ORANGE COUNTY GOVERNMENT
FLORIDA

Planning, Environmental & Development Services Department

Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

December 1, 2022

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)

ORANGE COUNTY GOVERNMENT

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

BZA Staff

Ted Kozak, AICP	Chief Planner
Nick Balevich	Planner II
Laekin O'Hara	Planner I
Jenale Garnett	Planner I
Tiffany Chen	Planner II

ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
DECEMBER 1, 2022

Case #	Applicant	Commission District	Staff Recommendation	BZA Recommendation	Page #
VA-22-12-134	Vicki Gholson	3	Denial	Denial	1
VA-22-12-135	Christian Klein	6	Continued	Continued	12
SE-22-12-132	William Hockensmith For Iglesia Casa Del Alfarero Inc.	3	Approval w/Conditions	Approval w/Conditions	13
VA-22-12-121	Elise Garcia	3	Approval w/Conditions	Approval w/Conditions	28
VA-22-12-140	Kaitlin McGinnis For Silver Star Plaza	6	Approval w/Conditions	Approval w/Conditions	39
VA-22-12-136	Brian Hoover	5	Approval w/Conditions	Approval w/Conditions	56
VA-22-12-137	Jose Pellot	2	Approval w/Conditions	Approval w/Conditions	69
VA-22-12-126	Silvana Eschelbacher	1	Approval w/Conditions	Approval w/Conditions	81
SE-23-01-138	Bob Chopra For Blue Sky Towers	2	Approval w/Conditions	Approval w/Conditions	93

Please note that approvals granted by the BZA are not final unless no appeals are filed within 15 calendar days of the BZA's recommendation and until the Board of County Commissioner (BCC) confirms the recommendation of the BZA on Jan. 10, 2023.

ORANGE COUNTY
ZONING DISTRICTS

Agricultural Districts

A-1	Citrus Rural
A-2	Farmland Rural
A-R	Agricultural-Residential District

Residential Districts

R-CE	Country Estate District
R-CE-2	Rural Residential District
R-CE-5	Rural Country Estate Residential District
R-1, R-1A & R-1AA	Single-Family Dwelling District
R-1AAA & R-1AAAA	Residential Urban Districts
R-2	Residential District
R-3	Multiple-Family Dwelling District
X-C	Cluster Districts (where *X* is the base zoning district)
R-T	Mobile Home Park District
R-T-1	Mobile Home Subdivision District
R-T-2	Combination Mobile Home and Single-Family Dwelling District
R-L-D	Residential -Low-Density District
N-R	Neighborhood Residential

Non-Residential Districts

P-O	Professional Office District
C-1	Retail Commercial District
C-2	General Commercial District
C-3	Wholesale Commercial District
I-1A	Restricted Industrial District
I-1/I-5	Restricted Industrial District
I-2/I-3	Industrial Park District
I-4	Industrial District

Other District

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

SITE & BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Requirements

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

District	*Min. lot area (sq. ft.) m*	*Min. living area (sq. ft.)*	*Min. lot width (ft.)*	*Min. front yard (ft.) a*	*Min. rear yard (ft.) a*	*Min. side yard (ft.)*	*Max. building height (ft.)*	*Lake setback (ft.)*
NR	One-family dwelling, 4,500	1,000	45 *c*	20	20	5	35/3 stories *k*	*a*
	Two DUs, 8,000	500 per DU	80/90 *d*	20	20	5	35/3 stories *k*	*a*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories *k*	*a*
	Four or more DUs, 1,000 plus 2,000 per DU	500 per DU	85	20	20	10	50/4 stories *k*	*a*
	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 *k*	*a*
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 *k*	*a*
	One-family dwelling, 4,500	1,000	45 *c*	20	20	5	35/3 stories *k*	*a*
	Two DUs, 11,250	500 per DU	80 *d*	20	20	5	35/3 stories *k*	*a*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories *k*	*a*
	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 *k*	*a*
	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 *k*	*a*
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 *k*	*a*
	One-family dwelling, 4,500	1,000	45 *c*	20	20	5	35/3 stories *k*	*a*
	Two DUs, 8,000	500 per DU	80 *d*	20	20	5	35/3 stories *k*	*a*
	Three DUs, 11,250	500 per DU	85	20	20	10	35/3 stories *k*	*a*
	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 *k*	*a*
	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 *k*	*a*
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 for each add. story	35	*a*
C-1	6,000	500	80 on major streets (see Art. XV); 60 for all other streets *e*; 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	*a*

District	*Min. lot area (sq. ft.)* [m]	*Min. living area (sq. ft.)*	*Min. lot width (ft.)*	*Min. front yard (ft.)* [a]	*Min. rear yard (ft.)* [a]	*Min. side yard (ft.)*	*Max. building height (ft.)*	*Lake setback (ft.)*
C-2	8,000	500	100 on major streets (see Art. XV); 80 for all other streets *f*	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	*a*
C-3	12,000	500	125 on major streets (see Art. XV); 100 for all other streets *g*	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	*a*

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

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

FOOTNOTES

a	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.
b	Side setback is 30 feet where adjacent to single-family district.
c	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.
d	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.
e	Corner lots shall be 100 [feet] on major streets (see Art. XV), 80 [feet] for all other streets.
f	Corner lots shall be 125 [feet] on major streets (see Art. XV), 100 [feet] for all other streets.
g	Corner lots shall be 150 [feet] on major streets (see Art. XV), 125 [feet] for all other streets.
h	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.
j	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.
k	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%.
m	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:	**DEC 01, 2022**	Commission District:	**#3**
Case #:	**VA-22-12-134**	Case Planner:	**Jenale Garnett (407) 836-5955 Jenale.Garnett@ocfl.net**

GENERAL INFORMATION

APPLICANT(s):	VICKI GHOLSON
OWNER(s):	VICKI GHOLSON
REQUEST:	Variance in the R-1A zoning district to allow an 8 ft. high fence in the Normal High Water Elevation (NHWE) in lieu of 4 ft.
PROPERTY LOCATION:	1201 Ridgecrest Road, Orlando, FL 32806, northwest corner of Ridgecrest Rd. and Troy Dr., south side of Lake Pineloch, west of S. Fern Creek Ave., south of E. Michigan St.
PARCEL ID:	12-23-29-8076-02-020
LOT SIZE:	+/- 0.67 acres (+/- 0.46 acres upland)
NOTICE AREA:	500 ft.
NUMBER OF NOTICES:	100

DECISION: Recommended **DENIAL** of the Variance request in that there was no unnecessary hardship shown on the land; and further, it does not meet the requirements governing Variances as spelled out in Orange County Code, Section 30-43(3) (Motion by Juan Velez, Second by John Drago; unanimous; 6 in favor: Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz, Joel Morales, Roberta Walton Johnson; 0 opposed; 1 absent: Charles Hawkins, II):

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial since there are alternatives to allow the installation at the requested fence height. Staff noted that three (3) comments were received in favor of the application and three (3) comments were received in opposition to the application.

The applicant described the rationale for the height of the proposed fence, which is for safety and privacy from the adjacent park property.

There were two (2) in attendance to speak in favor of the request. There were three (3) in attendance to speak in opposition to the request, noting that the fence will impact the view of the lake and the need to protect water resources.

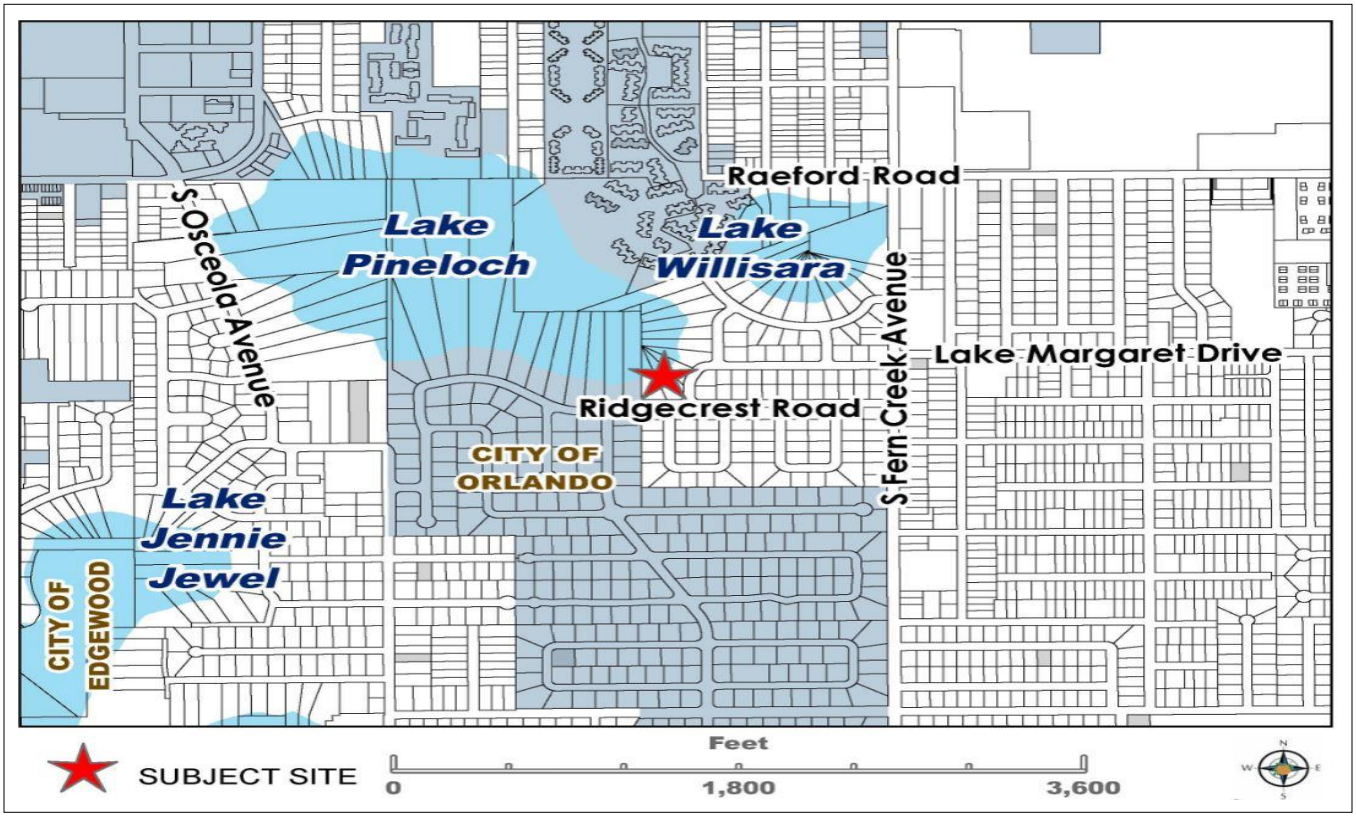
Environmental Protection Division staff discussed the request and the wetland requirements.

The BZA discussed that the applicant has other options to install fencing that meets code requirements, that there were no similar requests granted within the adjacent community, that the fence will impact the view of the lake from the surrounding properties and unanimously recommended denial of the requested Variance by a 6-0 vote, with one absent.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residential	Lake Pineloch, Single-Family Residential	Single-family residential	Single-family residential	H.O.A. Playground, Lake Pineloch

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area around the subject site is comprised of single-family homes, many of which are lakefront, and a playground owned by the Skycrest Civic Association, the homeowner's association, located to the west. The subject property is Lot 2 of the Skycrest Plat, recorded in 1957, and is considered to be a conforming lot of

record. It is a +/- 0.67 acre platted parcel of land, of which +/- 0.46 acres is upland. The remainder of the parcel is either wetland or submerged property under Lake Pineloch. The subject site is a corner lot located on the northwest corner of Ridgecrest Road and Troy Drive. The frontage is considered Ridgecrest Road since it is the narrowest portion of the lot abutting a street right-of-way, and the side street is Troy Drive. It is currently developed with a 2,768 gross sq. ft. one story single-family home with an attached 2-car garage, constructed in 1964. The property has been under the same family ownership since the 1960's and the current owner inherited the property in 2022.

The proposal is for the installation of 164 linear feet of an 8 ft. high white vinyl fence along the west property line, of which 41.2 linear feet will encroach in the Normal High Water Elevation (NHWE) setback. In addition, the owner proposes to install a 5 ft. high chain link fence in the rear yard and 8 ft. high white vinyl fence from the house to the east property line to enclose the rear yard. Per Sec. 38-1408 (g) (2) of Orange County Code, fences in residential districts are limited to maximum height of 8 ft. in the side and rear yards. Furthermore, Sec. 38-1408 (k) of the code states that on a lakefront lot, a fence or wall within the lake setback area shall be limited to a maximum height of four (4) feet. Although 123 ft. linear feet of the 8 ft. high vinyl fence along the west property line meets code, the remaining 41.2 linear feet encroaching into the NHWE setback exceeds the maximum height of 4 ft., requiring a Variance.

There is a 5 ft. private drainage easement along the east property line, which is not affected by the Variance request. The fence along the west property line is proposed to be located adjacent to an existing 4 ft. high aluminum picket fence which was installed without permits in 2011 by the Skycrest homeowner's association. The Orange County Environmental Protection Division cited the property owner in May 2022 (EPD: 608046) for land clearing activities and the existing fence encroaching into Lake Pineloch. The owner has until January 2023 to remove the existing fence. Code Compliance also cited the property owner on June 6, 2022 (CE#: 609194) for erection of a fence without permits and outside storage of trash, junk and debris. Since that time, the trash and debris have been removed, but a permit has not yet been obtained for the existing fence.

Staff is recommending denial of this request as there are options to meet code. Based on staff analysis, the portion of the proposed 8 ft. vinyl fence encroaching in the NHWE could be eliminated or reduced to the required height of 4 ft., both of which would eliminate the need for the requested Variance.

The Orange County Environmental Protection Division (EPD) has provided comments indicating that they will not approve fencing in wetlands or surface waters. Fencing must end a minimum of 1' landward of the extent of surface waters (at the NHWE) or shoreline wetlands, whichever is more landward. The proposed fencing plan depicting the fence extending waterward of the NHWE and into Lake Pineloch would adversely affect the surface water and shoreline habitat, which is contrary to Chapter 15, Article X.

As of the date of this report, one comment has been received in favor of this request and no comments have been received in opposition to this request.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

There are no special conditions and circumstances, as the proposed fencing may be installed in a manner that meets the requirements of the code since there are other options available.

Not Self-Created
The need for the Variance is self-created since there are other options available.

No Special Privilege Conferred
Granting this request would confer special privilege since there are no other similar requests for fence height approved within the area.

Deprivation of Rights
There is no deprivation of rights as the owner has the ability to install a fence that complies with the County Code by reducing the height.

Minimum Possible Variance
The requested Variance is not the minimum possible, as the owner could reduce the proposed fence height or relocate the proposed fence elsewhere where it does not impact the NHWE.

Purpose and Intent
Approval of the Variance will not be in harmony with the purpose and intent of the Code since it will impact the views of the adjacent park and could have a detrimental impact on the lake.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and fence specifications received October 11, 2022, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the variance request and, which shall inform all interested parties that the fence shall not exceed 8 feet in height in the Normal High Water Elevation (NHWE) of Lake Pineloch.

C: Vicki Gholson
1201 Ridgecrest Rd.
Orlando, FL 32806

August 10, 2022

To Whom It Concerns:

I recently inherited my parents' home at 1201 Ridgecrest Road, Orlando, FL 32806, which is part of the Skycrest subdivision. My parents, Gerald and Marge Gholson, were original owners of this property since the 1960s; however, the HOA maintained the fence between their property and the HOA's community lot at 1103 Ridgecrest Road.

Over the past year, I have been working on updating my home so that I can move into the property with my dogs. Because I am an elderly woman living alone with large dogs, I would like to install an 8-foot fence to protect my privacy and property. I am concerned that Skycrest's community lot next door, located at 1103 Ridgecrest Road, which is the HOA's community property, exposes me to hundreds of strangers who patronize the community lot. From the community lot, my back yard is viewable by people for entertainment, including parties, children playing, teenagers hanging out, and individuals who walk their dogs. Additionally, the boat ramp on the community lot attracts visitors who wish to enjoy the lake. There is no sign that indicates that visitors cannot patronize the community lot after dark, which is a safety concern for me as well.

For this reason, I am requesting a fence to be installed on the East side of Skycrest's community property, similarly to my neighbor who installed an 8-foot brick wall on the community lot's west side. Since the 1960s, the Ridgecrest HOA has maintained a fence between my property at 1201 Ridgecrest and the community lot at 1103 Ridgecrest Road. The original fence was a chain link fence. The HOA replaced it with a black rod iron fence at the HOA's expense around 2010, which they inadvertently and without consent installed on my property line. I inherited this home; my parents, who owned the home until their deaths in 2020 and 2021, did not authorize the fence to be installed without a permit or improperly.

Due to the reasons above, please grant me the authorization to install an 8-foot white vinyl fence between my property and the community lot, including from the 50-yard line to the high-water mark for the lake.

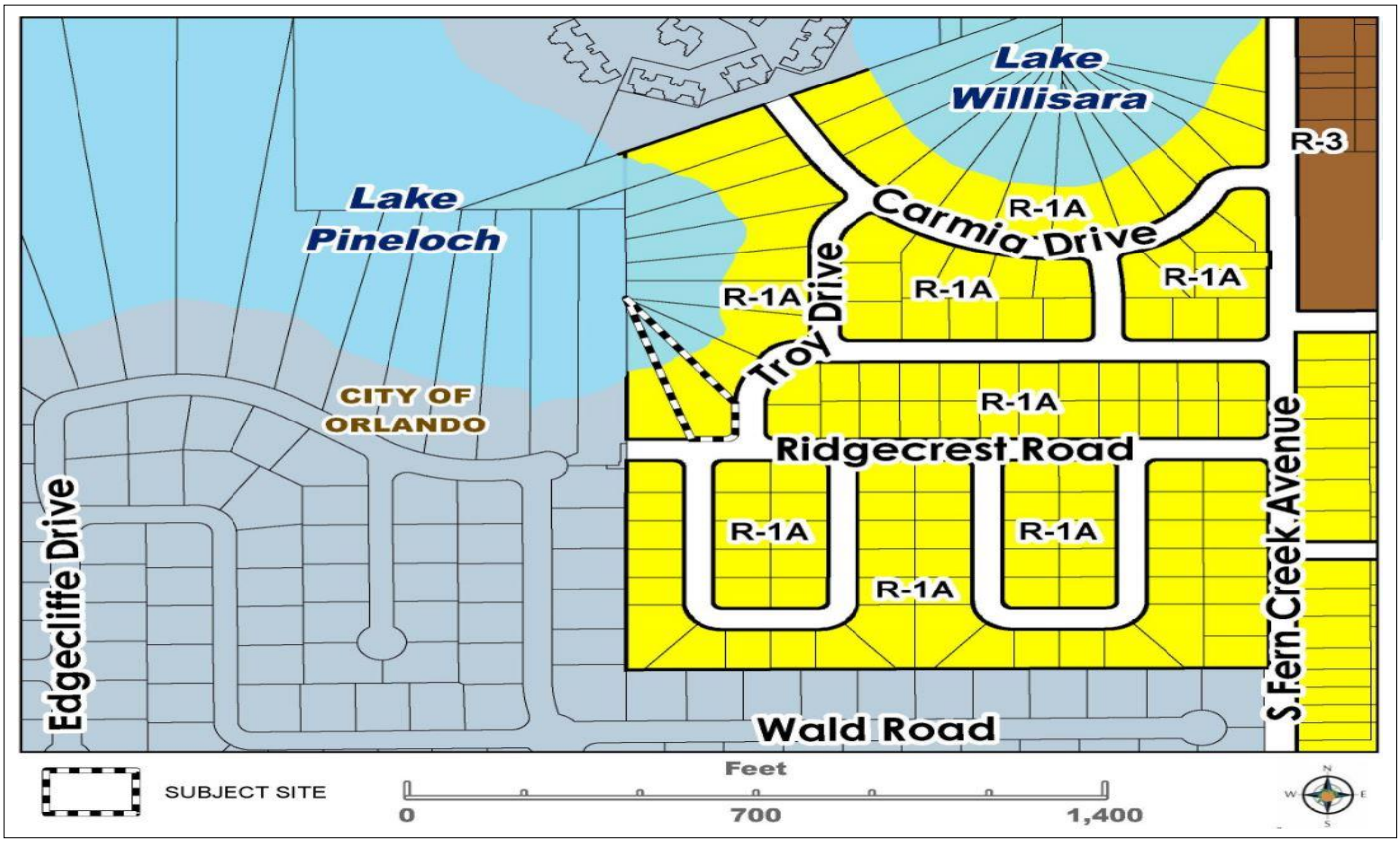
Sincerely,

Vicki Gholson

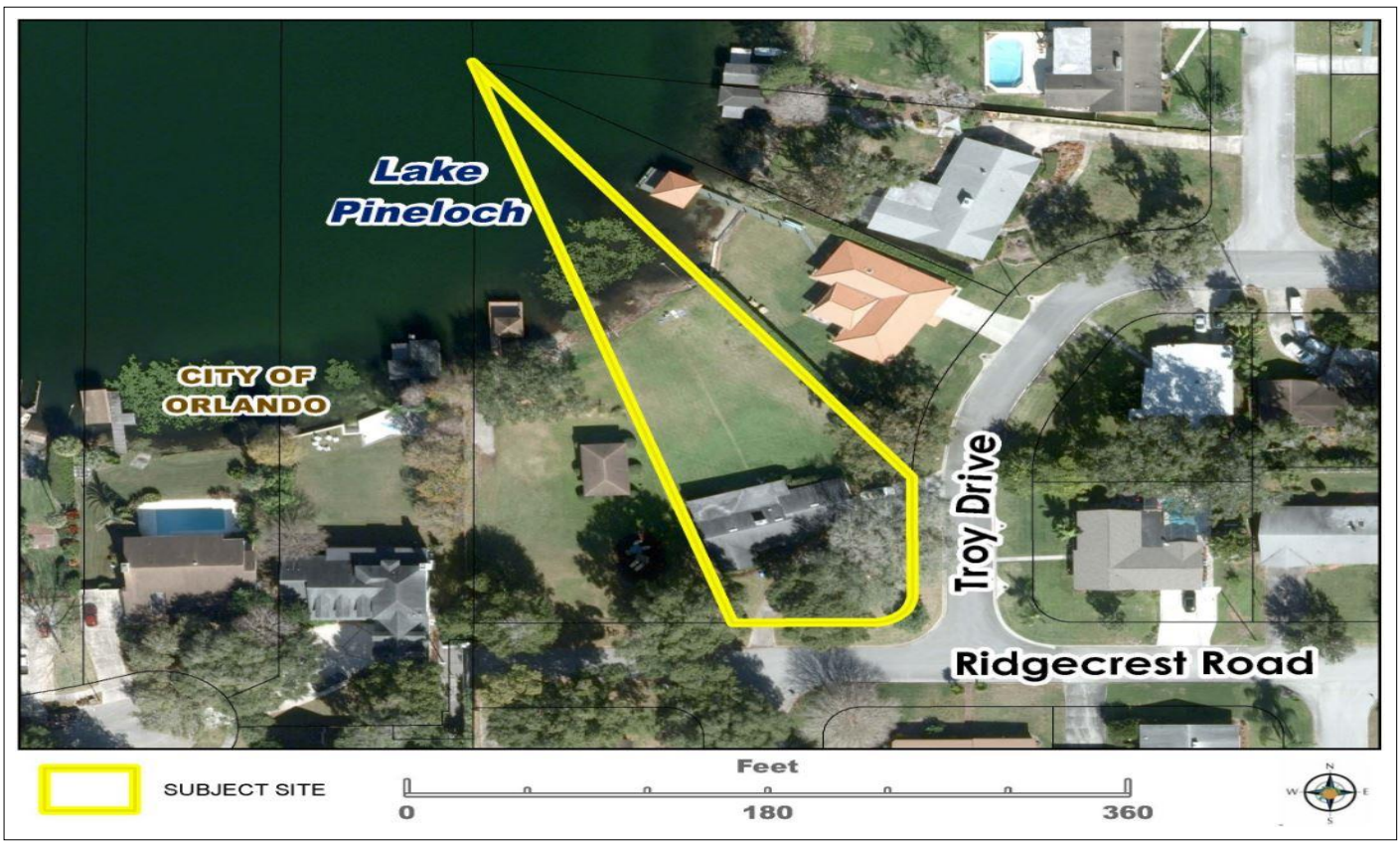
Vicki Gholson's Request for Variance Request

1. The Skycrest community in Orlando has a common area that includes a pavilion with picnic tables, a children's jungle gym, and lake dock, located at 1103 Ridgecrest Road. There are two properties that adjoin the community area, one to the East and one to the West of the community's common property. My neighbor's property to the west of the community lot, 1041 Ridgecrest Road, has an 8-foot brick wall, which the property owner built. Currently, the black rod iron fence between my property, 1201 Ridgecrest Road, and the community lot, 1103 Ridgecrest Road, was built and maintained by the Skycrest HOA. However, I would like to have an 8-foot fence built between my property and the community property to ensure my safety and property.
2. Since the 1960s, the Ridgecrest HOA has maintained a fence between my property at 1201 Ridgecrest and the community lot. The original fence was a chain link fence. The HOA replaced it with a black rod iron fence at the HOA's expense around 2010, which they inadvertently and without consent installed on my property line. I inherited this home; my parents, who owned the home until their deaths in 2020 and 2021, did not authorize the fence to be installed in an illegal way.
3. There will be no special privileges by approving this fence, as my neighbor has already built a brick wall that's 8 feet dividing their property from the HOA's common property.
4. Without this fence, I am deprived of the same privacy as my neighbor to the west of the HOA's common property. Without this fence, my lot is viewable by people who visit the community lot for entertainment, including parties, children playing, teenagers, and people who walk their dogs in this area. There is no sign that indicates that visitors cannot patronize the community lot after dark, which is a safety concern for me. I am requesting a fence to be installed on the East side of Skycrest's community property, similarly to my neighbor who installed a fence on the community lot's west side.
5. In my opinion, an 8-foot privacy fence will provide the optimal safety and privacy that I am entitled.
6. The fence is white vinyl and attractive. It will fit it appropriately with the Skycrest community and brick wall.

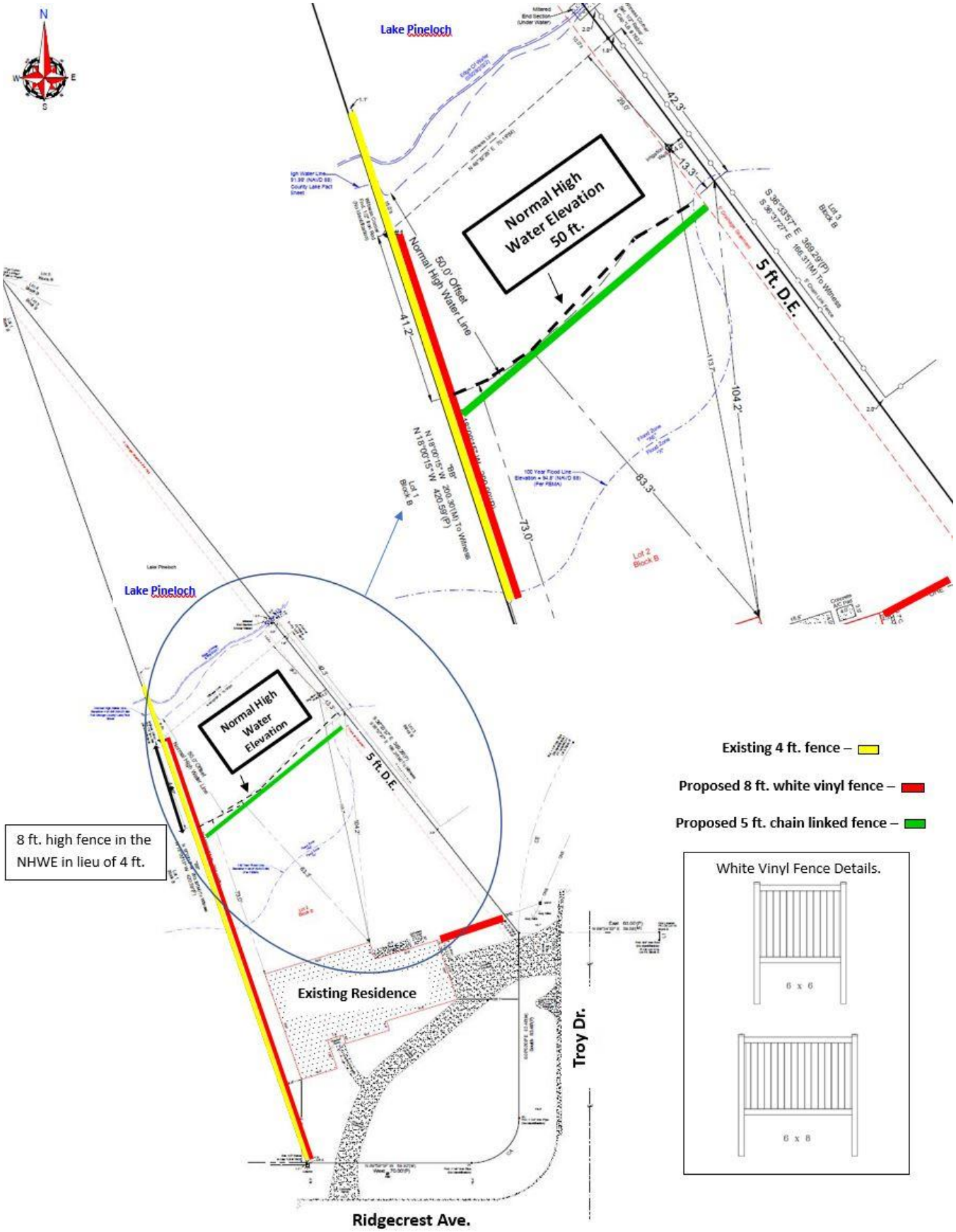
ZONING MAP



AERIAL MAP



SITE PLAN


N
W
E
S
Lake Pineloch
Normal High Water Elevation 50 ft.
50.0' Offset Normal High Water Line
5 ft. D.E.
42.3'
13.3'
41.2'
104.2'
83.3'
73.0'
Lot 1 Block B
Lot 2 Block B
Lot 3 Block B
Lake Pineloch
Normal High Water Elevation
5 ft. D.E.
8 ft. high fence in the NHWE in lieu of 4 ft.
Existing Residence
Troy Dr.
Ridgecrest Ave.
Existing 4 ft. fence –
Proposed 8 ft. white vinyl fence –
Proposed 5 ft. chain linked fence –
White Vinyl Fence Details.
6 x 6
6 x 6

SITE PHOTOS

Facing northwest from corner of Ridgcrest Rd. and Troy Dr. towards front of subject property

Rear yard, facing west towards existing fence, proposed fence, and Lake Pineloch

Facing southeast from adjacent park property gazebo towards rear of subject property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**DEC 01, 2022**	Commission District:	**#6**
Case #:	**VA-22-12-135**	Case Planner:	**Jenale Garnett (407) 836-5955 Jenale.Garnett@ocfl.net**

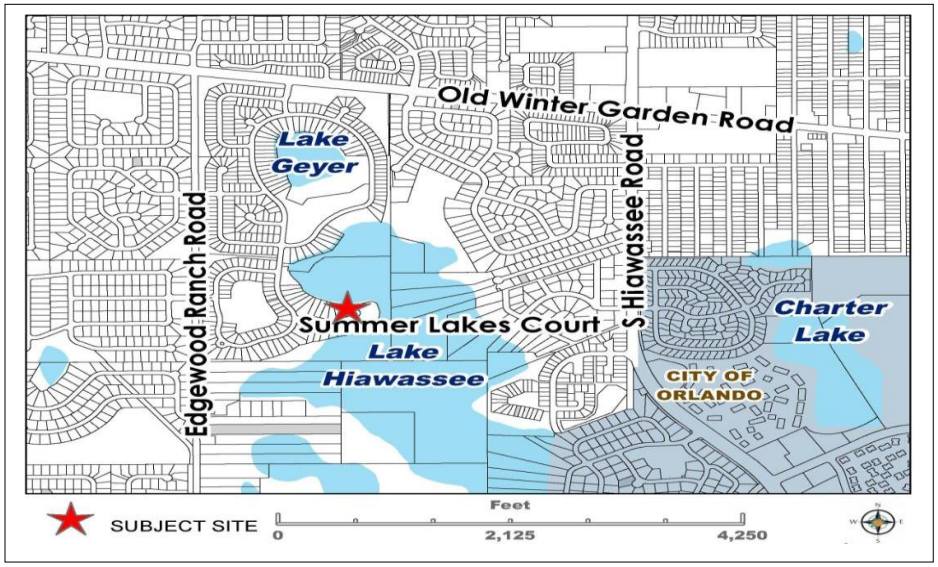
GENERAL INFORMATION

APPLICANT(s):	CHRISTIAN KLEIN
OWNER(s):	CHRISTIAN KLEIN
REQUEST:	Variances in the R-1AA-C zoning district as follows: 1) To allow an existing southeast front setback of 22.4 ft. in lieu of 30 ft. 2) To allow an existing west side setback of 5.1 ft. in lieu of 7.5 ft. 3) To allow the new construction of a second floor addition with a southeast front setback of 22.4 ft. in lieu of 30 ft. 4) To allow the construction of a covered patio addition with a west side setback of 5.1 ft. in lieu of 7.5 ft. 5) To allow the construction of a garage addition with a west side setback of 6.5 ft. in lieu of 7.5 ft. 6) To allow the construction of a garage addition with a south front setback of 26.1 ft. in lieu of 30 ft.
PROPERTY LOCATION:	7505 Summer Lakes Court, Orlando, FL 32835, North side of Summer Lakes Ct., east of Edgewood Ranch Rd., west of S. Hiawassee Rd., south of Old Winter Garden Rd.
PARCEL ID:	35-22-28-8383-00-435
LOT SIZE:	+/- 0.27 acres (11,919 sq. ft. upland)
NOTICE AREA:	500 ft.
NUMBER OF NOTICES:	80

STAFF RECOMMENDATIONS

CONTINUED BY APPLICANT

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**DEC 01, 2022**	Commission District:	**#3**
Case #:	**SE-22-12-132**	Case Planner:	**Jenale Garnett (407) 836-5955 Jenale.Garnett@ocfl.net**

GENERAL INFORMATION

APPLICANT(s):	WILLIAM HOCKENSMITH FOR IGLESIA CASA DEL ALFARERO
OWNER(s):	IGLESIA CASA DEL ALFARERO INC
REQUEST:	Amendment to an existing Special Exception in the A-2 zoning district to allow a 1,000 sq. ft. basketball court and two covered patios for an existing private school.
PROPERTY LOCATION:	7051 Pershing Avenue, Orlando, FL 32822, north side of Pershing Ave., west of S. Goldenrod Rd., east of S. Semoran Blvd.
PARCEL ID:	10-23-30-3032-01-000
LOT SIZE:	+/- 13.7 acres
NOTICE AREA:	600 ft.
NUMBER OF NOTICES:	316

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board finds it meets the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (Motion by Juan Velez, Second by Thomas Moses; 5 in favor: Thomas Moses, Juan Velez, John Drago, Deborah Moskowitz, Joel Morales; 1 opposed: Roberta Walton Johnson; 1 absent: Charles Hawkins, II):

1. Development shall be in accordance with the site plan received October 1, 2022, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Prior to issuance of the permit for the basketball court and covered patios, a permit shall be obtained for the shipping containers, or they shall be removed.

5. The proposed basketball court shall not be lighted.

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

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

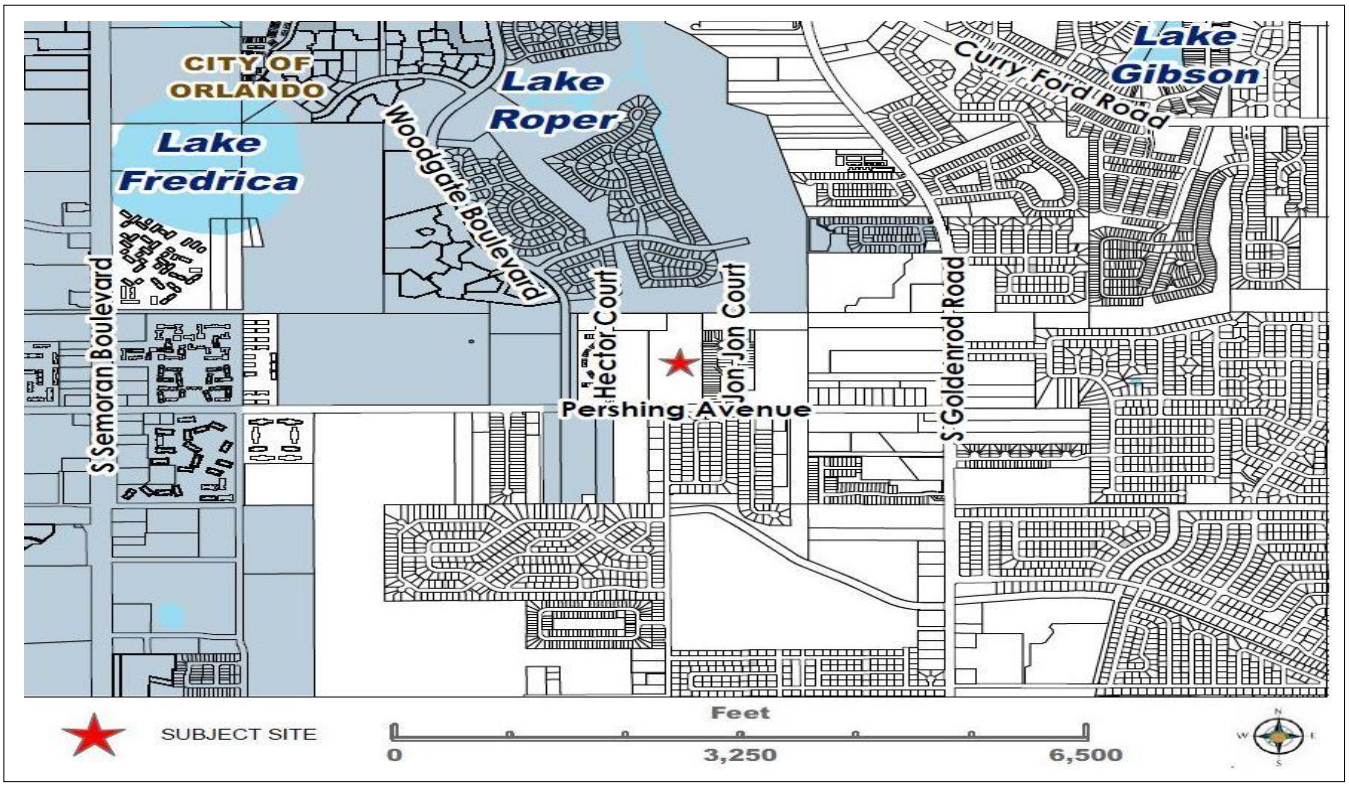
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the variance by a 5-1 vote, with one absent, subject to the five (5) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	City of Orlando	R-1, R-3	R-3	R-3
Future Land Use	LMDR	City of Orlando	LMDR	LMDR	LMDR
Current Use	Religious institution, Daycare and K-12 school	Golf Course	Single-family & Daycare	Duplexes	Apartments

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-2 Farmland Rural district, which allows agricultural uses, mobile homes, and single-family homes on larger lots. Certain uses, such as private schools, are permitted through the Special Exception process. The Future Land Use is Low- Medium Density Residential (LMDR), which is inconsistent with the zoning district. Per Comprehensive Plan Policy FLU8.2.5.1 (2), a rezoning may not be required for properties with inconsistent zoning and Future Land Use Map (FLUM) designations for non-residential and residential uses when the proposed use is permitted in the existing zoning district.

The subject property is a +/- 13.7 acre lot, platted in 1945 as Lots 101 through 103 of the Golden Acres Section-B Plat, and is considered to be a conforming lot of record. There is a 300 ft. utility easement for overhead power lines on the north side of the property. The site is developed with a one-story building containing a sanctuary, interior offices and classrooms and 4 portables, all consisting of a total of 36,956 sq. ft. of gross floor area. The site also contains other unpermitted improvements such as four shipping containers and an attached covered patio that all appear to have been installed between 2018 and 2020 via aerial imagery. The property was purchased by the current owner in 2001.

Previous approvals include:

1. In June 2003: Special Exception (Case #8) to allow a daycare with 25 children and an outside playground area as an additional use to the building campus, which consisted of 12,000 sq. ft. of building area at the time.

2. In July 2012: Special Exception and Variances (SE-12-06-033) to allow a private school with up to 300 students grade K-12, a variance to allow unpaved parking spaces in lieu of paved and a variance to allow proposed buildings 40 ft. in height in lieu of 35 ft.

3. In September 2020: Special Exception (SE-20-09-084) to allow the enclosure of a drop off area and the installation of a 6,719 sq. ft. modular multi-purpose building (B20904849). Permits for these improvements have been obtained but the modular multi-purpose building has not yet been installed.

The proposal is an amendment to the Special Exception to allow the installation of a 100 ft. by 100 ft., 1,000 sq. ft. basketball court located in the northeast rear of the property for the existing private school and daycare. The proposed location for the basketball court is currently wooded and 5 Live Oak trees are proposed to be removed. However, the remainder of the rear of the property is heavily wooded and the remaining mature trees will continue to serve as buffering to the adjacent properties. Additionally, there is a proposal for a total of two attached 14 ft. high covered patios at the rear of the main building, one of which was already installed without permits. The covered patios will serve as a study area and outside lunch area for the existing private school and daycare. The use of the property and number of students in attendance will remain the same; therefore, no additional parking is required.

The parking requirements for the overall campus are as follows:

1. Church assembly (sanctuary): 692 seats, @ 1 parking space per 3 seats, requiring 231 spaces
2. Church employees: 7 employees, @ 1 parking space per employee, requiring 7 spaces
3. School: 9 classrooms, @ 4 parking spaces per classroom, requiring 36 spaces
4. High school: 54 students, @ 1 parking space per 3 students, plus 4 classrooms, @ 1 parking space per classroom, requiring 22 spaces

5. Daycare: 35 children, @ 1 parking space per 10 children, plus extra 1 parking space per 5 children, in lieu of providing a drop-off lane, requiring 11 spaces

The total parking spaces required for the entire campus is 308 parking spaces. The existing campus parking area contains 67 paved parking spaces, 277 grass parking spaces, plus 10 handicap spaces for a total of 354 spaces, thus meeting the parking code requirement.

The hours of operation for all the campus operations are not proposed to change: For the daycare, Monday through Friday between 6:30 a.m. and 6:30 p.m.; for the private school, Monday through Friday and from 7 a.m. to 6 p.m.; and for the church services, Wednesday 7:00 p.m. to 8:30 p.m., Friday 7:00 p.m. to 8:30 p.m., and Sunday from 9:00 a.m. to 1:00 p.m.

The shipping containers are currently used for storage and are located at the rear of the property within the grassed parking area. They will be required to be removed or permitted prior to issuance of a permit for the basketball court.

The Orange County Environmental Protection Division has no objection to the request.

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

District Development Standards

	Code Requirement	Proposed
Max Height:	40 ft. (via previous Variance)	10 ft. (existing and proposed covered patio)
Min. Lot Width:	100 ft.	504 ft.
Min. Lot Size:	1/2 acre	13.7 acres

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Rear:	10 ft.	300 ft. basketball court (North) 709 ft. existing/proposed covered patio (North)
Side:	10 ft.	302 ft. basketball court (West) 256 ft. existing covered patio (West) 301 ft. basketball court (East) 168 ft. proposed covered patio (East)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The provision of a basketball court and covered patios as conditioned through the Special Exception process is consistent with the Comprehensive Plan, as it continues to be provided as a benefit to the educational facility.

Similar and compatible with the surrounding area

The expansion will be compatible with other existing uses located on the religious institution campus, as well as compatible with the adjacent residential properties, which are located over 300-feet to north, 302-feet to the west, and 301-feet to the east. There is no additional impact to adjacent properties. The existing patio cover and proposed basketball court and new covered patio will be contained within the existing school campus.

Shall not act as a detrimental intrusion into a surrounding area

The existing covered patio and the proposed basketball court and new covered patio for the existing educational use will not negatively impact the surrounding area. It will be located within an existing building complex, and the number of students, including the number of children in the daycare, will continue to be limited to a total of 325.

Meet the performance standards of the district

The proposed improvements will meet the performance standards of the district.

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

There are no proposed activities on the property that would generate noise, vibration, dust, odor, glare, or heat that is not similar to the majority of uses currently permitted in the zoning district. While the basketball court may generate noise, there will be no lighting so the activity will be limited to daytime use, and the significant number of trees surrounding the area will provide a buffer to the adjacent uses.

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

The improvements will be located entirely within an existing campus on a developed site. There are no additional buffer yards required.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan received October 1, 2022, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to issuance of the permit for the basketball court and covered patios, a permit shall be obtained for the shipping containers, or they shall be removed.
5. The proposed basketball court shall not be lighted.

C: William Hockensmith
5127 S. Orange Ave., Suite 200
Orlando, FL 32809

C: Iglesia Casa Del Alfarero Inc.
7051 Pershing Ave.
Orlando, FL 32822

FEG FLORIDA ENGINEERING GROUP
5127 S. Orange Avenue, Suite 200
Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325
Engineering the Future

INGLESIA CASA DEL ALFARERO
7051 PERSHING AVENUE
SPECIAL EXCEPTION CRITERIA

Inglesia Casa Del Alfarero is an existing church and private school (grades K-12) located on 13.7 acres. The church developed this site starting in 2001 with building expansions in 2010 and 2014. Following approval of Special Exception SE-12-06-033, four portable school classrooms were added in 2013. The approved Special Exception provided a maximum of 300 students, a 40' building height, unpaved parking (except handicap and drive aisles) together with a future 3 story classroom building (which was not constructed).

A 2020 Special Exception (SE-20-09-084) was approved for the following improvements:

- Enclosure of the covered drop-off area to provide a church entry that can serve as a welcome area and eating area for school students.
- Demolition of a storage barn and replacement with a modular building providing meeting space for both the church and school use.

This Special Exception request is for a 100' x 100' (10,000 SF) concrete pad to be used as a sports court for the church/school students. This pad will be striped to allow a basketball and volleyball court. The court will be constructed at existing ground level and be 4-inches high.

The maximum number of students will remain at the previously approved 300 students in grades K-12. The school hours are Monday through Friday 7:00 AM – 6:00 PM which includes before and after school programs. There are approximately 60 total employees for the church and school.

The sports court will be located in the wooded area north of the current facilities. The building setbacks are:

	Required	Proposed
Front (South= Pershing)	35'	864'±
East	10'	103'±
North	50'	300'+
West	10'	320'±

The requested improvements meet the following Special Exception Criteria:

1. The use shall be consistent with the Comprehensive Plan Policy.
   The sports court as an accessory to the school is consistent with the Comprehensive Plan.

2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
   The sports court is an expansion of the current use which has been in operation for over

20 years. Other properties within one-quarter of a mile of CDA Church (Ventura Elementary, Hector Court and Greenhill Presbyterian Church) have similar paved play areas.

3. The use shall not act as a detrimental intrusion into a surrounding area.
The proposed sports court is buffered from the nearest property line by a 100' wide wooded buffer.

4. The use shall meet the performance standards of the district in which the use is permitted.
The sports court meets the performance standards of this A2 zoning district.

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.
The sports court will not increase noise, dust, odor, glare or heat producing characteristics.

6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.
A wooded buffer surrounds the proposed sports court.

FEG FLORIDA ENGINEERING GROUP
5127 S. Orange Avenue, Suite 200 Orlando, FL 32809
Phone: 407-895-0324
Fax: 407-895-0325
Engineering the Future

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

Iglesia Casa Del Alfareo (CDA) is an existing church and private school (k-12) on 13.7 acres. The church developed this site starting in in 2001 with expansions in 2010 & 2014. A Special Exception SE-20-09-084 was for additional classrooms & cafe. This Special Exception is for a 100' x 100' sports court.
The sports court is consistent with the Comprehensive Plan and will serve the current school as a play area.

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

The church/school is an expansion of the current use which has been in operation for over 20 years. There are other churches along this section of Pershing Avenue.

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

The proposed sports court is within a wooded area of the site and provides a 100' wide tree buffer from the adjacent residential properties.

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

The proposed sports court meets the performance standards of the A2 zoning district.

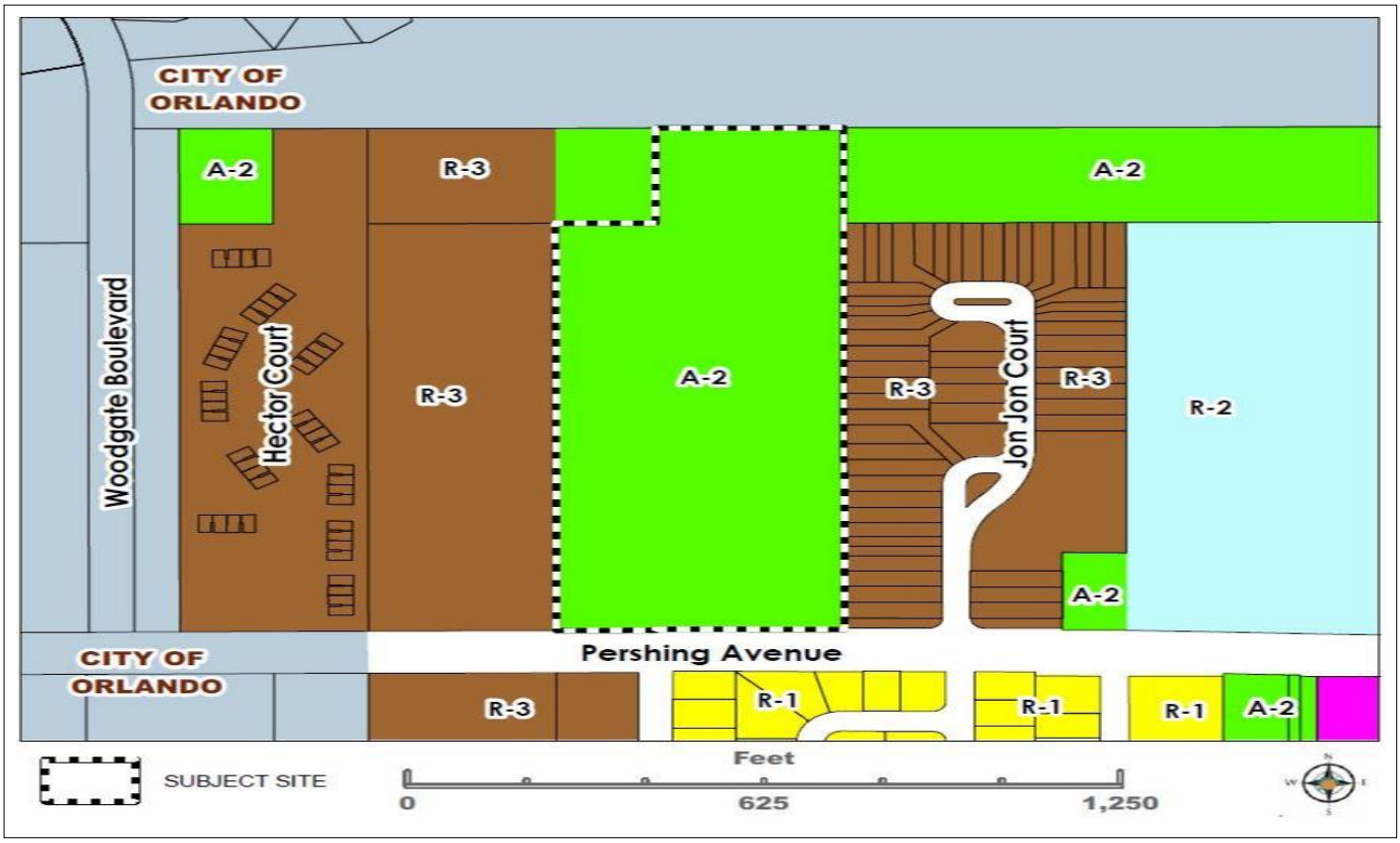
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

The proposed sports court will not increase the noise, dust glare or heat producing characteristics. The site is a current church & school.
The sports court is within the existing tree canopy area.
No lighting is proposed.

6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

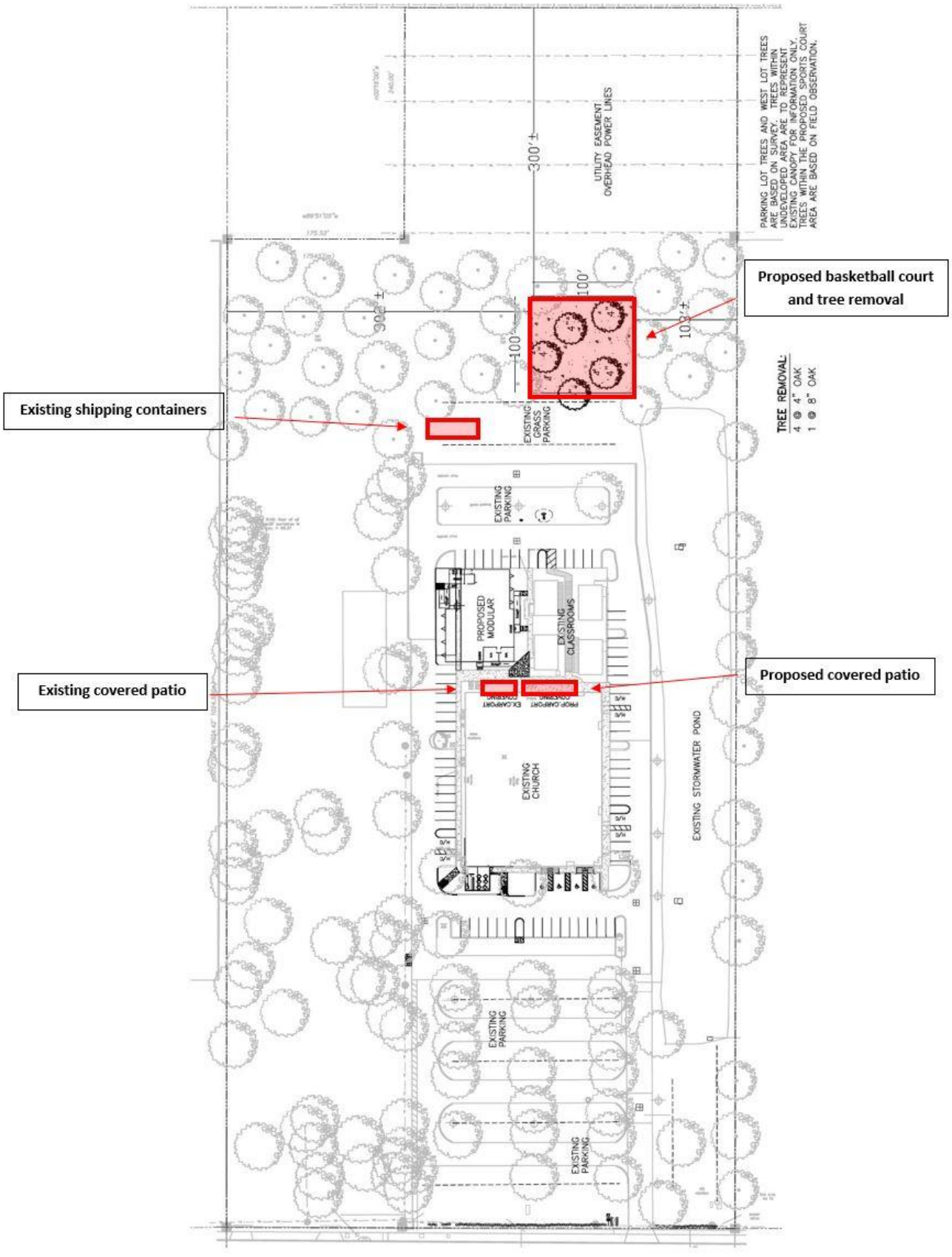
The sports court provides a 100' wide separation from the adjacent residential property. The majority of this buffer will remain undisturbed.

ZONING MAP

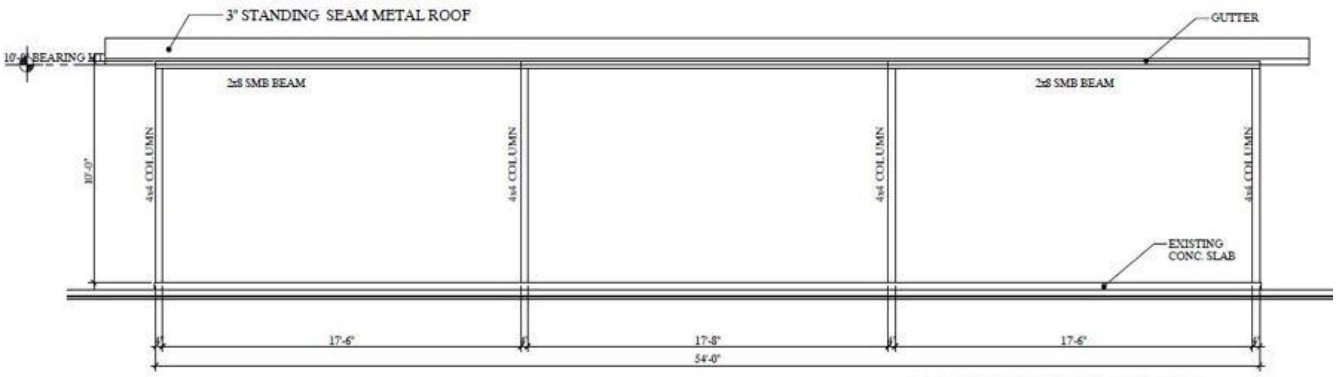


AERIAL MAP

SITE PLAN AND TREE REMOVAL PLAN

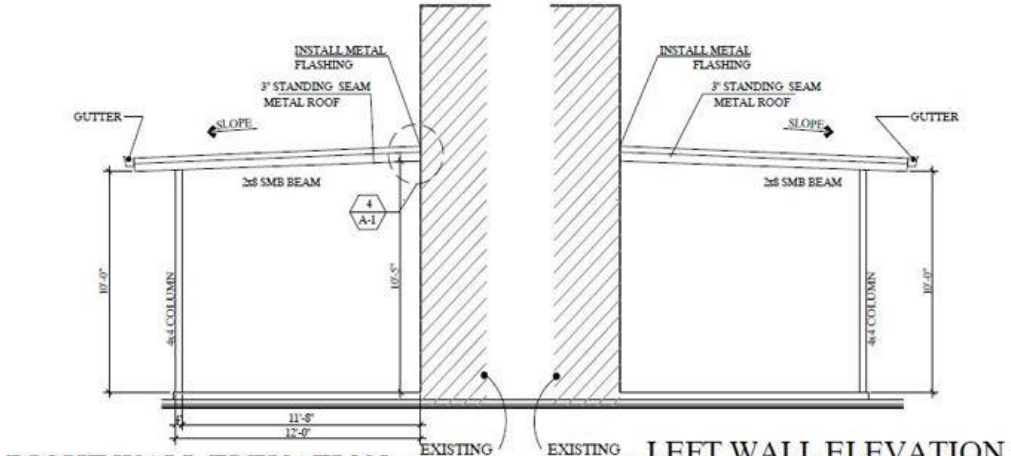


ELEVATIONS FOR PROPOSED COVERED PATIO



FRONT ELEVATION

NORTH

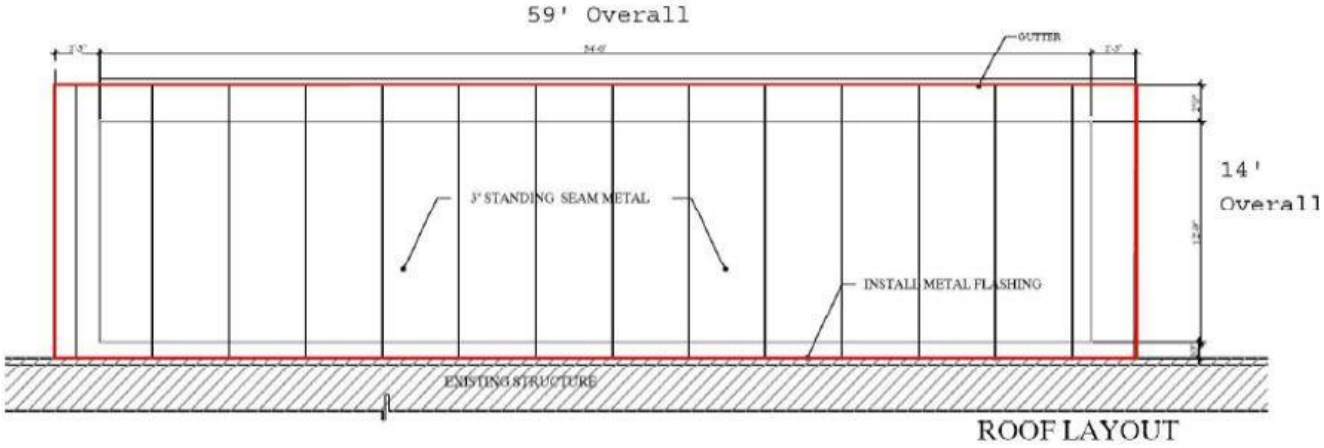


RIGHT WALL ELEVATION

EAST

LEFT WALL ELEVATION

WEST



ROOF LAYOUT

Facing north towards front of subject property from Pershing Ave.

Rear parking area, facing north towards proposed location of basketball court

SITE PHOTOS

Facing south from the proposed basketball court location towards the rear of property

Rear main building, facing east towards the existing covered patio, the proposed patio will be behind

Rear main building, facing west towards the proposed new covered patio and the existing patio

Rear of the property, facing north towards shipping containers

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**DEC 01, 2022**	Commission District:	**#3**
Case #:	**VA-22-12-121**	Case Planner:	**Laekin O'Hara (407) 836-5943** **Laekin.O'Hara@ocfl.net**

GENERAL INFORMATION

APPLICANT(s):	ELISE GARCIA
OWNER(s):	ANGELICA MUNOZ, IAN DREILINGER
REQUEST:	Variance in the PD zoning district to allow a screen enclosure with a zero east side setback in lieu of 5 ft.
PROPERTY LOCATION:	2535 Econ Landing Blvd., Orlando, FL 32825, north side of Econ Landing Blvd., north of Curry Ford Rd., east of SR. 417.
PARCEL ID:	06-23-31-1921-01-290
LOT SIZE:	+/- 0.04 acres (1,960 sq. ft.)
NOTICE AREA:	500 ft.
NUMBER OF NOTICES:	158

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Juan Velez, Second by John Drago; unanimous; 6 in favor: Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz, Joel Morales, Roberta Walton Johnson; 0 opposed; 1 absent: Charles Hawkins, II):

1. Development shall be in accordance with the site plan received September 15, 2022, and enclosure details received October 18, 2022, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff

noted that three comments were received in support of the request, together with a letter of no objection from the Homeowner's Association, and no comments were received in opposition.

The applicant agreed with staff's presentation and noted that the client is proposing the same type of enclosure as installed elsewhere in the community.

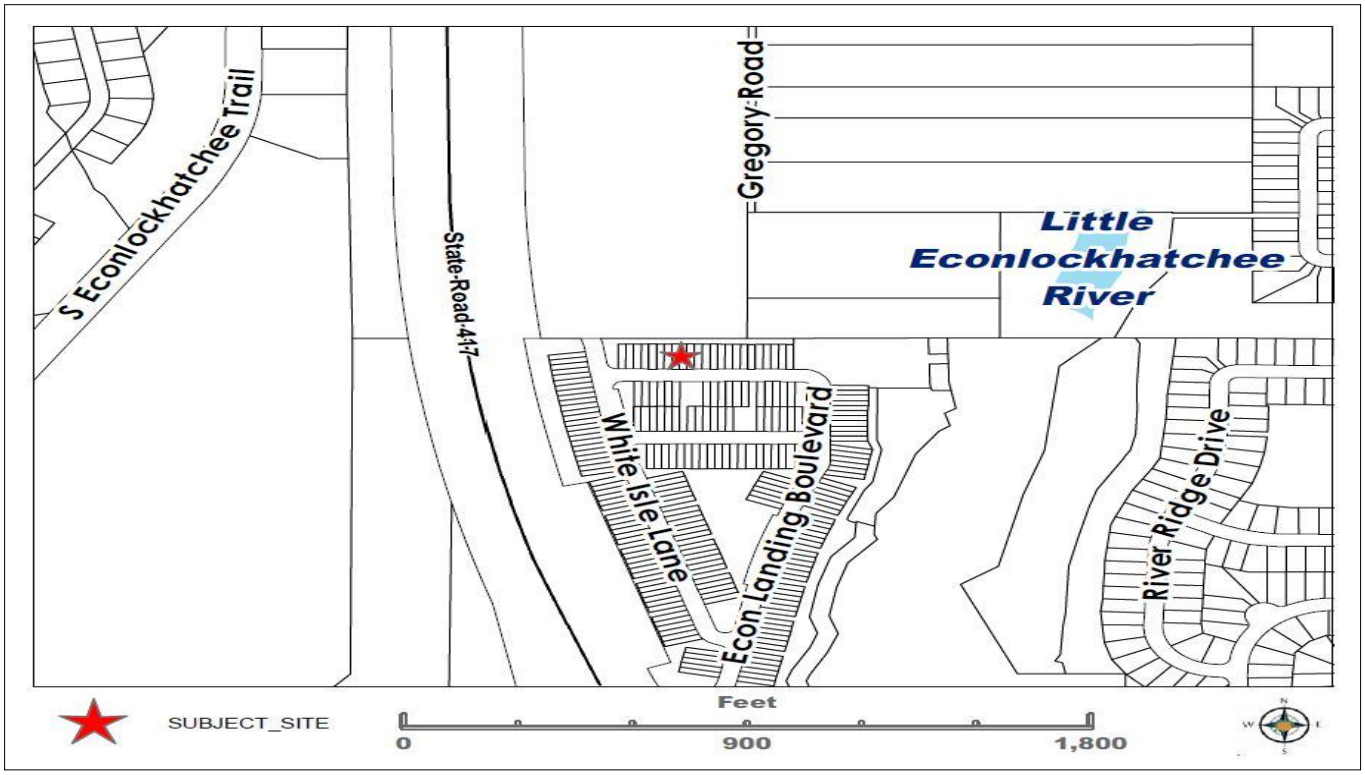
There was no one in attendance to speak in favor or in opposition to the request.

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

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Econ Landing PD	Econ Landing PD	Econ Landing PD	Econ Landing PD	Econ Landing PD
Future Land Use	PD-C/LMDR/CONS	PD-C/LMDR/CONS	PD-C/LMDR/CONS	PD-C/LMDR/CONS	PD-C/LMDR/CONS
Current Use	Townhome	Townhome	Townhome	Townhome	Townhome

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in the Econ Landing Planned Development (PD), which allows residential townhomes. The Future Land Use is Planned Development – Commercial, Low-Medium Density Residential, and Conservation, which is consistent with the zoning. The area is comprised of single-family townhomes.

The subject property is a 0.04 acre lot, platted in 2016 as Lot 129 of Econ Landing Phase 2, and is a conforming lot of record. The site is developed with a 2-story, 2,265 gross sq. ft. single-family townhome, constructed in 2018, with an attached 1-car garage, and a concrete patio at the rear. The property was purchased by the current owners in 2018.

Proposed is a 9.06 ft. high, 70 sq. ft. (10.5 ft. by 6.67 ft.) screen enclosure located at the rear of the residence, over the existing concrete patio. Though the cover letter identifies the structure size as 10.6 x 6.8, the engineered details indicate 10.5 ft. by 6.67 ft. The screen enclosure will have a screen roof, as opposed to a screen room with a structural roof. Orange County Code Sec. 38-79 (84) requires that a screen enclosure located in a residential area within a planned development provide a five (5) feet side and rear setback. Proposed is a 0 ft. east side setback for the screen enclosure in lieu 5 ft., requiring a Variance. Located directly north of the subject site is "Tract M", an open space and landscaping tract. Similar screen enclosures exist throughout this subdivision, with 0 ft. side setbacks. Excluding Lot 133, every other residence in this townhome building has a similarly sized screen enclosure at the rear of the property with a 0 ft. setback on one side. Previous staff interpretation allowed townhome screen enclosures a reduced rear setback allowed under the screen room code while utilizing the primary structure side setback of 0 ft. However, the code identifies specific side and rear setbacks for the screen enclosures, which is what was applied to this scenario. The townhome structure is built to the 20 ft. front and rear setback lines, and this unit is interior with 0 ft. side setbacks, limiting the location of a code compliant screen enclosure.

Letters of no objection were provided from the Econ Landing Community Association, and 3 other residents in the neighborhood. As of the date of this report, no comments have been received in favor or in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	9.06 ft. (screen enclosure)
Min. Lot Width:	20 ft.	20 ft.
Min. Lot Size:	1,960 sq. ft.	+/- 1,960 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	20 ft.	78 ft.
Rear:	20 ft. (primary structure) 5 ft. (screen enclosure)	12.5 ft. screen enclosure (North)
Side:	0 ft. (primary structure) 5 ft. (screen enclosure)	9.5 ft. screen enclosure (West) 0 ft. screen enclosure (East – Variance)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The location of the existing dwelling is a special condition and circumstance particular to the subject property, as the building is constructed to the setback lines and the primary structure has less restrictive side setbacks than screen enclosures.

Not Self-Created

The requested variance is not self-created, as it allows for the applicant to be able to install a screen enclosure at the rear of the townhome in a reasonable location.

No Special Privilege Conferred

Approval of the variance as requested will not confer special privilege as other townhomes in this subdivision have the same 0 ft. screen enclosure side setback.

Deprivation of Rights

Literal interpretation of the code will deprive this applicant of the right to add a screen enclosure in the only location that would be possible.

Minimum Possible Variance

This is the minimum possible variance to allow a screen enclosure of an appropriate, useable size.

Purpose and Intent

Approval of the requested variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. There are several other properties in this townhome subdivision that have screen enclosures with the same 0 ft. side setback, including the adjacent most impacted lot to the east.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan received September 15, 2022 and enclosure details received October 18, 2022, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Elise Garcia
Superior Aluminum
3005 Forsyth Rd.
Winter Park, FL 32792

Fax: 407-678-5560
Toll Free: 1-800-247-6768
FL Reg. # RX11067027
FL Lic. # SCC056770

SUPERIOR
ALUMINUM INSTALLATIONS, INC.

MAIN OFFICE
3005 Forsyth Road
Winter Park, FL 32792
(407) 678-0500
Sales, Installation, Show Room

To whom it may concern:

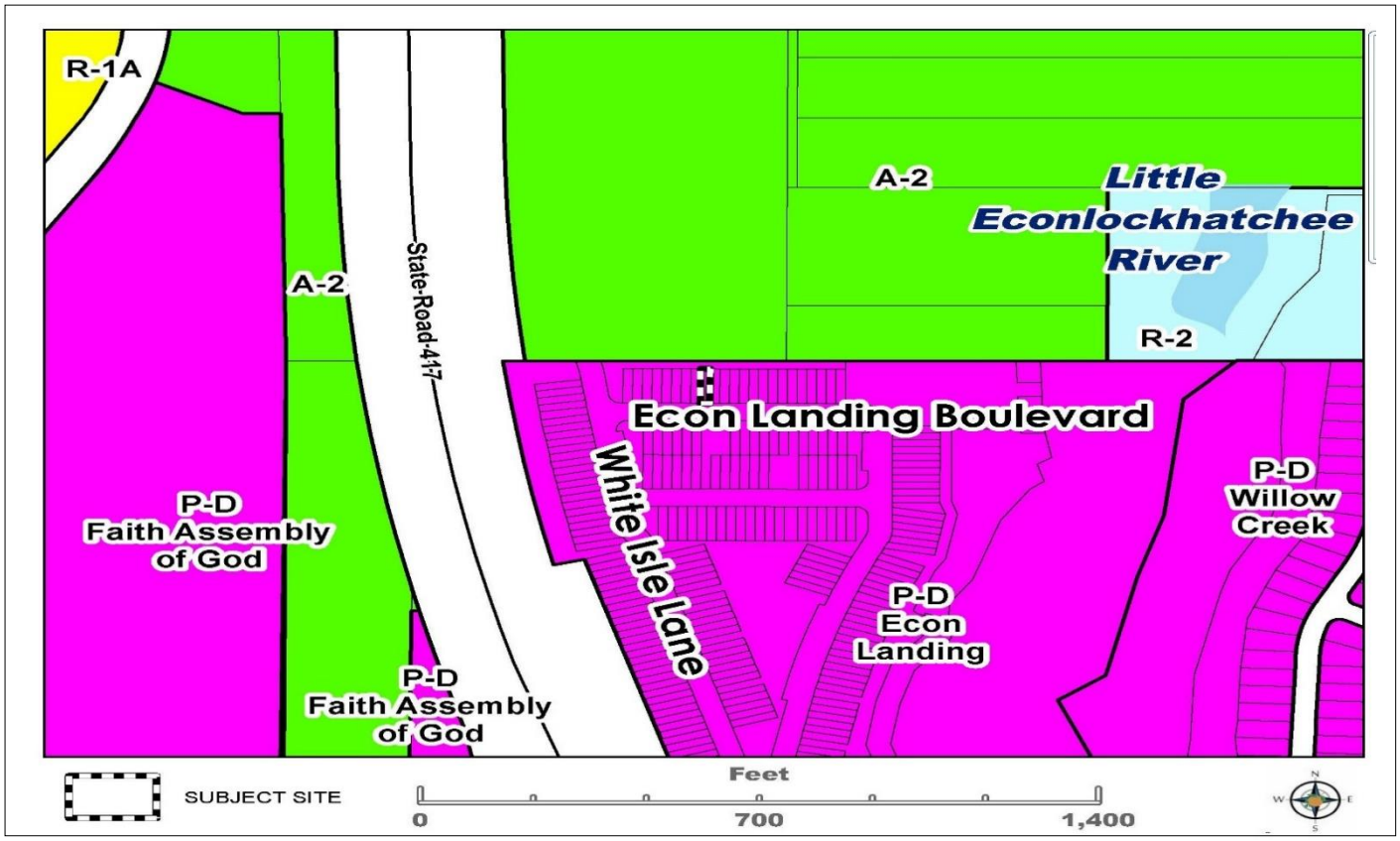
This narrative is for Permit Number 21905636 located on: 2535 Econ Landing Blvd.

Customer resides in the Econ Landing Community in Orange County. The homeowner had requested our company to install a 10.6 x 6.8 Screen Enclosure over existing concrete slab. Throughout the community they noticed some homes were able to build enclosures in their backyard and wanted to have the exact same project done to their home. Upon submitting for the permit, we were informed by Chief Plans Examiner Taylor Jones that a new law had been passed stating enclosures should meet a 5" side setback on all town homes. In all actuality, town homes dont have much space as it is on the sides to have a new rule in place for privacy in their own backyards.

Timothy Orie
Superior Aluminum Installations, Inc.
SCC056770
3005 Forsyth Road
Winter Park, FL 32792

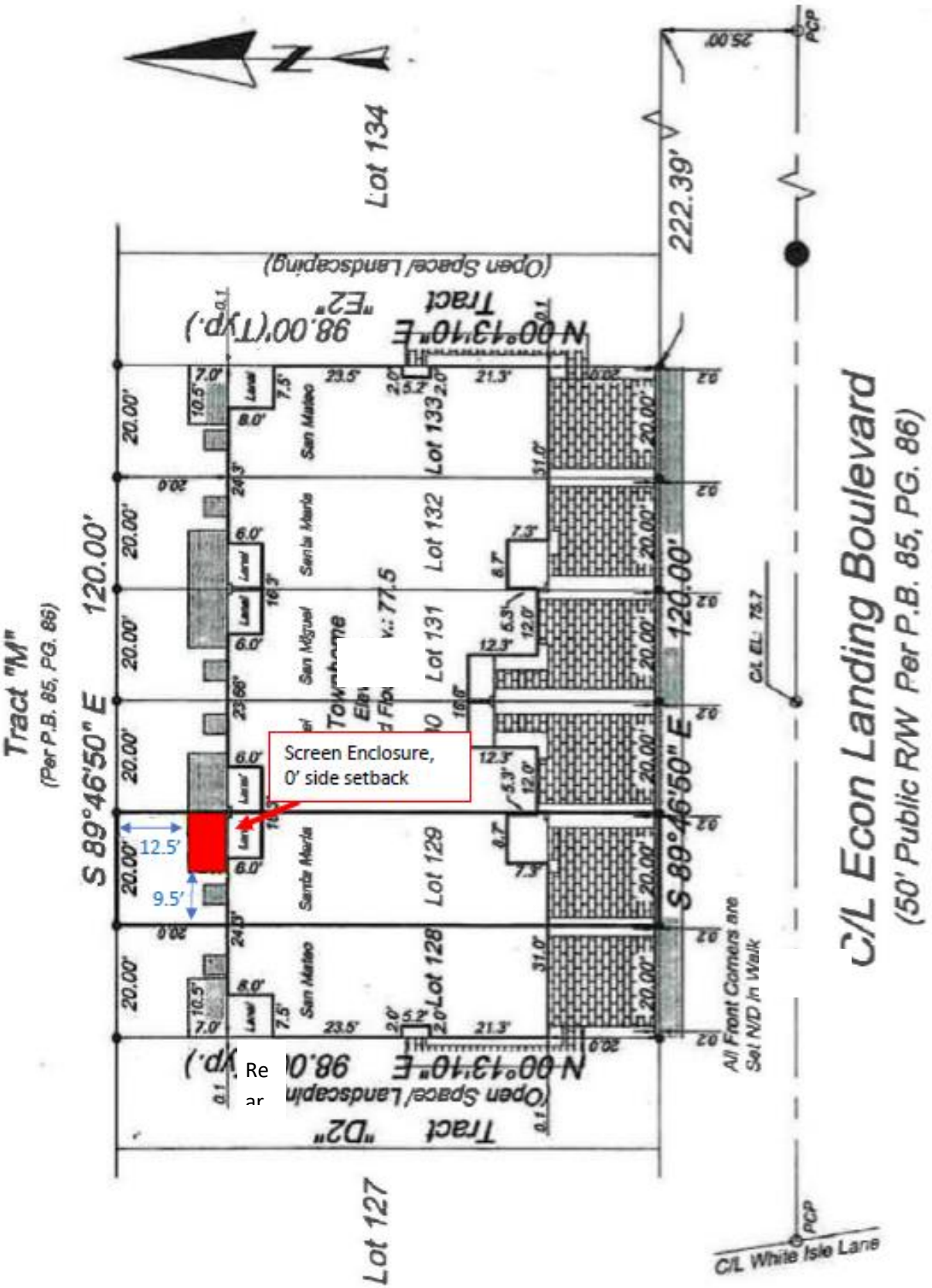
SUPERIOR
ALUMINUM INSTALLATIONS, INC.

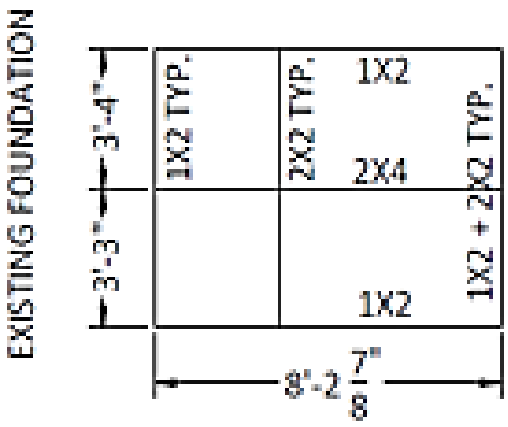
ZONING MAP

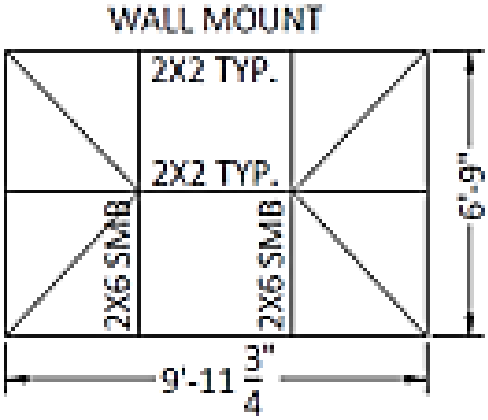


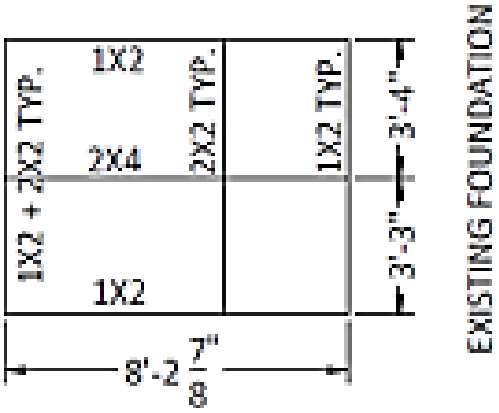
AERIAL MAP

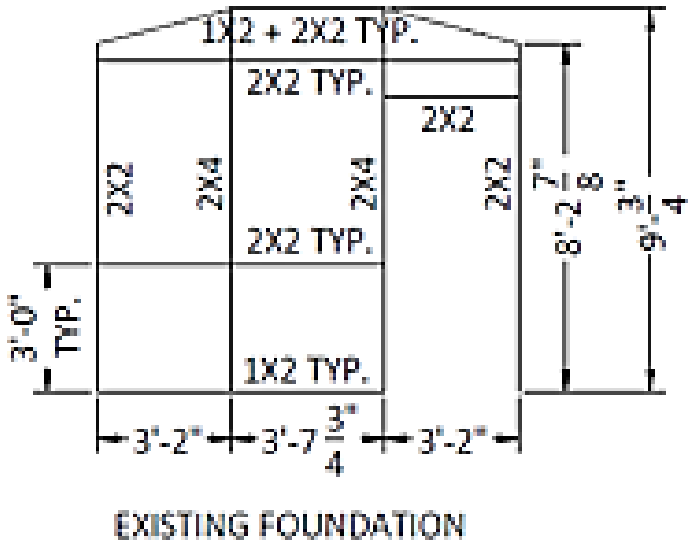
SITE PLAN


Lot 134
222.39'
Tract "E2"
N 00°13'10" E 98.00'(Typ.)
(Open Space/ Landscaping)
Lot 133
Lot 132
Lot 131
Lot 129
Lot 128
Tract "D2"
Lot 127
Tract "M"
(Per P.B. 85, PG. 86)
S 89°46'50" E 120.00'
C/L Econ Landing Boulevard
(50' Public R/W Per P.B. 85, PG. 86)
Screen Enclosure,
0' side setback
12.5'
9.5'
All Front Corners are
Set N/D in Walk
C/L White Isle Lane
PCP


EXISTING FOUNDATION
3'-4"
3'-3"
1X2 TYP.
2X2 TYP.
1X2
2X4
2X2 TYP.
1X2 + 2X2 TYP.
1X2
8'-2 7/8"


WALL MOUNT
2X2 TYP.
2X2 TYP.
2X6 SMB
2X6 SMB
6'-9"
9'-11 3/4"


1X2
1X2 + 2X2 TYP.
2X4
2X2 TYP.
1X2 TYP.
3'-4"
3'-3"
1X2
8'-2 7/8"
EXISTING FOUNDATION


1X2 + 2X2 TYP.
2X2 TYP.
2X2
2X2
2X4
2X4
2X2
2X2 TYP.
3'-0" TYP.
1X2 TYP.
8'-2 7/8"
9'-3 3/4"
3'-2"
3'-7 3/4"
3'-2"
EXISTING FOUNDATION

Rear (North)

Proposed screen enclosure, facing southeast

Proposed location, to mirror adjacent property

SITE PHOTOS

Facing west towards AC units and ajacent screen enclosure

Facing rear yard from open space Tract "M"

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**DEC 01, 2022**	Commission District:	**#6**
Case #:	**VA-22-12-140**	Case Planner:	**Tiffany Chen (407) 836-5549 Tiffany.Chen@ocfl.net**

GENERAL INFORMATION

APPLICANT(s):	KAITLIN MCGINNIS FOR SILVER STAR PLAZA
OWNER(s):	SILVER STAR PLAZA LP
REQUEST:	Variance in the PD zoning district to allow a 129.79 sq. ft. wall sign to be erected on a roof with an angle that exceeds 45 degrees.
PROPERTY LOCATION:	5324 Silver Star Road Unit 4, Orlando, Florida, 32808, south side of Silver Star Rd., west side of N. Pine Hills Rd., north of W. Colonial Dr., and west of Mercy Dr.
PARCEL ID:	18-22-29-8011-04-000
LOT SIZE:	+/- 1.99 acres
NOTICE AREA:	500 ft.
NUMBER OF NOTICES:	149

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Roberta Walton Johnson, Second by John Drago; unanimous; 6 in favor: Roberta Walton Johnson, Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz, Joel Morales; 0 opposed; 1 absent: Charles Hawkins, II):

1. Development shall be in accordance with the sign specifications received September 22, 2022, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, sign details, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for

approval. Staff noted that one (1) comment was received in support, and no comments were received in opposition.

The applicant agreed with the staff presentation.

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

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

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP

SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Silver Pines PD	Silver Pines PD	Silver Pines PD	Silver Pines PD	Silver Pines PD
Future Land Use	C	C	C	C	C
Current Use	Retail	Retail	Retail	Retail	Senior multi-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is in the Silver Pines PD, which allows commercial uses as well as multi-family residential. The property is also located in the Pine Hills Neighborhood Improvement District (NID), which prohibits certain non-residential uses that may negatively impact the development or redevelopment of the North Pine Hills/Silver Star Road corridors. Examples of these prohibited uses include check cashing, pawnshops, and bail bond agencies, and others listed in Code Sec. 38-1070. The intent is to facilitate the vision of Pine Hills as a safe, business-friendly, and family-oriented environment. The Pine Hills NID does not have specific restrictions regarding signage.

The subject site is located within the Silverstar shopping center which currently consists of three commercial buildings separated into multiple tenant suites. Existing businesses include a furniture store, beauty supply store and events center. A Dollar Tree store is proposed within the tenant suite, which appears most recently to have been a pre-school. A tenant interior alteration building permit has been submitted for the Dollar Tree and is currently under review (B22905328).

The façades of each of the three buildings in the shopping center differ in style, including the slope of the roof. The subject property has a mansard-style roof which continuously slopes from the top of the windows/entryway to the top of the building at a 60-degree angle. However, the rest of the same building has either a small portion of the façade that is vertical, at 90 degrees, above a sloped mansard roof, or a completely vertical façade where tenant wall signage has been installed.

The subject tenant suite has building frontage of 99 ft.-4.5 in. per the submitted sign plan. Per Code Sec. 31.5-15(a)(2), a total of 1.5 sq. ft. of copy area for wall signage may be allowed for each one (1) linear foot of building frontage per establishment having up to 200 linear feet of building frontage. Based on the existing building frontage, the maximum allowable wall sign copy area would be 149 sq. ft. The applicant is proposing a sign copy area of 129.79 sq. ft., which is within the allowable sign copy area. However, per Code Sec. 31.5-72(c), a wall sign shall not be erected on a roof the angle of which exceeds 45 degrees from the horizontal plane, such as a mansard roof. The upper portion of the façade of the tenant suite is entirely composed of a mansard-style roof with an angle of 60 degrees, requiring a Variance.

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

Wall Sign Standards

	Code Requirement	Proposed
Max. copy area:	1.5 sq. ft. x each linear ft of building frontage = 149 sq. ft.	129.79 sq. ft.
Max. roof angle for wall sign:	45 degrees	60 degrees (wall sign to be installed on brackets so the wall sign is 90 degrees/perpendicular to the horizontal plane)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The unique design of the façade with an extended mansard roof and no available vertical wall plane, where wall signage would typically be installed, where other tenant suites within the same shopping center do have such a vertical area for wall signage, are considered special conditions and circumstances. The installation of any wall sign on the existing roof, with an angle that exceeds 45 degrees, would require a Variance.

Not Self-Created

The applicant and lessee of the tenant space for Dollar Tree is not responsible for the design and construction of the existing building and slope of the roof.

No Special Privilege Conferred

The design of the building façade with a steep mansard roof renders the installation of wall sign in a practical location on the façade impossible without a Variance. Other building facades within the same shopping center have design features where wall signage can be located, which is not the case for this tenant suite.

Deprivation of Rights

Without the requested variance, the applicant would not be able to install a wall sign on the storefront as other commercial businesses are able to due to the unique design of the mansard roof.

Minimum Possible Variance

The proposed wall sign is typical, and the copy area is less than the maximum allowable. Installation of the requested wall sign on the roof via a bracket system is the minimum possible.

Purpose and Intent

Approval of this request would be in harmony with the purpose and intent of the Zoning Regulations and the design of the proposed sign will not be detrimental to the surrounding area. Furthermore, the proposed wall sign would not exceed the allowable sign copy area per code.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the sign specifications received September 22, 2022, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Kaitlin McGinnis (Anchor Sign, Inc.)
P.O Box 22737
Charleston, SC 29413

C: Megan Jackson (Anchor Sign, Inc.)
P.O Box 22737
Charleston, SC 29413

October 12, 2022

Orange County Government
Board of Zoning Adjustment (BZA)
201 South Rosalind Avenue
Orlando, FL 32801

Re: Exterior Signage Variance Request

Dollar Tree, Inc. (DL-9213)
5324-B Silver Star Road
Orlando, FL 32808

I am writing to request a sign variance allowing for a mounted 129.79-square-foot sign along the roof of the new Dollar Tree store located at 5324-B Silver Star Road, Orlando, FL 32808.

The Dollar Tree store is located along a heavily trafficked roadway in a multi-tenant parcel occupied by several different brand types and tenants. The leased location for this application is an 11,000-square-foot (+/-) space in the longstanding Silver Pines Village Shopping Center in the greater Orlando area. The building has an existing, single-sloped mansard roof with a sixty (60) degree angle from the horizontal plane. Due to the unique circumstance of the building's existing sloped roof structure, there are no flat wall surfaces, allowing Dollar Tree any exterior wall signage.

Due to the unique circumstance of the building's existing angled roof structure, Dollar Tree respectfully requests support from the Orange County Board of Zoning Adjustment (BZA) for relief from the Orange County, Florida -- Code of Ordinances, specific to:

> Chapter 31.5 – SIGNS, ARTICLE II. – ON-SITE SIGNS, DIVISION 2. – PERMANENT ON-SITE SIGNS, Sec. 31.5-72. – Wall Signs (facia signs). (c), preventing Dollar Tree from erecting a wall sign on a roof, the angle of which exceeds forty-five (45) degrees from the horizontal plane, such as a mansard roof.

Proposed Dollar Tree Exterior Signage (5324-B Silver Star Road)

Sign A – 36" Dollar Tree Wall Sign | Front Elevation (North) 129.79 Sq Ft

Approval of the proposed signage variance request provides the greater Orlando community and drivers traveling through the area with increased store location visibility, enabling ease of locating store entryways and access points, thus preventing driver confusion, distraction, and the potential for traffic delays, vehicle accidents, and injuries.

Also, approval by the BZA variance request allows Dollar Tree the ability to display exterior signage, albeit minimal in size and restricted in placement compared to the current exterior by neighboring tenants easily viewable by potential customers (ex., McDonald's, Advance Auto Parts, Hardee's and Cricket Wireless).

Finally, approval of Dollar Tree's exterior signage variance request will not confer any special privileges not previously provided to other tenants in the area, and if granted, is the minimum relief that utilizes the reasonable use of the building and is consistent with the general intent and purpose of the Orange County Board of Zoning Adjustment (BZA) for relief from the Orange County, Florida -- Code of Ordinances, specific to Chapter 31.5 – SIGNS, ARTICLE II. It will not be detrimental or injurious to adjacent properties or the public welfare. The proposed signage is part of the standard Dollar Tree exterior signage package and would allow this location to coincide with other existing and future stores.

Thank you for reviewing my letter and considering Dollar Tree's exterior signage variance request.

Sincerely,

Megan Jackson

Megan Jackson
National Account Manager
Anchor Sign, Inc.
(843) 576-3209
mcjackson@anchorsign.com

CLARK | GEER | LATHAM
AND ASSOCIATES, INC.

T. E. Latham, P.E., President
T. B. Clark, P.E., Exec. V. Pres.
E. J. Adams, P.E., V. Pres.
L. G. Snapp, AIA, LEED AP, V. Pres.,
K. S. Bowman, Dir

J. M. Clark, P.E., (1931 - 2016)
V. R. Geer, Jr., P.E. (1916 - 1994)

D. S. Carrier, P.L.S.
D. A. Benton, P.E.
C. D. Tisher Jr., P.E.
M. E. Reid, AIA
L. S. Rice, RA

October 11, 2022

Mr. Steven McMahon
Dollar Tree Stores
500 Volvo Parkway
Chesapeake, VA 23320

Re: Dollar Tree Stores
5324-B Silver Star Road
Orlando, FL 32808

Subject: Signage Variance
CGL Project No. 2210-48

Dear Mr. McMahon

Clark, Geer, Latham & Associates, Inc. (CGL) is pleased to have the opportunity to assist Dollar Tree Stores (DTS) in evaluating the proper size signage for their new combo store in Orlando, Florida. As always, CGL appreciates DTS' continuing to select us to be a integral part of their phenomenal growth across the country over the past twenty-plus years.

While some may consider Building Signage to be a only minor facet to a Retail development, nothing could be farther from the truth. Building Signage is an extremely important aspect of a new development in several different ways. The most notable of these are: 1) Visibility, for attracting potential Customers and 2) the Safety of Motorists looking for the store. While the first can be critical to the success of a business, we will only be dealing with the second henceforth.

When Motorists are driving along busy roadways, there are numerous distractions to draw their attention away from the roadway. Other buildings, landscaping, billboards, beautiful scenery, etc. can all draw the Motorist's eye from the primary task in front of them, which is driving safely to their intended destination. However, when the intended destination has Building Signage that is obscured or improperly sized, the result can be an extended time of distraction, as the Motorist has to "search" with their eyes for their destination or a landmark. Additionally, signage that is too small can create a unique problem in that one might see the signage, but due to the size, they are not able to perceive or read the signage, thus creating more of a distraction than if the signage were properly sized.

For guidance on this topic, we have consulted the American Association of State Highway Transportation Officials (AASHTO), which is the leading authority on most things related to roadways. AASHTO's publication entitled Geometric Design of Highways and Streets is the most widely accepted document with respect to street and highway design. In Chapter 3 – **Elements of Design,** Decision Sight Distance is discussed. Decision Sight Distance is defined as "the distance needed for a driver to detect an unexpected or otherwise difficult-to-perceive information source or condition in a roadway environment that may be visually cluttered, recognize the condition or its potential threat, select an appropriate speed and path, and initiate and complete the maneuver safely and efficiently."

3901 SPRING HILL AVENUE MOBILE, ALABAMA 36608 251-344-7073
www.cglengineers.com

For this location, the posted Speed Limit is 40 mph, and we would classify this as an "Urban Road" for the purposes of this discussion, which falls into Avoidance Maneuver E. Using these parameters, the Decision Sight Distance should be a minimum of 825 feet. What this tells us is that for a Motorist travelling at 40 mph (that's over 58 feet-per-second), a typical person requires a minimum of 825 feet to see the signage, comprehend it, decide how to react to it, confirm their surroundings, and make the necessary adjustments (lane change, slowing down, etc) to exit the roadway safely. Please note that it takes only 14 seconds to cover this distance travelling at 40 miles-per-hour; even less if a Motorist happens to be exceeding the Posted Speed limit, which is not uncommon. If the motorist has insufficient time available, this could cause them to react too quickly, increasing the likelihood of making an error in judgment.

In this case, the proposed building is facing generally North and is located approximately 700 feet south of the major roadway, Silver Star Road. This portion of Silver Star Road runs generally east to west and has buildings and vehicle parking along the right of way adjacent to this location. These obstructions in the Right of Way block the proposed building signage from the view of a Motorist travelling east or westbound until the Motorist is literally upon the entrance into the property, and then would only be visible to the motorist at an angle of nearly 90-degrees from the direction of travel. A Motorist's eyes are typically focused on the task at hand, which is generally directly ahead of them. Smaller objects in one's peripheral vision have a tendency to become lost in the clutter. To improve this situation, it is our opinion that the use of adequately sized signage will help attract the attention of the Motorist, which would in turn help to ensure the Motorist would be able to comprehend the signage almost immediately upon seeing it.

To make the situation even more perilous, the proposed Signage would need to be mounted very low to the ground because an Ordinance will not allow signage to be placed on roofs which have a slope greater than 45-degrees. The building to be leased by Dollar Tree has a Mansard Roof across the entire front of the building with a slope greater than 45-degrees, which would preclude any signage being placed at an elevation where it could be visible. Were the signage to be mounted below the Mansard in this location, its visibility would be impaired by the cars parked in the Shopping Center.

It is therefore our recommendation that, in the interest of public safety, a Variance should be granted to allow Dollar Tree Stores to install the requested 36" tall Dollar Tree letters and 42" diameter Medallion on the north facing front façade of the building, and to allow this signage to be mounted on the sloped Mansard Roof at a high enough elevation to be visible to Motorists. It is our professional opinion that the larger signage at this particular location placed high enough to be visible would significantly increase the safety of Motorists, allowing a much greater opportunity for Motorists to quickly comprehend the store's location and to safely plan their maneuver to initiate a stop at this store.

Clark, Geer, Latham & Associates, Inc. appreciates this opportunity to assist Dollar Tree Stores with this project. If you have any questions or require any further information, please do not hesitate to contact us.

Sincerely,
Clark, Geer, Latham & Associates, Inc.

THOMAS ELDRED LATHAM LICENSE No. 34460 STATE OF FLORIDA PROFESSIONAL ENGINEER

Thomas E. Latham, P.E.
President

3900 [illegible] MOBILE, ALABAMA 36608 251-344-7073
www.cglengineers.com

demand where there is apt to be "visual noise" from competing sources of information, such as roadway elements, traffic, traffic control devices, and advertising signs.

The decision sight distances in Exhibit 3-3 (1) provide values for sight distances that may be appropriate at critical locations, and (2) serve as criteria in evaluating the suitability of the available sight distances at these locations. Because of the additional safety and maneuvering space provided, it is recommended that decision sight distances be provided at critical locations or that critical decision points be moved to locations where sufficient decision sight distance is available. If it is not practical to provide decision sight distance because of horizontal or vertical curvature or if relocation of decision points is not practical, special attention should be given to the use of suitable traffic control devices for providing advance warning of the conditions that are likely to be encountered.

Metric						US Customary					
Design speed (km/h)	Decision sight distance (m) Avoidance maneuver					Design speed (mph)	Decision sight distance (ft) Avoidance maneuver				
	A	B	C	D	E		A	B	C	D	E
50	70	155	145	170	195	30	220	490	450	535	620
60	95	195	170	205	235	35	275	590	525	625	720
70	115	235	200	235	275	40	330	690	600	715	825
80	140	280	230	270	315	45	395	800	675	800	930
90	170	325	270	315	360	50	465	910	750	890	1030
100	200	370	315	355	400	55	535	1030	865	980	1135
110	235	420	330	380	430	60	610	1150	990	1125	1280
120	265	470	360	415	470	65	695	1275	1050	1220	1365
130	305	525	390	450	510	70	780	1410	1105	1275	1445
						75	875	1545	1180	1365	1545
						80	970	1685	1260	1455	1650

Avoidance Maneuver A: Stop on rural road—t = 3.0 s
Avoidance Maneuver B: Stop on urban road—t = 9.1 s
Avoidance Maneuver C: Speed/path/direction change on rural road—t varies between 10.2 and 11.2 s
Avoidance Maneuver D: Speed/path/direction change on suburban road—t varies between 12.1 and 12.9 s
Avoidance Maneuver E: Speed/path/direction change on urban road—t varies between 14.0 and 14.5 s

Exhibit 3-3. Decision Sight Distance

Decision sight distance criteria that are applicable to most situations have been developed from empirical data. The decision sight distances vary depending on whether the location is on a rural or urban road and on the type of avoidance maneuver required to negotiate the location properly. Exhibit 3-3 shows decision sight distance values for various situations rounded for design. As can be seen in the exhibit, shorter distances are generally needed for rural roads and for locations where a stop is the appropriate maneuver.

For the avoidance maneuvers identified in Exhibit 3-3, the pre-maneuver time is increased above the brake reaction time for stopping sight distance to allow the driver additional time to detect and recognize the roadway or traffic situation, identify alternative maneuvers, and initiate a

1. **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.
   The structure of the building does not have sufficient wall surface on the store front to install our sign. We have proposed mounting the wall sign on the roof, within the allowable square footage for the store front, so there may be location visibility of the business for drivers.

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

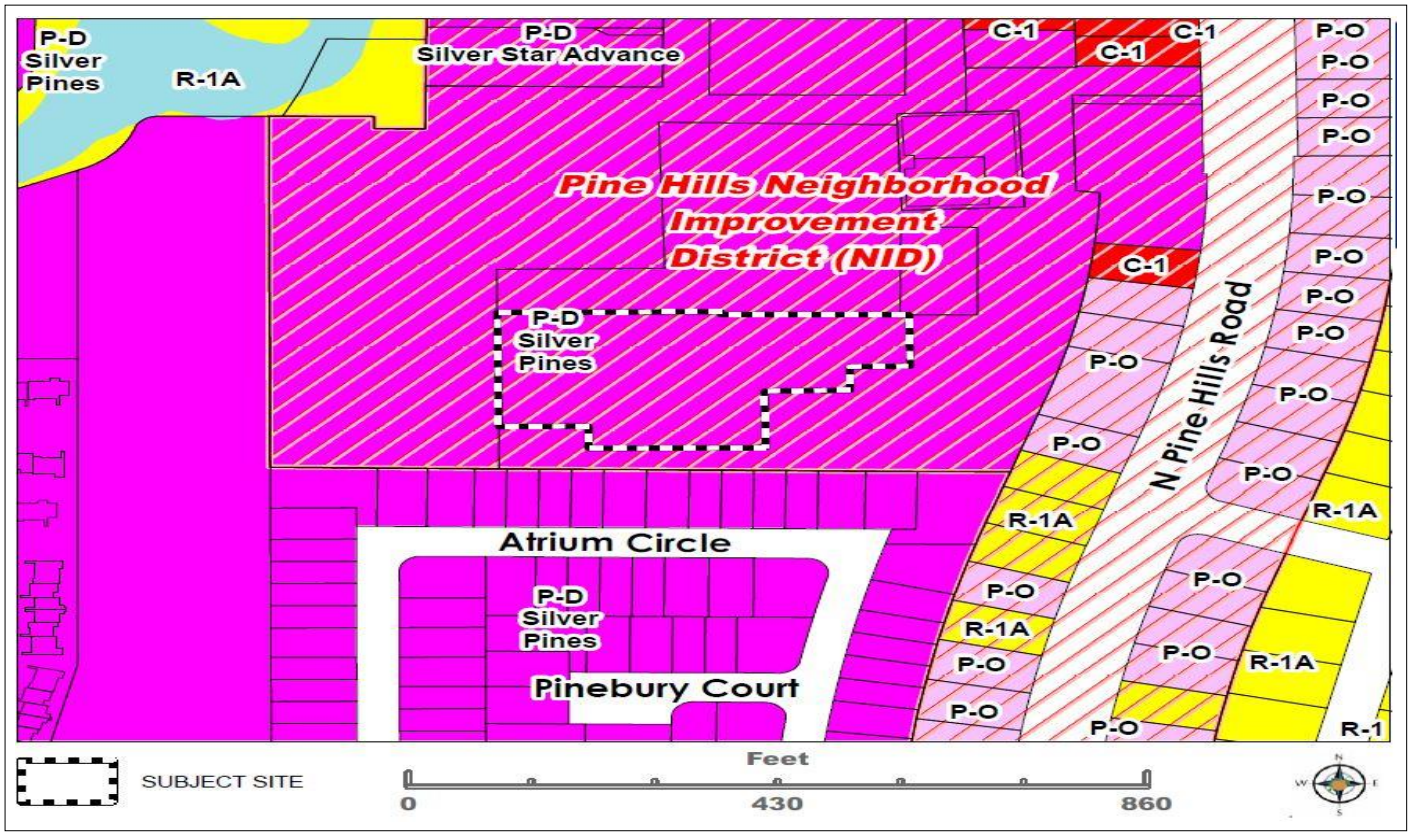
3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.
   The variance request will not confer with any privileges provided to other tenants in the area and, if the variance request granted, is the minimum relief the utilizes the reasonable use of the building.

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.
   This variance request would allow for signage on the store front of the property as the surrounding tenants in the shopping center have the capability to do. Not allowing the proposed signage would create unnecessary hardship as to not allow visibility of the business.

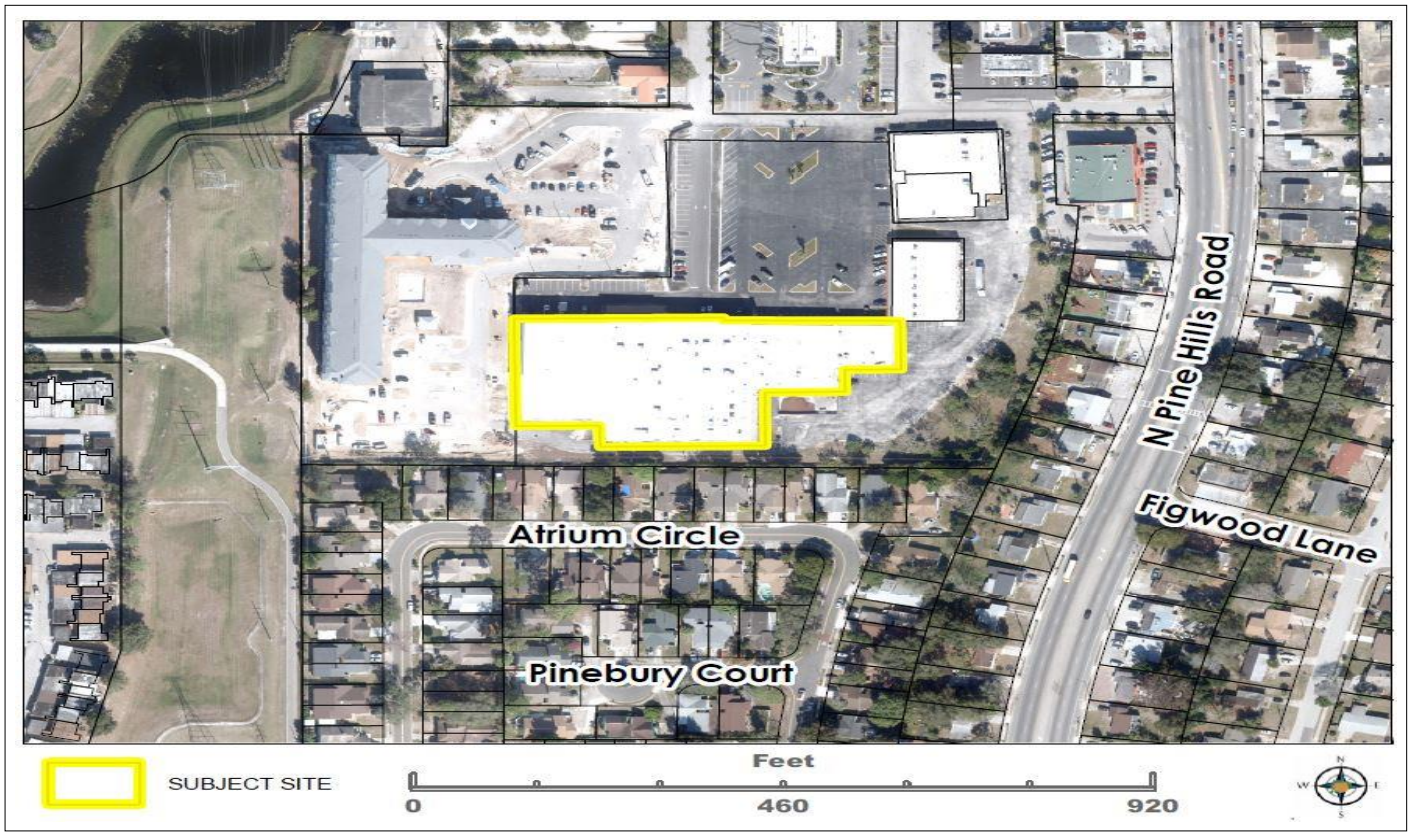
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.
   If granted, the proposed signage, mounted on the roof if the building, would give minimum relief that utilizes the reasonable use of the building.

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.
   It will in no way be detrimental or injurious to the adjacent properties or public welfare.

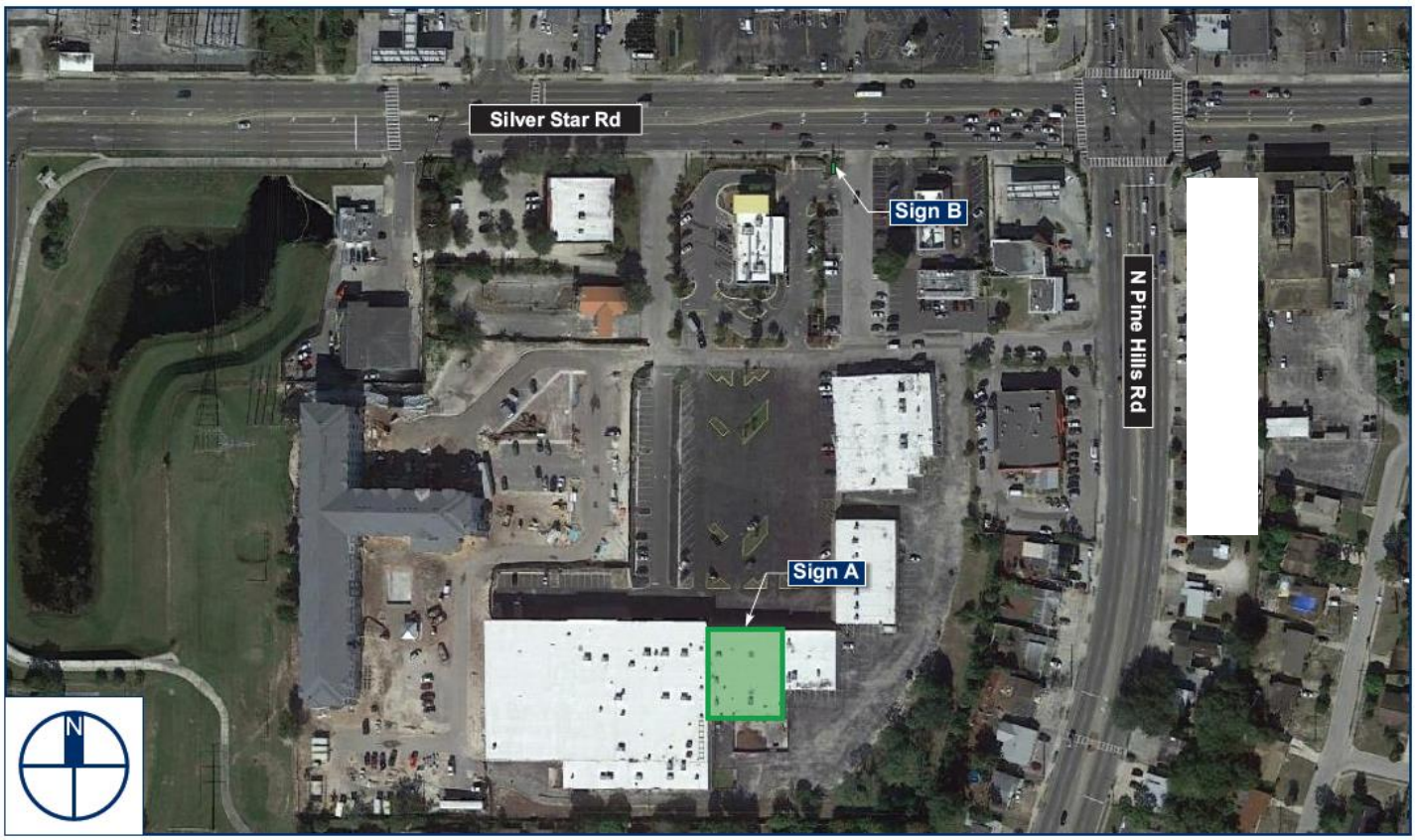
ZONING MAP



AERIAL MAP



AERIAL SHOWING LOCATION OF PROPOSED SIGN



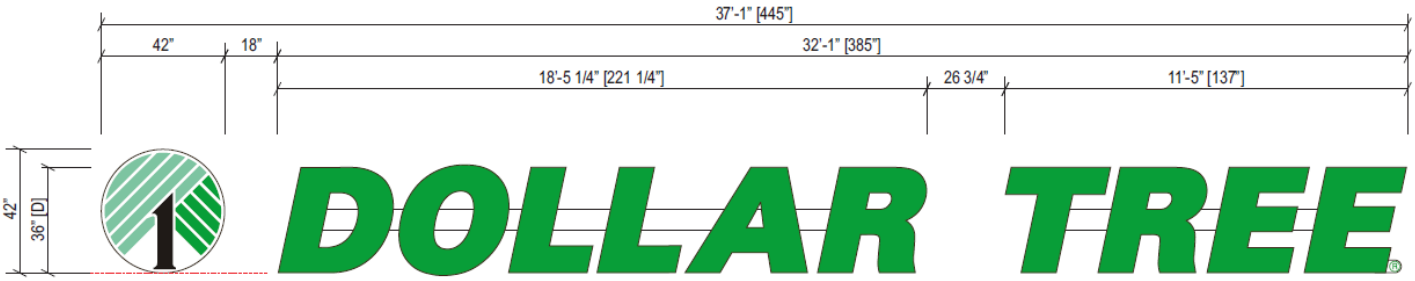
SIGN A	36" Dollar Tree | 42" Medallion
Type:	Channel Letters on a Raceway
Illumination:	Internally Illuminated LED
Square Footage:	129.79
To Grade:	Top of Sign to Grade = 18'-6" Bottom of Sign to Grade = 15'-0"

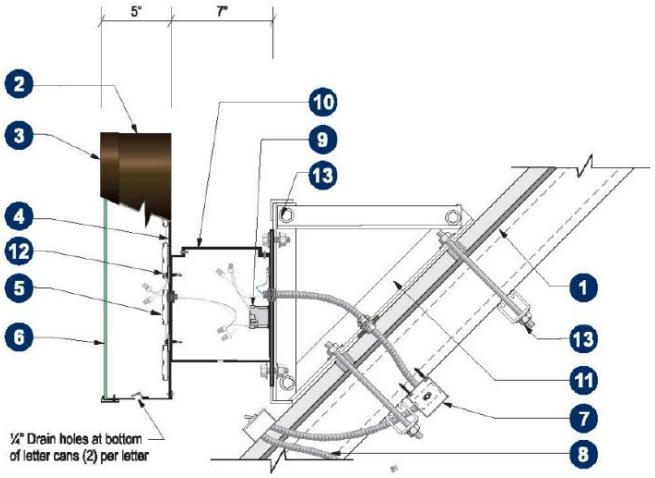
VARIANCE REQUIRED

Qualifier -David W. Jackson - ES-0000291
1.800.213.3331

Front Elevation (North)
Scale: 3/32" = 1'-0"

Allowable Square Footage this Elevation:	148.50
Formula: 1.5:1 LF	
Actual Square Footage this Elevation:	129.79





Section @ LED Channel Letter
Raceway / Angle Mount Scale: N.T.S.

Facing south towards front of subject property

Facing east towards front of subject property

SITE PHOTOS

Facing west towards front of subject property

Facing southeast towards adjacent commercial properties and wall signage

Facing southwest towards adjacent commercial properties and wall signage

Facing northwest from the subject property towards Silver Star Rd.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**DEC 01, 2022**	Commission District:	**#5**
Case #:	**VA-22-12-136**	Case Planner:	**Nick Balevich (407) 836-0092** **Nick.Balevich@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): BRIAN HOOVER

OWNER(s): PUIWAN CHAN, FREDERIC VALLEE

REQUEST: Variance in the PD zoning district to allow the construction of an addition with a rear setback of 27.5 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.

PROPERTY LOCATION: 8236 Riviera Shore Court, Orlando, FL 32817, east side of Riviera Shore Ct., west side of Lake Mira, south of University Blvd., west of N. Econlockhatchee Trl., east of N. Goldenrod Rd.

PARCEL ID: 01-22-30-1813-00-120

LOT SIZE: +/- 1.51 acres (1.21 acres upland)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 93

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Joel Morales, Second by John Drago; unanimous; 6 in favor: Joel Morales, Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz, Roberta Walton Johnson; 0 opposed; 1 absent: Charles Hawkins, II):

1. Development shall be in accordance with the site plan and elevations received November 11, 2022, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the variance request and, which shall inform all interested parties that the addition is located no closer than 27.5 foot from the Normal High Water Elevation (NHWE) of Lake Mira.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval. Staff noted that two (2) comments were received in support, and one (1) comment was received in opposition.

The applicant and owner spoke, agreeing with the staff recommendation, noting that the footprint is not being extended and that they have not received objections from the adjacent neighbors.

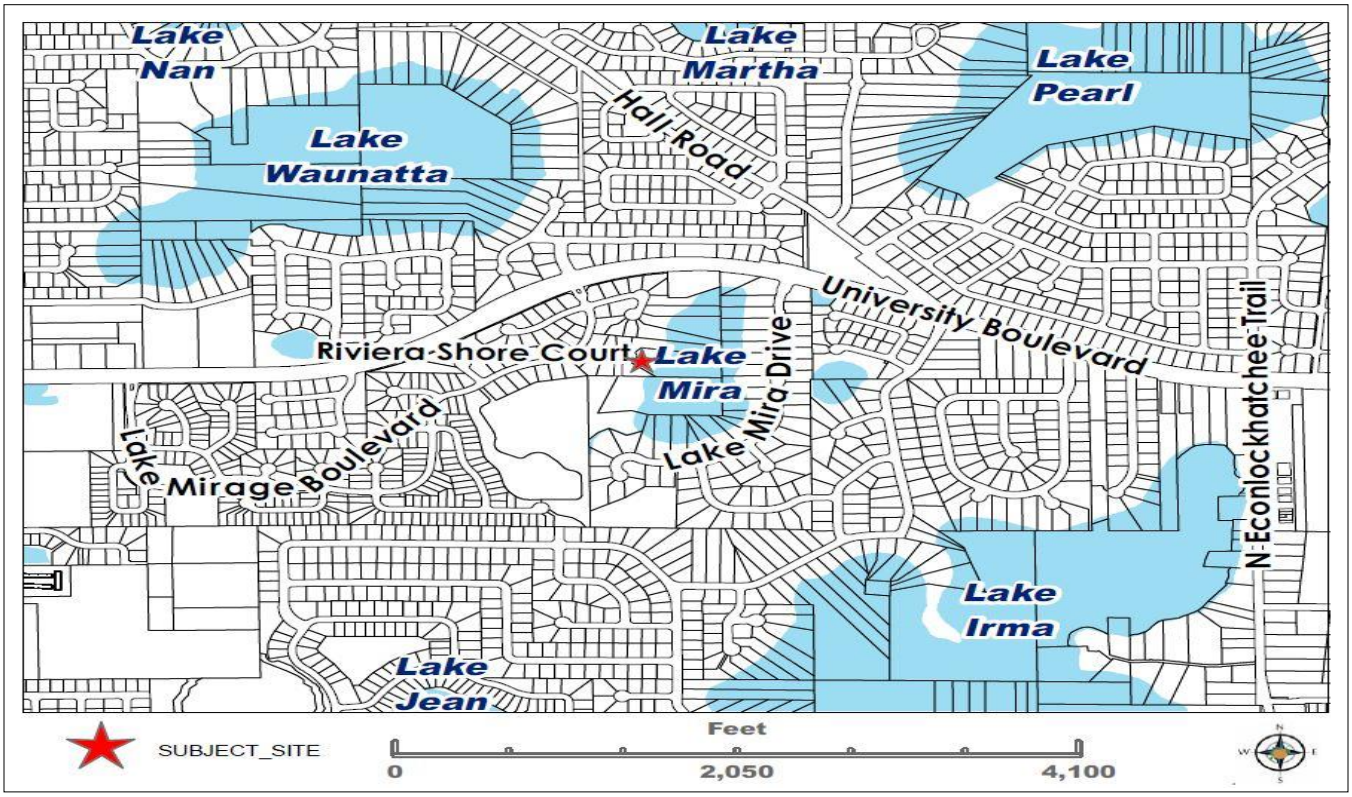
There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the Variance, the existing footprint, the existing location of the house relative to the NHWE, stated justification for the six (6) criteria and unanimously recommended approval of the Variance by a 6-0 vote, with one absent, subject to the four (4) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Lost Lake Village PD	Lost Lake Village PD, R-1AA	Lost Lake Village PD, R-1AA	Lake Mira	Lost Lake Village PD
Future Land Use	LDR	LDR	LDR	Lake Mira	LDR
Current Use	Single-family residence	Single-family residence, Lake Mira	Single-family residence, Lake Mira	Lake Mira	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Lost Lake Village PD, which allows single-family uses. The Future Land Use is Low Density Residential, LDR, which is consistent with the zoning district.

The area around the subject site consists of single-family homes, many of which are lakefront. The subject property is 1.51 acres in size (1.21 acres upland), located in the Estate Homes at Bradford Cove Plat, recorded in 1986, and is considered to be a conforming lot of record. It is developed with a 2,711 gross sq. ft. single-family home, and a 15 ft. x 28 ft. screen room, dock and uncovered patio that were constructed in 1989. The applicant purchased the property in 2017. The property abuts Lake Mira, with a Normal High Water Elevation (NHWE) line along the east side of the property.

The existing screen room has an aluminum roof and is located 27.5 ft. from the east Normal High Water Elevation (NHWE) line, which conforms with the 20 ft. rear setback requirement for screen enclosures with an aluminum roof. The applicant is proposing to convert the screen room into living space, which will then be required to meet a 50 ft. setback to the NHWE. Thus, a Variance is being requested to allow a 27.5 ft. setback to the NHWE in lieu of 50 ft. The owner has applied for a building permit for this conversion (Permit # B22016287) which is on hold pending the outcome of this request.

Staff has assessed the request and has determined that there is no other reasonable location to do an addition to the house. The lot has a depth of less than 150 ft., which would normally allow the required setback to the NHWE to be reduced to the rear setback for the zoning district, which is 20 ft., however per Orange County Code Section 38-1504, this exemption only applies to properties that were platted on or before August 31, 1982. The subject property was platted in 1986 and thus is not eligible for this exemption. The property has a utility easement that is 10 ft. along the front property line, and 5 ft. along each side and the rear. The request does not impact the utility easement. Further, the existing house was built 42.5 ft. from the NHWE in 1989, prior to the NHWE setback requirement which came into effect in 1991.

The Orange County Environmental Protection Division does not have any concerns regarding the request for variance for reduction of the minimum 50-foot building setback from the Normal High Water Elevation.

The applicant has submitted two comments in favor of the request from the adjacent neighbors to the north and south. As of the date of this report, no comments have been received in opposition to this request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	9.6 ft. (addition)
Min. Lot Width:	60 ft.	78 ft.
Min. Lot Size:	6,000 sq. ft.	53,001 sq. ft.

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	25 ft.	32.1 ft. residence (West)
Rear:	20 ft.	27.5 ft. addition (East)
Side:	5 ft.	7.6 ft. residence (South) 14.2 ft. addition (South) 10 ft. residence (North)
NHWE:	50 ft.	27.5 ft. addition (East -Variance)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances particular to the subject property are its size and location of the house, which renders any addition difficult without a Variance. Further, the screen enclosure is existing, and the addition will be utilizing the existing footprint and thus will not be more imposing to the side neighbors or to Lake Mira to the rear.

Not Self-Created

The request is not self-created since the owners are not responsible for the configuration and location of the home in relation to Lake Mira. Any improvements to the residence are difficult without the need for a Variance.

No Special Privilege Conferred

Granting the requested Variance will not confer any special privilege conferred to others under the same circumstances since meeting the literal interpretation of the code would prohibit any new construction along the rear of the house beyond a small unusable expansion in the rear.

Deprivation of Rights

Without the requested Variance, improvement to the home of a reasonable size would be difficult.

Minimum Possible Variance

The requested Variance is the minimum necessary to construct any improvements at the rear of the property, due to the lot size and location of the house.

Purpose and Intent

Approval of the requested Variance will allow improvements to the site which will be in harmony with the purpose and intent of the Zoning Regulations, will not be detrimental to adjacent properties. Furthermore, no rear neighbors or Lake Mira will be affected by this construction within the existing footprint.

CONDITIONS OF APPROVAL

---

1. Development shall be in accordance with the site plan and elevations received November 11, 2022, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the variance request and, which shall inform all interested parties that the addition is located no closer than 27.5 foot from the Normal High Water Elevation (NHWE) of Lake Mira.

C: Brian Hoover
1055 Nursery Road Unit 125
Winter Springs, FL 32708

C: Puiwan Chan
8236 Riviera Shore Court
Orlando, FL 32817

Brian Hoover

1055 Nursery Road Unit 125
Winter Springs, FL 32708

(386)748-0027
Brian@crorl.com

Property Owner: Puiwan Chan and Frederic Vallee

Property Address: 8236 Riviera Shore Court, Orlando FL 32817

October 1, 2022

Orange County Zoning Division

201 South Rosalind Ave., 1st Floor,
Orlando FL 32801

Dear **Orange County Zoning Division**:

We're writing to submit a Zoning Variance of sunroom conversion from an existing screened patio for the above-mentioned property. We are requesting a setback of 27.5 feet in the rear side (East) of the property, where the required setback is 50 feet. This is a reduction in the setback by 22.5 feet.

The property is currently a 4 bedroom / 2 bathroom residential single family house. The owner's family is expanding and their 3rd baby was born September 18, 2022. This is the house they'd like the children to grow up in and more living space is needed to accommodate the entire family. Therefore, the goal is to convert the existing screened patio into air-conditioned living space (sun room & office space) so all bedrooms of the original structure can be used as actual bedrooms for the family.

The proposed structure is going to be a 15'-0" x 16'-0" Category V Sunroom with 15'-0" x 12'-0" Office made with aluminum (Total 420 sq. ft). Maximum height of structure is 9'-6". The construction will be 14.5 ft from the South, 65.5 ft from the North side of the property line and 27.5 feet from the East side NHWE.

We understand we shall meet the 6 variance criteria. Please see explanation below:

1. **Special Conditions and Circumstances:**
    - There are no special conditions. The proposed sunroom will reside on the exact same footprint as the current screened patio, which already existed when the owner purchased the property.
2. **Not Self-Created**

3. **No Special Privilege Conferred**
    - No special privileges are being gained by this variance. We are just trying to improve an existing condition.
4. **Deprivation of Rights**
    - This does not apply – the renovation is not for business purposes.
5. **Minimum Possible Variance**
    - We are only asking for the minimum required variance (20 ft – from 50 ft setback to 30 ft) to accommodate the existing conditions.
6. **Purpose and Intent**
    - The variance will not create any hazardous conditions

Should there be any further information required from our side, please kindly contact me at **(386)748-0027** or by email at **Brian@crorl.com**. All the required documents for the application are enclosed. Looking forward to hearing from you.

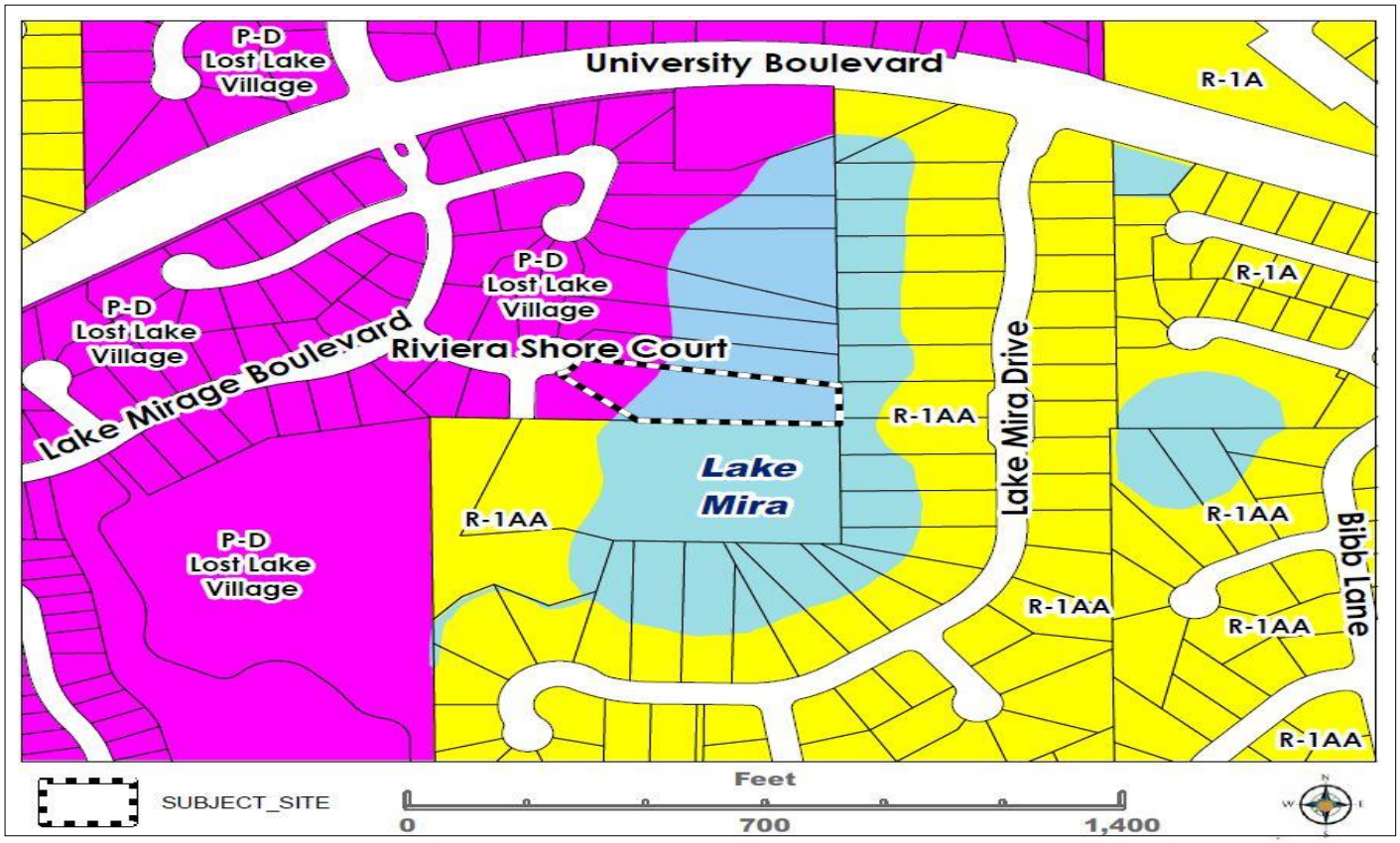
Sincerely,

Brian Hoover

Brian Hoover

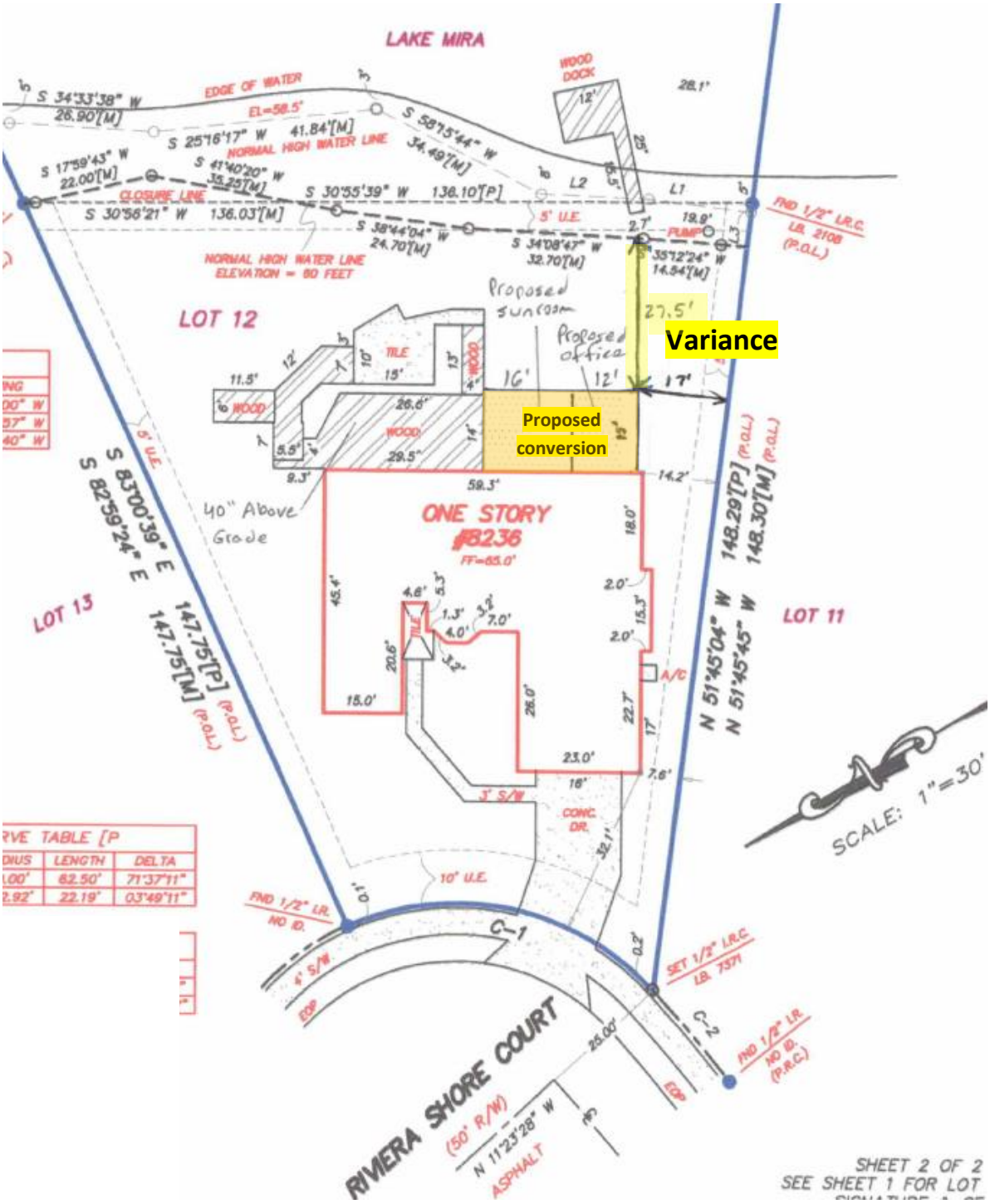
Enclosure

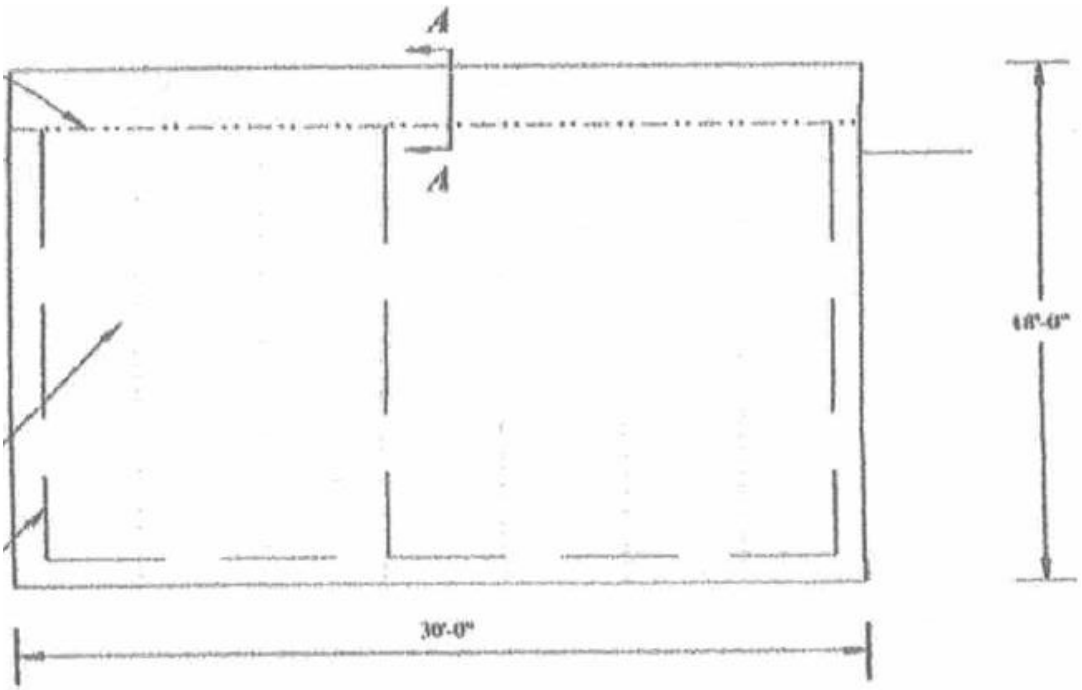
ZONING MAP



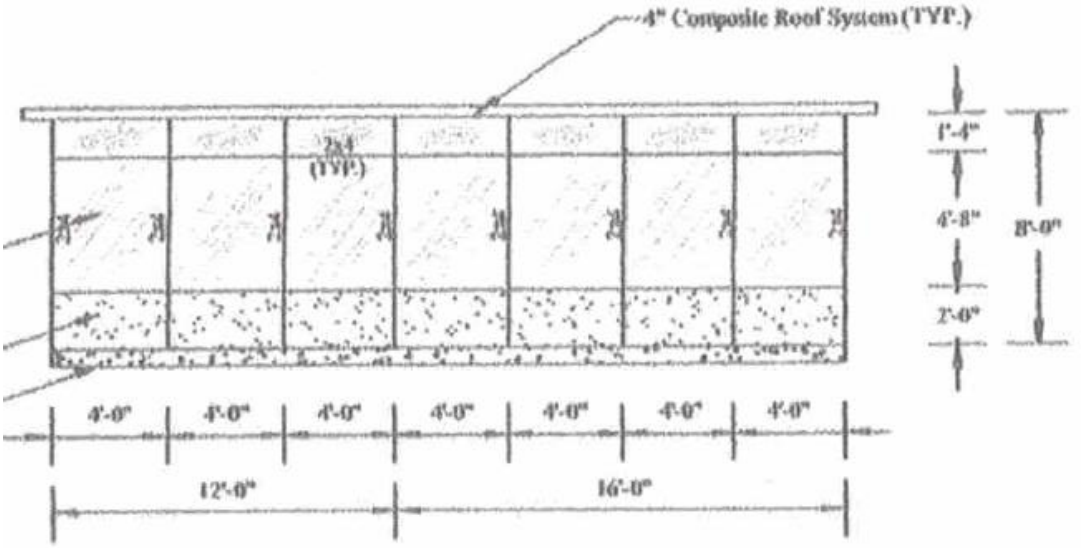
AERIAL MAP

SITE PLAN

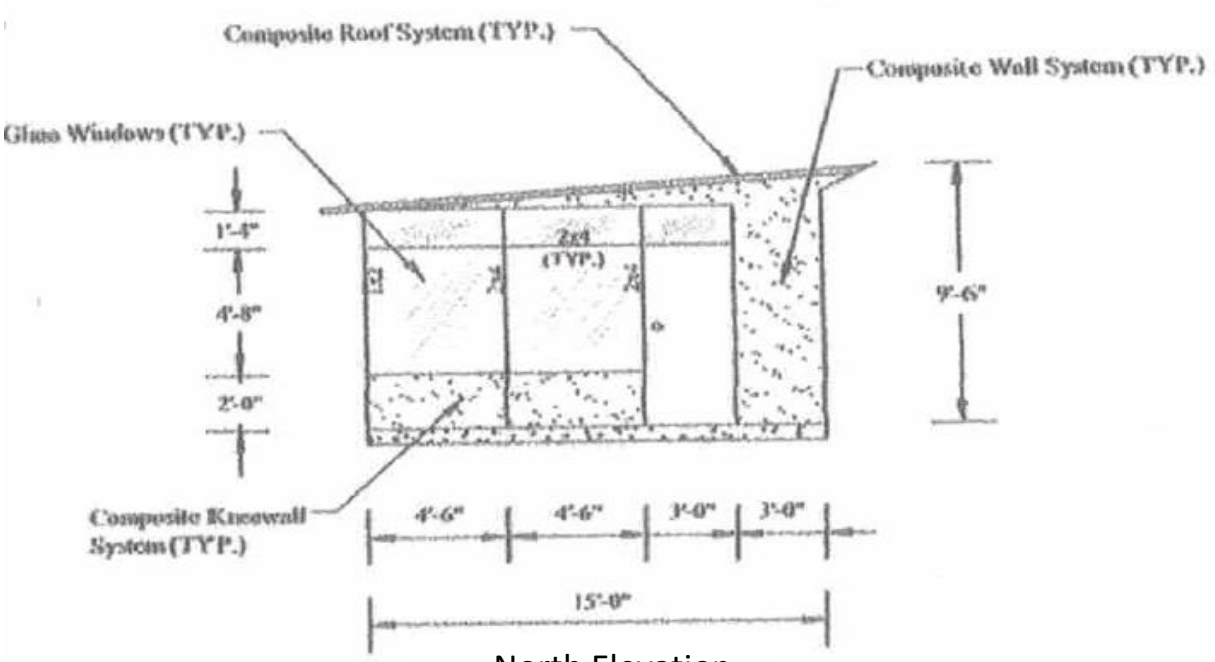

LAKE MIRA
EDGE OF WATER
EL=58.5'
NORMAL HIGH WATER LINE
CLOSURE LINE
NORMAL HIGH WATER LINE ELEVATION = 60 FEET
WOOD DOCK
FND 1/2" I.R.C. LB. 2108 (P.O.L.)
5' U.E.
FUMP
LOT 12
Proposed sunroom
Proposed office
Variance
27.5'
17'
16'
12'
Proposed conversion
TILE
WOOD
40" Above Grade
ONE STORY
#8236
FF=65.0'
LOT 13
LOT 11
S 83°00'39" E
147.75'[P]
147.75'[M]
(P.O.L.)
N 51°45'04" W
148.29'[P]
148.30'[M]
A/C
3' S/W
CONC. DR.
10' U.E.
FND 1/2" I.R. NO ID.
SET 1/2" I.R.C. LB. 7571
FND 1/2" I.R. NO ID. (P.R.C.)
C-1
C-2
RIVIERA SHORE COURT
(50' R/W)
ASPHALT
EOP
4' S/W
25.00'
N 11°23'28" W
SCALE: 1"=30'
SHEET 2 OF 2
SEE SHEET 1 FOR LOT



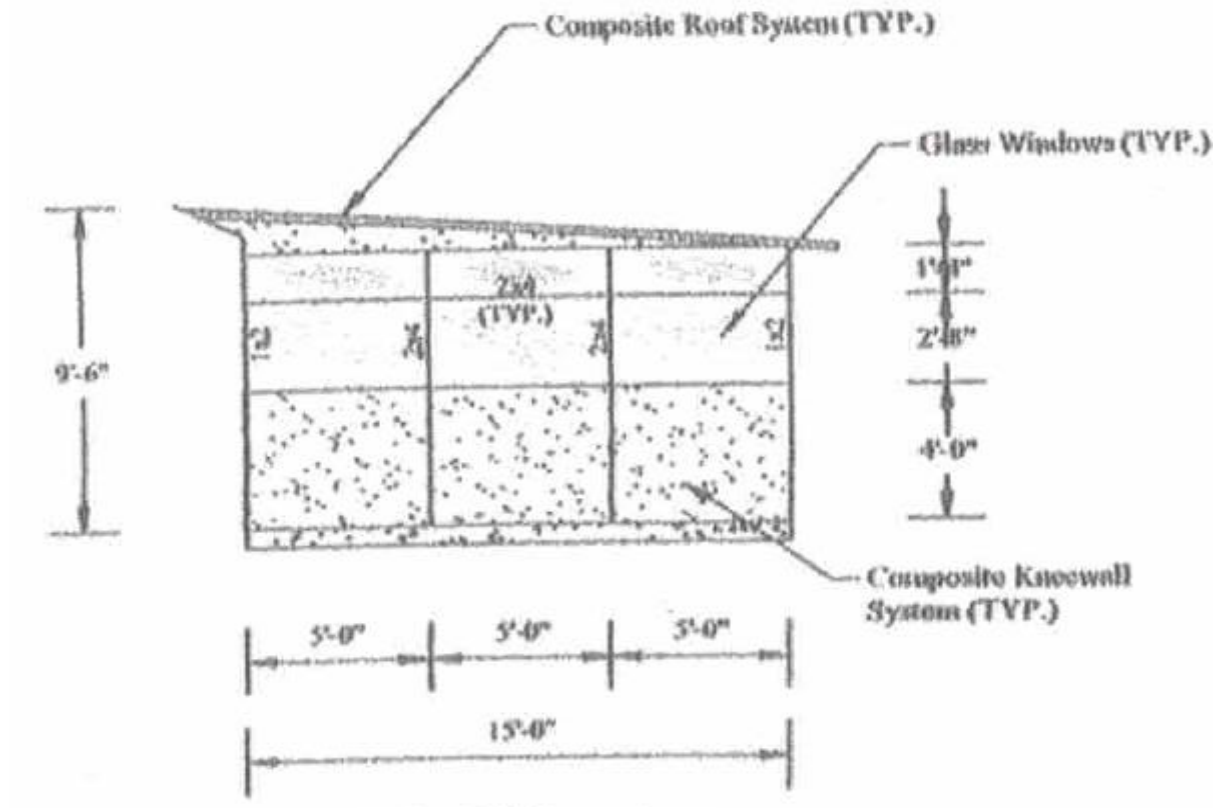
Plan View



East Elevation



North Elevation



South Elevation

Site from Riviera Shore Ct. facing west

Proposed sunroom conversion location facing east

Proposed sunroom conversion location facing north

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**DEC 01, 2022**	Commission District:	**#2**
Case #:	**VA-22-12-137**	Case Planner:	**Nick Balevich (407) 836-0092** **Nick.Balevich@ocfl.net**

GENERAL INFORMATION

APPLICANT(s):	JOSE PELLOT
OWNER(s):	CASTILLO HERIBERTO
REQUEST:	Variances in the A-1 zoning district as follows: 1) To allow a lot width of 65.13 ft. in lieu of a minimum of 100 ft. 2) To allow a lot size of 10,428 sq. ft. in lieu of a minimum of 21,780 sq. ft.
PROPERTY LOCATION:	5212 Angola Street, Ocoee, FL 34761, northwest corner of Angola St. and 2nd Ave., south of Clarcona Ocoee Rd., southeast of S.R. 429.
PARCEL ID:	30-23-29-8554-06-040
LOT SIZE:	+/- 0.23 acres (10,428 sq. ft.)
NOTICE AREA:	800 ft.
NUMBER OF NOTICES:	114

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions: (Motion by John Drago, Second by Roberta Walton Johnson; unanimous; 6 in favor: Roberta Walton Johnson, Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz, Joel Morales; 0 opposed; 1 absent: Charles Hawkins, II)

1. Development shall be in accordance with the lot width dimensions and square footage as identified on the site plan received November 11, 2022, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

The applicant had nothing to add.

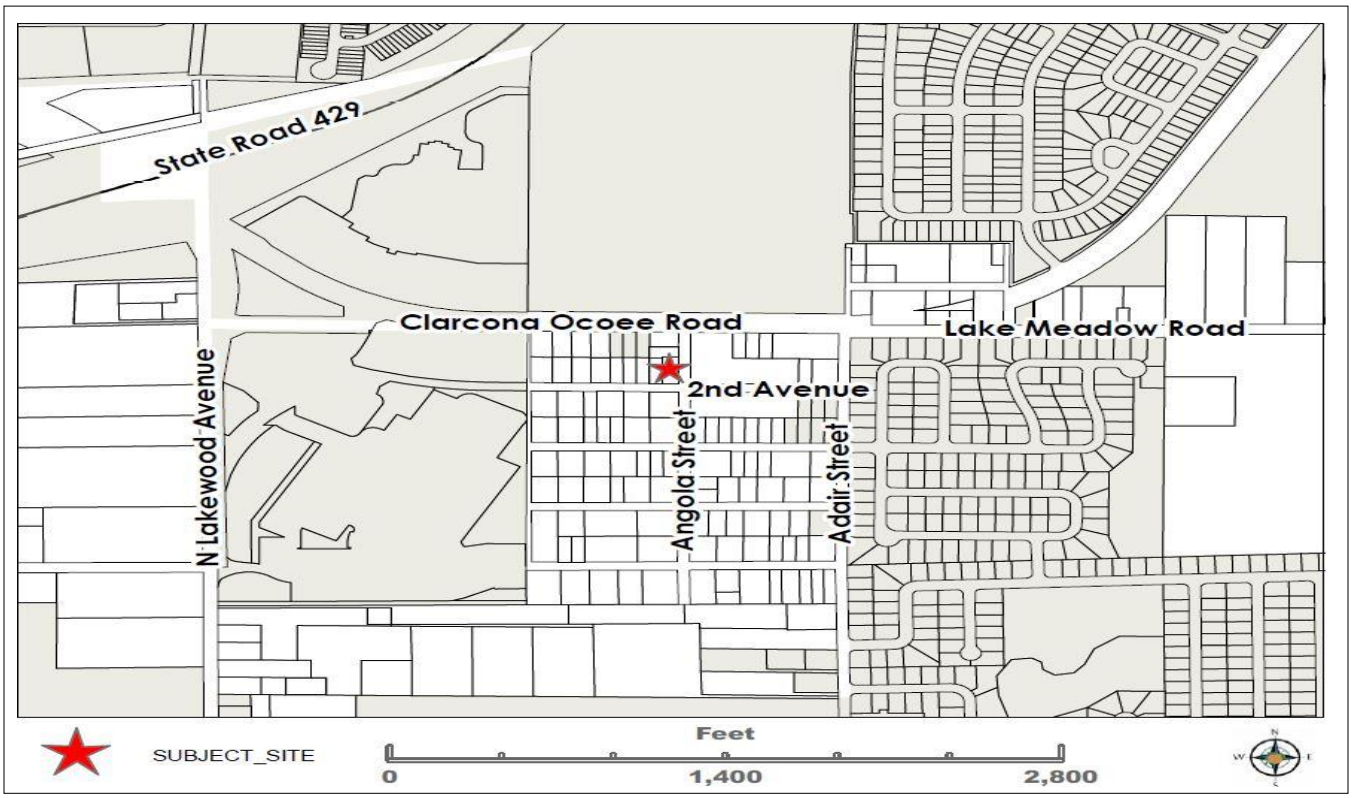
There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the Variances, noting the non-conformities throughout the subdivision, the need for Variances to allow for home construction, stated justification for the six (6) criteria and unanimously recommended approval of the Variances by a 6-0 vote, with one absent, subject to the three (3) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-1, Citrus Rural district, which primarily allows agricultural uses, as well as mobile homes and single-family homes on larger lots. The future land use is Rural (R), which is consistent with the A-1 zoning district.

The subject property is 0.23 acres in size, was platted in 1959 as Lot 22 in Block B of the Oak Level Heights Plat, and is a vacant non-conforming lot of record, as it does not meet the minimum lot width or size. It is a corner lot with frontage on both 2nd Ave. and Angola St., with the front yard measured from 2nd Ave., and the side street Angola St. The property was purchased by the current owner in 2005.

Per Orange County Code Sec. 38-1401, if two or more adjoining lots were under single ownership on or after October 7, 1957, and one of the lots has a frontage or lot area less than what is required by the zoning district, such substandard lot or lots shall be aggregated to create one conforming lot. The subject property (lot 22) was conveyed along with the parcel to the west (lot 21) and the parcel to the north (portions of lots 1 and 2) from 1984 to 1997. Thus, the parcel cannot be considered to be a substandard lot of record, and Variances are required for the lot width and lot size in order to build a single family home on the property.

The parcel is 65.13 feet wide, but the A-1 zoning district requires a minimum lot width of 100 ft., requiring Variance #1, and is 0.23 acres in size but the A-1 zoning district requires a minimum lot area of 0.5 acres, requiring Variance #2. The proposed home will meet all setback requirements for the district and there are multiple other similar sized lots in the area that have been granted similar Variances to build single-family residences.

The Orange County Comprehensive Planning Division has reviewed the request in regards to the Rural Future Land Use which requires a minimum 10 acre lot, and stated that the request appears to be consistent with Policy FLU1.1.3(B), whereby it states the interpretation of FLU1.1.2 shall not preclude the construction of one (1) residential unit (including ancillary buildings or improvements) on an existing lot of record (according to Zoning Division records) as of July 1, 1991. Pursuant to this policy, development on an existing lot of record shall continue to be subject to all applicable County development regulations. This policy is not intended to be the sole impetus for altering the type, density, intensity or character of an existing residential area, nor shall this policy preclude compliance with all development regulations.

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

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	15.8 ft.
Min. Lot Width:	100 ft.	65.13 ft. (Variance #1)
Min. Lot Size:	0.5 acres	0.23 acres (Variance #2)

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front: 2nd Avenue	35 ft.	35 ft. (South)
Rear:	50 ft.	72.85 ft. (North)
Side:	10 ft.	18.41 ft. (West)
Side street: Angola St.	15 ft.	18 ft. (East)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

The existing lot size and configuration are considerations of special conditions and circumstances. The property would be undevelopable without the Variances for lot width and area.

Not Self-Created

The lot was in this configuration when platted in 1925, and when the owners purchased the property in 2005 and therefore the substandard aspects of the parcel are not self-created.

No Special Privilege Conferred

Granting the Variances will not establish special privilege since there are other platted substandard developed lots in the area with single-family homes, as well as other similar sized lots in the area that have been granted similar Variances to build single-family residences.

Deprivation of Rights

Without the requested width and size Variances, the owners will be deprived of the ability to construct a residence on the parcel, similar to adjacent parcels that are developed.

Minimum Possible Variance

The requested Variances are the minimum necessary to construct any improvements on the property, due to the lot width and size. Furthermore, the proposed residence meets all setback requirements.

Purpose and Intent

Approval of these requests will be in harmony with the purpose and intent of the Code, which is to allow infill development with lawfully constructed residences. The proposed lot size and width, which will allow for the construction of a new home, will not be detrimental to the neighborhood as the proposed home will be consistent with the size and scale of other development in the area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the lot width dimensions and square footage as identified on the site plan received November 11, 2022, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Jose Pellot
10722 SE 141st Avenue
Ocklawaha, FL 32179

C: Heriberto Castillo
13 S. Bulova Dr.
Apopka, FL 32703

PELLOT CONSTRUCTION SERVICES, INC.
"Building The Future Today"

CGC 1517535

Cover Letter

October 12,2022

To: Orange County Zoning Division

201 South Rosalind Ave, 1st floor

Orlando, FL 32801

Re: Variance Request for 5212 Angola Street (05-22-28-6052-02-220) Ocoee FL 34761

Our client Heriberto Castillo would like us to build a new single story residential home on the property located at 5212 Angola Street. We are seeking a variance due to the lot size not being large enough to build a home. The plans we had created are allied with the other homes on the street that have also had to seek a variance to build. The total square feet of the proposed home is to be 1493. The home would be built pre-engineered plans and made from concrete and block. The proposed dimension is 10,428 sq ft (+/-). The new construction will be the following of the existing property lines, North 72.8 ft, South 35 ft, East 18ft and West 18.41ft. The proposed height it 15feet 8 inches.

We appreciate your time and attention to our request.

Thank you,

Jose Pellot

CGC1517535

1. **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.

The land is not large enough to build a home prezoning. There are other homes in the area with same lot size that were approved through this process.

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.

we did not Selfcreate any issues for this Land ~~that or~~ Situations for this land that would impose a hardship

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.

we have no Special Privileges Conferred. We are seeking a varience as others have on the Street.

4. **Deprivation of Rights** - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

we are seeking a varience in alignment as other landowner on our street.

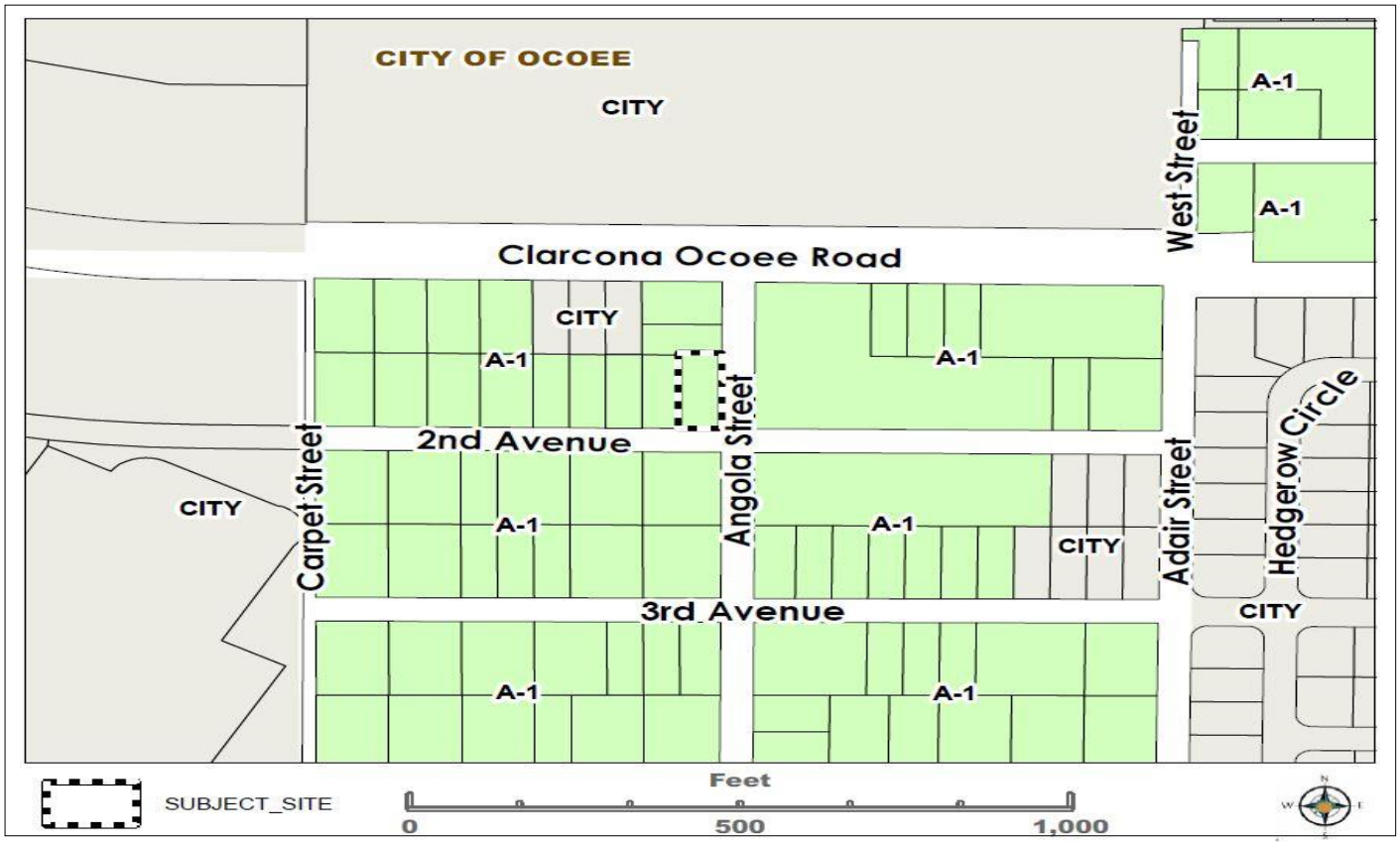
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

We have created plans to meet the minimum variance

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

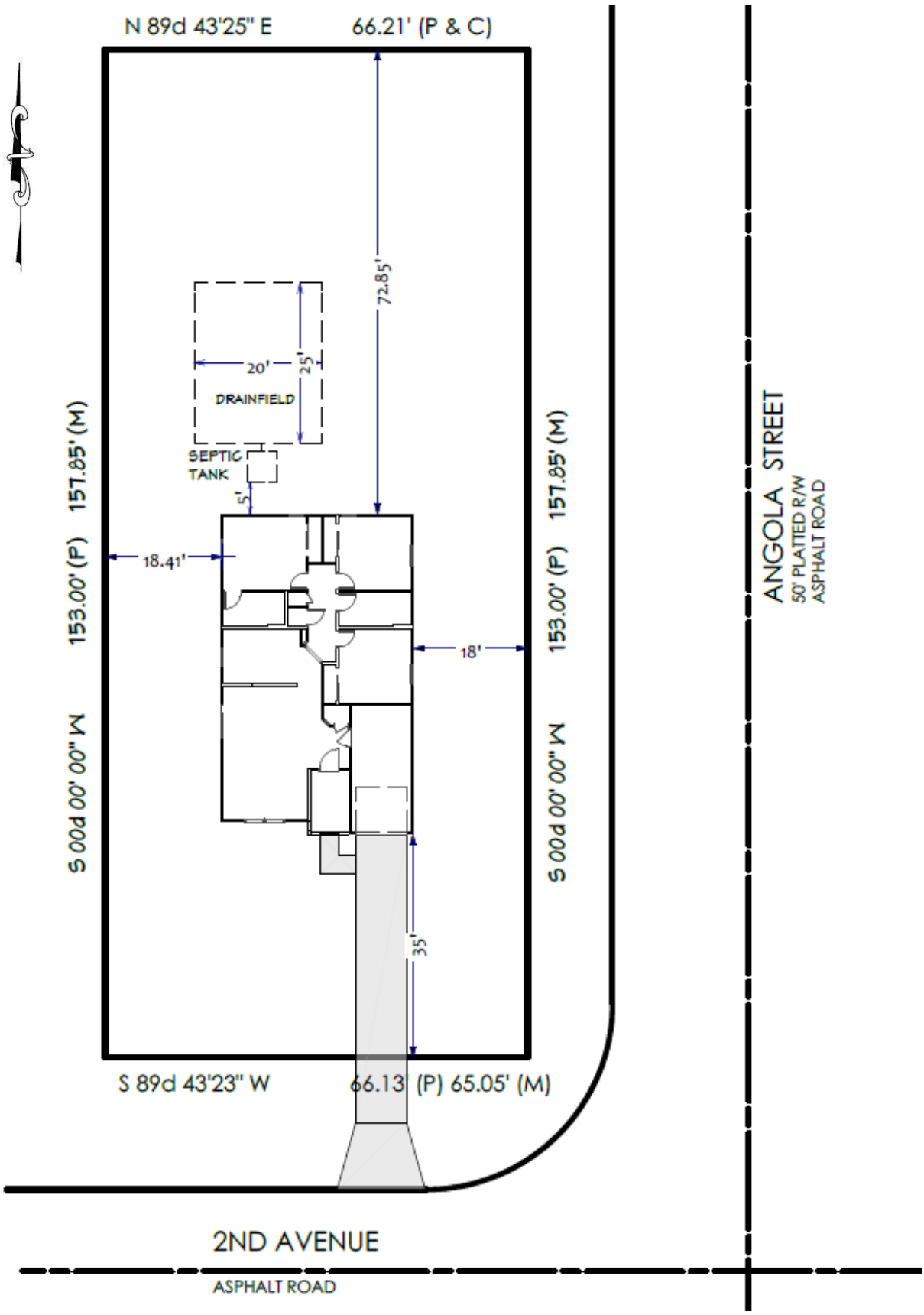
The purposed home to build is in line with other homes in the neighood.

ZONING MAP

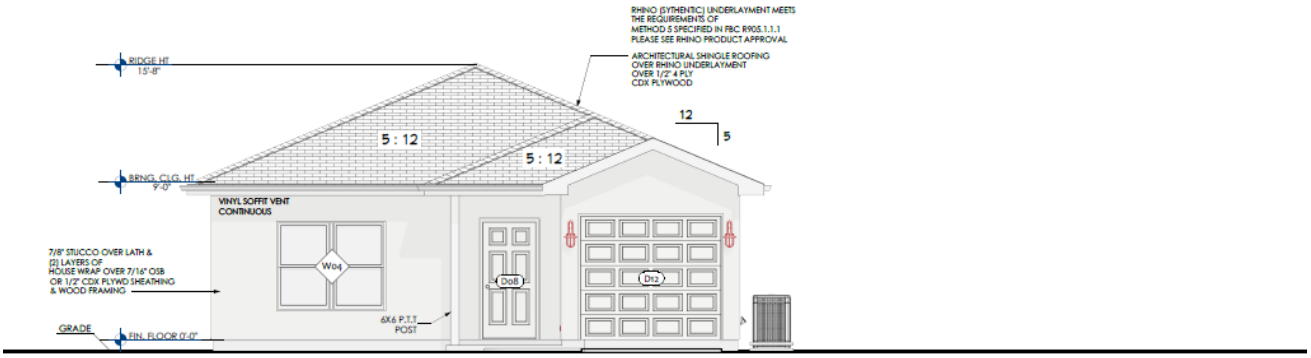


AERIAL MAP

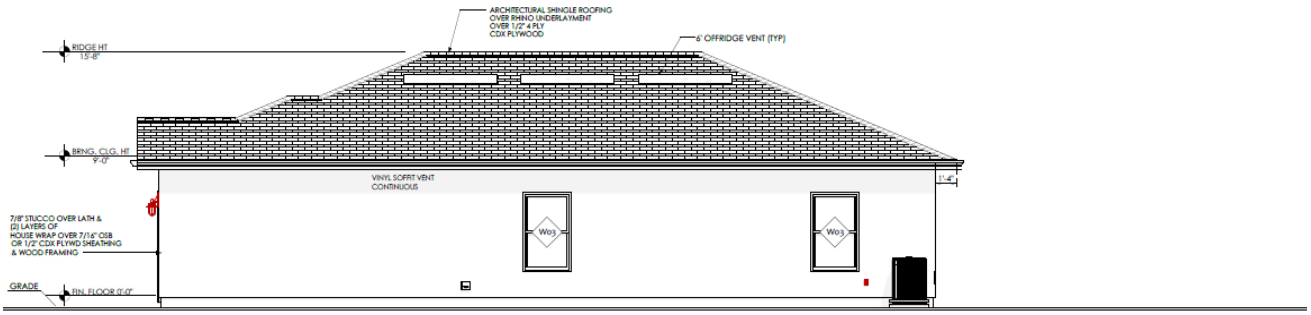
SITE PLAN


N 89d 43'25" E
66.21' (P & C)
72.85'
20'
25'
DRAINFIELD
SEPTIC TANK
5'
18.41'
18'
35'
S 00d 00' 00" W
153.00' (P)
157.85' (M)
N 00d 00' 00" W
153.00' (P)
157.85' (M)
S 89d 43'23" W
66.13' (P) 65.05' (M)
ANGOLA STREET
50' PLATTED R/W
ASPHALT ROAD
2ND AVENUE
ASPHALT ROAD

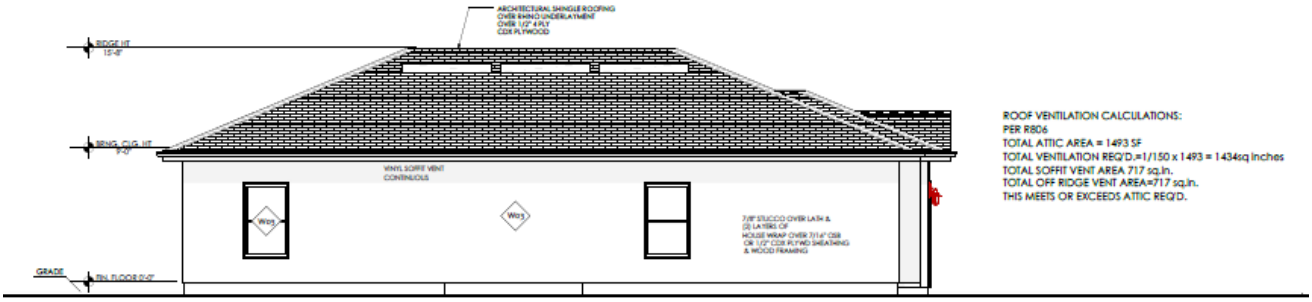
ELEVATIONS



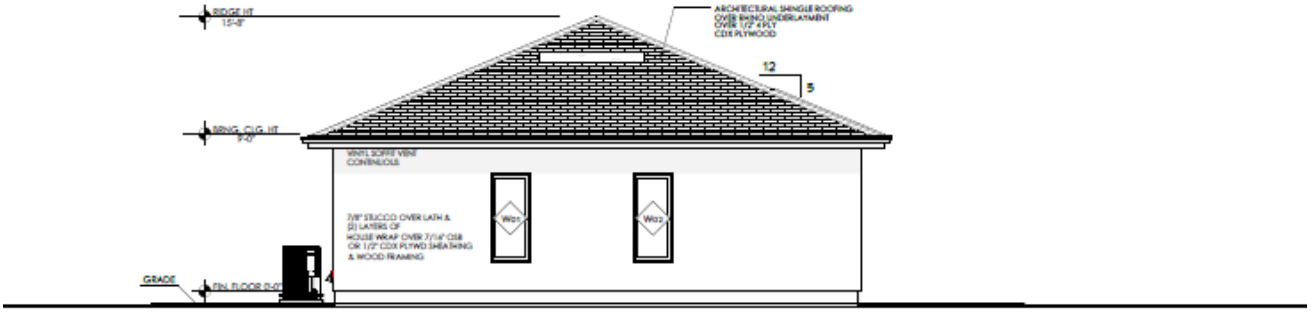
2nd Ave. FRONT ELEVATION



Angola St. RIGHT ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION

Facing site at the northwest corner of 2nd Ave. and Angola St.

Property to the west on 2nd Ave. with same sized lot

Properties to the west on 2nd Ave. with same sized lots

Property to the north on Angola St. was granted variances for lot size and width

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**DEC 01, 2022**	Commission District:	**#1**
Case #:	**VA-22-12-126**	Case Planner:	**Nick Balevich (407) 836-0092** **Nick.Balevich@ocfl.net**

GENERAL INFORMATION

APPLICANT(s):	SILVANA ESCHELBACHER
OWNER(s):	SILVANA ESCHELBACHER
REQUEST:	Variance in the PD zoning district to allow an addition with a rear setback of 26 ft. in lieu of 30 ft.
PROPERTY LOCATION:	7622 Clubhouse Estates Dr., Orlando, FL 32819, north side of Clubhouse Estates Dr., east of S. Apopka Vineland Rd., west of Dr. Phillips Blvd., north of W. Sand Lake Rd.
PARCEL ID:	27-23-28-1436-01-040
LOT SIZE:	+/- 0.21 acres (9,556 sq. ft.)
NOTICE AREA:	500 ft.
NUMBER OF NOTICES:	157

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Thomas Moses, Second by John Drago; unanimous; 6 in favor: Thomas Moses, John Drago, Juan Velez, Deborah Moskowitz, Joel Morales, Roberta Walton Johnson; 0 opposed; 1 absent: Charles Hawkins, II)

1. Development shall be in accordance with the site plan and elevations received November 11, 2022, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

The owner agreed with the staff recommendation and noted the need for the Variance.

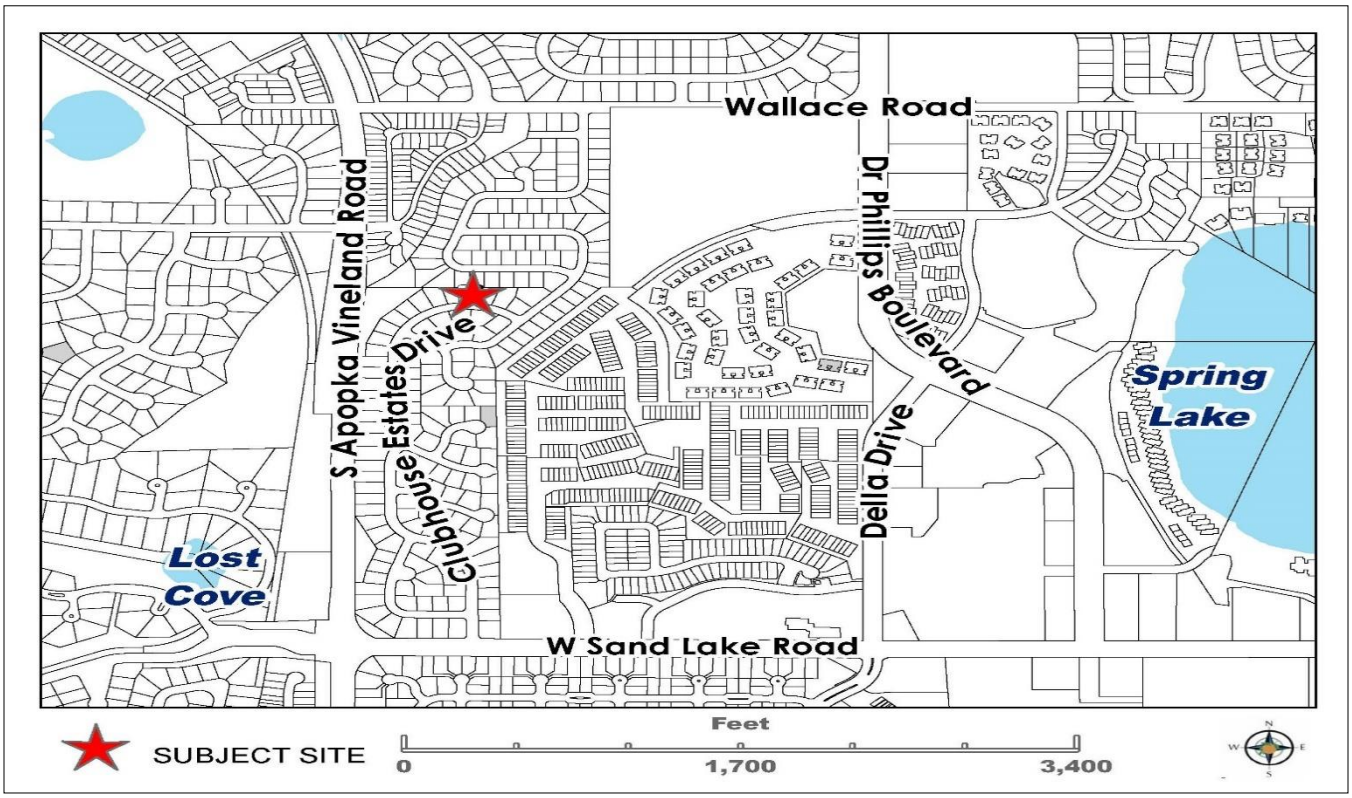
There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the Variance, noting the previous approvals within the area, that there are no other options, stated justification for the six (6) criteria and unanimously recommended approval of the Variance by a 6-0 vote, with one absent, subject to the three (3) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Granada Properties PD	R-1A	Granada Properties PD	Granada Properties PD	Granada Properties PD
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Granada Properties PD, which allows single-family uses. The Future Land Use is LDR, which is consistent with the zoning district.

The subject property is 0.21 acres in size, was platted in 1980 as Lot 104 of the Clubhouse Estates Phase 2 Plat and is considered to be a conforming lot of record. It is developed with a 2,089 gross sq. ft. single-family home, and a 10 ft. x 42 ft. screen room that were constructed in 1981. The property has a utility easement that is 5 ft. along the front property line, and 6 ft. along each side, and the rear. The request does not impact the utility easement. The applicant purchased the property in 2002.

The existing screen room has an aluminum roof and is located 26 ft. from the rear property line, which conforms with the 15 ft. rear setback requirement for screen enclosures with an aluminum roof. The applicant is proposing to replace the screen room with a 10 ft. x 44 ft. living space, which will then be required to meet the same setback as the house which is 30 ft. Thus, a Variance is being requested to allow a 26 ft. rear setback in lieu of 30 ft. The proposed addition will be 2 feet wider than the existing screen room but will not extend any further to the rear. Given the location of the existing house on the lot, and the existing easements, there is no other location to do an addition of this size to the house, and due to the upward slope of the rear yard, and the existing fence, the addition will not be visible to the rear neighbors.

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

Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	25 ft.	25.7 ft. (South)
Rear:	30 ft.	26 ft. (North - Variance)
Side:	7.5 ft.	13.8 ft. (East) 15 ft. (West)

VARIANCE CRITERIA

Special Conditions and Circumstances

The special conditions and circumstances particular to the subject property are its size and location of the house, which renders any addition difficult without a variance. Further, due to the upward slope of the rear yard, and the existing fence, the addition will not be visible to the rear neighbors.

Not Self-Created

The request is not self-created since the owners are not responsible for the configuration and location of the home and the existing screen room in relation to the rear property line, and the proposed addition does not encroach into the rear yard any more than existing. Any improvements to the residence are difficult without the need for a variance.

No Special Privilege Conferred

Granting the requested variance will not confer any special privilege conferred to others under the same circumstances since meeting the literal interpretation of the code would prohibit any new construction along the rear of the house beyond a small unusable expansion in the rear, and the proposed addition does not encroach into the rear yard any more than existing.

Deprivation of Rights

Without the requested Variance, improvement to the home of a reasonable size would be difficult.

Minimum Possible Variance

The requested Variance is the minimum necessary to construct any improvements at the rear of the property, due to the location of the house.

Purpose and Intent

Approval of the requested variance will allow improvements to the site which will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to adjacent properties. Furthermore, no rear neighbors will be affected by this expansion, due to the upward slope of the rear yard, and the existing fence which blocks visibility.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations received November 11, 2022, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Silvana Eschelbacher
7622 Clubhouse Estates Dr.
Orlando, FL 32819

To: Orange County Board of Zoning
Orange County Board of Commissioners
Orange County, Florida

Date: September 15, 2022

From: Silvana Eschelbacher
7622 Clubhouse Estates Drive
Orlando, FL 32819-5046
Parcel ID: 27-23-28-1436-01-040

To All Concerned:

I am the owner of this one story single family residence zoned PD in "Clubhouse Estates Phase II", located in Dr. Phillips. I have lived her for 20-years now as I purchased the property on September 16, 2002 and now have outgrown the home with my family and need more space. This is the house I plan to retire in and live in for my remaining years to be near my other family members.

I am requesting this variance to add more living space needed to feel comfortable. My lot is one of the smallest lots in the subdivision and I currently have an Aluminum Screen Porch in the location I want to place my same size addition. I feel this will raise the values of the real estate comps in the neighborhood.

The design of addition is such as the two sides are set-in from each end to be further away from each side neighbor than the side yard setbacks require.

My requested setback is:

-Rear setback – 26'-0" in lieu of 30'-0"

I have researched the neighbors property, behind me, located at 7406 Burnway Drive and it appears as they were granted a variance to their rear setback as their subdivisions is zoned R-1AA with a rear setback of 30'-0" and the rear portion of the residence appears to only be 25'-0".

Both sides of my addition will not have any windows.

Any suggested landscaping by Zoning or neighbors, I will comply.

I appreciate your consideration and I am available for all questions/comments.

Sincerely,

Silvana Eschelbacher

Silvana Eschelbacher
7622 Clubhouse Estates Drive
Orlando, FL 32819-5046
Phone: 407-351-2494; 407-405-6251 (cell)
Email: Silvana.Eschelbacher@gmail.com

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.

   My Lot is one of the smallest lots in the entire subdivision.

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

   There are no self-created conditions or circumstances existing on the property.

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.

   There are no other lands, buildings or structures in the same zoning district I'm requesting to have confered.

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.

   There are no provisions contained in this Chapter that would deprive me from my variance.

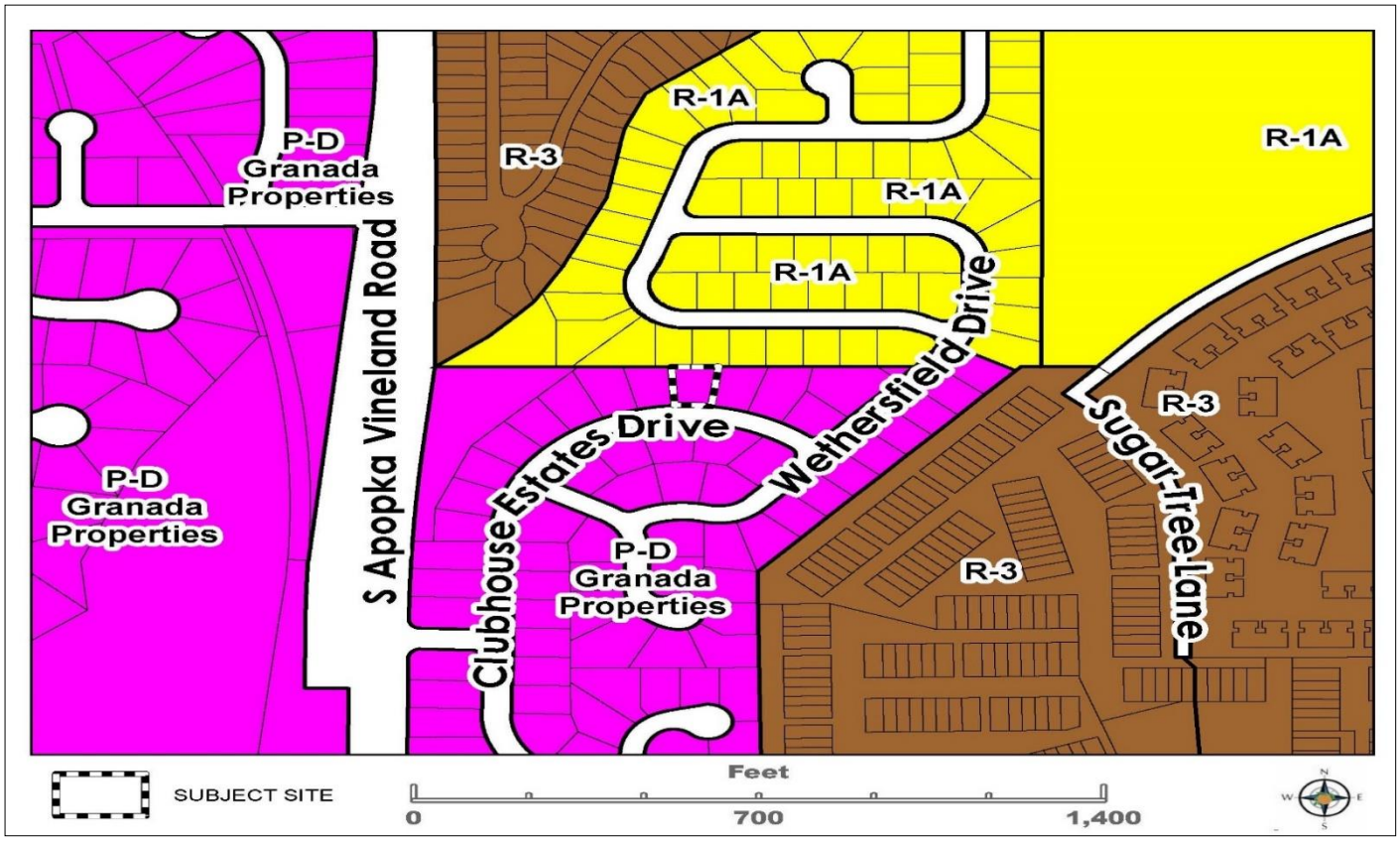
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

   26'-0" rear setback in lieu of 30'-0" setback.

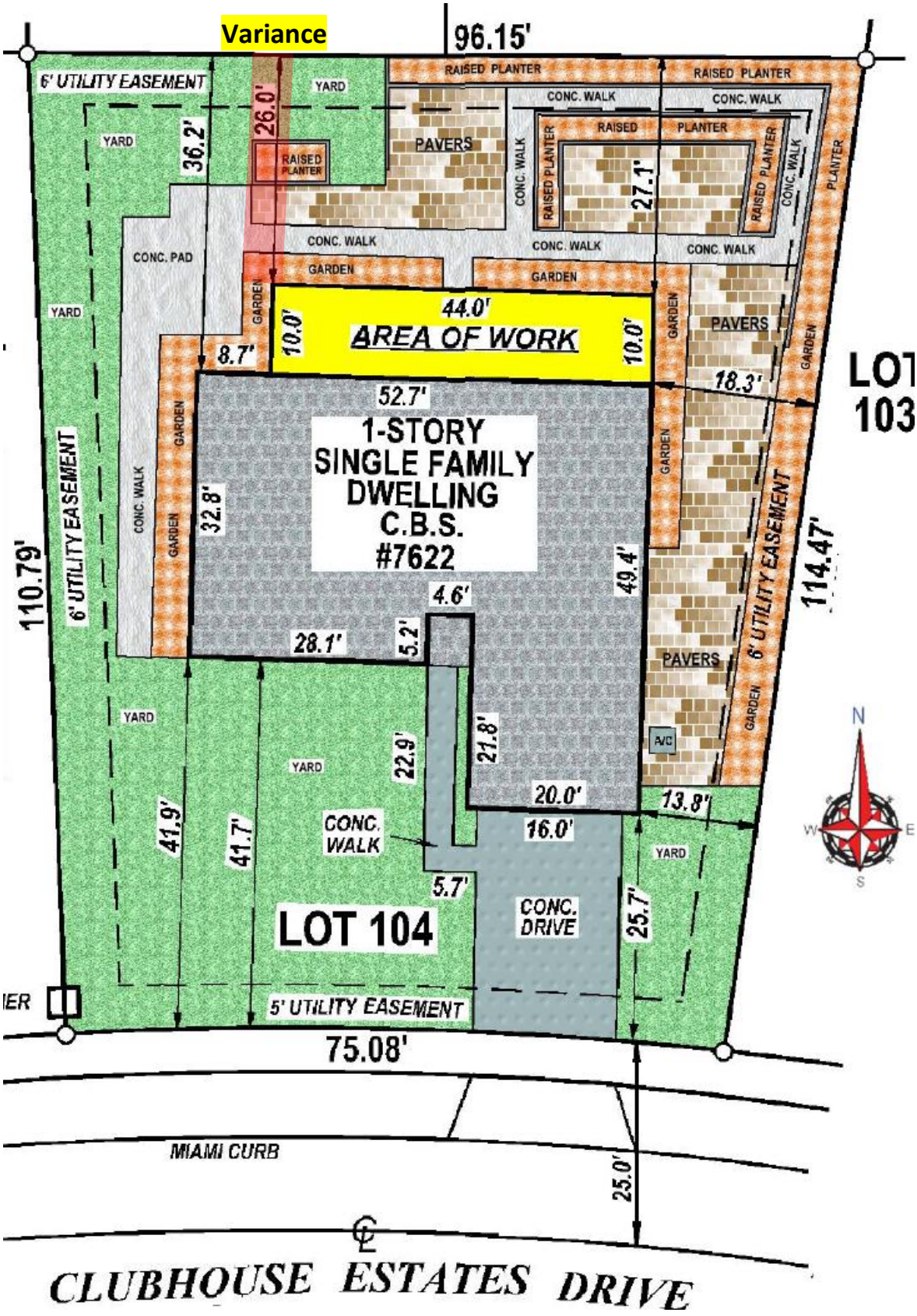
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

   This variance would improve the value of my home as well as the neighborhood.

ZONING MAP



AERIAL MAP


Variance
96.15'
6' UTILITY EASEMENT
YARD
26.0'
36.2'
RAISED PLANTER
PAVERS
CONC. WALK
RAISED PLANTER
27.1'
CONC. PAD
GARDEN
44.0'
AREA OF WORK
10.0'
8.7'
52.7'
1-STORY
SINGLE FAMILY
DWELLING
C.B.S.
#7622
32.8'
49.4'
4.6'
28.1'
5.2'
18.3'
LOT
103
114.47'
110.79'
6' UTILITY EASEMENT
21.8'
22.9'
20.0'
16.0'
13.8'
41.9'
41.7'
CONC. WALK
5.7'
CONC. DRIVE
25.7'
LOT 104
5' UTILITY EASEMENT
75.08'
MIAMI CURB
25.0'
CLUBHOUSE ESTATES DRIVE
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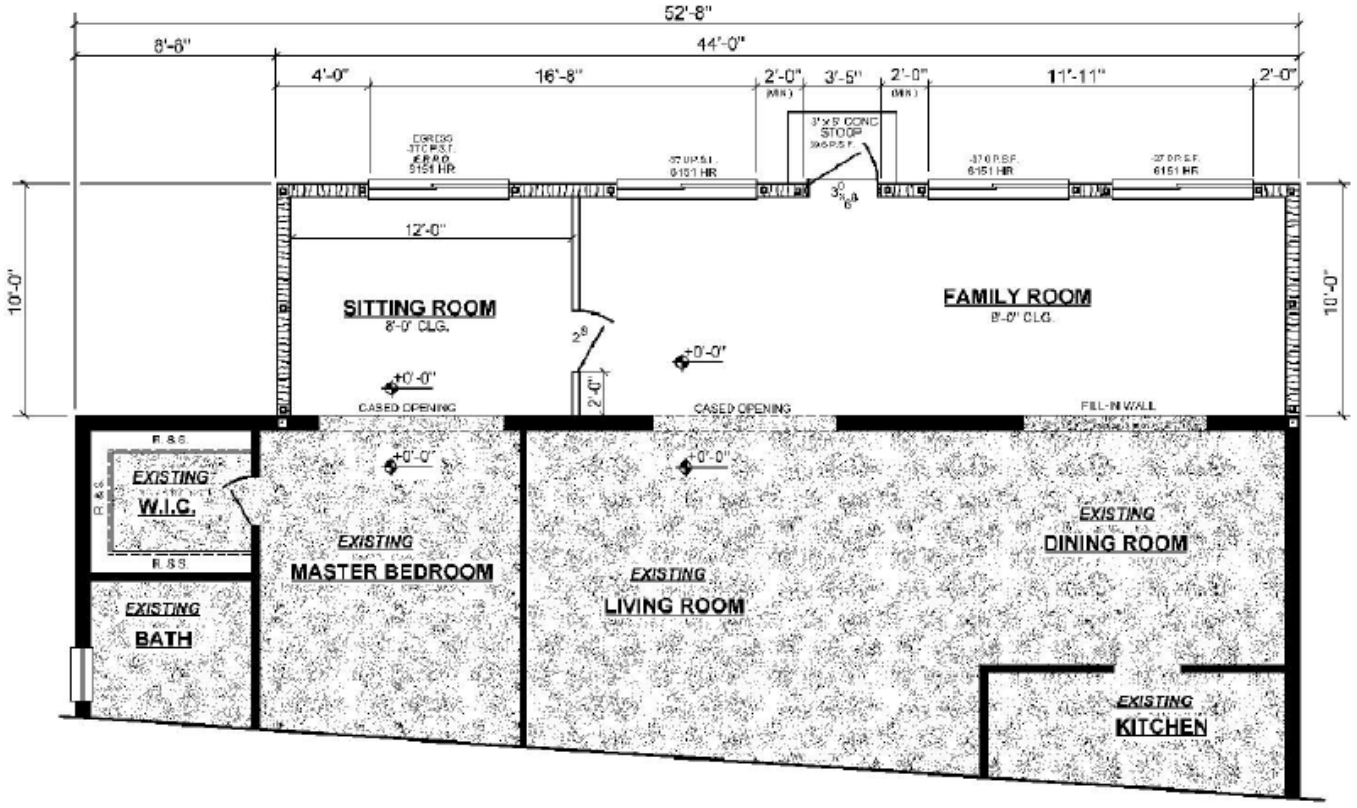
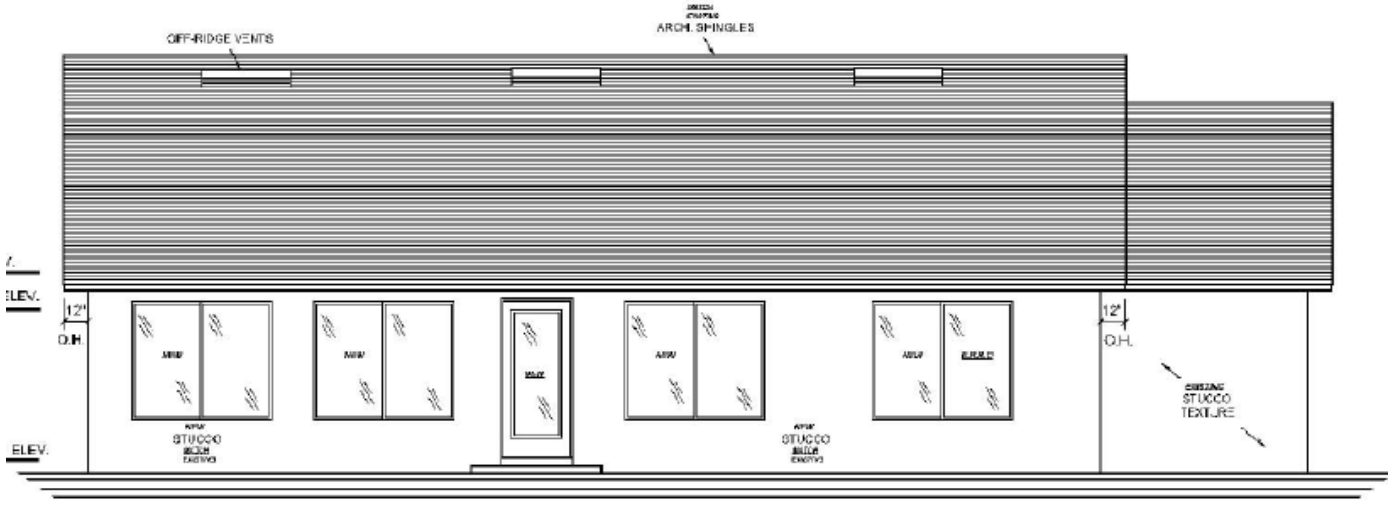


NEW FLOOR PLAN
SCALE: 1/8" = 1'-0"



NEW REAR ELEVATION
SCALE: 1/8" = 1'-0"

SITE PHOTOS

Front from Clubhouse Estates Dr. facing north

Existing screenroom in rear yard facing east

Existing screenroom facing south

Existing screenroom facing west

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**DEC 01, 2022**	Commission District:	**#2**
Case #:	**SE-23-01-138**	Case Planner:	**Ted Kozak, AICP (407) 836-5537** **Ted.Kozak@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): BOB CHOPRA FOR BLUE SKY TOWERS

OWNER(s): A M R NURSERY LLC

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

1) Special Exception to allow the construction of a 170 ft. high monopole communication tower.
2) Variance to allow a residential distance separation of 591.7 ft. in lieu of 1,190 sq. ft.

PROPERTY LOCATION: 6448 Plymouth Sorrento Rd., Apopka, FL 32712, west side of Plymouth Sorrento Rd., north of Ondich Rd., northeast of S.R. 429 and S.R. 453.

PARCEL ID: 01-20-27-0000-00-006

LOT SIZE: 22 acres

NOTICE AREA: 1,500 ft.

NUMBER OF NOTICES: 46

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board finds it meets the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Roberta Walton Johnson, Second by Juan Velez; 4 in favor: Roberta Walton Johnson, Thomas Moses, Juan Velez, Joel Morales; 2 opposed: Deborah Moskowitz, John Drago; 1 absent: Charles Hawkins, II):

1. Development shall be in accordance with the site plan and tower specifications received October 18, 2022, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. A permit for the communication tower shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

5. All new communication towers shall be designed and constructed to accommodate at least one (1) other service provider.

6. The applicant for a new communication tower shall provide a notarized letter acknowledging that the communication tower is designed and will be constructed to accommodate at least one (1) other service provider.

7. All service providers shall cooperate in good faith with other service providers to accomplish co-location of additional antennas on communication towers which are existing, permitted, or otherwise authorized by Orange County, where feasible.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, elevations, landscape plan, and photos of the site. Staff provided an analysis of the six (6) Special Exception and Variance criteria and the reasons for a recommendation for approval since the proposed communication tower will be completely surrounded by public toll highways and nursery uses. Staff noted that no comments were received in favor of the application and one (1) comment was received in opposition to the application, in addition to several phone calls.

The applicant briefly discussed the request, the compatibility of the area and agreed with the staff recommendation.

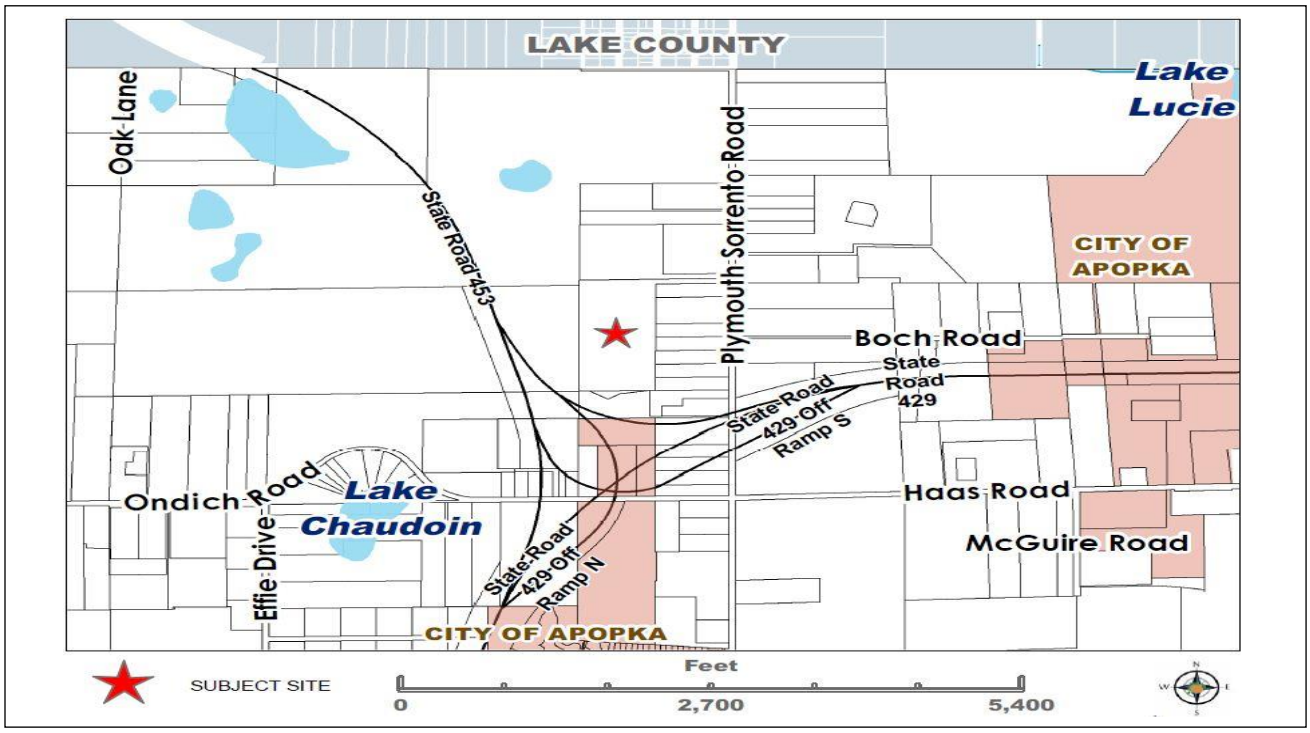
There was no one in attendance to speak in favor of the request and three were in attendance to speak in opposition to the request.

The BZA discussed the distance separation requirements to the closest residences, the nursery operations of the adjacent properties and concerns about the tower's compatibility with the surrounding area. The BZA made a motion to deny the application, which failed by a tied 3-3 vote, with one absent. The BZA recommended approval of the Special Exception and Variance by a 4-2 vote, with one absent, subject to the seven (7) conditions in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	A-2	A-1	I-4	A-1
Future Land Use	R	R	R	IND	R
Current Use	Tree Nursery	Tree Nursery	S.R. 429, retention area	Tree Nursery, Single-Family Residential	S.R. 453

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-1, Citrus Rural district, which primarily allows agricultural uses, nurseries and greenhouses, as well as mobile homes and single-family homes on larger lots. A monopole communications tower is permitted by right or by Special Exception in the A-1 zoning district, depending on whether or not it meets a variety of requirements. The Future Land Use is Rural, which is consistent with the A-1 zoning district.

The subject property is 22 acres in size and is a conforming lot. The property consists of an approximate total of 5,620 square feet of building area utilized for the existing nursery operation with structures that were constructed in 1987 and 1988. There are also a number of existing greenhouses, which based upon aerials, appear to have

been installed between 1987 and 2007. The property is bounded on the south side by the S.R. 429 toll highway, on the west side by a retention area and the S.R. 453 toll highway, on the north by nurseries and on the east by nurseries, single-family residences and Plymouth Sorrento Rd.

The subject request is to erect a 170 ft. high monopole communication tower, designed for multiple carriers and colocation opportunities, within an 80 ft. by 80 ft. leased compound facility at the northwest corner of the property. No buildings, trees or vegetation will be removed for installation.

Orange County Code Section 38-1427 provides performances standards for communication towers, including but not limited to, separation from off-site uses and distance separation between communication towers. Additional conditions related to permitted towers and those requiring a Special Exception are found in Section 38-79, conditions 32 and 143. Condition 32 allows a communication tower by-right in agriculturally and residentially zoned lands not located within a Rural Settlement. Condition 143 allows a monopole up to 170 ft. in height by right if there is co-location and distance separations are met, otherwise a Special Exception is required. Although it is being designed for colocation opportunities, the proposed tower will have no colocation at the time of installation, and therefore the applicant is requesting a Special Exception.

The proposed monopole tower complies with the required performance standards pertaining to setbacks, landscaping for the tower and the distance separation from the nearest tower. It is 1.75 miles (76,230 ft.) from the nearest lattice or guyed communication tower where a minimum of 2,500 ft. is required. However, the tower is proposed to be located 591.7 ft. from the nearest off-property residential use or district, where a minimum of 1,190 ft. requiring Variance #2. Based on staff analysis, there is limited impact to the nearest off-property residential uses since the nearest residences are homes used by the owners or employees of the adjacent nursery properties.

A balloon test was conducted on November 21st and 22nd, as required by the Orange County Code for Special Exception requests, which provided visual evidence that the proposal will have a limited aesthetic impact with respect to height and closeness of the communication tower in proximity to the nearest residential use or district.

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

District Development Standards

	Code Requirement	Proposed
Max Height:	50 ft. building 170 ft. tower (if meets 6 standards)	170 ft. (Special Exception)
Min. Lot Size:	0.5 acres	22 acres

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

	Code Requirement	Proposed
Front: Plymouth Sorrento Rd.	35 ft.	595 ft. (North)
Rear:	50 ft.	71 ft. (West)
Side:	10 ft.	70 ft. (North) 1,314 ft. (South)

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA FOR COMMUNICIATION TOWERS

This request has been assessed based upon the six Special Exception criteria as set forth in Section 30-43(2) as well as the two additional criteria as set forth in Section 1427(n)(7) and as such staff recommends approval of the request.

Consistent with the Comprehensive Plan

The provision of telecommunication towers as conditioned through the Special Exception process is consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

The new communication tower will be located at the rear portion of the property farthest from the adjacent residential uses, over 30 feet from the nearest adjacent property line to the north, over 591 feet from the nearest residential use and over 1.75 miles from the nearest communication tower. It will be similar and compatible with the surrounding uses in the area since the proposed tower location is on a portion of the site that will minimize adjacent visual impacts.

Shall not act as a detrimental intrusion into a surrounding area

The proposed communication tower will be completely surrounded by public toll highways and nursery uses and will not negatively impact the surrounding area since the closest residences are homes located on the adjacent nursery properties and will be located at an adequate distance to minimize visual impacts and as such will not be a detrimental intrusion to the surrounding area.

Meet the performance standards of the district

With the approval of the requested Variance, the proposed communication tower will meet the performance standards of the district.

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

The proposed monopole tower will not generate noise, vibration, dust, odor, glare, or heat that is not similar to the existing nurseries in the surrounding area.

Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code
The proposal will be located within a vacant portion of a developed site and no buffer yards are required. As required by Section 1427(d)(11) plantings will be required to be installed along the perimeter of the fenced tower compound.

Aesthetic Impact. View of a tower that is not camouflaged. Aesthetic impact shall take into consideration, but not be limited to, the amount of the tower that can be viewed from surrounding residential zones in conjunction with its proximity (distance) to the residential zone, mitigation landscaping, existing character of surrounding area, or other visual options proposed.
The tower is proposed to be located over 591 feet from the nearest residential use or district and over 1.75 miles from the nearest communication tower. Furthermore, as affirmed by the visuals provided by the conducted balloon tests, the tower location relative to the proximity of the closest residences, will have a limited aesthetic impact.

Compatibility. The degree to which the proposed tower is designed and located is compatible with the nature and character of other land uses and/or with the environment within which the tower proposes to locate.
The proposed tower will be placed and designed to assist with mitigating the overall aesthetic impact of a tower and will be surrounded by nurseries and public rights-of-way.

VARIANCE CRITERIA

Special Conditions and Circumstances
The special condition and circumstances are lack of other opportunities to locate a tower on the proposed property without the need for a Variance. Further, the closest residences are homes located on adjacent nursery properties, at a distance minimizing any potential visual impacts.

Not Self-Created
The request is not self-created since the applicant is not responsible for the location, size and configuration of property adjacent to residences used in conjunction with existing nursery uses.

No Special Privilege Conferred
Granting the Variance as requested will not confer special privilege since the nearest residence is utilized by a similar nursery operation.

Deprivation of Rights
Without the requested Variance, the owner would be deprived of the ability to erect a communication tower on the site in an appropriate location to minimize adjacent visual impacts.

Minimum Possible Variance
The requested Variance is the minimum possible to allow the installation of a maximum 170 ft. high tower while meeting all other performance standards for the district.

Purpose and Intent
Approval of the requested variances will be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The proposed will not be detrimental to the area, as affirmed by the visuals provided by the balloon test.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and tower specifications received October 18, 2022, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit for the communication tower shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. All new communication towers shall be designed and constructed to accommodate at least one (1) other service provider.
6. The applicant for a new communication tower shall provide a notarized letter acknowledging that the communication tower is designed and will be constructed to accommodate at least one (1) other service provider.
7. All service providers shall cooperate in good faith with other service providers to accomplish co-location of additional antennas on communication towers which are existing, permitted, or otherwise authorized by Orange County, where feasible.

C: Bob Chopra
3300 S. Orange Blossom Trl., Suite 106
Orlando, FL 32839

October 11, 2022

Blue Sky Towers, III LLC
Park Place West
325 Park Street, Suite 106
North Reading, MA 01864

RE: Proposed 170' Monopole, 6448 Plymouth Sorrento Road, Apopka, FL 32712 (Orange Co.)
Blue Sky Towers, III LLC Plymouth Sorrento Site (FL-00325)
Original Monopole Design by TAPP, Job No. 23522-296, dated August 18, 2022

Dear Mr. Laurette,

For the Blue Sky Towers, III LLC Plymouth Sorrento Cell Site, a 170' tapered monopole constructed of galvanized steel with a 4' lightning rod is proposed. The monopole is to be located within an 80' x 80' lease parcel area and is designed to support a total of four (4) cellular carriers. The proposed carrier elevations are 165', 155', 145' and 135'. (See attached tower profile) The proposed monopole is designed to support this loading with a 133 MPH ultimate wind speed (no ice) in accordance with the TIA-222-H, "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures" and the 2020 Florida Building Code 7th Edition. The proposed monopole is designed by a Florida State Professional Engineer meeting the previously described criteria.

I hope this letter addresses any questions or concerns regarding the design / construction of the proposed 170' monopole. Please feel free to contact me with any questions.

Sincerely,

Michael T. De Boer, PE
Vice President of Engineering

3300 South OBT, Suite 106, Orlando, FL 32839

September 2, 2022

Orange County Zoning Division
Board of Zoning Adjustment
201 S. Rosalind Ave. 1st Floor
Orlando, FL 32801

RE: 6448 Plymouth Sorrento Rd / Parcel ID# 01-20-27-0000-00-006 – Special Exception & Variance Application for proposed 170' monopole communications tower site

To Whom it May Concern:

My company is working as agents for Blue Sky Towers III, LLC in submittal of this BZA Application for the Special Exception & Variance requests on a proposed 170' communications facility site to be located at the above referenced address / parcel in Orange County, FL. As per BZA application requirements, please see the special exception and variance justification statements below:

Special Exception project narrative:

Blue Sky Towers III, LLC is proposing the installation of a 170' communications facility / tower site to provide much needed and improved coverage / E911 service in the northwestern part of Orange County / Apopka, FL for T-Mobile as the anchor tenant. The proposed tower height is requested as the maximum allowed permissible use in this A-1 zoning district with a special exception. The tower site is an 80'x 80' lease parcel located in the northwest corner of a 22.07 acre parent parcel. The lease parcel is set back 70' from the north, 1314' from the south, 595' from the east, and 71' from the west property lines. This meets the setbacks from property lines within this zoning designation. There is an active container nursery business that also operates on the parent parcel. Also, please note this part of the county is quite rural in nature and the impact on any residential properties will be minimal at best. Once constructed, the tower site will generate minimal traffic as the field operations staff for T-Mobile will visit the site approximately once every 4-6 weeks for maintenance. The site plans and survey submitted further detail the proposed installation of this tower and its proposed design.

Special Exception Criteria

1) ***The use shall be consistent with the Comprehensive Policy Plan.***
   This application meets the requirements of Orange County LCD Sec 38-1427, Communication Towers and will 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.***
   The proposed communication tower site is compatible with the surrounding agricultural / rural areas and will be similarly situated as other tower sites located on these type of land uses.

3) ***The use shall not act as a detrimental intrusion into a surrounding area.***
The communication tower is a permitted use in the A-1 zoning district and will not be a detrimental intrusion into surrounding land uses.
4) ***The use shall meet the performance standards of the district in which the use is permitted.***
The submitted application meets the requirements of Orange County LDC Sec 38-1427, Communication Towers and as a permitted use within the A-1 zoning district.
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.***
The proposed facility will not produce noise, vibration, dust, odor, glare, or heat.
6) ***Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.***
The tower site landscape buffer will be designed in accordance with Orange County Sec 38-1427 Communication Towers, with the required landscape buffer around the fenced area of the tower site.

Variance Justification Statement

Per Orange County LCD Sec 38-1427(d) (2), Communication Towers, Separation from off-site uses/designated area is as follows: For a monopole taller than 140', the proposed tower must be 980' or 700% (whichever is greater) from a single family residential unit, vacant single family zoned lands, or multi-family residential units. The proposed tower at 170' x 700% equals an 1190' separation from the above referenced property types. There are four (4) single family residences located to the east of the proposed tower site within this 1190' radius from which a *variance* is requested. The single family residences are located 592', 971', 589', and 1142' respectively, from the proposed tower site. The property to the west of the tower parcel is vacant land that belongs to the Central Florida Expressway Authority.

As for Sec 38-1427(d) (3) Separation distances between communications towers: A monopole between the heights of 80' to 170' must be a minimum of 2500' from the nearest lattice, guyed, or monopole (greater than 170' in height) tower types. There are no existing towers within this required distance per code, hence *no variance* is required for tower to tower separation.

Variance Criteria

Special Conditions and Circumstances

The proposed tower site is intended to serve the local residents and travelling public in and around the northwest Orange County / Apopka service areas. The proposed 170' monopole tower is the max permissible tower height allowed in this zone with a special exception. Although additional tower height would be beneficial for maximum coverage in this area, the requested tower height has been requested to provide the greatest public benefit without the proliferation of towers in this area.

Not Self-Created

The proposed 170' monopole tower is the max permissible tower height allowed in this zone with a special exception. The lease parcel has been placed in the northwest corner of the property with access that does not interfere with ongoing plant nursery business operations on the property. The lease parcel also abuts the vacant Central Florida Expressway owned parcel located to the west.

Approval of this request will not provide any special privilege since the private property adjacent to the tower lease parcel is similarly situated

Deprivation of Rights
Denying this request would deprive T-Mobile the ability to provide improved wireless and E911 coverage to the citizens of the northwest Orange County / Apopka areas as well as the travelling public that are in the vicinity.

Minimum Possible Variance
The request for the variance from tower separation to off-site uses/designated area is the *minimum* amount necessary to meet the permitted 170' monopole tower height in this zone.

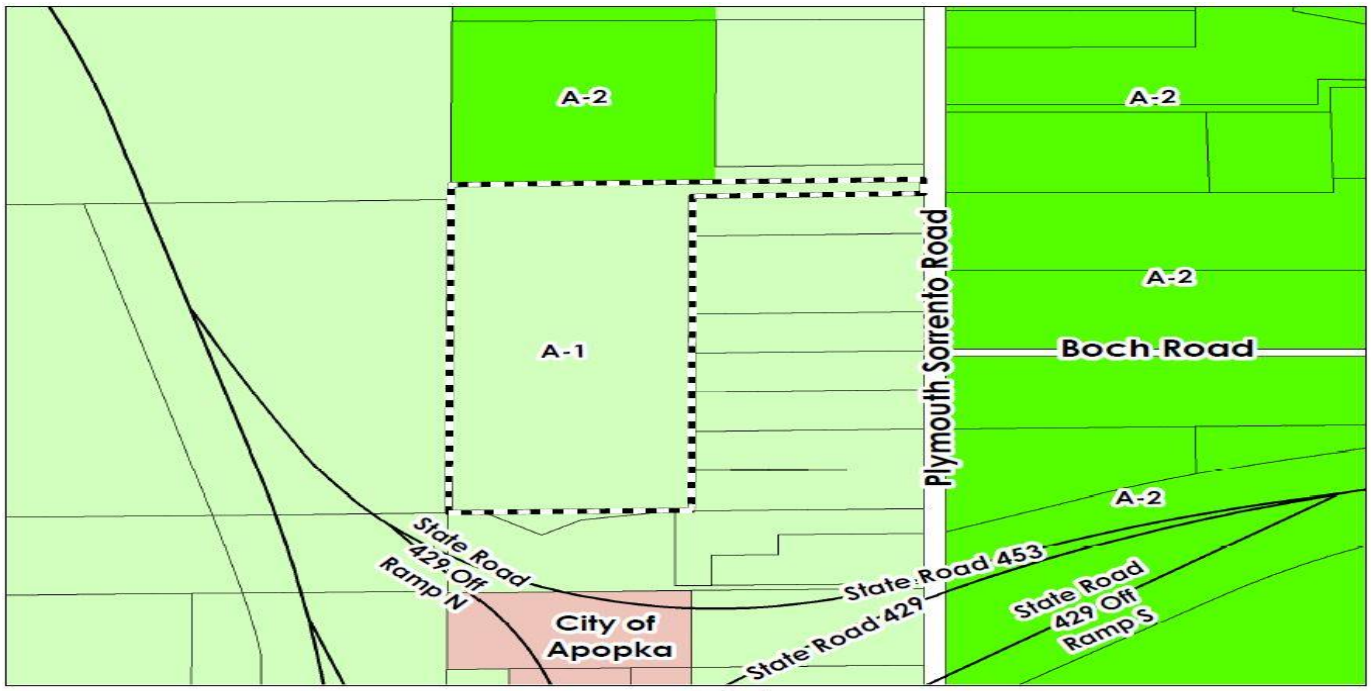
Purpose and Intent
Approval of the requested variance would be in accord with the purpose and intent of the Zoning Regulations and will not be a harmful incursion on the surrounding area. The proposed tower will be a benefit to the local residents and travelling public in this area of Orange County.

Should you have any questions or need additional information, please feel free to contact me at 267-973-4228 or email at **bchopra@sam-inc.com**

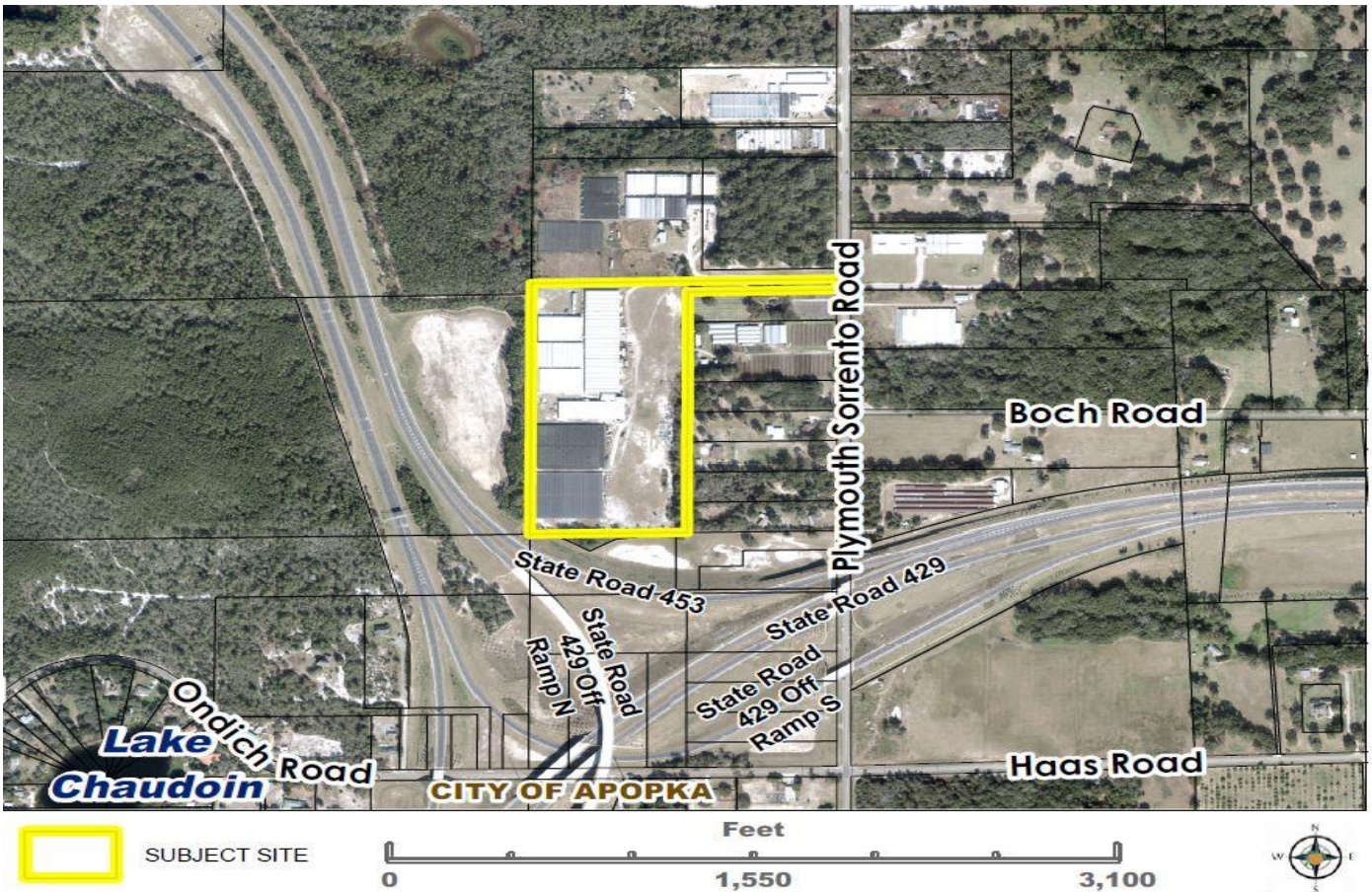
Respectfully Submitted,

Bob Chopra, President
SAM, Inc

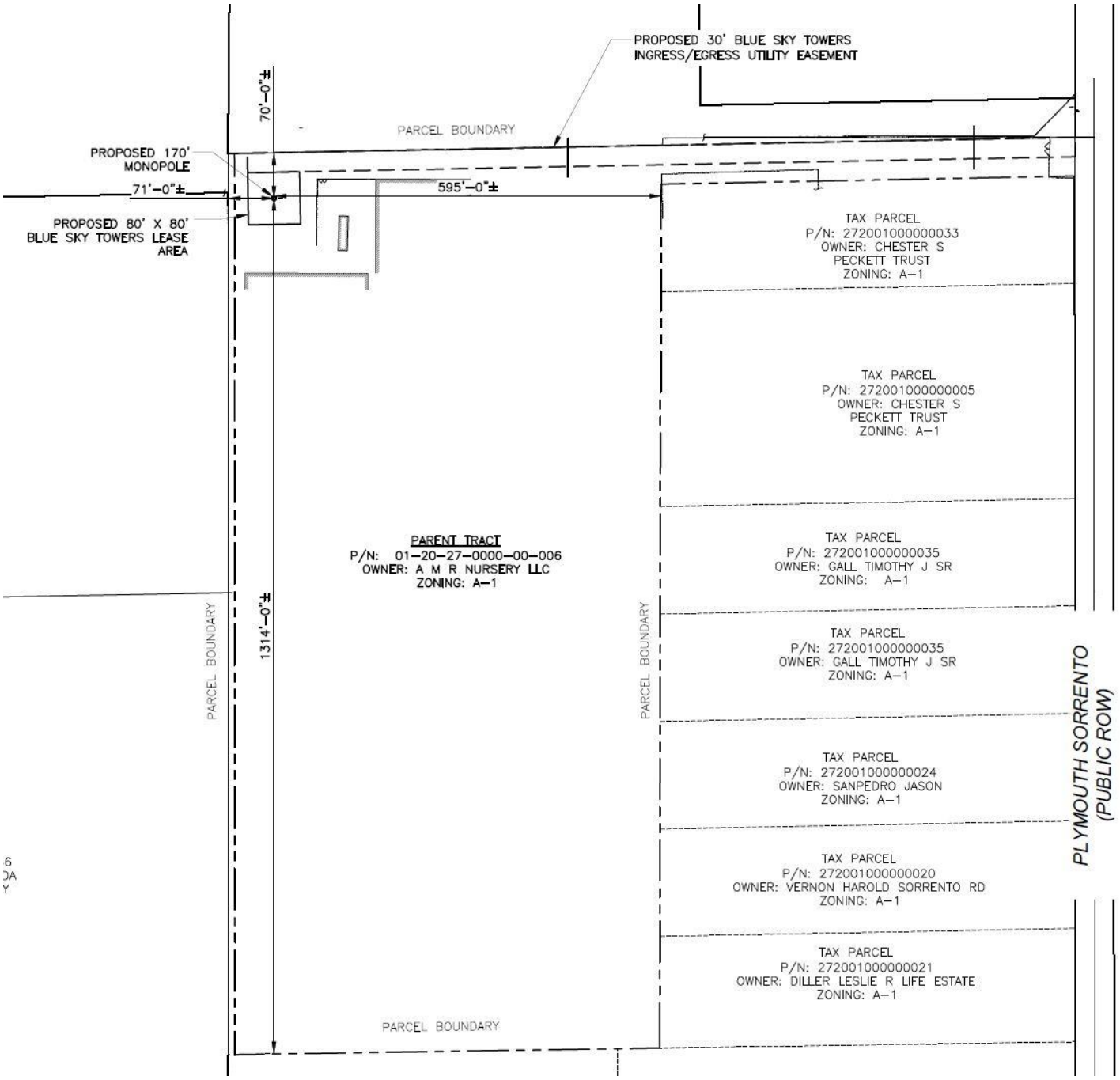
ZONING MAP



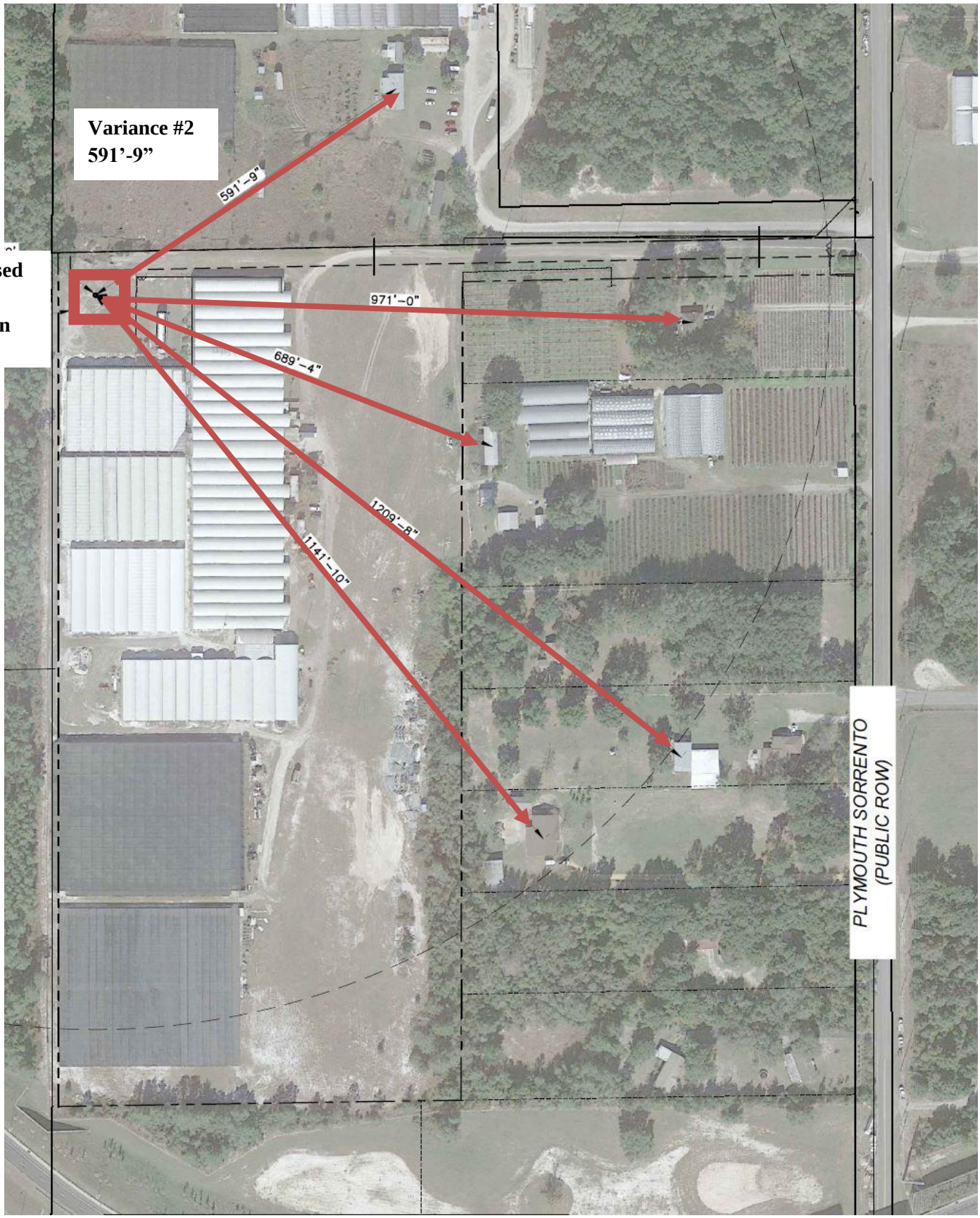
AERIAL MAP



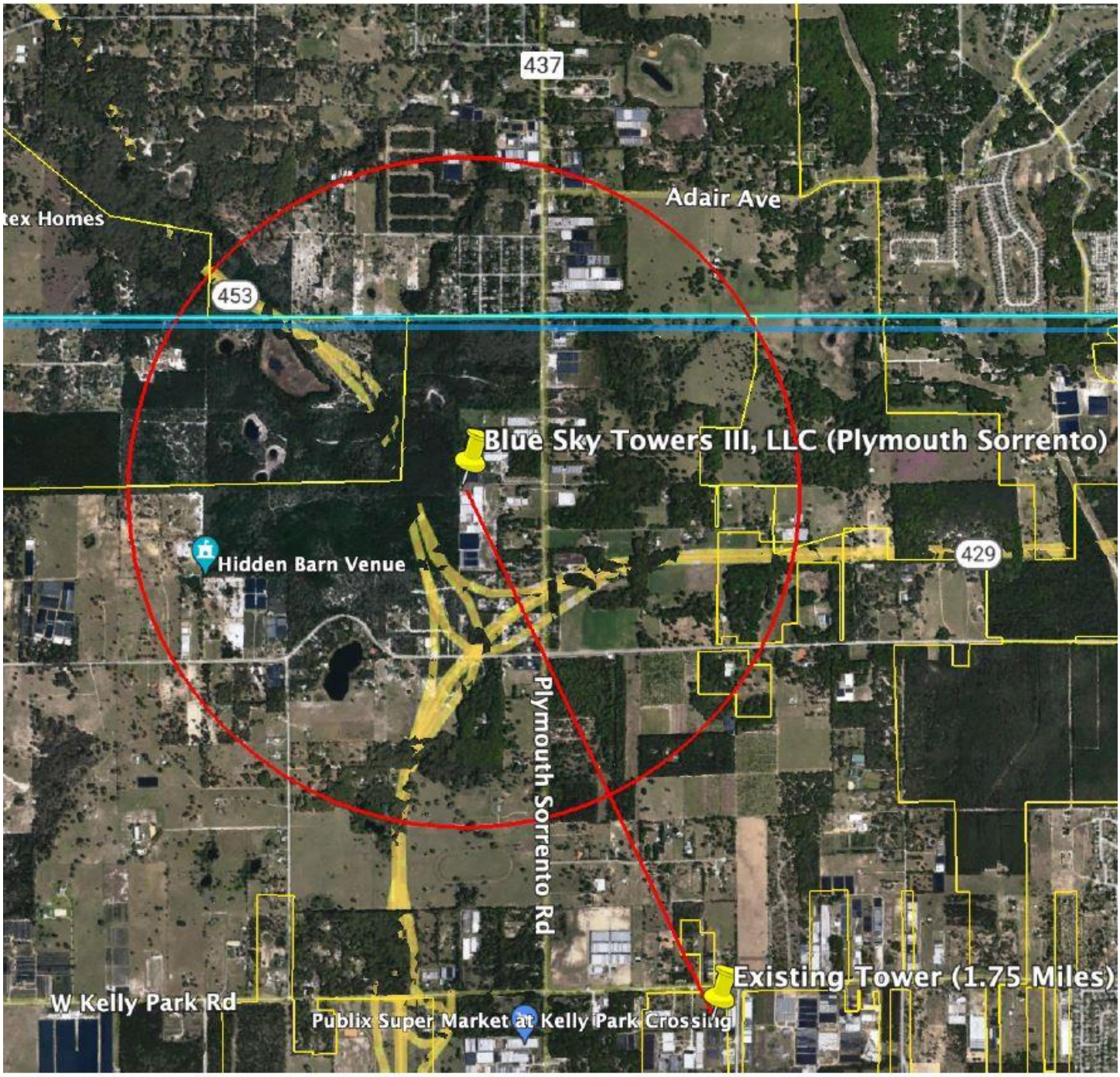
PARENT TRACT



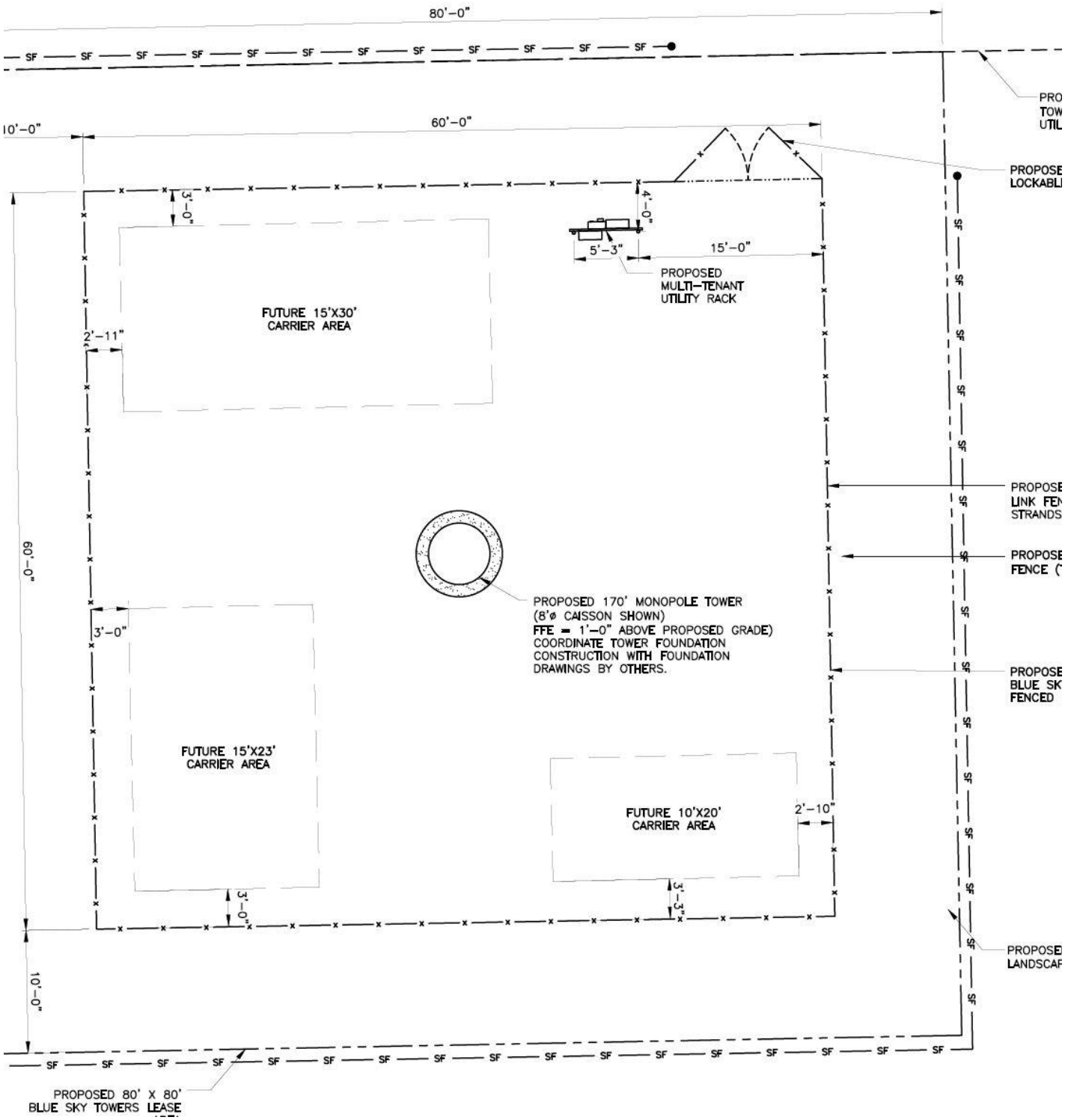
OVERALL RESIDENTIAL DISTANCE SEPARATION

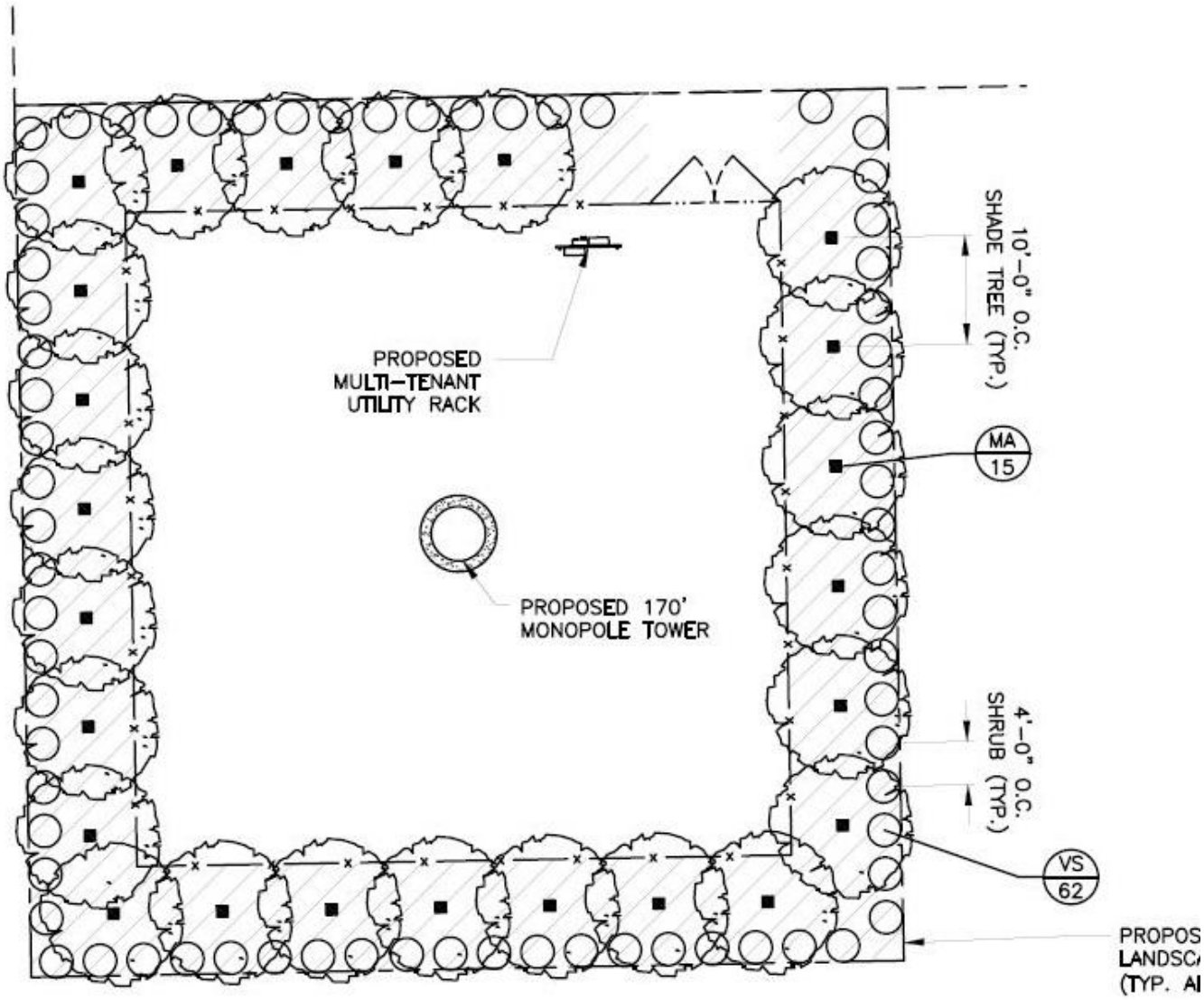


DISTANCE SEPARATION TO NEAREST TOWER



TOWER LOCATION LAYOUT

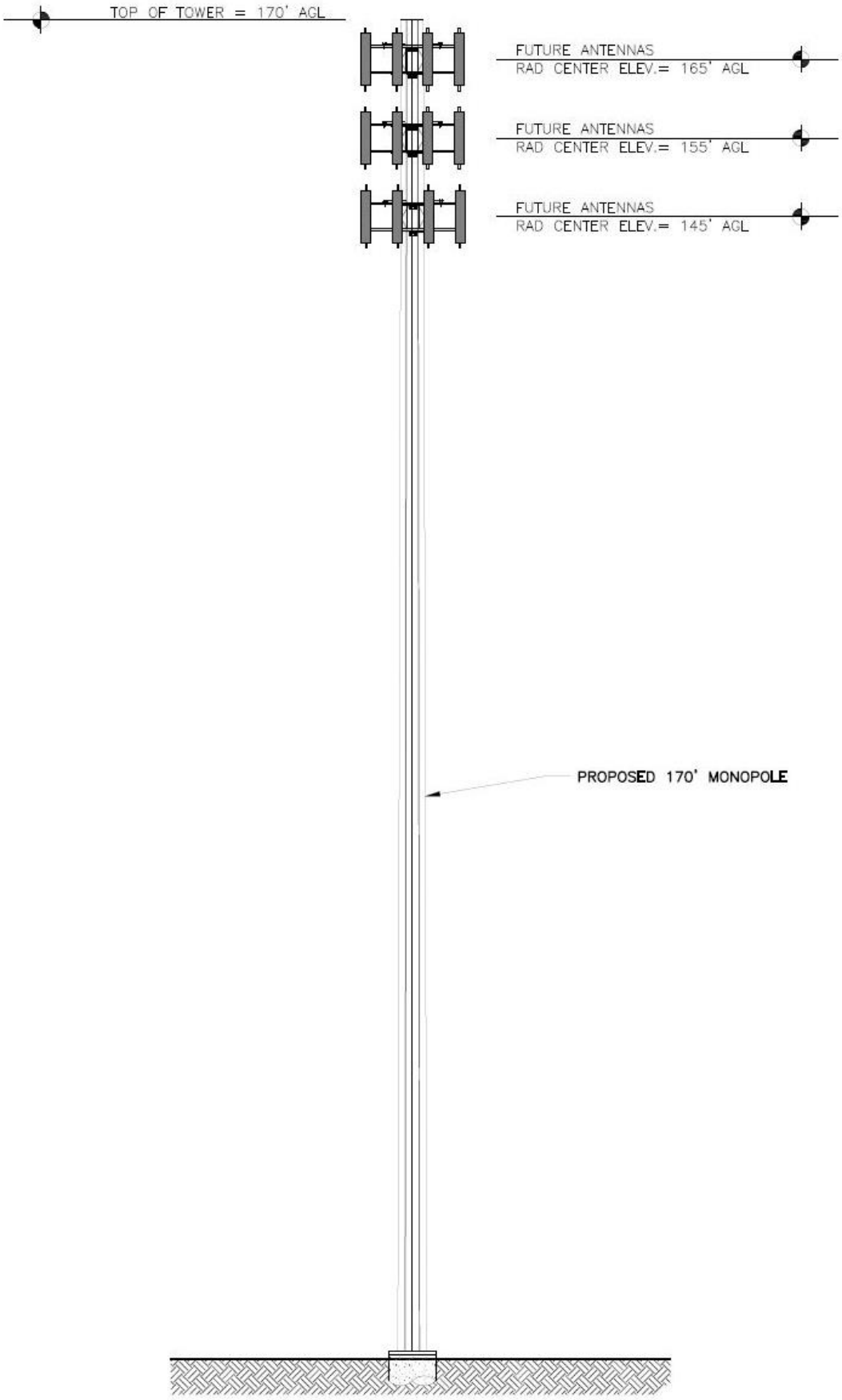




LANDSCAPE MATERIALS LIST

QTY	KEY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS
15	MG	MAGNOLIA GRANDIFLORA	SOUTHERN MAGNOLIA	8' HT. 4" CAL @ 10' O.C.
62	VS	VIBURNUM SUSPENSUM	SANDANKWA VIBURNUM	MIN 7 GAL. 3' HT. @ 48" O.C.
	SOD	PASPALUM NOTATUM	ARGENTINE BAHIA SOD	SQ.FT.
	MULCH	PINE BARK MULCH	PINE BARK MULCH	CU.YD..

TOWER ELEVATION



SITE PHOTOS

Front of property facing west from Plymouth Sorrento Rd.

Facing southeast at northwest property line towards proposed tower location, greenhouses in background

SITE PHOTOS

Facing northeast towards closest residence – 591 ft. from proposed tower at northwest property line

Facing south at east property line, S.R. 429 / S. R. 453 on-ramp in distance, adjacent nursery to left

Facing north towards proposed tower location in distance from southwest property line, with greenhouses

Facing west from southwest property line to S. R. 453 on-ramp

Facing northwest towards proposed tower in distance from southeast property line adjacent to S.R. 429

Facing southeast from Kelly Park Rd. to closest tower – 1.75 miles south

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