

Orange County Zoning Division

VA-18-11-147
APPLICANT: LISA REMBERT

January 29, 2019



Background

CASE:	VA-18-11-147
APPLICANT:	Lisa Rembert
ZONING:	R-2, Residential District
FUTURE LAND USE:	LMDR, Low-Medium Density Residential (10 du/ac)
ADDRESS:	Old Winter Garden Road, Orlando, Florida, 32835
LOCATION:	North side of Old Winter Garden Rd., east of S. Apopka Vineland Rd.
TRACT SIZE:	90 ft. x 100 ft. (AVG)/0.20 acres
DISTRICT:	6

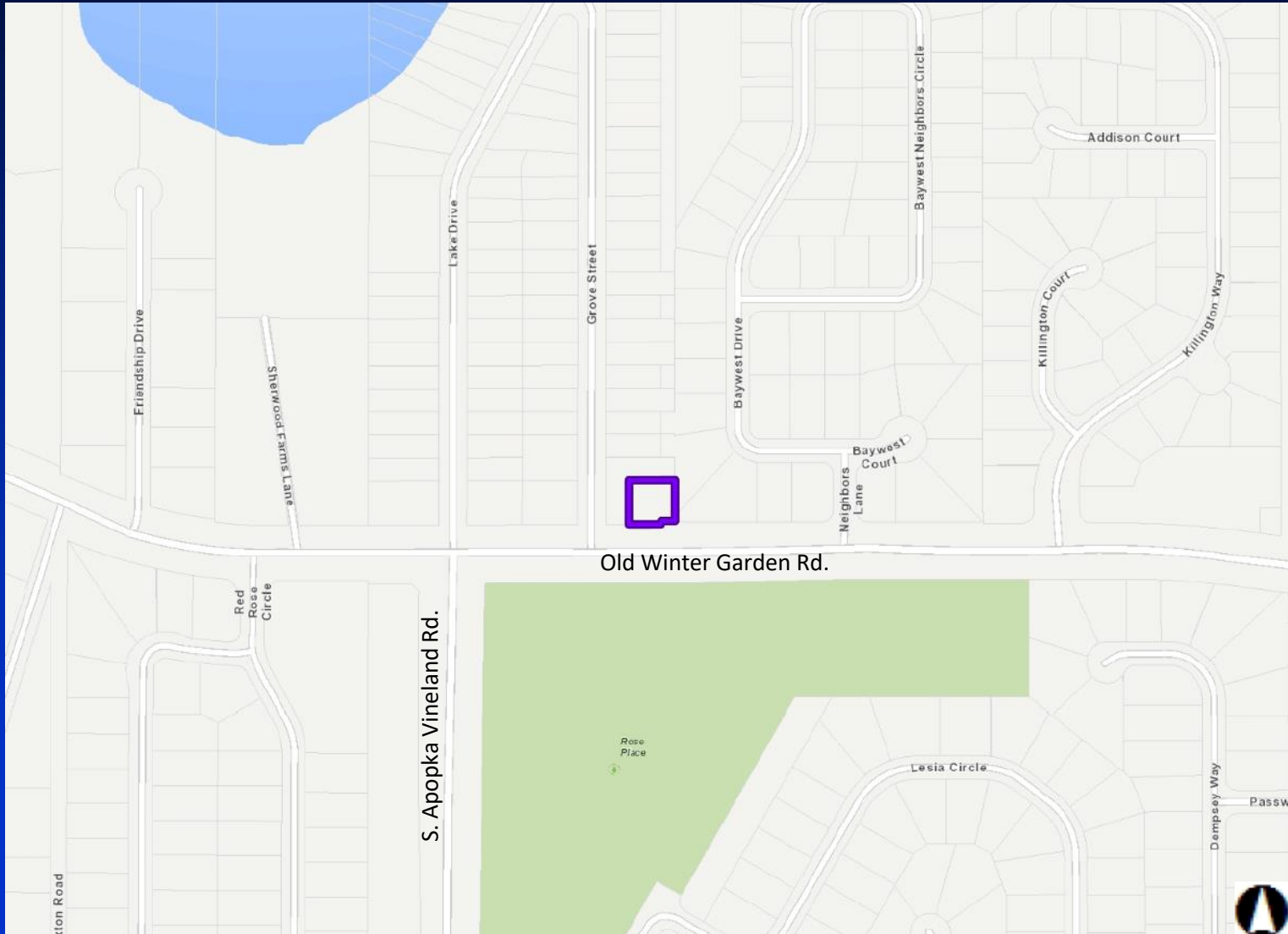


Background

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



Location Map





Zoning Map





Aerial Map



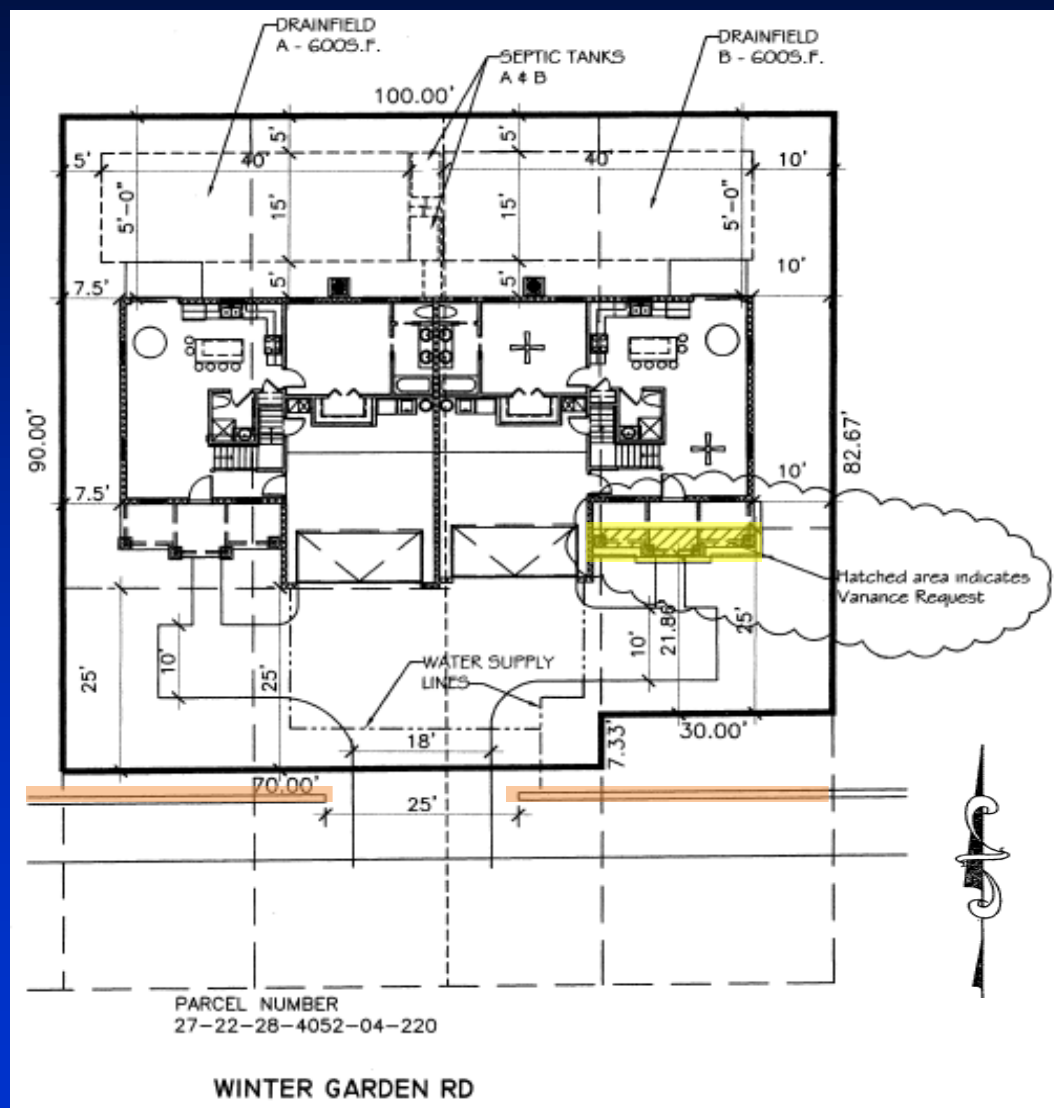


History

- The property was platted in 1929 and is comprised of lots 22-24 and 30 ft. of right-of-way vacated in 1982.
- Re-zoned from A-1 to R-2 in 1981.
- The Comprehensive Plan was adopted in 1991 and a Future Land Use (FLU) of Low Density Residential was assigned, making the FLU inconsistent with the zoning designation.
- A FLU Amendment from Low Density Residential to Low Medium Density Residential was adopted by the Board of County Commissioners on November 13, 2018.

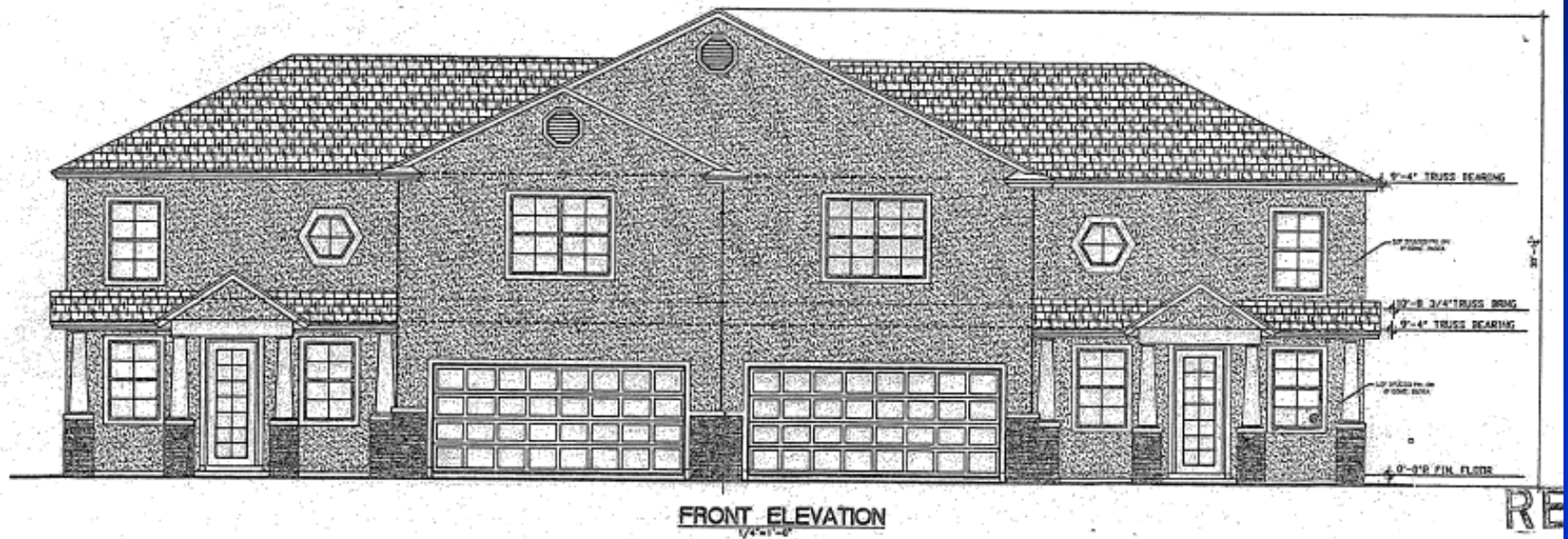


Proposed Site Plan





Proposed Elevation





Site Photograph

View of subject site looking north





Site Photograph

View looking east





Site Photograph

View of subject site looking west





Staff Analysis

1. The applicant is proposing to construct a duplex on the property, with entry porches on each side.
2. The required setbacks are 25 ft. in the front and rear, and 6 ft. on the sides.
3. If the lots were platted after 3/3/1997, the required front and rear setback would be 20 ft., and the side would be 5 ft.
4. The lot is indented by 7.33 ft. on the on the east side along the front, creating the need for a variance on the east side of the duplex.

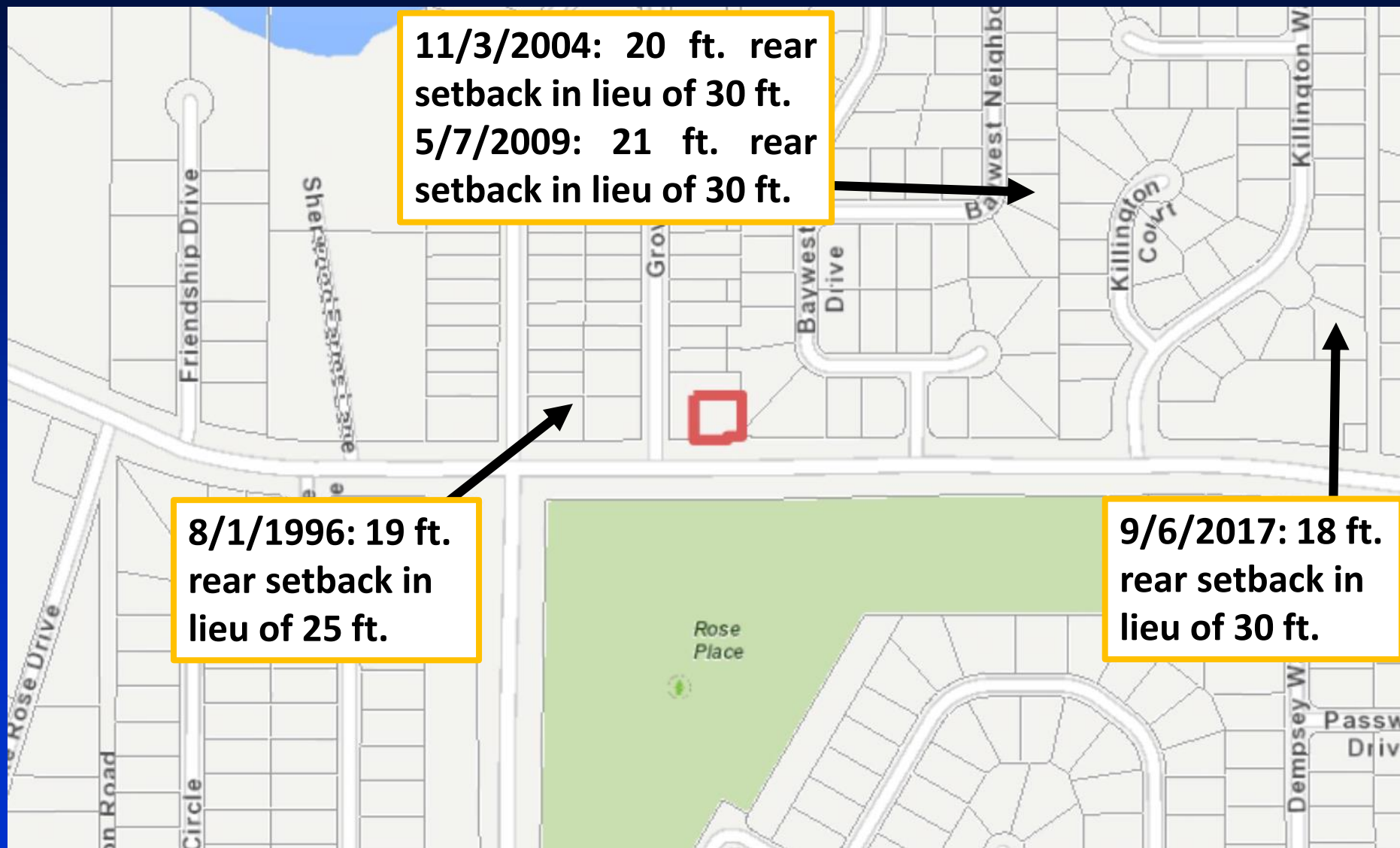


Staff Analysis

5. An open air porch is less intrusive than an enclosed structure.
6. The BZA has granted setback variances for other properties in the area.
7. Staff recommended approval as the unique shape of the lot was a special condition that was not self created. It is the minimal possible variance to allow the proposed design, and approval of the request would not be detrimental to neighborhood.



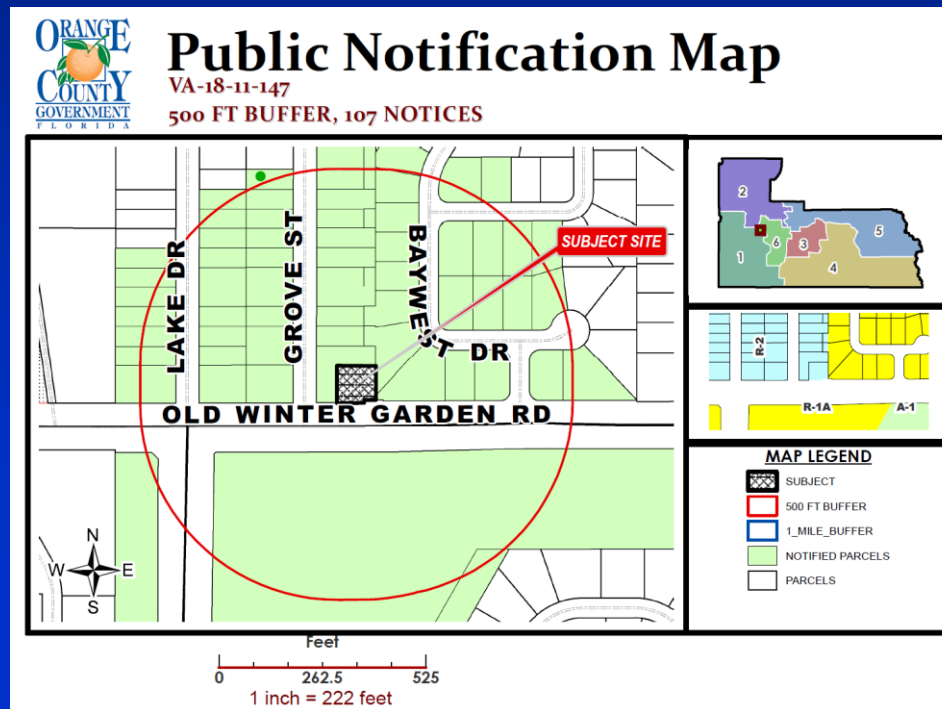
Previous BZA Approvals





Public Feedback

- Mailed 107 notices to property owners within 500 ft. radius of the property.
- Staff received 1 letter in support of the request.
- Staff received 0 letters in opposition to the request.





Variance Criteria

Section 30-43 (3), Orange County Code

VARIANCE CRITERIA

Section 30-43 of the Orange County Code Stipulates specific standards for the approval of variances. No application for 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 property and which are not applicable to other properties
2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant
3. No Special Privileges Conferred - Approval will not confer on the applicant any special privilege
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
5. Minimum Possible Variance - The minimum variance that will make possible the reasonable use of the land, building, or structure
6. Purpose and Intent - Approval will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood



BZA Findings

- A duplex is a permitted use in the R-2 zoning district.
- The indentation of the property was not created by the applicant and causes a hardship on the property.



BZA Recommendation

- The BZA made the finding that the standards of variance criteria were met and approved the variance request with the following conditions:



Conditions of Approval

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



Requested Action

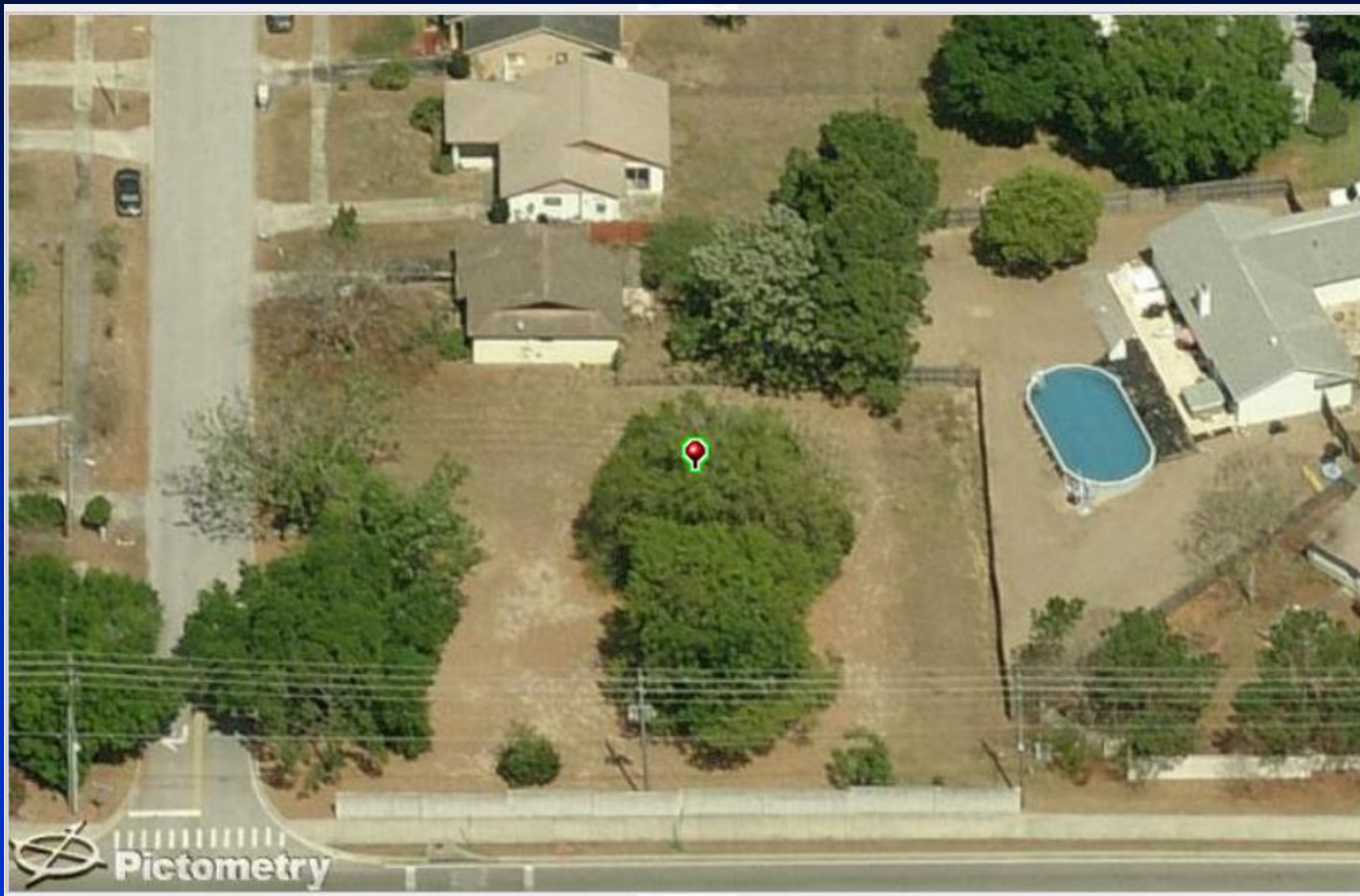
- Approve the applicant's request; or
- Approve the applicant's request with modifications and/or conditions; or
- Deny the applicant's request.

***Any approval is subject to standard conditions of approval.**





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Future Land Use Map

