



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Staff Booklet

Hearing Date:

May 5, 2022

Zoning Division

ORANGE COUNTY GOVERNMENT
BOARD OF ZONING ADJUSTMENT (BZA)

<u>Board Member</u>	<u>District</u>
Thomas Moses	1
John Drago (Vice Chair)	2
Juan Velez	3
Deborah Moskowitz (Chair)	4
vacant	5
Charles J. Hawkins, II	6
Roberta Walton Johnson	At Large

BZA Staff

Ted Kozak, AICP	Chief Planner
Taylor Jones	Chief Planner
Nick Balevich	Planner II
Laekin O'Hara	Planner I
Michael Rosso	Planner II
Jenale Garnett	Planner I

MEETING AGENDA

May 5, 2022

TIME	HEARING #	APPLICANT	DISTRICT	PAGE #
9:00 AM	ZM-22-04-019	McGregor Love For Benzer - CONTINUED TO 6/2/22	6	1
	SE-22-04-017	Donald Josefczyk – CONTINUED TO 6/2/22	2	2
	SE-22-06-029	Deo Sharma For Shri Surya Mendir Of Florida	2	3
9:30 AM	VA-22-04-022	Sheila Cichra	1	15
	VA-22-06-031	Alison Yurko	1	28
	VA-22-03-149	Joel Betances	6	41
10:00 AM	VA-22-06-028	Michael Wenrich	2	55
	VA-22-06-026	Thermidor Dumarcel	6	72

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 May 24, 2022.

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

<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>
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	100	35	50	10	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						
		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>

<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>
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: **MAY 05, 2022**

Commission District: **#6**

Case #: **ZM-22-04-019**

Commission District: **Taylor Jones (407) 836-5944**

Taylor.Jones@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MCGREGOR LOVE

OWNER(s): IDRIVE INVESTMENTS #5 LLC

REQUEST: Appeal of the Zoning Manager's Determination that the detached accessory ancillary structure located in front of the principal structure, used for retail, is not a legal non-conforming use.

PROPERTY LOCATION: 7527 International Drive., Orlando, FL 32819, east side of International Dr., north of W. Sand Lake Rd, east of I-4.

PARCEL ID: 25-23-28-0000-00-060

LOT SIZE: +/- 0.8 acres (36,998 sq. ft.)

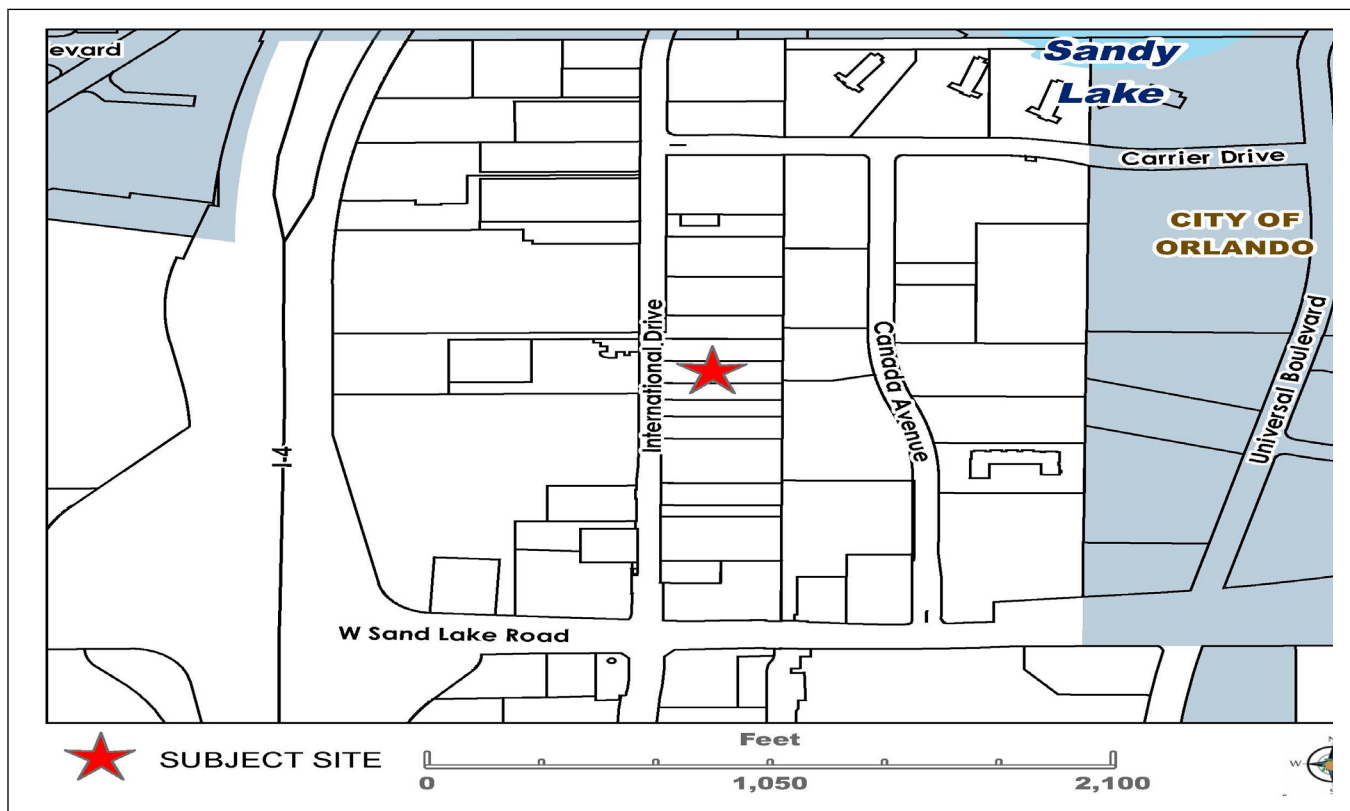
NOTICE AREA: 700 ft.

NUMBER OF NOTICES: 178

STAFF RECOMMENDATIONS

CONTINUED TO THE JUNE 2, 2022 BZA HEARING DATE.

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 05, 2022**

Commission District: **#2**

Case #: **SE-22-04-017**

Case Planner: **Ted Kozak, AICP 407-836-5537**

Ted.Kozak@ocfl.net

GENERAL INFORMATION

APPLICANT(s): DONALD JOSEFCZYK

OWNER(s): DONALD JOSEFCZYK

REQUEST: Special Exception and Variance in the A-1 zoning district as follows:

1) Special Exception to allow a cumulative of 5,020.8 sq. ft. detached accessory structure area in lieu of 3,000 sq. ft.

2) Variance to allow a 5,020.8 sq. ft. detached accessory structure in lieu of a maximum of 5,000 sq. ft.

PROPERTY LOCATION: 6904 Wright Ave., Mount Dora, FL 32757, south side of Wright Ave., west of N. Orange Blossom Trl., north of Sadler Rd.

PARCEL ID: 20-27-0000-00-091

LOT SIZE: +/- 2 acres

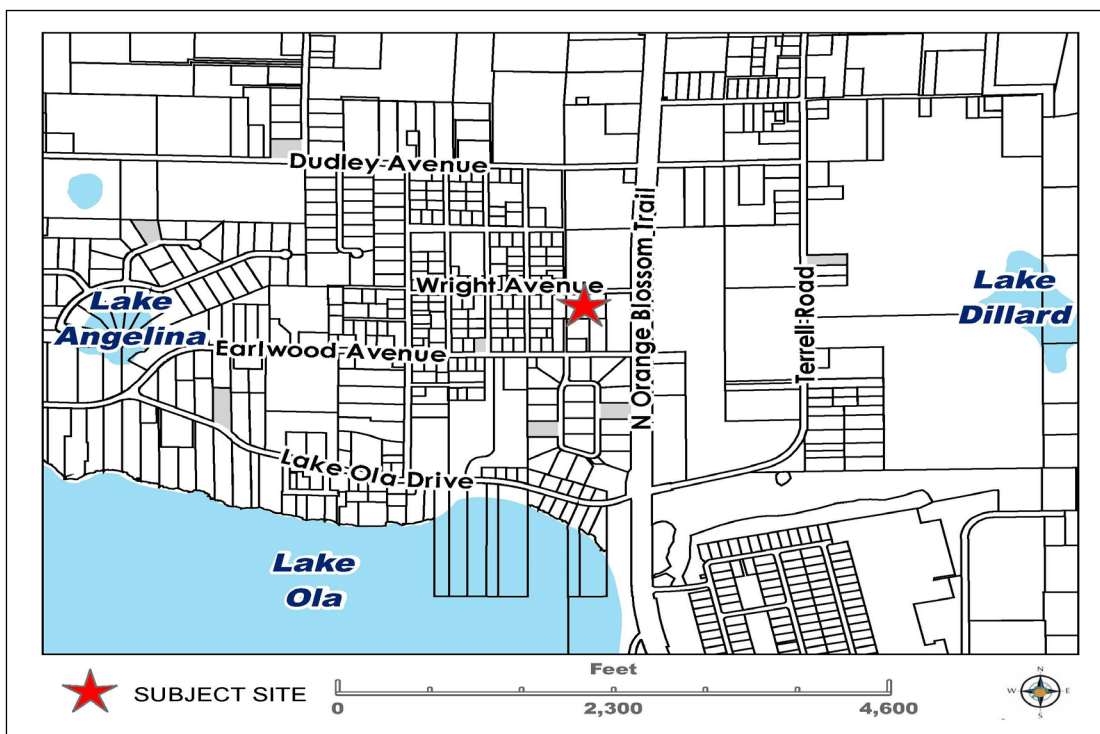
NOTICE AREA: 500

NUMBER OF NOTICES: 71

STAFF RECOMMENDATIONS

CONTINUED TO THE JUNE 2, 2022 BZA HEARING DATE.

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 05, 2022**

Commission District: **#2**

Case #: **SE-22-06-029**

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

Nick.Balevich@ocfl.net

GENERAL INFORMATION

APPLICANT(s): DEO SHARMA

OWNER(s): SHRI SURYA MENDIR OF FLORIDA

REQUEST: Special Exception in the A-1 zoning district to allow the construction of a detached accessory structure for an existing religious institution.

PROPERTY LOCATION: 8406 Clarcona Ocoee Rd., Ocoee, Florida 32818, south side of Clarcona Ocoee Rd., west of N. Apopka Vineland Rd., east of N. Clarke Rd.

PARCEL ID: 34-21-28-0000-00-042

LOT SIZE: +/- 4.76 acres

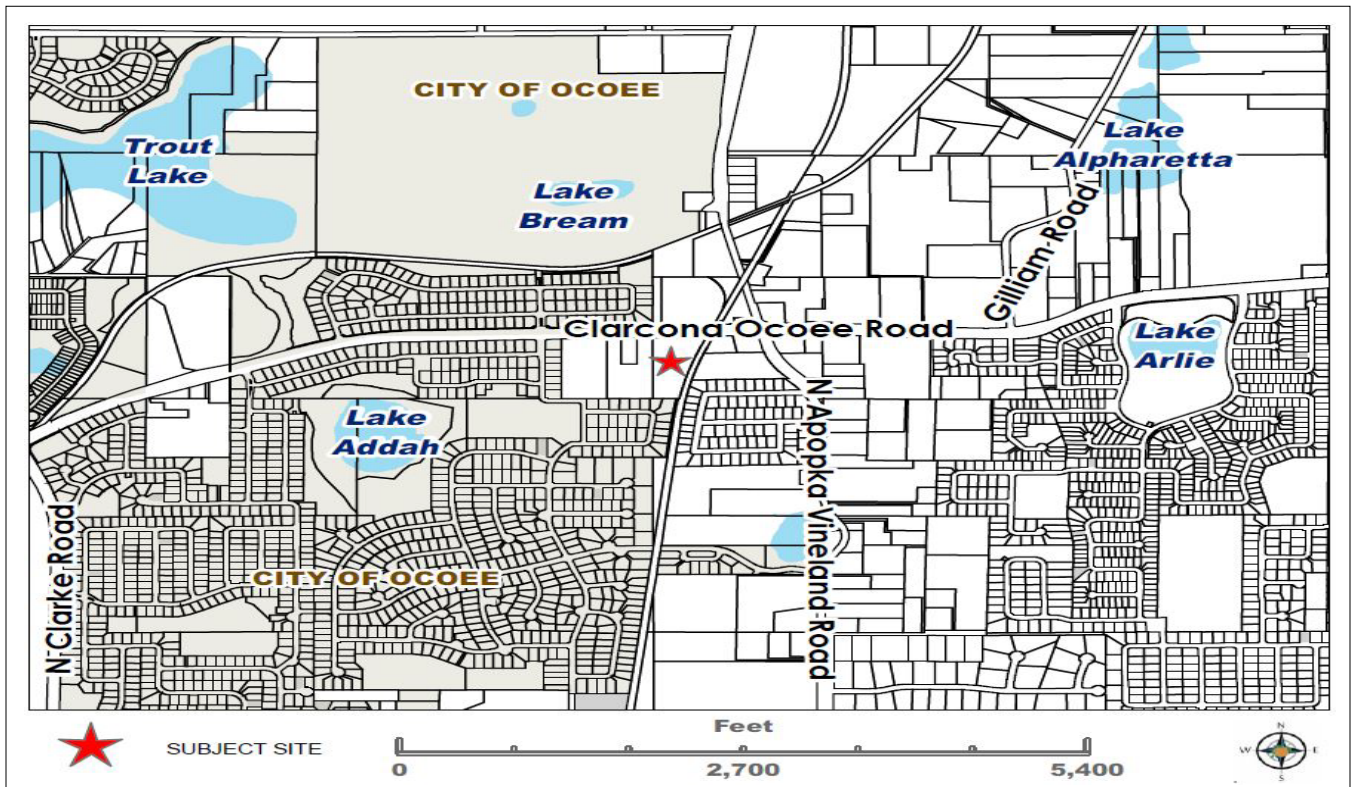
NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 195

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	C-1	City of Ocoee	C-1, R-CE	A-1
Future Land Use	RS 1/2 Clarcona Rural Settlement	C	City of Ocoee	C, INST, LDR	RS 1/5 Clarcona Rural Settlement
Current Use	Religious use	Vacant	Single-family residences	Vacant, electric substation, single-family residences	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-1, Citrus Rural zoning district, which primarily allows agricultural uses, as well as mobile homes and single-family homes on larger lots. Religious uses and associated ancillary buildings are permitted through the Special Exception process. The Future Land Use is RS-1/2, Rural Settlement 1 du/2 ac, which is consistent with the A-1 zoning district.

The property is located in the Clarcona 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. This request is not impacted by the Clarcona Rural Settlement.

The area around the subject site consists of vacant property to the north, west, and east, as well as an electric substation and single-family-residential uses also to the east, and single-family-residential uses to the south. The subject property is a 4.76 acre unplatted parcel that conforms with the A-1 zoning district. The site is developed with a 6,954 gross sq. ft. religious building that was constructed in 2009. The property also contains an unpermitted gazebo, shed and screen room. The applicant has indicated that prior to permitting for the requested building, these will be removed.

Religious uses did not require a Special Exception in Rural Settlements prior to May 19, 2008. The applicant submitted a building permit prior to this date, and the site was developed in accordance with that permit (B07900634). After that date, religious uses and associated ancillary buildings require Special Exception approval. The proposed expansion of the use with the addition of a 30 ft. x 50 ft., 1,500 sq. ft. storage building and four parking spaces behind the existing religious building requires Special Exception approval.

Based on the number of seats, the project requires 33 parking spaces which was calculated using the Orange County Code requirement of 1 parking space per 3 seats for religious institutions (100 occupancy seats) for a total of 34 required spaces. Orange County Code also requires 1 parking space per employee, but the facility does not have any employees, only volunteers included in the 100 occupancy seats. One existing parking space is being removed for the new drive aisle, and four new parking spaces will be added to provide a total of 36, exceeding the requirement. All parking spaces will be paved.

The typical hours of operation for the religious facility are 8 A.M. to 3 P.M. on Sundays with occasional services from 5 P.M. to 9 P.M. on religious holidays such as on a full moon.

As of the date of the writing 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.	14 ft. new structure
Min. Lot Width:	100 ft.	335 ft.
Min. Lot Size:	1/2 acre	4.76 acres

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	35 ft. 55 ft. from centerline of Clarcona Ocoee Road	213 ft. (church bldg. - north) 372 ft. (proposed bldg. - north) 280.5 ft. (church bldg. from centerline of road - north) 439.5 ft. (proposed bldg. from centerline of road - north)
Rear:	50 ft.	395 ft. (church bldg. - south) 287 ft. (proposed bldg. - south)
Side:	10 ft.	23 ft. (church bldg. - west) 53 ft. (proposed bldg. - west) 208 ft. (church bldg. - east) 185 ft. (proposed bldg. - east)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The provision of religious uses and associated ancillary buildings as conditioned through the Special Exception process is consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

The location of the proposed building and significant distance from the property lines, and the proposed use as storage will not negatively impact the surrounding area.

Shall not act as a detrimental intrusion into a surrounding area

The new building will be located 58 ft. behind the existing structure, at the rear portion of the property. It will be over 53 ft. from the nearest adjacent property line, and over 372 ft. from the road, and as such will not be a detrimental intrusion to the surrounding area.

Meet the performance standards of the district

The proposed building meets the performance standards of the district.

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

There are no proposed activities on the property that would generate noise, vibration, dust, odor, glare, or heat that is not similar to the existing religious institution on the site.

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 and therefore no additional buffer yards are required.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received April 11, 2022, 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 unpermitted gazebo, shed and screen room shall be removed or permitted prior to issuance of a permit for the proposed building.
5. A permit shall be obtained for the building 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.

C: Deo Sharma
1234 N. Pine Hills Road
Orlando, Florida, 32808

CRS CONTRACTING LLC

Orange County MBE & City Of Orlando MBE (20104079)
CERTIFIED GENERAL CONTRACTOR, CGC1505982
CERTIFIED UNDERGROUND & EXCAV CNTR CUC 1225133
RRP certified NAT30983-1 / Home Inspector HI 1220
Mold assessorMRSA445/Mold Remediator MRSR467
1234 N Pine Hills Rd, Orlando, Fl 32808
PH 321-251-7729 / FAX 407-292-1978
EMAIL: sharmadeo1@gmail.com

MARCH 1, 2022

Orange County Zoning Division
201 South Rosalind Avenue
1st floor
Orlando, Florida 32801
Phone: (407) 836-3111
BZA@ocfl.net

SPECIAL EXCEPTION
8406 CLARCONIA OCOEE RD

Sir/Madam

We are requesting a variance to construct a garage in the rear of the Mandir (Church).
The Building will be a pre- fab structural building and metal siding& roof
The building will be 1500 sf, (wide 30 ft x length 50 ft x height 14. 6 ft)

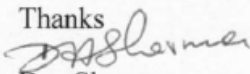
Set Backs data

West side rear	req'd 30ft	provided	53.58 ft
South side	req'd 10ft	provided	287.23 ft
North side	req'd 10ft	provided	372.51 ft
East side front	req'd 25 ft	provided	185.73 ft

We appreciate your consideration and approval to allow the Garage on this (about 5 acres) church property

At present the church office is crowded with material that we want to keep for use on occasion, also some material store off site

Please advise an address where the check to be sent

Thanks

Deo Sharma
CRS Contracting

COVER LETTER

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

The Garage will be used to house the land-scape equipment and excess church equipment. including chairs & tables, decorations for special events

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

There is a church on the street about 200 ft away. & a train line on the east side

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

No it is far of any house.

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

Yes

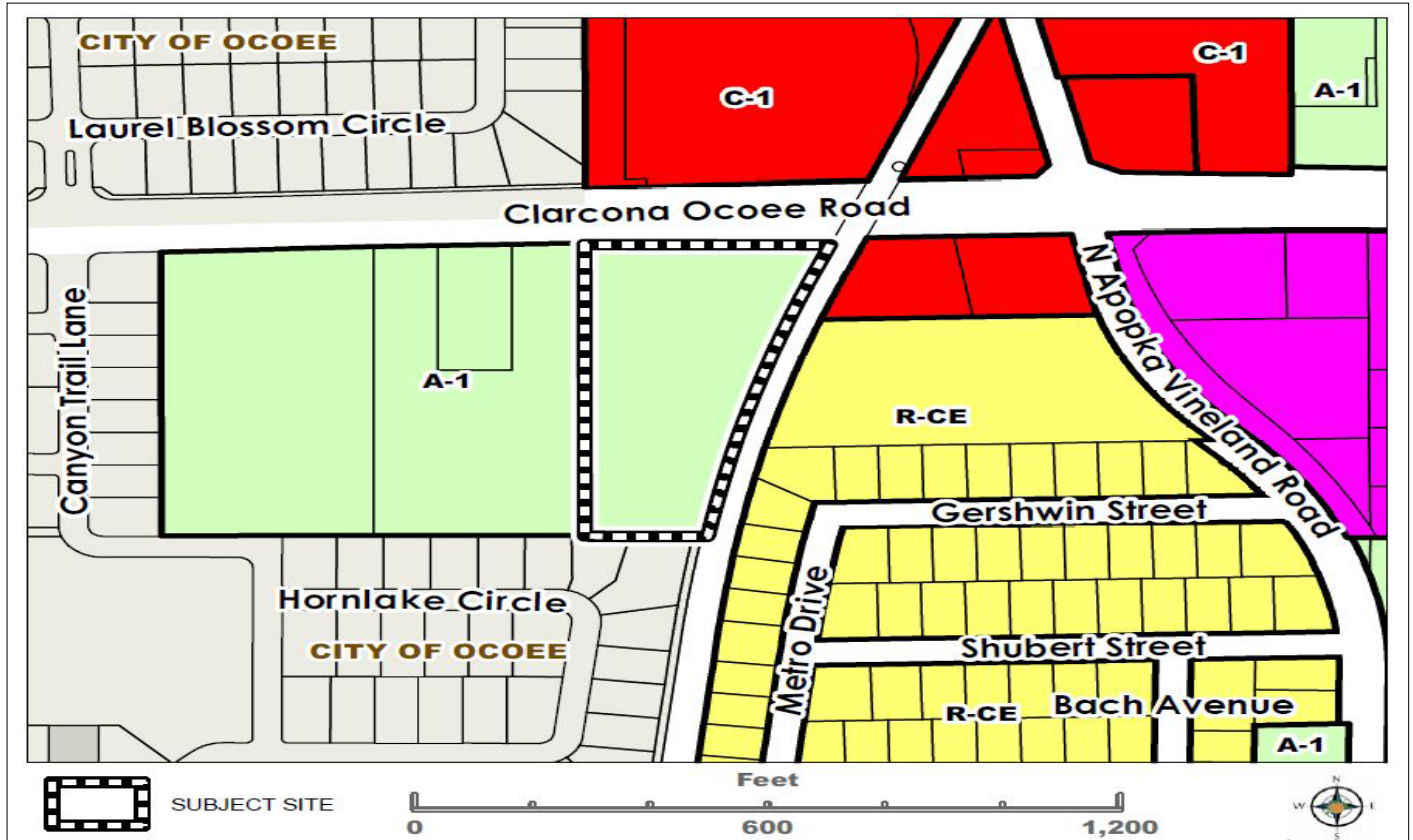
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

Yes

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.

Yes

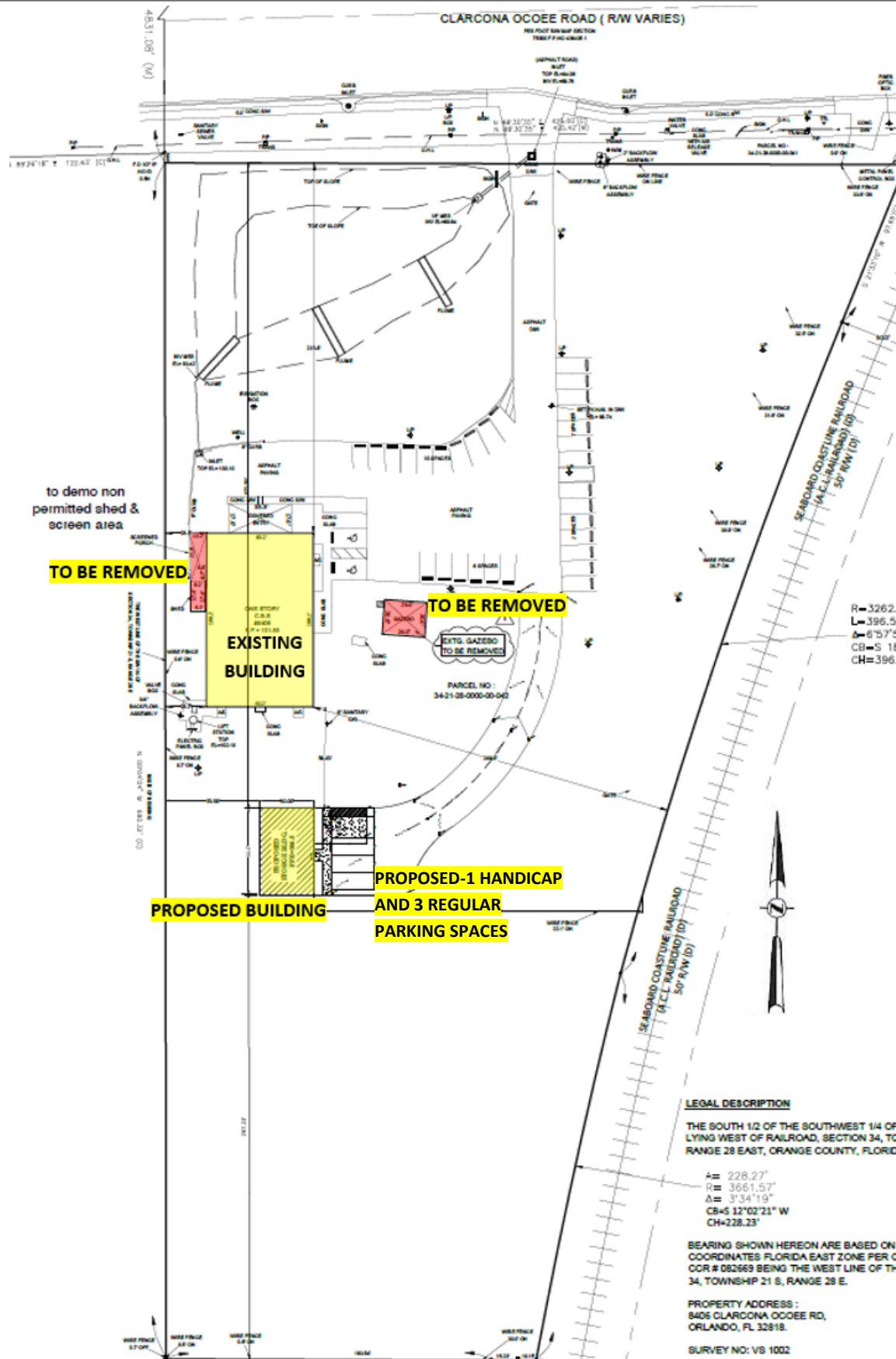
ZONING MAP



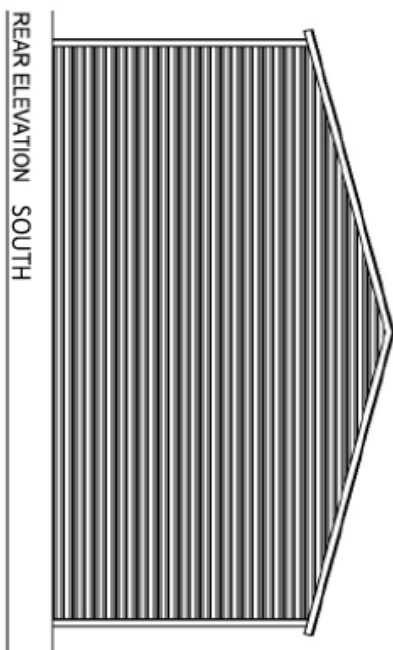
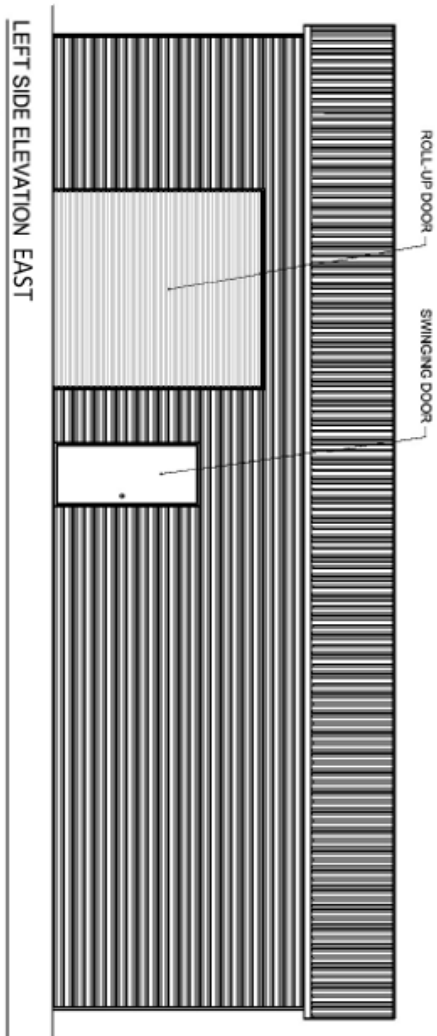
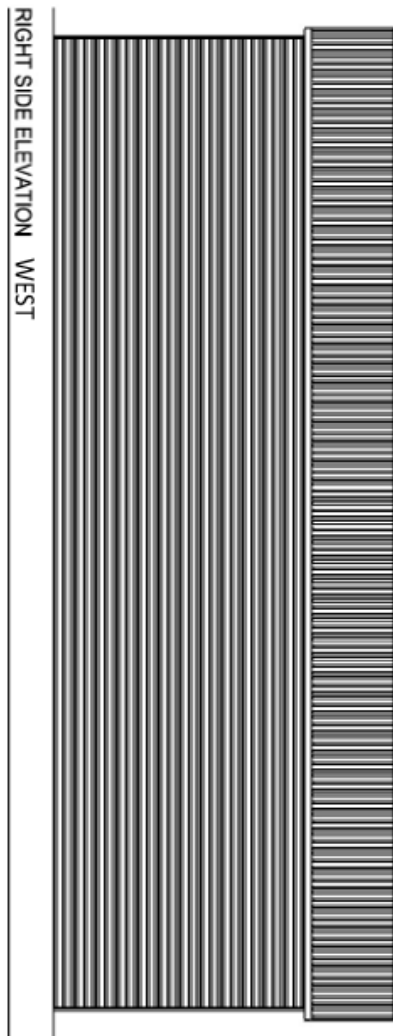
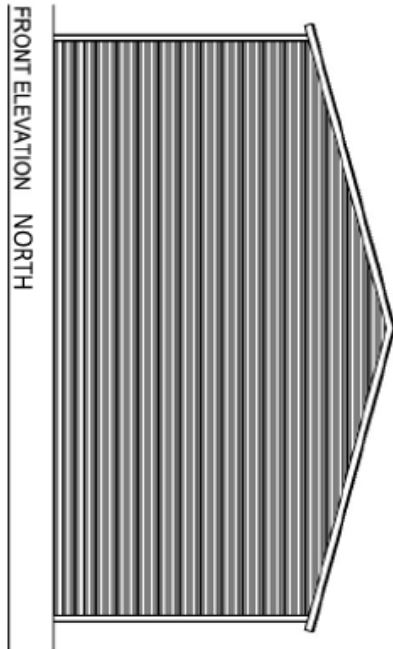
AERIAL MAP



SITE PLAN



ELEVATIONS



SITE PHOTOS



Front from Clarcona Ocoee Rd., facing south



Gazebo to be removed facing south

SITE PHOTOS



Proposed building location facing west



Proposed building location facing north

SITE PHOTOS



Shed and screen room to be removed facing north

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 05, 2022**

Commission District: **#1**

Case #: **VA-22-04-022**

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

Nick.Balevich@ocfl.net

GENERAL INFORMATION

APPLICANT(s): SHEILA CICHRA

OWNER(s): JEFFREY S. SOBEK REVOCABLE TRUST

REQUEST: Variance in the R-CE zoning district for the expansion of an existing single-family residence to allow a south side setback of 5.3 ft. in lieu of 10 ft.

PROPERTY LOCATION: 12036 Sandy Shores Dr., Windermere, FL 34786, east side of Sandy Shores Dr., west side of Lake Butler, northeast of Winter Garden Vineland Rd., north of Chase Rd.

PARCEL ID: 24-23-27-7808-00-052

LOT SIZE: +/- 0.27 acres (12,070 sq. ft.)

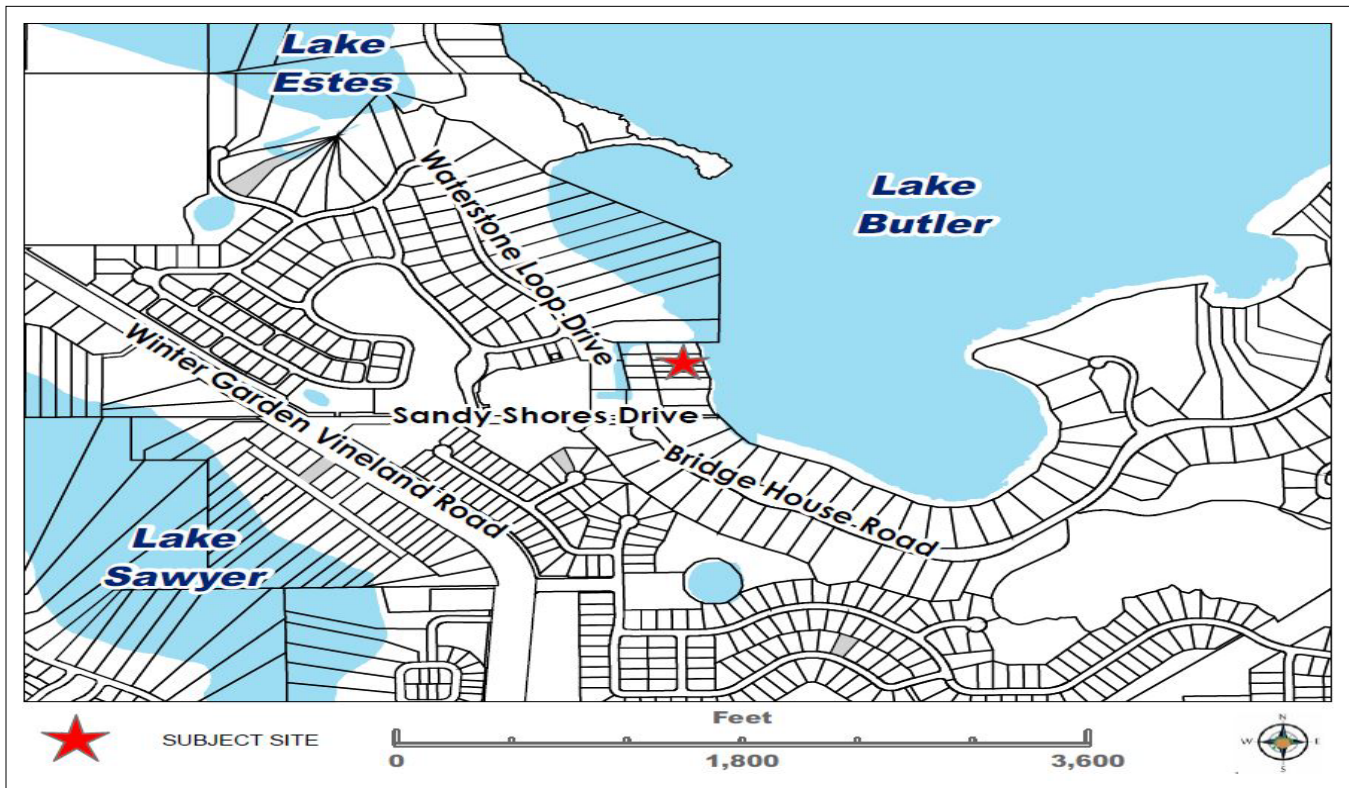
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 43

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE	R-CE	R-CE	Lake Butler	R-CE
Future Land Use	RS 1/1 West Windermere Rural Settlement	RS 1/1 West Windermere Rural Settlement	RS 1/1 West Windermere Rural Settlement	Lake Butler	RS 1/1 West Windermere Rural Settlement
Current Use	Single-family residence	Single-family residence	Single-family residence	Lake Butler	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-CE, Rural Country Estate District, which allows for single family development on one (1) acre lots and certain rural uses. The Future Land Use is RS-1/1, Rural Settlement 1 du/ac, which is consistent with the R-CE zoning district.

The property is located in the West Windermere 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 West Windermere Rural Settlement.

The subject property is a 0.27 acre lot comprised of the south half of Lot 5 of the Sandy Shores plat, recorded in 1952. It is considered a legal non-conforming lot of record, since it was developed in 1958 with a 1,591 sq. ft. single-family residence prior to the establishment of the R-CE zoning district in 1966. The property also contains a detached 491 sq. ft. two-car garage, built prior to 1971. Although there is no record of a permit for the garage and the Orange County Property Appraiser's data does not indicate what year the garage was built, a review of historic photos reveals that the garage has existed since at least 1971. The applicant purchased the property in 2018.

In 2020 variances were granted (VA-20-02-165) to allow the detached garage and home to remain in their current locations, for an addition 5.4 ft. from the south side property line in lieu of 10 ft., and to allow a pool and deck to be 23.5 ft. from the Normal High Water Elevation and rear yard setback in lieu of 50 ft. A permit was approved for the garage in 2020, and the pool and deck were permitted and constructed in 2001.

The applicant is proposing a 2 story addition with an attached accessory dwelling unit and an attached 2 car garage, which will be a gross total of 5,813 sq. ft., with 3,785 sq. ft. under air. The proposal involves demolishing the existing garage and expanding the existing house along the south property line at the same setback (which ranges from 5.3 to 5.7 ft.) extending to approximately the same location as the existing garage. Thus, a variance is being requested to allow a south side setback of 5.3 ft. in lieu of 10 ft. to be in line with the existing improvements. Comparatively, the neighboring property to the south has a house and garage that are approximately 1 ft. from the same property line, however the property was developed in 1950, prior to the establishment of Zoning in Orange County in 1957.

The Orange County Environmental Protection Division has reviewed the request and has no objections.

As of the date of the writing of this report, 1 comment has been received in favor of the request, from the 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.	26 ft.
Min. Lot Width:	130 ft.	45.3 ft.
Min. Lot Size:	1 ac.	0.27 ac.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	35 ft.	95 ft. (West)
Rear:	50 ft.	60 ft. (East)
Side:	10 ft.	10 ft. (North) 5.3 ft. (South - Variance)
NHWE:	50 ft.	60 ft. (East)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The placement of the existing home, and the narrowness of the lot restricts the area where an addition could be built which conforms to setback requirements and is of sufficient size. Compliance with the 10 ft. north side setback effectively limits the buildable area of the lot due to the width.

Not Self-Created

The need for the variance is not self-created, as the owner purchased the property in 2018, and is not responsible for the placement of the existing house and garage, and requests to construct an addition which effectively connects the existing house with the garage with the same setback as the existing structures on the south side, where a variance has already been granted.

No Special Privilege Conferred

Granting the variance as requested would not confer special privilege as the proposal is to utilize the available lot area in order to expand a house with the same setback for which a variance has already been granted.

Comparatively, the neighboring property to the south, contains a house and garage that are approximately 1 ft. from the same property line that were built in 1950, prior to the establishment of zoning.

Deprivation of Rights

Without the variance, the applicant would be required to move the wall over that will connect the 2 structures to comply with the 10 ft. side setback. This will require complicated angles to accomplish the shift, and will also result in an aesthetically less desirable final product.

Minimum Possible Variance

The request is the minimum possible variance to allow the addition in the setback that would allow the applicant to construct a similar home to their neighbor's home with a straight wall, as opposed to angular shifts to the wall.

Purpose and Intent

Approval of the requested variance would be in harmony with the purpose and intent of the Zoning Regulations and will not have any negative impact on surrounding properties, as they have similar setbacks and designs on small waterfront lots.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received March 3, 2022, 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: Sheila Cichra
1002 Fort Mason Drive
Eustis, Florida 32726



Date: March 3, 2022
To: Orange County Zoning
From: Sheila Cichra
Re: Variance application for 12036 Sandy Shores Drive

The attached files are a variance application to allow an existing noncompliant single family residence to be remodeled and expanded. The parcel is in an R-CE zoning district and currently does not meet the minimum lot size, minimum lot width or side setback requirement. The proposed expansion will not increase the side setback encroachment.

The special condition is that the subdivision was platted in 1952, long before the current Zoning Code. A couple of parcels were later split, creating narrow 45' wide lots. Even the largest parcel in this subdivision doesn't meet code. It seems that the R-CE designation might not have been the best choice for this subdivision.

The property owner did not know that the existing home was 'non-compliant' until he started the remodeling process.

Some of the adjacent homes have been expanded recently in a similar fashion.

The house is not nearly large enough for the property owner's family and without the proposed expansion, they will not be able to live there.

We believe that the proposed variance is the minimum request, as the setback encroachment and non-compliance regarding lot size is existing and will not be increased.

Renovating the small existing house will allow this parcel to be developed to more closely match the other homes in the area.

Thank you for your consideration.

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 special condition is that the subdivision was platted in 1952, long before the current Zoning Code. Even the largest parcel in this subdivision doesn't meet code. It seems that the R-CE designation might not have been the best choice for this subdivision.

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 property owner did not know that the existing home was 'non-compliant' until he started the remodeling process.

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.

Some of the adjacent homes have been expanded recently in a similar fashion.

The requested variance will bring the existing non-compliant house into compliance, without increasing any of the non-compliance issues.

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.

The house is not nearly large enough for the property owner's family and without the proposed expansion, they will not be able to live there.

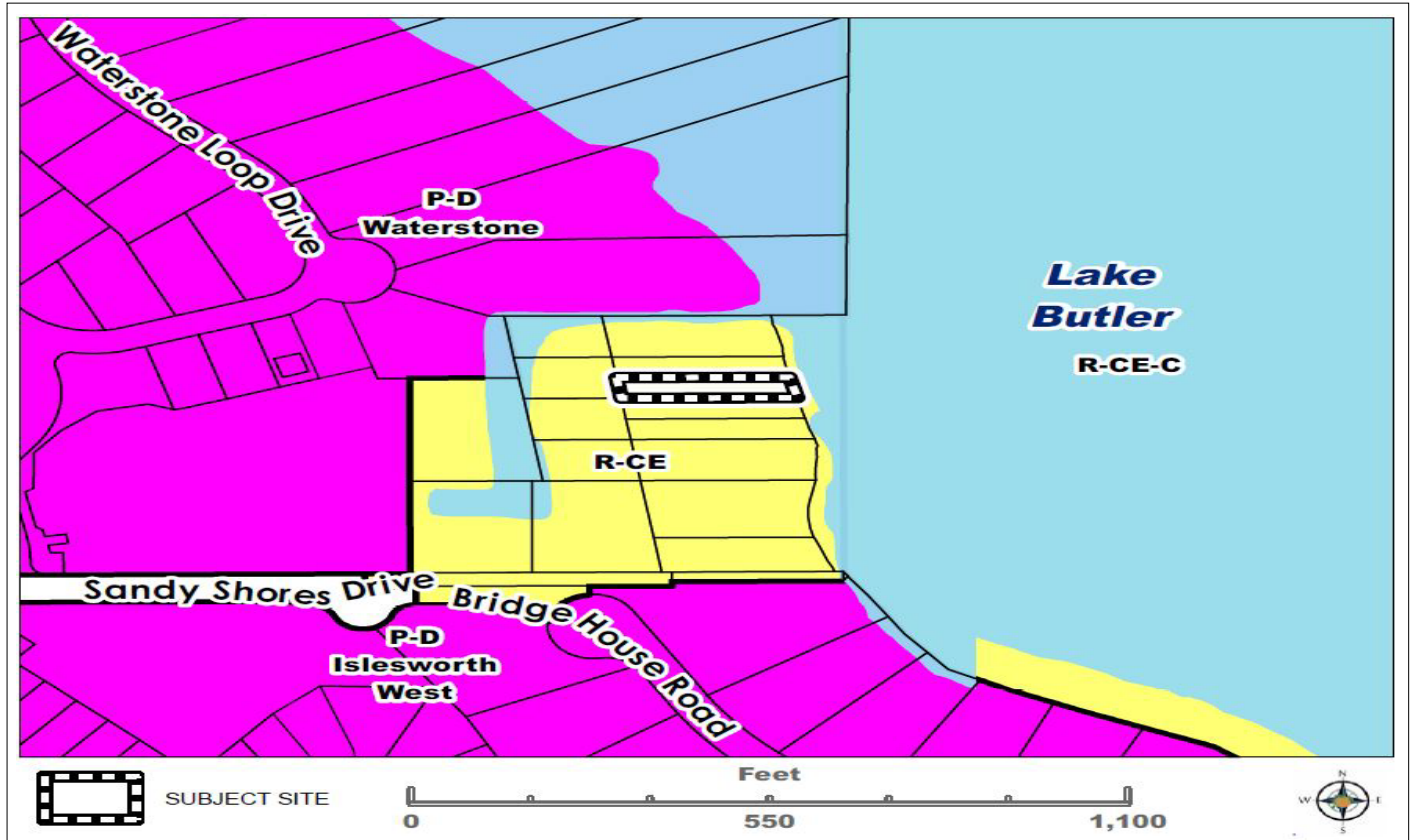
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

We believe that the proposed variance is the minimum request, as the setback encroachment and non-compliance regarding lot size is existing and will not be increased.

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.

Renovating the small existing house will allow this parcel to be developed to more closely match the other homes in the area.

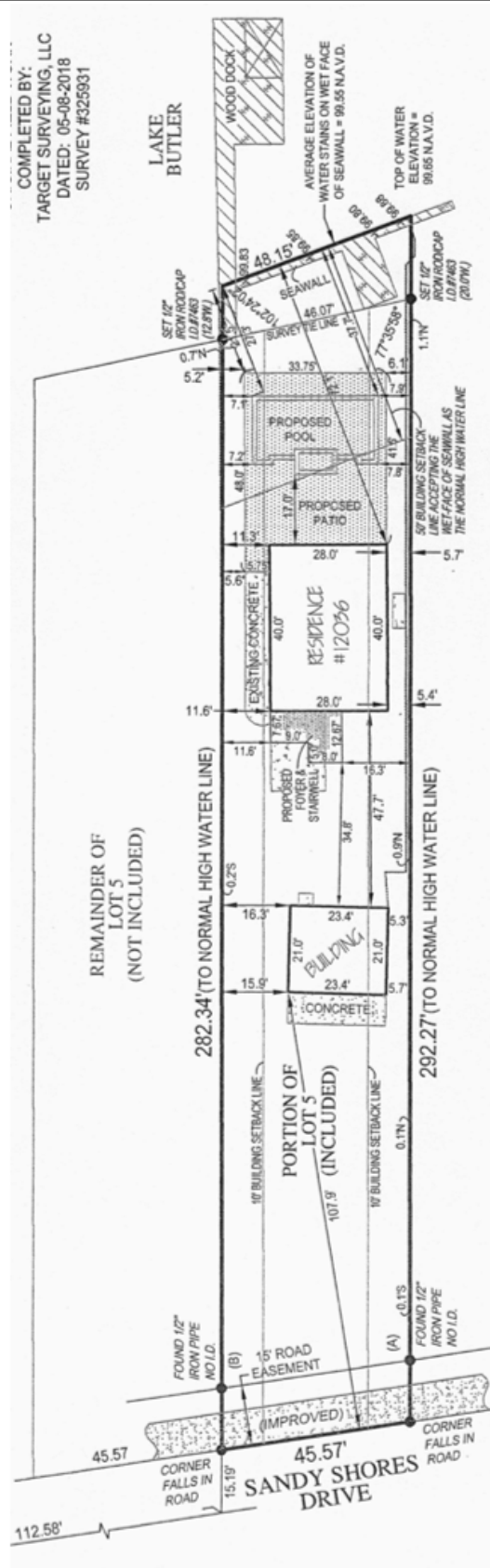
ZONING MAP



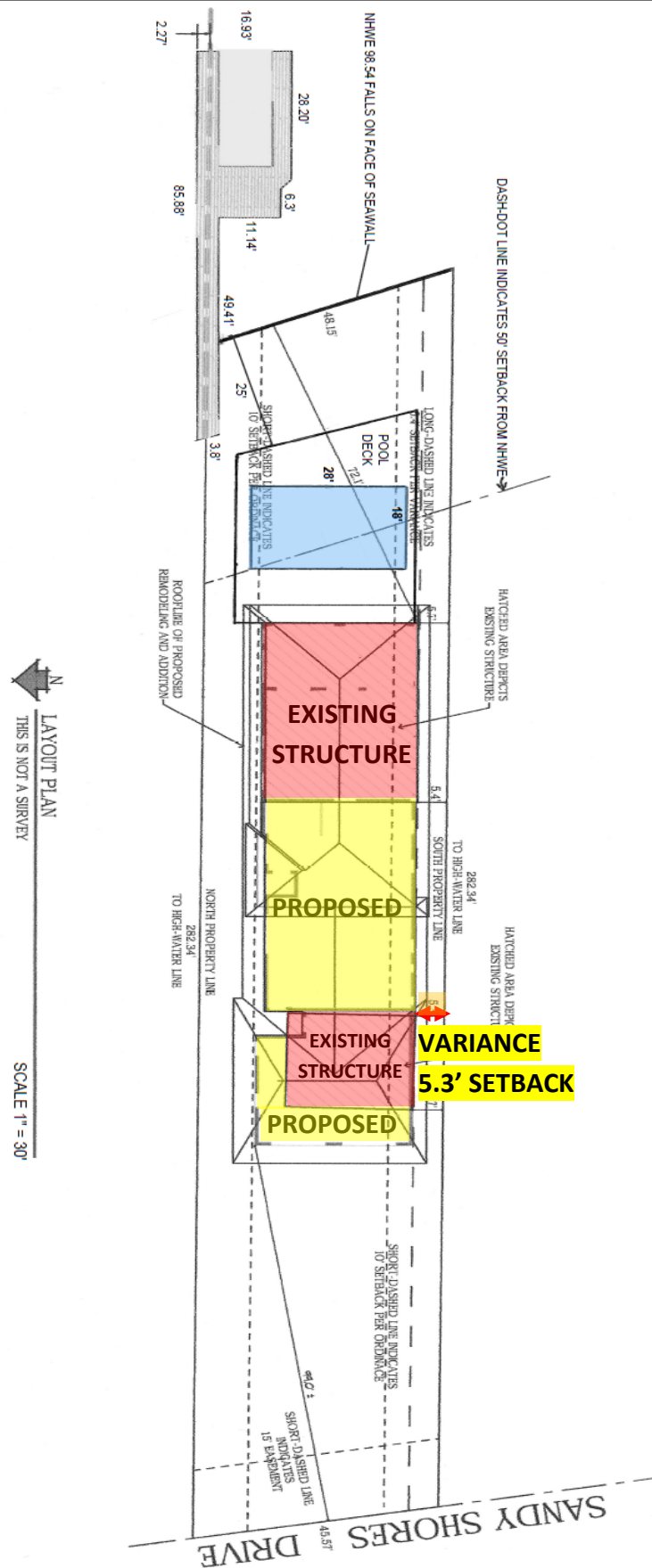
AERIAL MAP



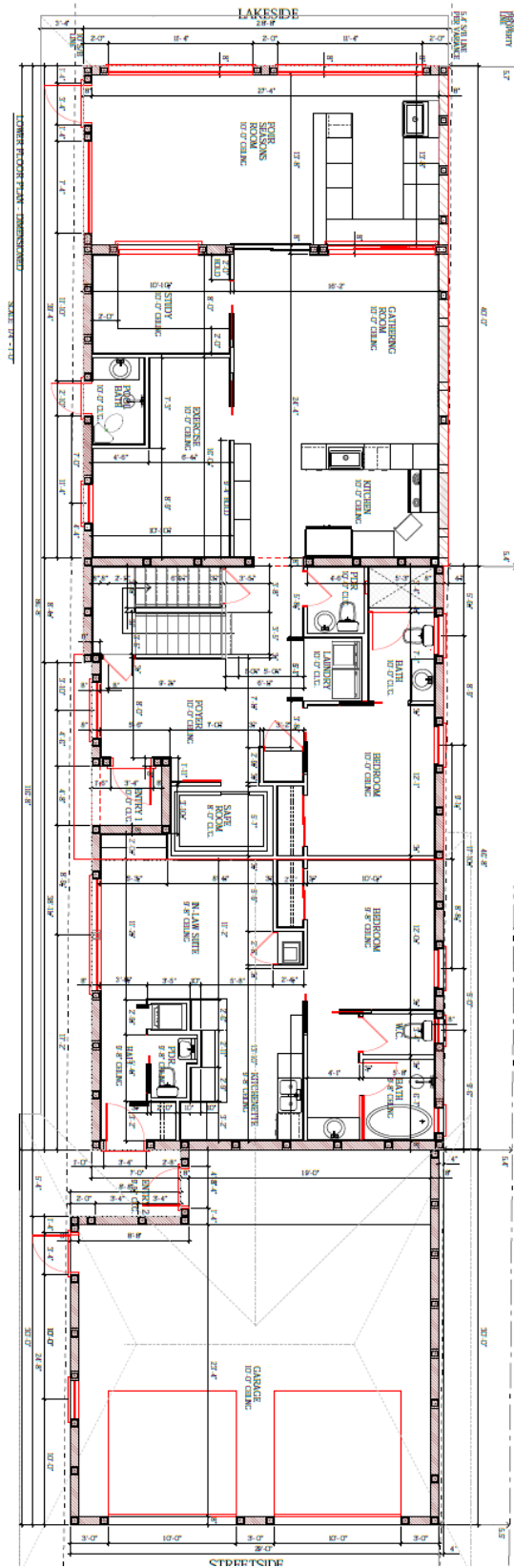
Page | 22 Board of Zoning Adjustment [BZA]



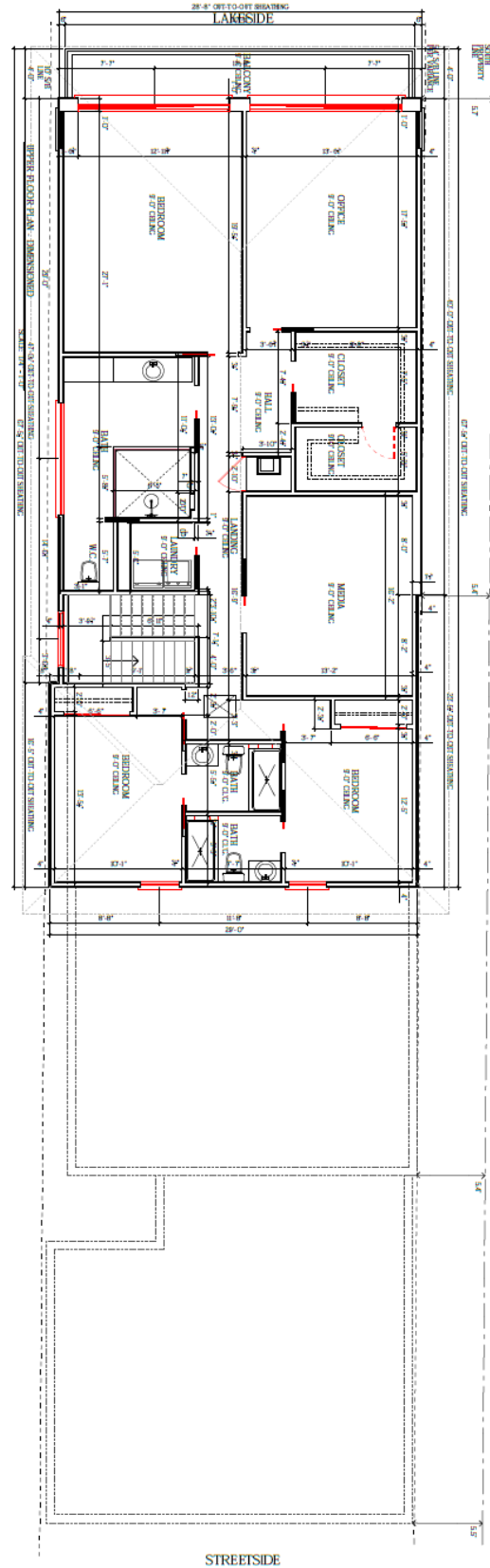
SITE PLAN



FLOOR PLAN

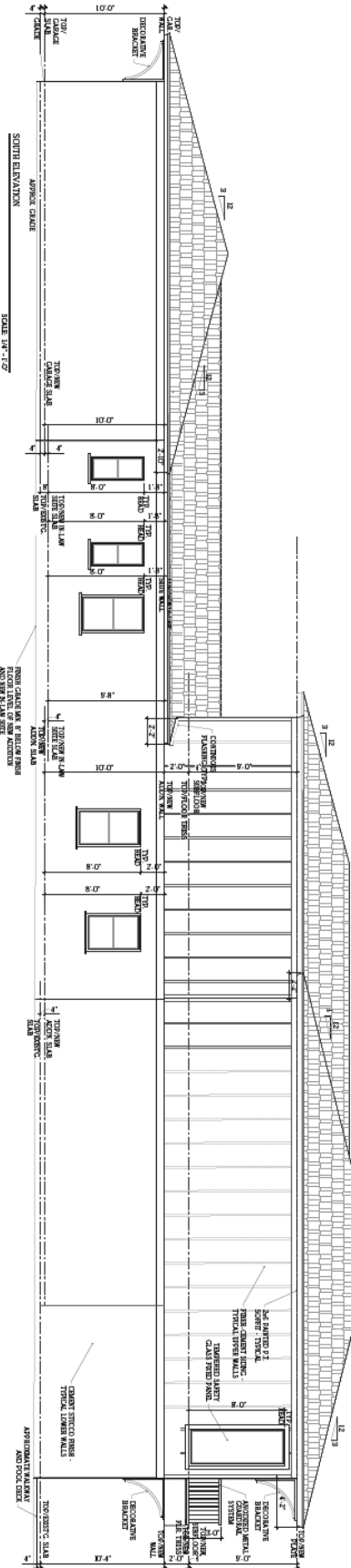
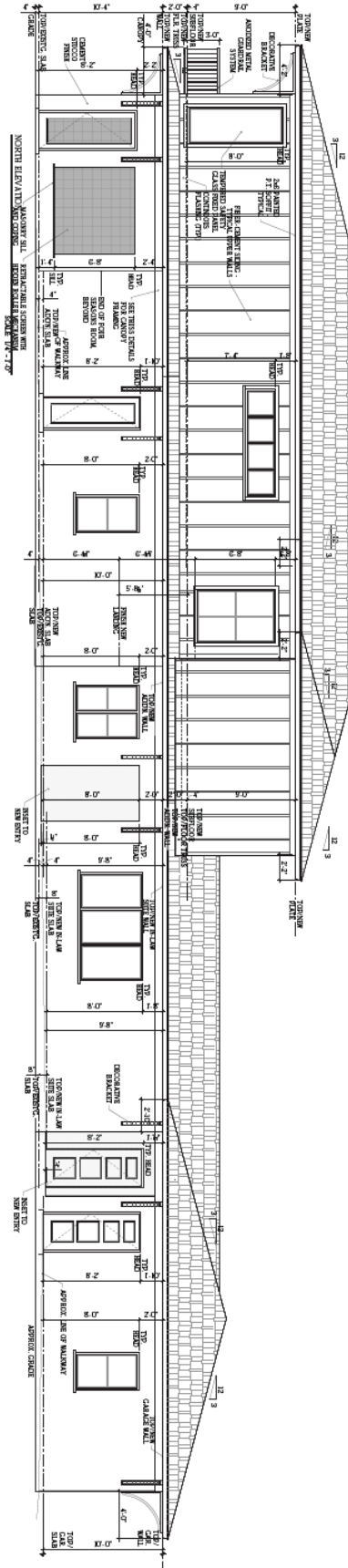
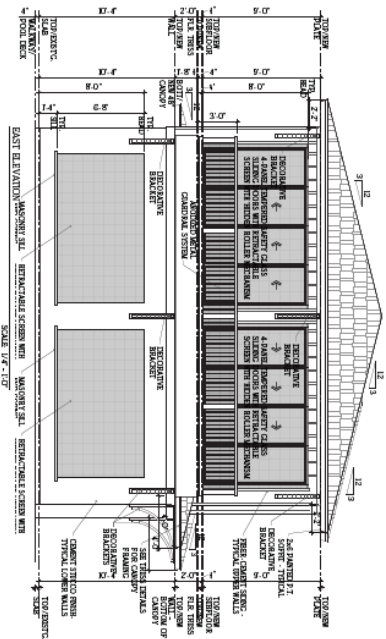
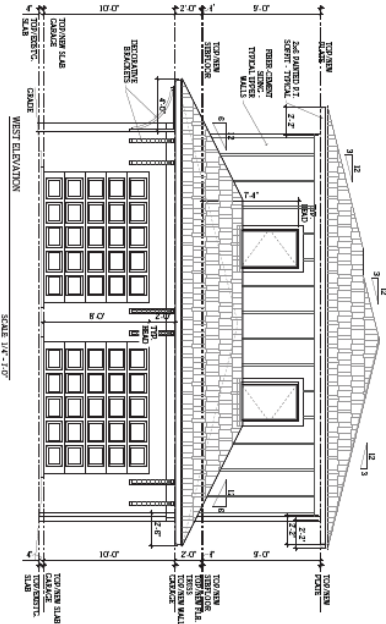


FIRST FLOOR



SECOND FLOOR

ELEVATIONS



SITE PHOTOS



Front from Sandy Shores Dr. facing east



5.3 ft. north side setback facing east

SITE PHOTOS



5.3 ft. north side setback facing west



Area of new proposed expansion facing west

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 05, 2022**

Commission District: **#1**

Case #: **VA-22-06-031**

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

Nick.Balevich@ocfl.net

GENERAL INFORMATION

APPLICANT(s): ALISON YURKO

OWNER(s): HIBISCUS LAND OF LAKE COUNTY LLC

REQUEST: Variances in the PD zoning district as follows:

- 1) To allow a covered patio with a south rear setback of 7.8 ft. in lieu of 15 ft.
- 2) To allow the existing house to remain with a south rear setback of 14.8 ft. in lieu of 15 ft.

PROPERTY LOCATION: 6064 Lexington Park, Unit 78, Orlando, FL 32819, south side of Lexington Park, west of S. Apopka Vineland Rd., north of W. Sand Lake Rd.

PARCEL ID: 27-23-28-0556-00-780

LOT SIZE: +/- 0.17 acres (7,499 sq. ft.)

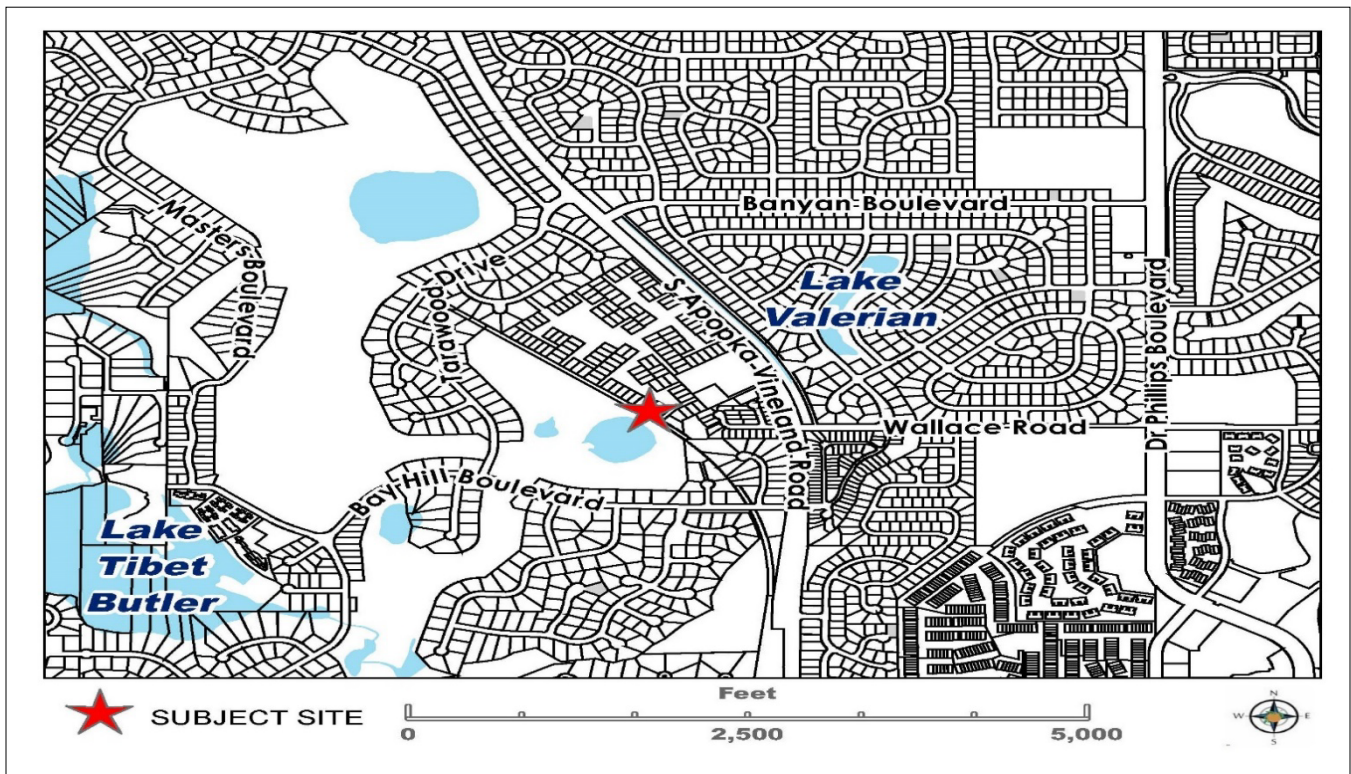
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 96

STAFF RECOMMENDATIONS

Denial of variance #1 and approval of variance #2, subject to the conditions in this report. However, if the BZA should find that the applicant has satisfied the criteria for the granting of all 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	Bay Hill Condominium PD	Bay Hill Condominium PD	R-1-AA	Bay Hill Condominium PD	Bay Hill Condominium PD
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Single-family residence	Single-family residence	Golf Course	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Bay Hill Condominium Planned Development (PD) District, which allows for single family uses. The Future Land Use is Low Medium Density Residential (LMDR), which is consistent with the zoning district.

The area around the subject site consists of single-family homes, and a golf course to the south. The subject property is a 7,499 sq. ft. lot, located in the Bay Hill Village South and East Plat, recorded in 1983, and is considered to be a conforming lot of record. It is developed with a 3,143 gross sq. ft. single-family home, constructed in 1985. The applicant purchased the property in 2021.

The applicant is proposing to construct a 14.7 ft. x 21 ft. covered patio to the rear of the house, located 7.8 ft. from the rear property line. Because the patio will have a structural roof, it is required to meet the same 15 ft. rear setback as the house. A variance is being requested to allow a south rear setback of 7.8 ft. in lieu of 15 ft.

The rear of the subject property abuts the Bay Hill Golf Course to the south and there are other homes that are oriented so that the side abuts the same property line of the Bay Hill Golf Course, and are significantly closer to this property line, as they are only required to meet the side setback on this property line (0 to 10 ft., as it is a zero-lot line community). While the request meets some of the standards for variance criteria, it does not meet all of the standards. Therefore, staff is recommending denial of this request.

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

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	15 ft.
Min. Lot Width:	60 ft.	60 ft.
Min. Lot Size:	7,500 sq. ft.	7,500 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	20 ft.	20 ft. (North)
Rear:	15 ft.	7.8 ft. covered patio (South - Variance #1) 14.8 ft. existing house (South - Variance #2)
Side:	0 ft. and 10 ft. between structures	5 ft. (East) 9.9 ft. (West)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

The special conditions and circumstances particular to this property are the placement of the existing home, and the size of the lot, which restricts the area where any addition could be built. In addition, the rear of the property backs up to a golf course. There are other houses with a side setback that are much closer to the same property line than the proposal for the subject property.

The special condition and circumstance particular to this property pertaining to the setback variance for the existing house is that it appears to have been constructed in 1985 with the non-conforming setback of 0.2 ft.

Not Self-Created

Variance #1: The requested variance is self-created, as a smaller covered patio could be constructed in a manner which would not encroach into the rear setback.

Variance #2: The request is not self-created since the owner purchased the property in 2021, and is not responsible for the placement of the house.

No Special Privilege Conferred

Variance #1: Granting the variance would confer special privilege since a smaller structure could be constructed in a manner to meet code.

Variance #2: Due to the orientation and location of the improvements on the lot, granting the requested variance will not confer any special privilege conferred to others under the same circumstances.

Deprivation of Rights

Variance #1: There is no deprivation of rights as the existing residence could continue to be enjoyed as originally constructed, and a covered patio could be built which complies with code setback requirements.

Variance #2: Denying the variance for the existing condition that has been permitted since 1985 would be a deprivation of rights.

Minimum Possible Variance

Variance #1: The request is not the minimum possible as a code compliant covered patio could be constructed.

Variance #2: The request is the minimum possible variance to continue enjoyment of the existing residence.

Purpose and Intent

Approval of the requested variances would be in harmony with the purpose and intent of the Zoning Regulations, since the house has existed since 1985 with this setback. Further, the covered patio will not be detrimental to the neighborhood since the design is consistent with the architectural design of the existing house and other residences in the surrounding area. Furthermore, no rear neighbors will be affected by the covered patio, as the property backs up to a golf course, and it will not have any negative impact on surrounding properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received April 14, 2022, 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: Alison M. Yurko
 PO Box 2286
 Winter Park, Florida, 32790

COVER LETTER



ALISON M. YURKO, P.A.
Attorneys at Law

Alison M. Yurko, Esq.
P.O. Box 2286
Winter Park, FL 32790

Nick Balevich
Orange County Zoning
201 S. Rosalind Ave.
Orlando, Fla 32801

March 12, 2022

Re: Variance Application for: (1) covered patio at Lot 78 in Bay Hill Village; and (2) 2.4 inch "clean up" variance to allow building to be 14.8 feet instead of 15 feet from rear property line; property owner Hibiscus Land of Lake County, LLC

Dear Nick:

In follow up to my email transmittal of yesterday and delivery of documents, please include this cover letter with our variance request for: (1) a variance from the rear yard setback to allow a covered patio with same roofing and architectural style as existing home to be 7.8 feet from the existing rear property line in lieu of the 15 rear yard setback feet which we understand would be required by the PD; and (2) a piggy back de minimus variance for the rear of the house which you noted in our meeting Wednesday per the attached survey appears to have been constructed at 14.8 feet instead of 15 feet from the rear property line.

We have previously provided a revised bullet point analysis of application of the variance criteria for each of the variance requests, which are incorporated herein as follows:

A. COVERED PATIO VARIANCE

Lot 78 Application of VARIANCE CRITERIA for covered patio request

- Special conditions and circumstances "peculiar to land" – not applicable to other lands
 - The area behind Lot 78 is greenspace; a 40 foot prior railroad right of way; a large pond and a golf course
 - The home is in a zero lot line type development planned to have open space behind it, not within the lots themselves
- Not self created; Special conditions and circumstances not actions of applicant; and Minimum possible variance needed to fully enjoy lot and adjacent golf course views

COVER LETTER

- Unique layout of small platted lots in relationship to huge open space in the back was by design of developer, not homeowner
- Layout of subdivision and beautiful open space view lends itself to covered patio to maximize developer's vision and intended design of Bay Hill golf course neighborhood
- No special privilege conferred
 - Most other homes like applicants that back up to the golf course have pergolas or other similar structures 5 feet from rear yard because considered accessory uses
 - Several of those homes which have the golf course at side yard setback have pools and other structures/buildings within the setback adjoining the golf course
- "Literal interpretation of the provisions of the resolutions would deprive applicant of rights commonly enjoyed by other properties in the same district"
 - Proposed covered patio had architectural elements integrated into home unlike neighbors' accessory structures and is almost twice as far from rear yard setback (7.8 feet) as neighbors with accessory structures (5 feet)
- Approval of variance in harmony with purpose and intent of zoning regulations and not injurious to neighborhood
 - Consistent with pattern of development on lots in the neighborhood adjacent to golf course
 - Further from setback and more architecturally harmonious than many neighbors accessory structures which are 5 feet from rear yard because considered accessory uses
 - Lot 78 has walls at both side yard property lines, so no impact to immediately adjacent neighbors
 - Lot 78 has partial wall and wrought iron fence at rear yard/ golf course boundary, and is further buffered from golf course with 40 railroad right of way and large pond, so no impact to golfers
 - Maximizes sweeping pond and golf course views as intended by developer and golf course designer in harmony with golf course neighborhood

COVER LETTER

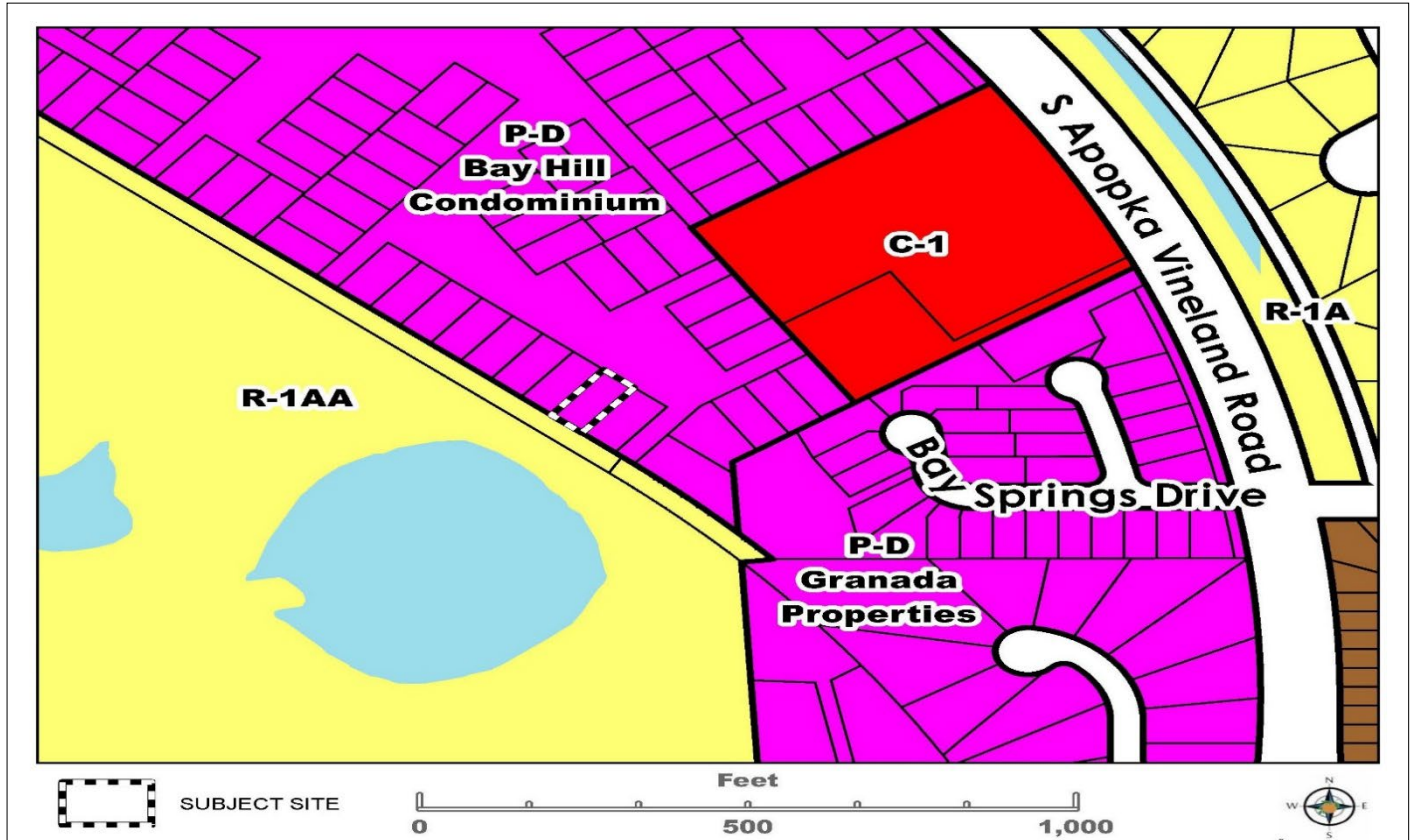
course with 40 railroad right of way and large pond, so no impact to anyone

B. 2.4 INCH CLEAN UP VARIANCE

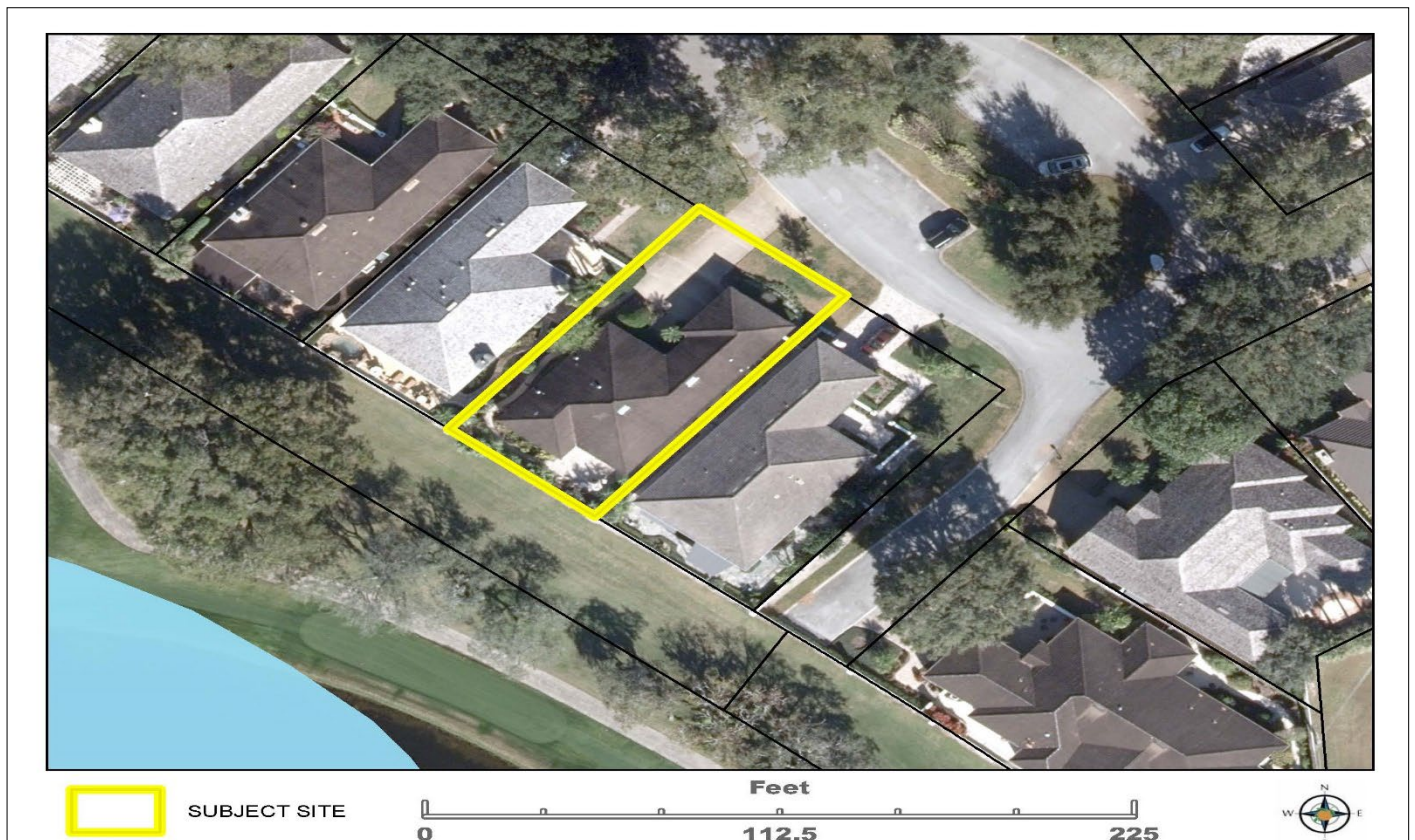
Lot 78 Application of VARIANCE CRITERIA for 2.4 inch “clean up” variance to address rear of house at 14.8 feet from rear yard setback instead of 15 feet

- Special conditions and circumstances “peculiar to land” – not applicable to other lands
 - Unique situation - Not aware of other homes in same situation that need 2.4 inch clean up variance
- Not self created; Special conditions and circumstances not actions of applicant; and Minimum possible variance needed
 - Marsan recently purchased house which was duly permitted, constructed and approved in the 1980’s
 - Could be a title issue for subsequent sale – so minimum possible variance needed
- No special privilege conferred
 - If any other home in the neighbor that was likewise duly permitted, approved and constructed had same issue, it would be entitled to the same relief
- Literal interpretation of the provisions of the resolutions would deprive applicant of rights commonly enjoyed by other properties in the same district”
 - Any other home in the neighbor that was likewise duly permitted, approved and constructed would be entitled to the same relief
- Approval of variance in harmony with purpose and intent of zoning regulations and not injurious to neighborhood
 - 2.4 inch Variance is so de minimus that it has no impact whatsoever to neighbors
 - Lot 78 has walls at both side yard property lines and partial wall and wrought iron fence at rear yard/ golf course boundary, and is further buffered from golf

ZONING MAP

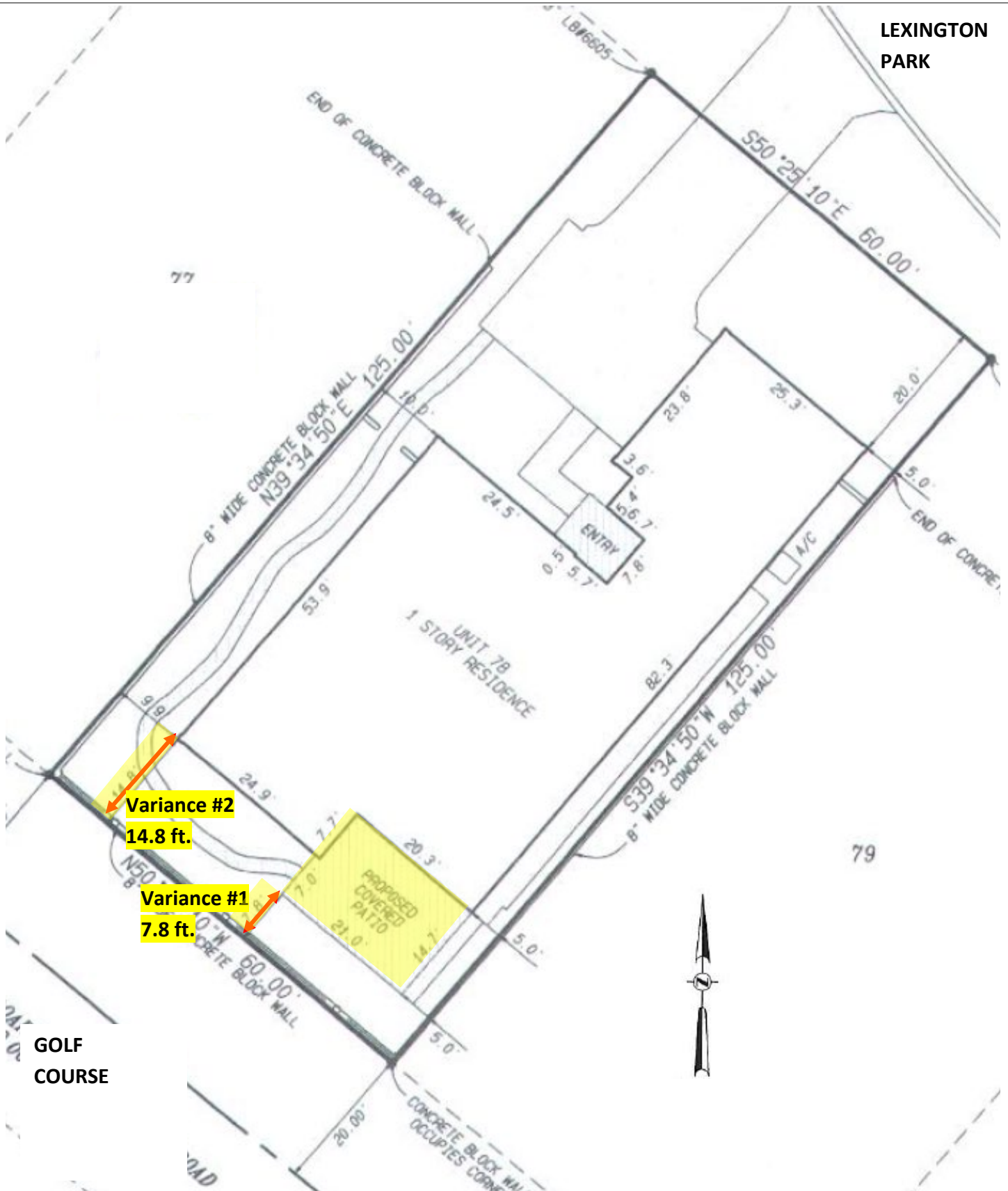


AERIAL MAP

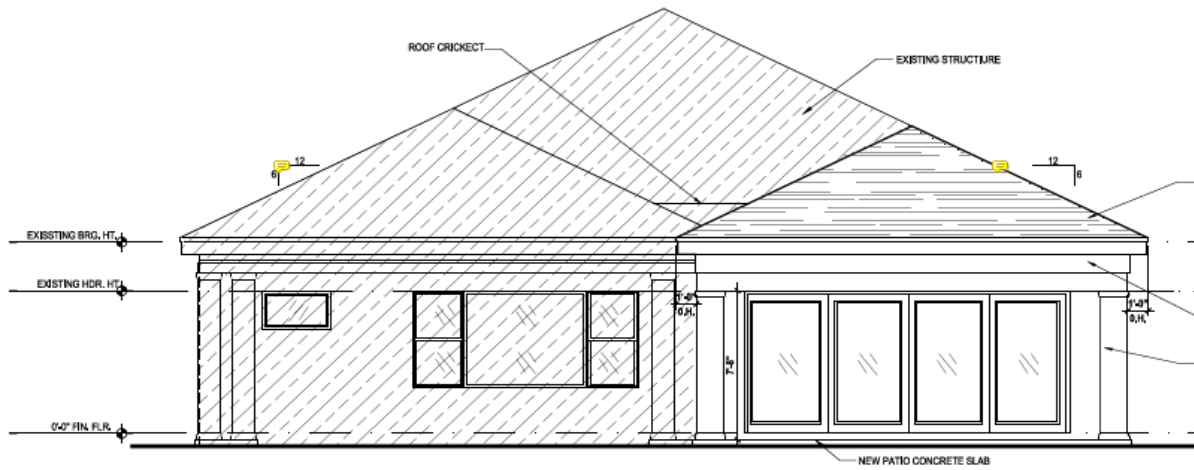


SITE PLAN

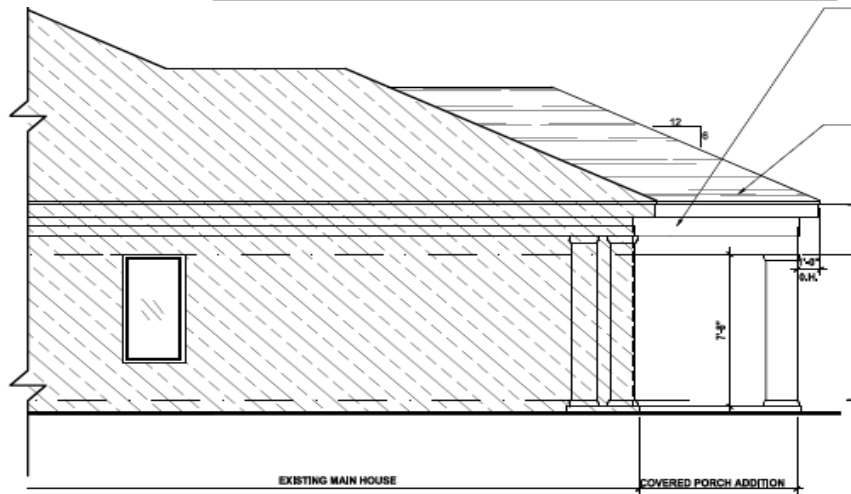
LEXINGTON
PARK



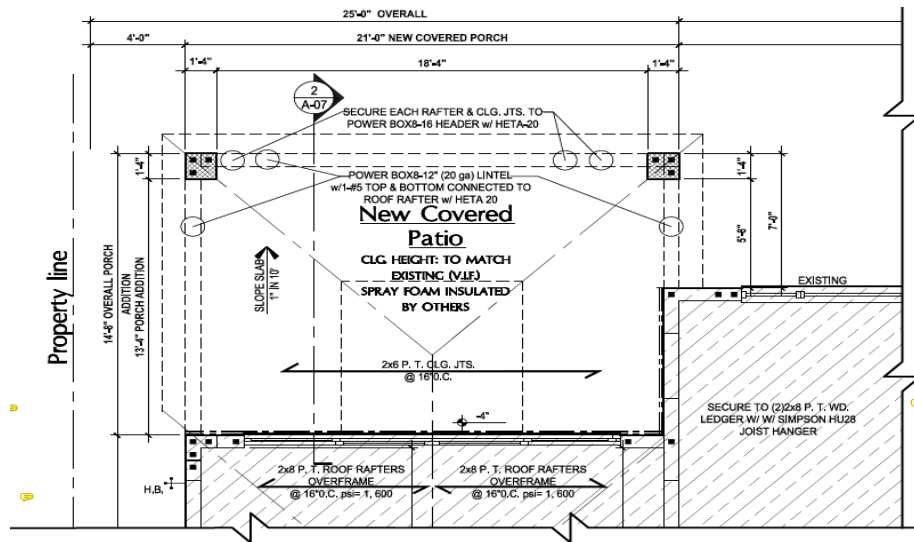
ELEVATIONS AND FLOOR PLAN



Porch Front View @ Rear Elevation



Porch Right Side Elevation



Partial Floor Plan

SITE PHOTOS



Front from Lexington Park facing east



Proposed covered patio location facing east

SITE PHOTOS



Proposed covered patio location facing north



View from rear yard facing south

SITE PHOTOS



Nearby property to the east with a lesser side setback



Nearby property to the west with a lesser side setback

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 05, 2022**

Commission District: **#6**

Case #: **VA-22-03-149**

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

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JOEL BETANCES

OWNER(s): DANNY DOMINGUEZ

REQUEST: Variance in the R-1 zoning district to allow an addition to a residence with a south rear setback of 21.8 ft. in lieu of 25 ft.

Note: This is the result of Code Enforcement.

PROPERTY LOCATION: 5102 Manduria Street, Orlando, FL 32819, southwest corner of Manduria St. and Natal Ave., north of W. Sand Lake Rd., east of S. Kirkman Rd.

PARCEL ID: 30-23-29-8552-01-190

LOT SIZE: +/- 0.16 acres (7,244 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 108

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	R-1	R-1	R-1	R-1	R-1
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

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 on a minimum of 5,000 sq. ft. lots. The future land use is Low Density Residential (LDR), which is consistent with the R-1 zoning district.

The subject property is a 0.17 acre lot, platted in 1958 as Lot 19 in Block 1 of the Tangelo Park Section One Plat, and is a conforming lot of record. The property is located on the corner of Manduria Street and Natal Avenue and is developed with a 1-story, 1,370 gross sq. ft. single-family home constructed in 1958. The frontage is considered Manduria Street since it is the narrowest portion of the lot abutting a public street and the side street is Natal Avenue. There is a 6 ft. utility easement that runs along the south side of the property line, but is not affected by the variance request. The property was purchased by the current owner in 2013.

In 2021, several improvements were made to the property without permits, including a 60 sq. ft. addition on the front of the home, and a 35 ft. by 9 ft., 315 sq. ft. addition at the rear of the home. The rear addition is located 21.8 ft. from the rear property line, in lieu of 25 ft., requiring a variance. There are additional improvements which were also installed without a permit, including a concrete/paver patio and a shed in the rear yard, some of which encroached into the 6 ft. easement until recent removal or relocation.

Code compliance cited the property owner on May 20, 2021 (CE#: 591309) for the installation of the above improvements without permits. A building permit (B21019853) for the shed has since been submitted, but is on hold pending the outcome of this variance request. In order to comply with code requirements, as stated above, the shed, tiles, pavers, and a concrete slab that were encroaching in the 6 ft. easement have now been removed or relocated.

While the request meets some of the standards for variance criteria, it does not meet all of the standards. Therefore, staff is recommending denial of this request. The addition required a permit prior to construction, and it could have potentially been designed to meet rear setback requirements, as there is a large side yard where all or a portion of the addition could have been placed in compliance with code. Despite encroaching into the rear setback, visibility of the addition as proposed is significantly obscured from the adjoining lots due to the 6 ft. high wooden fence surrounding the property.

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.	8 ft. (Addition)
Min. Lot Width:	50 ft.	71 ft.
Min. Lot Size:	5,000 sq. ft.	7,244 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	25 ft.	35 ft. (North)
Rear:	25 ft.	21.8 ft. (South - Variance)
Side:	6 ft.	20.9 ft. (West)
Side Street:	15 ft.	15 ft. (East)

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. It is a rectangular shaped property with a significant side yard where an addition could have been built.

Not Self-Created

This is a self-created hardship since the owner constructed the rear addition without permits.

No Special Privilege Conferred

Granting the variance as requested would not confer special privilege as several other properties in the area appear to have additions with rear setbacks similar to the request.

Deprivation of Rights

Without approval of the requested variances, the owners will be deprived of the ability to keep the addition as built, but are not deprived of the right to build a conforming addition.

Minimum Possible Variance

The request is the minimum possible to continue enjoyment of the existing residence and unpermitted addition.

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 rear addition will not be significantly visible from any of the surrounding properties due to the height of the solid wood fence surrounding the property, thereby limiting any quantifiable negative impact to surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the boundary survey and elevations received March 7, 2022, 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 for the existing addition 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.
- C: Joel Betances
3560 Bristol Cove Lane
Saint Cloud, FL 34772
- C: Danny Dominguez
5102 Manduria Street
Orlando, FL 32819

COVER LETTER

December 16, 2021

Board Zoning Adjusting
Orlando, FL

RECEIVED

DEC 20 2021

ORANGE COUNTY
ZONING DIVISION

Dear Members of the Board Zoning Adjusting of Appeals:


I am writing to seek an addition at rear of house variance for my single-family home at 5102 Manduria Street, Orlando FL 32819. Current zoning rules say 25 feet is the allowed distance between a house and the property line; I respectfully request to keep the extension of the house, which is 20 feet 6 inches from the property line.

The main reason for the extension was to be able to access the laundry room, which was originally outside of the house; without having to exit the house to the backyard. In 2015 we experienced a home invasion, which left us feeling unsafe in our own home. By creating secure access to all areas of the house me and my family members felt more protected. The extension does not affect any of the neighbors or common areas.

Additionally, the shed, the concrete and tiles have been removed from the easement area, as shown on the survey.

I hope you agree that my request has not affected my neighborhood. Should you have any questions, please do not hesitate to contact me at +1 (718)-753-0215.

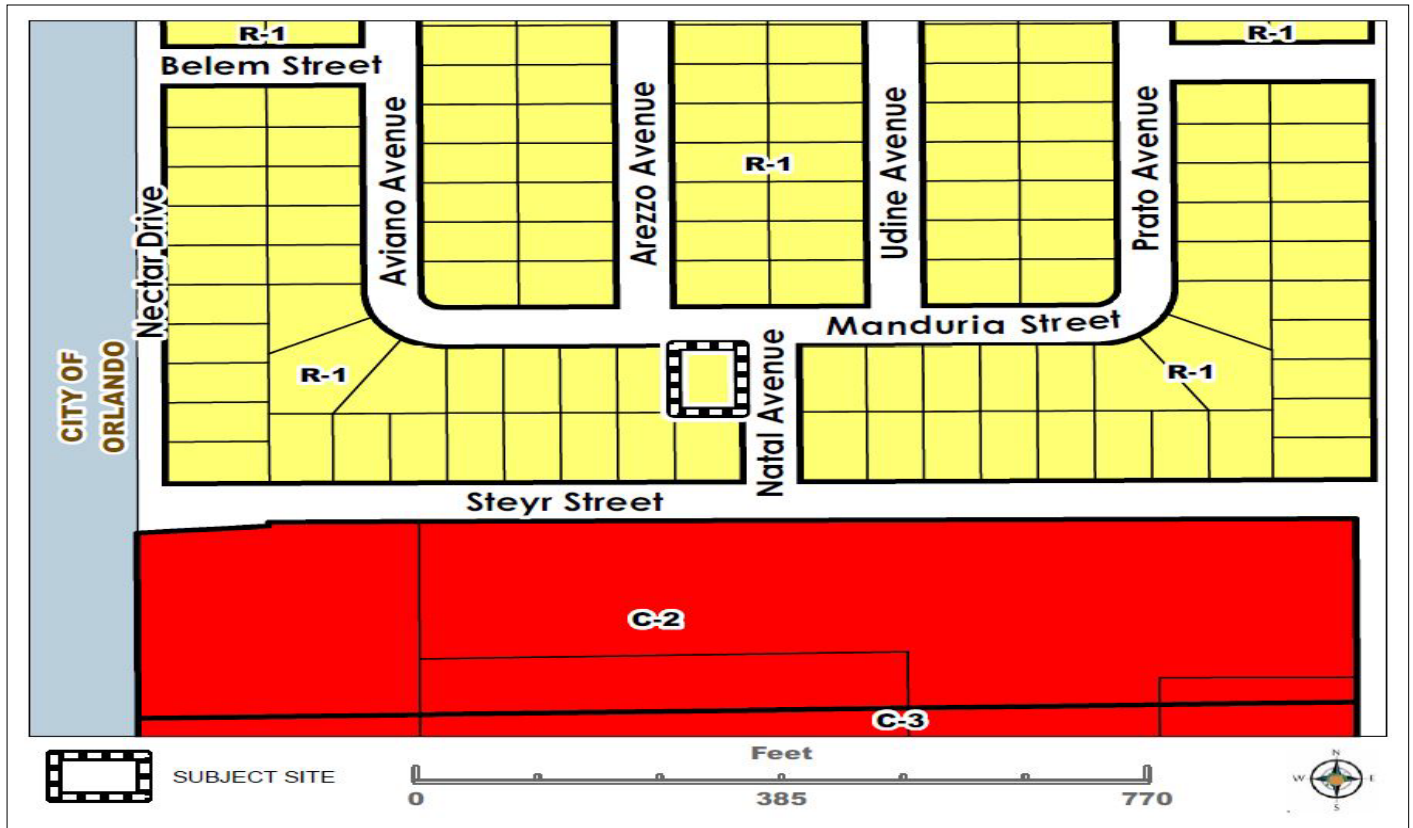
Best regards,



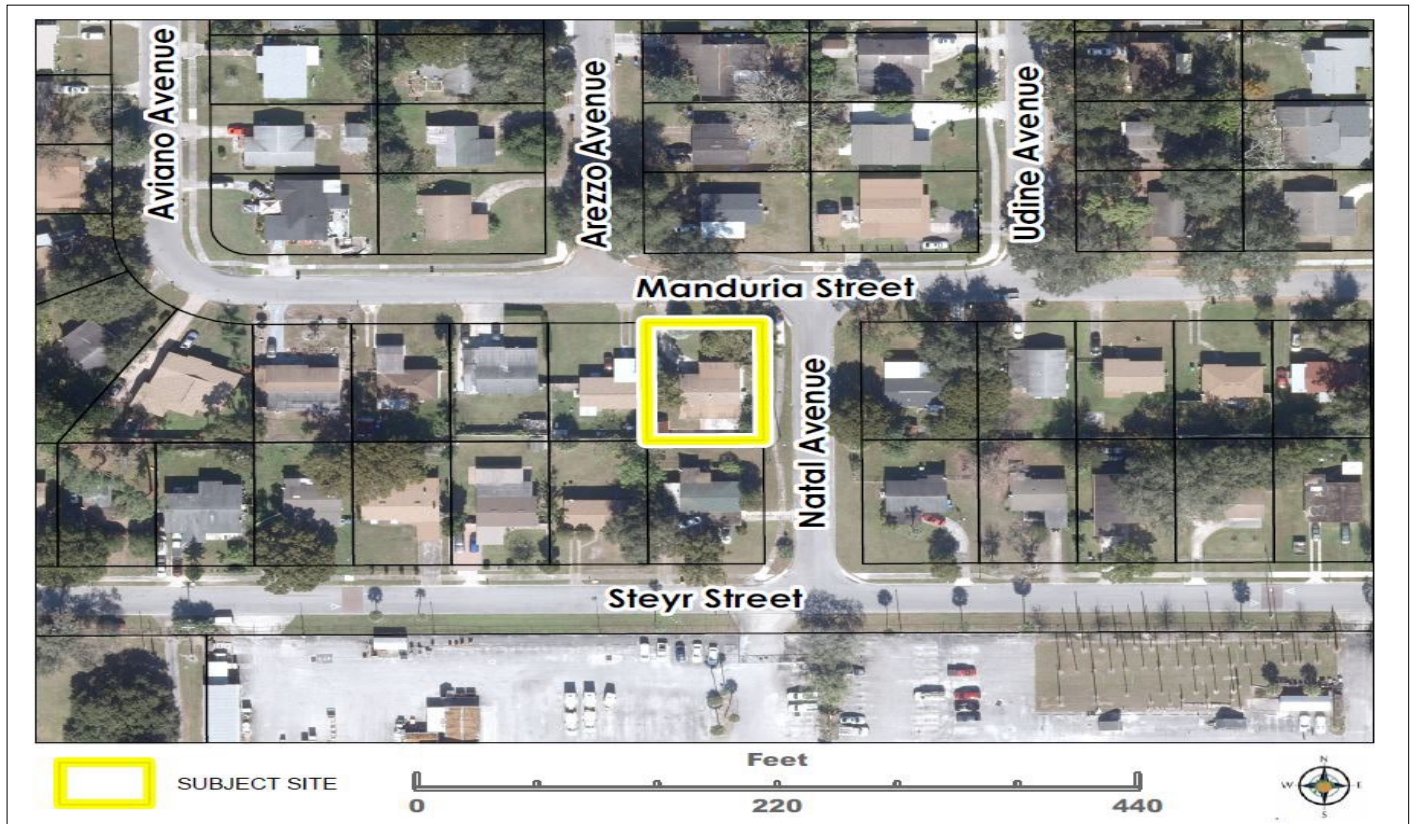
COVER LETTER

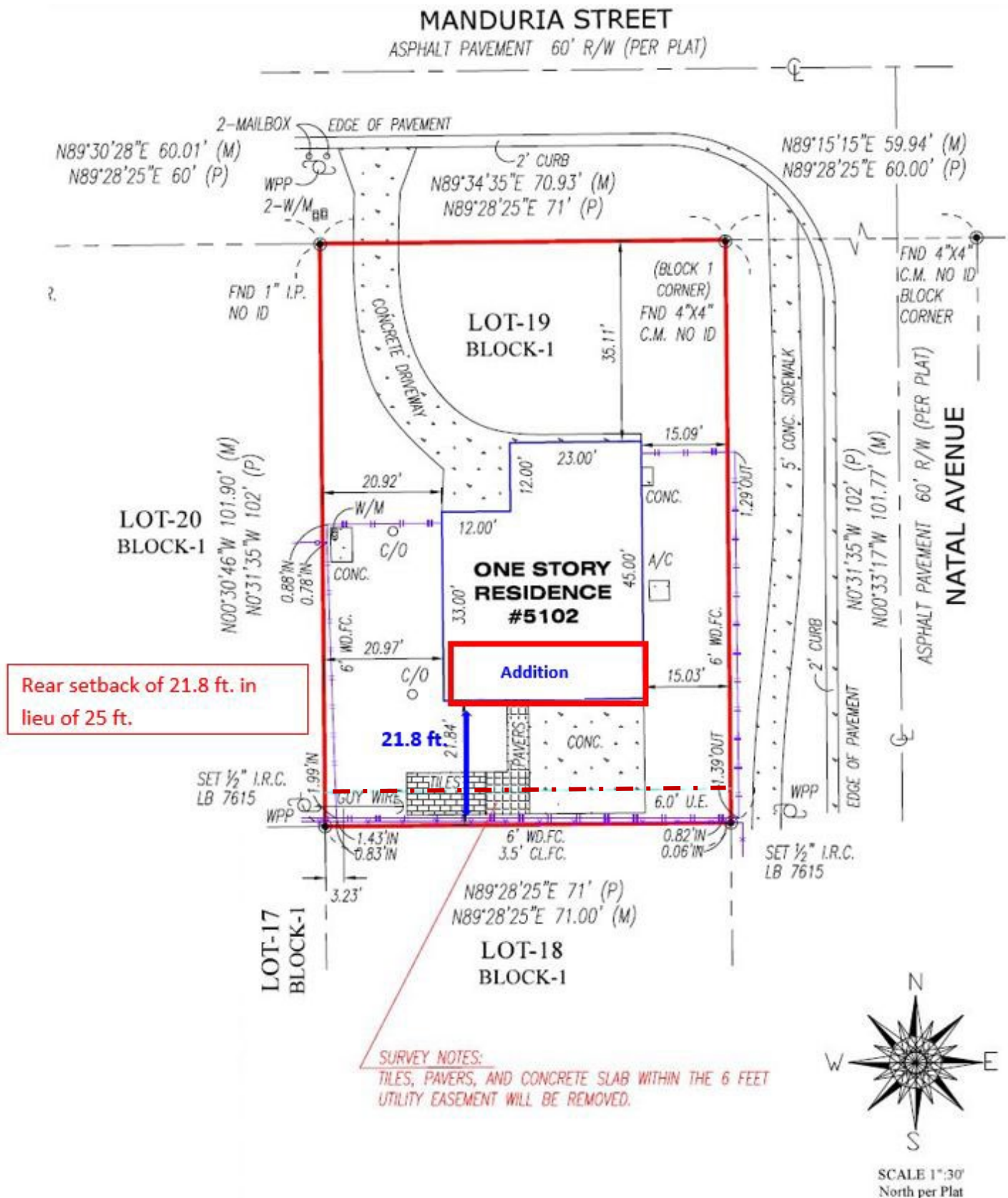
1. I bought that property because my resources did not allow me to buy a bigger house, after a year I found myself needing to make the concrete laundry room for security because I did not feel safe and I made the decision to expand it.
2. The original construction of the laundry was made of a wooden material that with the passing of time had deteriorated and it did not give me security to be there.
3. The approval of this variation will not allow me to do something that other owners in the same situation could not do, since many houses in the same community have alterations, with this alteration I did not break the harmony of this community.
4. Because other owners already enjoy additions to their home, I believed I had the right to extend.
5. In my particular case, I could not achieve my objectives in any other way, since the construction is done.
6. The approval of this variation will not affect the adjacent neighbors, since it is 7 years old and has not caused discomfort to anyone.

ZONING MAP

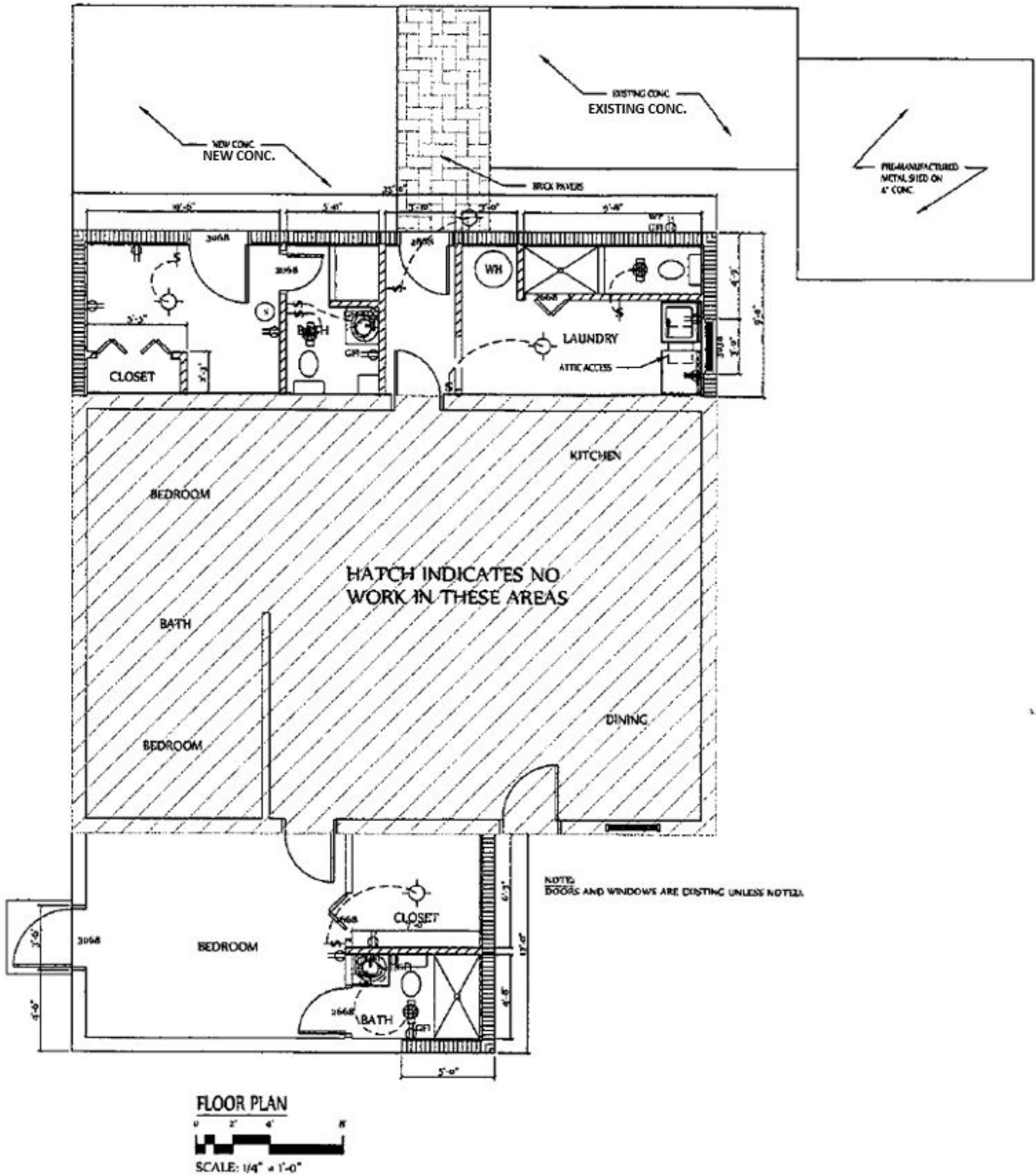


AERIAL MAP

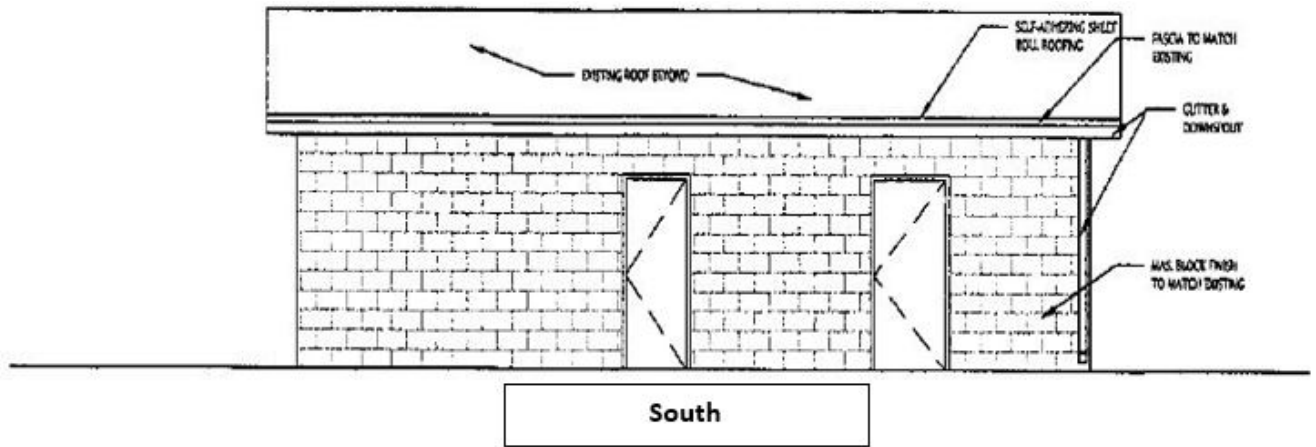




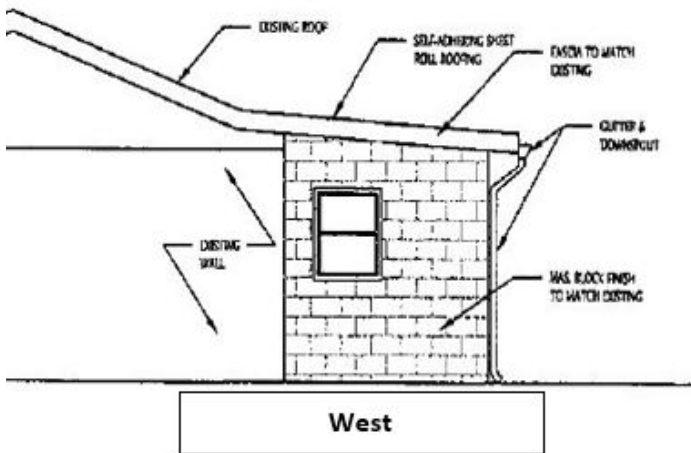
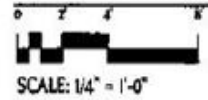
FLOOR PLAN



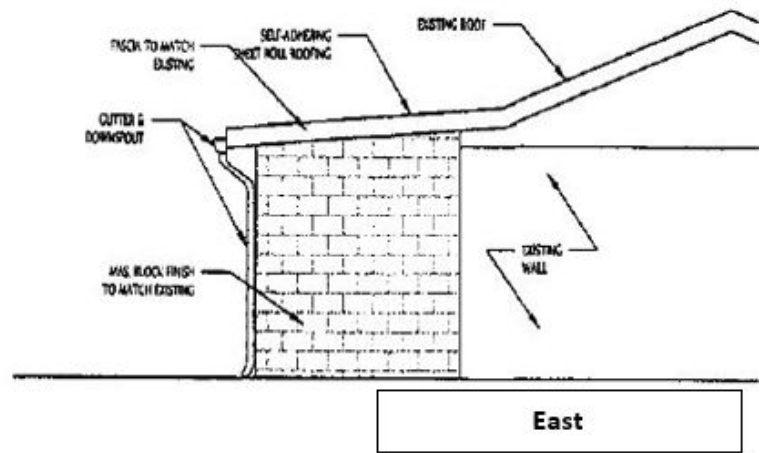
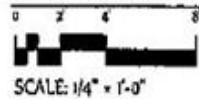
ELEVATIONS



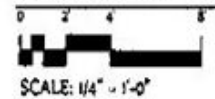
REAR ELEVATION



PARTIAL RIGHT ELEVATION



PARTIAL LEFT ELEVATION



SITE PHOTOS



Facing south from Manduria St. towards front of subject property and front addition



Facing southwest from corner of Manduria St. and Natal Ave. towards subject property

SITE PHOTOS



Rear yard, facing north towards rear addition



Rear yard, facing east towards rear addition (removal of easement encroachment)

SITE PHOTOS



Rear yard, facing north towards side of rear addition



Rear yard, facing south towards street side corner of rear addition

SITE PHOTOS



Facing west from Natal Ave. towards fence divide in rear of subject property



Facing northwest from Natal Ave. towards side of subject property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 05, 2022**

Commission District: **#2**

Case #: **VA-22-06-028**

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

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MICHAEL WENRICH

OWNER(s): TYLER KOON, KIMBERLY KOON

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

- 1) To allow an addition with a north setback of 30 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
- 2) To allow an addition with a south setback of 37 ft. from the Normal High Water Elevation (NWHE) in lieu of 50 ft.
- 3) To allow an existing residence with a south setback of 37 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
- 4) To allow an existing accessory structure (boat house) with an east setback of zero from the Normal High Water Elevation (NHWE) in lieu of 30 ft.
- 5) To allow an existing accessory structure (boat house) with a south setback of 24.7 ft. from the Normal High Water Elevation (NHWE) in lieu of 30 ft.

PROPERTY LOCATION: 1114 Meadows Ave., Orlando, FL 32804, terminal end of Meadows Ave., east side of Lake Fairview, west of Edgewater Dr., south of W. Fairbanks Ave.

PARCEL ID: 10-22-29-8828-09-220

LOT SIZE: +/- 0.91 acres (+/- 0.68 acres upland)

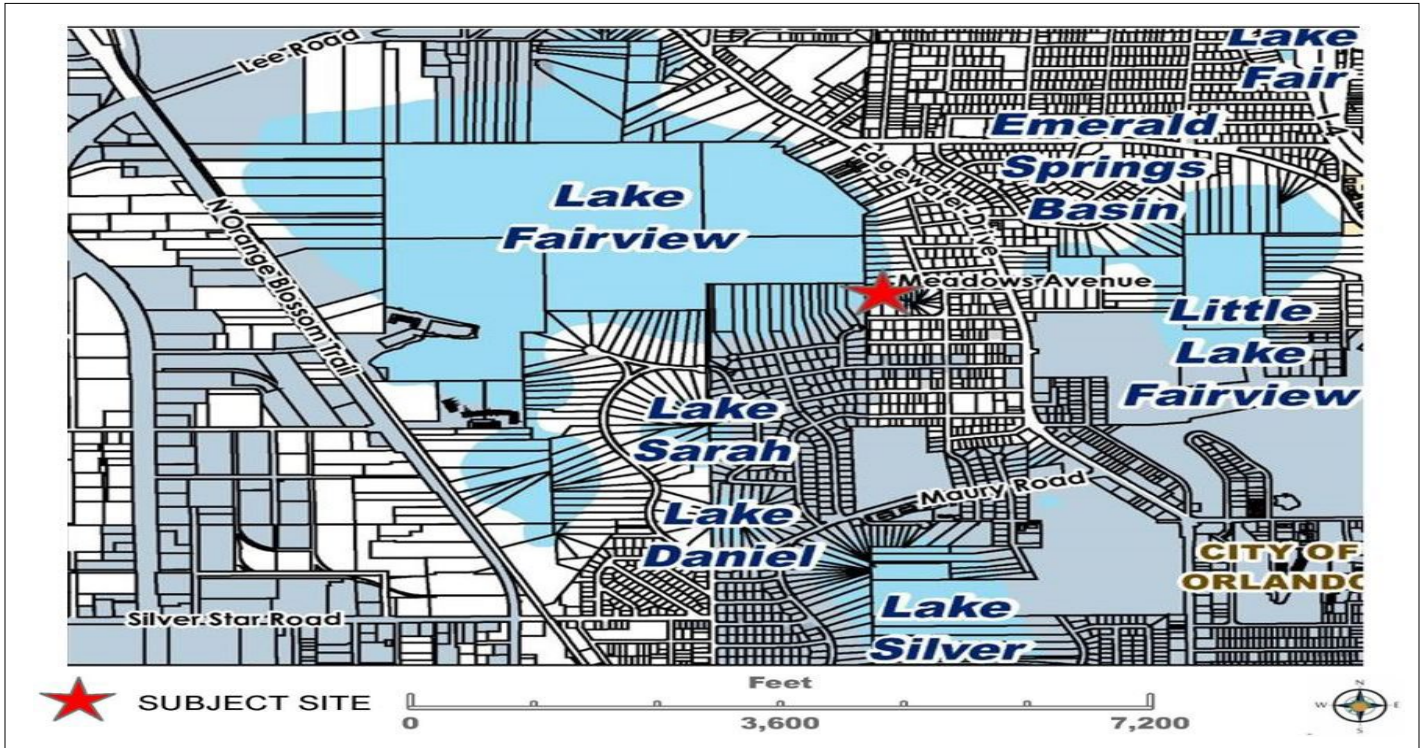
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 240

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1A, Single-Family Dwelling district, which allows single-family homes and associated accessory structures and requires a minimum lot area of 7,500 sq. ft. The Future Land Use is Low Density Residential (LDR), which is consistent with the R-1A zoning district.

The subject property is Lot 22 of the University Heights subdivision, recorded in 1926, and is considered to be a conforming lot of record. It is a +/- 0.91 acre platted parcel of land located on Lake Fairview, of which +/- 0.68 acres is upland. The remainder of the parcel is either wetland or submerged property under Lake Fairview. It is a pie-shaped parcel at the western end of Meadows Avenue. The subject property is developed with a 4,039 gross sq. ft. two story single-family home, constructed in 1956, with an attached carport constructed in 2013 (B13012570), an outdoor pool with spa, installed in 2011 (B11002260), and a 768 sq. ft. boat house, installed before 1967, all of which meet the R-1A zoning district setbacks. The property is

uniquely shaped since it is surrounded by Lake Fairview on the north, south, and west sides and therefore requires Normal High Water Elevation (NHWE) setbacks of 50 ft. for the residence. As per Sec. 38-1501, the NHWE setback requirements for accessory structures are the same as the district setbacks, which in this case is the R-1A zoning district requirements. The existing 768 sq. ft., 15 ft. high two-story boat house is adjacent to Lake Fairview on the south side of the parcel. Further, no record of permits for the boat house are available and due to pixelated imagery prior to 1967 image where it is visible, the year of installation cannot be ascertained via aerial photography. The owners acquired the property in January 2006.

The proposal is to construct a 588 sq. ft. addition to accommodate the construction of a 202 sq. ft. shower and courtyard to the north on the first floor, and to expand the existing porch by another 386 sq. ft. to the rear of the main residence. The proposed addition would have a 30 ft. north NHWE setback and 37 ft. south NHWE setback in lieu of the 50 ft., requiring Variance #1 and Variance #2. The proposal also includes a request to allow the existing residence's 37 ft. NHWE south setback in lieu the 50 ft., which was constructed prior to the implementation of the County Code requirements in 1957, requiring Variance #3. In addition, the NHWE setback requirements came into effect in 1991, which now impacts the subject properties original construction, which does not the requirements.

Additionally, the owner is requesting variances to allow the existing non-conforming NHWE setback of the boat house that will allow an east zero NHWE setback and a 24.7 south NHWE setback in lieu of 30 ft. requiring Variance #4 and Variance #5. The boat house is located on top of the portion of Lake Fairview that extends onto the property. None of the surrounding properties have similar circumstances; furthermore, the neighboring properties are not irregularly configured or surrounded by the lake on three sides.

The Orange County Environmental Protection Division has no objection to 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.	16 ft. (addition) 15 ft. (boat house)
Min. Lot Width:	75 ft.	231.2 ft. at the building setback line
Min. Lot Size:	7,500 sq. ft.	0.91 acres (0.68 acres upland) 39,577 sq. ft.

Building Setbacks (that apply to structure in question)

	Sand Lake Point PD Requirement	Proposed
Front:	25 ft.	33 ft. (North)
Rear:	30 ft.	37 ft. addition (South) 37 ft. residence (South) 24.7 ft. boat house (South)
Side:	7.5 ft.	30 ft. (North) 28.8 ft. (East)
NHWE Rear:	50 ft. 30 ft. (accessory structure)	37 ft. addition (South – Variance #2) 37 ft. residence (South – Variance #3) 0 ft. boat house (East – Variance #4) 24.7 ft. boat house (South – Variance #5)
NHWE Side:	50 ft.	30 ft. (North – Variance #1)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

The special conditions and circumstances particular to the subject property are its configuration and angle at which the house was constructed in relation to the NWHE that surrounds the property except for the front, which renders any addition or improvements difficult without the variances. The existing boat house is located over the portion of the lake that extends into the rear and side of the property, where surrounding properties do not have a similar circumstance.

Not Self-Created

The request is not self-created since the owners are not responsible for the configuration and location of the home and boat house in relation to the surrounding NWHE line since they were built prior to the NHWE requirements.

No Special Privilege Conferred

Granting the requested variances will not confer any special privilege conferred to others under the same circumstances since meeting the literal interpretation of the code would prohibit any additions due to the irregular configuration of the lot and the location of the home in relation to the surrounding NHWE line.

Deprivation of Rights

Without approval of the requested variances, the owners will be deprived of the ability to construct any addition on the parcel. Denial would also deprive the owners of use of a boat house that has been in the same location, since 1967, prior to the implementation of the NHWE requirements.

Minimum Possible Variance

The requested variances are the minimum necessary to construct any improvements on the property, due to the irregular shape of the lot and the surrounding NHWE line. Additionally, the existing boat house is already located on a portion of Lake Fairview that extends into the property.

Purpose and Intent

Approval of the requested variances will allow improvements to the site, which will be in harmony with the purpose and intent of the Zoning Regulations, and will not be detrimental to adjacent properties due to the addition and will be consistent with the predominant construction of similar sized single-family residences surrounding the subject property.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received March 23, 2022, 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 the addition and boat house shall be obtained within 2 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Prior to the issuance of a building permit, the property owner shall record in the official records of Orange County an Indemnification/Hold Harmless Agreement which indemnifies Orange County from any damages caused by flooding and shall inform all interested parties that the addition is located no closer than 30 feet north and 37 ft. south, and the boat house 0 ft. east and 24.7 south from the Normal High Water Elevation (NHWE) of Lake Fairview.

C: Michael Wenrich
1800 N. Orange Avenue
Orlando, FL 32804

C: Tyler Koon, Kimberly Koon
1114 Meadows Avenue
Orlando, FL 32804



March 15, 2022
Planning & Zoning

Project: Koon Residence Addition
Address: 1114 Meadows Ave
Orlando, Florida 32804

Variance Request Narrative

1114 Meadows Ave is a very unique and restrictive peninsula lot surrounded by water on (3) sides.

The existing house and boat house were built in 1956. The existing two story house is 2,864 SF (living area) and 4,039 SF (gross area). The proposed selective demo, remodel and north west addition result in a total living area of 3,981 SF and gross area of 4,693 SF. The existing 2 story, 768 SF boat house will not be modified or renovated

488 SF of the proposed addition has a North side setback of 30' (varies from 30'-40') in lieu of 50' required from NHWL. The existing attached carport has a front setback of 29' (varies from 29'-38'), the existing detached boat house has a front setback of 22' (varies from 22'-25.6') and a side setback of 24' (varies 24' – 31') from NHWL, and the existing South wall of the house has a side setback of 36' (varies from 36'-44') from the NHWL.

The lot's very unusual shape prompted me to reach out to Planning & Zoning in March 2021 to confirm the setback requirements. Taylor Jones, Acting Chief Planner, provided the highlighted building setback and buildable area diagram included in this submission. I have overlaid our proposed floor plan to show the small NW corner of the addition that does not comply with the highlighted buildable area. Please see the following responses to the (6) variance criteria listed in the application.

1. Special Conditions & Circumstances

The lot shape, size and setbacks are very peculiar and restrictive due to the peninsula nature of this lot with water on (3) sides. There is a very unusually deep setback line on the North side due to the profile of an existing seawall. Since there are no immediately adjacent or abutting neighbors, no neighbors will be impacted by the proposed addition size and location.

2. Not Self-Created

The homeowners are simply relocating the upstairs master bedroom to the 1st floor and reconfiguring the bedrooms on a newly constructed 2nd floor. This is a very common goal as homeowners in 2-story homes prepare to 'age in place'. The homeowners have lived in this home and raised their two children here for (16) years. We have carefully studied the floor plans to make sure there is no wasted or overly excessive space. All proposed rooms are typical and modest in size for a home and lot of this size and value.

3. No special privilege conferred

Approval of this variance will not provide any special privilege to these homeowners nor set any precedents for other lots because of the incredibly unique and rare lot conditions. The proposed addition provides very basic and common spaces for the next chapter of their life in this home.



4. Deprivation of Rights

It is very uncommon to have such irregular and restrictive setbacks on (3) sides. The allowable buildable area makes expanding or rebuilding a home on this lot very challenging and meeting these setbacks does not allow for a 1st floor bedroom without a variance.

5. Minimum possible variance

We have studied many layouts including tearing down and building new and this is the minimum area we need to provide a 1st floor bedroom suite with very typical and modest dimensions. There is nothing over sized or uncommon about the proposed plan and every attempt has been made to minimize the footprint and this request.

6. Purpose & Intent

As mentioned in some of the previous responses above, the proposed height, scale, mass, size and orientation of the proposed addition is in harmony with the scale of the existing home, lot and neighborhood. A 2-story home under 4,000sf for a lot of this size, location and value is a very common and reasonable proposal.

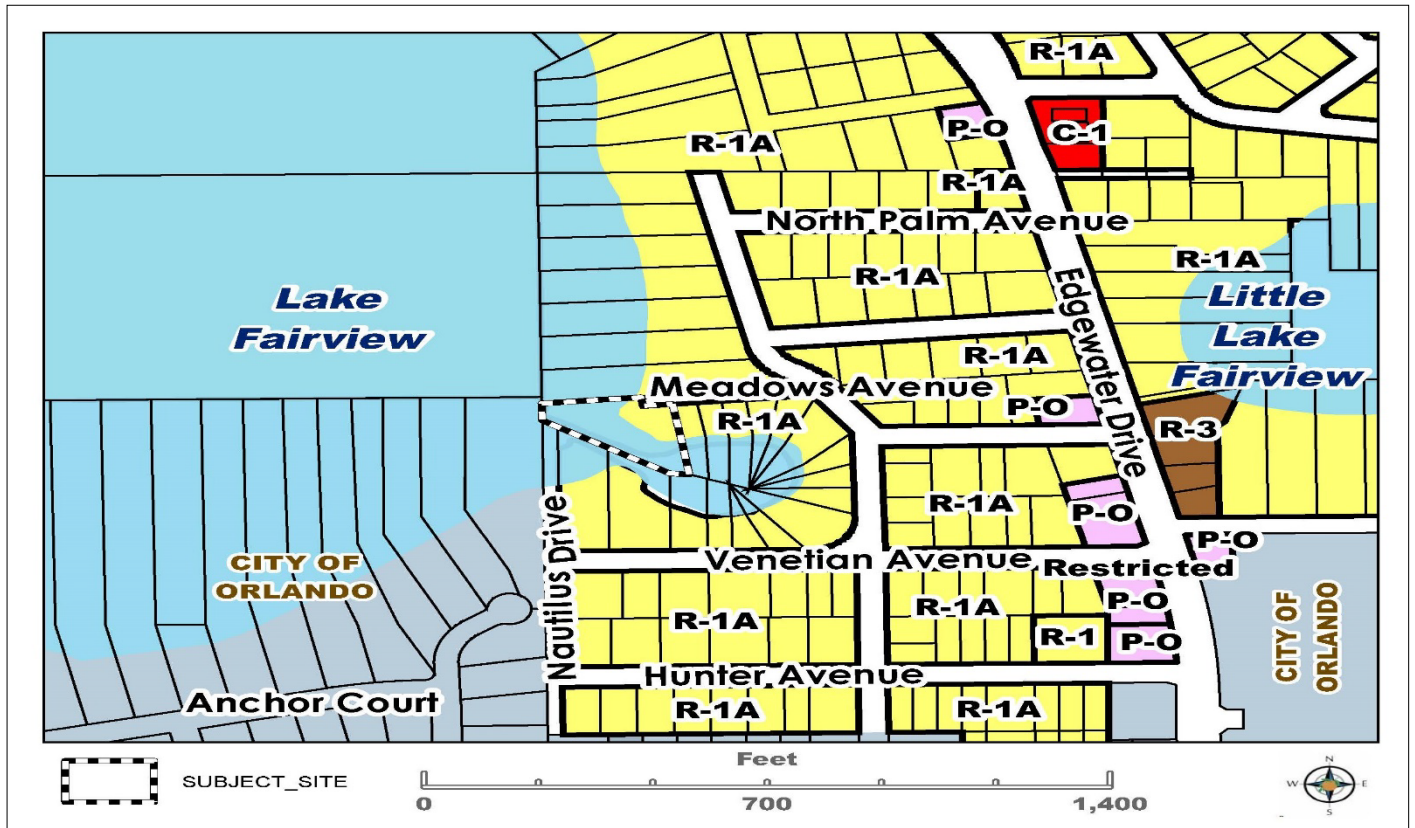
Thank you for your time & consideration. I am happy to provide any additional information you may need for your review.

Very best,

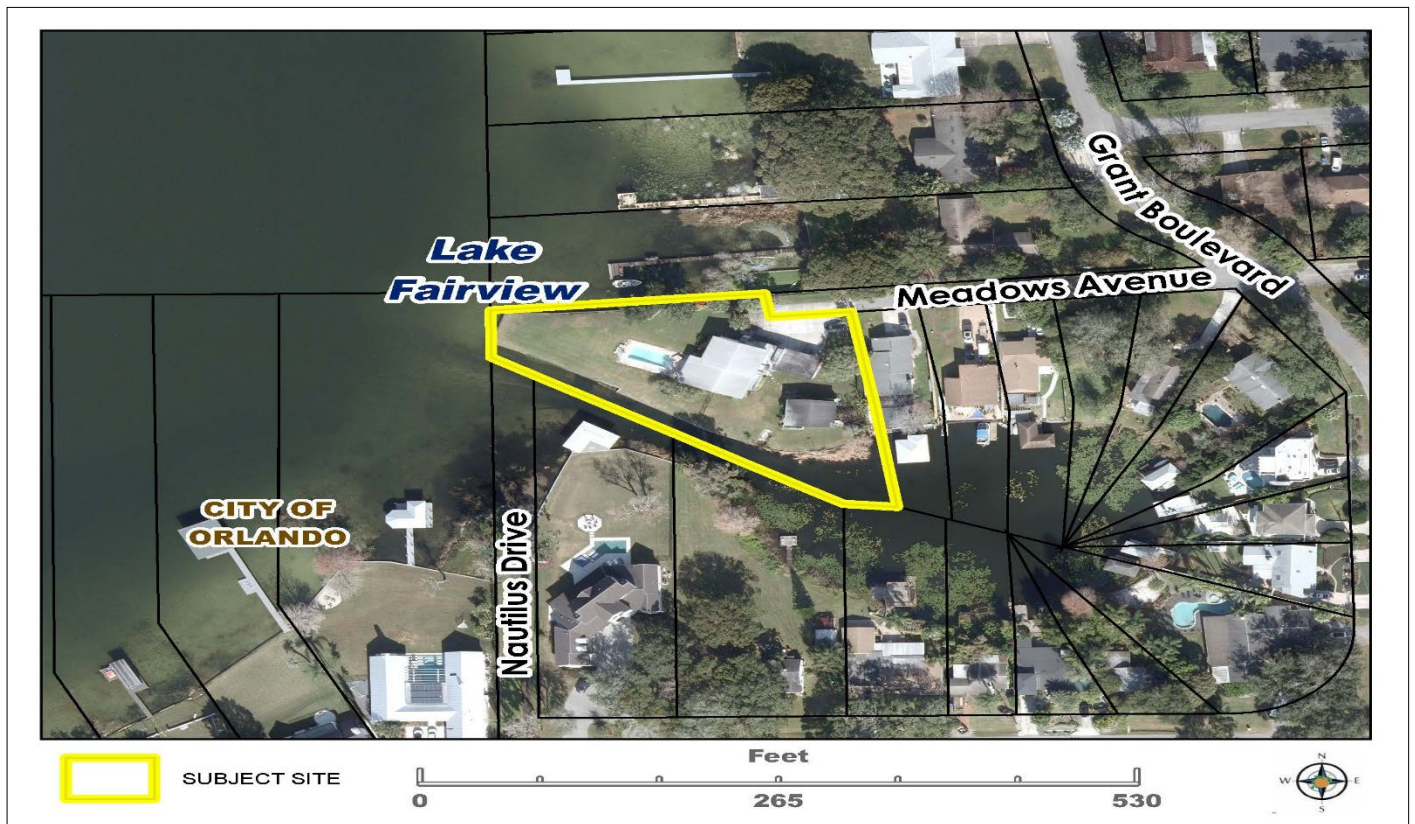
A handwritten signature in black ink, which appears to read 'Michael Wenrich', is written in a cursive style.

Michael Wenrich

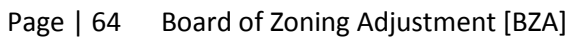
ZONING MAP



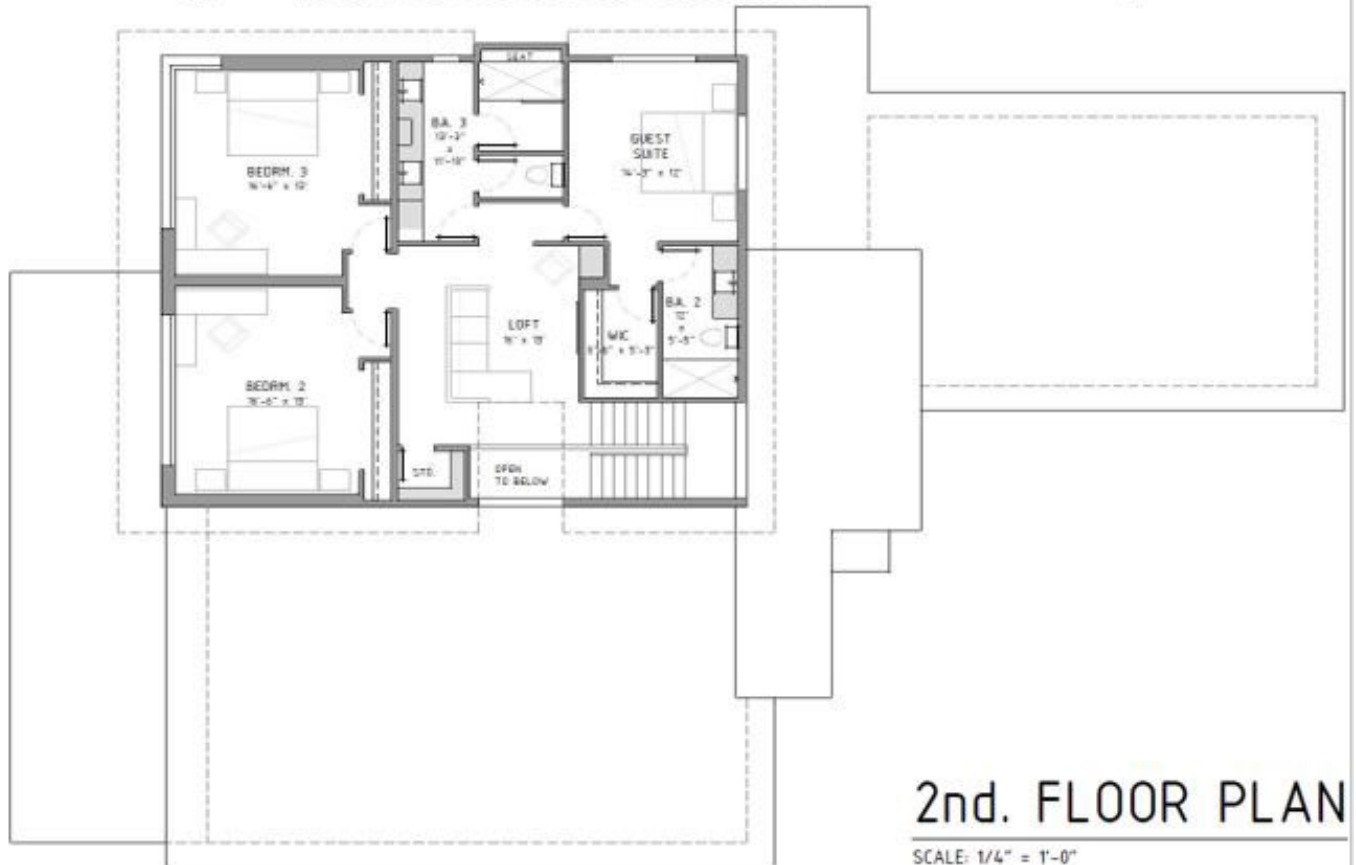
AERIAL MAP



SITE PLAN



FLOOR PLAN



ELEVATIONS

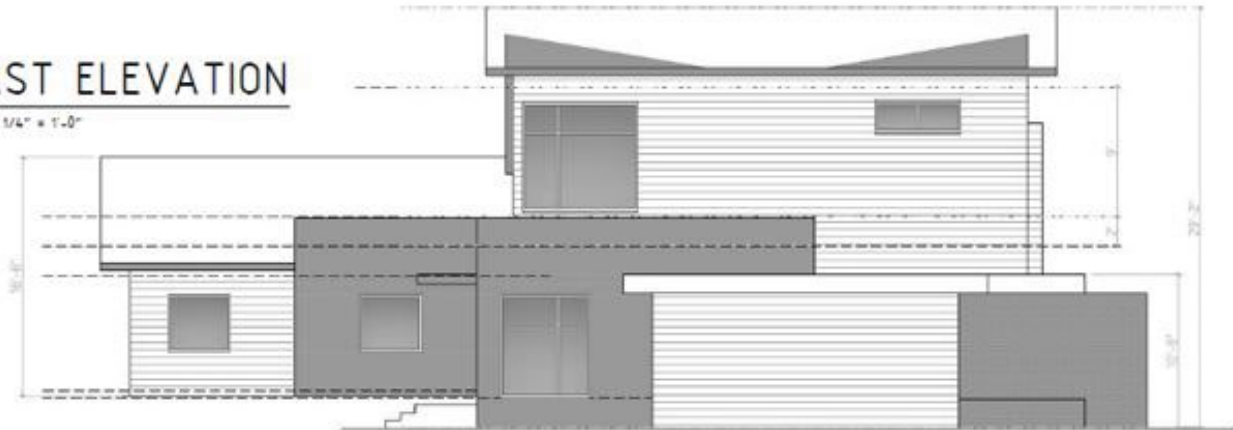
NORTH ELEVATION

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



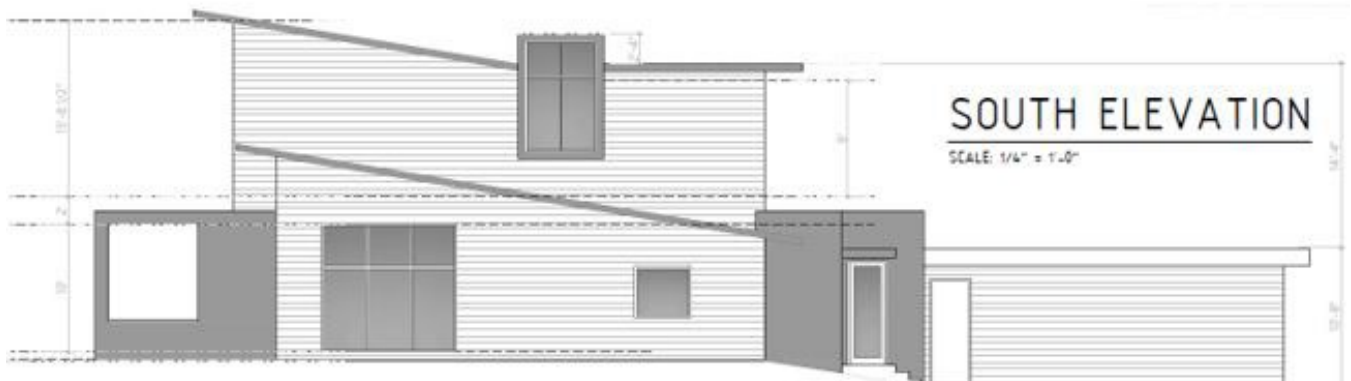
EAST ELEVATION

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



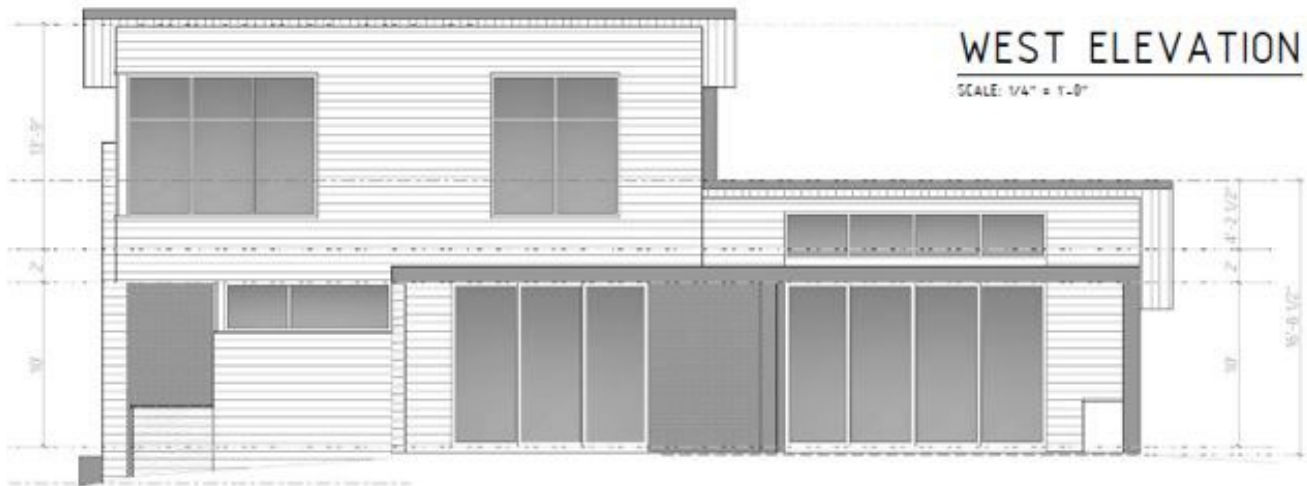
SOUTH ELEVATION

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



WEST ELEVATION

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



SITE PHOTO WITH ELEVATION CALLOUTS



SITE PHOTOS



Facing south towards front of subject property



Rear yard, facing west towards Lake Fairview

SITE PHOTOS



Facing west towards towards proposed addition (shower and courtyard)



Side yard, facing southwest towards proposed addition (shower and courtyard)

SITE PHOTOS



Rear yard, facing east towards proposed addition (porch expansion)



Rear yard, facing east towards existing boat house

SITE PHOTOS



Rear yard, facing south towards side of existing boat house



Rear yard, facing north towards Lake Fairview that runs under the boat house

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **May 05, 2022**

Commission District: **#6**

Case #: **VA-22-06-026**

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

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): THERMIDOR DUMARCEL

OWNER(s): THERMIDOR DUMARCEL, MARITTE NEOSAINT

REQUEST: Variance in the R-1A zoning district to allow an addition with a south rear setback of 17.75 ft. in lieu of 30 ft.

Note: This is the result of Code Enforcement.

PROPERTY LOCATION: 8002 Windy Hill Way, Orlando, FL 32818, southwest corner of Windy Hill Way and Lamplighter Way, west of N. Apopka Vineland Rd.

PARCEL ID: 22-22-28-3245-00-700

LOT SIZE: +/- 0.26 acres (11,340 sq. ft.)

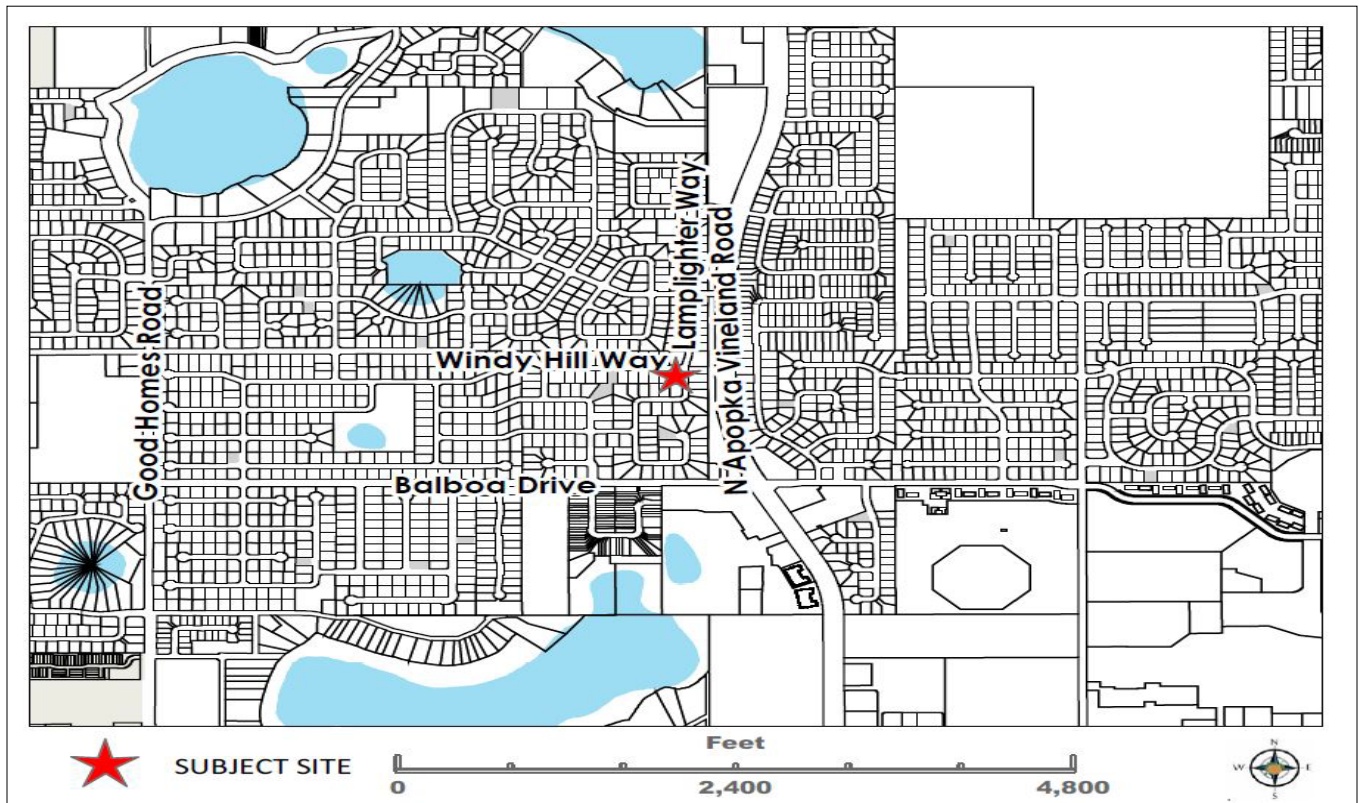
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 123

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	R-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1A, Single-Family Dwelling district, which allows single-family homes and associated accessory structures and requires a minimum lot area of 7,500 sq. ft. The Future Land Use is Low Density Residential (LDR), which is consistent with the R-1A zoning district.

The subject property is a +/- 0.26 acre lot, platted in 1986 as Lot 70 of the Grove Hill Unit Three subdivision, and is a conforming lot of record. The property is located on the corner of Windy Hill Way and Lamplighter Way and is developed with a 1-story, 2,260 gross sq. ft. single-family home, constructed in 1986. The frontage is considered Windy Hill Way since it is the narrowest portion of the lot abutting a public street and Lamplighter Way is considered the side street. There is a 10 ft. power and light easement along the north and east of the property, a 10 ft. utility easement along the south side, and a 5 ft. utility easement along the east side of the property. None of these easements are affected by the variance requested. The property was purchased by the current owners in 2011.

In 2022 the owner started construction of a 30 ft. by 24 ft., 720 sq. ft., addition 17.75 ft. from the south rear property line, in lieu of the required 30 ft., requiring a variance. The partially constructed addition includes 2 bedrooms, 1 bath room, and a study room.

Code enforcement cited the property owner on February 7, 2022 (CE#: 603871) for construction of the 720 sq. ft. addition without permits. There are no permits submitted for the addition.

Staff is recommending denial of this request as options exist to build a code compliant addition. For instance, the hallway could have been eliminated, which would reduce the rear encroachment to meet zoning setbacks or the addition could have been slightly modified and located within the buildable area on the lot.

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.	8 ft. (Addition)
Min. Lot Width:	75 ft.	99.2 ft.
Min. Lot Size:	7,500 sq. ft.	11,340 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	25 ft.	30.2 ft. (North)
Rear:	30 ft.	17.75 ft. (South – Variance)
Side:	7.5 ft.	7.5 ft. (West)
Side Street:	15 ft.	18.9 ft. (East)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions or circumstances regarding the property. The applicant could have redesigned the addition to meet the setback without impacting the functionality or usability of the addition.

Not Self-Created

This is a self-created hardship since the applicant constructed the addition without permits.

No Special Privilege Conferred

Granting this variance will confer a special privilege as owner has the ability to construct an addition that can be reduced in scale to lessen the setback, to meet code, and/ or modify the location and layout of the addition to meet code.

Deprivation of Rights

The applicant is not being deprived the right to continue to enjoy the use of the property as a single-family residence.

Minimum Possible Variance

The variance request is not the minimum since there are alternatives to lessen or eliminate the request.

Purpose and Intent

Approval of the variance will not be in harmony with the purpose and intent of the zoning regulations. The locational requirements for the proposed addition have not been met; therefore, the improvements will not maintain the character of the existing neighborhood.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received March 10, 2022, 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 1 year of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

C: Thermidor Dumarcel, Maritte Neosaint
7306 Gladwin Court
Orlando, FL 32836

COVER LETTER

March 4, 2022

Dumarcel Thermidor

8002 Windy Hill Way

Orlando, FL 32818

Project Parcel ID: 22-22-28-3245-00-700

To: ORANGE COUNTY ZONING DIVISION

201 South Rosalind Avenue, 1st Floor, Orlando, Florida 32801

Phone: (407) 836-3111; Email: BZA@ocfl.net

www.orangecountyfl.net

Re: Variance Application

Variance in the R-1A zoning district to allow a 720 sq. ft. addition to a residence with a 17.75 ft. rear setback in lieu of 30 ft. This is the result of Code Enforcement. The addition dimensions are 24ftx30ft. I believe this request meets the six standards for variance approval outlined below:

1.- SPECIAL CONDITIONS AND CIRCUMSTANCES.

Me and family currently live at 8002 Windy Hill Way, a one-story residence of three bedrooms, and two bathrooms. We are currently 6: me, my significant other, and my 4 children. As time goes by, it becomes tighter to accommodate the 6 of us under a less than 1700 SF home. The kids are no longer kids, they need their own space and privacy. It is definitely not ideal at the moment to purchase a bigger home as the housing market is crazy. So, we came up with the idea of adding a 720SF in the rear side of the existing home to be able to accommodate the whole family. This addition will have 2 bedrooms and a bath and a study room. My 16 years old kid will have a room and the other bedroom will be used as a guest room for my uncle who comes to visit the family so often with his wife. Unfortunately, the addition under construction does not meet the rear setback requirement for the R1-A zoning district; hence, I am requesting a variance to build the addition with the 17.75ft rear setback in lieu of 30 ft.

2.- Not self-created.

This residence falls into the R1-A zoning district category, with a 30 ft rear setback for lots platted prior to 3/3/97. Our surrounding neighbors' properties are also zoned R1-A Single Family. As previously mentioned, the idea is to add two bedrooms, one study room as shown in the floor plan layout to accommodate the whole family and to have a guest room. Few of our surrounding neighbors have added square footage to their property. The addition will be consistent with the pattern of the surrounding development and will be compatible with the surrounding area.

3.- No Special privilege conferred.

Granting the variance as requested would not confer special privilege as several other properties in the area appear to have additions with rear setbacks similar to the request. The surrounding area falls typically into the same zoning district category, with similar requirements in size and shape. Hence, the use will not act a detrimental intrusion into the surrounding area.

4.- Deprivation of Rights.

The addition will have the same use as the existing residence. There is no intention to build to develop or violate any restrictions. It will not be used as other than the permitted uses.

5.- Minimum Possible Variance.

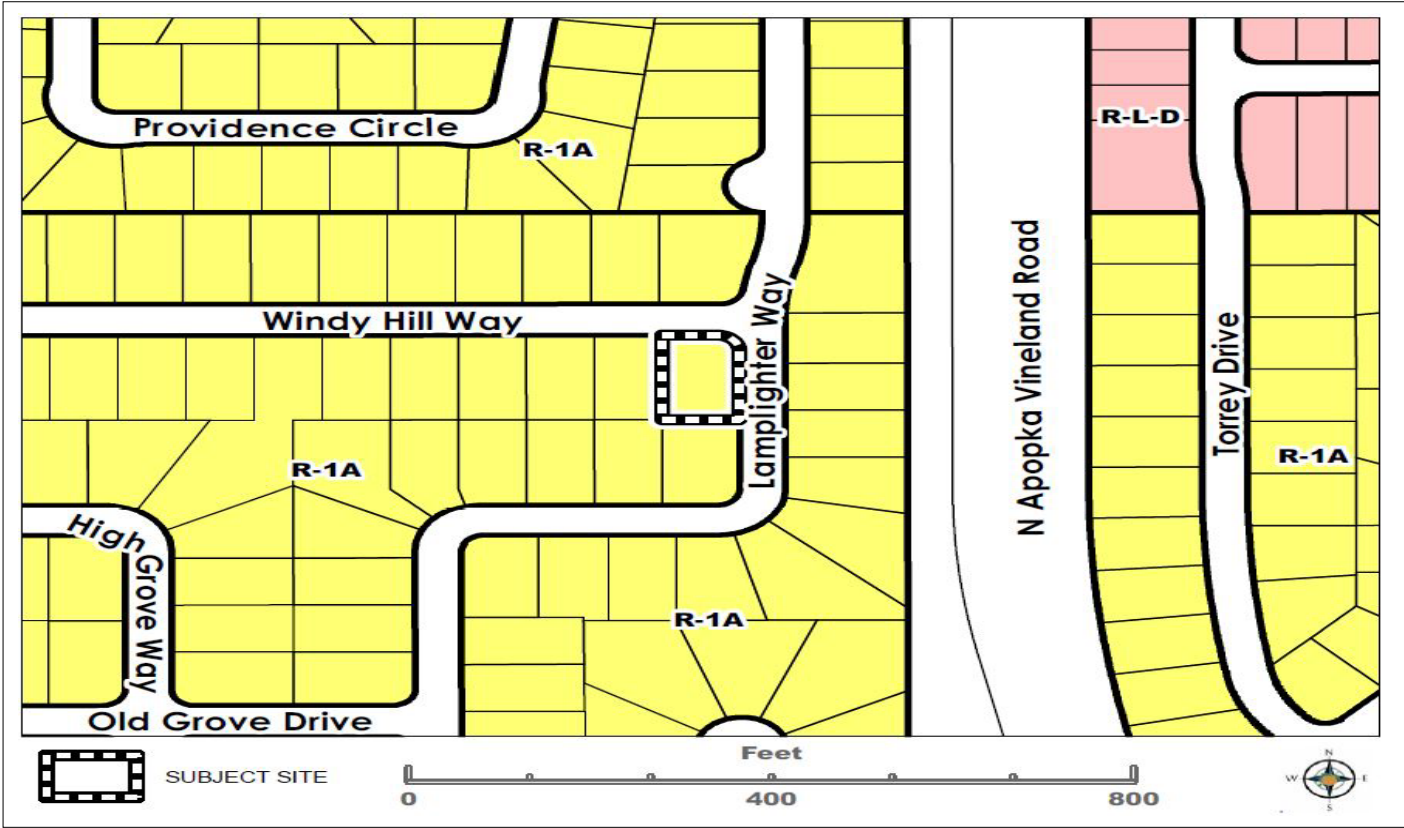
The required setback for a R1-A platted before 3/3/1997 is 30 ft. There is no reason to believe a 17.75 ft setback would be a concern with noise, dust, odor or and other negative characteristics with the surrounding uses of the zoning district. Plus, there is 6 ft high opaque fence surrounding the property from our neighbors. Approval of this request would not be detrimental to our neighborhood or public welfare.

6.- Purpose and Intent.

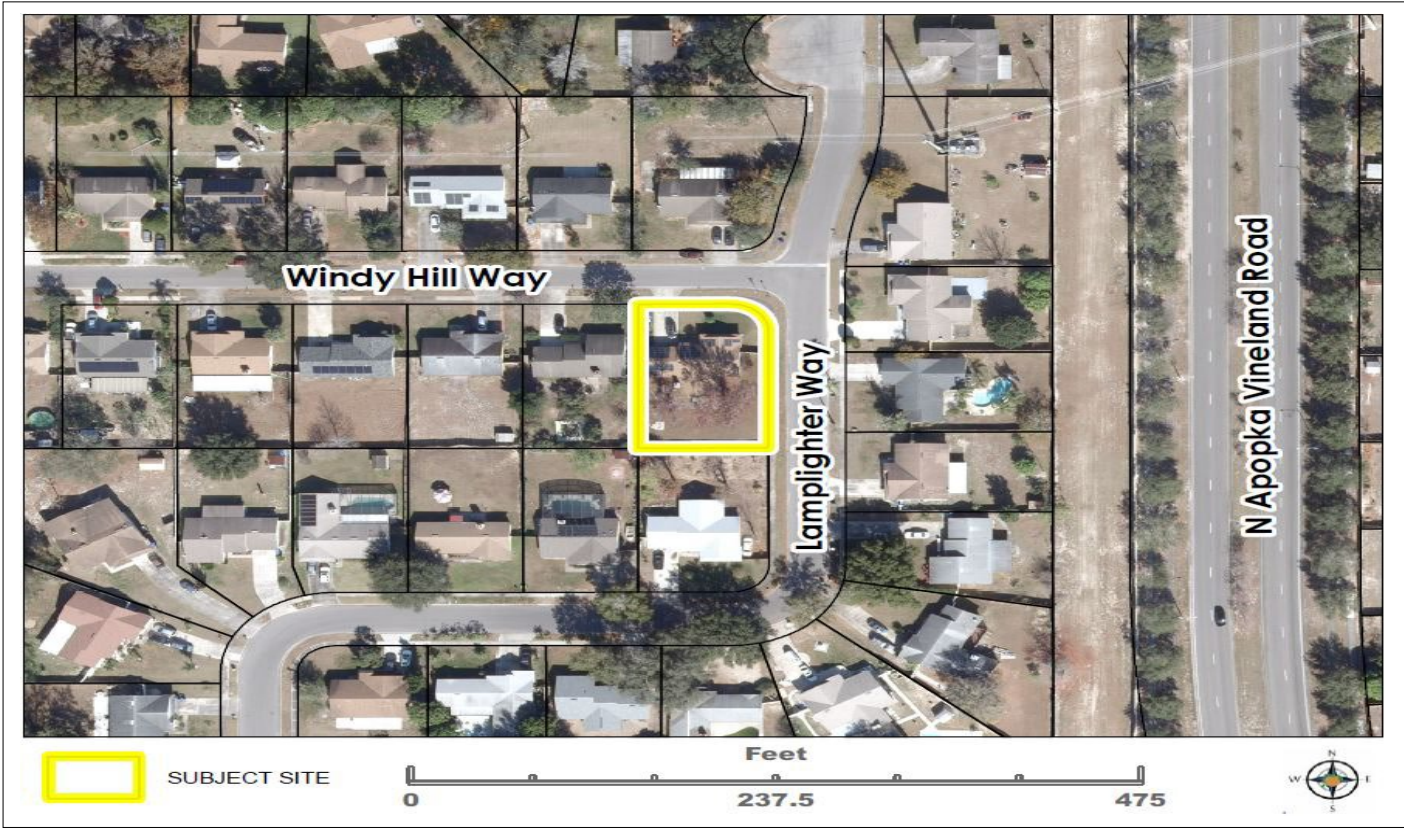
The purpose of this request is to have more space to accommodate the family. The impact on surrounding properties shall be significantly minimal due the 6ft tall opaque fence surrounding the property; the addition will not be visible from any of our neighbors. There should be no concern with any quantifiable negative impact to the surrounding property owners. Hence, approval of the requested variance would be in harmony with the purpose and intent of the Zoning Regulations.

The County has, approved similar variance requests in the past in established residential areas, and neighborhoods. We are hoping this request can be approved. Please see the documentation attached to this request.

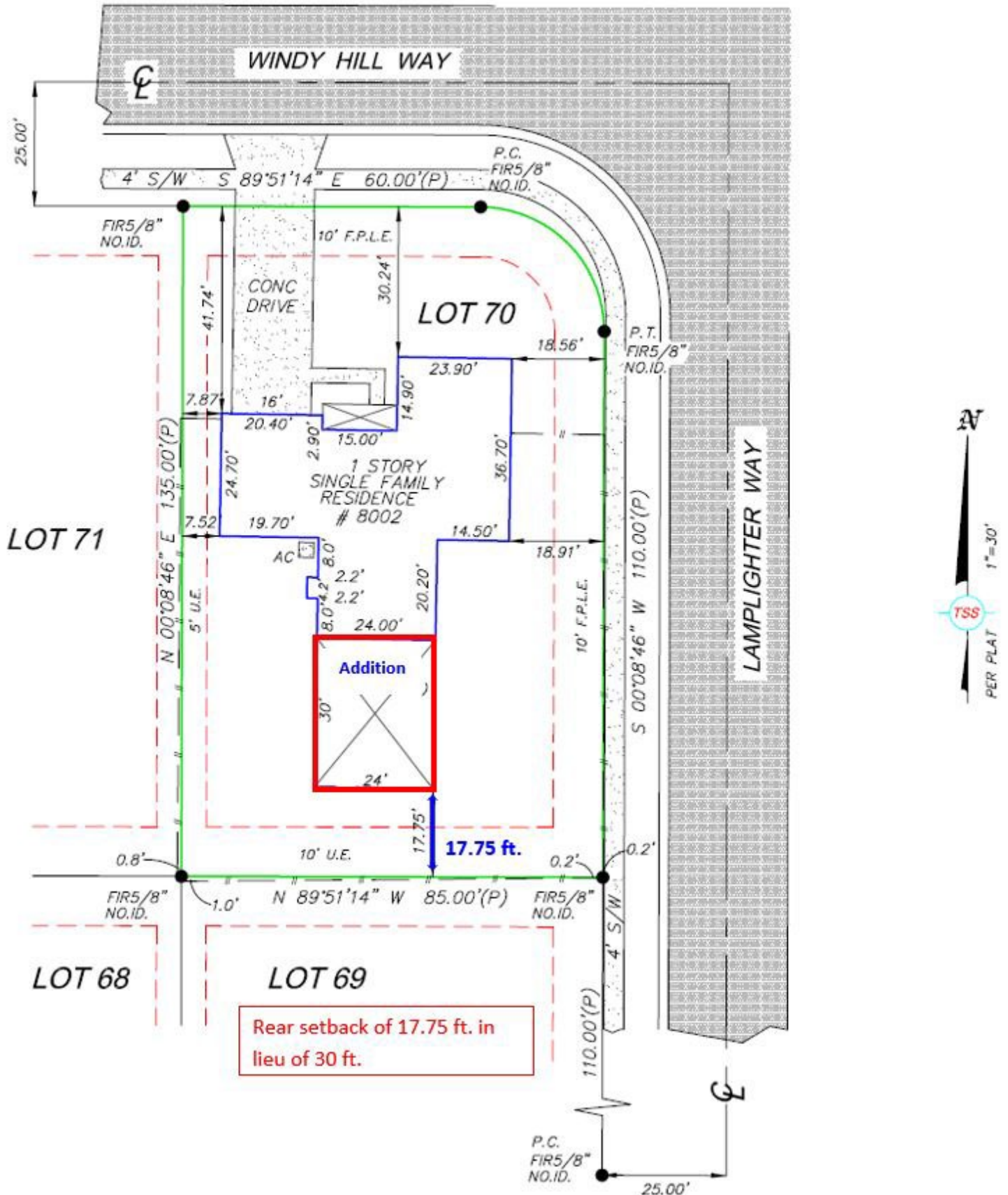
ZONING MAP



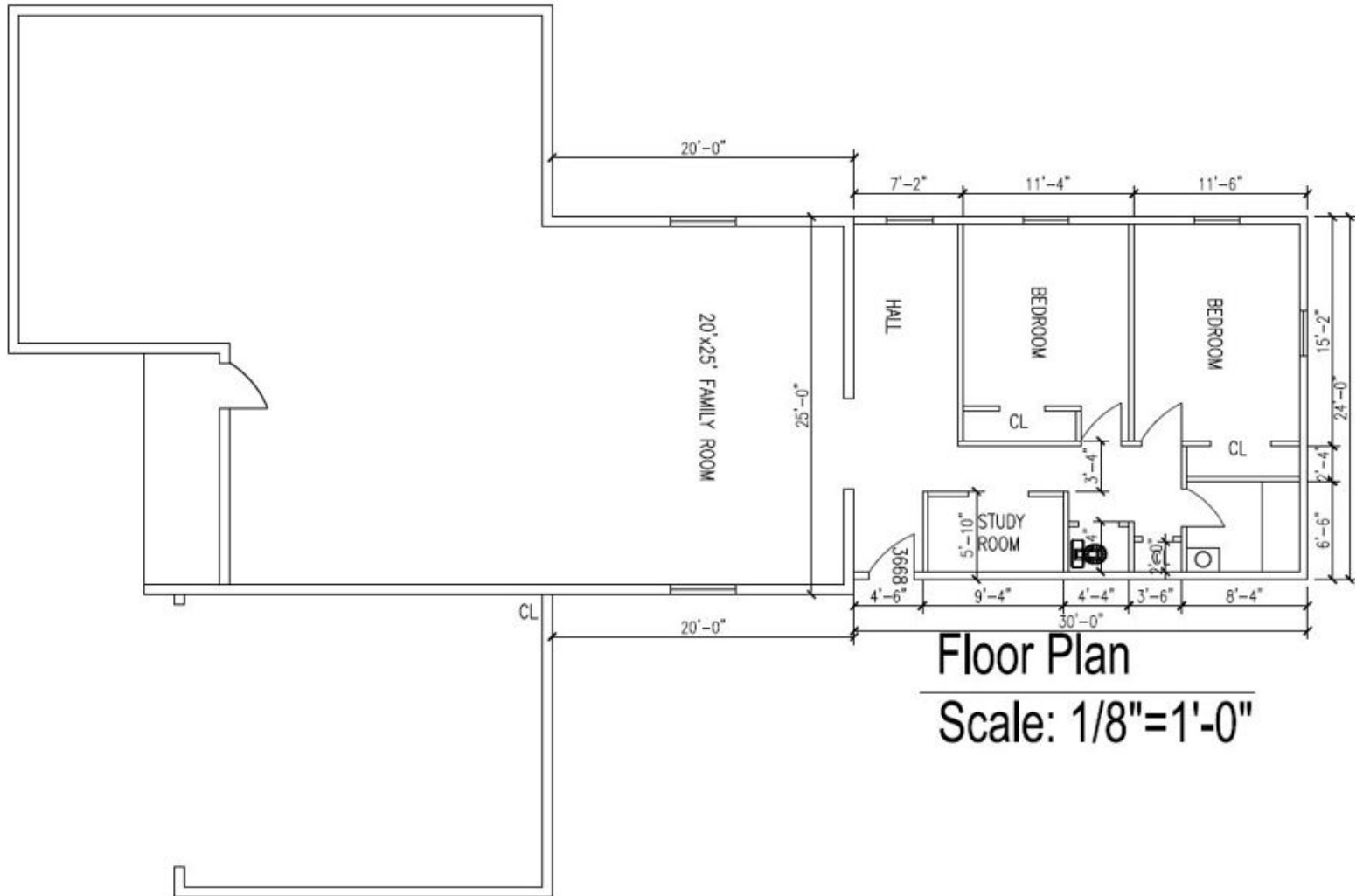
AERIAL MAP



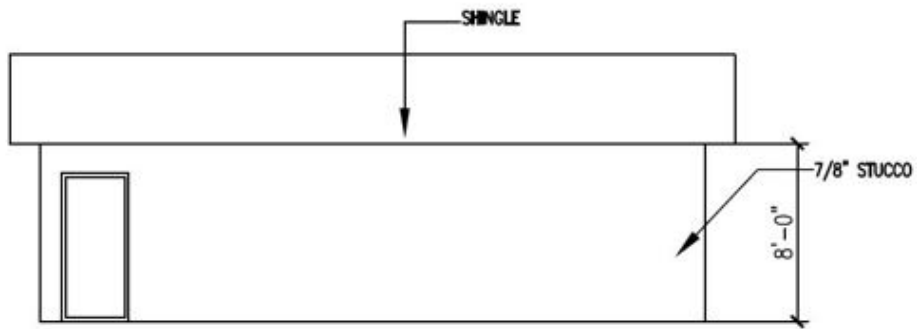
SITE PLAN



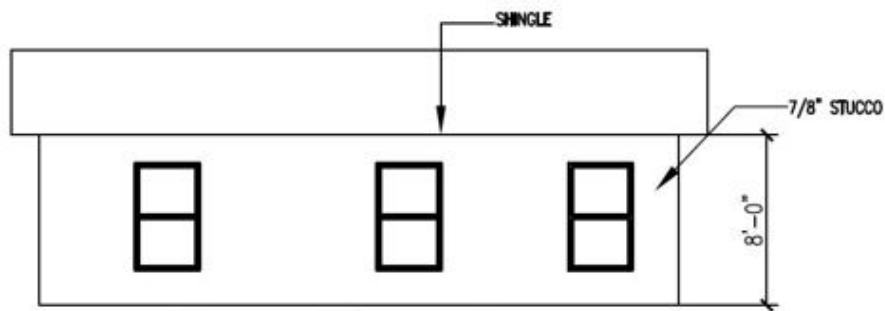
FLOOR PLAN



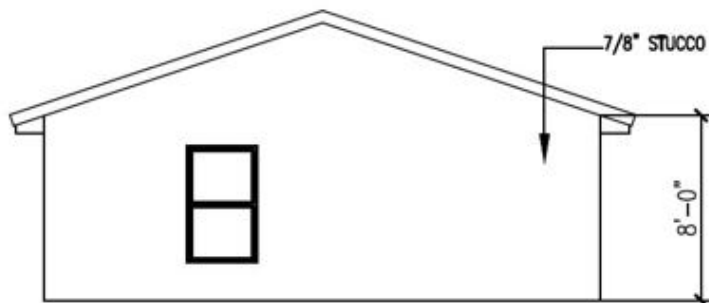
ELEVATIONS



Side View – West



Street Side View – East



Rear View – South

SITE PHOTOS



Facing south from Windy Hill Way towards front of subject property



Facing southwest from Lamplighter Way towards subject property

SITE PHOTOS



Rear yard, facing north towards side of partially constructed addition



Rear yard, facing north towards street side corner of subject property

SITE PHOTOS



Rear yard, facing south towards rear of subject property



Rear yard, facing east towards rear of partially constructed addition

SITE PHOTOS



Facing west from Lamplighter Way towards fence divide in rear of subject property



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