



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

June 1, 2023

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)

ORANGE COUNTY GOVERNMENT

Board Member

District

Thomas Moses

1

John Drago (Vice Chair)

2

Juan Velez

3

Deborah Moskowitz (Chair)

4

Vacant

5

Sonya Shakespeare

6

Roberta Walton Johnson

At Large

BZA Staff

Ted Kozak, AICP

Chief Planner

Nick Balevich

Planner II

Jenale Garnett

Planner I

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
JUNE 1, 2023**

Case #	Applicant	Commission District	Staff Recommendation	BZA	Page #
VA-23-06-035	Jordan Shirley	5	Continued	Continued	1
VA-23-06-032	Jeffrey Kwan, Winnie Tse	1	Approval w/Conditions	Approval w/Conditions	11
VA-23-06-039	Rudy Callahan	4	Approval w/Conditions	Approval w/Conditions	25
VA-23-06-031	Edward Bharath For Orange Tire & Wheels	3	Request #1, Approval w/Conditions Request #2, Denial	Approval w/Conditions	38
VA-23-04-008	Mike Fitzpatrick	1	Approval w/Conditions	Approval w/Conditions	56
SE-23-05-021	Ransford Clarke For Faith Tabernacle Worship Center	2	Approval w/Conditions	Approval w/Conditions	68
VA-23-07-036	Sam Sebaali	3	Approval w/Conditions	Approval w/Conditions	89
VA-23-07-037	Aaron Struckmeyer For Pulte Homes	5	Approval w/Conditions	Approval w/Conditions	103
VA-23-06-034	Dirk Arace	1	Denial	Approval w/Conditions	114

Please note that approvals granted by the BZA are not final unless no appeals are filed within 15 calendar days of the BZA's recommendation and until the Board of County Commissioner (BCC) confirms the recommendation of the BZA on June 20, 2023.

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

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 District

- P-D** Planned Development District
- U-V** Urban Village District
- N-C** Neighborhood Center
- N-A-C** Neighborhood Activity Center

SITE & BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
A-1	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
A-2	SFR - 21,780 (½ acre)	850	100	35	50	10	35	<i>a</i>
	Mobile Home - 2 acres							
A-R	108,900 (2½ acres)	1,000	270	35	50	25	35	<i>a</i>
R-CE	43,560 (1 acre)	1,500	130	35	50	10	35	<i>a</i>
R-CE-2	2 acres	1,200	250	45	50	30	35	<i>a</i>
R-CE-5	5 acres	1,200	185	50	50	45	35	<i>a</i>
R-1AAAA	21,780 (1/2 acre)	1,500	110	30	35	10	35	<i>a</i>
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	35	<i>a</i>
R-1AA	10,000	1,200	85	25 <i>h</i>	30 <i>h</i>	7.5	35	<i>a</i>
R-1A	7,500	1,200	75	20 <i>h</i>	25 <i>h</i>	7.5	35	<i>a</i>
R-1	5,000	1,000	50	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
R-2	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Two dwelling units (DUs), 8,000/9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	30	5 <i>h</i>	35	<i>a</i>
	Three DUs, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-3	One-family dwelling, 4,500	1,000	45 <i>c</i>	20 <i>h</i>	20 <i>h</i>	5	35	<i>a</i>
	Two DUs, 8,000/ 9,000	500/1,000 per DU	80/90 <i>d</i>	20 <i>h</i>	20 <i>h</i>	5 <i>h</i>	35	<i>a</i>
	Three dwelling units, 11,250	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10	35	<i>a</i>
	Four or more DUs, 15,000	500 per DU	85 <i>j</i>	20 <i>h</i>	30	10 <i>b</i>	35	<i>a</i>
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10	35	<i>a</i>
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	35	<i>a</i>
R-T-1								
SFR	4,500 <i>c</i>	1,000	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
Mobile home	4,500 <i>c</i>	Min. mobile home size 8 ft. x 35 ft.	45	25/20 <i>k</i>	25/20 <i>k</i>	5	35	<i>a</i>
R-T-2	6,000	SFR 500	60	25	25	6	35	<i>a</i>
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600	100	35	50	10	35	<i>a</i>
		Min. mobile home size 8 ft. x 35 ft.						

<i>District</i>	<i>Min. lot area (sq. ft.)^m</i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.)^a</i>	<i>Min. rear yard (ft.)^a</i>	<i>Min. side yard (ft.)</i>	<i>Max. building height (ft.)</i>	<i>Lake setback (ft.)</i>
NR	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80/90 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NAC	Non-residential and mixed use development, 6,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	50 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 11,250	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50 feet/4 stories, 65 feet with ground floor retail <i>k</i>	<i>a</i>
	Townhouse, 1,800	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
NC	Non-residential and mixed use development, 8,000	500	50	0/10 maximum, 60% of building frontage must conform to max. setback	15, 20 adjacent to single-family zoning district	10, 0 if buildings are adjoining	65 feet <i>k</i>	<i>a</i>
	One-family dwelling, 4,500	1,000	45 <i>c</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Two DUs, 8,000	500 per DU	80 <i>d</i>	20	20	5	35/3 stories <i>k</i>	<i>a</i>
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories <i>k</i>	<i>a</i>
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	65 feet, 80 feet with ground floor retail <i>k</i>	<i>a</i>
	Townhouse	750 per DU	20	25, 15 for rear entry driveway	20, 15 for rear entry garage	0, 10 for end units	40/3 stories <i>k</i>	<i>a</i>
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	<i>a</i>
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets <i>e</i> ; 100 ft. for corner lots on major streets (see Art. XV)	25	20	0; or 15 ft. when abutting residential district; side street, 15 ft.	50; or 35 within 100 ft. of all residential districts	<i>a</i>

District	Min. lot area (sq. ft.) <i>m</i>	Min. living area (sq. ft.)	Min. lot width (ft.)	Min. front yard (ft.) <i>a</i>	Min. rear yard (ft.) <i>a</i>	Min. side yard (ft.)	Max. building height (ft.)	Lake setback (ft.)
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets <i>f</i>	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	50; or 35 within 100 feet of all residential districts	<i>a</i>
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets <i>g</i>	25, except on major streets as provided in Art. XV	15; or 20 when abutting residential district	5; or 25 when abutting residential district; 15 for any side street	75; or 35 within 100 feet of all residential districts	<i>a</i>

District	Min. front yard (feet)	Min. rear yard (feet)	Min. side yard (feet)	Max. building height (feet)
I-1A	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-1 / I-5	35	25	25	50, or 35 within 100 ft. of any residential use or district
I-2 / I-3	25	10	15	50, or 35 within 100 ft. of any residential use or district
I-4	35	10	25	50, or 35 within 100 ft. of any residential use or district

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

<i>a</i>	Setbacks shall be a minimum of 50 feet from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to the lakeshore protection ordinance and the conservation ordinance, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a covered patio, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.
<i>b</i>	Side setback is 30 feet where adjacent to single-family district.
<i>c</i>	For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. ft. of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area.
<i>d</i>	For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet, and the duplex lot size is 8,000 square feet. For detached units the minimum duplex lot width is 90 feet, and the duplex lot size is 9,000 square feet with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised, or transferred independently from the other half. For duplex lots that: <ul style="list-style-type: none"> (i) are either platted or lots of record existing prior to 3/3/97, and (ii) are 75 feet in width or greater, but are less than 90 feet, and (iii) have a lot size of 7,500 square feet or greater, but less than 9,000 square feet are deemed to be vested and shall be considered as conforming lots for width and/or size.
<i>e</i>	Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
<i>f</i>	Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
<i>g</i>	Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
<i>h</i>	For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet, front, 35 feet rear, R-1A, 25 feet, front, 30 feet rear, R-1, 25 feet, front, 25 feet rear, 6 feet side; R-2, 25 feet, front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet, front, 25 feet, rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section.
<i>j</i>	Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet.
<i>k</i>	Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed-use development, which shall have a maximum impervious surface ratio of 80%.
<i>m</i>	Based on gross square feet.

These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

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.

In addition to demonstrating compliance with the above criteria, any applicable conditions set forth in Section 38-79 shall be met.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 01, 2023**

Commission District: **#5**

Case #: **VA-23-06-035**

Case Planner: **Jenale Garnett (407) 836-5955**

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JORDAN SHIRLEY

OWNER(s): JORDAN SHIRLEY

REQUEST: Variance in the A-2 zoning district to allow a mobile home with a minimum lot area of 1.58 acres in lieu of 2 acres.

PROPERTY LOCATION: 23799 E. Colonial Dr., Christmas, FL 32709, north side of E. Colonial Dr., east of Fort Christmas Rd., west of Taylor Creek Rd.

PARCEL ID: 32-22-33-1316-08-043

LOT SIZE: +/- 1.58 acres

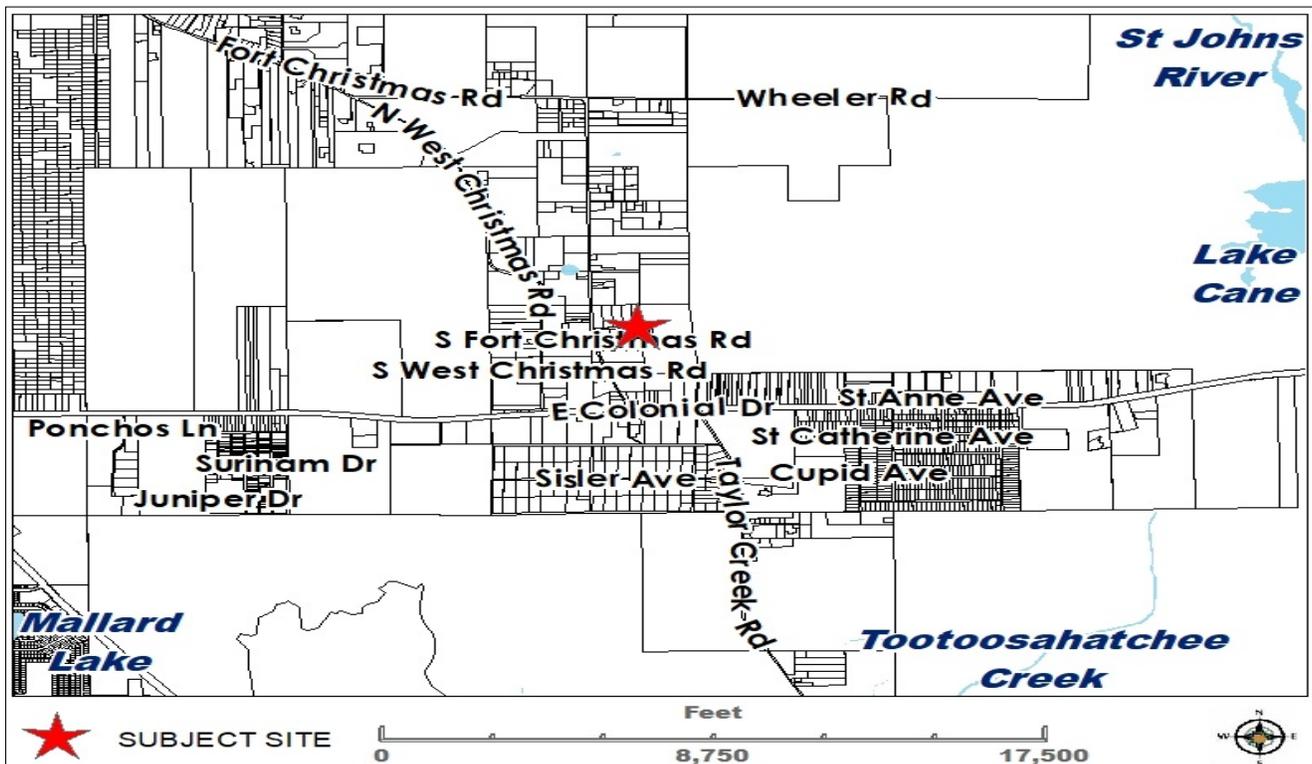
NOTICE AREA: 1,500 ft.

NUMBER OF NOTICES: 40

STAFF RECOMMENDATIONS

CONTINUED TO THE JULY 6, 2023, BZA MEETING.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	A-2	A-2	A-2	A-2
Future Land Use	R	R	R	R	R
Current Use	Vacant	Vacant	Christmas Community Center, Vacant	Vacant	Vacant

BACKGROUND AND ANALYSIS

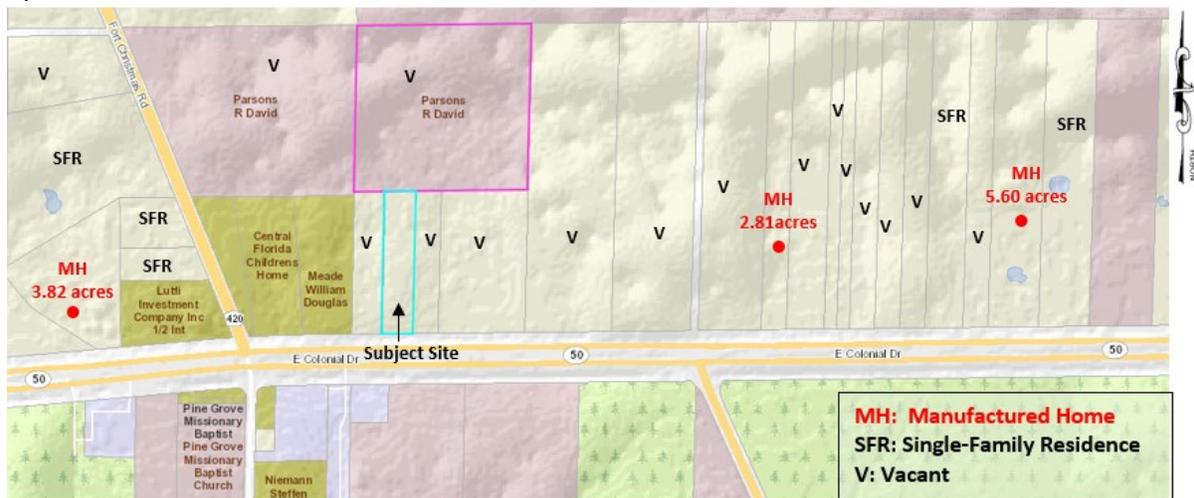
DESCRIPTION AND CONTEXT

The subject 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. The Future Land Use is Rural/Agricultural (R) which is consistent with the A-2 zoning district.

The area around the subject site consists of vacant parcels, single-family homes, manufactured homes, and a Community Center to the immediate south. The subject property is a vacant +/- 1.58 acre lot, platted in 1927 as Lot 4 of the Christmas Gardens Development No. 2 plat, and is considered to be a conforming lot of record. It was purchased by the current owners in November 2022.

The proposal is to install a 76 ft. by 15.6 ft., 1,186.5 sq. ft., 13.6 ft. high mobile home, in a location complying with the required setbacks. Single-family homes are permitted in the A-2 zoning district with a minimum of a 0.5 acre lot, and mobile homes are permitted with a minimum of two (2) acres. A Variance is required since the property is 1.58 acres in size.

An evaluation of the area surrounding the subject property was done utilizing the property appraisers' records, which found that the homes were single-family residences or manufactured homes (also known as mobile homes), which is indicated on the map below. A majority of the surrounding properties were vacant. Of the properties where manufactured homes were identified, they all met or exceeded the minimum 2-acre requirement. Furthermore, there are no similar approved Variance requests in the surrounding area to allow a mobile home that does not meet the 2-acre minimum requirement. As a result, staff is recommending denial of the request.



As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13.6 ft.
Min. Lot Width:	100 ft.	121.7 ft.
Min. Lot Size:	2 acres for mobile home	1.58 acres (Variance)

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	35 ft.	141 ft. (South)
Rear:	50 ft.	409 ft. (North)
Side:	10 ft.	23 ft. (East) 22.8 ft. (West)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions or circumstances peculiar to the land or building which are not applicable to other lands in the same zoning district. The owner could construct a single-family residence, eliminating the need for the Variance.

Not Self-Created

The request is self-created in that it is new construction and there are alternatives to build a code compliant single-family residence.

No Special Privilege Conferred

Granting the Variance as requested will confer special privilege since all the developed properties in the surrounding area appear to be built in conformance with the minimum lot size standards for single-family homes or manufactured homes, respectively.

Deprivation of Rights

There is no deprivation of rights since the property may be used for residential use. There are options to construct a single-family home on the property.

Minimum Possible Variance

The request is not the minimum. A single-family home could be constructed on the existing site without the need for a Variance.

Purpose and Intent

Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The mobile home is proposed to be located 141 ft. from the front property line and more than 20 ft. from each of the side property lines.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received April 11, 2023, 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.
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: Jordan Shirley
3217 Cortona Drive
Melbourne, FL 32940

COVER LETTER

To whom it may concern,

My family and I are wanting to place a 1193 square ft. mobil home on our 1.59 Acres we recently purchased. The area is pretty undeveloped, we wish to have a few chickens and other smaller farm animals. We have a family of four my fiancé and I and or two young sons. We would be placing the home approximately 114 ft. away from the highway and also plan to fence the entire property in. We are hoping for a variance of 0.41 acres in order to get our dream and goals achieved. Thank you for your time.

Regards, Jordan E. Shirley
JES
03/26/23

COVER LETTER

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 a proposed zoning variance.

The current zoning allows mobil homes but with a 2 acre lot we have a 1.59 when we bought the land we were told we would be able to place the home on the property. We are only missing 0.41 acres.

2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed 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.

The variance is required because the zoning only allows a mobil home to be placed on 2 acres and our land is only 1.59 acres.

3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

This variance won't give us any special privilege given the fact there are multiple other mobil homes in the area of Christmas FL.

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 property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

We have already purchased both land & home under the impression by both a realtor and family dream homes we were going to be able to place the home on the property.

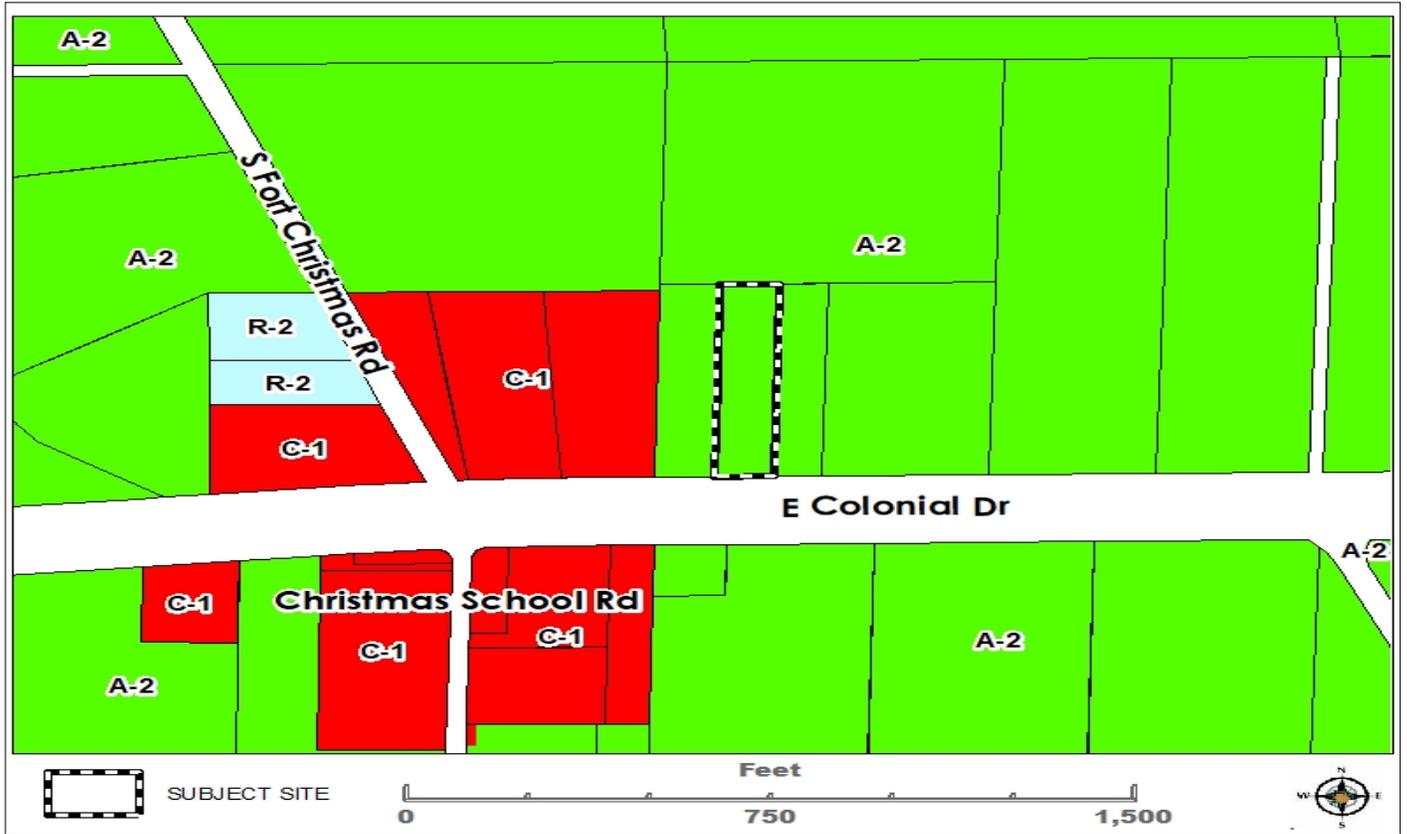
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Only through this variance we will be able to place a small home where me and my family can have a place to live in the home we already purchased.

6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The neighboring properties around us have mobil homes and such on their properties.

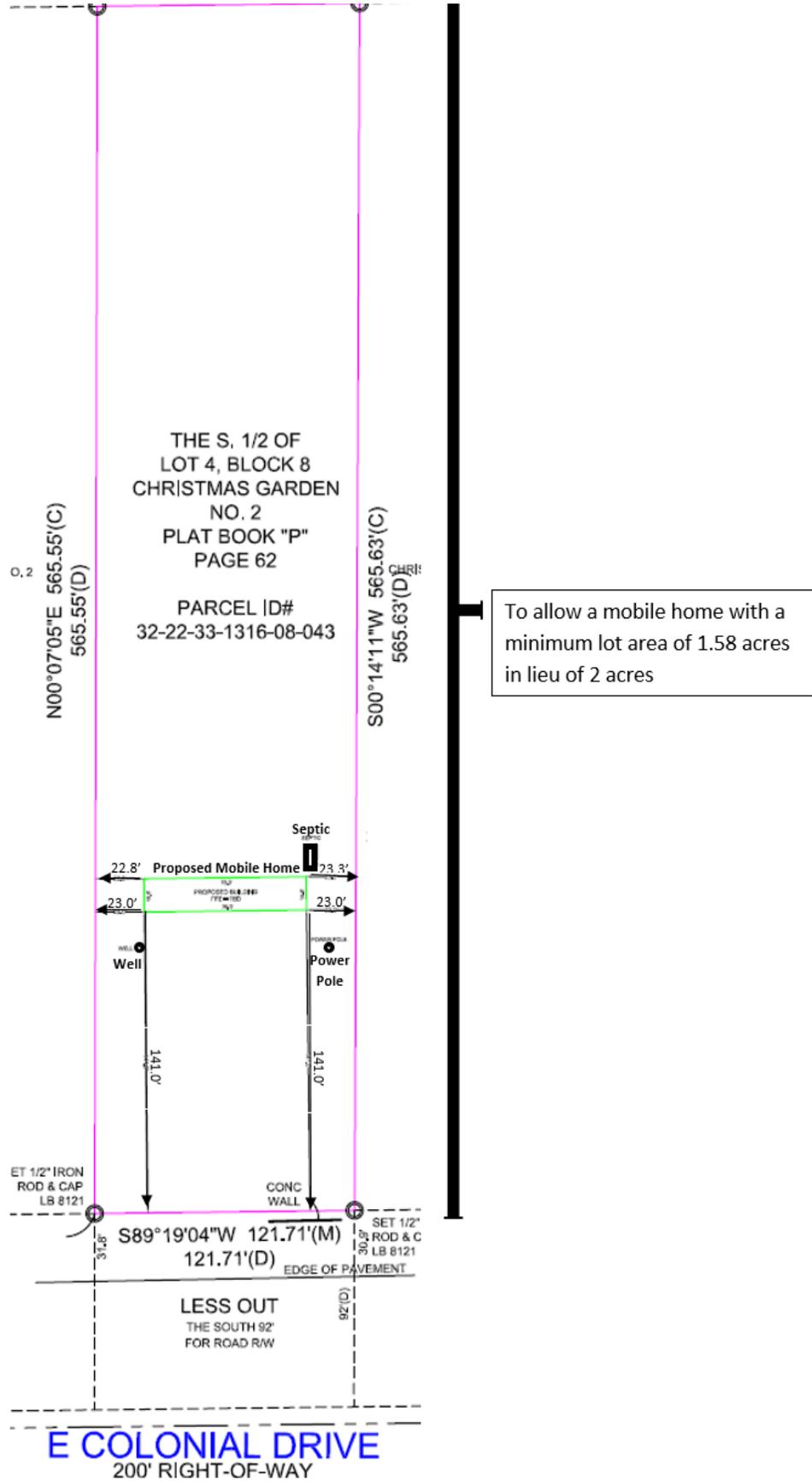
ZONING MAP



AERIAL MAP

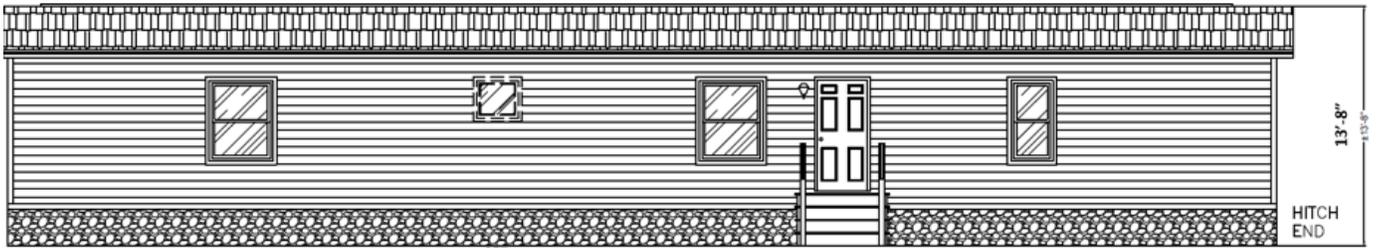


SITE PLAN

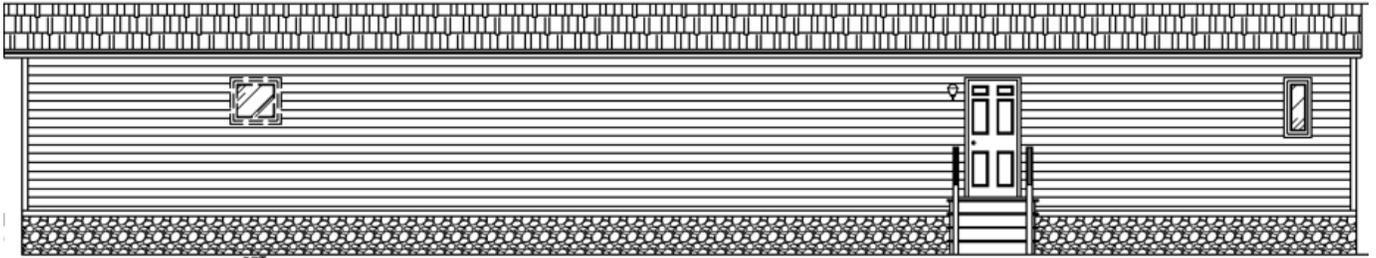


ELEVATIONS

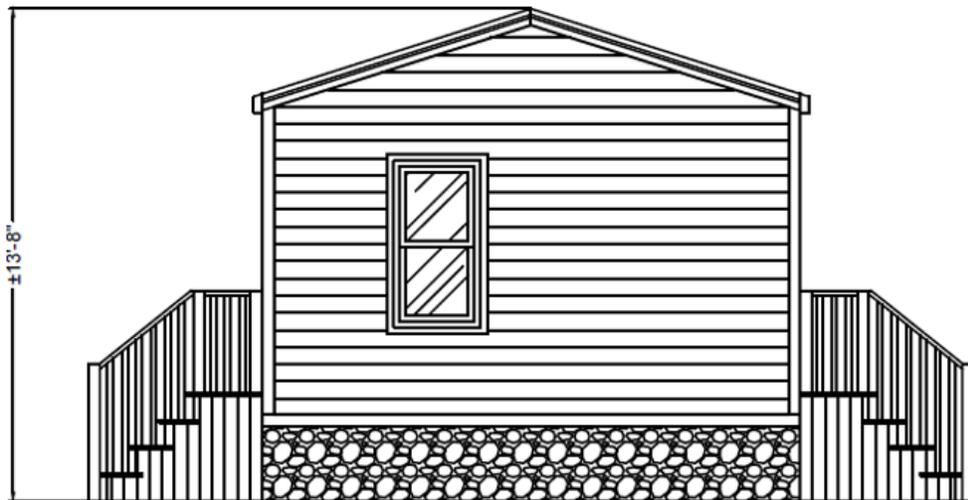
Front Elevation – South



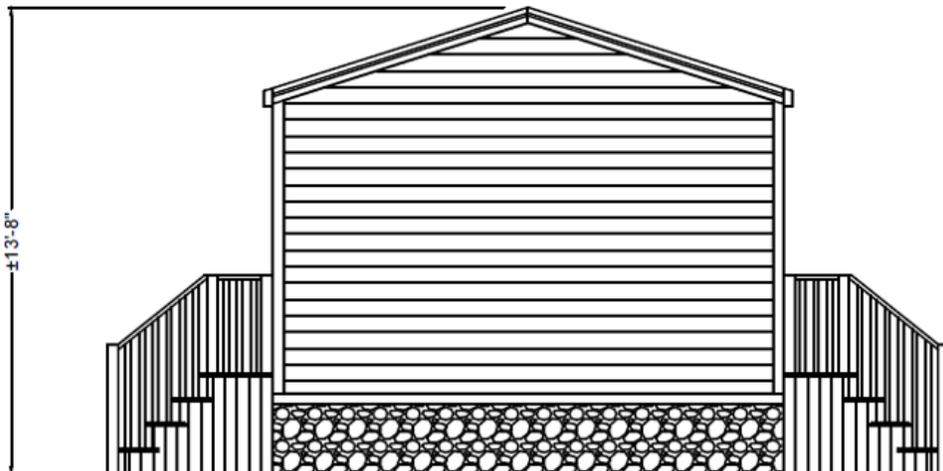
Rear Elevation – North



Right Elevation – East



Left Elevation – West



SITE PHOTOS



Facing north from E. Colonial Dr. towards front of subject property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 01, 2023**

Commission District: **#1**

Case #: **VA-23-06-032**

Case Planner: **Jenale Garnett (407) 836-5955**
Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JEFFREY KWAN, WINNIE TSE

OWNER(s): JEFFREY KWAN, WINNIE TSE

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

1) To allow the construction of a second-floor addition with an east front setback of 22.94 ft. in lieu of 25 ft.

2) To allow an existing east front setback of 22.94 ft. in lieu of 25 ft.

PROPERTY LOCATION: 6152 Masters Blvd., Orlando, FL 32819, west side of Masters Blvd., southwest of S. Apopka Vineland Rd., east of Lake Tibet.

PARCEL ID: 28-23-28-0549-00-090

LOT SIZE: +/- 0.21 acres (9,580 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 100

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions: (Motion by Thomas Moses, Second by John Drago; unanimous; 4 in favor: Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz; 0 opposed; 2 absent: Sonya Shakespeare, Roberta Walton Johnson and 1 vacant):

1. Development shall be in accordance with the site plan and elevations received March 20, 2023, 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.
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 described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval of the Variances. Staff noted that no comments were received in favor or in opposition to the request.

The applicant agreed with the staff presentation and had nothing further to add.

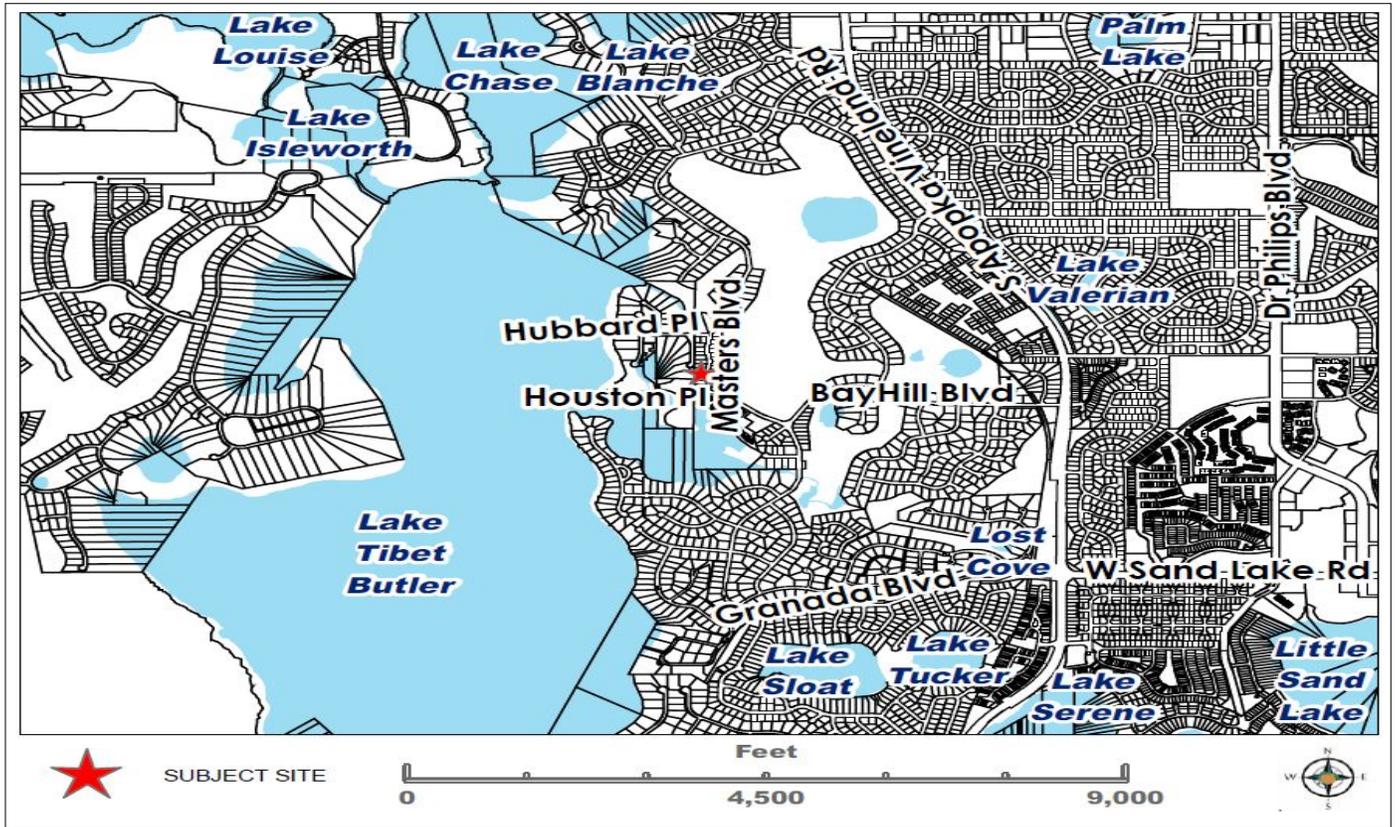
There was no one in attendance to speak in favor or in opposition to the request.

The BZA unanimously recommended approval of the Variances by a 4-0 vote, with two absent and one vacant, subject to the three (3) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

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

DESCRIPTION AND CONTEXT

The subject property is located in the R-1, Single-Family Dwelling District, which allows single-family homes and associated accessory structures and requires a minimum lot area of 5,000 sq. ft. The Future Land Use is Low Density Residential (LDR), which is consistent with the R-1 zoning district.

The area around the subject site consists of single-family homes. The subject property is a +/- 0.22 acre lot, platted in 1969 as Lot 9 of the Bay Hill Section 1-C plat, and is a conforming lot of record. The property is developed with a 1-story, 2,869 gross sq. ft. single-family home with an attached 2-car garage constructed in 1977. Additionally, there is a pool that was installed in 1990 (B90017713), and a pool screen enclosure built in 2007 (B07002005). There is a 10 ft. utility easement along the west property line, but it is not affected by the requests. The property was acquired by the current owners in 2013.

The proposal is for construction of improvements to the existing residence which includes a 560.6 sq. ft. second floor addition (Addition #1), and an additional 21 ft. by 15 ft., 315 sq. ft. attached 1-car garage addition which conforms to setback requirements (Addition #2). After the proposed improvements, the home will total 3,744 gross sq. ft. The proposed Addition #1 accommodates a master bedroom and bathroom to be constructed above the existing 2-car garage. After the addition, the new height of the residence will be 23.2 ft. high with an east front setback of 22.94 ft. in lieu of 25 ft., requiring Variance #1. The residence also has an existing non-conforming setback of 22.94 ft. from the east front property line, requiring Variance #2 to recognize the existing condition.

Based on staff analysis, the existing location of the residence’s footprint in relation to the east front property, the existing pool area in the rear yard, and the easement along the west rear property line renders any addition or improvements difficult without the need for the requests. Further, there are homes in the surrounding area that appear to have existing structures with similar front setbacks.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	23.2 ft. (Addition #1)
Min. Lot Width:	50 ft.	75 ft.
Min. Lot Size:	5,000 sq. ft.	9,580 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	25 ft.	22.94 ft. (East – Variances #1, #2)
Rear:	25 ft.	38.9 ft. (West)
Side:	6 ft.	7.5 ft. (North) 7.4 ft. (South)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Pertaining to Variance #1, the special conditions and circumstances particular to this property are related to the size, layout and location of the existing home which renders any addition difficult without a Variance. Further, pertaining to Variance #2, the location of the existing residence with a 22.94 ft. setback from the east front property line as constructed is considered a special condition and circumstance.

Not Self-Created

The need for the Variances is not self-created since the owners are not responsible for the placement of the existing residence prior to their purchase in 2013 and no expansion is proposed beyond the footprint of the existing garage with the same front yard setback.

No Special Privilege Conferred

Due to the existing front setback, rear easement and pool area, granting the requested Variances will not confer any special privilege conferred to others under the same circumstances.

Deprivation of Rights

Without approval of the requested Variances, the owners will be deprived of the ability to construct improvements to the property.

Minimum Possible Variance

Due to the existing setback and the location of the improvement, the requested Variances are the minimum possible.

Purpose and Intent

Approval of the requested Variances would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The proposed addition follows the vertical plane of the existing front setback and will not be detrimental to adjacent properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received March 20, 2023, 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.
 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: Jeffrey Kwan and Winnie Tse
6152 Masters Boulevard
Orlando, FL 32819

COVER LETTER

Parcel # 28-23-28-0549-00-090
Address: 6152 Masters Blvd, Orlando, FL 32819
Owner Information:
Name: Jeffrey Kwan
Phone Number: 321-217-9338
Email: jeffrey.c.kwan@gmail.com

Variance Cover Letter & Supporting Documents

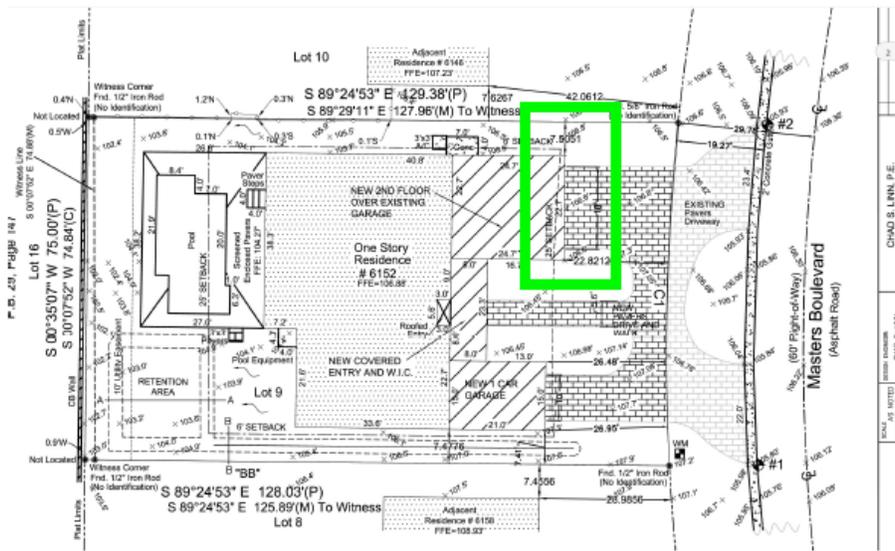
Dear Board of Zoning Adjustments,

Thank you in advance for your considerations on this request for variance. The variance is for our planned 2nd floor master bedroom addition above the existing two-car garage.

Background Data:

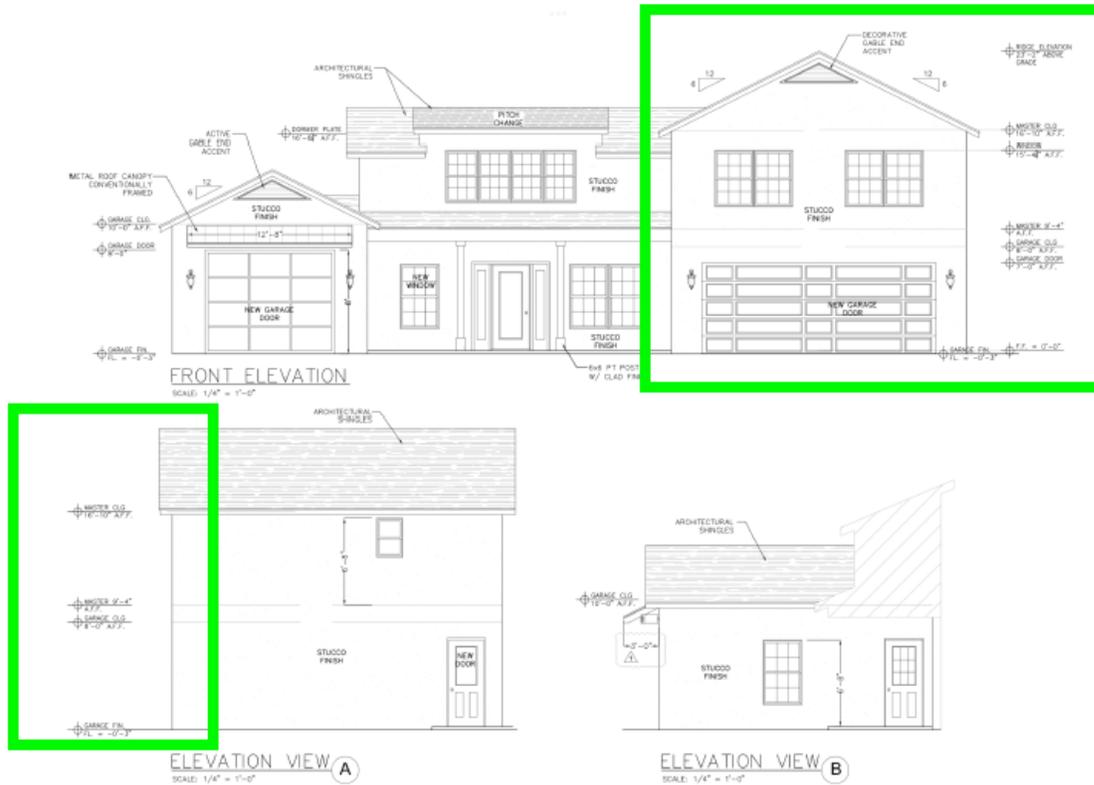
As depicted below from the included property survey (with proposed addition, outlined below), the property line is curved and the existing two-car garage structure (built in 1970s) does not meet the current 25' setback requirement (highlighted in the green box).

Since the property line is curved, the variation between the 25' setback requirement varies between 1-2.3' into the existing structure, resulting in 38 sqft of proposed impact.



The proposed 2nd floor addition as shown below from a floor plan layout and front elevation was designed to utilize the existing support architecture of this two-car garage. The request for variance of the 2nd floor addition mirrors the footprint (38 sqft of impact) of the existing two-car garage structure, since we are not extending the existing garage further out towards the property line. The proposed height of the 2nd floor addition with the roof line will be at 23' and 2" at its ridge elevation. This also allows for a cosmetic flow of the house that aligns with and was approved by our BayHill homeowners association as well as our adjacent neighbors (see attached appendix documents) The 2nd floor addition will be built using wood, stucco material adhering to county codes.

COVER LETTER



Variance Criteria:

- 1) **Special Conditions and Circumstances:** This variance is unique to our property as our existing two-car garage structure was built prior to our purchase of the property where it did not meet the 25' setback requirement to the curved property line.
- 2) **Not Self-Created:** This property and its existing structure were purchased as-is by my wife and me in 2013. The variance issue due to the setback requirement to the curved property line was not self-created.
- 3) **No Special Privilege Conferred:** This variance request will not confer on me any special privileges that was denied by this chapter to any other land, building or structures in my area.
- 4) **Deprivation of Rights:** Other properties in my neighborhood and zoning district is allowed to have a 2nd story. This variance would greatly alleviate the need to redesign the elevation of the architecture and prevent an awkward facade.
- 5) **Minimum Possible Variance:** This will be the minimum variance required to use the existing two-car garage infrastructure to build upon while maintaining the curb appeal the HOA has approved.
- 6) **Purpose and Intent:** This variance will only improve the neighborhood by upgrading the curb appeal of a house that was built in the 1970s.

COVER LETTER

Proof of Hardship:

This property was purchased by my wife & I in 2013. We have been here for 10 years and love the neighborhood so much, we decided to make it our forever home. As the only child in my family we wanted to expand this home allowing accommodations for my parents as they get older. We worked with many engineering firms and contractors to define the options of our small property in BayHill, distance limitations to our neighbor's property and an easement in the rear meant our only option was to build towards the front of our property.

We created a design that allowed us to use the existing structure, while maintaining a curb-appeal that matches neighborhood aesthetic nature, which was approved by the HOA (see other attached documents). The only variance impact would be 38sqft of the 2nd floor addition utilizing the existing two-car garage. If the variance is not approved from this curved setback requirement impact, the design layout would create an awkward front 2nd floor elevation that would not match the appeal of the surrounding two story houses.

The BayHill HOA has a 30' setback requirement to the property line and they concurred with our circumstances and has approved our attached architectural design. We have also gained our adjacent neighbors' approval, whom we are very close with, to ensure they would not have an issue with this variance impact we are applying for.

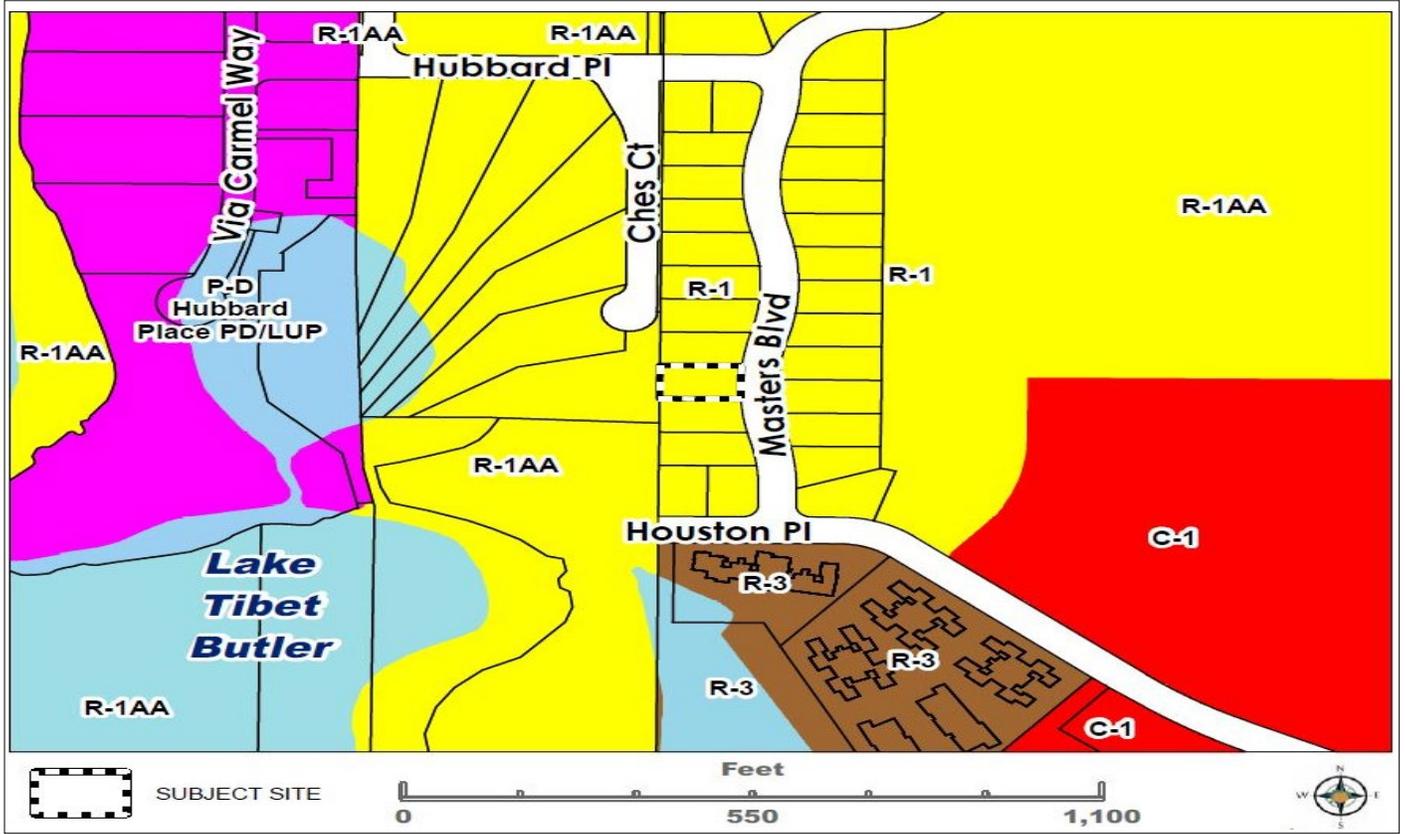
I appreciate your considerations on this variance request, please reach out to me with the contact information above if you have any other questions.

Thanks in advance!
Sincerely,
Jeffrey Kwan

6152 Masters Blvd
Orlando, FL, 32819

Email: jeffrey.c.kwan@gmail.com
Phone: 321-217-9338

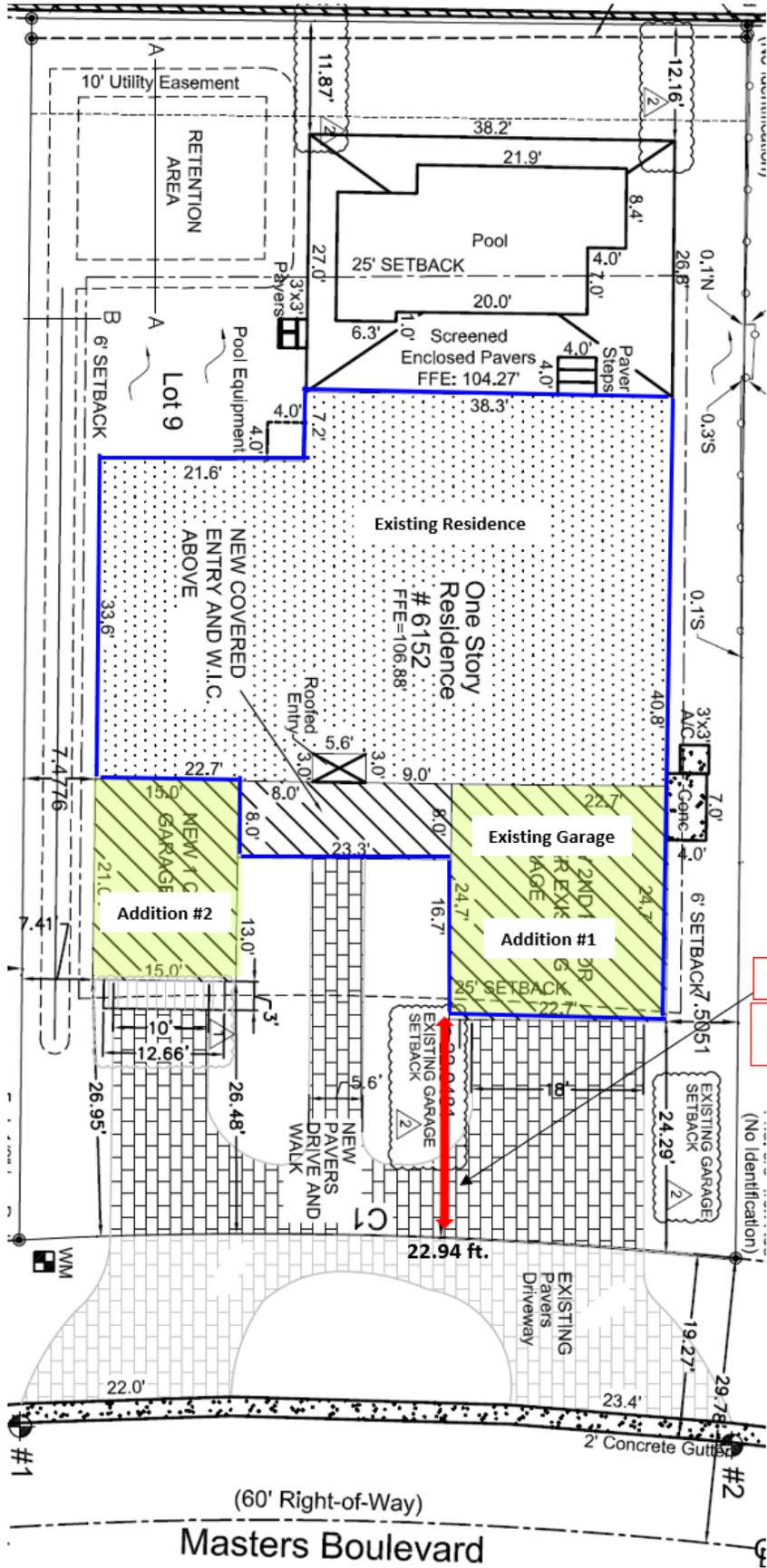
ZONING MAP



AERIAL MAP



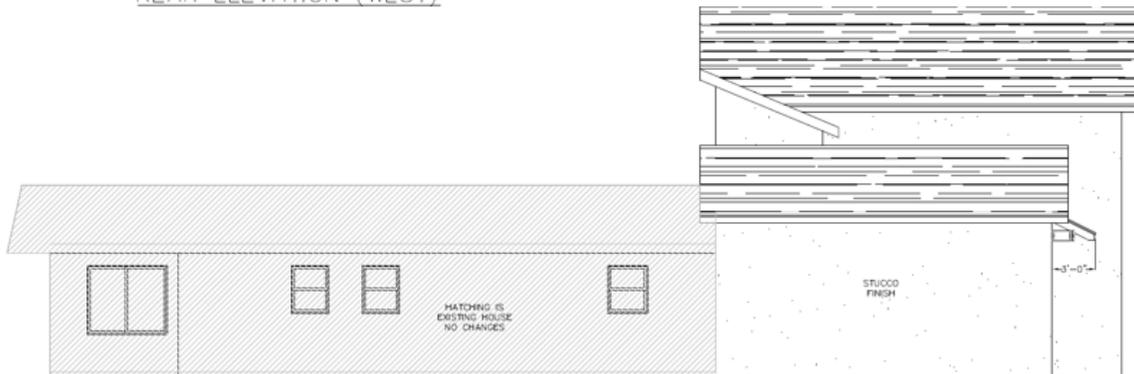
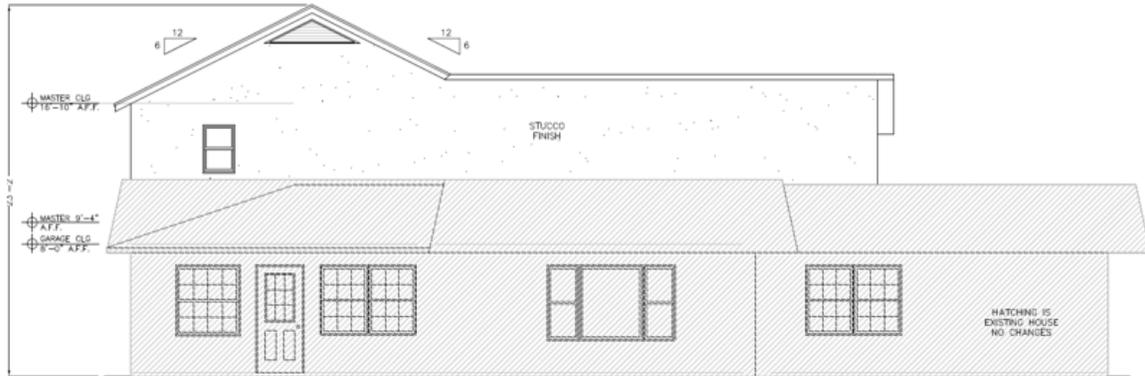
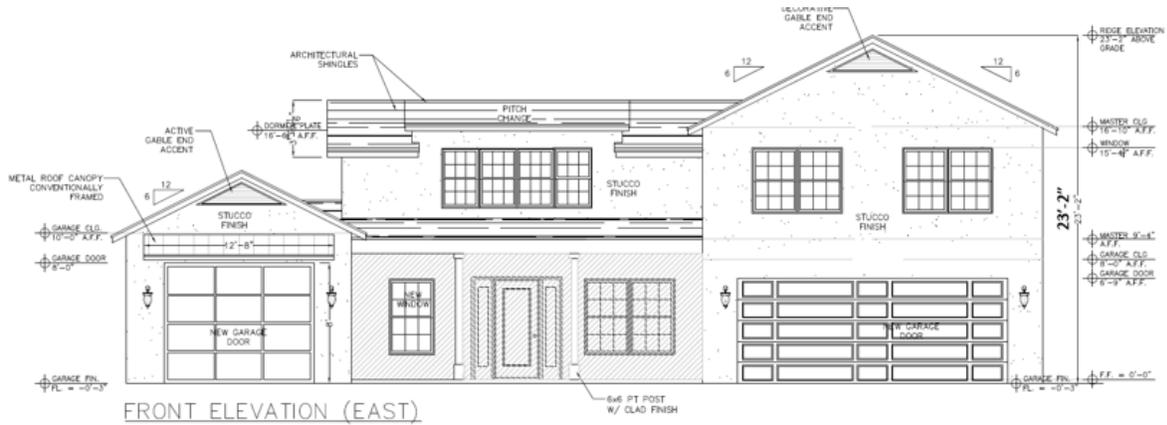
SITE PLAN



Variance #1, #2

East front setback of 22.94 ft. in lieu of 25 ft.

ELEVATIONS



SITE PHOTOS



Facing west from Masters Blvd. towards front of subject property



Rear yard, facing northwest towards pool and screen enclosure

SITE PHOTOS



Facing northwest towards existing garage and proposed second floor addition



Front yard, facing southeast towards Variances #1 and #2

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 01, 2023**

Commission District: **#4**

Case #: **VA-23-06-039**

Case Planner: **Jenale Garnett (407) 836-5955**

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): RUDY CALLAHAN

OWNER(s): MARK ELLINGWOOD, TAMELA ELLINGWOOD

REQUEST: Variance in the A-2 zoning district to allow an existing accessory structure greater than 15 ft. in height with a south side setback of 5 ft. in lieu of 10 ft.

Note: This is the result of Code Enforcement.

PROPERTY LOCATION: 1501 Oberry Hoover Rd., Orlando, FL 32825, east side of Oberry Hoover Rd., south of E. Colonial Dr., west of N. Alafaya Trl., east of Rouse Rd.

PARCEL ID: 22-22-31-0000-00-044

LOT SIZE: +/- 1.4 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 44

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Deborah Moskowitz, Second by Juan Velez; unanimous; 5 in favor: Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz, Roberta Walton Johnson; 0 opposed; 1 absent: Sonya Shakespeare and 1 vacant):

1. Development shall be in accordance with the site plan received April 10, 2023, 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.
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 permit for Building #1 and Building #2 shall be obtained within 180 days 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.

5. Prior to the issuance of the permit for Building #1, the 560 sq. ft. portion of the covered patio shall be completely removed.
6. Prior to the issuance of any permits, the metal shed shall be removed, and documentation shall be provided confirming the removal.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that no comments were received in favor or in opposition to the request.

The applicant agreed with the staff presentation, briefly discussed the history of the property, noted the metal shed has been removed, and requested the deletion of Condition #5 to allow the portion of the metal frame of the removed canopy to remain.

There was no one in attendance to speak in favor or in opposition to the request.

Code enforcement staff discussed the history of the citation.

The BZA discussed the request, the history of all the structures and ownership of the property over the years, discussed the prior BZA cases, and unanimously recommended approval of the Variance by a 5-0 vote, with one absent and one vacant, subject to the six (6) conditions in the staff report.

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	Waterford Oaks PD	A-2
Future Land Use	LDR	LDR	LDR	PD-C	LDR
Current Use	Single-family residential	Orange County Stormwater Retention	Single-family residential	Retail	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject 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. The Future Land Use is Low Density Residential (LDR), which is inconsistent with the zoning district. Per Comprehensive Plan Policy FLU8.2.5.1, a rezoning may not be required for properties with inconsistent zoning and Future Land Use Map (FLUM) designations for residential uses when the proposed use is single-family detached residential, and the Zoning and Future Land Use are both residential.

The area around the subject site consists of single-family homes and retail located in the Waterford Oaks Planned Development (PD) to the east of the property. The subject property is an unplatted +/- 1.4 acre lot and is developed with a 2,400 gross sq. ft. one story single-family home, constructed in 2011 (B11003423). Improvements to the property include a 2,988.96 sq. ft. detached accessory structure constructed in 2006 (Building #1 – storage) with an attached 1260.48 sq. ft. covered patio, a 1252.50 sq. ft. detached accessory structure installed in 2007 (Building #2 – garage/storage), and a metal shed that appears in 2015 via aerial imagery. There are no permits for Building #1 and the metal shed. A permit for Building #2 had been submitted but expired before it was issued. The property was purchased by the current owners in 2021.

Prior BZA cases:

- 1) January 2010: Variances (VA-10-01-002) were approved to allow an attached carport to remain 5 ft. from the south side property line in lieu of 10 ft., and to allow a cumulative building area for detached accessory structures of 5,930 sq. ft. in lieu of 2,000 sq. ft. The conditions included the removal of 4 of the structures, of which 3 were removed.
- 2) June 2020: Variances (VA-20-05-025) were approved to allow a cumulative of 5,500 sq. ft. of accessory floor area in lieu of 3,000 sq. ft. (Board of Zoning Adjustment approved 4,250 sq. ft.), and to allow an existing accessory structure greater than 15 ft. in height to remain 5 ft. from the side south property line in lieu of 10 ft., with a condition that permits for the unpermitted structures be obtained within 180 days. The submitted permits (B20020701, B20020702) expired and were not issued, therefore the Variance is no longer valid.

The current proposal is to allow the existing 62.4 ft. by 47.9 ft., 2,988 sq. ft., 19 ft. high detached accessory structure with the covered patio (Building #1) to remain with a south side setback of 5 ft. in lieu of 10 ft., necessitating the requested Variance. Per Sec. 38-1426 (a) (b) (2) of Orange County Code, a detached accessory structure with a height greater than fifteen (15) feet or less shall be set back a minimum of ten (10) feet from the rear property line and shall meet the side setbacks of the primary structure. In 2019, a code amendment changed the setbacks for a detached accessory structure over 15 ft. in height from 5 ft. to whatever the side setbacks of the primary structure are, which is 10 ft. in this case. The code was again

updated in 2023, including the cumulative detached accessory section, Sec. 38-1426 (a)b.6. , such that parcels between one (1) acre and ten (10) acres of net land area may have up to 5,000 sq. ft. of cumulative sq. footage. The applicant has removed 560 sq. ft. of the covered patio that is attached to Building #1 and is proposing to remove the 80 sq. ft. shed to meet the code maximum of 5,000 sq. ft.

Code compliance cited the property owner on March 3, 2009 (CE#: 249559) to obtain all required permits and meet all the required setbacks, cease business operations, and remove all storage of commercial equipment. The applicant has since suspended the business operations and removed the commercial equipment. On January 6, 2010, a lien was placed on the property. A fine of \$150 a day is being assessed. As of May 25, 2023, the total amount is \$739,950.

Staff recommends approval of the request since there is no visual impact to the directly adjacent properties as the rear and side of the property are screened by the existing landscaping on the property and the detached accessory structure area has been proposed to be reduced to meet code. Furthermore, the property to the immediate east of the subject site is used for retail.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	19 ft. (Building #1) 13.7 ft. (Building #2)
Min. Lot Width:	100 ft.	200 ft.
Min. Lot Size:	1/2 acre	1.40 acres

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	Not Allowed	Not Allowed
Rear:	10 ft. (greater than 15 ft. high) 5 ft. (15 ft. high or less)	14.3 ft. (East – Building #1) 5.1 ft. (East – Building #2)
Side:	10 ft. (greater than 15 ft. high)	5 ft. (South – Building #1, Variance) 30.6 ft. (West – Building #2)

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances particular to the subject property are related to the existing conditions and the existing 5 ft. setback, albeit for an unpermitted structure. Further, the existing 5 ft. setback has been approved via a Variance twice but has not been vested by a obtaining a permit within the conditioned expiration date.

Not Self-Created

The request is not self-created since the current owners are not responsible for the existing location of the accessory structure. Based on where the structure is located relative to the property line, which would have met the setback requirement when the structure was constructed, and the recognition of the prior approved Variances, there are no other options available without demolition of the structure.

No Special Privilege Conferred

Granting the requested Variance will not confer any special privilege conferred to others under the same circumstances.

Deprivation of Rights

Denial of this Variance would deprive the current owners of the right to utilize the existing structure without the need for demolition.

Minimum Possible Variance

Given the existing setback, the requested Variance is the minimum possible without the need for demolition.

Purpose and Intent

Approval of the request will be in harmony with the purpose and intent of the of the Code, and the proposed request will not be detrimental to the neighborhood and surrounding area since there is little visual impact to the adjacent properties as the east rear and south side of the property are screened by dense existing landscaping. Furthermore, the property to the immediate east of the subject site is used for retail.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan received April 10, 2023, 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.
 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 permit for Building #1 and Building #2 shall be obtained within 180 days 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.
 5. Prior to the issuance of the permit for Building #1, the 560 sq. ft. portion of the covered patio shall be completely removed.
 6. Prior to the issuance of any permits, the metal shed shall be removed, and documentation shall be provided confirming the removal.
- C: Rudy Callahan
935 Oasis Court
Apopka, FL 32712

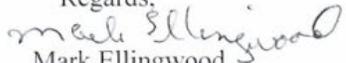
COVER LETTER

Re: Request for Variance
1501 O'berry Hoover Rd.
Orlando, Fl. 32825

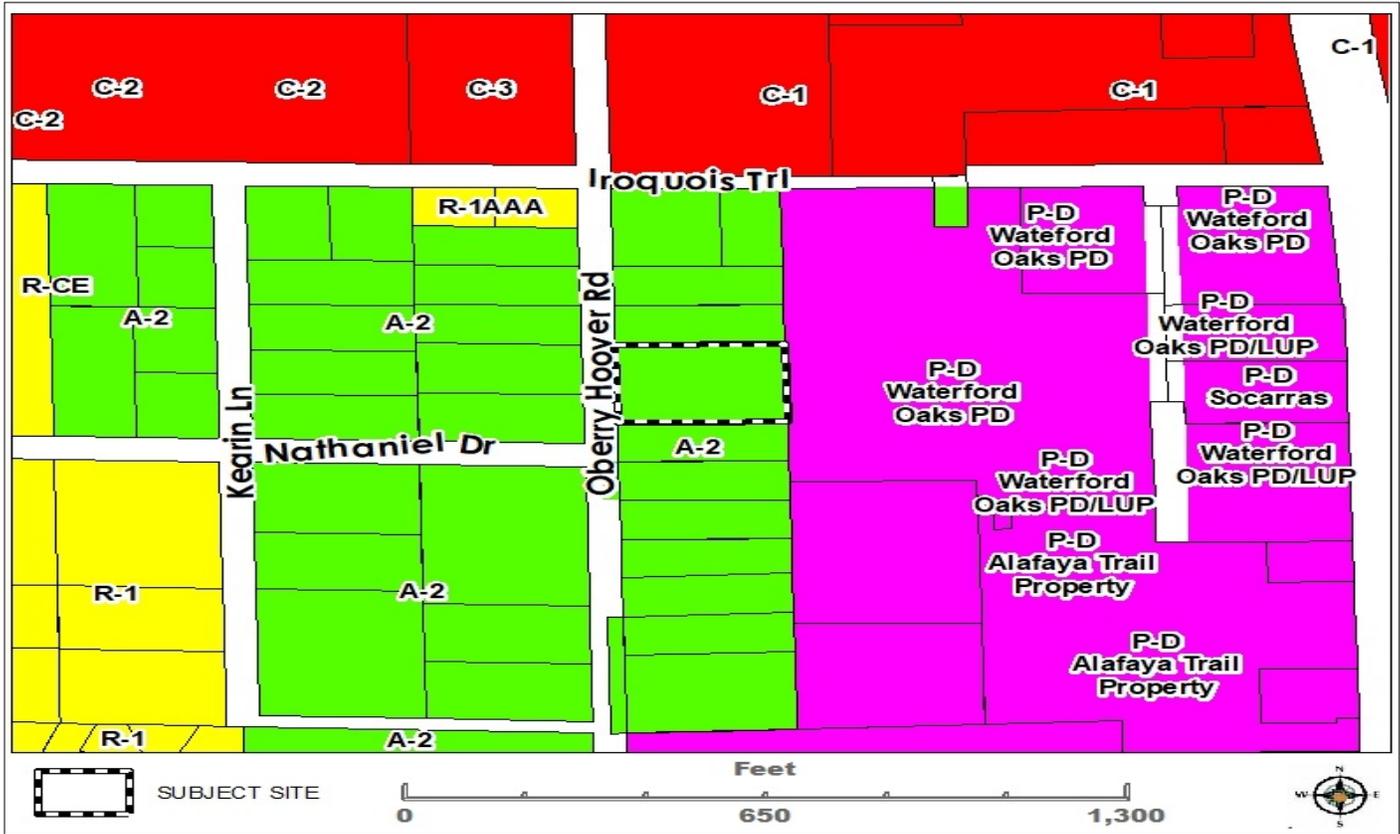
April 17, 2023

I am requesting a variance for a set back to allow a 5' set back for a existing building greater than 10' at 1501 O'berry Hoover Rd. Orlando Fl. 32825. . This lot is 1.44 acres which is larger than surrounding lots that have more sq. footage of out buildings. Also a variance for the height of existing structures residence 12' ...structure 1 (13' 9") structure 2 (19'). These variances were approved on August 11, 2020 and not properly secured at that time. These approvals will be acted upon immediately.

1. Special conditions and circumstances: If my request is granted this property will be without any special conditions and will be escalated in value to benefit neighboring properties and property taxes for Orange County.
2. Not self created: The code violations were not self created and were built at that time by an existing tenants.
3. No Special Privilege Conferred: None expected.
4. Deprivation of Rights: Agreed and understood.
5. Minimum Possible Variance: If approved this property will be a single family residence.
6. Purpose and Intent: Approval will improve all neighborhood standards and welcome a positive public welfare.

Regards,

Mark Ellingwood

ZONING MAP



AERIAL MAP



SITE PHOTOS



Facing east from Oberry Hoover Rd. towards front of subject property

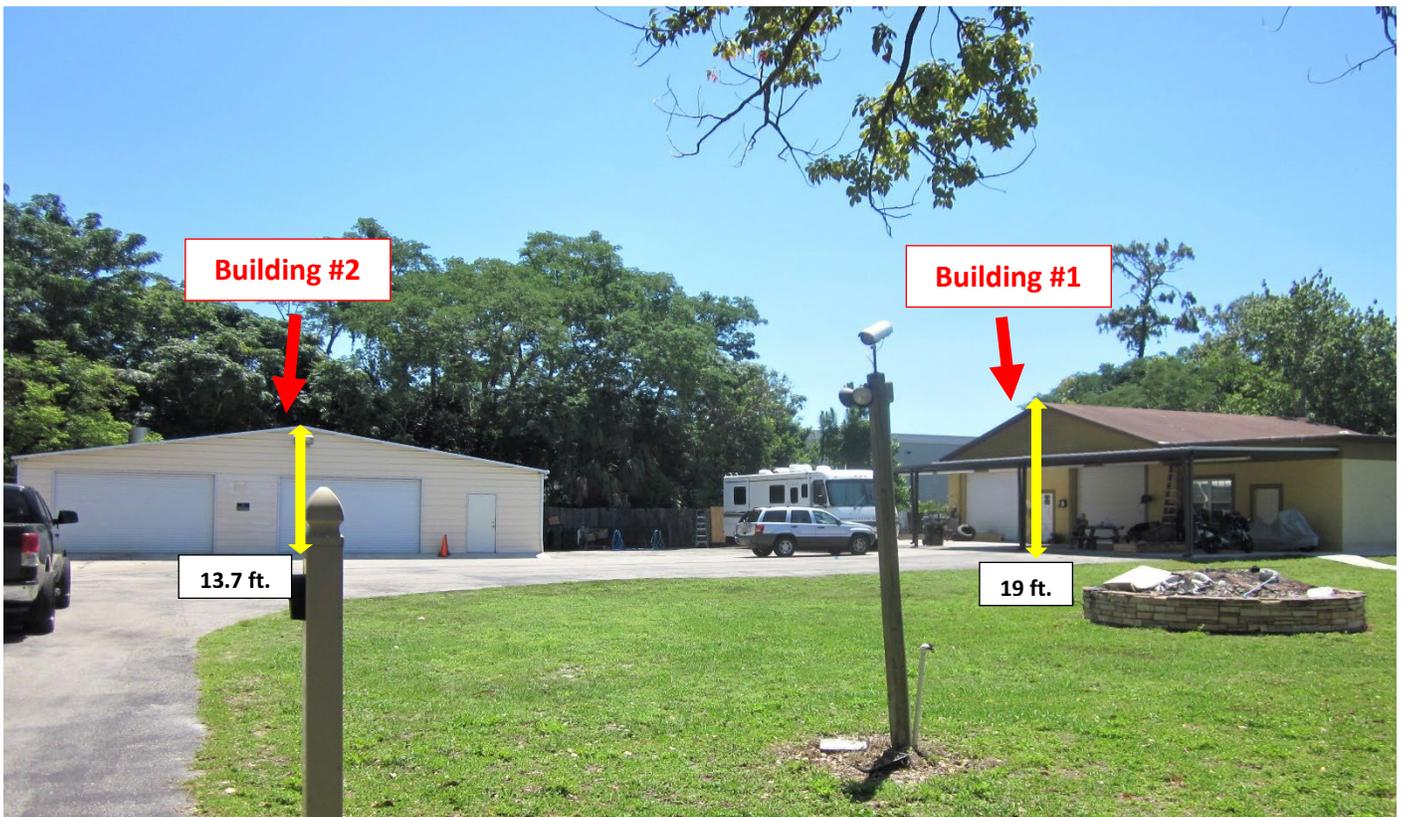


Facing north from Oberry Hoover Rd. towards subject property

SITE PHOTOS



Facing east towards driveway entrance to the rear yard of residence



Rear yard, facing southeast towards Building #1 and Building #2

SITE PHOTOS



Rear yard, facing west towards covered patio



Rear yard, facing west towards side yard with requested Variance

SITE PHOTOS



Rear yard, facing south towards side of Building #2 and shed



Rear yard, facing south towards shed to be removed

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 01, 2023**

Commission District: **#3**

Case #: **VA-23-06-031**

Case Planner: **Jenale Garnett (407) 836-5955**

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): EDWARD BHARATH FOR ORANGE TIRES & WHEELS

OWNER(s): KAZMA INVESTMENT GROUP LLC

REQUEST: Variances in the C-1 zoning district as follows:

1) To allow a ~~north~~* rear setback of 2.5 ft. in lieu of 20 ft. for an existing tire shop.

2) To allow a ~~north~~* rear setback of 6 ft. in lieu of 20 ft. for two shipping containers.

*North direction was advertised, but public notification matches the above

PROPERTY LOCATION: 7525 S. Orange Ave., Orlando, FL 32809, northeast corner of S. Orange Ave. and Royal Palm Ave., north of E. Sand Lake Rd., south of E. Lancaster Rd.

PARCEL ID: 25-23-29-6924-00-220

LOT SIZE: +/- 0.31 acres (13,641 sq. ft.)

NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 76

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Juan Velez, Second by John Drago; unanimous; 5 in favor: Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz, Roberta Walton Johnson; 0 opposed; 1 absent: Sonya Shakespeare and 1 vacant):

1. Development shall be in accordance with the site plan and elevations received May 10, 2023, as modified per conditions #4 and #5, 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.
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 the permit to enclose the work areas to the tire shop, a permit shall be obtained for any shipping container on site in a conforming location or they shall be removed.
5. At time of permitting, the applicant is required to submit a modified site plan that reflects the property lines per survey on file with Orange County.
6. Enhanced landscaping shall be provided along the entire length of the side street on the south property line along Palm Royal Rd. within the 7 ft. required landscape strip. This enhanced landscaping shall consist of understory trees planted 15 ft. on center, supplemented with a continuous row of shrubs/ hedges planted 30 inches on center within the landscape strip. A landscape plan showing the required landscaping shall be submitted with the permit for the enclosure of the outdoor work area.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval of Variance #1, and for the recommendation for denial of Variance #2. Staff noted that no comments were received in favor or in opposition to the request.

The applicant discussed the need for the Variances and offered alternatives to the proposed, including a proposal to enclose the shipping containers with the same materials as the existing building.

There was no one in attendance to speak in favor or in opposition to the request.

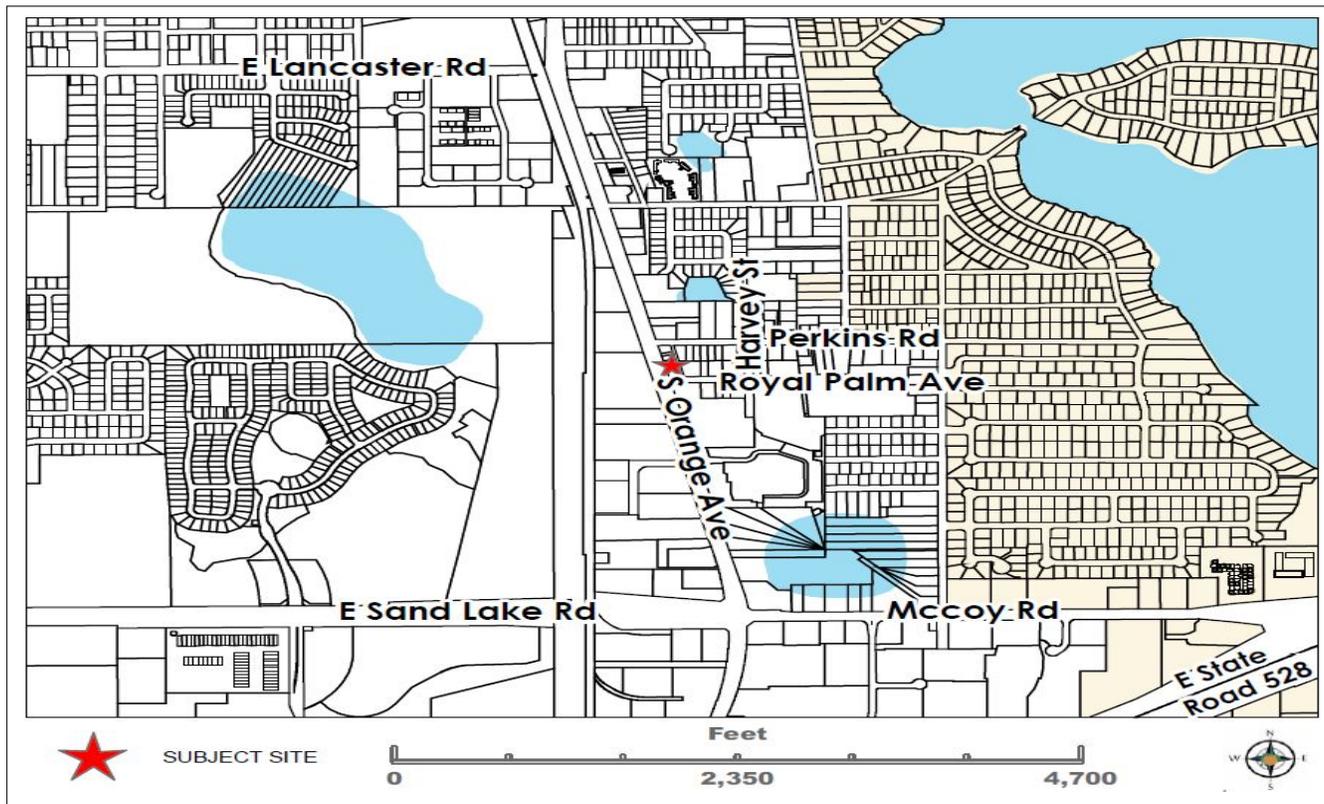
Code enforcement staff described a current citation on the property but clarified that it is not related to the subject Variance requests.

The BZA discussed the location of the existing shipping containers, the proposed building setback, its location relative to the alley and the adjacent residences and the adequacy of the proposed separation, and unanimously recommended approval of the Variances by a 5-0 vote, with one absent and one vacant, subject to the six (6) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval of Variance #1, subject to the conditions in this report, and denial of Variance #2. However, if the BZA should find that the applicant has satisfied the criteria for the granting of both Variances, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-1	C-1	C-1	R-3	I-1/I-5
Future Land Use	C	C	C	LMDR	IND
Current Use	Single-family residential	Religious Institution	Vacant	Multi-family residential	Manufacturing

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the C-1, Retail Commercial District, which allows for restaurants, retail stores, offices, and various other commercial businesses. The Future Land Use is Commercial (C), which is consistent with the C-1 zoning district.

The property is located in the Transit Oriented Development (TOD) Overlay and is consistent with the County’s Comprehensive Plan. The intent of the TOD overlay zone is to reduce reliance on the automobile and to promote lively, pedestrian friendly development that will serve as an attractive place to live, work, shop and recreate. The request is not impacted by this TOD.

The subject property is also located within the South Orange Avenue Corridor Overlay District which prohibits several uses including labor pools, check cashing businesses, tattoo/body art short, pawnshops, bail bond agencies, fortune tellers, and bottle clubs. The request is not impacted by this overlay district.

The area surrounding the subject site is comprised of commercial to the north, a vacant lot to the immediate south, industrial to the west, and multi-family and single-family homes to the east. The subject property is a +/- 0.31 acre lot, platted in 1926 as Lot 22 to Lot 27 of the Pine Castle Park plat, and is considered to be a conforming lot of record. The subject site is a corner lot located on the northeast corner of S. Orange Avenue and Palm Royal Avenue and abuts unmaintained alley. The frontage is considered S. Orange Avenue due to the right-of-way having the heaviest flow of traffic, and the side street is Palm Royal Avenue. It is currently developed with a 4,020 gross sq. ft. two-story tire shop constructed in 1961 with two open work areas, and a stairway at the rear of the main building. There are also three shipping containers, of which two appear in 2018 and one appears in 2021 via aerial photography. There are no permits on record for the shipping containers. The property was purchased by the current owner in 2018.

The proposal is to recognize the existing location of the tire shop building with an east rear setback of 2.5 ft. in lieu of 20 ft, requiring Variance #1. The rear of the property abuts a multi-family residential property across the alley. Also proposed is the enclosure of the existing 905.7 sq. ft. (30.6 ft. by 29.6 ft.) 16.2 ft. high and 779.5 sq. ft. (38.4 ft. by 20.3 ft.) 16.9 ft. high attached open carport work area for the installation of tires and oil changes. A permit, B22905469, to enclose the existing structure and add 4 roll-up gates is on hold pending the outcome of this request. Further proposed is to allow the existing unpermitted 40 ft. by 7.4 ft., 7.6 ft. high shipping containers to be located on the north side of the property, used for the storage of tires. The shipping containers will meet the required front and side setbacks, but the proposed east rear setback is 6 ft., and the required setback is 20 ft., requiring Variance #2. Currently, there are three shipping containers (SC #1, SC #2, and SC #3) on the property and the owner is proposing the removal of SC #3 and relocation of SC #1 in the same location as the shipping container being removed.

Upon review of the site plan submitted, staff has discovered that the site plan provided reflects a larger property boundary than actually exists. The scaled site plan indicates a property depth of 96 ft. from the S. Orange Avenue ROW, however the lot depth for this property is actually 83 ft., as reflected in the property appraiser’s records and the legal description. Lots 22 to Lot 27 were originally platted with a 100 ft. lot depth, however 17 ft. was taken for right-of-way at some point in time. Given that the discrepancy does not impact this particular request, an updated site plan has not been required, however, at the time of permitting an accurate site plan will be required to be submitted.

Staff recommends approval of Variance #1 since the alley provides an additional separation from the residential and the existing building has been in the same location since construction with the existing non-conforming setbacks for over 60 years. This will also allow for the existing outdoor commercial uses to be enclosed. Staff is recommending denial of Variance #2. Based on staff analysis, a smaller, code compliant storage structure could be installed, thereby eliminating the need for Variance #2. Furthermore, there are no businesses in the area that contain shipping containers.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	23.7 ft. (tire shop) 7.6 ft. shipping containers (SC #1, SC #2)
Min. Lot Width:	80 ft. (adjacent to a major street)	150 ft.
Min. Lot Size:	6,000 sq. ft.	13,641 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front: (S. Orange Ave.)	25 ft.	56.5 ft. tire shop (West) 54.2 shipping containers – SC#1, SC #2 (West)
Rear: (alley)	20 ft.	2.5 ft. tire shop (East – Variance #1) 6 ft. shipping containers - SC #1, SC #2 (East – Variance #2)
Side:	0 ft.	0 ft. (North)
Side Street: (Palm Royal Ave.)	15 ft.	43 ft. (South)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variations #1: The special condition and circumstance particular to the subject property is the age of the existing tire shop, built in 1961, which has been in the same location as constructed.

Variations #2: There are no special conditions or circumstances as there are other options to install structures for storage that will meet code requirements.

Not Self-Created

Variations #1: The request is not self-created since the owner is not responsible for the existing location of the existing tire shop for over 62 years.

Variations #2: The request is self-created since there are options to install the structures to meet code.

No Special Privilege Conferred

Variations #1: Due to the orientation of the existing tire shop on the lot and the year built, granting the requested variances will not confer any special privilege conferred to others under the same circumstances.

Variations #2: Granting the Variance as requested would confer special privilege as there is sufficient space to install the structures on the north side to meet code requirements, or to construct a storage building that meets code.

Deprivation of Rights

Variations #1: Denial of this Variance would deprive the owner of the right to utilize and enjoy the existing structure which has been in the same location since 1961 as constructed.

Variations #2: There is no deprivation of rights since a code compliant option is available to install a structure for storage.

Minimum Possible Variance

Variations #1: Due to the existing setback and location of the tire shop, the Variance is the minimum possible.

Variations #2: The request is not the minimum possible since there are other options to relocate the shipping containers along the north side of the property that would meet the required setbacks.

Purpose and Intent

Variations #1: Approval of the requests will be in harmony with the purpose and intent of the Code, since the request will allow the existing rear setback to remain.

Variations #2: Approval of the requests will not be in harmony with the purpose and intent of the Code, as the Code is primarily focused on minimizing the impact that structures have on surrounding properties. The location of the shipping containers is not consistent with the nearby residential area and they are highly visible from S. Orange Avenue.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received May 10, 2023, as modified per conditions #4 and #5, 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.
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 the permit to enclose the work areas to the tire shop, a permit shall be obtained for any shipping container on site in a conforming location or they shall be removed.
5. At time of permitting, the applicant is required to submit a modified site plan that reflects the property lines per survey on file with Orange County.
6. Enhanced landscaping shall be provided along the entire length of the side street on the south property line along Palm Royal Rd. within the 7 ft. required landscape strip. This enhanced landscaping shall consist of understory trees planted 15 ft. on center, supplemented with a continuous row of shrubs/ hedges planted 30 inches on center within the landscape strip. A landscape plan showing the required landscaping shall be submitted with the permit for the enclosure of the outdoor work area.

C: Edward Bharath
3670 Wilde Avenue
Winter Park, FL 32792

C: Sami Kamza
7525 S. Orange Avenue
Orlando, FL 32809

COVER LETTER

Maruthi Enterprise LLC

GENERAL CONTRACTORS AND BUILDERS (FLSL- 1504744)

WE DON'T BUILD HOUSES, WE CREATE HOMES

3670 Wilde Ave, Winter Park, FL 32792

Contact: Phone - 407-970-5511, Email – yogi.bharath01@gmail.com

B2290-5469. 7525 O Orange Ave, Orlando, Fl 32812

To whom this may concern

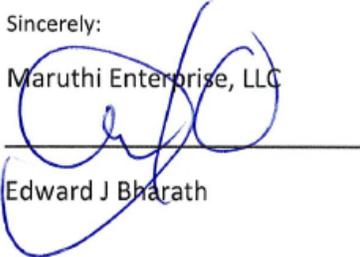
We have applied for a building permit to enclose two (2) buildings that are on each side of the main building at the above captioned property. These buildings have been in continuous use since 1960 and since that have a designation of Auto Repair Garage. However, at present this facility is non-conforming and enclosing the un-enclosed portion will bring the property to current codes. We are applying for a variance for the following issue;

1. On the right-side enclosure, we would like to use the 15' 2" existing rear setback in lieu of the required setback of 30'
2. On the left-side enclosure, we would like to use the 6' 2" existing rear setback in lieu of the required setback of 30'. The rear wall of this enclosure is already existing with a return at 6' to the west.
3. Existing staircase is at 2'-6" rear setback. Variance to keep unit in existing place.

If you have any questions or queries, please do not hesitate to contact us.

Sincerely:

Maruthi Enterprise, LLC



Edward J Bharath

COVER LETTER

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 a proposed zoning variance.

Application to enclose existing footprint of building

2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed 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.

Building is existing

3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

No special privilege is accorded except variances in the rear setback

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 property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

Deprivation or neglect of variance will not allow the owner to enjoy the proper use of his property

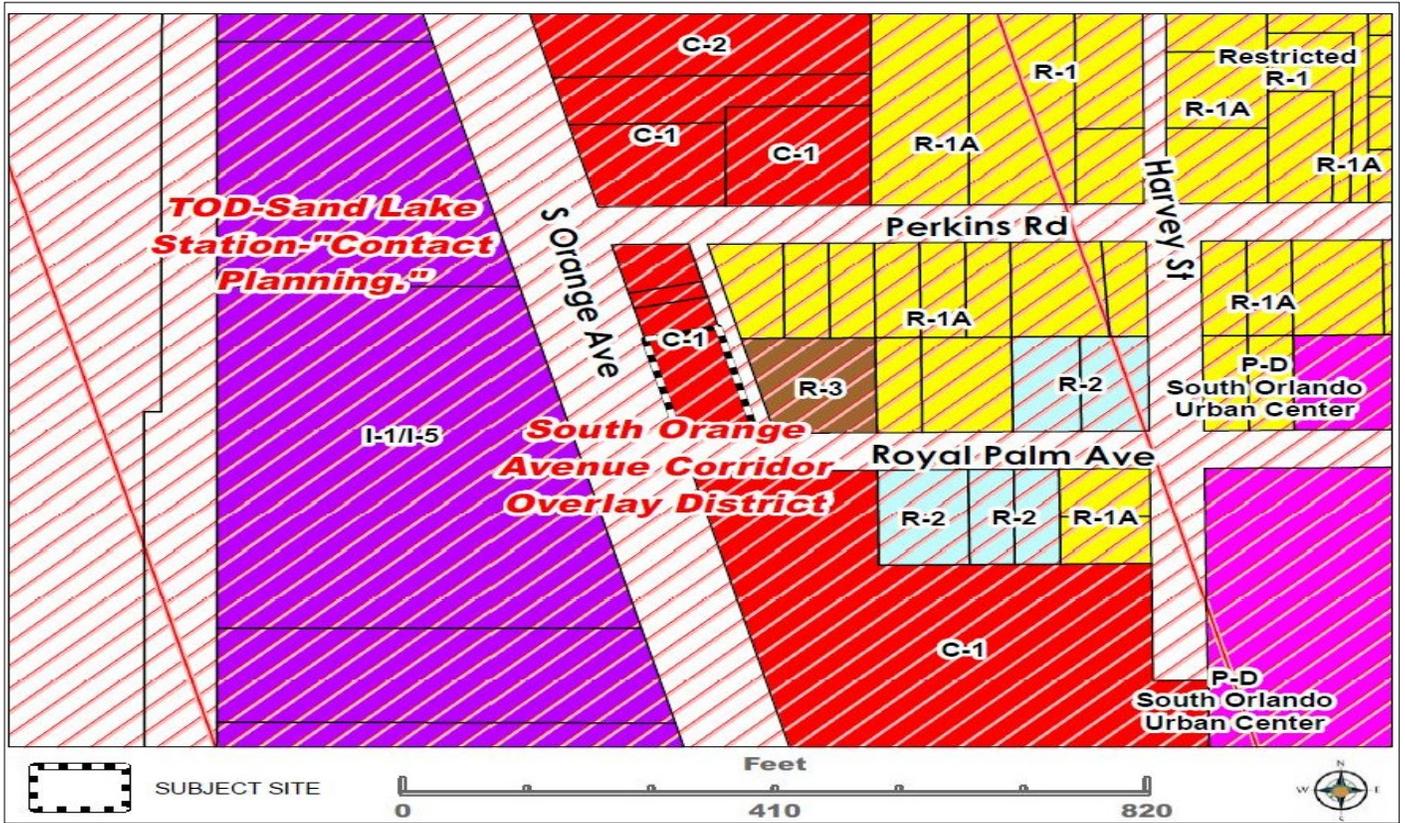
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

yes, as these conditions exist

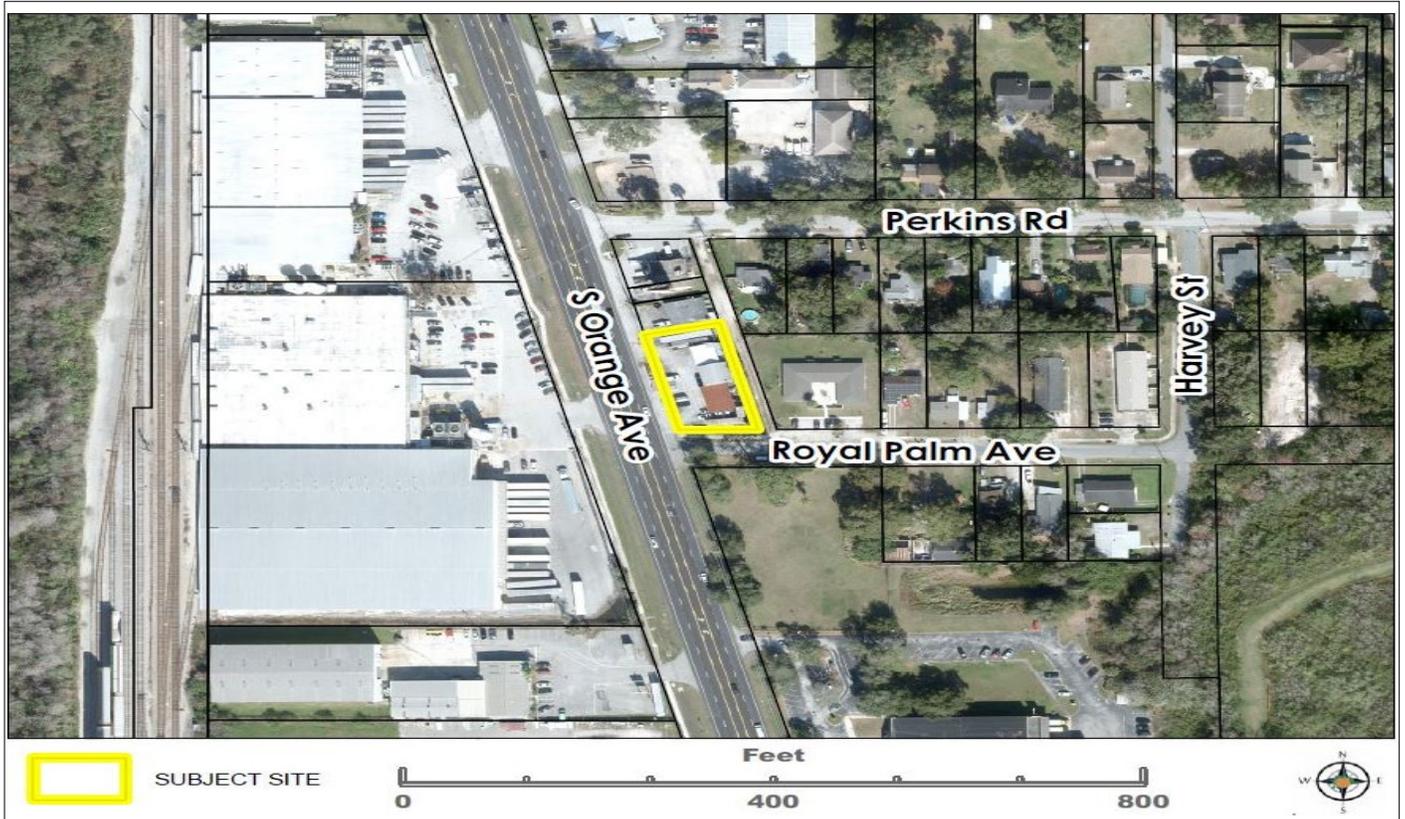
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

agreed and as these conditions already exist there should be no problems

ZONING MAP



AERIAL MAP

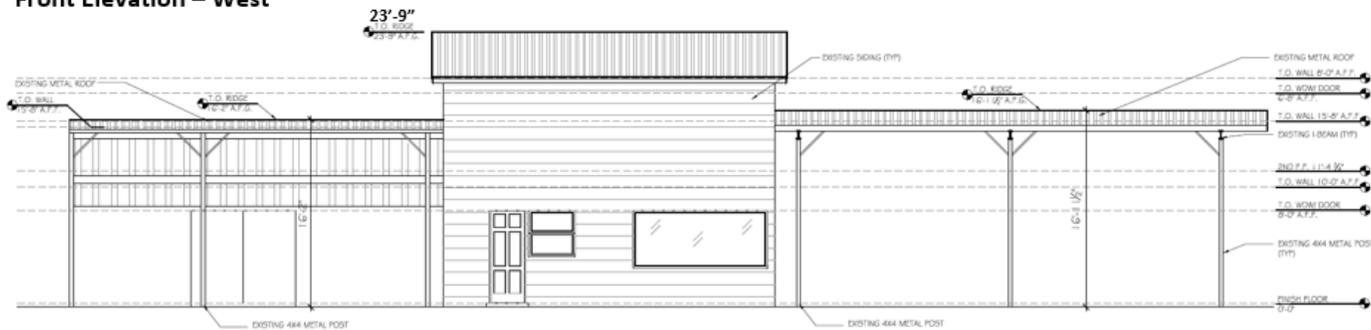


FLOOR PLAN



EXISTING ELEVATIONS

Front Elevation – West



Rear Elevation – East



Right Elevation – South

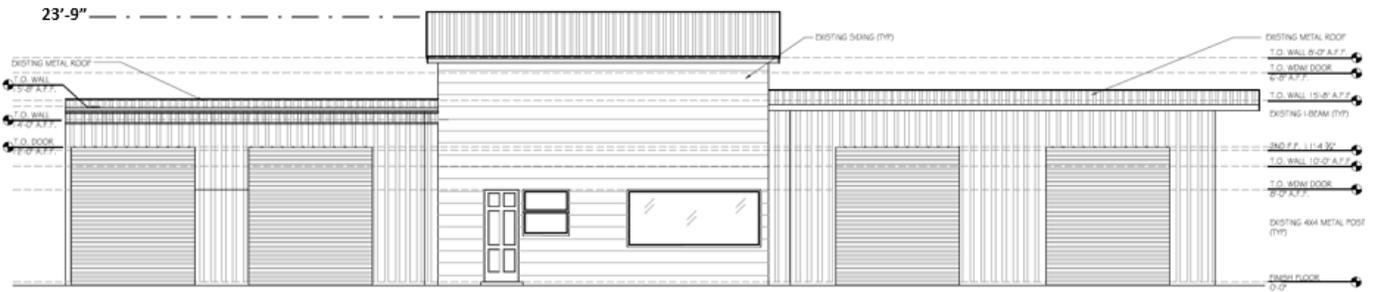


Left Elevation – North



PROPOSED ELEVATIONS FOR ENCLOSURE OF WORK AREA

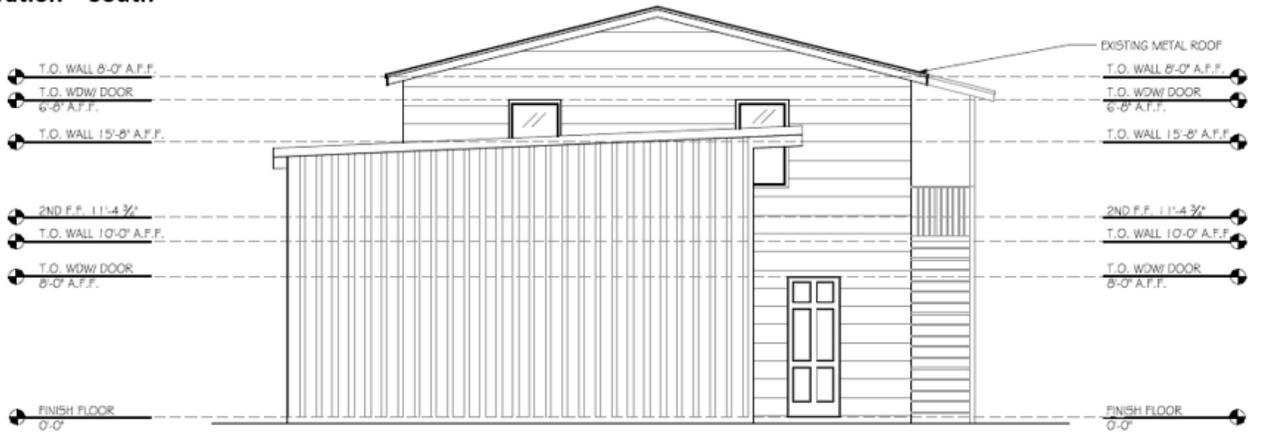
Front Elevation – West



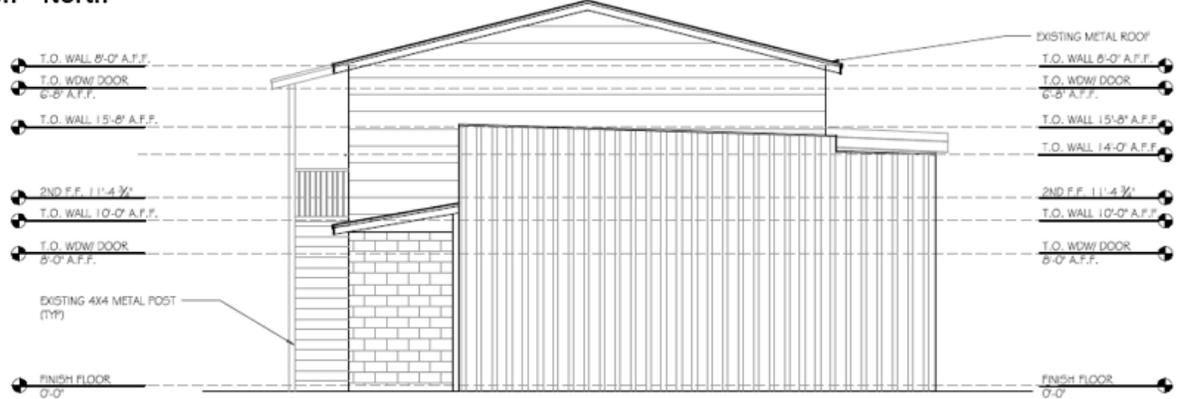
Rear Elevation – East



Right Elevation – South



Left Elevation – North



SITE PHOTOS



Facing southeast from S. Orange Ave. toward the front of subject property



Facing northeast from corner of S. Orange Ave. and Royal Palm Ave. towards side of property

SITE PHOTOS



Facing east from S. Orange Ave. towards proposed landscape buffer



Facing east from S. Orange Ave. towards proposed location shipping containers #1 and #2

SITE PHOTOS



Rear of existing structure, facing south towards Variance #1 and alley (on left)



Rear alley, facing west towards Variance #2

SITE PHOTOS



Facing north from Royal Palm Ave. toward the rear alley abutting east property line

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 01, 2023**

Commission District: **#1**

Case #: **VA-23-04-008**

Case Planner: **Nick Balevich (407) 836-0092**

Nick.Balevich@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MIKE FITZPATRICK

OWNER(s): WINTER IS A VERB LLC

REQUEST: Variance in the PD zoning district to allow a generator with a west side setback of 4 ft. in lieu of 10 ft.

PROPERTY LOCATION: 10224 Summer Meadow Wy., Orlando, FL 32836, south side of Summer Meadow Wy., west of Winter Garden Vineland Rd., north of Vista Blvd.

PARCEL ID: 18-24-28-3106-00-230

LOT SIZE: +/- 0.4 acres (17,837 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 32

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Thomas Moses, Second by Juan Velez; unanimous; 5 in favor: Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz, Roberta Walton Johnson; 0 opposed; 1 absent: Sonya Shakespeare and 1 vacant):

1. Development shall be in accordance with the site plan received March 6, 2023, 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.
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 generator shall be screened from view by landscaping (e.g., bushes or shrubs). If the existing shrubs along the front property line in front of the generator are damaged or removed, they shall be replaced by similar landscaping and adequately screen the equipment from view from the street.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that no comments were received in support, and two (2) comments were received in opposition.

The owner described the need for the generator, the limited noise of the generator, and stated that there was no other location on the property that is suitable to connect to the fuel source.

An attorney representing the most impacted neighbor spoke against the case, citing reasons that the proposal is a nuisance and requested the construction of a wall around the proposed generator for noise retention.

The BZA discussed the Variance, including the need for testing, the location of the fuel source, the low noise levels emitted by modern generators, stated justification for the six (6) criteria and unanimously recommended approval of the Variance by a 5-0 vote, with one absent and one vacant, subject to the four (4) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	North East Resort Parcel PD	North East Resort Parcel PD	City of Bay Lake	North East Resort Parcel PD	North East Resort Parcel PD
Future Land Use	PD-C/LDR/CONS	PD-C/LDR/CONS	City of Bay Lake	PD-C/LDR/CONS	PD-C/LDR/CONS
Current Use	Single-family residential	Single-family residential	City of Bay Lake	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the North East Resort Parcel PD, which allows single-family residential uses and associated accessory structures. The future land use is Planned Development- Commercial/Low Density Residential/Conservation, which is consistent with the zoning district.

The subject property is an approximately 0.4 acre lot, located in the Golden Oaks Phase 3 Plat, recorded in 2015, and is considered to be a conforming lot of record. It is developed with an 11,114 gross sq. ft. single family home and swimming pool built in 2017. The applicant purchased the property in 2022.

The applicant is proposing to install a 96.5” x 38”, 48.9” high permanent generator 4 ft. from the west side property line, adjacent to the existing house, where a 10 ft. setback is required by County Code Sec 38-79(16), requiring a Variance. The generator will operate normally at 68 decibels (Db) noise level from a distance of 23 ft. The generator will be set to self-test every week at 59 Db. Normal conversation is 60 Db. When the unit is operating at full power during a power outage, it operates at a level of approximately 68 Db, which is between the sound of conversation in a restaurant and a dishwasher, or an a/c compressor.

The applicant is proposing to install the generator on the same (west) side of the property as 2 A/C condensers, and the meter panels. The pool equipment is located on the south side of the home, and additional A/C condensers are located on the east side. The applicant has indicated that the generator must be 3 ft. from the electric service, which does not leave any other appropriate location on the property, and thus a Variance is required. The equipment is proposed to be screened from the street due to the staggered façade of the house, and by the existing extensive landscaping along the front and side of the property.

As of the date of this report, no comments have been received in favor, and 2 comments have been received in opposition to the request, including from the neighbor to the west.

District Development Standards

	Code Requirement	Proposed
Min. Lot Width:	70 ft.	145 ft.
Min. Lot Size:	6,000 sq. ft.	17,837 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement (PD)	Proposed
Front:	10 ft.	10.2 ft. – House (North)
Rear:	5 ft.	10.3 ft. House (South)
Side:	10 ft. generator (when adjacent to house) 5 ft. house	4 ft. Generator- (West- Variance) 10.1 ft. House (West) 7.5 ft. House-(East)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

The location of the existing home with a 10.1 ft. setback from the west side property line is a special condition and circumstance, and the need to place the generator 3 ft. from the electric service leaves no other location available.

Not Self-Created

The applicant is not responsible for the existing configuration of the lot, and setback dimensions.

No Special Privilege Conferred

The existing setback of the house renders the installation of a generator difficult without a Variance since the site is constrained.

Deprivation of Rights

Without the requested Variance, the applicant would not be able to place a permanent generator within the side yard near existing equipment and the main panel.

Minimum Possible Variance

Due to the setback, the location of improvements and constrained lot, the requested Variance is the minimum possible.

Purpose and Intent

Approval of this request would be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the surrounding neighborhood. The proposed generator location in the side yard is located beside existing A/C units and will be screened from adjacent properties by existing dense landscaping. Further, when in operation, the generator would emit similar noise levels as currently experienced and is screened by landscaping, and therefore would not create adverse impacts.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan received March 6, 2023, 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.
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 generator shall be screened from view by landscaping (e.g., bushes or shrubs). If the existing shrubs along the front property line in front of the generator are damaged or removed, they shall be replaced by similar landscaping and adequately screen the equipment from view from the street.

C: Mike Fitzpatrick
1980 Dolgner Pl., Suite 1028
Sanford, FL 32771

Mackenzie Fuchs

10224 Summer Meadow Way

Orlando FL 32836

Orange County Zoning Division

201 S. Rosalind Ave, 1st floor

Orlando, FL 32801

Variance Request – Whole House 80 KW Generator Installation

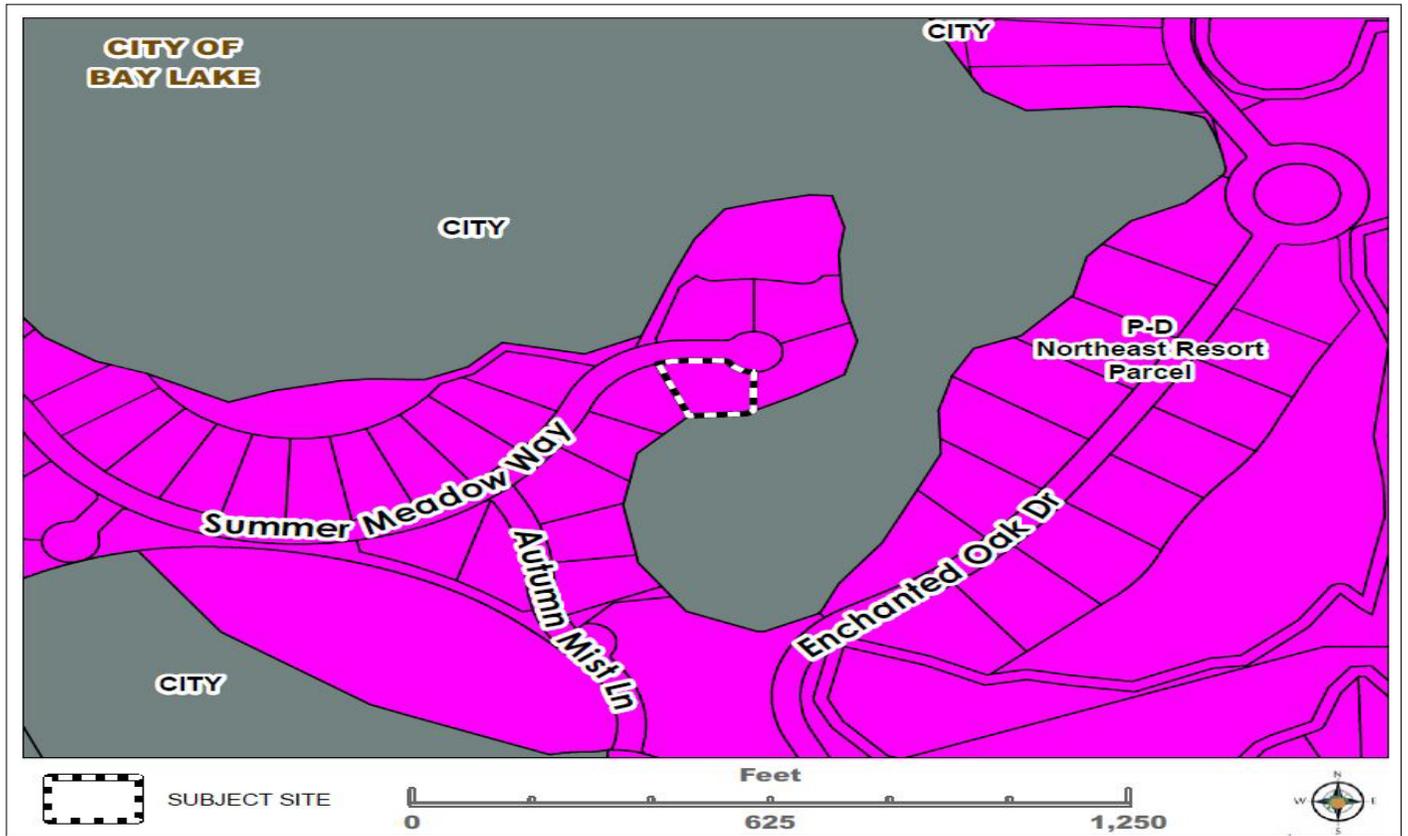
Parcel # 18-24-28-3106-00-230

I request a zoning variance to locate a whole house 80KW generator within four feet setback from the property line vs the ten feet required by code. This location will meet the proper setback of three feet from the service area. The generator will be set on a concrete pad. The dimensions are 8'L x 3'W x 3'H.

Variance Criteria:

1. **Special Conditions:** If guidelines for the generator location are followed, the generator will encroach in the utility area.
2. **Not Self-Created:** The circumstances do not result from actions of the applicant. The generator needs to be located three feet from the service area.
3. **No Special Privilege Conferred:** The applicant is not aware of any special privileges conferred by the approval of the requested variant.
4. **Deprivation of Rights:** The requested variant will only affect the applicants property and has no effect or cause any undue hardship to the applicant or others.
5. **Minimum Possible Variance:** The requested variance is the minimum variance that will make possible the reasonable use of the land and location of the generator, four feet of set back from the property line.
6. **Purpose and Intent:** Approval of the zoning variance will be in harmony with the purpose and intent of the zoning regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The generator decibel level is 68db under load.

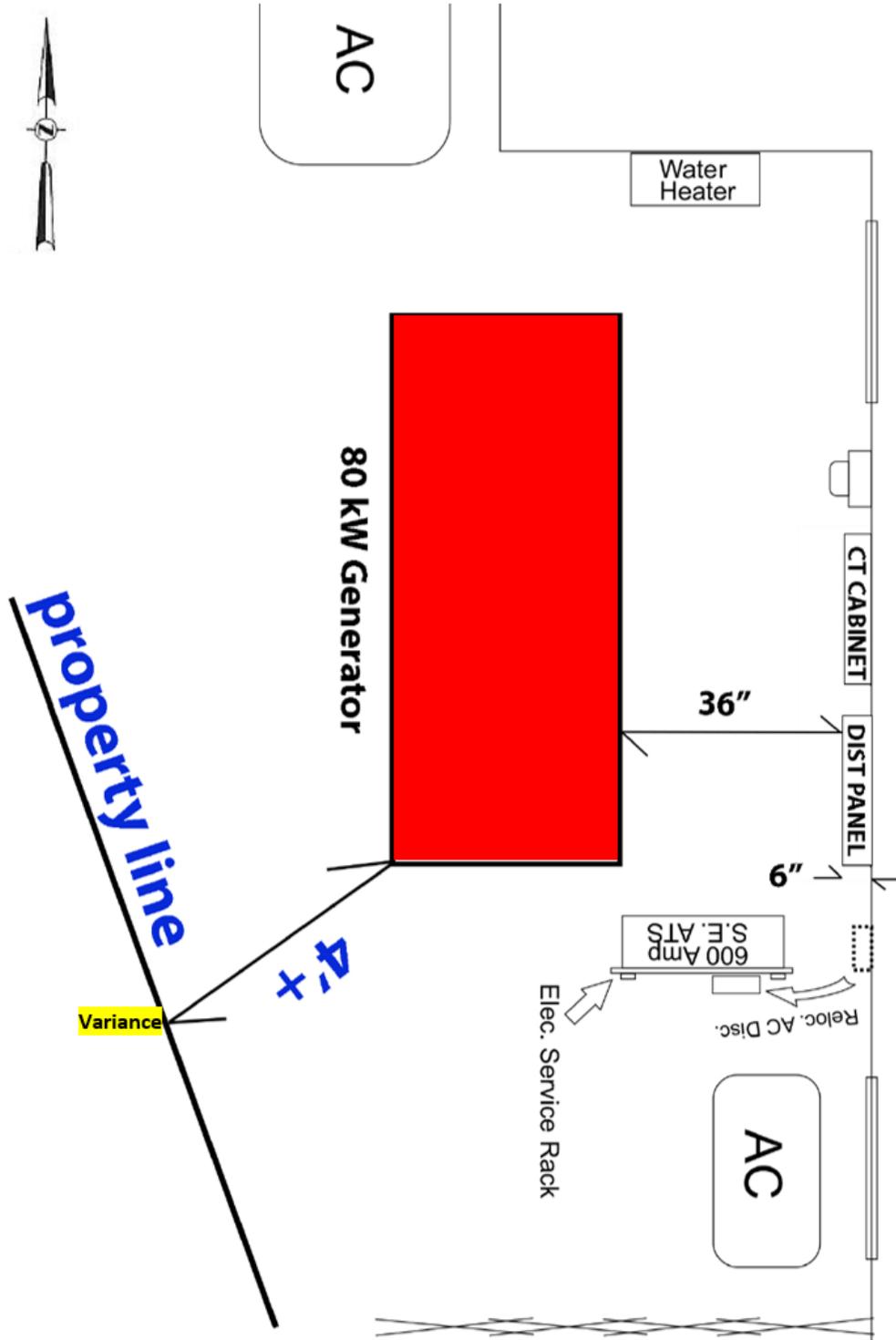
ZONING MAP



AERIAL MAP



GENERATOR LOCATION DETAIL





SITE PHOTOS



Front from Summer Meadow Way facing east



Proposed generator location facing east

SITE PHOTOS



Proposed generator location facing north

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 01, 2023**

Commission District: **#2**

Case #: **SE-23-05-021**

Case Planner: **Nick Balevich (407) 836-0092**

Nick.Balevich.@ocfl.net

GENERAL INFORMATION

APPLICANT(s): RANSFORD CLARKE FOR FAITH TABERNACLE WORSHIP CENTER

OWNER(s): FAITH TABERNACLE WORSHIP CENTER INC.

REQUEST: Amendment to an existing Special Exception and Variance in the Restricted P-O zoning district as follows:

1) Amendment to a Special Exception for a religious institution to allow a 2,470 sq. ft. expansion, including a new sanctuary for a total of 90 seats, a new fellowship hall and offices.

2) Variance to allow grass parking spaces in lieu of paved.

PROPERTY LOCATION: 4304 N. Pine Hills Road, Orlando, FL 32808, northwest corner of N. Pine Hills Rd. and Fir Dr., south of North Ln., north of Silver Star Rd., east of N. Powers Dr.

PARCEL ID: 07-22-29-6936-01-030

LOT SIZE: +/- 1.85 acres

NOTICE AREA: 700 ft.

NUMBER OF NOTICES: 253

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board finds it meets 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, **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by John Drago, Second by Thomas Moses; unanimous; 5 in favor: Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz, Roberta Walton Johnson; 0 opposed; 1 absent: Sonya Shakespeare and 1 vacant):

1. Development shall be in accordance with the site plan and elevations received April 7, 2023, as modified by these conditions of approval, 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.

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 permit shall be obtained within 3 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.
5. The landscaping required by the previous Special Exception approval (10 ft. tall trees be planted 40 ft. on center along the west property line) shall be shown and provided with the building permit for the expansion.
6. In addition to the landscaping required by the previous Special Exception approval, enhanced landscaping shall be provided along the north and west sides of the property, adjacent to the new parking spaces. This enhanced landscaping shall consist of understory trees planted 15 ft. on center, supplemented with a continuous row of shrubs/ hedges planted 30 inches on center within the landscape strip.
7. Hours of operation shall be limited to Sunday Services between 10:00 a.m. and 8:30 p.m.; Wednesday Services and Bible Study between 10:00 a.m. and 8:30 p.m.; Friday Services between 6:30 p.m. and 8:30 p.m.; Food/clothes distribution, every 3rd Saturday between 10:00 a.m. to 2:30 p.m.; Community Health Fair, 1 Saturday per year between 10:00 a.m. to 5:00 p.m.; and Prayer on December 31 from 10:00 p.m. to Midnight.
8. No more than four (4) advertised outdoor special events open to the public per calendar year, and the hours of such events shall be limited from 9:00 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 30 days prior to the date of each event.
9. An exterior lighting photometric plan compliant with the county's exterior lighting ordinance, and with fixture color temperature of 3,500 K maximum shall be submitted and approved by Orange County staff prior to the issuance of a Building Permit. In addition, glare visors shall be installed, and field-adjusted to prohibit off-site light spill.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval for both the Special Exception and the Variance. Staff noted that no comments were received in support or in opposition.

The applicant had nothing further to add to the Staff presentation.

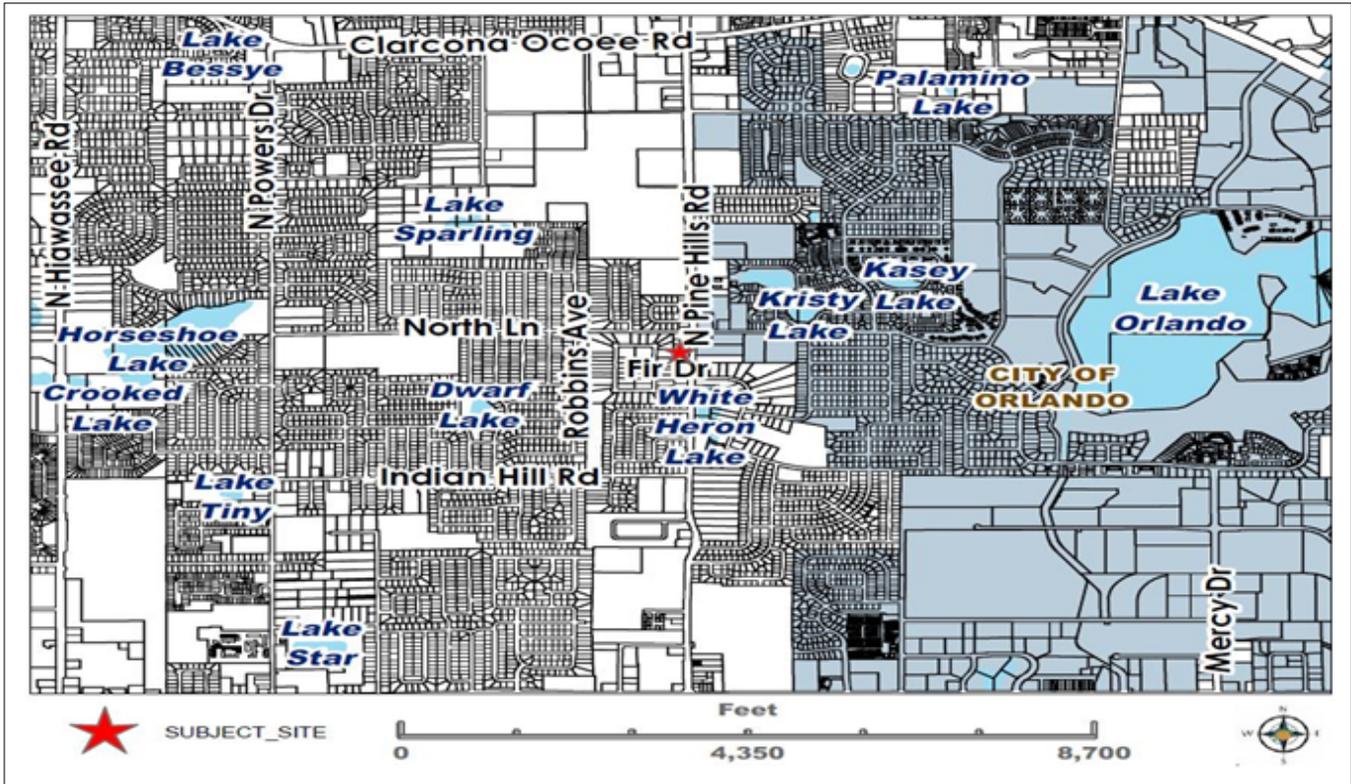
There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the Special Exception and Variance, the lack of visibility of the expansion from the street, the appropriateness of the grass parking, stated justification for each of the six (6) criteria and unanimously recommended approval by a 5-0 vote, with one absent and one vacant, subject to the nine (9) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Restricted P-O	Restricted P-O	R-1A	R-1A, City of Orlando	R-1A
Future Land Use	O	O	LDR	LDR, City of Orlando	LDR
Current Use	Religious Institution	Commercial	Single-family residential	Single-family residential, Industrial	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Restricted P-O, Restricted Professional Office District, which allows office uses, and religious institutions by Special Exception. The Future Land Use is Office, which is consistent with the zoning district.

The subject property is 1.85 acres in size, was platted in 1952 as Lots 3 through 6, Block 1 of the Pine Hills Estates Plat, and is a conforming lot of record. The property is a corner lot with frontage on both N. Pine Hills Rd. and Fir Drive. N. Pine Hills Rd. is considered to be the front due to it being the street with the heaviest traffic usage. The property was purchased by the current owner in 2018 and is developed with one-story

3,643 gross sq. ft. sanctuary containing 40 seats, constructed in 1958, and a 2,603 gross sq. ft. office/storage/meeting building, constructed in 1959. The site also contains a block shed located southwest of the sanctuary that appears to have been constructed with the sanctuary building. Its construction predates County records.

In November 2022, the property was rezoned (RZ-22-10-100) from the R-1A (Single-family Dwelling) and the P-O (Professional Office) District to the Restricted P-O District (Restricted Professional Office) subject to the following restrictions:

- 1) New Billboards and Pole Signs shall be prohibited.
- 2) The applicant / developer shall submit a site plan to demonstrate compliance with all Orange County Code requirements (including landscaping and paved surfaces) prior to the accommodation of any P-O uses. A Variance may be sought for a proposal that does not meet code).

Previous BZA cases include:

1. November, 2003 (Case #34): Special Exception approval for a religious use with 12 grass parking spaces. This approval included the requirement that 10 ft. tall trees be planted 40 ft. on center along the west property line.

There appears to be 2 trees onsite currently that comply with this requirement, but the majority of required trees are not on the property.

2. March, 2015 (SE-15-04-008): Special Exception denial to add 2 modular buildings and grass parking spaces to an existing religious use. At the time it was a separate parcel but was combined with the subject property in 2018.

A Special Exception is being requested for an expansion of the existing religious institution. Proposed is a 2,470 sq. ft. expansion to the existing 3,643 gross sq. ft. sanctuary, which will increase the capacity from 40 to 90 seats. The existing building, which is proposed to be used for offices and a fellowship hall is “L” shaped, and wraps around the proposed new construction, with the only new exterior walls facing south and west. The expansion will not be visible from N. Pine Hills Road.

Parking requirements for the religious institution is 1 parking space per 3 fixed seats, plus 1 space per employee. With 90 fixed seats and 1 employee, 31 spaces are required. The site plan shows a total of 38 spaces (25 unpaved regular parking spaces and 13 paved parking spaces, including 1 accessible space), which meets the parking requirements per Orange County Code Sec. 38-1476.

The original Special Exception approval included 12 grass parking spaces. The site currently has 4 paved parking spaces, and the proposal is to add 9 additional paved parking spaces and 16 new grass parking spaces (some of which will replace or reconfigure the existing spaces).

Per Sec. 38-1479 (a) of the Orange County Code, “All parking areas shall have durable all-weather surfaces for vehicle use areas, shall be properly drained, shall be designed to separate pedestrian and vehicle circulation for safety, and shall meet all accessibility requirements of the most recent editions of applicable federal and state standards as adopted. For purposes of this article, a durable, all-weather surface shall consist of an improved surface, including concrete, asphalt, stone, and other permanent surfaces, but not including gravel, wood chips, mulch, or other materials subject to decay.” The Variance is required because the applicant is requesting to allow a total of 25 unpaved parking spaces in lieu of parking on an improved surface. The parking area will have improved drive aisles and wheel stops for each parking space to prevent parking in

undesignated areas. The new unpaved spaces will be on the northwest portion of the property, will not be visible from any roadway, and will be buffered from neighbors by fences and walls and enhanced landscaping.

The hours of operation as stated by the applicant are:

- Sunday Services – 10 a.m. to 1:30 p.m. and 6:30 p.m. to 8:30 p.m.
- Wednesday Services – 10 a.m. to 12:30 p.m. and 7 p.m. to 8:30 p.m. Bible Study
- Friday Services – 6:30 p.m. to 8:30 p.m.
- Food/clothes distribution, every 3rd Saturday – 10 a.m. to 2:30 p.m.

Seasonal Events:

- Community Health Fair, 1 Saturday per year – 10 a.m. to 5 p.m.
- Prayer, December 31 - 10 p.m. to Midnight

The County Transportation Planning Division reviewed the request and has determined that the expansion meets the de minimis level of peak trips and may proceed with a de minimis application for a concurrency review prior to obtaining a building permit.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	22.3 ft.
Min. Lot Width:	85 ft.	199 ft.
Min. Lot Size:	10,000 sq. ft.	1.85 acres (80,663 sq. ft.)

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	25 ft.	60 ft. existing sanctuary building (East)
Rear:	30 ft.	60 ft. addition (West) 32 ft. existing sanctuary building (West)
Side:	10 ft.	61 ft. existing sanctuary building (North)
Side Street:	15 ft.	112 ft. existing storage building (South) 241 ft. proposed building (South)
Major street setbacks N. Pine Hills Rd.	55 ft. from centerline for building 50 ft. from centerline for parking area	113.42 ft. from centerline for building 65.29 ft. from centerline for parking area

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The Comprehensive Plan provides that certain uses, such as religious institutions, as conditioned are consistent through the Special Exception process.

Similar and compatible with the surrounding area

The size and scale of the proposal within an existing church campus is appropriate relative to the size of the overall site and the proposed setbacks and will be compatible with the surrounding area.

Shall not act as a detrimental intrusion into a surrounding area

The development as proposed will not act as a detrimental intrusion into the surrounding area since the proposal will effectively square off the footprint of the existing sanctuary building and the site has been used for religious uses since 2003. The building in which the religious institution expansion will be located is over 60 feet from the closest property lines (north and west), and as such it will not be a detrimental intrusion to the surrounding area.

Meet the performance standards of the district

If the Variance to grant additional grass parking is granted, the request would meet the performance standards of the district.

Similar in noise, vibration, dust, odor, glare, heat producing

No activity takes place on the property that would generate noise, vibration, dust, odor, glare, or heat that is not similar to the adjacent single-family residences to the west.

Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code

The proposed new building will be located entirely within an existing campus on a developed site. Enhanced landscaping will be required along the north and west sides of the property, adjacent to the new parking spaces.

VARIANCE CRITERIA

Special Conditions and Circumstances

The proposed infrequency of the use of the area for parking is the special circumstance. Further the site has existing approved grass parking.

Not Self-Created

The need for the Variance is not self-created, due to the highly infrequent use of the area for parking, the desire to maintain the open space of the property, and to reduce run off.

No Special Privilege Conferred

Allowing for parking to remain grassed is not conferring a special privilege because of the infrequent use.

Deprivation of Rights

Without the Variance for grassed parking, the owner would be required to improve the parking area that will be infrequently used. Further, the use of grass parking has already been established on the property.

Minimum Possible Variance

Allowing additional parking spaces to remain natural in appearance with grass parking when the site already has existing approved grass parking would be the minimum Variance needed.

Purpose and Intent

Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact on surrounding properties. The addition of more unpaved parking spaces will not be significantly visible from any of the surrounding properties due to the 6 ft. tall opaque fence surrounding the property, and additional landscaping, thereby limiting any quantifiable negative impact to surrounding properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received April 7, 2023, as modified by these conditions of approval, 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.
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 permit shall be obtained within 3 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.
5. The landscaping required by the previous Special Exception approval (10 ft. tall trees be planted 40 ft. on center along the west property line) shall be shown and provided with the building permit for the expansion.
6. In addition to the landscaping required by the previous Special Exception approval, enhanced landscaping shall be provided along the north and west sides of the property, adjacent to the new parking spaces. This enhanced landscaping shall consist of understory trees planted 15 ft. on center, supplemented with a continuous row of shrubs/ hedges planted 30 inches on center within the landscape strip.
7. Hours of operation shall be limited to Sunday Services between 10:00 a.m. and 8:30 p.m.; Wednesday Services and Bible Study between 10:00 a.m. and 8:30 p.m.; Friday Services between 6:30 p.m. and 8:30 p.m.; Food/clothes distribution, every 3rd Saturday between 10:00 a.m. to 2:30 p.m.; Community Health Fair, 1 Saturday per year between 10:00 a.m. to 5:00 p.m.; and Prayer on December 31 from 10:00 p.m. to Midnight.
8. No more than four (4) advertised outdoor special events open to the public per calendar year, and the hours of such events shall be limited from 9:00 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 30 days prior to the date of each event.
9. An exterior lighting photometric plan compliant with the county's exterior lighting ordinance, and with fixture color temperature of 3,500 K maximum shall be submitted and approved by Orange County staff prior to the issuance of a Building Permit. In addition, glare visors shall be installed, and field-adjusted to prohibit off-site light spill.

C: Ransford Clarke
4304 N. Pine Hills Rd
Orlando, FL 32808

COVER LETTER

**Faith Tabernacle Worship Center, Inc
4304 N Pine Hills Rd, Orlando Fl 32808**

March 7, 2023

To Board of Zoning

We are requesting Special Exception for Proposed addition to our church at the above address. Our church received Special Exception in 2003, and since that time we purchased two parcels of land adjoining the church and have aggregated into one address. The entire property is now 1.85 acres and there are two buildings on site and one shed. The two parcels were purchased November 16, 2017 and may 7, 2018.

This property was Recently Rezoned in October 10, 2022. (RZ-22=10-100)

Rezoning of 1.85 gross property, and on October 2022 the PZC recommended approval of the rezoning from P O (Professional Office District), R 1A (single Family) Dwelling District) to P O restricted (Professional Office District). No one appealed the decision.

We are proposing the 2nd building to be used as a church office. It is 2402 sq ft and 14 feet 7 inches in height. There are 8 parking spaces including one handicap

The church building with the proposed expansion is now 40 seats expanding to 90 seats. The height is approx. 14 feet high. The new proposed addition is 2470 sq ft and 16 feet high. There are now 13 parking plus one handicap but with the proposed expansion and the office there will be 36 parking and two handicap, totaling 36 plus 2 handicap =38 parking, we still have additional parking.

The church office will be in operation Mondays, Wednesdays, Fridays from 10 am to 4 pm.

There is only one employee, all others are volunteers.

The church service times are as follows:

Sunday 10 am to 1:30 pm and 6:30 pm to 8:30 pm (Evening Service)

Wednesday 10 am 12:30 pm prayer and 7:00 pm to 8:30 pm ..Bible Study

Friday 6:30 pm to 8:30 pm Youth service

Food & Clothes distribution to CommunityEvery 3rd Saturday 10 am to 2:30 pm

We serve approx. 25 to 30 in each setting. There are 5 volunteers at the food pantry.

Community health fair once per year on a Saturday 10 am to 4 or 5 pm

Prayer for congregation on December 31.....10pm to 12 midnight.

We endeavor to do our best to make the community a better and a safer place for everyone. We have been serving in this community since 2006 and have followed all the County's regulations. Thanks for the opportunity to allow us to continue our ministry in the Pine Hills community.



.....
Ransford Clarke, Sr Pastor

COVER LETTER

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

Religious institutions are allowed in ^{all} the land use and zoning districts. Therefore we will continue with the plan's policy.

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

Expansion of Existing use that's needed in the community

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

It is an existing use in the neighborhood where we have been serving for 17 years

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

The proposed existing use will meet all the performance standards in the community

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.

It does not/and will not increase, it is similar with the majority of uses in the area and will not violate the neighbors privacy

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.

We will be in compliance with Orange Co Buffer codes regarding the landscaping

Faith Tabernacle Worship Center, Inc
4304 N Pine Hills Rd, Orlando Fl. 32808

To Board of Zoning
RE-SE-23-05-021...FAITH TABERNACLE
4304 N PINE HILLS RD

March 31, 2023

COVER LETTER (1)

WE ARE REQUESTING VARIANCE FOR GRASS PARKING ON THE ABOVE PROPERTY.

VARIANCE JUSTIFICATION,
UNPAVED PARKING

VARIANCE CRITERIA

SPECIAL CONDITIONS AND CIRCUMSTANCES

In this religious institution some of the congregants walk to church on Sundays because they live within walking distance, and also our church van brings congregants to church on Sundays. Religious institutions typically have less frequent use, allowing the grass in the parking to recover

NOT SELF-CREATED

Special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance...when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.

NO SPECIAL PRIVILEGE CONFERRED

It is very common to allow unpaved parking for uses which have less frequent use patterns, such as religious institutions, it would not be considered special on the applicant by granting the variance. Also allowing parking to remain on grass is not conferred a special privilege because of the infrequency of the use.

DEPRIVATION OF RIGHTS

Paved parking would be hardship on the applicant because it would force the applicant to create a larger pond in the neighborhood. Paving would also be unnecessary from a functional standpoint. The provisions of this chapter specifically contemplates the granting of exemptions from the paved parking requirements for churches and other selected land uses where conditions warrant.

COVER LETTER (2)

MINIMUM POSSIBLE VARIANCE

The granting of a variance for unpaved parking would be the minimum possible variance needed to meet the applicants need. The applicant is providing paved driving isles.

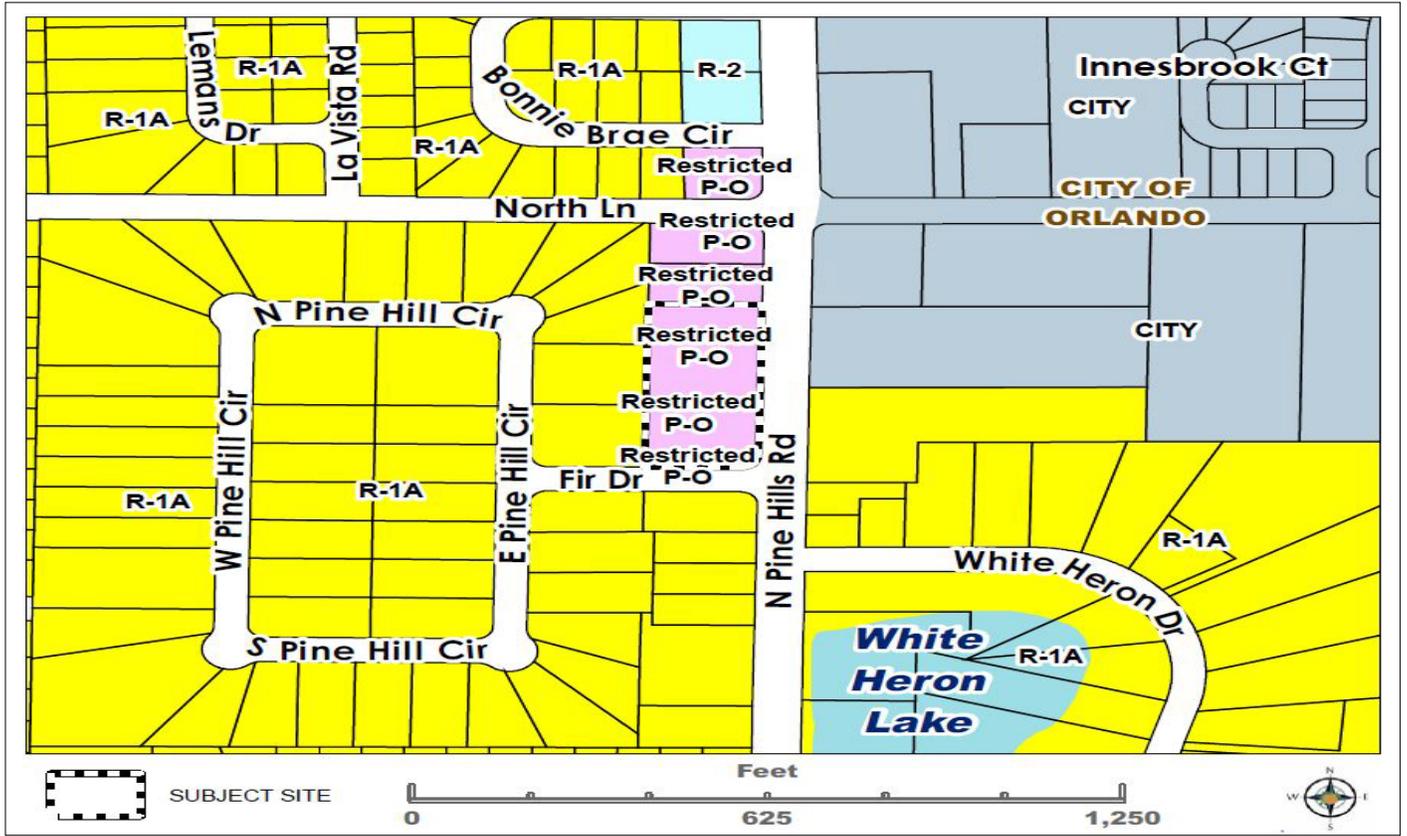
PURPOSE AND INTENT

Allowing infrequent needed parking to remain on grass would be in keeping with the purpose and intent of the code. The granting of the variance will not impair the integrity of the zoning code, but will satisfy its purpose and intent of the code.

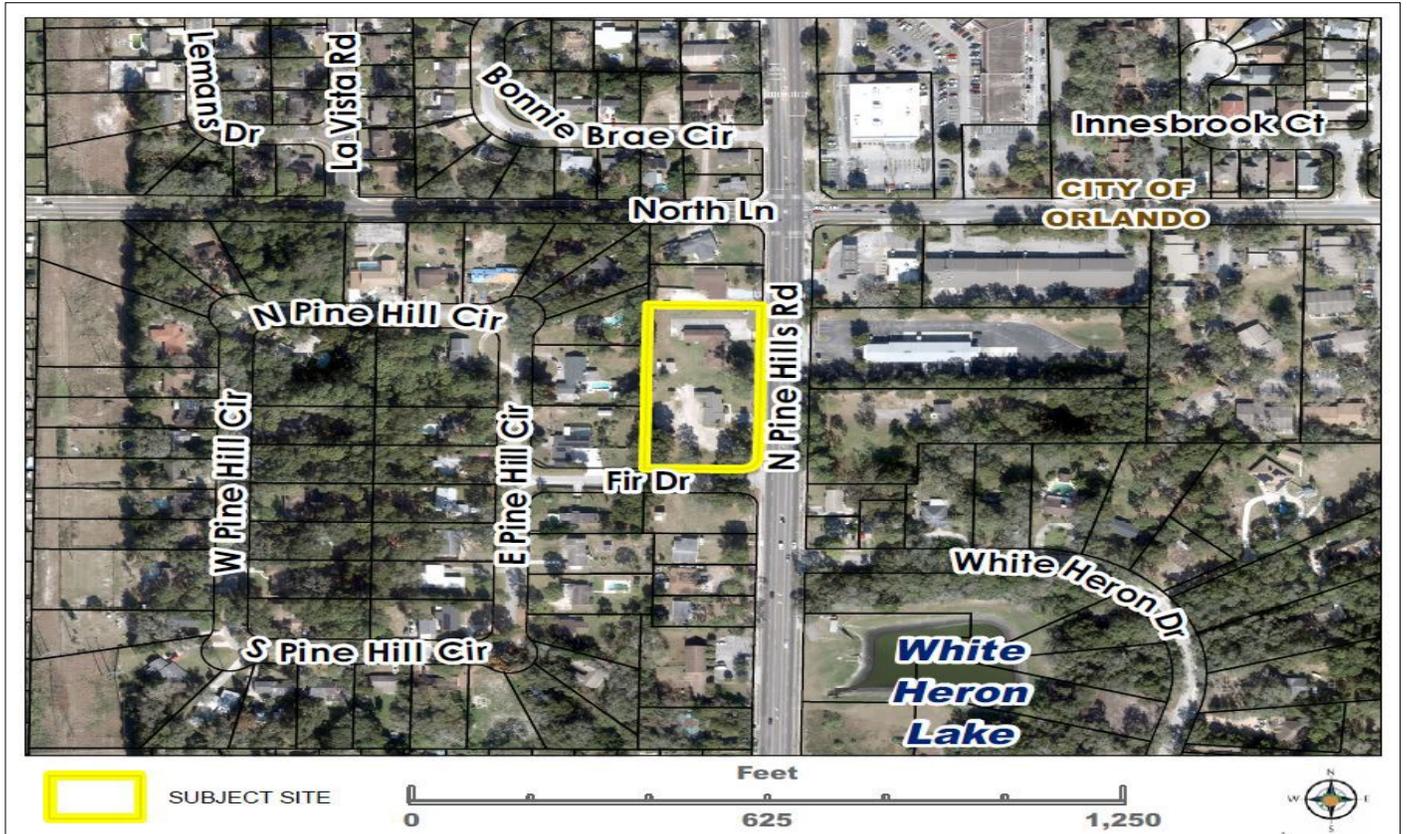
CONCLUSION; Because the chapter specifically contemplates such an exemption, the granting of the variance would greatly benefit the applicant, and would be in harmony with the purpose and intent of the zoning regulations. It would not be injurious to the neighborhood nor otherwise detrimental to the public welfare. THANK YOU.

Ransford Clarke
19534 Lansdowne St
Orlando, Fl 32833

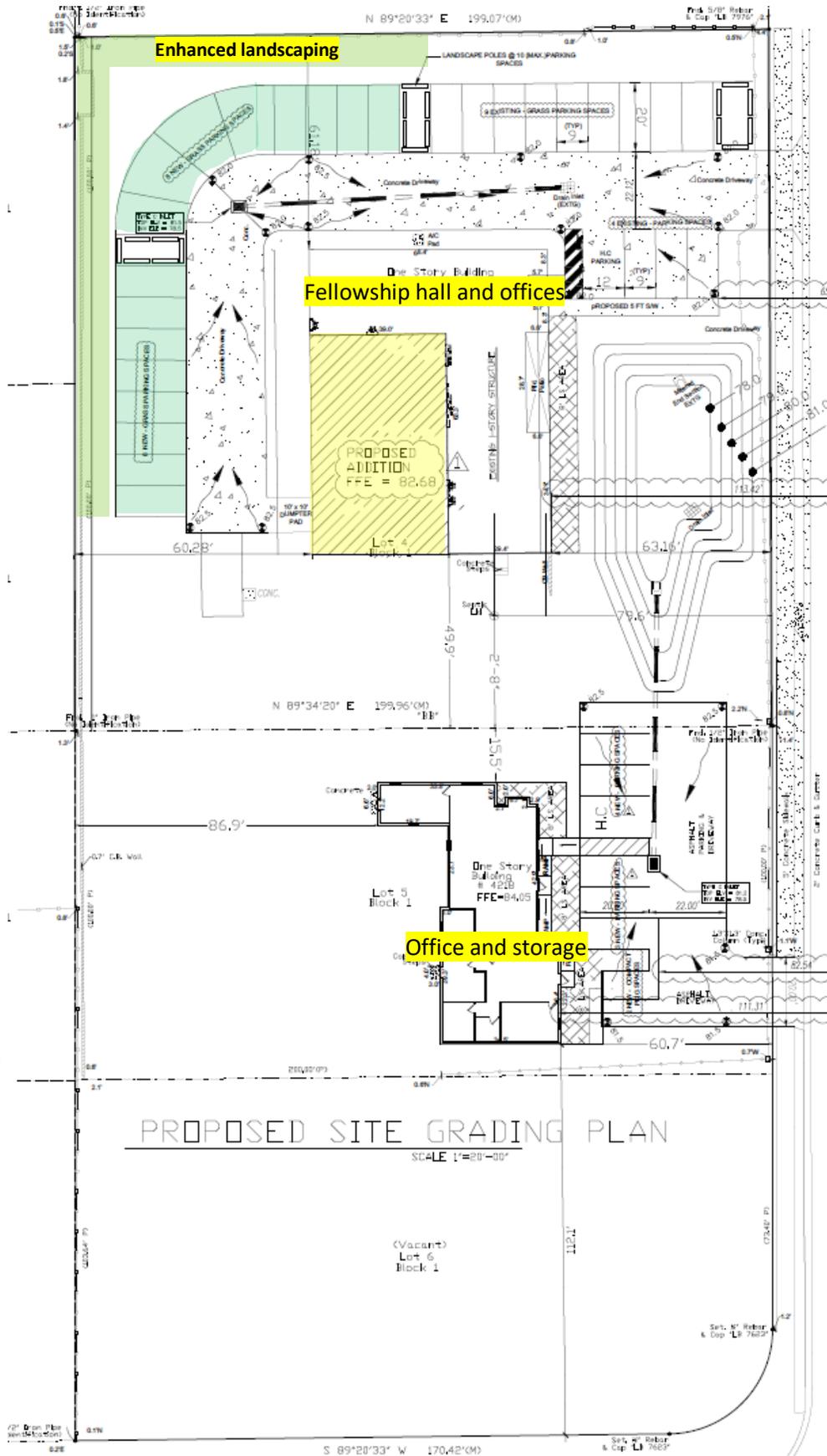
ZONING MAP



AERIAL MAP



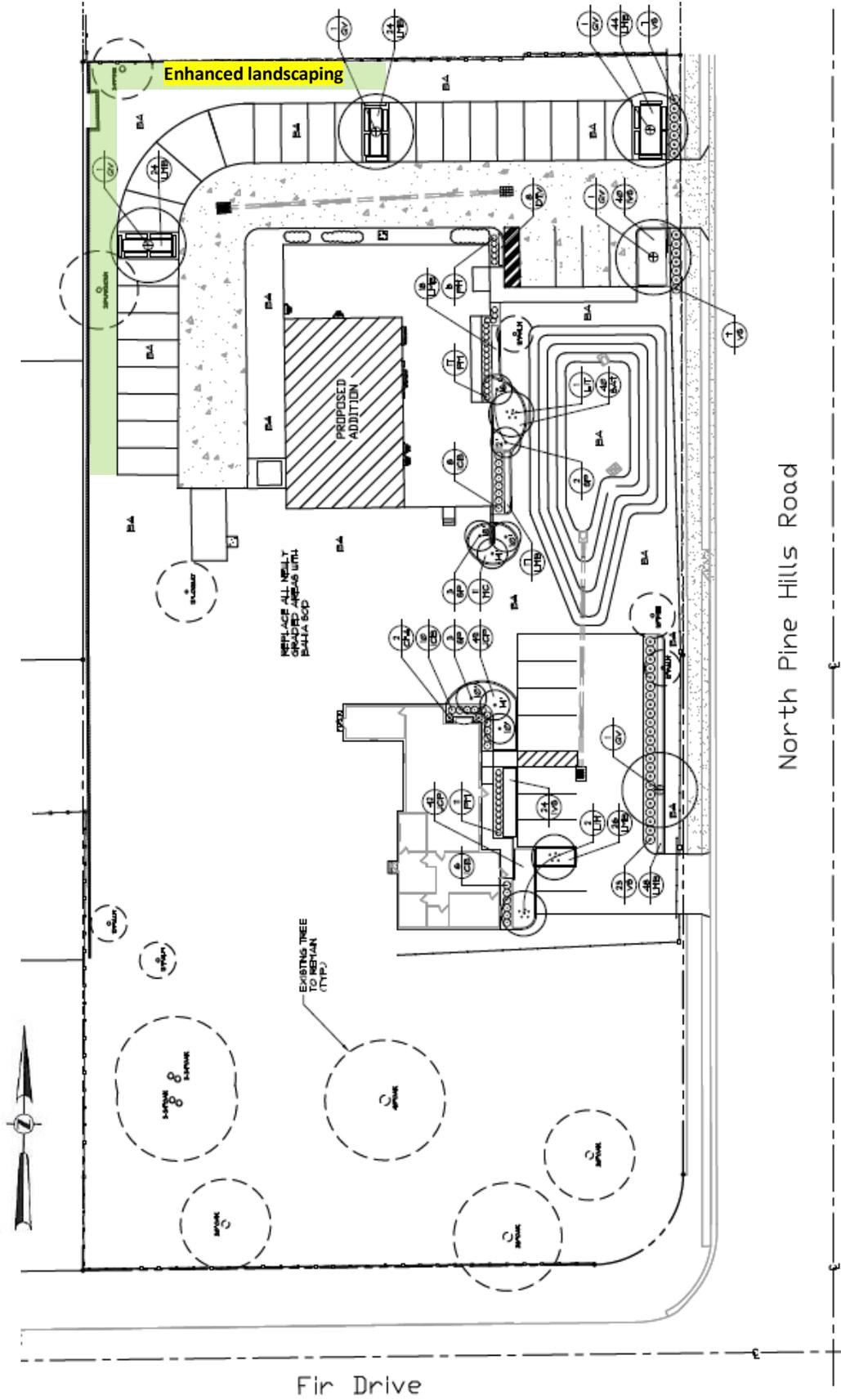
SITE PLAN



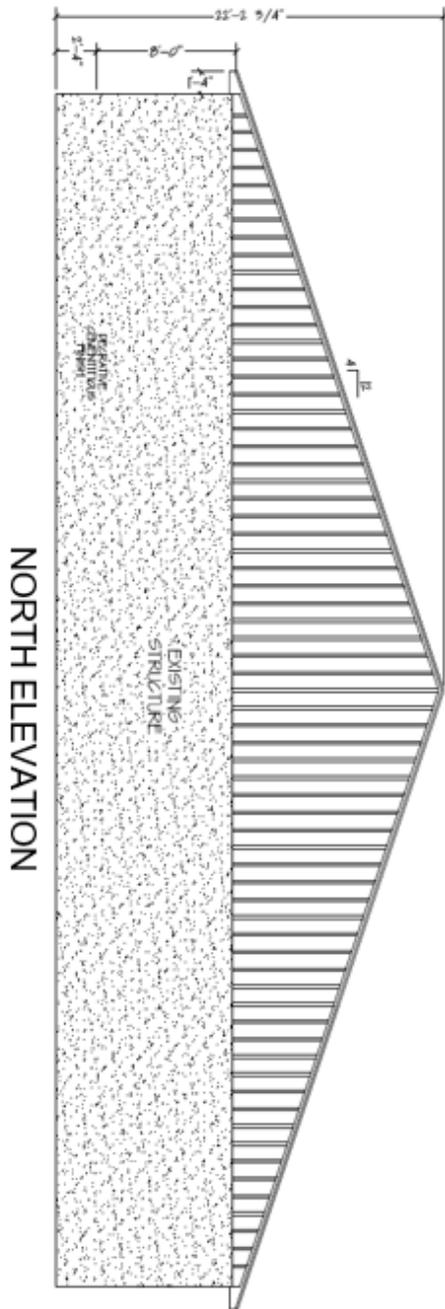
Fir Dr.

N. Pine Hills Rd.

LANDSCAPE PLAN

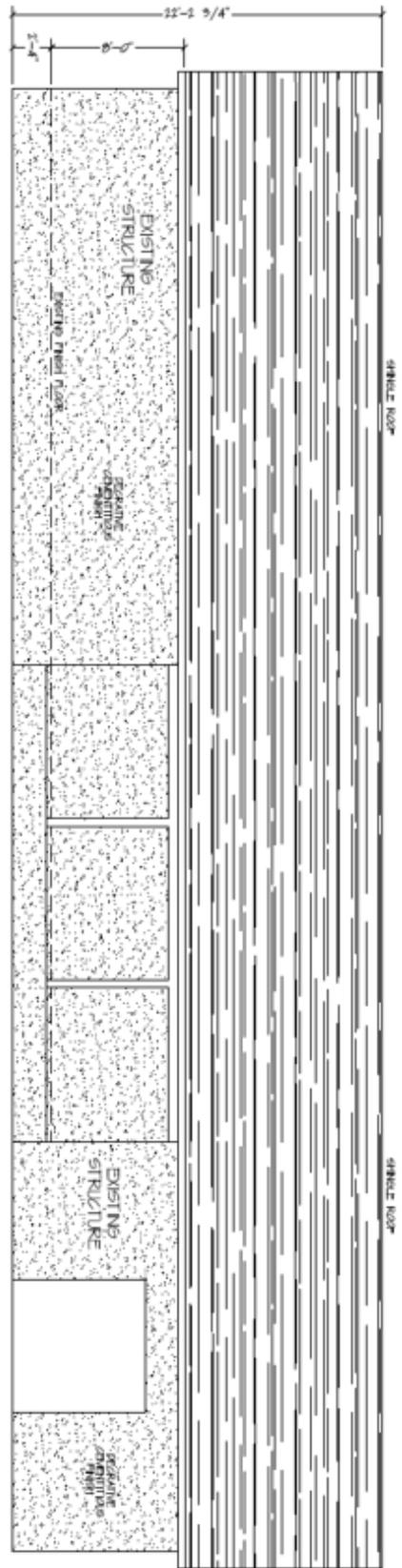


ELEVATIONS

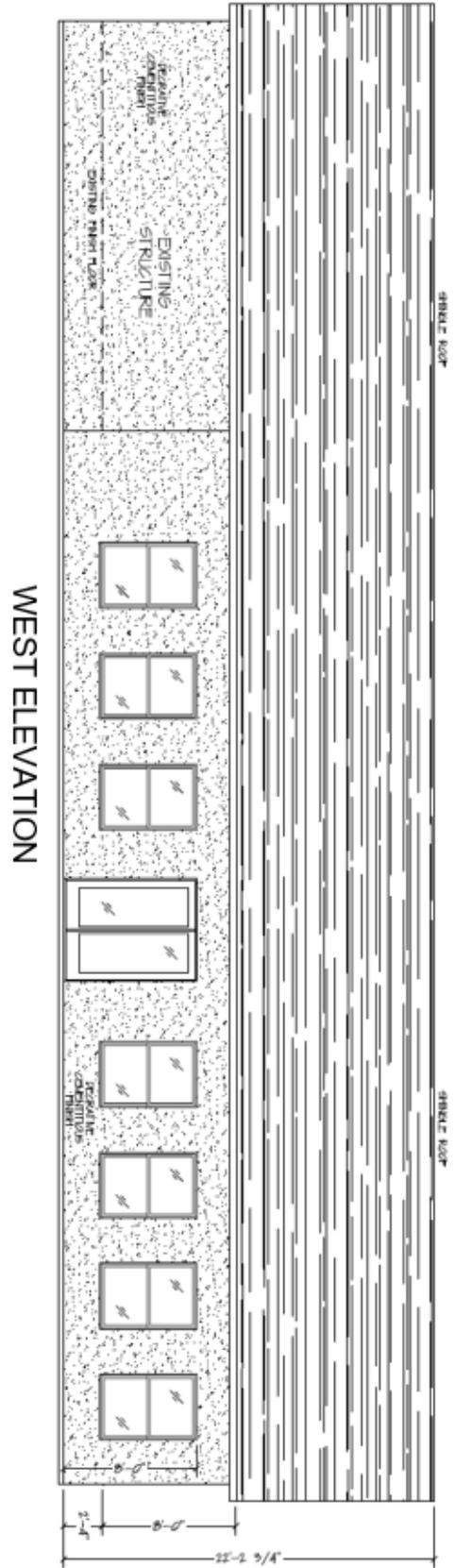
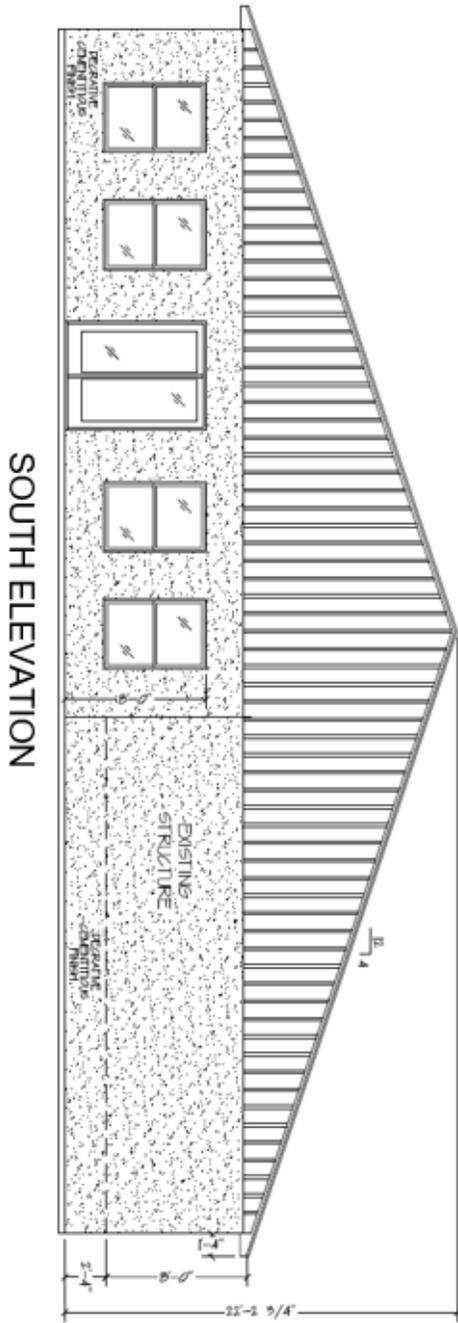


NORTH ELEVATION

EAST ELEVATION



ELEVATIONS



SITE PHOTOS



Property from Fir Dr. facing north



Property from N. Pine Hills Rd. facing west

SITE PHOTOS



Proposed building expansion facing north



Rear yard, facing northwest towards location of addition

SITE PHOTOS



Proposed new parking area, facing north

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 01, 2023**

Commission District: **#3**

Case #: **VA-23-07-036**

Case Planner: **Nick Balevich (407) 836-0092**

Nick.Balevich@ocfl.net

GENERAL INFORMATION

APPLICANT(s): SAM SEBAALI

OWNER(s): SAMIR SEBAALI

REQUEST: Variance in the C-1 zoning district to allow a 37.5 ft. major street setback in lieu of 55 ft. for a parking area.

PROPERTY LOCATION: 5555 Hansel Ave., Orlando, FL 32809, east side of Hansel Ave., north of Hoffner Ave., east of S. Orange Ave.

PARCEL ID: 24-23-29-1688-04-010

LOT SIZE: +/- 1.5 acres

NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 133

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as amended (Motion by Deborah Moskowitz, Second by Juan Velez; unanimous; 5 in favor: Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz, Roberta Walton Johnson; 0 opposed; 1 absent: Sonya Shakespeare and 1 vacant):

1. Development shall be in accordance with the site plan received May 11, 2023, 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.
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. Enhanced landscaping shall be installed along Hansel Avenue, consistent with the landscape plan provided, consisting of staggered understory trees, planted at 12 ft. on center, and a continuous hedge. The understory trees shall be evergreens.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that one (1) neutral comment was received by the City of Edgewood, no comments were received in support, and one (1) comment was received in opposition.

The applicant agreed with the staff recommendation and stated the need for the Variance, noting that there is a more restrictive setback requirement for the subject property along this street segment and noted the desire to preserve the large oak trees on the site.

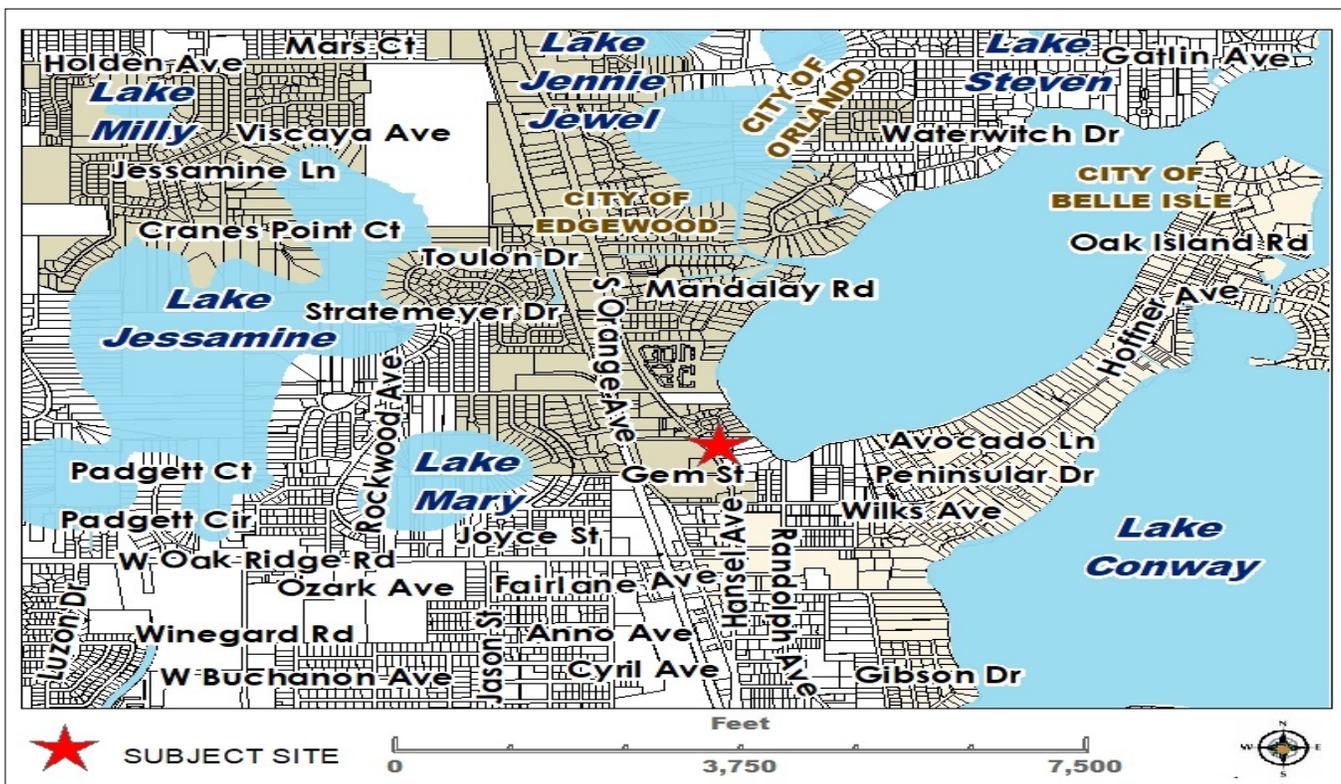
There was no one in attendance to speak in opposition to the request and no one in attendance to speak in favor. A planner representing the City of Edgewood spoke about Edgewood’s vision and planning efforts for the area and requested modified conditions regarding the proposed landscaping along Hansel Avenue, noting that the landscaping as proposed would overhang onto and potentially block the sidewalk.

The BZA discussed the Variance, discussed at length the landscape proposed to be installed adjacent to Hansel Avenue, stated justification for the six (6) criteria and unanimously recommended approval of the Variance by a 5-0 vote, with one absent and one vacant, subject to the four (4) conditions in the staff report, and an amended Condition #4 which states, “Enhanced landscaping shall be installed along Hansel Avenue, consistent with the landscape plan provided, consisting of staggered understory trees, planted 12 ft. apart, and a continuous hedge. The understory trees shall be evergreens.”

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-1	City of Edgewood	C-1	R-1A	City of Edgewood
Future Land Use	C	City of Edgewood	C	LDR	City of Edgewood
Current Use	Vacant	Single-family residential	Commercial	Single-family residential	Commercial

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the C-1, Retail Commercial District, which allows restaurants, retail stores, offices, and other commercial businesses, as well as hotels and short-term rentals. The Future Land Use is Commercial (C), which is consistent with the zoning district.

The subject property is a vacant 1.5 acre lot, located in the Conway Plaza Plat, recorded in 1924, and is considered to be a conforming lot of record. The area consists of single-family residences to the north and east, and commercial uses to the south and west. The applicant purchased the property in 2019.

The proposal is for the construction of a 2 story, 22-unit condo hotel with a surface parking area to be located 37.5 ft. from the center line of Hansel Avenue in lieu of a 55 ft. setback, requiring a Variance. Hansel Avenue is considered to be a Principal Arterial Urban Class II Roadway. Per Orange County Code Sec. 38-1603, a 55 ft. setback is required for parking areas. A permit has been submitted (B23900488) and is on hold pending the outcome of the request.

Staff has assessed the request and is recommending approval of the Variance. Typically, principal Arterial roads in Orange County are 100 ft. wide with up to 6 lanes in both directions. At a distance of approximately 700 feet north and 1,000 feet south of the property, Orange Avenue becomes a 4 lane, 100 ft. wide roadway with a center median, thus the 55 ft. setback from the center line for a parking area on these sections results in a 5 ft. setback from adjacent property lines for parking. In between, Orange Avenue splits with Hansel Avenue with each being a 1 way, 2 lane road segment such as the Hansel Avenue segment adjacent to the subject property. For the purposes of major street setback requirements, the Code considers the Hansel Avenue one-way segment as the same Principal Arterial Urban Class II Roadway, the same as when Orange Avenue becomes a 100-foot-wide right-of-way.

Vehicular and pedestrian access to the property will be provided from Hansel Ave. to the west. The proposed building will meet the minimum building setback requirements for the C-1 district. Hotels/motels require 1 parking space per 1.5 rooms. The development will have 22 rooms, which requires 15 parking spaces, while 34 spaces are being provided.

All proposed perimeter landscaping buffers along property lines and landscape strips adjacent to the public right-of-way will exceed the minimum landscape requirements. The applicant is proposing an enhanced landscaping buffer along Hansel Avenue, consisting of staggered understory trees, planted at 15 ft. on center, and a continuous hedge.

As of the date of this report, no comments have been received in favor of the request and one comment has been received in opposition to this request. Comments have also been provided by the City of Edgewood requesting several additional conditions or modifications to the conditions based on their vision for the Orange Avenue/Hansel Avenue corridor.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	27 ft.
Min. Lot Width:	80 ft.	211 ft.
Min. Lot Size:	6,000 sq. ft.	68,722 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	25 ft.	56 ft. (West)
Rear:	20 ft.	25 ft. (East)
Side:	15 ft.	15 ft. (North) 26 ft. (South)
Principal Arterial Urban Class II Roadway:	60 ft. from centerline for building	86 ft. from centerline for bldg.
Principal Arterial Urban Class II Roadway:	55 ft. from centerline for parking area	37.5 ft. from centerline for parking area (Variance)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special condition or circumstance particular to this project is tied to the strict limits pertaining to the major street requirements. There is a Principal Arterial Urban Class II Roadway designation along with the 55 ft. setback from the centerline that applies to Orange Avenue (which is a 4 lane, 100 ft. wide roadway with a center median) which is also applied to Hansel Avenue where it is separated/split from Orange Avenue (and only is a 2 lane, 60 ft. wide, one-way roadway.)

Not Self-Created

The request is not self-created since the owner is not responsible for the same setback being applied from the centerline of a 60 ft. roadway adjacent to their property, as is applied from the centerline of a 100 ft. wide roadway.

No Special Privilege Conferred

Granting the requested Variance will not confer special privilege not conferred to others on the same roadway, north and south of the subject property where Orange Avenue is a 4 lane, 100 ft. wide roadway with a center median, before the split with Hansel Avenue.

Deprivation of Rights

Without the requested Variance, the property could not be fully utilized in a manner similar to other properties located north and south of the subject property along a contiguous Orange Avenue right-of-way segment.

Minimum Possible Variance

The requested Variance is the minimum possible to allow the proposed improvements without redesigning and shifting the parking improvements in a manner which would more closely impact adjacent residential properties to the north and east.

Purpose and Intent

Approval of the request would be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the surrounding commercial area and adjacent residential neighborhood, with the proposed enhanced landscaping to offset and soften the visual impact of the reduced parking area major street setback.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan received May 11, 2023, 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.
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. Enhanced landscaping shall be installed along Hansel Avenue, consistent with the landscape plan provided, consisting of staggered understory trees, planted at 15 ft. on center, and a continuous hedge. The understory trees shall be evergreens.

C: Sam Sebaali
5127 S. Orange Avenue, Suite 201
Orlando, FL 32809



5127 S. Orange Avenue, Suite 200
Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325

2302 Parklake Drive, Suite 134
Atlanta, GA 30345
Phone: 1-877-857-1581
Fax: 1-877-857-1582



**ZONING VARIANCE REQUEST
JUSTIFICATION STATEMENT**

**CH CONDO HOTEL
5555 HANSEL AVENUE
ORANGE COUNTY, FLORIDA**

April 11, 2023

This letter is submitted to provide justification for a zoning variance from Section 38-1603 of the Orange County to allow for a reduction in the setback for a Principal Arterial, Urban (Class II) for the site's proposed parking along Hansel Avenue from the code required 55 Ft. from the centerline of Hansel Avenue to 37.5 Ft. from the centerline of Hansel Avenue.

The intent of the Major Street Setback is outlined in Section 38-1601 of the County Code as follows:

- (1) To ensure sufficient space between major streets and buildings and structures to provide adequately for natural light, circulation of air, protection from fire, floods, tornados and hurricanes, access for fire-fighting apparatus or rescue and salvage operations; and
- (2) To ensure adequate and safe distances between competing phenomena and interests respectively associated with major streets and buildings and structures adjacent to major streets, including but not limited to, vehicular traffic, pedestrian traffic, noise, congestion, pollution emanating from vehicles, intensified use of land associated with development and growth, and the public health, safety, and welfare; and
- (3) To establish uniform major street setback distances to address the concerns set forth in subsections (1) and (2).

Arterial roads generally range from a minimum of 4 to as much as 10 lanes with a R.O.W. width, which is typically a minimum of 100 feet. Although Hansel Avenue (SR 527) is a 2-lane one-way roadway, it is classified as a Principal Arterial, Urban (Class II) by Orange County. The classification of Hansel Avenue (SR 527) as a Principal Arterial, Urban (Class II) is tied to the fact that S. Orange Avenue (SR 527) to the north and south of the subject site consists of a 4-lane roadway with a center median containing two-way left-turn lanes and is classified as a Principal Arterial, (Urban Class II). Hansel Avenue (SR 527) and a small portion of S. Orange Avenue (SR 527), split into 2-lane one-way roadway segments through the City of Edgewood; however, the Principal Arterial, Urban (Class II) designation is maintained for these segments like the 4-lane S. Orange Avenue (SR 527) to the north and south of the roadway split.

S. Orange Avenue (SR 527) to the south and north of the subject property has a R.O.W. width of approximately 100 Ft. and Hansel Avenue (SR 527) along the site's frontage where it is a one-way roadway has a R.O.W. width of 60 Ft. Thus, the Major Street parking setback required for a property along S. Orange Avenue to the south and to the north of subject site along the same roadway frontage before the roadway splits would be 5 Ft., and the Major Street setback required along the site's frontage where the roadway becomes one-way would be 25 Ft., since the parking setback is measured from the centerline of the roadway, and the centerline of the roadway shifts due to the split of the roadway.

As such, a strict interpretation of the code would result in two properties along the same roadway frontage having varying parking setbacks where a setback of 5 Ft. would be required for the property before the roadway splits and a setback of 25 Ft. would be required for the property after the roadway splits.

This interpretation is not consistent with the intent of the County Code, which states under Sec. 38-1601 (3) that it is intended to establish **uniform major street setback distances**. Furthermore, **the level of traffic, congestion, noise, pollution, and other related impacts noted under Sec. 38-1601 (2) of the County Code on a 4-lane roadway with a center median containing two-way left-turn lanes would exceed those from a one-way, 2-lane roadway**. Thus, there is no justification for a larger setback for the 2-lane roadway compared to the 4-lane roadway with the center median along the same roadway frontage.

It is our opinion that this section of the County Code did not contemplate a peculiar condition where a Principal Arterial, Urban roadway would split and causes a shift in the centerline, which in turns causes a discrepancy between the setbacks required along the same roadway frontage for two adjacent parcels.

As such, a variance is being requested to allow this property to have a similar or slightly larger setback than other properties located along the same roadway frontage to the north and south of where the roadway split. Specifically, a 5 Ft. setback from the R.O.W. line is required by this section of the County Code for the properties to the north and south of this property along the same roadway frontage before the roadway splits (55 Ft. from the centerline of the 100 Ft. wide road). The requested 37.5 Ft. setback from the centerline of Hansel Avenue would result in a 7.5 Ft. setback from the R.O.W. line, since Orange Avenue has a 60 Ft. wide R.O.W.

A sketch illustrating the discrepancy related to measuring the setback from the centerline of the one-way roadway vs. measuring it from the centerline of the 4-lane roadway is attached to this write-up (See Exhibit 1).

The following paragraphs provide justification for allowing the requested variance based on the specific standards for the approval of variances as outlined in Section 30-43 (3) of the Orange County Code of Ordinances.

1. 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 a proposed zoning variance.

Response: The subject property is located on the one-way, 2-lane section of Hansel Avenue (SR 527), which has a R.O.W. width of 60 Ft. Although this roadway is classified as Principal Arterial, Urban (Class II) roadway, its classification is based on the classification of S. Orange Avenue (SR 527), which has a R.O.W. width of 100 Ft. The code requirements do not consider the split in a 4-lane roadway, which results in shifting of the centerline and would unduly result in larger setbacks on the one-way roadway segment. Principal Arterial, Urban roads generally have a minimum of 4 lanes and a minimum width of R.O.W. 100 Ft.

2. The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed 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.

Response: The special conditions are the result of the split of the Principal Arterial, Urban roadway, which result in special conditions and circumstances for this property and other similar properties located along the one-way segments of Hansel Avenue (SR 527) and S. Orange Avenue (SR 527). The split in the 4-lane roadway results in shifting of the centerline and would unduly result in larger setbacks on the one-way roadway segment. Principal Arterial, Urban roads generally have a minimum of 4 lanes and a minimum width of R.O.W. 100 Ft. These conditions create a hardship for the applicant and do not result from the actions of the applicant.

3. Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

Response: The requested setback variance allows this property to have a similar (slightly larger) required parking setback when compared to the other properties along the same roadway frontage to the north and south of this property before the roadway splits. In addition, most of the developed properties along this roadway frontage have substandard parking setbacks and several properties do not provide any setback as shown on the aerial exhibit (Exhibit 2 attached to this request). The requested setback would be an improvement over most of the developed properties along the same corridor and larger than required from similar properties along the same roadway frontage to the north and south of the roadway split.

4. 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 property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

Response: The strict interpretation of the code would result in this property having to provide a parking setback, which is 5 times larger (25 Ft. vs. 5 Ft.) than the required parking setback for similar properties within the same zoning district, which are located along the same roadway frontage to the north and south of the roadway split. This additional required setback is not in keeping with the intent of the County Code, would cause undue hardship to the applicant, and would severely restrict development of the site. It will also deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and along the same roadway frontage. In addition, it will result in the loss of about 12% of land area, which is excessive and is not a standard zoning requirement.

5. The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.

Response: The requested variance results in a similar (slightly larger) required parking setback as the other properties along the same roadway frontage to the north and south of this property before the roadway splits. The variance is the minimum variance that will allow reasonable use of the property, since any additional parking setback would result in the loss of 21 parking spaces, which are required for the proper development and reasonable use of the site.

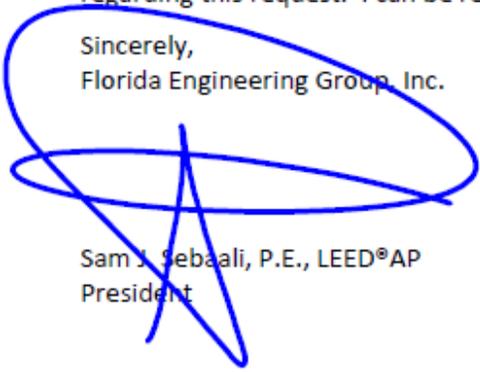
COVER LETTER

6. Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Response: The proposed variance would not have a negative effect on the neighborhood or the public. In our opinion, granting this variance would allow this property to be developed in a manner, which would result in a better overall development as it results in the ability to provide the necessary parking for proper operation of the project. Also, it allows for more internal amenities and landscaping. In addition, the proposed parking setback will and provide adequate buffer along the property's roadway frontage, which is better than the existing properties; is slightly larger than what would be required for similar properties along the same roadway frontage to the north and south of the roadway split; and is slightly larger than the 7 Ft. landscape strip required by Chapter 24 – Landscaping, Buffering and Open Space of the County's Code.

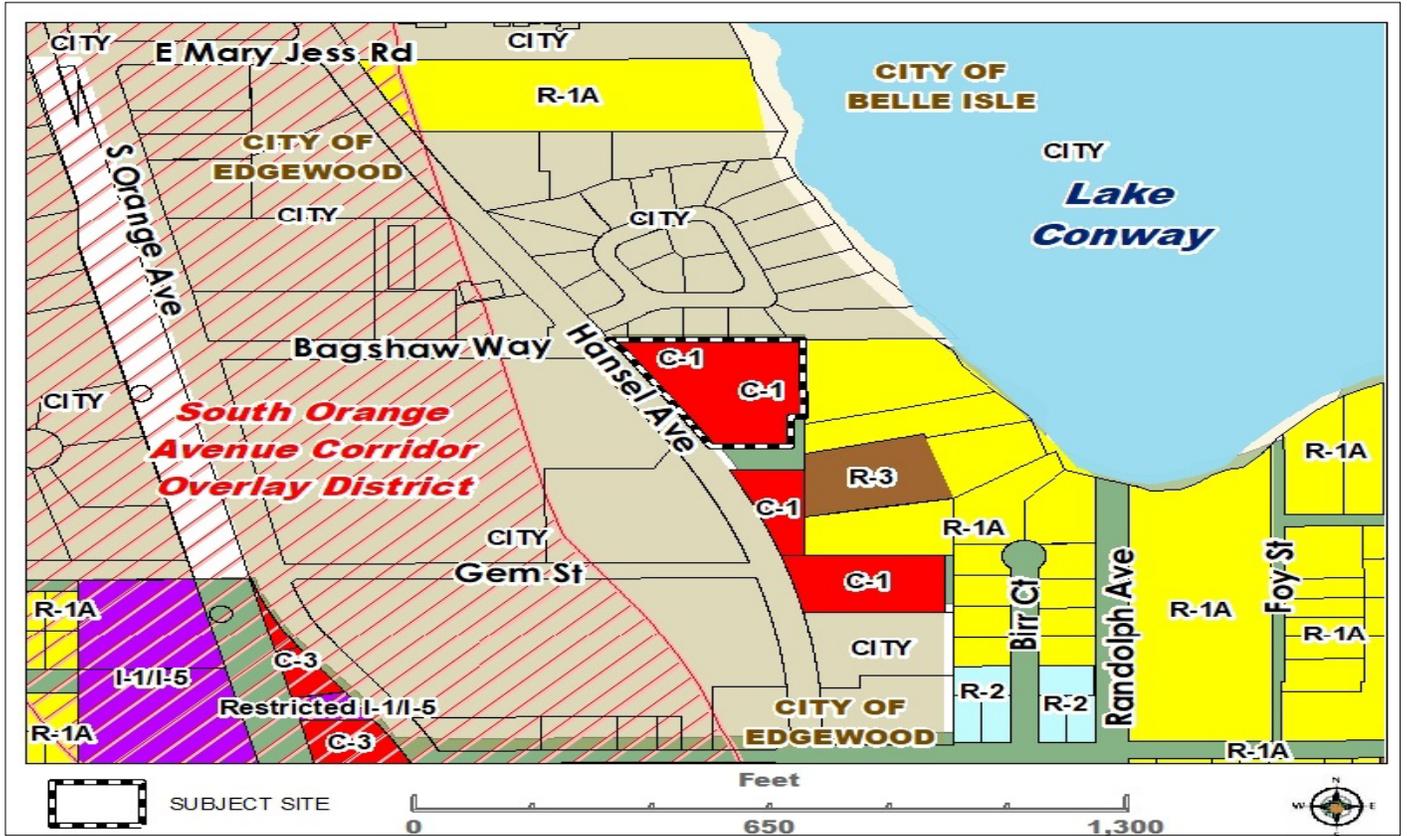
Please do not hesitate to contact me should you have any questions or need additional clarification regarding this request. I can be reached by phone at 407-895-0324 or by email at SSebaali@feg-inc.us.

Sincerely,
Florida Engineering Group, Inc.



Sam J. Sebaali, P.E., LEED® AP
President

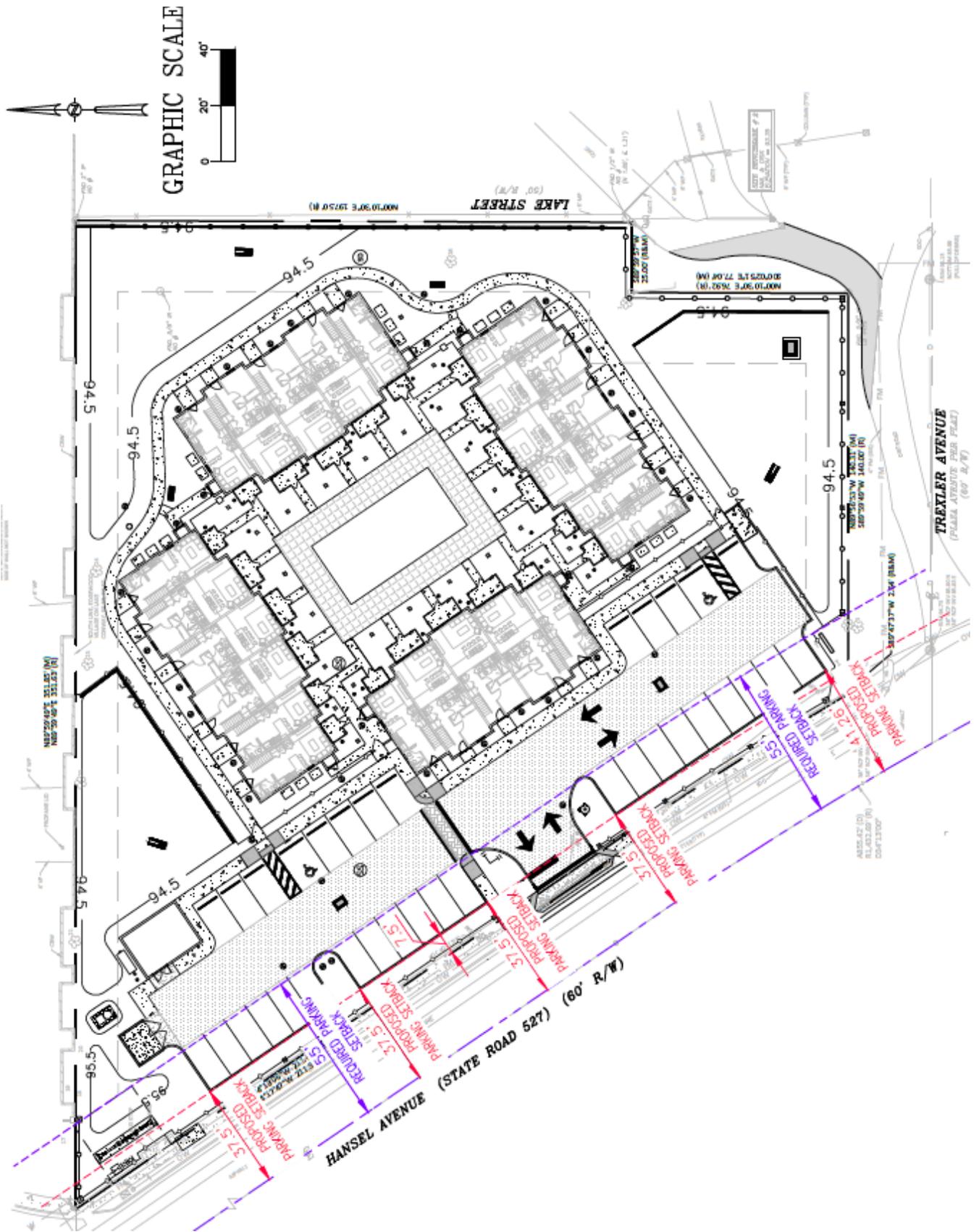
ZONING MAP



AERIAL MAP



SITE PLAN



SITE PHOTOS



Property from Hansel Ave. facing east



Property facing east

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 01, 2023**

Commission District: **#5**

Case #: **VA-23-07-037**

Case Planner: **Nick Balevich (407) 836-0092**

Nick.Balevich@ocfl.net

GENERAL INFORMATION

APPLICANT(s): AARON STRUCKMEYER FOR PULTE HOMES

OWNER(s): PULTE HOME CORP

REQUEST: Variance in the R-CE-C zoning district to allow a lot width of 78 ft. at the front setback line in lieu of 100 ft.

PROPERTY LOCATION: 16106 Bowline St., Orlando, FL 32820, terminal end of Bowline St., north of Lake Pickett Rd., southwest of N. Fort Christmas Rd.

PARCEL ID: 03-22-32-7903-00-790

LOT SIZE: +/- 0.7 acres (33,818 sq. ft.)

NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 26

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Deborah Moskowitz, Second by John Drago; unanimous; 5 in favor: Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz, Roberta Walton Johnson; 0 opposed; 1 absent: Sonya Shakespeare and 1 vacant):

1. Development shall be in accordance with the site plan received May 12, 2023, 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.
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 described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that no comments were received in support, and no comments were received in opposition.

The applicant stated that they had nothing to add and stated that the permit was issued in error and the house is halfway built.

The BZA noted that the lot was oddly shaped.

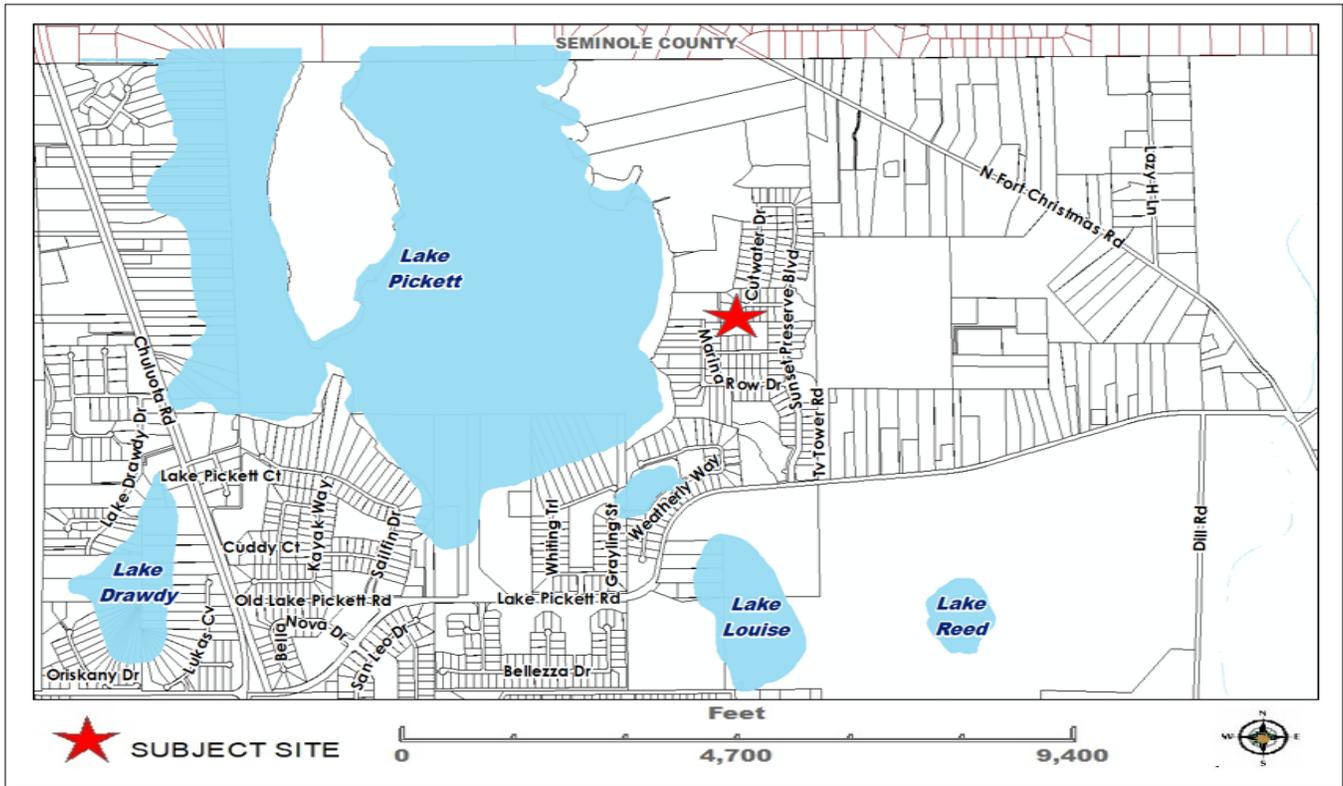
There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the variance and stated justification for the six (6) criteria and unanimously recommended approval of the Variance by a 5-0 vote, with one absent and one vacant, subject to the three (3) conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE-C	R-CE-C	R-CE-C	R-CE-C	R-CE-C
Future Land Use	RS-1/1	RS-1/1	RS-1/1	RS-1/1	RS-1/1
Current Use	Partially constructed single-family residence	Vacant	Retention	Vacant	Vacant

DESCRIPTION AND CONTEXT

The subject property is located in the R-CE-C, Rural Country Estate Cluster district, which allows primarily single-family uses and certain agricultural uses, with a minimum lot area of one (1) acre. The Cluster district allows for the clustering of ½ acre lots while maintaining a gross density of 1 unit per acre and providing additional open space. The Future Land Use is RS-1/1, which is consistent with the zoning district.

The property is located in the Lake Pickett Rural Settlement. Rural settlements are areas of the County identified in the Comprehensive Plan, where a particular rural character is desired to be preserved by its residents. Rural settlements typically limit certain uses, such as institutional uses, or commercial development, and control densities. However, they typically have little impact on the development of individual residential properties, as is the case for this request, which is not impacted by the Lake Pickett Rural Settlement.

The subject property is a 0.7 acre triangular lot, located in the Sunset Preserve Phase 2 Plat, recorded in 2023, and is considered to be a conforming lot of record.

The property was rezoned (RZ-14-12-031) in December of 2014, from R-CE-C (Country Estate District – Cluster) with a maximum density of 0.85 unit per acre to R-CE-C (Country Estate District - Cluster) with a maximum density of 1.0 unit per acre, to allow the property to be subdivided into 383 detached single-family residential lots.

A Preliminary Subdivision Plan (PSP-16-08-289) was submitted in 2016 and was revised in 2018 and showed the correct building footprint with the front setback line where the lot width was met. During the internal review of the Sunset Preserve Phase 2 Plat, the Orange County Development Engineering division required a no build line/no build area at the rear of the property to prevent drainage from the property into the adjacent retention pond and to direct drainage to the front of the property and the road. The no build area for the subject property is significantly larger than on any of the adjacent properties at approximately 14,000 sq. ft. and it precludes development approximately 50 to 80 feet from the rear property line. When the PSP was revised in 2021 it reflected the no-build line and the setbacks were modified regarding the lots around this cul-de-sac, but the change was not called out or included as part of the request, so staff did not review or approve that change, but the PSP got approved with those changes shown.

The building permit for the house (B23001152) was issued on March 10, 2023, and after construction had begun, staff discovered the error that the house was approved in a configuration that does not meet the lot width, and issued a stop work order on April 5, 2023. Thus, the applicant is applying for a Variance to allow a lot width of 78 ft. at the front setback line in lieu of 100 ft.

When the lot width is less than the minimum required, the building setback distance is the minimum required, or the distance to the point where the lot width equals the minimum required, whichever is greater. In this case, the required front building setback is where the lot width equals 100 ft., which is at a distance equal to an approximate 95 ft. front setback.

The request is not detrimental to the neighborhood, will not be noticeable from the street, and due to the significant rear lot restriction, staff is recommending approval.

As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	24 ft.
Min. Lot Width:	100 ft.	78 ft. at the front setback line (Variance)
Min. Lot Size:	0.5 acres	0.7 acres

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	30 ft.	59 ft. (North)
Rear:	25 ft.	78.8 ft. (South)
Side:	10 ft.	10.1 ft. (East and west)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

The existing lot configuration and a no build line/no build area at the rear of the property are considerations of special conditions and circumstances. The property is a uniquely shaped triangular lot, as it is narrower at the front, thus necessitating locating the house further from the front to meet the required lot width at the front setback line, while the no build line/no build area at the rear forces the house to be located closer to the front.

Not Self-Created

The request is not self-created since the owner is not responsible for the no build line/no build area at the rear of the property.

No Special Privilege Conferred

Granting the requested Variance will not confer special privilege that is not conferred to others in the same area, as the no build area for the subject property is significantly larger than on any of the adjacent properties, and the majority of properties in the subdivision are not subject to a no build area.

Deprivation of Rights

Without the requested Variance, the property could not be fully utilized in a manner similar to other properties in the area with a smaller no build area, or none at all.

Minimum Possible Variance

The requested Variance is the minimum possible to allow the proposed improvements to be completed as permitted.

Purpose and Intent

Approval of the request would be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the surrounding neighborhood, as the deviation will not be noticeable from the street.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan received May 12, 2023, 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.
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: Aaron Struckmeyer
4901 Vineland Road, Suite 500
Orlando, Florida 32811



April 13, 2023

Orange County Zoning Division
Attention: BZA
201 S. Rosalind Ave.
Orlando, FL 32801

Sunset Preserve Phase 2, Lot 79- Request for lot width variance
Address: 16106 Bowline St. Orlando, FL 32820
Parcel ID: 03-22-32-7903-00-790

To Whom it May Concern:

Pulte Home Company, LLC ("Pulte") is requesting a variance for lot 79 in Sunset Preserve Phase 2 to construct a home on a pie-shaped lot with the building face constructed at the 78 ft. lot width line as opposed to the 100 ft. wide line required by code. The enclosed plot plan was submitted to Orange County and approved with building permit B23001152 in the requested configuration. Approximately one month after the permit was issued, the error was discovered. At such time, the County placed a stop work order on construction of the home and revoked the building permit. Therefore, Pulte is requesting authorization to keep the home in its current location as the slab, underground plumbing, underground electrical, and lot grading have already been completed. Significant labor and materials have already been exhausted on the construction of the home and it is Pulte's desire to keep the home where it is currently located, as it meets the design and intent of the zoning district. Finally, the architectural plans and elevations of the house have been approved by the HOA. Below is a narrative on how the request meets the variance criteria.

Variance Criteria

1. Special conditions and circumstances

The lot is pie-shaped which is 32 ft. wide at the street and gradually widens to 200+/- ft. wide at the rear. The lot configuration was approved by Orange County via the plat recorded in 2022 and contains a special condition. The rear of the lot consists of a 'no build area' required by the County after the PSP was approved to provide adequate drainage to the stormwater pond located to the north. This 'no build area' encumbers approximately 14,000 square feet of lot area which is unbuildable. If the 100 ft. lot width requirement at the building façade was enforced, the house would need be located 95+/- ft. from the front property line which would push the building footprint into the 'no build area' in the rear.



2. Not Self-created

The addition of the 'no build area' was required by Orange County and not self-created by the applicant. As mentioned, this area prohibits any construction in the rear portion of the lot therefore forcing the building to be constructed in the front portion of the lot.

3. No special privilege conferred

Approving the variance will not confer a special privilege on any other lot in this subdivision or area. If the request is approved, the house will be located 59 ft. from the front property line, which is almost double the required front yard setback (30 ft.) for the zoning district. In addition, a home on a pie-shaped lot was permitted/constructed in a previous phase of this development which did not meet the 100 ft. lot width requirement.

4. Deprivation of rights

Literal interpretation of the RCE-C code would limit the buildable area of this 33,815 square feet lot to an area of approximately 13,000 square feet or 38% of the lot. Also, the building permit was approved by Orange County and the developer/home buyer relied upon this approval to move forward with construction. Not allowing the variance would deprive the right of the homeowner to enjoy the use of their lot and create an economic hardship on all parties.

5. Minimum possible variance

The variance requested represents a 22% deviation from the code as the front setback line is 78 ft. wide versus the 100 ft. required by RCE-C code. The house will be setback further the majority of the homes in the neighborhood and meets all other development standards outlined including setbacks, height, impervious area, etc.

6. Purpose of Intent

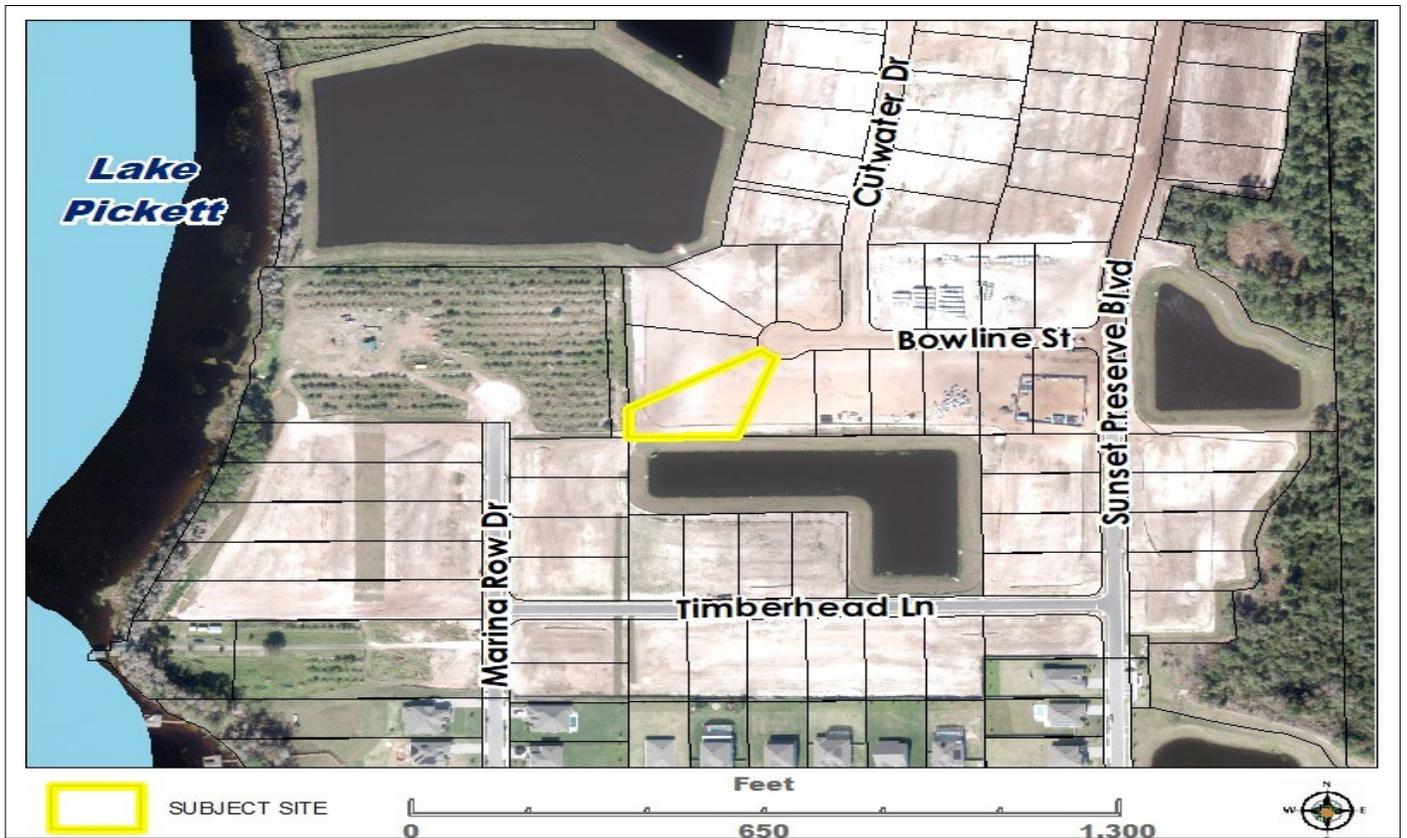
Per section 38-551 (2) of the Orange County Code, the intent of the RCE-C zoning district is to provide flexibility in lot size, housing styles and building placement for variety in development design compatible with abutting development. The building placement and design of the home proposed meets the intent the code. The location and appearance of the home will be in harmony with the surrounding development. As mentioned, the home as proposed and approved meets all the zoning requirements aside from the lot width which requires the lot to be 100 ft. wide at the building frontage.

The developer proceeded in good faith and constructed the home as approved per building permit B23001152 on March 10, 2023. Pulte humbly requests authorization to construct a home on lot 79 as permitted by Orange County. The location of the structure does not adversely affect anyone in the area and is located on a private road in a gated community. We appreciate your consideration of the request.

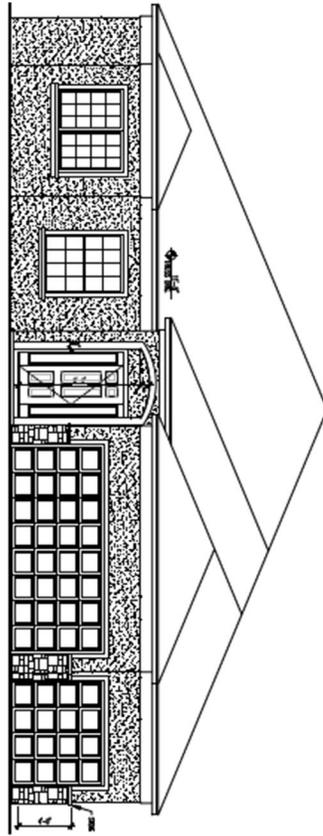
ZONING MAP



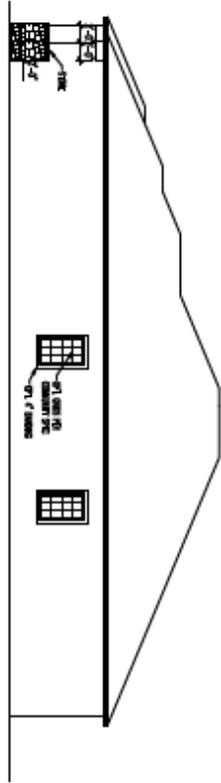
AERIAL MAP



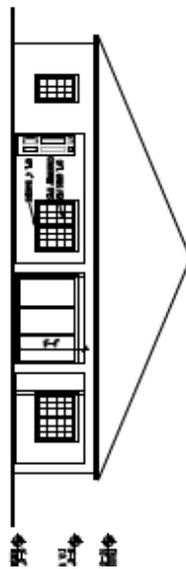
ELEVATIONS



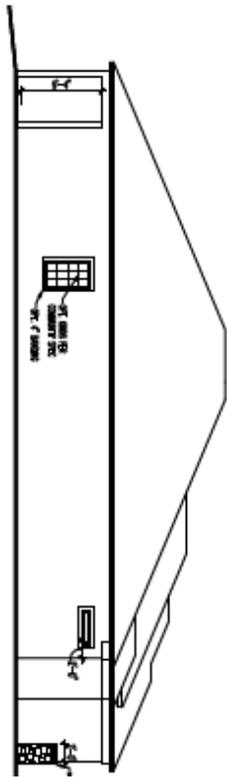
EAST ELEVATION



NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

SITE PHOTOS



Property from Bowline St. facing west



Property from Bowline St. facing south

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 01, 2023**

Commission District: **#1**

Case #: **VA-23-06-034**

Case Planner: **Nick Balevich (407) 836-0092**

Nick.Balevich@ocfl.net

GENERAL INFORMATION

APPLICANT(s): DIRK ARACE

OWNER(s): ERIKA OLDENKAMP, MARK MORRIS FARROW

REQUEST: Variance in the PD zoning district to allow the construction of a 2-story addition with a north side setback of 7.5 ft. in lieu of 10 ft.

PROPERTY LOCATION: 7638 Clementine Way, Orlando, Florida, 32819, west side of Clementine Way, east of Dr. Phillips Blvd., north of W. Sand Lake Rd.

PARCEL ID: 26-23-28-6266-00-120

LOT SIZE: +/- 0.37 acres (16,285 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 113

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Thomas Moses, Second by Roberta Walton Johnson; unanimous; 5 in favor: Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz, Roberta Walton Johnson; 0 opposed; 1 absent: Sonya Shakespeare and 1 vacant):

1. Development shall be in accordance with the site plan and elevations received May 10, 2023, 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.
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. Additional landscaping shall be provided adjacent to the addition, consisting of 3 ft. high shrubs, planted 3 ft. on center, and 3 evergreen trees 15 ft. high.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial. Staff noted that five (5) comments were received in support, and no comments were received in opposition.

The owner stated that the request is not self-created, as the addition cannot be constructed elsewhere on the property due to site constraints and interior hall and room limitations. Further, it was noted that the adjacent former school sidewalk access has been closed for a number of years, and the proposed addition would be located over 25 ft. from the adjacent neighbors, who, among others in the neighborhood, have submitted letters of no objection.

No one in attendance spoke in favor of the request and one was in attendance to speak in opposition, stating concerns about the potential future need for the sidewalk to remain clear as an evacuation route for the school.

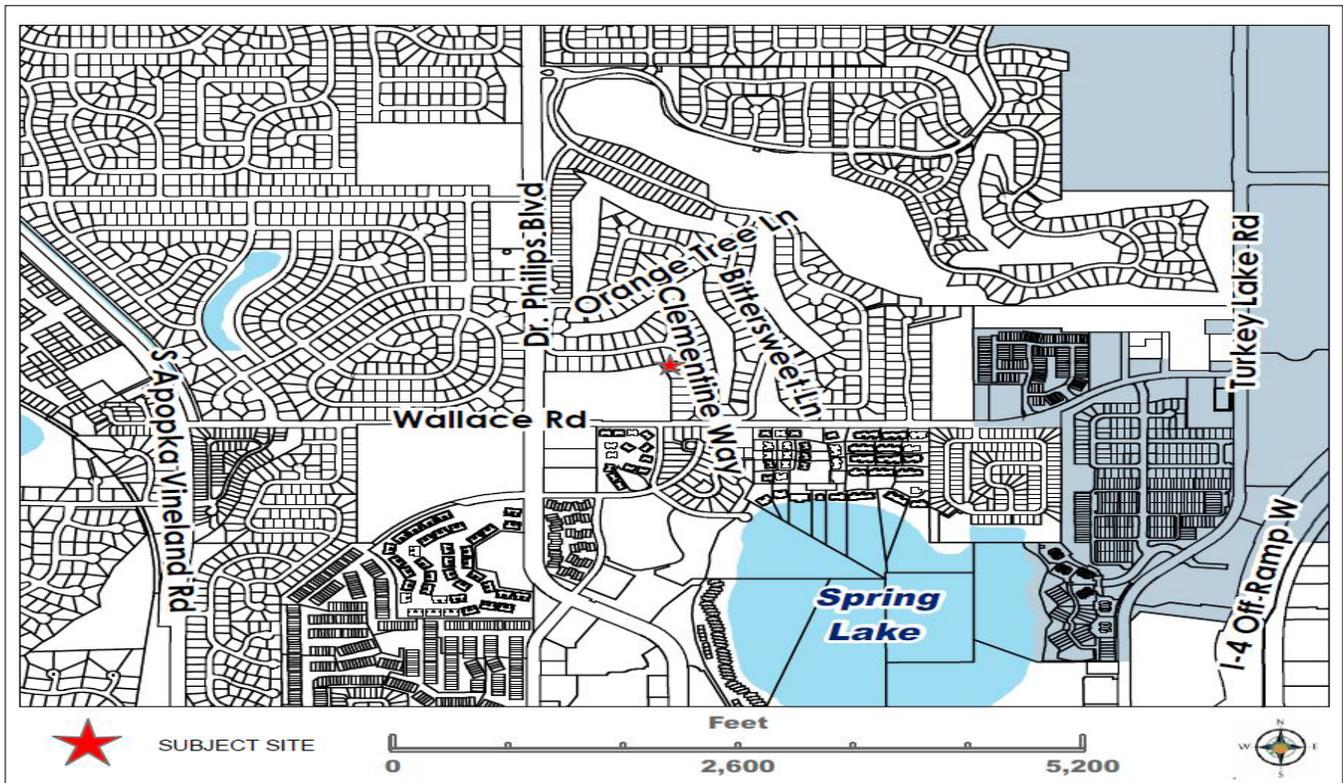
The BZA confirmed that the proposal does not block the sidewalk and noted the distance to the adjacent house due to the sidewalk.

The BZA noted that the proposal does not impede access to the school sidewalk, if needed, discussed the proposed distance of the addition to the closest residence, discussed the need for the Variance, stated justification for the six (6) criteria and unanimously recommended approval of the Variance by a 5-0 vote, with one absent and one vacant, subject to the four (4) conditions in the staff report.

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of a Variance, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Orange Tree Country Club PD				
Future Land Use	LDR	LDR	LDR	LDR	INST
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	School

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Orange Tree Country Club PD, which allows single-family homes and associated accessory structures. The Future Land Use is Low Density Residential (LDR), which is consistent with the zoning district.

The subject property is a 0.37 acre lot, located in the Orange Tree Country Club Unit 1A Plat, recorded in 1979, and is considered to be a conforming lot of record. It is developed with a 2,994 gross sq. ft. single-family home, constructed in 1982. The property abuts a 10 ft. wide bikeway right-of-way to the north. This strip was originally intended to access Dr. Phillips Elementary School but has since been closed off from the school. The Orange County Public Works division has confirmed that they will not support vacating the 10 ft. wide bikeway right-of-way. The applicant purchased the property in 2016.

The proposal is for the construction of a 2 story 1,670 sq. ft. addition to the north side of the existing residence containing 3 bedrooms, 2 bathrooms and a game room. The addition will extend 5.6 ft. beyond the north wall of the existing house, resulting in a 7.5 ft. north side setback in lieu of the required 10 ft., requiring a Variance. After the addition, the residence will be a total of 4,810 gross sq. ft. in size.

Staff is recommending denial of the Variance, as other options are available, including the construction of an addition in a compliant location, or the construction of a smaller addition which would not require a Variance. The applicant has proposed additional landscaping adjacent to the addition for screening purposes.

As of the date of this report, five comments have been received in favor of this request (including the most affected neighbor to the north) and no comments have been received in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	24.7 ft.
Min. Lot Width:	89 ft. per plat	93 ft.
Min. Lot Size:	15,000 sq. ft. per plat	16,285 sq. ft.

Building Setbacks (that apply to structure in question)

	PD Requirement	Proposed
Front:	30 ft.	30 ft. (East)
Rear:	35 ft.	41 ft. (West)
Side:	10 ft.	7.5 ft. (North-Variance) 10 ft. (South)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

The existence of a 10 ft. wide bikeway right-of-way north of the proposed addition is considered a special condition or circumstance peculiar to the land or building which is not applicable to other lands in the same zoning district. However, it does not preclude the owner from constructing an addition in a compliant location, or utilizing a smaller addition, which would not require a Variance.

Not Self-Created

The request is self-created since there are alternatives to construct a code compliant addition.

No Special Privilege Conferred

Granting the requested Variance will confer special privilege not conferred to others under the same circumstances since the property can continue to be used for a single-family residence, and an addition could be constructed in a location that meets code.

Deprivation of Rights

The owner is not being deprived of the right to continue to use the single-family residence without the need for a Variance.

Minimum Possible Variance

The requested Variance is not the minimum possible as a smaller, code compliant addition could be built.

Purpose and Intent

Approval of the request would be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the surrounding neighborhood, since the property abuts the currently unused 10 ft. wide bikeway right-of-way to the north, offering additional separation from the adjacent property to the north. Further, the applicant has proposed additional landscaping to screen the addition.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received May 10, 2023, 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.
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. Additional landscaping shall be provided adjacent to the addition, consisting of 3 ft. high shrubs, planted 3 ft. on center, and 3 evergreen trees 15 ft. high.

C: Dirk Arace
3563 Terra Oaks Court
Longwood, FL 32779

C: Erika Farrow
7638 Clementine Way
Orlando, FL 32819

COVER LETTER

VARIANCE REQUEST:

TO ALLOW THE LOCATION OF THE PROPOSED 2-STORY ADDITION BE LOCATED 7.5' FROM THE SIDE (NORTH) PROPERTY LINE

RE: 7638 Clementine Way, Orlando, FL 32819
OWNER: Erika (Oldenkamp) Farrow and Mark Farrow
PARCEL ID#: 26-23-28-0000-00-007
DATE: 4-3-23

NEED TO INSERT THE NARRATIVE:

Dear Members of the BZA,

We are in the planning stages of a 2-story addition from our existing home. The Addition will be approximately 52' 4" long and 15' wide and approx. 25' high., and approx. 1,670 sq. ft. There will be 4 rooms (3 bedrooms and 1 family room) and 2 bathrooms constructed. We are requesting a side setback variance to allow for the proposed addition to be located 7.5' from the north property line instead of the current required 10' side setback. There are several reasons for this variance request.

Frist, our lot was platted as a smaller lot than normal and has less width than the neighboring lots directly south of us. Second, there is an abandoned, un-maintained sidewalk easement which was once a walkway to Dr Phillips Elementary school to the north that also takes up more space than other lots and lastly, the location of the existing home and pool and pool deck on the lot does not allow any other location on the property in order to build our addition. The extra 2.5' we are requesting will allow a functional bedroom and access along this structure and it must be located and attached in this part of the home.

We have located this at the rear corner of the home (NW) since this is the only possible location as well as be as respectful as possible to the front views. The Addition will solely be located in the rear portion of the lot. We cannot locate the addition on any other part of the property due to the current location of our existing home.

We did not create this hardship and are doing all we can to improve our home and be respectful of our neighbors, the street views, and be able to build a functional addition.

There are several 2-story homes in our neighborhood, and this structure will be in harmony with these as well. We have a letter of approval from several neighbors, and they have no objections. We will also plant hedges and landscaping along the north side of the addition to help mitigate any views as well.

By allowing this variance, it does not impede any traffic, or hinder any views from any of the surrounding homes., nor grant any special privileges to the home that is there currently. Our lot is unique due to the extra space in between our home and the home to the north due to this abandoned sidewalk easement. Lastly, the proposed addition with the requested variance will be located 25' from the neighbor's home to the north, and be consistent with the homes in the neighborhood, some of which are only 20' in-between homes.

Due to these existing constraints, and the 10' side setback that is currently allowed, a variance to allow for a 7.5' side setback variance is required to be able to build a functional addition in this location.

Thank you for your consideration and vote of approval for our variance, so that we may move forward in permitting and begin our construction.

Sincerely,
Erika and Mark Farrow

COVER LETTER

VARIANCE REQUEST:

TO ALLOW THE LOCATION OF THE PROPOSED 2-STORY ADDITION BE LOCATED 7.5' FROM THE SIDE (NORTH) PROPERTY LINE

RE: 7638 Clementine Way, Orlando, FL 32819
OWNER: Erika (Oldenkamp) Farrow and Mark Farrow
PARCEL ID#: 26-23-28-0000-00-007
DATE: 4-3-23

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 a proposed zoning variance.

SPECIAL CONDITIONS DO APPLY TO THIS LOT DUE TO THE LOCATION OF THE EXISTING HOME AND POOL AND POOL DECK, AS WELL AS THIS IRREGULAR LOT WIDTH AS COMPARED TO NEIGHBORING LOTS THAT ARE WIDER. ALSO, THERE IS AN ABANDONED, UNMAINTAINED SIDEWALK EASEMENT (NOT USE FOR 20+ YEARS) ON THE NORTH SIDE PROPERTY LINE WHICH FURTHER RESTRICTS THE USAGE OF THE AVAIABLE LOT. THIS SIDEWALK EASEMENT IS UNIQUE TO THIS LOT.

2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed 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.

THIS CONDITION WAS NOT SELF CREATED DUE TO THE PURCHASE OF THE EXISTING HOME / POOL IN THIS LOCATION. THERE IS NO OTHER PLACE ON THE PROPERTY FOR THE EXPANSION REQUIRED AND THIS VARIANCE OF 2.5' (TO ALLOW THE NORMAL BUILDING SIDE SETBACK OF 7.5') IS SIMILAR IN NEIGHBORING ZONING DISTRICTS.

3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, buildings, or structures in the same zoning district.

NO SPECIAL PRIVILEGES WILL BE CONFERRED DUE TO THIS VARIANCE. THE PROPOSED ADDITION WILL STILL REMAIN FURTHER AWAY FROM THE NEIGHBORS' STRUCTURE, DUE TO THE SIDEWALK EASEMENT ON THE NORTH SIDE. MANY HOMES IN THIS DISTRICT HAVE THE MAXIMUM USE OF THEIR LOT WIDTH.

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 property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

BY NOT ALLOWING THE 2.5' VARIANCE, AND DUE TO THE LOCATION OF THE EXISTING POOL AND HOUSE, A FUNCTIONAL ADDITION, WITH A BEDROOM AND ACCESS TO THIS BEDROOM BECOMES NON-FUNCTIONAL. THERE IS NOT ENOUGH WIDTH TO ADD THIS STRUCTURE GIVEN THE CURRENT LOCATION OF THE HOUSE, AND THE CURRENT 10' SIDE SETBACK, AND THE PROXIMITY TO THE EXISTING POOL AND POOL DECK.

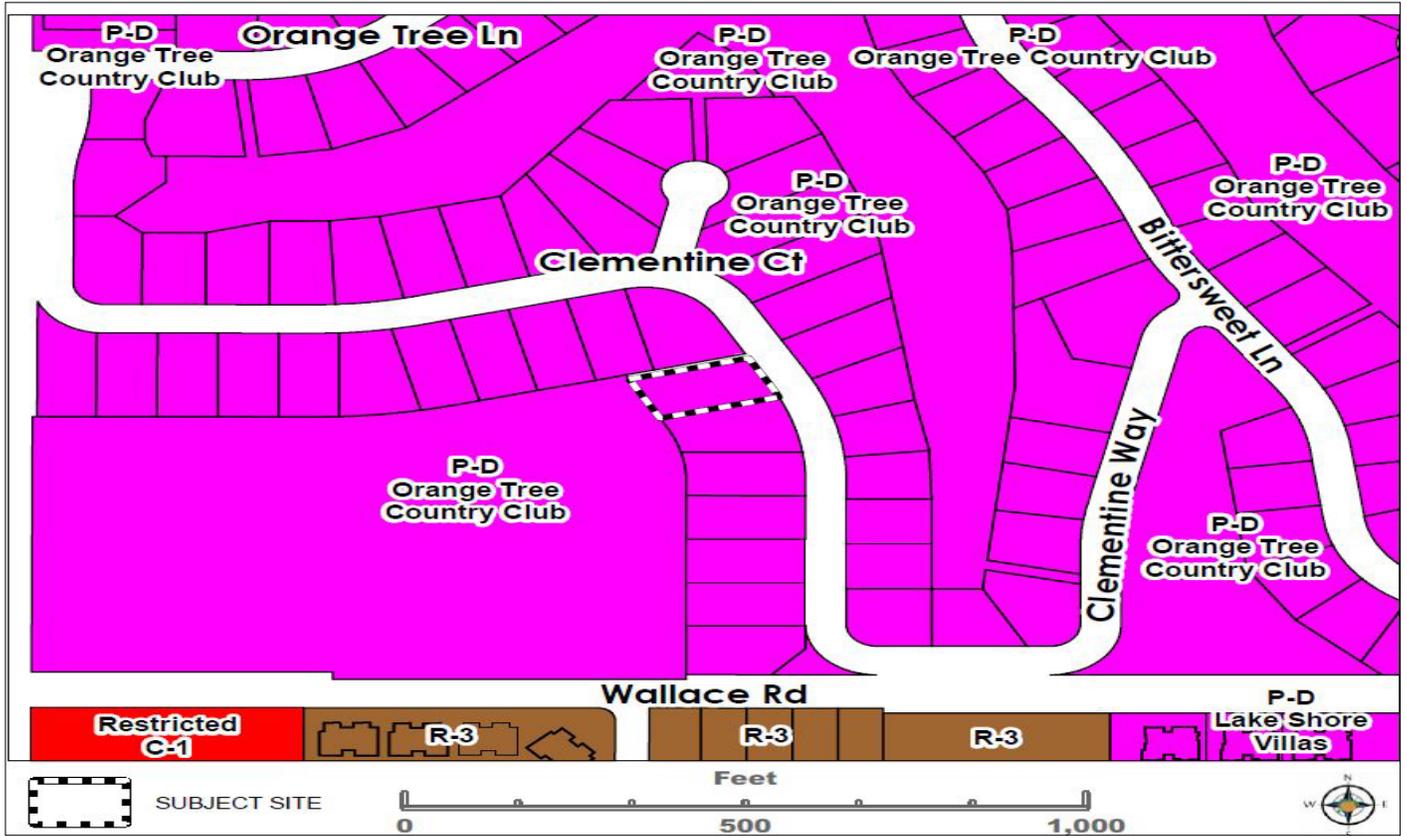
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

OUR REQUEST FOR A 7.5' SIDE SETBACK ON THE NORTH PROPERTY LINE IS THE MINIMUM VARIANCE REQUIRED IN ORDER TO BUILD A FUNCTIONAL ADDITION WITH FUNCTIONAL BEDROOMS, CLOSETS AND ACCESS.

6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

THE PROPOSED 7.5' SIDE SETBACK IS CONSISTENT AND IN HARMONY WITH MANY OTHER SIMILAR HOMES ADJACENT TO THIS STRUCTURE.

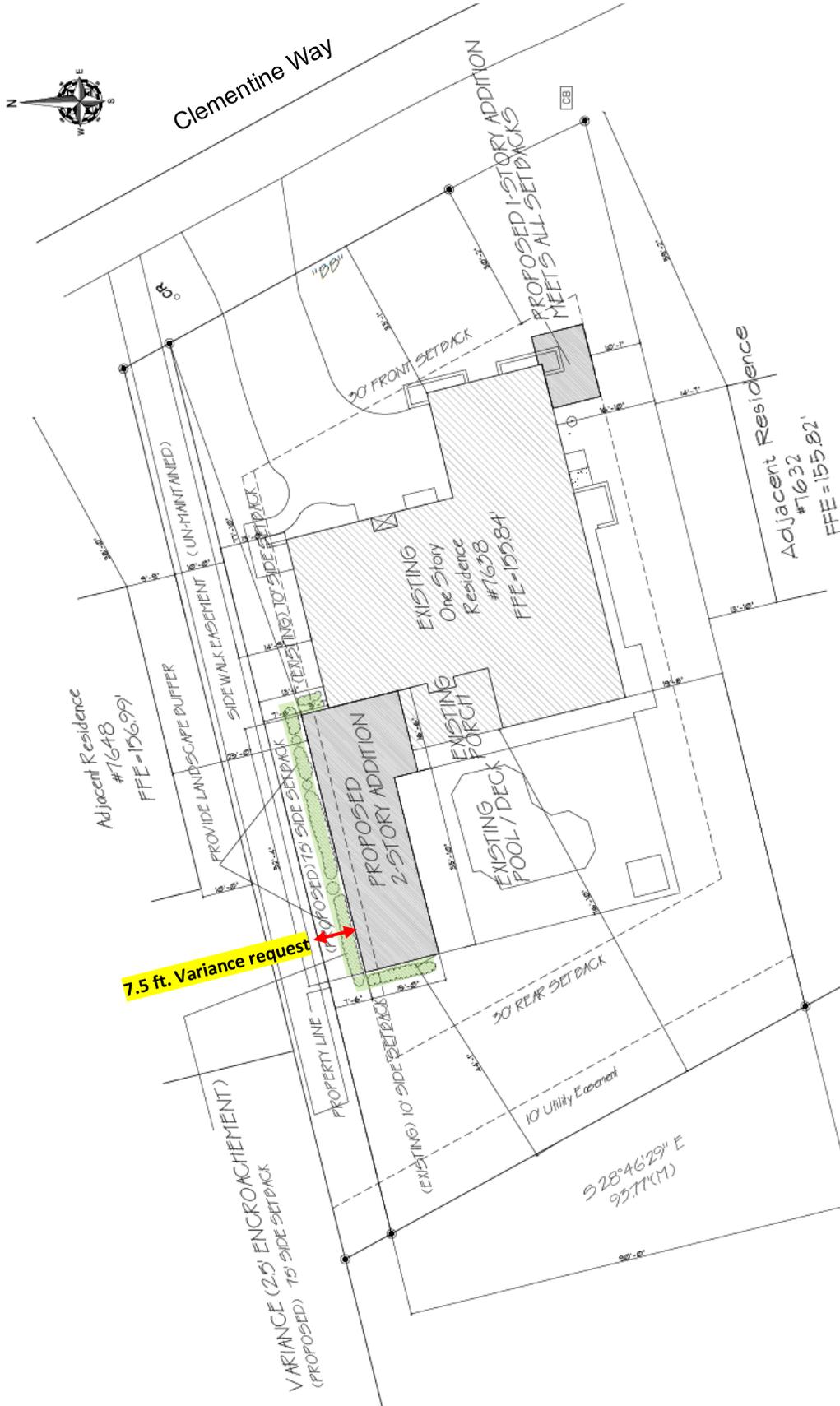
ZONING MAP



AERIAL MAP



SITE PLAN



ELEVATIONS



FLOOR PLANS



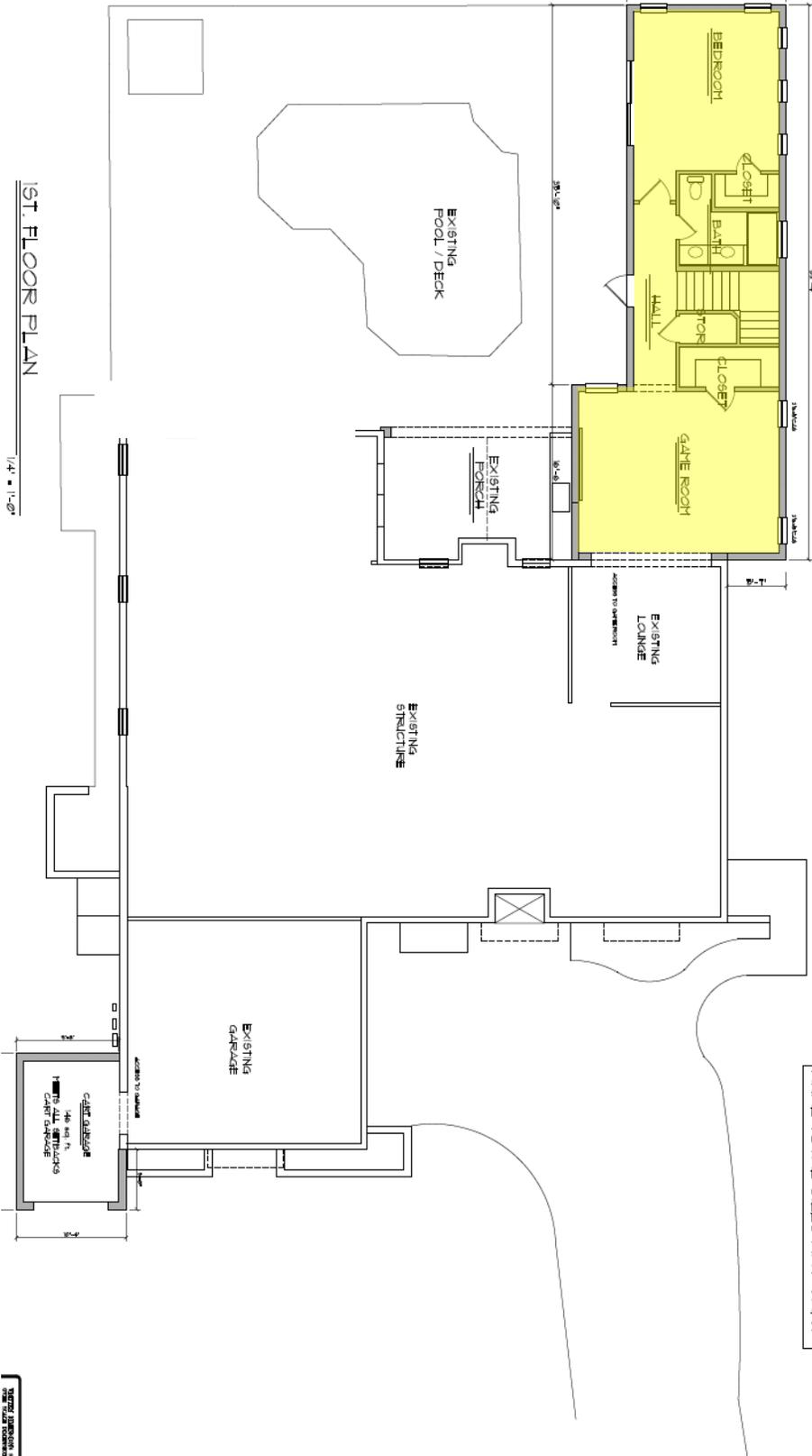
HUUS

EXISTING :
 2280 EXISTING AC SQ. FT.
 2,994 EXISTING TOTAL UNDER ROOF

ADDITION:
 870 AC SQ. FT. 1ST. FL.
 800 AC SQ. FT. 2ND. FL.
 1670 TOTAL LIVING ADDED
 146 CART GARAGE

COMBINED TOTALS:
 3,950 AC SQ. FT.
 4,810 TOTAL UNDER ROOF

CONCEPT DESIGN
 FINAL TOTAL SIZES MAY VARY



NOT TO SCALE

SITE PHOTOS



Front from Clementine Way facing west



Proposed location of addition and 10 ft. wide bikeway right-of-way facing west

SITE PHOTOS



Proposed addition and 10 ft. wide bikeway right-of-way facing east



Proposed addition and 10 ft. wide bikeway right-of-way facing east



BOARD OF ZONING ADJUSTMENT
201 S. Rosalind Ave.
Orlando, FL 32801