



RECOMMENDATIONS BOOKLET

Orange County Board of Zoning Adjustment

Hearing Date:

November 1, 2018

 Community, Environmental & Development Services Department
Orange County Zoning Division

ORANGE COUNTY GOVERNMENT

BOARD OF ZONING ADJUSTMENT
(BZA)

Carolyn Karraker
Vice Chair

District #1

Gregory A. Jackson
Chairman

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

UNITED STATES DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

(1944)

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM: [illegible]

SUBJECT: [illegible]

1. [illegible]

2. [illegible]

3. [illegible]

4. [illegible]

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

2. The second part of the document is a list of names and addresses of the members of the committee.

3. The third part of the document is a list of names and addresses of the members of the committee.

4. The fourth part of the document is a list of names and addresses of the members of the committee.

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11. The eleventh part of the document is a list of names and addresses of the members of the committee.

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13. The thirteenth part of the document is a list of names and addresses of the members of the committee.

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
November 1, 2018**

<u>PUBLIC HEARING</u>	<u>APPLICANT</u>	<u>DISTRICT</u>	<u>BZA Recommendations</u>	<u>PAGE #</u>
SE-18-10-129	Yvonne Lindsay for Future Stars Academy	6	Approved w/Conditions	2
VA-18-10-135	Mike Fitzpatrick	1	De facto Denial	13
VA-18-11-137	Charles March	3	Denied	24
VA-18-11-138	Farrell Duncan	1	Approved w/Conditions	33
SE-18-11-139	Scott Stuart	2	Continued to 1/3/19	43
VA-18-11-140	Linette Salas Gonzalez	3	Approved w/Conditions	54
VA-18-11-142	William Davis	3	Approved w/Conditions	64
VA-18-11-145	Wendy Hoffman-Persons	6	Approved w/Conditions	76
SE-18-11-146	Kenneth Patterson	6	Approved w/Conditions	85
VA-18-11-147	Lisa Rembert	6	Approved w/Conditions	102
VA-18-11-148	Chris Brosche	2	Withdrawn	112
VA-18-11-150	Craig Swarthout	5	Approved w/Conditions	120
VA-18-11-151	Matthew Morrison	3	Approved w/Conditions	131

YVONNE LINDSAY FOR FUTURE STARS ACADEMY SE-18-10-129

REQUEST: **Special Exception** in the P-O zoning district to allow a private school with up to 20 children from grades K through 6th in 1 classroom. This is not a charter school.

ADDRESS: 1101 N. Pine Hills Road, Orlando FL 32808

LOCATION: Northeast corner of N. Pine Hills Rd. and Dolores Dr., approximately .2 miles north of Balboa Dr.

S-T-R: 19-22-29

TRACT SIZE: 104 ft. x 132 ft. (AVG); 0.32 acres

DISTRICT#: 6

LEGAL: PINE HILLS MANOR NO 4 S/94 LOT 6 BLK D

PARCEL ID: 19-22-29-6980-04-060

NO. OF NOTICES: 146

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 October 2, 2019, 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 a four (4) foot high vinyl fence at the southeast corner adjacent to the proposed parking spaces.
5. Hours of operation shall be limited to 8:00 A.M. to 6:00 P.M., Monday through Friday.
6. The applicant shall submit construction plans through the commercial site plan review process and/or obtain a business tax receipt within two (2) years of final approval or this approval is null and void.
7. If the school converts to a charter school then all requirements of the school siting ordinance (Ordinance No. 2017-06), shall be met.
8. No more than twenty (20) children shall be permitted without further approval by the BZA.
9. The applicant shall install a landscape buffer adjacent to Pine Hills Road which includes a continuous hedge and shade trees every forty (40) feet per section 24-4 (a)(1).

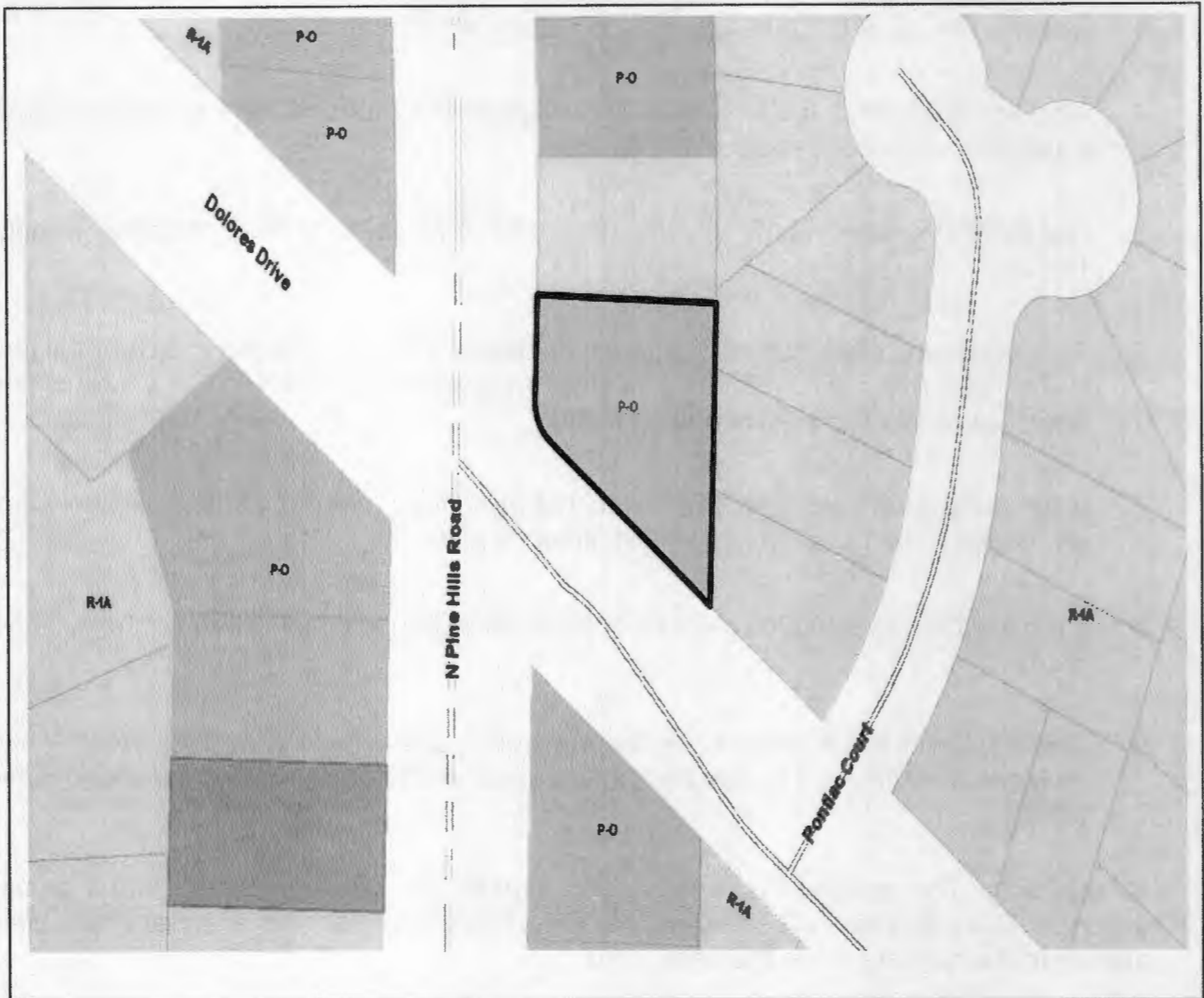
SYNOPSIS: The applicant is proposing to convert the existing daycare into a private school. The property is located in the Pine Hills area and the applicant has been operating the daycare since the year 2000.

Staff outlined the case, explained the request, went over the proposed plan, and submitted the traffic study provided by Transportation Planning.

The applicant explained that the private school was needed in the area and there is a high concentration of daycares in the area. The applicant stated that the current daycare is allowed up to thirty-seven (37) students and the private school would have a maximum of twenty (20) students.

No one spoke at the hearing in favor or against the request. Staff did receive (5) five responses in opposition.

The BZA agreed that the change of use would reduce the amount of students and would be compatible and approved the request.



Applicant: YVONNE LINDSAY FOR FUTURE STARS ACADEMY

BZA Number: SE-18-10-129

BZA Date: 11/01/2018

District: 6

Sec/Twn/Rge: 19-22-29-NE-A

Tract Size: 104 ft. x 132 ft. (AVG); 0.32 acres

Address: 1101 N Pine Hills Road, Orlando FL 32808

Location: Northeast corner of N. Pine Hills Rd. and Dolores Dr., approximately .2 miles north of Balboa Dr.

Yvonne Lindsay
7319 Ednitas Way
Orlando, FL 32818
August 15, 2018

ORANGE COUNTY ZOING DIVISION
201 South Rosalind Ave 1st Floor
Orlando, FL 32801

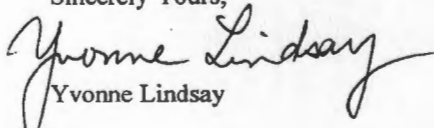
RE:1101 N. Pine Hills Rd
Orlando , FL 32808
Parcel Id:19-22-296380-04-060

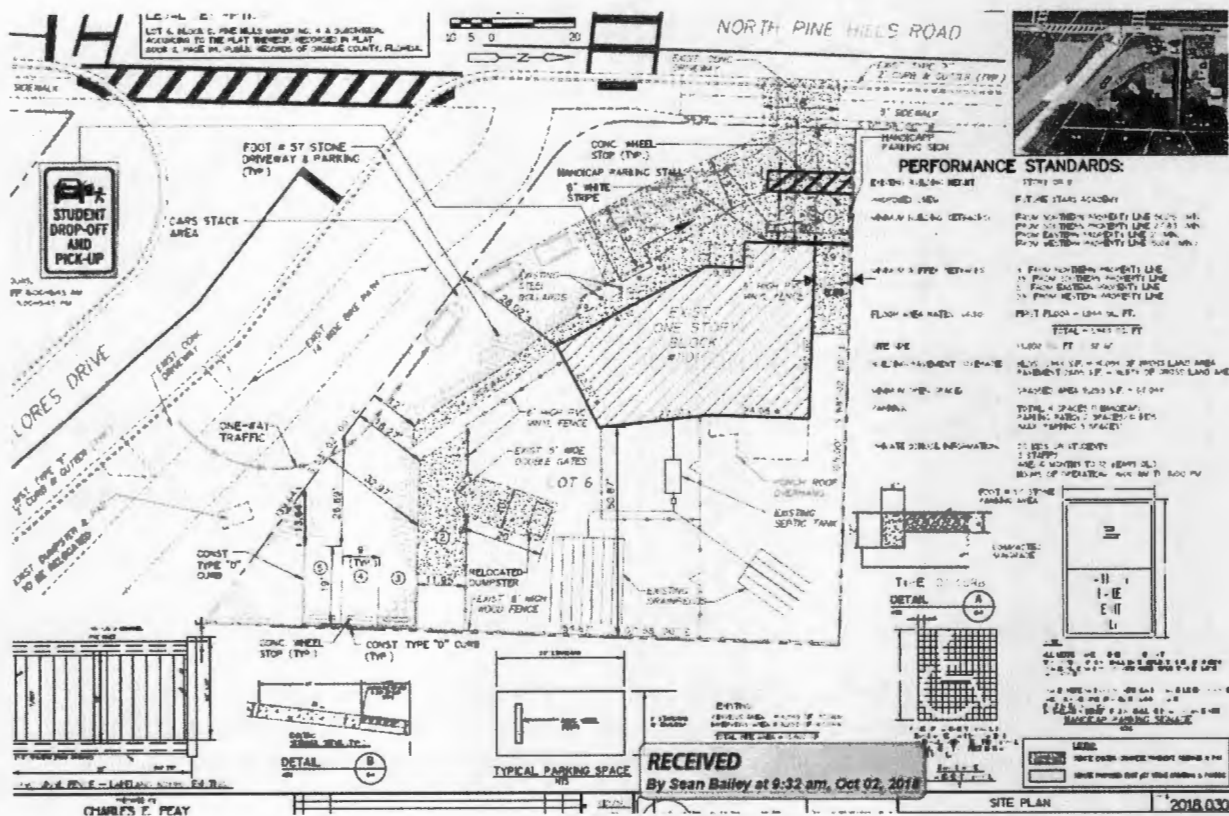
Dear Sir/Madam

I am a Day Care Owner/Provider for over 17 years at 1101 N. Pine Hills Rd. I have a passion for working with children and seen the impact for better education, in the community. We wish to extend this noble service to older children, by starting a private school, at the same location.

- We have room for about 20 children k5 to 6 and 2 instructors.
- The private school will open from 8:30am to 2:30pm. Monday through Friday and possible afterschool activities
- This is a one-story building with 1900+sq feet with adequate parking per survey
- The play ground can accommodate over 100 children
- The surrounding land is comparable with the proposed request

Thanking you in advance
Sincerely Yours,


Yvonne Lindsay



Site Plan

THE HILLS NAMED NO. 4 A SUBDIVISION
: PLAT THEREOF. RECORDED IN PLAT
PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

[illegible]

NOTES

① To ~~Be~~ in SERVICE

LANDSCAPE MATERIALS SCHEDULE

[illegible]

LANDSCAPE PHOTOGRAPHY

LEGEND

PROPOSED TREE - SEE SCHEDULE
PROPOSED HEDGE - SEE SCHEDULE

- ALL SOIL AND MATERIALS SHALL BE IN ACCORDANCE WITH
"MINIMUM COUNTY LAND DEVELOPMENT CODE."
- ALL PLANT MATERIAL SHALL BE PLUGS OR 3" POTTED
1. ALL TREES SHALL BE OF GRADING TOLERANCE (AS APPROVED
NORTHWEST TREES, INC. PULLMAN AND PERTINENT
AT TIME OF PLANTING)
2. ALL TREES SHALL BE A MINIMUM OF 10" DBH, AND UNLESS
OTHERWISE SPECIFIED, SHALL BE PLANTED AT 12' ON CENTER
3. TREES SHALL BE PLANTED IN A "TYPICAL" MANNER
4. ALL LANDSCAPE OTHER SHALL BE SPECIFIC
5. BENCH SHALL BE FINISHED TO 2' - 4" HEIGHT MEASURED
FROM GRADE OF DRIVE
6. DRIVE SHALL BE USED FOR PAVEMENT PROVIDING
ONE EIGHTH (8%) PERCENT COVERAGE OF ALL LANDSCAPE/OTHER
AREAS IS REQUIRED.
7. GRADING TO BE COMPLETED AT TIME OF PLANTING.
8. ALL JOINTS/TREE TRUNKS SHALL BE A MINIMUM OF 1" DBH, AND W/
9. ALL TREES NOTED TO BE PLANT SHALL BE NOTED IN ORDER TO A
REASONABLE PERCENTAGE OF PLANTING FOR SAFE VERTICAL
CLEARANCE AND CLIMB FOR PROTECTION

LANDSCAPE NOTES:

1. MINORIAN CAPABLE TO BE PROTECTED? IS
SOMEONE DISPLINE
2. MINORIAN I A HEWIT.
3. UPGRADES - THE BOUNDARY OUT OF 2nd
LEADER OR F MINORIAN CENTERS
4. HORIZONTAL - I FEEL ORANGE
CONSTRUCTION PERIODS ALL
DAY APPROVED.
5. BARRIER TO BE SELECTED ABOUT THREE
I REMAIN BE CONSTRUCTION ON
NEARBY THREE ARE EXCLUDED.
6. BARRIER TO REMAIN IN PLACE UNTIL
ALL PAVING CONSTRUCTION AND HEAVY
EQUIPMENT IS OUT OF AREA.

5072

**PARADE MUST BE GOV
OWNED TO COMMEMORATE**

LANDSCAPE NOTES:
ALONG WEST OF #41 - PLANT TO OBTAIN 3 MORE
SPECIES SCREENING WITHIN TWELVE MONTHS.
2. PER PARKING LOT AREA

2. AREA OF LOT 4000

Landscape Plan

Yvonne Lindsay for Future Stars Academy (SE-18-10-129)

PID: 19-22-29-6980-04-060

Traffic Study

The project is located on the northeast quadrant of the intersection of N Pine Hills Road and Dolores Drive. The proposed development is proposing converting the existing daycare to a private school with a maximum enrollment of 20 students. The site is currently occupied by a 1,935 SF day care building. Based on the 10th Edition of ITE's Trip Generation Manual, the proposed project is expected to decrease the number of trips on the roadways and no new trips will be added to the adjacent roadways. The trip generation summary is shown below.

ITE Code	Land Use	Size*	Daily		PM Peak Hour			
			Rate	Trips	Rate	Total	In	Out
Existing								
585	Daycare	1,935 SF	47.62	93	11.12	22	10	12
Proposed								
534	Private School (K-8)	1,935 SF	**	**	8.53	13	6	7
New Net Trips				-	-	-9	-4	-5

* SF = Square feet

** Daily rate unavailable

The project is located with Orange County's Alternative Mobility Area (AMA) and is exempt from transportation concurrency. Based on LYNX's current bus schedule, transit service is available within a quarter-mile walk distance along N Pine Hills Road where LYNX #49 and #302 operate. There are 6 bus stops within the project 1/4-mile impact area. The area is well served by an interconnected network of public sidewalks along N Pine Hills Road, and the proposed development will connect to the existing sidewalk network serving mostly residential neighborhood. There is a signed bicycle route/lane adjacent to the site along N Pine Hills Road within the project impact area.



STAFF REPORT
CASE #SE-18-10-129
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
November 1, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: YVONNE LINDSAY FOR FUTURE STARS ACADEMY

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the P-O zoning district to allow a private school with up to 20 children from grades K through 6th in 1 classroom.
This is not a charter school.

LOCATION: Northeast corner of N. Pine Hills Rd. and Dolores Dr., approximately .2 miles north of Balboa Dr.

PROPERTY ADDRESS: 1101 N Pine Hills Rd., Orlando, FL 32808

PARCEL ID: 19-22-29-6980-04-060

PUBLIC NOTIFICATION: 146

TRACT SIZE: 104 ft. x 132 ft. (AVG); 0.32 acres

DISTRICT #: 6

ZONING: P-O

EXISTING USE(S): Daycare Center

PROPOSED USE(S): K5 - 6th Grade Private School

SURROUNDING USES: N - Residential
S - Professional office
E - Residential
W - Pine Hills Rd.

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned P-O, Professional Office Zoning District, which is a district designed to provide professional services to serve the local communities and permits uses such as daycares, barbershops, and medical offices. It also allows private schools and religious institutions as special exceptions.
2. The property is located in the Pine Hills Neighborhood Improvement District, which was created to promote and facilitate Pine Hills as a safe, business-friendly community. This use is permitted in this district and complies with the standards outlined in the ordinance.
3. The property is located on Pine Hills Road which is a professional office corridor and contains a few properties which are still zoned R-1A residential. The area is comprised of various uses such as daycares, churches, single-family homes, barbershops, and accounting offices.
4. This property was re-zoned from R-1A to P-O in 1996. The property was platted as part of the Pine Hills Manor subdivision in 1952. The current owner purchased the property in 1995, and the residence was converted to a daycare in 2000 (permit # B00900726).
5. The applicant is proposing a private school with one (1) classroom and up to twenty (20) students at this location.
6. The property has been used as a daycare since 2000, and the applicant has indicated that due to the concentration of daycares along Pine Hills Road, a private school will better serve the surrounding community.
7. The existing structure is 1,944 sq. ft. and was constructed as a residence in 1953. The property has a large rear yard area, which contains a playground and an open play area.
8. The lot is located at the northeast corner of Dolores Drive and Pine Hills Road, and has vehicular ingress/egress to both right-of-ways. The lot contains a paved driveway along the front of the building which allows for stacking of up to approximately five (5) cars on site.
9. Code requires four (4) parking spaces per classroom, the applicant is proposing five (5) spaces including one (1) handicapped space.
10. The site has existing privacy fences along the north and east which abut residential zoning districts.
11. Located in between Dolores Drive and the southern property line is a fifteen (15) foot wide bike/pedestrian path, which connects to Barnett Park.
12. The applicant is not proposing any new vertical construction with this application and will utilize the existing structure.
13. Orange County Transportation Planning has reviewed this request and determined that the change in use will decrease the number of trips on the roadways.
14. There was a private school approved in 2013 as a special exception at 1056 N. Pine Hills Road that is located across the street.
15. The immediate neighbor to the east has submitted a letter of objection to the proposed use.

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use of the property is Office and approving the special exception will render the use consistent with Comprehensive Policy Plan.

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

The proposed use of a private school is similar to the previous use of the property as a daycare, and the other uses along Pine Hills Road. The hours of operation will be Monday through Friday from 8:00 AM to 6:00 PM.

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

The use is located on a corner lot and should not be a detriment to the surrounding area. The configuration of the lot will allow for stacking on site during drop-off and pick-up times. The limited hours of operation will limit any disturbances to the neighbors during nights and weekends.

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

The proposed site plan meets parking requirements, setbacks, height, and open space requirements. As mentioned, there is no new construction proposed with this application.

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 of a private school will not produce any vibrations, noise, odor or other characteristics not normally produced by other uses allowed in the P-O zoning district.

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 applicant is proposing a hedge and canopy trees located along Pine Hills Road. There are existing trees on site and existing fences abutting the residential lots. In addition, the applicant will be adding a four (4) foot high vinyl fence along the southeast corner to provide a buffer from the proposed parking spaces

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated October 2, 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 and install a four (4) foot high vinyl fence at the southeast corner adjacent to the proposed parking spaces.
 5. Hours of operation shall be limited to 8:00 a.m. to 6:00 p.m., Monday through Friday.
 6. The applicant shall submit construction plans through the commercial site plan review process and/or obtain a business tax receipt within two (2) years of final approval or this approval is null and void.
 7. If the school converts to a charter school then all requirements of the school siting ordinance (Ordinance No. 2017-06), shall be met.
 8. No more than twenty (20) children shall be permitted without further approval by the BZA.
 9. The applicant shall install a landscape buffer adjacent to Pine Hills Road which includes a continuous hedge and shade trees every forty (40) feet per section 24-4 (a)(1).
- c: Yvonne Lindsay for Future Stars Academy
7319 Ednitas Way
Orlando, Florida 32818

MIKE FITZPATRICK VA-18-10-135

REQUEST: **Variance** in the P-D zoning district to allow placing a generator 1.5 ft. from the side (northerly) property line along side of a new home in lieu of 10 ft.

ADDRESS: 8361 Torcello Isle Drive, Windermere FL 34786

LOCATION: Easterly side of Torcello Isle Dr., approximately 625 ft. southwesterly of Reams Rd.

S-T-R: 34-23-27

TRACT SIZE: 51 ft. x 165 ft. (AVG)

DISTRICT#: 1

LEGAL: WINDERMERE ISLE 91/135 LOT 37

PARCEL ID: 34-23-27-9175-00-370

NO. OF NOTICES: 22

DECISION: A motion was made by Carolyn Karraker, seconded by Gregory A. Jackson and carried to **DENY** the Variance request. The motion **FAILED** with a tie vote (3 in favor, 3 opposed, and 1 absent).

Another motion was made by Carolyn Karraker, seconded by Wesley Hodge and carried to **APPROVE** the Variance request. The motion **FAILED** with a **DE FACTO DENIAL** in that the Board was unable to make a legally effective recommendation due to lack of the required majority vote (3 in favor, 3 opposed, and 1 absent) with a tie or split vote.

SYNOPSIS: Staff noted that the subject property was part of a Planned Development, noting the required setbacks and the fact that the homes could be up to 3-stories tall. It was also noted that the homes in this community had a width which virtually fill the building footprint width. Staff also provided a history of how the Zoning Code dealt with permanent generators, noting that in 2016, the setback for generators alongside the residence was reduced from 30 feet to 10 feet. Staff then explained the noise level which the newer generators such as that proposed had dropped significantly from the older models, and even more so than portable generators. Staff concluded that sufficient area exists behind the pool cage to locate the generator in accordance with code.

The applicant provided the BZA with two (2) letters of support. One was from the owner of the home to the south of the subject property, the other was from the owner of the home two (2) lots to the north. They also provided an approval letter from the HOA. The representative of the company selling the generator explained that if the generator was located to the rear of the pool cage, there would be a loss of voltage unless special much more expensive steps were taken. Finally, they explained that numerous jurisdiction in the Central Florida area have both reduced the setback to five (5) feet separation between generators and neighboring residences, or removed all regulations, instead treating them like other mechanical equipment like a/c compressors and pool pumps. There being no one present to speak in favor or opposition to the application, the public hearing was closed.

The BZA discussed the issues of location, carbon dioxide, and whether this may have exposed a flaw in the code revision that may need to be re-examined. After considerable discussion, a motion and second to recommend denial failed due to a tie vote. A subsequent motion and second to recommend approval also failed. With no revised motion for either approval or denial, the BZA declared a deadlock moving the application forward with a de facto denial.



Applicant: MIKE FITZPATRICK

BZA Number: VA-18-10-135

BZA Date: 11/01/2018

District: 1

Sec/Twn/Rge: 34-23-27-SE-D

Tract Size: 51 ft. x 165 ft. (AVG)

Address: 8361 Torcello Isle Drive, Windermere FL 34786

Location: Easterly side of Torcello Isle Dr., approximately 625 ft. southwesterly of Reams Rd.



1701 Perch Lane
Sanford, FL 32771

Office: 407-417-5553
Support@Genstarservice.com

August 16, 2018

To Whom It May Concern,

We are requesting a variance for 8361 Torcello Isle Drive, Windermere, FL 34786, because there is only 5.5' available space between property line and structure at side of house. There is an approved pool and screen structure at the rear of the house, not leaving any space to meet a 5' set back at rear. Since the same space allows air conditioners and pool pumps to be placed in this area, the generator has a similar or smaller footprint and the noise decibel level is similar per the attached spec sheet, which is 52 decibels and operates once a week for 5 minutes for a test run. The decibel level under load is 67 decibels which is, only during rare power outages. This should not present an excessive noise level.

We appreciate your consideration and hope this variance will be approved.

Thank you,

Mike Fitzpatrick
Genstar Generator Sales
Cell: 305-747-8041
Office: 407-417-5553
Mike@GenstarService.com

S 35°19'11" W 51.00'

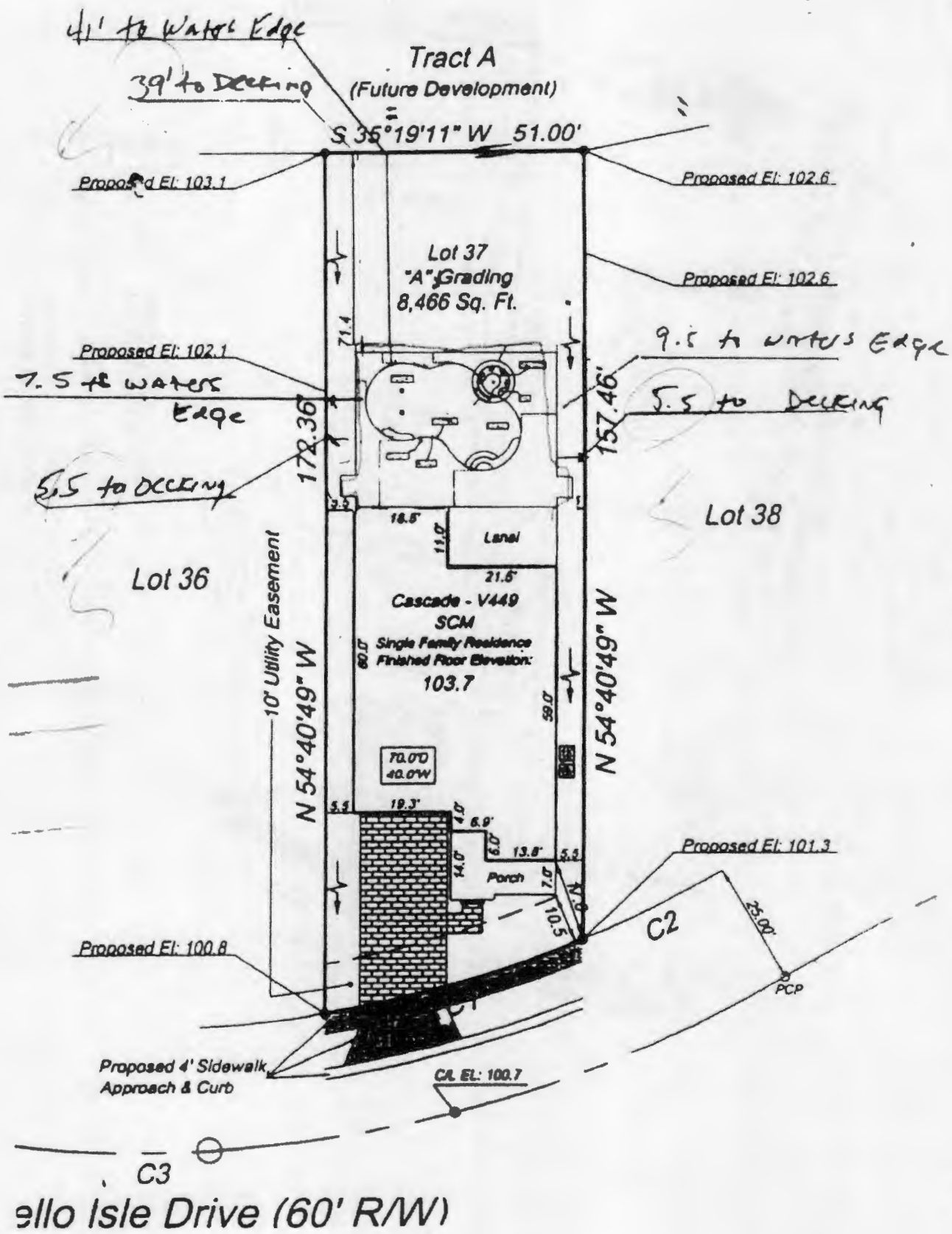
Gravelly location
18" from and 25" up from river 43" S of back
Leaves 22" S of back

[illegible]

RECEIVED

AUG 15 5 2018

ORANGE COUNTY
ZONING DIVISION



16/20/22 kW

GENERAC

GUARDIAN® SERIES
Residential Standby Generators
Air-Cooled Gas Engine

INCLUDES:

- True Power™ Electrical Technology
- Two Line LCD Multilingual Digital Evolution™ Controller (English/Spanish/French/Portuguese)
- Two Transfer Switch Options Available: 100 Amp, 16 Circuit Switch or 200 Amp Service Rated Smart Switch. See Page 4 for Details.
- Electronic Governor
- Standard Wi-Fi™ Remote Monitoring
- System Status & Maintenance Interval LED Indicators
- Sound Attenuated Enclosure
- Flexible Fuel Line Connector
- Direct-To-Dirt Composite Mounting Pad
- Natural Gas or LP Gas Operation
- 5 Year Limited Warranty
- Listed and Labeled by the Southwest Research Institute allowing installation as close as 18" (457 mm) to a structure.*

*Must be located away from doors, windows, and fresh air intakes and in accordance with local codes

Generac Power Systems, Inc. 10000 W. 16th Ave. Aurora, CO 80012-1099

Standby Power Rating

16/20/22 kW
16/20/22 kW
16/20/22 kW



QUIET-TEST



Note: UL certification only applies to ungrounded units and units packaged with limited circuit switches. Units packaged with the Smart Switch are UL certified in the USA only.

FEATURES

are at the heart of Generac's success in providing the most reliable generators possible. Generac's G-Force engine lineup offers added peace of mind and reliability for when you need it the most. The G-Force series engines are purpose built and designed to handle the rigors of extended run times in high temperatures and extreme operating conditions.

Superior harmonics and sine wave form produce less than 5% Total Harmonic Distortion for utility quality power. This allows confident operation of sensitive electronic equipment and micro-chip based appliances such as variable speed HVAC systems.

**PROTOTYPE TESTED
SYSTEM TORSIONAL TESTED**

**NEMA MG1-22 EVALUATION
MOTOR STARTING ABILITY**

FREE with every Guardian Series Home standby generator. Allows you to monitor the status of your generator from anywhere in the world using a smartphone, tablet, or PC. Easily access information such as the current operating status and maintenance alerts. Connect your account to your authorized service dealer for fast, friendly and proactive service. With MobileLink, you are taken care of before the next power outage.

This state-of-the-art power maximizing regulation system is standard on all Generac models. It provides optimized FAST RESPONSE to changing load conditions and MAXIMUM MOTOR STARTING CAPABILITY by electronically torque-matching the surge loads to the engine. Close voltage regulation at $\pm 1\%$.

from Generac's extensive service network provides parts and service know-how for the entire unit from the engine to the smallest electronic component.

Long life and reliability are synonymous with GENERAC POWER SYSTEMS. One reason for the confidence is that the GENERAC product line includes all power transfer systems and controls for total system compatibility.

**GENERAC
PROMISE**



GENERAC

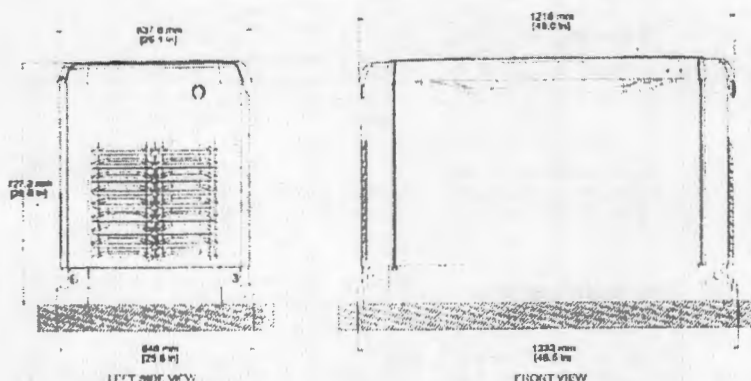
available accessories

16/20/22 kW

Model #	Product	Description
G007C05-0	Wi-Fi LP Fuel Level Monitor	The Wi-Fi enabled LP fuel level monitor provides constant monitoring of the connected LP fuel tank. Monitoring the LP tank's fuel level is an important step in making sure your generator is ready to run during an unexpected power failure. Status alerts are available through a free application to notify when your LP tank is in need of a refill.
G005819-0	26R Wet Cell Battery	Every standby generator requires a battery to start the system. Generac offers the recommended 26R wet cell battery for use with all air-cooled standby product (excluding PowerPack®).
G007101-0	Battery Pad Warmer	The pad warmer rests under the battery. Recommended for use if the temperature regularly falls below 0°F. (Not necessary for use with AGM-style batteries).
G007102-0	Oil Warmer	Oil warmer slips directly over the oil filter. Recommended for use if the temperature regularly falls below 0°F.
G007103-1	Breather Warmer	The breather warmer is for use in extreme cold weather applications. For use with Evolution controllers only in climates where heavy icing occurs.
G005621-0	Auxiliary Transfer Switch Contact Kit	The auxiliary transfer switch contact kit allows the transfer switch to lock out a single large electrical load you may not need. Not compatible with 50 amp pre-wired switches.
G007C27-0 - Bisque	Fascia Base Wrap Kit (Standard on 22 kW)	The fascia base wrap snaps together around the bottom of the new air-cooled generators. This offers a sleek, contoured appearance as well as offering protection from rodents and insects by covering the lifting holes located in the base.
G005703-0 - Bisque	Paint Kit	If the generator enclosure is scratched or damaged, it is important to touch-up the paint to protect from future corrosion. The paint kit includes the necessary paint to properly maintain or touch-up a generator enclosure.
G006485-0	Scheduled Maintenance Kit	Generac's scheduled maintenance kits provide all the hardware necessary to perform complete routine maintenance on a Generac automatic standby generator.
G006873-0	Smart Management Module (50 Amps)	Smart Management Modules are used in conjunction with the Automatic Transfer Switch to increase its power management capabilities. It provides additional power management flexibility not found in any other power management system.

dimensions & UPCs

Dimensions shown are approximate. Refer to installation manual for exact dimensions. DO NOT USE THESE DIMENSIONS FOR INSTALLATION PURPOSES.



Model	UPC
G007035-1	896471074169
G007036-1	896471074158
G007037-1	896471074176
G007038-1	896471074185
G007039-1	896471074192
G007042-2	896471074208
G007043-2	896471074211

GENERAC

Generac Power Systems, Inc. • 545 W29290 HWY. 59, Waukesha, WI 53189 • generac.com



STAFF REPORT
CASE #: VA-18-10-135
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
November 1, 2018
Commission District: 1

GENERAL INFORMATION:

APPLICANT: MIKE FITZPATRICK

REQUEST: Variance in the P-D zoning district to allow placing a generator 1.5 ft. from the side (northerly) property line along side of a new home in lieu of 10 ft.

LOCATION: Easterly side of Torcello Isle Dr., approximately 625 ft. southwesterly of Reams Rd.

PROPERTY ADDRESS: 8361 Torcello Isle Dr., Windermere, FL 34786

PARCEL ID: 34-23-27-9175-00-370

PUBLIC NOTIFICATION: 22

TRACT SIZE: 51 ft. x 165 ft. (AVG)/.19 ac.

DISTRICT #: 1

ZONING: P-D

EXISTING USE(S): New home (under construction)

PROPOSED USE(S): Permanent generator alongside of a new home

SURROUNDING USES: N - New home (under construction)
S - New home (under construction)
E - Vacant
W -Open Space

STAFF FINDINGS AND ANALYSIS:

1. The subject property is part of The Preserve at Lakeside Village P-D, which was approved in 2014, through Land Use Plan LUP-14-04-096. This community is a development with minimum lot width of 45 feet, side setbacks of five (5) feet, front setbacks of fifteen (15) feet and a rear setback of twenty-five (25) feet. Individual homes may be up to three (3) stories.

2. Because there are no specific setbacks for equipment such as a/c units or generators, that equipment must comply with the requirements for siting contained in Chapter 38, the Zoning Code.
3. Until 2016, the setbacks for generators were 30 feet from a side property line, if adjacent to the residence. In a 2016 amendment to the Zoning Code, the setback was reduced to ten (10) feet if adjacent to the residence. If the generator is located behind the residence, it may be located within five (5) feet of the rear and side property lines.
4. New permanent generators are now much quieter than past units. The generator being proposed performs a self-test every week for twelve (12) minutes. During this period, the generator operates as a noise level of 52 Decibels (Db). Normal conversation is 50 Db. When the unit is operating at full power during a power outage, it operates at a level of approximately 65 Db, which is between the sound of conversation in a restaurant and a vacuum cleaner. This is approximately the sound of an a/c compressor.
5. The applicant is proposing to locate the generator on the northerly side of the house. The existing a/c unit and pool equipment is located on the southerly side of the house. The neighboring residents to the north have their a/c compressor on their south side of their home. There are no windows on the neighbor's first floor near the generator.
6. The applicant is constructing a pool (B1808885). However, to the rear of the pool is open yard. The generator could be located to the rear of the pool and comply with the setbacks.

VARIANCE CRITERIA

Special Conditions and Circumstances

The subject property is not shaped differently than the other lots in the subdivision in which the subject property is located. There are no special conditions or circumstances particular to the subject property.

Not Self-Created

The applicant could locate the generator to the rear of the pool cage.

No Special Privilege Conferred

Granting the variance would confer a special privilege, as others have installed permanent generators in compliance with this provision of the code, which were significantly reduced in 2016.

Deprivation of Rights

There is adequate room in the rear yard to install the generator in compliance with this provision of the code.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated August 15, 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: Mike Fitzpatrick, Applicant's Representative
715 Biscayne Drive
Orange City, Florida 32763

Ronald Belin, Applicant
8361 Torcello Drive
Windermere, Florida 34786

CHARLES MARCH
VA-18-11-137

REQUEST: **Variances** in the R-2 zoning district as follows:
1) To allow an existing accessory structure with a 4 ft. rear setback in lieu of 5 ft.
2) To allow an existing accessory structure with a 2.6 ft. side setback in lieu of 5 ft.
Note: This is the result of Code Enforcement action.

ADDRESS: 8120 Bucksaw Drive, Orlando FL 32817

LOCATION: South side of Bucksaw Dr., south of Bates Rd., east of N. Goldenrod Rd.

S-T-R: 13-22-30

TRACT SIZE: 62 ft. x 108 ft.; 0.151 acres

DISTRICT#: 3

LEGAL: PINWOOD VILLAGE 11/54 LOT 13

PARCEL ID: 13-22-30-7102-00-130

NO. OF NOTICES: 71

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

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

The applicant stated they hired a company, and the company said they would pull permits, but would not provide said permits when asked. The applicant stated they started construction in 2006, and located the shed where it is because of existing trees.

The BZA inquired as to why other parts of the backyard could not be utilized to meet setbacks.

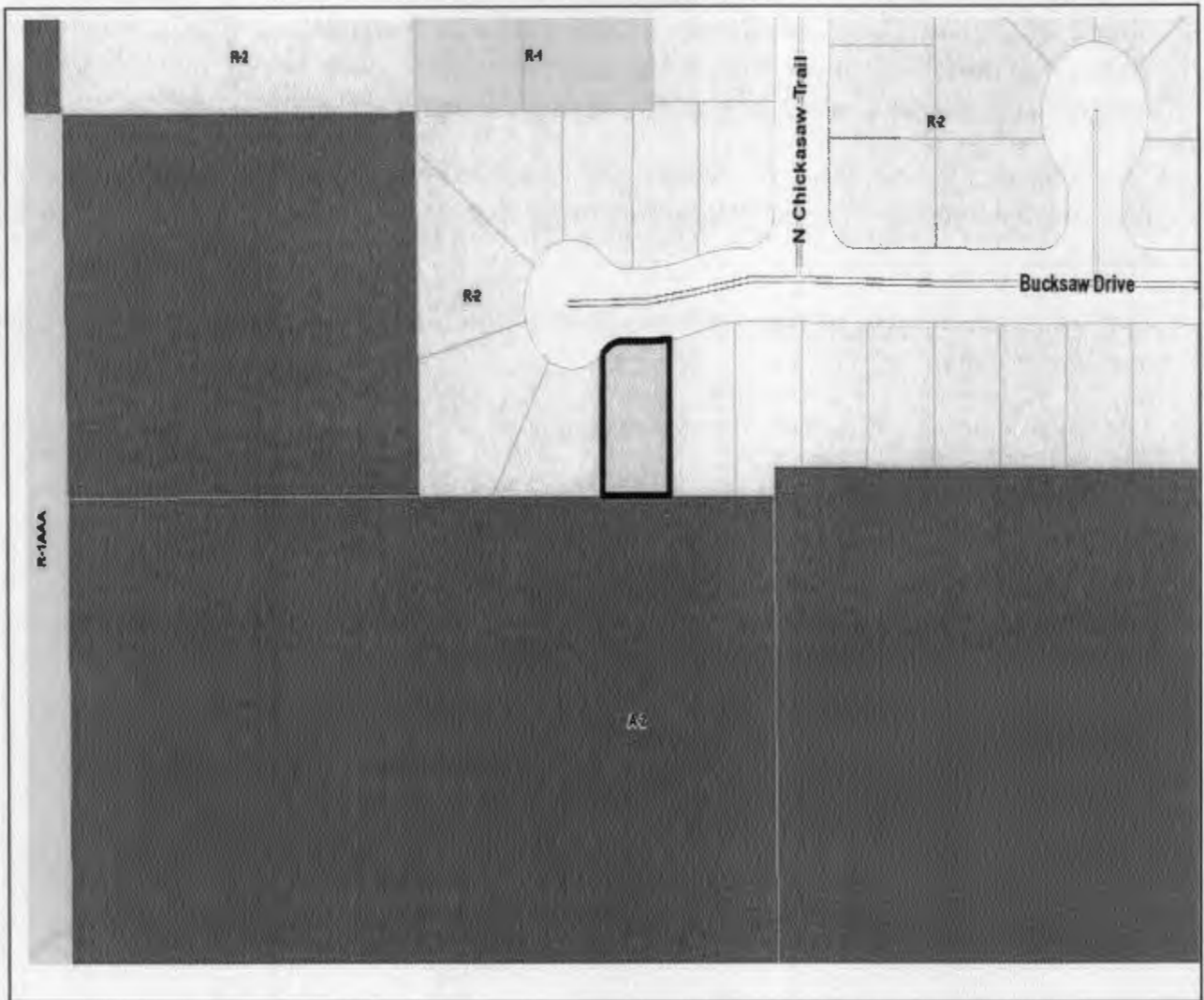
Code Enforcement stated that an active case was started in 2007, when they observed the construction. The Code Board heard the case on December 19, 2007, and established a compliance date of February 17, 2008. The applicant did not comply, documents were sent out and a fine began accruing daily.

The applicant stated that the permit could not be approved until the easement was vacated. The vacation of the easement took two (2) meetings and over 120 days, during which time Code Enforcement proceeded with the violation. The applicant then stated that they thought everything was lifted after an inspector came out, and they did not know the permit was not approved and that the lien was accruing.

The BZA felt that the applicant initially tried to address the issues, but later quit working towards resolution. The BZA also confirmed that one (1) lien letter was sent to the applicant.

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

The BZA made a motion to deny the variance, with a 3 in favor, 2 opposed and 2 absent.



Applicant: CHARLES MARCH

BZA Number: VA-18-11-137

BZA Date: 11/01/2018

District: 3

Sec/Twn/Rge: 14-22-30-NE-A

Tract Size: 62 ft. x 108 ft.; 0.151 acres

Address: 8120 Bucksaw Drive, Orlando FL 32817

Location: South side of Bucksaw Dr., south of Bates Rd., east of N. Goldenrod Rd.

Charles Nelson March III
8120 Buck Saw Dr
Orlando FL 32817
Cell. 321-287-0402

To Whom it May Concern:

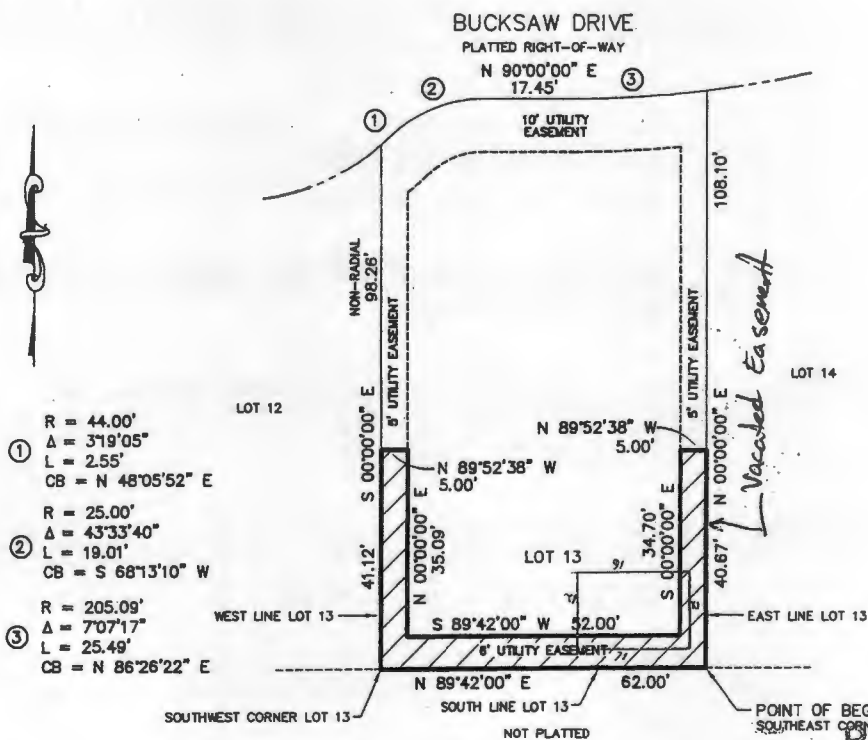
I am requesting a Variance of 4ft in lieu of the 5ft distance on the South side of our property and a 2.6 Variance in lieu of the 5 ft on the east side of our property for a wood smith built shed and dog Kennel. It is incredibly hot in FL and we need to have the dogs covered and off the Sun. when we can not be home and are at work. We also hired a company to instal the shed and were told they would pull the necessary permit and required documents, except for the Vacation of easement, which I aquired on my own. I was not made aware I also needed a variance acceptance and was misinformed of the permit status as well. I understand ignorance is not an excuse, and appologise profusely. Due to the small lot size and pre existing trees. The corner of the lot is the only place we could fit the dog Kennel and shed. and with the rise. and set off the Sun, it seemed most logical to arrange them as they are to protect our animals. all of our neighbors are perfectly fine with the Shed and dog Kennel the shed is 1925 sq ft and the dog Kennel is only 80'sq. for a total of 272 Sq ft. please grant me this acceptance as. The location of the dog Kennel and shed do not affect anybody and we already have a Vacation of easement from all service Providers. ~~with~~

5

ASPHALT ROADWAY



Approved
Uncoded
Easement



RECEIVED
AUG 29 2018
ORANGE COUNTY
ZONING DIVISION

THIS IS NOT A BOUNDARY SURVEY

SCALE: 1"=30'

REVIEWED BY: MWS

DRAWN BY: L.J.G

DATE: 2/8/08

JOB No.: 18104

REVISÉ:

LEGEND

- = RECOVERED 4"x4" CONCRETE MONUMENT NO #
- = RECOVERED NAIL & DISK #
- X = RECOVERED X CUT IN CONCRETE
- ⊙ = RECOVERED 1/2" IRON ROD #
- = RECOVERED 1/2" IRON ROD NO #
- = RECOVERED 5/8" IRON ROD NO #
- = SET 1/2" IRON ROD @LB 6300
- = POWER POLE AS SHOWN
- = WOOD FENCE AS SHOWN
- = CHAIN LINK FENCE AS SHOWN
- = CONCRETE SLAB AS SHOWN

D = CENTRAL ANGLE (DELTA), L = ARC, R = RADIUS,
R/W = RIGHT OF WAY, A/C = AIR CONDITIONER,
(R) = RADIAL, (NR) = NON-RADIAL, (P) = PLAT,
(M) = MEASURED, (C) CALCULATED, (D) = DEED,
POB = POINT OF BEGINNING, CONC. = CONCRETE,
POC = POINT OF COMMENCEMENT, POL = POINT ON
LINE

THIS SKETCH IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES AND/OR INDIVIDUALS LISTED AND SHALL NOT BE RELIED ON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER. UNDERGROUND FOUNDATIONS AND/OR IMPROVEMENTS WERE NOT LOCATED AS PART OF THIS SURVEY. LAND SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAYS AND/OR EASEMENTS OF PUBLIC RECORD.

ALTAMONTE SURVEYING
AND PLATTING, INC.



STAFF REPORT
CASE #: VA-18-11-137
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
November 1, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: CHARLES MARCH

REQUEST: Variances in the R-2 zoning district as follows:
1) To allow an existing accessory structure with a 4 ft. rear setback in lieu of 5 ft.
2) To allow an existing accessory structure with a 2.6 ft. side setback in lieu of 5 ft.
Note: This is the result of Code Enforcement action.

LOCATION: South side of Bucksaw Dr., south of Bates Rd., east of N. Goldenrod Rd.

PROPERTY ADDRESS: 8120 Bucksaw Drive, Orlando, Florida, 32817

PARCEL ID: 13-22-30-7102-00-130

PUBLIC NOTIFICATION: 71

TRACT SIZE: 62 ft. x 108 ft.; 0.151 acres

DISTRICT #: 3

ZONING: R-2

EXISTING USE(S): Single family residence with accessory structures

PROPOSED USE(S): Single family residence with accessory structures

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

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-2 Residential District, which allows for single-family homes, multifamily development, and associated accessory structures.
2. There is an existing 16 ft. x 12 ft. (192 sq. ft.) shed, with a 10 ft. x 8 ft. (80 sq. ft.) roofed dog kennel on the property. Based on aerials, it appears this was constructed sometime in 2006 and permits were not obtained. Code Enforcement cited the applicant in May of 2007 (Incident#180009, CEB#69491), for constructing an accessory structure without a permit. Code Enforcement cited the applicant again, as a continuation of the previous case in July of 2007 (Incident#184121, CEB#79676), for constructing an accessory structure without a permit. In December of 2007, the Code Enforcement Board imposed a fine and lien on the property. As of October 22, 2018, fines in the amount of \$389,900, have been accrued.
3. The required side and rear setback for accessory structures is five (5) feet. The accessory structure is located 4 feet from the rear property line, and 2.6 feet from the side property line.
4. The accessory structure encroached into a utility easement on the side and rear, but the applicant vacated the easement in 2008.
5. The BZA has granted other setback variances for principal structures in the area, but not for accessory structures.
6. There is plenty of room in the rear yard to meet the required setbacks.

VARIANCE CRITERIA

Special Conditions and Circumstances

The lot is a traditional rectangular shape, with adequate space to locate the accessory structure without the need for variances.

Not Self-Created

The need for the variances is self-created, as the accessory structure was built without permits.

Deprivation of Rights

The applicant is allowed to have the same amount of accessory structure square footage, if the structures were located outside of the setbacks, which there is room to do.

Minimum Possible Variance

This is not the minimum possible variance, as there is room to locate the accessory structure elsewhere on the property without variances.

Purpose and Intent

This request is not in harmony with the purpose and intent of the Zoning Regulations.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated August 29, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall obtain permits for all accessory structures within 120 days of final action on this application by Orange County, or this approval becomes null and void.

c: Charles N. March
8120 Bucksaw Drive
Orlando, Florida 32817

FARRELL DUNCAN
VA-18-11-138

REQUEST: Variance in the A-1 zoning district to allow an accessory structure to remain 4 ft. from the side property line in lieu of 5 ft.
ADDRESS: 15102 State Road 438, Winter Garden FL 34787
LOCATION: Southwest corner of W. Oakland Ave. and Tildenville School Rd.
S-T-R: 21-22-27
TRACT SIZE: 155 ft. x 340 ft./1.2 ac.
DISTRICT#: 1
LEGAL: COMM 663.2 FT W AND 552.2 FT N OF SE COR OF SEC TH CONT N 583 FT FOR POB TH CONT N 170.89 FT +/- TO S R/W LINE OF SR 438 TH E 9.78 FT +/- TH S 10 FT TH E 334.15 FT TO W R/W LINE OF TILDENVILLE SCHOOL RD TH S 160.68 FT +/- TH W 340.97 FT TO POB IN SEC 21-2
PARCEL ID: 21-22-27-0000-00-035
NO. OF NOTICES: 66

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

1. Development in accordance with the site plan dated September 4, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall obtain a permit for the carport within 120 days of final action on this application by Orange County or this approval becomes null and void.

SYNOPSIS: Staff noted that the subject property was a part of a rural enclave surrounded by the City of Winter Garden. Since the property is over one (1) acre in size, and being zoned A-1, the applicant is entitled to up to 2,000 sq. ft. of accessory floor area. They do not exceed this amount, even with the carport/storage building. Staff further noted that the subject property is laid out with the home and detached accessory structures concentrated in the southwest corner of the property. While the applicant could relocate the carport/storage structure to the north side of the detached garage, because that structure is mostly open on three (3) sides, the contents would be visible from the public right-of-way. The current location is superior. Further, the neighbor to the south is not utilizing the majority of their rear yard, and their home is located far to the east of the structure near Tildenville School Road. Having multiple detached accessory structures on an agriculturally zoned property very common. It was also noted that this case was not the result of code enforcement action, and the applicant learned of the setback issue while attempting to permit the structure. Five (5) neighboring property owners submitted correspondence in support, including the two (2) most impacted property owners. No correspondence in opposition had been received.

A representative for the applicant indicated their agreement with both the staff recommendation and the conditions of approval. There being no one in attendance to speak in favor or opposition, the public hearing was closed.

The BZA had no discussion regarding this request. A motion to recommend approval of the application was seconded and approved unanimously.



Applicant: FARRELL DUNCAN

BZA Number: VA-18-11-138

BZA Date: 11/01/2018

District: 1

Sec/Twn/Rge: 21-22-27-SE-D

Tract Size: 155 ft. x 340 ft./1.2 acre

Address: 15102 State Road 438, Winter Garden FL 34787

Location: Southwest corner of W. Oakland Ave. and Tildenville School Rd.

Farrell D. Duncan
P.O. Box 784595
Winter Garden Florida 34778
(321) 689-8864
farrellduston@gmail.com

August 27, 2018

Orange County Zoning Division
201 South Rosalind Ave. 1st Floor
Orlando Florida 32801

Re: *Application for Variance to reduce setback for carport (existing)*
 15102 State Road 438 (Oakland Ave.) Winter Garden Florida
 Parcel Id Number 21-22-27-0000-00-035

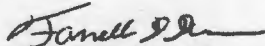
Dear Zoning Board:

Enclosed please find an Application for Variance to reduce the set backs on the rear property line and western side property line for a 440 square foot carport together with the following:

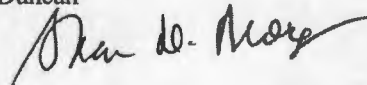
Detailed site plan/survey by Long Surveying, Inc.
Architectural Elevations drawn to scale by Design & Building Concepts, LLC
Letters of No Objection from two affected neighbors
Thumb Drive with all documents

The carport was constructed for the purpose of parking a small boat and lawn equipment. The size of the carport was necessary (14 x 30) to fit the boat and trailer. The property is located on the corner of Avalon Road (SR 535) and Oakland Avenue (SR 438). A traffic light is located at the corner of the intersection and in the near future, a turn lane will be installed at the corner. This is a busy corner and therefore desirable to locate all structures to the far southwest corner of the property. The carport is constructed adjacent to the detached three car garage for aesthetics and wherein we can utilize the existing driveway to park under the carport.

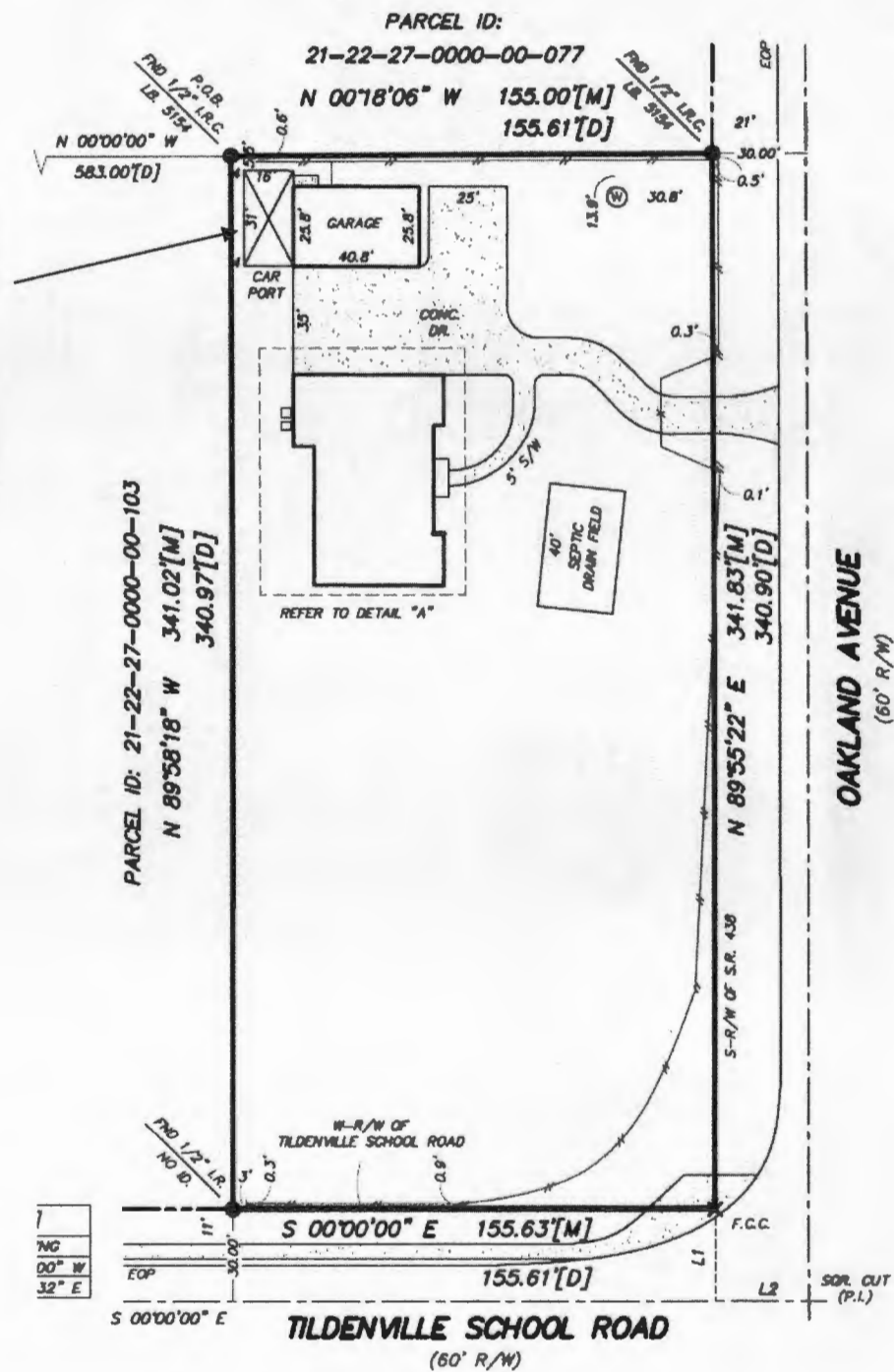
Sincerely,

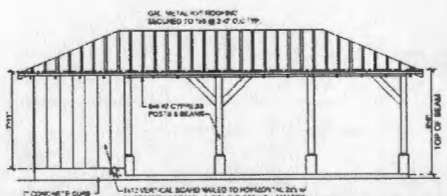

Farrell D. Duncan

Enclosures

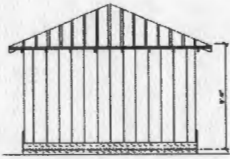


Proposed structure

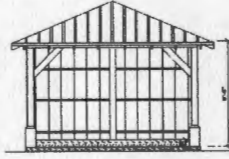




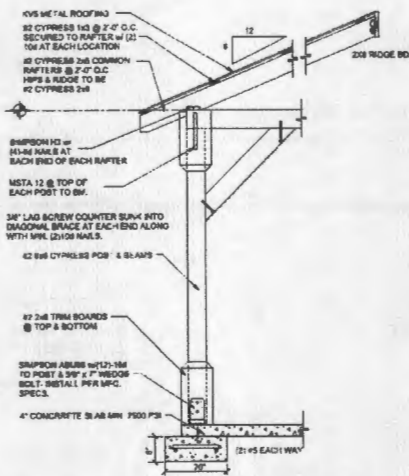
SOUTH ELEVATION
SCALE 1/4"=1'-0"



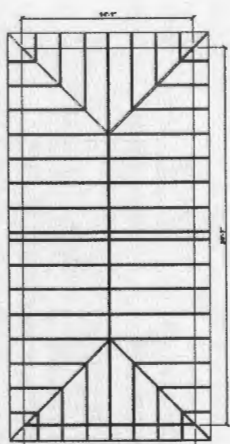
WEST ELEVATION
SCALE 1/4"=1'-0"



EAST ELEVATION
SCALE 1/4"=1'-0"

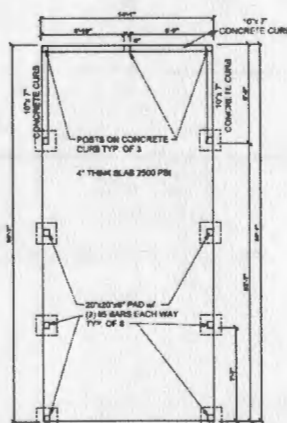


C-1 TYP POST SECTION
SCALE 3/4"=1'-0"



ROOF FRAMING PLAN
SCALE 1/4"=1'-0"

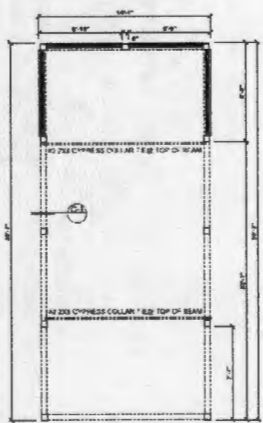
ALL COMMON RAFTERS ARE 2x8 OR BETTER CYPRESS 2x8
RAFTERS & RIDGE ARE 2x8 OR BETTER CYPRESS 2x8



SLAB w/ POST PLACEMENT PLAN
SCALE 1/4"=1'-0"

AREA CALCULATIONS
TOTAL UNDER ROOF 431 S.F.

WALL LEGEND
2x4 K2 CYPRESS ON HORIZONTAL
@ 2'-0" O.C. w/ 1x12 K2 CYPRESS
RAN VERTICAL NAILED TO
2x4 w/ NAIL (1) IN AT EACH LOCATION



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



STAFF REPORT
CASE #: VA-18-11-138
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
November 1, 2018
Commission District: 1

GENERAL INFORMATION:

APPLICANT: FARRELL DUNCAN

REQUEST: Variance in the A-1 zoning district to allow an accessory structure to remain 4 ft. from the side property line in lieu of 5 ft.

LOCATION: Southwest corner of Oakland Ave. (SR 438) and Tildenville School Rd.

PROPERTY ADDRESS: 15102 State Road 438, Winter Garden, FL 34787

PARCEL ID: 21-22-27-0000-00-035

PUBLIC NOTIFICATION: 66

TRACT SIZE: 155 ft. x 340 ft./1.2 acre

DISTRICT #: 1

ZONING: A-1

EXISTING USE(S): SFR

PROPOSED USE(S): Storage building

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

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned A-1, Citrus Rural District. This zoning also supports single family detached homes on lots of 1/2 acre or more, and mobile homes on lots of two (2) acres or more. This zoning district is typically intended for agricultural uses, such as raising citrus or cattle. This property is within an enclave

surrounded by the City of Winter Garden which at one time was rural in character, which has been steadily annexed into the City.

2. There is an existing residence and three-car detached garage located on the property, and a carport located to the south of the detached garage. There is no permit for the carport. Based on reviews of historic aerials, it appears that the applicant constructed the carport during the 2010-11 time period. The applicant filed for a permit for the carport, at which time it was found that the carport is one (1) foot to close to the side (south) property line. The granting of the variance would rectify that issue allowing the applicant to obtain the needed permit. This is not a result of a code enforcement violation.
3. With 1.2 acres of land, the applicant is entitled to 2,000 sq. ft. of accessory floor area in the A-1 zoning district. No variance is needed as a result of the added floor area.
4. The applicant's home is located in the far southwest corner of the property, which is a corner lot. This limits the location where an accessory structure could be located without the need for a variance.
5. While the accessory structure could be located to the north side of the existing garage, it is partially open on three (3) sides, which could result in some of the contents being exposed to view. The location south of the garage hides those views.
6. The neighbors to the south and west submitted letters in support of the request. As of the drafting of this report, staff also received three (3) additional correspondence in support of the request.
7. Staff identified two (2) variances granted for setbacks in this neighborhood.
8. The applicant provided letters of support from the residents of the lots immediately to the south and west, which are the most impacted properties.

VARIANCE CRITERIA

Special Conditions and Circumstances

The special condition and circumstance in this case is the location of the home in relation to the rear and side property lines. While an attractive structure, locating it in front of the garage rather than behind would expose the contents to the public right of way.

No Special Privilege Conferred

Having a second accessory structure for the storage of yard equipment and other miscellaneous objects is common, especially on larger properties where additional square footage can be accommodated.

Deprivation of Rights

Secondary and even tertiary accessory structures are very common on larger properties. Denying the variance would require the applicant to relocate the structure to a less desirable, more obtrusive location, impacting the views into the property.

Minimum Possible Variance

A variance of one (1) foot equates to a 20% variance. This type of variance is within the range of past variances granted by the BZA.

Purpose and Intent

The property to the south is approximately the same size as that of the subject property, and the home is located further forward of the applicant's property. The property to the west is very large and heavily treed. That home is located over 160 feet to the southwest of the carport. The application will not impair the integrity of the Zoning Ordinance, and would be consistent with the purpose and intent of the Code.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated September 4, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall obtain a permit for the carport within 120 days of final action on this application by Orange County or this approval becomes null and void.

c: Farrell Duncan
15102 SR 438
Winter Garden, Florida 34778

SCOTT STUART
SE-18-11-139

REQUEST: **Special Exception** in the A-1 zoning district to allow a woodchipper and yard trash processing facility.

ADDRESS: 3601 Planck Road, Apopka FL 32712

LOCATION: North of Ponkan Rd., west of Golden Gem Rd.

S-T-R: 23-20-27

TRACT SIZE: 250 ft. x 250 ft./1.4 acre of an overall 40 acre parcel

DISTRICT#: 2

LEGAL: SW1/4 OF NE1/4 SEC 23-20-27

PARCEL ID: 23-20-27-0000-00-051

NO. OF NOTICES: 41

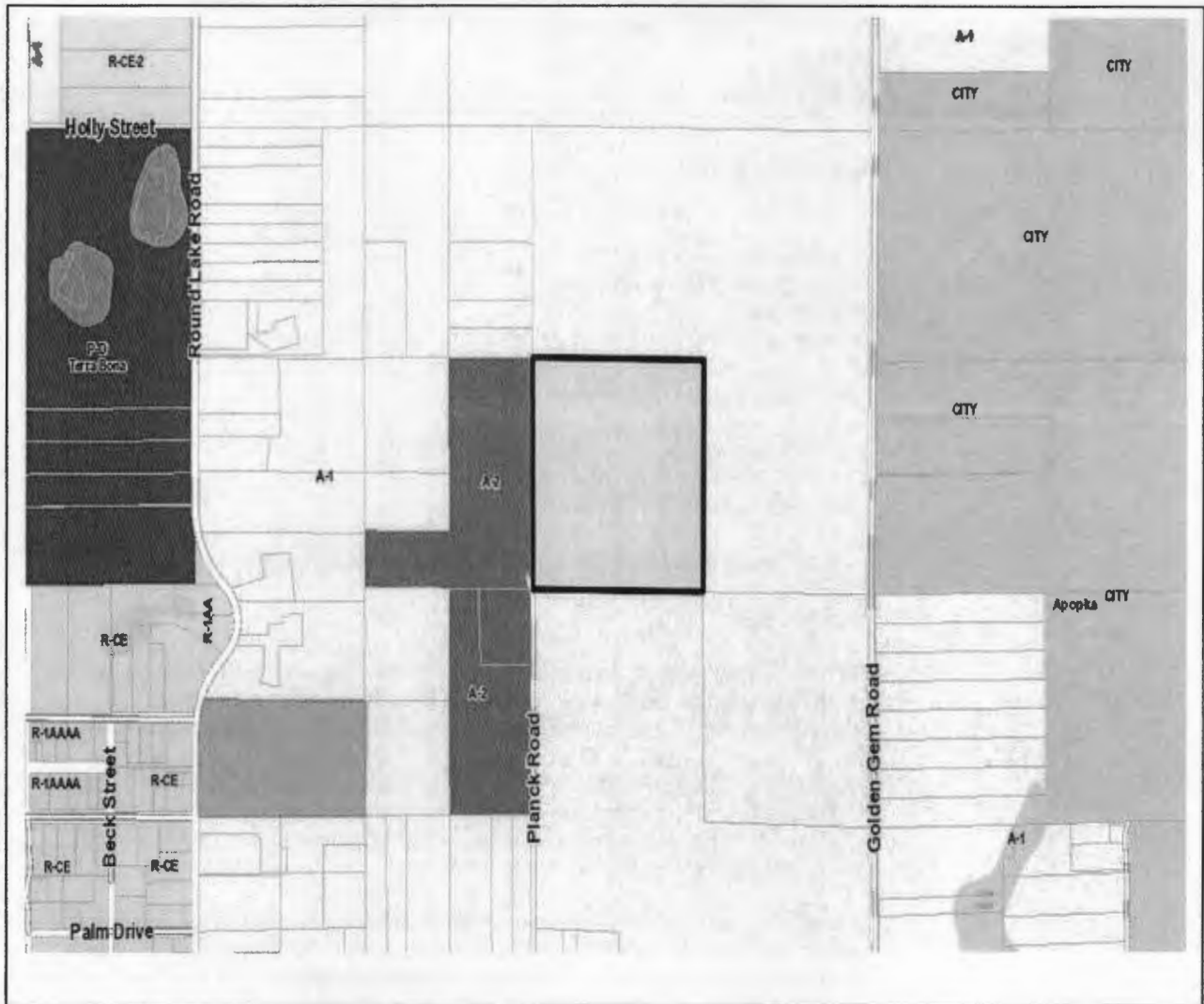
DECISION: This case was **CONTINUED** to allow for a Community Meeting and scheduled to be reheard at the January 3, 2019 BZA Meeting.

SYNOPSIS: Staff explained the history of the site, that being a Class III landfill, which was closed in 2012. The adjacent land uses were also described, consisting of another Class III landfill, sand mines, some agricultural operations, and the County Highway Department; this is one residential property abutting the southwest corner of the site.

The applicant described the nature of the operation as using a portable grinder 3 to 4 days a week for 6 to 7 hours, intermittently, to grind tree trimmings generated by the Company's landscape business. They would not be accepting materials from any other sources, and the public would not be allowed to enter the site to either purchase mulch or drop off materials.

There were three (3) persons present to speak in opposition to the project. One expressed concern based on the clearing of property adjacent to theirs which is now used as a sand mine. Another was on the board of a large residential community located over 1/2 mile south of the subject property, and the other representing the owners of an adjacent property. All were concerned with noise, odor, and increased truck traffic.

The BZA discussed the case, noting that perhaps a Community Meeting may be in order for this case. A motion to continue the application to allow for a Community Meeting was seconded and passed unanimously.



Applicant: SCOTT STUART

BZA Number: SE-18-11-139

BZA Date: 11/01/2018

District: 2

Sec/Twn/Rge: 23-20-27-NE-A

Tract Size: 250 ft. x 250 ft./1.4 acre of an overall 40 acre parcel

Address: 3601 Planck Road, Apopka FL 32712

Location: North of Ponkan Rd., west of Golden Gem Rd.



KELLY,
COLLINS &
GENTRY, INC.

ENGINEERING / PLANNING

September 10, 2018

Board of Zoning Adjustment
Orange County Zoning Division
201 S Rosalind Ave, 1st Floor
Orlando, FL 32802-1393

Attn: Sean Baily, Chief Planner

Re: Orange County Environmental, LLC (OCE)
3601 Planck Road, Apopka, Florida 32712
Parcel Id: 23-20-27-0000-00-051

Special Exception Use Application for Wood Chipping / Mulching

Dear Mr. Baily:

On behalf of the property owner OCE and the contract leasee Enviro Tree Service, please find attached the complete application packet for a Special Exception Use to allow Wood Chipping and Mulching on a portion of the above referenced property.

Enviro Tree Service (ETS) is a family run local tree care and arborist service located at 3202 Phils Lane, Apopka. With five ISA Certified Arborists on staff, ETS provides professional tree care services to residential and commercial properties for pruning, palm planting and tree removal if necessary.

A substantial amount of ETS commercial clients manage excess debris / clippings on the job site; however, a certain amount is brought back to be chipped / mulched and repurposed. As a condition of the Special Exception use approval for the Tree Service use on the Phils Lane property, the wood chipping operation is not permitted on site.

The 3601 Planck Road property provides a much better location for the chipping / mulching part of the operation. Adjacent uses to the Planck Road property include several mining operations and other more ag-industrial nonresidential uses.

At the Planck Road property, all activities associated with the wood chipping will be managed Monday through Friday between 7:30 am and 7:30 pm within a 250 ft by 250 ft area in the southeast portion of the ±40-acre tract (further described on the attached exhibits). There will be no structures associated with the ETS use and the chipping and mulching of material will only be stored temporarily with constant rotation of material and reuse of the mulch material offsite.

Surrounding Development Pattern:

As shown on the attached aerial location map, the immediate area is comprised largely of non-residential uses and fairly intensive Ag - Industrial operations as follows:

- Cantero Holdings (±81 acres borrow pit),
- Hubbard Construction (±101 acres cleared mining / borrow pit),
- Mid-Florida Materials Corp (±120 acres of cleared mining / borrow pits),
- Orange County Highway Dept. (±39.5 acres warehouse / land clearing),
- City of Apopka (±103 acres largely cleared),
- Headwater Farms, LLC (±39.5 acres cleared / borrow pit),
- and others.

By comparison, the proposed tree service / chipper use on the subject property is arguably less intensive in noise, vibration, dust, and other characteristics associated with a majority of the uses in the neighborhood.

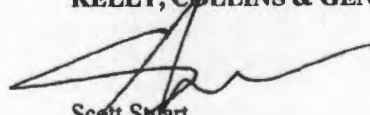
Summary:

Use of the 250 ft x 250 ft leased portion of the OCE, LLC property by Enviro Tree Service will not be detrimental or intrusive to the existing uses within the surrounding area. Enviro Tree Service will strive to build and maintain positive relationships with all neighbors.

We appreciate your consideration of this request and remain available to answer any questions that might arrive during review of the application.

Respectfully Submitted,

KELLY, COLLINS & GENTRY, INC.

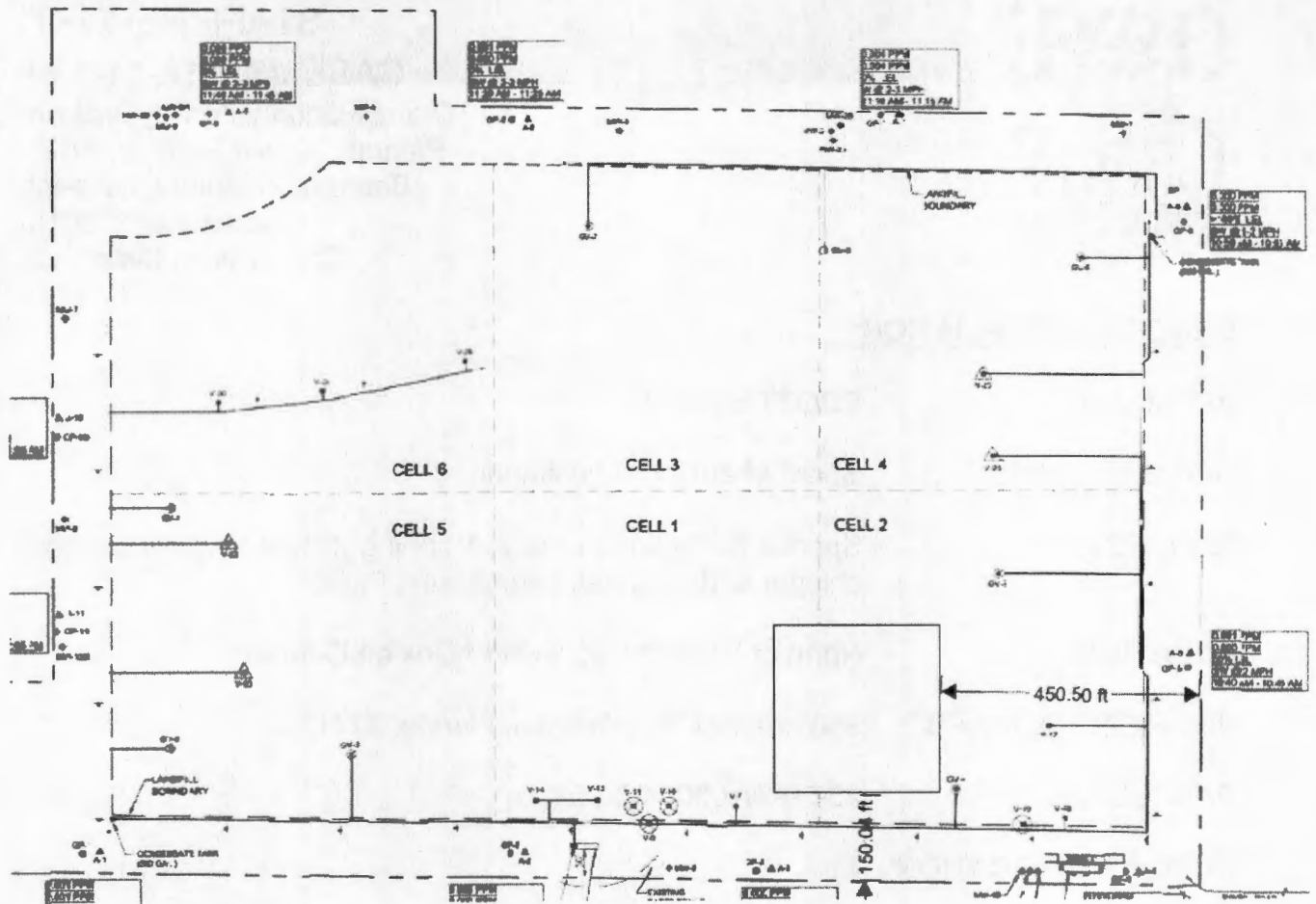


Scott Stuart
Planning Director

Enclosures

cc: Josh & Melinda Tankersley, Enviro Tree Service
Ross Johnston, OCE,

KCG





STAFF REPORT
CASE #SE-18-11-139
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
November 1, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: SCOTT STUART

HEARING TYPE: Board of Zoning Adjustment

REQUEST: Special Exception in the A-1 zoning district to allow a wood chipper and yard trash processing facility.

LOCATION: North of Ponkan Rd., west of Golden Gem Rd.

PROPERTY ADDRESS: 3601 Planck Rd., Apopka, Florida, 32712

PARCEL ID: 23-20-27-0000-00-051

PUBLIC NOTIFICATION: 41

TRACT SIZE: 250 ft. x 250 ft./1.4 ac. of an overall 40 ac. parcel

DISTRICT #: 2

ZONING: A-1

EXISTING USE(S): Dormant landfill

PROPOSED USE(S): Yard trash processing facility

SURROUNDING USES: N – Borrow pit
S – Borrow pit
E – Borrow pit
W – Dormant landfill

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned A-1, Citrus Rural District. The zoning district is primarily used for the agricultural operations such as the raising of citrus and livestock. Other uses, such as yard waste trash recycling and commercial wood chipping are permitted through the Special Exception process.

2. The applicant operates a landscape and tree trimming business which is located at a site approximately 3/4 of a mile to the east off of Ponkan Road on Phils Lane. That business, also approved through a Special Exception in 2017, is prohibited from operating a wood chipper on site. The applicant will chip wood and brush which result from daily activities from the business on Phils Lane, and use the byproduct in their landscaping activities.
3. The site where the applicant proposes to conduct their chipping and collection of yard waste is approximately 1.4 acres in size, and is part of a larger 40 acre site which was previously a Class III landfill approved by the Board of County Commissioners in 1999, and expanded twice, once in 2001, and again in 2007. The landfill has since been closed, and the owners are in the process of finalizing the capping process.
4. The surrounding land uses consist of sand mines, another Class III landfill, the County's Highway Department, and vacant land. There are no residences in the immediate area. The nearest residence is approximately 1/2 mile to the south.
5. While the site is addressed off of Planck Road, it is not accessible from that road. Access is attained via a 20+ foot wide paved drive off of Golden Gem Road located immediately north of the County's Highway Department.
6. The applicant intends to operate the facility between 7:00 a.m. and 7:30 p.m. The majority of the materials generated will be used by the applicants' business. There is to be no retailing or wholesaling of materials. Staff is recommending a condition to that effect.

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

Since the use is permitted through the Special Exception process, it will be consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

Given the types of uses taking place around the subject property, the use will be compatible with the other uses in the immediate area.

Use shall not be a detrimental intrusion into a surrounding area

The use will not be a detrimental intrusion into the surrounding area. In fact, the use will be used to dispose of waste vegetation.

Meet the performance standards of the district

The area where the activity will be taking place is 150 feet from the perimeter of the overall 40 acre former landfill. The proposed location meets all required setbacks for a wood chipping operation.

Similar in noise, vibration, dust, odor, glare, heat and other characteristics

The use will generate noise and odor similar to that being generated from the adjacent land uses, which includes a landfill and borrow pits.

Landscape buffers in accordance with section 24-5, Orange County Code

When the owners of the landfill were beginning the closing process, they obtained a waiver from the Board of County Commissioners which omitted the planting of trees along the north and east property lines. The planting of trees immediately adjacent to the work area is precluded by the fact that the result would puncture the clay liner. Along the southern perimeter of the site is a line of existing trees which will provide a buffer.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated September 10, 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. Storage piles shall not exceed a height of twenty-five (25) feet.
5. There shall be no on-site lighting.
6. Hours of operation shall be Monday through Friday, 7:00 a.m. to the earlier of dusk or 7:00 p.m.

7. The applicant shall abide by the Operation Plan approved by the Orange County Environmental Protection Division.
8. There shall be no on-site retail or wholesale sales of products produced on the site.
9. Outdoor burning is prohibited.
10. Fire suppression and water supply shall be subject to the review and approval of the Fire and Rescue Division of Orange County at the time of permit review.
11. The applicant shall make application for non-residential permit review for the site within two (2) years or this approval shall be null and void.
12. Access to Planck Road shall be prohibited.
13. The applicant shall submit construction plans through the commercial site plan review process within three (3) years of final approval of this application or this approval is null and void.

c: Scott Stuart
1700 N. Orange Avenue, Suite 400
Orlando, Florida 32804

LINETTE SALAS GONZALEZ
VA-18-11-140

REQUEST: **Variances** in the R-T-1 zoning district to allow a new manufactured home as follows:
1) To allow a front setback of 23 ft. in lieu of 25 ft.
2) To allow a rear setback of 20 ft. in lieu of 25 ft.

ADDRESS: 6925 Salinas Drive, Orlando FL 32822

LOCATION: North of Salinas Dr., west of Mediterranean Rd.

S-T-R: 15-23-30

TRACT SIZE: 136 ft. x 100 ft. (AVG)

DISTRICT#: 3

LEGAL: LYNNWOOD ESTATES 4/127 LOT 3 BLK G & IN LYNNWOOD ESTATES 1ST ADDITION PB 5/60 ELY 5 FT OF LOT 42 BLK D

PARCEL ID: 15-23-30-5304-07-030

NO. OF NOTICES: 143

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

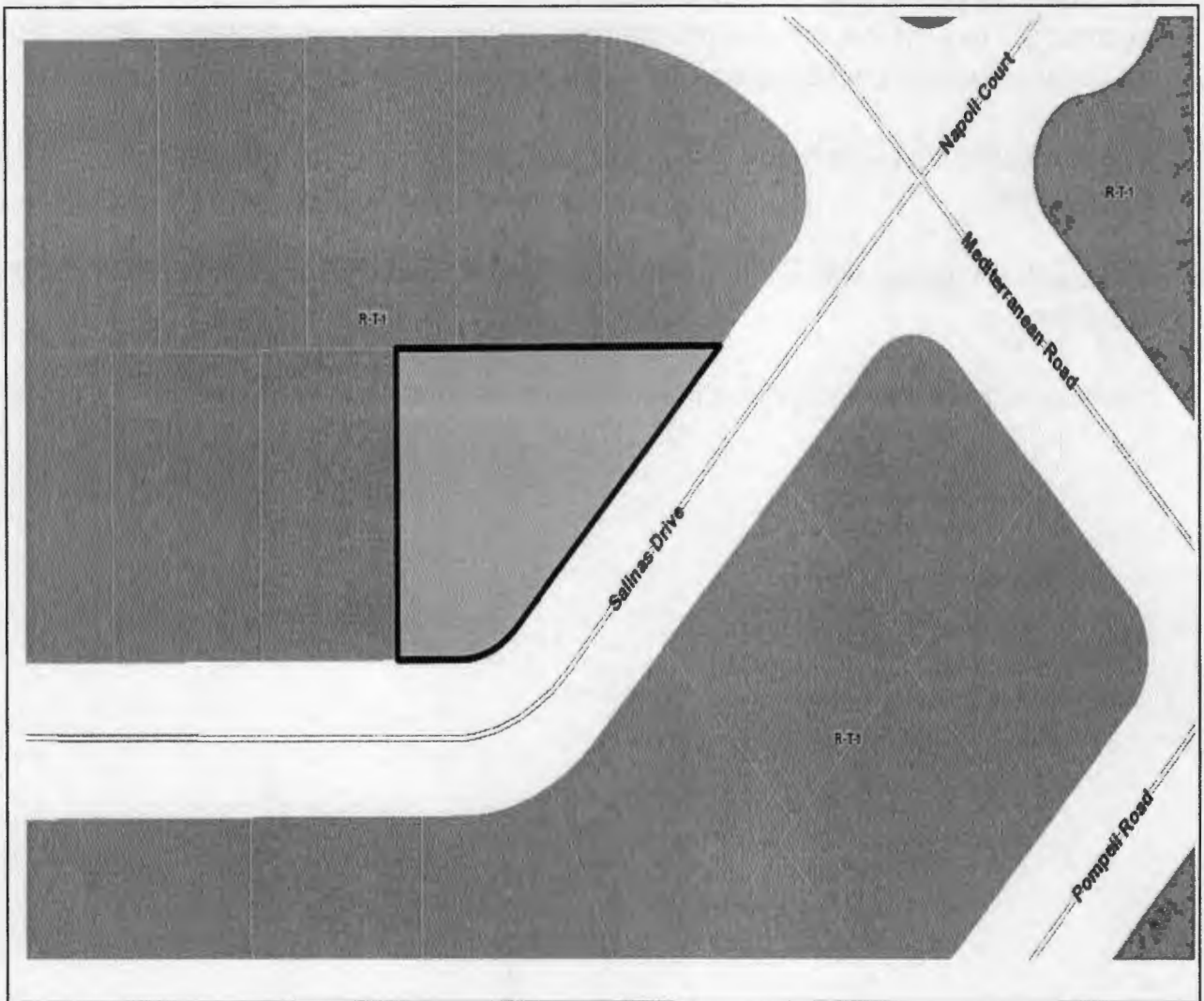
1. Development in accordance with the site plan dated September 21, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (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: The applicant is proposing to construct a new mobile home on an existing lot. The front corner of the house encroaches on the setback and the back of the house encroaches five (5) feet into the rear setback. If the property were platted before 1997, no variances would be required as the setback would be twenty (20) feet.

Staff explained that a variance was merited due to the shape of the lot and the existing trees on site.

The applicant agreed with staff's presentation and no one spoke in favor or in opposition of the project.

The BZA agreed the request was reasonable and approved the request.



Applicant: LINETTE SALAS GONZALEZ

BZA Number: VA-18-11-140

BZA Date: 11/01/2018

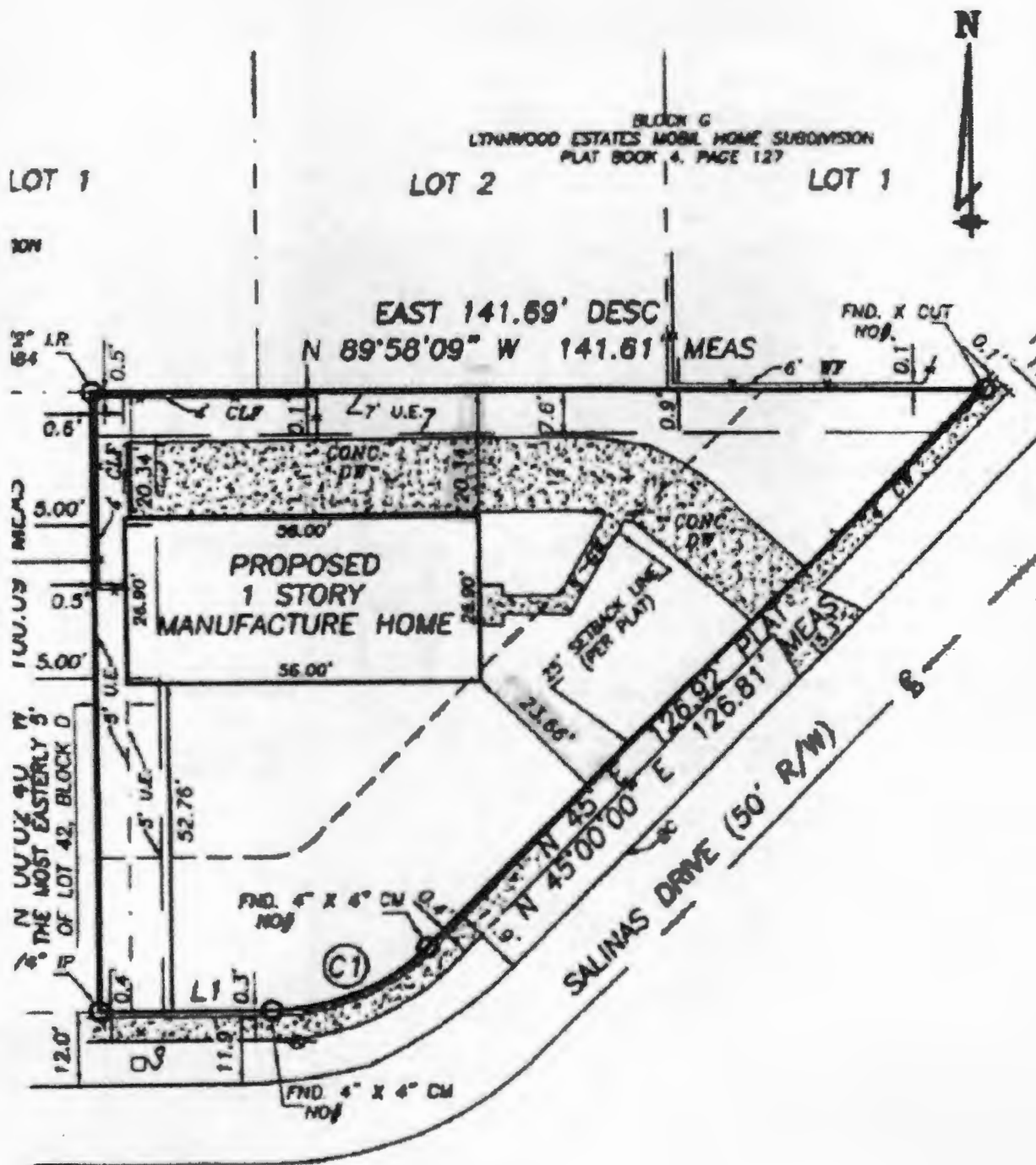
District: 3

Sec/Twn/Rge: 15-23-30-NE-A

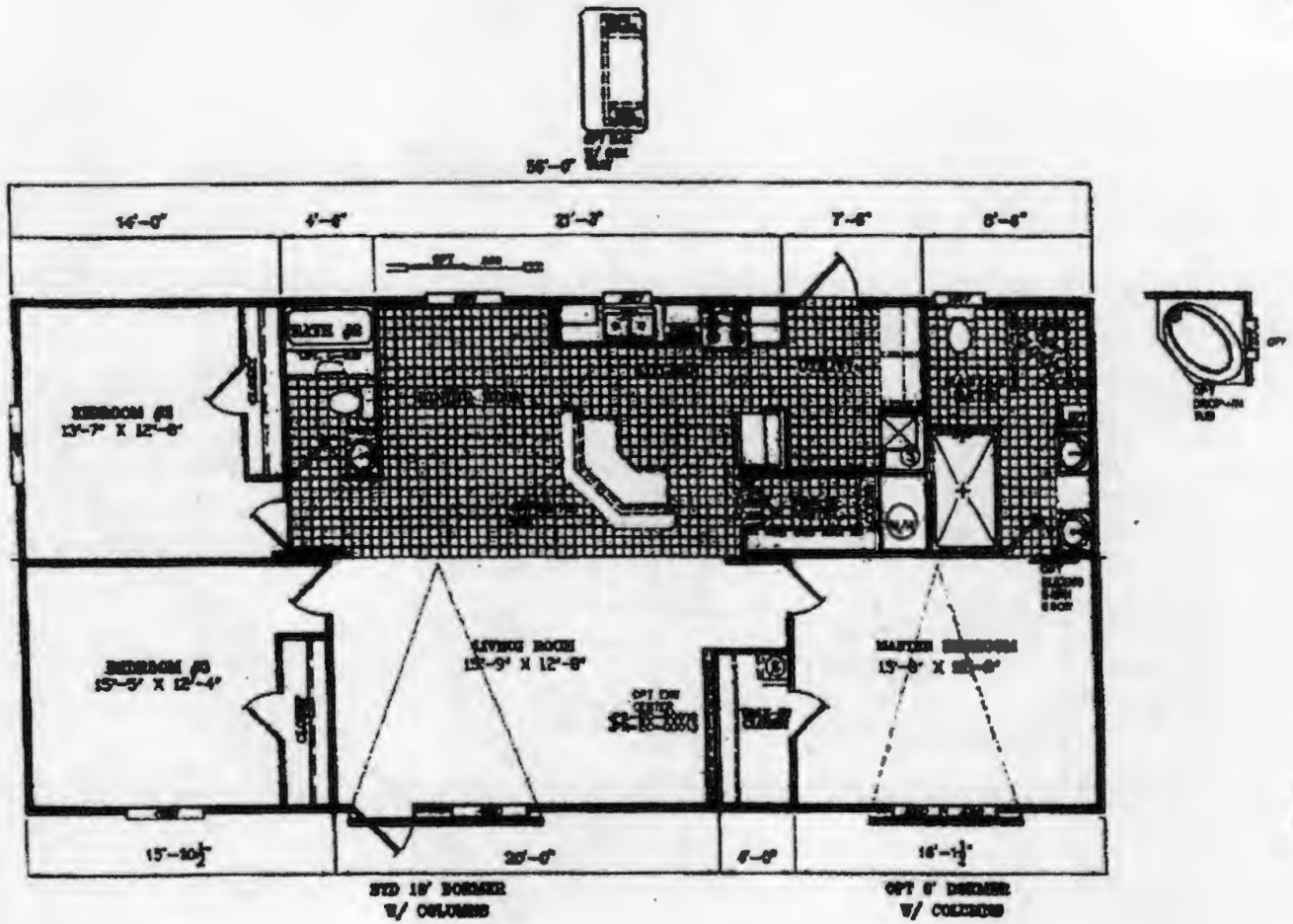
Tract Size: 136 ft. x 100 ft. (AVG)

Address: 6925 Salinas Drive, Orlando FL 32822

Location: North of Salinas Dr., west of Mediterranean Rd.



Site Plan



Floor Plan

Orange County Board of Zoning Adjustment

201 S. Rosalind Ave Orlando, FL 32801

Phone number: (407) 836-5806

9/10/2018

To whom it may concern,

Lynnwood estates Lot 3 BLK G is an irregularly shaped lot. The lot is zoned R-T-1 residential/transitional use. The minimum front setback in the R-T-1 zone is twenty-five feet in the front, twenty-five in the rear, and five on the sides. I'm requesting for two foot in the front south right corner and five foot in the rear set back. I'm meeting all side set backs on the property. This would make my rear set-backs twenty foot, front twenty three foot, and side set-backs the same five foot.

The property is irregularly shaped, as recorded on the original subdivision plat in 1974. The shape of the lot is beyond my control, as it was platted more than 32 years ago. Other homes on the street were constructed with less than the minimum twenty-five foot front setback. The manufactured home would be a minimum of twenty-three feet from the right corner front property line, approval of a variance to the minimum front setback of twenty-three feet would allow me to maximize the development potential of the lot without having a negative impact on traffic safety or the ability of pedestrians to use the sidewalk. Approval of the request would permit me to construct a home on the property reasonably consistent in size and character with other homes in the vicinity and same zone.

The property is zoned for residential development; a residential structure is the most appropriate development for the property. The right-of-way for Salinas is twenty-five feet wide, and the sidewalks are five feet inside the right-of-way. Approval of the request would not conflict with any other aspect of the Orange County Zoning Ordinance to my knowledge.

In conclusion, I have requested a variance to allow me to set a manufactured home on this property. Approval of the request will allow me to have a manufactured home that is more desirable to live in for myself and my family, and also for future potential owners. The alternative is to either have a smaller home that doesn't fit my family.

Sincerely,

Linette Salas Gonzalez

6925 Salinas Dr Orlando, FL 32822

Phone Number (407) 800-3604



Proposed Elevation



STAFF REPORT
CASE #: VA-18-11-140
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
November 1, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: LINETTE SALAS GONZALEZ

REQUEST: Variances in the R-T-1 zoning district to allow a new manufactured home as follows:
1) To allow a front setback of 23 ft. in lieu of 25 ft.
2) To allow a rear setback of 20 ft. in lieu of 25 ft.

LOCATION: North of Salinas Dr., west of Redditt Rd.

PROPERTY ADDRESS: 6925 Salinas Dr. Orlando, FL 32822

PARCEL ID: 15-23-30-5304-07-030

PUBLIC NOTIFICATION: 143

TRACT SIZE: 136 ft. x 100 ft. (AVG) / .209 acres

DISTRICT #: 3

ZONING: R-T-1

EXISTING USE(S): Vacant

PROPOSED USE(S): Mobile home

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

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned R-T-1, Mobile Home Subdivision District, which allows mobile homes and single-family homes on individual lots. The minimum lot size is 4,500 sq. ft.

2. The lot was platted as part of the Lynnwood Estates Plat in 1972. The lot is 9,142 sq. ft.
3. The lot is located on a corner and is triangularly shaped. It is considered a continuous frontage lot, meaning it has no side yard on the east side of the lot.
4. There was a mobile home on the lot previously, which was removed in 2018 under permit B18000012. The previous mobile home was located in the same location as the proposed mobile home. The previous home did not receive any variances.
5. The required setbacks for R-T-1 are 20 feet in the front and 20 feet in the rear. However, lots platted prior to March 3, 1997, are required to meet 25 feet in the front and 25 feet in the rear.
6. The applicant would like to construct a 1,456 sq. ft. mobile home on the existing lot, 23 feet from the front property line and 20 feet from the rear property line. Only a corner of the front of the house will encroach into the front setback, and the entire house will encroach 5 feet into the rear setback.
7. There are several large trees located in the front portion of the lot, which further restrict the allowable buildable area beyond the unique shape.

VARIANCE CRITERIA

Special Circumstances and Conditions

The triangular shape of the lot and the location of the large trees are special circumstances that limit the buildable area on the lot.

Not Self-created

The applicant purchased the lot in 2018, and the lot was created in 1972, the applicant did not create the hardship on the lot. The applicant would like to place a new mobile home where the previous one was located.

Minimum Possible Variance

The front portion of the house encroaches in the setback by 1.4 feet and only the very corner of the house is intruding the setback line. The rear variance represents a 20% deviation from code and would meet the setback were the lot platted after 1997.

Purpose and Intent

The front setback variance will not be noticeable from the right-of-way and the house will be located at the allowable side setback line. The rear yard will maintain 20 feet of open space, which is a substantial distance away from the existing homes.

STAFF RECOMMENDATION:

Staff recommends approval subject to the following conditions:

1. Development in accordance with the site plan dated September 21, 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: Linette Gonzalez Salas
6822 Mediterranean Road
Orlando, Florida 32822

WILLIAM DAVIS
VA-18-11-142

REQUEST: Variance in the R-1AA zoning district to enclose existing screen porch (with existing structural roof) to make living space 35 ft. from NHWE in lieu of 50 ft.

ADDRESS: 2424 Overlake Avenue, Orlando FL 32806

LOCATION: South side of Overlake Ave., east of Bayfront Pkwy., east of S. Bumby Ave.

S-T-R: 07-23-30

TRACT SIZE: 80 ft. x 160 ft. (AVG)/.239 Acres

DISTRICT#: 3

LEGAL: WATERFRONT ESTATES 1ST ADDITION U/68 LOT 3 BLK E

PARCEL ID: 07-23-30-9052-05-030

NO. OF NOTICES: 113

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

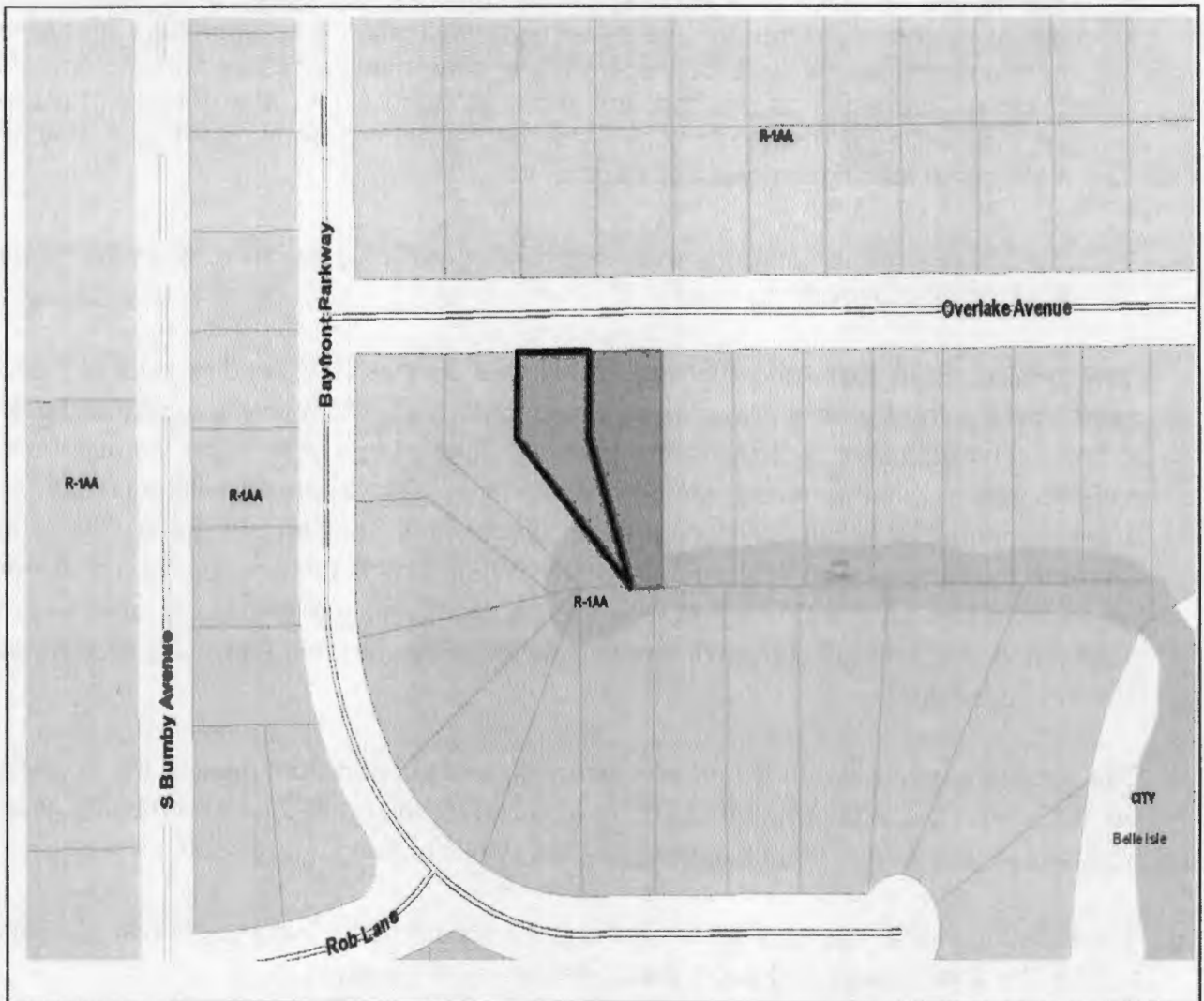
1. Development in accordance with the site plan dated September 11, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (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. Prior to the issuance of a building permit, the property owner shall record in the Official Records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the sunroom is no closer than thirty-six (36) feet and the existing residence forty-five (45) feet from the Normal High Water Elevation of the canal leading to Lake Conway.
5. The exterior of the sunroom shall match or compliment the exterior of the existing residence with respect to color.

SYNOPSIS: Staff explained that the house was built in 1959, and is located 51 feet back from the front property line, as opposed to 30 feet, which is the normal setback in R-1AA. The applicant purchased the home in June of this year. The variance is not self-imposed in that the house was purchased 'as is'. The applicant will be constructing a small amount of additional floor area, however, this addition will not encroach any closer to the Normal High Water Elevation (NHWE). This is the only logical place where an addition can be constructed due to the lot width and the placement of the home. Staff noted that one (1) correspondence in favor of the request had been receive, and none in opposition.

The applicant noted that they had provided letters of support from most of the neighbors on the street. Staff confirmed that and apologized for the omission. There being no one in attendance to speak on this application, the public hearing was closed.

The BZA found that this application warranted a recommendation of approval. A motion to that affect was made and seconded, passing unanimously.



Applicant: WILLIAM DAVIS

BZA Number: VA-18-11-142

BZA Date: 11/01/2018

District: 3

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

Tract Size: 80 ft. x 160 ft. (AVG)/.239 Acres

Address: 2424 Overlake Avenue, Orlando FL 32806

Location: South side of Overlake Ave., east of Bayfront Pkwy., east of S. Bumby Ave.

Reference Address:
2424 Overlake Ave
Orlando, FL 32806

To: Orange County Board of Zoning Adjustment

I am writing to the Board to request a variance for the property referenced above. My wife and I have been residents of the Waterfront Estates neighborhood for more than 25 years at 2425 Overlake Avenue (across the street). We recently purchased the residence at 2424 Overlake Avenue with plans to renovate and move in to the home. The home is a 3-bedroom, 2-bath residence built in 1959. The current living area is 1,345 sq. ft. By approving this variance, this will allow us to expand the living room, the master bathroom, the master bedroom and the laundry room.

The current Orange County code requires a 50-foot setback from the Normal High Water Mark of the canal. As is, prior to any renovations, the porch lies within the required setback by approximately 14 feet. The enclosure of the back porch lies within the existing roofline and slab and does not encroach any further on the waterline. Enclosing the existing back porch will add approximately 348 sq. ft. A small extension of porch and roofline toward the east is necessary to make the enclosure flush with the exterior wall on the east side of the house. This is an addition of approximately 28 sq. ft. and does not extend toward the waterline. Once completed, the total living area of the home will be approximately 1,720 sq. ft. The primary construction material will be cinder block.

Special Conditions and Circumstances

I believe we meet a special condition in that the way the canal cuts so deeply into the backyard. Looking at the map (page 3) you will see that my property is unlike all other properties in that the canal takes a large part of my backyard because of the layout of the property and how the house was situated on it.

Not Self-Created

This issue was not self-created.

No Special Privilege Conferred

Approving this Variance will not confer a special privilege. As a matter of fact, it will bring the house more in line with the other houses as far as square footage is concerned.

Deprivation of Rights

If the variance is not approved, we will not be able to make use of the same square footage that is afforded to the other houses on the same side of the street and around the canal.

Minimum Possible Variance

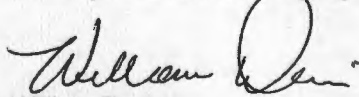
The approximately 14 foot variance is the least amount needed in order to make the best use of this particular type of property.

Purpose and Intent

To make the living space "more livable". The roof line will not change and the foot print will not change other than the 28 sq. ft. that we will add to the east side of the house. With the foot print changing so little, it is my belief that this will still be in harmony with the rest of the neighborhood.

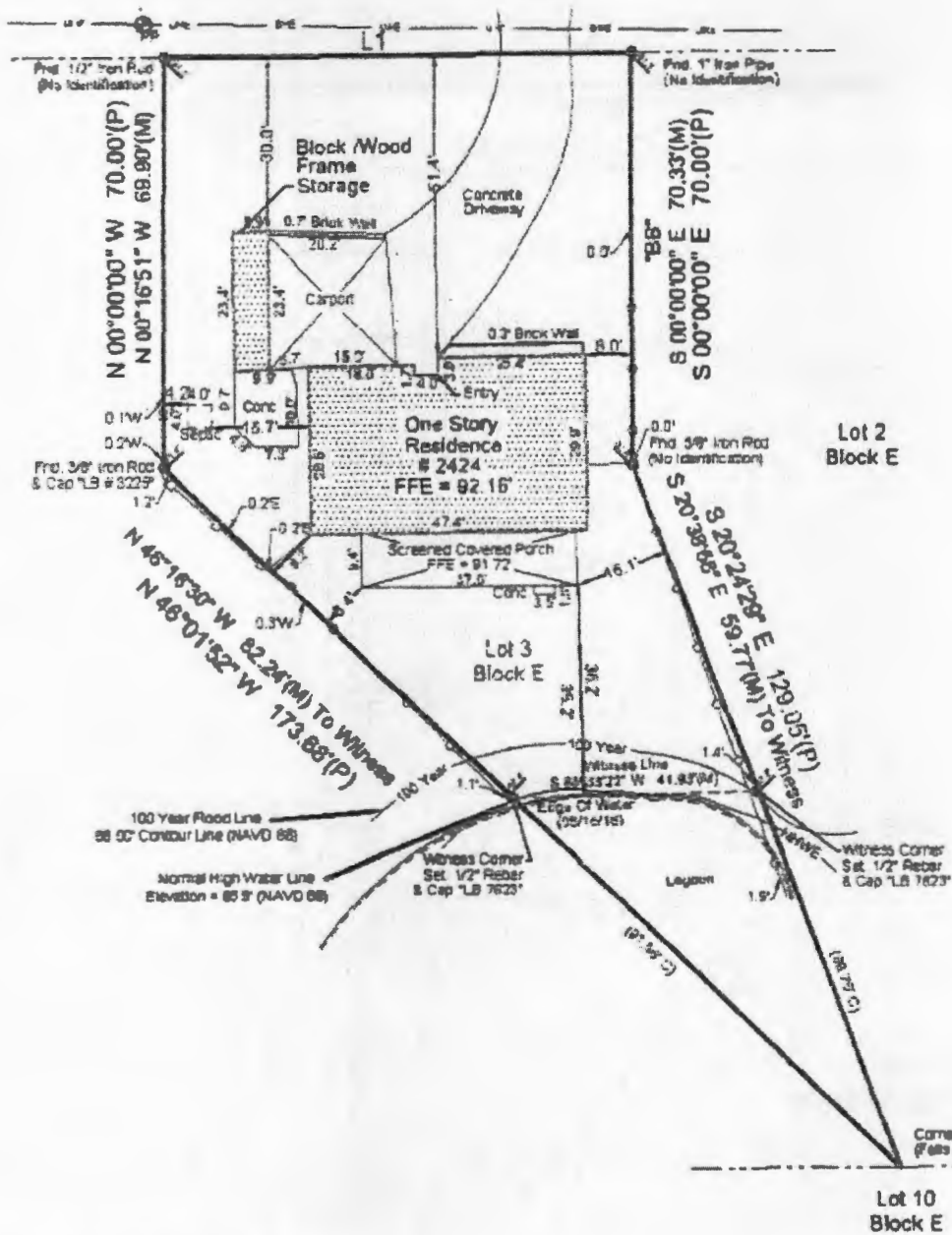
To sum this whole project up neatly, we have a screened in porch that sits on the slab of the house and is covered by the existing roofline. We literally want to remove the screen material and replace it with cinder block to enclose it and make it part of the living area of the house.

Thank you for considering my variance,



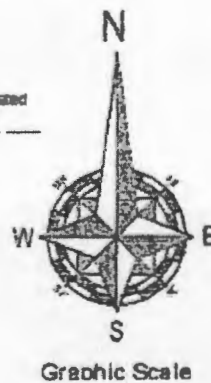
William Davis

9-10-18



RECEIVED

SEP 11 2018



[illegible]

1st FLOOR PLAN

ENTRANCE

RECEPTION AREA

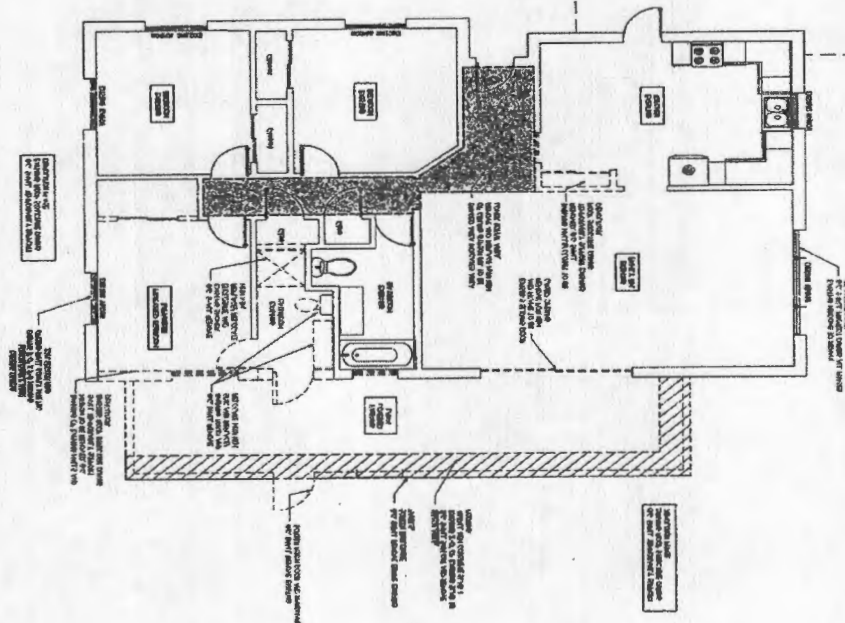
EXHIBITION SPACE

STAIRS

RESTROOM

PARKING LOT

ROAD

[illegible]



STAFF REPORT
CASE #: VA-18-11-142
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
November 1, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: WILLIAM DAVIS

REQUEST: Variance in the R-1AA zoning district to enclose an existing screen porch (with existing structural roof) to make living space 35 ft. from NHWE in lieu of 50 ft.

LOCATION: South side of Overlake Ave., east of Bayfront Pkwy. and S. Bumby Ave.

PROPERTY ADDRESS: 2424 Overlake Avenue, Orlando, Florida, 32806

PARCEL ID: 07-23-30-9052-05-030

PUBLIC NOTIFICATION: 113

TRACT SIZE: 80 ft. x 160 ft. (AVG)/.239 Acres

DISTRICT #: 3

ZONING: R-1AA

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

PROPOSED USE(S): Single family residence w/sunroom

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

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-1AA, Single Family Dwelling District. This district requires lots with a minimum of 10,000 sq. ft. of lot area
2. The applicant purchased the property 'as is' in June of this year. The home, which was constructed in 1959, is situated deep into the lot with a front setback of over

51 feet, where only 30 feet is required. It is assumed that the original builder did so to maximize their view of the canal which runs into Lake Conway.

3. The lot is irregularly shaped in that it is square for the first 70 feet, then tapers off in a southeasterly direction.
4. While screen rooms are permitted to encroach 13 feet into rear setbacks, they are not permitted to encroach into the 50 feet setback from the Normal High Water Elevation (NHWE).
5. The applicant intends to add an additional 28 sq. ft. of structure to the east end of the 9+ ft. x 37 ft. porch to square it off with the east building line. The porch will be enclosed with glass, thereby, making the floor space part of the living space of the house.
6. The average depth of the subject property from the front property line to NHWE is approximately 160 feet. Were the average depth of the lot from the front property line to the NHWE only 150 feet, the property would be exempt from the NHWE setback, and would be subject to the 35 feet setback required for the R-1AA zoning district. The screen room is 36+ feet from the NHWE, thus, it would comply.

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances particular to the subject property are the significantly greater front setback for the home, and the irregular shape of the property as it bends and approaches the canal.

Not Self-Created

The applicant did not construct the home. In addition, the unique shape of the lot provides little available space to construct a meaningful addition.

No Special Privilege Conferred

The applicant is attempting to slightly increase the floor area of the existing porch and convert it to living space, which is a common amenity.

Deprivation of Rights

Without the variance, the applicant would have no other location to expand the living area of the home in a logical manner. Due to the shape of the lot, there is little useful lot area on the sides of the house available to construct a meaningful addition.

Minimum Possible Variance

Given that the applicant is proposing to increase the footprint of the existing porch by only 28 sq. ft. to even the porch with the edge of the existing building line, this is the least variance needed to logically increase the living space.

Purpose and Intent

Were the lot depth an average of 150 feet, and the district setbacks apply rather than the NHWE setback, the porch would satisfy that setback. As such, the request is meeting 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 September 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. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the sunroom is no closer than 36 feet and the existing residence 45 feet from the normal high water elevation of the canal leading to Lake Conway.
5. The exterior of the sunroom shall match or compliment the exterior of the existing residence with respect to color.

c: William Davis
2424 Overlake Avenue
Orlando, FL 32806

WENDY HOFFMAN-PERSONS
VA-18-11-145

REQUEST: Variance in the R-1A zoning district to allow a cumulative total of 696.2 sq. ft. of accessory structures in lieu of 500 ft.
ADDRESS: 2222 Rose Blvd., Orlando FL 32839
LOCATION: South side of Rose Blvd. east of Texas Ave., north of W Oak Ridge Rd.
S-T-R: 22-23-29
TRACT SIZE: 75 ft. x 135 ft.; 0.232 acres
DISTRICT#: 6
LEGAL: ORANGE BLOSSOM TERRACE R/144 LOT 6 BLK F
PARCEL ID: 22-23-29-6208-06-060
NO. OF NOTICES: 126

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

1. Development in accordance with the site plan dated September 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. An improved surface leading from the road to the fence that encloses the rear yard shall be required.

5. The applicant shall obtain a permit for the existing shed.

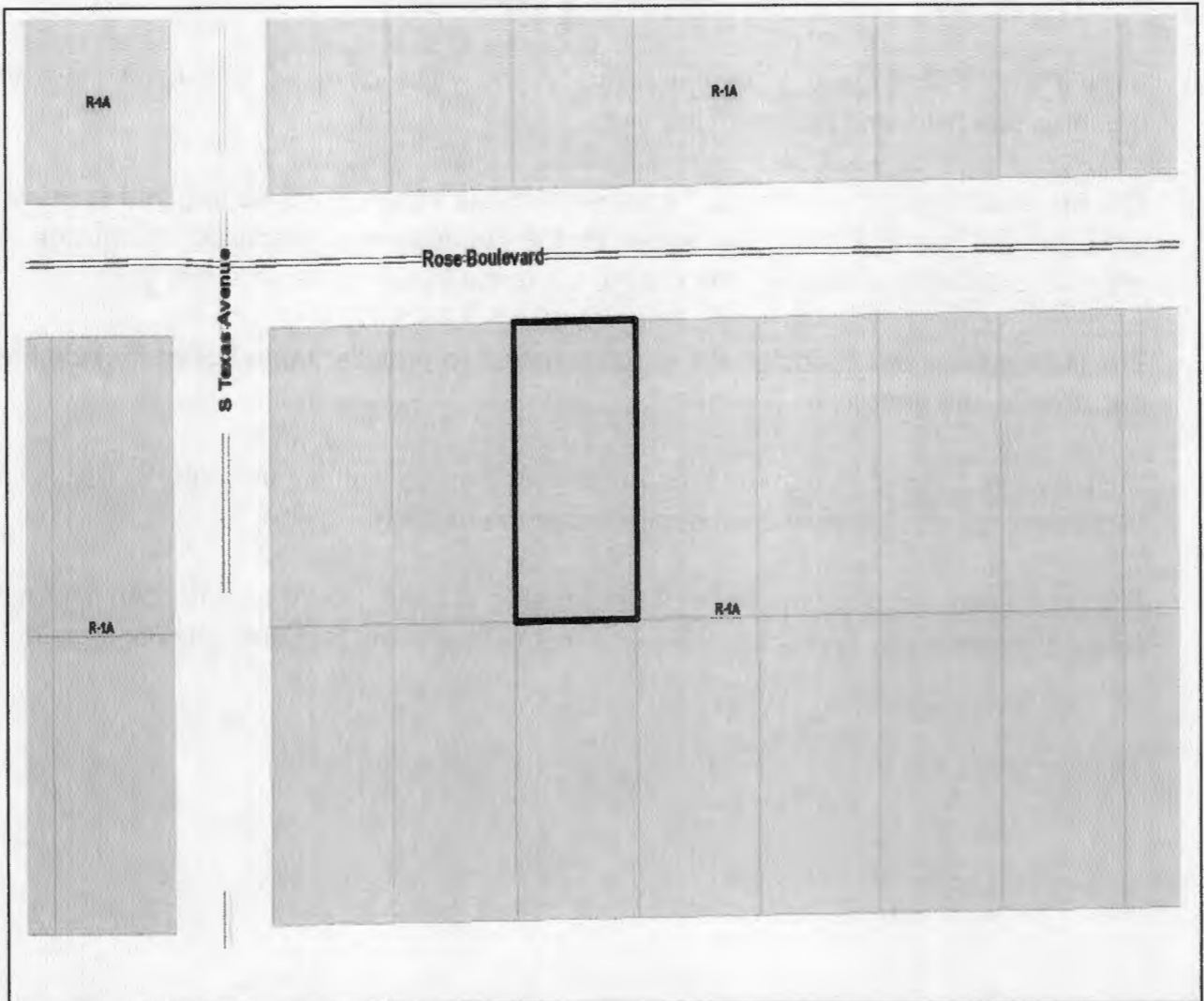
SYNOPSIS: Staff gave a presentation on the case covering: the location of the property, site plan, and photos of the site.

The applicant agreed with the staff presentation, but asked to not be required to provide an improved surface from the street to the garage, and proposed to provide an improved surface leading from the road to the fence that encloses the rear yard.

The BZA questioned condition #4, which required to provide an improved surface from the street to the garage.

Staff received two (2) 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 with the revision to condition #4 to state, "An improved surface leading from the road to the fence that encloses the rear yard shall be required."



Applicant: WENDY HOFFMAN-PERSONS

BZA Number: VA-18-11-145

BZA Date: 11/01/2018

District: 6

Sec/Twn/Rge: 22-23-29-NW-B

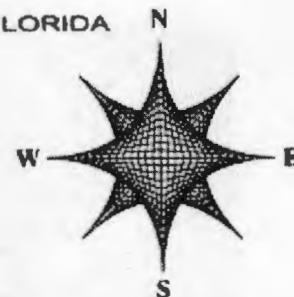
Tract Size: 75 ft. x 135 ft.; 0.232 acres

Address: 2222 Rose Blvd., Orlando FL 32839

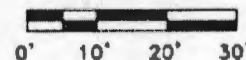
Location: South side of Rose Blvd. east of Texas Ave., north of W Oak Ridge Rd.

122, TOWNSHIP 23 SOUTH, RANGE 29 EAST ORANGE COUNTY, FLORIDA

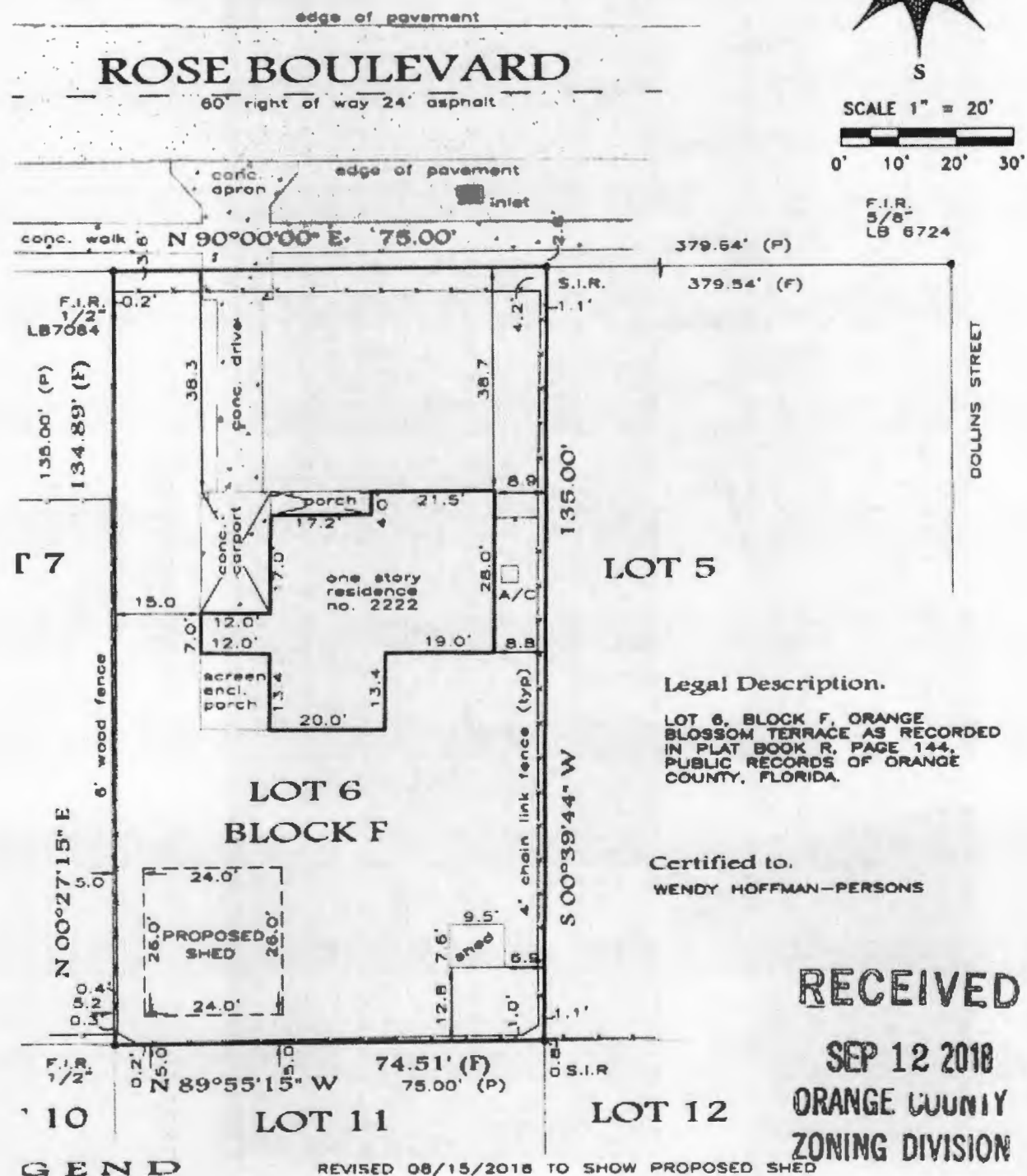
BOUNDARY SURVEY

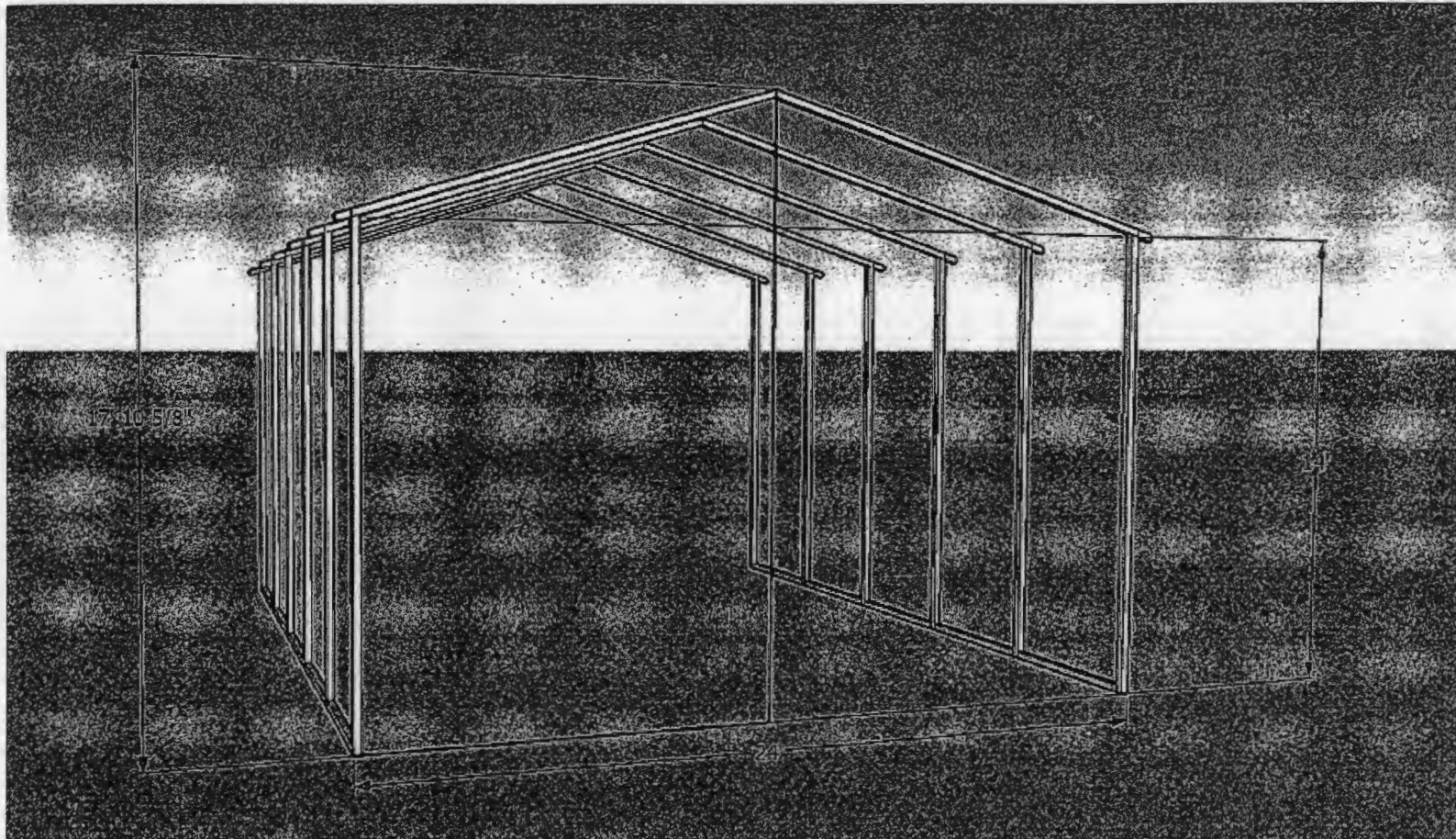


SCALE 1" = 20'



F.I.R.
5/8"
LB 6724





3.8:12 slope

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SEP 12 2018
ORANGE COUNTY
ZONING DIVISION

2222 Rose Blvd. Land Use Variance Request Cover Letter

This zoning variance request is for the property located in Orange Blossom Terrace, specifically, Sec. 22, Township 23 South, Range 29 East, Lot 7, in Orange County. It is zoned R-1A.

The variance requested is for a 624 sq. ft. single story two car garage, 24' wide x 26' length, on a 4"-6" cement slab, and to be situated 5'-6' off the right and rear property lines. The building is to sit no closer than 103' from the county right of way at the street. An additional request is for the 71 sq. ft. already existing storage shed so she will continue to have a space to store her grill and lawn equipment.

The building is to be a steel building with a height of 18' 3", and have two roll up doors for vehicles to enter. Posts are to be 14 (2.25") or 12 (2") gauge galvanized steel tubing. The roof deck and side sheathing are to be 26 gauge Galvalum or galvanized steel. The roof has a slope greater than 2 :12. Building is to withstand 150 or 180 mph winds depending on the gauge of the posts. Deck and sheathing colors are to be color coordinated with the house. It is not meant for human habitation.

Such a building requires no special privilege be conferred upon the homeowner; and, in this aging neighborhood, provides for her right to better protect her property as is already being provided for in other neighborhoods of this county.

The conditions at hand were not created by the homeowner. The house on the property was built with a one car open carport. This carport is too short and too small for the owner's Ford F-250 four door truck to fit in, nor to afford repairs to the vehicles; nor does it provide protection from the elements for one or a second vehicle. The floor plan of the house has no storage space to keep other personal property safely stored except for a very small laundry room.

The proposed garage will be large enough for the truck to be parked in and worked on out of the elements, provide space for the second vehicle to be parked out of the elements, and provide for storage space for personal property. The homeowner is simply asking for space to park her 21' truck in with space enough for a workbench at the end.

To work on her truck she needs at a minimum 12.5' (6.5' wide with two 3' doors); for an estimated total of 14' x 26' space for the truck alone; and 10' of width to park another vehicle. Without the variance this would leave only 6' left over of the standard 500 sq ft allotment the county currently allows (19' x 26'=494 sq. ft). It is with this understanding that the homeowner is requesting only enough space to meet her needs.

The neighborhood association was contacted and indicated they were no longer an active body and so could not sign off on anything. The neighbors affected by the garage have been contacted and as the attached documents indicate, they have no problem with the garage being built.

With this variance, the property will continue to be in harmony not only with R-1A zoning, but also will not be injurious to this mixed building neighborhood and will be positive to the public welfare. The garage will provide a cleaner look of the house from the street by having her personal property properly stored, and the homeowner will be able to have her personal property secured and protected. With these facts the homeowner requests the variance for her particular situation be approved.

$$624 + 72.2 = 696.2 \text{ } \nabla \text{ cumulative}$$



STAFF REPORT
CASE #: VA-18-11-145
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
November 1, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: WENDY HOFFMAN-PERSONS

REQUEST: Variance in the R-1A zoning district to allow a cumulative total of 696.2 sq. ft. of accessory structures in lieu of 500 sq. ft.

LOCATION: South side of Rose Blvd. east of Texas Ave., north of W Oak Ridge Rd.

PROPERTY ADDRESS: 2222 Rose Boulevard, Orlando, Florida, 32839

PARCEL ID: 22-23-29-6208-06-060

PUBLIC NOTIFICATION: 126

TRACT SIZE: 75 ft. x 135 ft.; 0.232 acres

DISTRICT #: 6

ZONING: R-1A

EXISTING USE(S): Single family residence

PROPOSED USE(S): Single family residence with shed

SURROUNDING USES: N - Single family residential
S - Single family residential
E - Single family residential
W - Single family 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. or 25% of the living area of the residence (whichever is greater). The single family home is 1,284 sq. ft.; therefore, the 500 sq. ft. minimum applies.

2. The property was platted in 1951, and the house was built in 1956, prior to zoning regulations.
3. The subject property currently has a 72.2 sq. ft. detached accessory building that was not permitted. The applicant is proposing to add a 24 ft. x 26 ft. (624 sq. ft.) building, for a cumulative total of 696 sq. ft. of accessory structures.
4. The house on the property has a single carport, which does not provide an adequate amount of parking. While the site plan provided calls out of the 624 sq. ft. structure as a shed, the applicant has provided a letter indicating that it will be a 2-car garage.
5. The subject property is a 0.23 acre lot, which is 35% larger than the required minimum lot size. The proposed accessory structure will be located approximately 104 feet from the front (street) property line; 5 feet from the (west) side property line; 46 feet from the (east) side property line; and, 5 feet from the rear property line.
6. The most affected adjacent neighbors have signed letters of no objection to this request.
7. The request constitutes a 39% deviation from code. The requested cumulative accessory structure floor area is approximately 54% of the living area of the house (1,284 sq. ft.).
8. The BZA has granted a similar variance for another property in the area.

VARIANCE CRITERIA

Special Conditions and Circumstances

The lot is more than 35% larger than the required minimum lot size for the zoning district. This size allows the applicant to place the structure approximately 104 feet from the front (street) property line. The house was built with only a single carport.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to have adequate covered parking and storage space.

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 subject property is a large lot, with the proposed structure 104 feet back from the road. This will not be a detrimental intrusion.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated September 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. An improved surface leading from the road to the garage shall be required.
5. The applicant shall obtain a permit for the existing shed.

c: Wendy Hoffman-Persons
2222 Rose Blvd.
Orlando, FL 32839

KENNETH PATTERSON
SE-18-11-146

REQUEST: **Special Exception and Variances** in the R-1A zoning district as follows:
1) Special Exception: To allow a religious use facility.
2) Variance: To allow a front setback of 10 ft. in lieu of 25 ft.
3) Variance: To allow unpaved parking spaces in lieu of paved.
4) Variance: To allow 22 parking spaces to be located off-site in lieu of on-site.
5) Variance: To allow a building setback of 45 ft. from the centerline of an urban minor arterial street in lieu of 60 ft.
6) Variance: To allow a paving setback of 39 ft. from the centerline of an urban minor arterial street in lieu of 55 ft.

ADDRESS: 4421 S. Rio Grande Avenue, Orlando FL 32839
LOCATION: Northeast corner S. Rio Grande Ave., and 45th St.
S-T-R: 10-23-29
TRACT SIZE: 96 ft. x 144 ft.; 0.317 acres
DISTRICT#: 6
LEGAL: OHIO HOMESITES FIRST UNIT K/120 THE N1/2 OF LOTS 13 & 14 BLK E
PARCEL ID: 10-23-29-6152-05-131 10-23-29-6152-05-132
NO. OF NOTICES: 140

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and further, **APPROVED** the Variance requests in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 6-0 and 1 absent):

1. Development in accordance with the site plan dated September 27, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall combine parcel ID's 10-23-29-6152-05-131 and 10-23-29-6152-05-132 through the property appraiser's office.
5. 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.
6. On-site grass parking spaces may be allowed. However, all required handicapped spaces and driving aisles shall be paved.
7. No outdoor speakers or other audio amplification.
8. Signage shall be in accordance with 31.5-75, Orange County Code.
9. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void.
10. A six (6) foot high vinyl fence shall be constructed along the north and east property lines. The fence on the north property line shall terminate ten (10) feet from the westerly property line. The fence on the east property line shall be limited to four (4) feet tall in the required front yard setback.
11. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property on which days of the week and at what times.

12. Landscape buffers shall be provided as shown on the site plan dated September 27, 2018.

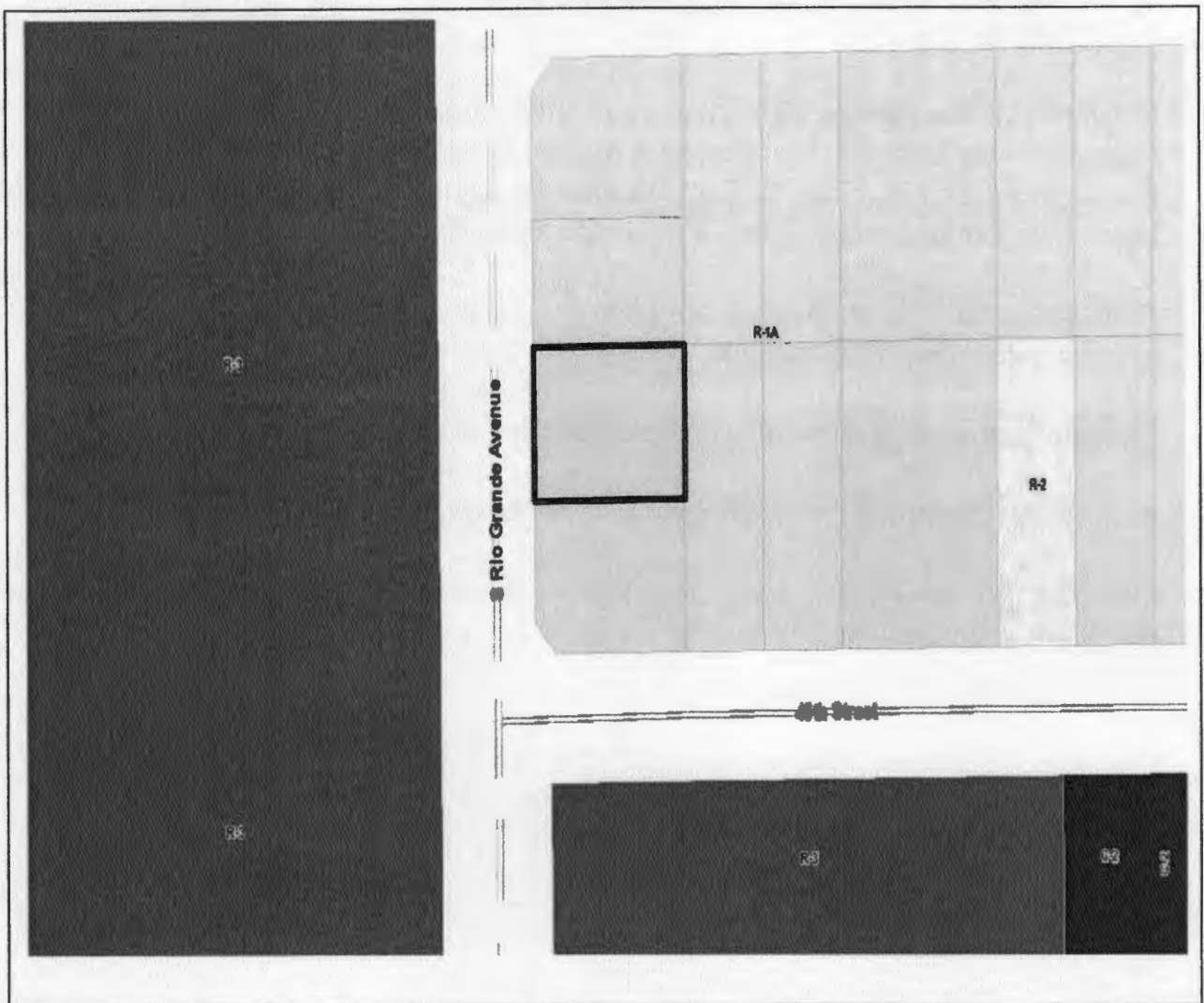
SYNOPSIS: The applicant is proposing to construct a religious facility on two (2) vacant residential lots. This site was granted a Special Exception in 2012, for a similar use but that approval expired in 2015. Staff met with the applicant and they agreed to move the building up to the corner to keep all the traffic along S. Rio Grande Avenue.

Staff explained the site, showed site photos, submitted the traffic study, and went over the requested parking agreement.

The applicant agreed with staff's presentation and was available for any questions.

No one was present at the public hearing to speak on this application.

The BZA felt the request was compatible at this location and approved the special exception and variances.



Applicant: KENNETH PATTERSON

BZA Number: SE-18-11-146

BZA Date: 11/01/2018

District: 6

Sec/Twn/Rge: 10-23-29-SE-D

Tract Size: 96 ft. x 144 ft.; 0.317 acres

Address: 4421 S Rio Grande Avenue, Orlando FL 32839

Location: Northeast corner S. Rio Grande Ave., and 45th St.

design solutionsfl, inc.



Civil Engineering • CADD Services • Construction Administration

September 12, 2018

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

Re: Request for Special Exception and Variance
Eglise de Jesus-Christ Full Gospel Inc.
4421/4425 S Rio Grande Ave., Orlando, FL 32839

This correspondence is provided to support the accompanying Application – Board of Zoning Adjustment (BZA) application. Outlined in the application is a request for a Special Exception, and several Variances. The additional information required by the application are included in this correspondence.

Introduction

The Eglise de Jesus-Christ Full Gospel ("the church") has been providing services for the local community from the above noted location for over ten (10) years. For some time now, the church congregation has been out-growing the existing facilities. The two (2) adjacent parcels of interest are fully owned by the church. The church is proposing to use these properties together to building and operate a new Sanctuary.

The Church has previously made an application to the County for Special Exception and Variances (SE-12-02-114). Their application was approved in Feb 2012. Unfortunately, the church was unable to secure the necessary financial resources to complete their vision. The previous SE became null and void in Feb 2015 when permits were not secured within the required three (3) year period. With additional resources in hand and a growing congregation the church is once again pursuing their vision.

The Vision ...

Combining the area of both parcels the church would like to remove all existing structures and build a single new sanctuary structure to accommodate 120 seats. The proposed structure would be located towards the north of the combined parcel, with parking located to the south within the combined parcel, and a new entrance located off 45th Street to the south. A proposed site plan has been prepared to illustrate

The proposed sanctuary will remain a one-storey structure, in keeping with the majority of structures within the near vicinity. Landscaping will be in keeping with buffer requirements noted in the relevant Orange County Code.

RECEIVED
SEP 12 2018
ORANGE COUNTY
ZONING DIVISION

P.O. BOX 607372 • Orlando, Florida 32810
P: 321.946.6222
www.designsolutionsfl.com • info@designsolutionsfl.com

2-1A

Special Exception and Variances

As noted in the application the applicant is seeking a Special Exception and three (3) variances.

The Special Exception is to allow the proposed religious use facility to exist within the R-1A zoning. The applicant understands from their 2012 SE experience that this is an allowable Special Exception.

The three (3) variances are described as follows.

1. Variance 1 is a request for a minor reduction in rear yard set back from 30' to 25'. It has been confirmed with County Staff that frontage for the combined parcel will become 45th Street. Accordingly, the rear yard area will be to the north of the proposed sanctuary, adjacent to the side yard of 4413 S Rio Grande Ave. located to the immediate north. The reduction of setback allows the church to build the desired/required size of sanctuary and make efficient use of the complete parcel.
2. Variance 2 is a request to allow the on-site parking spaces to remain pervious, i.e. sodded, to reduce storm runoff quantity and improve storm runoff quality. In keeping with the previous SE application approved in 2012 the church is prepared to pave the driving aisles and handicapped spaces on-site.
3. Variance 3 is a request to seek relief from the on-site parking requirements. The anticipated size of the new sanctuary is 120 seats. According to the Code parking requirements are 1 space for every 3 seats, or 40 spaces in this case. The combined parcel can accommodate the sanctuary and 15 parking spaces, including the required handicap spaces. The church intends to seek permission to use the lot across 45th Street to the south to provide the remaining 25 parking spaces. Parking needs of the church may also be reduced as many of the members live within walking distance from the near-by neighborhood.

The enclosed **Table 1** provides a summary of how the Special Exception Criteria is met.

The enclosed **Table 2** provides a summary of how the Variance Criteria is met.

Supporting Documentation

The following supporting materials for this request have been provided:

1. A completed BZA application;
2. Existing Site Plan showing existing conditions prepared by a Legal Surveyor;
3. Proposed Site Plan and building characteristics illustrating the future conditions;
4. Table 1 summarizing how we believe the Special Exception Criteria have been met; and
5. Table 1 summarizing how we believe the Variance Criteria has been met.

September 12, 2018

design solutionsfl, inc.

Page 3

In Closing ...

We have intended to be thorough in the submission of this application and supporting materials. Should you have any questions or requests for further information please contact the undersigned.

design solutionsfl inc.

Kenneth Patterson
President

Encl. Completed BZA Application
Supporting Site and Building Plans
Table 1 – Summary of Special Exception Criteria
Table 2 – Summary of Variance Criteria

Table 1 – Summary of Special Exception Criteria

Special Exception Request: Allow a religious use facility within a R-1A Zoning District

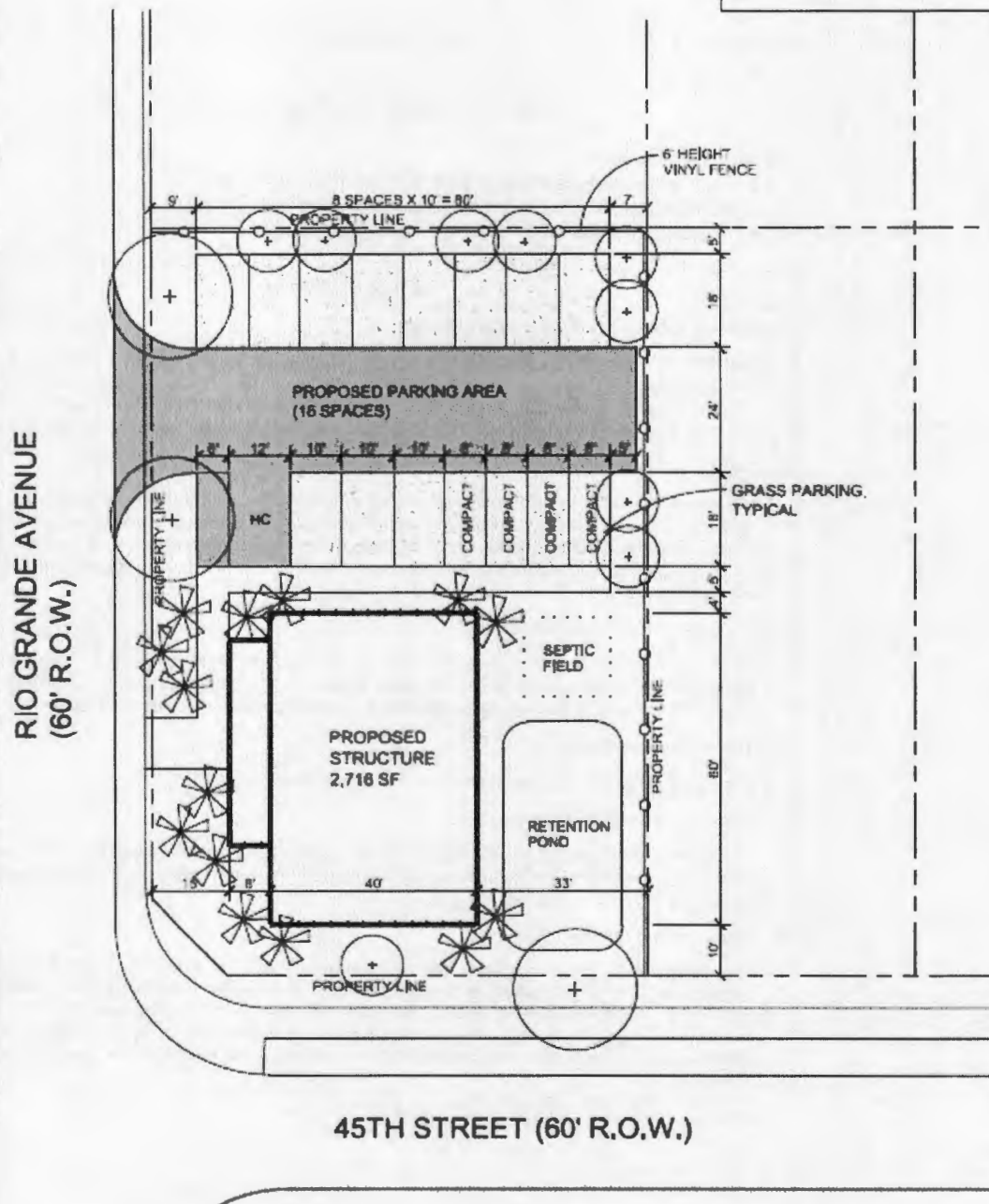
Special Exception Criteria	
1. The use shall be consistent with the Comprehensive Policy Plan.	R-1A zoning provides a Special Exception to allow a religious use facility, the intended use.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.	The intended use is similar and compatible with the surrounding area, i.e. similar structure "form and feel", lot coverage, and landscaping.
3. The use shall not act as a detrimental intrusion into a surrounding area.	The intended use includes a structure "form and feel" that is in keeping with the surrounding area, and will not act as a detrimental intrusion.
4. The use shall meet the performance standards of the district in which the use is permitted.	The intended use will meet "most" of the performance standards of the district within the R-1A zoning district. Variances are being requested for a minor rear yard setback adjustment, unpaved parking spaces on-site to enhance stormwater quality, and relief from the on-site parking requirement for the church.
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 intended use will be similar in all these characteristics to the majority of allowable uses currently permitted in the R-1A 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.	Landscape buffer yards as required by Section 24-5 of the Orange County Code will be incorporated into the proposed site plan as required.

Table 2 – Summary of Variance Criteria**Variance Requests:**

1. Request to reduce the rear yard setback from 30' to 25'.
2. Request to allow unpaved parking in lieu of paved parking.
3. Request to reduced on-site parking requirements.

Variance Criteria	
1. Special Conditions and Circumstances	Special conditions and circumstances exist with the proposed Special Exception request for a religious use. Intended rear yard use in this context is different from typical residential use within the R-1A zoning. Parking requirements are unique to the proposed religious use and often are met by short-term temporary off-site requirements for peak demand times, i.e. Sunday morning.
2. Not Self-Created	There are no self-created hardships created to justify the request for these variances. The minor setback reduction is requested to allow the efficient use of the complete parcel in consideration of the parking requirements and dimensions, and the desired sanctuary capacity and related form and feel. Unpaved parking is good for the environment. Reduced on-site parking requirements is in keeping with a religious use.
3. No Special Privilege Conferred	The approval of these variance requests will not confer any special privileges to the applicant. These privileges are/would be available to any other applicants with lands, building, or structures in the same zoning district where they would be seeking a similar religious use Special Exception.
4. Deprivation of Rights	We remain unsure of the applicability of this criteria item.
5. Minimum Possible Variance	The variances requested are viewed as minimal variance requests. Acceptance of these variances by the County will provide the applicant with the opportunity to maximize efficiency in reasonable use of both the land and structure.
6. Purpose and Intent	The approval of these variances will be in harmony with the purpose and intent of the Zoning regulations. The minor setback reduction is adjacent to the side yard of the parcel immediately to the north. Side yard setbacks for R-1A zoning are 7.5'. We will be providing a 25' setback along this property line. The unpaved parking request is intended to enhance storm runoff characteristics. The on-site parking relief is typically for small religious uses that co-exist within a residential area such as this location.

SPECIAL EXCE





NOTE: THIS PLAN IS FOR DISCUSSION PURPOSES ONLY.
SUBJECT TO FINAL SURVEYS, DESIGN, ENGINEERING
AND REGULATORY REVIEW

Kenneth Patterson (SE-18-11-146)

PID: 10-23-29-6152-05-131/132

Traffic Study

The project is located on the east side of South Rio Grande Avenue approximately 1,400 ft north of its intersection with Holden Avenue. The proposed development will consist of a 2,716 square-foot Church. The site currently occupied by 2 single-family dwelling units. Based on the 10th Edition of ITE's Trip Generation Manual, the proposed project is expected to generate 6 new daily weekday trips and 3 new net PM peak hour trips. The trip generation summary is shown below.

ITE Code	Land Use	Size*	Daily		PM Peak Hour			
			Rate	Trips	Rate	Total	In	Out
Existing								
210	Single-Family	2	14.22	28	1.19	2	1	1
Proposed								
560	Church	2,716	12.52	34	1.84	5	2	3
New Net Trips				6	-	3	1	2

The project is located with Orange County's Alternative Mobility Area (AMA) and is exempt from transportation concurrency. Based on LYNX's current bus schedule, transit service is available within a quarter-mile walk distance along S Rio Grande Avenue where LYNX #40 and #304 operate. Additionally, Lynx buses #8, #107, and #441 operate on Orange Blossom Trail within the project's impact area. There are 9 bus stops within the project 0.25-mile impact area. The area is well served by an interconnected network of public sidewalks along both sides of South Rio Grande Avenue and Orange Blossom Trail and on the north side of South Texas Avenue, and the proposed development will connect to the existing sidewalk network. There are no signed bicycle routes/lanes within the project impact area.



STAFF REPORT
CASE #SE-18-11-146
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
November 1, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: KENNETH PATTERSON

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 religious use facility.
2) Variance: To allow a front setback of 10 ft. in lieu of 25 ft.
3) Variance: To allow unpaved parking spaces in lieu of paved.
4) Variance: To allow 22 parking spaces to be located off-site in lieu of on-site.
5) Variance: To allow a building setback of 45 ft. from the centerline of an urban minor arterial street in lieu of 60 ft.
6) Variance: To allow a paving setback of 39 ft. from the centerline of an urban minor arterial street in lieu of 55 ft.

LOCATION: Northeast corner S. Rio Grande Ave. and 45th St.

PROPERTY ADDRESS: 4421 & 4425 S Rio Grande Ave., Orlando, FL 32839

PARCEL ID: 10-23-29-6152-05-131
10-23-29-6152-05-132

PUBLIC NOTIFICATION: 140

TRACT SIZE: 96 ft. x 144 ft.; 0.317 acres

DISTRICT #: 6

ZONING: R-1A

EXISTING USE(S): Two existing vacant single homes

PROPOSED USE(S): Religious use facility

SURROUNDING USES: N – Single family residential
S – Vacant
E – Single family residential
W - Multi Family

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned R-1A, Single-Family dwelling district, which allows for single-family homes, and certain uses as Special Exceptions including religious uses.
2. The property is located on the northeast corner of 45th Street and S. Rio Grande Avenue. The applicant owns two (2) adjacent parcels and must combine the parcels, if this application is approved. The overall acreage for both parcels is .317 acres.
3. A previous Special Exception was approved to allow a religious use facility on these parcels in February 2012. That approval expired in 2015, and the applicant has re-applied.
4. The applicant is proposing a 2,716 sq. ft. sanctuary with 112 seats. The applicant is planning to have Sunday services, Tuesday night prayer service, and Friday night bible study.
5. There are two (2) existing homes on the site; however, a demolition permit has been pulled for the structures (B18019883).
6. The proposal is to utilize fifteen (15) grass parking spaces on site with one (1) paved handicapped space, and a paved driving aisle. Based on the size of the proposed sanctuary there are thirty-eight (38) parking spaces required. The applicant has a parking agreement with the property located at 4504 S. Orange Blossom Trail to lease twenty-two (22) spaces to utilize for off-site parking.
7. The proposed layout promotes the building as the focal point on the corner and is a result of discussions with staff. This also directs all vehicular traffic to Rio Grande, which is a major right-of-way. In addition, the front entrance of the church will be facing Rio Grande, which keeps the foot traffic and noise away from the adjacent residential properties.
8. A traffic study was prepared by Orange County Transportation Planning, which indicates the use will generate six (6) new daily weekday trips and three (3) new net PM peak hour trips, which is acceptable.

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan. The Future Land Use is Low Density Residential and with the approval of the Special Exception, the use will be compatible with the Comprehensive Policy Plan.

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

Religious facilities typically support residential communities and provide a place for local residents to congregate and share ideas. The facility will only be open for limited hours during the week and the majority of the activities will take place on Sunday. The building will be located at the corner and the majority of the vehicular and foot traffic shall be directed towards S. Rio Grande Avenue. In addition, the property fronts a multi-family development across Rio Grande and an empty R-3 zoned property across 45th Street.

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

The use shall be oriented towards the major right-of-way and the location at the end of the block shall negate the amount of traffic passing through the residential neighborhood. Also, the religious use facility is not a full time use and will not generate any noise or traffic during weekdays. Lastly, Transportation Planning has indicated this use will not create a large increase in traffic.

The use shall meet the performance standards of the district in which the use is permitted. With the granting of the associated variances, the application will meet the performance standards in the district.

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 religious use facility will not be utilized on a full time basis and all of the activities will be held inside the sanctuary. The use shall not produce any characteristics that are not already present in the existing neighborhood.

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 applicant is proposing a six (6) foot vinyl fence adjacent to the residential lots and will be planting trees adjacent to the parking lot and landscape buffers shown on the plan.

VARIANCE CRITERIA

Special Conditions and Circumstances

The parking variances are required as there is limited space on the site. The use will not generate a large amount of cars on a daily basis and grass parking is typically allowed for religious use facilities. The setback variances are required to push the building up to the corner of the lot which promotes a more pedestrian friendly development and helps to direct the traffic away from the single family uses.

No Special Privilege Conferred

Allowing the parking variances will not confer any special privilege to this applicant as religious uses are typically allowed to use grass parking and provide off-site parking, as they are only needed on a part-time basis.

Minimum Possible Variance

The requested variances are the minimum possible variances to allow a reasonable use of this site and to allow the placement of the sanctuary in a suitable location.

Purpose and Intent

Approval of these variances will be in harmony with the zoning regulations and will not be injurious to the neighborhood. The proposed location of the building, parking, and access points help to buffer the use from the existing residential homes.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan and elevations dated September 27, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of Zoning Adjustment shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The applicant shall combine Parcel ID's 10-23-29-6152-05-131 and 10-23-29-6152-05-132, through the Orange County Property Appraiser's Office.
5. 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.
6. On-site grass parking spaces may be allowed. However, all required handicapped spaces and driving aisles shall be paved.
7. No outdoor speakers or other audio amplification.
8. Signage shall be in accordance with 31.5-75, Orange County Code.
9. Construction plans shall be submitted within three (3) years of final approval or this approval becomes null and void.
10. A six (6) foot high vinyl fence shall be constructed along the north and east property lines. The fence on the north property line shall terminate 10 ft. from the westerly property line. The fence on the east property line shall be limited to 4 ft. tall in the required front yard setback.
11. Prior to the issuance of permits for the project, the applicant must provide a signed, notarized, and recorded shared parking agreement, accompanied by a written detailed description of the activities which take place on each property on which days of the week and at what times.
12. Landscape buffers shall be provided as shown on the site plan dated September 27, 2018.

c: Kenneth Patterson
P.O. Box 607372
Orlando, Florida 32810

LISA REMBERT
VA-18-11-147

REQUEST: Variance in the R-2 zoning district to allow a front setback of 21 ft. in lieu of 25 ft.
ADDRESS: Old Winter Garden Road, Orlando FL 32835
LOCATION: North side of Old Winter Garden Rd., east of S. Apopka Vineland Rd.
S-T-R: 27-22-28
TRACT SIZE: 90 ft. x 100 ft. (AVG); 0.211 acres
DISTRICT#: 6
LEGAL: JOSLIN GROVE PARK O/86 LOTS 22 23 & 24 BLK D & VAC RD
R/W E OF LOT 24 BLK D (LESS R/W PER 3259/1679)
PARCEL ID: 27-22-28-4052-04-220
NO. OF NOTICES: 107

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

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

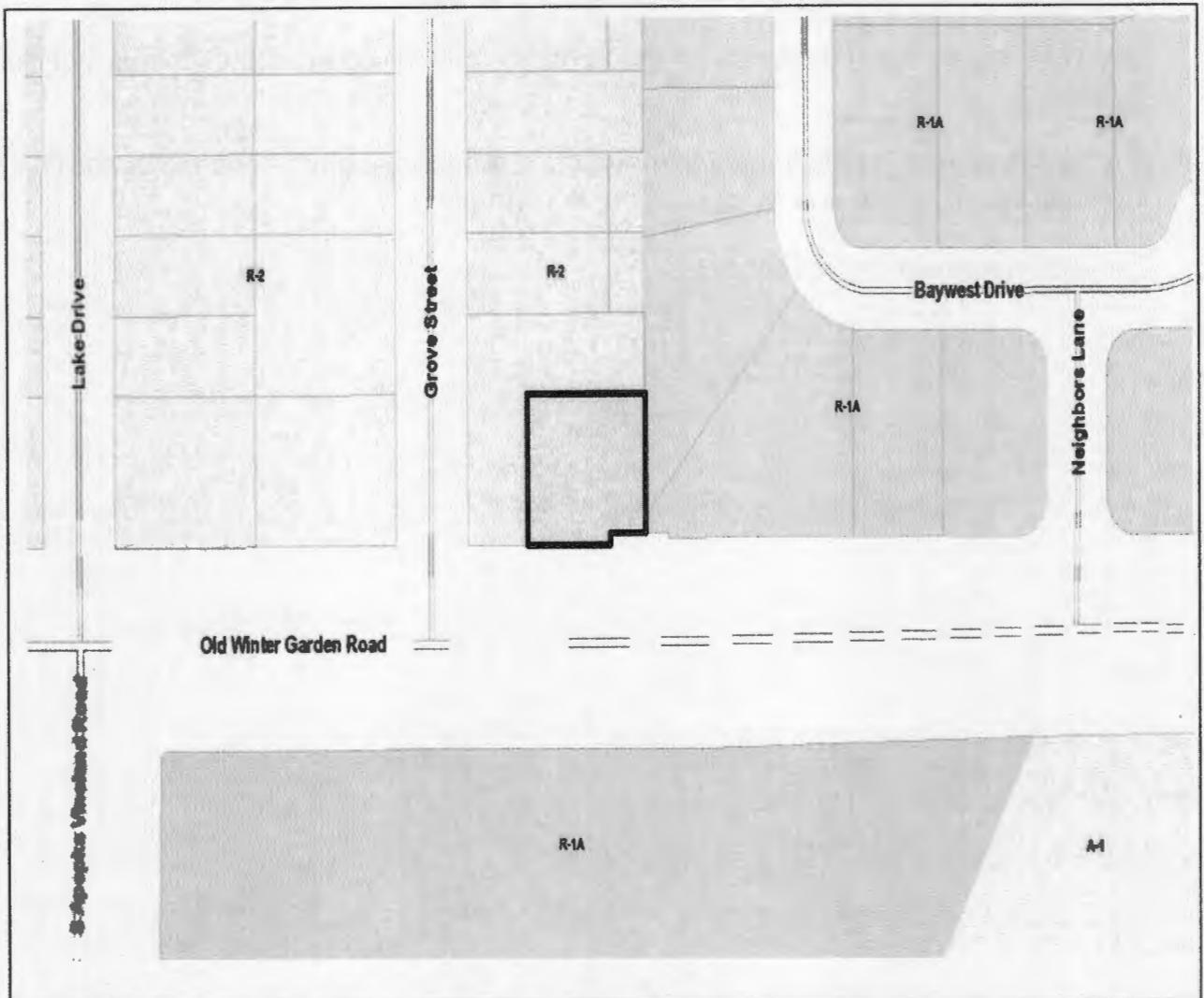
SYNOPSIS: Staff gave a presentation on the case covering: the location of the property, site plan, and photos of the site.

The applicant agreed with the staff presentation, and had nothing to add.

The BZA noted the indentation of the property and recognized that this is not self-created.

Staff received one (1) commentary in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



Applicant: LISA REMBERT

BZA Number: VA-18-11-147

BZA Date: 11/01/2018

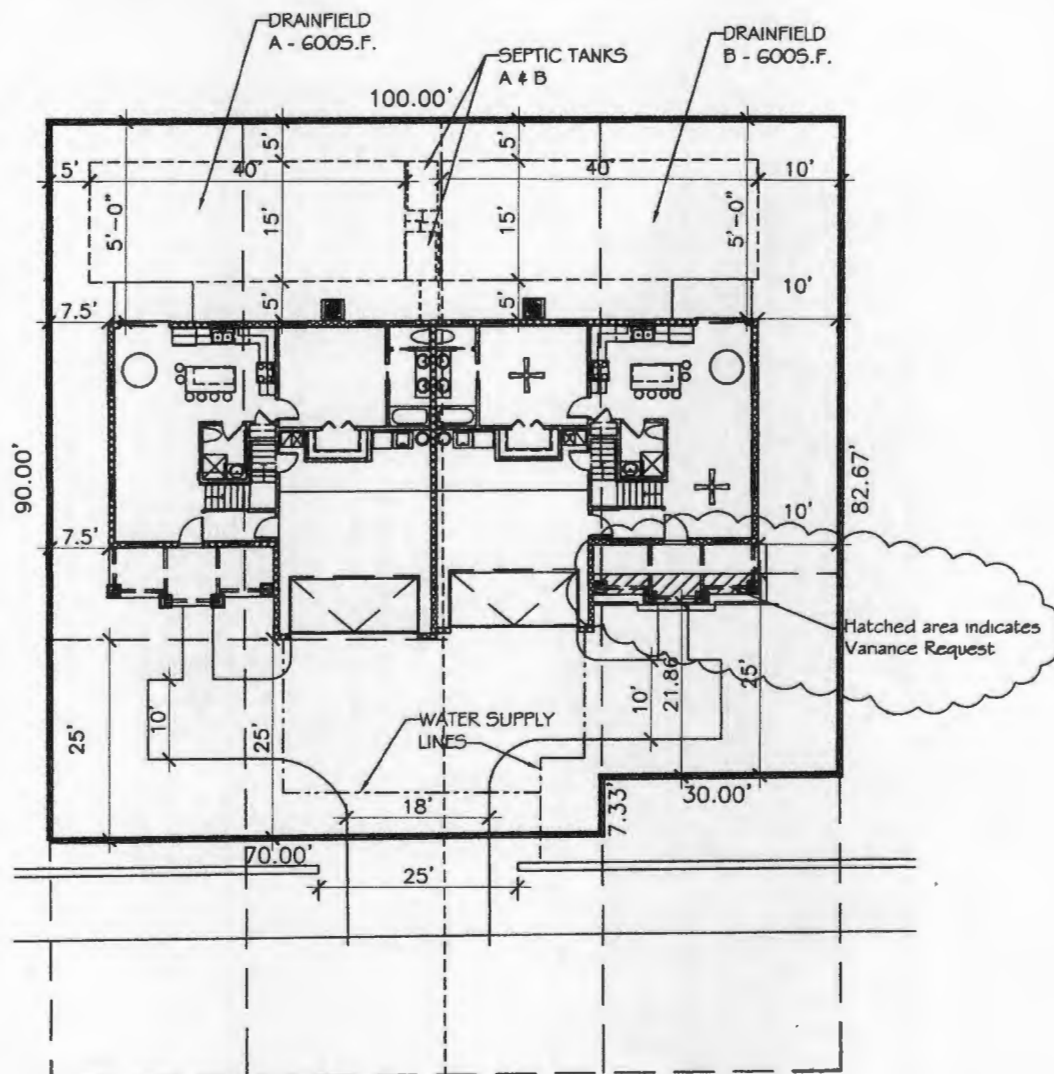
District: 6

Sec/Twn/Rge: 27-22-28-SE-D

Tract Size: 90 ft. x 100 ft. (AVG); 0.211 acres

Address: Old Winter Garden Road, Orlando FL 32835

Location: North side of Old Winter Garden Rd., east of S. Apopka Vineland Rd.



PARCEL NUMBER
27-22-28-4052-04-220

WINTER GARDEN RD

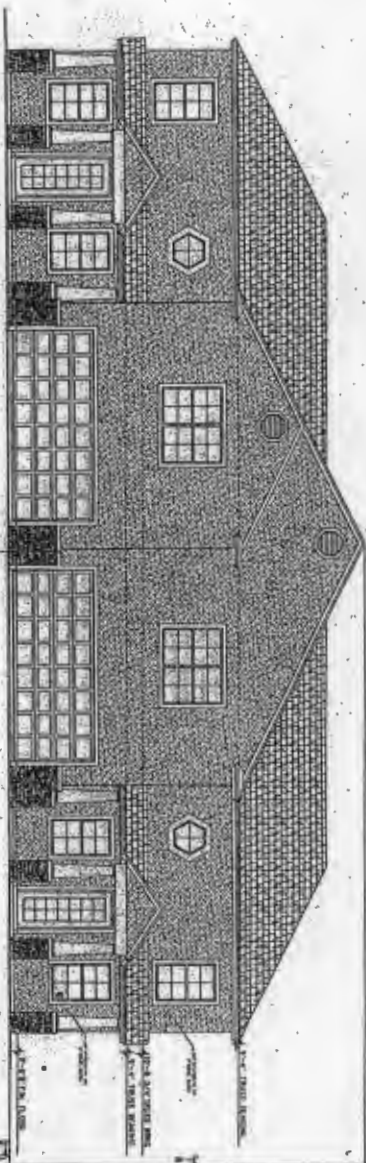
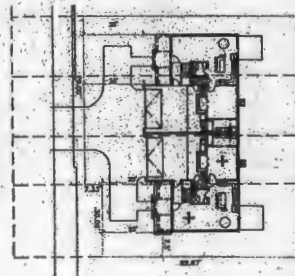
SITE PLAN

1"=20.00'

Lisa Rembert
Lots 22, 23 & 24 Blk D, Joslin Park
Orlando, Florida

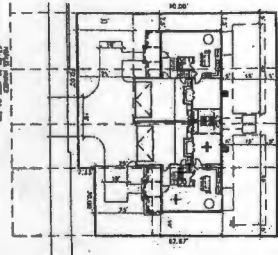
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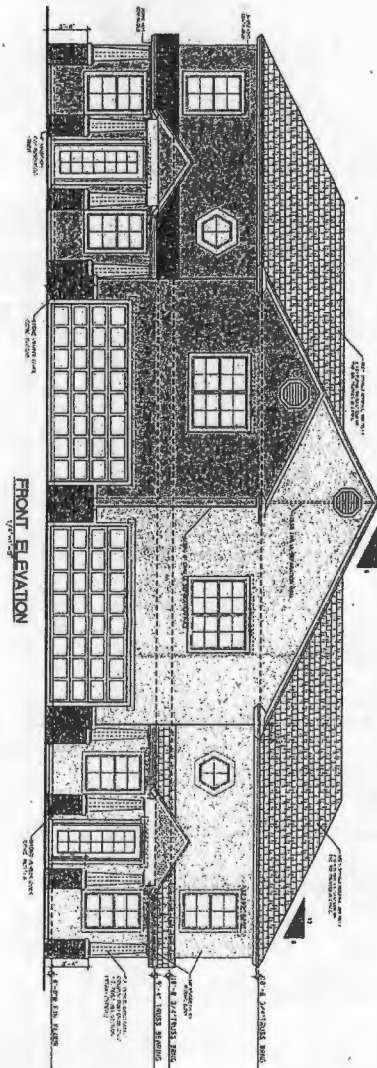
4	DATE	PROJECT	NATHAN WILLIAMS, DESIGNER 909 N PINE HILLS RD ORLANDO, FLORIDA 32810 PH (407) 924 2605
	NOTED	DUPLEX PLANS for: Lisa Rembert ADDRESS Lots 22, 23 & 24 Blk D, Joslin Park Orlando, Florida	
JOSEPH J. WILLIAMS, III, P.E. P.E. #22151 2818 University Drive ORLANDO, FLORIDA 32818 josephwilliams3@gmail.com			



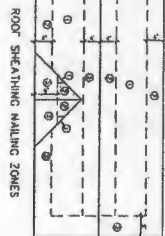
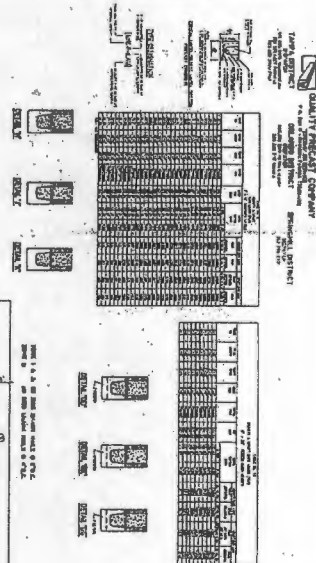
Use Rembert
 Lots 22, 23 & 24 Blk D, Joslin Park
 Orlando, Florida

SITE PLAN

SITE DATA
 1. AREA: 1.00 AC.
 2. ZONING: R-1
 3. LOT AREA: 43,560 S.F.
 4. LOT DIMENSIONS: 100' x 435.60'
 5. FRONT YARD SETBACK: 10'
 6. SIDE YARD SETBACK: 5'
 7. REAR YARD SETBACK: 10'
 8. MAX. BUILDING HEIGHT: 35'
 9. MAX. GROUND COVER: 40%
 10. MAX. LOT COVERAGE: 100%
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FRONT ELEVATION



ROOF SHEATHING RAILING ZONES

1. ROOF SHEATHING: 1/2" CDX PLY
 2. ROOF RAFTERS: 2" x 6" S.P.F.
 3. ROOF TRUSSES: 2" x 6" S.P.F.
 4. ROOF GIRDERS: 2" x 6" S.P.F.
 5. ROOF BRACES: 2" x 6" S.P.F.
 6. ROOF FLASHING: 30 MIN. FIRE RATED
 7. ROOF VENT: 18" DIA. 1/2" CDX PLY
 8. ROOF DRAIN: 18" DIA. 1/2" CDX PLY
 9. ROOF GUTTER: 6" DIA. 1/2" CDX PLY
 10. ROOF HANGERS: 2" x 4" S.P.F.
 11. ROOF JOISTS: 2" x 6" S.P.F.
 12. ROOF TRUSSES: 2" x 6" S.P.F.
 13. ROOF GIRDERS: 2" x 6" S.P.F.
 14. ROOF BRACES: 2" x 6" S.P.F.
 15. ROOF FLASHING: 30 MIN. FIRE RATED
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 18. ROOF GUTTER: 6" DIA. 1/2" CDX PLY
 19. ROOF HANGERS: 2" x 4" S.P.F.
 20. ROOF JOISTS: 2" x 6" S.P.F.
 21. ROOF TRUSSES: 2" x 6" S.P.F.
 22. ROOF GIRDERS: 2" x 6" S.P.F.
 23. ROOF BRACES: 2" x 6" S.P.F.
 24. ROOF FLASHING: 30 MIN. FIRE RATED
 25. ROOF VENT: 18" DIA. 1/2" CDX PLY
 26. ROOF DRAIN: 18" DIA. 1/2" CDX PLY
 27. ROOF GUTTER: 6" DIA. 1/2" CDX PLY
 28. ROOF HANGERS: 2" x 4" S.P.F.
 29. ROOF JOISTS: 2" x 6" S.P.F.
 30. ROOF TRUSSES: 2" x 6" S.P.F.
 31. ROOF GIRDERS: 2" x 6" S.P.F.
 32. ROOF BRACES: 2" x 6" S.P.F.
 33. ROOF FLASHING: 30 MIN. FIRE RATED
 34. ROOF VENT: 18" DIA. 1/2" CDX PLY
 35. ROOF DRAIN: 18" DIA. 1/2" CDX PLY
 36. ROOF GUTTER: 6" DIA. 1/2" CDX PLY
 37. ROOF HANGERS: 2" x 4" S.P.F.
 38. ROOF JOISTS: 2" x 6" S.P.F.
 39. ROOF TRUSSES: 2" x 6" S.P.F.
 40. ROOF GIRDERS: 2" x 6" S.P.F.
 41. ROOF BRACES: 2" x 6" S.P.F.
 42. ROOF FLASHING: 30 MIN. FIRE RATED
 43. ROOF VENT: 18" DIA. 1/2" CDX PLY
 44. ROOF DRAIN: 18" DIA. 1/2" CDX PLY
 45. ROOF GUTTER: 6" DIA. 1/2" CDX PLY
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 70. ROOF VENT: 18" DIA. 1/2" CDX PLY
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 95. ROOF BRACES: 2" x 6" S.P.F.
 96. ROOF FLASHING: 30 MIN. FIRE RATED
 97. ROOF VENT: 18" DIA. 1/2" CDX PLY
 98. ROOF DRAIN: 18" DIA. 1/2" CDX PLY
 99. ROOF GUTTER: 6" DIA. 1/2" CDX PLY
 100. ROOF HANGERS: 2" x 4" S.P.F.

RECEIVED
 SEP 12 2018
 ORANGE COUNTY
 ZONING DIVISION

5 OF 5 Joseph Simmons, III, P.E. 415 S. Orange Ave. Orlando, FL 32801 jsimmons33@gmail.com	DATE NOTED	PROJECT DUPLEX PLANS for: Use Rembert ADDRESS Lots 22, 23 & 24 Blk D, Joslin Park Orlando, Florida	REVISIONS
	NATHAN WILLIAMS, DESIGNER 808 N. PINE HILLS RD ORLANDO, FLORIDA 32815 PH (407) 224-2835		

I am Lux Lambert property owner
of lots 22, 23 & 24 Block D, of Roslin
Park. I have a special conditions and
circumstances that do not results from
the actions of myself. My lots are
not even in the front. The set back
is 25 feet on one side and 21.86 on the
other side. I requesting to use 4 ft on
the side that is 21.86. This adjustment
will make both porch even and uniform.
I have been in the process of trying
to get this project off the ground
since 2014 and I have not broke
ground yet. This is causing a financial
hardship. The approval of the zoning
variance will be harmony with the
purpose of the neighborhood.

PARCEL Number 27-22-28-4052-04-220
Old Winter Garden Rd.

Lux Lambert
9-12-18

RECEIVED

SEP 12 2018

ORANGE COUNTY

ZONING DIVISION



STAFF REPORT
CASE #: VA-18-11-147
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
November 1, 2018
Commission District: 6

GENERAL INFORMATION:

APPLICANT: LISA REMBERT

REQUEST: Variance in the R-2 zoning district to allow a front setback of 21 ft. in lieu of 25 ft.

LOCATION: North side of Old Winter Garden Rd., east of S. Apopka Vineland Rd.

PROPERTY ADDRESS: Old Winter Garden Road, Orlando, Florida, 32835

PARCEL ID: 27-22-28-4052-04-220

PUBLIC NOTIFICATION: 107

TRACT SIZE: 90 ft. x 100 ft. (AVG); 0.211 acres

DISTRICT #: 6

ZONING: R-2

EXISTING USE(S): Vacant

PROPOSED USE(S): Duplex

SURROUNDING USES: N - Vacant
S - Rose Place Park
E - Single family residential
W - Vacant

STAFF FINDINGS AND ANALYSIS:

1. The property is located in the R-2, Residential District, which allows for single-family homes, multifamily development, and associated accessory structures.
2. The applicant is proposing to construct a duplex on the property with porches on each side.

3. The required front setback is twenty-five (25) feet. The duplex is proposed to be identical on both sides. The lot is indented by 7.33 feet on the on the east side along the front. This creates the need for the variance on the east side. All other required setbacks of 6 feet side and 25 feet rear are being met. The required front setback applies to the principal structure. The applicant is proposing front porches on each side. Since the porch will be attached, the front setback also applies; however, an open-air porch will be less intrusive.
4. The lots were platted in 1929, and are considered to be conforming lots of record. If the lots were platted after March 3, 1997, the requested front variance would not be needed, as the required front setback would be twenty (20) feet.
5. The subject property is undergoing a Land Use Amendment to change the Future Land Use from Low Density Residential to Low Medium Density Residential, (Amendment 2018-2-S-6-2), which is required to make the FLU consistent with the zoning. The Planning and Zoning Commission recommended approval on October 18, 2018, subject to BCC approval.
6. The BZA has granted setback variances for other properties in the area.

VARIANCE CRITERIA

Special Conditions and Circumstances

The lot is not the traditional, regular rectangular or square shape. The lot is indented by 7.33 feet on the on the east side along the front, thus, requiring the front setback to be measured from this line. This special condition is not typical to other properties.

Not Self-Created

The applicant is proposing to build a duplex that is the same on both sides, as would be permitted on any R-2 lot.

No Special Privilege Conferred

The applicant is proposing to develop the property in the manner that would be allowed on any normally shaped lot.

Deprivation of Rights

Literal interpretation of the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district, as the applicant is proposing to build a duplex that is the same on both sides.

Minimum Possible Variance

The request is the minimum variance to allow the proposed design.

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.

STAFF RECOMMENDATION:

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

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

c: Lisa Rembert
7020 Couperin Blvd.
Orlando, FL 32818

CHRIS BROSCHE
VA-18-11-148

REQUEST: **Variance** in the IND-2/IND-3 zoning district to allow for a cement silo with a height of 63 ft. in lieu of 50 ft.

ADDRESS: 6731 Edgewater Drive, Orlando FL 32810

LOCATION: North side of Edgewater Drive, West of Magnolia Homes Road, south of railroad

S-T-R: 32-21-29

TRACT SIZE: 127 ft. x 195 ft. (AVG)

DISTRICT#: 2

LEGAL: BEG 149.6 FT N 59 DEG W OF SE COR OF SW1/4 OF NE1/4 TH CONT N 59 DEG W 119.46 FT N 12 DEG E 224.45 FT TO SLY R/W OF SCL RR TH S 73 DEG E 189.92 FT S 29 DEG W 259.24 FT TO POB SEC 32-21-29 (LESS RD R/W ON S)

PARCEL ID: 32-21-29-0000-00-237

NO. OF NOTICES: 75

DECISION: The applicant at the public hearing **WITHDREW** this case.

SYNOPSIS: The applicant submitted documentation showing the actual height of the structure is 37 feet not 63 feet, therefore, the variance is not required. The applicant stated the correct height on the record; and, the BZA agreed the variance was not required as the proposed structure meets the code requirement.



Applicant: CHRIS BROSCHE

BZA Number: VA-18-11-148

BZA Date: 11/01/2018

District: 2

Sec/Twn/Rge: 32-21-29-NE-A

Tract Size: 127 ft. x 195 ft. (AVG)

Address: 6731 Edgewater Drive, Orlando FL 32810

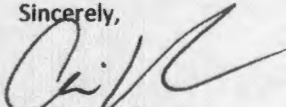
Location: North side of Edgewater Drive, West of Magnolia Homes Road, south of railroad

September 10, 2018

To Whom It May Concern,

We are currently looking for a variance for a new cement silo. The new silo that we have purchased is 62'9". We are being told that this property is only cleared for a 50' structure. We are a Gunitex company that currently services the largest pool contractor in the state of Florida and have many more companies that want us to service their accounts but currently can't due to our temporary silo not being large enough. The silo will be on the back of our property and is only 8'6" in diameter. We currently have a mobile cement silo that we are using in the interim till our permanent silo is installed. The issue with this silo is that it is not big enough to hold the material needed to operate each day. We currently employ 16 employees with plans to grow to 30 plus employees in the next year. Our 5-year plans call for over 50 employees. Thank you for your time reviewing this matter.

Sincerely,



Chris Brosche

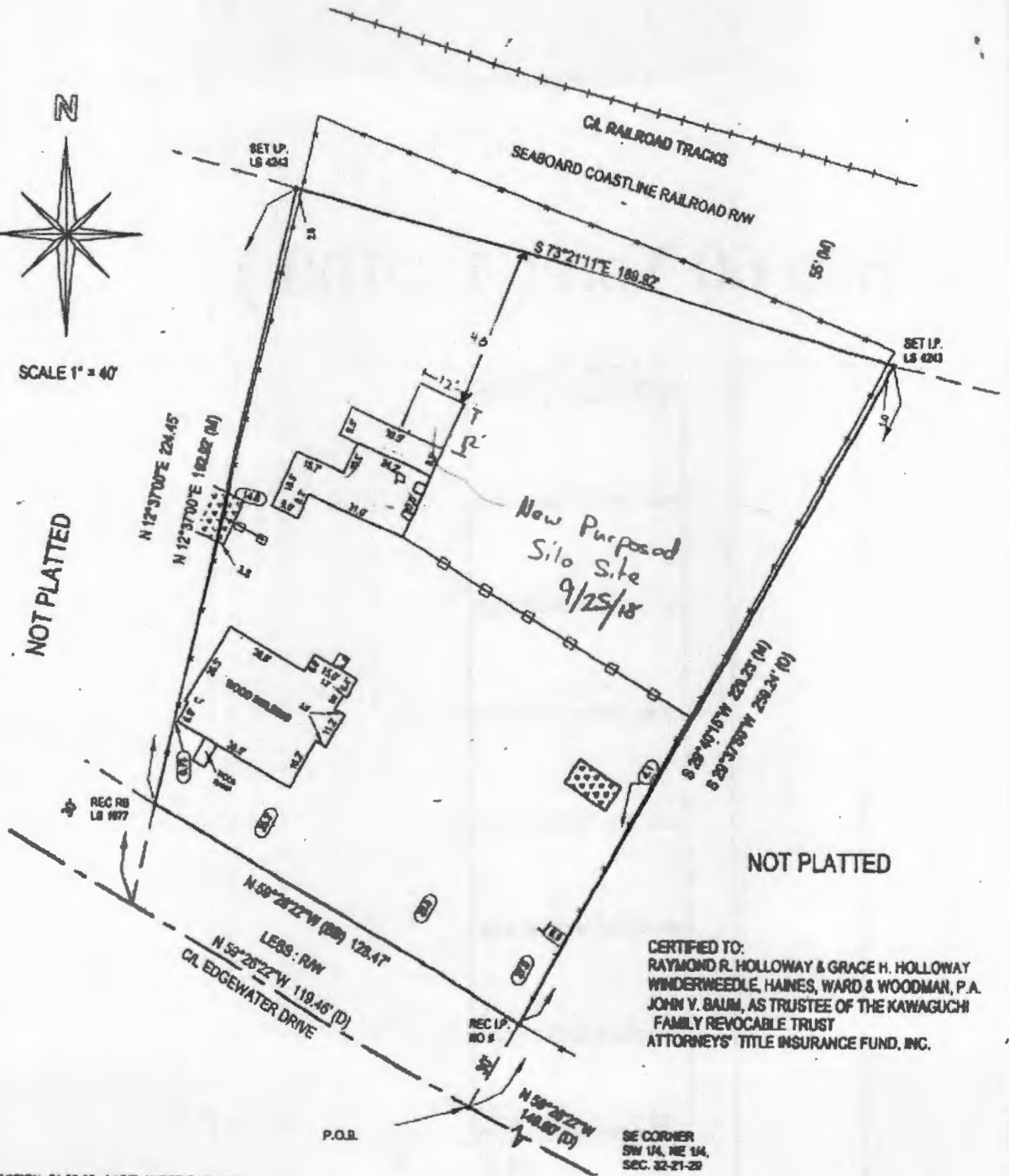
Special Exception Criteria

1. We are not modifying the current use of the property. We are just adding a larger silo than is currently in use.
2. We are in the middle of an industrial area. Our neighbors are Banker Steel. There are also multiple concrete companies within 1/2 mile from our location.
3. We are not altering property from anything that it is currently being used for.
4. We currently meet all standards for the property.
5. We will not be adjusting anything from its current use other than the new silo will be more efficient and quieter than our older temporary silo. We will essentially be cleaner and more efficient with the new silo.
6. We would install or retrofit our existing fencing and walls to meet necessary buffer.



SCALE 1" = 40'

NOT PLATTED



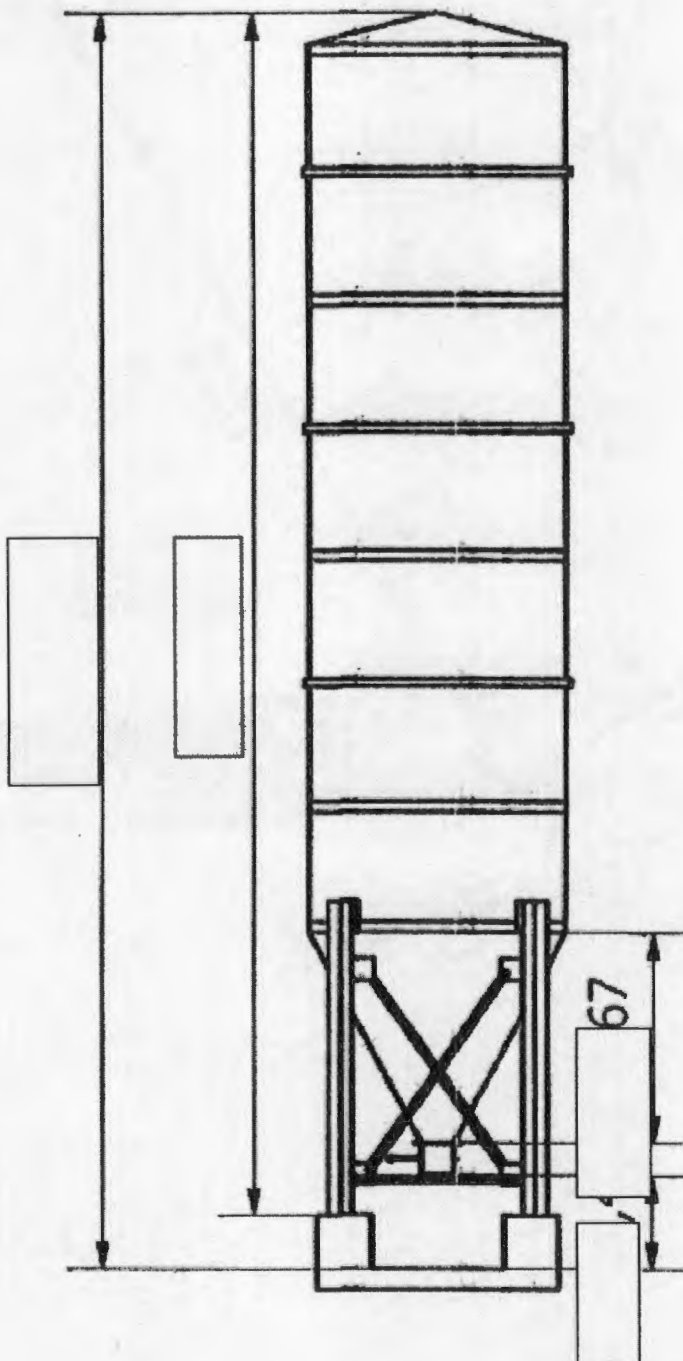
NOT PLATTED

CERTIFIED TO:
RAYMOND R. HOLLOWAY & GRACE H. HOLLOWAY
WINDERWEEDLE, HAINES, WARD & WOODMAN, P.A.
JOHN V. BAUM, AS TRUSTEE OF THE KAWAGUCHI
FAMILY REVOCABLE TRUST
ATTORNEYS' TITLE INSURANCE FUND, INC.

SE CORNER
SW 1/4, NE 1/4,
SEC. 32-21-20

63 ft.

Silo 60 Ton (1 : 100)





STAFF REPORT
CASE #: VA-18-11-148
Orange County Zoning Division
Planner: Sean Bailey
Board of Zoning Adjustment
November 1, 2018
Commission District: 2

GENERAL INFORMATION:

APPLICANT: CHRIS BROSCHE

REQUEST: Variance in the IND-2/IND-3 zoning district to allow for a cement silo with a height of 63 ft. in lieu of 50 ft.

LOCATION: North side of Edgewater Drive, West of Magnolia Homes Road, south of railroad right-of-way

PROPERTY ADDRESS: 6731 Edgewater Dr., Orlando, FL 32810

PARCEL ID: 32-21-29-0000-00-237

PUBLIC NOTIFICATION: 75

TRACT SIZE: 127 ft. x 195 ft. (AVG) / .76 acres

DISTRICT #: 2

ZONING: IND-2/IND-3

EXISTING USE(S): Cement company

PROPOSED USE(S): Silo

SURROUNDING USES: N - Railroad, single family residential, and Industrial
S - Single family residential, Industrial
E - Industrial
W - Industrial

STAFF FINDINGS AND ANALYSIS:

1. The property is zoned IND-2/IND-3, Industrial Park District which allows for warehousing, manufacturing, and certain retail uses.

2. The applicant is proposing to construct a silo to store concrete materials. There is an existing silo on-site and the applicant needs the new silo to support the growing business.
3. The property was re-zoned to Industrial in 1968, and is located between Edgewater Drive and railroad tracks.
4. There are single-family residential homes located on the south side of Edgewater Drive and to north of the railroad tracks. The proposed silo will be located 250 feet away from the existing homes to the south and over 400 feet from the homes to the north.
5. The code allows structures up to 50 feet tall in commercial and industrial zoning districts, except for the C-3 district, which allows up to 75 feet. The applicant is applying for a variance to allow a silo that is 63 feet tall.
6. The proposed silo will be approximately 8.5 feet in diameter and contain cement mix.
7. The property to the east has existing warehouse structures, which are about 45 to 50 feet tall. There is an existing concrete plant located a 1/2 mile away, which has three (3) silos that are at least 100 feet tall.
8. The new silo will be more environmentally friendly and allow the applicant to contain all their material inside this structure rather than on the ground.

VARIANCE CRITERIA

Special Conditions and Circumstances

In Industrial areas, certain structures are required to support and facilitate the intense uses normally found in these districts, including silos to store materials. Some of those structures are required to be taller to store large amounts of products. Also, the C-3 Wholesale Commercial district allows for buildings up to 75 feet in height, and while this is a more intense Industrial district, the limit is 50 feet. Were the height limit 75 feet in Industrial, a variance would not be required.

Minimum possible variance

The height variance is a 26% deviation from code, the silo is 8.5 feet wide, and will be located in the rear yard of the lot. Due to the location and width of the proposed structure, this will be the minimum possible variance to allow the applicant to store their materials on-site.

Purpose and Intent

Approval of the variance will be in harmony with the purpose and intent of the zoning district. The silo will be located 250 feet from the closest residence and will allow the operation to reduce the amount of dust and soot produced. The applicant will be required to install a landscape buffer along Edgewater to mitigate the visual effects of the proposed structure.

STAFF RECOMMENDATION:

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

1. Development in accordance with the site plan dated September 25, 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 a landscape buffer along Edgewater Drive which shall be at least 12.5 feet wide with a understory tree every twenty-five (25) feet, and a continuous hedge at least thirty (30) inches high at planting of a species capable of growing to at least thirty-six (36) inches in height within eighteen (18) months.

c: Chris Brosche
6731 Edgewater Drive
Orlando, Florida 32804

CRAIG SWARTHOUT
VA-18-11-150

REQUEST: Variance in the R-1A zoning district to allow a cumulative total of 906 sq. ft. of accessory structures in lieu of 500 ft.
ADDRESS: 1915 Dorris Drive, Orlando FL 32807
LOCATION: East side of Dorris Dr., approximately .2 miles north of E. Colonial Drive
S-T-R: 14-22-30
TRACT SIZE: 120 ft. x 511 ft. (1.4 Acres)
DISTRICT#: 5
LEGAL: W 541 FT OF S 120 FT OF N 218 FT OF SE1/4 OF SW1/4 (LESS W 30 FT RD R/W) OF SEC 14-22-30 SEE 2427/1746
PARCEL ID: 14-22-30-0000-00-112
NO. OF NOTICES: 89

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

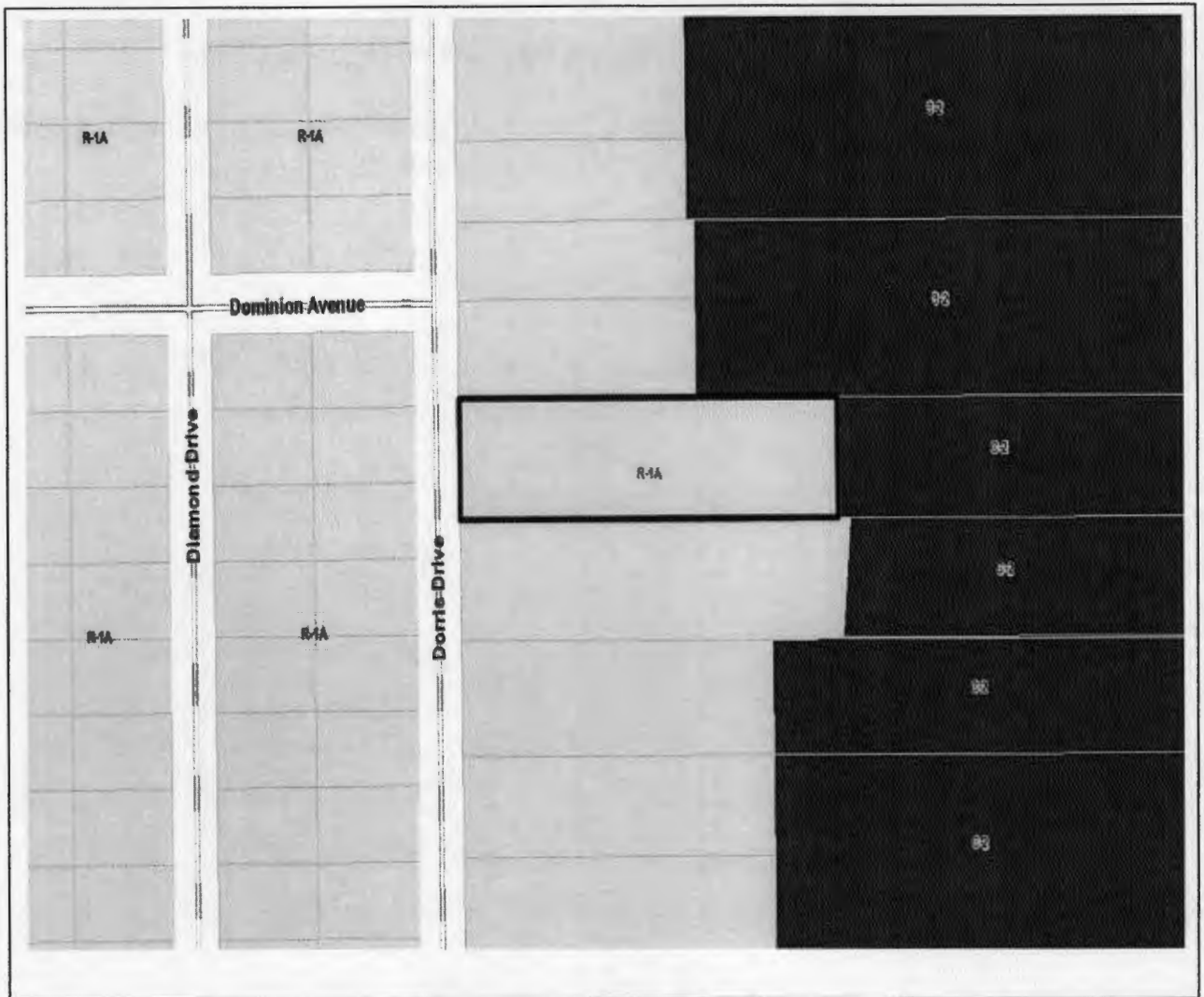
1. Development in accordance with the site plan dated September 12, 2018, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (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.

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

The applicant agreed with the staff presentation and had nothing to add.

Staff received zero (0) commentaries in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.



Applicant: CRAIG SWARTHOUT

BZA Number: VA-18-11-150

BZA Date: 11/01/2018

District: 5

Sec/Twn/Rge: 14-22-30-SW-C

Tract Size: 120 ft. x 511 ft. (1.4 Acres)

Address: 1915 Dorris Drive, Orlando FL 32807

Location: East side of Dorris Dr., approximately .2 miles north of E. Colonial Drive

**CRAIG
SWARTHOUT**

CHSOUT@yahoo.com



321-663-8548

1915 DORRIS DR,
ORLANDO, FL, 32807

SEAN BAILEY
CHIEF PLANNER BZA SECTION, ORANGE COUNTY
ZONING DIVISION
201 S. ROSALIND AVE, ORLANDO FL 32801

Dear Sean Bailey,

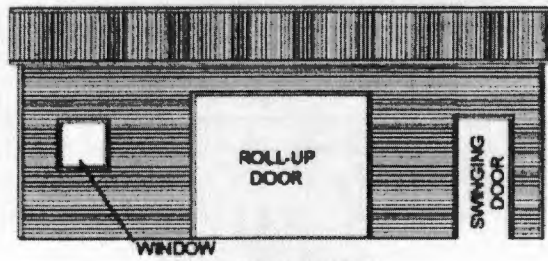
Good Afternoon, my name is Craig Swarthout I am writing this letter to request a garage in place of the existing one that needs to be replaced. The existing building is 20 by 30, 600 square feet, wood with aluminum siding. The garage I am proposing is to be 20 by 30, 900 square feet building with a ten-foot lean to on the back side for lawn equipment to be out of the weather and brought up to code per Orange county only allows 500 square feet. The structure will be made of metal, the concrete will be 30 by 30 for the lean to. The building will be 6 ft. 2 in. the property line as per code enforcement, the height will be ten feet.

Per variance criteria, the special conditions for property zoning is the existing building sits on 1.4 acres where as other lots are within residential lots of a half-acre. The garage was built in 1959 before the house was built and remodeled. This property has been in the family 60 years with the original garage that needs to be replaced from years wear and tear and hurricanes.

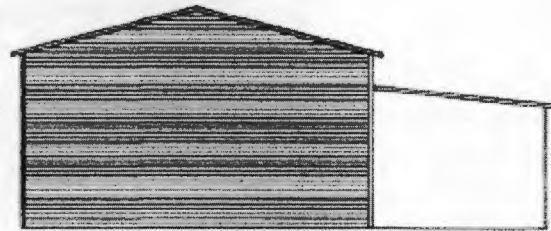
Sincerely,

Craig Swarthout

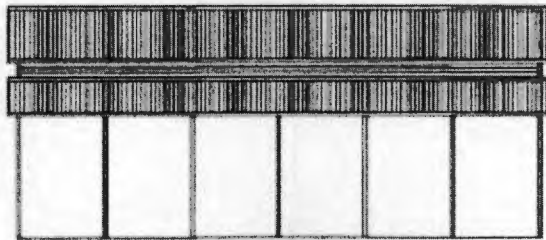




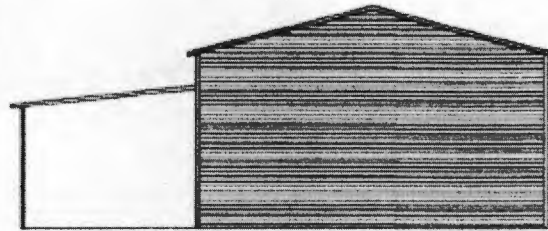
RIGHT SIDE ELEVATION



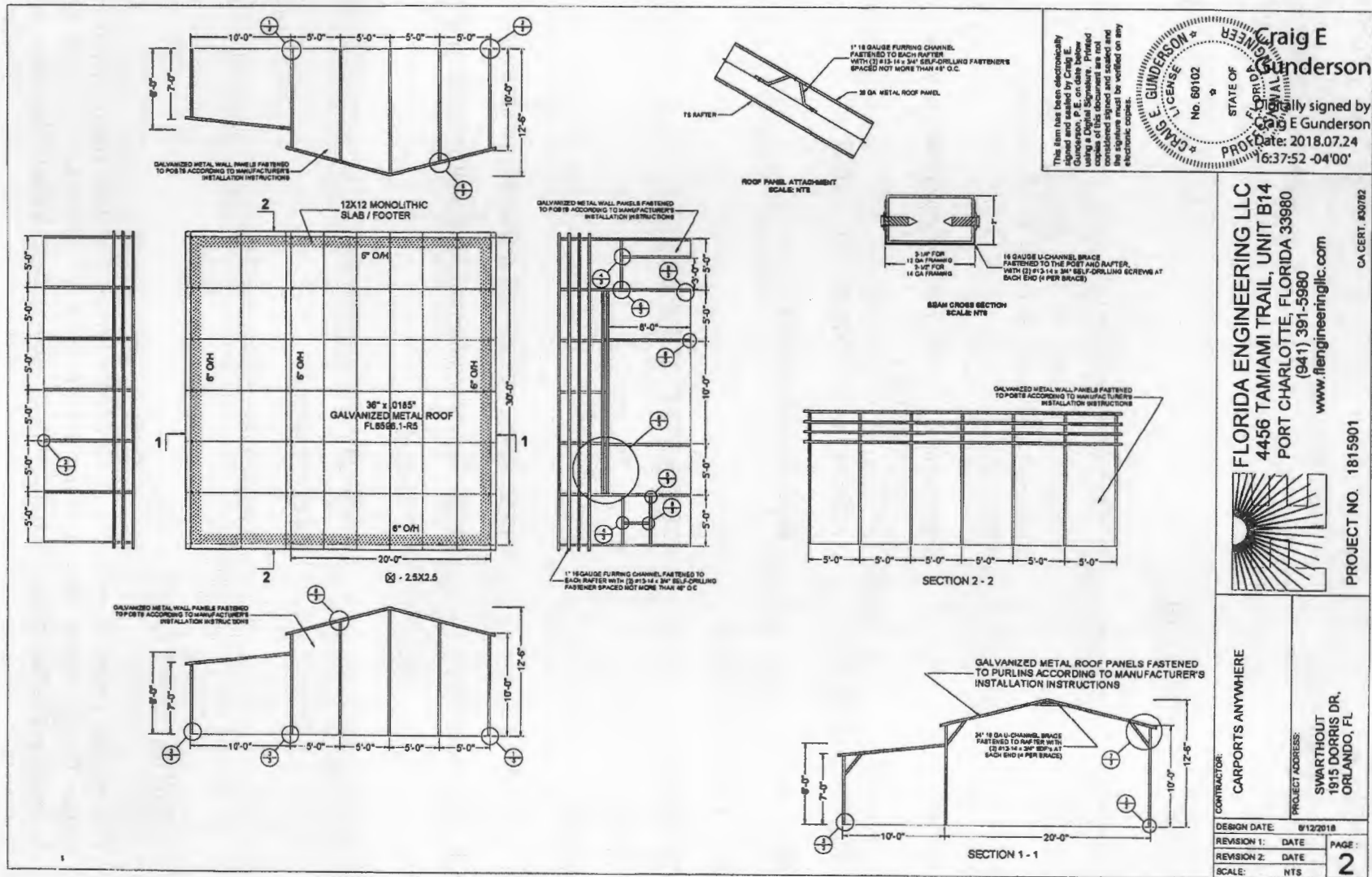
REAR ELEVATION



LEFT SIDE ELEVATION



FRONT ELEVATION



This form has been electronically signed and sealed by Craig E. Gunderson, P.E., on 8/12/2018 using a Digital Signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copy.

Craig E Gunderson
 State of Florida
 Professional Engineer
 No. 60102
 Date: 2018.07.24
 16:37:52 -04'00'



STAFF REPORT
CASE #: VA-18-11-150
Orange County Zoning Division
Planner: Nick Balevich
Board of Zoning Adjustment
November 1, 2018
Commission District: 5

GENERAL INFORMATION:

APPLICANT: CRAIG SWARTHOUT

REQUEST: Variance in the R-1A zoning district to allow a cumulative total of 906 sq. ft. of accessory structures in lieu of 500 ft.

LOCATION: East side of Dorris Dr., approximately .2 miles north of E. Colonial Drive

PROPERTY ADDRESS: 1915 Dorris Dr., Orlando, FL 32807

PARCEL ID: 14-22-30-0000-00-112

PUBLIC NOTIFICATION: 89

TRACT SIZE: 120 ft. x 511 ft. (1.4 Acres)

DISTRICT #: 5

ZONING: R-1A

EXISTING USE(S): Single family residential w/accessory structure

PROPOSED USE(S): Single family residential w/accessory structure

SURROUNDING USES: N - Vacant
S - Single family residential
E - Commercial
W -Single family 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. or 25% of the living area of the

residence (whichever is greater). The single family home is 1,892 sq. ft.; therefore, the 500 sq. ft. minimum applies.

2. The subject property currently has a detached accessory building that was constructed in the 1950s. The applicant is proposing to replace this building with the construction of the proposed 20 feet x 30.2 feet (604 sq. ft.) building, and a 10 feet x 30.2 feet (302 sq. ft.) roof over slab, for a cumulative total of 906 sq. ft. of accessory structures.
3. The subject property is a 1.4 acre lot, which is more than eight (8) times the minimum lot size. The proposed accessory structure will be 12.5 feet tall, and will be located approximately 240 feet from the front (street) property line; 5 feet from the (north) side property line; 83 feet from the (south) side property line; and, 260 feet from the rear property line. It meets all required setbacks and maximum height.
4. If this property were zoned agricultural, up to 2,000 sq. ft. of accessory structures would be allowed, based on the 1.4 acre lot size.
5. The request constitutes an 81% deviation from code; however, the lot is more than eight (8) times the required minimum size. The requested cumulative accessory structure floor area is approximately 48% of the living area of the house (1,892 sq. ft.).

VARIANCE CRITERIA

Special Conditions and Circumstances

The lot is more than eight (8) times the required size for the zoning district. This size allows the applicant to place the structure approximately 240 feet from the front (street) property line; 5 feet from the (north) side property line; 83 feet from the (south) side property line; and, 260 feet from the rear property line.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to replace an existing shed with the square footage that would be permitted on a smaller lot in an agricultural zoning district.

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 subject property is a large lot, with the proposed structure over 240 feet back from the road. All of the lots across the street are 0.24 acres, while the subject property is 1.4 acres. This will not be a detrimental intrusion.

STAFF RECOMMENDATION:

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

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

c: Craig Swarthout
1915 Dorris Drive
Orlando, Florida 32807

MATTHEW MORRISON
VA-18-11-151

REQUEST: Variance in the R-1AA zoning district to allow a fence within 50 ft. of the NHWE that is 6 ft. tall in lieu of 4 ft. tall. Property abuts a canal that connects to Lake Conway.

ADDRESS: 2400 Rob Lane, Orlando FL 32806

LOCATION: North side of Gatlin Ave., at the southeast corner of S. Bumby Ave. and Rob Ln.

S-T-R: 07-23-30

TRACT SIZE: 90 ft. x 176 ft. (AVG) (.36 Acres)

DISTRICT#: 3

LEGAL: WATERFRONT ESTATES 4TH ADDITION U/89 LOT 1 BLK F SEE 2344/843

PARCEL ID: 07-23-30-9064-06-010

NO. OF NOTICES: 75

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

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

SYNOPSIS: Staff explained that the subject property was on a canal which fed into Lake Conway. As a result, any fencing within 50 feet of the Normal High Water Elevation (NHWE), is to be no higher than 4 feet in height. There is an existing six (6) foot tall wooden fence which was installed with a valid permit; however, since its installation, the code had been changed to ensure that neighbors do not block one-another's views with fencing. However, in this instance, the applicant is at the end of the canal, and cannot block anyone's view. Plus, without a fence with a height greater than four (4) feet, the applicant's right to privacy would be violated. Staff noted that they had receive one (1) correspondence in favor, and none in opposition.

The applicant had advised staff that they had a prior engagement which they could not miss, and given the hour, they had to leave. There being no one in attendance to speak on this application, the public hearing was closed.

The BZA found that the need for a variance had been adequately demonstrated. A motion to recommend approval was seconded and passed unanimously.



Applicant: MATTHEW MORRISON

BZA Number: VA-18-11-151

BZA Date: 11/01/2018

District: 3

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

Tract Size: 90 ft. x 176 ft. (AVG) (.36 Acres)

Address: 2400 Rob Lane, Orlando FL 32806

Location: North side of Gatlin Ave., at the southeast corner of S. Bumby Ave. and Rob Ln.

September 12, 2018

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


RE: Variance Request for Wooden Fencing Replacement
2400 Rob Lane, Orlando, FL 32806

Zoning Division:

Please review the attached Zoning Adjustment application which requests a variance for replacement of the existing 6' high wooden fencing with same along the West and South edges of the property located at 2400 Rob Lane, Orlando, FL. A portion of the fencing re-installation will encroach upon the setback requirement for the Normal High Water Elevation (NHWE) of the canal located towards the rear of the referenced property. The following items apply to this variance request application:

- Current setback requirement = 50' / Requested setback = minimum of 5' or greater for closest portions along the South property edge / Variance requested = 45'
- Proposed fence replacement will consist of 6' high wooden fencing.
- The proposed construction would be 5' at its closest point to the NHWE along the South property edge. A 50' setback is currently required.
- A variance of this same nature within the same neighborhood (Waterfront Estates 4th Addition) was recently granted within the past 12 months.

Sincerely,



Matthew S. Morrison
Property Owner

DESCRIPTION

Existing Fencing for replacement.
is highlighted





STAFF REPORT
CASE #: VA-18-11-151
Orange County Zoning Division
Planner: David Nearing, AICP
Board of Zoning Adjustment
November 1, 2018
Commission District: 3

GENERAL INFORMATION:

APPLICANT: MATTHEW MORRISON

REQUEST: Variance in the R-1AA zoning district to allow a fence within 50 ft. of the NHWE that is 6 ft. tall in lieu of 4 ft. tall. Property abuts a canal that connects to Lake Conway.

LOCATION: North side of Gatlin Ave., at the southeast corner of S. Bumby Ave. and Rob Ln.

PROPERTY ADDRESS: 2400 Rob Ln., Orlando, FL 32806

PARCEL ID: 07-23-30-9064-06-010

PUBLIC NOTIFICATION: 75

TRACT SIZE: 90 ft. x 176 ft. (AVG) (.36 Acres)

DISTRICT #: 3

ZONING: R-1AA

EXISTING USE(S): 6 ft. tall wood fence

PROPOSED USE(S): Replacement fence

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

STAFF FINDINGS AND ANALYSIS:

1. The subject property is zoned R-1AA, Single Family Dwelling District. The primary use in this district is detached single family residences. This district requires lots with a minimum of 10,000 sq. ft. of lot area.

2. The subject property is a relatively rare three (3) frontage lot, e.g., fronting on three (3) streets. The front yard faces Rob Lane, the rear yard Gatlin Avenue, west side street yard faces S. Bumby Avenue. Gatlin Avenue is not a true public right-of-way, but rather a continuous easement providing access across each property to neighbors. It is not a County maintained road.
3. The east side of the rear yard abuts a canal connected to Lake Conway. Due to this connection, any fencing within 50 feet of the Normal High Water Elevation (NHWE), is not to exceed four (4) feet in height. This restriction would preclude fences higher than four (4) feet in height along the rear property line (Gatlin Avenue) and a portion of the west side street yard (S. Bumby Avenue).
4. The applicant currently has a six (6) foot tall fence along Bumby and Gatlin Avenue in need of repair, which was installed through the issuance of a fence permit in 1999 (F99001490). In 2016, the Zoning Code was revised to require the lower fencing within the NHWE setback to prevent neighbors from blocking other's view of the waterway. However, in this instance, being located at the end of the canal, the only view that would be obstructed is the applicant.
5. A similar variance was granted for a property four (4) lots to the east of the subject property in April of this year.

VARIANCE CRITERIA

Special Conditions and Circumstances

The special condition and circumstance regarding the subject property is the fact that the property has road frontage on three (3) sides, and canal frontage on the fourth. Due to the requirement that all fencing within 50 feet of the NHWE cannot exceed four (4) feet in height. This would allow traffic on both Gatlin and S. Bumby to look into the applicant's property.

Not Self-Created

The applicant did not create the plat, which resulted in a lot with three (3) road frontages and a canal frontage.

No Special Privilege Conferred

The applicant desires a six (6) foot high fencing along two (2) of the three roads abutting their property for privacy reasons. This would be a common desire. If not for the presence of the canal, no variance would be needed.

Deprivation of Rights

Without the variance, the applicant will be required to install fencing only four (4) feet in height. This would deprive them of their right to privacy.

Minimum Possible Variance

Were it not for the presence of the NHWE, the applicant could actually install fencing up to eight (8) feet in height. Given that the applicant is only requesting a six (6) foot tall fence, this is the least possible variance needed.

Purpose and Intent

Given the need to preserve the applicants privacy, which is the purpose of fencing, this request will meet the purpose and intent of the Zoning Ordinance.

STAFF RECOMMENDATION:

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

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

c: Matthew Morrison
2400 Rob Lane
Orlando, Florida 32806