

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

April 7, 2026

The following is a public hearing on an appeal before the Board of County Commissioners on April 7, 2026, at 2:00 p.m.

APPLICANT/APPELANT: YOUGRAJ BEHARRY

CASE #: VA-26-02-087

REQUEST: Variances in the A-1 zoning district for a new residence as follows:
1) To allow a north side setback of 5 ft. in lieu of 10 ft.
2) To allow a south side setback of 5.08 ft. in lieu of 10 ft.
3) To allow a front setback of 20 ft. in lieu of 35 ft.
4) To allow a maximum building height of 43.3 ft. in lieu of 35 ft.

LOCATION: 719 Pahoia St., Orlando, FL 32818, east side of Pahoia St., west side of Lake Sherwood, north of W. Colonial Dr., east of Good Homes Rd., south of Balboa Dr., west of N. Apopka Vineland Rd.

LOT SIZE: 12,943 sq. ft.

ZONING: A-1

DISTRICT: #6

PROPERTIES NOTIFIED: 127

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

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 for denial of all the Variance requests. Staff noted that no comments were received in favor and five comments were received in opposition to the request.

The applicant was present and stated the request is due to the flood zone at the rear of the lot and noted that he wishes to place the structure closer to the roadway. The BZA discussed with the applicant if he considered reducing the size of the structure. The applicant stated the structure would start a trend for larger homes due to it being a lakefront lot.

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

One individual spoke in opposition to the request, noting that they own the adjacent property directly to the north, and went on to discuss concerns with the grade of the property and stated the previous owner cleared the lot and brought in a significant amount of fill dirt to raise the grade

of the lot. They also stated the proposed structure would be inconsistent with the neighborhood and would adversely impact their property.

The BZA discussed the requests and agreed with staff's recommendation. The BZA stated the proposed structure is incompatible with the area and could be redesigned to lessen the impact on surrounding properties.

The BZA recommended denial of the Variance requests by a 6-0 vote, with 1 absent.

BZA HEARING DECISION:

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



ORANGE COUNTY ZONING DIVISION
 201 South Rosalind Avenue, 1st Floor, Orlando, Florida
 32801 Phone: (407) 836-3111 Email: BZA@ocfl.net
www.orangecountyfl.net

Board of Zoning Adjustment (BZA) Appeal Application

Appellant Information

Name: Yougraj Beharry

Address: 2490 River Ridge Dr Orlando, FL 32825

Email: nbeharry@aol.com Phone #: (321) 297-5701

BZA Case # and Applicant: VA-26-02-087

Date of BZA Hearing: 02/05/2026

Reason for the Appeal (provide a brief summary or attach additional pages of necessary):

Please see attached

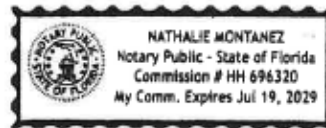
Signature of Appellant: [Signature] Date: 2-19-26

STATE OF Florida
 COUNTY OF Orange

The foregoing instrument was acknowledged before me this 10th day of February, 2026 by Yougraj Beharry who is personally known to me or who has produced Florida Driver license as identification and who did/did not take an oath.

[Signature]
 Notary Public Signature

Notary Stamp:



NOTICE: Per Orange County Code Section 30-45, this form must be submitted within 15 days after the Board of Zoning Adjustment meeting that the application decision was made.

Fee: \$691.00 (payable to the Orange County Board of County Commissioners)

Note: Orange County will notify you of the hearing date of the appeal. If you have any questions, please contact the Zoning Division at (407) 836-3111.

DATE: 2/16/2026

TO: Orange County Board of County Commissioners

RE: Appeal of BZA Denial – 719 Pahoia St.

VARIANCES REQUESTED: Side Setback (5'), Front Setback (20'), and Building Height (44')

Statement of Justification and Grounds for Appeal

This appeal seeks to reverse the Board of Zoning Adjustment's (BZA) denial for development at 719 Pahoia St. The denial enforces overly restrictive A-1 (**Agricultural**) standards on a property situated in an urbanizing residential corridor, creating a clear lack of parity with adjacent neighbors.

1. Lack of Parity and Neighborhood Consistency

My property is currently zoned A-1, which requires substantial 10-foot side and 35-foot front setbacks. However, the properties immediately surrounding me—including Parcel 22-22-28-8932-04-020 and Parcel 22-22-28-8932-04-011—are zoned R-2.

Under R-2 zoning allows for **6-foot side setbacks** and **25-foot front setbacks**.

- The only resident to dispute my request owns several properties on the street that are zoned R-2. It is inherently inequitable to deny 719 Pahoia St. similar development standards to those already granted to the objector and the rest of the street.

2. Alignment with Future Land Use (FLU)

The Orange County Future Land Use Map designates 719 Pahoia St. as R-2. The current A-1 zoning is legacy zoning that no longer reflects the County's long-term vision for this area.

- My original request (5' sides / 20' front) is a minor deviation from the R-2 standards that the County intends for this lot.
- Enforcing A-1 setbacks now creates an artificial hardship, as it forces an agricultural footprint onto what is functionally a residential street.

3. Height and Architectural Necessity

The request for a 44-foot height limit (exceeding the standard 35-foot cap) is required to compensate for the narrow buildable area of the lot. This allows for a modern, efficient design that maintains the character of the neighborhood without necessitating a sprawling footprint that would further encroach on open space.

4. Proposed Compromise for Resolution

To address any concerns regarding precedent, I am prepared to accept a compromise that brings my property into exact alignment with the neighboring R-2 parcels:

- **Side Setbacks:** 6 feet (Matching R-2 Code)
- **Front Setback:** 25 feet (Matching R-2 Code) Or a compromise in between the 20 to 25 feet
- **Building Height:** 44 feet or a compromise . If that height cannot be adjusted then the allowable 35' .

This compromise ensures that 719 Pahoia St. is treated with the same standards as the properties owned by the disputing neighbors, satisfying the requirement for neighborhood compatibility.

Conclusion

I respectfully request that the Board of County Commissioners approve the original request, or at minimum the R-2 compromise, to allow for the equitable and consistent development of my property.

" I wish to clarify for the record that 719 Pahoia St is intended exclusively for use as my primary residence and homestead, not as a short-term vacation rental or commercial lodging facility. Any assumptions to the contrary are inaccurate. As this property will serve as my permanent home' My request for a variance is driven solely by the practical necessity of creating a functional living space"

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 05, 2026**

Commission District: **#6**

Case #: **VA-26-02-087**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): YOUNGRAJ BEHARRY

OWNER(s): YOUNGRAJ BEHARRY

REQUEST: Variances in the A-1 zoning district for a new residence as follows:

- 1) To allow a north side setback of 5 ft. in lieu of 10 ft.
- 2) To allow a south side setback of 5.08 ft. in lieu of 10 ft.
- 3) To allow a front setback of 20 ft. in lieu of 35 ft.
- 4) To allow a maximum building height of 43.3 ft. in lieu of 35 ft.

PROPERTY LOCATION: 719 Pahoia St., Orlando, FL 32818, east side of Pahoia St., west side of Lake Sherwood, north of W. Colonial Dr., east of Good Homes Rd., south of Balboa Dr., west of N. Apopka Vineland Rd.

PARCEL ID: 22-22-28-8932-04-040

LOT SIZE: 12,943 sq. ft.

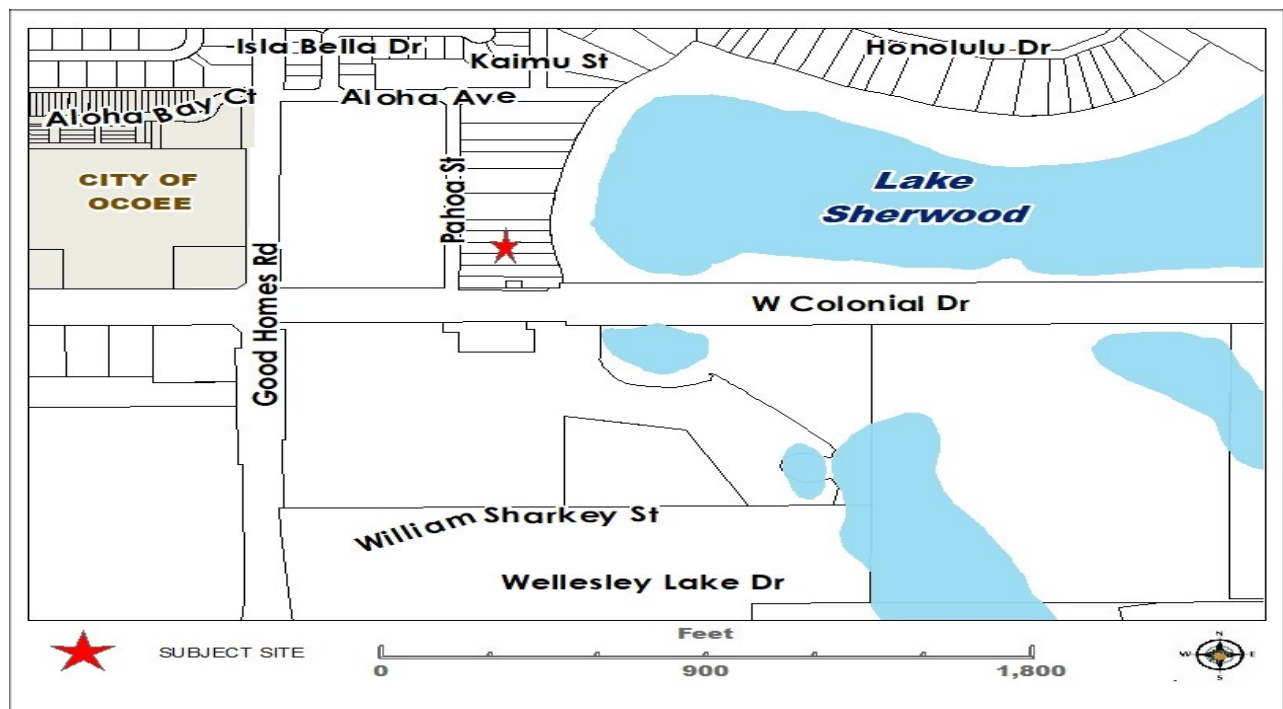
NOTICE AREA: 1,000 ft.

NUMBER OF NOTICES: 127

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	RSTD R-2	A-1	A-1	PD
Future Land Use	MDR	MDR	MDR	Water Body	PD
Current Use	Vacant	Single-family residential	Vacant	Lake Sherwood	Retail Plaza

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-1, Citrus Rural zoning district, which allows agricultural uses, as well as mobile homes and single-family homes on larger lots. The Future Land Use (FLU) is Medium Density Residential (MDR), which is inconsistent with the A-1 zoning district. Per Comprehensive Plan Policy FLU8.2.5.1, single-family residential 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 subject property was determined to be a substandard lot of record; therefore, a rezoning is not required.

The area around the subject site consists of single-family homes, vacant land, and commercial retail uses. There are 12 properties located along Pahoia St., most of which are vacant. The developed lots contain 1 or 2-story homes ranging from 1,300 to 3,000 gross sq. ft. in size built in the 1970s and 1980s. The subject property is 12,943 sq. ft. in size and was platted in 1923 as lot 4 with a portion of platted beach in Block D of the Waikiki Beach Plat. The A-1 zoning district requires a minimum lot area of 0.5 acres (21,780 sq. ft.) and a minimum lot width of 100 ft. The subject property is 0.3 acres (12,943 sq. ft.) and 50 ft. wide but is considered a substandard lot of record in accordance with Section 38-1401 of Orange County Code. Therefore, no Variances are required for the size or width of the property.

The property was purchased by the current owner in December of 2024 and is currently vacant. The proposal is to construct a 3-story, 8-bedroom, 8-bathroom, single-family home with 9,082 sq. ft. of living area, a 4-car garage, and a 15 ft. by 40 ft. balcony on each level of the rear of the home. The required setbacks of the subject site are as follows: 35 ft. front setback, 50 ft. rear setback, 50 ft. Normal High Water Elevation (NHWE) setback, and 10 ft. side setbacks. While the property is located adjacent to Lake Sherwood, the NHWE contour line of the lake is beyond the limits of the property and is unaffected by the proposed development. As proposed, the home will encroach into the required front and side setbacks.

The residence is proposed to be located 5 ft. from the north side property line prompting Variance request #1, 5.08 ft. from the south side property line prompting Variance request #2, and 20 ft. from the front property line, prompting Variance request #3. The applicant's cover letter notes a 1 ft. side setback request, as the original request was modified from 1 ft. to the current 5.08 ft. south side request. The maximum building height is 35 ft. for the A-1 zoning district. As proposed, the home will be 3-stories and 43.3 ft. in height, prompting Variance #4. The first floor of the home is proposed to have a 10 ft. floor to ceiling height while the second and third floor will have a 12 ft. floor to ceiling height. The floor to ceiling height in a single-family home typically ranges from 8-10 feet.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	43.3 ft. (Variance #4)
Min. Lot Width:	100 ft.	50 ft.*
Min. Lot Size:	21,780 sq. ft	12,943 sq. ft.*
Min. Living Area:	850 sq. ft.	9,082 sq. ft.

**The subject property is a substandard lot of record in accordance with Section 38-1401 of Orange County Code*

Building Setbacks

	Code Requirement	Proposed
Front:	35 ft.	20 ft. (West - Variance #3)
Side:	10 ft.	5 ft. (North) (Variance #1) 5.08 ft. (South) (Variance #2)
Rear:	50 ft.	+/- 104 ft. (East)
NHWE:	50 ft.	NA (East)

The request was routed to all relevant reviewing Divisions. There were no objections noted. As of the date of this report, no comments have been received in favor and two comments have been received 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. The requests do not meet any of the criteria. Based on staff analysis, as proposed, the size and location of the residence would be intrusive to the surrounding properties and alternative options exist to redesign the structure to lessen or eliminate the Variance requests. Therefore, staff is recommending denial of the requests.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variations #1 and #2 NOT MET – There are no special conditions or circumstances as the property is vacant, the request is new construction and can be redesigned to be developed in compliance with all zoning standards.

Variance #3 NOT MET – While the lot is substandard in regard to the lot width and lot area, the property's buildable area is 128 ft. in depth providing space to shift the structure outside of the front setback or the structure could be redesigned to comply with the setback requirement.

Variance #4 NOT MET – There are no special conditions and circumstances necessitating an increased height for the proposed structure as the request is new construction and can be redesigned to comply with the maximum height of the zoning district. Additionally, the proposed story height of each floor is beyond the standard height for typical residential construction.

Not Self-Created

All Variations NOT MET – The Variance requests are self-created as the property is currently vacant and could be developed with a single-family home in a code compliant manner.

No Special Privilege Conferred

All Variances NOT MET - Granting the Variances as requested will confer special privilege, as other new construction single-family residences would be required to meet the development standards of their respective zoning district. The proposed structure is not compatible with the existing development in the area as all existing structures along Pahoia St. are in compliance with the development standards of the zoning district.

Deprivation of Rights

All Variances NOT MET – Denial of the Variances would not deprive the rights of the owner to develop the property, as the property can be developed with a single-family home in a code compliant manner.

Minimum Possible Variance

All Variances NOT MET – The Variance requests are not the minimum possible as the residence could be redesigned to lessen and/or eliminate the requests. The property contains adequate space to construct a residence within all required setbacks and in accordance with the maximum height of the zoning district.

Purpose and Intent

All Variances NOT MET – Approval of the requested Variances would not be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. Granting these Variances would be intrusive to the neighboring properties and inconsistent and incompatible with the surrounding area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped January 12, 2026, 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: Yougraj Beharry
2490 River Ridge Dr.
Orlando, FL 32825

Justification for Variances

The application requests four specific variances for the property at 719 Pahoia St, Orlando, FL 32818: a 5-foot left side setback, a 1-foot right side setback, a 20-foot front setback, and a 43'4"-foot overall height. Each request is justified by the unique physical realities of the subject parcel and satisfies all required criteria for approval by the Orange County Board of Zoning Adjustment (BZA).

1. Special Conditions and Circumstances

The subject property is a unique parcel afflicted by specific, compounding physical constraints not generally present in the neighborhood.

- **Side Setbacks:** The extraordinary narrow lot width of just 50 feet creates an exceptional hardship. When coupled with the standard 10-foot side setback requirement on each side, the result is an unbuildable envelope of only 30 feet wide.
- **Front Setback & Height:** The site features significant topographical grade changes and a high water table. Adherence to County engineering standards for flood and drainage dictates a specific, elevated finished floor elevation. This mandatory foundation height, in turn, impacts the overall building height.
- **Summary:** These physical conditions are peculiar to this specific parcel, creating an exceptional, unique hardship not experienced by owners of standard lots.

2. Not Self-Created

The circumstances creating this hardship are entirely inherent to the physical condition and historical platting of the land, which pre-dates current zoning requirements, and are not the result of any action by the applicant. We inherited the lot's narrow dimensions and natural topography. The proposed plans are a direct attempt to mitigate these pre-existing physical constraints while adhering to all other building and safety codes. We did not create this hardship; rather, we are seeking the minimum necessary relief to overcome the site's unique, pre-existing limitations imposed by nature and prior platting.

3. No Special Privilege Conferred

Granting the requested variances will not confer a special privilege; it simply allows the applicant the same basic right enjoyed by other property owners in the district: the ability to build and reasonably use a standard, single-family home.

- **Compatibility:** The proposed home will be designed to fit the character of the neighborhood despite its necessary height and reduced setbacks.
- **Precedent:** Without this variance, the applicant would be effectively denied any reasonable use of their property. We observe that nearby Isla Bella subdivision has homes with 5' setbacks or less. Furthermore, three-story homes are already a feature of several Orange County developments, such as The Brix at the Packing District, Hamlin, Lake Nona Region, Baldwin Park, Winter Park, and Lake Cawood Cove.

4. Deprivation of Rights

A literal interpretation of the zoning code would work an unnecessary and undue hardship on the applicant and would effectively deprive us of any reasonable use of the property.

- **Side Setbacks:** The unique, narrow shape of the lot makes a functional home impossible within standard setbacks.
- **Height Variance:** The required elevation for drainage necessitates the requested height variance to maintain standard, habitable ceiling heights.
- **Conclusion:** This hardship goes beyond mere inconvenience or a desire for a larger home; it is a fundamental inability to develop the property for its intended residential use without these specific adjustments. The physical inability to build anything functional, not financial loss, is the basis of this request.

5. Minimum Possible Variance

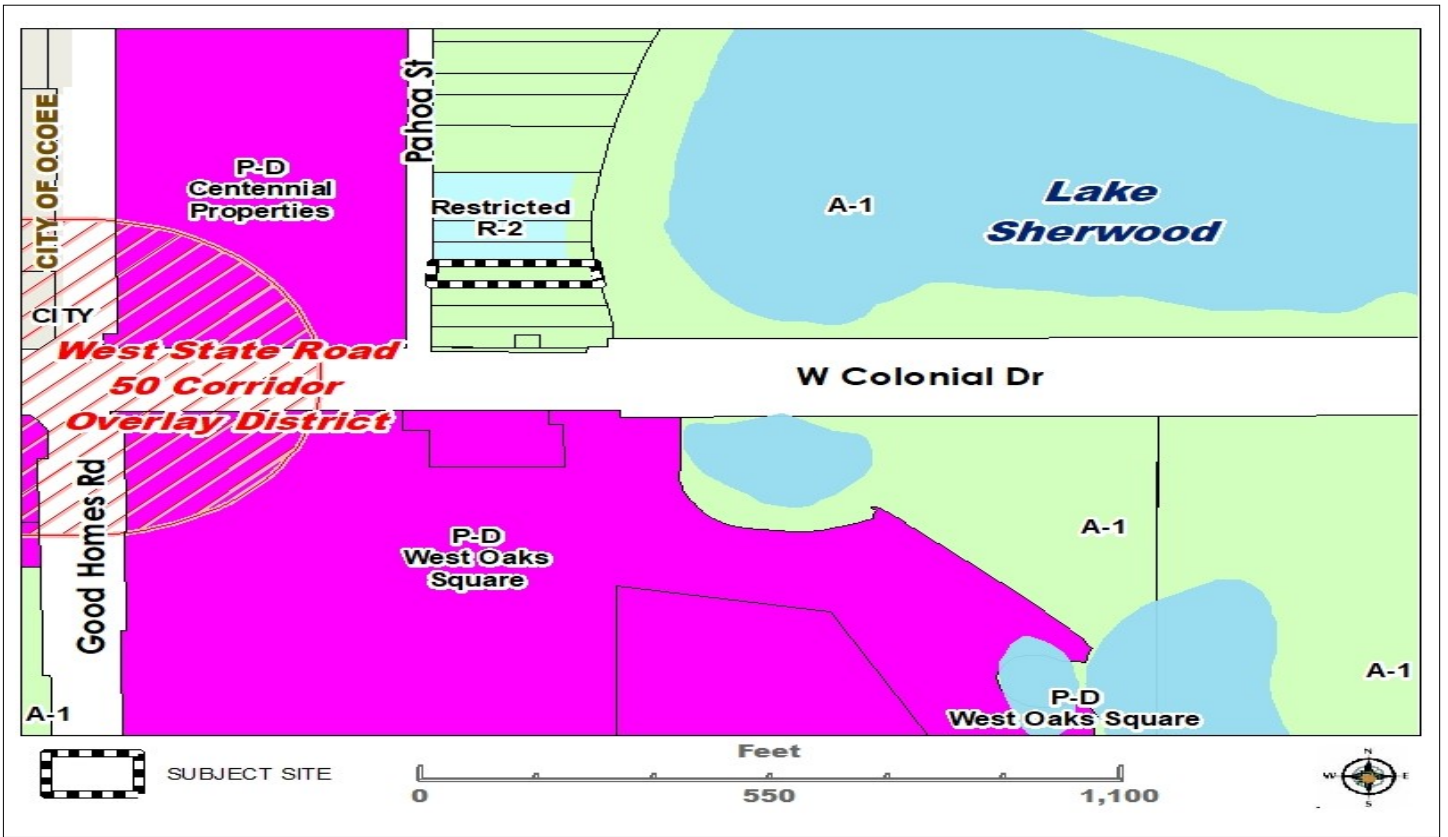
The requested variances represent the absolute minimum deviation required to make possible the reasonable use of the land. We have explored all other options, and these dimensions are the most minimal solution.

- **Side Setbacks Left Side:** The 5-foot left side setback is the minimum possible to achieve a functional and marketable building width of approximately 44 feet, which is still narrower than most homes in the area.
- **Side Setbacks Right Side:** The 1-foot right side setback are the minimum possible to achieve a functional and marketable building width of approximately 44 feet, which is still narrower than most homes in the area.
- **Front Setback:** The 20-foot front setback is necessary to accommodate a functional driveway slope given the severe topography.
- **Height:** The 43'4"-height is the minimum needed to achieve three stories with standard floor-to-ceiling heights, given the required elevated foundation level.

6. Purpose and Intent

Approval of the variance aligns with the zoning regulations' underlying intent to allow reasonable property use and will not harm the neighborhood or public welfare. The proposed single-family home fits the neighborhood's residential character, and design elements will be used to minimize the visual impact of the height and narrowness. Neighbors have been consulted to ensure the project benefits the community's welfare and safety.

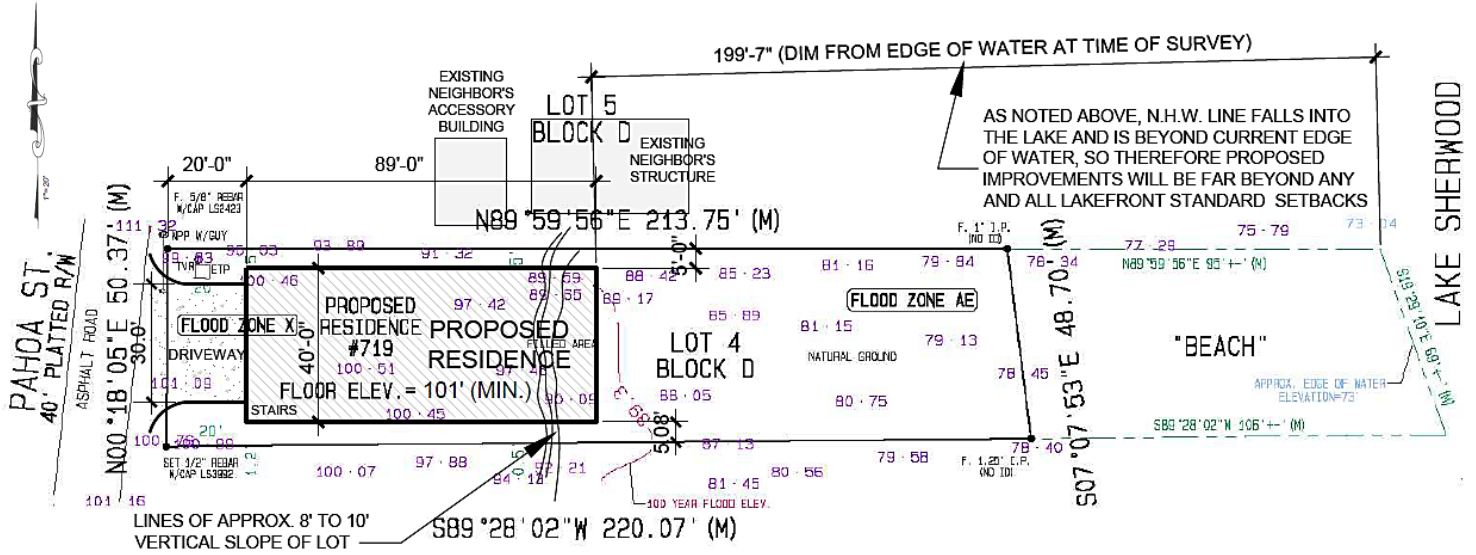
ZONING MAP



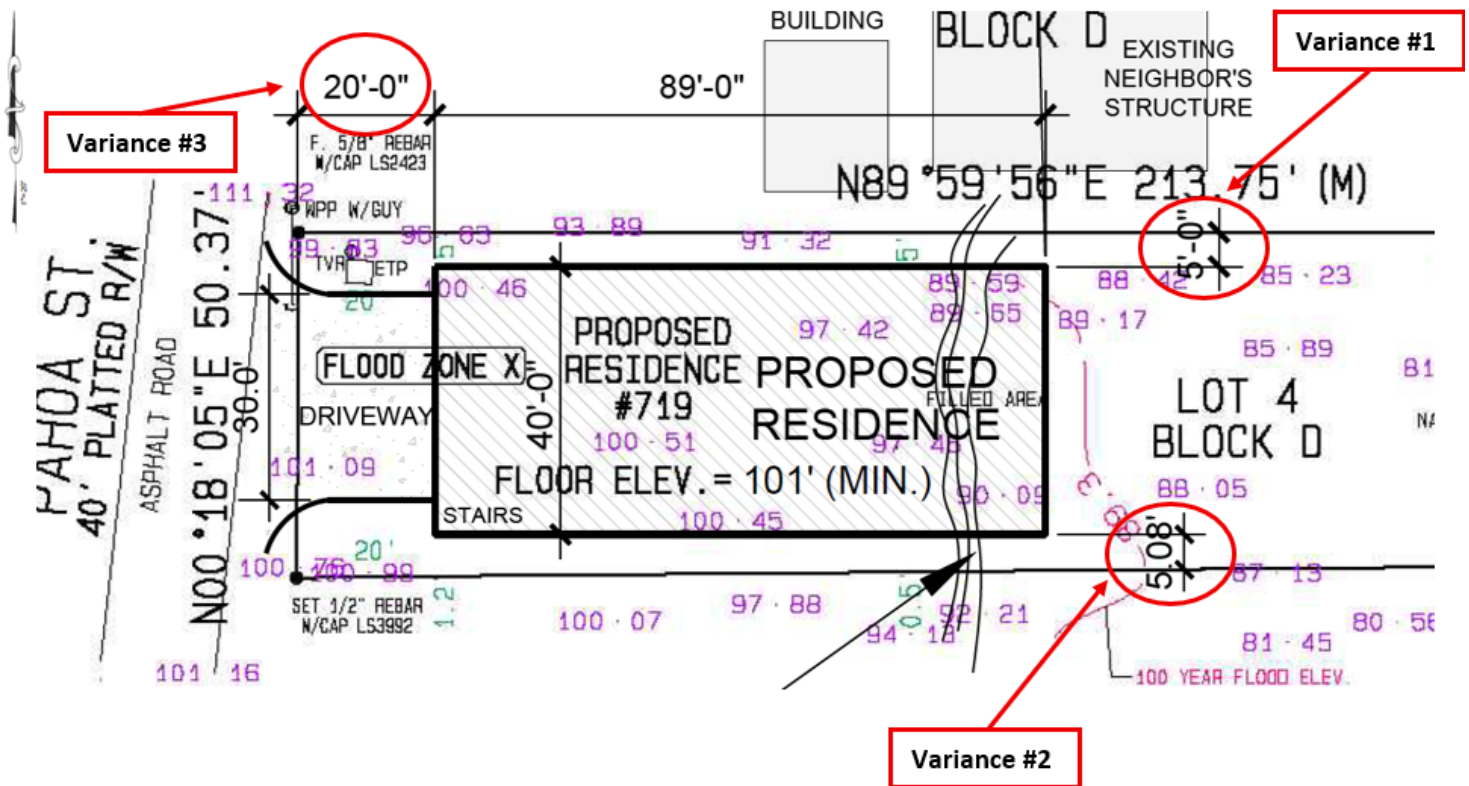
AERIAL MAP



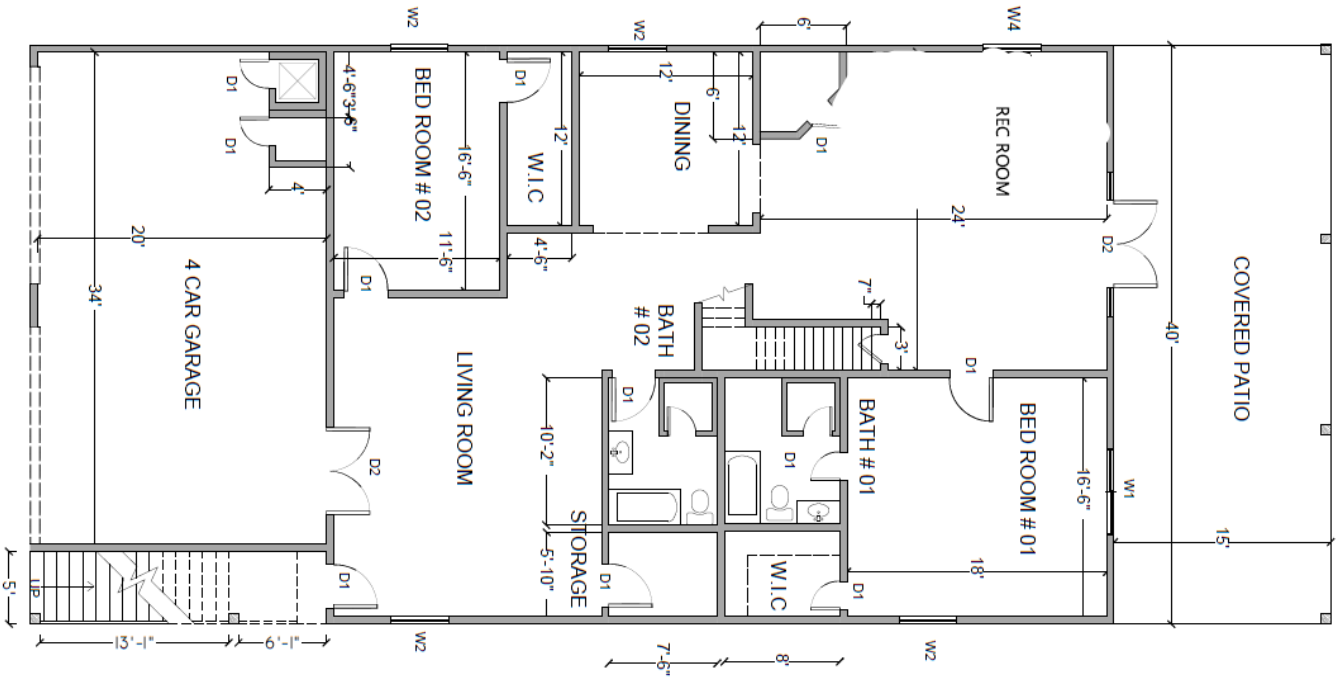
OVERALL SITE PLAN



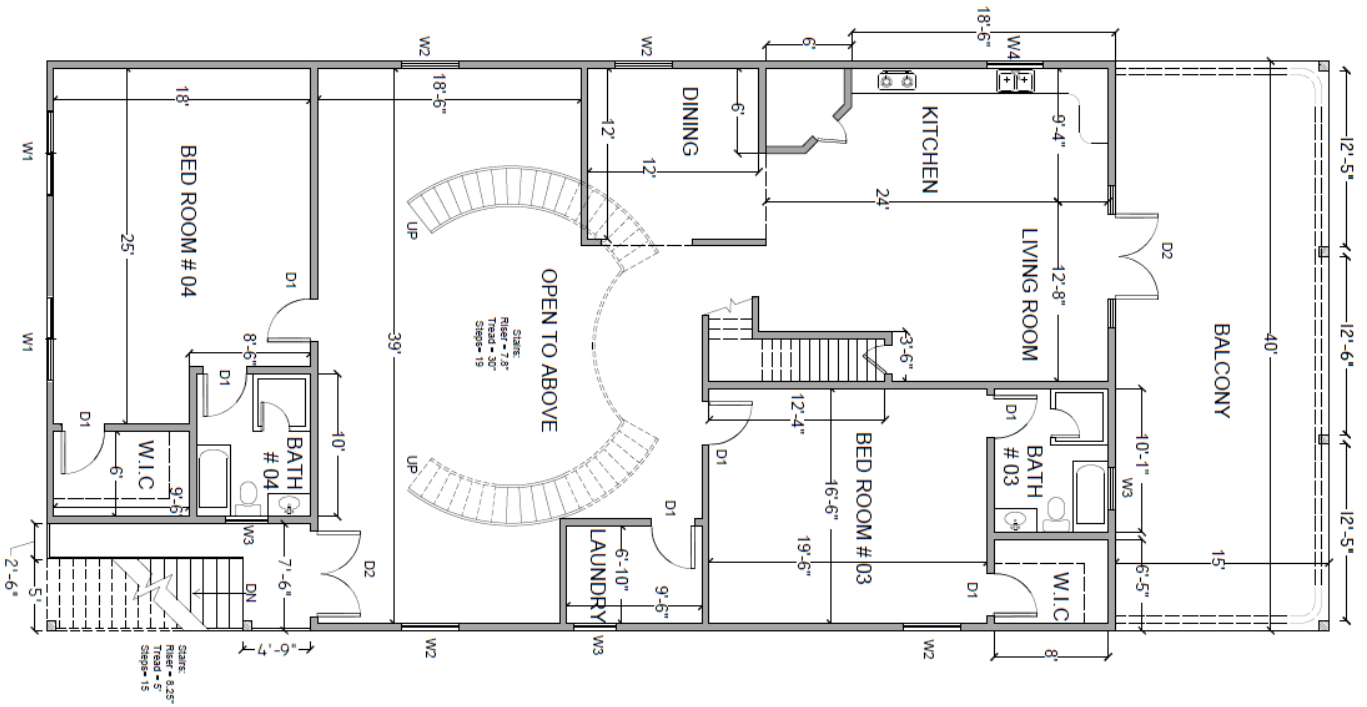
ENHANCED SITE PLAN



FLOOR PLANS

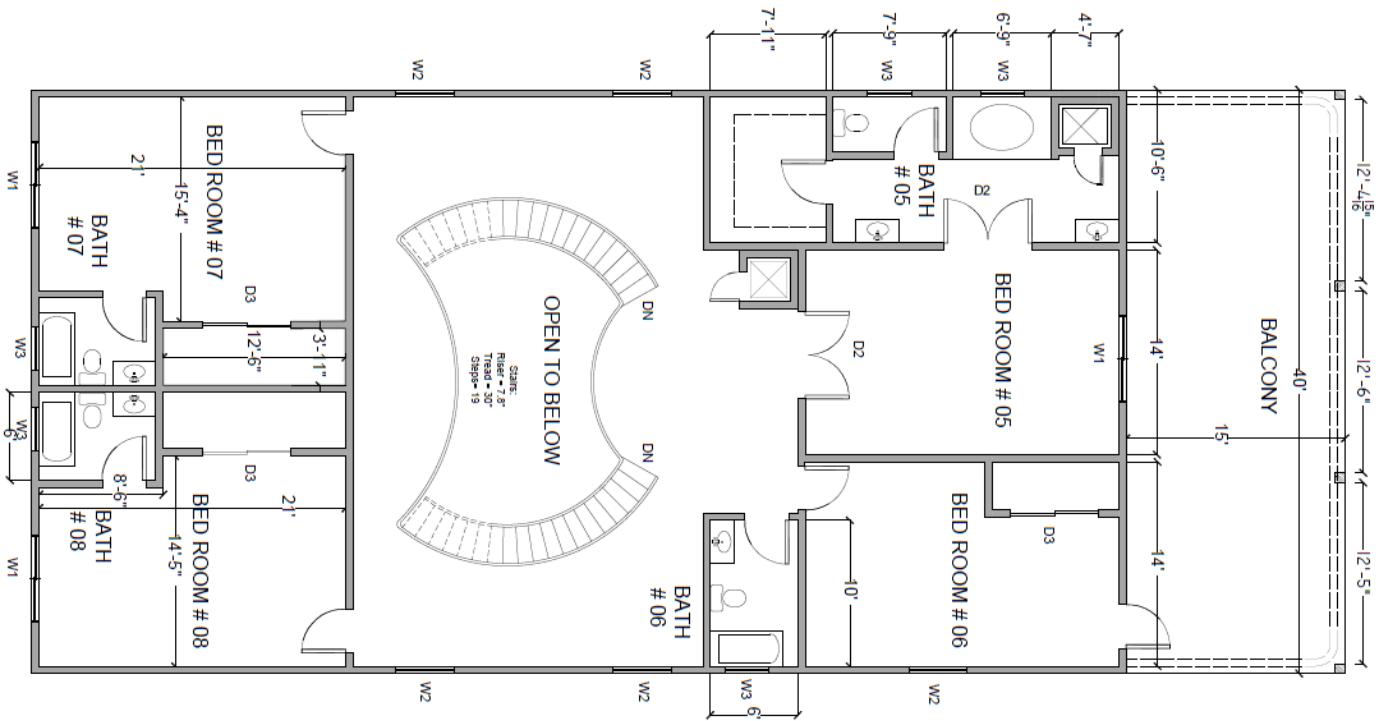


First Floor



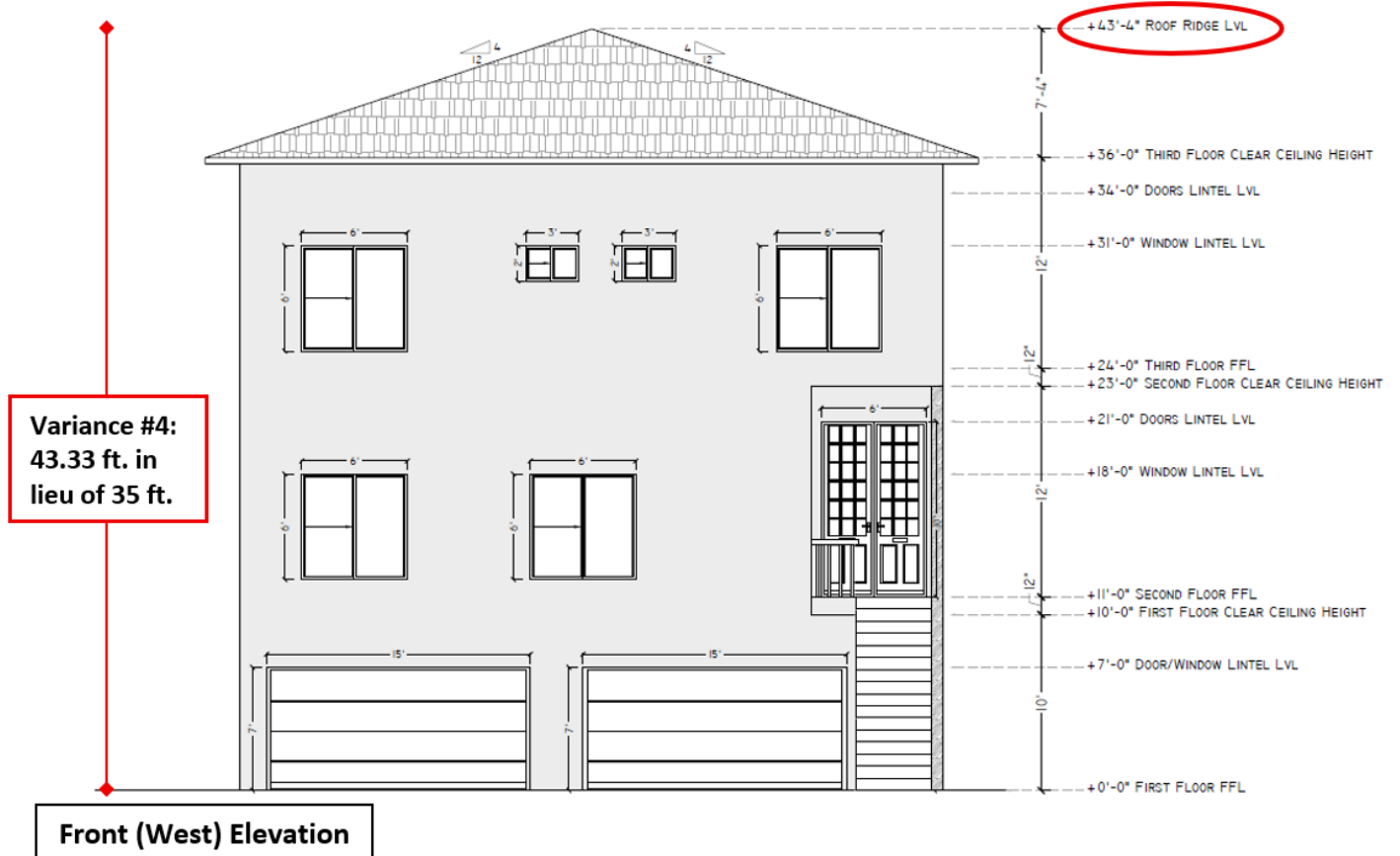
Second Floor

FLOOR PLAN



Third Floor

ELEVATIONS

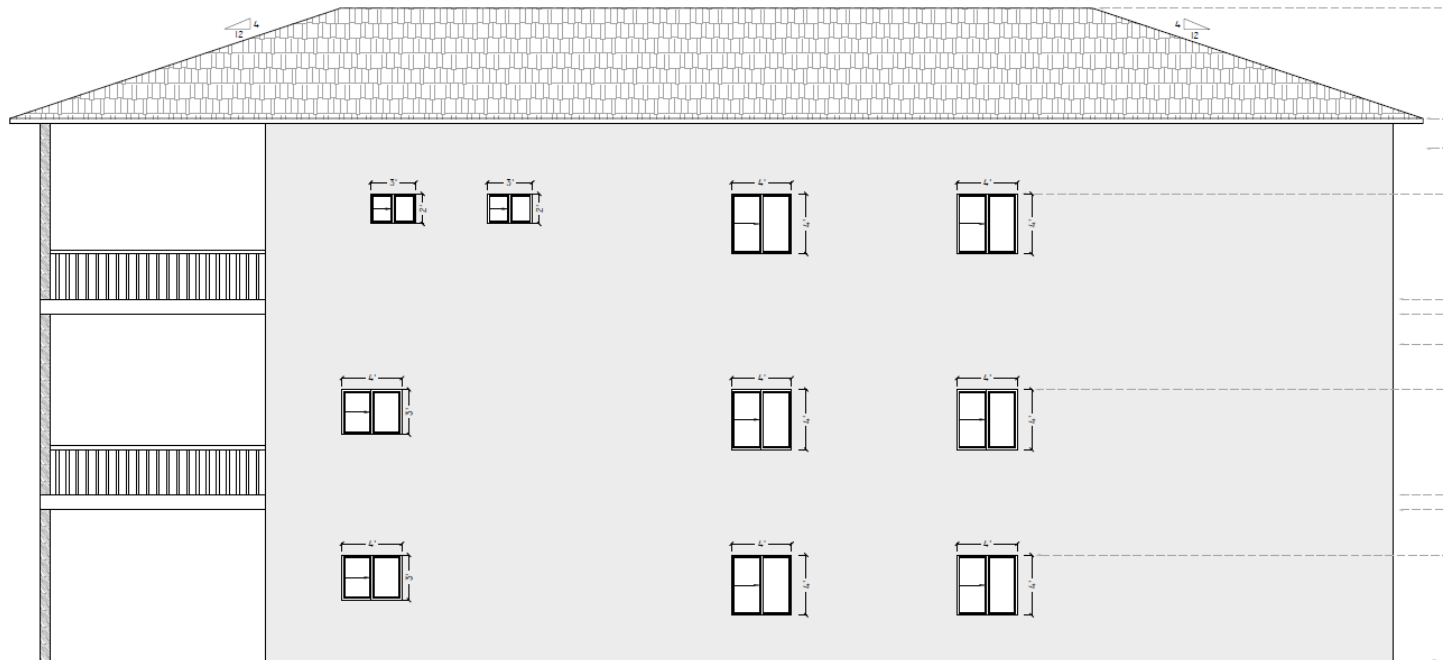


Front (West) Elevation

ELEVATIONS

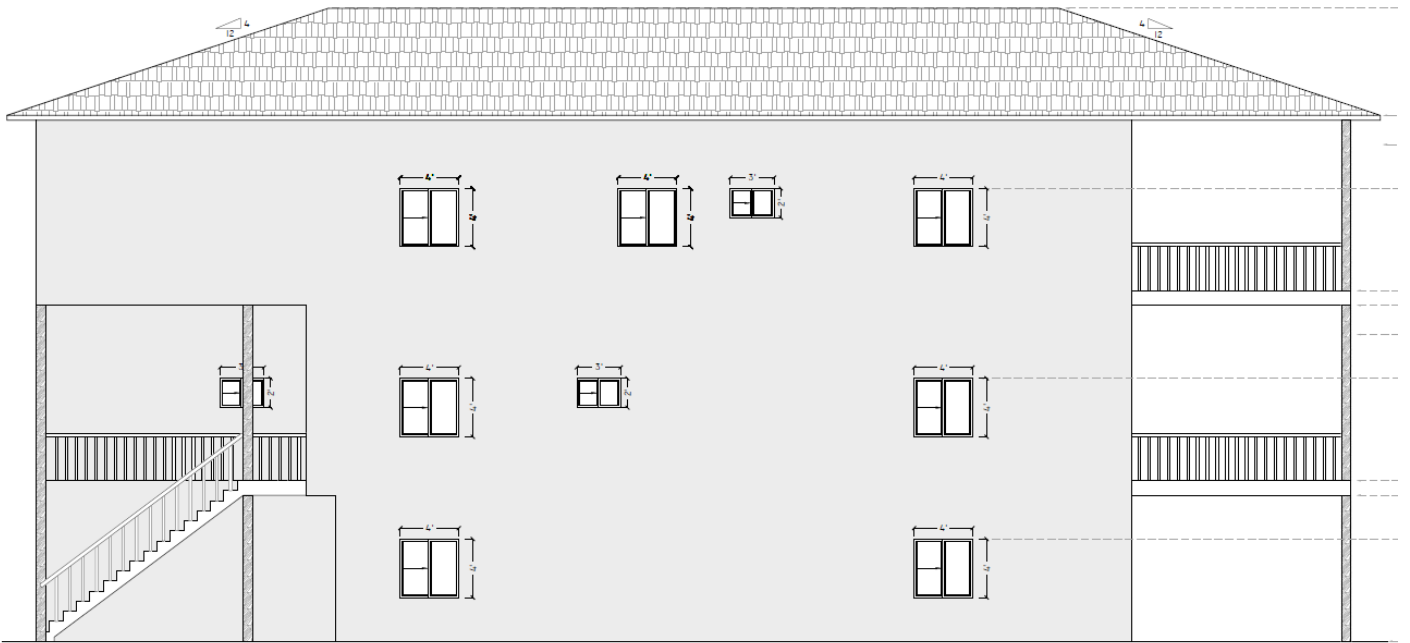


Rear (East) Elevation



Right (North) Elevation

ELEVATIONS



Left (South) Elevation

BIRDSEYE - 2025



SITE PHOTOS



Facing east towards front of subject property



Facing northeast towards front of subject property and the neighboring property to the north

SITE PHOTOS



Facing southeast towards front of subject property and the neighboring property to the south



Facing west towards Pahoia Street from subject property