Interoffice Memorandum



TO:

Mayor Jerry L. Demings

-AND-

County Commissioners

FROM:

Jon V. Weiss, P.E., Director

Planning, Environmental, and Development Services

Department

CONTACT PERSON:

Ted Kozak, AICP, Chief Planner,

Zoning Division (407) 836-5537

SUBJECT:

April 27, 2021 - Board called Public Hearing

Applicant: Vine Street, LLC (Rebecca Wilson)

BZA Case #VA-21-02-139, February 4, 2021; District 3

Board of Zoning Adjustment (BZA) Case # VA-21-02-139, located at 2218 Vine St., Orlando, FL 32806, in the R-2 zoning district, in District 3, is a Board called public hearing. The applicant is requesting variances to allow the conversion of an existing 877 sq. ft. structure to residential; to allow 2,400 sq. ft. of lot area in lieu of 4,500 sq. ft.; to allow for a minimum living area of 877 sq. ft. in lieu of 1,000 sq. ft.; to allow a residence to be located 4 ft. from the south rear property line in lieu of 25 ft.; to allow a residence to be located 3 ft. from the west side property line in lieu of 6 ft.; and to allow a residence to be located 12.8 ft. from the north front property line in lieu of 25 ft.

The subject property is located on the south side of Vine St., west of S. Bumby Ave., north of Curry Ford Rd.

At the February 4, 2021 BZA hearing, staff recommended approval of the variances. The BZA unanimously recommended approval of the requested variances with four conditions of approval.

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

If you have any questions regarding this matter, please contact Ted Kozak, AICP at (407) 836-5537.

Page Two
April 27, 2021 – Board Called Public Hearing
Vine Street, LLC (Rebecca Wilson)
BZA Case #VA-21-02-139, February 4, 2021; District 3

ACTION REQUESTED: Deny the applicant's variance requests; or approve the applicant's requests with conditions. District 3.

PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT ZONING DIVISION PUBLIC HEARING REPORT

April 27, 2021

The following is a board called public hearing before the Board of County Commissioners on April 27, 2021 at 2:00 p.m.

APPLICANT: VINE STREET, LLC (REBECCA WILSON)

REQUEST: Variances in the R-2 zoning district to allow for conversion of an existing 877 sq. ft. structure to

residential as follows:

1) To allow 2,400 sq. ft. of lot area in lieu of 4,500 sq.

2) To allow for a minimum living area of 877 sq. ft. in lieu of 1,000 sq. ft.

3) To allow a residence to be located 4 ft. from the south rear property line in lieu of 25 ft.

4) To allow a residence to be located 3 ft. from the west side property line in lieu of 6 ft.

5) To allow a residence to be located 12.8 ft. from the north front property line in lieu of 25 ft.

LOCATION: 2218 Vine St., Orlando, FL 32806, South side of Vine

St., west of S. Bumby Ave., north of Curry Ford Rd.

TRACT SIZE: 40 ft. x 60 ft./ 0.06 acres (2,400 sq. ft.)

ZONING: R-2

DISTRICT: #3

PROPERTIES NOTIFIED: 138

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

Staff briefly described the property, including the year the parcel was platted, the year the existing structure was constructed, the history of how the property was conveyed and utilized prior to 2014, and the circumstances which resulted in the current parcel configuration. Staff further presented the plans and elevations for the proposed conversion to a residence. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval of the variances. Staff noted that two (2) comment letters were received in support and one (1) comment letter was received in opposition.

The applicant discussed the need for the variances and agreed with the staff recommendation. There was no one in attendance to speak in favor or in opposition to the request.

The BZA unanimously recommended approval of the variance, subject to the four (4) conditions in the staff report.

BZA HEARING DECISION:

A motion was made by Juan Velez, seconded by John Drago and unanimously carried to recommend APPROVAL of 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 and elevations dated December 30, 2020, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviation, change, or modification shall be subject to the Zoning Manager's review and approval. Any proposed substantial deviation, change, or modification shall be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
- 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.
- 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 permit to convert the structure to residential shall be obtained within 2 years of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: FEB 04, 2021

Case Planner: Ted Kozak, AICP

Case #: VA-21-02-139

Commission District: #3

GENERAL INFORMATION

APPLICANT(s): VINE STREET, LLC (REBECCA WILSON)

OWNER(s): VINE STREET LLC

REQUEST: Variances in the R-2 zoning district to allow for conversion of an existing 877 sq. ft.

structure to residential as follows:

1) To allow 2,400 sq. ft. of lot area in lieu of 4,500 sq. ft.

2) To allow for a minimum living area of 877 sq. ft. in lieu of 1,000 sq. ft.

3) To allow a residence to be located 4 ft. from the south rear property line in lieu of 25 ft.

4) To allow a residence to be located 3 ft. from the west side property line in lieu of

5) To allow a residence to be located 12.8 ft. from the north front property line in lieu of 25 ft.

PROPERTY LOCATION: 2218 Vine St., Orlando, FL 32806, south side of Vine St., west of S. Bumby Ave.,

north of Curry Ford Rd.

PARCEL ID: 31-22-30-1684-05-313

LOT SIZE: 40 ft. x 60 ft./ 0.06 acres (2,400 sq. ft.)

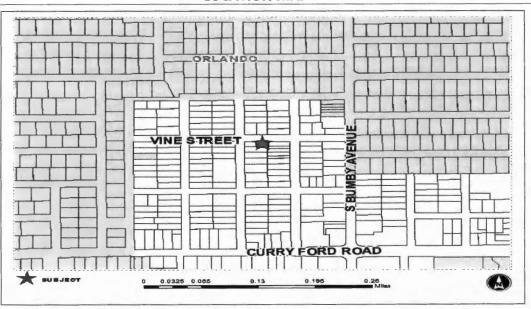
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 138

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-2	R-2	R-2	R-2	R-2
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Accessory Structure	Single-family residence	Single-family residence	Townhouse	Single-fami residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-2, Residential district, which allows single-family residences, duplexes and multi-family development.

The parcel is a 0.06 acre portion of Block E, Lots 31 and 32 of the Conway Park Plat, recorded in 1926. The site contains an existing 2,400 +/- sq. ft. accessory structure, which according to the Property Appraiser's office was constructed in 1956. The applicant purchased the property in 2014. The neighborhood consists of a mix of single-family residences, many of which were constructed during the same time period as the subject structure and townhouses, that have been constructed more recently.

The subject site, comprised of the east 60 ft. of Lots 31 and 32 was removed from the original parent parcel viwarranty deed in 1965 and was consolidated with the Lots 1 through 8 to the east owned by a religious organization at the time. Until purchased by the current owner in 2014, it appears that the existing 877 sq. ft. structure was used as a part of the adjacent Masonic Lodge #293. The current parcel configuration was established in 2014 via lot reversion as a remnant 40 ft. X 60 ft. portion of the parent parcel which at that time consisted of Lots 1 through 8, and the east 60 ft. of Lots 31 and 32, Block E, of the Conway Park Plat, totaling 0.67 +/- acres.

The building appears to have been constructed as a non-habitable structure, and not as a residence, since it contains no windows, which is required for any habitable structure. After purchase by the religious institution and subsequently the lodge to the east, it appears to have been used as a storage building. From that time, until only recently after the townhouse development to the east was constructed, the subject structure was connected to the masonic lodge to the east via a covered breezeway.

As a result of the 2014 lot reversion, the 40 ft. X 60 ft. remnant portion of the property was formed after removal from the overall larger parcel to the east, leaving a 2,400 sq. ft. substandard parcel, requiring Variance #1. At the time the lot reversion created three separate parcels, one of which was the subject parcel, and the two others which were subsequently constructed with townhouse development.

The applicant is now proposing to renovate and convert the existing 877 sq. ft. accessory structure to a single-family residence, requiring Variance #2 for a reduction of single-family living area in lieu of a minimum of 1,000 sq. ft. The existing structure is located 4 ft. from the rear property line, requiring Variance #3, is located 3 ft. from the side west property line, requiring Variance #4, and is located 12.8 ft. from the front north property

line, requiring Variance #5. The 11.3 ft. east side setback meets the required 6 ft. side setback requirement for the R-2 zoning district. The proposed renovation of the existing structure to be converted to a single-family idence is designed to be compatible with the surrounding residences in the area.

District Development Standards

	Code Requirement	Proposed	
Max Height:	35 ft.	15 ft.	
Min. Lot Width:	45 ft.	60 ft.	
Min. Lot Size: 4,500 sq. ft.		0.06 ac./ 2,400 sq. ft. (Variance #1)	

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

	Code Requirement	Proposed
Front:	25 ft.	12.8 ft. (Variance #5)
Rear:	25 ft.	4 ft. (South - Variance #3)
Side:	6 ft.	3 ft. (West - Variance #4)/ 11.3 ft. (East)

STAFF FINDINGS

VARIANCE CRITERIA

cial Conditions and Circumstances

Since the existing structure was constructed in 1956, prior to the adoption of the County Code, and the lot was sold and removed from the front half of Lots 31 and 32 in 1965, there are special conditions and circumstances pertaining to the requests. The special conditions and circumstances exist since the current configuration of this portion of the lot has been in existence since 1965, albeit as a part of the property to the east, and then approved as a separate lot via lot reversion in 2014. Potentially the subject lot could be consolidated to the townhouse parcel to the east to meet the minimum lot area requirements but its use would be limited to an accessory structure may not be desired by the owner of that townhouse. Utilization as a single-family residence would likely be the most appropriate use of the structure in order to be consistent with the fabric of the neighborhood. Further, it is not possible to reconfigure the existing building in a manner that would meet Orange County code requirements due to the narrow depth of the lot.

Not Self-Created

The current ownership group is not responsible for the configuration of the lot, as it was initially split from the original parcel in 1965 and subsequently approved by the County in 2014 as a lot reversion from the overall parcel at the time. Nevertheless, the current lot configuration was de facto created via that 2014 approval. Moreover, the owner is not responsive for the orientation of the building, including all building setbacks, since it was purchased in 2014, long after the structure was constructed in 1956. Although the current owner has the ability to consolidate the parcel with the adjacent townhouse property to the east or selling to the owner of the single-paily lot to the west, the current building to be repurposed functions separately. Furthermore, the existing building has been located in its current location for over 60 years.

No Special Privilege Conferred

Granting the variances will not grant any special privilege since the lot area and the building living area is compatible with nearby properties. For example, the adjacent lot to the west is 3,080 sq. ft. in size (40 ft. by 77 and the adjacent townhome lots range in size from 21 ft. x 137 ft. (2,931 sq. ft.) to 36 ft. x 137 ft. (4,932 sq. ft.). Furthermore, the structure was existing when the owner purchased the property.

Deprivation of Rights

Deprivation of rights is a consideration since without the variances, due to the limited lot size, the property as a stand-alone lot would be undevelopable and the existing structure unusable, unless consolidated with one of the adjacent properties located to the east or west.

Minimum Possible Variance

These are the minimum possible variances needed to allow the existing lot and existing structure to remain and be repurposed as a single-family residence.

Purpose and Intent

Approval of the variances will be in harmony with the purpose and intent of the Zoning Regulations and such variances will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The requests to recognize the existing lot area and the existing setbacks would be consistent with the size and character of other properties within the neighborhood and would not be contrary to the purpose and intent of the Code.

CONDITIONS OF APPROVAL

- 1. Development shall be in accordance with the site plan and elevations dated December 30, 2020, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
- 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.
- 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 permit shall be obtained within 1 year of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
- C: Rebecca Wilson 215 N Eola Dr. Orlando, FL 32801



M. REBECCA WILSON

rebecca.wilson@lowndes-law.com 215 North Eola Drive, Orlando, Florida 32801-2028 T: 407-418-6250 | F: 407-843-4444 Main Number: 407-843-4600

TIT MERITAS" LAW FIRMS WORLDWIDE

December 9, 2020

Jennifer Moreau Orange County Zoning Division 201 S. Rosalind Avenue Orlando, Florida 32802-2687

Re:

Application for Variance; Tax Parcel ID # 31-22-30-168405-313 (the "Property")

Dear Ms. Moreau:

This law firm represents Vine Street, LLC, the owner of the above-referenced Property, with respect to the application for variances from certain Code requirements pertaining to the Property. The Property has a Comprehensive Plan Future Land Use designation of Low-Medium Density Residential. Consistent with this designation, the Property is zoned R-2 (Residential District). The Property is 2,400 SF and includes a 877 SF single family home, originally constructed in 1956 (the "Building"). Vine Street, LLC intends to renovate the existing Building, as shown more fully in the Building renovation documents submitted with its Application. The Property is bounded by townhomes to the east and single-family residential to the north, south, and west.

The pending BZA application seeks variances from the following Code requirements:

Lot Requirements:

- Minimum Lot Area
 - o Code: 4,500 SF
 - o Existing: 2,400 SF
- · Minimum Lot Width
 - o Code: 45 ft.
 - o Existing: 40 ft.

Building Requirements:

Minimum Living Area

o Code: 1,000 SF

Jennifer Moreau December 9, 2020 Page 2

- o Existing: 877 SF
- Setbacks
 - o Code:
 - Front: 20 ft.
 - Side: 5 ft.
 - Rear: 20 ft.
 - o Existing:
 - Front: 12.8 ft.
 - Side (east): 11.3 ft.
 - Side (west): 3 ft.
 - Rear: 4 ft.

Orange County Code, Section 30-43(3), details the specific criteria that must be met for all variance requests. In this case, all of the criteria have been met, as is discussed in more detail below.

(1) Special Condition and Circumstances.

Special conditions and circumstances exist which are peculiar to the Property and the Building which are not applicable to other lands, structures or buildings in the same zoning district. The Property is part of Lots 31 and 32 the Conway Park Subdivision, which was platted in 1926 (the "Plat"). According to the Plat, each individual lot within the Conway Park Subdivision was meant to be at least 135 ft. long and 20 ft. wide. At some point prior to Vine Street LLC's purchase of the Property in 2014, Lots 31 and 32 were subdivided to create 2208 Vine Street (77 ft. long), which is abuts the Property (60 ft. long) to the West. As a result of this subdivision, the Property—which constitutes the remainder of Lots 31 and 32—was created. Because the Property is not a complete lot which is a part of a platted subdivision, it is not a "lot of record" under Code. See below image from the Property Appraiser's Map, which shows how Lots 31 and 32 were subdivided to create 2208 Vine Street and the Property:



Jennifer Moreau December 9, 2020 Page 3

In 1956, the then-owner of the Property constructed the single-family residential Building currently on the Property, which Vine Street, LLC intends to renovate. In 2014, Interstruct LLC, an affiliated entity of Vine Street LLC, purchased Lots 1, 2, 3, and 4 of the Conway Park Subdivision. As a result of the subdivision which occurred prior to Vine Street LLC's ownership of the Property, contrary to the Plat, the Property was part of Lots 1 and 2 at the time of Interstruct LLC's purchase. Accordingly, as a result of the subdivision of Lots 31 and 32 and the construction of the Building, both of which occurred prior to Vine Street, LLC's purchase of the Property, special conditions and circumstances exist which are peculiar to the Property which are not applicable to other lands, structures or buildings in the same zoning district.

(2) Not Self-Created.

The special conditions and circumstances do not result from the actions of Vine Street, LLC. As discussed above, the subdivision of Lots 31 and 32 and the construction of Building predated Vine Street, LLC's purchase of the Property by several decades. Accordingly, the special conditions and circumstances that created the nonconforming lot and Building were not the result of the actions of Vine Street, LLC.

(3) No Special Privilege Conferred.

Approval of the zoning variances requested will not confer on Vine Street, LLC any special privilege that is denied to other lands, buildings, or structures in the same zoning district. Vine Street, LLC intends to renovate the existing Building without expanding it and to utilize the Building for the use intended in the zoning district – single-family residential. Moreover, the lot adjacent to the Property to the West (2208 Vine Street) is also nonconforming and is currently being used for single-family residential. Accordingly, allowing Vine Street, LLC to renovate the existing Building for single-family use would not confer any special privilege.

(4) Deprivation of Rights.

Literal interpretation of the Code would deprive Vine Street, LLC of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on Vine Street, LLC. Given the Property's dimensions and the surrounding uses, literal interpretation of the Code would dictate that the Property could not be used for any purpose. Accordingly, Vine Street, LLC's right to use the Property at all would be deprived by a literal interpretation of the Code.

(5) Minimum Possible Variance.

The zoning variances requested are the minimum variances that will make possible the reasonable use of the land, building, or structure. Vine Street, LLC intends to renovate the existing Building without expanding it. If the requested variances are not granted, Vine Street, LLC will not be able to use the Property at all. Accordingly, the requested lot size and building variances are the minimum that will make possible the reasonable use of the land and Building.

Jennifer Moreau December 9, 2020 Page 4

(6) Purpose and Intent.

Approval of the zoning variances will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variances will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The purpose of the R-2 zoning district will be advanced by allowing Vine Street, LLC to use the Property as a detached single-family residential Building. In addition, as shown in the renovation plans submitted with this Application, Vine Street, LLC intends to fully renovate and modernize the Building. Accordingly, approval of the variances will benefit the neighborhood by allowing the renovation of an unused and deteriorating building.

Moreover, approval of the variances will advance the goals stated in Orange County's Housing for All Action Plan. Specifically, Vine Street, LLC's plan to renovate the existing Building would provide the sort of "Missing Middle" housing encouraged by the Action Plan, which provides:

The tools and strategies prescribed by the Housing for All Task Force include modifying a number of regulatory tools, such as removing barriers to accessory dwelling units (ADUs), reducing minimum living area requirements, reducing parking requirements, and allowing flexible lot configurations. A strategy for implementing these tools is to encourage housing for the "Missing Middle," or those diverse housing types that are predominantly absent in Central Florida.

[T]he current Orange County Land Development Code poses numerous barriers to creating Missing Middle housing, including, but not limited to, <u>minimum living area</u>, <u>lot sizes</u>, <u>setback and height requirements</u>, stormwater and parking requirements, and household occupancy limits. (Emphasis added).

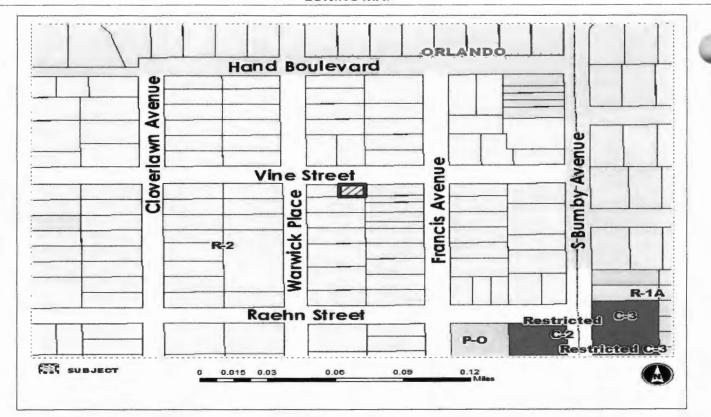
Accordingly, granting variances for the Property's lot and Building size advances the Housing For All Action Plan's stated goal of providing "Missing Middle" housing.

Very truly yours,

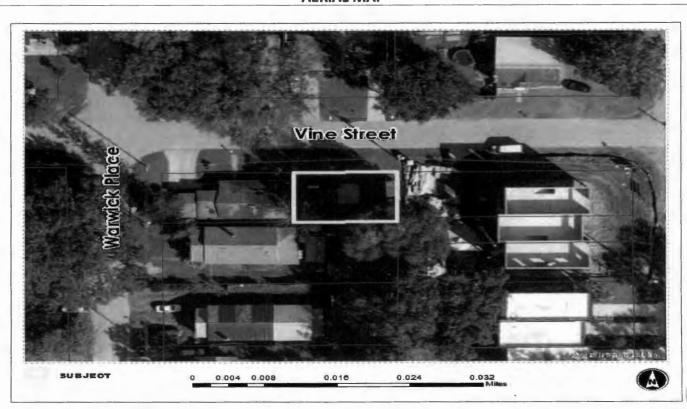
M. Rebecca Wilson

MRW/MTL

ZONING MAP



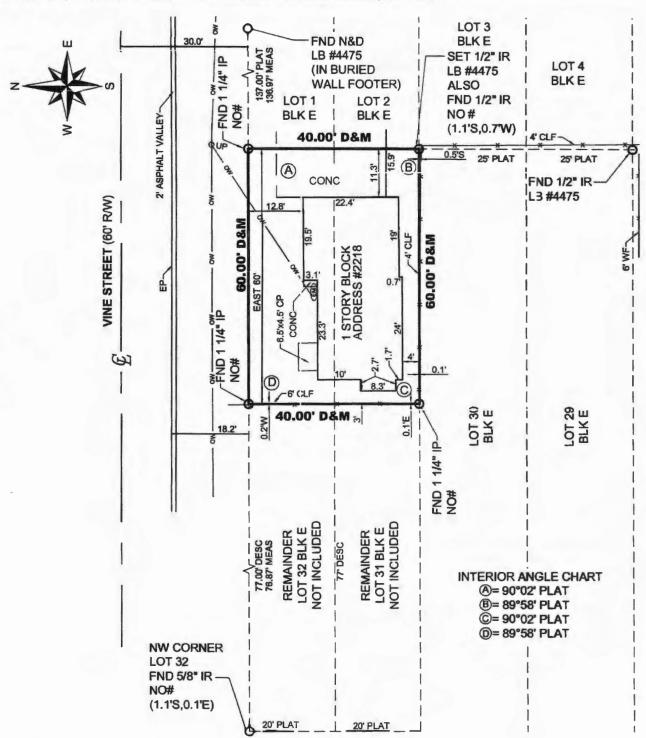
AERIAL MAP

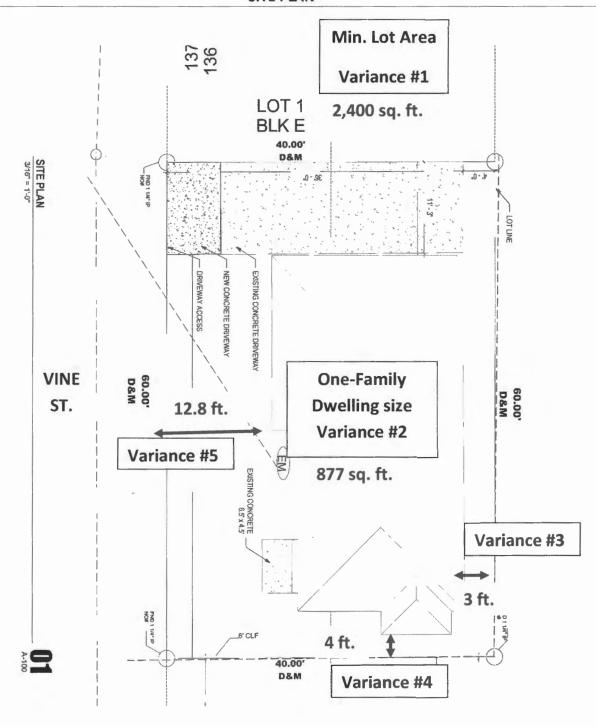


PLAT OF SURVEY

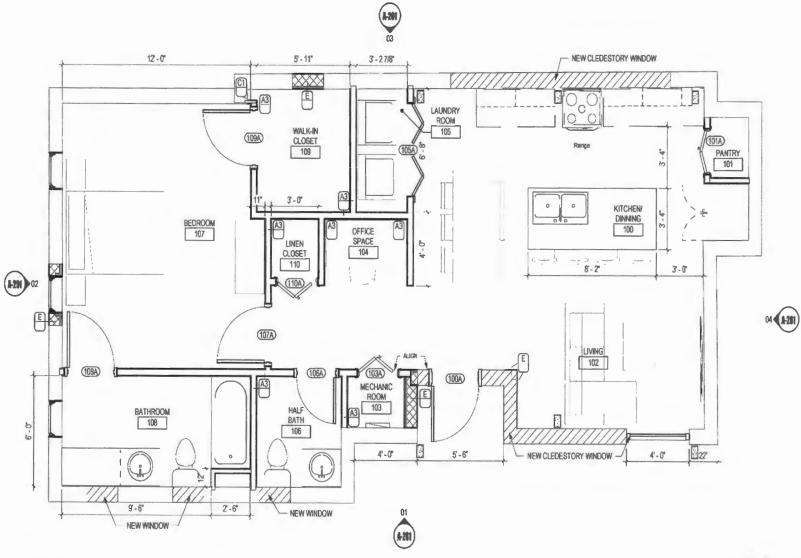
DESCRIPTION

THE EAST 60 FEET OF LOTS 31 AND 32, BLOCK E, CONWAY PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK N, PAGE 41, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.





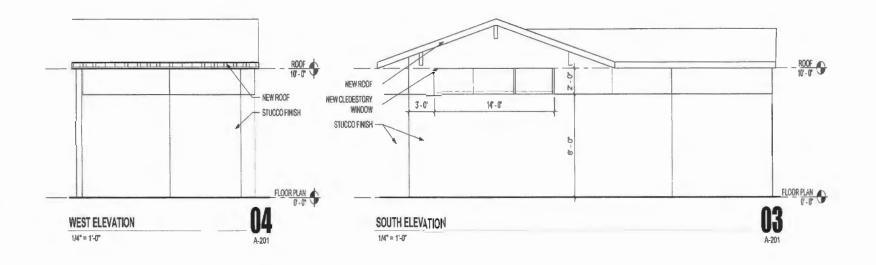


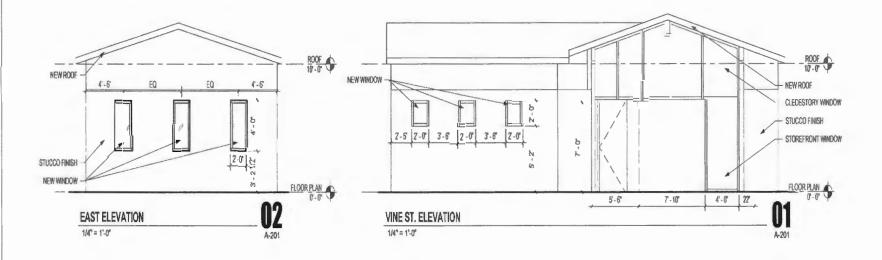


FLOOR PLAN

3/8" = 1'-0"







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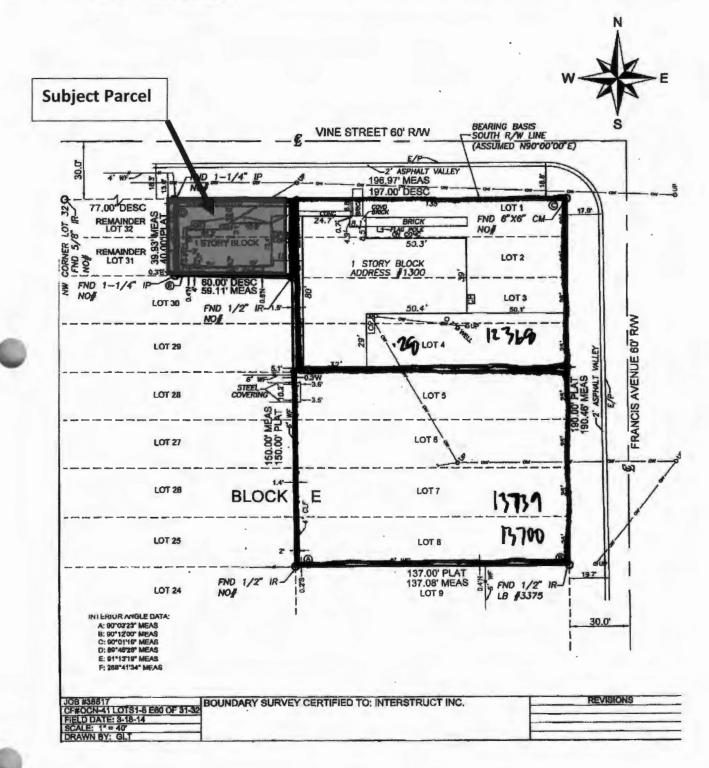




PLAT OF SURVEY

DESCRIPTION

LOTS 1 THROUGH 8 INCLUSIVE AND THE EAST 60 FEET OF LOTS 31 AND 32, BLOCK E, CONWAY PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK N, PAGE 41, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.





Facing west towards existing structure – Vine St. is to the right



Facing south towards existing structure from Vine St.



South side of existing structure requiring Variance #4, facing east



North side of existing structure requiring Variance #6, facing west

SITE PHOTOS



West side of existing structure requiring Variance #5, facing south