



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

July 2, 2026

Zoning Division

**ORANGE COUNTY GOVERNMENT
BOARD OF ZONING ADJUSTMENT (BZA)**

<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

Melissa Dunklin	Assistant Manager
Laekin O'Hara	Chief Planner
Catherine Glase	Planner II
Jacqueline Boling	Planner I
Daniella McCloud	Planner I
Virginia Lipscomb	Planner I

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
JULY 2, 2026**

Case #	Applicant	Commission District	Staff Recommendation	BZA	Page #
VA-26-07-059	Sayard Samie	5	Denial	Denial	1
VA-26-07-061	David Clark	1	Denial	Denial	16
VA-26-07-063	Matt Strickland	4	Denial	Approval w/Conditions	29
VA-26-07-060	Joseph Forte	4	Approval w/Conditions	Approval w/Conditions	43
VA-26-07-054	Fouad Faidy	1	Denial	Approval w/Conditions	56
VA-26-07-053	Fouad Faidy	1	Denial	Approval w/Conditions	70
VA-26-07-064	Jorge Rodriguez	2	Denial	Approval w/Conditions	84
VA-26-07-055	Jim Hall	3	Denial	Continued to 8/6/26	97
VA-26-07-057	Reginald Denmark	2	Denial	Approval w/Conditions	115
SE-26-07-050	Timothy Laurenceau	5	Approval w/Conditions	Approval w/Conditions	130

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 August 4, 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	
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	25	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	

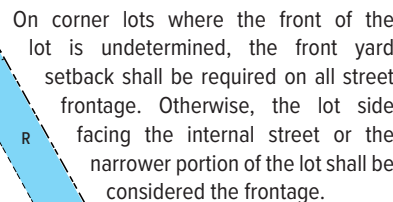
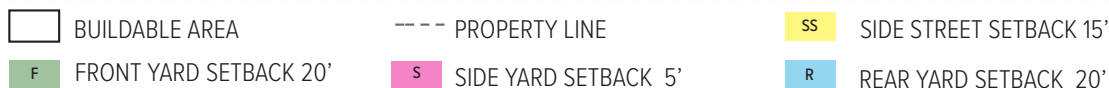
NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements 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: **JUL 02, 2026**

Commission District: **#5**

Case #: **VA-26-07-059**

Case Planner: **Daniella McCloud(407) 836-2939**
Daniella.McCloud@ocfl.net

GENERAL INFORMATION

APPLICANT(s): SAYARD SAMIE

OWNER(s): SAFIYYAH INVESTMENT GROUP LLC

REQUEST: Variance in R-1A zoning district to allow an existing shed with side setback of 3.6 ft. in lieu of 5 ft.

NOTE: This is the result of a code violation

PROPERTY LOCATION: 4436 Fairview Ave., Orlando, FL 32804, west side of Fairview Ave., east side of Lantry Ct., north of W. Fairbanks Ave., east of Edgewater Dr., west of I-4, south of Lee Rd.

PARCEL ID: 03-22-29-2192-00-470

LOT SIZE: 7,118 sq. ft..

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 100

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

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 for the Variance request.

Staff noted that no comments were received in favor and one comment was received in opposition to the request.

The applicant was present and presented images of the surrounding area with comparable accessory structures.

The Board had questions for the applicant regarding the timeline of construction and the self-created nature of the improvement.

There was no one in attendance to speak in favor of the request. There were three people present to speak in opposition to the request, and they all discussed issues with the structure being an intrusion to the neighborhood and the unpermitted addition of a driveway providing rear access to the property.

Code Compliance staff was present and spoke about the code violations for several improvements on the property.

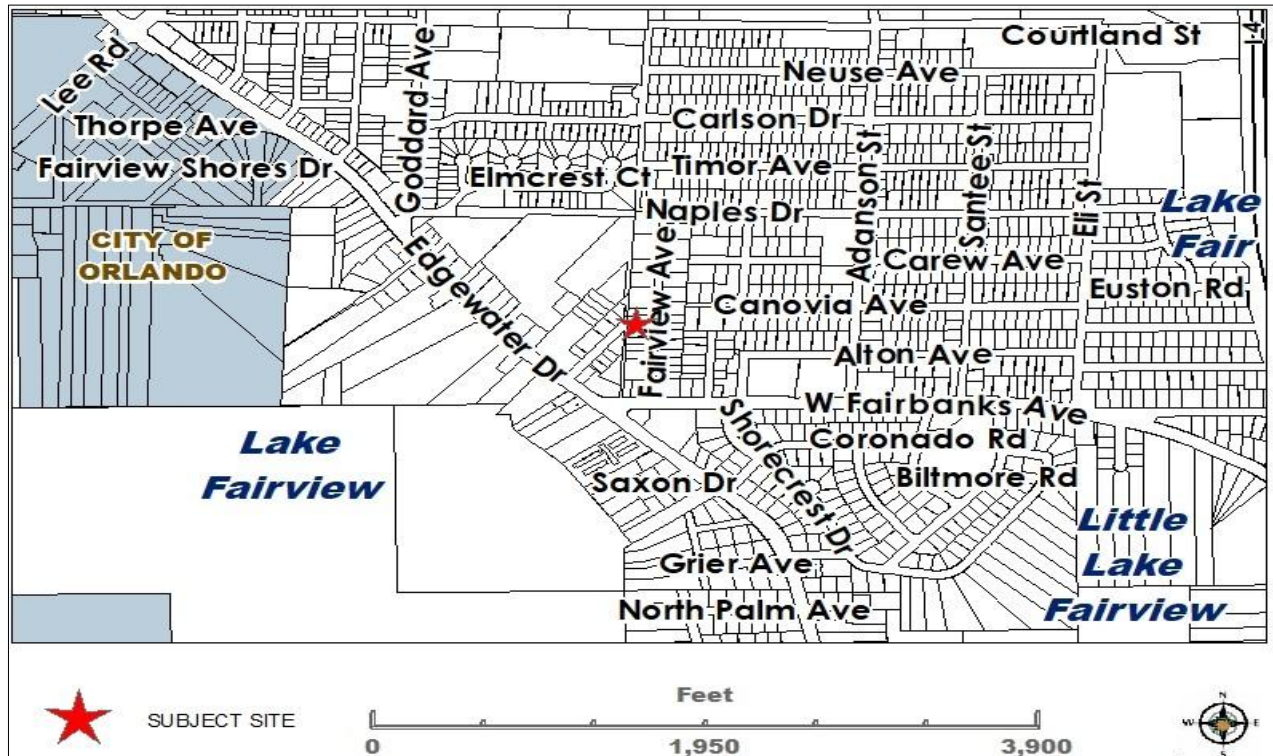
The BZA discussed the structure's placement and stated that the request was self-created and did not accurately reflect the current utilization of the structure.

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

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria 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-1A	R-1A	R-1A	R-1A	R-2
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1A Single-Family Dwelling district, which allows for single-family uses and associated accessory structures. The Future Land Use (FLU) is Low Density Residential (LDR), which is consistent with the R-1A zoning district.

The area around the subject site consists of single-family homes. The subject property is 7,118 sq. ft. in size and was platted in 1924 as lot 47 of the Dowd Park plat and is a substandard lot of record due to its lot width and lot area. The property is a double frontage lot with rights-of-way along Fairview Ave. to the east and Lantry Ct. to the west. Fairview Ave. is the primary access point for the property. Per Sec. 38-1405(d), *on double frontage lots, unless otherwise determined by the Zoning Manager the required front yard shall be provided on each street; except that when all lots in the block have been or will be developed with all of the*

buildings facing the same street, the second frontage of those lots shall be designated and utilized as rear yard. All lots on the block have been developed to face Fairview Ave., making this the front, and Lantry Ct. the rear.

The property is developed with a one-story 1,864 gross sq. ft. single-family home. The existing home is located 2.8 ft. from the south side property line and 18.7 ft. from the front property line. The minimum side setback for a property located in the R-1A zoning district is 7.5 ft. and the minimum front setback is 25 ft. The home was constructed in 1936 prior to the adoption of the Zoning Code in 1957; therefore, the structure is considered legal non-conforming and does not require a Variance. Additional improvements include a 426 sq. ft. detached accessory structure (shed) in the rear yard and a wood fence enclosing the side and rear yards. The existing shed in the rear of the property was installed without a permit, constructed sometime between January 2025 and January 2026 based on birds eye images of the property. The property was purchased by the current owner in April of 2024.

A Code Compliance violation (CE: 667207) was issued on January 7, 2026, for an accessory structure constructed without a permit, fencing installed without a permit, and a gravel driveway at the rear of the property. A building permit application for the shed (B26001642) was submitted on January 28, 2026; however, the permit is outstanding pending multiple deficiency comments. The Zoning reviewer identified that the existing accessory structure did not conform with the minimum detached accessory structure setback of 5 ft. from the side property line. Permit applications were also submitted for the fence (F26007659), and for the gravel driveway (B26009344); however, the permits are still outstanding pending multiple deficiency comments.

The request is to allow the existing shed to remain in its current location, encroaching into the side setback. The structure is located 3.6 ft. from the south side property line. Per Orange County Code Sec. 38-1426(1)c.2.(ii) a detached accessory structure with a height of fifteen (15) feet or less shall be set back a minimum of 5 ft. from any side or rear lot line, prompting the Variance. The existing shed meets all other development standards. The provided floor plan indicates the shed includes a bathroom and bedroom, Orange County Code Sec. 38-1 defines an Accessory Dwelling Unit (ADU) as follows, “*Accessory dwelling unit* shall mean a separate additional dwelling unit, including kitchen, sleeping, and full bathroom facilities, attached or detached from the primary residential unit, on a single-family lot, and subordinate in size, location, and appearance to the primary dwelling unit.” Because the existing structure does not contain kitchen facilities, it would not be classified as an ADU and thus is subject to accessory structure standards as outlined in Orange County Code Sec. 38-1426(1).

Accessory Structure Development Standards

	Code Requirement	Proposed
Max. Height:	25 ft.	10.16 ft.
Max. Cumulative Square Footage:	10% of the net land area / 711.8 sq. ft.	426 sq. ft.

Building Setbacks (Accessory Structures)

	Code Requirement	Proposed
Front (Fairview Ave.):	Not located in front of the principal structure	N/A
Side:	5 ft.	3.6 ft. (South -Variance) 32 ft. (North)
Rear (Lantry Ct.):	5 ft.	10.8 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 and one comment has 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. Staff have determined that the Variance request does not meet all the criteria. Based on staff analysis, had permits been obtained prior to construction, the applicant could have redesigned or relocated the structure to comply with all development standards. Therefore, staff is recommending denial of the Variance.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET – There are no special conditions or circumstances peculiar to this property, as the property is not irregularly shaped and the structure could have been redesigned or relocated to be code compliant.

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 redesigned or relocated to be code compliant.

No Special Privilege Conferred

NOT MET – Approval of the requested Variance will confer on the applicant special privilege that is denied by this chapter as any accessory structure under 15 ft. height in the R-1A zoning district must maintain 5 ft. from all side property lines.

Deprivation of Rights

NOT MET – The Variance request is not a deprivation of rights because the yard can still be enjoyed without the existing shed. Further, there is adequate room in the yard for the shed to be located in a code compliant location.

Minimum Possible Variance

MET – The requested Variance is the minimum possible to allow the existing development to remain in its current configuration.

Purpose and Intent

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 on minimizing the impact that structures have on surrounding properties. The setback requirements for accessory structures are intended to provide adequate separation between structures, protect adjoining properties from visual and physical encroachment, and ensure that development occurs in a manner consistent with established zoning standards.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the survey dated January 21, 2026, and elevations dated April 30, 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.
4. A permit for the shed 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.
5. Prior to the issuance of the permit for the shed, permits shall be obtained for the existing fence and gravel driveway, or they shall be removed.

C: Sayard Samie
12707 Oulton Circle
Orlando, Florida 32832

City of Orlando Board of Zoning Adjustment (BZA)

Re: Variance Application – Existing Shed Setback

Property Address: 4436 Fairview

Applicant: SAFIYYAH INVESTMENT GROUP LLC

Parcel Number: 03-22-29-2192-00-470

Zoning District: R-1A

Date: April 15, 2026

Variance Justification Statement

Dear Members of the Board,

I respectfully submit this letter in support of my application for a variance regarding an existing shed located approximately 3 feet 6 inches from the property line, which is less than the required setback.

For clarification, the main residence on the property is located approximately 2 feet 8 inches from the side setback. The closest point of the existing accessory structure (mother-in-law unit/shed) is nearly one foot farther from the property line than the main house. Additionally, the structure is positioned at an angle, with the rear portion measuring approximately 4 feet 5 inches from the property line.

1. Special Conditions and Circumstances

The subject property contains an existing structure installed prior to ownership. The placement reflects existing development patterns in the neighborhood.

2. Not Self-Created

The hardship is not self-created, as the structure existed prior to acquisition approximately two years ago.

3. Minimum Possible Variance

The variance requested is the minimum necessary. Relocation or demolition is not feasible due to space limitations and unnecessary cost.

4. No Special Privilege Conferred

Approval will not confer special privilege and is consistent with nearby properties.

5. Deprivation of Rights

Denial would deprive the owner of reasonable use of an accessory structure commonly enjoyed in the area.

6. Purpose and Intent

The structure does not negatively impact light, air, access, or neighborhood compatibility and remains consistent with the intent of the Land Development Code.

This request is being made to obtain proper permits and legalize any existing nonconforming structure in compliance with City requirements.

Conclusion

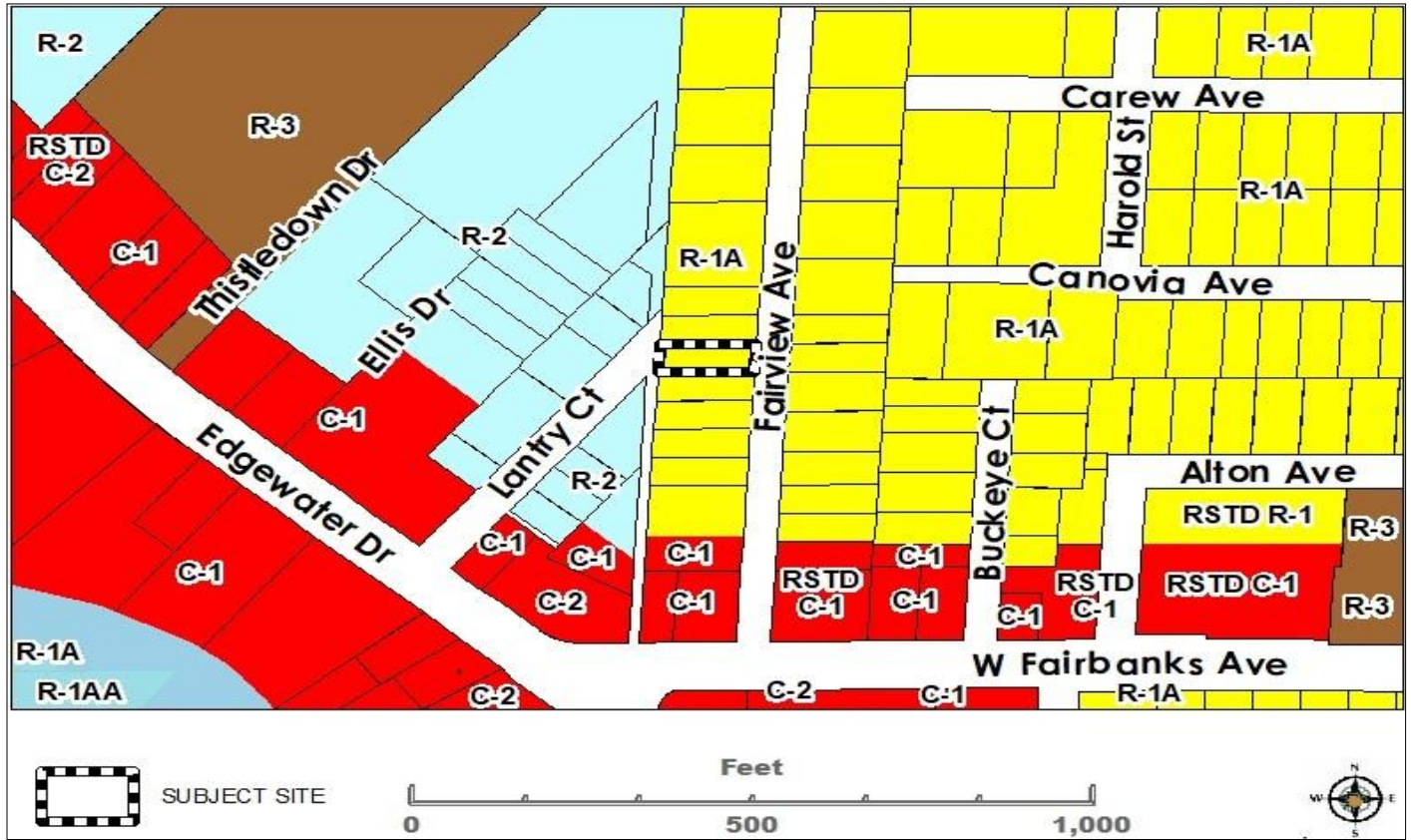
The applicant respectfully requests approval of this variance.

Sincerely,

SAFIYYAH INVESTMENT GROUP LLC

Phone: 443-838-2771

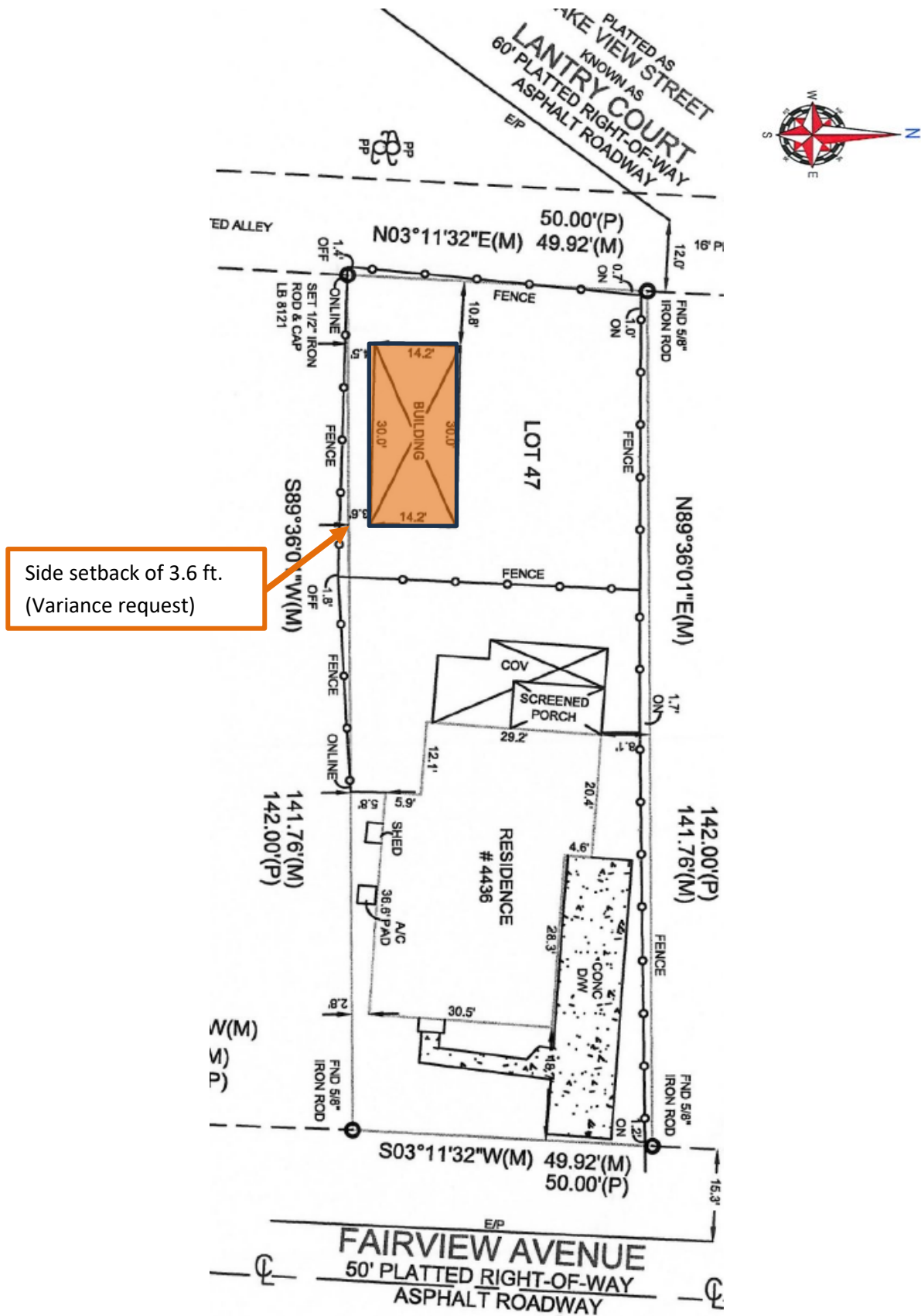
ZONING MAP



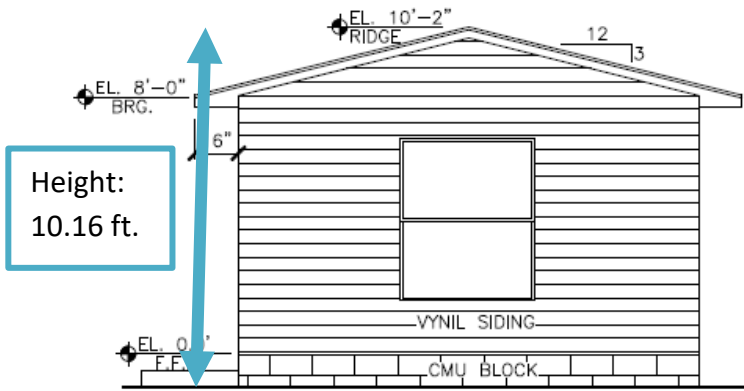
AERIAL MAP



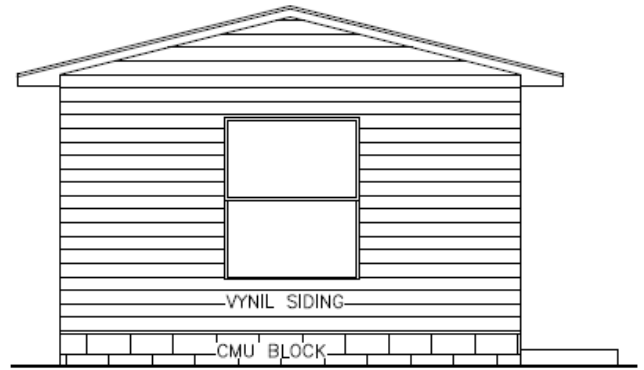
ENHANCED SURVEY



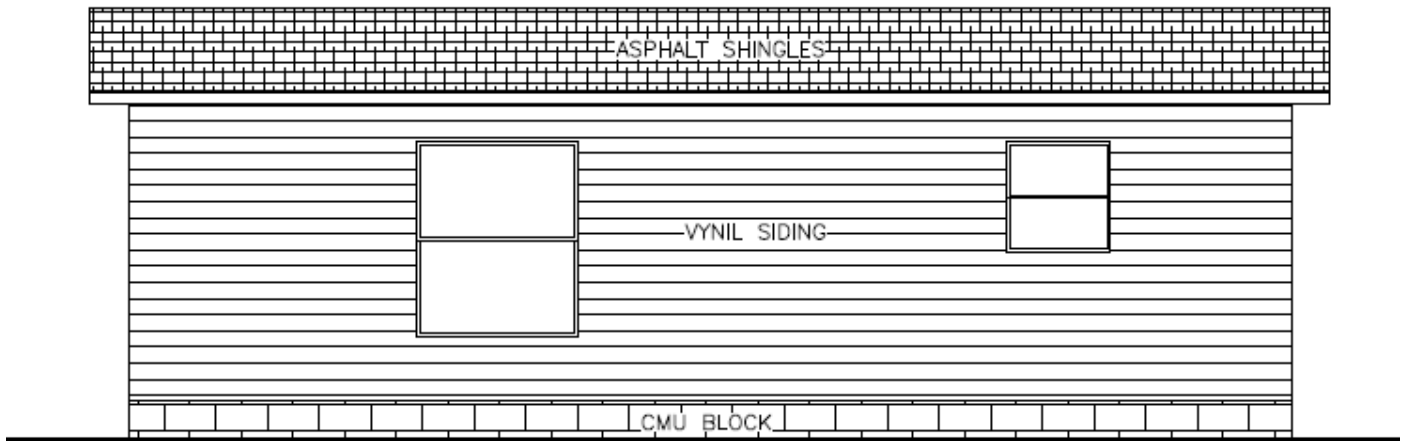
ELEVATIONS



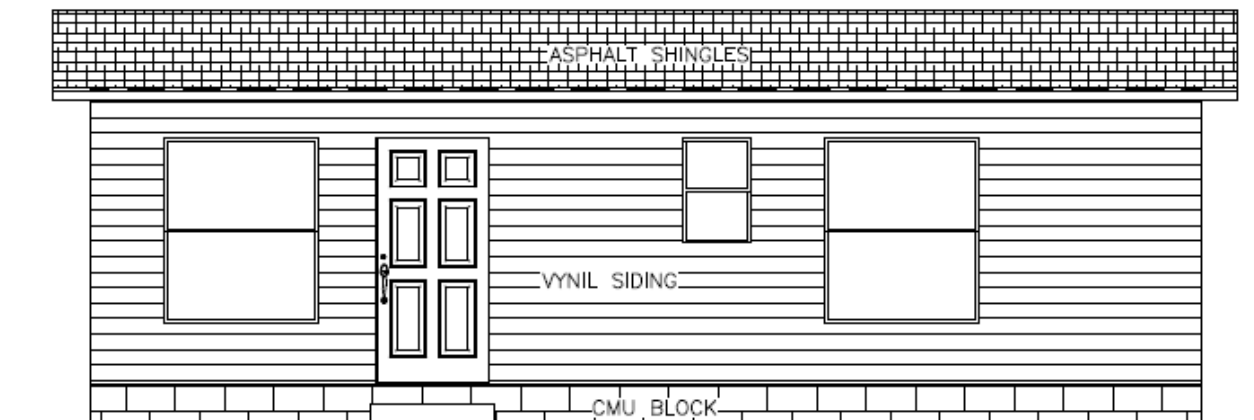
East Elevation



West Elevation

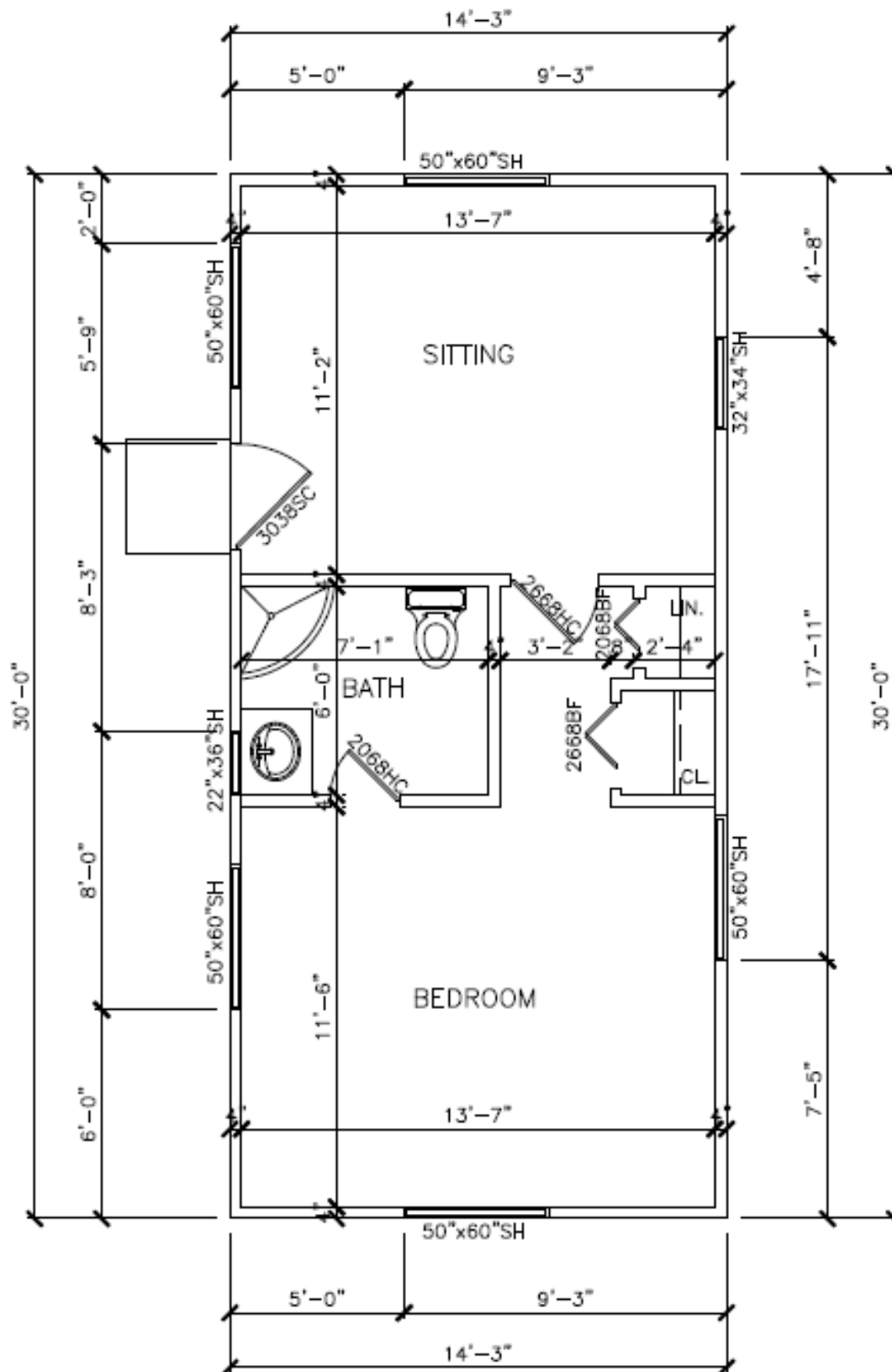


North Elevation



South Elevation

FLOOR PLAN



BIRDSEYE VIEW JANUARY 2025



BIRDSEYE VIEW JANUARY 2026



SITE PHOTOS



On Fairview Ave., facing west towards the front of the subject property



On the subject property, facing southwest towards the rear yard, existing fence, and existing shed on the other side of the fence

SITE PHOTOS



On Lantry Ct., facing east towards the existing fence and accessory structure



On the subject property, facing south towards the existing accessory structure

SITE PHOTOS



On the subject property, facing east towards the existing shed



On the subject property, facing west towards the side of the existing shed

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 02, 2026**

Commission District: **#1**

Case #: **VA-26-07-061**

Case Planner: **Daniella McCloud(407) 836-2939**
Daniella.McCloud@ocfl.net

GENERAL INFORMATION

APPLICANT(s): DAVID CLARK

OWNER(s): SOUTHWEST TOWN CENTER LLC

REQUEST: Variance in the PD zoning district to allow a maximum copy area of 102 sq. ft. for wall signage in lieu of 82.5 sq. ft.

PROPERTY LOCATION: 8680 Fenton St., Orlando, FL 32836, northeast corner of S. Apopka Vineland Rd. and Daryl Carter Pkwy., west of I-4, south of W. Sand Lake Rd.

PARCEL ID: 15-24-28-6187-01-000

LOT SIZE: 17.95 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 99

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

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 for the Variance request. Staff noted that no comments were received in favor of or in opposition to the request.

The applicant was not present. One individual spoke in favor of the request stating they are employed by the applicant and are the sign installer. They went on to discuss how the request complies with the six Variance criteria. There was no one in attendance to speak in opposition to the request.

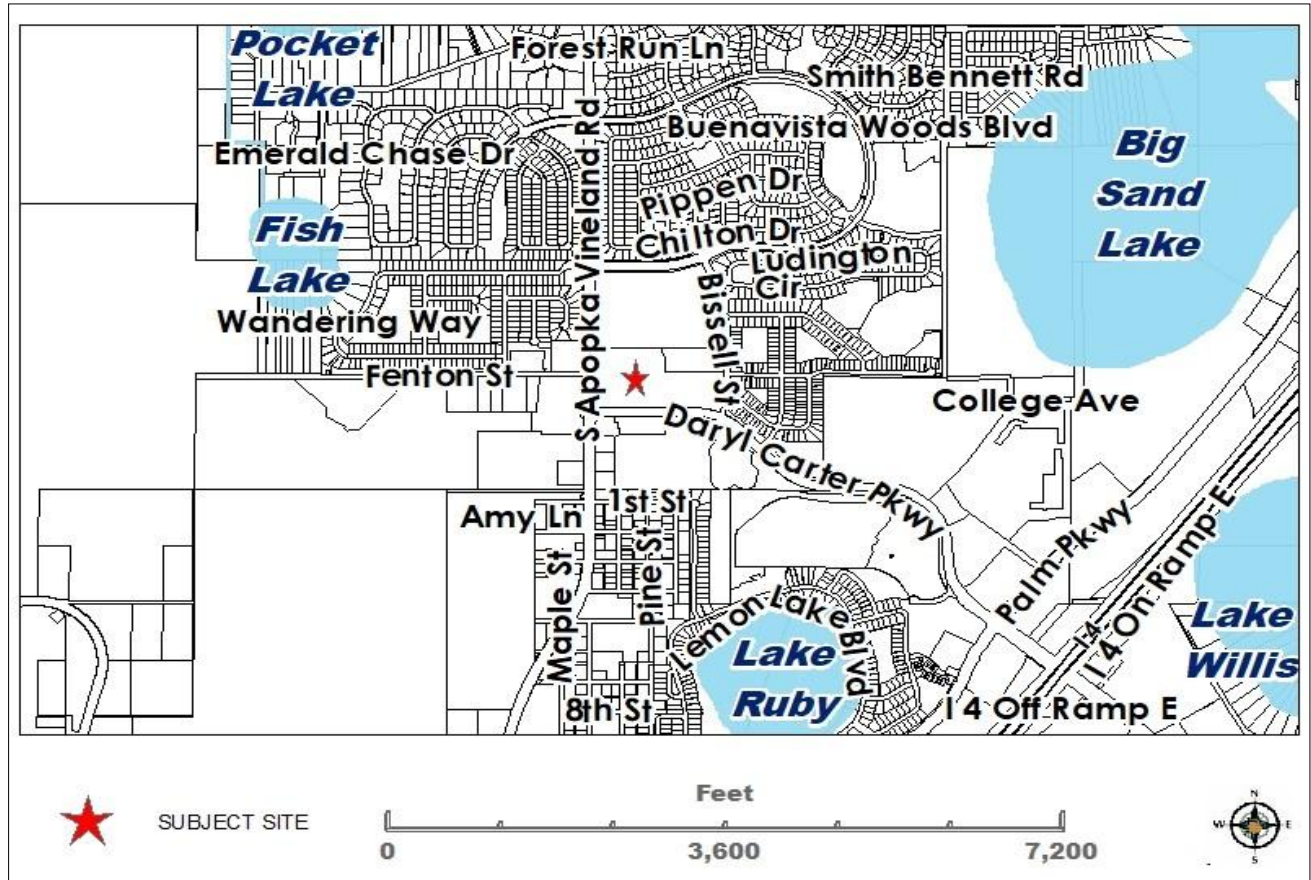
The BZA discussed the sign requirements for the overall planned development and stated there are no special conditions prompting the need for additional signage.

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

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria 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	PD	PD	PD	PD	PD
Future Land Use	PD	PD	PD	PD	LMDR
Current Use	Dental Office	OCPS Public School	Commercial Plaza/ Multi-Family Housing	Single-Family Residential	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned Planned Development (PD) and is located within the Kerina Parkside PD. The Kerina Parkside PD permits a variety of uses, including single-family residential, multi-family residential, and commercial uses. The property's Future Land Use (FLU) designation is Planned Development (PD), which is consistent with the PD Zoning District. The property is also located in the Buena Vista North (BVN) overlay district. The BVN overlay district has restrictions and prohibitions related to architectural design, including for signage. These code requirements are intended to provide specific design standards for the BVN district with the purpose of fostering higher quality developments through unique design elements, including building materials, signs, and landscaping.

The subject property is a 17.95-acre corner lot developed with a multi-tenant commercial building, a grocery store, a bank, a dental office, and a surface parking lot. The property was platted in 2022 as Lot 1 of the O-Town Town Center North plat and has public right-of way frontage along S. Apopka Vineland Rd. to the west and Daryl Carter Pkwy. to the south. A private right-of-way, Fenton St., runs west to east through the parcel. The property contains a one-story dental office, situated at the southeast corner of S. Apopka Vineland Rd. and Fenton St., which was constructed in 2022.

The Buena Vista North District signage standards refers to Sec. 31-5-15(2) for copy area, which states, *“For signs erected on buildings, such as marquee signs, awning signs, projecting signs, roof signs, and wall signs (facia signs), a total of one and one-half (1½) square feet of copy area for signage may be allowed for each one (1) linear foot of building frontage per establishments, having up to two hundred (200) linear feet of building frontage. An additional one-half (½) square foot of copy area shall be allowed for each linear foot over two hundred (200) linear feet provided the total copy area for signage shall not exceed four hundred (400) square feet per establishment.”* The existing dental office building has 55 linear feet of frontage along the western façade, which allows a maximum wall signage copy area of 82.5 sq. feet. The Buena Vista North Overlay typically restricts wall signage to one per establishment on the primary façade, however, a waiver was granted within the Kerina Parkside Planned Development Master Sign Plan to remove this restriction.

There are two existing wall signs, with a cumulative total size of 68 sq. ft., on the south and east facades, in compliance with the sign regulations. The proposal is to install an additional wall sign along the western façade of the dental office, which will have visibility along S. Apopka Vineland Rd. The proposed wall sign contains 34 sq. ft. of copy area, which with the existing two signs results in a total copy area of 102 sq. ft., therefore prompting the Variance request. In addition to the existing wall signage, there is a 9 sq. ft. ground sign for the dental office at the intersection of S. Apopka Vineland Rd. and Fenton Street.

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 or in opposition to this request.

Section 30-43(3) of the Orange County Code stipulates that a recommendation for approval may only be made if all six variance criteria are satisfied. Based on staff’s analysis, the proposed signage could be reduced in size and/or number to comply with code requirements. Therefore, staff is recommending denial of the variance request.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET - There are no special conditions or circumstances associated with the property that would necessitate additional sign copy area beyond what is permitted by code. There are two existing wall signs and an existing ground sign that provide clear visibility of the dental office from the roadway. The wall sign could be redesigned to accommodate compliant signage.

Not Self-Created

NOT MET - The need for the Variance is self-created, as a smaller sign and/or fewer signs could be installed in compliance with current regulations.

No Special Privilege Conferred

NOT MET - Granting the requested Variance would confer a special privilege upon the applicant, as surrounding properties and other businesses within the subject development are required to comply with the same sign regulations and copy area limitations established by the Orange County Code.

Deprivation of Rights

NOT MET - Denial of the Variance would not deprive the property owner of the ability to install signage that complies with code requirements, as alternative options exist to reduce the size and/or number of signs to achieve compliance.

Minimum Possible Variance

NOT MET - The request is not the minimum possible as a code compliant sign could be installed.

Purpose and Intent

NOT MET - Approval of the requested Variance would not be in harmony with the purpose and intent of the Zoning Regulations, which are intended to promote consistency and uniformity in signage standards. Granting the Variance would permit signage that exceeds the regulations applicable to all zoning districts and would result in signage that is inconsistent with the established code requirements.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and sign details date stamped June 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: David Clark
821 Fentress Ct.
Daytona Beach, FL 32117

VARIANCE APPLICATION – COVER SHEET & PROJECT SUMMARY

Project Address: 8680 Fenton Street, Orlando, FL 32836

Jurisdiction: Orange County, Florida

Applicant: Southeastern Lighting Solutions

Project Name: Dental Care – Wall Signage

REQUEST

The applicant is requesting a variance to allow wall signage that exceeds the maximum allowable sign copy area as permitted by the Orange County Sign Code.

Per code requirements, the total allowable sign area is calculated at **1.5 square feet per linear foot of building frontage**. Based on a frontage of **53.33 linear feet**, the maximum permitted sign area is **79.995 square feet**.

Existing permitted signage on the site accounts for approximately **68 square feet** of copy area. The proposed signage is approximately **30 square feet**, resulting in a total of approximately **98 square feet**, which exceeds the allowable maximum.

PURPOSE OF REQUEST

The purpose of this variance request is to allow additional wall signage necessary to provide adequate business identification for the tenant space. Due to the building configuration and multi-tenant layout, existing signage does not provide sufficient visibility from all primary approaches to the site.

JUSTIFICATION SUMMARY

- The request is **not self-created** and results from site constraints and building orientation.
- The tenant space has **limited effective frontage visibility**, reducing the functionality of code-compliant signage.
- The proposed signage is **modest in scale** and consistent with surrounding development.
- The additional signage will **not create visual clutter or negatively impact adjacent properties**.
- Denial of the variance would result in **unnecessary hardship** by limiting adequate identification for the business.

PROPOSED SIGNAGE SUMMARY

- Existing Signage: ~68 SF
- Proposed Signage: ~30 SF
- Total Signage: ~98 SF
- Maximum Allowed: ~79.995 SF

CONCLUSION

The requested variance is necessary to allow reasonable and functional signage for the tenant while maintaining compatibility with the character of the development. Approval of this request will not be contrary to the public interest and will uphold the intent of the sign code.

VARIANCE CRITERIA

VARIANCE CRITERIA

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 features a multi-elevation building design with exposure to multiple traffic approaches along Daryl Carter Parkway. Due to the orientation of the building and site access, signage on more than one elevation is necessary for effective visibility.

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. he request for variance from the allowable square footage is not self-created. The need for the variance arises from existing site constraints and regulatory limitations rather than any deliberate action by the applicant. The property's configuration, development standards, and operational requirements necessitate signage that exceeds the permitted square footage in order to provide adequate visibility and identification.

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. Approval of this variance will not confer any special privilege that is denied to other properties. The request is based on: The unique multi-elevation building configuration, and The need for visibility from multiple vehicular approaches. Other similarly situated properties with comparable constraints could reasonably seek similar relief under the same conditions. The variance is therefore site-specific.

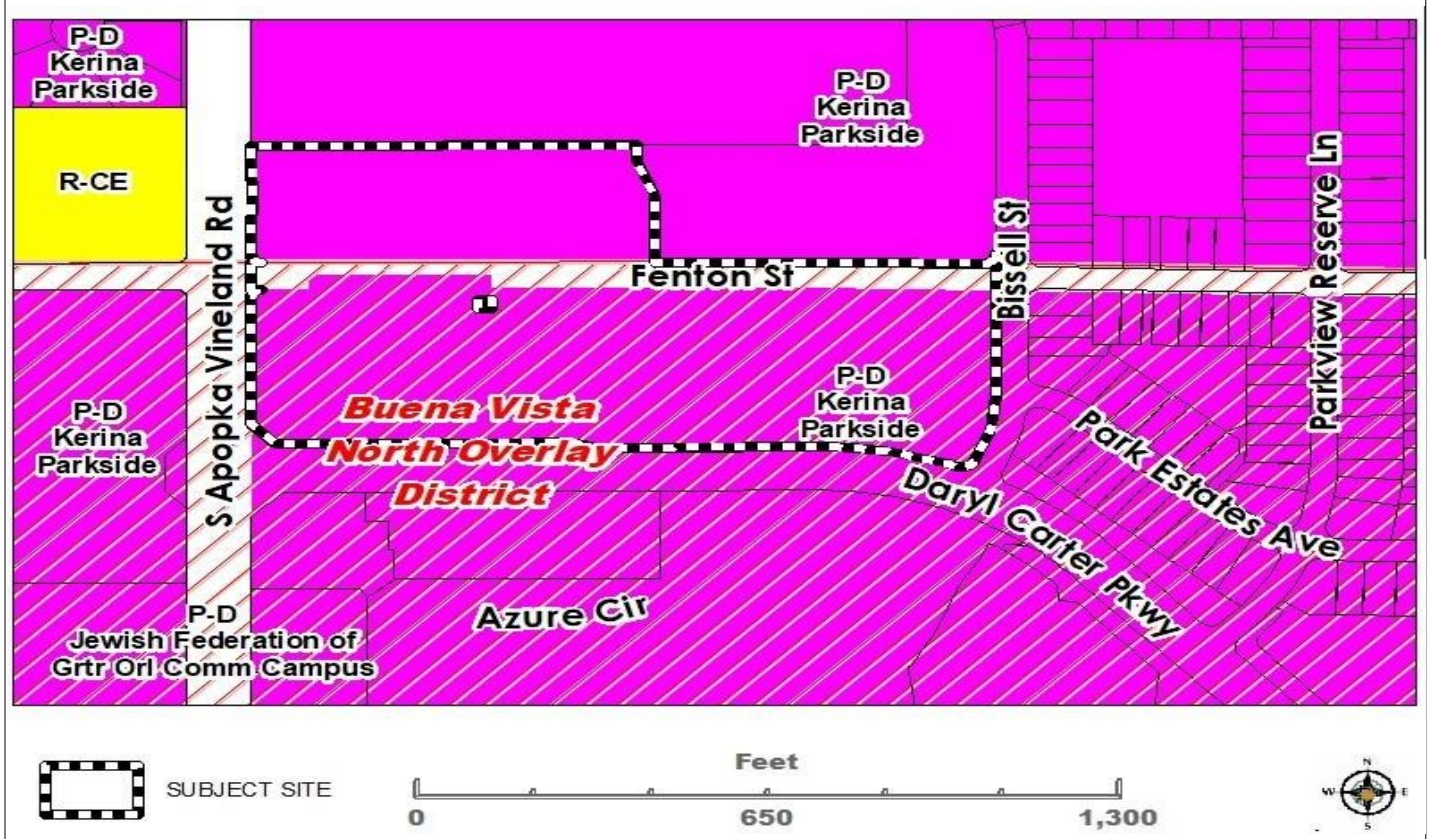
4. **Deprivation of Rights** - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial 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.

Strict application of the sign code would limit the tenant to approximately 11,995 sq ft of additional copy area, which is not sufficient to provide effective identification for customers approaching from all directions

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 the minimum necessary to allow functional signage.
Maximum allowed: 79,995 sq ft Existing signage: 68 sq ft Proposed sign: 30 sq ft Total proposed: 98 sq

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.
The intent of the sign regulations is to: Prevent visual clutter Maintain aesthetic consistency Ensure public safety

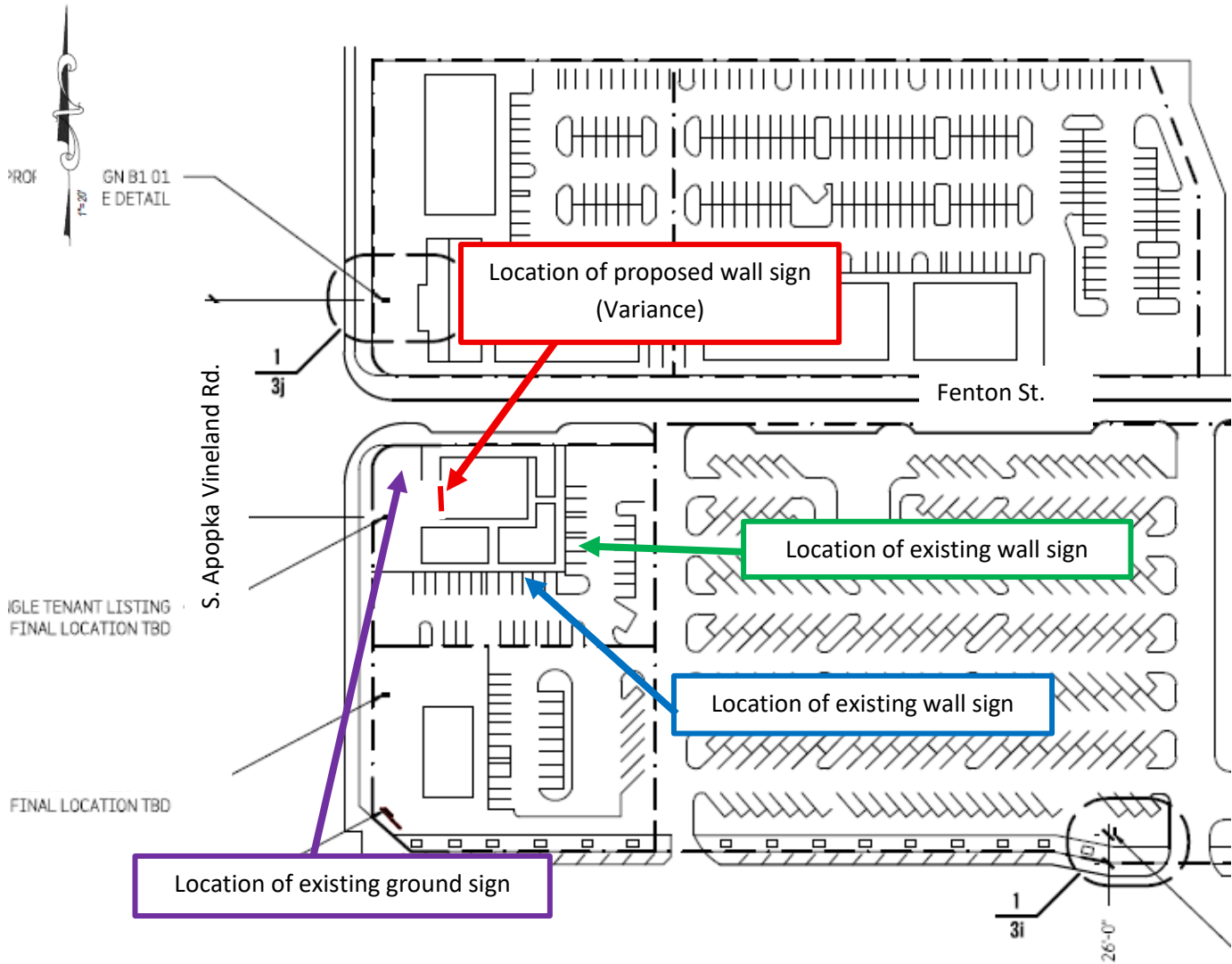
ZONING MAP



AERIAL MAP

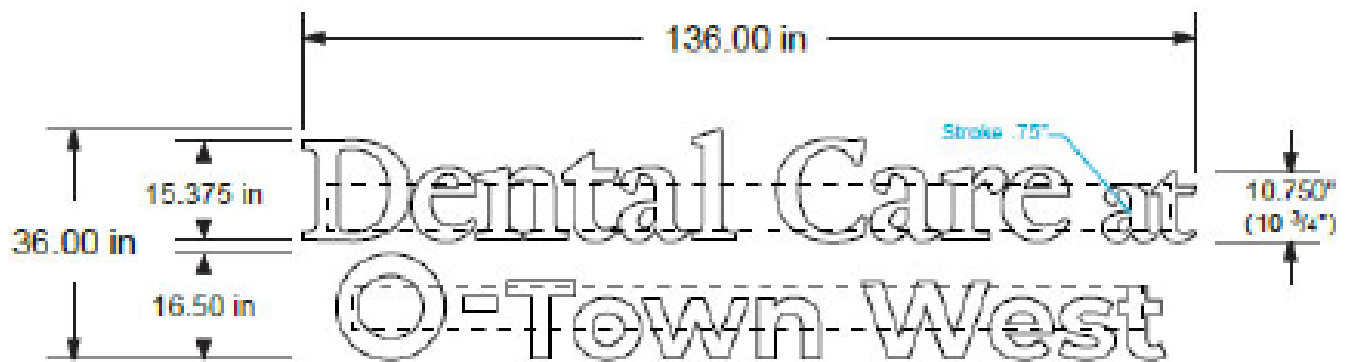
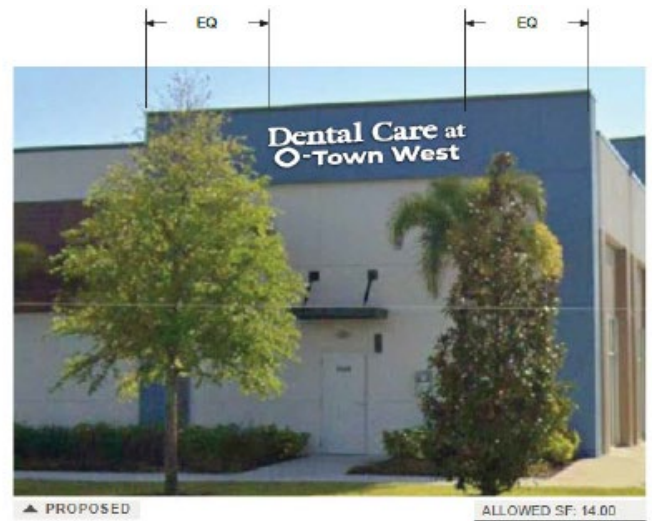


PARTIAL SITE PLAN



SIGN DETAILS

Rear (West) Elevation



SITE PHOTOS



Facing east from S. Apopka Vineland Rd. towards the proposed wall signage



Facing north along S. Apopka Vineland Rd. towards the existing ground sign

SITE PHOTOS



Facing northwest towards the existing dental office



Facing west towards the dental office main entrance

SITE PHOTOS



Facing north towards existing dental office

2026 BIRDSEYE AERIAL



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 02, 2026**

Commission District: **#4**

Case #: **VA-26-07-063**

Case Planner: **Daniella McCloud (407) 836-2939**

Daniella.McCloud@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MATT STRICKLAND

OWNER(s): DUSTIN CORNELIUS, BRITTANY CORNELIUS

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

- 1) To allow a pool and deck in the side street yard in lieu of the side or rear yard
- 2) To allow pool equipment in the front yard in lieu of the side or rear yard

PROPERTY LOCATION: 9712 James Creek Road, Christmas, FL, 32709, southeast corner of S. R. 520 and Holt Preserve Rd., west side of James Creek Rd., south of S. R. 528, west of the St. Johns River, east of S. County Rd. 13

PARCEL ID: 06-24-34-0000-00-021

LOT SIZE: 2.12 acres (1.98 upland acres)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 21

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

1. Development shall be in accordance with the site plan dated May 28, 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.

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

The BZA asked staff about the permitting process for the pool and the permit status for the proposed residence.

The applicant was present and discussed the lot constraints due to the multiple frontages and the existence of wetlands on the property. The applicant also discussed the orientation of the home on the lot and providing reasonable access.

The BZA asked the applicant about possible locations of the home and how it would impact the proposal of a pool and associated equipment.

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

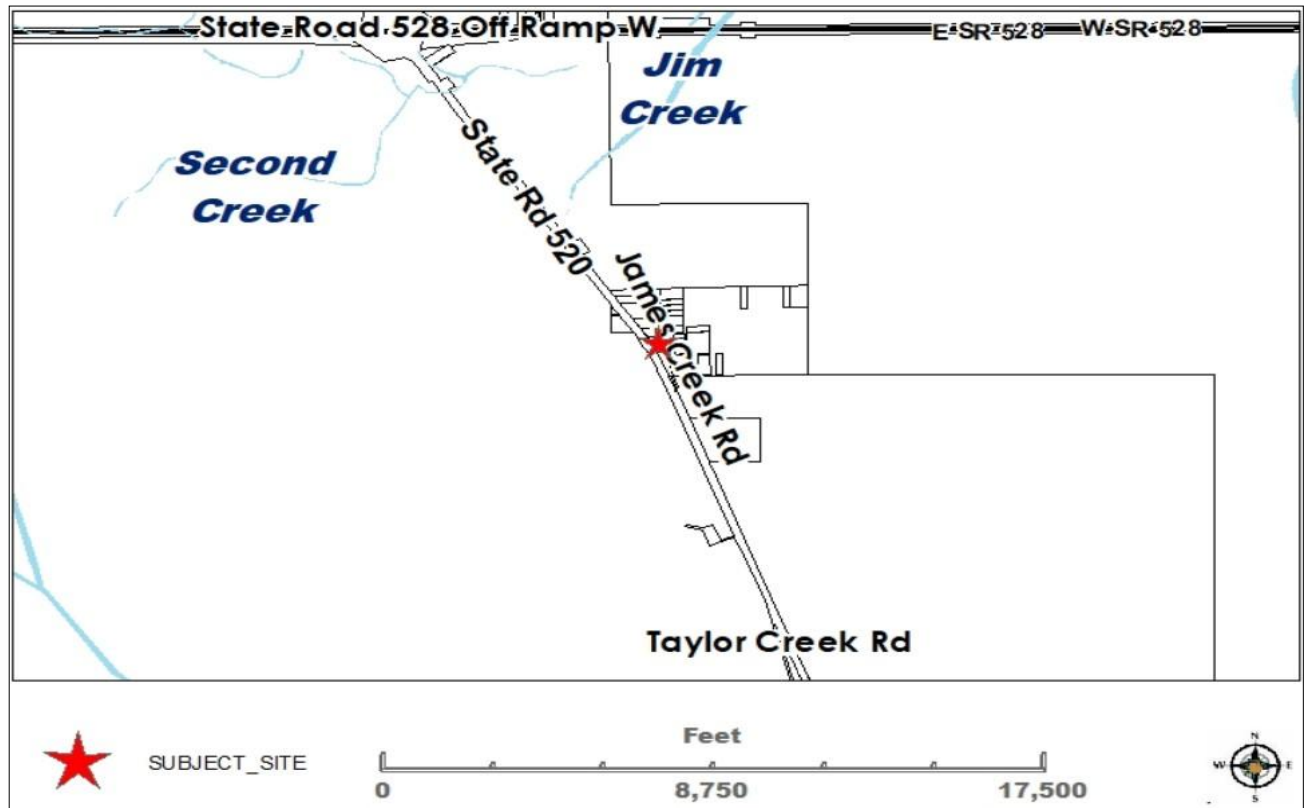
Environmental Protection Division staff was present and discussed compliance with the wetland buffers for the home and proposed pool.

The BZA stated that the request would allow reasonable use of the property for a standard residential improvement and recommended approval of the Variance requests by a 6-0 vote, with one absent, subject to the three 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	A-2	A-2	A-2	A-2	A-2
Future Land Use	Rural	Rural	Rural	Rural	Rural
Current Use	Vacant	Single-family residential	Grazing Pasture	Single-family residential	Grazing Pasture

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area surrounding the subject site consists of single-family homes, vacant lots, and grazing pastures to the south and west. The subject property is a vacant, unplatted lot that is 2.12 acres in size, with 1.98 acres buildable. This property is a triple frontage lot with frontages on S.R. 520, James Creek Rd., and Holt Preserve Road. It is considered a through corner lot, with the front yard on both S.R. 520 and James Creek Rd., and the side street yard on Holt Preserve Road. Per Orange County Code Sec. 38-1, lot frontage for nonresidential zoning districts (including agricultural) shall mean all the non-residential property on the width of the lot abutting the street with the highest volume of vehicular traffic. For the subject property, S.R. 520 is classified as the street with the highest volume of vehicular traffic making it the front of the lot with James Creek Rd. as the additional right of way frontage to the east, prompting the double frontage aspect of the lot. To the

north, Holt Preserve Rd. intersects S.R. 520, making it the side street. Due to the irregular shape of the property, the front yard and side street yard is considered the entire area between the street line (S.R. 520, James Creek Rd., and Holt Preserve Rd.) and the principal building or any projections thereof.

The property was purchased by the current owners in 2021. A building permit for the principal structure (B25015941) is currently under review and has outstanding comments for the Environmental Protection Division (EPD), regarding an open permit for a Wetland Determination (WD-25-11-141). The proposed residence meets all development standards and is proposed to have the front façade and main entry off of James Creek Road. A future proposed pool was indicated on the site plan for the principal structure and the Zoning reviewer identified that any future development of a pool and deck in the side street yard would not be permitted.

The proposal is to construct an approximately 1,980 sq. ft. pool and deck within 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 side street (Holt Preserve Rd.), prompting Variance request #1. The plans provided also show the pool equipment located in the front yard (S.R. 520). Section 38-79(16)(b) of Orange County Code states mechanical equipment shall not be located in the front yard, side street yard, or between any portion of the principal structure and public or private right-of-way, prompting Variance request #2.

Building Setbacks (Pool and Pool Deck)

	Code Requirement	Proposed
Front:	Not located within the front yard	N/A
Side:	5 ft.	N/A
Side Street:	Not located within the side street yard; 15 ft. when applicable	Located in the side street yard (Variance request #1) 166.9 ft. (North)
Rear:	5 ft.	N/A

Building Setbacks (Mechanical equipment)

	Code Requirement	Proposed
Front:	Not be located in the front yard or between any portion of the principal structure	Located in the front yard (West)
Side:	2 ft.	N/A
Side street:	Not located within the side street yard or between any portion of the principal structure	N/A
Rear:	5 ft.	N/A

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. Staff has determined that the Variance requests do not meet all of the criteria. Based on staff's analysis the property is currently vacant, and the site could be redesigned to allow the pool and deck and associated mechanical equipment to be in a code compliant location. Therefore, staff is recommending denial of the Variance requests.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

All Variances MET – The special conditions and circumstances particular to the subject property are the irregular shape of the parcel and that it is a through corner lot with three street frontages, significantly limiting the area where a code compliant pool, deck and equipment could be located.

Not Self-Created

All Variances NOT MET – The Variance request is self-created as the property is currently vacant, and the site could be redesigned to allow for the accommodation of a pool and deck and associated pool equipment in a code complaint location.

No Special Privilege Conferred

All Variances MET- Granting the requested Variances will not confer any special privilege conferred to others under the same circumstances since the need for the Variances results from the property's unique triple-frontage lot configuration, which significantly limits the placement of a pool/deck and mechanical equipment. Approval would allow the property owner reasonable use of customary residential amenities similar to those enjoyed by other residential properties.

Deprivation of Rights

All Variances NOT MET – The Variance request is not a deprivation of rights because the applicant is not granted the right to have a pool. The property is currently vacant and a building permit for the principal structure has not been issued. The lot can be redesigned to comply with the requirements of the principal structure and have a pool and equipment in a code complaint location.

Minimum Possible Variance

All Variances NOT MET – The requests are not the minimum possible as the property is currently vacant and the site could be redesigned to accommodate all proposed improvements; including the principal structure, pool and deck, and pool equipment.

Purpose and Intent

All Variances MET – Approval of the requested variance would be in harmony with the purpose and intent of the Zoning Regulations, which are primarily focused on minimizing the impact that structures have on surrounding properties. The pool, deck, and pool equipment will not be significantly visible from any of the

surrounding properties due to the surrounding heavy foliage surrounding the property and the large separation between the subject property and surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated May 28, 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: Matt Strickland
3815 Fox Lake Rd.
Titusville, FL 32796

Brittany and Dustin Cornelius

9712 James Creek Rd. Christmas, FL 32709

Date: April 20, 2026

To: Orange County Board of Zoning Adjustment Re: Variance Request – Front Yard
Orientation

Variance Request Justification

Thank you for your preliminary review dated April 14, 2026, regarding the property located at 9712 James Creek Road in Christmas, Florida.

In response to line item 4a, I understand that S.R. 520 is classified as a main arterial road for this area. However, this property is uniquely configured as a corner lot with three road frontages, creating an atypical condition. Because S.R. 520 carries the highest volume of vehicular traffic, it is treated as the front elevation of the residence. It is my understanding that building permits for a single-family residence would not typically be issued with a driveway accessing a main arterial roadway, further supporting this interpretation.

Regarding line item 4b, James Creek Road functions as a secondary front for this parcel. The address assigned by Orange County strongly suggests that James Creek Road was always intended to serve as the primary orientation for the residence. While the submitted site plan does not position the front elevation perpendicular to James Creek Road, this reflects the owner's design preference rather than any intent to circumvent code. This area

4. Deprivation of Rights

“Strict application of the code would deprive the applicants of the ability to use the most functional portion of the property for typical residential purposes, unlike other properties in the same zoning district.”

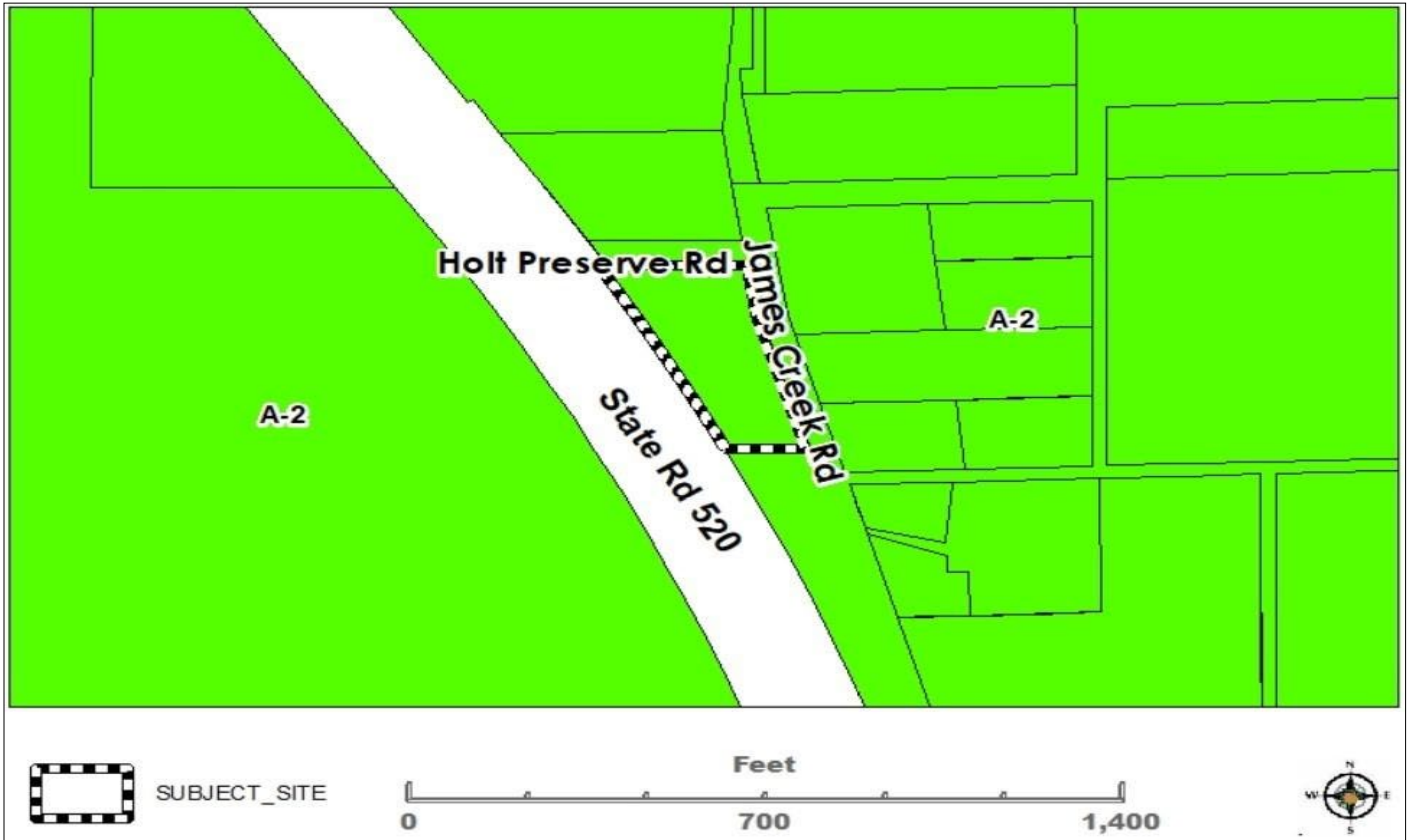
5. Minimum Possible Variance

“The request is limited solely to redefining the front yard orientation and represents the minimum relief necessary to allow reasonable use of the property.”

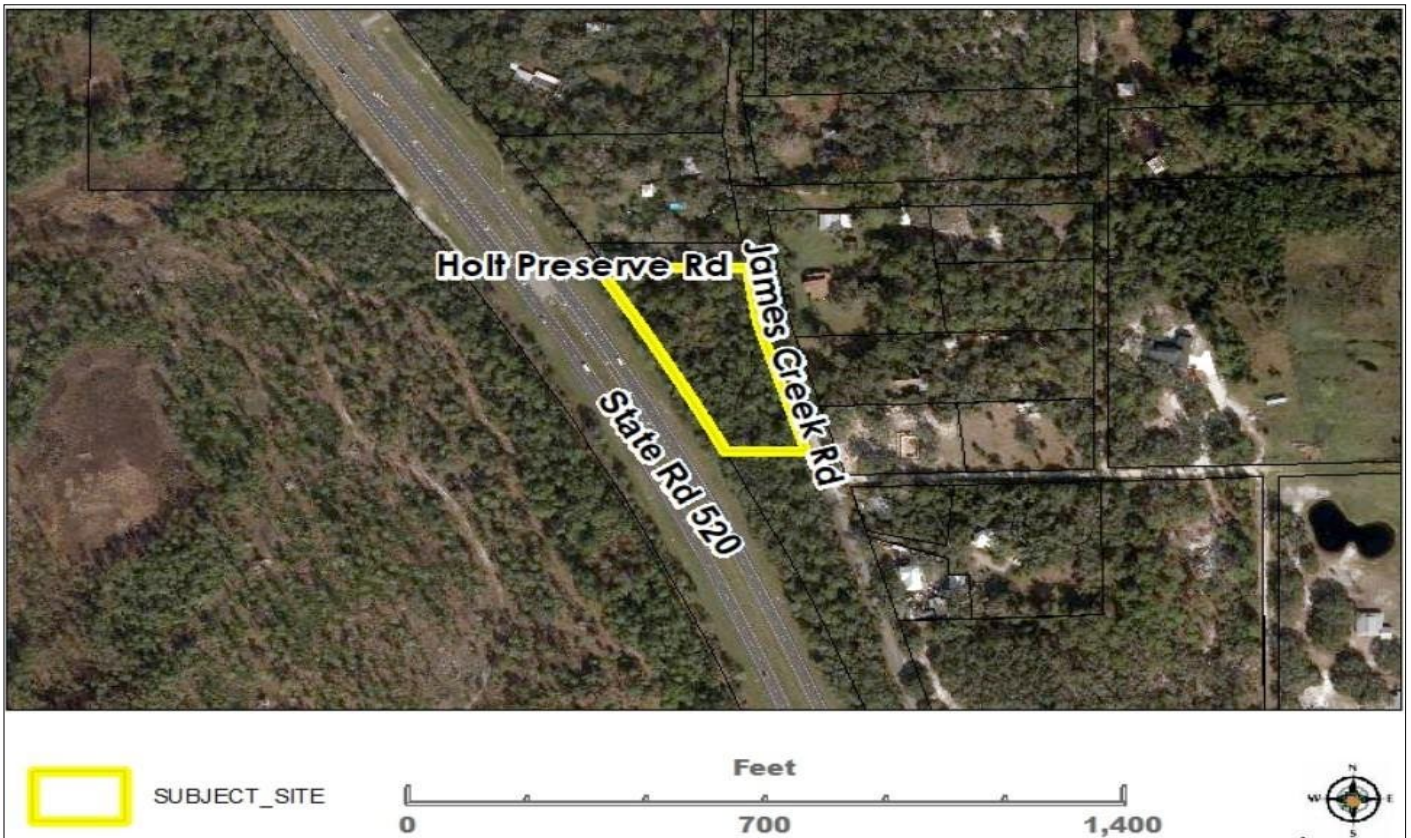
6. Purpose and Intent

“The variance is consistent with the purpose and intent of zoning regulations, will not negatively impact surrounding properties, and supports a logical and safe residential layout.”

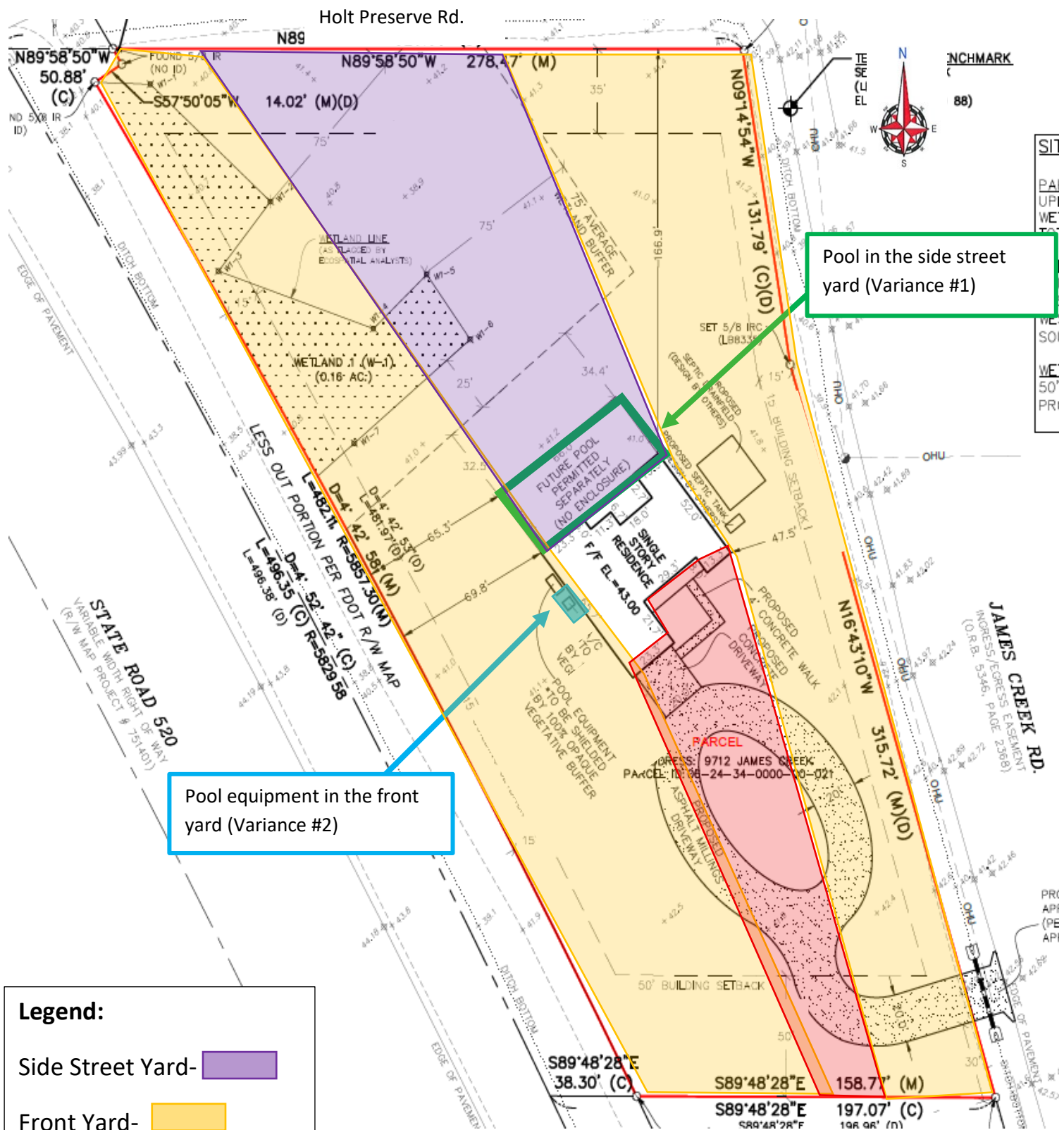
ZONING MAP



AERIAL MAP



PARTIAL SITE PLAN





SITE PHOTOS



On S.R. 520, facing east towards the front of the subject property



At the intersection of S.R. 520 and Holt Preserve Rd., facing southeast towards the subject property

SITE PHOTOS



On Holt Preserve Rd., facing south towards the side street yard of the subject property



At the intersection of Holt Preserve Rd. and James Creek Rd., facing southwest towards the subject property

SITE PHOTOS



On James Creek Rd., facing south



On James Creek Rd., facing north towards the neighboring properties

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 02, 2026**

Commission District: **#4**

Case #: **VA-26-07-060**

Case Planner: **Virginia Lipscomb (407)836-5549**
Virginia.Lipscomb@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JOSEPH FORTE

OWNER(s): MARY MERCED GONZALEZ

REQUEST: Variance in the PD zoning district to allow a screen enclosure with a side setback of 4.5 ft. in lieu of 5 ft.

PROPERTY LOCATION: 13544 Dornoch Dr., Orlando, FL 32828, southwest side of Dornoch Dr., north of Stoneybrook Blvd., east of S. Alafaya Trl., south of Lake Underhill Rd., west of S. Avalon Park Blvd.

PARCEL ID: 35-22-31-2003-00-690

LOT SIZE: 12,004 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 95

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

1. Development shall be in accordance with the site plan dated April 30, 2026, and elevations dated June 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 property's location, the site plan, and photographs of the site. Staff provided an analysis of the six criteria and the reasons for a recommendation of approval for the

Variance request. Staff noted that two correspondences were received in favor and no correspondence was received in opposition to the request. Staff also noted that the applicant provided one letter of support with the application.

The applicant was present and agreed with staff’s presentation.

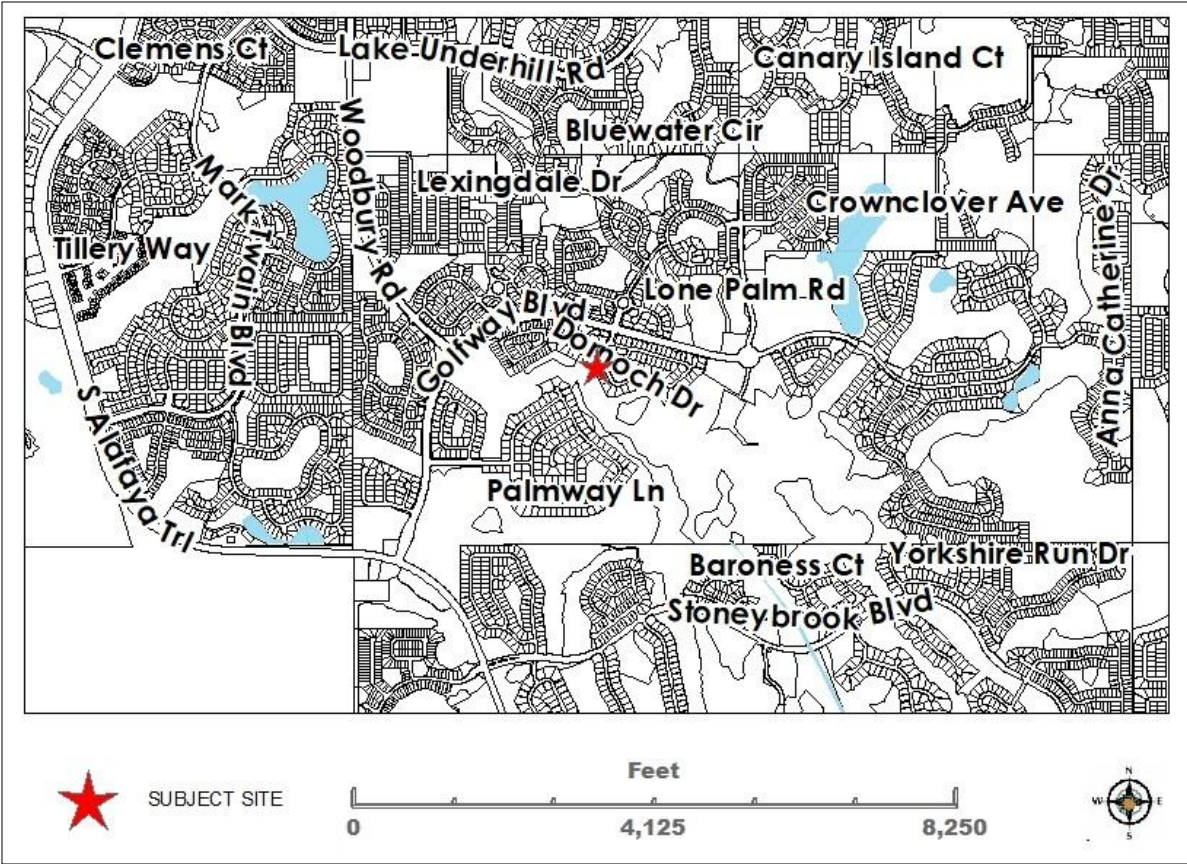
There was no one in attendance to speak in favor of or in opposition to the request.

The BZA acknowledged the request, agreed with staff’s recommendation, and had no discussion or questions. The BZA recommended approval of the variance request by a 6-0 vote, with one absent, subject to the three conditions listed 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	PD	PD	PD	PD	PD
Future Land Use	LDR	LDR	LDR	LDR	PR-OS
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	Golf Course

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned Planned Development (PD) and is located within the Eastwood PD, which allows for single-family development adjacent to a recreational golf course facility. The Future Land Use (FLU) is Low Density Residential (LDR), which is consistent with the PD zoning district.

The area around the subject property consists of single-family homes and a golf course abutting the rear. The subject property is 12,004 sq. ft. in size and was platted in 1989 as lot 69 of the Deer Run South P.U.D. Phase 1 Parcel 6 Plat. The subject lot is an interior pie-shaped lot, narrowing in the rear, with frontage along Dornoch Dr. to the northeast. There is a 5 ft. utility easement running along the southeast side property line, a 10 ft. utility easement along the southwest rear property line, and a 20 ft. utility easement along the northwest side property line. The property is currently developed with a 1-story, 2,983 gross sq. ft. single-family home constructed in 1992, a pool and deck (B96004250), and a screen enclosure (B96007513). The current owner purchased the property in 2021.

The proposal is to replace the original screen enclosure with a like-for-like replacement screen enclosure of identical size and in the same location as the existing structure. The proposed replacement screen enclosure is 13 ft. tall and 793 sq. ft. in size. Orange County Code Sections 38-79(10)d. and 38-79(84)c. state that screen enclosures must maintain a minimum side setback of 5 ft. The approved plans for the existing permitted screen enclosure demonstrated that the structure would maintain the code-required 5 ft. side setback; however, the enclosure was constructed in error to be only 4.5 ft. from the southeastern side property line. A building permit (B25014587) was applied for in July 2025; however, the Zoning reviewer denied the application for encroaching into the setback requirement. The proposal is to replace the screen enclosure at the existing 4.5 ft. setback in lieu of 5 ft., prompting the Variance request. The pool and deck encompassed by the screen enclosure were similarly permitted with plans demonstrating compliance with the minimum 5 ft. side setback and not protruding into either easement but were constructed in error, resulting in an encroachment into the setback and easements. The pool and deck are considered legal nonconforming and are not part of this Variance request.

In addition to encroaching into the southeastern side yard setback, the existing screen enclosure dually encroaches 0.5 ft. into the 5 ft. utility easement along the southeastern side property line (side subject to this Variance request) and 1.9 ft. into the 10 ft. utility easement along the southwest rear property line. As a prerequisite requirement for review and approval of a building permit, the applicant applied for a Petition to Vacate (PTV) for the portions of the easements subject to the encroachments. The PTV was completed in March 2026 (PTV-25-08-020), which granted the vacation of the 0.5-foot-wide portion of the 5-foot-wide utility easement located along the southeastern property line and a 2-foot-wide portion of the 10-foot-wide utility easement located along the southwestern property line.

Development Standards

	Code Requirement	Proposed
Max. Height for screen enclosures:	35 ft.	13 ft.
Min. Lot Width:	70 ft.	138 ft.
Min. Lot Size:	7,700 sq. ft.	12,004 sq. ft.

Building Setbacks (Screen Enclosures)

	Code Requirement	Proposed
Front:	Not located within the front yard	N/A (Northeast)
Side:	5 ft.	4.5 ft. (Southeast - Variance) +/- 34 ft. (Northwest)
Rear:	5 ft.	8.1 ft. (Southwest)

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, two comments have been received in favor and none 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. Staff has determined that the Variance meets all the criteria for a recommendation of approval since the request is for the like-for-like replacement of an existing permitted structure.

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

MET – The lot is a pie shaped lot with the tapering rear portion constrained by a 20' utility easement along the northwestern side property line, narrowing the area in which the screen enclosure can occupy. Further, the screen enclosure to be replaced was constructed under previous ownership, through a completed permit, and received all required inspections.

Not Self-Created

MET – The need for the Variance is not self-created, as the existing screen enclosure to be replaced was installed by a previous owner under a completed permit, and the proposed screen enclosure is being replaced within the same footprint.

No Special Privilege Conferred

MET – Granting the Variance would not confer special privilege denied to others under the same circumstances since the request is to maintain the setback of the existing screen enclosure which was permitted and passed inspection.

Deprivation of Rights

MET – Denial of the Variance would deprive the owner of the right to install a replacement screen enclosure over the existing pool and deck, which was permitted and has existed in its current location for 20 years.

Minimum Possible Variance

MET – The request is the minimum possible to allow a replacement screen enclosure of the same size and in the same location as the existing structure.

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. As requested, the side setback of the proposed screen enclosure replacement will not be detrimental to adjacent properties as it will maintain the existing conditions and character of the property.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated April 30, 2026, and elevations dated June 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: Mary Merced Gonzalez
13544 Dornoch Dr.
Orlando, FL 32828

C: Florida Pool Enclosures, Inc.
Joseph Forte
1400 S. Ronald Reagan Blvd.
Longwood, FL 32750

1400 South Ronald Reagan Blvd, Longwood FL 32750

(O) 407-260-2800 (F) 407-260-6411

www.FloridaPoolEnclosures.com

E-Mail: joe@floridapoolenclosures.com



Florida Pool Enclosures, Inc
Committed to Your Satisfaction

**BOARD OF ZONING ADJUSTMENT (BZA) APPLICATION
VARIANCE REQUEST – COVER SHEET**

Property Address: 13544 Dornoch Dr. Orlando, FL 32808

Applicant/Homeowner: Joseph Forte / Mary Merced Gonzalez

Parcel Number: 35-22-31-2003-00-690

The applicant is requesting approval for a variance to allow a **pool enclosure** to encroach approximately **0.5 feet into the required side setback**.

The proposed enclosure is a **like-for-like replacement** of the existing structure, maintaining the same footprint and location, with a total area of **793 square feet**. The structure will consist of **aluminum framing with screen mesh panels** and will have a height ranging from approximately **10 feet to 13 feet**. No additional square footage or further encroachment is being requested. The purpose of the project is to replace the existing enclosure with a new structure that complies with the current Florida Building Code.

- **Special Conditions and Circumstances**
The pie-shaped lot creates unique setback constraints not typical of other properties.
- **Not Self-Created**
The enclosure was built in 1996; the current owner did not create the encroachment.
- **No Special Privilege Conferred**
Similar enclosures with comparable setbacks exist within the development.
- **Deprivation of Rights**
Enforcing the setback would limit safe access around the pool's water's edge.
- **Minimum Possible Variance**
The request maintains the existing footprint with no increase in size or encroachment.
- **Purpose and Intent of Zoning Regulations**
The structure is consistent with the neighborhood and will be replaced to meet current code.

VARIANCE CRITERIA

VARIANCE CRITERIA

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.

Due to the unique pie-shaped configuration of the lot, the rear setback lines converge more rapidly than typical rectangular parcels, creating a physical limitation not generally applicable to other properties in the same zoning district.

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 not self-created, as the pool enclosure was originally constructed in 1996 and has remained in its current location since that time. The current homeowner purchased the property in 2021 and did not create or alter the existing encroachment.

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 this variance will not confer a special privilege, as similar pool enclosures with comparable setbacks and square footage exist within the Eastwood development.

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.

The previously approved pool enclosure has been in its current position for 30 years. The Homeowner is not looking to increase SQ FT of the structure, but to replace what has been there for many years with a structure that is built to the latest Florida building code.

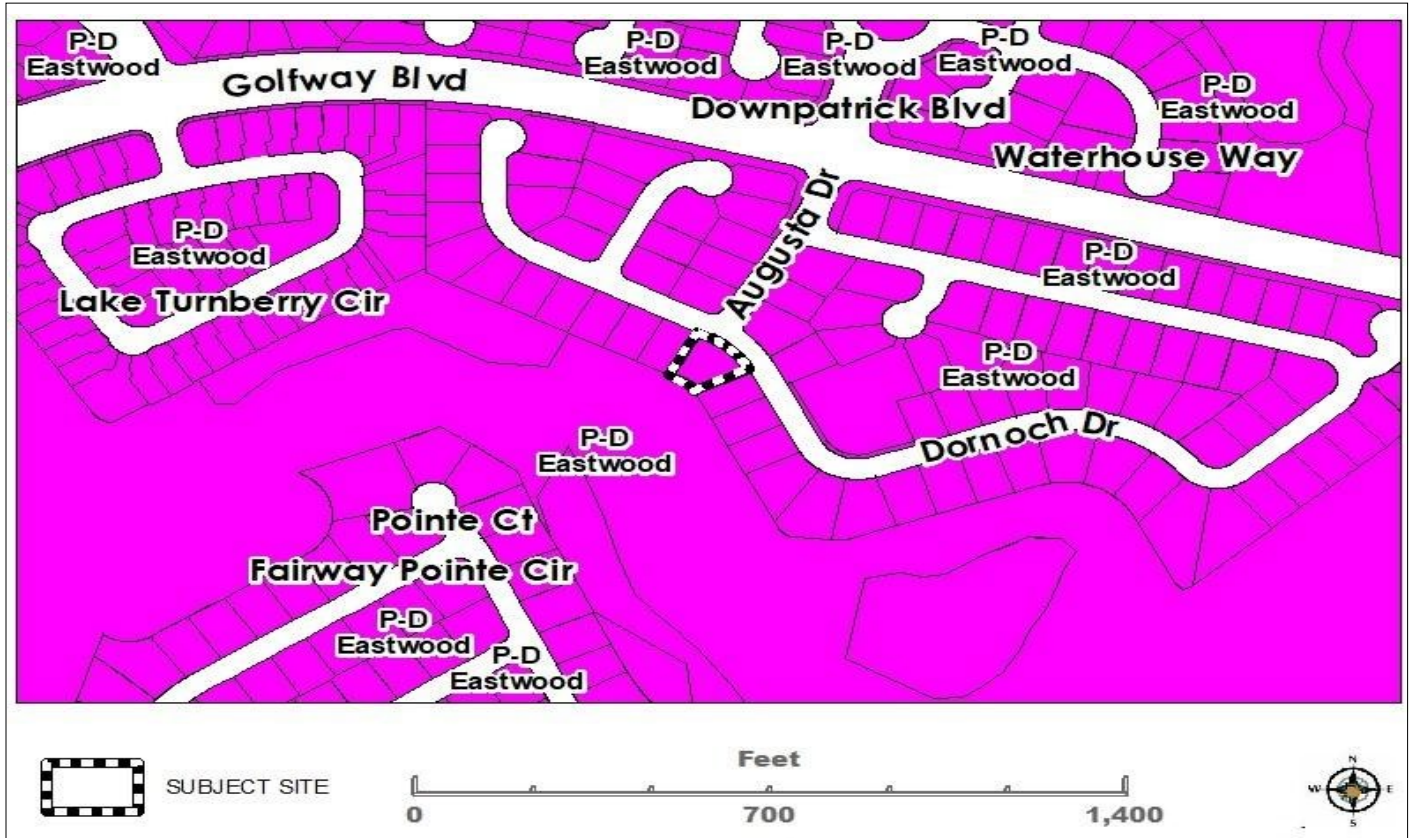
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The requested variance represents the minimum necessary relief, as the homeowner is proposing a like-for-like replacement of the existing enclosure with no increase in square footage or further encroachment. Maintaining the current footprint is necessary to preserve safe and functional clearance around the pool's water's edge, which would otherwise be restricted if the enclosure were moved to meet the required setback.

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.

The existing enclosure has been in place for approximately 30 years and is consistent with the character of the neighborhood. Its replacement will not be injurious to surrounding properties or detrimental to public welfare.

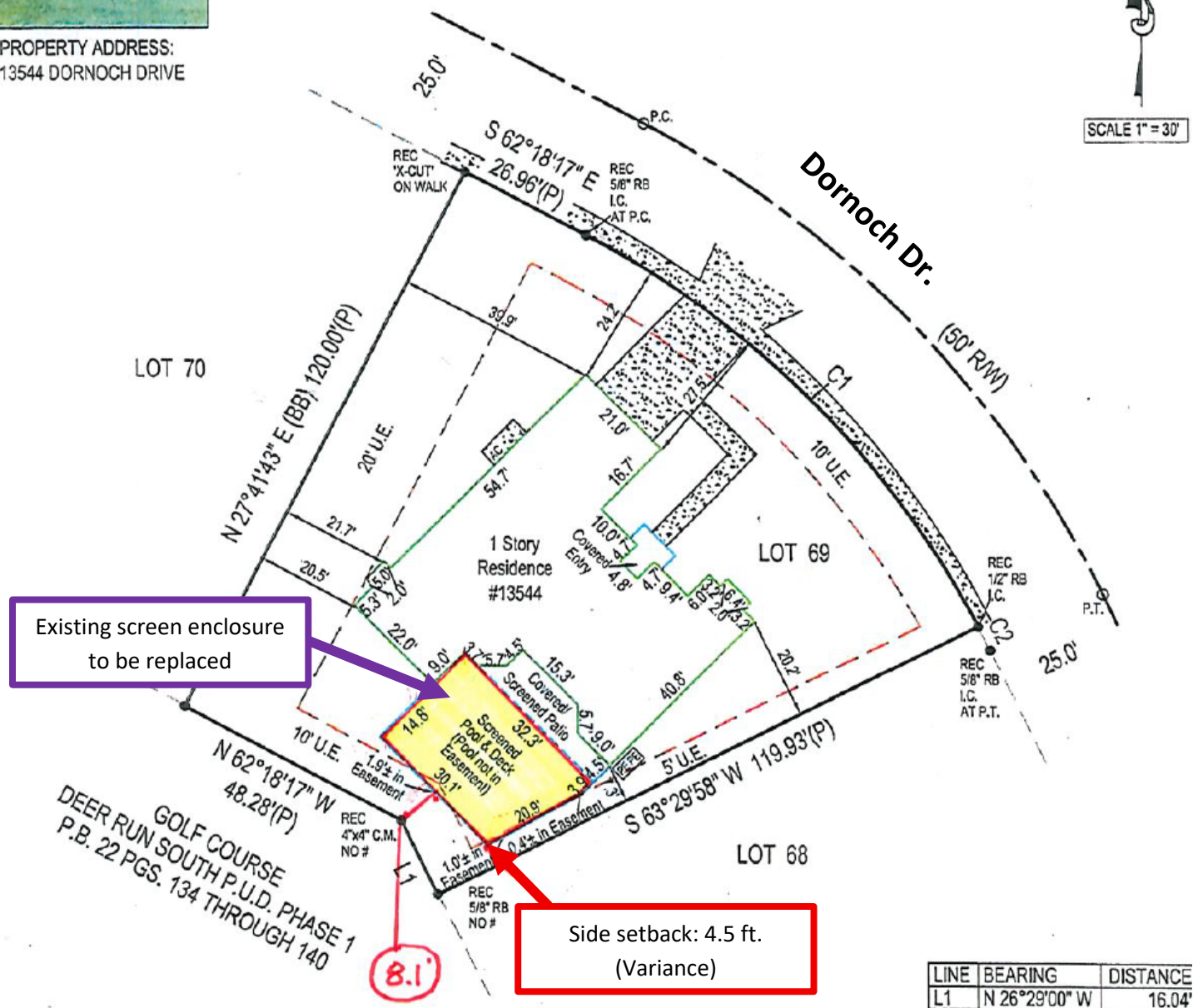
ZONING MAP



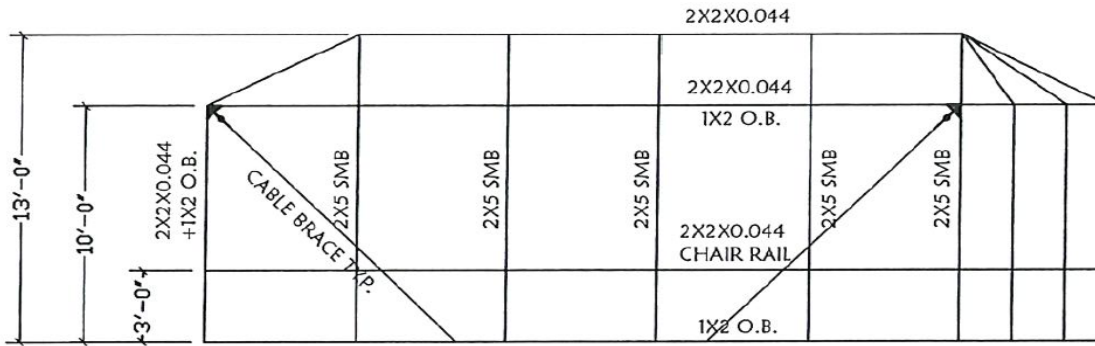
AERIAL MAP



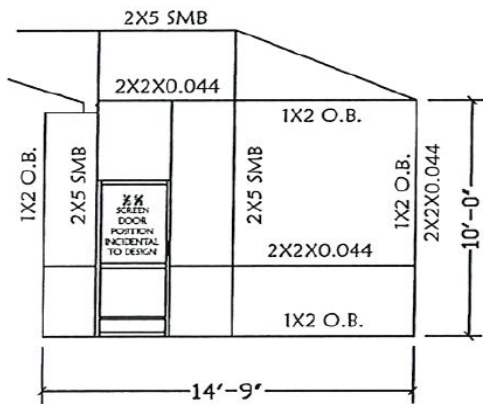
SCALE 1" = 30'



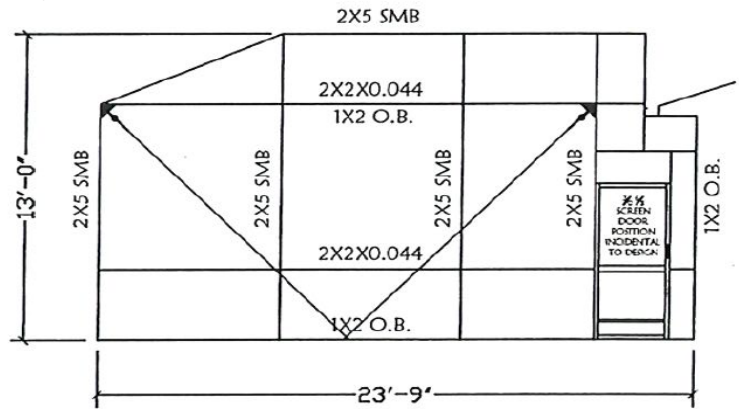
ELEVATIONS



**FRONT FRAMING ELEVATION
(WEST)**

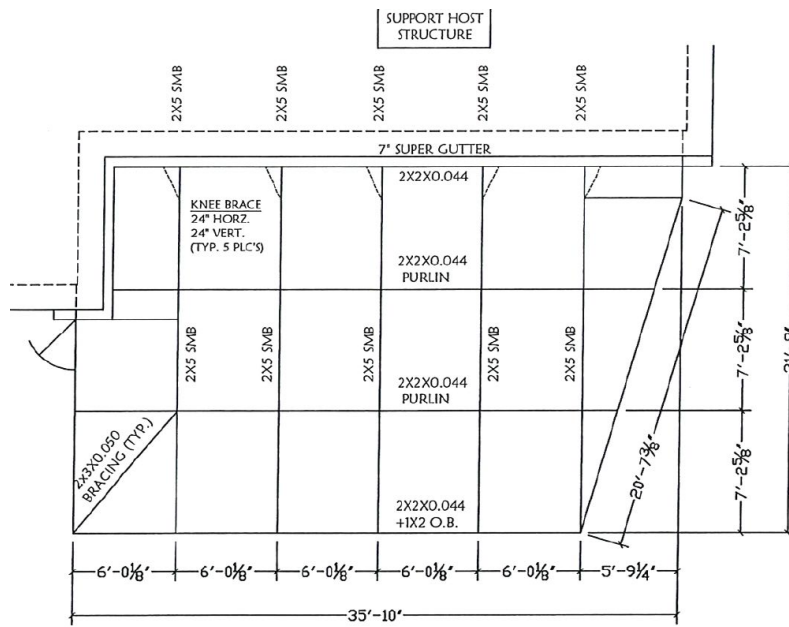


**LEFT FRAMING ELEVATION
(NORTH)**



**RIGHT FRAMING ELEVATION
(SOUTH)**

ROOF PLAN



POOL ENCLOSURE PLAN

SITE PHOTOS



On Dornoch Dr., facing southwest towards the subject property



Side setback: 4.5 ft.
(Variance)

Side yard, facing west towards the existing screen enclosure (to be replaced)

SITE PHOTOS



Rear yard, facing northeast towards the screen enclosure



Rear yard, facing north towards the screen enclosure

SITE PHOTOS



Rear yard, facing southeast towards the screen enclosure and neighboring property



Rear yard, facing northwest towards the neighboring property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 02, 2026**

Commission District: **#1**

Case #: **VA-26-07-054**

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

GENERAL INFORMATION

APPLICANT(s): FOUAD FAIDY

OWNER(s): ZAFAR MINAN AND MUNIRA ZAFAR REVOCABLE TRUST

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

- 1) A minimum lot area of 0.28 acres in lieu of 1 acre
- 2) A minimum lot width of 100 ft. in lieu of 130 ft.
- 3) A new residence with a rear setback of 35 ft. in lieu of 50 ft.

PROPERTY LOCATION: Unaddressed property on Orange St., Orlando, FL 32836, east side of Orange St., north of Palm Pkwy., south and west of Daryl Carter Pkwy., east of S. Apopka Vineland Rd.

PARCEL ID: 15-24-28-6211-70-230

LOT SIZE: 12,374 sq. ft

NOTICE AREA: 500

NUMBER OF NOTICES: 65

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, Thomas Moses, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed; 1 absent: Juan Velez):

1. Development shall be in accordance with the site plan and elevations dated April 10, 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 property's location, site plan, and photographs of the site. Staff provided an analysis of the six variance criteria and explained the reasons for recommending denial of the variance requests. Staff noted that no comments were received in favor of or in opposition to the requests.

The BZA questioned the differences between the zoning district, future land use, and overlay district. Staff and the board discussed lot width requirements and the density of lots within the applicable zoning district. The BZA also asked whether any similar variances had been approved in the surrounding area. The BZA further confirmed that any future development could be subject to a condition requiring right-of-way improvements in accordance with County standards.

The applicant was present and available to answer questions regarding the request. The BZA discussed the reasoning behind the proposed lot configuration and the option of combining lots. The applicant stated that neighboring properties had done similar lot combinations and were developed.

No one spoke in favor of or in opposition to the requests. One individual asked questions about whether the proposed homes would use septic systems or connect to City water and wastewater service and any potential impact on his property.

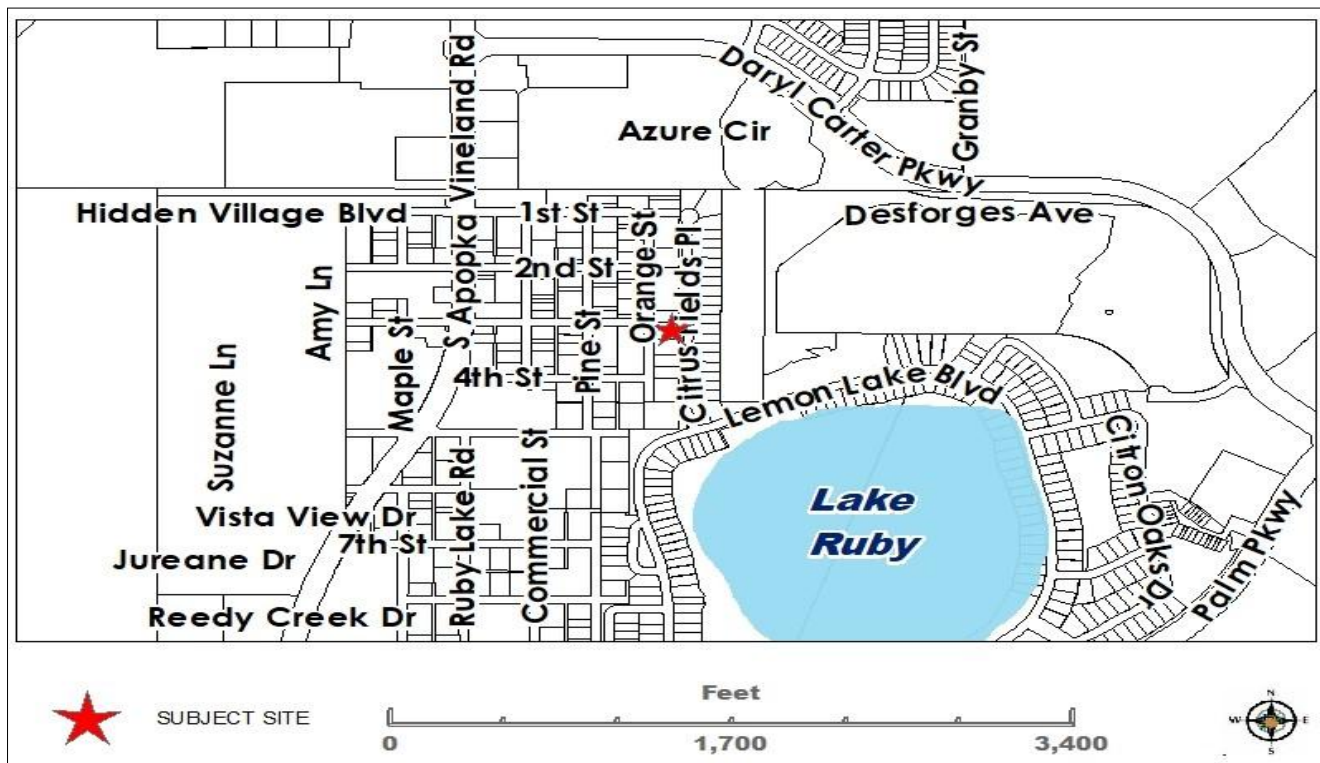
The BZA discussed the request, noting the applicant's intent to develop the property while meeting development standards. The discussion included the proposed lot width, lot combination, zoning regulations, and applicable development standards.

The BZA recommended approval of the variance requests by a 6-0 vote, with one absent, subject to the three conditions listed 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	PD	R-CE
Future Land Use	ACMU	O	ACMU	PD/LMDR	ACMU
Current Use	Vacant	Vacant	Vacant	Single-family residence	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located within the R-CE, Country Estate zoning district, which allows for single family residential development on one acre lots and certain rural uses. The Future Land Use (FLU) is Activity Center Mixed Use (ACMU), which is inconsistent with the R-CE zoning district. However, the Planning Division has provided comments related to the inconsistency, and indicated that under Policy FLU 1.1.3(B) and 1.1.2, single family residential construction, expansion and ancillary uses 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 surrounding the subject site consists primarily of vacant parcels and single-family homes. The property is a vacant interior lot with frontage along Orange Street, which is an undeveloped right-of-way. The subject property is 12,374 sq. ft. and was platted in 1911 as Lots 22, 23, and 24 of Block 70 of the Orange Center Plat. The eastern portion of the subject property is bounded by a private roadway identified as Citrus Field Place. This private roadway separates the subject property from the HOA tract known as Ruby Lake Ranch. The property was purchased by the current owner in April 2024. The property 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 (15-24-28-6211-70-230) is under contiguous ownership with the adjacent parcel to the south (15-24-28-6211-70-180), it is not considered a substandard lot of record. It should be noted that the parcel to the south is 100 ft. wide and 12,310 sq. ft. If the lots were combined, as required by code, then a variance for lot width would no longer be needed, but a variance for lot area would, albeit a lesser variance than what is being requested. The additional lot area will also provide for additional buildable area on the lot once the required setbacks are applied.

The subject property is 12,374 sq. ft. (0.28 acres), which is below the minimum lot area requirement of 43,563 sq. ft. (1 acre) in the R-CE zoning district, requiring Variance #1. The lot width is 100 ft, which is below the minimum required width of 130 ft., requiring Variance #2. Proposed on the lot is a one-story, 4,000 sq. ft. single family residence with an attached two car garage. The site plan indicates that the principal structure will have a rear setback of 35 ft., where a minimum rear setback of 50 ft. is required by the zoning code, requiring Variance #3.

A Field Investigation Report (FIR-26-04-0371) was issued on April 21, 2026, for the removal of trees and vegetation without a permit. In addition, Development Engineering has indicated that any future tree removal associated with development of the property will require the appropriate permits.

The request was routed to all reviewing divisions. Development Engineering has also indicated that future development of the property will require roadway improvements along Orange Street to meet current Orange County standards, including the submission and approval of roadway construction plans prior to the issuance of building permits. The property owner will also be required to construct a sidewalk or contribute to the County sidewalk fund and connect to all available utilities, as determined during the development review process.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	16 ft.
Min. Lot Width:	130 ft.	100 ft. (Variance #2)
Min. Lot Area:	43,560 sq. ft. (1 acre)	12,374 sq. ft. (Variance #1)
Min. Living Area:	1,500 sq. ft.	4,000 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	35 ft.	35 ft. (West)
Side:	10 ft.	10 ft. (North) 10 ft. (South)
Rear:	50 ft.	35 ft. (East – Variance #3)

As of the date of this report, no comments have been received either in support of 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.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

VARIANCE #1 MET – The special conditions and circumstance particular to the subject property is that, even if the lots were combined, the property would still not be buildable, as the lot area would not meet the one-acre minimum requirement for the R-CE zoning district.

VARIANCE #2 NOT MET- There are no special conditions unique to the property. If the lots were combined as required by code, the property would satisfy the minimum lot width requirement.

VARIANCE #3 NOT MET- There are no special conditions unique to the property as there is sufficient space to construct a residence that complies with the standard rear setback requirements.

Not Self-Created

VARIANCES #1 & 2 NOT MET - The requests are self-created as the two substandard lots can be combined to create one lot that is conforming with the minimum lot width and is more conforming in regard to lot area.

VARIANCE #3 NOT MET - The request is self-created as this is new construction and there are alternatives to reduce or eliminate the request. Further, with the combination of this lot with the lot to the south, as required by code, a substantial amount of buildable area will also be added.

No Special Privilege Conferred

ALL VARIANCES NOT MET - Granting the Variances would confer special privilege as other properties in the area appear to have been developed in compliance with applicable code requirements regarding lot area and width, including minimum setback requirements, whereas the proposed development requests relief from those standards.

.

Deprivation of Rights

VARIANCES #1 & 2 NOT MET – Denial of the variances 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.

VARIANCE #3 NOT MET - There is no deprivation of rights, as the owner could combine the lots and still construct a code-compliant residence on the property.

Minimum Possible Variance

VARIANCES #1 & 2 NOT MET - The request is not the minimum possible due to the ownership of the adjacent lot. Combination of the lots would lessen the nonconformity.

VARIANCE #3 NOT MET - The requested variance is not the minimum possible, as the lot is vacant and the house could be redesigned to meet the setback requirements.

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 NOT MET - Approval of the request would not be in harmony with the purpose and intent of the Code, which is to allow infill development of lawfully constructed residences. Properties within the surrounding area have been developed in compliance with the R-CE zoning district requirements, including adherence to the 50-foot setback standard. Granting the requested relief would be inconsistent with the established development pattern and the intended application of the Code.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated April 10, 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: Fouad Faigy
3640 Hickory Tree Road
Saint Cloud, FL 34772

C: Zafar Mian and Murina Zafar Revocable Trust
3068 Zaharias Dr
Orlando, FL 32837

COVER LETTER

Attention : **ORANGE COUNTY of Florida**
Zoning Division
201 s Rosalind Ave, Orlando, FL 32801
+407 836 5550

RE : Application for Variance
Parcel ID : 15-24-28-6211-70-230
Address : Orange St. Orlando, FL, 32824 (Lot 22,23,24)

To whom it may concern,

As per the zoning guidelines requested from Orange County Department, we were advised that the above parcel has the following requirements to comply.

15-24-28-6211-70-230: Zoned RCE
Setbacks: Front- 35, Rear-50, Side-10
Minimum lot width/minimum living area: 130/1500

In relation to this, and as per the survey conducted at the parcel (attached), the lot dimensions are 100 ft x 120 ft. In this regard, we are requesting the following:

- 1. A minimum lot width of 100 ft instead of the required 130 ft.**
- 2. A rear setback of 35 ft, which is the same setback as the neighboring property, instead of 50 ft.**
- 3. A minimum lot area of 12,000 square feet.**

Considering the above (i.e. front set back of 35 ft and side set back) our buildable area is 80ftx50ft,4000sq.ft. We intend to build house of 4000 sq.ft including garage. A copy of the plan is attached herewith for reference.

Also, presented is our response to 6 variance criteria.

Pyramid Engineering Group Inc.
417 E Vine St, Kissimmee, FL 34744

COVER LETTER

1. The use shall be consistent with the Comprehensive Policy Plan.
We intend to use the property for Residential House with zone RCE.

2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
Within the environment and neighbor property, it is observed that a residential house has been established with both front and rear has a setback of 35ft.

3. The use shall not act as a detrimental intrusion into a surrounding area.
We understand that there is no detrimental intrusion of our property into its surrounding area as the 15ft that we are requesting to utilize from the set back is an easement that is not being used.

4. The use shall meet the performance standards of the district in which the use is permitted.
The use of the land will be a residential house and all designs will comply to Orange County regulations.

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.
Hence, a residential is proposed the required characteristic is similar to the uses which is currently permitted.

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.
As mentioned earlier, our proposed house will be 4000 sq. ft, estimated 80ftx50ft and all remaining areas will be for landscaping.

We look forward for your favorable response on this matter. Hope to receive the approval.

Respectfully Submitted,



Fouad Faigy
+1 (407) 920-4407

Pyramid Engineering Group Inc.
417 E Vine St, Kissimmee, FL 34744

VARIANCE CRITERIA

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 parcel has a pre-existing lot width of 100 ft, where 130 ft is required under RCE zoning. Due to the lot's fixed dimensions (100 ft x 120 ft) and required setbacks, the buildable area is significantly limited. These conditions are unique to this parcel and not based on neighboring nonconformities.

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 not self-created. The lot dimensions were established prior to the applicant's involvement and were not altered or modified by the applicant.

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.

Approval will not confer a special privilege. The request allows reasonable residential development consistent with surrounding properties while maintaining compliance with other zoning standards.

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.

Strict enforcement of the 130 ft lot width, 50 ft rear setback, and 1 acre lot area requirement would prevent reasonable residential development and deprive the owner of rights commonly enjoyed by other residential properties in the district.

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.

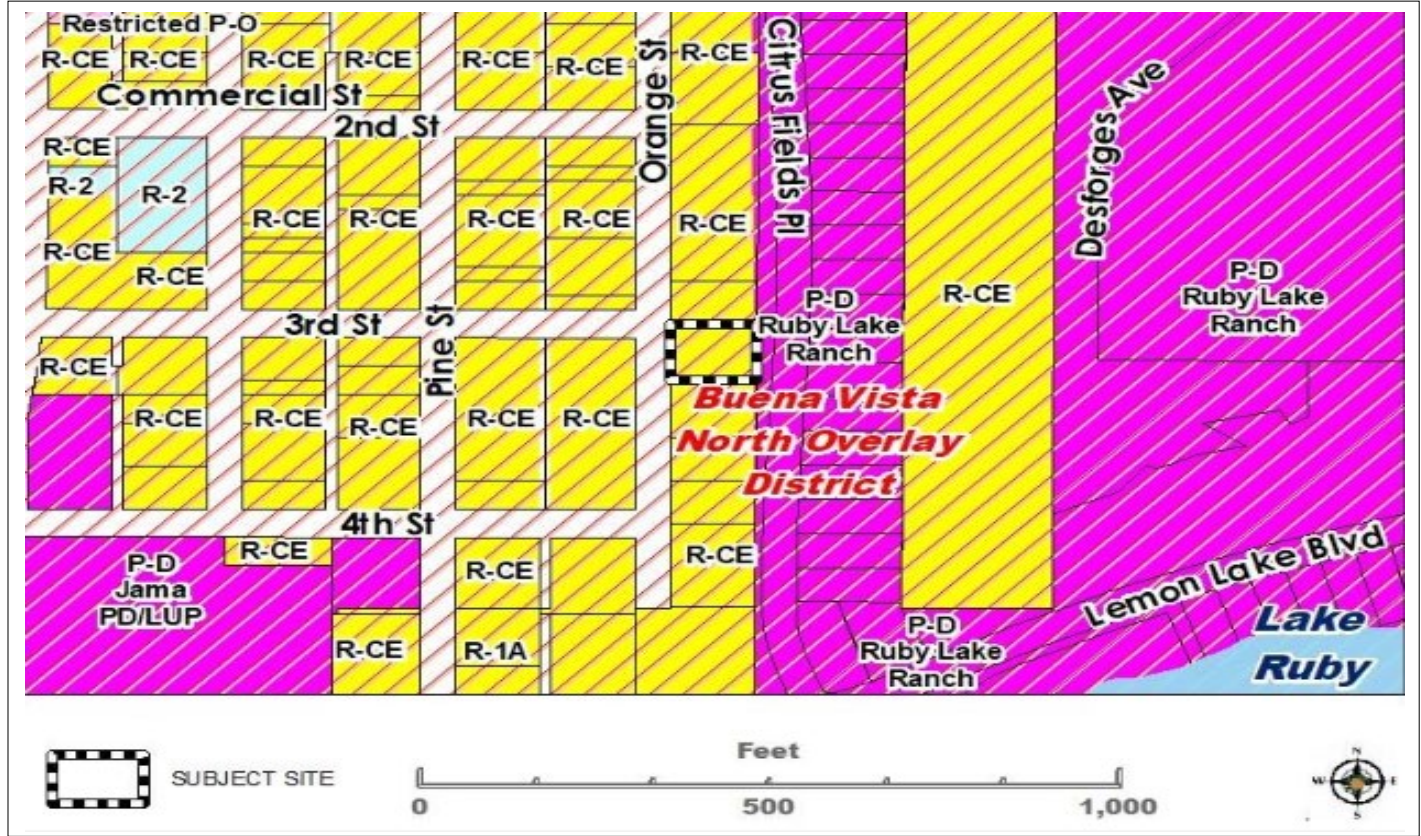
The requested relief (100 ft lot width, 35 ft rear setback, and 12,000SF lot area) is the minimum necessary to allow reasonable use of the property. All other setbacks and zoning requirements will be met.

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.

The proposed single-family residence is consistent with RCE zoning and the Comprehensive Policy Plan of Orange County. The request will not negatively impact the neighborhood or public welfare.

Pyramid Engineering Group Inc.
417 E Vine St, Kissimmee, FL 34744

ZONING MAP



AERIAL MAP



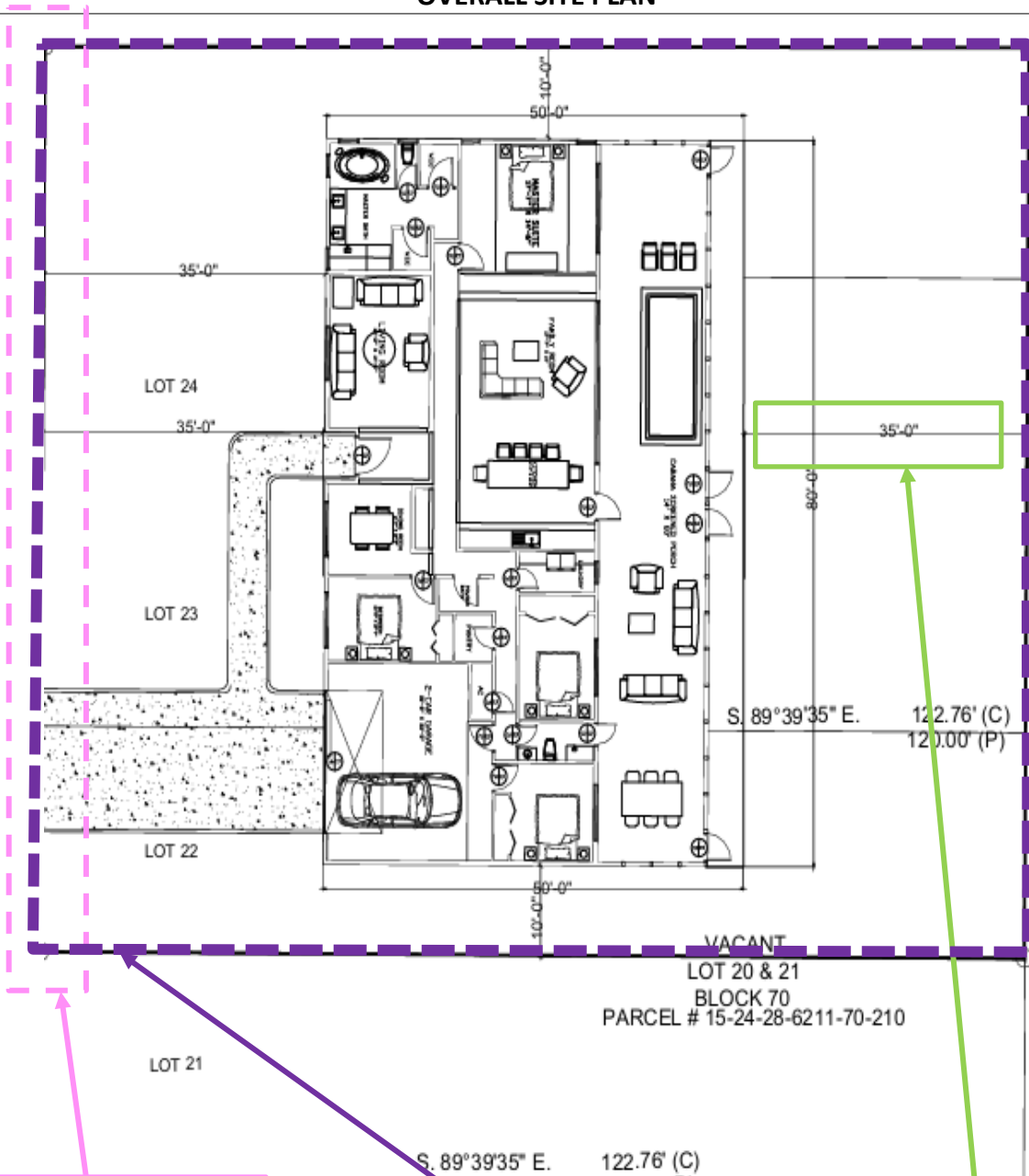
OVERALL SITE PLAN

Orange St.

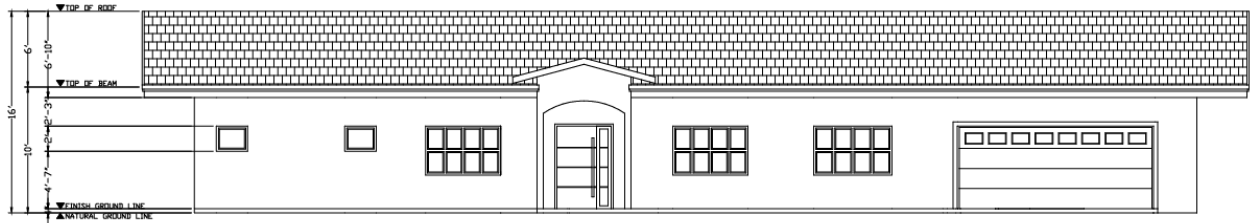
Variance #2: 100 ft. in lieu of 130 ft.

Variance #1: 0.28 acres in lieu of 1 acre

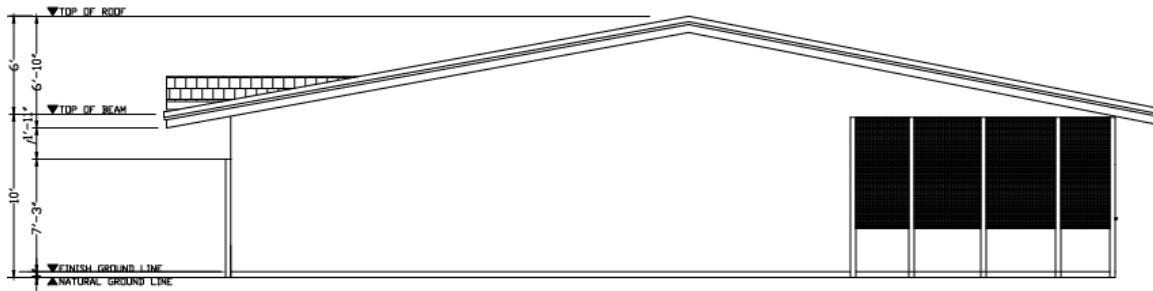
Variance #3: 35 ft. in lieu of 50 ft.



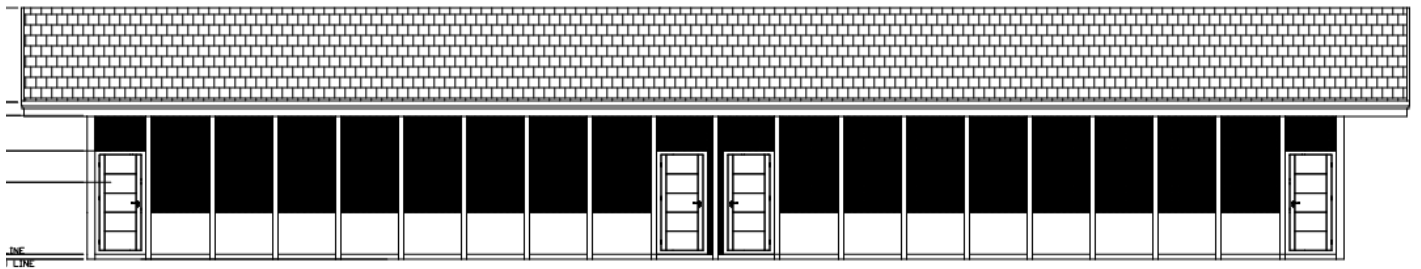
ELEVATIONS



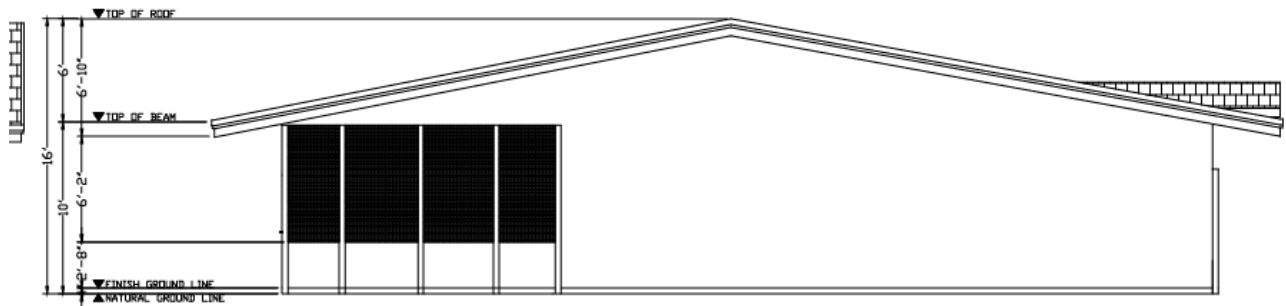
Front (West) Elevation



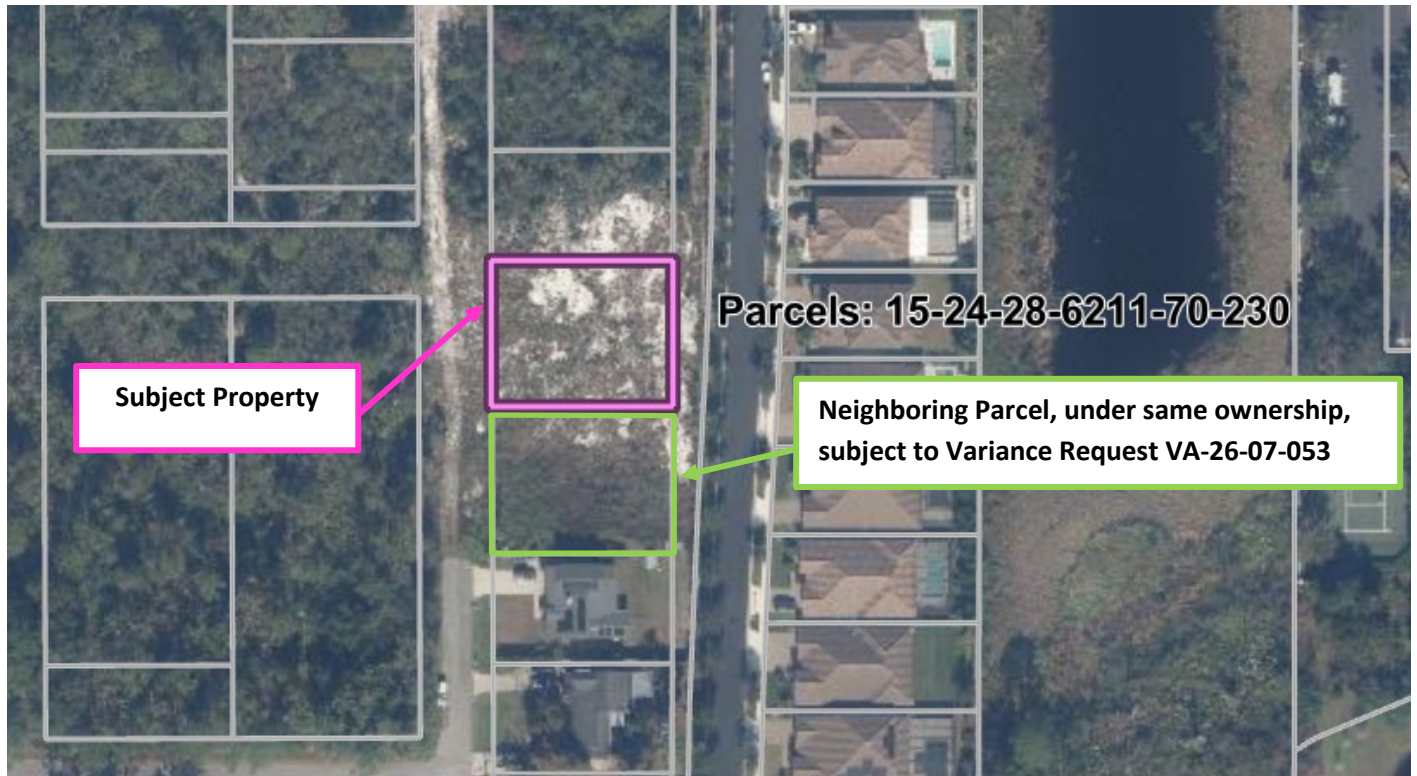
Right (South) Elevation



Rear (East) Elevation



Left (North) Elevation



SITE PHOTOS



Facing east towards the front of the subject property

SITE PHOTOS



Facing northwest towards the subject property



Facing south towards Orange St.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 02, 2026**

Commission District: **#1**

Case #: **VA-26-07-053**

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

GENERAL INFORMATION

APPLICANT(s): FOUAD FAIDY

OWNER(s): ZAFAR MINAN AND MUNIRA ZAFAR REVOCABLE TRUST

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

- 1) A minimum lot area of 0.28 acres in lieu of 1 acre
- 2) A minimum lot width of 100 ft. in lieu of 130 ft.
- 3) A new residence with a rear setback of 35 ft. in lieu of 50 ft.

PROPERTY LOCATION: Unaddressed property on Orange St., Orlando, FL 32836, east side of Orange St., north of Palm Pkwy., south and west of Daryl Carter Pkwy., east of S. Apopka Vineland Rd.

PARCEL ID: 15-24-28-6211-70-180

LOT SIZE: 12,310 sq. ft

NOTICE AREA: 500

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

1. Development shall be in accordance with the site plan and elevations dated April 10, 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 property's location, the site plan, and photographs of the site. Staff provided an analysis of the six criteria and the reasons for a recommendation of denial of the Variance requests. Staff noted that were no comments received in favor or in opposition to the requests.

The applicant was present and had no comments.

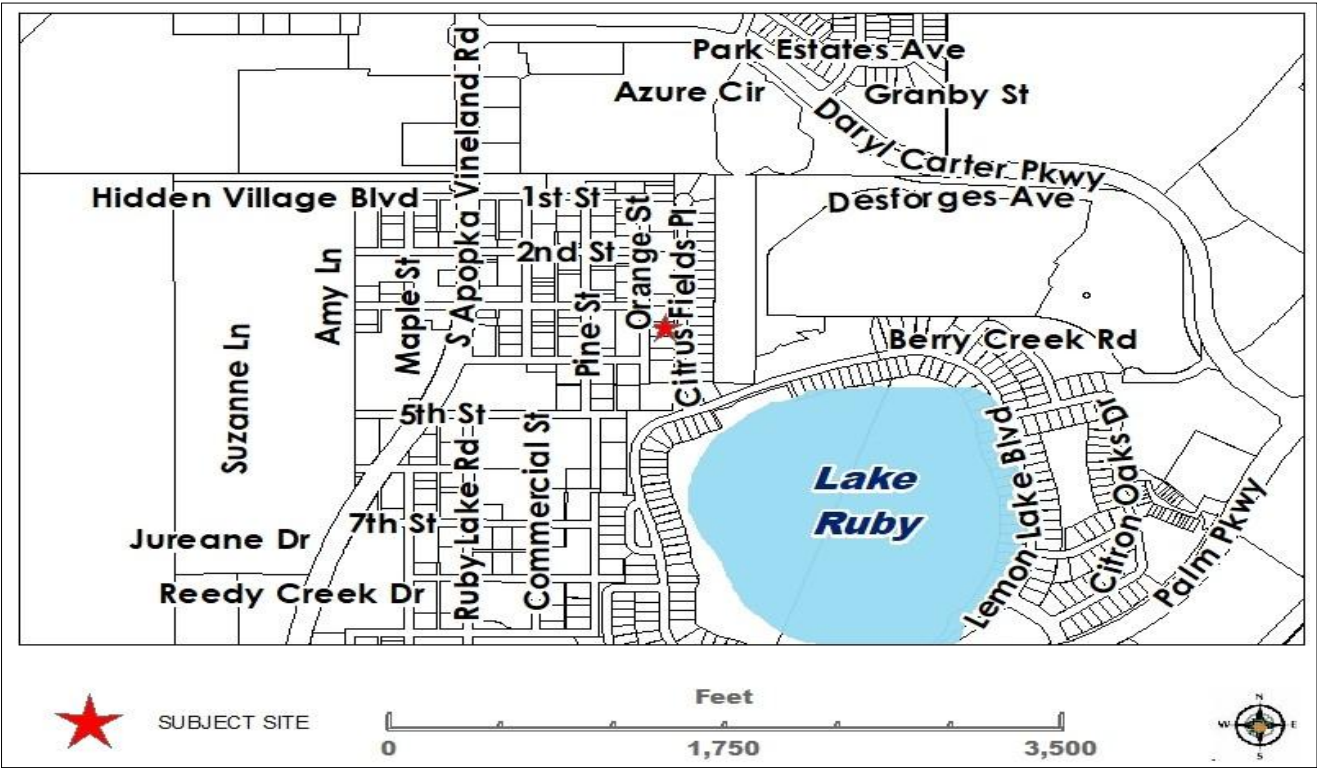
There was no one in attendance to speak in favor of or in opposition to the requests.

The BZA acknowledged the request and noted the uniqueness of the area and how the proposal is consistent with the surrounding development. The BZA recommended approval of the variance requests by a 6-0 vote, with one absent, subject to the three conditions listed 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-D	R-CE
Future Land Use	ACMU	ACMU	ACMU	P-D/LMDR	ACMU
Current Use	Vacant	Vacant	Vacant	Single-family residence	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is situated within the R-CE, Country Estate zoning district, which allows for single family residential development on one acre lots and certain rural uses. The Future Land Use (FLU) is Activity Center Mixed Use (ACMU), which is inconsistent with the R-CE zoning district. However, the Planning Division has provided comments related to the inconsistency, and indicated that under Policy FLU 1.1.3(B) and 1.1.2, single family residential construction, expansion and ancillary uses 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 surrounding the subject site consists primarily of vacant parcels and single-family homes. The property is a vacant interior lot with frontage along Orange Street, which is an undeveloped right-of-way. The subject property is 12,310 sq. ft. and was platted in 1911 as Lots 18 through 21 of Block 70 of the Orange Center Plat. The eastern portion of the subject property is bounded by a private roadway identified as Citrus Field Place. This private roadway separates the subject property from the HOA tract known as Ruby Lake Ranch. The property was purchased by the current owner in April 2024. The property 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 (15-24-28-6211-70-180) is under contiguous ownership with the adjacent parcel to the north (15-24-28-6211-70-230), it is not considered a substandard lot of record. It should be noted that the parcel to the north is 100 ft. wide and 12,374 sq. ft. If the lots were combined, as required by code, then a variance for lot width would no longer be needed, but a variance for lot area would, albeit a lesser variance than what is being requested. The additional lot area will also provide for additional buildable area on the lot once the required setbacks are applied.

The subject property is 12,310 sq. ft. (0.28 acres), which is below the minimum lot area requirement of 43,563 sq. ft. (1 acre) in the R-CE zoning district, requiring Variance #1. The lot width is 100 ft., which is below the minimum required width of 130 ft., requiring Variance #2. Proposed on the lot is a one-story, 4,000 sq. ft. single-family residence with an attached two car garage. The site plan indicates that the principal structure will have a rear setback of 35 ft., where a minimum rear setback of 50 ft. is required by the zoning code, requiring Variance #3.

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Rear:	50 ft.	35 ft. (East – Variance #3)

The request was routed to all reviewing divisions. Development Engineering has indicated that future development of the property will require roadway improvements along Orange Street to meet current Orange County standards, including submission and approval of roadway construction plans prior to building permit issuance. The property owner will also be required to construct a sidewalk or contribute to the County sidewalk fund and connect to all available utilities, as determined during the development review process. 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.

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3640 Hickory Tree Road
Saint Cloud, FL 34772

C: Zafar Mian and Murina Zafar Revocable Trust
3068 Zaharias Dr
Orlando, FL 32837

COVER LETTER

Attention : **ORANGE COUNTY of Florida**
Zoning Division
201 s Rosalind Ave, Orlando, FI 32801
+407 836 5943

RE : **Application for Variance**
Parcel ID : **15-24-28-6211-70-180**
Address : **Orange St. Orlando, FI, 32824 (Lot 18,19,20,21)**

To whom it may concern,

As per the zoning guidelines requested from Orange County Department, we were advised that the above parcel has the following requirements to comply.

15-24-28-6211-70-180: Zoned RCE
Setbacks: Front- 35, Rear-50, Side-10
Minimum lot width/minimum living area: 130/1500

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We look forward for your favorable response on this matter. Hope to receive the approval.

Respectfully Submitted,



Fouad Faigy
+1 (407) 920-4407

Pyramid Engineering Group Inc.
417 E Vine St, Kissimmee, FL 34744

VARIANCE CRITERIA

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 parcel has a pre-existing lot width of 100 ft, where 130 ft is required under RCE zoning. Due to the lot's fixed dimensions (100 ft x 120 ft) and required setbacks, the buildable area is significantly limited. These conditions are unique to this parcel and not based on neighboring nonconformities.

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 not self-created. The lot dimensions were established prior to the applicant's involvement and were not altered or modified by the applicant.

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.

Approval will not confer a special privilege. The request allows reasonable residential development consistent with surrounding properties while maintaining compliance with other zoning standards.

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.

Strict enforcement of the 130 ft lot width, 50 ft rear setback, and 1 acre lot area requirement would prevent reasonable residential development and deprive the owner of rights commonly enjoyed by other residential properties in the district.

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.

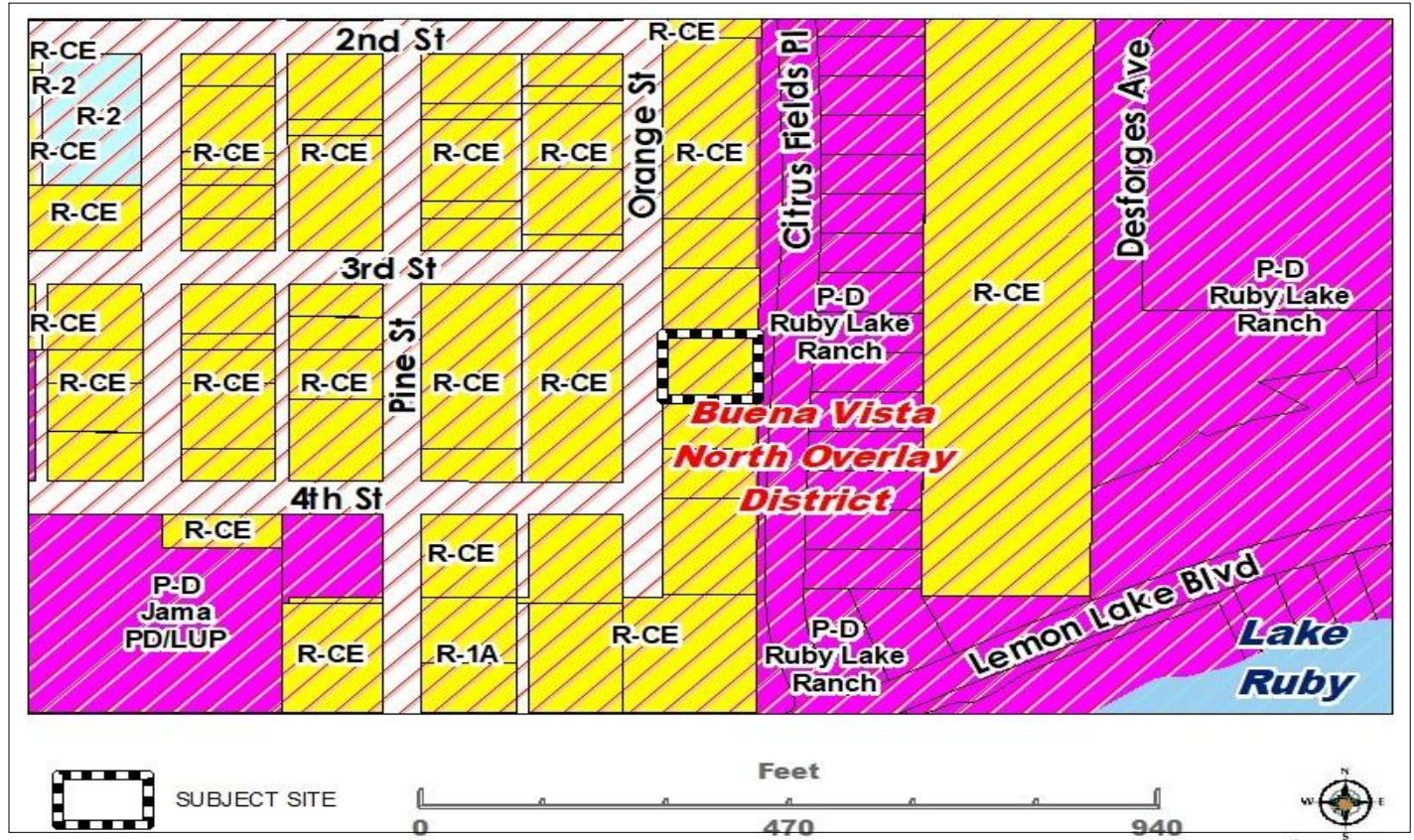
The requested relief (100 ft lot width, 35 ft rear setback, and 12,000SF lot area) is the minimum necessary to allow reasonable use of the property. All other setbacks and zoning requirements will be met.

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.

The proposed single-family residence is consistent with RCE zoning and the Comprehensive Policy Plan of Orange County. The request will not negatively impact the neighborhood or public welfare.

Pyramid Engineering Group Inc.
417 E Vine St, Kissimmee, FL 34744

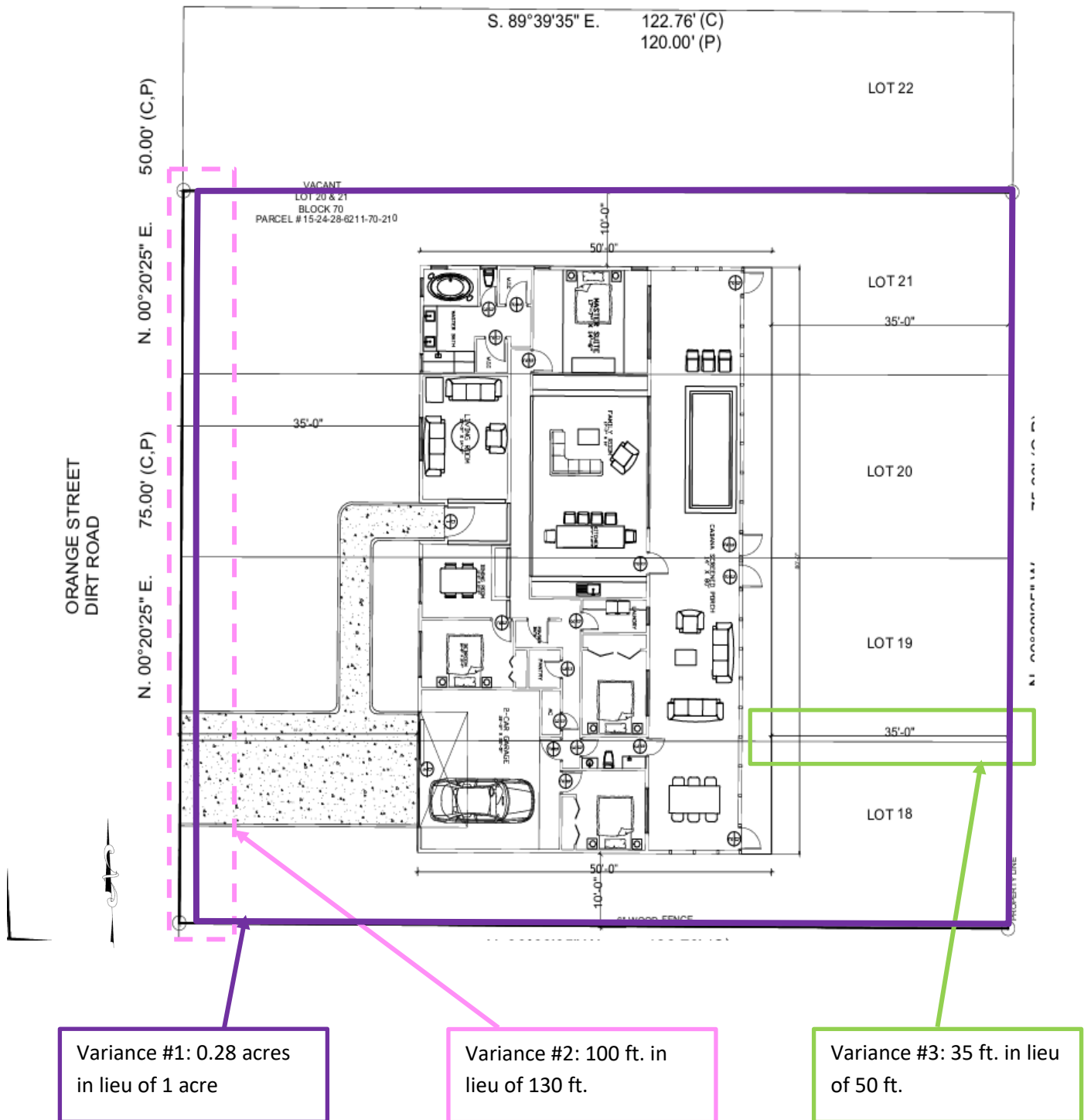
ZONING MAP



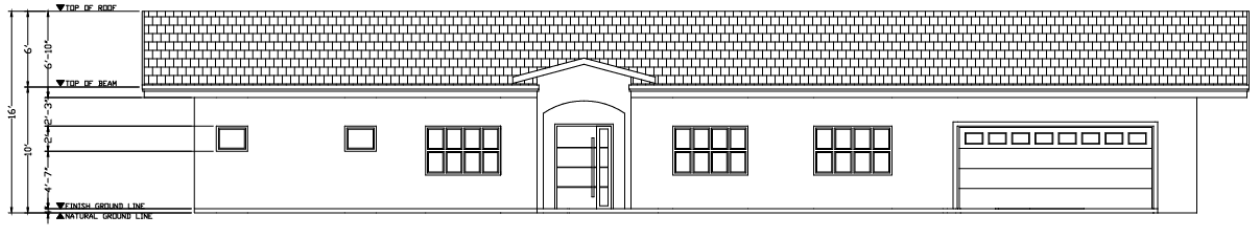
AERIAL MAP



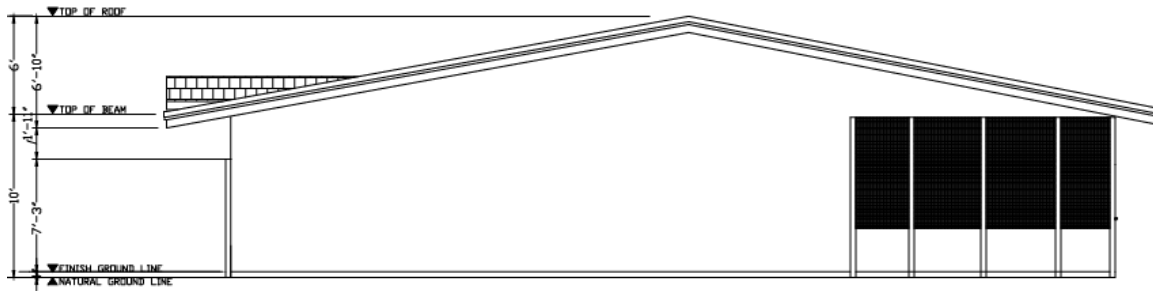
OVERALL SITE PLAN



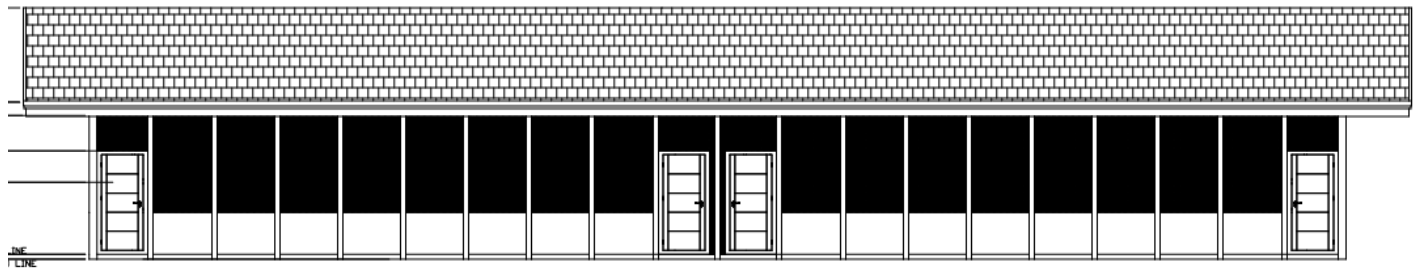
ELEVATIONS



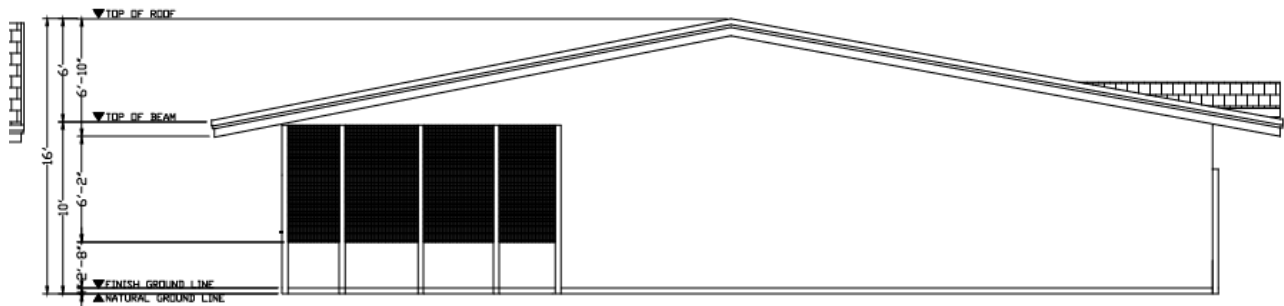
Front (West) Elevation



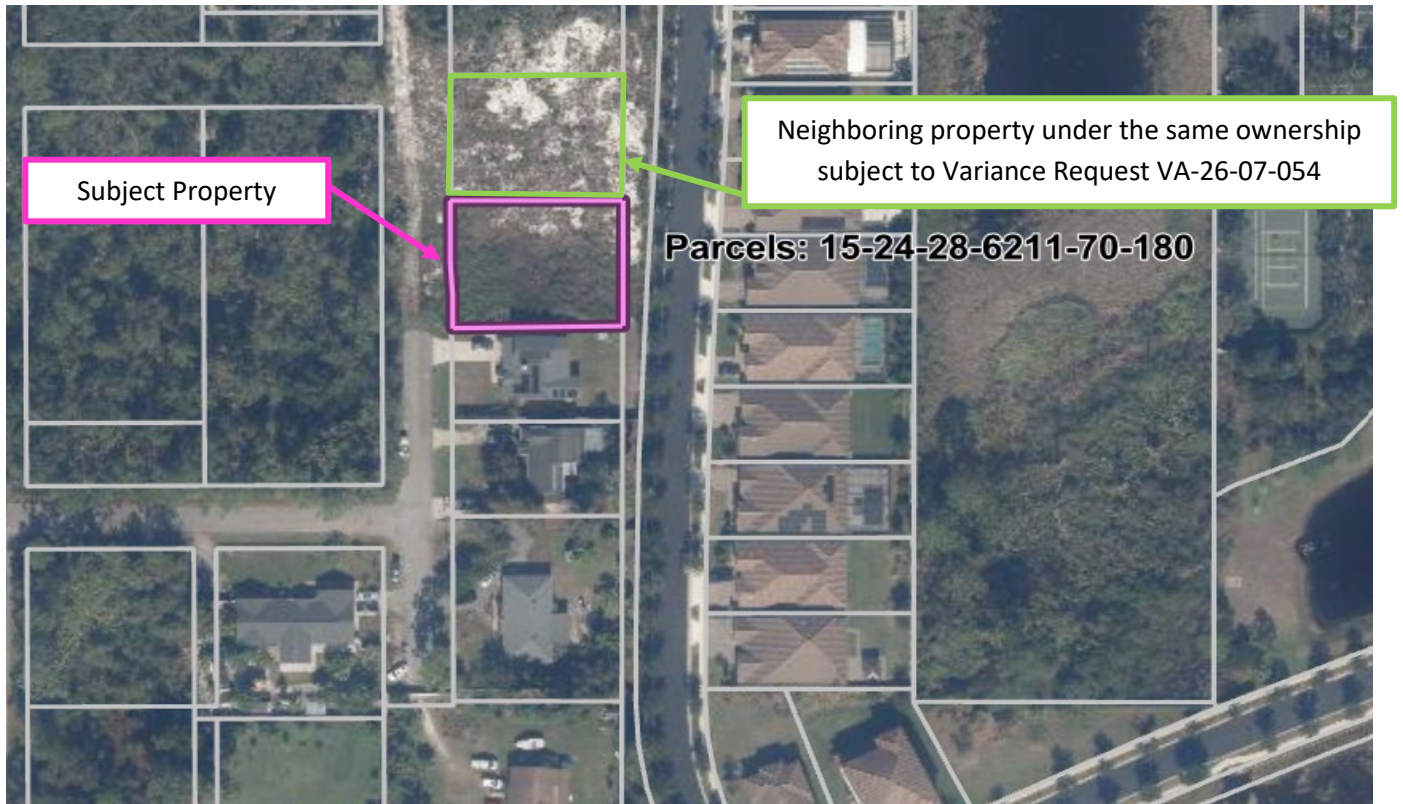
Right (South) Elevation



Rear (East) Elevation



Left (North) Elevation



SITE PHOTOS



Facing east towards the front of the subject property

SITE PHOTOS



Facing south towards Orange St.



Facing northeast towards the front of the subject property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 02, 2026**

Commission District: **#2**

Case #: **VA-26-07-064**

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

GENERAL INFORMATION

APPLICANT(s): JORGE RODRIGUEZ

OWNER(s): KENDALLS HOMES LLC

REQUEST: Variance in the R-1 zoning district to allow a new residence with a side street setback of 7.98 ft. in lieu of 15 ft.

PROPERTY LOCATION: 6442 Summit Dr., Orlando, FL 32810, southeast corner of Summit Dr. and Oak Rd., north of Beggs Rd., east of Hiawassee Rd., south of S.R. 414, west of N. Orange Blossom Trl.

PARCEL ID: 25-21-28-9252-03-090

LOT SIZE: 7,470 sq. ft.

NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 97

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

1. Development shall be in accordance with the site plan dated May 2026, and elevations dated September 10, 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 for denial of the Variance request. Staff noted that no comments were received in favor of or in opposition to the request.

The applicant was present and explained the need for the requested variance and identified alternatives that were explored prior to proceeding with the request, such as to have the right-of-way vacated. The applicant noted that the unimproved road is being used for utilities, so the County will not vacate the right-of-way even though there is not enough width available for a future right-of-way.

The Board noted that the existing setback requirement limits the property's development, and that the proposed setback is consistent with the interior side setback for the district.

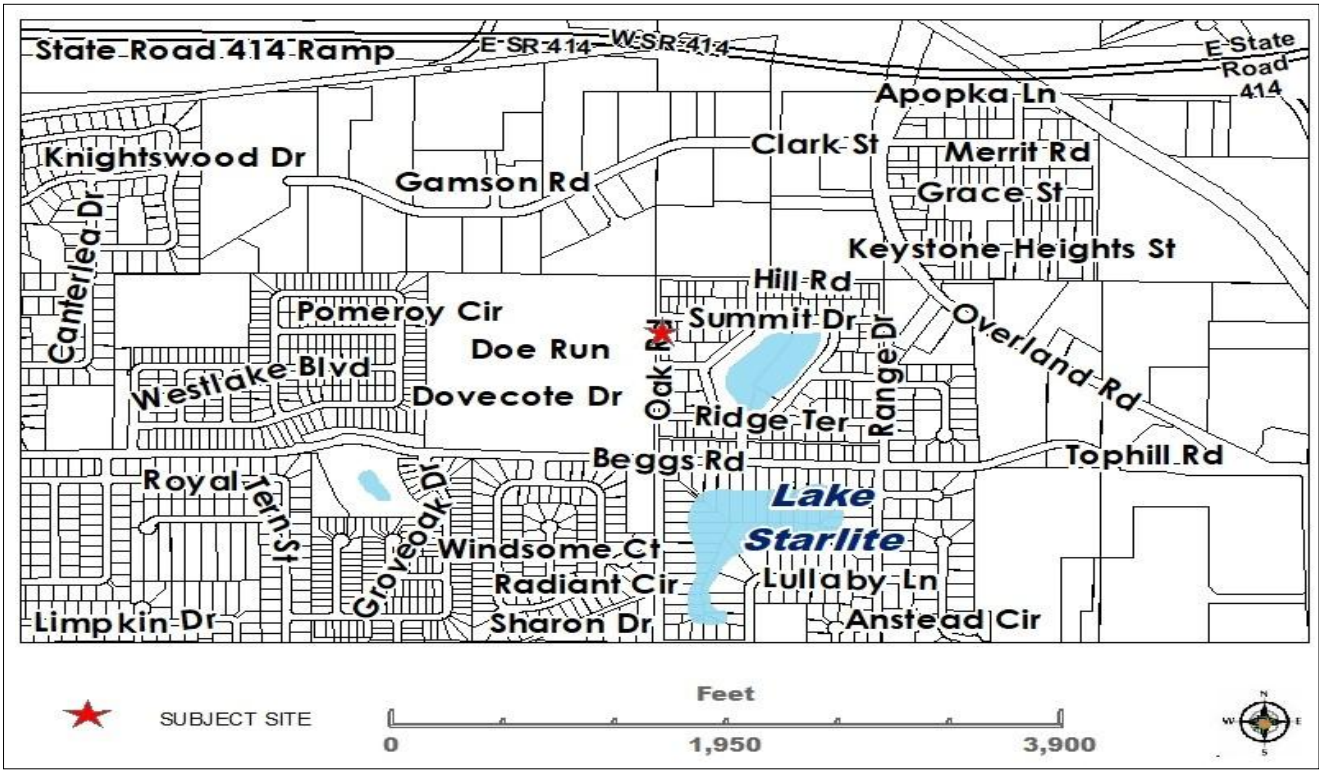
There was no one in attendance to speak in favor of or in opposition to the request.

The BZA recommended approval of the Variance request by a 6-0 vote, with one absent, subject to the three conditions listed 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-1	R-1	R-T
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Vacant	Single-family residence	Single-family residence	Single-family residence	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1, Single-Family Dwelling 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-1 zoning district.

The area around the subject site consists of single-family homes and vacant lots. The subject property is a vacant 7,470 sq. ft. lot, platted in 1951 as Lot 9 of Block C of the Whispering Hills Plat. The property is a corner lot with right-of-way along Summit Dr. to the north, and Oak Rd., an unimproved right-of-way to the west. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, Summit Dr. is considered the front and Oak Rd. is considered the side street. The property was purchased by the current owner in September of 2025. Although Oak Rd. is unimproved right-of-way, there are several utility and inlet connections that exist. As a result, the Development Engineering Division determined that they would not support a petition to vacate the easement at the time of this report.

The proposal is to construct a 2,348 gross sq. ft one-story single-family home. As proposed, the home will be located 7.98 ft. from the west side street property line where 15 ft. 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.	17.25 ft.
Min. Lot Width:	50 ft.	50 ft.
Min. Lot Size:	5,000 sq. ft.	7,485 sq. ft.

Building Setbacks (Single-Family Home)

	Code Requirement	Proposed
Front: (Summit Dr.)	25 ft.	26.1 ft. (North)
Side Street: (Oak Rd.)	15 ft.	7.98 ft. (West - Variance)
Side:	6 ft.	6 ft. (East)
Rear:	25 ft.	55.8 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 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**

MET - Special conditions and circumstances exist as the western right-of-way which is necessitating the increased setback is unimproved and does not function as a right-of-way.

Not Self-Created

NOT MET - The request is self-created as this is new construction and there are alternatives to eliminate the request.

No Special Privilege Conferred

MET – Granting the requested Variance will not confer any special privilege conferred to others under the same circumstances as the western right-of-way is not improved.

Deprivation of Rights

NOT MET – There is no deprivation of rights as a code compliant residence could be constructed on the property.

Minimum Possible Variance

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

Purpose and Intent

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 western right-of-way is not developed, and the 7.98 ft. proposed setback would be consistent with the internal setback requirement for the R-1 zoning district.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated May 2026, and elevations dated September 10, 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: Jorge Rodriguez
1192 Marla Ave.
Altamonte Springs, FL 32701

C: Kendall's Homes LLC
1192 Marla Ave.
Altamonte Springs, FL 32701

Jorge Rodriguez / Kendall's Homes, LLC
1192 Marla Ave.
Altamonte Springs, FL 32701
Jorge_rodriguez243@yahoo.com

Date: May 4, 2026

To:
Orange County Zoning Division
Board of Zoning Adjustment

RE: Variance Request – 6442 Summit Drive, Orlando, FL

Dear Board Members,

I am requesting a variance for the property located at **6442 Summit Drive, Orlando, Florida**, a 50-foot by 150-foot residential lot (Parcel ID: **25-21-28-9252-03-090**).

Although the property is classified as a corner lot due to its adjacency to Oak Drive, the survey clearly identifies Oak Drive as an **“unimproved right-of-way”** that is not developed or used as a roadway. It consists of a grass-covered area utilized for drainage and utilities, with no vehicular traffic or functional street access.

Because of this technical classification, the property is subject to a **15-foot side street setback**, which is inconsistent with the functional reality of the site and significantly restricts reasonable development.

The proposed residence is a **single-story, 4-bedroom, 3-bathroom home**, approximately **1,881 square feet under air**, with a building width of approximately **36 feet**. This design is consistent with surrounding homes, which are predominantly single-story residences with typical side setbacks of approximately 6 feet.

Strict enforcement of the 15-foot setback would prevent construction of a reasonably designed home and would require either a significantly reduced and impractical layout or a two-story structure inconsistent with the neighborhood character.

Therefore, I am requesting a variance to allow a **7.5-foot setback** along the side adjacent to Oak Drive. This represents a minimal and reasonable adjustment that remains greater than the standard interior side setback.

Variance Criteria Justification

1. Special Conditions and Circumstances

The property is uniquely impacted by adjacency to an unimproved right-of-way rather than a functional street.

2. Not Self-Created

The condition is inherent to the property and zoning designation and was not created by the applicant.

3. No Special Privilege Conferred

The request aligns closely with the standard 6-foot side setback found throughout the neighborhood.

4. Deprivation of Rights

Strict application of the code would prevent construction of a reasonable single-story home similar to others in the area.

5. Minimum Possible Variance

The requested 7.5-foot setback is the minimum necessary.

6. Purpose and Intent

The proposed home is consistent with the scale and character of the neighborhood.

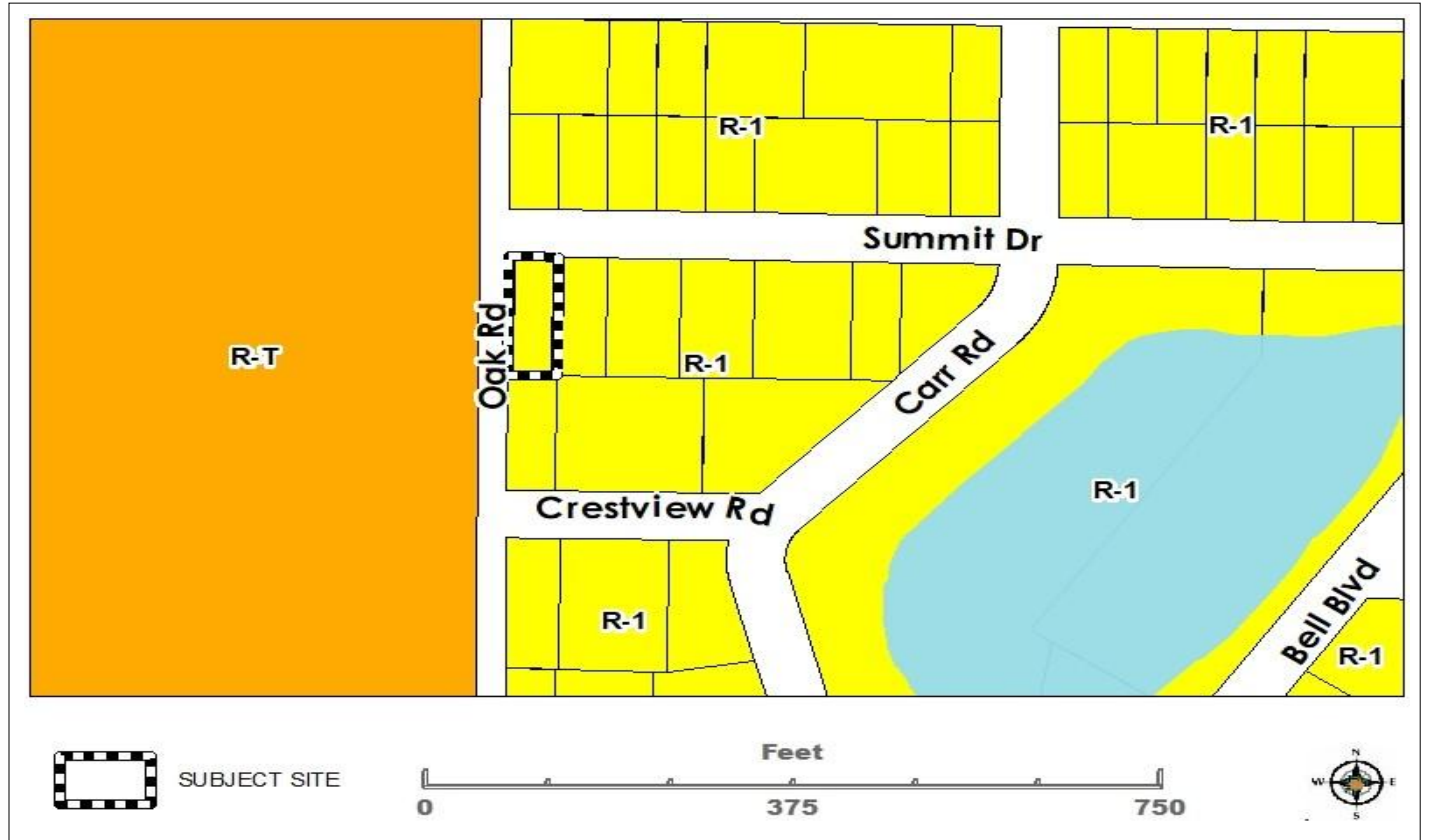
Thank you for your time and consideration.

Sincerely,

Jorge Rodriguez

A handwritten signature in black ink, appearing to read "Jorge Rodriguez", with a stylized, flowing script.

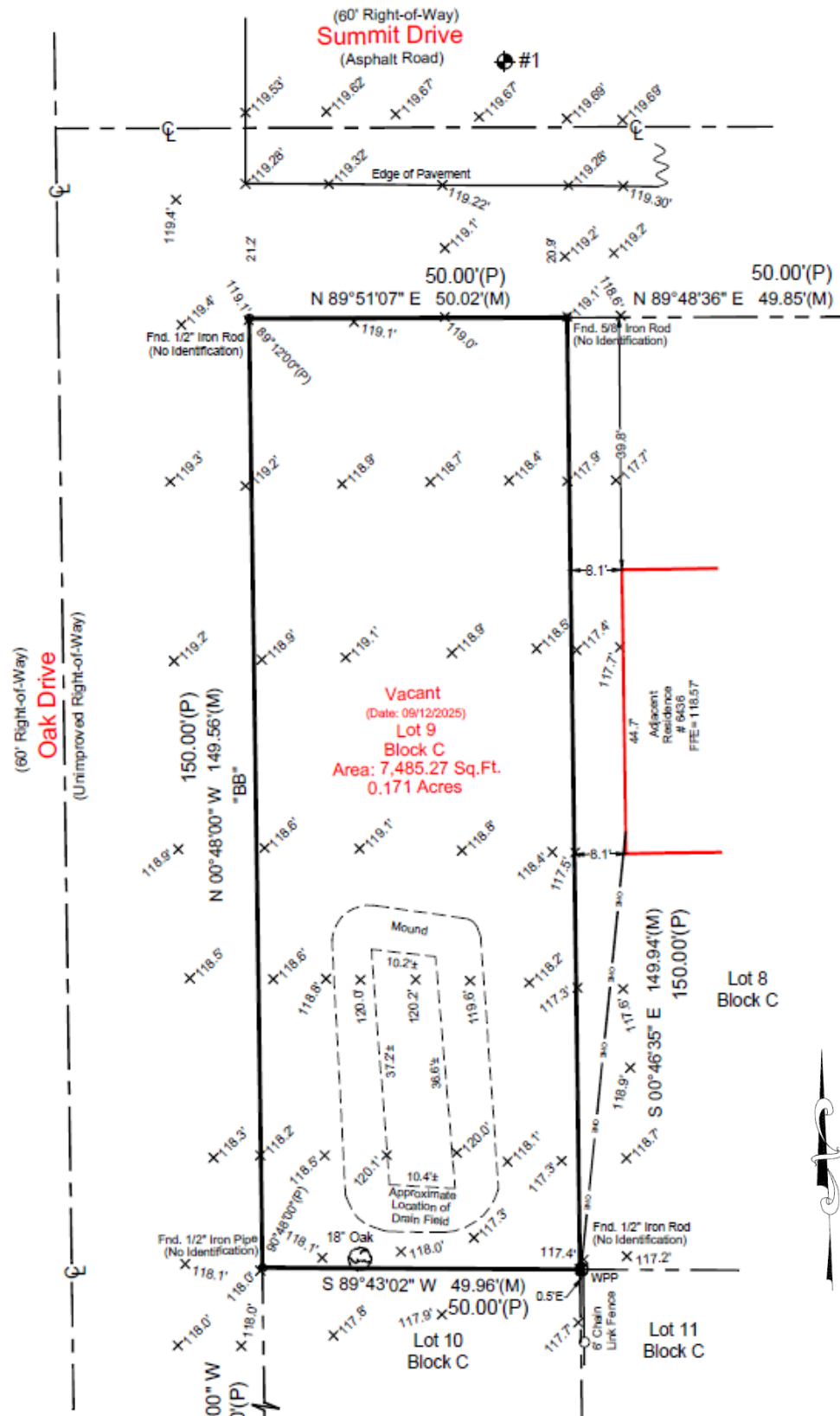
ZONING MAP



AERIAL MAP



SURVEY



Summit Dr.

Edge of Pavement

50.00'(P) N 89°51'07" E 50.02'(M)

50.00'(P) N 89°48'36" E 49.85'(M)

21.2'

20.9'

Iron Rod (Identification)

Fnd. 5/8" Iron Rod (No Identification)

15 ft. setback

Vacant (Date: 09/12/2023) Lot 9 Block C Area: 7,485.27 Sq. Ft. 0.171 Acres

Adjacent Residence # 6436 FFE= 118.57

Variance street setback in lieu of

Oak Rd.

N 00°48'00" W 149.56'(M)

"BB"

68.33'

15' SETBACK

25' SETBACK

36'

7.98'

Mound

10.2'±

120.2'±

37.2'±

36.6'±

10.4'±

Approximate Location of Drain Field

25' SETBACK

18" Oak

S 89°43'02" W 49.96'(M) 50.00'(P)

S 00°46'35" E 149.94'(M) 150.00'(P)

Lot 8 Block C

Fnd. 1/2" Iron Rod (No Identification)

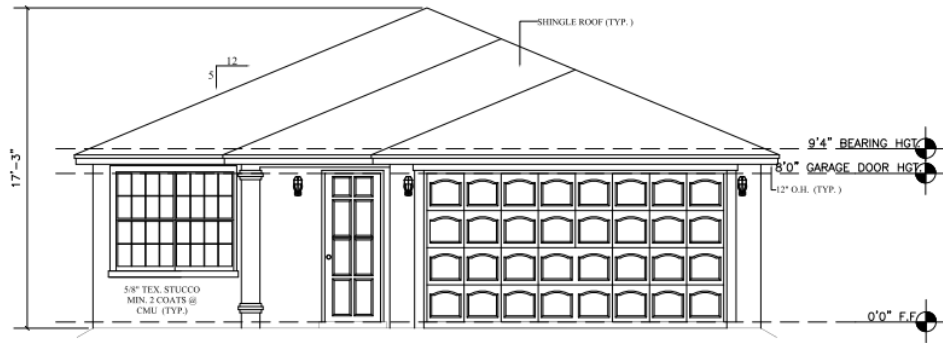
WPP

Chain Link Fence

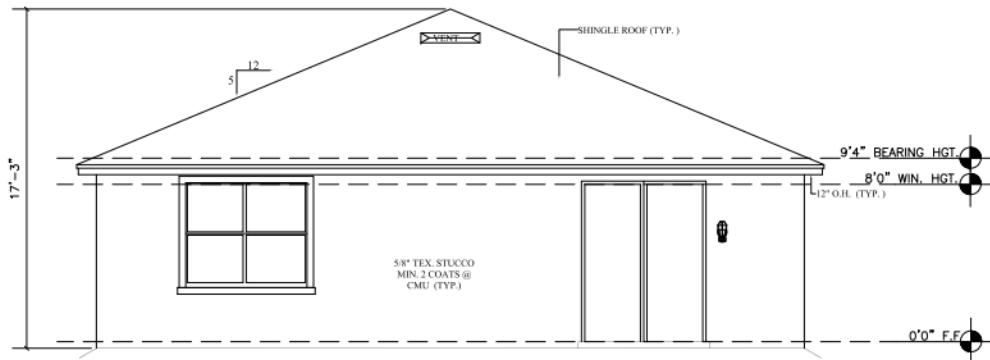
Lot 11

CALL 48 HOURS BEFORE YOU DIAL IT'S THE LAW! DIAL 811

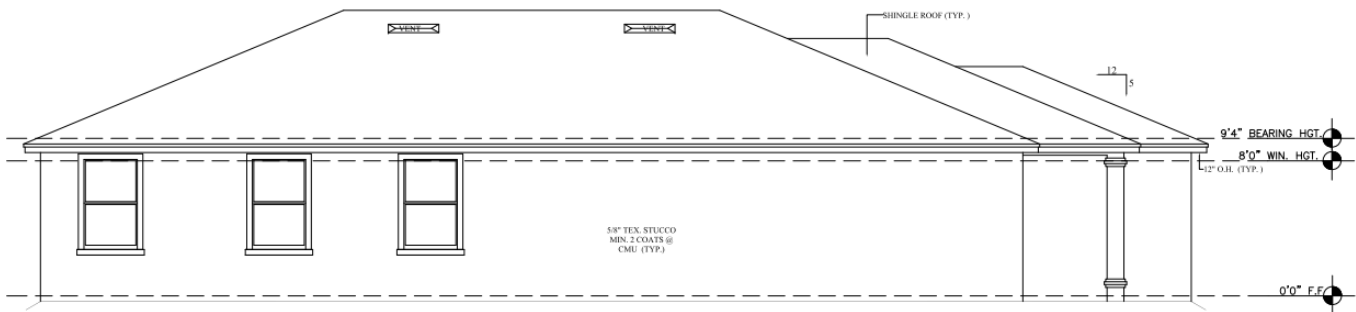
ELEVATIONS



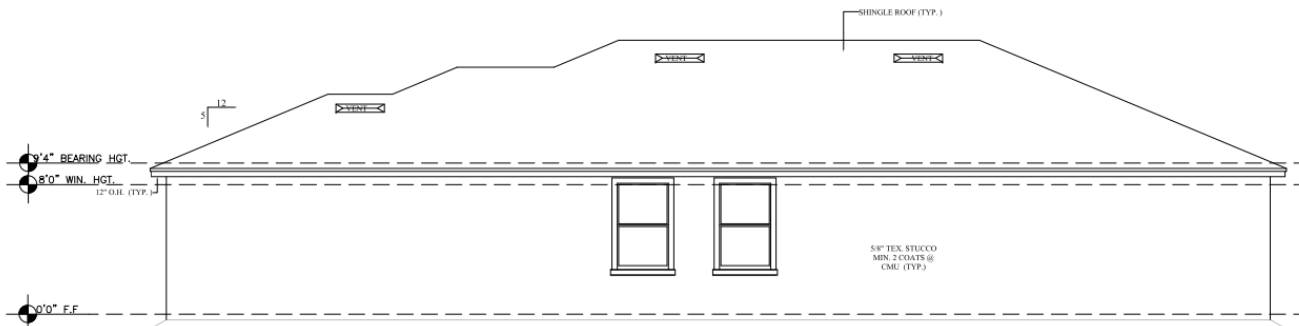
Front (North) Elevation



Rear (South) Elevation



Left (East) Elevation



Right (West) Elevation

SITE PHOTOS



Facing south from Summit Dr., towards the front of the subject property and Oak Rd.



Facing southeast from the intersection of Oak Rd. and Summit Dr. towards the subject property

SITE PHOTOS



Facing southwest towards subject property



On subject property, facing north towards Summit Dr.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 02, 2026**

Commission District: **#3**

Case #: **VA-26-07-055**

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

GENERAL INFORMATION

APPLICANT(s): JIM HALL

OWNER(s): HARBOR BEACH II CONDO ASSN INC

REQUEST: Variance in the R-3 zoning district to allow a ground sign with a front setback of 5.49 ft. in lieu of 10 ft.

PROPERTY LOCATION: 5757 Five Flags Blvd., Orlando, FL 32822, east side of S. Semoran Blvd., south side of Lake Fredrica, north of Pershing Ave., west of S. Goldenrod Rd., south of Curry Ford Rd.

PARCEL ID: 10-23-30-3363-00-001

LOT SIZE: 45.44 acres

NOTICE AREA: 500 ft.

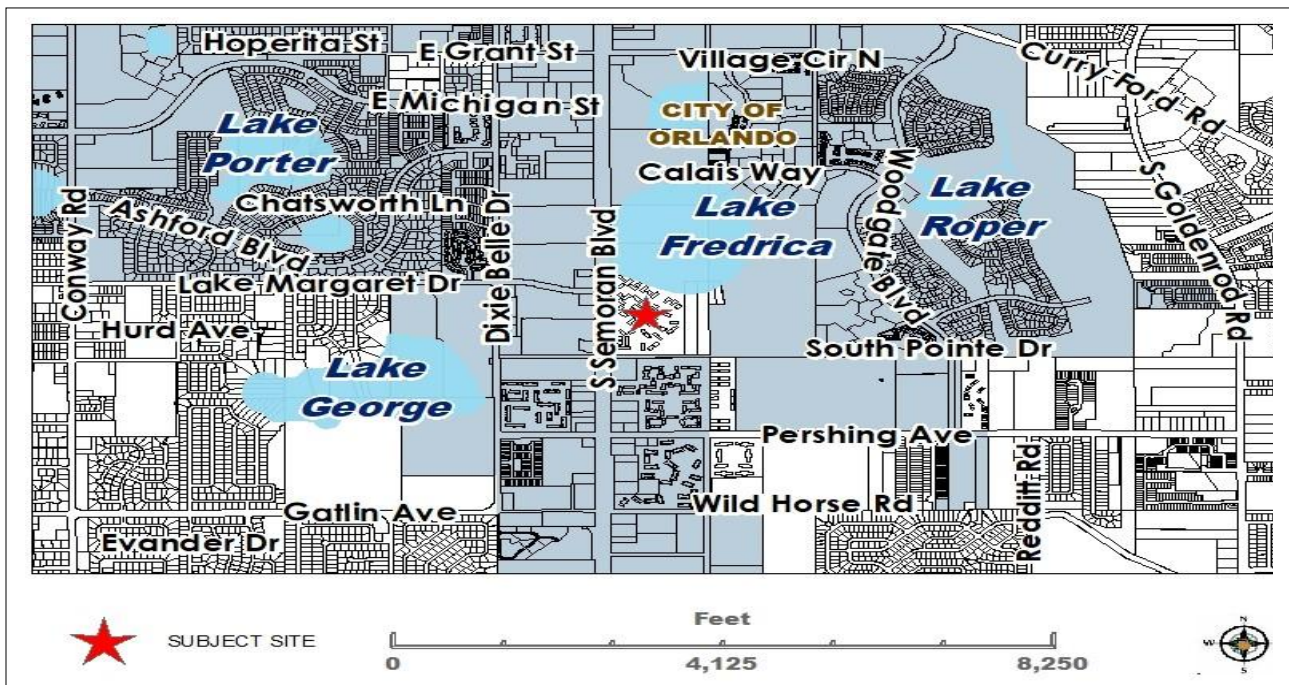
NUMBER OF NOTICES: 439

DECISION: Recommended a **CONTINUANCE** to the August 6, 2026, BZA meeting as requested by the applicant (Motion by John Drago, Second by Roberta Walton Johnson; unanimous; 6 in favor: John Drago, Thomas Moses, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed; 1 absent: Juan Velez)

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria 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-3	P-O	CITY OF ORLANDO	CITY OF ORLANDO	CITY OF ORLANDO
Future Land Use	MDR	MDR	CITY OF ORLANDO	CITY OF ORLANDO	CITY OF ORLANDO
Current Use	Condominium	Medical Office	Condominium	Vacant	Retail

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-3, Multiple-Family Dwelling district, which allows single-family homes and multi-family development. The Future Land Use (FLU) is Medium Density Residential (MDR) which is consistent with the R-3 zoning district.

The area surrounding the site consists of other multi-family developments and some commercial uses to the west. The subject property is 45.44 acres in size and was platted in 2012 as a part of the Harbor Beach II condominium plat. The property is an interior lakefront lot with right-of-way along S. Semoran Blvd. to the west and Lake Fredrica to the north. The site is developed with a condominium complex, constructed in 1987, with two access points along S. Semoran Blvd. There are two existing ground signs located at the northern entrance point, which were installed in 2014 (B14013563). A third ground sign was also installed in 2014 at the southern entrance (B14013567); however, this sign was damaged and removed.

The request is to erect a new 6.17 ft. tall by 9.18 ft. wide ground sign at the southern entrance. Section 31.5-73 of Orange County Code allows for a primary identification sign up to 100 sq. ft. in size and secondary signs up to 48 sq. ft. in size for multi-family developments. This section of code does not differentiate between ground signs or wall signs. The two existing ground signs located at the northern entrance are the primary identification signs, while the proposed ground sign at the southern entrance is classified as a secondary sign. The new sign contains 31.34 sq. ft. of copy area and is proposed to be located 5.49 ft. from the west (front) property line. A sign identifying a multi-family development is required to satisfy the standards for ground signs as regulated in sec. 31.5-67 of Orange County Code. Ground signs must maintain a minimum setback of 10 ft. from all property lines established in this section. The proposed location encroaches into the required 10 ft. setback, prompting the Variance request. A permit (B25019528) was submitted in September of 2025 to erect a ground sign at the secondary entrance. The permit was reviewed and deficiency comments were provided regarding the setback. The permit has expired due to inactivity. This permit must be reinstated or replaced following the outcome of the Variance request.

During the site visit staff observed several temporary signs erected on the site, as seen in the site photographs. One is acting as a placeholder for the proposed sign and was erected without permits. There are also several temporary feather flags located at both entrances. Section 31.5-14(2) of Orange County Code prohibits wind-operated devices, including flags, as such the existing feather flags are required to be removed from the property.

Development Standards for Signs Identifying Multi-Family Developments

	Code Requirement	Proposed
Max. Copy Area:	48 sq. ft.*	31.34 sq. ft.
Max. Height:	8 ft.	6.17 ft.
Max. Clearance:	2 ft.	1.25 ft.
Min. Setbacks (All property lines):	10 ft.	10 ft. – (Side, South) 5.49 ft. – (Front, West - Variance) N/A – North, East

**48 sq. ft. for secondary identification signage, 100 sq. ft. for primary identification signage.*

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 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. Staff has determined that the Variance request does not meet all the criteria. Based on staff's analysis, the property contains sufficient space by the secondary access to erect a code compliant sign, therefore staff is recommending denial of the Variance request.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET – There are no special conditions and circumstances preventing a code compliant sign to be erected on the property. The site contains adequate space to place a sign outside of the required setback area.

Not Self-Created

NOT MET - The Variance request is self-created as the sign can be located in compliance with the 10 ft. setback requirement.

No Special Privilege Conferred

NOT MET - Granting of the requested Variance would confer special privilege that is denied by this Chapter to others in the same zoning district as the surrounding properties are subject to the same code requirements.

Deprivation of Rights

NOT MET - Denial of the Variance would not deprive the property owner of the right to install a sign that complies with current regulations and there are alternative options to locate the sign in compliance with the setback regulation.

Minimum Possible Variance

NOT MET - The Variance request is not the minimum possible to erect a sign at the secondary entrance.

Purpose and Intent

MET - Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the purpose of the code is to regulate the number, location, size, type, and use of signs within the county in order to promote the public health, safety, and welfare of the county and to improve traffic safety, while recognizing the right of the business community both to reasonably identify and advertise its existence. As proposed, the sign will not adversely impact the right-of-way as the sign will be approximately 36 ft. from the sidewalk and approximately 50 ft. from the roadway.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the survey/site plan and sign elevations date stamped May 28, 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: Jim Hall
1302 Osprey Ave.
Orlando, FL 32803

Memo



To: BZA
Re: Harbor Beach sign variance
From: Jim Hall
Date: January 28, 2026

This Variance request is to replace a nonconforming sign (a secondary residential ground sign) after a vehicle hit the former sign and destroyed the sign (see Exhibit A). While nonconforming, the sign was originally a conforming sign which was rendered nonconforming by condemnation.

History of Harbor Beach

The condominiums were built in 1987 under County jurisdiction. McKinley bought the condominiums and undertook a renovation of the units and the grounds. The sign copy changed on the secondary sign (new name for property) but the sign was in use prior to the copy change and remained in use until the vehicle accident. Here are images of the sign in question before the vehicle accident:



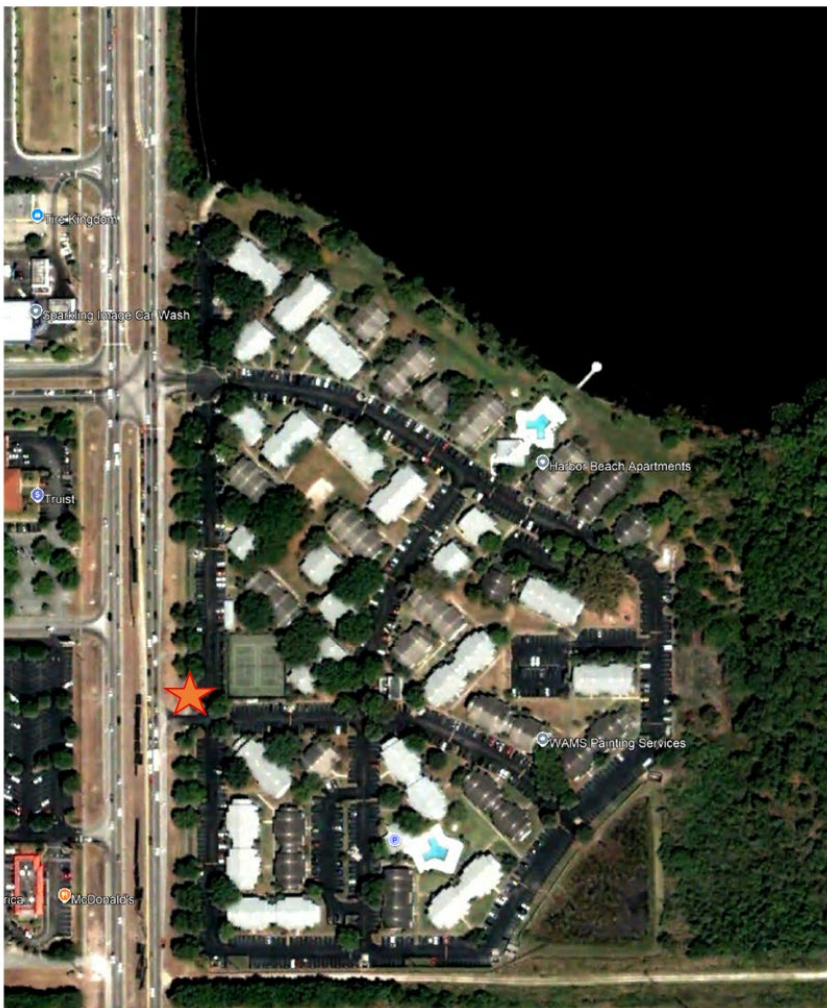
Picture of former sign



Picture of former sign



Harbor Beach site plan



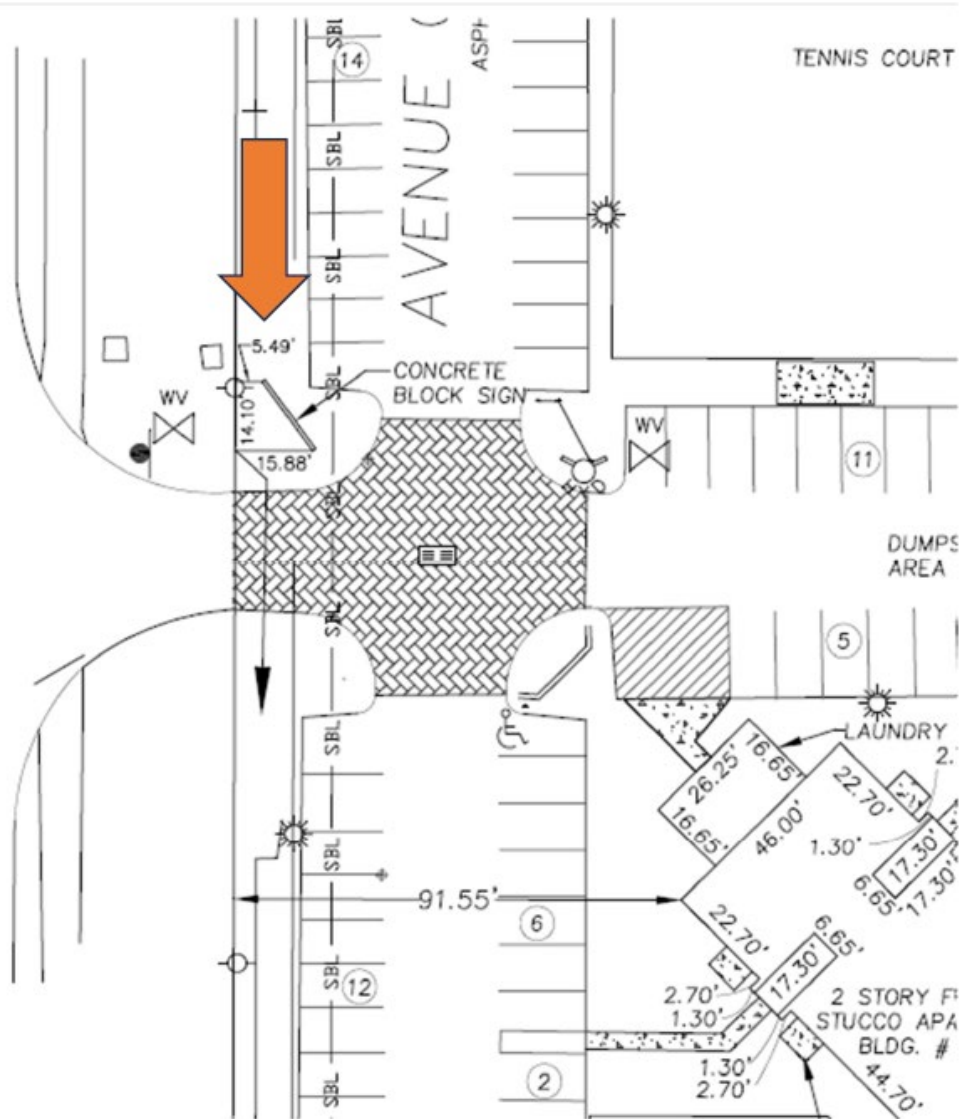
2004 aerial showing four through lanes before the last condemnation



2006 aerial showing six through lanes after the condemnation

Variance Request

The sign in question met Code until the SR 436 widening. The increase in right of way width resulted in the sign not meeting current Code. The sign was still in use until the vehicle accident. The loss of the sign at its former location is the basis of this variance request. The variance request is for 5.49 feet in lieu of ten feet to maintain the former sign location in lieu of moving the sign back and out of site due to mature landscaping and walls. Notice the south end of sign is over 15 feet from the right of way line exceeding minimum standards.



Variance Justification

1.A. A detailed cover letter must be submitted with each application. The letter shall include what the request is for (fence, porch, pool, shed, garage, carport, type of addition, sign, accessory structure etc.), the reason for the request, the type of construction proposed (wood, concrete, mesh screening, vinyl, metal, aluminum, etc.), how many square feet is proposed, the proposed dimensions, how far away the construction will be from the all property lines, proposed height, and numerical values, such as, what is allowed (in feet) versus what the Code requires in feet. The letter is also required to provide justification for how the proposal meets the six standards for variance approval as outlined below:

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.*

A vehicle knocked the sign down and this variance request is trying to re-establish the sign at the same location while meeting Code for signage size and height. Due to condemnation actions of widening SR 436, the current sign location is substandard to Code by 5.49 feet from the right of way line. Bear in mind the average distance of the sign to the right of way is 10.685 feet.

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 vehicle accident and the earlier condemnation actions created the signage issue. The property owners are trying to re-establish the sign.

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.*

No special privilege is conferred as the goal of this application is to return a sign to the previous location as enjoyed by the property for 38 years.

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.*

The Code requires the sign to move eastward away from SR 436 which is a substandard location thereby putting these units at a competitive disadvantage to other units found on this section of SR 436. Surrounding units (2,200 linear feet to 3,000 linear feet) were built from 1973 until 1987 and enjoy the sign location before the SR 436 widening.

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 to return the sign to its former location with a sign meeting current Code for size and height.

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.*

The sign in question has been located in the same place for 38 years and causes no detriment or injury to the public welfare.

Required Documentation

B. Detailed site plan/survey (8 ½" x 11" or 11" x 17") with dimensions drawn to scale by a surveyor, licensed contractor, architect or engineer. Please indicate which side of the property needs the variance. Distances in feet from all property lines shall be shown and legible on the site plan/survey. If the variance request is for an existing structure, an updated survey drawn by a certified land surveyor showing the existing structure(s), dimensions and distances from property lines must be submitted.

Attached.

C. If on a lakefront, waterfront, or on a natural canal, the site plan/survey shall be drawn by a certified surveyor and it must show the approved Normal High Water Elevation Line, the 100 year flood elevation line, and the proposed finished floor elevation of the improvement. These lines must be certified by a surveyor.

Attached. There is lake front which is over 900 feet from the sign and is not part of this request.

D. Architectural elevations drawn to scale for all proposed structures.

Attached.

Sign Variance

2. Variance Requests for Signage (including billboards)

A. In addition to A above, the detailed cover letter shall include the type of sign that the request(s) is for (i.e. wall sign, ground sign, pole sign, etc.), the reason for the request, how much square feet of copy area is proposed, sign dimension, proposed height, and the distance of the proposed sign(s) from all property lines.

The sign type is a ground sign to replace the sign destroyed in a vehicle accident. The variance request is for 5.49 feet in lieu of ten feet due to original sign was at 10 feet until there was FDOT condemnation rendering the former sign nonconforming.

B. Detailed site plan (any size) drawn to scale by a surveyor, licensed contractor, architect or engineer showing all existing and proposed sign locations and setbacks. If the sign already exists, you must submit an updated survey drawn by a certified land surveyor showing the sign, including dimensions and distances from property lines.

Attached.

C. Two (2) copies of sign renderings drawn to scale for all existing and proposed signs. D. An 8 ½" x 11" or 11" x 17" reduction of above plans.

Attached.

Jim Hall, MURP, BLA

Hall Development Services Inc.

1302 Osprey Avenue | Orlando | Florida | 32803

407.257.9235 | HallDSi.com

Exhibit A; Accident Report



Subject: Harbor Beach: New Property Incident on 6/6/2025 25008615

GENERAL INFORMATION

Incident Number: 25008615

Date of Incident: 6/6/2025

Time of Incident: 0800

Location Name: Harbor Beach

Location Address: 5757 Five Flags Blvd

Location City, State, Zip: Orlando, FL, 32822

Reporter's Name: GROOMS, JASON C.

Reporter's Title: COMMUNITY MANAGER

Reporter's Phone Number: 3365165280

INCIDENT INFORMATION

Incident Description: Stolen vehicle was wrecked into the front marquee sign at the second entrance to the entrance into the Harbor Beach community resulting in destruction of the sign and landscape

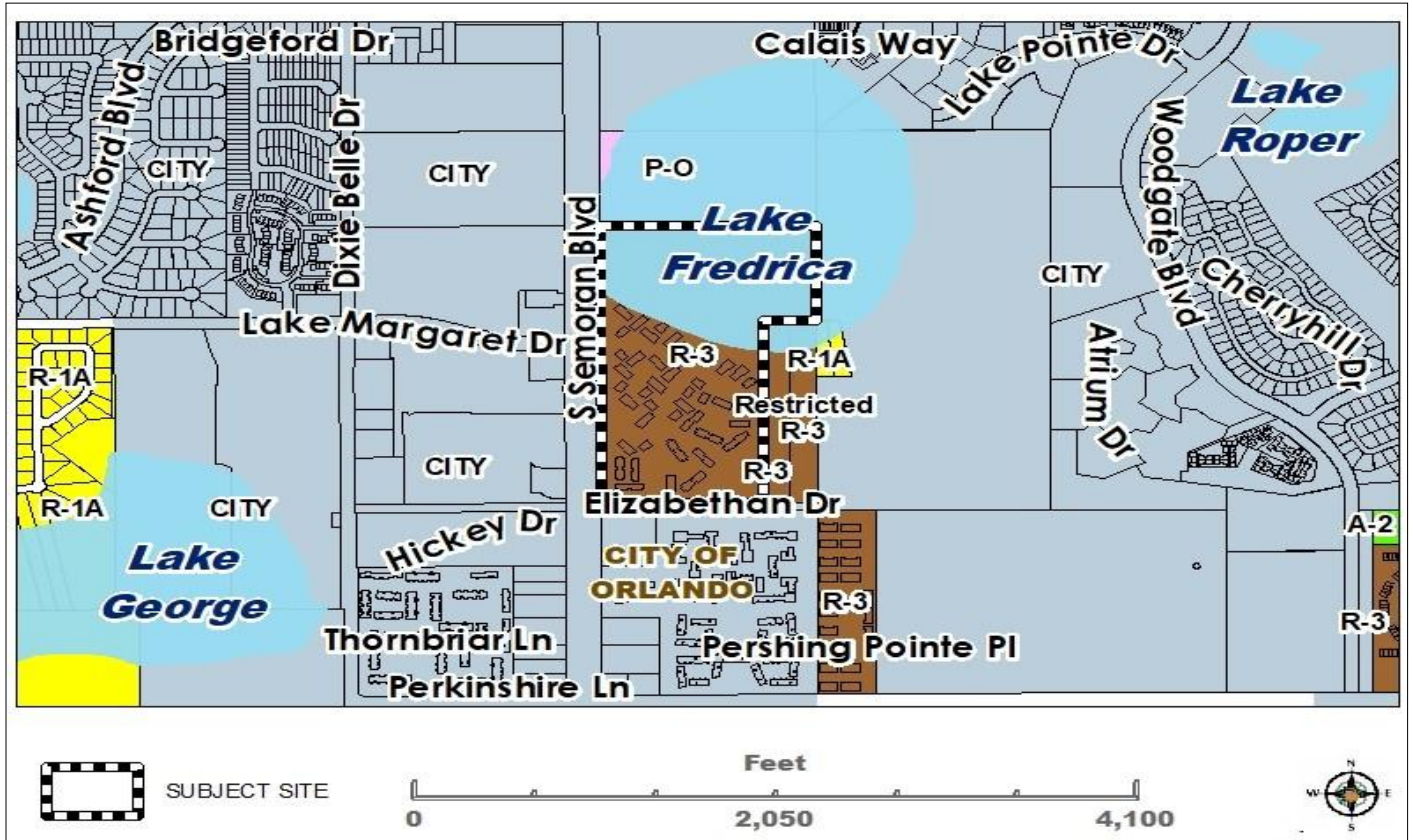
Cause/Type of Loss: General Property Losses - Property

Detailed Cause/Type of Loss: Other General Property Losses

Additional Comments: On Thursday, June 05, 2025 an unknown individual was being pursued by the Orange County Police department at approx. 8:00am that resulted in loss of control of a stolen blue Kia that was wrecked into our community. The person lost control of the car and ran completely through the front marquee at the 2nd entrance into the community resulting in complete loss of the Harbor Beach blue marquee sign and some small damage sustained to the front landscape. Orange county and maintenance were on the scene when the community manager arrived on scene at 8:10am to find that the area had been secured and roped off for inspection. The police were waiting on the Florida Highway Patrol to arrive on scene to take over which occurred at 9:45am. They were able to determine the vehicle had been stolen from Sanford and the owner had been notified to come and retrieve the vehicle from another location. Community Manager was able to secure a temporary sign to replace the damage one, repair the electrical for a temp shut off, have a new sign measured and the landscape placed back together in the meantime until the temp sign can be installed on 06.13.25. The case number is #FHP250NO264507.

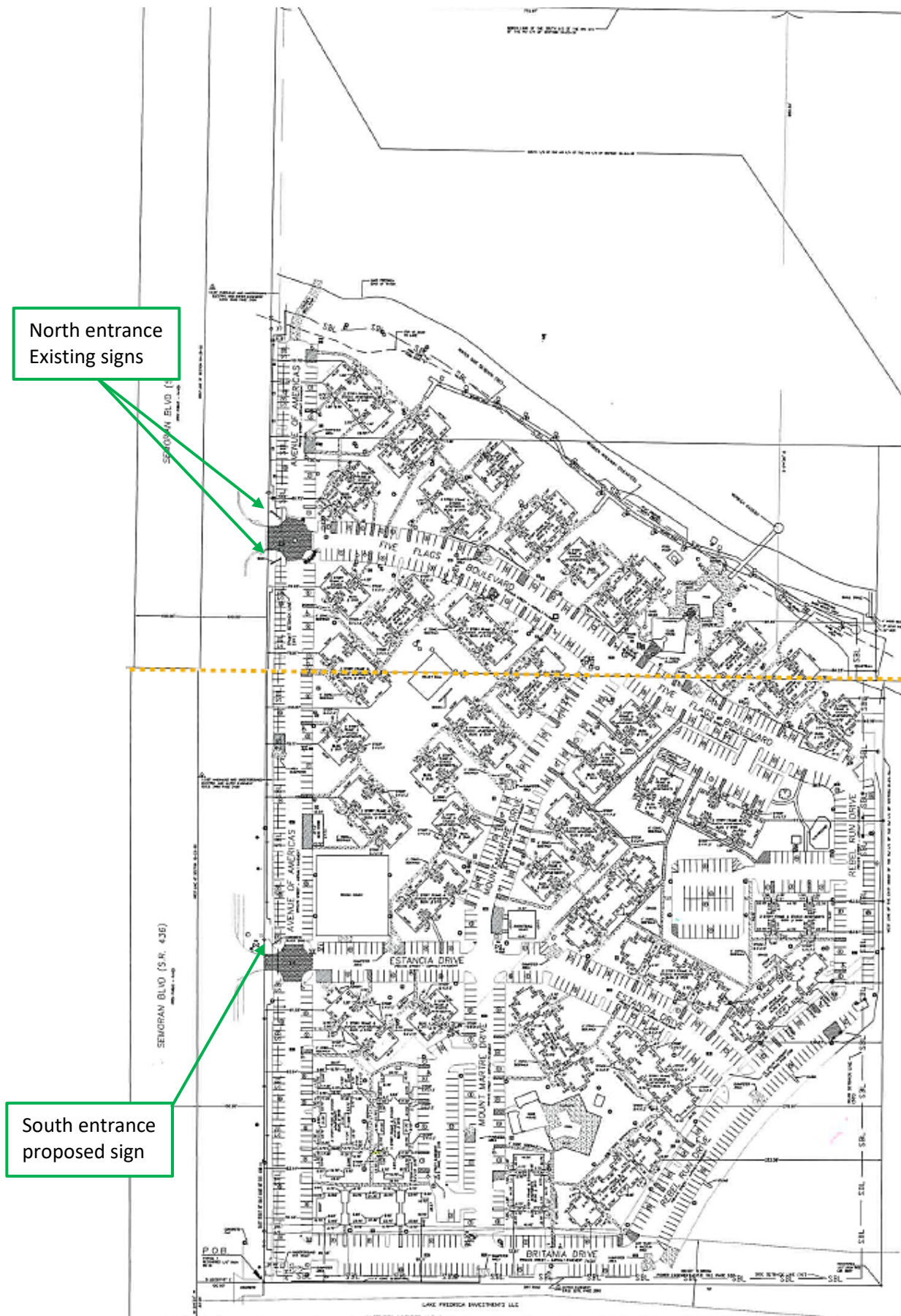
Photos will be sent to risk management to place with the file as well.

ZONING MAP

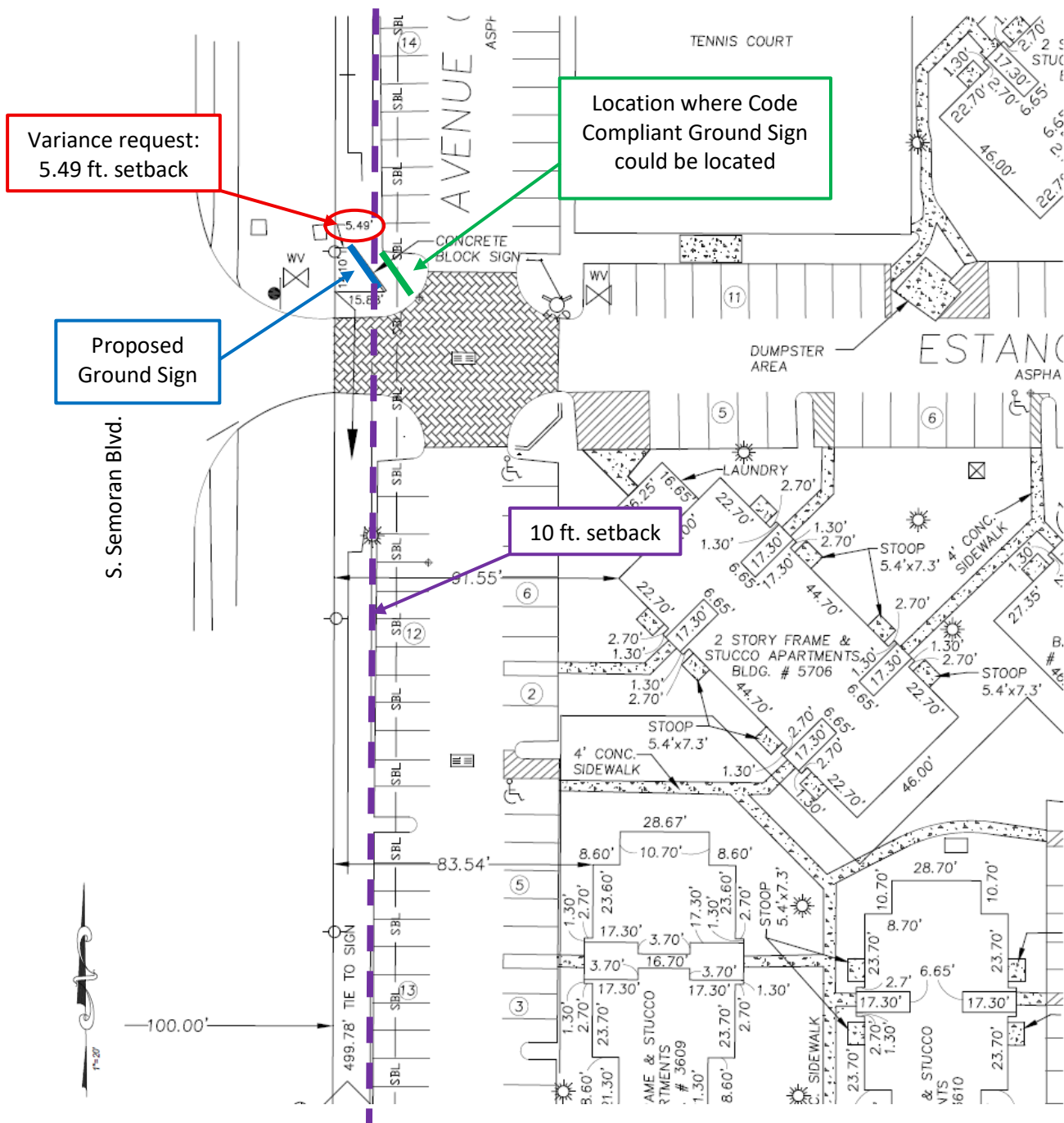


AERIAL MAP

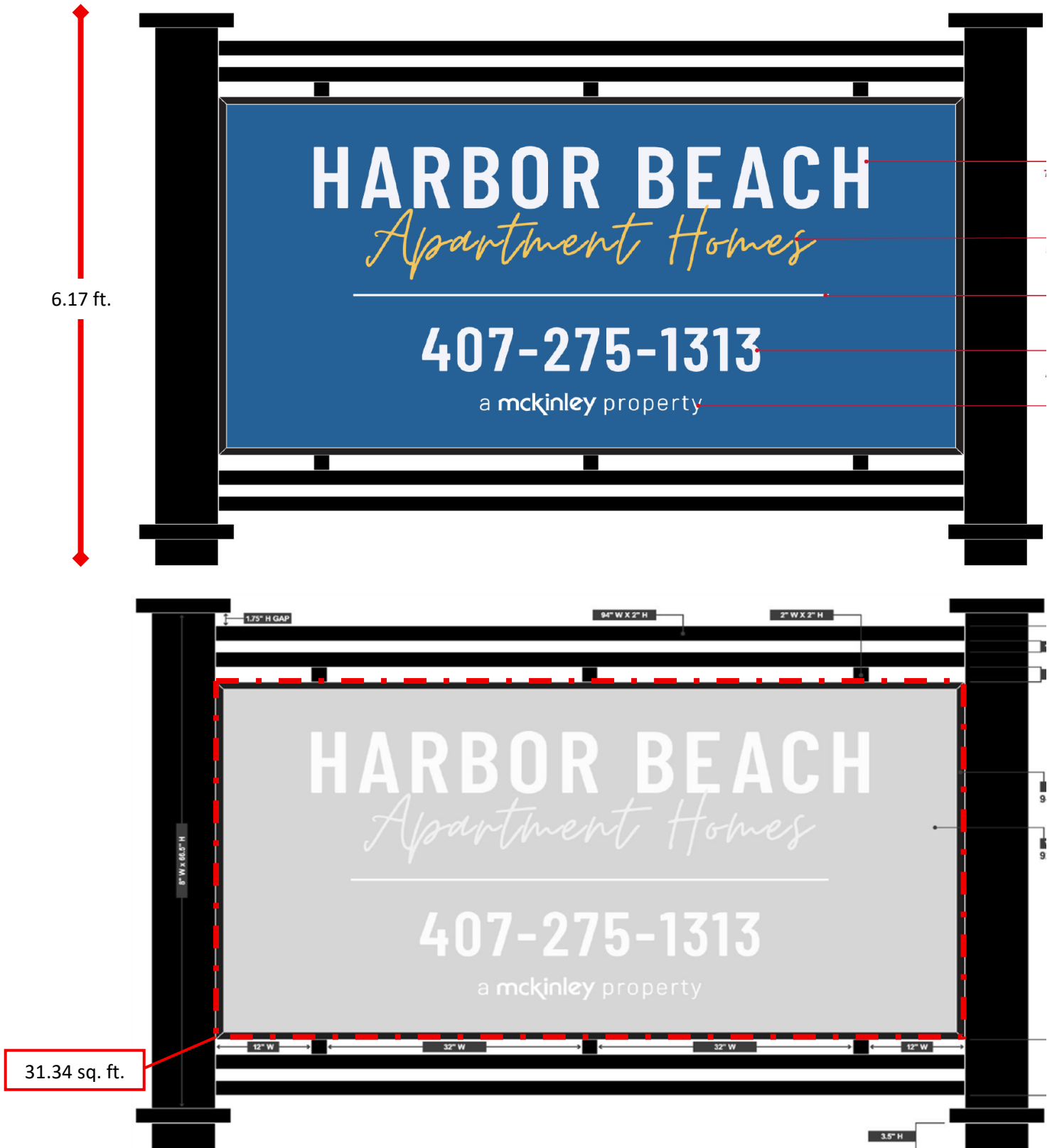




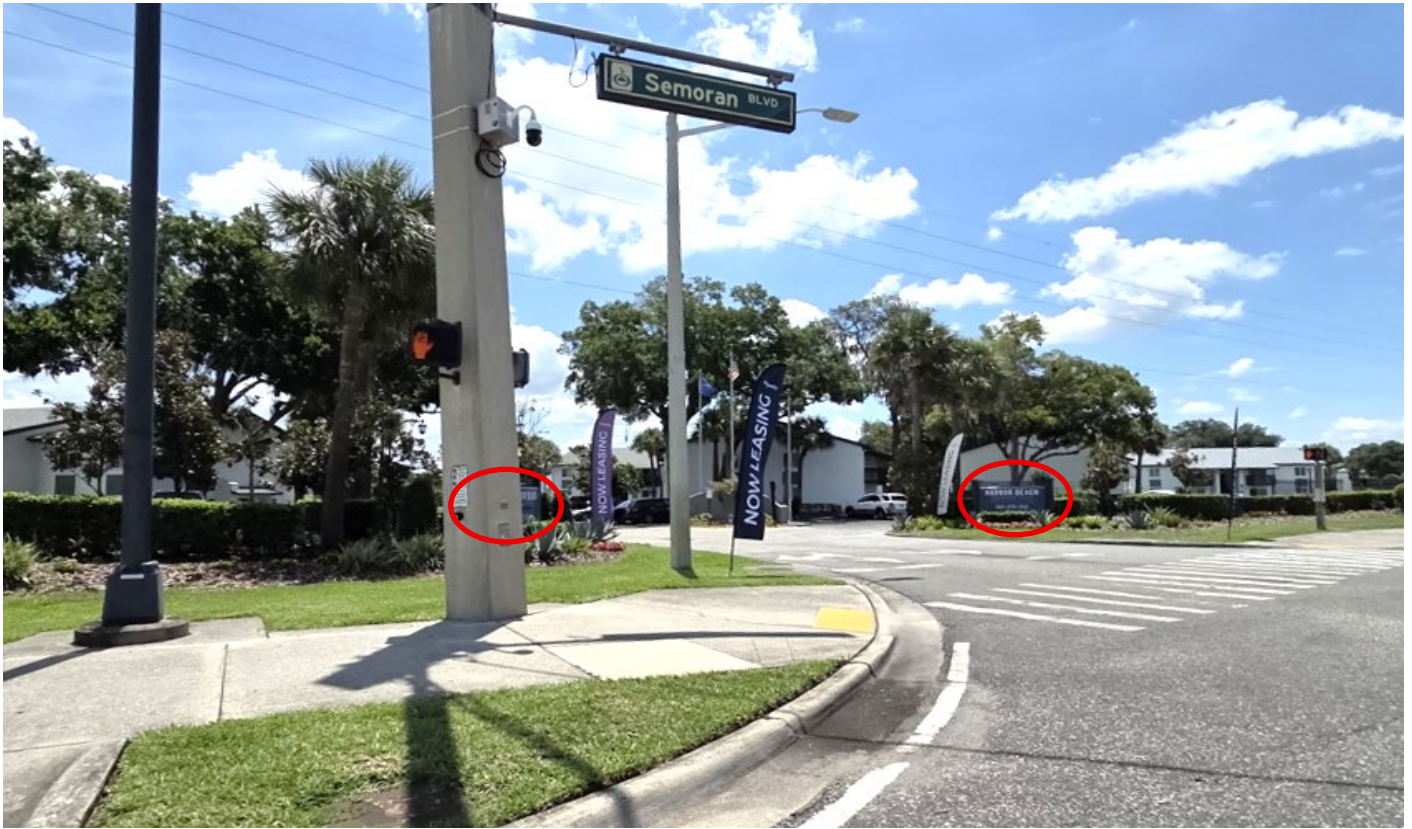
ENHANCED SURVEY/SITE PLAN



SIGN ELEVATIONS



SITE PHOTOS



On S. Semoran Blvd., facing southeast toward the primary entrance and existing signs



On S. Semoran Blvd., facing east toward the southern entrance and the existing unpermitted sign

SITE PHOTOS



From the secondary entrance, facing north toward the location of the existing unpermitted ground sign



From the sidewalk, facing east toward the temporary signs and location of the existing unpermitted sign and proposed ground sign

SITE PHOTOS



From southern entrance, facing south toward S. Semoran Blvd.



From southern entrance, facing northwest toward S. Semoran Blvd.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 02, 2026**

Commission District: **#2**

Case #: **VA-26-07-057**

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

GENERAL INFORMATION

APPLICANT(s): REGINALD DENMARK

OWNER(s): SMANE CAPI, EMILIE LITUS

REQUEST: Variances in the R-L-D zoning district to allow a covered porch as follows:

1) A rear setback of ~~3.7 ft.~~ 10 ft. in lieu of 20 ft., as modified

2) A side setback of 4.1 ft. in lieu of 5 ft.

NOTE: This is the result of a code violation

PROPERTY LOCATION: 5559 Lochdale Dr., Orlando, FL 32818, east side of Lochdale Dr., south of Clarcona Ocoee Rd., west of N. Hiawassee Rd., east of N. Apopka Vineland Rd., north of Silver Star Rd.

PARCEL ID: 35-21-28-7562-05-830

LOT SIZE: 7,774 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 118

DECISION: Recommended **APPROVAL** of Variance request #1, as modified to reflect a 10 ft. rear setback, and Variance request #2, 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 John Drago, Second by Sonya Shakespeare; unanimous; 6 in favor: John Drago, Thomas Moses, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed; 1 absent: Juan Velez):

1. Development shall be in accordance with the site plan, as modified to reflect a 10 ft. setback as shown during the public hearing, and elevations dated September 30, 2024, 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 for the Variance requests. Staff noted that no comments were received in favor or in opposition to the requests.

The applicant and property owner were present and discussed the reasoning for the requests indicating the stormwater runoff from the rear neighbor affects the rear of the home and the patio structure helps protect the house. The applicant stated they would be willing to reduce the rear setback request.

The BZA discussed the requests and stated that while a variance from the rear setback was appropriate, the request of 3.7 ft. was too close. The Board discussed the need for stormwater mitigation. After discussion regarding either continuing the case to allow the applicant to provide a new plan or approving a lesser Variance, the public hearing was reopened and the applicant stated they were comfortable with moving forward with the Board considering a 10 ft. rear setback in lieu of the requested 3.7 ft.

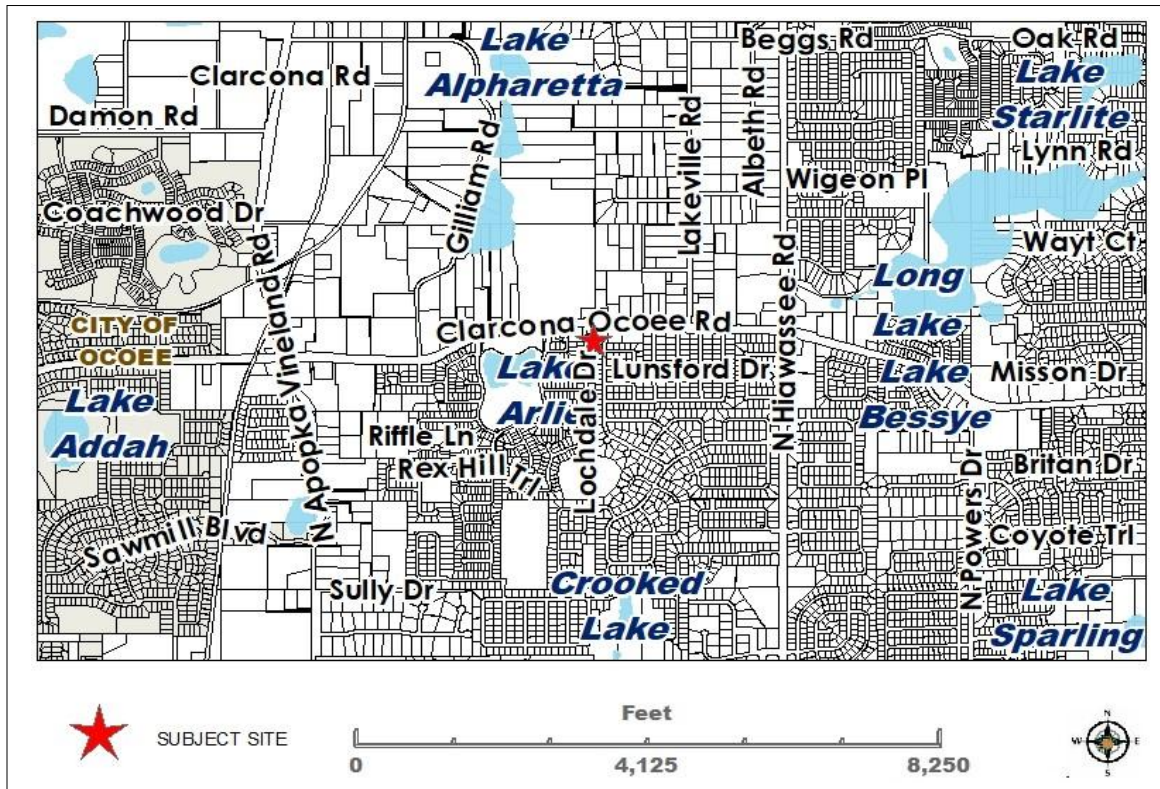
The BZA recommended approval of the Variance requests by a 6-0 vote, with 1 absent, subject to the conditions of approval with a modification to Condition of Approval #1 as follows:

1) Development shall be in accordance with the site plan, as modified to reflect a 10 ft. setback as shown during the public hearing, and elevations dated September 30, 2024, 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 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-L-D	R-L-D	R-L-D	R-1A	R-L-D
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-Family Residential	Single-Family Residential	Single-Family Residential	Single-Family Residential	Single-Family Residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-L-D Residential Low-Density zoning district, which allows for single-family uses and associated accessory structures. The Future Land Use (FLU) is Low Density Residential (LDR), which is consistent with the R-L-D zoning district.

The surrounding neighborhood is primarily composed of single-family residences situated on similarly sized lots with comparable structures. The property was platted in 2007 as lot 583 in the Robinson Hills Unit 7 Plat and is a conforming lot. The property is an interior lot with right-of-way along Lochdale Dr. to the west. There is a 10 ft. wide sidewalk, drainage, and utility easement along the front property line. The subject property is developed with a one-story, 1,997 sq. ft. single family residence, constructed in 2008. The property also contains a partially constructed addition along the rear of the home. The property was purchased by the current owner in July 2023.

A code compliance violation was issued on April 15, 2024, for a rooster on the property, as well as an addition being constructed along the rear of the home without permits. The property owner removed the roof portion of the addition however the rear knee wall remains without permits. Residences within the Robinson Hills Preliminary Subdivision Plan (PSP) must maintain a 20 ft. rear setback and 5 ft. side setbacks. The partially constructed addition on the primary structure does not comply with the required rear or side setback standard as established within the PSP development standards. The applicant is requesting to keep the addition, located 3.7 ft. from the rear property line, prompting Variance request #1. The addition is located 4.1 ft. from the south side property line, prompting Variance request #2.

Building Setbacks (Principal Structure)

	Code Requirement	Proposed
Front:	20 ft.	20 ft. (West)
Side:	5 ft.	29.2 ft. (North) 4.1 ft. (South– Variance #2)
Rear:	20 ft.	3.7 ft. (East – Variance #1)

The request was routed to all relevant reviewing Divisions. There were no objections noted. Development Engineering noted a swale must be provided alongside the proposed addition, which will be addressed during the permitting review. 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. Based on staff’s analysis, had permits been obtained prior to construction the applicant could have redesigned the addition to lessen the request or place the addition to the north of the home and comply with all development standards. While the request meets some of the criteria it does not meet all the criteria. Therefore, staff is recommending denial.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

VARIANCES #1 and #2 NOT MET - There are no special conditions or circumstances that justify the proposed location of the addition. A smaller structure could be built, or the addition could be placed in a code-compliant location, such as the side of the home, as the lot meets minimum width and area requirements and has a large north side yard compared to other properties within the PD.

Not Self-Created

VARIANCES #1 and #2 NOT MET - The need for the Variances is self-created, as the addition was partially constructed without a permit and subsequently issued a Code violation, necessitating the Variances.

No Special Privilege Conferred

VARIANCES #1 and #2 NOT MET - Granting the requested Variances would confer a special privilege, as surrounding properties do not appear to have similar side or rear yard encroachments.

Deprivation of Rights

VARIANCES #1 and #2 NOT MET - Denial of the Variances would not deprive the rights of the property owner as the property could continue to be enjoyed as originally constructed or an addition or detached structure could be proposed in a code complaint location.

Minimum Possible Variance

VARIANCES #1 and #2 MET - The requested Variances are the minimum deviation necessary to permit an addition within the existing footprint.

Purpose and Intent

VARIANCES #1 and #2 NOT MET - Approval of the requested Variances would not be in harmony with the purpose and intent of the Zoning Regulations the code is primarily focused on minimizing the impact that structures have on surrounding properties. Granting the Variance would be intrusive to the neighboring properties. Additionally, these Zoning Regulations are designed to promote consistency and uniformity of primary structures in the area and to ensure fair and consistent treatment of all properties under the code.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated September 30, 2024, 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: Reginald Denmark
224 W. Berkshire Cir.
Longwood, FL 32779

DREAM CONSTRUCTION OF AMERICA, INC.

This letter is a request for permission to construct a block wall construction with a wood header for a rear porch. (Not Enclosed), with the dimension of 16'0" X 42'1" 678 sq ft. with 5'4" from rear property line. Which is 20ft closer than the code allows. The height of the property is 25' a single-story home. This construction will also act a water deflection. Which will direct the water to a natural path back to the street and away from the home. During heavy rain the flow of water comes from the hill behind the home and has flooded in the past.

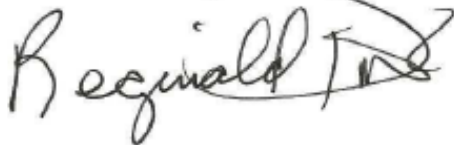
If any further information is needed, please feel free to reach out to me directly:

Reginald Denmark CGC1517842

Dream Construction of America, inc.

PH (407) 403-8278

Email: dreamca520@gmail.com

A handwritten signature in black ink that reads "Reginald Denmark". The signature is written in a cursive style with a large, sweeping "R" and a stylized "D".

VARIANCE CRITERIA

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.

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 HOME SITE SEATS BELOW THE ADJOINING REAR PROPERTY LINE THAT DURING HEAVY RAINS

CAUSES GREAT AMOUNTS OF WATER TO FLOW DOWN HILL TO EXISTING PROPERTY

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.

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.

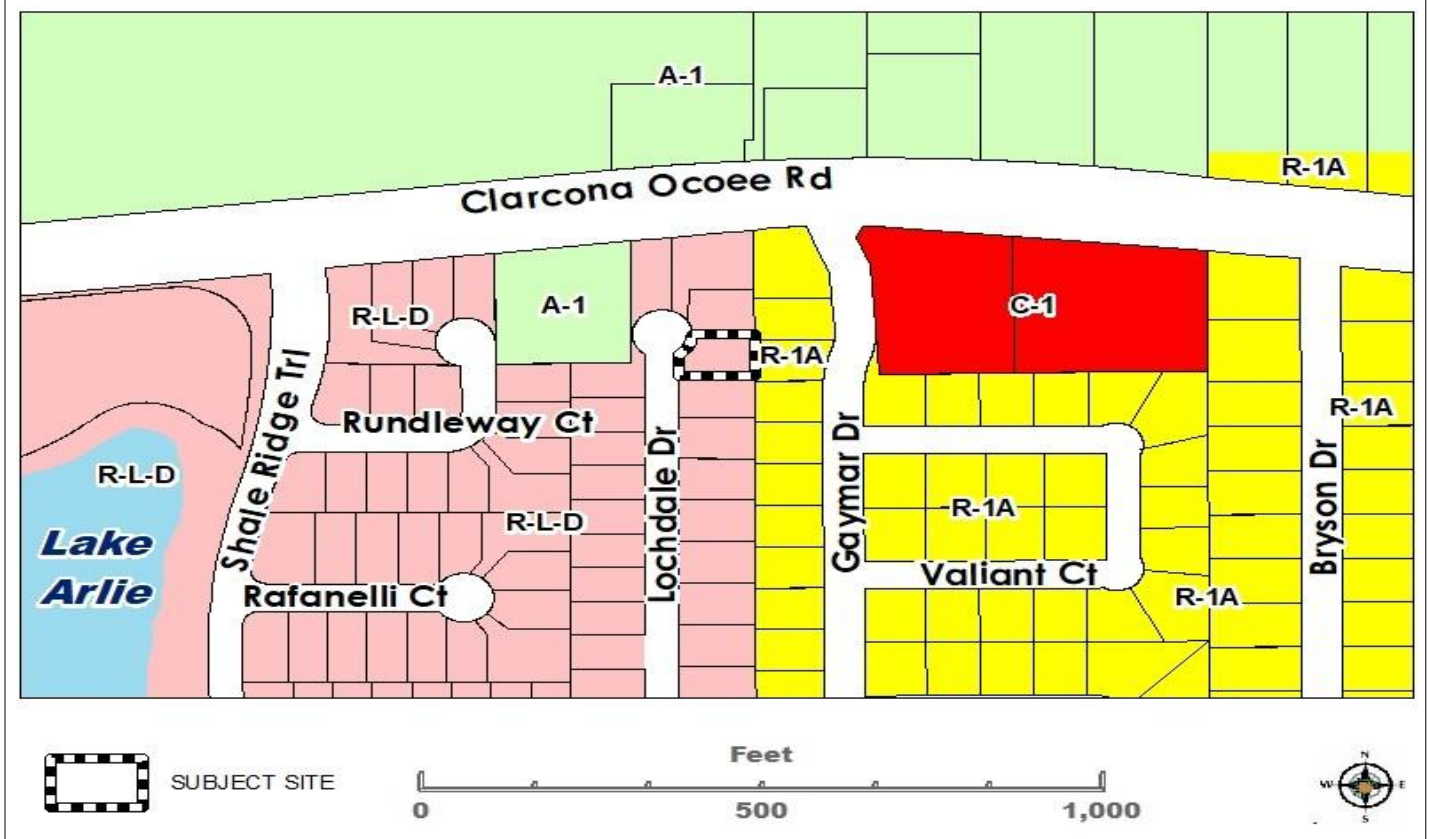
Minimum Possible Variance - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

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.

HOME PROTECTION FROM WATER INTRUSION.

THIS IS PRIMARY DESIRE FOR PORCH WALL AND FAMILY OUTDOOR SPACE

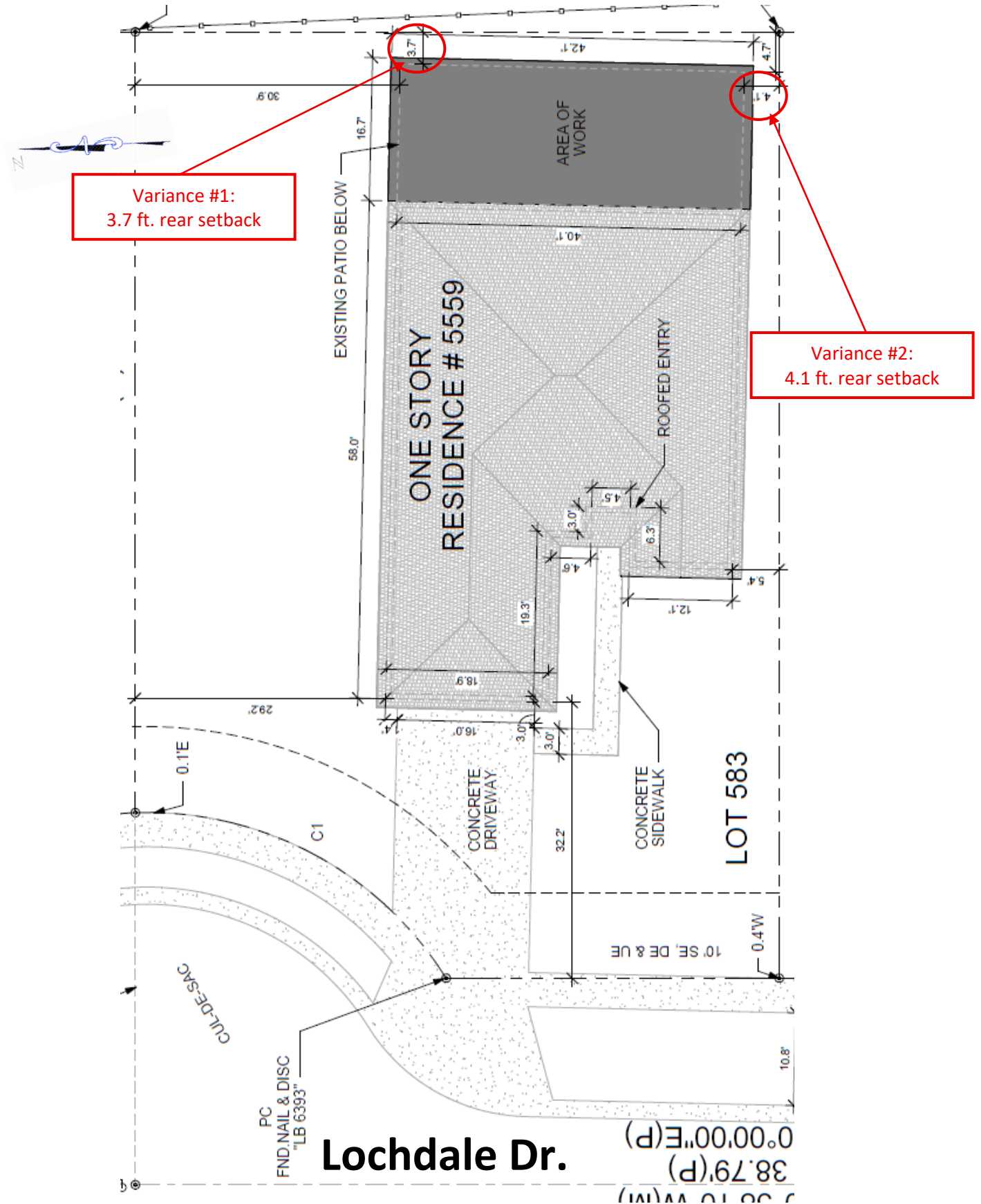
ZONING MAP



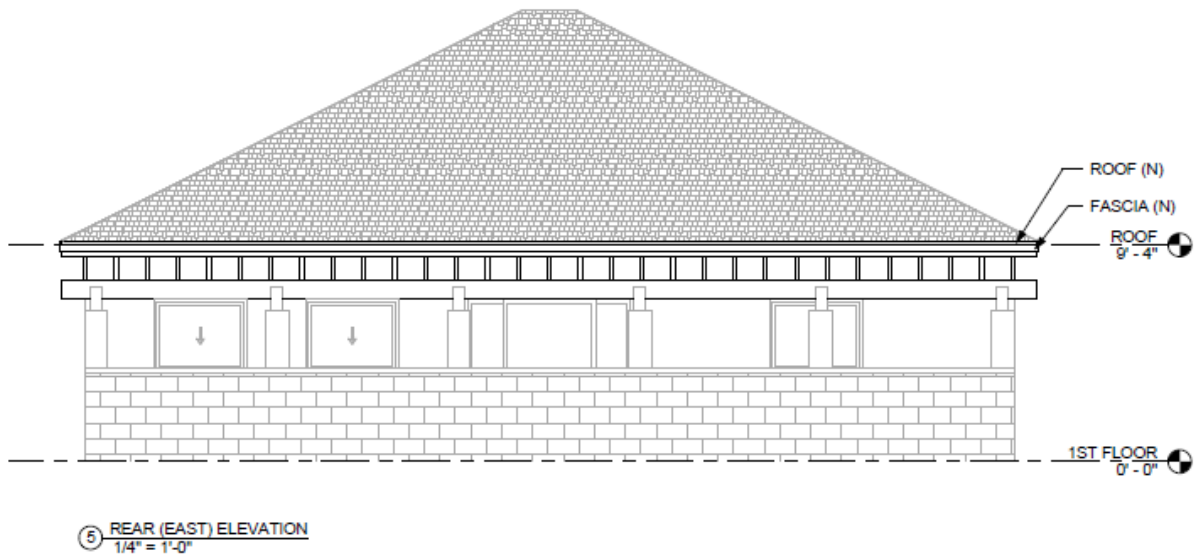
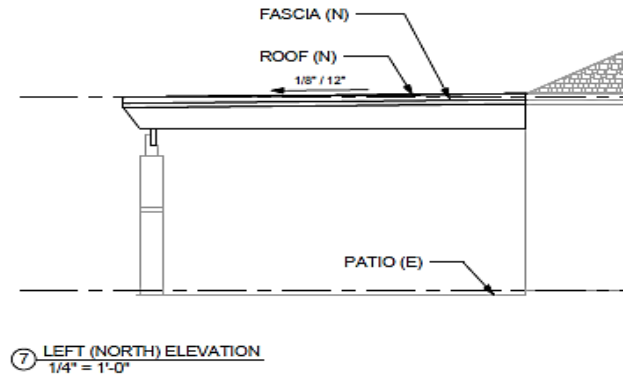
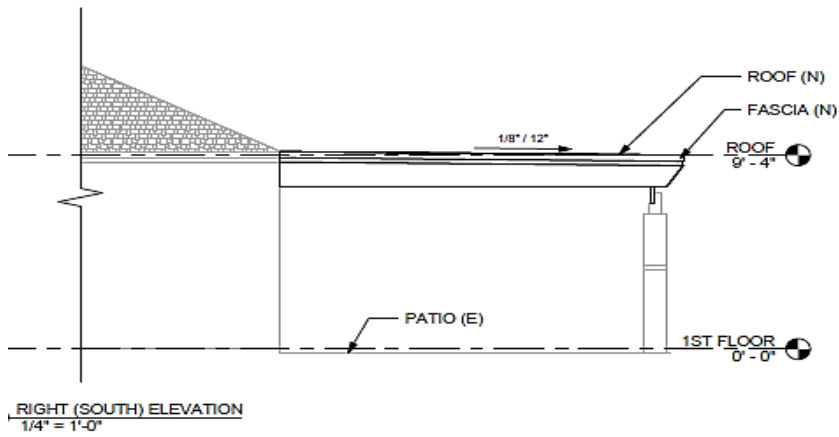
AERIAL MAP



SITE PLAN



ELEVATIONS



SITE PHOTOS



Facing east towards existing residence from Lochdale Drive



Facing northeast towards existing residence

SITE PHOTOS



Facing east towards the side yard and existing fence



Facing south along the rear of the proposed structure

SITE PHOTOS



Facing east from the side yard towards the addition



Facing east towards the rear property line

SITE PHOTOS



Facing north towards addition and the rear property line

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUL 02, 2026**
Case #: **SE-26-07-050**

Commission District: **#5**
Case Planner: **Melissa Dunklin (407)836-5329**
Melissa.Dunklin@ocfl.net

GENERAL INFORMATION

APPLICANT(s): TIMOTHY LAURENCEAU
OWNER(s): ORLANDO GOSPEL ASSEMBLY INC
REQUEST: Amendment to a Special Exception in the R-1A zoning district to allow a pavilion in association with an existing religious institution
PROPERTY LOCATION: 2124 N. Dean Rd., Orlando, Florida 32817, west side of N. Dean Rd., north of E. Colonial Dr., east of N. Econlackhatchee Trl., south of University Blvd.
PARCEL ID: 18-22-31-0000-00-020
LOT SIZE: +/- 4.17 acres (3.86 acres upland)
NOTICE AREA: 500 ft.
NUMBER OF NOTICES: 160

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

1. Development shall be in accordance with the site plan and elevations dated April 1, 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.

4. A permit shall be obtained for the pavilion 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. Prior to the issuance of the permit for the pavilion, permits for Shed #1 and Shed #2, shall be obtained or the sheds shall be removed from the property.
6. Landscaping shall be in accordance with Chapter 24, Orange County Code and shall comply with Chapter 15, Article VIII – Tree Protection & Removal. In addition, existing regulated trees onsite shall be preserved to the maximum extent practicable. Approval of the special exception does not authorize tree removal; tree removal is only authorized via the building permit process. Minor modifications to the site plan improvements may be required at the building permit phase to accommodate tree preservation.
7. All vegetation and trees located within 30 feet of the north property line shall be preserved.
8. Any new lighting associated with the pavilion shall include full cut-off fixtures which shall automatically turn power off to all of the subject fixtures by 10 PM. Site or vertical permits shall demonstrate compliance with Orange County Chapter 9-Article XVI-Exterior Lighting Standards as applicable.
9. The use of outdoor amplified sound and music is prohibited in association with the pavilion.
10. 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. 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.
11. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated January 28, 2014, shall apply.
 - a. The addition shall be setback a minimum of 25 ft. from the front property line (Dean Rd.)
 - b. There shall be no impacts to the on-site Conservation Areas.
 - c. Parking spaces may be unpaved except all handicapped spaces and driving aisles shall be paved.
 - d. Stormwater retention shall be provided in accordance with all Orange County requirements.
 - e. Parking spaces shall be provided at a rate of 1 space per each 3 seats of the new temple.
 - f. With the following exceptions all exterior lighting shall comply with Section 9-646, Exterior lighting Standards, Orange County Code:

- i. A separate electrical circuit which incorporates a power shut-off timer and manual override off switch shall be connected to all new exterior light fixtures which are installed on the north wall of the building expansion, on the north façade of the existing structure and on light poles;
 - ii. Power to all the exterior fixtures described within item a. above shall be connected to a shut-off clock timing mechanism which shall automatically turn power off to all of the subject fixtures by 10 PM.
 - iii. Pole-mounted light fixtures shall be installed at no more than 20 ft. above finished grade. In addition to the project-wide standard for full cut-off flat lens fixtures, the specified pole-mounted fixture model shall feature an integrated glare visor which shall be field-adjusted to avoid off-site light intrusion.
 - iv. Exterior wall mounted fixtures may be installed at no more than 15 ft. above finished grade and shall feature a full cutoff sconce configuration; flood lights are prohibited.
 - v. Acord style exterior light fixtures are prohibited throughout the project.
12. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated October 18, 2011, shall apply.
- a. Daycare center approval is for a maximum of 30 children.
 - b. Signage shall be per Orange County Code, Chapter 31.5
 - c. Drive aisles and handicapped parking spaces shall be paved.
 - d. Approval is for the day care center and the unpaved parking only, not the assembly hall.

SYNOPSIS: Staff described the proposal, including the property's location, site plan, and photographs 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 comments were received in favor of or in opposition to the request.

The applicant's engineer was present and responded to questions from the BZA. There was no one in attendance to speak in favor of or in opposition to the request.

The BZA discussed the permitting of the two existing sheds, as well as the proposed pavilion and its construction materials.

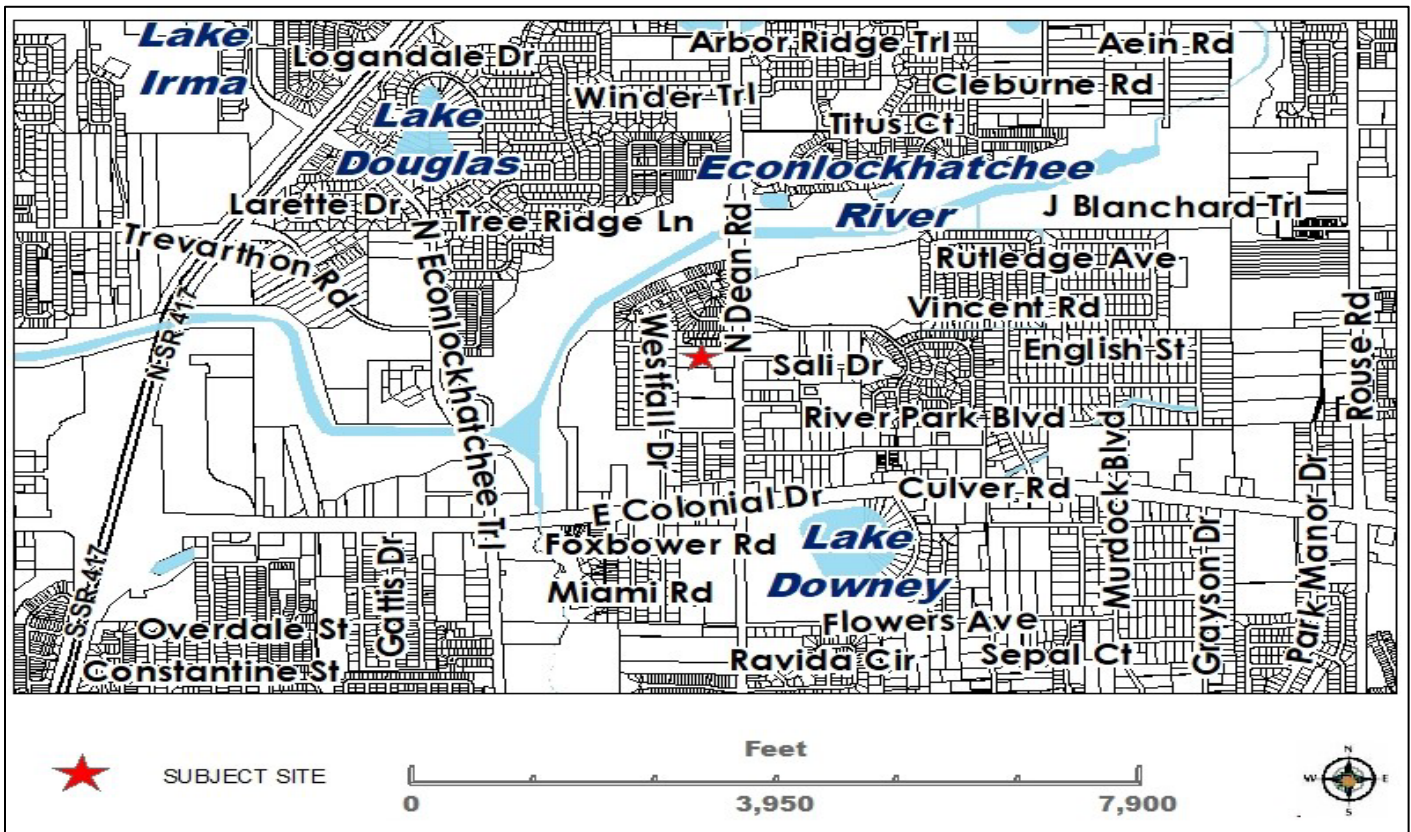
Staff from the Environmental Protection Division clarified that the previous wetland determination had expired, and that the applicant is currently in the process of obtaining a new wetland determination. Environmental Protection staff indicated that they have no concerns regarding the proposed pavilion at this time.

The BZA recommended approval of the Special Exception by a 6-0 vote, with 1 absent, subject to the 12 conditions listed 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	R-1A	R-2	Union Park PD	R-1A & R-2	R-1A
Future Land Use	LMDR	LMDR	LMDR & MDR	LMDR	LDR
Current Use	Religious Institution	Single-Family Residential	Single-Family Residential & Vacant Residential	Religious Institution & Single-Family Residential	Single-Family Residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located within the R-1A Single-Family Dwelling district, which allows for single-family uses by right, and Religious Institutions and associated accessory structures via Special Exception. The Future Land Use (FLU) is Low Medium Density Residential (LMDR); the R-1A zoning classification is consistent with the LMDR FLUM designation.

The area surrounding the site is mostly single-family homes, with a vacant residential parcel to the south, and a religious institution to the east. The subject property is approximately 4.17 acres in size, including 3.86 acres of upland area. It is an interior lot with frontage along Dean Rd. to the east. It is currently developed with a religious institution containing a 5,747-square-foot sanctuary with administrative offices and classrooms. There are also two existing accessory structures on site, both are metal sheds located behind the principal building; the larger one (Shed #1) is 558 sq. ft. and the smaller one (Shed #2) is 117 sq. feet. Based on aerial imagery Shed #1 was installed on the property sometime between 2013-2014 and Shed #2 existed prior to 2003. No building permits were found for the installation of either structure.

The church was originally granted a Special Exception on March 22, 1962, and has received other Special Exceptions since, noted below. The church currently operates on Sundays with two services, one at 12:00 p.m. noon and an evening service at 6:00 p.m. They also hold evening services on Wednesdays at 7:30 p.m. Additionally, they may periodically host events or gatherings related to religious observances or community engagement. The church has only one employee on staff and approximately 210 attendees during services and community events.

Prior History*

- March 22, 1962: BCC Approved a Conditional Use to erect a church
- October 18, 2011: (SE-11-10-082) BCC Denied a request for a Special Exception for an 18,000 sq. ft. assembly hall
BCC Approved a request for a Special Exception to allow a day care center for a maximum of 30 children
BCC Approved a Variance to allow unpaved parking in lieu of paved parking
- January 28, 2014: (SE-14-01-113) BCC Approved a Special Exception to construct a 8,893 sq. ft. addition to an existing religious use facility and Variance to allow unpaved parking spaces in lieu of paved

*All active Conditions of Approval (COA) from past cases have been consolidated within the COAs of this application.

The request is to allow a 2,400 sq. ft. pavilion in association with the existing religious institution. The proposed height is 18 feet, and it is proposed to be located to the rear of the existing building, meeting all setback requirements as depicted on the site plan. The applicant is requesting approval for the pavilion to function as an extension of existing church-related events and activities. The pavilion would support gatherings and fellowship activities associated with holiday events, as well as outdoor recreational activities typically related to youth programs and community engagement.

The previous 2014 Special Exception, referenced in the Conditions of Approvals as COA #7(h) required the applicant to preserve all vegetation and trees located within 30 feet of the north property line and stated:

Landscaping shall be in accordance with Chapter 24, Orange County Code except that the applicant shall preserve all vegetation and trees located within 30 feet of the north property line. In addition, the applicant shall preserve the mature trees as indicated on the site plan dated "Received December 11, 2013.

If approved, COA #7(h) will be amended for clarification to bring forward the requirement to preserve all vegetation and trees located within 30 feet of the north property line and to ensure compliance with Chapter 15, Article VIII – Tree Protection & Removal if the applicant finds that any trees outside of the 30 foot buffer adjacent to the north property line need to be removed due to the construction of the pavilion.

Chapter 38 Article IX of Orange County Code regulates accessory structures but does not provide separate accessory-structure standards specific to religious institutions. Therefore, any proposed accessory structure associated with the religious institution is subject to the applicable standards of Sec. 38-1426, the underlying R-1A zoning district regulations, and any conditions approved through the Special Exception for the religious institution use necessitating this amendment. No additional parking is needed for the proposed structure.

Accessory Structure Development Standards

	Code Requirement	Proposed
Max. Height:	25 ft.	18 ft.
Max. Cumulative Square Footage:	5,000 sq. ft.	3,075 sq. ft.

Building Setbacks (Accessory Structure)

	Code Requirement	Proposed
Front (N. Dean Rd.):	Not located in front of the principal structure	N/A 348.08 ft. (East)
Side:	7.5 ft.	189.17 ft. (North) 67.15 ft. (South)
Rear:	10 ft.	203.37 ft. (West)

The request was routed to all reviewing divisions and no objections were provided.

The following comments were provided:

- Orange County Utilities: *This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. In accordance with Orange County Code Chapter 37:*
 - *Development within this property will be required to connect to Orange County Utilities Water system and wastewater system. The connection points will be assessed during Final Engineering/Construction Plan permitting.*
 - *Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.*
- Orange County Transportation Planning Division: *The proposed project (pavilion) is considered an Ancillary/Accessory Structure to the existing property (Existing Religious Institution) and does not affect roadways for concurrency purposes.*
- Development Engineering: *Prior to construction plan approval, the applicant will be required to submit drainage calculations, prepared by a licensed professional engineer which must demonstrate the stormwater management system has sufficient capacity to accommodate the additional runoff from the proposed increase in impervious area and the loss of existing stormwater pond volume.*
- Environmental Protection Division (EPD): *The wetlands and/or surface waters on site were delineated in Orange County Wetland Determination (WD) [CAD-15-06-078]. This determination expired on July 15, 2020. The applicant submitted a Wetland Determination (WD) application (WD-26-05-092) on May 21, 2026, and is pending finalization. The wetland boundary survey identified that the proposed project area is outside of any wetland areas or required buffers. The WD application is required to be completed with a certified wetland boundary survey approved by the Environmental Protection Division (EPD) prior to any building plan approval.*

As of the date of this report, no comments have been received in favor or in opposition to the 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. As the request meets all of the criteria, staff is recommending approval of the Special Exception request.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

The use shall be consistent with the Comprehensive Plan

MET – A Religious Institution as conditioned through the Special Exception process is consistent with the Comprehensive Plan. The pavilion is subordinate to the overall use of the property as a church, which has been approved through previous Special Exception processes and is therefore consistent with the Comprehensive Plan.

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

MET – The size and scale of the proposed pavilion will have minimal impact on the surrounding area as the new construction is proposed to the rear of the existing structure and buffered to the north and west by dense vegetation.

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

MET – The existing vegetative buffer provides a screen between the pavilion and the neighboring properties. The pavilion will function as an extension of existing church-related events and activities. The pavilion will support gatherings and fellowship activities associated with holiday events, as well as outdoor recreational activities typically related to youth programs and community engagement, and with the prohibition on amplified sound, restricted lighting and outdoor special events, will not be intrusive to the neighboring residential uses.

The use shall meet the performance standards of the district

MET – The proposed pavilion is in compliance with the performance standards.

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

MET – The addition of a pavilion will have no increase in noise, vibration, dust, odor, glare, heat production or other characteristics associated with the existing church.

Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code

MET – As conditioned, the project will meet the requirements of Chapter 24 (Landscaping, Buffering and Open Space) of the Orange County Code.

All active Conditions of Approval (COA) from past cases have been consolidated within the COAs of this application.

1. Development shall be in accordance with the site plan and elevations dated April 1, 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.
4. A permit shall be obtained for the pavilion 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. Prior to the issuance of the permit for the pavilion, permits for Shed #1 and Shed #2, shall be obtained or the sheds shall be removed from the property.
6. Landscaping shall be in accordance with Chapter 24, Orange County Code and shall comply with Chapter 15, Article VIII – Tree Protection & Removal. In addition, existing regulated trees onsite shall be preserved to the maximum extent practicable. Approval of the special exception does not authorize tree removal; tree removal is only authorized via the building permit process. Minor modifications to the site plan improvements may be required at the building permit phase to accommodate tree preservation.
7. All vegetation and trees located within 30 feet of the north property line shall be preserved.
8. Any new lighting associated with the pavilion shall include full cut-off fixtures which shall automatically turn power off to all of the subject fixtures by 10 PM. Site or vertical permits shall demonstrate compliance with Orange County Chapter 9-Article XVI-Exterior Lighting Standards as applicable.
9. The use of outdoor amplified sound and music is prohibited in association with the pavilion.
10. 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. 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.

11. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated January 28, 2014, shall apply.

- ~~a. Development in accordance with site plan dated "Received December 11, 2013" and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing;~~

THE PRECEDING CONDITION HAS BEEN REPLACED BY THE NEW CONDITION OF APPROVAL #1

- ~~b. 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.~~

THE PRECEDING CONDITION HAS BEEN REPLACED BY THE NEW CONDITION OF APPROVAL #2

- c. The addition shall be setback a minimum of 25 ft. from the front property line (Dean Rd.)
- d. There shall be no impacts to the on-site Conservation Areas.
- e. Parking spaces may be unpaved except all handicapped spaces and driving aisles shall be paved.
- f. Stormwater retention shall be provided in accordance with all Orange County requirements.
- g. Parking spaces shall be provided at a rate of 1 space per each 3 seats of the new temple.
- ~~h. Landscaping shall be in accordance with Chapter 24, Orange County Code except that the applicant shall preserve all vegetation and trees located within 30 feet of the north property line. In addition, the applicant shall preserve the mature trees as indicated on the site plan dated "Received December 11, 2013".~~

THE PRECEDING CONDITION HAS BEEN REPLACED BY THE NEW CONDITION OF APPROVAL #6 & 7

- i. With the following exceptions all exterior lighting shall comply with Section 9-646, Exterior Lighting Standards, Orange County Code:
 - a. A separate electrical circuit which incorporates a power shut-off timer and manual override off switch shall be connected to all new exterior light fixtures which are installed on the north wall of the building expansion, on the north façade of the existing structure and on light poles;
 - b. Power to all the exterior fixtures described within item a. above shall be connected to a shut-off clock timing mechanism which shall automatically turn power off to all of the subject fixtures by 10 PM.
 - c. Pole-mounted light fixtures shall be installed at no more than 20 ft. above finished grade. In addition to the project-wide standard for full cut-off flat lens fixtures, the specified pole-mounted fixture model shall feature an integrated glare visor which shall be field-adjusted to avoid off-site light intrusion.
 - d. Exterior wall mounted fixtures may be installed at no more than 15 ft. above finished grade and shall feature a full cutoff sconce configuration; flood lights are prohibited.
 - e. Acorn style exterior light fixtures are prohibited throughout the project.
- ~~j. Construction plans shall be submitted within 3 years or this approval is null and void.~~

THE PRECEDING CONDITION HAS BEEN REPLACED BY THE NEW CONDITION OF APPROVAL #4

~~k. An approved Capacity Encumbrance Letter (CEL) is required prior to obtaining a building permit for development of this site. Due to the failing roadway segment, the applicant may also be required to submit a traffic study along with the application of a CEL. Please contact Mirna Barq at 407-836-7893 to discuss transportation concurrency requirements for this parcel.~~

THE PRECEDING CONDITION HAS BEEN MET.

12. Except as amended, modified, and/or superseded, the following BCC Conditions of Approval, dated October 18, 2011, shall apply.

~~a. Development shall be in accordance with the site plan dated August 5, 2011 (except for the Assembly Hall) and all other applicable regulations. Any deviations, changes, or modifications to the plan are subject to the Zoning Manager's approval. The Zoning Manager may require the changes be reviewed by the Board of Zoning Adjustment (BZA) for administrative approval or to determine if the applicant's changes require another BZA public hearing.~~

THE PRECEDING CONDITION HAS BEEN REPLACED BY THE NEW CONDITION OF APPROVAL #1

b. Daycare center approval is for a maximum of 30 children.

c. Signage shall be per Orange County Code, Chapter 31.5.

~~d. The applicant has three (3) years from the date of Orange County approval to apply for Use Permits or the Special Exception and Variance approvals are null and void.~~

THE PRECEDING CONDITION HAS BEEN REPLACED BY THE NEW CONDITION OF APPROVAL #4

d. Drive aisles and handicapped parking spaces shall be paved.

e. Approval is for the day care center and the unpaved parking only, not the assembly hall.

C: Timothy Laureneau
2124 N. Dean Road
Orlando, FL 32817



Orlando Gospel Assembly

2124 North Dean Road Orlando, FL 32817

Phone : 407-855-9455 Cell : 407-595-0128

E-mail : Jobhil@aol.com olandogospelassembly.org

Pastor: Joël Hilaire, M.D. Overseer: Robert G. Walker

April 17, 2026

Cover Letter – Description of Existing and Proposed Church Operations

To Whom It May Concern,

This cover letter is submitted in support of the existing and proposed use of the property as a place of worship. The purpose of this letter is to provide a detailed overview of the church's hours and days of operation, attendance levels, staffing, provided services, existing structures, and any proposed outdoor activities associated with church operations.

Hours and Days of Operation

The church operates on the following regular schedule:

- **Sunday Afternoon Worship Service:** 12:00 p.m.
- **Sunday Evening Worship Service:** 6:00 p.m. (Youth-led service)
- **Wednesday Evening Worship Service:** 7:30 p.m.

In addition to these regularly scheduled worship services, the church may periodically host special events or gatherings related to religious observances or community engagement.

Number of Patrons and Employees

- **Estimated Number of Patrons:** Approximately 210 attendees during worship services and special events.
- **Number of Employees:** One (1) employee.

The majority of church operations are supported by volunteers, particularly for youth activities, community events, and service-related functions.

Provided Services

The church's primary use of the property is for religious worship services. Supporting services and activities include:

- Congregational worship services
- Youth-led worship and programming
- Nursery care during worship services
- Fellowship activities associated with church services and events

These services are consistent with the mission of the church and are conducted in a manner that is respectful of the surrounding community.

Existing Uses and Structures

The property currently includes the following:

- **Sanctuary:** Used for all worship services and congregational gatherings
- **Nursery Rooms:** Utilized during services to provide childcare for attendees
- **Small Kitchen:** Used for light food preparation and fellowship-related activities

All existing structures are used solely to support the church's religious and related community functions.

Proposed Uses, Structures, and Outdoor Activities

No new permanent structures are proposed at this time. The church may, however, host occasional outdoor events, including:

- **Annual July 4th Celebration,** which may include outdoor gathering and fellowship activities
- **Other outdoor game or recreational events,** to be scheduled as needed, typically associated with youth or community engagement

These outdoor activities are infrequent, community-oriented, and intended to complement the church's mission. Any such events will be conducted in an orderly manner with consideration for safety, noise, and surrounding properties.

Conclusion

The church's existing and proposed operations are limited in scope, modest in staffing, and centered on religious worship and community fellowship. The use of the property is consistent with a place of worship and does not include commercial activities. The church remains committed to operating responsibly and in harmony with applicable local regulations and the surrounding community.

Please feel free to contact us if additional information or clarification is required.

COVER LETTER

Special Exception Criteria

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

The proposed pavilion is consistent with the Orange County Comprehensive Policy Plan. The property has been developed with institutional religious use since 1976 and continues to function as a church. The proposed 2,400-square-foot pavilion is an accessory structure that supports the existing use and does not change the land-use designation, intensity, or character of development. The Comprehensive Policy Plan recognizes religious institutions as appropriate community facilities when located and operated in a manner compatible with surrounding residential areas.

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

The proposed pavilion is similar and compatible with the surrounding area and is consistent with the established development pattern. A church use has existed on the property for several decades within a residential setting zoned R-1A, establishing long-standing compatibility and there are two (2) other churches located within a quarter mile of this property along N. Dean Road. The pavilion is subordinate in scale to the existing sanctuary and is located within the developed portion of the site, maintaining consistency with the character of development in the area.

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

The proposed pavilion will not act as a detrimental intrusion into the surrounding area. The improvement does not introduce a new use, commercial activity, or significant increase in site intensity. The pavilion will serve accessory church functions that are customary to the existing use and will not materially affect neighboring residential properties. A church has operated at this location since 1976 without adverse impacts to surrounding land uses.

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

The proposed pavilion complies with the performance standards of the R-1A zoning district. The structure will meet all applicable requirements related to setbacks, height, lot coverage, impervious surface limitations, parking, and site development standards as required by the Orange County Land Development Code. Full compliance with building, fire, and life-safety regulations will be verified at the time of permitting.

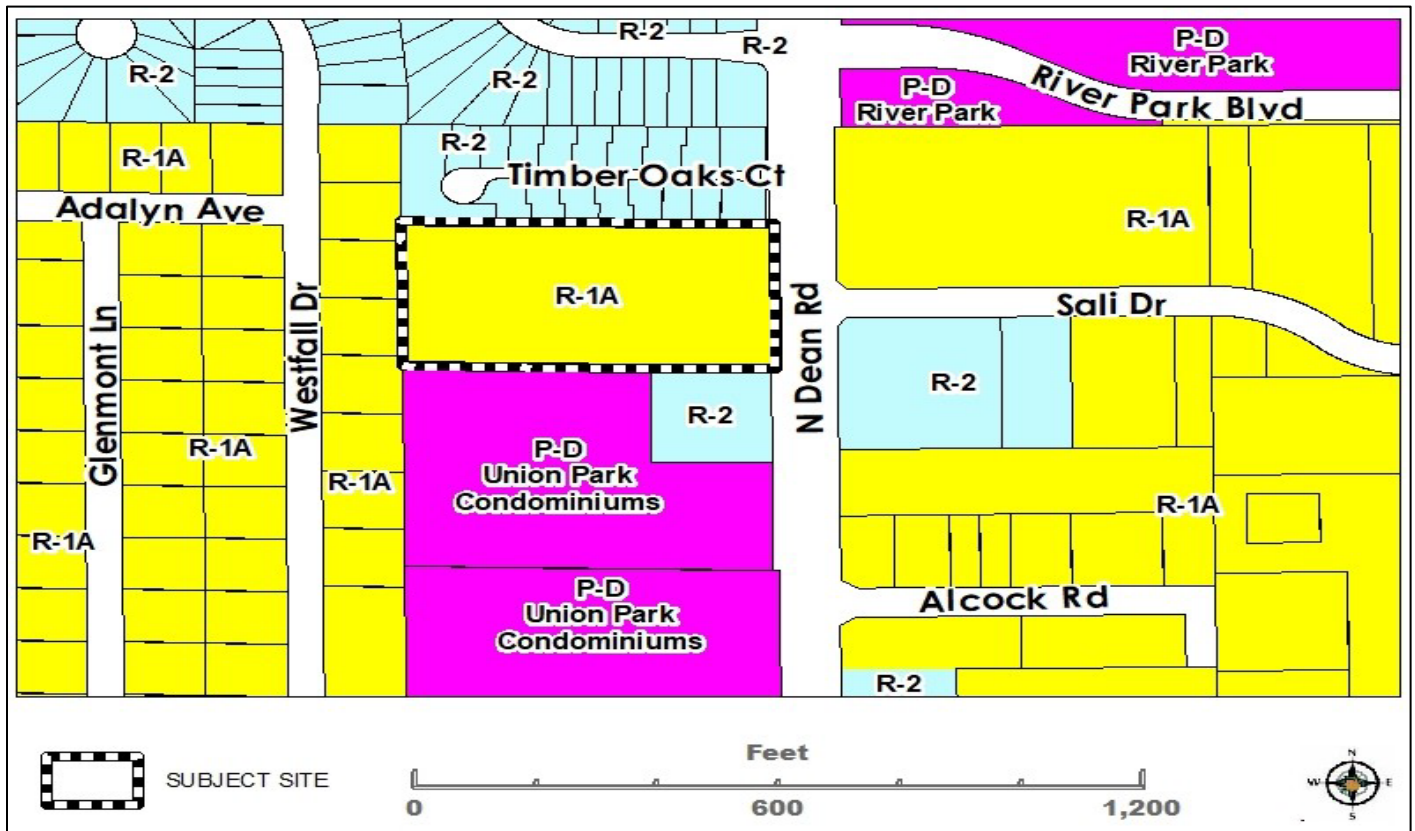
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

The proposed pavilion will be similar in noise, vibration, dust, odor, glare, heat, and operational characteristics to other uses permitted by Special Exception within the R-1A zoning district. Activities associated with the pavilion will be customary church-related functions and will not introduce industrial or high-intensity impacts. The pavilion does not involve late-night operations or ongoing amplified outdoor sound.

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.

Landscape buffer yards will be provided in accordance with Section 24-5 of the Orange County Code, and buffer yard types will correspond to those required within the R-1A zoning district. The pavilion is proposed within the existing developed area of the site and does not encroach into required buffer yards. Existing landscaping will be retained, and no buffer reductions or modifications are requested.

ZONING MAP

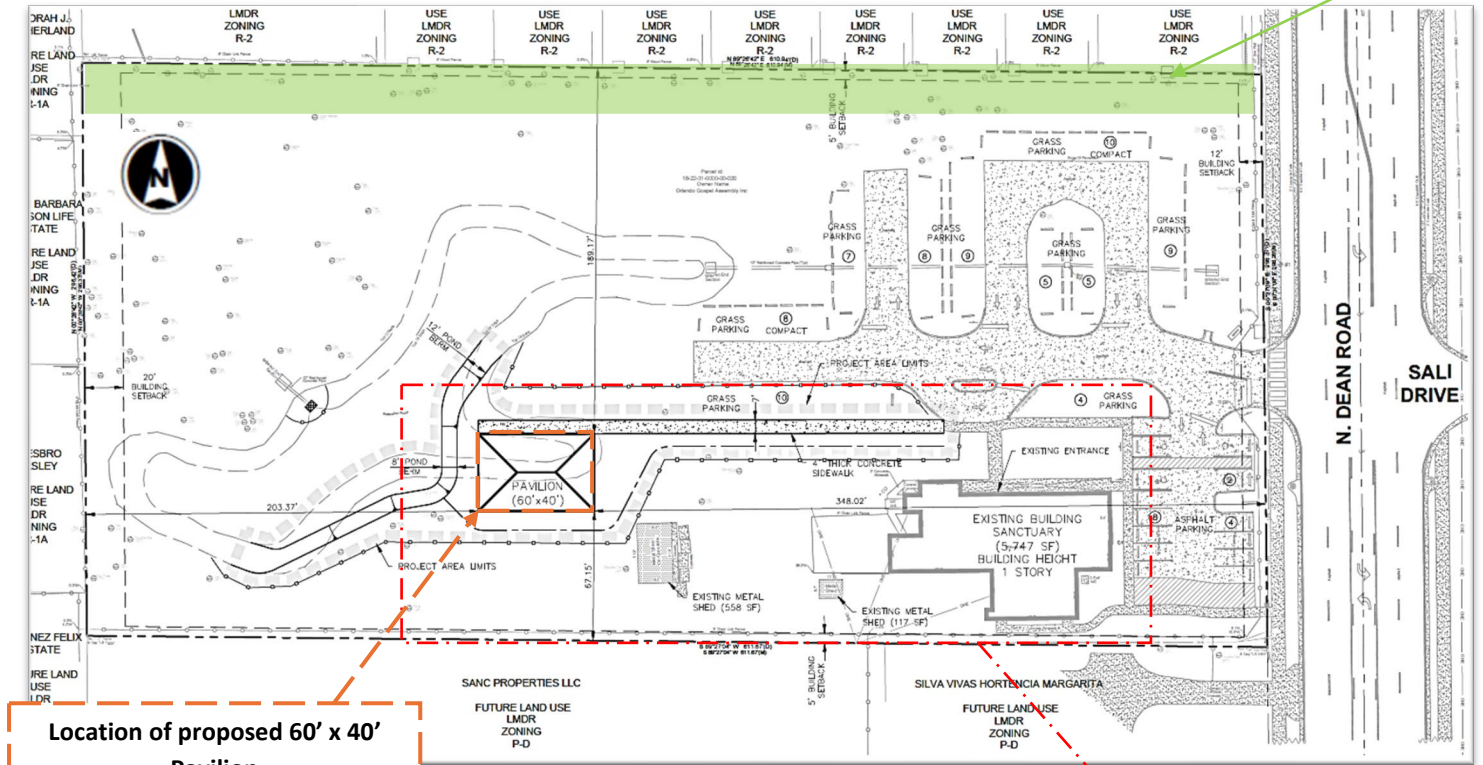


AERIAL MAP

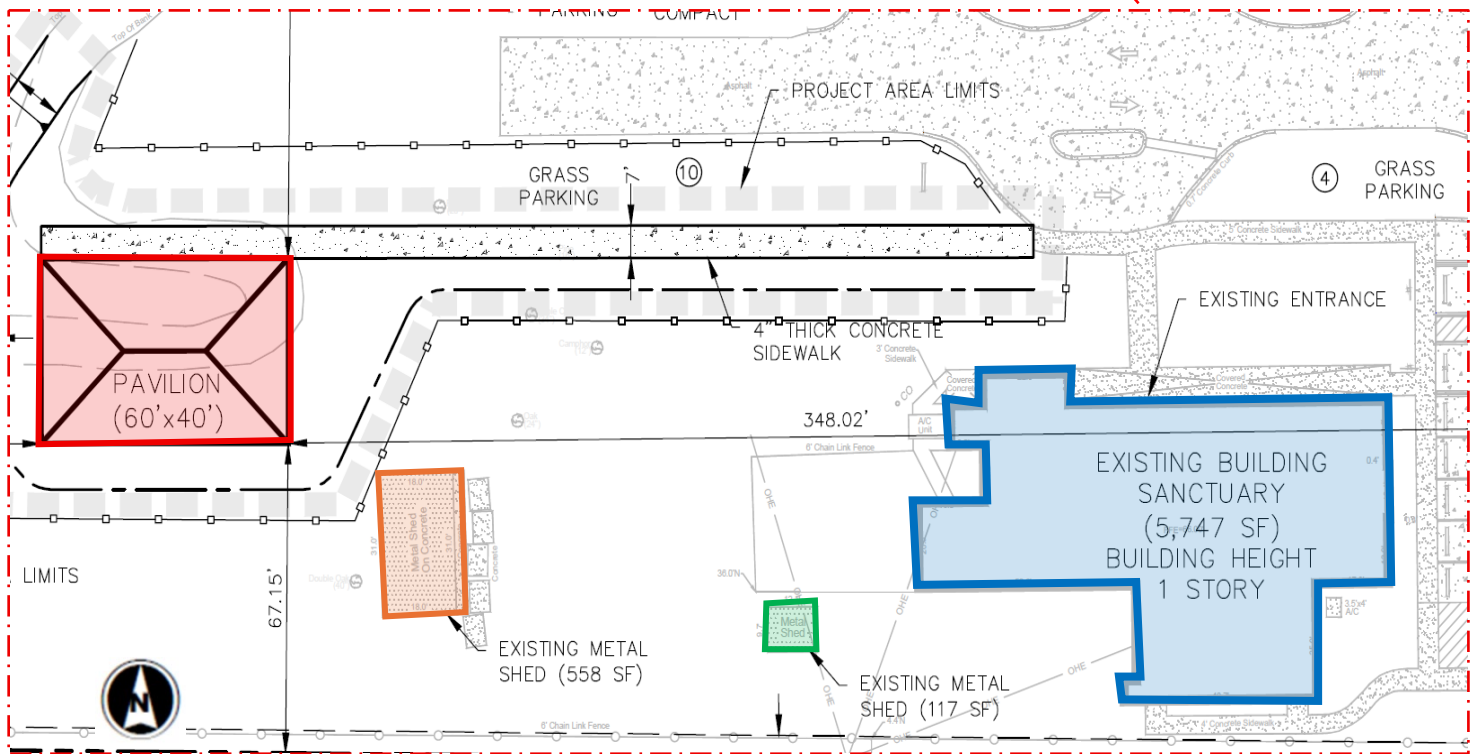


OVERALL SITE PLAN

Required Landscape Buffer



Location of proposed 60' x 40' Pavilion



Proposed Pavilion Shed #1 Shed #2 Existing Sanctuary

Enlarged site plan depicting existing sanctuary, 2 metal sheds, and the proposed pavilion area

PAVILION DETAILS

18 ft. max
height



SITE PHOTOS



Facing west from N. Dean Rd. towards the front entrance



Entryway, facing west from N. Dean Rd. towards the existing church

SITE PHOTOS



Parking area, facing south showing paved drive aisles with grass parking



Parking area, facing northeast showing neighboring residential development

SITE PHOTOS



Facing south towards the existing sheds



Facing southwest towards the proposed location of the pavilion and the existing landscaping

SITE PHOTOS



Facing northeast from across N. Dean Rd. towards neighboring religious Institution



Facing southeast from N. Dean Rd.

ORANGE



COUNTY

F L O R I D A

BOARD OF ZONING ADJUSTMENT

201 S. Rosalind Ave.

Orlando, FL 32801