ORANGE COUNTY GOVERNMENT
FLORIDA

Planning, Environmental & Development Services Department

Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

October 2, 2025

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)

ORANGE COUNTY GOVERNMENT

Board Member	District
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
Allen McNeill	Chief Planner
Catherine Glase	Planner II

ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
OCTOBER 2, 2025

Case #	Applicant	Commission District	Staff Recommendation	BZA Recommendation	Page #
VA-25-10-049	William Arthur	1	Approval w/Conditions	Approval w/Conditions	1
VA-25-10-050	Jason Lee	3	Request #4 Approval w/Conditions Requests #1-3, Denial	Approval w/Conditions	11
VA-25-09-039	Beresford Gittens	2	Denial	Denial	27
VA-25-10-044	Anup Inamdar	4	Request #1 Approval w/Conditions Requests #2-3, Denial	Approval w/Conditions	39
VA-25-10-046	Jeffery Dyal	5	Denial	Continued to 12/4/25	52
VA-25-10-048	Allan Azcuna	1	Denial	Approval w/Conditions	69
VA-25-11-050	Lucie Ghioto	2	Denial	Approval w/Conditions	80
VA-25-10-054	Terrilyn Jemison	2	Denial	Approval w/Conditions	93
VA-25-11-056	Ryan Douglas Bitzer	5	Approval w/Conditions	Approval w/Conditions	105
VA-25-10-047	Luis Honorato	2	Denial	Continued to 12/4/25	119
SE-25-11-051	Brian Hercules for Hollingshead Materials LLC	2	Continued TBD	Continued TBD	130

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 Oct. 28, 2025.

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	

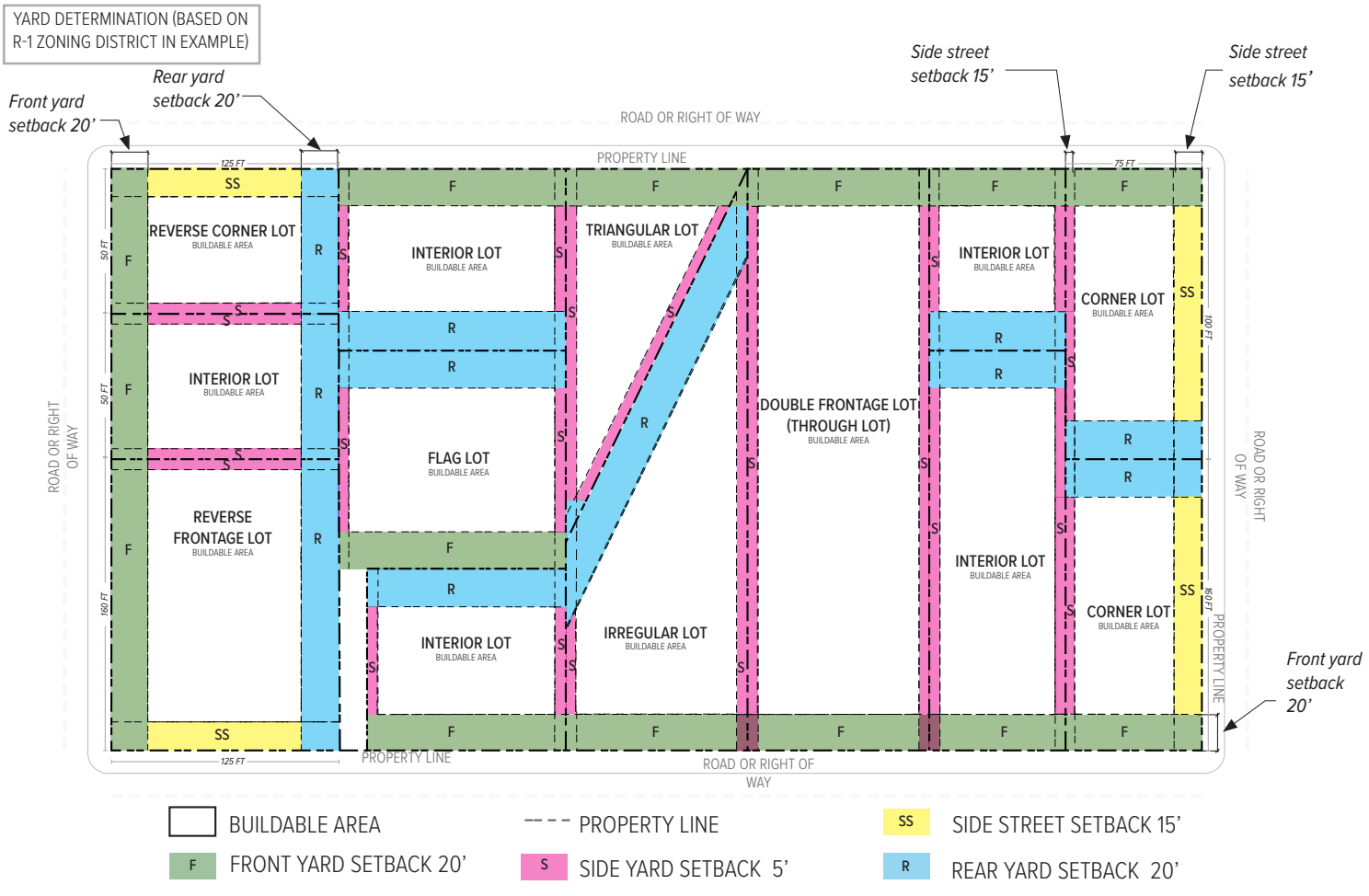
NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements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

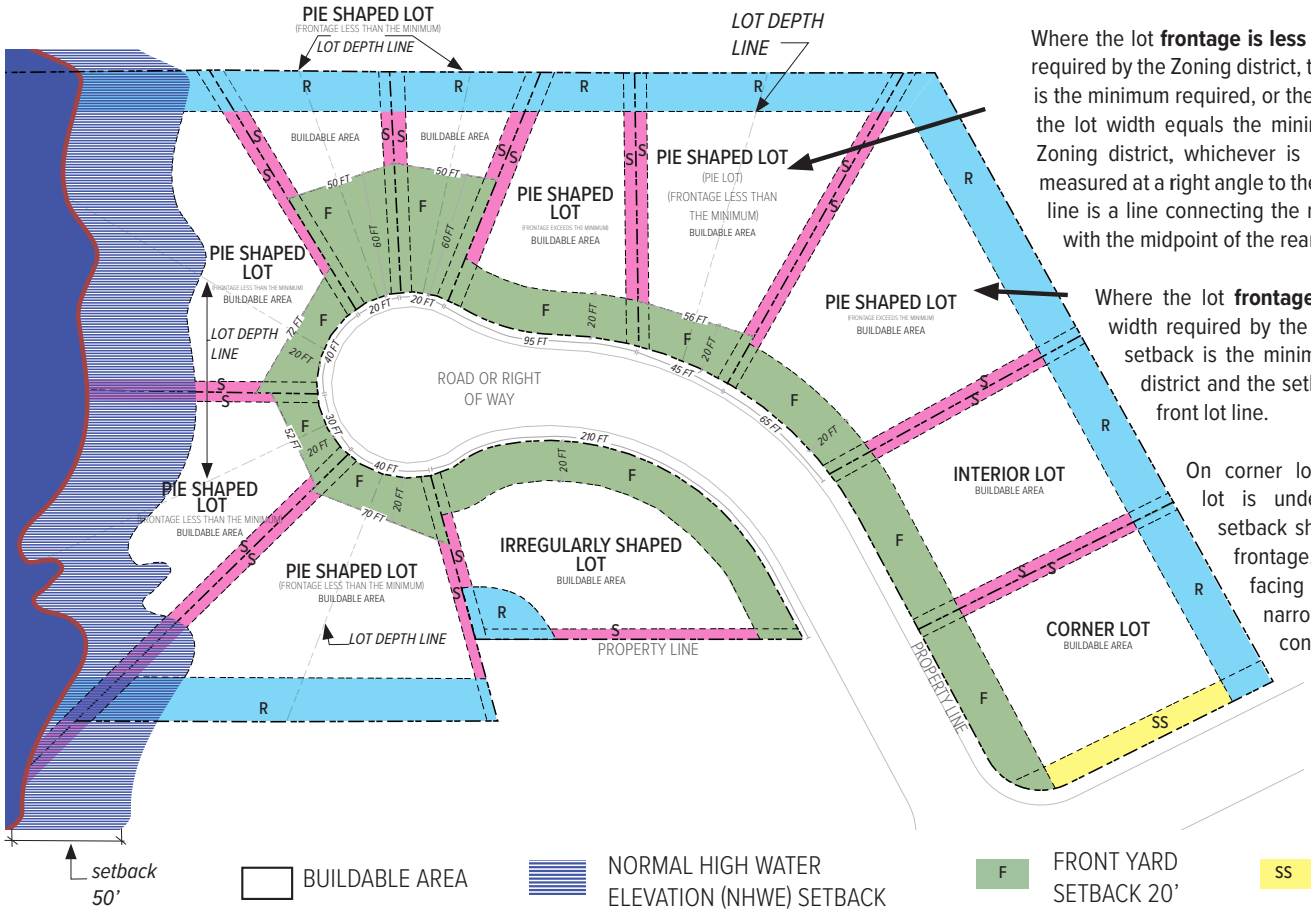
FOOTNOTES

A	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. 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.
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





Where the lot **frontage is less than** the minimum lot width required by the Zoning district, the building setback distance is the minimum required, or the distance to the point where the lot width equals the minimum width required by the Zoning district, whichever is greater. Lot width must be measured at a right angle to the lot depth line. The lot depth line is a line connecting the midpoint of the front lot line with the midpoint of the rear lot line.

Where the lot **frontage exceeds** the minimum lot width required by the Zoning district, the building setback is the minimum required by the Zoning district and the setback line runs parallel to the front lot line.

On corner lots where the front of the lot is undetermined, the front yard setback shall be required on all street frontage. Otherwise, the lot side facing the internal street or the narrower portion of the lot shall be considered the frontage.

11.16.2023

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:	**OCT 02, 2025**	Commission District:	**#1**
Case #:	**VA-25-10-049**	Case Planner:	**Catherine Glase (407) 836-9615 Catherine.Glase@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): WILLIAM ARTHUR

OWNER(s): ALEXANDER ARTHUR, JACQUELINE ARTHUR

REQUEST: Variance in the R-CE zoning district to allow a minimum lot area of 0.74 acres in lieu of 1 acre.

PROPERTY LOCATION: 147 Live Oak Rd., Winter Garden, FL 34787, south side of Live Oak Rd., north side of Johns Lake., south of W. Colonial Dr., west of Avalon Rd., and east of the Lake County line

PARCEL ID: 30-22-27-4017-00-050

LOT SIZE: +/- 1.05 acres (0.74 acres upland)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 28

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

1. Development shall be in accordance with the lot area shown on the site plan date stamped September 19, 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 described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval of the Variance. Staff noted that no comments were received in favor or in opposition to the request.

The applicant was present, agreed with staff's recommendation of approval, and was available for questions.

The BZA agreed with the recommendation provided by staff.

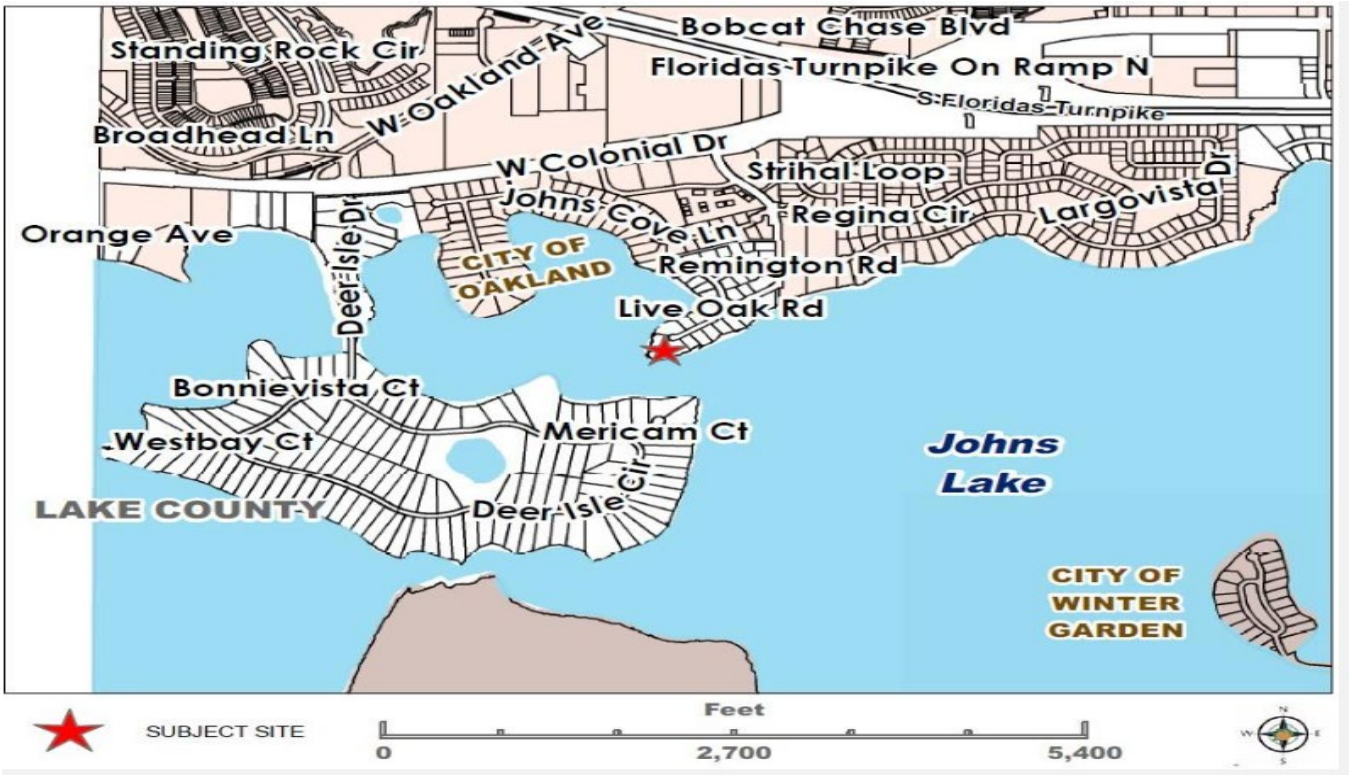
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of Variance request by a 6-0 vote, with one (1) absent, subject to the three (3) 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-CE	R-CE	A-1	R-CE	R-CE
Future Land Use	R	R	Water Body	R	R
Current Use	Single-family residence	Single-family residence	Johns Lake	Single-family residence	Single-Family Residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area around the subject site consists of single-family homes, most of which are lakefront. The subject property is 1.05 acres in size, was platted in 1958 as lots 4 and 5 of the John's Lake Homesites plat and is considered to be a substandard lot due to the lot area. The subject property is a lakefront lot located on Johns Lake with right-of-way along Live Oak Rd. to the north. The property is currently developed with a 2,808 gross sq. ft. single-family residence, constructed in 1964. The property received a rezoning in 1982 from R-1AA to R-CE, initiated by the Orange County Planning and Zoning Commission. At the time of the rezoning, the lot size requirement changed from 10,000 square feet to one (1) acre, creating the non-conformity.

Per Orange County Code Section 38-1401, if two or more adjoining lots were under single ownership on or after October 7, 1957, and one of the lots has a frontage or lot area less than what is required by the zoning district, such substandard lot or lots shall be aggregated to create one conforming lot. The owner was unable to provide documentation to verify if the property was under single ownership with the adjoining lots, therefore, the lot cannot be considered a substandard lot of record.

The current owner purchased the property in 2023. In February of 2024, the applicant submitted a permit (B24007429) to construct a residence on the property. The Environmental Protection Division identified wetlands on the property and required that a Wetland Determination (WD) be submitted (WD-24-12-100). The WD identified a total of 0.74 acres of upland area on the subject property. The building permit is now expired and will need to be reinstated, or a replacement permit must be submitted to the county.

The proposal is to demolish the existing residence and to construct a new 4,697 gross sq. ft. residence with 3,756 sq. ft. of living space. The R-CE zoning district requires a minimum lot area of 1 acre, and the existing lot area is 0.74 acres of upland, requiring the Variance. The proposed residence complies with all other zoning development standards.

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 (6) Variance criteria are met. Staff has determined that the Variance request meets all the criteria. Based on staff's analysis, the lot would not be buildable without the requested Variance. Therefore, staff is recommending approval of the Variance request.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET - The special conditions and circumstance particular to the subject property is that the lot is not buildable without the requested Variance.

Not Self-Created

MET - The substandard aspect of the parcel is not self-created, as the lot was in this configuration when the current owner purchased the property.

No Special Privilege Conferred

MET - Granting the Variance as requested will not confer special privilege since several developed properties in the surrounding area contain single-family homes on similar sized lots.

Deprivation of Rights

MET - Without approval of the requested Variance, the owner will be deprived of the ability to construct a new residence on the parcel.

Minimum Possible Variance

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

Purpose and Intent

MET – Approval of the request will be in harmony with the purpose and intent of the Code, which is to allow 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 other zoning development standards, including setbacks.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the lot area shown on the site plan date stamped September 19, 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: WHAA- William H. Arthur IV
2920 Ponce de Leon Blvd.
Coral Gables, FL 33134

WHAA
William Hamilton Arthur Architect, Inc.
2920 Ponce de Leon Blvd,
Coral Gables, Florida 33134-6811
(305) 770-6100
(305) 770-6070

info@whaiv.us

July 15, 2025

TO: **Orange County Building Department**
c/o Plans Processing Lead
201 S Rosalind Ave
Orlando, Florida 32801

CC: **Board of Zoning Adjustment (BZA)**
Orange County Zoning Division
201 South Rosalind Ave, 1st Floor
Orlando, Florida 32801

Property Owners:
Alexander & Jacqueline Arthur
12984 Daughtery Rd
Winter Garden, Florida 34787

RE: **LETTER OF INTENT, APPLICATION FOR VARIANCE REQUEST**
REF: B24007429
147 Live Oak Rd
Winter Garden, Florida 34787

This letter serves as our cover letter in support of our application for variance allowing construction on an existing *substandard lot*. The subject lot does already have an existing single-family building and the applicant seeks reconstruction.

BACKGROUND

A building permit application was submitted July 2024. An application number was provided **B24007429**, and zoning plans examiner Mr. David Franqui advised the minimum criteria required to meet the requirements of a *"substandard lot of record"* as defined in Orange County Code of Ordinances, Sec 38-1401. This project includes two (2) adjoining lots in which both lots have a frontage dimension and a lot area square footage that is less than the minimum requirements for a single-family residence in the R-CE district.

1. Per Sec 38-1501, the minimum lot width is 50 feet. This project includes 39'-8" for Lot 4 and 37'-7" for Lot 5.
2. The minimum lot area is 43,560 SF (1 acre). This project includes 14,277 SF (0.328) for Lot 4 and 18,211 SF (0.418) for Lot 5.
3. We verified the subject application *has not* maintained single ownership since October 7th, 1957, and therefore *does not* meet the criteria.

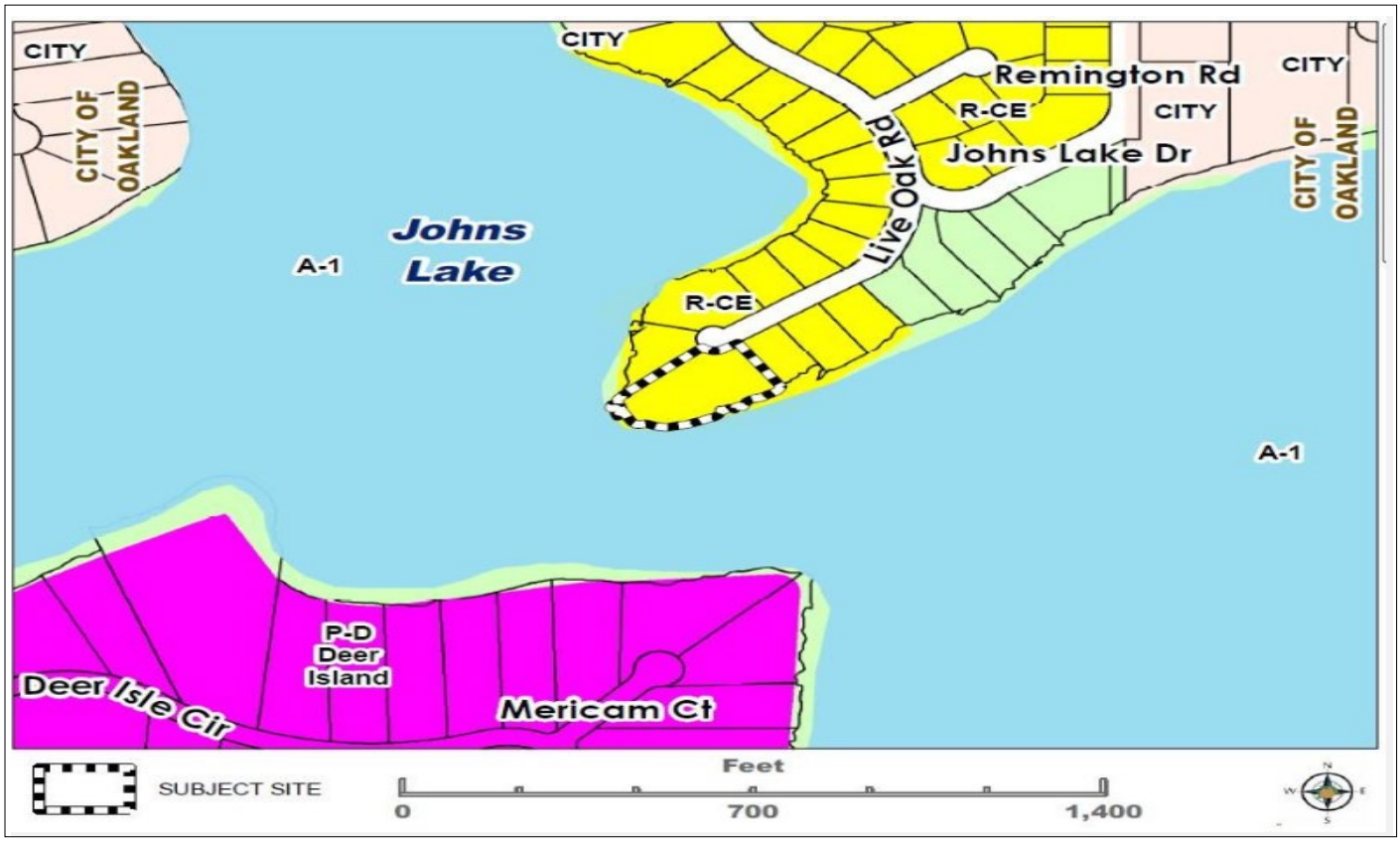
Therefore, a variance is required. Approval of the variance would allow the applicant to proceed with Zoning reviews as part of their building permit application.

The applicant proposes reinforced masonry construction. The proposed total enclosed square footage is 4,697 SF with proposed dimensions of 128'-1" for residence overall width and 95'-5" for residence overall length. Construction is proposed to be 35'-0" from the front property line, 10'-0" from the side property lines and 50'-0" from the rear property line. The overall proposed height from the first level FFE is 28'-3". These proposed figures meet all requirements. Please refer to the enclosed drawings provided.

The following is a detailed outline of justification for how this proposal meets the six standards for variance approval:

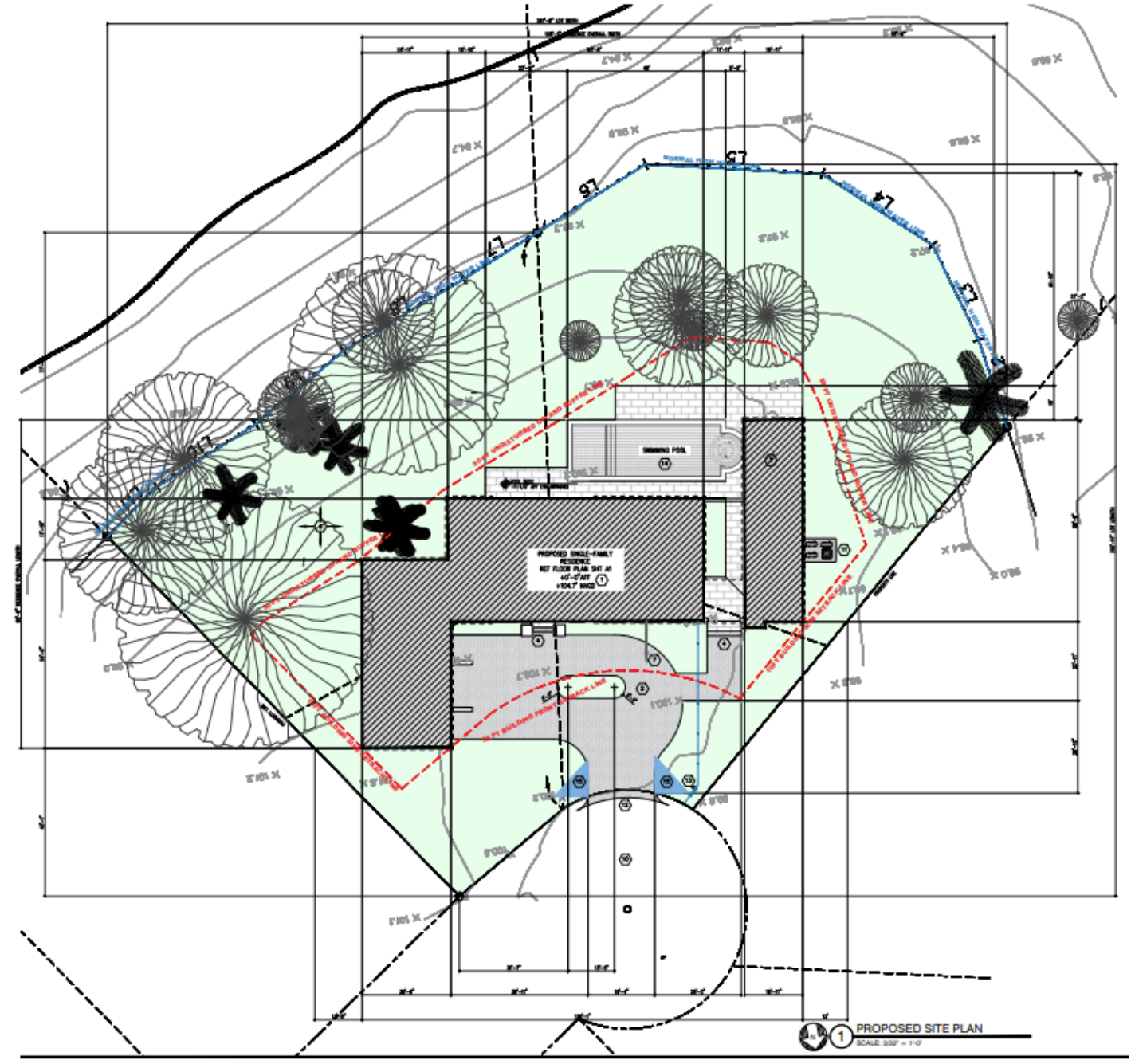
1. Special Conditions and Circumstances: This application has special conditions and circumstances which exist that are peculiar to the land and building involved and which are not applicable to other lands, structures or buildings in the same zoning district. There are no known zoning violations.
2. The condition is not Self-Created: The applicant has taken no actions to increase the non-conformity of the site, and the circumstances exist regardless of the applicant's conduct.
3. No Special Privilege is 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. All other lots within the same JOHNS LAKE HOMESITES subdivision and the same zoning district that do not meet the minimum requirement for lot size also have a single-family dwelling on a non-conforming site. In fact, the subject property is the closest to conforming to the minimum lot size on Live Oak Rd.
4. Deprivation of Rights: Literal interpretation of the provisions contained 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.
5. Minimum Possible Variance: The zoning variance proposed for approval is the minimum variance that will make possible the reasonable use of the land, building, or structure. The applicant only seeks a variance to allow the construction of a single-family dwelling, the minimal possible variance. No other variances are proposed as part of this application.
6. Purpose and Intent: Approval of this 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.

ZONING MAP



AERIAL MAP

SITE PLAN


PROPOSED SINGLE-FAMILY RESIDENCE
1ST FLOOR PLAN SHT #1
+0'-0" MIN
+104.7' MSD
SWIMMING POOL
PROPOSED SITE PLAN

SITE PHOTOS

Front yard of property, facing south towards existing residence

Facing south towards existing residence

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **OCT 02, 2025** Commission District: **#3**

Case #: **VA-25-10-050** Case Planner: **Catherine Glase (407) 836-9615**
Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JASON LEE

OWNER(s): ANNA MARIE SANDER

REQUEST: Variances in the R-1A zoning district as follows:
1) To allow an addition with a 22.83 ft. rear setback in lieu of 30 ft.
2) To allow an addition with a 6.42 ft. south side setback in lieu of 7.5 ft.
3) To allow an addition with a 6.17 ft. west side setback in lieu of 7.5 ft.
4) To allow an existing porch with a 20.96 ft. front setback in lieu of 25 ft.

PROPERTY LOCATION: 1724 Hour Glass Dr., Orlando, FL 32806, south and east side of Hour Glass Dr., east of S. Ferncreek Ave., south of Curry Ford Rd., north of E. Kaley St., west of S. Bumby Ave.

PARCEL ID: 06-23-30-3736-01-120

LOT SIZE: +/- 0.18 acres (+/- 7,763 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 114

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as modified (Motion by Juan Velez, Second by Roberta Walton Johnson; 5 in favor: Juan Velez, Roberta Walton Johnson, Glenn Rubinstein, Sonya Shakespeare, John Drago; 1 opposed: Johnny Stanley; 1 absent: Thomas Moses):

1. Development shall be in accordance with the site plan and elevations date stamped September 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 described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial of the Variances. Staff noted that no comments were received in favor or in opposition to the request.

The applicant was present along with the contractor. The contractor stated the project is the minimum size possible to achieve the living space addition for the owner and that the septic and drain field are located in front of the home. The applicant stated the existing home on the property is small and the addition was more financially feasible for the property owner than an entire rebuild to accommodate the additional living space. They also stated the proposed addition is designed to minimize the impact on the surrounding lots.

The BZA discussed the setbacks of other properties in the surrounding area stating other homes do not comply with the required setbacks for the zoning district. They went on to list the justification on why the requests comply with all six (6) criteria stating the property is an odd shape and without approval of the Variances the owner will not be able to construct improvements on the lot.

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

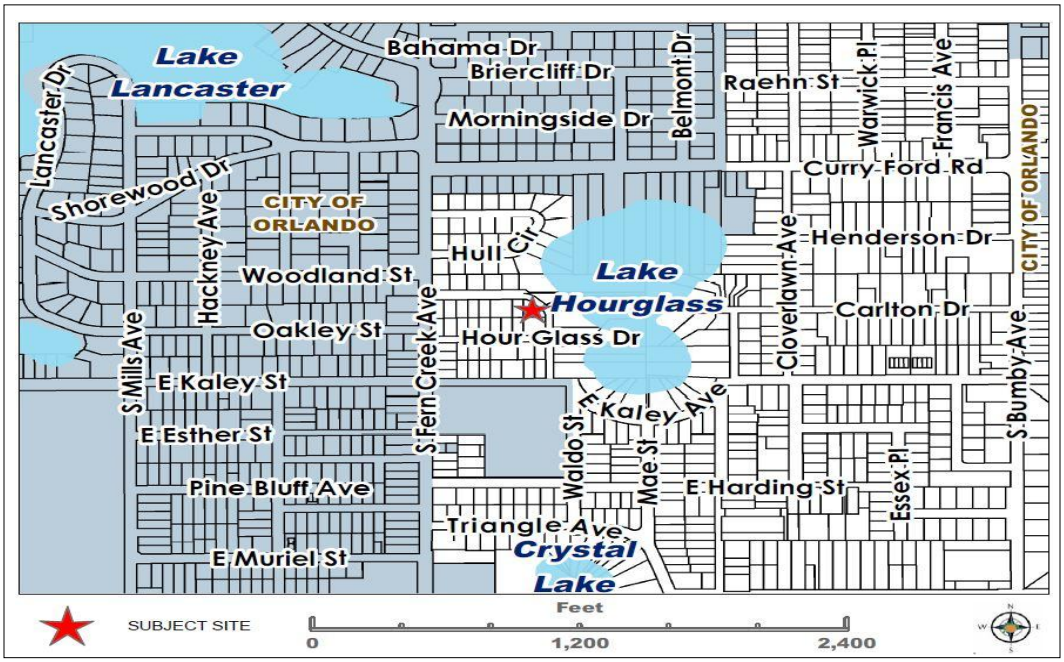
The BZA recommended approval of Variance request by a 5-1 vote, with one (1) absent, subject to the three (3) conditions found in the staff report, with the modification to Condition of Approval #1 as follows:

1. Development shall be in accordance with the site plan and elevations date stamped September 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).

STAFF RECOMMENDATIONS

Approval of Variance #4 and denial of Variances #1, #2, and #3, subject to the conditions in this report. However, if the BZA should find that the applicant has satisfied the criteria for the granting of all Variances, staff recommends that the approval be subject to the conditions in this report as modified by the Board.

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area around the subject site consists of single-family homes. The subject property is approximately 7,763 sq. ft. in size, was platted in 1923 as lot 12 in block A of the Hour Glass Lake Park plat and is considered a conforming lot. The subject lot is an irregularly shaped triangular lot which has continuous frontage along Hour Glass Dr. The property is developed with a one-story 1,596 gross sq. ft. single-family home, constructed in 1984, and a 6 ft. tall wooden privacy fence enclosing the rear yard. The property was purchased by the current owner in 2017.

The proposal is to construct a 583 sq. ft., 13 ft. tall, addition at the rear of the home comprised of 428 sq. ft. of living space and a 155 sq. ft. covered patio. Due to the irregular shape of the property, the rear setback is measured as a radius from the point where the two side property lines meet at the southwestern corner of the lot, as depicted on the site plan. The required rear setback of the R-1A zoning district is 30 ft. The proposed addition will be location 23.88 ft. from the southwestern corner of the lot, requiring Variance request #1. The two side yard setbacks overlap with the required rear yard setback. In these situations, both setback

requirements are applicable. The required side yard setback of the R-1A zoning district is 7.5 ft. The addition is proposed to be located 6.42 ft. from the south side property line and 6.17 ft. from the west side property line, requiring Variance requests #2 and #3, respectively. The home was originally developed with a front porch located 20.96 ft. from the front property line where 25 ft. is required, thus prompting Variance request #4. No new construction is proposed with Variance #4 as the request is to recognize the existing development on the site.

Building Setbacks (Principal Structure)

	Code Requirement	Proposed
Front:	25 ft.	20. 96 ft. (North – Variance #4)
Side:	7.5 ft.	6.42 ft. (South – Variance #2) 6.17 ft. (West – Variance #3)
Rear:	30 ft.	22.83 ft. (Southwest – Variance #1)

The request was routed to all relevant reviewing Divisions, and no objections were noted. This property is within Orlando Utilities Commission Water Service Area and City of Orlando Wastewater and Reclaimed Water Service Areas. 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 (6) Variance criteria are met. Staff has determined that Variance request #4 meets all the criteria. While Variance requests #1, #2, and #3 meet some of the criteria, they do not meet all the criteria; therefore, staff is recommending approval of Variance request #4 and denial of Variance requests #1, #2, and #3. Based on staff analysis, while there are special circumstances due to the irregular shape of the property the addition could be redesigned to lessen or eliminate the Variance requests.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variances #1, #2, and #3 MET – Special conditions and circumstances exist as the property is an irregularly shaped lot which restricts the area an addition could be constructed at a sufficient size. The placement of the existing home further limits the space that can be utilized for the addition.

Variance #4 MET – Special conditions and circumstances exist as the front porch is existing, and no new construction is proposed with the request.

Not Self-Created

Variance #1 MET – The Variance request is not self-created as any additions to the existing home would be difficult due to the lot shape and placement of the existing home.

Variances #2 and #3 NOT MET – The Variance requests are self-created as the addition could be redesigned to comply with the side setback requirements without significantly reducing the size of the addition.

Variance #4 MET – The Variance request is not self-created as the request is to recognize the existing location of the front porch.

No Special Privilege Conferred

Variances #1, #2, and #3 MET - Granting the Variance as requested would not confer special privilege as the lot is an irregular shape and is atypical to other properties in the same zoning district. Additionally, there are other properties in the surrounding area granted similar requests by the BZA.

Variance #4 MET – Granting the Variance as requested would not confer special privilege as the request is to recognize the existing front porch that has been in its currently location since 1984.

Deprivation of Rights

Variances #1, #2, and #3 NOT MET – Without approval of the requested Variance, the owner will not be deprived of the ability to construct an addition on the property. The addition could be redesigned to lessen or eliminate the Variance requests.

Variance #4 MET – Not approving the location of the existing front porch would deprive the owner the right to maintain their existing structure.

Minimum Possible Variance

Variances #1, #2, and #3 NOT MET – The requests are not the minimum possible as the addition could be redesigned to lessen or eliminate the Variance requests.

Variance #4 MET – The request is the minimum possible for the porch to remain in its current location.

Purpose and Intent

Variances #1 and #4 MET – Approval of the requested Variances would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused minimizing the impact that structures and uses have on surrounding properties by maintaining open space and creating yards to separate uses. The requested Variances still maintain adequate open space between neighboring parcels.

Variances #2, and #3 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 the neighboring properties. There is adequate space in the rear yard to meet the required side yard setbacks and maintain open side yards.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped September 15, 2025, as modified to remove the addition, 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: Jason Lee
815 Orienta Ave., Suite 1040
Altamonte Springs, FL 32701

Kyle Milroy
4903 Darden Ave.
Belle Isle, FL 32812

COVER LETTER

For **Variances from size**, indicate proposed size in square footage (i.e. 5,000 sq. ft. in lieu of 1,000 sq. ft.) of the structure you are requesting the Variance(s) for. For signage, indicate the proposed copy area and/or square footage (i.e. 20 sq. ft. of copy area in lieu of 10 sq. ft. of copy area).

This lot does not have a rear setback to it. It is a corner. There are several other homes that have ADU's and additions to them on the same street We are asking for 4 variances 1.Front property Line 2. South side Property Line 3. West aide Property Line 4. Rear Property Line.

For other **Variances from the Code,** not identified above, please outline the request below.

The entry roof crosses over the setback a small portion, we need this to be considered along with the first variance of the irregularly shaped lot

1. The subject property is irregularly shaped, forming a triangular lot configuration that presents a design constraint in establishing a conventional building footprint. This atypical geometry limits flexibility in standard site planning and structural layout, resulting in a non-rectilinear buildable area. While the lot's tapering increases the rear yard depth, it simultaneously imposes challenges in maintaining uniform building setbacks and meeting zoning requirements. This condition constitutes a site-specific hardship not encountered by adjacent properties, which are configured with standard rectangular lots that allow for more conventional and code-compliant development patterns.

2. The irregular shape of the lot presents a unique site constraint that was not self-imposed by the homeowner but is a direct result of the original platting and development of the subdivision. This condition meets the criteria for a hardship as defined under local zoning regulations and is consistent with the intent of Florida Building Code Section 107.3.5, which considers existing site conditions when evaluating reasonable design accommodations.

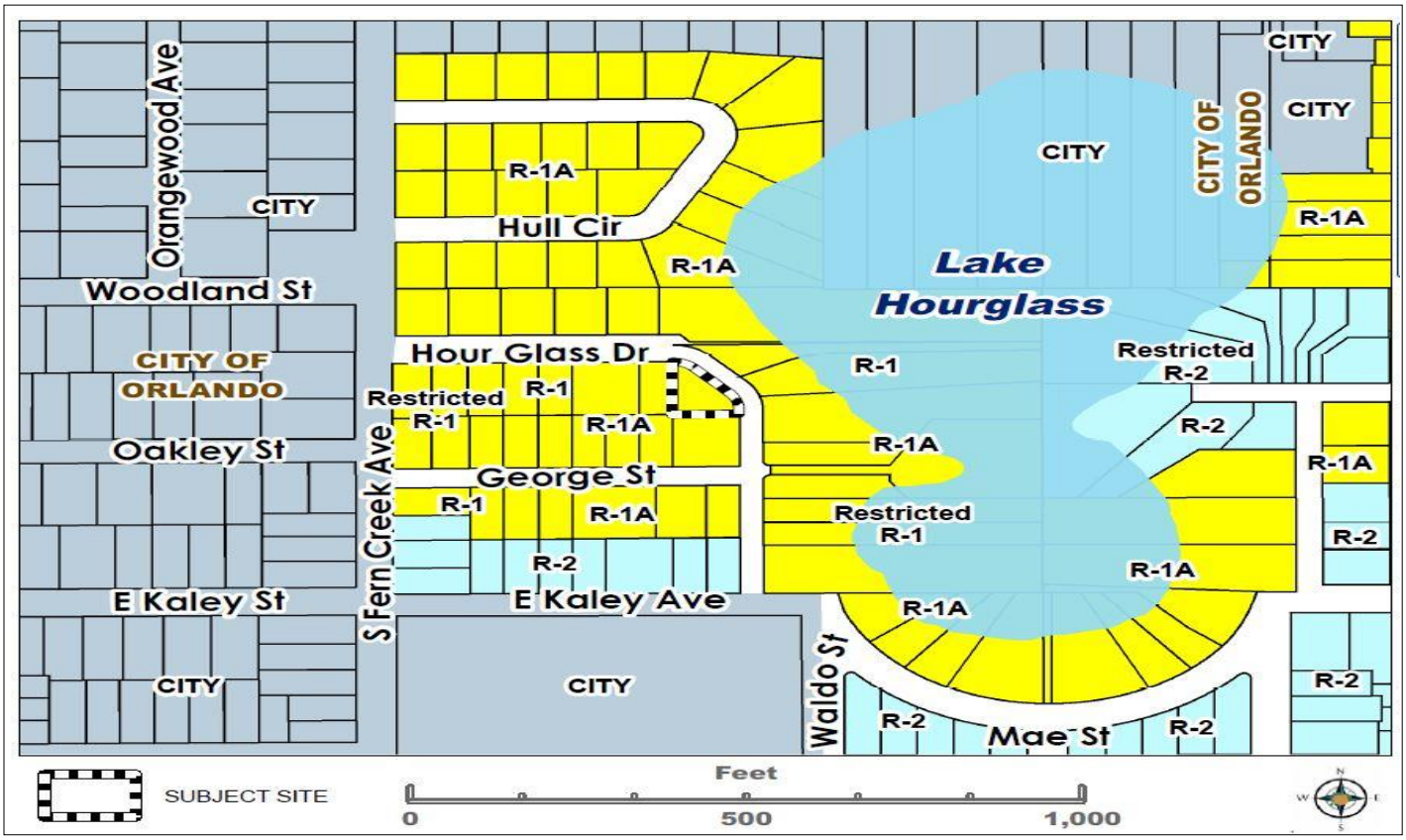
3. Granting the proposed variance does not constitute a special privilege, as it merely allows the applicant reasonable use of the property consistent with that of adjacent homeowners and comparable lots. The relief sought is aligned with the intent of local zoning ordinances and does not provide the applicant with rights exceeding those of surrounding property owners.

4. Approval of the proposed variance will not result in the deprivation of rights for the homeowner or any adjacent property owners. The request is not intended for financial gain or speculative development, but rather to improve the long-term functionality and livability of the existing residence for the homeowner's personal use.

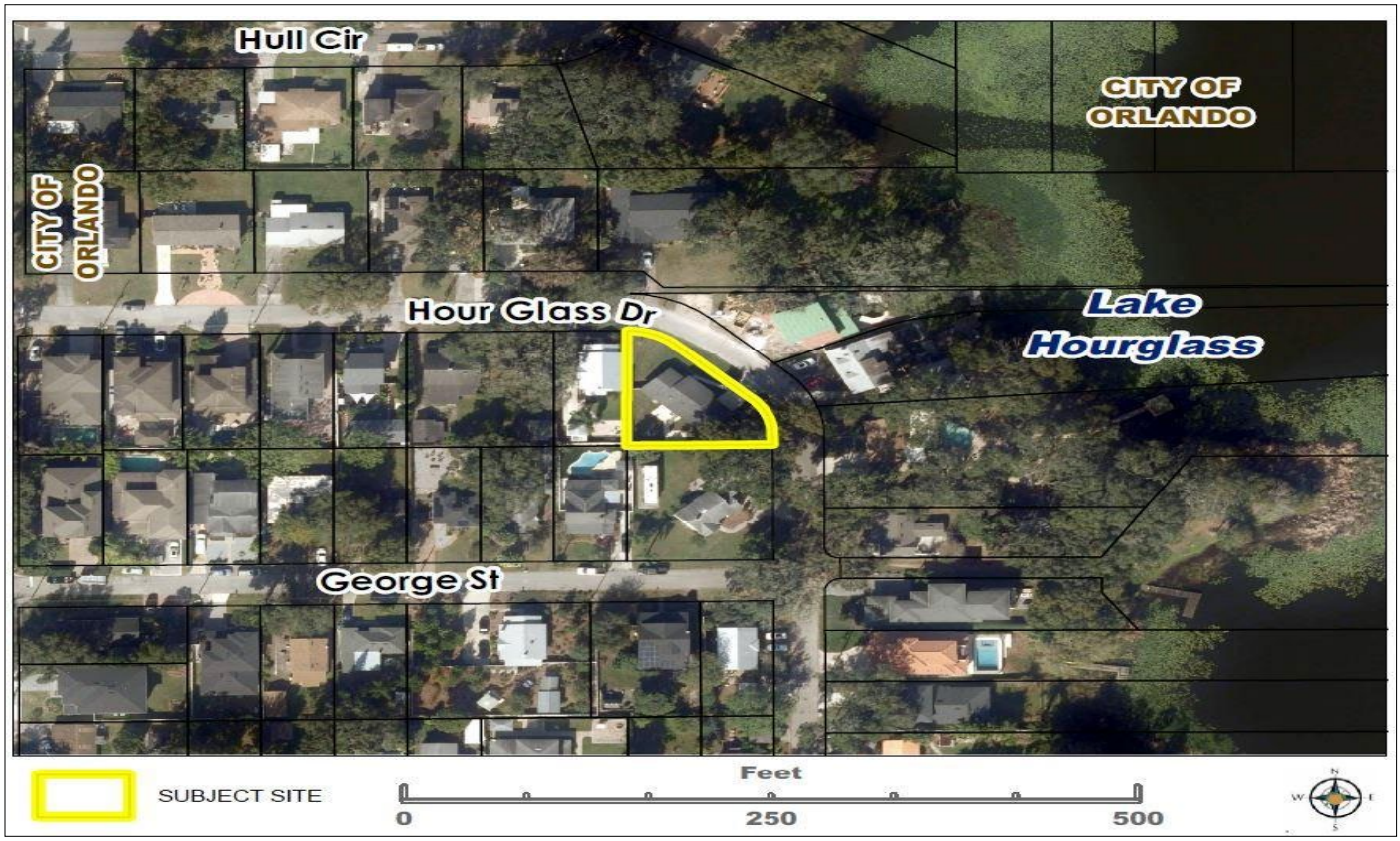
5. The requested zoning variance represents the minimum relief necessary to achieve a functional and efficient layout, enhancing the livable area of the home to better accommodate the homeowner's long-term needs.

6. The proposed variance is in line with the purpose and intent of the zoning regulations. It allows for reasonable use of the property without negatively affecting the neighborhood. The project will not harm nearby properties or be a risk to public health, safety, or welfare.

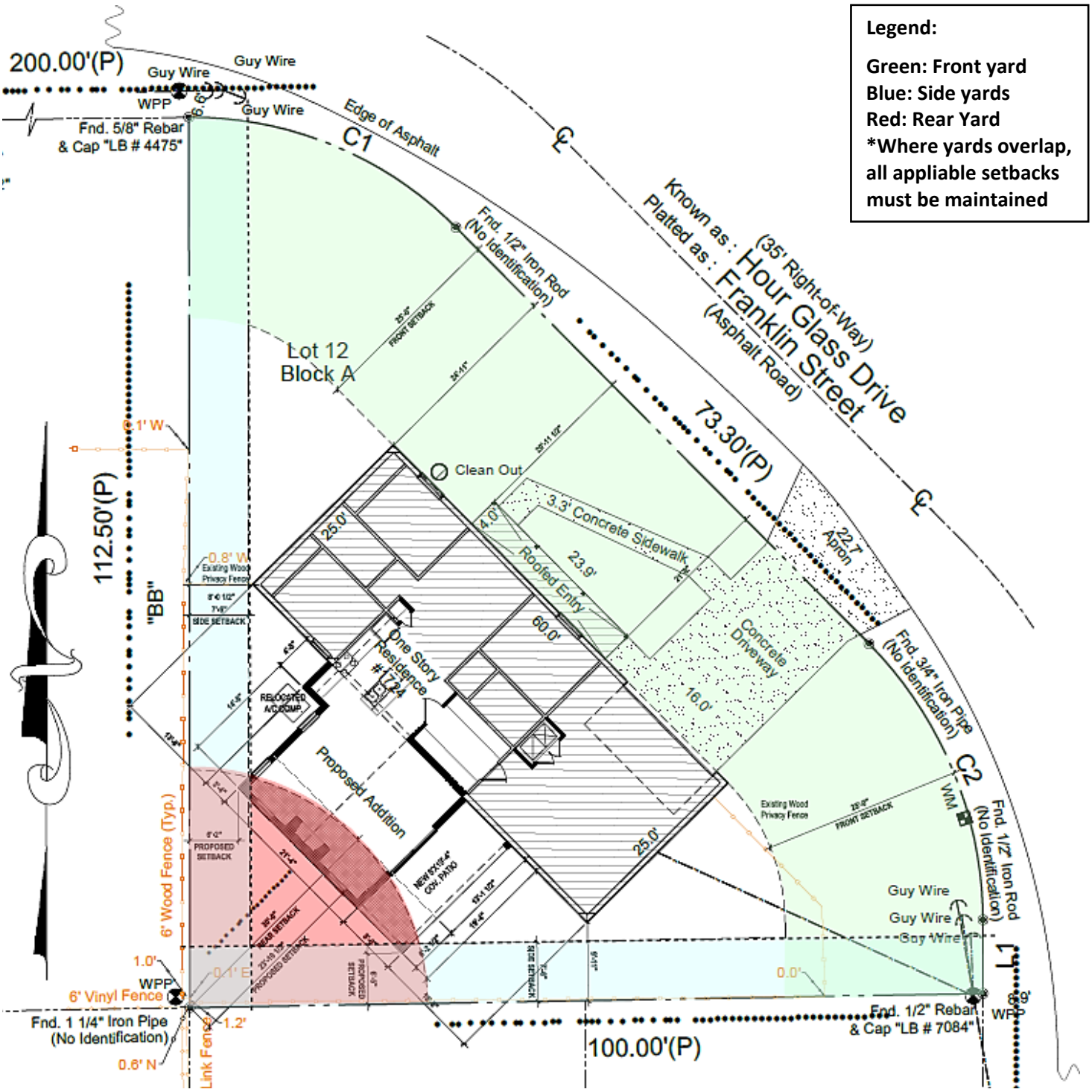
ZONING MAP



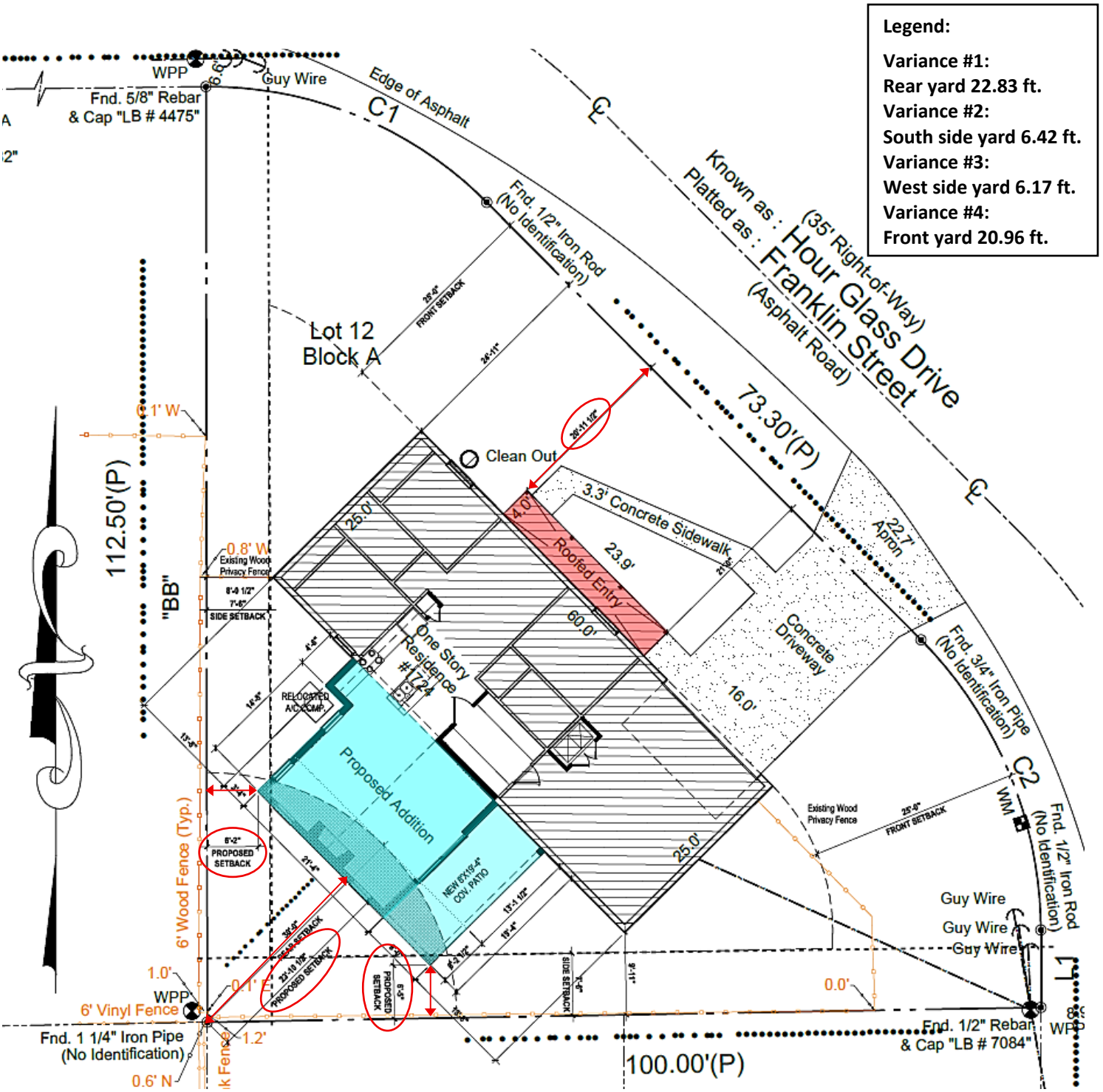
AERIAL MAP



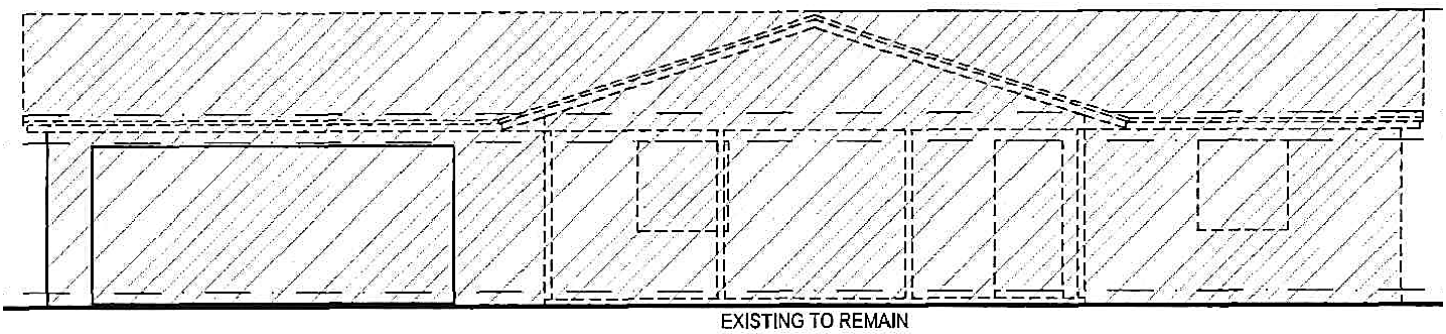
SITE PLAN


Legend:
Green: Front yard
Blue: Side yards
Red: Rear Yard
*Where yards overlap, all appliable setbacks must be maintained
200.00'(P)
Guy Wire
Guy Wire
Guy Wire
WPP
Fnd. 5/8" Rebar & Cap "LB # 4475"
Edge of Asphalt
C1
℄
Known as : Hour Glass Drive
Platted as : Franklin Street
(35' Right-of-Way)
(Asphalt Road)
Fnd. 1/2" Iron Rod (No Identification)
Lot 12
Block A
73.30'(P)
℄
1' W
112.50'(P)
"BB"
Clean Out
3.3' Concrete Sidewalk
4.0'
Roofed Entry
23.9'
22.7' Apron
0.8' W
Existing Wood Privacy Fence
SIDE SETBACK
25.0'
60.0'
One Story Residence #1524
Concrete Driveway
16.0'
Fnd. 3/4" Iron Pipe (No Identification)
RELOCATED A/C UNIT
Proposed Addition
C2
WM
Fnd. 1/2" Iron Rod (No Identification)
Existing Wood Privacy Fence
FRONT SETBACK
6' Wood Fence (Typ.)
PROPOSED SETBACK
NEW 8'X18'-4" COV. PATIO
REAR SETBACK
SIDE SETBACK
Guy Wire
Guy Wire
Guy Wire
1.0'
WPP
6' Vinyl Fence
0.1' E
0.0'
Fnd. 1 1/4" Iron Pipe (No Identification)
1.2'
0.6' N
Link Fence
100.00'(P)
Fnd. 1/2" Rebar & Cap "LB # 7084"
WPP

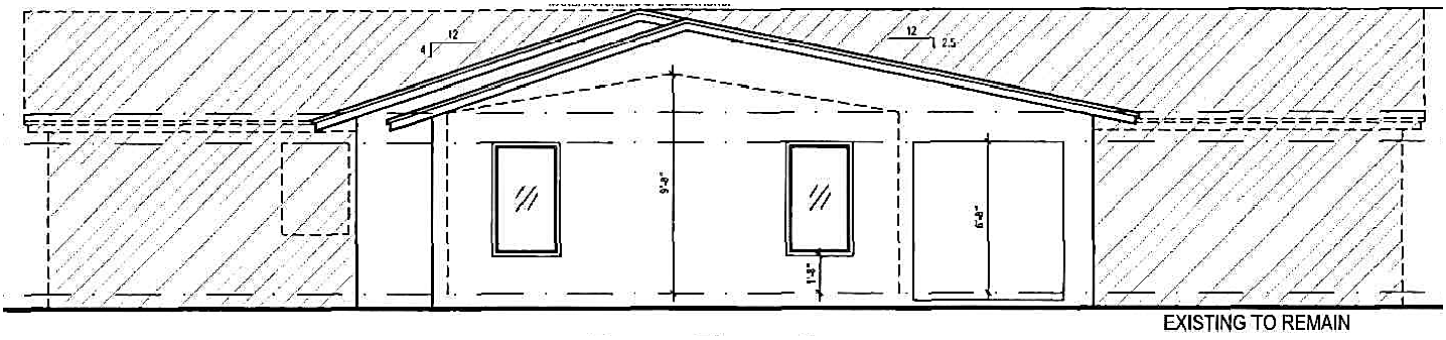
SITE PLAN WITH VARIANCES



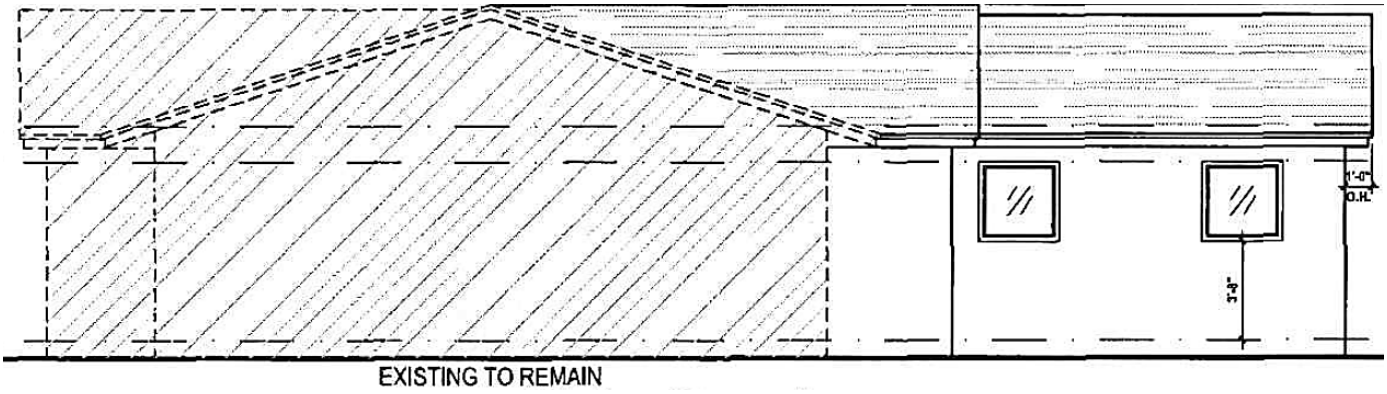
ELEVATION PLAN



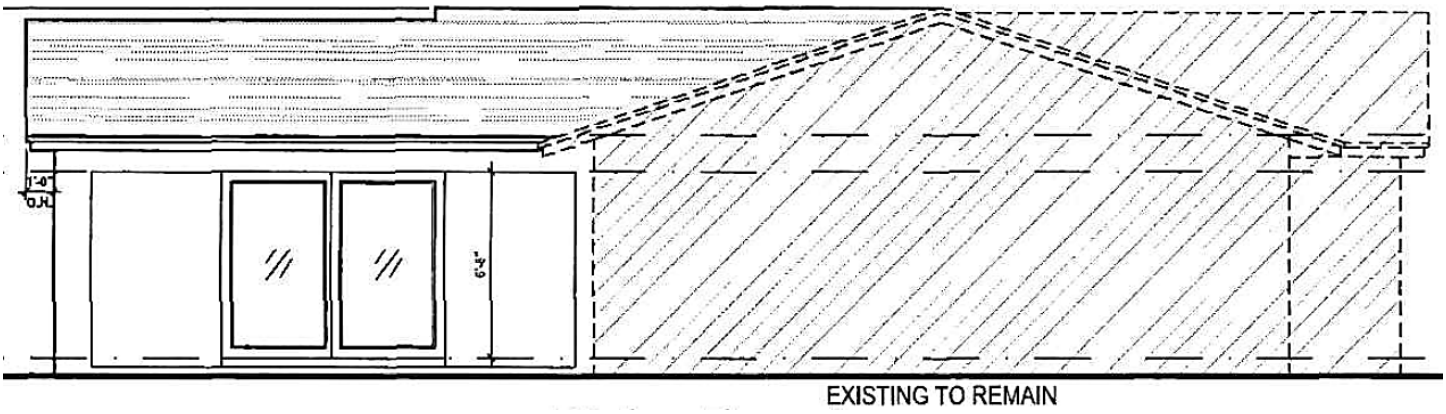
Front Elevation



Rear Elevation



Left Elevation



Right Elevation

SITE PHOTOS

Hour Glass Dr., facing southwest towards front of subject property

Front yard, facing southeast towards the existing home

SITE PHOTOS

Front yard, facing southeast towards the existing porch (Variance #4)

Rear yard, facing north towards the existing home and west side property line

Rear yard, facing west towards the existing home and south side property line

Rear yard, facing northeast towards the existing home

Rear yard, facing southwest towards the rear yard

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**OCT 02, 2025**	Commission District:	**#2**
Case #:	**VA-25-09-039**	Case Planner:	**Catherine Glase (407) 836-9615 Catherine.Glase@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): BERESFORD GITTENS

OWNER(s): BERESFORD GITTENS JR, LUZ ELBA CRUZ-ROSADO GITTENS

REQUEST: Variances in the R-L-D zoning district for a detached accessory structure (shed) as follows:
1) To allow a 1 ft. north side setback in lieu of 5 ft.
2) To allow a 1 ft. rear setback in lieu of 5 ft.
NOTE: This is a result of Code Enforcement.

PROPERTY LOCATION: 5285 Shale Ridge Trl., Orlando, FL 32818, east side of Shale Ridge Trl., south of Clarcona Ocoee Rd., east of N. Apopka Vineland Rd., west of N. Hiawassee Rd., north of Silver Star Rd.

PARCEL ID: 02-22-28-7558-01-630

LOT SIZE: +/- 6,599 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 166

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 John Drago, Second by Juan Velez; 5 in favor: John Drago, Juan Velez, Glenn Rubinstein, Sonya Shakespeare, Johnny Stanley; 1 opposed: Roberta Walton Johnson; 1 absent: Thomas Moses).

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

The property owner was present and discussed the installation of the shed and pavers. The property owner provided four letters stating approval from neighboring property owners.

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

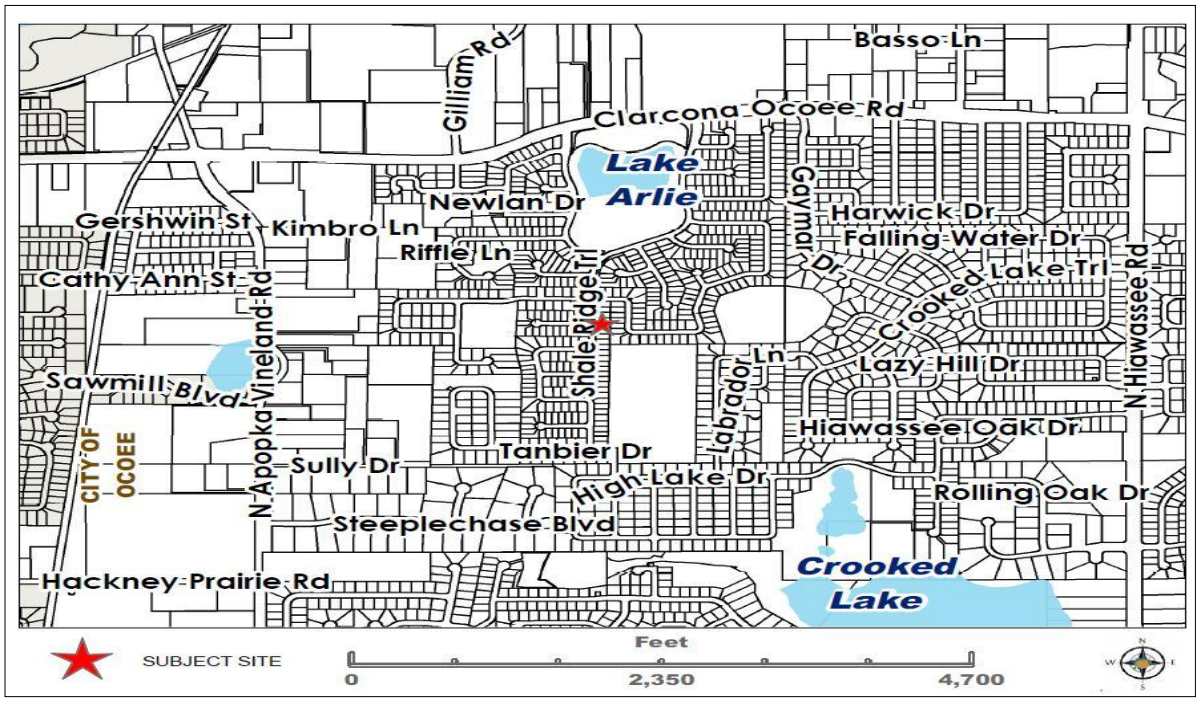
The BZA and applicant discussed at length the chosen placement of the shed, the water runoff, the lack of obtaining permits, and impacts to adjacent property owners. A representative from Development Engineering spoke to the additional conditions related to stormwater runoff and the installation of gutters. Code Enforcement was also present and discussed the cited violations and noted that the case has not yet been heard by the Special Magistrate.

The BZA voiced concerns with adverse impacts to adjacent property owners, and recommended denial of the Variance requests by a 5-1 vote with one (1) absent.

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary 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	R-L-D	R-L-D	R-L-D	R-L-D	R-L-D
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The subject property is 6,599 sq. ft. in size, was platted in 2003 as lot 163 of the Robinson Hills Unit 3 plat and is a conforming lot of record. The area around the property consists of single-family homes. The property was purchased by the current owner in 2020, and is developed with a 1-story, 2,390 gross sq. ft. single-family home (B03016020), constructed in 2004, as well as a detached accessory structure, paver patio in the rear yard (Z25008404 under review), a concrete walkway to the right side of the home, and a 6 ft. tall white vinyl privacy fence (F18012924).

Code Enforcement cited the property owner on April 24, 2025, (CE: 654050) for an accessory structure built without a permit. The case is scheduled to be heard before the Special Magistrate on October 6, 2025, and is not subject to any daily fines as of the date of this report. To satisfy the code violation, the unpermitted improvements must be removed, or permits must be obtained. No permit has been submitted for the structure as of the date of this report.

The proposal is to keep the existing 324 sq. ft. 27 ft. by 12 ft., 10.17 ft. tall accessory structure which is comprised of a 16 ft. by 12 ft. shed and an 11 ft. by 12 ft. open porch area. Section 38-1426(1)c.2.(ii) of Orange County Code states, a *detached accessory structure with a height of fifteen (15) feet or less shall be set back a minimum of five (5) feet from any side or rear lot line.* The structure is 10.17 ft. in height and is located 1 ft. from the north side property line, requiring Variance request #1, and 1 ft. from the rear property line, requiring Variance request #2.

During the site visit, a concrete walkway and paver patio was observed on site by staff and installed without permits. The owner shall obtain a zoning permit for the paver area and a building permit for the concrete walkway prior to the issuance of the accessory structure permit, as reflected in Condition of Approval (COA) #5 and #6.

Building Setbacks (Accessory Structure)

	Code Requirement	Proposed
Front:	Not located in the Front yard	N/A
Side:	5 ft.	1 ft. (North – Variance #1) 32 ft. (South)
Rear:	5 ft.	1 ft. (East – Variance #2)

The request was routed to all relevant reviewing Divisions. There were no objections noted. Development Engineering Reviewer noted the applicant shall install gutter and downspout systems on the existing structure to capture all roof runoff. Collected runoff shall be directed to the public right-of-way in a manner that does not adversely impact adjacent properties, as reflected in COA #7.

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 (6) 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 structure to comply with all development standards. Additionally, the subject property has a significantly higher ground elevation to the closest affected neighbor. Allowing 1 ft. setbacks would be intrusive to the neighboring properties to the side and rear. Therefore, staff is recommending denial of all the 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 structure was erected without a permit and could have been installed in a code compliant manner.

Not Self-Created

All Variances NOT MET – The need for the Variances is self-created, as the structure was erected without a permit and could have been installed in a code compliant manner.

No Special Privilege Conferred

All Variances NOT MET – Approval of the requested Variance will confer on the applicant special privilege as any accessory structure in the R-L-D district must maintain 5 ft. from all side property lines per Chapter 38, which could have been met.

Deprivation of Rights

All Variances 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 in compliance with all setback requirements.

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 Variance 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 date stamped September 17, 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 for the accessory structure (shed and open porch) shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Prior to the issuance of the permit for the accessory structure, a permit for the pavers shall be obtained, or the pavers shall be removed from the property.
6. Prior to the issuance of the permit for the accessory structure, a permit for the concrete walkway shall be obtained, or the concrete shall be removed from the property.
7. The shed shall be modified to utilize a gutter and downspout systems on the existing structure to capture all roof runoff. Collected stormwater runoff shall be directed to the public right-of-way in a manner that does not adversely impact adjacent properties.

C: Beresford Gittens Jr.
5285 Shale Ridge Trl.
Orlando, FL 32818

Juan Vasquez
5285 Shale Ridge Trl.
Orlando, FL 32818

VARIANCE Application

5285 Shale Ridge Trl, Orlando Fl 32818

OWNERS: GITTENS LUZ ELBA CRUZ-ROSADO GITTENS BERESFORD JR

Request is for: Shed and Open Porch/ Setbacks

Reason for request: The existing setbacks do not comply with requirement by the Orange County.

Type of construction proposed: Wood, shingles and plexiglass.

SF proposed: Shed: 16'x12' (gross area 192 SF). Open Porch: 11'x12' (gross area 132 SF).

Construction from property line: Shed: rear setback 1' in lieu of 5'.
Open Porch: rear setback 1'in lieu of 5'; left side setback is 1' in lieu of 5'.

Proposed height: Shed: 10'-2". Open Porch: 8'-10".

Numerical values: Shed 10.17' height. Open Porch 8.83' height.

COVER LETTER

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

   The shed and open porch built most likely achieve the separation of 10 feet, in combination with the neighbor's left side closer structure.

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.

   It was never intentional to provoque a Zoning violation when both structures were built. The purpose of the Shed is to have storage space and the open porch is to have a recreation place for the family

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.

   Approval of the zoning variance requested will not confer any special privilege that is denied by this chapter, on me, to the other building 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 property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

   Side setback combination to achieve separation can be a relief that could help us to keep both structure, that worth approximately $20,000.-

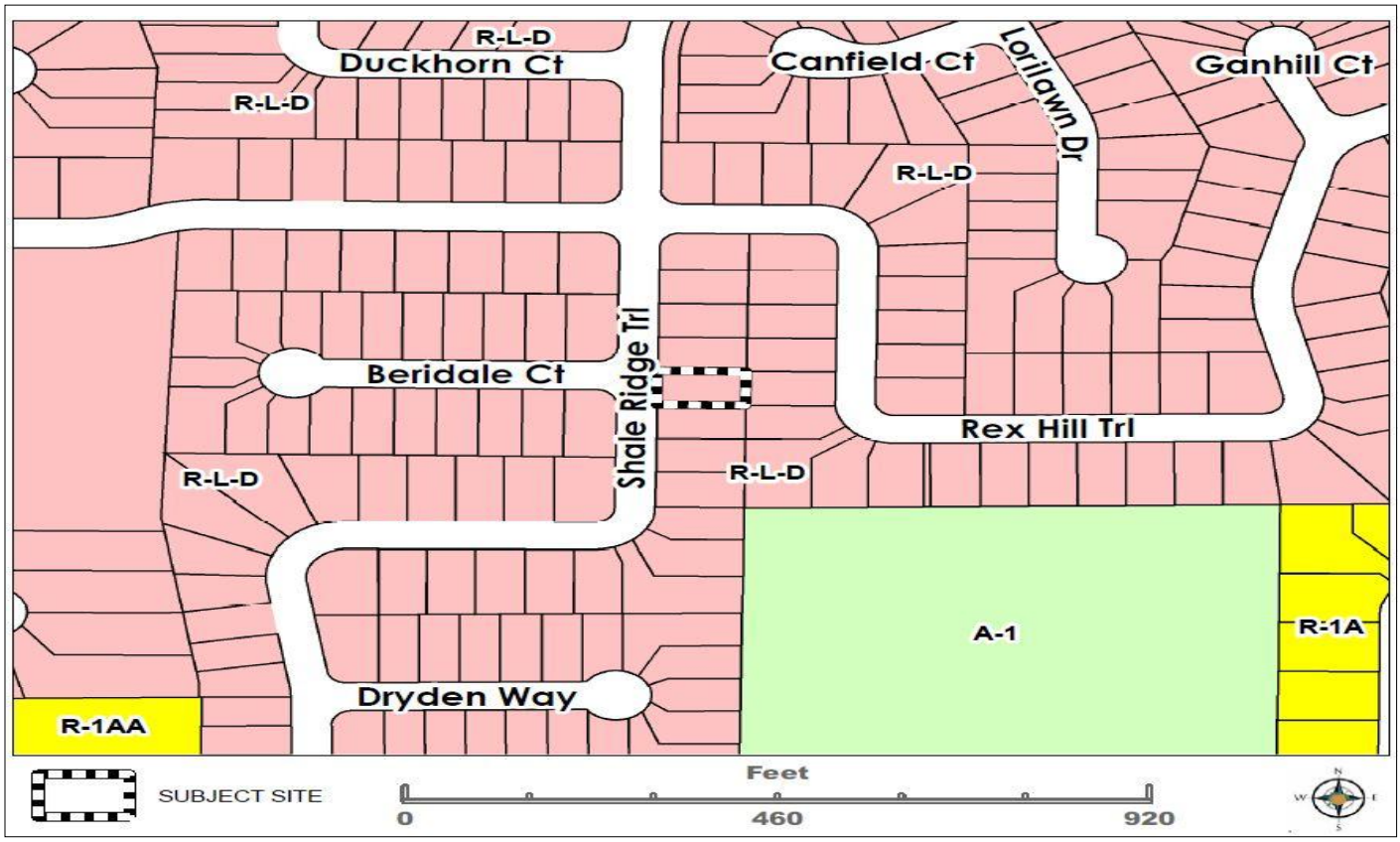
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

   The variance requested is the least possible change needed to make the property usable without causing undue harm or disruption

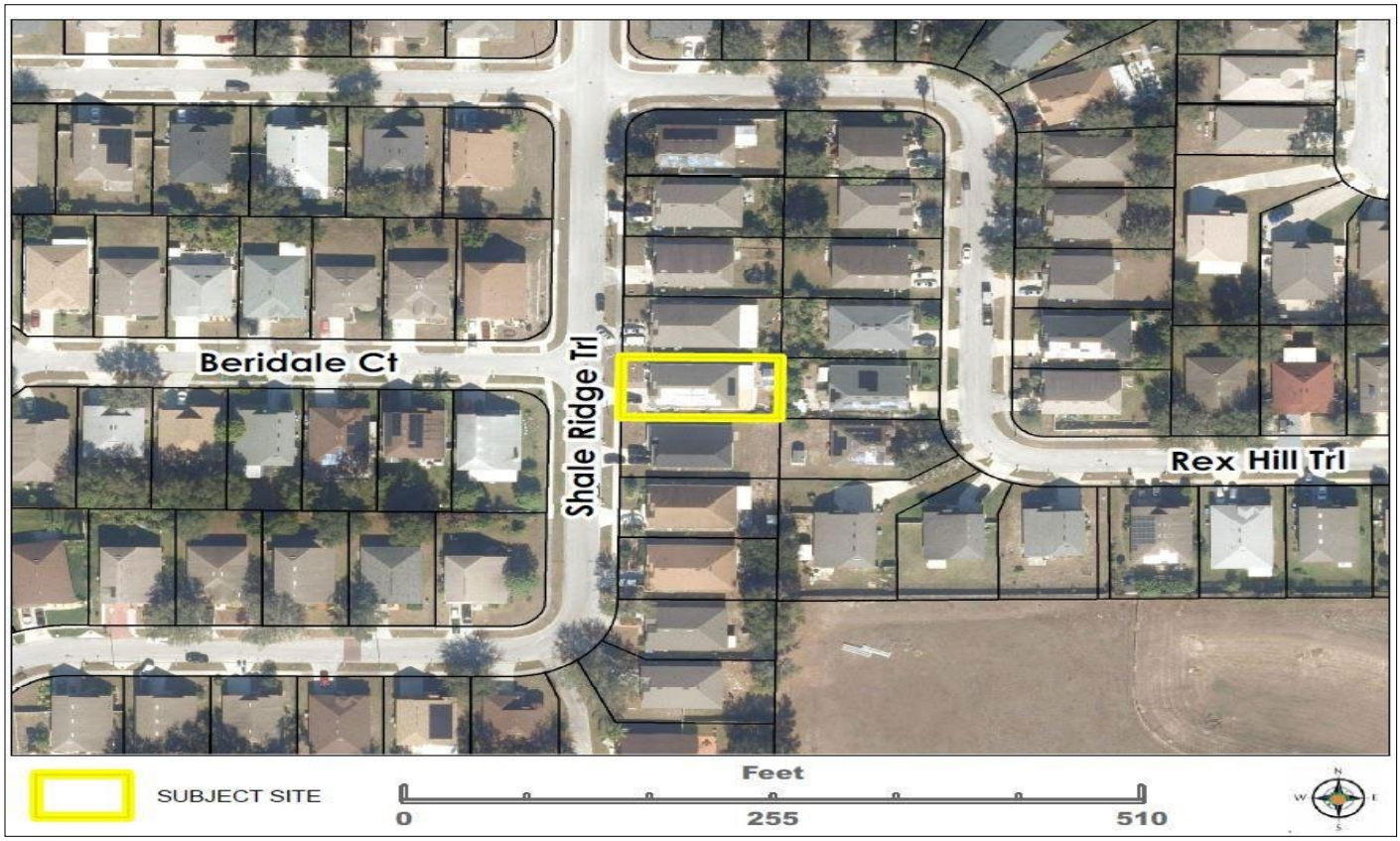
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

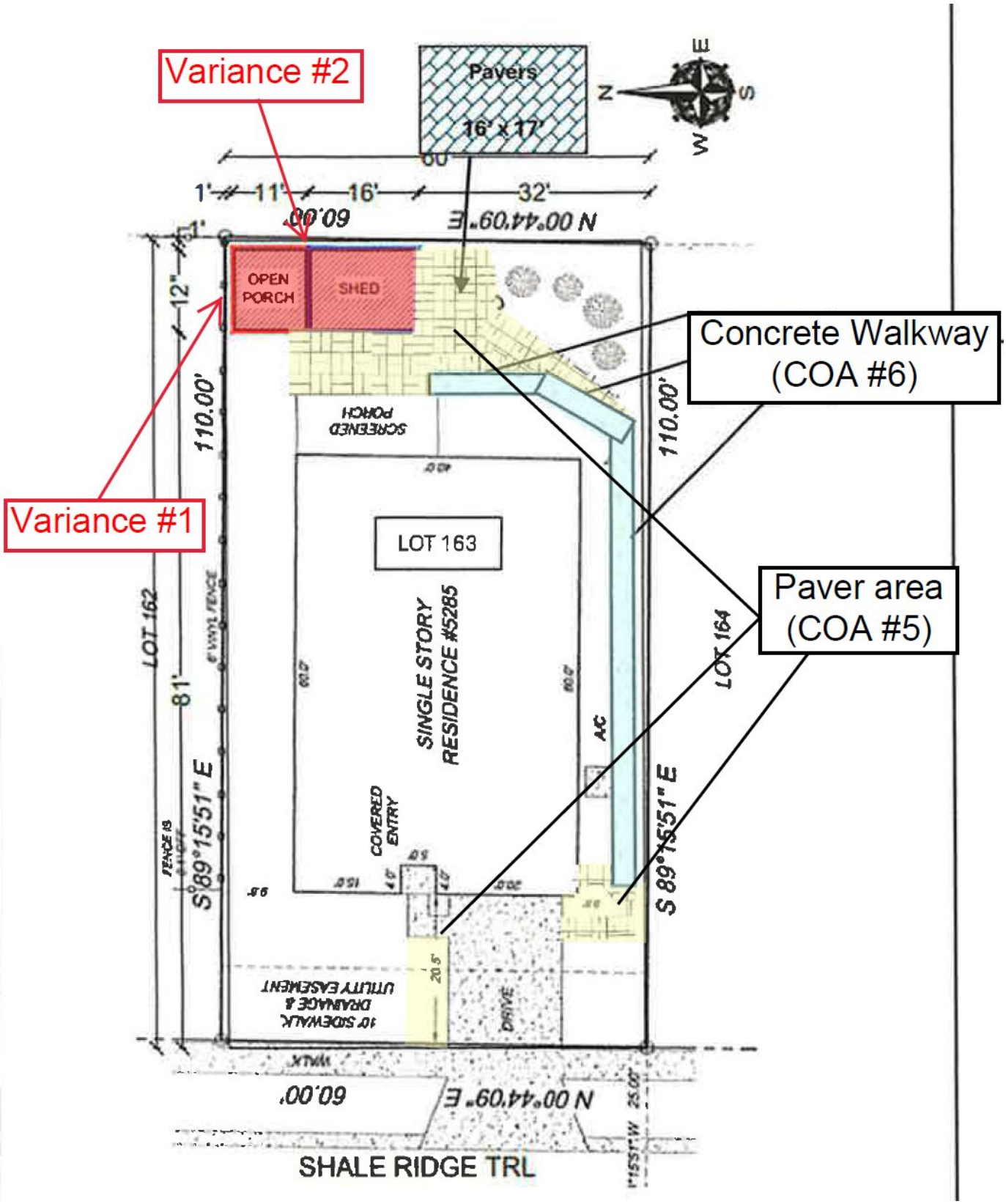
   Approval of the zoning variance will not be injurious to the neighborhood or otherwise detrimental to public welfare.

ZONING MAP



AERIAL MAP



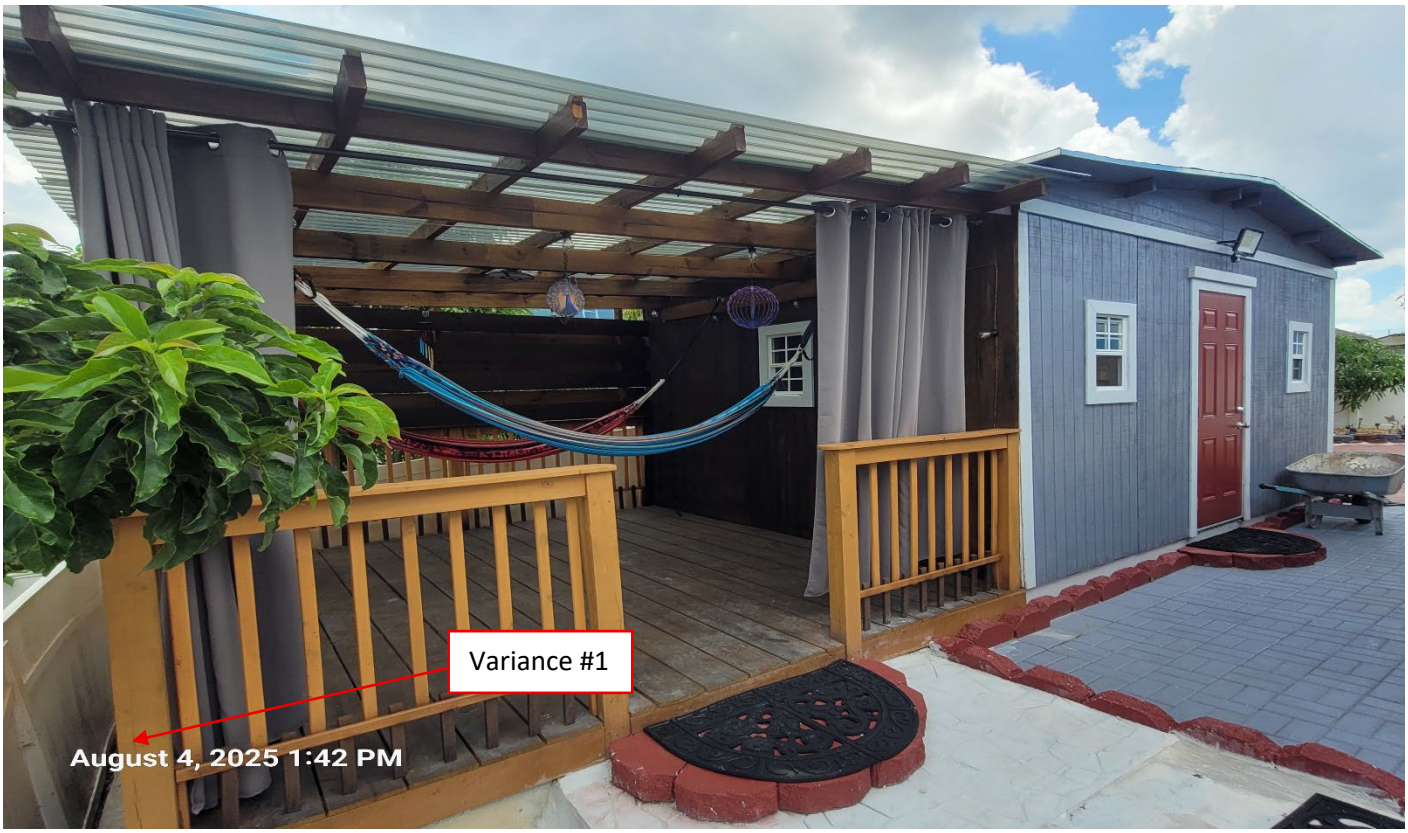

Variance #2
Pavers
16' x 17'
E
Z
S
W
1'
11'
16'
32'
OPEN PORCH
SHED
Concrete Walkway (COA #6)
SCREENED PORCH
110.00'
Variance #1
LOT 163
SINGLE STORY RESIDENCE #5285
Paver area (COA #5)
LOT 162
LOT 164
COVERED ENTRY
DRIVE
UTILITY EASEMENT
SHALE RIDGE TRL

SITE PHOTOS

Facing east towards front of subject property

Side yard, facing east towards concrete walkway along the south side of the home

Rear yard, facing north towards the existing structure



Rear yard, facing southeast towards the existing structure

Site yard, facing west towards the road and neighboring property to the north

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**OCT 02, 2025**	Commission District:	**#4**
Case #:	**VA-25-10-044**	Case Planner:	**Allen McNeill (407) 836-9620 Allen.McNeill@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): ANUP INAMDAR

OWNER(s): ANDREA INAMDAR, ANUP INAMDAR

REQUEST: Variances in the PD zoning district as follows:
1) To allow an existing pool deck with an 11 ft. side street setback in lieu of 15 ft.
2) To allow a screen enclosure with an 11 ft. side street setback in lieu of 15 ft.
3) To allow a screen enclosure to be located within the side street yard

PROPERTY LOCATION: 13396 Bromborough Dr., Orlando, FL 32832, southwest intersection of Bromborough Dr. and Abberwick Dr., east of Narcoossee Rd., north of the Osceola County Line

PARCEL ID: 33-24-31-2299-02-640

LOT SIZE: +/- 7,704 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 90

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 modified (Motion by Glenn Rubinstein, Second by Roberta Walton Johnson; unanimous; 5 in favor: John Drago, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed: 2 absent: Juan Velez, Thomas Moses):

1. Development shall be in accordance with the site plan dated May 14, 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 described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial of the Variance. Staff noted that no comments were received in favor or in opposition to the request.

The applicant was present, and explained that the screened enclosure was necessary due to environmental considerations. However, they acknowledged that, because the previous pool and pool deck permits had been approved in error, a variance was now required to bring the property into compliance.

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

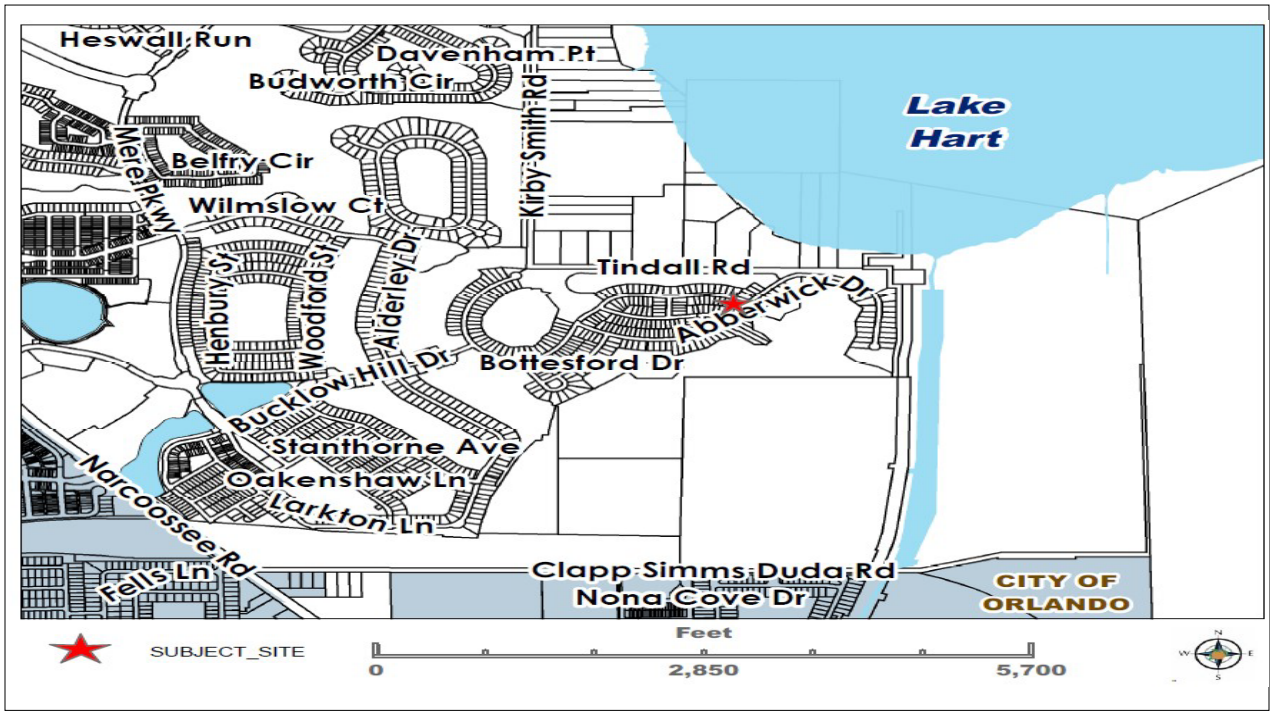
The BZA recommended approval of Variance request by a 5-0 vote, with two (2) absent, subject to the three (3) conditions found in the staff report, with the modification to Condition of Approval #1 as follows:

1. Development shall be in accordance with the site plan dated May 14, 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).

STAFF RECOMMENDATIONS

Approval of Variance #1 and denial of Variances #2 and #3, subject to the conditions in this report. However, if the BZA should find that the applicant has satisfied the criteria for the granting of all the Variances, staff recommends that the approval be subject to the conditions in this report as modified by the Board.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Eagle Creek PD	Eagle Creek PD	Eagle Creek PD	Eagle Creek PD	Eagle Creek PD
Future Land Use	PD-LDR/LMDR/ MDR/C/INST/PR-OS/CONS	PD-LDR/LMDR/ MDR/C/INST/PR-OS/CONS	PD-LDR/LMDR/ MDR/C/INST/PR-OS/CONS	PD-LDR/LMDR/ MDR/C/INST/PR-OS/CONS	PD-LDR/LMDR/ MDR/C/INST/PR-OS/CONS
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Planned Development (PD) zoning district, and is located within Parcel I of the Eagle Creek PD. This section of the PD allows for single-family uses and associated accessory structures. The Future Land Use is Planned Development-Low Density Residential/Low Medium Density Residential/ Medium Density Residential/Commercial/Institutional/Parks and Recreation - Open Space/ Conservation) (PD-LDR/LMDR/MDR/C/INST/PR-OS/CONS) which is consistent with the PD zoning district.

The subject property is 7,704 sq. ft. in size, was platted in 2022 as lot 264 of the Eagle Creek Village I Phase 2 Plat, and is a conforming lot of record. The area around the property consists of single-family homes, and a community golf course to the west and conservation area to the east. The property was purchased by the current owner in 2023, and is developed with a 2-story, 4,038 gross sq. ft. single-family home (B22018857), constructed in 2023, a pool and paver deck (B23021218), and a 4 ft. tall aluminum fence (F24002594).

At time of permitting, pools and pool decks were required to meet a 15 ft. side street setback. The pool and deck were installed consistent with the approved permit (B23021218), which showed an extended portion of the pool deck 11 ft. from the side street property line. The pool deck was permitted in error therefore Variance request #1 addresses the existing condition.

The proposal is to install an 893 sq. ft., 12 ft. tall, screen enclosure over the existing pool and deck. The screen enclosure is proposed to be in line with the existing pool deck, 10 ft. from the side street property line. The screen enclosure is subject to the same 15 ft. side street setback, requiring Variance #2.

Effective January 1, 2024, the development standards under Section 38-79 (10), for pools, pool decks, and screen enclosures was updated to state *"it shall not be located in the front yard or side street yard".* A portion of the screen closure will be located behind the house in the rear yard which is a code compliant location. The other portion of the screen closure is proposed to be located between the principal structure and the street right-of-way line, in the side street yard, requiring Variance #3. No additional Variances are requested for the pool and deck as there were legally constructed prior to the code update and therefore are considered legal non-conforming it the current location.

The request was routed to all relevant reviewing Divisions, and no objections were noted. 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 (6) Variance criteria are met. Staff has determined that the Variance #1 request meets all the criteria, therefore staff is recommending approval. However, as it pertains to Variances #2 and #3 staff has determined that while the Variance requests meet some of the criteria, they do not meet all the criteria. Based on staff analysis, as proposed, the location of the screen enclosure would confer a special privilege to the applicant not granted to similar properties and alternative options exist to redesign the screen enclosure to eliminate the need to request Variances #2 and #3. Therefore, staff is recommending denial of Variance requests #2 and #3.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variance #1 MET – The existing pool deck was permitted in error and had County staff not approved the permit in error, the plans could have been revised and not built in its location.

Variances #2 and #3 MET – A screen enclosure is a common accessory associated with a pool and pool deck. The applicant is proposing to locate a screen enclosure over a nonconforming pool and pool deck.

Not Self-Created

Variance #1 MET – The Variance request is not self-created as the existing pool and deck was permitted in error and had County staff not approved the permit in error, the plans could have been revised and not built in its location.

Variances #2 and #3 NOT MET – The variance request is self-created as the pool can continue to be used without a screen enclosure, or the proposed screen enclosure could be located directly behind the existing home over the pool and that portion of the pool deck. In this location the screen enclosure would meet the minimum required 15-foot side street setback and not be proposed in the side street yard.

No Special Privilege Conferred

Variance #1 MET – Granting the Variance as requested would not confer special privilege as the request is to recognize the legally constructed pool deck.

Variances #2 and #3 NOT MET – Granting this Variance would convey a special privilege to the applicant granting them a screen enclosure in a location that otherwise would not be permitted to other properties in the area.

Deprivation of Rights

Variance #1 MET – Not approving the location of the existing pool deck would deprive the applicant the right to maintain the existing pool deck.

Variances #2 and #3 NOT MET – Denial of the Variance requests would not deprive the applicant of the right to install a screen enclosure, as a screen enclosure could be installed in a code compliant location.

Minimum Possible Variance

Variance #1 MET – The requests are the minimum possible as the pool deck were installed in the existing location and the Variances would allow the applicant to continue to utilize the already approved location.

Variances #2 and #3 NOT MET – The proposed screen enclosure could be proposed in a location, in the rear yard, that would not require Variance #2 or #3.

Purpose and Intent

All Variances 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 minimizing the impact that structures and uses have on surrounding properties by maintaining open space and creating yards to separate uses. The 11 ft. setback provides adequate separation between the structures and the side street property line.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated May 14, 2025, as modified to show the screen enclosure in a code compliant location, 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: Anup Inamdar
13396 Bromborough Drive
Orlando, FL 32832

To Whom It May Concern:

I am submitting this application to respectfully request a variance to the Orange County Zoning Code for my property located at:

13396 Bromborough Dr
Orlando, Fl 32832
Parcel ID 33-24-31-2299-02-640

I am proposing to construct a screen enclosure over my existing permitted pool and paver deck, which is located approximately 11 feet from the right-side property line. The current zoning code requires a 15-foot side yard setback, and therefore, a variance of 4 feet is needed to proceed with this project.

The need for the variance is due to the layout and prior permitting of the pool and paver deck, which were constructed before the proposed enclosure. The enclosure is intended to enhance safety, improve quality of life, and reduce maintenance, especially during Florida's tropical weather conditions. The Homeowner's Association has already reviewed and approved the design and placement of the screen enclosure, confirming that the project is consistent with community guidelines.

Granting this variance will not negatively impact neighboring properties, public welfare, or the intent of the zoning code. It is compatible with surrounding uses and represents the minimum relief necessary to allow for reasonable use of the property.

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 existing pool and paver deck were previously permitted and installed in accordance with the design constraints of the lot. The lot's width and the placement of the pool create a condition where adding a screen enclosure that meets 15-foot side setback requirement is not feasible.

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 pool and paver layout were approved and constructed before the current screen enclosure request. The current request is to build an enclosure over existing structures without expanding or altering the footprint, and the need for a variance arises solely due to the location of these existing improvements.

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.

   Many homes in the area have similar enclosures over pool and patios. Granting this variance allows for a reasonable use of the property consistent with neighboring properties. It does not create a unique privilege but aligns the property with common community practices.

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.

   Without the variance, the homeowner (me) would be deprived of the ability to add a common safety and usability feature (screen enclosure) which is standard in the neighborhood. The inability to enclose the pool + patio would create an undue burden and prevent me from enjoying a reasonable use of the property that others in similar circumstances are allowed.

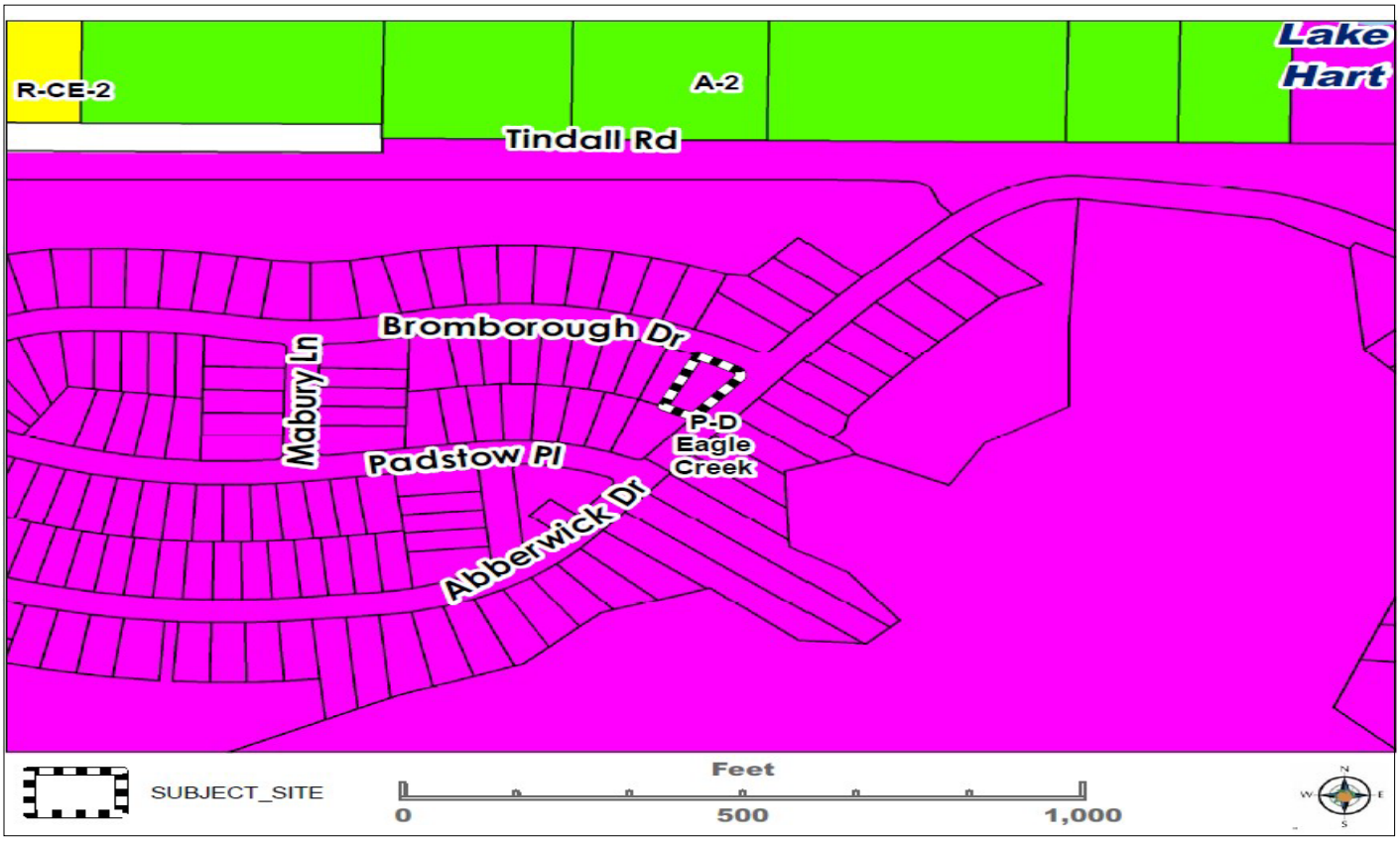
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

   The requested variance is limited to a 4-foot reduction in the side yard setback (from 15ft to 11ft). No additional expansion is proposed, and the enclosure will follow the footprint of the existing pool and deck. This is the minimum relief required to make reasonable use of the property.

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.

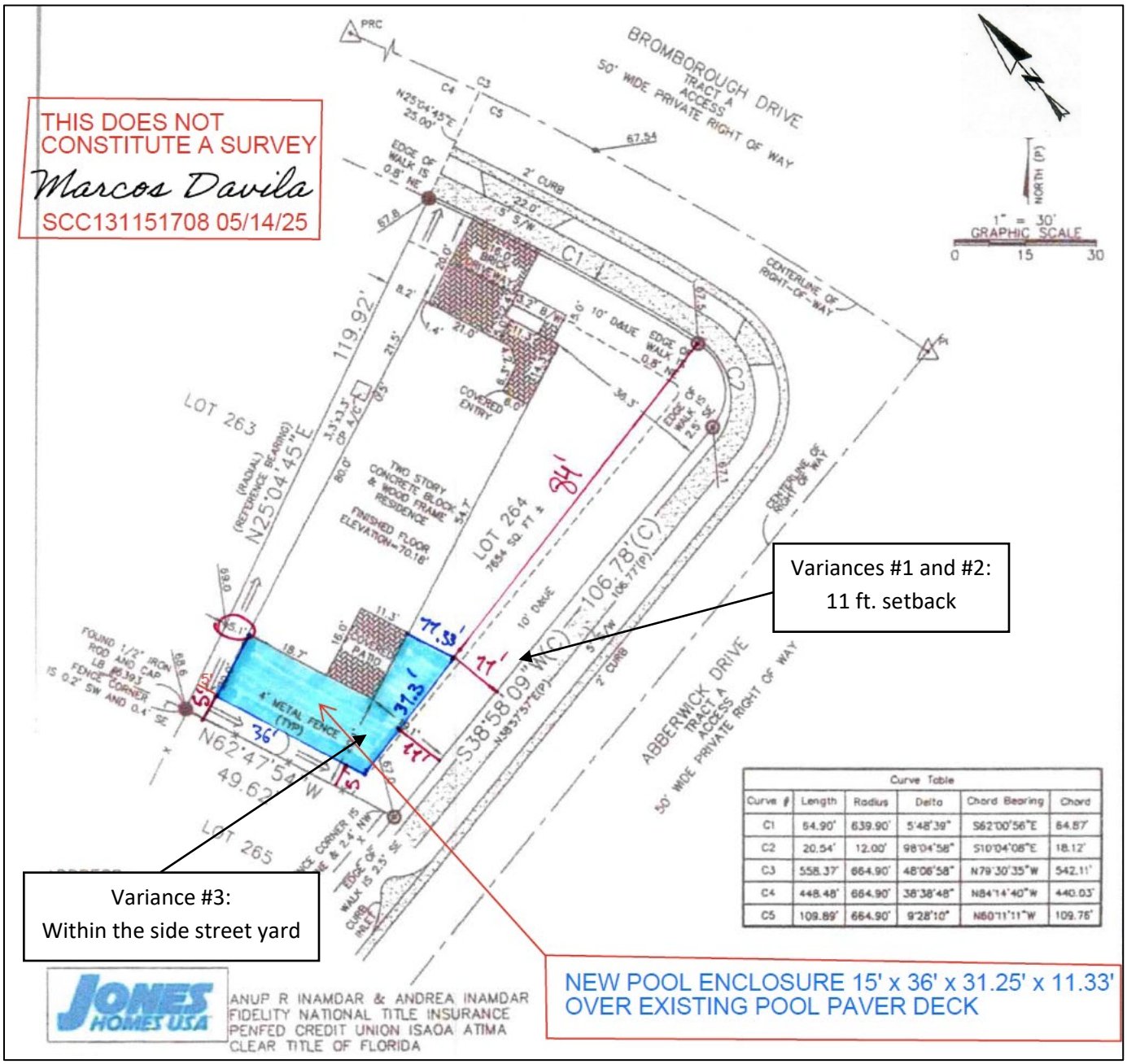
   The proposed screen enclosure will enhance safety, cleanliness, and aesthetics. It will not negatively impact adjacent properties or the public. The construction will be professionally completed, consistent with community standards and will not interfere with access, drainage, or utilities.

ZONING MAP



AERIAL MAP

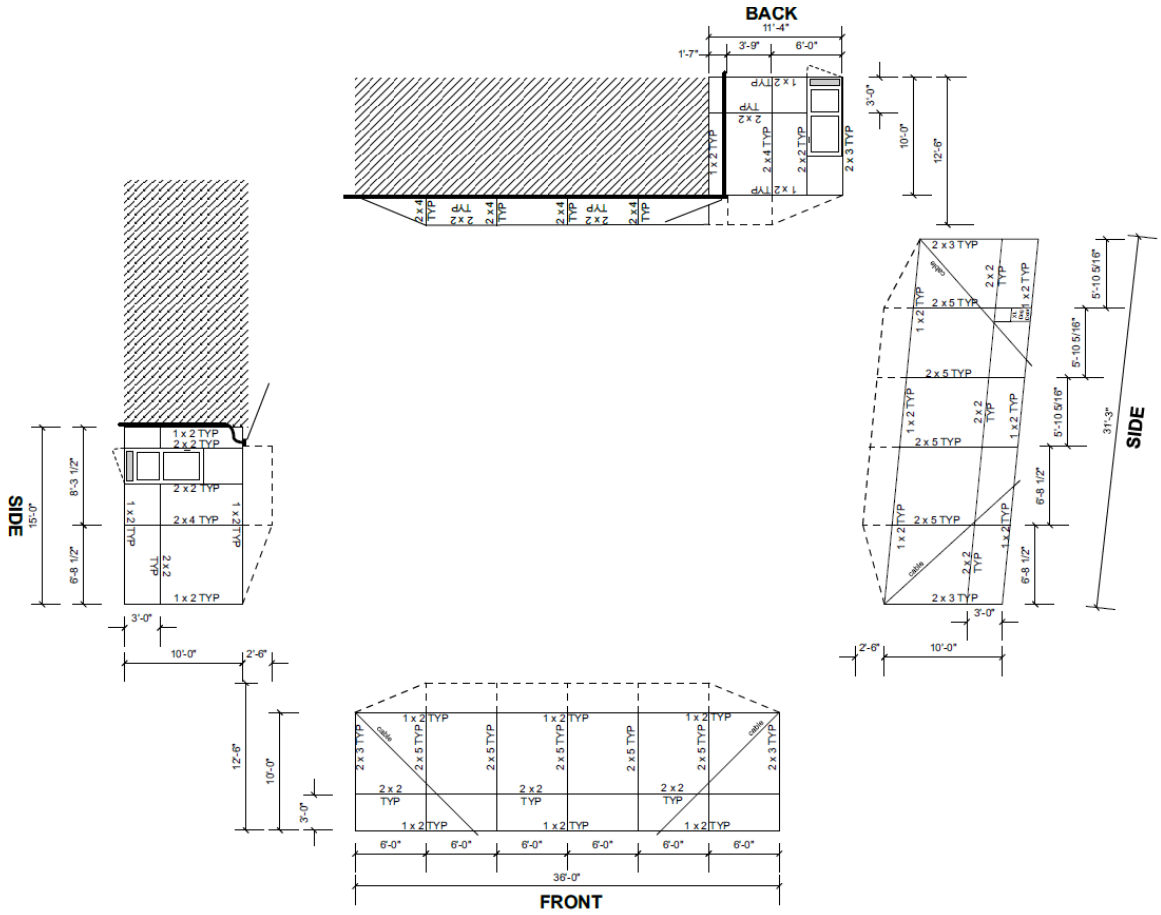
SITE PLAN



Curve Table

Curve #	Length	Radius	Delta	Chord Bearing	Chord
C1	54.90'	639.90'	5°48'39"	S62°00'56"E	54.87'
C2	20.54'	12.00'	98°04'58"	S10°04'08"E	18.12'
C3	558.37'	664.90'	48°06'58"	N79°30'35"W	542.11'
C4	448.48'	664.90'	38°38'48"	N84°14'40"W	440.03'
C5	109.89'	664.90'	9°28'10"	N60°11'11"W	109.76'

ELEVATION PLAN



ENHANCED AERIAL

SITE PHOTOS

Facing south towards front of subject property

Intersection, facing southwest towards the side of the subject property

Side Street yard, facing south towards the existing pool deck

Side Street yard, facing north towards the existing pool deck

Rear yard, facing southeast towards Abberwick Dr.

Abberwick DR., facing west towards the location of the pool and proposed screen enclosure

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**OCT 02, 2025**	Commission District:	**#5**
Case #:	**VA-25-10-046**	Case Planner:	**Laekin O'Hara (407) 836-5943 Laekin.O'Hara@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): JEFFERY DYAL

OWNER(s): FALK E FLACH

REQUEST: Variances in the R-1A zoning district for an Accessory Dwelling Unit (ADU) as follows:

1) To allow a structure to be located nearer the side street lot line than the required front yard of such abutting lot (14.5 ft. in lieu of 25 ft.).
2) To allow a 11.9 ft. rear setback in lieu of 15 ft.
3) To allow 1,653 sq. ft. of living space in lieu of 1,000 sq. ft.
4) To allow 2,162 cumulative sq. ft. for detached accessory structures in lieu of 1,795 sq. ft.

PROPERTY LOCATION: 143 Killarney Dr., Winter Park, Florida 32789, west side of Killarney Dr., southwest side of Lake Killarney, north of W. Fairbanks Ave., east of I-4, south of Lee Rd., west of N. Orlando Ave.

PARCEL ID: 02-22-29-2996-06-161

LOT SIZE: +/-17,957 sq. ft. upland

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 74

DECISION: Recommended to **CONTINUE** the case to the December 4, 2025, BZA Meeting (Motion by Johnny Stanley, Second by John Drago; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed: 1 absent: Thomas Moses).

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

The applicant was present and available to answer questions.

The BZA observed that the overall size of the proposed structure appeared disproportionately large relative to the surrounding area and discussed with the applicant the possibility of reducing its scale.

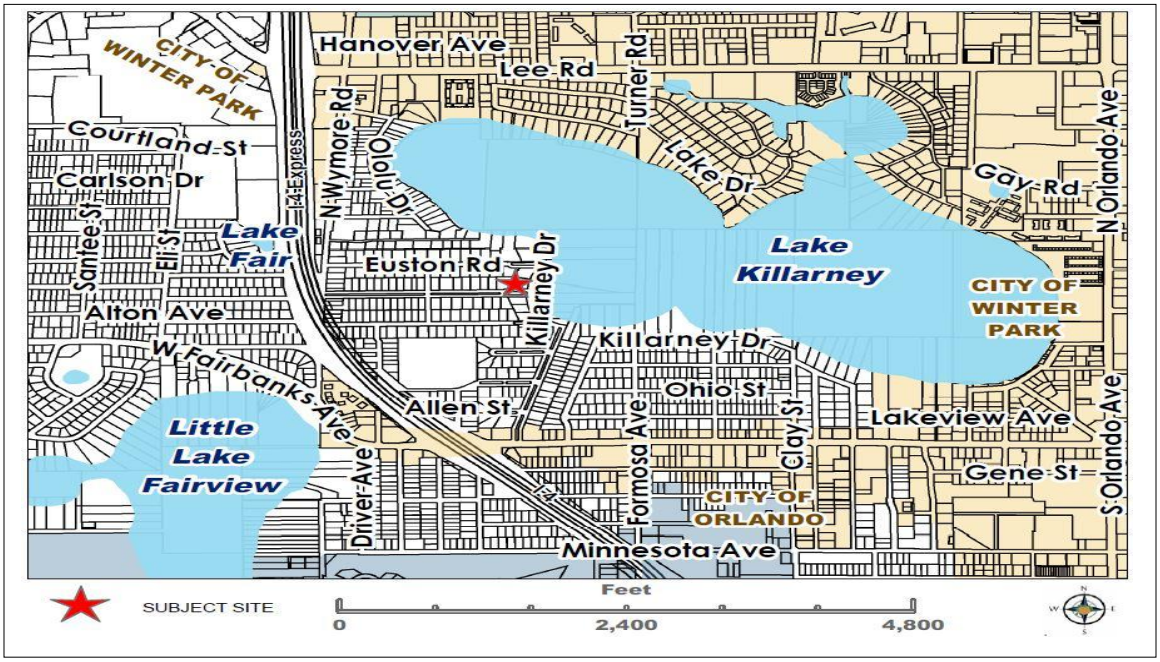
No members of the public were in attendance to speak for or against the request.

Following a discussion about the size and design of the Accessory Dwelling Unit (ADU), the applicant expressed concerns about reducing the structure but ultimately requested a continuance to explore potential alternatives. Accordingly, the matter was continued to the December 4, 2025, BZA meeting by a 6-0 vote with one (1) absent, to allow additional time for further evaluation and possible revisions.

STAFF RECOMMENDATIONS

Denial. 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-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residential/ Lake Killarney	Single-family residential/ Lake Killarney	Single-family residential/ Lake Killarney	Single-family residential/ Lake Killarney	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area surrounding the subject site consists of mostly single-family homes, many of which are lakefront. The subject property is 73,244 sq. ft. in size, with 17,957 sq. ft. of upland, and was platted in 1925 as a portion of Lots 16, 17, and 18 of the Glencoe Subdivision and is a conforming lot of record. The property is a reverse corner lot with right-of-way along Killarney Dr. to the east and Salisbury Blvd. to the south. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, Killarney Dr. is considered to be the front, and Salisbury Blvd. is considered the side street. The property has a 5 ft. utility easement along the rear property line, which is not impacted by the request.

The property is developed with a 2-story, 5,255 gross sq. ft. single-family home, constructed in 1951, a 1,078 sq. ft. detached accessory structure, unpermitted shed, pergola, pool and deck, and a 6 ft. tall privacy fence enclosing the side and rear yards. On April 5, 2012, the Board of Zoning Adjustment granted a Variance (VA-12-04-012) to allow the construction of a 1,078 sq. ft. detached accessory structure in lieu of a maximum building size of 764 sq. ft. The property was purchased by the current owners in 2018.

The proposal is to convert the existing 1,078 sq. ft., one-story, detached accessory structure into a two-story structure with an Accessory Dwelling Unit (ADU) on the second floor and a hobby room, bathroom, and two-car garage on the ground floor. The proposed ADU floor plan shows one bedroom, one bathroom, a kitchen, and a great room, all on the second floor, and also includes the existing hobby room and bathroom on the first floor. Per Section 38-1426(2)c.4., the maximum living area of an accessory dwelling unit shall not exceed fifty percent (50%) of the primary dwelling unit living area or one thousand (1,000) square feet, whichever is less. The primary residence contains approximately 5,255 sq. ft. of living area; therefore, the maximum size allowed for an ADU on the subject site is 1,000 sq. ft. of living area. As proposed, the living area of the ADU will be 1,653 sq. ft., requiring Variance request #3.

The existing detached accessory structure was developed with a rear setback of 11.9 ft., in compliance with the 5 ft. minimum rear yard setback for a detached accessory structure. In 2012 the accessory structure was developed with a side street yard setback of 14.5 ft. which does not meet the minimum 15 ft. side street setback as required in 2012. The 14.5 ft. setback is not subject to an additional variance in accordance with Orange County Code Sec. 38-1508(a) *Except as provided in subsection (b), the zoning manager shall have the authority to grant administrative waivers from the minimum yard requirements, provided that no such administrative waiver shall exceed six (6) percent of the applicable requirement for the yard*.

Code requires detached ADUs, regardless of height, to meet the minimum side setback for a principal structure in the zoning district. The typical side street setback for a property located in the R-1A district is 15 ft. however, per Sec. 38-1502 (b), *on any corner lot abutting the side of another lot,…no structure shall be nearer the side street lot line than the required front yard of such abutting lot.* The lot abutting the subject property to the east has frontage on Salisbury Blvd., therefore, requiring a 25 ft. setback along Salisbury Blvd., for the subject lot, requiring Variance request #1. Additionally, per Section 38-1426(2)(c)6.(ii) of Orange County Code, a two-story detached ADU shall meet the minimum rear setback of 15 ft., prompting Variance request #2.

Per Section 38-1426(1)c.2.(vi)A., *for parcels less than one (1) acre all detached accessory structures shall be limited to 10% of the net land area, or five hundred (500) square feet, whichever is greater, and the cumulative total may not exceed three thousand (3,000) square feet.* The subject property is 17,957 sq. ft. in size therefore the total cumulative square footage allowed for detached accessory structures is 1,795 sq. ft. As proposed, the structure will be 2,162 sq. ft., requiring Variance #4.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	8 ft. (Front Addition) 24.75 ft. (ADU)
Min. Lot Width:	75 ft.	127.67 ft.
Min. Lot Size:	7,500 sq. ft.	+/- 17,957 sq. ft.

Building Setbacks (Accessory Dwelling Unit)

	Code Requirement	Proposed
Front: Killarney Dr.	Not located in the front yard	N/A (East)
Side:	7.5 ft.	+/- 92.92 ft. (North)
Side Street: Salisbury Blvd.	25 ft.	14.5 ft. (South – Variance #1)
Rear:	15 ft.	11.9 ft. (West – 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 stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Staff has determined that while the Variance requests meet some of the criteria, they do not meet all the criteria. Based on staff analysis, as proposed, the size, height, and location of the ADU would be intrusive to the surrounding properties and alternative options exist to redesign the structure to lessen Variance requests #1- #4. Therefore, staff is recommending denial of all the Variance requests.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variances #1 and #2 MET - There are special conditions or circumstances peculiar to this property, as the structure is existing and was developed to comply with accessory structure setbacks. Adding a second floor increases the required rear setbacks, and any new development is subject to the current code.

Variances #3 and #4 NOT MET - There are no special conditions or circumstances peculiar to this property, as the addition of the ADU is new construction and could be redesigned to comply with the maximum square footage and living area requirements.

Not Self-Created

Variances #1 and #2 NOT MET - The need for the Variance is self-created, as the structure could remain as is or be converted into a one-story ADU, eliminating the need for the Variance request.

Variances #3 and #4 NOT MET - The need for the Variance is self-created, as the additions to the existing structure could be redesigned to comply with the maximum square footage and living area requirements.

No Special Privilege Conferred

Variances #1 and #2 NOT MET - Granting the Variances as requested will confer special privilege, as any two-story ADU in the R-1A zoning district must maintain the required rear and side street yard setbacks.

Variances #3 and #4 NOT MET – Granting the Variances as requested will confer special privilege, as the structure could be redesigned to comply with the maximum square footage and living area requirements.

Deprivation of Rights

Variance #1 NOT MET - Without approval of the requested Variance, the owner will not be deprived of the ability to have an accessory structure, as the existing garage could be enjoyed as originally constructed or the alteration and addition could be redesigned to comply with the maximum square footage requirements.

Variance #2 NOT MET - Without approval of the requested Variance, the owner will not be deprived of the ability to have an ADU, as the second floor ADU is new construction and could be redesigned to comply with the maximum living area requirements.

Variance #3 NOT MET - Without approval of the requested Variance, the owner will not be deprived of the ability to have an ADU, as the scope of work could be redesigned to be a one-story ADU, eliminating the need for the Variance.

Variance #4 MET - Without approval of the requested Variance, the owner will be deprived of the ability to utilize the existing space as an Accessory Dwelling Unit.

Minimum Possible Variance

All Variances NOT MET - The request is not the minimum possible to construct an ADU as the addition is new construction and could be redesigned to comply with the zoning requirements.

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 dated July 14, 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 permit for the accessory dwelling unit, the unpermitted shed shall be removed from the property.

C: Jeffrey Dyal
611 East Bay St.
Winter Garden, FL 34787

Variance Narrative Statement

07/30/2025

Variance From Setbacks And Size
Address:143 Killarney Dr, Winter Park, FL 32789
Parcel ID: 02-22-29-2996-06-161

Reason For Variance Request

This Variance request is comprised of two separate variance for the same 2-story ADU:

1.) - Current footprint/location of the existing single story ADU/carport area does not meet rear and side street setback requirements for our proposed 2-story ADU. Our proposed 2- Story ADU Setback variance application is for the side street setback of 14.5 ft in lieu of the 25 ft requirement (south side on survey, nearest Salisbury Blvd), as well as the proposed rear setback of 11.9 ft in lieu of the 15 ft setback requirement (west side of survey, nearest LOT 19 BLOCK "F").

2.) - The proposed 2- Story ADU includes a new 2-car garage on the 1st floor of the existing footprint and a new living space on the second floor that would consist of a total of 1,653 sq feet, which would exceed the current square footage requirement of 1,000sft or less for an ADU

The construction materials are of block and wood.
The proposed structure footprint area is 1,109 square feet, with a dimension of 21'8" x 51'2".

From the property line, the proposed structure will be 14.5 ft away from the south, 11.9ft from the west, 72.6ft from the east, and 92.9ft from the north.

We have included a survey/site plan that demonstrates the dimensions from all sides of the proposed structure and the main dwelling to the property lines.
We have also included an Elevation Sheet showing the maximum height of the structure that is within the height requirement of 25 ft and does not need a variance for height

On the site plan, there are several items shown and noted to be relocated/removed and not needing a variance.

- Existing masonry wall near the property on Salisbury Blvd will be permanently removed as noted
- Existing shed also near Salisbury Blvd will also be permanently removed
- Existing pool equipment located near the north/west corner will be relocated within the property lines and outside of the easement as it is located now

The Upland Area/Clear Open Space calculations are shown on the site plan

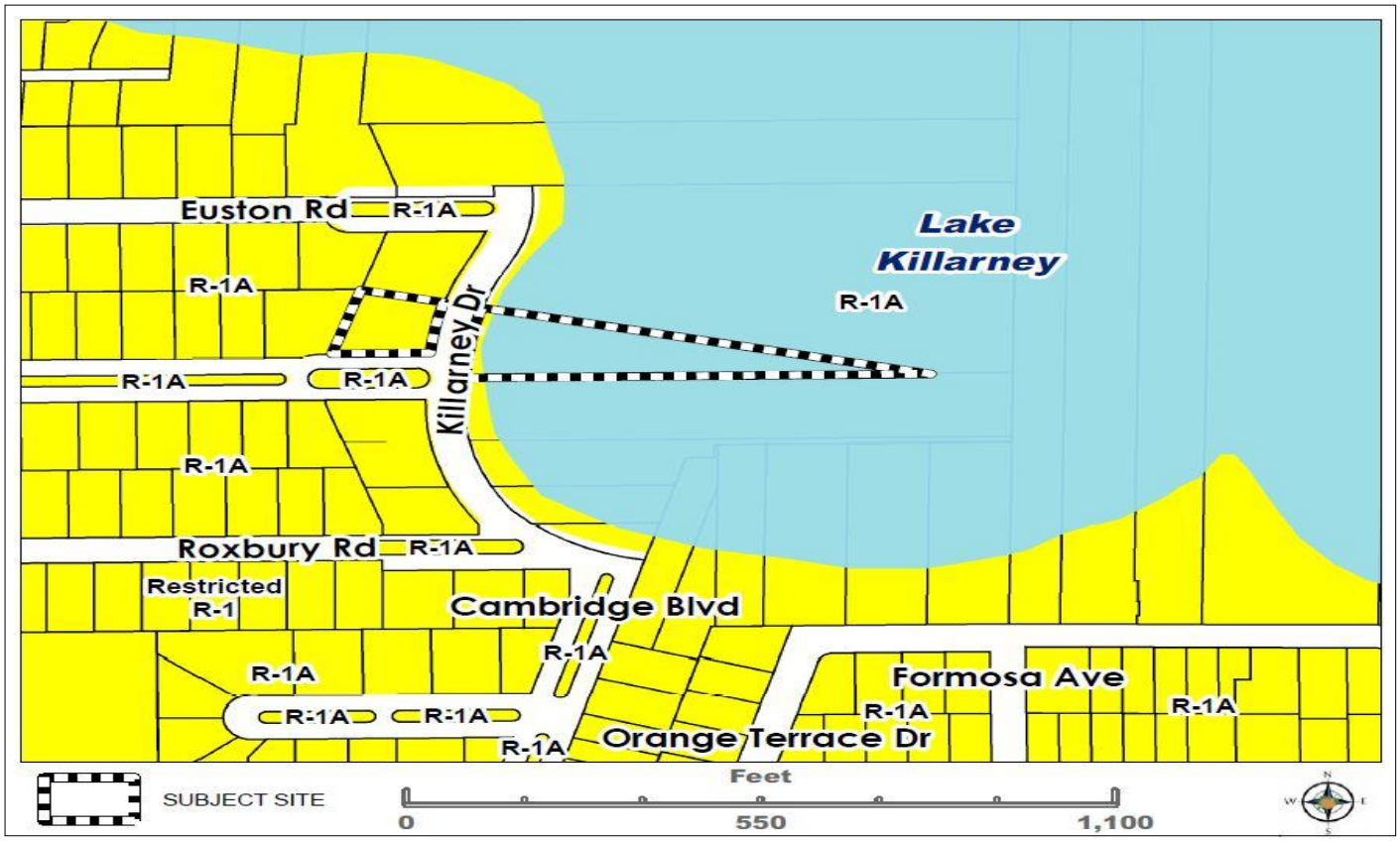
The last note worth mentioning is we have indicated there is more than enough room for 3 off street parking spaces within the property lines, and is shown as 9'x18' rectangles representing a vehicle.

Thank you for your consideration.

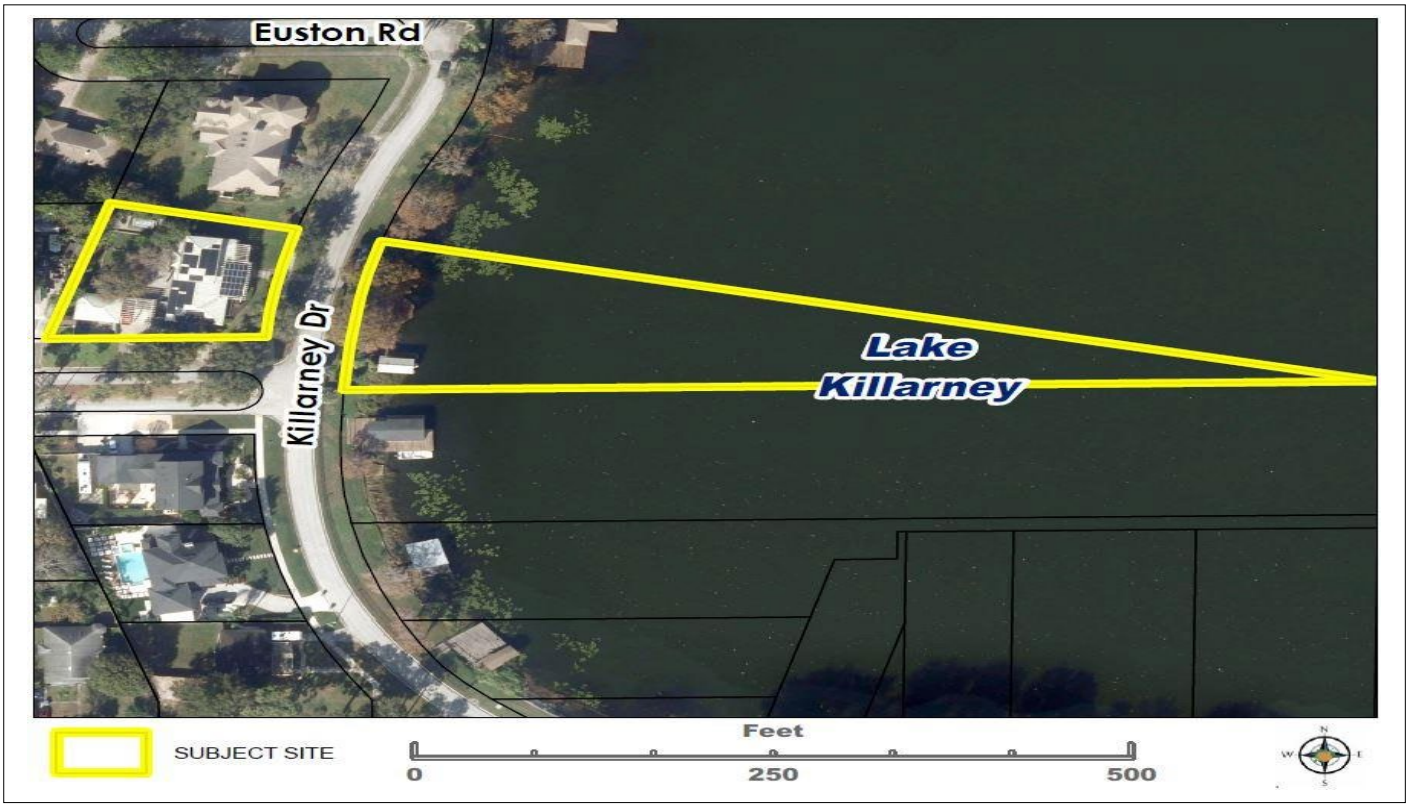
Regards,

Jeffrey Dyal
407-928-0271
jeff@builtbynewcastle.com

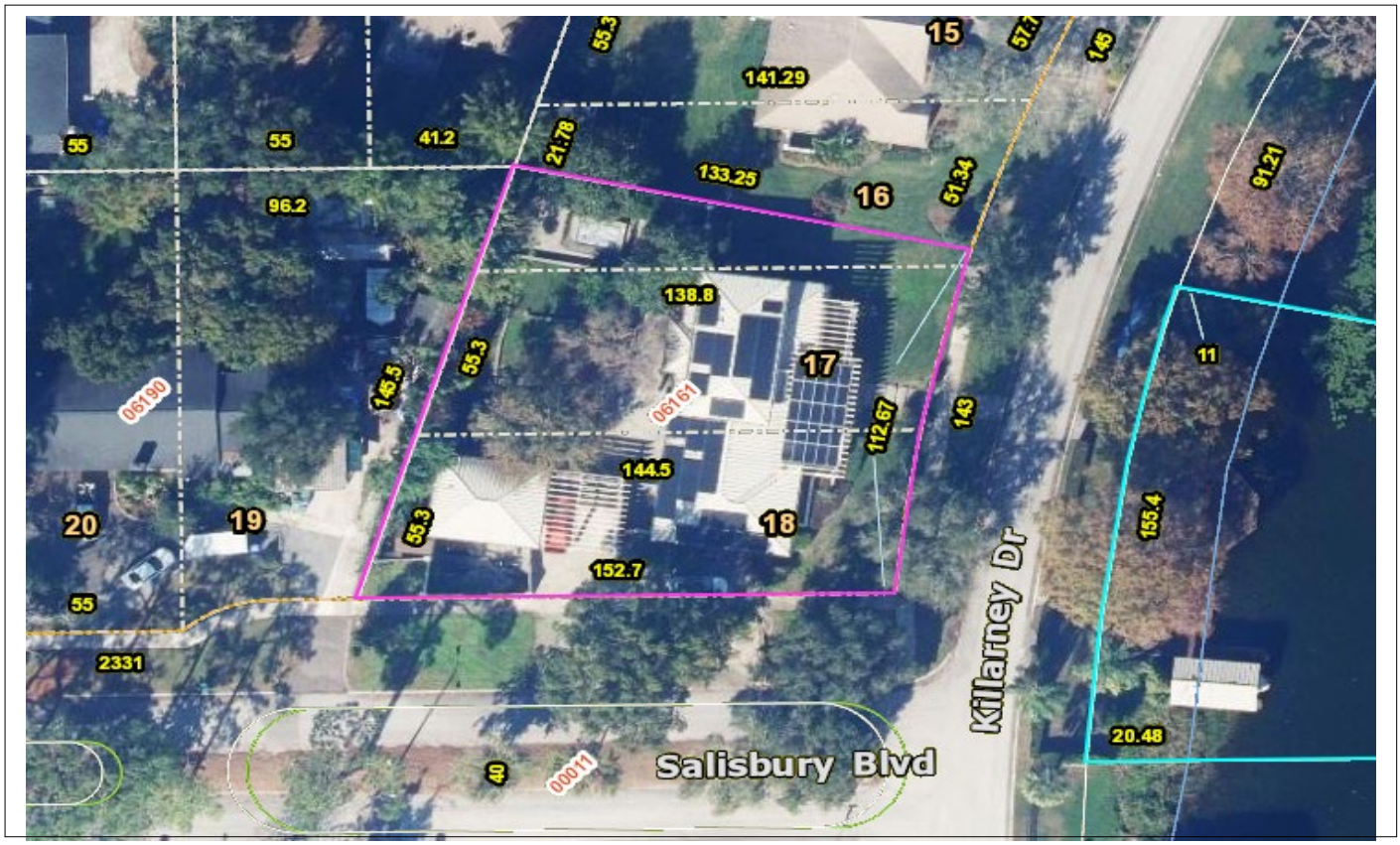
ZONING MAP



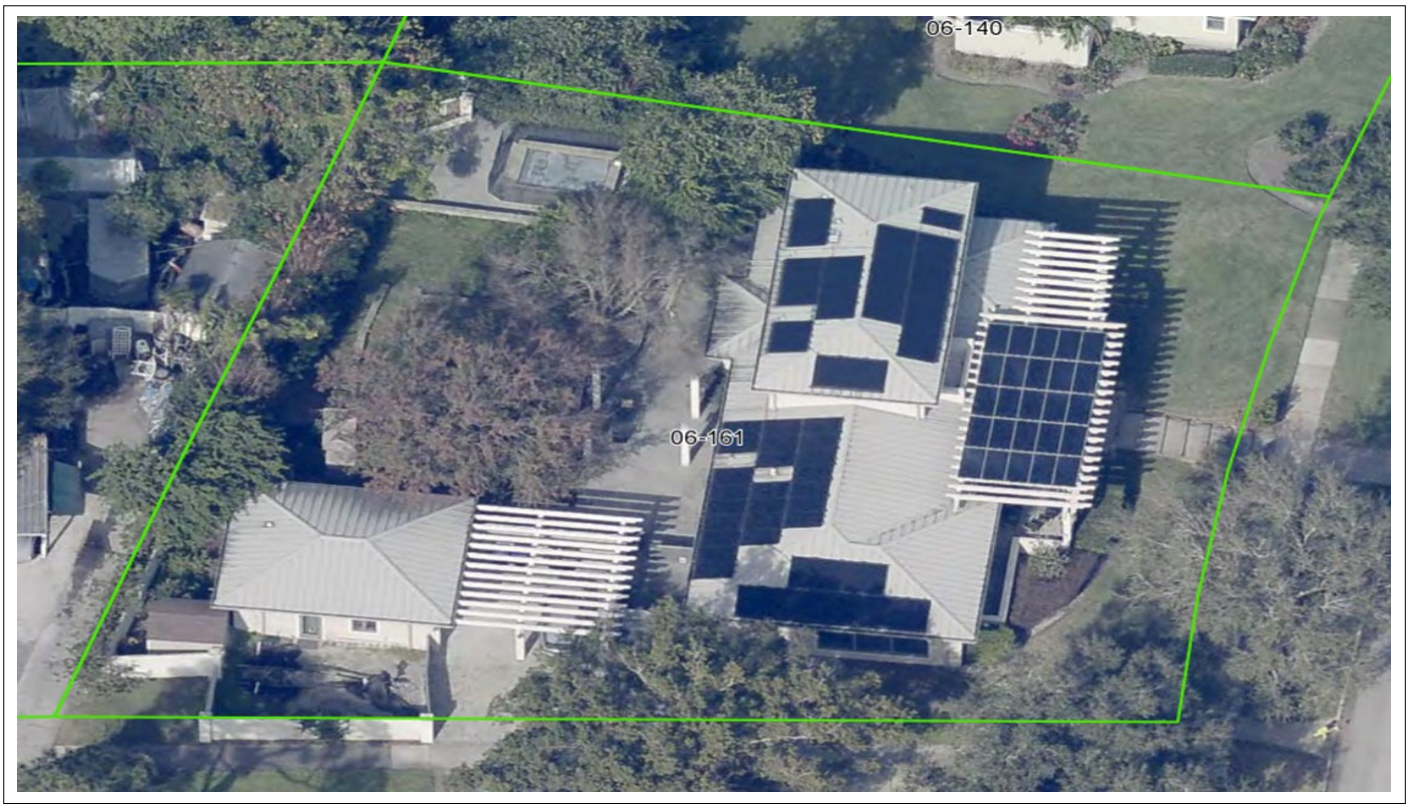
AERIAL MAP

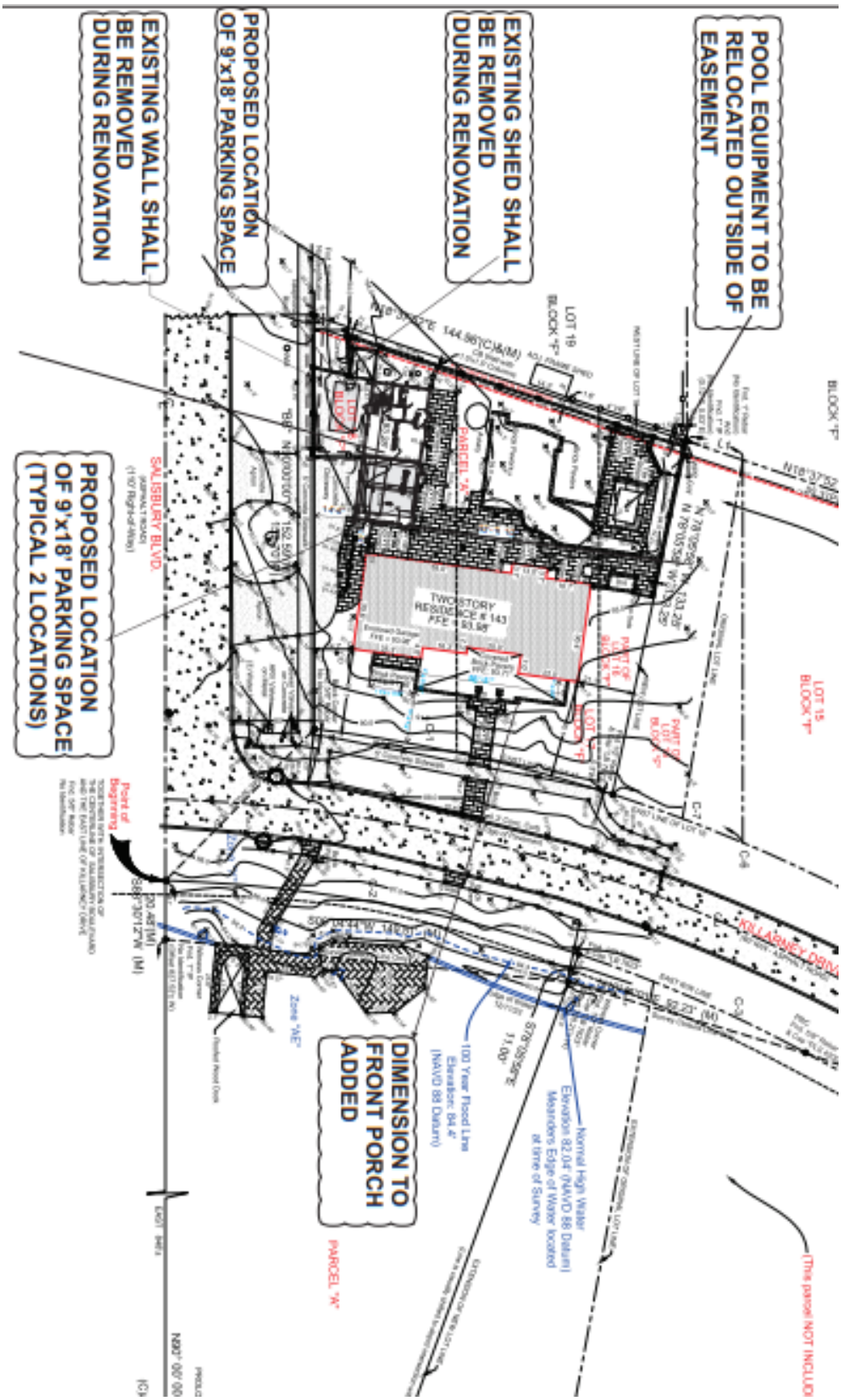


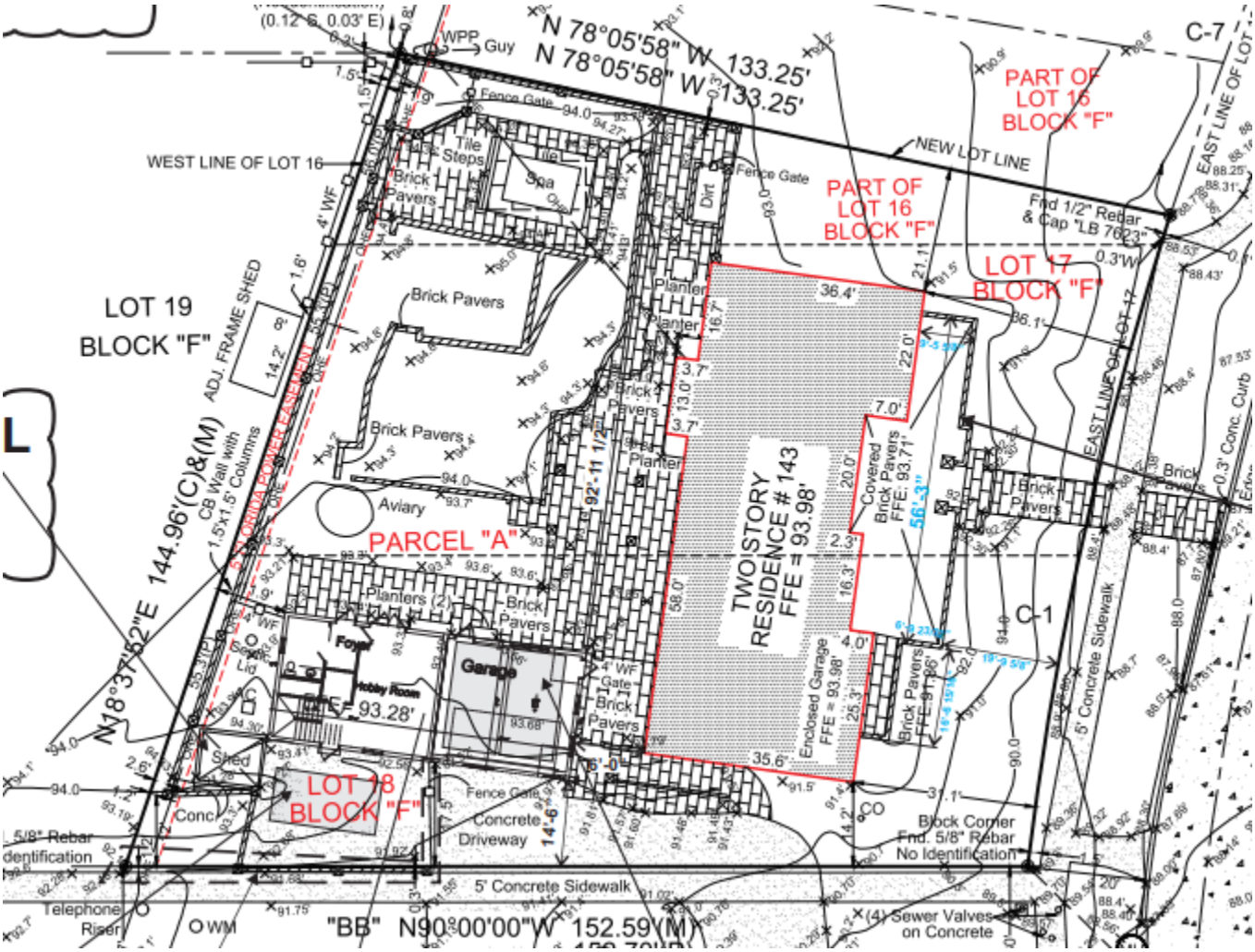
ENHANCED AERIAL



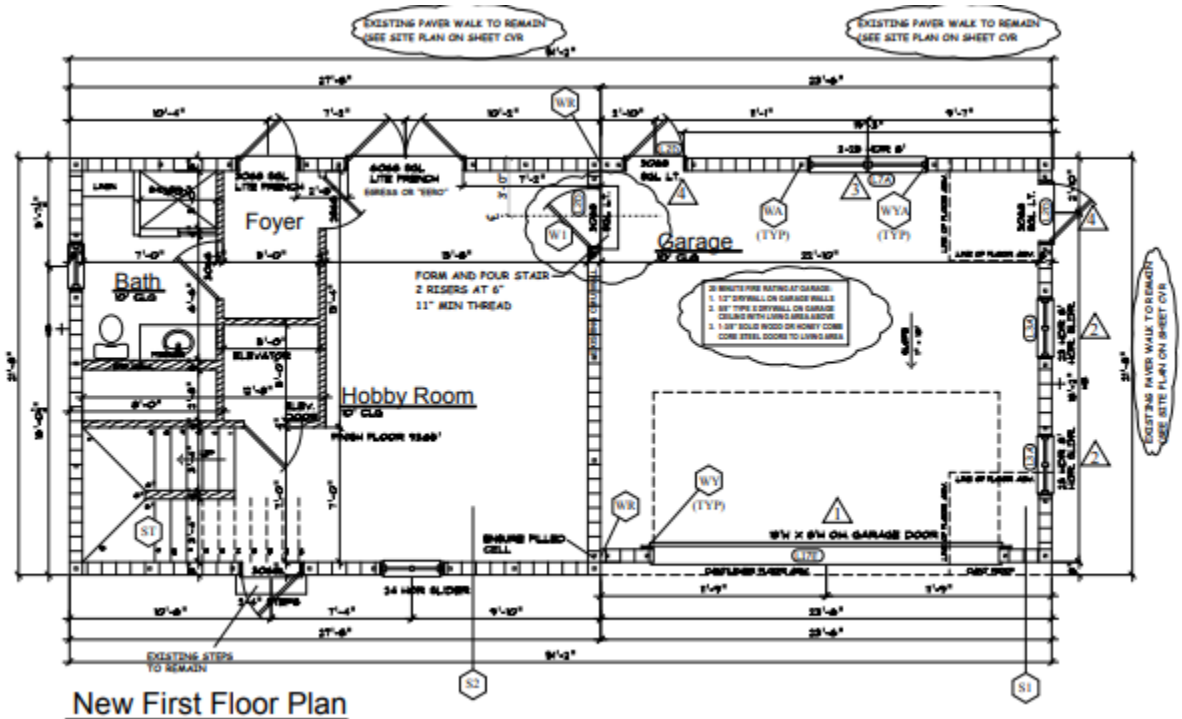
BIRDSEYE



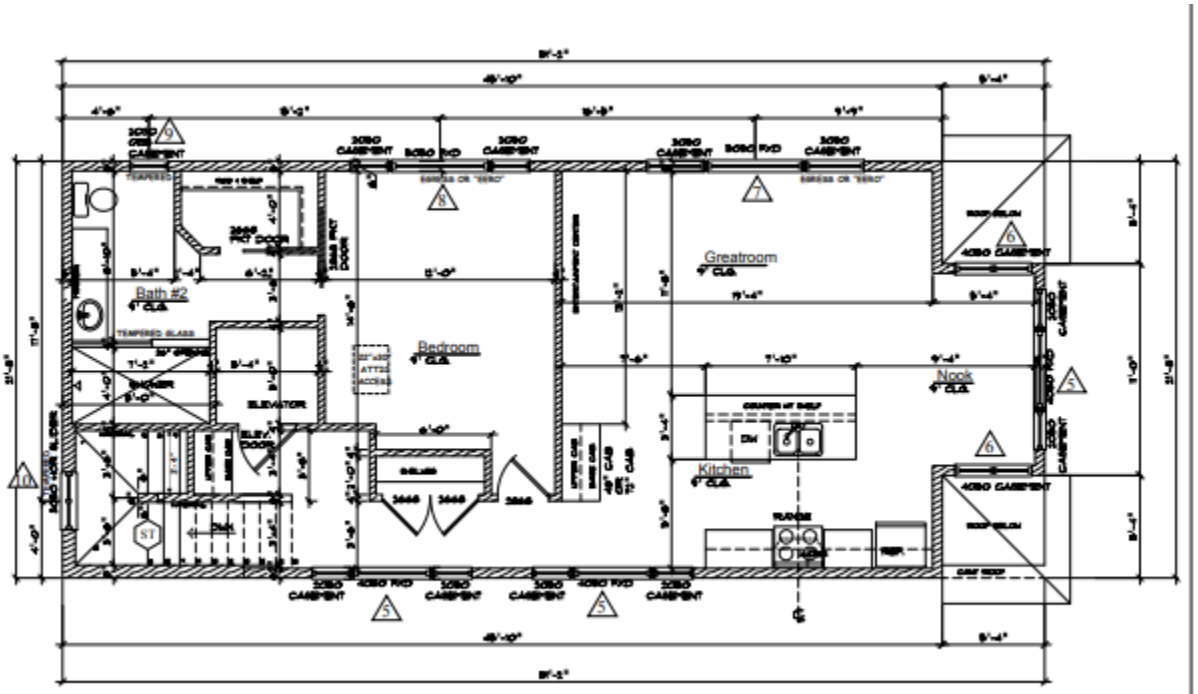

POOL EQUIPMENT TO BE RELOCATED OUTSIDE OF EASEMENT
EXISTING SHED SHALL BE REMOVED DURING RENOVATION
PROPOSED LOCATION OF 9'x18' PARKING SPACE
EXISTING WALL SHALL BE REMOVED DURING RENOVATION
PROPOSED LOCATION OF 9'x18' PARKING SPACE (TYPICAL 2 LOCATIONS)
DIMENSION TO FRONT PORCH ADDED
TWO STORY RESIDENCE # 143
SALISBURY BLVD.
KILLARNEY DRIVE
PARCEL "A"
LOT 19 BLOCK "F"
LOT 15 BLOCK "F"
Point of Beginning
100 Year Flood Line Elevation 84.4' (NAVD 88 Datum)
Normal High Water Elevation 82.04' (NAVD 88 Datum) Meanders Edge of Water located at time of Survey
Zone "AE"
(This parcel NOT INCLUDI


N 78°05'58" W 133.25'
N 78°05'58" W 133.25'
PART OF LOT 16 BLOCK "F"
NEW LOT LINE
EAST LINE OF LOT 17
Fnd 1/2" Rebar & Cap "LB 7623"
LOT 17 BLOCK "F"
WEST LINE OF LOT 16
LOT 19 BLOCK "F"
ADJ. FRAME SHED
PARCEL "A"
TWO STORY RESIDENCE # 143 FFE = 93.98'
Enclosed Garage FFE = 93.98'
Covered Brick Pavers FFE: 93.71'
Brick Pavers FFE: 91.86'
Foyer
Hobby Room
FFE = 93.28'
Garage
Aviary
Planters (2)
Brick Pavers
Planter
Tile Steps
Spa
Dirt
Fence Gate
Shed
LOT 18 BLOCK "F"
Concrete Driveway
5' Concrete Sidewalk
Block Corner Fnd. 5/8" Rebar No Identification
(4) Sewer Valves on Concrete
Telephone Riser
WM
"BB" N90°00'00"W 152.59'(M)
N18°37'52"E 144.96'(C)&(M)
CB Wall with 1.5'x1.5' Columns
5' UTILITY POWER EASEMENT
C-1
C-7
56'-3"
92'-11 1/2"

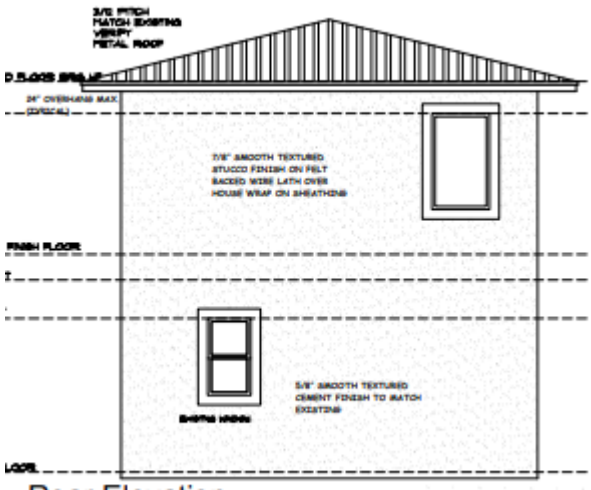
FLOOR PLAN

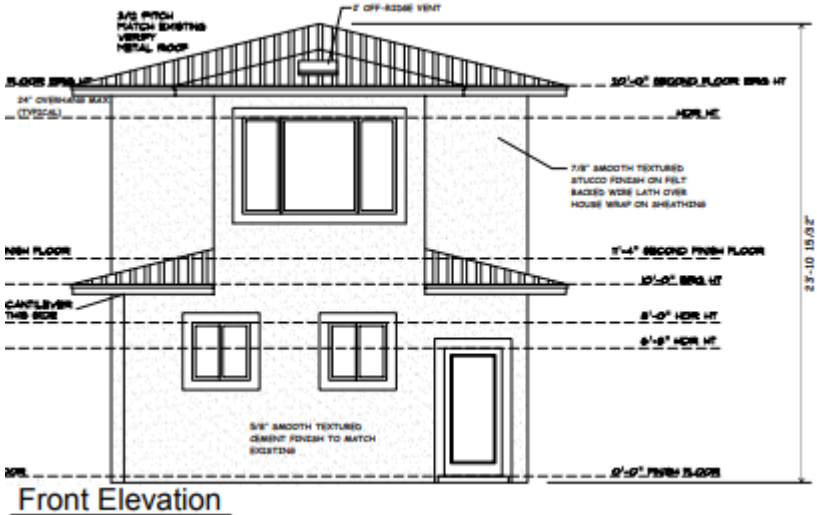


New First Floor Plan



New Second Floor Plan


Rear Elevation
1/4" = 1'-0"


Front Elevation
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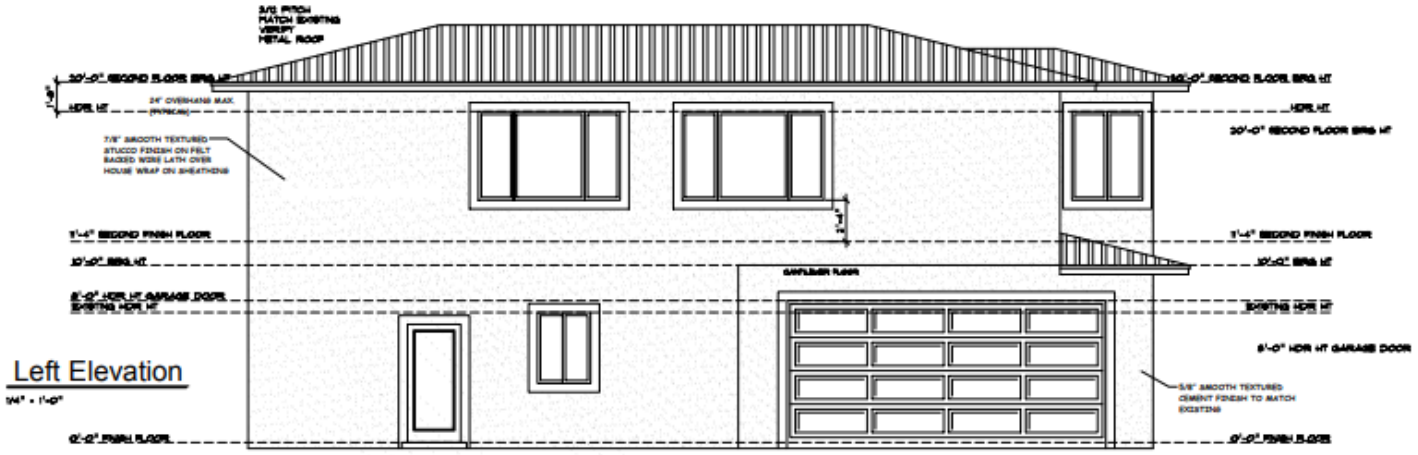

Left Elevation
1/4" = 1'-0"


Right Elevation
1/4" = 1'-0"

SITE PHOTOS

Intersection of Killarney Dr. and Salisbury Blvd., facing subject property

Side street yard, facing north towards the subject structure

Front yard, facing west towards primary residence

Side street yard, facing north towards the subject structure showing adjacent property

SITE PHOTOS

Rear yard, facing south towards the existing detached accessory structure

Rear yard, facing south

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**OCT 02, 2025**	Commission District:	**#1**
Case #:	**VA-25-10-048**	Case Planner:	**Catherine Glase (407) 836-9615 Catherine.Glase@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): ALLAN AZCUNA

OWNER(s): ALLAN AZCUNA

REQUEST: Variance in the PD zoning district to allow a 6 ft. tall fence within the front setback in lieu of a maximum height of 4 ft.
Note: This is a result of Code Enforcement.

PROPERTY LOCATION: 7630 Wethersfield Dr., Orlando, FL 32819, north side of Wethersfield Dr., east of S. Apopka Vineland Rd., west of Dr. Phillips Blvd., south of Banyan Blvd., north of W. Sand Lake Rd.

PARCEL ID: 27-23-28-1436-01-240

LOT SIZE: +/- 9,864 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 174

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

1. Development shall be in accordance with the site plan date stamped September 17, 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 permit for the fence, an Easement Acknowledgement Form shall be completed by the property owner and submitted to the Orange County Zoning Division, or the fence shall be relocated outside of the 5 ft. Utility Easement.

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

The applicant was present and stated they were under the impression a permit was not required for the fence and a Code Compliance Officer informed them that a permit is required and issued a violation for installing the fence without a permit. The applicant stated they wish to keep the fence to provide safety and privacy for their property.

Code Compliance was present and discussed the code violation for the fence. They stated the violation was heard by the Special Magistrate and is accruing a $200.00 daily fine.

The BZA discussed the configuration of the lot and other properties in the neighborhood. The board stated that the unique aspects of the property were not created by the applicant, and the literal interpretation of the zoning code would render the subject portion of the yard unusable and neighboring properties in the area have similar fences.

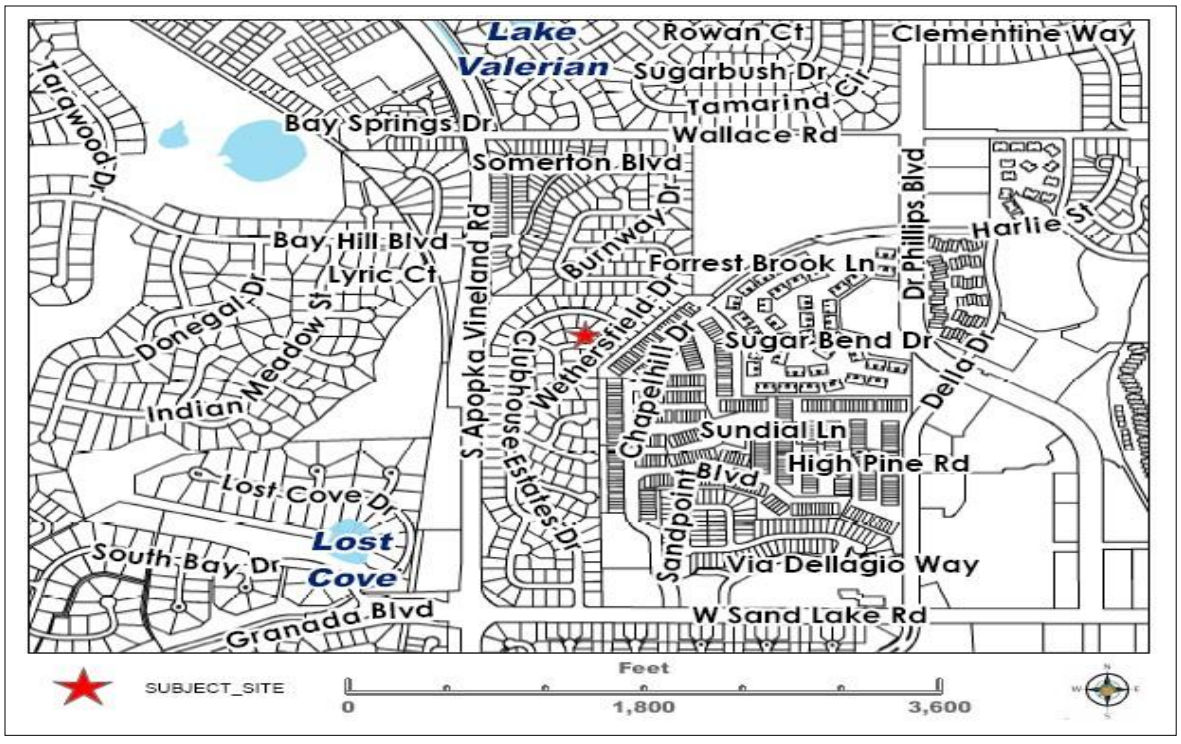
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of Variance request by a 6-0 vote, with one (1) absent, subject to the four (4) conditions found in the staff report.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Granada Properties PD	Granada Properties PD	Granada Properties PD	Granada Properties PD	Granada Properties PD
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Planned Development (PD) zoning district, and is located within the Granada Properties PD, which allows for single-family development and accessory uses. The Future Land Use is Low Density Residential (LDR), which is consistent with the PD zoning.

The area around the subject site consists of single-family homes. The subject property is approximately 9,864 sq. ft.in size, was platted in 1980 as lot 124 of the Clubhouse Estates Phase 2 plat and is considered a conforming lot. The subject lot is an irregularly shaped lot with continuous frontage along Wethersfield Dr., to the southeast. There is a 6 ft. utility easement along the side property lines and a 5 ft. utility easement along the front property line. The property is developed with a one-story 2,089 gross sq. ft. single-family home, constructed in 1980, as well as a pool and deck, screen enclosure, and a 6 ft. tall wood privacy fence. The property was purchased by the current owner in 2016.

Code Enforcement cited the property owner on February 13, 2025, (CE: 651137) for a fence installed without a permit. The property owner submitted a fence permit (F25003271) on February 17, 2025, for the subject fence. The issuance of the fence permit is pending the outcome of this request.

The proposal is to keep the existing 6 ft. tall wood privacy fence located in the front yard. Per Sec. 38-1408 (g) of the Orange County Code, fences in residential districts, such as the subject PD, are limited to maximum height of 4 ft. in the front yard setback, unless abutting a collector or arterial right-of-way. Wethersfield Drive is a local street and therefore the fence is limited to 4 ft. in height within 25 ft. of the front property line. The fence extends from the southeastern corner of the existing home to the front property line and continues north along the front property line, prompting the Variance request.

The request was routed to all relevant reviewing Divisions. There were no objections noted. The Utilities Division reviewed the Variance request and noted the property owner must complete an easement acknowledgement form for the portion of the fence within the 5 ft. wide utility easement along the front property line or relocate the fence outside of the easement, as reflected in Condition of Approval (COA) #4. A Code Compliance Officer reviewed the Variance request and noted case CE: 651137 was heard before the Special Magistrate on July 21, 2025, and is still in violation and running a $200 daily fine. To satisfy the code violation, the unpermitted fence must be removed, or a permit must be obtained. 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 (6) Variance criteria are met. Staff has determined that while the Variance request meets some of the criteria, it does not meet all the criteria. Based on staff analysis, while there are special circumstances due to

the irregular shape of the property and unique aspects of the continuous right-of-way, the fence could be reduced in height to eliminate the Variance request. Therefore, staff is recommending denial of the Variance request.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variance MET – Special conditions and circumstances exist as the property is an irregularly shaped lot with continuous front along the right-of-way which creates a large front yard that would be otherwise treated as a side street yard.

Not Self-Created

NOT MET - The need for the Variance is self-created since the fence height could be reduced to meet code.

No Special Privilege Conferred

MET - Granting the Variance as requested will not confer special privilege as the lot is an irregular shape and is atypical to other properties in the same zoning district. There are several other properties similar in shape as the subject lot but are at the intersection of two rights-of-way therefore allowing a 6 ft. tall fence by right.

Deprivation of Rights

NOT MET - Without the requested Variance, the owner would still be able to install fence along the front property line it would just be limited to 4 ft. in height.

Minimum Possible Variance

MET - The request is the minimum possible to locate a 6 ft. tall fence within the front yard setback.

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 preserving visibility and neighborhood aesthetics. Literal interpretation of the zoning code states the fence is located in the front yard however, this portion of the property acts as a side yard of the home and the placement of the fence does not restrict visibility and is aesthetically consistent with the surrounding area thereby limiting any quantifiable negative impact on surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped September 17, 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 permit for the fence, an Easement Acknowledgement Form shall be completed by the property owner and submitted to the Orange County Zoning Division, or the fence shall be relocated outside of the 5 ft. Utility Easement.

C: Allan Azcuna
7630 Wethersfield Dr.
Orlando, FL 32819

Orange County Zoning Division
201 South Rosalind Ave
Orlando, FL 32801

August 4, 2005

Allan Azcuna
7630 Wethersfield Dr
Orlando, FL 32830

Dear Sir or Ma'am,

This cover letter is in regard to Permit # F25003271 application and requesting a variance on a fence. The ordinance for the county only allows 4 ft fence at the front edge of the property. My property (which was built in the 1980's) was designed with a very steep curve which goes from the front of the house to almost the back of the house. The 6 ft wooden fence I erected is only to the front face of my house to the sidewalk, which is a small portion of what code enforcement considers the front yard of my property. This fence does not obstruct traffic and the view of my driveway from the road has not changed since putting up the wooden fence. This wooden fence does not hinder on any other property nor the enjoyment of neighbors' property (except for the creepy nosey neighbor that filed the fence complaint and no longer can see what we are doing in our garden).

I urge for your approval for this simple variance which will make my property more enjoyable to me and my family.

Thank you for your time, effort and consideration.

Allan Azcuna
Homeowner

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

My front yard curves to the contour of the road (Wethersfield Drive) from the front of the house to almost back of the house.

. **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.

Similar response to item #1 above, the curvature of my front and road have been planned out and created during the construction of the neighborhood prior to 1980.

. **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.

This variance request does not overlap other lands, building or structures outside of my property line. It is strictly within my property line.

. **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.

Does not interfere with other properties, nor does it cause any hardship to myself nor other neighbors. This fence will not be used for business nor will have any competitive edge for any business.

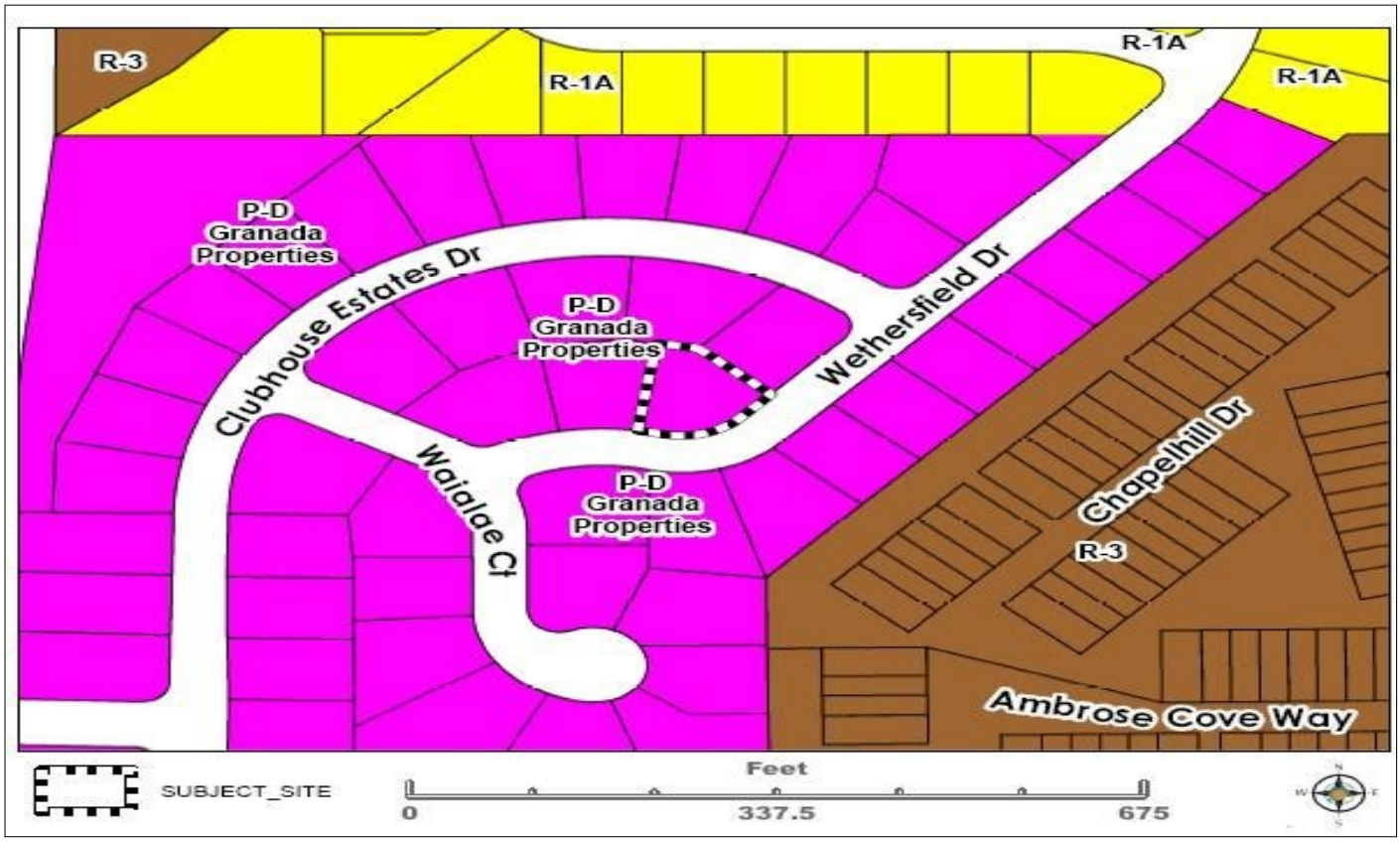
. **Minimum Possible Variance -** The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The variance is minimal. Just a 6' tall fence at the property line not going beyond the front face of the house.

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

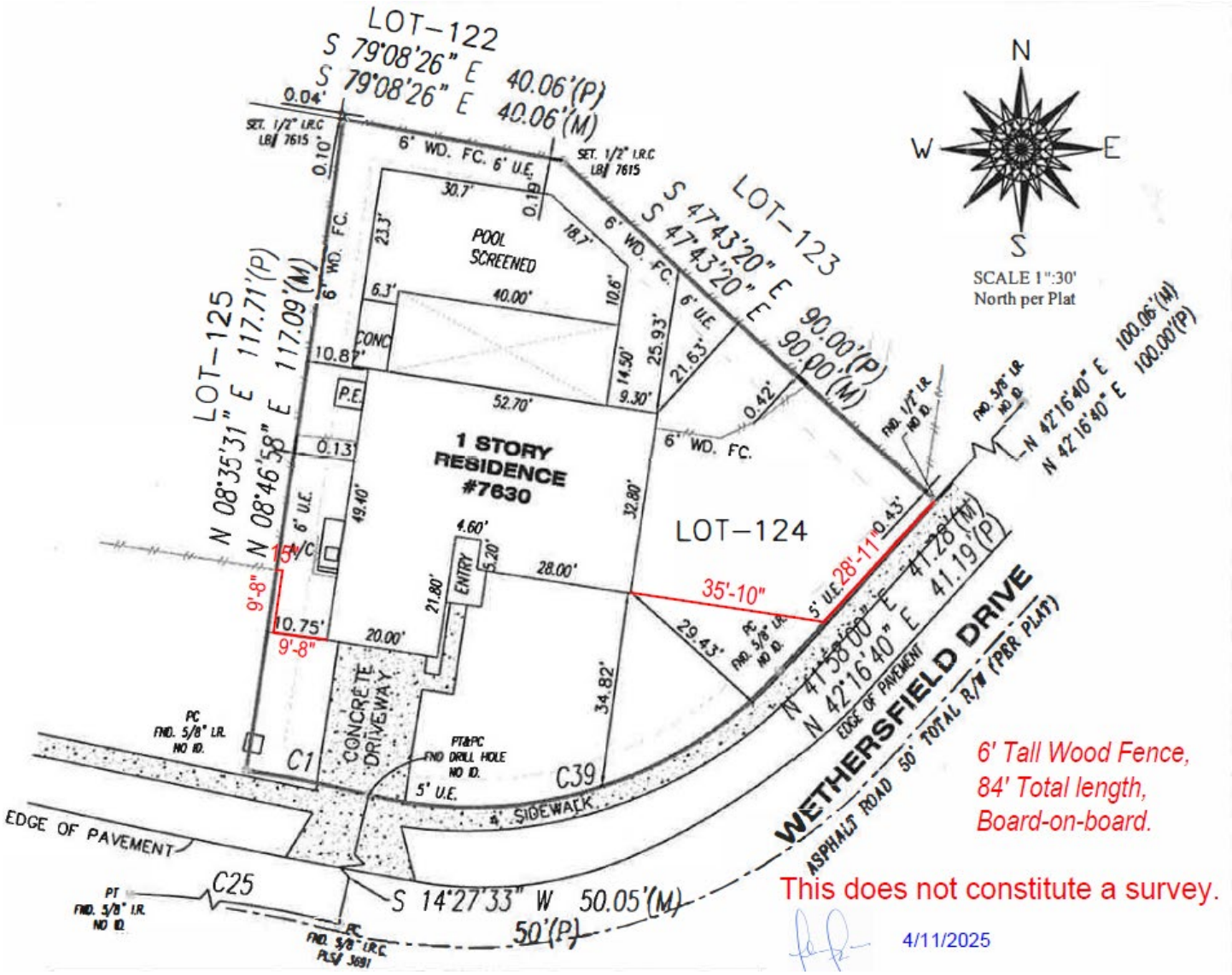
This fence will not cause any public harm nor will obstruct the view of vehicular traffic. The driveway can be seen clearly from the curvature of the road with the erected fence.

ZONING MAP



AERIAL MAP

SITE PLAN


LOT–122
S 79°08'26" E 40.06'(P)
S 79°08'26" E 40.06'(M)
SET. 1/2" I.R.C. LB# 7615
6' WD. FC. 6' U.E.
LOT–123
S 47°43'20" E 90.00'(P)
S 47°43'20" E 90.00'(M)
LOT–125
N 08°35'31" E 117.71'(P)
N 08°46'58" E 117.09'(M)
POOL SCREENED
40.00'
CONC
1 STORY RESIDENCE #7630
52.70'
LOT–124
ENTRY
28.00'
35'-10"
5' U.E.
28'-11"
9'-8"
10.75'
20.00'
CONCRETE DRIVEWAY
PC FND. 5/8" I.R. NO ID.
PT&PC FND DRILL HOLE NO ID.
C1
C39
5' U.E.
4' SIDEWALK
EDGE OF PAVEMENT
C25
PT FND. 5/8" I.R. NO ID.
PC FND. 5/8" I.R. PLS# 3691
S 14°27'33" W 50.05'(M)
50'(P)
N 41°58'00" E 41.26'(M)
N 42°16'40" E 41.19'(P)
EDGE OF PAVEMENT
WETHERSFIELD DRIVE
ASPHALT ROAD 50' TOTAL R/W (PER PLAT)
N 42°16'40" E 100.06'(M)
N 42°16'40" E 100.00'(P)
FND. 1/2" I.R. NO ID.
FND. 5/8" I.R. NO ID.
N
W
E
S
SCALE 1":30'
North per Plat
6' Tall Wood Fence,
84' Total length,
Board-on-board.
This does not constitute a survey.
4/11/2025

SITE PHOTOS

Facing north towards front of subject property

Facing north towards front of subject property and existing fence (Variance Request)

SITE PHOTOS

Front yard, facing west along the fence and front property line

Side yard, facing south towards the exisitng location of the fence

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**OCT 02, 2025**	Commission District:	**#2**
Case #:	**VA-25-11-050**	Case Planner:	**Catherine Glase (407) 836-9615 Catherine.Glase@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): LUCILLE GHIOTO

OWNER(s): HABITAT FOR HUMANITY OF GREATER ORLANDO AND OSCEOLA COUNTY INC

REQUEST: Variance in the R-1 zoning district to allow a structure to be located nearer the side street lot line than the required front yard of such abutting lot (17.5 ft. in lieu of 25 ft.).

PROPERTY LOCATION: 0 Clarcona Ocoee Rd., Orlando, FL 32810, northwest corner of Vatican Ave. and Clarcona Ocoee Rd, southwest of N. Orange Blossom Trl., east of N. Pine Hills Rd.

PARCEL ID: 32-21-29-6080-00-050

LOT SIZE: +/- 8,804 sq. ft.

NOTICE AREA: 500

NUMBER OF NOTICES: 136

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

1. Development shall be in accordance with the lot area shown on the site plan dated April 4, 2025, and Elevations dated April 29, 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 described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial of the

Variance. Staff noted that 1 comment was received in favor and no correspondence was received in opposition to the request.

The applicant was present and disagreed with staff's recommendation of denial. The applicant stated the subject property and the adjacent property to the west were gifted to Habitat for Humanity by Orange County Government with the purpose of constructing affordable single-family residences. The applicant went on to discuss how redesigning the layout would be problematic as the home is designed to be wheelchair accessible and they use pre-designed plans in order to provide an affordable product. The applicant also noted there are other homes in the area on reverse corner lots with similar setbacks.

The BZA stated the County encourages infill development of affordable housing and the request complies with all Variance criteria as the side street setback significantly reduces the buildable area of the lot imposing an undue hardship on the owner and other lots are developed in a similar manner.

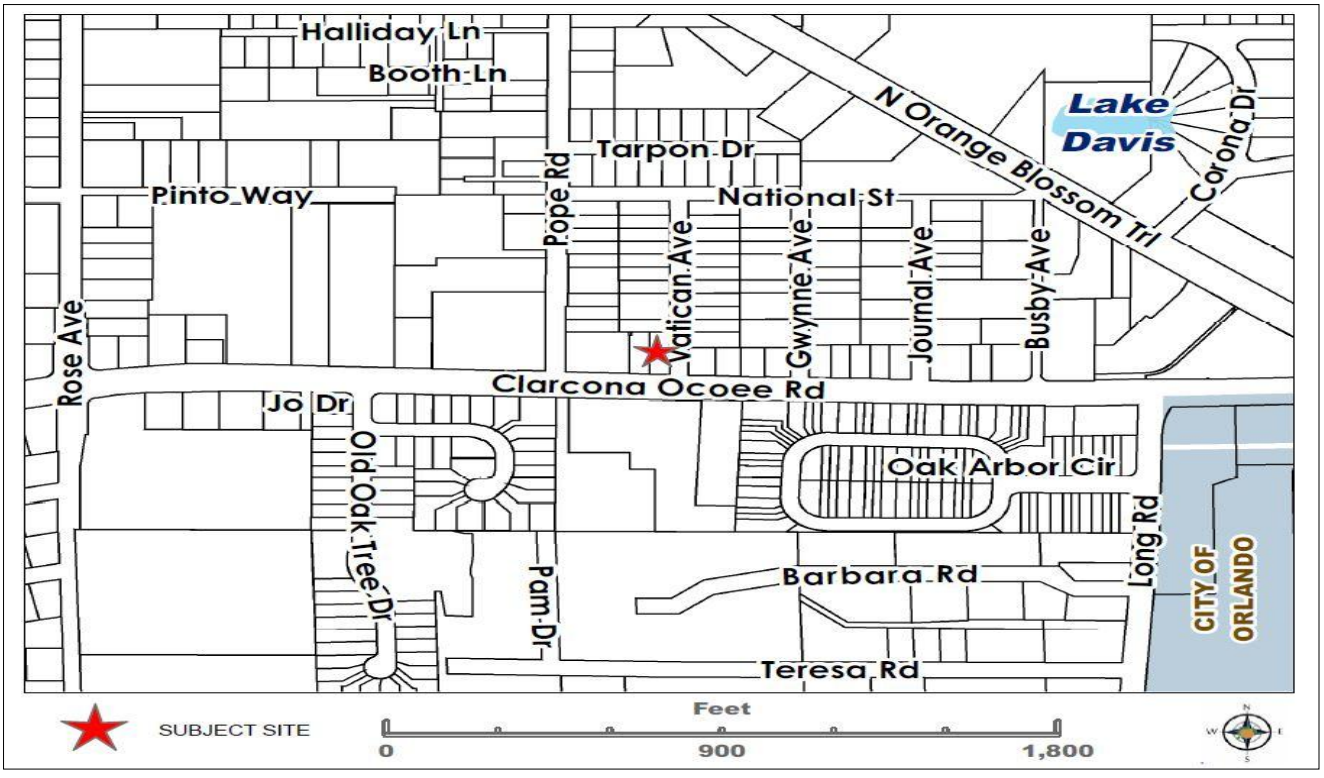
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of Variance request by a 6-0 vote, with one (1) absent, subject to the three (3) conditions found in the staff report.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1	R-1	A-1	R-1	R-1
Future Land Use	LDR	LDR	LMDR	LDR	LDR
Current Use	Single-family residence	Single-family residence	Institution-Lodge/Union	Single-family residence	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area around the subject site consists of single-family homes and a vacant parcel to the west and a fraternal organization to the south. The subject property is a vacant 0.20-acre lot, platted in 1926 as lot 5 of the Oak Terrace plat. The property is a reverse corner lot with right-of-way along Clarcona Ocoee Rd. to the south, and Vatican Ave. to the east. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, Clarcona Ocoee Rd. is considered the front and Vatican Ave. is considered the side street.

The typical side street setback for a property located in the R-1 district is 15 ft. however, per Sec. 38-1502 (b), *on any corner lot abutting the side of another lot,…no structure shall be nearer the side street lot line than the required front yard of such abutting lot.* The lot abutting the subject property to the north has frontage on Vatican Ave. Therefore, requiring a 25 ft. setback along Vatican Ave. for the subject lot.

The property is currently vacant and was purchased by the current owner in 2025. The proposal is to construct a 1,390 gross sq. ft one-story single-family home. As proposed, the home will be located 17.5 ft. from the east side street property line where 25 ft. is required, prompting the Variance request. The proposed residence complies with all other zoning development standards.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13.75 ft.
Min. Lot Width:	50 ft.	55 ft.
Min. Lot Size:	5,000 sq. ft.	8,804 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front: (Clarcona Ocoee Rd.)	25 ft.	39.3 ft. (South)
Side Street: (Vatican Ave.)	25 ft.*	17.5 ft. (East - Variance)
Side:	6 ft.	6 ft. (West)
Rear:	25 ft.	65.7 ft. (North)

**Side street setback increases from the standard 15 ft. to the abutting lot's front yard setback (25 ft.) in accordance with Sec. 38-1502(b).*

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 (6) Variance criteria are met. While the Variance request meets some of the criteria, it does not meet all the criteria. Based on staff's analysis the proposed residence could be redesigned to lessen or eliminate the Variance request. Therefore, staff is recommending denial.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET - There are no special conditions or circumstances particular to the subject property as this is new construction of a single-family residence on a lot that meets the minimum lot width and exceeds the minimum lot size, and the plans could be revised to meet the front yard setback of the abutting lot thus negating the need for the Variance.

Not Self-Created

NOT MET - The request is self-created as this is new construction and there are alternatives to eliminate the request.

No Special Privilege Conferred

MET - Granting the Variance would not confer special privilege as there are other surrounding properties developed with similar reductions in side street yard setbacks on reverse corner lots.

Deprivation of Rights

NOT MET – There is no deprivation of rights as a code compliant residence could be constructed on the property.

Minimum Possible Variance

NOT MET – The requested variance is not the minimum possible, as the house could be redesigned to meet the setback requirement.

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 encourages infill development.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the lot area shown on the site plan dated April 4, 2025, and Elevations dated April 29, 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: Lucille Ghioto
4116 Silver Star Rd.
Orlando, FL 32808

Habitat for Humanity®
Greater Orlando & Osceola County

FACE THE HOUSING CRISIS™

August 12, 2025

Orange County Planning Division
201 South Rosalind Ave, 2nd Floor
Orlando, FL 32801

Subject: Application for Zoning Variance at 4703 Clarcona Ocoee Rd

I am writing to formally submit our application for a zoning variance for the property located at 4703 Clarcona Ocoee Road, requesting relief from the street side yard setback from Vatican Avenue, proposing instead a 17.5-foot setback, in lieu of the 25 feet required, for the purpose of constructing an affordable, single-family home.

SUMMARY OF REQUEST
The subject property at 4703 Clarcona-Ocoee Road is located at the northwest corner of Clarcona-Ocoee Road and Vatican Avenue in the Oak Terrace Subdivision. The property is currently within the R-1 zoning district with a proposed Transect Zone of T3.3 in the potential Orange Code.

The applicant, Habitat for Humanity Greater Orlando & Osceola County, proposes to construct a 1,390 square foot single family residence onsite for the purpose of creating additional affordable homeownership opportunities in the community.

Section 38-1502(b) of the current land development code requires reverse corner lots (street side abutting the front yard of the property around the corner) to provide the same setback as the front yard of the abutting property (25-feet). As indicated in the attached site plan, the applicant requests a reduction in the street side setback to 17.5-feet to accommodate a 1-story residential home for the purposes of increasing affordable homeownership in the community. The majority of the structure is set to 22.5-feet with only the 5-foot covered side entry encroaching to 17.5-feet.

Full site details are listed below, with illustration of buildable area to follow.

HabitatOrlando.org I 407-648-4567 I 4116 Silver Star Road, Orlando, FL 32808

Habitat for Humanity®
Greater Orlando & Osceola County

FACE THE HOUSING CRISIS™

JUSTIFICATION OF REQUEST (VARIANCE CRITERIA)

Section 30-43 (3) of the Orange County Code stipulates specific standards for the approval of variances. No application for a zoning variance will be approved unless the Board of Zoning Adjustment finds that 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 a proposed zoning variance.

   Response: As this property is situated on a reverse corner, the required setback increases from the standard street side yard of 15 feet to 25 feet, imposing a significant restriction on the ability to construct a quality residential home on the property. Meeting the required 25-foot setback would limit any structure onsite to 23.5 feet in width.

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

   Response: The existing lot is consistent with the original plat of Oak Terrace and other existing lots of record, as platted in 1929. Therefore, this request is not a self-imposed hardship.

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

   Response: The proposed development consists of a 1,390 square foot (gross), single story residence to be located primarily 22.5 feet from Vatican Drive, with a 5-foot entry located at 17.5-feet. Similar reverse corner lots in this same subdivision have existing homes with lesser setbacks than proposed, as indicated in the image below, with the closest structure approximately 7-feet from the property line and the greatest at 16-feet. The applicant has located the home as far from the property line on Vatican Avenue as possible while maintaining the quality and integrity of the home, as well as maintaining vehicular visibility at the corner of Vatican and Clarcona-Ocoee.

HabitatOrlando.org I 407-648-4567 I 4116 Silver Star Road, Orlando, FL 32808

Habitat for Humanity®
Greater Orlando & Osceola County

FACE THE HOUSING CRISIS™

Reverse Corner Lots at Vatican and Gwynne Avenue

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

Response: Without the requested variance, Habitat would be limited to a 23.5-foot home width, which significantly impacts the ability to provide a high-quality, affordable home to first-time homebuyers. Other existing homes on reverse corner lots in this neighborhood are located closer to the right of ways on both Vatican and Gwynne Avenues, establishing building lines that, with the exception of one, are already closer to the street than typically required by a standard street side setback of 15-feet.

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

Response: The applicant has located the proposed home as far from the Vatican Avenue right of way as possible, including flipping the floor plan so that the greatest encroachment is the 5-foot side porch, instead of the entire façade.

Habitat for Humanity®
Greater Orlando & Osceola County

FACE THE HOUSING CRISIS™

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

Response: The requested variance will be in harmony with the existing neighborhood fabric, providing a greater set back than currently maintained by other reverse corner lots, and also complies with the setbacks contemplated in Orange Code, as the new code eliminates the additional reverse corner set back and requires a 15-foot secondary frontage (T3.3).

CLOSING

Granting this variance will not only allow Habitat to utilize the property effectively but also help fulfill our commitment to addressing the housing crisis in our community. It is consistent with other reverse corner lots in the neighborhood and compliant with the proposed Orange Code. Further, the project has been designed to minimize encroachment into the required setback while maintaining visibility requirements and complying with other site design requirements.

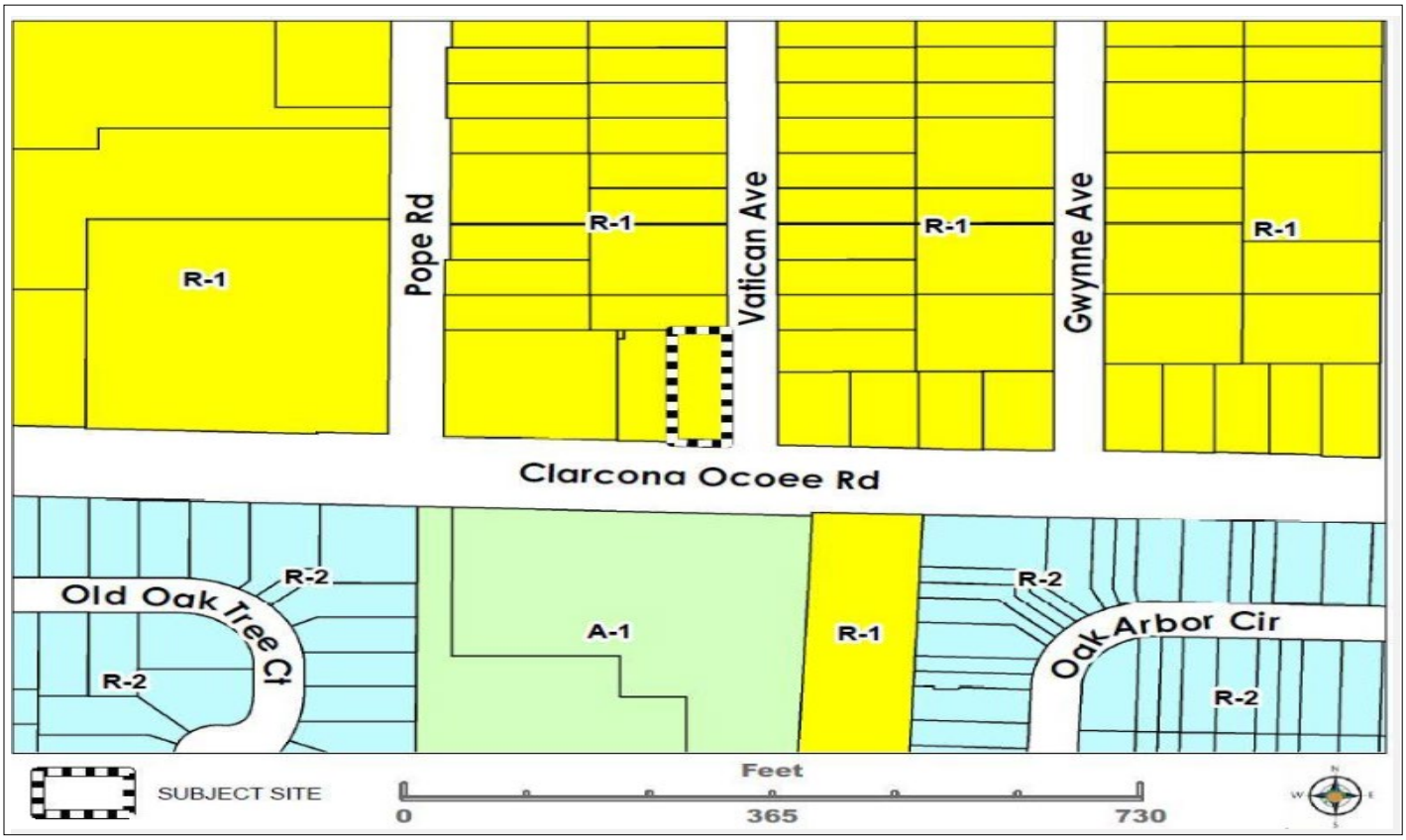
Thank you for your consideration of this request. Should you require any further information or wish to discuss our proposal, please do not hesitate to contact me.

Sincerely,

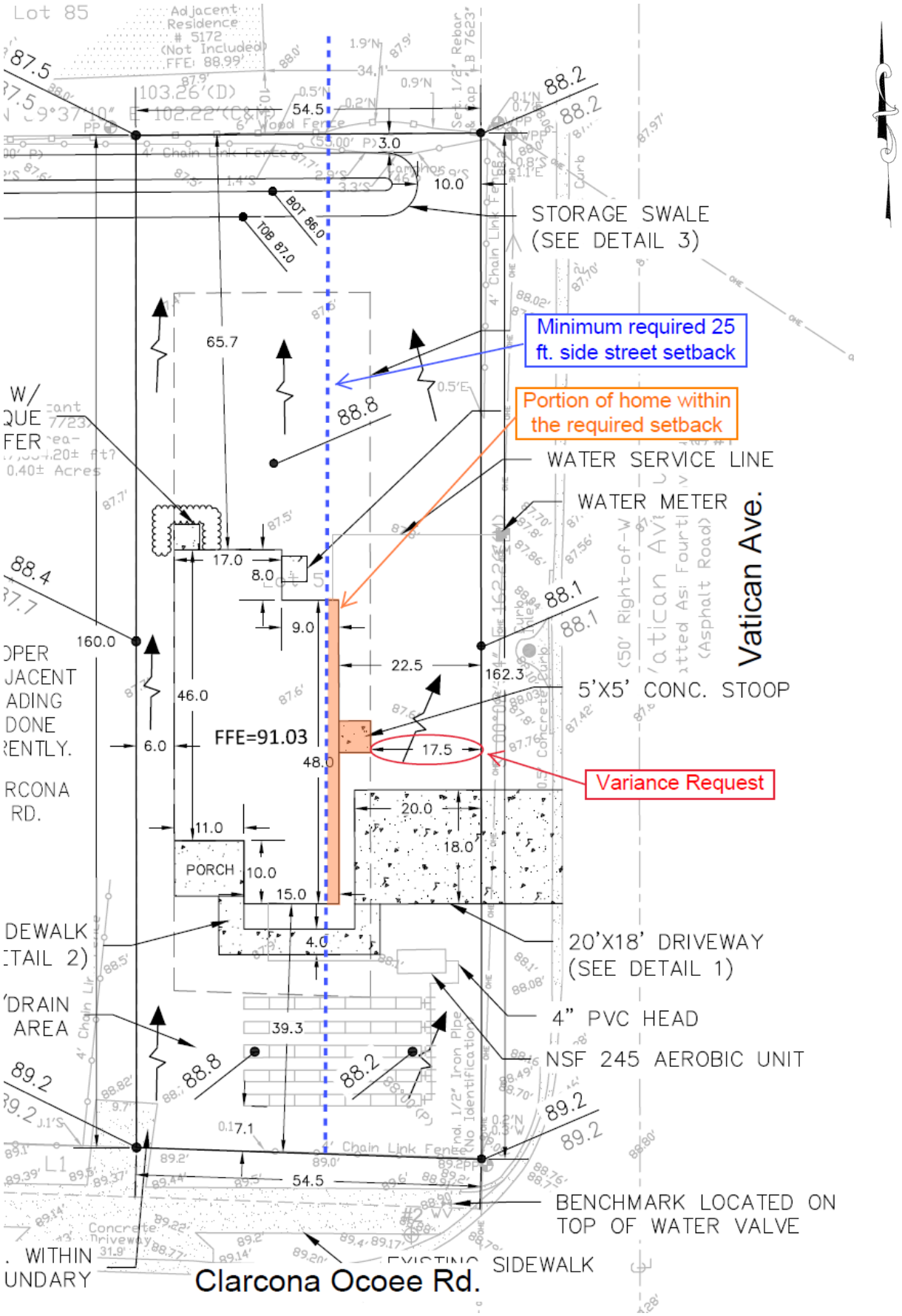
Lucie Ghioto, AICP
Growth Management Officer

HabitatOrlando.org | 407-648-4567 | 4116 Silver Star Road, Orlando, FL 32808

ZONING MAP



AERIAL MAP


Minimum required 25 ft. side street setback
Portion of home within the required setback
Variance Request
STORAGE SWALE (SEE DETAIL 3)
WATER SERVICE LINE
WATER METER
5'X5' CONC. STOOP
20'X18' DRIVEWAY (SEE DETAIL 1)
4" PVC HEAD
NSF 245 AEROBIC UNIT
BENCHMARK LOCATED ON TOP OF WATER VALVE
Vatican Ave.
Clarcona Ocoee Rd.
FFE=91.03
PORCH
Lot 85
Adjacent Residence # 5172 (Not Included) FFE: 88.99'

Facing north from Clarcona Ocoee Rd. towards the front of the subject property

Facing west from Vatican Ave. towards the subject property

SITE PHOTOS

Facing northwest from Vatican Ave., towards the subject property and the adjacent property to the north

Facing north, from the subject property towards the adjacent property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**OCT 02, 2025**	Commission District:	**#2**
Case #:	**VA-25-10-054**	Case Planner:	**Catherine Glase (407) 836-9615 Catherine.Glase@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): TERRILYN JEMISON

OWNER(s): TERRILYN JEMISON

REQUEST: Variance in the R-2 zoning district to allow an addition with a 10.8 ft. rear setback in lieu of 20 ft.

PROPERTY LOCATION: 5906 Rywood Dr., Orlando, FL 32810, north side of Rywood Dr., north of Beggs Rd., east of N. Orange Blossom Trl., south of W. Maitland Blvd., west of Forest City Rd.

PARCEL ID: 30-21-29-7726-00-120

LOT SIZE: +/- 4,887 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 114

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

1. Development shall be in accordance with the site plan and elevations date stamped September 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.

4. Prior to the issuance of the permit for the addition, a permit for the pavers shall be obtained, or the pavers shall be removed from the property.

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

The applicant was present and discussed the reason for proposing a sun room instead of a screen room.

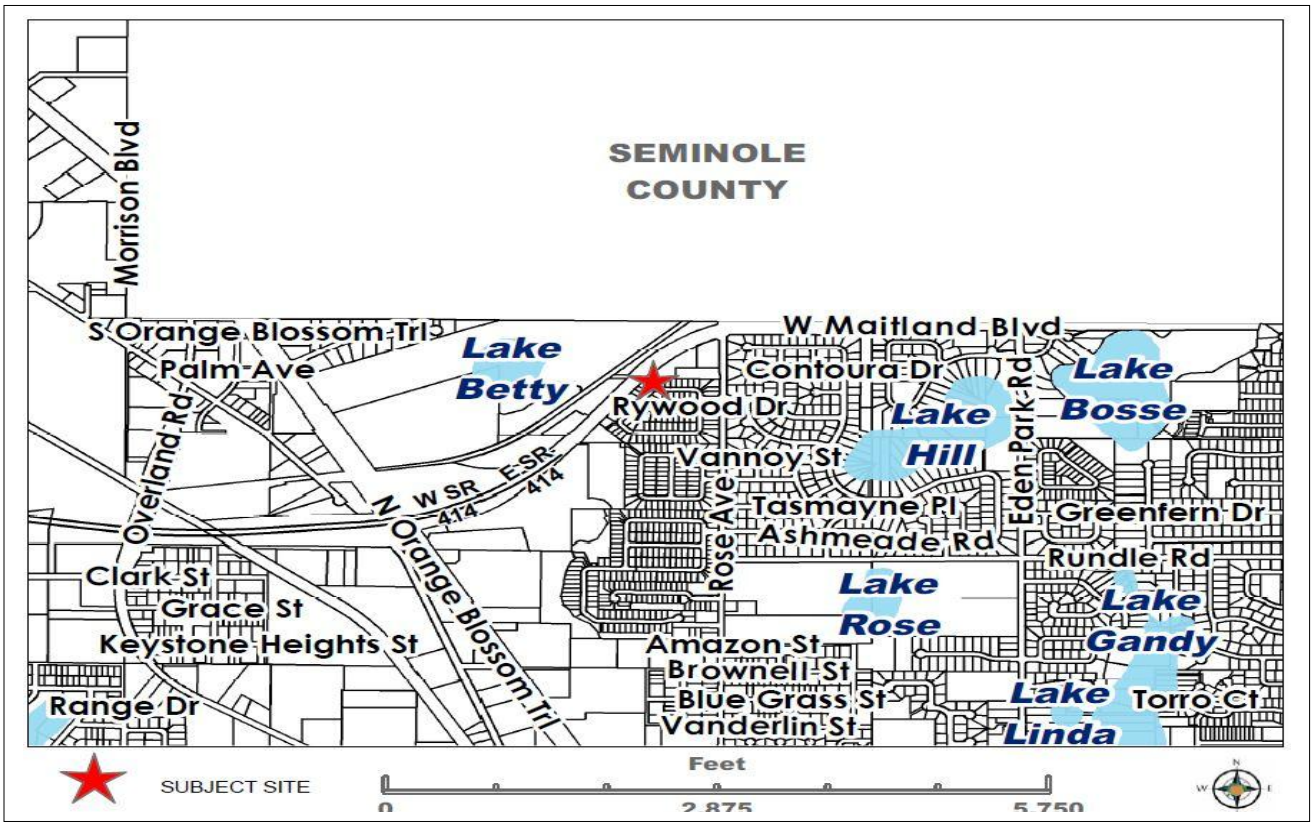
There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the fact that the rear of the property abuts a retention area, and is therefore not impacting adjacent neighbors. The BZA recommended approval of Variance request by a 6-0 vote, with one (1) absent, subject to the four (4) conditions found in the staff report.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-2	Bear Lake Plaza PD	R-2	R-2	R-2
Future Land Use	LMDR	C	LMDR	LMDR	LMDR
Current Use	Single-family residence	Carwash	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-2, Single-Family Dwelling zoning district, which allows single-family homes, duplexes and associated accessory structures. The Future Land Use is Low Medium Density Residential (LMDR), which is consistent with the R-2 zoning district.

The area around the subject site consists of single-family homes and some commercial uses to the north along W. Maitland Blvd. The subject property is approximately 4,887 sq. ft. in size, was platted in 1999 as lot 12 of the Rose Pointe plat and is considered a conforming lot. The property is an internal lot with right-of-way along Rywood Dr. to the south and a 5 ft. wide utility easement along the rear property line. The property is developed with a one-story 2,007 gross sq. ft. single-family residence (B99009661), constructed in 1999, as well as a screen room (B99015946) attached to the rear of the home, pavers, and a 6 ft. tall white vinyl privacy fence. The current owner purchased the property in May of 2025.

The applicant is proposing to remove the existing 17.5 ft. by 14 ft. screen room and replace it with a sunroom addition. Orange County Code defines a screen room as *an uninhabitable structure consisting of solid aluminum roof panels, attached to the principal structure. Such room shall be open and unenclosed on the projecting three (3) sides, supported by aluminum columns. The aluminum columns may only support screen mesh, solid aluminum kick panels up to twenty-four (24) inches in height above the floor of the room and/or vinyl panels which are seasonal, nonpermanent and removable. The screen mesh shall be the type not less than fifty-five (55) percent open.* At time of permitting of the original screen room, Section 38-79(18) stated *a screen room could extend up to thirteen (13) feet into the required rear yard setback.* Section 38-1501 of Orange County Code requires principal structures to be set back a minimum of 20 ft. from the rear property line in the R-2 zoning district. In 1999, the existing screen room was developed with an 11.5 ft. rear setback in compliance with the 7 ft. setback required by code. Effective January 1, 2024, Section 38-79(18) was amended to state "*A screen room may extend up to fifty (50) percent into the required rear yard setback for the principal structure…".*

The proposed addition will be a glass sunroom with glass windows and doors and a white cedar roof. The rear setback reduction allowed by Code is specific to screen rooms, and the proposed addition does not meet the definition of a screen room. Therefore, the proposed structure must comply with the 20 ft. rear setback. As proposed, the sunroom will be constructed in generally the same location as the existing screen room. The addition will be located 10.8 ft. from the rear property line, prompting the Variance request. The 5 ft. wide utility easement is not affected by the Variance request.

During the site visit, staff identified the front driveway and walkway were replaced with pavers and additional pavers were placed in the side and rear yards. No permits were obtained for the paver installation. The pavers

appear to encroach into the 5 ft. wide utility easement. While the zoning division allows the paver area to be constructed with a 0 ft. setback, however per Sec. 24-29 of Orange County Code, the property must maintain 40% private residential open space as well as comply with all the development standards required by the Development Engineering Division. The owner shall obtain a zoning permit for the pavers demonstrating all development standards are met or remove the pavers from the property, as reflected in Condition of Approval (COA) #4.

Building Setbacks (Addition)

	Code Requirement	Proposed
Front:	20 ft.	N/A
Side:	5 ft.	27 ft. (East) 7.4 ft. (West)
Rear:	20 ft.	10.8 ft. (North – Variance)

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 (6) Variance criteria are met. Staff has determined that while the Variance request meets some of the criteria, it does not meet all the criteria. Therefore, staff is recommending denial of the Variance request.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET - There are no special conditions or circumstances peculiar to this property, as the lot is of similar size and configuration as the surrounding properties, and it meets the minimum lot standards for the R-2 district.

Not Self-Created

NOT MET- The requested variance is self-created, as the existing screen room could be enjoyed as constructed, or a new screen room could be constructed in a code compliant manner in lieu of the sunroom.

No Special Privilege Conferred

MET- Due to the location of the existing structure, granting the requested Variance will not confer any special privilege conferred to others under the same circumstances as several other properties are developed with similar structures and the sunroom will serve the same purpose as a screen room.

Deprivation of Rights

MET- Without approval of the requested Variance, the owners will not be able to construct the proposed sunroom addition, and the property does not contain the space necessary for constructing an addition to comply with the required rear yard setback.

Minimum Possible Variance

NOT MET- The request is not the minimum possible as the existing screen room could be enjoyed as constructed, or a new screen room could be constructed in a code compliant manner in lieu of the sunroom.

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 addition will be at the rear of the house, which abuts a stormwater retention easement to the north and will not be significantly visible from the neighboring residential properties due to a 6 ft. high vinyl fence along the side property lines.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped September 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.
4. Prior to the issuance of the permit for the addition, a permit for the pavers shall be obtained, or the pavers shall be removed from the property.

C: Terrilyn Jemison
5906 Rywood Dr.
Orlando, FL 32810

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

SUPERIOR
ALUMINUM INSTALLATIONS, INC.

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

To whom it may concern:

This request is for a 10.8' variance into the rear yard to allow us to convert a 16' x 12'7" (203sqft.) screen room to a CAT3 Sunroom on an existing concrete slab. The structure will be no taller than 8' and is currently **10.8' from the rear property line**., 7.4' from the left yard setback, and 27' from the right yard setback.

This proposal meets the six standards for variance approval as outlined below:

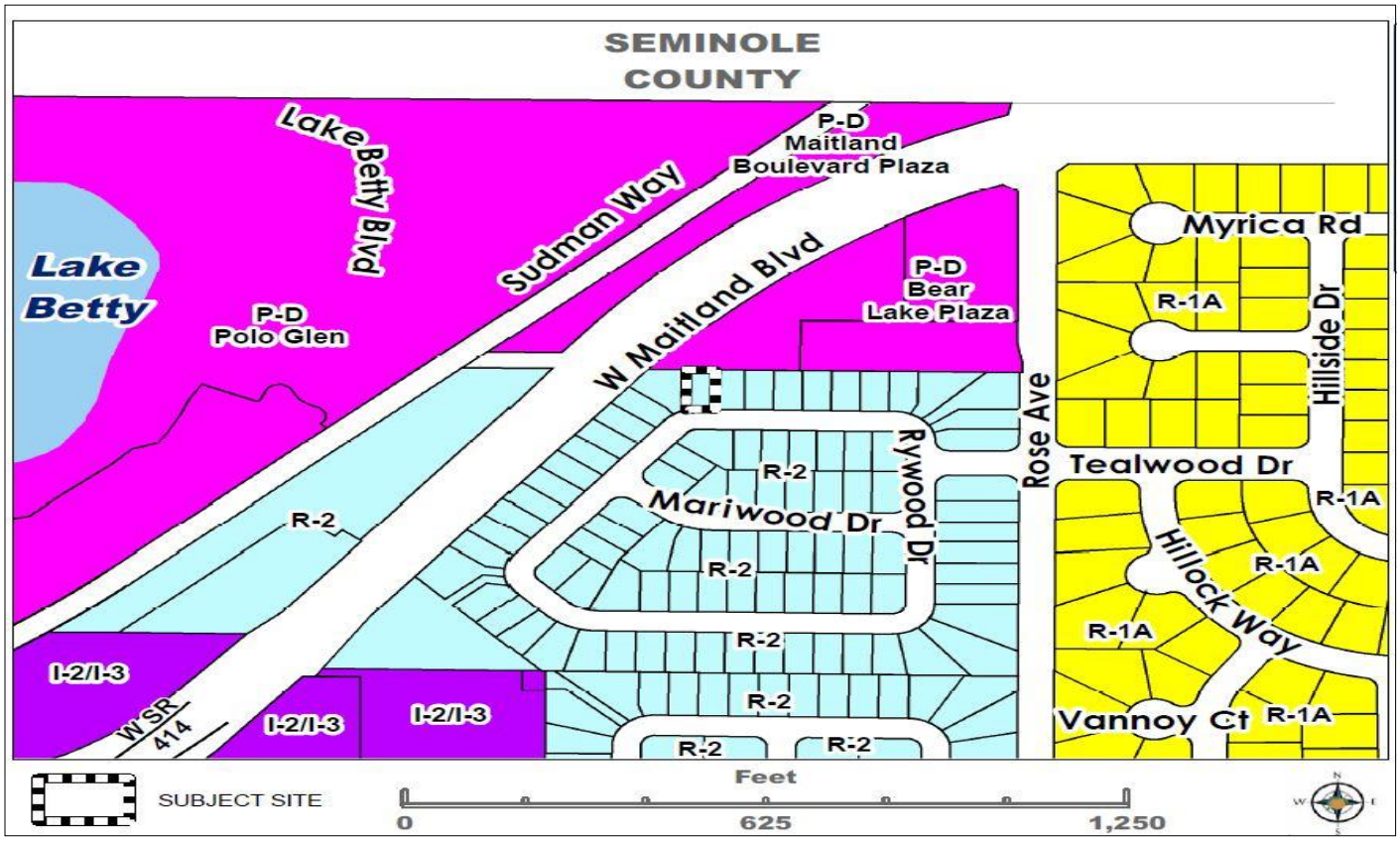
1. **Special Conditions and Circumstances** – The existing structure is in very poor disrepair and does not provide sufficient protection from the heat and outdoor elements. The homeowner wishes to rebuild the structure, but instead of screen openings, she would like to install glass windows. Although the code allows for Sunrooms, strict adherence to the setback does not
2. **Not Self-Created** – The size of the parcel and proximity of the SFR to the rear property line was not influenced or created by the homeowner.
3. **No Special Privilege Conferred** – No special privilege will be conferred by approval of this variance request.
4. **Deprivation of Rights** – The literal interpretation of the zoning code would deprive me from improving not only my property, but the enjoyment of an outdoor living space.
5. **Minimum Possible Variance** – This is the minimum variance required to build the proposed structure.
6. **Purpose and Intent** – The approval of the zoning variance would be in harmony with zoning regulations and would not be a detriment to the neighborhood, surrounding area, or public welfare.

Kind Regards,

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

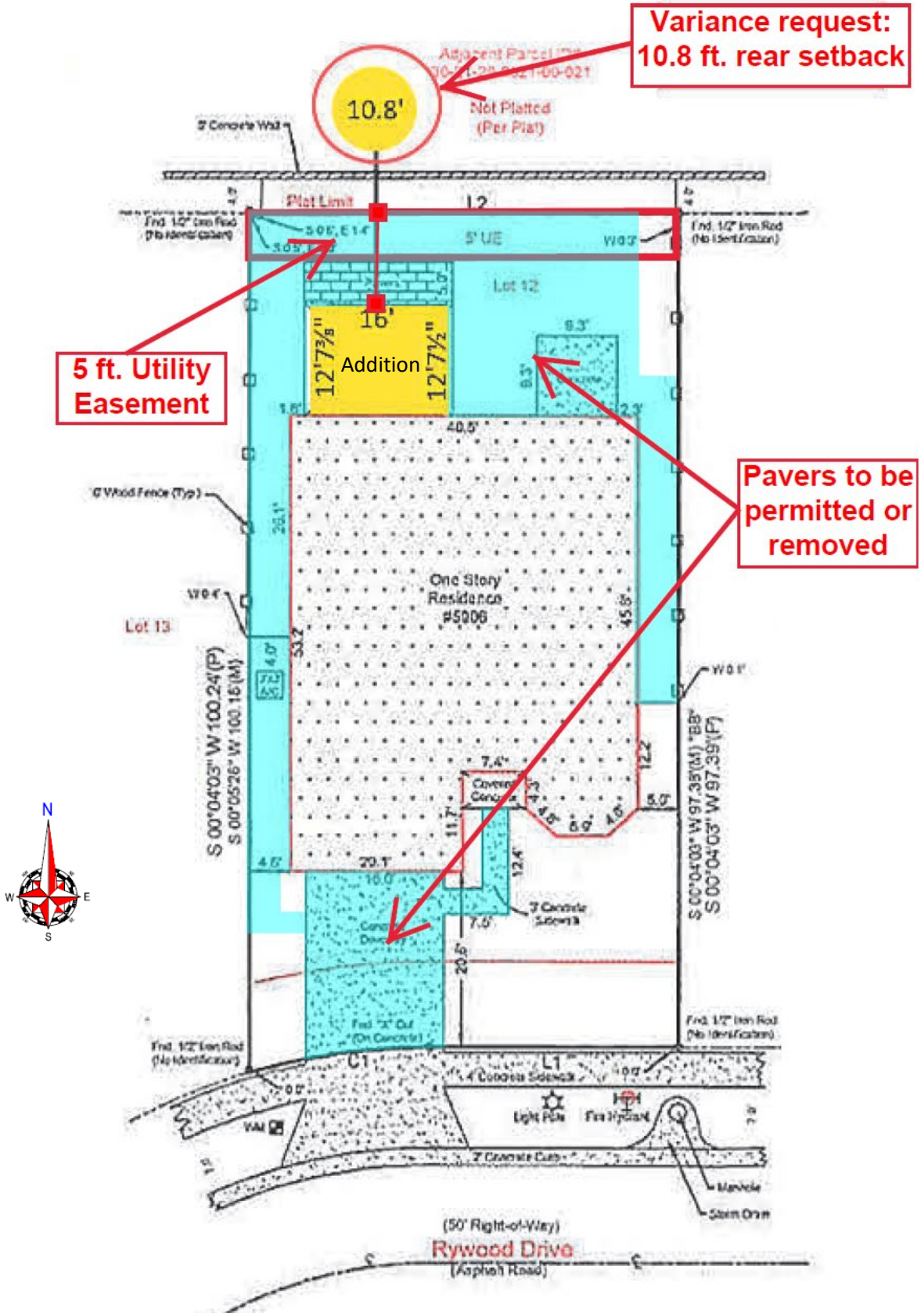
SUPERIOR
ALUMINUM INSTALLATIONS, INC.

ZONING MAP

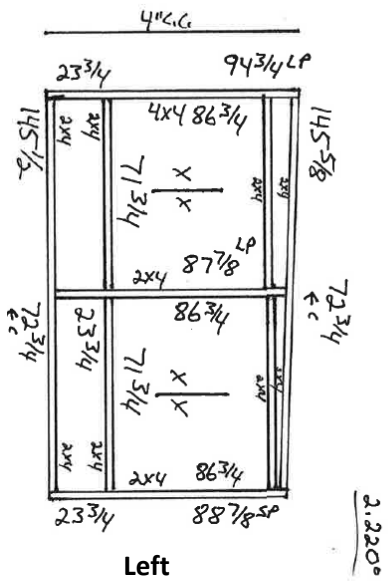


AERIAL MAP

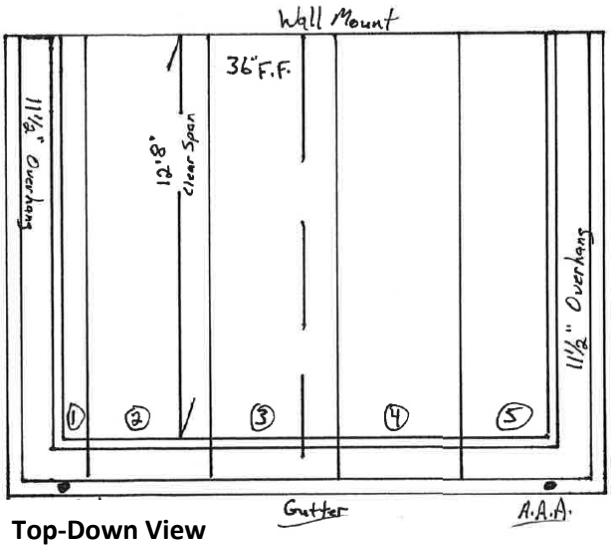
SITE PLAN


Variance request:
10.8 ft. rear setback
10.8'
Not Platted
(Per Plat)
Plat Limit
Lot 12
5' UE
16'
12'7⅜"
Addition
12'7½"
5 ft. Utility
Easement
Pavers to be
permitted or
removed
One Story
Residence
#5006
Lot 13
S 00°04'03" W 100.24'(P)
S 00°05'26" W 100.16'(M)
S 00°04'03" W 97.39'(M) "BB"
S 00°04'03" W 97.39'(P)
N
W
E
S
(50' Right-of-Way)
Rywood Drive
(Asphalt Road)

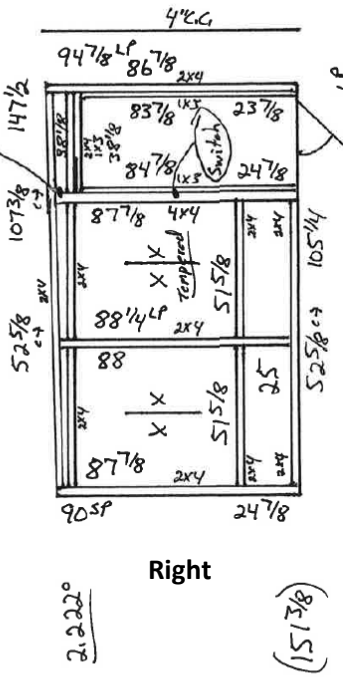
ELEVATIONS



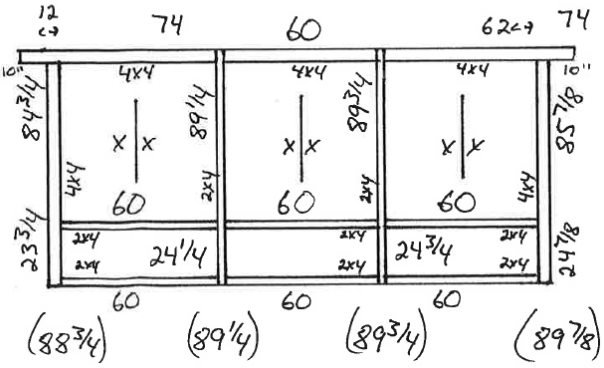
Left



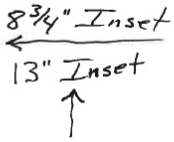
Top-Down View



Right



Rear



SITE PHOTOS

From Rywood Dr., facing north towards existing home

Rear yard, facing southeast towards the existing structure and pavers

Rear yard, facing west towards the existing structure

Rear yard, facing north towards the existing pavers

Rear yard facing south, towards pavers and rear of the residence

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**OCT 02, 2025**	Commission District:	**#5**
Case #:	**VA-25-11-056**	Case Planner:	**Catherine Glase (407) 836-9615 Catherine.Glase@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): RYAN DOUGLAS BITZER

OWNER(s): BRINKOETTER -REINHOLD JOINT TRUST

REQUEST: Variance in the R-1AA zoning district to allow residence with a south side setback of 6.8 ft. in lieu of 7.5 ft.

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

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

LOT SIZE: +/-14,285 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 86

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

1. Development shall be in accordance with the site plan date stamped September 17, 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 described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval of the Variance. Staff noted that no comments were received in favor or in opposition to the request.

The applicant was present and stated the house is complete and is owner occupied under a temporary certificate of occupancy. They went on to state that the encroachment is a small portion of the home and was missed in the previous Variance request. They also noted the construction matches the final approved site plan.

The BZA stated they agreed with staff's recommendations listed in the staff report.

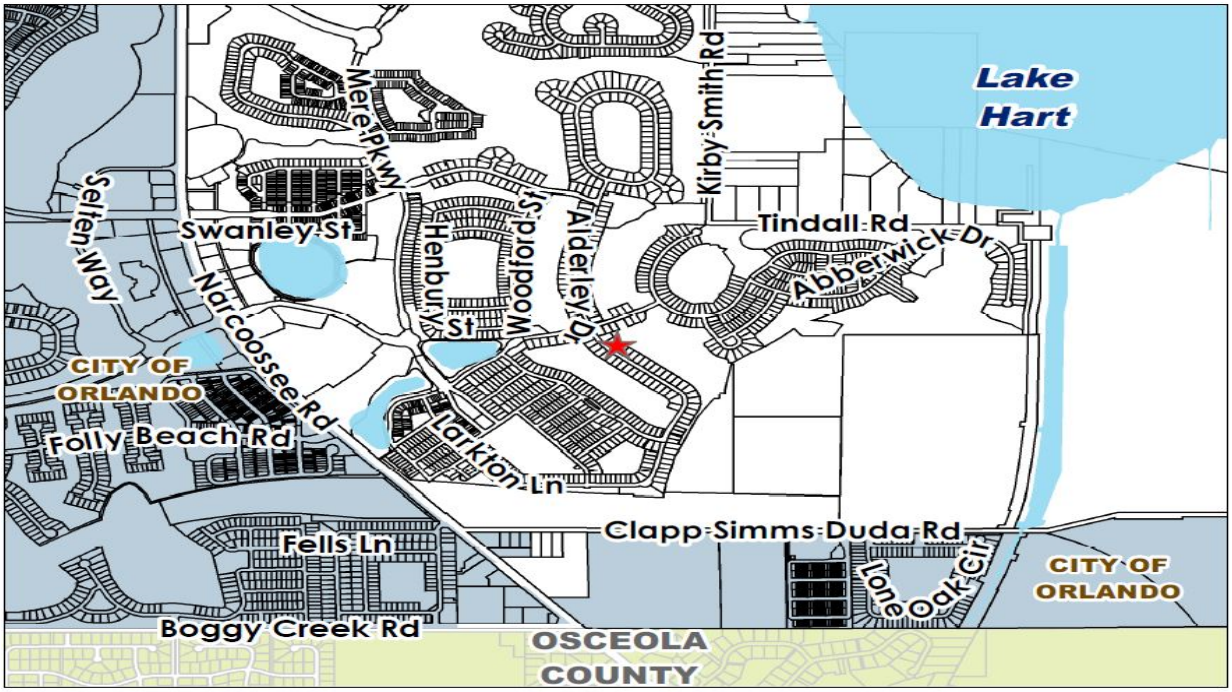
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of Variance request by a 6-0 vote, with one (1) absent, subject to the three (3) 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-1AA	City of Winter Park	R-1AA	City of Winter Park	R-1AA
Future Land Use	LDR	City of Winter Park	LDR	City of Winter Park	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Vacant	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area around the subject site consists of single-family homes. The subject property is approximately 14,285 sq. ft. in size, was platted in 1925 as lot 29 and a portion of lot 30 of the Beeman Park plat and is considered a conforming lot. The subject lot is an irregularly shaped interior lot with right-of-way along Lake Sue Dr. to the northeast. The property is being developed with a two-story 4,863 gross sq. ft. single-family home, currently under construction (B23010146).

The previous home was granted several Variances (VA-21-04-015) in 2021 related to setbacks as follows:

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

1) To allow a front setback for an existing residence of 19 ft. in lieu of 30 ft.

2) To allow a front setback for an attached garage of 7 ft. in lieu of 30 ft.

3) To allow a rear setback for an existing residence of 16 ft. in lieu of 35 ft.

4) To allow a rear setback for an existing raised deck of 4 ft. in lieu of 35 ft.

5) To allow a rear setback for a second story addition of 16 ft. in lieu of 35 ft.

6) To allow a front setback for a first and second story addition of 12 ft. in lieu of 30 ft.

7) To allow a rear setback of 24 ft. for a new raised deck in lieu of 35 ft.

Following the Variance approval, a building permit (B23010146) was issued for the improvements. During the construction phase the builder determined the existing foundation needed to be replaced in order to accommodate the construction. The entire structure was demolished, and the residence was reconstructed in accordance with the previously approved site plan. Section 38-1501 of Orange County Code requires principal structures to be setback a minimum of 7.5 ft. from the side property line in the R-1AA zoning district. A portion of the southern façade of the structure was constructed at 6.8 ft. from the south property line. The setback distance for this portion of the home was not clearly identified on the plans, and the encroachment was not granted in the original Variance application, prompting this Variance request. The issuance of the building permit is pending the outcome of this request.

Building Setbacks (Principal Structure)

	Code Requirement	Previous Variance	Proposed
Front: (Lake Sue Dr.)	35 ft.	7 ft. garage 12 ft. addition 19 ft. existing	N/A
Side:	7.5 ft.	N/A	6.8 ft. (South - Variance)
Rear:	30 ft.	16 ft. existing 16 ft. addition 4 ft. existing deck 24 ft. proposed deck	N/A

The request was routed to all relevant reviewing Divisions, and no objections were provided. This property is within Orlando Utilities Commission Water Service Area and City of Orlando Wastewater and Reclaimed

Water Service Area. 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 (6) Variance criteria are met. Staff have determined that the Variance request meets all the criteria, therefore staff is recommending approval of the Variance.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET – Special conditions and circumstances exist for the home as the structure was built in the home's former location in accordance with approved site plan. Had the plan indicated the setback distance, the owner could have addressed this in the previous Variance or during construction.

Not Self-Created

MET – The Variance request is not self-created as the home was constructed in accordance with an approved site plan.

No Special Privilege Conferred

MET – Granting the Variance as requested would not confer special privilege as the request is to recognize the portion of the home as constructed.

Deprivation of Rights

MET – Not approving the location of the existing home would deprive the applicant the right to keep their existing structure.

Minimum Possible Variance

MET – The request is the minimum possible as the home was constructed in accordance with the site plan and the Variance would allow the owner to keep the structure in its current 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 minimizing the impact that structures have on surrounding properties. The property is landscaped minimizing any quantifiable negative impacts the structure may have on the surrounding properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped September 17, 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: Ryan Bitzer
4150 St. Johns Pkwy., Unit 1000
Sanford, FL 32771

Terry Brinkoetter
2427 Lake Sue Dr.
Orlando, FL 32803

TURNING LEAF CUSTOM HOMES

September 3rd, 2025

Orange County Zoning Division
201 S Rosalind Ave.
Orlando, FL 32801

RE: Variance Request – (VA-25-11-056)
2427 Lake Sue Dr. Orlando, FL 32803
Parcel ID # - 18-22-30-0568-00-290

To whom it may concern:

We are requesting a side setback variance of 6'8" in lieu of 7'6" for the project located at 2427 Lake Sue Dr. Orlando , FL 32803. This lot has an irregular shape making the lot unbuildable by today's zoning regulations. On June 9th, 2021 a variance was approved (VA-21-04-015) that included (7) different variances for front and rear setbacks. This approval was based off the existing home footprint with some additions to the existing footprint of the home, as well as adding a 2nd story. During this process, the side setback at the front corner of the garage of 6'8" was missed, this request should have been included in the previous variance application. A very small portion of the garage is encroaching on the 7'6" side setback, not the entirety of the home. A site plan was approved for permit B23010146, the house was constructed in the exact approved location, but once again, the encroachment of the side setback was missed by all parties. The house is now completed; the encroachment was realized on the final as built survey when submitted to Orange County Building and Zoning Department in order to obtain a Certificate of Occupancy.

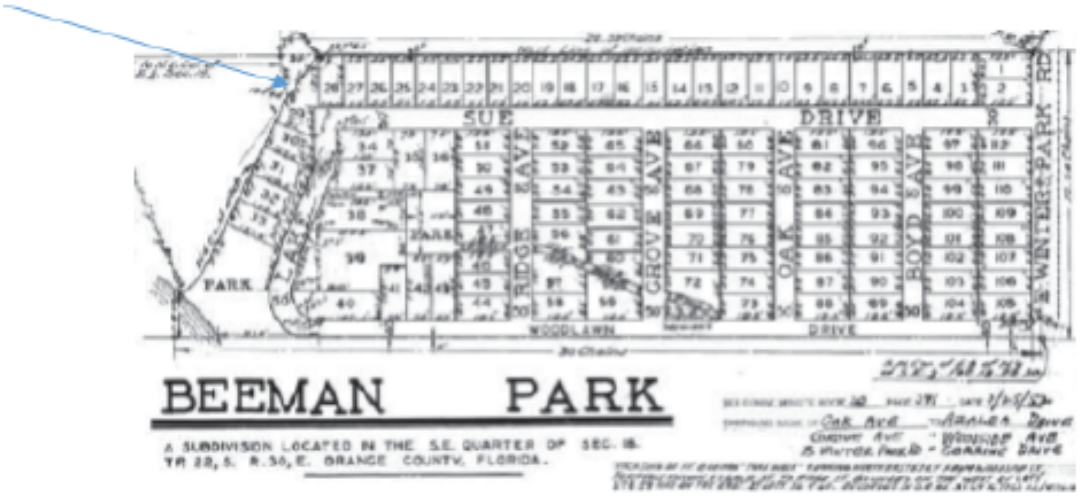
Variance Criteria –

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

CGC 1535218 4150 St. Johns Parkway, #1000 Sanford, FL 32771 p.407.792.4531

1.-Special Conditions and Circumstances – Special conditions and circumstances exist which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures or buildings in the same zoning district.

Response: As submitted and approved in the previous variance request, the configuration of the property is unlike any other lot in the Beeman Park Plat, it is irregular in shape, with a significant narrow pinch point in the center of the lot.



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

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

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

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

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

Response: The Property owners are merely asking for the same right as other property owners in the zoning district to construct modest improvements to their home in keeping with current home styles and consistent with other homes in their neighborhood. The current lot configuration and required setbacks made the lot unusable without the previously approved variances. The current variance request is in addition to the previously approved variance as a side setback was missed.

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

Response: The property owners are only asking for a Variance consistent with the approved home location in the previous variance (VA-21-01-015).

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

Response: The requested Variance will not impact the neighboring property owners, as no additional encroachment is requested above that which exists today.

Attachments:

- EX A - Approved Site Plan (Permit #B23010146)
- EX B - Approved Permit Set (Permit #B23010146)
- EX C - AS Built Final Survey
- EX D - Initial Variance Application for (VA-21-01-015)
- EX F - Previously Approved Variance (VA-21-01-015)

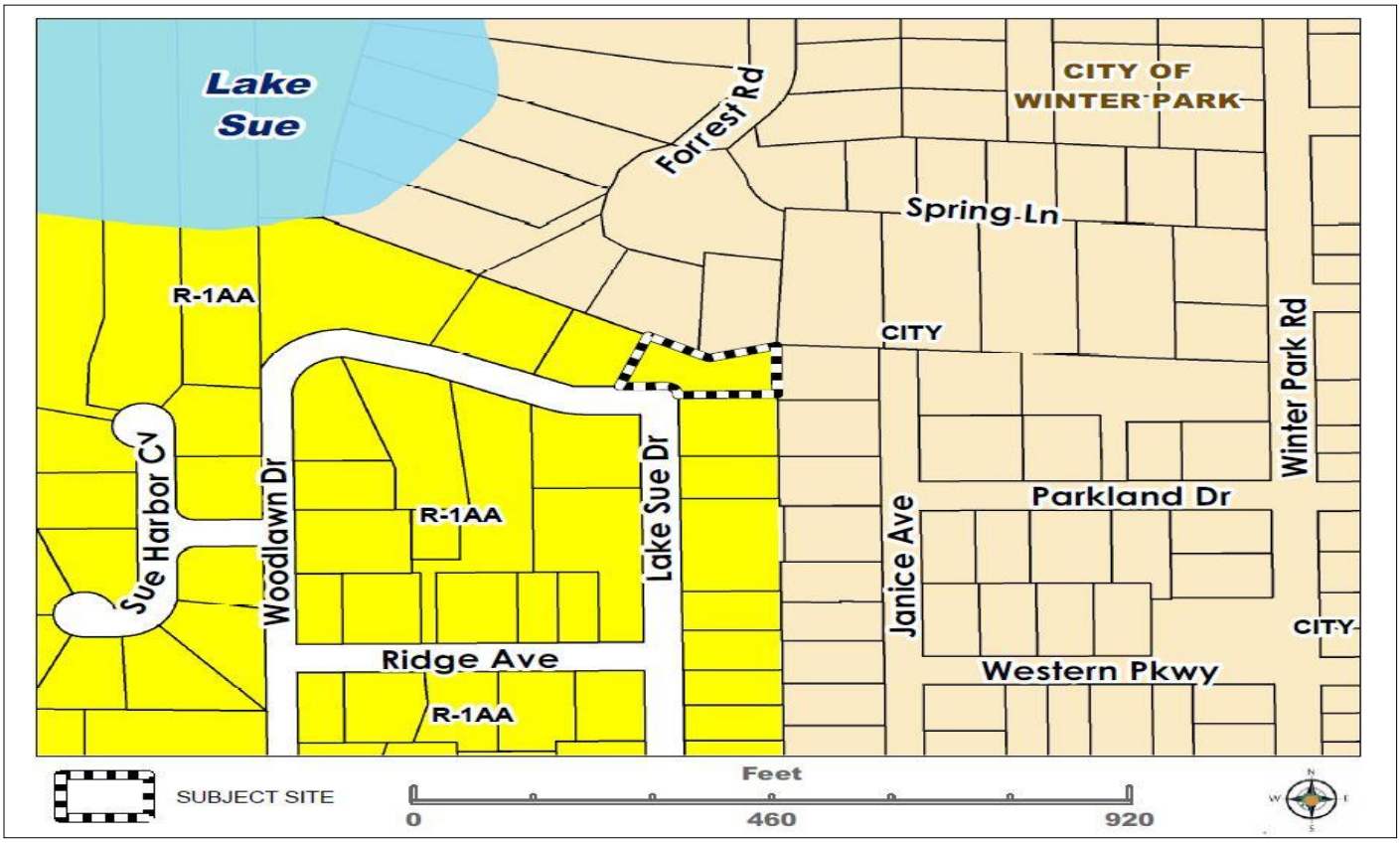
Sincerely,

Ryan Bitzer

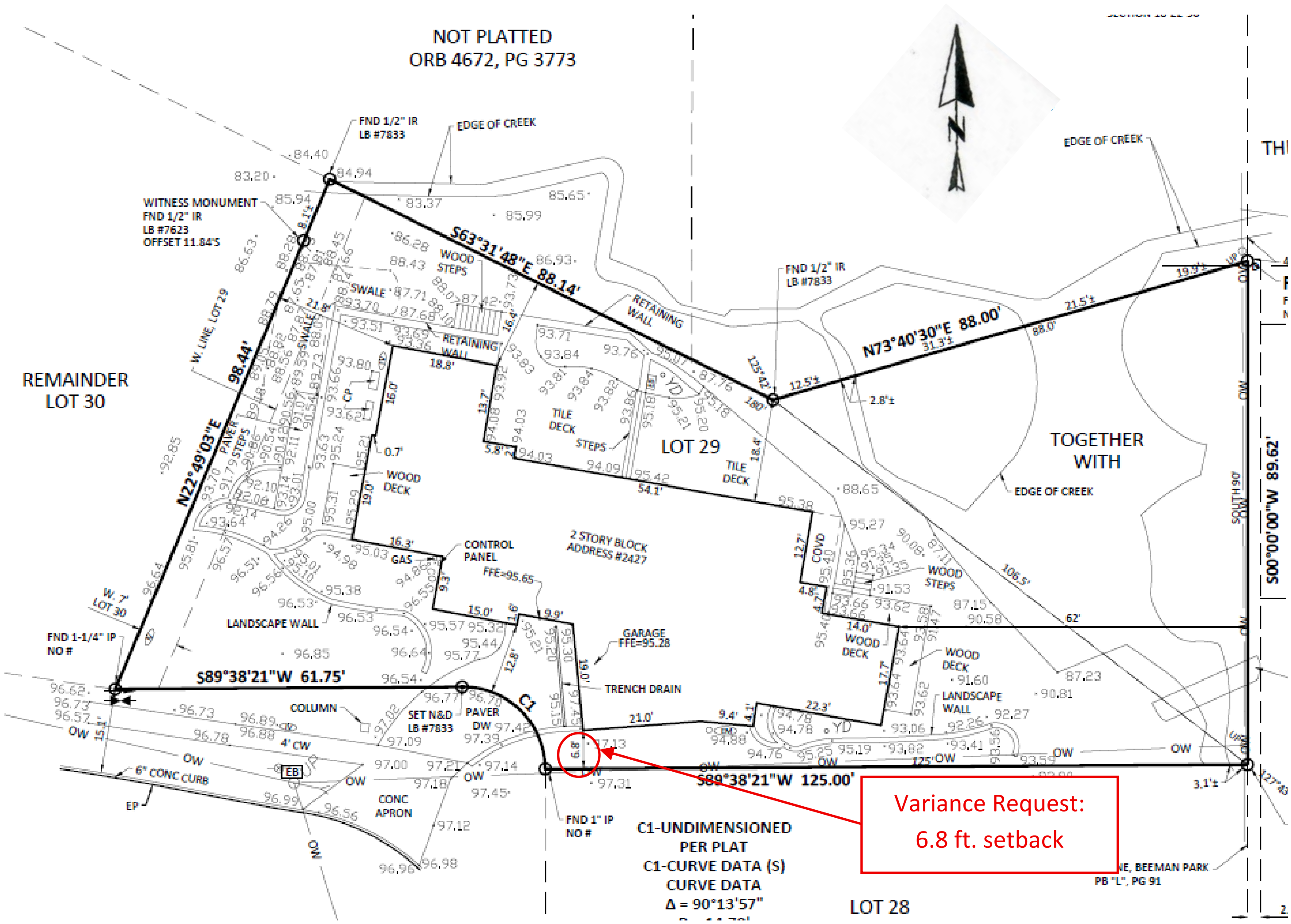
Digitally signed by Ryan Bitzer
DN: C=US, E=ryan@turningleafco.com, O=Turning Leaf Construction, CN=Ryan Bitzer
Date: 2025.09.03 12:17:01-04'00'

Ryan Bitzer (President)

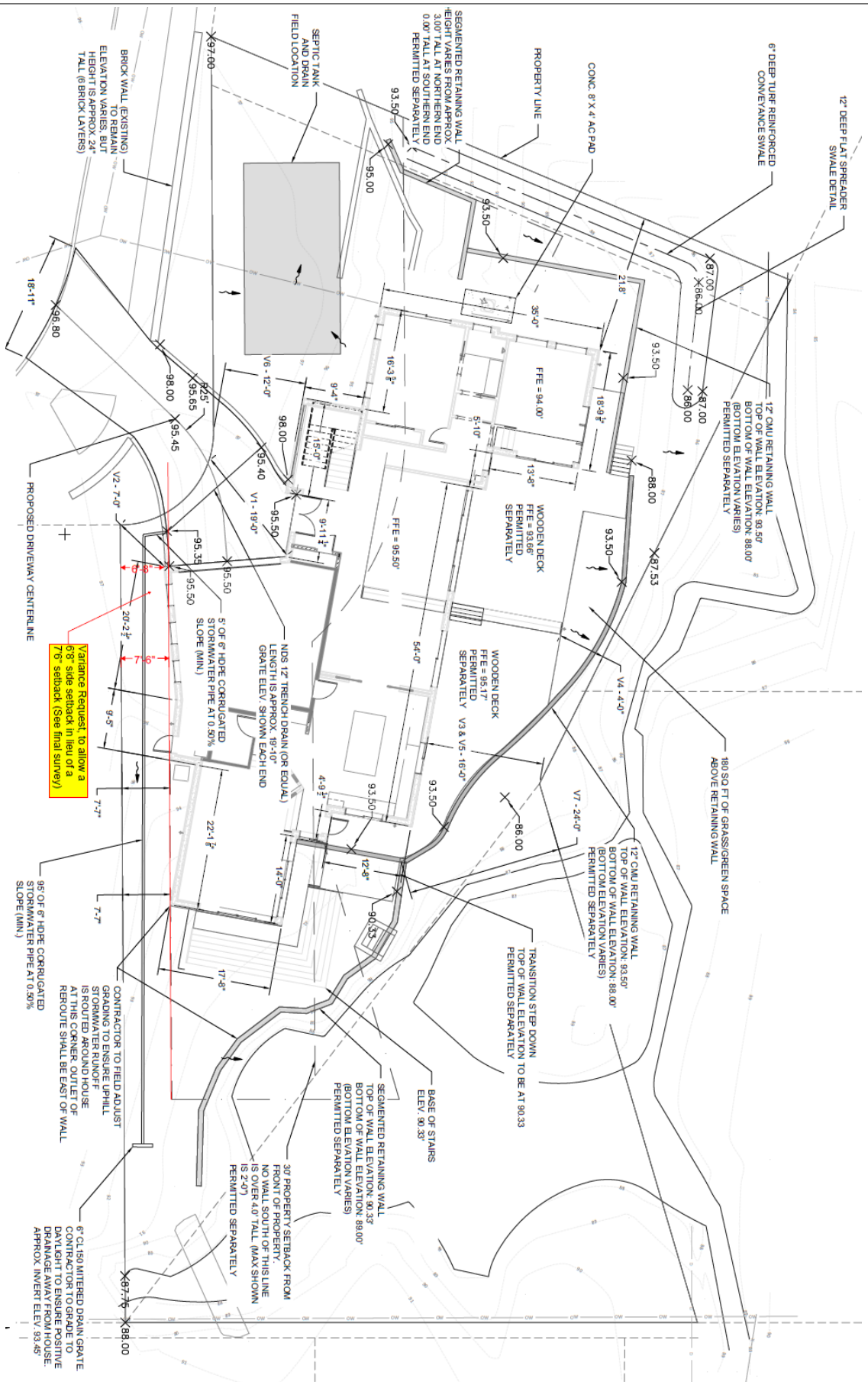
ZONING MAP



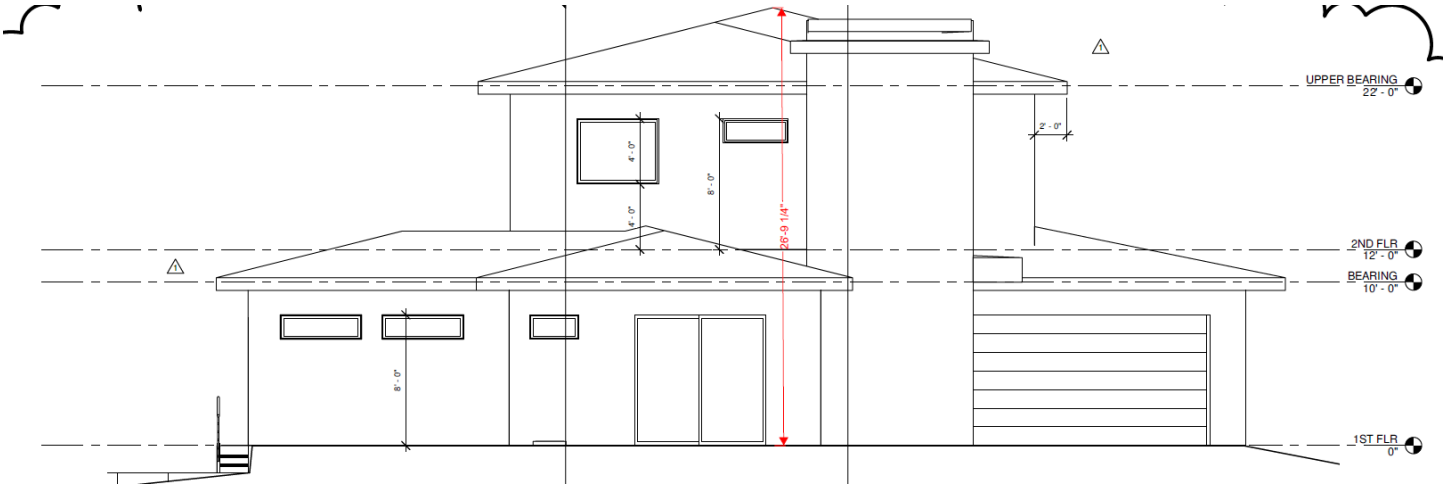
AERIAL MAP


NOT PLATTED
ORB 4672, PG 3773
REMAINDER
LOT 30
LOT 29
TOGETHER
WITH
LOT 28
S63°31'48"E 88.14'
N73°40'30"E 88.00'
N22°49'03"E 98.44'
S89°38'21"W 61.75'
S89°38'21"W 125.00'
S00°00'00"W 89.62'
2 STORY BLOCK
ADDRESS #2427
EDGE OF CREEK
WITNESS MONUMENT
FND 1/2" IR
LB #7623
OFFSET 11.84'S
FND 1/2" IR
LB #7833
FND 1-1/4" IP
NO #
FND 1" IP
NO #
SET N&D
LB #7833
RETAINING WALL
LANDSCAPE WALL
WOOD DECK
TILE DECK
WOOD STEPS
CONTROL PANEL
FFE=95.65
GARAGE
FFE=95.28
TRENCH DRAIN
COLUMN
PAVER DW
4' CW
6" CONC CURB
CONC APRON
C1-UNDIMENSIONED
PER PLAT
C1-CURVE DATA (S)
CURVE DATA
Δ = 90°13'57"
Variance Request:
6.8 ft. setback

SITE PLAN


12" DEEP FLAT SPREADER SWALE DETAIL
6" DEEP TURF REINFORCED CONVEYANCE SWALE
12" CMU RETAINING WALL TOP OF WALL ELEVATION: 93.50' BOTTOM OF WALL ELEVATION: 88.00' (BOTTOM ELEVATION VARIES) PERMITTED SEPARATELY
180 SQ FT OF GRASS/GREEN SPACE ABOVE RETAINING WALL
PROPERTY LINE
CONC. 6' X 4' AC PAD
SEGMENTED RETAINING WALL HEIGHT VARIES FROM APPROX. 3.00' TALL AT NORTHERN END TO 0.00' TALL AT SOUTHERN END PERMITTED SEPARATELY
SEPTIC TANK AND DRAIN FIELD LOCATION
BRICK WALL (EXISTING) TO REMAIN ELEVATION VARIES, BUT HEIGHT IS APPROX. 24" TALL (6 BRICK LAYERS)
PROPOSED DRIVEWAY CENTERLINE
WOODEN DECK FFE = 93.66' PERMITTED SEPARATELY
WOODEN DECK FFE = 95.17' PERMITTED SEPARATELY
V3 & V5 - 16'-0"
V4 - 4'-0"
V7 - 24'-0"
V6 - 12'-0"
V2 - 7'-0"
V1 - 19'-0"
FFE = 94.00'
FFE = 95.50'
TRANSITION STEP DOWN TOP OF WALL ELEVATION TO BE AT 90.33 PERMITTED SEPARATELY
12" CMU RETAINING WALL TOP OF WALL ELEVATION: 93.50' BOTTOM OF WALL ELEVATION: 88.00' (BOTTOM ELEVATION VARIES) PERMITTED SEPARATELY
Variance Request, to allow a 6'8" side setback in lieu of a 7'6" setback (See final survey)
6'-8"
7'-6"
5' OF 6" HDPE CORRUGATED STORMWATER PIPE AT 0.50% SLOPE (MIN.)
NDS 12" TRENCH DRAIN (OR EQUAL) LENGTH IS APPROX. 19'-10" GRATE ELEV. SHOWN EACH END
95' OF 6" HDPE CORRUGATED STORMWATER PIPE AT 0.50% SLOPE (MIN.)
CONTRACTOR TO FIELD ADJUST GRADING TO ENSURE UPHILL STORMWATER RUNOFF IS ROUTED AROUND HOUSE AT THIS CORNER. OUTLET OF REROUTE SHALL BE EAST OF WALL
BASE OF STAIRS ELEV. 90.33'
SEGMENTED RETAINING WALL TOP OF WALL ELEVATION: 90.33' BOTTOM OF WALL ELEVATION: 89.00' (BOTTOM ELEVATION VARIES) PERMITTED SEPARATELY
30' PROPERTY SETBACK FROM FRONT OF PROPERTY. NO WALL SOUTH OF THIS LINE IS OVER 4.0' TALL (MAX SHOWN IS 2'-0") PERMITTED SEPARATELY
6" CL150 MITERED DRAIN GRATE CONTRACTOR TO GRADE TO DAYLIGHT TO ENSURE POSITIVE DRAINAGE AWAY FROM HOUSE. APPROX. INVERT ELEV. 93.45'

ELEVATION PLAN



West Elevation

South Elevation

SITE PHOTOS

Facing north towards front of subject property

facing northeast towards the garage and Variance request

SITE PHOTOS

Facing east towards the garage and Variance request

Facing west towards the Variance request

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**OCT 02, 2025**	Commission District:	**#2**
Case #:	**VA-25-10-047**	Case Planner:	**Laekin O'Hara (407) 836-5943 Laekin.O'Hara@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): LUIS HONORATO

OWNER(s): KOOHI MOEINZADEH FAMILY TRUST

REQUEST: Variances in the C-1 zoning district to allow a dumpster as follows:
1) To be located in the front yard
2) To allow a 0 ft. front yard setback in lieu of 25 ft.

PROPERTY LOCATION: 1346 E. Semoran Blvd., Apopka, FL 32703, southwest corner of E. Semoran Blvd. and Roger Williams Rd., north of N. Orange Blossom Trl., west of Piedmont Wekiwa Rd., east of S. Sheeler Ave.

PARCEL ID: 11-21-28-0000-00-176

LOT SIZE: +/- 0.41 acres (+/- 17,912 sq. ft.)

NOTICE AREA: 1,000 ft.

NUMBER OF NOTICES: 136

DECISION: Recommended to **CONTINUE** the case to the December 4, 2025, BZA Meeting (Motion by John Drago, Second by Juan Velez; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed: 1 absent: Thomas Moses).

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

The applicant was present, and was available for questions.

The BZA indicated that the proposed location for the dumpster was not ideal, citing both aesthetic concerns related to its visibility from the busy highway and logistical challenges associated with garbage truck access.

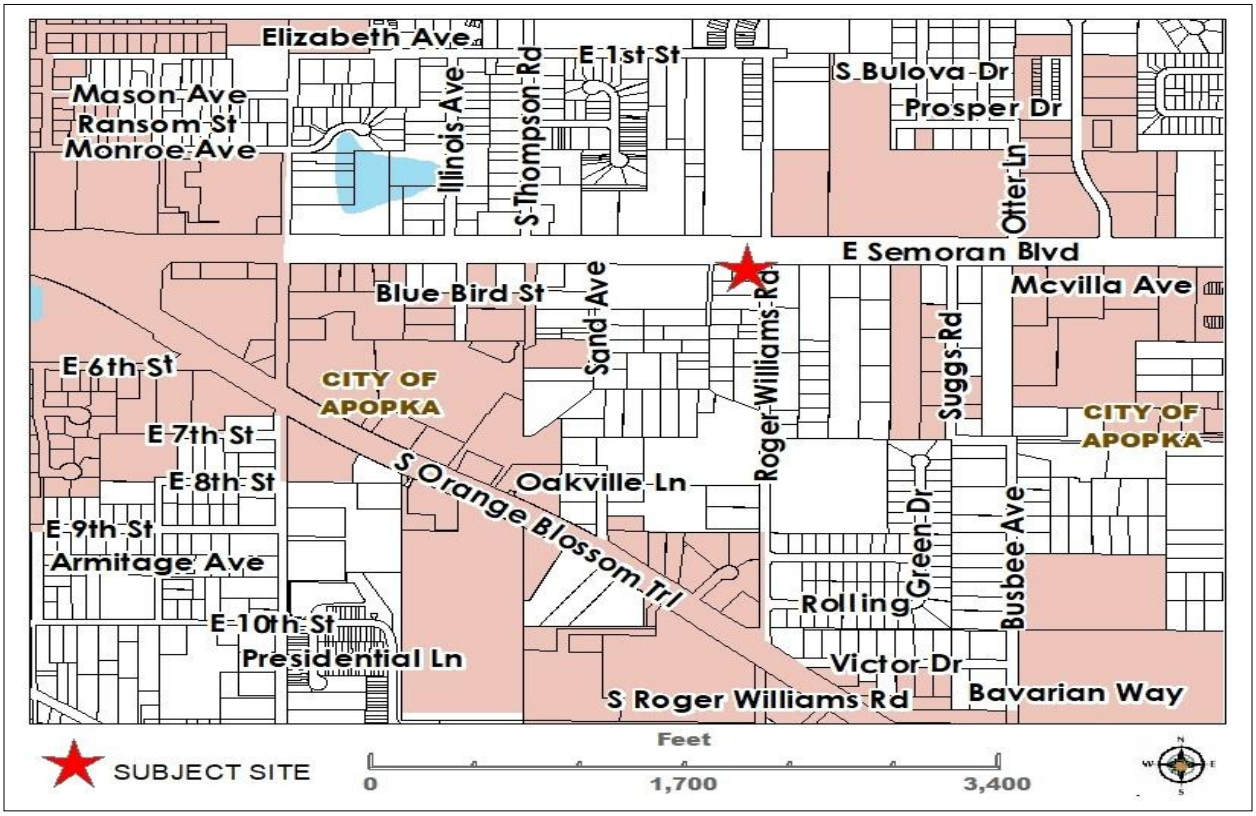
There was no one in attendance to speak in favor or in opposition to the request.

Following a discussion regarding potential alternative locations for the dumpster, the applicant expressed concerns about the feasibility of relocating it but ultimately requested a continuance to explore possible solutions. As a result, the matter was continued to the December 4, 2025, BZA meeting, to allow additional time for further evaluation and potential revisions.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-1	C-3	Restricted C-2	C-1	C-2
Future Land Use	C	C	C	C	C
Current Use	Commercial	Storage	Vacant	Office/ Commercial	Auto Repair

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the C-1, Retail Commercial District zoning district, which allows for restaurants, retail stores, offices, and various other commercial businesses. The Future Land Use is Commercial (C), which is consistent with the C-1 zoning district.

The area around the subject site consists of a variety of different commercial businesses and some residential homes to the south. The subject property is a 0.41 acre unplatted parcel of land and is a conforming lot. It is located on the corner of E. Semoran Boulevard and Roger Williams Road, with the frontage considered to be E. Semoran Boulevard due to the right-of-way having the heaviest flow of traffic and the side street is Roger Williams Road. The current owner purchased the property in 2019.

The property is developed with a 4,030 gross sq. ft. commercial building, constructed in 1974. The site contains a Mexican food store, a food truck, and a 14-space parking lot. In August 2024, a Special Exception

(SE-24-08-063) was granted by the BZA to allow a food truck to operate on the site, subject to eleven (11) Conditions of Approval (COA). Special Exception COA #4 was related to the existing dumpster being brought into compliance or removed prior to the issuance of a use permit for the food truck. A commercial alteration permit (B25902377) was required in lieu of a use permit which was submitted on April 30, 2025, and received a Certificate of Completion on August 25, 2025. The dumpster was removed from the property during the permitting process and was not replaced to comply with COA #4.

The proposal is to locate a dumpster at the northeastern corner of the property, with a 0 ft. north setback. County Code Section 38-830(2) lists requirements for refuse or solid waste areas in the C-1 zoning district, including that it shall not be located within the front yard. The proposed location of the dumpster enclosure is located within the front yard and front yard setback, requiring Variances #1 and #2.

Dumpster Enclosure Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front: E. Semoran Blvd.	Not be located within any front yard	Located in the front yard (Variance #1) 0 ft. front yard setback (Variance #2)
Rear:	5 ft.	+/- 281 ft.
Side Street: Roger Williams Rd.	15 ft.	+/- 109 ft.
Side (east):	5 ft.	26 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 (6) Variance criteria are met. The request does not any of the criteria. The minimum parking required for the store and food truck is 10 parking spaces. The parking lot has 4 excess parking stalls, located more internally to the site, that could accommodate a dumpster enclosure. Therefore, staff is recommending denial.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET – There are no special conditions or circumstances peculiar to this property, and a dumpster could be located in a code compliant location.

Not Self-Created

NOT MET - The need for the Variance is self-created, as the applicant could locate the dumpster in a code compliant location.

No Special Privilege Conferred

NOT MET – Approval of the Variances would confer a special privilege not enjoyed by other properties in the district, as dumpster location and setbacks apply to all commercial properties.

Deprivation of Rights

NOT MET - Denial of the Variances would not deprive the owner of reasonable use of the property as a dumpster could be located in a code compliant location.

Minimum Possible Variance

NOT MET - The request is not the minimum possible because the dumpster could be located in a code compliant location.

Purpose and Intent

NOT MET - Approval of the requested Variances would not be in harmony with the purpose and intent of the Zoning Regulations as the site requirements for refuse or solid waste areas are intended to maintain and enhance community appearance.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated August 12, 2024, as modified to comply with Chapter 24 landscaping requirements for dumpster enclosures, 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. Development shall comply with Chapter 24 (Landscaping, Buffering, and Open Space). In the event there is a conflict between Chapter 24 and the site plan, the provisions for Chapter 24 shall prevail.

C: Luis Honorato
1346 E. Semoran Boulevard
Apopka, Florida 327

SUAREZ
LAW GROUP, P.A.

517 West Colonial Drive • Orlando, FL 32804 • Phone: 407.841.7373 Fax: 407.841.7181 • www.anthonysuarezlaw.com

July 17, 2025

To: *Orange County Zoning Division*
Planning, Environmental, and Development
Services Department
201 S. Rosalind Ave., 1st Floor
Orlando, FL 32801
From: Luis Honorato, Tenant / Mexican Food Enterprises LLC (Taco Fiesta Food Truck)
Subject: Special Exception Request for Dumpster Enclosure
Parcel ID: 11-21-28-000000-176
Property Address: 1346 E. Semoran Blvd., Apopka, FL 32703
Property Owner: Koohi Moeinzadeh Family Trust

Dear Zoning Division,

I represent **Mr. Luis Honorato**, tenant and operator of **Mexican Food Enterprises LLC / Taco Fiesta Food Truck**, located at **1346 E. Semoran Blvd., Apopka, Florida**. This letter accompanies a **Variance request** submitted on behalf of my client to allow the continued use of a dumpster on the property and to bring it into compliance with the County code through the construction of a **masonry enclosure**.

Purpose of the Request
The subject property, currently zoned for commercial use, includes both a **supermarket** and Mr. Honorato's **licensed food truck** operation. A dumpster has existed on the property for several years to serve these uses. However, pursuant to Special Exception approval **SE 24-08-063**, specifically **Item #4**, Orange County has required that the dumpster either be made code-compliant or removed prior to issuance of a food truck permit. The dumpster has been removed today.

Given existing site conditions, the only feasible location for the dumpster is within the front yard. This request is to **permit a code-compliant masonry enclosure** in that location, with an estimated height of 6 feet and approximate size of 12'-4" x 13'-4". This minimal addition will allow compliance with County sanitation and zoning requirements without altering existing business operations or land use.

SUAREZ
LAW GROUP, P.A.

517 West Colonial Drive • Orlando, FL 32804 • Phone: 407.841.7373 Fax: 407.841.7181 • www.anthonysuarezlaw.com

Variance Criteria – Orange County Code Section 30-43

1. **Special Conditions and Circumstances.**
   The dumpster enclosure supports continued commercial use of the property in a clean, safe, and sanitary manner. This is consistent with the Comprehensive Policy Plan goals for maintaining the quality of commercial corridors and supporting local business operations through proper waste management.
2. **No Self-Created.**
   Special conditions and circumstances exist due to the nature of the property, which includes a supermarket and a food truck. The proposed front yard location for the dumpster is the only viable option for sanitary and operational reasons, and not the result of actions by the applicant.
3. **No Special Privilege Conferred.**
   The dumpster has existed on the property for years without issue, but has been removed as requested by Zoning Department. The request for a Variance simply brings the site into compliance due to recent permit activity and does not confer any special privileges not available to others in the same zoning district.
4. **Deprivation of Rights.**
   A literal interpretation of the code would prevent the tenants from enclosing a necessary existing dumpster, as required by the County. The request is only to allow compliance with the current code and does not seek to bypass any development restrictions or gain unfair advantage.
5. **Minimum Possible Variance.**
   Yes, the requested Variance is the minimum necessary to allow construction of a code-compliant dumpster enclosure and ensure continued sanity use of the property.
6. **Purpose and Intent.**
   Yes, the proposed enclosure will improve compliance with zoning regulations, enhance public health and cleanliness, and will not negatively impact the neighborhood or public welfare.

SUAREZ
LAW GROUP, P.A.

517 West Colonial Drive • Orlando, FL 32804 • Phone: 407.841.7373 Fax: 407.841.7181 • www.anthonysuarezlaw.com

Conclusion

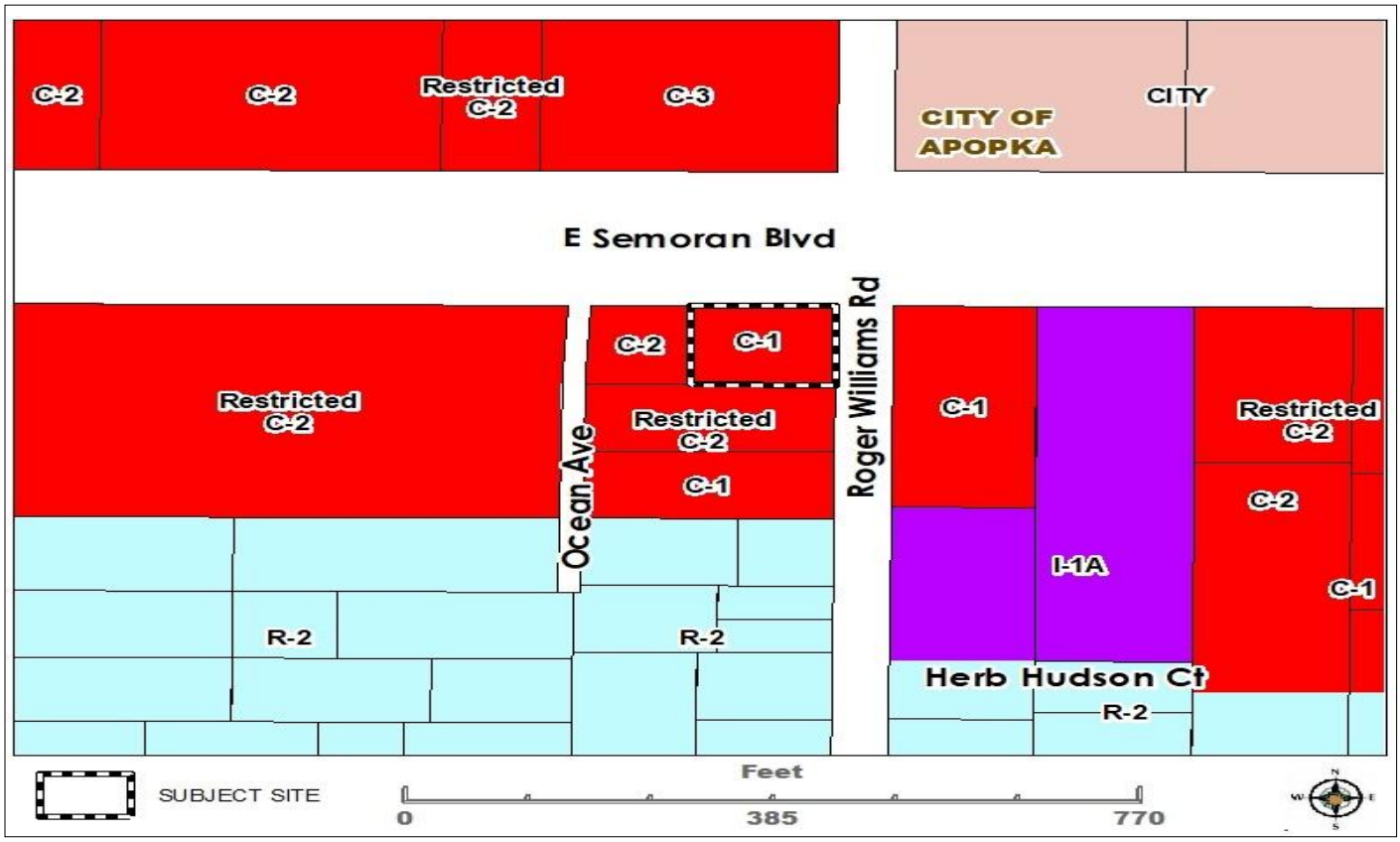
This request does not seek to create a new use, intensify existing uses, or grant any special privilege beyond compliance. It merely aims to **bring the dumpster into code compliance** in response to County direction. The variance requested is minimal, necessary, and consistent with the intent of zoning regulations.

We respectfully request that this Variance be approved so that Mr. Honorato may comply with all applicable conditions and continue operating his food truck business responsibly.

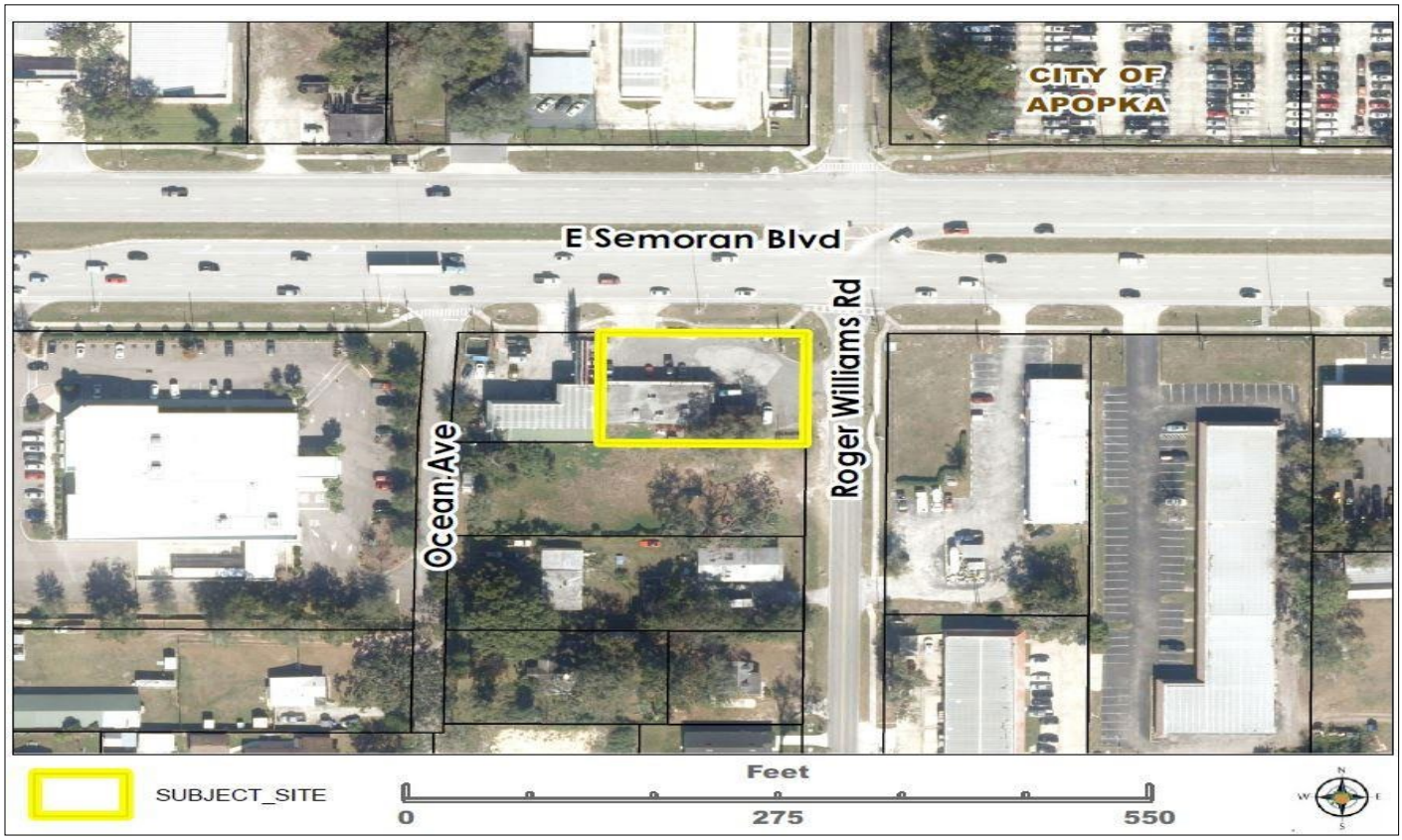
I will appreciate all the help you can provide with this matter to our client Mr. Luis Honorato, accepting his application for Special exception.

/s/ Anthony Suarez
Owner / President
Working Assets
517 W. Colonial Drive
Orlando, Florida 32804

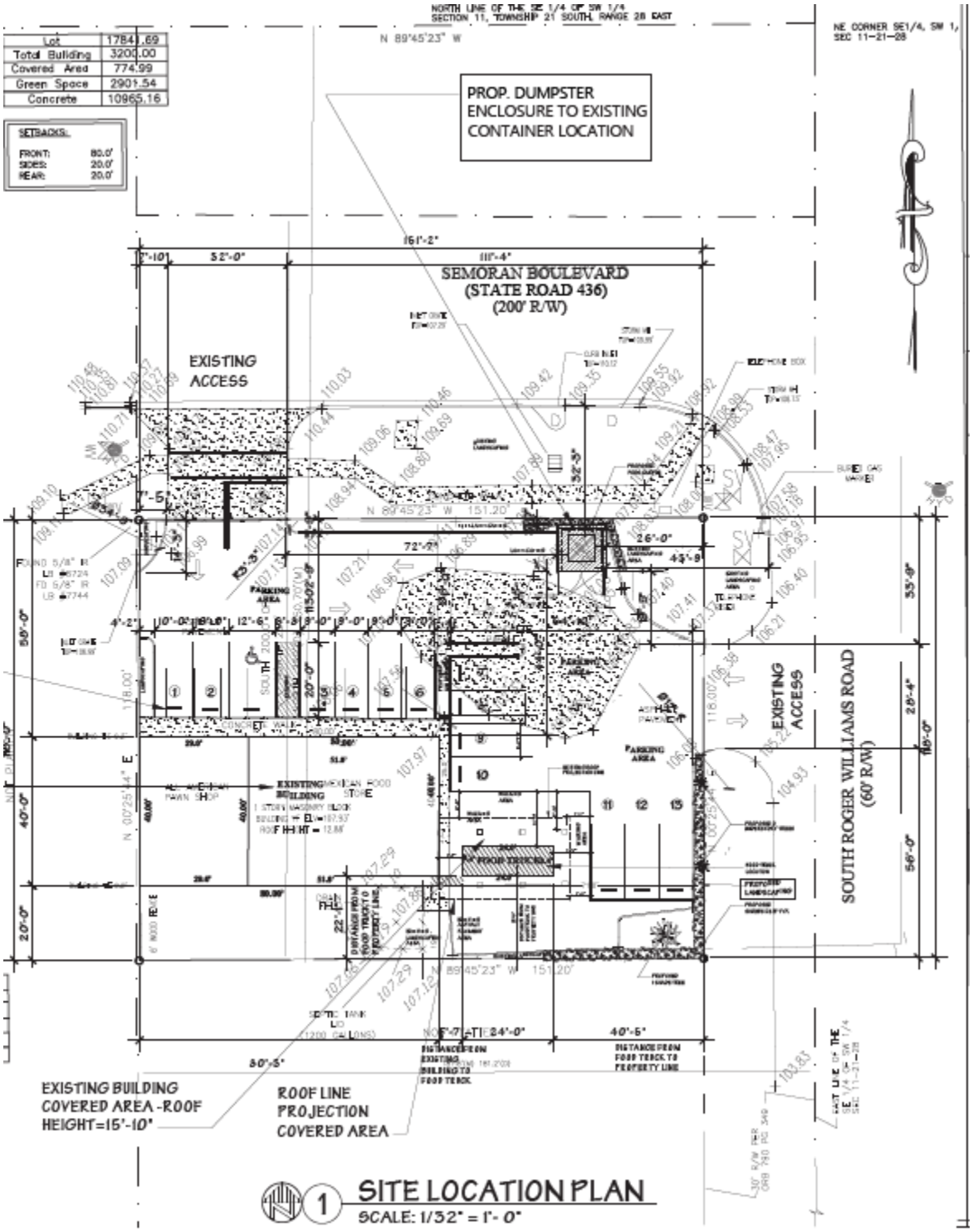
ZONING MAP

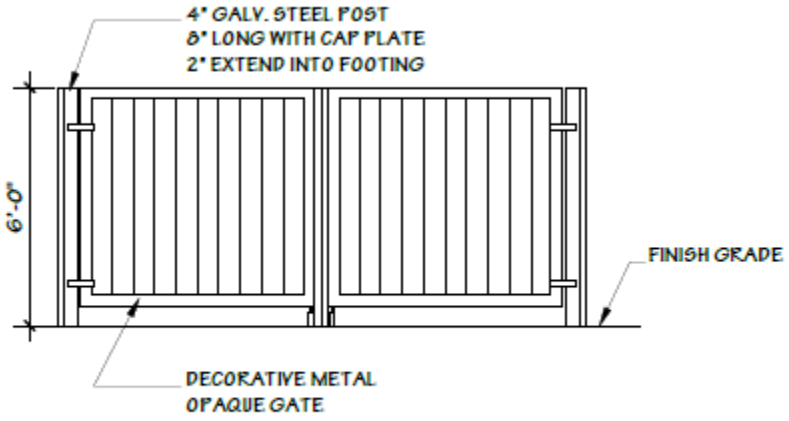


AERIAL MAP

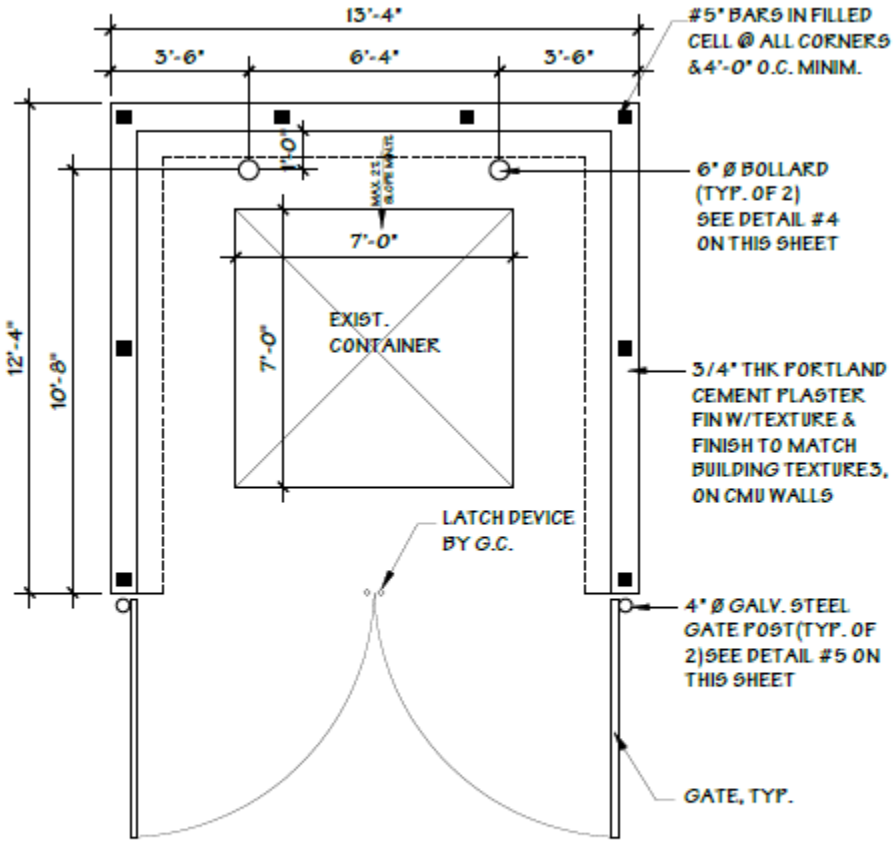


SITE PLAN


Lot 17841.69
Total Building 3200.00
Covered Area 774.99
Green Space 2901.54
Concrete 10965.16
SETBACKS:
FRONT: 80.0'
SIDES: 20.0'
REAR: 20.0'
PROP. DUMPSTER ENCLOSURE TO EXISTING CONTAINER LOCATION
SEMORAN BOULEVARD (STATE ROAD 436) (200' R/W)
EXISTING ACCESS
EXISTING ACCESS
SOUTH ROGER WILLIAMS ROAD (60' R/W)
EXISTING BUILDING COVERED AREA -ROOF HEIGHT=15'-10"
ROOF LINE PROJECTION COVERED AREA
1 SITE LOCATION PLAN
SCALE: 1/32" = 1'- 0"



1 DUMPSTER ENCLOSURE ELEVATION
SCALE: 1/4" = 1'- 0"



2 DUMPSTER ENCLOSURE PLAN
SCALE: 1/4" = 1'- 0"

SITE PHOTOS

Facing east towards front of subject tenant space

Facing northeast towards subject tenant space

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**OCT 02, 2025**	Commission District:	**#2**
Case #:	**SE-25-11-051**	Case Planner:	**Laekin O'Hara (407) 836-5943** **Laekin.O'Hara@ocfl.net**

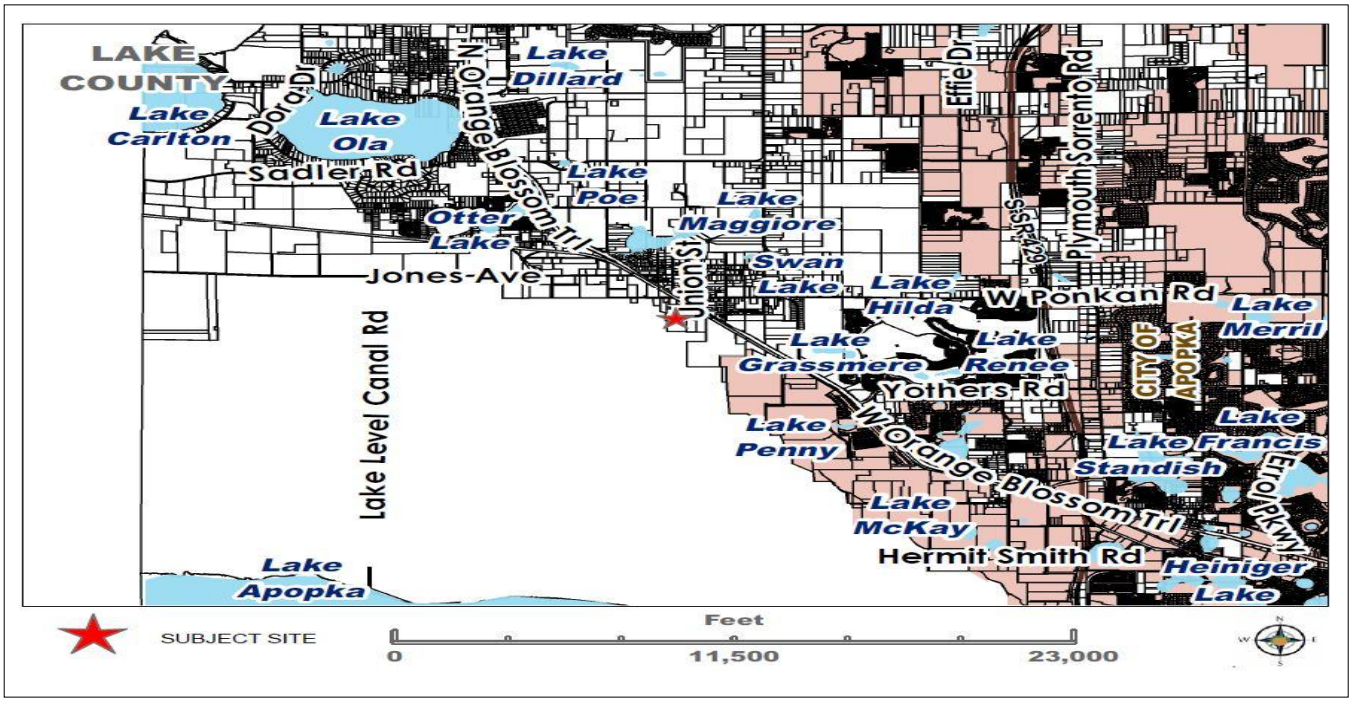
GENERAL INFORMATION

APPLICANT(s):	BRIAN HERCULES FOR HOLLINGSHEAD MATERIALS LLC
OWNER(s):	BGD ZELLWOOD LLC
REQUEST:	Special Exception and Variance in the A-1 zoning district: 1) To allow Concrete Ready mix plant 2) Variance to allow operations to be located 912 ft. from the nearest property line of a residential zoning district in lieu of 1,000 ft.
PROPERTY LOCATION:	2810 Union St., Apopka, FL 32703, south side of W. Ponkan Rd., west of N. Orange Blossom Trl., north of Lake Apopka, east of the Lake County line
PARCEL ID:	27-20-27-0000-00-003 (portion of)
LOT SIZE:	+/- 9.69 acres
NOTICE AREA:	1 mile
NUMBER OF NOTICES:	598
DECISION:	**CONTINUED TO A DATE UNCERTAIN**

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1 & I-1 / I-5	I-1 / I-5	A-1	I-2 / I-3	A-1
Future Land Use	R &IND	IND	R	IND	R
Current Use	Vacant	Open Storage	Vacant/ Conservation	Agricultural/ Warehouse	Vacant/ Conservation

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property has split zoning between the A-1, Citrus Rural District and I-1 / I-5, Industrial zoning districts, with the portion of the property subject to the request having A-1 zoning. The A-1 zoning district allows agricultural uses by right, and some industrial uses like sawmills, animal slaughtering, and landfills permitted through the Special Exception process. The Future Land Use is Industrial (IND) for the portion of the property zoned I-1/I-5, and Rural/Agricultural (R) for the portion of the property zoned A-1, which are both consistent with the subject zoning districts.

The area consists of agricultural and industrial properties, with the properties along N. Orange Blossom Trl. having been developed with warehouse buildings and outdoor storage, and the properties to the west of the subject property, which have frontage on W. Ponkan Rd., primarily being vacant agricultural land, and some single-family residences. The property to the west and south of the subject site is owned by the St. Johns River Water Management District.

The subject property is a 9.69 acre portion of a 23.71 acre parent parcel. Access to the site is provided via easement along Union St., which will need to be recorded consistent with Condition of Approval (COA) #5.

The applicant is proposing to purchase the subject property to develop a concrete ready mix plant. Cement, concrete, and asphalt plants are only permitted by right in the I-2/I-3 and I-4 districts, and by Special Exception in the A-1 and A-2 districts, subject to Sec. 38-79(51) of code, and are prohibited in all other zoning districts. Sec. 38-79(51) lists the requirements for operation, location, and design of sites, including distance separations from residential zoning districts, uses, and schools.

The proposed facility includes an operations office building, bunker storage for aggregates, a washdown and sediment collection area, and truck parking. A full description of the proposed operation is included in this report in the applicant's cover letter, under the heading "Operations Description".

County code requires a distance separation of 1,000 ft. from the location where the operation has equipment or machines to the nearest property line of any residential zoned district, residential use, or school. The operation's equipment is located 912 ft. from the nearest property line of a property with a residential use, requiring Variance #2.

The proposal meets all performance standards within the A-1 zoning district. Parking requirements for the property are 1 space for each 300 square feet of gross floor area however, that no use shall have less than 3 spaces. The 624 sq. ft. building would require a minimum of 3 spaces. The applicant is proposing to install 12 parking spaces. A perimeter buffer in compliance with Sec. 24-5 will be installed around the full site. Consistent with Sec. 38-79 (51) b. 3., a Type A buffer shall be installed for the property line abutting the residential use.

Per Sec. 38-79 (51) b. 6., Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. on Saturday. No such plant or facility may operate on Sunday.

The Environmental Protection Division (EPD) has reviewed the submittal for compliance with county requirements as it pertains to odor and air quality, as well as noise, and have no objections. Based on the information submitted, the owner is required to apply for a General Permit with the Florida Department of Environmental Protection (FDEP) to operate a Concrete Batching Plant Facility under the authority of Rule 62-210.310, of the Florida Administrative Code (F.A.C.)

A Community Meeting will be held on Wednesday, October 1, 2025, at Zellwood Elementary School. Information regarding this meeting will be provided at the BZA public hearing.

Section 30-43 (2) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Special Exception criteria are met. While the requests meet some of the criteria, it does not meet all the criteria. Therefore, staff is recommending denial 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 (6) Variance criteria are met. While the requests meet some of the criteria, it does not meet all the criteria. Therefore, staff is recommending denial of the Variance request.

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

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

NOT MET - The 9.56-acre subject property (a portion of the 23.71-acre Parcel 27-20-27-0000-00-003) is located within the Rural Service Area and the Wekiva Study Area. The property has a Future Land Use Map designation of Rural/Agricultural (R) and an A-1 (Citrus Rural District) zoning classification. The site is bounded to the west and south by land within the Lake Apopka North Shore Restoration Area, owned by the St. Johns River Water Management District. Special Exception petition SE-25-11-051 appears to be inconsistent with the following Comprehensive Plan provisions:

Open Space Element Policy OS1.3.6 G. establishes that new non-residential uses permitted in the Wekiva Study Area within the Rural Service Area (including Rural Settlements) generally shall be limited to neighborhood and community commercial uses including small offices, institutional uses, agricultural uses, public parks and public conservation lands.

Future Land Use Element GOAL FLU6 states that the County will promote the management of land uses within the Rural Service Area, including agricultural lands, historic resources, the Lake Pickett Study Area, and Rural Settlements, together with environmental lands, natural resources and the Wekiva and Econlockhatchee River Protection Areas environmental lands including the Wekiva Area, so as to conserve these assets and their values. Underlying Policy FLU6.1.2 requires that Orange County enforce criteria to ensure the scale, density, and/or intensity of development within the Rural Service Area so that it promotes the intended rural character; and

Policy FLU6.2.14 establishes that Industrial uses in the Rural Service Area shall be permitted only as shown on the Future Land Use Map within the Rural Settlements of Bithlo, Christmas, and Zellwood.

In addition, Future Land Use Element Policy FLU6.6.8 states that land uses within the Rural Service Area portion of the Wekiva Study Area shall be limited to very low and low intensity uses to the greatest extent possible. This policy further states that to ensure environmental protection, projects shall identify whether a site is located in an environmentally sensitive area and whether locations in areas of lower vulnerability or areas that already allow the proposed land use are not available within a reasonable distance.

Per Policy FLU6.6.8, applicants must also demonstrate that the proposed land use is compatible with existing land uses and community character and is the least intensive to meet the demonstrated need. Additionally, the project will be evaluated based upon whether community or economic benefits are derived from the proposed land use at that location, as well as whether the proposed use benefits the environment (such as projects that will be designed and constructed using conservation design and green principles). Non-residential and mixed-use projects shall also demonstrate that the proposed land use will not generate hazardous materials and waste. Lastly, factors such as support for forestry, agriculture, fishing, and natural resource-based outdoor recreation industries, as well as dependence on site-specific natural resources, shall be evaluated with the proposed land use.

Similar and compatible with the surrounding area
MET -The proposed concrete plant is compatible with other existing nearby agricultural and industrial uses such as warehousing, outdoor storage, and manufacturing. Furthermore, the operations and activities of the plant are centralized on the parcel, providing a minimum 50 ft. setback for storage of materials and providing landscape buffering.

Shall not act as a detrimental intrusion into a surrounding area
MET - The proposed operation on the subject property will not negatively impact the surrounding area, as there is heavy industrial in the area. The operation is located furthest on the property from the residential uses and provides buffering adjacent to other properties.

Meet the performance standards of the district
MET - The use meets all setbacks, height limits, parking requirements, and other performance standards as required for septage management facilities. The proposed operation meets all performance standards for this type of facility. With approval of the Variance, the performance standards of the specific use will be met.

Similar in noise, vibration, dust, odor, glare, heat production
MET - There are no proposed activities on the property that would generate noise, vibration, dust, odor, glare, or heat that is not similar to the uses permitted in the zoning district, and adjacent and nearby uses.

Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code
MET - A landscape buffer in compliance with Sec. 24-5 is proposed.

VARIANCE CRITERIA

Special Conditions and Circumstances

MET – This property is positioned just outside of the Zellwood Rural Settlement and is adjacent to industrial properties that are within the Rural Settlement. The existence of residential properties directly adjacent to industrial zoning is a special condition.

Not Self-Created

NOT MET – The need for the Variance is self-created and does result from the applicant's request. The applicant could acquire a property for this use that meets the separation distance.

No Special Privilege Conferred

NOT MET – Approval of the Variance will confer special privilege that is denied to other properties in the same area and zoning district, since all properties with the proposed use are subject to the same distance requirements.

Deprivation of Rights

MET – Without the requested Variance, the applicant would have to locate the operations closer to the landscape buffer / property boundary or would be unable to locate the use on this property.

Minimum Possible Variance

MET – The requests are the minimum possible to allow the on-site operations. The portion of the property that is meeting the 1,000 ft. separation requirement is only 100 ft. deep, which would not allow accommodation of the 50 ft. wide buffer and maneuverability on the site.

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 minimizing the impact of the on-site operations from residential properties, and the distance from actual residential uses exceeds the distance separation requirement. Additionally, the applicant is proposing landscape buffering to mitigate any potential nuisance.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped August 15, 2025, and elevations dated February 10, 2022, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Building permits for the required building improvements shall be obtained within 3 years of final action on this application by Orange County or this approval becomes null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. A permanent 50 ft. access agreement shall be recorded in public records prior to the issuance of a building permit for the Concrete Plant.
6. Development shall comply with Chapter 24 (Landscaping, Buffering, and Open Space) and Chapter 15 Article VIII (Tree Protection and Removal). In the event there is a conflict between Chapter 24 and Chapter 15 and the site plan, the provisions of Chapter 24 and Chapter 15 shall prevail.

C: Brian Hercules
1000 Hollingshead Circle
Murfreesboro, TN 37129

Batch Plant Facility Narrative
Apopka FL

Summary

Smyrna Ready Mix Concrete, LLC (SRM) will invest over $16,000,000 in the greenfield and plant development of a concrete plant in Marysville, OH. In addition to the construction budget spent in the local economy, 15 to 20 full-time employees will be staffing the operations with competitive wages, best in industry health insurance offerings, and retirement plans that are immediately vested. SRM is committed to a design that will control access and truck traffic. The plant will have a plant manager, batcher, loader operator and mixer operators when we are fully commissioned. As a family-owned business, we are acutely aware of the needs of the community. The Hollingshead Foundation returns 10% of all net profits earned in the community back to the community. Our concrete plant is designed by Stephens Manufacturing and implements the latest technology available to control dust and noise. SRM has performed noise studies in various markets, and all were following OSHA standards for noise levels.

Existing/Current Property Description

Located at 8210 Union Street, Apopka FL 32712 (Parcels ID's # 12-21-27-0000-006). Currently Zoned as A-1. The parcel is undeveloped with pasture and trees. Neighboring properties are being used under the I zoning classification. A special exception is required to use the zoned A-1 parcel for a concrete ready mix plant.

Site Improvements

Plant facility - The facilities main components include a Stephen's plant batching equipment, a small two-story operations office building, bunker storage for aggregates, a washdown area and sediment collection area, truck parking and paved surfaces around the facility. The site will be graded as necessary for drainage and storm controls. The size and location for storm detention will be determined after a topography and drainage analysis has been completed. Connection to city utilities is TBD, otherwise SRM plans to install a well for potable water and septic system.

Access – A private drive will need to be install within the easement between the properties. Responsibility and ownership of the access is under negotiations.

Waste Water Handling

We will collect the wastewater on site and recycle onsite to be used for washdown and wet down of aggregates. Wastewater from this type of operation sediment from aggregates and cement powder; these sediments are removed using a settling containment system; as needed, the sediment containment bays are dredged with frontend loader for removal or reuse of material.

Operations Description

Startup - The plant operations will begin every morning at 7 am (time TBD based on local ordinance restrictions) a daily checklist which includes things like equipment inspections, material

levels/testing, consumables, safety checks. Operators/Drivers will all receive daily schedule and safety briefs, followed by inspections of equipment.
Loading/Mixer Truck Operations - As per schedule needs, drivers will line up and load the mixers under the batch hopper. Following loading, drivers will advance their trucks through a truck wash and rinse area, and there they will do a slump check and rinse off any dust or debris remaining on the truck before exiting the site. SRM is committed to controlling dust, keeping the plant and its streets clean and free from debris.

Front End Loader Operations - A loader will be used for handling of the material piles and for loading the batch plant's feed hopper. Material stockpiles will be located on the North portion of the site, minimizing interference from other operational traffic. The loader will also from time- to-time be scrapping out the wastewater systems settlement cells. Sediment will go to a waste pile to be removed from the site for recycling.

End of Day – All equipment will be parked and checked. All facility equipment will be secured/locked up after 5pm. Minimal lights will stay on at night for security reasons.

Facility operations traffic

The facility intends to operate 8-12 trucks from the site. Each mixer truck will make 6-8 trips per day. Additionally, there will be 2-4 material deliveries per day of aggregate and cement. We estimated that the site will not exceed a total of 160 trips per operation day.

Employee and visitor parking- Required parking will be provided for the office building. Additional space for employee parking to the east along with mixer truck parking area.

Other Facility Facts

- 15 to 20 full time employees
- Standard Vehicles on site: 12-14 POVs, 10 to 12 mixer trucks, one front-end loader
- Standard hours of operations 7 am-5 pm (Monday thru Saturday, closed on Sundays)
- City water (Estimated consumption of 10,000gallons per day) if available, otherwise well and water storage system to be installed.
- City Sewer (less than 500gallons) if available, otherwise Septic System to be installed
- Dust control - Equipment configured with dust control system, wet down water will be used for aggregate piles, and daily cleaning by sweeping and wetdown.
- Lighting control – Limited site lighting will be used in the early hours or later afternoon. Overnight lighting will be limited to a few flood lights used for security purposes.

Compatibility to neighboring properties

There area is in proximity to other light industrial activities. The undeveloped properties are mostly rural/farm. The area of property being developed is set back and there are natural barriers

and distance that will mitigate any concerns of nuisance. With the use of wet down controls and latest batching technology, and natural use of tree barriers there are no concerns of dust transmission from the site or to neighboring properties.

Justification of Special Exception

A. The site provides ideal circumstances for no impact to others and betterment to local economy.
B. The operations of a ready mix facility are similar to other light industrial facilities that operate in the vicinity. The materials are all inert and non toxic, storage of loading of materials takes place at the site, while all mixing is accomplish inside the trucks in route to the customers.
C. SRM has a very good record with working with the local communities, municipalities and environmentally meeting or exceeding standards.
D. The requested for special exception is limited to SRM and non-transferrable to the next owner.

SPECIAL EXCEPTION CRITERIA

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

Yes, it will be consistent with the Comprehensive Policy Plan.

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

The property shares borders with industrial districts and is partially in an industrial district, so a special exception for a concrete batch plant is consistent with the surrounding pattern of development.

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

The use shall not be intrusion into the surrounding area.

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

Yes, it will meet all performance standards.

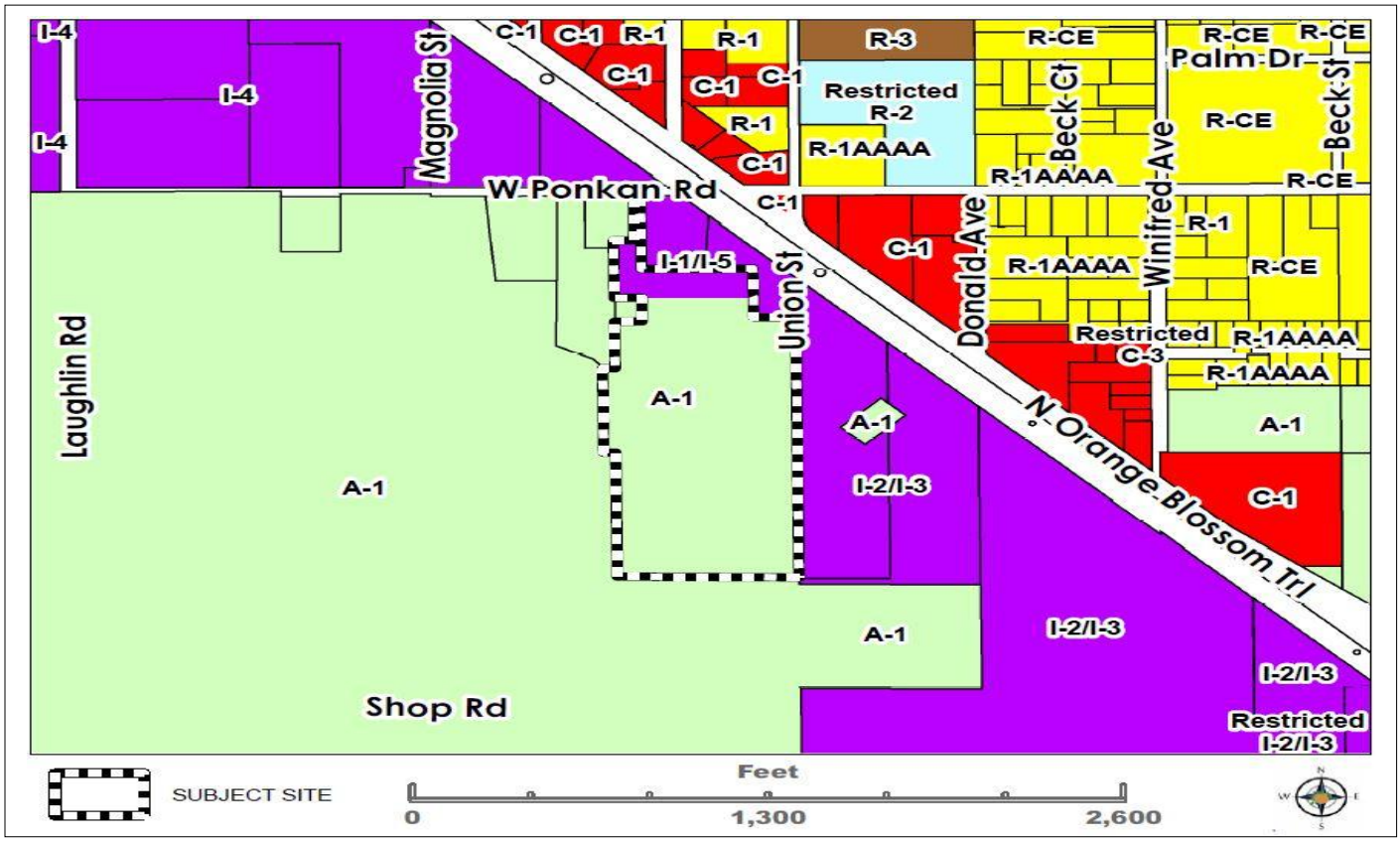
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

The noise shall not be at obnoxious level and dust will be controlled with mitigation of collection system, irrigation, collection. The plant shall not produce vibration, odor, heat or glare that would be of nuisance.

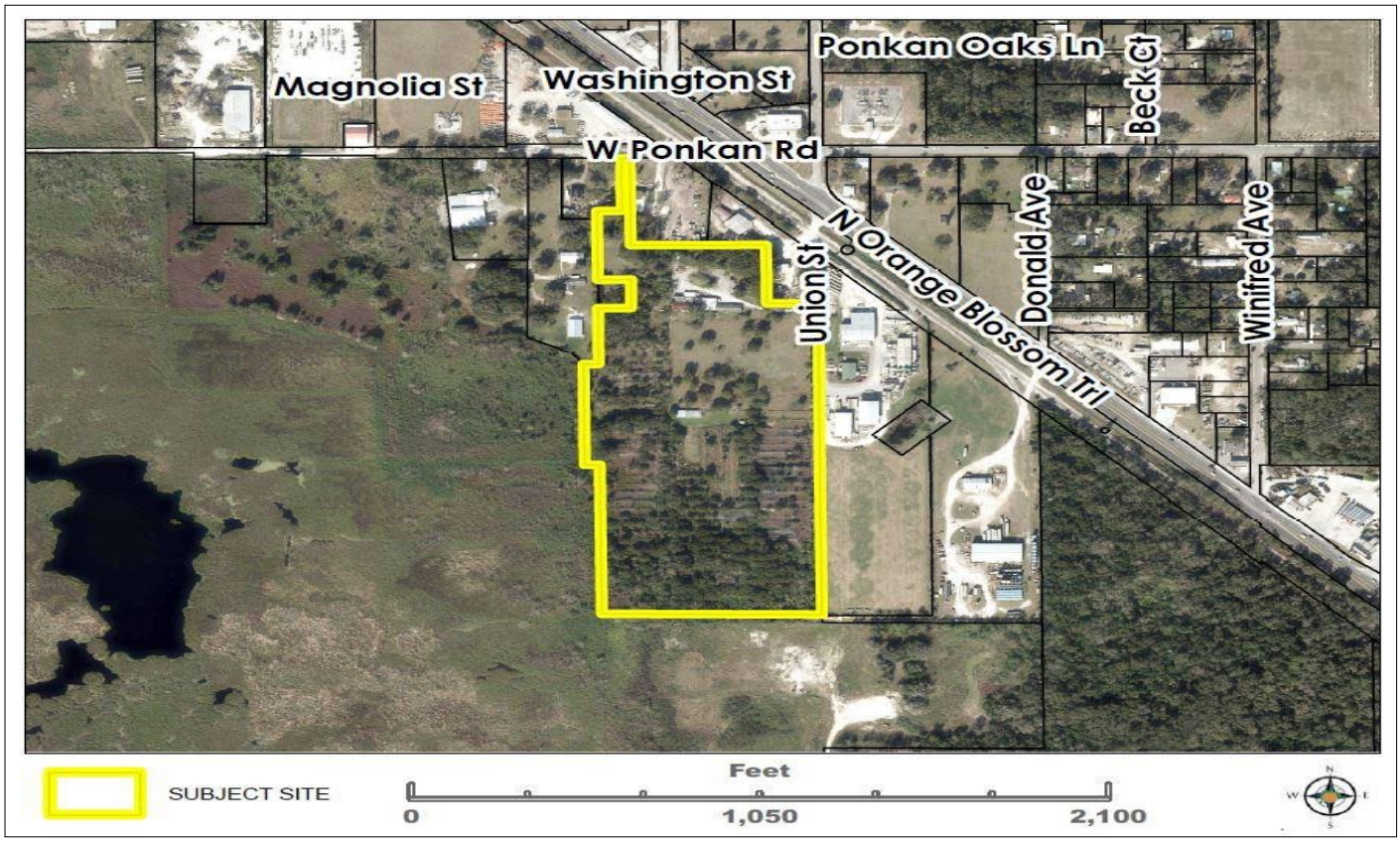
6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

Landscaping and buffers will be in accordance with all requirements per section 24-5 of the Orange County Code. Buffers will be adhered to.

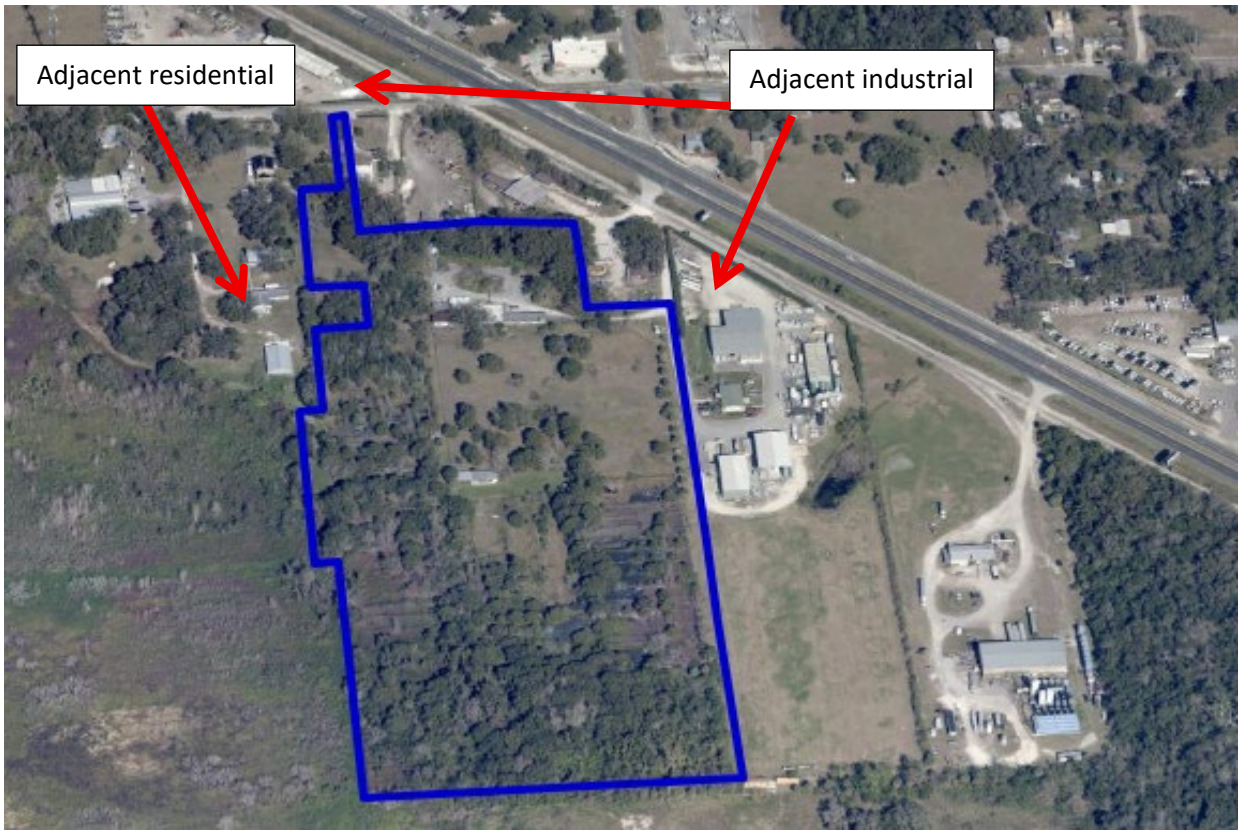
ZONING MAP



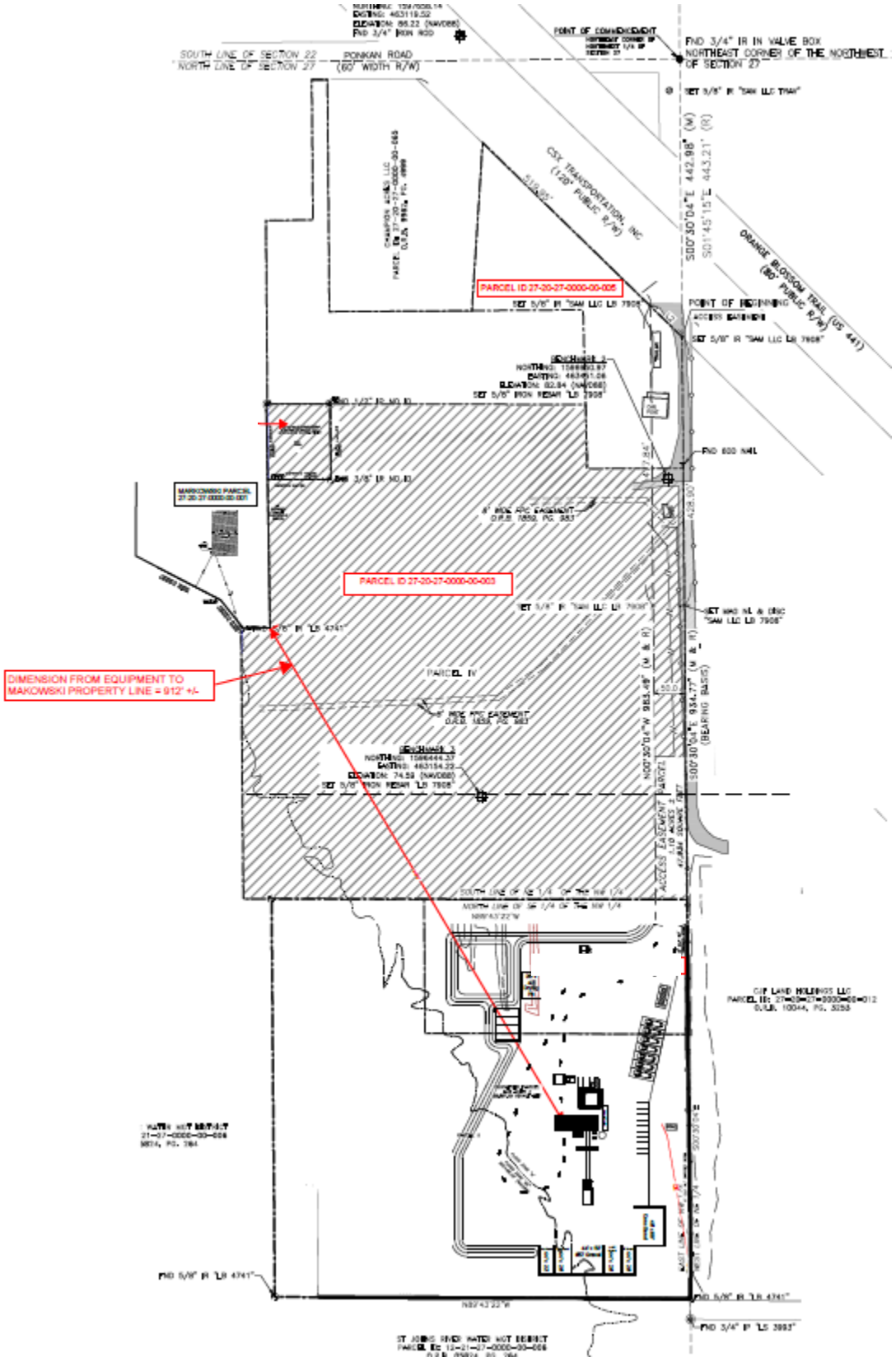
AERIAL MAP



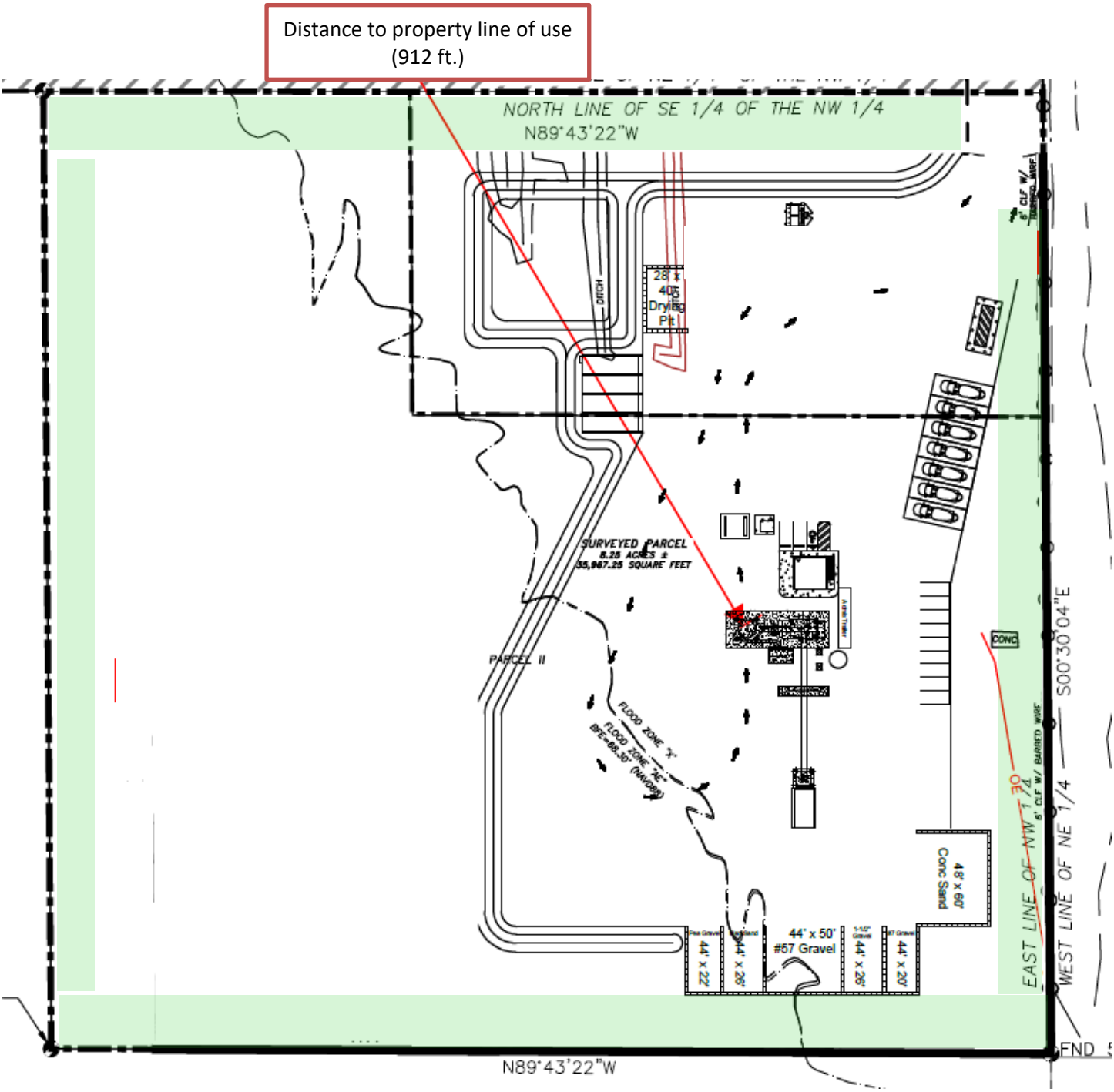

w: 664.6'
0.03sq mi
2,602.1'
663.43
N


Adjacent residential
Adjacent industrial

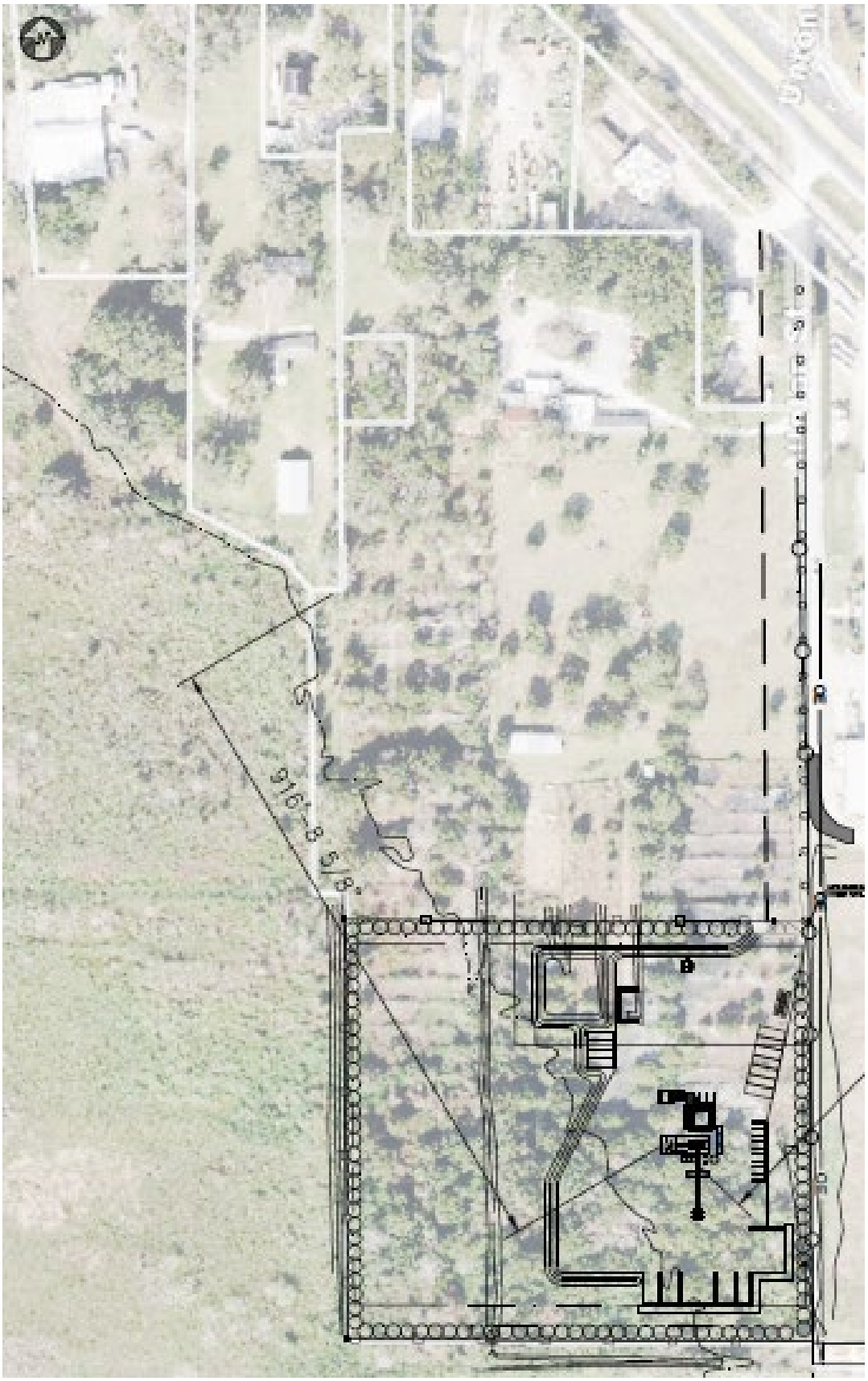
OVERALL SITE PLAN

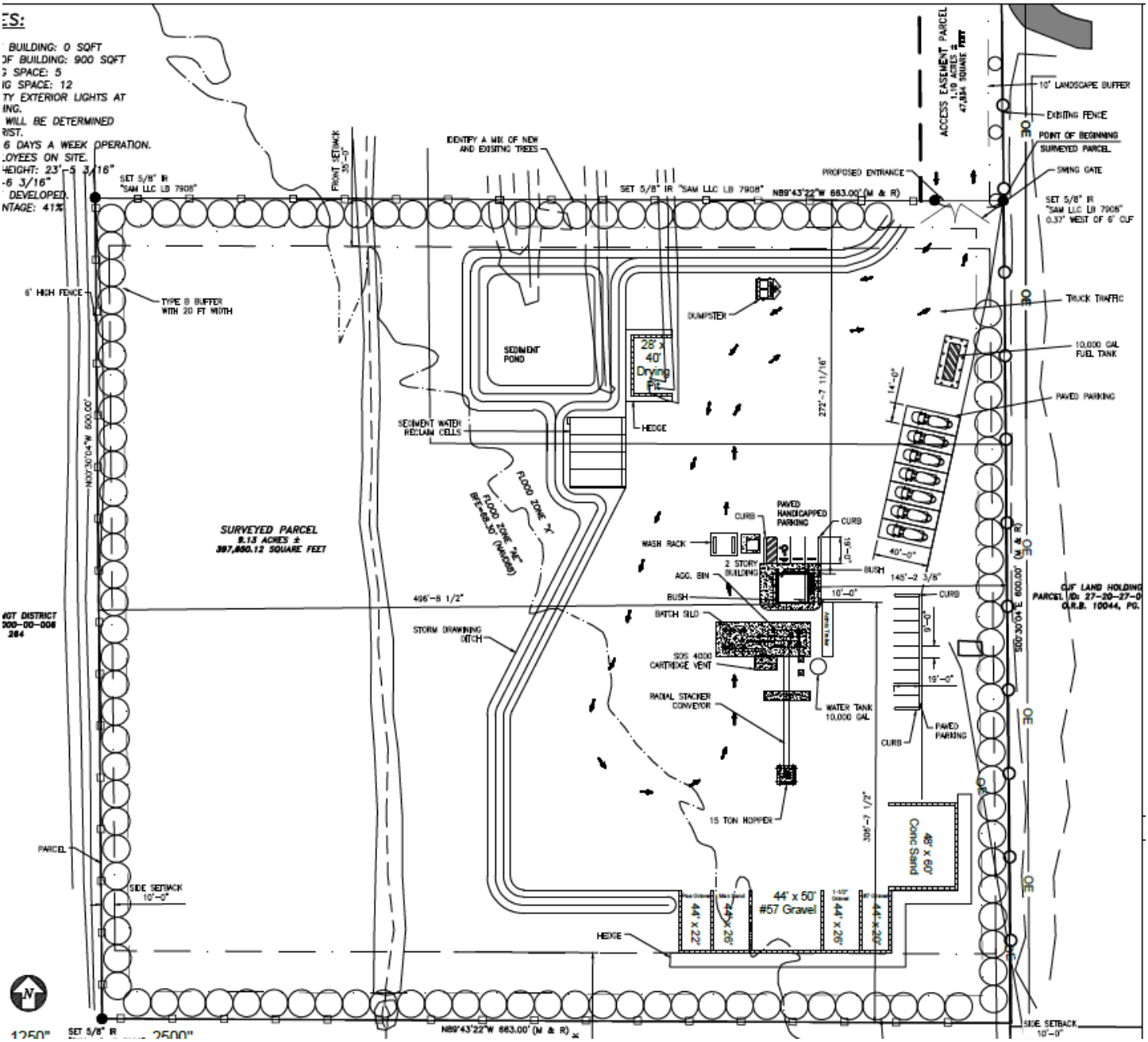


SITE PLAN

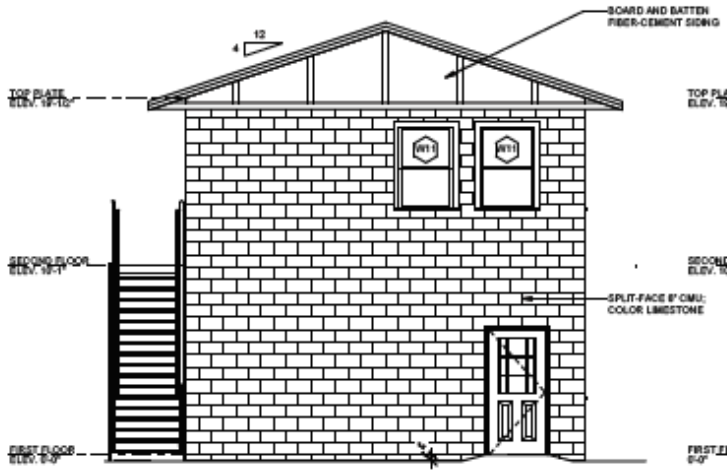

Distance to property line of use (912 ft.)
NORTH LINE OF SE 1/4 OF THE NW 1/4
N89°43'22"W
28' x 40' Drying Pit
DITCH
SURVEYED PARCEL
8.25 ACRES ±
35,967.25 SQUARE FEET
PARCEL II
FLOOD ZONE "X"
FLOOD ZONE "AE"
BFE=88.30' (NAVD88)
CONC
44' x 50' #57 Gravel
44' x 22'
44' x 26'
44' x 26'
44' x 20'
48' x 60' Conc Sand
EAST LINE OF NW 1/4
WEST LINE OF NE 1/4
S00°30'04"E
N89°43'22"W

DISTANCE SEPARATION PLAN

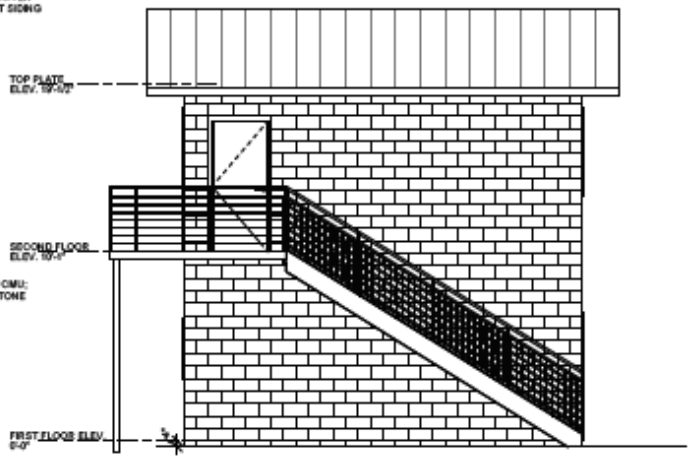



BUILDING: 0 SQFT
OF BUILDING: 900 SQFT
SPACE: 5
G SPACE: 12
TY EXTERIOR LIGHTS AT
ING.
WILL BE DETERMINED
RIST.
6 DAYS A WEEK OPERATION.
LOYEES ON SITE.
HEIGHT: 23'-5 3/16"
-6 3/16"
DEVELOPED.
NTAGE: 41%
ACCESS EASEMENT PARCEL
1.10 ACRES ±
47,834 SQUARE FEET
10' LANDSCAPE BUFFER
EXISTING FENCE
POINT OF BEGINNING
SURVEYED PARCEL
SWING GATE
SET 5/8" IR
"SAM LLC LB 7908"
0.37' WEST OF 6' CLF
PROPOSED ENTRANCE
IDENTIFY A MIX OF NEW
AND EXISTING TREES
FRONT SETBACK
35'-0"
SET 5/8" IR "SAM LLC LB 7908" N89°43'22"W 663.00' (M & R)
6' HIGH FENCE
TYPE B BUFFER
WITH 20 FT WIDTH
DUMPSTER
TRUCK TRAFFIC
SEDIMENT
POND
28' x
40'
Drying
Pit
10,000 GAL
FUEL TANK
PAVED PARKING
HEDGE
SEDIMENT WATER
RECLAIM CELLS
FLOOD ZONE "X"
FLOOD ZONE "AE"
BFE=88.30' (NAVD88)
SURVEYED PARCEL
9.13 ACRES ±
397,650.12 SQUARE FEET
PAVED
HANDICAPPED
PARKING
CURB
WASH RACK
2 STORY
BUILDING
AGG. BIN
BUSH
496'-8 1/2"
BATCH SILO
STORM DRAWNING
DITCH
SDS 4000
CARTRIDGE VENT
RADIAL STACKER
CONVEYOR
WATER TANK
10,000 GAL
PAVED
PARKING
15 TON HOPPER
48' x 60'
Conc Sand
44' x 50'
#57 Gravel
44' x 22'
44' x 26'
44' x 26'
44' x 20'
HEDGE
PARCEL
SIDE SETBACK
10'-0"
SET 5/8" IR
N89°43'22"W 663.00' (M & R)
SIDE SETBACK
10'-0"
CLF LAND HOLDING
PARCEL ID: 27-20-27-0
O.R.B. 10044, PG.
N00°30'04"W 600.00'
OE

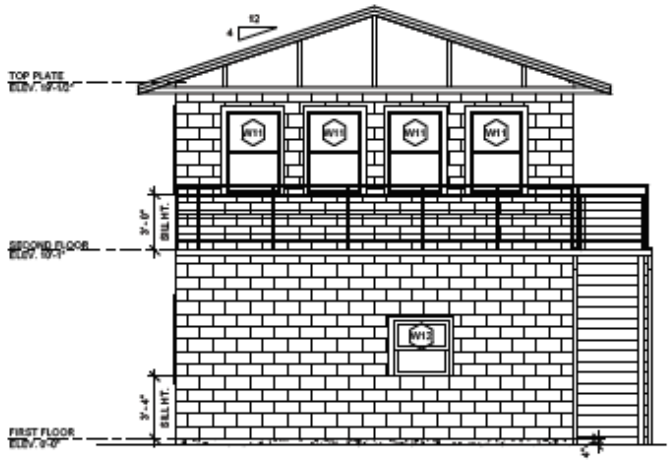
ELEVATIONS



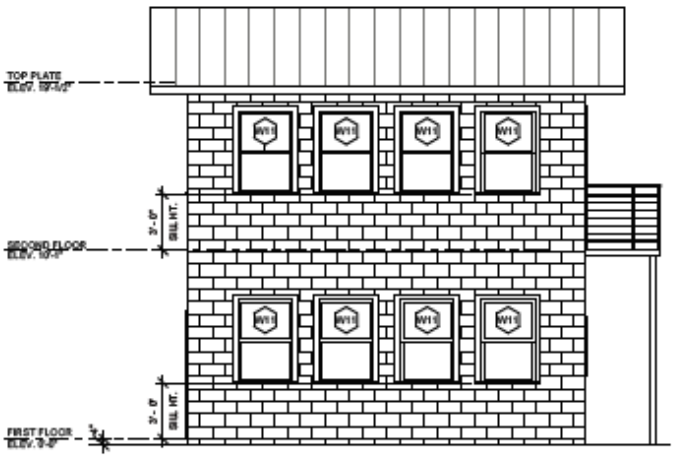
1 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



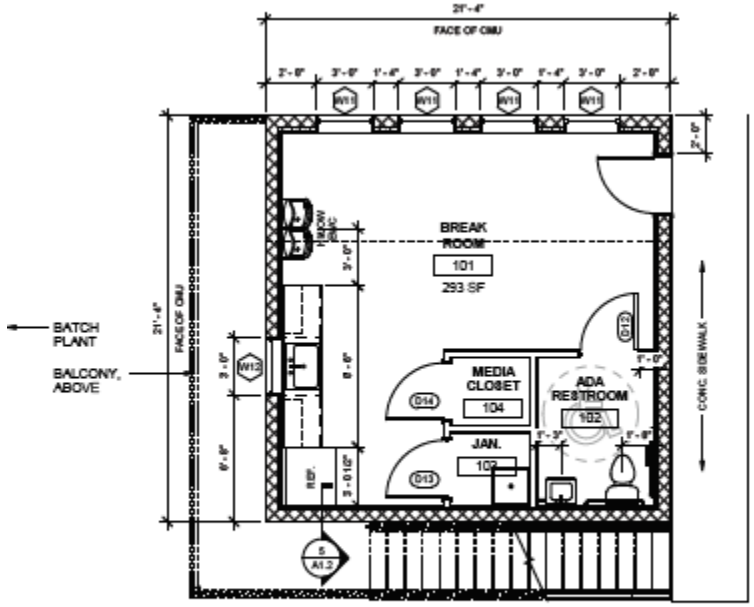
2 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



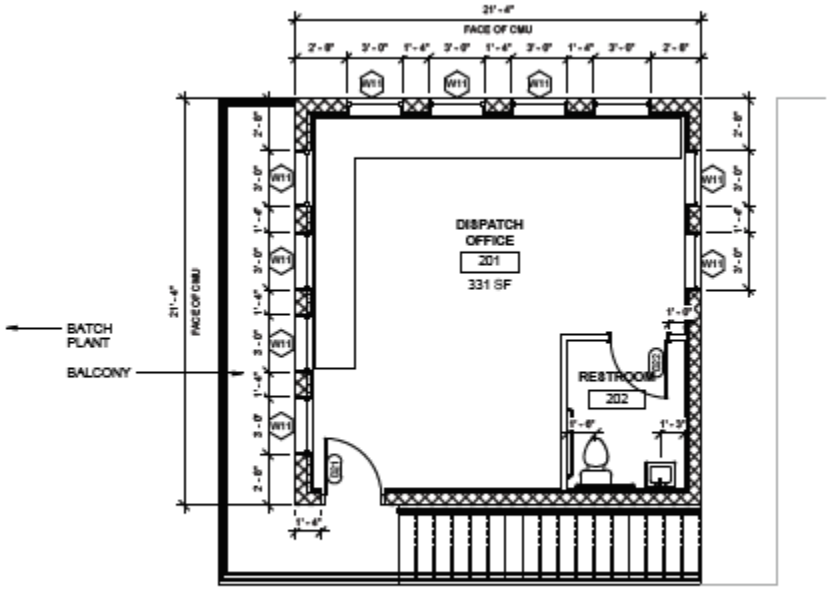
3 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



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

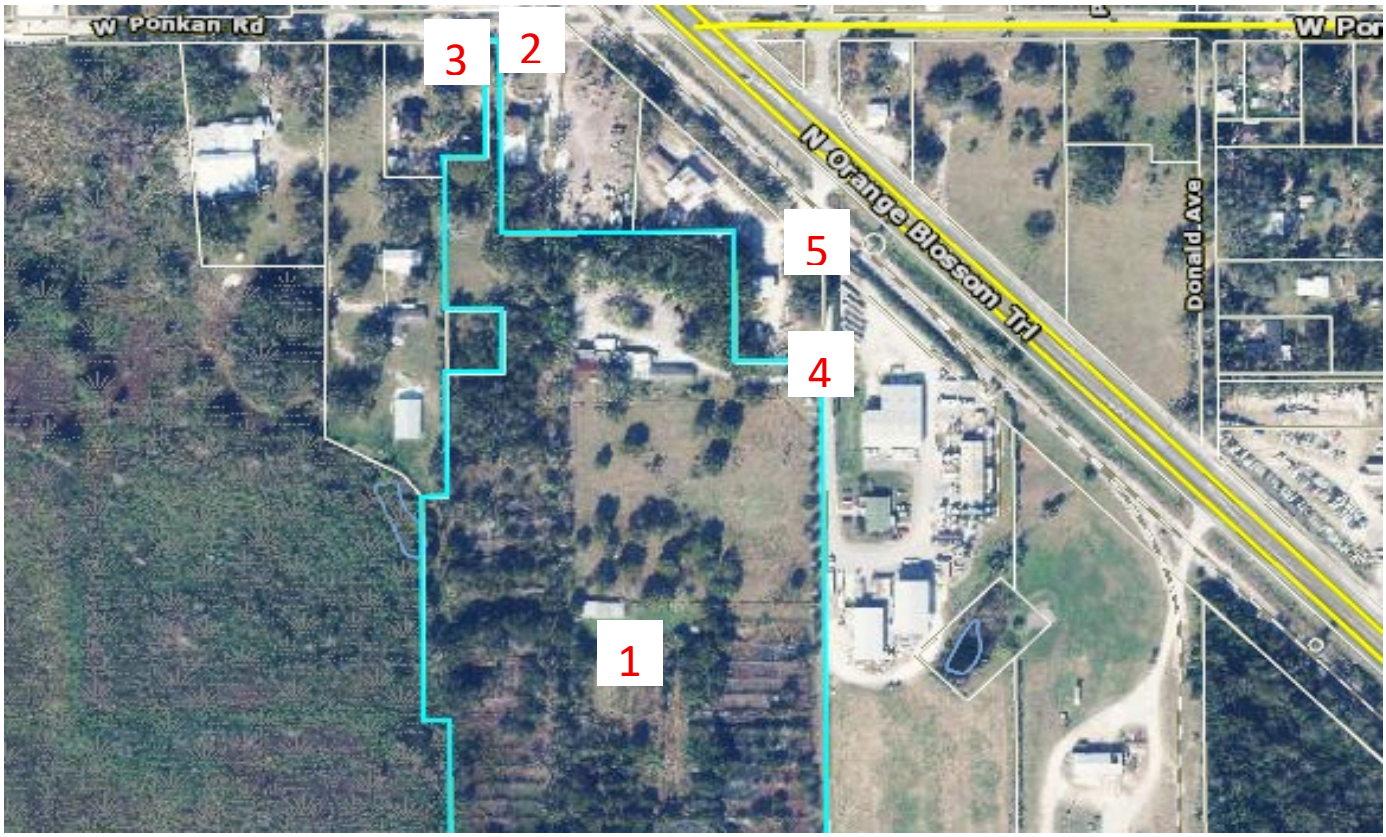


1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

SITE PHOTOS



Site Photos Key

Facing south from center of parent parcel, towards front of subject property

SITE PHOTOS

From W. Ponkan Rd., facing south

From Ponkan Rd., facing northwest

SITE PHOTOS

Access easement to subject site from Union St., facing south

From Union St. facing adjacent industrial uses

ORANGE COUNTY GOVERNMENT
FLORIDA

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