



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

February 5, 2026

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)
ORANGE COUNTY GOVERNMENT

<u>Board Member</u>	<u>District</u>
Thomas Moses(Vice Chair)	1
John Drago (Chair)	2
Juan Velez	3
Glenn Rubinstein	4
Johnny Stanley	5
Sonya Shakespeare	6
Roberta Walton Johnson	At Large

BZA Staff

Laekin O'Hara	Chief Planner
Taylor Jones, AICP	Chief Planner
Catherine Glase	Planner II
Jacqueline Boling	Planner I
Daniella McCloud	Planner I

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
FEBRUARY 5, 2026**

Case #	Applicant	Commission District	Staff Recommendation	BZA	Page #
VA-26-02-087	Yougraj Beharry	6	Denial	Denial	1
VA-26-02-091	Kevin Ball	1	Approval w/Conditions	Approval w/Conditions	18
VA-26-02-092	Gustavo Reyes	1	Denial	Approval w/Conditions	34
VA-26-02-093	Rebecca Gallof	1	Request #1, Approved w/Conditions Request #2, Denial	Approval w/Conditions	46
VA-26-03-095	Christopher Schuette	3	Approval w/Conditions	Approval w/Conditions	59
SE-26-03-097	Paulo Landim Jr. for Greenfort University	5	Approval w/Conditions	Approval w/Conditions	73
SE-26-02-096	William Kilmer for Spring of Life United Methodist Church Inc.	4	Approval w/Conditions	Approval w/Conditions	84
VA-26-02-003	Jeremy Anderson	5	Approval w/Conditions	Approval w/Conditions	103

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 March 10, 2026.

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 Site and Principal Building Requirements

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
A-1	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50 ^A	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 ^A	L	
A-2	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50 ^A	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 ^A	L	
A-R	108,900 (2½ acres)	950	270	35	50	25	15	35	50 ^A	L	
R-CE	43,560 (1 acre)	1,500	130	35	50	10	15	35	50 ^A	L	
R-CE-2	2 acres	1,200	185	45	50	30	15	35	50 ^A	L	
R-CE-5	5 acres	1,200	250	50	50	45	15	35	50 ^A	L	
R-1AAAA	21,780(½ acre)	1,500	110	30	35	10	15	35	50 ^A	L	
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	15	35	50 ^A	L	
R-1AA	10,000	1,200	85	25/30 ^H	30/35 ^H	7.5	15	35	50 ^A	L	
R-1A	7,500	1,200	75	20/25 ^H	25/30 ^H	7.5	15	35	50 ^A	L	
R-1	5,000	1,000	50	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	
R-2	One-family dwelling, 4,500	1,000	45 ^C	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	38-456
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit ^D	80/90 ^D	20/25 ^H	25	5/6 ^H	15	35	50 ^A	L	38-456
	Three dwelling units, 11,250	500 per dwelling unit	85 ^J	20/25 ^H	30	10	15	35 ^E	50 ^A	L	38-456
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35 ^E	50 ^A	L	38-456; limited to 4 units per building
R-3	One-family dwelling, 4,500	1,000	45 ^C	20/25 ^H	20/25 ^H	5	15	35	50 ^A	L	38-481
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit ^D	80/90 ^D	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	38-481
	Three dwelling units, 11,250	500 per dwelling unit	85 ^J	20/25 ^H	30	10	15	35 ^E	50 ^A	L	38-481
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35 ^E	50 ^A	L	38-481
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10 ^S	15	35 ^Q	50 ^A	L	38-605
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	15	35	50 ^A	L	38-578
R-T-1 SFR	4,500 ^C	1,000	45	20	20	5	15	35	50 ^A	L	
Mobile Home	4,500 ^C	Min. mobile home size 8 ft. x 35 ft.	45	20	20	5	15	35	50 ^A	L	

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
R-T-2 (zoned prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	50	6	15	35	50 ^A	L	
(zoned after 1/29/73)	21,780	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	15	35	50 ^A	L	
NR	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Three dwelling, 11,250	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50/4 stories	50 ^A	L	38-1748
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1748
NAC	Nonresidential and mixed use development, 6,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	15	50 feet	50 ^A	L	38-1741
	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1741
	Two dwelling units, 11,250	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1741
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 ^A	L	38-1741
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50 feet/4 stories, 65 feet with ground floor retail	50 ^A	L	38-1741
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1741
NC	Nonresidential and mixed use development, 8,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	15	65 feet	50 ^A	L	38-1734
	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1734
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1734
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 ^A	L	38-1734

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	65 Feet, 80 feet with ground floor retail	50 ^A	L	38-1734
	Townhouse 1,800	N/A	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1734
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 feet for each add. story	15	35	50 ^A	L	38-806
C-1	6,000	500		25	20	0; or 15 ft. when abutting residential district	15	50; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-830
C-2	8,000	500		25	15; or 25 when abutting residential district	5; or 25 when abutting residential district	15	50; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-855
C-3	12,000	500		25	15; or 30 when abutting residential district	5; or 25 when abutting residential district	15	75; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-880
I-1A	N/A	N/A	N/A	35	25 ^N	25 ^N	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-907
I-1/I-5	N/A	N/A	N/A	35	25, or 50 ft. when abutting residential district ^N	25, or 50 ft. when abutting residential district ^{N/O}	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-932
I-2/1-3	N/A	N/A	N/A	25	10, or 60 ft. when abutting residential district ^P	15, or 60 ft. when abutting residential district ^P	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-981
I-4	N/A	N/A	N/A	35	10, or 75 ft. when abutting residential district ^N	25, or 75 ft. when abutting residential district ^N	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-1008

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
U-R-3	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35	50 ^A	L	

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.

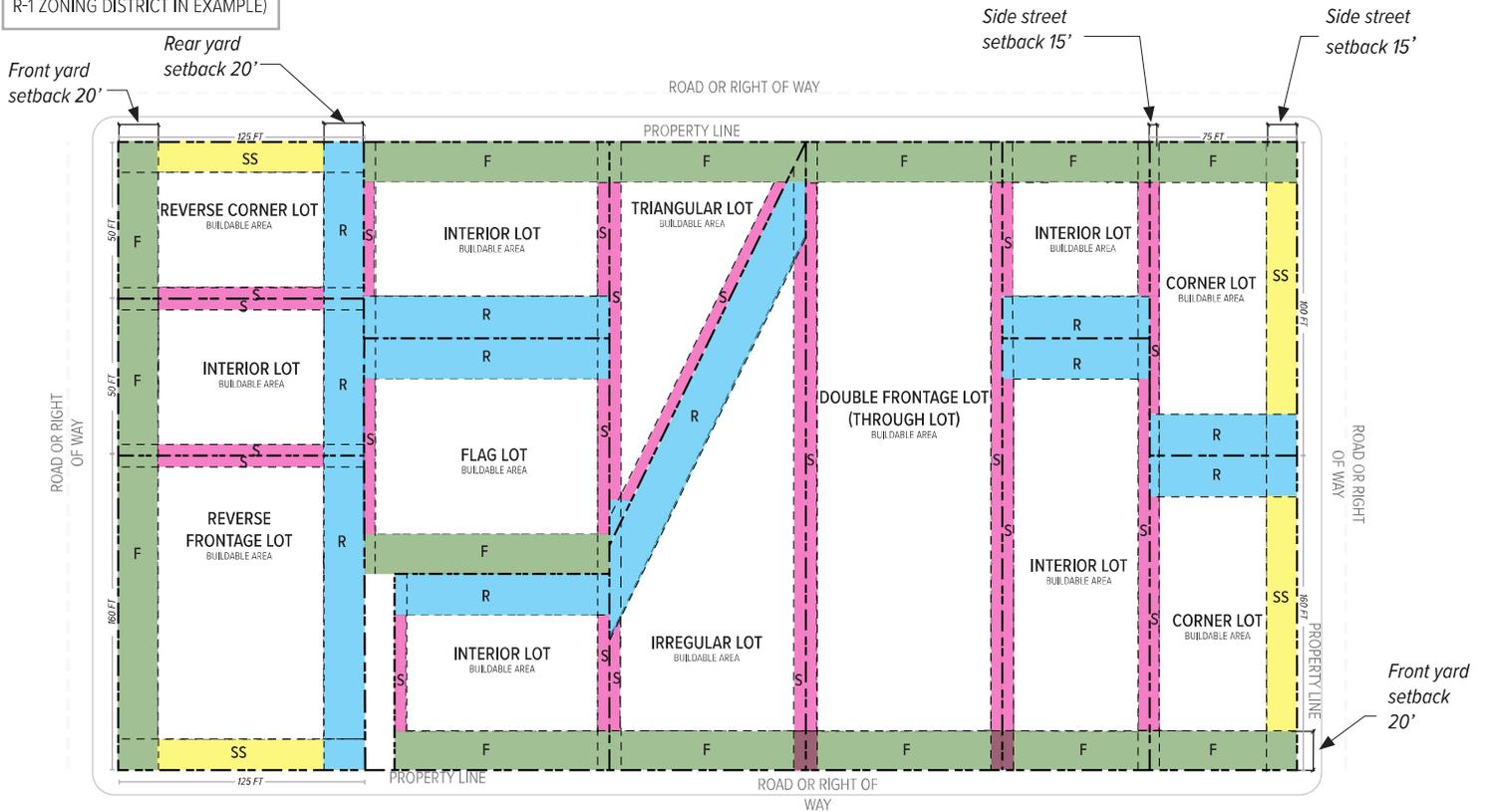
FOOTNOTES

A	<p>Setbacks shall be measured 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 Chapter 15, Article VII, Lakeshore Protection, and Chapter 15, Article X, Wetland Protection, 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 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.</p> <p>A lot which is part of a subdivision, the plat of which has been lawfully recorded, or a parcel of land, the deed of which was lawfully recorded on or before August 31, 1982, either of which has a depth of less than one hundred fifty (150) feet above the normal high water elevation contour, shall be exempt from the fifty-foot setback requirement set forth in section 38-1501. Instead, the setbacks under the respective zoning district requirements shall apply as measured from the normal high water elevation contour.</p>
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. feet 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, the minimum duplex lot size is 8,000 square feet, and the minimum living area is 500 square feet. For detached units, the minimum duplex lot width is 90 feet, the minimum duplex lot size is 9,000 square feet, and minimum living area is 1,000 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. Existing developed duplex lots that are either platted or lots of record existing prior to 3/3/97 and are at least 75 feet in width and have a lot size of 7,500 square feet or greater, shall be deemed to be vested and shall be considered as conforming lots for width and/or size.
E	Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single-family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings), requires a special exception.
F	Reserved.
G	Reserved.
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%.
L	Subject to the Future Land Use designation.
M	Developable land area.
N	Rear yards and side yards may be reduced to zero (0) when the rear or side property lines about the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities.
O	One of the side yards may be reduced to zero (0) feet, provided the other side yard on the lot shall be increased to a minimum building setback of fifty (50) feet. This provision cannot be used if the side yard that is reduced is contiguous to a residential district.
P	Rear yards and side yards may be reduced to zero when the rear or side property lines about the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities; however, no trackage shall be located nearer than three hundred (300) feet from any residential district. The maximum height of any structure shall be two (2) stories or thirty-five (35) feet; provided, that no structure (exclusive of single-family and two-family dwellings) shall exceed one (1) story in height within one hundred (100) feet of the side or rear lot line of any existing single-family residential district.
Q	The maximum height of any structure shall be two stories or thirty-five (35) feet; provided, that no structure (exclusive of single-family and two-family dwellings) shall exceed one story in height within one hundred (100) feet of the side or rear lot line of any existing single-family residential district.
R	A ten-foot front setback may also be permitted for the dwelling unit when a front entry garage is set back at least twenty (20) feet from the front property line.
S	Minimum side building separation is ten (10) feet. The side setback may be any combination to achieve this separation. However, if the side setback is less than five (5) feet, the standards in section 38-605(b) of this district shall apply.

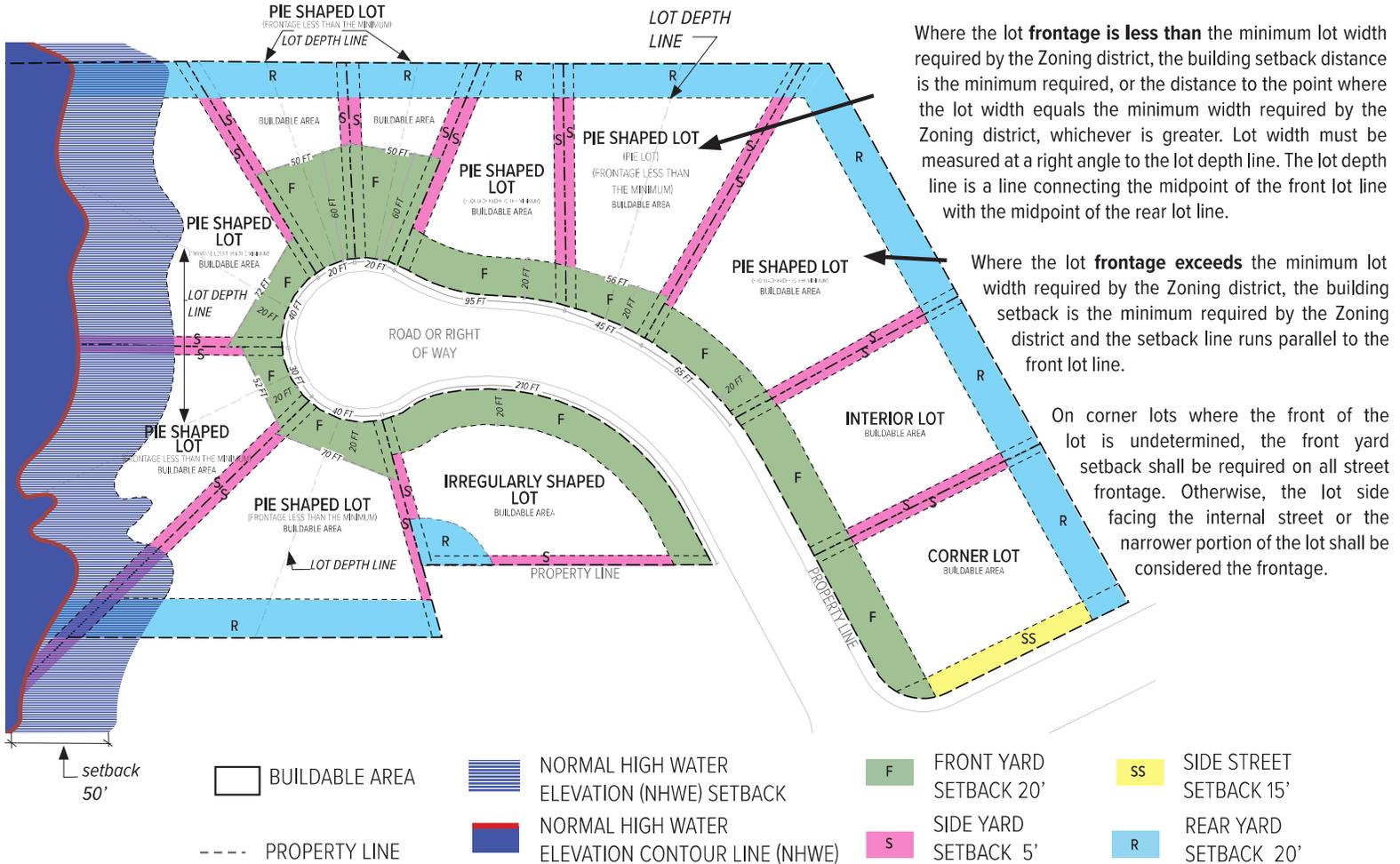
These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

Figure 1. Residential Yard Setback

YARD DETERMINATION (BASED ON R-1 ZONING DISTRICT IN EXAMPLE)



- BUILDABLE AREA
- PROPERTY LINE
- SIDE STREET SETBACK 15'
- FRONT YARD SETBACK 20'
- SIDE YARD SETBACK 5'
- REAR YARD SETBACK 20'



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: **FEB 05, 2026**

Commission District: **#6**

Case #: **VA-26-02-087**

Case Planner: **Catherine Glase (407) 836-9615**
Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): YUGRAJ BEHARRY

OWNER(s): YUGRAJ BEHARRY

REQUEST: Variances in the A-1 zoning district for a new residence as follows:

- 1) To allow a north side setback of 5 ft. in lieu of 10 ft.
- 2) To allow a south side setback of 5.08 ft. in lieu of 10 ft.
- 3) To allow a front setback of 20 ft. in lieu of 35 ft.
- 4) To allow a maximum building height of 43.3 ft. in lieu of 35 ft.

PROPERTY LOCATION: 719 Pahoia St., Orlando, FL 32818, east side of Pahoia St., west side of Lake Sherwood, north of W. Colonial Dr., east of Good Homes Rd., south of Balboa Dr., west of N. Apopka Vineland Rd.

PARCEL ID: 22-22-28-8932-04-040

LOT SIZE: 12,943 sq. ft.

NOTICE AREA: 1,000 ft.

NUMBER OF NOTICES: 127

DECISION: Recommended **DENIAL** of the Variance requests in that there was no unnecessary hardship shown on the land; and further, they do not meet the requirements governing Variances as spelled out in Orange County Code, Section 30-43(3) (Motion by Sonya Shakespeare, Second by Glenn Rubinstein; unanimous; 6 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed; and 1 absent: Juan Velez).

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 criteria and the reasons for a recommendation for denial of all the Variance requests. Staff noted that no comments were received in favor and five comments were received in opposition to the request.

The applicant was present and stated the request is due to the flood zone at the rear of the lot and noted that he wishes to place the structure closer to the roadway. The BZA discussed with the applicant if he considered reducing the size of the structure. The applicant stated the structure would start a trend for larger homes due to it being a lakefront lot.

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

One individual spoke in opposition to the request, noting that they own the adjacent property directly to the north, and went on to discuss concerns with the grade of the property and stated the previous owner cleared the lot and brought in a significant amount of fill dirt to raise the grade of the lot. They also stated the proposed structure would be inconsistent with the neighborhood and would adversely impact their property.

The BZA discussed the requests and agreed with staff's recommendation. The BZA stated the proposed structure is incompatible with the area and could be redesigned to lessen the impact on surrounding properties.

The BZA recommended denial of the Variance requests by a 6-0 vote, with 1 absent.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	RSTD R-2	A-1	A-1	PD
Future Land Use	MDR	MDR	MDR	Water Body	PD
Current Use	Vacant	Single-family residential	Vacant	Lake Sherwood	Retail Plaza

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-1, Citrus Rural zoning district, which allows agricultural uses, as well as mobile homes and single-family homes on larger lots. The Future Land Use (FLU) is Medium Density Residential (MDR), which is inconsistent with the A-1 zoning district. Per Comprehensive Plan Policy FLU8.2.5.1, single-family residential is allowed on a property with inconsistent zoning and FLU if both

designations are residential, the use is single-family detached residential, and the property is a lot of record or a lot created prior to July 1, 1991, through a plat or lot split as recognized by Orange County. The subject property was determined to be a substandard lot of record; therefore, a rezoning is not required.

The area around the subject site consists of single-family homes, vacant land, and commercial retail uses. There are 12 properties located along Pahoia St., most of which are vacant. The developed lots contain 1 or 2-story homes ranging from 1,300 to 3,000 gross sq. ft. in size built in the 1970s and 1980s. The subject property is 12,943 sq. ft. in size and was platted in 1923 as lot 4 with a portion of platted beach in Block D of the Waikiki Beach Plat. The A-1 zoning district requires a minimum lot area of 0.5 acres (21,780 sq. ft.) and a minimum lot width of 100 ft. The subject property is 0.3 acres (12,943 sq. ft.) and 50 ft. wide but is considered a substandard lot of record in accordance with Section 38-1401 of Orange County Code. Therefore, no Variances are required for the size or width of the property.

The property was purchased by the current owner in December of 2024 and is currently vacant. The proposal is to construct a 3-story, 8-bedroom, 8-bathroom, single-family home with 9,082 sq. ft. of living area, a 4-car garage, and a 15 ft. by 40 ft. balcony on each level of the rear of the home. The required setbacks of the subject site are as follows: 35 ft. front setback, 50 ft. rear setback, 50 ft. Normal High Water Elevation (NHWE) setback, and 10 ft. side setbacks. While the property is located adjacent to Lake Sherwood, the NHWE contour line of the lake is beyond the limits of the property and is unaffected by the proposed development. As proposed, the home will encroach into the required front and side setbacks.

The residence is proposed to be located 5 ft. from the north side property line prompting Variance request #1, 5.08 ft. from the south side property line prompting Variance request #2, and 20 ft. from the front property line, prompting Variance request #3. The applicant’s cover letter notes a 1 ft. side setback request, as the original request was modified from 1 ft. to the current 5.08 ft. south side request. The maximum building height is 35 ft. for the A-1 zoning district. As proposed, the home will be 3-stories and 43.3 ft. in height, prompting Variance #4. The first floor of the home is proposed to have a 10 ft. floor to ceiling height while the second and third floor will have a 12 ft. floor to ceiling height. The floor to ceiling height in a single-family home typically ranges from 8-10 feet.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	43.3 ft. (Variance #4)
Min. Lot Width:	100 ft.	50 ft.*
Min. Lot Size:	21,780 sq. ft	12,943 sq. ft.*
Min. Living Area:	850 sq. ft.	9,082 sq. ft.

**The subject property is a substandard lot of record in accordance with Section 38-1401 of Orange County Code*

Building Setbacks

	Code Requirement	Proposed
Front:	35 ft.	20 ft. (West - Variance #3)
Side:	10 ft.	5 ft. (North) (Variance #1) 5.08 ft. (South) (Variance #2)
Rear:	50 ft.	+/- 104 ft. (East)
NHWE:	50 ft.	NA (East)

The request was routed to all relevant reviewing Divisions. There were no objections noted. As of the date of this report, no comments have been received in favor and two comments have been received in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. The requests do not meet any of the criteria. Based on staff analysis, as proposed, the size and location of the residence would be intrusive to the surrounding properties and alternative options exist to redesign the structure to lessen or eliminate the Variance requests. Therefore, staff is recommending denial of the requests.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variations #1 and #2 NOT MET – There are no special conditions or circumstances as the property is vacant, the request is new construction and can be redesigned to be developed in compliance with all zoning standards.

Variance #3 NOT MET – While the lot is substandard in regard to the lot width and lot area, the property's buildable area is 128 ft. in depth providing space to shift the structure outside of the front setback or the structure could be redesigned to comply with the setback requirement.

Variance #4 NOT MET – There are no special conditions and circumstances necessitating an increased height for the proposed structure as the request is new construction and can be redesigned to comply with the maximum height of the zoning district. Additionally, the proposed story height of each floor is beyond the standard height for typical residential construction.

Not Self-Created

All Variations NOT MET – The Variance requests are self-created as the property is currently vacant and could be developed with a single-family home in a code compliant manner.

No Special Privilege Conferred

All Variations NOT MET - Granting the Variations as requested will confer special privilege, as other new construction single-family residences would be required to meet the development standards of their respective zoning district. The proposed structure is not compatible with the existing development in the area as all existing structures along Pahoia St. are in compliance with the development standards of the zoning district.

Deprivation of Rights

All Variances NOT MET – Denial of the Variances would not deprive the rights of the owner to develop the property, as the property can be developed with a single-family home in a code compliant manner.

Minimum Possible Variance

All Variances NOT MET – The Variance requests are not the minimum possible as the residence could be redesigned to lessen and/or eliminate the requests. The property contains adequate space to construct a residence within all required setbacks and in accordance with the maximum height of the zoning district.

Purpose and Intent

All Variances NOT MET – Approval of the requested Variances would not 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. Granting these Variances would be intrusive to the neighboring properties and inconsistent and incompatible with the surrounding area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped January 12, 2026, 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: Yougraj Beharry
2490 River Ridge Dr.
Orlando, FL 32825

Justification for Variances

The application requests four specific variances for the property at 719 Pahoia St, Orlando, FL 32818: a 5-foot left side setback, a 1-foot right side setback, a 20-foot front setback, and a 43'4"-foot overall height. Each request is justified by the unique physical realities of the subject parcel and satisfies all required criteria for approval by the Orange County Board of Zoning Adjustment (BZA).

1. Special Conditions and Circumstances

The subject property is a unique parcel afflicted by specific, compounding physical constraints not generally present in the neighborhood.

- **Side Setbacks:** The extraordinary narrow lot width of just 50 feet creates an exceptional hardship. When coupled with the standard 10-foot side setback requirement on each side, the result is an unbuildable envelope of only 30 feet wide.
- **Front Setback & Height:** The site features significant topographical grade changes and a high water table. Adherence to County engineering standards for flood and drainage dictates a specific, elevated finished floor elevation. This mandatory foundation height, in turn, impacts the overall building height.
- **Summary:** These physical conditions are peculiar to this specific parcel, creating an exceptional, unique hardship not experienced by owners of standard lots.

2. Not Self-Created

The circumstances creating this hardship are entirely inherent to the physical condition and historical platting of the land, which pre-dates current zoning requirements, and are not the result of any action by the applicant. We inherited the lot's narrow dimensions and natural topography. The proposed plans are a direct attempt to mitigate these pre-existing physical constraints while adhering to all other building and safety codes. We did not create this hardship; rather, we are seeking the minimum necessary relief to overcome the site's unique, pre-existing limitations imposed by nature and prior platting.

3. No Special Privilege Conferred

Granting the requested variances will not confer a special privilege; it simply allows the applicant the same basic right enjoyed by other property owners in the district: the ability to build and reasonably use a standard, single-family home.

- **Compatibility:** The proposed home will be designed to fit the character of the neighborhood despite its necessary height and reduced setbacks.
- **Precedent:** Without this variance, the applicant would be effectively denied any reasonable use of their property. We observe that nearby Isla Bella subdivision has homes with 5' setbacks or less. Furthermore, three-story homes are already a feature of several Orange County developments, such as The Brix at the Packing District, Hamlin, Lake Nona Region, Baldwin Park, Winter Park, and Lake Cawood Cove.

4. Deprivation of Rights

A literal interpretation of the zoning code would work an unnecessary and undue hardship on the applicant and would effectively deprive us of any reasonable use of the property.

- **Side Setbacks:** The unique, narrow shape of the lot makes a functional home impossible within standard setbacks.
- **Height Variance:** The required elevation for drainage necessitates the requested height variance to maintain standard, habitable ceiling heights.
- **Conclusion:** This hardship goes beyond mere inconvenience or a desire for a larger home; it is a fundamental inability to develop the property for its intended residential use without these specific adjustments. The physical inability to build anything functional, not financial loss, is the basis of this request.

5. Minimum Possible Variance

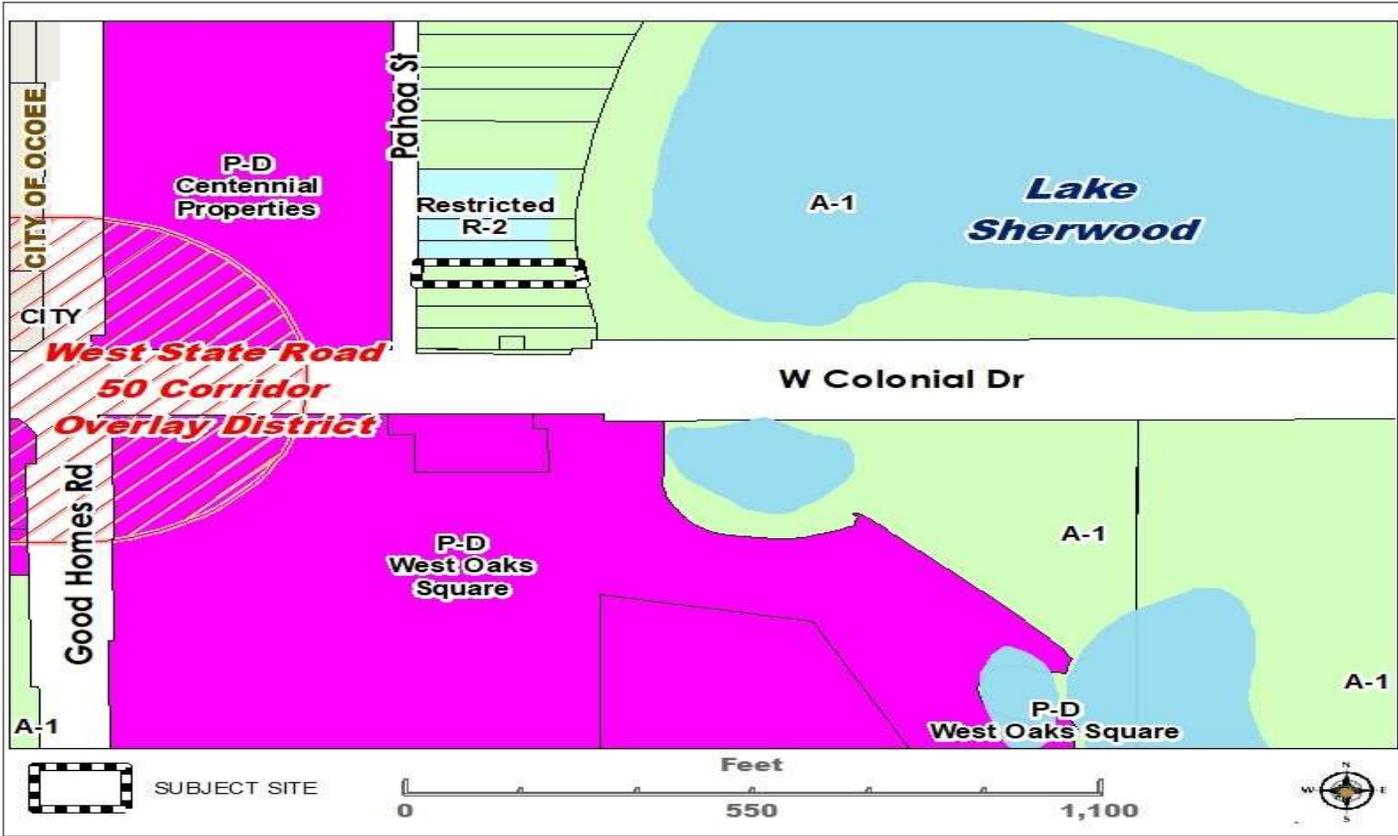
The requested variances represent the absolute minimum deviation required to make possible the reasonable use of the land. We have explored all other options, and these dimensions are the most minimal solution.

- **Side Setbacks Left Side:** The 5-foot left side setback is the minimum possible to achieve a functional and marketable building width of approximately 44 feet, which is still narrower than most homes in the area.
- **Side Setbacks Right Side:** The 1-foot right side setback are the minimum possible to achieve a functional and marketable building width of approximately 44 feet, which is still narrower than most homes in the area.
- **Front Setback:** The 20-foot front setback is necessary to accommodate a functional driveway slope given the severe topography.
- **Height:** The 43'4"-height is the minimum needed to achieve three stories with standard floor-to-ceiling heights, given the required elevated foundation level.

6. Purpose and Intent

Approval of the variance aligns with the zoning regulations' underlying intent to allow reasonable property use and will not harm the neighborhood or public welfare. The proposed single-family home fits the neighborhood's residential character, and design elements will be used to minimize the visual impact of the height and narrowness. Neighbors have been consulted to ensure the project benefits the community's welfare and safety.

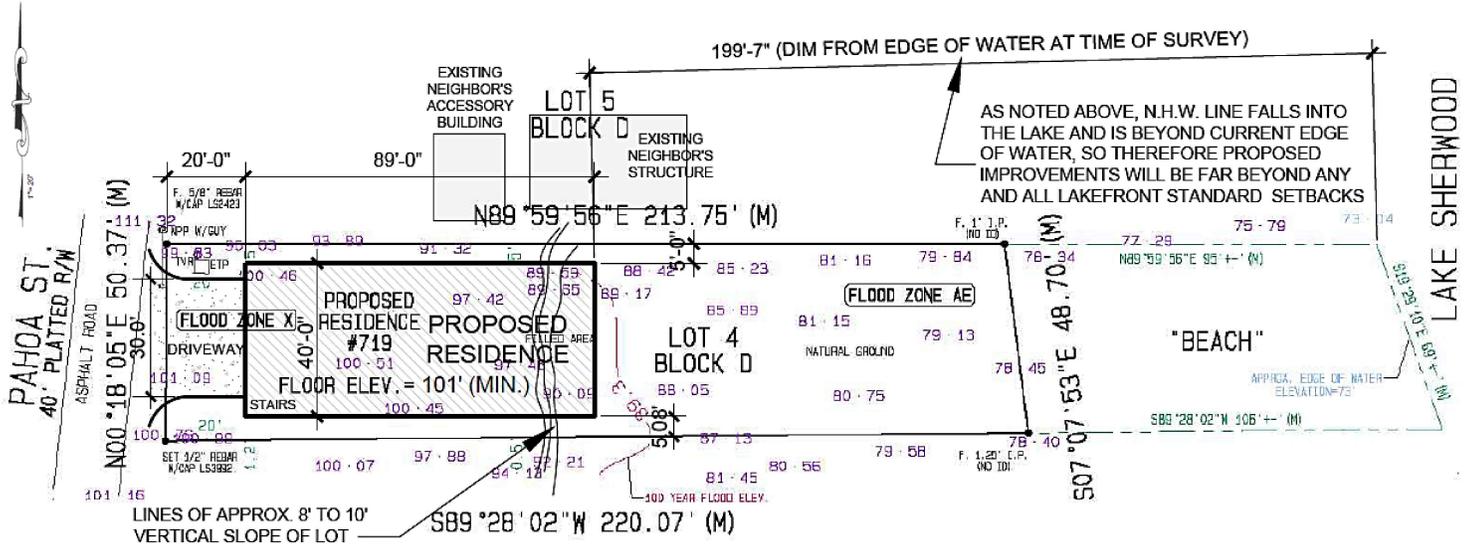
ZONING MAP



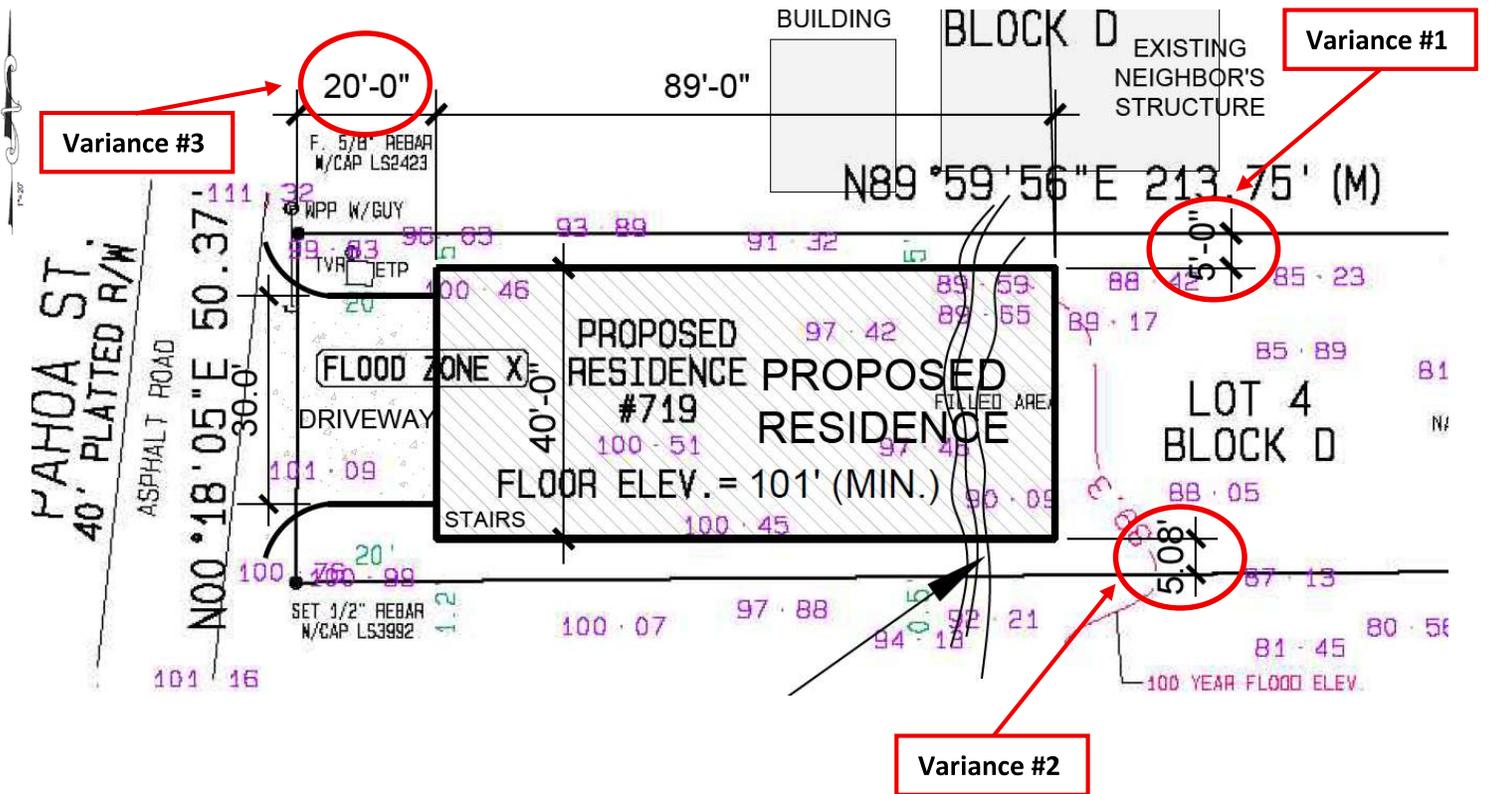
AERIAL MAP



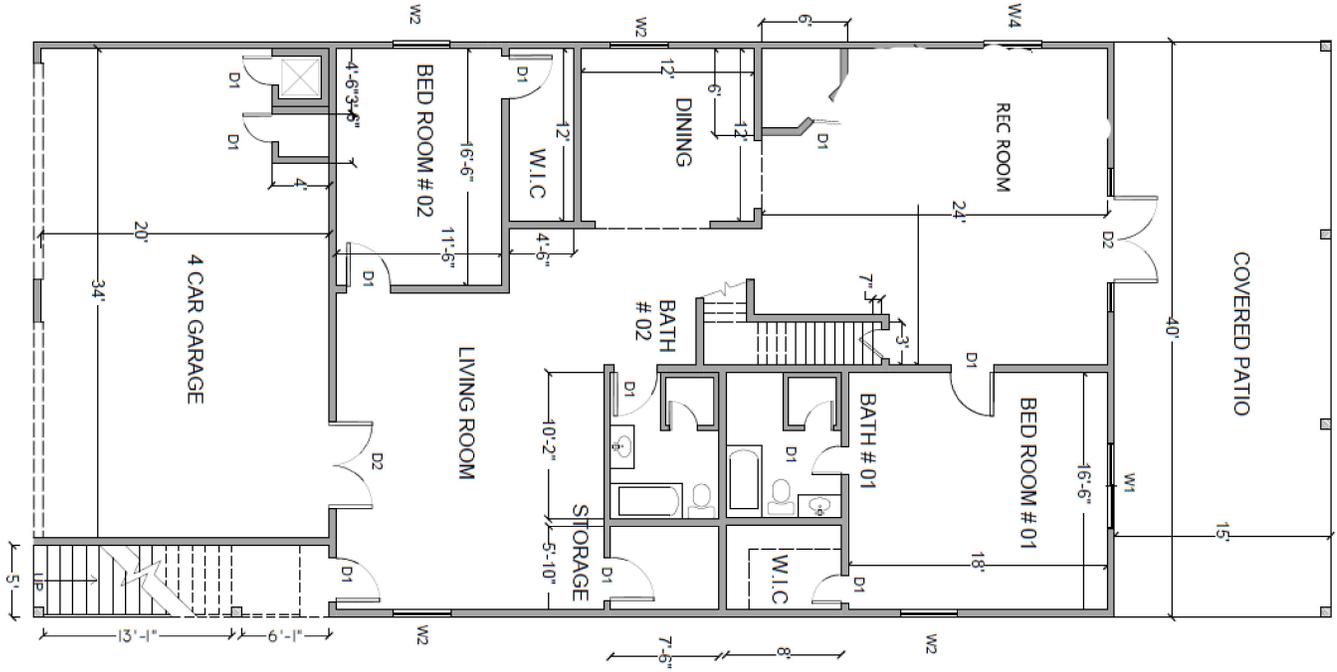
OVERALL SITE PLAN



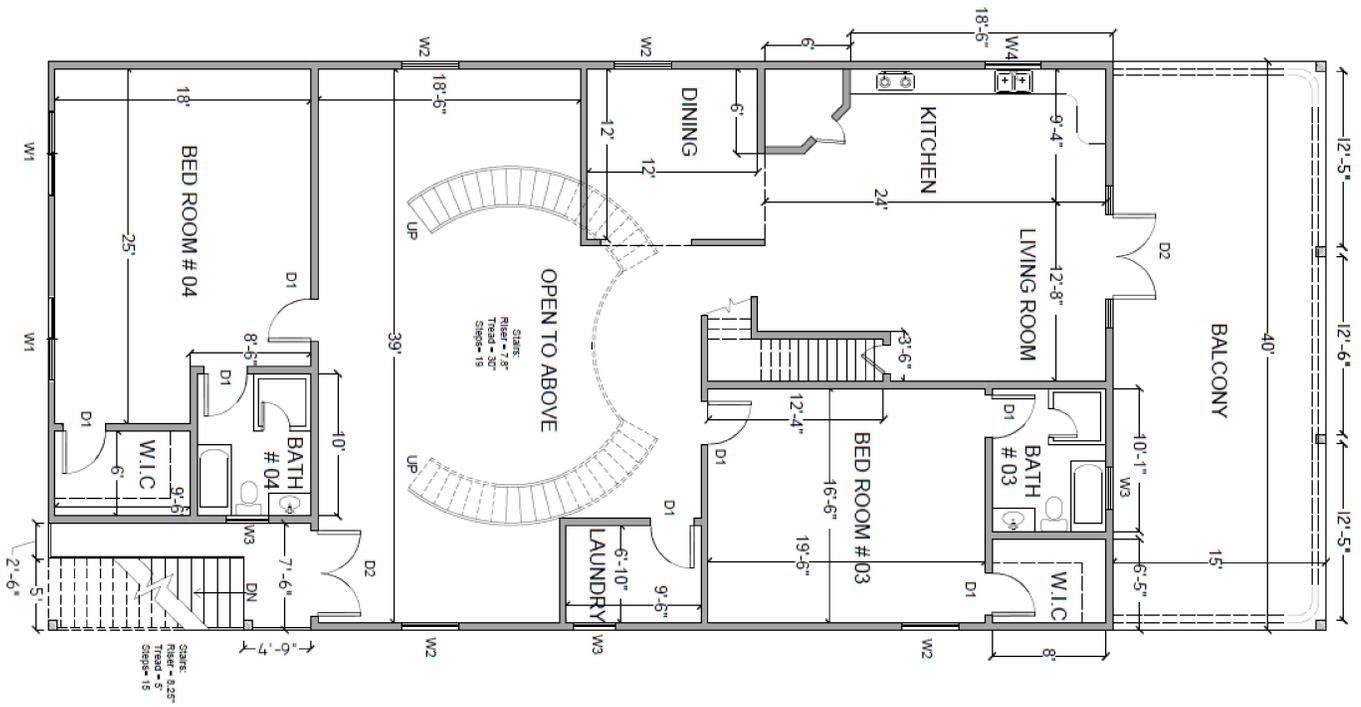
ENHANCED SITE PLAN



FLOOR PLANS

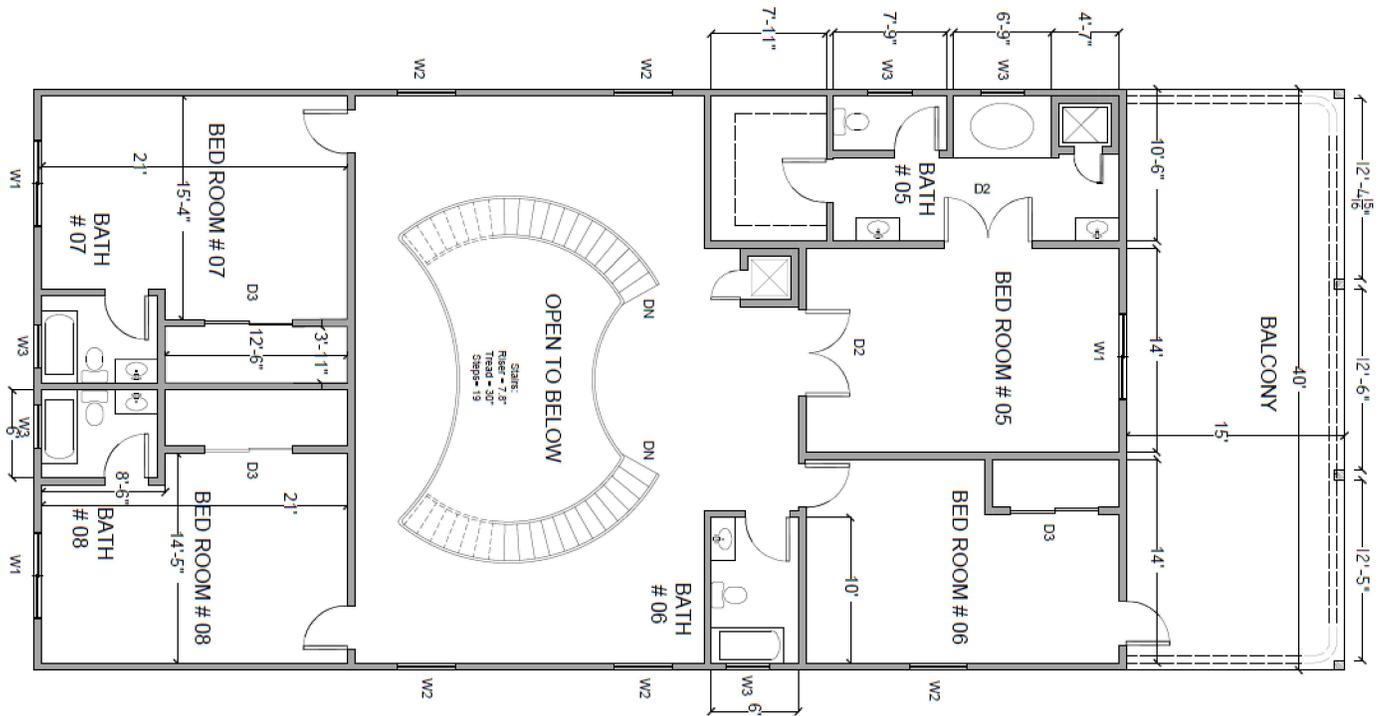


First Floor



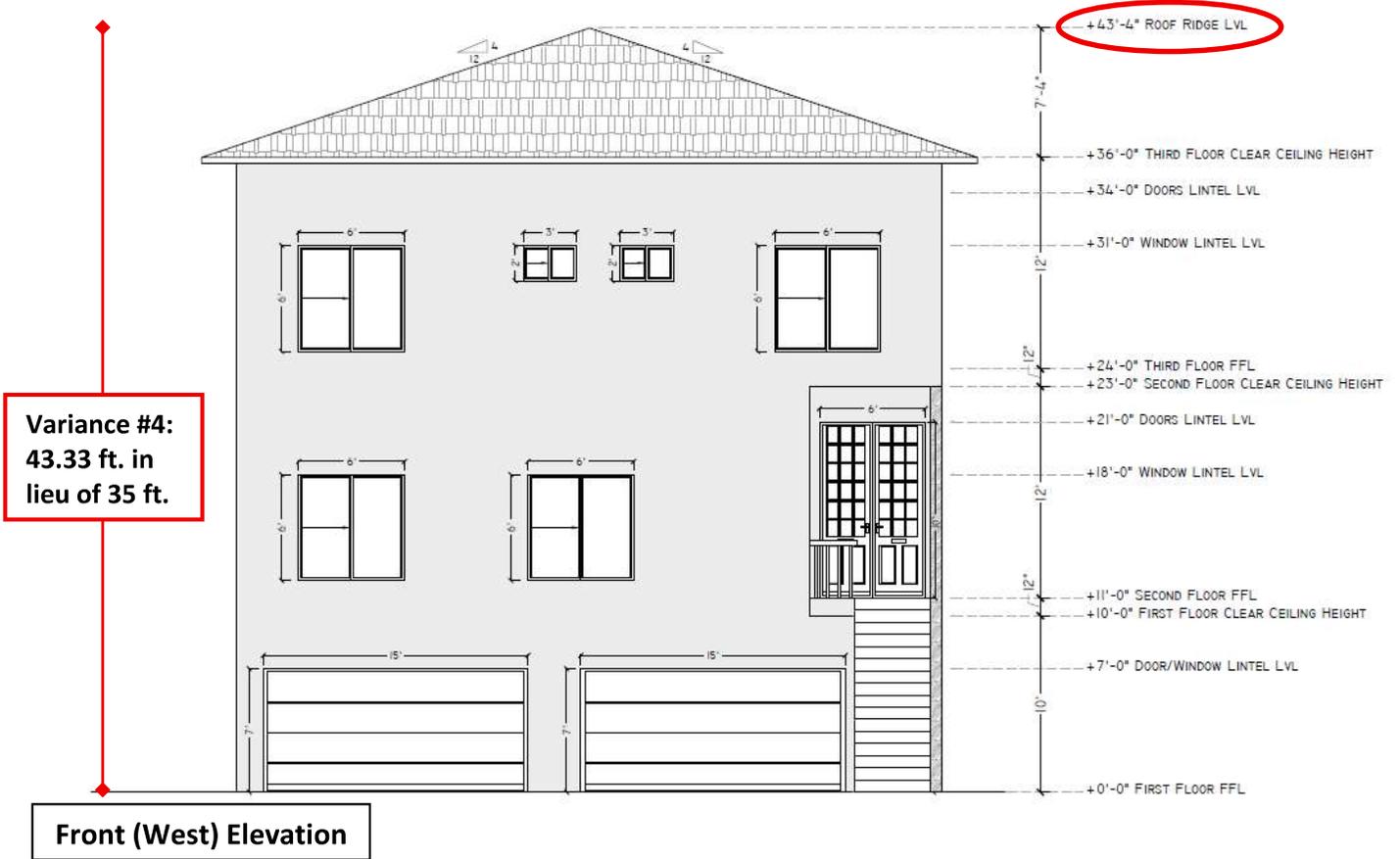
Second Floor

FLOOR PLAN



Third Floor

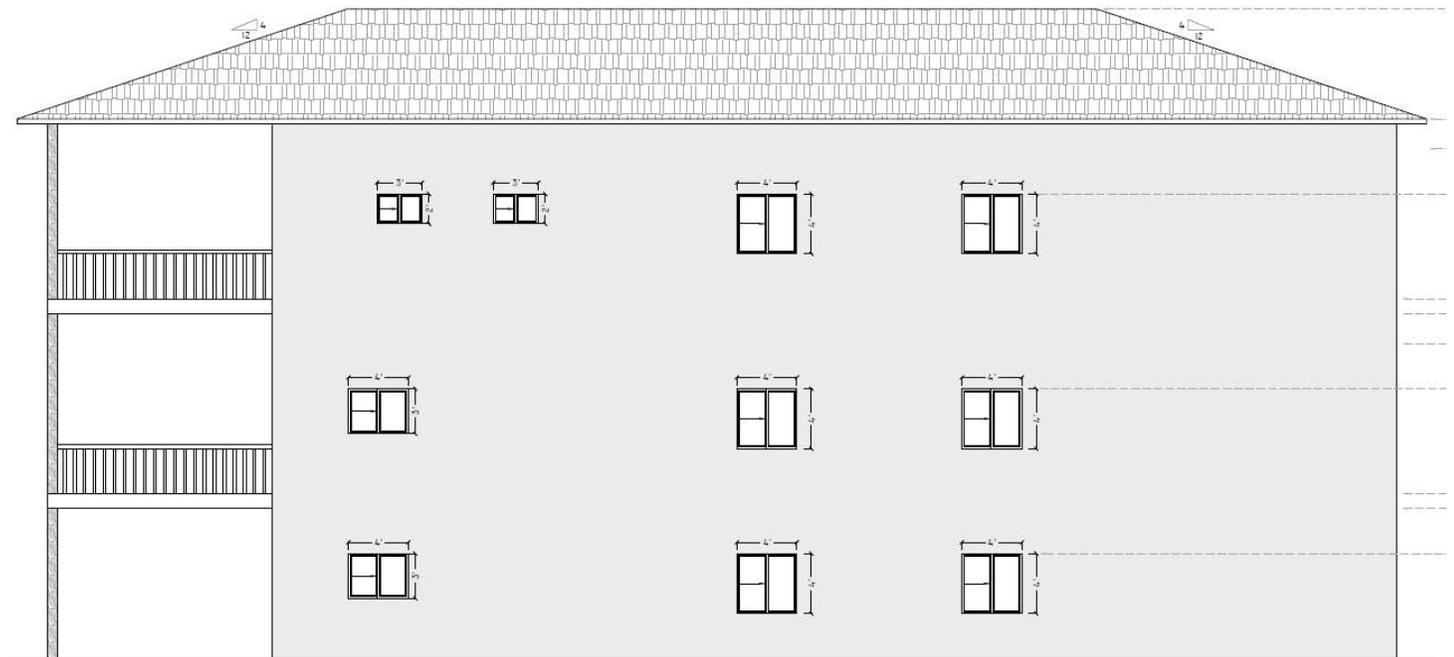
ELEVATIONS



ELEVATIONS

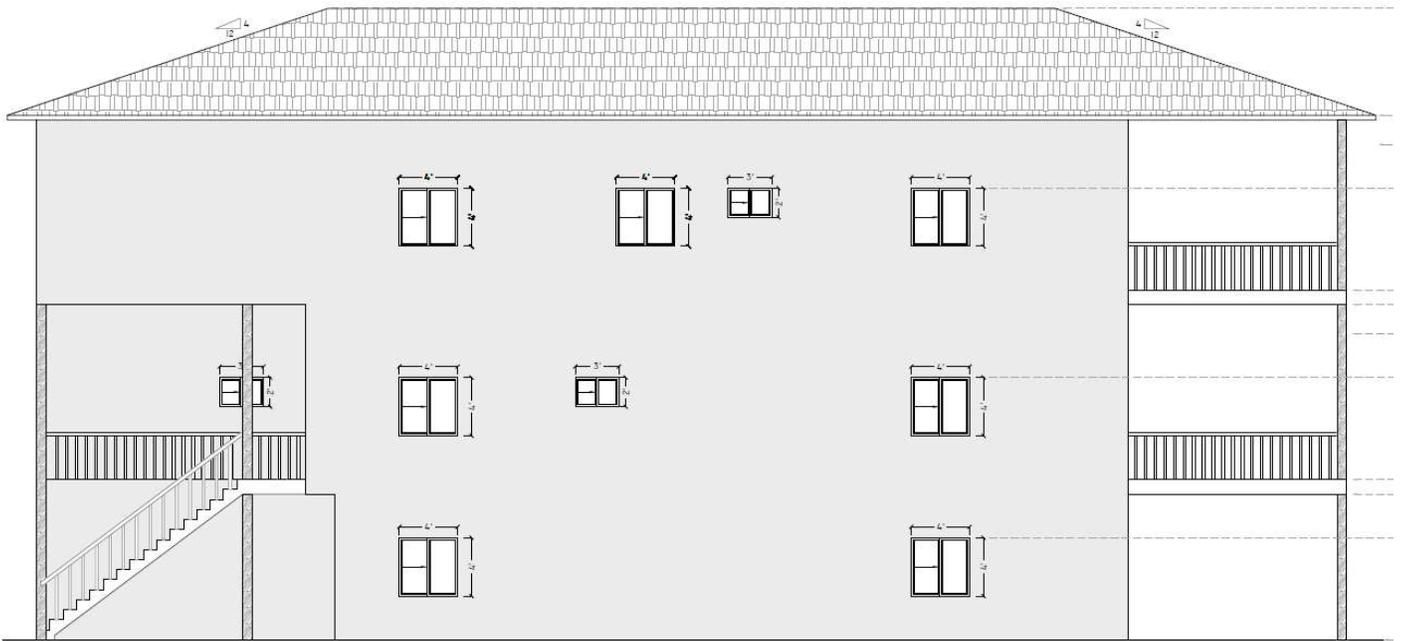


Rear (East) Elevation



Right (North) Elevation

ELEVATIONS



Left (South) Elevation

BIRDSEYE - 2025



SITE PHOTOS



Facing east towards front of subject property



Facing northeast towards front of subject property and the neighboring property to the north

SITE PHOTOS



Facing southeast towards front of subject property and the neighboring property to the south



Facing west towards Pahoia Street from subject property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 05, 2026**

Commission District: **#1**

Case #: **VA-26-02-091**

Case Planner: **Daniella McCloud 407-836-2939**

Daniella.McCloud@ocfl.net

GENERAL INFORMATION

APPLICANT(s): KEVIN BALL

OWNER(s): SONNY WESTMORELAND

REQUEST: Variance in the PD zoning district to allow an accessory structure (summer kitchen) in front of the principal structure in lieu of the side or rear.

PROPERTY LOCATION: 9574 Blanche Cove Dr., Windermere, FL 34786, southwest corner of Latrobe Dr. and Blanche Cove Dr., north side of Vardon Dr., south of Conroy Windemere Rd., west of S. Apopka Vineland Rd., east of Chase Rd.

PARCEL ID: 16-23-28-3905-00-700

LOT SIZE: 1.74 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 65

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Thomas Moses, Second by Roberta Walton Johnson; unanimous; 6 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed; and 1 absent: Juan Velez):

1. Development shall be in accordance with the site plan dated October 7, 2025 and elevations dated October 3, 2025, 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 presented the proposal, outlined the property's location, site plan, and site photos, reviewed the six criteria and explained the reasons for recommending approval of the Variance.

Staff noted that no public comments were received either in support or opposition to the request.

The BZA asked staff about the previous variance in relation to the proposed structure. Staff explained that the proposed structure was not advertised as part of the pool and pool deck, thus requiring a new variance for the accessory structure.

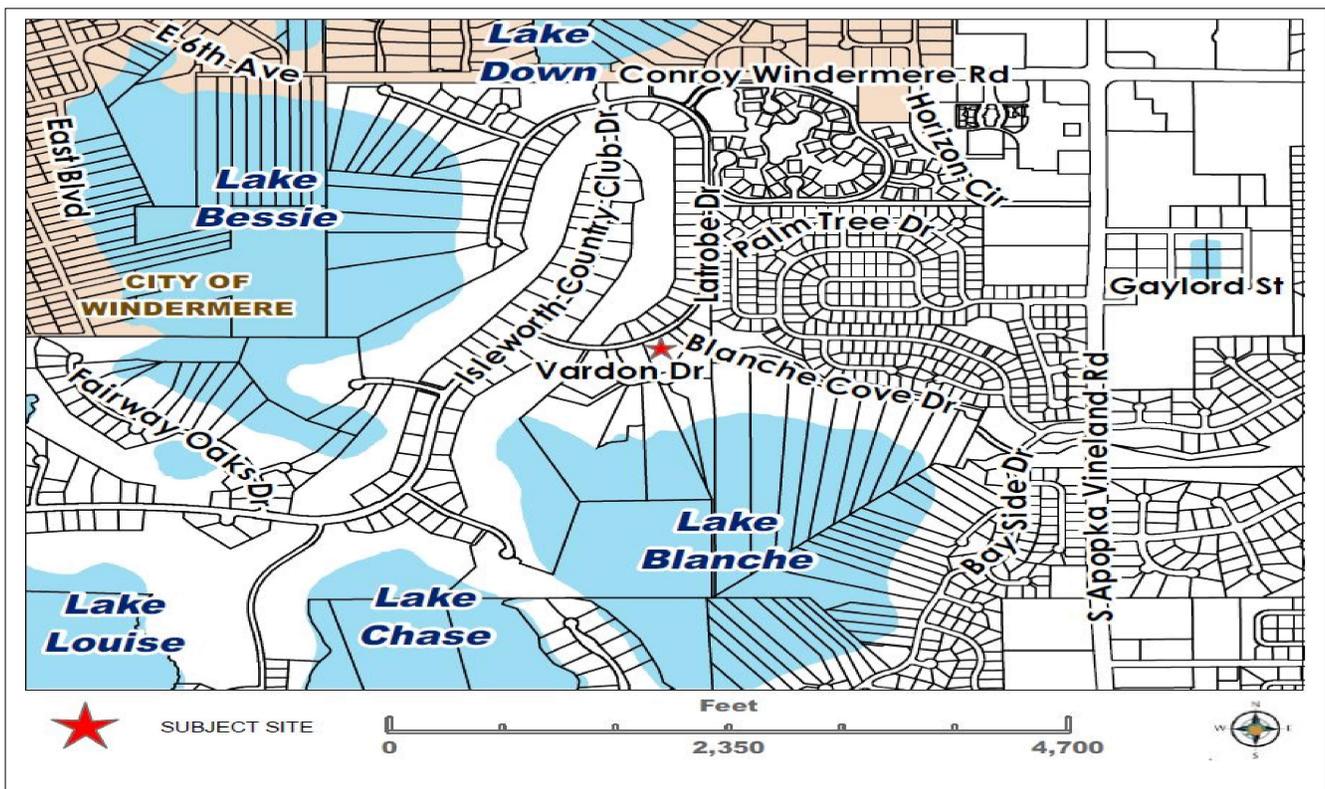
The applicant waived the right to speak and did not have any additional comments. There was no one in attendance to speak in favor or in opposition to the request. The BZA discussed the lot's unorthodox shape and the constraints for any development of structures.

The BZA recommended approval of the Variance request by a 6-0 vote, with one absent, subject to the three conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	PD	PD	PD	PD	PD
Future Land Use	RS 1/1	RS 1/1	RS 1/1	RS 1/1	RS 1/1
Current Use	Vacant	Single-family residential	Single-family residential	Single-family residential	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Isleworth Planned Development (PD), which allows a mixture of uses including single-family, multi-family, commercial and office. The Future Land Use is Rural Settlement 1/1 (RS 1/1), and the property is located in the West Windermere Rural Settlement. Rural Settlements are established through the Comprehensive Plan and are intended to identify areas with unique traits and characteristics which the residents of those areas wish to preserve. The rural settlement designation typically impacts such development factors as residential density, location and intensity of commercial and other nonresidential uses, and with the exception of density, have no impact on single-family development. The West Windermere Rural Settlement has no impact on this request. The Future Land Use is consistent with the Isleworth PD.

The area surrounding the subject site consists of single-family homes. The subject property is an irregularly shaped 1.74 acre parcel of land platted in 2001 as part of the Isleworth Fourth Amendment Plat, that was created by a lot split in August 2005. This property is a triple frontage lot with frontages on Latrobe Drive, Vardon Drive, and Blanche Cove Drive. It is considered a through corner lot, with the front yard on both Latrobe Drive and Vardon Drive, and the side street yard on Blanche Cove Drive. The property was purchased by the current owner in 2021.

On October 5, 2023, the Board of Zoning Adjustment approved a Variance (VA-23-10-099) for a pool and pool deck to be located in front of the principal structure. The pool and pool deck are currently under construction (B25010238). Proposed is a detached accessory structure (summer kitchen) in the same area. The proposed accessory structure was not requested under the original variance for the pool and pool deck, though it was shown on the plans provided. The site plan for the pool and pool deck was modified from the original variance at permitting but was still substantially consistent with the request and did not require reapplication to the Board of Zoning Adjustment. A permit for the proposed accessory structure was applied for in September 2025 (B25018457), and it was noted that the proposed accessory structure would require a new variance.

Accessory Structure Development Standards

	Code Requirement	Proposed
Max. Height:	25 ft.	10.5 ft.
Max. Cumulative Square Footage:	10% of the net land area / 687 sq. ft.	240 sq. ft.

Building Setbacks (Accessory Structure)

	Code Requirement	Proposed
Front (Vardon Dr.):	Not located in front of the principal structure*	Located in front of the principal structure 131.75 ft.
Side:	20 ft.	85 ft. (West) 61.67 ft. (East)
Rear:	35 ft.	n/a

*The front yard setback for principal structures is 35 ft.

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Staff is recommending approval of the Variance since the parcel is an irregularly shaped lot with three street frontages and no available options to locate the proposed accessory structure in a code compliant location. There are limited impacts to other neighboring properties since the proposed location is facing Vardon Drive, which is located at the end of a cul-de-sac.

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

MET - The special conditions and circumstances particular to the subject property are the irregular pie shape of the parcel and that it is a through corner lot with three street frontages. Due to the lot configuration, installation of an accessory structure on the site would be difficult without the need for a Variance.

Not Self-Created

MET - The request is not self-created since there are no other options available to locate the proposed accessory structure in a code compliant location. Further, the owner is not responsible for the configuration of the lot.

No Special Privilege Conferred

MET - Granting the requested Variance will not confer any special privilege conferred to others under the same circumstances since the configuration of the lot provides no available options for improvements that neighboring properties appear to contain.

Deprivation of Rights

MET - Without the requested Variance, the construction of an accessory structure in a code compliant location will not be possible.

Minimum Possible Variance

MET - The requested Variance is the minimum necessary since there are no available options to locate the accessory structure in a code compliant location.

Purpose and Intent

MET - Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The proposed accessory structure will not be significantly visible from any of the surrounding properties due to the proposed location within the same area as the pool and pool deck that were approved.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated October 7, 2025 and elevations dated October 3, 2025, 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: Kevin Ball
1822 Edgewater Dr., Suite A
Orlando, Florida 32804



1822 Edgewater Dr., Suite A
Orlando, FL 32804
Phone: 407 650-2022 Fax: 407 650-0398

November 21, 2025

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

To Whom It May Concern:

As the building contractor, we are requesting a variance for a proposed **sunken cabana structure and retaining wall**, per the site plan enclosed. We are requesting this variance on the property owner's behalf, for Lot 70 in Isleworth with the property address 9574 Blanche Cove Dr., Windermere, FL 34786.

This variance request comes in response to the following comment from the zoning reviewer "a **detached accessory structure may not be located in front of the principal structure unless the entire principal structure is located in the rear half of the lot/parcel,**" that we received upon application for the building permit for the proposed cabana structure.

We think it is important to note that we previously applied for and received variance approval for the proposed pool and pool deck design on October 30, 2023. Included in this previously approved plan design was a proposed cabana structure like the one that we are currently requesting approval for. Additionally, on the previously approved pool plan was a retaining wall around the pool and similar to what we are now seeking approval for. The proposed cabana will be 7'6" above the proposed pool deck elevation, as noted on the attached elevation plans. The proposed retaining wall is 18" tall vs. the 3-4' retaining wall that was shown on the previously approved design. Furthermore, the proposed retaining wall length is much less, and the location is further from adjacent property lines than shown in the original approved design. Both the proposed cabana structure and retaining wall will be screened by perimeter landscaping that will further aid in aesthetically enhancing the design.

The property is a unique corner lot that is situated on 3 streets (Vardon Drive, Latrobe Drive & Blanch Cove Drive). Due to this circumstance of the lot shape, there is no "traditional" backyard. The reason for the variance request is, due to the unique shaped lot and parcel size, Vardon Drive should not be considered as a front yard but instead be considered the back yard of the property.

COVER LETTER

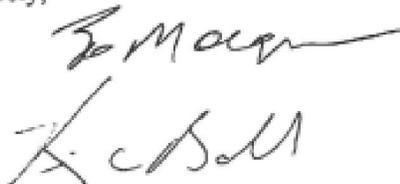
The front of the proposed 3- Story Residence faces Latrobe Drive, making the backyard face the front of Vardon Drive. The proposed sunken cabana and retaining wall will sit next to the pool. See attached Site Plans.

Prior to submitting to Orange County for permitting, we submitted all the proposed architectural and landscape/hardscape plans to Isleworth's Design Review Board and received unanimous approval from the board for the proposed design as is. This package included Isleworth's Site Plan Standards (Property's easements, building setbacks, pool and deck layout, retaining walls and fence gate material and Ht. restrictions & Driveway layout), Architectural Standards, & Landscape Standards.

This request meets the six standards for variance approval. The size and shape of the lot, along with 3 sides of the lot being street facing, make it a special condition/circumstance and not self-created as it was parceled this way. There is no special privilege being granted due to the unique set-up of this lot. Also, this is the minimum possible variance for building on this lot for reasonable use of the land. Finally, due to the approval by the Isleworth Design Review Board, the variance is not injurious to the neighborhood or detrimental to public welfare, thus meeting the standard of purpose and intent.

We appreciate your consideration in approving this variance request.

Sincerely,

The image shows two handwritten signatures in black ink. The first signature is 'Bo Morgan' and the second is 'Kevin C. Ball'. Both are written in a cursive, professional style.

Bo Morgan, President
Kevin C. Ball, Vice President and Contractor
Goehring and Morgan Construction, Inc.
Contractor License CBC1259924
Enclosures

VARIANCE CRITERIA

VARIANCE CRITERIA

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.

This is a five sided lot, 3 of the sides facing streets.

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 is the way the lot is parceled, thus not self-created.

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 is no special privilege conferred.

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 is no deprivation of rights for this variance request.

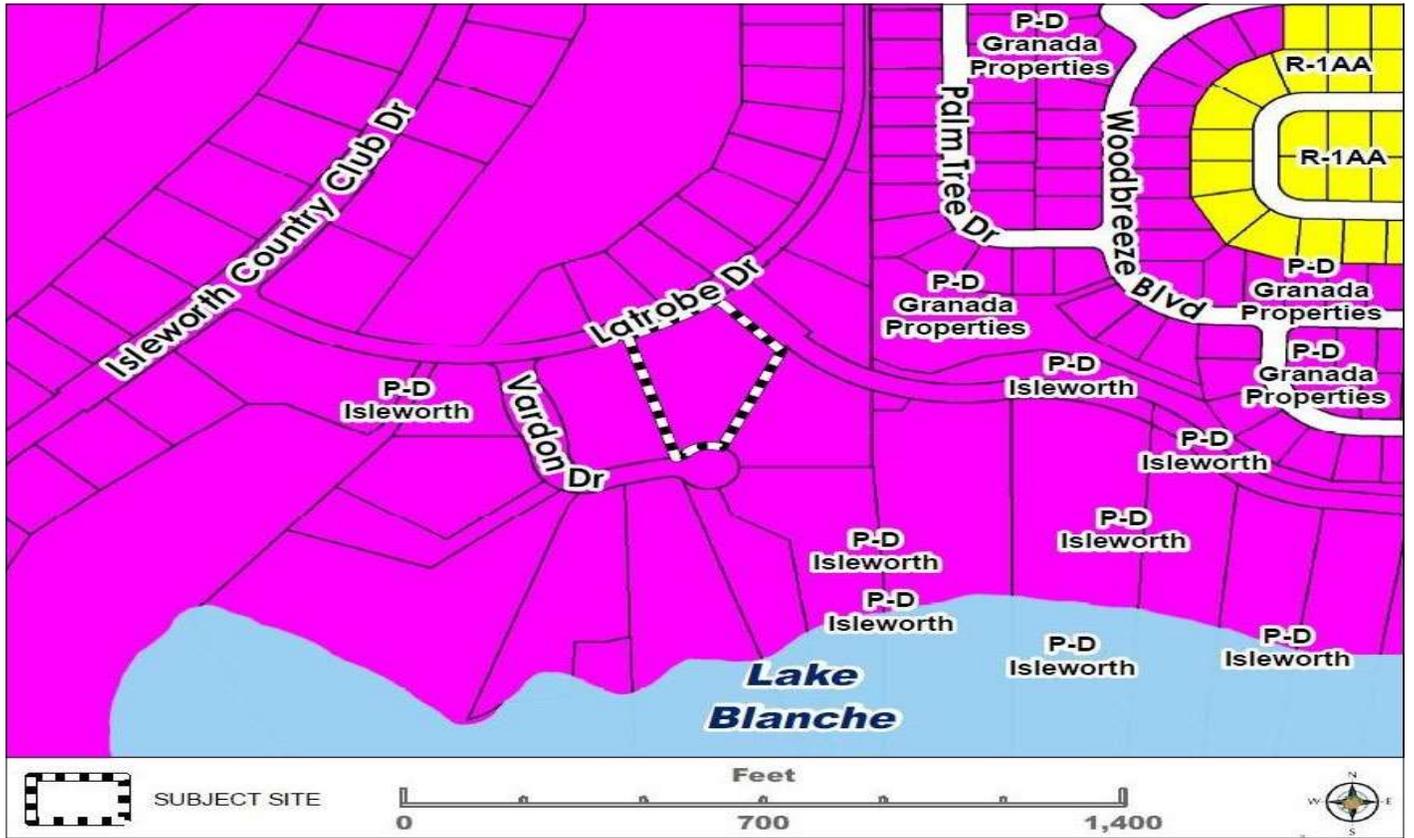
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Due to the parcel layout, this is the case

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 Isleworth Community Architectural Review Board has approved the building and site plans for this variance request.

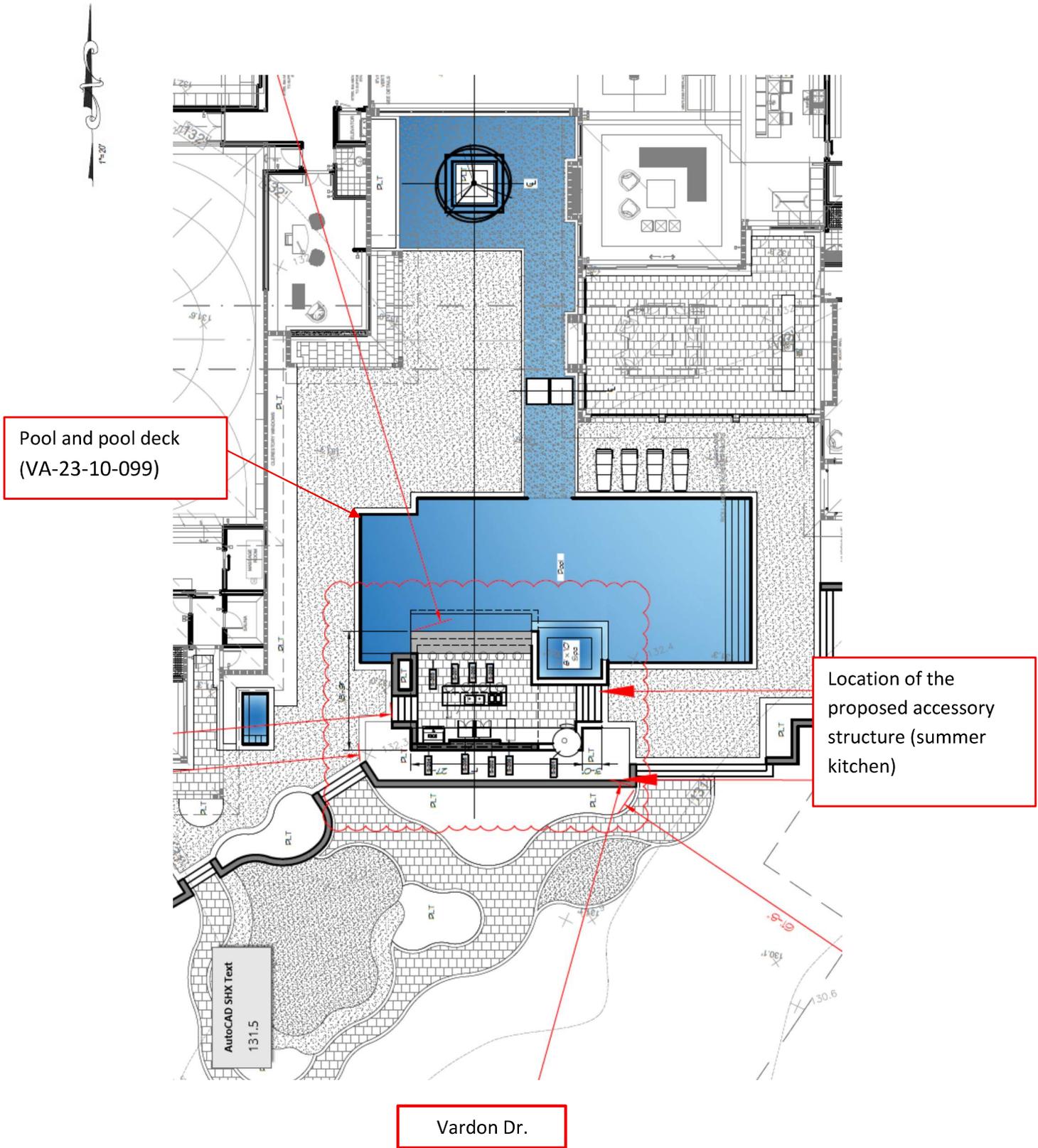
ZONING MAP



AERIAL MAP

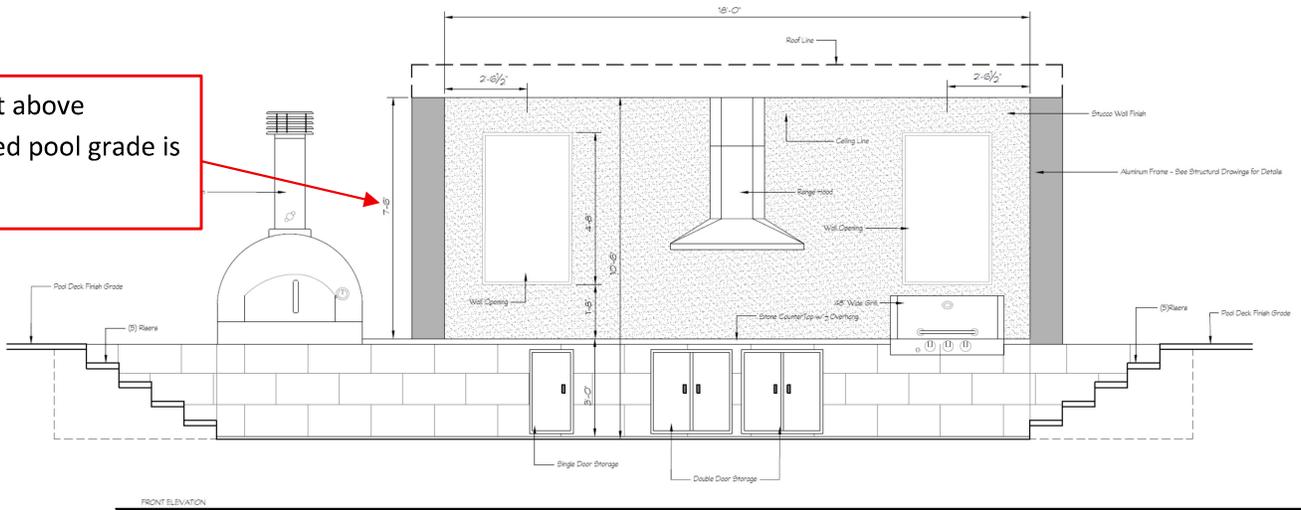


ZOOMED IN SITE PLAN

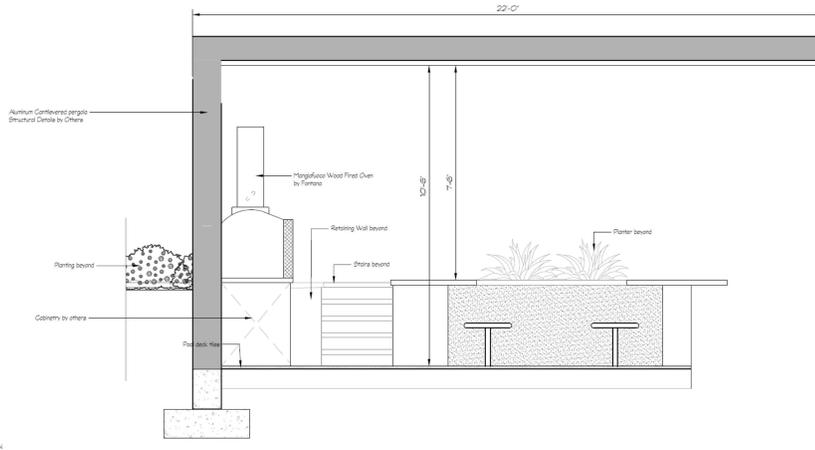


ELEVATIONS

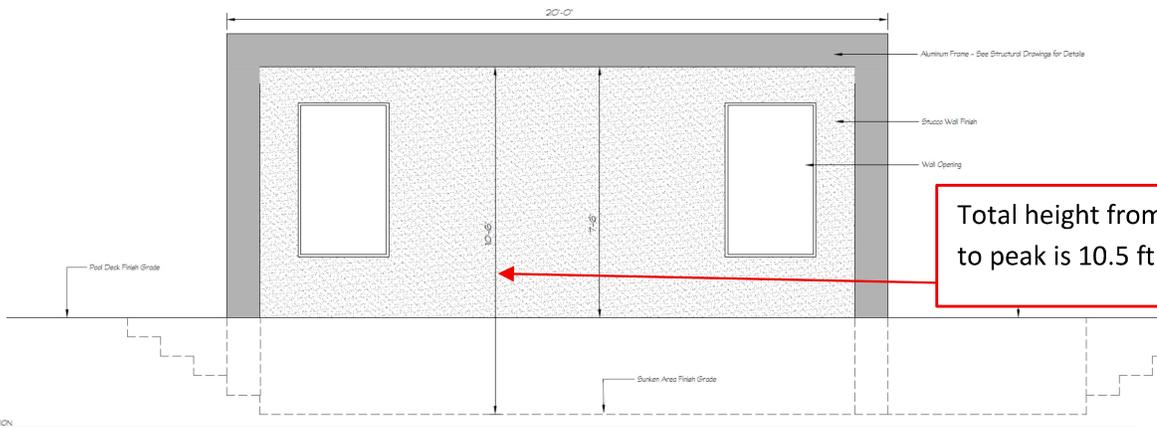
Height above finished pool grade is 7.5 ft.



Front Elevation



Side Elevation



Total height from grade to peak is 10.5 ft.

Rear Elevation

SITE PHOTOS



Blanche Cove Dr., facing southwest towards side of subject property



Latrobe Dr., facing southeast towards the house and the front of the subject property

SITE PHOTOS



From Vardon Dr., facing north towards the subject property



Front yard, facing northeast towards the proposed location of the accessory structure

SITE PHOTOS



On the subject property, facing south toward Vardon Dr.



On the subject property, facing east towards neighboring property

SITE PHOTOS



On the subject property, facing northwest towards the proposed location of the accessory structure

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 05, 2026**

Commission District: **#1**

Case #: **VA-26-02-092**

Case Planner: **Daniella McCloud(407) 836-2939**

Daniella.McCloud@ocfl.net

GENERAL INFORMATION

APPLICANT(s): GUSTAVO REYES

OWNER(s): GUSTAVO REYES, LYDIA FELICIANO

REQUEST: Variances in the PD zoning district as follows:

1) To allow an existing accessory structure (Structure 1) with an east side setback of 1.75 ft. in lieu of 5 ft.

2) To allow an existing accessory structure (Structure 2) with a west side setback of 2.33 ft. in lieu of 5 ft.

NOTE: This is a result of Code Enforcement.

PROPERTY LOCATION: 16289 Silver Grove Blvd., Winter Garden, FL, 34787, north of Silver Grove Blvd., south of McKinney Rd., west of Avalon Rd., east of Tabebuia Pkwy.

PARCEL ID: 19-23-27-8141-00-530

LOT SIZE: 6,870 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 164

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Thomas Moses, Second by Roberta Walton Johnson; unanimous; 6 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed; and 1 absent: Juan Velez):

1. Development shall be in accordance with the site plan and axonometric drawing dated December 15, 2025, 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 presented the proposal, outlined the property's location, site plan, and site photos, reviewed the six criteria and explained the reasons for recommending denial of the Variances.

Staff noted that three public comments were received in support and no comments were received in opposition to the request.

The BZA asked staff about the code violation and how the property was cited. The BZA also discussed what the area behind the property was being utilized for and if the HOA had granted approval of the applicant's request. The applicant was present and explained why permits were not initially applied for and the issues with their contractor. The BZA went on to ask the applicant about drainage and some of the design choices for the two structures. The BZA discussed compatibility of the structures with the surrounding area and the noted letters of support received.

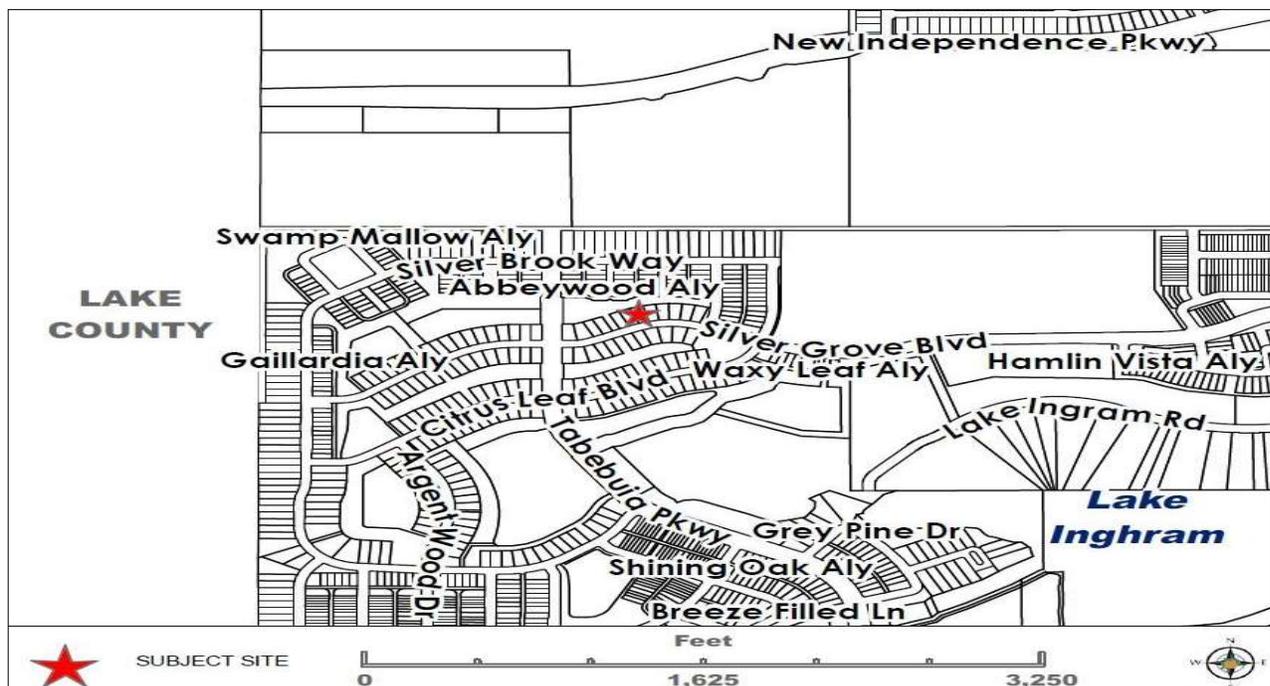
There was no one in attendance to speak in opposition or in favor of the requests.

The BZA recommended approval of the Variance requests by a 6-0 vote, with 1 absent, subject to the three conditions found in the staff report.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	PD	PD	PD	PD	PD
Future Land Use	VILLAGE	VILLAGE	VILLAGE	VILLAGE	VILLAGE
Current Use	Single-family residence				

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Silverleaf Planned Development (PD) district, which allows single-family homes and associated accessory structures. The future land use is Village (V), which is consistent with the PD zoning district.

The area around the subject site consists of single-family homes. The subject property is 6,870 sq. ft. in size and was platted in 2022 as lot 53 of the Silverleaf Reserve at Hamlin Phase 2A plat. The subject lot is an interior lot with right-of-way along Silver Grove Blvd. to the south. The property is developed with a one-story 2,835 gross sq. ft. single-family home constructed in 2023, and a pool, pool deck, and screen enclosure in the rear of the property, constructed in 2024. There are two existing accessory structures (Structure 1 and 2) in the rear of the property, on either side of the screen enclosure, which were installed in 2025 without permits. Both structures are 10 ft. by 12 ft. and 10.3 ft. in height.

Code Compliance cited the property owner on September 22, 2025 (CE: 662133) for two accessory structures constructed without permits. To resolve the code violation, the unpermitted improvements must either be removed or brought into compliance by obtaining the required permits. Permit applications have been submitted for both structures; however, they are currently denied due to noncompliance with the required side setbacks.

The request is to allow the existing accessory structures to remain in their current locations, encroaching into the east and west side setbacks. Structure 1 is located 1.75 ft. from the east side property line and Structure 2 is located 2.33 ft. from the west side property line. Per Orange County Code Sec. 38-1426(1)c.2.(ii) A detached accessory structure with a height of fifteen (15) feet or less shall be set back a minimum of 5 ft. from any side or rear lot line, requiring Variances #1 and #2.

Accessory Structure Development Standards

	Code Requirement	Proposed
Max. Height:	25 ft.	8.6 ft.
Max. Cumulative Square Footage:	10% of the net land area / 687 sq. ft.	240 sq. ft.

Building Setbacks (Accessory Structures)

	Code Requirement	Proposed
Front:	Not located in front of the principal structure	N/A
Side:	5 ft.	1.75 ft. (East) (Variance #1) 2.33 ft. (West) (Variance #2)
Rear:	5 ft.	5 ft. (for both structures)

The request was routed to all reviewing divisions and no objections were provided. As of the date of this report, one comment was received in favor, and no comments have been received in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Staff have determined that the Variance requests do not meet all the criteria. Based on Staff's analysis, had permits been obtained prior to construction the applicant could have redesigned the structures to comply with all development standards. Therefore, staff is recommending denial of both Variances.

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

All Variances NOT MET – There are no special conditions or circumstances peculiar to this property, as the property is not irregularly shaped and the structures could have been redesigned to be code compliant.

Not Self-Created

All Variances NOT MET – The need for the Variances is self-created, as the structures were erected without a permit and could have been redesigned to be code compliant.

No Special Privilege Conferred

All Variances NOT MET – Approval of the requested Variances will confer on the applicant special privilege that is denied by this chapter as any accessory structure in the PD zoning district must maintain 5 ft. from all side property lines.

Deprivation of Rights

All Variances NOT MET – The Variance requests are not a deprivation of rights because the yard can still be enjoyed without the existing structures.

Minimum Possible Variance

All Variances MET – The requested Variances are the minimum possible to allow the existing development to remain in its current configuration. No new construction is proposed with the requested Variances.

Purpose and Intent

All Variances NOT MET – Approval of the requested Variances would not 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. Granting these Variances would be intrusive to the neighboring properties and inconsistent and incompatible with the surrounding area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and axonometric drawing dated December 15, 2025, 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: Gustavo Reyes
16289 Silver Grove Blvd.
Winter Garden, Florida 34787

COVER LETTER

November 23, 2025

To Whom it may concern,

We are requesting a variance from our side's setbacks from the side property lines to the outside posts of the pergolas. We have been residing for the past two years at 16289 Silver Grove Blvd. Winter Garden Fl. 34787.

We hired a reputable Orlando company called DelaTurf about a year ago to upgrade both sides of the rear yard. We agreed to construct a rear left and rear side pergola with a travertine walkway on both sides. Designs were exchanged and finalized with the company to construct the back yard.

Inspector Jocelyne Leon filed a code violation on September 22, 2025, for the right and left pergola. We filed permits and were declined by inspector David Franqui on October 29, 2025. David informed us to file a variance, and we made contact Jacqueline Boling and assisted us with filing for this variance.

See attached new site plan.

We appreciate your help and cooperation with this variance. If further information is needed, please don't hesitate to contact me at 239-223-0803.

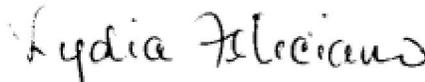
Sincerely,

Gustavo Reyes



Owner

Lydia Feliciano



Owner

VARIANCE CRITERIA

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 left and right pergolas are located at the rear of the backyard. It does not obstruct the view or present a safety hazard to our neighbors. Pergolas are rated for 140 mile hour wind and made of cedar wood. All post are secured into the ground

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

The location of both pergolas are to the left and right of a pool cage,already built with all permits
Therefore is presents no hazardous or obstructed views to our neighbors. We have no rear neighbors.

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 are respectfully requesting variance from our side properties.

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.

Both pergolas were constructed for recreational use and to provide shade on the sides of the pool cage for entertainment purposes only.

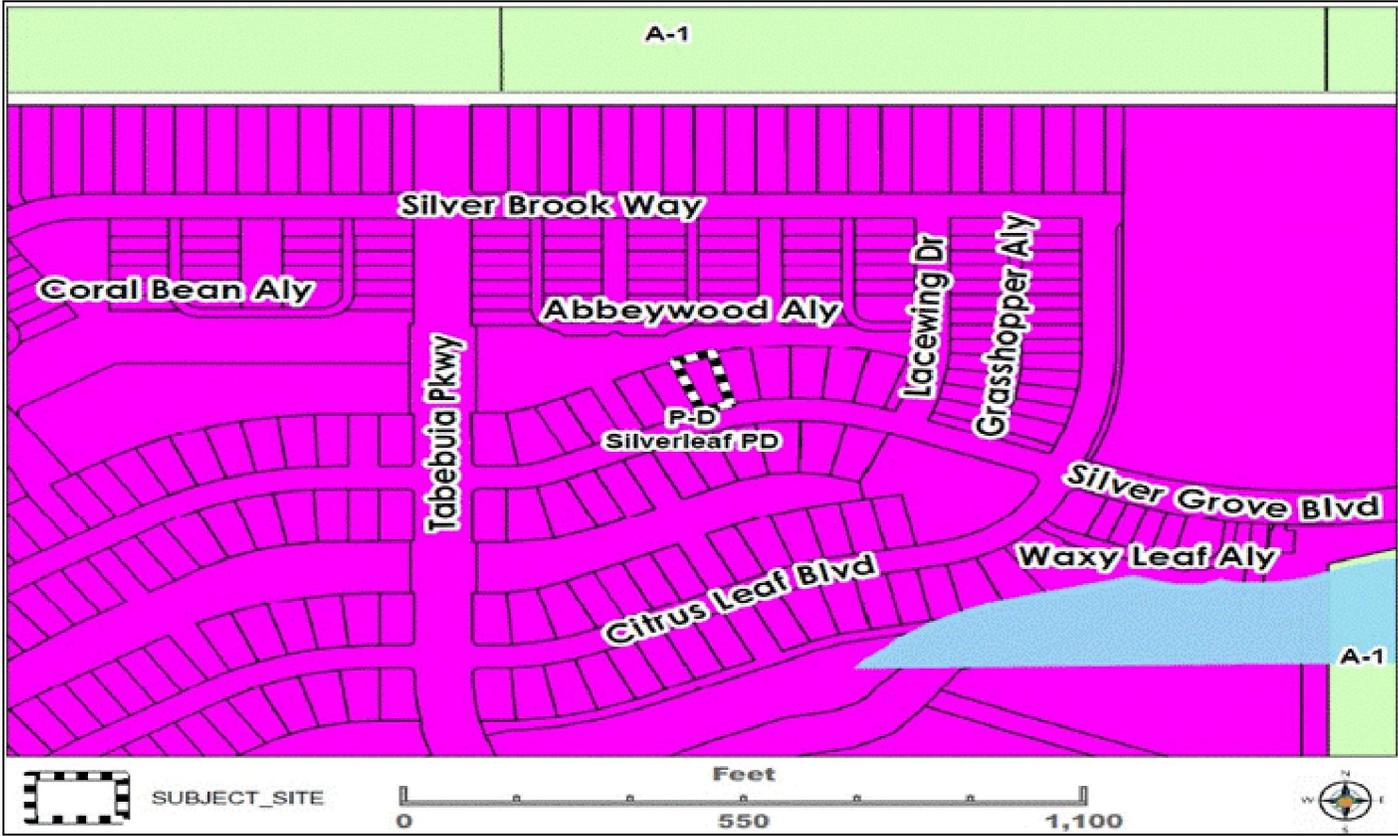
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

We are asking for assistance for the variance for the side properties to the pergolas posts. (5')

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 pergolas were constructed to withstand bad weather, high winds and hurrican weather. Therefore doesn't present hazardous coditions to our neighbors. Blends in with the existing pool cage.

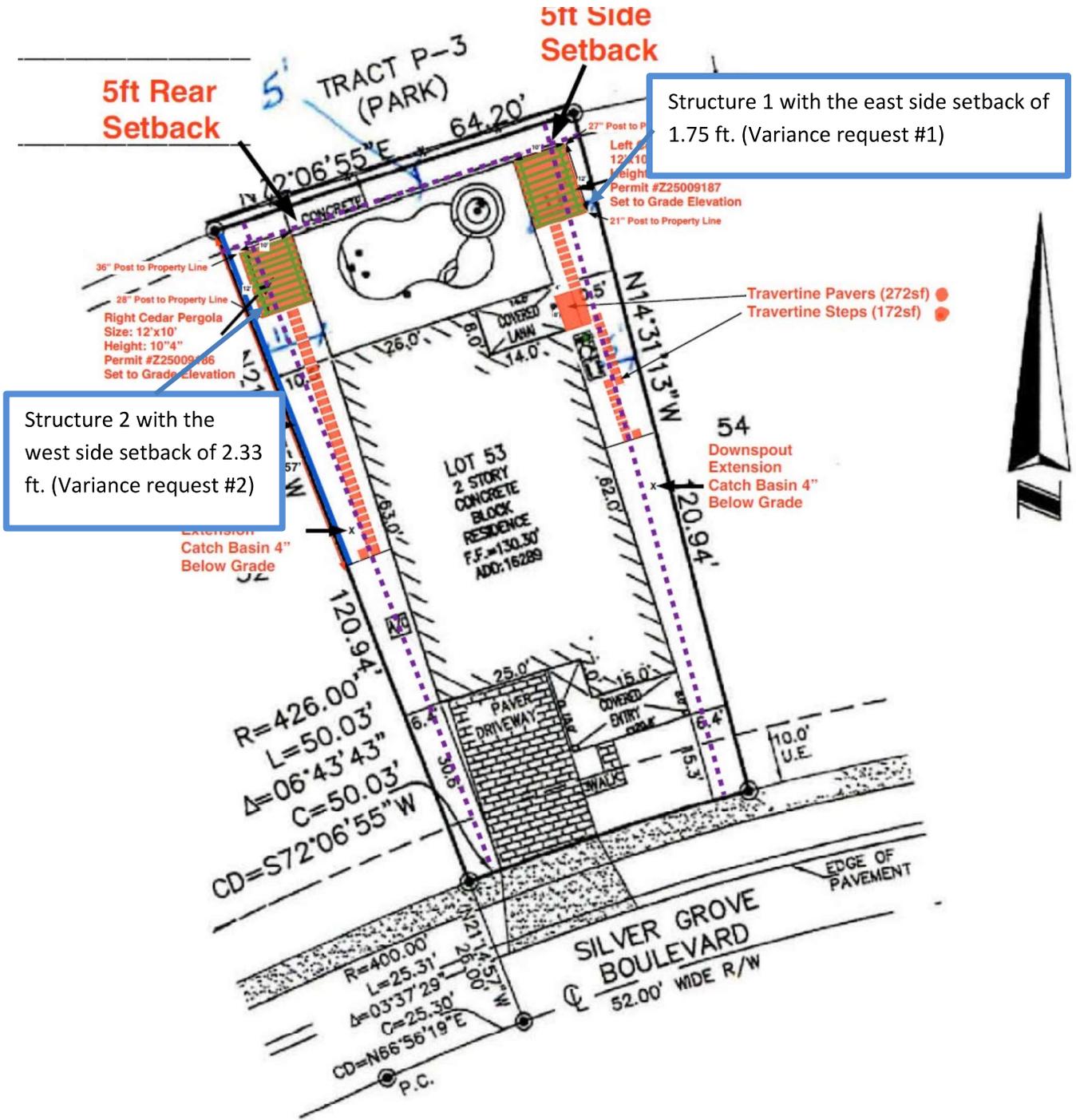
ZONING MAP



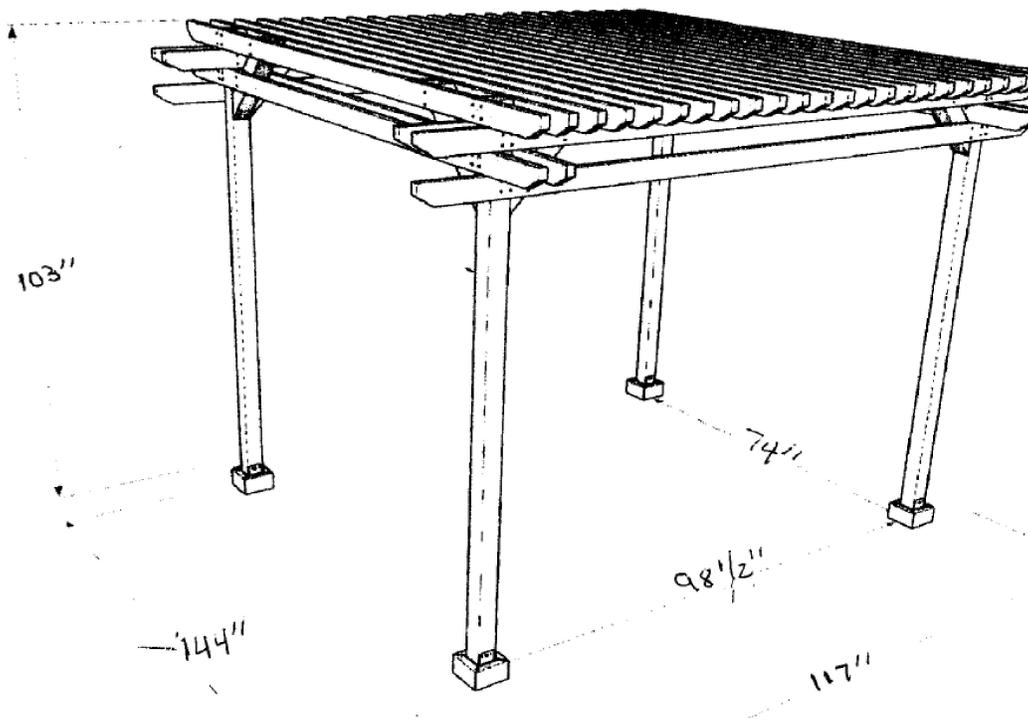
AERIAL MAP



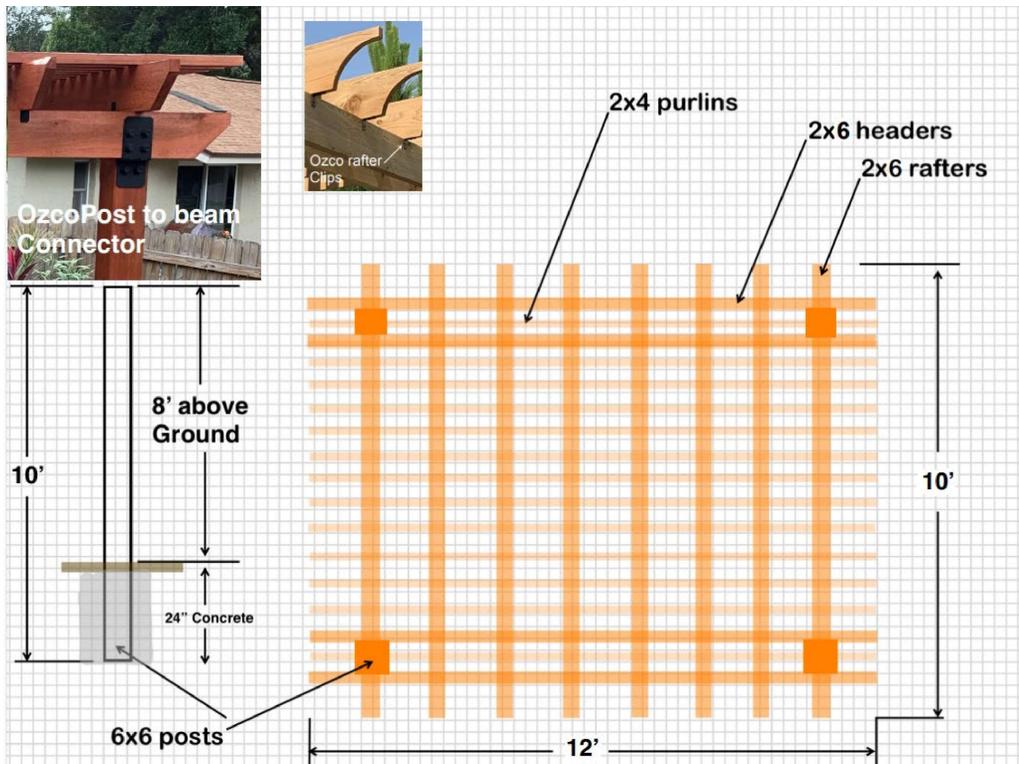
SITE PLAN



AXONOMETRIC DRAWING



ROOF PLAN



SITE PHOTOS



On the subject property, facing north towards Structure 2

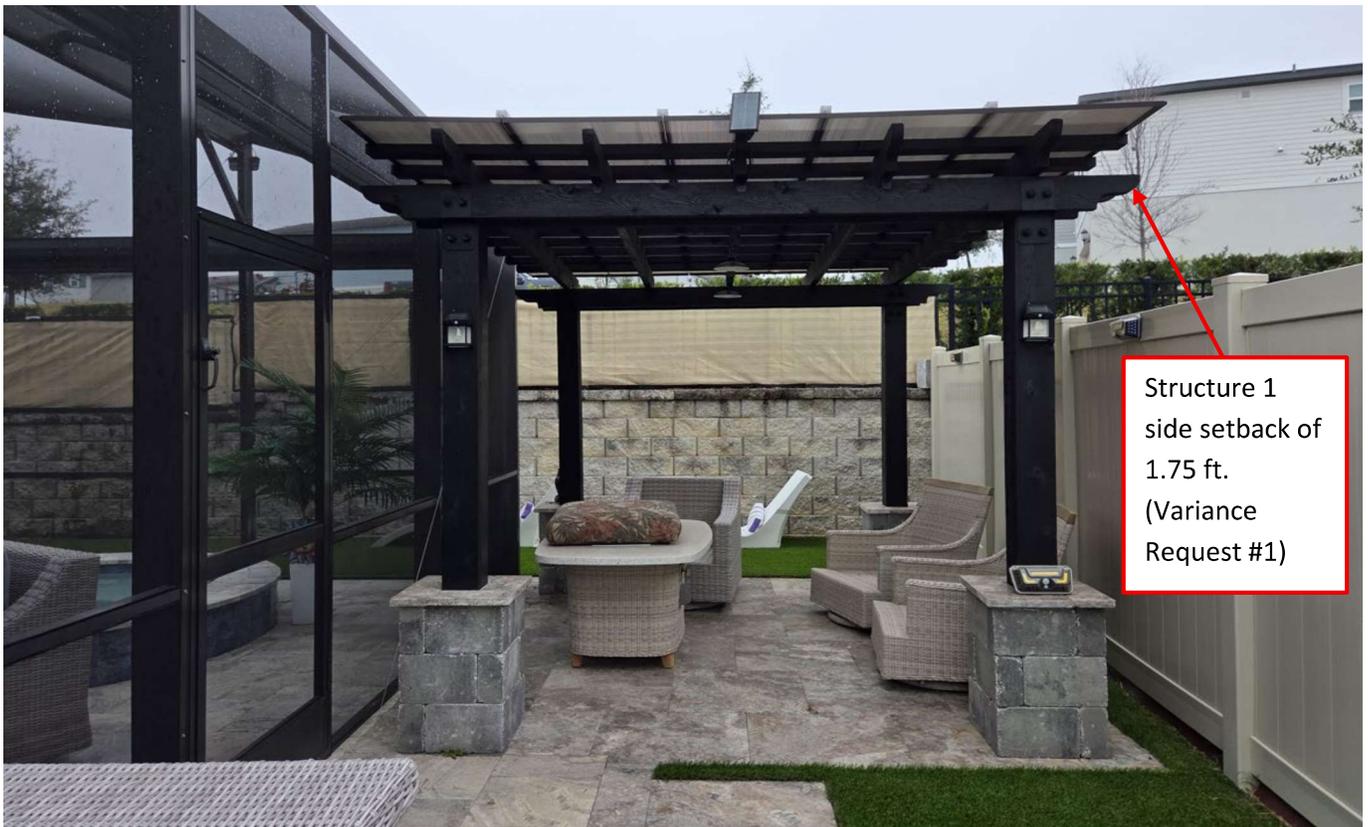


On the subject property, facing southeast towards Structure 2

SITE PHOTOS



On the subject property, facing southeast towards Structure 1



Structure 1
side setback of
1.75 ft.
(Variance
Request #1)

On the subject property, facing north towards Structure 1

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 05, 2026**

Commission District: **#1**

Case #: **VA-26-02-093**

Case Planner: **Daniella McCloud (407)836-2939**

Daniella.McCloud@ocfl.net

GENERAL INFORMATION

APPLICANT(s): REBECCA GALLOF

OWNER(s): REBECCA GALLOF, ALBERT GALLOF

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

1) To allow a minimum lot area of 0.74 acres in lieu of 1 acre

2) To allow an existing accessory structure (shed) in front of the principal structure in lieu of the side or rear

PROPERTY LOCATION: 12514 Summerport Ln., Windermere, FL 34786, south side of Summerport Ln., northwest side of Lake Butler, north of Winter Garden Vineland Rd., south of Lake Butler Blvd., west of S. Apopka Vineland Rd.

PARCEL ID: 13-23-27-8400-00-110

LOT SIZE: 0.77 acres (0.74 acres upland)

NOTICE AREA: 500

NUMBER OF NOTICES: 51

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 as amended (Motion by Thomas Moses, Second by Glenn Rubinstein; unanimous; 6 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed; and 1 absent: Juan Velez):

1. Development shall be in accordance with the site plan dated December 2, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of the Certificate of Occupancy for the house, a permit shall be obtained for the existing accessory structure (shed), or it shall be removed.

5. Prior to the issuance of the Certificate of Completion for the accessory structure permit, the applicant shall provide a Florida #1 3-inch caliper canopy tree as described in Orange County Code Section 24-12 between the northern facade of the accessory structure and Summerport Ln. A watering schedule or an irrigation system in compliance with Sec. 24-7, irrigation, shall be provided.
6. The applicant is to paint the accessory structure (shed), the same color as the house.

SYNOPSIS: Staff presented the proposal, outlined the property's location, site plan, and site photos, reviewed the six criteria and explained the reasons for recommending approval for Variance request #1 and denial of Variance request #2. Staff noted that one public comment was received in support of both Variance requests and two were received in opposition to Variance request #2.

The BZA discussed the location of the septic tank and drainfield in relation to the proposed residence and the existing shed. The applicant was present and explained the need for the lot area variance to construct the home and why the shed would be most ideal kept in its current location. The BZA asked the applicant about drainage and the wetland buffers on site, as the applicant was required to get environmental buffer and impact permits for development of the lot. The contractor for the project presented in support of the request and discussed design and elevation choices in compliance with environmental factors and the needs of the applicant.

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

The BZA noted that the structure should be shielded from view by vegetation and it would be ideal for the structure to be painted the same color as the proposed single-family residence.

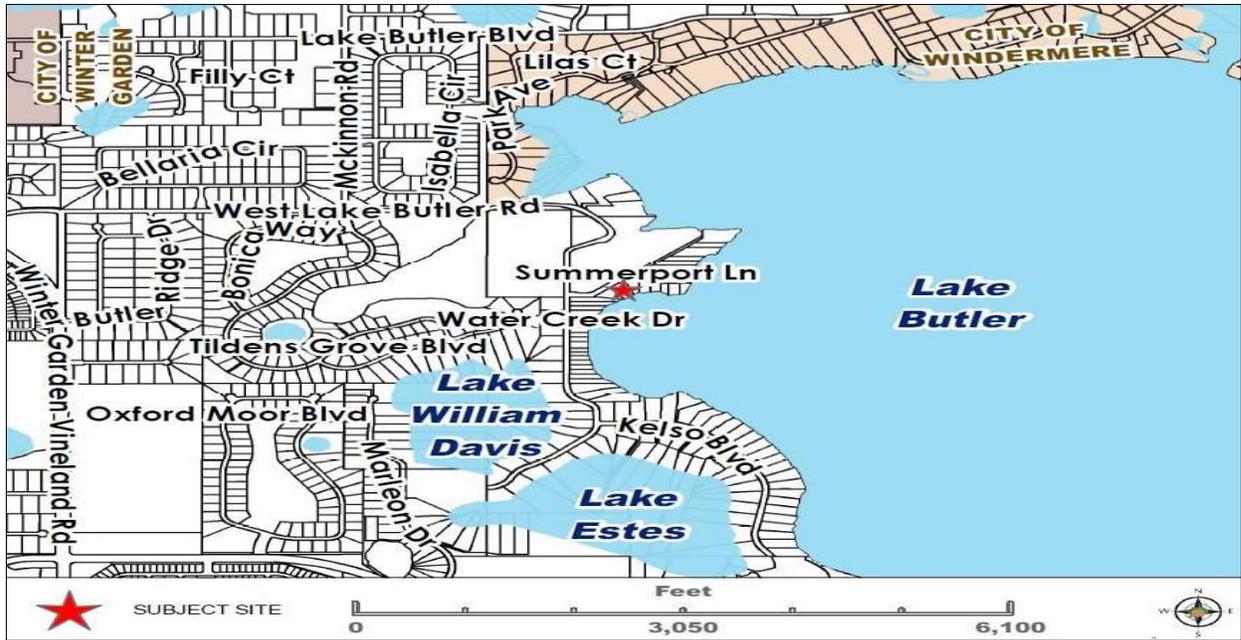
The BZA recommended approval of the Variance requests by a 6-0 vote, with 1 absent, subject to the four conditions found in the staff report, with modifications, and the addition of Conditions of Approval 5 and 6 as follows:

1. Development shall be in accordance with the site plan dated December 2, 2025, 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).
4. Prior to the issuance of the Certificate of Occupancy for the house, a permit shall be obtained for the existing accessory structure (shed), or it shall be removed.
5. Prior to the issuance of the Certificate of Completion for the accessory structure permit, the applicant shall provide a Florida #1 3-inch caliper canopy tree as described in Orange County Code Section 24-12 between the northern facade of the accessory structure and Summerport Ln. A watering schedule or an irrigation system in compliance with Sec. 24-7, irrigation, shall be provided.
6. The applicant is to paint the accessory structure (shed), the same color as the house.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE	R-CE	R-CE	R-CE	R-CE
Future Land Use	RS 1/1	RS 1/1	RS 1/1	RS 1/1	RS 1/1
Current Use	Vacant	Sustainable Agriculture	Lake Butler	Single-Family Residence	Single-Family Residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is situated within the R-CE, Country Estate zoning district, which allows for single family residential development on one acre lots and certain rural uses. The future land use is Rural Settlement 1/1 (RS 1/1), and the property is located in the West Windermere Rural Settlement. Rural Settlements are established through the Comprehensive Plan and are intended to identify areas with unique traits and characteristics which the residents of those areas wish to preserve. The rural settlement designation typically impacts such development factors as residential density, location and intensity of commercial and other nonresidential uses, and with the exception of density, have no impact on single-family development. The West Windermere Rural Settlement has no impact on this request. The Future Land Use is consistent with the R-CE zoning district.

The area surrounding the subject site consists primarily of single-family homes. The property is a lakefront lot with frontage along Summerport Lane and abuts Lake Butler at the rear. The property was replatted in 1955 under the Summerport Beach Subdivision Replat as Lot 11 and a majority of Lot 12. The lot is vacant except for an existing, unpermitted shed at the front of the property. Permits were submitted for a new one-story, 6,250 gross sq. ft. single-family residence (B25008523) in April 2025, at which time the Zoning reviewer identified that the lot did not meet the minimum lot area of 43,560 square feet (1 acre) required in the R-CE zoning district. It was determined that the subject property is not a substandard lot of record, requiring Variance #1.

The request is to allow the existing accessory structure (shed) to remain in its current location, in front of the principal structure. A detached accessory structure may not be located in front of the principal structure unless the entire principal structure is located in the rear half (½) of the lot/parcel. The proposed single family residence will not be located in the rear half of the lot, requiring Variance #2.

District Development Standards

	Code Requirement	Proposed
Max Height of accessory structure:	25 ft.	10.3 ft.
Min. Lot Width:	130 ft.	205.6 ft.
Min. Lot Size:	43,560 sq. ft. (1 acre)	0.74 acres (Variance Request #1)

Building Setbacks (Accessory Structure):

	Code Requirement	Proposed
Front:	Not located in front of the principal structure*	Located in front of the principal structure 13.6 ft.
Side:	10 ft.	5 ft. (east) +/- 138 ft. (west)
Rear (NHWE):	50 ft.	n/a

**the front setback in the R-CE zoning district is 35 ft.*

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43(3) of the Orange County Code requires that all six variance criteria be satisfied before a recommendation of approval can be made. Based on staff’s analysis, Variance request #1 meets all the required criteria and Variance request #2 does not. The existing structure was not permitted and does not meet accessory structure standards as outlined in Orange County code section 38-1426(1). Therefore, staff is recommending approval of Variance request #1 and denial of Variance request #2.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variance request #1 MET – The special conditions and circumstance particular to the subject property is that the lot is not buildable without the requested variance.

Variance request #2 NOT MET- No special conditions or circumstances exist, as the lot does not currently have a single family home, and an accessory structure could be designed and located on site with the construction of new single family home to meet code.

Not Self-Created

Variance request #1 MET – The substandard aspects of the parcel are not self-created, as the lot was in this configuration when the current owner purchased the property.

Variance request #2 MET- The request is not self-created, as the shed was constructed prior to the current owner's acquisition of the property.

No Special Privilege Conferred

Variance request #1 MET - Granting the Variance would not confer special privilege as some of the surrounding developed properties in the area contain homes on similar sized lots.

Variance request #2 NOT MET- Granting the requested Variance will confer special privilege not conferred to others under the same circumstances since an accessory structure could meet code requirements.

Deprivation of Rights

Variance request #1 MET – Without approval of the requested Variance, the owner will be deprived of the ability to construct a residence on the parcel.

Variance request #2 NOT MET- Denial of the Variance would not deprive the owner of the ability to have accessory structures on the property. The subject lot contains adequate space for an accessory structure to be built or relocated in compliance with all location requirements.

Minimum Possible Variance

Variance request #1 MET – The requested Variance is the minimum necessary to construct a home on the property.

Variance request #2 MET- The requested Variance is the minimum possible to maintain the existing structure in its current location.

Purpose and Intent

Variance request #1 MET – Approval of the request will be in harmony with the purpose and intent of the Code, which is to allow infill development of lawfully constructed residences. The lot area will not be detrimental to the neighborhood as the proposed lot size will be consistent with the developed lots in the area. Additionally, the proposed residence complies with all zoning development standards, including setbacks.

Variance request #2 NOT MET- Approval of the requested Variances would not be in harmony with the purpose and intent of the Zoning Regulations as code intends to have accessory structures in the rear or side and the principal structure toward the front of the property.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the lot area shown on the site plan dated December 2, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of the Certificate of Occupancy for the house, a permit shall be obtained for the existing accessory structure (shed) in a code compliant location, or it shall be removed.

C: Rebecca Gallof
12531 Montalcino Cir.
Windermere, Florida 34786

Charles E. Josphe
C.E. Joseph Constructors Inc.
130 Birchwood Dr.
Maitland, Florida 32751

Should the BZA find that the applicant has satisfied the criteria necessary for the granting of Variance #2, staff recommends that the approval be subject to the following additional condition:

5. Prior to the issuance of the Certificate of Completion for the accessory structure permit, the applicant shall provide a Florida #1 3-inch caliper canopy tree as described in Orange County Code Section 24-12 between the northern facade of the accessory structure and Summerport Ln. A watering schedule or an irrigation system in compliance with Sec. 24-7 – irrigation, shall be provided.

Rebecca & Albert Gallof
12531 Montalcino Circle
Windermere, FL 34786
Rvillar970@gmail.com
407-832-6889

Date: November 24, 2025

Orange County Board of Zoning Adjustment
Orange County Administration Building
201 South Rosalind Avenue
Orlando, FL 32801

Subject: Request for 3 Variances on Parcel ID# 13-23-27-8400-00-110 including 1) Minimum Lot Area Requirement to Allow Construction of a Single-Family Home 2) Accessory Structure Location 3) Accessory Structure Setbacks

Dear Members of the Board,

We respectfully submit this letter to request a variance to allow the construction of a single-family home on our lot at 12514 Summerport Lane, Windermere, FL 34786. Our lot is .755 acres (+/- 32,888 SF), which is slightly below the 1-acre minimum lot size required for properties zoned R-CE in Orange County. With a wetland area of .011 acres (+/- 479 SF), the developable land is .744 acres (+/- 32,409 SF).

We wish to build a single-family residence on our lot and believe the proposed development aligns with the intent and character of the R-CE zoning district and will not adversely impact neighboring properties. When we purchased the property, it had a single-family home that had been in existence since 1940. We demolished the property due to safety and structure concerns, not realizing the lot had the size deficiency.

The proposed construction will consist of concrete masonry, totaling 6,250 square feet under roof, of which 3,702 square feet will be conditioned living space. The structure will measure approximately 112 feet in width and 75 feet in depth, including the patio. The home will be set back from the property lines as follows: 57.34 feet from the south, 16.98 feet from the west, 89.96 feet from the north, and 10.87 feet from the east. The proposed height of the home is 23 feet, 9 inches.

We are requesting two variances related to the existing storage shed (wood-framed with aluminum siding). The first is for its placement in the front yard, which is necessary due to the small rear yard, lake and wetland setbacks, and the narrow side yards that make compliant placement impossible. The second is for the shed's setbacks, as the unique lot layout and the unusually wide county right-of-way create an apparent front-setback deficiency even though the shed sits well beyond the functional distance from the roadway. The shed was intentionally placed near the fence line and will be fully screened by existing trees and additional hedging to ensure it remains unobtrusive and in harmony with the neighborhood. The shed measures 10.7' by 27.6' and is 10'4" high. It is setback 13.6' feet from the front boundary versus the required 35' and is setback 5' and 9.4' from the side boundary versus the required 10'.

Variance Criteria Responses – Lot Size

1. Special Conditions and Circumstances

The property at 12514 Summerport Lane (.755 acres or +/- 32,888 SF) is a uniquely shaped and sized lot, originally platted in 1922 and lastly replatted in 1955, but was enlarged to the maximum size possible in the 1960's, which is why it is ineligible for a substandard lot of record determination. This property had a wood-framed home on it dating back to 1940. Although this home was used as a primary residence for decades, it did not meet the current R-CE zoning requirement of one acre. These conditions are specific to this parcel and not generally applicable to other properties within the R-CE zoning district, particularly those created after the adoption of current zoning standards.

2. Not Self-Created

The hardship resulting from the lot's size was not created by the current owners. The property was legally created and developed before the current zoning regulations took effect. The applicant did not create or modify the lot size and purchased it with an existing single-family home that has since been removed for safety (asbestos) and structural (differential settlement) reasons. The intent to rebuild follows the historical residential use of the parcel.

3. No Special Privilege Conferred

Granting the requested variance would not confer any special privilege unavailable to other property owners in similar situations. The intent is to continue the existing residential use on a legally established lot that has historically been used for a single-family home. Approval would simply restore the previously existing use, not expand or alter it in a way that advantages the applicant over others in the zoning district.

4. Deprivation of Rights

Strict enforcement of the one-acre minimum lot size would deny the applicant the ability to build a home on a parcel that has long been used as a residential lot. Other similarly situated properties in the area enjoy the right to construct and maintain homes. The inability to build due to the lot being slightly under the zoning requirement imposes an undue and unnecessary hardship, especially considering the property's historical use.

5. Minimum Possible Variance

The requested variance is the minimum necessary to allow the reasonable and historically established residential use of the property. The applicant is not requesting an increase in density, and the proposed use is consistent with the surrounding neighborhood and does not exceed what previously existed on the lot.

6. Purpose and Intent

Approval of the variance supports the continued use of the property in a manner consistent with the intent of the R-CE zoning district—to preserve the residential character of rural communities. The variance would not harm the neighborhood or public welfare, as the proposed home will comply with all other development standards and will maintain the character of the existing community.

Variance Criteria Response – Shed Placement in Front Yard

1. Special Conditions and Circumstances

Special conditions exist on this property that do not apply to other properties in the same zoning district. The rear yard is significantly smaller than the front yard and is directly adjacent to a lake and protected wetlands, which impose a 50-foot setback from the water and wetland boundary. These environmental constraints completely restrict the placement of any accessory structure in the rear yard. In addition, both side yards are too narrow to accommodate a shed. The only feasible location to keep it out of view and away from our drain field is an irregular, triangular corner area in the front yard that is not usable for other purposes and can be naturally screened by existing mature trees and planned hedge plantings to completely obscure it from view.

2. Not Self-Created

The hardship is not the result of any action by the property owner. The limitations are due to the natural characteristics of the site, namely the lake, the required wetland buffer setback, and the unusually small rear yard as the property is pie shaped. The narrow side yard widths were part of the original subdivision design and are beyond the applicant's control. These pre-existing site conditions create hardship and make rear-yard placement impossible. Additionally, the setbacks required for the drain field require the house to be placed as seen on the site plan (close to the road as possible).

3. No Special Privilege Conferred

Approval of this variance will not confer any special privilege denied to others in the same zoning district. The request is based solely on the physical constraints of the property and not on personal preference. Other property owners with compliant rear yard space or without environmental restrictions would continue to follow code requirements. This variance merely allows reasonable use of the property considering its unique limitations.

4. Deprivation of Rights

Literal enforcement of the code—which requires the shed to be placed in the rear yard—would deprive the applicant of rights commonly enjoyed by other property owners. Because the rear yard is unusable due to mandatory setbacks, strict application of the code would eliminate the ability to have a functional storage structure at all. This would create unnecessary hardship, as the shed is needed to store lawn and gardening equipment required for maintenance of both the front yard and the lakeside property.

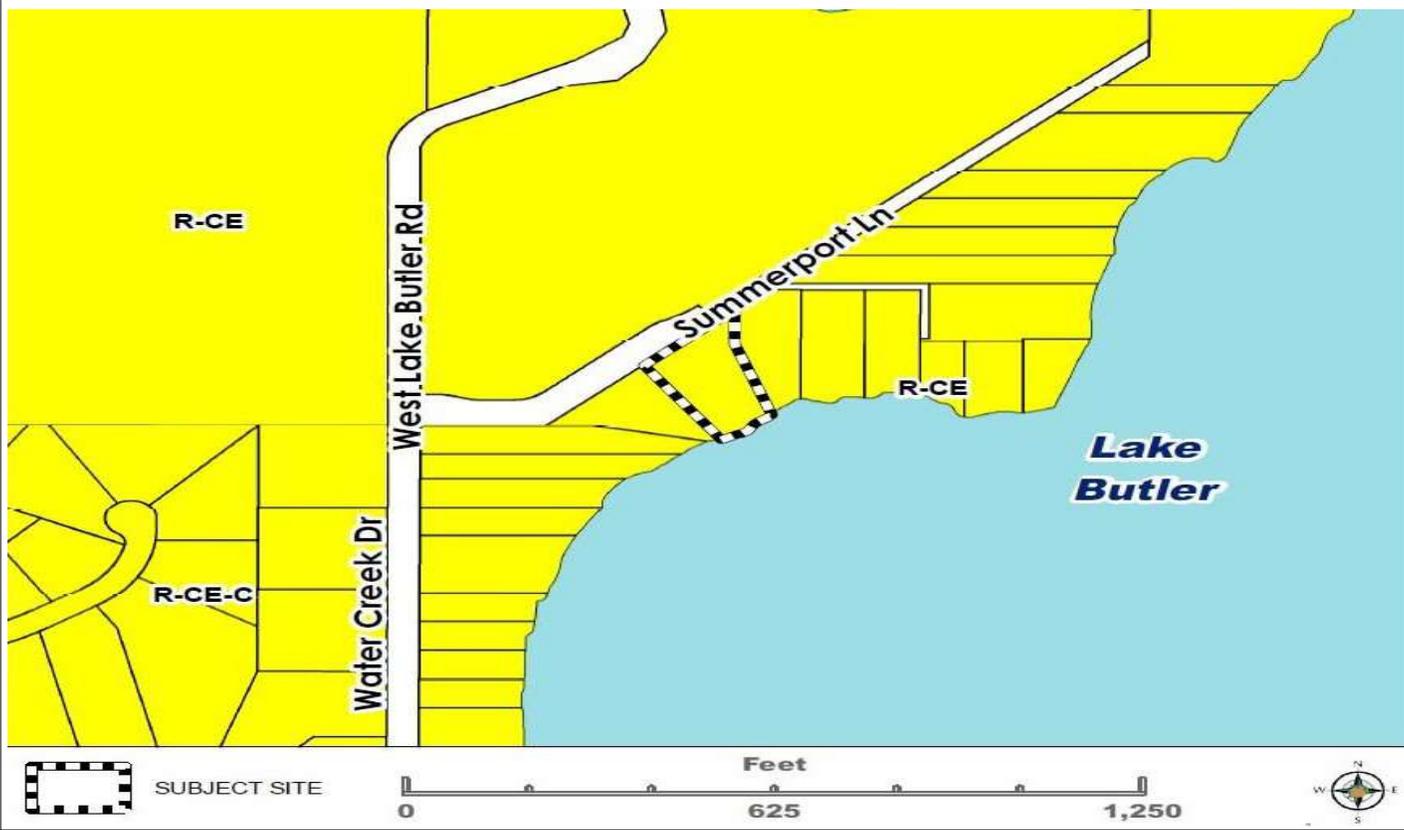
5. Minimum Possible Variance

The requested variance represents the minimum relief necessary to achieve reasonable use of the property. The proposed shed will be located in the only feasible area that can physically accommodate it while minimizing visual and environmental impacts. The triangular front-yard corner is naturally screened by existing large trees, and additional hedges and trees will be installed to ensure full visual buffering. No greater variance is being requested than what is required to place the shed in a suitable and unobtrusive location.

6. Purpose and Intent

Approval of this variance will be consistent with the purpose and intent of the zoning regulations. The shed will be attractively screened with landscaping, ensuring it is not visible from the road or neighboring properties. The placement will not be injurious to the neighborhood or detrimental to public welfare. The design respects environmental protections, avoids encroachment into wetlands and buffers, and utilizes an otherwise unusable corner of the property. Granting the variance allows the property to function as intended without negatively impacting the community.

ZONING MAP



AERIAL MAP



SITE PHOTOS



Facing north towards Summerport Lane



Facing northeast towards Summerport Lane

SITE PHOTOS



Facing south towards Lake Butler



Facing southeast towards Lake Butler

BZA STAFF REPORT

Planning, Environmental & Development Services/Zoning Division

Meeting Date: **FEB 05, 2026**

Commission District: **#3**

Case #: **VA-26-03-095**

Case Planner: **Jacqueline Boling; 407-836-5955
Jacqueline.Boling@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): CHRISTOPHER SCHUETTE

OWNER(s): MASSIEL PACHECO, NELSON PACHECO

REQUEST: Variances in the R-1A zoning district to allow the conversion of a garage to an attached Accessory Dwelling Unit (ADU) as follows:

1) With a front setback of 23.49 ft. in lieu of 25 ft.

2) With a side setback of 6.41 ft. in lieu of 7.5 ft.

PROPERTY LOCATION: 4508 Judy Ct., Orlando, FL 32839, north terminus of Judy Ct., north of Holden Ave., east of S. Orange Blossom Trl., south of W. Michigan St., west of S. Orange Ave.

PARCEL ID: 11-23-29-3667-00-070

LOT SIZE: 17,124 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 127

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 Roberta Walton Johnson, Second by Glenn Rubinstein; unanimous; 6 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed; and 1 absent: Juan Velez):

1. Development shall be in accordance with the site plan and elevations dated July 03, 2025, 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 a building permit for the ADU conversion, the applicant shall provide updated elevations demonstrating that the entrance has been removed or relocated from the front to the rear or side of the structure, in compliance with code.

5. Prior to the issuance of a building permit for the ADU conversion, a permit shall be obtained for the pavers, or they shall be removed.

SYNOPSIS: Staff presented the proposal, outlined the property's location, site plan, and site photos, and reviewed the six criteria and explained the reasons for recommending approval of the Variance requests. Staff noted that no comments were received in support, and no comments were received in opposition to the request.

The applicant, who was present, stated that they were in support of staff's recommendation.

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

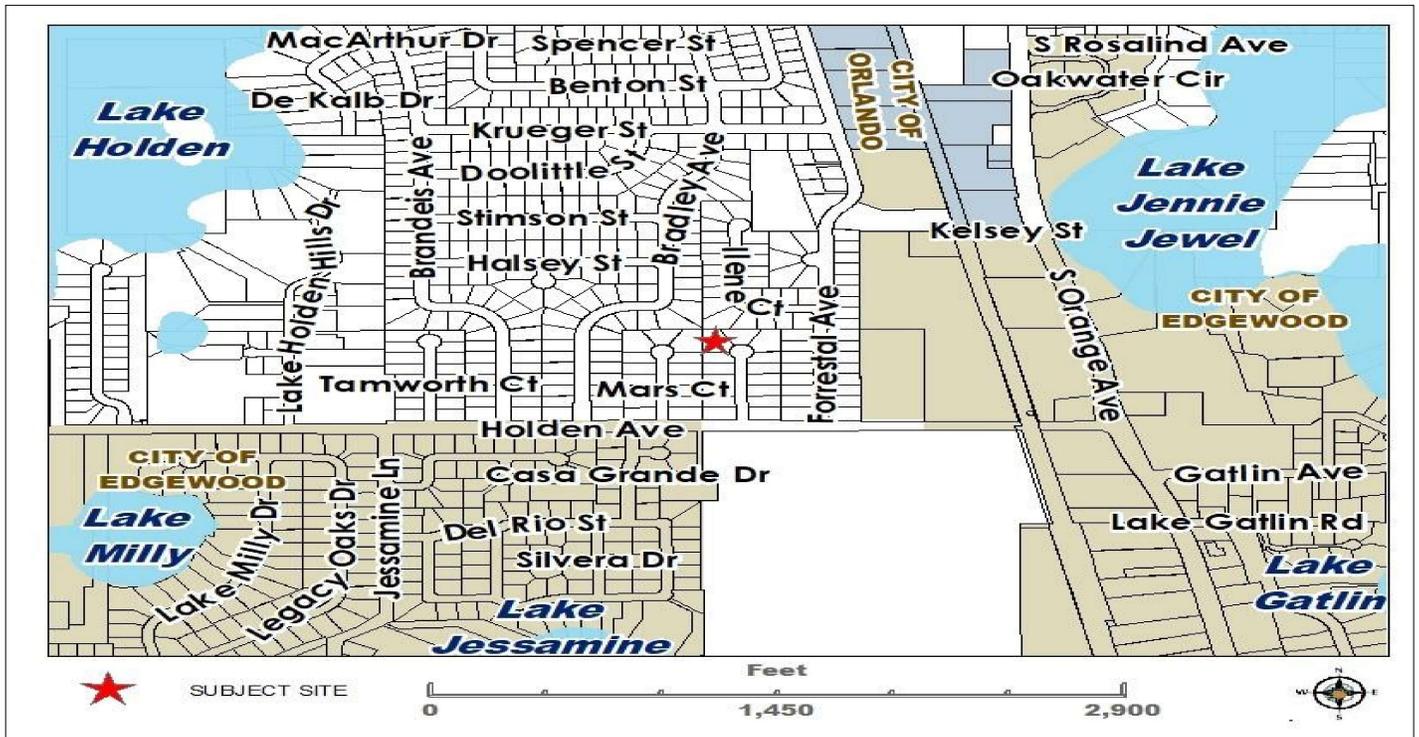
The BZA determined that the request is appropriate, as the house has remained in its current configuration with no major modifications since its original construction, and the ADU remains within the original footprint of the garage.

The BZA recommended approval of the Variance request by a 6-0 vote, with 1 absent, subject to the five conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1A, single-family dwelling district, which allows single-family homes and associated accessory structures. The Future Land Use (FLU) is Low Density Residential (LDR) which is consistent with the R-1A zoning district.

The area surrounding the subject site is primarily developed with single-family homes, many of which were constructed in the 1960s. The subject property is 17,124 sq. ft. in size, platted in 1963 as Lot 7 of the Holden Court First Addition Plat, and is a conforming lot of record. The property is an irregularly shaped lot with frontage along Judy Court to the south. The current owners acquired the property in April 2016.

The subject property is developed with an 1,818 sq. ft. one-story single-family residence, with an attached two car garage, constructed in 1963, along with an in-ground pool and deck that appear in 1971 aerial imagery; however, no permits for the pool and deck were found. The property also includes a screen room and screen enclosure constructed in 2014 (B14002253). As indicated on the survey, the existing residence encroaches into the front setback by approximately 1.5 ft. and into the northeast side setback by approximately 1.1 ft. The existing setbacks are allowed to remain; however, any changes or setback modifications must conform to applicable code requirements.

Proposed is the conversion of the existing 501 sq. ft. attached garage into an Accessory Dwelling Unit (ADU) with one bedroom, one bathroom, a kitchen, and a living area. The proposed conversion does not change the existing exterior footprint of the garage. Section 38-1246(2)c.6.(i) of the Orange County Code states *an attached accessory dwelling unit shall comply with all principal structure setbacks*. The R-1A zoning district requires a minimum front setback of 25 ft., and a minimum side setback of 7.5 ft. The site plan shows the garage is set back 23.49 feet from the front property line; therefore, Variance #1 is required to address the front setback. The garage currently has a north side setback of 6.41 feet, requiring Variance request #2.

Section 38-1426(2)(8) of the Orange County Code permits an attached ADU to either share an entrance with the primary dwelling or have a separate entrance. If a separate entrance is provided, it must be located on the side or rear of the structure. The proposed plans depict the entrance on the same façade as the existing garage door, which is considered the front of the residence. The applicant has agreed to modify the entrance location to comply with the Code requirement, and as a result, Condition of Approval (COA) #4 has been added, requiring the applicant to remove or relocate the ADU entrance to the rear of the structure and update the plans prior to permit issuance to ensure compliance with County building requirements.

Per section 38-1426(2)c.9. of Orange County code, one additional off-street parking space shall be required for an accessory dwelling unit. The additional space requirement may be met by a garage, carport, or driveway of the primary dwelling unit. In addition to this requirement, two parking spaces must be provided for the

home. After the conversion, the site will accommodate the parking requirements of the home and ADU within the existing driveway.

During the site visit, staff observed a paver extension of the driveway. Based on aerial images, it appears the improvements were made between 2019 and 2020. No permits have been obtained for the pavers. The applicant was informed that a permit will be required for the pavers. If a permit cannot be obtained for the pavers they will be required to be removed from the property, as reflected in COA #5. Based on staff review, the applicant appears to meet Orange County’s parking requirements on the property, with or without the paver extension.

Attached Accessory Dwelling Unit Development Standards

	Code Requirement	Proposed
Max. Height:	35 ft.	12 ft.
Living Area:	Maximum of 1,000 sq. ft.	501 sq. ft.

Building Setbacks (Attached Accessory Dwelling Unit)

	Code Requirement	Proposed
Front: (Judy Ct.)	25 ft.	23.49 ft. (Variance #1)
Side:	7.5 ft.	6.41 ft. (North - Variance #2) +/- 50 ft. (South)
Rear:	30 ft.	+/- 36 ft.

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Staff has determined that the request meets all of the criteria. Based on staff’s analysis the proposed conversion will have no adverse impact on the surrounding residences and the structure has existed in its current location since 1963. Therefore, staff is recommending approval.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

All Variances MET - There are special conditions unique to the property, as the existing home was constructed in 1963 and has remained in its current location.

Not Self-Created

All Variances MET - The request is not self-created, as the home was constructed in its current location in 1963, prior to the current ownership.

No Special Privilege Conferred

All Variances MET - Granting the requested variance would not confer a special privilege, as neighboring homes appear to have similar building footprints with comparable setbacks and the conversion utilizes the structure's current configuration.

Deprivation of Rights

All Variances MET - Without approval of the requested variances, the owner would be unable to convert the existing garage into an Accessory Dwelling Unit.

Minimum Possible Variance

All Variances MET - The requests are the minimum possible to utilize the existing garage footprint.

Purpose and Intent

All Variances MET - Approval of the requested Variances would be in harmony with the purpose and intent of the Zoning Regulations as the code encourages infill development, and the ADU is compatible with surrounding development patterns. The structure has been in this location since the 1960s and the interior alteration will not change the impact the structure has on the surrounding area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated July 03, 2025, 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 a building permit for the ADU conversion, the applicant shall provide updated elevations demonstrating that the entrance has been removed or relocated from the front to the rear or side of the structure, in compliance with code.
5. Prior to the issuance of a building permit for the ADU conversion, a permit shall be obtained for the pavers, or they shall be removed.

C: Nelson Pacheco, Massiel Pacheco
4508 Judy Court
Orlando, FL 32839

Christopher Schuette
Boccard Construction, Inc.
3123 Foxwood Drive
Apopka, FL 32703

COVER LETTER

Date: 12/8/2025

Orange County Zoning Division
Board of Zoning Adjustment
Orlando, Florida

RE: Variance Request for Existing Garage Setbacks

Dear Members of the Board of Zoning Adjustment,

I am writing on behalf of the homeowner as the authorized agent to formally request approval of two setback variances associated with the existing garage structure at the subject property.

The request relates to the repurposing of the existing garage into livable interior space. No exterior expansion or modification of the structure is proposed. The garage has been in its existing footprint since the original construction of the home in the 1960s and currently encroaches on two setback requirements:

- **Front setback:** Code requires 25 feet; existing condition is 23.49 feet.
- **Side setback (rear/right corner):** Code requires 7.5 feet; existing condition is 6.41 feet.

Because the structure is preexisting and remains unchanged in size or location, the variance is necessary solely to allow interior conversion to living space.

This request meets all six standards for variance approval as outlined below:

1. Special Conditions and Circumstances

The garage was constructed within the current setback lines at the time of the original home build, and the footprint remains unchanged. No subsequent alterations have caused or contributed to the nonconformity.

2. Not Self-Created

The setback encroachments were not created by the current homeowners or any recent modification. The structure has remained in its original condition since its construction decades ago.

3. No Special Privilege Conferred

Granting this variance will not confer any special privilege. The request does not involve expansion or modification of the exterior structure. Approval would simply permit the reasonable interior use of a legally constructed building.

4. Deprivation of Rights

Approval of the variance will not deprive neighboring properties or the public of any rights commonly enjoyed within the zoning district. All work will remain confined entirely within the existing structure and lot boundaries.

5. Minimum Possible Variance

The variances requested are minimal in nature, limited to approximately 1.51 feet for the front setback and 1.09 feet for the side setback. These are the minimum adjustments necessary to allow functional residential use of the existing building footprint.

6. Purpose and Intent

Approval of the variance is consistent with the purpose and intent of the zoning regulations and will not negatively impact adjacent properties or the public welfare. The proposed change allows the homeowners to utilize their residence more effectively while maintaining the established character of the neighborhood.

Based on the existing conditions, absence of exterior changes, and full compliance with variance criteria, we respectfully request approval of the setbacks as described.

Thank you for your consideration of this application.

Sincerely,

Christopher Schuette

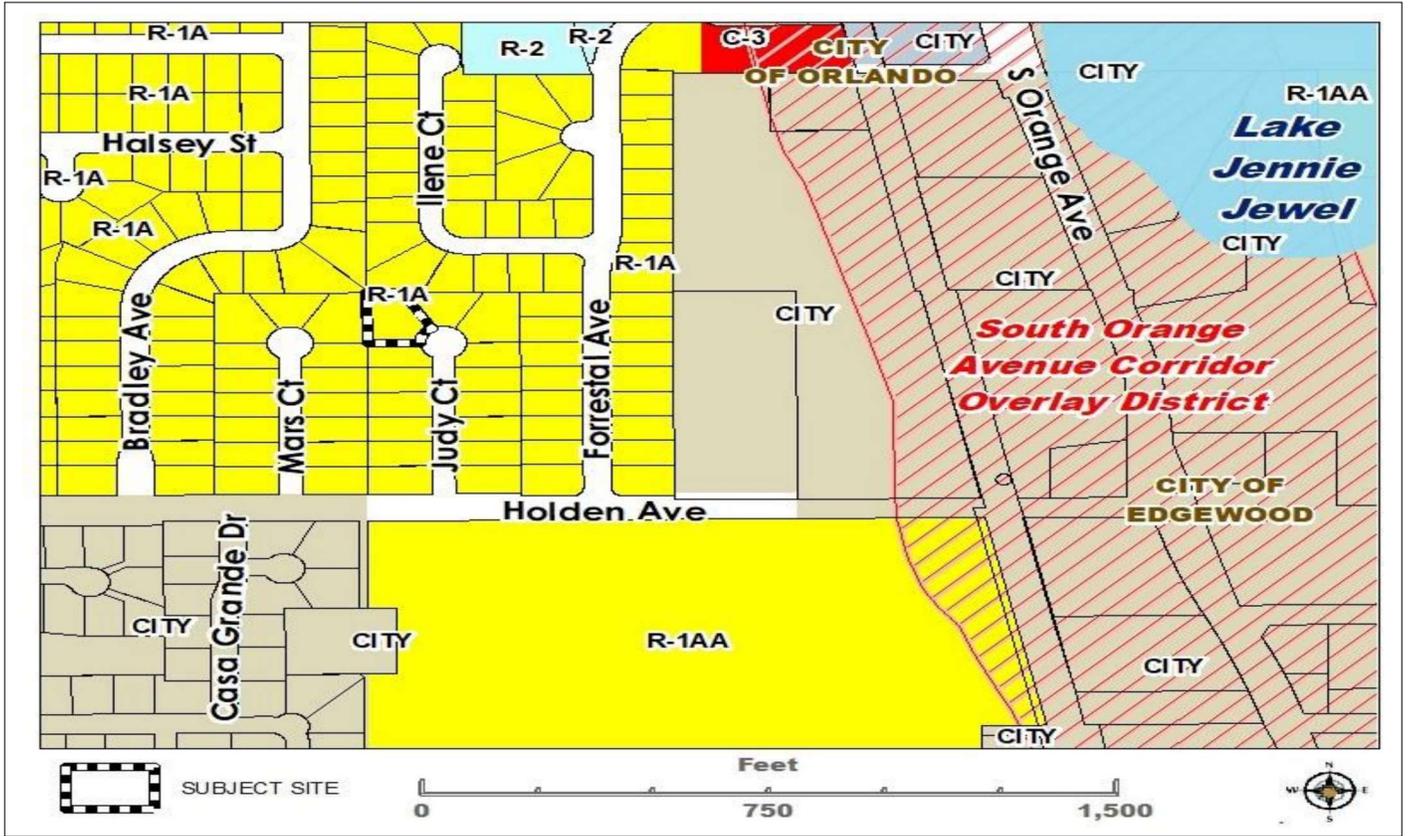
Authorized Agent

Boccard Construction

3123 Foxwood Drive

Apopka, FL 32703

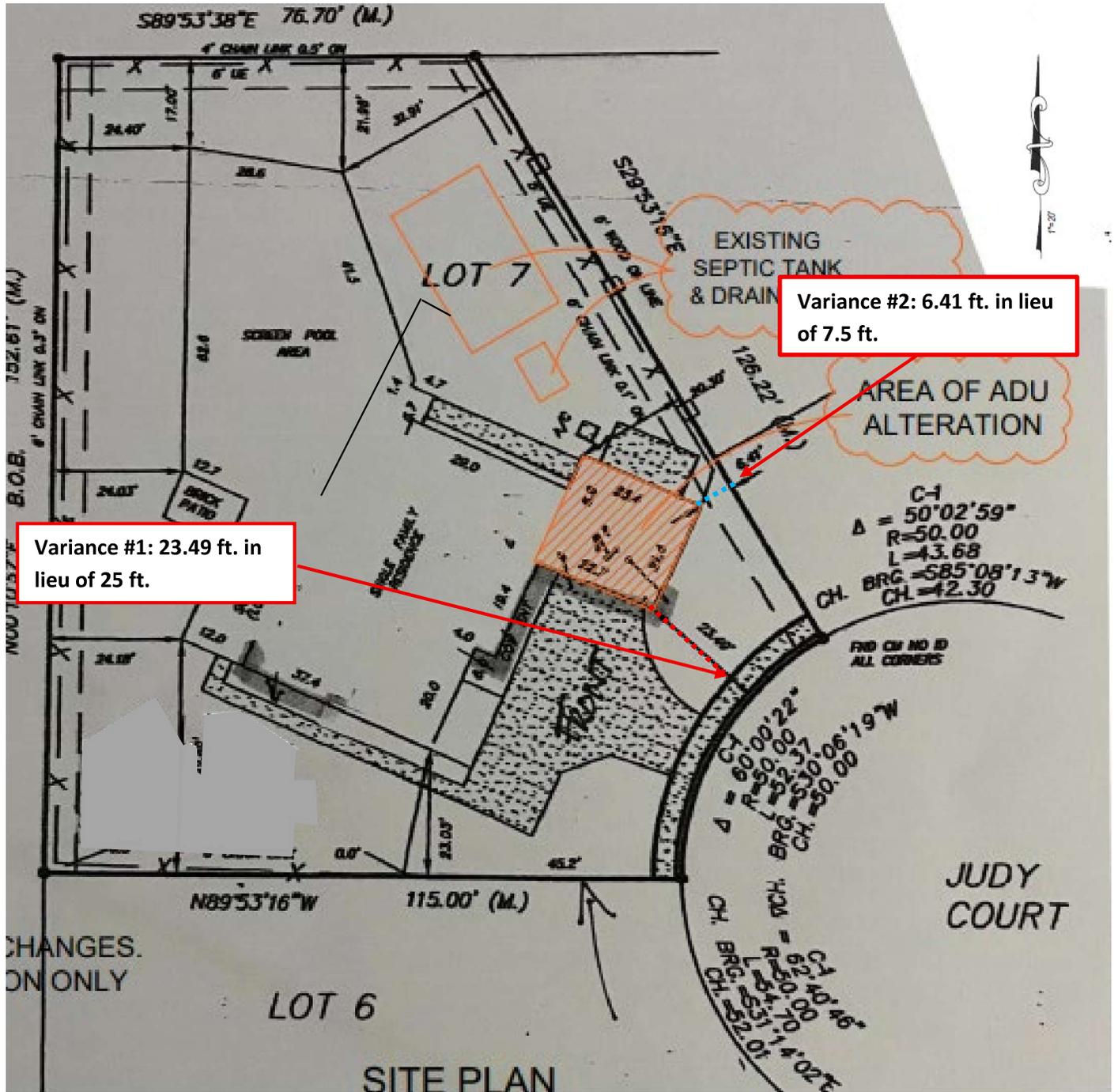
ZONING MAP



AERIAL MAP



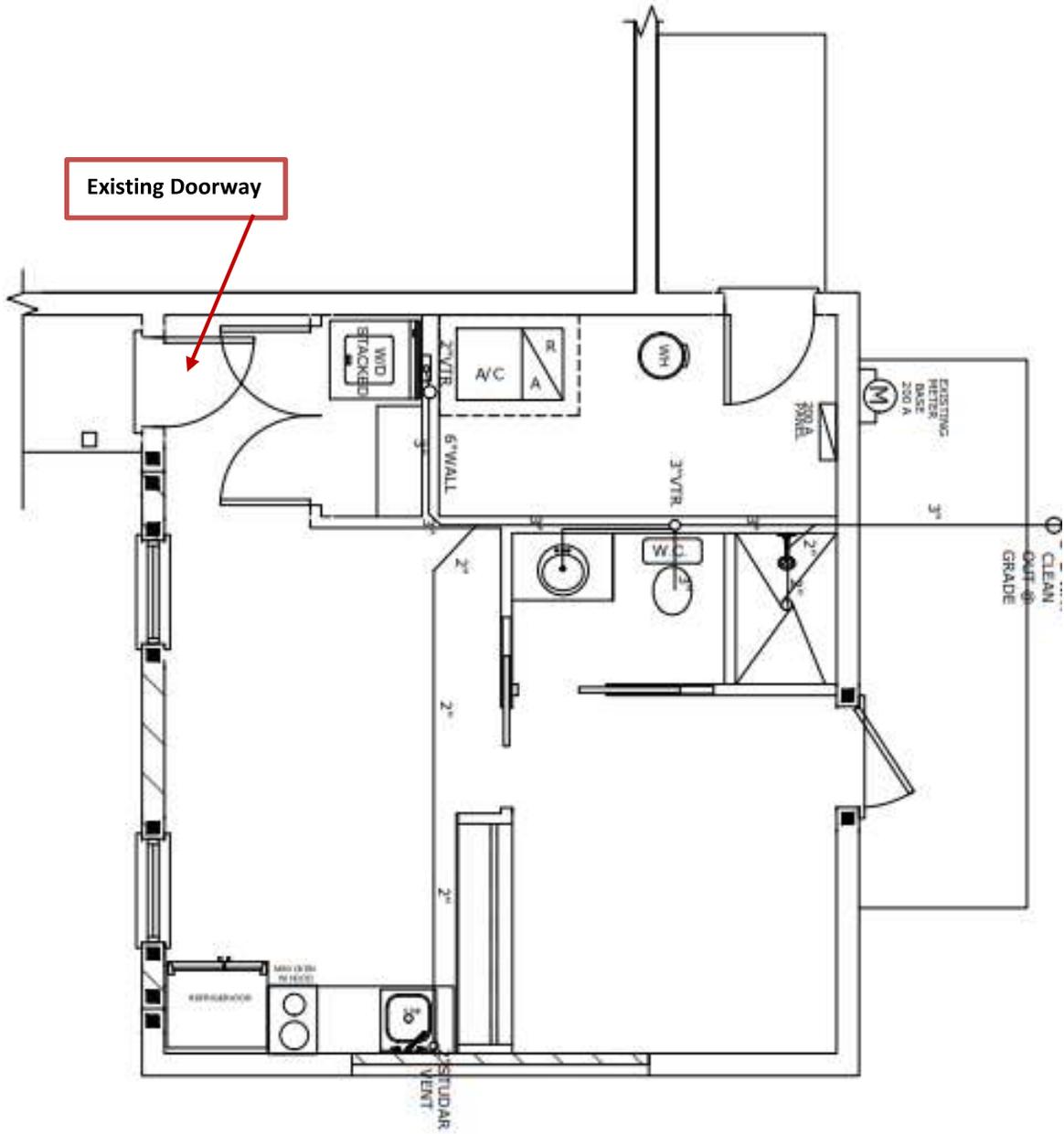
SITE PLAN



Variance #1: 23.49 ft. in lieu of 25 ft.

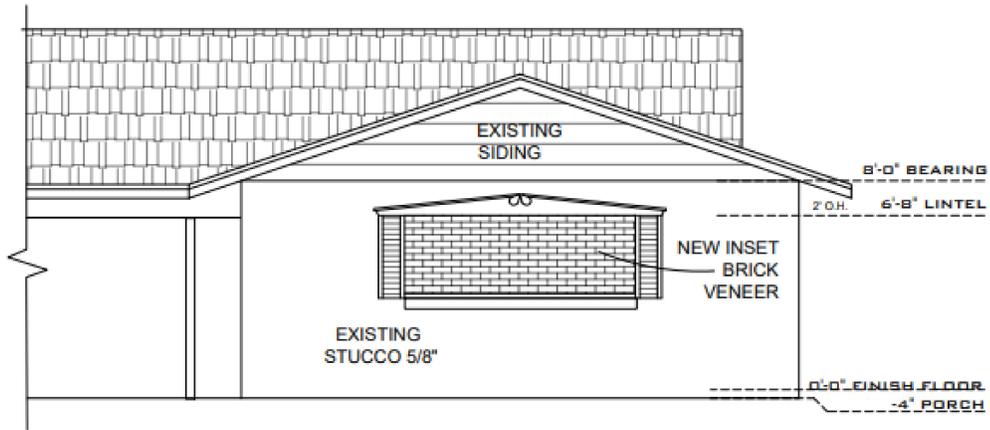
Variance #2: 6.41 ft. in lieu of 7.5 ft.

ADU FLOOR PLAN

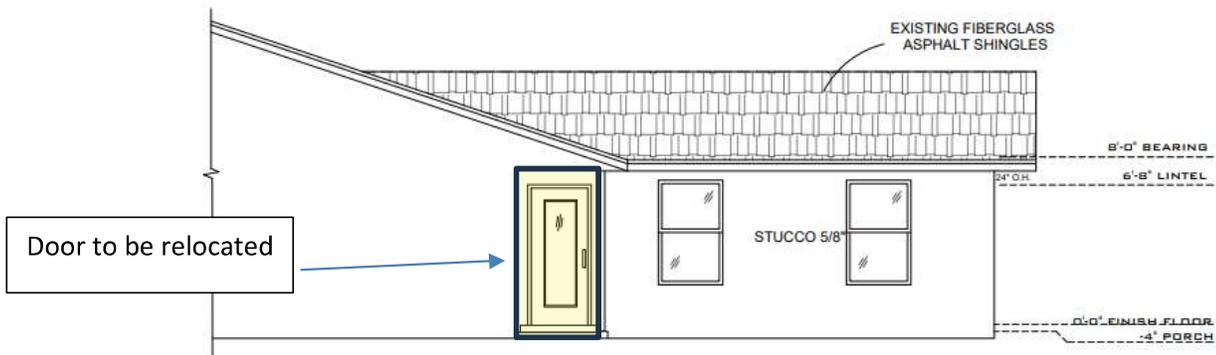


1" = 20'

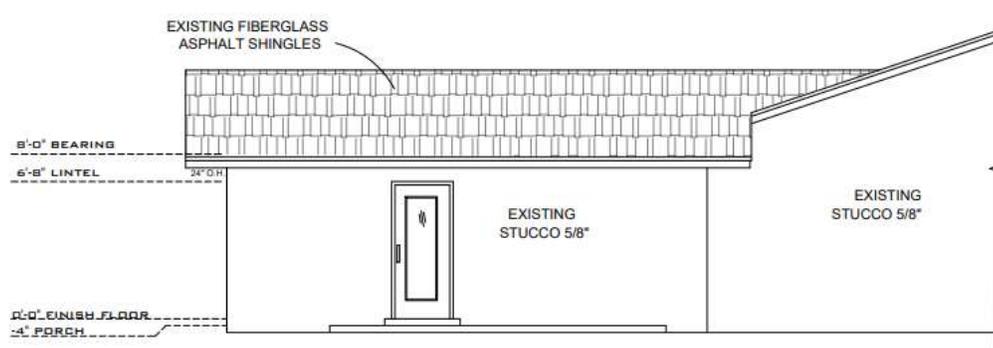
ELEVATIONS



East Front Elevation



South Left Elevation



North Right Elevation

SITE PHOTOS



Front yard, facing northeast towards front of subject property



On the property, facing north towards garage

SITE PHOTOS



Front yard, facing northwest towards the house and proposed ADU



On the property facing east towards Judy Court and neighboring properties

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 05, 2026**

Commission District: **#5**

Case #: **SE-26-03-097**

Case Planner: **Catherine Glase (407) 836-9615**
Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): PAULO LANDIM JR FOR GREENFORT UNIVERSITY

OWNER(s): SUMMIT/CONGRESS PLAZA LLC

REQUEST: Special Exception in the P-O zoning district to allow a university within the existing building.

PROPERTY LOCATION: 1320 N. Semoran Blvd., Suite 204, Orlando, FL 32807, west side of N. Semoran Blvd., east side of Moselle Ave., north of Old Cheney Hwy., south of Hanging Moss Rd., west of N. Forsyth Rd., east of Bennet Rd.

PARCEL ID: 21-22-30-4084-02-120

LOT SIZE: 1.91 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 70

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 Johnny Stanley, Second by Sonya Shakespeare; unanimous; 6 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed; and 1 absent: Juan Velez):

1. Development shall be in accordance with the survey dated November 21, 2019, 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 Use Permit or Alteration Permit, as may be required, shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The Zoning Manager may extend the time limit if proper justification is provided for such an extension.
5. The approved office space shall be used exclusively for university administrative and faculty office functions. No instructional activities, classrooms, student services, or student-oriented uses shall be permitted.

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

Representatives for the applicant and landlord were present and stated the office will be leased by the university and used only as an administrative office, with no students on site.

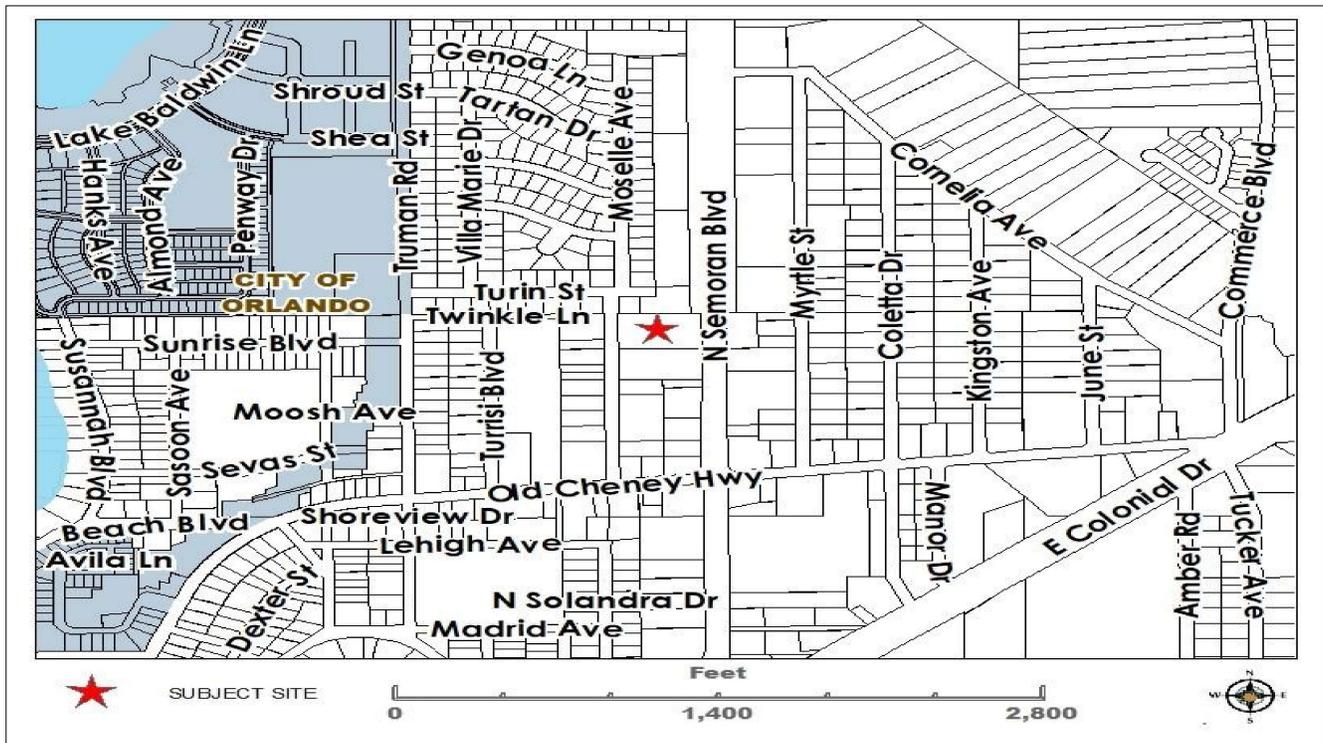
There was no one in attendance to speak in favor or in opposition to the request.

The BZA briefly discussed the requests and agreed with staff's recommendation. The BZA recommended approval of Special Exception request by a 6-0 vote, with 1 absent, subject to the five conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	P-O	P-O	P-O	RSTD P-O	R-1A
Future Land Use	O	O	O	O	LMDR
Current Use	Office	Office	Office	Day Care Center	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the P-O, Professional Office, zoning district, which allows professional services such as medical offices, personal services and other general office uses that serve as a transition between commercial and residential uses. Certain uses, such as universities, are permitted through the Special Exception process. The property has a Future Land Use (FLU) of Office (O), which is consistent with the P-O zoning district. A portion of the property is located within the S.R. 436/S.R. 50 Corridor Overlay District. This overlay district was established to guide land use and development along the referenced key commercial roadways, and has no impact to the current request.

The area surrounding the subject site consists of a mix of commercial, offices, and single-family homes. The subject property is 1.91 acres in size and was platted in 1948 as lots 12 through 15 in block B of the J.J. Kates Subdivision Plat. It is a double frontage lot with N. Semoran Blvd. to the east and Moselle Ave. to the west. Sometime after the J.J. Kates Subdivision Plat was recorded, approximately 5,290 sq. ft. of lots 12 and 13 was taken to widen the right-of-way, resulting in the parcel's current configuration. The subject property was rezoned in 1973 from the R-3 zoning district to the P-O zoning district. The site is currently developed with a 32,788 sq. ft., two-story office building, constructed in 1973, and associated surface parking area.

The proposal is to utilize an existing 1,189 sq. ft. suite within the existing office building as an office for an online university. There will be no students on-site. The suite will be used exclusively for administrative purposes. There is no general office use listed in the Use Table in Sec. 38-77 of County Code; therefore, the classification falls to the underlying use. In the P-O district, colleges & universities are permitted via Special Exception, prompting the request.

The university office will operate weekdays from 8:00 a.m. to 6:00 p.m. and have 1-2 employees performing computer-based administrative tasks. The required number of parking spaces is calculated based on the total square footage of floor area used for office purposes. Orange County Code requires one parking space per 200 sq. ft. The office contains 1,000 sq. ft. of office space, requiring 5 parking spaces. The applicant's cover letter states the office lease includes 5 parking spaces, satisfying the parking requirements for the suite. The parking lot complies with the overall parking standards for the office complex. The request does not include any expansion or site improvements to the existing structures or parking area; therefore, the site is considered to be in compliance with Code.

The request was routed to all relevant reviewing Divisions, and no objections were noted from other reviewing staff. As of the date of this report, no comments have been received in favor of this request, and no comments have been received in opposition to this request.

Section 30-43 (2) of the Orange County Code stipulates a recommendation of approval can only be made if all six Special Exception criteria are met. Staff has determined that the request meets the six criteria. Based on staff's analysis, the operation of the proposed university will function in the same capacity as any other use permitted by right within the P-O zoning district and therefore is recommending approval of the Special Exception request.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

MET – The use of property for a university office, as conditioned through the Special Exception process, is consistent with the Comprehensive Plan.

Similar and Compatible with the Surrounding Area

MET - The area surrounding this site is primarily offices and residential. There are no site changes or improvements proposed, and the operation will not be dissimilar from prior operations on site. There are residential properties directly to the west of the subject property, separated by Moselle Ave.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

MET - The proposed operation utilizes the existing infrastructure and is not anticipated to have any detrimental intrusion into the surrounding area. The P-O zoning serves as a buffer between residential neighborhoods and more intense commercial uses. Offices are visually and functionally compatible with nearby residences.

Meet the performance standards of the district

MET - No new site development is proposed, and all structures and improvements on the site were permitted previously.

Similar in Noise, Vibration, Dust, Odor, Glare, Heat Producing

MET – There are not any activities on the property that would generate noise, vibration, dust, odor, glare or heat that are not similar to the majority of other uses permitted within the zoning district.

Landscape Buffer Yards Shall be in Accordance with Section 24-5 of the Orange County Code

MET – The proposal will be located entirely within the existing developed site and no additional buffer yards are required.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the survey dated November 21, 2019, 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 Use Permit or Alteration Permit, as may be required, shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The Zoning Manager may extend the time limit if proper justification is provided for such an extension.
5. The approved office space shall be used exclusively for university administrative and faculty office functions. No instructional activities, classrooms, student services, or student-oriented uses shall be permitted.

C: Greenfort University (Paulo Henrique Landim Junior)
1320 N. Semoran Boulevard, Suite 204
Orlando, Florida 32807

Kristen Fess and/or Haylee Gallagher
615 E. Colonial Drive
Orlando, FL 32803

November 26, 2025

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

RE: Request for Special Exception

Dear Board of Zoning Adjustment:

My name is Paulo Henrique Landim Junior, and I am writing on behalf of Greenfort University, LLC (the "Applicant"), an online university seeking approval to operate an administrative office within Baldwin East, located at 1320 N Semoran Blvd., Orlando, Florida 32807. The property is zoned Professional Office (PO). Pursuant to Orange County Code, a Special Exception is required for University/College uses, and we respectfully submit this request for your consideration.

Greenfort University is an exclusively online institution and does not provide any in-person classes, instruction, student services, registration, or student activities at this location. Our operations at Baldwin East will be fully administrative in nature.

Below is a summary of the proposed use:

- The administrative office will occupy Suite 204 (approximately 1,189 rentable square feet) at 1320 N Semoran Blvd., within Baldwin East.
- The office will have 1–2 employees performing desk- and computer-based administrative tasks such as recordkeeping and compliance documentation.
- Hours of operation will be Monday–Friday, 8:00 a.m. to 6:00 p.m., consistent with typical professional office use.
- The proposed use fully meets the performance standards of the Professional Office district.
- Operations will not generate noise, disturbances, or nuisances of any kind.
- The Lease includes five (5) parking spaces, based on the 4/1,000 SF parking ratio at Baldwin East. As only 1–2 employees will be on-site, our parking usage will remain well below the allotted capacity.
- Our use is consistent with other office tenants in the building and surrounding area and therefore does not constitute a detrimental intrusion.
- The proposed use aligns with the Future Land Use designation: Office.

COVER LETTER

- The existing building and its landscaping comply with Orange County codes.
- The building at 1320 N Semoran Blvd. contains 28,132 square feet, and the parcel ID is **21-22-30-4084-02-120**.

Greenfort University executed a Lease commencing July 1, 2025; however, we have been unable to occupy the space due to delays in obtaining the required use permit. This permit is essential for us to acquire our Business Tax ID Certificate and satisfy the requirements of our regulatory body, the Commission for Independent Education (CIE), which governs our licensing and ability to operate.

Because of this delay, we are unable to commence operations, and the landlord has been required to defer rent. Timely approval of this Special Exception is therefore critical to ensure continuity of our tenancy and compliance with all regulatory requirements.

We also request that this Special Exception be applied to our existing use permit application, filed under reference number Z25007717.

Thank you for your time and consideration of this request. Should you require any additional information, clarification, or supporting documentation, please feel free to contact me at your convenience.

Sincerely,

Greenfort University, LLC

Paulo Henrique Landim Junior
President, Greenfort University

SPECIAL EXCEPTION CRITERIA

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

The proposed use as a professional administrative office for Greenfort University is consistent with the Comprehensive Policy Plan, which encourages the reuse of existing commercial and office spaces for low-intensity institutional and administrative purposes. The use supports efficient utilization of existing infrastructure and promotes compatible office development within the P-O (Professional Office) zoning district.

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

The subject property is located within Congress Plaza, a multi-tenant professional office and commercial center. The proposed administrative office use is compatible with surrounding office, medical, and business service tenants, maintaining the same hours of operation and activity levels as other professional offices in the plaza.

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

The administrative office use will not generate additional traffic, noise, or parking demand beyond that of a typical professional office tenant. No students, classes, or public instruction will occur on-site, and all operations are limited to standard weekday business hours, ensuring no adverse impact to adjacent properties.

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

The proposed use complies with all performance standards of the P-O (Professional Office) district, including limitations on noise, lighting, signage, and parking. The office will occupy existing interior space with no structural or site modifications required.

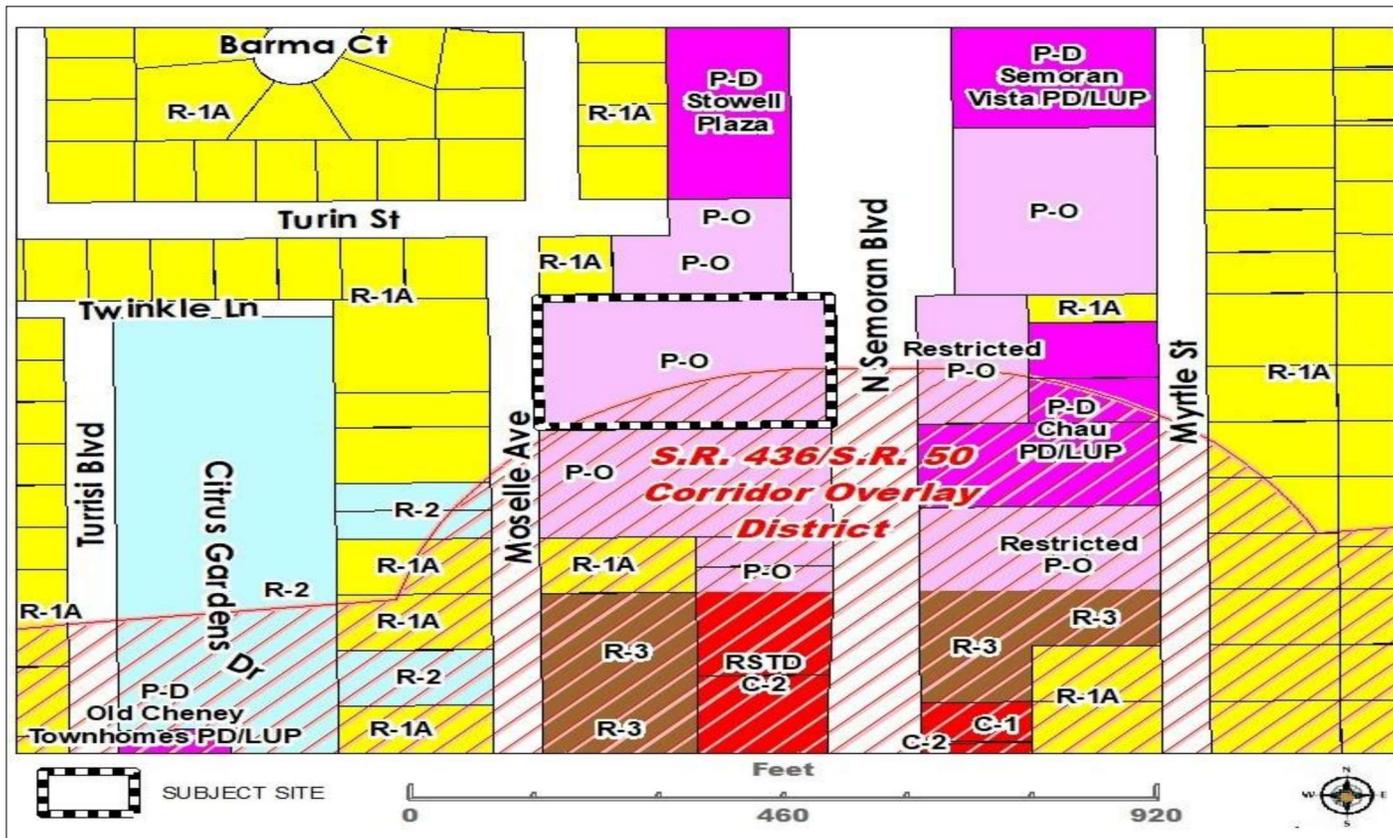
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

The use operates entirely indoors, producing no exterior emissions, vibrations, glare, or noise. Its operational characteristics are identical to other professional and administrative offices permitted in the P-O zoning district.

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 property's existing landscaping and buffer yards comply with the requirements of the P-O zoning district as established in the approved site plan for Congress Plaza. No alterations to existing landscaping or site buffers are proposed.

ZONING MAP

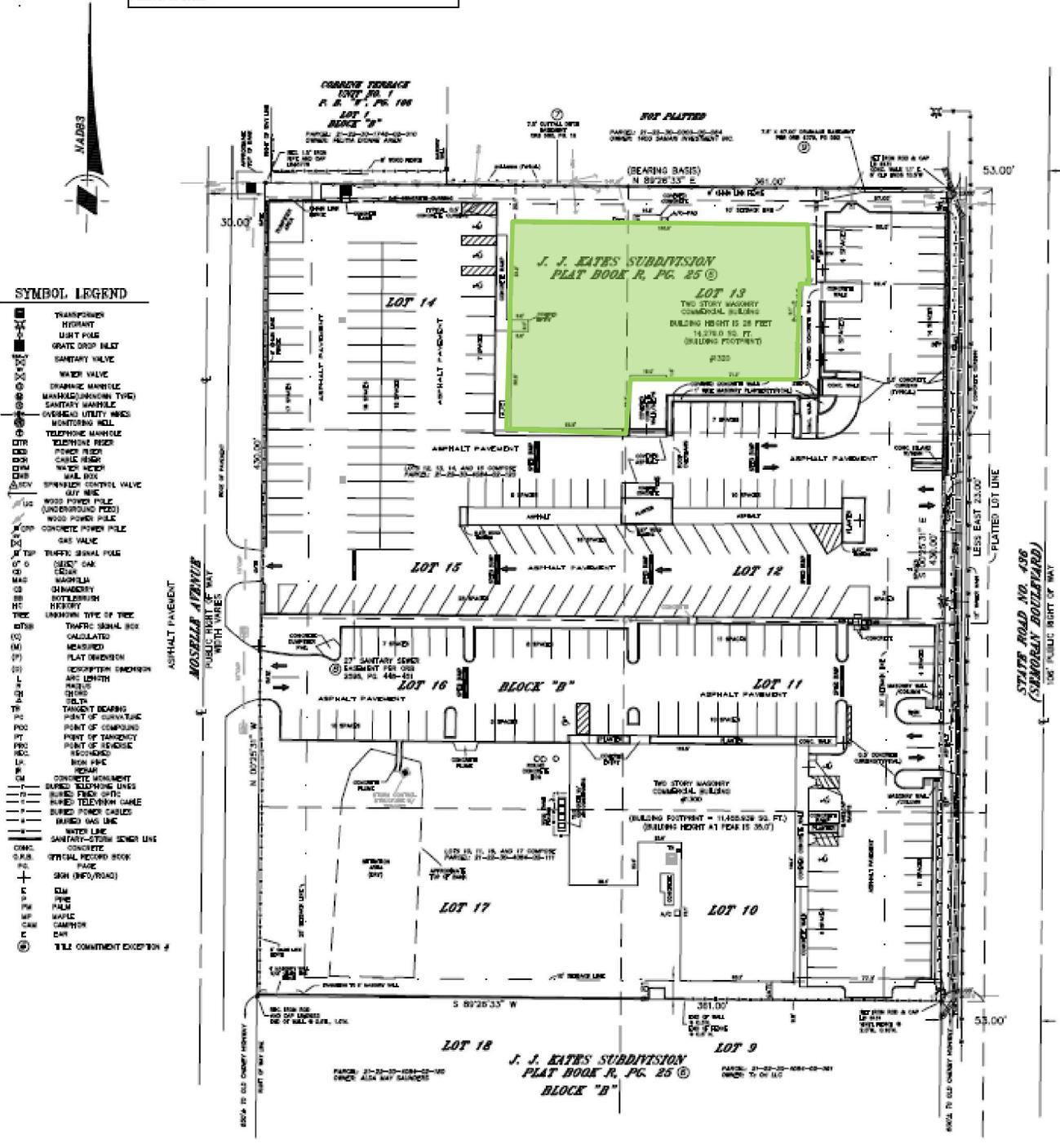


AERIAL MAP



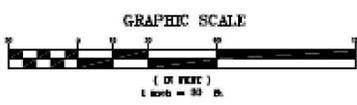
SURVEY

Hours of Operation: 8am - 6pm Mon-Fri, 9am - 12pm Sat
Number of Seats: 4



SYMBOL LEGEND

[Symbol]	TRANSFORMER
[Symbol]	HYDRANT
[Symbol]	LIGHT POLE
[Symbol]	GRATE DROP INLET
[Symbol]	SANITARY VALVE
[Symbol]	WATER VALVE
[Symbol]	DRAINAGE MANHOLE
[Symbol]	MANHOLE (UNDERGROUND TYPE)
[Symbol]	SANITARY MANHOLE
[Symbol]	OVERHEAD UTILITY WIRE
[Symbol]	MONITORING WELL
[Symbol]	TELEPHONE MANHOLE
[Symbol]	TELEPHONE REEF
[Symbol]	POWER REEF
[Symbol]	CABLE REEF
[Symbol]	WATER REEF
[Symbol]	WALL BOX
[Symbol]	SPRINKLER CONTROL VALVE
[Symbol]	GUY WIRE
[Symbol]	WOOD POWER POLE (UNDERGROUND FEED)
[Symbol]	WOOD POWER POLE
[Symbol]	CONCRETE POWER POLE
[Symbol]	GAS VALVE
[Symbol]	TRAFFIC SIGNAL POLE
[Symbol]	SELECT SIGN
[Symbol]	CELEST
[Symbol]	WAGON
[Symbol]	DIAMONDS
[Symbol]	BOTTLEBRUSH
[Symbol]	HISTORY
[Symbol]	TYPE
[Symbol]	UNKNOWN TYPE OF TREE
[Symbol]	TRAFFIC SIGNAL BOX
[Symbol]	CALCULATED
[Symbol]	MEASURED
[Symbol]	PLAT DIVISION
[Symbol]	DESCRIPTION (SHOWING)
[Symbol]	ARC LENGTH
[Symbol]	ARC
[Symbol]	CHORD
[Symbol]	TANGENT BEARING
[Symbol]	POINT OF CURVATURE
[Symbol]	POINT OF COMPOUND
[Symbol]	POINT OF TANGENCY
[Symbol]	POINT OF REVERSE
[Symbol]	RECORDED
[Symbol]	IRON PIPE
[Symbol]	IRON
[Symbol]	CONCRETE MONUMENT
[Symbol]	BURNED SLEEPING LOGS
[Symbol]	BURNED END OF PIPE
[Symbol]	BURNED TELEPHONE CABLE
[Symbol]	BURNED POWER CABLES
[Symbol]	BURNED GAS LINE
[Symbol]	WATER LINE
[Symbol]	SANITARY-STEEL SEWER LINE
[Symbol]	CONCRETE
[Symbol]	OFFICIAL RECORD BOOK
[Symbol]	PAGE
[Symbol]	SEW (INFO/ROAD)
[Symbol]	ELM
[Symbol]	YEW
[Symbol]	PALM
[Symbol]	BAYLE
[Symbol]	CAMPHOR
[Symbol]	CYP
[Symbol]	11.2 COMMENT EXCEPTION #



SITE PHOTOS



View of main entrance from southeast corner of property along N. Semoran Blvd.



Facing north along front façade of building from N. Semoran Blvd.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 05, 2026**

Commission District: **#4**

Case #: **SE-26-02-096**

Case Planner: **Laekin O'Hara (407) 836-5943**

Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): WILLIAM KILMER FOR SPRING OF LIFE UNITED METHODIST CHURCH INC.

OWNER(s): SPRING OF LIFE UNITED METHODIST CHURCH INC.

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

- 1) Special Exception to allow a day care facility for 185 children
- 2) Variance to allow grass parking in lieu of parking on an improved surface

PROPERTY LOCATION: 11101 Moss Park Rd., Orlando, FL 32832, north side of Moss Park Rd., east of S.R. 417, south of Dowden Rd., west of Storey Park Blvd.

PARCEL ID: 09-24-31-0000-00-015

LOT SIZE: 15 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 138

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 that the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Glenn Rubinstein, Second by Roberta Walton Johnson; unanimous; 6 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed; and 1 absent: Juan Velez):

1. Development shall be in accordance with the site plan dated October 2, 2025, and elevations dated November 21, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. A permit shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Hours of operation for the day care shall be weekdays from 9 a.m. to 2 pm.
6. The grass parking spaces shall be fitted with wheel stops. The drive aisles and ADA parking spaces shall be improved with a durable all-weather surface and properly drained in accordance with Orange County Code.
7. Maximum number of children for the day care facility shall not exceed 185 children.

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 criteria and the reasons for a recommendation for approval of the Special Exception and Variance requests. Staff noted that no comments were received in favor and no comments were received in opposition to the request.

Representatives of the applicant were present and explained the history of the site, noting a previous approval for a church and pre-school, and that they are requesting to expand the preschool. They went on to state there is currently high demand for the preschool, and the existing facility is on a waitlist for new students.

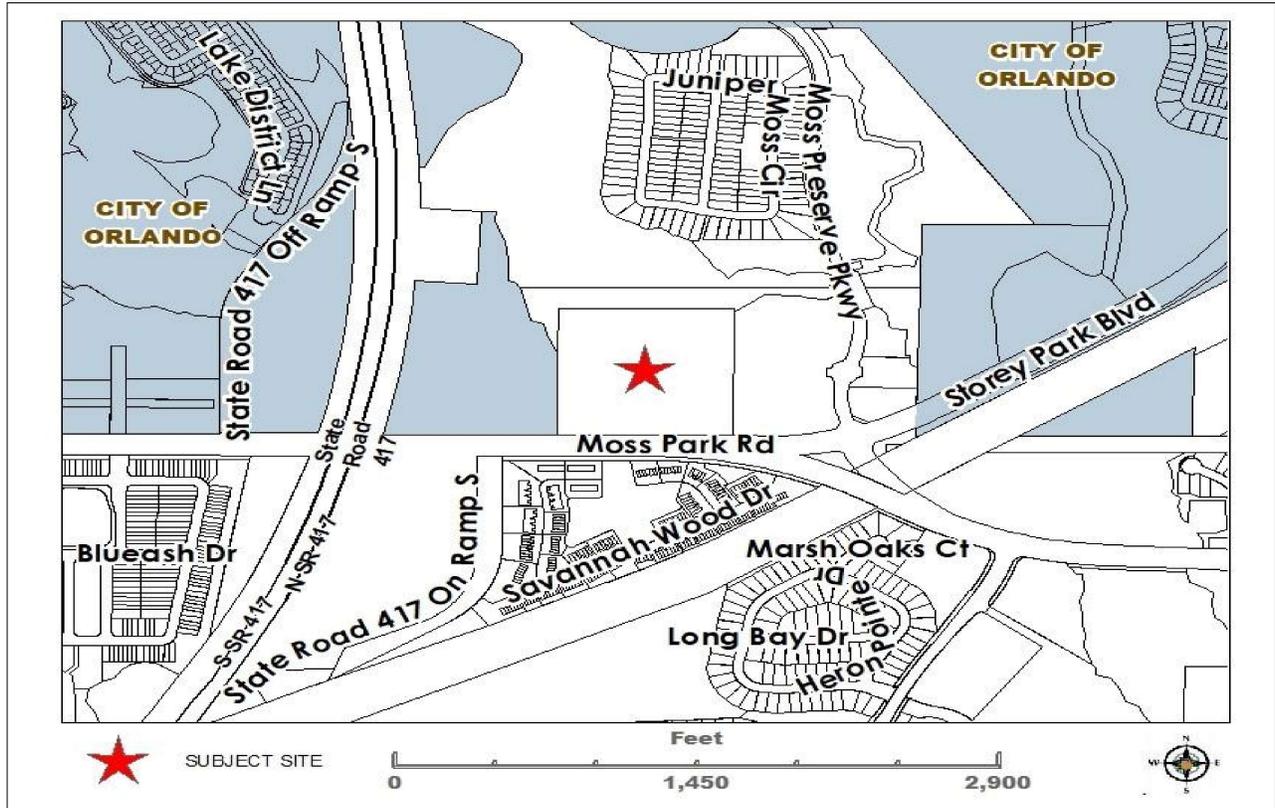
There was no one in attendance to speak in favor or in opposition to the request.

The BZA briefly discussed the requests and agreed with staff's recommendation. They noted the proposed use would support the growth of the area and is consistent with the needs of the community. The BZA recommended approval of Special Exception and Variance requests by a 6-0 vote, with 1 absent, subject to the seven conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	PD (Moss Park North PD)	PD (Lake Hart PD)	PD (Moss Park North PD)	City of Orlando
Future Land Use	R	PDMDR/O/CON S/USA	PD	PDMDR/O/CON S/USA	City of Orlando
Current Use	Religious Institution	Conservation	Multi-Family	Multi-Family	Multi-Family

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-2, Farmland Rural zoning district, which primarily allows agricultural uses, as well as mobile homes, and single-family homes on larger lots. Certain non-agricultural, non-residential uses, such as religious institutions are permitted by right, and day care centers are permitted through the Special Exception process. The Future Land Use (FLU) is Rural (R), which is consistent with the A-2 zoning district.

The area surrounding the site is mostly multi-family apartment complexes, with single-family homes further to the north. The subject site is a 15 acre unplatted parcel, currently developed with a one-story religious institution, and a surface parking lot. The property is an interior lot with frontage on Moss Park Rd.

On August 3, 2006, the Board of Zoning Adjustment approved a Special Exception (SE-06-08-010) to allow a pre-school for up to 100 children and a Variance to allow grass parking in lieu of paved, subject to 8 conditions of approval. The church use was proposed in conjunction with the application as phase I, and the pre-school was proposed as phase II. Construction plans (B06902549) were subsequently submitted for a one-story, 13,132 gross sq. ft. 288 seat church and 161-space parking lot. The parking lot included a mixture of 6 ADA spaces, 20 standard paved spaces, and 135 grass spaces.

Proposed is the construction of a one-story 14,670 sq. ft. building for a day care center/preschool and expansion of the existing parking lot. *Day care center* is defined by County Code as a structure in which the owner or operator, for compensation, provides supervision and temporary care for more than ten (10) persons, who are not related by blood or marriage and not the legal wards or foster children of the owner or operator. The Code does not provide a definition for a pre-school, but the definition for a private school only includes kindergarten through 12th grade. As it does not meet the definition of a private school, a pre-school would be classified as a day care, and be required to meet the standards associated with a day care. Day care centers require a Special Exception in the A-2 zoning district. As identified on the floor plan, the proposed building includes several classrooms, a multipurpose room, offices, storage rooms, and a kitchenette. The applicant identified the proposed capacity as up to 185 children for the day care, with 16 full-time employees. The hours of operation will be weekdays from 9 a.m. to 2 pm.

District Development Standards

	Code Requirement	Proposed
Max. Height:	35 ft.	27.25 ft.
Front Setback (Moss Park Rd.):	35 ft.	281.9 ft.
Side Setback:	10 ft.	196.2 ft. (east) 546.24 ft. (west)
Rear Setback:	50 ft.	348.64 ft. (north)

The required number of parking spaces is calculated based on the number of seats and total employees for the religious institution and the number of children for the day care. Orange County Code requires 1 parking space per three seats for religious institutions (288 seats) and one parking space per employee for the church. Four employees are proposed, bringing the total to 100 required parking spaces. For day care centers Orange County Code requires one parking space per ten children plus one parking space per ten children when the site contains a dedicated pickup and drop-off area. Therefore, the day care center requires a total of 38 parking spaces. A total of 153 spaces are proposed, meeting the minimum parking requirement.

Parking Standards

	Parking Requirement	Required Parking	Parking Provided
<i>Amusement or assembly places containing fixed seats</i>	1 space for each 3 fixed seats provided for patron use, plus 1 space per employee	288 seats / 3 4 employees = 100 parking spaces	153 parking spaces (127 unimproved spaces, 20 improved spaces, 6 improved ADA spaces)
<i>Day care centers and kindergartens</i>	1 space for each 10 children, plus with a pickup and drop-off area one space for each 10 children	(186/10) + (186/10) = 38 parking spaces	
<i>Total</i>		138 parking spaces	

The request includes a Variance to allow the required parking spaces as grass parking where Code requires all parking be on an improved surface. Per Section 38-1479(a), all drive aisles and ADA parking spaces shall be improved with a durable all-weather surface and properly drained in accordance with Orange County Code. Condition of Approval #6 reflects the requirement that the grass parking spaces be fitted with wheel stops.

A landscape plan has been provided, showing compliance with the minimum landscaping requirements for the day care and parking area.

The request was routed to all relevant Divisions, and no objections were noted from the reviewing staff. The County Transportation Planning Division provided a Transportation Concurrency Analysis that indicated that the proposed project is expected to generate 757 daily trips and 125 total PM peak hour trips, therefore a traffic study is not required at this time.

A Conservation Area Determination (05-130) was completed in January 2006, identifying the wetland limits and buffer at the rear of the property. There is no impact by the proposed development; additional environmental permitting may be required at the time of construction permits.

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

Section 30-43 (2) of the Orange County Code stipulates a recommendation of approval can only be made if all six Special Exception criteria are met. As the request meets all of the criteria, staff is recommending approval of the Special Exception request. Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. As the request meets all of the criteria, staff is recommending approval of the Variance request.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

MET – The Comprehensive Plan provides that certain uses, such as day care centers, as conditioned, are consistent through the Special Exception process.

Similar and Compatible with the Surrounding Area

MET - The size and scale of the proposed day care center are consistent with the church and commercial uses in the surrounding area.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

MET - The size and scale of the proposed day care center will have minimal impact on the surrounding area as the new construction is proposed in line with the existing structure and buffered to the north by wetland.

Meet the performance standards of the district

MET – With the approval of the requested Variance, the proposed development will meet the performance standards of the district.

Similar in Noise, Vibration, Dust, Odor, Glare, Heat Producing

MET – The proposed use of the property will be similar in noise, vibration, dust, odor, glare, and heat producing characteristics as those associated with the majority of uses currently permitted in the A-2 zoning district.

Landscape Buffer Yards Shall be in Accordance with Section 24-5 of the Orange County Code

MET – The project will meet the requirements of Chapter 24 (Landscaping, Buffering and Open Space) of the Orange County Code.

VARIANCE CRITERIA

Special Conditions and Circumstances

MET – The special condition unique to this property is the rural character of the site and use of the property. The existing rural character of the site and surrounding residential area is better supported by not having large areas of pavement.

Not Self-Created

MET – The need for the variance is not self-created, due to the infrequent use of the area for parking and the desire to maintain the open space of the property.

No Special Privilege Conferred

MET – It is common to allow unpaved parking for uses which have less frequent use patterns, such as religious institutions. The day care will primarily utilize the pickup / drop-off area, and infrequently utilize the parking area. As such, no special privilege will be conferred.

Deprivation of Rights

MET – Without the variance, the applicant would be required to improve the parking area with a durable all-weather surface and would result in an increased impervious surface area and be less consistent with the rural character of the area.

Minimum Possible Variance

MET – The granting of a variance for grass parking is the minimum possible variance needed to meet the parking needs and maintain the rural character of the site. The drive aisles will be improved with a durable all-weather surface, meeting the intent of the Code.

Purpose and Intent

MET - Approval of the Variance will be in harmony with the purpose and intent of the zoning regulations as the code is primarily focused on preserving the existing character of the area and the subject property to ensure compatibility with the adjacent neighborhood.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated October 2, 2025, and elevations dated November 21, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Hours of operation for the day care shall be weekdays from 9 a.m. to 2 pm.
6. The grass parking spaces shall be fitted with wheel stops. The drive aisles and ADA parking spaces shall be improved with a durable all-weather surface and properly drained in accordance with Orange County Code.
7. Maximum number of children for the day care facility shall not exceed 185 children.

C: William Kilmer
Spring of Life United Methodist Church Inc.
11101 Moss Park Rd.
Orlando, FL 32832



PROJECT NARRATIVE

December 17, 2025

ORANGE COUNTY

Planning, Environmental, and Development Services Department
201 S. Rosalind Ave.
Orlando, FL 32801

**RE: SPRING OF LIFE CHURCH
SE-26-03-096**

To Whom It May Concern:

Spring of Life Church would like to request a Special Exception for the allowance of a pre-school with a student count of 185 children. A variance is also being requested for grass parking in lieu of paved parking. This request is only for grass parking stalls as all drive isles and ADA spaces will be paved.

Currently, existing to the property is a church, which has two (2) full-time employees, four (4) part-time employees and 160 members. The hours of operation are 9 a.m. to 3 p.m. on weekdays and 9 a.m. to noon on Sunday.

Proposed to the property will be a preschool, which will have sixteen (16) full-time employees for 185 children whose ages range from 2 to 5 years old. The hours of operation will be 9 a.m. to 2 p.m. Monday through Friday. The proposed preschool will offer the Florida Voluntary Prekindergarten (VPK) program. Also, the children will be able to utilize a playground for outdoor activities.

If you have any questions or need additional information, please contact me directly at (407) 386-2422.

Sincerely,

Debi Plaisance

Debi Plaisance
Permitting Director
BARRIOS ENGINEERING, LLC

SPECIAL EXCEPTION CRITERIA

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

Consistent with Policy FLU8.1.1, the site is zoned A-2 with a Rural FLU. The A-2 zone allows for church uses by right and child care facilities by special exception. Child care facilities are typically ancillary uses associated with churches. The church and a childcare facility for 100 children were approved under SE-06-08-010.

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

The childcare facility is compatible with the surrounding development. To the east and west are 3- and 4-story apartment complexes; likewise, townhomes have been developed south across Moss Park Road. A childcare facility would serve these nearby medium density residential uses and is a typical ancillary use to the existing church.

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

The proposed child-care facility will be integrated into the existing church campus. The church/child-care campus is neighbored by apartment complexes to the west, east, and south. A wetland conservation areas along the northern edge of the property also contains the use within the site. No additional access to Moss Park Road is proposed beyond the existing approved under SE-06-08-010.

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

The proposed childcare facility will meet the performance standards of the district including setbacks, maximum height, buffering, and open space requirements. Parking provided exceeds minimum parking standards; grass parking has been previously approved as part of a variance under SE-06-08-010.

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 church and childcare facility will be similar in noise, vibration, dust, odor, glare, and heat production to other uses in the A2 zoning district. The church is allowed by right in the A2 zone, and a childcare facility for 100 children was approved under SE-06-08-010.

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.

Landscaping is proposed along Moss Park Road. The apartment complexes to the east and west also have fencing/walls along their border with the subject property.

VARIANCE CRITERIA

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 church has one (1) service per week; therefore, the grass has time to recover, flourish and maintain the open space appearance. Grass parking is existing to the property as it was approved by BZA in 2006.

2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.
The infrequent use of the area would allow grass to recover, while maintaining an open space appearance.

3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.
No special privilege has been conferred as grass parking is existing and the code allows for unpaved parking for uses which have less frequent use patterns, such as religious institutions.

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.
Paved parking would create the need for a larger pond for a parking lot that is infrequently used due to once per week religious service. A larger pond would reduce the develop-able space of the property.

5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.
The applicant is providing paved drive isles and paved handicapped parking spaces and is requesting the minimum possible variance by requesting grass parking.
Additionally paved parking is provided for the daily use of the staff.

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 infrequent use of the area would allow grass to recover, while maintaining an open space appearance and reduce impervious surface area which is the purpose and intent of the code.

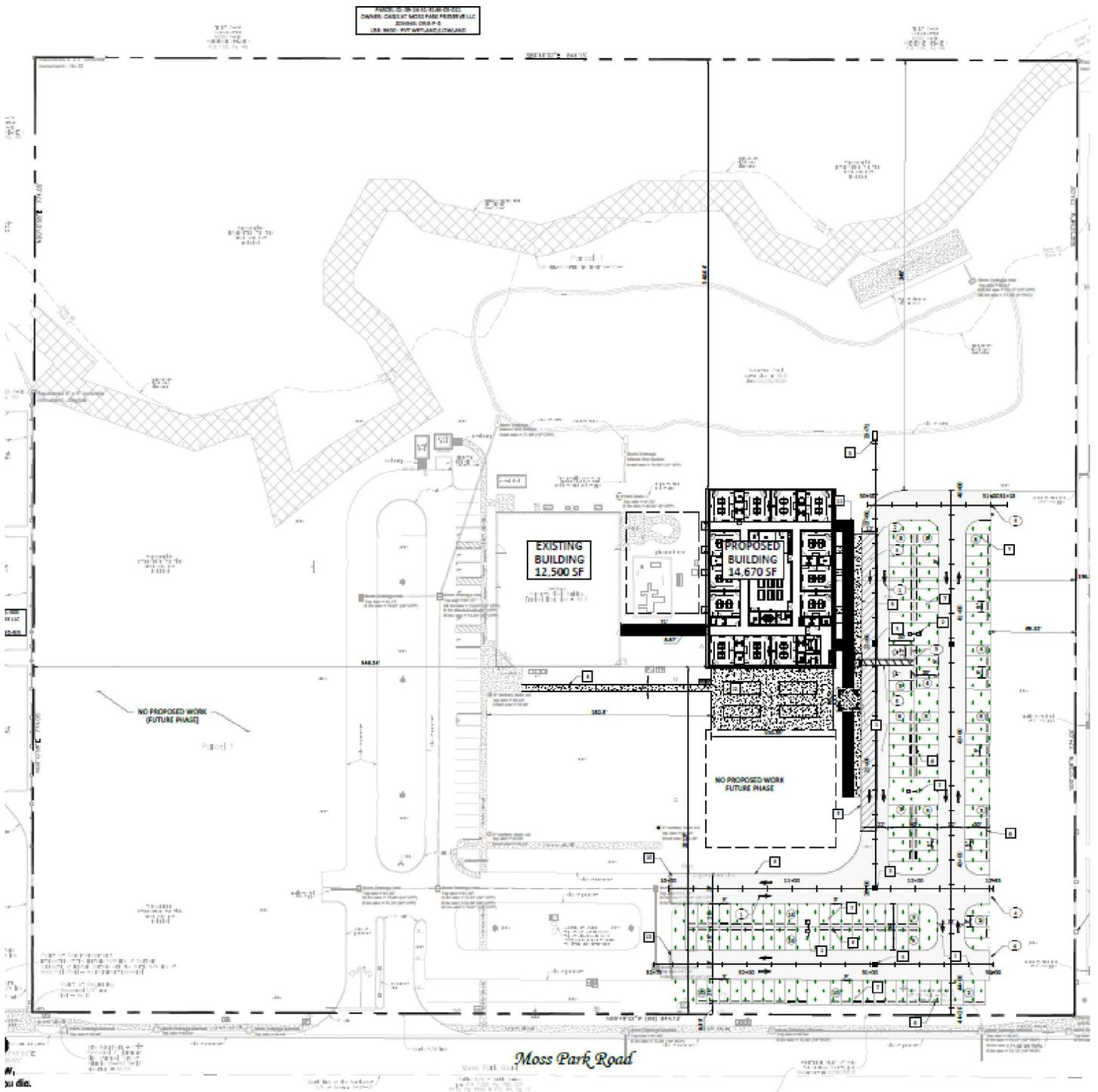
ZONING MAP



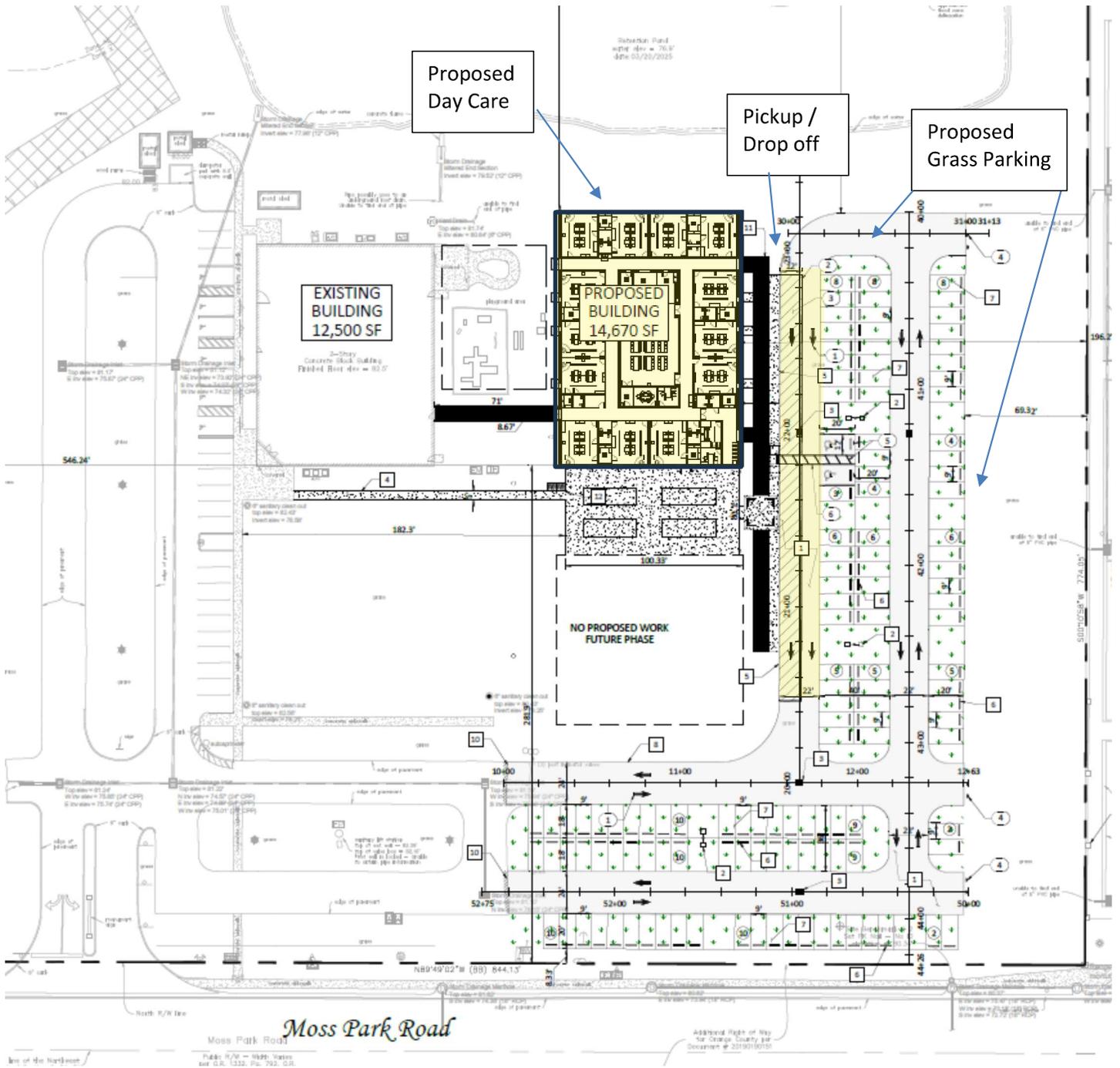
AERIAL MAP



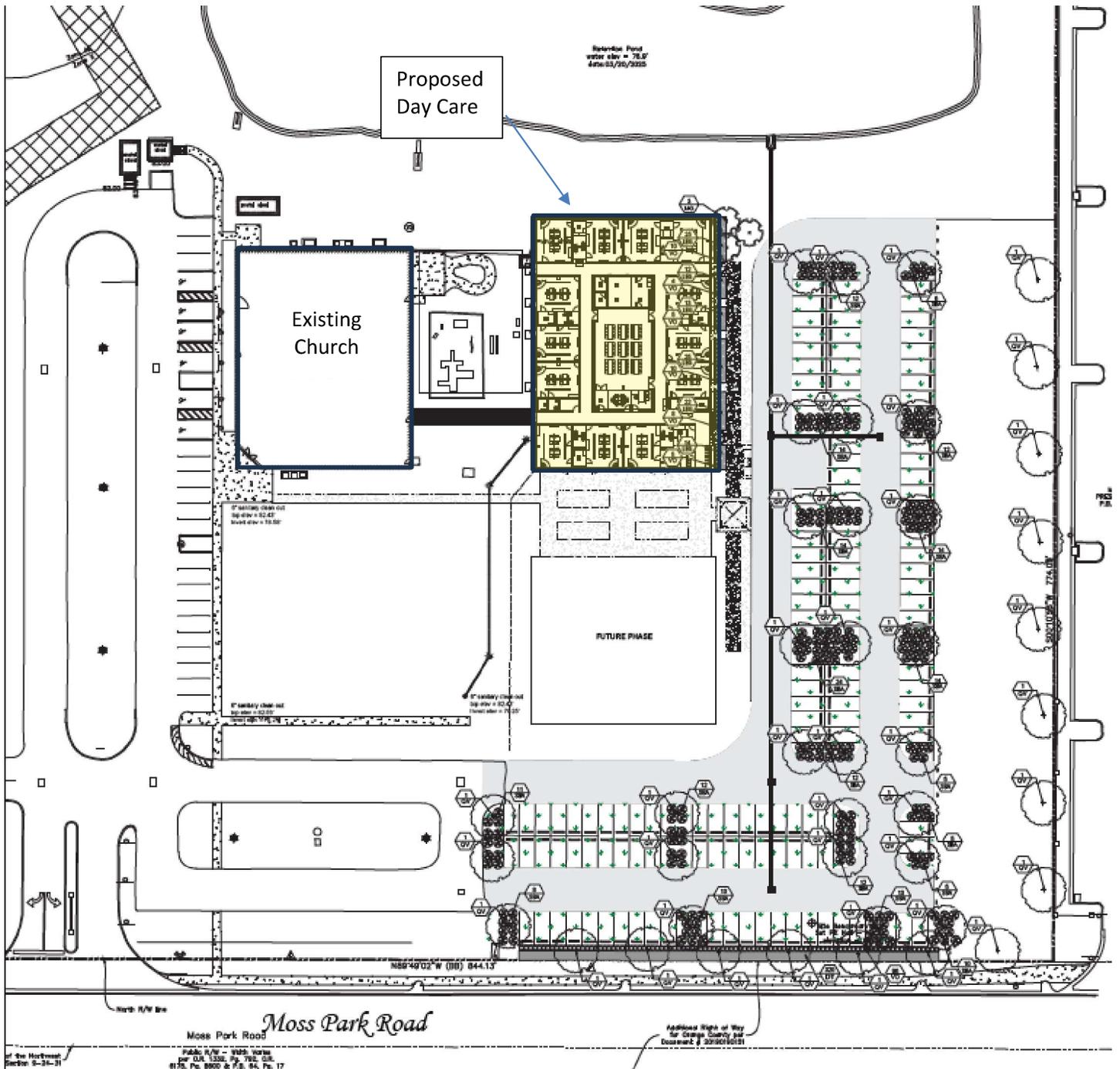
OVERALL SITE PLAN



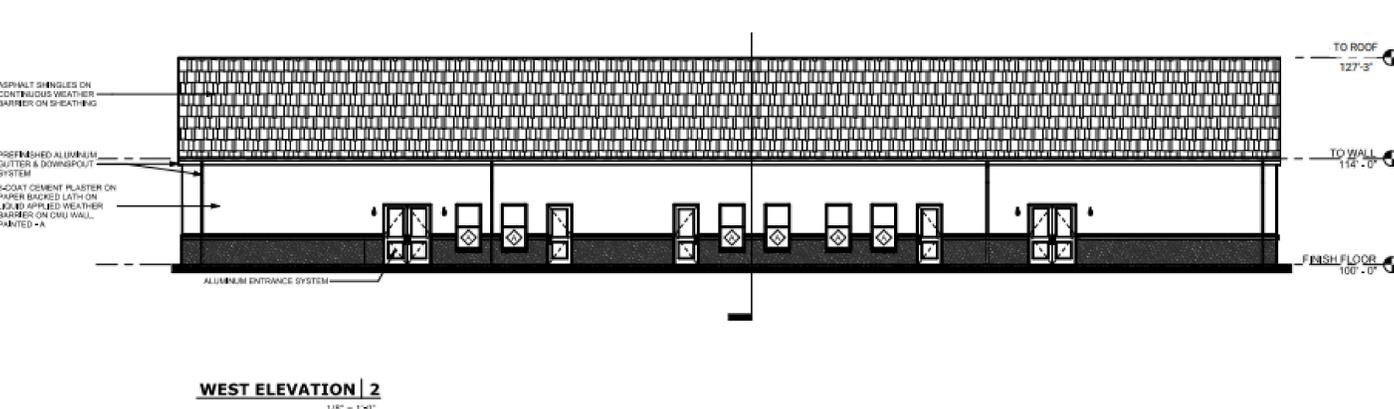
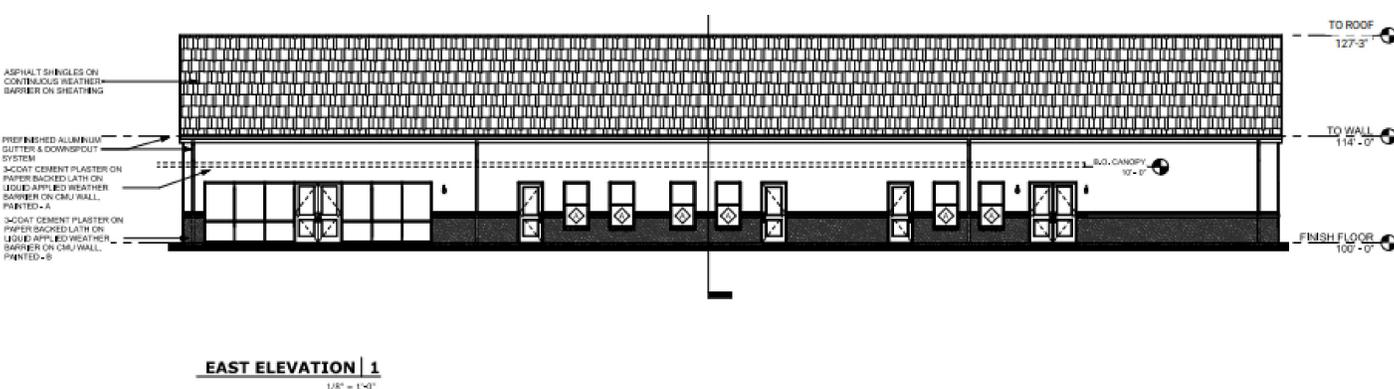
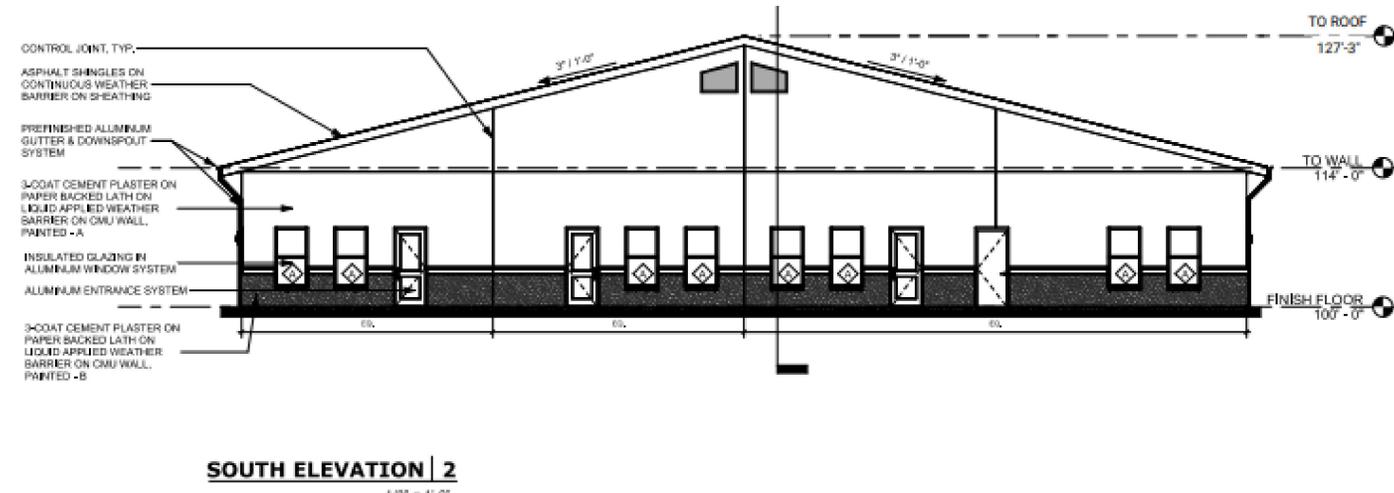
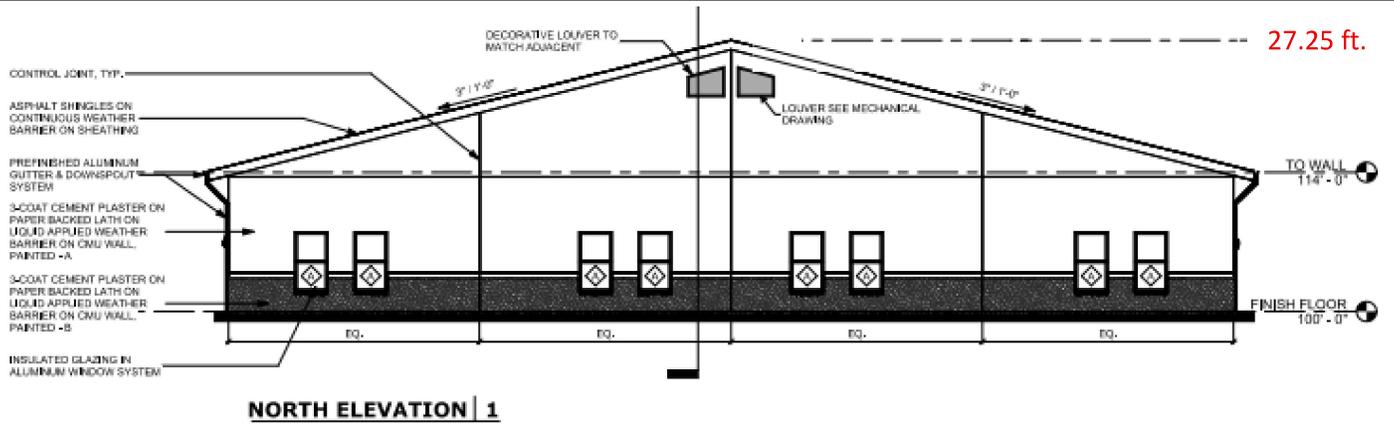
SITE PLAN



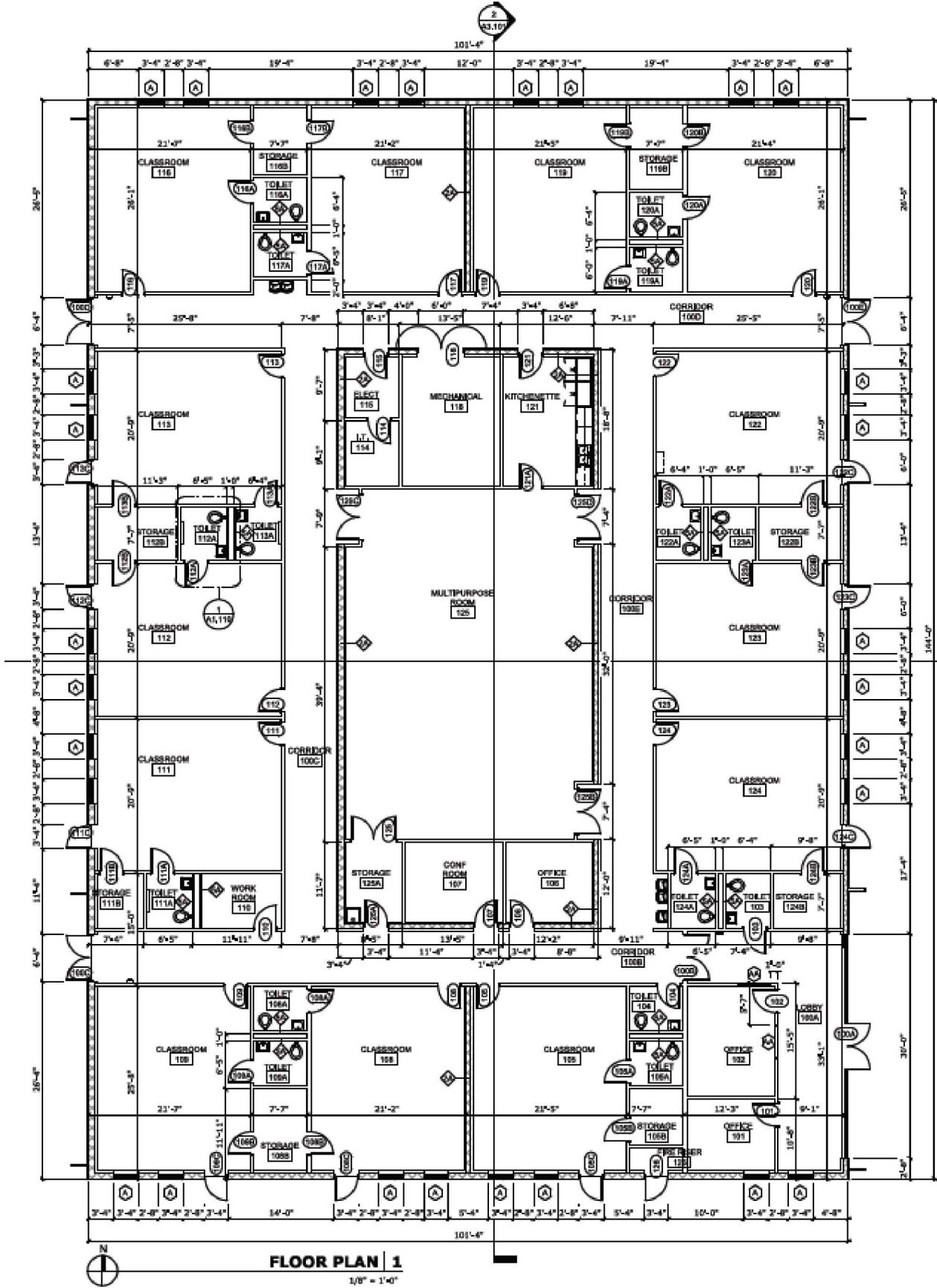
LANDSCAPE PLAN



ELEVATIONS



DAYCARE FLOOR PLAN



FLOOR PLAN 1

1/8" = 1'-0"

SITE PHOTOS



Facing west from Moss Park Rd., subject property to right



Facing east from Moss Park Rd., subject property to left

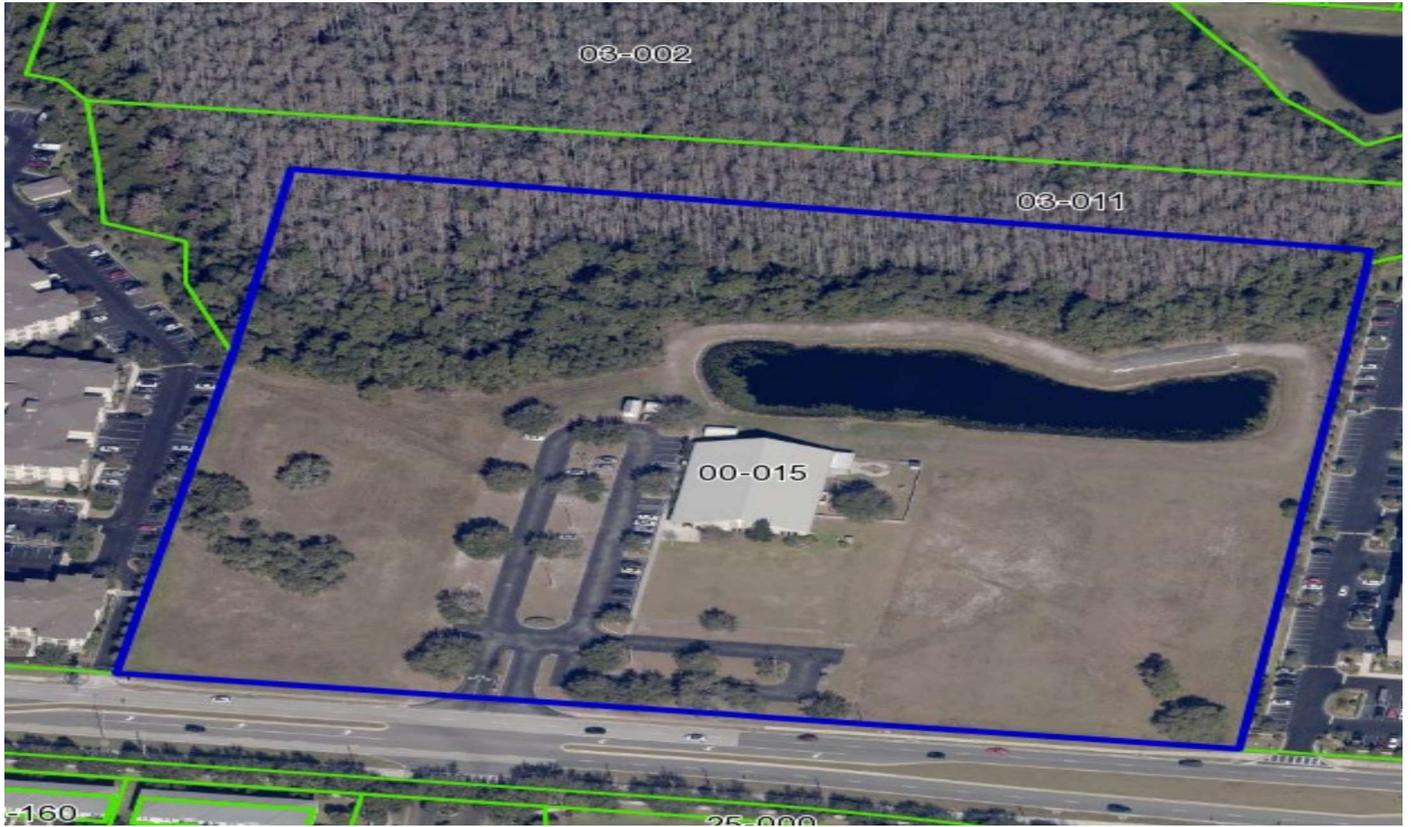
SITE PHOTOS



From Moss Park Rd. facing north towards existing church on subject site



Facing north from center of subject site towards proposed day care location



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 05, 2026**

Commission District: **#5**

Case #: **VA-26-02-003**

Case Planner: **Taylor Jones, AICP**

(407) 836-5944

Taylor.Jones@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JEREMY ANDERSON

OWNER(s): BITHLO DG OWNER LLC

REQUEST: Variances in the C-2 zoning district to allow a structure (fire suppression tank building) as follows:

1) With a north front setback of 19.7 ft. in lieu of 25 ft.

2) With an east side street setback of 9 ft. in lieu of 15 ft.

PROPERTY LOCATION: 18751 E. Colonial Drive, Orlando, Florida 32820, north side of E. Colonial Dr., east of S. County Road 13, south of Lake Pickett Rd., west of Fort Christmas Rd.

PARCEL ID: 22-22-32-0724-20-031

LOT SIZE: 1.68 acres

NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 113

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 Johnny Stanley, Second by Glenn Rubinstein; unanimous; 6 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed; and 1 absent: Juan Velez):

1. Development shall be in accordance with the site plan and fire suppression tank elevations dated November 18, 2025, 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 presented the proposal, outlined the property's location, site plan, and site photos, and reviewed the six criteria and explained the reasons for recommending approval of the Variances. Staff noted that no comments were received in support, and no comments were received in opposition to the request.

The applicant stated that they were in support of staff's recommendation.

The BZA asked questions regarding the fire suppression systems, the absence of sprinklers in the primary structure and the location of the proposed fire suppression tank. The BZA determined that the request is appropriate, as the fire suppression tank is essential to the structure's fire and public safety.

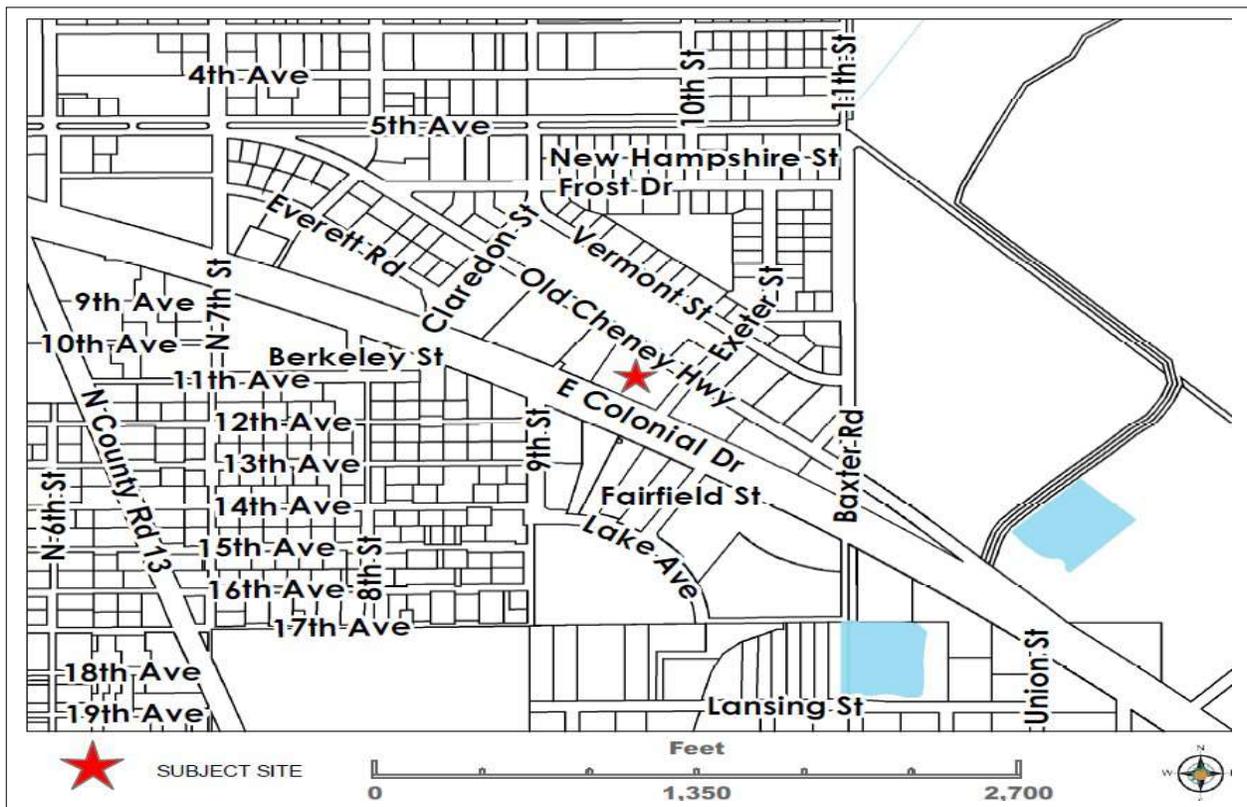
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the Variance request by a 6-0 vote, with one absent, subject to the three conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-2	C-2 and R-T-2	C-3	C-3	Restricted C-3
Future Land Use	C	PD and LDR	C	C	C
Current Use	Dollar General Retail Store (under construction)	Commercial and County Maintenance Facility	Commercial	Commercial	Commercial

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the C-2, General Commercial district, which allows for general retail and commercial uses with outdoor storage. The Future Land Use is Commercial (C), which is consistent with the C-2 zoning district. The property is located within the Bithlo Rural Settlement. Rural Settlements were implemented to recognize communities that existed at the time of the 1991 Comprehensive Policy Plan adoption. Neighborhood commercial uses are allowed in Rural Settlements, with limited C-1 zoning uses that contain retail and personal services intended to serve the immediate population being deemed appropriate within Rural Settlements, such as a Dollar General store.

The area surrounding the subject site includes a mix of commercial businesses, with some residential homes located to the northeast. The subject property is a 1.68-acre parcel that was originally platted in 1926 as portions of Lots 4 through 16 of the Bithlo plat. The current parcel was created with a lot split (LS-25-01-003) and is considered a conforming lot. The property has right-of-way frontage along Old Cheney Highway to the north, E. Colonial Drive to the south, and Exeter Street to the east. Sec. 38-1 describes *Lot frontage* for nonresidential zoning districts as the width of the lot abutting the street with the highest volume of vehicular traffic. It also describes a *Lot, double frontage*, as a lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot. As such, because Old Cheney Highway and E. Colonial Drive do not intersect, the lot is treated as a double front, with frontage along both Old Cheney Highway and E. Colonial Drive. and Exeter Street being treated as a side street. The current owner purchased the property in 2025.

The property is currently being developed with a 10,640-square-foot retail building for a Dollar General. A site work permit (B24904994) for the required site improvements was issued in September of 2025. Vertical permits for the building (b24905297), and dumpster enclosure (B25900369) were subsequently issued in October of 2025, and construction is currently ongoing. As of the writing of this report, the building and dumpster enclosure have been erected, and site improvements are ongoing.

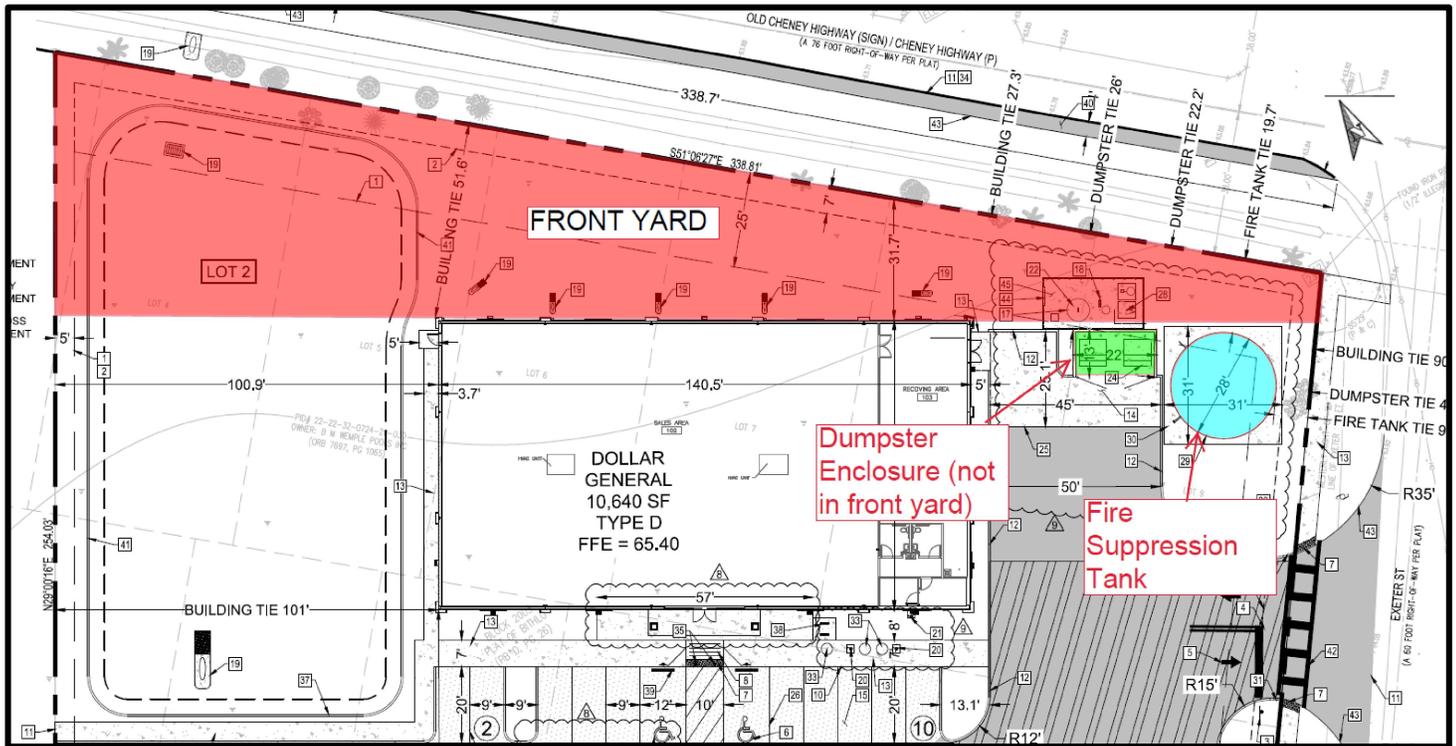
On the approved site plan for the site work permit, three above ground fire suppression tanks are called out. The location of the tanks on the approved site plan does not comply with the required 25 ft. front setback to the north along Old Cheney Highway, or the 15 ft. side street setback to the east along Exeter Street. Zoning staff did not make a denial comment on the permit, and as such the permit was issued with the tanks not meeting setbacks, and construction began.

However, because the tank is above ground, and will be permanently located, it is treated the same as any other building or structure and must meet the required setbacks. In commercial zoning districts, accessory structures have the same setbacks as principal structures. Certain types of utilities and related things, like light poles, wells, lift stations, back flow preventers, junction boxes and other electrical boxes do not meet the definition of structure or buildings, and do not require specific setbacks from property lines. However, these large above ground water tanks would meet the zoning code definition of a “building” which per Sec. 38-1 shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, but not to include trailers as hereinafter defined.

The site was designed to allow fire truck access to the tanks as is required by code, and construction has commenced. There is no other location on site the tanks could be placed, as there is no parking above and beyond the minimum required by code. Further, the other areas of the site where the tanks would satisfy setbacks are being used for retention ponds or septic drain field.

It should also be noted that in the applicant’s cover letter, there is a request for a variance to allow the dumpster within the 25 ft. setback. Dumpster enclosures do not have a specific dimensional setback from front property lines. Rather, they cannot be located in the “front yard” of a property. The front yard is determined to be the area between the building and the front property line, extending to the sides. The dumpster enclosure is not in front of the building and therefore is satisfying code and a variance is not needed for the dumpster enclosure location.

Front Yard Exhibit



Building Setbacks (that apply to Fire Suppression Tank in question)

	Code Requirement	Proposed
Front:	25 ft.	19.7 ft. (North –Old Cheney Hwy) Variance #1
Side Street:	15 ft.	9 ft. (East – Exeter St.) Variance # 2

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code requires that all six Variance criteria be satisfied before a recommendation of approval can be made. Staff has determined that the Variance requests meet all criteria. Therefore, staff recommends approval of the requested Variances.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

All Variances MET – The lot is a double frontage corner lot with right-of-way frontage on three sides. The approved site improvements and building placement leaves no additional location to locate the fire suppression tank, as the site is already under construction and was designed to meet fire prevention code by being located here.

Not Self-Created

All Variances MET –The special conditions and circumstances do not result from the actions of the applicant.

No Special Privilege Conferred

All Variances MET – Approval of the Variances would not confer a special privilege, as relief due to special circumstances is available to other properties within the same zoning district.

Deprivation of Rights

All Variances MET - Denial of the Variances would cause unnecessary and undue hardship on the applicant. Denial of the variances would deprive the applicant of an adequate location to place the fire suppression tank, which is required in order for the building to operate.

Minimum Possible Variance

All Variances MET - The requested Variances are the minimum necessary to place the fire suppression tank on the property in the originally approved location and meet the Florida Fire Prevention Code.

Purpose and Intent

All Variances MET - Approval of the requested Variances would be in harmony with the purpose and intent of the zoning regulations as the site requirements for structures are intended to maintain separation from the right-of-way. By allowing the fire suppression tank to be in the requested location, the applicant can continue with the approved construction and can meet the Florida Fire Prevention Code. The tank will be adequately screened in accordance with the landscaping requirements. Additionally, the site is effectively treating Old Cheney Highway as a rear yard setback, as there is no access to the site from Old Cheney Highway, and the rear of the building faces this direction.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and fire suppression tank elevations dated November 18, 2025, 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: Jeremy Anderson
Common Oak Engineering, LLC
4020 Edgewater Drive
Orlando, Florida 32804

Bithlo DG Owner LLC
9822 Tapestry Park Circle, Ste 201
Jacksonville, Florida 32246

COVER LETTER



Common Oak Engineering, LLC
4020 Edgewater Drive
Orlando, FL 32804
o: (407) 951-5915
www.commonoakeengineering.com

Date: January 9, 2026

Orange County Development Services
4200 S John Young PY
Orlando, FL 32839

Reference: Project Name: Dollar General Bithlo
Parcel ID: 22-22-32-0724-20-031
Permit Number: B24904994

To whom it may concern,

We are formally requesting a variance to **Article VII. Division 4, Sec. 38-855(1)** of the Orange County Code of Ordinances to permit the placement of the above-ground fire storage tanks and a portion of the constructed dumpster enclosure within the rear and side building setbacks of the proposed development. This variance request is necessitated by the fact that this issue was identified during the fire tank permit submission process, subsequent to the approval and issuance of the associated site permit. We proceeded with a lot split on the parent parcel, utilizing the prior approval from Orange County, and built the vertical construction portion of the project with the understanding that the originally approved dumpster enclosure location and underground fire tanks were approved during the site plan review process. Due to these preceding factors, an alternate location for the fire tanks that satisfies the requirements of the Orange County Land Development Code cannot be accommodated.

Thank you,

A handwritten signature in black ink, appearing to read "J Anderson", is written over a light blue horizontal line.

Jeremy Anderson, P.E.,
Common Oak Engineering, LLC
DATE: 1/9/26

VARIANCE CRITERIA

VARIANCE CRITERIA

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 site plans were approved with the subject encroachments into the building setbacks and we do not have any other room onsite for the fire storage suppression tank. The dumpster enclosure had been built.

2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.
The project was constructed in conformance with the approved site plans. We therefore did not create this condition.

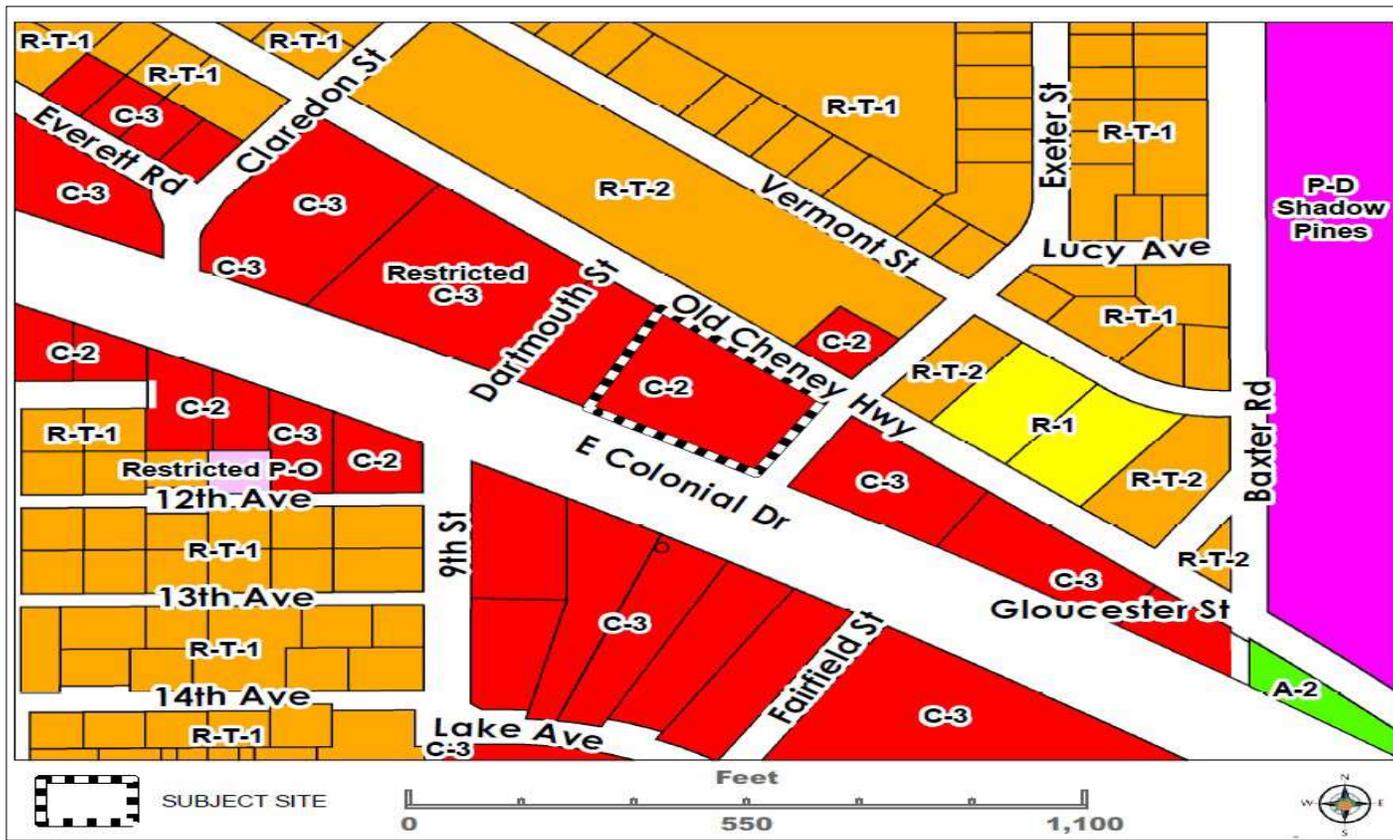
3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.
There are other structures in Orange County with similar circumstances that are permitted to encroach into building setbacks by the BZA. Therefore, there is no special privilege conferred to the Applicant with the approval of this request.

4. **Deprivation of Rights** - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.
The plans were approved with this condition and we are under construction. Therefore, the literal interpretation of code would create work unnecessary and undue hardship on the Applicant.

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 minimized the setback variance to the greatest extent possible given the area available.

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 approval of this request will not be injurious to the neighborhood and it is not detrimental to the public welfare.

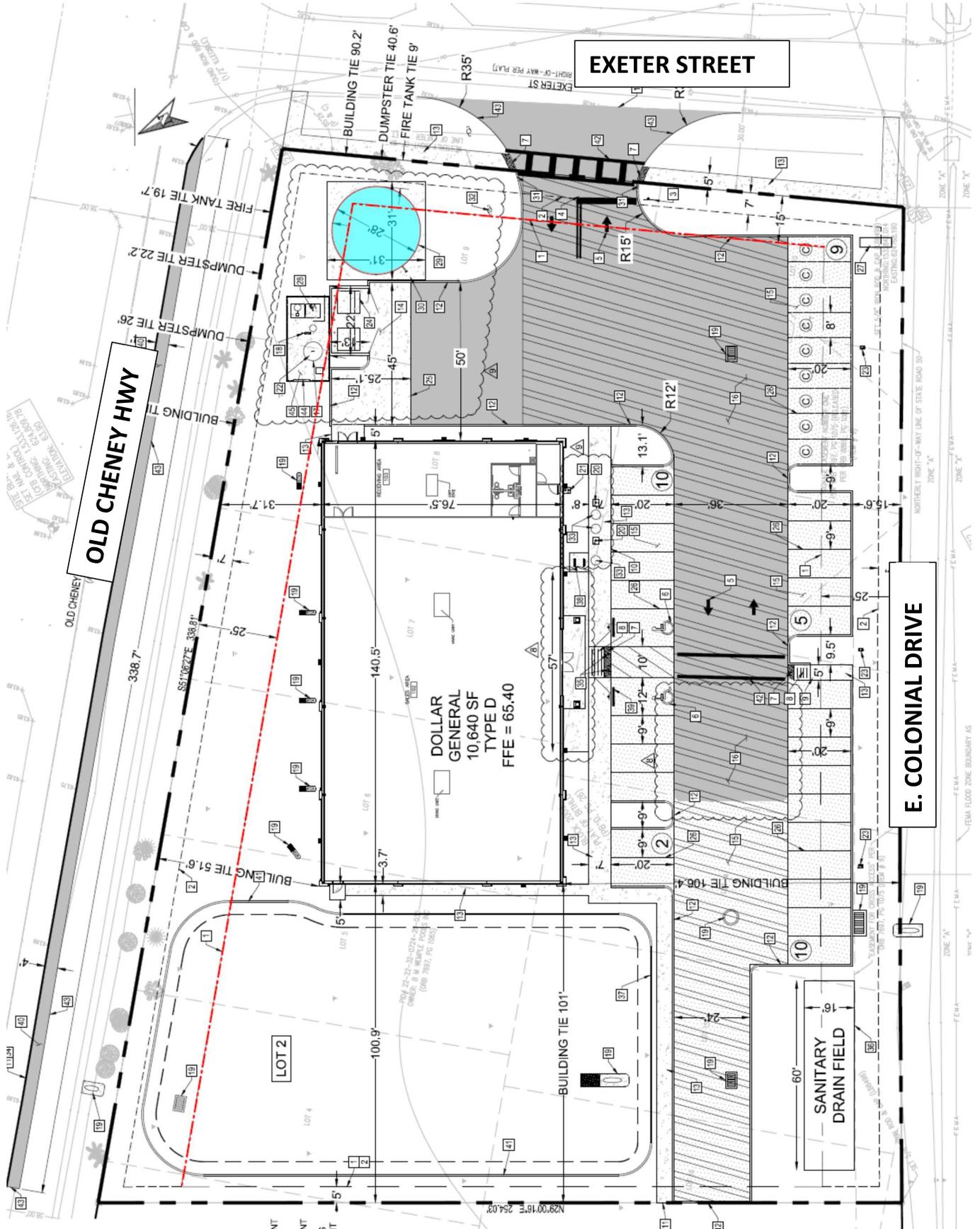
ZONING MAP



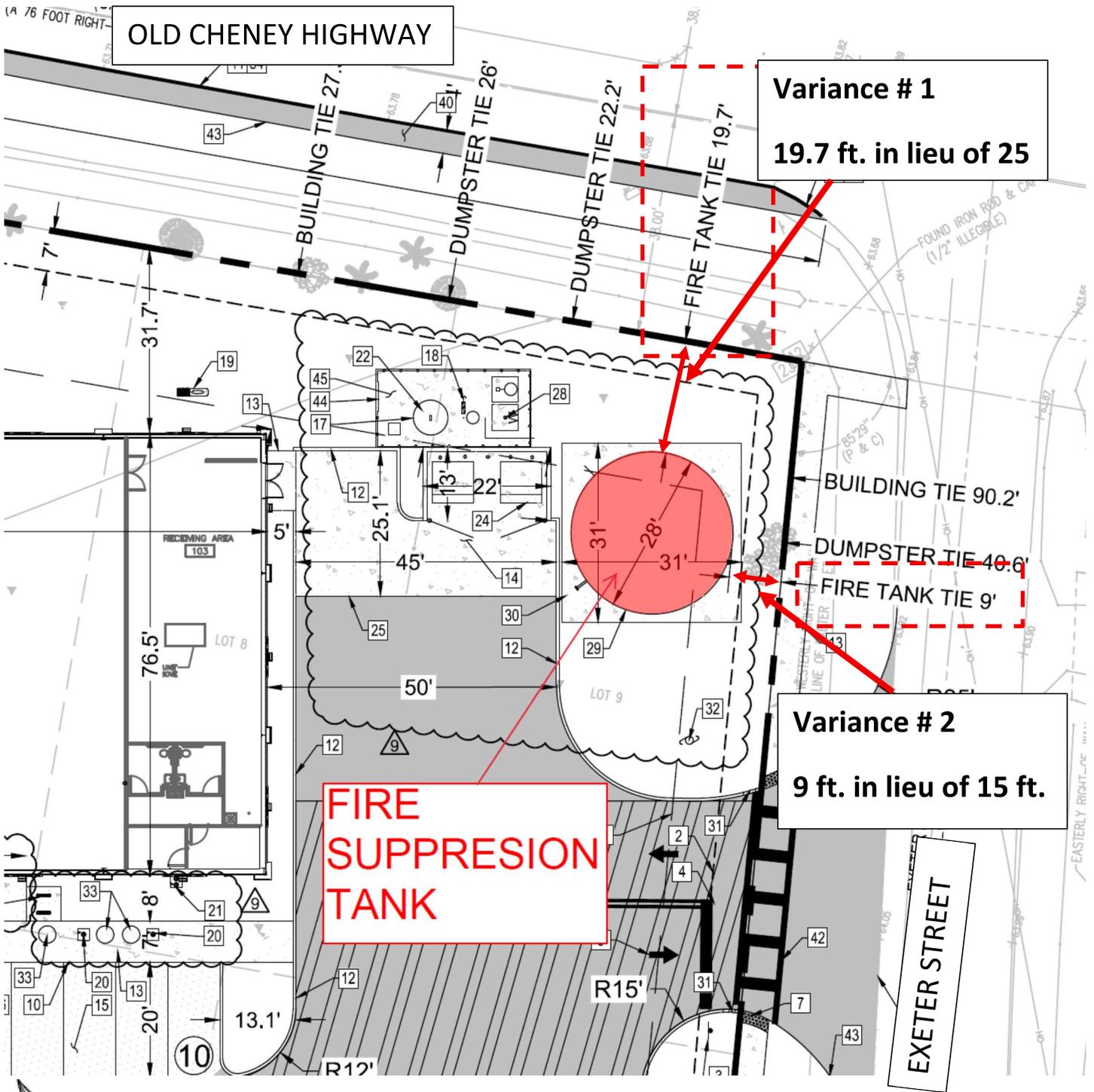
AERIAL MAP



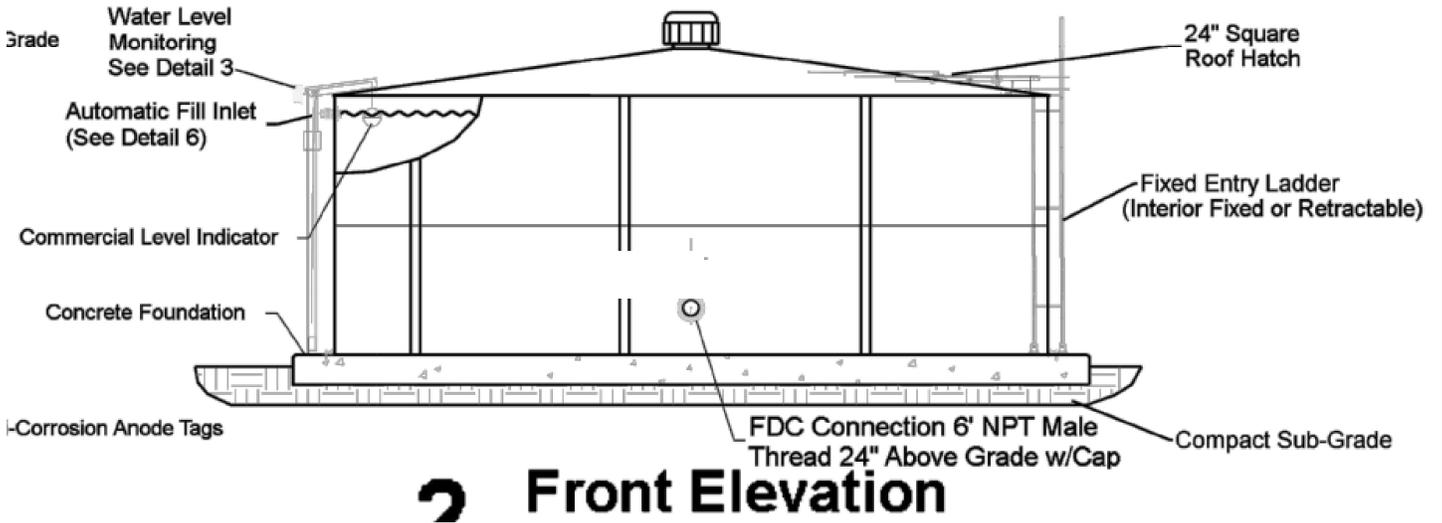
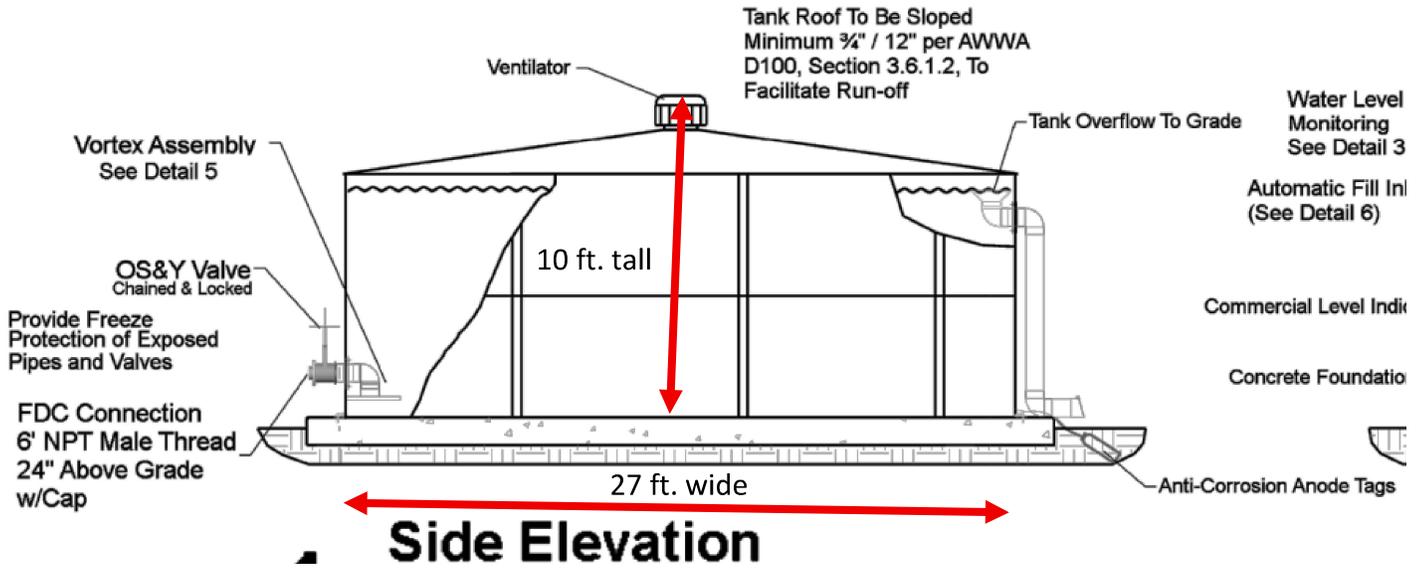
SITE PLAN



ENHANCED SITE PLAN



ELEVATIONS



AERIAL VIEW



SITE PHOTOS



On subject property, facing north



Facing west from Exeter Street towards the subject property

SITE PHOTOS



From intersection of Exeter St. and Old Cheney Hwy, facing west



From Exeter St. facing south



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