

**ORANGE**




**COUNTY**  
**FLORIDA**

**VA-25-12-073**  
**Applicant:**  
**Rebecca**  
**Hammock**

March 10, 2026

**Orange County Zoning Division**

# BACKGROUND

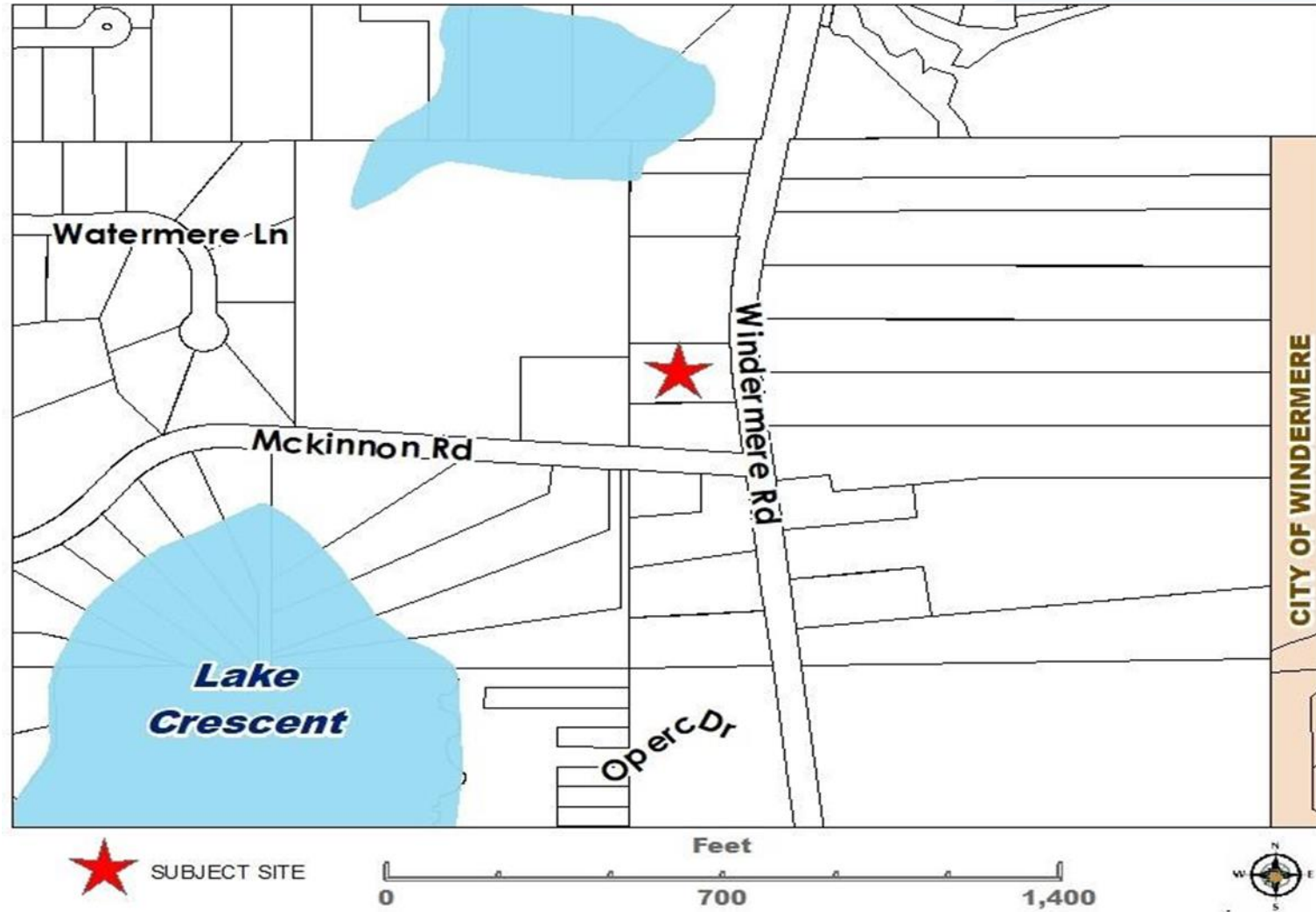
APPLICANT:	Rebecca Hammock
CASE:	VA-25-12-073
ZONING:	R-CE (Rural Country Estates)
FUTURE LAND USE:	RS 1/1 (Rural Settlement 1/1 – West Windermere Rural Settlement)
ADDRESS:	Unaddressed property on Windermere Rd., Winter Garden, FL 34787
LOCATION:	West side of Windermere Rd., north of Mckinnon Rd., east of Winter Garden Vineland Rd., south of Roberson Rd., west of Maguire Rd.
TRACT SIZE:	+/- 0.73 acres
 DISTRICT	1

# BACKGROUND

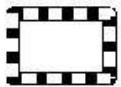
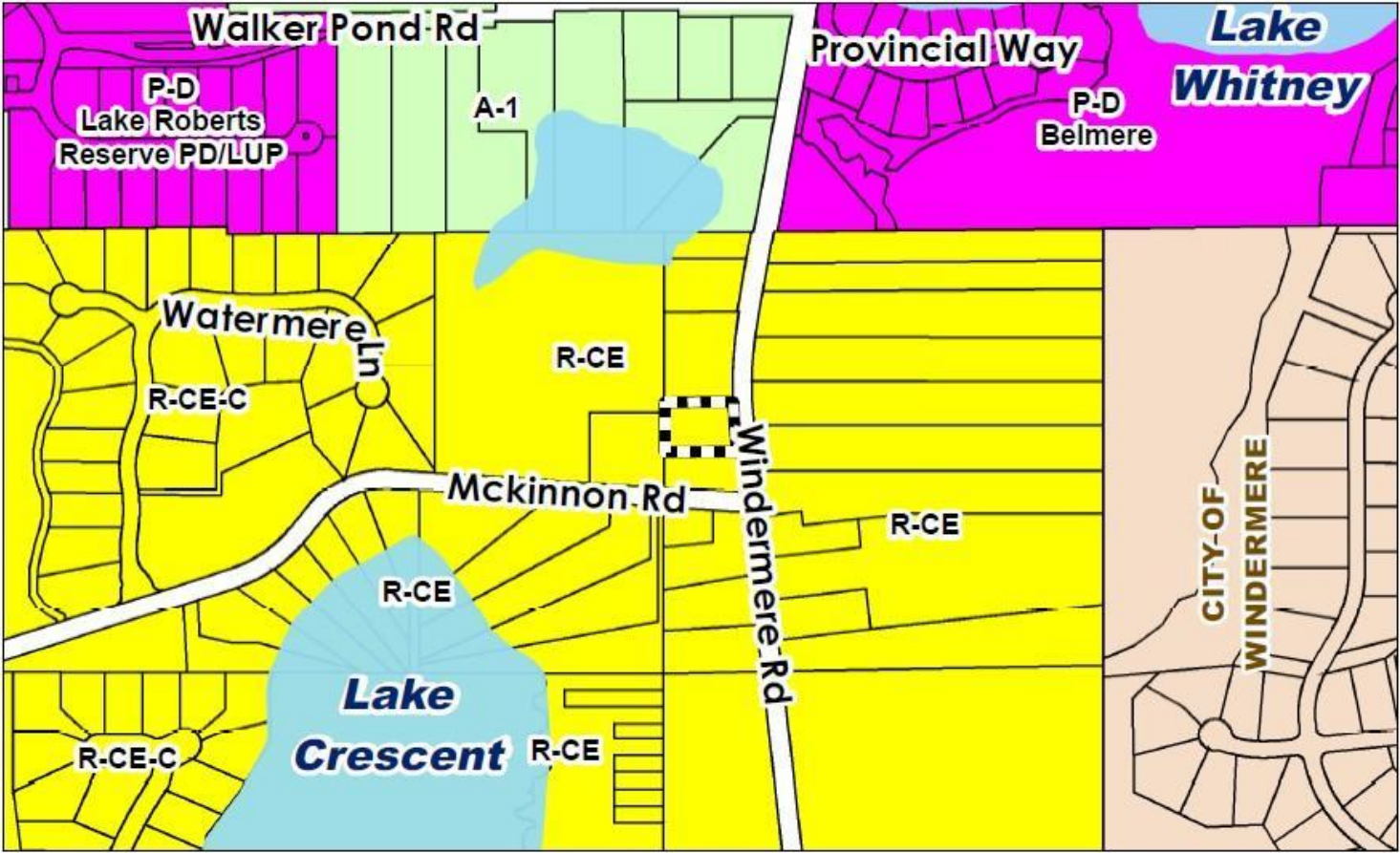
## REQUEST:

Variance in the R-CE zoning district to allow a minimum lot area of 0.73 acres in lieu of 1 acre.

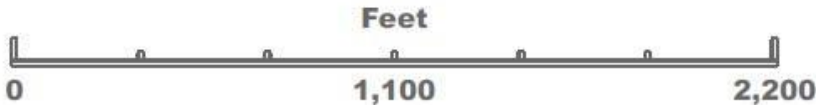
# LOCATION MAP



# ZONING MAP



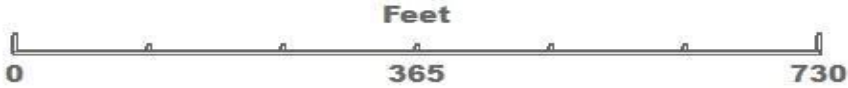
SUBJECT\_SITE



# AERIAL MAP

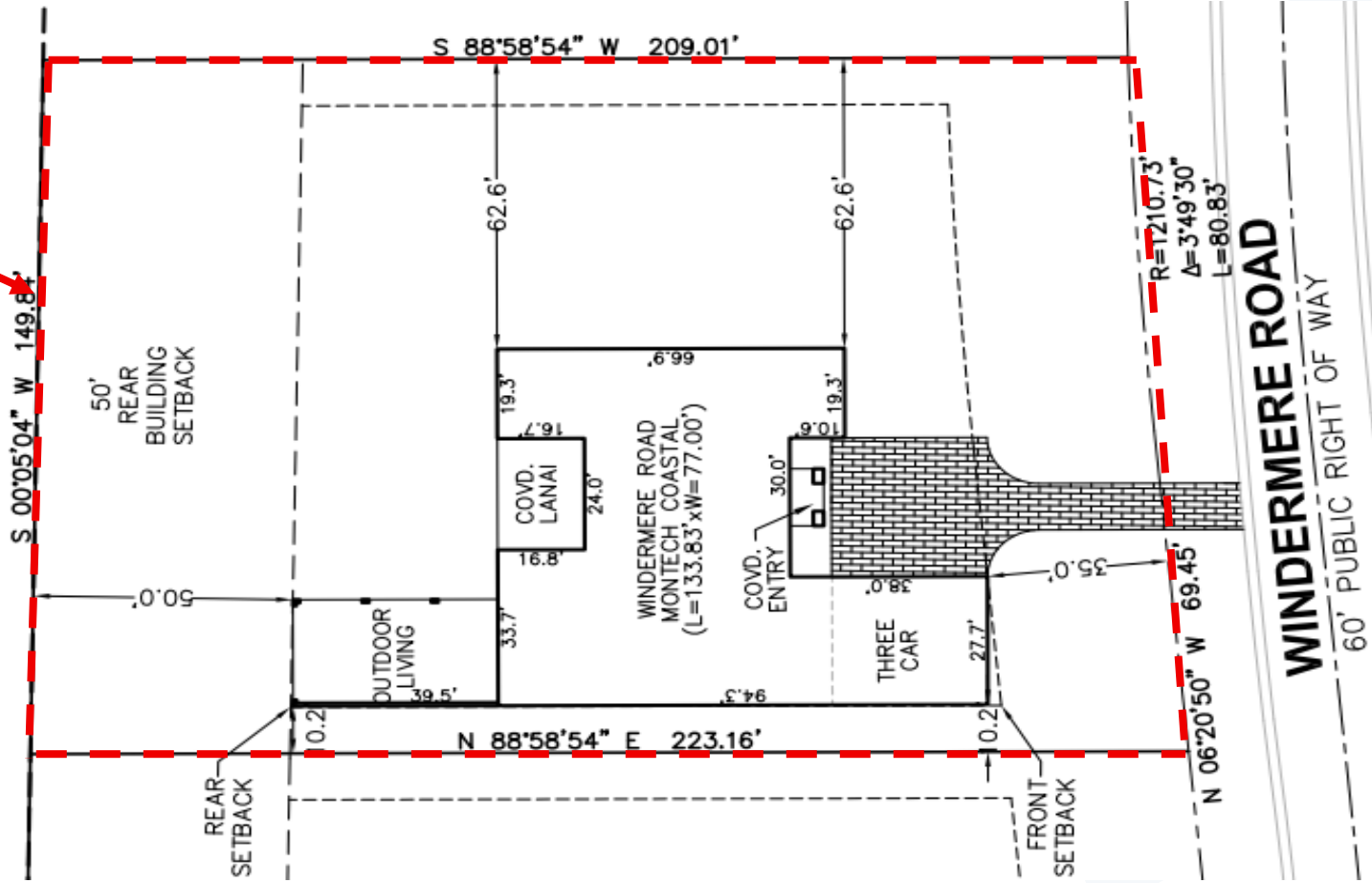


SUBJECT SITE



# SITE PLAN

Variance Request:  
Lot Area of 31,973  
sq. ft. (0.73 acres), in  
lieu of 43,560 sq. ft  
(1 acre).



# SITE PHOTOS

FACING WEST  
TOWARDS THE FRONT  
OF THE SUBJECT  
PROPERTY FROM  
WINDERMERE RD.



# SITE PHOTOS

FACING NORTH  
TOWARDS SUBJECT  
PROPERTY



# SITE PHOTOS

FACING SOUTHWEST  
TOWARDS THE FRONT  
OF THE SUBJECT  
PROPERTY



# SITE PHOTOS

FACING NORTHWEST  
AT THE CORNER OF  
MCKINNON RD. AND  
WINDERMERE RD.



# HISTORY

- February 13, 1992 – letter from Orange County Zoning Dept. confirming the process for obtaining a substandard lot of record determination and a Vested Rights for Consistency Certificate
- March 6, 1992 – Letter from Orange County Zoning Dept. confirming that the lot was a substandard parcel of record and directed the applicant to the Planning Dept. to identify consistency with the Comprehensive Plan
  - *Lot of Record* per Zoning Code includes a parcel of land with a deed recorded on or before October 7, 1957.

# HISTORY

- March 16, 1992 – Orange County Planning Dept. issued Consistency Vested Rights Application #92-34 for the construction of 1 single-family residence on the subject property
  - Letter references Sec. 38-353.d.10
- Sec. 38-353.d.10 (Dec. 1991) Concurrency and Vested Rights noted that for Parcels of Record in Rural Settlements:
  - Legally created lots may be developed with a single residential structure/ structures may be modified notwithstanding the Future Land Use designation
  - Multiple contiguous parcels in common ownership as of May 21, 1991 shall be aggregated / deemed to be one parcel for the purposes of vested rights.
  - **Vested Rights shall not exempt any project from other regulations**

# HISTORY

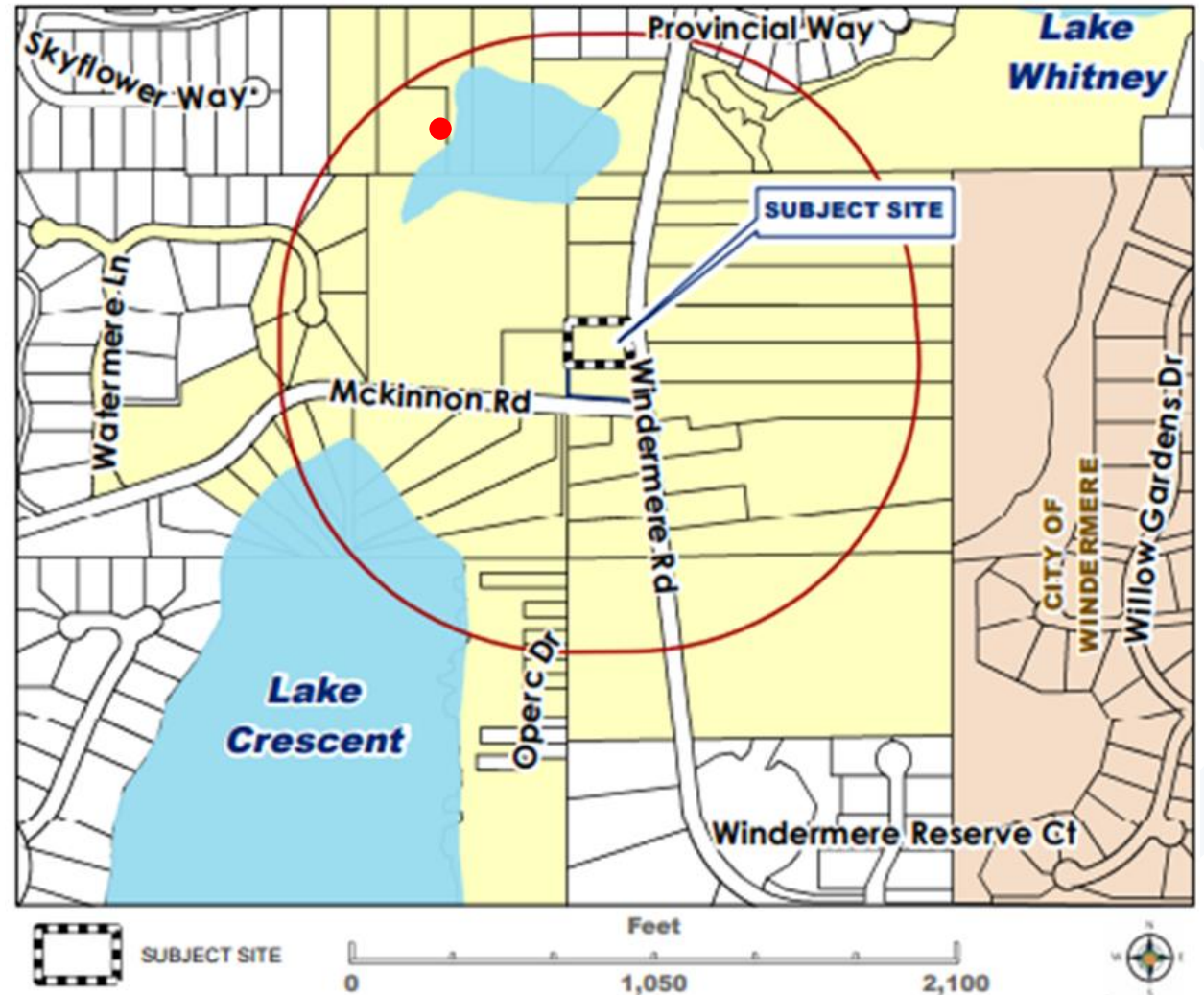
- April 1, 1992 – response from Orange County Planning Dept. to questions on Consistency Vested Rights Application #92-34
  - Ownership of the land may change but the benefits of a vested rights certificate would still apply
  - The aggregation requirement would not apply as the subject parcel was not under common ownership as of May 21, 1991, when the Comprehensive Plan came into effect
  - Letter references a portion of aggregation requirement of Sec. 30, however, this is per the Comprehensive Plan not the Zoning Code.

# STAFF FINDINGS AND ANALYSIS

- Property is currently vacant
- The minimum required lot area for the R-CE district is 1 acre
  - The lot is 0.73 acre, requiring the Variance.
- The proposal is to erect a two-story, single-family home totaling 6,998 gross square feet.
  - The proposed home complies with all zoning development standards
- Zoning Code requires adjoining lots under single ownership where one or more is substandard, be combined to form a conforming lot.
- The subject lot is under contiguous ownership with the adjacent lot to the south, both of which are substandard in regards to lot area.

# PUBLIC FEEDBACK

- 71 notices mailed to property owners in a 1,000 ft. radius
  - No comments in favor
  - 1 comment in opposition



# VARIANCE CRITERIA

## Section 30-43 (3), Orange County Code

Section 30-43 of the Orange County Code stipulates specific standards for the approval of variances. No application for 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 property and which are not applicable to other properties
2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant
3. No Special Privilege Conferred - Approval will not confer on the applicant any special privilege
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
5. Minimum Possible Variance - The minimum variance that will make possible the reasonable use of the land, building, or structure
6. Purpose and Intent - Approval will be in harmony with the purpose and intent of this Chapter and will not be injurious to the neighborhood

# STAFF RECOMMENDATION

- Staff recommended denial of the Variance request as there are no special conditions and circumstances, the request is self-created, there would not be a deprivation of rights, the variance is not the minimum possible, and the purpose and intent of Code is not met as the lot is under contiguous ownership and can be combined to create a conforming lot.

# BZA FINDINGS

- The BZA discussed the surrounding area and similarly sized properties. The BZA determined the vested rights letter was basis for granting approval of the request.
- The BZA recommended approval of the requested variance with three conditions of approval.

# CONDITIONS OF APPROVAL

1. Development shall be in accordance with the lot area shown on the site plan dated September 5, 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.

# CONDITIONS OF APPROVAL

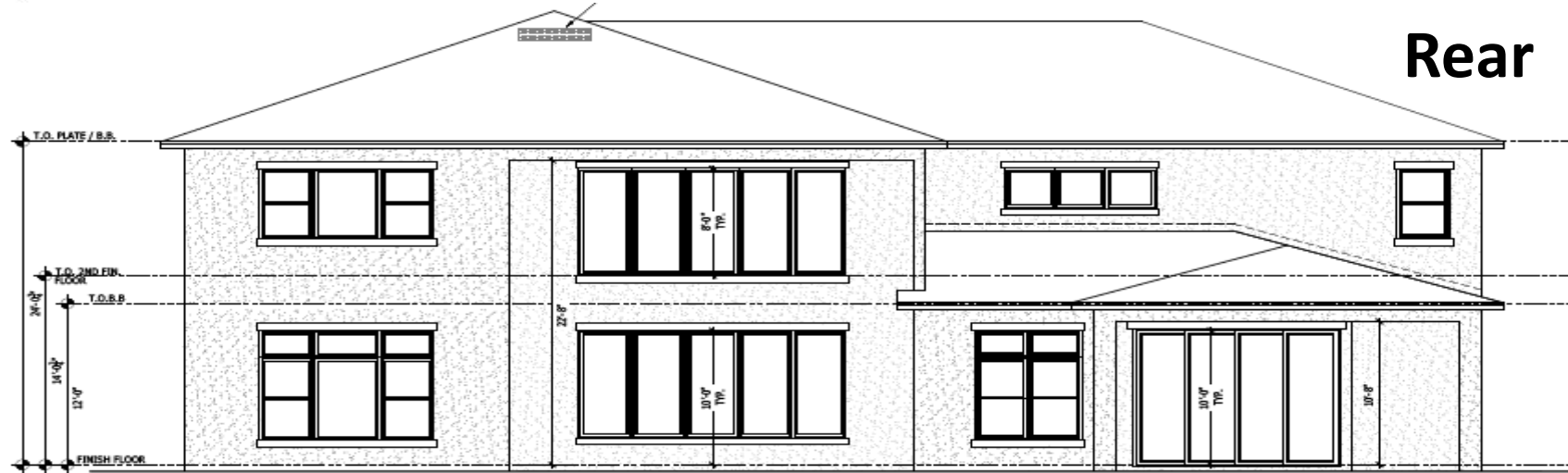
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

# REQUESTED ACTION

- Deny the applicant's request; or
- Approve the applicant's request with conditions

Variance in the R-CE zoning district to allow a minimum lot area of 0.73 acres in lieu of 1 acre.

# ELEVATIONS



# ELEVATIONS

