REQUEST: **Special Exception and Variances** in the R-1A zoning District as follows:
 1) Special Exception to allow a 600 sq. ft. detached Accessory Dwelling Unit.
 2) Variance to allow an existing swimming pool to remain in front of the principal structure in lieu of along side or behind.
 3) Variance to allow an existing swimming pool to remain 24 ft. from the front property line in lieu of 25 ft.
 4) Variance to allow an existing shed to remain 4 ft. from the rear property line in lieu of 5 ft.

ADDRESS: 5774 Chipola Circle, Orlando FL 32839

LOCATION: West of Chipola Cir., north of W Oak Ridge Road

S-T-R: 22-23-29

TRACT SIZE: 101 ft. x 165 ft. (AVG)

DISTRICT#: 3

LEGAL: FLORIDA SHORES Q/142 LOT 22 BLK G

PARCEL ID: 22-23-29-2792-07-220

NO. OF NOTICES: 208

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

1. Development in accordance with the site plan dated July 20, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to

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

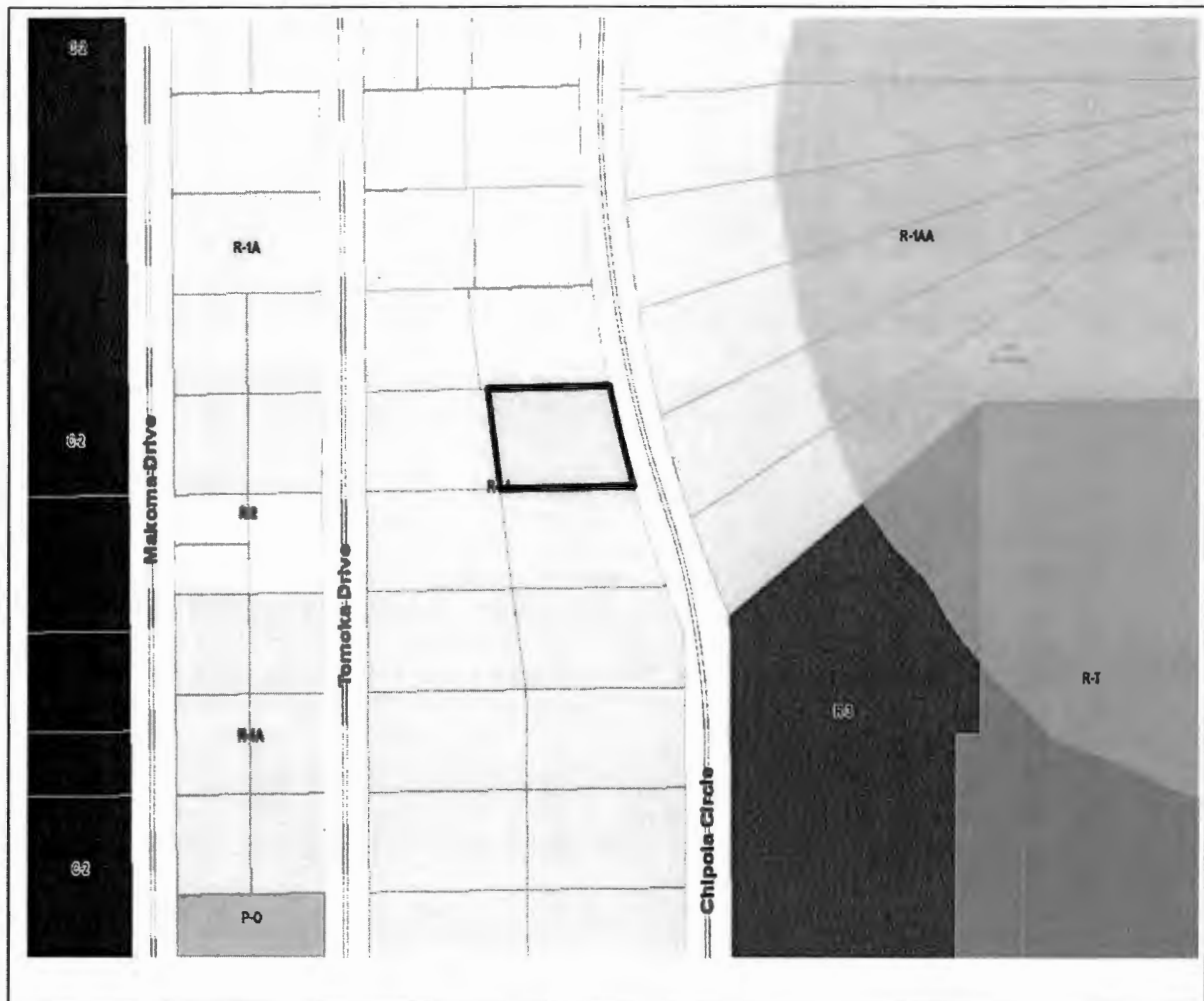
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
5. The swimming pool shall meet the barrier requirements outlined in the Florida Building Code (R4501.17).
6. The applicant shall provide three (3) parking spaces on site.
7. The applicant shall remove the existing 120 sq. ft. shed on the property before final approval of the ADU.
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

SYNOPSIS: The applicant would like to construct an Accessory Dwelling Unit for her son at the rear of her property. The swimming pool and shed are existing and the variances are required to validate the existing structures. Staff explained the site, showed site photographs, and gave their recommendation.

The applicant stated they were in agreement with staff's presentation and were fine with the conditions.

No one spoke in favor or in opposition at the hearing.

The BZA felt the request was compatible with the area and approved the special exception with the variances.



Applicant: SANDRA CASTANO

BZA Number: SE-18-09-120

BZA Date: 09/06/2018

District: 3

Sec/Twn/Rge: 22-23-29-NE-A

Tract Size: 101 ft. x 165 ft. (AVG)

Address: 5774 Chipola Circle, Orlando FL 32839

Location: West of Chipola Cir., north of W Oak Ridge Road

July 17, 2018

Zoning and Variance Department

My name is Sandra Castano Owner of 5774 Chipola Cir, Orlando FL 32839

Legal Description:

FLORIDA SHORES Q/142 LOT 22 BLK G

The request to this variance is in order to maintain my pool that was built since 1955 and my shed. I also request a variance to build a mother in law suite. 10 ft from the side and 12 ft from the back with a total build area of 600 Sq Ft.

This property will be built in concrete and shingles.

Attached are the plans and dimensions.

This construction will not alter the harmony of my neighborhood, attached are the pictures of my neighbors house, which have similar construction to what I am proposing, and you could see that in the 50's they had different construction codes. Also, I am attaching a property that is across the front of my house that has detached properties similar to ours.

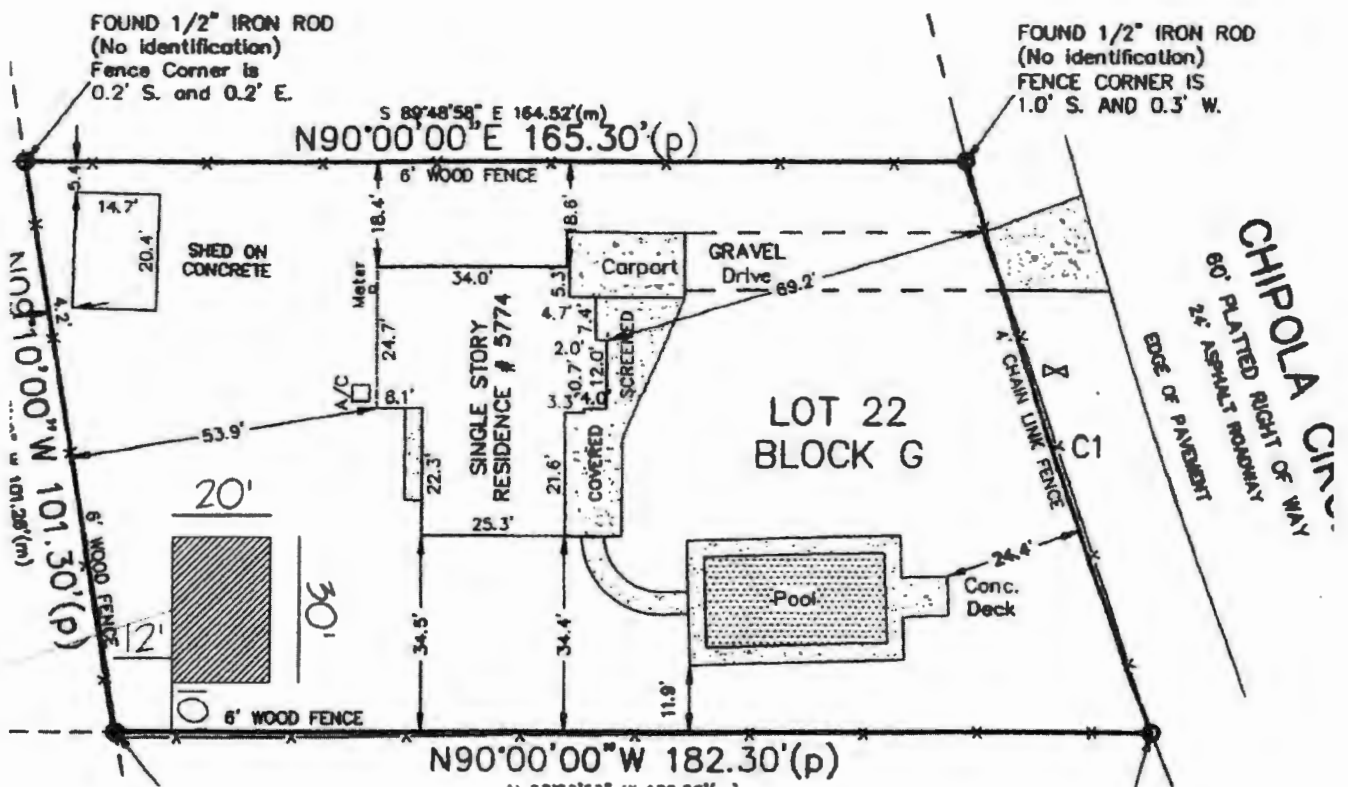
And the most important reason for which I am applying for this variance is because my son has a health condition, my mother will be 80 years old, and I will have to take care of them and I do not have enough space inside my house to live with a quality life.

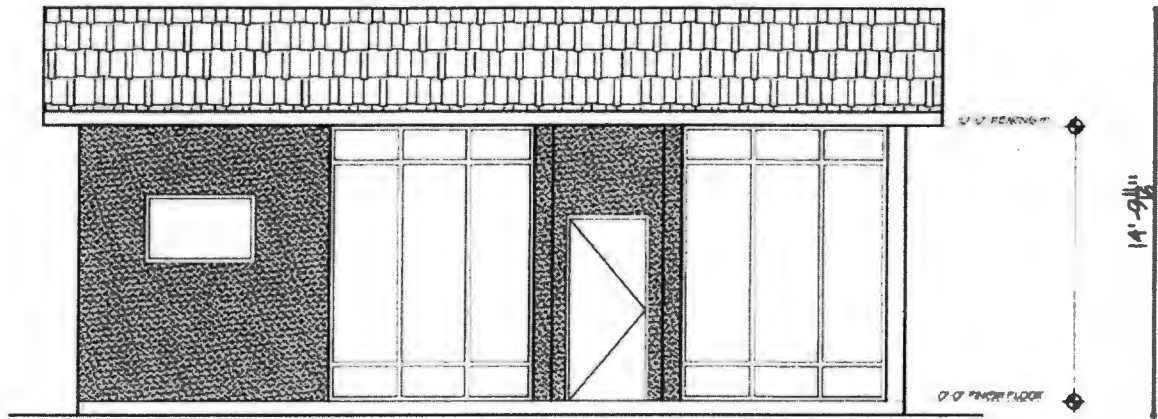
And that is why I am asking you to consider and approve this variance.

Sincerely,

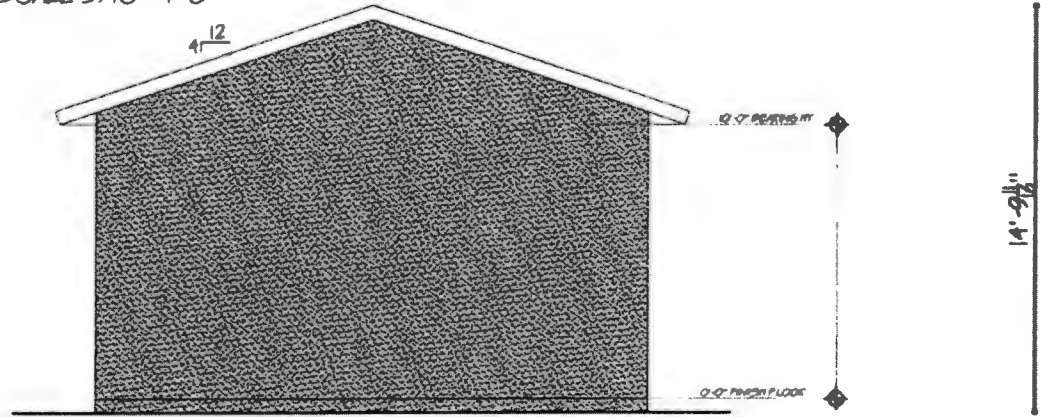

Sandra Castano

Cell: 407 928 3698

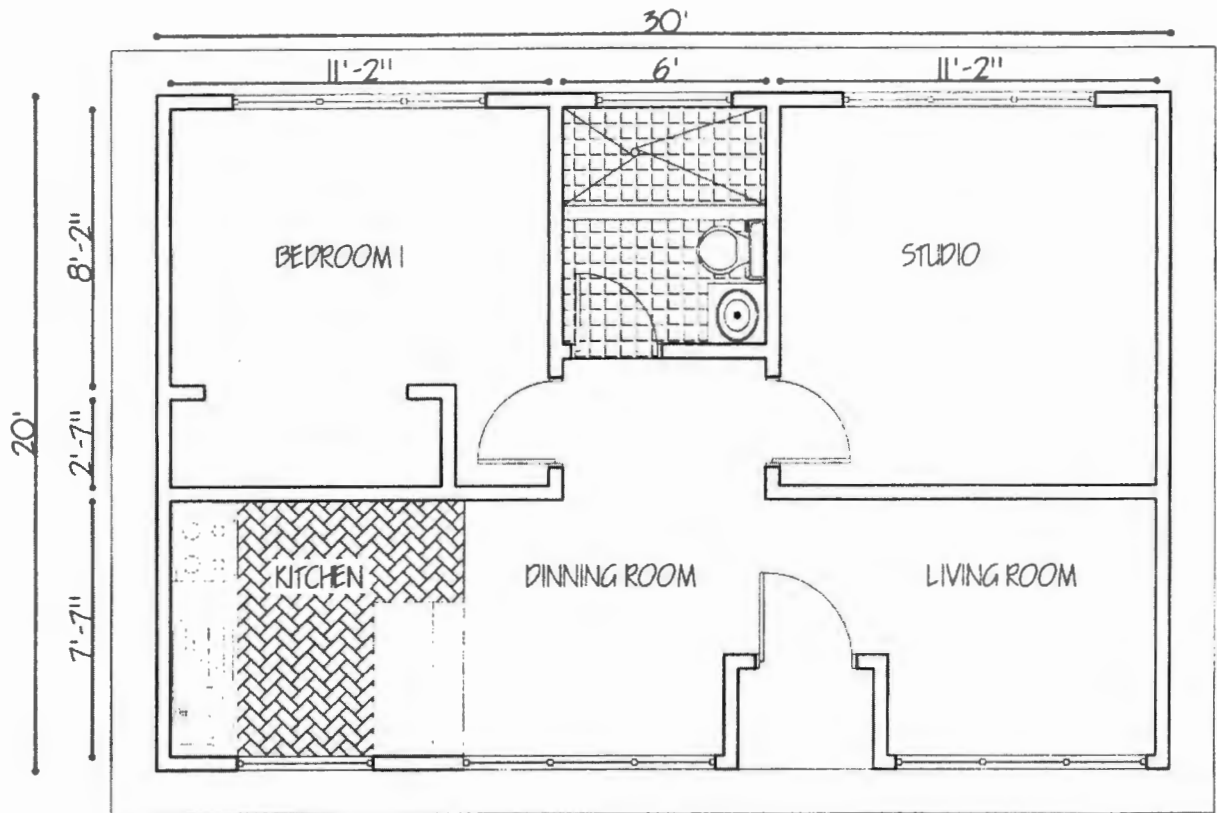




1 FRONT ELEVATION
A-1 SCALE 3/16" = 1'-0"



1 SIDE ELEVATION
A-1 SCALE 3/16" = 1'-0"



1 FLOOR PLAN
A-1 SCALE 1/4" - 1'-0"



STAFF REPORT
CASE #SE-18-09-120
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
September 6, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: SANDRA CASTANO

HEARING TYPE: Board of Zoning Adjustment

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

- 1) Special Exception to allow a 600 sq. ft. detached Accessory Dwelling Unit.
- 2) Variance to allow an existing swimming pool to remain in front of the principal structure in lieu of along side or behind.
- 3) Variance to allow an existing swimming pool to remain 24 ft. from the front property line in lieu of 25 ft.
- 4) Variance to allow an existing shed to remain 4 ft. from the rear property line in lieu of 5 ft.

LOCATION: West of Chipola Cir., north of W Oak Ridge Road

PROPERTY ADDRESS: 5774 Chipola Cir., Orlando, FL 32839

PARCEL ID: 22-23-29-2792-07-220

PUBLIC NOTIFICATION: 208

TRACT SIZE: 101 ft. x 165 ft. (AVG), .40 acres

DISTRICT #: 3

ZONING: R-1A

EXISTING USE(S): Single-Family Residence

PROPOSED USE(S): Accessory Dwelling Unit

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 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.
2. The allowable living area for an ADU is not to exceed forty-five (45) percent of the living area of the primary dwelling unit or one thousand (1,000) square feet, whichever is less. The existing house has 1,548 sq. ft. which allows up to 696 sq. ft. of living area for the ADU, and the proposed ADU is 600 sq. ft.
3. This property was platted in 1946, as part of the Florida Shores Subdivision.
4. The house and swimming pool were constructed in 1955. The building code was implemented by Orange County in 1960; therefore, no permits were required at that time. There are two (2) existing sheds on site, a 300 sq. ft. shed shown on the plan and another smaller shed not shown on the site plan. The applicant has agreed to demolish the smaller shed. The larger shed matches the main house and appears to have been built at least twenty (20) years ago. This shed is located four (4) feet from the property and is required a variance to remain. Staff could not locate permits on file for any of the existing structures on site.
5. The applicant purchased the property in 2014, she would like to construct an ADU for her son.
6. The property is approximately 17,272 sq. ft. (.40 acres) which is more than double the minimum lot size required for R-1A.
7. The existing house and proposed ADU both meet all setback and height requirements.
8. The parcel has existing 6 ft. high fences, which surround the sides and rear of the property.

Special Exception Criteria

1. The use shall be consistent with the Comprehensive Policy Plan.

ADU's are specifically mentioned in the Comprehensive Plan as being compatible with residential zoning through the Special Exception process.

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

The ADU by its nature fits in with the neighborhood and is compatible with the pattern of residential development.

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

The ADU will be located behind the main residence and shall not be an intrusion in the area.

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

The ADU meets the setback, height, and square footage requirements outlined in the code.

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

The ADU is essentially a residential unit and does not have any attributes that would produce any uncharacteristic noises, odors, or vibrations.

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

There is no landscaping buffer required between residential properties, however as mentioned there are existing fences to the rear and side of the proposed unit.

Variance Criteria

Special Conditions and Circumstances

The pool and house were built before the zoning code was adopted. It has not been determined when the shed was built but it appears to be at least twenty (20) years old.

Not self-created

The applicant purchased the property 'as-is' in 2014, and both structures were existing at that time.

Minimum Possible variance

The variances requested represent a 4% (pool) and 8% (shed) deviation from code, respectively and, are both very minimal in nature.

Purpose and Intent

Approval of the variances will be in harmony with the zoning regulations and will not be injurious to the neighborhood as the structures on site have existed for decades and have not caused any detriment to the area.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated July 20, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
5. The swimming pool shall meet the barrier requirements outlined in the Florida Building Code (R4501.17).
6. The applicant shall provide three (3) parking spaces on site.
7. The applicant obtain a final inspection on the demolition of the metal shed on the property before final approval of the ADU. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

c: Sandra Castano, 5774 Chipola Circle, Orlando, FL 32839

ALMELLIA BROWN
VA-18-09-121

REQUEST: Variance in the R-1A zoning district to permit conversion of an existing screen room into living space with a rear setback of 21 ft. in lieu of 30 ft.

ADDRESS: 4554 Cal Court, Orlando FL 32808

LOCATION: South side of Cal Ct., approximately 250 ft. west of San Jose Blvd.

S-T-R: 17-22-29

TRACT SIZE: 80 ft. x 98 ft./ .18 Acres

DISTRICT#: 6

LEGAL: SAN JOSE SHORES 4/97 LOT 50

PARCEL ID: 17-22-29-7802-00-500

NO. OF NOTICES: 114

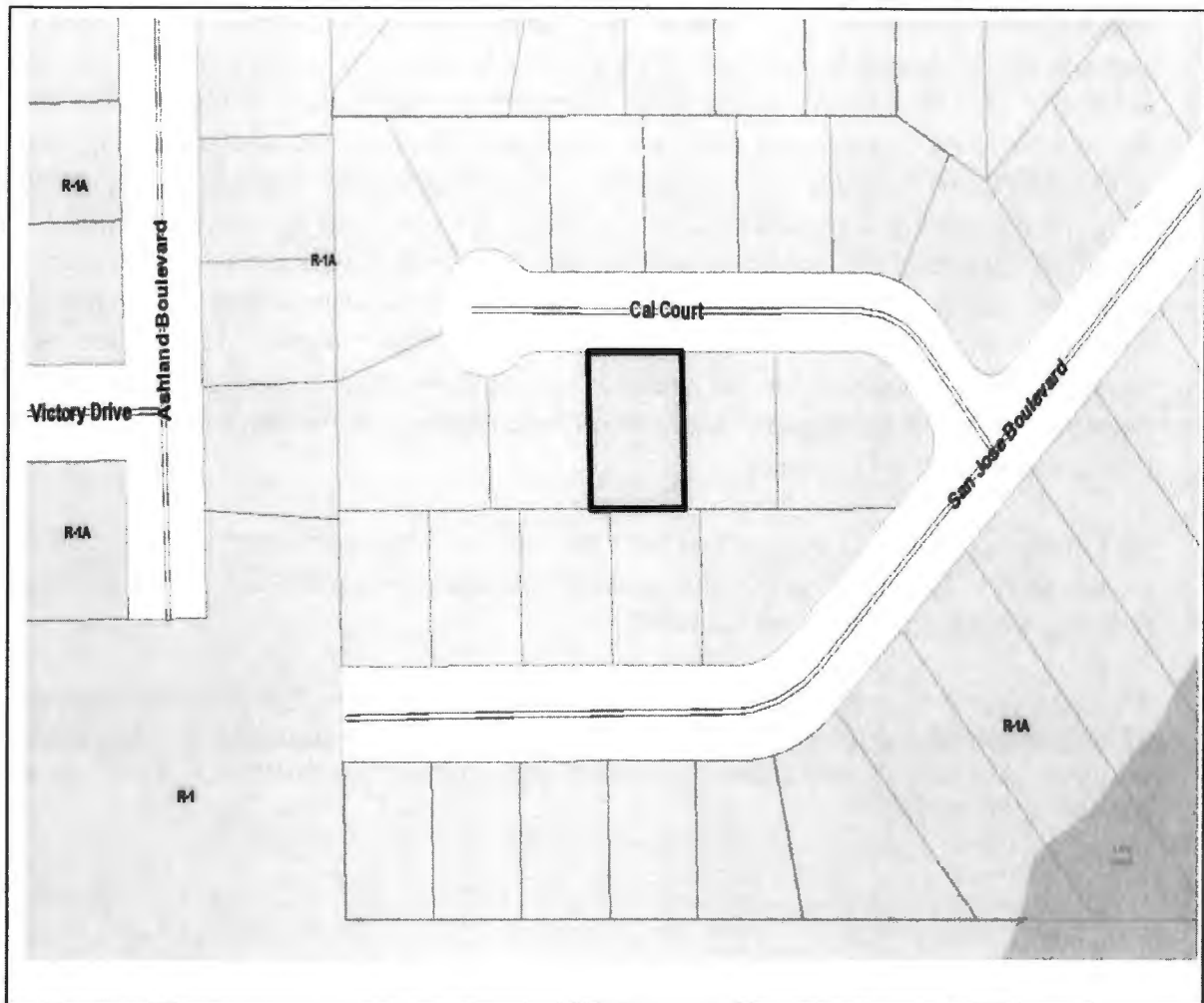
DECISION: **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

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

SYNOPSIS: Staff explained that the property was platted in 1971. As such, the rear setback was thirty (30) foot. Were the property platted after March 1997, the rear setback would only be twenty-five (25) feet, and the request would be for a much lesser variance. The front of the house is at the minimum twenty-five (25) foot setback line, leaving no room to allow the applicant to expand to accommodate a growing family. Staff noted there had been several similar variances granted in the same neighborhood in the past including one earlier in 2018, across Cal Court from the subject property, and therefore, granting the variance will not be conferring any special privilege on the applicant. Staff also noted that five (5) neighbors, including three (3) of the most impacted, have provided correspondence in support of the request. The applicants are not requesting to expand the footprint of the structure, thus, this is the least variance needed. Finally, a sizable rear yard will remain, making the request consistent with the purpose and intent of the code.

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

The BZA found that due to the size and depth of the lot, and the fact that there is no other location on the lot to expand the home, the request warranted the granting of the request. A motion to recommend approval with the conditions recommended by staff passed unanimously.



Applicant: ALMELLIA BROWN

BZA Number: VA-18-09-121

BZA Date: 09/06/2018

District: 6

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

Tract Size: 80 ft. x 98 ft./ .18 Acres

Address: 4554 Cal Court, Orlando FL 32808

Location: South side of Cal Ct., approximately 250 ft. west of San Jose Blvd.

July 18, 2018

Almellia Brown
4554 Cal Court
Orlando, FL 32808

VARIANCE REQUEST—

This variance request is to add glass windows to an existing screen room that has a solid roof. The sunroom conversion will require a 25-foot rear setback and we are at 21 feet. We are asking to encroach on the setback by only 4 feet, which is only 16%.

The room structure itself is already sitting in the 4-foot encroachment because the 50% rule applies to a screen room. Adding these windows in to the existing room will not change the existing distance of the room to the rear property line.

We are adding windows in to the room to get more use out of the room and it will keep the rain out.

7/18/18

Date

Almellia Brown

Signature of Owner, Contract Purchaser or Authorized Agent
(Check appropriate box)

Almellia Brown

Print Name and Title

I certify that the foregoing instrument was acknowledged before me this

18th day of July

2018 by Almellia Brown

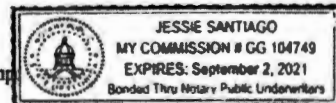
Personally Known _____ or Produced Identification

Type of Identification Produced: MC

Jessie Santiago
Notary Public Signature

Jessie Santiago
Notary Public Print Name

Notary Stamp



9/2/2021
My Commission Expires

DESCRIPTION LOT 50, SAN JOSE SHORES

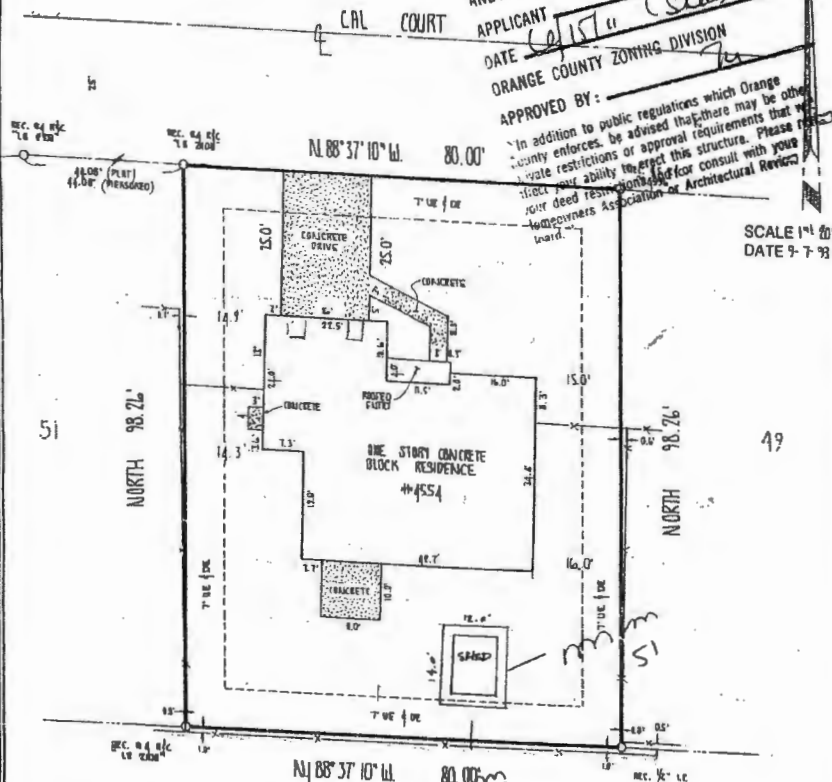
RECORDED IN PLAT BOOK 4 PAGE(S) 17
PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

DO HEREBY CERTIFY THAT SITE PLAN
SUBMITTED SHOWS LOCATION OF ALL
EXISTING AND PROPOSED STRUCTURES
AND/OR MOBILE HOMES ON PROPERTY

APPLICANT
DATE 6/15/94
ORANGE COUNTY ZONING DIVISION

APPROVED BY:
In addition to public regulations which Orange
County enforces, be advised that there may be other
county restrictions or approval requirements that will
affect your ability to erect this structure. Please refer
your deed restrictions for consult with your
Homeowners Association or Architectural Review
Board.

SCALE 1"=40'
DATE 9-7-93



- 45
- LEGEND -
- SET REBAR
 - REC. 5/8" REBAR W/ CAP #PLS 4200
 - C.M. "RECOVERED"
 - I.P. "CONCRETE MONUMENT"
 - P.O.L. "IRON PIPE"
 - RAD. "POINT ON LINE"
 - N.R. "RADIAL"
 - "NON RADIAL"
 - BOUNDARY LINE
 - EASEMENT LINE
 - CENTER LINE
 - RIGHT-OF-WAY
 - "UTILITY EASEMENT"
 - "DRAINAGE EASEMENT"
 - "OVERHEAD POWER LINE"
 - WOOD FENCE
 - CHAIN LINK FENCE
 - HOGWIRE FENCE
 - N & D NAIL & DISC
 - P.C. POINT OF CURVATURE
 - R & C REBAR & CAP

46

THIS PROPERTY LIES IN ZONE "C"
PER F.J.R.M. COMMUNITY PANEL NO. 170179
07000 DATED 12-5-89

BEARING STRUCTURE IS BASED UPON THE NORTH LINE
OF LOT 50, AS BEING N. 88° 37' 10" W.

THIS BUILDING DOES NOT LIE WITHIN THE
ESTABLISHED 100 YEAR FLOOD PLAIN ZONE.

SURVEY BASED ON LEGAL DESCRIPTION
SUPPLIED BY CLIENT.

SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS
OF RECORD

UNDERGROUND UTILITIES AND FOOTERS HAVE NOT BEEN
LOCATED UNLESS NOTED

PREPARED FOR:
RUFUS BROWN & ALMELLA BROWN

CERTIFIED TO: EXPRESS TITLE, INC.; COMMONWEALTH LAND TITLE INSURANCE COMPANY
FIRST NATIONAL NATIONAL BANK OF FLORIDA
RUFUS BROWN & ALMELLA BROWN

IRELAND SURVEYING, INC.

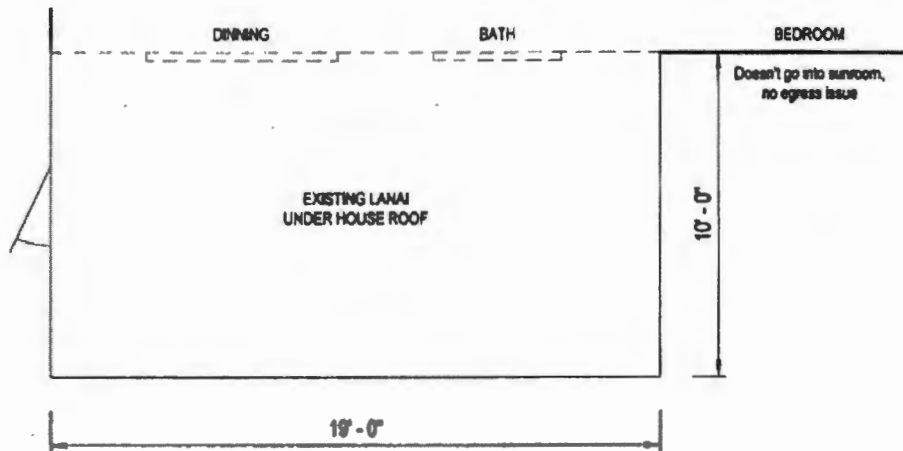
2950 ALOMA AVENUE, WINTER PARK, FLORIDA

SUITE 401 PH: 678-3366 FAX 671-6678 32792

I HEREBY CERTIFY THAT THIS PLAT OF SURVEY
OF THE ABOVE DESCRIBED PROPERTY IS TRUE
AND CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF AS RECENTLY
SURVEYED UNDER MY DIRECTION AND THAT IT
MEETS THE MINIMUM TECHNICAL STANDARDS
SET FORTH BY THE FLORIDA BOARD OF LAND
SURVEYORS PURSUANT TO SECTION 478.027 OF
THE FLORIDA STATUTES

JAMES P. IRELAND
PLS 4200

Permit for Existing Shed

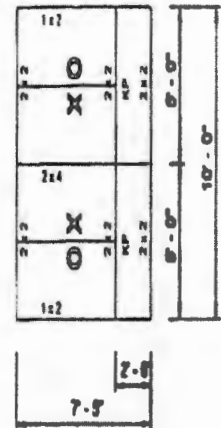
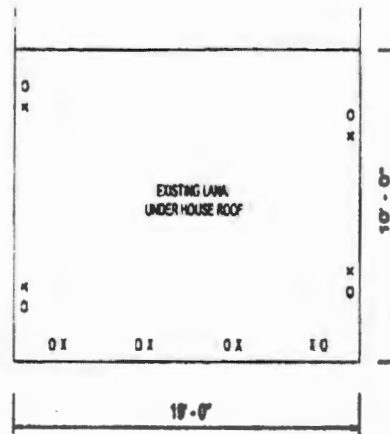
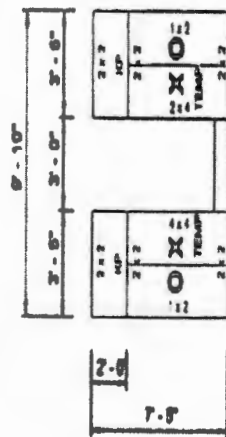


Brown, Almella #2018-201

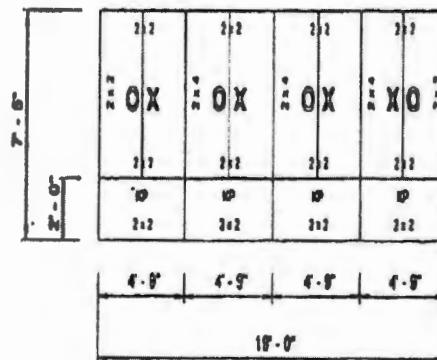
4554 Cal Court
Orlando, FL 32808

Draw by: Ricardo

EGRESS LAYOUT



ADD WINDOWS TO EXISTING WALLS







STAFF REPORT
CASE #: VA-18-09-121
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
September 6, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: Almellia Brown

REQUEST: Variance in the R-1A zoning district to permit conversion of an existing screen room into living space with a rear setback of 21 ft. in lieu of 30 ft.

LOCATION: South side of Cal Ct., approximately 250 ft. west of San Jose Blvd.

PROPERTY ADDRESS: 4554 Cal Ct., Orlando, FL 32808

PARCEL ID: 17-22-29-7802-00-500

PUBLIC NOTIFICATION: 114

TRACT SIZE: 80 ft. x 98 ft./1.18 Acres

DISTRICT #: 6

ZONING: R-1A

EXISTING USE(S): Single family residence w/screen room

PROPOSED USE(S): Convert screen room into living space

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

STAFF FINDINGS AND ANALYSIS:

1. The required setbacks in R-1A are 20 ft. in the front, 25 ft. in the rear, and 7.5 ft. on the sides. However, lots platted prior to March 3, 1997, are required to meet 25 ft. in the front and 30 ft. in the rear. The plat, which created the subject property, was recorded in 1972. Therefore, the rear setback is 30 ft.

2. The applicant currently has a screen room on the rear of their residence located 21 ft. from the rear property line, which they wish to convert to a glassed-in sunroom. This screen room was constructed in 2011 through permit B11002381. At about the same time, the applicant also constructed a shed in the rear yard through permit B11004047. This shed received a final inspection and meets all setbacks.
3. Screen rooms with no permanent roof may encroach up to 13 ft. into a required setback. However, once they are enclosed by glass, they become living area, and must now comply with the setbacks for a permanent structure. Conversely, if enclosed with vinyl windows, they do not become living area, and remain a screen room. Since the applicant has chosen glass, the structure must now meet the setback for the principal structure.
4. Staff found that since 1980, four (4) similar variances have been approved in the same neighborhood. The latest is to a home across Cal Court from the subject property, approved in May 2018, for a 15 ft. setback for an existing structure.

Variance Criteria

1. The special circumstance and situation particular to the subject property is the lot depth. A 98 ft. deep lot does not afford one a great deal of room to construct a comfortably sized home which can be added to as a family grows. The existing residence is situated, 25 ft. from the front property line, as close as permitted by code.
2. No special privilege is being conferred upon the applicant, as others in the same neighborhood have been allowed to construct into the rear setback.
3. The applicant is not increasing the footprint of the existing room. Thereby, making this the least variance necessary to make use of an existing improvement.
4. The applicant's rear yard remains substantial in size, fulfilling the purpose and intent of the Zoning Code.

STAFF RECOMMENDATION:

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

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

c: Billy Hastings, Jr. for Superior Aluminum
3005 N. Forsyth Road
Winter Park, FL 32792

Almellia Brown
4554 Cal Court
Orlando, FL 32808

HUDSON FORTUNE
SE-18-07-077

REQUEST: **Special Exception and Variances** in the R-CE-2 zoning district as follows:
1) Special Exception: To allow an existing 1 story detached Accessory Dwelling Unit (ADU) to remain.
2) Variance to allow an ADU on a lot with 2.11 acres in lieu of 3 acres.
3) Variance to allow a minimum lot width of 199 ft. in lieu of 250 ft.
This is the result of code enforcement action.

ADDRESS: 11111 Tindall Road, Orlando FL 32832

LOCATION: North of Tindall Rd., southwest of Lake Hart

S-T-R: 28-24-31

TRACT SIZE: 200 ft. x 460 ft.

DISTRICT#: 4

LEGAL: W 199.23 FT OF E 387.83 FT OF S 492 FT OF W 889.33 FT OF GOVT LOT 2 IN SEC 28-24-31 (LESS S 30 FT FOR R/W)

PARCEL ID: 28-24-31-0000-00-031

NO. OF NOTICES: 33

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 requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (4 in favor and 3 opposed):

1. Development in accordance with the site plan dated May 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 applicant shall obtain a permit for the ADU within ninety (90) days of final approval or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

SYNOPSIS: The applicant expanded and converted an existing accessory building into an Accessory Dwelling Unit. The applicant would like to keep the structure to allow a living unit for their daughter.

Staff explained the area, outlined the zoning district, provided site photos, and gave background on the case.

Staff received 55 letters in favor of the request and 10 letters in opposition.

The applicant explained the property history and presented the permit for the original accessory structure. The applicant stated when they purchased the property, it was run down, and after he purchased it, they cleaned up the property. They also altered the accessory building and converted it into a living unit. He also explained that the front house was renter occupied and that family has moved out and his older daughter moved into the front house. There was discussion regarding the size and use of the original structure.

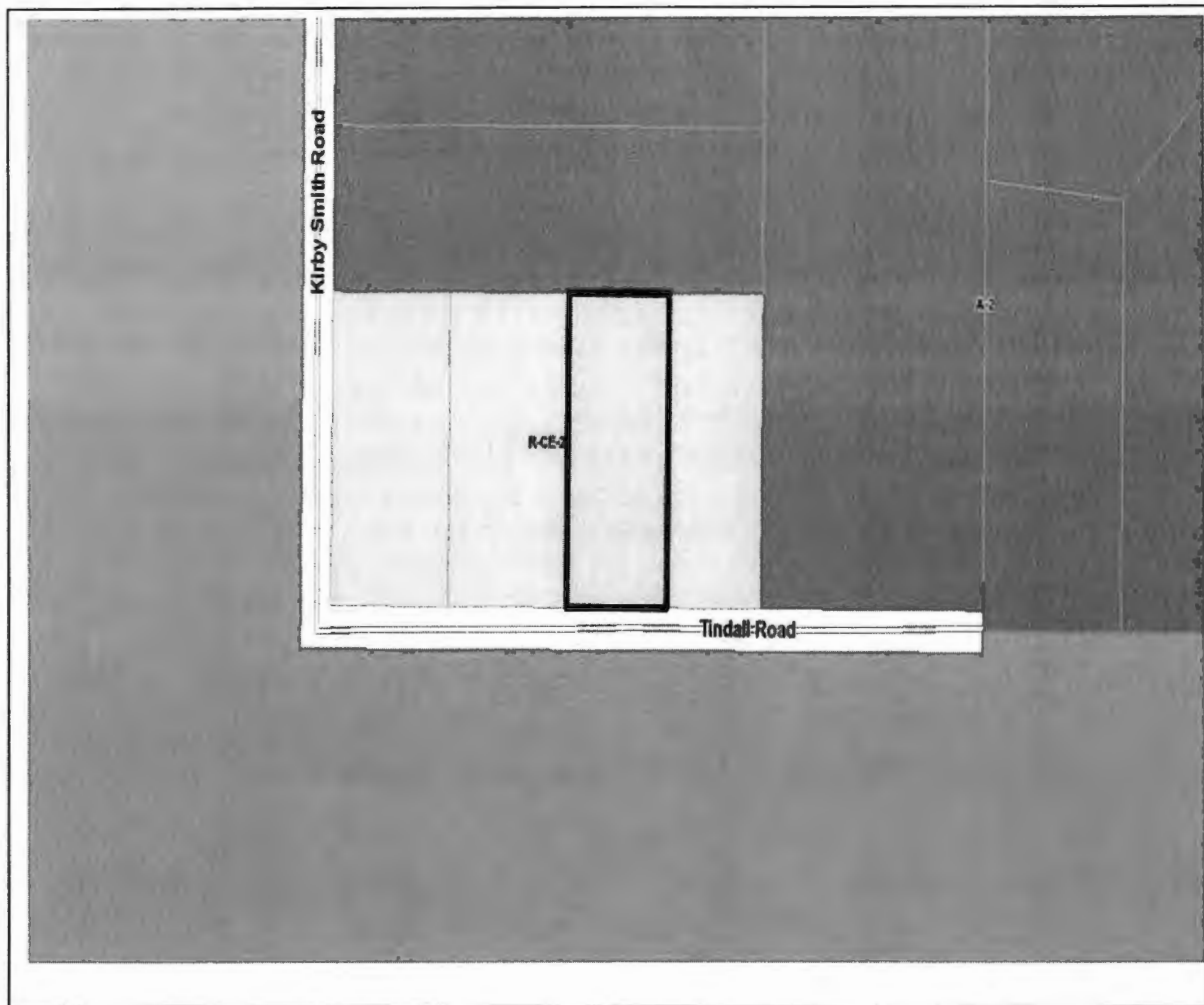
Four (4) neighbors spoke in favor of the request. They stated that the family had done a good job remodeling the property and believe allowing the ADU to remain would be a benefit to the area.

One (1) neighbor spoke in opposition of the request. She stated that the family living in the rear structure is a nuisance to her property and she does not believe ADUs should be allowed in the rural settlement.

Code Enforcement spoke regarding the case and described that the code enforcement officer cited the applicant for an unpermitted ADU in late 2017. The applicant was again cited in April 2018, due to the change in ownership.

The BZA discussed the alterations made to the original structure and the homestead exemption on the property. They also discussed the location of the structure and the facts of the case.

The BZA felt the ADU met the special exception criteria and approved the request.



Applicant: HUDSON FORTUNE

BZA Number: SE-18-07-077

BZA Date: 09/06/2018

District: 4

Sec/Twn/Rge: 28-24-31-SW-C

Tract Size: 200 ft. x 460 ft.

Address: 11111 Tindall Road, Orlando FL 32832

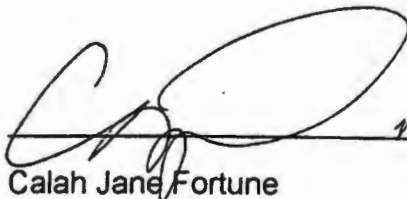
Location: North of Tindall Rd., southwest of Lake Hart

Affidavit of Calah Jane Fortune

Subject: Hardship Case Consideration

My name is Calah Fortune. I am a 29-year-old full-time public school teacher at the Title 1 School, Ventura Elementary. I am a single mother with one child who is 1 year old. My daughter is disabled and has special needs. Because of this I had to take unpaid medical leave last year for several weeks and continue to do so every Monday from work to take her to her medical appointments and therapies. When I am at school teaching my daughter is being taken care of by a private nurse paid for by Medicaid or she is attending a Prescribed Medical Pediatric Extended Care facility because of her feeding tube and pump machine. She is not able to digest or eliminate food on her own. Last year my income was under \$22,000 because of taking unpaid medical leave multiple times for my baby. I love my job and believe in public education. I cannot afford the apartment prices in this area, but I need to stay close to my parents who help with Anna Bee.

I am requesting a special consideration to live in an Accessory Dwelling Unit that we fixed up on a property owned by my family. The address is 11111 Tindall Rd, Orlando Florida, 32832.

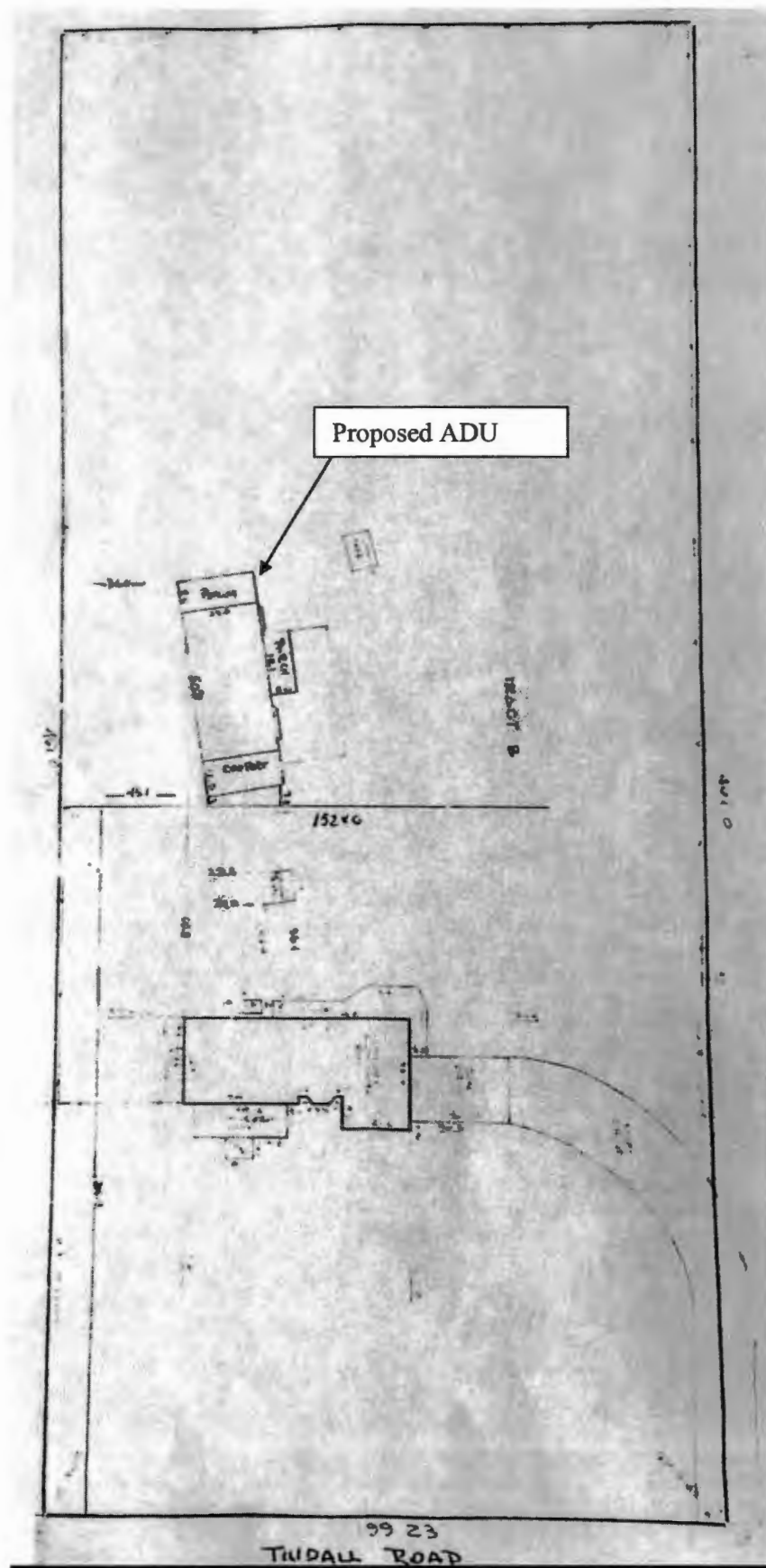


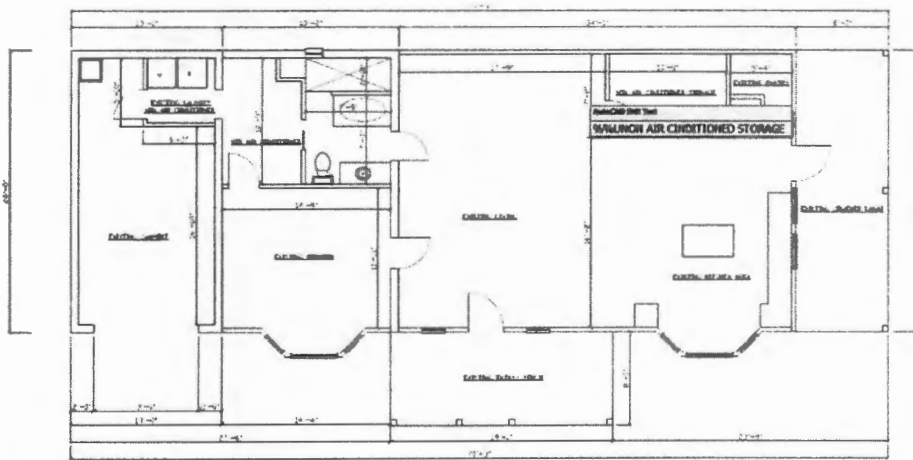
Calah Jane Fortune

March 16th 2018
Calah Jane Fortune

11111 Tindall Rd. Orlando,
Orange County, Florida 32832

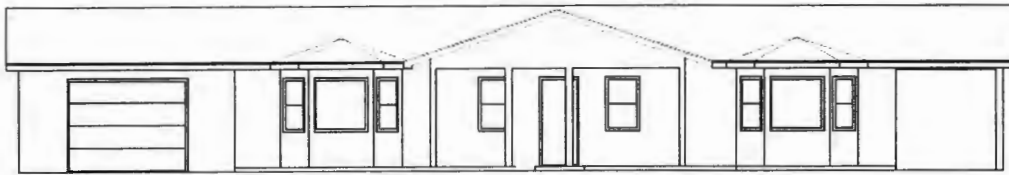
March 16, 2018



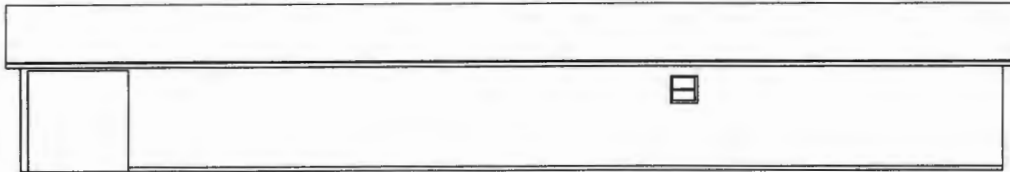


10 FOOT PARALLEL ACCESSORY DWELLING UNIT	
ACCESSORY DWELLING UNIT WITH CONDITIONAL	98 SQ. FT.
ACCESSORY DWELLING UNIT WITH CONDITIONAL	99 SQ. FT.
EXTERIOR	
LANDSCAPE	20.0 FT.
ENTRY DOOR - OPEN	20.0 FT.
EXISTING DOOR FRAME	20.0 FT.

ACCESSORY DWELLING UNIT (EXISTING)



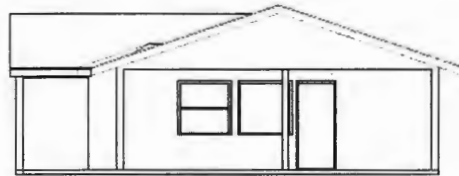
FRONT ELEVATION



REAR ELEVATION



LEFTSIDE ELEVATION



RIGHTSIDE ELEVATION



STAFF REPORT
CASE #SE-18-07-077
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
September 6, 2018
Commission District: 4

GENERAL INFORMATION:

APPLICANT: HUDSON FORTUNE

HEARING TYPE: Board of Zoning Adjustment

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

- 1) Special Exception: To allow an existing 1 story detached Accessory Dwelling Unit (ADU) to remain.
- 2) Variance to allow an ADU on a lot with 2.11 acres in lieu of 3 acres.
- 3) Variance to allow a minimum lot width of 199 ft. in lieu of 250 ft.

This is the result of code enforcement action.

LOCATION: North of Tindall Rd., southwest of Lake Hart

PROPERTY ADDRESS: 11111 Tindall Rd., Orlando, FL 32832

PARCEL ID: 28-24-31-0000-00-031

PUBLIC NOTIFICATION: 33

TRACT SIZE: 200 ft. x 460 ft., 2.11 acres

DISTRICT #: 4

ZONING: R-CE-2

EXISTING USE(S): Single Family Residence

PROPOSED USE(S): Accessory Dwelling Unit

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

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-CE-2, Rural Residential District, which allows for primarily single family development on two (2) acre lots and certain rural uses.
2. The current owner purchased the property in 2016, and there was an existing accessory structure on the site. The applicant remodeled, expanded, and converted the structure to an ADU without permits and was cited by Code Enforcement in April 2018.
3. The applicant is requesting a special exception and variance to allow the structure to remain as an ADU.
4. The ADU is located behind the main residence and is 36 feet from the closest side property line. The structure meets all setback and height requirements per code.
5. The lot was created in 1984 via a lot split, and is located in the Lake Hart/Lake Whippoorwill Rural Settlement. This is a rural area with larger lots located on the west side of Lake Hart.
6. The future land use is Rural Settlement 1/2, which requires at least two (2) acres for each parcel, the subject property is 2.11 acres. The code states that ADUs shall only be allowed on lots with at least 1 1/2 times the minimum lot area required in the zoning district. The applicant is requesting a variance from this code section.
7. This property and the three (3) properties adjacent are zoned R-CE-2, however, the remainder of the properties in the Rural Settlement are zoned R-CE and A-2, which require a minimum of 1 acre and 1/2 acre lots, respectively. If the property were zoned R-CE or A-2, the variances would not be required.

Special Exception Criteria

1. The use shall be consistent with the Comprehensive Policy Plan.

ADUs are specifically mentioned in the Comprehensive Policy Plan as being compatible with residential zoning through the Special Exception process. By their nature, ADUs are living units which are similar and compatible with the surrounding development pattern.

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

The residential use of the ADU is compatible with the area and the lot is large enough to support two (2) residential units.

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

The ADU is located behind the main residence and is not noticeable from the right-of-way. It also located 36 feet from the side property line and shall not be an intrusion in the area.

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

The ADU meets the setback, height, and square footage requirements and with granting of the variance the lot size will also conform with code.

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

The ADU is essentially a residential unit and does not have any attributes that would produce any uncharacteristic noises, odors, or vibrations.

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

There is no landscaping buffer required between residential properties.

Variance Criteria

Special Conditions or Circumstances

The variances required are due to the size of the existing lot, however, the lot is large enough to support two (2) dwelling units and has ample space for both residences. Also, were the property zoned R-CE or A-2, no variances would be required.

No Special Privilege

Other properties in the immediate area have been approved to allow multiple dwelling units and numerous properties of a similar size or smaller have been approved to allow ADUs throughout the county.

Minimum Possible Variance

The lot width variance represents a 20% deviation from code, which is minor, and the lot is 1.05 times the minimum lot size in lieu of 1.5 times the size. While the lot size variance is rather large, the lot is adequate for the development proposed.

Purpose and Intent

Approval of the variances will not be injurious to the neighborhood or cause a detriment to the public welfare.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated May 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 applicant shall obtain a permit for the ADU within ninety (90) days of final approval or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.

c: David Fortune
10424 Kirby Smith Road
Orlando, FL 32832

IGLESIA HISPANA EL CAMINO LA VERDAD Y LA VIDA, INC.
SE-18-07-090

REQUEST: **Special Exception** in the A-1 zoning district to allow a private school (with 55 students) in an existing building on an existing Church property.

ADDRESS: 6837 Lakeville Road, Apopka FL 32703

LOCATION: Between N. Hiawassee Rd. and Lakeville Rd, south of the Apopka Expressway

S-T-R: 25-21-28

TRACT SIZE: 9.022-acres

DISTRICT#: 2

LEGAL: LAKEVILLE B/57 LOTS 111 THROUGH 125 & UNNUMBERED PT W OF LOT 125 (LESS PT TAKEN FOR RD R/W PER 4518/4455) INCLUDING VAC ST LYING BETWEEN LOTS 118 & 119 & BETWEEN LOTS 114 & 115 VAC ON O.R. 3479/2354 & (LESS R/W TAKEN PER OR 6250/5391) ALL IN BLK A

PARCEL ID: 25-21-28-4936-11-110

NO. OF NOTICES: 76

DECISION: **APPROVED** the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated August 9, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.
5. This approval is for a maximum of fifty-five (55) children, any expansion shall require Board of Zoning Adjustment approval.
6. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
7. All driving aisles and required handicapped spaces shall be paved.
8. Applicant shall obtain a permit to relocate the shed as shown on the site plan.

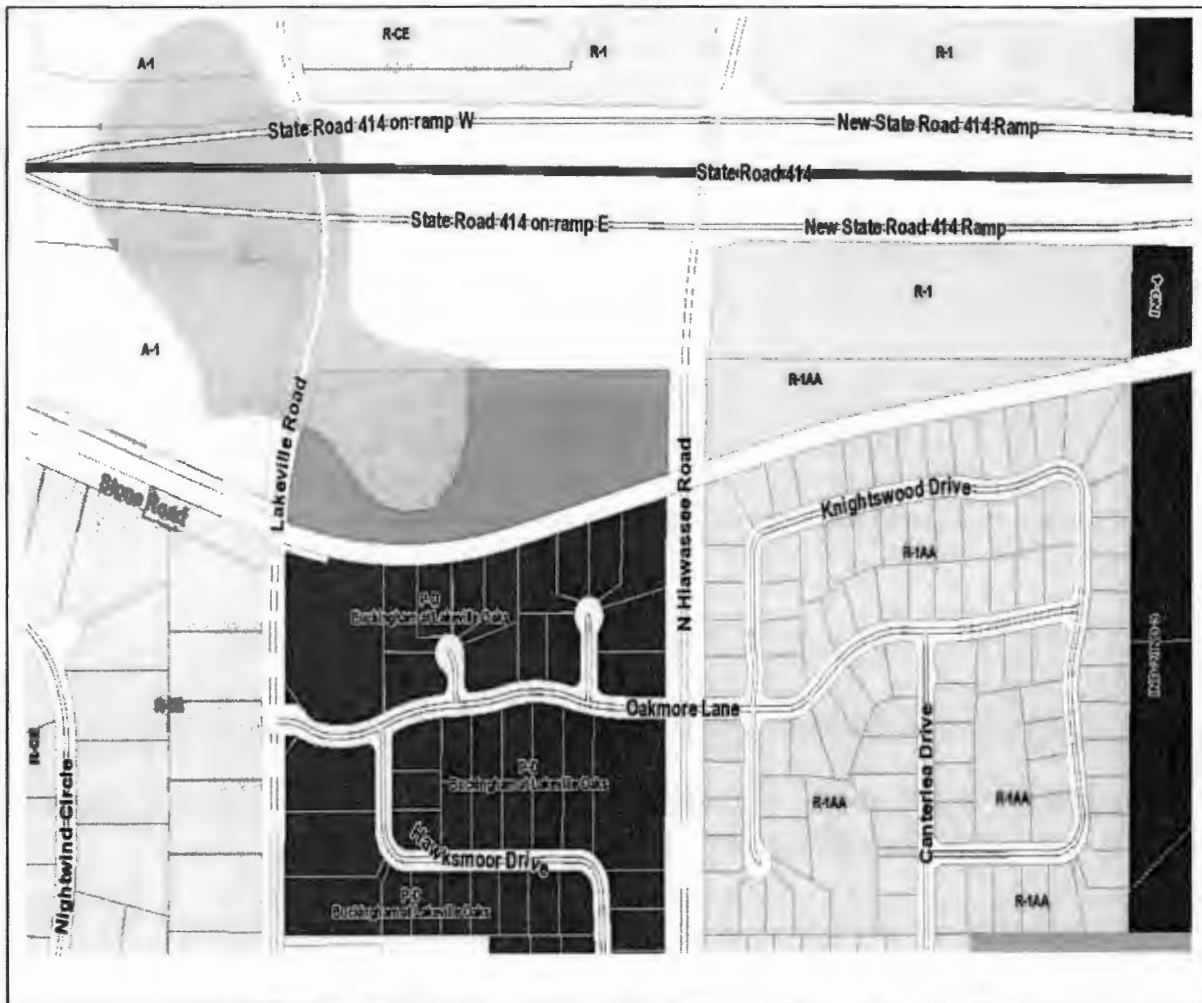
SYNOPSIS: Staff gave a presentation on the case covering the location, parking, site layout, floorplan, and photographs.

The applicant did not have anything to add.

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

There was no opposition at the hearing.

The BZA approved the variance.



Applicant: IGLESIA HISPANA EL CAMINO LA VERDAD Y LA VIDA, INC.

BZA Number: SE-18-07-090

BZA Date: 09/06/2018

District: 2

Sec/Twn/Rge: 26-21-28-SE-D

Tract Size: 9.022-acres

Address: 6837 Lakeville Road, Apopka FL 32703

Location: Between N. Hiawasse Rd. and Lakeville Rd, south of the Apopka Expressway

May 10, 2018

To whom it may concern:

This special exemption application is for our property at 6837 Lakeville rd. Orlando
FL 32818 (25-2128-4936-11-110). 10 acres with 3 buildings:

6,400± SF - 1994 pre-engineered metal building use as a church

1,229± SF - 1973 small frame single family residence. (vacant)

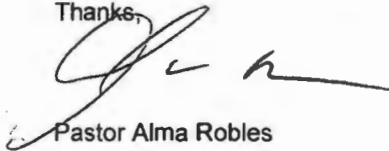
2,045± - 1970 small block single family residence. (storage).

The main building is our church, already approved to have a childcare classroom.
We want to use 5 classrooms for our Academy with 55 students, 5 teachers.
Monday to Friday, 7:45 am- 3:10 pm.

The building is not going to change the structure.

Any information feel free to contact me at (407) 267-1864 or email me at
pastoraalma7@gmail.com

Thanks,



Pastor Alma Robles

RECEIVED

MAY 16 2018
ORANGE COUNTY
ZONING DIVISION

**IGLESIA HISPANA EL CAMINO
LA V Y LA VIDA/ (SE-18-07-090)
Traffic Study**

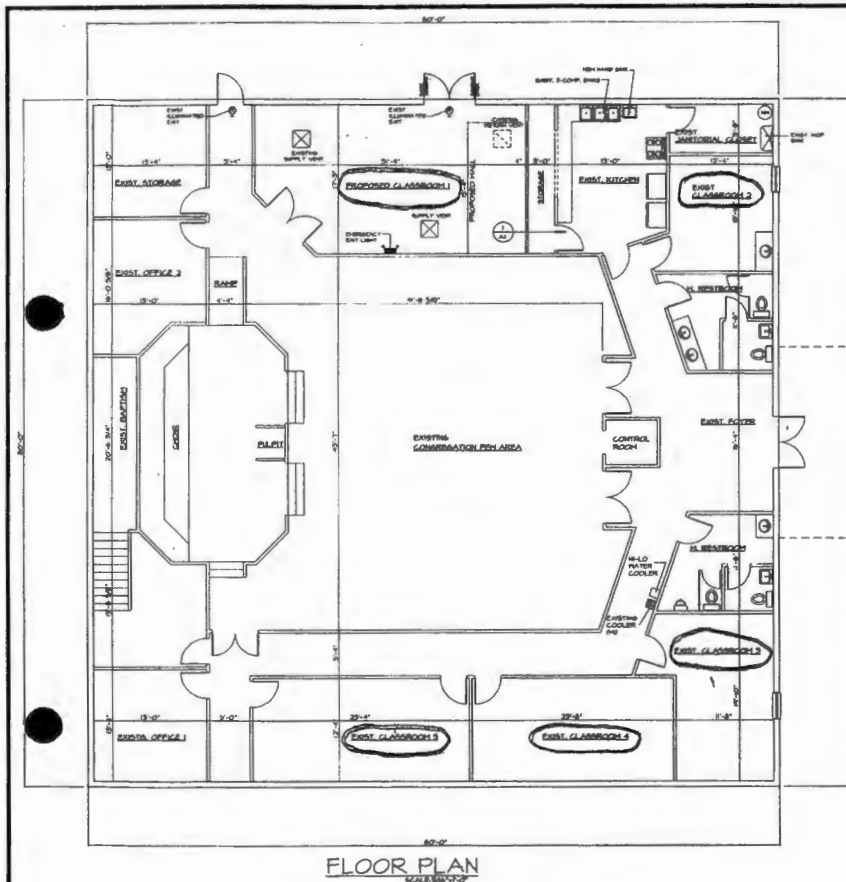
The project is located in the ~~Clarcona~~ Rural Settlement, between N Hiawasse Road and Lakeville Road south of the Apopka Expressway. The existing church is proposing the addition of a private school with a maximum enrollment of 55 students. The proposed project is expected to generate 226 new net daily trips, and 14 new net P.M. peak hour trips to the roadway.

+									
	ITE Code	Land Use	Size	Daily		PM Peak Hour			
				Rate	Trips	Rate	Total	In	Out
	Proposed								
	534	Private School (K-8)	55	4.11	226	.26	14	7	7
New Net Trips									

The project is located outside of the Urban Service Area; therefore, the project has a two and one-half mile impact area. However, due to the low projected trip generation, the trip distribution will only impact roads within a one-mile radius. Following are the impacted segments specified in the Concurrency Link Information included within the one-mile radius. The project trips, as distributed on the roadway segments were assigned trips as per the following table:

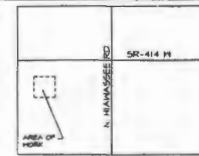
Seg ID	Road	Limits	LOS	Min LOS	Capacity	PM Pk	Pk Dir	Concur. Trips	Trip Dist %	Proj	Total	Available Cap	LOS
17	Apopka Boulevard	Overland Rd to Piedmont-Wakeva Rd	2	E	880	396	NB	6	15%	1	403	447	C
17.2		Piedmont-Wakeva Rd to Sheeler Rd	2	E	880	426	W B	23	15%	1	450	430	C
34.1	Beaus Rd	Pine Hills Rd to Edgewater Dr	2	E	800	250	EB	2	20%	2	254	346	C
184.1	Hiawasse Rd	Clarcona-Ocoee Rd to Maitland Blvd Extension	4	E	2000	1004	SB	1	60%	4	1009	991	C
184.2		Maitland Blvd Extension to Apopka Blvd	4	E	2000	982	NB	1	40%	3	1014	986	C
353	N Hiawasse Road	Apopka Blvd to Orange Blossom Tr	4	E	2000	1140	SB	1	15%	1	1142	858	C
354	Piedmont-Wakeva Rd	Orange Blossom Tr to Semoran Blvd	4	E	2000	1480	NB	2	10%	1	1483	517	C
357	Pine Hills Rd	North Lane to Clarcona-Ocoee Rd	4	E	2000	1183	NB	5	10%	1	1189	811	C
357.1	Pine Hills Rd	Clarcona-Ocoee Rd to Beaus Rd	4	E	2000	610	NB	9	10%	1	620	1380	C

Based on the projected trip distribution, all roadway segments will operate within their adopted capacity upon addition of project trips.



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

RECEIVED
AUG 09 2018
ORANGE COUNTY
ZONING DIVISION

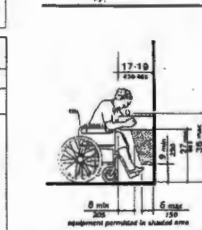
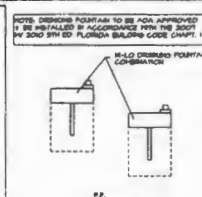


VICINITY MAP

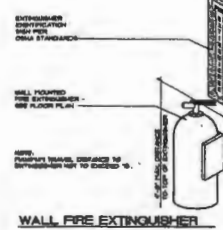
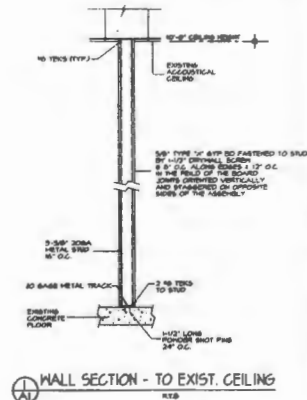
- NOTE:
1. CONTRACTOR IS TO ASSURE THAT ALL CONSTRUCTION SHALL BE IN COMPLIANCE WITH ALL APPLICABLE BUILDING CODES AND LOCAL ORDINANCES AND THAT THE CONSTRUCTION DOCUMENTS ARE IN ACCORDANCE WITH THE BUILDING CODES, RULES AND REGULATIONS.
 2. CHANGES TO THE PRESENTED DRAWINGS SHALL BE MADE BY THE CONTRACTOR AT HIS OWN RISK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 3. ALL PLANS SHALL BE SUBMITTED TO THE CITY ENGINEER FOR REVIEW AND APPROVAL. THE CITY ENGINEER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 4. CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO CONSTRUCTION.
 5. DESIGN LENGTH: IN ACCORDANCE WITH F.S.C. CHAPTER 10, SECTION 10.01, THE DESIGN LENGTH SHALL BE 100 FEET.

BUILDING DATA

TOTAL SQUARE FOOTAGE:	
TOTAL SQUARE = 1550.00 square ft. - CONDITIONED	
CONSTRUCTION TYPE	TYPE VB, UNPROTECTED
FLORIDA BUILDING CODE 2014 3RD EDITION	
FLORIDA MECHANICAL CODE 2014	
ELECTRICAL NEC 2014	
2014 NFPA 101 LIFE SAFETY CODE	
2014 FIRE PREVENTION CODE	
FLORIDA PLUMBING CODE 2014	
FLORIDA ACCESSIBILITY CODE 2014	
CONSTRUCTION TYPE	TYPE VB, UNPROTECTED
OCCUPANCY CLASS	GROUP D - PRESCHOOL
BUILDING HEIGHT	15 FT
NUMBER OF STORIES	ONE



DRINKING FOUNTAIN DETAILS



DESIGN TEAM		SEAL:
ENGINEER:	DESIGNER:	
HAYNE SANDY, P.E.	DEONIS PROFESSIONAL	
PE 033134	DRAFTING SERVICES	
120 S. ORANGE BLVD. SUITE 204	401-280-3418	
ORLANDO, FL 32805		
PROJECT:	PRE-SCHOOL FOR ISLESA HISPANA EL CAMINO LA VERDAD Y LA VIDA	
DATE:	REVISED:	
10-13-2017		
		SHEET 2 OF 2
		AI



STAFF REPORT
CASE #SE-18-07-090
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
September 6, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: Iglesia Hispana El Camino La Verdad Y La Vida, Inc.

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-1 zoning district to allow a private school (with 55 students) in an existing building on an existing church property.

LOCATION: Between N. Hiawassee Rd. and Lakeville Rd, south of the Apopka Expressway

PROPERTY ADDRESS: 6837 Lakeville Road, Apopka, Florida, 32703

PARCEL ID: 25-21-28-4936-11-110

PUBLIC NOTIFICATION: 76

TRACT SIZE: 9.022-acres

DISTRICT #: 2

ZONING: A-1

EXISTING USE(S): Church

PROPOSED USE(S): Church with Private School

SURROUNDING USES: N – Apopka Expressway (Hwy 414)
S – Single Family Residences
E – Vacant
W – Retention

STAFF FINDINGS AND ANALYSIS:

1. The subject property is located in the A-1 (Citrus Rural) zoning district. This district allows agricultural uses, single family homes, and specific non-residential uses, including churches and schools through the Special Exception process.
2. The applicant proposes to use five (5) rooms in the existing church building for the proposed school. The school will operate at different hours from the church, so the parking will be cooperative.
3. Orange County Transportation Planning has reviewed the application and has provided a traffic study that states this use will add 226 new daily trips (14 new P.M. peak hour). The impact will not be significant, as peak hour trips will be minimal.
4. The applicant proposes to provide a paved drive aisle to Hiawassee Road, and a paved drop-off and pick-up zone (that can be used for additional parking during church hours). They are also providing twenty-five (25) paved parking spaces per the site plan, which meets code requirements.
5. Timeline of previous approvals:
 - November 4, 2010, the BZA approved a Special Exception for a daycare with eighty-three (83) children and unpaved parking.
 - April 6, 2017, the BZA approved a Special Exception to relocate the daycare to a vacant building with up to forty (40) children.

Special Exception Criteria

1. The use shall be consistent with the Comprehensive Policy Plan.

The proposed use will be consistent with the Comprehensive Plan with the approval of the Special Exception. The Future Land Use is Rural Settlement 1/5, which requires a Special Exception for schools.

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

The property is buffered from the residential uses to the south by a railroad and tree cover. The properties to the east, west, and north are retention areas affiliated with the Apopka Expressway. Allowing a school in conjunction with the church would be compatible.

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

The use is not proposing any vertical construction. The existing church building will be utilized and all parking shall be contained on site. The traffic study indicates the peak hour trips will be minimal.

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

The existing buildings will remain and there will be sufficient shared parking to support all uses. The use will meet all the performance standards.

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

The proposed use shall have limited hours of operation and activities shall be indoors. The addition of the school will not bring any new negative characteristics to the site. The conditions regarding buffering will mitigate any noise, glare, dust or other characteristics associated with this use.

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

The existing vegetation on site is sufficient to buffer from the right-of-way and residential to the south.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated August 9, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. If the school converts to a charter school then all requirements of the new school siting ordinance (Ordinance No. 2017-06) shall be met.
5. This approval is for a maximum of fifty-five (55) children, any expansion shall require Board of Zoning Adjustment approval.
6. No more than four (4) outdoor special events per calendar year and the hours of such events shall be limited from 8:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
7. All driving aisles and required handicapped spaces shall be paved.
8. Applicant shall obtain a permit to relocate the shed as shown on the site plan.

c: Alma Robles, Applicant's Representative
304 Lake Doe Blvd.
Apopka, FL 32703