

DRC Variance Appeals Process



Vice Mayor Dr. Kelly Martinez Semrad
Orange County Commissioner, District 5

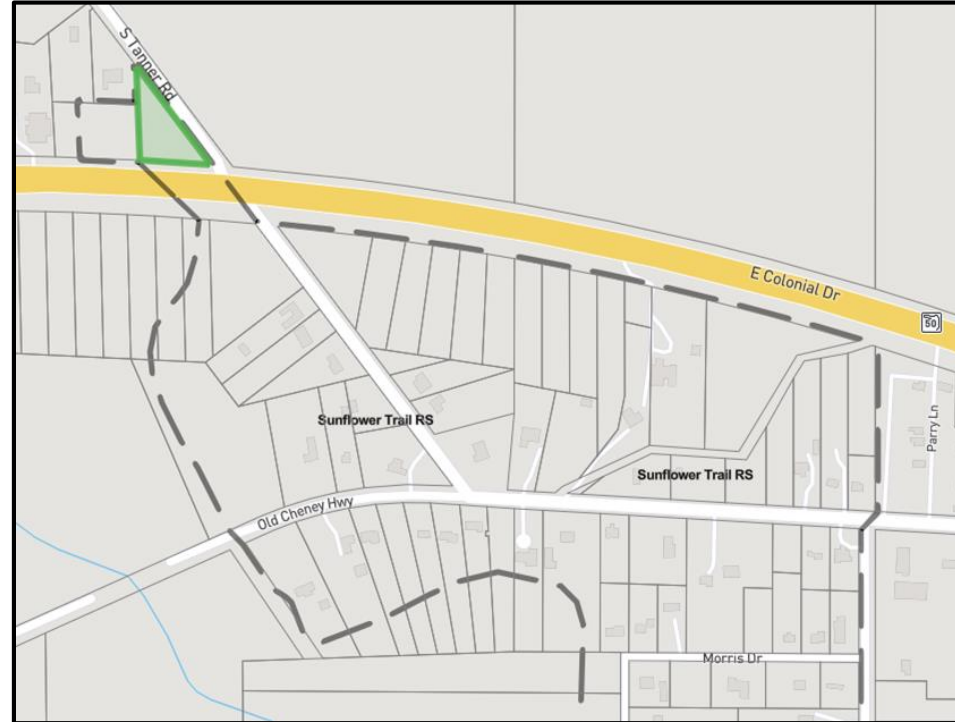
Subject Property: 1702 S. Tanner Rd.



Aerial



Sunflower Trail Rural Settlement

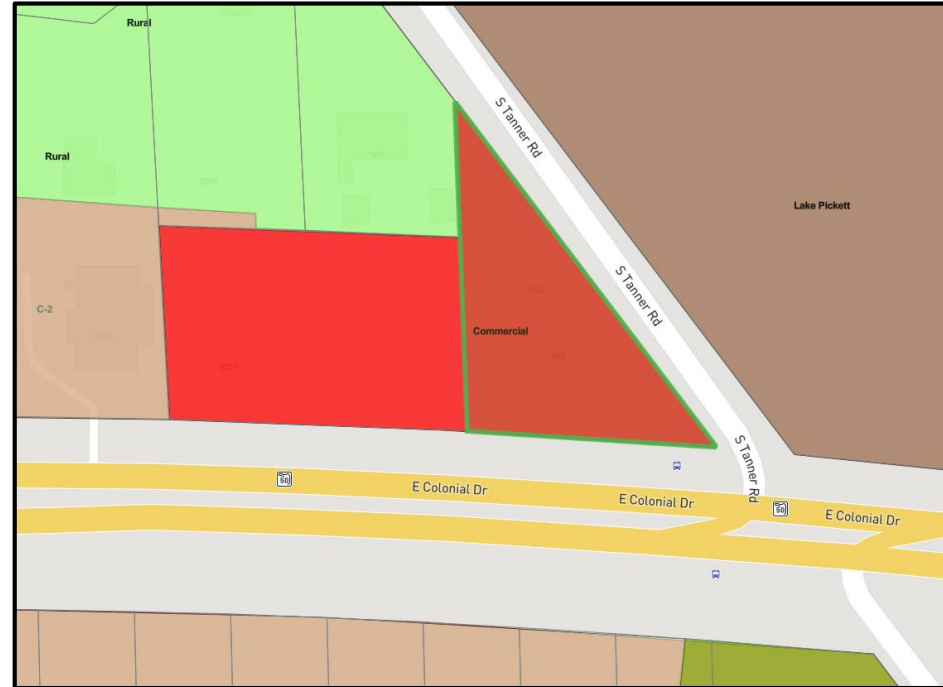
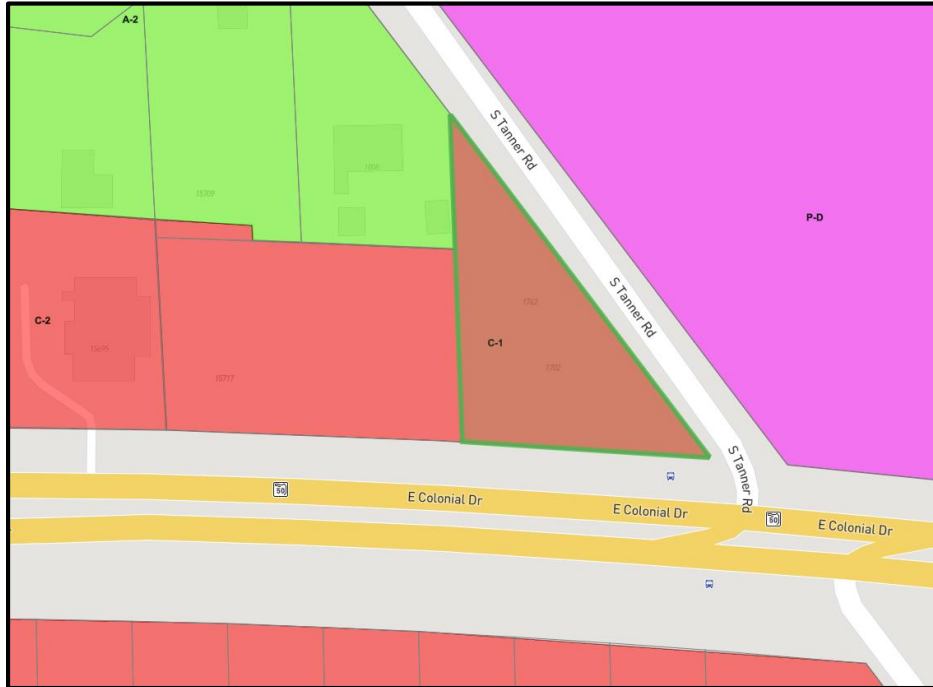


Subject Property: 1702 S. Tanner Rd.



Zoning: C-1

**Future Land Use:
Commercial**



Context: What Happened?



1. Property is in a **Rural Settlement** with **C-1 Zoning** and **Commercial FLU**
2. Property does not have access to sewer or water connection
3. Applied for **variance from Code** to permit on-site sewer disposal system (OSDS) on the **same parcel as potable water well**
4. County Engineer **denied the variance** request
5. Applicant **appealed** the decision to the Development Review Committee
6. DRC **approved the appeal** to allow septic on the same site as potable water well
7. Drive-thru coffee shop project went directly to permitting, despite **inconsistencies with rural settlement policies**
8. Residents submitted appeals the DRC's variance approval but were **denied for not being "aggrieved" parties**
9. Code **does not allow commissioners to appeal** DRC decisions

Rural Settlement Policies



FLU6.2.10

The future land use, density and intensity of development adjacent to a Rural Settlement shall not negatively impact the character of the Rural Settlement. Density on adjacent parcels shall be reviewed in the context of its compatibility with the Rural Settlement. Additional compatibility may be provided using buffering or the clustering of units with dedicated open space, consistent with Future Land Use FLU 6.2.6. Adjacent development shall be designed to produce minimal impact on local roads within the Rural Settlement.

FLU6.2.12

Neighborhood commercial uses in Rural Settlements shall be developed according to the following criteria:

- A. These uses shall be located to serve the residents of the rural area are not primarily to attract “pass-by” trips; and,
- B. These uses shall contain retail and personal services intended to serve the immediate population.

Code Article 17 - OSDS



ARTICLE XVII. - INDIVIDUAL ON-SITE SEWAGE DISPOSAL^[17]



Footnotes:

-- (17) --

Editor's note— Ord. No. 92-16, §§ 1—15, adopted May 26, 1992, amended this Code but did not specify the manner of inclusion. Such provisions have been codified as art. XVII of this chapter at the discretion of the editor.

Sec. 37-531. - Short title.



This article shall be known as the "Orange County Individual On-Site Sewage Disposal System (OSDS) Ordinance."

(Ord. No. 92-16, § 1, 5-26-92)

Sec. 37-532. - Findings; intent.



- (a) The board of county commissioners has determined a uniform OSDS policy be established in Orange County, Florida.
- (b) It is the intent of the board of county commissioners to ensure the well-being of the community and environment by establishing rules and regulations for OSDS in accordance with state statute and regulations (F.S. § 381.0065 and F.A.C. ch. 62-6).
- (c) The board of county commissioners has determined there are areas in the county with physical characteristics unsuitable for OSDS. This article will restrict use of OSDS in these areas.

(Ord. No. 92-16, § 2, 5-26-92; [Ord. No. 2024-33](#), § 2, 11-19-24)

Code Section 37-539



Sec. 37-539. - Lot size requirements based on private potable well and individual on-site sewage disposal systems.



Lot size requirements shall be in accordance with the districts set forth in Orange County Code, [chapter 38](#), zoning, but not less than:

- (1) *Single-family and duplex residential structure*: One-half (½) acre (21,780 square feet). Each unit shall have a separate tank with sufficient unobstructed open area to accommodate all components of the OSDS. However, exclusive of lakefront lots, this one-half-acre requirement shall not be applicable to lots (i) in subdivisions platted prior to January 1, 1972, or (ii) existing as lots of record prior to January 1, 1972. Lakefront lots shall comply with [section 37-539](#)(3).
- (2) *Three or more units residential structure*: OSDS not permitted.
- (3) *Lakefront lots*: Shall have a minimum of one-half (½) acre (21,780 square feet) landward of the normal high water elevation and jurisdictional wetland areas.
- (4) *Commercial or industrial structure*: OSDS not permitted.

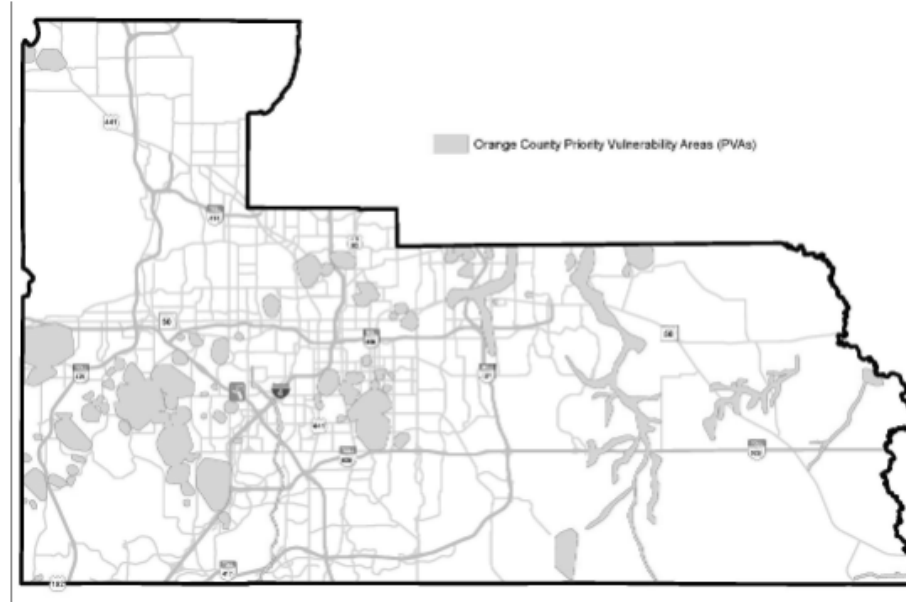
Code Section 37-546



Sec. 37-546. - Orange County Priority Vulnerability Areas (PVAs).



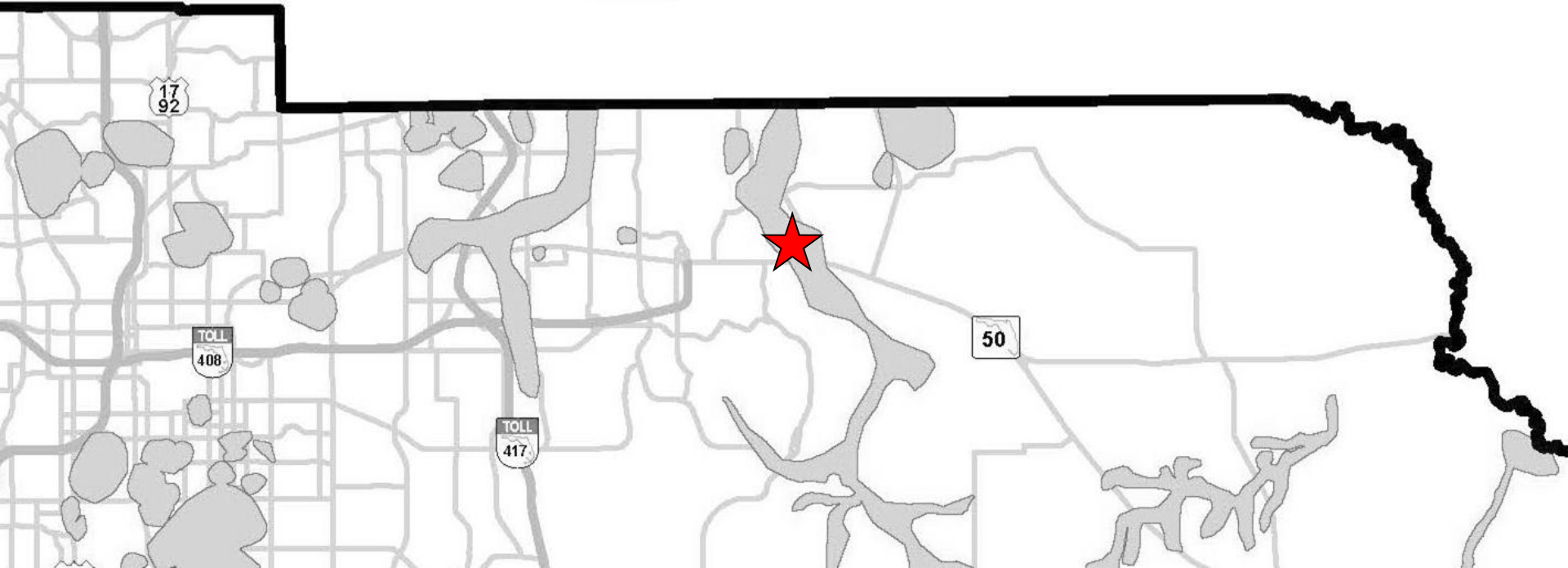
For purposes of this article and the applicability of the regulations contained in this article, the Orange County Priority Vulnerability Areas as defined in [section 37-533](#) shall include the area of land located in the county within boundaries depicted in the map that follows.



Subject Property in PVA



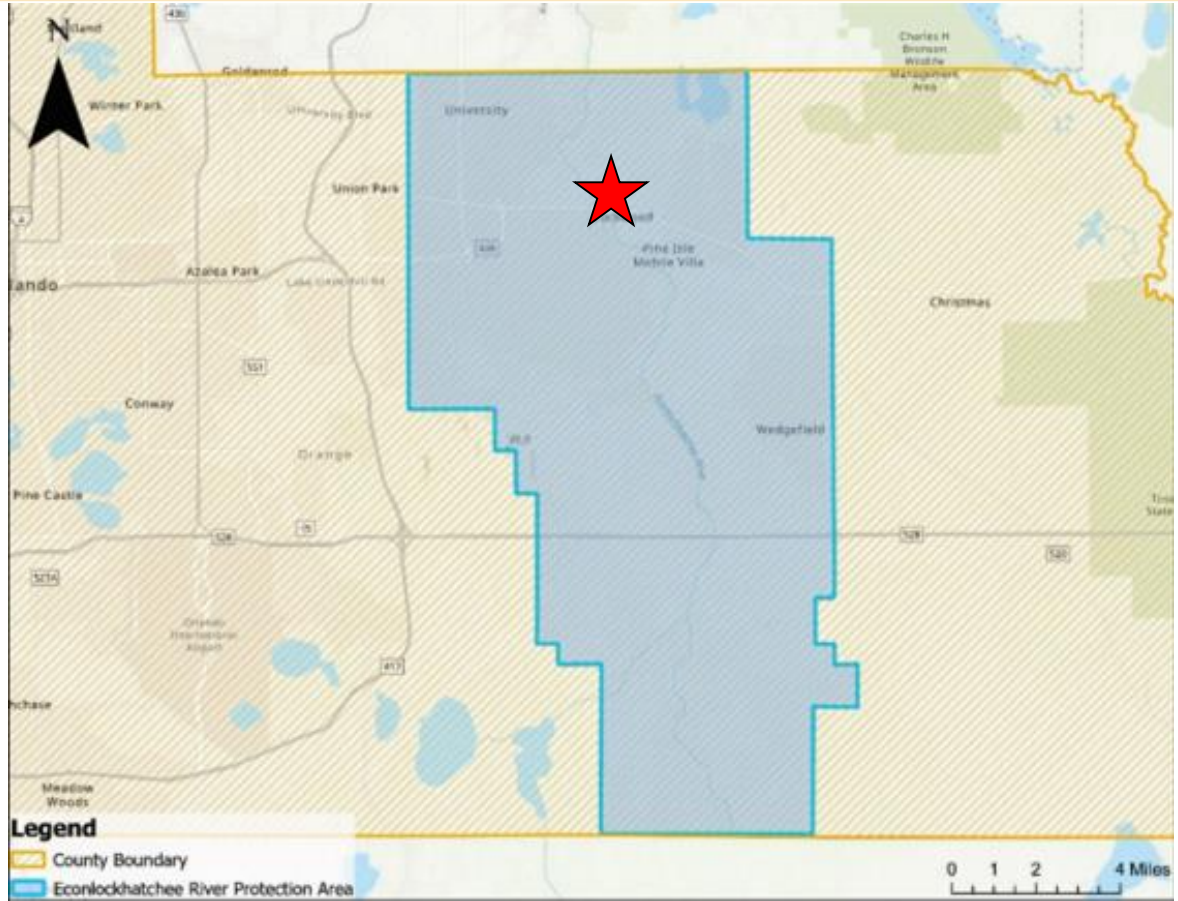
 Orange County Priority Vulnerability Areas (PVAs)



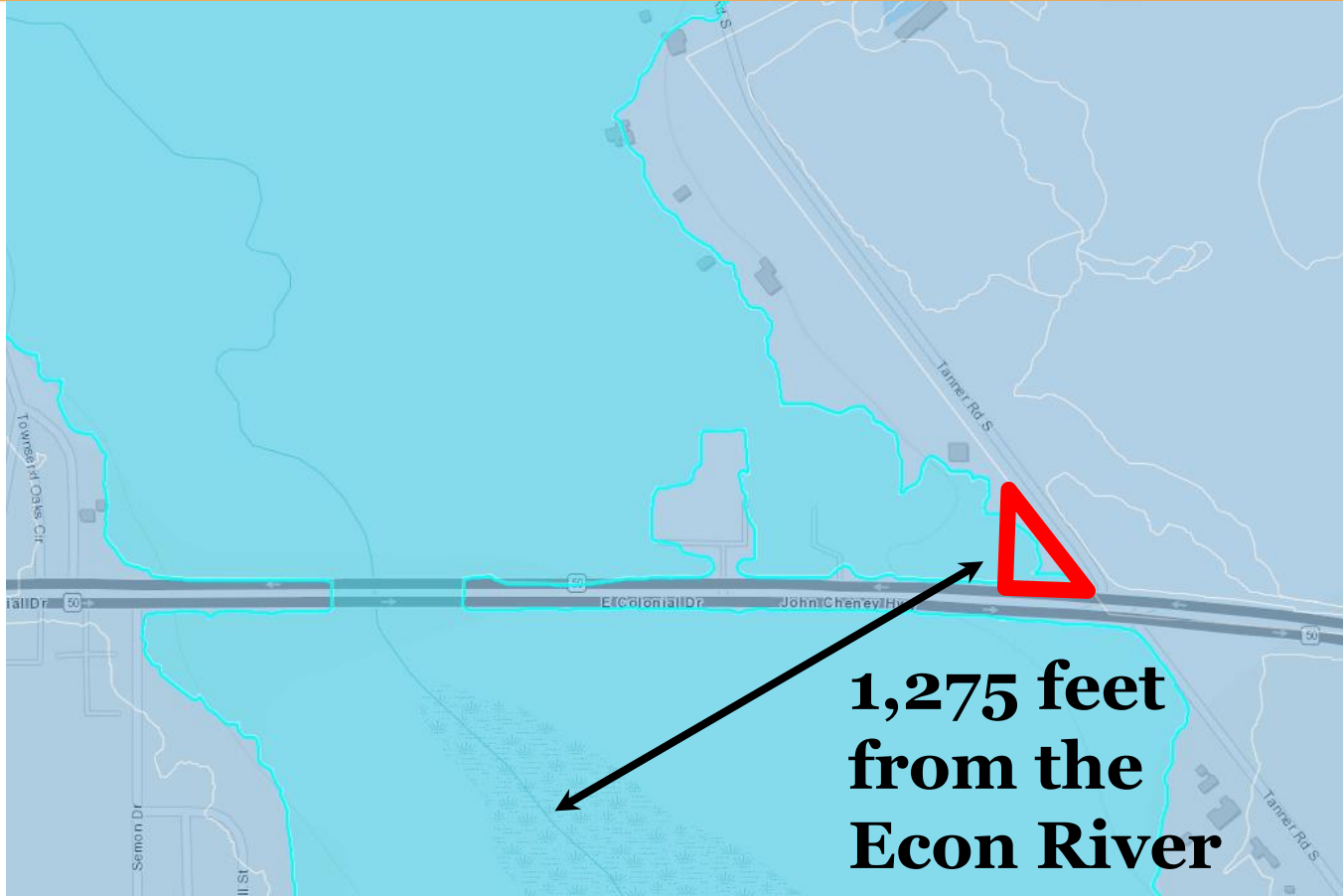
Econlockhatchee River Protection Area



**Code Section:
Chapter 15
Article XI**



Floodplain Map



**1,275 feet
from the
Econ River**

Code Section 34-29: Appeal Options



Sec. 34-29. - Appeals.



- (a) *Appeals to DRC.* Any person aggrieved by a decision, relative to this chapter, of an individual staff member may appeal such decision to the DRC. Such appeal shall be made by requesting a hearing in letter form to the chairman of the DRC. Such request shall include a summary of the decision being appealed and the basis of the appeal.
- (b) *Appeals to board of county commissioners.* Any decision of the DRC may be appealed to the board of county commissioners by submitting a letter to the chairman of the DRC. Such appeal must be made within thirty (30) days of decision by DRC. If the decision of the DRC being appealed is related to or stems from some application or process which requires a board of county commissioners public hearing under this chapter, then the appeal shall be heard and considered at such public hearing on the application. If the decision of the DRC being appealed does not otherwise require a board of county commissioners public hearing under this chapter, then the appeal shall be promptly forwarded to the board of county commissioners for consideration.
- (c) *Appeals to circuit court.* Any person aggrieved by the board of county commissioners decision regarding a preliminary or final subdivision plan or plat, or the board of county commissioners decision regarding any variance, may file a petition for a writ of certiorari in the circuit court of the county. Such action shall be instituted in accordance with [section 30-90](#).

(Ord. No. 94-4, § 1(Exh. A), 2-8-94; Ord. No. 2000-14, § 1, 6-27-00)

Inconsistencies with County Policies & Codes



1. FLU6.2.10 - Negatively impacts the Rural Settlement and is not compatible with residential neighborhood.
2. FLU6.2.12 - Drive-thru coffee shop inherently only attracts “pass-by” trips.
3. Code Sec. 37-532 & 539 - Approved OSDS on a prohibited commercial site.
4. Code Sec. 37-546 - Permitted septic system in a Priority Vulnerability Area.
5. Econlockhatchee River Protection Area - Permitted 1,275 feet away from the Econlockhatchee River, within the floodplain.
 - a. Recognized in Chapter 15, Article XI

Requested Direction for Staff



Amend Orange County Code Section 34-29:

- Add a subsection (d) granting a commissioner the right to appeal any DRC variance decision.