



Orange County Zoning Division

VA-25-06-017

APPLICANT:

THOMAS KARR JR.

August 26, 2025



Background

APPLICANT: Thomas Karr Jr.

CASE: VA-25-06-017

ZONING: R-CE-C (Rural Country Estate Cluster District)

FUTURE LAND USE: RS 1/1 (Rural Settlement 1/1)

ADDRESS: 12607 W Lake Butler Road Windermere, FL, 34786

LOCATION: North side of W. Lake Butler Rd., west side of Lake Butler, south of Lake Butler Blvd., east of Winter Garden Vineland Rd.

TRACT SIZE: +/- 1.31 acres (+/- 0.99 acres upland)

DISTRICT: 1



Background

REQUEST:

Variance in the R-CE-C zoning district to allow a pool and deck with a setback of 35.5 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.



Location Map

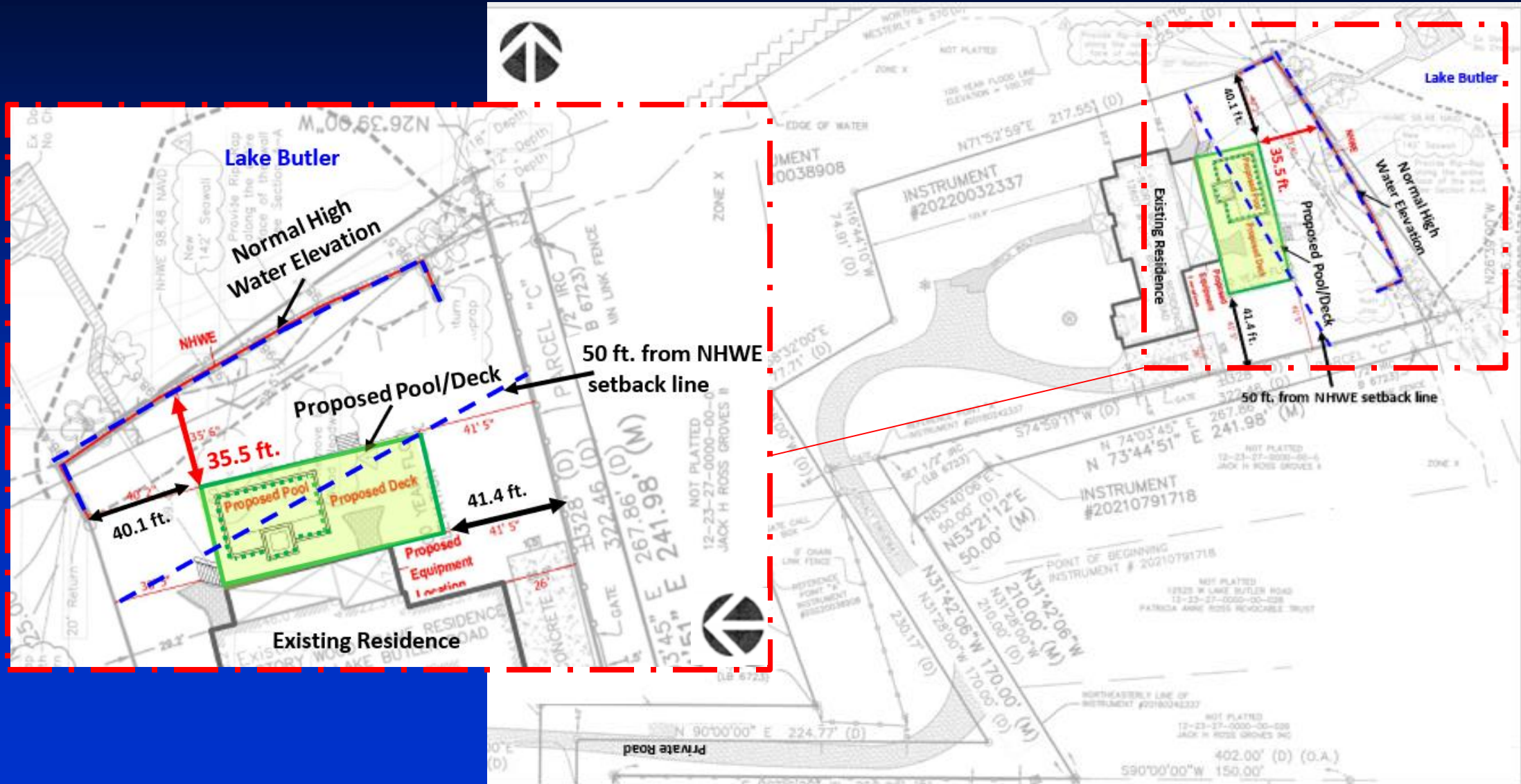




Aerial Map

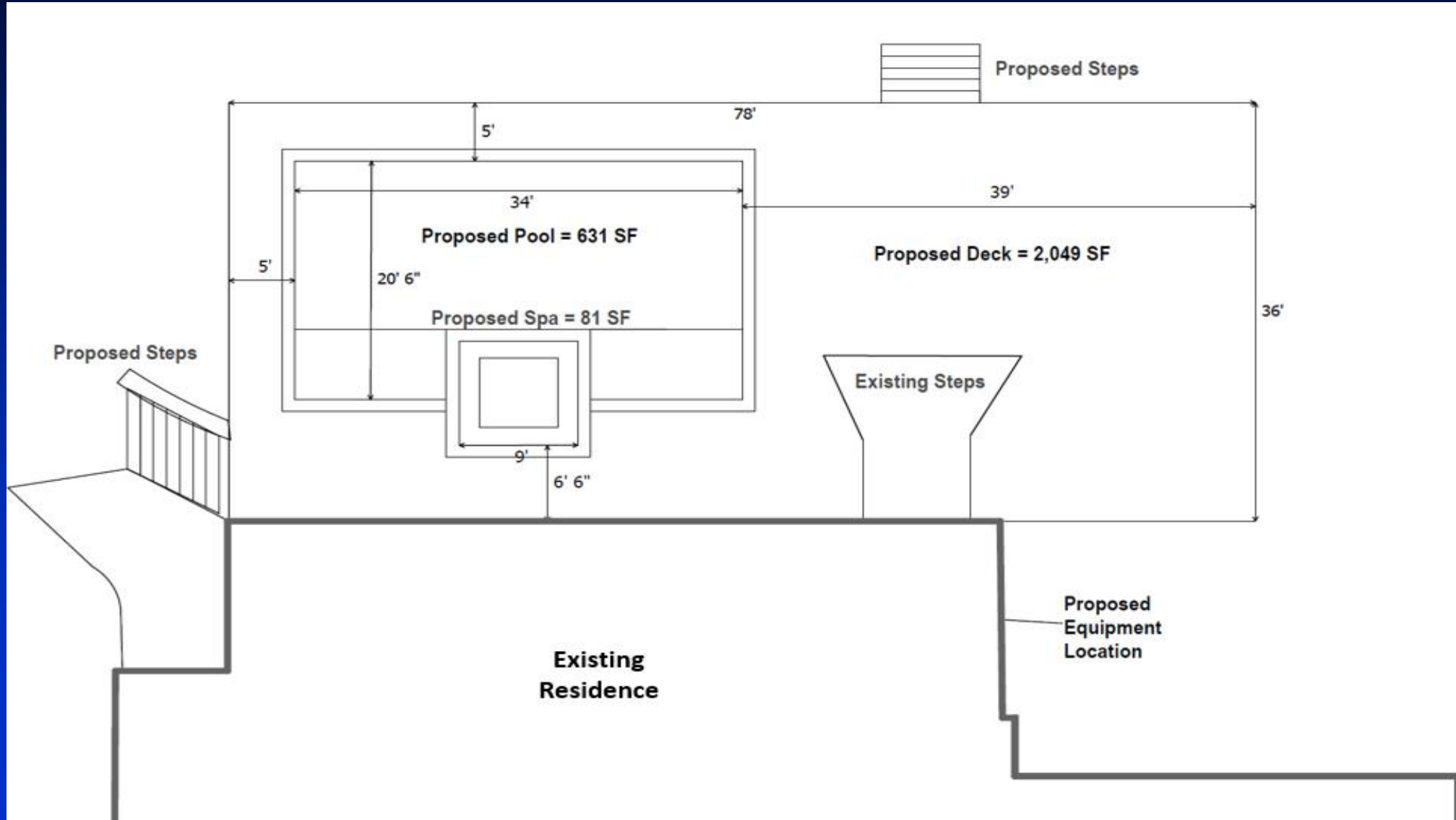


Survey





Pool Deck Specifications





Pool Rendering





Site Photograph

Facing east from W. Lake Butler Rd. towards property entrance





Site Photograph

Front yard, facing east towards front of the existing residence



04/02/2025 12:02



Site Photograph

Boat dock, facing west towards proposed pool/deck location



Site Photograph

Facing south from adjacent property towards proposed pool



Site Photograph

Rear yard, facing east from rear of residence towards Lake Butler





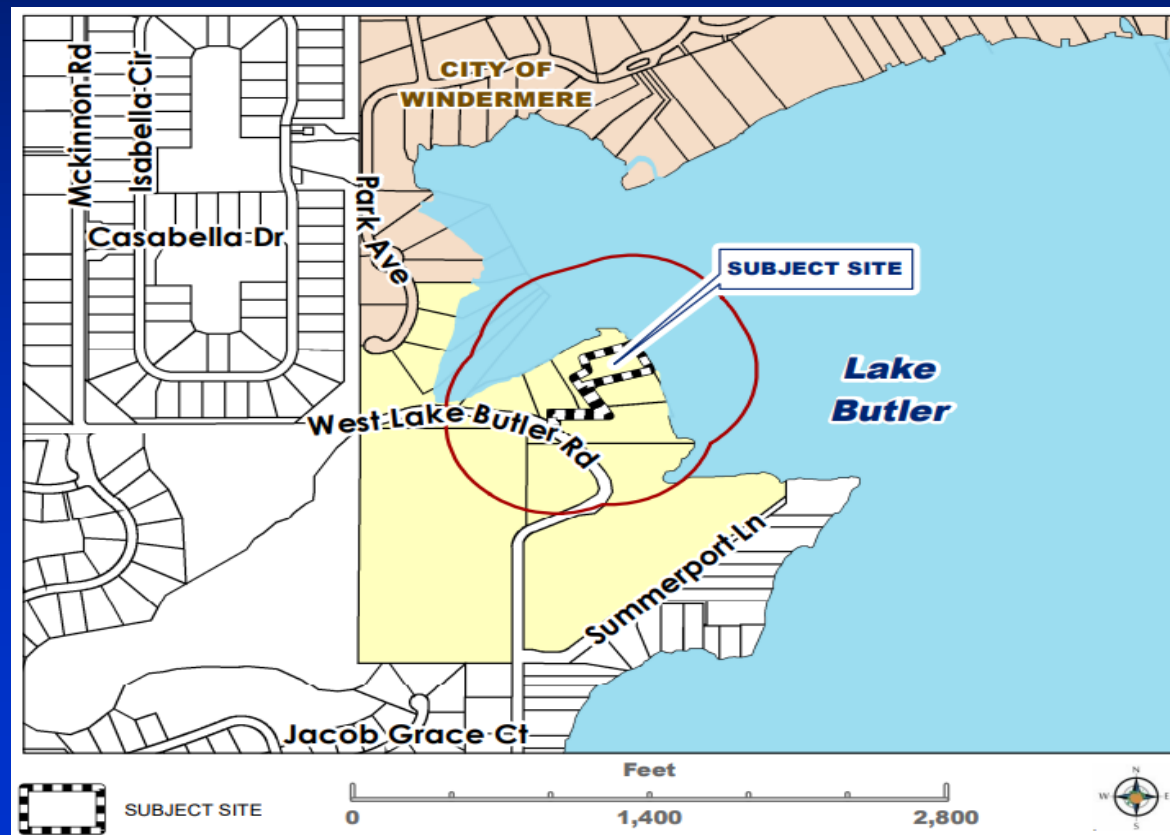
Staff Findings and Analysis

- The property is developed with a two-story 7,727 gross sq. ft. residence
- A permit to install a seawall was issued in May 2025, and is under construction
- Proposing to install a 2,049 sq. ft. pool and deck
 - Code requires a 50 ft. setback to the NHWE line in the R-CE-C district
 - The proposed pool and deck would be 35.5 ft. from the NHWE line, requiring the Variance
- Staff recommended approval of the Variance, subject to the conditions in the staff report, as the configuration of the lot and placement of the existing home restricts the area where a pool and deck could be constructed which conforms to code requirements and is of sufficient size without a Variance.



Public Feedback

- Staff mailed a total of 35 notices to adjacent property owners in a 500 ft. radius
 - Staff received no comments in favor and five comments in opposition (unmapped) to this request





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**



BZA Findings

- The BZA discussed the lot configuration, other similar pool and decks, and the lack of adequate space for the pool and deck. Additionally, the BZA stated that the Environmental Protection Division will conduct a full review of the project at permitting to confirm the Environmental standards are met. The BZA recommended approval of Variance request by a 7-0 vote, subject to the four (4) conditions found in the staff report.



Conditions of Approval

- 1. Development shall be in accordance with the site plan date stamped March 12, 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.**
- 4. Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the Variance request and, which shall inform all interested parties that the pool and deck is located no closer 35.5 feet from the Normal High Water Elevation (NHWE) of Lake Butler.**



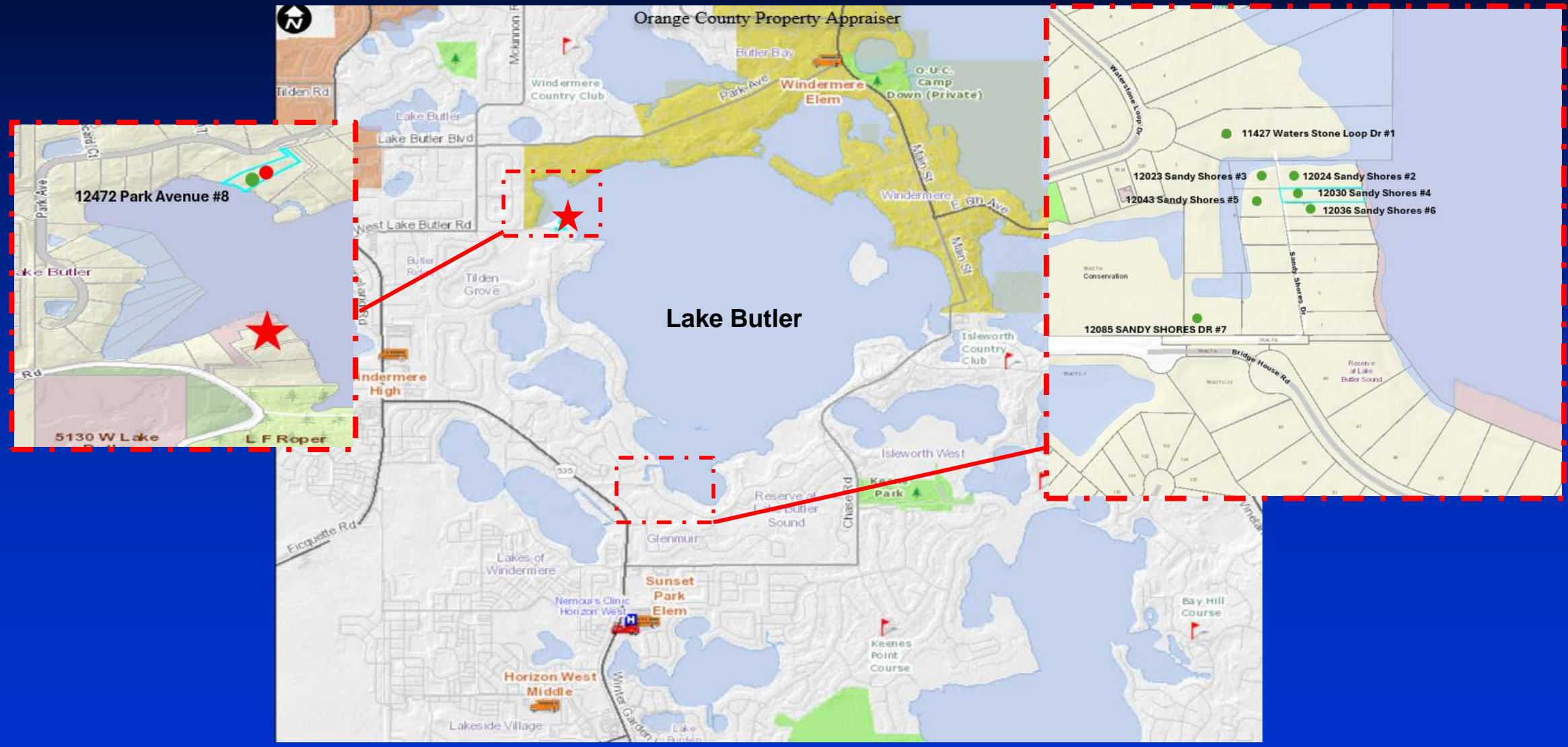
Requested Action

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

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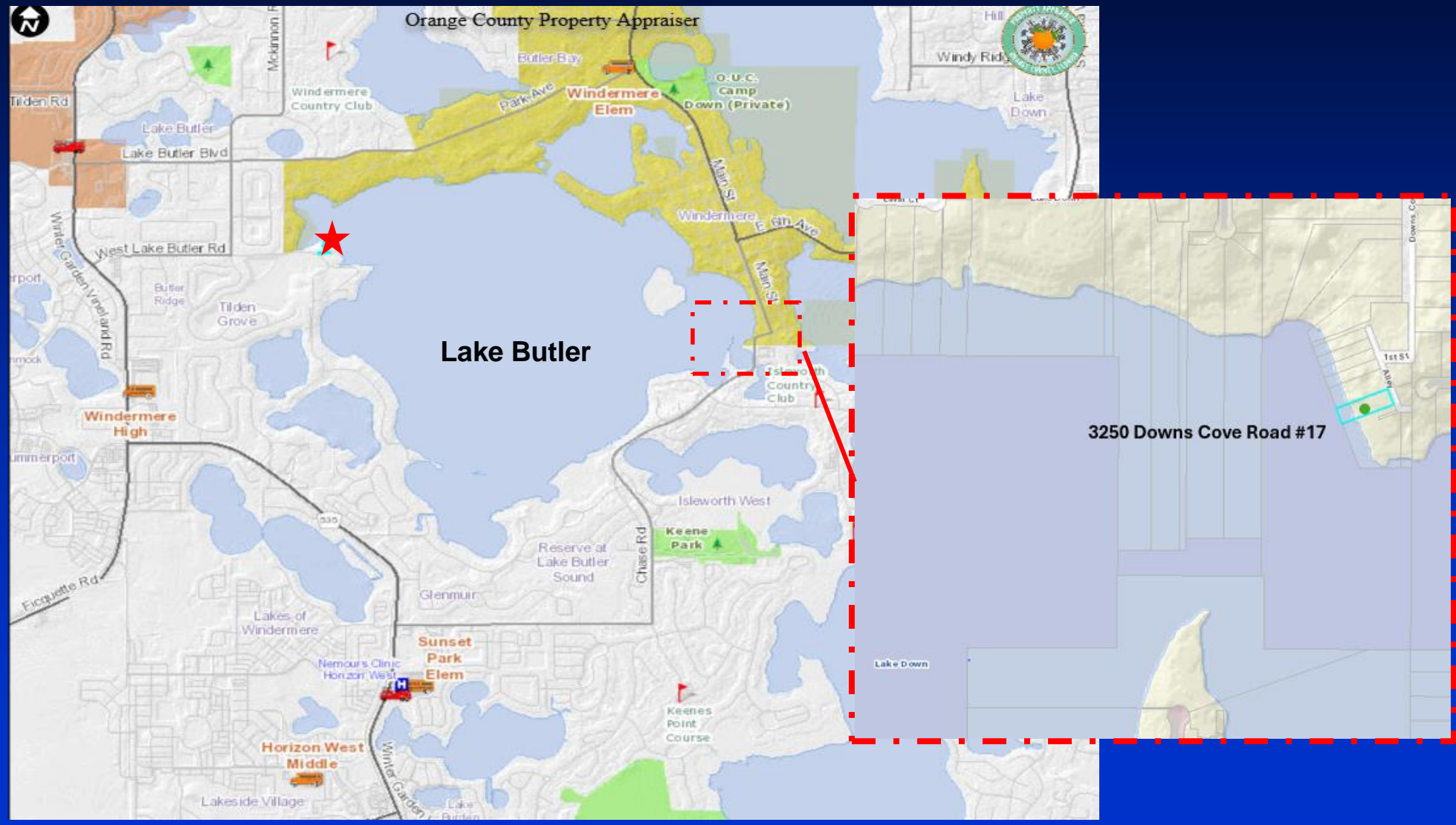


Other Variances – Lake Butler



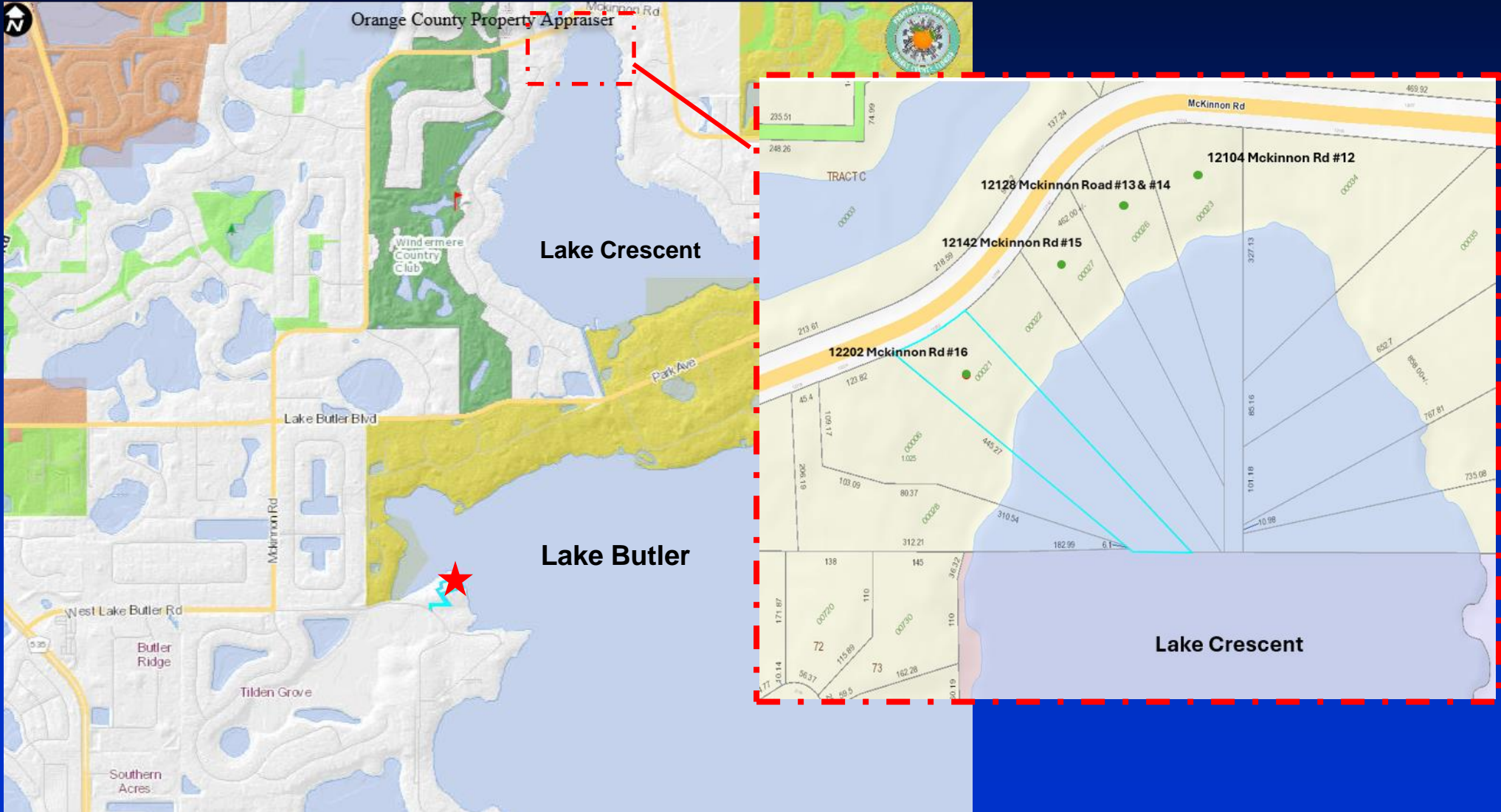


Other Variances – Lake Butler



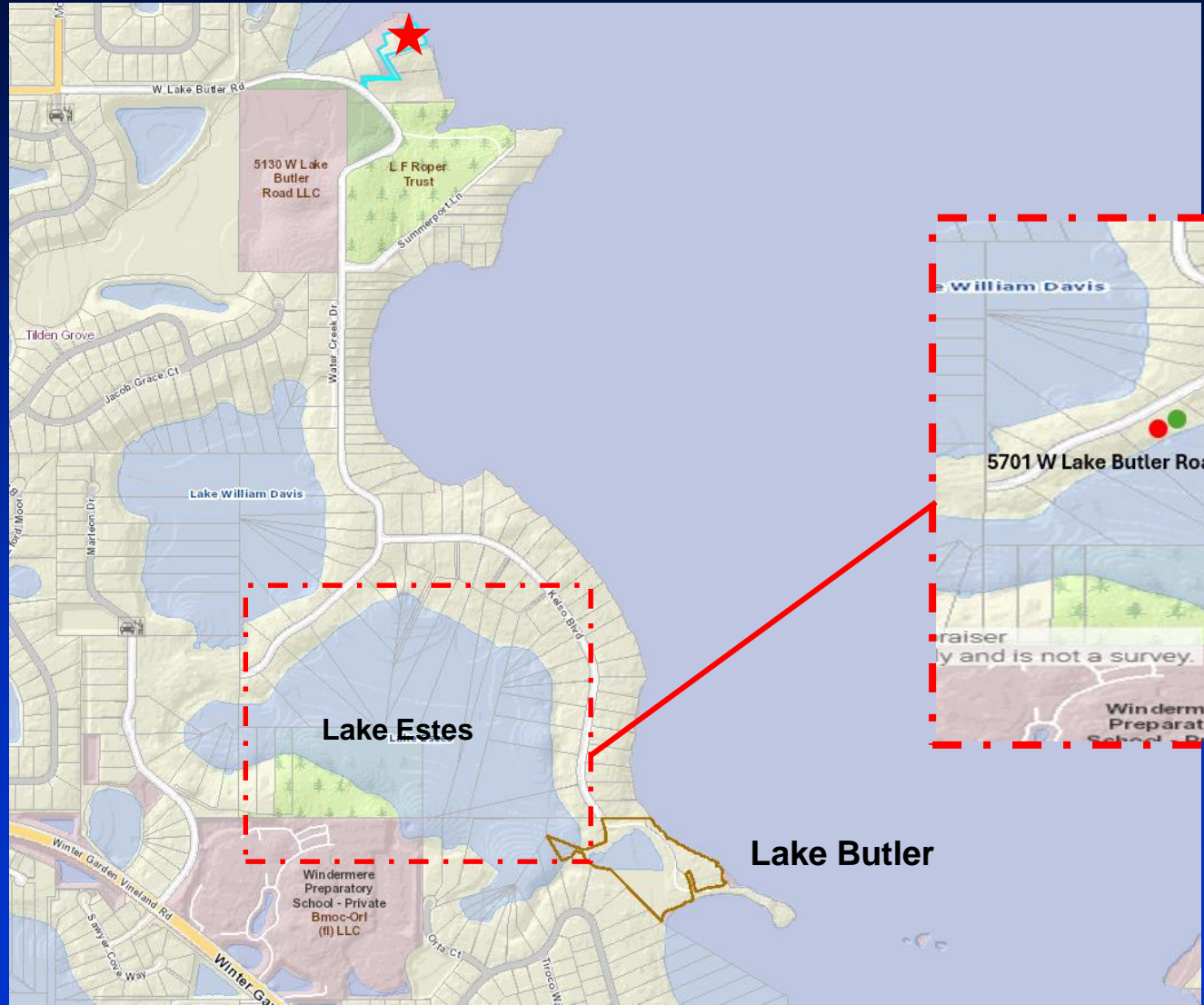


Other Variances – Lake Crescent



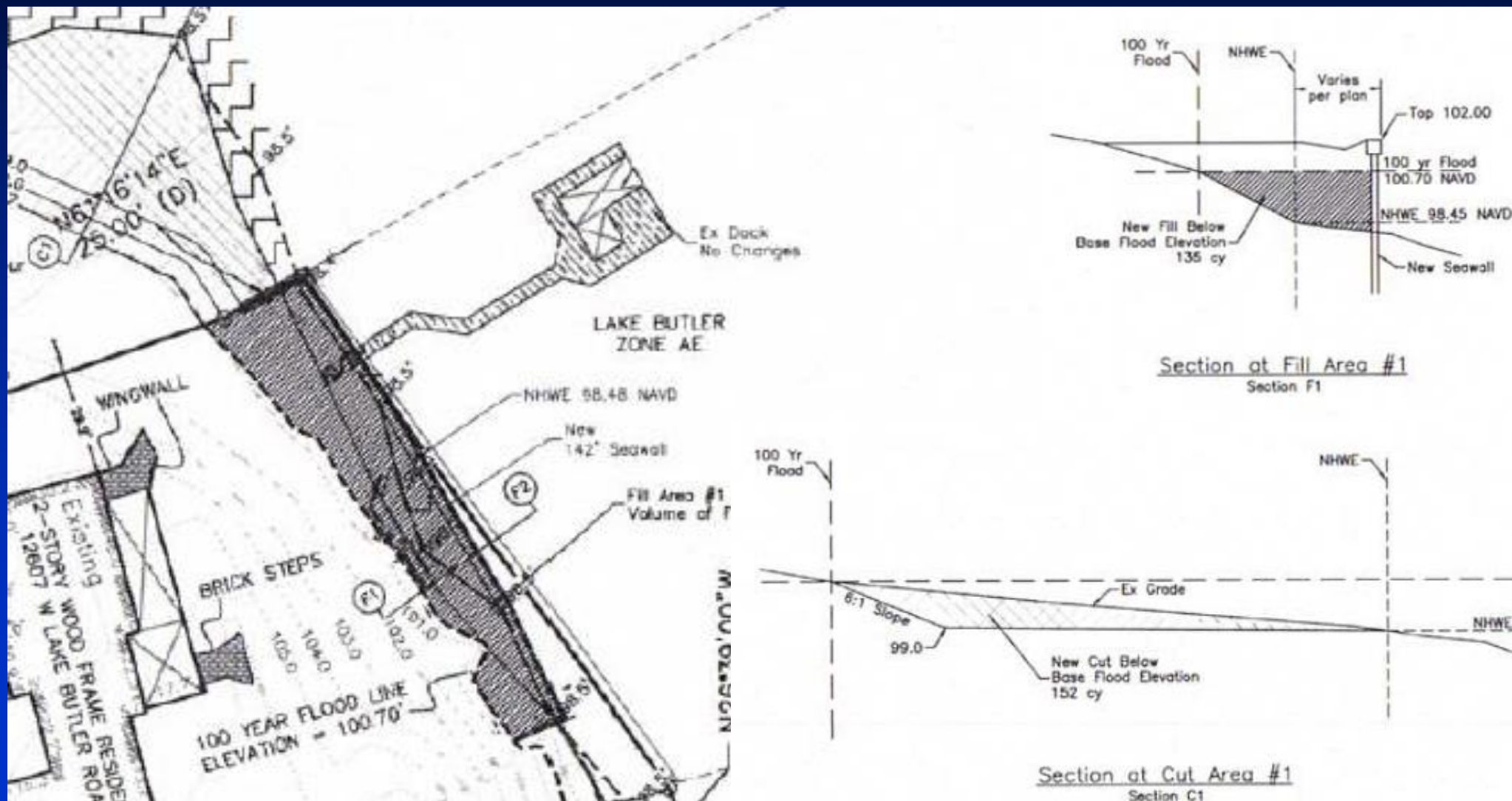


Other Variances – Lake Estes



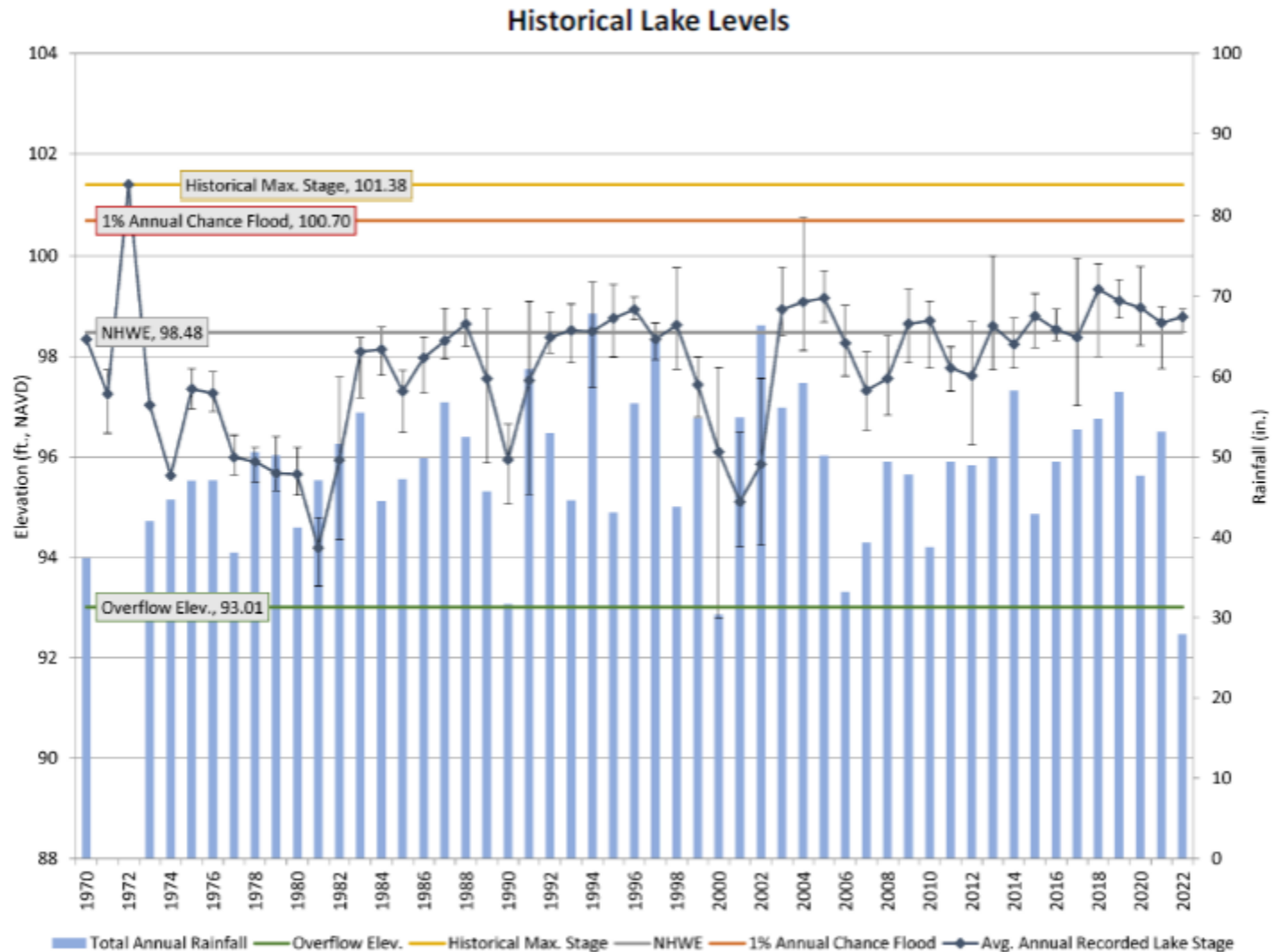


Supplemental Information





Lake Informational Sheet – Lake Butler





Lake Informational Sheet – Lake Butler

Monthly Data

