



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

December 4, 2025

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)
ORANGE COUNTY GOVERNMENT

<u>Board Member</u>	<u>District</u>
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
Jacqueline Boling	Planner I

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
DECEMBER 4, 2025**

Case #	Applicant	Commission District	Staff Recommendation	BZA	Page #
VA-25-11-066	Edgard Klemm and Ellen Castellani	1	Denial	Approval w/Conditions	1
VA-25-08-033	Jose Martinez	4	Denial	CONTINUED TBD	12
VA-25-12-071	Lucas Naranjo	3	Denial	Approval w/Conditions	27
VA-25-12-075	Mizanur Rahman	1	Requests #1-2, Approved w/Conditions Requests #3-#6, Denial	Approval w/Conditions	42
VA-25-12-076	Austin Hammonds	1	Denial	Approval w/Conditions	57
VA-26-01-077	Richard Eden	3	Denial	Approval w/Conditions	71
VA-25-12-073	Rebecca Hammock	1	Denial	Approval w/Conditions	83
VA-25-12-074	Rebecca Hammock	1	Denial	Approval w/Conditions	98
VA-26-01-078	McGregor Love	5	Request #1, Approved w/Conditions Request #2, Denial	Approval w/Conditions	111
VA-25-10-046	Jeffery Dyal	5	CONTINUED TBD	CONTINUED TBD	126
VA-25-10-047	Luis Honorato	2	Approval w/Conditions	Approval w/Conditions	127
SE-25-12-072	Anastasia Averbukh	5	Approval w/Conditions	Approval w/Conditions	139
SE-25-11-068	Scott Gentry for Discovery Church	1	Approval w/Conditions	Approval w/Conditions	153

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 Jan 13, 2026.

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	
										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	

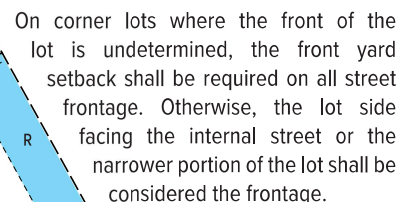
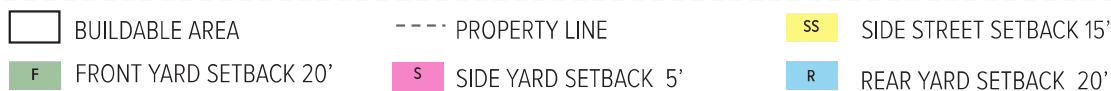
NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements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

YARD DETERMINATION (BASED ON
R-1 ZONING DISTRICT IN EXAMPLE)



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: **DEC 04, 2025**

Commission District: **#1**

Case #: **VA-25-11-066**

Case Planner: **Allen McNeill (407) 836-9620**

Allen.McNeill@ocfl.net

GENERAL INFORMATION

APPLICANT(s): EDGARD KLEMM AND ELLEN CASTELLANI

OWNER(s): EDGARD KLEMM, ELLEN CASTELLANI

REQUEST: Variance in the PD zoning district to allow a pool and deck to be located in the side street yard in lieu of the side or rear yards.

PROPERTY LOCATION: 5035 Lake Hamlin Trl., Winter Garden, FL 34787, northeast corner of Lake Hamlin Trl. and Lake Lamonia St., north of Porter Rd., east of Avalon Rd., south of New Independence Pkwy., west of S.R 429

PARCEL ID: 20-23-27-5444-00-280

LOT SIZE: +/- 7,521 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 89

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

1. Development shall be in accordance with the site plan date stamped November 16, 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 a permit for the pool and pool deck, a permit shall be obtained for the existing PVC privacy fence, or it shall be removed.

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 criteria and the reasons for a recommendation of denial of the Variance.

Staff noted that 1 correspondence was received in favor of the request and no comments were received in opposition.

The applicant was present and stated that the proposed alternative site plan by staff would create access issues to the rear yard and that neighboring properties had similar pool locations to what they proposed.

The BZA asked questions regarding the HOA approval and the walking space between the alternative pool location and the existing structures. Additional discussion followed regarding other lawful pools in the side street yard in the same community and possible stormwater runoff if the pool were to be proposed in Staff's alternative plan.

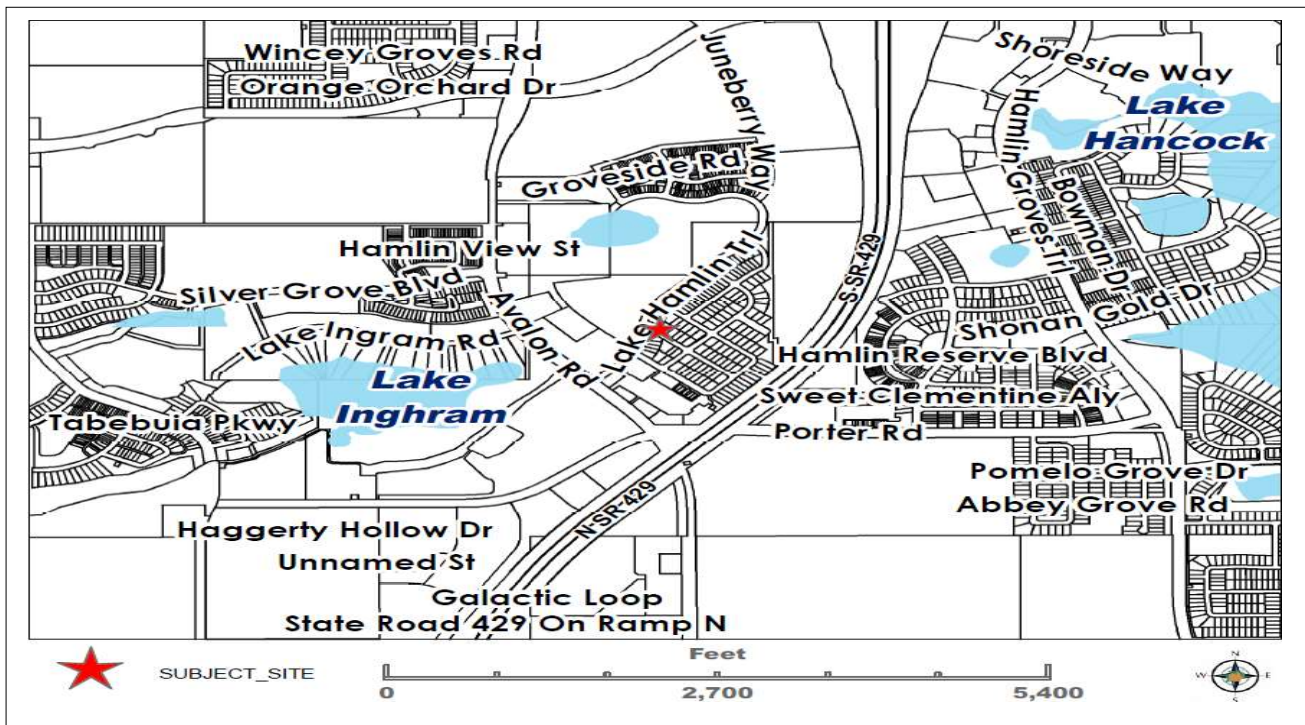
There was no one in attendance to speak in favor or in opposition to the request.

The BZA discussed the special conditions of the site and subsequently recommended approval of the Variance request by a 6-0 vote, with one absent, subject to the 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 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	P-D	P-D	P-D	P-D	P-D
Future Land Use	VILLAGE	VILLAGE	VILLAGE	VILLAGE	VILLAGE
Current Use	Single-family residential	Single-family residential	Single-family residential	Park	Retention Pond

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in a Planned Development (PD), specifically the Hamlin Southwest PD, which allows single-family homes and associated accessory structures. The Future Land Use (FLU) is Village, which is consistent with the PD Zoning District

The subject property is 7,521 sq. ft. in size, was platted in 2021 as Lot 28 of the Lakeside at Hamlin plat and is a conforming lot of record. The area surrounding the subject site consists of single-family homes. The property is a corner lot with right-of-way along Lake Hamlin Trl. to the west and Lake Lamonia St. to the south. For residential properties, Code considers the narrow portion of the lot to be the front; as such, Lake Hamlin Trl. is considered the front and Lake Lamonia St. is considered the side street. The south property line is setback 14 ft. from the edge of pavement along Lake Lamonia St. and there is a sidewalk along the street adjacent to the lot.

The property was purchased by the current owner in July 2022, and is developed with a 2-story, 3,063 gross sq. ft. single-family home, constructed in July 2022, as well as an attached garage. There is a 6 ft. PVC privacy fence enclosing the side street, rear, and side yards. When reviewing the Variance application, staff found no permits for the fence.

The proposal is to construct a 318 sq. ft. pool and deck within the side street yard. The plans provided show an 8 ft. by 16 ft. plunge pool with a 3 foot wide paved pool deck constructed in the side street yard. Section 38-79(10)(b) of Orange County Code states a pool and deck shall not be located in the front yard or side street yard. The pool and deck are being proposed between the principal structure and the street right of way, requiring the 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.

Building Setbacks (Pool and Pool Deck)

	Code Requirement	Proposed
Front:	Not located within the front yard	N/A (West)
Side:	5 ft.	N/A (North)
Side Street:	Not located within the side street yard; 10 ft. when applicable	Located in the side street yard (Variance) 12 ft. (South)
Rear:	5 ft.	14 ft. (East)

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET – The configuration of the lot and placement of the existing home does not prevent the property owner from constructing a similar pool and deck that would conform to code requirements.

Not Self-Created

NOT MET – The Variance request is self-created as the yard can still be enjoyed with a pool and pool deck in a code compliant location.

No Special Privilege Conferred

MET – Granting this variance would not confer a special privilege to the applicant, as the placement of a pool in a side street yard was permitted until January 2024. Additionally, there are several examples within this neighborhood and surrounding subdivisions of pools and pool decks that were lawfully permitted in side street yards prior to the 2024 code amendment.

Deprivation of Rights

NOT MET – The Variance request is not a deprivation of rights because the applicant is not granted the right to have a pool, and a pool and deck can still be located in the rear yard in lieu of the side street yard.

Minimum Possible Variance

NOT MET – The request is not the minimum possible as the pool and deck could be constructed in a way to minimize the impact.

Purpose and Intent

MET – Approval of the requested variance would be in harmony with the purpose and intent of the Zoning Regulations, which are primarily focused on preserving access and visibility while minimizing impacts on surrounding properties. The proposed pool and deck will be set back no closer than 26 feet from the edge of pavement along Lake Lamonía Street, providing ample separation from the roadway. In addition, the pool and deck will be fully enclosed by an existing 6-foot privacy fence. Although the property owner will need to obtain a permit for the fence, it appears to meet all applicable code requirements as currently erected. The fence will screen the improvements from adjacent properties and the public right-of-way, thereby ensuring that the project does not create any measurable negative impacts on neighboring property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped November 16, 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 a permit for the pool and pool deck, a permit shall be obtained for the existing PVC privacy fence, or it shall be removed.

C: Edgard Klemm and Ellen Castellani
 5035 Lake Hamlin Trl.
 Winter Garden, FL 34787

COVER LETTER

EDGARD KLEMM AND ELLEN CASTELLANI
5035 LAKE HAMLIN TRAIL
WINTER GARDEN, FL, 34787
08/29/2025

To Whom It May Concern,

I am writing to respectfully request a variance regarding the placement of an inground pool on my property located at 5035 LAKE HAMLIN TRAIL WINTER GARDEN, FL, 34787 permit number B25006321. Our home sits on a corner lot, and due to the unique layout of the lot, the most suitable and practical location for a pool is within the side yard.

Until mid-2024, the Florida Building Code permitted pools to be placed in side yards, and my neighbors were able to build pools under that guideline. However, with the recent code changes, this is no longer allowed. While I understand the importance of building code updates, I believe that in this case, an exception would not cause any harm to the neighborhood or surrounding properties.

We will fully respect and comply with all required setbacks and safety regulations. The proposed pool location will not negatively impact the character of the neighborhood, nor will it encroach on or interfere with neighboring properties. On the contrary, it will allow us to responsibly use our lot in a way that works with its shape and design.

Given these circumstances, I kindly request that this variance be approved so that we may move forward with building our pool.

Thank you for your time and consideration.

Sincerely,

EDGARD KLEMM AND ELLEN CASTELLANI

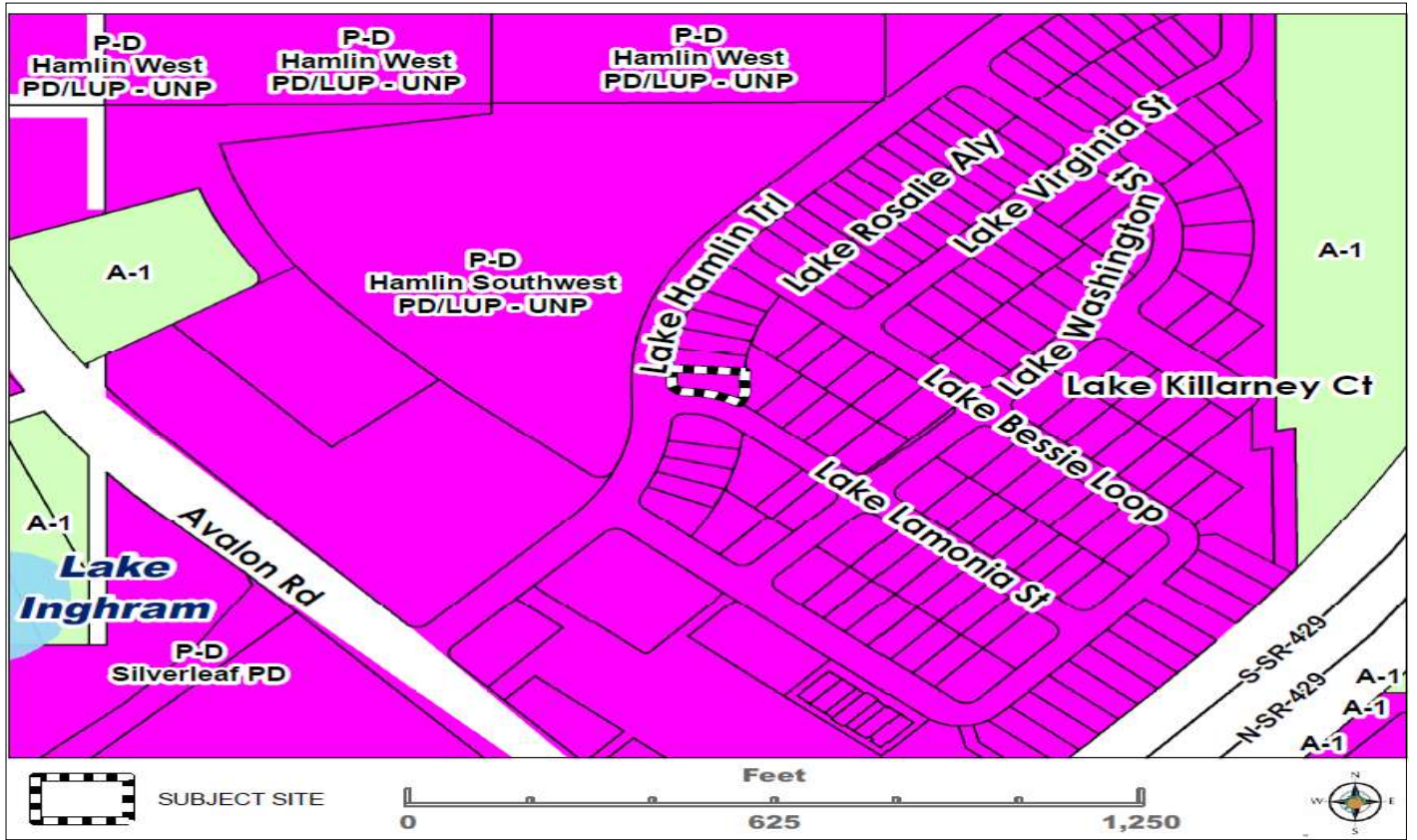
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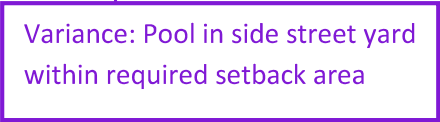
ZONING MAP



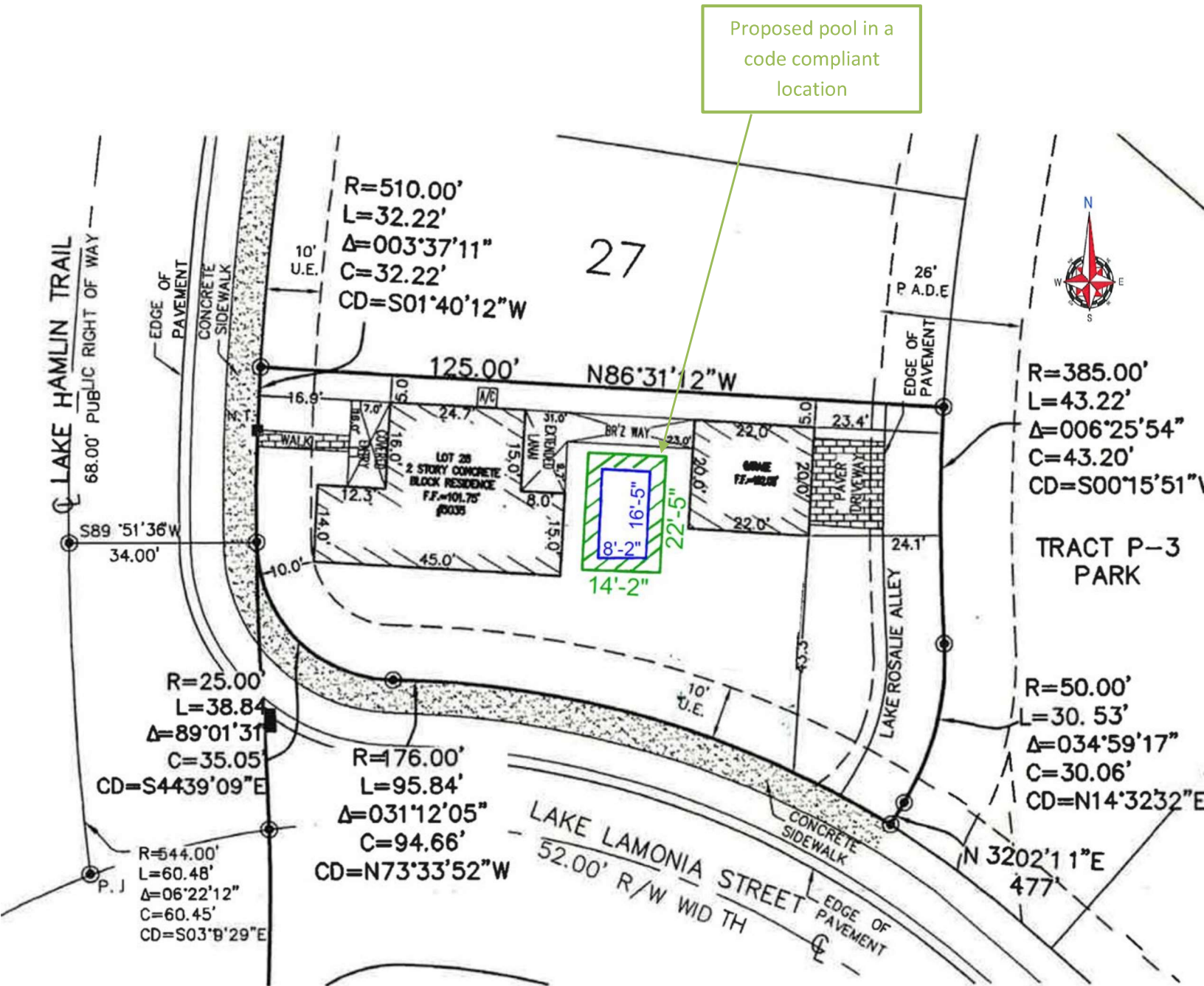
AERIAL MAP



SITE PLAN



ALTERNATIVE POOL LOCATION



SITE PHOTOS



Facing east towards front of subject property



Side street yard, facing west from the rear access ally

SITE PHOTOS



Side street yard, facing west inside the fence



Side street yard, facing west where pool and paver deck are proposed on south side of the home

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 2025**
Case #: **VA-25-08-033**

Commission District: **#4**
Case Planner: **Catherine Glase (407) 836-9615**
Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JOSE MARTINEZ

OWNER(s): JOSE MARTINEZ

REQUEST: Variances in the PD Zoning District to allow an existing pool deck as follows:

- 1) A rear setback of 0.5 ft. in lieu of 5 ft.
- 2) A north side setback of 0.5 ft. in lieu of 5 ft.
- 3) A south side setback of 0.5 ft. in lieu of 5 ft.

NOTE: This is a result of Code Enforcement.

PROPERTY LOCATION: 13277 Alderley Dr., Orlando, FL 32832, east side of Alderley Dr., east of Narcoossee Rd., north of the Osceola County Line, southwest of Lake Hart

PARCEL ID: 32-24-31-2304-02-810

LOT SIZE: +/- 9,262 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 47

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

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 criteria and the reasons for a recommendation of denial of the Variance.

Staff noted that two comments were received in favor of the request and no comments were received in opposition.

The applicant was present and requested a continuance of the case to an undetermined hearing date to allow time to modify the plans.

There was one person in attendance to speak in opposition to the request, noting that the continuance was a delay tactic. There was no one in attendance to speak in favor of the request.

The BZA asked questions regarding the HOA setbacks, and the applicant's current standing with Code Enforcement.

The applicant was prompted to speak in rebuttal of the opposition, and the applicant presented their need for continuance because of recent findings regarding the allowed impervious surface ratio of the subject property.

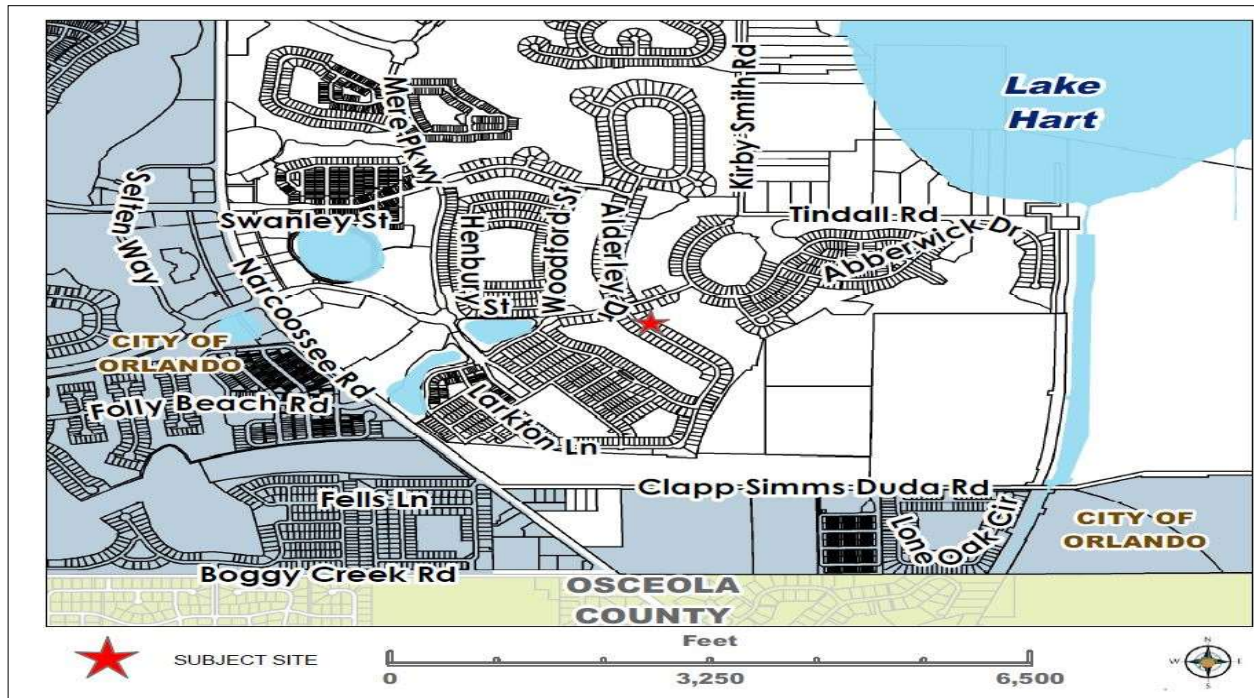
The BZA asked the applicant about drainage regarding the neighboring properties.

The BZA recommended an approval of the continuance by a 6-0 vote, with 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	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/CON	PD-LDR/LMDR/MDR/C/INST/PR-OS/CON	PD-LDR/LMDR/MDR/C/INST/PR-OS/CON	PD-LDR/LMDR/MDR/C/INST/PR-OS/CON	PD-LDR/LMDR/MDR/C/INST/PR-OS/CON
Current Use	Single-family residential	Single-family residential	Single-family residential	Golf Course	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned Planned Development (PD) district, and is located within Parcel J 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/CON) which is consistent with the PD zoning district.

The subject property is 9,262 sq. ft. in size, was platted in 2019 as Lot 281 of the Eagle Creek Village K Phase 2A Plat, and is a conforming lot of record. The area around the property consists of single-family homes, and a golf course to the north. The property was purchased by the current owner in 2021, and is developed with a 2-story, 8,089 gross sq. ft. single-family home, constructed in 2021, a pool and marble paver deck (B22001379), stone paver walkways on either side of the home, and a 4 ft. tall 2 rail aluminum fence (F22013293).

In January of 2022, a permit (B22001379) was obtained for the installation of a pool and deck located in the rear yard of the property. The approved plans show the deck 5 ft. from both sides and rear property lines. Sometime after the pool and deck permit was finalized additional pavers were installed within the required 5 ft. setbacks. Code enforcement cited the property owner on September 13, 2023, (CE: #628767) for pavers installed without a permit. A permit (Z23009482) was submitted in October of 2023 to extend the marble pavers around the existing pool deck and to add stone paver walkways on either side of the home connecting to the driveway. The permit was reviewed and denied by the zoning reviewer, as the plans provided were not legible. This permit is now expired due to inactivity. A second permit was submitted in October of 2024 for artificial turf around the pool deck and along the side of the home and to add stone paver walkways on either side of the home connecting to the driveway. This permit was reviewed and denied by the zoning reviewer requesting additional information regarding the artificial turf. This permit has also expired due to inactivity.

The proposal is to keep the existing unpermitted pool deck expansion in its current configuration. Per Orange County Code 38-79(10)d., a pool, including the pool deck area, *"shall maintain a minimum side and rear yard setback of 5 ft."* As proposed, the pool deck is located 0.5 ft. from both sides and the rear property lines, requiring the three Variance requests. As shown on the site plan, the pavers on either side of the home will be removed to accommodate the required open space on the property.

The request was routed to all relevant reviewing Divisions. There were no objections noted. A Code Compliance Officer reviewed the Variance request and noted case #628767 was heard before the Code Enforcement Board on July 17, 2024, and is still in violation and running a \$500 daily fine. To satisfy the code violation, the unpermitted improvements must be removed, or permits must be obtained.

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 requests do not meet all the criteria, therefore staff is recommending denial of all the Variances.

This case was heard by the BZA on August 7, 2025. After staff's presentation, the applicant presented their justifications for requesting the three Variances, noting that the pavers were installed to address drainage issues on the property. They went on to state that the paver area was necessary for an elderly family member to navigate on the site, and they received support letters from surrounding property owners and the HOA. One individual spoke in opposition, stating that he is the neighbor directly next to the subject property, and the HOA has a 2 ft. setback which is not being met by the applicant. He also stated that there are flooding issues between their two houses. The BZA stated they believe modifications could be made to address both parties' needs. The applicant requested to continue the case until the November 6, 2025, BZA hearing. The applicant was granted a second continuance to the December 4, 2025, BZA hearing. As of the date of this report, the applicant has not submitted a modified request.

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

Building Setbacks (Pool and Pool Deck)

	Code Requirement	Proposed
Front:	Not located in the Front yard	N/A
Side:	5 ft.	0.5 ft. (North – Variance #2) 0.5 ft. (South – Variance #3)
Rear:	5 ft.	0.5 ft. (East – Variance #1)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

All Variances NOT MET – There are no special conditions and circumstances unique to the subject site as the property contains adequate space for a pool and deck within the setback area. Additionally, a permit was obtained demonstrating compliance with the 5 ft. side and rear setbacks.

Not Self-Created

All Variances NOT MET – The need for the Variances is self-created, as the pool and deck were to be installed 5 ft. from the property lines and were constructed beyond the scope of the permit approval.

No Special Privilege Conferred

All Variances NOT MET – Granting the variance as requested would confer special privilege as other properties are subject to the same setback requirements, have received similar Code Enforcement violations, and removed the pavers to comply with the code requirements.

Deprivation of Rights

All Variances NOT MET – Denial of the Variances would not deprive the rights of the owner as a pool and pool deck were permitted in accordance with the setback requirements, and pavers could be removed to comply with the original approval.

Minimum Possible Variance

All Variances NOT MET – The request is not the minimum possible as the pool deck could have been installed in a code compliant manner, and pavers could be removed to comply with the original approval.

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 minimizing the impact that structures and uses have on surrounding properties by maintaining an appropriate separation between them.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped July 9, 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 pavers 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.

C: Jose Martinez
13277 Alderley Drive
Orlando, FL 32832

Omar Ramos
6 Randia Drive
Orlando, FL 32807

Cover Letter

Jose Luis Martinez
13277 Alderley Dr
Orlando, FL 32832
(646) 801-4556
martinezjl.mba@gmail.com

June, 10th, 2025

ELECTRONIC MAIL

Orange Orange Board of Zoning Adjustment
201 South Rosalind Avenue, 1st Floor,
Orlando, Florida 32801

Re: 13277 Alderley Dr Application for Variance

To whom it May Concern,

I, Jose Luis Martinez, represent myself as a homeowner of approximately 9,262 square feet of land located at 13277 Alderley in unincorporated Orange County (Parcel Identification number 32-24-31-2304-02-810) ("Property"). Enclosed is an Orange County Board of Zoning Adjustment Application, requesting the approval of a variance to:

1. To allow pavers at rear of an existing residence with a setback of 0.5 feet in lieu of 5 ft.
2. To allow pavers at the side north of an existing residence with a setback of 0.5 feet in lieu of 5 ft.
3. To allow pavers at the side south of an existing residence with a setback of 0.5 feet in lieu of 5 ft.

We believe that the approval of this variance will allow my family to continue enjoying our small backyard space. As you know, outdoor areas, however modest, can significantly contribute to the quality of life within a residential setting. Approving this variance would enable us to maintain the usability of our limited outdoor area for relaxation and other personal enjoyment.

Thank you for taking the time to consider this request and the positive impact its approval would have.

Best regards,

Jose Luis Martinez
Homeowner

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 special conditions and circumstances particular to the subject property are its size and location of the house, which renders any pavers addition difficult without a variance.

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 request is not self-created since the owner is not responsible for the configuration and location of the home in relation to the property lines. Any improvements to the residence is difficult without the need for a variance.

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.

Granting the requested variance will not confer any special privilege conferred to others under the same circumstances since meeting the literal interpretation of the code would prohibit any new construction along the rear of the house beyond a small unusable expansion in the rear.

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 requested variance, improvement to the home of a reasonable size would be difficult.

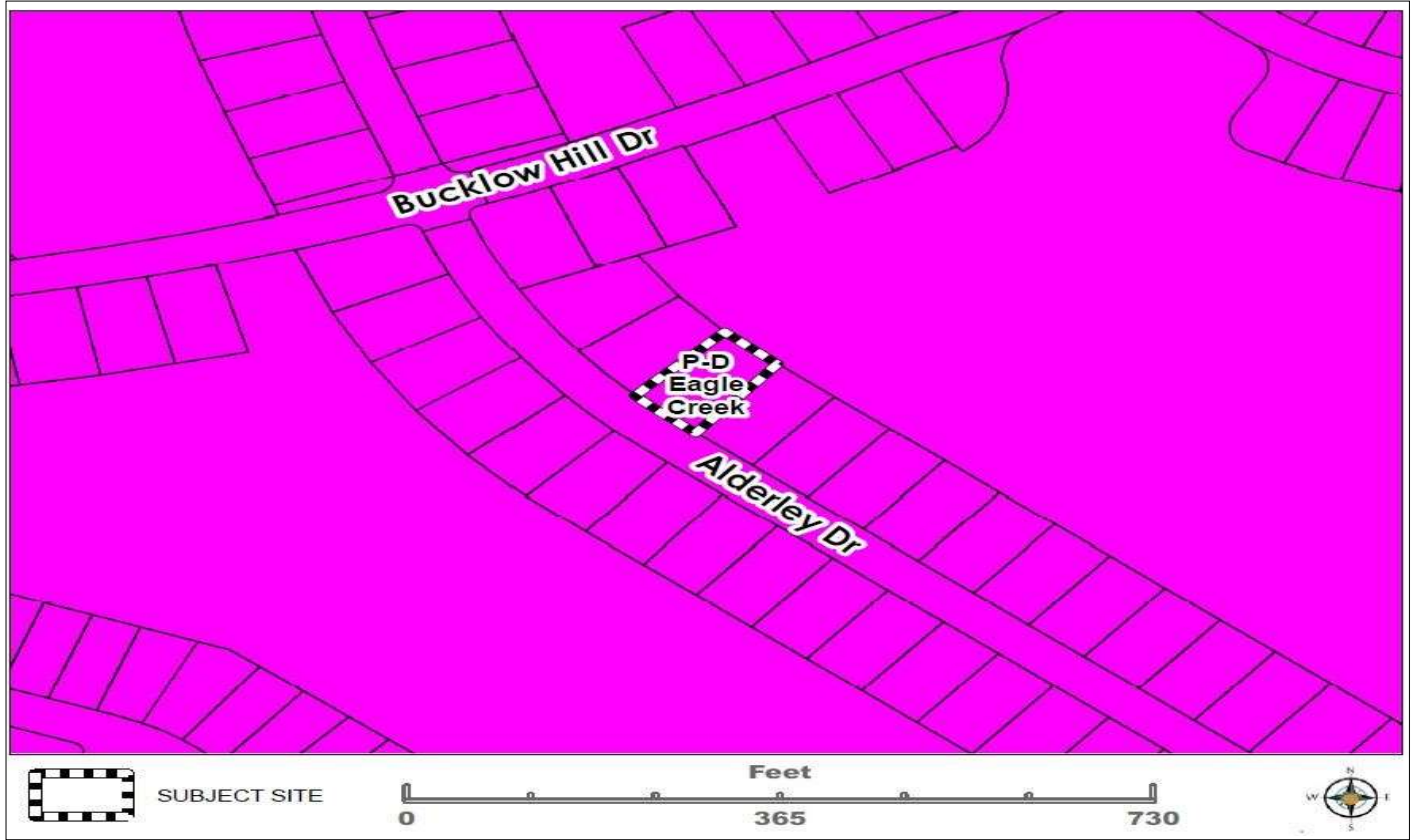
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The requested variance is the minimum necessary to construct any improvements at the rear of the property, due to the lot size, shape and location of the house.

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 requested variance will allow improvements to the site which will be in harmony with the purpose the zoning regulations. While not being detrimental to adjacent properties.

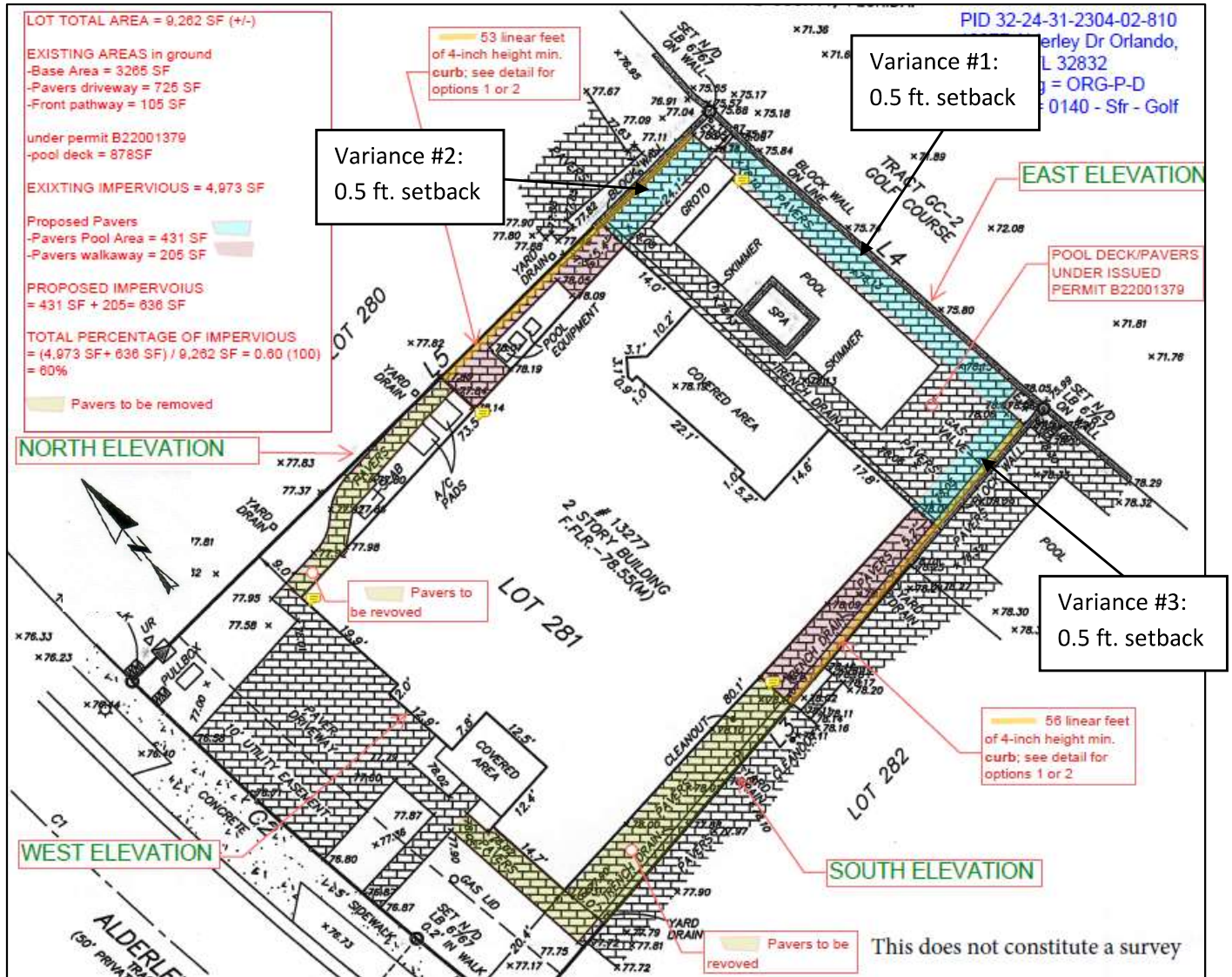
ZONING MAP

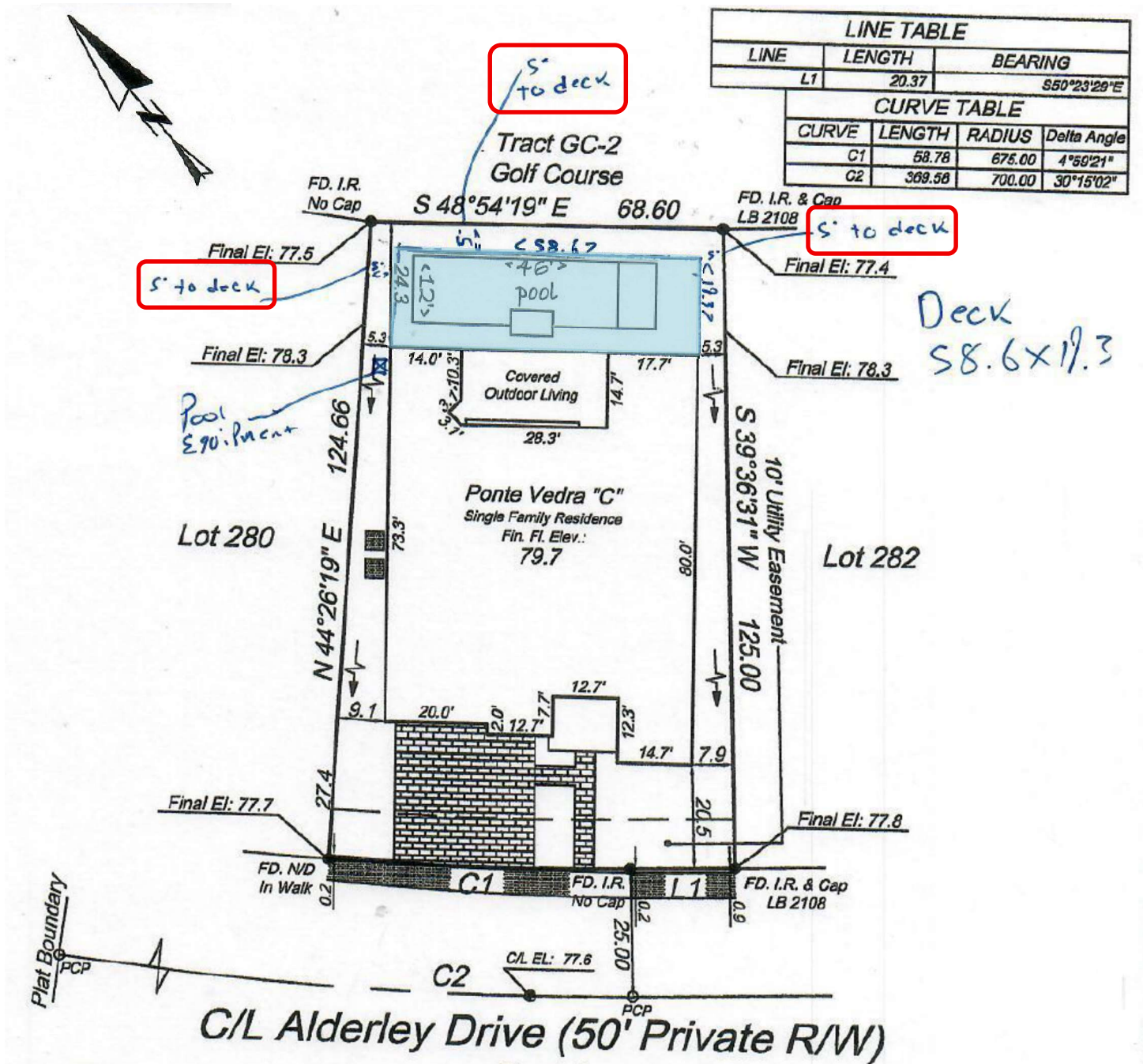


AERIAL MAP



SITE PLAN

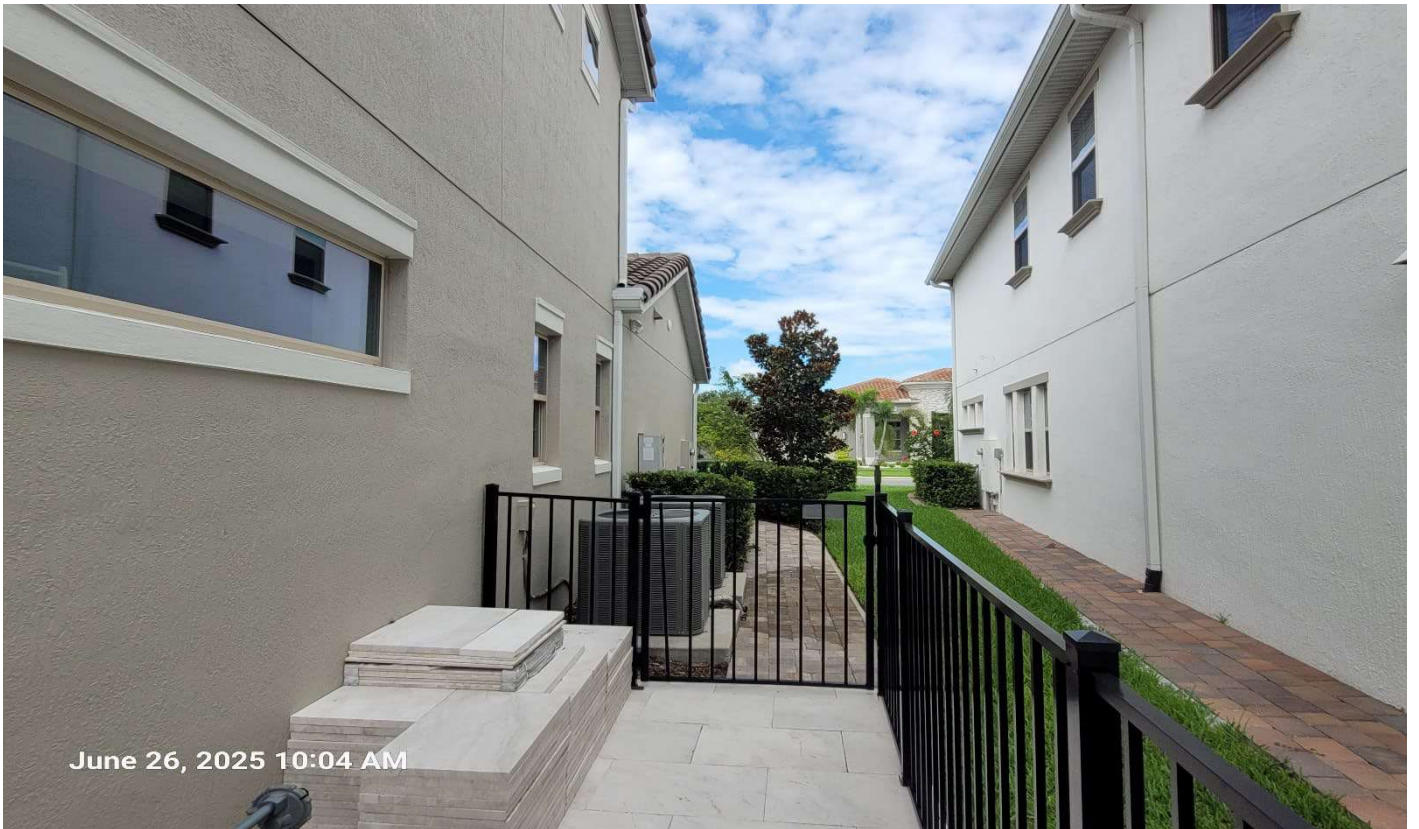




SITE PHOTOS



Facing east towards front of subject property



June 26, 2025 10:04 AM

Side yard, facing west towards stone paver walkway along the north side of the home

SITE PHOTOS



Side yard, facing east towards marble paver walkway and pool deck along the north side of the home

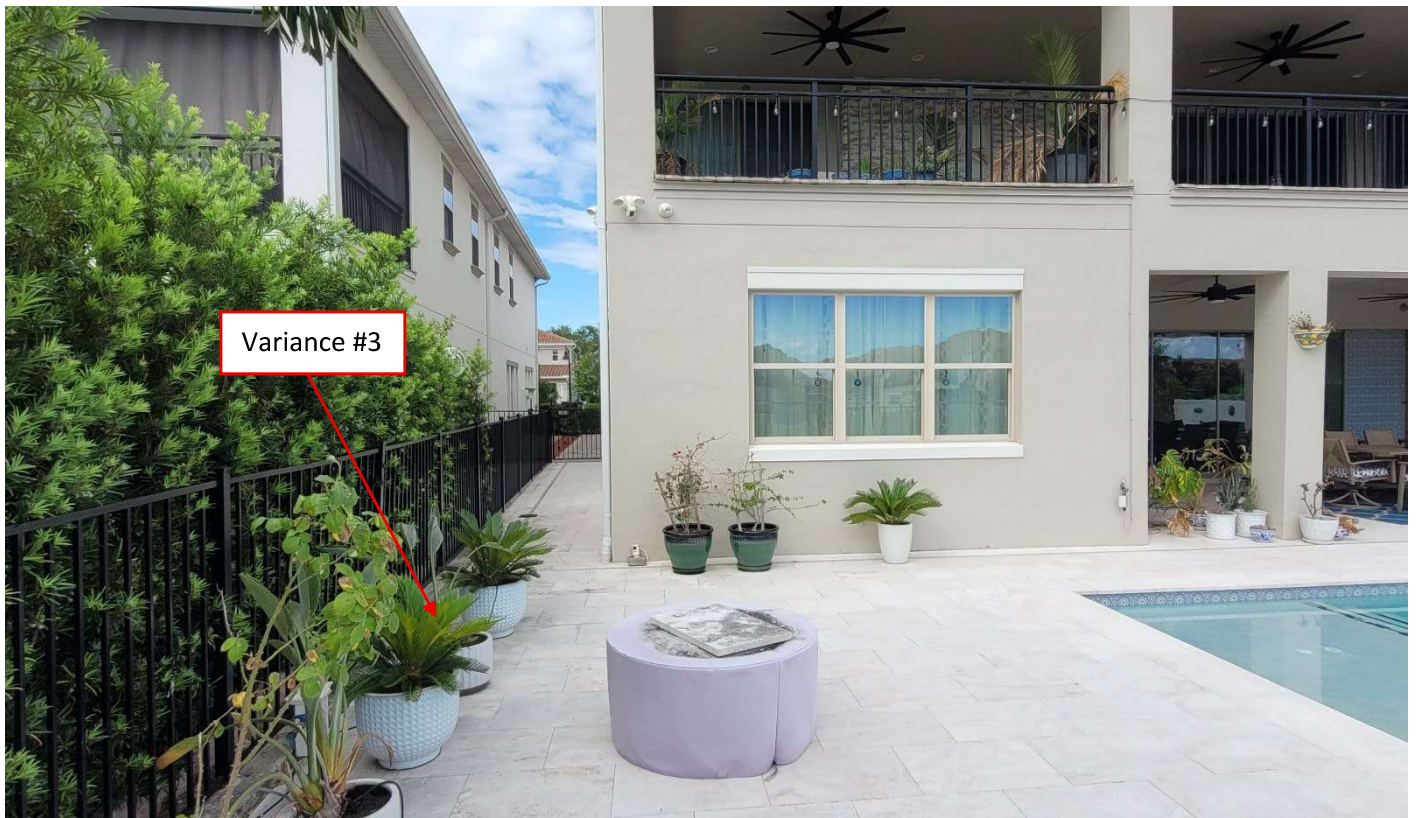


Rear yard, facing southeast pool and deck on north side of the home

SITE PHOTOS



Rear yard, facing north towards the pool and marble pool deck



Rear yard, facing west towards paver walkway along the south side of the home

SITE PHOTOS



Side yard, facing west towards paver walkway along the south side of the home



Rear yard, facing east towards the golf course

SITE PHOTOS



From the golf course sidewalk, facing towards the rear of the home

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 2025**

Commission District: **#3**

Case #: **VA-25-12-071**

Case Planner: **Catherine Glase; 407-836-9615**
Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): LUCAS NARANJO

OWNER(s): JAMIE GRANT, AMANDA GRANT

REQUEST: Variance in the R-1 zoning district to allow an accessory structure (shed) in the front yard in lieu of the side or rear yards
NOTE: This is a result of Code Enforcement.

PROPERTY LOCATION: 7800 Napoleon St., Orlando, FL 32825, south side of Napoleon St., north of Valencia College Ln., east of N. Goldenrod Rd., south of E. Colonial Dr., west N. Chickasaw Trl.

PARCEL ID: 23-22-30-0000-00-087

LOT SIZE: +/- 12,272 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 90

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

1. Development shall be in accordance with the site plan and elevations, date stamped November 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 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 Napoleon St. 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 (shed in the front yard), a permit shall be obtained for the accessory structure in the rear yard, or the structure shall be removed.

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 criteria and the reasons for a recommendation of denial of the Variance.

Staff noted that no public comments were received in support or opposition to the request.

The BZA asked questions regarding the new location of the existing structure if the requested were granted.

The applicant was present and stated that the principal structure is in a unique location requiring the proposed shed to be in the front yard. The BZA asked the applicant about the location of drain fields and the location of septic on the subject property.

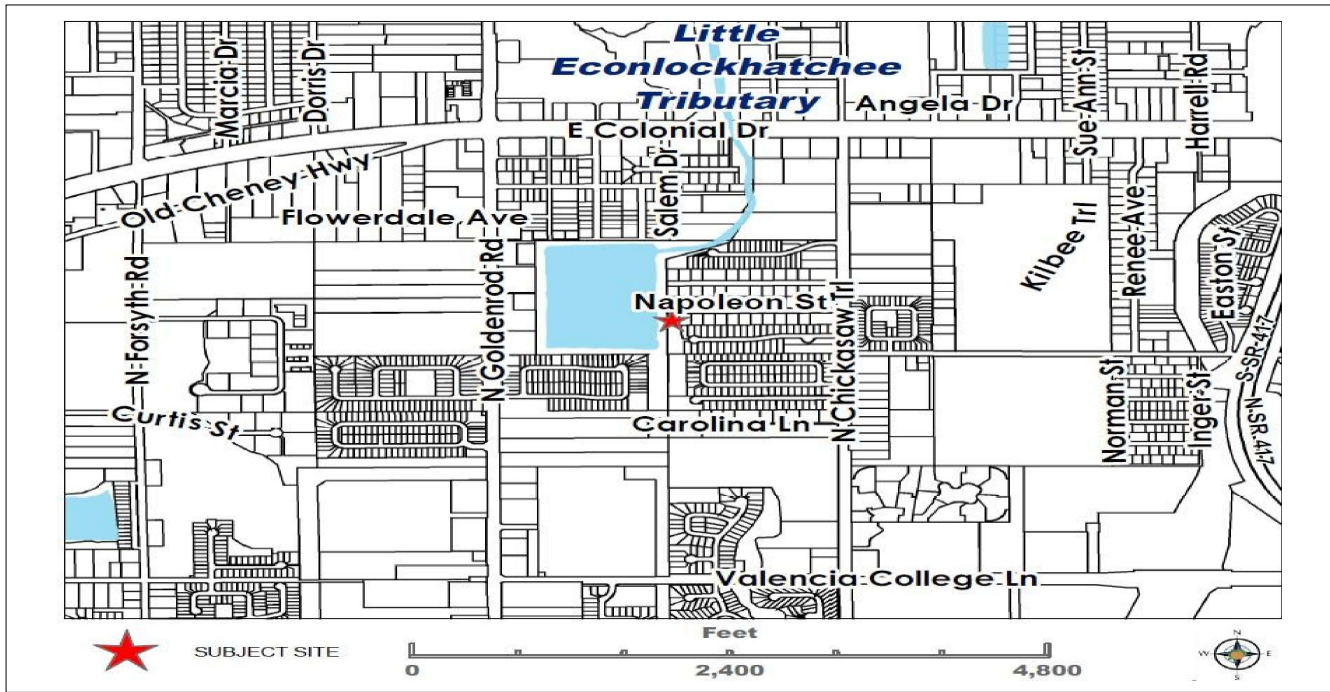
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the Variance request by a 6-0 vote, with one absent, subject to the 5 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	R-2	R-1	R-1
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Single-family residential	Single-family residential	Stormwater pond	Single-family residential	Little Econ Canal

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area around the subject site consists of single-family homes and the Little Econ Canal to the west. The subject property is 12,272 sq. ft. in size, unplatted, and is considered a lot of record. The subject site is an interior lot with right-of-way along Napoleon Street to the north. The property is developed with a 1-story, 2,443 sq. ft. single-family home, constructed in 1958, as well as a swimming pool enclosed by a screen enclosure at the rear. There are also two detached accessory structures on site, one shed in the southeastern corner of the rear yard and another shed in the northwestern corner of the front yard. The property was purchased by the current owner in 2013.

The two existing detached accessory structures were constructed without permits. Code enforcement cited the property owner in June 2025 (655877) for an unpermitted accessory structure located in the front yard. The case has not been heard by the Special Magistrate and is pending the outcome of the Variance application. The accessory structure located in the rear yard was also constructed without a permit but is not included in

the code citation. This structure does not appear to comply with the required side and rear yard setbacks. The owner is required to obtain a permit for the structure and meet all applicable development standards, or the structure must be removed, as reflected in COA #5.

The proposal is to keep the existing shed located within the front yard. Per Orange County Code Section 38-1426(1).2(iii) *A detached accessory structure may not be located in front of the principal structure unless the entire principal structure is located in the rear half (½) of the lot/parcel, or when located on a lot/parcel with five (5) or more developable acres.* Since the principal structure is not entirely in the rear half of the lot and the parcel is not over 5 acres, Code requires the structure to be located in the side or rear yards. The shed is located in front of the home, requiring the Variance request. It was also built within the front and west side setbacks. The site plan provided shows the shed relocated to meet the front and west setbacks.

Accessory Structure Development Standards

	Code Requirement	Proposed
Max. Height:	25 ft.	8.25 ft.
Max. Cumulative Square Footage:	10% of the net land area / 1,227 sq. ft.	597 sq. ft.

Building Setbacks (Accessory Structure)

	Code Requirement	Proposed
Front:	Not located within the front yard; 20 ft. when applicable	Located within the front yard (Variance) 27 ft. (North)
Side:	5 ft.	5 ft. (West)
Rear:	5 ft.	100 ft. (South)

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 Variance criteria are met. While the request meets some of the criteria, it does not meet all the criteria. Based on staff's analysis the proposed structure could be relocated to eliminate the Variance request. Therefore, staff is recommending denial. Should the BZA deem granting the Variance is appropriate, given the proposed location of the accessory structure, additional site landscaping is appropriate to minimize the visual impact of the structure and maintain the residential character of the R-1 district, as reflected in Condition of approval (COA) #4.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET - There are special conditions or circumstances peculiar to this property, as the site is at the end of a dead-end street and adjacent to a canal.

Not Self-Created

NOT MET - The need for the Variance is self-created, as the structure was erected without a permit and could have been installed in a code compliant manner on either side of the existing home.

No Special Privilege Conferred

MET - Granting the Variance as requested would not confer special privilege as the lot is unique as it is located at the end of a dead-end road which is atypical to most other properties in the same zoning district.

Deprivation of Rights

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 location requirements.

Minimum Possible Variance

NOT MET - The request is not the minimum possible to have an accessory structure on the property as the structure could be relocated to the side of the existing residence.

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 location of the structure will not be intrusive to the surrounding properties as the property is located at the end of a dead-end road and will not be significantly visible from neighboring properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations, date stamped November 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 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 Napoleon St. 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 (shed in the front yard), a permit shall be obtained for the accessory structure in the rear yard, or the structure shall be removed.

C: Lucas Naranjo
3130 N. Pine Island Rd.
Sunrise, FL 33319

Re: Variance Request for Accessory Shed Placement

Property Address: 7800 Napoleon St.

Dear Members of the Zoning Board,

On behalf of the property owner at 7800 Napoleon St., I respectfully submit this request for variance approval to allow the placement of a modest storage shed in the front yard.

The unique configuration of this parcel presents conditions not commonly shared by surrounding properties. The principal structure occupies nearly all of the buildable rear and side yard areas, leaving no feasible or code-compliant location to accommodate a small shed in the typical rear yard placement. This hardship was not self-created by the owner, but rather results from the existing home's footprint and lot coverage established prior to purchase.

The shed is to be relocated as depicted in the image provided. The shed currently sits directly to the right of the driveway and will be moved closer to the home. The final placement of the shed is shown by the red square on the site plan.

The requested relief is narrowly tailored to permit the shed's placement in the only practical location available. The shed will be modest in size, complementary to the residence in design, and situated in a manner that minimizes its visibility and impact on the streetscape. This represents the minimum variance necessary to provide secure storage for lawn equipment and household items—a reasonable accessory use enjoyed by neighboring property owners.

Approval of this variance will not be detrimental to the public interest or impair the use and enjoyment of surrounding parcels. Careful consideration will be given to aesthetics, sightlines, and safety, ensuring that the shed does not adversely affect neighborhood character, property values, or traffic flow.

We respectfully request your approval of this variance to enable the property owner to make reasonable and necessary use of their property under these unique circumstances. Thank you for your time and consideration.

Sincerely,
1 Contractor Solution Team
Agent of Owner, Jamie Grant

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 subject property at 7800 Napoleon St. is developed in such a way that the principal structure occupies nearly all of the buildable rear and side yard areas of the lot. As a result, there is no feasible or code-compliant location to install a small storage shed in the rear yard, which would be the preferred and typical placement. This condition is unique to this parcel due to the existing home's footprint and lot configuration, and is not a condition shared by surrounding properties.

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 hardship is the direct result of the existing house footprint and lot coverage, which were established prior to the current owner's request for a shed. The owner did not create or contribute to this condition; rather, the circumstances were inherent when the property was purchased. Without variance relief, the property owner is deprived of a reasonable accessory use that is typically available to other homeowners.

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.

We recognize that permitting an accessory shed in the front/side yard at 7807 Montezuma Trail may be viewed as granting a special privilege, since the zoning code generally requires such structures to be located in the rear yard. However, the circumstances of this property make strict compliance impractical. The principal dwelling occupies nearly the entire buildable depth of the lot, leaving no usable space in the rear yard for an accessory structure. In this context, the requested variance is not an indulgence but a reasonable accommodation. Without it, the property owner has no feasible way to exercise the same basic right that other homeowners in the neighborhood enjoy—the ability to maintain a small accessory shed for storage. The proposed shed is modest in size, will be designed to complement the residence, and is positioned to minimize its visibility from the street, reducing any potential impact on neighborhood character.

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.

Other property owners within the neighborhood can exercise their right to install accessory structures in the rear or side yards. Due to the footprint and orientation of the home on this lot, the owner of 7800 Napoleon St is deprived of that same right. Approval of this variance is therefore not an additional privilege, but rather the minimum relief necessary to allow the property owner equal use and enjoyment of their property as compared to neighboring parcels.

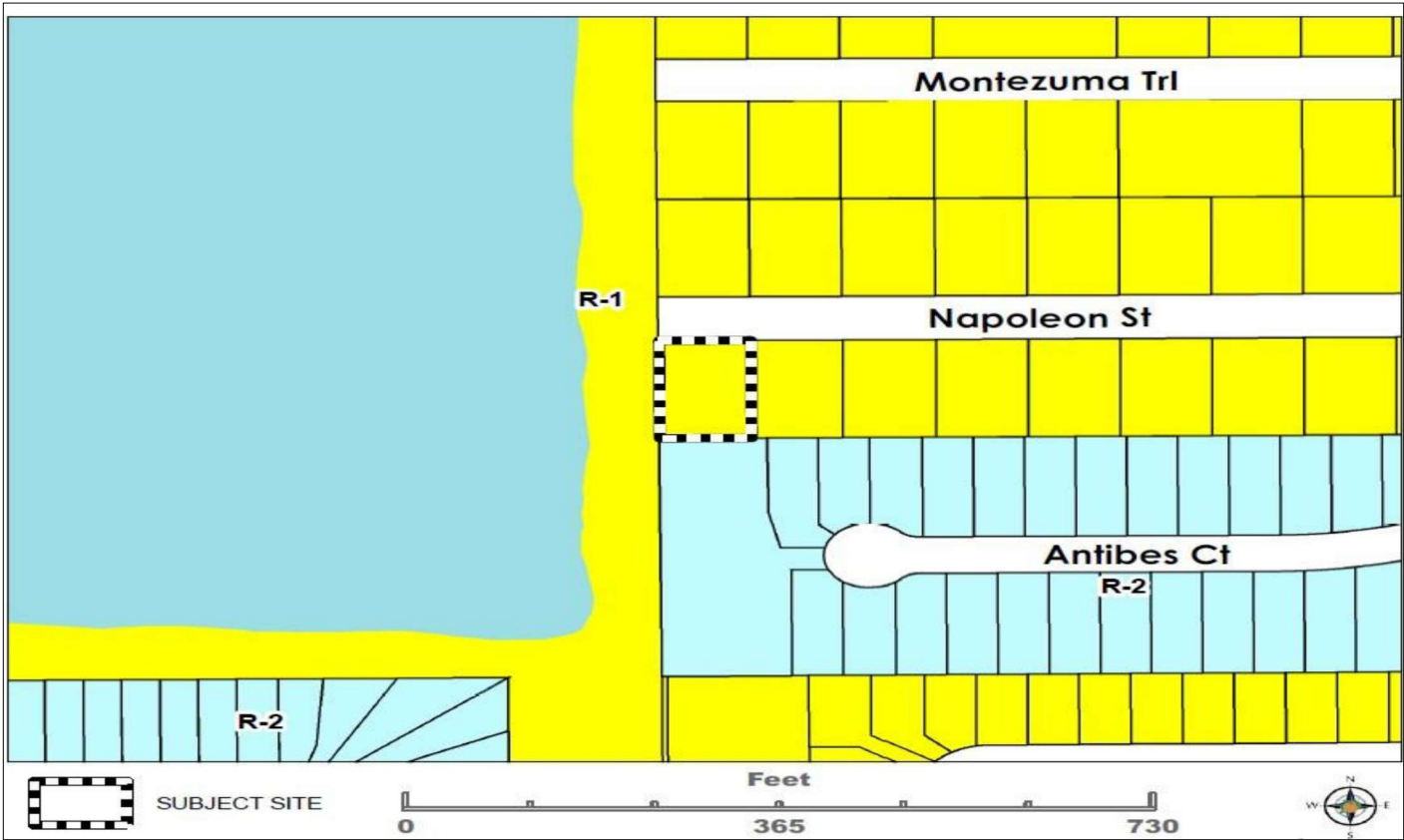
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The request is limited strictly to permitting the placement of a small accessory shed in the front yard due to the lack of available alternative yard space. The shed will be modest in size, positioned in a manner that minimizes its visibility from the street, and constructed to complement the primary residence. This represents the least variance necessary to achieve 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.

Shed to store maintenance equipment and tools. There is no room in the back of the lot to install a shed.

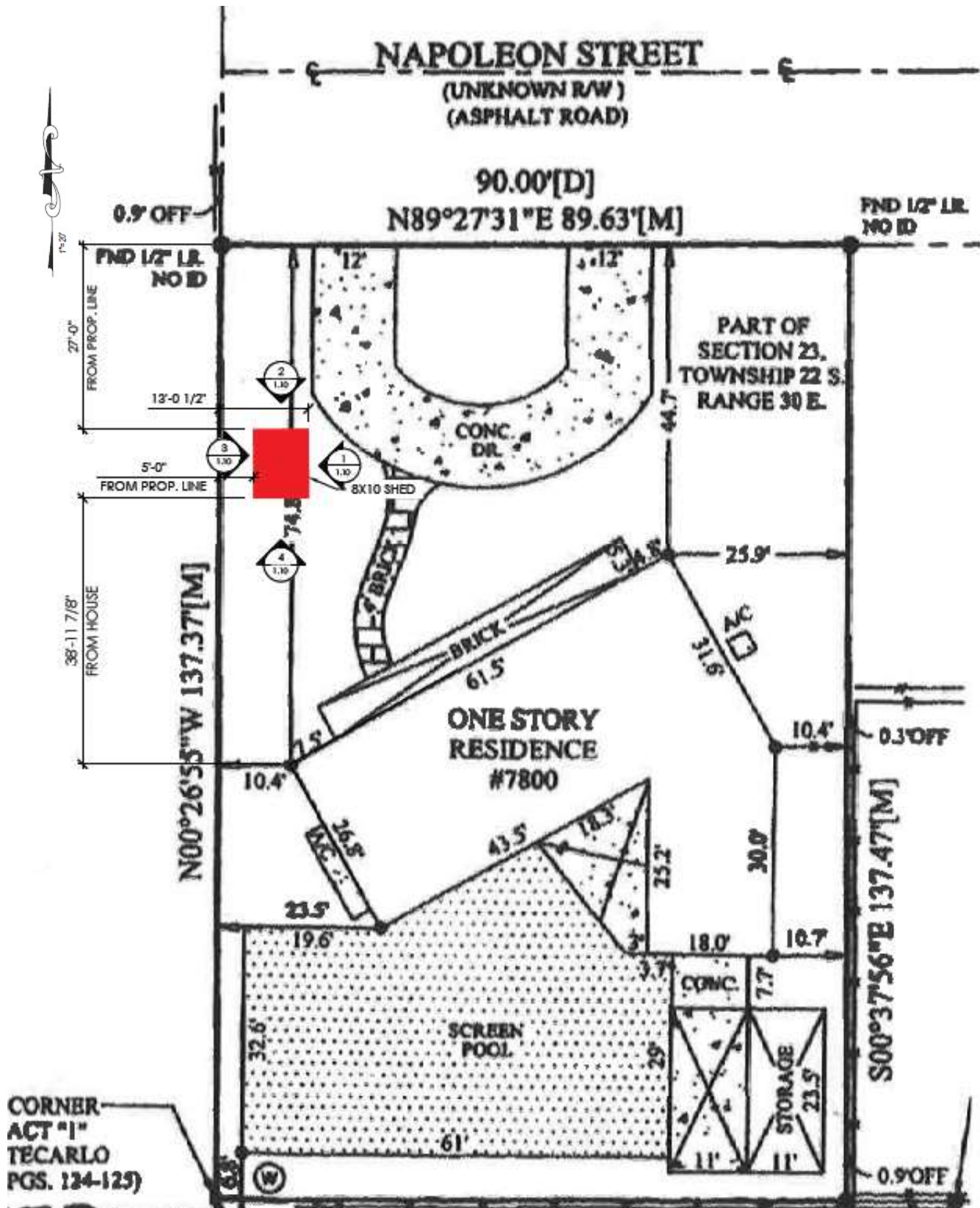
ZONING MAP



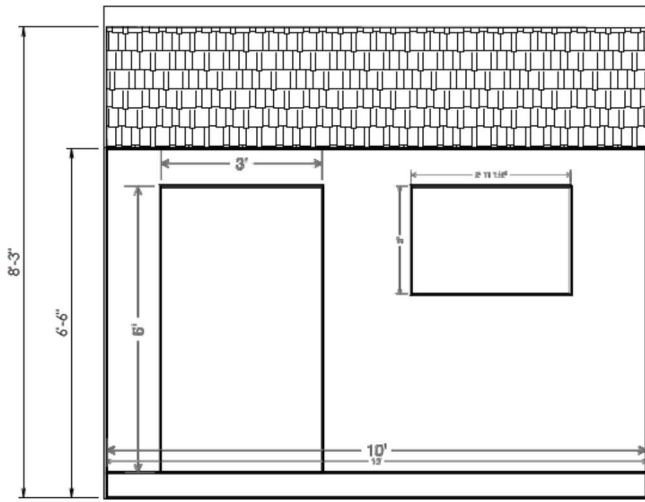
AERIAL MAP



SITE PLAN

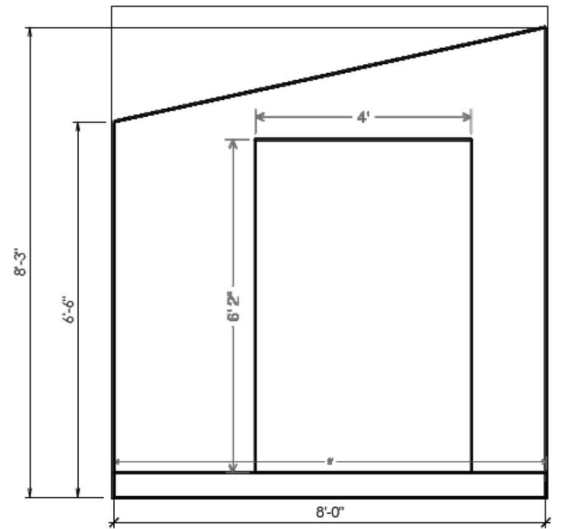


ELEVATIONS



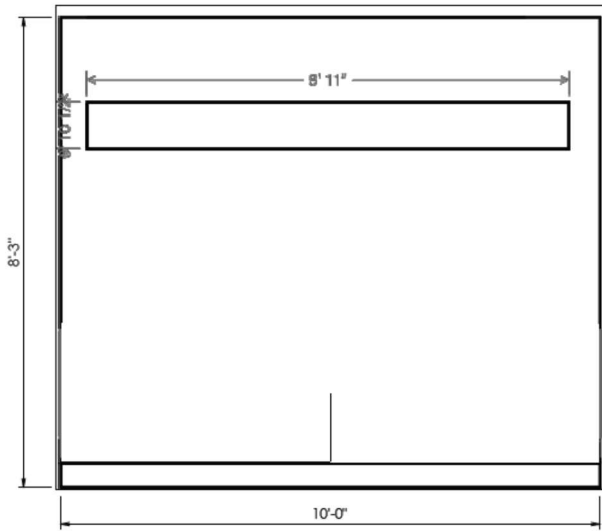
1 SHED FRONT ELEVATION

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



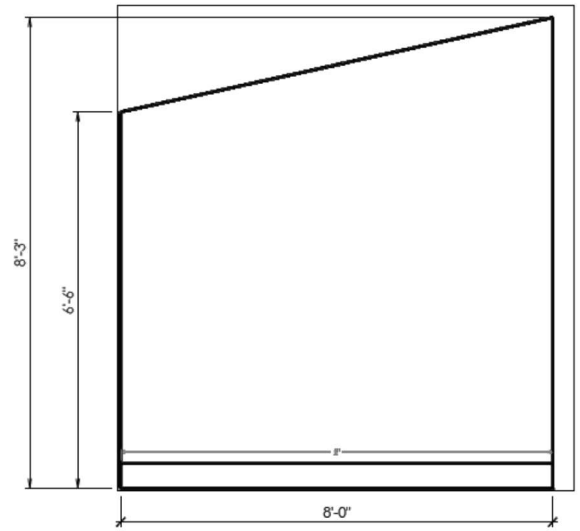
2 SHED RIGHT FACING ELEVATION

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



3 SHED REAR ELEVATION

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



4 SHED LEFT FACING ELEVATION

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



SITE PHOTOS



Napoleon St., facing southwest towards front of subject property



Napoleon St., facing south towards the house and existing shed on right to be relocated

SITE PHOTOS



Front yard, facing northwest towards the shed and the new proposed location



Front yard, facing north towards the proposed location and neighboring property to the west

SITE PHOTOS



Side yard, facing east towards alternative location of accessory structure



Front yard, facing south towards alternative location of accessory structure



Rear yard, facing south towards existing unpermitted accessory structure

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 2025**

Commission District: **#1**

Case #: **VA-25-12-075**

Case Planner: **Catherine Glase (407) 836-9615**

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MIZANUR RAHMAN

OWNER(s): MIZANUR RAHMAN, RUHA RAHMAN

REQUEST: Variances in the R-CE district as follows:

- 1) To allow a minimum lot width of 120 ft. in lieu of 130 ft.
- 2) To allow a minimum lot area of 0.34 acre in lieu of 1 acre
- 3) To allow a front setback of 34.69 ft. in lieu of 35 ft.
- 4) To allow a rear setback of 31.73 ft. in lieu of 50 ft.
- 5) To allow an east side street setback of 10 ft. in lieu of 15 ft.
- 6) To allow a structure to be located nearer the west side street lot line than the required front yard of such abutting lot (19.7 ft. in lieu of 25 ft.).

PROPERTY LOCATION: 8554 4th St., Orlando, FL 32836, southeast corner of 4th St., and Pine St., northwest of I-4., east of S. Apopka Vineland Rd., south of Daryl Carter Pkwy., west of Lake Ruby

PARCEL ID: 15-24-28-6211-54-200

LOT SIZE: +/- 15,001 sq. ft.

NOTICE AREA: 500

NUMBER OF NOTICES: 66

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

1. Development shall be in accordance with the site plan dated September 25, 2025, and elevations dated September 9, 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 maximum of two driveways shall be permitted.

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 criteria and the reasons for a recommendation of approval of Variances #1 and #2 and denial of Variances of #3-#6.

Staff noted that no public comments were received in support or opposition to the request.

The BZA asked questions regarding the property's administrative rezoning from 1968 and setback variance from 2008. Additional questions were asked regarding neighboring properties and the subject property's inconsistent Future Land Use.

The applicant was present and stated that the property had a prior variance that was assumed to allow construction of the property and the plans were prepared in accordance with the setbacks of the previous variance.

The BZA discussed the subject property's abnormal location and discussed the impact of the administrative rezoning on this area of the county.

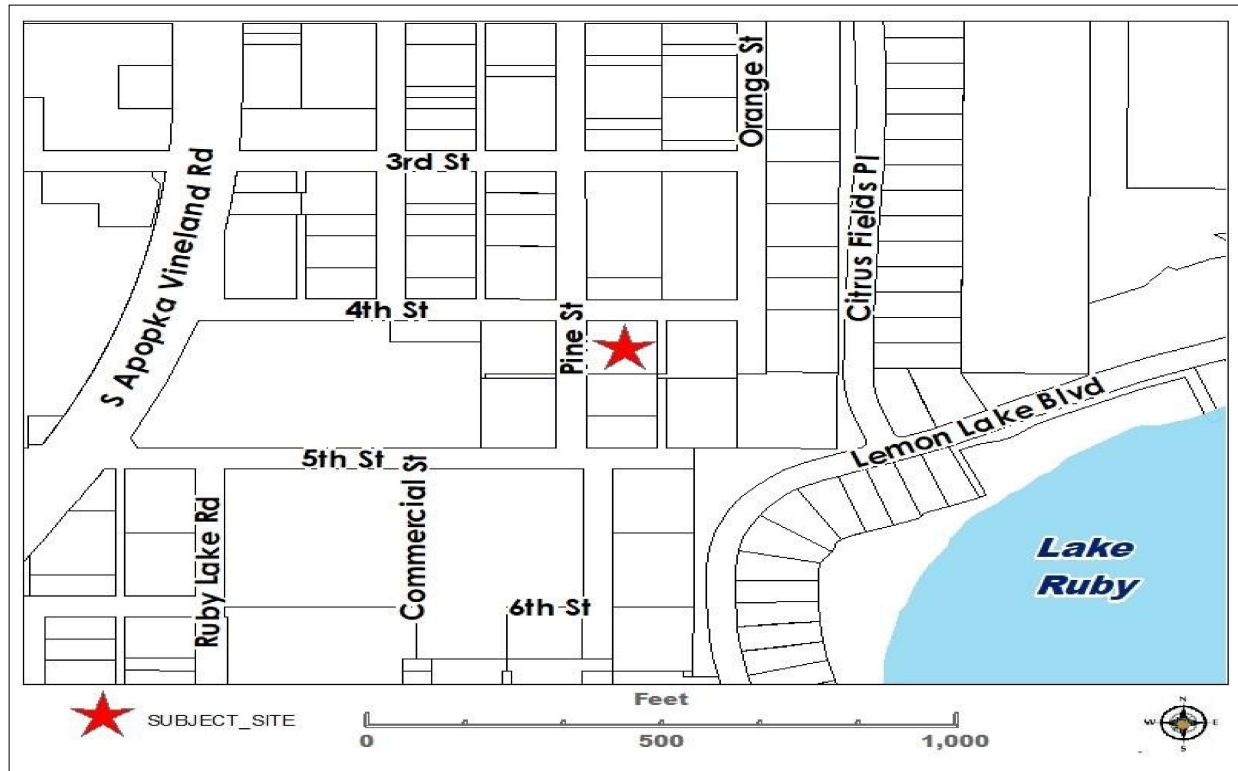
There was no one in attendance to speak in favor or in opposition to the request.

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

STAFF RECOMMENDATIONS

Approval of Variances #1 and #2 and denial of Variances #3-#6, subject to the conditions in this report. 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-CE	R-CE	R-1A	R-CE	PD
Future Land Use	ACMU	ACMU	ACMU	ACMU	ACMU
Current Use	Single-family residence	Single-family residence	Single-family residence	Vacant	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-CE, residential zoning district, which allows single-family homes and associated accessory structures. The Future Land Use (FLU) is Activity Center Mixed Use (ACMU), which is inconsistent with the R-CE zoning district. The Planning Division reviewed the request and found that the property is vested for a single-family home, therefore single-family residential construction, expansions and ancillary structures are permitted. The property is located within the Buena Vista North (BVN) Overlay District. Single-family residential developments that are four units or less are exempt from the additional standards of the BVN overlay.

The area around the subject site consists of single-family homes and vacant lots. The subject property is a vacant 15,001 sq. ft. lot, platted in 1911 as Lots 20-24 of Block 54 of the Orange Center Plat and is considered to be a substandard lot due to the lot width and lot area. The property is a triple frontage lot with right-of-way along 4th St. to the north, Pine St. to the west, and an unnamed alleyway 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, 4th St. is considered the front, and Pine St. and the alley are considered the side streets.

The entire subdivision was administratively rezoned in 1968 to the R-CE zoning district. On August 7, 2008, a Variance was granted on the subject site to construct a single-family home with a 25 ft. front setback and a 30 ft. rear setback. Section 30-43(3) states, Variance approvals shall be in accordance with the application and site plan submitted by the applicant, as may be amended or conditioned by the BZA/BCC. No construction has occurred on site.

Per Orange County Code Sec. 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 as a substandard lot or lots shall be aggregated to create one conforming lot. As the subject lot was in contiguous ownership with the lot to the south from 2020 to 2025, it is not considered a substandard lot of record. The minimum required lot width is 130 ft. for the R-CE zoning district. The subject property's lot width along the front property line is 120 ft., prompting Variance request #1. The minimum required lot area is 1 acre (43,560 sq. ft.) for the R-CE zoning district. The subject property's lot area is 0.34 acres (15,001 sq. ft.), prompting Variance request #2. These variances were not advertised under the initial 2008 Variance request, as at the time of the request, the lot was considered a substandard lot of record.

The property is currently vacant and was purchased by the current owner in February of 2025. The proposal is to construct a 5,045 gross sq. ft two-story single-family home with 4,040 sq. ft. of living area. Since the current proposal differs from the 2008 Variance approval, the property is subject to the R-CE setbacks as established in Section 38-1501 of Orange County Code. As proposed, the home will encroach into all required setbacks. The required setbacks of the subject lot are as follows: 35 ft. front setback, 50 ft. rear setback, and 15 ft. side street setbacks. The residence is proposed to be located 34.69 ft. from the front property line, prompting Variance request #3 and 31.73 ft. from the rear property line prompting Variance request #4.

The typical side street setback for a property located in the R-CE district is 15 ft. The residence is proposed to be located 10 ft. from the east side property line, prompting Variance request #5. 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 south has frontage on Pine St. and is located within the R-1A zoning district. The required front yard setback from Pine St. for this lot is 25 ft., so that same setback applies to the subject property. The proposed residence will be located 19.7 ft. from the west side street property line where 25 ft. is required, prompting Variance request #6.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13.75 ft.
Min. Lot Width:	130 ft.	120 ft. (Variance #1)
Min. Lot Size:	1 acre	0.34 acre (Variance #2)

Building Setbacks

	Code Requirement	Proposed
Front: (4 th St.)	35 ft.	34.69 ft. (North – Variance #3)
Side Street: (Pine St.)	25 ft.*	19.7 ft. (West – Variance #6)
Side Street: (Unnamed Alley)	15 ft.	10 ft. (East – Variance #5)
Rear:	50 ft.	31.73 ft. (South – Variance #4)

**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. The Development Engineering reviewer noted there were no objections to the Variance requests, however, the site is limited to a maximum of two driveways, as reflected in condition of approval #4. 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 Variance criteria are met. Variance request #1 and #2 meet all the Variance criteria. While Variance requests #3-#6 meet some of the criteria, they do not meet all the criteria. Based on staff's analysis, the property cannot be developed without Variances #1 and #2 however, the proposed residence could be redesigned to lessen or eliminate Variance requests #3-#6. Therefore, staff is recommending approval of Variances #1 and #2 and denial of Variances #3-#6.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variances #1 and #2 MET - The special conditions and circumstances particular to the subject property are that the lot will be undevelopable without the requested Variances for lot area and lot width.

Variances #3, #4, and #6 NOT MET - While the lot is below the lot width and lot area requirements for the R-CE zoning district, there is still adequate space to construct a residence within the required setbacks.

Variance #5 MET - Special conditions and circumstances exist as the neighboring alleyway necessitating the increased setback is unopened and does not function as a right-of-way.

Not Self-Created

Variances #1 and #2 MET - The substandard aspects of the parcel are not self-created, as the lot was in this configuration when the current owner purchased the property.

Variances #3-#6 NOT MET - The requests are self-created as this is new construction and there are alternatives to lessen or eliminate the requests.

No Special Privilege Conferred

Variances #1 and #2 MET - Granting the Variances would not confer special privilege as some of the surrounding developed properties in the area contain homes on similar sized lots.

Variance #3 MET - Granting the Variance would not confer special privilege as the proposed front setback is 3.72 inches into the required 35 ft. front yard. The requested Variance is not significantly different than the code standard. Additionally, only 15 linear feet of the 90 ft. wide home would be located within the setback.

Variances #4 and #6 NOT MET - Approval of the zoning variance requested will confer on the applicant special privilege that is denied by this Chapter to other properties as the setback requirements apply to all properties within the R-CE zoning district.

Variance #5 MET - Granting the requested Variance will not confer any special privilege conferred to others under the same circumstances as the alley does not function as a street.

Deprivation of Rights

Variances #1 and #2 MET - Without approval of the requested Variances, the owner will be deprived of the ability to construct a residence on the parcel.

Variances #3-#6 NOT MET - There is no deprivation of rights as with the approval of Variances #1 and #2, a code compliant residence could be constructed on the property within the required setbacks.

Minimum Possible Variance

Variances #1 and #2 MET - The requested Variances are the minimum necessary to construct a home on the property.

Variances #3-#6 NOT MET - The requested Variances are not the minimum possible, as the proposed residence could be redesigned to lessen or eliminate the Variance requests.

Purpose and Intent

Variances #1 and #2 MET - Approval of the request will be in harmony with the purpose and intent of the Code, which is to allow infill development of lawfully constructed residences. The lot area and width will not be detrimental to the neighborhood as the proposed lot size will be consistent with the developed lots in the area.

Variances #3 MET - Approval of the request will be in harmony with the purpose and intent of the Code, which is to allow infill development of lawfully constructed residences. As requested, the front setback of the proposed residence will not be detrimental to the neighborhood as the requested 34.69 ft. front setback is a 1% deviation from the 35 ft. setback requirement therefore preserving the intent of the zoning regulation.

Variance #4 and #6 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.

Variance #5 MET - Approval of the request will be in harmony with the purpose and intent of the Code, which is to provide adequate separation between improvements and the right-of-way. The alley is not a functioning right-of-way, and the 10 ft. proposed setback would be consistent with the internal setback requirement for the R-CE zoning district.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated September 25, 2025, and elevations dated September 9, 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 maximum of two driveways shall be permitted.

C: Mizanur Rahman
 8654 7th St.
 Orlando, FL 32836

Variance Request Letter

Subject Property: 8554 4th Street, Orlando, FL 32836

Zoning District: R-CE (Residential – Country Estate)

Dear Zoning Team,

We respectfully submit this request for zoning variances to allow construction of a single-family residence on our property located at 8554 4th Street, Orlando, FL 32836. The parcel measures approximately 120 feet by 125 feet, totaling 0.34 acres, as shown in the attached survey.

The property is zoned R-CE, which requires a minimum lot area of 43,560 square feet (1 acre) and a minimum lot width of 130 feet. Our lot does not meet these requirements and is therefore considered legally non-conforming under the current zoning code.

Based on the proposed site plan, we respectfully request the following variances:

- To allow a minimum lot width of 120 feet in lieu of 130 feet
- To allow a minimum lot area of 0.34 acre in lieu of 1 acre
- To allow a front setback of 34.69 feet in lieu of 35 feet
- To allow a rear setback of 30 feet in lieu of 50 feet
- To allow an east side street setback of 10 feet in lieu of 15 feet
- To allow a structure to be located nearer the west side street lot line than the required front yard of the abutting lot (15 feet in lieu of 35 feet). This parcel has two frontages.

Lot Width and Lot Area Variances: The proposed residence will be a two-story concrete block home with a stucco finish totaling approximately 4,040 square feet of living area. The structure will measure 70 feet front-to-rear and 90 feet side-to-side.

We are requesting relief from the minimum lot width and lot area requirements in order to develop a single-family residence on a legally platted lot that is smaller than current R-CE zoned. The lot is consistent in size and shape with other nearby parcels, many of which were developed. Granting this variance will allow for reasonable use of the property in a manner that aligns with the surrounding neighborhood character. The hardship is not self-created, as the lot was acquired in its current configuration.

Setback Variances (Front, Side, and/or Rear). We are requesting relief from setback requirements to accommodate a modest residential footprint that fits within the constraints of the undersized lot. Strict enforcement of the setback standards would

severely limit buildable area and hinder the ability to construct a functional home. The proposed setbacks are in harmony with existing homes in the area, many of which have similar or reduced setbacks due to historical development patterns. The requested relief is the minimum necessary to afford reasonable use of the property and will not alter the essential character of the neighborhood.

We are committed to building a home that complements the neighborhood and complies with all applicable building codes and safety standards. We kindly request your approval of this variance so we may proceed with obtaining a building permit and begin construction of our family home. Thank you for your time and consideration.

**Sincerely,
Mizanur Rahman**


10/6/2025

Zoning Variance Criteria

Subject Property: 8554 4th Street, Orlando, FL 32836

Zoning District: R-CE (Residential – Country Estate)

Applicant: Mizanur Rahman

Date: 9-25-25

1. Special Conditions and Circumstances

The subject property presents unique conditions not generally applicable to other parcels within the R-CE zoning district. It was legally platted prior to the adoption of current zoning requirements, resulting in a parcel size of 0.34 acres and a lot width of 120 feet—both below the current standards of 1 acre and 130 feet, respectively for R-CE Zoning District. These dimensional constraints significantly limit the buildable area and make full compliance with current setback requirements.

To accommodate a modest single-family residence, the applicant is requesting the following setback variances:

- A front setback of 34.69 feet in lieu of 35 feet
- A rear setback of 30 feet in lieu of 50 feet
- An east side street setback of 10 feet in lieu of 15 feet
- A west side street setback of 15 feet in lieu of 35 feet, where the structure would be located closer to the abutting lot's front yard than typically permitted
- a structure to be located nearer the west side street lot line than the required front yard of the abutting lot (15 feet in lieu of 35 feet). This parcel has two frontages.

The property is further constrained by its dual frontage on two public streets, which imposes additional setback requirement. This condition is uncommon and contributes to the reduced buildable envelope. The requested variances reflect the physical limitations of the site and are consistent with the development pattern of surrounding parcels, many of which were built under similar conditions or granted comparable relief. These constraints are inherent to the parcel and not the result of any action by the applicant.

2. Not Self-Created

The hardship associated with this property is not self-created. The lot was established prior to the implementation of the current R-CE zoning standards and has remained unchanged. The applicant did not subdivide or alter the parcel, nor did they contribute to its nonconforming status. The hardship arises solely from the application of updated zoning

regulations to a pre-existing lot, and the request for a variance is based on longstanding conditions—not on any self-imposed limitations.

3. No Special Privilege Conferred

Approval of this variance will not confer any special privilege upon the applicant that is denied to other property owners in the same zoning district. The proposed use—a single-family residence—is consistent with the intent of the R-CE district and reflects the character of surrounding homes. Other similarly sized lots in the area have been developed or granted variances, demonstrating that relief under these circumstances is not extraordinary or preferential. The variance simply allows for reasonable use of the property in a manner consistent with the neighborhood.

4. Deprivation of Rights

Literal enforcement of the zoning code would deprive the applicant of the ability to construct a single-family residence on a legally established lot, a right commonly enjoyed by other property owners in the R-CE district. The lot's nonconforming dimensions are the result of historical platting, not applicant action. Denying the variance would render the property unusable for its intended residential purpose, despite its location within a residential zoning district. The request does not seek to circumvent zoning for financial gain, but rather to allow reasonable use consistent with surrounding development.

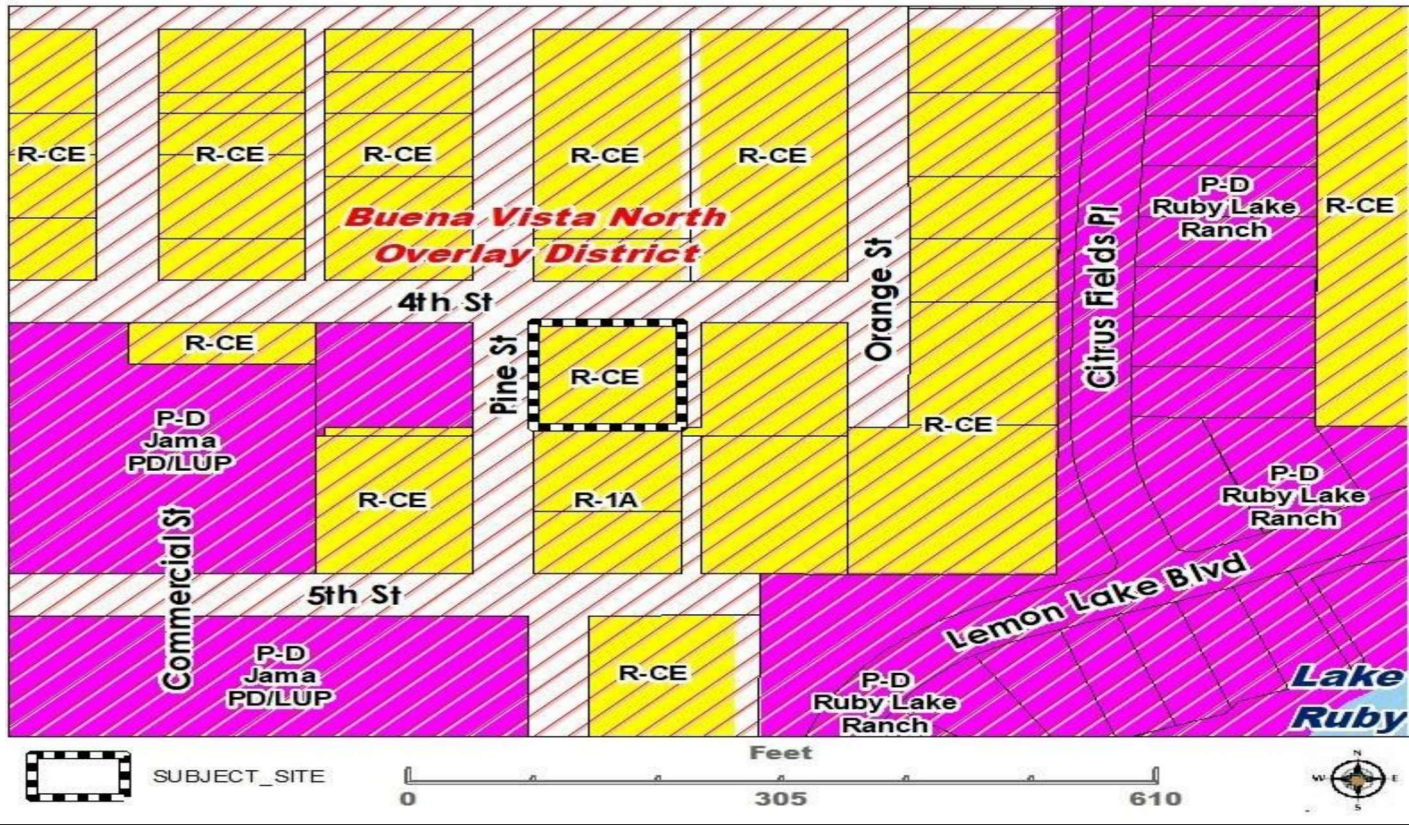
5. Minimum Possible Variance

The requested variance is the minimum necessary to enable reasonable use of the property. The proposed residence aligns with the scale and character of neighboring homes. The site plan has been carefully designed to fit within the lot's constraints while maintaining compatibility with the zoning framework. This request does not intensify land use or exceed what is necessary for functional residential development.

6. Purpose and Intent

Approval of this variance is in harmony with the purpose and intent of the Orange County Zoning Regulations. The proposed residence supports orderly development, protects property values, and ensures compatibility with the surrounding neighborhood. The design reflects the architectural style of nearby homes. The variance does not introduce commercial use or increased density, but rather restores usability to a legally established residential lot. It will not be injurious to the neighborhood or detrimental to public welfare.

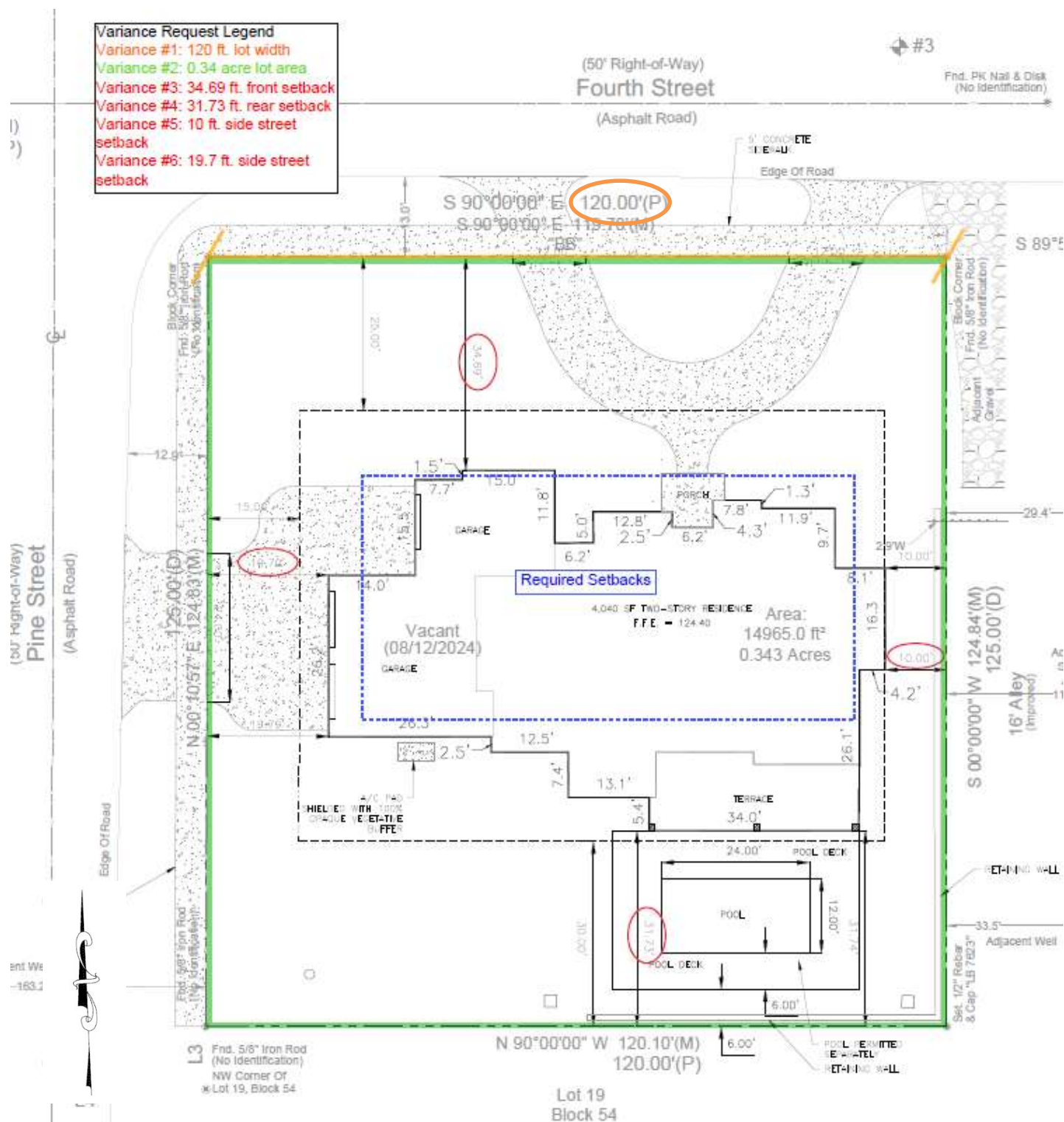
ZONING MAP



AERIAL MAP



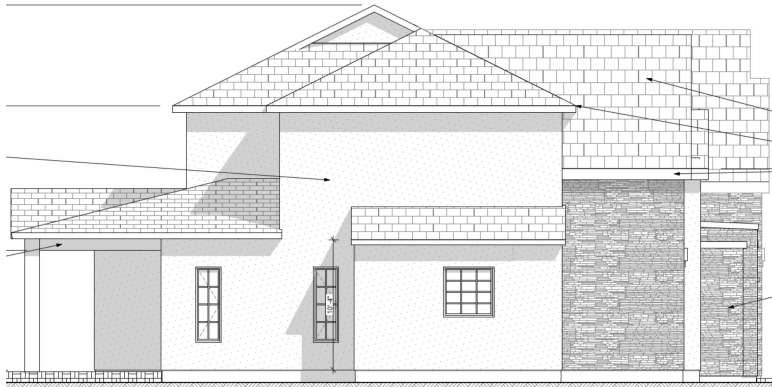
SITE PLAN



ELEVATIONS



Front Elevation



Left Elevation

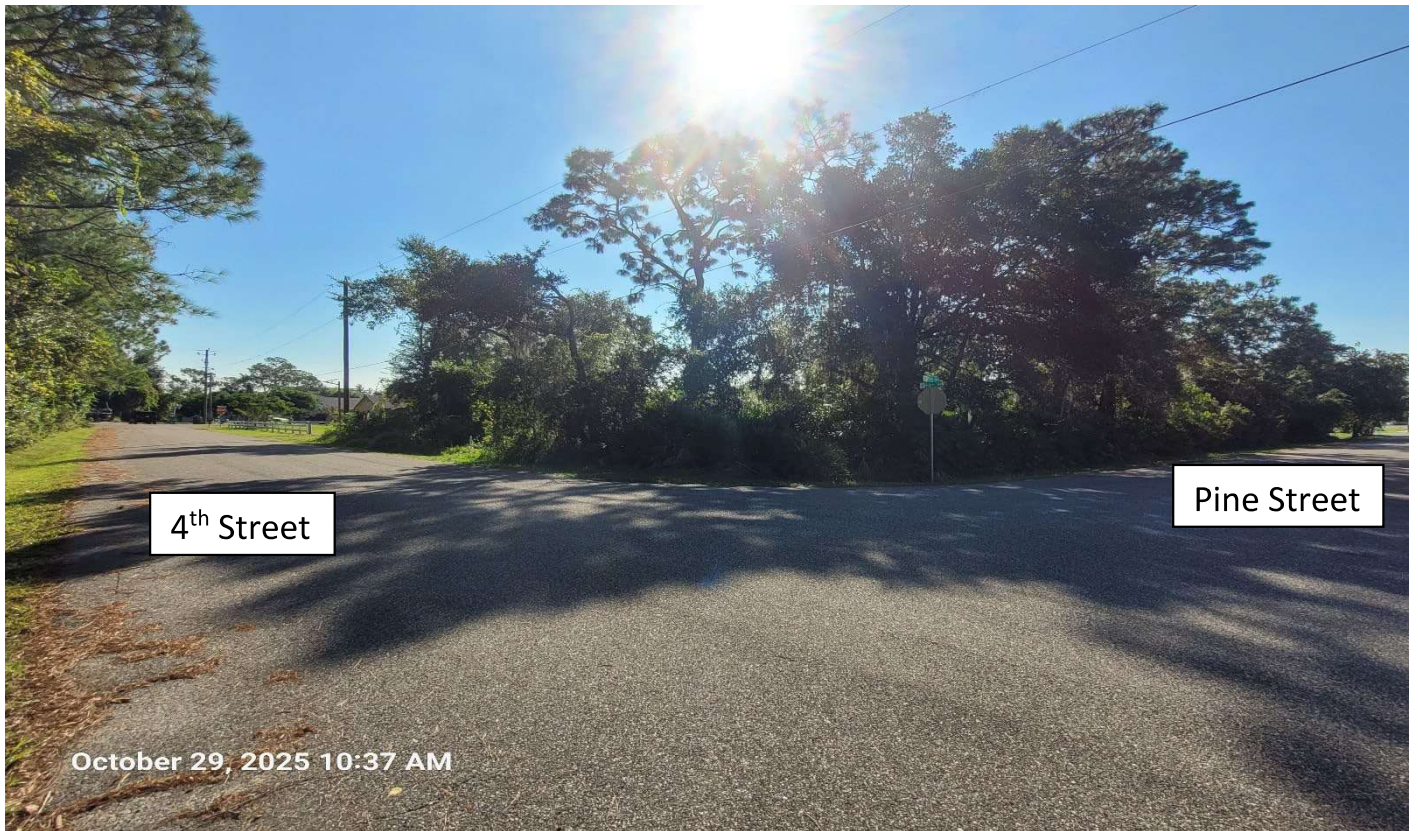


Right Elevation



Rear Elevation

SITE PHOTOS



Facing southeast from the intersection of 4th St. and Pine St.



Facing south from 4th St. towards the subject property and the unopened alley to the left

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 2025**

Commission District: **#1**

Case #: **VA-25-12-076**

Case Planner: **Catherine Glase (407) 836-9615**

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): AUSTIN HAMMONDS

OWNER(s): ANTOINE C DAGOT FAMILY TRUST

REQUEST: Variance in the R-1AA zoning district to allow an addition with a 28 ft. rear setback in lieu of 35 ft.

PROPERTY LOCATION: 9038 Classic Ct., Orlando, FL 32819, south side of Classic Ct., north of Bay Hill Golf Club., east of Lake Chase, south of Conroy Windermere Rd., west of S. Apopka Vineland

PARCEL ID: 21-23-28-0554-04-520

LOT SIZE: +/- 19,188 sq. ft.

NOTICE AREA: 1,000

NUMBER OF NOTICES: 138

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

1. Development shall be in accordance with the site plan dated June 13, 2025, and elevations dated June 4, 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 criteria and the reasons for a recommendation of denial of the Variance.

Staff noted that one correspondence was received in favor of the request, and no comments were received in opposition.

The applicant who was present stated that the proposed addition would visually match the aesthetic of the neighborhood and surrounding areas. BZA discussed the aesthetics of the neighboring properties in relation to what is being proposed by the applicant.

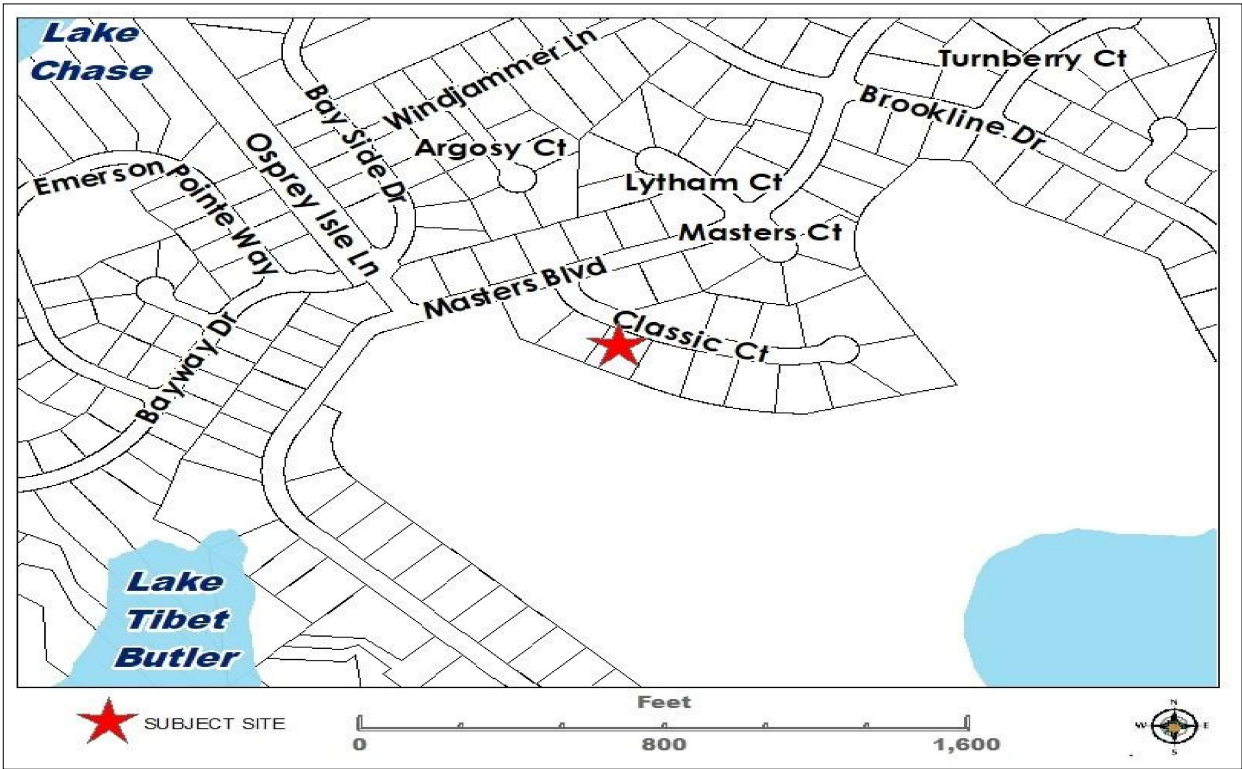
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the Variance request by a 6-0 vote, with one absent, subject to the 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-1AA	R-1AA	R-1AA	R-1AA	R-1AA
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residence	Single-family residence	Golf Course	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1AA, residential zoning district, which allows single-family homes and associated accessory structures. The Future Land Use (FLU) 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 and the Bay Hill Golf Course. The subject property is a 19,188 sq. ft. lot, platted in 1979 as Lot 452 of the Bay Hill Section 11 Plat, and is a conforming lot of record. The property is an internal lot with right-of-way along Classic Ct. to the north, and the Bay Hill Golf Course to the south. The property is developed with a one-story 4,704 gross sq. ft. single-family home constructed in 1981 and was purchased by the current owner in 2018.

The proposal is to construct a 17.33 ft. by 20 ft. addition at the rear of the existing home. The proposed addition would expand the existing living area of the master bedroom by 298 sq. ft. As proposed, the addition will be 28 ft. from the rear property line. The minimum required rear setback is 35 ft. in the R-1AA zoning district, prompting the Variance request. The proposed addition will comply with all other zoning development standards.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13.75 ft.
Min. Lot Width:	85 ft.	119.56 ft.
Min. Lot Size:	10,000 sq. ft.	19,188 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	30 ft.	33.58 ft. (North)
Side:	7.5 ft.	27 ft. (East) 13.5 ft. (West - existing home) 18.96 ft. (West – proposed addition)
Rear:	35 ft.	28 ft. (South – Variance Request)

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no public comment has been received in favor or in opposition to this request. The applicant provided a letter from The Bay Hill Club and Lodge in support of the request and an approval letter from the Bay Hill HOA.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six 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.

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET - There are no special conditions or circumstances particular to the subject property as the lot contains adequate space to construct an addition within the required setback area.

Not Self-Created

NOT MET - The request is self-created as the property could continue to be enjoyed as originally constructed.

No Special Privilege Conferred

NOT MET - Granting the Variance would confer special privilege as the setback is required for all properties in the R-1AA zoning district.

Deprivation of Rights

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 request.

Minimum Possible Variance

NOT MET – The request is not the minimum possible as the addition could be redesigned to lessen or eliminate the Variance request.

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 and uses have on surrounding properties by maintaining open space and creating yards to separate uses. The requested Variance still maintains adequate space between neighboring parcels. Additionally, the property abuts a golf course to the rear further limiting any affected neighbors.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated June 13, 2025, and elevations dated June 4, 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: Austin Hammonds
722 W. Smith St.
Orlando, FL 32804



SAHA Development Group LLC
CRC1333094
Austin Hammonds
722 W Smith St
Orlando, FL 32804
407.765.4037

Variance & Special Exception Request

Orange County Zoning Division Board of Zoning Adjustment Cover Letter
Client/Owner: Antoine C Dagot Family Trust
Address: 9038 Classic Ct Orlando, FL 32819
Parcel ID: 21-23-28-0554-04-520
Request: Reduce rear setback from 35 ft. to 28 ft. for a master bedroom addition

Project Overview

- Addition of a master bedroom suite at the rear right of the home.
- Size: 20' x 17'4" (347 sq. ft.), roof height 16' (same or lower than existing).
- Materials: block construction with stucco, French doors to pool, windows facing rear.
- Located behind existing pool enclosure and not extending beyond detached guest house or neighboring homes.
- HOA and golf course support provided.

Variance Criteria (All Variance Requests)

1. Special Conditions / Hardship

- Irregular lot shape (due to golf course layout) causes the house to encroach closer to the property line than one would think it is.

2. Not Self-Created

- The hardship is a result of lot geometry, not the owner's actions.

3. No Special Privilege

- The addition will not extend past adjacent structures and does not create unfair advantage or negative impact.



4. **Reasonable Use**

- A 35 ft. setback would make the project financially impractical and deny reasonable property use.

5. **Minimum Variance**

- Request reduces setback only to 28 ft., maintaining a substantial buffer.

6. **Consistency with Community**

- The addition is compatible with the neighborhood and golf course setting. HOA and golf course endorsements confirm alignment.

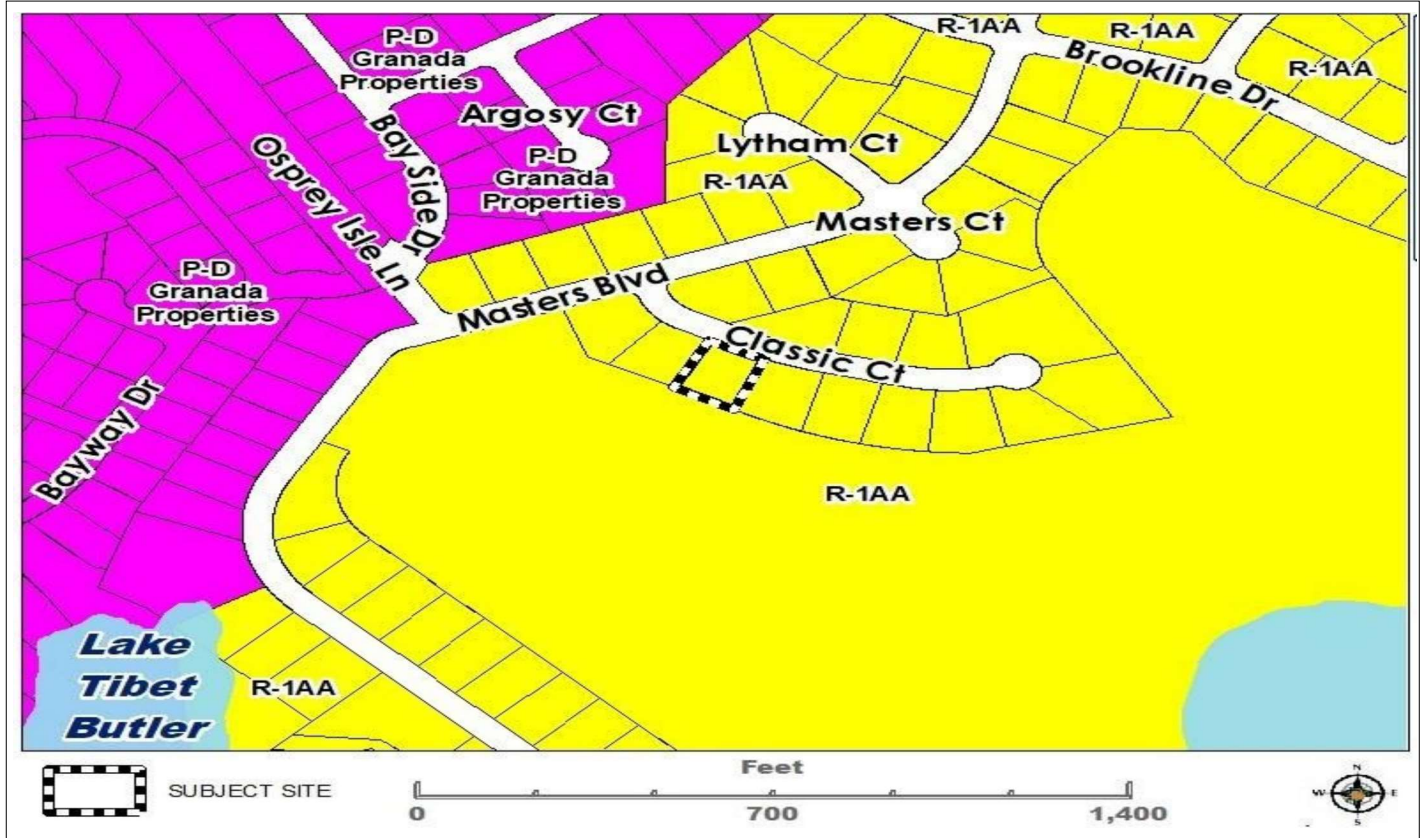
Conclusion

The request meets the standards for variance:

- Hardship arises from unique lot conditions, not self-created.
- Request is the minimum relief necessary.
- No special privileges are conferred.
- The project is consistent with neighborhood character, the Comprehensive Policy Plan, and zoning performance standards.

Approval is respectfully requested

ZONING MAP



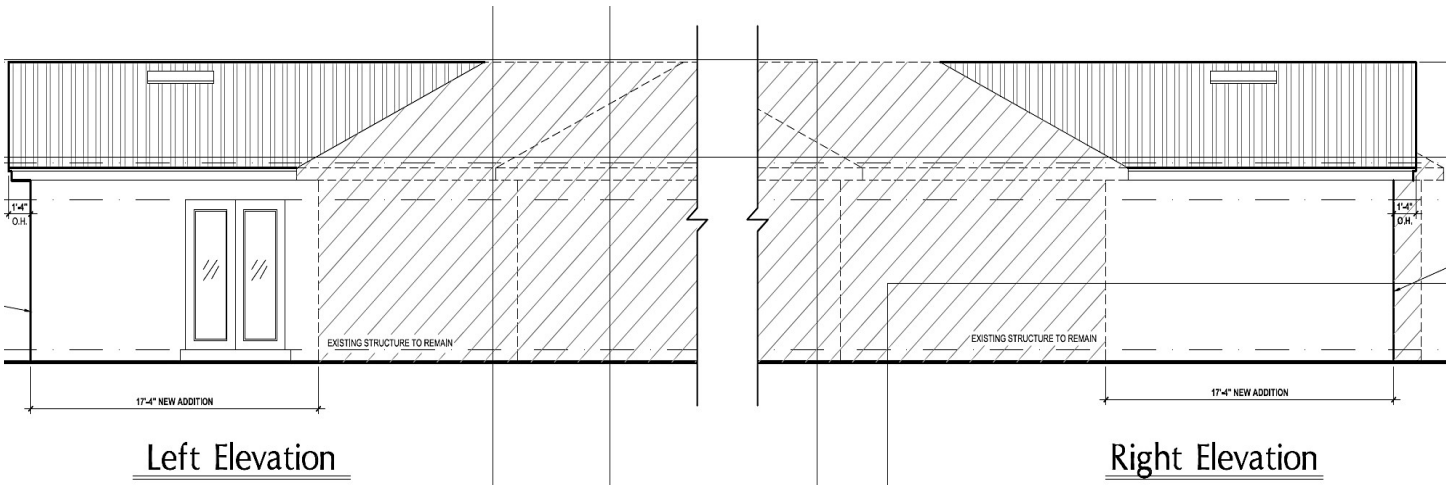
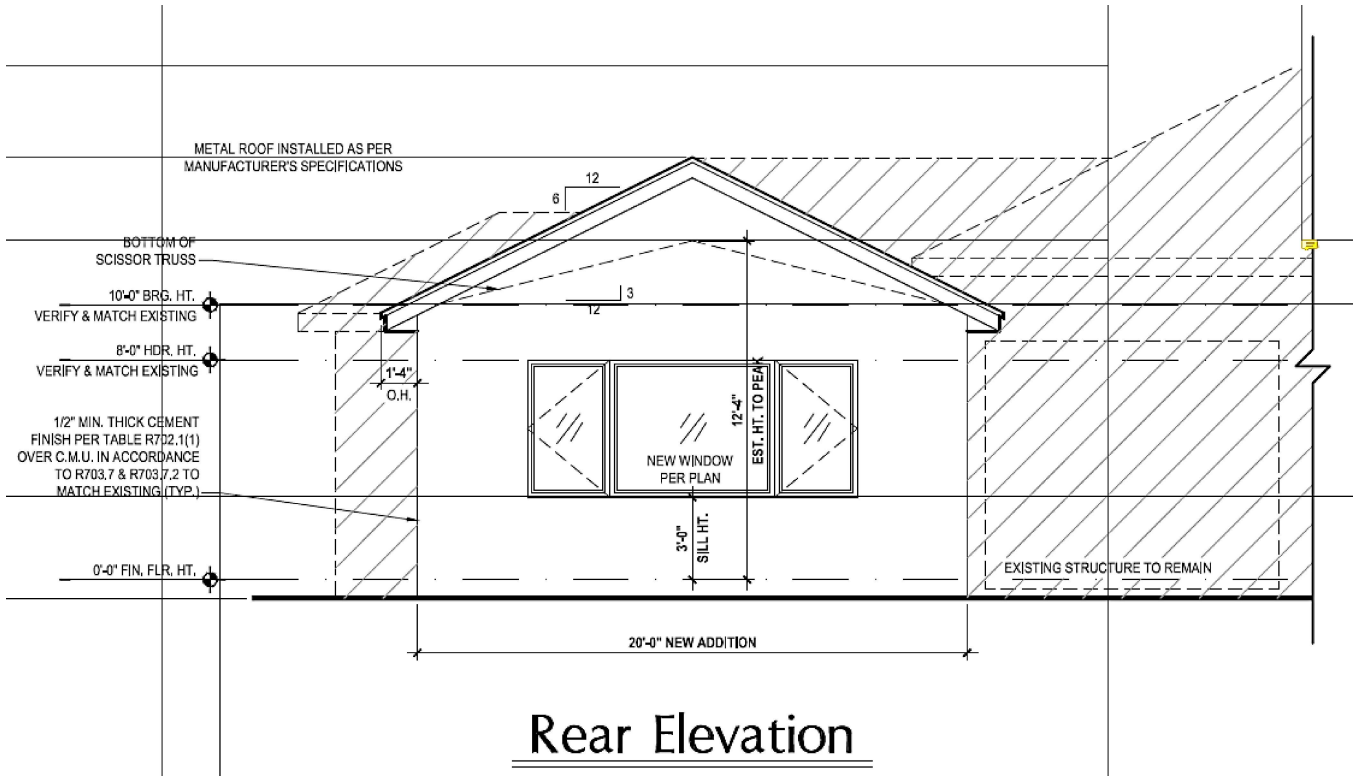
AERIAL MAP



SITE PLAN



ELEVATIONS



SITE PHOTOS



October 29, 2025 11:05 AM

Facing south from Classic Ct., towards the front of the subject property



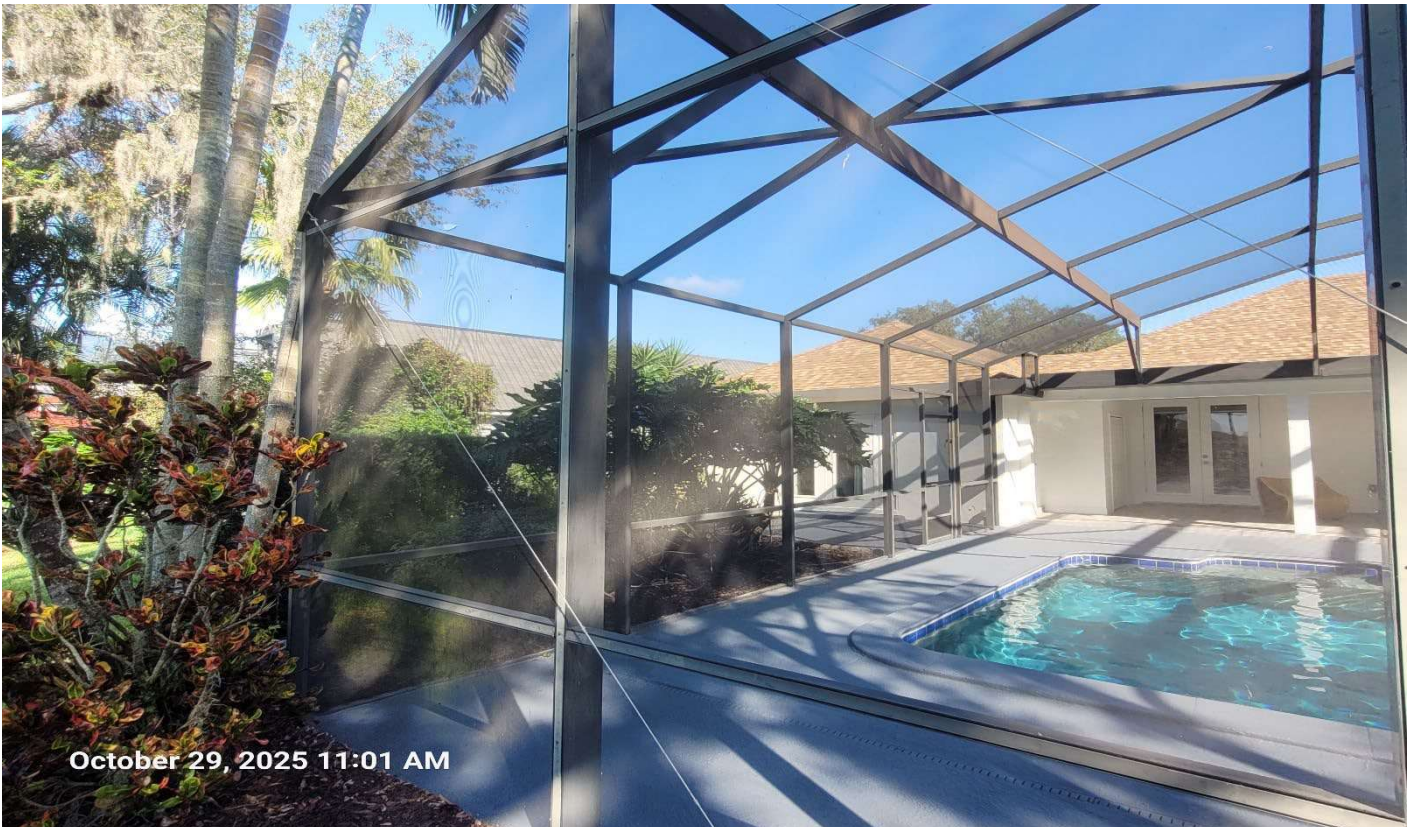
October 29, 2025 11:05 AM

Facing south east from the side yard towards the rear of the home

SITE PHOTOS



Facing north towards the existing home and proposed location of the addition



Facing northwest towards the proposed location of the addition

SITE PHOTOS



Facing north between the subject property and the neighboring property



Facing southwest towards the neighboring property to the west

SITE PHOTOS



Facing west towards rear yard and golf course



Facing east towards rear yard and golf course

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 2025**

Commission District: **#3**

Case #: **VA-26-01-077**

Case Planner: **Catherine Glase (407) 836-9615**

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): RICHARD EDEN

OWNER(s): SANDRA AGUIRRE REVOCABLE TRUST

REQUEST: Variance in the A-2 zoning district to allow a modular home with a minimum of living area of 798 sq ft. in lieu of 850 sq. ft.

PROPERTY LOCATION: 1400 Tidy Ln., Orlando, FL 32825, west side of Tidy Ln., north of Valencia College Ln., east of N. Chickasaw Trl., south of E. Colonial Dr., west of S.R. 417

PARCEL ID: 24-22-30-0000-00-094

LOT SIZE: +/- 16,782 sq. ft.

NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 120

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

1. Development shall be in accordance with the site plan dated August 18, 2025, and elevations dated July 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.
4. Prior to the issuance of a permit for the modular home, a permit shall be obtained for the fence, or the fence 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 criteria and the reasons for a recommendation of denial of the Variance.

Staff noted that no public comments were received either in support or opposition to the request.

The applicant was present and stated that financial constraints prompted the purchase of a modular home that does not meet the required living area of the A-2 zoning district, thus prompting the Variance request.

The BZA discussed living area requirements in reference to interior and exterior wall measurements for surrounding lots.

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

The BZA recommended approval of the Variance request by a 6-0 vote, with one absent, subject to the 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 granting 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	A-2	A-2	A-2	R-T	R-2
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Vacant	Single-family residential	Vacant	Mobile home park	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-2, Farmland Rural district, which allows agricultural uses, single-family homes and associated accessory structures. The Future Land Use (FLU) is Low Medium Density Residential (LMDR), which is inconsistent with the A-2 zoning district. However, the Planning Division had indicated that per Comprehensive Plan Policy FLU8.2.5.1, single-family is allowed on a property with inconsistent zoning and FLU if both designations are residential, the use is single-family detached residential and the property is a Lot of record or a lot created prior to July 1, 1991 through a plat or lot split as recognized by Orange County.

The area surrounding the subject site consists of single-family homes, mobile home parks, agricultural properties and some vacant lots. The subject property is 16,782 sq. ft. (0.39 acres) in size, is unplatted and is a substandard lot of record. 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 an interior lot with right-of-way along Tidy Lane. Tidy Ln. is a private right-of-way located within the property on the east side of the lot.

The property was purchased by the current owner in December of 2019 and is currently vacant. A code compliance violation was issued on January 6, 2021, for an accessory structure and RV located on the property without permits. According to aerial images, the accessory structure was built on the property between 2020 and 2021. Additionally, there is a 4 ft. tall chain link fence enclosing the property, also installed without a permit. The RV has since been removed from the property, and as of September 15, 2025, a demolition permit has been obtained for the accessory structure. A permit is required for the fence to remain on site, as reflected in Condition of Approval #4.

The proposal is to install a 15 ft. by 58 ft., 870 gross sq. ft. modular home. Chapter 38 of Orange County Code defines modular home as *a factory-built home constructed in compliance with the (local or) state building code and consistent with the Florida Department of Business and Professional Regulation as applicable to modular housing. Modular homes shall be subject to the same standards as site-built homes.* Section 38-1501 of Orange County Code establishes the basic site and principal building requirements for all zoning districts. One of the development standards established by this section is a minimum living area of 850 sq. ft. in the A-2 zoning district. Living area is defined as the total air conditioned or heated floor area of all dwelling units measured to the interior surfaces of exterior walls, but excluding exterior halls and stairways. As shown on the plans provided, the total square footage of the interior surfaces of exterior walls is 798 sq. ft. where 850 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.	12 ft.
Min. Lot Width:	100 ft.	100 ft.
Min. Lot Size:	21,780 sq. ft.	16,782 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	35 ft.	73.7 ft. (East)
Side:	10 ft.	20.5 ft. (North) 21.5 ft. (South)
Rear:	50 ft.	75.3 ft. (West)

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 Variance criteria are met. While the 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 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 specific to the land or proposed structure as the site could be developed with a structure in compliance with all development standards.

Not Self-Created

NOT MET - The request is self-created, as the lot is currently vacant and could be developed in compliance with applicable code standards.

No Special Privilege Conferred

NOT MET - Granting the Variance would confer special privilege as the minimum living area requirement is the same for all properties in the A-2 zoning districts.

Deprivation of Rights

NOT MET – Denial of the Variance would not deprive the applicant of the ability to construct a residence. Though there are several developed properties in the area containing homes of similar size, they were developed prior to the zoning regulations.

Minimum Possible Variance

MET – The request is the minimum possible Variance needed to install the proposed modular home.

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. Granting the requested Variance will not be injurious to the neighborhood or detrimental to the public welfare as the residence meets all other performance standards and will not be significantly visible from the neighboring properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated August 18, 2025, and elevations dated July 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.
4. Prior to the issuance of a permit for the modular home, a permit shall be obtained for the fence, or the fence shall be removed from the property.

C: Richard Eden
10151 University Blvd., Suite 137
Orlando, FL 32817

COVER LETTER

To: Orange County Board of Zoning
Orange County Board of Commissioners
Orange County, Florida
Date: October 7, 2025

Agent Richard Eden
Eden Construction Corporation
10151 University Blvd. Suite 137
Orlando Fl. 32817

Owner : Sandra Aquirre Revocable Trust
1400 Tidy lane
Orlando Fl. 32825
Parcel ID: 24-24-30-0000-00-094

To All Concerned:

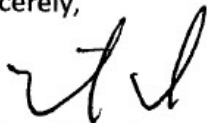
I am the agent for the owner Sandra Aquirre Revocable Trust. Who purchased a Modular Home while trying to meet the requirements of the A-2 Zoning requirements of a minimum living area square footage of 850 square feet. She did her purchasing research for the home using common square footage calculations that Property Appraisers, Realtors, Architects and the (ANSI) American National Standards Institute use. The modular home she purchased is 870 square feet. When using Orange County's definition of living space it is calculated on the inside of the home. The modular home is built to withstand 170 MPH wind so the exterior walls are 2" x 6" steel studs. Thus the inside square footage is 798. Making it 52 square feet under 850. She has already purchased the modular home, paid for plans for the knee wall. She has acquired a Health Department permit for a septic tank. She has approval from all other departments in Orange County.

The home will not devalue any properties in the area. It will be the nicest home in the neighborhood.

The requested variance is:

Accept 798 square feet of inside living area in lieu of 850 square feet of living area.

Sincerely,



Richard Eden (Agent)

10151 Universite Blvd. Suite 137

Orlando Fl. 32817

Phone (407) 970-6579

Email: rickeden4u@gmail.com



Sandra Aquirre (Owner)

1400 Tidy Lane

Orlando Fl. 32825

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 only special condition is the size of
the home

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.

this not self created the home is 820
sq ft. the Energy calculation are based on
820 sq ft. of living space

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.

At 820 sq ft. should not be 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 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.

Not getting approval would be a devastating
financial loss. Other home owners in the area
have smaller homes

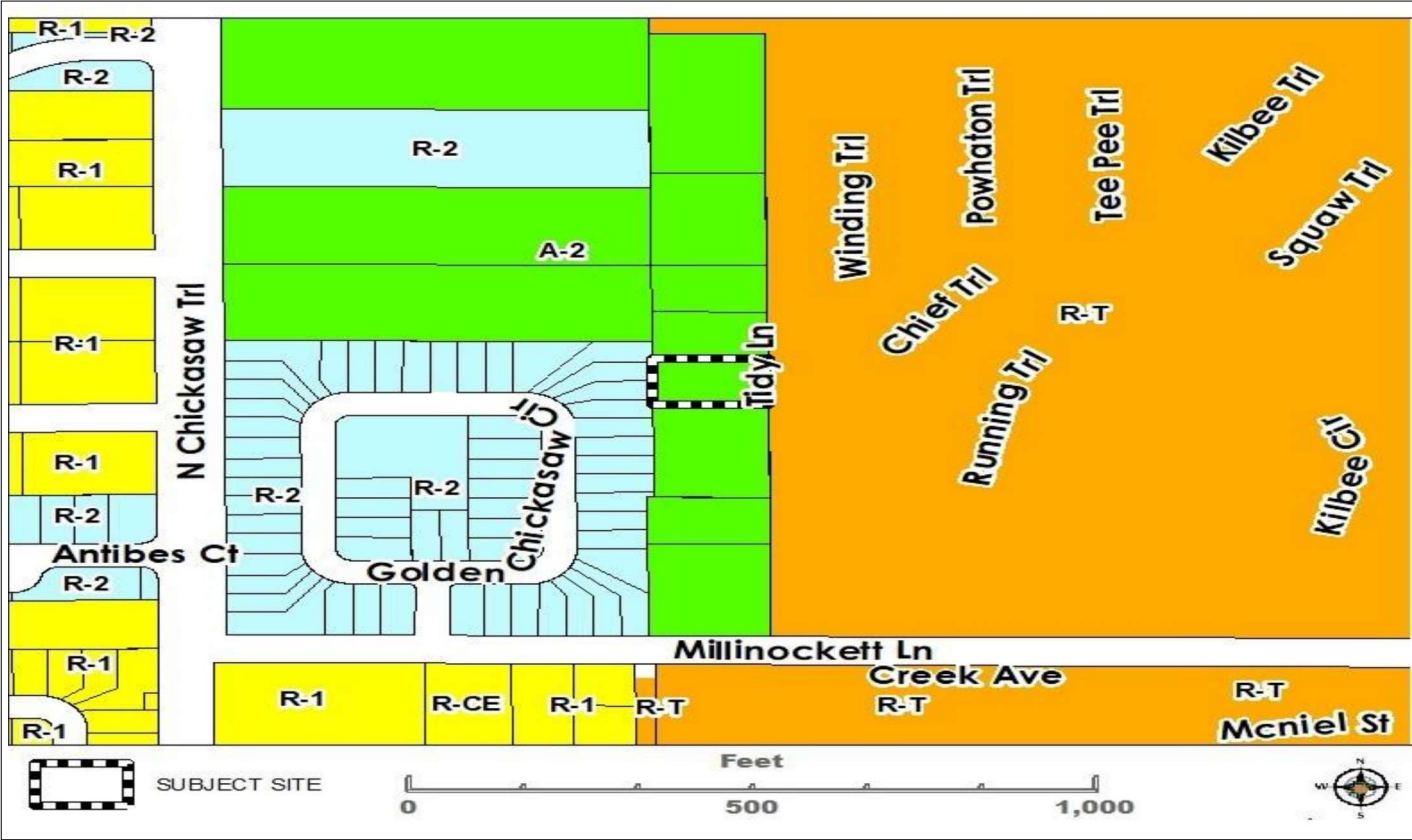
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

yes there is a minimal variance of
52 sq ft.

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.

This will not be injurious to the
neighborhood, it should improve the neighborhood

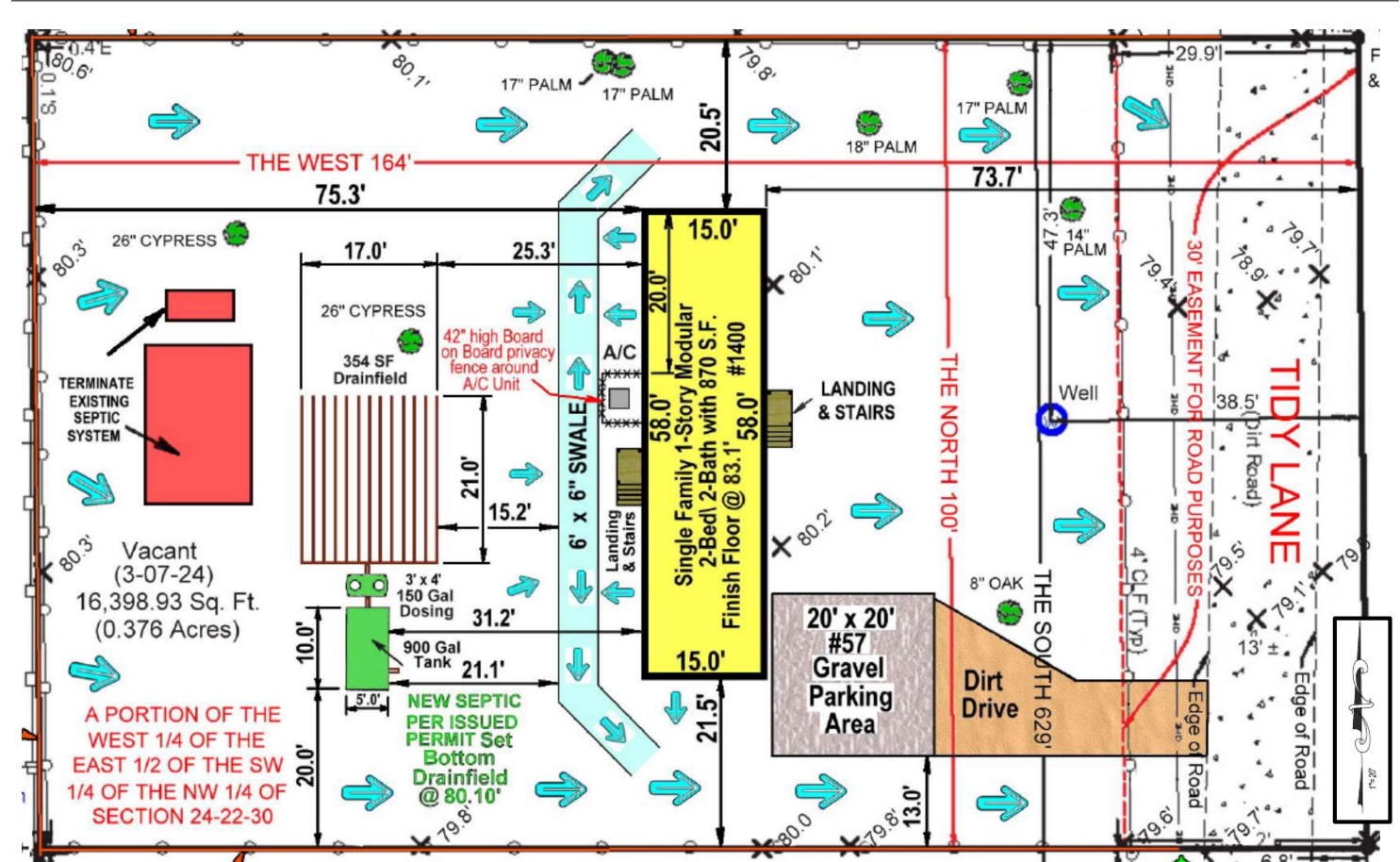
ZONING MAP



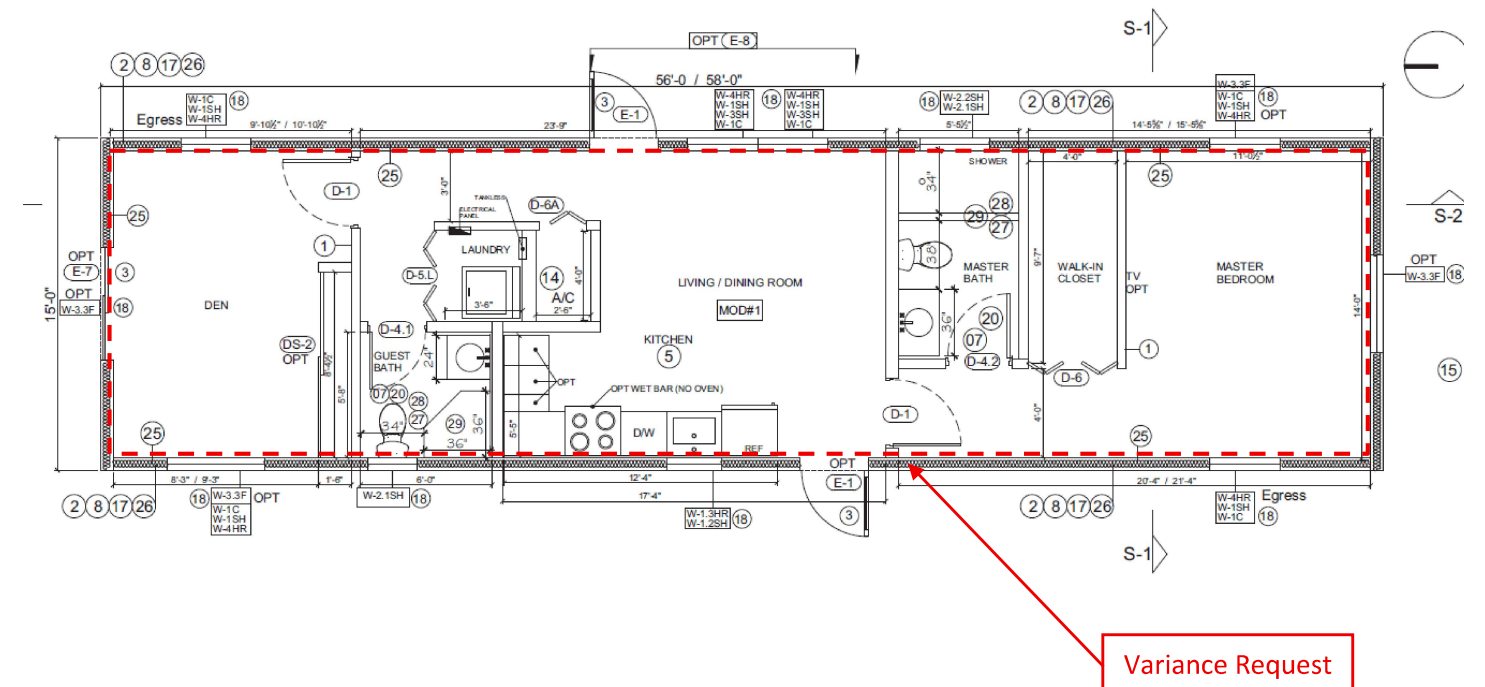
AERIAL MAP



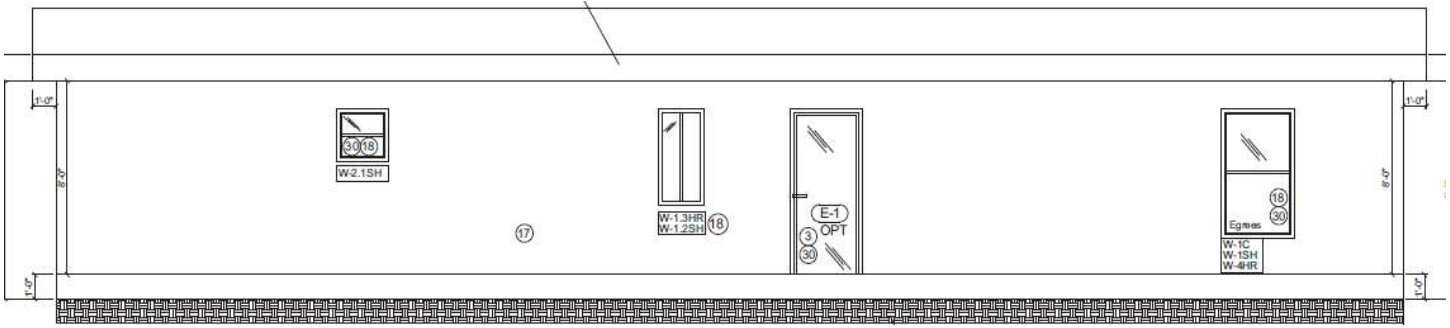
SITE PLAN



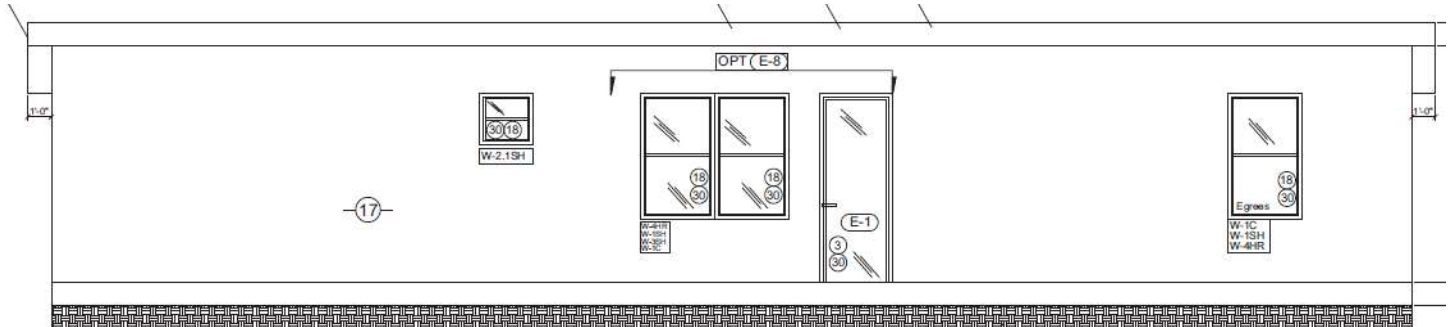
FLOOR PLAN



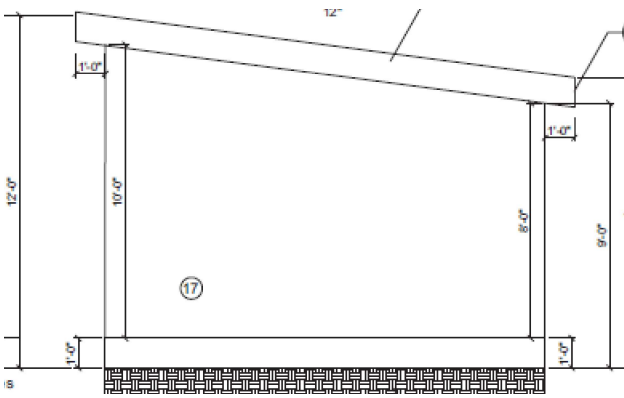
ELEVATIONS



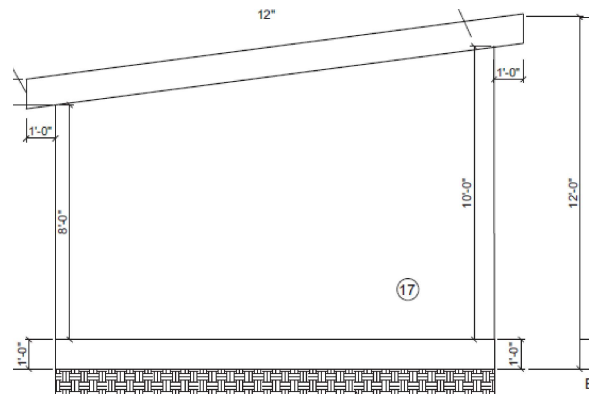
West Elevation



East Elevation



North Elevation



South Elevation

SITE PHOTOS



From Tidy Ln., facing west towards front of subject property



Facing northwest towards proposed location of modular home and neighboring property to the right

SITE PHOTOS



Facing southwest towards proposed location of modular home and neighboring property to the left



Facing west towards neighboring properties to the rear

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 2025**

Commission District: **#1**

Case #: **VA-25-12-073**

Case Planner: **Jacqueline Boling (407) 836-5955**

Jacqueline.Boling@ocfl.net

GENERAL INFORMATION

APPLICANT(s): REBECCA HAMMOCK

OWNER(s): PAMELA RANSONE

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

PROPERTY LOCATION: Unaddressed property on Windermere Rd., Winter Garden, FL 34787, west side of Windermere Rd., north of Mckinnon Rd., east of Winter Garden Vineland Rd., south of Roberson Rd., west of Maguire Rd.

PARCEL ID: 06-23-28-0000-00-001

LOT SIZE: +/- 0.73 acres

NOTICE AREA: 1,000

NUMBER OF NOTICES: 71

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

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.
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 criteria and the reasons for a recommendation of denial of the Variance.

Staff noted that no correspondence was received in favor of the request and one correspondence was received in opposition.

The applicant was present and discussed the vested rights letter that was granted by Orange County regarding the allowance of a single-family home on the subject property, and additional correspondences from the County regarding the letter.

The BZA discussed the surrounding areas and if the lots surrounding the subject property were built upon with less than the required lot size of one acre. The BZA determined the vested rights letter was basis for granting approval of the request.

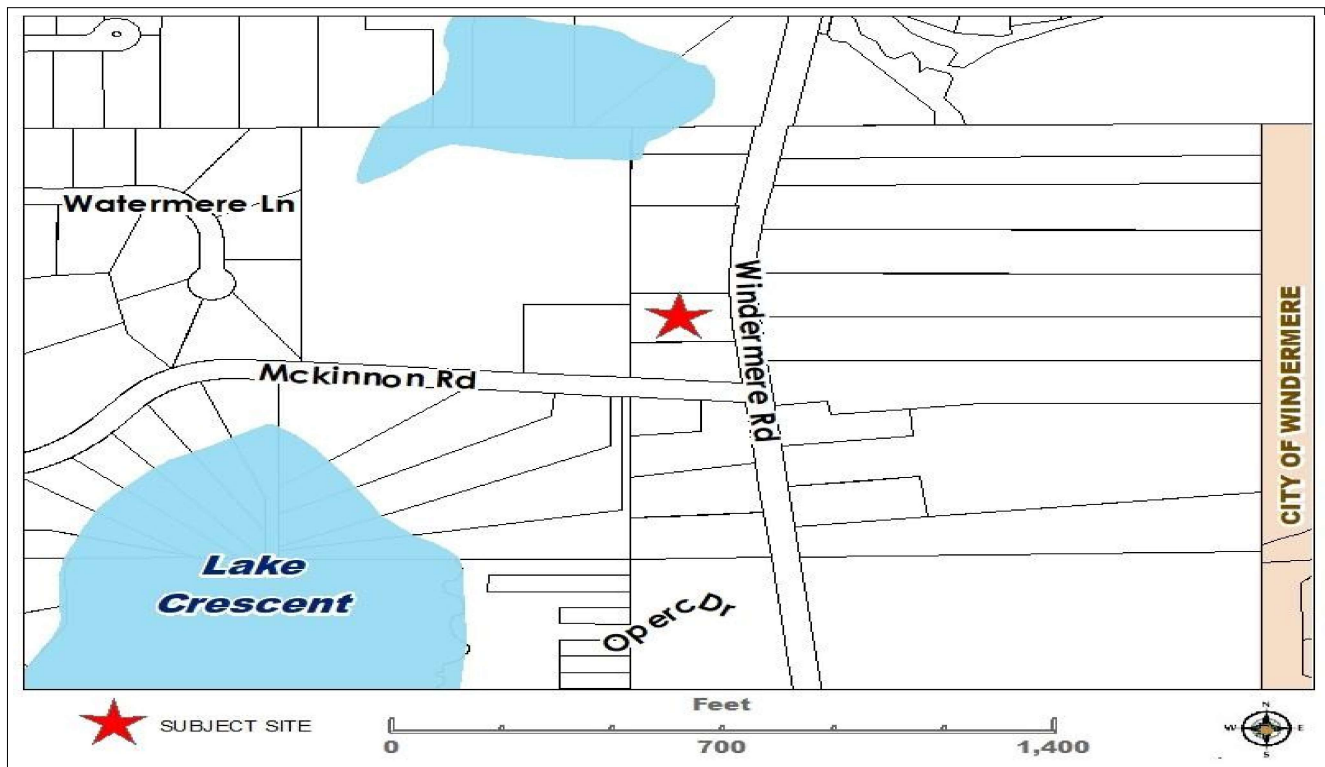
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the Variance request by a 6-0 vote, with one absent, subject to the 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-CE	R-CE	R-CE	R-CE	R-CE
Future Land Use	RS 1/1	RS 1/1	RS 1/1	RS 1/1	RS 1/1
Current Use	Vacant	Single-family residence	Single-family residence	Vacant	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is situated within the R-CE, Country Estate zoning district, which is intended to maintain very low residential densities and protect home investments from potential adverse impacts commonly associated with agricultural areas. This district is primarily designated for residential use. The Future Land Use (FLU) is Rural Settlement 1/1 (RS 1/1), which is consistent with the R-CE zoning district.

The area surrounding the subject site consists primarily of vacant parcels and single-family homes. The property is an interior lot with frontage along Windermere Road and is currently vacant. The property is unplatted and shares common ownership with the adjoining parcel to the south. According to Orange County Code Section 38-1401, when two or more adjoining lots were under single ownership on or after October 7, 1957, and one of the lots does not meet the minimum frontage or area requirements of its zoning district, those lots must be combined to form a single conforming lot. Because the subject parcel (06-23-28-0000-00-001) has been under contiguous ownership with the adjacent parcel (06-23-28-0000-00-024) since 2023, it is not considered a substandard lot of record. The subject parcel received a vested rights certificate from Orange County in 1992, allowing it to be developed with a single-family home. This certificate establishes consistency with the Comprehensive Plan, meaning that even if the surrounding area's land use designation changes in the future, the parcel retains the right to be developed as a single-family residence. However, the existence of a vested rights certificate does not exempt the property from current zoning regulations; all developments must still comply with applicable zoning standards and requirements.

The lot size is 31,973 square feet (0.73 acres), which is below the minimum lot area of 43,563 square feet (1 acre) required for single-family residential development in the R-CE zoning district, requiring the Variance. Proposed on the lot is a two-story, single-family residence totaling 6,998 gross square feet. The design complies with all other development standards, including the required 50-foot undisturbed upland buffer established through a Conservation Area Determination (CAD-22-11-219).

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	35 ft.
Min. Lot Width:	130 ft.	150 ft.
Min. Lot Size:	43,560 sq. ft. (1 acre)	31,973 sq. ft. (Variance Request)
Min. Living Area:	1,500 sq. ft.	6,998 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	35 ft.	35 ft. (East)
Side:	10 ft.	+/- 62.6 ft. (North) 10.2 ft. (South)
Rear:	50 ft.	+/- 50 ft. (West)

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 requires that all six variance criteria be satisfied before a recommendation of approval can be made. Based on staff's analysis, the variance request does not meet all of the required criteria. Therefore, staff is recommending denial of the variance due to the issue of contiguous ownership.

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

NOT MET – The special conditions and circumstance particular to the subject property is that the lot is not buildable without the requested variance; however, the subject property would be buildable by aggregating the other property.

Not Self-Created

NOT MET - The variance request is self-created as the nonconformity was created by purchasing the neighboring lot.

No Special Privilege Conferred

MET - Granting the Variance would not confer special privilege as other properties in the area are developed with similar lot sizes.

Deprivation of Rights

NOT MET – Denial of the Variance would not deprive the applicant of the ability to construct a residence, as the property owner maintains ownership of the adjacent lot to the south. In these situations, Code requires that the lots be combined in order to lessen or eliminate the nonconformity.

Minimum Possible Variance

NOT MET - The request is not the minimum possible due to the ownership of the adjacent lot. Combination of the lots would eliminate the need for a Variance but would restrict the development to only one residence.

Purpose and Intent

NOT MET – Sec. 38-1401 (d) specifically notes that a lot or parcel which contains less than the minimum lot area required by the zoning district and is not a lawful nonconforming lot or parcel, shall not be grounds for granting a variance pursuant to Section 30-43, Orange County Code. As there are two contiguous lots under single ownership, the lots should be aggregated.

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.
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: Rebecca Hammock
Poulos & Bennett, LLC
2602 E. Livingston St.
Orlando, FL 32803

Mike Flegiel
Toll Brothers
2966 Commerce Park Dr., S-100
Orlando, FL 32819

Variance Application Narrative: 06-23-28-0000-00-001 Windermere Road

Toll Brothers, the prospective buyer of the subject lot is seeking a lot size variance to build a single-family residence.

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.

Applicant Response: The subject property is zoned R-CE which requires a minimum lot size of one (1) acre. The subject property is 0.740 acres and received a vesting certificate in 1992 (92-34) from Orange County to allow it to be developed with a single-family home, please see attached.

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.

Applicant Response: The special condition and circumstances are not the result of the actions of the applicant as the lot was created prior to 1957 and appears to have vested rights to be developed with a single-family residence. Please see excerpt below from an Orange County Zoning Letter dated March 6, 1992. Full letter included in the application package.

This is written in response to your letter dated February 23, 1992 regarding the above referenced property. By virtue of your information submitted, deeds of record predating October of 1957 which identify contiguous parcels to the North and South as individually owned parcels, and the fact that the property in question is divided by the road right-of-way from the remainder of parcel #5, we've determined the subject property to be a bona-fide substandard parcel of record. Thus, a single family residence would be permitted on the property provided all other applicable zoning requirements are met.

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.

Applicant Response: Approval of the variance requested will not confer on the applicant any special privileges as the applicant only wishes to build one single family residential home on the lot. All other R-CE zoning requirements will be met.

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.

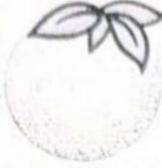
Applicant Response: Literal interpretation of the provisions would prevent the applicant from being able to develop the subject property consistent with other uses in the neighborhood. It would prevent the reasonable use of the property from being developed with one single family residential home.

- 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.

Applicant Response: The requested variance is the minimum variance that will make reasonable use of the land by allowing the development of one (1) single family residence. The lot size exists, and the request is to allow a lot size variance to meet the Property's zoning requirements. Proposed development of the property will meet all other zoning requirements of the R-CE zoning district.

- 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.

Applicant Response: The existing lot size and the proposed development of a single-family residential home is in harmony and compatible with the existing lot sizes in the neighborhood. There are a number of developed lots along Windermere Road to the north and south of the subject property that are less than the required 1 acre. Development of a new residence on the subject property will be in character with the current trend of development in the area.

Orange  County

Zoning Department
201 South Rosalind Avenue, 1st Floor
Reply To: Post Office Box 2687
Orlando, Florida 32802-2687
Telephone (407) 836-5525

March 6, 1992

Rohland A. June II, P. E.
June Engineering Consultants, Inc.
310 S. Dillard Street
P. O. Box 771166
Winter Garden, Florida 34777-1166

In Re: Beg. 660 ft. N of the SW cor. of the NW 1/4, run 215 ft.
E to Winter Garden-Windermere Rd., N along road 150 ft.,
th, W 215 ft., th, South along 1/4 section line 150 ft.
to POB. All in Sec. 6, Twp. 23 S, Rge. 28 E, Orange
County, Fl. (approx. 0.74 acre)

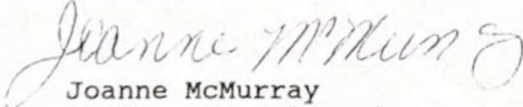
Dear Mr. June:

This is written in response to your letter dated February 23, 1992 regarding the above referenced property. By virtue of your information submitted, deeds of record predating October of 1957 which identify contiguous parcels to the North and South as individually owned parcels, and the fact that the property in question is divided by the road right-of-way from the remainder of parcel #5, we've determined the subject property to be a bona-fide substandard parcel of record. Thus, a single family residence would be permitted on the property provided all other applicable zoning requirements are met.

There is still the question of consistency with the Comprehensive Policy Plan and the newly implemented Concurrency Management System. Please refer any further questions regarding these issues, to the Planning Department at 836-5600.

I trust this information will be of help to you.

Sincerely,


Joanne McMurray
Assistant Zoning Director

JMC:KB:jv

cc: Margaret Hartwell, Planning Department

101
Orange



County

Planning Department
Edward J. Williams, Director
201 South Rosalind Avenue, 2nd Floor
Reply To: Post Office Box 1393
Orlando, Florida 32802-1393
Telephone (407) 836-5600

March 16, 1992

Certi-Fine Fruit Company, Inc.
c/o Rohland A. June II
June Engineering Consultants, Inc.
Post Office Box 771166
Winter Garden, Florida 34777-1166

CERTIFIED MAIL

SUBJECT: **Consistency Vested Rights Application #92-34**

Dear Mr. June:

This letter is to certify that based upon review of your Application for Vested Rights from the Consistency Requirements of the Orange County 1990-2010 Comprehensive Policy Plan, Orange County has found that the property described on Application #92-34 as:

Beg. 660 ft. N of the SW cor. of the NW 1/4, run 215 ft. E to Winter Garden-Windermere Rd., N along road 150 ft., th, W 215 ft., th, South along 1/4 section line 150 ft. to POB. All in Sec. 6, Twp. 23 S, Rge. 28 E, Orange County, Fl. (approx. 0.74 acre);

is entitled to a Vested Rights Certificate to build one single family residence based on Section 30-353.D.10 of Chapter 30, Article XI, Orange County Code.

This certificate entitles you to undertake or continue the development of the above referenced property, despite the inconsistency of the development with the comprehensive plan, and shall not act to create rights that otherwise do not exist. This certificate does not exempt the development of this property from Orange County's concurrency requirements. Upon the expiration of any Development Order or permit or approval that serves as the predicate for the right to develop, the rights granted shall likewise expire. Also, if any application for a permit or other approval is denied, or if the application is granted but the permit or approval later expires for lack of construction or otherwise, and if the submission of the application serves as the predicate for the rights granted, then the rights granted hereunder shall also expire.

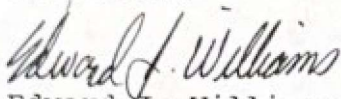
Furthermore, any such development shall continue to be subject in all respects to all laws, ordinances, rules and regulations, and shall continue to be subject to all terms, conditions, requirements and restrictions contained in any Development Order or permit or

Rohland A. June II
Vested Rights Application #92-34
March 16, 1992
Page 2

approval or Binding Letter of Vested Rights pertaining to the particular development. Finally, any substantial change or substantial deviation from the terms of the Development Order upon which a Vested Rights Certificate was predicated shall cause the change or deviation to become subject to the Comprehensive Policy Plan.

If you have any questions on this matter, please feel free to call Margaret Hartwell of my staff at #(407) 836-5600.

Sincerely,

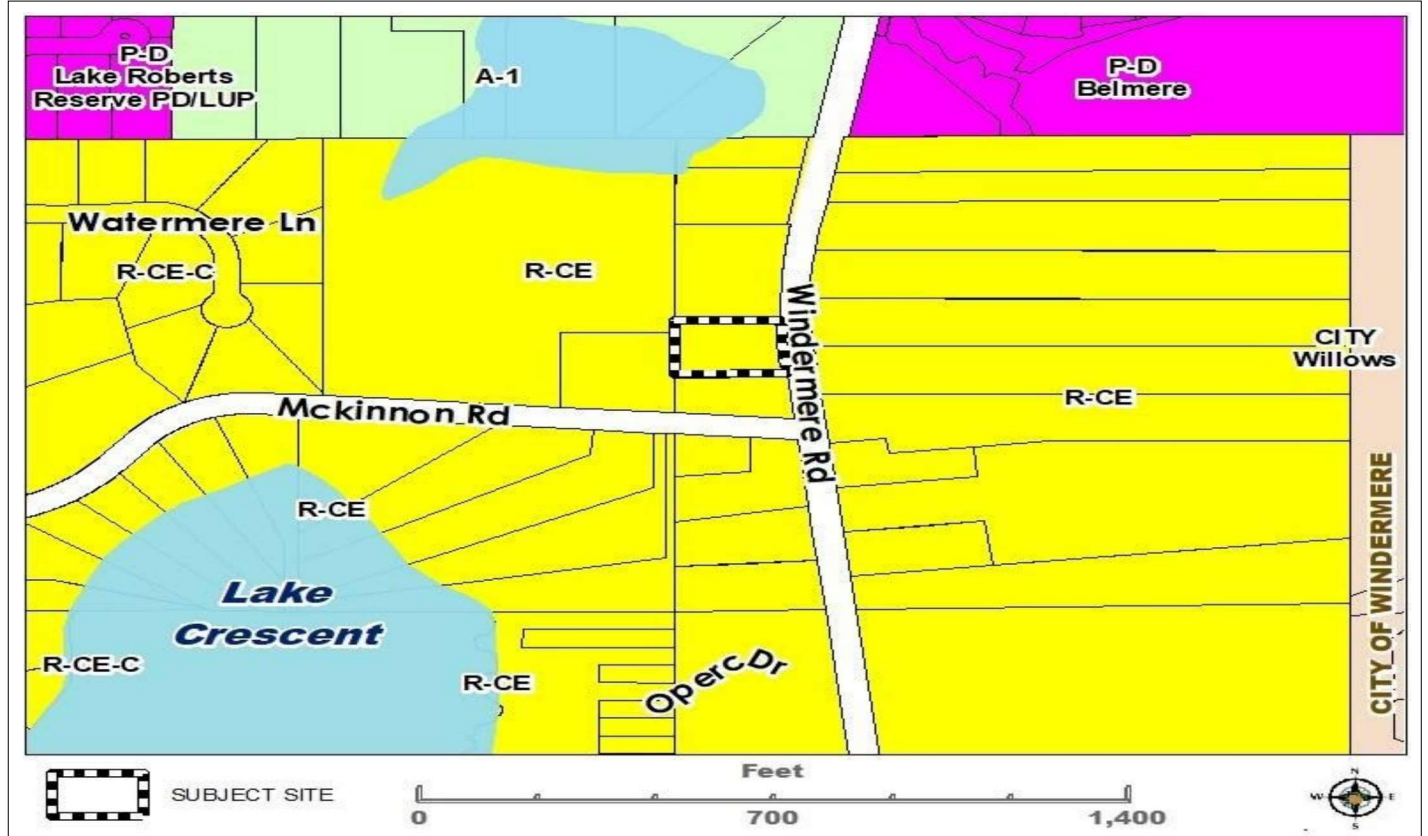


Edward J. Williams
Planning Director

EJW/MMH/lab

cc: Melvin Pittman, Acting Zoning Director

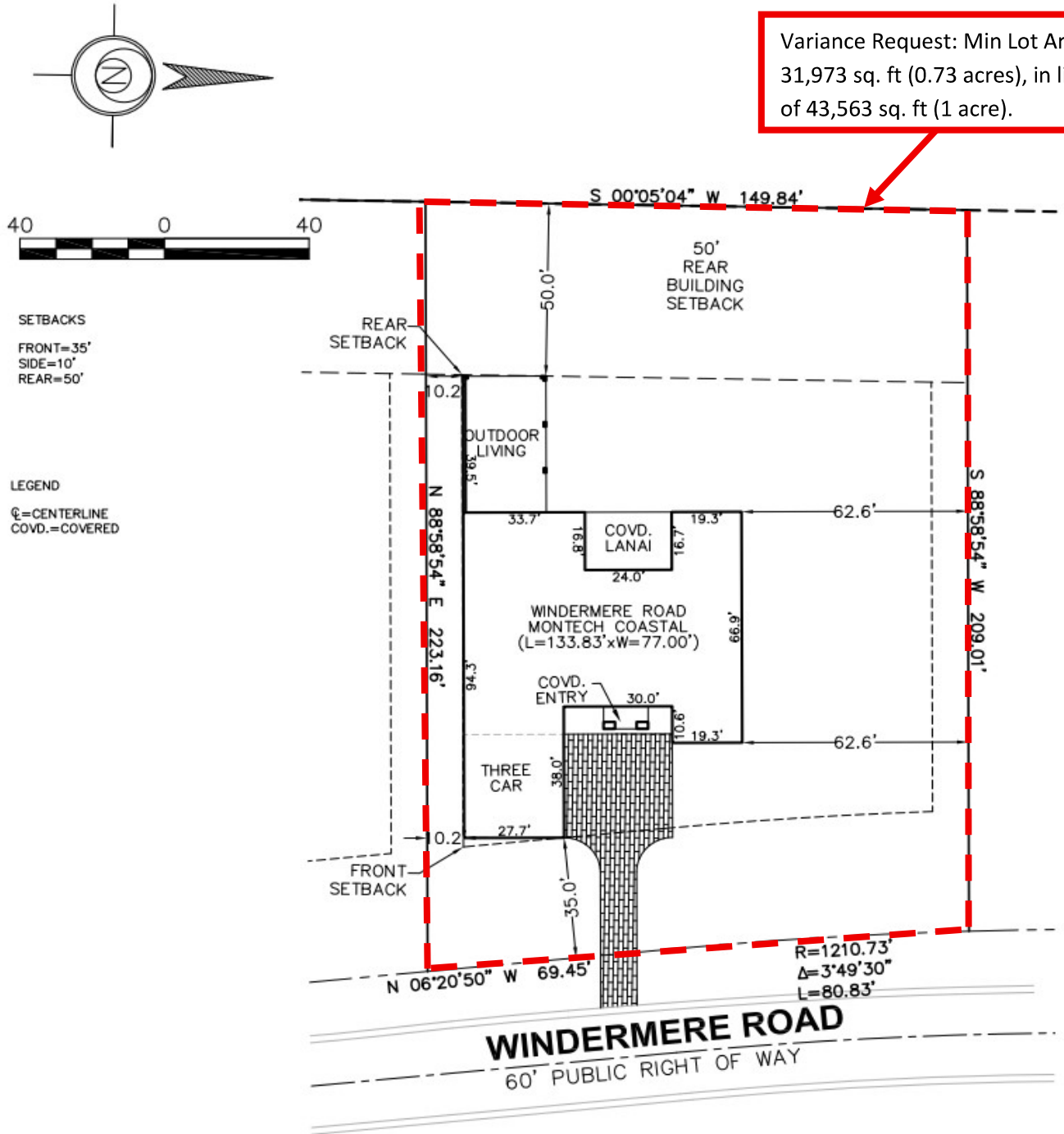
ZONING MAP



AERIAL MAP



OVERALL SITE PLAN



ELEVATIONS



Front Elevation



Right Elevation



Rear Elevation



Left Elevation

SITE PHOTOS



Facing north towards the front of the subject property from Windermere Rd.



Facing northeast towards the subject property from Windermere Rd.

SITE PHOTOS



October 29, 2025 11:51 AM

Facing southwest towards the front of the subject property from Windermere Rd.



October 29, 2025 11:53 AM

Facing south towards Windermere Rd from rear of subject property.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 2025**

Commission District: **#1**

Case #: **VA-25-12-074**

Case Planner: **Jacqueline Boling (407) 836-5955**
Jacqueline.Boling@ocfl.net

GENERAL INFORMATION

APPLICANT(s): REBECCA HAMMOCK

OWNER(s): PAMELA RANSONE

REQUEST: Variances in the R-CE zoning district as follows:

- 1) To allow a minimum lot area of 0.61 acres in lieu of 1 acre
- 2) To allow a minimum lot width of 129.91 ft. in lieu of 130 ft.
- 3) To allow a structure to be located nearer the side street lot line than the required front yard of such abutting lot (15.3 ft. in lieu of 35 ft.).

PROPERTY LOCATION: 1876 Windermere Rd, Winter Garden, FL 34787, northwest corner of Windermere Rd. and Mckinnon Rd., east of Winter Garden Vineland Rd., south of Roberson Rd., west of Maguire Rd.

PARCEL ID: 06-23-28-0000-00-024

LOT SIZE: +/- 0.61 acre

NOTICE AREA: 1,000

NUMBER OF NOTICES: 71

DECISION: Recommended **APPROVAL** of the Variance requests **#1** and **#2**, and **APPROVAL** of a modified Variance request **#3**, of a lesser variance of 28.5 ft. in lieu of 35 ft., 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 Thomas Moses, Second by Juan Velez; unanimous; 5 in favor: John Drago, Juan Velez, Thomas Moses, Roberta Walton Johnson, Johnny Stanley; 0 opposed; 2 absent: Glenn Rubinstein, Sonya Shakespeare):

1. Development shall be in accordance with the site plan dated November 17, 2025, and elevations dated September 26, 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 criteria and the reasons for a recommendation of denial of the Variances.

Staff noted that no correspondence was received in favor of the request and two correspondences were received in opposition.

The applicant was present and discussed the same vested rights letter from the request of the property to the north (VA-25-12-073). Additional information was provided regarding future development of various vacant lots surrounding the subject property.

The applicant presented a new site plan (dated November 17, 2025) that shifted the house to the north, resulting in a modified Variance request #3 for a 28.5 ft. setback, in lieu of the original request of a 15.3 ft. setback. The BZA discussed the size of the property regarding the requirements for lot size in the R-CE zoning district.

The BZA determined that the shape of the lot constrains the location of the proposed structure, requiring a reduced setback.

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

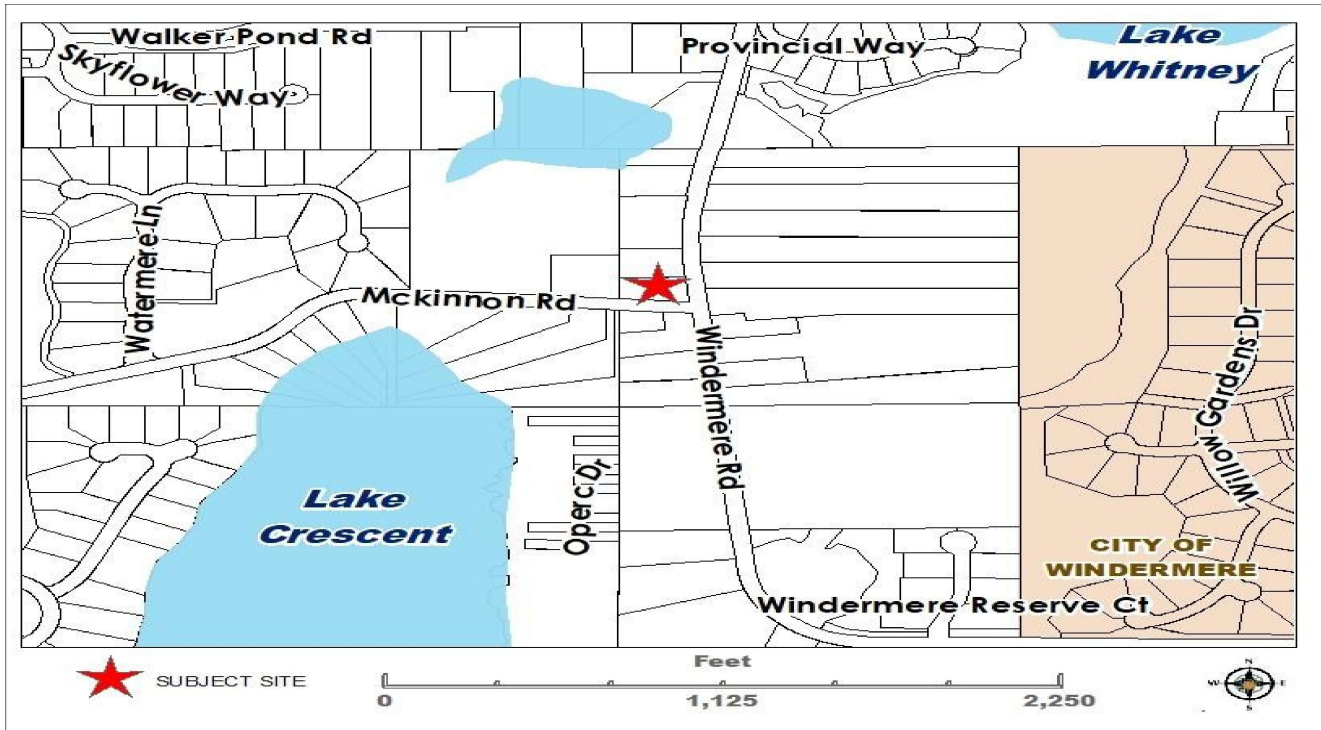
The BZA recommended approval of Variance requests #1 and #2 and a lesser variance of 28.5 ft. in lieu of 35 ft. for Variance request #3 by a 5-0 vote, with two absent, subject to the 3 conditions found in the staff report with a modified Condition of Approval #1:

Development shall be in accordance with the site plan dated November 17, 2025, and elevations dated September 26, 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

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-CE	R-CE	R-CE	R-CE	R-CE
Future Land Use	RS 1/1	RS 1/1	RS 1/1	RS 1/1	RS 1/1
Current Use	Single-family residence	Vacant	Single-family residence	Vacant	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is situated within the R-CE, Country Estate zoning district, which is intended to maintain very low residential densities and protect home investments from potential adverse impacts commonly associated with agricultural areas. This district is primarily designated for residential use. The Future Land Use (FLU) is Rural Settlement 1/1 (RS 1/1), which is consistent with the R-CE zoning district.

The area surrounding the subject site consists primarily of vacant parcels and single-family homes. The property is a corner lot with frontage along Windermere Rd. to the east, and McKinnon Rd. to the south and is developed with a single-family residence and a shed. For residential properties, Code considers the narrow portion of the lot to be the front; as such, Windermere Rd. is considered the front and McKinnon Rd. is considered the side street. The property is unplatted and shares common ownership with the adjoining parcel to the north. According to Orange County Code Section 38-1401, when two or more adjoining lots were under single ownership on or after October 7, 1957, and one of the lots does not meet the minimum frontage or area requirements of its zoning district, those lots must be combined to form a single conforming lot. Because the subject parcel (06-23-28-0000-00-024) has been under contiguous ownership with the adjacent parcel

(06-23-28-0000-00-001) since 2023, it is not considered a substandard lot of record. The lot to the north received a vested rights certificate from Orange County in 1992, allowing it to be developed with a single-family residence. This establishes consistency with the Comprehensive Plan, meaning that even if the surrounding area's land use designation changes in the future, the parcel retains the right to be developed as a single-family residence. However, the existence of a vested rights certificate does not exempt the north property from current zoning regulations; all development must still comply with applicable zoning standards and requirements.

The parcel is 26,697 square feet in size, which is below the minimum 43,563 square feet required for single-family residential development in the R-CE zoning district, requiring Variance #1. The lot has a width of 129.91 feet, which is slightly below the minimum required width of 130 feet for the district; therefore, Variance #2 is requested. All existing structures on the site are proposed to be demolished to allow the new construction of a two-story, single-family residence totaling 4,584 square feet. The residence is proposed to be located closer to the side street lot line than the required front yard setback of the adjoining lot, with a proposed setback of 15.3 feet in lieu of the required 35 feet, prompting the need for Variance #3. The applicant must also comply with a 50-foot wetland buffer established through a Conservation Area Determination (CAD-22-11-219).

This property, along with the adjacent parcel, is proposed to be developed with new single-family residences and is subject to a related variance request (Case #VA-26-01-073). The adjacent parcel is currently vacant, with a proposal to construct a 6,998-square-foot single-family residence.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	28 ft.
Min. Lot Width:	130 ft.	129.91 ft. (Variance #2)
Min. Lot Size:	43,560 sq. ft.	26.697 sq. ft. (Variance #1)
Min. Living Area:	1,500 sq. ft.	4,584 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front: (Windermere Rd)	35 ft.	35.7 ft.
Side Street Yard: McKinnon Rd)	35 ft.*	15.3 ft. (South) (Variance #3)
Side:	10 ft.	24.1 ft. (North)
Rear:	50 ft.	+/- 50 ft. (West)

**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 requires that all six variance criteria be satisfied before a recommendation of approval can be made. Based on staff's analysis, the variance requests do not meet all of

the required criteria. While there are special circumstances related to the property's smaller and irregular size, staff recommends denial of the variance due to the issue of contiguous ownership.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

VARIANCES #1 & 2 NOT MET – The special conditions and circumstance particular to the subject property is that the lot is not buildable without the requested variance; however, the subject property would be buildable by aggregating the other property.

VARIANCE #3 MET - Special conditions and circumstances exist due to the limited lot size, which restricts both the overall size of the proposed structure and its potential placement on the property.

Not Self-Created

ALL VARIANCES NOT MET – The variance request is self-created, as the Code requires that substandard adjoining lots under single ownership shall be aggregated to create a tract meeting the minimum lot size and area. One lot of standard size would eliminate the need for all 3 variance requests.

No Special Privilege Conferred

ALL VARIANCES NOT MET - Granting the Variance would confer special privilege as other developments in the area have complied with Orange County Code and Development standards.

Deprivation of Rights

ALL VARIANCES NOT MET – Denial of the Variance would not deprive the applicant of the ability to construct a residence, as the property owner maintains ownership of the adjacent lot to the north. In these situations, Code requires that the lots be combined in order to lessen or eliminate the nonconformity. The subject and adjacent lots would become a conforming lot once aggregated.

Minimum Possible Variance

ALL VARIANCES NOT MET - The request is not the minimum possible due to the ownership of the adjacent lot. Combination of the lots would eliminate the need for a Variance but would restrict the development to only one residence. Additionally, the proposed home could be shifted on the subject site to comply with development standards to minimize their variance request.

Purpose and Intent

VARIANCES #1 & 2 NOT MET – Sec. 38-1401 (d) specifically notes that a lot or parcel which contains less than the minimum lot area required by the zoning district and is not a lawful nonconforming lot or parcel, shall not be grounds for granting a variance pursuant to Section 30-43, Orange County Code. As there are two contiguous lots under single ownership, the lots should be aggregated.

VARIANCE #3 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. Granting the requested Variance will not be

injurious to the neighborhood or detrimental to the public welfare as the residence meets all other performance standards and will be consistent with the existing development in the area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated September 3, 2025, and elevations dated September 26, 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: Rebecca Hammock
Poulos & Bennett, LLC
2602 E. Livingston St.
Orlando, FL 32803

Mike Flegiel
Toll Brothers
2966 Commerce Park Dr. S-100
Orlando, FL 32819

Variance Application Narrative Lot: 06-23-28-0000-024 (1876 Windermere Road)

Toll Brothers, the prospective buyer of the subject lot is seeking a lot size and lot width variances for the subject lot to demolish the existing home and build a new house.

- 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.

Applicant Response: The subject lot is a non-standard lot in its zoning category of R-CE, which requires a minimum one (1) acre lot size and a minimum lot width of 130'. The lot is 0.626 acres, less than one acre and has a lot width of 129.91'. However, the lot was created prior to zoning in 1957.

The subject lot is a substandard lot of record as it was created prior to 1957. Attached is a 1945 Vesting Deed for the 1876 Windermere Road property, which is evidence that this described property existed before the 1957 zoning went into effect. The deed reflects the same legal as the most recent vesting deed. However, at some point this parcel was in common ownership with the lot to the north so it no longer qualifies as a substandard lot of record based on Orange County Code. However, the lot to the north received a vested rights certificate in 1992 (92-34) to allow it to be developed even with an ownership change and stated that the aggregation requirement does not apply. The lot to the north was given vested rights to develop one single family residential home.

- 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.

Applicant Response: The property was a substandard lot of record and is developed with an existing single-family residential home built in 1940. Previously the subject property was under common ownership with the parcel to the north, however, the parcels are no longer under the same ownership. As the lot was created prior to Orange County's zoning code and is already developed with a single-family home, the special conditions and circumstances do not result from the actions of the applicant. The conditions existed prior to the Applicant's interest in the property.

- 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.

Applicant Response: Approval of the variance requested will not confer on the applicant any special privileges as the applicant only wishes to build one single family residential home on the lot to replace the existing home. All other R-CE zoning requirements will be met. The variance will allow the Applicant to the same rights and privileges as other property owners in the area who also have substandard lot sizes.

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 with 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.

Applicant Response: Literal interpretation of the provisions would prevent the applicant from being able to develop the subject property as it is currently developed. It would prevent the reasonable use of the property from being developed with a new single-family residential home to replace the existing home that was originally built in 1940.

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.

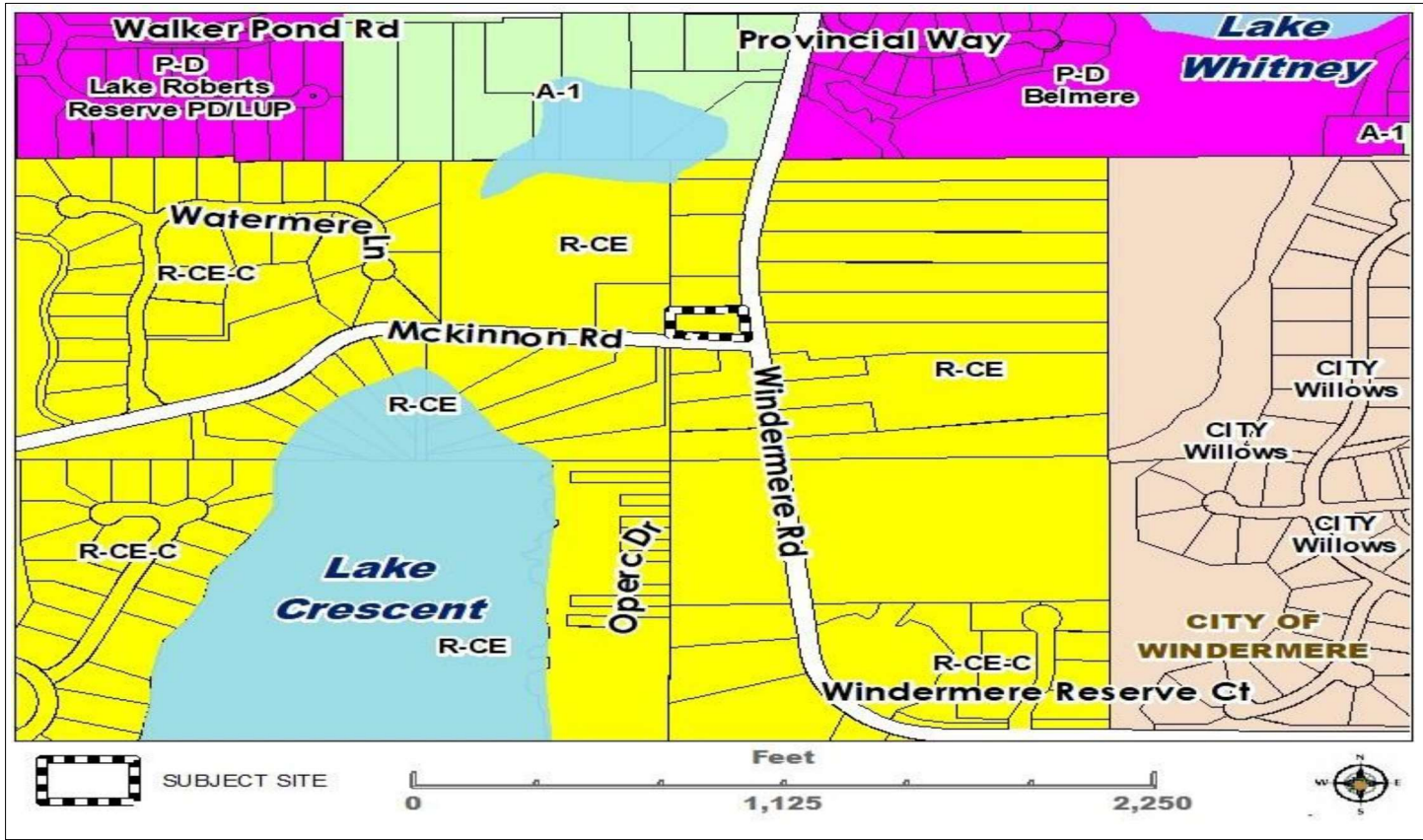
Applicant Response: *This is the minimal variance needed to develop the subject property with one single family home. The lot size and lot width exist and were established prior to 1957.*

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.

7.

Applicant Response: *The existing lot size, lot width and the proposed development of a single-family residential home are in harmony and compatible with the existing lot sizes in the neighborhood. There are several plus developed lots along Windermere Road to the north and south of the subject property that are less than the required 1 acre. Development of a new residence on the subject property will be in character with the current trend of development in the area.*

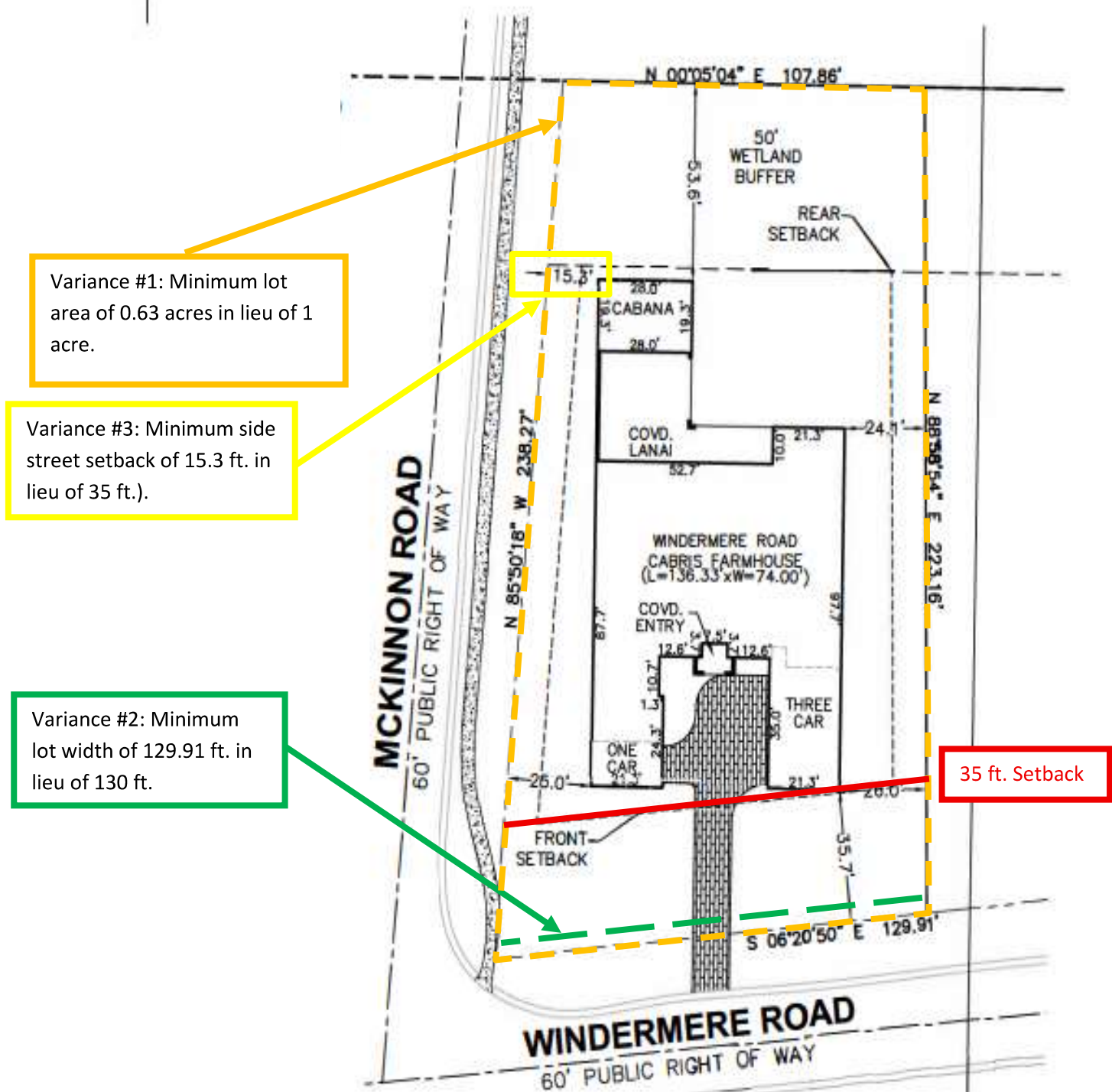
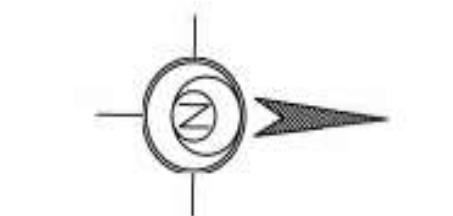
ZONING MAP



SITE PLAN



SITE PLAN



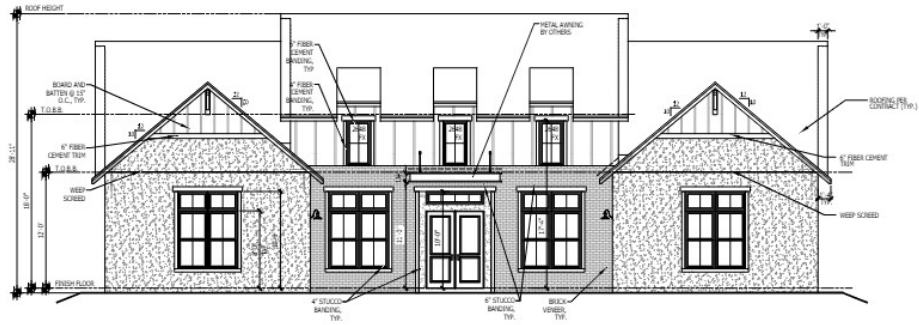
Variance #1: Minimum lot area of 0.63 acres in lieu of 1 acre.

Variance #3: Minimum side street setback of 15.3 ft. in lieu of 35 ft.).

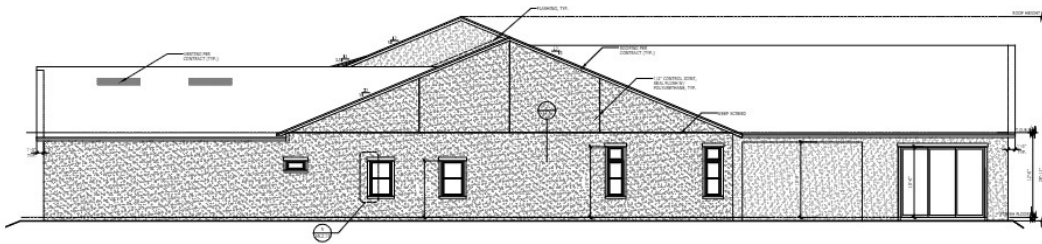
Variance #2: Minimum lot width of 129.91 ft. in lieu of 130 ft.

35 ft. Setback

ELEVATIONS



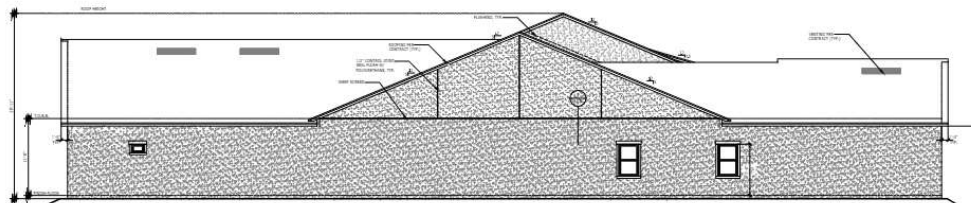
Front Elevation



Right Elevation



Rear Elevation



Left Elevation

SITE PHOTOS



Facing east towards the front of the subject property from Windermere Rd.



Facing southeast towards the subject property at the corner of McKinnon and Windermere Rd.

SITE PHOTOS



Facing north towards the side of the subject property from McKinnon Rd.



Corner of Windermere Road and McKinnon Road looking west. Subject property to the right.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 2025**

Commission District: **#5**

Case #: **VA-26-01-078**

Case Planner: **Jacqueline Boling (407) 836-5955**

Jacqueline.Boling@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MCGREGOR LOVE

OWNER(s): LAND ACQUISITION OF FLORIDA LLC

REQUEST: Variances in the A-2 zoning district as follows:

1) To allow a minimum lot area of 13,397 sq. ft. in lieu of 21,780 sq. ft.

2) To allow a front setback of 33.5 ft. in lieu of 35 ft.

PROPERTY LOCATION: 0 Starry St., Orlando, FL 32833, north side of Starry St., north of S.R. 528., east of Innovation Way, southwest of S.R. 520, west of Dallas Blvd.

PARCEL ID: 27-23-32-1181-11-290

LOT SIZE: +/- 44,946 sq. ft. (13,397 sq. ft. upland)

NOTICE AREA: 1,000

NUMBER OF NOTICES: 62

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

1. Development shall be in accordance with the site plan date and elevations date stamped October 13, 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 criteria and the reasons for a recommending approval of Variance #1 and denial of Variance #2.

Staff noted that no public comments were received either in support or opposition to the request.

The applicant was present and explained the lack of upland area on the subject property and the lengths the property owner has gone to develop the lot while minimizing wetland impacts.

The BZA discussed the location of the septic, well, and drain field in relation to the constraints of the existing wetland impacts and buffers.

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

A County representative from Environmental Protection Division discussed current permits for wetland determination and wetland impacts. The impact permit is consistent with the proposal presented before the BZA. The BZA discussed concerns about the wetland impacts existing on site.

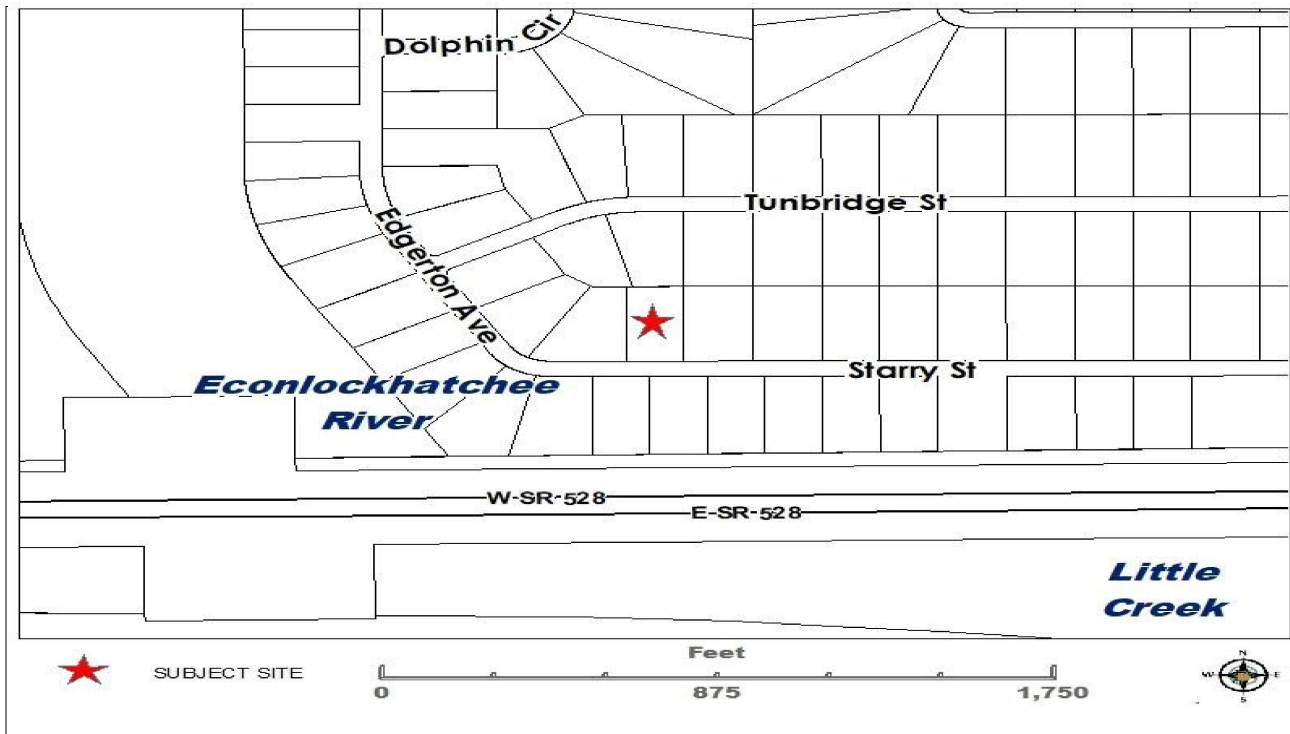
The BZA recommended approval of the Variance requests by a 5-0 vote, with two absent, subject to the 3 conditions found in the staff report with a modified Condition of Approval #1:

Development shall be in accordance with the site plan and elevations date stamped October 13, 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 Variance #2, subject to the conditions of this report. 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	A-2	A-2	A-2	A-2	A-2
Future Land Use	R	R	R	R	R
Current Use	Vacant	Vacant	Vacant	Vacant	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area around the subject site consists of vacant parcels and single-family homes. The property is an interior lot with frontage along Starry St., and it is a vacant 1.03 acre lot, with a total of 13,397 sq. ft. upland area. The property was platted in 1971 as lot 29 Block 11 of the Cape Orlando Estates Plat and is considered to be a substandard lot due to the lot area. Per Orange County Code Sec. 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 as a substandard lot or lots shall be aggregated to create one conforming lot. As the subject lot (Lot 29) was in contiguous ownership with Lots 28 and 30 until 1985, it is not considered a substandard lot of record.

The property was purchased by the current owner in 2024. The proposal is to construct a one-story, 3,491 square-foot single family residence. A Conservation Area Determination (CAD) was conducted in 2024 (CAD-24-03-043), which identified the entire lot as wetland. A Natural Resource Impact Permit (NRIP) was submitted in 2025 (SP-25-02-002), proposing impacts for development of a single-family dwelling on the site. The proposed impacts result in a total upland area of 0.31 acres (13,397 sq. ft.), which is still below the 0.5 developable area required in the A-2 zoning district, requiring the Variance. The required lot area is based on the developable land area, which excludes natural surface waterbodies and designated conservation (wetland) areas. The proposed residence has a front setback of 33.5 feet, thereby necessitating the second variance request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	19.8 ft.
Min. Lot Width:	100 ft.	150 ft.
Min. Lot Size:	21,780 sq. ft.	13,397 sq. ft. (Variance #1)
Min. Living Area:	850 sq. ft.	+/- 3,491 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	35 ft.	33.5 ft. (West) (Variance #2)
Side:	10 ft.	+/- 60 ft. (East) 25 ft. (West)
Rear:	50 ft.	+/- 206 ft. (East)

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 requires that all six variance criteria be met before a recommendation of approval can be made. Staff has determined that Variance Request #1 meets all required criteria, while Variance Request #2 does not. Based on staff’s analysis, the front of the proposed structure could be redesigned to reduce or eliminate the need for the variance. Therefore, staff recommends approval of Variance Request #1 and denial of Variance Request #2.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variance #1 MET -Special conditions and circumstances exist because the property contains wetlands, which limits the buildable area.

Variance #2 NOT MET –There are no special conditions that exist, as there is adequate room to build a sizeable home that meets Code.

Not Self-Created

Variance #1 MET - The variance request is not self-created, as the limited buildable area is due to wetland restrictions constrains both the location and size of the proposed structure.

Variance #2 NOT MET - The request is self-created, as the lot is currently vacant and could be developed in compliance with applicable code standards.

No Special Privilege Conferred

Variance #1 MET - Granting the Variance as requested would not confer special privilege as the overall lot size is consistent with other properties in the same zoning district and the buildable area is significantly reduced by the wetland area on site which is atypical to other properties in the same zoning district.

Variance #2 NOT MET - Granting the Variance would confer special privilege as the front setback requirement is the same for all properties in the A-2 zoning districts.

Deprivation of Rights

Variance #1 MET – Denial of the Variance would deprive the applicant of the ability to construct a residence on the property.

Variance #2 NOT MET – Denial of the Variance would not deprive the applicant of the ability to construct a residence, as the proposed structure could be redesigned to comply with the front setback requirement.

Minimum Possible Variance

Variance #1 MET -The request is the minimum possible for a residence to be developed.

Variance #2 NOT MET – The requested Variance is not the minimum possible, as the house could be redesigned to meet the front setback requirements.

Purpose and Intent

Variance #1 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. Granting the requested Variance will not be injurious to the neighborhood or detrimental to the public welfare as the residence meets all other performance standards.

Variances #2 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. Granting the requested Variance will not be injurious to the neighborhood or detrimental to the public welfare as the residence meets all other performance standards and will be consistent with the existing development in the area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped October 13, 2025, as modified to comply with the required front setback, 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: McGregor Love
 215 N. Eola Drive
 Orlando, FL 32801



MCGREGOR T. LOVE

mcgregor.love@lowndes-law.com
215 North Eola Drive, Orlando, Florida 32801-2028
T: 407-418-6311 | F: 407-843-4444
MAIN NUMBER: 407-843-4600



October 31, 2025

Taylor Jones
Orange County Zoning Division
201 S. Rosalind Avenue
First Floor
Orlando, FL 32801

Re: Application for Variance from the A-2 Zoning District's Minimum Lot Area Requirement and setback Variance for Property Identified by Parcel ID: 27-23-32-1181-11-290 (the "Property")

Dear Taylor:

This law firm represents the owners of the above-referenced Property (the "Owners") with respect to the enclosed variance application (the "Variance"). The purpose of this letter is to describe how the requested Variance meets the approval criteria under Section 30-43(3) of the Orange County Code. The Property is 1.03 acres and is located within the A-2 zoning district. The Property is bound to the north, east and south by vacant, undeveloped properties. The property is bound to the west by a residential property. All surrounding properties are zoned A-2 and have a Future Land Use designation of Rural.

The proposed Variance would allow the construction of a single-family residential structure, as is depicted in the enclosed Standard Permit identified by SP-25-02-002 (the "SP"), and would request a front setback of 33.5 feet, rather than 35 feet. Section 30-43(3) of the Orange County Code details the specific criteria that must be met for all variance requests. In this case, all criteria have been met, as is discussed in more detail below.

(1) Special Conditions and Circumstances.

Special conditions and circumstances exist which are peculiar to the Property which are not applicable to other lands in the same zoning district. On August 15, 2024, the County approved a Conservation Area Determination (CAD-24-03-043) (the "CAD"). On June 19, 2025, the County approved the SP, which authorized: *"Impacts to 0.31 acre of wetlands in order to construct a single-family residence including a home, driveway, yard, and septic system. The project will also incur 0.31 acres of secondary wetland impacts."*

Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

lowndes-law.com



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Taylor Jones
October 31, 2025
Page 2

Under Section 38-1501 of the County's Code, the Minimum Lot Area within the A-2 zoning district is 21,780 square feet. The Code further provides that only *developable* land may be counted towards the Minimum Lot Area requirement. Consistent with the County's approval of the SP, the Property is comprised of approximately 13,397 square feet of developable land¹. Accordingly, despite the SP approval, the Property's developable area is less than the required Minimum Lot Area. Additionally, due to the existence of wetlands on the property the setback variance requested is to minimize the impact to the wetlands.

(2) Not Self-Created.

The special conditions and circumstances presented by the difference between the Property's developable area and the required Minimum Lot Area did not result from the Owners' actions. Additionally, the wetlands that necessitated the setback Variance were not self-created.

(3) No Special Privilege Conferred.

Approval of the requested variance will not confer on the applicant any special privilege that is denied to other lands or buildings in the same zoning district. Development of a single-family home on land with limited uplands with a slight setback variance, like the Property, is specifically anticipated by the County's recent Wetland Ordinance (Ordinance No. 2023-47). Section 15-386 of the County's Code, which was added by Ordinance 2023-47, provides:

Limited wetland and surface water impacts for single family homesites shall be allowed where there is insufficient contiguous upland property to make reasonable use of the land otherwise. Reasonable use of the land shall not mean the highest and best use of the property. The footprint of the home, accessory uses, and on-site sewage disposal system shall be sited to avoid direct and secondary impacts to wetlands and surface waters to the greatest extent practicable. Generally, a reasonable site plan for a single-family home includes the footprint of the home, driveway, septic system, and a yard and/or pool that is designed to minimize the total footprint of the home

The Owners applied for a SP, which the County's Environmental Protection Division staff reviewed and approved. Accordingly, approval of the requested Variance would not confer upon the Owners any special privilege.

¹ According to comments received by the County's EPD, the "secondary impacts" approved by the SP should not be counted toward the Property's "developable" area.

Taylor Jones
October 31, 2025
Page 3

(4) Deprivation of Rights.

The denial of the requested Variance would deprive the applicant of rights commonly enjoyed by other property owners in the vicinity of the Property and would work unnecessary and undue hardship on the applicant. As discussed above, the Owners obtained a SP from the County approving a single-family residential homesite with 0.31 acres of wetland impacts. The County's recently amended wetland Code anticipates limited residential development like the home proposed by the Owners. Accordingly, denial of the minimum lot size Variance and setback Variance would deprive the Owners of the right to develop the Property at all. For these reasons, denial would work unnecessary and undue hardship on the Owners.

(5) Minimum Possible Variance.

The requested Variance is the minimum variance that will make possible the construction of a single-family home. Additionally, the setback request is minimal and is requested to keep the impact to wetlands as little as possible.

(6) Purpose and Intent.

The approval of the requested Variance will be in harmony with the purpose and intent of Orange County Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. As discussed above, development of a single-family home on land with limited uplands is specifically anticipated by the County's wetland Code, as amended by the recent Wetland Ordinance. The Owners applied for a SP, which the County's Environmental Protection Division reviewed and approved. As a result, the requested Variance would be compatible with the surrounding area and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

As illustrated above, the proposed use meets all of the required standards for a variance that are set forth in the County Code. In support of this variance request, enclosed please find the following:

- (a) Application form, including the below:
 - (i) Agent Authorization;
 - (ii) Specific Project Expenditure Report;
 - (iii) Relationship Disclosure Form;
- (b) OCPA Property Card and Map of the Property;
- (c) Legal Description of the Property (copy of the deed);

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COVER LETTER

Taylor Jones
October 31, 2025
Page 4

- (d) Site Plan; and
- (e) Copies of CAD and SP.

We appreciate the opportunity to request this variance. Please let me know if you have any questions or require any further information.

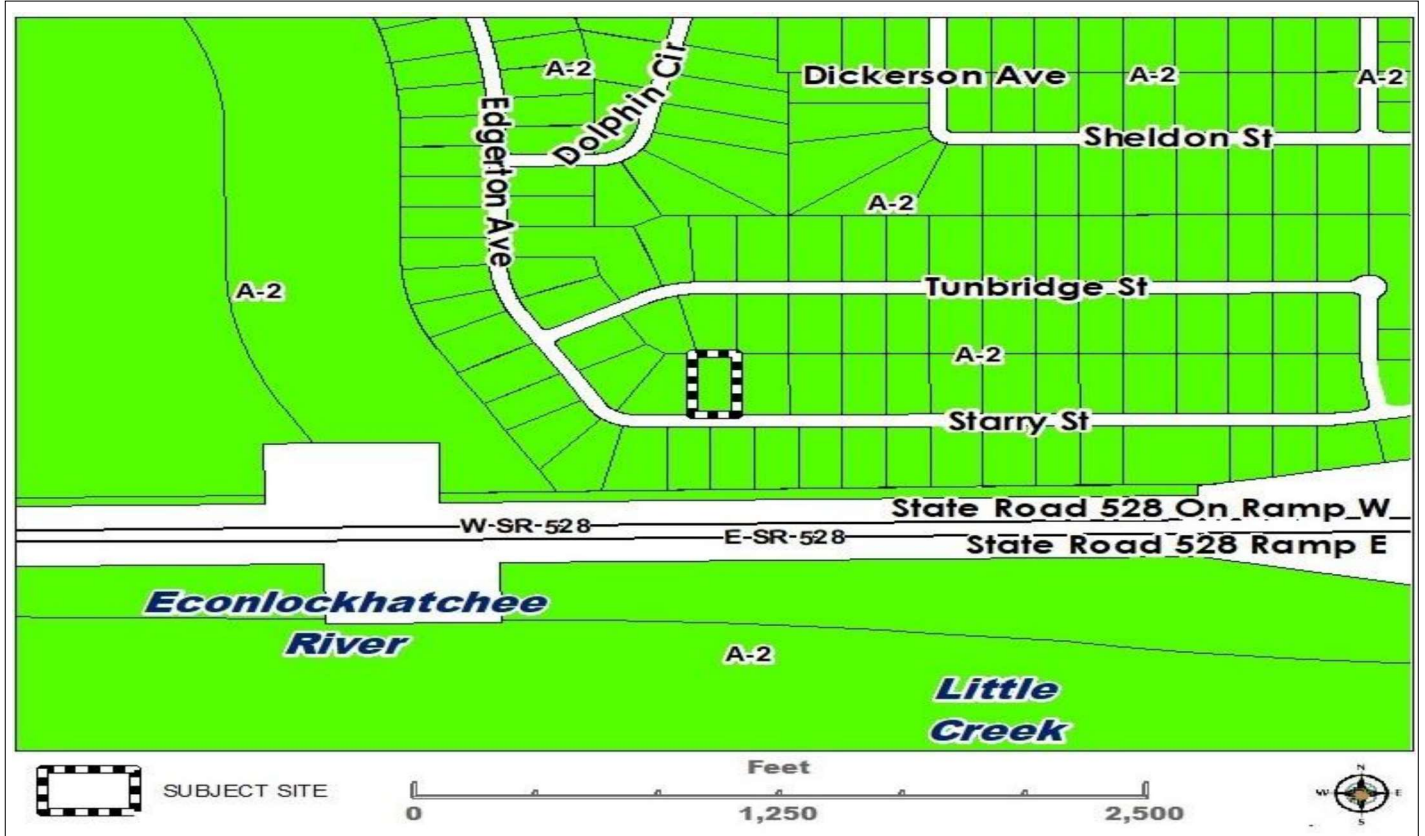
Very truly yours,



McGregor T. Love

MTL/kej

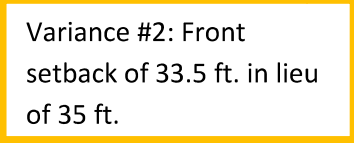
ZONING MAP



AERIAL MAP



OVERALL SITE PLAN

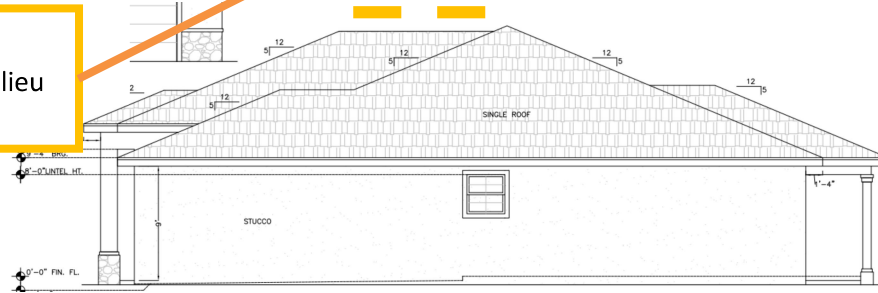


ELEVATIONS



Front Elevation

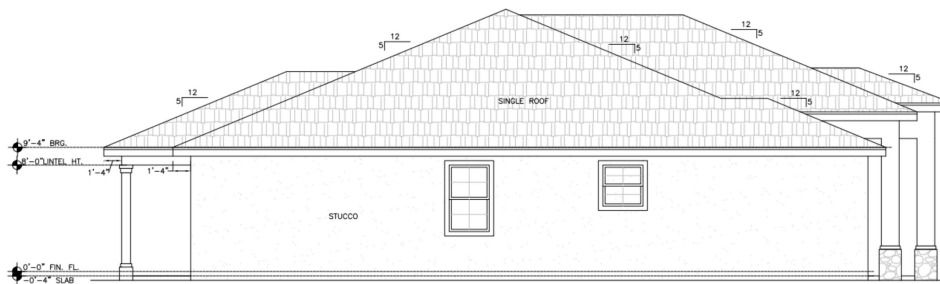
Variance #2: Front setback of 33.5 ft. in lieu of 35 ft.



Right Elevation



Rear Elevation



Left Elevation

SITE PHOTOS



Facing north towards the front of the subject property



Facing northwest towards the subject property

SITE PHOTOS



Facing northeast towards the front of the subject property



Facing west towards the surrounding properties.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 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): FLACH FALK E

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 Drive, 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: +/- 1.68 acres (17,957 sq. ft. upland)

NOTICE AREA: 500 ft.

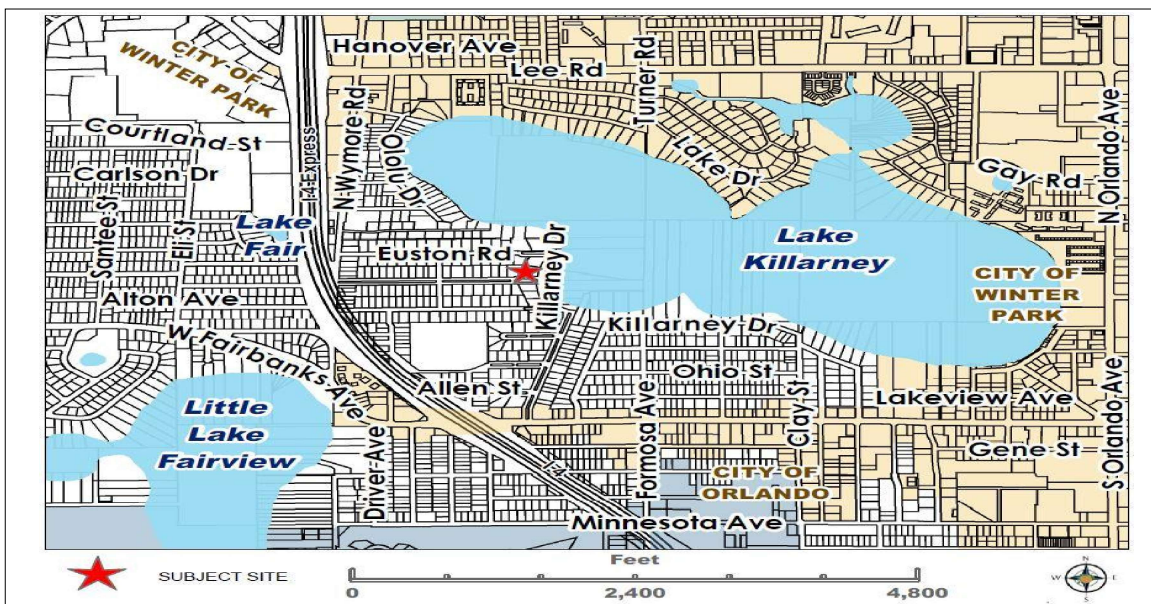
NUMBER OF NOTICES: 74

DECISION: CONTINUED TO A DATE UNCERTAIN PRIOR TO THE PUBLIC HEARING

STAFF RECOMMENDATIONS

CONTINUED TO A DATE UNCERTAIN

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 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: Variance in the C-1 zoning district to allow a dumpster with a 2.58 ft. east side street setback in lieu of 15 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

NOTICE AREA: 1,000 ft.

NUMBER OF NOTICES: 136

DECISION: Recommended **APPROVAL** of a lesser Variance of a 5 ft. side street setback in lieu of 15 ft., 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 Roberta Walton Johnson; unanimous; 5 in favor: John Drago, Juan Velez, Thomas Moses, Roberta Walton Johnson, Johnny Stanley; 0 opposed; 2 absent: Glenn Rubinstein, Sonya Shakespeare):

1. Development shall be in accordance with the site plan date stamped November 12, 2025, as modified to reflect a 5 ft. east side street setback, 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. Landscaping of the dumpster enclosure shall be provided in accordance with Sec. 24-4(e).

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 criteria and the reasons for recommending approval of a modified Variance.

Staff noted that no public comments were received either in support or opposition to the request.

The applicant who was present explained the constraints of the lot regarding the required reduced setback of the dumpster enclosure.

The BZA asked questions related to the existing parking on site, dumpster location in relation to the food truck, and about the required landscape buffer.

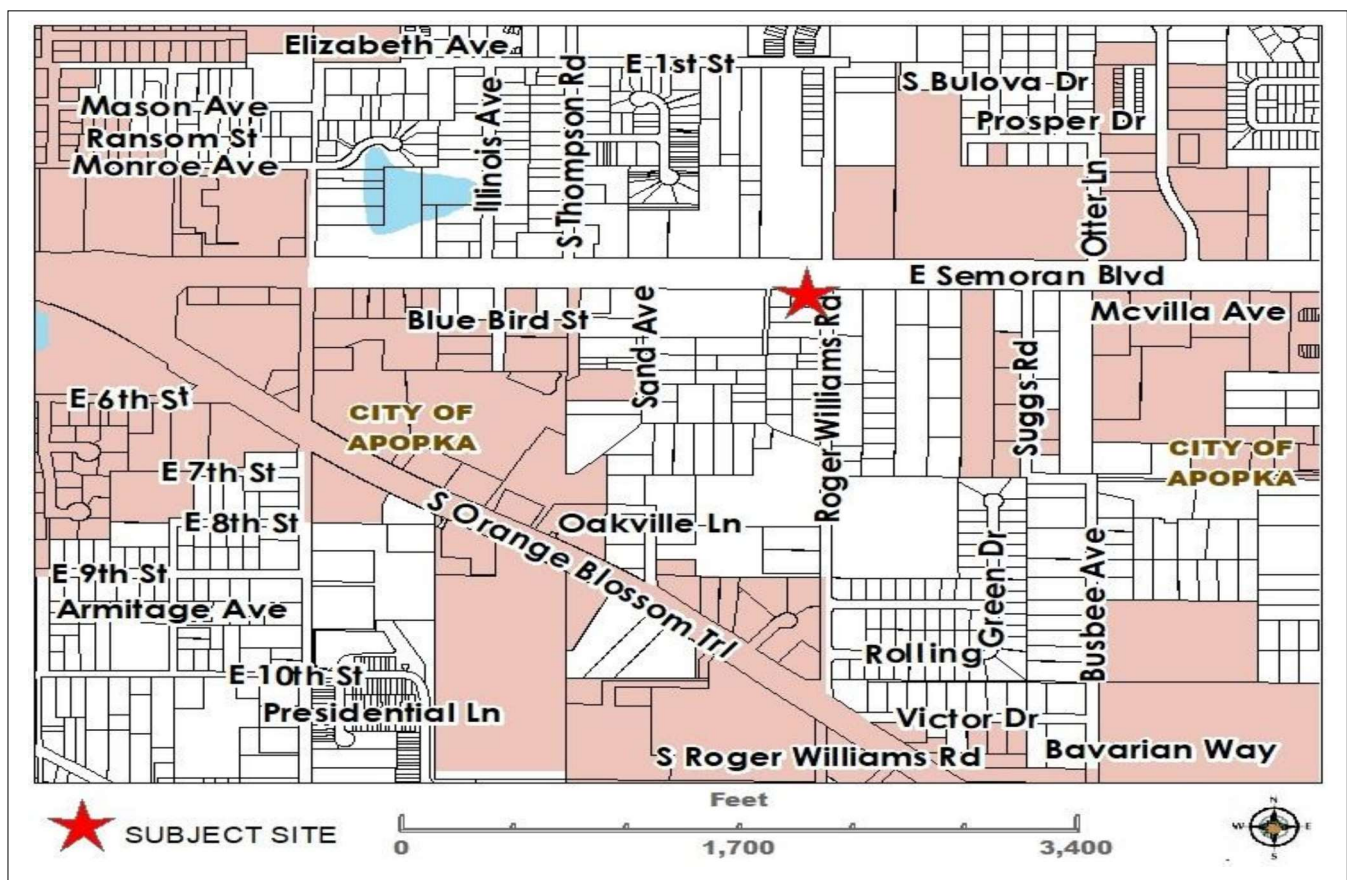
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of a lesser Variance of a 5 ft. side street setback in lieu of 15 ft. by a 5-0 vote, with two absent, subject to the 4 conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval of a lesser Variance of a 5 ft. east side street setback in lieu of 15 ft., subject to the conditions in this report. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of the Variance as requested, 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 zoning district, which allows for restaurants, retail stores, offices, and various other commercial businesses. The Future Land Use (FLU) 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 southwest corner of E. Semoran Boulevard and Roger Williams Road. The frontage is considered to be E. Semoran Boulevard as it has 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 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 southeastern corner of the property, with a 2.81 ft. east side street setback. County Code Section 38-830(2) lists requirements for refuse or solid waste areas in the C-1 zoning district, including providing a side and rear yard setback of 5 ft. and a side street setback of 15 ft. The proposed location of the dumpster enclosure is only 2.81 ft. from Roger Williams Rd., requiring the Variance. Code requires a 5 ft. wide landscape buffer on three sides of a dumpster enclosure to provide screening of service areas. In order to provide the required landscaping, the dumpster would need to be shifted to the west an additional 2.42 ft. The minimum parking stall size is 9 ft. by 18 ft., and parking stall #11 exceeds this minimum width by 1.33 ft., and there is an additional 8.58 ft. between the edge of the parking stall and the food truck.

Dumpster Enclosure Setbacks

	Code Requirement	Proposed
Front: E. Semoran Blvd.	Not be located within any front yard	n/a
Rear:	5 ft.	+/- 15.33 ft.
Side Street: Roger Williams Rd.	15 ft.	2.58 ft. (Variance)
Side (west):	5 ft.	+/- 96 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.

A modified request was initially heard by the Board of Zoning Adjustment on October 2, 2025, which was to locate the dumpster in the front yard with a 0 ft. setback. The case was continued to allow the applicant time to coordinate with County Staff on a Code Complaint location for the dumpster. Subsequently, the applicant submitted a revised Variance request, as noted above.

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. Therefore, staff is recommending approval of a lesser variance of 5 ft.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET – The lot is a corner lot with a large frontage area and a food truck to the eastern side of the building. This creates a special circumstance, limiting the Code Compliant locations for a dumpster that do not interfere with the parking area and food truck operation. However, there is adequate room to still provide the Code required landscape buffer, in lieu of the applicant's request.

Not Self-Created

MET – Due to the increased side setback along Roger Williams Rd. and the large front yard, there is a limited number of locations where a dumpster enclosure would comply with Code. The need for a Variance is not self-created due to these site conditions.

No Special Privilege Conferred

MET – Approval of a lesser Variance would not confer a special privilege as relief due to special circumstances is available to other properties within the same zoning district.

Deprivation of Rights

MET - Denial of the Variance would create a hardship on the applicant for adequate removal of refuse.

Minimum Possible Variance

MET - The staff recommended lesser Variance is the minimum possible to locate a dumpster on-site with the required landscape screening while still providing adequate spacing from the parking stalls and food truck, and to allow for maneuverability.

Purpose and Intent

MET - Approval of the requested Variance would 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. By providing the 5 ft. setback, the dumpster can still be adequately screened in accordance with the landscaping requirements.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped November 12, 2025, as modified to reflect a 5 ft. east side street setback, 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. Landscaping of the dumpster enclosure shall be provided in accordance with Sec. 24-4(e).

C: Luis Honorato
1346 E. Semoran Boulevard
Apopka, Florida 32703

November 13, 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: Koochi 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 placement of a dumpster enclosure that does not meet the required 5-foot setback, in order to bring the property into compliance with County Code.

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. Pursuant to Special Exception approval SE-24-08-063, Item #4 requires that the dumpster either be brought into compliance or removed prior to issuance of the food truck permit. The dumpster has since been removed in accordance with County direction.

Due to existing site conditions and space limitations, the only feasible location for a code-compliant masonry enclosure is at the rear of the property, adjacent to the food truck. The proposed enclosure will measure approximately 12'-4" x 13'-4" with a height of 6 feet, providing an effective and sanitary waste solution that meets operational and aesthetic standards.

Variance Criteria – Orange County Code Section 30-43

1. Special Conditions and Circumstances.

The proposed enclosure supports continued commercial use of the property in a clean, safe, and sanitary manner. This aligns with the Comprehensive Policy Plan's goals to maintain the quality of commercial corridors and support local businesses 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.

Page: 2
November 13, 2025
Re: BZA Application – Fiesta Mexico

3. **No Special Privilege Conferred.**

The request does not grant any privilege not available to others in the same zoning district. The variance merely enables the property to meet current code standards in light of new permitting requirements.

4. **Deprivation of Rights.**

A strict interpretation of the code would deprive the tenant of the ability to maintain the necessary waste facility required for safe food operations. This variance allows compliance with County standards without creating adverse impacts.

5. **Minimum Possible Variance.**

The requested variance represents the minimum relief necessary to construct a compliant dumpster enclosure, ensuring both code compliance and functional site use.

6. **Purpose and Intent.**

The proposed enclosure enhances compliance, promotes health and cleanliness, and maintains compatibility with surrounding properties, consistent with the intent of the zoning code.

Conclusion

This variance does not seek to establish a new use, expand existing operations, or grant any undue privilege. It simply enables compliance with Orange County's sanitation and zoning requirements.

We respectfully request that this Variance be approved to allow construction of the dumpster enclosure in the proposed location, ensuring the property remains in full compliance with County standards.

Thank you for your consideration and continued guidance on this matter.

Sincerely,

/s/ Anthony Suarez

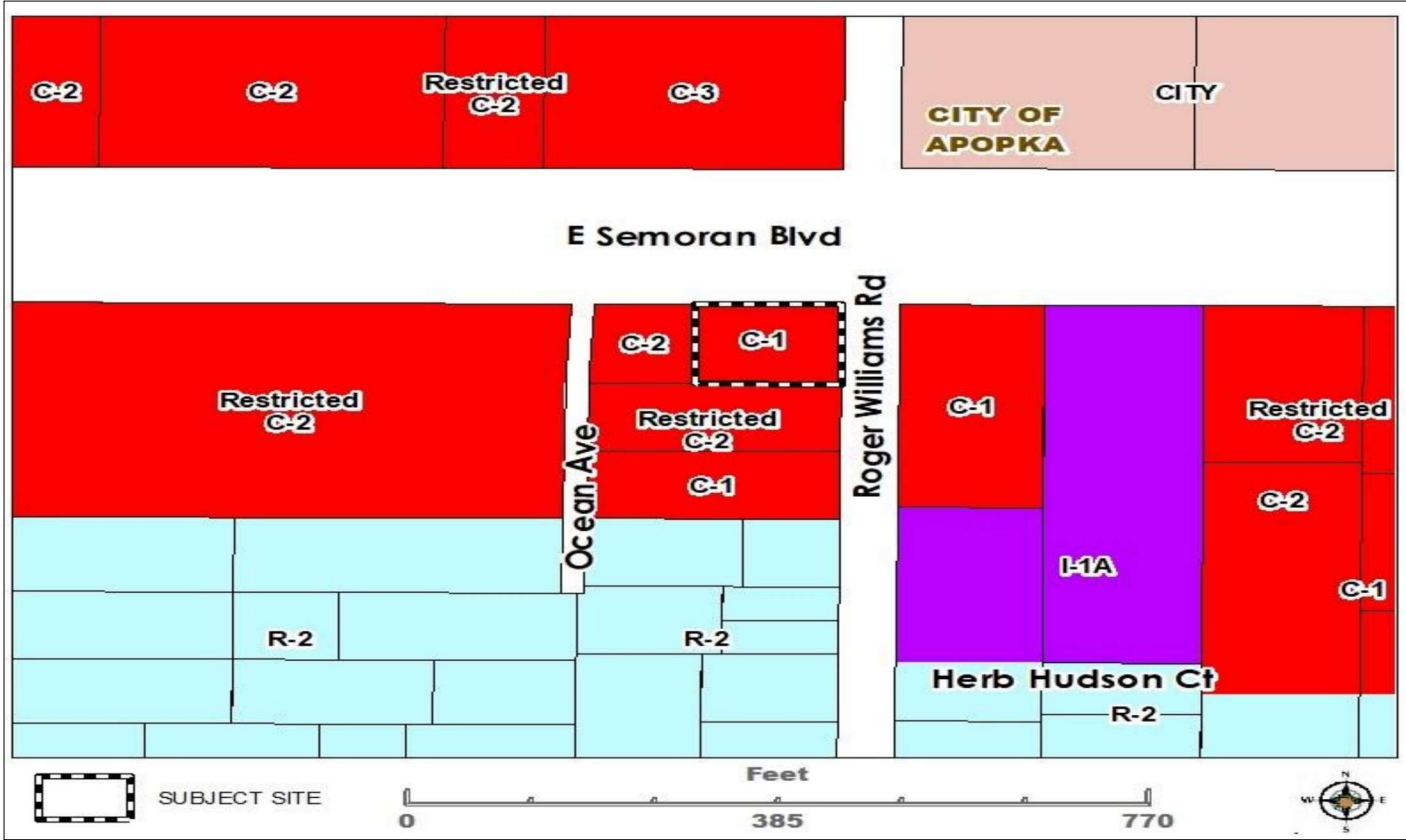
Owner / President

Working Assets

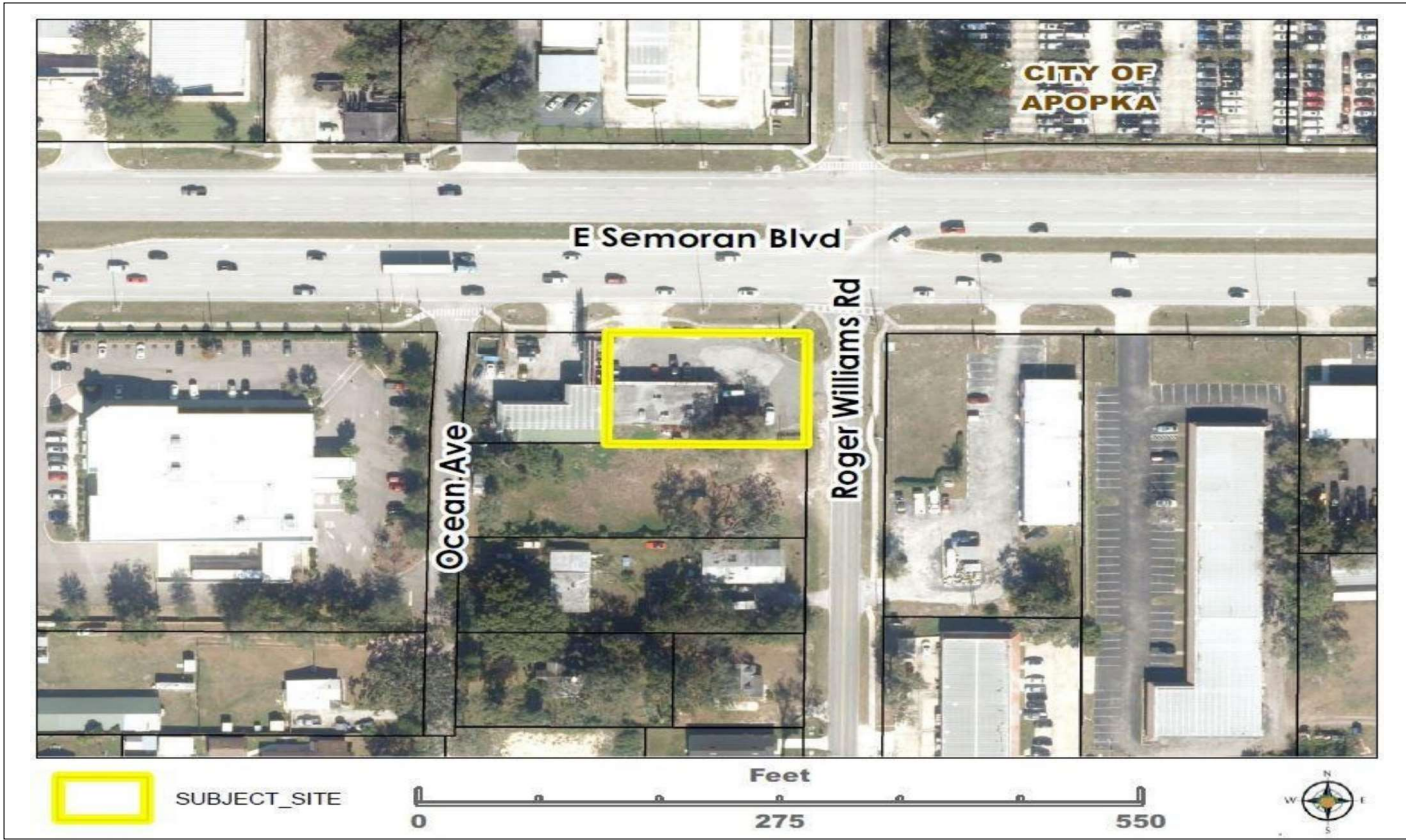
517 W. Colonial Drive

Orlando, Florida 32804

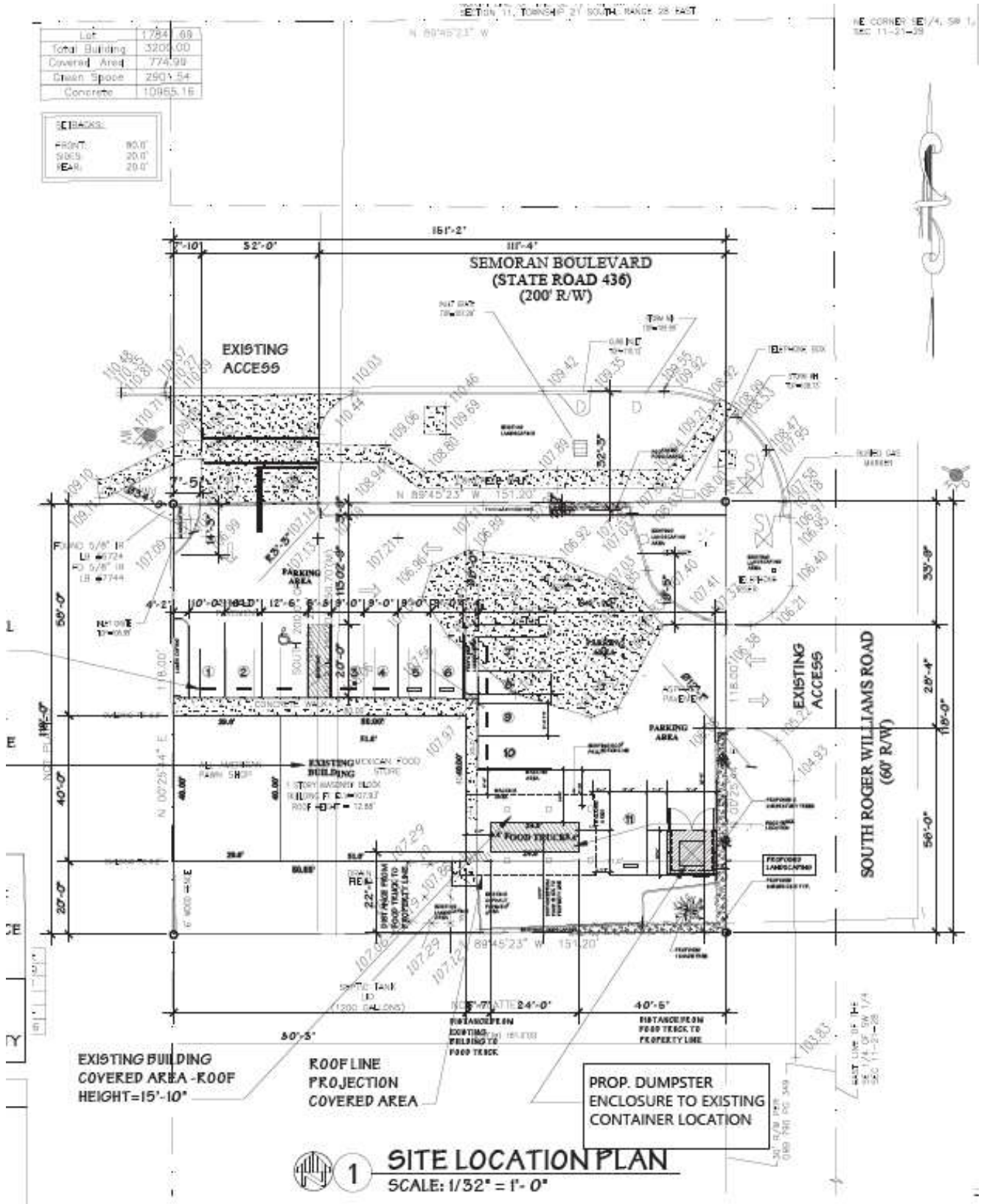
ZONING MAP



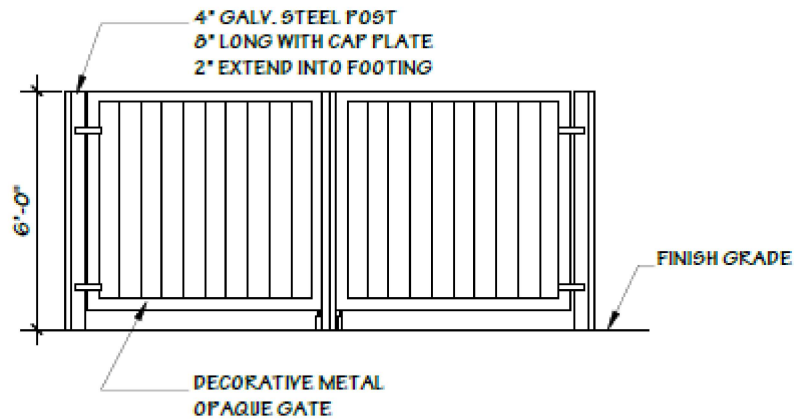
AERIAL MAP



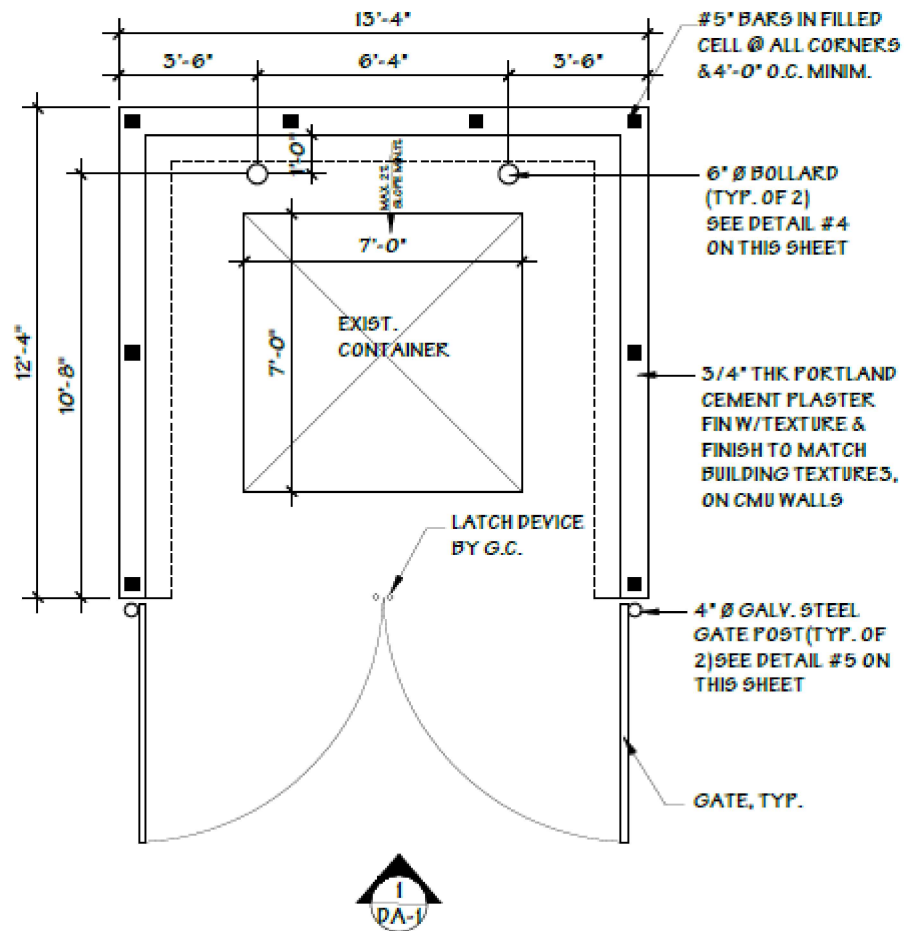
SITE PLAN



DUMPSTER ENCLOSURE DETAIL



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



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

SITE PHOTOS



From Roger Williams Rd. facing northwest



From Semoran Blvd. facing south

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 2025**

Commission District: **#5**

Case #: **SE-25-12-072**

Case Planner: **Laekin O'Hara (407) 836-5943**
Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): ANASTASIA AVERBUKH

OWNER(s): 830 LEE ROAD INVESTMENT LLC

REQUEST: Special Exception in the C-2 zoning district to allow a residential care facility on the property.

PROPERTY LOCATION: 830 Lee Road, Orlando, Florida, 32810, south side of Lee Rd., north of W. Fairbanks Ave., east of Adanson St., south of W. Kennedy Blvd., west of I-4

PARCEL ID: 02-22-29-0000-00-060

LOT SIZE: +/- 1.76 acres

NOTICE AREA: 900 ft.

NUMBER OF NOTICES: 232

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board finds it meets the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions (Motion by Johnny Stanley, Second by Juan Velez; unanimous; 5 in favor: John Drago, Juan Velez, Thomas Moses, Roberta Walton Johnson, Johnny Stanley; 0 opposed; 2 absent: Glenn Rubinstein, Sonya Shakespeare):

1. Development shall be in accordance with the survey dated June 1, 2018, 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 Use Permit shall be obtained within 5 years 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.

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 criteria and the reasons for recommending approval of the Special Exception.

Staff noted that no public comments were received either in support or opposition to the request.

The applicant who was present stated the project has generated a lot of public support and would be beneficial to the community.

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

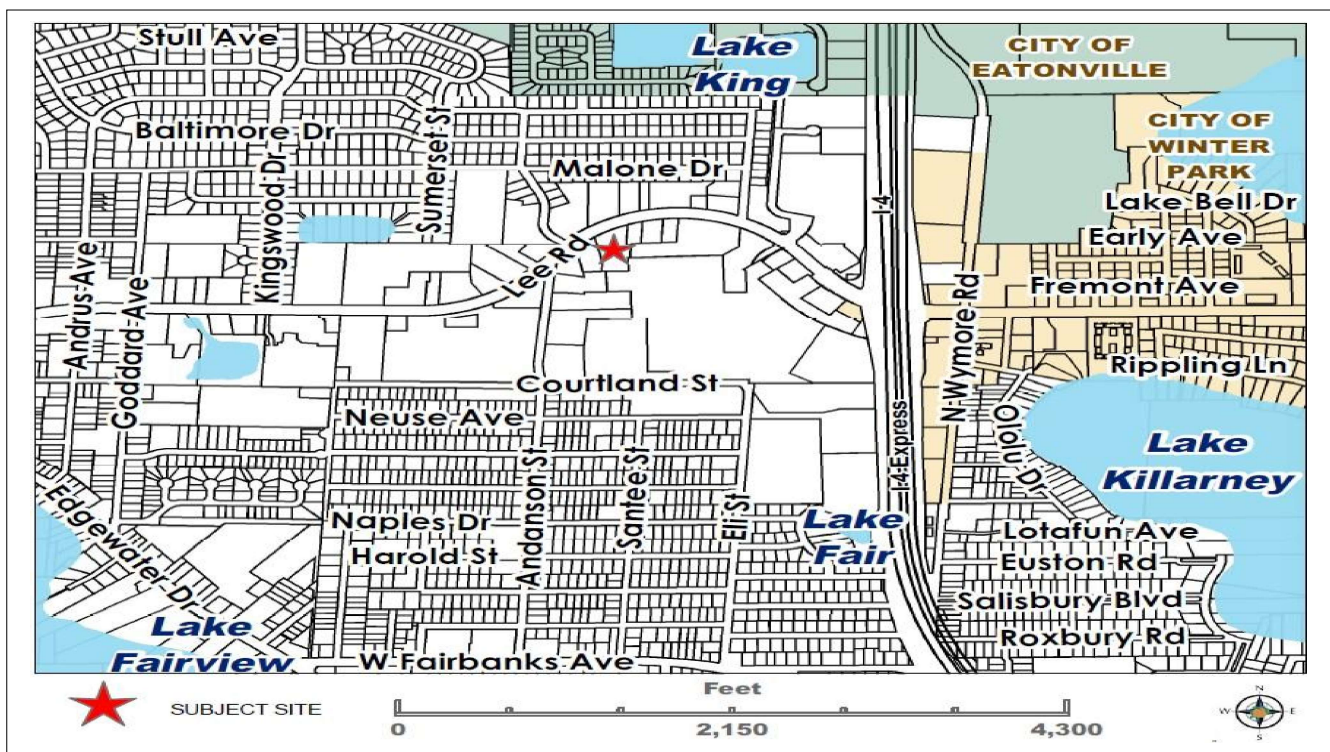
The BZA determined the proposal would be beneficial to the community and was noted as publicly supported.

The BZA recommended approval of the Special Exception request by a 5-0 vote, with two absent, subject to the 4 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	C-2	C-1	C-2	C-2	C-2
Future Land Use	C	C	C	C	C
Current Use	Hotel	Retail	DOT Retention	Restaurant	Carwash

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned C-2, General Commercial District. The C-2 Zoning District allows for restaurants, retail stores, offices and various other commercial businesses. The use of the property for a residential care facility is permitted in the C-2 Zoning district through the special exception process. The property has a Future Land Use (FLU) of Commercial (C), which is consistent with the C-2 zoning district.

The subject property is a 1.76 acre interior lot with frontage along Lee Rd. The lot is adjacent to a Florida Department of Transportation owned parcel to the south, used for retention, and is otherwise surrounded by commercial development along Lee Rd.

The site is currently developed with one commercial building, which was previously used as a hotel, and associated surface parking area. The existing building is 5 stories. The Orange County Property Appraiser site identifies the building as having been constructed in 1985.

The request is to utilize the existing building for providing services to the community that would fall under the Residential Care classification. No new improvements are proposed to the existing structures or parking area. The intent is to house homeless veterans and provide services on-site, including case management, counseling, vocational assistance, and community programming. Establishments primarily engaged in the provision of residential social and personal care, including alcohol and drug rehabilitation centers, halfway homes, and homes for the destitute, all fall under the Standard Industrial Classification of 8361: Residential Care. In the C-2 Zoning district, Residential Care is permitted via Special Exception.

The request does not include any expansion or site improvements and therefore will utilize the off-street parking spaces that exist on the site.

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 of this request, and no comments have been received in opposition to this request.

Section 30-43 (2) of the Orange County Code stipulates a recommendation of approval can only be made if all six Special Exception criteria are met. Staff has determined that the request meets the six criteria, and therefore, is recommending approval of the Special Exception request.

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

MET – The use of property for residential care, as conditioned through the Special Exception process, is consistent with the Comprehensive Plan.

Similar and Compatible with the Surrounding Area

MET - The area surrounding this site is primarily commercial uses. There are no site changes or improvements proposed, and the operation will not be dissimilar from prior operations on site.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

MET - The proposed operation utilizes the existing infrastructure and is not anticipated to have any detrimental intrusion into the surrounding area.

Meet the performance standards of the district

MET - No new site development is proposed, and all structures and improvements on the site were permitted.

Similar in Noise, Vibration, Dust, Odor, Glare, Heat Producing

MET – There are not any activities on the property that would generate noise, vibration, dust, odor, glare or heat that are not similar to the majority of other uses permitted within the zoning district.

Landscape Buffer Yards Shall be in Accordance With Section 24-5 of the Orange County Code

MET – The proposal will be located entirely within the existing developed site and no additional buffer yards are required.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with survey dated June 1, 2018, 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 Use Permit shall be obtained within 5 years 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.

C: Anastasia Averbukh
830 Lee Rd.
Orlando, FL 32810

Michael Averbukh
4820 Kensington Park Blvd.
Orlando, FL 32819

830 LEE ROAD INVESTMENT, LLC

830 Lee Road Investment LLC

September 8, 2025

830 Lee Road
Orlando, FL 32810

Orange County Board of Zoning Adjustment
c/o Zoning Division
201 S. Rosalind Avenue, 1st Floor
Orlando, FL 32801

Re: Special Exception Request for Residential Care Use at 830 Lee Road

Dear Boar Members:

On behalf of 830 Lee Road Investment LLC, I respectfully submit this request for a Special Exception to allow Residential Care use at our property located at 830 Lee Road, Orlando, Florida.

The property is currently a hotel, but since 2020 it has served as long-term housing for U.S. military veterans under HUD-VASH, as well as low-income individuals through Section 8 vouchers and self-pay arrangements. The proposed Residential Care designation will formally recognize this use and allow us to continue providing safe, stable housing to these vulnerable populations.

In cooperation with the local nonprofit State of Hope, we also provide residents with access to supportive services such as case management, counseling, vocational assistance, and community programming. In addition, significant renovations have been undertaken in recent years, including drywall repairs, painting, and the replacement of carpet with solid vinyl flooring to improve safety and reduce long-term maintenance risks.

The property also provides armed nightly security and maintains close cooperation with the Orange County Sheriff's Department, ensuring the safety of both residents and the surrounding community.

Enclosed with this letter is our Narrative Statement, which outlines in detail how the request meets all six Special Exception criteria. As summarized, the proposed use:

-

830 Lee Rd, Orlando, FL 32810 * 407-443-5510 * AverbukhCRE@gmail.com

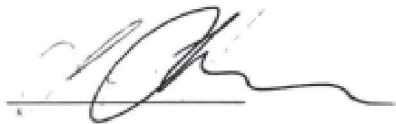
830 LEE ROAD INVESTMENT, LLC

- Is compatible with the surrounding area, with recent renovations enhancing safety and appearance.
- Serves the public welfare by providing housing and supportive services for veterans and low-income individuals.
- Produces less traffic than prior hotel operations, with most residents not owning cars.
- Requires no additional infrastructure or utilities.
- Does not pose environmental impact, as it reuses the existing structure.

For these reasons, we respectfully request the Board's approval of this Special Exception.

Thank you for your time and consideration. Please feel free to contact me directly should you have any questions or require further information.

Respectfully submitted,



Anastasia Averbukh, Manager
830 Lee Road Investment LLC

830 Lee Rd, Orlando, FL 32810 * 407-443-5510 * AverbukhCRE@gmail.com

1. Consistency with the Comprehensive Plan

The proposed Residential Care use is consistent with Orange County's Comprehensive Plan, which emphasizes expanding affordable housing opportunities and providing supportive environments for veterans and low-income residents. The property is already serving these populations under federal housing programs. Approval of this Special Exception would align with the County's housing goals by preserving and enhancing safe, affordable housing options.

2. Compatibility with the Surrounding Area

The property is a long-established hotel located on Lee Road, a major corridor that contains a mix of commercial and residential uses. The Residential Care use will not alter the building's footprint or create significant new impacts. In fact, by shifting from transient hotel guests to stable, long-term residents, the use reduces turnover, traffic, and neighborhood disruption.

Additionally, significant property improvements have recently been completed, including exterior painting, drywall repairs, and the replacement of carpeting with solid vinyl flooring. These renovations were specifically undertaken to improve durability, reduce the risk of water damage, and ensure a safer, healthier living environment for residents. The property will remain visually consistent with its surroundings while being better maintained and upgraded.

3. Public Welfare and Safety

The Residential Care use will serve the public interest by providing stable, dignified housing for U.S. veterans, seniors, and low-income individuals — many of whom would otherwise be at risk of homelessness.

In addition to housing, the property operates in close cooperation with the local nonprofit State of Hope, which provides essential supportive services for residents, including case management, counseling, vocational assistance, and community programming. This partnership ensures that residents not only have shelter, but also access to the resources needed to thrive.

The property is ideally located within walking distance of important community amenities, including a Walmart with grocery services, a senior medical facility, the county library, and a variety of both fast-food and full-service restaurants. These nearby resources provide residents with convenient access to essential goods, healthcare, education, and nutrition, further enhancing their quality of life.

To further protect resident welfare, the owners have invested over \$1 million in renovations post-COVID and hurricane impacts, focusing on long-term resilience. Improvements such as drywall repairs, solid vinyl flooring installation, and fresh painting were chosen to enhance safety, reduce health risks from potential water damage, and create a dignified environment for all tenants.

In addition, the property provides armed nightly security and maintains close cooperation with the Orange County Sheriff's Department. These measures ensure a secure environment for residents, neighbors, and the broader community.

The property is staffed, monitored, and operated with oversight to ensure resident safety and well-being. This housing solution improves community stability while addressing an urgent social need.

4. Traffic and Transportation Impacts

The requested use will not create adverse traffic impacts. Residential Care residents generate significantly less daily traffic than hotel guests, as most are long-term tenants who do not engage in frequent travel. Furthermore, the majority of residents do not own cars, which substantially reduces traffic and parking demand compared to the property's prior hotel operations.

Additionally, the property is directly served by a public bus stop immediately in front of the building, providing residents with reliable access to public transportation for work, healthcare, shopping, and other needs. Existing road access and parking are more than adequate to serve the proposed use.

5. Infrastructure and Utilities

The property is fully equipped with existing utilities, infrastructure, and fire/life safety systems designed for a 145-room hotel. No new infrastructure is required. The existing facilities are more than sufficient to accommodate the long-term residential care use.

6. Environmental Considerations

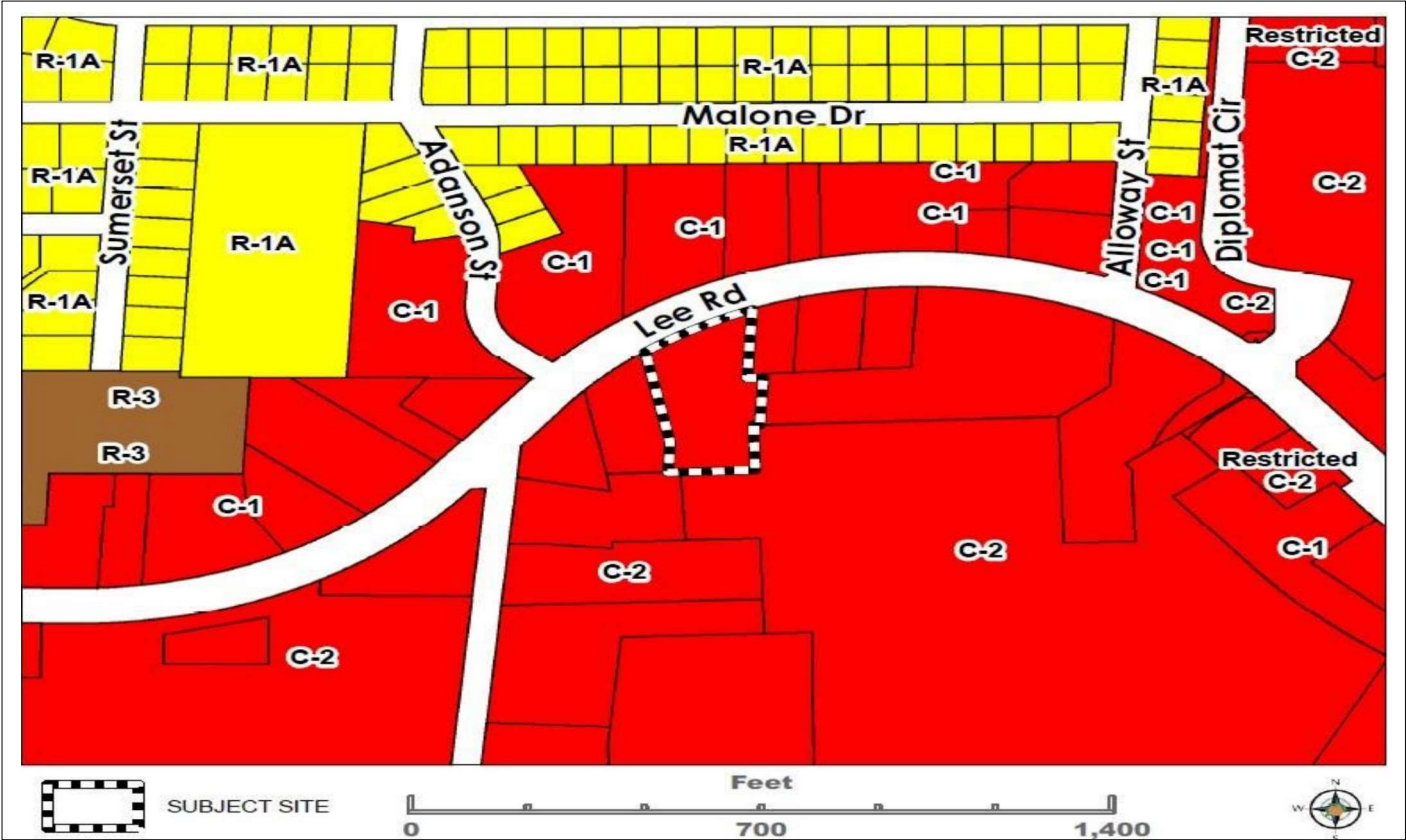
The proposed use does not involve new construction or expansion into environmentally sensitive areas. The project simply reuses the existing structure for a more stable, socially beneficial purpose. No adverse environmental impacts are anticipated.

Conclusion

Approval of this Special Exception will allow 830 Lee Road Investment LLC to continue providing a vital community service by housing U.S. veterans and low-income individuals in a safe, well-maintained, and appropriately located facility. The request satisfies all six Special Exception criteria and supports Orange County's broader housing and community development goals.

Respectfully submitted,
830 Lee Road Investment LLC

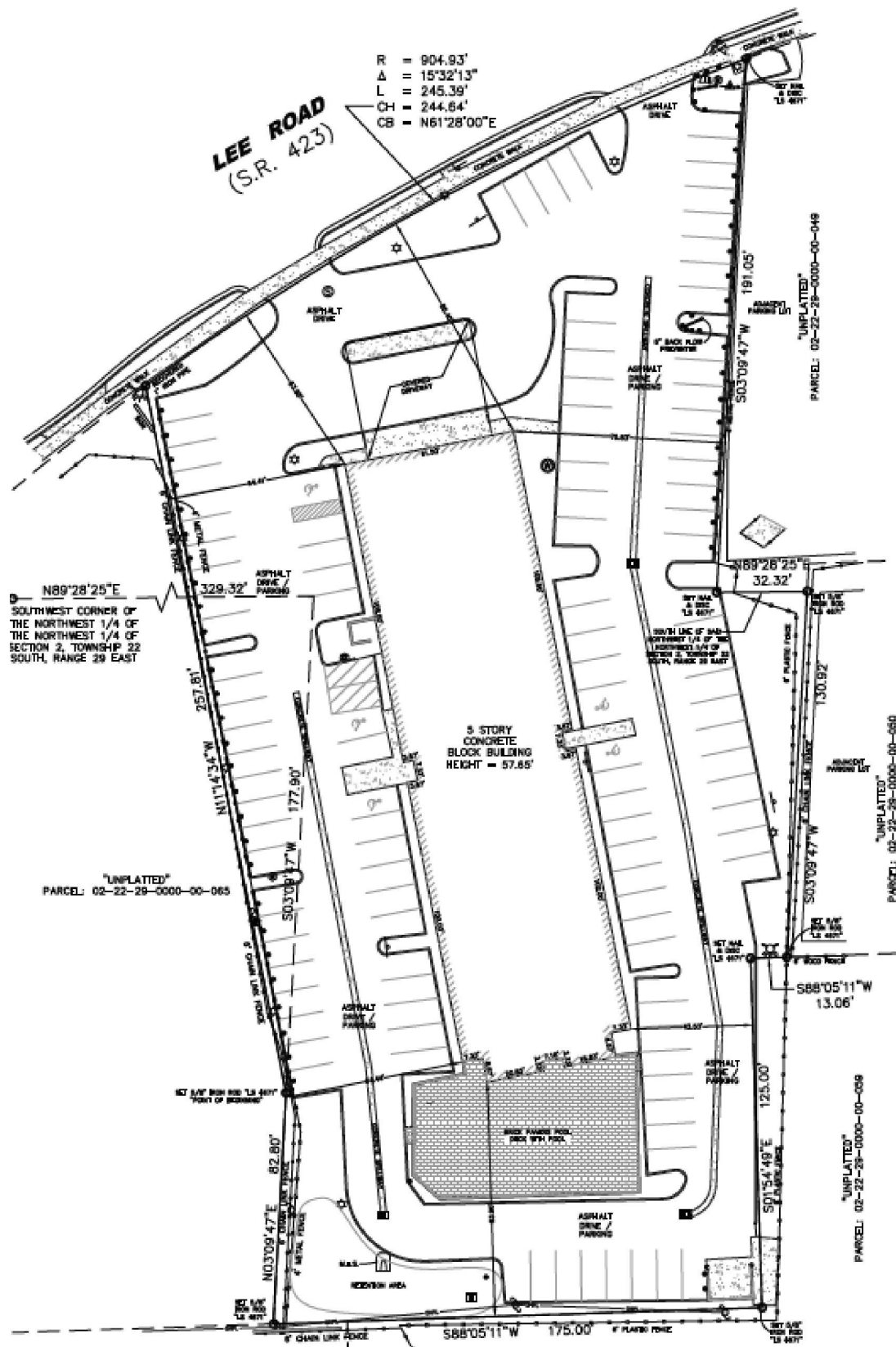
ZONING MAP



AERIAL MAP



SURVEY



SITE PHOTOS



View of property from access along Lee Rd.



From Lee Rd. facing the east building facade

SITE PHOTOS



From rear of property facing west towards existing carwash



From subject site facing DOT retention area to south

SITE PHOTOS



From subject property facing east on Lee Rd.



From northwestern corner of site, facing west towards Lee Rd.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 2025**

Commission District: **#1**

Case #: **SE-25-11-068**

Case Planner: **Laekin O'Hara (407) 836-5943**
Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): SCOTT GENTRY FOR DISCOVERY CHURCH

OWNER(s): DISCOVERY CHURCH INC

REQUEST: Special Exception and Variance in the A-1 Zoning District as follows:

- 1) Special Exception to allow a 45,934 gross sq. ft. religious institution.
- 2) Variance to allow grass parking in lieu of parking on an improved surface

PROPERTY LOCATION: Unaddressed property on McKinney Rd., Winter Garden, FL 34787, northeast corner of McKinney Rd. and Rex Dr., west of Avalon Rd., east of the Lake County line

PARCEL ID: 19-23-27-0000-00-027

LOT SIZE: +/- 19.97 acres

NOTICE AREA: 900 ft. then expanded to include the entire rural settlement

NUMBER OF NOTICES: 567

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board finds it meets the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, **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 Thomas Moses, Second by Juan Velez; unanimous; 5 in favor: John Drago, Juan Velez, Thomas Moses, Roberta Walton Johnson, Johnny Stanley; 0 opposed; 2 absent: Glenn Rubinstein, Sonya Shakespeare):

1. Development shall be in accordance with the site plan dated September 9, 2025, and elevations dated September 9, 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 shall be obtained within 3 years 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. Hours of operation shall be limited as follows: Monday / Tuesday / Thursday – 7 am – 6pm; Wednesday – 12pm – 9pm; Saturday – 10am – 4pm; and Sunday – 7am – 2pm
6. No more than four (4) advertised outdoor special events open to the public per calendar year, and the hours of such events shall be limited from 9:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. On-street parking associated with special events is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications / plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.
7. Noise shall be regulated by Chapter 15, Orange County Code "Environmental Control", specifically Article V "Noise Pollution Control". No outdoor speakers or other audio amplification shall be permitted.
8. Signage shall be in accordance with Sec. 31.5-75 of Orange County Code, as may be amended.
9. 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 or Chapter 15 and the site plan, the provisions of Chapter 24 and Chapter 15 shall prevail.
10. Lighting shall be low intensity and conform to "dark sky" standards of downward projected, "full cut-off" illumination that shields light from being emitted upwards toward the night sky or surrounding natural areas. To be full cut-off, the light bulb shall not extend below the lamp shade. The height of any exterior light pole fixture shall be limited to twenty-five (25) feet and utilize a residential scaled fixture.
11. The grass parking spaces shall be fitted with wheel stops. The drive aisles and handicap parking spaces shall be improved with a durable all-weather surface and properly drained in accordance with Orange County Code.
12. The number of seats in the sanctuary shall not exceed 800.

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 criteria and the reasons for recommending approval of the Special Exception and the Variance.

Staff noted that two comments were received in favor of the request and 43 comments were received in opposition, excluding duplicates.

The applicant discussed the existing conditions of the property and the surrounding area. The applicant also discussed the existence of the Lake Avalon Rural Settlement and the process of integrating community concerns into the proposed request.

The applicant's legal team spoke about the new church's location replacing the existing location in Winter Garden and how the reduced Floor Area Ratio (FAR) would limit the impact of the proposed development.

There were six people in attendance to speak in favor of the request and seven people in attendance to speak in opposition of the request. The opposition comments were mainly related to the size and intensity of the proposed request regarding the nature and character of the Lake Avalon Rural Settlement. The public attendance in support mainly discussed the church community and the need for local services in the area.

The applicant presented a rebuttal informing the BZA that the proposed request was compatible with those of the surrounding area per the County's Comprehensive Plan and regulations for non-residential development in rural settlements.

A representative from the County Transportation Planning Division provided an explanation regarding the conducted traffic analysis of the area.

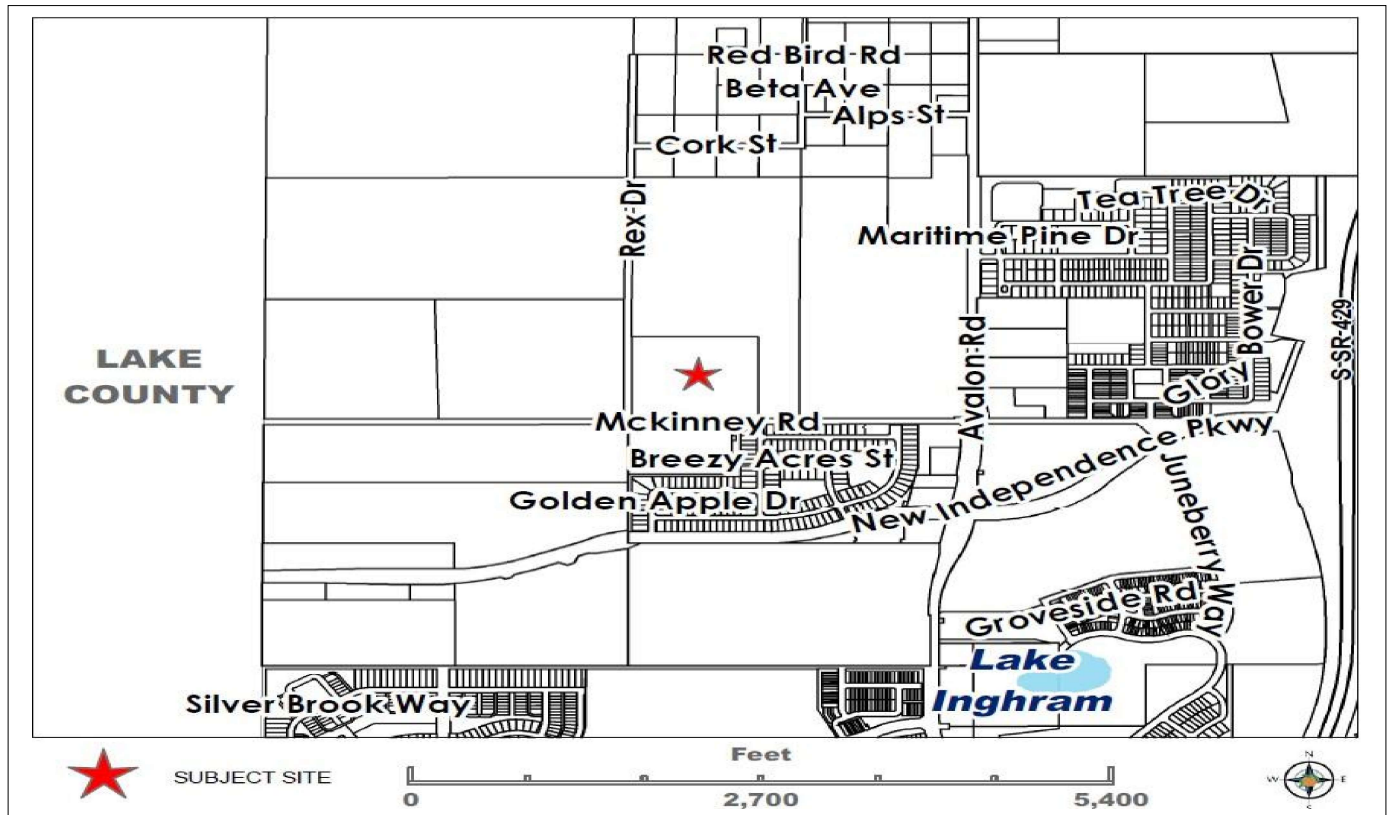
The BZA discussed the intended allowances of the Comprehensive Plan in regard to uses like schools and religious institutions to support communities. Additional discussion was had regarding the traffic impacts on the area and possible future growth with neighboring vacant lots.

The BZA recommended approval of the Special Exception and Variance requests by a 5-0 vote, with 2 absent, subject to the 12 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	A-1	A-1	A-1 / PD	A-1	A-1
Future Land Use	RS 1/5	RS 1/5	INST / VILLAGE	RS 1/5	RS 1/5
Current Use	Vacant	Agriculture	Single-family residential; utilities	Agriculture	Orange County owned water treatment facility (RIBB site)

DESCRIPTION AND CONTEXT

The subject property is located in the A-1, Citrus Rural district, which primarily allows agricultural uses, nurseries, and greenhouses, as well as mobile homes and single-family homes on larger lots. Certain non-agricultural, non-residential uses, such as religious institutions, are permitted through the Special Exception process. The Future Land Use (FLU) is Rural Settlement 1/5 (RS-1/5), which is consistent with the A-1 zoning district.

The property is located within the Lake Avalon Rural Settlement Commercial Design Overlay District. This overlay district is specific to commercial and office uses, and it has been determined that the overlay guidelines do not apply to an institutional use. The property is also located in the Lake Avalon Rural Settlement (LARS). Rural settlements are established through the Comprehensive Plan, and are intended to identify areas with unique traits and characteristics which the residents of those areas wish to preserve. The rural settlement designation typically impacts such development factors as residential density, location and intensity of commercial and other nonresidential uses, and with the exception of density, have no impact on single-family development. In the Lake Avalon Rural Settlement (LARS) the maximum density is 1 unit per acre, and other portions allow 1 unit per 2 acres, while the majority of the LARS allows 1 unit per 5 acres, which includes the subject property. The stated purpose and intent of the LARS is to reinforce the rural character of the community, with acceptable commercial uses stated as being limited to small offices and small commercial developments, compatible with the existing rural development pattern. Rural Settlements restrict non-residential uses to those that support existing residential uses and serve the residents of the community. Comprehensive Planning staff reviewed the request and determined that the proposal is consistent with the policies contained within the Comprehensive Plan.

The subject property is a 19.97 acre vacant unplatted parcel that conforms to the minimum lot requirements of the zoning district. The property is a corner lot with frontage on both Rex Dr. and McKinney Rd., with McKinney Rd. being the front, and Rex Dr. the side street. The area is comprised of vacant land to the north and east, single-family residences to the south, and county utility buildings to the west.

In April 2022, the Board of Zoning Adjustment approved a Special Exception (SE-21-11-115) request on this site for the construction of a 737 seat, 43,190 sq. ft. religious institution. The request was pulled for a Board called public hearing, which was held on June 7, 2022. The Board of County Commissioners denied the Special Exception request.

The applicant is requesting a special exception for a one-story religious institution. The proposal includes an 800 seat main sanctuary, offices, a student ministry, kids auditorium and classroom spaces, a parking area with a mixture of paved and grass parking stalls, a butterfly garden, a planted orange grove, and a retention pond. Two ingress / egress points are proposed along McKinney Rd.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft. <i>An additional 10 ft. may be granted for appurtenances</i>	35 ft.
Min. Lot Width:	100 ft.	975 ft.
Min. Lot Size:	0.5 acres	19.97 acres

Building Setbacks

	Code Requirement	Proposed
Front (McKinney Rd.):	35 ft.	238.17 ft.
Rear:	50 ft.	404.83 ft.
Side (east):	10 ft.	55.56 ft.
Side Street (Rex Dr.):	15 ft.	598.35 ft.

Based on the number of seats, the project requires 291 parking spaces which was calculated using the Orange County Code requirement of 1 parking space per 3 seats for religious institutions (800 seats) for a total of 267 required spaces. Orange County Code also requires 1 parking space per employee for 24 employees for a total of 24 required spaces. A total of 353 parking spaces are provided, meeting the requirement.

Parking Standards

	Parking Requirement	Required Parking	Parking Provided
<i>Amusement or assembly places without fixed seats</i>	1 space per each 3 patrons, plus 1 space per each employee	800 patrons / 3 = 267 + 24 employees = 291	353 parking spaces (169 unimproved (grass) spaces and 10 improved ADA spaces)

The request includes a Variance to allow a portion of the provided parking spaces as grass parking. Condition of Approval #11 reflects the requirement that the grass parking spaces be fitted with wheel stops. All drive aisles and handicap parking spaces shall be improved with a durable all-weather surface and properly drained in accordance with Orange County Code.

The proposed hours of operation as provided by the applicant are:

- Monday / Tuesday / Thursday – 7 am – 6pm
- Wednesday – 12pm – 9pm
- Saturday – 10am – 4pm
- Sunday – 7am – 2pm

Seasonal Events:

- Christmas Eve Worship Service - 4 pm – 9pm
- Good Friday Worship Service - 4 pm – 9pm
- Quarterly Event - Thurs - 7 pm – 9pm

A Conservation Area Determination (CAD-21-11-270), was reviewed by the County Environmental Protection Division (EPD). EPD determined that there are no wetlands or surface waters on the property.

The County Transportation Planning Division provided a Transportation Concurrency Analysis that indicated that the proposed project is expected to generate 365 daily trips and 24 total PM peak hour trips. The capacity analysis indicated that there are multiple failing roadway segments within the project's impact area. A traffic study may be required to be submitted prior to obtaining an approved capacity encumbrance letter and building permit.

The request was routed to all relevant reviewing Divisions and no objections were noted from other reviewing staff.

On Tuesday, November 4, 2025, a Community Meeting was held at Bridgewater Middle School to allow for input. The meeting was attended by the applicant, County staff, and residents, with a total of 37 attendees. Residents attending the meeting expressed a range of concerns, traffic, institution size, and noise. In contrast, supporters of the project stated that a church would be an appropriate and beneficial use of the property as opposed to the most recent approved uses of the surrounding areas.

As of the date of this report, 1 comment has been received in favor of this request, and 53 comments have been received in opposition to this request.

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. The request meets all of the criteria, therefore, staff is recommending approval 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. The request meets all of the criteria, therefore, staff is recommending approval of the Variance request.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

MET – The Comprehensive Plan provides that certain uses, such as religious institutions, as conditioned, are consistent with Rural Settlement Future Land Use through the Special Exception process. Further, Comprehensive Planning has indicated it is consistent with the provisions of the Rural Settlement, and Comprehensive Plan Policies.

Similar and Compatible with the Surrounding Area

MET - The size, scale, and impact of the proposed religious institution is mitigated by the large setbacks, grass parking, and landscape buffers. The building is designed with façade changes and fenestration, minimizing the visual massing of the main building. A large portion of the 19.97 acre property is remaining open space or being enhanced with natural buffers.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

MET - The proposed operations will be fully contained within the building, which is situated 55.56 ft. from the nearest property line, and over 238 ft. from the public right-of-way. The proposed buffers further provide separation between the proposed use and the surrounding properties.

Meet the performance standards of the district

MET – With the approval of the requested Variance, the proposed development will meet the performance standards of the district.

Similar in Noise, Vibration, Dust, Odor, Glare, Heat Producing

MET – The proposed use of the property will be similar in noise, vibration, dust, odor, glare, and heat producing characteristics as those associated with the majority of uses currently permitted in the zoning district.

Landscape Buffer Yards Shall be in Accordance with Section 24-5 of the Orange County Code

MET – The applicant has provided a 35 ft. wide buffer at the south property line, a 40 ft. wide buffer to the west property line, a 50 ft. wide buffer to the north property line, and a 40 ft. wide buffer to the east property line, exceeding the requirements of Chapter 24 (Landscaping, Buffering and Open Space) of the Orange County Code.

VARIANCE CRITERIA

Special Conditions and Circumstances

MET – The special condition unique to this property is the rural character of the site and use of the property. The existing rural character of the site and surrounding area is better supported by not having large areas of pavement.

Not Self-Created

MET – The need for the variance is not self-created, due to the infrequent use of the area for parking and the desire to maintain the rural character and pervious surface on the property.

No Special Privilege Conferred

MET – It is common for religious institutions to provide grass parking since these parking spaces are utilized significantly less than daily commercial uses. A special privilege will not be conferred.

Deprivation of Rights

MET – Without the variance, the applicant would be required to improve the parking area with a durable all-weather surface, which would result in an increased impervious surface area and be less consistent with the rural character of the area.

Minimum Possible Variance

MET – The granting of a variance for grass parking is the minimum possible variance needed to meet the applicant's needs and maintain the rural character of the site. The drive aisles will be improved with a durable all-weather surface, meeting the Code.

Purpose and Intent

MET - The Code has an allowance for overflow parking to be permitted in conjunction with special events and / or holiday demands. A portion of the requested grass parking could be considered overflow, as it exceeds the minimum required parking, and the parking demand is based on the sanctuary being at full capacity. The granting of the variance to allow grass parking would be in harmony with the purpose and intent of this section of the Code.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated September 9, 2025, and elevations dated September 9, 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 shall be obtained within 3 years 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. Hours of operation shall be limited as follows: Monday / Tuesday / Thursday – 7 am – 6pm; Wednesday – 12pm – 9pm; Saturday – 10am – 4pm; and Sunday – 7am – 2pm
6. No more than four (4) advertised outdoor special events open to the public per calendar year, and the hours of such events shall be limited from 9:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. On-street parking associated with special events is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications / plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.
7. Noise shall be regulated by Chapter 15, Orange County Code "Environmental Control", specifically Article V "Noise Pollution Control". No outdoor speakers or other audio amplification shall be permitted.
8. Signage shall be in accordance with Sec. 31.5-75 of Orange County Code, as may be amended.
9. 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 or Chapter 15 and the site plan, the provisions of Chapter 24 and Chapter 15 shall prevail.
10. Lighting shall be low intensity and conform to "dark sky" standards of downward projected, "full cut-off" illumination that shields light from being emitted upwards toward the night sky or surrounding natural areas. To be full cut-off, the light bulb shall not extend below the lamp shade. The height of any exterior light pole fixture shall be limited to twenty-five (25) feet and utilize a residential scaled fixture.

11. The grass parking spaces shall be fitted with wheel stops. The drive aisles and handicap parking spaces shall be improved with a durable all-weather surface and properly drained in accordance with Orange County Code.
12. The number of seats in the sanctuary shall not exceed 800.

C: Scott Gentry
 Kelly, Collins & Gentry, Inc.
 1700 N. Orange Ave, Suite 400
 Orlando, FL 32804

Kristine Tillman
Kelly, Collins & Gentry, Inc.
1700 N. Orange Ave, Suite 400
Orlando, FL 32804



KELLY,
COLLINS &
GENTRY, INC.

ENGINEERING / PLANNING

September 9, 2025

Board of Zoning Adjustment
Orange County Zoning Division
201 S. Rosalind Avenue, 1st Floor
Orlando, FL 32801

RE: Special Exception – Discovery Church West Campus

Dear BZA Members,

On behalf of the owner, Discovery Church Inc., Kelly, Collins & Gentry, Inc. has prepared the attached application package for a Special Exception to allow for a church use within the Lake Avalon Rural Settlement and A-1 Zoning District.

Application Summary

1. Applicant and Owner Contact Information:

Applicant

Scott Gentry of Kelly, Collins &
Gentry, Inc.
1700 N. Orange Ave., Ste 400
Orlando, Florida 32804

Owner

Brandon Inkrott of Discovery Church, Inc.
881 Sand Lake Rd
Orlando, Florida 32809

2. Property Location: 5871 Rex Drive Winter Garden, Florida 34787. Located at the northeast corner of Rex Drive and McKinney Road.
3. Parcel ID Number: 18-23-27-0000-00-004 (southwest ±20 acres)
4. Size: ±20 acres
5. Existing Use: Citrus Grove
6. Proposed Use: Church
7. Project Details:

	<u>Code Permitted</u>	<u>Proposed</u>
Building Size	Not specified	48,000 sf
Building Height	35 ft	35 ft
Number of Buildings	Not specified	1 building
Number of Seats	Not specified	800 seats
Number of Members / Weekly Attendees	Not specified	Varies
Number of Employees	Not specified	24
Days / Hours of Operation	Not specified	Mon/Tues/Thurs 7am-6pm Wed 12pm-9pm Sat 10am-4pm Sun 7am-2pm

1700 NORTH ORANGE AVENUE, SUITE 400, ORLANDO, FLORIDA 32804
PHONE: 407 / 898-7858, FAX: 407 / 898-1488

		Seasonal Events: Christmas Eve Worship Service - 4pm-9pm Good Friday Worship Service - 4pm-9pm Quarterly Event - Thurs - 7pm-9pm <i>NOTE: THESE ARE TYPICAL HOURS BUT USE OF THE FACILITY IS NOT LIMITED TO THESE TIMES.</i>
Provided Services	Not specified	Worship services, youth meetings, family events, lay counseling, and community service activities
Outdoor Events/Activities	Not specified	Community park, playground, sports activities

Project Justification

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

The subject property has a Future Land Use Designation of Rural 1/5 (RS 1/5) within the Lake Avalon Rural Settlement. The RS 1/5 future land use is intended for agricultural uses and uses that maintain the existing rural character of the Rural Settlement. RS 1/5 does not have a maximum Floor Area Ratio (FAR); however, buildings with a gross area of 50,000 sf or more may be considered inappropriate based on the conditions listed under FLU6.2.13(A-D).

The proposed project will be located on the 20 acres of a tract located at the northeast corner of McKinney Road and Rex Drive. The development program will consist of three buildings totaling approximately 48,000 sf, under the 50,000 sf threshold of FLU6.2.13. Various techniques will be utilized to preserve the existing rural character of the Lake Avalon Rural Settlement including:

- Increased landscape buffering and building setbacks above the minimum required.
- Location of buildings and recreation areas along the southernmost boundary of the Rural Settlement/Mckinney Road frontage.
- Primary driveway access located on roadways outside of the Rural Settlement (Mckinney Road).
- Incorporation of publicly accessible/community serving features such as a community park or community garden.

In addition, the project shall meet the following Comprehensive Plan policies:

- FLU6.24 – This policy provides criteria to ensure new (Planned Development) projects contribute to the community's sense of place as follows:
 - A. Designs for new roads, and alterations to existing roads, should ensure the physical impact on the natural and historic environment is kept to a minimum;

- B. New roads or road improvements shall be designed to accommodate the anticipated volume and nature of traffic, but pavement shall be kept as narrow as safety allows while encouraging equestrian, bicycle, pedestrian, and other non-motorized, alternative means of transportation, preservation of wildlife corridors and habitat, and aesthetically pleasing landscape treatment; and,
- C. New buildings and structures shall be located where their construction or access does not cause substantial modification to the topography and natural resources.
- D. Provide for increased setbacks along roadways to preserve views, open space, and rural character; and provide guidelines for lot layout and cluster development for residential development to maintain open space and rural character.

While the proposed project is not a Planned Development, an effort has been made to contribute to the existing rural character and sense of place of the Lake Avalon Rural Settlement.

- *The proposed project will include extensive open space area accounting for approximately 70% of the site. In addition, the site design will incorporate various elements to maintain the open space and rural character of the site including increased building setbacks and landscape buffers (above the minimum required), lot layout towards the boundary of the Rural Settlement, and community serving features such as a community park with a community park or community garden.*
 - *The current use of the site is in citrus grove. The site consists of limited natural features including some existing vegetation and a depressional area in the north portion of the site. The project has been designed to avoid and preserve this natural area including the existing trees native trees and vegetation and to utilize the low area as a feature of interest.*
 - *A new roadway is proposed along the east boundary of the proposed project and will allow for secondary access to the site. This proposed roadway along with the driveway connection to McKinney Road, will alleviate traffic along Rex Drive which is located within the Rural Settlement.*
 - *A Traffic Study is being prepared in conjunction with this application to address impacts to existing roadway facilities and any necessary improvements.*
- FLU6.2.5 – The permitted densities and intensities of land use within the Rural Settlements shall maintain their rural character. Factors to be considered shall include lot size, open space and views, tree canopy, building location and orientation, and compatibility with existing land uses. Density and Floor Area Ratio (FAR) calculation shall be defined as the language specified in Future Land Use Element Policy
 - FLU1.1.2(B)
 - *The proposed building square footage of 48,000 sf and FAR of 0.055 is permitted under the existing Rural 1/5 future land use. Features including building location/orientation, open space, and landscaping/buffering have been incorporated to minimize the impact of the proposed project on surrounding development.*

- FLU6.2.13 – Any proposed use within a Rural Settlement intended for the construction of a structure(s) with a Gross Buildable Area of 50,000 square feet (on a cumulative basis) or more or projected to have a weekly trip rate of 10,000 total trips may be considered inappropriate for a Rural Settlement (See conditions A-D).
 - *The proposed building square footage is less than 50,000 sf at 48,000 sf.*
- FLU 6.2.15 – Expansion of existing water and wastewater facilities providing service to Rural Settlements shall be consistent with Conservation Element C1.11.7, Potable Water, Wastewater and Reclaimed Water Element Objectives WAT1.5 and WAT1.6, and applicable Future Land Use Policies. The existing capacity shall not be used as a reason for increased densities within the Rural Settlement. (Added 12/00, Ord. 00-25, Policy 2.1.15)
 - *Adequate wastewater and water facilities are in place across McKinney Road according to Orange County Utilities.*

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

Surrounding Development Pattern:

	FLU	ZONING	CURRENT USE
NORTH	Rural Settlement 1/5	A-1	Ag Citrus Grove
EAST	Rural Settlement 1/5	A-1	Ag Citrus Grove
SOUTH	Institutional	A-1 / PD	County Utility (Water Conserv II) / Single-Family Residential (Winkey Groves at Hamlin)
WEST	Rural Settlement 1/5	A-1	County Utility (Water Conserv II)

The proposed site is ideally located at the southernmost boundary of the Rural Settlement, adjacent to the Horizon's West development to the south, and adjacent to existing institutional land uses (Orange County Water Conserv II facility). Additionally, the site is located approximately 1,400 ft to the nearest rural settlement residential property.

Site design features will further ensure compatibility with the surrounding development by restricting primary access to roadways exterior to the Rural Settlement (McKinney Road), increased building setbacks and landscape buffers (above the minimum required), and lot layout and building location towards the roadway frontage/Rural Settlement boundary.

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

As noted above, the proposed project is compatible with the surrounding County Utility, Ag/Citrus Grove, and Single-Family Residential developments and does not present an intrusion. In fact, the proposed project will serve as a benefit to the surrounding community and rural settlement providing community services including a community park.

Furthermore, the proposed church use, with extensive buffering and open space allotment, serves as a transition from the rural/agricultural uses to the north and the more intensive Horizon's West developments to the south and east.

External impacts that could potentially be generated by the development are being addressed through applicable permitting processes. In conjunction with this application, the following reports/studies will be submitted for review: Traffic Study

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

The proposed project shall meet the requirements of the A-1 zoning and does not include any variance requests for relief from applicable codes.

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 A-1 Zoning District permits numerous land uses characterized by a moderate amount of noise, vibration, dust, odor, and heat production such as emergency generators, agricultural production of crops and livestock, logging, borrow pits/excavation and fill, fertilizer manufacturing and agricultural chemicals manufacturing, parking and storage of dual rear wheel vehicles, commercial solar farms, distribution electric substation, and fire stations.

As to the characteristics detailed above, the proposed church use will have a lesser impact than a majority of the currently permitted uses. Additionally, any impacts that may result from the proposed use will be mitigated through the use of landscape buffering and building/recreation area setbacks, beyond what is required by code.

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.

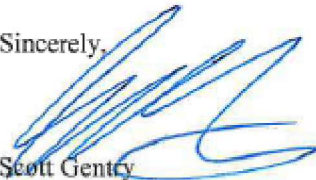
The proposed project will provide landscaping that will meet and exceed Orange County Code Section 24-5 and does not include any variance requests.

Variances

1. Request - A Variance from Code Sec. 38-1479(a) to allow for unpaved parking in non-peak parking.
2. Justification – Removal of impervious surfaces for non-peak parking to provide more pervious areas for percolation.

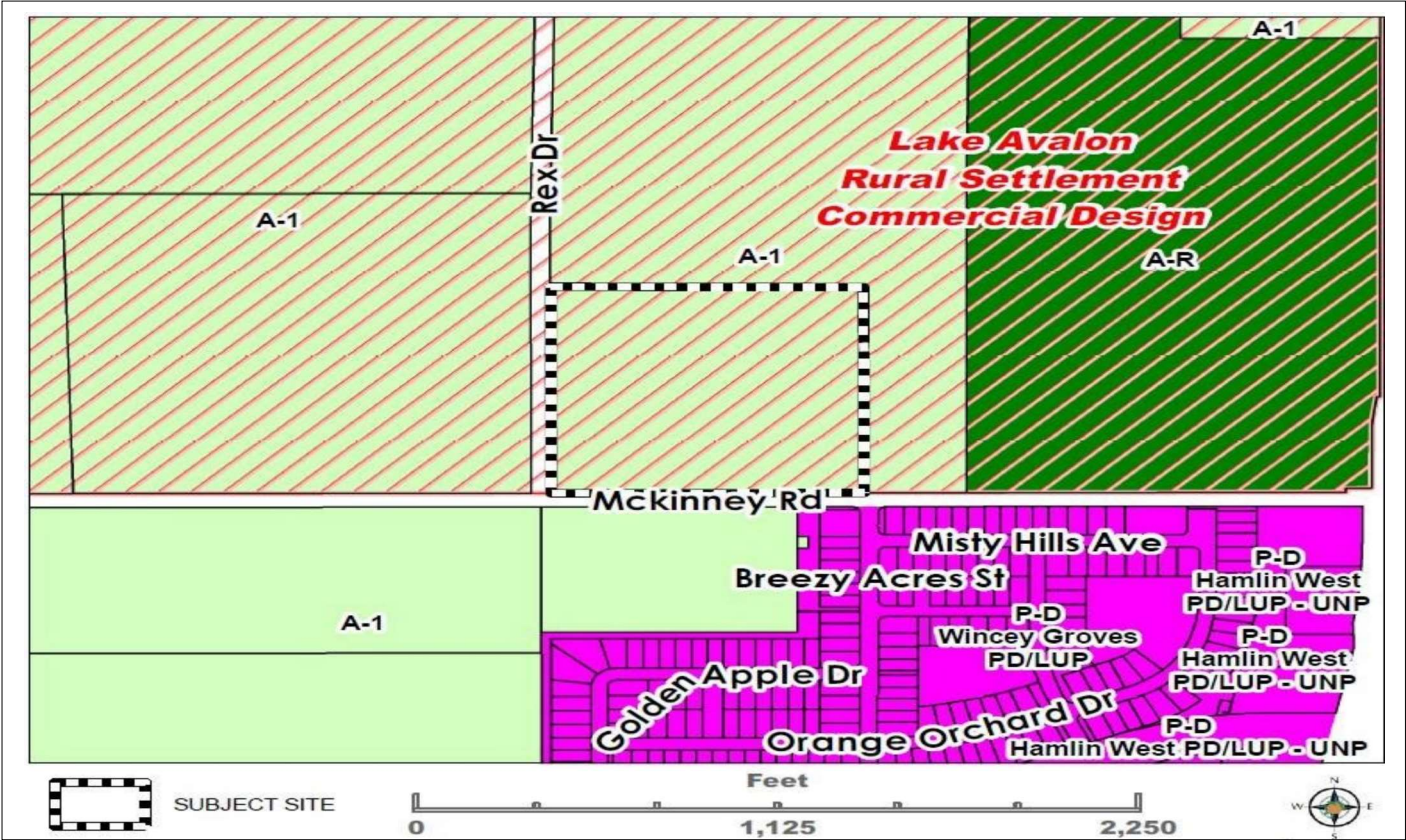
If you should have any questions, please feel free to contact me.

Sincerely,

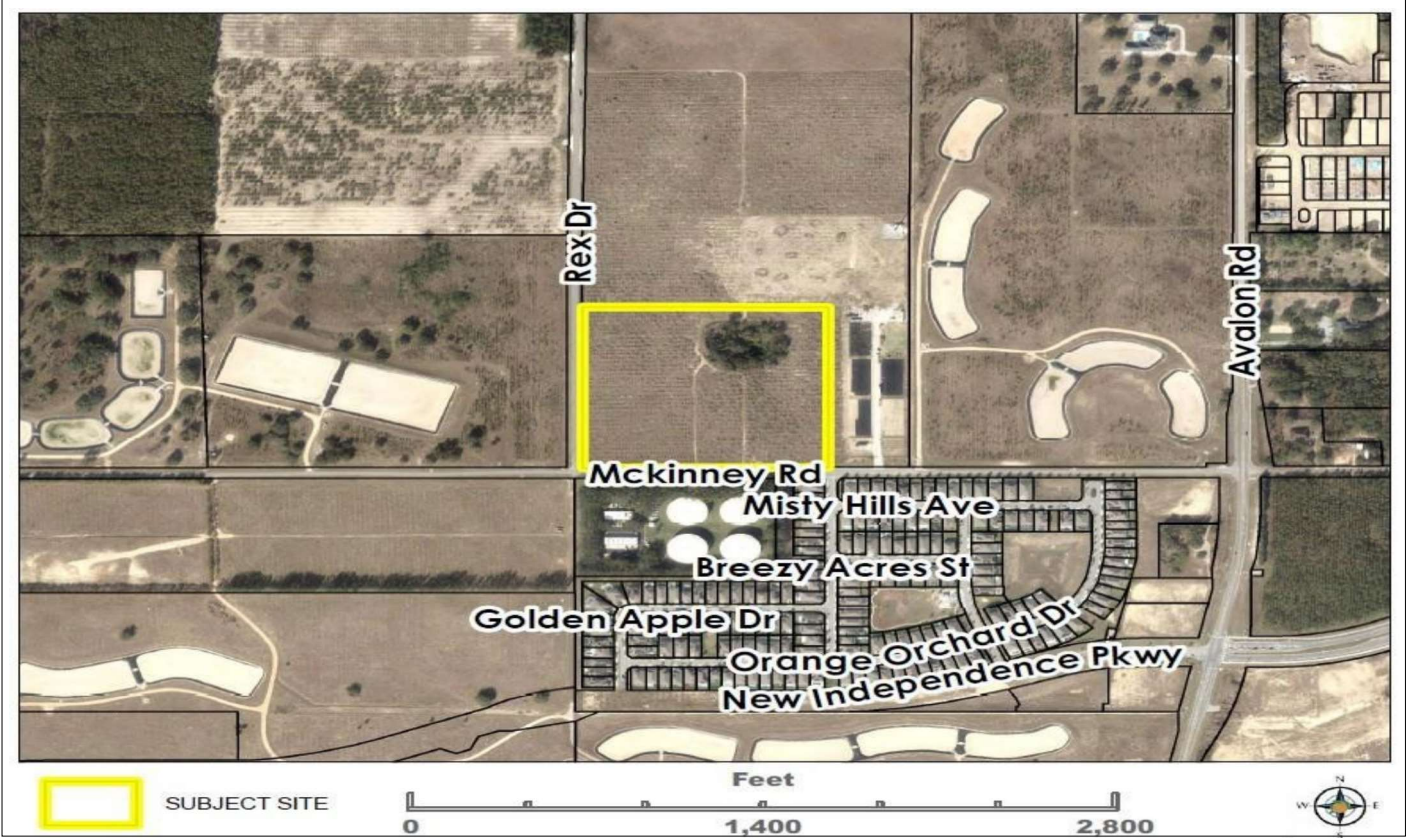


Scott Gentry
Principal

ZONING MAP

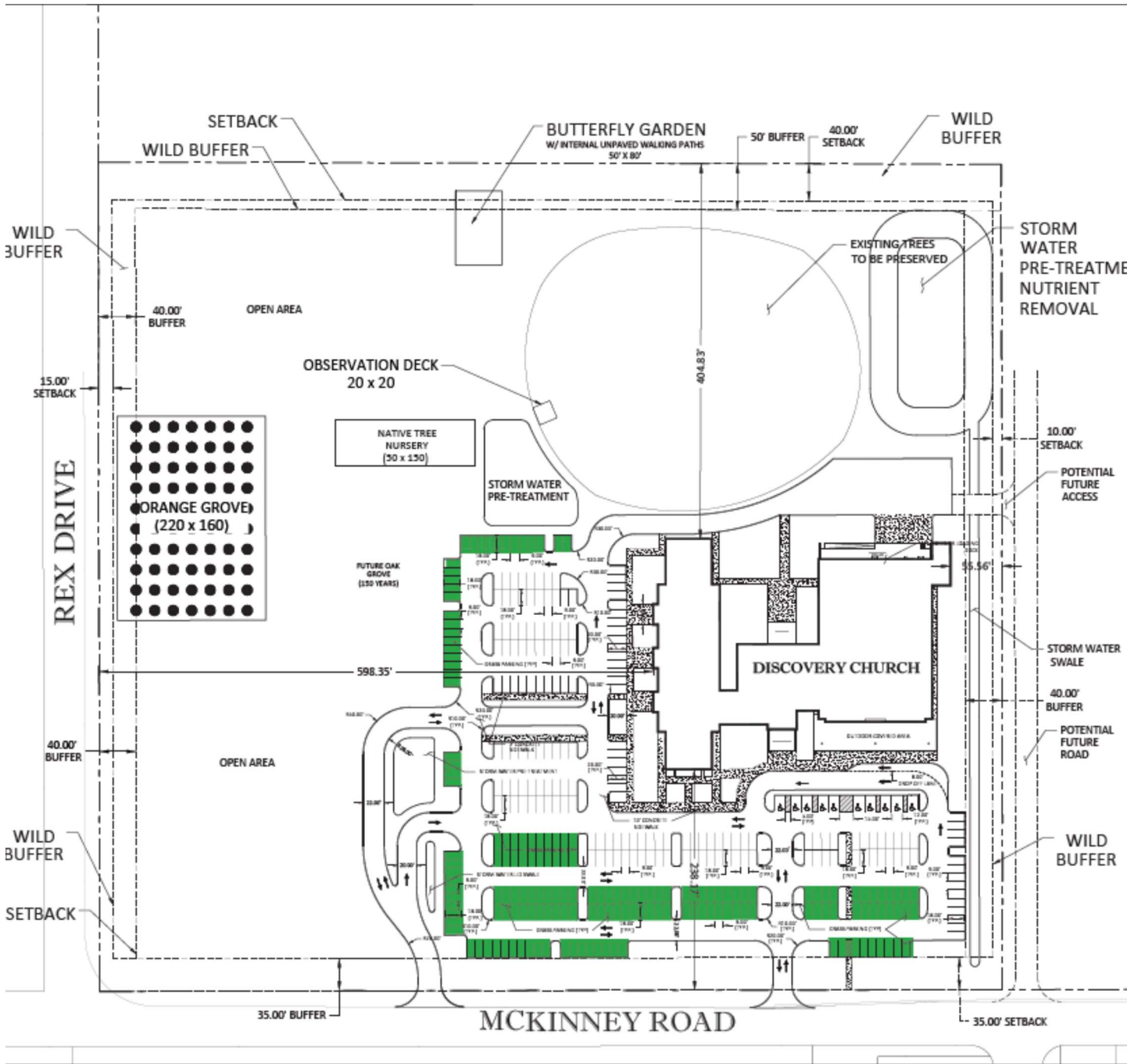


AERIAL MAP

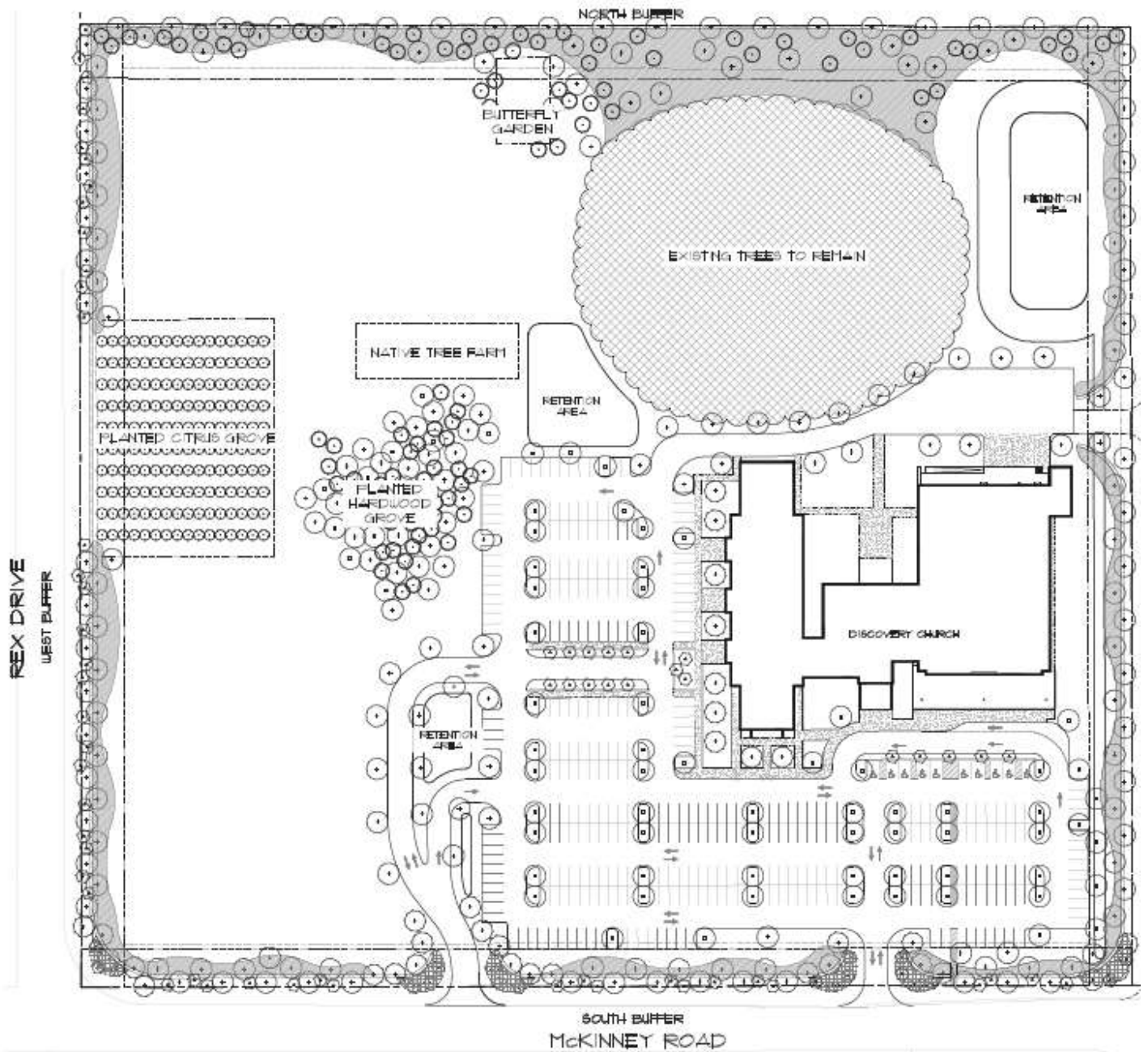


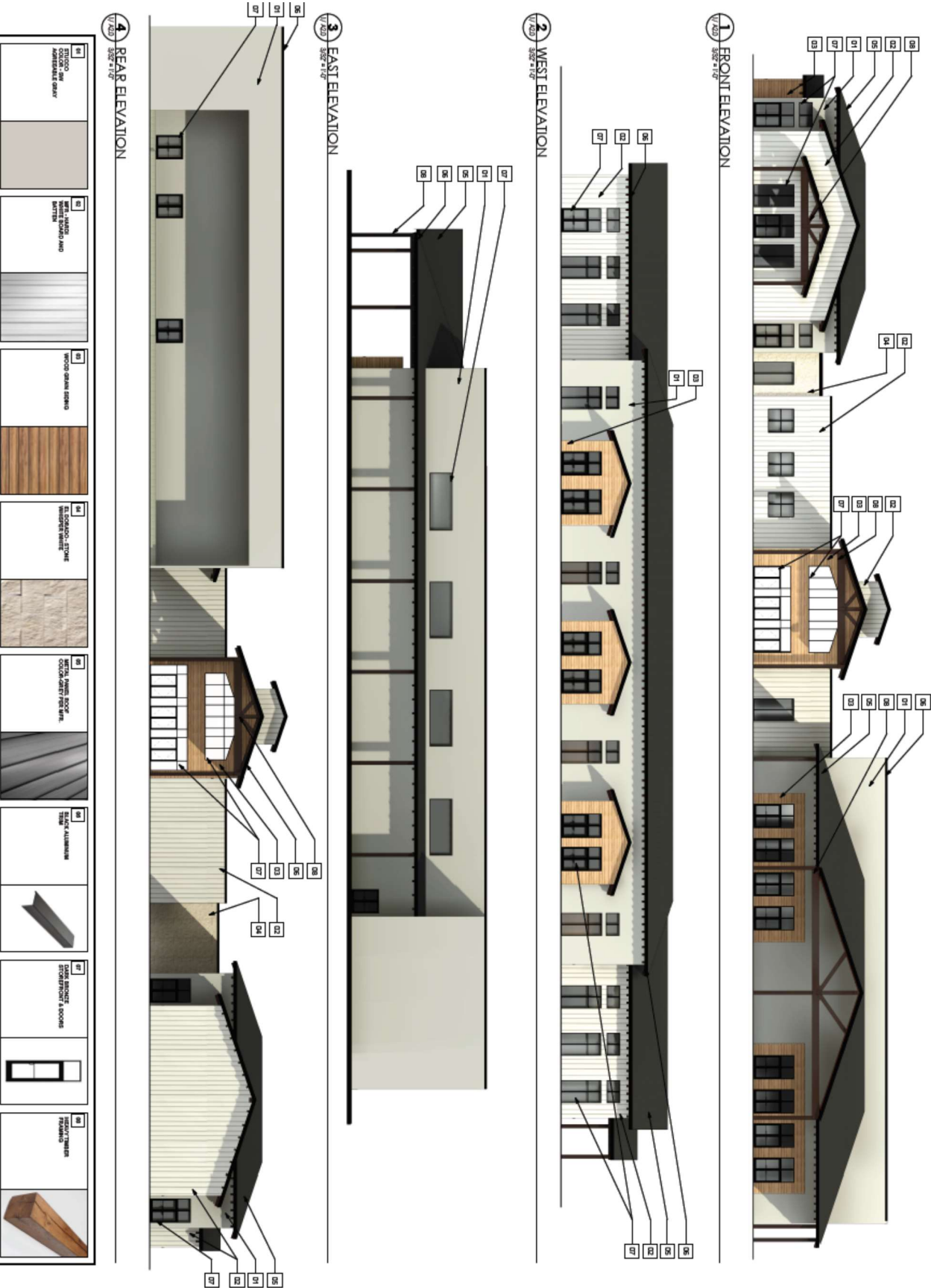


SITE PLAN

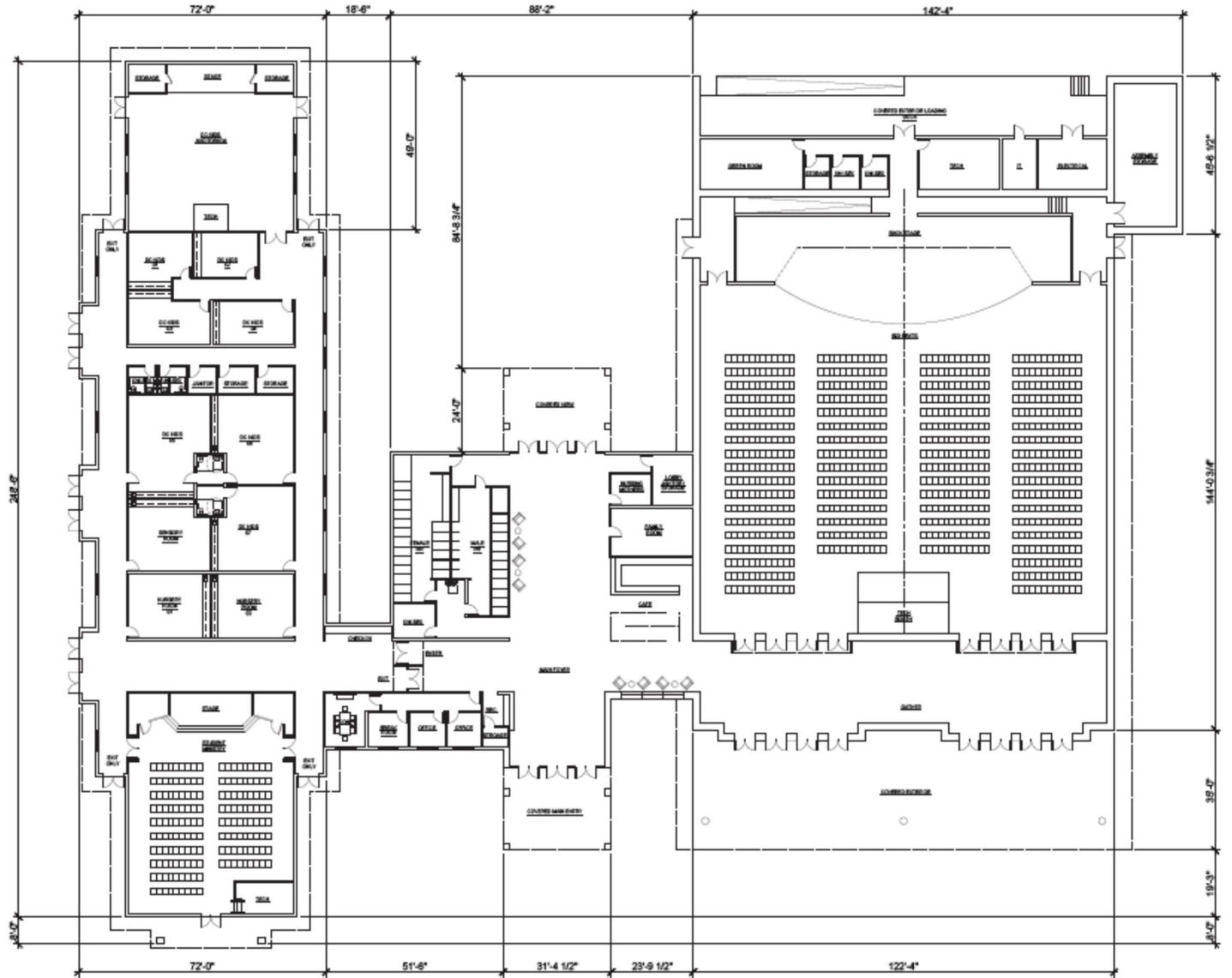


LANDSCAPE PLAN





FLOOR PLAN



SITE PHOTOS



Facing north from McKinney Rd. towards subject property



From the intersection of Rex Dr. and McKinney Rd. facing subject property

SITE PHOTOS



Facing northeast from Orange County property towards subject site

BIRDSEYE AERIAL PHOTO – JANUARY 2025





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