



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

March 5, 2026

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)
ORANGE COUNTY GOVERNMENT

| <u>Board Member</u> | <u>District</u> |
|----------------------------|------------------------|
| Thomas Moses(Vice Chair) | 1 |
| John Drago (Chair) | 2 |
| Juan Velez | 3 |
| Glenn Rubinstein | 4 |
| Johnny Stanley | 5 |
| Sonya Shakespeare | 6 |
| Roberta Walton Johnson | At Large |

BZA Staff

| | |
|-------------------|---------------|
| Laekin O’Hara | Chief Planner |
| Catherine Glase | Planner II |
| Jacqueline Boling | Planner II |
| Daniella McCloud | Planner I |

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
MARCH 5, 2026**

| Case # | Applicant | Commission District | Staff Recommendation | BZA | Page # |
|---------------|--|----------------------------|---|-----------------------|---------------|
| VA-26-01-081 | Glenn Schofield | 3 | Request #1, Denial Requests #2-4, Approved w/Conditions | Approved w/Conditions | 1 |
| VA-26-03-010 | Sonia Rodriguez | 5 | Denial | Continued to 6/4/26 | 16 |
| VA-26-03-000 | Steven Testagrossa | 5 | Denial | Approved w/Conditions | 29 |
| VA-26-03-002 | Joseph Escalante | 6 | Approval w/Conditions | Approved w/Conditions | 40 |
| VA-26-03-005 | Donn Sharpe | 1 | Denial | Approved w/Conditions | 53 |
| VA-26-03-008 | Robert Rausch | 2 | Continued to 4/2/26 | Continued to 4/2/26 | 67 |
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| SE-26-03-001 | Juan Rodriguez for SCI Funeral Services | 5 | Approval w/Conditions | Approved w/Conditions | 83 |

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 Mar 24, 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 | 50 | 6 | 15 | 35 | 50 ^A | L | |
| (zoned after 1/29/73) | 21,780 | SFR 600 Min. mobile home size 8 ft. x 35 ft. | 100 | 35 | 50 | 10 | 15 | 35 | 50 ^A | L | |
| NR | One family dwelling, 4,500 | 1,000 | 45 ^C | 20 | 20 | 5 | 15 | 35/3 stories | 50 ^A | L | 38-1748 |
| | Two dwelling units, 8,000 | 500 per dwelling unit | 80 | 20 | 20 | 5 | 15 | 35/3 stories | 50 ^A | L | 38-1748 |
| | Three dwelling, 11,250 | 1,000 | 45 ^C | 20 | 20 | 5 | 15 | 35/3 stories | 50 ^A | L | 38-1748 |
| | Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit | 500 per dwelling unit | 85 | 20 | 20 | 10 | 15 | 50/4 stories | 50 ^A | L | 38-1748 |
| | Townhouse 1,800 | 750 per dwelling unit | 20 | 25, 15 for rear entry driveway | 20,15 for rear entry garage | 0,10 for end units | 15 | 40/3 stories | 50 ^A | L | 38-1748 |
| NAC | Nonresidential and mixed use development, 6,000 | 500 | 50 | 0/10 maximum 60% of building frontage must conform to maximum setback | 15,20 adjacent to single-family zoning district | 10,0 if buildings are adjoining | 15 | 50 feet | 50 ^A | L | 38-1741 |
| | One family dwelling, 4,500 | 1,000 | 45 ^C | 20 | 20 | 5 | 15 | 35/3 stories | 50 ^A | L | 38-1741 |
| | Two dwelling units, 11,250 | 500 per dwelling unit | 80 | 20 | 20 | 5 | 15 | 35/3 stories | 50 ^A | L | 38-1741 |
| | Three dwelling, 11,250 | 500 per dwelling unit | 85 | 20 | 20 | 10 | 15 | 35/3 stories | 50 ^A | L | 38-1741 |
| | Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit | 500 per dwelling unit | 85 | 20 | 20 | 10 | 15 | 50 feet/4 stories, 65 feet with ground floor retail | 50 ^A | L | 38-1741 |
| | Townhouse 1,800 | 750 per dwelling unit | 20 | 25, 15 for rear entry driveway | 20,15 for rear entry garage | 0,10 for end units | 15 | 40/3 stories | 50 ^A | L | 38-1741 |
| NC | Nonresidential and mixed use development, 8,000 | 500 | 50 | 0/10 maximum 60% of building frontage must conform to maximum setback | 15,20 adjacent to single-family zoning district | 10,0 if buildings are adjoining | 15 | 65 feet | 50 ^A | L | 38-1734 |
| | One family dwelling, 4,500 | 1,000 | 45 ^C | 20 | 20 | 5 | 15 | 35/3 stories | 50 ^A | L | 38-1734 |
| | Two dwelling units, 8,000 | 500 per dwelling unit | 80 | 20 | 20 | 5 | 15 | 35/3 stories | 50 ^A | L | 38-1734 |
| | Three dwelling, 11,250 | 500 per dwelling unit | 85 | 20 | 20 | 10 | 15 | 35/3 stories | 50 ^A | L | 38-1734 |

| District | Min. Lot Area ^M (sq. ft.) | Min. Living Area/ floor area (sq. ft.) | Min. Lot width (ft.) | ^A Min. Front yard (ft.) | ^A Min. Rear yard (ft.) | ^A Min. Side yard (ft.) | ^A Min. Side street Yard (ft.) | Max. Building Height (ft.) | NHWE Setback (ft.) | Max. FAR/ Density sq. ft./ du/ac | Additional Standards |
|----------|---|--|----------------------|------------------------------------|---|---|--|--|--------------------|----------------------------------|----------------------|
| | Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit | 500 per dwelling unit | 85 | 20 | 20 | 10 | 15 | 65 Feet, 80 feet with ground floor retail | 50 ^A | L | 38-1734 |
| | Townhouse 1,800 | N/A | 20 | 25, 15 for rear entry driveway | 20,15 for rear entry garage | 0,10 for end units | 15 | 40/3 stories | 50 ^A | L | 38-1734 |
| P-O | 10,000 | 500 | 85 | 25 | 30 | 10 for one- and two-story bldgs., plus 2 feet for each add. story | 15 | 35 | 50 ^A | L | 38-806 |
| C-1 | 6,000 | 500 | | 25 | 20 | 0; or 15 ft. when abutting residential district | 15 | 50; or 35 within 100 ft. of any residential use or district | 50 ^A | L | 38-830 |
| C-2 | 8,000 | 500 | | 25 | 15; or 25 when abutting residential district | 5; or 25 when abutting residential district | 15 | 50; or 35 within 100 ft. of any residential use or district | 50 ^A | L | 38-855 |
| C-3 | 12,000 | 500 | | 25 | 15; or 30 when abutting residential district | 5; or 25 when abutting residential district | 15 | 75; or 35 within 100 ft. of any residential use or district | 50 ^A | L | 38-880 |
| I-1A | N/A | N/A | N/A | 35 | 25 ^N | 25 ^N | 15 | 50; or 35 within 100 feet of any residential use or district | 50 ^A | L | 38-907 |
| I-1/I-5 | N/A | N/A | N/A | 35 | 25, or 50 ft. when abutting residential district ^N | 25, or 50 ft. when abutting residential district ^{N/O} | 15 | 50; or 35 within 100 feet of any residential use or district | 50 ^A | L | 38-932 |
| I-2/1-3 | N/A | N/A | N/A | 25 | 10, or 60 ft. when abutting residential district ^P | 15, or 60 ft. when abutting residential district ^P | 15 | 50; or 35 within 100 feet of any residential use or district | 50 ^A | L | 38-981 |
| I-4 | N/A | N/A | N/A | 35 | 10, or 75 ft. when abutting residential district ^N | 25, or 75 ft. when abutting residential district ^N | 15 | 50; or 35 within 100 feet of any residential use or district | 50 ^A | L | 38-1008 |

| District | Min. Lot Area ^M (sq. ft.) | Min. Living Area/ floor area (sq. ft.) | Min. Lot width (ft.) | ^A Min. Front yard (ft.) | ^A Min. Rear yard (ft.) | ^A Min. Side yard (ft.) | ^A Min. Side street Yard (ft.) | Max. Building Height (ft.) | NHWE Setback (ft.) | Max. FAR/ Density sq. ft./ du/ac | Additional Standards |
|----------|--------------------------------------|--|----------------------|------------------------------------|-----------------------------------|-----------------------------------|--|----------------------------|--------------------|----------------------------------|----------------------|
| U-R-3 | Four or more dwelling units, 15,000 | 500 per dwelling unit | 85 ^J | 20/25 ^H | 30 | 10 ^B | 15 | 35 | 50 ^A | L | |

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

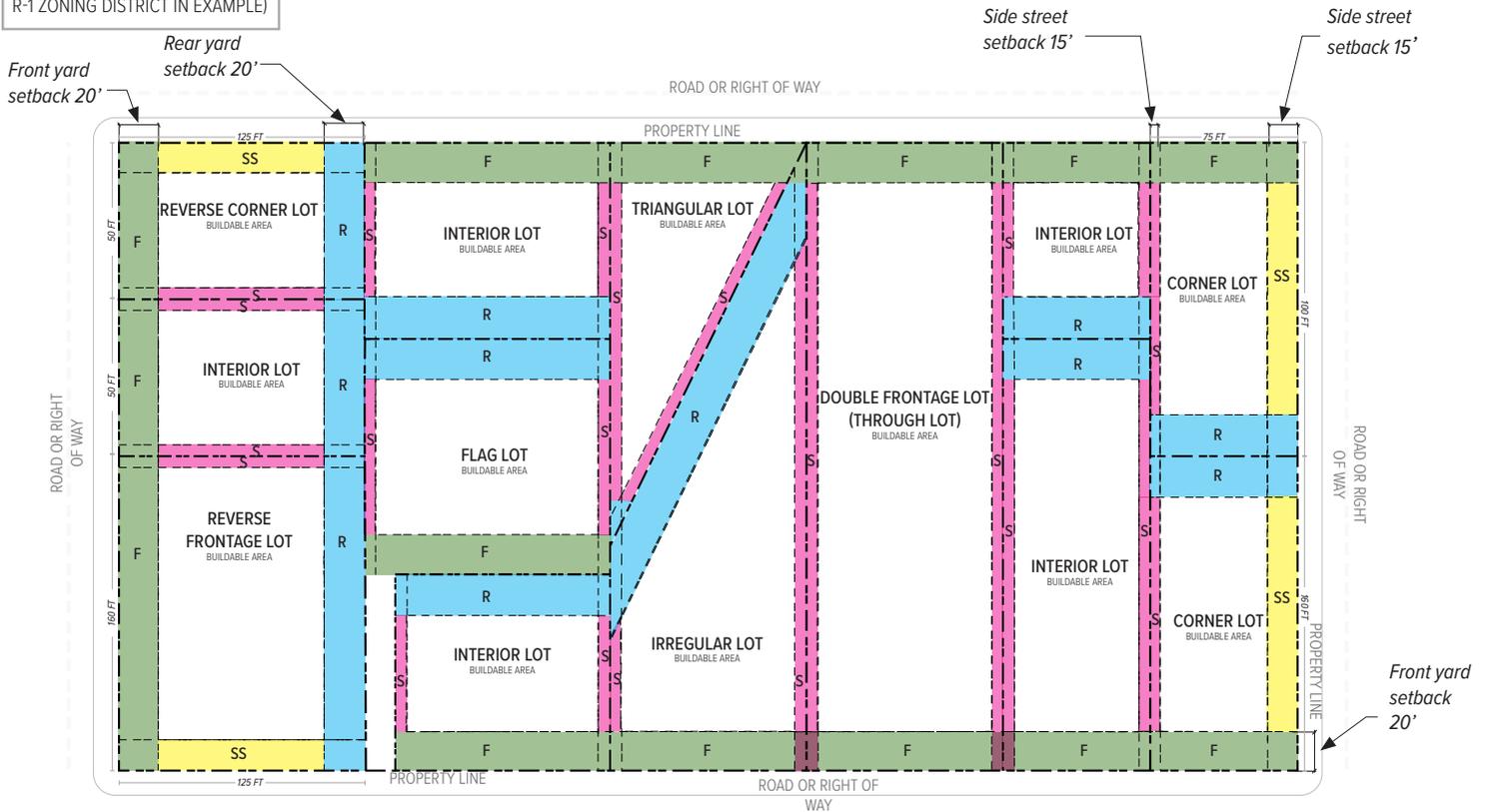
FOOTNOTES

| | |
|----------|--|
| A | Setbacks shall be measured from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to Chapter 15, Article VII, Lakeshore Protection, and Chapter 15, Article X, Wetland Protection, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour. A lot which is part of a subdivision, the plat of which has been lawfully recorded, or a parcel of land, the deed of which was lawfully recorded on or before August 31, 1982, either of which has a depth of less than one hundred fifty (150) feet above the normal high water elevation contour, shall be exempt from the fifty-foot setback requirement set forth in section 38-1501. Instead, the setbacks under the respective zoning district requirements shall apply as measured from the normal high water elevation contour. |
| B | Side setback is 30 feet where adjacent to single-family district. |
| C | For lots platted between 4/27/93 and 3/3/97 that are less than 45 feet wide or contain less than 4,500 sq. feet of lot area, or contain less than 1,000 square feet of living area shall be vested pursuant to Article III of this chapter and shall be considered to be conforming lots for width and/or size and/or living area. |
| D | For attached units (common fire wall and zero separation between units) the minimum duplex lot width is 80 feet, the minimum duplex lot size is 8,000 square feet, and the minimum living area is 500 square feet. For detached units, the minimum duplex lot width is 90 feet, the minimum duplex lot size is 9,000 square feet, and minimum living area is 1,000 square feet, with a minimum separation between units of 10 feet. Fee simple interest in each half of a duplex lot may be sold, devised or transferred independently from the other half. Existing developed duplex lots that are either platted or lots of record existing prior to 3/3/97 and are at least 75 feet in width and have a lot size of 7,500 square feet or greater, shall be deemed to be vested and shall be considered as conforming lots for width and/or size. |
| E | Multifamily residential buildings in excess of one story in height within 100 feet of the property line of any single-family dwelling district and use (exclusive of 2 story single family and 2 story two-family dwellings), requires a special exception. |
| F | Reserved. |
| G | Reserved. |
| H | For lots platted on or after 3/3/97, or unplatted parcels. For lots platted prior to 3/3/97, the following setbacks shall apply: R-1AA, 30 feet front, 35 feet rear; R-1A, 25 feet front, 30 feet rear; R-1, 25 feet front, 25 feet rear, 6 feet side; R-2, 25 feet front, 25 feet rear, 6 feet side for one (1) and two (2) dwelling units; R-3, 25 feet front, 25 feet rear, 6 feet side for two (2) dwelling units. Setbacks not listed in this footnote shall apply as listed in the main text of this section. |
| J | Attached units only. If units are detached, each unit shall be placed on the equivalent of a lot 45 feet in width and each unit must contain at least 1,000 square feet of living area. Each detached unit must have a separation from any other unit on site of at least 10 feet. |
| K | Maximum impervious surface ratio shall be 70%, except for townhouses, nonresidential, and mixed-use development, which shall have a maximum impervious surface ratio of 80%. |
| L | Subject to the Future Land Use designation. |
| M | Developable land area. |
| N | Rear yards and side yards may be reduced to zero (0) when the rear or side property lines about the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities. |
| O | One of the side yards may be reduced to zero (0) feet, provided the other side yard on the lot shall be increased to a minimum building setback of fifty (50) feet. This provision cannot be used if the side yard that is reduced is contiguous to a residential district. |
| P | Rear yards and side yards may be reduced to zero when the rear or side property lines about the boundary of a railroad right-of-way, but only in those cases where an adjacent wall or walls of a building or structure are provided with railroad loading and unloading capabilities; however, no trackage shall be located nearer than three hundred (300) feet from any residential district. The maximum height of any structure shall be two (2) stories or thirty-five (35) feet; provided, that no structure (exclusive of single-family and two-family dwellings) shall exceed one (1) story in height within one hundred (100) feet of the side or rear lot line of any existing single-family residential district. |
| Q | The maximum height of any structure shall be two stories or thirty-five (35) feet; provided, that no structure (exclusive of single-family and two-family dwellings) shall exceed one story in height within one hundred (100) feet of the side or rear lot line of any existing single-family residential district. |
| R | A ten-foot front setback may also be permitted for the dwelling unit when a front entry garage is set back at least twenty (20) feet from the front property line. |
| S | Minimum side building separation is ten (10) feet. The side setback may be any combination to achieve this separation. However, if the side setback is less than five (5) feet, the standards in section 38-605(b) of this district shall apply. |

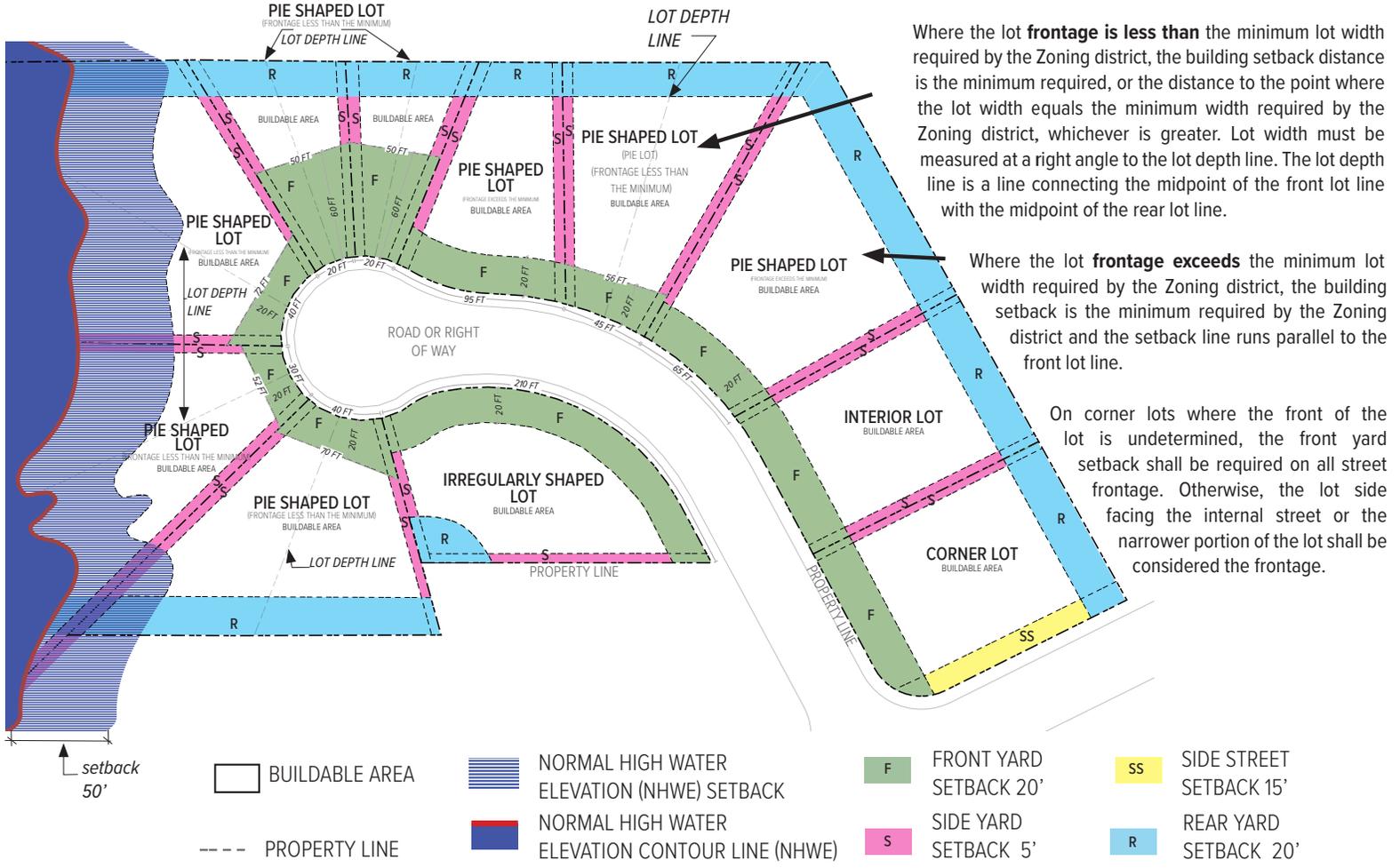
These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

Figure 1. Residential Yard Setback

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



- BUILDABLE AREA
- PROPERTY LINE
- SIDE STREET SETBACK 15'
- FRONT YARD SETBACK 20'
- SIDE YARD SETBACK 5'
- REAR YARD SETBACK 20'



Where the lot **frontage is less than** the minimum lot width required by the Zoning district, the building setback distance is the minimum required, or the distance to the point where the lot width equals the minimum width required by the Zoning district, whichever is greater. Lot width must be measured at a right angle to the lot depth line. The lot depth line is a line connecting the midpoint of the front lot line with the midpoint of the rear lot line.

Where the lot **frontage exceeds** the minimum lot width required by the Zoning district, the building setback is the minimum required by the Zoning district and the setback line runs parallel to the front lot line.

On corner lots where the front of the lot is undetermined, the front yard setback shall be required on all street frontage. Otherwise, the lot side facing the internal street or the narrower portion of the lot shall be considered the frontage.

- BUILDABLE AREA
- PROPERTY LINE
- FRONT YARD SETBACK 20'
- SIDE STREET SETBACK 15'
- NORMAL HIGH WATER ELEVATION (NHWE) SETBACK
- SIDE YARD SETBACK 5'
- REAR YARD SETBACK 20'
- NORMAL HIGH WATER ELEVATION CONTOUR LINE (NHWE)

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: **MAR 05, 2026**

Commission District: **#3**

Case #: **VA-26-01-081**

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

GENERAL INFORMATION

APPLICANT(s): GLENN SCHOFIELD

OWNER(s): GLENN SCHOFIELD, DONNETTE SCHOFIELD

REQUEST: Variances in the R-1A zoning district as follows:

- 1) To allow a new accessory structure with a side street setback of 6.9 ft in lieu of 15 ft.
- 2) To allow an existing primary structure (attached covered carport) with a front setback of 11.5 ft. in lieu of 25 ft.
- 3) To allow an existing primary structure (covered patio 1) with a side setback of 3.3 ft. in lieu of 7.5 ft.
- 4) To allow an existing primary structure (covered patio 2) with a rear setback of 23.42 ft. in lieu of 30 ft.

PROPERTY LOCATION: 5807 Dogwood Dr., Orlando, FL 32807, northeast corner of Dogwood Dr. and Zinnia Dr., north of Lake Underhill Rd., east of S. Semoran Blvd., west of S. Goldenrod Rd., south of E. Colonial Dr.

PARCEL ID: 27-22-30-0380-05-010

LOT SIZE: 11,318 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 161

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as amended (Motion by Roberta Walton Johnson, Second by Thomas Moses; unanimous; 6 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed; and 1 absent: Juan Velez):

1. Development shall be in accordance with the site plan date stamped January 09, 2026 and elevations dated October 15, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a

violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a permit for the new accessory structure (shed), permits shall be obtained for both covered patios.
5. Prior to the issuance of a permit for the new accessory structure (shed), demolition permits for the two existing accessory structures must be obtained.
6. Prior to the issuance of the Certificate of Completion for the accessory structure permit, the applicant shall provide a Florida #1 3-inch caliper canopy tree as described in Orange County Code Section 24-12 between the northwestern or the southwestern facade of the accessory structure and Zinnia Dr.

SYNOPSIS: Staff presented the proposal and reviewed the property's location, site plan, and site photos. Staff provided an analysis of the six criteria and the reasons for a recommendation for denial of Variance Request #1 and approval of Variance Requests #2-4.

Staff also noted that one letter had been received in support of the Variance requests, and none in opposition.

The BZA discussed the location of the proposed accessory structure and how it relates to the property.

The applicant was present and explained the need for the new shed, noting that the size of the shed had already been reduced.

No members of the public were present to speak in favor of or in opposition to the requests.

The BZA recommended approval of the Variance requests by a 6-0 vote, with 1 absent, subject to the three conditions found in the staff report, with modifications, and the addition of Conditions of Approval 4-6 as follows:

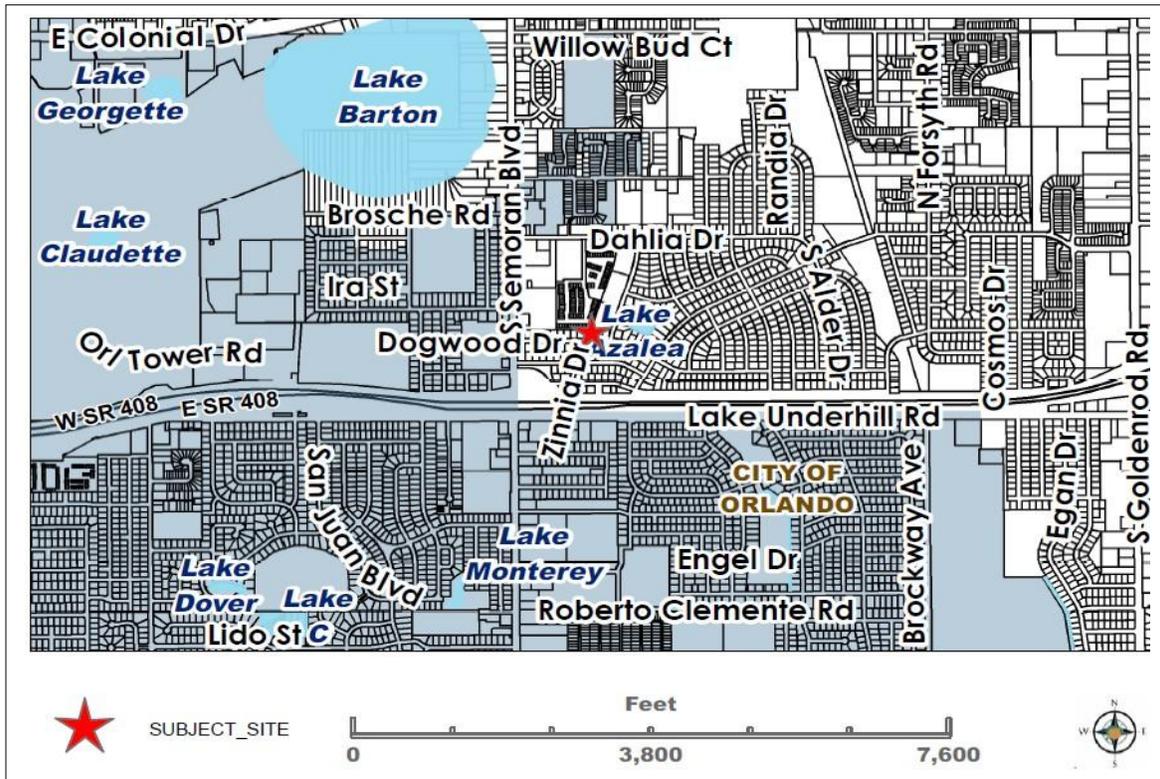
1. Development shall be in accordance with the site plan stamped January 09, 2026 and elevations dated October 15, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
4. Prior to the issuance of a permit for the new accessory structure (shed), permits shall be obtained for both covered patios.
5. Prior to the issuance of a permit for the new accessory structure (shed), demolition permits for the two existing accessory structures must be obtained.

6. Prior to the issuance of the Certificate of Completion for the accessory structure permit, the applicant shall provide a Florida #1 3-inch caliper canopy tree as described in Orange County Code Section 24-12 between the northwestern or the southwestern facade of the accessory structure and Zinnia Dr.

STAFF RECOMMENDATIONS

Denial of Variance request #1 and Approval of Variance requests #2-4, subject to the conditions in this report. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of all of the Variances, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|---------------------------|--------------------------|---------------------------|---------------------------|---------------------------|
| Current Zoning | R-1A | R-3 | R-1A | R-1A | R-1A |
| Future Land Use | LDR | MDR | LDR | LDR | LDR |
| Current Use | Single-family residential | Multi-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-1A, 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-1A zoning district.

The area surrounding the subject site consists primarily of single-family homes, with multi-family residences located to the north of the property. The subject property is 11,318 sq. ft. in size and was platted in 1952 as Lot 1, Block E of the Azalea Park Replat. The site is a corner lot with right-of-way frontage along Dogwood Dr. to the south and Zinnia Dr. to the west. For residential properties, the code states the narrow width of a lot abutting a street right-of-way is the front; as such, Dogwood Dr. is considered the front and Zinnia Dr. is considered the side street. Along the north property line, there is a 5-foot utility easement that runs the full length of the property.

The property is developed with a one-story, 1,748 sq. ft. single-family residence constructed in 1952, prior to the adoption of the zoning code in 1957. There are also two detached accessory structures (sheds) located in the north and northeast corners of the rear yard. One of the sheds, located in the northeast corner of the property, was issued a permit in 1994 (B94011969); however, the approved permit specified that the shed would be located five feet from the rear and side property lines, in compliance with Code. According to the survey provided by the applicant, the shed has instead been built directly on the property line. The second shed, located west of the first shed, is currently unpermitted and appears in aerial imagery dating back to 1999. The shed is also located within the required rear setback. Additionally, both sheds encroach into the Utility Easement. The two sheds are proposed to be removed. The property was purchased by the current owner in March 2025.

Proposed is the construction of a 500 sq. ft. accessory structure in the side street yard. The plans provided show a 20 ft. by 12 ft. structure that is 12 ft. in height. Section 38-1426(2)(ii) of the Orange County Code states that a detached accessory structure with a height of 15 ft. or less shall be set back 15 ft. from any side street lot line. The proposal is to construct the accessory structure 6.9 ft. from the side street setback to the west, thereby necessitating Variance #1. The accessory structure features red horizontal B-lap siding in compliance with County Code Section 38-1426(2)(v)(A)–(C), which outlines the material requirements for accessory structures.

In 2007, the previous owners received approval of a Variance (VA-07-10-003) to construct an attached covered carport 15 ft. from the front property line in lieu of the required 25 ft. The approved permit (B07013542) indicated that the 18 ft. by 28 ft. attached covered carport was to be constructed at the 15 ft. front setback, as approved. The permit was deemed complete. However, the current survey provided shows that the structure is located 11.5 ft. from the front property line, demonstrating that the covered carport was constructed in error and therefore necessitating Variance #2.

There are two existing covered patios at the rear of the home that were constructed without the required permits. Aerial imagery indicates that the covered patios were erected between 2005 and 2006. The proposal is for the covered patios to remain in their existing configuration. Orange County Code Section 38-1501 requires primary structures, to maintain a 7.5 ft. side setback and a 30 ft. rear setback. The site plan indicates that the easternmost portion of covered patio #1 is located 3.3 ft. from the side property line, thereby

requiring Variance #3. The north corner of covered patio #2 is measured at 23.42 ft. from the rear property line, thereby requiring Variance #4.

Accessory Structure Development Standards

| | Code Requirement | Proposed |
|---------------------------------|--|-------------|
| Max. Height: | 25 ft. | 12 ft. |
| Max. Cumulative Square Footage: | 10% of the net land area / 1,132 sq. ft. | 500 sq. ft. |

Building Setbacks (Accessory Structure)

| | Code Requirement | Proposed |
|---------------------------|---|------------------------------|
| Front (Dogwood St.): | Not located within the front yard; 20 ft. when applicable | N/A |
| Side Street (Zinnia Dr.): | 15 ft. | 6.9 ft. (West) (Variance #1) |
| Side: | 5 ft. | +/- 42 ft. (East) |
| Rear: | 5 ft. | 6.9 ft. (North) |

Building Setbacks (Primary Structure)

| | Code Requirement | Proposed |
|-------------|------------------|---------------------------------|
| Front: | 25 ft. | 11.5 ft. (South) (Variance #2) |
| Side: | 7.5 ft. | 3.3 ft. (East) (Variance #3) |
| Side Street | 15 ft. | 25 ft. |
| Rear: | 25 ft. | 23.42 ft. (North) (Variance #4) |

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. Based on staff’s analysis, Variance #1 does not meet all the required criteria. Based on lot size, it is possible for either the shed to move closer to the primary structure, or a smaller structure could be proposed to alleviate the need for the Variance. Variances #2–4 satisfy the required criteria for approval. Although the parcel is a standard corner lot, the placement and orientation of the existing residence significantly restrict the area where an addition can be placed.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

ALL VARIANCES MET - Unique conditions exist on this property, as the location and orientation of the primary structure substantially limits the area where additional improvements can reasonably be constructed.

Not Self-Created

Variance #1 NOT MET - The need for the Variance is self-created, as the structure could be redesigned to meet setbacks.

Variations #2-4 MET- The need for the variations are not self-created, as the primary structure was constructed prior to the current owner's acquisition of the property.

No Special Privilege Conferred

ALL VARIANCES MET - Granting the requested variations would not confer a special privilege, as the configuration of the house on the lot is unique and substantially limits the areas where accessory structures or modifications to the primary structure can reasonably occur. Additionally, other homes in the surrounding area have similar lot sizes and include accessory structures of comparable size.

Deprivation of Rights

Variance #1 NOT MET- Denial of the variations would not deprive the owner of having accessory structures on the property as the proposed structure could be reduced in size to meet the minimum possible setbacks.

Variations #2-4 MET - Denial of the Variations would deprive the owner of the ability to have the existing covered patios on the property.

Minimum Possible Variance

Variance #1 NOT MET – The request is not the minimum possible variance to have an accessory structure as the accessory structure can be made smaller to lessen the variance.

Variations #2-4 MET - The requests are the minimum possible to have an accessory structure on the property as the orientation of the home significantly limits where additional modifications of the structures could be constructed.

Purpose and Intent

ALL VARIANCES MET - Approval of the requested Variations would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The proposed accessory structure will not be intrusive to surrounding properties. Due to the configuration of the lot, it will have limited visibility from neighboring properties and will be located adjacent to a dead-end roadway.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan stamped January 09, 2026, revised to remove the accessory structure, and elevations dated October 15, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Glenn Schofield
Donnette Schofield
5807 Dogwood Drive
Orlando, FL 32807

Should the BZA find that the applicant has satisfied the criteria necessary for the granting of all the Variances, staff recommends that the approval be subject to the following additional conditions:

4. Prior to the issuance of a permit for the new accessory structure (shed), permits shall be obtained for both covered patios.
5. Prior to the issuance of a permit for the new accessory structure (shed), demolition permits for the two existing accessory structures must be obtained.
6. Prior to the issuance of the Certificate of Completion for the accessory structure permit, the applicant shall provide a Florida #1 3-inch caliper canopy tree as described in Orange County Code Section 24-12 between the northwestern or the southwestern facade of the accessory structure and Zinnia Dr.

COVER LETTER

Re: Variance Request for Accessory Shed Placement

Property Address: 5807 Dogwood Drive

I respectfully submit this request for variance approval to allow the placement of storage scale in the front yard as well as update the structure.

- 1) To allow a new accessory structure with a side street setback of 6.9 ft in lieu of 15 ft.
- 2) To allow an existing primary structure (attached covered carport) with a front setback of 11.5 ft. in lieu of 25 ft.
- 3) To allow an existing primary structure (covered patio 1) with a side setback of 3.3 ft. in lieu of 7.5 ft.
- 4) To allow an existing primary structure (covered patio 2) with a rear setback of 23.42 ft. in lieu of 30 ft.

To whom it may concern number 1 reason for building a garage and it seems not to have adequate space for our storage needs. Therefore we need the variances. We bought the property as is.

Thank you very much

Glen schofield

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.

This property is a corner lot and as such, the developer oriented the SFR in a diagonal manner which limits the available open areas for this project. This property also abuts a side street that is a dead-end that cannot be further improved. There is 0 traffic.

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 orientation and layout of the property was purchased as-is. The current homeowner did not have any influence or determination as to this layout.

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 the zoning variance request will not confer any special privilege to the homeowner as this is a common variance request approved in the same community.

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 literal interpretation of the zoning code would deprive the applicant rights commonly enjoyed by neighboring properties.

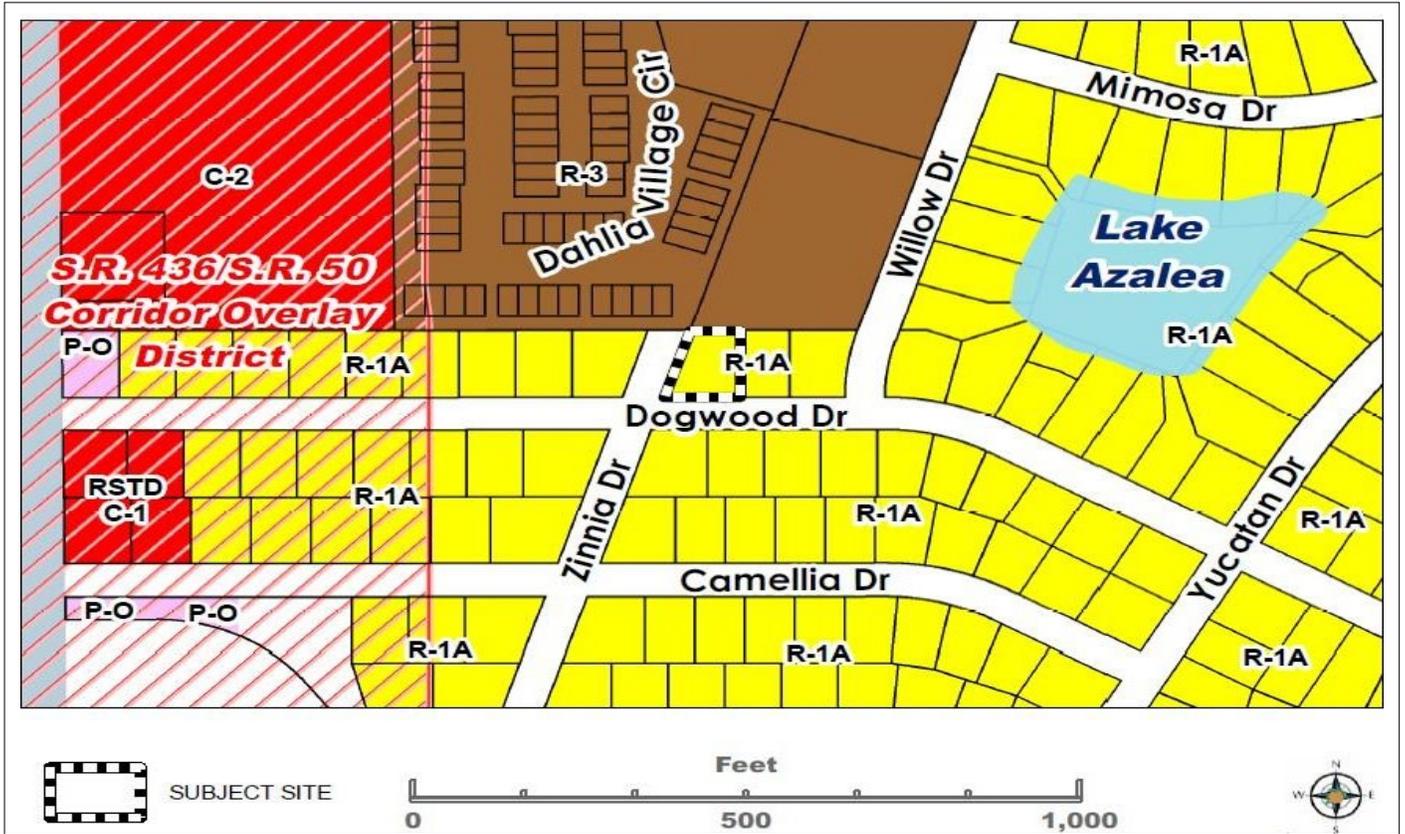
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

This is the minimum possible variance in order to erect the proposed structure.

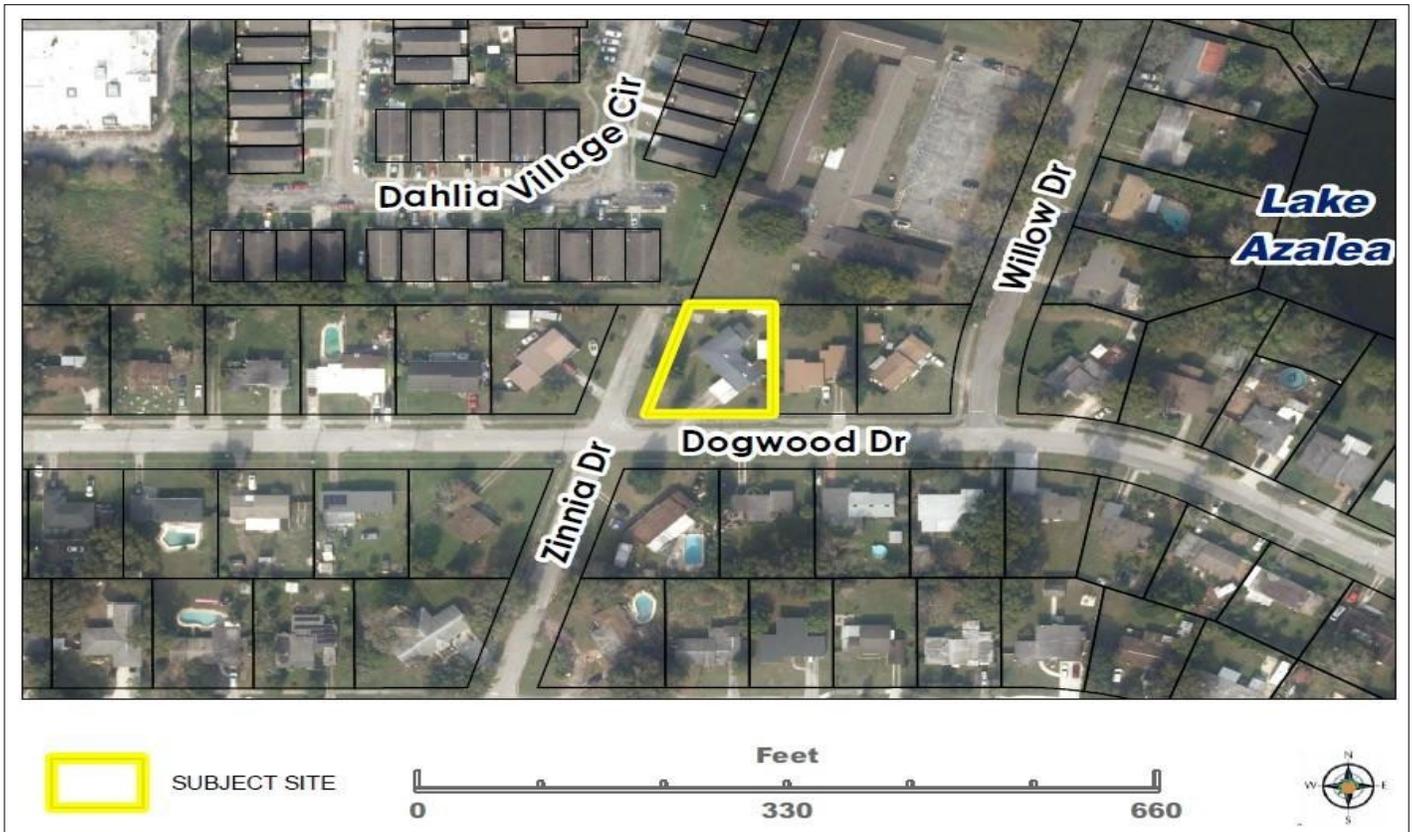
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

This variance will not interfere with section 38-1601 Intent and Purposes. The carport/garage will not impede circulation of air, natural light, access for fire-fighting apparatus or rescue and salvage operations while maintaining adequate and safe distances from associated major streets buildings, and structures.

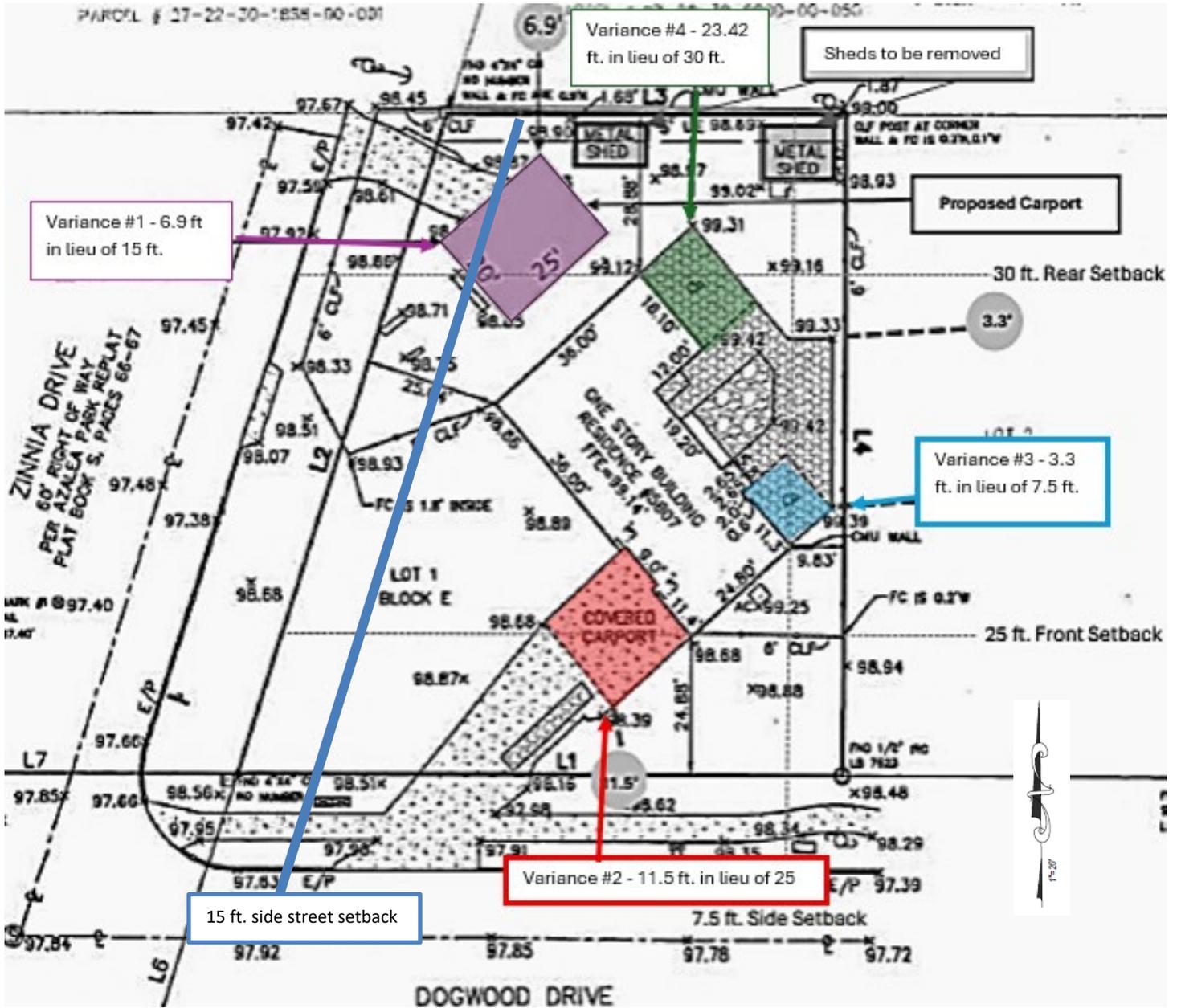
ZONING MAP



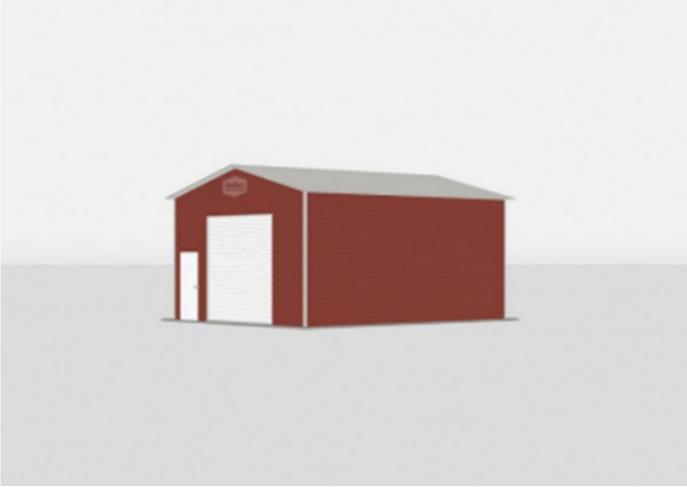
AERIAL MAP



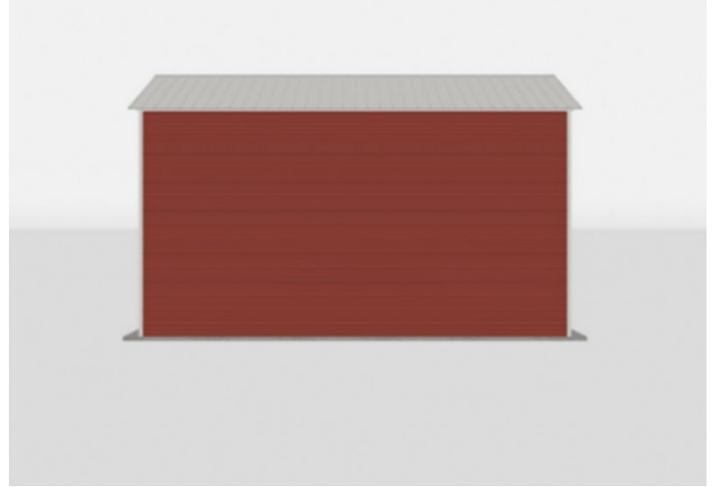
SITE PLAN



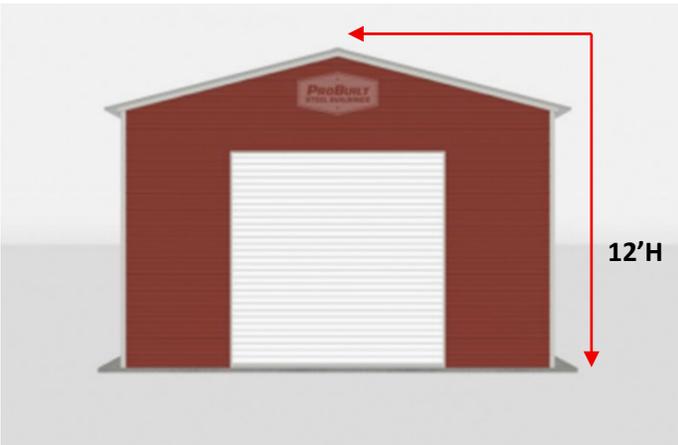
ELEVATIONS OF PROPOSED ACCESSORY STRUCTURE



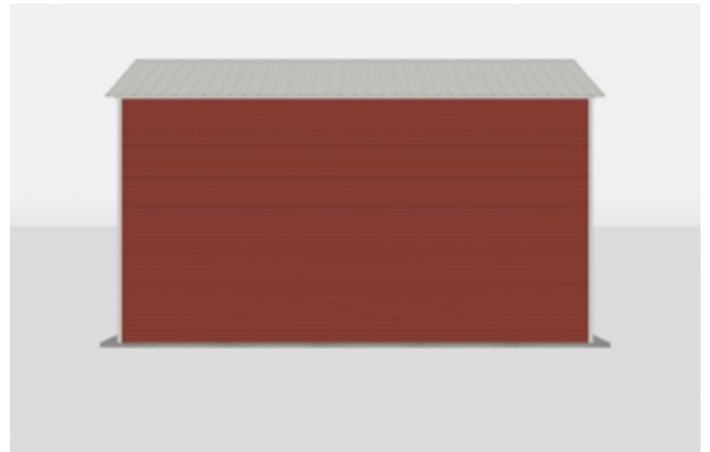
Front (Southwest) Elevation



Right (Southeast) Elevation



Rear (Northeast) Elevation



Left (Northwest) Elevation

SITE PHOTOS



From Dogwood St., towards front of subject property



On subject property facing west towards the back yard.

SITE PHOTOS



On subject property facing, north towards back yard fence and neighboring property.



On subject property, facing northwest towards side yard

SITE PHOTOS



On subject property, facing north towards back yard



Back yard, facing north towards covered patio and back yard, and two existing structures to be moved.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2026**

Commission District: **#5**

Case #: **VA-26-03-010**

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

Jacqueline.Boling@ocfl.net

GENERAL INFORMATION

APPLICANT(s): SONIA RODRIGUEZ

OWNER(s): SONIA RODRIGUEZ

REQUEST: Variances in the R-1A zoning district as follows:

- 1) To allow an existing accessory structure (Shed 1) with a Normal High Water Elevation (NHWE) setback of 20* ft. in lieu of 30 ft.
- 2) To allow an existing accessory structure (Shed 1) with a north side setback of 3.2 ft. in lieu of 5 ft.
- 3) To allow an existing accessory structure (Shed 2) with a north side setback of 1.5 ft. in lieu of 5 ft.

NOTE: This is the result of a code violation.

**Advertised incorrectly as 20 ft. instead of 23.3 ft.*

PROPERTY LOCATION: 1826 Crescent Blvd., Orlando, FL 32817, west side of Crescent Blvd., north of E Colonial Dr., east of Rouse Rd., south of University Blvd., west of N. Alafaya Trl.

PARCEL ID: 15-22-31-5748-10-071

LOT SIZE: 37,094 sq. ft. (12,493 sq. ft. upland)

NOTICE AREA: 700

NUMBER OF NOTICES: 67

DECISION: Recommended to **CONTINUE** the case to the June 4, 2026, BZA Meeting (Motion by Johnny Stanley, Second by Glenn Rubinstein; unanimous; 6 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed; and 1 absent: Juan Velez).

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 all the Variance requests. Staff also noted that no comments were received in favor and one public comment had been received in opposition to the request.

The BZA asked staff about determinations made by other county reviewing divisions and whether the applicant could reduce requested Variance #1 by removing the stairs and deck from the existing accessory structure (shed 1). The applicant was present and discussed the code compliance issues and history of the structures on the site. The applicant also noted the intention to remove a portion of the deck on Shed 1, and was okay with removing Shed 2.

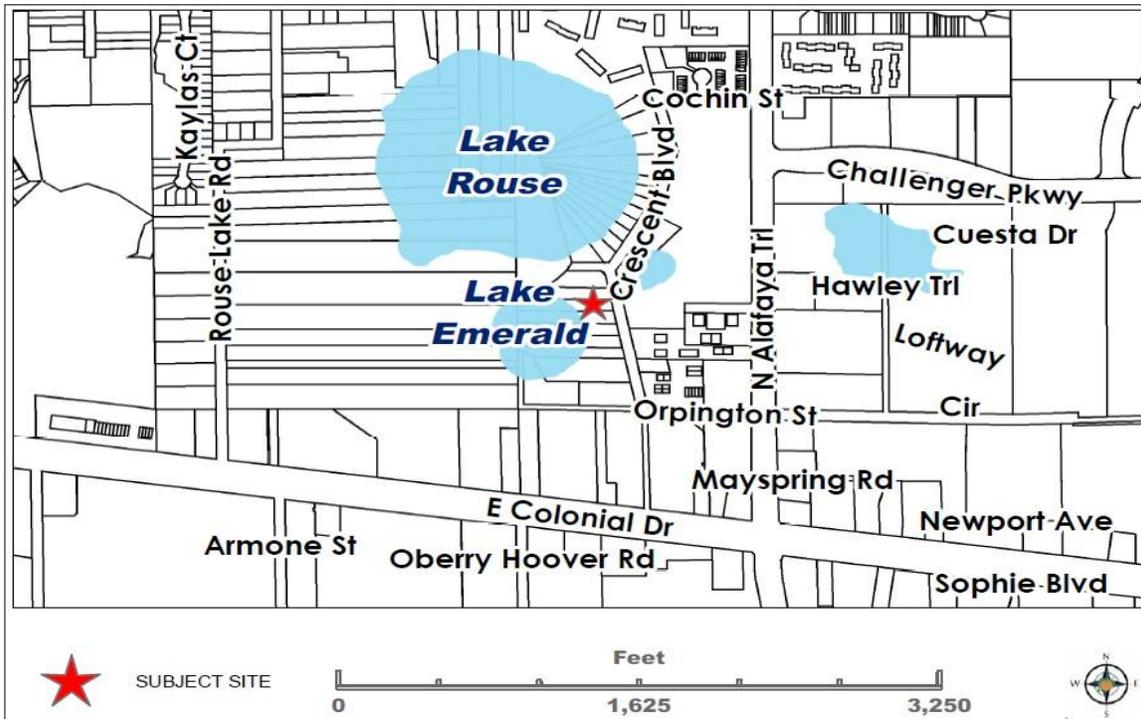
There was no one in attendance to speak in favor of the request. Two individuals spoke in opposition to the request, citing concerns about structures within the Normal High Water Elevation setback.

Following discussion, the BZA expressed the need for additional information from other county reviewing divisions and clarification from the applicant. The Board then recommended continuing the variance request by a 6-0 vote, with one absent, until June 4, 2026.

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-1A | R-1A | R-1A | P-O | R-1 |
| Future Land Use | LDR | LDR | O | O | LDR |
| Current Use | Single-family residence | Single-family residence | Single-family residence | Office | Vacant |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1A, 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-1A zoning district.

The area surrounding the subject site consists of single-family residences, Lake Emerald to the west, and offices to the east. The subject property is 37,094 sq. ft. in size with 12,493 sq. ft. upland and was platted in 1926 as Lot 7 of Wyandotte Farms. The lot meets the minimum area requirements for the R-1A zoning district. The subject property is an interior lakefront lot with frontage along Crescent Blvd, and Lake Emerald located to the rear (west) of the property. The current owners purchased the property in July 1999.

The site is developed with a 1,772-sq. ft., two-story single-family residence built in 1987. Additional improvements include a screened-in pool and deck, as well as two accessory structures: a 242 sq. ft. shed (Shed 1) located in the western portion of the property, and a 41.6 sq. ft. shed (Shed 2) located in the northeastern portion of the property. In 2012, the current owner obtained a building permit (B12008730) for Shed 1; however, the required final inspection was not completed, and the permit subsequently expired. The permit identified the shed as located 5 ft. from the north property line and 30 ft. from the Normal High Water Elevation of Lake Emerald. Aerial imagery indicates that Shed 1 was installed between 2004 and 2006. No permits were obtained for Shed 2, which was installed between 2009 and 2010.

A Code Compliance violation (CE# 664129) was issued on October 28, 2025, for a structure (Shed 1) that was constructed without permits and did not comply with the required setbacks. A building permit application (B25021754) was submitted on October 29, 2025; however, the Zoning Reviewer denied the application due to the structure’s encroachment into the Normal High Water Elevation (NHWE) setback and northern side yard.

The request is to allow Shed 1 to remain in its current location within the Normal High Water Elevation (NHWE) setback at 23.3 ft., in lieu of the required 30 ft. setback, thereby necessitating Variance #1. Additionally, Shed 1 is setback 3.2 ft. from the north property line, where a 5 ft. setback is required, requiring Variance #2. While the applicant’s cover letter identifies Shed 1 as an Accessory Dwelling Unit (ADU), the floor and site plans indicate that the structure is classified as a detached accessory structure, not an ADU. During the site visit, staff observed a second accessory structure, Shed 2, on the northern side of the property. Shed 2 is situated 1.5 ft. from the side property line, where a minimum 5 ft. setback is required, thereby necessitating Variance #3.

Accessory Structure Setbacks

| | Code Requirement | Proposed |
|----------------------------|---------------------------------|--|
| Front (Crescent Blvd.): | Not permitted in the front yard | N/A (East) |
| Side: | 5 ft. | 3.2 ft. Shed 1 (North – Variance #2) 1.5 ft. Shed 2 (North – Variance #3) |
| Rear: | 5 ft. | 23.3 ft. Shed 1 (West) +/- 50 ft. Shed 2 (West) |
| NHWE: | 30 ft. | 23.3 ft. Shed 1 (West - Variance #1) +/- 50 ft. Shed 2 (West) |

The request was routed to all reviewing divisions. EPD provided comments stating that, at the time of review, a wetland determination was not required; however, they did not support the accessory structure (Shed 1) remaining within the NHWE setback. Both the Stormwater and Development Engineering Divisions indicated that the accessory structure (Shed 1) encroaches into the floodplain; however, the applicant has obtained a stormwater permit allowing the structure to remain in its current configuration. As of the date of this report, no comments have been received in favor or in opposition to this request.

Pursuant to Section 30-43(3) of the Orange County Code, a recommendation for approval may be made only when all six variance criteria are fully satisfied. Variances #1 through #3 meet only some of the required criteria and therefore do not satisfy the applicable standards in their entirety. Based on staff's analysis, approval of the requested variances would be inconsistent with the purpose and intent of the Zoning Regulations, which are primarily designed to minimize the impact of structures on the lake and surrounding properties. Accordingly, staff recommends denial of the requested variances.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

ALL VARIANCES NOT MET - No special conditions or circumstances exist, as the accessory structures could have been constructed in locations compliant with code requirements.

Not Self-Created

ALL VARIANCES NOT MET - The requests are self-created, as the accessory structures could have been placed in code-compliant locations. The owner, having obtained a building permit for a shed in a compliant location, was aware of the applicable requirements.

No Special Privilege Conferred

ALL VARIANCES NOT MET – Although it may appear that other nearby properties have constructed accessory structures within the Normal High Water Elevation setback, those properties are currently subject to EPD enforcement and will ultimately be required to obtain the necessary permits or be removed. Approving these variances would grant a special privilege, as other properties in the area do not have authorized accessory structures within the required setback.

Deprivation of Rights

ALL VARIANCES MET – Without the requested variances, the sheds would not be able to remain in the current configuration.

Minimum Possible Variance

ALL VARIANCES MET - The requested variances are the minimum possible variance to keep the accessory structures in their current configuration.

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, which are primarily focused on minimizing the impact of structures on the lake.

VARIANCE #3 MET - Approval of the requested variance would be in harmony with the purpose and intent of the Zoning Regulations, which aim to minimize impacts on surrounding properties. The existing shed is located along the side of the house and is not significantly visible from neighboring properties; therefore, it does not adversely affect the surrounding residential area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated Jan 03, 2026, and elevations dated December 11, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the Variance request and, which shall inform all interested parties that the accessory structure is located no closer than 23.3 ft. from the Normal High Water Elevation (NHWE) of Lake Emerald.
5. Permits for the accessory structures shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

C: Sonia Rodriguez
1826 Crescent Blvd.
Orlando, FL 32817

C: PROJECT SERVICES GROUP, LLC
478 E. Altamonte Springs Dr., Suite 108-709
Altamonte Springs, FL 32714

COVER LETTER

January 14, 2026

Subject: Variance for Rear Set Back
1826 Crescent Blvd
Orlando, FL 32817
Parcel: 15-22-31-5748-10-071

Dear BZA,

I am requesting a modification of my rear NHWE to change from 30 feet to 25 feet and the Side set back from 5 feet to 3.2 feet.

I have an ADU already built that is raised at least 2 feet off the ground. I am in the Process of working with Code Enforcement and Orange County Building Department to resolve the Permit issues.

Please let me know if you have any questions,

Sincerely,

Sonia Rodriguez

cc Nigel Cort

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 NHWE is the only peculiar condition from our knowledge

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.

Client built the ADU without a permit, so we are trying to get it permitted.

3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

We agree.

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.

If the ADU had to be demolish it would cost our client money she doesnt have.

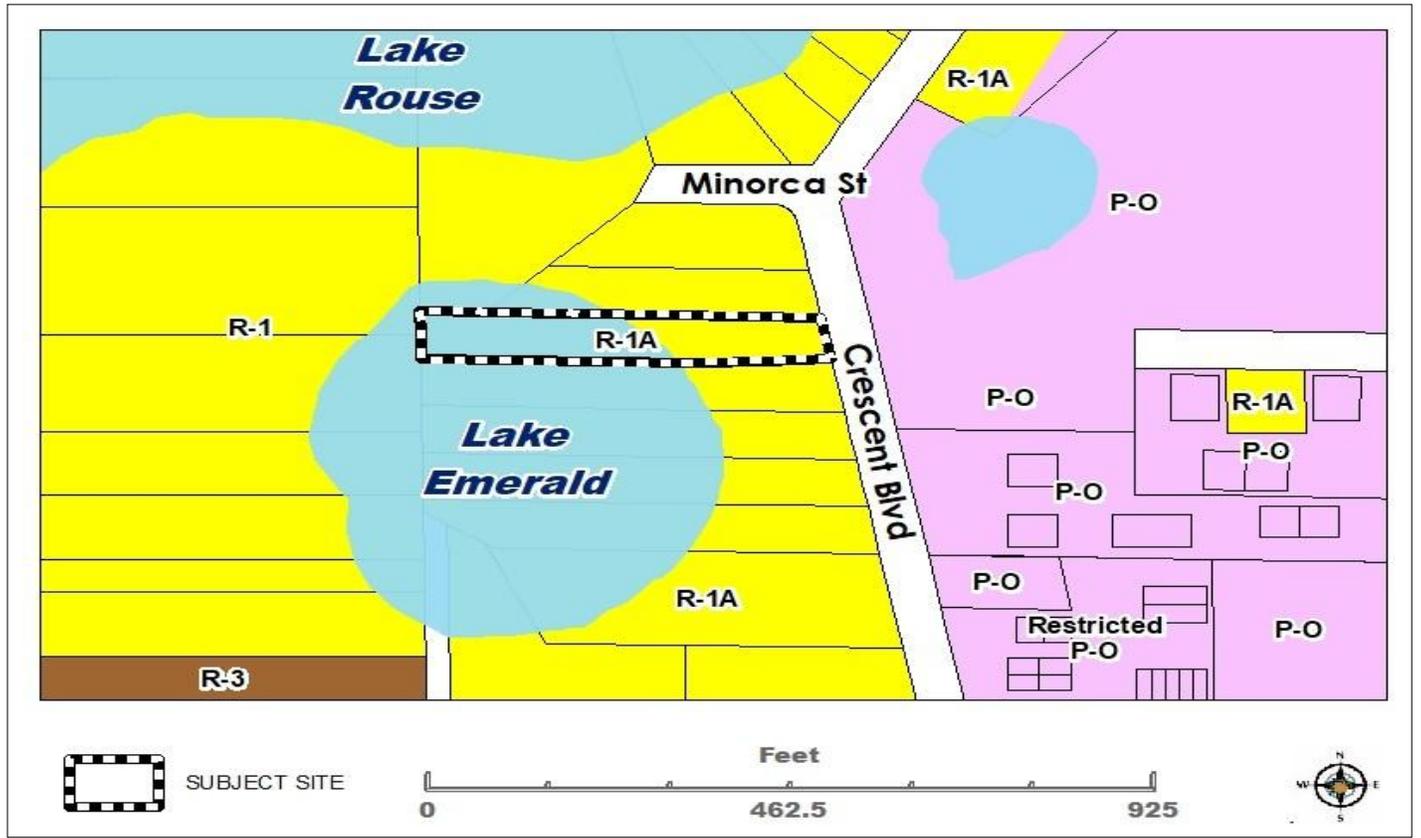
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

I would like minimum variance to keep the structure.

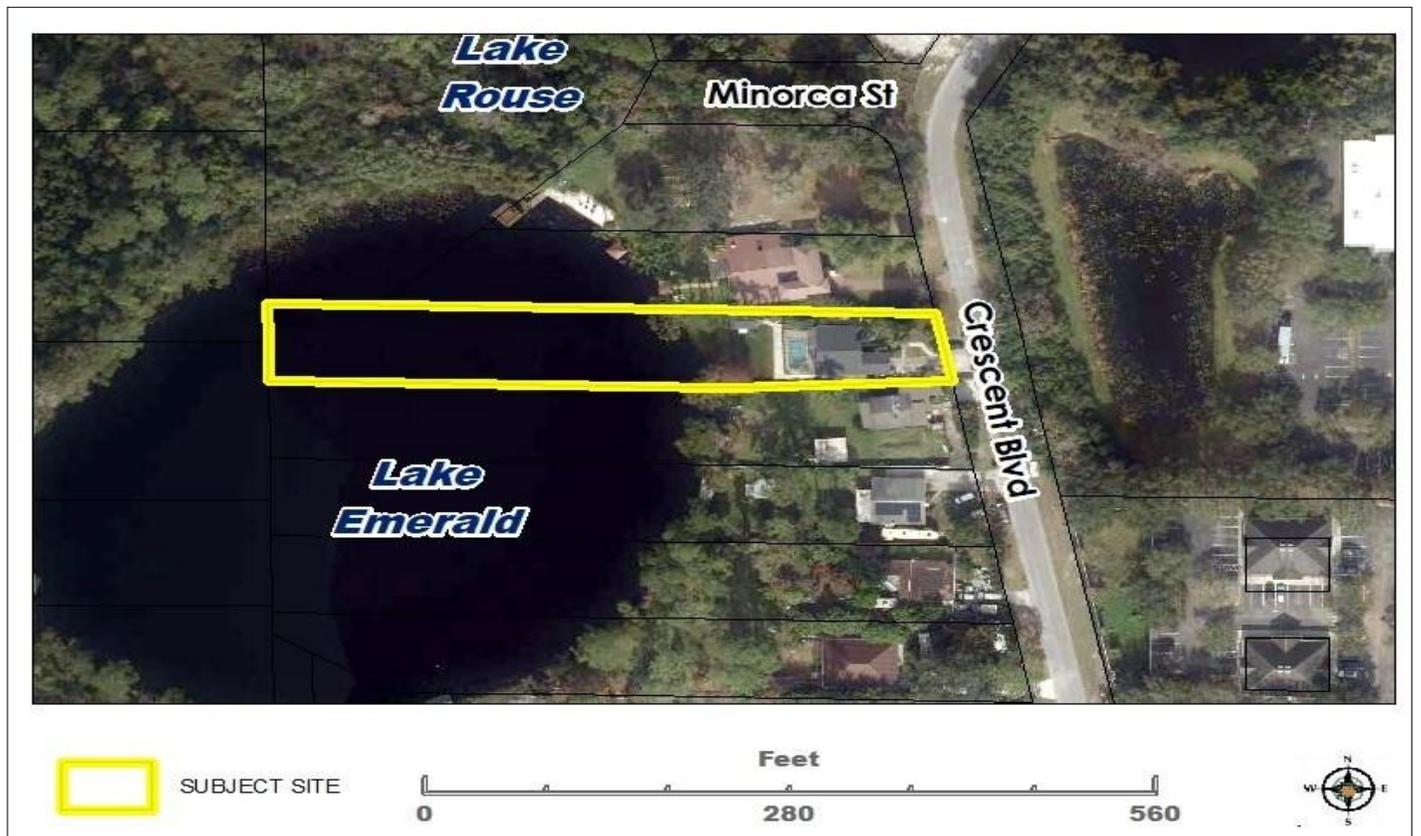
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

used as a workshop / storage

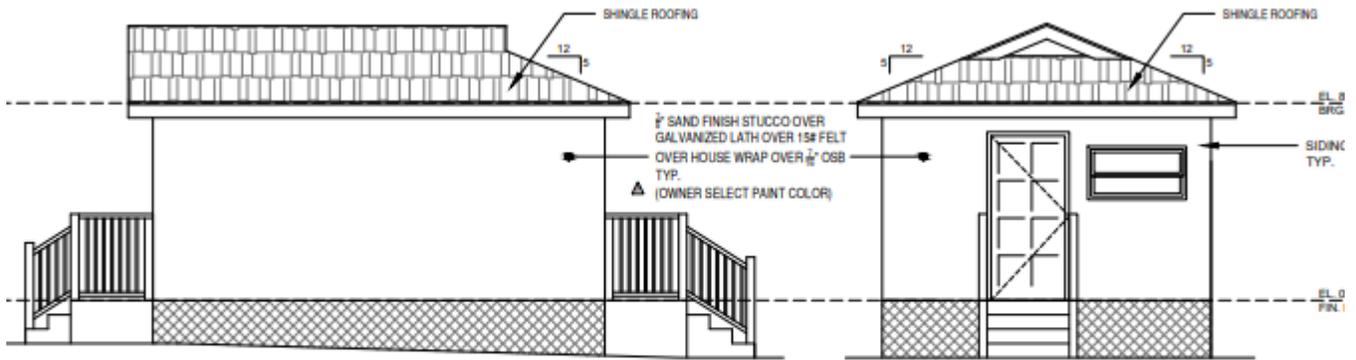
ZONING MAP



AERIAL MAP

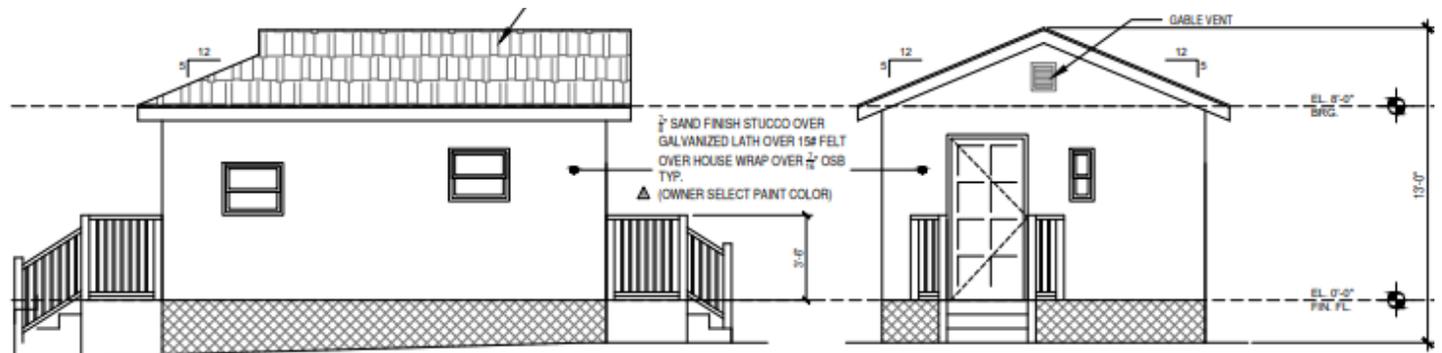


ELEVATIONS OF SHED 1



Right Side (North) Elevation

Rear (West) Elevation

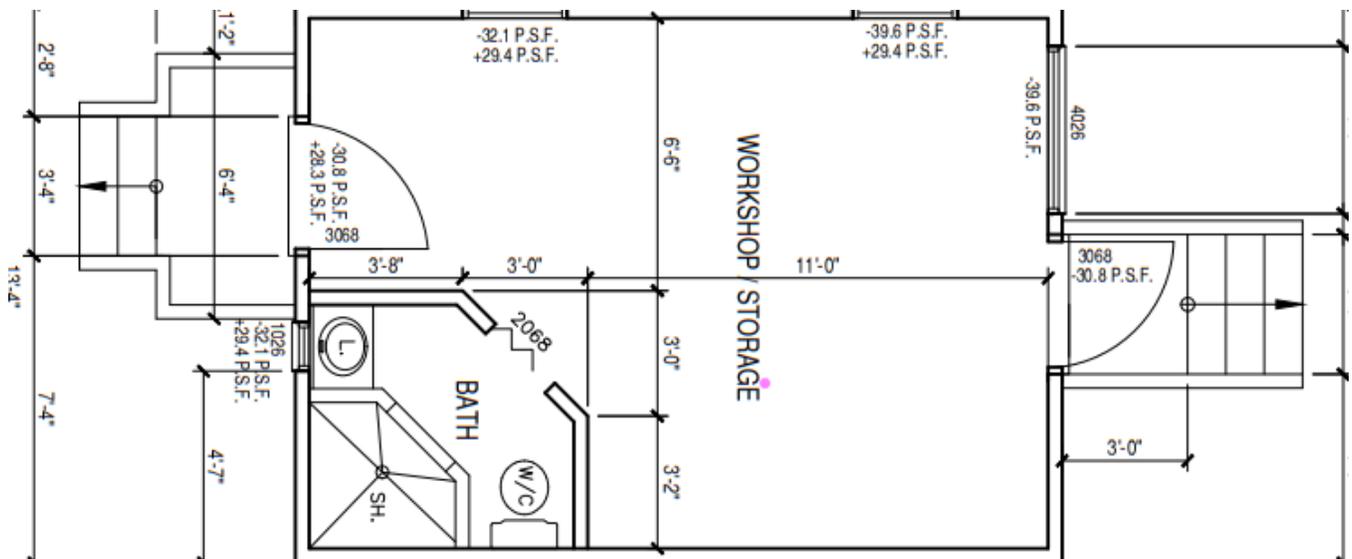


Left Side (South) Elevation

Front (East) Elevation

T

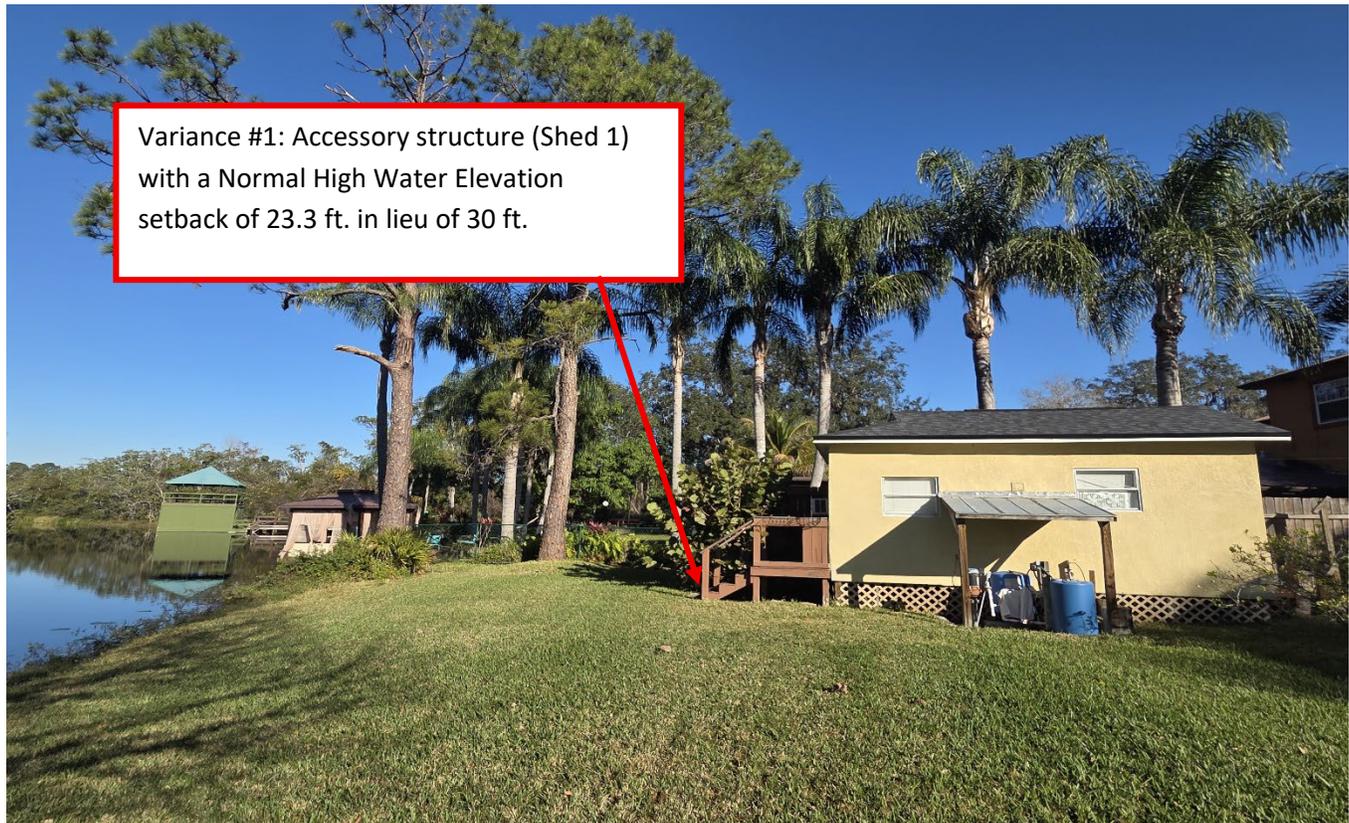
FLOOR PLAN OF SHED 1



SITE PHOTOS



Subject property facing west from Crescent Blvd.



Variance #1: Accessory structure (Shed 1) with a Normal High Water Elevation setback of 23.3 ft. in lieu of 30 ft.

On subject property facing accessory structure (Shed 1) towards neighboring properties.

SITE PHOTOS



Facing west towards the front of existing accessory structure (shed 1).



Facing west towards existing accessory structure (shed 2) and side walkway.

SITE PHOTOS



Facing east towards existing accessory structure (shed 2) and side walkway.



On subject property facing east towards backyard and primary structure

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 06, 2026**

Commission District: **#5**

Case #: **VA-26-03-000**

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

Daniella.McCloud@ocfl.net

GENERAL INFORMATION

APPLICANT(s): STEVEN TESTAGROSSA

OWNER(s): STEVEN TESTAGROSSA, JANA TESTAGROSSA

REQUEST: Variance in the R-1A zoning district to allow a 6 ft. tall, 100% opaque privacy fence in lieu of maximum 50% opacity.

PROPERTY LOCATION: 820 Wingo Street Orlando, FL 32803, west side of Wingo St., north of E. Colonial Dr., east of Bennett Rd., west of N. Semoran Blvd, south of Roush Ave.

PARCEL ID: 21-22-30-4316-06-030

LOT SIZE: 6,002 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 126

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

1. Development shall be in accordance with the site plan dated November 25, 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 two public comments were received in support and none in opposition to the request.

The BZA asked the applicant about the state of the property prior to their purchase which included an existing wood fence and overgrown foliage. The applicant, who was present, explained that they had cleaned up the lot and wanted to install the privacy fencing along the side and rear in the same location an old wood fence was in. The BZA asked staff if permits were ever granted for fencing on this property and staff noted that no permits were found for the privacy fencing on the subject property.

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

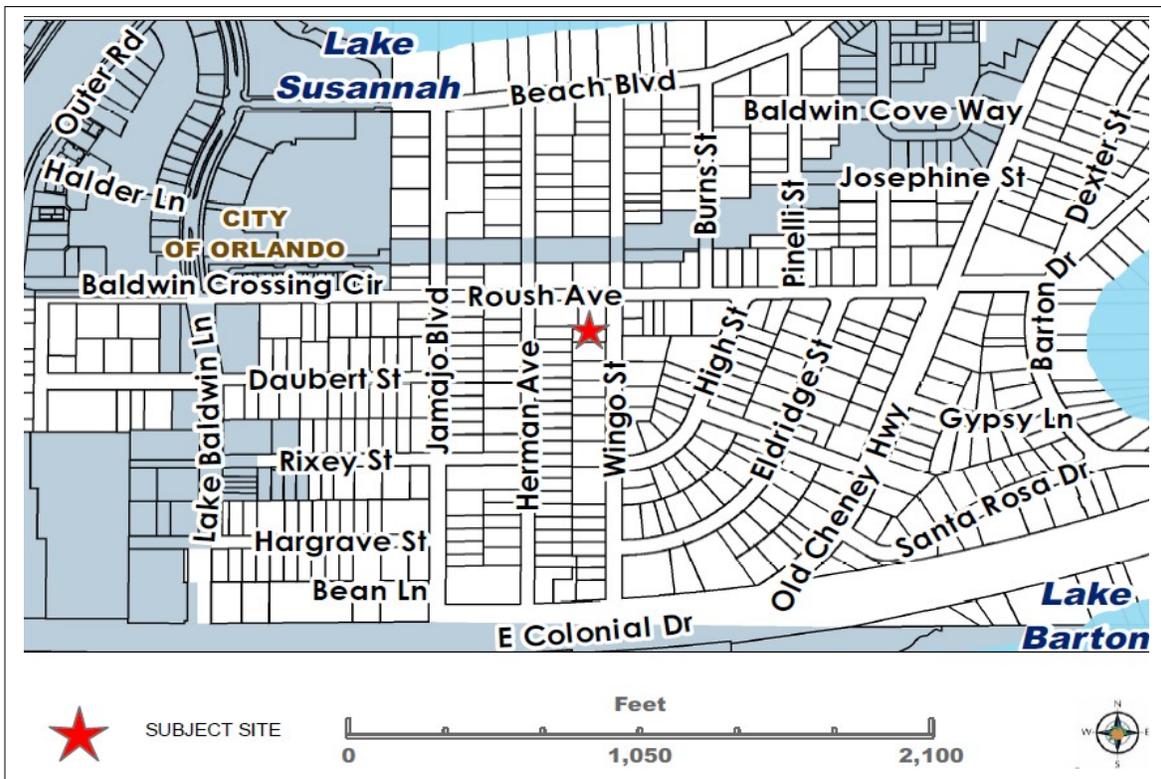
The BZA discussed the fence location and that the purpose of visibility on vacant lots would be met since 50% opaque fencing would be provided along the front and front sides of the lot.

The BZA recommended approval of the Variance request 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 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-1A |
| Future Land Use | LMDR | LMDR | LMDR | LMDR | LMDR |
| Current Use | Vacant | 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-1A single-family dwelling district, which allows for single-family homes and associated accessory structures. The Future Land Use (FLU) is Low-Medium Density Residential (LMDR), which is consistent with the R-1A zoning district.

The area around the subject site consists of single-family homes. The subject property is 6,002 sq. ft. in size, was platted in 1926 as lot 3 of the Lake Barton Shores plat and is considered a substandard lot as it does not meet lot width or lot area for the R-1A zoning district. The subject property is an interior lot with frontage along Wingo St. to the east and is currently vacant. The property was purchased by the current owner in 2025 and is under contiguous ownership with the property directly to the north. The property is not a substandard lot of record due to the previous and current contiguous ownership with multiple abutting properties.

Proposed is the installation of fencing around the vacant lot, consisting of 4 ft. tall black aluminum picket fencing in the front and front sides, and 6 ft. tall white vinyl 100% opaque privacy fencing located on the south side and rear yard. In residential zoning districts, fencing is permitted to be 4 ft. tall in the front yard, and up to 8 ft. in the side and rear yards. However, on vacant lots Code only allows fencing provided the fence has less than fifty 50% opacity. As such, a Variance is required for 100% opaque vinyl fencing. The opacity restriction on vacant lots is intended to provide for visibility into the lot. Though this property is vacant per Code, the applicant is effectively utilizing it as an extension of their side yard. If the lot was combined with the property to the north, the proposed fencing would be permitted by right and would become conforming to the fencing opacity standards.

Residential Fencing Standards

| | Code Requirement | Proposed |
|------------------------------|------------------|---|
| Front yard (height): | 4 ft. | 4 ft. |
| Side and rear yard (height): | 8 ft. | 6 ft. |
| Maximum Opacity | 50%* | 50% in front yard 100% in rear and side yard (Variance) |

**Limited to no more than 50% opacity for fencing on vacant lots(38-1408(I))*

The request was routed to all relevant reviewing Divisions. There were no objections noted. 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 request does not meet all the variance criteria. Based on staff analysis, the subject property is under contiguous ownership with the property to the north and the lots can be combined to eliminate the request.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET – Special conditions and circumstances do not exist as the property does not exhibit any unique physical characteristics that distinguish it from other properties in the area.

Not Self-Created

NOT MET - The need for the Variance is self-created since the fence opacity could be reduced to meet code or the property owners could combine the lots to eliminate the request.

No Special Privilege Conferred

NOT MET - Granting the Variance as requested will confer special privilege as privacy fencing is typically associated with developed properties containing a primary structure, and approval on vacant land would grant a benefit not commonly afforded to similarly situated undeveloped lots.

Deprivation of Rights

NOT MET - Without the requested Variance, the owner would still be able to install a 6 ft. tall white vinyl (50% opaque) fence in the side and rear yards.

Minimum Possible Variance

NOT MET - The request is not the minimum possible to install privacy fencing on the property. The subject property can be combined with the property to the north to eliminate the request.

Purpose and Intent

MET - Approval of the requested Variances would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on preserving visibility and neighborhood aesthetics. The placement of the privacy fence in the rear yard does not restrict visibility and is aesthetically consistent with the surrounding area thereby limiting any quantifiable negative impact on surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated November 25, 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: Steven Testagrossa
820 Wingo St.
Orlando, FL 32803

Steven Scott Testagrossa & Jana Testagrossa
834 Wingo Street
Orlando, FL 32803
(407) 923-7843
sstesta@mac.com

December 8th, 2025

Orange County Zoning Division
201 South Rosalind Avenue, 1st Floor
Orlando, Florida 32801
Via email: BZA@ocfl.net

Re: Variance Request – Fence Opacity on Vacant Parcel
Subject Property: 820 Wingo Street, Orlando, FL 32803
Parcel ID: 21-22-30-4316-06-030

Dear Members of the Board of Zoning Adjustment,

We are the owners of both our principal residence at 834 Wingo Street and the immediately adjacent vacant lot at 820 Wingo Street (Parcel 21-22-30-4316-06-030). The two properties share a common side property line and together function as one contiguous residential yard.

We respectfully request a variance from Orange County Code § 38-1408(c), which currently requires all fences on vacant parcels to be less than 50 % opaque. We propose the following fence, which is identical in style and height to what is already permitted on any developed residential lot in the same zoning district:

- 6ft tall vinyl privacy fence along the entire rear property line and the rear half of both side property lines, transitioning to....

- 4 ft tall ornamental aluminum fencing along the front half of both side property lines and the entire Wingo Street frontage

This configuration fully complies with every fence regulation applicable to developed residential lots. The only reason the permit was denied is the technical “vacant lot” opacity restriction.

This request satisfies all six variance criteria required by § 38-43(3) of the Orange County Code as follows:

1. Special Conditions and Circumstances

The subject parcel is directly contiguous to and under identical ownership with our single-family residence at 834 Wingo Street. The two lots together form one functional side/backyard. The strict application of the vacant-lot opacity rule creates a unique and arbitrary visual and security discontinuity that does not affect any other truly separate vacant parcel in the neighborhood.

2. Not Self-Created

The parcel is recorded as a separate legal lot because of the original 1920s subdivision plat. We did not create the separate parcel, the plat line, or the vacant-lot opacity regulation.

3. No Special Privilege Conferred

Every homeowner in the same zoning district whose lot contains a principal residence is already allowed a 100 % opaque privacy fence in the rear and side yards up to 8 ft in height. Approval would simply extend the identical right we already possess on 834 Wingo Street to the contiguous vacant lot we also own.

4. Deprivation of Rights

Literal enforcement of the vacant-lot rule deprives us of the same privacy, security, and enjoyment of my property that every neighboring homeowner with a house on their lot currently enjoys, solely because an outdated plat line separates the two parcels.

5. Minimum Possible Variance

The variance requested is solely to remove the <50 % opacity restriction applicable to vacant lots. No relief is sought from height, setback, location, materials, or any other requirement.

6. Purpose and Intent – Not Injurious to the Neighborhood

The proposed fence will match the dozens of solid privacy fences already existing on adjacent and nearby properties. The 4 ft aluminum fencing on the street-facing portions exceeds the openness required on developed lots and will preserve excellent visibility. The fence will be professionally installed and maintained and will enhance neighborhood security and aesthetics rather than detract from them.

For these reasons, we respectfully ask the Board to approve the variance so that we may install the same privacy fence we are already entitled to place on the developed portion of our property.

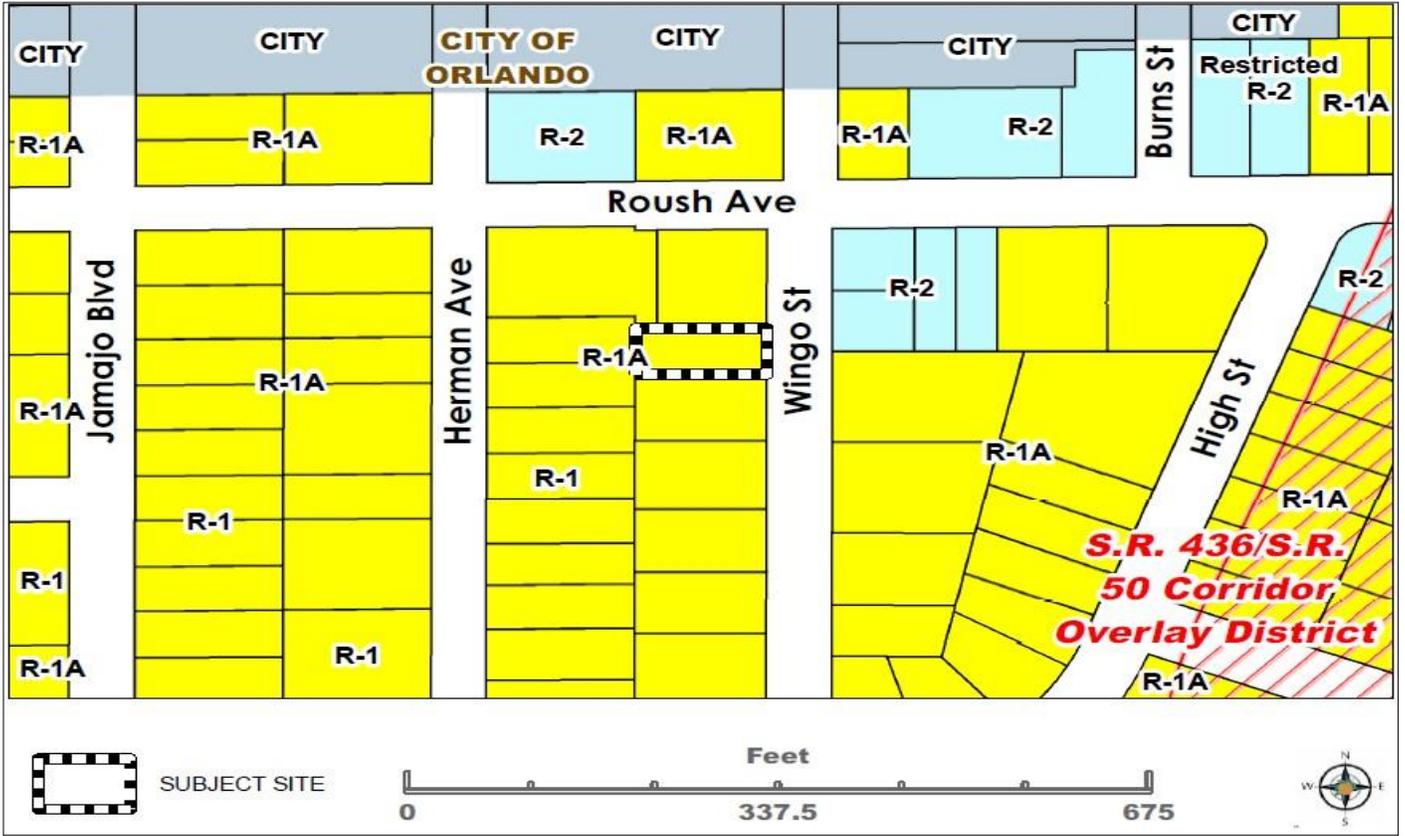
Thank you for your time and consideration. We are available at the contact information above and will attend the public hearing.

Sincerely,



Steven Scott Testagrossa & Jana Testagrossa
Joint Owners of 834 Wingo Street & 820 Wingo Street, Orlando, FL 32803

ZONING MAP



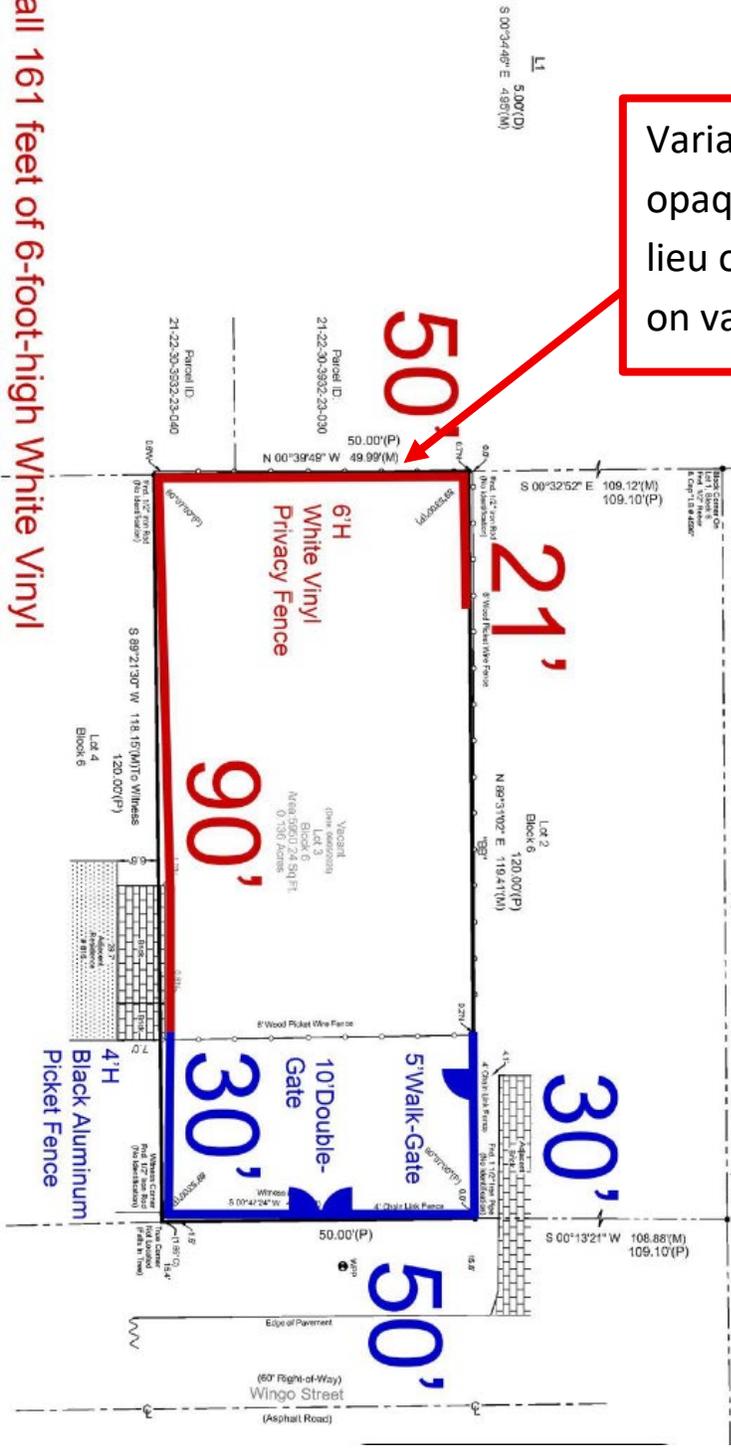
AERIAL MAP



SITE PLAN

Variance request for 100% opaque privacy fencing in lieu of 50% opaque fencing on vacant property

Install 161 feet of 6-foot-high White Vinyl Privacy Fence and 110 feet of 4-foot-high Black Aluminum Picket Fence, one (1) Double-gate, and one (1) walk-gate.



SITE PHOTOS



On the subject property, facing west



**On the subject property, facing southwest toward the neighboring property
(not in contiguous ownership)**

SITE PHOTOS



**On the subject property, facing northeast toward the neighboring property
(under contiguous ownership)**



Existing chain link fence (to be replaced)

On the subject property, facing east toward the front of the lot along Wingo St.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2026**

Commission District: **#6**

Case #: **VA-26-03-002**

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

GENERAL INFORMATION

APPLICANT(s): JOSEPH ESCALANTE

OWNER(s): JOSEPH ESCALANTE, TANYA ESCALANTE

REQUEST: Variance in the R-2 zoning district to allow an existing addition (covered lanai) with a rear setback of 19.8 ft. in lieu of 25 ft.

NOTE: This is the result of a code violation.

PROPERTY LOCATION: 2850 Silver Ridge Drive Orlando, Florida 32818, north side of Silver Ridge Dr., north of Silver Star Rd., south of Clarcona Ocoee Rd., east of N Apopka Vineland Rd., west of N Hiawasse Rd.

PARCEL ID: 11-22-28-8064-01-620

LOT SIZE: 12,735 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 116

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

1. Development shall be in accordance with the site plan and elevations dated May 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit for the addition shall be obtained within 6 months of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six criteria and the reasons for a recommendation for approval of the Variance request.

Staff noted that no public comments were received in support or in opposition to the request. The applicant, who was present, supplemented the permitting timeline for the rear improvements to the home as depicted in the staff report.

The BZA discussed the applicant's willingness to permit the improvements on the property and found that the existing addition would not impact surrounding properties due to its long tenured existence.

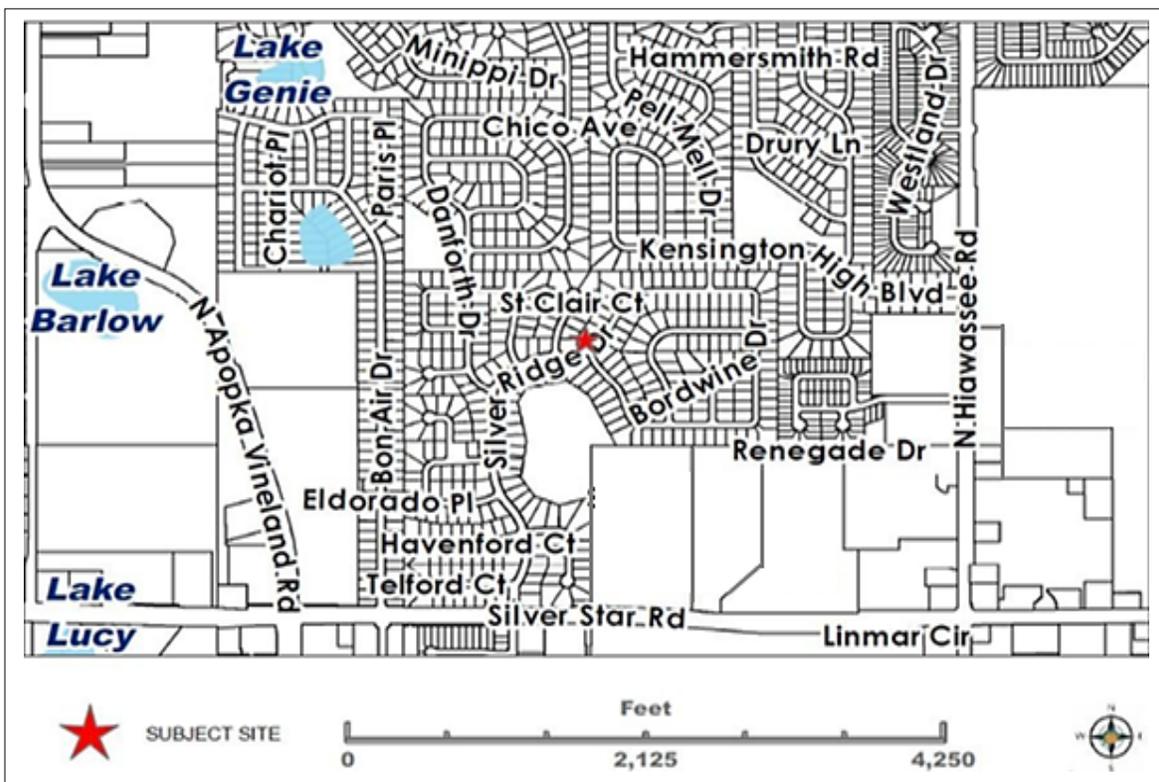
There was no one in attendance to speak in opposition or in favor of the request.

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

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | | | | | |
|-----------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| | Property | North | South | East | West |
| Current Zoning | R-2 | R-2 | R-2 | R-2 | R-2 |
| Future Land Use | LDR | LDR | LDR | LDR | LDR |
| Current Use | Single-Family Residential |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-2 residential 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-2 zoning district.

The surrounding neighborhood is primarily composed of single-family residences situated on similarly sized lots with comparable structures. The property is 12,735 sq. ft. in size and was platted in 1985 as lot 162 of the Silver Ridge Phase 2 plat. The property is an irregularly shaped lot, with right-of-way along Silver Ridge Dr. to the south. There is a 5 ft. wide utility easement along the rear and side property lines. The subject property is improved with a one-story, 2,892 sq. ft. single family residence (B86026885), constructed in 1986, a detached accessory structure (B91003419) constructed in 1991, and a wood fence enclosing the side and rear yards. The site contains a partially constructed addition (covered lanai) at the rear of the home.

In 2002, a permit (B02015405) was obtained to construct a 14 ft. by 58 ft. screen room at the rear of the home and was finalized in April 2003. Then, in 2019 a permit was approved for an alteration to the screen room, converting the aluminum roof to shingle and removing the screen walls. This conversion would require the structure to meet principal structure setbacks, however, the 2019 permit (B19008630) was approved in error with a setback encroachment. The permit never received a final inspection and has since expired. A code compliance violation (CE#: 650384) was issued on January 28, 2025, for a roof in disrepair and an unfinished addition on the rear of the property without permits. A permit has since been issued for the roof. A building permit (B25012280) was applied for in June 2025 for the unfinished lanai addition; however, the Zoning reviewer denied the application for encroaching into the setback requirement.

The request is to maintain the footprint of the partially constructed addition. The minimum rear setback is 25 ft. for the R-2 zoning district. A portion of the lanai structure is located 19.8 ft. from the rear property line, prompting the Variance request. This represents a deviation of 5.2 ft. from the established standard. The addition meets all other development standards for principal structure additions. The building permit for the addition is pending the outcome of the Variance request.

District Development Standards

| | Code Requirement | Proposed |
|-----------------------------|------------------|----------------|
| Max height (covered lanai): | 35 ft. | 13.3 ft. |
| Min. Lot width: | 45 ft. | 153.83 ft. |
| Min. Lot area: | 4,500 sq. ft. | 12,735 sq. ft. |

Building Setbacks

| | Code Requirement | Proposed |
|--------|------------------|-------------------------------|
| Front: | 25 ft. | N/A |
| Side: | 6 ft. | 6 ft. (East) 23 ft. (West) |
| Rear: | 25 ft. | 19.8 ft. (North-Variance) |

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. Based on staff's analysis, the request meets all the variance criteria.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET - The subject property is an irregularly shaped lot with a non-rectangular rear lot line, reducing the effective depth of the rear yard. As a result, the area available to comply with the required 25-foot rear setback is more limited than on typical rectangular lots in the R-2 zoning district. A portion of the covered lanai, with the footprint in the same location since 2002, encroaches 5.2 feet into the rear setback due to these unique lot conditions.

Not Self-Created

MET - The irregular lot shape and non-rectangular rear line were established by the original subdivision. The applicant did not create the lot's dimensions or reduced rear yard depth. The existing covered lanai encroaches due to the lot's unique configuration, not any self-imposed hardship.

No Special Privilege Conferred

MET - Approval of the requested variance will not confer any special privilege upon the applicant that is denied to other properties in the same zoning district. The variance allows for the continued existence of a typical residential accessory feature and does not authorize any use, density, or intensity of development beyond what is otherwise permitted in the R-2 zoning district.

Deprivation of Rights

MET - The footprint of the existing addition has existed since 2002 and represents a typical residential improvement. Without the granting of the variance request, the rear setback requirement would create unnecessary hardship by requiring removal or significant alteration of a long-established structure.

Minimum Possible Variance

MET - The request is the minimum possible to allow the addition to remain in its current configuration.

Purpose and Intent

MET - Approval of the requested variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The addition will not be significantly visible from any of the surrounding properties and the location of the addition has existed in the same configuration since 2002, limiting any quantifiable negative impact on surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated May 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit for the addition shall be obtained within 6 months of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

C: Joseph Escalante
2850 Silver Ridge Drive
Orlando, FL 32818

COVER LETTER

January 23, 2026

Board of Zoning Adjustment (BZA)
201 S. Rosalind Avenue, 1st Floor
Orlando, Florida 32802-2687

Re: **Joseph Escalante**
2850 Silver Ridge Drive
Permit No. B25012280
(Variance Request for 19.8 feet rear setback)

To Whom It May Concern:

In reference to the above project Permit No. B25012280. Property owner, Orange County Zoning Approved 18 feet rear setback dated 06/25/19. Proposed Lanai Patio Addition Structure Constructed Under Permit No. B19008630 in 2019. This existing permit expired on 05/27/20. We received a phone call on 09/16/25 from Roger Hufnaegl with Orange County Zoning Department stating that the County made a mistake approving the 18 feet rear setback dated 06/25/19. Proposed Lanai patio Addition Structure therefore under the New Permit No. B25012280 we would have to apply for a Variance Request for the 19.8 feet rear setback in lieu of 25 feet of the structure.

Sincerely,


Joseph Escalante
Homeowner
(SFR HMO)

If you have any questions, please feel free to contact me on (407) 701-2802.

Cell: 407-701-2802
Email: Jescalante0106@Gmail.com

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.

ORANGE COUNTY ZONING APPROVED 18 FEET REAR SETBACK DATED 06/25/19.

THE STRUCTURE WAS CONSTRUCTED UNDER PERMIT NO. B19008630 IN 2019 WITHOUT APPLYING FOR A VARIANCE.

ZONING DEPARTMENT STATING THAT THE COUNTY MADE A MISTAKE APPROVING THE 18 FEET REAR SETBACK.

THEREFORE UNDER THE NEW PERMIT NO. B25012280 WE WOULD HAVE TO APPLY FOR A VARIANCE REQUEST.

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 STRUCTURE WAS CONSTRUCTED UNDER PERMIT NO. B19008630 IN 2019 WITHOUT APPLYING FOR A VARIANCE.

ZONING DEPARTMENT STATING THAT THE COUNTY MADE A MISTAKE APPROVING THE 18 FEET REAR SETBACK.

THEREFORE UNDER THE NEW PERMIT NO. B25012280 WE WOULD HAVE TO APPLY FOR A VARIANCE REQUEST.

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.

THE STRUCTURE WAS CONSTRUCTED UNDER PERMIT NO. B19008630 IN 2019 WITHOUT APPLYING FOR A VARIANCE.

GRANTING THE VARIANCE AS REQUESTED WOULD NOT CONFER SPECIAL PRIVILEGE AS THE REQUEST IS TO RECOGNIZE

THE EXISTING LANAI PATIO ADDITION THAT HAS BEEN ITS CURRENTLY LOCATION SINCE 2019.

4. **Deprivation of Rights** - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

NOT APPROVING THE LOCATION OF THE EXISTING LANAI PATIO WOULD DEPRIVE THE OWNER THE RIGHT TO MAINTAIN THE

EXISTING STRUCTURE. CONSTRUCTING NEW ROOF FRAMING AND DECKING IN ORDER TO SCHEDULE FINAL INSPECTION.

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.

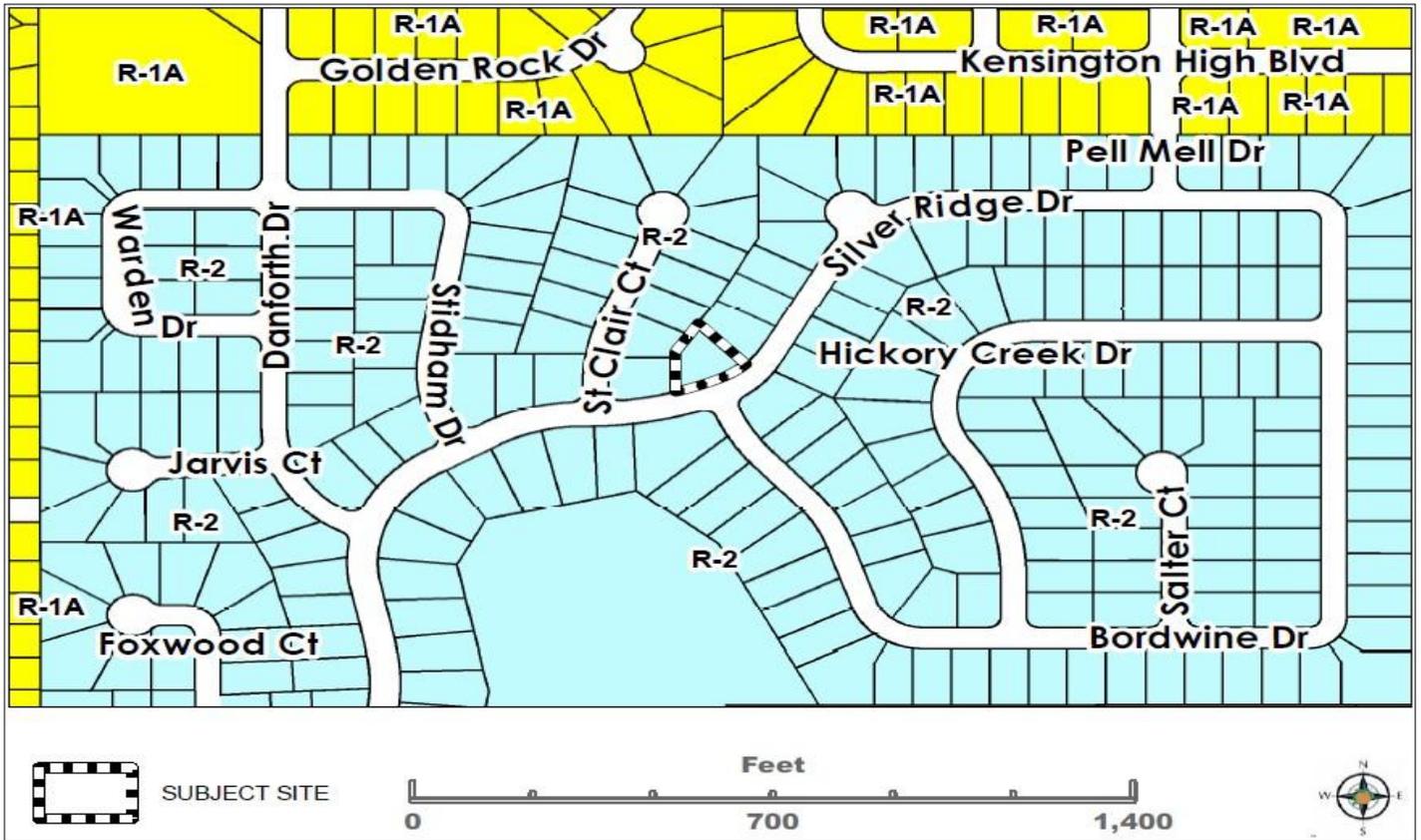
THIS VARIANCE REQUEST IS THE MINIMUM POSSIBLE FOR THE LANAI PATIO TO REMAIN IN ITS CURRENT LOCATION.

6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

APPROVAL OF THIS REQUESTED VARIANCE WOULD NOT CAUSE HARDSHIP TO THE SURROUNDING PROPERTIES OR OTHERWISE

DETRIMENTAL TO THE PUBLIC WELFARE.

ZONING MAP



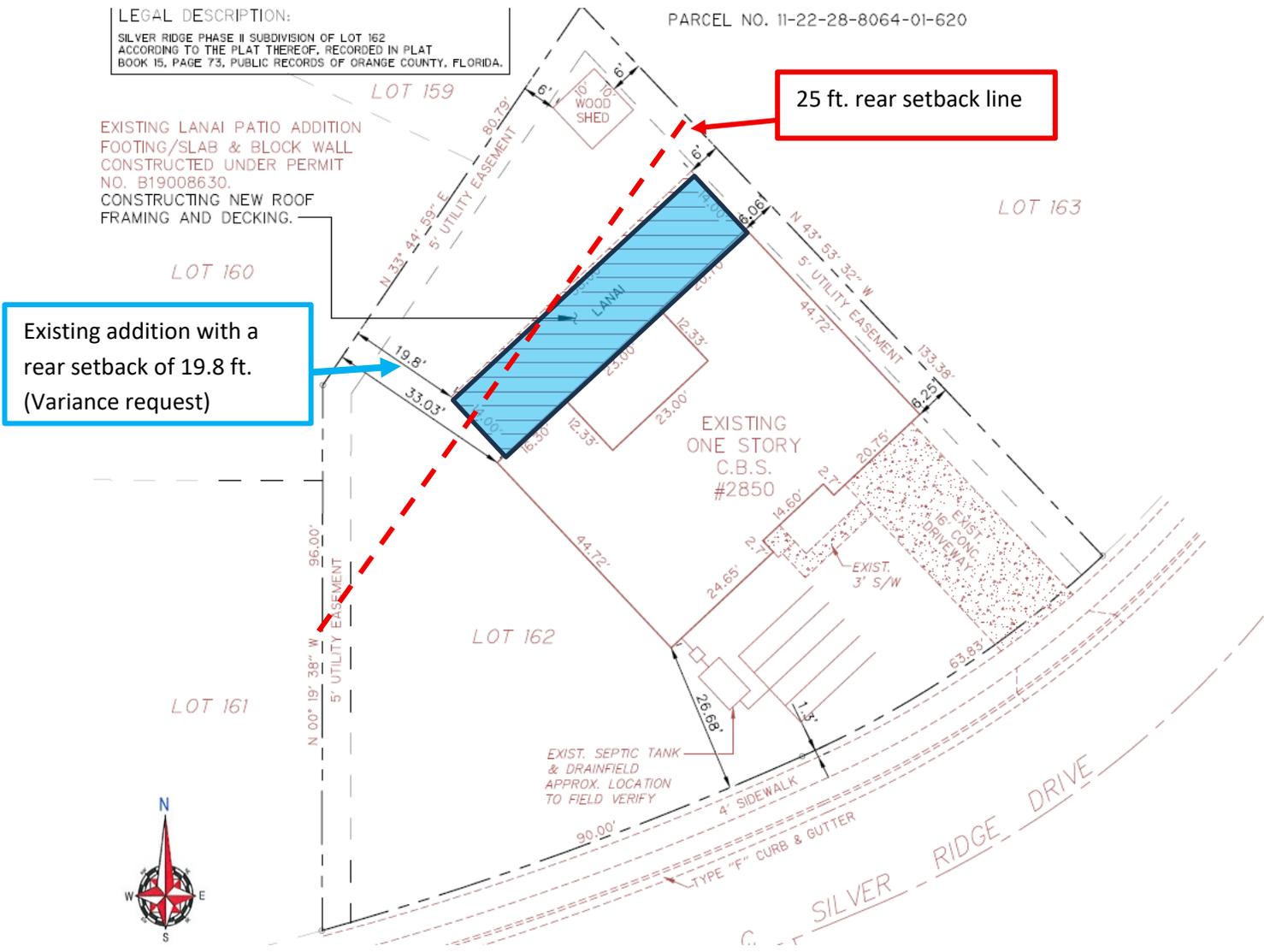
AERIAL MAP



SITE PLAN

LEGAL DESCRIPTION:
SILVER RIDGE PHASE II SUBDIVISION OF LOT 162
ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT
BOOK 15, PAGE 73, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

PARCEL NO. 11-22-28-8064-01-620



EXISTING LANAI PATIO ADDITION
FOOTING/SLAB & BLOCK WALL
CONSTRUCTED UNDER PERMIT
NO. B19008630.
CONSTRUCTING NEW ROOF
FRAMING AND DECKING.

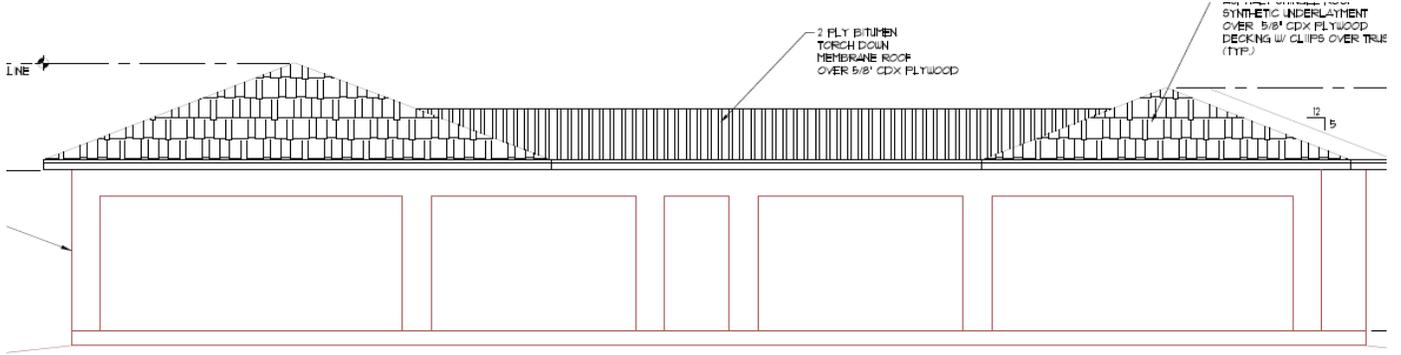
Existing addition with a
rear setback of 19.8 ft.
(Variance request)

25 ft. rear setback line

EXISTING
ONE STORY
C.B.S.
#2850

EXIST. SEPTIC TANK
& DRAINFIELD
APPROX. LOCATION
TO FIELD VERIFY

ELEVATIONS

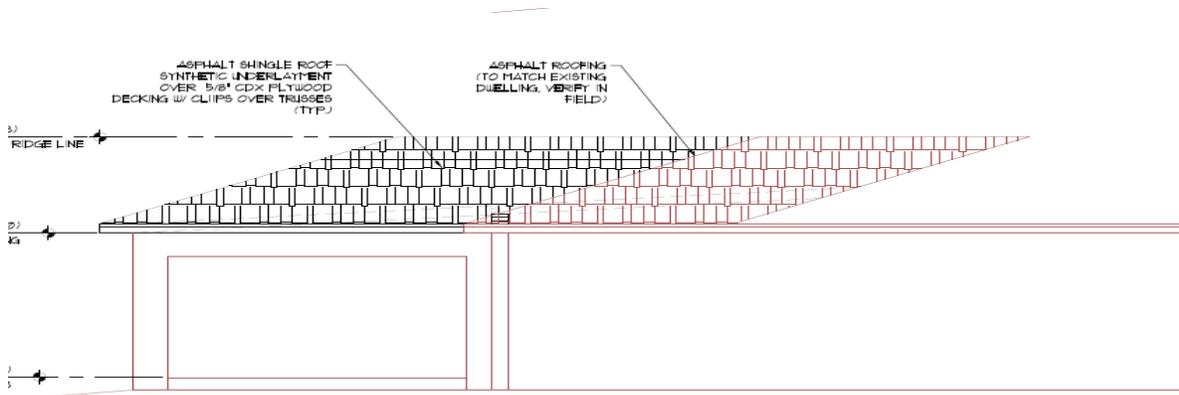


REAR ELEVATION

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

ASP
(TO
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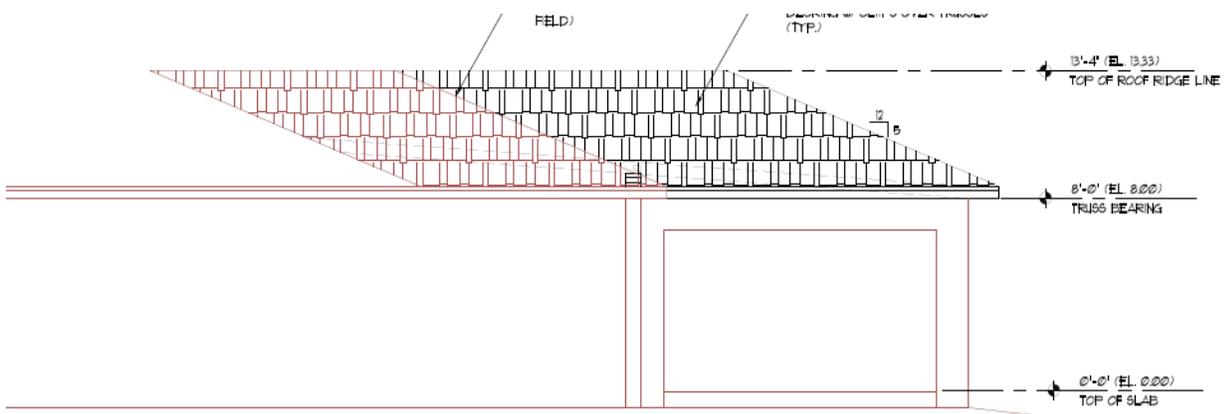
South Elevation



LEFT ELEVATION

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

West Elevation



RIGHT ELEVATION

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

East Elevation

SITE PHOTOS



On Silver Ridge Dr., facing northwest toward the subject property



On the subject property, facing south towards existing addition (covered lanai)

SITE PHOTOS



On the subject property, facing southeast toward existing addition (covered lanai)



On the subject property, facing northeast toward existing addition (covered lanai)

SITE PHOTOS



On the subject property, facing north toward the side of the existing addition

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2026**

Commission District: **#1**

Case #: **VA-26-03-005**

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

Daniella.McCloud@ocfl.net

GENERAL INFORMATION

APPLICANT(s): DONN SHARPE

OWNER(s): LAUREN NIEVES-TARANTO, FRANCISCO NIEVES

REQUEST: Variances in the PD zoning district as follows:

- 1) To allow a pool to be located in the side street yard in lieu of the side or rear yard.
- 2) To allow a pool and deck with a side street setback of 10.5 ft. in lieu of 15 ft.
- 3) To allow mechanical equipment (pool equipment) to be located in the side street yard in lieu of the side or rear yard.

PROPERTY LOCATION: 5221 Nectarine Drive Windermere, Florida, 34786, northeast corner of Nectarine Dr. and Sunkiss Lp., north of Lake Cawood, south of Tilden Rd., west of Winter Garden Vineland Rd., east of Tiny Rd., north of Fiquette Rd.

PARCEL ID: 14-23-27-8393-02-670

LOT SIZE: 10,909 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 144

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

1. Development shall be in accordance with the site plan date stamped October 30, 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 requests. Staff noted that no public comments were received in support and two were received in opposition to the request.

The BZA asked staff about the 2024 code change and its implications for the location of the pool and pool equipment.

The applicant, who was present, explained that the proposal would be in harmony with the surrounding development and would not be intrusive.

The applicant also presented a letter of medical need from the property owners in regard to size and installation of the pool on the property.

The BZA asked the applicant about HOA approval and the applicant explained that the property owners were awaiting the outcome of the variance request prior to gaining that approval.

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

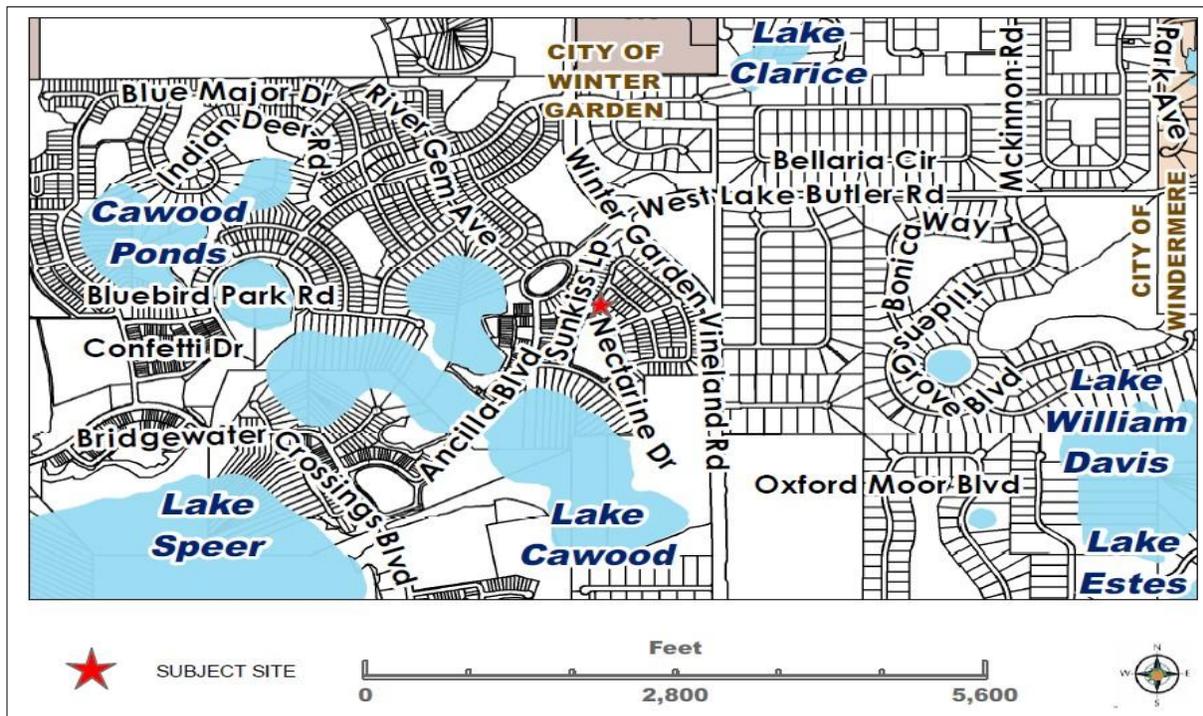
The BZA discussed the minimal visibility of the pool and pool equipment due to the fencing and privacy hedge and the difficulty to determine side street yard and rear yard as outlined in County code. They also discussed difficulty with placing the pool equipment in a code compliant location due to the existing driveway and location of the home.

The BZA 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 | PD | PD | PD | PD | PD |
| Future Land Use | VILLAGE | VILLAGE | VILLAGE | VILLAGE | VILLAGE |
| Current Use | Single-family residential | Single-family residential | Retention Pond | Single-family residential | Single-family residential |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned Planned Development (PD) district, and is located within the CB-1 Garden Home District of the Stillwater Crossings and Center Bridge PD. This section of the PD allows for single-family uses and associated accessory structures. The Future Land Use (FLU) is Village, which is consistent with the PD zoning district.

The area surrounding the subject site consists of single-family homes. The subject property is 10,909 sq. ft. in size, was platted in 2004 as Lot 267 of the Summerport Phase 3 Plat and is a conforming lot of record. The property is a corner lot with right-of-way along Nectarine Dr. to the south and Sunkiss Lp. to the west. For residential properties, Code considers the narrow portion of the lot to be the front; as such, Nectarine Dr. is considered the front and Sunkiss Lp. is considered the side street. A 10 ft. wide utility easement runs parallel to

the front and side street property lines, and a 9 ft. wide access, drainage, and utility easement runs parallel to the rear property line.

The property was purchased by the current owner in November 2025. It is developed with a 2-story, 4,680 gross sq. ft. single-family home (B04018755), constructed in 2005, as well as an existing screen enclosure in the rear yard of the property. There is a 5 ft. tall aluminum rail fence encapsulated by privacy hedging (F07000241) along the side street property line, enclosing a portion of the side street and rear yards.

The applicant is proposing to remove the existing screen enclosure and construct an approximately 1,650 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, requiring Variance request #1. The pool and deck are proposed to be located 10.5 ft. from the side street property line, where Code requires 15 ft., requiring Variance request #2. The plans provided also show the pool equipment located in the side street yard. 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, requiring Variance request #3.

Building Setbacks (Pool and Pool Deck)

| | Code Requirement | Proposed |
|--------------|---|---|
| Front: | Not located within the front yard | N/A (South) |
| Side: | 5 ft. | N/A (East) |
| Side Street: | Not located within the side street yard; 15 ft. when applicable | Located in the side street yard (Variance request #1) 10.5 ft. (West- Variance request #2) |
| Rear: | 5 ft. | 5 ft. (North) |

Building Setbacks (Mechanical equipment)

| | Code Requirement | Proposed |
|--------------|---|---|
| Side: | 2 ft. | N/A (East) |
| Side street: | Not located within the side street yard | Located in the side street yard (Variance #3) |
| Rear: | 5 ft. | N/A (North) |

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 pool and deck are not yet constructed and could be redesigned to eliminate the need for the Variance requests and the pool equipment can be relocated as the pool has not yet been constructed. Therefore, staff is recommending denial of the Variance requests.

VARIANCE CRITERIA

Special Conditions and Circumstances

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

Not Self-Created

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

No Special Privilege Conferred

Variances #1 and #3 MET – Granting these variances would not confer a special privilege to the applicant, as the placement of a pool in a side street yard was permitted until January 2024. Additionally, there are several examples within this neighborhood and surrounding subdivisions of pools and pool decks that were lawfully permitted in side street yards prior to the 2024 code amendment.

Variance #2 NOT MET – Granting this variance will confer special privilege to the applicant, as the pool and deck are subject to the same side street setback requirements of all other structures (principal and accessory) in the PD zoning district.

Deprivation of Rights

All Variances NOT MET – There is no deprivation of rights because the applicant is not granted the right to have a pool, and a pool and deck can still be located in the rear yard in lieu of the side street yard.

Minimum Possible Variance

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

Purpose and Intent

All Variances MET – Approval of the requested variances 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 5 ft. tall aluminum rail fence encapsulated by privacy hedging surrounding the property, thereby limiting any quantifiable negative impact on the surrounding properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped October 30, 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: Donn Sharpe
 3854 Province Dr.
 Melbourne, Florida 32934

Narrative From Owner

The subject property contains unique site conditions that are not common to other properties within the same zoning district. Specifically, the area behind the residence where a swimming pool would otherwise be permitted under the Orange County Code is extremely limited in both depth and width. This constrained buildable area would not accommodate a functional, normally sized residential swimming pool that is consistent with neighborhood standards.

A literal enforcement of the zoning regulations would therefore deprive the applicant of the reasonable use and enjoyment of the property. Without the requested variance, the remaining allowable footprint behind the residence is insufficient to install a standard residential pool, placing the subject property at a disadvantage compared to surrounding properties that already contain pools approved under similar circumstances.

Additionally, strict adherence to the setback requirements would create an operational hardship related to the placement and long-term accessibility of the pool equipment. The right-hand side of the residence is constrained by existing gas lines, air-conditioning units, and limited side-yard width. Locating pool equipment within this area would require maintenance access from the adjacent property. If a fence were installed on the neighboring lot, access to the pool equipment and pump would be obstructed, making routine maintenance, emergency repairs, and inspections impractical or impossible.

The requested variance represents the minimum relief necessary to allow reasonable use of the property. The proposed location is the only feasible area that allows for a properly sized pool and accessible pool equipment while maintaining functionality, safety, and compatibility with surrounding development.

Approval of the requested variance will not confer a special privilege upon the applicant. Similar variances for pool and pool equipment placement have been approved on neighboring and nearby properties within the same subdivision, demonstrating that this request is consistent with established County approvals and the existing development pattern of the neighborhood. See Approved pool permit at 5248 Lemon Twist (same block as our project) under permit B23004344.

The proposed variance is in harmony with the purpose and intent of the Orange County Zoning Regulations. The pool and associated equipment will be residential in scale, will not adversely impact adjacent properties, and will be consistent with the character of the surrounding neighborhood. The variance will not be injurious to public welfare and will maintain orderly development consistent with nearby approved improvements.

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.

Keeping the pool in line with the home does not conform to code as denied by our comments. We are showing the pool deck at a minimum of 10' from the side street yard. To place the equipment in the interior side yard would not only increase noise, but is not possible due to existing gas lines and AC equipment.

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.

Not self created - permit is being requested ahead of any work. Project is stalled in permitting with these unexpected comments.

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 would be considered by granting approval here. The design was loosely based on a neighboring permit located behind this property's home and down the street (same block). See 5248 Lemon Twist Ln B23004344 which has the same setback and equipment location as we propose.

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.

Literal interpretations of the code would prohibit us from the same design layout as approved elsewhere in the community, including 5248 Lemon Twist Ln B23004344

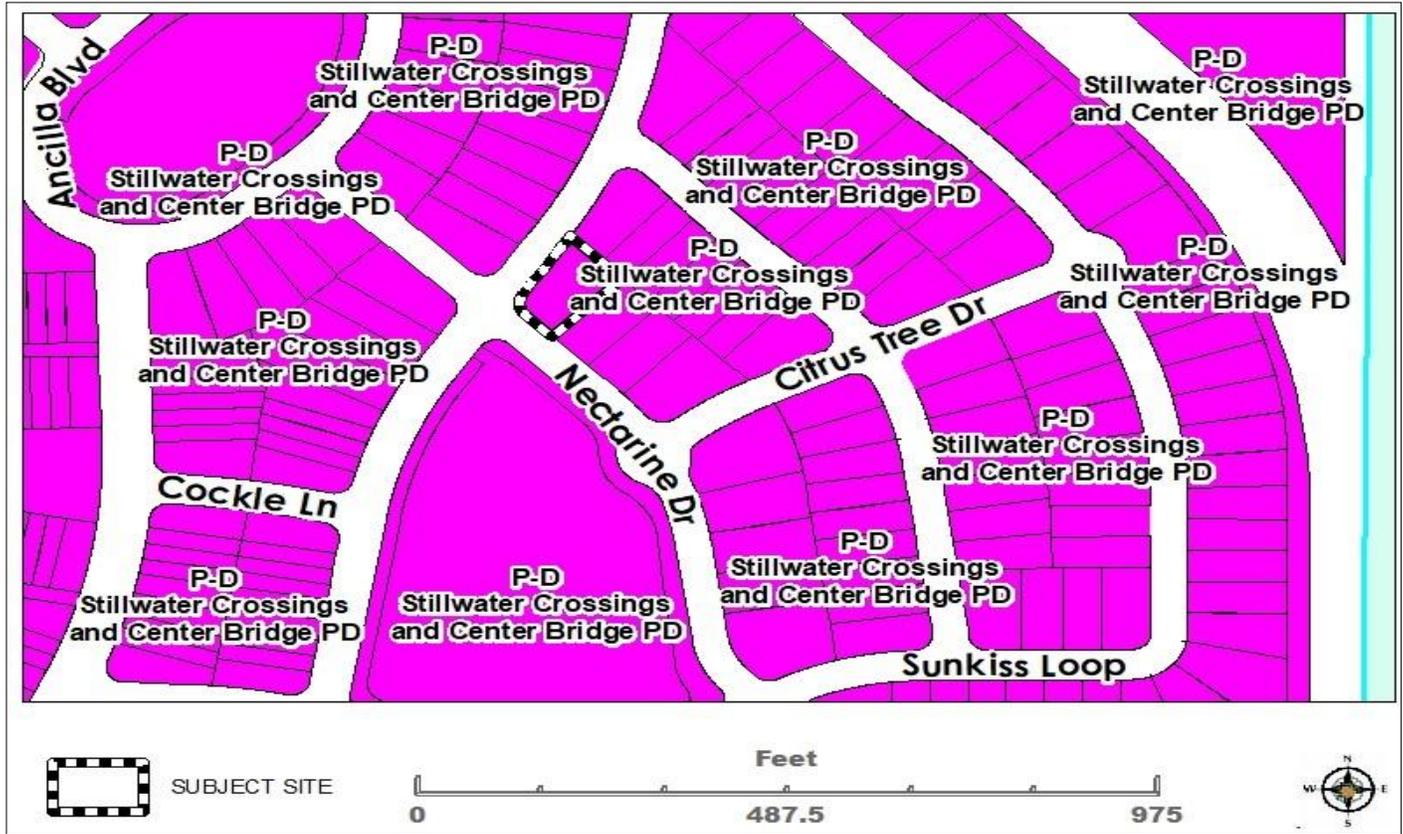
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

We are meeting the rear and interior side yard setbacks. This request is the most minimum possible.

6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Approval of this pool layout and setback will be consistent with our neighbor and the rest of the neighborhood

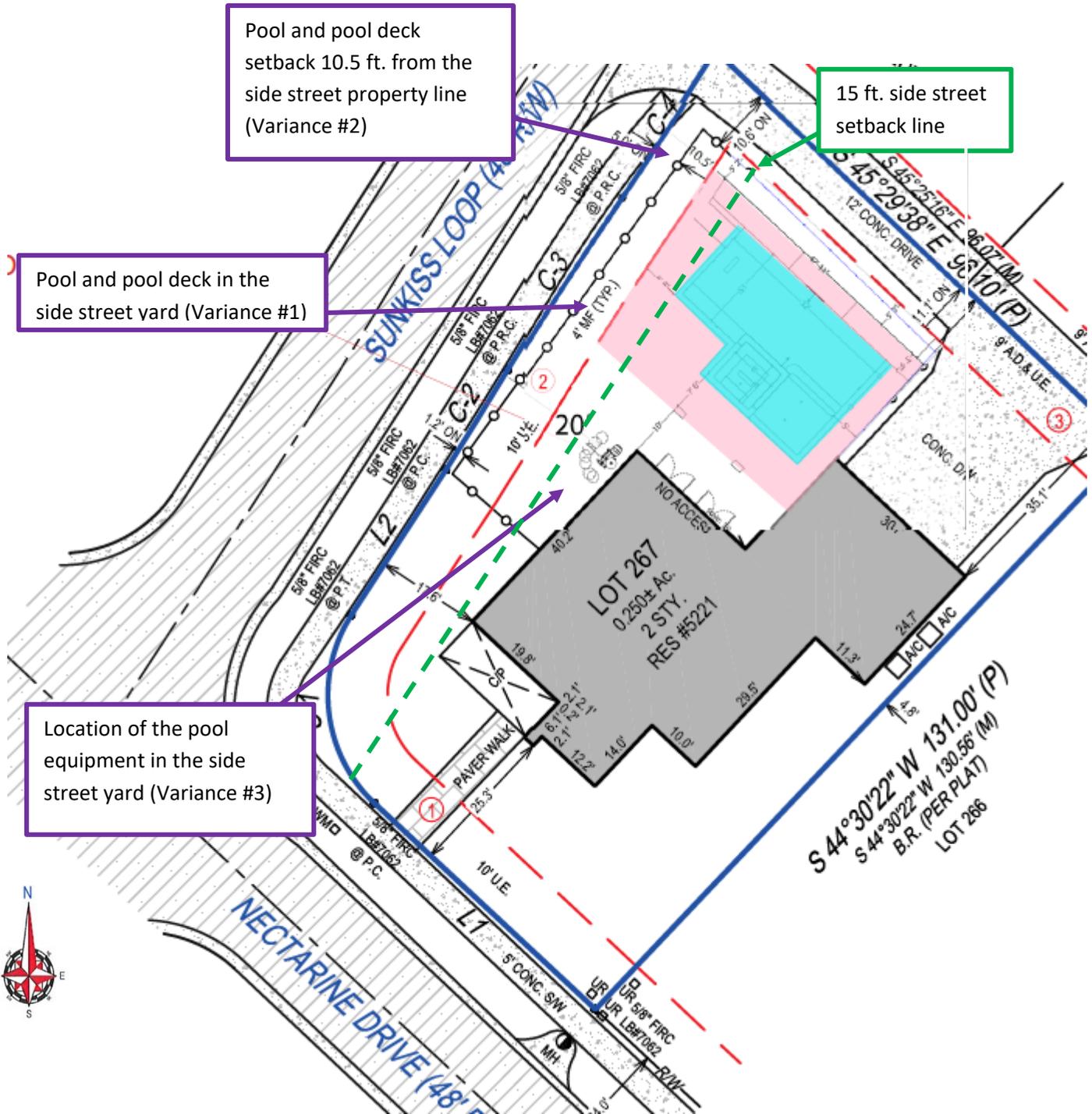
ZONING MAP



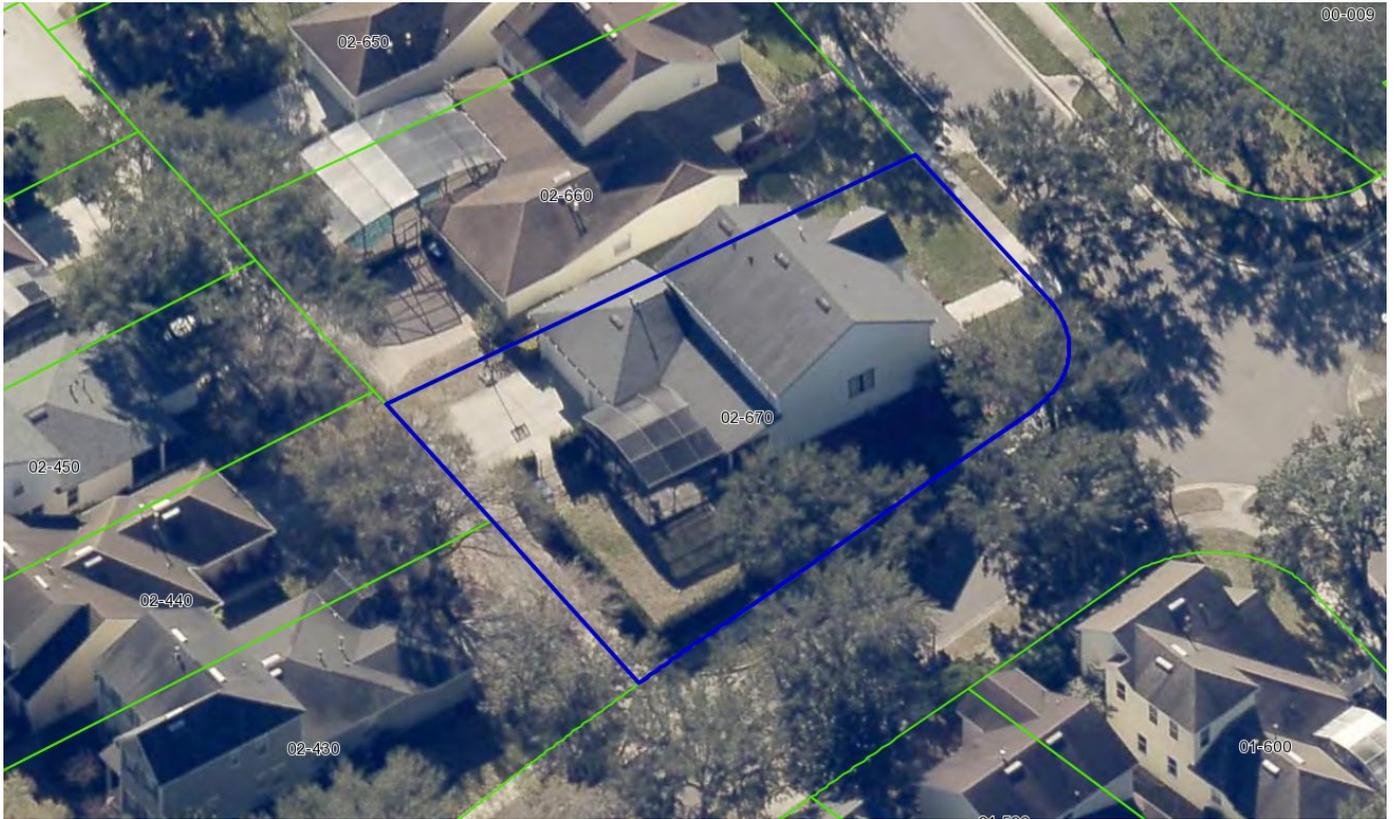
AERIAL MAP



SITE PLAN



BIRDSEYE VIEW- 2026



SITE PHOTO



On Nectarine Dr., facing northeast towards the front of the subject property

SITE PHOTOS



On Sunkiss Lp., facing east towards the side street yard of the subject property



At the intersection of Sunkiss Lp. and the rear access alley easement, facing southeast toward the rear and side street yard of the subject property

SITE PHOTOS



On the rear access alley easement, facing west toward Sunkiss Lp.

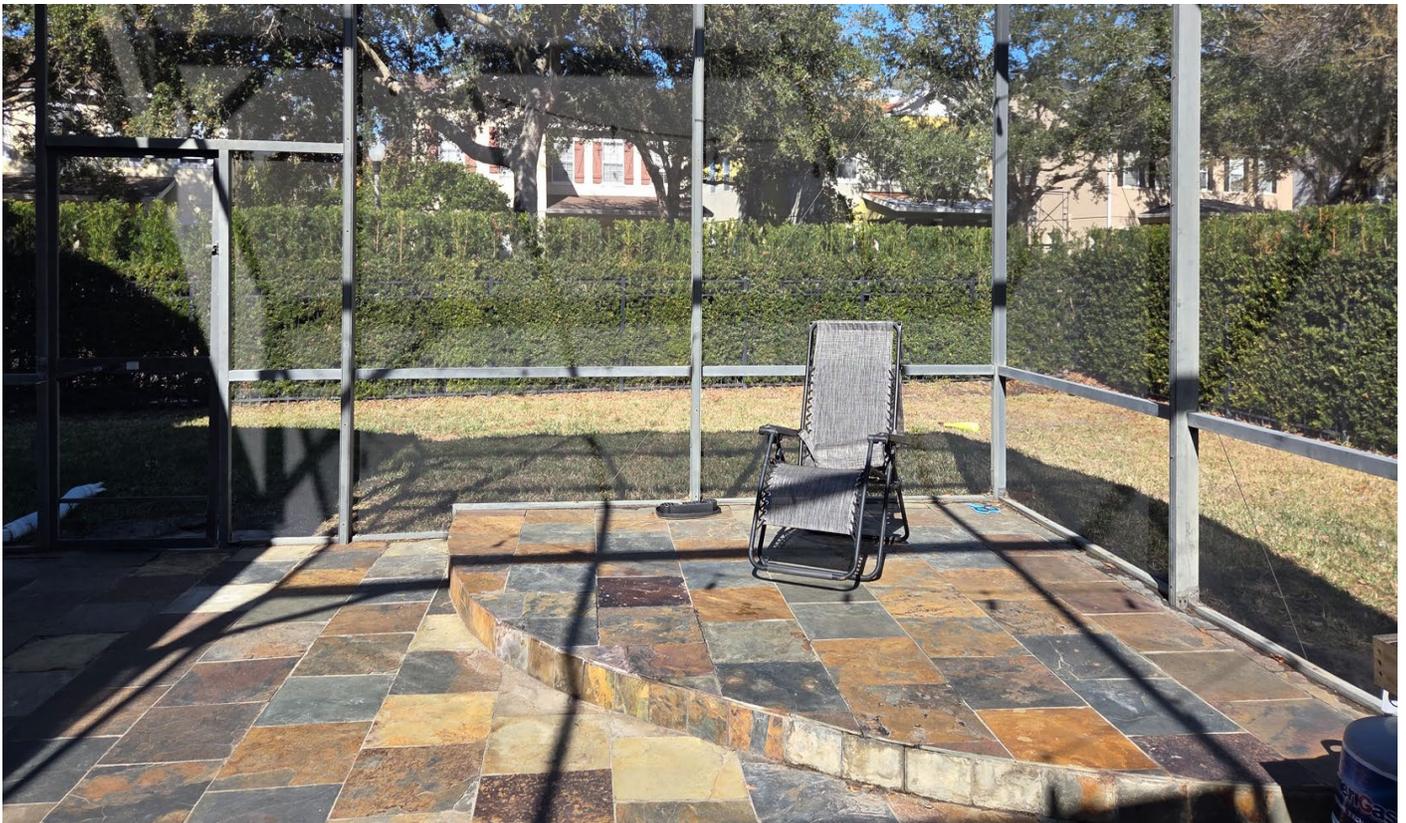


On the subject property, facing north toward proposed location of the pool and deck

SITE PHOTOS



On the subject property, facing east toward the proposed location of the pool equipment



On the subject property, facing west toward the side street yard/ proposed location of the pool and deck

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2026**

Commission District: **#2**

Case #: **VA-26-03-008**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): ROBERT RAUSCH

OWNER(s): REM: PAYTON C RAUSCH, ROBERT D RAUSCH LIFE ESTATE

REQUEST: Variances in the R-1 zoning district to allow a fence as follows:

- 1) To be constructed with galvanized metal panels in lieu of a standard material conventionally used by the fence industry
- 2) A 6 ft. tall fence within the front setback in lieu of a maximum height of 4 ft.

NOTE: This is the result of a code violation

PROPERTY LOCATION: 2901 Forest City Ter., Orlando, FL 32810, north side of Forest City Ter., west of Forest City Rd., east of Edgewater Dr., south of W. Kennedy Blvd.

PARCEL ID: 33-21-29-0000-00-091

LOT SIZE: 19,600 sq. ft.

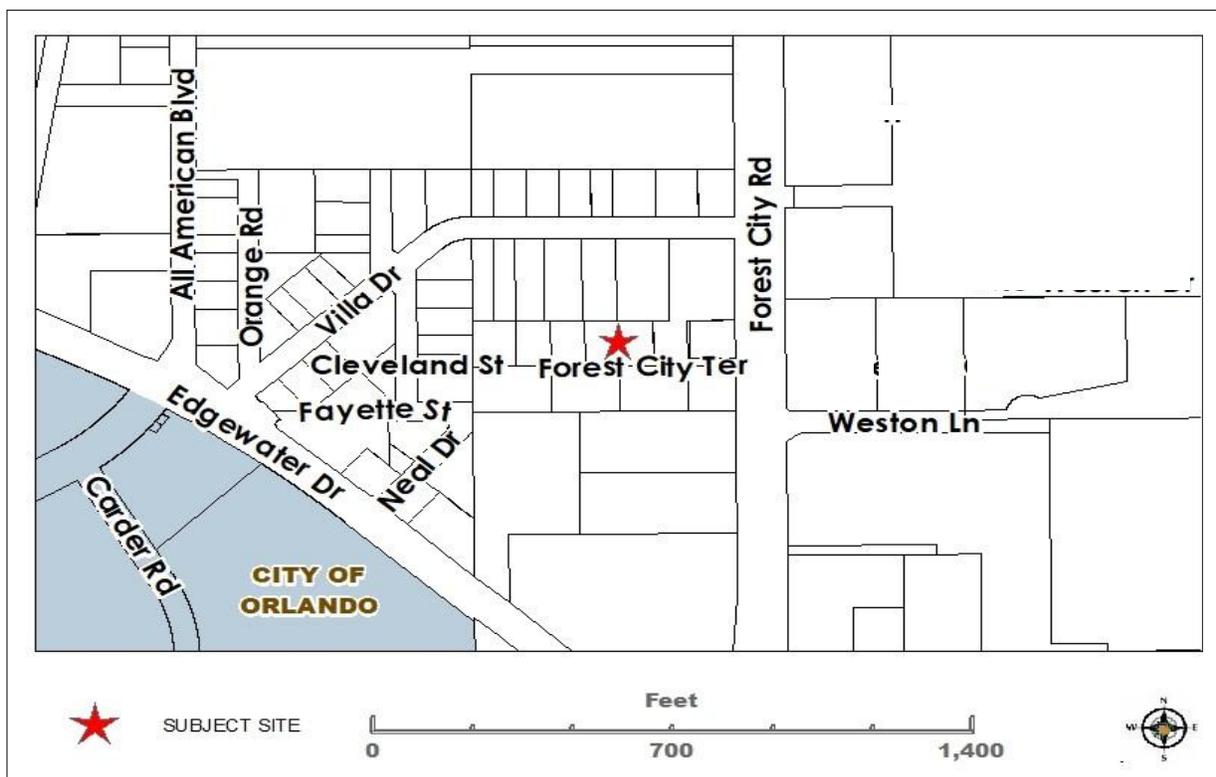
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 77

STAFF RECOMMENDATIONS

CONTINUED TO APRIL 2, 2026, BZA MEETING

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2026**

Commission District: **#3**

Case #: **VA-26-03-009**

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

GENERAL INFORMATION

APPLICANT(s): ELIZABETH RIJO

OWNER(s): ELIZABETH RIJO, LILIAN ALEJO FANITH

REQUEST: Variance in the R-1AA zoning district to allow a detached Accessory Dwelling Unit (ADU) to be located nearer the side street lot line than the required front yard of such abutting lot (6.3 ft. in lieu of 30 ft.)

PROPERTY LOCATION: 3000 Alamo Dr., Orlando, FL 32805, southwest corner of 30th St and Alamo Dr., south of W. Michigan St., east of S. Orange Blossom Trl., west of S. Orange Ave., north of Holden Ave.

PARCEL ID: 02-23-29-3672-03-011

LOT SIZE: 20,327 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 82

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

1. Development shall be in accordance with the site plan dated December 15, 2025, as may be modified by COA #4, and elevations date stamped March 25, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Prior to the issuance of the permit for the conversion of the accessory structure to an ADU, permits for the two existing detached accessory structures must be obtained, or the structures must be removed.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the 6 criteria and the reasons for a recommendation for approval of the Variance request. Staff noted that three comments were received in favor and no comments were received in opposition to the request.

The applicant was present and stated the structure is existing and they are not proposing any external additions to encroach into the requirements.

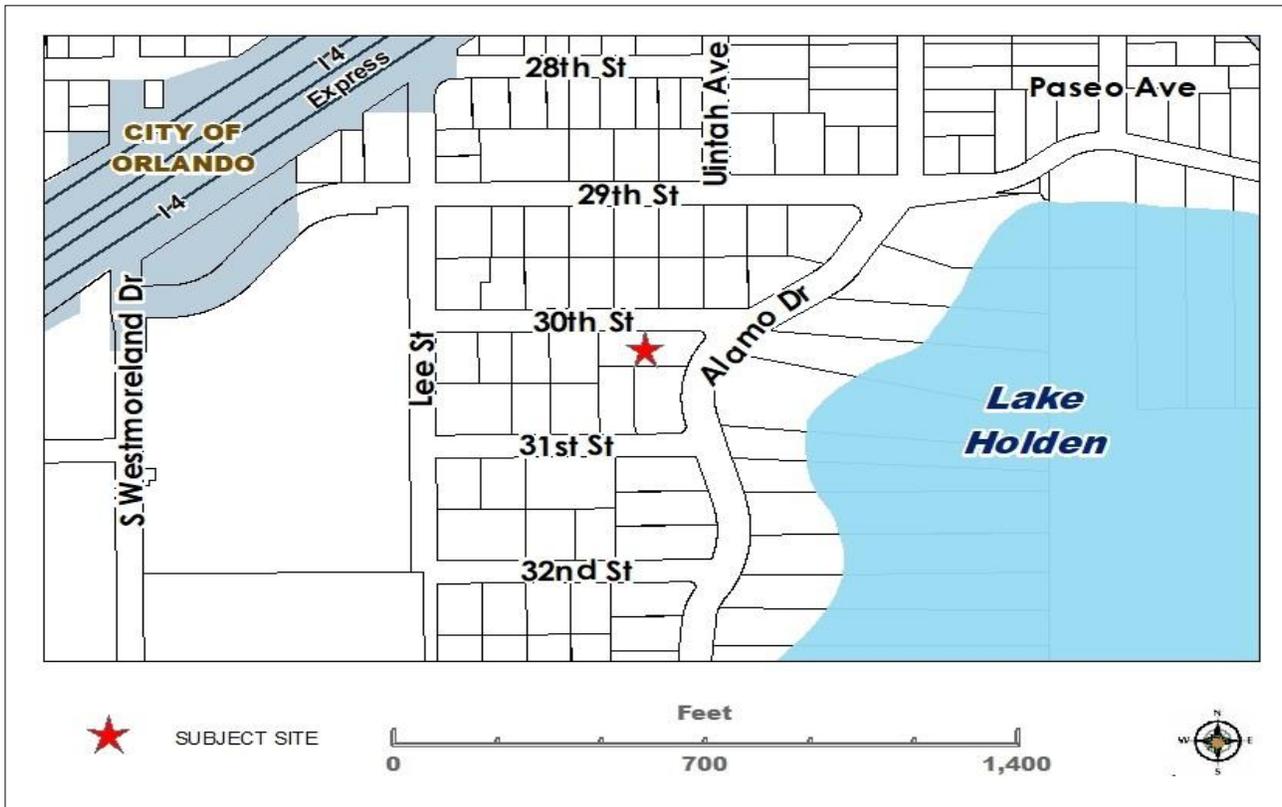
There was no one in attendance to speak in favor or in opposition to the request.

The BZA stated they agreed with staff's recommendation. The BZA recommended approval of the Variance request by a 6-0 vote, with 1 absent, subject to the 4 conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| Current Zoning | R-1AA | R-1AA | R-1AA | R-1AA | R-1AA |
| Future Land Use | LDR | LDR | LDR | LDR | LDR |
| Current Use | Single-family residential |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area surrounding the subject site consists of mostly single-family homes. The subject property is 20,327 sq. ft. in size, platted in 1936 as a portion of Lot 1 of Block C of the Holden Shores Plat and is a conforming lot of record. The property is a reversed corner lot with right-of-way along Alamo Dr. to the east and 30th St. to the north. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, Alamo Dr. is considered the front and 30th St. is considered the side street. Section 38-1 of Orange County Code defines a reversed corner lot as a corner lot, where the rear yard abuts an adjacent front yard, and where the side street lot line of which is substantially the continuation of the front lot line of the first lot to its rear.

The property is developed with a one-story, 2,872 gross sq. ft. single-family home, with 1,692 sq. ft. of living area, constructed in 1941, prior to the adoption of the zoning code in 1957. There are also three detached accessory structures in the rear yard and a 4 ft. tall chain link fence enclosing the side and rear yards. Of the three detached accessory structures, the garage was constructed in 1941, and the other two structures (sheds) appear to have been constructed sometime between 2022 and now. Due to the mature tree canopy and lack of permitting, staff is unable to determine exactly when these structures were constructed. The property was purchased by the current owners in March of 2024.

The existing home is located 15.3 ft. from the north side street property line. The typical side street setback for a property located in the R-1AA district is 15 ft. However, per Sec. 38-1502 (b), *on any corner lot abutting the side of another lot, no structure shall be nearer the side street lot line than the required front yard of such abutting lot.* The lot abutting the subject property to the west has frontage on 30th Street. The required front yard setback from 30th Street is 30 ft., so that same setback applies to the subject property. The home was constructed in 1941 prior to the adoption of the Zoning Code in 1957; therefore, the structure is considered legal non-conforming and does not require a Variance.

In September of 2024, the owner applied for an interior alteration permit (B24018740) to convert the existing detached garage into an Accessory Dwelling Unit (ADU). The permit was reviewed and deemed deficient as the structure encroaches into the reversed corner setback. This permit is now expired. In April of 2025, a second permit (B25006943) was submitted to convert the existing detached garage into an ADU. This permit received the same deficiency comment regarding the reversed corner setback encroachment. The permit is currently active and pending the outcome of this Variance request.

The proposal is to convert the first floor of the existing 932 sq. ft., 22.67 ft. tall, two-story detached garage to an Accessory Dwelling Unit (ADU) using the footprint of the existing garage with the addition of an exterior staircase. The proposed first floor plan shows two bedrooms, one bathroom, and a kitchen and the proposed second-floor plan shows one bathroom, a common space, and one room. The existing garage was constructed in 1941 with a north side street setback of 6.3 feet. As proposed, the ADU will utilize the existing structures footprint and setback of 6.3 ft., where 30 ft. is required, prompting the Variance request. While the applicant’s cover letter states the request is for a reduced setback of 13 ft., the survey provided shows the structure is 6.3 ft. from the north property line. The proposed conversion and exterior staircase comply with all other zoning development standards.

While the scope of work includes alterations to the existing second floor, there is no internal connection between the two floors and therefore the second floor is not classified as a part of the ADU and is reviewed as accessory structure area. Per Section 38-1426(2)(c)4., the maximum living area of an accessory dwelling unit shall not exceed 50% of the primary dwelling unit living area or 1,000 sq. ft., whichever is less, and shall not contain more than two bedrooms. The primary residence contains approximately 1,692 sq. ft. of living area; therefore, the maximum size allowed for an ADU on the subject site 846 sq. ft. of living area. Since the second floor is not included in the ADU, the total sq. ft. of the ADU is 560 sq. ft., in compliance with the maximum size requirement.

Development Standards

| | Code Requirement | Proposed |
|--------------------------------------|------------------|----------------|
| Max Height: (Accessory Structure) | 25 ft. | 22.67 ft. |
| Min. Lot Width: | 85 ft. | +/-93 ft. |
| Min. Lot Size: | 10,000 sq. ft. | 20,327 sq. ft. |

Building Setbacks (Accessory Dwelling Unit)

| | Code Requirement | Proposed |
|-------------------------------------|-------------------------------|---------------------|
| Front (Alamo Dr.): | Not located in the front yard | N/A (East) |
| Side: | 7.5 ft. | +/- 54 ft. (South) |
| Side Street (30 th St.): | 30 ft. * | 6.3 ft. (North) |
| Rear: | 15 ft. | +/- 85.9 ft. (West) |

**Side street setback increases from the standard 15 ft. to the abutting lot’s front yard setback (30 ft.) in accordance with Sec. 38-1502(b).*

Per section 38-1426(1)c.2.v.A. of Orange County code, the cumulative square feet of all detached accessory structures is limited to 10% of the net land area and the may not exceed 3,000 sq. ft. Based on the size of the property, the cumulative square feet of the detached accessory structures cannot exceed 2,032.7 sq. ft. Prior to the issuance of the permit for the conversion of the accessory structure to an ADU, the owner shall obtain permits for the two accessory structures demonstrating all development standards are met or remove the structures from the property, as reflected in Condition of Approval (COA) #4.

Per section 38-1426(2)c.9. of Orange County code, one additional off-street parking space shall be required for an accessory dwelling unit. The additional space requirement may be met by the garage, carport or driveway of the primary dwelling unit. In addition to this requirement, two parking spaces must be provided

for the main dwelling. After the conversion, the site will have two parking spaces within the home's existing driveway. The proposal includes an additional parking space to be constructed adjacent to the ADU, providing a total of three spaces, each 9 ft. by 18 ft., consistent with the parking requirements.

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 request meets all the criteria. Therefore, staff is recommending approval.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET - There are special conditions or circumstances peculiar to this property, as the structure is existing and was developed in the 1940s prior to the adoption of the zoning code.

Not Self-Created

MET - The need for the Variance is not self-created, as the structure is existing in its current location and the proposal is to utilize the existing footprint of the legally constructed accessory structure.

No Special Privilege Conferred

MET - Granting the Variance as requested would not confer special privilege as the structure is permitted by right in the R-1AA zoning district and the proposal is to utilize a lawfully constructed building.

Deprivation of Rights

MET – Without approval of the requested Variance, the owner will be deprived of the ability to utilize the existing space as an Accessory Dwelling Unit (ADU).

Minimum Possible Variance

MET - The request is the minimum possible to convert the structure into an ADU and remain in its current location.

Purpose and Intent

MET - Approval of the requested variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The conversion will not be intrusive to the surrounding properties as the structure is existing and has been in its current location since the 1940s.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated December 15, 2025, as may be modified by COA #4, and elevations date stamped March 25, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of the permit for the conversion of the accessory structure to an ADU, permits for the two existing detached accessory structures must be obtained, or the structures must be removed.

C: Elizabeth Rijo
3000 Alamo Dr.
Orlando, Florida 32805

COVER LETTER

January 13th, 2026

Subject:

Variance request—ADU from existing garage

To whom It May Concern:

I am writing to formally request a zoning variance for an existing structure intended to be used as an accessory dwelling unit (ADU), located in Orange County, Florida.

Property owners: Elizabeth Carreno Rijo and Lilian Alejo-Fanith

Property address: 3000 Alamo drive, Orlando, Florida 32805

Parcel ID: 02-23-29-3672-03-011

Zoning district: Orange County

The Requested Variance pertains to the following zoning requirement:

Type of Variance Requested: Front yard Setback reduction (Reverse corner lot)

Code requirement: 25 feet minimum setback from the street

Existing condition: 13 feet setback from the street

Relief Requested: Approval to recognize the existing 13 foot setback

The structure subject to this variance is an existing construction that was built prior to the proposed ADU conversion. The reduced setback is the result of the property's unique configuration as a reversed corner lot, which imposes additional frontage and setback requirements beyond those of a standard interior lot. Strict enforcement of the 25-foot setback requirement would create an unnecessary and undue hardship, as the structure already exists in its current location and cannot be reasonably relocated without significant structural and financial impact. This condition was not self-created and is directly related to the lot's orientation, shape and street frontage.

This variance request meets the criteria

13 feet from street, being a reverse corner lot with an existing setback of 25 feet.

Just to clarify that the garage is already built for over 86 years (construction reported in 1941).

The purpose of this request is to allow us to use the existing building and alter it to become an additional dwelling unit that will provide safe, code compliant, and efficient housing while maintaining the character of the surrounding neighborhood. Due to the unique physical conditions of the property. Strict compliance with the zoning code would create an unnecessary hardship.

The variance request meets the criteria required by Orange County for the following reasons:

1. The hardship is unique to this property and is not self-created.
2. The variance will not be contrary to the public interest nor injurious to nearby property.
3. The requested variance is the minimum necessary to allow reasonable use of the property.
4. The ADU will comply with all applicable building codes, safety standards and development regulations.

COVER LETTER

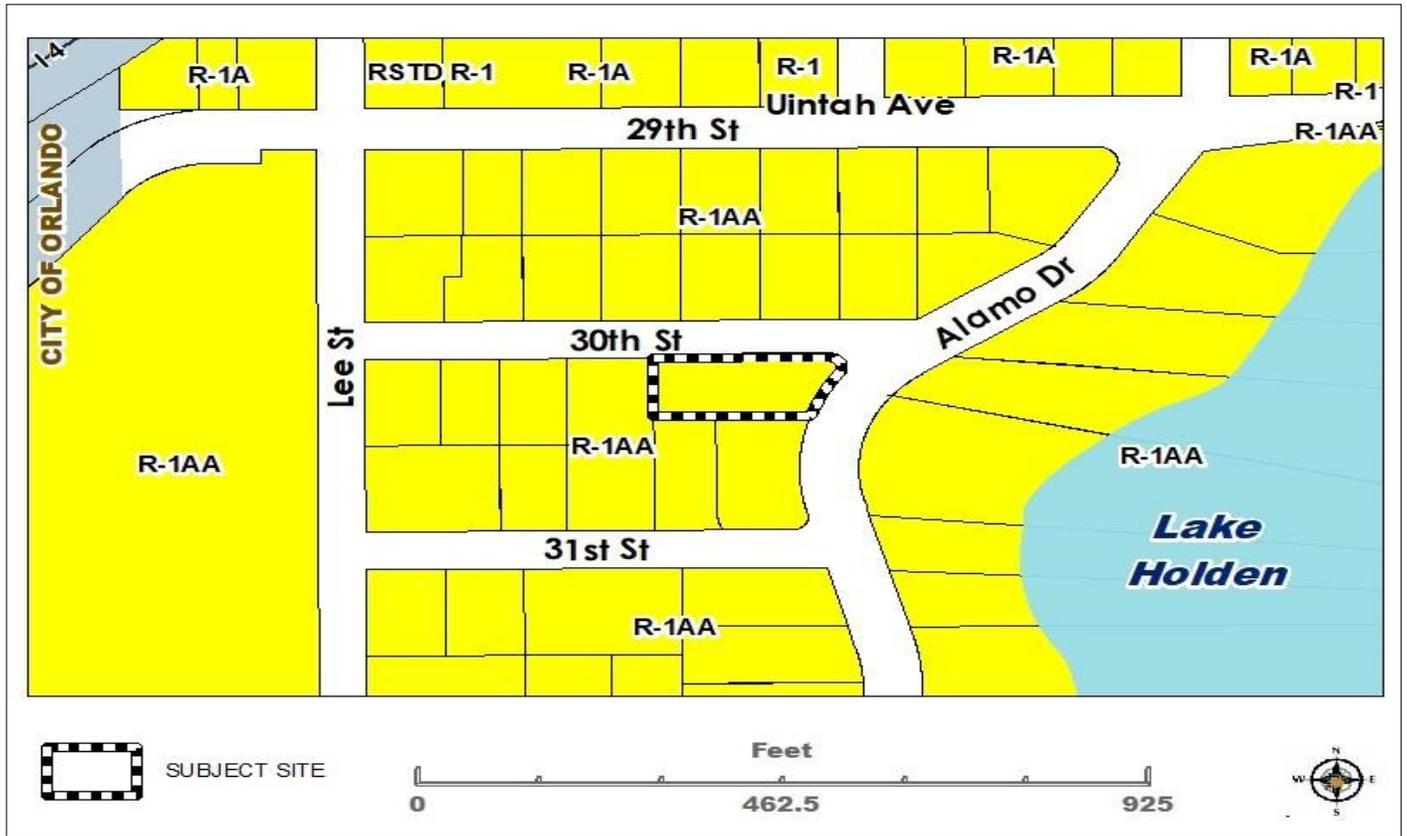
The proposed ADU will be compatible with the surrounding residential area and will not negatively impact traffic, utilities, drainage, or neighborhood character. This project aligns with Orange county's goals of promoting responsible infill development and expanding housing options.

Thank, you for your time and consideration of this request. I am available to provide any additional documentation, plans, or clarification as needed.

Sincerely,

Elizabeth Carreno Rijo/Lilian Alejo -Fanith property owners
Phone: 718-710-9106 and 646-671-5761 respectively.
Email: carrenorijo@gmail.com

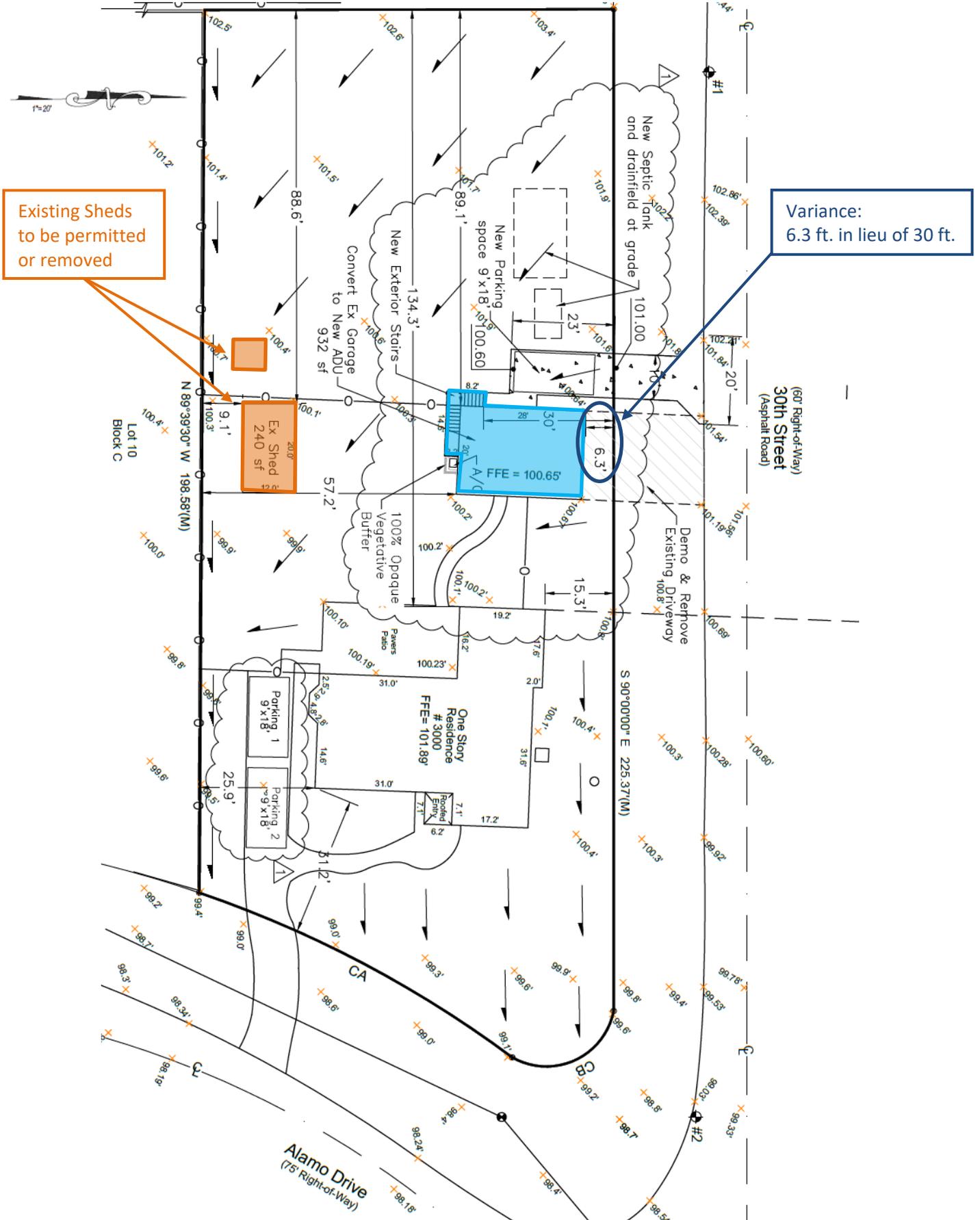
ZONING MAP



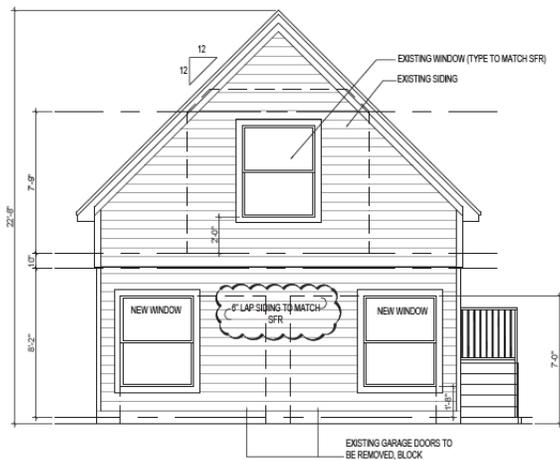
AERIAL MAP



SITE PLAN

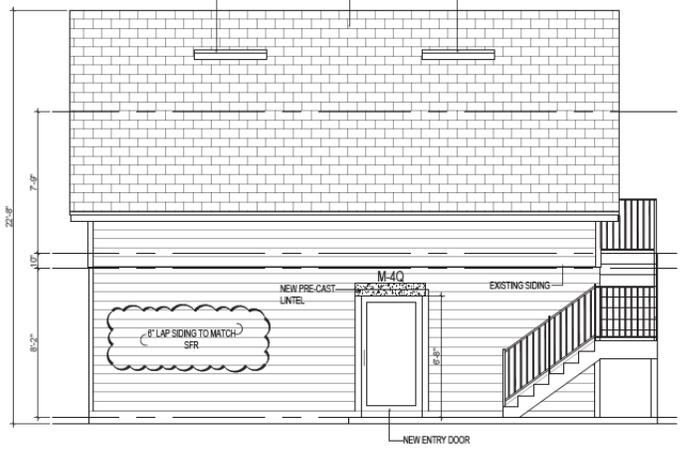


ELEVATIONS



4 FRONT ELEVATION
1/4"=1'-0"
(NORTH)

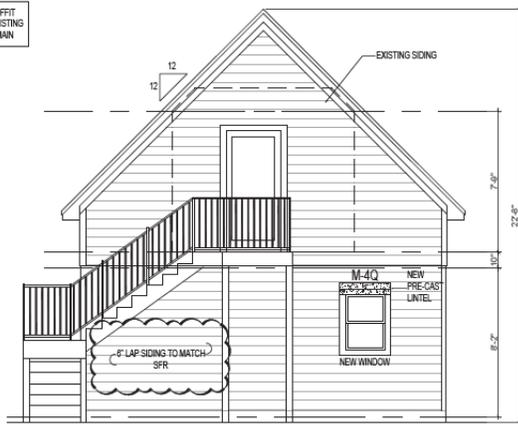
EXISTING GARAGE DOORS TO BE REMOVED, BLOCK IN OPENING WITH THE EXCEPTION OF NEW WINDOWS INSTALLED. EXISTING LINTELS SHALL REMAIN.



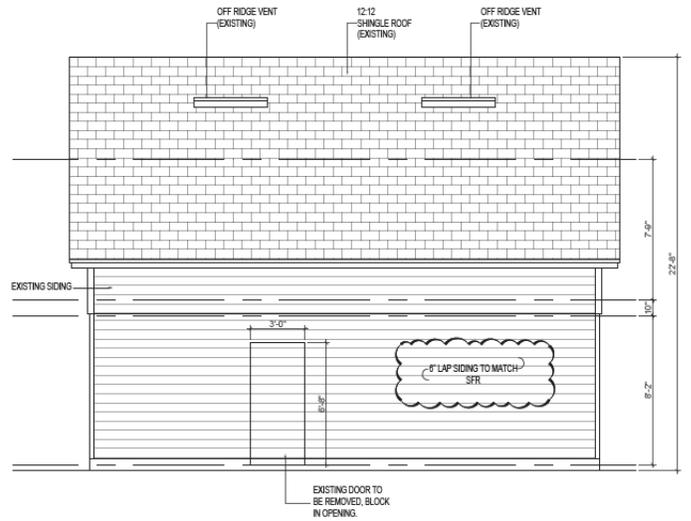
5 RIGHT ELEVATION
1/4"=1'-0"
(WEST)

NEW ENTRY DOOR

ALL VENTED SOFFIT MATERIAL IS EXISTING AND SHALL REMAIN



6 REAR ELEVATION
1/4"=1'-0"
(SOUTH)



3 LEFT ELEVATION
1/4"=1'-0"
(EAST)

EXISTING DOOR TO BE REMOVED, BLOCK IN OPENING.

SITE PHOTOS



Facing west towards front of subject property from Alamo Dr.



Facing west from the corner of Alamo Dr. and 30th St. towards the subject property

SITE PHOTOS



Facing southwest towards the primary structure and the existing accessory structure



Facing southeast towards the subject structure

SITE PHOTOS



Facing southeast towards the subject structure and the unpermitted structures



Facing north towards adjacent property along 30th St.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 05, 2026**

Commission District: **#5**

Case #: **SE-26-03-001**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JUAN RODRIGUEZ FOR SCI FUNERAL SERVICES

OWNER(s): S E CEMETERIES OF FLORIDA LLC

REQUEST: Amendment to a Special Exception in the A-2 zoning district to allow a mausoleum building in association with an existing cemetery

PROPERTY LOCATION: 2400 Harrell Rd., Orlando, FL 32817, west side of Harrell Rd., north of E. Colonial Dr., east of N. Goldenrod Rd., south of University Blvd., west of S.R. 417

PARCEL ID: 13-22-30-0000-00-012

LOT SIZE: 92.72 acres

NOTICE AREA: 900 ft.

NUMBER OF NOTICES: 408

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

1. Development shall be in accordance with the site plan dated June 23, 2025, and elevations dated October 28, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. A building permit for the mausoleum shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The Zoning Manager may extend the time limit if proper justification is provided for such an extension.

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 6 criteria and the reasons for a recommendation for approval of the Special Exception request. Staff noted that no comments were received in favor or in opposition to the request.

The applicant was present and did not have anything additional to add to staff's presentation.

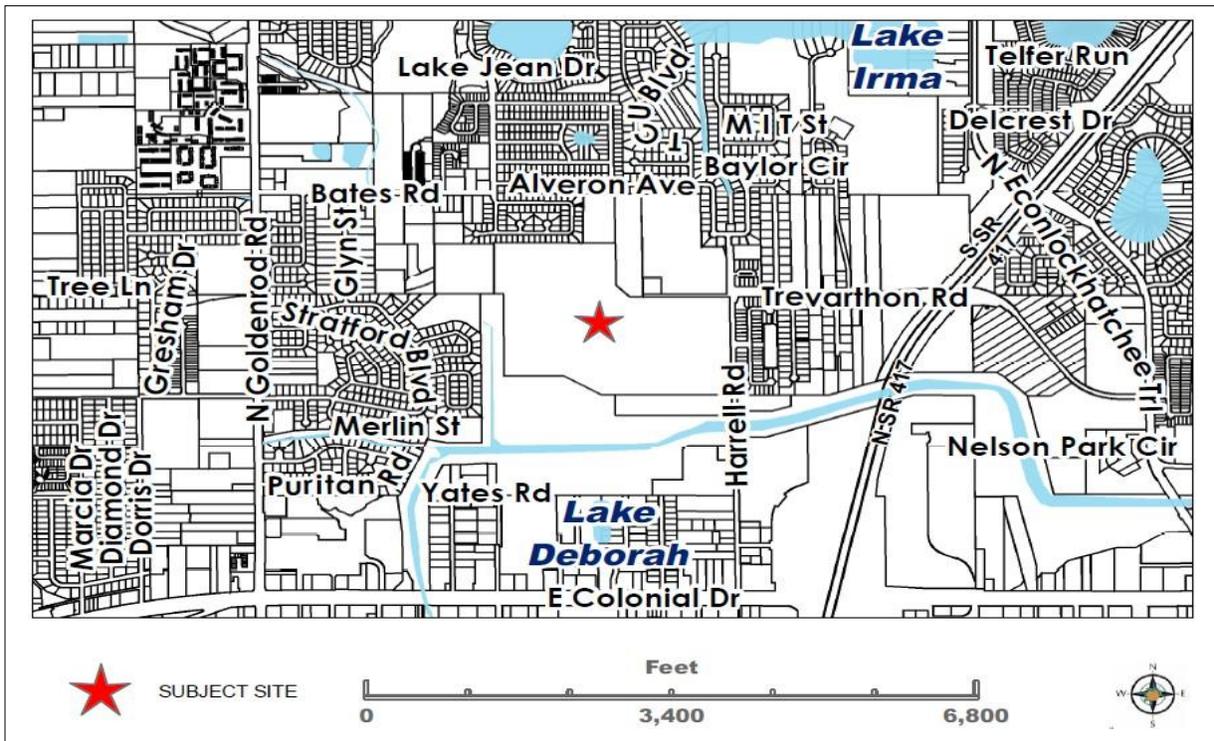
There was no one in attendance to speak in favor or in opposition to the request.

The BZA stated they agreed with staff's recommendation. The BZA recommended approval of the Special Exception request by a 6-0 vote, with 1 absent, subject to the 4 conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

| | Property | North | South | East | West |
|-----------------|----------|--------------------------|-------------|--------------------------|-------------|
| Current Zoning | A-2 | R-2 | A-2 | PD | A-2 |
| Future Land Use | INST | LDR | PR-OS | LDR | PR-OS |
| Current Use | Cemetery | Single-family residences | County Park | Single-family residences | County Park |

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-2, Farmland Rural zoning district, which primarily allows agricultural uses, nurseries, and churches, as well as mobile homes and single-family homes on larger lots. Certain non-agricultural, non-residential uses, such as cemeteries and mausoleums, are permitted through the Special Exception process. The property has a Future Land Use (FLU) of Institutional (INST), which is consistent with the A-2 zoning district.

The area surrounding the subject site consists of a mix of single-family homes and county owned parks. The subject property is 92.72 acres in size and is an unplatted irregularly shaped interior lot with right-of-way along Harrell Rd. to the east. The site has been operating as a cemetery since 1962 and is developed with a mortuary, ancillary office and support buildings, and several mausoleums. The subject site has been granted several amendments to the original 1962 Special Exception request, as outlined below, all of which related to the existing cemetery use.

Prior BCC Approvals:

- June 18, 1962: conditional use for a cemetery
- May 17, 1994: Special Exception (SE-94-05-015) to modify original Special Exception approval for cemetery by converting an existing office and administration building to a funeral home with chapel and ancillary office use
- August 27, 2013: Special Exception (SE-13-08-058) to add three new mausoleum buildings to existing cemetery
- May 24, 2016: Special Exception (SE-16-06-043) to expand cemetery use as follows: 1) To construct new 8,192 sq. ft. funeral home building; and, 2) To construct a new 5,062 sq. ft. mortuary building.

The proposal is to construct a 1,114 sq. ft., 15 ft tall, mausoleum within the middle of the site with associated access road and sidewalks. Per Sec. 38-77 of Orange County Code, cemeteries and mausoleums are permitted via Special Exception, prompting the request. The proposed structure is ancillary to the existing site operation therefore no additional parking stalls are required. The area of the scope of work is currently an open field, so no tree removal is included in the request. The request does not impact any landscaping buffer yards as the proposed location is interior to the site.

Building Setbacks

| | Code Requirement | Proposed |
|---------------------|------------------|--|
| Front (Harell Rd.): | 35 ft. | +/- 1,506 (East) |
| Side: | 10 ft. | +/- 425 (North) +/- 849 ft. (South) |
| Rear: | 50 ft. | +/- 977 ft. (West) |

The request was routed to all relevant reviewing Divisions, and no objections were noted by other reviewing staff. The Environmental Protection Division noted a wetland determination is required prior to permitting the proposed structure to verify the wetland buffer. As of the date of this report, no comments have been received in favor of this request, and no comments have been received in opposition to this request.

Section 30-43 (2) of the Orange County Code stipulates a recommendation of approval can only be made if all six Special Exception criteria are met. Staff has determined that the request meets the six criteria. Based on staff's analysis, the operation of the proposed structure will function in the same capacity as the existing cemetery and therefore staff is recommending approval of the Special Exception request.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

MET – The use of the property for a mausoleum associated with an existing cemetery, as conditioned through the Special Exception process, is consistent with the Comprehensive Plan.

Similar and Compatible with the Surrounding Area

MET - The proposed mausoleum is ancillary to the existing cemetery's operation and is similar and compatible with existing development on site.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

MET - The proposed structure is located in the center of the property. There are no proposed impacts to the existing mature tree canopy within the site.

Meet the performance standards of the district

MET - The proposed development is in compliance with the performance standards.

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

MET – The proposed use of the property will be similar in noise, vibration, dust, odor, glare, and heat producing characteristics as those associated with the majority of uses currently permitted in the A-2 zoning district.

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

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

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated June 23, 2025, and elevations dated October 28, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A building permit for the mausoleum shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The Zoning Manager may extend the time limit if proper justification is provided for such an extension.

C: Juan P. Rodriguez, P.E.
Kimley-Horn and Associates, Inc.
200 S. Orange Ave., Suite 600
Orlando, Florida, 32801

C: SCI Funeral Services of Florida, LLC
1929 Allen Pkwy., 7th Floor
Houston, TX 77019



December 5, 2025

Orange County
Zoning Division
201 S. Rosalind Ave., 1st Floor
Orlando, FL 32801

Project Narrative

**S E Cemeteries of Florida LLC – 2400 Harrell Rd, Orlando, Florida 32817
Proposed Mausoleum**

Special Exception Project Description:

The proposed project site is owned by S E Cemeteries of Florida LLC ("SCI") and is located at 2400 Harrell Road, Orlando FL 328017, Orange County, Florida the Parcel ID summary is below:

| PARCEL ID | AREA | ZONING |
|----------------------|----------|--------|
| 13-22-30-0000-00-012 | 92.72 ac | A-1 |

A new +/- 1,114 sf garden mausoleum on 13-22-30-0000-00-012 parcel with associated access road and sidewalks

Why this request is consistent with Orange County's Special Exception Criteria (38-78):

The use shall be consistent with the comprehensive plan

GOAL FLU1 URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.

According to the Orange County Comprehensive Plan, the Property already serves as a necessary resource of public services; therefore, the Proposed Project and Existing Project qualify and serve the purposes as enumerated therein.

The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development; the use shall not act as a detrimental intrusion into a surrounding area; the use shall meet the performance standards of the district in which the use is permitted; and 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.



As noted above, the Property and Proposed Project will merely serve as a replacement structure for an already existing, approved, funeral chapel pursuant to the County's Land Development Code.

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

As evinced in the attached application, the Proposed Project meets all applicable criteria of the County's Land Development Code regarding buffering and landscaping.

If you have any further questions, please do not hesitate to contact me at 407-768-3230 or by email at juanp.rodriquez@kimley-horn.com.

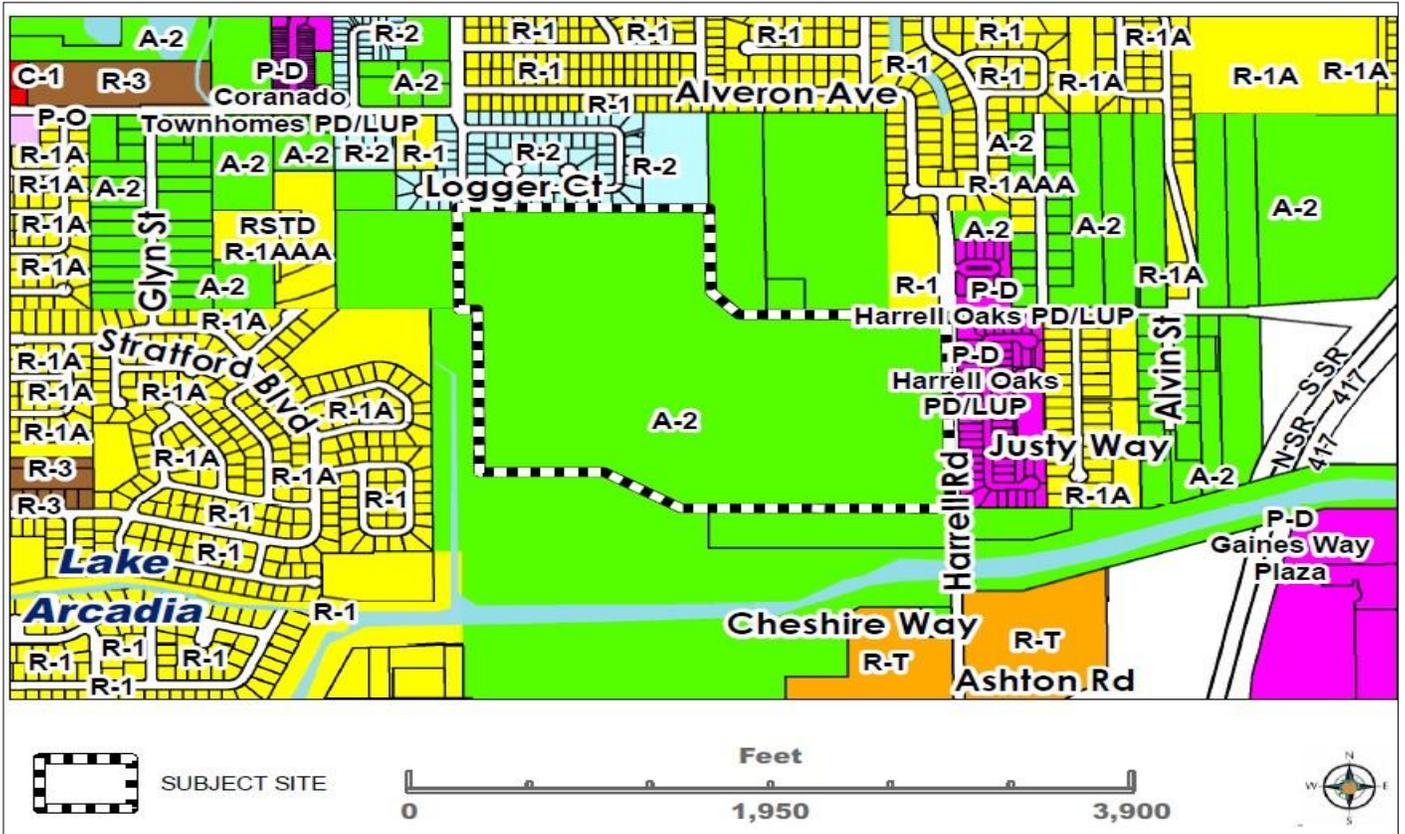
Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

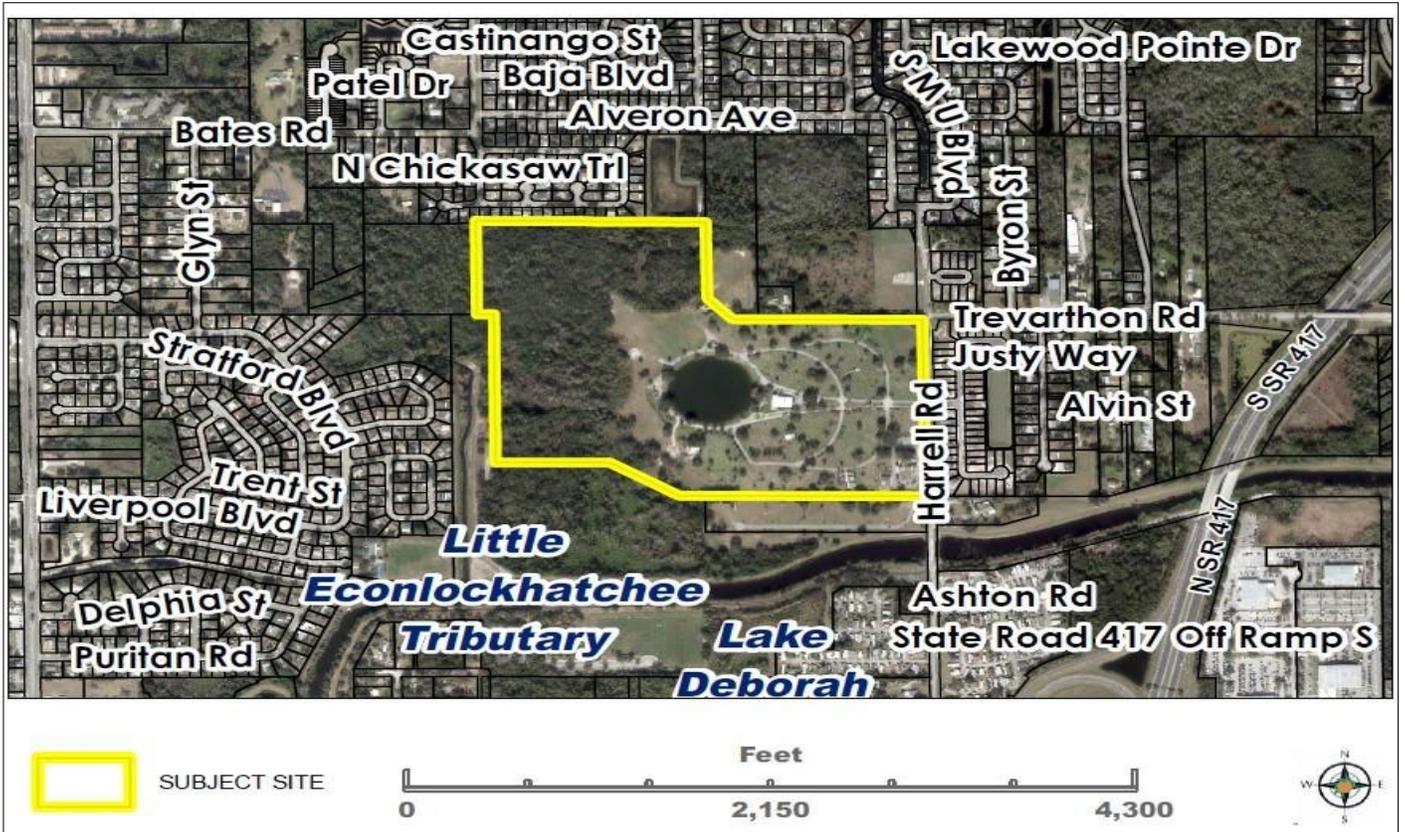
A handwritten signature in blue ink, appearing to read "Juan P. Rodriguez", with a stylized flourish at the end.

Juan P. Rodriguez, P.E.

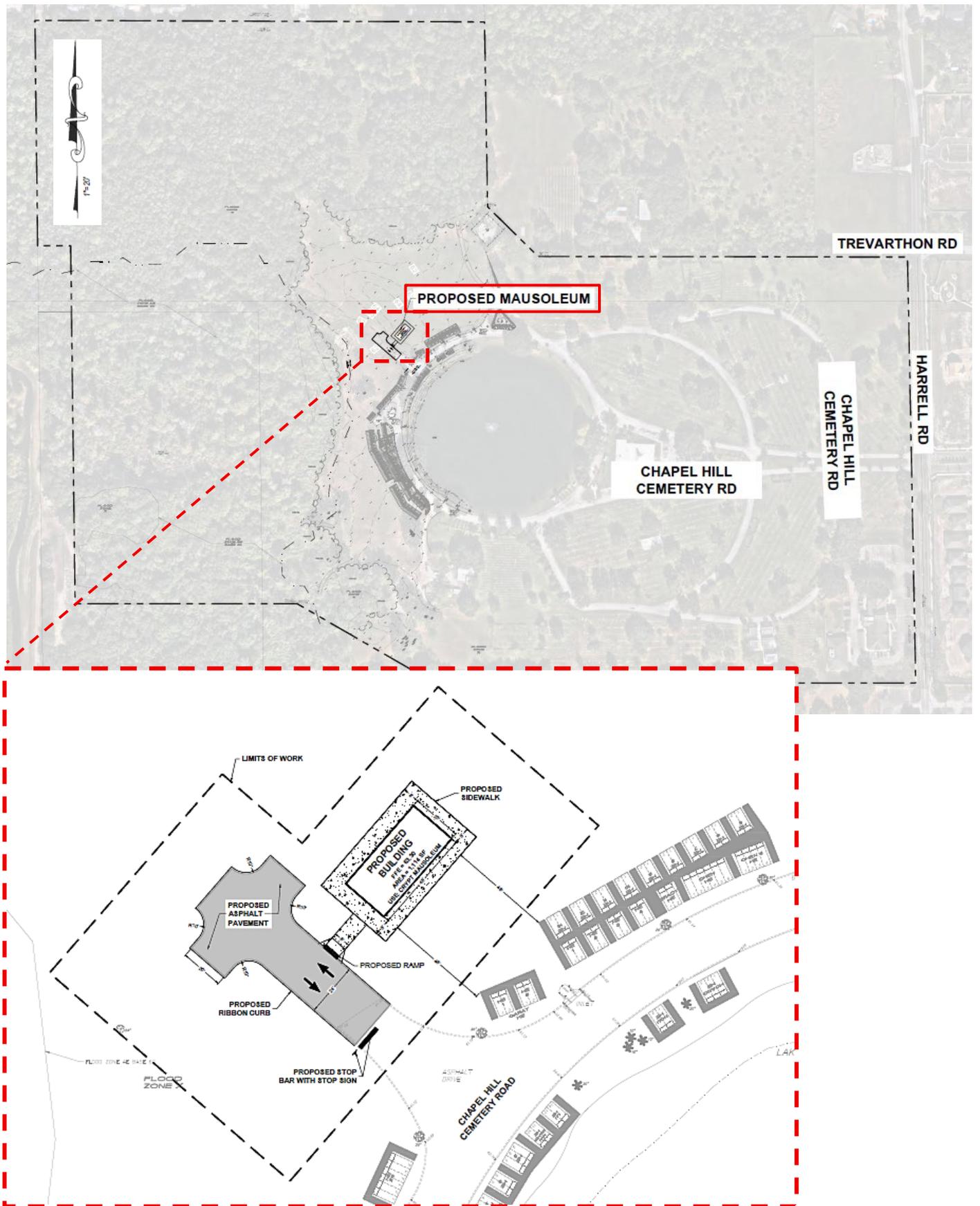
ZONING MAP



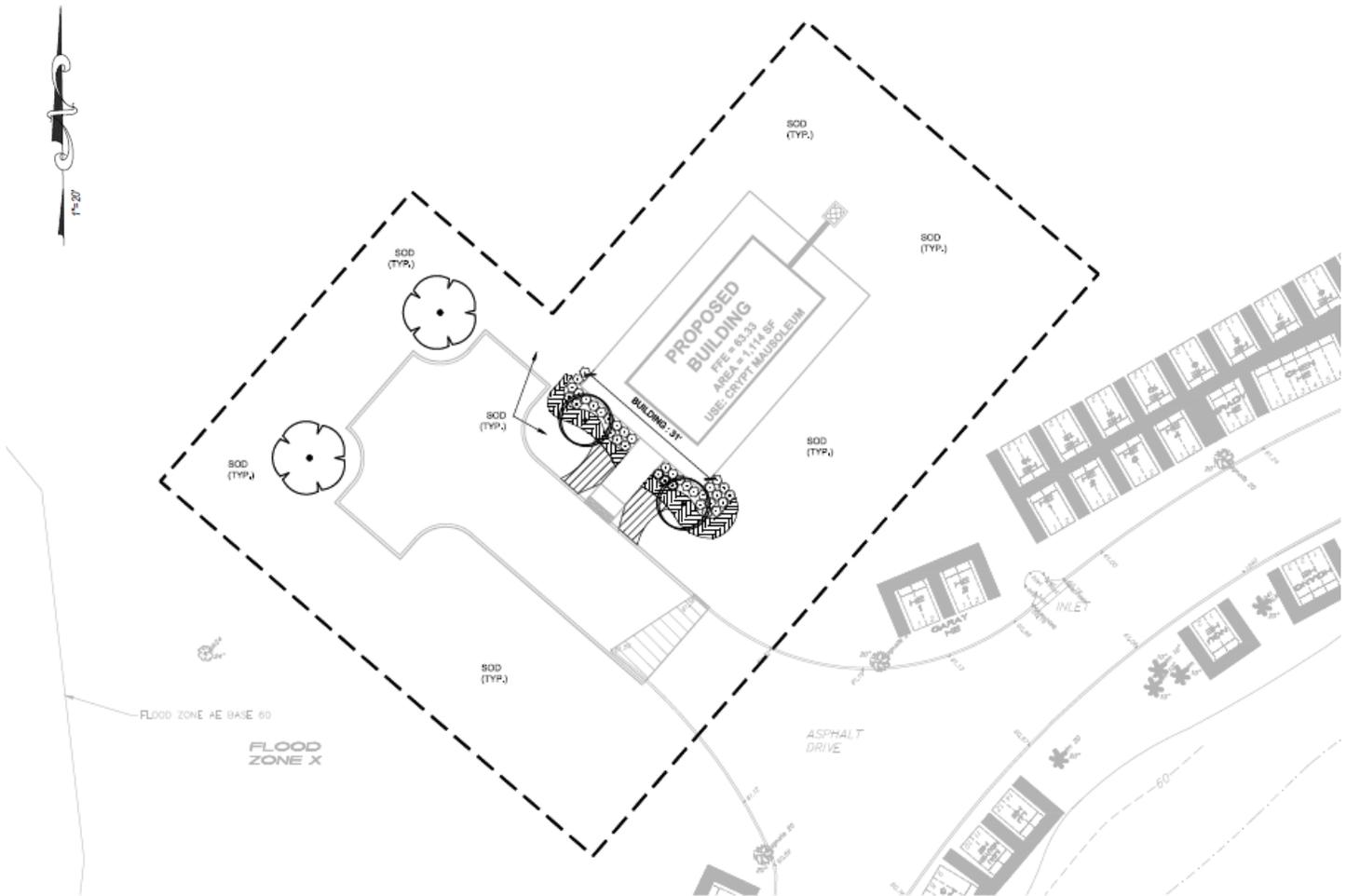
AERIAL MAP



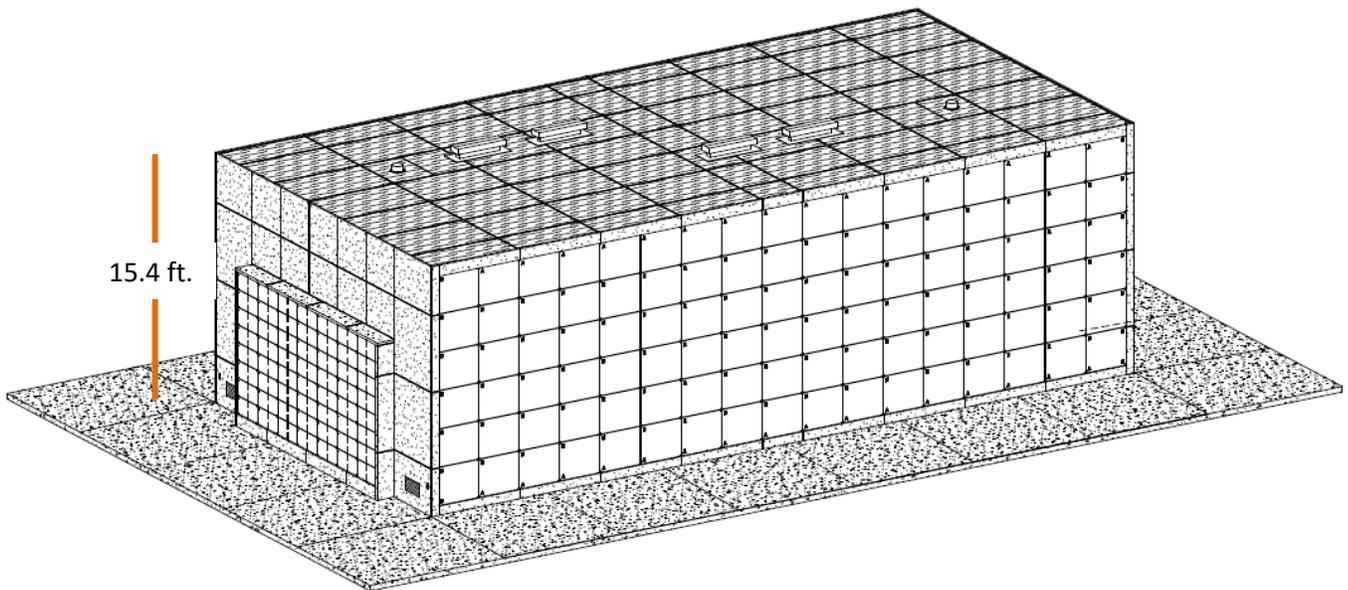
OVERALL SITE PLAN



LANDSCAPE PLAN



CONCEPT PLAN



SITE PHOTOS



View of main entrance from Harrell Rd.



Facing west toward the proposed location of the structure

SITE PHOTOS



Facing east from the proposed location of the structure



Facing east towards the existing access road to be improved with the subject request

ORANGE



COUNTY

F L O R I D A

BOARD OF ZONING ADJUSTMENT

201 S. Rosalind Ave.

Orlando, FL 32801