



Planning, Environmental &  
Development Services  
Department



Orange County Board of Zoning Adjustment

# Staff Booklet

Hearing Date:

May 6, 2021

Zoning Division

**ORANGE COUNTY GOVERNMENT**  
**BOARD OF ZONING ADJUSTMENT (BZA)**

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

**BZA Staff**

Ted Kozak, AICP	Chief Planner
Nick Balevich	Planner II
David Nearing, AICP	Planner II

# MEETING AGENDA

May 6, 2021

TIME	HEARING #	APPLICANT	DISTRICT	BD MBRS/ STAFF	PAGE #
9:00 AM	VA-20-10-093	Brian Sanz	1	TM/NB	1
	VA-21-05-026	Ryan Edmonson	1	TM/NB	15
9:30 AM	VA-21-04-015	Poulos & Bennett, LLC (Kathy Hattaway)	5	WH/DN	26
	SE-21-05-024	Blueberry Heaven Ranch (Michaela Fazecas)	5	WH/DN	45
10:00 AM	VA-21-05-027	Shutts & Bowen, LLP (James Johnston)	1	TM/DN	63
	VA-21-04-013	Durham Place (Rick Baldocchi)	3	JV/EK	73

# 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.) <sup>m</sup></i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.) <sup>a</sup></i>	<i>Min. rear yard (ft.) <sup>a</sup></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	60	25	25	6	35	<i>a</i>
(prior to 1/29/73)		Min. mobile home size 8 ft. x 35 ft.						
R-T-2 (after 1/29/73)	21,780 ½ acre	SFR 600	100	35	50	10	35	<i>a</i>
		Min. mobile home size 8 ft. x 35 ft.						

<i>District</i>	<i>Min. lot area (sq. ft.)<sup>m</sup></i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.)<sup>a</sup></i>	<i>Min. rear yard (ft.)<sup>a</sup></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.) <sup>m</sup></i>	<i>Min. living area (sq. ft.)</i>	<i>Min. lot width (ft.)</i>	<i>Min. front yard (ft.) <sup>a</sup></i>	<i>Min. rear yard (ft.) <sup>a</sup></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>

<b>District</b>	<b>Min. front yard (feet)</b>	<b>Min. rear yard (feet)</b>	<b>Min. side yard (feet)</b>	<b>Max. building height (feet)</b>
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: (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 06, 2021**

Case Planner: **Nick Balevich**

Case #: **VA-20-10-093**

Commission District: **#1**

## GENERAL INFORMATION

APPLICANT(s): BRIAN SANZ

OWNER(s): BRIAN SANZ, ANA M. SANZ

REQUEST: Variances in the PD zoning district as follows:

- 1) To allow an 8 ft. high wall within the 50 ft. setback from the Normal High Water Elevation (NHWE) in lieu of 4 ft. high.
- 2) To allow a west side setback of 0.5 ft. for a pergola in lieu of 5 ft.
- 3) To allow an east side setback of 2 ft. for a pergola in lieu of 5 ft.
- 4) To allow an east side setback of 0.5 ft. for a summer kitchen in lieu of 5 ft.
- 5) To allow an east side setback of zero for pool deck in lieu of 5 ft.
- 6) To allow a west side setback of zero for a pool deck in lieu of 5 ft.

PROPERTY LOCATION: 8102 Firenze Blvd., Orlando, Florida, 32836, south side of Firenze Blvd. on the north side of Big Sand Lake, west of The Esplanade.

PARCEL ID: 34-23-28-8880-04-190

LOT SIZE: 0.26 acres (11,326 sq. ft.)

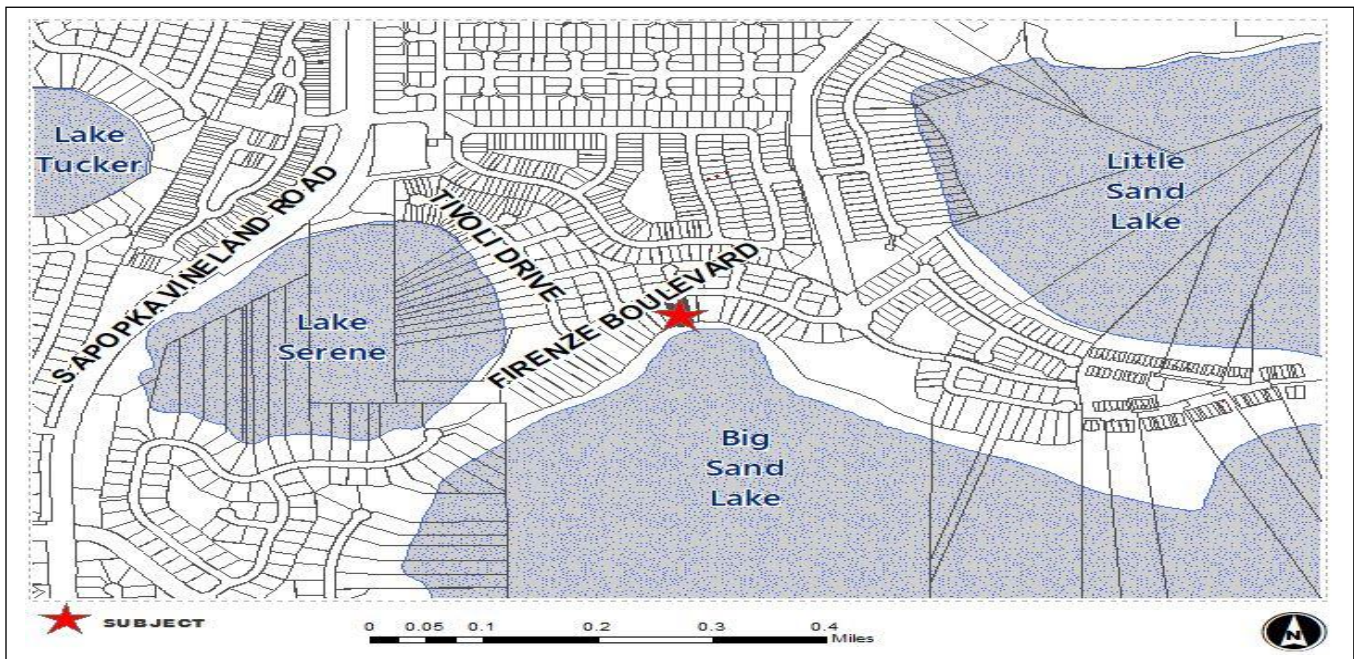
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 136

## STAFF RECOMMENDATIONS

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

## LOCATION MAP



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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	P-D	P-D	Big Sand Lake	P-D	P-D
Future Land Use	MDR	MDR	Big Sand Lake	MDR	MDR
Current Use	Single-family residence	Single-family residence	Big Sand Lake	Single-family residence	Single-family residence

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The property is located in the Granada Properties PD. This PD allows single-family homes, townhomes, motel and timeshare uses.

The area consists of townhomes and single-family homes, many of which are lakefront. The lot was platted in 2000 as part of the Vizcaya Phase One Plat, and is considered to be a conforming lot of record. It is developed with a 6,563 sq. ft. single family home (B01002922) and swimming pool (B01010297) that were constructed in 2002, and a boat dock (B10001669) that was constructed in 2010. The property also contains additional structures: 2 pergolas, a 112.36 sq. ft. one on the east side that appears to have been built in 2007, and a 138.83 sq. ft. one on the west side that appears to have been built in 2008, and a 119.34 sq. ft. summer kitchen that appears to have been built in 2010. Additionally, the pool deck appears to have been expanded between 2004 and 2006, based on aerial photos. Staff was unable to locate permits for these. The applicant purchased the property in 2002.

The subject request was initially heard by the BZA on November 5, 2020, with the same requests except the original wall height request was 10 ft. A member of the Home Owner's Association (HOA), on the architectural review board (ARB), spoke in opposition, stating that the wall was built without approval or permits, and that no such wall is allowed, and it should be lowered to the appropriate height, and that all variances should be denied. The BZA suggested that the applicant work out issues with the HOA first, and then come back before the BZA since the wall, pergola and pool deck encroach into a 15 ft. easement dedicated to the HOA. As a result, it was continued to February 4, 2021.

Between the November 5<sup>th</sup> and February 4<sup>th</sup> BZA meetings, the applicant met with the HOA and provided a response letter from the HOA indicating that the ARB application will be approved by the HOA if the height of the wall was reduced to meet Orange County Code. The applicant reduced the wall height from 10 ft. to a compliant 4 ft. within the 50 ft. setback from the Normal High Water Elevation (NHWE). Prior to the February 4, 2021 BZA meeting, the applicant submitted a modified request to allow an 8 ft. high wall within the 50 ft. setback from the Normal High Water Elevation (NHWE) in lieu of 4 ft. (revised variance #1). If approved, the applicant would add back onto the existing 4 ft. high wall. The additional variances requested in November remained the same at the February 4, 2021 BZA meeting: to allow two existing pergolas to remain: with a 0.5 ft. west side setback, and a 2 ft. east side setback, in lieu of 5 ft. (variances #2 and #3 respectively), and a summer kitchen with a 0.5 ft. east side setback in lieu of 5 ft. (variance #4), and to allow a pool deck with an east and west side setback of zero in lieu of 5 ft. (variances #5 and #6 respectively). All of these were built without permits. The

pool deck was permitted in 2001, but was subsequently expanded to the east and west property lines without a permit.

At the February 4, 2021 BZA meeting, there were no members of the public in attendance to speak in favor or in opposition to the requests. The BZA discussed the jurisdiction of the Board pertaining the improvements encroaching into the environmental swale easement that is owned and maintained by the Vizcaya Master Property Owner's Association. The BZA also discussed the purpose and need for the wall, which was originally to mitigate the effects caused by the abandoned property next door, and confirmed that the deterioration has been alleviated by the new neighbor. The applicant contended that there is a separation of HOA restrictions and County requirements and that compliance with HOA regulations is a private, separate matter between the owner and the HOA. In order to give the applicant and the owner the opportunity to meet with the HOA and potentially resolve the private issues, the BZA continued the case to the May meeting, and directed staff to work with the HOA and the homeowner to determine jurisdiction.

On March 1, 2021, the County Attorney's office issued a memorandum that confirmed the BZA's jurisdiction to consider the requests. As a result, county staff has not reached out to the HOA regarding jurisdiction.

As stated above, the southern pergola, the wall and the pool deck are encroaching into a 15 ft. environmental swale easement. This easement is dedicated to and maintained by the Vizcaya Master Property Owner's Association. The Orange County Development Engineering Division has no objection to constructing within the environmental swale easement that is owned and maintained by the Vizcaya Master Property Owner's Association, as long as the water quality volume required to be contained and treated within the environmental swale is provided, before any runoff is directed to Big Sand Lake. However, the easement holder must approve these improvements/structures, prior to permitting.

The applicant has submitted 2 letters of no objection from the adjacent property owners to the east and west. Staff has received a letter in support of the request from a Director of the Vizcaya Master HOA, and a letter against the request from members of the Vizcaya Master HOA Architectural Review Board.

#### **District Development Standards**

	Code Requirement	Proposed
Max Height:	4 ft. wall within NHWE. (15 ft. accessory structure)	8 ft. wall (variance #1) 14 ft. accessory structure
Min. Lot Width:	50 ft.	68 ft.
Min. Lot Size:	Not specified	0.26 ac. (11,409 sq. ft.)

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

	Code Requirement	Proposed
Front:	20 ft.	20.5 ft. (North)
Rear:	20 ft.	87 ft. (South)
Side:	5 ft. (for primary and accessory structures)	5 ft. house; 6 in. pergola (West-variance #2); 2 ft. pergola (East-variance #3); 6 in. summer kitchen (East-variance #4); 0 ft. pool deck (East and West variances #5 and #6)
NHWE:	50 ft.	37 ft. to wall (South)

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**STAFF FINDINGS**

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**VARIANCE CRITERIA****Special Conditions and Circumstances**

There are no special conditions and circumstances, as the deck, wall and accessory structures were all installed without permits, and could have been installed in a manner that would not have required variances. While it is noted that the non-conforming part of the wall has been removed, the request is to re-install it in a non-conforming manner, for which there are no special conditions and circumstances to justify approval.

**Not Self-Created**

The request for the variances is self-created as a result of installation without permits. The request to allow a wall height of 8 ft. is self-created as they can meet code as evidenced by the existing 4 ft. wall.

**No Special Privilege Conferred**

Granting the variances as requested will confer special privilege that is denied to other properties in the same area and zoning district, as the applicant may rectify the issue by moving, removing, or modifying the deck, and accessory structures that were installed without permits, and to leave the wall in the currently conforming configuration.

**Deprivation of Rights**

The applicant is not being deprived of the right to enjoy the use of the property as a single-family residence. The owner has the opportunity to meet the deck, wall and accessory structure setback requirements.

**Minimum Possible Variance**

Since the applicant has other available options, these are not the minimum possible variances.

## Purpose and Intent

Approval of the variances will not be in harmony with the purpose and intent of the zoning regulations, as the deck and accessory structures encroach significantly into the required setbacks, and the height of the wall conflicts with the intent of the code, which is to ensure visibility of the lake from adjacent properties.

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### CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan and elevations dated January 7, 2021, 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. Permits shall be obtained for all unpermitted structures, decking and wall within 180 days of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Prior to the issuance of 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 8 ft. high wall is located no closer than 37 feet from the Normal High Water Elevation (NHWE) of Big Sand Lake.

C: Brian Sanz  
8102 Firenze Blvd.  
Orlando, FL 32836

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COVER LETTER PAGE 1

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**BRIAN SANZ**  
8102 Firenze Blvd. Orlando, FL 32836  
[briansanz@me.com](mailto:briansanz@me.com)

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December 23, 2020

Nick Balevich  
Board of Zoning Adjustment BZA  
Orange County Zoning Division  
201 S. Rosalind Ave. 1<sup>st</sup> Floor  
Orlando, FL 32801  
Via Email [Nick.Balevich@ocfl.net](mailto:Nick.Balevich@ocfl.net)

RE: Variance in the PD zoning district to allow 1) small **8 FT section** of a continuous straight wall (running South to North) with a **maximum height of 8 FT in.** within the 50 ft. setback from the Normal High Water Elevation (NHWE) in lieu of 4 ft.; and 2) Variance to allow summer/outdoor kitchen and pergolas with 6 in. side setback lines in lieu of 5 ft. Parcel ID # 34-23-28-8880-04-190

Dear Mr. Balevich:

I respectfully request a zoning variance pursuant to Orange County Code Section 30-34. Attached find completed application and requested documentation including neighbors' letters of no-objection.

The requested variance is for height variance of 8 f.t in maximum height of a straight wall with a 8 ft. section within the Normal High Water Elevation NHWE setback. The wall does not present an environmental issue and is on the side of my property, the wall is perpendicular from Big Sand Lake and does not interfere with the lake. I also request variance to allow built summer/outdoor kitchens and pergolas with 6 in. side setback from the east and west property lines in lieu of 5 ft.

The outdoor kitchen and pergolas were built over 10 years ago when my backyard went renovation to mitigate damage to the Vizcaya community retaining wall, repairs due to hurricane damage and flooding of retaining wall and backyard. The repairs of the Vizcaya HOA wall were not performed by the HOA, instead the HOA allowed homeowners to do the needed work (see attached letter).

The wall was built to mitigate damage suffered by our property as the abutting property, 8044 Firenze Blvd, was abandoned for many years in decrepit and unsanitary conditions. I appreciate the help given by Code Enforcement as I was not able to obtain help from my HOA.

You may check the multiple cases of Orange County Code Enforcement that accumulated for many years on that property. Unfortunately, due to neglect of the abutting property the backyard suffered erosion and degradation and it affected my property causing damage to my property rear yard pool and pool deck.

The wall was built in excess of height to maintain the aesthetics and look of other similar walls built in the community. My new owner of the abutting property is repairing the damage to the property and agrees to the wall as he shared the cost of the wall.

Nick Balevich  
Orange County Zoning  
December 23, 2020  
Page 2

To meet variance criteria:

1. Special Conditions and Circumstances: the property was damaged by the abutting property multiple years of neglect. The retaining wall was damaged and had to be repaired after 2004 hurricane and rising lake level after the break of the berm of Little and Big Sand Lake which caused tremendous rising of Big Sand Lake flooding backyard and damaged many properties requiring the intervention of Orange County Government and the State of Florida. (See attached article by Orlando Sentinel). <https://www.orlandosentinel.com/news/os-xpm-2005-01-06-0501050467-story.html>

2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant. I was not in control of the abutting houses which was neglected by many years by the bank that owned it and the HOA did not help. Additionally, the rising lake level and damage was an act of nature.

3. No Special Privilege Conferred – I understand that the approval of the zoning variance requested will not confer on me any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

4. Deprivation of Rights – The literal interpretation of the provisions contained in OC Code Section 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 to me, hence the requested variance.

5. Minimum Possible Variance – Please issue variance, I understand 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 – I confirm that the 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. My abutting neighbors have sent letter of no objection to the built wall, furthermore many neighbors have commented on the nice aesthetics of my property and continuous upkeep.

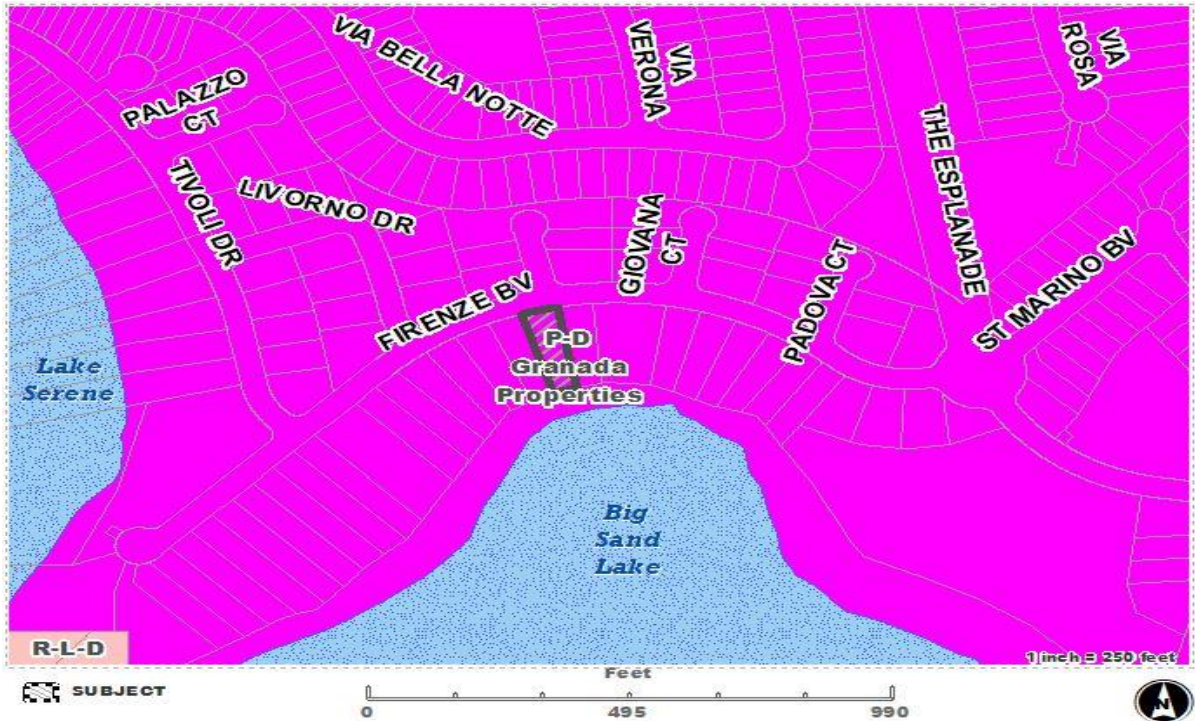
At the BZA hearing, Mr. Daniel Garcide appeared in opposition. I believe the opposition presented by Mr. Garside may be a personal vendetta against Mr. Sanz. It seems unreasonable an HOA would oppose to a homeowner wanting to have a straight wall and to obtain permits for all work in his property. Please know here is a lengthy dispute between Mr. Sanz and the Vizcaya Master HOA and Vizcaya Multicondo Assn. (where Mr. Sanz also owns property). Mr. Sanz filed legal action against the Multicondo Assn where Mr. Daniel Garside is president, the State of Florida recently ruled in favor of Mr. Sanz, on December 15, 2020, and a new election will be held thanks to Mr. Sanz fighting for fair and just elections. (See attached DBPR Final Order).

I respectfully request variance and I thank you for your attention.

Sincerely,

Sergio Divine,  
Agent for Mr. Brian Sanz

## ZONING MAP



## AERIAL MAP



# SITE PLAN

39°34'57" E 68.73'(P)  
39°41'29" E 68.62'(M)

**C44**  
R=600.00'(P)  
L=68.77'(P)  
Δ=06°34'00"(P)  
Chord Bearing=  
3°08'57" E 68.73'(P)  
6°08'57" E 68.76'(M)

**CA**  
Fnd. 5/8" Rebar & Cap (Illegible)

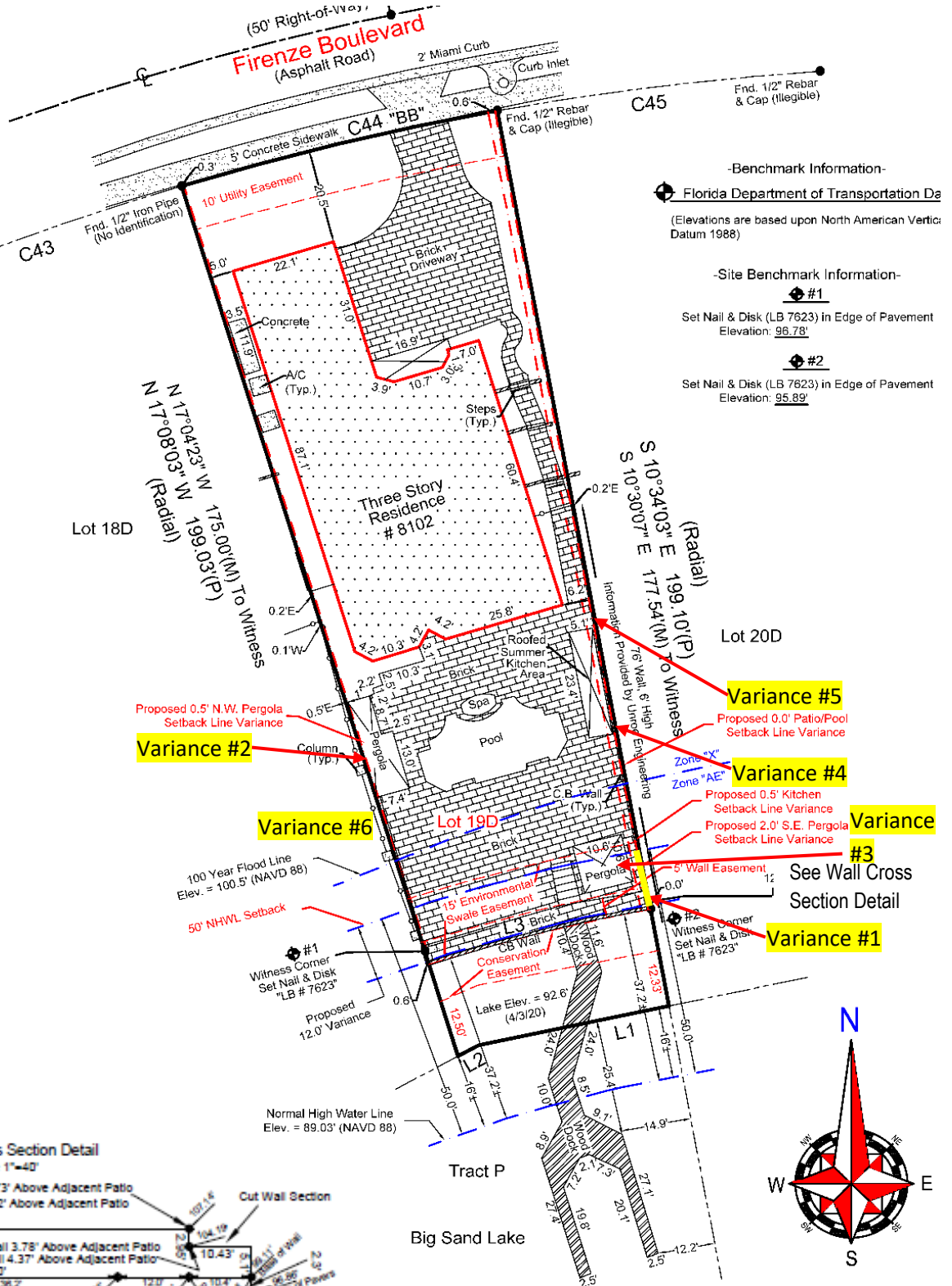
**C45**  
R=600.00'(P)  
L=68.77'(P)  
Δ=06°34'01"(P)  
Chord Bearing=  
82°42'58" E 68.73'(P)  
N 82°47'51" E 68.68'(M)

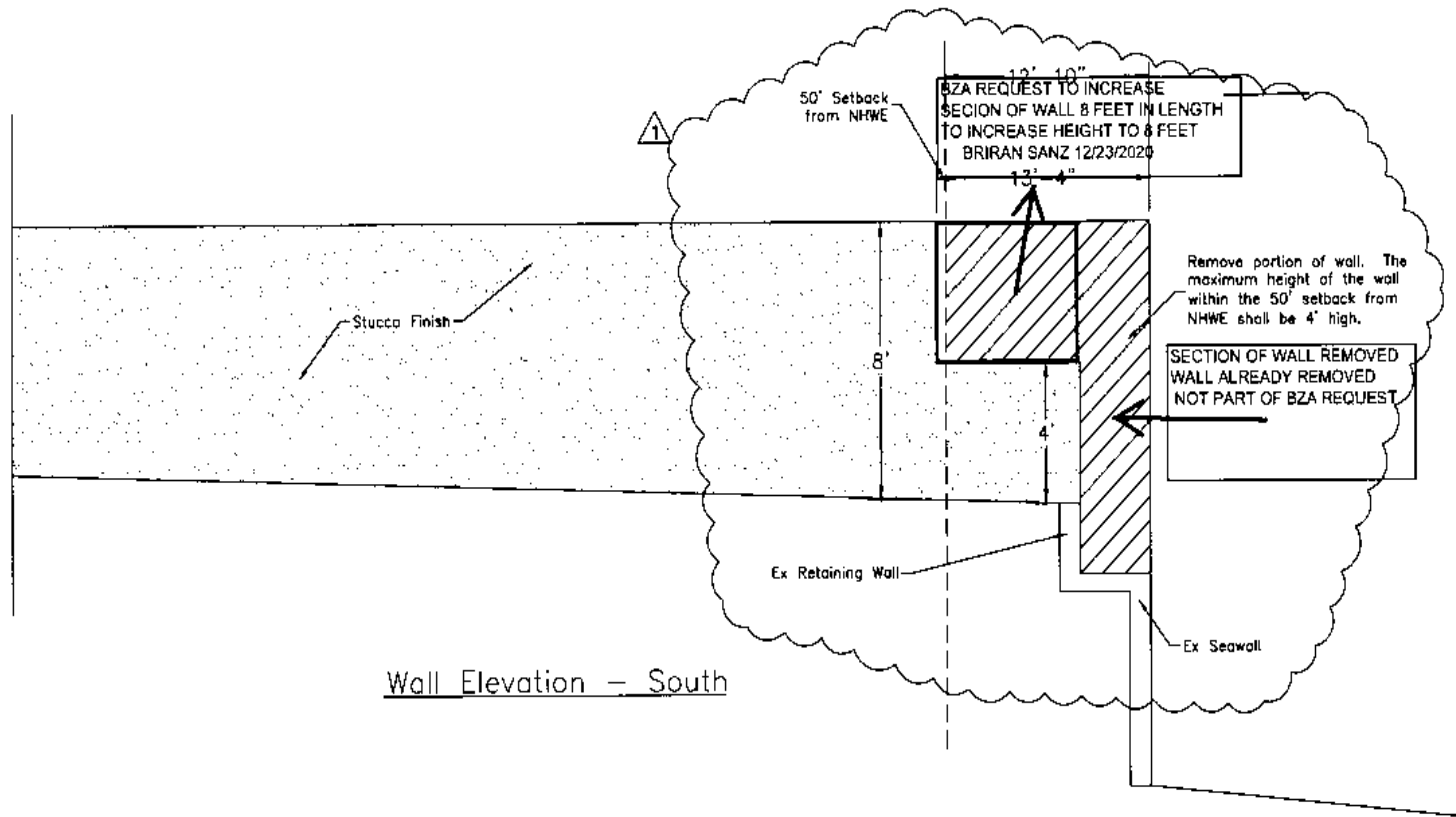
**L1**  
77°55'52" W 41.36'(P)  
S 77°55'52" W 41.16'(M)

**L2**  
61°15'26" W 4.75'(P)  
S 61°15'26" W 4.97'(M)

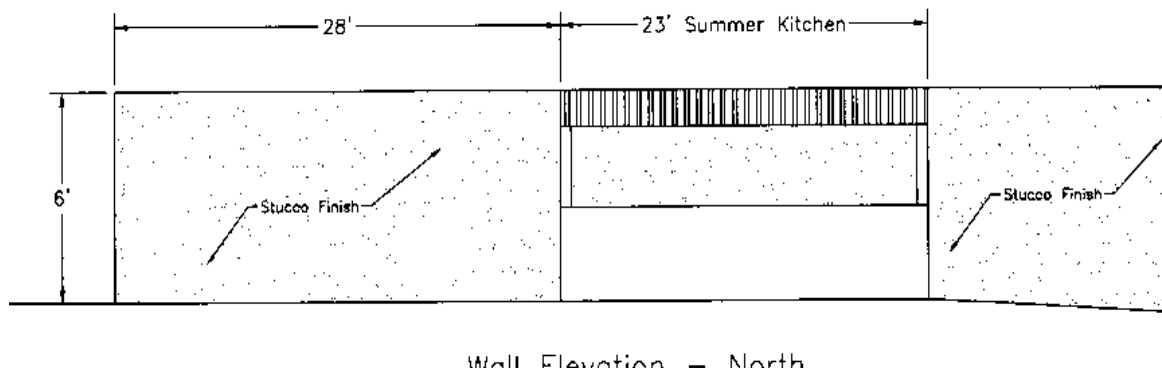
**L3**  
Witness Line  
S 79°07'00" W 48.62'(M)

**CA**  
R=600.00'(P)  
L=220.65'(P)  
Δ=27°38'15"(P)  
Chord Bearing=  
55°52'41" E 219.41'(P)



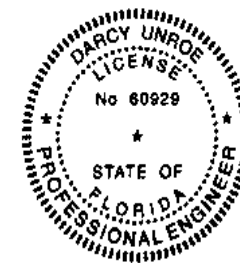


Wall Elevation - South



Wall Elevation - North

This Item has been electronically signed and sealed by Darcy Unroe, PE 60929 on the date indicated using : Signature. Printed copies of this document are considered signed and sealed and the signature verified on any electronic copy.

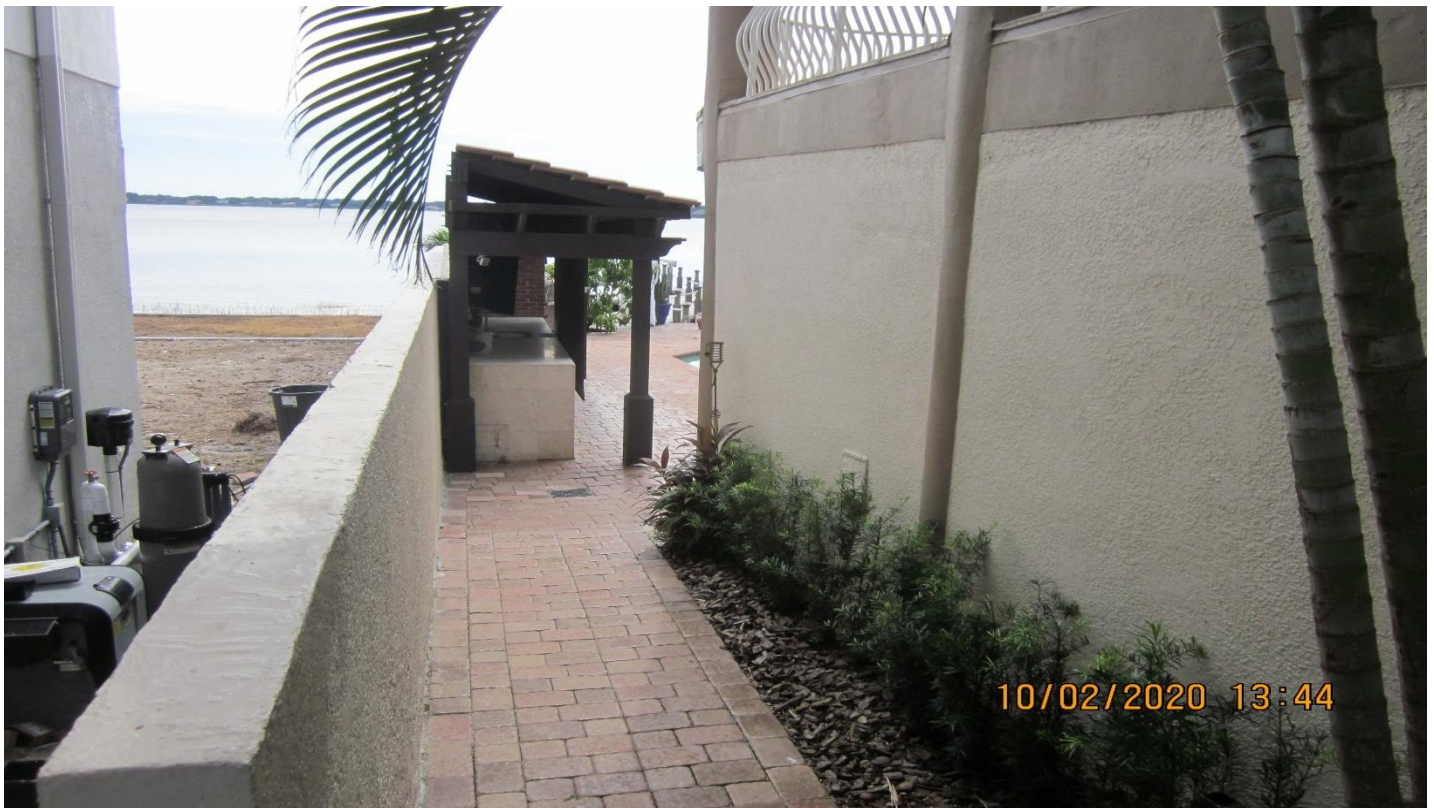


Digitally  
by Darc  
Date:  
2020.11  
10:41:51

## SITE PHOTOS



Front from Firenze Blvd., looking south



Summer kitchen with 6 inch east side setback, looking south

## SITE PHOTOS



**11/5/2020 BZA-10 ft. wall within NHWE setback, and pergola with 2 ft. east side setback, looking north**



**Present-Wall reduced to 4 ft. within NHWE setback, and pergola with 2 ft. east side setback, looking north**

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**SITE PHOTOS**

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**11/5/2020 BZA-10 ft. wall within NHWE setback, looking north**



**Present-Wall reduced to 4 ft. within NHWE setback, looking north**

## SITE PHOTOS



Rear, looking north



Pergola with 6 inch west side setback, looking north

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 06, 2021**

Case Planner: **Nick Balevich**

Case #: **VA-21-05-026**

Commission District: **#1**

## GENERAL INFORMATION

APPLICANT(s): RYAN EDMONSON

OWNER(s): HEINTZELMAN KENNETH C, HEINTZELMAN LISA M

REQUEST: Variance in the PD zoning district to allow an addition to an existing garage for a total of 821 sq. ft. detached accessory structure area in lieu of a maximum of 737 sq. ft.

PROPERTY LOCATION: 6397 New Independence Parkway, Winter Garden, Florida, 34787, north side of New Independence Pkwy., west of Ficquette Rd., east of S.R. 429.

PARCEL ID: 22-23-27-8124-02-580

LOT SIZE: +/- 0.16 acres (+/- 7,372 sq. ft.)

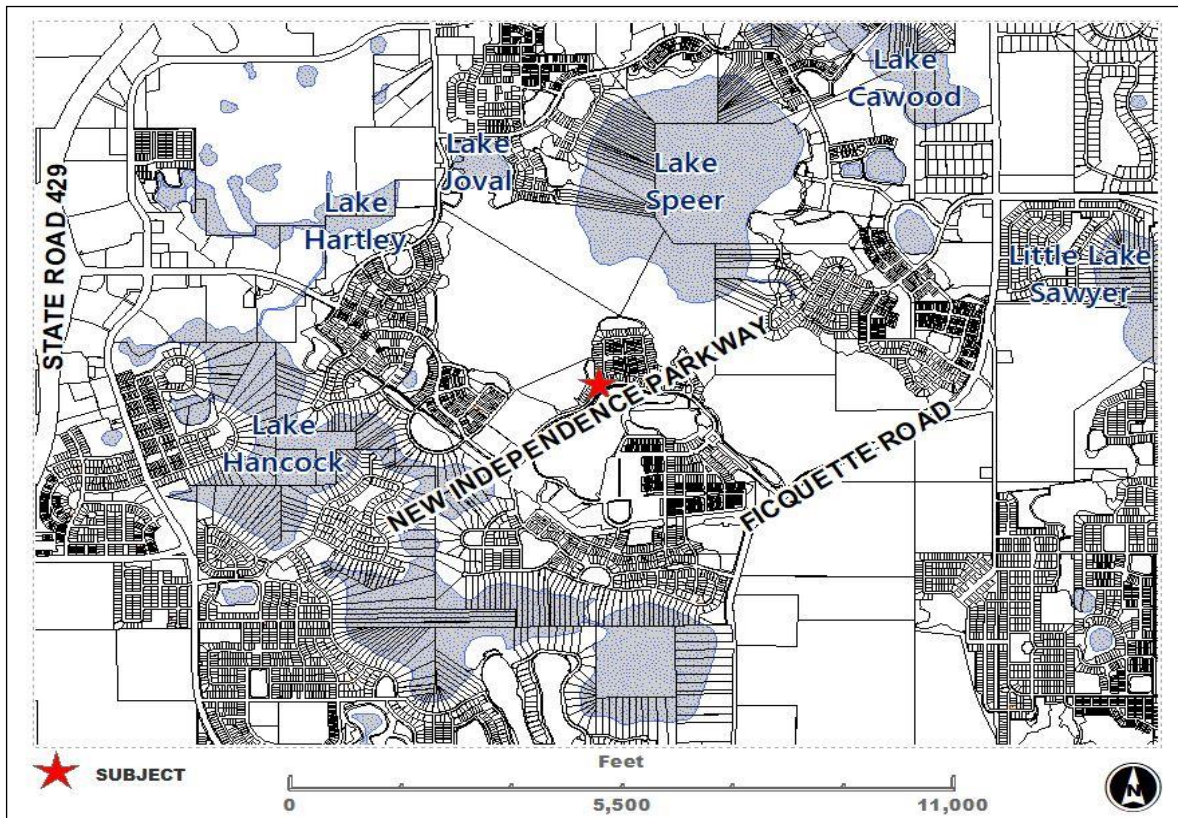
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 58

## STAFF RECOMMENDATIONS

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

## LOCATION MAP



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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	Signature Lakes PD	Signature Lakes PD	Signature Lakes PD	Signature Lakes PD	Signature Lakes PD
Future Land Use	V	V	V	V	V
Current Use	Single-family residence	Single-family and stormwater pond	County trail, vacant HOA property	Single-family residence	Single-family residence

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The subject property is located in the Signature Lakes PD, which allows single-family, multi-family and commercial uses.

The area around the subject site consists of single-family homes and townhomes and a school to the west. The subject property is a +/- 0.16 acre lot, located in the Signature Lakes Parcel 1B Plat, recorded in 2005, and is considered to be a conforming lot of record. It is developed with a 2,698 sq. ft. 2-story single-family home with a detached 2 car garage, constructed in 2006. Access to the site is from the rear of the property via an alley easement. The applicant purchased the property in 2013.

The applicant is proposing to construct a 16 ft. x 22 ft., 352 sq. ft. addition to the existing detached garage at the rear of the property. The proposed addition will provide a ½ bath and a 3<sup>rd</sup> garage parking space. The County Code Sec 38-1426 (a)(3)(b)(6) limits the cumulative area of all detached accessory structures to ten (10) percent of the net land area, or 500 sq. ft., whichever is greater. Since the property is 7,372 sq. ft. in size, 737 sq. ft. of accessory structures is allowed. The total proposed (accessory structure) square footage is 821.

The applicant has met some of the criteria required for approval, but does not meet all 6 of the criteria, as required by code for approval of a variance.

The applicant submitted 3 letters of support from the owner of the adjacent property to the west, and other properties on the same street further west.

**District Development Standards**

	Code Requirement (PD)	Proposed
Max Height:	40 ft.	15.2 ft.
Min. Lot Width:	40 ft.	48.65 ft.
Min. Lot Size:	5,000 sq. ft.	7,372 sq. ft.

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

	Code Requirement (PD)	Proposed
Front:	15 ft.	17.1 (South)
Rear:	5 ft. (accessory structure)	27.5 ft. (North)
Side:	5 ft.	13.4 ft. Accessory structure (West) 5.3 ft. Accessory structure (East)

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**STAFF FINDINGS**

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**VARIANCE CRITERIA****Special Conditions and Circumstances**

A special condition or circumstance particular to this property is the shape of the lot/angle of the property line, in that the lot is narrower at the front (48.65 ft. wide) than at the rear (60.91 ft. wide). If the lot width at the front was the same as at the rear, then the variance would not be required.

**Not Self-Created**

The request for the variance is self-created, as the request could be modified to eliminate the need for a variance. A typical 1 car garage width is around 12 ft. wide. The proposed addition is 16 ft. wide and will accommodate a ½ bath as well.

**No Special Privilege Conferred**

Granting the variance as requested will confer special privilege that is denied to other properties in the area that meet the standard with a 2 car garage, or have an attached garage, thereby eliminating the accessory structure size issue.

**Deprivation of Rights**

The owners are not being deprived of the right to additional accessory structure square footage, as they could build an addition that meets code requirements.

**Minimum Possible Variance**

The request is not the minimum, since there are other alternatives, including the reduction of the area of the addition.

**Purpose and Intent**

Approval of the variance will be in harmony with the purpose and intent of the zoning regulations. The addition backs up to a retention pond, thus no rear neighbors will be immediately impacted, and the required side yard setbacks will be met. Also, the addition of an attached garage would comply with code, but would potentially have a greater impact.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan and elevations dated March 18, 2021, 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 exterior of the addition shall match the exterior of the existing garage, including materials and color.
  5. A permit 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.
- C: Ryan Edmonson  
1439 Spring Loop Way  
Winter Garden, FL 34787

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## COVER LETTER

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March 7, 2021 revised 3/16/2021

To whom it may concern:

This request is a variance request to add a one story garage addition 16 feet wide by 22 feet long to my property at 6397 New Independence Parkway, Winter Garden, FL 34787. Structure exterior will be identical to existing garage and home including color, shingles, and texture. Addition will be 5 feet from property line of neighbors who have no objections to project/addition. We have included signed letter from neighbors confirming no objections. We have included HOA approval.

The proposed height is one story. The code allows 737 square feet in total. The addition is 352 square feet. with existing garage, total square feet is 821.

The addition is for additional parking and access to the home. The addition will be built to code including concrete, block, lumber, stucco, and shingles.

We are including HOA approval, no objection signatures from neighbors, and engineered site plans for proposed addition.

Six standards of variation:

1. Special conditions: Due to limited on street parking and added school and shopping center traffic and parking, the additional garage parking is needed especially for safety with a speed limit of 25mph and not often observed, and to protect the vehicles from the Florida climate.

2. Not Self-Created: The school and shopping center were due to community development. If the lot width was same size from rear property line to front property line, a variance wouldn't be needed.

3. No Special Privilege Conferred: Multiple homes recently built have 3 car garages for safe parking and protection of vehicles.

4. Deprivation of Rights: Without the additional garage parking, finding adequate safe parking would be a hardship.

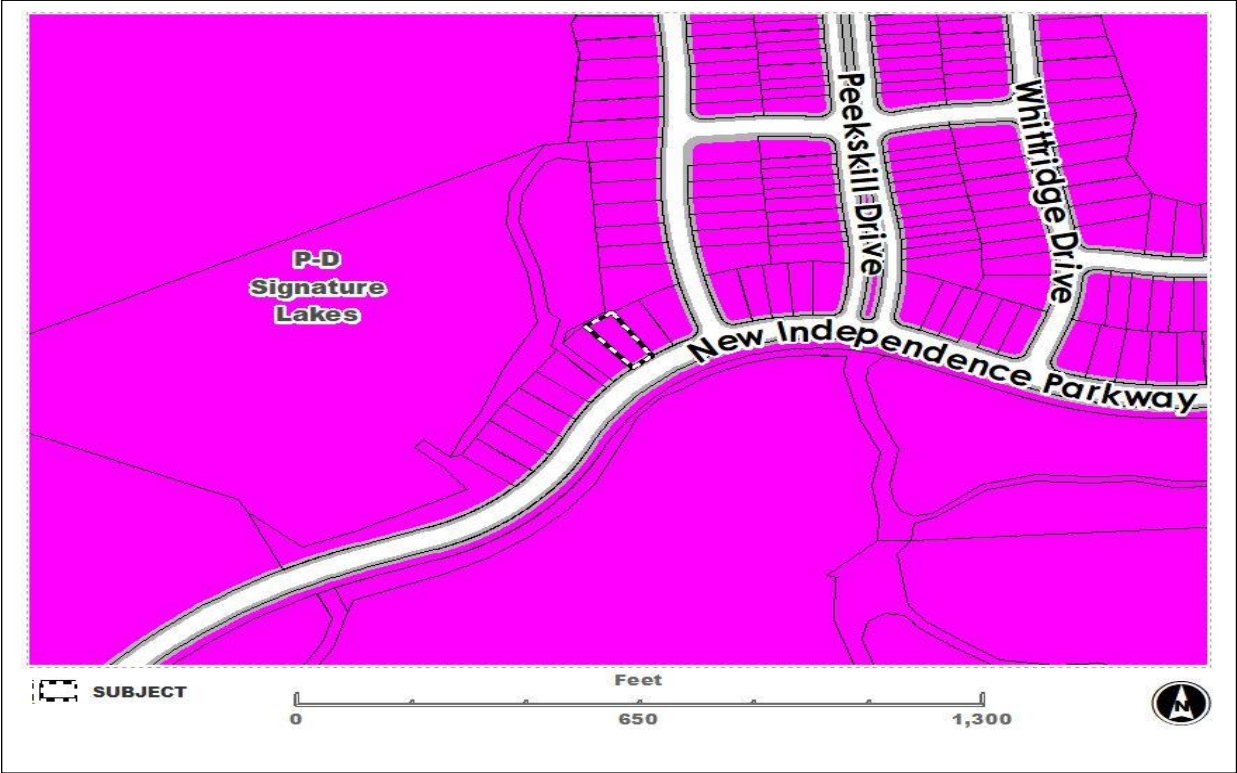
5. Minimum Possible Variance: The requested variance of 11.4% ( $=821/737$ ) would have no negative impact of water runoff. The additional space will provide additional safety for entering and existing.

6. Purpose and Intent: The intent and purpose is to create safe parking separate from main traveled street. There will be no negative impact to neighborhood or community.

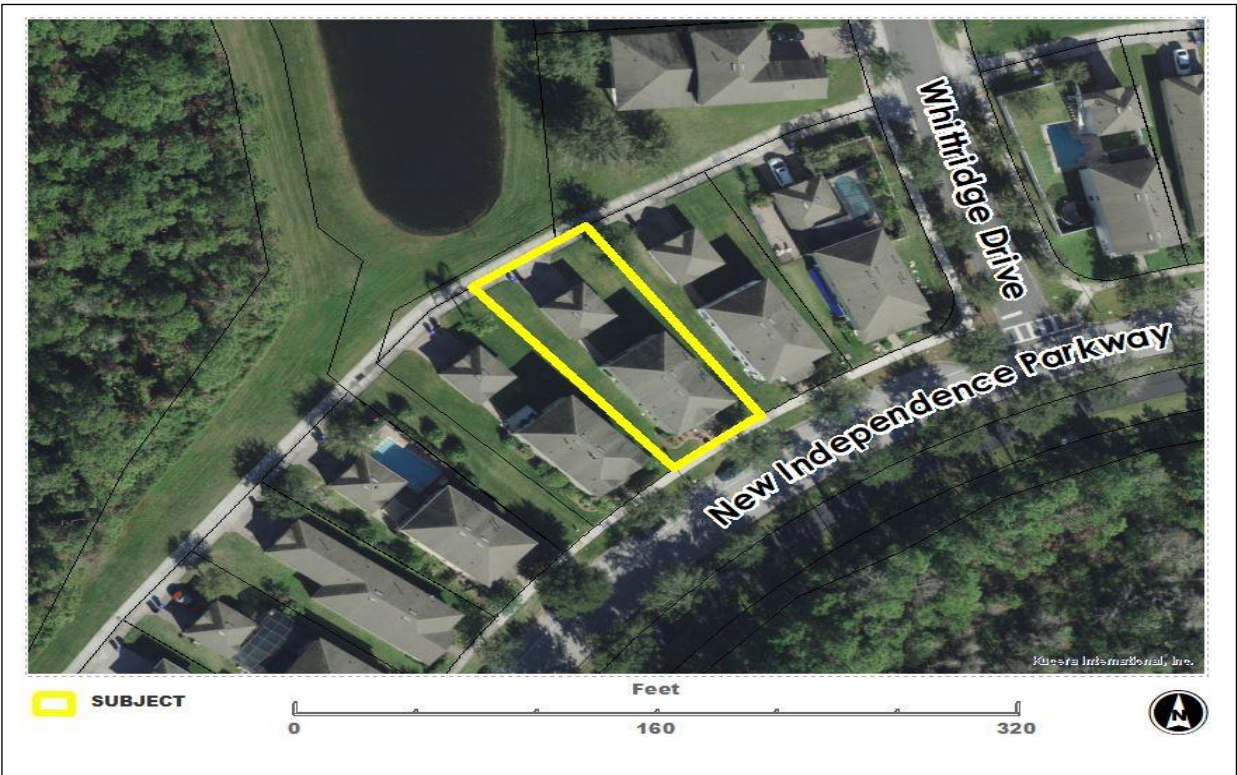
Thank you for your consideration,

Ken and Lisa Heintzelman  
6397 New Independence Parkway  
Winter Garden, FL 34787

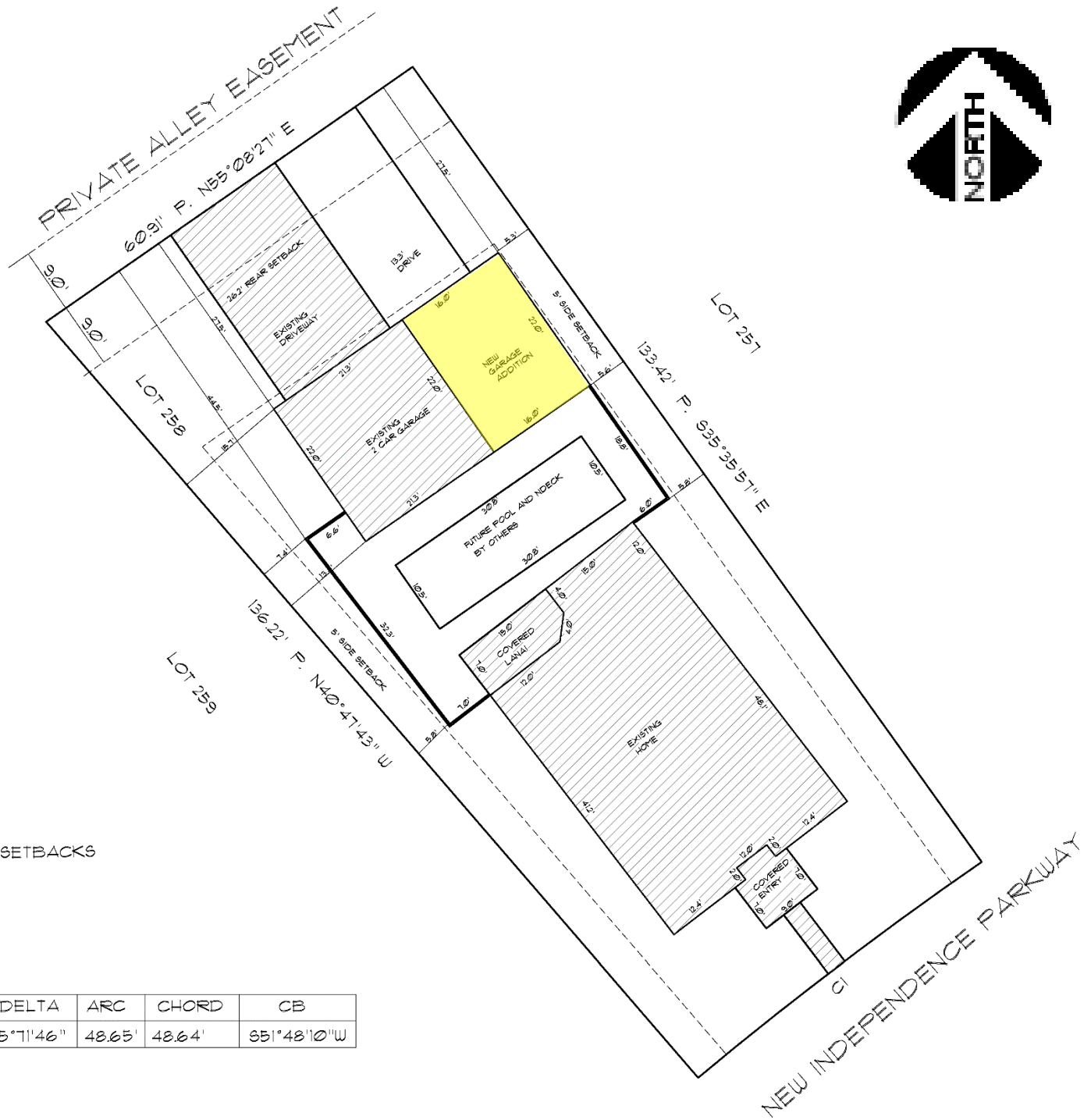
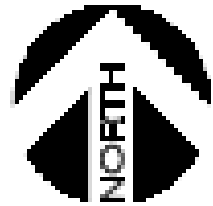
ZONING MAP



AERIAL MAP

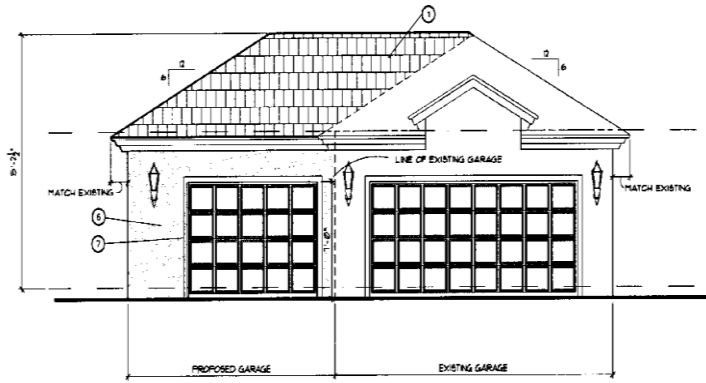


## SITE PLAN

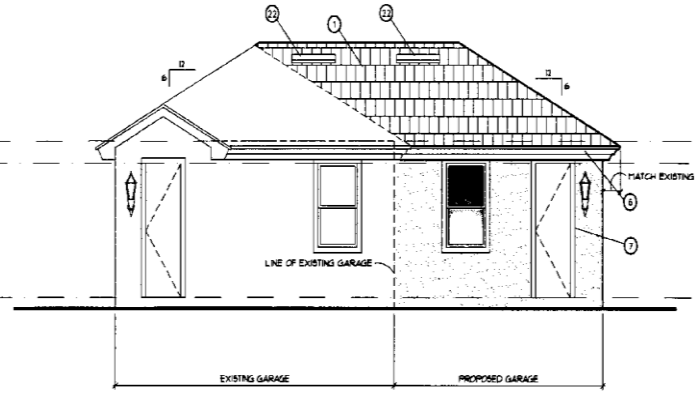


## SETBACKS

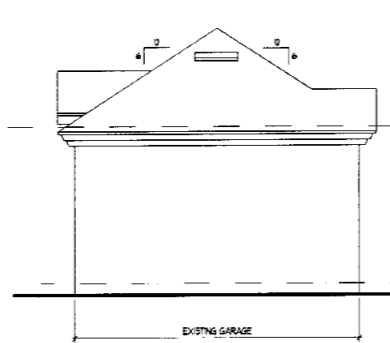
DELTA	ARC	CHORD	CB
5°7'146"	48.65'	48.64'	55°48'10"W



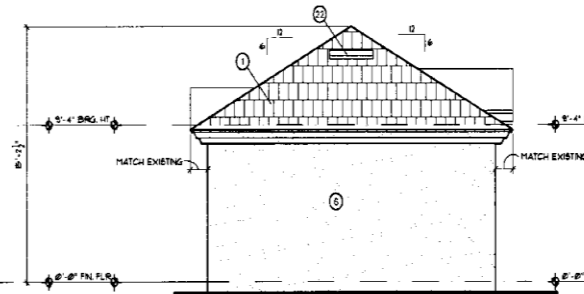
**Rear Elevation**  
SCALE: 1/4" = 1'-0"



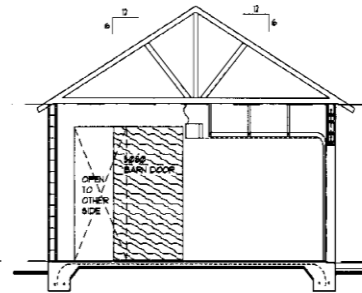
**Front Elevation**  
SCALE: 1/4" = 1'-0"



**Left Side Elevation**  
SCALE: 1/4" = 1'-0"



**Right Side Elevation**  
SCALE: 1/4" = 1'-0"



**Building Section**  
SCALE: 1/4" = 1'-0"

FLORIDA BUILDING CODE R-1000  
CHIMNEYS SHALL EXTEND AT LEAST  
3 FEET ABOVE THE HIGHEST POINT  
WHERE THEY PASS THROUGH THE ROOF  
OF THE BUILDING AND AT LEAST  
2 FEET HIGHER THAN ANY PORTION  
OF THE ROOF OR BUILDING LOCATED  
WITHIN 10 FEET HORIZONTALLY OF  
SUCH CHIMNEY.

ATTACH IRON RAILING AT BALCONY  
(W/ (A) BRACKETS TO TOP AND BOTTOM  
AT EACH SIDE) W/ 1/4" X 3/4" TAPCONS  
INTO STUDS AT FACE AND INTO FLOOR  
FRAMING.

**EXTERIOR FINISHING NOTES**

1. Computer images over #15 felt or 1/2" plywood sheathing.
2. Concrete tile roof installed as per manufacturers specifications.
3. Orbit as condition req.
4. Roof window.
5. Quarry Clay/Slip Armor.
6. Light Insulated Foam.
7. 4" Smooth Textured Vinyl/Board.
8. 6" Smooth Textured Vinyl/Board.
9. 8" Smooth Textured Vinyl/Board.
10. 10" Smooth Textured Vinyl/Board.
11. Board Panel.
12. Key Stone.
13. Quaker (Brick or Textured Finish).
14. 4" Finish Trim.
15. 6" Finish Trim.
16. 12" Finish Trim.
17. Brick Veneer.
18. Siding Cladding.
19. Random Cladding.
20. Light Conc. Mortar Wash.
21. Dark Ridge Vent, as req.
22. Off Ridge Vent, as req.
23. R.S. Cedar.
24. R.S. Plywood.
25. 4" Wood Trim.
26. 6" Wood Trim.
27. 8" Wood Trim.
28. 1-1/2" Siding.
29. 4" Lap Siding.
30. 6" Lap Siding.
31. Wood Lower Veneer.
32. Wrought Iron Railing.
33. Treated Wood Hand Railing.

## FLOOR PLAN



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**SITE PHOTOS**

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**Front from New Independence Pkwy facing north**



**Location of proposed garage addition facing north**

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**SITE PHOTOS**

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**Location of proposed garage addition facing south**



**Location of existing garage facing south**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 06, 2021**

Case Planner: **David Nearing, AICP**

Case #: **VA-21-04-015**

Commission District: **#5**

## GENERAL INFORMATION

APPLICANT(s): **POULOS & BENNETT, LLC (KATHY HATTAWAY)**

OWNER(s): **RONALD REINHOLD, TERRY BRINKOETTER**

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

- 1) To allow a front setback for an existing residence of 19 ft. in lieu of 30 ft.
- 2) To allow a front setback for an attached garage of 7 ft. in lieu of 30 ft.
- 3) To allow a rear setback for an existing residence of 16 ft. in lieu of 35 ft.
- 4) To allow a rear setback for an existing raised deck of 4 ft. in lieu of 35 ft.
- 5) To allow a rear setback for a second story addition of 16 ft. in lieu of 35 ft.
- 6) To allow a front setback for a first and second story addition of 12 ft. in lieu of 30 ft.
- 7) To allow a rear setback of 24 ft. for a new raised deck in lieu of 35 ft.

PROPERTY LOCATION: **2427 Lake Sue Dr., Orlando, Florida, 32803, northeast side of Lake Sue Dr., north of Corrine Dr. and west of East Winter Park Rd.**

PARCEL ID: **18-22-30-0568-00-290**

LOT SIZE: **+/- 0.33 acres (+/- 14,506 sq. ft.)**

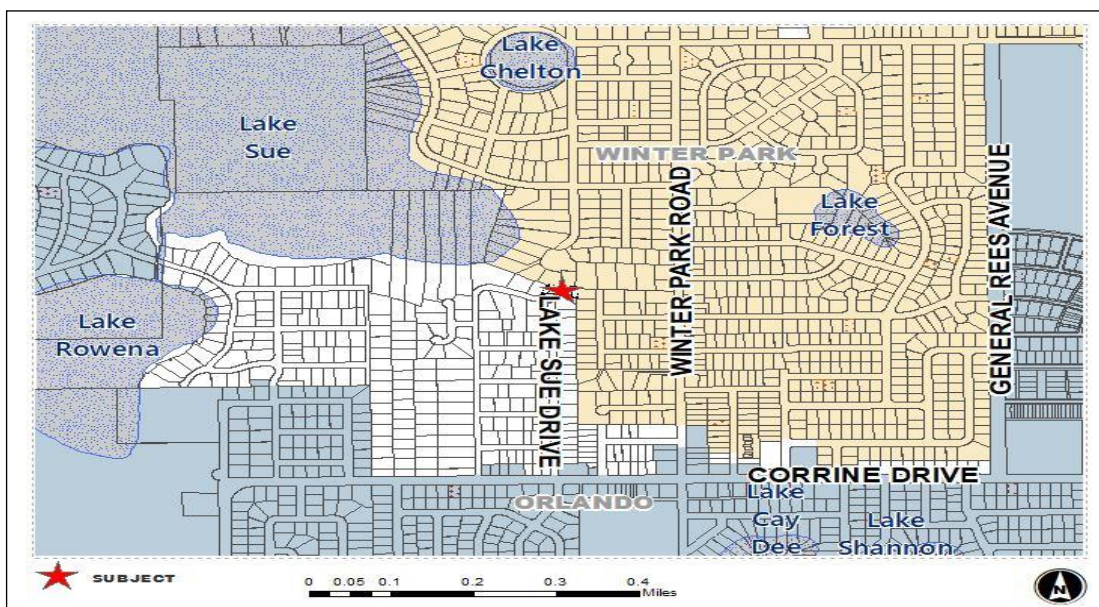
NOTICE AREA: **500 ft.**

NUMBER OF NOTICES: **83**

## STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

## LOCATION MAP



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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	R-1AA	City of Winter Park	R-1AA	City of Winter Park	R-1AA
Future Land Use	LDR	City of Winter Park	LDR	City of Winter Park	LDR
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	Single-family residence

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The subject property is zoned R-1AA, Single-Family Dwelling district, which allows single-family homes and associated accessory structures and requires a minimum lot area of 10,000 sq. ft.

The subject property is an irregularly shaped property comprised of Lot 29 of the Beeman Park Plat, recorded in 1925, and a portion of an unplatted parcel to the northeast. The subject property is developed with a 2,441 sq. ft. single-family residence with an attached two-car carport and an extensive elevated deck across the rear of the home. The unplatted portion of the site contains a pond and creek which are accessed by a wood bridge at the southeast corner of the property. The residence was constructed in 1959, and due to the age of the property, no records of any permits are available. The owners purchased the property in 2000.

The R-1AA zoning district requires a minimum 30 ft. front setback, 35 ft. rear setback and 7.5 ft. interior side setbacks. Due to the meandering nature of the property lines, the front setback on the subject site has been determined by staff to be measured from the entire perimeter of the south portion of the property, including curvature, adjacent to Lake Sue Drive; the rear setback is measured from the two north property lines; and the interior side setbacks are measured from the remainder of the west, northeast and southeast property lines.

The applicant is requesting variances to recognize the existing non-conforming setbacks and to accommodate the construction of approximately 602 sq. ft. for a second floor addition to the residence and other site improvements, such as: the modification of the front, side and rear of the house; to convert the existing carport to an attached garage; and, to install a 79 sq. ft. raised deck in the rear.

The existing residence is 19 ft. from the front property line in lieu of 30 ft., requiring variance #1; and is 16 ft. from the rear property line in lieu of 35 ft., requiring variance #3. A second floor addition is proposed to be constructed with a 12 ft. front setback in lieu of 30 ft.; requiring variance #6, and with a 16 ft. rear setback in lieu of 35 ft., requiring variance #5. The existing carport is proposed to be slightly expanded and converted to an attached garage with a seven (7) ft. front setback in lieu of 30 ft., requiring variance #2. The existing raised deck is approximately four (4) ft. from the rear property line, requiring variance #4. A new 79 sq. ft. raised deck expansion at the east side of the residence is proposed to be installed 24 ft. from the rear property line, requiring variance #7.

The Orange County Environmental Protection Division has reviewed the proposal and provided no comments pertaining to the location of the improvements relative to the water bodies present on the site.

At the time of the writing of this report, no comments have been received in support or opposition.

#### **District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	28 ft.
Min. Lot Width:	85 ft.	111 ft. at building line
Min. Lot Size:	10,000 sq. ft.	14,506 sq. ft.

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

	Code Requirement	Proposed
Front:	30 ft.	19 ft. Existing residence (South - Variance #1) 7 ft. Attached garage (South - Variance #2) 12 ft. Proposed 2 <sup>nd</sup> floor addition (South - Variance #6)
Rear:	35 ft.	16 ft. Existing residence (North - Variance #3) 4 ft. Existing raised deck (North - Variance #4) 16 ft. Proposed 2 <sup>nd</sup> floor addition (North - Variance #5) 24 ft. Proposed raised deck (North - Variance #7)
Side:	7.5 ft.	21 ft. Existing residence (West)

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### **STAFF FINDINGS**

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#### **VARIANCE CRITERIA**

##### **Special Conditions and Circumstances**

The special conditions and circumstance particular to the subject property is its irregular shape and the site's natural constraints, which renders any site improvements impossible without variances. After taking into consideration the setbacks required by the County Code, there is a very small buildable area that remains.

##### **Not Self-Created**

The request is not self-created since the owners are not responsible for the unique shape of the property, nor the configuration and location of the home, making any upgrades to the residence impossible without the need for variance.

##### **No Special Privilege Conferred**

Due to the configuration of the lot, and the siting of the house on the lot, granting the requested variances will not confer any special privilege conferred to others under the same circumstances.

##### **Deprivation of Rights**

Without the requested variances, the owners will not be able to construct any improvements to their home.

##### **Minimum Possible Variance**

Given the shape of the lot and the placement of the home on the property, the requested variances are the minimum possible.

### **Purpose and Intent**

Approval of the requested variances will allow improvements and upgrades to the site which will be in harmony with the purpose and intent of the Zoning Regulations, will not be detrimental to adjacent properties and will maintain the existing character of the neighborhood.

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### **CONDITIONS OF APPROVAL**

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1. Development shall be in accordance with the site plan and renderings dated March 26, 2021, 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. Permits 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.
- C: Kathy Hattaway  
2602 E. Livingston St.  
Orlando, FL 32803

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## COVER LETTER

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February 10, 2021

Mr. Ted Kozak  
Orange County Zoning Division  
201 S. Rosalind Ave, 1st Floor  
Orlando, FL 32801

Subject: Board of Zoning Adjustment Variance Application  
Beeman Park Lot 29  
Poulos & Bennett Job No. 20-142

Dear Ted:

In follow-up to our January 8, 2021, pre-application meeting regarding the residence located at 2427 Lake Sue Drive (Beeman Park Lot 29) ("Property"), Poulos & Bennett is pleased to submit this application to the Board of Zoning Adjustment for setback variances.

The Property Owners/Applicants, Terry Brinkoetter and Ron Reinhold, wish to construct modest additions to their existing home. However, as further described in the Property History below, there are existing front and rear setback encroachments on the Property today. No encroachments exist today on either side setback. The proposed additions would not increase the existing encroachments into the building setbacks on the property required by the R-1AA zoning district.

This application requests the granting of setback Variances for the existing home, as well as the planned improvements, because the planned improvements are within the existing encroachment area.

### Property History

The Property is in unincorporated Orange County and was created as part of the Beeman Park plat (**Exhibit A, Beeman Park Plat**). The Beeman Park plat appears to have been originally recorded in October 1925.

According to the Orange County Property Appraiser Records (Parcel ID#18-22-30-0568-00-290), the existing home on the Property was constructed in 1959 (**Exhibit B, Property Record Card**). The only documented expansion to the home since its original construction is a patio constructed in August 2000.

The Planning Report available through the Orange County InfoMap website indicates that the Property was assigned the R-1AA Zoning District by the Orange County Planning Commission on October 7, 1957 (**Exhibit C, Planning Report**). This means that at the time the existing home was constructed, the Property was in the jurisdiction of Orange County and had the R-1AA Zoning District.

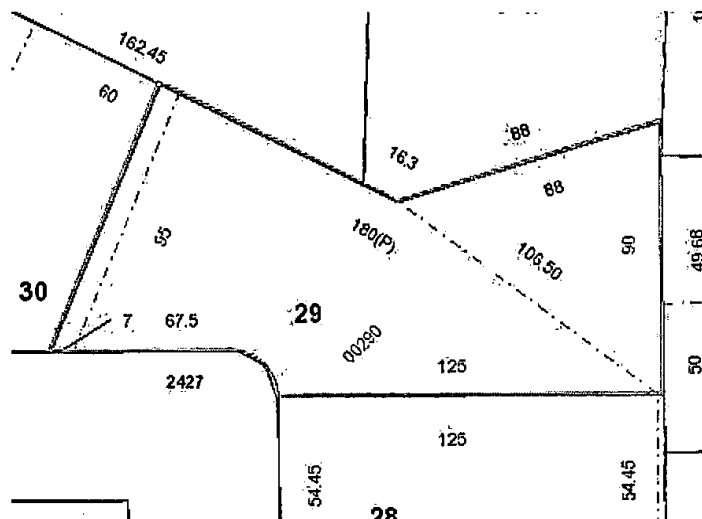
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Orange County Zoning Division  
 Subject: Board of Zoning Adjustment Variance Application  
 Beeman Park Lot 29  
 February 10, 2021  
 Page 2 of 7

It must be presumed that, at the time of construction, the home met the then-zoning standards for the R-1AA district, or the home would not have received a Certificate of Occupancy. Therefore, the existing home in its current configuration is a legally non-conforming use in terms of the front and rear setbacks.

### Property Configuration

Beeman Park Lot 29 is an irregular shaped residential lot (**Exhibit D, Signed & Sealed Survey**). The Property is located at the apex of a roadway corner. In visual terms, it is shaped like a “bowtie.” The pinch-point of the Property is centered on the front and rear boundaries of the lot, as illustrated in the image below. The “triangle” in the upper right corner of the lot formed by the boundary lines and the dotted line crossing the lot represents a natural area that the property owners intend to continue to maintain unimpacted.



The R-1AA District setbacks for lots platted prior to March 3, 1997 (**Exhibit E, Sec. 38-1501(h)**) are as follows:

Front	30'
Rear	35'
Side	7.5'

The width of the Property at the narrowest point is 68.79'. When factoring in the required 30' front setback and 35' rear setback, the allowable width for a home on the Property under today's zoning standards is only 3.79'.

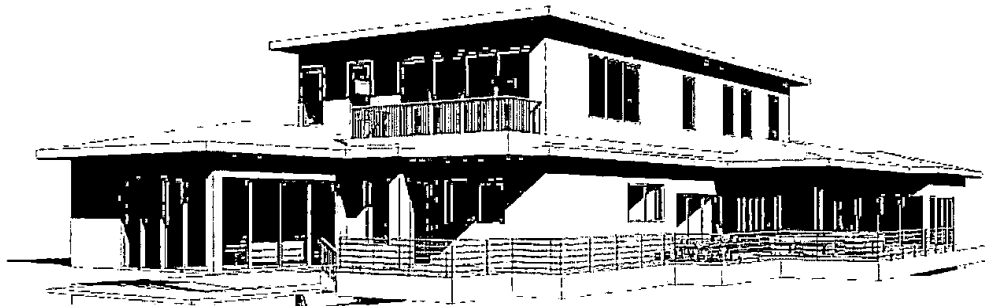
*Orange County Zoning Division  
Subject: Board of Zoning Adjustment Variance Application  
Beeman Park Lot 29  
February 10, 2021  
Page 3 of 7*

**Proposed Property Improvement**

The current home on the Property, constructed in 1959, is a total of 2,441 sf with a living area of 1,905 sf. The property owners are proposing an expansion of 602.43 sf to the home, inclusive of a second story, with an additional 79.06 sf of deck space on the back. However, none of the expansion area will further encroach into the setback areas.



① Elevation 1



② Elevation 2

Please see Exhibit F, **Architectural Plans**, for elevations of the proposed improvements.

## COVER LETTER PAGE 4

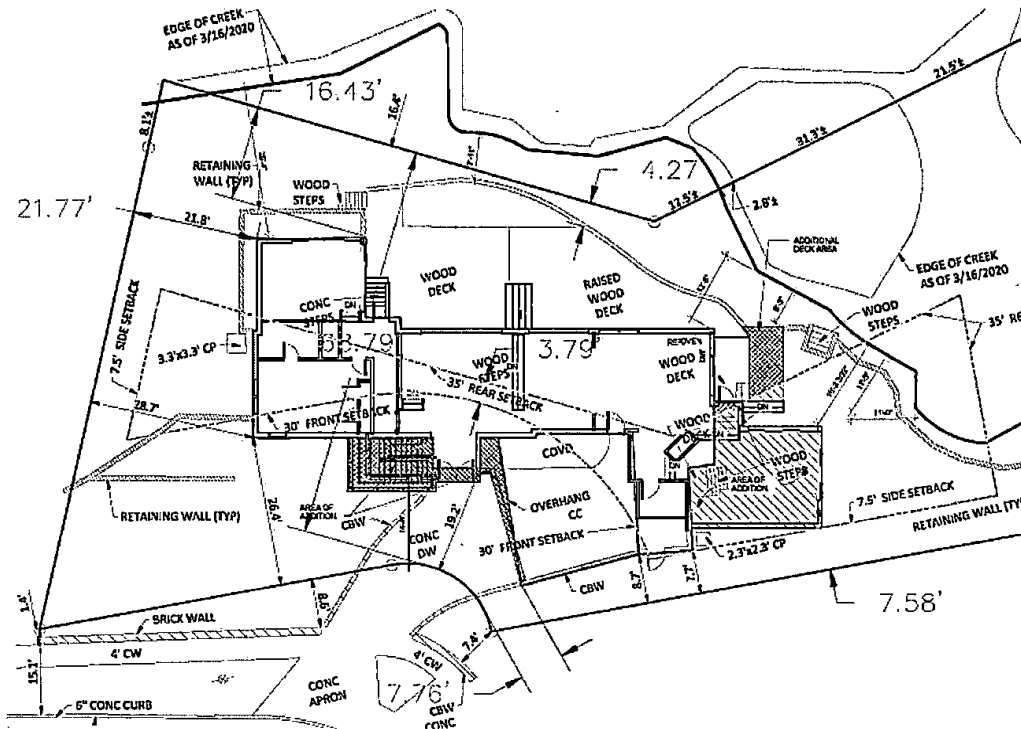
Orange County Zoning Division  
 Subject: Board of Zoning Adjustment Variance Application  
 Beeman Park Lot 29  
 February 10, 2021  
 Page 4 of 7

### Variances Requested

The existing home on the Property encroaches into the Property setbacks by the following distances:

	Required Setback Distance	Existing Setback Distance	Amount of Existing Encroachment	Amount of Proposed Encroachment	Total Encroachment/Variance Requested
Front	30'	7.67' House	22.33' House	No Additional	22.33' House
Rear	35'	4.27' Deck 16.43' House	30.73' Deck 18.57' House	No Additional	30.73' Deck 18.57' House
Side (S)	7.5'	7.58' House	0'	0'	0'
Side (W)	7.5'	21.77' House	0'	0'	0'

The image below illustrates the measurements provided in the above table (**Exhibit G, Proposed Site Plan**):



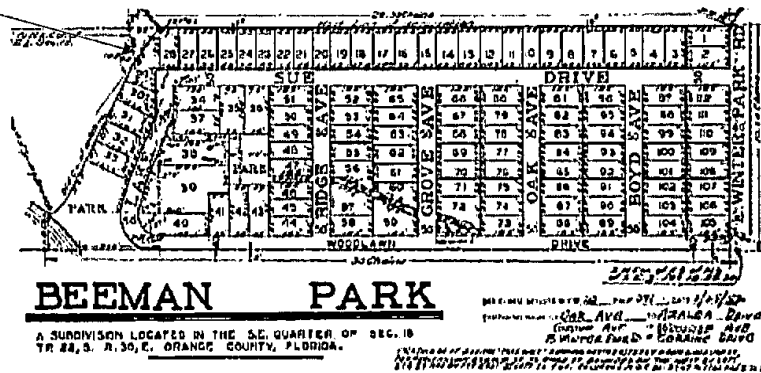
Orange County Zoning Division  
 Subject: Board of Zoning Adjustment Variance Application  
 Beeman Park Lot 29  
 February 10, 2021  
 Page 5 of 7

**Variance Criteria**

Following are the specific standards for approval of a Variance under the Orange County Code Section 30-43(3):

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.

**Response:** The configuration of the Property is unlike any other lot in the Beeman Park plat. It is irregular in shape, with a significant, narrow pinch point in the center of the lot.



2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.

**Response:** The Property was originally platted in 1925 and the northeastern portion of the lot is a natural area that cannot be developed. Therefore, the buildable area of the Property is limited by its natural conditions and the originally platting configuration. The circumstance is not self-created by the property owners.

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.

**Response:** The property owners are not requesting a special privilege. Any property owner with the same conditions and circumstances would be eligible to request the same Variance consideration.

*Orange County Zoning Division*  
*Subject: Board of Zoning Adjustment Variance Application*  
*Beeman Park Lot 29*  
*February 10, 2021*  
*Page 6 of 7*

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.

**Response:** The property owners are merely asking for the same right as other property owners in the zoning district to construct modest improvements to their home in keeping with current home styles and consistent with other homes in their neighborhood. The current lot configuration and required setbacks make the lot unusable without the requested Variances.

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.

**Response:** The property owners are only asking for a Variance consistent with the existing encroachments of the home as constructed today.

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.

**Response:** The requested Variance will not impact the neighboring property owners, as no additional encroachment is requested above that which exists today. The rear of the Property is natural area, providing a buffer to the adjacent lots on the north and east. The proposed enhancements to the home will be an overall improvement to the neighborhood and are consistent with other home modifications in the neighborhood.

As a final point, although a small creek runs through a portion of the Property, the parcel is 467.41' from Lake Sue, and therefore is not within an area governed by Orange County Code Section 38-1501(a) (Exhibit H, Lake Proximity Map).

*Orange County Zoning Division*  
*Subject: Board of Zoning Adjustment Variance Application*  
*Beeman Park Lot 29*  
*February 10, 2021*  
*Page 7 of 7*

Thank you for your consideration of our application. Please do not hesitate to contact me should you have any questions or should you require any additional information at (407) 487-2594 or [KHattaway@poulosandbennett.com](mailto:KHattaway@poulosandbennett.com).

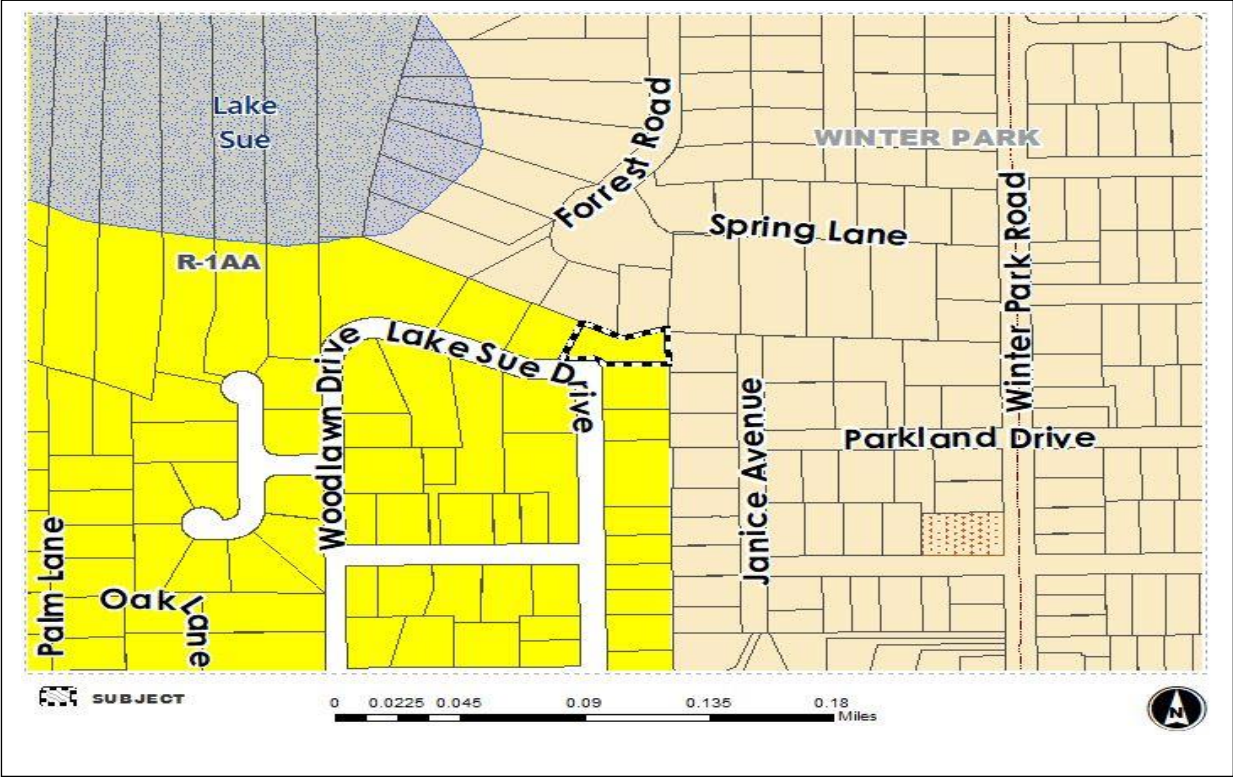
Sincerely,



Kathy Hattaway, AICP  
Planning Group Leader

c: Terry Brinkoetter  
Ron Reinhold

ZONING MAP



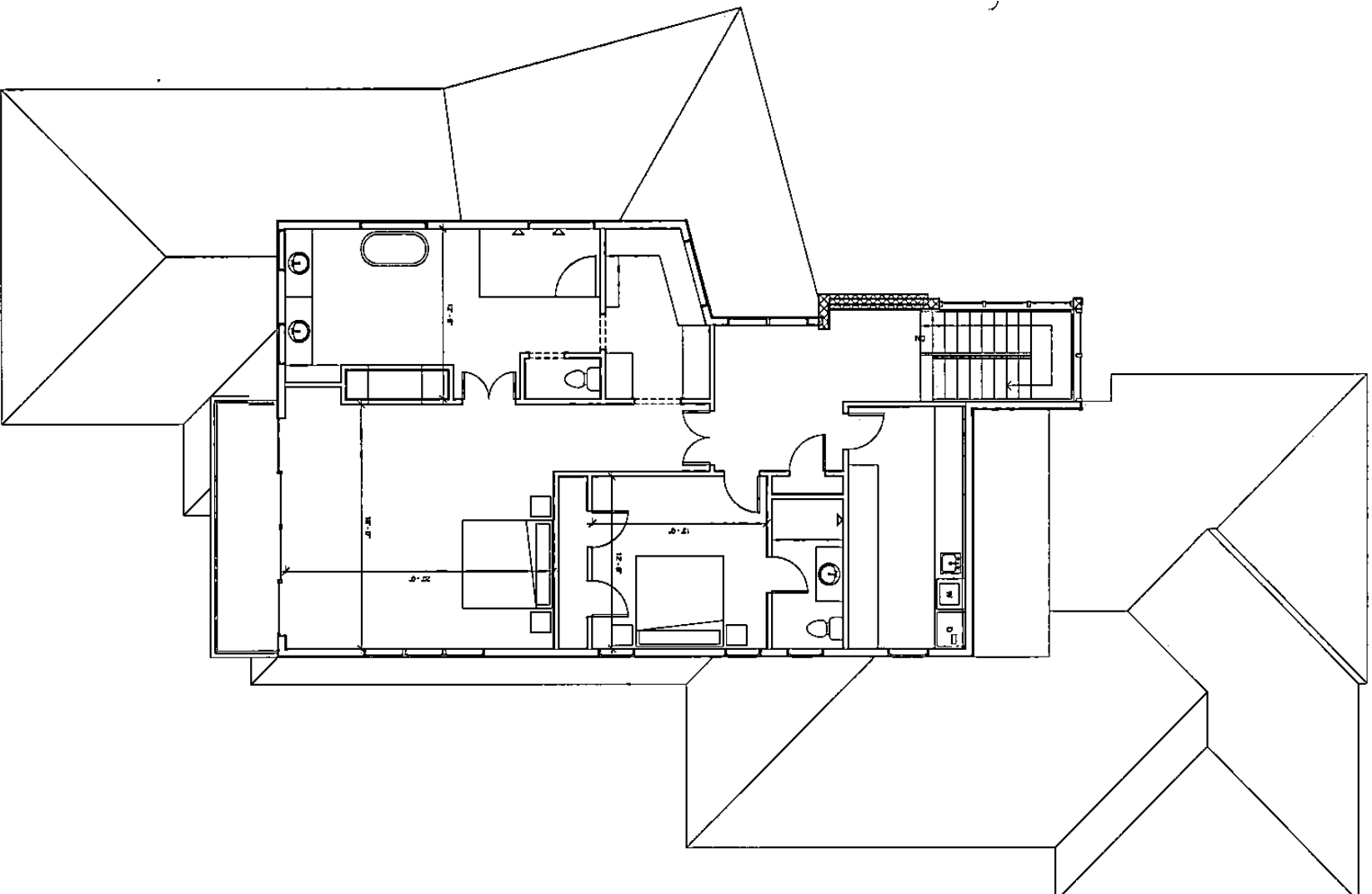
AERIAL MAP





This architectural floor plan illustrates a restaurant layout. The plan includes a kitchen area with a sink, stove, and refrigerator; a dining area with several tables and chairs; a bar area with a counter and stools; a restrooms area; and a staircase. Dimensions are provided for various sections, such as 17' 0" x 10' 0" for the main dining area and 10' 0" x 10' 0" for a smaller section. The layout is designed to optimize the use of space for service and seating.

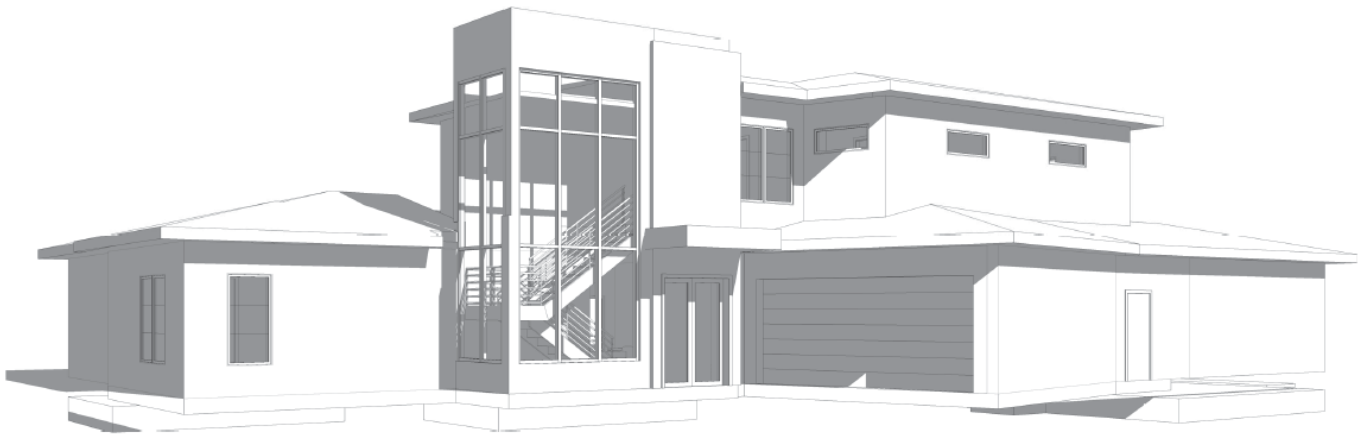
PROPOSED 2<sup>ND</sup> FLOOR PLAN



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## RENDERINGS OF PROPOSED FINAL RESIDENCE'S EXTERIOR

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① 3D View 1

**Front looking northeast**



② 3D View 2

**Rear looking southwest**

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**SITE PHOTOS**

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**Subject property looking north**



**Generally the proposed location of the second story addition at front, looking north**

## SITE PHOTOS



Generally the proposed location of second floor addition, looking northeast



Proposed location of deck addition, looking west

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**SITE PHOTOS**

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**Proposed location of new deck addition, looking north**



**Northeast portion of lot containing pond and creek, looking east**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 06, 2021**

Case Planner: **David Nearing, AICP**

Case #: **SE-21-05-024**

Commission District: **#5**

## GENERAL INFORMATION

APPLICANT(s): BLUEBERRY HEAVEN RANCH (MICHAELA FAZECAS)

OWNER(s): MICHAELA FAZECAS, HANS PEDER HAGGLUND

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

- 1) Special Exception to allow boarding of horses for commercial purposes.
- 2) Variance to allow an existing detached accessory structure to be located in front of the principal structure in lieu of behind or alongside.
- 3) Variance to allow an existing 1,200 sq. ft. metal barn with a south side setback of 9 ft. in lieu of 15 ft.
- 4) Variance to allow grass parking in lieu of improved parking.
- 5) Variance to allow grass drive aisles in lieu of improved drive aisles.

This is the result of Code Enforcement action.

PROPERTY LOCATION: 19325 Lake Pickett Road, Orlando, Florida, 32820, approximately 1,130 ft. north of Lake Pickett Rd., west of N. Fort Christmas Rd.

PARCEL ID: 02-22-32-0000-00-035

LOT SIZE: 330 ft. x 1,320 ft./+/-10 acres

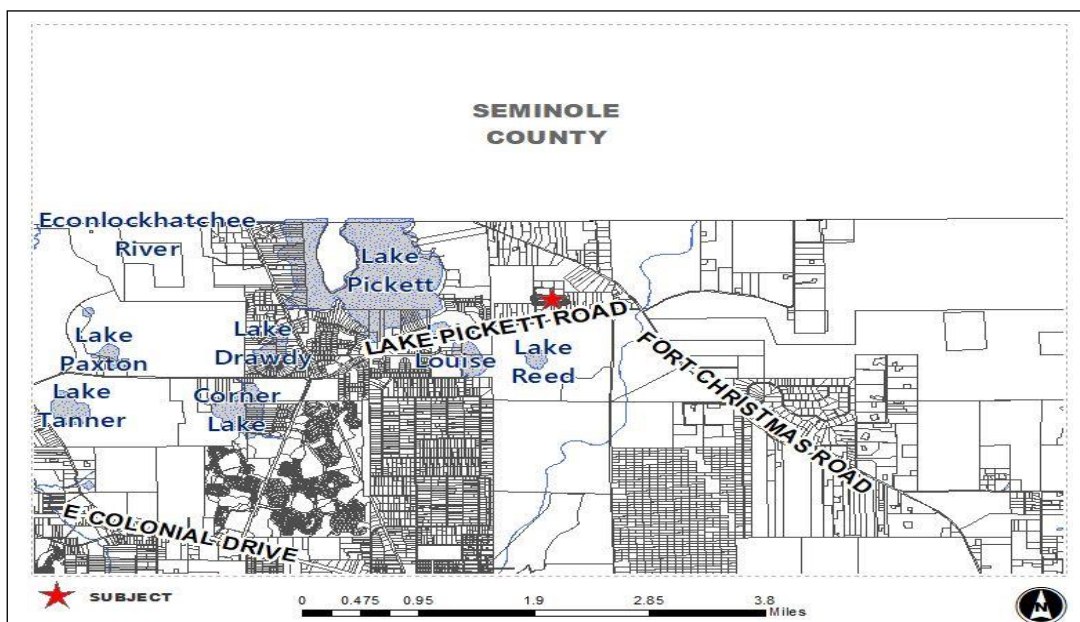
NOTICE AREA: 1,500 ft.

NUMBER OF NOTICES: 54

## STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

## LOCATION MAP



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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	A-2	A-2	A-2	A-2	A-2
Future Land Use	R	R	R	R	R
Current Use	Single-family residence w/horse barn and outbuildings	Single-family residence w/horse barn	Agricultural, single-family, & mobile home	Mobile home	Communication tower & associated support structures

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The property is located in the A-2 Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots. Certain agriculturally based non-residential uses, such as the boarding of horses, are permitted through the Special Exception process.

The subject property is an approximately 10 acre unplatted parcel of land improved with a 3,470 sq. ft. two-story home and a 770 sq. ft. garage attached by a covered breezeway. The home was constructed in 1976. In addition to the residence and garage, there are five (5) detached accessory structures located on the property. The current owners purchased the property in May 2019.

The applicant is requesting a Special Exception to allow for the boarding of horses on the property. The horses are subject to open grazing, which limits the number that can be kept on the property (personal and/or boarded) to 10 horses. During a site visit the owners indicated that they do not intend to have any more than a total of eight (8) horses on the property at any one time. The existing barn which was constructed in 2020 (B20019920) will ultimately contain two (2) stalls which will be used to house horses which need to be out of the elements, or isolated due to illness. Some of the existing accessory structures are vacant, and act as shelters should the horses wish to get out of the sun or the rain.

Access to the subject property is via a privately owned separate parcel of land which extends from the south property line of the subject property south to Lake Pickett Rd. This parcel is owned jointly by the owners of the subject property, and all property owners to the north of them. There is an access easement across the west 30 ft. of the subject property providing ingress and egress to the properties to the north.

The five accessory structures are identified on the attached survey as Buildings #1 to #5. Building #1 is a 21 ft. x 12 ft. shed located in front of principal structure, requiring Variance #2. Building #2 is a 4.5 ft. x 6 ft. pump house located northeast of the residence. Building #3 is a 19.5 ft. x 16 ft. shed located to the east of the residence. Building #4 is a 28 ft. x 24 ft. shed located south of Building #3. Building #5 is a 30 ft. x 40 ft. metal barn located nine (9) ft. from the south property line, requiring Variance #3, for a total of 2,463 sq. ft. of detached accessory structure floor area. The maximum floor area permitted in the A-2 zoning district is 3,000 sq. ft. The square footage is compliant with the code.

Of the accessory structures, only the barn was built with a permit (B20019920). There is no record of permits for the remaining 4 accessory structures.

The request is to allow Building #1, an existing shed, to remain in front of the principal structure, which is over 240 ft. from the front property line, and over 210 ft. to the 30 ft. cross access easement. Based on a review of historical aerial photos, the shed was installed prior to 1995.

When Building #5, the barn, was constructed, it met the five (5) ft. side setback standards for an accessory structure. However, per code, any structure, paddock, or exercise area associated with the boarding of horses is to be located 15 ft. from any side or rear property line. Once the barn was used for the boarding of horses, setback requirements changed. The barn is nine (9) ft. from the south side property line, requiring Variance #3.

Variances #4 and #5 are requested to allow the owners to utilize grass parking and drive aisles in an attempt to retain the rural character of the area. According to the owners, visits by boarders are infrequent and sporadic. Even though the Special Exception will allow for a commercial use, the infrequent visiting patterns do not warrant the provision of formal surface parking facilities. Even use of 57 stone would be out of character in a rural setting. The grass parking and drive aisle allow the property to appear as a typical horse farm.

The parking area is able to accommodate up to eight vehicles. Boarders wishing to take their horse from the site will pull into the main pasture area to the south and east of the house with their truck and trailer to load the horses. No special parking facilities are needed for trailers, which are not stored on the property, with the exception of the owner's personal trailer. Per the parking regulations, a commercial venture shall have no less than three (3) parking spaces. According to the applicant there have never been more than two (2) borders visiting at any one time and the activity log shows an average of 1.2 visitors per day, including veterinarians and trainers. Most of the boarded horses are older, and older retired horses are seldom ridden. Therefore, the eight (8) spaces provided will be sufficient to accommodate not only visiting boarders, but also veterinarians and trainers who must also have an appointment to gain access. There are no employees other than the owners, so no additional parking is needed, as the owners' park in the garage attached to the home. There are no public events such as riding competitions or shows.

In 2020, the owners began commercially boarding horses without Special Exception approval. They were cited by code enforcement in February 2021 (Incident #585505) for operating a commercial horse boarding business without a Special Exception. Approval of the requested special exception will allow the owners to board up to 10 horses.

The boarding operation will allow visits by appointment only between the hours of 8 a.m. and 6 p.m. The owners control access, so the ranch is not open to the public. The horses graze, which limits the number of horses allowed to be kept on the property to one (1) per acre, or 10 for the subject site.

The owners compost some of the manure to be used as fertilizer for the pasture and their garden. The piles are required to be a minimum of 30 ft. from any side or rear property line. The proposed piles will be 40 ft. from the south side property line, and over 600 ft. to the rear east property line.

Due to how the business operates, with visitation by appointment only, and access controlled by the owners, a handicap parking space, which is required, does not need to be located in the parking area at the entrance. The

space would be more convenient if located up at the residence, which is in close proximity to the main paddock located behind the residence.

The Orange County Transportation Planning Division and Environmental Planning Division have reviewed the request and have no comments.

As of the preparation of this report, the owners had provided a letter of support from the abutting neighbor immediately north of the subject property, and from one of the boarders. One letter in opposition has been received.

#### District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft. Residence/15 ft. Accessory structures	25 ft. Residence/14 ft. Barn
Min. Lot Width:	100 ft.	330 ft.
Min. Lot Size:	0.5 acres (21,780 sq. ft.)	9.95 acres

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

	Code Requirement	Proposed
Front:	35 ft.	Building #1, 242 ft. (Variance #2)
Rear:	15 ft. (Accessory structures in conjunction with boarding operations)	Building #3, 740 ft.
Side:	5 ft. (Accessory structures up to 15 ft. in height)	Building #1, 65 ft. North/ 226 ft. South (Variance #2) Building #2, 101 ft. North/ 228 ft. South Building #3, 148 ft. North/ 165 ft. South Building #4, 65 ft. North/ 62 ft. South Building #5, 291 ft. North / 9 ft. South (Variance #3)

### STAFF FINDINGS

#### SPECIAL EXCEPTION CRITERIA

##### **Consistent with the Comprehensive Plan**

The commercial boarding of horses is permitted in the A-2 district through the Special Exception process. As such, with the approval of the Special Exception, the proposed use will be consistent with the Comprehensive Plan.

##### **Similar and compatible with the surrounding area**

The proposed use will be compatible with the surrounding properties since there is a mix of agricultural uses, including horse operations and residential homes.

##### **Shall not act as a detrimental intrusion into a surrounding area**

The proposed location of the operation on the subject property will not negatively impact the surrounding area. All improvements, with the approval of the proposed variances, will meet code.

**Meet the performance standards of the district**

With approval of the variances, the proposal will meet the performance standards for the commercial boarding of horses per the zoning code.

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

The use will not generate any more noise, vibration, dust, odor, glare, or heat than any other typical agricultural uses in the area.

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

No supplemental landscaping will be required for the proposal since the operations are agricultural, consistent with the surrounding uses in the area.

**VARIANCE CRITERIA****Special Conditions and Circumstances**

Pertaining to Building #1 (Variance #2), the structure has been in the same location for over 25 years and is located over 240 ft. from the front property line, which is a special condition and circumstance. Also, the subject property's frontage is not a road but a cross access easement so the building is not visible from a street.

Further, the special circumstance pertaining to the location of the metal barn, Building #5 (Variance #3), is that although the conversion of the operation of property for boarding requires an increased setback the nearest residential structure is located over 900 ft. from the south side property line.

Pertaining to Variances #4 and #5, the proposed infrequency of the use of the area for parking and the rural character of the area is the special circumstance.

**Not Self-Created**

Building #1 has been in its current location for over 25 years prior to the owners purchasing the property and therefore is not self-created.

Building #5 was permitted to meet code, however, the conversion of the property to a commercial boarding operation results in the need for increased side setbacks. Further, due to the highly infrequent use of the area for parking, and the desire to maintain the property in a rural setting, this is not a self-created hardship.

**No Special Privilege Conferred**

Allowing Building #1 to remain in front of the principal structure will not confer a special privilege, but rather allow a condition which has existed for over 25 years to remain. Given the size of the subject property, and the adjacent agricultural parcel to the south (11 acres), allowing the barn to remain over nine (9) ft. from the south side property line will not be conferring a special privilege, and would be imperceptible. It is common to allow unpaved parking for uses that have a less frequent use pattern. The property will be used for pasture and agricultural operation when not used otherwise. Allowing for the parking and drive aisles to remain grassed is not conferring a special privilege because of the infrequent use.

**Deprivation of Rights**

Without the approval of the variances the owners will be required to demolish or relocate Building #1 which has been in its current location for over 25 years, and without the setback variance for Building #5, the owners would have to reconstruct the metal barn for a setback difference of six (6) ft., considering the nearest residence is over 900 ft. to the south.

Without variances #5 and #6 for grassed parking and drive aisles, the owner would be required to pave improvements that will be very infrequently used and negatively impact the surrounding area.

**Minimum Possible Variance**

Allowing Building #1 (Variance #2) to remain in the same location in front of the principal structure for the last 25 years, and allowing the metal Building #5 (Variance #3) to remain in its current location with a separation distance of over 900 ft. to the nearest residential structure to the south would be the minimum variances necessary.

Pertaining to Variances #4 and #5, allowing the parking area to remain natural in appearance with grassed parking and drive aisles would be the minimum variances needed.

**Purpose and Intent**

Granting of the requested variances will be in harmony with the purpose and intent of the code by preserving the character of the area and the agricultural nature of the subject property and neighborhood.

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### CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan and elevations dated March 10, 2021, 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 site shall be limited to boarding no more than a total of ten (10) horses at any one time, including the owners' horses.
  5. Permits for all unpermitted accessory structures 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.
  6. Provide one (1) handicap parking space adjacent to the existing residence with a stabilized access trail to the main paddock located behind the residence.
  7. Hours of operation shall be limited to 8 a.m. to 6 p.m. daily.
- c: Michaela Fazecas  
19325 Lake Pickett Rd.  
Orlando, FL 32820

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## COVER LETTER

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### Application for Special Exception with Orange County

#### Applicants and owners:

Michaela Fazecas  
Hans Peder Hagglund  
19325 Lake Pickett Road  
Orlando, FL 32820  
407-687-9086  
[Michaela.fazecas@gmail.com](mailto:Michaela.fazecas@gmail.com)

Parcel ID: 02-22-32-0000-00-035

#### Proposed Project:

We (Michaela Fazecas and Peder Hagglund) are two homeowners – full time professors at University of Central Florida – who moved to the address above after purchasing the property in May 2019. We left Oviedo, Seminole County, with the intention of leaving a suburban life in exchange for peaceful and quiet country living, with convenient access to work. Our dream to own horses was realized with the adoption of Merlin, a 15-year-old thoroughbred (who actually came with the property), and later added Skye, a 12-year-old mini, as well as Frosty, a 24 year old Tennessee Walker. These equines are all rescues. We set up an LLC – Blueberry Heaven Ranch – in order to put the 10-acre property to use and decided to take in a few boarders. We currently have 4 boarders living at our hobby farm:

Storm, 27 years old  
Penny, 21 years old  
Chance, 16 years old  
Bella, 11 years old

The owners' age ranges from 30 to early 70s. Two are retirees, one is a schoolteacher, and another one is a nurse who travels frequently.

Our barn, which was recently built (permit # B20019920) serves as housing for both our boarders' horses as well as our own horses. This addition to the property was an improvement, along with painted white fences and some landscaping and upgraded and painted pasture shelters for the horses.

Our small, family run facility caters to retired horses. None of our horses are competitive, there is no significant training at our farm, other than the expected periodic exercise of horses for the sake of keeping them healthy and fit. Traffic to our facility consists of occasional visits (as required) by the veterinary (Dr. McCallister), as well as monthly farrier service and a horse trainer. The owners visit their horses on average once or twice per week, and with the exception of the occasional trailering by the two retirees – who take their horses for trailer rides at the Orlando Wetlands around the corner from our house – there is very little traffic associated with our business. Our visitor log indicates that our boarders visit on average 1.5 times/day and spend on average 45 minutes – 1 hour on the property tending to their horses.

The hobby farm is limited to maximum of 7 large horses, including our own, so there will never be more than this amount of boarders/owner horses residing at the property at any given time now or in the future. This is done on purpose (even though based on OC code, we are allowed up to 10 horses on the 10 acre property) because we want to ensure that the management of the pastures, including the quality of the grazing remains high quality.

When we moved here, we found that country living is not always as quiet and peaceful as some might expect. What we found is that even with only a handful of neighbors, the property down the street from us has “hunting” dogs, who are housed in a kennel – sadly, these dogs have never been seen outside the kennel since we have lived here; while they are fed and have shelter and water, they will cry and bark for many hours, both day and night. As a side note, it is very sad and unethical that this is allowed by law. Additionally, one of the neighbors’ dogs who is not a “hunting” dog but who is allowed to live inside their house, is never on a leash, and frequently will be running across the next-door neighbor’s pasture and then into our pasture. Furthermore, one of the neighbors also owns several donkeys. Our vet informed us that one of the donkeys had been infected with EEE last fall since they never vaccinate their animals, and she had to be euthanized. Whether or not the dogs are vaccinated, we have not asked. We were never told by the neighbor why the donkey died, even though they know we have horses and must be aware that EEE is a very contagious disease, carried by mosquitoes.

The neighbors’ children have frequently used the road in front of our property as a racetrack riding their 4-wheelers, sometimes for several hours, and stir up dust, make noise and force our horses to the back of the property. Additionally, we teach at UCF and are currently only teaching online, so it is very disruptive. I say this because – as per Special Exception Criteria, Section 38 -78, #5 – I want to point out that none of our boarders, nor our friends and family who come to visit our property, engage in any of that level of noise, nuisance, dust or disturbance. Since the BCC is asking us to obtain a Special Exception due to, among other items, ensure that our business does not contribute negatively in any way to the surrounding area and residence, it is important that I point this out. The noise, nuisance and disturbance are already in existence - not from our business, but rather from the surrounding residents. I guarantee that none of the activities associated with our boarding business has contributed, or will contribute to any further dust, disturbance or noise than is already produced by neighbors.

During the process of obtaining the permit for our barn, I also attempted to find an answer to whether or not any other special permits/exceptions are needed to run our facility. Unfortunately, I was given conflicting information over the course of 8 months, and my 2 emails to the county Zoning Division (from last month) went unanswered. When I finally was able to reach someone at the Zoning Division via phone (Ms. Mary Parker), I was told that we do not need any special permit or exception – I was very clear about our boarding facility, but she assured me that as long as we do not have more than 10 horses on our 10-acre property we are fine and don’t need this special exception. After much internet searching, and a phone call to Code Enforcement, we finally were able to obtain the proper forms even though we were still unsure if this special exception is required for our small hobby farm. I am only making this known so that the BCC understands that our intention was never to avoid fulfilling our legal obligations, however, it was just an unfortunate miscommunication that has now been resolved.

**Per Orange County Special Exception Criteria:**

The use shall be consistent with the Comprehensive Policy Plan

This is A1/A2 zones and while some of the surrounding areas are becoming somewhat developed, the properties in the immediate vicinity which border our parcel are not developed and are occupied by cows. Additionally, the horses on our property are not the only ones in this area; our neighbor has 2 horses, who are competitive barrel racers and who leave the property much more frequently than any of our horses. Another neighbor has 3 horses, and yet another neighbor has 3 donkeys. Beyond this, I am not sure what the “comprehensive policy plan” means.

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

As per statement above, the surrounding area is wooded/wetland/pastoral. There are 6 neighbors on our private road, one of which has 2 horses, another which has 3 donkeys and a kennel of hunting dogs, and several other dogs. Another neighbor has 3 horses. Therefore, the use of our property by boarders, who visit occasionally, is not in any way different or incompatible with the use and/or traffic of any of the other properties on the road. In fact, our property is the first one the visitors will encounter, therefore, none of our visitors, boarders, delivery etc., pass any of our neighbor’s property.

The small hobby farm contributes to the local economy through veterinary fees, farrier service, trainers, feed, hay and other maintenance and equipment associated with the general operation of a horse farm. While the operation is not large and does not generate significant income, it does generate a good amount of economic activity to the local community such as the Tractor Supply Store, the local veterinary clinic and other stores and suppliers. As the surrounding area is developing, our farm offers suburban horse owners a safe and convenient place to board their horse, which additionally contributes to the local economy. There are several other horse boarding facilities in the neighboring area, both in the town of Christmas as well as on Lake Pickett Road, so our facility is not an anomaly or an intrusion to the already existing landscape and is compatible with the local services already provided by other boarding facilities.

It should also be noted that there is a great need and interest in small, hobby farm boarding facilities in this area, and our wait list is growing; part of the attraction of our property is the location, as well as the fact that we only accept mares and geldings who are older, and the fact that there is very little traffic or disturbance associated with our business. Our farm is a place for our customers to come and enjoy their horses in peace and quiet.

The use shall not act as a detrimental intrusion to the surrounding area

Since the property is the first one on the private road, and closest to the main road (Lake Pickett), no traffic passes any of the other properties located in the surrounding area. Additionally, we do not allow any unaccompanied children/teens on to the property, and no children/teens are allowed to ride any of the horses. Furthermore, none of the horses are used for giving lessons – not our own horses, and not our boarders' horses. It is simply not that kind of boarding facility.

Lake Pickett Road is becoming busy due to the increased housing development, so our small hobby farm is by no means a detrimental intrusion to the surrounding area considering the fact that hundreds of new homes are being built, increasing traffic and noise significantly. None of that traffic, intrusion or activity is associated with our hobby farm, but rather it comes from the new sub-divisions in the area.

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

The property consist of the following:

The main residence

The horse barn (see permit # above)

A workshop/storage for farm equipment including lawn mowers

2 run in shelters for horses – one in the front pasture, one in the back pasture

One small horse trailer is parked on the property, not visible from the street

The property is fenced with traditional wooden fence as well as electric fencing for the safety of the horses

This farm was built in the 1970s and there have always been horses on the property.

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

As mentioned previously, the only visitors associated with the care of our horses are the farrier, the veterinarian, the trainer and the boarders. While our hours of operation are generally 8 – 7 daily, the only boarders who come to visit their horses more regularly are the two retirees, who come 3 – 4/week; all boarders park inside of our property – since our property is the first house when entering the private dirt road, none of the traffic passes any of our neighbors. Finally, the horse manure is discreetly placed in a compost pile in the back of our property, away from the fence line by at least 30 feet and away from homes or structures by at least 30 feet. As the property is surrounded by other small farms and several cow pastures, our horse farm contributes no more to “noise, vibration, dust, odor, glare...etc.” than any of the surrounding farms/pastures or properties.

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.

The existing landscape is in-tact as it has been since the property was developed in mid-1970s. the upgrades to the fence of the property include replacement of old fencing with new, white picket fence to enhance the overall aesthetic appearance of the entrance and the property as a whole; the previously overgrown wooded area has been cleared of weeds and landscaping has enhanced the visual aesthetics as well as enabled the use of the land by both horses and residents; an old haphazardly built pond in the front pasture has been filled, eliminating 90% of mosquito activity in the summer months. The pasture shelters as well as the new barn are placed in such a manner as to ensure the landscaping and flow of movement of horses does not disturb the surrounding properties.

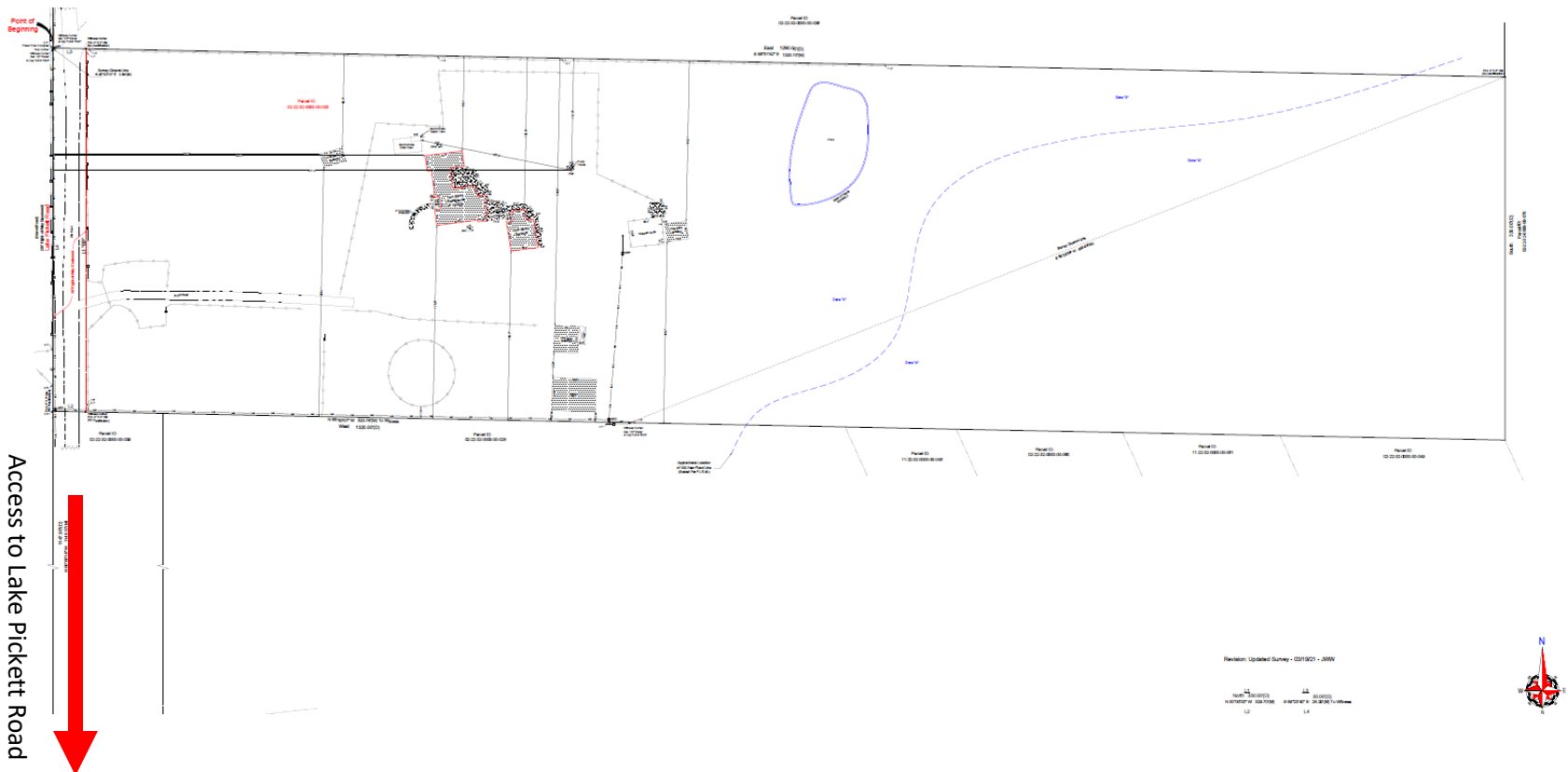
## ZONING MAP

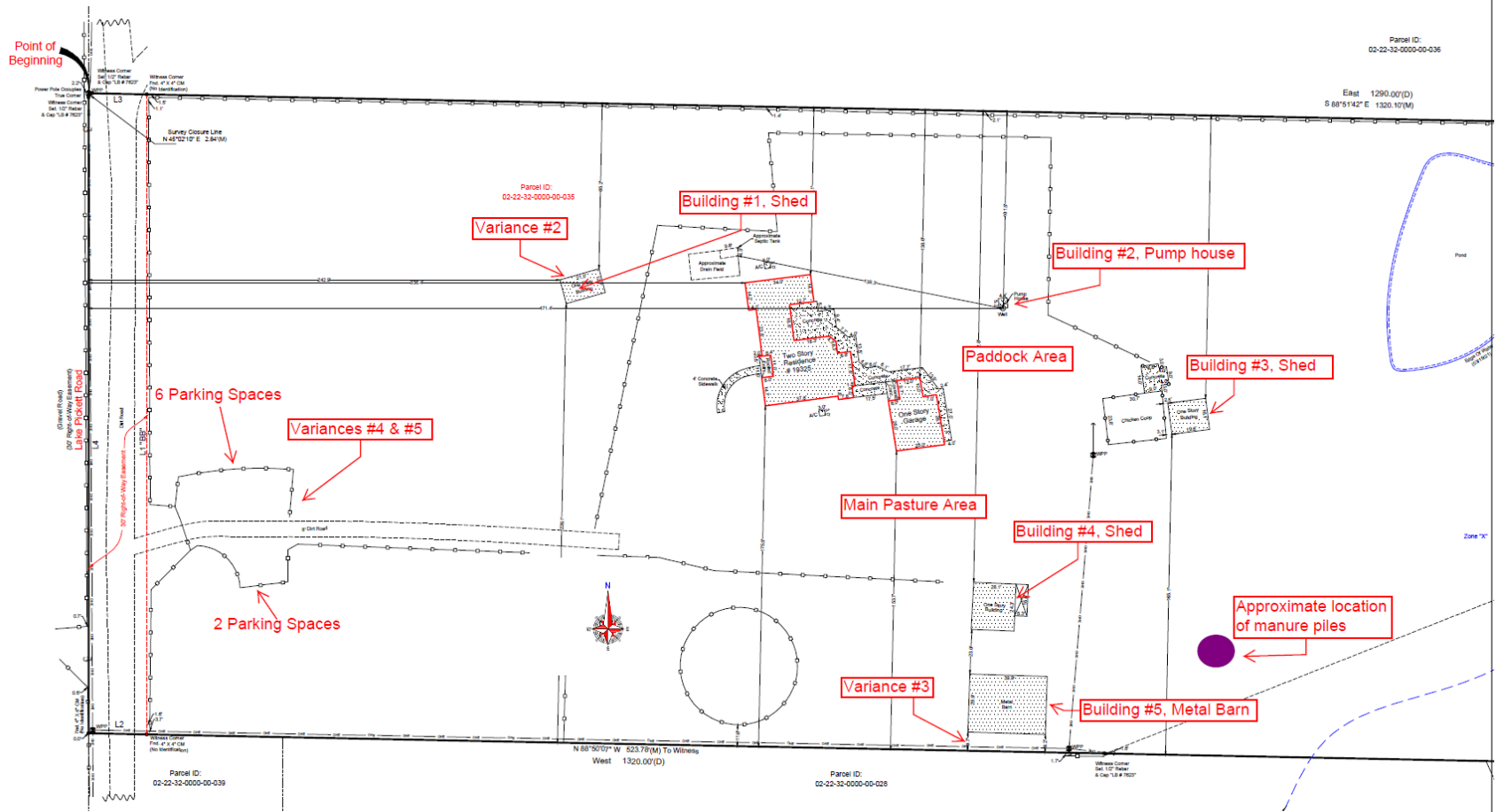


## AERIAL MAP

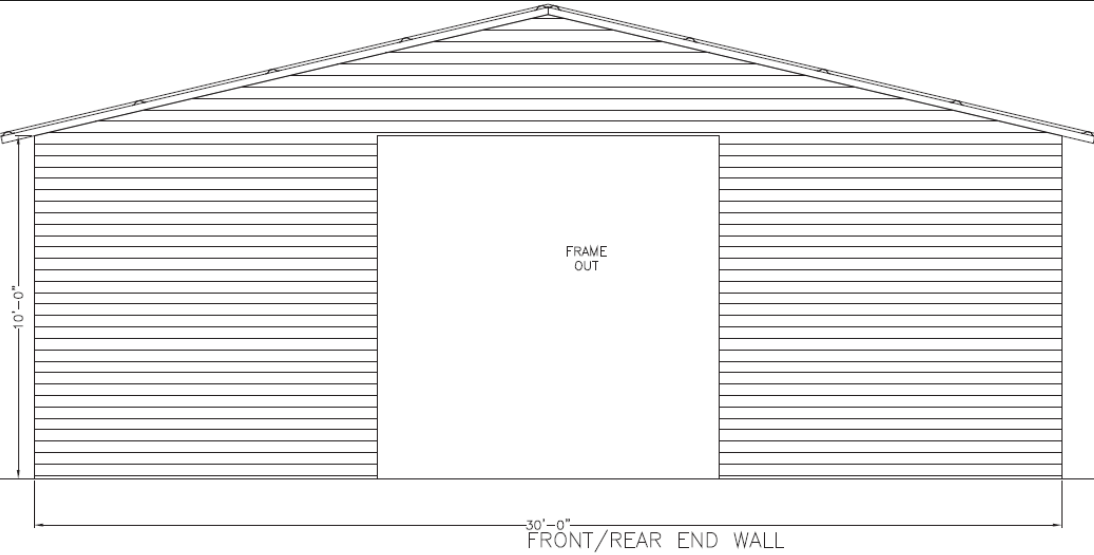


# SURVEY

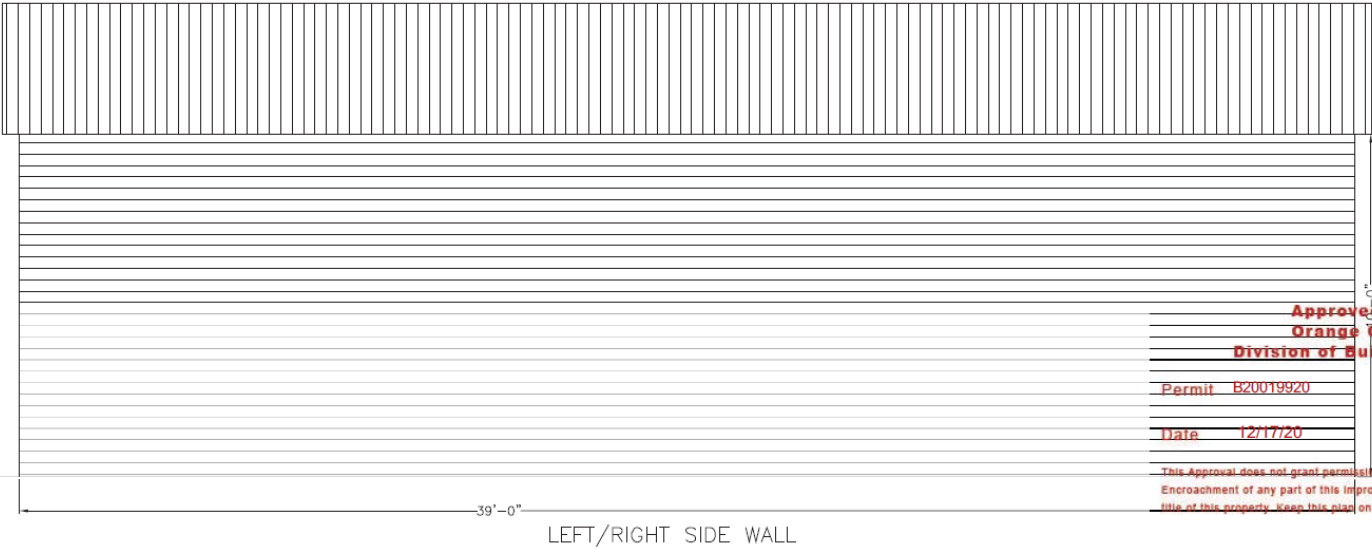




BARN ELEVATIONS



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THE SHA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPI



**Approved Plan**  
**Orange County**  
**Division of Building**

Permit B20019920

Date 12/17/20

This Approval does not grant permission to viola  
Encroachment of any part of this Improvement c  
Title of this property. Keep this plan on the job si

## SITE PHOTOS



**Subject property looking northeast**



**Barn subject of Variance #3 looking southeast**

## SITE PHOTOS



**Proposed south parking area (2 spaces) looking southwest**



**Proposed north parking area (6 spaces) looking northwest**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 06, 2021**

Case Planner: **David Nearing, AICP**

Case #: **VA-21-05-027**

Commission District: **#1**

## GENERAL INFORMATION

APPLICANT(s): SHUTTS & BOWEN, LLP (JAMES JOHNSTON)

OWNER(s): RAZIA B KHAN REVOCABLE TRUST 1/2 INT, NUR ULLAH KHAN REVOCABLE TRUST 1/2 INT

REQUEST: Variance in the R-CE zoning district to allow a lot width of 102 ft. in lieu of 130 ft.

PROPERTY LOCATION: 9201 Charles E. Limpus Road, Orlando, Florida, 32836, north side of Charles E. Limpus Rd., south side of Pocket Lake, west of S. Apopka Vineland Rd.

PARCEL ID: 09-24-28-0000-00-010

LOT SIZE: 102 ft. x 1,052 ft. (avg.)/ +/- 2.36 acres

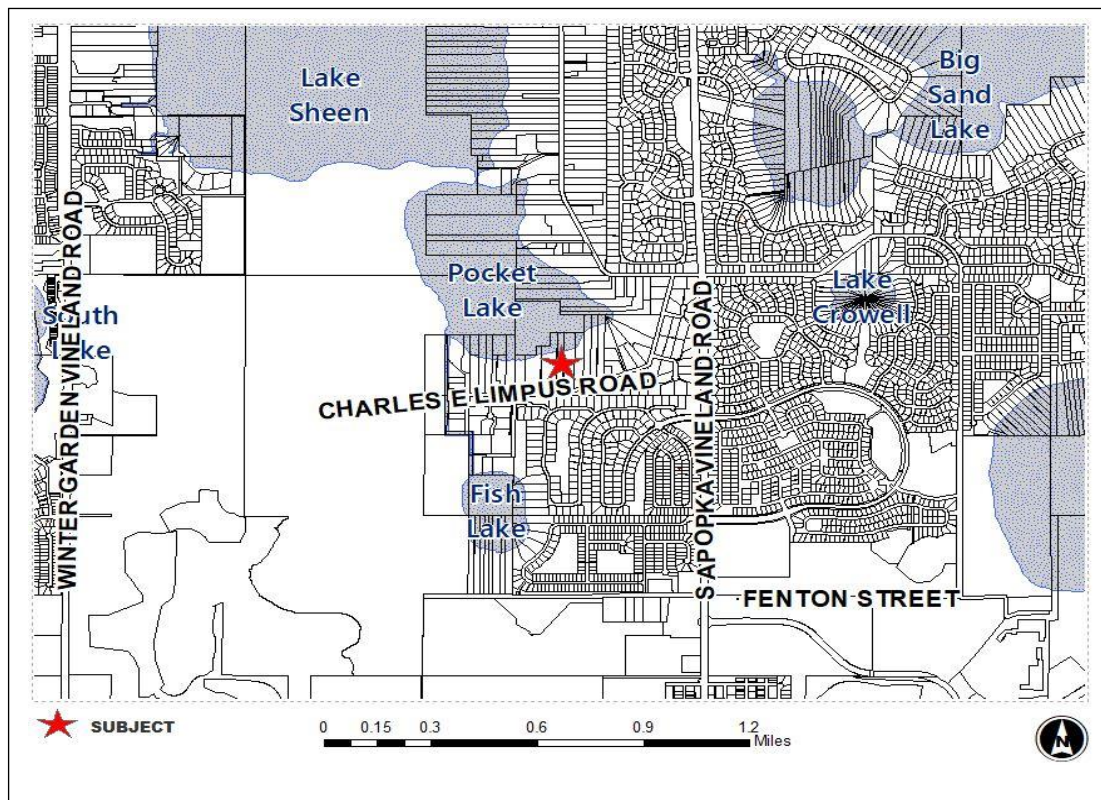
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 51

## STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

## LOCATION MAP



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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	R-CE	Pocket Lake	R-L-D	R-CE	R-CE
Future Land Use	R	WB	LDR	R	R
Current Use	Single-family residential	Pocket Lake	Single-family residential	Single-family residential	Single-family residential

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

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

The subject property consists of a vacant 2.36 acre parcel of land located on Pocket Lake measuring 102 ft. wide by 1,052 ft. deep. Approximately 0.23 acres is submerged, leaving +/-2.13 acres upland. The parcel was previously developed with a single-family home until 2005 when it was demolished (B05014784). In November 1967, the County administratively rezoned the area which includes the subject property to R-CE. The property was zoned R-1A, which requires a 75 ft. lot width and a 7,500 sq. ft. lot area. Subsequently, the subject property became nonconforming since the R-CE district requires a 130 ft. lot width.

Per Sec. 38-1401 of the County Code, if a nonconforming lot was under the same ownership as another contiguous property with common frontage, such substandard lot(s) are required to be aggregated to create lot(s) conforming to minimum lot frontage and lot area requirements.

The owner of the property to the west also owned the subject property from 1995 to 2005. The current owners purchased the property in 2005. Since a portion of the previously conforming property was sold, and is no longer under common ownership, a variance is required to allow a single-family home to be built.

There are two (2) parcels to the west which are 100 ft. wide, one (1) of which obtained a variance in 1991 (2/7/91, #5) to construct a home on a lot with substandard lot width. In addition, there are three (3) more parcels to the east with identical width as the subject property each of which have been developed with single-family home.

As of the preparation of this report, staff had not received any correspondence regarding this request.

## District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	N/A
Min. Lot Width:	130 ft.	102 ft.
Min. Lot Size:	1 acre (43,560 sq. ft.)	2.36 acres (+/- 2.13 acres upland)

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## STAFF FINDINGS

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### **VARIANCE CRITERIA**

#### **Special Conditions and Circumstances**

The existing parcel configuration is a consideration of special circumstances particular to this property. Removal of the residence in 2005 has rendered the property undevelopable without approval of the variance for lot width.

#### **Not Self-Created**

The parcel configuration was established in 1949. The current owner is not responsible for the existing lot width long before they purchased the property in 2005.

#### **No Special Privilege Conferred**

Since it will allow the development of a parcel which has existed for over 70 years, granting the variance will not confer any special privilege.

#### **Deprivation of Rights**

Not granting the variance will deprive the owner the ability to develop an existing parcel.

#### **Minimum Possible Variance**

Since the parcel has been in its existing configuration for over 70 years, granting the variance for the existing lot width is the minimum necessary.

#### **Purpose and Intent**

Since the parcel has existed well before the implementation of the County Code, approval of the request will be in harmony with the purpose and intent of the Zoning Regulations, and will not be detrimental to the surrounding area. The existing lot width will not be out of character with the overall area since there are other nearby developed parcels with similar lot widths.

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### **CONDITIONS OF APPROVAL**

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1. Development shall be in accordance with the survey dated March 10, 2021, 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: James Johnston  
300 S Orange Ave. Suite 1600  
Orlando, FL 32801



JAMES F. JOHNSTON  
PARTNER  
Shutts & Bowen LLP  
300 South Orange Avenue  
Suite 1600  
Orlando, Florida 32801  
DIRECT (407) 835-6795  
FAX (407) 237-2278  
EMAIL jjohnston@shutts.com

March 10, 2021

**VIA HAND-DELIVERY**

Ted Kozak, Chief Planner  
Orange County Zoning Division  
201 S. Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, Florida 32801

**Re: Variance Request – 9201 Charles E. Limpus Road**

Dear Mr. Kozak:

This firm has the pleasure of representing Nadeem Khan and Fawzia Jaffee, as successor Co-Trustees of the Nur Ullah Khan Revocable Trust u/a/d February 16, 2009 and Nadeem Khan and Fawzia Jaffee, as successor Co-Trustees of the Razia B. Khan Revocable Trust u/a/d February 11, 2009 (collectively, the “Applicant”), the owners of certain property in Orange County located at 9201 Charles E. Limpus Road and identified by Parcel ID# 09-24-28-0000-00-010 (the “Property”), regarding this request for a variance. The Property is zoned R-CE, which has a minimum lot width requirement of 130 feet. As depicted on the survey included with this application, the Property has a width of 102 feet. Therefore, in order to be able to develop a single-family residence on the Property, a variance from the R-CE minimum lot width requirement in Section 38-1501 of the Orange County Code (“Code”) is required.

The Property has been in its current configuration since at least 1949, and has always been conveyed separately and has maintained its own parcel identification number. From approximately 1995 until 2005 the Property was owned by the same owners of the parcel immediately to the west (Parcel ID# 09-24-28-0000-00-009), but the parcels were never combined. The Property was conveyed to Nur Ullah Khan and Razia B. Khan in 2005, and Applicant, as trustees of the Nur Ullah Khan and Razia B. Khan trusts, took title to the Property in 2020. Pursuant to Section 38-1401(a) of the Code, the Property cannot be developed as a substandard lot without the approval of a variance because there was previously common ownership of the Property and the abutting parcel.

Applicant believes that the Property meets the variance requirements set forth in Section 30-43(3) of the Code as follows:

**Special Conditions and Circumstances** – Applicant took title to the Property in its existing configuration with a width of 102 feet. As referenced above, the Property has been in its current configuration with a 102 foot width since at least 1949. In order for Applicant to be able to develop the Property with a single-family home, approval of the variance from the Code required minimum lot width is necessary. Otherwise the Property cannot be developed.

shutts.com | FORT LAUDERDALE | JACKSONVILLE | MIAMI | ORLANDO | SARASOTA | TALLAHASSEE | TAMPA | WEST PALM BEACH

ORLDOCS 18485428 1

Ted Kozak, Chief Planner  
March 10, 2021  
Page 2

**Not Self-Created** – Applicant did not create the non-conformity on the Property. Instead, Applicant took title to the Property in its current configuration with a 102 foot lot width. In order to develop the Property with a single-family home, the variance from the minimum lot width is necessary.

**No Special Privilege Conferred** – Approval of the variance will not confer on the Applicant any special privilege that is denied to other lands in the same zoning district since there are numerous other lots within the immediate Pocket Lake area that (i) are zoned R-CE, (ii) have a lot width under 130 feet, and (iii) have been developed with single family homes. Examples of such lots include 9043 Charles E. Limpus Road (Parcel ID# 09-24-28-0000-00-015), 9085 Charles E. Limpus Road (Parcel ID# 09-24-28-0000-00-014), 9103 Charles E. Limpus Road (Parcel ID# 09-24-28-0000-00-013), 9347 Charles E. Limpus Road (Parcel ID# 09-24-28-5844-00-383), and 9369 Charles E. Limpus Road (Parcel ID# 09-24-28-5844-00-381). Additionally, variances have been approved for parcels in the immediate area permitting single-family development on lots with R-CE zoning and lot widths under 130', including the 2015 variance that was approved for 10416 Pocket Lane (Parcel ID# 09-24-28-5844-00-582). Based on the development permitted in the area and previously approved variances, it is clear that granting the requested variance will not confer a special privilege on the Applicant.

**Deprivation of Rights** – Literal interpretation of the Code's minimum lot width requirement will deprive Applicant of the ability to develop the Property. As established above, the development of single-family residences on other lots in the R-CE zoning district around Pocket Lake with widths under 130 feet has been permitted by the County. Therefore, if the requested variance is not approved Applicant will be deprived of rights commonly enjoyed by other properties in the zoning district, and the Property will be unable to be developed with the primary use intended by its R-CE zoning.

**Minimum Possible Variance** – Applicant's variance request is the minimum possible variance because it is based on the actual lot width of the Property. Any single-family home developed on the Property will have to otherwise meet the R-CE zoning district development criteria such as yard setbacks, lake setback, and maximum building height.

**Purpose and Intent** – Approval of the variance (i) will be in harmony with the purpose and intent of the R-CE zoning district, which is intended to be primarily for single-family residential development, and (ii) will allow the Property to be developed with a single-family residence, which will be in keeping with the existing development in the neighborhood.

In further support of the variance application, enclosed please find:

- 1) Variance application;
- 2) Agent Authorization permitting Shutts & Bowen LLP to submit the application;
- 3) Specific Project Expenditure Report;
- 4) Relationship Disclosure Form;

Ted Kozak, Chief Planner

March 10, 2021

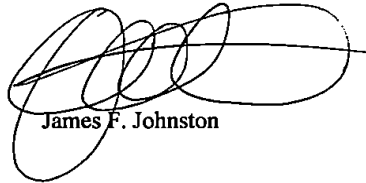
Page 3

- 5) Check #1006 made payable to Orange County Zoning Division in the amount of \$638.00 for the variance application fee;
- 6) Survey (please note that elevations have not been provided because a single-family structure has not yet been designed for the Property); and
- 7) CD with a copy of the application and support documents.

Please let us know if you have any questions or need any additional information in support of this application.

Very truly yours,

Shutts & Bowen LLP



James F. Johnston

JXJ:lmq

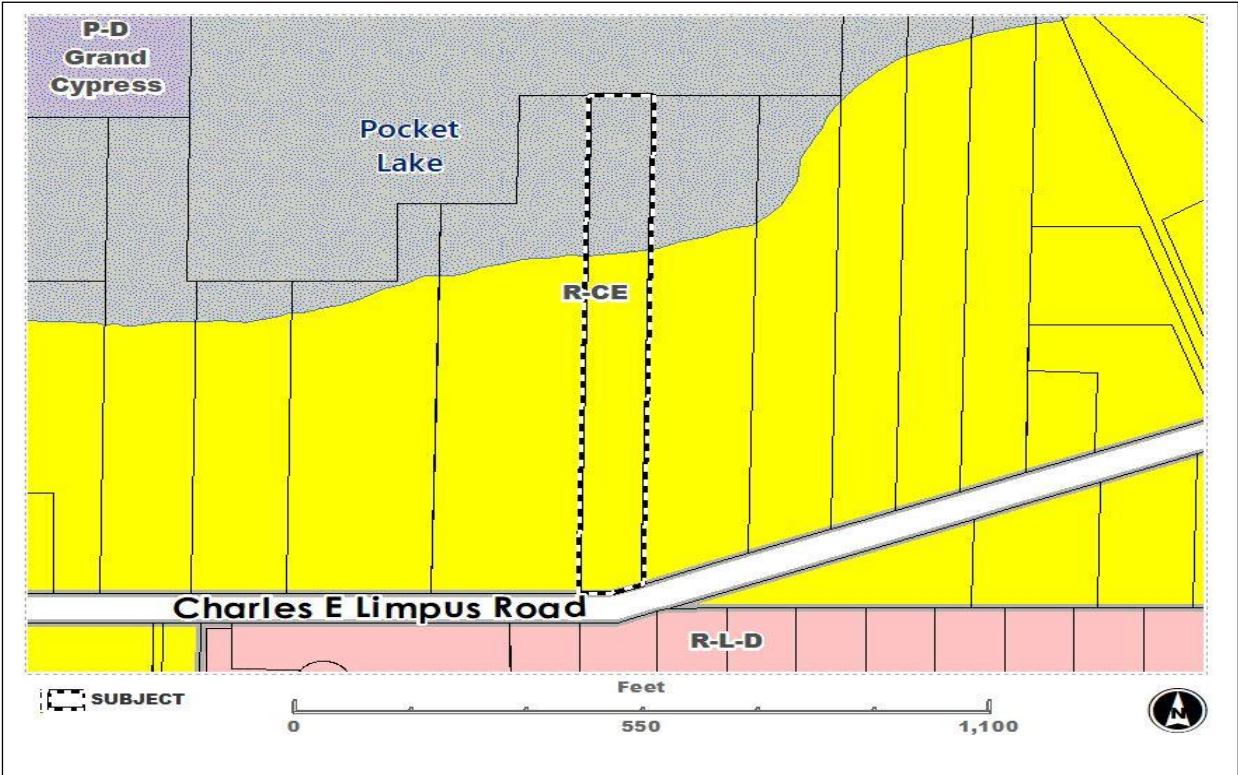
Enclosures

cc: Fawzia Jaffee w/enc. (via email: [fjaffee@gmail.com](mailto:fjaffee@gmail.com))

Nadeem Khan w/enc. (via email: [nuk6061@gmail.com](mailto:nuk6061@gmail.com))

Juli S. James, Esq. (via email: [jjames@shutts.com](mailto:jjames@shutts.com))

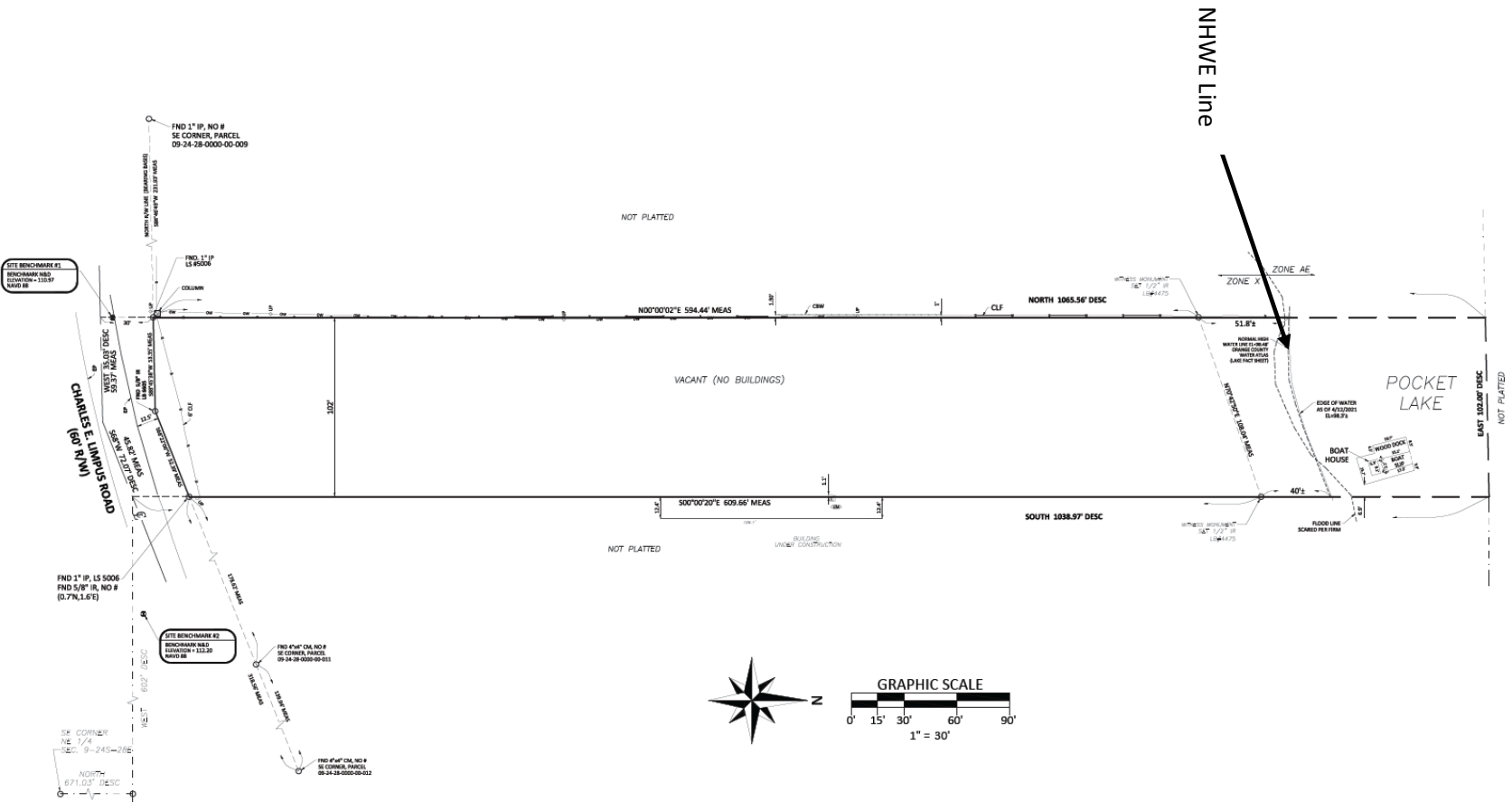
ZONING MAP



AERIAL MAP



# SURVEY



## SITE PHOTOS



**Subject property looking north from Charles E. Limpus Rd.**



**East side of subject property looking north from Charles E. Limpus Rd.  
Neighboring property under construction**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 6, 2021**

Case Planner: **Ted Kozak, AICP**

Case #: **VA-21-04-013**

Commission District: **#3**

## GENERAL INFORMATION

APPLICANT(s): DURHAM PLACE (RICK BALDOCCHI)

OWNER(s): LAKE BUMBY PROPERTIES

REQUEST: Variances for multi-family development in the R-3 zoning district as follows:

1) To allow 118 parking spaces in lieu of 178.

2) To allow a maximum of 43 ft. in building height in lieu of 35 ft.

PROPERTY LOCATION: 5215 S. Orange Blossom Trl., Orlando, FL 32839, east of Lake Bumby, north of the terminus of Lake Jessamine Dr. and south of Holden Ave.

PARCEL ID: 15-23-29-0000-00-020

LOT SIZE: +/- 20.8 acres

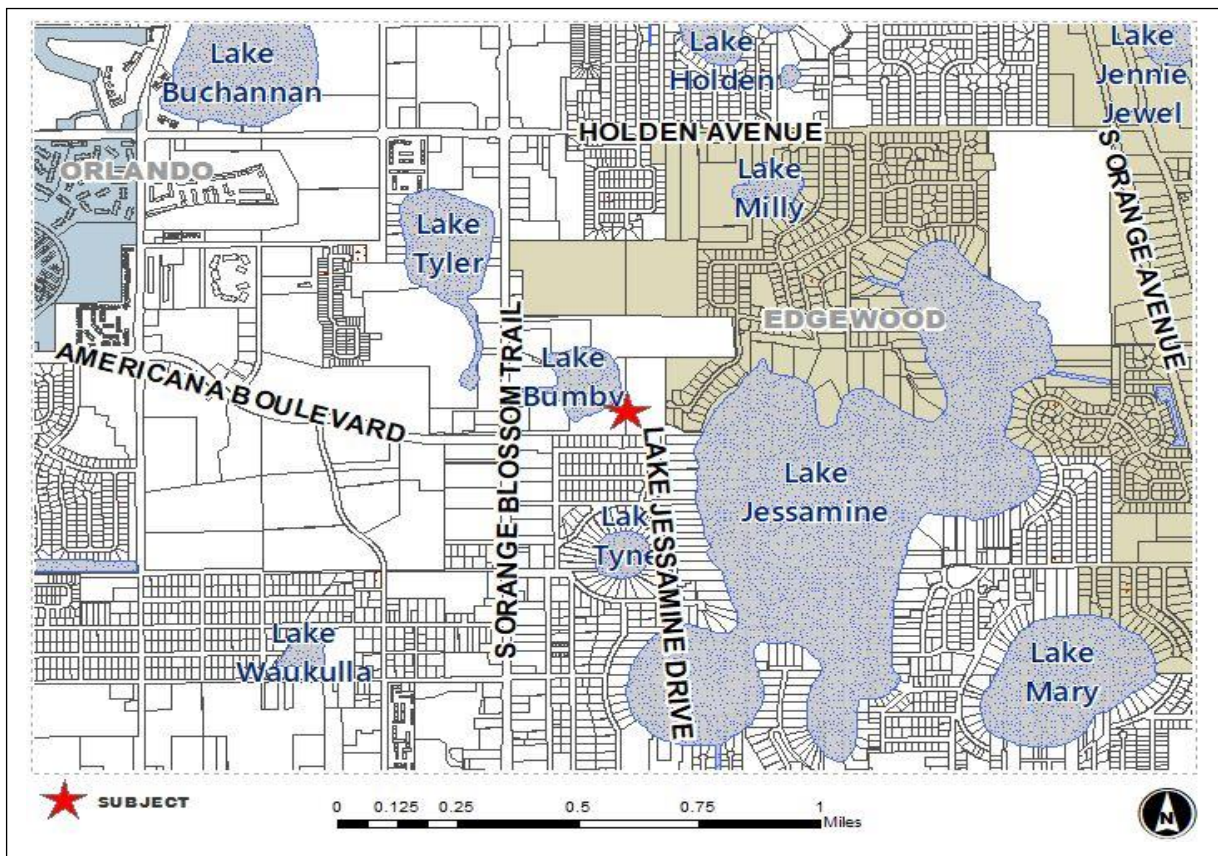
NOTICE AREA: 600 ft. (expanded)

NUMBER OF NOTICES: 252

## STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

## LOCATION MAP



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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	R-3	R-3, C-2, R-T	R-1A, C-3	City of Edgewood, R-1AA	R-1, R-T, C-2
Future Land Use	MDR	MDR, C	LDR, C	City of Edgewood, LDR	MDR, C
Current Use	Vacant	Multi-family, commercial, mobile homes	Single-family residential, commercial	Single-family residential	Mobile homes, vacant, commercial

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The property is located in the R-3, Multiple-Family Residential zoning district, which allows single-family homes and multi-family development.

The subject property is vacant and contains a total of 20.8 acres of mixed woodlands, of which 8.4 acres are wetlands. The remainder of the site contains approximately 12.4 acres of upland areas. Prior to the public noticing, the project consisted of two separate parcels, but the owner has since consolidated the parcels into one.

The proposal is to construct a 102 unit certified affordable housing project consisting of 2 three-story multi-family buildings. Also proposed is a one-story clubhouse. The buildings will have a total of 53 one bedroom units and 49 two and three bedroom units. Building permits have been submitted and are under review for site work, (B21900563) and for all other buildings and structures associated with the development (B20907687, B20907690, B20907691, B20907692, B20907693 and B20907694). As indicated in the floor plans, on the first floor of Building #1 and #2, there is an exam room indicated. However, these are considered medical related uses, which are commercial uses and are not permitted within the multi-family residential zoning district. The applicant has been notified that the floor plans will be required to be updated at the time of permitting.

Vehicular and pedestrian access to the site will be provided from Orange Blossom Trail to the west. Consistent with the proposed site plan, no access will be provided to Lake Jessamine Dr. The proposed landscaping plan for the project will provide a 15 ft. landscape buffer with Live Oak trees and shrubs along the perimeter, with the exception of the southeast corner of the site where the existing trees are to remain, along with the provision of 6 ft. high aluminum fencing generally along the north and east perimeter of the development.

The site is encumbered by a 25 ft. canal easement from Lake Bumby, running southeasterly to the southeast property line (OR 2236, PG 983), a 20 ft. drainage easement from Lake Bumby, from the south-center of the site to the south property line (OR 969, PG 439) and a 20 ft. drainage and access easement, running along the east property line to the south property line (OR 10526, PG 4808). No buildings are proposed to encroach into these easements.

The parking requirements for the development are:

Unit Type	Parking Requirement	Number of Units Provided	Required # of Spaces
Efficiencies and one-bedroom	1.5 spaces/unit	53	80
3 units or more with 2 and 3 bedrooms	2 spaces/unit	49	98
Total			178

Based upon the above unit count, the total parking spaces required is 178 parking spaces. The applicant is proposing 118 spaces, requiring Variance #1. The Orange County Transportation Planning Division requested that the applicant provide a parking study, based on the Orange County parking variance review procedure and methodology. In response, the applicant provided a parking technical memorandum which focused on the low observed parking demand for a similar development in Sanford, Florida and consistency of the parking request with the Institute of Transportation Engineers (ITE) parking generation manual under the category for affordable housing. The parking memorandum concluded that there is a parallel between the observed 40 percent (0.4) per unit parking demand at the Sanford development with the proposed development and that the number of parking spaces proposed far exceeds the demand that will be realized. After review of the technical memorandum, the Transportation Planning Division agreed with the analysis based on the deed restrictions of the property for affordable housing which is higher than the 95% confidence interval shown in ITE for similar uses. Durham Place is being funded through the State of Florida's Housing Finance Corporation's low income tax credit program with a minimum 50 year Land Use Restrictive Agreement recording against the property. Further, the Orange County Housing division will require an additional restrictive covenant on the use of property for 20 years. In addition, staff is proposed a condition that requires the property remain as certified affordable housing or the parking requirements of the County Code will apply.

The applicant also provided a list of 10 comparable projects around the State of Florida which are owned and operated by Avcon, the management company for the ownership group. The provided number of parking spaces at these properties range from a 1.26 ratio in Fern Park to a 0.95 ratio in New Port Richey. The applicant asserts that comparable projects utilize a parking demand ratio of 1.08 spaces per unit, but instead for the proposed development will provide a slightly higher parking ratio at 1.15 spaces per unit. Furthermore, any impacts to parking would be internalized considering the site has a 1,700 ft. depth from Orange Blossom Trail and has no access to any other street.

The reason for the low parking demand is because the majority of residents will not own an automobile, or will not use vehicles daily, and instead will utilize public transit. The closest transit service is the Lynx bus service operating #107 along S. Orange Blossom Trail. The nearest northbound stop is approximately 170 ft. north of the subject property, and the nearest southbound stop is 360 ft. south of the subject property, both within walking distance of the site.

In order to provide a more appropriate aesthetic design, the applicant is proposing a 43 ft. building height which allows for a pitched roof for Buildings #1 and #2 in lieu of the maximum height allowed by the County Code of 35 ft., requiring Variance #2. The height is proposed to be more compatible with the nearby residential areas than an alternative flat roof design that met the building height code requirements. The increase in height will be for non-occupied space only to accommodate the roof pitch. It will not increase the number of units or square footage of the buildings.

The County Environmental Protection Division (EPD), has been reviewing several identified environmental issues pertaining to wetlands and wildlife impacts with the assistance of the applicant's environmental consultants. Pertaining to wetlands, EPD is currently processing a Conservation Area Determination (CAD-21-02-038) and sent out a classification letter on March 12, 2021 which identified Class I and Class III Conservation Areas on the site; however the CAD is not yet complete as a survey is still required. A Conservation Area Impact (CAI) will be required prior to issuance of permits if any wetlands are proposed to be impacted by the development. The reduction in the number of paved parking areas would result in a reduction of the footprint of the development, which in turn could mean less wetland impacts.

Further, EPD's assessment of wildlife impacts, which have include site inspections, have been ongoing. In particular, there has been reports of a potential active Eagle's nest. However, according to consultants, there is an undocumented nest that has not been identified by either the Florida Fish and Wildlife Conservation Commission (FFWCC) or Audubon's Eagle Watch. During a recent site inspection by the consultants, it was determined that this nest is inactive for the 2020-2021 nesting season and there no documentation identifies when the nest was last utilized. The consultants are in communication with the United States Fish and Wildlife Service (USFWS) and will coordinate with EPD staff after coordination with the USFWS.

On April 14, 2021, a virtual community meeting was held to allow for input. The meeting was attended by the applicant, the owner, County staff and approximately 45 residents. The residents in attendance spoke against the case. They were concerned with the proposed parking reduction and height increase, environmental concerns, such as wildlife and wetland impacts, and the potential visual and spillover effects of the multi-family development located in close proximity to the single-family residences to the east and south. They were also concerned about increased traffic on Orange Blossom Trail and about any possibility that pedestrian and vehicular access would be provided to Lake Jessamine Drive in the future.

As of the date of the preparation of this report, 36 residents have submitted comments in opposition, which includes 7 comments in opposition that have been forwarded by the Orange County Mayor's office. No comments have been received in support.

#### **District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	43 ft. (Variance #2)
Min. Lot Width:	85 ft.	573 ft. at the building line
Min. Lot Size:	15,000 sq. ft.	20 + acres (+/- 12.4 ac. upland)

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

	Code Requirement	Proposed
Front:	20 ft.	881 ft. (West)
Rear:	20 ft.	100 ft. (East)
Side:	10 ft. North/30 ft. South	30 ft. (North) 283 ft. (South)

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## STAFF FINDINGS

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### **VARIANCE CRITERIA**

#### **Special Conditions and Circumstances**

The special condition and circumstance particular to this project is the parking data submitted tied to the parking demands of affordable housing projects. Typical parking requirements are excessive for this type of development. Furthermore, the demand for public transit will be greater for this complex than typical multi-family development. Further, it is a special circumstance pertaining to the height requested, due to the increased pitch of the roof in order to provide an aesthetic design to more closely mimic and be compatible with the adjacent residential properties.

#### **Not Self-Created**

The request is not self-created since the owner is requesting to provide only the parking necessary to serve the development. Further, the need to provide additional building height is not self-created in that the project is able to meet the Zoning Regulations pertaining to height through the replacement of the roof pitch with a less aesthetically desirable flat roof design.

#### **No Special Privilege Conferred**

Granting the parking variance will not confer any special privilege since meeting the literal interpretation of the code would be unnecessary and more environmentally impactful, based upon the actual parking demand of other comparable projects. Granting the height variance will also in-turn not confer special privilege since the restriction of building height meeting the literal interpretation of the code pertaining to height would preclude a superior exterior design.

#### **Deprivation of Rights**

Without the variances, the applicant will be required to provide unnecessary parking and cover the site with greater impervious surfaces, requiring more impact to the wetlands and existing trees on site. Further, the removal of the pitched roof to a flat roof that meets the height requirements would unnecessarily hinder the ability to provide a more desirable product.

#### **Minimum Possible Variance**

The requested parking and height variances are the minimum necessary to meet actual parking demand and to provide superior aesthetic design, respectively.

#### **Purpose and Intent**

Approval of this request will be harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the nearby area since the number of parking spaces provided will meet demand. Further, the proposed building height will provide an appropriate exterior design that will be more compatible with adjacent properties than the strict adherence to the literal requirements of the Zoning Regulations.

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### CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan and elevations dated April 14, 2021, 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. Permits 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. The parking variance remains in effect only so long as this remains certified affordable housing. Any conversion to market rate housing shall be required to meet the parking requirements of the County Code.

C: Rick Baldocchi  
5555 E Michigan St., Suite 200  
Orlando, FL 32822

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## COVER LETTER

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**AVCON, INC.**  
**Engineers & Planners**

5555 E. Michigan Street, Suite 200  
Orlando, Florida 32822  
Phone: (407) 599-1122  
Fax: (407) 599-1133  
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March 25, 2021

Application to Board of Zoning Adjustment (BZA)  
Orange County Zoning Division  
201 S. Rosalind Avenue Post Office Box 2687  
Orlando, FL 32801

**Reference: Durham Place Affordable / Homeless Apartments  
Parking Variance Request**

Dear Staff and Board of Zoning Adjustment Commissioners:

We are submitting this letter to request two variances. One from the current parking requirements, and one from the maximum building height. The site is zoned R-3 Multi-Family Dwelling and has a parking requirement of 178 spaces based on the residential unit mix and has a maximum building height of 35 feet.

The first variance requests the parking amount to be 1.15 spaces per dwelling unit (118 spaces) which is consistent with similar affordable housing projects in Orange County and other municipalities. All other elements of the project will follow the requirements per Orange County Land Development Code (except for the second variance request) and will include two multi-family buildings housing a total of 102 units. Units will have restrictions that include wage tests and requirements for a percentage of the units to serve families. Attached is a summary of other affordable housing projects that are currently operating successfully with reduced parking ratios, some with less than we are requesting here.

The second variance requests the building height be increased from 35 feet to 43 feet for the highest crown of the roof. The eaves will be below the 35 feet, so the variance is required in order to improve the architectural appearance and provide a pitched roof. This appearance is more consistent with the adjacent residential zonings and increases the aesthetics of the development.

**Special Conditions and Circumstances:** This site is designated as an affordable housing project including a portion designated for homeless families. This condition is unique to this property and this request is not applicable to other non-affordable housing properties in the zoning district. In addition, the site fronts an impaired waterbody in Lake Bumby, which has been shown to have high levels of nutrients leading to poor water quality. The site is also traversed by an Orange County Drainage Canal that limits the amount of available property for the development.

**Not Self-Created:** The Orange County Code does not specifically designate between market-rate apartments and wage tested affordable housing projects. These two types of projects have very different needs in many areas including parking. While the County is encouraging and supporting affordable housing, the code has not been updated to reflect this issue. Lake Bumby has been impaired by pollutant run-off over the years from adjacent properties, not from this undeveloped property. The proposed development will provide stormwater treatment prior to discharging into the canal that serves as a discharge for the lake, so Lake Bumby will not have any stormwater impact from this development. The loss of property due to the existing canal is requiring the buildings to be 3 stories in order to provide the number of units necessary for the development. To meet the 35 feet height limit in the R-3 zoning, the roof would need to be flat, creating a commercial appearance to the project. In order to keep the residential character of the existing community, a sloped roof would be preferred to match the existing homes and apartments. The peak of the sloped roof at the highest point on the tallest building will be less than 43'-0".

Board of Zoning Adjustment  
March 25, 2021  
Page 2



**Deprivation of Rights:** Other Affordable Housing projects in the County are currently operating with reduced parking ratios and increased heights. These other projects have been approved through Planned Development Land Use and Zoning or through variances similar to this request.

**Minimum Possible Variance:** Based on the Developer's previous experience with similar projects, the request is consistent with reasonable operational requirements. Additional parking spaces would sit unused and require additional destruction of vegetation and buffer area. The slope of the roof has been minimized to reduce the amount of added height while still maintaining a functional and aesthetic pitched roof system.

**Purpose and Intent:** This request is in harmony with the purpose and intent of the Zoning Regulations and the goals of the County to increase the inventory of affordable housing. The reduction in pavement area due to decreased parking will be beneficial to the neighborhood in several ways. More vegetation will be able to be preserved and less pollutants will be generated adjacent to an impaired water body. Visually, less paved areas will be visible by the neighboring properties and more tree cover will be maintained. The height variance is also in harmony with the Zoning Regulations and compatibility issues. The pitched roof architectural appearance is more consistent with the adjacent residential zoning even though the access is from Orange Blossom Trail.

Other than this parking and height variance requests, all other zoning issues will be followed throughout the development of the site plan and architectural buildings.

Attached is a summary of other affordable housing projects that are currently operating successfully with reduced parking ratios, some with less than we are requesting here.

If you have any questions regarding this request, please do not hesitate to call or email.

Sincerely,

A handwritten signature in black ink, appearing to read "RVBaldocchi", with a checkmark at the end.

Rick V. Baldocchi, P.E.  
Vice President

[rvb@avconinc.com](mailto:rvb@avconinc.com)

**WENDOVER HOUSING PARTNERS, LLC**  
**1105 KENSINGTON PARK DRIVE, SUITE 200**  
**Altamonte Springs, Florida 32714**

TEL: (407) 333-3233  
 FAX: (407) 333-3919

<b>SENIOR APARTMENTS PARKING RATIOS</b>					
1	Brixton Landings	Apopka	80	96	1.2
2	Heritage Village	Longwood	123	145	1.18
3	Irongate	Ruskin	160	181	1.13
4	The Landings at Sea Forest	New Port Richey	200	189	0.95
5	Camden Club	Orlando	215	215	1
6	Vista Grand	Spring Hill	90	112	1.25
	Haley Park	Tampa	80	80	1.0
8	Madison Heights	Tampa	80	80	1.0
9	Madison Vines	Fort Pierce	90	94	1.04
10	Garden Park Senior Living	Fern Park	120	151	1.26
	<b>Total/Average</b>				

The above chart is representative of the parking ratios located at similar facilities by the Developer of The Durham Place Apartments. The average ratio of the above referenced projects is 1.08 parking spaces per unit. This request is for 1.15 parking spaces per unit. Durham Place also has a portion of the property designated to those that have been homeless, which will further reduce the parking requirements.

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## PARKING TECHNICAL MEMO

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### **TECHNICAL MEMORANDUM Durham Place Apartments Parking Analysis**

#### **Introduction**

The proposed Durham Place Apartments is an Affordable Housing project with established income limits. Residents will be required to make less than 60% of Area's Median Income (AMI). In addition, some of the units will be set-aside for those that were formerly homeless. The site is located on S. Orange Blossom Trail near the intersection with All American Blvd. The entire site is 20.8 acres and lies on the south and east sides of Lake Bumby. The developable area of the site, not including the lake area, is 12.4 acres.

The site has a Future Land Use Designation of Medium Density Residential which allows for 20 units per net developable area. This would allow for 248 units at maximum build-out. Due to the constraints on the property, that density is not likely achievable. The proposed community will include 102 units comprised of 53 one bedroom/efficiency units, 37 two bedroom units, and 12 three bedroom units, for a total of 163 bedrooms.

The Developer is Wendover Housing who is one of the premier Affordable Housing Developers in the Southeast United States and headquartered in Central Florida. They design, build, operate and maintain their facilities and have become an expert in Affordable Housing based on these experiences. They are passionate about providing quality Affordable Housing to communities, such as Orange County, that have a great need.

The site location is shown on the map to the right with access from S. Orange Blossom Trail. LYNX provides bus route 107 along the highway, with a bus stop located within 100 feet of the proposed driveway entrance. The distance to public transit was a critical element in the selection of this site for the proposed development.



Based on the history of Wendover with previous Affordable Housing Developments, the code required number of parking spaces provide an excess that is not utilized by the residents. They have found that reduction in parking spaces allow efficient operations and provide a more sustainable development with less environmental impacts due to additional pavement construction.

#### **Wendover Parking Sample**

**Warley Park, Sanford, FL** – Warley Park is a completed development and is located in Sanford, FL. This facility very familiar to the proposed Durham Place Apartments and includes 81 units. The same income level restrictions apply to both projects. This is the only development completed by Wendover that has the exact same restrictions and requirements as Durham Place. A parking variance was granted to Warley Park by the City of Sanford.

Since Wendover properties have full-time on-site manager, they have been able to monitor parking at Warley Park at all times and understand which residents actually own cars. Recent counts by the on-site management have shown a maximum of 32 cars in the parking lot for a ratio of 0.40 spaces per unit. The development is currently 100% leased. The majority of the residents utilize public transportation to meet their travel needs.

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## PARKING TECHNICAL MEMO

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### Institute of Transportation Engineers (ITE) Parking Demand

The ITE Parking Generation Manual, 5<sup>th</sup> Edition includes a category for Affordable Housing – Income Limits (223). The manual includes two generation graphs based on two separate variables, number of dwelling units and number of bedrooms. The two graphs for those variables are attached.

The Average Rate based on Number of Dwelling Units is 0.99, with the 95<sup>th</sup> Confidence interval of 0.89 to 1.09. The average rate for Durham Place based on this data would be 101 parking spaces and the 95<sup>th</sup> Confidence Interval would range from 91 to 111 spaces. The fitted curve equates to a number of parking spaces of 93 spaces. ( $P=1.13(X)-21.94$ ).

The Average Rate based on Number of Bedrooms is 0.54, the 95<sup>th</sup> Confidence interval is not provided. The average rate for Durham Place based on this data would be 88 parking spaces. The fitted curve equates to a number of parking spaces of 83 spaces. ( $P=0.47(X)+6.17$ )

### Summary and Conclusion

Below is a summary of the above referenced analysis:

**Based on Parking Sample Count: 40.8 (0.40 per unit)**

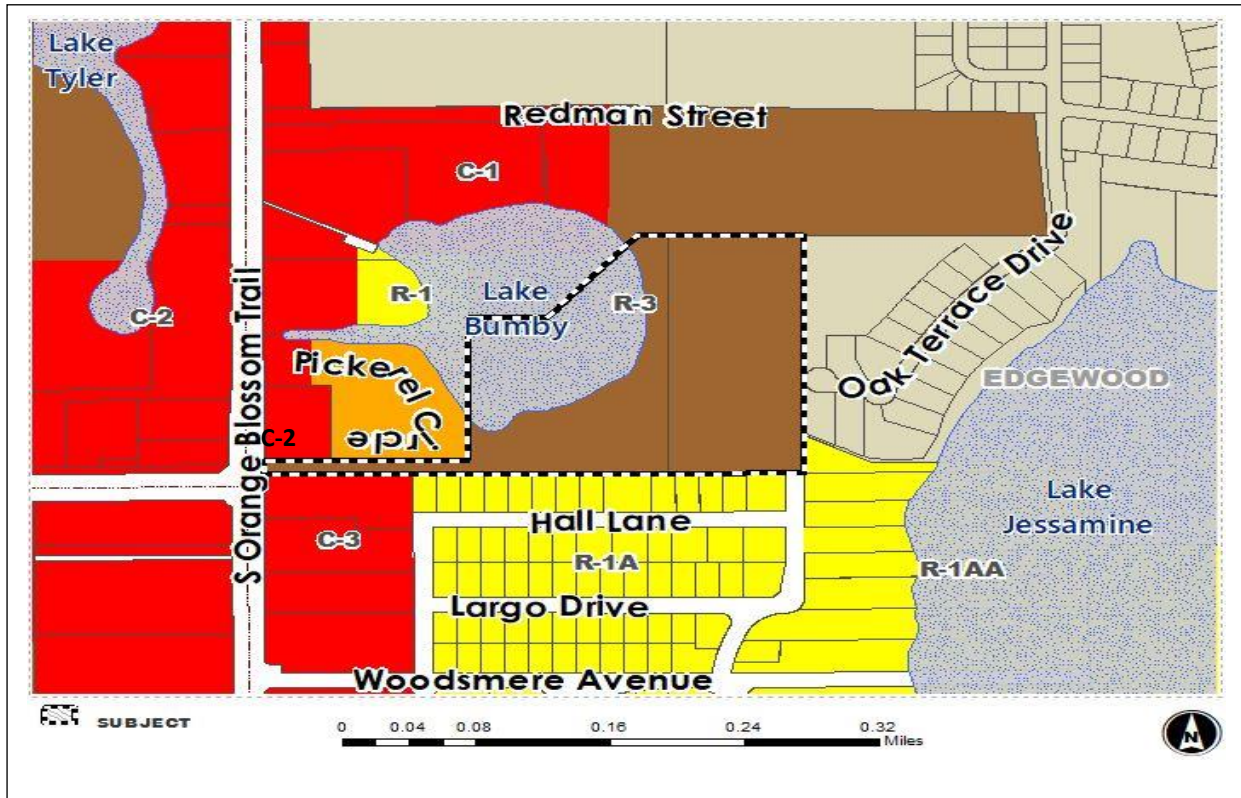
**ITE Fitted Curve for Dwelling Units: 93 spaces (0.91 per unit)**

**ITE Fitted Curve for Number of Bedrooms: 83 spaces (0.81 spaces)**

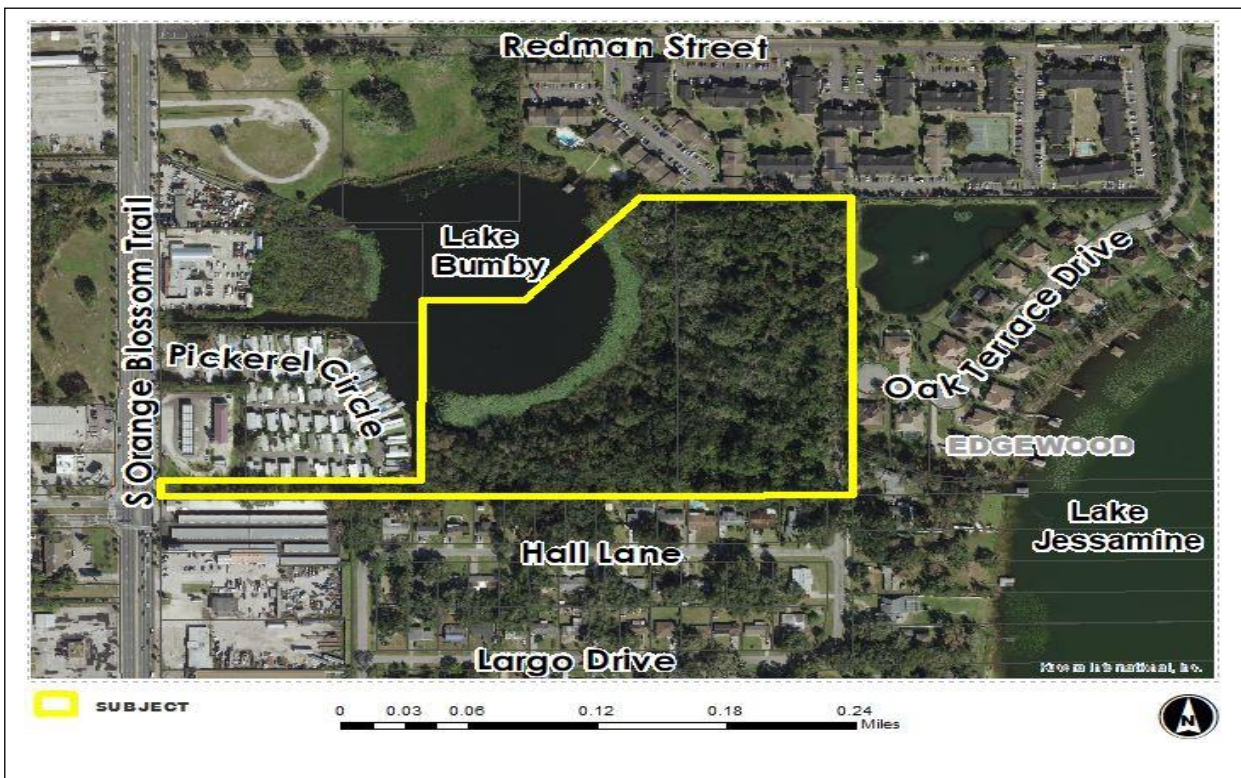
Based on the above information, the requested ratio of 1.15 which represents 118 parking spaces will be acceptable to serve the development.

**End of Technical Memorandum**

## ZONING MAP



## AERIAL MAP



5. PERVIOUS/IMPERVIOUS CALCULATIONS:

IMPERVIOUS AREA: 546,852 S.F. (12.55 AC.) 60.33%  
 PERVIOUS AREA: 358,648 S.F. (8.26 AC.) 39.67%  
 TOTAL AREA: 906,500 S.F. (20.81 AC.) 100%

PARKING REQUIRED:

1.5 SPACES PER 1 BEDROOM UNIT = 53 UNITS \* 1.5 = 80 SPACES  
 2 SPACES PER 2 OR 3 BEDROOM UNIT = 49 UNITS \* 2 = 98 SPACES  
 TOTAL = 178 SPACES  
 A VARIANCE IS BEING REQUESTED FROM THE BOARD OF ZONING ADJUSTMENT

TOTAL PARKING PROVIDED: 118 SPACES  
 STANDARD SPACES (10'X18') 112 SPACES  
 HANDICAP SPACES (12'X18') 6 SPACES

TOTAL AREA TO BE DEVELOPED = 12,423 AC.

WETLANDS/WETLAND/LAKE AREA\*\*  
 IMPERVIOUS AREA = 3,576 ACRES  
 BUILDING, SIDEWALK, PAVEMENT = 0.501 ACRES  
 TOTAL IMPERVIOUS AREA = 4,167 ACRES (33.54%) (80% MAX)  
 PERVIOUS AREA = 8,256 ACRES (66.46%)  
 TOTAL PROJECT AREA = 12,423 ACRES (100.0%)

DENSITY:

MULTI-FAMILY = 102 UNITS / 12,423 ACRES = 8.21 DU/AC

OPEN SPACE REQUIRED:

45% OF BUILDABLE LAND  
 12,423 AC PROJECT SITE  
 12,423 AC X 45% = 5,590 AC

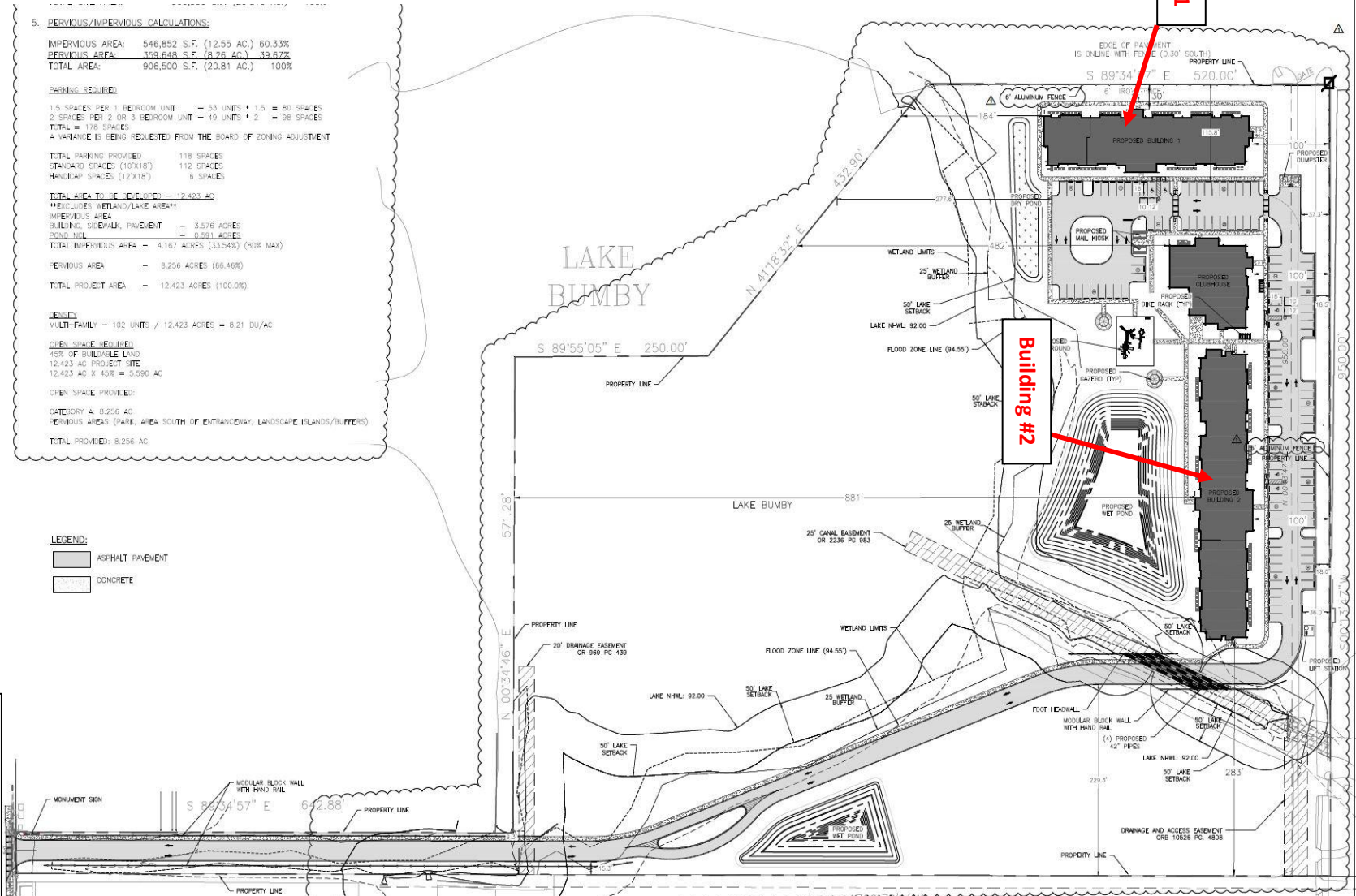
OPEN SPACE PROVIDED:

CATEGORY A: 8,256 AC  
 PERVIOUS AREAS (PARK, AREA SOUTH OF ENTRANCEWAY, LANDSCAPE ISLANDS/BUFFERS)  
 TOTAL PROVIDED: 8,256 AC

LEGEND:

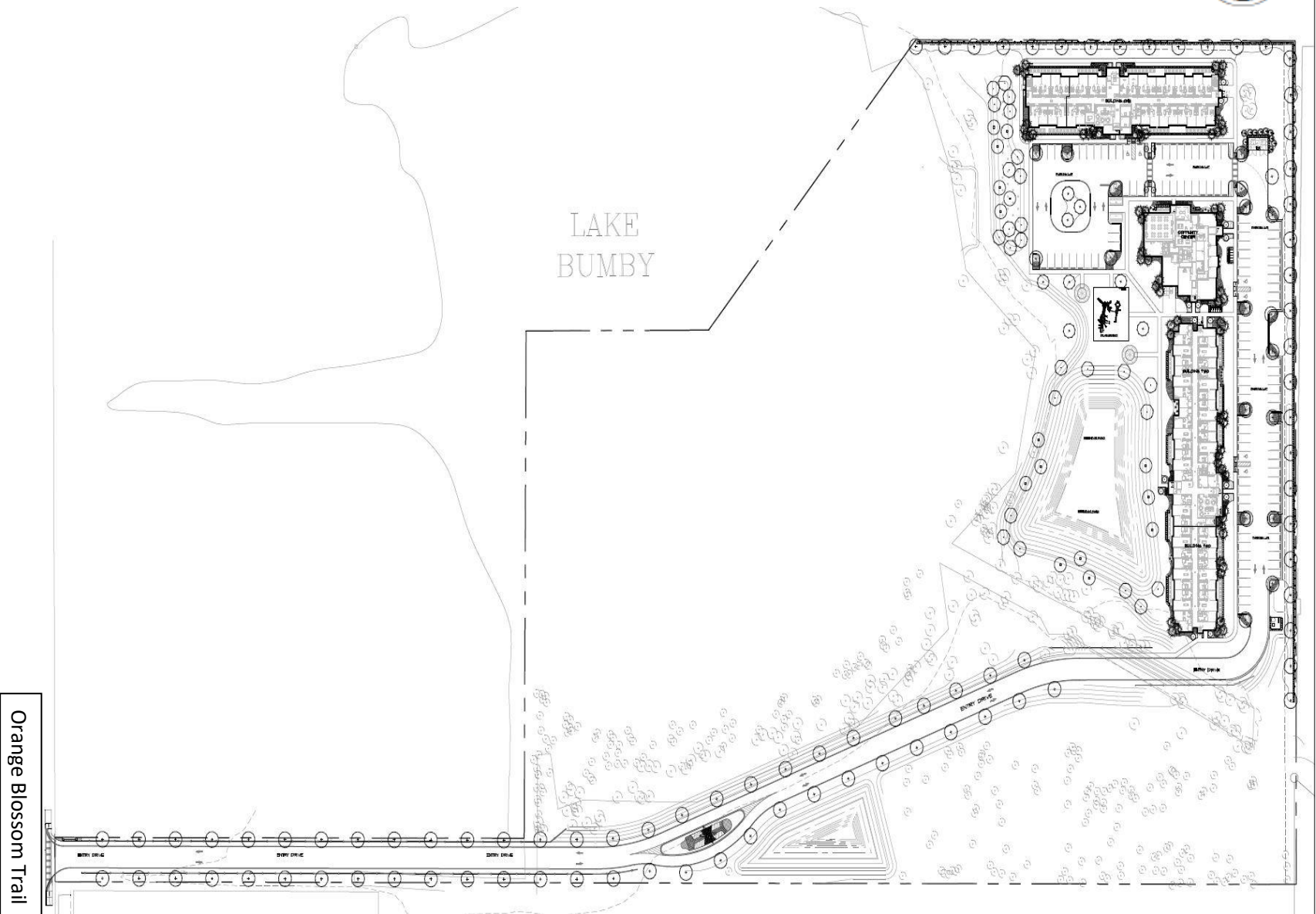
ASPHALT PAVEMENT  
 CONCRETE

Orange Blossom Trail

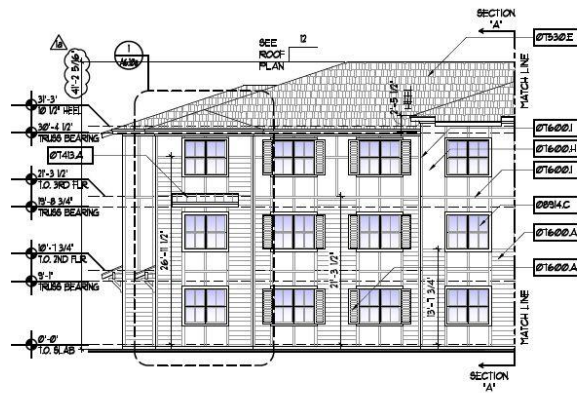


SITE PLAN

LANDSCAPE PLAN



Orange Blossom Trail



1 BUILDING TYPE I - FRONT ELEVATION (SECTION 'A')  
SCALE: 1/8" = 1'-0"



2 BUILDING TYPE I - FRONT ELEVATION (SECTION 'B')  
SCALE: 1/8" = 1'-0"



3 BUILDING TYPE I - RIGHT ELEVATION  
SCALE: 1/8" = 1'-0"

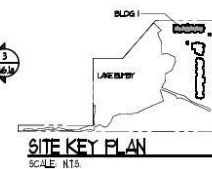
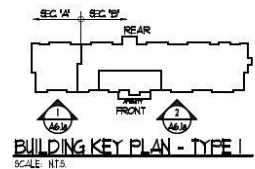
#### GENERAL NOTES - ELEVATION

1. PAINT INTERIOR & EXTERIOR METAL FINISHES UNLESS PROVIDED WITH FACTORY FINISH.
2. PAINT ALL ROOF VENT AND STACK PENETRATIONS TO MATCH ROOF.
3. PROVIDE CONT. VENTED SOFFIT AT ALL OVERHANGS.
4. PROVIDE SHOP DRAWINGS FOR ALUMINUM GUTTER AND DOWNSPOUT SPACING PER CODE REQUIREMENTS. PROVIDE SPLASH BLOCK AT BASE.
5. ALL DOORS AND WINDOWS TO MEET DESIGN PRESSURES SHOWN ON STRUCTURAL DRAWINGS.
6. PROVIDE CONTINUOUS VENTING FOR 1ST & 2ND FLOOR COLUMNS.
7. APPROVED NUMBER OR ADDRESSES SHALL BE PROVIDED FOR NEW BUILDING SO THAT THE NUMBER OR ADDRESS IS PLAINLY VISIBLE AND LEGIBLE FROM THE STREET OR ROADWAY FRONTING THE PROPERTY. THE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND. ADDRESS NUMBERS SHALL BE ARABIC NUMERALS OR ALPHABET LETTERS. NUMERALS SHALL BE NOT LESS THAN THREE INCHES IN HEIGHT FOR RESIDENTIAL STRUCTURES, AND AT LEAST SIX INCHES IN HEIGHT FOR ALL OTHER BUILDING STRUCTURES. FPFC 3-1.1.
8. COORDINATE LOCATION OF ELECTRICAL METERS WITH SITE ELECTRICAL. ALL BOARDS AND METERS TO BE PAINTED TO MATCH WALLS.
9. HARDI PANEL TO BE INSTALLED IN A MANNER THAT NO SEAMS ARE EXPOSED.
10. PROVIDE 1/4" CEMENTITIOUS CORNER TRIM AT CORNERS OF ALL COLUMNS CLAD WITH CEMENTITIOUS PANELS.
11. RAILINGS TO BE ENGINEERED TO ATTACH TO WALLS OR AT VERTICAL FACES. RAILING SHALL NOT ATTACH THROUGH CONCRETE TOPPING OR HORIZONTAL WATERPROOFING MEMBRANES.

#### REFERENCE KEYNOTES

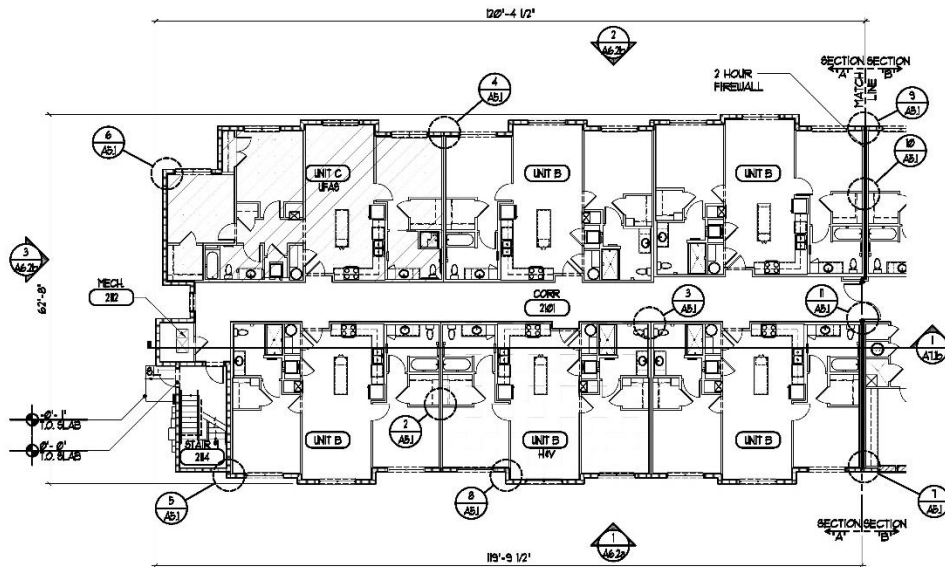
DIVISION 07 - THERMAL AND MOISTURE PRO	
071330E	MANUFACTURED STANDING SE METAL ROOF, 18" PANELS, 24
071330E	240 LBS CLASS A MILDEW RE SINGLE ROOFING UNDER 95/ TABS W/ 30 YEAR WARRANTY
071600A	FIBER CEMENT SIDING
071600H	FIBER CEMENT BOARD
071600I	FIBER CEMENT TRIM
DIVISION 08 - OPENINGS	
080503B	FOAM GUTTER- FIBER REIN POLYURETHANE 15 LB. FOAM, ENCAPULATED 60 MIL. W/ MI COATING
08094C	SINGLE HUNG ALUM. WINDOW
DIVISION 09 - FINISHES	
091000G	FOAM BRACKET- FIBER REIN POLYURETHANE 15 LB. FOAM, ENCAPULATED 60 MIL. W/ MI COATING

REV. 16:  
REVISED ALL ROOF SLOPES FROM 5:12 TO 4:



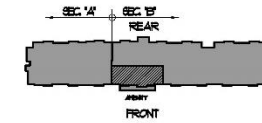
RESERVED FOR DIGITAL SIGN

TYPICAL ELEVATIONS

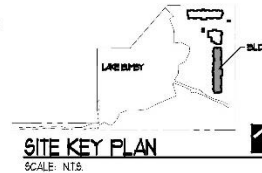


1 BUILDING TYPE II - OVERALL 1ST FLOOR PLAN (SECTION 'A')  
SCALE: 3/32" = 1'-0"

SECTION 504 LEGEND	
	ASSIGNED FOR HEARING & VISUAL
	ASSIGNED UFAS UNIT



BUILDING KEY PLAN - TYPE II  
SCALE: NTS

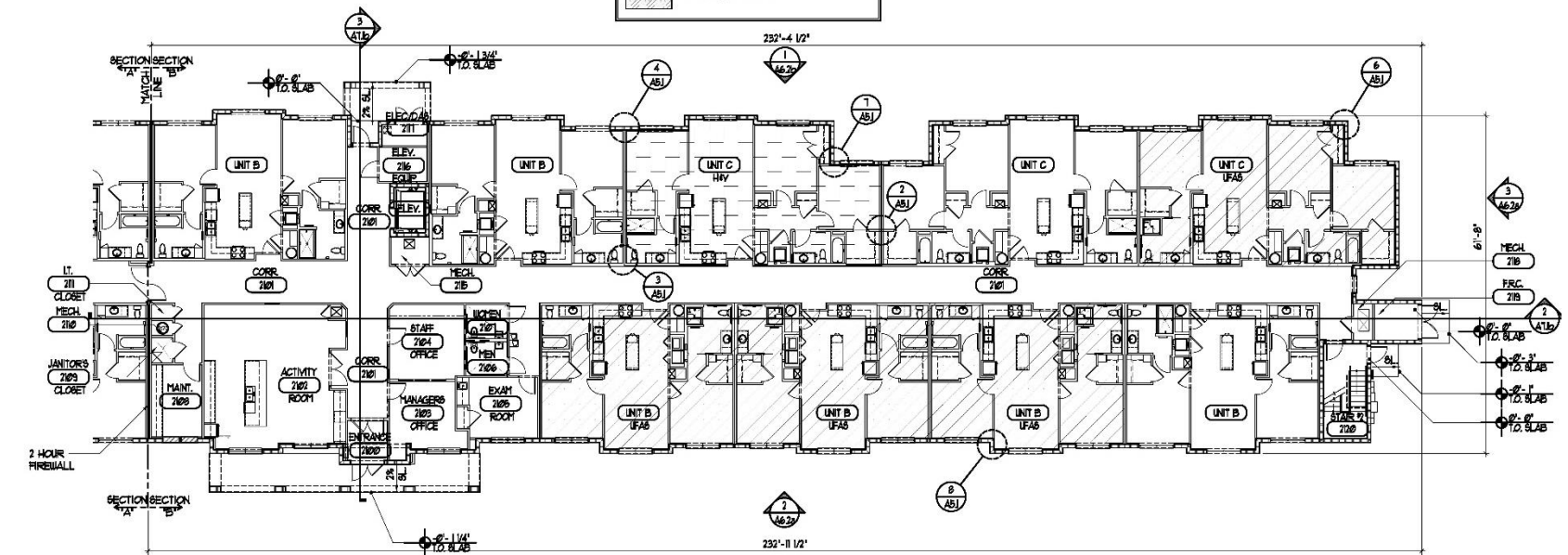


SITE KEY PLAN  
SCALE: NTS

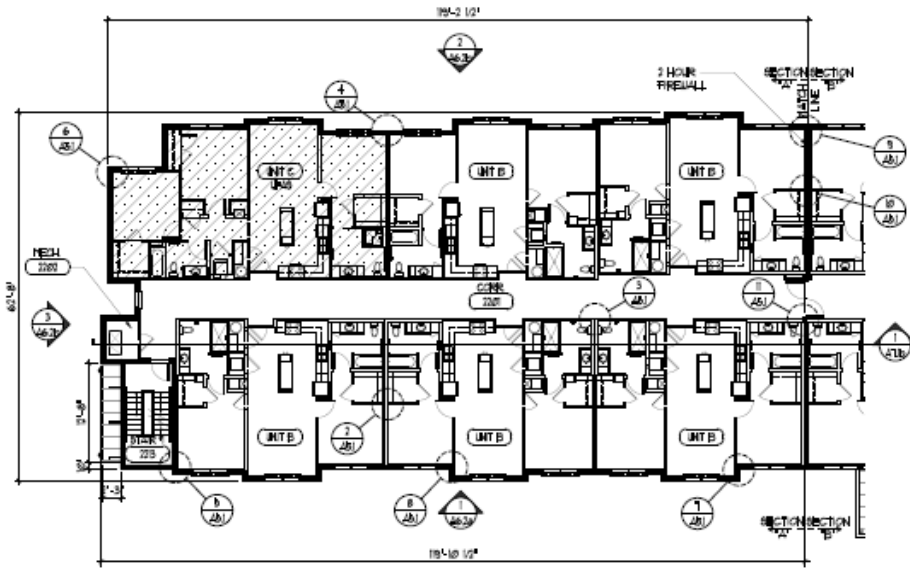
**NOTE:**  
1. COLUMNS, GIRDERS, TRUSSES, BEAMS, LINTELS, OR STRUCTURAL MEMBERS THAT ARE REQUIRED TO HAVE A FIRE RESISTANCE RATING, AND THAT SUPPORT MORE THAN TWO FLOOR, OR ONE FLOOR AND ROOF, OR SUPPORT A LOAD BEARING WALL, OR NON LOAD BEARING WALL MORE THAN TWO STORIES HIGH, SHALL BE INDIVIDUALLY PROTECTED ON ALL SIDES FOR THE FULL LENGTH WITH MATERIALS HAVING THE REQUIRED FIRE RESISTANCE RATING. OTHER STRUCTURAL MEMBERS REQUIRED TO HAVE A FIRE RESISTANCE RATING, SHALL BE PROTECTED BY INDIVIDUAL ENCASEMENT, BY A MEMBRANE OR CEILING PROTECTION AS SPECIFIED IN 2011 F.B.C. SECTION 711, OR BY A COMBINATION OF BOTH. REFER TO SHEET A104 FOR 2014 F.B.C. TABLE 601 AND 602 FIRE RESISTANCE RATING REQUIREMENTS, AND SHEETS A10, SERIES SHEETS FOR FIRE RATED ASSEMBLIES.

**NOTE:**  
-WALLS, PARTITIONS AND FLOOR/CEILING ASSEMBLIES SEPARATING DWELLING UNITS FROM EACH OTHER OR FROM PUBLIC OR SERVICE AREAS SHALL HAVE A SOUND TRANSMISSION CLASS (STC) OF NOT LESS THAN 50 (45 IF FIELD TESTED) FOR AIR-BORNE NOISE. PENETRATIONS OR OPENINGS IN CONSTRUCTION ASSEMBLIES FOR PIPING, ELECTRICAL, RECESSED CABINETS, TUBS, SINKS, OR DUCTWORK SHALL BE SEALED, LINED, INSULATED, OR OTHERWISE TREATED TO MAINTAIN THE REQUIRED RATING. REFER TO DETAILS THIS SHEET AND A116.  
-FLOOR/CEILING ASSEMBLIES BETWEEN DWELLING UNITS OR BETWEEN A DWELLING UNIT AND A PUBLIC OR SERVICE AREA WITHIN THE STRUCTURE SHALL HAVE AN IMPACT INSULATION CLASS (IIC) RATING OF NOT LESS THAN 50 (45 IF FIELD TESTED).

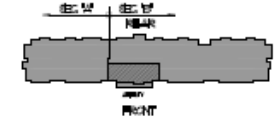
BUILDING TYPE II				
	1ST FLR	2ND FLR	3RD FLR	TOTALS
LIVING	15,130	17,014	17,014	49,158
ACCESSORY SPACE	1515	0	0	1,515
MECH/ ELEC/ LV	343	200	200	743
STAIRS / ELEV	411	411	411	1,233
COVERED AREA	451	0	0	451
BREEZEWAY	3,000	2,693	2,693	8,386
GROSS SQ FOOTAGE	20,868	20,324	20,324	61,516



2 BUILDING TYPE II - OVERALL 1ST FLOOR PLAN (SECTION 'B')  
SCALE: 3/32" = 1'-0"



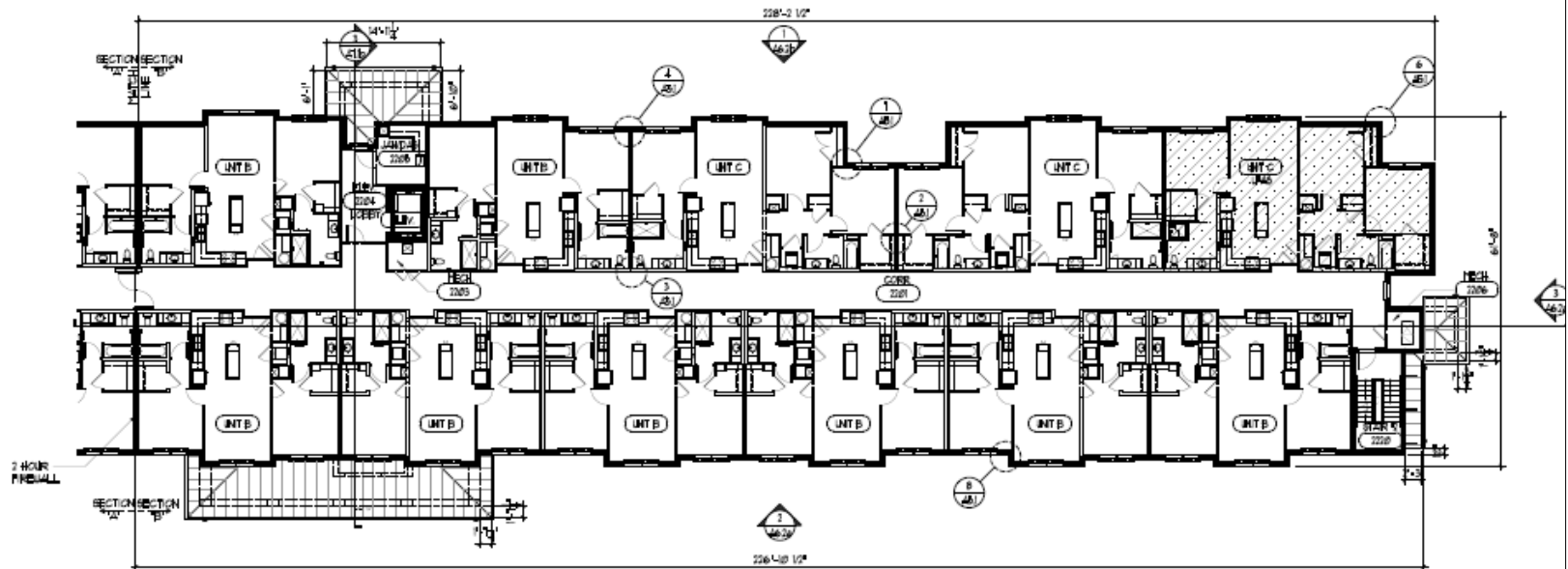
**SITE KEY PLAN**  
SCALE: 1" = 100'



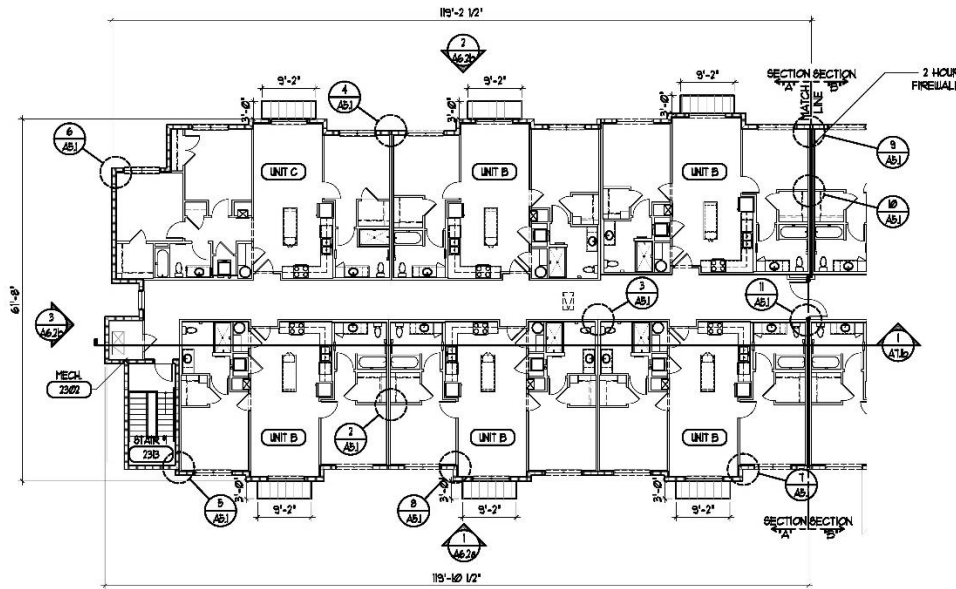
**BUILDING KEY PLAN - TYPE II**  
SCALE: 1" = 100'

BUILDING TYPE I				
	1ST FLR	2ND FLR	3RD FLR	TOTALS
LIVING	15,129	17,614	17,614	49,357
ACCESSORY SPACE	1515	0	0	1,515
MECH/ELEC/LV	345	209	209	763
STAIRS/ELEV	417	417	417	1,251
COVERED AREA	487	0	0	487
BREEZEWAY	3,000	2,653	2,653	8,306
GROSS SQ FOOTAGE	20,868	20,324	20,324	61,516

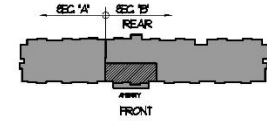
**1 BUILDING TYPE II - OVERALL 2ND FLOOR PLAN (SECTION 'A')**  
SCALE: 1" = 100'



**2 BUILDING TYPE II - OVERALL 2ND FLOOR PLAN (SECTION 'B')**  
SCALE: 1" = 100'



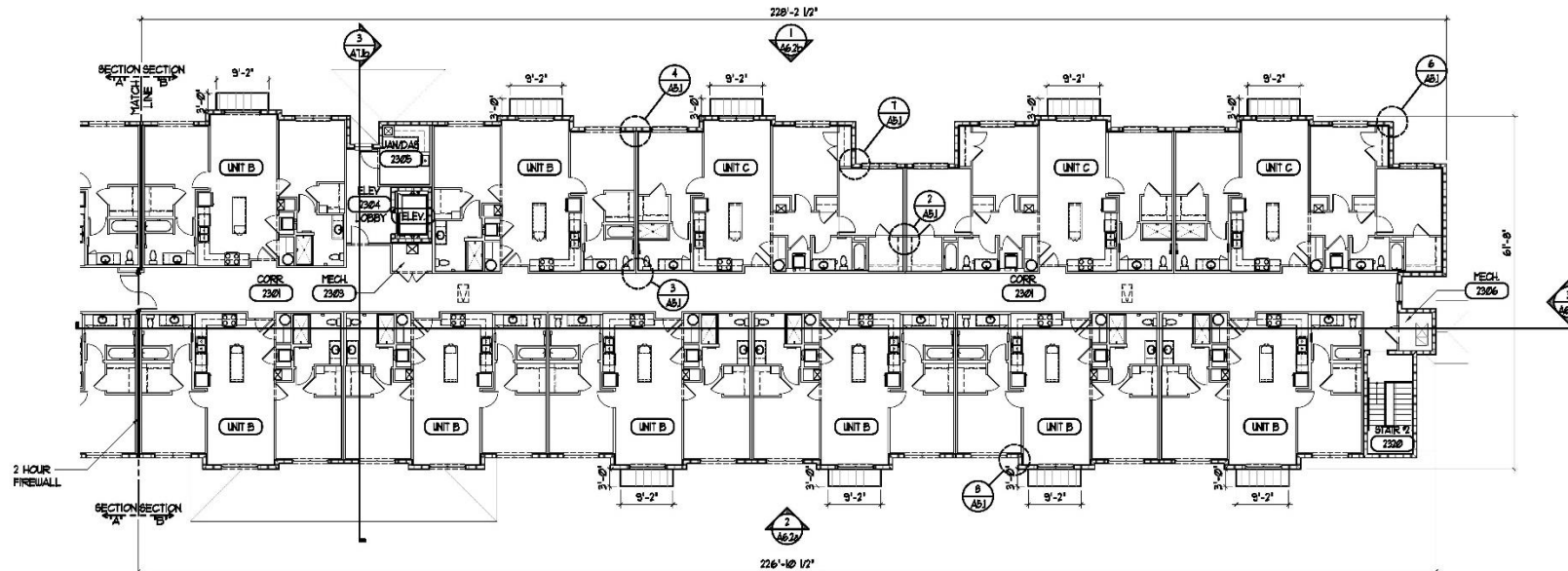
**SITE KEY PLAN**  
SCALE: NTS



**BUILDING KEY PLAN - TYPE II**  
SCALE: NTS

BUILDING TYPE I				
	1ST FLR	2ND FLR	3RD FLR	TOTALS
LIVING	15,130	17,014	17,014	49,158
ACCESSORY SPACE	1915	0	0	1,915
MECH/ ELEC/ LV	349	200	200	749
STAIRS / ELEV	417	417	417	1,251
COVERED AREA	451	0	0	451
BREEZEWAY	3,000	2,693	2,693	8,386
GROSS SQ FOOTAGE	20,860	20,324	20,324	61,516

**1 BUILDING TYPE II - OVERALL 3RD FLOOR PLAN (SECTION 'A')**  
SCALE: 3/32" = 1'-0"



**2 BUILDING TYPE II - OVERALL 3RD FLOOR PLAN (SECTION 'B')**  
SCALE: 3/32" = 1'-0"

## SITE PHOTOS



**Access to site from S. Orange Blossom Trail, facing east**



**Closest bus stop approximately 100 ft. north of the property along the east side of Orange Blossom Trail**

## SITE PHOTOS



**Access to site from S. Orange Blossom Trail intersection, facing northeast**



**North side of the subject property from the adjacent multi-family development, facing southwest**

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## SITE PHOTOS

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**Existing fencing along portion of south property line**



**Southeast end of the subject property from the end of Lake Jessamine Dr., facing north**

## SITE PHOTOS



**Fencing at north property line facing southeast from within the adjacent multi-family development**



**Subject property towards the end of Oak Terrace Dr., facing east (towards the City of Edgewood)**



BOARD OF ZONING ADJUSTMENT