



Interoffice Memorandum

DATE January 4, 2019

TO: Mayor Jerry L. Demings
-AND-
Board of County Commissioners

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

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

SUBJECT: January 29, 2019 – Board Called Public Hearing
Applicant/Appellant: Lisa Rembert
BZA Case #VA-18-11-147, November 1, 2018; District #6

Board of Zoning Adjustment (BZA) Case #VA-18-11-147, located on Old Winter Garden Road, in District #6, is a board called public hearing to be heard on January 29, 2019. The applicant is requesting a variance to allow a front setback of 21 ft. in lieu of 25 ft.

The subject property is located on the north side of Old Winter Garden Rd., east of S. Apopka Vineland Rd.

At the November 1, 2018 BZA hearing, staff recommended approval of the variance. The BZA stated that the irregular shape of the lot was a special circumstance that merited granting the variance. The BZA recommended approval of the variance with a unanimous vote.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

ACTION REQUESTED: Approve the applicant's request; or approve the applicant's request with modifications and/or conditions; or deny the applicant's request. District 6.

JVW/CLK/pew
Attachments

**COMMUNITY ENVIRONMENTAL DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT
January 29, 2019**

The following is a public hearing on an appeal before the Board of County Commissioners on January 29, 2019 at 2:00 p.m.

APPELLANT/APPLICANT: LISA REMBERT

REQUEST: Variance in the R-2 zoning district to allow a front setback of 21 ft. in lieu of 25 ft.
Board-called 12/4/18

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

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

ZONING: R-2

DISTRICT: #6

PROPERTIES NOTIFIED: 107

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

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.

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

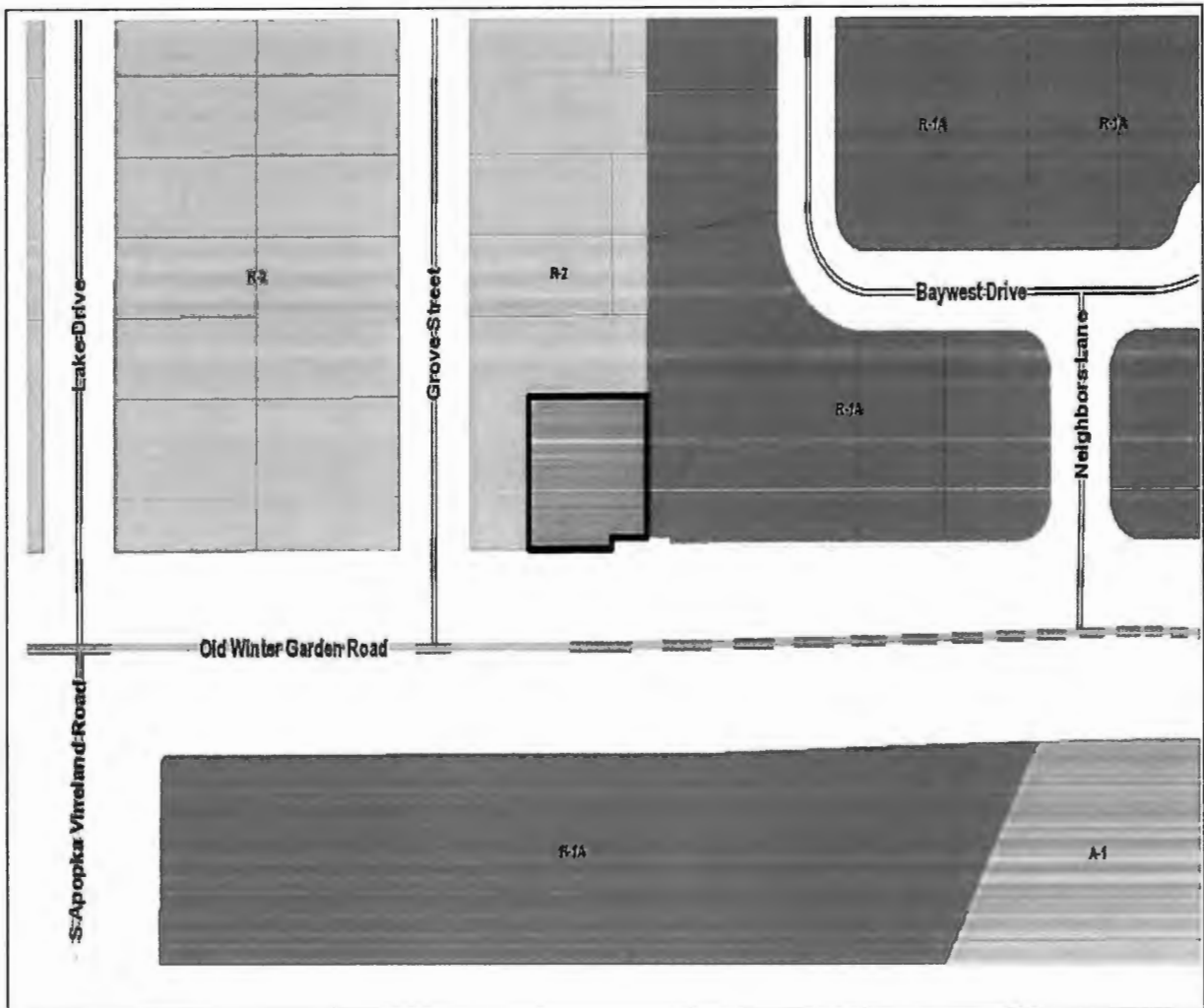
Staff received 1 commentary in favor of the application, and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.

BZA HEARING DECISION:

A motion was made by Eugene Roberson, seconded by Carolyn Karraker and unanimously carried to APPROVE 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, 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



Applicant: LISA REMBERT

BZA Number: VA-18-11-147

BZA Date: 11/01/2018

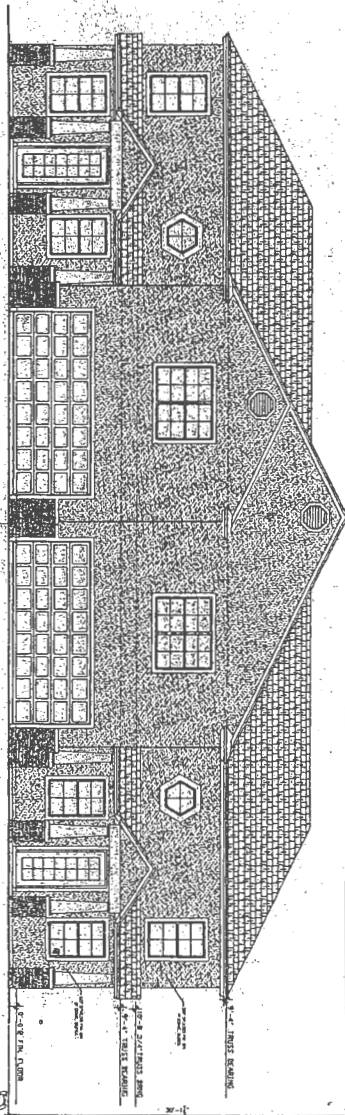
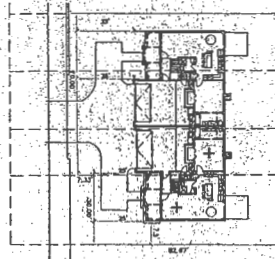
District: 6

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.



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ORANGE COUNTY
ZONING DIVISION

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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

I am Luc Lambert property owner
of lots 22, 23 & 24 Block D, of Oslen
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.

Luc Lambert
9-12-18

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