Orange County Zoning Division

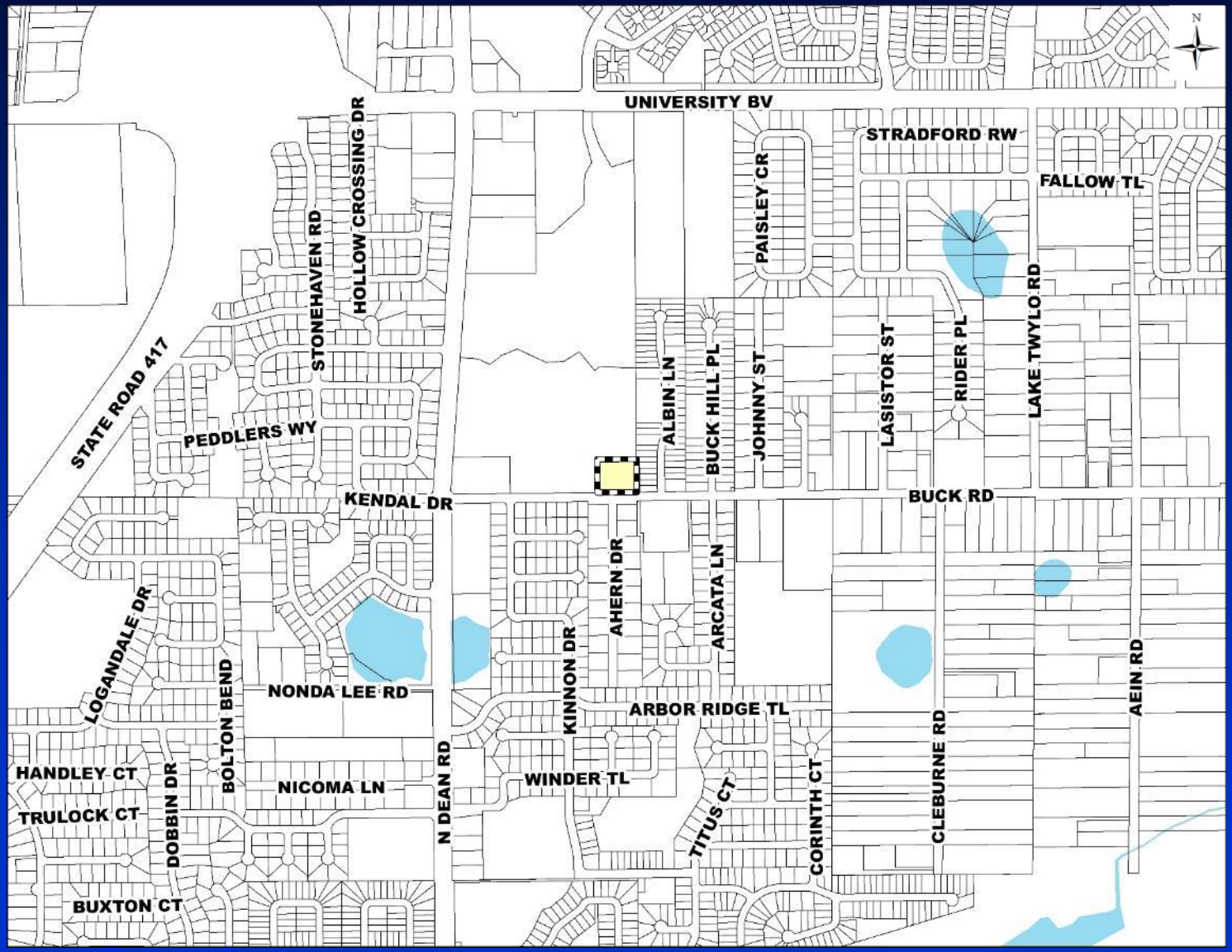
SE-19-09-105
Applicant:
Florida Engineering Group

December 3, 2019

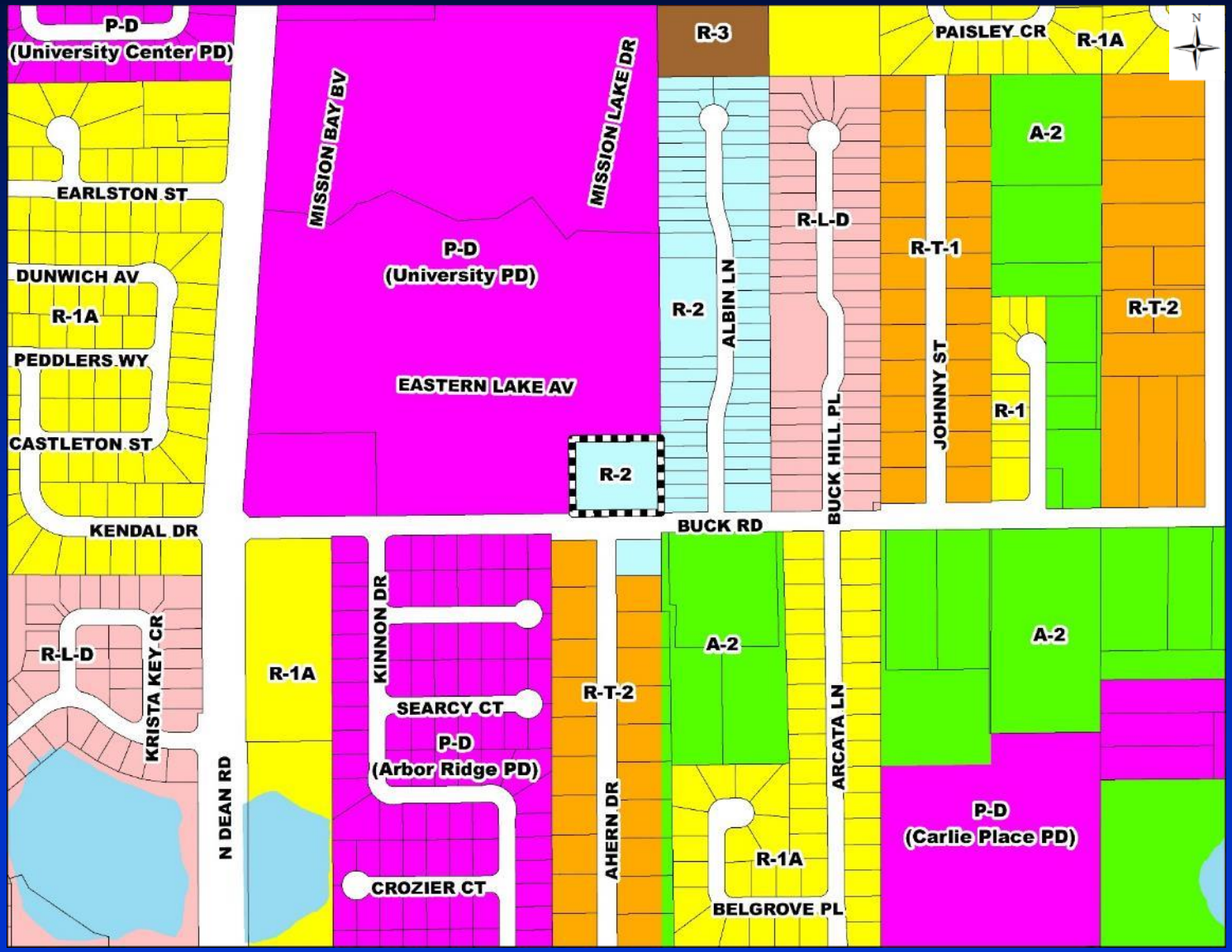
Background

CASE:	SE-19-09-105
APPLICANT:	Florida Engineering Group
ZONING:	R-2, Residential District
FUTURE LAND USE:	LMDR, Low-Medium Density Residential (up to 10 du/ac)
ADDRESS:	10135 Buck Rd., Orlando, FL 32825
LOCATION:	North side of Buck Rd., east of N. Dean Rd.
TRACT SIZE:	1.37 acres
DISTRICT:	5
REQUEST:	Special Exception and Variance in the R-2 zoning district as follows: 1) Special Exception to allow two-story multi-family buildings within 100 ft. of the property line of any single-family dwelling district. 2) Variance to allow a 10 ft. side (east) setback in lieu of the required 30 ft. side setback where adjacent to a single family district.

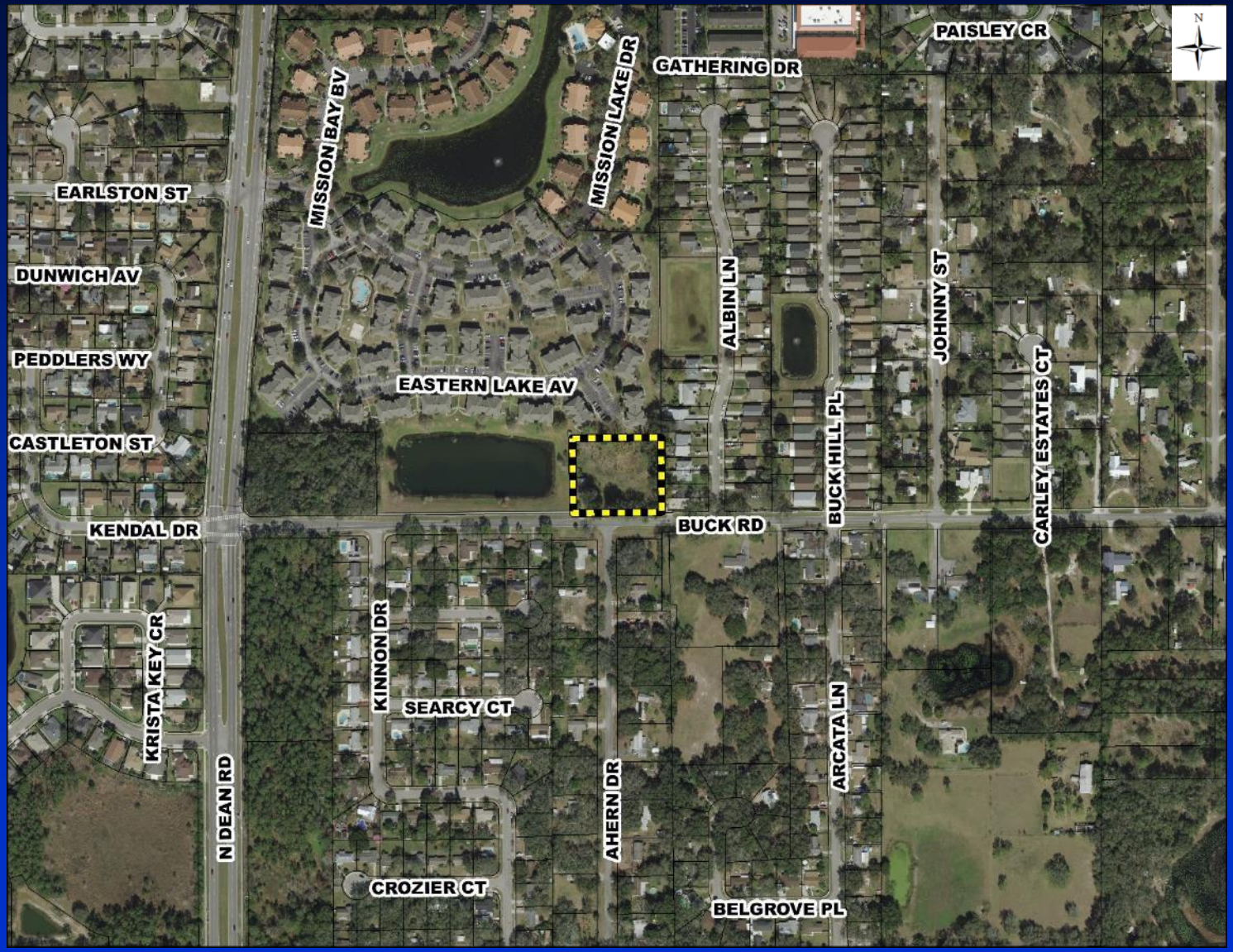
Location Map



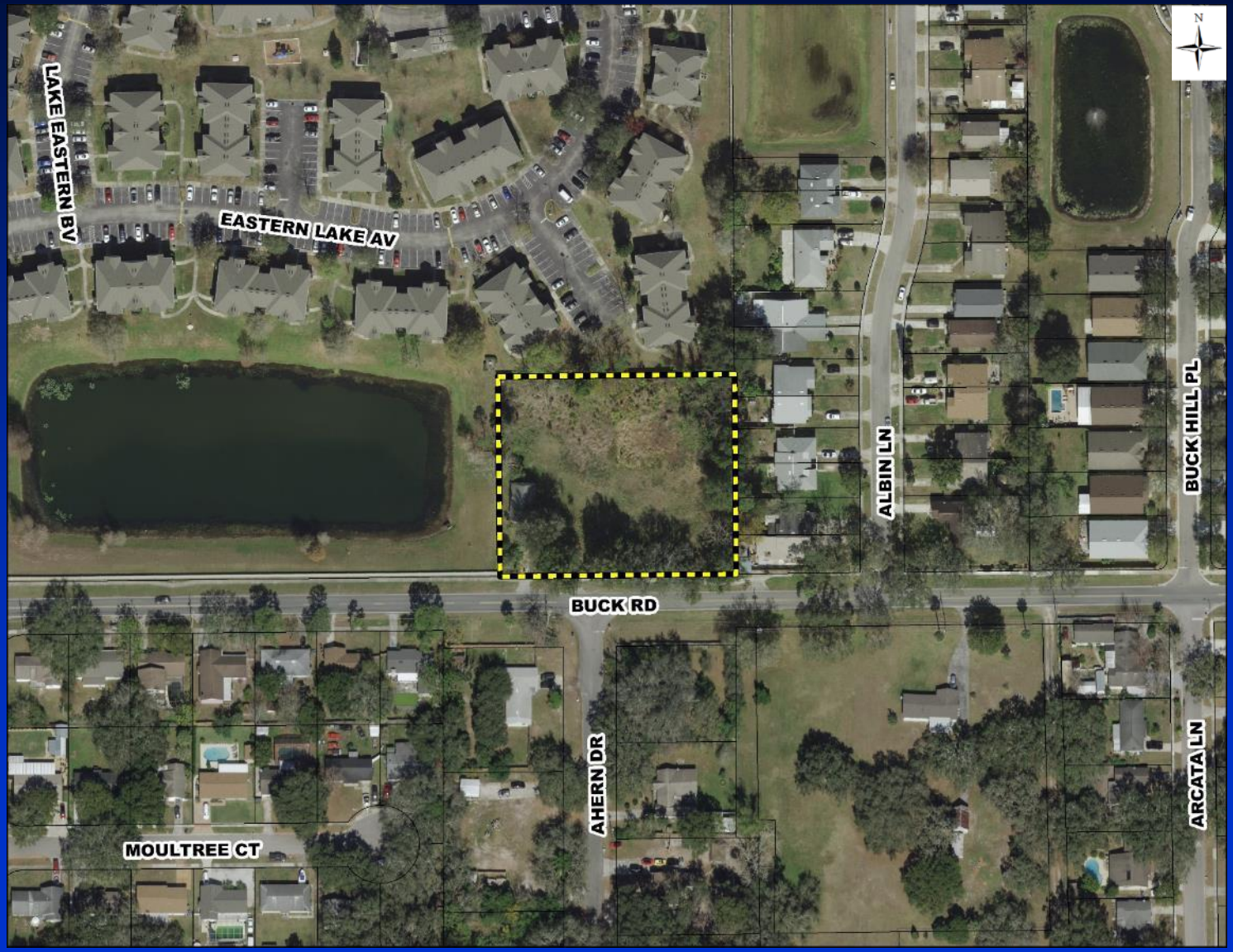
Zoning Map


P-D
(University Center PD)
EARLSTON ST
DUNWICH AV
R-1A
PEDDLERS WY
CASTLETON ST
KENDAL DR
MISSION BAY BV
MISSION LAKE DR
P-D
(University PD)
EASTERN LAKE AV
R-3
R-2
ALBIN LN
R-L-D
BUCK HILL PL
PAISLEY CR
R-1A
R-T-1
JOHNNY ST
A-2
R-1
R-T-2
BUCK RD
R-L-D
KRISTA KEY CR
N DEAN RD
R-1A
KINNON DR
SEARCY CT
P-D
(Arbor Ridge PD)
CROZIER CT
R-T-2
AHERN DR
A-2
R-1A
BELGROVE PL
ARCATA LN
A-2
P-D
(Carlie Place PD)
N

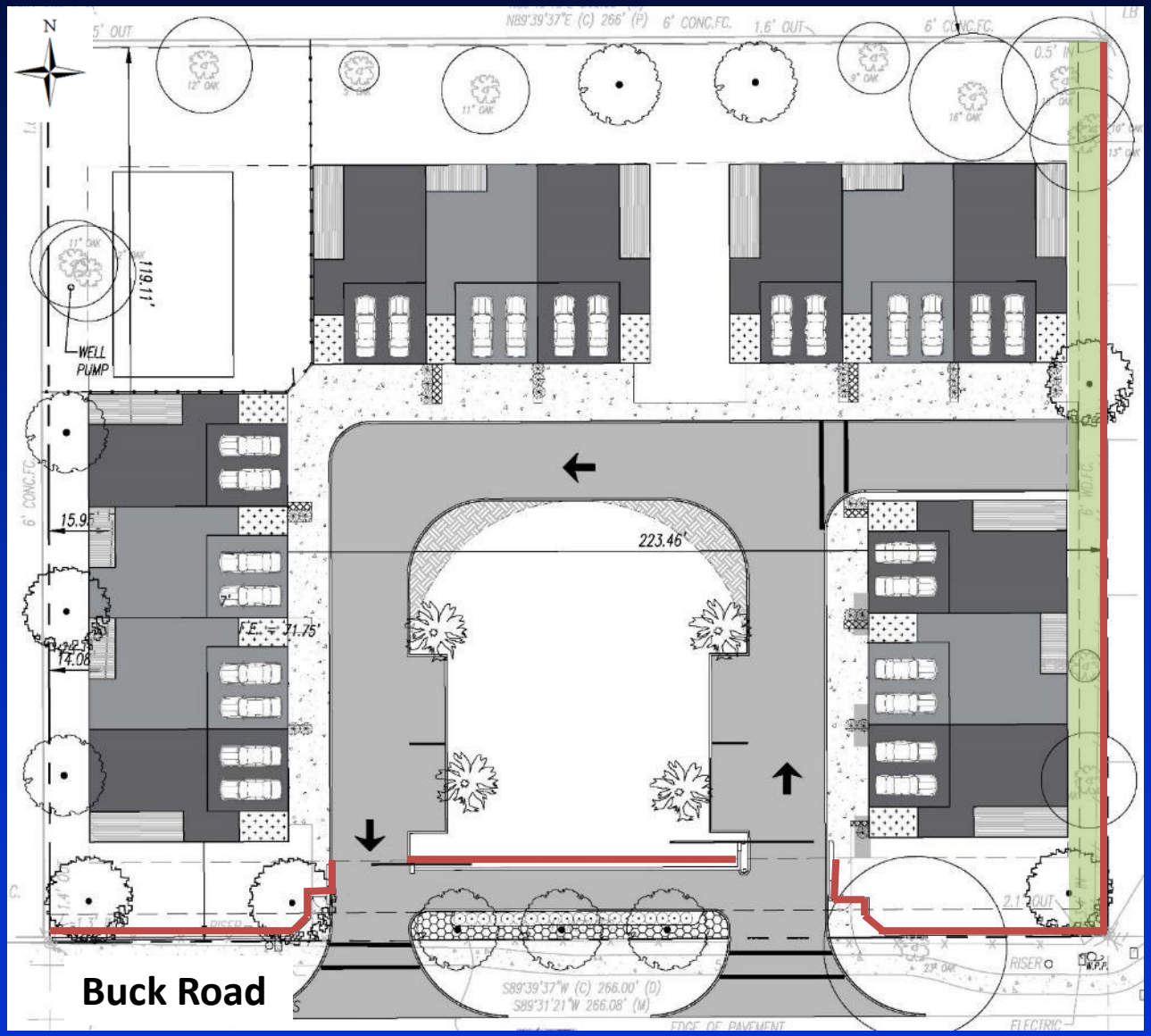
Aerial Map


N
PAISLEY CR
GATHERING DR
MISSION LAKE DR
MISSION BAY BV
EARLSTON ST
DUNWICH AV
PEDDLERS WY
EASTERN LAKE AV
CASTLETON ST
KENDAL DR
BUCK RD
ALBIN LN
BUCK HILL PL
JOHNNY ST
CARLEY ESTATES CT
KRISTA KEY CR
N DEAN RD
KINNON DR
SEARCY CT
AHERN DR
ARCATA LN
CROZIER CT
BELGROVE PL

Close-Up Aerial Map



Proposed Site/Landscape Plan



Proposed Rendering

Site Photograph

Looking north from Buck Road toward eastern half of property

Site Photograph

One-Story Duplexes to the East of Subject Property

Staff Findings and Analysis

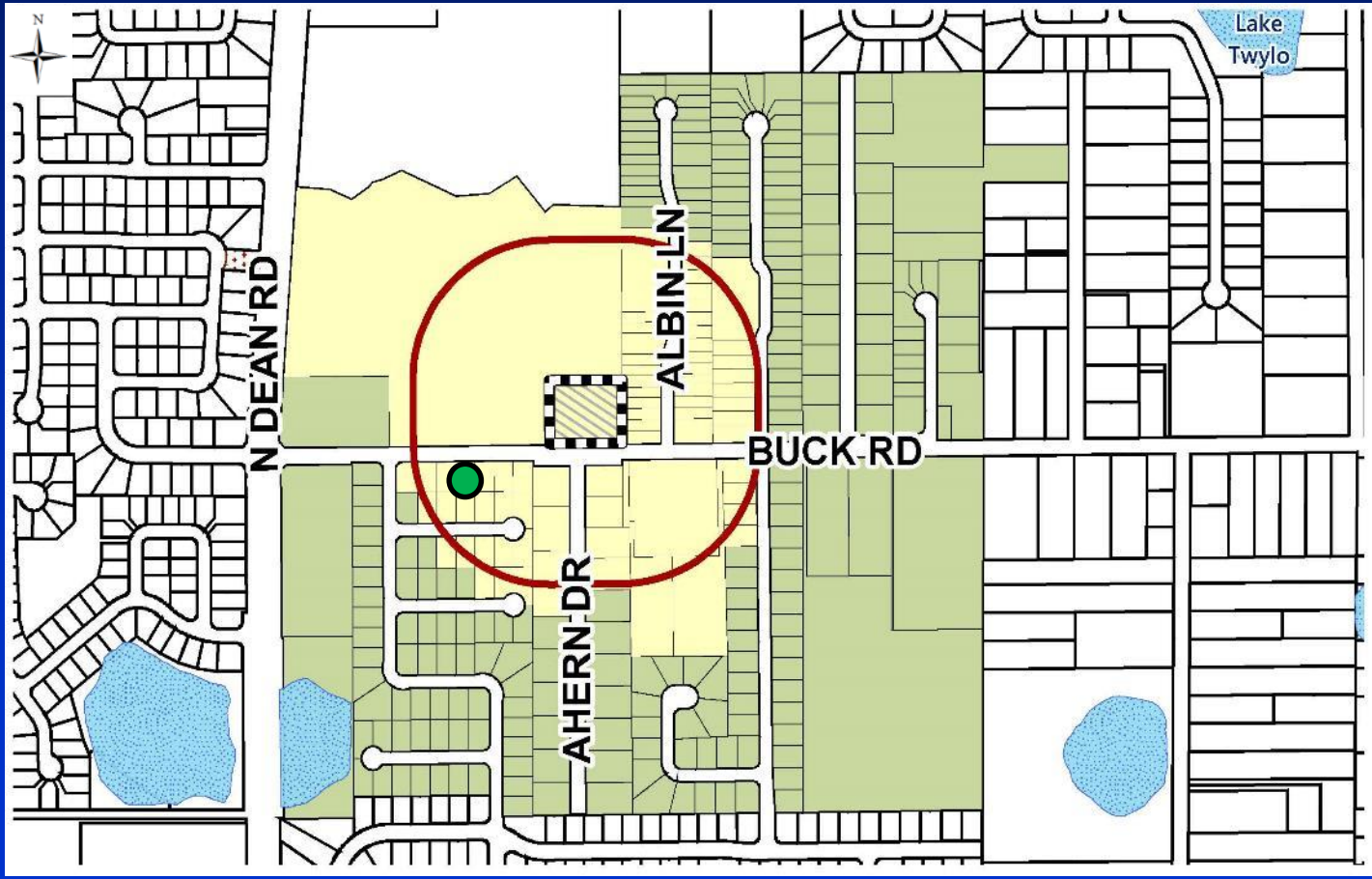
- The applicant is proposing to develop 13 two-story units in a total of 4 buildings, with a maximum height of 30 feet.
- Each unit will have an integrated two-car garage. There are four parallel parking spaces for guest parking, two on either side of the central green.
- The proposed development provides a transition between the one story fee-simple duplexes to the east and the two-story multi-family use to the north.

Staff Findings and Analysis

- If the proposed development consisted of fee-simple townhouses they would be considered single family and a Special Exception would not be required.
- Staff recommended approval of the Special Exception and Variance, as it was found to be consistent with the Comprehensive Plan, similar and compatible with the development pattern of the surrounding area, and would not be a detrimental intrusion into the neighborhood, subject to conditions.

Public Feedback

- Staff mailed a total of 309 notices to property owners in an area beyond 500 ft. from the subject property.
  - Staff received 1 correspondence from a household in favor, 0 in opposition.



Variance Criteria

Section 30-43 (3), Orange County Code

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

1. Special Conditions and Circumstances - Special conditions and circumstances exist which are peculiar to the property and which are not applicable to other properties
2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant
3. No Special Privileges Conferred - Approval will not confer on the applicant any special privilege
4. Deprivation of Rights - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district
5. Minimum Possible Variance - The minimum variance that will make possible the reasonable use of the land, building, or structure
6. Purpose and Intent - Approval will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood

Special Exception Criteria

Section 38-78, Orange County Code

1. The use shall be consistent with the Comprehensive 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.

BZA Findings

- The BZA stated the design and landscaping of the project would provide adequate separation and buffering between neighboring residential uses and recommended approval of the Special Exception and Variance with a 5-0 vote.

Conditions of Approval

1. Development in accordance with the site plan dated July 17, 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.

Conditions of Approval

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. A six (6) ft. tall opaque ~~fence or~~ concrete block or masonry wall shall be erected along the eastern property line and shall be stuccoed and painted along the eastern face of the wall. ~~to a point 20 feet. from the front property line where the height will be reduced to four (4) ft., or replaced with a vegetative buffer~~.

New Condition of Approval

5. Tropical Blue Bamboo (Bambusa chungii) shall be planted along the entire length of eastern property line in lieu of the landscaping shown on the landscape plan. The bamboo shall be planted at intervals of 5-foot on center and shall not be located closer than 3 feet from the eastern property line.

New Condition of Approval

6. The 6-foot tall retaining / privacy wall shown along the south property line, shall be set back a minimum of 7 feet from the south property line. Landscaping shall be provided between the wall and south property line within the 7 ft. landscape strip shown on the site plan, in accordance with Section 24-4 (a) (1) of the Orange County Code.

Requested Action

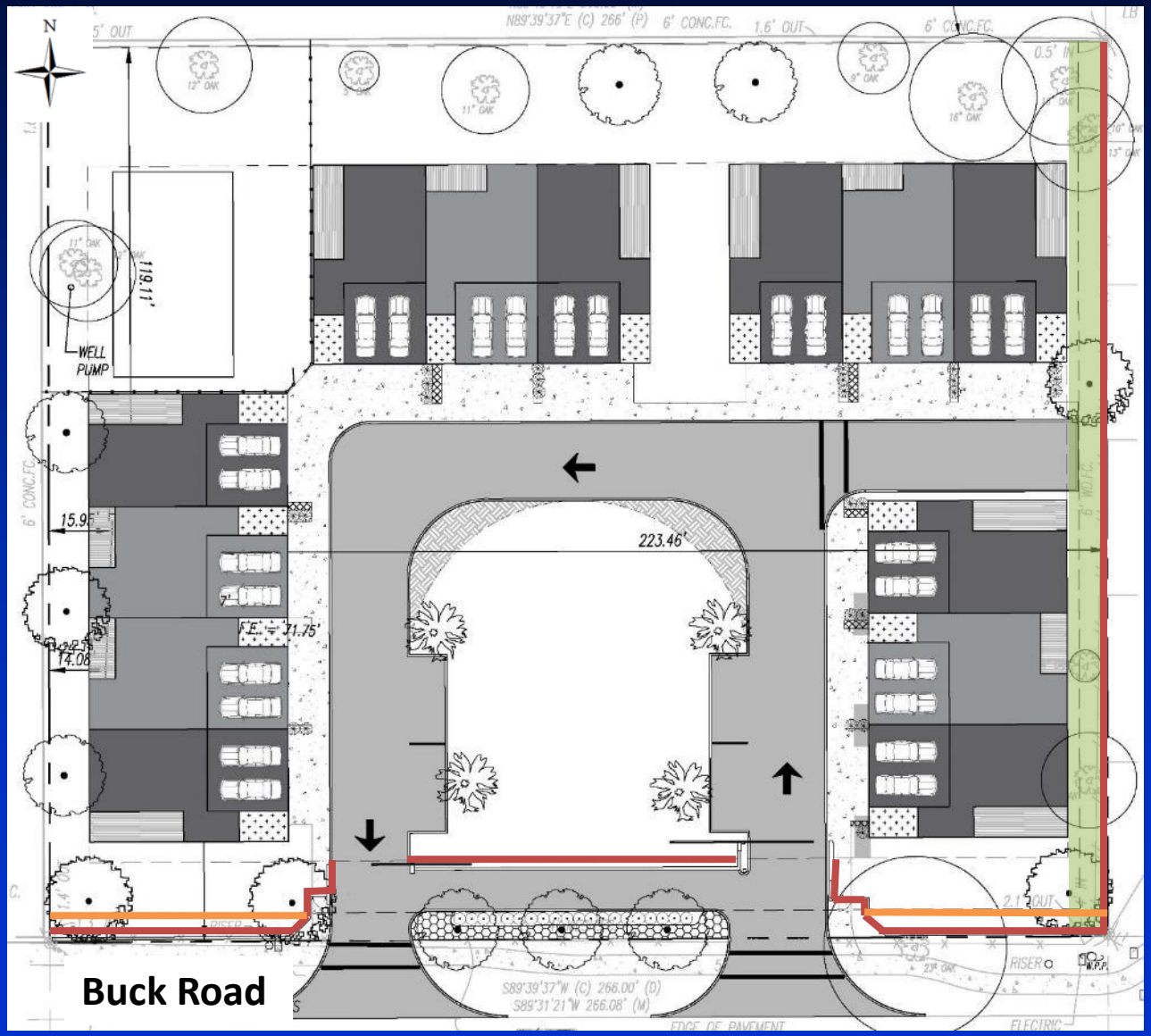
- Approve the applicant's request; or
- Approve the applicant's request with modifications and/or conditions; or
- Deny the applicant's request.

*Any approval is subject to standard conditions of approval.

Site Photograph

Looking north along west property line towards Brooke Commons Apts.

Proposed Site/Landscape Plan



Site Photograph

Looking west from Albin Lane toward Apartment Complex

Site Photograph

Looking northeast towards subject property from Buck Road

New Condition of Approval

5. Clumping bamboo, such as *Bambusa Textilis (Weaver's Bamboo)* or a species of a comparable size approved by the Zoning Division, shall be planted along the entire length of eastern property line in lieu of the landscaping shown on the landscape plan. The bamboo shall be planted at intervals of 5-foot on center and shall not be located closer than 3 feet from the eastern property line.