Orange County
Board of Zoning Adjustment

RECOMMENDATIONS BOOKLET

April 4, 2019

Prepared by:
Planning, Environmental & Development Services Department,
Orange County Zoning Division

ORANGE COUNTY GOVERNMENT
FLORIDA

ORANGE COUNTY GOVERNMENT

BOARD OF ZONING ADJUSTMENT

(BZA)

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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
R-CE-5	Rural Country Estate Residential District
R-1, R-1A, & R-1AA	Single-Family Dwelling Districts
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

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
I-1/I-5	Restricted industrial District
I-2/I-3	Industrial Park District
I-4	Industrial District

Other Districts

P-D	Planned Development District
U-V	Urban Village District

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.

ORANGE COUNTY BOARD OF ZONING ADJUSTMENT RECOMMENDATIONS
April 4, 2019

PUBLIC HEARING	APPLICANT	DISTRICT	BZA Recommendations	PAGE #
VA-19-04-015	Rod Billette	2	Approved w/Conditions	1
VA-19-04-016	Ivan Prieto	6	Request #1, Approved w/Conditions Request #2, Denied	17
VA-19-04-018	Roseline Pierre	6	Approved w/Conditions	35
VA-19-04-019	Sheila Cichra	4	Approved w/Conditions	46
VA-19-04-020	Sheila Cichra	4	Approved w/Conditions	59
SE-19-04-021	Marc Bourque	1	Approved w/Conditions	72
SE-19-04-022	Cesar David Giraldo	3	Approved w/Conditions	85
SE-19-04-023	Apopka Life Care Center	2	Approved w/Conditions	101
VA-19-04-024	Manuel Izquierdo	1	Approved w/Conditions	116
SE-19-05-025	Love Fellowship Christian Church	6	Approved w/Conditions	132
VA-19-05-026	Robert Lanier	1	Approved w/Conditions	152
VA-19-05-028	Thomas Hewitt	1	Approved w/Conditions	167
SE-18-12-159	Iglesia De Dios En Bithlo	5	Request #1 & #3, Approved w/Conditions Request #2, Denied Request #4, Withdrawn	184

BZA STAFF REPORT

Planning, Environmental, & Development Services/ Zoning Division

Meeting Date:	**APR 04, 2019**	Case Planner:	**Nick Balevich**
Case #:	**VA-19-04-015**	Commission District:	**#2**

GENERAL INFORMATION

APPLICANT(s):	ROD BILLETTE
OWNER(s):	RODERICK BILLETTE
REQUEST:	Variances in the R-CE zoning district to allow a lot split with minimum lot widths as follows: 1) To allow a minimum lot width of 85 ft. in lieu of 130 ft. 2) To allow a minimum lot width of 52 ft. in lieu of 130 ft.
PROPERTY LOCATION:	7751 Sadler Rd., Mount Dora, FL 32757, north side of Sadler Rd., west of N. Orange Blossom Trail on Lake Ola
PARCEL ID:	17-20-27-4696-00-020
LOT SIZE:	137 ft. x 667 ft. (avg) / 2.06 acres
NOTICE AREA:	500 ft.
NUMBER OF NOTICES:	46

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 (4 in favor and 3 opposed):

1. Development in accordance with the site plan dated January 30, 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 County Commissioners 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; location of the ditch; site plan; and, photos of the site.

The applicant stated that such a ditch is normally on the property line, not through the middle of a property, and does not feel the request will set a precedent because no other lot has a ditch in a similar location on their property.

The applicant also stated that he has additional support from neighbors, and he presented a letter from an appraiser stating that the split will not have any negative impacts on property values.

No neighbors spoke in favor of the request.

Four (4) neighbors spoke in opposition. The following issues were raised: Approval will set a precedent for many others in the area to request similar variances and/or lot splits. An increase in density will mean more septic tanks, and lead to degradation of lake water quality. They also stated that the applicant knew about the ditch when he purchased the property.

The BZA noted that nonconforming lots of record in the area are not grounds for a variance, the condition was there previously, and the other portion of the lot is useable. However, the BZA noted that the ditch is a special condition that is not self-created, and no other lots have a ditch running through the middle of a property.

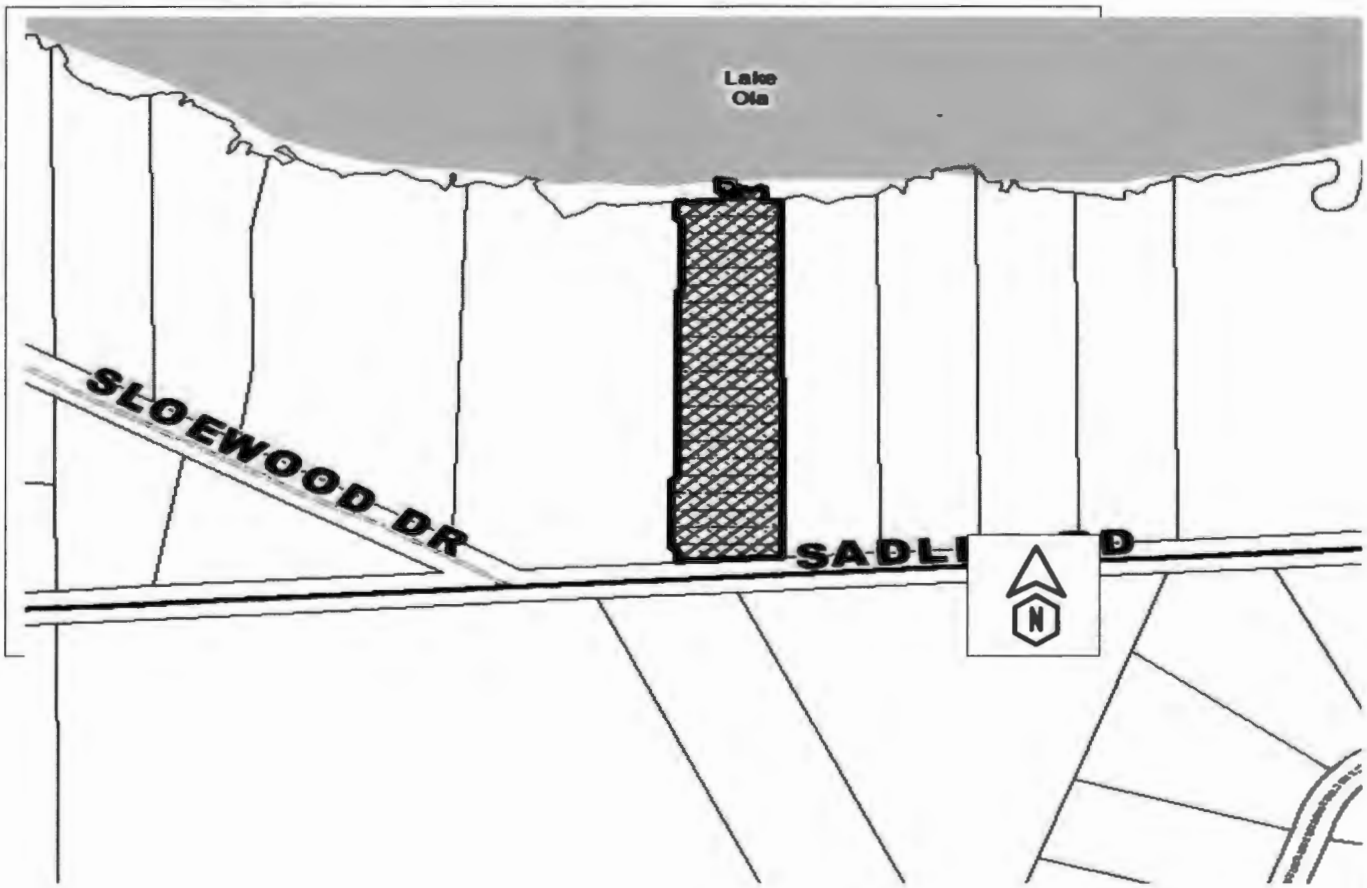
Staff received two (2) commentaries in favor and nine (9) in opposition to the application.

The BZA approved the variances.

STAFF RECOMMENDATIONS

Denial, however if the BZA recommends approval then staff recommends the conditions of approval found in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE	Lake Ola	R-CE	R-CE	R-CE
Future Land Use	RS-1/1	Lake Ola	RS-1/1	RS-1/1	RS-1/1
Current Use	Single-family residence	Lake Ola	Vacant (HOA), Retention pond	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-CE, Country Estate, which allows for primarily single family development on one (1) acre lots and certain rural uses.

The property is located in the Tangerine Rural Settlement, which is comprised of single-family homes on required one (1) acre minimum lots.

nuary of 2019, the applicant applied for a 2 lot split to create a 1.09 acre lot with 85 ft. of frontage, and a 1.01 acre lot with 52 feet of frontage. The lot split was denied as neither of the lots meet the required 130 ft. lot width.

The lot was platted in 1985, as lot #2 in the Lake Ola Estates Plat and has deviated slightly from the original platted configuration as it is 7 to 10 feet wider on the west side, and is considered to be a single conforming lot of record. There is a 3,056 sq. ft. (gross area), 2,013 sq. ft. (living area) single family home and a boat dock on the lot which was constructed in 2005. The applicant purchased the property in 2003.

The property is bisected by a ditch, and the applicant states that the lot can be divided along said ditch. The property has sufficient acreage to be split but does not have the width.

There are other substandard properties on Lake Ola, the majority of which were parcels of record, or are platted lots.

District Development Standards

	Code Requirement	Proposed
Max Height:	N/A	N/A
Min. Lot Width:	130 ft.	52 ft./85 ft.
Min. Lot Size:	1 ac.	1.01 ac./1.03 ac.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The applicant has not demonstrated any special conditions or circumstances that are unique to this property that do not apply to all other properties with the same area.

Not Self-Created

The lot is developable, and currently has a home and boat dock. The need for the variance is self-created as the applicant wants to split the lot to create a second buildable lot.

No Special Privilege Conferred

Approval of the request will grant the applicant special privilege that is denied to other lands, building, or structures in the same zoning district, which are required to comply with the minimum lot width requirement.

Deprivation of Rights

The applicant would not be deprived of rights commonly enjoyed by other properties in the same zoning district as the site already has a home and boat dock.

Minimum Possible Variance

The request is not the minimum variance as the site is currently developed and utilized with a home and a dock.

Purpose and Intent

Approval of this request will not be in harmony with the purpose and intent of the zoning regulations and will set a precedent in the area.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated January 30, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Billette Roderick
PO Box 361
Tangerine, FL 32777

COVER LETTER

To Whom It May Concern: 1/29/19

The accompanying survey details my 2.1-acre tract located at 7751 Sadler Rd, Mount Dora, Orange County, Fl.

The accompanying survey shows my EXISTING single-family residence on Lot One which is 1.09 acres. Proposed Lot two would be 1.01 acres.

This proposal to create a new lot of record CONFORMS to R-CE zoning of one-acre minimum lots, and although non-conforming in width my lot proposal IS CONSISTENT, SIMILAR, and COMPATIBLE with over 30 other non-conforming lots on Lake Ola where I reside. I have attached these for your review.

Also shown on the survey is an old grove ditch which Orange County uses to direct effluent through my property to Lake Ola. This ditch effectively bisects my property into two separate geographical lots.

This drainage includes water and runoff from Greater Country Estates Subdivision located to the southeast as well as over 240 acres of undeveloped, but proposed for development, land to the southwest. It may be noted that Orange County has no easement or written permission for this runoff to cross my property.

To reiterate, this effluent, considered essential by Orange County Engineering, already creates a *de facto* geographical split of my property into two, one acre lots.

Therefore, due to the reasons stated, I am applying for a variance:

1) A geographic split naturally bisects my property into two separate lots.
2) The width of the proposed new lot of record is consistent with the width of over 30 existing lots of record on Lake Ola. Nearly all these lots have residences and are non-conforming. It may also be noted quite a number of these existing lots also do not meet the R-CE one-acre minimum requirement.

RECEIVED
JAN 30 2019
ORANGE COUNTY
ZONING DIVISION

3) The new proposed Lot of record WOULD CONFORM to the one-acre minimum R-CE zoning.
4) Water and other effluents (oil, etc.) are being dumped through my land without permission. *De facto*, I am left to do all maintenance on said ditch.

In conclusion, I am requesting a lot split as proposed on the accompanying survey, so that I may have the full use of my land.

Thank you for your attention to this matter.

Sincerely,

Roderick E. Billette

Roderick E. Billette

Ron Crawley
7759 Sadler Road
Mount Dora, FL 32757

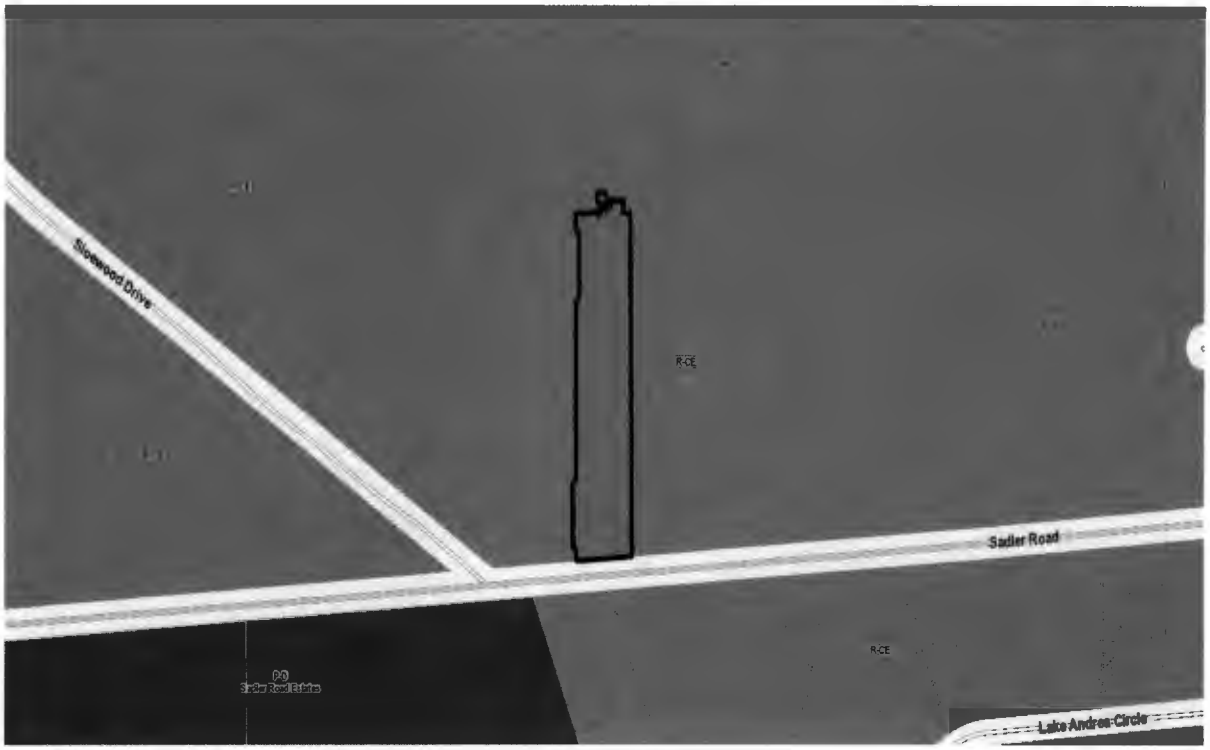
January 29, 2019

TO WHOM IT MAY CONCERN:

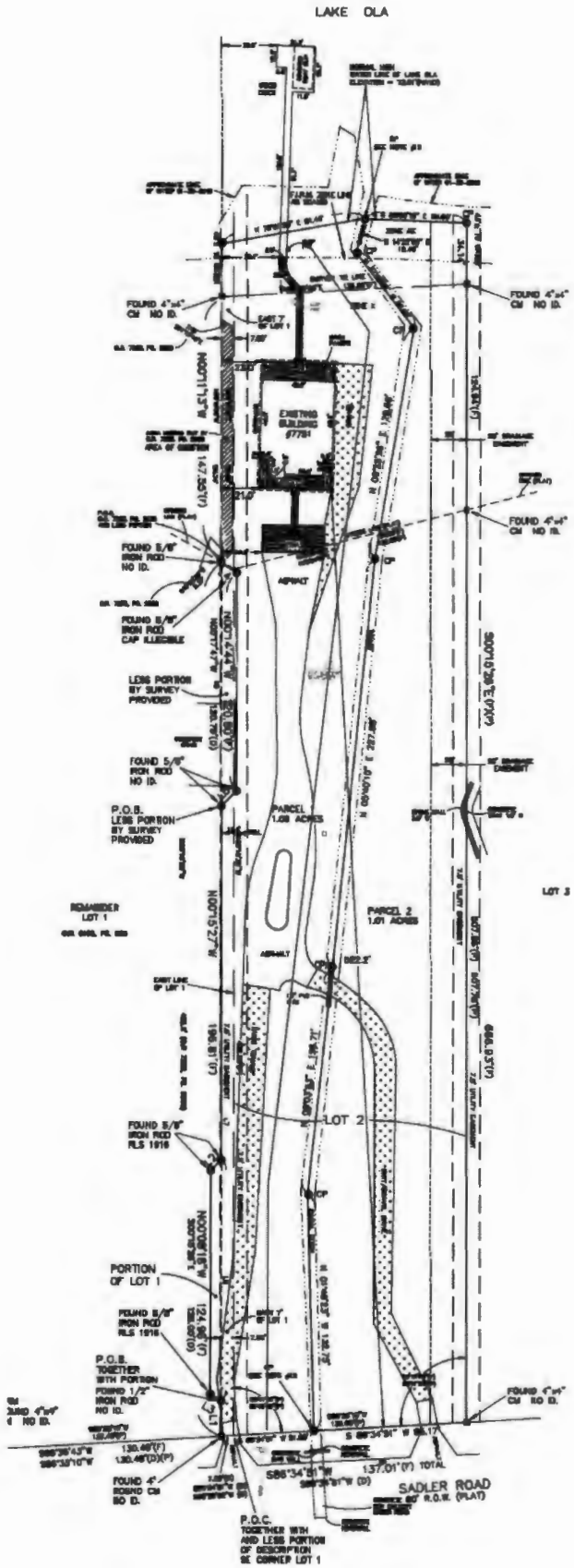
I have no objection to a variance allowing the split of parcel 17-20-27-4961-00-020, 7751 Sadler Road, Mount Dora, FL into two one acre lots.

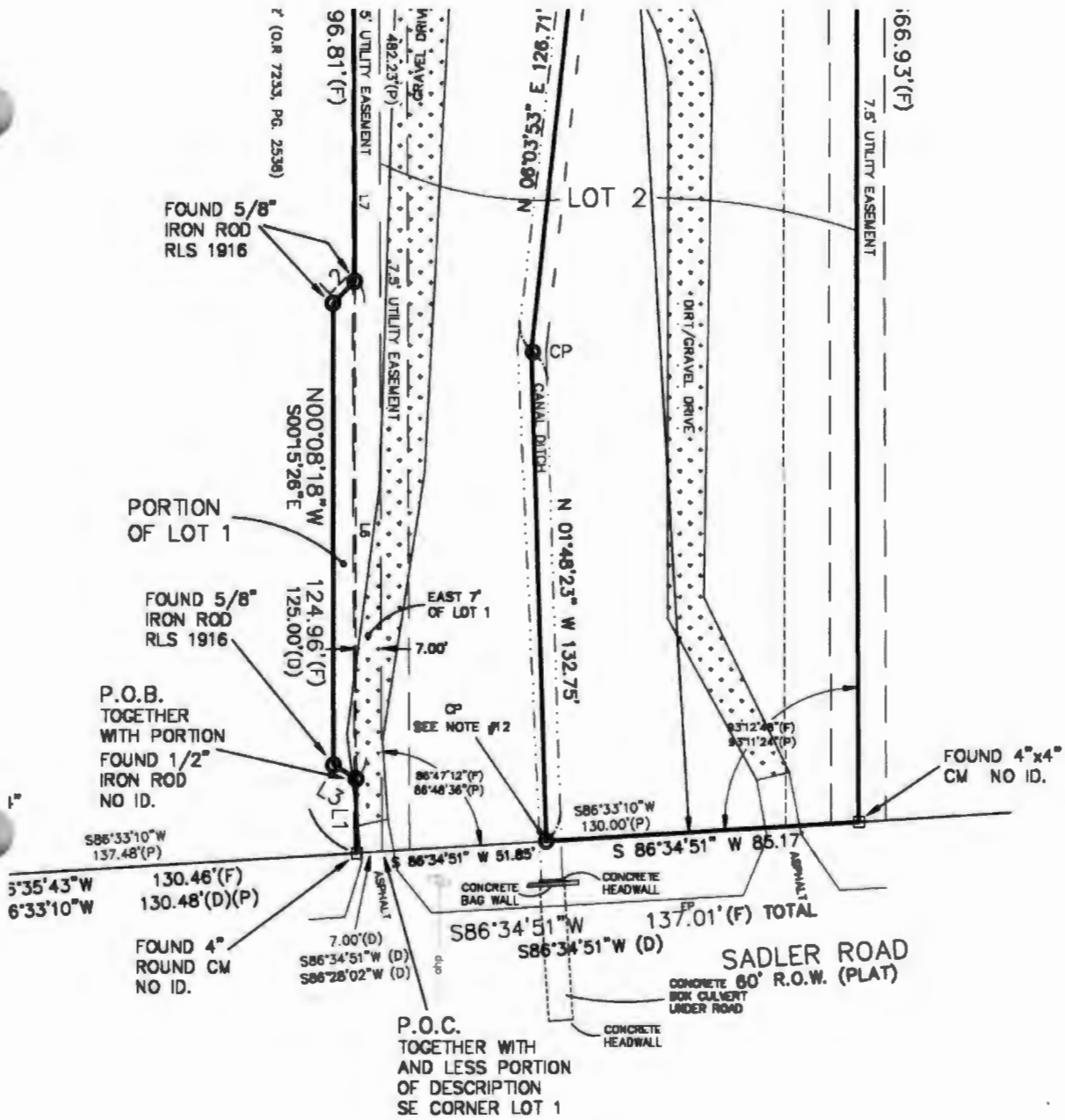
Ron Crawley
407-257-7154

ZONING MAP



AERIAL MAP


LAKE OLA
FOUND 4"x4" CM NO ID.
FOUND 4"x4" CM NO ID.
EXISTING BUILDING
FOUND 5/8" IRON ROD NO ID.
FOUND 5/8" IRON ROD CAP ILLEGIBLE
LESS PORTION BY SURVEY PROVIDED
FOUND 5/8" IRON ROD NO ID.
P.O.B. LESS PORTION BY SURVEY PROVIDED
PARCEL 1.08 ACRES
REMAINDER LOT 1
PARCEL 2 1.01 ACRES
LOT 3
LOT 2
FOUND 5/8" IRON ROD RLS 1916
PORTION OF LOT 1
FOUND 5/8" IRON ROD RLS 1916
P.O.B. TOGETHER WITH PORTION
FOUND 1/2" IRON ROD NO ID.
FOUND 4" ROUND CM NO ID.
FOUND 4"x4" CM NO ID.
SADLER ROAD
P.O.C. TOGETHER WITH AND LESS PORTION OF DESCRIPTION SE CORNER LOT 1



Zoomed in Survey

SITE PHOTOS

Ditch from Front of Property

Ditch Looking towards front of property

Ditch

House

Rear-Lake Ola

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**APR 04, 2019**	Case Planner:	**Sean Bailey**
Case #:	**VA-19-04-016**	Commission District:	**#6**

GENERAL INFORMATION

APPLICANT(s):	IVAN PRIETO
OWNER(s):	IVAN PRIETO
REQUEST:	Variances in the P-O zoning district to allow an existing accessory structure as follows: 1) To allow a rear yard setback of 2 ft. in lieu of 30 ft. 2) To allow a side yard setback of 3 ft. in lieu of 10 ft. This is a result of code enforcement action.
PROPERTY LOCATION:	1315 N. Pine Hills Rd., Orlando, FL 32808, East side of N. Pine Hills Rd., north of Hernandes Dr.
PARCEL ID:	19-22-29-6978-16-050
LOT SIZE:	65 ft. x 125 ft./ .186 acres
NOTICE AREA:	500 ft.
NUMBER OF NOTICES:	198

ISION: APPROVED the Variance request **#1**, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions; and, **DENIED** the Variance request **#2,** in that there was no unnecessary hardship shown on the land; and further, it did not meet the requirements governing variances as spelled out in Orange County Code, Section 30-43(3) (unanimous; 7-0).

1. Development in accordance with the site plan dated February 5, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Outdoor sales, storage, or display shall be prohibited.
5. The applicant shall obtain and finalize permits for all accessory structures within 120 days of final action on this application by Orange County or this approval becomes null and void.

OPSIS: The applicant constructed a shed and carport structures without permits in 2006. They were cited by Code Enforcement in 2018. The structures do not meet side and rear setback requirements.

Staff explained the site, showed site photos, and recommended approval of Variance #1 and denial of Variance #2. Staff stated allowing the existing shed to remain and removing the open carports would be in harmony with the Zoning District.

The applicant stated they were agreeable to removing the carports and getting a permit for the existing shed.

Code Enforcement spoke regarding the case and stated that the project has already been heard at the Special Magistrate Board late last year.

No one spoke in favor or opposition of the project at the public hearing.

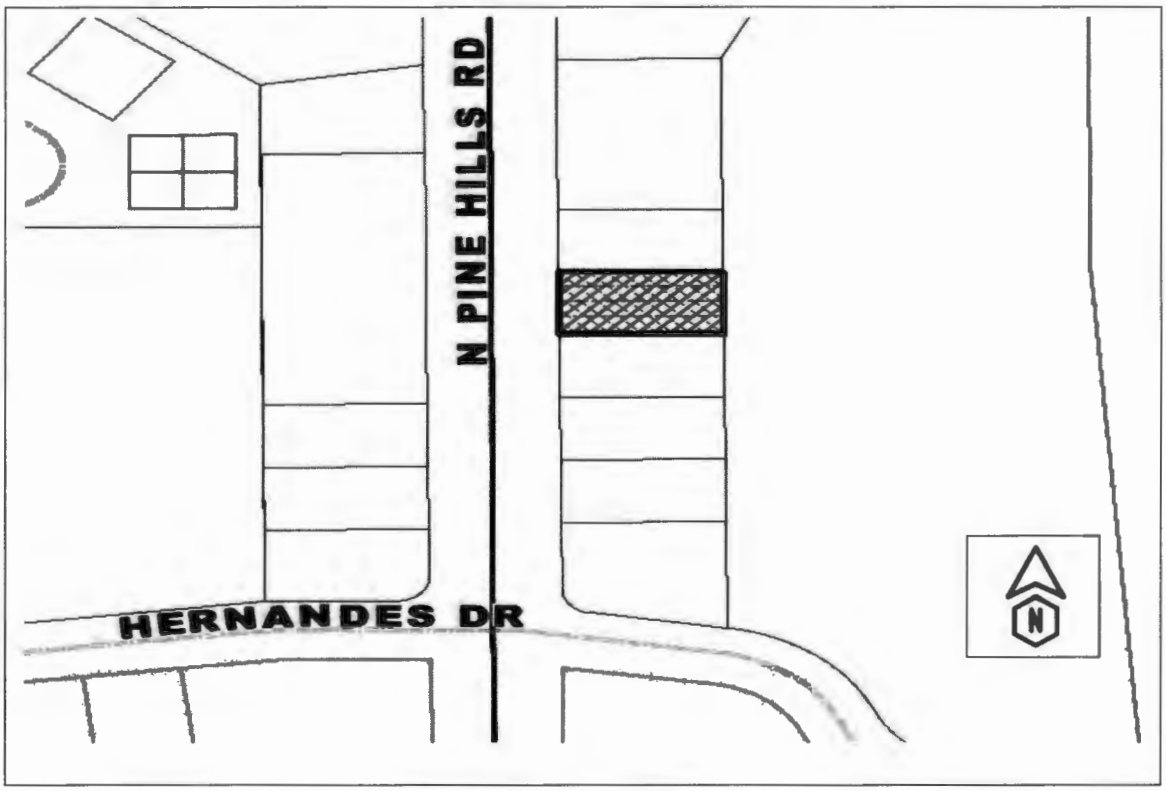
There was some discussion on whether the structures were allowed per code and it was explained the structures are allowed if they meet setbacks.

The BZA felt the variance criteria was met for Variance #1; they approved Variance #1 and denied Variance #2.

STAFF RECOMMENDATIONS

Approval of variance #1, denial of variance #2, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	P-O	P-O	P-O	R-1	P-O
Future Land Use	O	O	O	LDR	O
Current Use	Office	Office	Office	Recreation Center	Office

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the P-O Professional Office District, which allows for professional services such as medical offices, personal services, and other office type uses and serves as a transition zone between commercial and residential uses.

The property was platted as Lot 5, in the Pine Hills Manor plat in 1960. The lot was re-zoned from R-1A to P-O in October of 1983. The lot does not meet the minimum lot width or size for the P-O zoning district, however, it is considered a lot of record.

There is an existing 2,651 sq. ft. office building on the property which the applicant uses as an office for his construction business. The applicant utilizes the accessory structure to store equipment for his business. The Professional Office (P-O) Zoning district allows contractor's offices with no outdoor storage or parking of vehicles overnight.

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.

This property was granted a Special Exception to allow a beauty salon with ancillary retail, and a variance was approved to allow landscaping in lieu of a masonry wall abutting adjacent residential properties in June 1993.

The applicant purchased the property in 2006 and according to historic aerials in approximately 2007 the accessory structure was built. The accessory structure is comprised of two portions: a shed and an open covered carport structure.

The applicant hired a contractor in 2006 to construct the shed in the rear yard. At a later date the covered carport area was constructed. A permit was not pulled for either structure; therefore, the applicant was cited by Code Enforcement in May 2018, for the structure.

The applicant applied for a building permit in September 2018 (B18906250), and it was denied, as the structure did not meet the required setbacks.

The property is located on N. Pine Hills Road which is a professional office corridor and contains a few properties still zoned R-1A residential. The area is comprised of various uses such as daycares, churches, single-family homes, and recreation centers.

The code does not have different setbacks for accessory structures in commercial zoning districts as all structures are considered primary and must meet principal structure setbacks. Also, setbacks for open structures are measured to the edge of the column, not to the edge of the roof overhang.

The applicant did submit letters of no objection from the immediate neighbors to the north and south.

District Development Standards

	Code Requirement	Proposed
Max Height:	35	13
Min. Lot Width:	85	65
Min. Lot Size:	10,000 sq. ft.	8,122 sq. ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	25	28
Rear:	30	2
Side:	10	3

STAFF FINDINGS

VARIANCE #1

Special Conditions and Circumstances

The required rear yard setback is 30 feet for the P-O district as there are no provisions for accessory structures in this portion of the code. Also, the rear yard of the subject property abuts the dumpster and an unutilized portion of the Boys and Girls Club property.

Not Self-created

The applicant purchased the structure from a shed company in 2006, and has submitted evidence of such purchase. The applicant relied on the company to pull all required permits.

Deprivation of rights

Requiring the applicant to remove the structure will deprive them of any indoor storage on the property.

Purpose and Intent

Approval of the variance will be in harmony with the area, as the side setbacks will be met which will protect the neighboring residential properties. In addition, all the storage will be located inside this structure, which will meet intent of the P-O zoning district. As mentioned, the rear property line abuts an unused open area and the dumpster of the abutting property.

VARIANCE #2

Special Conditions and Circumstances

There are no special circumstances on the lot which require the side setback variances.

Not self-created

The applicant constructed the carport areas himself without building permits.

Deprivation of rights

If the two open areas are removed and the enclosed structure remains, the applicant will still have ample area to store any tools and/or equipment.

Purpose and Intent

The intent of the P-O zoning district is to encourage development of functional offices and limit any storage of materials to the interior of the buildings. Allowing the carports to remain will encourage further outdoor storage of erials and equipment which is a violation of code, and may be injurious to the area.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated February 5, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Outdoor sales, storage, or display shall be prohibited.
5. The applicant shall obtain and finalize 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: Ivan Prieto
4339 Rixey Street
Orlando, FL 32803

COVER LETTER

Ivan Prieto
1315 N. Pine Hills Rd.
Orlando, Fl. 32808
407-283-3048

To: Code Enforcement Division
2450 W. 33rd Street
Orlando Fl. 32839

To whom it may concern. I Ivan Prieto would like to request more time – In submitting a letter of variance special exception and I have also applied for NOC- permit and we are working on getting this matter settle and in compliance.

I Ivan Prieto would like to submit this letter as a request to submit to you all proof that I'm working on getting this situation resolved and handled. I have an GC and engineering Rafael Damas and Taylor Design on this matter. Please allow me time since I am applying for a Variance special exemption since this shed house ha been in this location for over 12 years. I bought the shed and it was installed by – Shed Plus Kissimmee In which they propose to me with pulling a permit and I have paper work on this purchase.

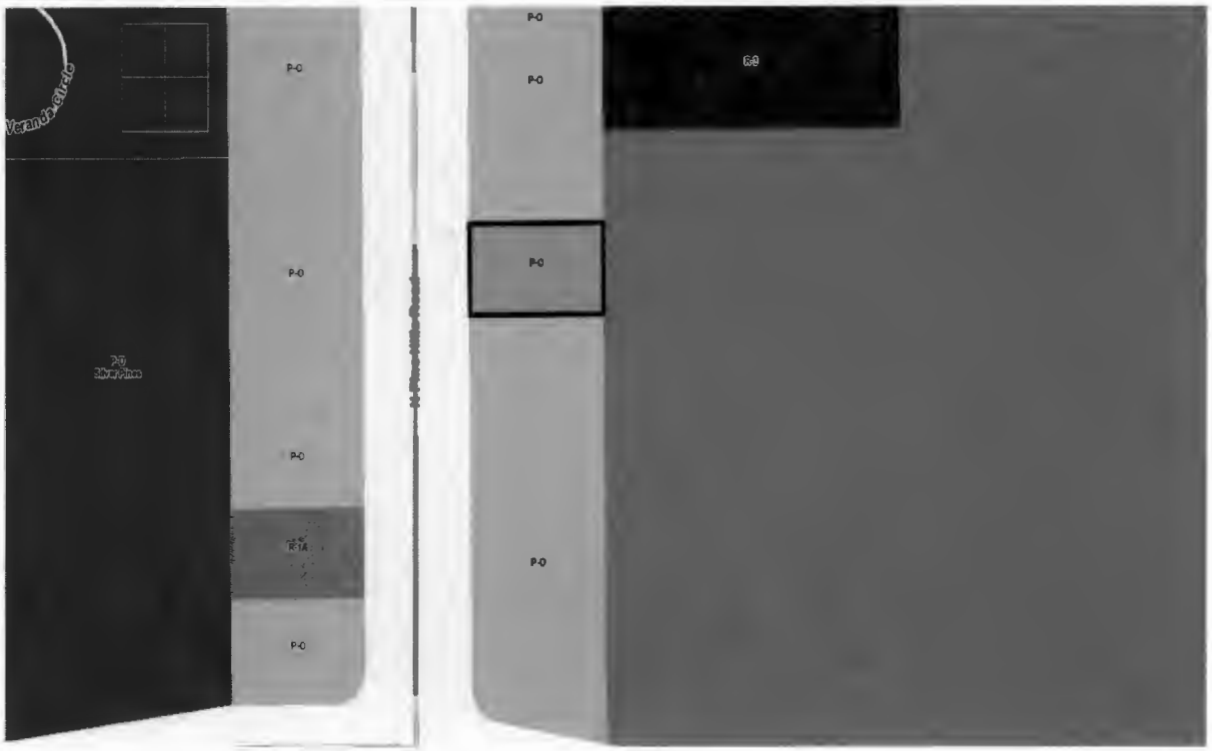
We also have applied for a building permit B18906250 and have recorded a NOC.

Please allow me the time with this matter

Thank you

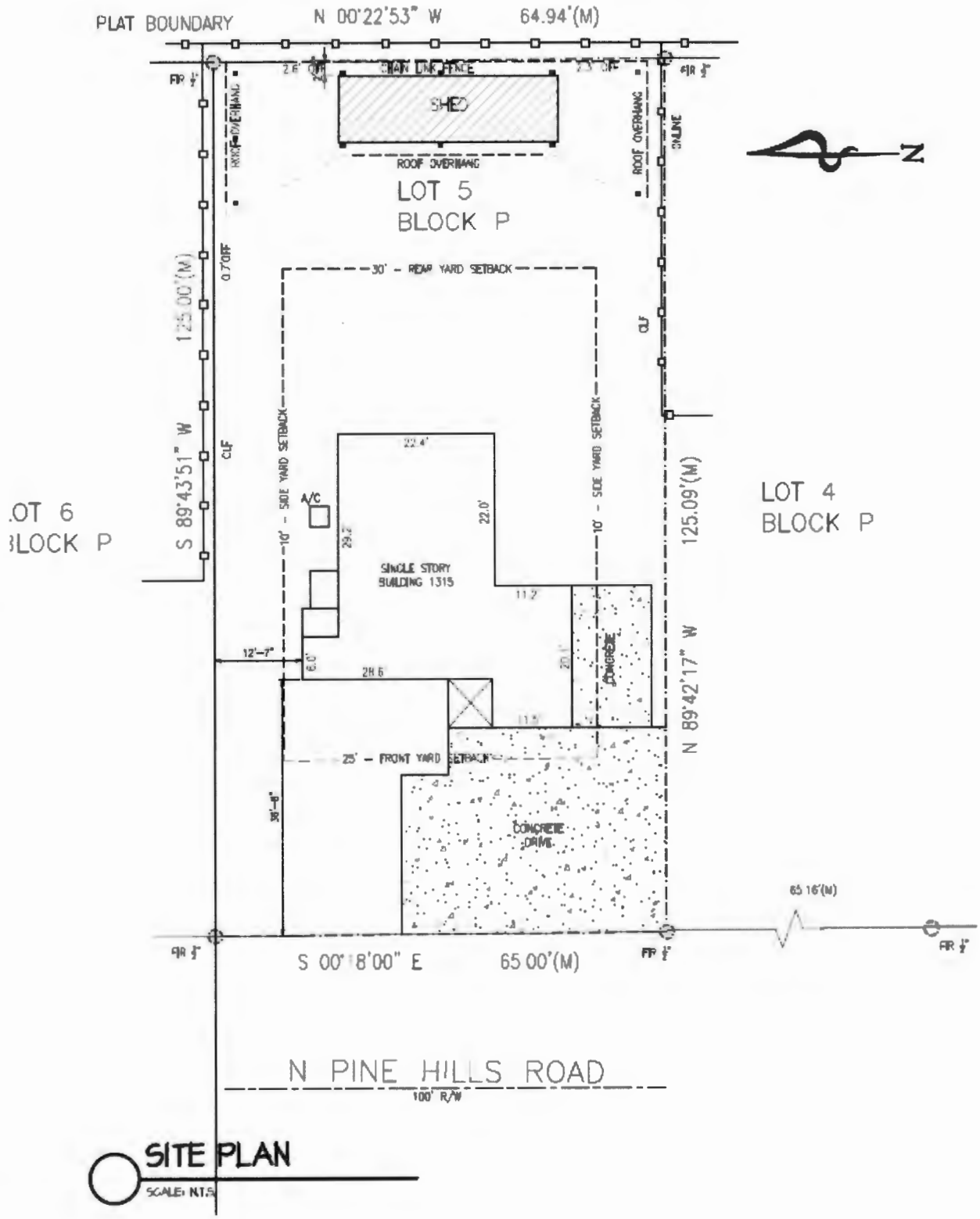
Ivan Prieto

ZONING MAP

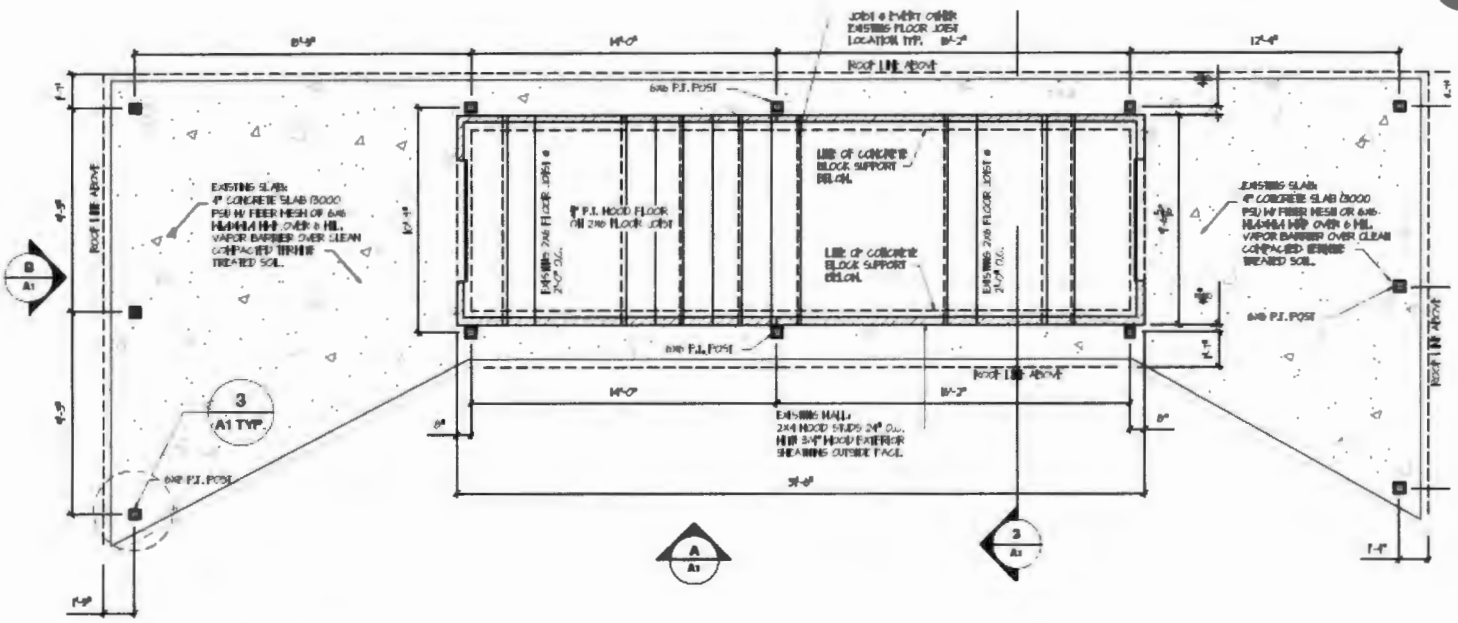


AERIAL MAP

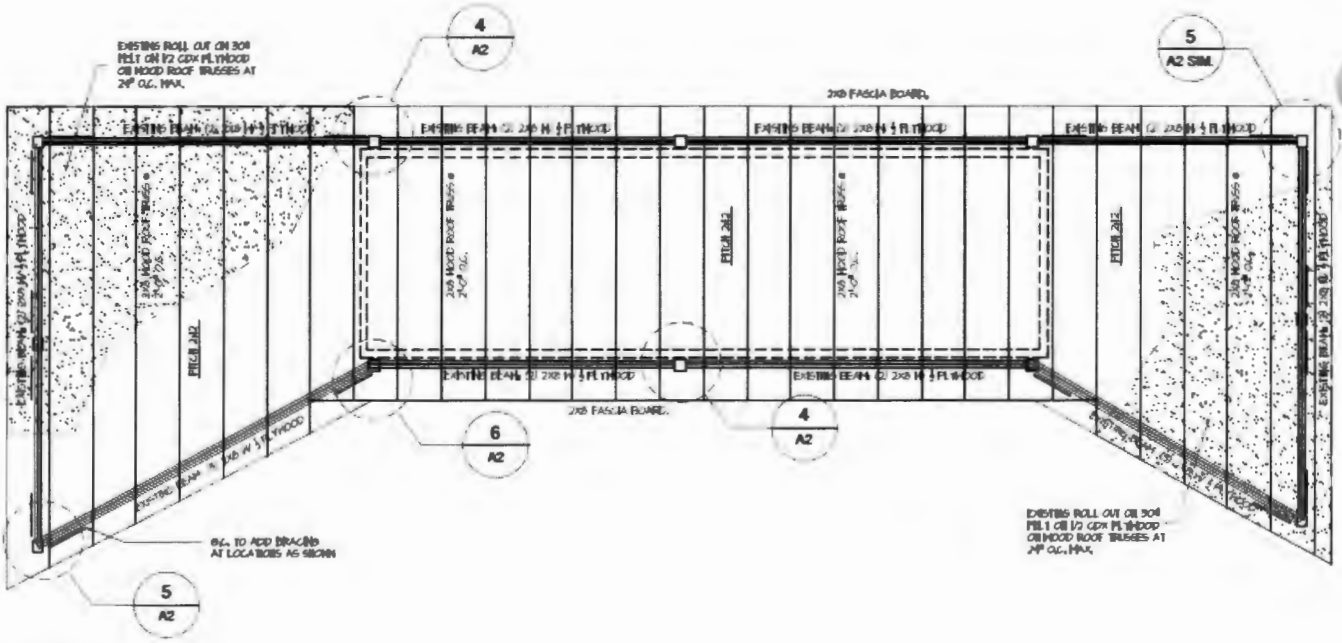
SITE PLAN / SURVEY



FLOOR PLAN

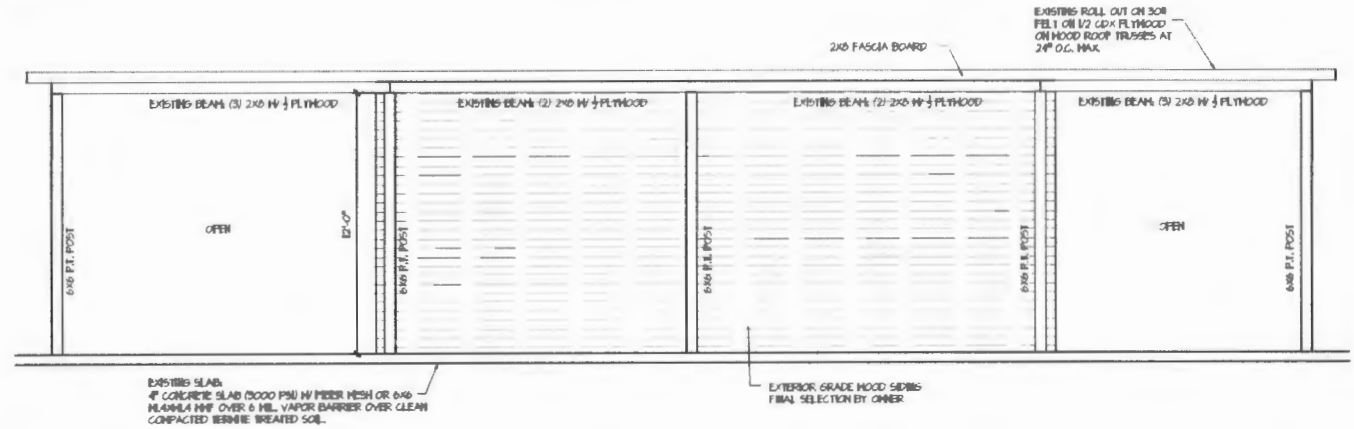


1 SHED FLOOR PLAN



2 SHED ROOF PLAN

ELEVATION



A FRONT ELEVATION

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

Front View of Property

N. Pine Hills Road

Northern Open Storage Area

Dumpster to the East of the Property

Open Area to the East of the Property

Rear Property Line

Accessory Structure

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **APR 04, 2019** Case Planner: **Nick Balevich**

Case #: **VA-19-04-018** Commission District: **#6**

GENERAL INFORMATION

APPLICANT(s): ROSELINE PIERRE
OWNER(s): JULSAINT ROSELINE
REQUEST: Variance in the R-1A zoning district to allow a rear setback of 25 ft. in lieu of 30 ft.
PROPERTY LOCATION: 8540 White Road, Orlando, Florida, 32818, south side of White Rd., east of Good Homes Rd.
PARCEL ID: 22-22-28-7670-00-020
LOT SIZE: 82 ft. x 127 ft. / 0.241 acres
NOTICE AREA: 500 ft.
NUMBER OF NOTICES: 112

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

1. Development in accordance with the site plan dated February 6, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The exterior of the addition shall have similar colors and design materials as the primary residence.

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

The applicant had nothing to add to the staff presentation.

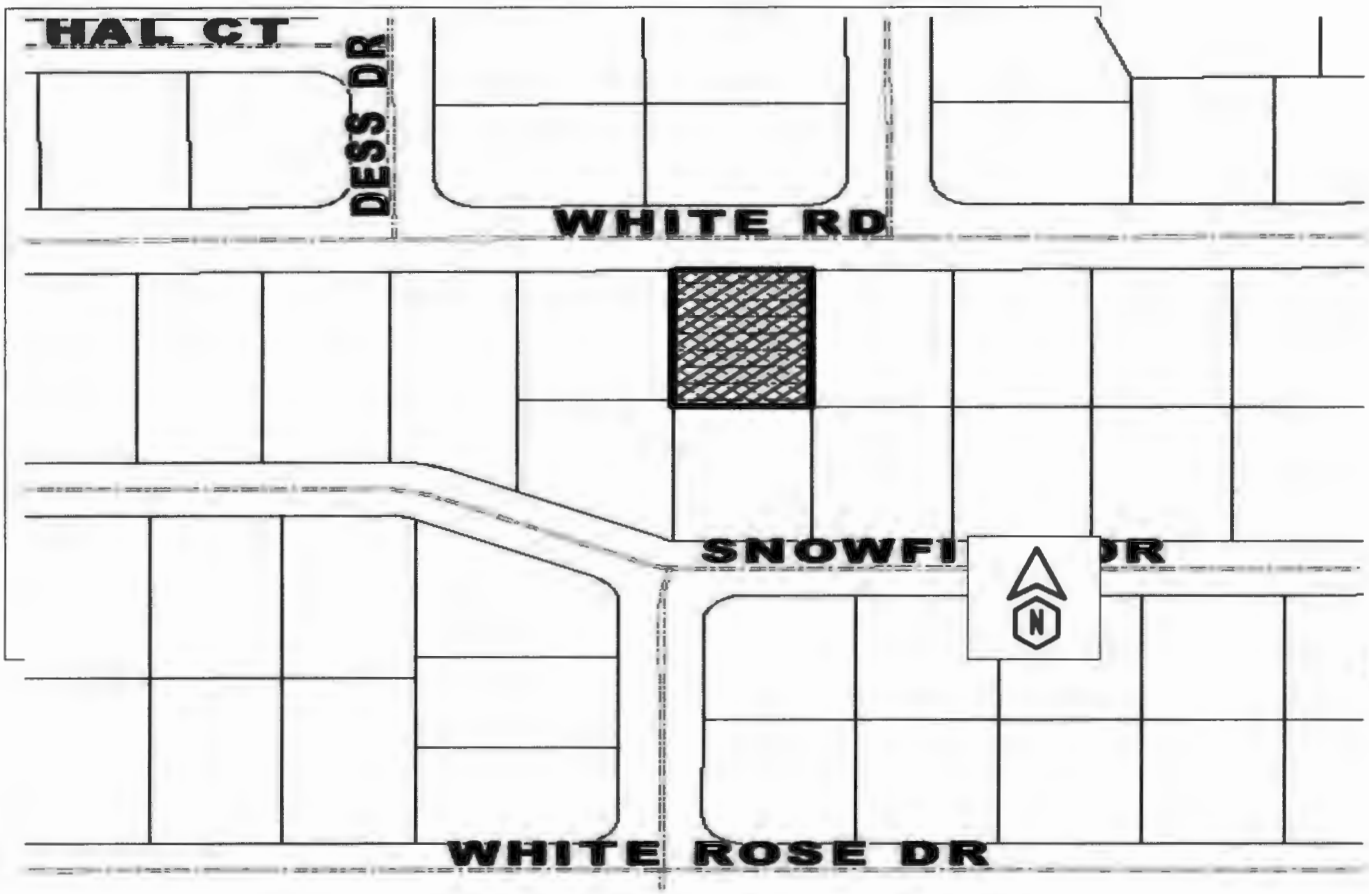
Staff received no commentaries in favor and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1AA	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1A, Single Family Dwelling District, which allows single family homes and associated accessory structures on lots a minimum of 7,500 sq. ft. or greater.

The lot was platted in 1988, and is considered to be a conforming lot of record. There is a 1,971 sq. ft. single family home on the lot which was constructed in 1992. If the lot was platted after March 3, 1997, the required rear setback would be 25 feet, but because the lot was platted in 1988, the required rear setback is 30 feet.

The property is located in the Rose Hill Groves Subdivision, which is comprised of single-family homes.

applicant is proposing to enclose an existing 241 sq. ft. patio, and to add an additional 115 sq. ft., extending 5 feet beyond the house footprint for a total of 356 sq. ft. The existing house was built at the required 30-foot setback line. The addition will encroach into the setback by 5 feet. The proposal will add an additional bedroom and bathroom to the house.

The request constitutes a 17% deviation from code; however, the addition will be located over 28 feet, and 31 feet from the respective side property lines.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	12 ft.
Min. Lot Width:	75 ft.	82.8 ft.
Min. Lot Size:	7,500 sq.ft.	10,540 sq.ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	N/A	N/A
Rear:	30 ft.	25 ft.
Side:	7.5 ft.	28 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The proposal is to add 5 feet of living space, beyond the existing house footprint. The existing house sits at 30 feet from the rear property line, and there is no space for improvements due to the 30 feet setback requirement. The lot also slopes upward to the rear, further minimizing impacts to the rear neighbors.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to add a small addition to the rear of the house. If the lot was platted after 1997, the variance would not be necessary.

Minimum Possible Variance

This is the minimum possible variance to allow the addition to the rear of the house. The request is a 17% deviation from code.

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 addition will only add 5 feet to the building footprint and will be located over 28 feet, and 31 feet from the side property lines.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated February 6, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The exterior of the addition shall have similar colors and design materials as the primary residence.

c: Roseline Pierre
8540 White Road
Orlando, FL 32818

COVER LETTER

February 6, 2019

TO: Orange County Zoning Division

From: Roseline Pierre

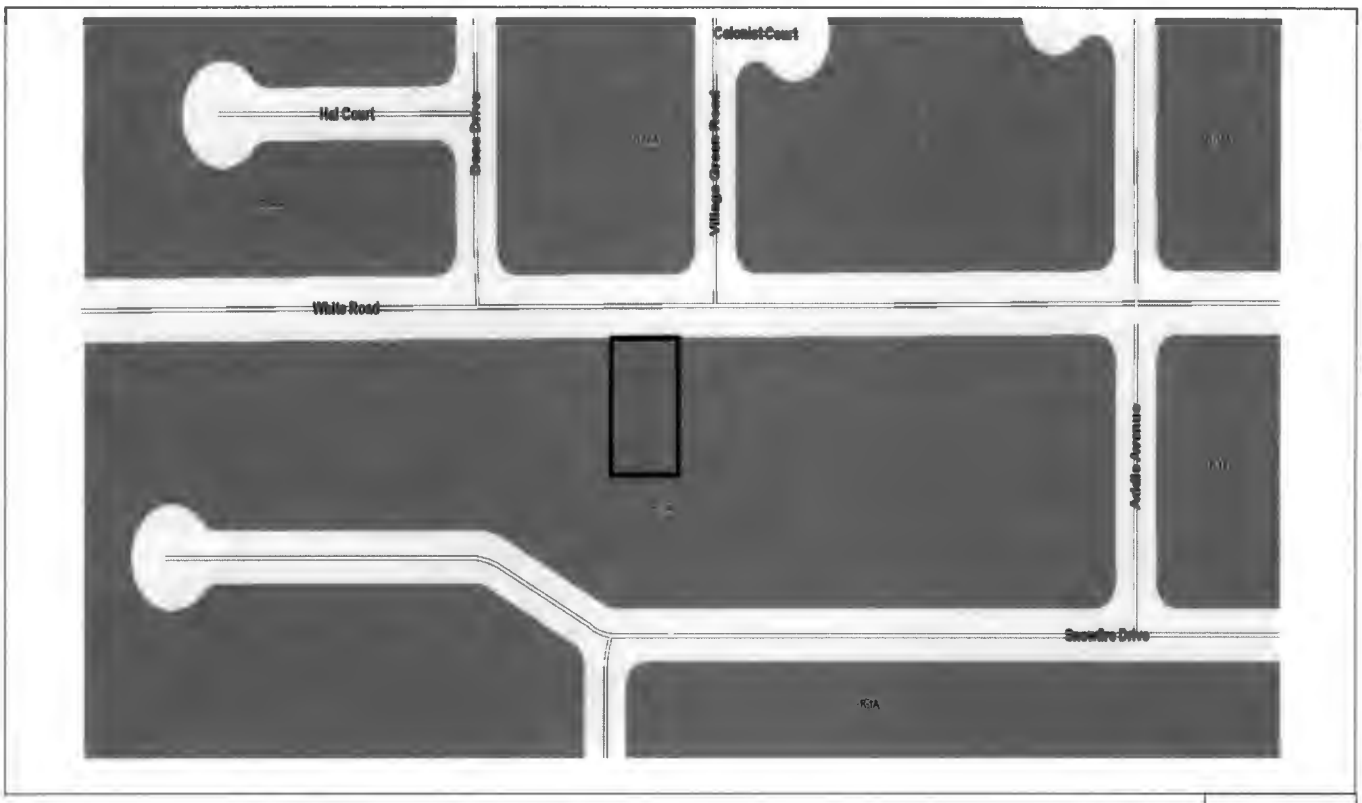
My Name is Roseline Pierre, I am writing this letter to request a variance to add 5 feet to the existing patio at the address 8540 White Rd Orlando Fl 32818.The existing Setback is 30 feet. My request is 5 feet.

Best Regard!

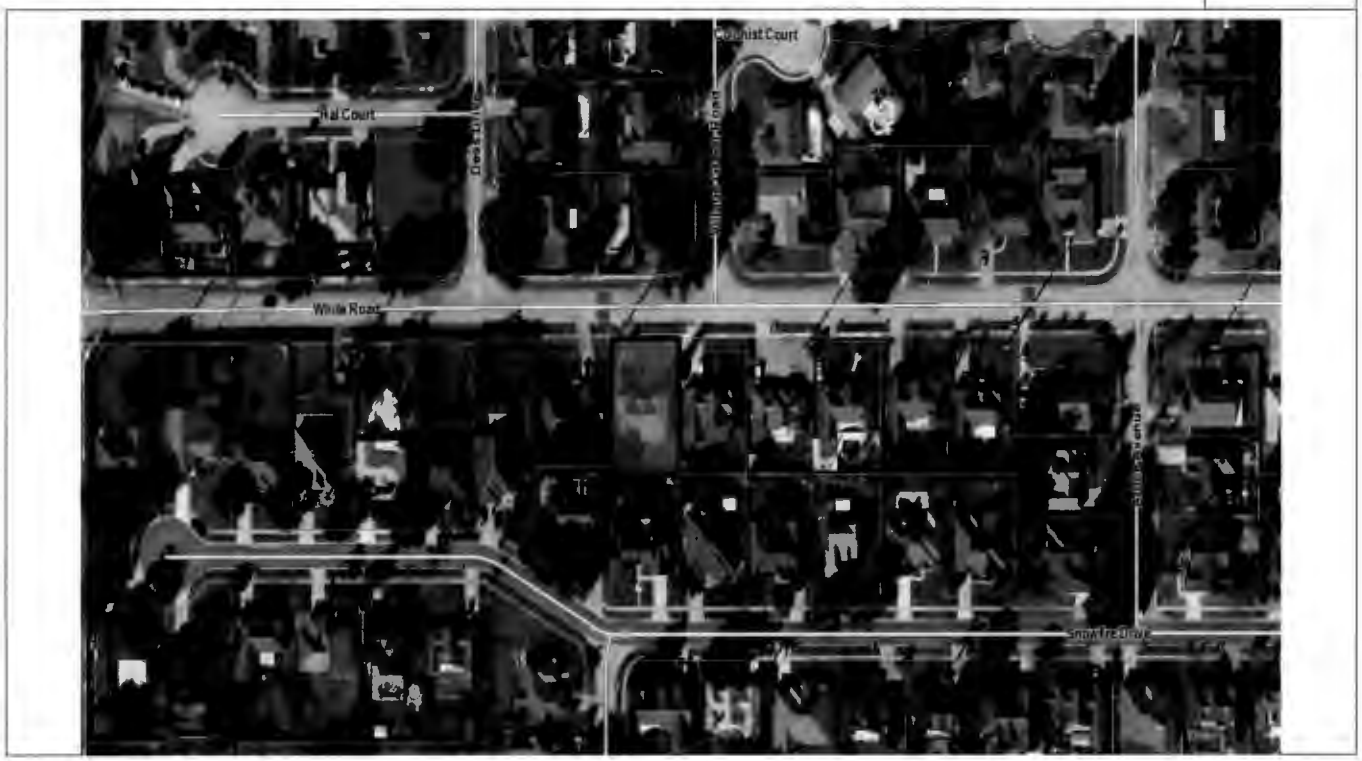
Roseline Pierre

RECEIVED
FEB 06 2019
ORANGE COUNTY
ZONING DIVISION

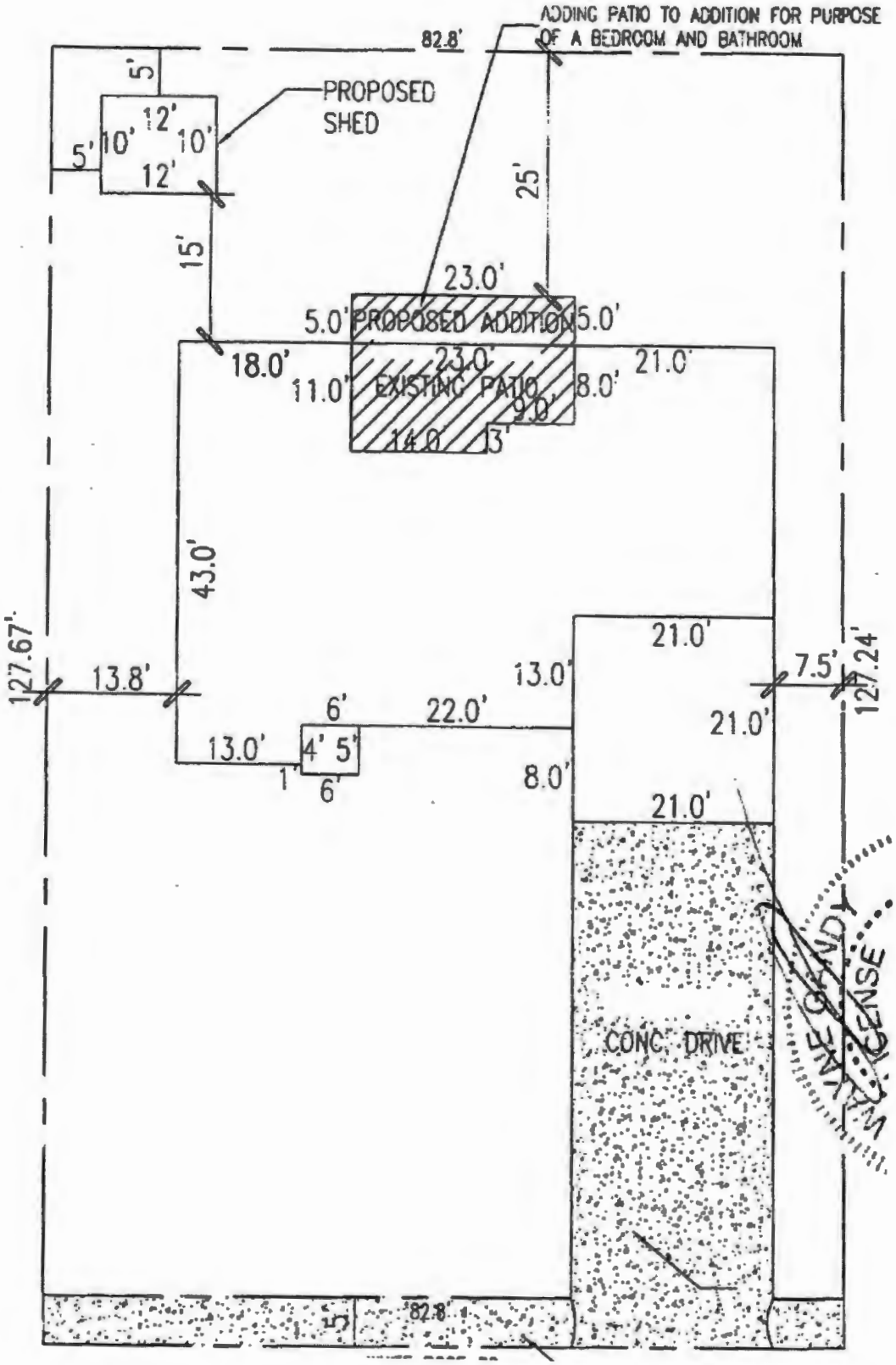
ZONING MAP

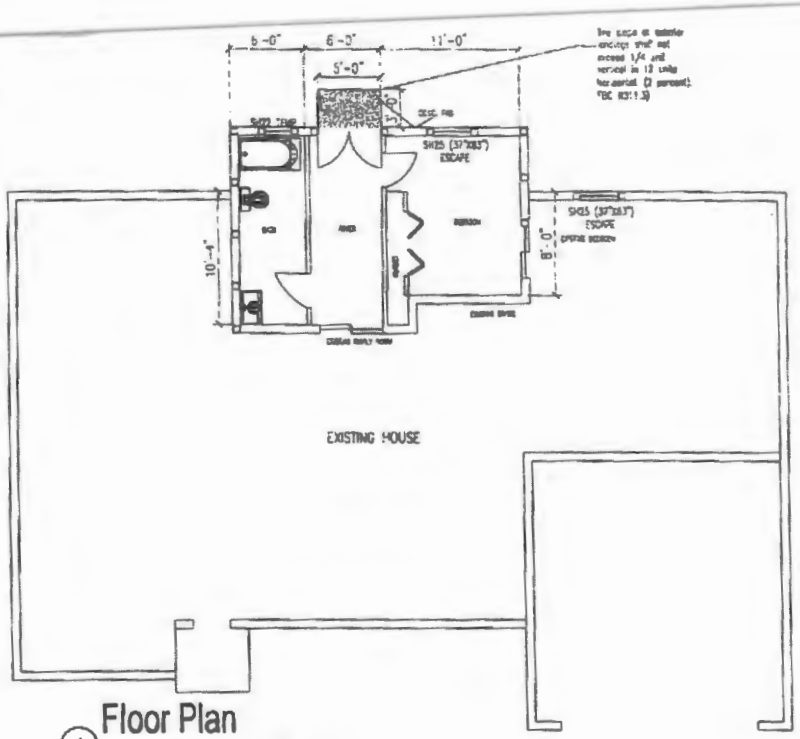


AERIAL MAP

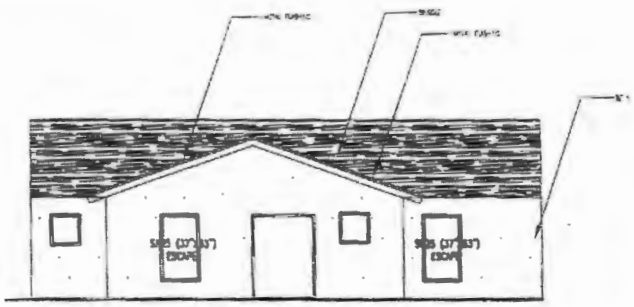


SITE PLAN / SURVEY

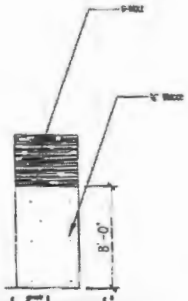




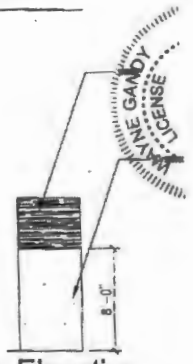
1 Floor Plan
Scale: 1/8"=1'-0"



2 Front Elevation through Rear
Scale: 1/8"=1'-0"



3 Right Elevation
Scale: 1/8"=1'-0"



4 Left Elevation
Scale: 1/8"=1'-0"

LYNE GANDY LICENSE

Front from White Road

Rear Yard. Location of Addition

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**APR 04, 2019**	Case Planner:	**David Nearing, AICP**
Case #:	**VA-19-04-019**	Commission District:	**#4**

GENERAL INFORMATION

APPLICANT(s): SHEILA CICHRA

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

1) To allow an accessory structure in front of the principal structure in lieu of beside or behind the principal structure.
2) To allow an existing lot with 60 ft. of frontage in lieu of 85 ft.
3) To allow an existing residence with a side setback of 5 ft. in lieu of 7.5 ft.

PROPERTY LOCATION: 13200 S. Lake Mary Jane Road, Orlando, FL 32832, west side of S. Lake Mary Jane Rd. at the intersection with Augustine Rd., on the east shore of Lake Mary Jane

PARCEL ID: 25-24-31-3872-00-130

LOT SIZE: 60 ft. x 1,587 ft. (avg) / 2.18 acres (.55 acres upland + 1.63 acres submerged)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 58

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 February 18, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The color of the exterior of the proposed garage siding and shingles shall match or complement the exterior colors of the existing residence's siding and shingles.

SYNOPSIS: Staff noted that the plat creating the subject property was recorded a year before zoning was established by Orange County. Due to the lot widths, the entire area was made nonconforming when the initial zoning was

placed on it. That degree of nonconformity was intensified in 1981, when the County changed the zoning to that currently in place. Because of a combination of the siting of the home so close to the lake, location of the septic system, and the width of the house, it is not physically possible to maneuver a vehicle around the house. Also, if constructed behind the home, the garage would likely be in the Normal High Water Elevation (NHWE) setback.

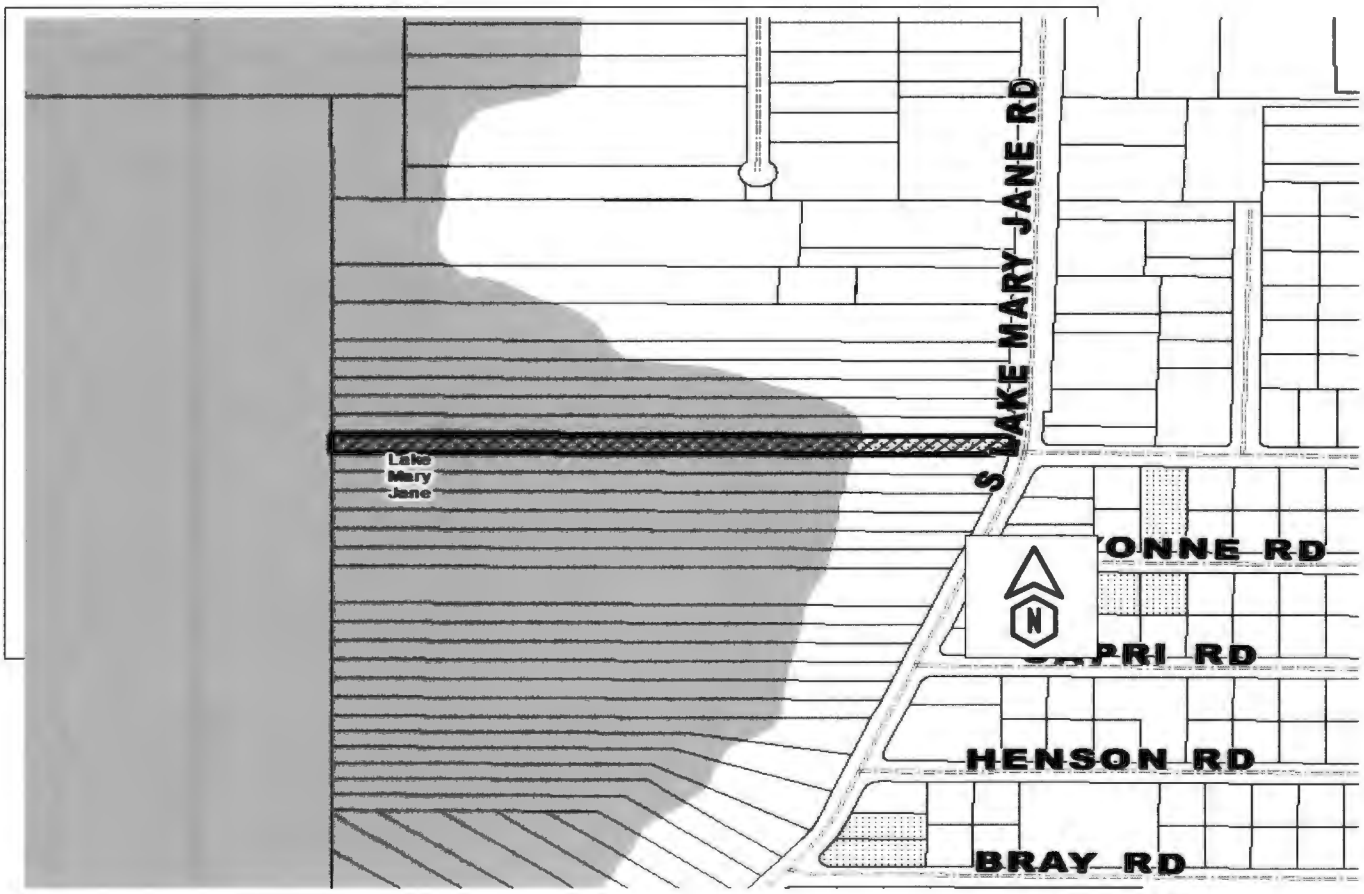
The applicant indicated their agreement with the staff recommendation. There being no one present to speak in favor of or opposition to the request, the public hearing was closed.

The BZA concluded that given the factors, there is no other location for the garage. Further, it was noted that accessory structures in the front of residences was a common occurrence in this area. A motion to recommend approval of the request passed unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1AA	R-1AA	R-1AA	R-1A	Lake
Future Land Use	LDR	LDR	LDR	LDR	Lake
Current Use	Single-Family residence	Single-Family residence	Single-Family residence	Single-Family residence	Lake

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1AA, Single Family Dwelling district, which allows single-family homes and associated accessory structures on lots a minimum of 10,000 sq. ft. or greater. The minimum living space for a single family residence is 1,200 sq. ft.

The subject property is located in the Lake Mary Jane Rural Settlement, and is part of the Isle of Pines Subdivision, which was platted in 1956, one (1) year prior to the inception of zoning in Orange County. The property is developed with a two-story residence with a 1 1/2 car garage.

Initially, the subject property was placed in the R-1A zoning district in 1957. This zoning designation rendered the lawful lot of record legally nonconforming, in that the lot only has 60 feet of frontage, where 75 feet is required for the R-1A zoning district. In 1978, Orange County rezoned this area to R-1AA, increasing the degree of nonconformity since this zoning district requires 85 feet of frontage.

The home on the subject property is over 40 feet wide. This precludes vehicles from accessing the rear yard. In addition, the home is over 195 feet from the front lot line, leaving little usable area in the rear due to the 50 foot setback from the Normal High Water Elevation (NHWE).

There is an existing concrete pad on the north side of the paved driveway, which the applicant intends to use for a new garage, which will be used to store equipment and other personal possessions. The garage will be 22 feet deep and 29 feet wide. The garage doors will not face the road but rather the driveway. The applicant intends to finish the exterior of the garage to complement the style and materials on the main residence.

As of the preparation of this report, the two (2) most impacted neighbors to the north and south of the subject property have provided letters of support for the request. The house is over 2,774 sq. ft., which permits the detached accessory structure to have 693 sq. ft. of floor area.

District Development Standards

	Code Requirement	Proposed
Max Height:	20 ft.	14 ft.
Min. Lot Width:	85 ft.	60 ft.
Min. Lot Size:	10,000 sq. ft.	Approx. 23,958 sq. ft. upland

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	30	112
Rear:	35	N/A
Side:	5	12
Sidestreet:	N/A	N/A
NHWE:	50	N/A

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances
The conditions and circumstances particular to the subject property are the lot width and the width of the residence. The lot is substandard by 25 feet, precluding the construction of a standard size home with sufficient room to get a vehicle to the rear yard. In addition, the siting of the home at over 195 feet from the front property line results in a limitation on what can be placed between the rear of the home and the NHWE.

Not Self-Created
The applicant is not responsible for the platting of the lot. The zoning of the property was put in place initially by the County in 1957, rendering it nonconforming at that time, and the degree of nonconformity was intensified by the County through a subsequent rezoning in 1978.

No Special Privilege Conferred
Because this is a lakefront community, it is not uncommon to request a variance to locate accessory structures in the front of the principal structure to preserve lake views, especially on narrow lots.

Deprivation of Rights
Without the variances, the applicant could be precluded from making future improvements to their property, and they would not be able to construct the garage.

Minimum Possible Variance
The applicant is not requesting to construct a larger garage than permitted. The location will not be excessively intrusive due to the distance the garage will be from the road.

Purpose and Intent
Given the setback for the existing residence and the proposed garage from the front property line, the garage location will not be intrusive to persons in the public way. Therefore, the integrity of the zoning code is not being impaired, and the purpose and intent are being met.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated February 18, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The color of the exterior of the proposed garage siding and shingles shall match or complement the exterior colors of the existing residence's siding and shingles.

c: Sheila Cichra
2154 Oak Beach Blvd.
Sebring, FL 33875

STREAMLINE
PERMITTING

Date: February 11, 2019

To: Orange County Zoning

From: Sheila Cichra

Re: VA1904019

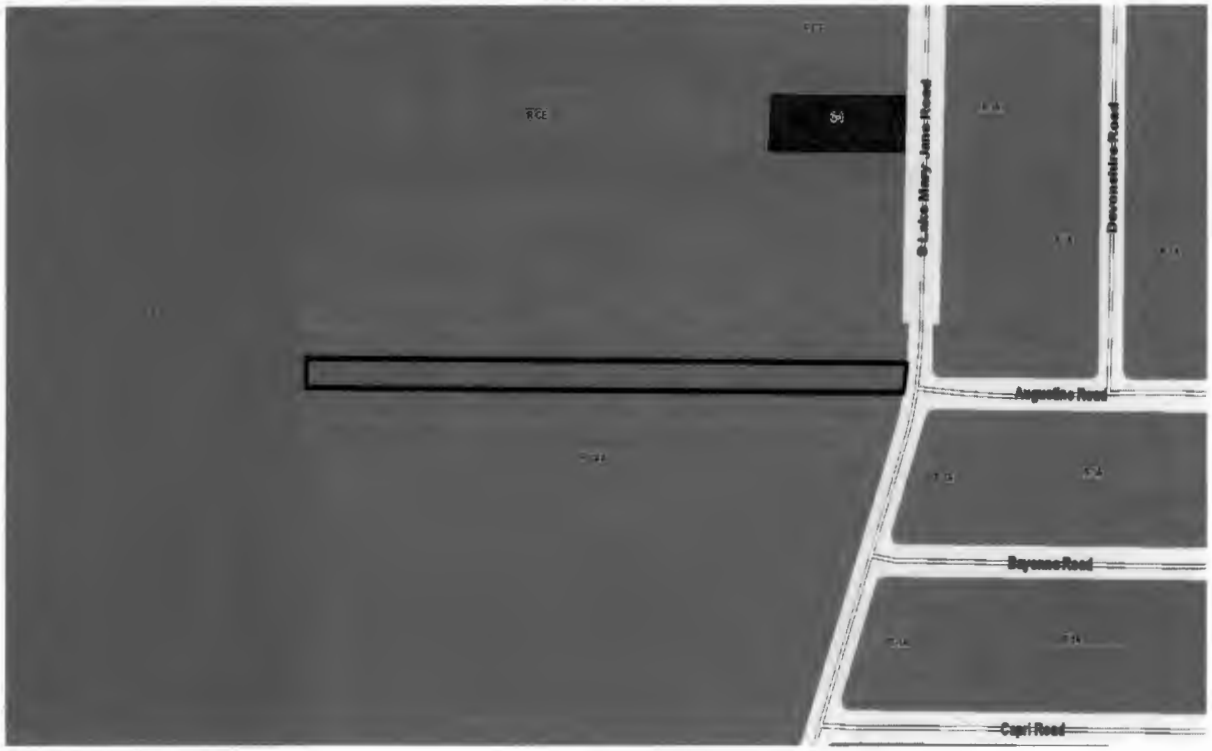
The attached files are a variance application and the supporting documentation for a detached accessory structure in the *front* yard.

1) This parcel is very narrow and the entire back yard is wetland.
2) The house was already built when this owner purchased it.
3) There are many other such structures in this neighborhood.
4) There isn't room to build a garage in the back yard or to access to it.
5) There is no way to minimize this variance application.
6) The adjacent property owners are in support of this variance.

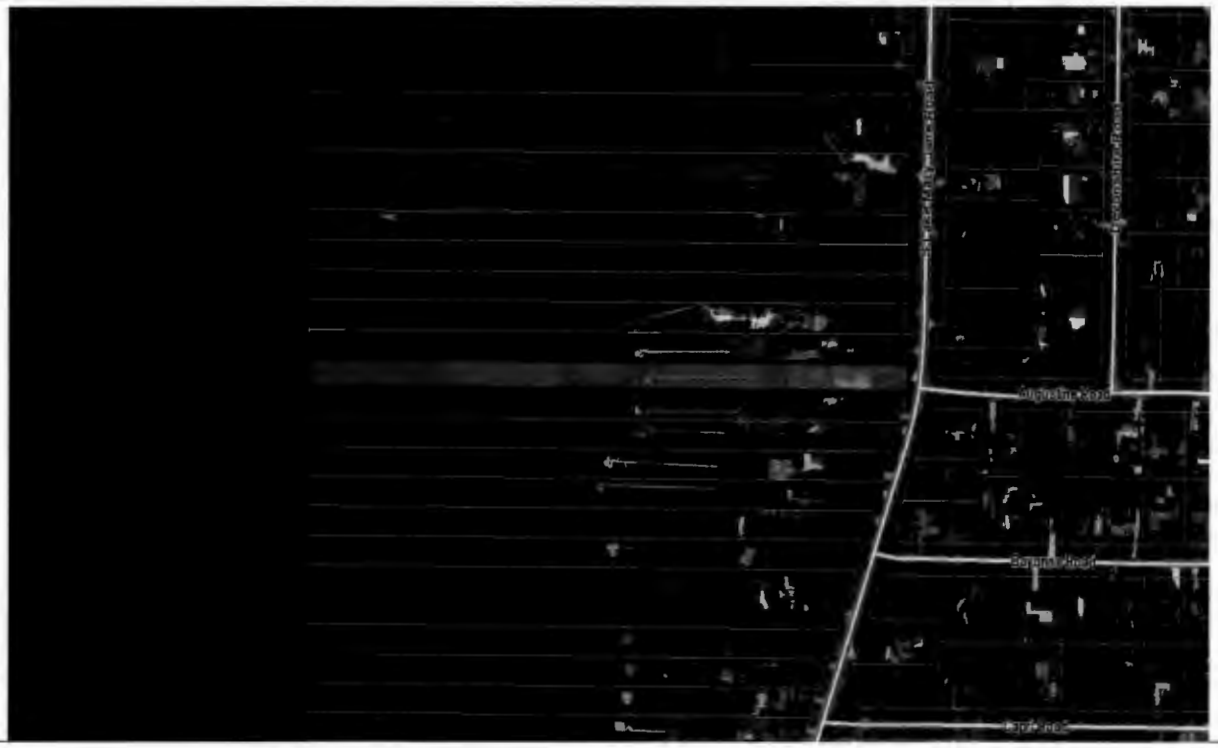
Thank you for your consideration.

2154 Oak Beach Boulevard, Sebring, FL 33875 C (407) 450-4241 O (863) 314-6711
sheilacichra@gmail.com

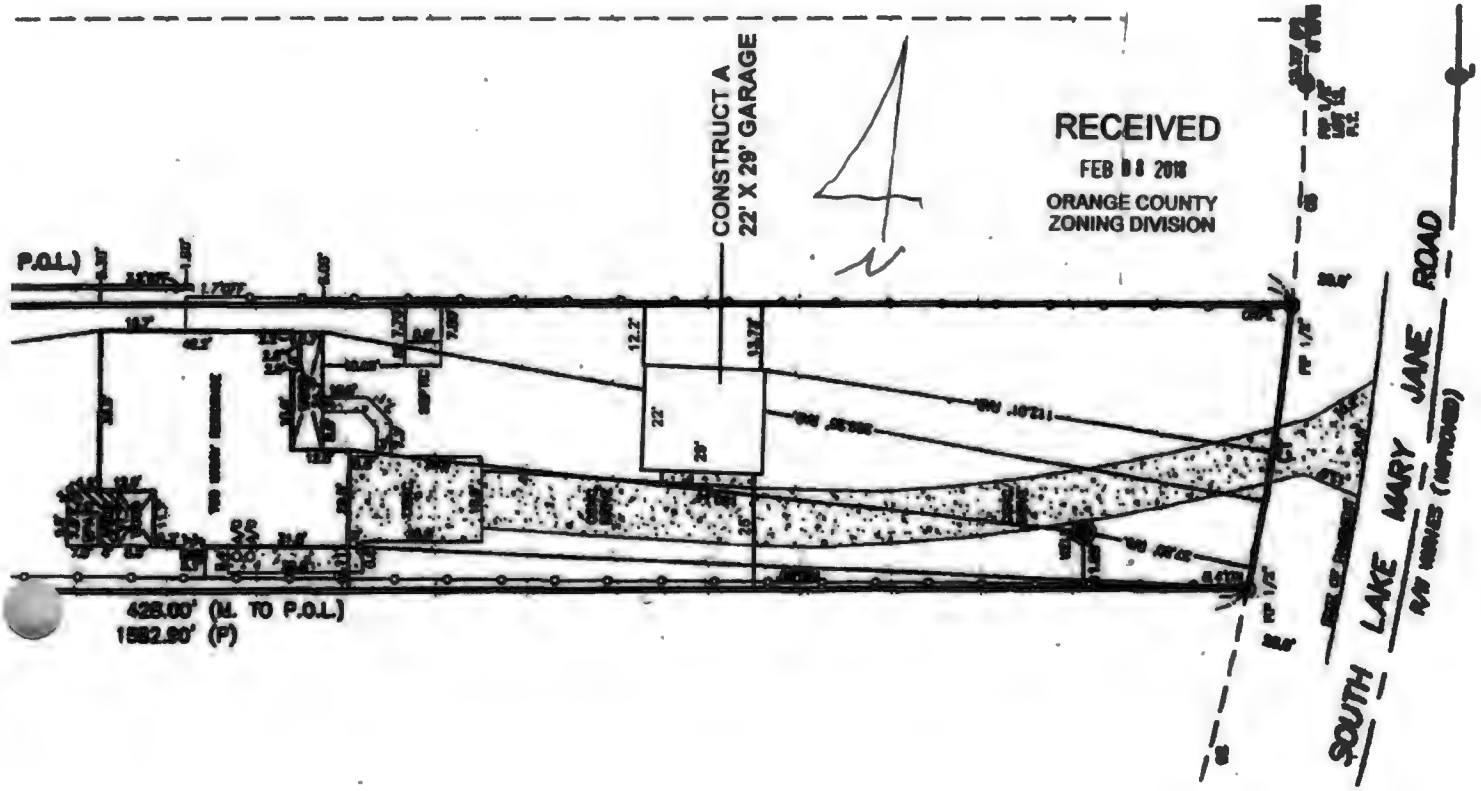
ZONING MAP



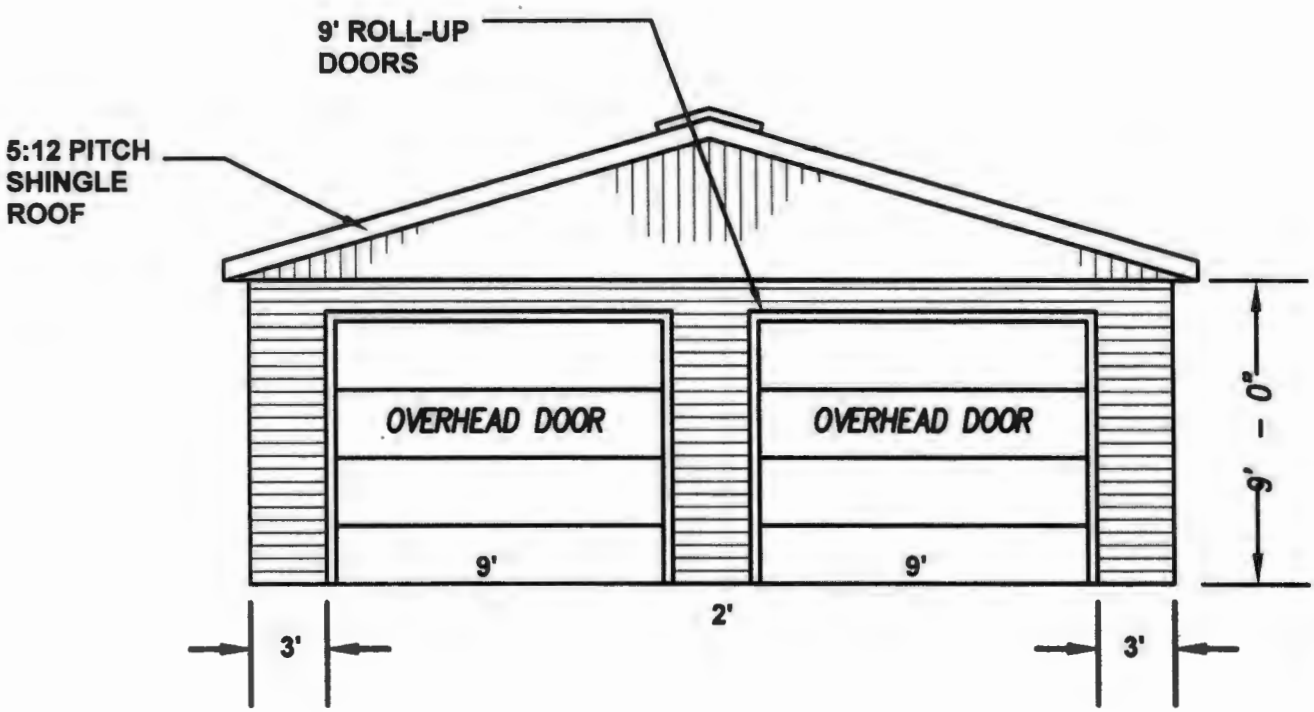
AERIAL MAP



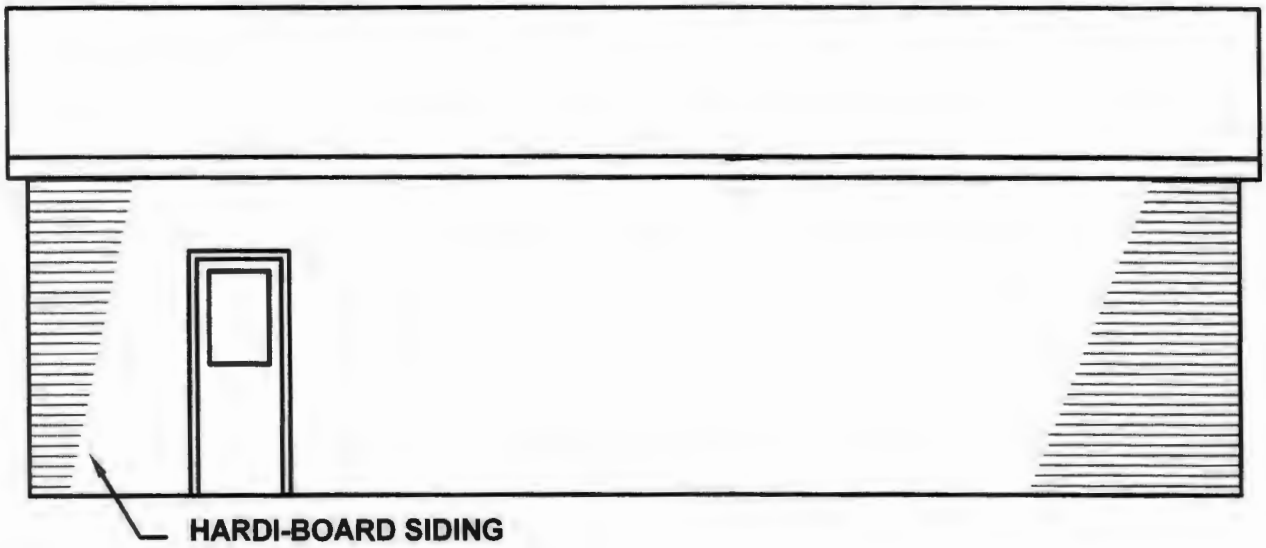
SITE PLAN


CONSTRUCT A
22' X 29' GARAGE
RECEIVED
FEB 08 2018
ORANGE COUNTY
ZONING DIVISION
P.O.L.)
22'
29'
12.2'
13.7'
428.00' (M. TO P.O.L.)
1582.90' (P)
SOUTH LAKE MARY JANE ROAD

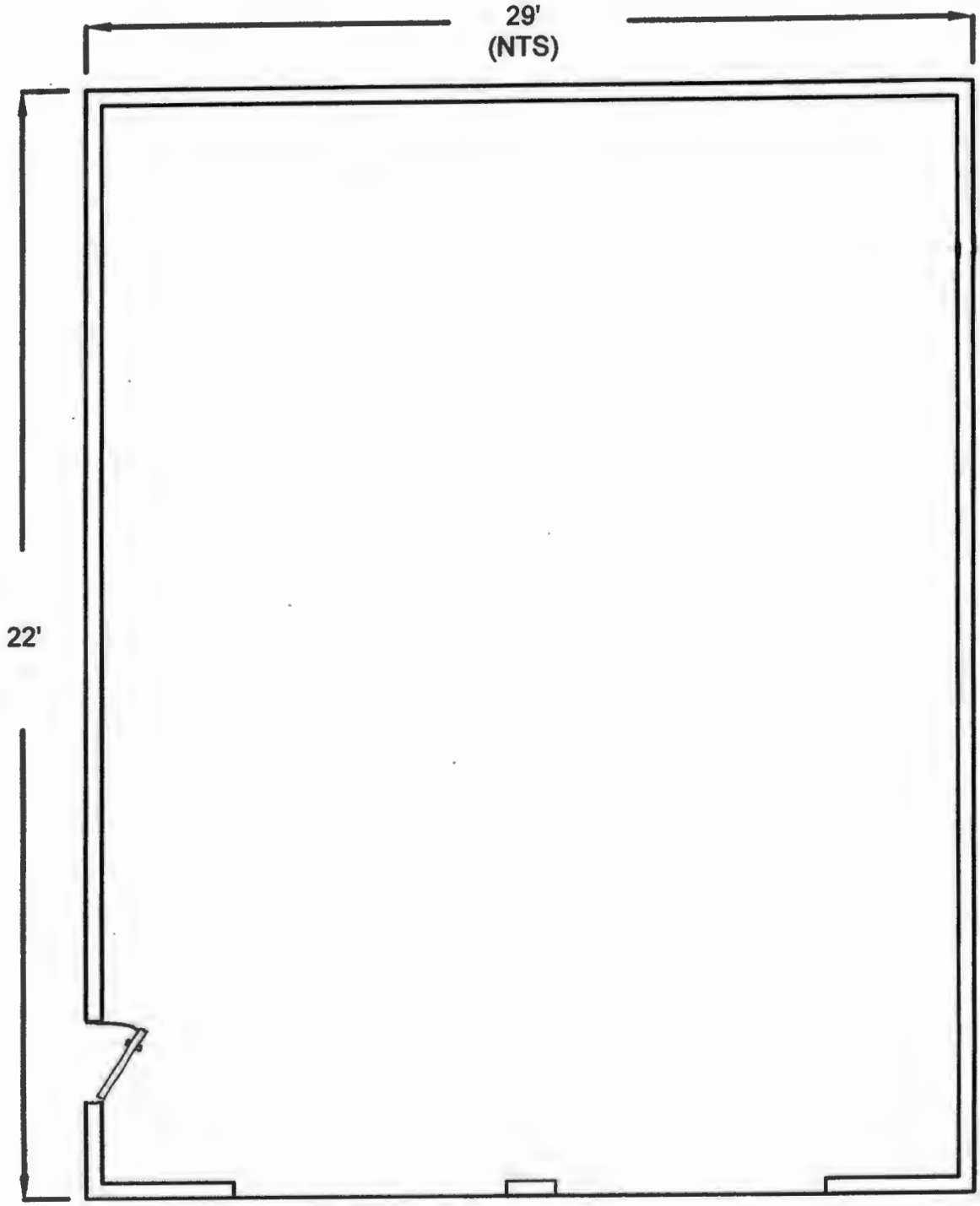
ELEVATION


9' ROLL-UP DOORS
5:12 PITCH SHINGLE ROOF
OVERHEAD DOOR
OVERHEAD DOOR
9'
9'
2'
3'
3'
9' - 0"

MAX HEIGHT OF ROOF 20' ABOVE GRADE



ELEVATION



FLOOR PLAN

West from Lake Mary Jane Road

Proposed Garage Location

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**APR 04, 2019**	Case Planner:	**David Nearing, AICP**
Case #:	**VA-19-04-020**	Commission District:	**#4**

GENERAL INFORMATION

APPLICANT(s): SHEILA CICHRA

OWNER(s): KRISTIN RICHARDE, CLIFTON RICHARDE

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

1) To allow an accessory structure (RV carport) in front of the principal structure in lieu of alongside or behind.
2) To allow an existing accessory structure (shed) in front of the principal structure in lieu of alongside or behind.

PROPERTY LOCATION: 13842 E. Lake Mary Jane Rd., Orlando, FL 32832, south side of E. Lake Mary Jane Rd, on the north shore of Lake Mary Jane, approximately

PARCEL ID: 23-24-31-4660-00-120

LOT SIZE: 95 ft. x 475 ft. (avg.) /1.08 Acres

OTICE AREA: 500 ft.

NUMBER OF NOTICES: 35

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 as amended (unanimous; 7-0):

1. Development in accordance with the site plan dated February 8, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. The applicant shall obtain permits for the demolition or construction of all unpermitted structures within 180 days of final action by Orange County on this application. Failure to comply with this condition shall be deemed a code violation, and shall not be returned to the BZA.

SYNOPSIS: Staff noted that the application was nearly identical to the previous application, in that this was the north end of the same lake, and much of the same factors applied. In addition, due to the significant vegetation along the front and side of the subject property, the site was virtually invisible. The applicant's insurer had determined that due to the impacts of recent storms, the existing unpermitted carport was in need of replacement, and the applicant intended to obtain the necessary permits to demolish and replace it. They would also obtain permits for an existing shed or replace it. Staff added a condition that the necessary permits to remove or permit all unpermitted structures be obtained with 180 days of final action on the application by the County.

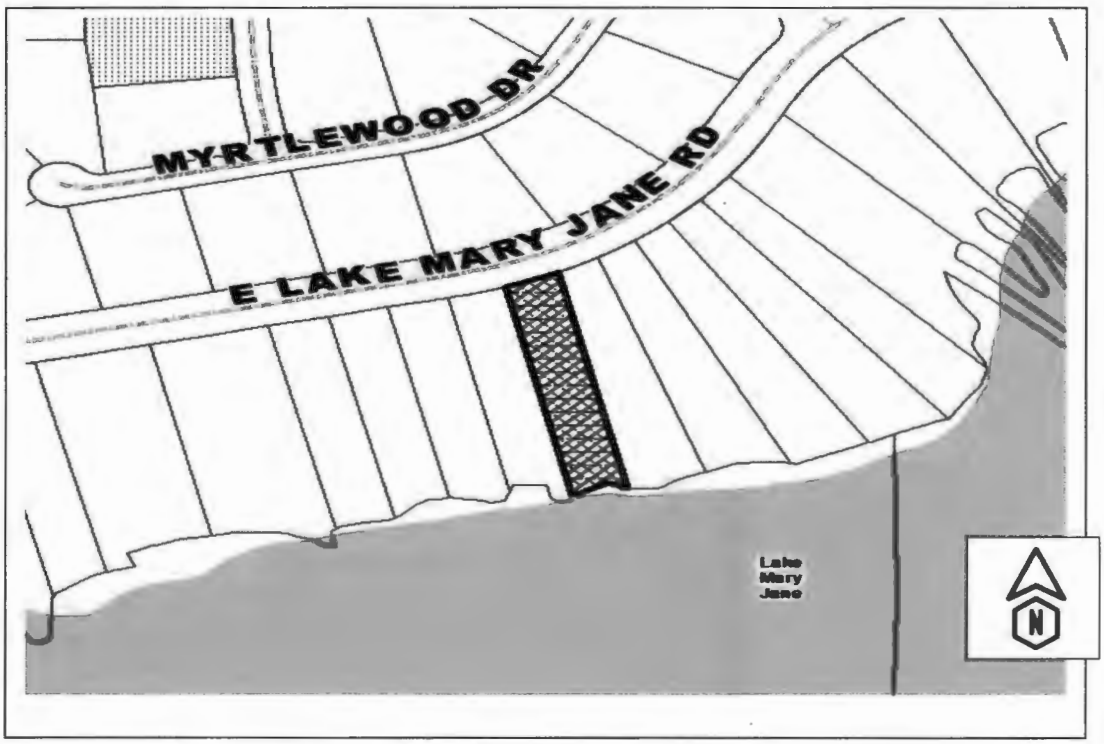
The applicant indicated their agreement with the staff recommendation. There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA concluded that the vegetation, distance, and location of the residence made the proposed location both logical and appropriate. A motion to recommend approval passed unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	P-D	Lake	A-2	A-2
Future Land Use	RS 1/1	RS 1/1	Lake	RS 1/1	RS 1/1
Current Use	Single-family residence	Single-family residence	Lake	Single family residence	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the A-2 Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots. Residences must have a minimum of 850 sq. ft. of living area.

The subject property is a lakefront lot, and is part of the Lake Mary Jane Rural Settlement. It is also part of the Lake Mary Jane Shores subdivision, which was platted in mid-1956, over one (1) year prior to the inception of zoning in Orange County. The zoning currently in place on the property is the same as that initially placed on it in 1957.

lot is a nonconforming lot of record, and as such, is developable with only 95 feet of frontage, versus the 100 feet required of new property in the A-2 zoning district. The property currently contains a 3,227 sq. ft. single-family residence. There is also a 12.5 ft. x 8.5 ft. wooden shed, and an 18 ft. x 34 ft. carport, which are the subject of this application.

There are no records of permits having been obtained for the shed or carport. Due to the continuous existence of dense tree canopy, it is not possible to determine through review of historic photos how long the two (2) accessory structures have been located on the property. However, the Property Appraisers site data lists the shed as having been on the site since January 1992. There is no record for the carport, which is used to protect a recreational vehicle (travel trailer).

The owners purchased the property in 2013. Since that time, because of the recent storms, the carport has sustained sufficient damage that the applicant's insurer has deemed that the structure should be replaced. If the variance is granted, the applicant intends to obtain a demolition permit to remove the existing carport and replace it with a like structure.

The location of the current carport is paved with a concrete slab, which will remain for the replacement structure. The current structure, as well as the replacement structure, are intended to remain 132 feet from the front property line. The shed is located 120 feet from the front property line. The front of the subject property is densely vegetated, and it is not possible to look into the site and see either accessory structure. Likewise, there is dense vegetation along both side property lines.

District Development Standards

	Code Requirement	Proposed
Max Height:	15 ft.	13 ft.
Min. Lot Width:	100 ft.	95 ft.
Min. Lot Size:	.5 acres	1.08 acres

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	35	132
Rear:	50	N/A
Side:	5	10
Sidestreet:	N/A	N/A
NHWE:	50	N/A

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances of the subject property are the distance the residence is set back from the front property line and the width of the residence. At over 290 feet back from the front property line and nearly 65 feet in width, the residence leaves no room behind the home, nor along the side of it to place the carport.

Not Self-Created

The residence was constructed in 1988 and the applicants purchased the home in 2013. The Property Appraiser's record indicate that the shed was constructed in 1992, thereby, being a pre-existing condition. While it is uncertain when the carport was constructed, if the variance is granted, it will be properly demolished and its replacement properly permitted.

No Special Privilege Conferred

Given the size, configuration, and placement of homes on the lots surrounding Lake Mary Jane, the location of accessory structures in the front of the principal residence is not uncommon.

Deprivation of Rights

Without the variances, the existing carport and shed would have to be removed. The travel trailer would then be fully exposed to the elements as opposed to the current situation with the roof protected.

Minimum Possible Variance

The applicant intends to replace the carport with an identically sized carport. The existing shed, at 106 sq. ft. in combination with the 612 sq. ft. of carport equals 718 sq. ft. With 1.08 acres of lot area, the applicant is entitled to 2,000 sq. ft. of accessory floor area. This is the minimal variance needed.

Purpose and Intent

The existing structures are both well over 100 feet from the front property line, which is densely vegetated to the point that one cannot look into the site from the public way. While not behind a line representing more than 50% of the lot depth from the front property line, they are set back a significant distance. The granting of the two (2) variances will not impair the integrity of the code and will satisfy its purpose and intent.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated February 8, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Sheila Cichra
2154 Oak Beach Blvd.
Sebring, FL 33875

STREAMLINE
PERMITTING

Date: February 11, 2019
To: Orange County Zoning
From: Sheila Cichra
Re: VA1904020

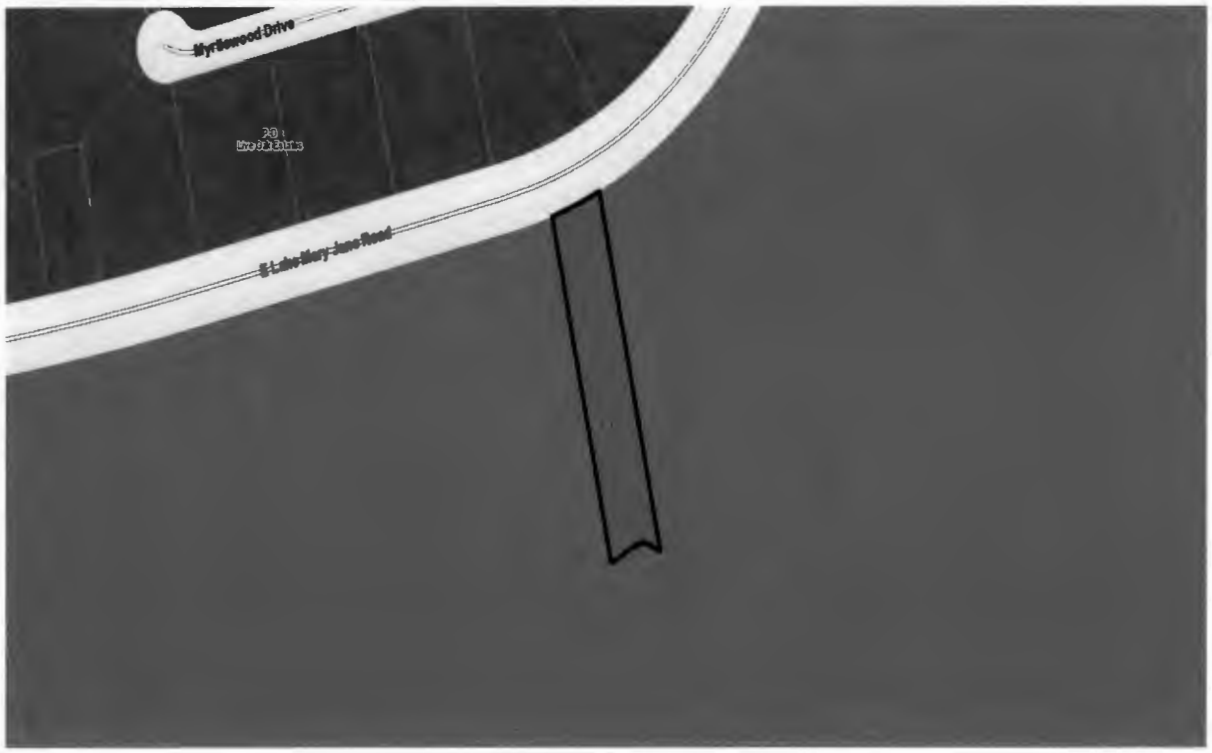
The attached files are a variance application and the supporting documentation for a detached accessory structure in the *front* yard.

1) This parcel is very deep, but the house was built very close to the lake.
2) The house and carport were already built when this owner purchased the lot.
3) There are many other such structures in this neighborhood.
4) There isn't room to build a carport in the back yard and meet the lake setback.
5) There is no way to minimize this variance application.
6) The adjacent property owners can barely see this structure due to the trees.

Thank you for your consideration.

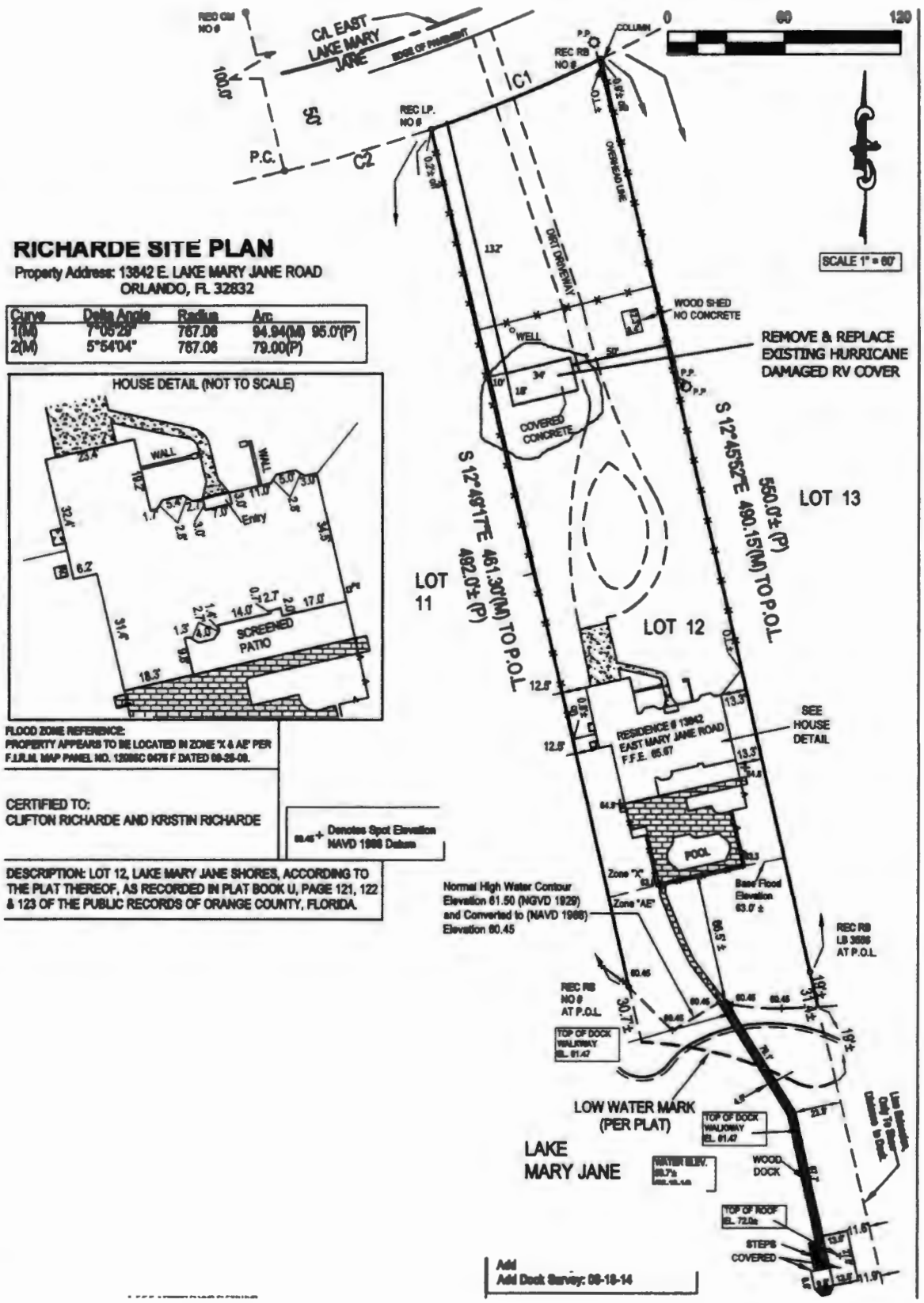
2154 Oak Beach Boulevard, Sebring, FL 33875 C (407) 450-4241 O (863) 314-6711
sheilacichra@gmail.com

ZONING MAP

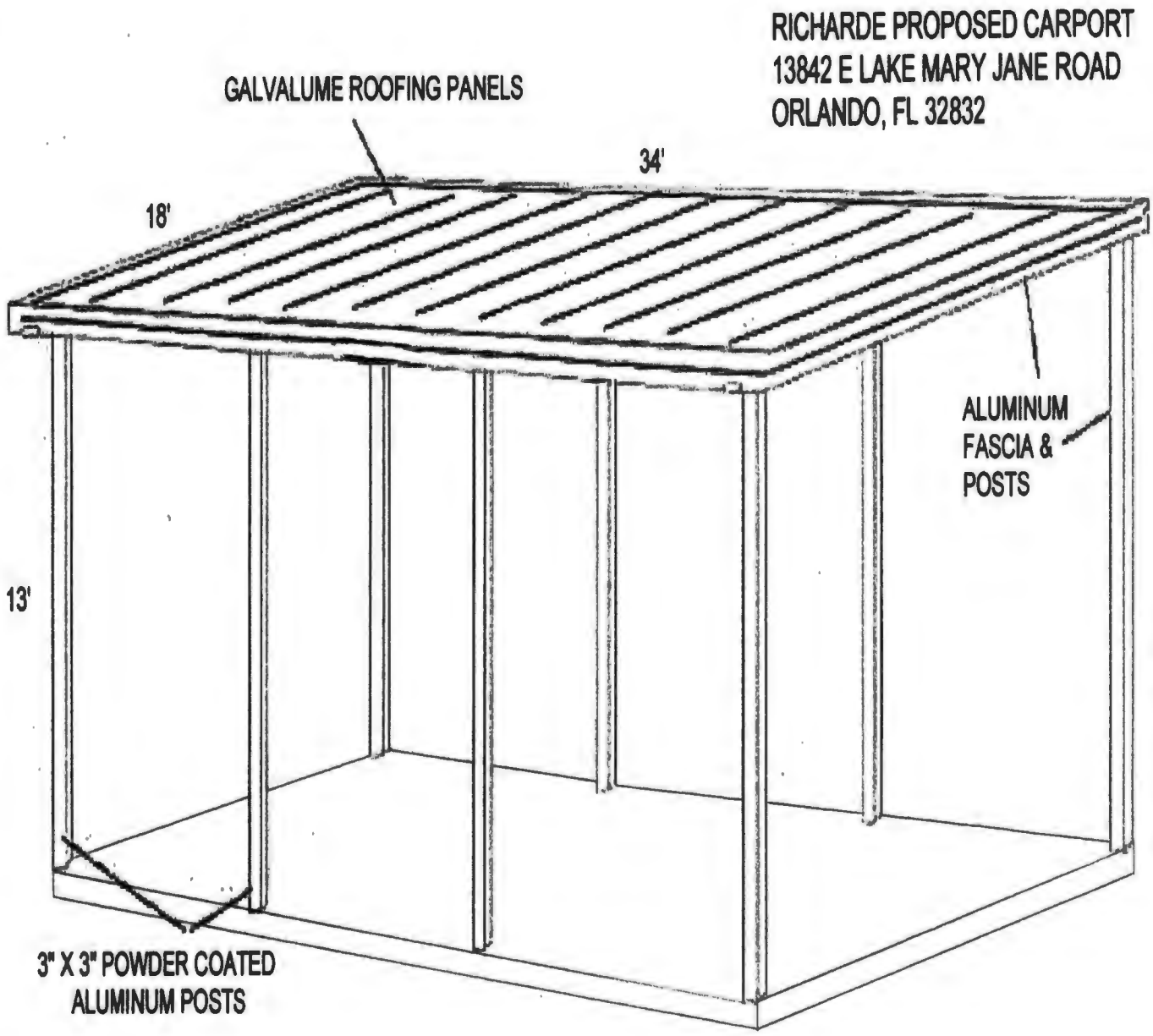


AERIAL MAP

SITE PLAN / SURVEY



ELEVATION


RICHARDE PROPOSED CARPORT
13842 E LAKE MARY JANE ROAD
ORLANDO, FL 32832
GALVALUME ROOFING PANELS
34'
18'
ALUMINUM
FASCIA &
POSTS
13'
3" X 3" POWDER COATED
ALUMINUM POSTS

Looking South from Lake Mary Jane Road into Site

Looking West, Existing Carport to Be Replaced

Looking South to Residence

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**APR 04, 2019**	Case Planner:	**Nick Balevich**
Case #:	**SE-19-04-021**	Commission District:	**#1**

GENERAL INFORMATION

APPLICANT(s):	MARC BOURQUE
OWNER(s):	BOURQUE EILEEN M, BOURQUE MARC
REQUEST:	Special Exception in the R-1A zoning district to allow an Accessory Dwelling Unit (ADU).
PROPERTY LOCATION:	6837 Tamarind Circle, Orlando, FL 32819, west side of Tamarind Cir., approximately 775 ft. west of Teasel Dr.
PARCEL ID:	27-23-28-7807-01-330
LOT SIZE:	97.5 ft. x 192.5 ft. (avg) / .39 acres
NOTICE AREA:	500 ft.
NUMBER OF NOTICES:	89

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (5 in favor and 2 opposed):

1. Development in accordance with the site plan dated February 12, 2019, and all other applicable regulations. 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Construction plans shall be submitted within three (3) years of the final County approval, or this approval becomes null and void.

5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative after the relative has died, whichever occurs first.

6. The exterior of the ADU shall have similar colors and design materials as the primary residence.

7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.

8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

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.

No neighbors spoke in favor of the request.

One (1) neighbor spoke in opposition stating that this will create another living space that could become a rental unit in the future.

The applicant replied that he intends to move into the ADU and have his daughter and her family occupy the main house.

BZA confirmed that the HOA deed restrictions were independent of County approvals and regulations.

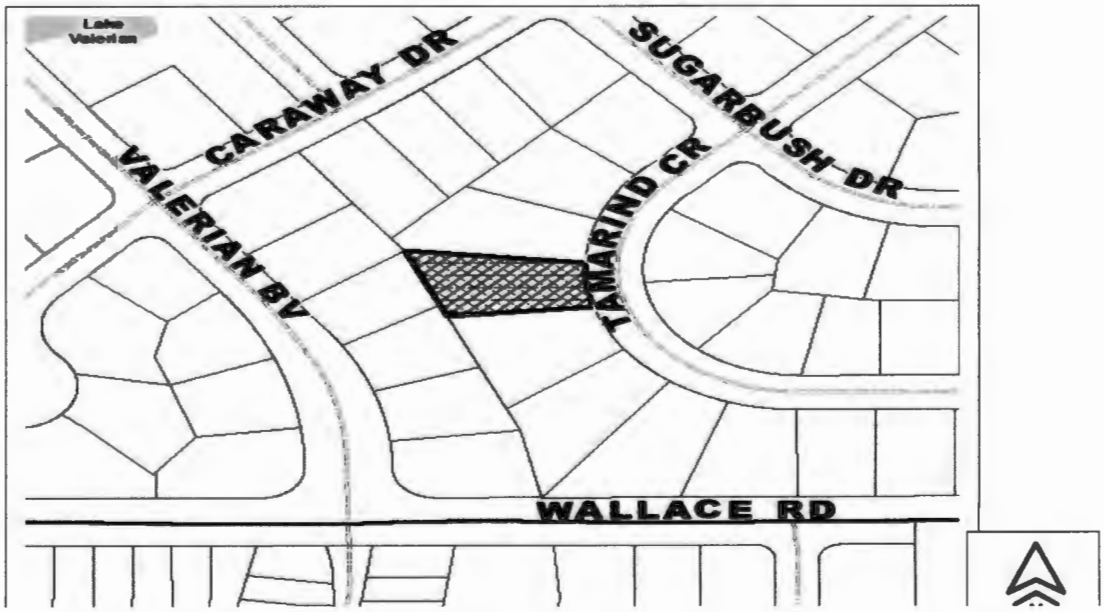
Staff received three (3) commentaries in favor and none in opposition to the application.

The BZA approved the Special Exception.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1A, Single Family Dwelling District, which allows single-family homes and associated accessory structures on lots a minimum of 7,500 sq. ft. or greater. Per the Comprehensive Plan, ADU's are allowed in all single family zoning districts through the Special Exception process.

The property is located in the Sand Lake Hills Subdivision which is comprised of single-family homes. The lot was platted in 1975, and is considered to be a conforming lot of record. There is a 1,923 sq. ft. (living area) single family home on the lot (which was constructed in 1977), along with a screened swimming pool and a shed that is proposed to be removed.

Accessory Dwelling Units (ADU) are allowed by Special Exception in this zoning district. This lot is 0.39 acres, and has a 1,923 sq. ft. (living area) single-family house, therefore, a maximum of 865 sq. ft. is permitted for the ADU. The applicant is proposing a detached ADU with 849 sq. ft. of living area.

The applicant purchased the property in 1999, and wants the ADU for relatives to live close by.

The ADU will be located behind the house and screened pool and will not be visible from the street. The ADU will be 29 feet from the nearest side property line and 33 feet from the rear property line.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	12.3 ft.
Min. Lot Width:	75 ft.	75 ft.
Min. Lot Size:	11,250 sq. ft.	16,942 sq. ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	25 ft.	N/A

Rear:	10 ft.	33 ft.
Side:	10 ft.	30 & 29 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.
ADU's are specifically identified in the Comprehensive Plan, and promoted by FLU8.9.1 and UD4.3.8 as a use permitted in all residential areas through the Special Exception or Planned Development process.

The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
The ADU use is similar and compatible with the surrounding area. This residential use as an ADU is consistent with properties in the neighborhood.

The use shall not act as a detrimental intrusion into a surrounding area.
The ADU will be located behind the house, will greatly exceed the required setbacks, and will not be visible from Tamarind Circle. There is a 20 feet wide drainage easement to the rear which creates a natural buffer.

The use shall meet the performance standards of the district in which the use is permitted.
The ADU exceeds all required setbacks, the lot exceeds the minimum gross required size of 11,250 sq. ft., or 0.258 acres, and the proposed structure meets the height requirement. As such, no variances are required.

The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
The characteristics and impacts of an ADU are consistent with the majority of uses permitted in the R-1A 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.
Additional landscaping is not required between residential properties and with the large setbacks there will be sufficient separation distance between structures.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated February 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Construction plans shall be submitted within three (3) years of the final County approval, or this approval becomes null and void.
5. The Accessory Dwelling Unit (ADU) shall be occupied by an immediate family member for a minimum of three (3) years. The ADU may be occupied by a nonrelative three (3) years after being initially occupied by a relative or after the relative has died, whichever occurs first.
6. The exterior of the ADU shall have similar colors and design materials as the primary residence.
7. Approval of this request does not constitute approval of the use of septic tanks and wells. The use of septic tanks and wells shall be in accordance with all applicable regulations.
8. The applicant shall be responsible for payment of all applicable fees and assessments including, but not limited to, impact fees.

c: Marc Bourque
6837 Tamarind Circle
Orlando, FL 32819

To whom it may concern:

Our names are Marc and Eileen Bourque. We are submitting this application for a Special Exeption for an accessory dwelling to our existing home, 6837 Tamarind Circle, Orlando, Fl. 32819. The accessory dwelling will be constructed using wood and concrete, and will be 849 sf. The proposed dimensions are 32.7' x 26.0' x 12.3'.
The construction will be 30.0' / 29.4' /33.0' from all existing property lines. The maximum proposed height will be 12.3 feet.
This accessory dwelling will be used by us as a "Mother-in-law suite" as our adult daughter, husband and two children have moved in with us.

We have decided to expand on our property for multiple reasons, including the following:

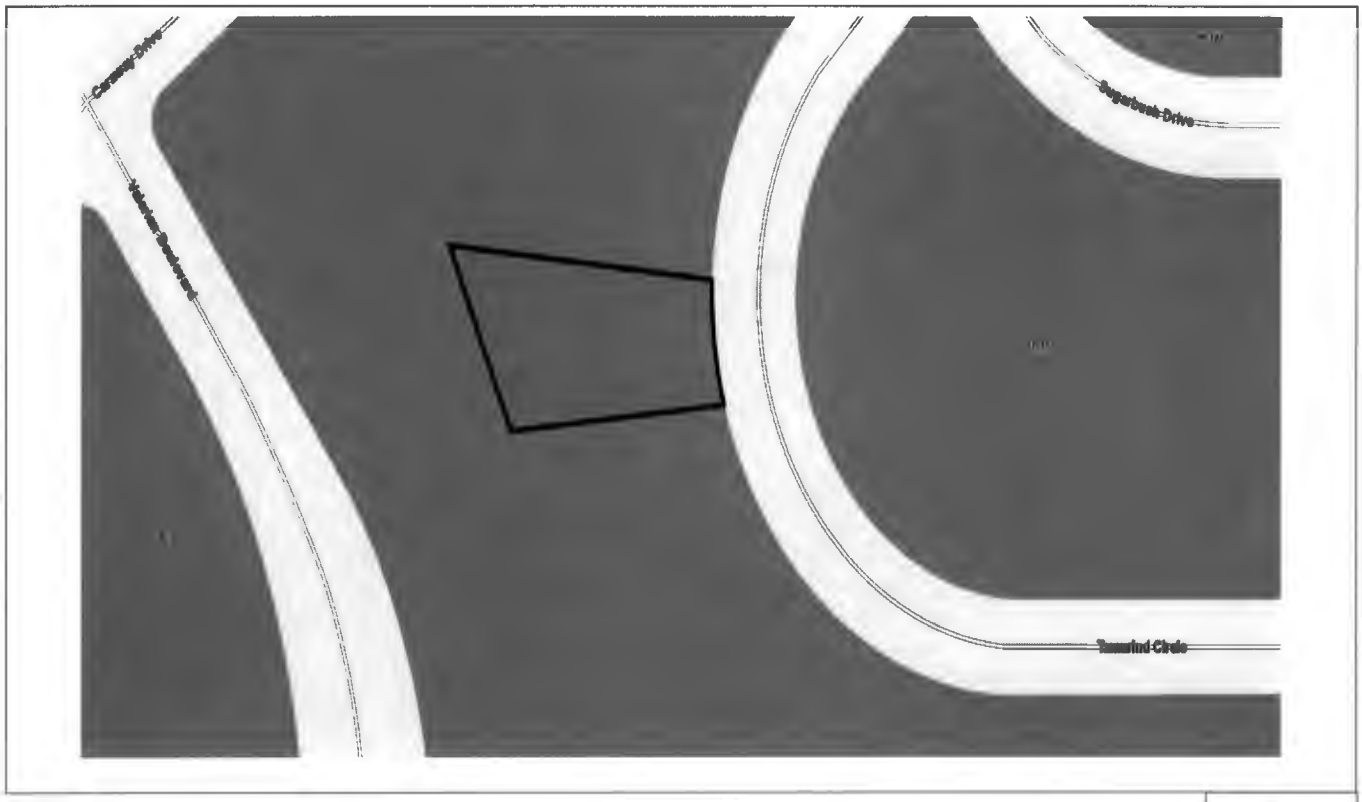
- The entire area / neighborhood we live in is all single-family homes, and this accessory dwelling is completely compatible and consistent with this.
- This accessory dwelling will be for our family / relatives who already live here to reside in, so it will not result in any additional traffic and it will not be used as a rental dwelling in any manner.
- The distances from the accessory dwelling to the property lines far exceeds both the required setbacks and the actual setbacks in the area.
- The entire yard will be surrounded by a privacy fence, therefore even though no landscape buffer is required between residential properties, this accessory dwelling will have virtually no visual impact on the neighboring properties.
- We have lived here since 1999, we love our neighbors, the whole neighborhood and entire area.... and we want to continue to live here at this same address and keep the residence in our family for future generations.
- The Dr. Phillips area has exceptional schools for our children and grandchildren.

- It is close in proximity to everyone who resides here places of employment.
- Our parents and (4) siblings also live within the Dr. Phillips area.
- To purchase / build a new house large enough for our family elsewhere would far exceed the expenses / costs to add the accessory dwelling. This addition would be the most economical option for us to exercise.

Sincerely,

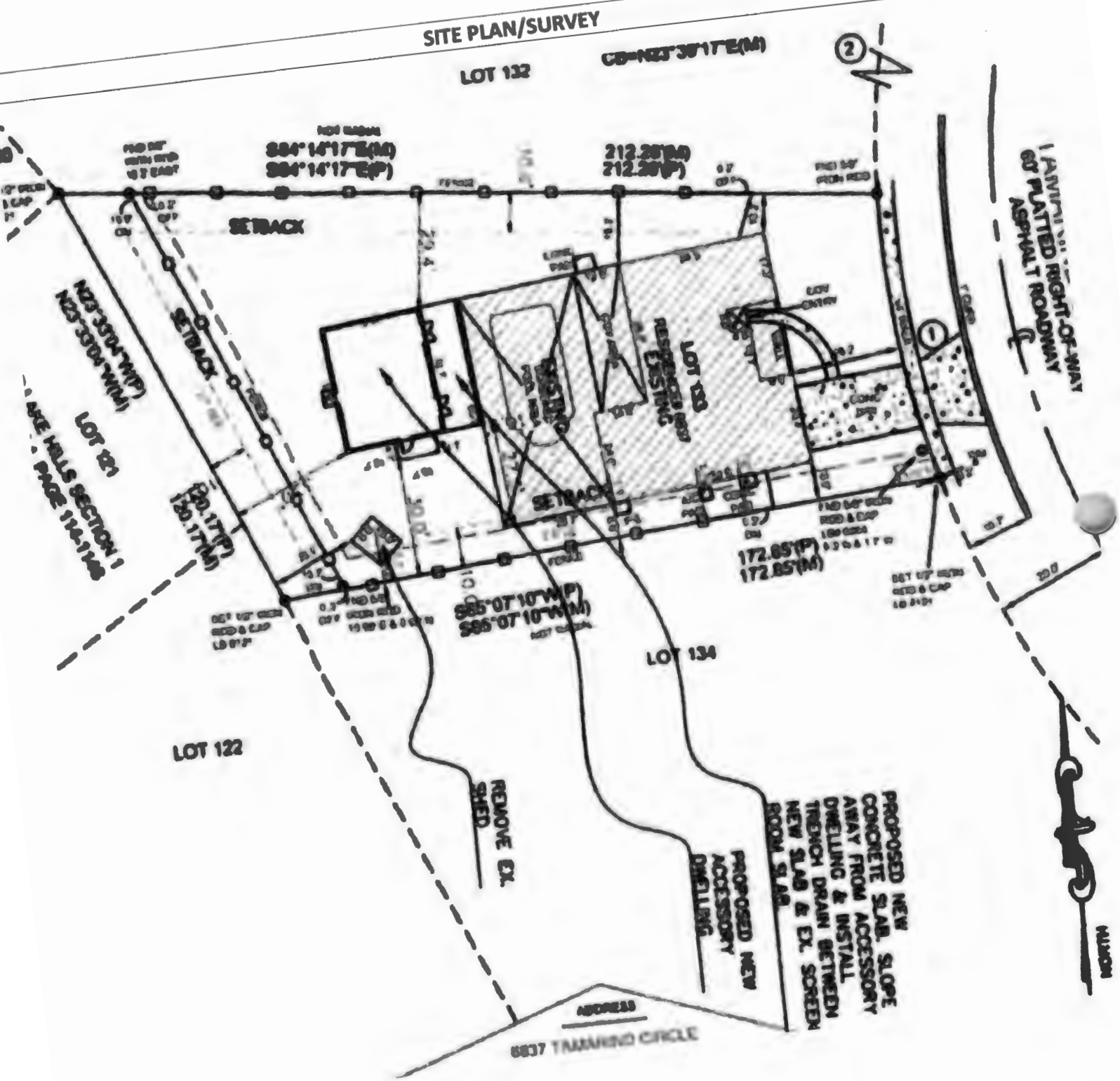
Marc & Eileen Bourque

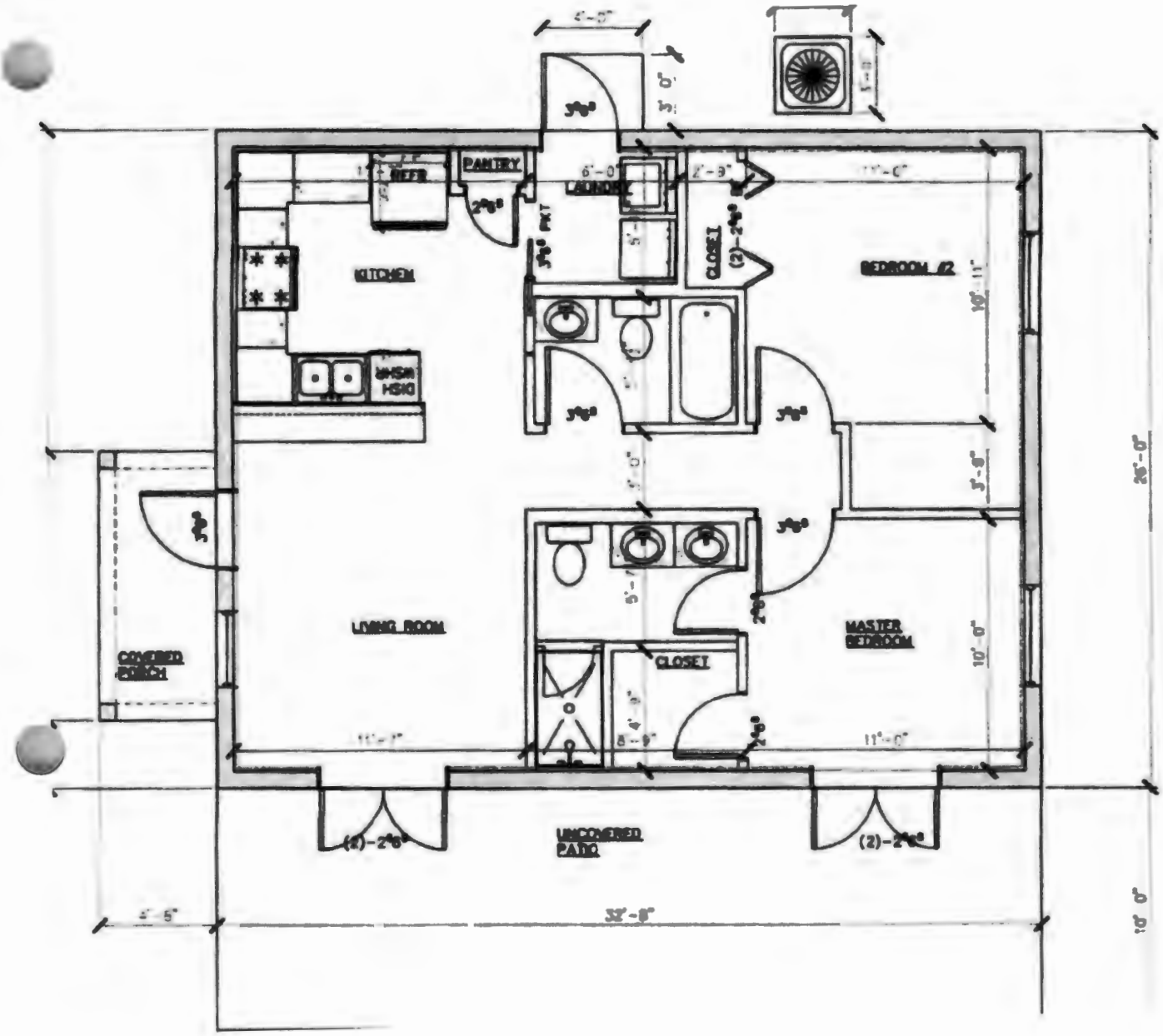
ZONING MAP



AERIAL MAP

SITE PLAN/SURVEY




PANTRY
REFR
KITCHEN
LAUNDRY
CLOSET
BEDROOM #2
LIVING ROOM
CLOSET
MASTER BEDROOM
COVERED PORCH
UNCOVERED PATIO
32'-8"
26'-0"

Floor Plan

Front from Tamarind Circle

ADU Location in Rear Yard

ADU Location in Rear Yard

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**APR 04, 2019**	Case Planner:	**David Nearing, AICP**
Case #:	**SE-19-04-022**	Commission District:	**#3**

GENERAL INFORMATION

APPLICANT(s): CESAR DAVID GIRALDO

OWNER(s): CESAR DAVID GIRALDO, MARITZA ROJAS

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

1) Special Exception to allow an existing Accessory Dwelling Unit (ADU).
2) Variance to allow an ADU with 1,106 sq. ft. in lieu of 1,000 sq. ft.
3) Variance to allow a mobile home as an ADU on a lot with .9 acres in lieu of 3 acres.

This is the result of Code Enforcement action.

PROPERTY LOCATION: 1927 S. Econlockhatchee Trl., Orlando, FL 32825, east side of S. Econlockhatchee Tr., approximately .75 miles north of Curry Ford Rd.

PARCEL ID: 06-23-31-0000-00-036

LOT SIZE: 178 ft. x 224 ft. (avg) /.91 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 110

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, **APPROVED** the Variance requests, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions; (unanimous; 7-0):

1. Development in accordance with the site plan dated February 13, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

The applicant shall obtain a permit for all unpermitted work done on the property within ninety (90) days of final

action on this application or this approval becomes null and void. The applicant may request one (1) 90 day extension provided they can show that a good faith effort has been made to comply with this condition.

SYNOPSIS: Staff noted that the mobile home which became the ADU had been on the property since at least 1975, and that the house was constructed in 1980. At that time, no one required that the mobile home be removed so it has since remained. Staff further noted that the property was likely larger, however, due to eminent domain acquisition by a power company for right-of-way (r-o-w) of a power line, and by the Expressway Authority for SR 417, the lot now sits at .9 acres. Staff noted that the 1 1/2 times the minimum lot size was meant for more suburban sized lots, and not for rural lots which are typically larger and contain larger structures.

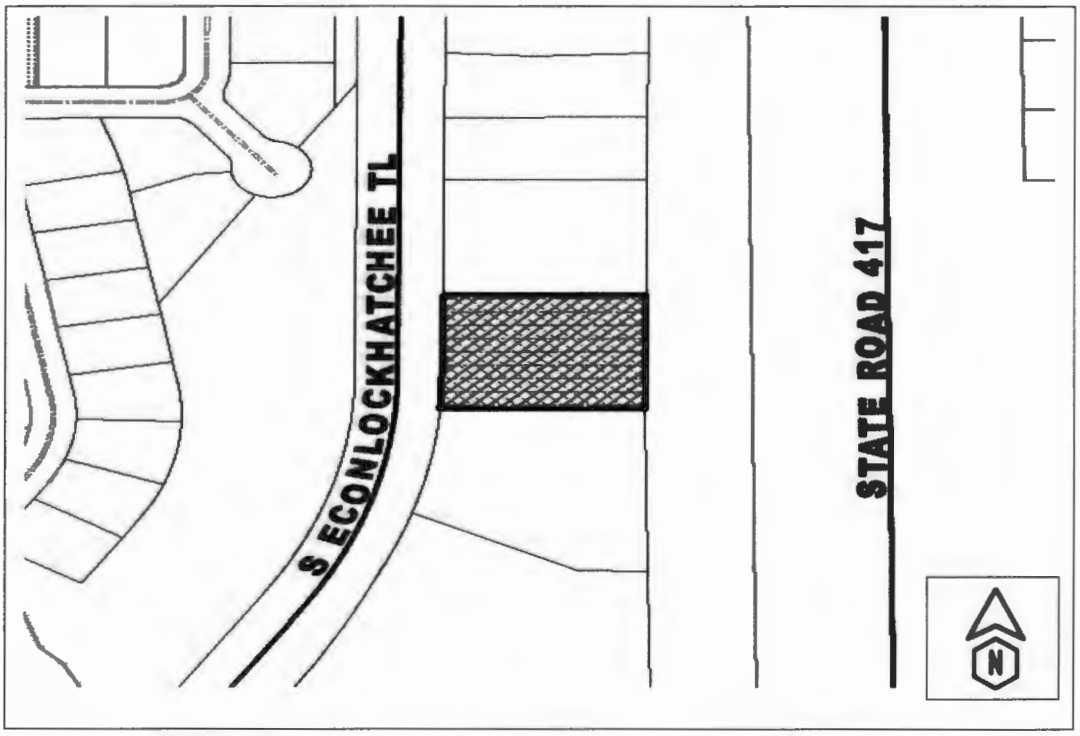
The applicant indicated their agreement with the staff recommendation. There being no one present to speak for or against the request, the public hearing was closed.

The BZA concluded that given all the factors noted by staff and the rural nature of the east side of the road, the requested ADU fits the character of the neighborhood and the criteria for the variance. A motion to recommend approval of the Special Exception and Variance passed unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	A-2	A-2	A-2	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residence and mobile home	Single-family residence	Single-family residence	Power lines and SR 417	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the A-2 Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots. ADUs are permitted through the Special Exception process. Mobile homes are permitted by right on parcels/lots greater than 2 acres in size.

The subject property is .9 acres in size, nearly twice the minimum size of an A-2 zoned property. It contains a 4,180 gross sq. ft. single-family residence, a 12 ft. x 20 ft. shed, and a 1,106 sq. ft. Accessory Dwelling Unit (ADU) with a 440 sq. ft. attached carport. The ADU is a mobile home with an addition constructed at some point in the past. No permits could be found for the construction of the addition or the carport.

The neighborhood is a mix of uses comprised to the west across Econlockhatchee Road being predominantly suburban style single family homes, and the east side having more rural style properties, some with large accessory structures. Further east, is a power company right-of-way (r-o-w) containing multi-phase power lines, and then the SR 417 expressway.

According to the Property Appraiser's data, the mobile home was placed on the property in 1975, and the home was constructed in 1980. Staff located a deed for the property from 1973, which references the mobile home as part of the land transfer.

A review of legible historic photos verifies that the mobile home was in fact on the property as far back as 1995.

The applicant purchased the property "as is", including the mobile home and shed in 2014. Based on a review of aerials, the addition to the mobile home and the carport appeared sometime between the production of the 2015 and 2016 aerials. Since the applicant acquired the property, they have reroofed and sided the mobile home to mirror the appearance of the main residence.

If the ADU was a site built home, a variance would not be needed for lot area as only .75 acres would be needed, that being 1 1/2 times the minimum lot area for A-2 zoned property. However, because this is a mobile home, and mobile homes are only allowed in A-2 zoning by right on two (2) acres or more, that lot size applied, thus the need for three (3) acres.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	15 ft.
Min. Lot Width:	100 ft.	95 ft.
Min. Lot Size:	2 Acres for mobile home	.91 Acres

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	35	124
Rear:	10	44
Side:	10	14
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the comprehensive plan
ADUs are specifically identified in the Comprehensive Plan, and promoted by FLU8.9.1 and UD4.3.8 as a use permitted in all residential areas through the Special Exception or Planned Development process.

Similar and compatible with the surrounding area
The use will be similar to other single-family homes in the neighborhood. The unit in question has been in its current location since at least 1995.

Shall not act as a detrimental intrusion into a surrounding area
ADUs are limited in size and occupancy with no more than two (2) bedrooms. The impact is less than that of a typical single family residence.

Meet the performance standards of the district
All setbacks are being complied with and with the variances for the lot area and square footage, those standards will also be met.

Similar in noise, vibration, dust, odor, glare, heat producing
An ADU will produce no more of the negative impacts listed than a traditional single family home.

Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code
Single-family uses are not required to provide any landscaping buffers.

VARIANCE CRITERIA

Special Conditions and Circumstances
The special circumstance particular to the subject property is the fact that at one time the land extended further to the east. However, through the eminent domain process, r-o-w was acquired for the power line and SR 417.

No Special Privilege Conferred
The requirement for 1 1/2 times the minimum lot size is intended to ensure that smaller suburban sized lots are not overbuilt. At almost one (1) acre in size, there is adequate room to accommodate the main residence and an ADU.

Deprivation of Rights
Without the variances, the applicant will be required to remove some or all of the ADU, most of which has been in place for decades.

Minimum Possible Variance
The applicant is not proposing to expand the ADU any further. The square footage variance equates to a 10% deviation from the code, which is minimal.

Purpose and Intent
Despite the fact that the property is not 1 1/2 times the required lot area, there is sufficient area for all of the improvements. The ADU is actually over 100 feet from the closest neighboring home and abuts the power lines to the rear. Therefore, the integrity of the code is not impaired, and the purpose and intent are being met.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated February 13, 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 County Commissioners 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 all unpermitted work done on the property within ninety (90) days of final action on this application or this approval becomes null and void. The applicant may request one (1) 90-day extension provided they can show that a good faith effort has been made to comply with this condition.

c: Cesar David Giraldo
1927 S. Econlockhatchee Trl.
Orlando, FL 32825

2/11/2019

Orange County Zoning Division
Attn: Board of County Commissioners and
Board of Zoning Adjustment
Re: 1927 S Econlockhatchee Tr Orlando, FL 32825
Parcel ID: 06-23-31-0000-00-036

We want to thank you in advance for the opportunity to come before you to request a special exception and variance for the ADU. We are able and willing to produce required items that will allow the structures to conform to Orange County Zoning and Building codes.
We want to outline the points that conform per Orange County Municipal Code Article IX General Supplemental Regulations Point #5 of Section 38-1426

(A-C) We have taken great pride and made efforts to update a home where we can house and care for our 91 year old father in a manner that is with in reach for *affordable housing* and allow for privacy and care at the same time. It is our homesteaded primary residence.
(D) See attached site plan prepared in compliance with section 106:1:2 of FBC / sect 9-33 OCC.
(D3/ E) See picture of exterior elevation confirming esthetic and design similar to primary dwelling.
(F2) Request for a variance / Living área for the ADU to be 1106 sq/ft based on existing measurements.

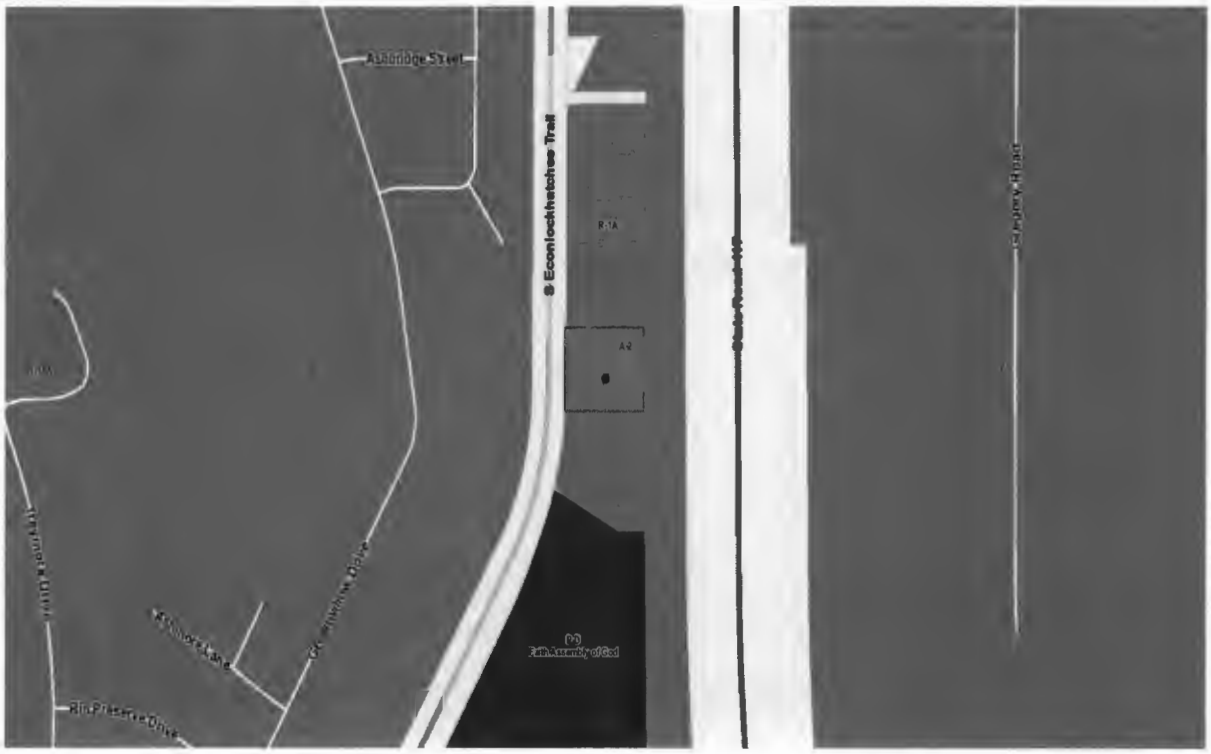
The existing Accessory dwelling unit conforms with setback requirements in Orange County Municipal Code Article IX General Supplemental Regulations Point #5 of Section 38-1426 "*where the setback for a detached accessory dwelling unit must be located only to the side or the rear of the primary dwelling unit and shall be separated from the primary dwelling unit by at least 10 feet and the distance separation shall not be less than the distance required under section 610 ("Building located on the same lot') and Table 600 of the 1991 addition of the standard building code, subject to amendment. Moreover, a one story detached accessory dwelling unit shall be setback a minimum of 10 feet from the rear of the property line and shall meet the minimum side setbacks for a primary structure in the zoning district.* "

Thank you in advance for your time attention and cooperation in assisting us in resolving this matter and conforming with Orange County requirements.

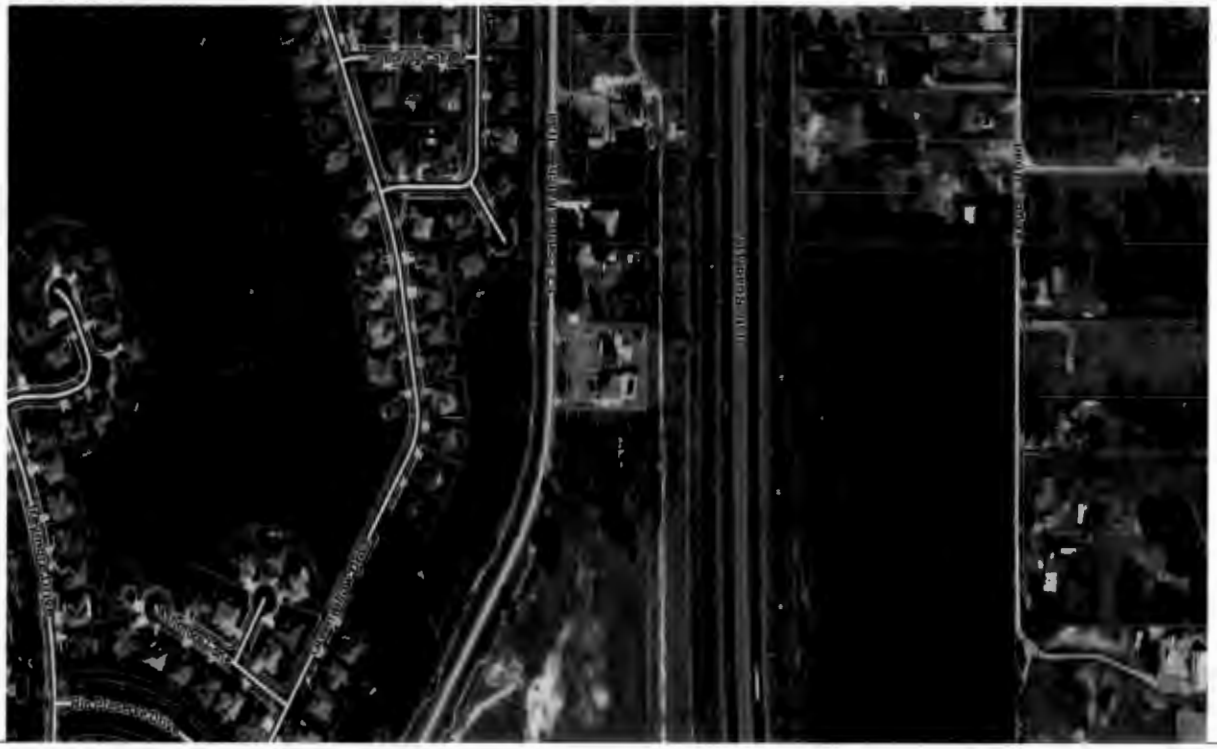
Respectfully,

Cesar D Giraldo and Maritza Rojas

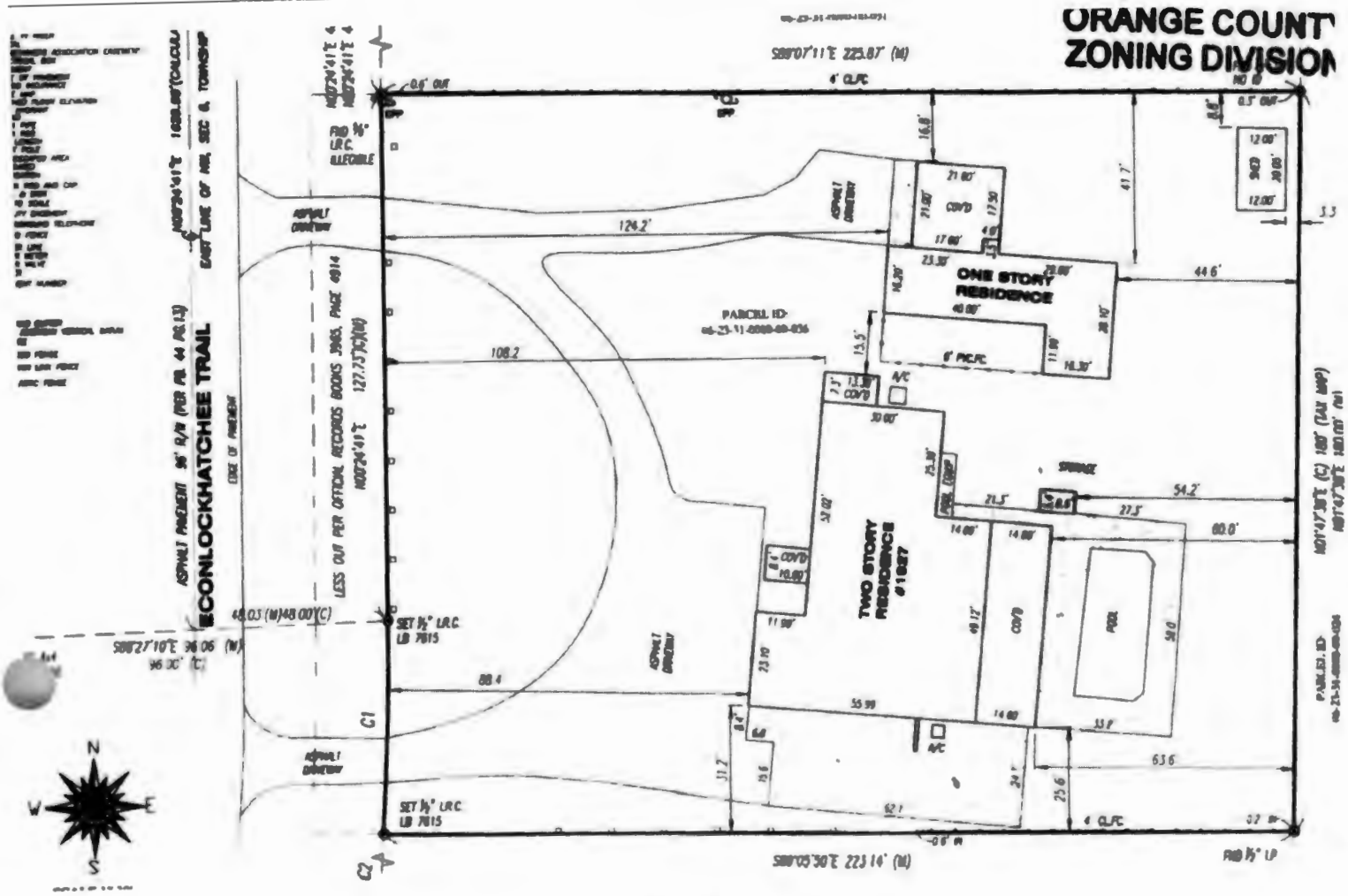
ZONING MAP



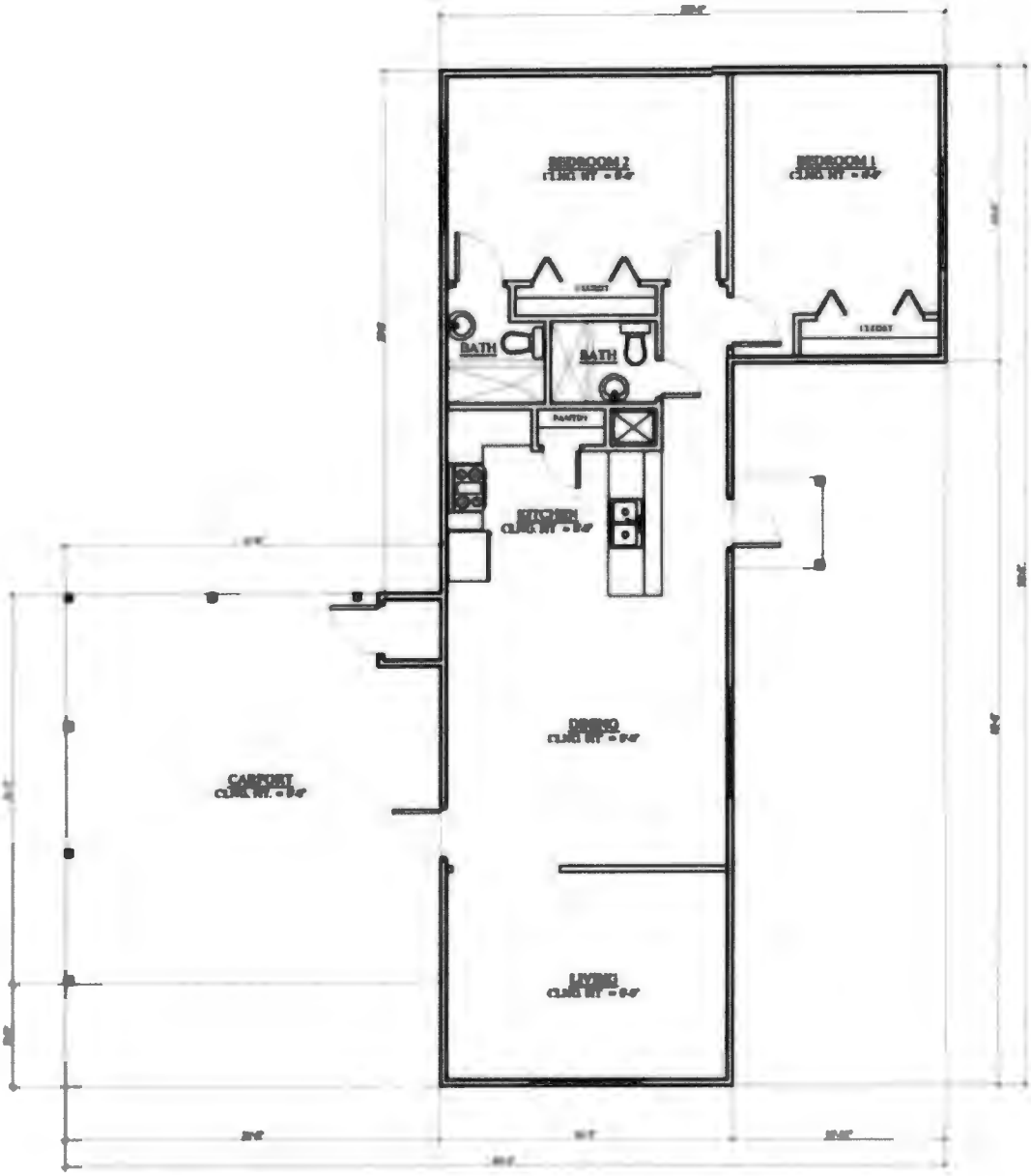
AERIAL MAP



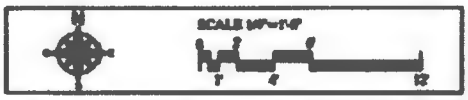
SITE PLAN / SURVEY



SITE PLAN



LIVING AREA (A/C)	1.106 SF
CARPORT	454 SF
TOTAL	1.560 SF



DISCREPANCIES IN DRAWINGS

THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS SHOWN ON DRAWINGS AND SHALL IMMEDIATELY NOTIFY THE ENGINEER OF ANY DISCREPANCIES FOUND BEFORE THE CONTRACTOR SHALL NOT PROCEED WITH THE WORK AFFECTED THEREBY UNTIL THE ENGINEER HAS RESOLVED THE DISCREPANCY.

EXISTING MOTHER IN-LAW HOUSE
FLOOR PLAN
3 / A-2 SCALE: 1/8"=1'-0"

ELEVATION

SOUTH SIDE ELEVATION

NORTH/SIDE ELEVATION ACCESSORY DWELLING UNIT

REAR/EAST ELEVATION ACCESSORY DWELLING UNIT

SITE PHOTOS

ADU & Primary Residence Looking East

Addition to Mobile Home looking West

Looking North at Neighboring Property

ADU Looking East

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**APR 04, 2019**	Case Planner:	**Nick Balevich**
Case #:	**SE-19-04-023**	Commission District:	**#2**

GENERAL INFORMATION

APPLICANT(s):	APOPKA LIFE CARE CENTER
OWNER(s):	ISAAC LOUIS J, ISAAC SANTHIA J
REQUEST:	Special Exception in the R-3 zoning district to allow an Assisted Living Facility with up to 120 beds.
PROPERTY LOCATION:	1443 Clarcona Rd., Apopka, FL 32703. East side of Clarcona Rd., north of E. Cleveland St.
PARCEL ID:	15-21-28-0000-00-062
LOT SIZE:	249 ft. x 630 ft. (avg) / 3.44 acres
NOTICE AREA:	500 ft.
NUMBER OF NOTICES:	111

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

1. Development in accordance with the site plan dated March 13, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Construction plans shall be submitted within three years of the final County approval for phase 1, and within five years for phase 2, or this approval becomes null and void.

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 report and conditions.

The BZA confirmed that the development will connect to sewer. The BZA also stated that this will be a welcomed addition to the area.

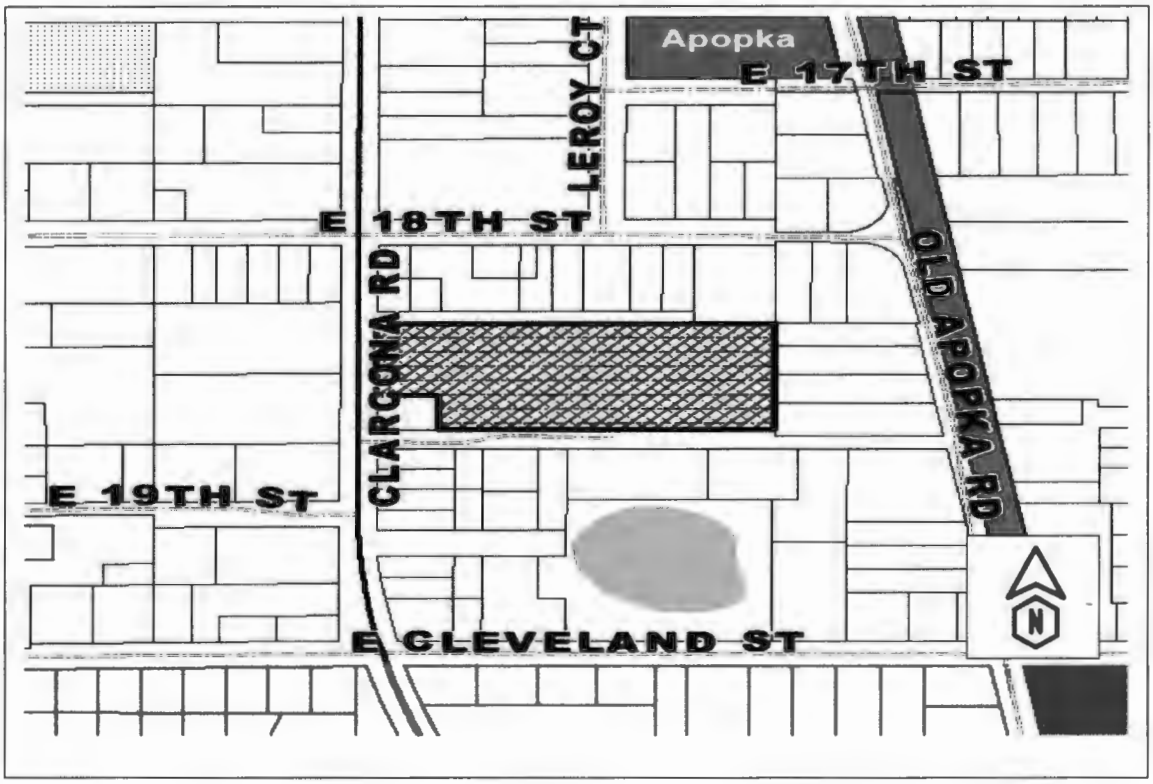
Staff received no commentaries in favor and none in opposition to the application. There was no opposition at the hearing.

The BZA approved the Special Exception.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-3	R-3	R-3, R-T-1	R-3	R-3, C-1
Future Land Use	MDR-ALF	LDR	LDR	LDR	LMDR
Current Use	Vacant	Vacant, single family homes	Vacant, mobile homes	Vacant, single-family homes	Commercial, single-family home

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the R-3, Multiple-family Residential zoning district, which allows single-family homes, multifamily development, and associated accessory structures. Assisted Living Facilities (ALF) are allowed by Special Exception in this zoning district.

This lot is 3.44 acres and currently vacant. The applicant is proposing a 40,200 sq. ft. Assisted Living Facility with 68 units and 120 beds. The applicant has stated that Phase 1 will be 30,000 sq. ft., with 44 bedrooms and [illegible]eds, and Phase 2 will add 12,000 sq. ft., with 24 bedrooms and 40 beds.

The area is characterized by multifamily zoning with single family homes and vacant lots; and, commercial zoning to the west across Clarcona Road. There are also religious use facilities and a school in the immediate area.

The applicant obtained approval for a Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR-ALF) in November of 2018. A Community Meeting was held regarding this item in August of 2018. The issue of utilizing Crime Prevention Through Environmental Design (CPTED) criteria was discussed. As a result, staff is recommending security lighting for the rear parking area and low level landscaping along the rear of the building (a limit of 3 ft. high to allow visibility).

Orange County Code requires one (1) parking space per every 2 units or bedrooms; thus, 68 bedrooms require 34 parking spaces. The plan shows 40 parking spaces provided.

A Traffic Study was prepared; and, it stated that the use will add 497 daily trips and 35 P.M. trips.

The size and depth of the lot allows for the ALF to be setback over 145 feet from the front property line, and over 17 feet and 76 feet from the north and south side property lines, respectively; and, over 205 feet from the rear.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	25.4 ft.
Min. Lot Width:	85 ft.	249 ft.
Min. Lot Size:	0.344 ac.	3.45 ac.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	25 ft.	145 ft.
Rear:	30 ft.	205 ft.
Side:	10 ft.	76 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Policy Plan.

The use is permitted through a Special Exception in the Zoning Code, which must, by State Statutes, be consistent with the Comprehensive Plan. The Future Land Use was changed to MDR-ALF in November of 2018 and approval of the Special Exception would be consistent with the Future Land Use.

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

The ALF will be a one-story structure, compatible with the one-story single-family residences in the area, and will be less intense than other multifamily uses that could be developed in the R-3 zoning district. There are other non-residential uses in the immediate area.

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

The ALF will utilize a design that is residential in nature, exceed all required setbacks, and be a one-story structure, consistent with the majority of the homes in the area.

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

The ALF exceeds all required setbacks, meets height, open space, and parking requirements; and, will be a one-story structure.

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

The characteristics and impacts of an ALF are consistent with or less intense than the majority of uses permitted in the R-3 zoning district, and are less intense than the commercial uses that are permitted in the area.

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.

Landscaping and buffers shall comply with or exceed the requirements specified in section 24-5 of the Orange County Code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated March 13, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Construction plans shall be submitted within three (3) years of the final County approval for Phase 1, and within five (5) years for Phase 2, or this approval becomes null and void.

c: Louis J. Isaac
815 24th Street
Orlando, FL 32805

c: Greg K. Roebuck
5695 Beggs Road
Orlando, FL 32819

AAGAARD-JUERGENSEN

GENERAL CONTRACTORS

February 13, 2019

Mr. Sean Bailey
Orange County Zoning Department
201 s. Rosalind Avenue
Orlando, Florida 32801

Re: Special Exception
Apopka Life Care Center - 1443 Clarcona Road

Mr. Bailey:

Aagaard Juergensen respectfully submits the attached application and supporting documents on behalf of the owner, Mr. Louis J. Isaac. The project scope can be summarized as follow:

The applicant proposes to develop 68 units (120 residents/beds) of assisted living facility on the subject property. The proposed Apopka Life Care Center (ALC) provides assisted living care to its residents only. ALC is not a nursing home or memory care facility. The facility operates 24 hours a day, 365 days a year. Generally, the facility will have a full food service kitchen, dining room areas, community and activity rooms, exercise room or rehabilitation if needed. The applicant, Luis Isaac and his wife Santhia will operate the facility. They currently operate a 54 bed facility, certified by State of Florida AHCA Department, at 815 24th Street in Orlando.

As Florida and the rest of the country are experiencing growth in aging population, smaller assisted living facilities are a new trend in assisted living industry. The idea is to provide alternative living environment for elderly persons within their familiar neighborhoods closer to their prior homes, relatives and neighbors. Typically, these neighborhood assisted living facilities have a service area of 3 to 5 miles.

The proposed Apopka Life Center project will be located on 3.45 acres of land on the east side of Clarcona Road approximately 1.2 miles north of State road 414. The subject property and majority of surrounding areas are already zoned R-3 with exception of few parcels of land on the opposite side of Clarcona Road that are zoned C-1, Commercial. Although the land is zoned R-3 the actual land use to the north, east and south of the property is still single-family residential home. The land across Clarcona Road is currently used for a Daycare Center.

The proposed Apopka Life Care Center is a permitted use by Special Exception in R-3 zoning district. The applicant normally will apply for Special Exception to develop this

AAGAARD-JUERGENSEN, LLC

5695 Beggs Road • Orlando, Florida 32810 • 407.298.1550 • Fax 407.298.1445
www.ajconstruction.com

specific type of residential development in R-3 zoned land. However, the previous Future Land Use designation of Low Density Residential did not allow the needed density and does not match Future land use designation of low density residential at the time. As recommended by OC planning staff, the application filed a request change of

Future Land Use designation from Low Density Residential (4 du/ac) to Medium Density Residential (20 du/ac). Orange County Board of County Commissioners approved the new land use design nation of Medium density residential (MDR) in November of 2018 (2018-2-S-2-1).

The next step in development process is to obtain an approval for Assisted Living facility through special Exception review process.
Key information of the proposed development can be summarized as follow:

Site Area	3.45 acres
Future Land Use Designation	Medium Density Residential (20 units/acre)
Zoning:	R-3
Existing land use	Vacant land
Proposed use	Assisted Living Facility
Building Gross Floor Area	40,200 SF
Phasing:	Project will be developed in two phases
Total number of Units	68 units (69 units allowed)
Total number of Beds	120 beds
Building Height	< 35' allowed
Building setbacks	Will comply with R-3 zoning Front: min. 35' Side min.: 15' Rear min. 30'
Road Center line setback	Clarcona Road = Urban collector Pavement setback 50', Building setback 55'
Landscape buffer	will comply with Orange County Code Section 24-4 and 24-5 including parking lot and other interior landscape.
Parking	Will comply with Orange County Code Article XI.
Fencing	For safety and security of the residents, the building will be sprinkled and equipped with security monitoring system. The property will be partially or fully fenced with 6' metal picket fence. Fence location will be determined at commercial plan review

It should be noted that the applicant has conducted and prepared a traffic impact analysis report. A copy of the report has been submitted with this Special Exception application. The proposed Assisted Living Facility generates very minimum impact on the surrounding road network.

Sincerely,

Gregory K. Roebuck
Aagaard-Juergensen, LLC

CC; Louis Isaac
Cas Suvongse

Justifications

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

The proposed land use of assisted living facility is consistent with Comprehensive Plan. Future Land Use plan designates the subject site as Medium Density Residential (MDR) which allows density up to the proposed units. The current zoning is R-3 which also allows Assisted Living facility by Special Exception.

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

The proposed land use is compatible with the surrounding areas. Although the surrounding areas are predominately low-density residential homes, these areas are in transition to higher density and mixture of residential and non-residential uses. Commercial, schools, multifamily residential apartments are seen in the surrounding area. The subject site is bordered by 3 public rights of way. All lands adjacent to the site are currently zone R-3

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

The proposed Assisted Living Facility is not an intrusion into the surrounding area. Assisted Living facilities are generally quiet, generate very low traffic. The proposed ALF building has been designed to be in harmony with surrounding residential homes. The proposed building is one story high and has similar residential appearance through the use of sloped roof, residential scale windows and doors and exterior wall finishes.

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

It is the intent of the applicant to meet the performance standard of R-3 zoning district including but not limited to building height, setbacks, landscape buffer, open space and parking.

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

The proposed Assisted Living Facility is similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with surrounding homes. The facility is used for residential purpose for those that need personal assistance in day to day living, eating, personal hygiene, and medical care. The facility is quiet and secured for safety of the residents.

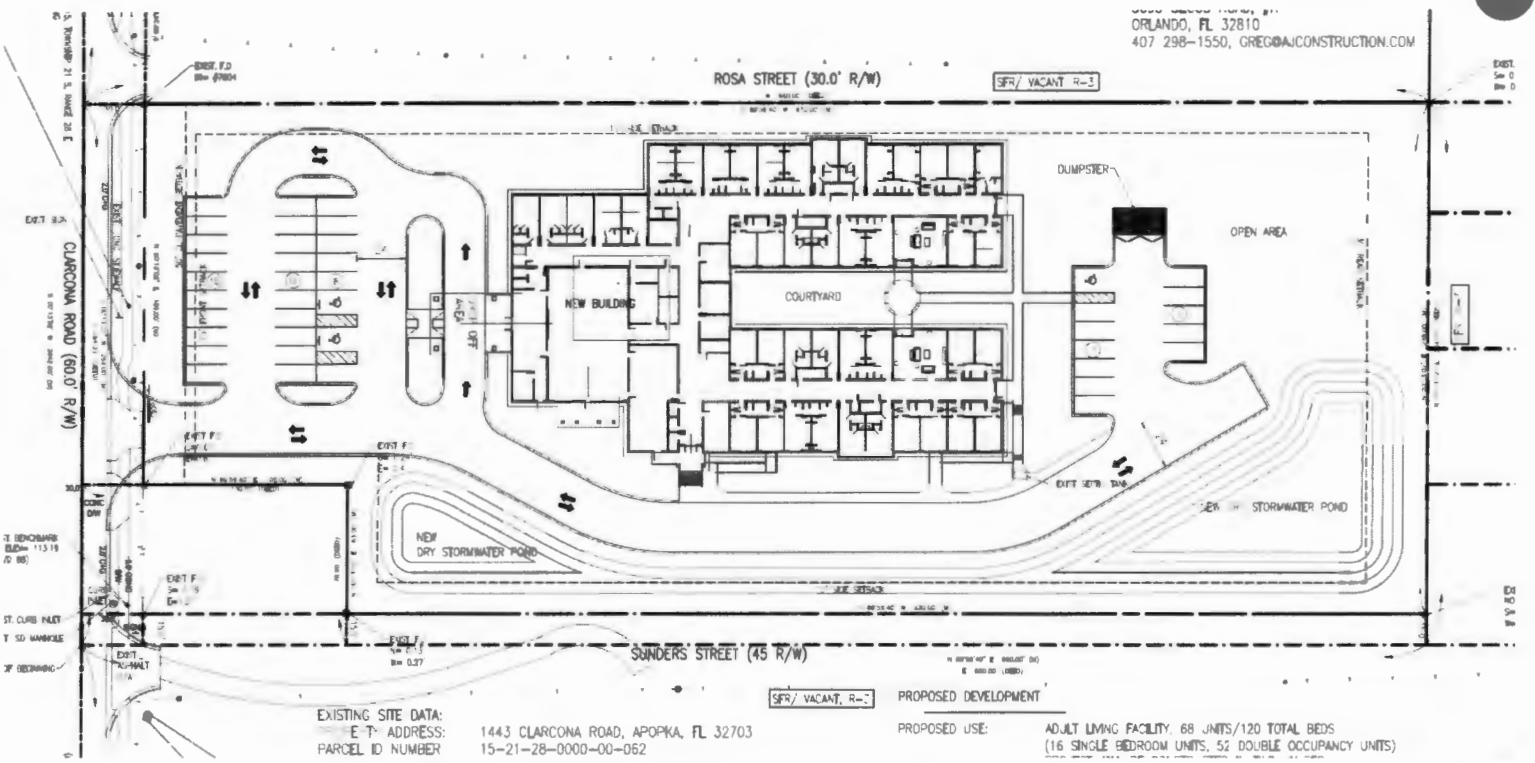
6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

All landscape including buffer yards and interior landscape will meet or exceed the requirement of Section 24-5 of the Orange County Code. Because the site has topography and wooded, we will pay close attention on minimizing of grading and earthwork. The idea is to retain existing mature trees as much as possible. All undeveloped portions of the site will be left in natural stage to preserve existing trees.

ZONING MAP

AERIAL MAP

SITE PLAN / SURVEY

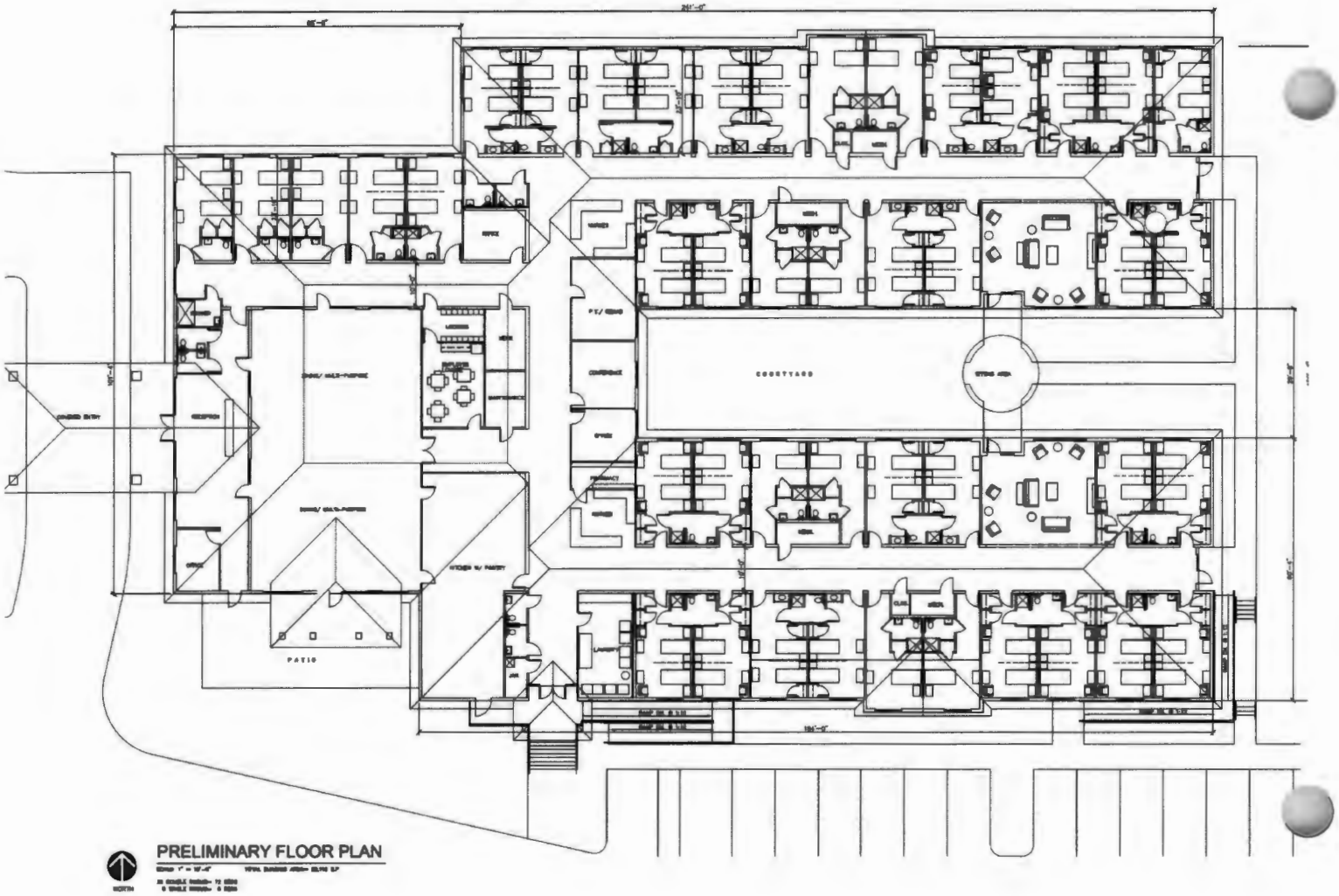


PRELIMINARY NORTH ELEVATION

PRELIMINARY WEST ELEVATION

PRELIMINARY EAST ELEVATION

PRELIMINARY SOUTH ELEVATION



PRELIMINARY FLOOR PLAN

Front from Clarcona Road

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**APR 04, 2019**	Case Planner:	**Sean Bailey**
Case #:	**VA-19-04-024**	Commission District:	**#1**

GENERAL INFORMATION

APPLICANT(s):	MANUEL IZQUIERDO
OWNER(s):	SHAHABZADA FOUZIA, SALIM MUHAMMAD FAISAL
REQUEST:	Variance in the P-D zoning district to allow a swimming pool 11 ft. from the Normal High Water Elevation (NHWE) line in lieu of 25 ft.
PROPERTY LOCATION:	11619 Brickyard Pond Lane, Windermere, FL 34786, north of Brickyard Pond Lane, east of Winter Garden Vineland Rd.
PARCEL ID:	25-23-27-4321-01-720
LOT SIZE:	57 ft. x 283 ft. (avg) / .639 acres (.25 acres upland)
NOTICE AREA:	500 ft.
NUMBER OF NOTICES:	78

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

1. Development in accordance with the site plan February 14, 2019, and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zo 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 County Commissioners 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 proposed pool and pool deck are no closer than eleven (11) feet from the normal high water elevation of Lake Burden.

SYNOPSIS: Staff explained the site plan, showed site photos, and explained that half of the lakefront lots in neighborhood have existing swimming pools.

Staff recommended approval as the NHWE line has moved since the property was platted which confines the area where the pool could be constructed, and there is an existing sea wall which should protect the property from rising waters.

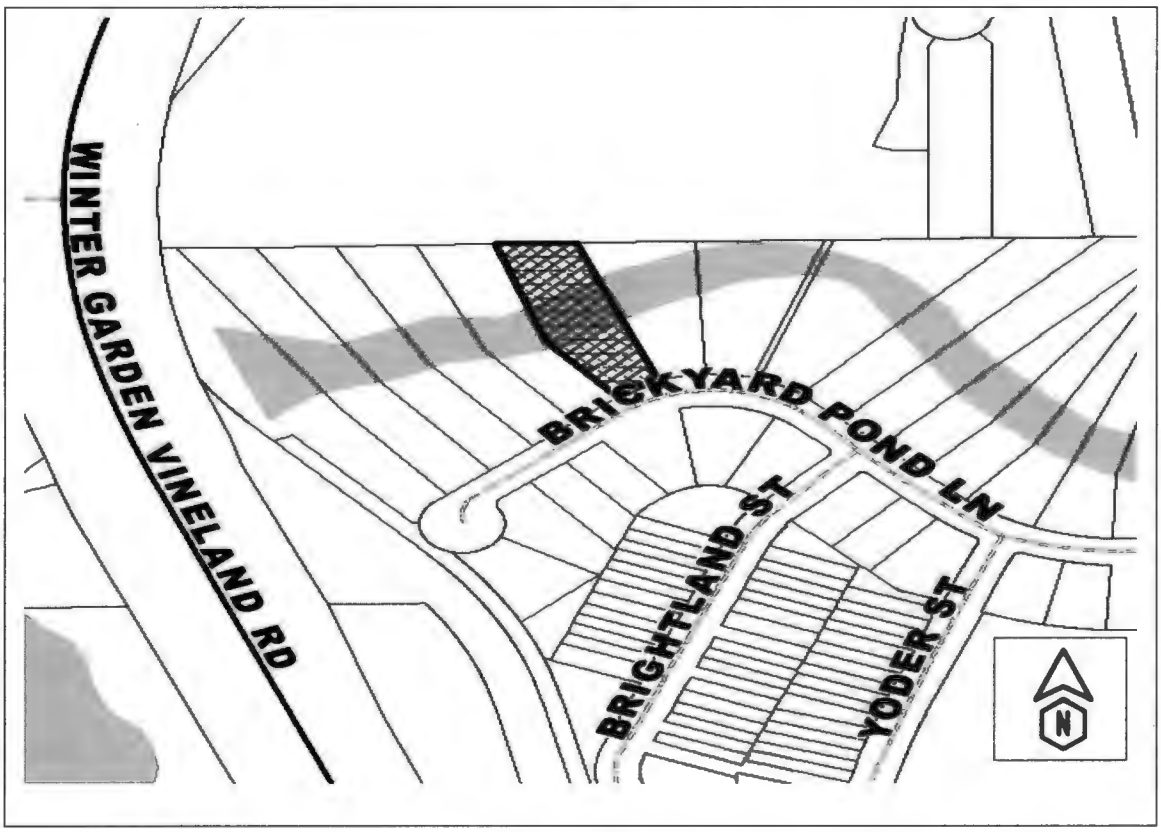
The applicant was not present for the hearing and no one spoke in favor or in opposition.

The BZA felt it was a reasonable request and approved the variance with the four (4) conditions.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	P-D	P-D	P-D	P-D	P-D
Future Land Use	Village	Village	Village	Village	Village
Current Use	Single-family residence	Lake Burden	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

The property is located in the Lake Burden Neighborhood Planned Development. This PD allows a variety of uses including single-family homes, townhomes, schools, parks, and neighborhood commercial uses.

This lot was platted as lot 172 of the Lake Burden South Subdivision in 2013, and does meet the minimum lot size requirements. The NWHE line shown on the plat has an elevation 106.5, the updated survey shows an elevation 105.5. There was a seawall constructed surrounding the lake which resulted in the movement of the NHWE line. This change in the NHWE line equates to about an 8 foot lateral change.

The applicant purchased the property in 2018, which contains an existing two-story house that was constructed in 2015. The house is 4,431 sq. ft. and the applicant is seeking to construct a 450 sq. ft. pool with a paver deck surrounding it. Per code, the setbacks are measured to the edge of the paver deck for the pool.

The property is located in a single-family residential subdivision and approximately forty (40) of the homes front onto Lake Burden. Over half of those homes have existing swimming pools.

The applicant applied for a building permit for the swimming pool in September 2018, and was denied for not meeting the rear setback of 25 feet from the NHWE line.

Orange County Environmental Protection Division (EPD) has reviewed the request and has no objection to the variance.

District Development Standards

	Code Requirement	Proposed
Max Height:	40	30
Min. Lot Width:	70	70
Min. Lot Size:	.20 acres	.25 acres

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	15	25
Rear:	n/a	n/a
Side:	5	15
NHWE:	25	11

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Due to the updated location of the NHWE line, there is limited space in the rear of the lot to construct a swimming pool. Per a site visit, the current water level sits about three (3) feet below the top edge of the sea wall.

Deprivation of Rights

Literal interpretation of the code would not allow the applicant a reasonable sized pool comparable to the pools on the neighboring properties.

imum Possible Variance

This is the minimum possible variance as the proposed edge of the pool will be approximately 14 feet away from the NWHE and will not be located any closer to the lake than other pools in the area.

Purpose and Intent

Approval of the variance will be in harmony with the pattern of development and will meet the purpose and intent of the zoning code. The proposal is consistent with the area, and the seawall will provide a buffer from any rising waters. In addition, the applicant will be required to record a Hold Harmless Agreement, if the application is approved.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated February 14, 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 County Commissioners 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 proposed pool and pool deck are no closer than eleven (11) feet from the Normal High Water Elevation of Lake Burden.

c: Manuel A. Izquierdo
P.O. Box 422612
Kissimmee, FL 34742-2612

BLUESCAPE
POOLS & SPAS

TO WHOM IT MAY CONCERN:

We are requesting a variance for proposed concrete swimming pool. The pool area will be 600 sqft 55' x 25' area. Swimming pool will be 11' away from the back property line .The current setback is 25' from the property line so we will need approval for 14' to be used for the pool area. The pool construction will meet the six standards for variance approval. Which include:

1. Special Conditions and Circumstances. The swimming pool project will not violate any zoning on neighboring lake front lot. The property has a lake in the back and we need the space to build the pool

2. Not Self-Created. The customer bought the lot as it is without knowledge of the variance that was in effect

3. No Special Privilege. There is other houses in the same side of the lake that have already installed pools.

4. Deprivation of Rights – Not letting have a pool we would like to have a pool like the neighbor

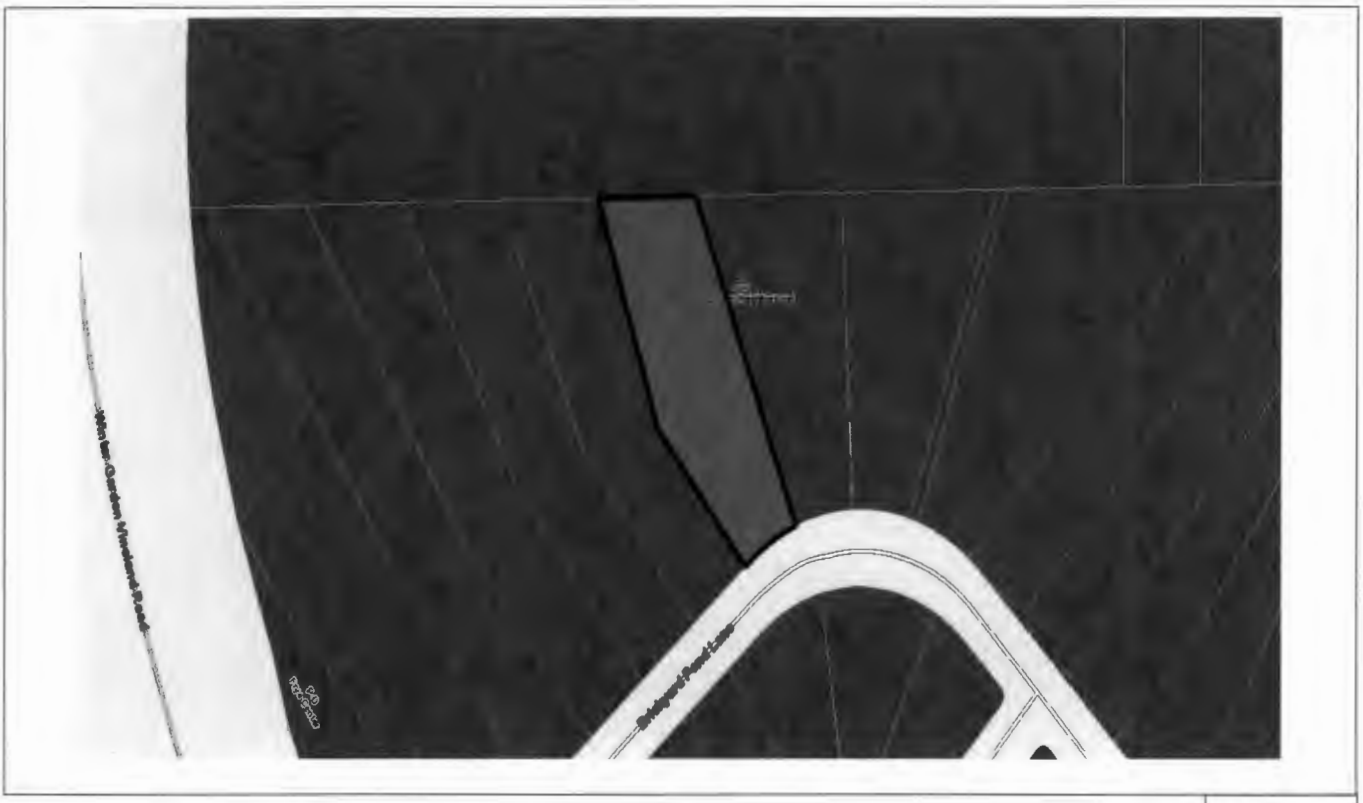
5. Minimum Possible Variance .We would like the variance to be approved to be able to build the swimming pool.

6. Purpose and Intent. The community has pools on the same side as the lot we are wanting to build, our pool will be in harmony to the area and it will not harm lake

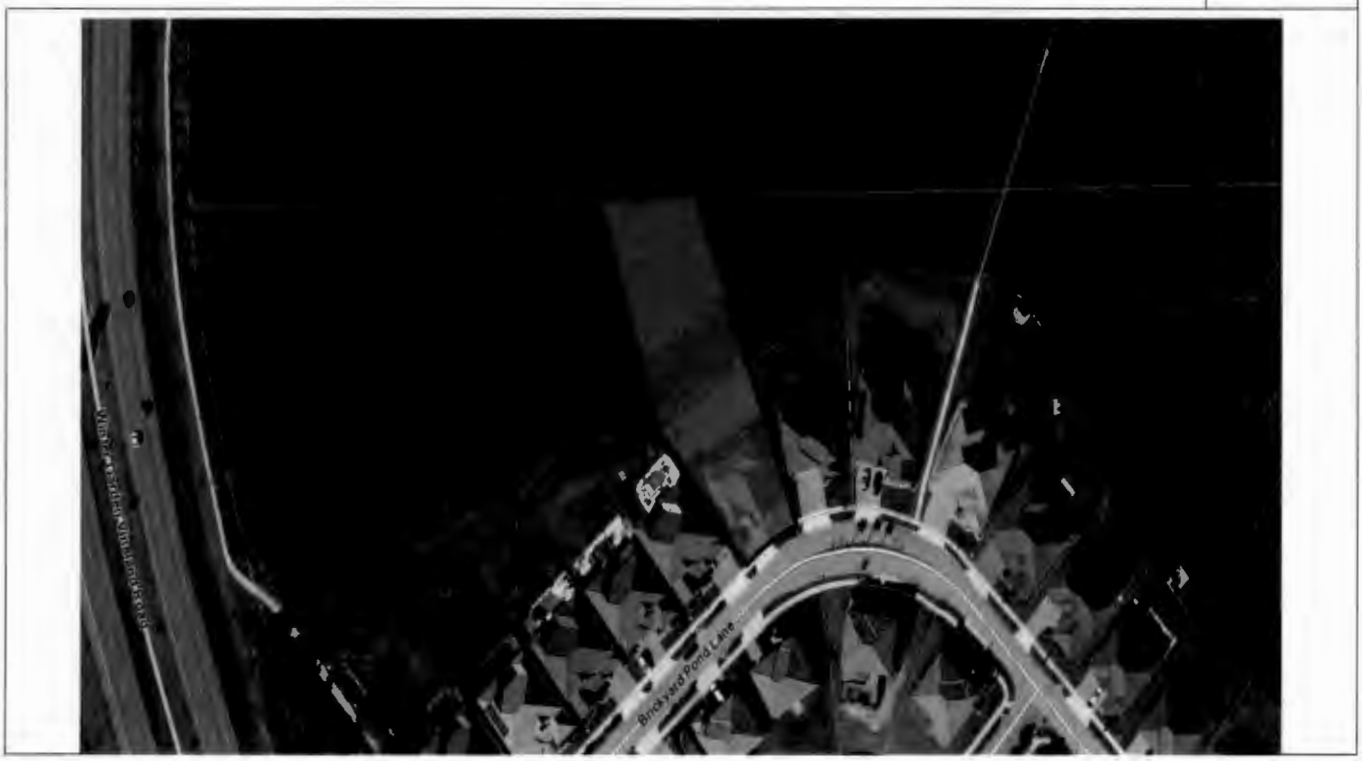
Sincerely,

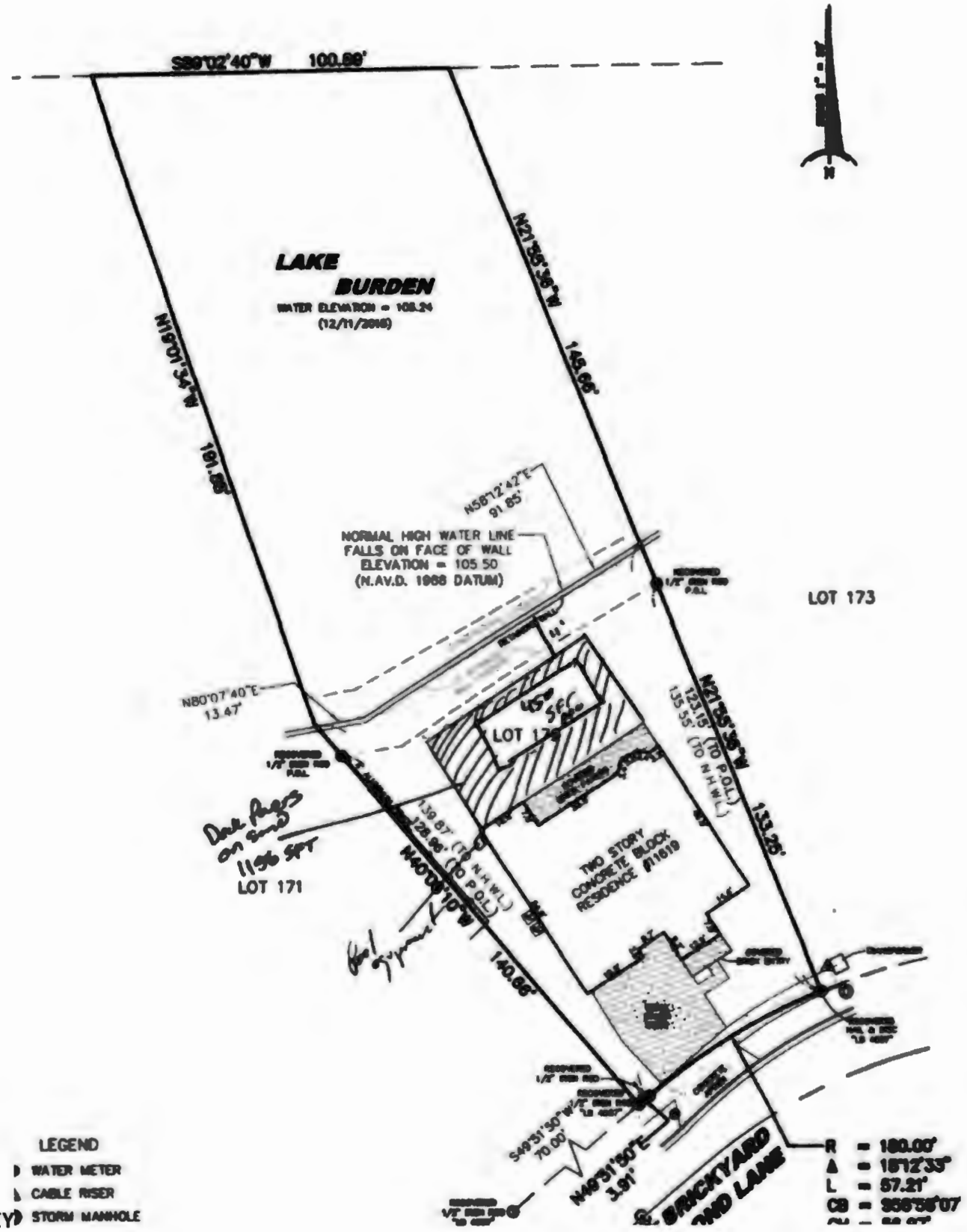
Manuel A. Izquierdo
President
Bluescape Pools & Spas Corp.

ZONING MAP



AERIAL MAP




S89°02'40"W 100.99'
LAKE
BURDEN
WATER ELEVATION = 105.24
(12/11/2018)
N19°01'34"W
181.85'
N21°55'36"W
148.66'
N58°12'42"E
91.85'
NORMAL HIGH WATER LINE
FALLS ON FACE OF WALL
ELEVATION = 105.50
(N.AV.D. 1988 DATUM)
LOT 173
N80°07'40"E
13.47'
LOT 170
N21°55'36"W
123.15' (TO P.O.L.)
135.55' (TO N.H.W.L.)
133.25'
Dock Rights on Sand
1196 SFT
LOT 171
139.87' (TO N.H.W.L.)
128.98' (TO P.O.L.)
N40°08'10"W
140.66'
TWO STORY
CONCRETE BLOCK
RESIDENCE #11619
S49°31'50"W
70.00'
N49°31'50"E
3.91'
BRICKYARD
POND LANE
R = 180.00'
Δ = 18°12'33"
L = 57.21'
CB = S58°58'07"
LEGEND
WATER METER
CABLE RISER
STORM MANHOLE

PLAN / SURVEY

SITE PHOTOS

Front View of the House

Existing Back Yard

Neighbor's Pool to the West

Looking East

View from the Applicant's Back Porch towards Lake Burden

Existing Rear Elevation of the Home

Existing Back Yard

Existing Seawall

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**APR 04, 2019**	Case Planner:	**Sean Bailey**
Case #:	**SE-19-05-025**	Commission District:	**#6**

GENERAL INFORMATION

APPLICANT(s):	LOVE FELLOWSHIP CHRISTIAN CHURCH
OWNER(s):	LOVE FELLOWSHIP CHRISTIAN CHURCH INC
REQUEST:	Special Exception and Variance in the R-1A zoning district as follows: 1) Amendment to an existing Special Exception to allow an additional building on the existing property to be used for Sunday School programming. 2) Variance to allow a rear setback of 29 ft. in lieu of 30 ft.
PROPERTY LOCATION:	1047 26th St., Orlando, FL 32805, Northeast corner of 26th St. and Woods St.
PARCEL ID:	03-23-29-0180-45-130
LOT SIZE:	135 ft. x 150 ft. / .46 acres
NOTICE AREA:	500 ft.
NUMBER OF NOTICES:	141

DECISION: APPROVED the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, **APPROVED** the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7-0):

1. Development in accordance with the site plan dated March 6, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. No outdoor speakers or other audio amplification.

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. Construction plans and all applicable permits shall be submitted within three (3) years of final approval or this approval becomes null and void.

7. Signage shall be in accordance with 31.5-75, Orange County Code.

8. The proposed structure shall only be used for Sunday School youth programs only.

SYNOPSIS: Staff explained the history of the site, previous approvals, proposed building, and surrounding uses.

The applicant is proposing to construct a new building to be used for Sunday School programming on the east side of the property. The existing church sanctuary and parking lot will remain.

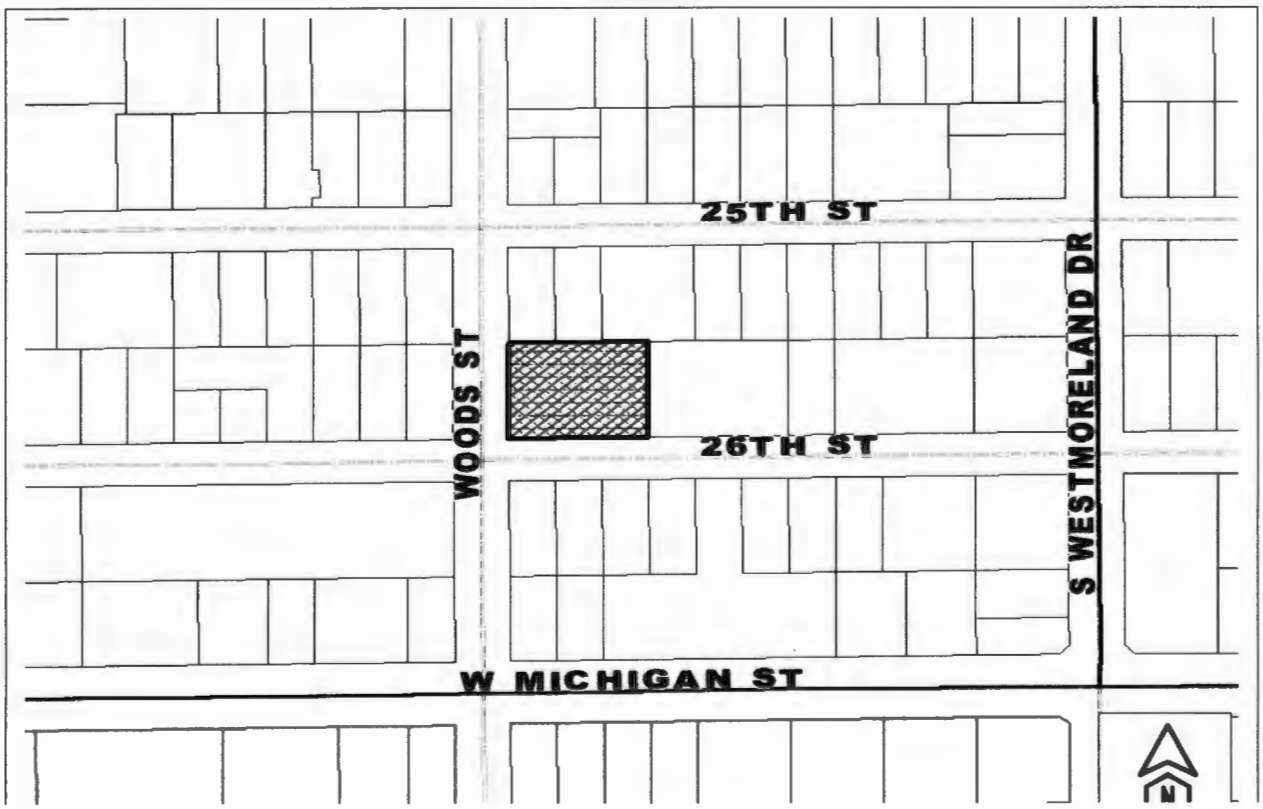
The applicant was present but did not speak at the hearing, and no neighbors were present to speak at the hearing. Staff received one (1) letter in favor of the request.

The BZA felt the proposed use was straightforward and the church is existing on-site and approved the Special Exception.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Religious Use Facility	Single-family residence	Single-family Residence	Single-family Residence	Parking Lot

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-1A, Single Family Dwelling District, which allows single-family homes and certain uses as special exceptions.

The property is a combination of three (3) platted lots as part of the Angebilt Addition Plat platted in 1923. The property has been zoned R-1A since the inception of zoning in October 1957, and is a conforming lot of record. It is a corner lot located at the northeast corner of Woods Street and 26th Street.

There have been three (3) previous Special Exceptions approved for a religious use facility on this property. The first in 1991 and a second one in 1998, both of which expired after there was no permit activity on the property. The last Special Exception was approved in 2007, which included the sanctuary, existing single story residence, parking lot on the adjacent parcel, and a 1,000 sq. ft. storage building. The applicant would like to demolish the existing residence and construct a 2,733 sq. ft. building in its place to be used for Sunday School programming for local youth. The applicant purchased the property in 2014.

The property contains two (2) existing structures, a 3,296 sq. ft. sanctuary, which was constructed in 2015 as part of the previous Special Exception, and a 1,338 sq. ft. single-family residence which was built in 1947. The proposed 1,000 sq. ft. storage building was never constructed. There are 28 existing parking spaces which meet code requirements, as the church has 84 seats (1 space for each 3 fixed seats). The existing parking lot and infrastructure will remain on site.

The property is located in the Holden Heights area of the County, but is not located within the limits of the Holden Heights Neighborhood District. The area is comprised of single-family homes, religious use facilities, and some commercial uses along the major roadways.

The property located on the adjacent corner was approved as a religious institution in 2013, and there is currently a functioning facility in that location.

rict Development Standards

	Code Requirement	Proposed
Max Height:	35	15
Min. Lot Width:	75	150
Min. Lot Size:	7,500 sq. ft.	20,238 sq. ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	25	25
Rear:	30	29
Side:	7.5	10
Sidestreet:	15	15
NHWE:	n/a	n/a

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

use shall be consistent with the Comprehensive Policy Plan.

The Future Land Use is LMDR (Low Medium Density Residential), and with the approval of this special exception, the use will be consistent with the Comprehensive Plan.

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

The existing religious use has been in operation on site for at least three (3) years and there are other religious use facilities in the immediate area. The proposed building will only be used on Sundays.

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

The use will be limited to Sundays only and will be confined to the existing site. There are existing vinyl fences adjacent to the neighboring residential properties.

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

The plan meets all the code requirements except for the rear setback, which is covered by the associated variance and is minor in nature.

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 use will be limited to indoor activities and will not produce any characteristics that are not already present in the existing neighborhood.

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.

Code requires a 15 foot wide landscape buffer adjacent to residential; the proposed plan is providing 10 feet on the east side. Staff recognizes the existing building sits closer than 10 feet from the property line, and with the proposed trees and existing 6 foot high vinyl fence, the proposed buffer is acceptable.

VARIANCE CRITERIA

Special Conditions and Circumstances

The parking spaces and sanctuary exist on-site which means there is limited area for the construction of the new building.

No Special Privilege Conferred

There have been other setback variances granted in the immediate area.

Minimum Possible Variance

The variance requested represents a three (3) percent deviation from code, and is the minimum possible to allow reasonable use of the land. The reduced setback will be imperceptible.

Purpose and Intent

Approval of the variance will be in harmony with the zoning regulations and will not be injurious to the neighborhood.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated March 6, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. No outdoor speakers or other audio amplification.
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 and/or plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
6. Construction plans and all applicable permits shall be submitted within three (3) years of final approval or this approval becomes null and void.
7. Signage shall be in accordance with 31.5-75, Orange County Code.
8. The proposed structure shall only be used for Sunday School youth programs.

c: Sylvester Robinson
566 Palio Court
Orlando, FL 34761

c: Larry Poliner
617 Arvern Drive
Altamonte Springs, FL 32701

January 16, 2019

James A Garritani, R.A.
Keesee Associates
945 S. Orange Blossom Trail
Apopka, FL 32703

Dear James,

I am Bishop Sylvester Robinson and I serve as the Senior Pastor of Love Fellowship Christian Church which is located in the Holden Heights Community of Orlando. I am submitting this letter to you to assist/help in the explanation of our planned usage of the building that is being constructed on our property at 1047 26th Street.

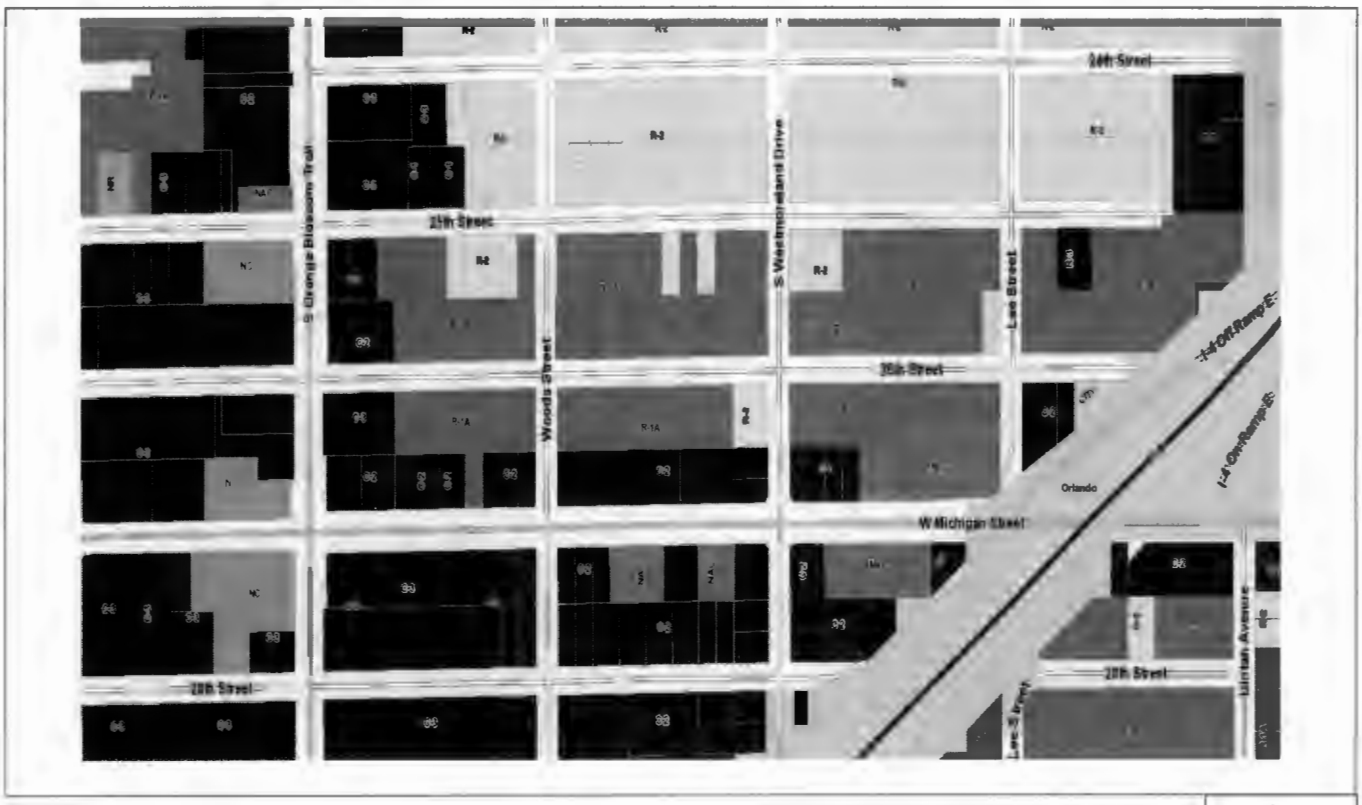
The property currently has an old block home on it that we are planning to demolish to make room for the building of a facility that would house the youth programming for the church. Our current facility which is new does not have the needed space to house Sunday School Youth Programs. We **WILL NOT** be doing any DAYCARE SERVICES in this building and we **WILL NOT** be leasing or renting this facility out to the public. Our Sunday School Youth Programs are specifically for ages 3-12 and consist of Sunday School Programming Only. **Let me reiterate that the usage will be on Sundays ONLY.** I would also like to note that the proposed usage/variance will not **INCREASE TRAFFIC** or **CAUSE ISSUES** in or around the facility.

The Holden Heights community is a "HIGH NEEDS" community and our church is looking forward to being able to minister not only to our congregants but to the community at large through property that a parishioner has donated. The donated property is located on a separate location away from the building that will house our Sunday School Programming for our Youth. This **YOUTH BUILDING** at 1047 26th Street, Orlando, FL 32805, **will ONLY be USED** for our **SUNDAY SCHOOL YOUTH PROGRAMS**. Again, we are looking forward to the start and completion of this project. If I can be of any help to you at all don't hesitate to contact me @ 321.388.2117 (Cell) or 407.442.2826 (Church).

By His Grace,

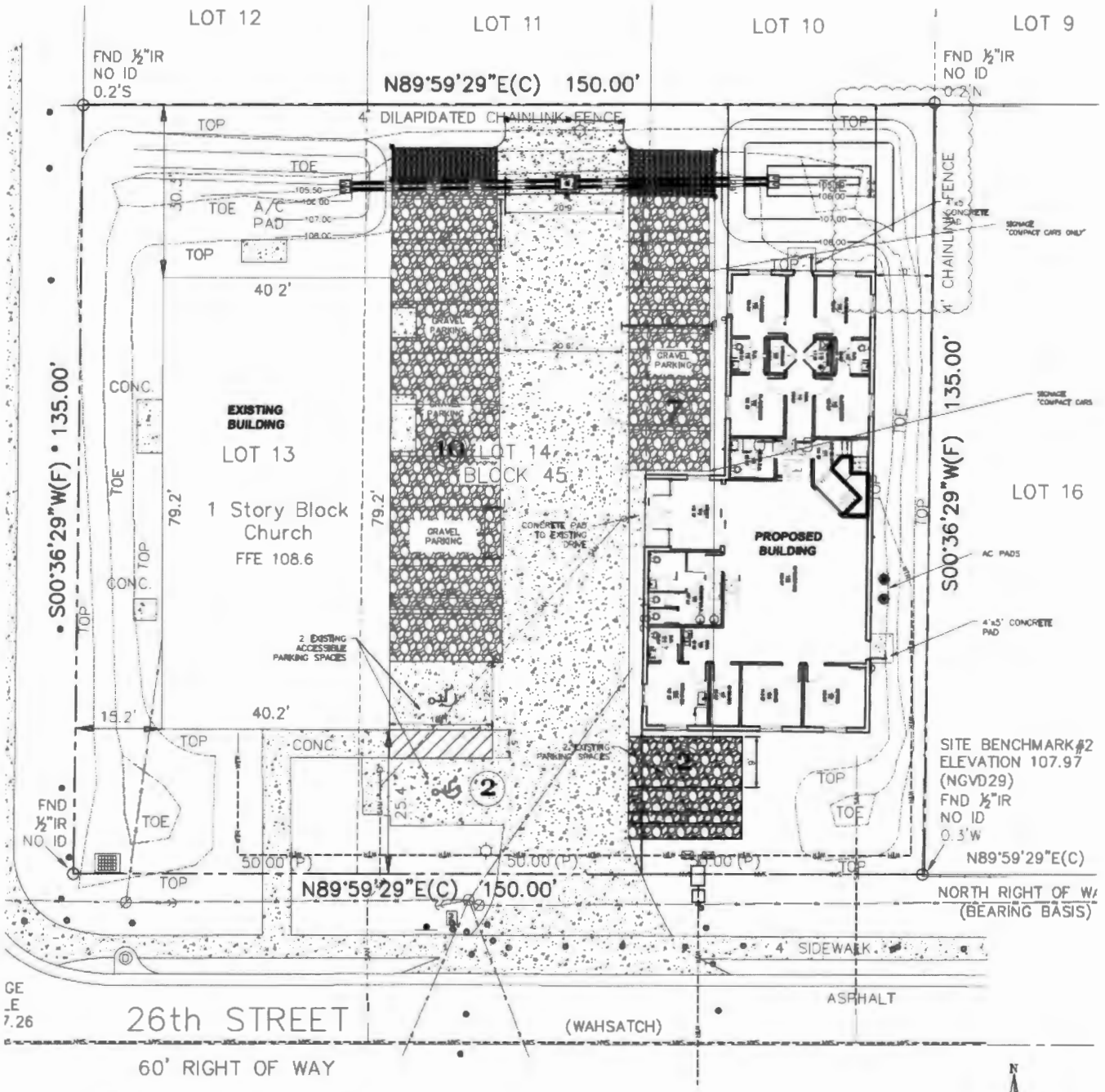
Bishop Sylvester Robinson
Senior Pastor, Love Fellowship Christian Church

ZONING MAP



AERIAL MAP

SITE PLAN / SURVEY



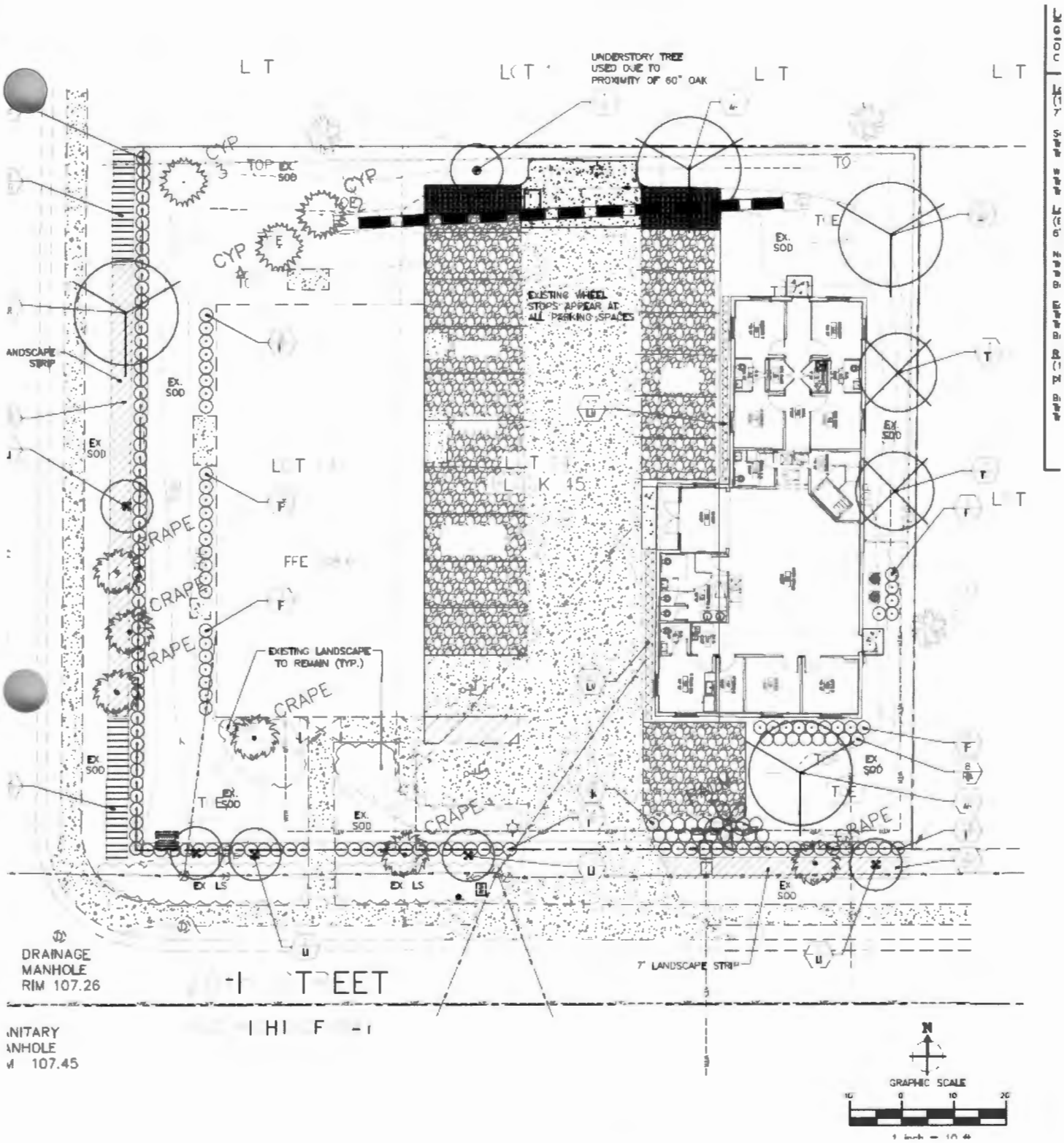
ALL UTILITIES ARE PROVIDED TO SITE FOR CONNECTION.

TO BE CONSTRUCTED IN ONE PHASE

PARKING CALCULATIONS

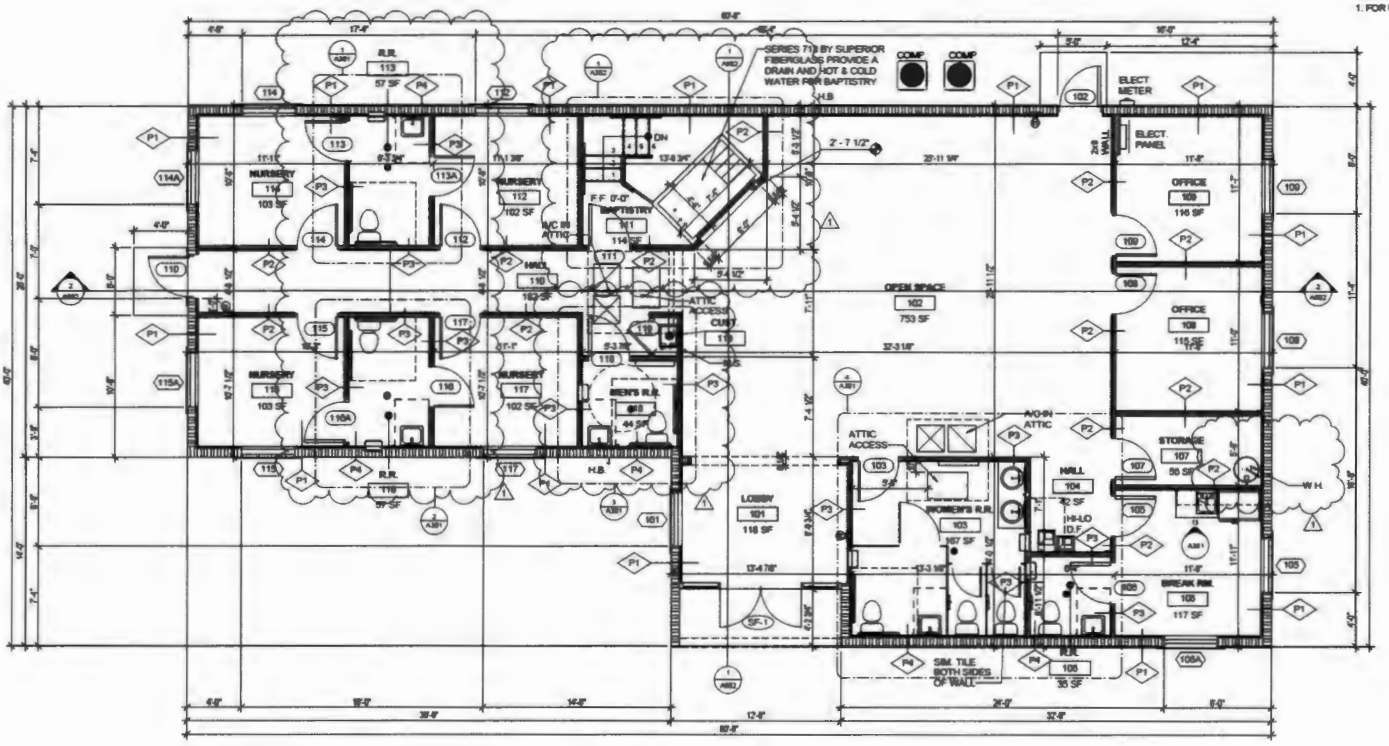
SITE WAS PREVIOUSLY DESIGNED AND PERMITTED WITH 28 PARKING SPACES

CONTRACTOR SHALL NOTIFY THE ORANGE COUNTYPUBLIC UTILITIES CONSTRUCTION DEPARTMENT 48 HOURS PRIOR TO ANY UTILITIES CONSTRUCTION.



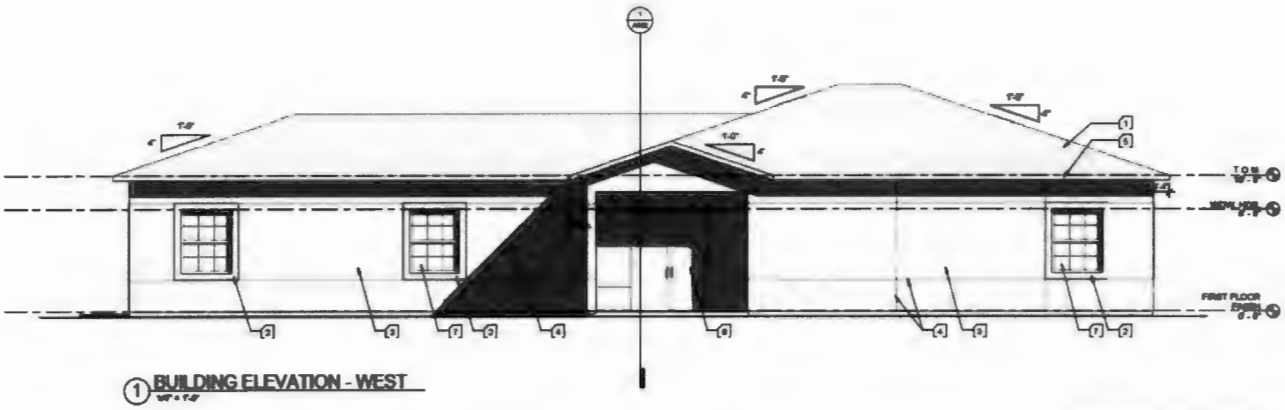
Landscape Plan

FLOOR PLAN

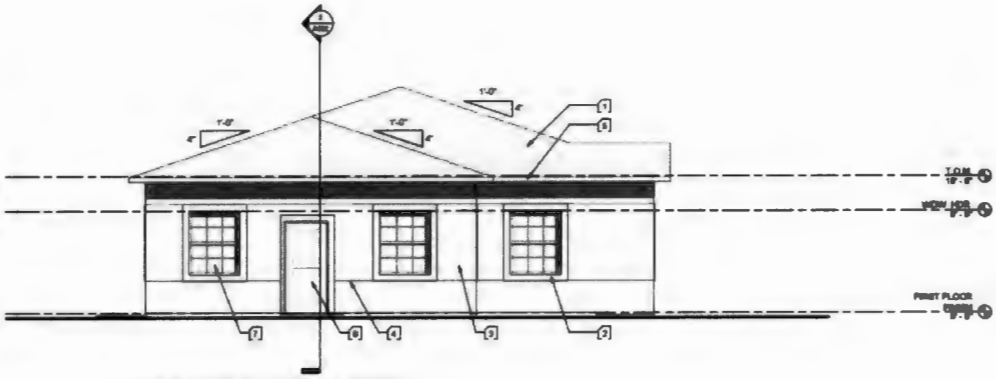


1 FIRST FLOOR PLAN - DIM

ELEVATION

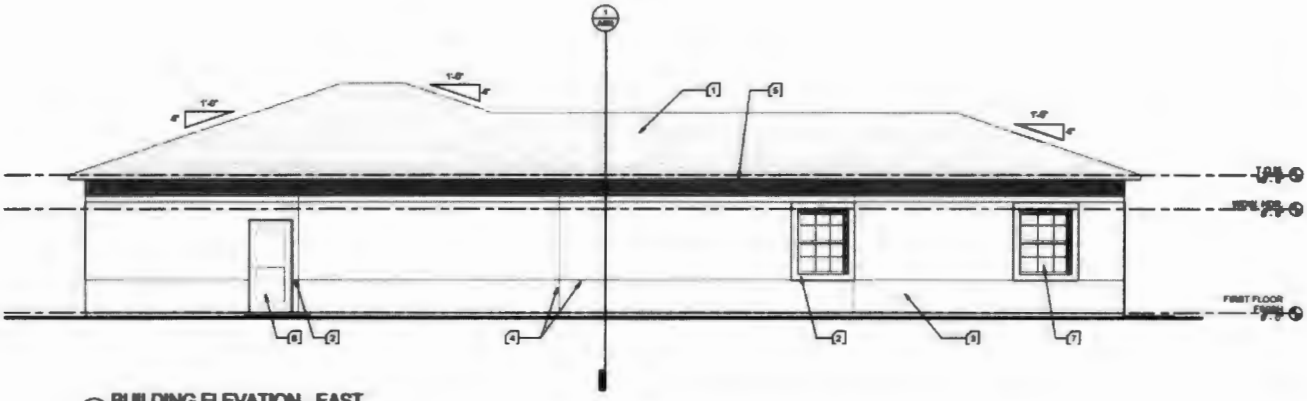


① BUILDING ELEVATION - WEST

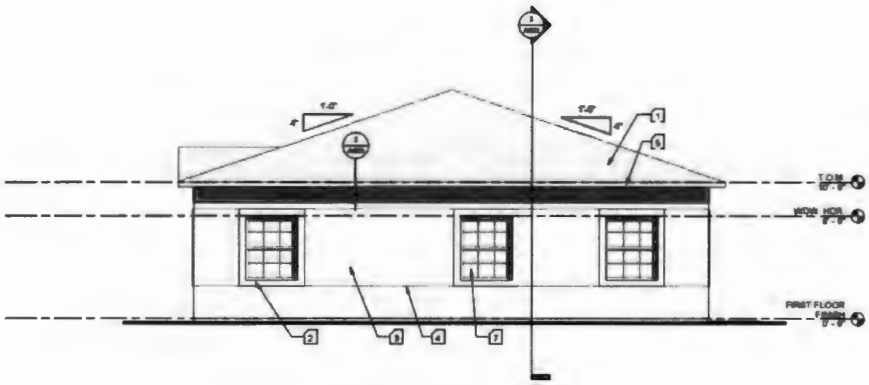


② BUILDING ELEVATION -NORTH

ELEVATION SCHEDULE	
MARK	DESCRIPTION
1	ASPHALT SHINGLE ROOFING
2	8" / (+1") STUCCO BAND
3	CEMENTITIOUS FINISH
4	CEMENTITIOUS FINISH CONTROL JOINTS
5	2x8 FASCIA BOARD W/ 1x2 SUB FASCIA W/ METAL FLASHING
6	ALUMINUM STOREFRONT
7	ALUMINUM WINDOW UNIT
8	METAL DOOR AND FRAME



1 BUILDING ELEVATION - EAST

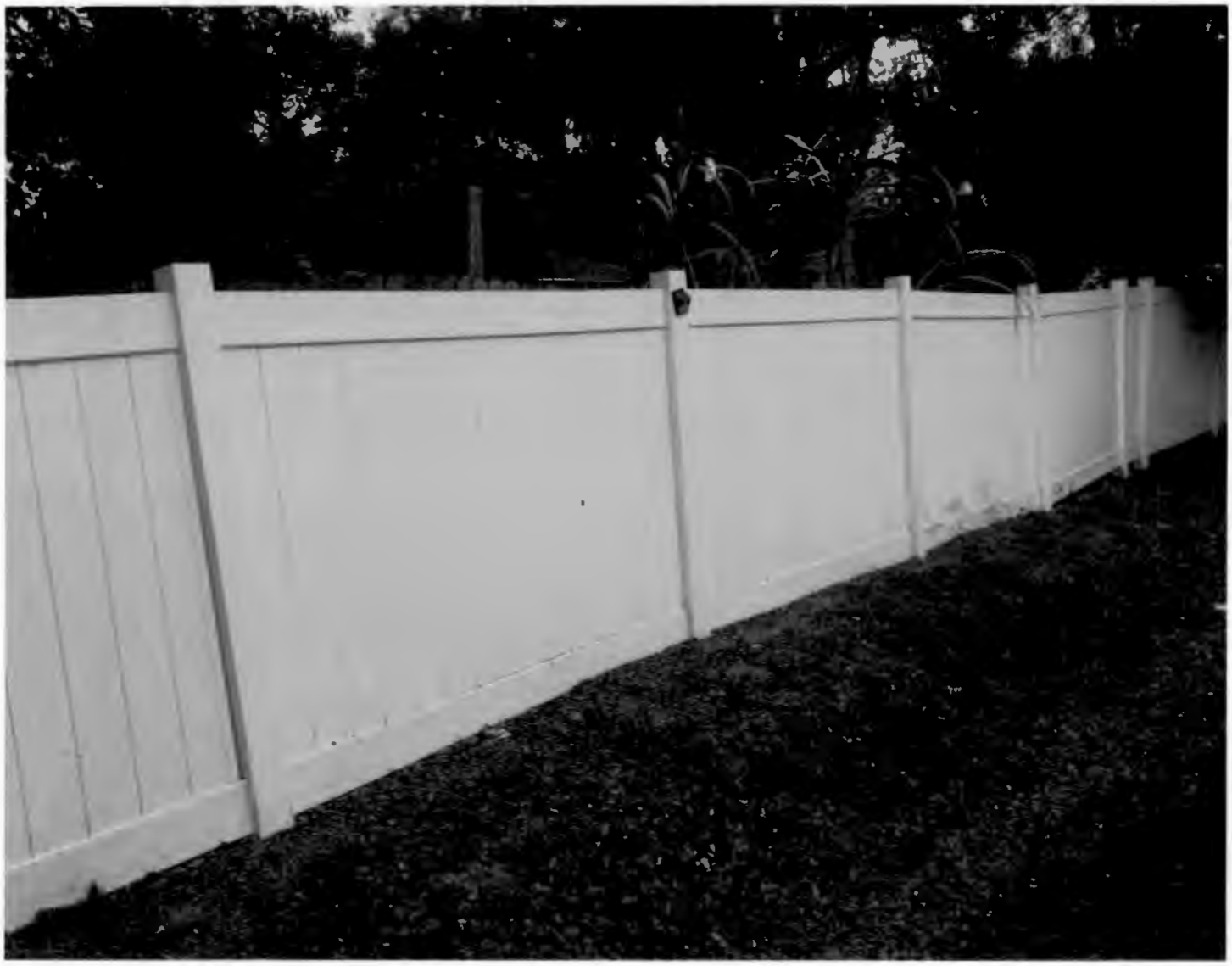


2 BUILDING ELEVATION - SOUTH

ELEVATION SCHEDULE	
MARK	DESCRIPTION
1	ASPHALT SHINGLE ROOFING
2	6" (1+1") STUCCO BAND
3	CEMENTITIOUS FINISH
4	CEMENTITIOUS FINISH CONTROL JOINTS
6	2x8 FASCIA BOARD W/ 1x2 SUB FASCIA W/ METAL FLASHING
9	ALUMINUM STOREFRONT
7	ALUMINUM WINDOW UNIT
8	METAL DOOR AND FRAME

SITE PHOTOS

Existing Sanctuary



North Property line

Residential Properties Located to the South along 26th Street

Existing Home to be demolished

Existing Parking Lot Located On Wood Street

Rear Portion of Lot Where New Structure Is Proposed

Looking South at Existing Parking Lot and House

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**APR 04, 2019**	Case Planner:	**Nick Balevich**
Case #:	**VA-19-05-026**	Commission District:	**#1**

GENERAL INFORMATION

APPLICANT(s):	ROBERT LANIER
OWNER(s):	ROBERT LANIER LIVING TRUST
REQUEST:	Variance in the P-D zoning district to allow a generator 4.4 ft. from the side property line in lieu of 10 ft.
PROPERTY LOCATION:	10732 William Tell Dr., Orlando, Florida, 32821. East side of William Tell Dr., north of Central Florida Parkway, west of Orangewood Blvd.
PARCEL ID:	07-24-29-9359-00-400
LOT SIZE:	70 ft. x 101 ft. (avg) / 0.162 acres
NOTICE AREA:	500 ft.
NUMBER OF NOTICES:	150

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 abstained):

1. Development in accordance with the site plan dated February 14, 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 County Commissioners 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 stated that they lost power due to storms in 2004 and 2017. The applicant further stated that they were looking for the least intrusive location; and, the generator needed to be close to the house to accommodate

underground gas line and could not be placed further away in the back yard as this would degrade the efficiency of the unit.

The BZA confirmed that no similar variances were granted in the area, and also confirmed that the most efficient location for the unit was next to the electric box.

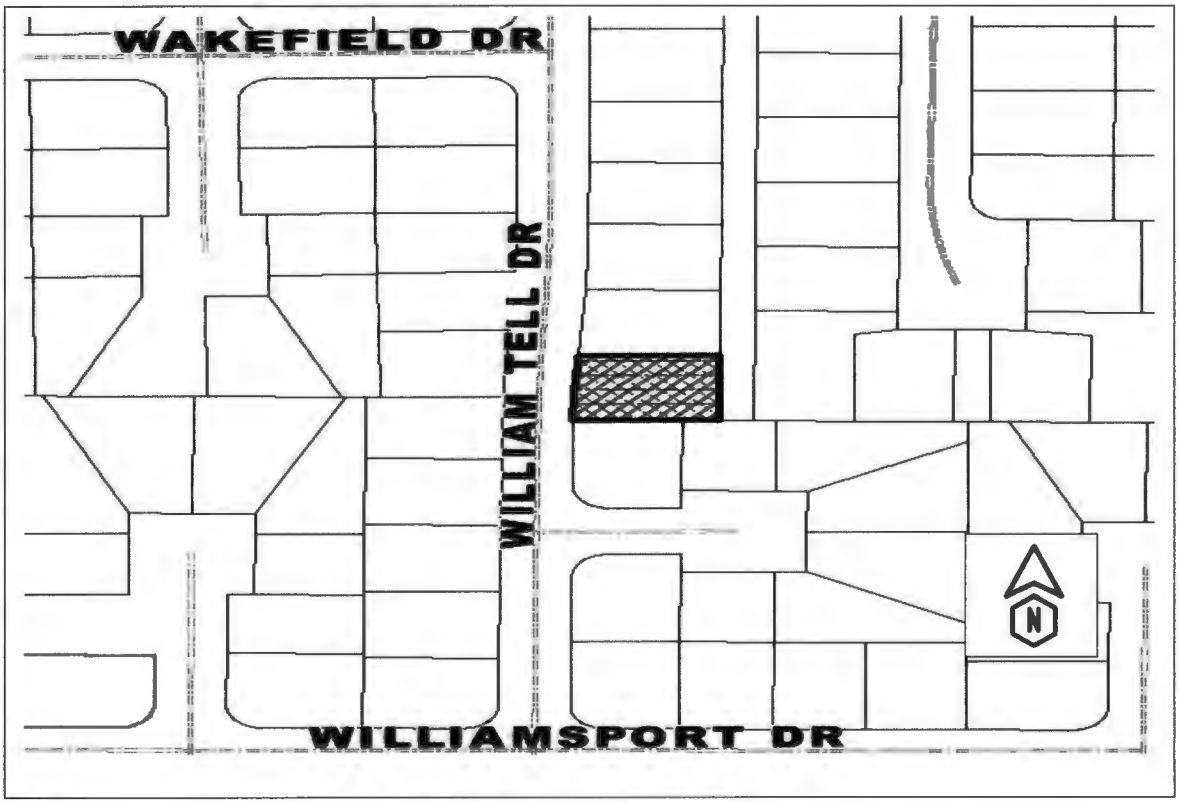
Staff received no commentaries in favor and one (1) in opposition to the application. There was no opposition at the hearing.

The BZA approved the variance.

STAFF RECOMMENDATIONS

Denial, however, if the BZA recommends approval then staff recommends the conditions of approval found in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	P-D	P-D	P-D	P-D	P-D
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

The property is located in a PD Planned Development district, and is in the Orangewood PD. This PD allows a variety of uses including single-family.

The property is located in the Windmill Pointe Subdivision, which is comprised of single-family homes, and has restrictions regarding accessory structures and fences. The lot was platted in 1979 and is considered a conforming lot of record. The lot is 0.16 ac., and contains a 1,576 sq. ft. (living area) single family home with an attached two-car garage on the lot, which was constructed in 1980.

The applicant is proposing to install a generator 4.4 feet from the side property line, which is approximately 17 feet from the neighbor's house. A permit was issued in November of 2018, to install the generator behind the house next to the air conditioning unit. The contractor discovered that location would not work as the generator must be located 5 feet from any opening (such as windows or doors). The new proposed location requires variance approval.

The generator will automatically do a test run for 20 minutes, once per week. The generator will emit sound at a level of 69 decibels (at 21 feet). This is similar to the noise levels for an air conditioner unit or dishwasher.

The required side setback for generators was previously 30 ft. This code was revised in September of 2016, to allow a reduced side setback of 10 ft. The rear setback for generators is 5 ft. The generator will encroach 3.1 ft. into a 7.5 ft. drainage easement that runs along the side of the property.

The request constitutes a 56% deviation from code.

District Development Standards

	Code Requirement	Proposed
Max Height:	n/a	2.6 ft.
Min. Lot Width:	70 ft.	70 ft.
Min. Lot Size:	7,000 sq.ft.	7,062 sq.ft.

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	N/A	N/A
Rear:	5 ft.	24.4 ft.
Side:	10 ft.	4.4 ft.
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The applicant has not demonstrated any special conditions or circumstances that are unique to this property that does not apply to all other properties with the same zoning and in the same subdivision. There is space to install the generator in the back yard without the need for the variance.

Not Self-Created

The request is self-created as there are alternate locations that can be utilized without the need for a variance.

No Special Privilege Conferred

Approval of the request will grant the applicant special privilege that is denied to other lands, building, or structures in the same zoning district.

Deprivation of Rights

The applicant would not be deprived of rights commonly enjoyed by other properties in the same zoning district.

Minimum Possible Variance

The request is not the minimum variance, as it is a 56% deviation from code.

Purpose and Intent

Approval of this request will not be in harmony with the purpose and intent of the zoning regulations and will set a precedent in the neighborhood with the amount of deviation being requested at 56%.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated February 14, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

Robert Lanier
10732 William Tell Drive
Orlando, FL 32821

COVER LETTER

Robert Lanier

10732 William Tell Dr

Orlando, Florida 32821

To Orange County planning and zoning,

I Robert Lanier would like to propose a variance on my property at 10732 William Tell drive Orlando Florida. We are requesting five and six tenths feet (5.6') variance on the North side property line, no variance is required on the front or back property lines. The current generator setbacks from Orange county zoning on 2/15/19 are 10' from the side property line and 5' from the back property line The current structure set backs from Orange county Zoning on 2/14/19 are 5' on the side property line, 15' on the rear property line and 20' from the front property line. The Generator will sit on a 4' X 3.4" X 4" pad. This variance would be metal generator with a concrete pad underneath of it.

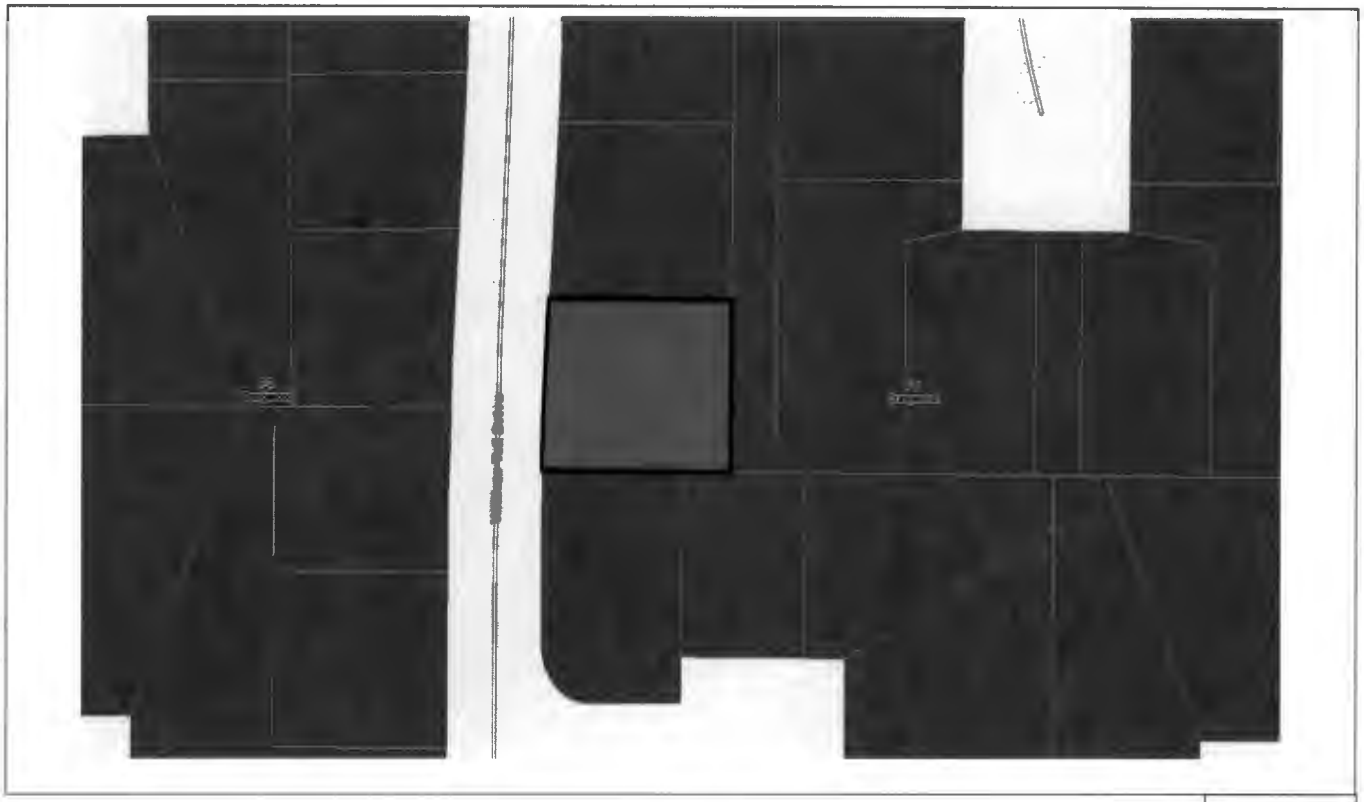
This is a whole house generator for the purpose of maintaining power to run my father's oxygen machine during a power outage. In the back of my house I have an all glass patio which would allow carbon monoxide fumes in and could be toxic to our home. There is space at the rear of the home just north of the A/C unit that also has a bedroom window and could allow carbon monoxide fumes in and could be toxic to our home.

Also, there are other homes that don't meet the requirements, the addresses of those are as follows, 10731 William Tell drive, 10720 William Tell drive, 10757 William Tell drive. This proposal meets your guidelines for a variance request.

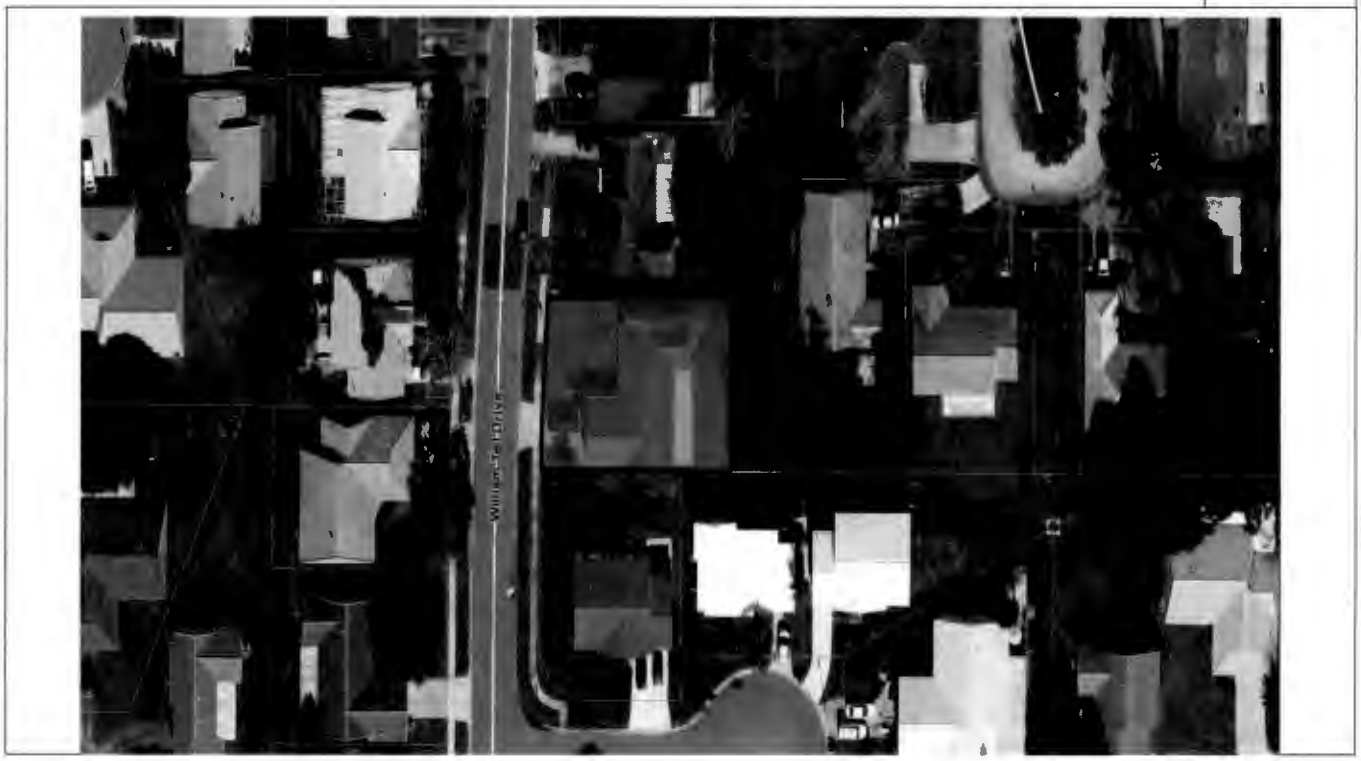
Thank You,

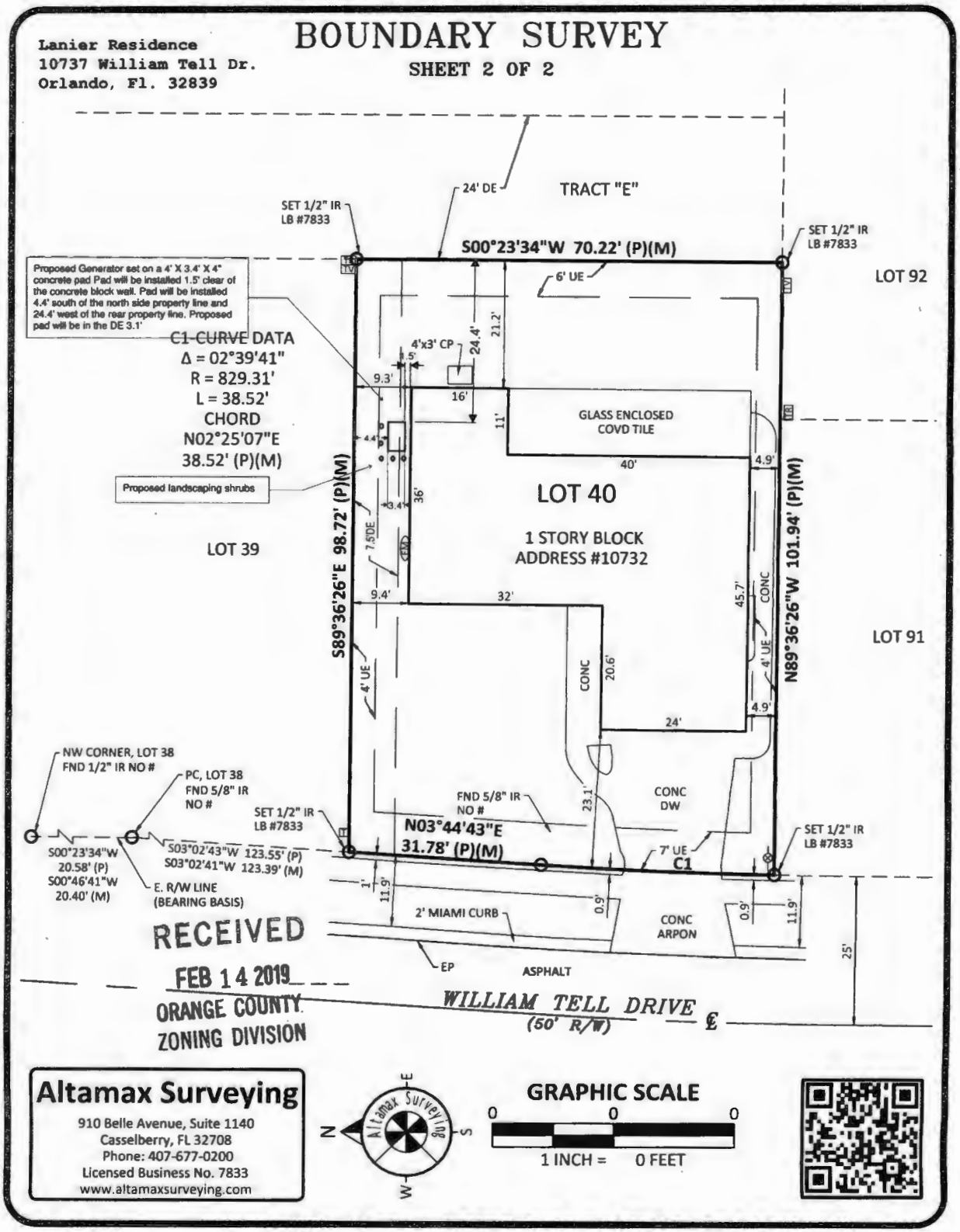
Robert Lanier

ZONING MAP



AERIAL MAP




BOUNDARY SURVEY
SHEET 2 OF 2
Lanier Residence
10737 William Tell Dr.
Orlando, Fl. 32839
TRACT "E"
24' DE
SET 1/2" IR LB #7833
S00°23'34"W 70.22' (P)(M)
6' UE
LOT 92
Proposed Generator set on a 4' X 3.4' X 4" concrete pad Pad will be installed 1.5' clear of the concrete block wall. Pad will be installed 4.4' south of the north side property line and 24.4' west of the rear property line. Proposed pad will be in the DE 3.1'
C1-CURVE DATA
Δ = 02°39'41"
R = 829.31'
L = 38.52'
CHORD
N02°25'07"E
38.52' (P)(M)
Proposed landscaping shrubs
4'x3' CP
24.4'
21.2'
9.3'
16'
11'
GLASS ENCLOSED COVD TILE
40'
4.9'
LOT 40
1 STORY BLOCK
ADDRESS #10732
LOT 39
S89°36'26"E 98.72' (P)(M)
N89°36'26"W 101.94' (P)(M)
36'
7.5'DE
9.4'
32'
45.7'
CONC
4' UE
20.6'
24'
LOT 91
NW CORNER, LOT 38
FND 1/2" IR NO #
PC, LOT 38
FND 5/8" IR
NO #
FND 5/8" IR
NO #
23.1'
CONC
DW
N03°44'43"E
31.78' (P)(M)
7' UE
C1
S00°23'34"W
20.58' (P)
S00°46'41"W
20.40' (M)
S03°02'43"W 123.55' (P)
S03°02'41"W 123.39' (M)
E. R/W LINE
(BEARING BASIS)
11.9'
0.9'
2' MIAMI CURB
CONC
ARPON
25'
EP
ASPHALT
WILLIAM TELL DRIVE
(50' R/W)
RECEIVED
FEB 14 2019
ORANGE COUNTY
ZONING DIVISION
Altamax Surveying
910 Belle Avenue, Suite 1140
Casselberry, FL 32708
Phone: 407-677-0200
Licensed Business No. 7833
www.altamaxsurveying.com
GRAPHIC SCALE
1 INCH = 0 FEET

Additional Information

Other Features

Enclosure Material	Galvanneal Steel or Aluminum
Overcrank Protection	Yes
Engine Warm Up (sec)	20 or 50 Automatic Transfer Switch Controlled
Engine Cool Down (min)	1
Response Time (sec)	26 or 56 Automatic Transfer Switch Controlled
Monitoring Options	Basic Wireless Monitor InfoHub™ Monitor
Continuous Battery Charging	Yes

Weight and Dimensions

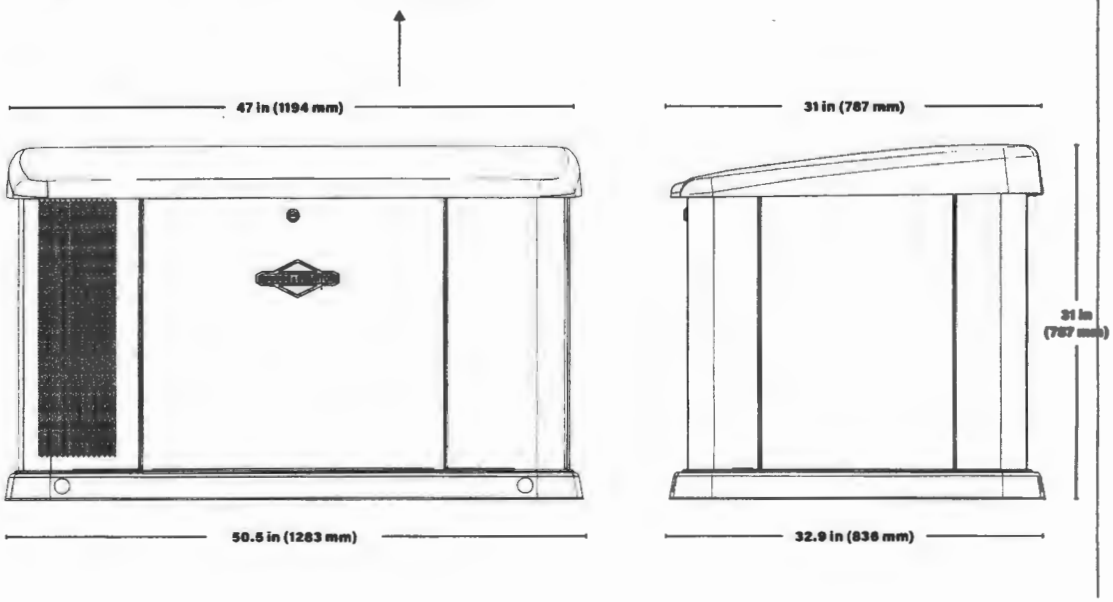
	17kW[1]	20kW[1]
Assembled Weight (lbs / kg)	484 / 220	Galvanneal - 601 / 273 Aluminum - 440 / 200
Overall Dimensions (in / mm)	50.5 x 32.9 x 31 / 1283 x 836 x 787	50.5 x 32.9 x 31 / 1283 x 836 x 787
Packaged Weight (lbs / kg)	610 / 277	Galvanneal - 626 / 284 Aluminum - 575 / 261
Packaged Dimensions (in / mm)	68.1 x 41 x 39.5 / 1730 x 1041 x 1003	68.1 x 41 x 39.5 / 1730 x 1041 x 1003

Certification

CARB Compliant	Yes*
cUL Listed to CSA 22.2 No. 100-14	Yes
UL 2200 Listed	Yes
EPA Certified Fuel System	Yes

Available Accessories

Maintenance Kit	6035
Cold Weather Kit	6231
Basic Wireless Monitor	6264
InfoHub	6517
Remote Status Monitor	6144



* CARB does not regulate emergency standby generators outputting less than 50 HP. Only the EPA standards apply.

[1] This generator is rated in accordance with UL (Underwriters Laboratories) 2200 (stationary engine generator assemblies) and CSA (Canadian Standards Association) standard C22.2 No. 100-14 (motor and generators).

Front from William Tell Drive

Location and Adjacent House

Location and Adjacent House

Rear Yard

Generator

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**APR 04, 2019**	Case Planner:	**David Nearing, AICP**
Case #:	**VA-19-05-028**	Commission District:	**#1**

GENERAL INFORMATION

APPLICANT(s):	THOMAS HEWITT
OWNER(s):	AMBER HEWITT & THOMAS HEWITT
REQUEST:	Variances in the R-CE zoning district as follows: 1) To allow a minimum lot width of 94 ft. in lieu of 130 ft. 2) To allow a minimum lot size of .58 acres in lieu of 1 acre.
PROPERTY LOCATION:	1172 Mill St., Gotha, FL 34734 , west side of Mill St., north of Gotha Rd.
PARCEL ID:	33-22-28-3100-15-541
LOT SIZE:	94 ft. x 270 ft. / .58 Acres
NOTICE AREA:	500 ft.
NUMBER OF NOTICES:	79

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

SYNOPSIS: Staff noted that the subject property was created through a survey filed in 1885. The property was initially zoned R-1 in 1957, when Orange County adopted its first zoning code. In 1981, County staff was recommending that the property be rezoned to R-1AAAA. This would cause the property to be nonconforming due to the lot width required by that zone; however, it would be a minor degree of nonconformity. However, the County opted to rezone any property in the area not zoned A-1 or A-2 to R-CE. In addition, at some point in the 1980's, the subject property was split between two adjacent properties causing it to lose its' nonconforming status. Staff noted that there were no correspondence in opposition, one in favor, and that numerous variance for the exact same request had been granted throughout the past.

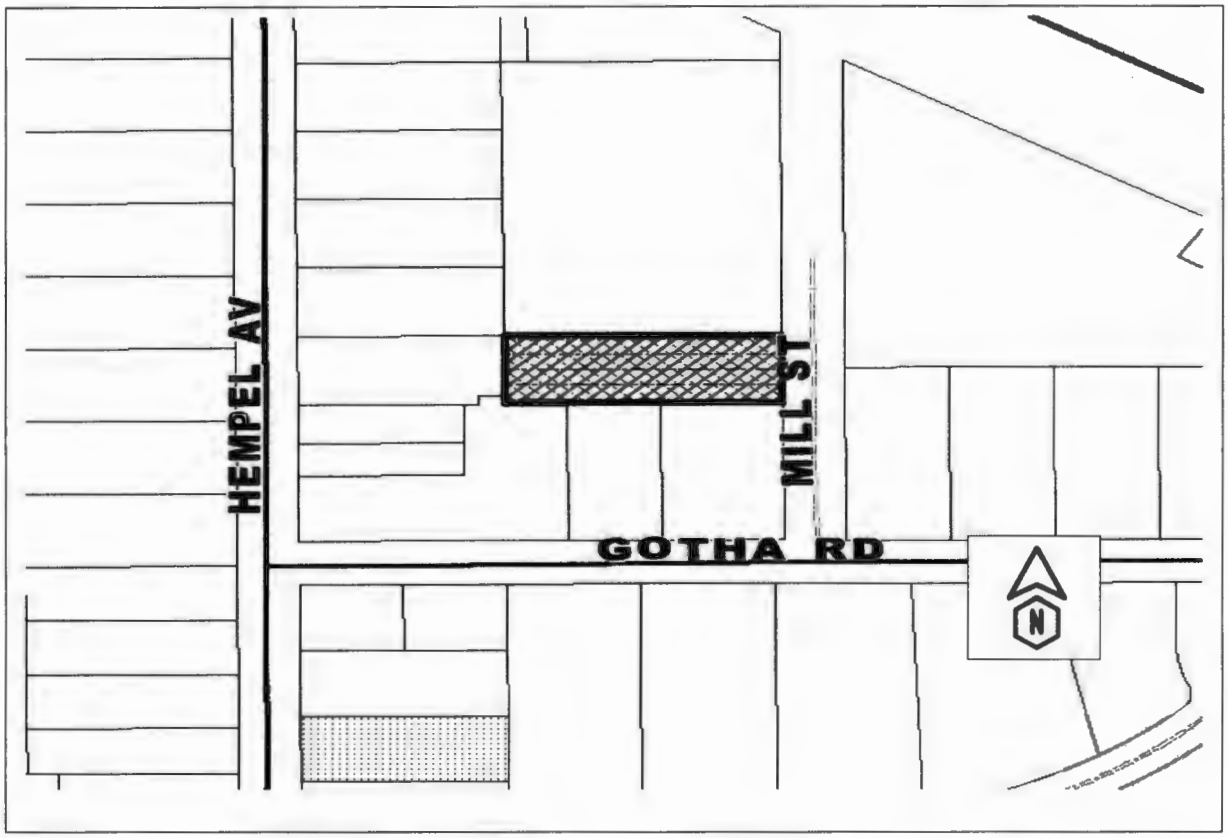
The applicant indicated their agreement with the staff recommendation. There being no one present to speak in favor or opposition to the request, the public hearing was closed.

The BZA concluded that due to the age the property, the history of rezonings, and the volume of past variance activity for the exact same reason, a variance was warranted to allow the applicant to build their home. A motion to recommend approval of the request was adopted unanimously.

STAFF RECOMMENDATIONS

Approval subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE	R-CE	R-CE	R-CE	R-CE
Future Land Use	RS 1/1	RS 1/1	RS 1/1	RS 1/1	RS 1/1
Current Use	Vacant	Single-family residence	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

Description and Context

The subject property is zoned R-CE, Country Estate, which allows for single-family development on one (1) acre lots and certain rural uses.

The subject property is located in the Gotha Rural Settlement which requires all new lots to be one (1) acre in size. However, it is also lot 54 of block P of the Map of Gotha, originally surveyed in 1885. The subject property consists of .58 acres of land with 94 feet of frontage. R-CE zoning requires a minimum of one (1) acre of lot area, with a minimum of 130 feet of frontage. Had the title to this property remained uncombined with any other property and under separate ownership, a variance would not be required as the lot would be a nonconforming lot of record. However, if it ever comes under common ownership with contiguous frontage, it loses that status.

According to the 1982 zoning maps used to verify the historic existence and configuration of land, the subject property had, at one time, been divided in half, east to west and combined with adjacent lots. Since the combined frontage and acreage were less nonconforming, the subject property lost its lot of record status.

In 1957, when zoning was initially placed on property in Orange County, the subject property and surrounding similar sized lots were placed in the R-1, Single Family Dwelling District, and A-1, Citrus Rural District. Given the size of the lots, all of the lots in the R-1 district were fully conforming lots of record.

In 1981, County staff proposed a rezoning of the Gotha area from A-1 and R-1 to R-1AAAA, Residential Urban District, R-CE, Country Estate, and A-1. The zoning proposed for the subject property and surrounding area was R-1AAAA. This would make the lots conforming to the minimum lot area of .5 acres; however, to the requirement for 110 feet of frontage, some would still have nonconforming lot widths such as the subject property. While a variance would still be required, it would be a minor variance for width rather than a large deviation for width and size.

It appears that the subject property has always been vacant. The applicant intends to construct a new two-story single-family residence with an architectural style similar to that of the existing residences. A review of past BZA action reveals that over a dozen variances for the exact issues have been granted in the immediate area with more in a greater area.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	26 ft.
Min. Lot Width:	130 ft.	94 ft.
Min. Lot Size:	1 acre	.58 acres

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	35	77
Rear:	50	123
Side:	10	10
Sidestreet:	N/A	N/A
NHWE:	N/A	N/A

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances
The special condition and circumstance particular to this property is the fact that in 1981, Orange County placed the R-CE zoning on the property rendering it nonconforming. Had the property been re-zoned as recommended, a variance would still be required to comply with the lot width; however, lot area would be more than sufficient.

Not Self-Created
The applicants purchased the subject property in November 2018. They were unaware of the nonconforming status of the property due to the large number of lots of similar sizes that have been developed. They were not responsible for the past lot splits.

No Special Privilege Conferred
Given the large number of variances for identical situations granted in this area, the granting of the variance will not confer any special privilege.

Deprivation of Rights
Without the granting of the variances, the applicant will have an undevelopable property, depriving them of virtually all use of the land.

Minimum Possible Variance
Since the applicant cannot increase the lot's frontage and size, this is the least variance necessary.

Purpose and Intent

The applicant will comply with all setbacks. In addition, the lot is more than sufficient in size to accommodate the proposed home. The proposed development also fits into the pattern of development in the neighborhood. The granting of the variance will not impair the integrity of the Zoning Code, and will be in harmony with the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated February 21, 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

c: Thomas Hewitt
1718 Whitney Isles Drive
Windermere, FL 34786

To: Board of Zoning
Orange County, Florida

From: Thomas and Amber Hewitt
Property Owners

Date: February 19, 2019

RE: VARIANCE REQUEST – Lot 54 - 1172 MILL ST. GOTHA, FL 34734
PARCEL ID: 33-22-28-3100-15-541

To Whom It May Concern:

As a result of our application for a residential building permit (#819000191), we have been informed by Sean Bailey, Chief Planner – BZA Section, that the above referenced property, which we purchased on November 26, 2018, is not a "lot of record" in Orange County, FL. Further, the property is currently zoned R-CE, whereas the actual property dimensions are only 94' x 270' or .58 acres.

By way of background, Lot 54 currently exists in its original state, as vacant land drawn in 1885 when the Town of Gotha was first established. According to a 1982 Zoning Map, Lot 54 was divided into two parcels (#15541 and #15542), which are also referred to in previous ownership transfers as Parcel A: North one-half of Lot 54 and Parcel B: South one-half of Lot 54. Orange County Property Appraiser records indicate that the entire Lot 54 has been under its current single parcel ID since 1985, albeit with multiple concurrent ownership interests. However, our understanding is that due to the division of Lot 54 as described, the property lost its "lot of record" status and will require a variance for lot size and lot width per the R-CE standards. The size of the property is relatively consistent with surrounding properties and such variance would be consistent with variances granted to many other lots in that area, including the four adjacent lots to the North of Lot 54. A variance would merely grant us the same property rights for reasonable use of the land as our neighbors enjoy with their properties.

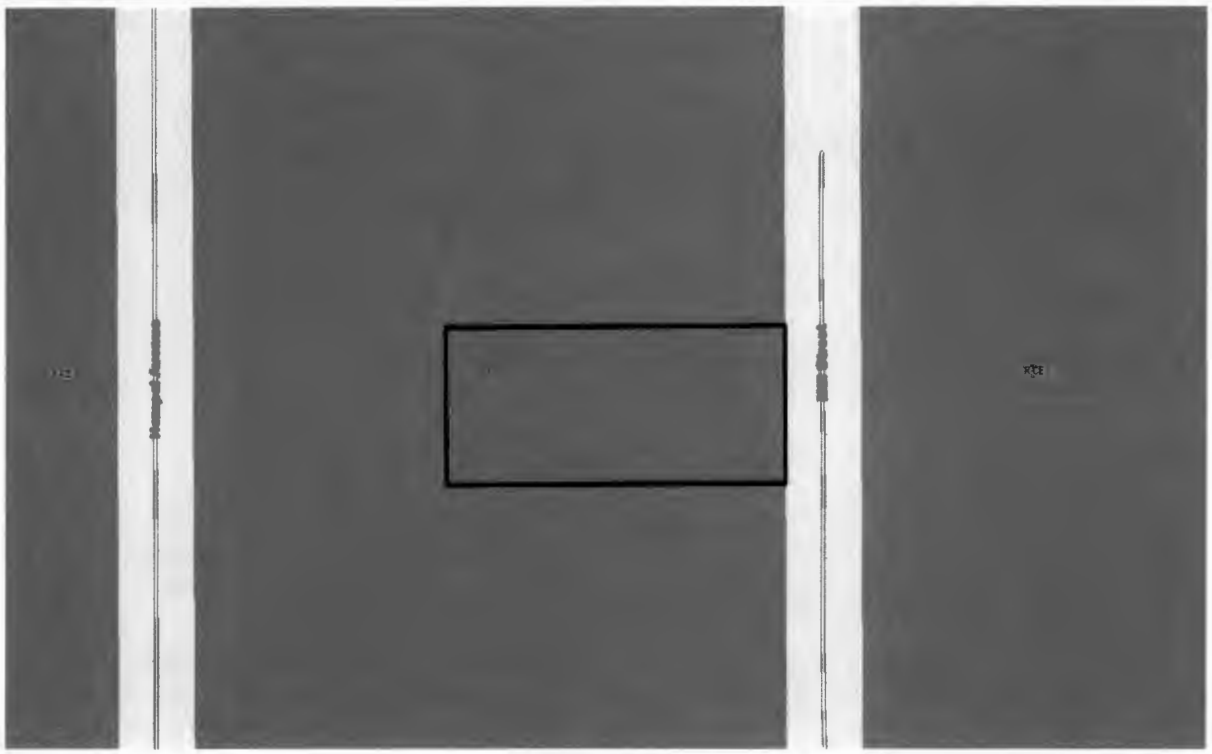
We are hereby requesting that a variance be granted for Lot 54 in order to proceed with the permitting application for a single family residence on the property. The building permit application referenced above was originally submitted with complete building plans, as well as the future home plotted on the surveyed property based on substandard lot rules.

Thank you for consideration of this matter.

Thomas Hewitt
912.337.0617

Amber Hewitt

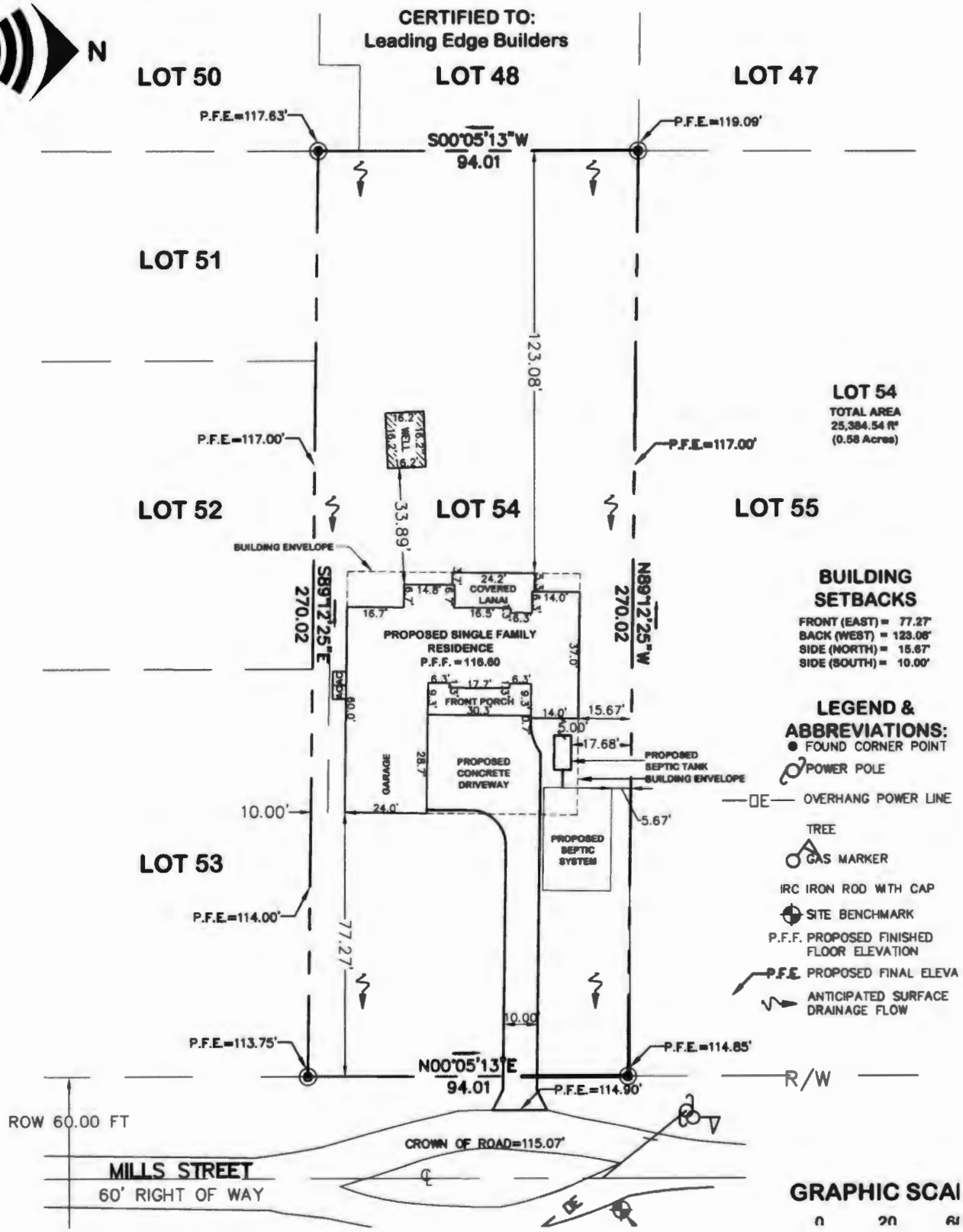
ZONING MAP



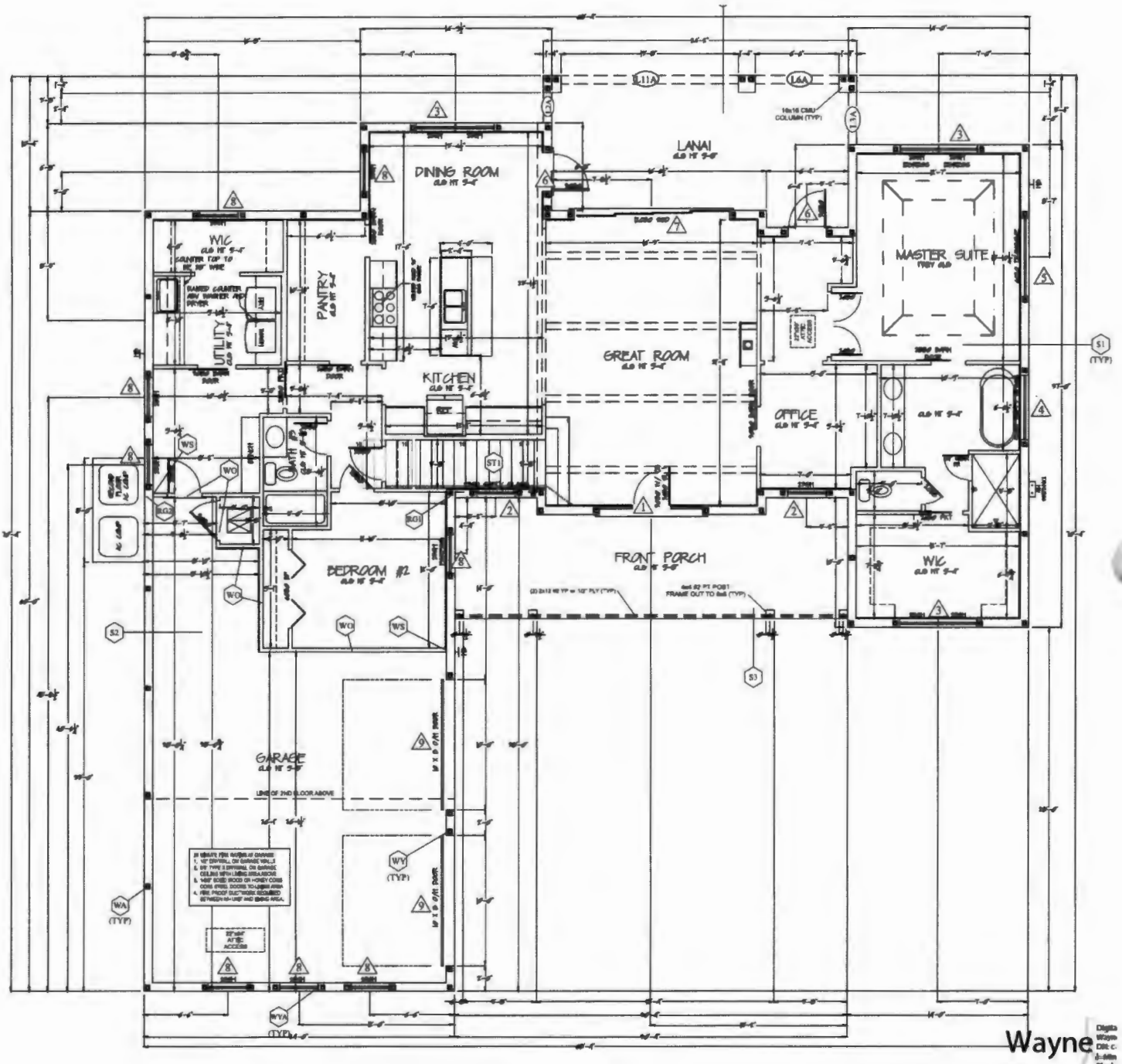
AERIAL MAP

SITE PLAN

IN PLAT BOOK J AND PAGE 105 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



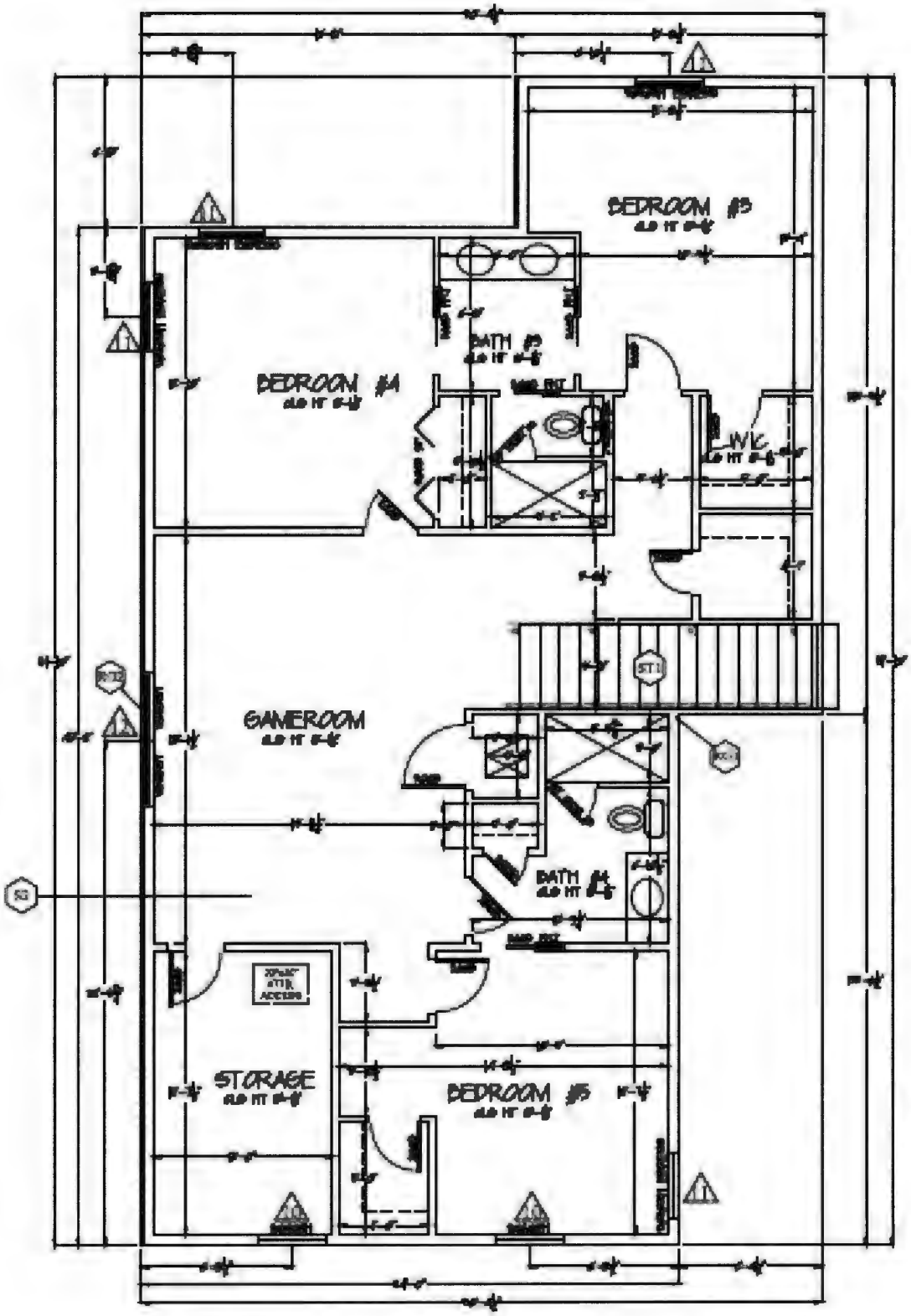
FLOOR PLAN



FLOOR PLAN

Wayne Block

First Floor



SECOND FLOOR PLAN

MINIMUM SILL HT SHALL BE
MINIMUM 24" ABOVE FLOOR

ELEVATION

NO ROOF VENTILATION
SPRAY FOAM INSULATION @ UNDERSIDE OF ROOF DECK

WINDOW SCHEDULE

OPENING MARK	DESCRIPTION	ROUGH OPENING		REQUIRED DESIGN PRESSURES, psf	
D1	DORMER WINDOW	34	34	28.4	-34.0

BUILDER TO DETERMINE ROUGH OPENING SIZES
INSTALL WINDOWS AND DOORS PER MANUFACTURER SPECIFICATION
ALLOWABLE PRESSURES MAY NEST OR EXCEED VALUES NOTED IN THE TABLE

FRONT ELEVATION

ALL GIVEN CALL-OUTS AND DIMENSIONS ARE TYPICAL OF ALL ELEVATIONS UNLESS OTHER WISE NOTED

EXTERIOR FINISH
(UNLESS NOTED OTHERWISE)

CMU WALL:
① CULTURED STONE VENEER
② 5/8" CEMENT FINISH
③ HARDIE PLANK SIDING

FRAME WALL & GABLE END:
④ HARDIE PLANK SIDING OVER HOUSE WRAP ON SHEATHING
⑤ HARDIE VERTICAL SIDING OVER HOUSE WRAP ON SHEATHING

REAR ELEVATION

SITE PHOTOS

Subject Property looking west from Mill Street

Neighbor to North from Mill Street

Neighbor to South from Mill Street

East across Mill Street

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**APR 04, 2019**	Case Planner:	**David Nearing, AICP**
Case #:	**SE-18-12-159**	Commission District:	**#5**

GENERAL INFORMATION

APPLICANT(s): IGLESIA DE DIOS EN BITHLO

OWNER(s): IGLESIA DE DIOS EN BITHLO INC

REQUEST: Special Exceptions and Variances in the A-2 and R-T-2 zoning districts as follows:

1) Special Exception to allow an existing religious institution to remain.
2) Special Exception to allow the construction of a new 500 seat sanctuary building with attendant ancillary uses.
3) Variance to allow the continued use of unpaved parking.
4) Variance to allow a church spire to extend 20 ft. above the 35 ft. maximum height in lieu of 10 ft.

PROPERTY LOCATION: 2049 8th St and 18606 Hollister Rd., Orlando FL 32820 , southeast corner of Hollister Rd. and 8th St., in Bithlo

PARCEL ID: 15-22-32-2336-01-610 & 15-22-32-2336-01-600

LOT SIZE: 3.7 Acres

NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 108

DECISION: APPROVED the Special Exception request **#1**, 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, **DENIED** the Special Exception request **#2**, in that the Board finds it did not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest; further, **APPROVED** the Variance request **#3**, in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions as amended; and, **WITHDREW** the Variance request **#4**, as requested by the Applicant. (Unanimous; 5-0 and 2 absent):

1. Development in accordance with the site plan dated October 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 fed permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Any expansions of the use shall require BZA and BCC approval.

5. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."

6. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.

7. The Special Exception and Variance shall expire upon the sale of the property. Any further use of the property as a religious institution after its sale shall require approval of another Special Exception and Variance.

8. 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. This shall exclude any major food distribution which does not involve the use of tents, tables, or on-site consumption of food.

SYNOPSIS: Staff explained the history of the application including the facts that a Community Meeting was held on November 12, 2018, and the application was before the BZA on December 6, 2018. At that meeting, there was considerable discussion regarding the major food drop-off, which resulted in significant disruption to the neighborhood. The BZA concluded that the Church should first demonstrate that it could deal with the traffic it was currently generating with a 3,500+ sq. ft. sanctuary before the BZA would consider any expansion. Staff was recommending that the Special exception for the current sanctuary be approved along with the Variance for the associated grassed parking. Staff was recommending denial of the new sanctuary as it was out of character with the neighborhood due to its size. It was established that the church was not seeking a variance for the height of the steeple, and that Variance was withdrawn.

The applicant provided a presentation which showed its mission to the community; future growth of the area; and how it has dealt with the traffic issue and streamlined the food distribution process.

Four (4) residents spoke in opposition to the approval of the request noting that the church activities still bring a significant number of people into the area who do not live in the neighborhood. Also, there are issues with speeding on Hollister Road. They also cited issues with noise from the church.

In its rebuttal, the applicant noted that there was no way to say that the issues raised were the result of the church activities and not just the result of area residents. The applicant was asked if they would be willing to relocate the major food distribution to an area nearer to Colonial Drive. The applicant noted that they felt that they needed to stay where they were as it was central to the Bithlo area. Some came to the distribution by foot and bicycle, and to move would further isolate those individuals. The square footage of the proposed sanctuary was discussed. When asked if the applicant would consider reducing the size of the building and the number of seats, the applicant explained that the size was needed due to the growing population of the area. The new sanctuary would also have more storage area and cooking facilities, further assisting the church with its mission.

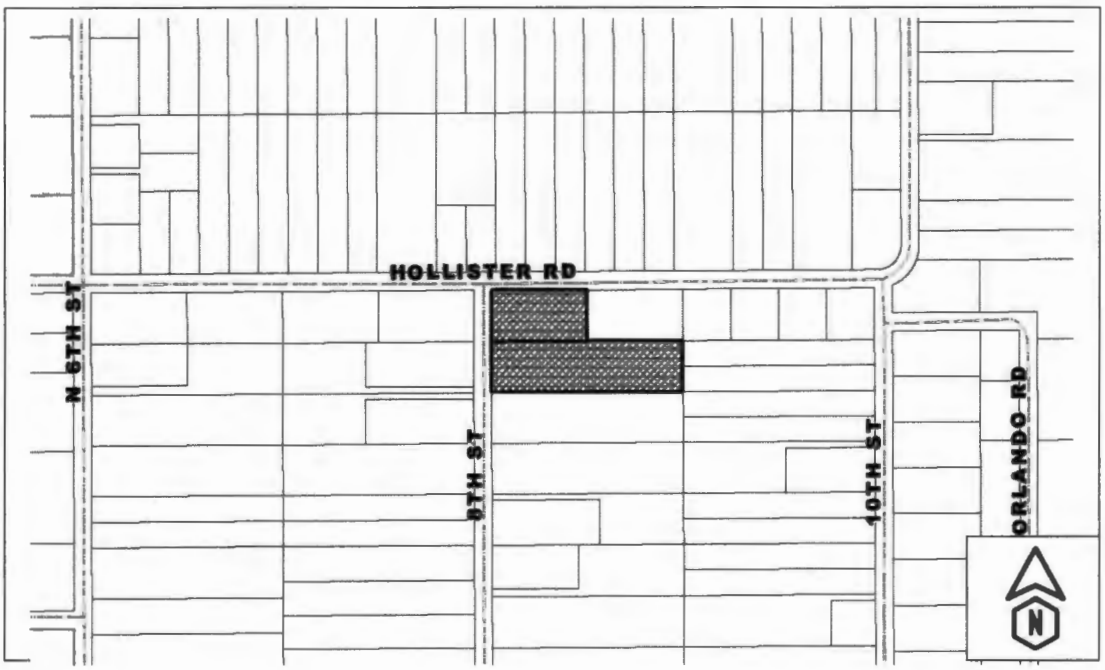
There being no one else present to speak in favor to the application, the public hearing was closed.

The BZA discussed the mass and scale of the proposed new sanctuary, noting that they felt it was too intense for the area. There was a consensus that the existing sanctuary was constructed by a valid building permit, and as such should stay. Discussion centered on whether the major food drop constituted a special event, and whether it would be possible to require that if the applicant ever sold the property, any new religious institution would be required to obtain a new Special Exception. After discussion with staff and the assistant county attorney, a new condition was added requiring any new religious institution which purchased the property to obtain a new Special Exception, and a modified condition which limited the number of outdoor special events, and which required that any major food drop which included tents, tables, and on-site consumption of food would be deemed a special event. The motion for that recommendation was approved unanimously.

STAFF RECOMMENDATIONS

Approval of Special Exception #1 and Variance #3, and denial of Special Exception #2 and Variance # 4. The approval is subject to the conditions in this report

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	R-T-2	R-T-2	R-T-2	R-T-2
Future Land Use	RS 1/1	RS 1/1	RS 1/1	RS 1/1	RS 1/1
Current Use	Vacant	Existing Sanctuary	Vacant	Mobile Home	Vacant

BACKGROUND AND ANALYSIS

Description and Context

The property on which the new sanctuary is proposed is located in the A-2 Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots. Nonresidential uses such as religious institutions are permitted through the Special Exception process. The portion of the overall property containing the existing sanctuary is zoned R-T-2, Combination Mobile Home and Single Family Dwelling District. This district permits both single-family dwellings and mobile homes by right. It also permits non-residential uses through the Special Exception process.

According to the Property Appraiser's information, the current sanctuary consists of 3,558 sq. ft. of floor area. It was constructed under Building permit #B99902882, issued in 1999. While required, there is no record that a Special Exception was ever granted.

In January 2009, the Church acquired the 2.47 acre parcel on which the new sanctuary is proposed. The property was re-zoned in 2012, from R-T-2 to A-2 (RZ-12-10-033).

The Church operates a food pantry on a once-a-month schedule, which provides food for immediate needs. On a second day once a month, they have a major food distribution to the needy. A semi-trailer loaded with food is delivered and unloaded, and the food is packaged for distribution. This day attracts a large number of participants to the site.

They wish to expand not only their seating but also their storage space as well as having kitchen facilities. They are proposing floor area to over 8,700 + sq. ft., with seating for up to 500 persons in the new facility. If the Special Exception for the new sanctuary is approved (Special Exception #2), the existing sanctuary would be converted to offices and classrooms for Sunday School.

On Monday, November 12, 2018, a Community Meeting was held to allow the Church to discuss their plans with the residents of the area, and to attempt to address any concerns that may be raised. The meeting was attended by the Head Pastor, two (2) members of the Church Board, staff, a representative from Commissioner Bonilla's office, and approximately 12 neighbors. Issues raised included:

-The proposed size of the new sanctuary

-Traffic issues on the day of the major food distribution

-Crime, particularly illegal drug abuse and sales

-Lack of law enforcement presence

At its December 6, 2018 hearing on this matter, the BZA expressed concern regarding the impacts of the major food distribution event on public safety. The BZA requested that the applicant attempt to modify the normal operations to attempt to reduce the backup and congestion on Hollister Road. A continuance was approved to allow the applicant to work toward a solution.

According to the applicant, a solution was found by opening a gate off 8th Street to allow those waiting for the distribution to queue on the currently vacant portion of the site where the new sanctuary is proposed. If approved, the new sanctuary's parking lot will serve as the new queueing area for the participants in the major food distribution.

Per the Orange County Environmental Protection Division (EPD), there is a high probability of the presence of wetlands and/or surface water at the east end of the portion of the site where the new sanctuary is proposed. If the Special Exception for the new sanctuary is approved, staff is recommending a condition that the applicant be required to conduct a Conservation Area Determination (CAD), which must be approved by EPD prior to the issuance of any permits, especially clearing or alteration of land.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	55 ft.
Min. Lot Width:	100 ft.	335 ft.
Min. Lot Size:	6,000 sq., ft. R-T-2 & 1/2 Ac., A-2	3.7 Acres

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	25	210
Rear:	25	307
Side:	6	32
Sidestreet:	15	80
NHWE:	N/A	N/A

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan.
The Comprehensive Plan specifically identifies religious institutions as a use permitted in a Rural Settlement. The Special Exception process ensures compatibility.

Use is similar and compatible with the surrounding area and development patterns
The existing sanctuary is at a size and scale which is considered in line with the neighborhood character. However, the new sanctuary will be much larger, and will not be compatible with the rural residential nature of the neighborhood.

Not a detrimental intrusion into a surrounding area
Based on input at the Community Meeting, some residents do feel that this will be a detrimental intrusion if expanded to the size and scale proposed.

Meets the performance standards of the district
If Variances #3 and #4 are approved, the proposed use will be able to comply with all performance standards for the two zoning districts in which it is located.

Similar in noise, vibration, dust, odor, glare, heat producing and other characteristics
The use will be intermittent with many days going by with little activity on the site. However, there will also be times on Sunday morning and the evening of services, as well as the day of the major food distribution where there will be significant periods of traffic.

Landscape in accordance with section 24-5
The proposed plan will comply with the Landscape Code

VARIANCE CRITERIA

Special Conditions and Circumstances
With respect to the grassed parking, the site has operated with this arrangement for the last 18 years. With respect to the height of the spire, there are no special conditions or circumstances particular to this property.

Not Self-Created
The existing sanctuary was constructed under permit B99902882, with grassed parking. The applicant could shorten the spire to comply with the 10-foot additional height over the peak of the roof.

No Special Privilege Conferred
It is common for smaller religious institutions to use grassed parking. While other religious institutions have been granted variance for the height of the spire, none are located in this area.

Deprivation of Rights
Denial of the variance for the existing parking will require installation of paving where there has historically not been any. Not granting the variance for the height will not deprive the applicant of any rights; and, the size and height of the building will be sufficient to identify the structures use.

Minimum Possible Variance
With respect to the unpaved parking, since the applicant is not proposing to add any new unpaved spaces, this is the minimum variance necessary. A spire extending more than 10 feet above the rooftop would be excessive.

Purpose and Intent

Allowing the grassed parking would be in harmony with the purpose and intent of the code. The extra tall spire would not be compatible with the neighborhood, and as such would not be consistent with the purpose and intent of the code.

CONDITIONS OF APPROVAL

1. Development in accordance with the site plan dated October 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 County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Any expansions of the use shall require BZA and BCC approval.
5. The project shall comply with Article XVI of Chapter 9 of the Orange County Code, "Exterior Lighting Standards."
6. Development shall comply with Chapter 24 (Landscaping) except where conflicts exist. In the event there is a conflict between Chapter 24 and the site plan, the provisions of Chapter 24 shall prevail.
7. Prior to the issuance of any permits or the clearing and/or alteration of any lands, a CAD shall be prepared and approved by EPD.
8. Construction plans shall be submitted within three (3) years or this approval becomes null and void.
9. 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 and/or plans to the Fire Marshal's Office a minimum of thirty (30) days prior to the date of each event.
10. Prior to issuance of a Certificate of Occupancy, the applicant shall consolidate the two parcels into one.

c: Brenda Rogers
2445 4th Street
Orlando, FL 32820

October 10, 2018

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

To Whom It May Concern:

The attached BZA Application for Special Exception is submitted to request the approval of a special exception for Orange County parcel #15-22-32-2336-01 (2049 N. 8th Street, Orlando, FL 32820). We are requesting that parcel #15-22-32-2336-01 becomes the extension of Orange County parcel #15-22-32-2663-610 (18606 Hollister Rd., Orlando, FL 32820) for the expansion of the Church of God in Bithlo (Iglesia de Dios en Bithlo). We are requesting to merge both parcels under parcel #15-22-32-2663-610 and address 18606 Hollister Rd., Orlando, FL 32820. Both parcels are owned by the church.

The current church structure, located on parcel #15-22-32-2663-610, is borderline with the property being applied for. The expansion will cross property lines with the construction of a new structure that will house the main worship temple, to include Sunday School classroom space, and parking spaces. The current worship temple will be converted to office space and Bible Study areas.

Currently located on parcel #15-22-32-2336-01 is a modular building which is utilized for Sunday School classes and for storage purposes as described on the BZA application. This modular building will be removed to allow for the allotment of additional parking spaces.

The Church of God in Bithlo was founded by Pastor Lizette Torres nearly 20 years ago, with the existing structure built approximately 18 years ago. The Church serves a very important role in the fast-growing community of Bithlo. Services include: Sunday English and Spanish services, Tuesday Bible Study sessions, and Friday ministry services. In addition to providing a place of worship and a place to seek counseling, the Church also hosts a weekly food pantry event that not only serves the immediate community, but surrounding communities as well. The food pantry is an event held to distribute food, clothing and other miscellaneous items for those in need.

The new church structure will include assembly seating for up to 500 persons. A complete description is provided in the attached proposed building program.

RECEIVED
OCT 10 2018
ORANGE COUNTY
ZONING DIVISION

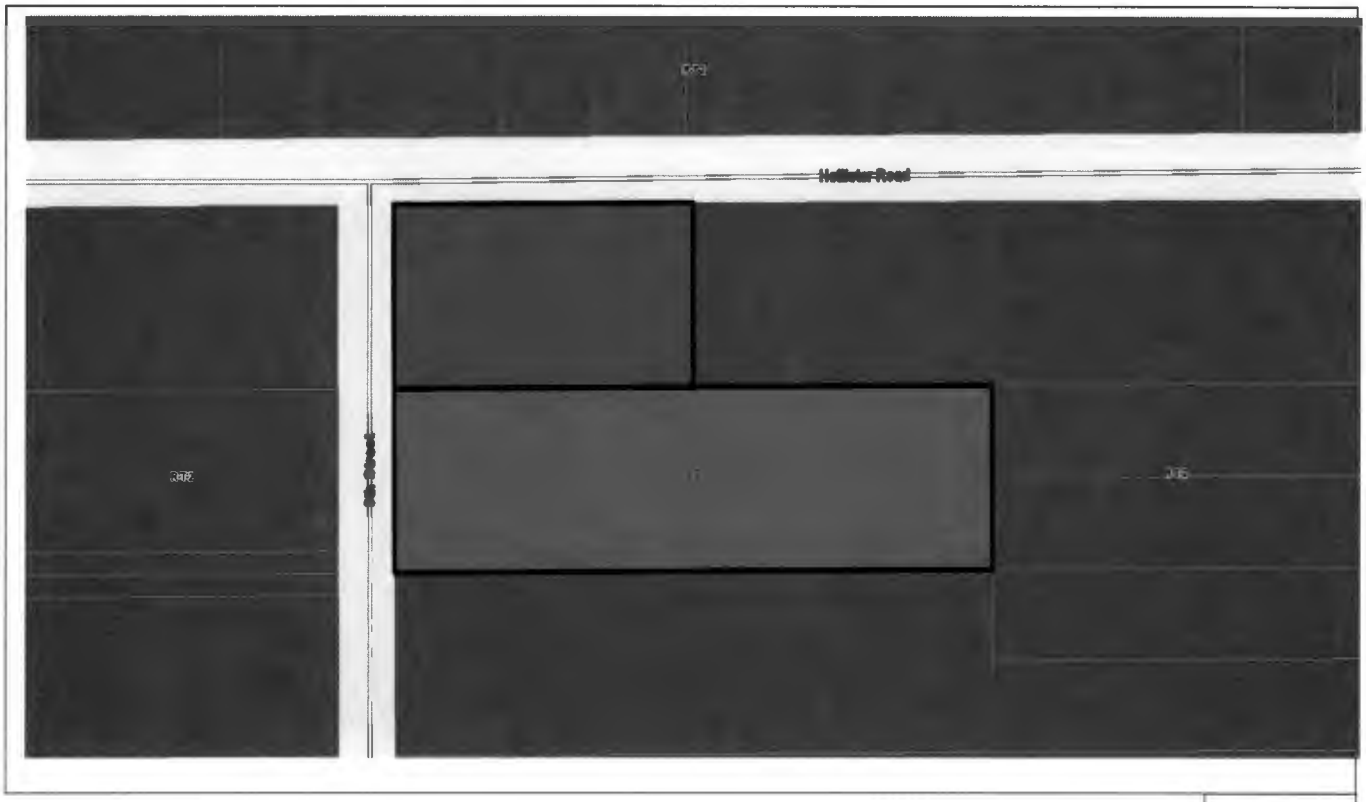
We respectfully request the approval of this application so that can continue to meet the individual and community needs of Bithlo.

Sincerely,

Pastor Lizette Torres
Iglesia de Dios en Bithlo

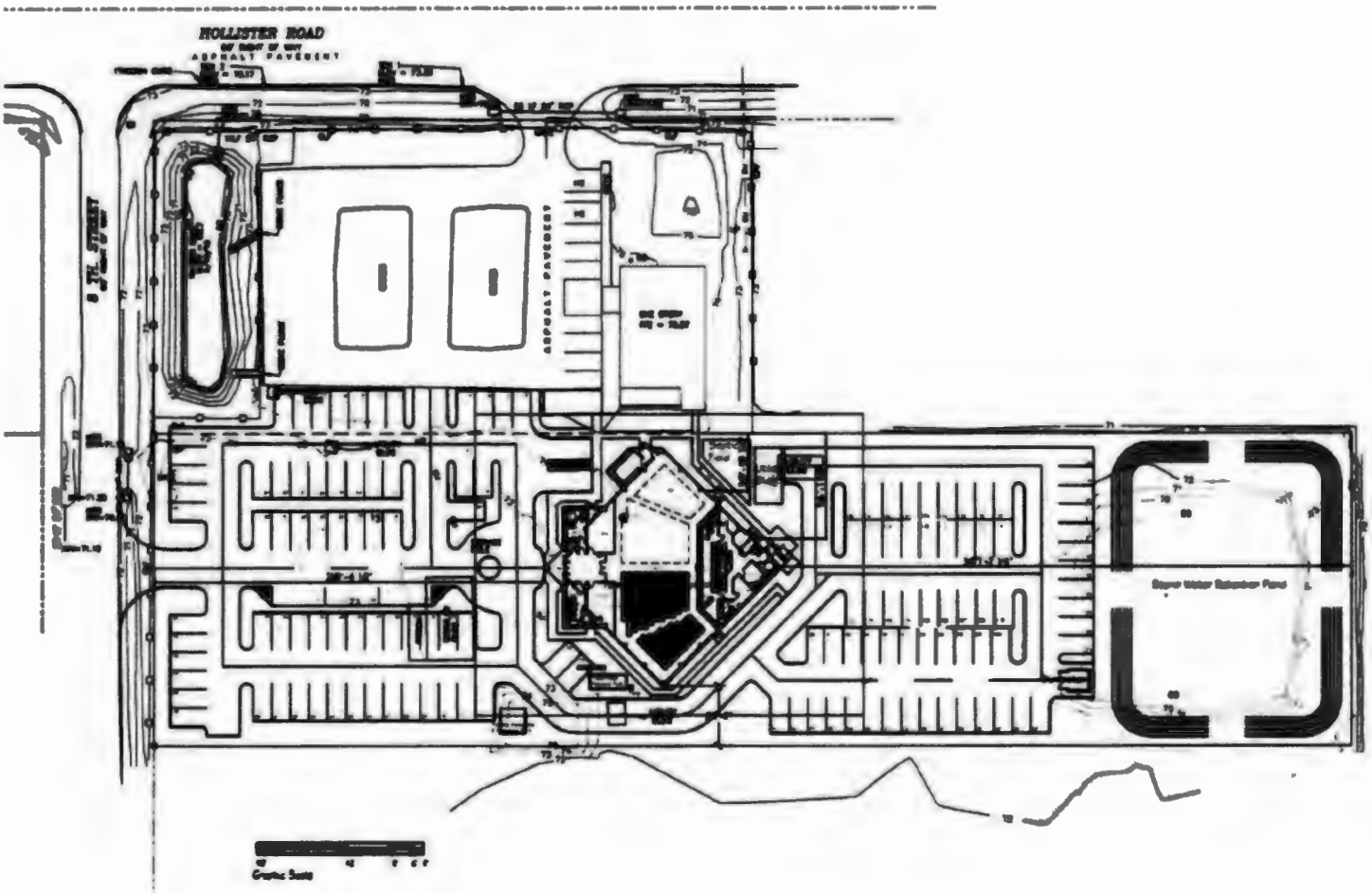
Attachments

ZONING MAP

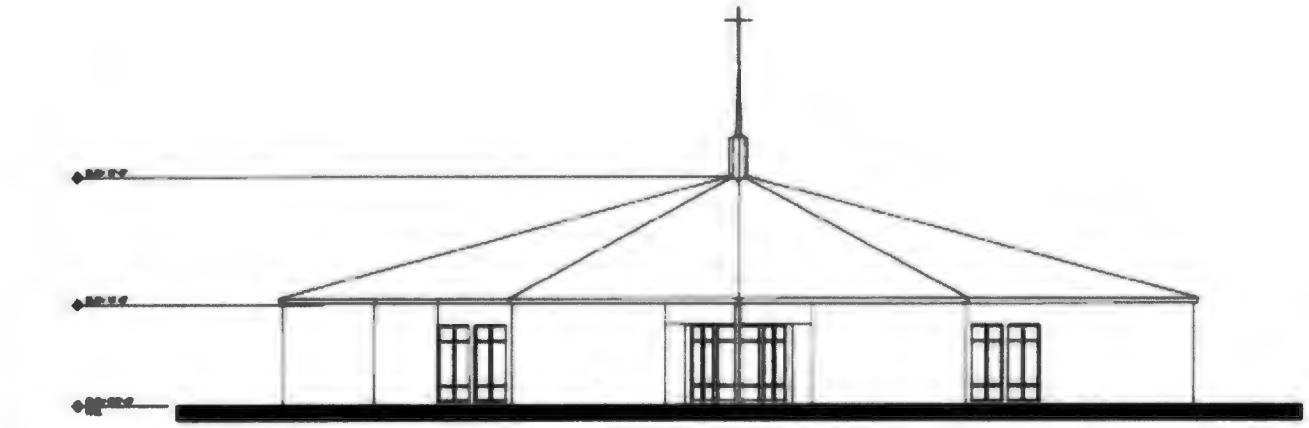


AERIAL MAP

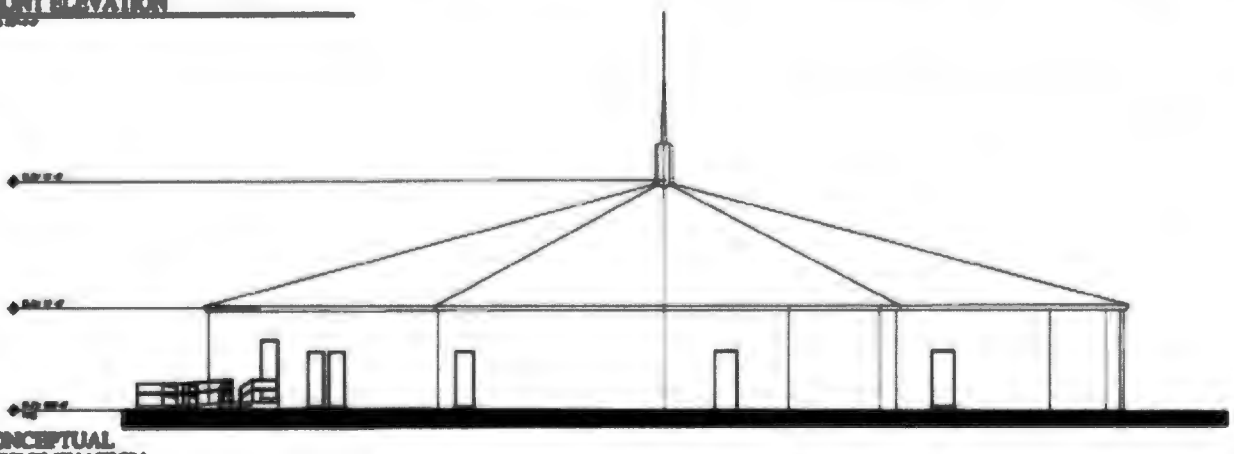
SITE PLAN / SURVEY



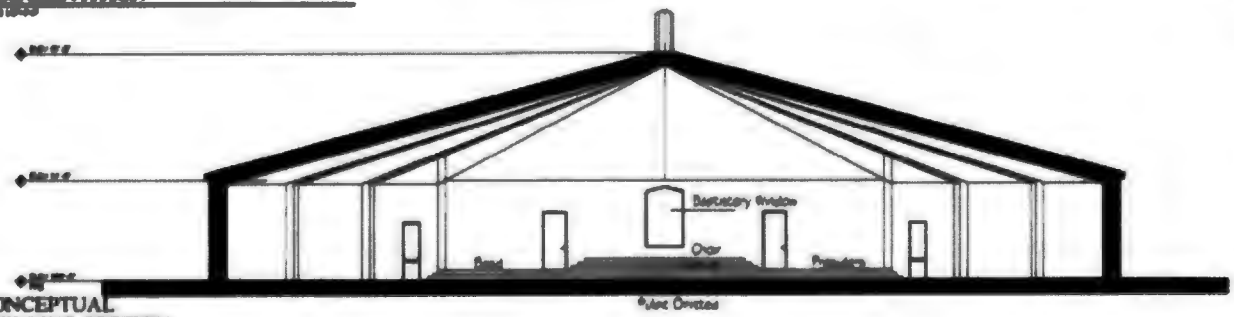
ELEVATION



1 CONCEPTUAL FRONT ELEVATION

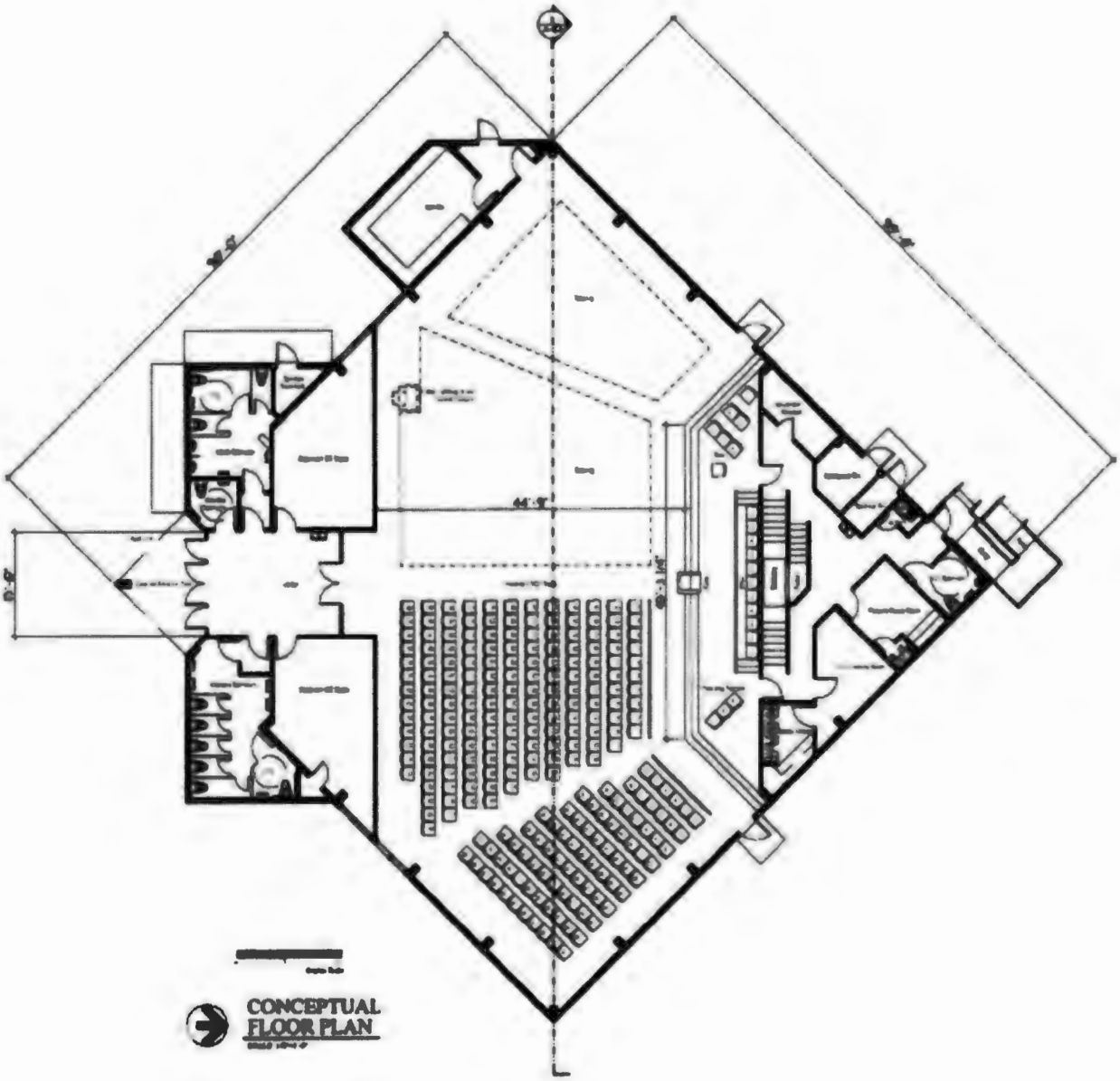


2 CONCEPTUAL SIDE ELEVATION



3 CONCEPTUAL BUILDING SECTION

FLOOR PLAN



SITE PHOTOS

Existing Sanctuary Looking East

Proposed New Sanctuary Location Looking Southeast

Proposed New Sanctuary Location Looking South