

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT, SERVICES DEPARTMENT  
ZONING DIVISION PUBLIC HEARING REPORT**

**January 27, 2026**

The following is a public hearing on an appeal before the Board of County Commissioners on January 27, 2026, at 2:00 p.m.

**APPLICANT/OWNER:** VICTOR CABRERA

**CASE #:** VA-25-11-058

**REQUEST:** Variance in the A-2 zoning district to allow an accessory structure to be located nearer the side street lot line than the required front yard of such abutting lot (15 ft. in lieu of 35 ft.).

**LOCATION:** 18415 23rd Ave., Orlando, FL 32833, east side of S. 6th St., south side of 22<sup>nd</sup> Ave., north side of 23rd Ave., south of E. Colonial Dr., west of S. County Rd. 13, east of S. Avalon Park Blvd.

**LOT SIZE:** +/- 20,698 sq. ft.

**ZONING:** A-2

**DISTRICT:** #5

**PROPERTIES NOTIFIED:** 68

**BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:**

Staff presented the proposal, outlined the property's location, site plan, and site photos, reviewed the six criteria and explained the reasons for recommending denial of the Variance. Staff noted that no public comments were received either in support or opposition to the request. Staff noted that the property is vacant and highlighted that the site could be redesigned to position the structure within a code-compliant setback.

The applicant explained that a larger accessory structure is needed to accommodate bigger equipment and vehicles, and that moving the proposed structure further into the property would reduce the available yard space.

The BZA determined that there is an opportunity to revise the design to meet the required setback standards, noting that the property is a vacant lot.

One individual spoke in favor of the request stating they believe that shifting the building forward would restrict maneuverability of the equipment and vehicles coming in and out of the structure. There was no one in attendance to speak in opposition to the request.

The BZA recommended denial of Variance request by a 6-0 vote, with one absent.

**BZA HEARING DECISION:**

A motion was made by Johnny Stanley, seconded by Juan Velez, and carried to recommend DENIAL of the Variance request in that there was no unnecessary hardship shown on the land; and further, it does not meet the requirements governing Variances as spelled out in Orange County Code, Section 30-43(3) (6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Sonya Shakespeare, Johnny Stanley; 0 opposed; 1 absent: Roberta Walton Johnson).

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 06, 2025**

Commission District: **#5**

Case #: **VA-25-11-058**

Case Planner: **Bryan Salamanca (407) 836-9616**

**Bryan.Salamanca@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** VICTOR CABRERA

**OWNER(s):** VICTOR CABRERA

**REQUEST:** Variance in the A-2 zoning district to allow an accessory structure to be located nearer the side street lot line than the required front yard of such abutting lot (15 ft. in lieu of 35 ft.).

**PROPERTY LOCATION:** 18415 23rd Ave., Orlando, FL 32833, east side of S. 6th St., south side of 22nd Ave., north side of 23rd Ave., south of E. Colonial Dr., west of S. County Rd. 13, east of S. Avalon Park Blvd.

**PARCEL ID:** 22-22-32-0712-24-024

**LOT SIZE:** +/- 20,698 sq. ft.

**NOTICE AREA:** 1100

**NUMBER OF NOTICES:** 68

## 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



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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	A-2	A-2	A-2	A-2	A-2
Future Land Use	R	R	R	R	R
Current Use	Vacant	Vacant	Vacant	Vacant	Vacant

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The subject property is located in the A-2, Farmland Rural district, which primarily allows agricultural uses, as well as single-family homes and mobile homes on larger lots. The Future Land Use (FLU) is Rural (R) which is consistent with the A-2 zoning district.

The immediate area around the subject site consists of vacant lots and single-family homes. The subject property is a vacant 0.48-acre parcel, platted in 1921 as Lots 24-28 of the Bithlo Plat. The subject property is required to be a minimum of 0.5 acres, but the subject site was in its current configuration before October 7, 1957, and has not changed or been in contiguous ownership with an adjacent lot since that time, and as such is a substandard lot of record in accordance with section 38-1401 of Orange County code.

The property is a double reverse corner lot with right-of-way along S. 6th St. to the west, 22nd Ave. to the north, and 23rd Ave. 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, S. 6th St. is considered the front and 22nd Ave. and 23rd Ave. are considered the side streets. S. 6<sup>th</sup> St. and 22<sup>nd</sup> Ave. are both 30 ft. wide dirt rights-of-way. The property is currently vacant with a chain link fence along the north, east, and west property lines. The property was purchased by the current owner in 2024.

The proposal is to construct a 1,500 gross sq. ft one-story accessory structure (garage), and a 2,368 gross sq. ft. single-family residence. As proposed, the accessory structure will be located 15 ft. from the north side street property line where 35 ft. is required. The typical side street setback for a property located in the A-2 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 both 22nd Ave. and 23rd Ave. The required front yard of the abutting lots is 35 ft., so a 35 ft. setback is required on the subject site from both 22nd Ave. and 23rd Ave, prompting the Variance request. The proposed accessory structure complies with all other zoning development standards. The applicant's cover letter identifies corrugated metal panels as the exterior material for the proposed accessory structure, however the elevations provided call out Hardie board siding. Pursuant to Condition of Approval (COA) #1, the proposed accessory structure will be required to match the elevations provided.

Given the reduced separation from 22nd Ave., additional site landscaping is appropriate to minimize the visual impact of the reduced setback and maintain the rural character of the A-2 district, as reflected in COA #4. In addition, no permits have been obtained for the existing fence onsite. The owner is required to obtain a permit for the fence and meet all applicable development standards, or the fence must be removed, as reflected in condition of approval #5.

### Accessory Structure Development Standards

	Code Requirement	Proposed
Location:	Not located in front of the principal structure*	Located in the rear of the primary dwelling unit
Max. Height:	25 ft.	23.68 ft.
Max. Sq. Ft.:	2,069.8 sq. ft.	1,500 sq. ft.

*\*An accessory structure may be located in front of the principal structure when the entire principal structure is located in the rear half of the lot, or when located on a lot with 5 or more developable acres.*

### Accessory Structure Setbacks

	Code Requirement	Proposed
Front: (S. 6 <sup>th</sup> St.)	35 ft.	104 ft. (West)
Side Street: (22nd Ave.)	35 ft.*	15 ft. (North -Variance)
Side Street: (23rd Ave.)	35 ft.*	73.91 ft. (South)
Rear:	10 ft.	16 ft. (East)

*\*Side street setback increases from the standard 15 ft. to the abutting lot's front yard setback (35 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 accessory structure could be relocated to a code compliant location. Therefore, staff is recommending denial.

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### STAFF FINDINGS

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#### **VARIANCE CRITERIA**

##### **Special Conditions and Circumstances**

MET - There are special conditions or circumstances particular to the subject property as the subject property abuts three different rights-of-way and is subject to the additional reverse corner lot setbacks on two of those rights-of-way.

##### **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**

NOT MET - Approval of the requested variance would afford relief not commonly available to other properties under similar circumstances.

**Deprivation of Rights**

NOT MET - There is no deprivation of rights as a code compliant accessory structure could be constructed on the property.

**Minimum Possible Variance**

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

**Purpose and Intent**

NOT MET - The requested variance is not in harmony with the purpose and intent of the code, which protects the functional front yard of abutting lots along side streets, maintains consistent building lines, and preserves visibility along corner lots.

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**CONDITIONS OF APPROVAL**

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1. Development shall be in accordance with the site plan and elevations dated October 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.
4. Prior to the issuance of the Certificate of Completion for the accessory structure permit, the applicant shall provide a Florida #1 3-inch caliper canopy tree as described in Orange County Code Section 24-12 between the northern facade of the proposed accessory structure and 22nd Ave. A watering schedule or an irrigation system in compliance with Sec. 24-7 – irrigation, shall be provided.
5. Prior to the issuance of a permit for the accessory structure, a permit shall be obtained for the fence, or the fence shall be removed.

C: Victor Cabrera  
1712 Brassie Ct.  
Kissimmee, FL 34746

**Victor Cabrera**  
1712 Brassie Ct  
Kissimmee, FL 34746-4535

August 27, 2025

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

**Subject:** Variance Request – 30’x50’ Detached Garage/Storage Building  
**Property Address:** 18415 23<sup>rd</sup> Avenue, Orlando, FL 32826

Dear Orange County Zoning Division,

I am writing to formally request a **zoning variance** for the construction of a **30-foot by 50-foot (1,500 square feet) metal building** to be used as a **detached garage and storage structure** on my property located at [insert address or parcel ID].

### **Nature of the Request**

This application seeks relief from the **required 35-foot secondary front yard setback** from **22nd Avenue** and instead proposes a **setback of 15 feet** from that property line. The building will comply with all other applicable setbacks, lot coverage, and height limitations.

### **Project Description**

- **Structure Type:** Detached garage and storage building
- **Use:** Residential accessory structure (non-commercial)
- **Dimensions:** 30 feet (width) by 50 feet (length)
- **Total Area:** 1,500 square feet
- **Height:** Approximately 16 feet to peak
- **Construction Type:** Prefabricated **metal building** with slab-on-grade concrete foundation
- **Exterior Materials:** Corrugated metal panels (siding and roof), metal roll-up doors, and personnel access door
- **Setback Request:**
  - **Proposed setback from 22nd Ave (secondary front):** 15 feet
  - **Required setback per Code:** 35 feet
  - **Variance Requested:** 20 feet
- **Setback from other property lines:**
  - Rear setback: is substituted with a front setback requirement.
  - Side setback: 16 feet (meets requirement)
  - Primary front setback: 73.4 feet (meets requirement)

The 15-foot proposed setback allows the structure to fit on the site without infringing on other setbacks or creating functional challenges. A smaller setback is not being requested; this is the **least amount of relief necessary** to construct a standard-sized garage/storage building.

**The granting of the variance will be in harmony with the general intent and purpose of the zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

The structure is located far enough from the roadway to maintain visibility and safety, and will not obstruct views, interfere with traffic, or disrupt neighborhood aesthetics. The area is characterized by residential properties with a mix of accessory structures. The proposal will not adversely affect adjoining properties or the character of the area.

The variance seeks parity with other lots that are not encumbered by a secondary front setback. Other homeowners with interior lots are able to place similar structures with more flexible placement. This variance simply allows this corner lot to be used in a similar and reasonable manner.

I respectfully request the approval of this variance to allow construction of a 30'x50' detached garage and storage building at a 15-foot setback from the secondary front property line along 22nd Avenue. The proposed structure complies with all other zoning criteria.

Please feel free to contact me if further information or clarification is needed.

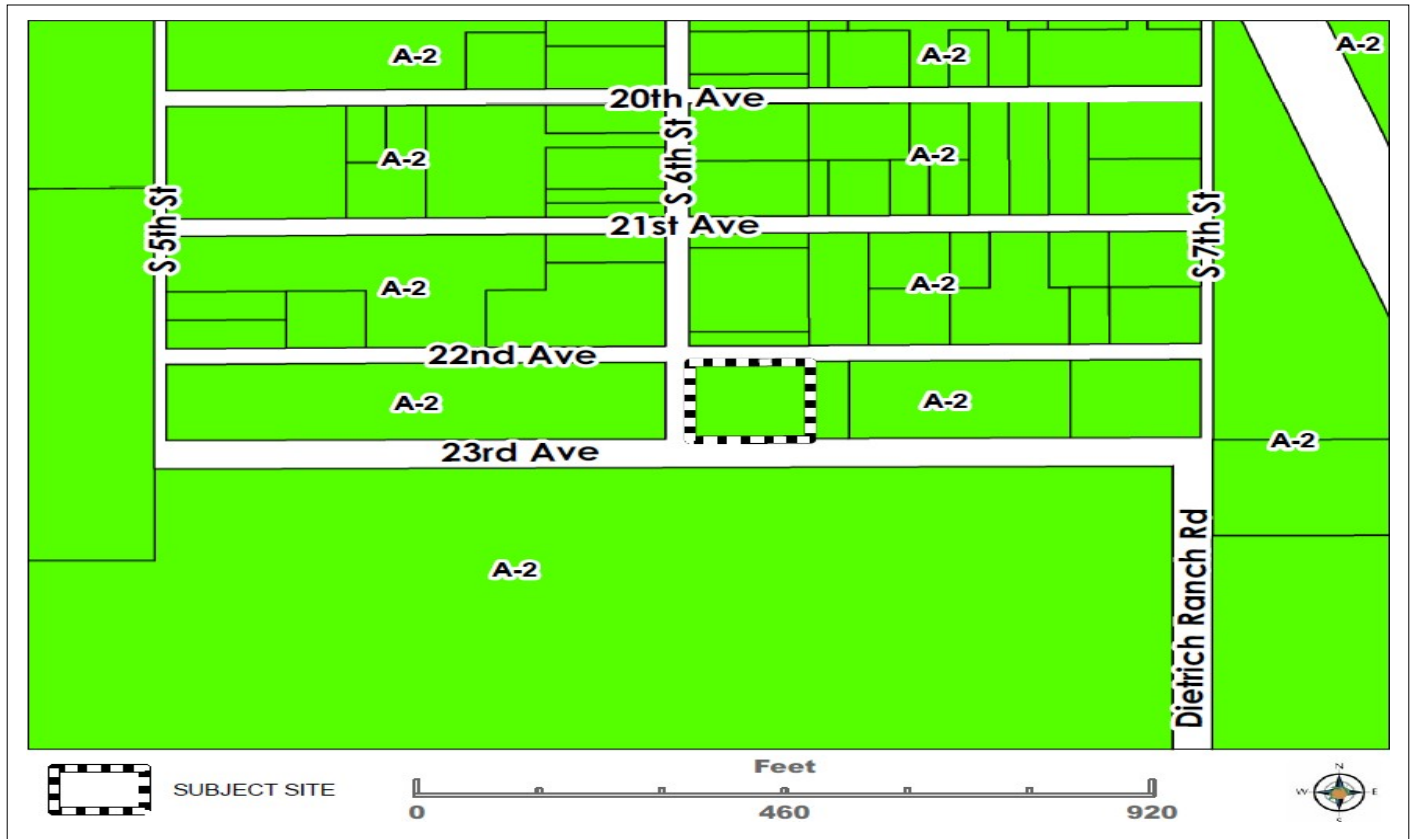
Thank you for your time and consideration.

Sincerely,

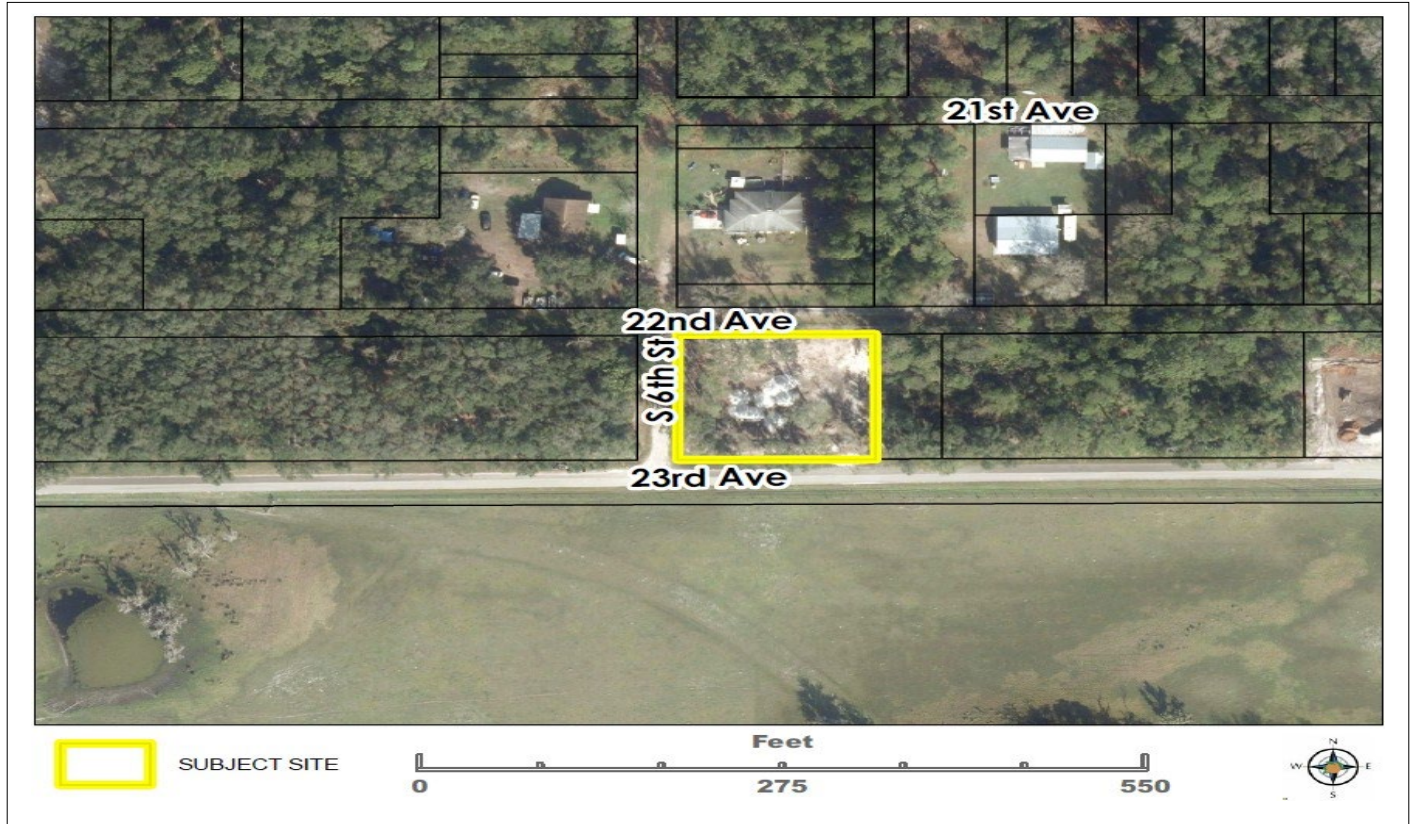
**Victor Cabera**



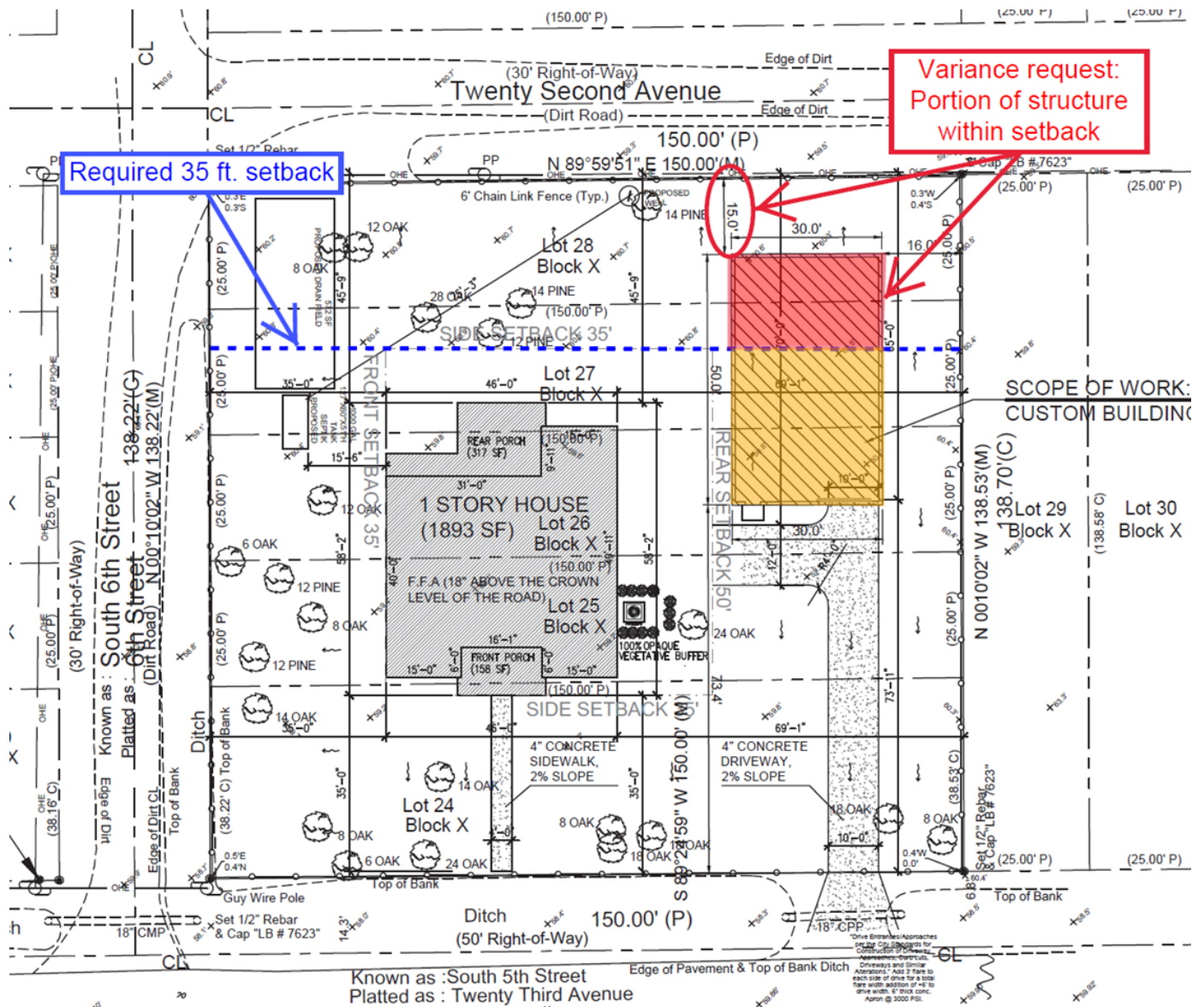
## ZONING MAP



## AERIAL MAP



## SITE PLAN



**35 ft setback**

**35 ft setback**

**10 ft setback**

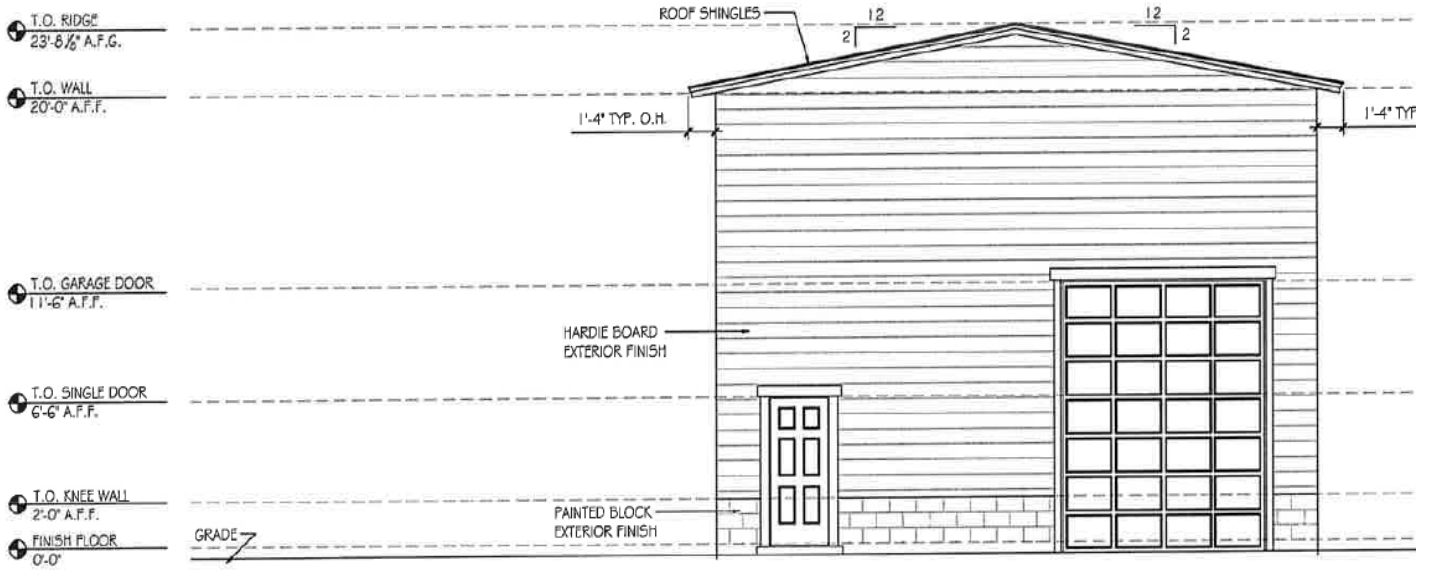
**Buildable lot area for an accessory structure**

**35 ft setback**

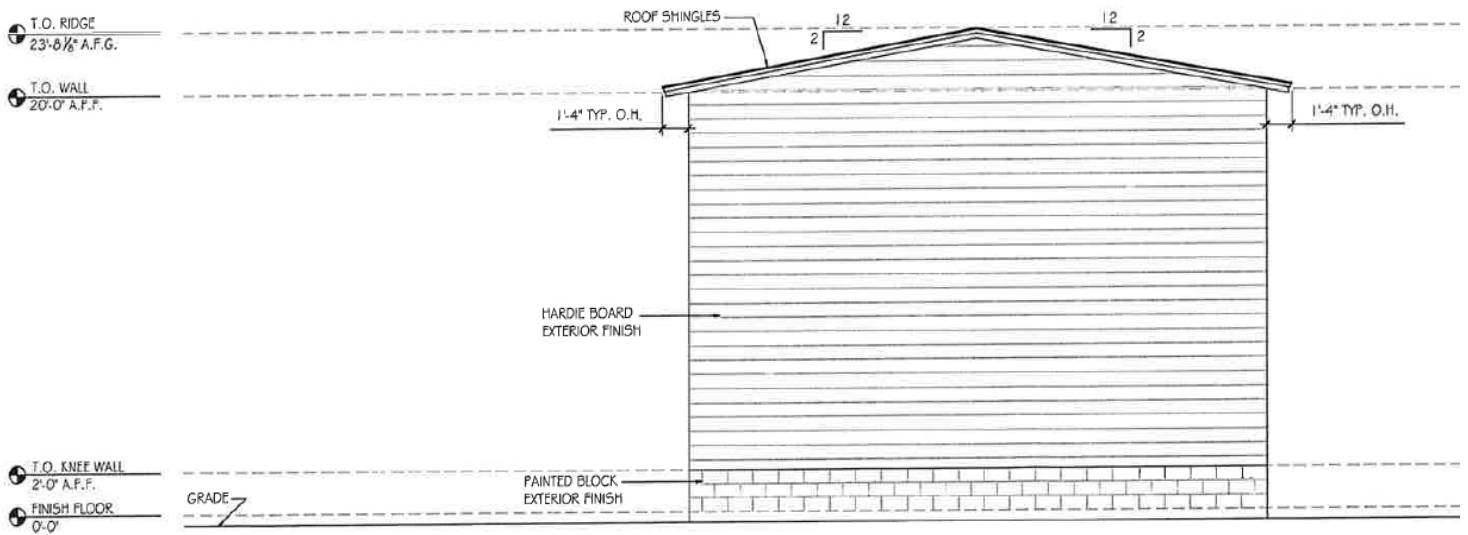
Known as : South 5th Street  
Platted as : Twenty Third Avenue



# ELEVATIONS

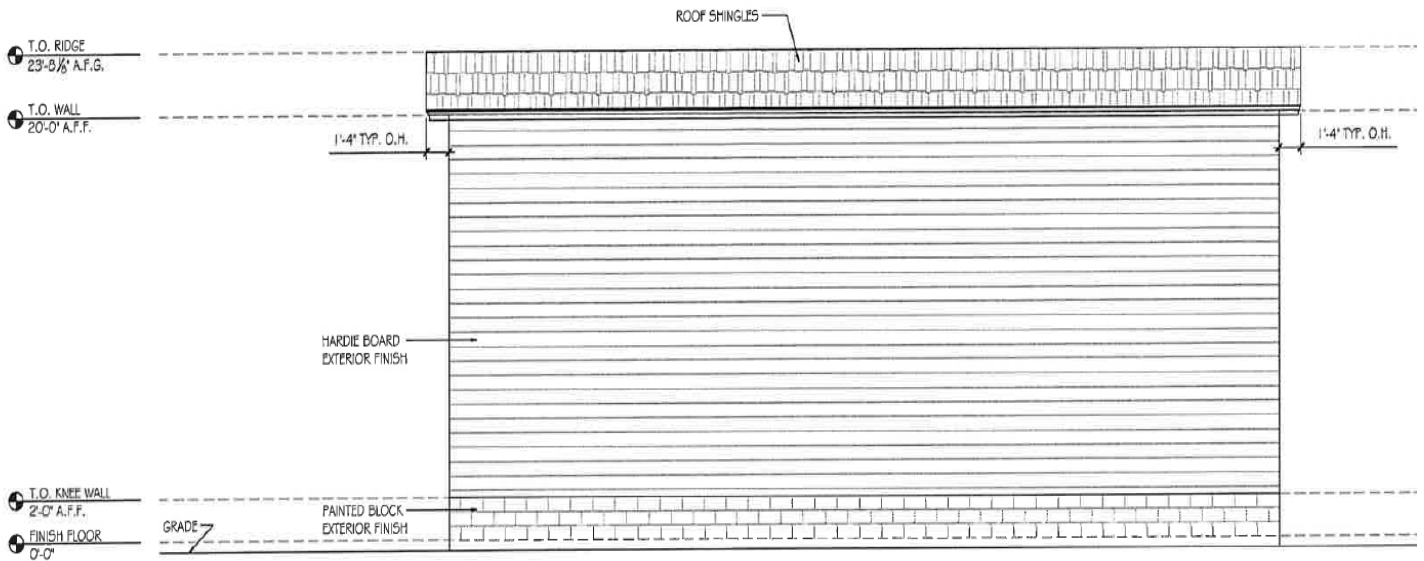


South elevation (front) – Facing 23<sup>rd</sup> Ave.

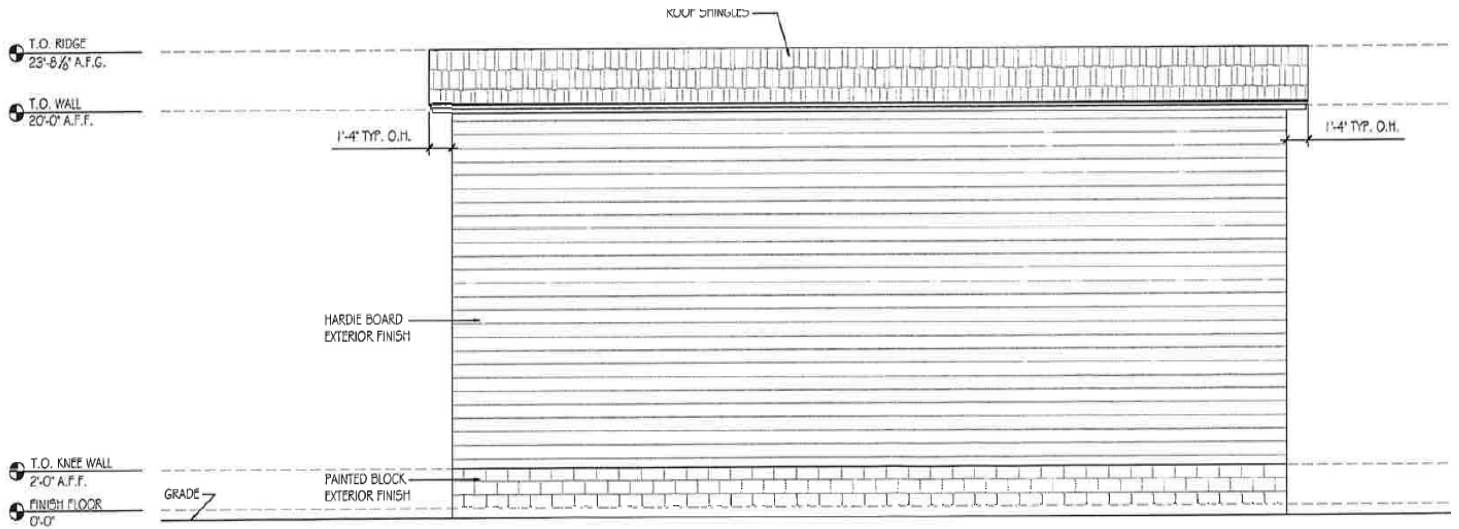


North elevation (rear) – Facing 22<sup>nd</sup> Ave.

# ELEVATIONS



West elevation (side)



East Elevation (side)



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## SITE PHOTOS

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**Facing north from 23rd Ave. towards the subject property**



**Facing east from S. 6th. St., towards the front of the subject property**



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## SITE PHOTOS

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**Facing south from 22nd Ave., towards the subject property**



**View looking east down 22nd Ave. Subject property to the right.**