



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

November 6, 2025

Zoning Division

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

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

BZA Staff

Laekin O’Hara	Chief Planner
Allen McNeill	Chief Planner
Catherine Glase	Planner II
Michelle Corretjer-Colon	Planner II
Bryan Salamanca	Planner II
Adriana Morales Pizarro	Planner I
Shannon Tokumaru	ZDC III

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
NOVEMBER 6, 2025**

Case #	Applicant	Commission District	Staff Recommendation	BZA	Page #
VA-25-10-045	Thomas Hagood	5	Denial	Approval w/Conditions	1
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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 Dec 2, 2025.

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	

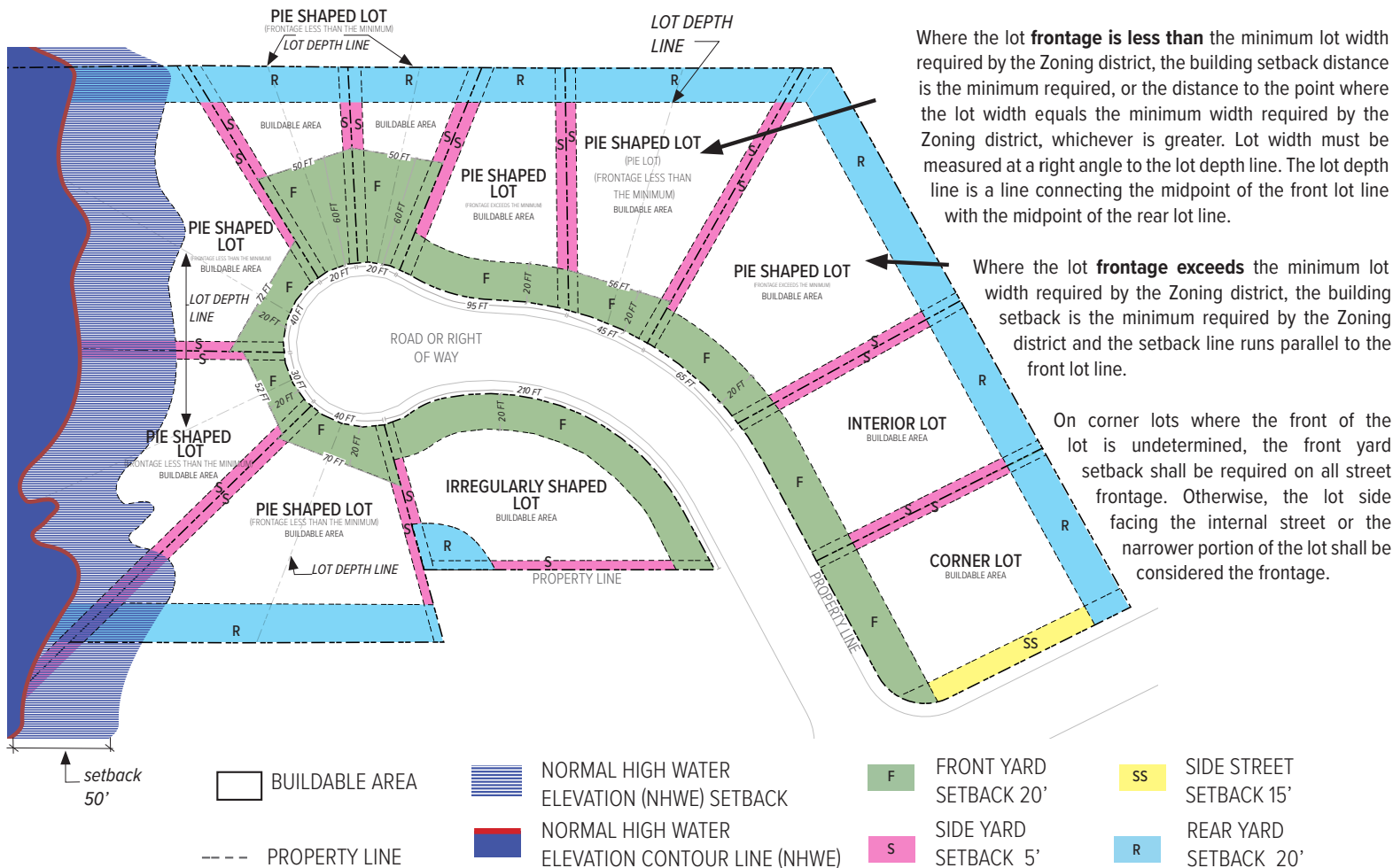
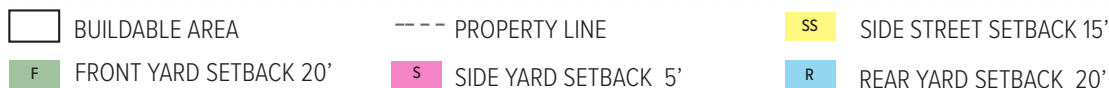
NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements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

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



VARIANCE CRITERIA:

Section 30-43 of the Orange County Code Stipulates specific standards for the approval of variances. No application for a zoning variance shall be approved unless the Board of Zoning Adjustment finds that all of the following standards are met:

1. **Special Conditions and Circumstances** – Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of any proposed zoning variance.
2. **Not Self-Created** – The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.
3. **No Special Privilege Conferred** – Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by the Chapter to other lands, buildings, or structures in the same zoning district.
4. **Deprivation of Rights** – Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of the property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval.
5. **Minimum Possible Variance** – The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. **Purpose and Intent** – Approval of the zoning variance will be in harmony with the purpose and intent of this Chapter and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SPECIAL EXCEPTION CRITERIA:

Subject to Section 38-78, in reviewing any request for a Special Exception, the following criteria shall be met:

1. The use shall be consistent with the Comprehensive Policy Plan.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
3. The use shall not act as a detrimental intrusion into a surrounding area.
4. The use shall meet the performance standards of the district in which the use is permitted.
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
6. Landscape buffer yards shall be in accordance with Section 24-5, Orange County Code. Buffer yard types shall track the district in which the use is permitted.

In addition to demonstrating compliance with the above criteria, any applicable conditions set forth in Section 38-79 shall be met.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 06, 2025**

Commission District: **#5**

Case #: **VA-25-10-045**

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

Allen.McNeill @ocfl.net

GENERAL INFORMATION

APPLICANT(s): THOMAS HAGOOD

OWNER(s): THOMAS A HAGOOD JR REVOCABLE LIVING TRUST 1/2 INT, BARBARA S IZLAR
REVOCABLE TRUST 1/2 INT

REQUEST: Variance in the R-1AA zoning district to allow a 6 ft. tall fence within the Normal High Water Elevation (NHWE) setback in lieu of a maximum height of 4 ft.

PROPERTY LOCATION: 3507 T C U Blvd., Orlando, FL 32817, east side of T C U Blvd., west side of Lake Irma, north of E. Colonial Dr., east of N. Goldenrod Rd., south of University Blvd., west of S.R. 417

PARCEL ID: 12-22-30-3378-01-680

LOT SIZE: +/- 0.52 acres (+/- 10,781 sq. ft. upland)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 123

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

1. Development shall be in accordance with the site plan date stamped October 20, 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 presented the proposal, outlined the property's location, site plan, and site photos, and reviewed the six criteria and explained the reasons for recommending denial of the Variance. Staff noted that two public comments were received in support and no comments were received in opposition to the request.

The applicant, who was present, stated that both neighboring property owners are in support of the request and explained that a fence previously existed on the property, which they are now replacing. The applicant's wife also spoke in favor of the application. The BZA asked questions about other fences in the surrounding area, observing that several nearby properties also have fences.

Additional discussion followed regarding fence permitting in the area specifically, whether existing fences were properly permitted or installed following past hurricanes.

The BZA determined that the request is appropriate as there was previously a 6 ft. tall fence in the same location and is consistent with other similar fences in the neighborhood and considered the request reasonable.

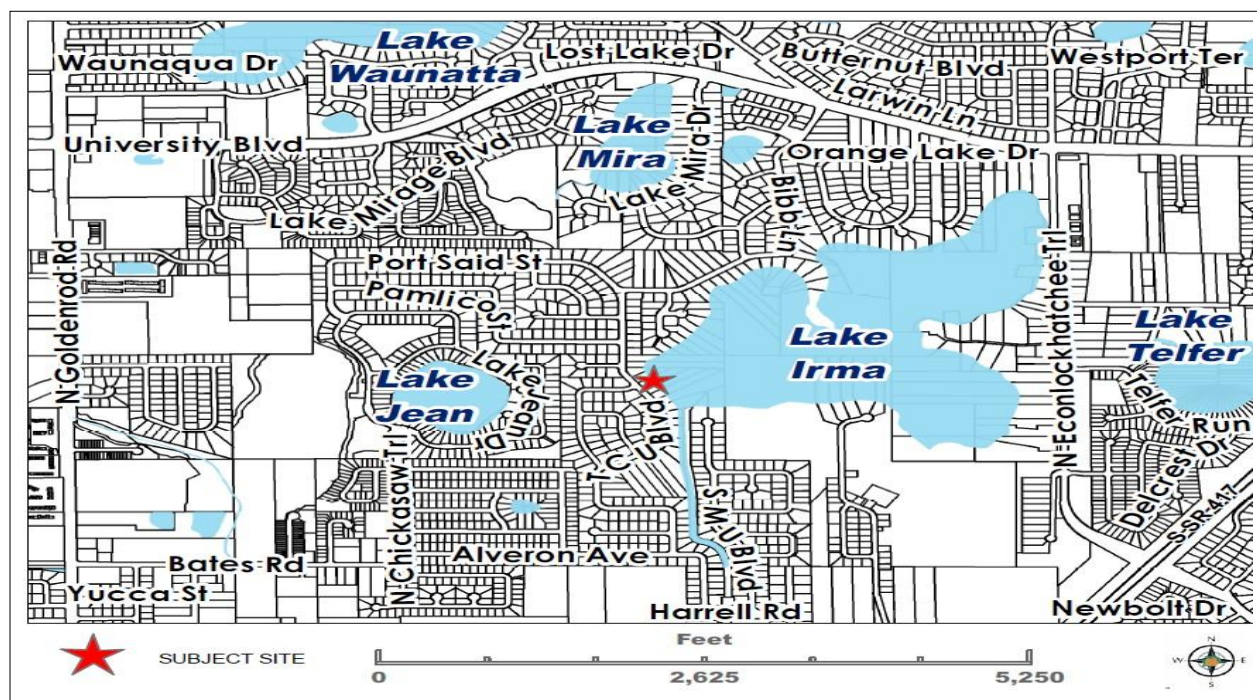
There was no one in attendance to speak in favor or in opposition to the request

The BZA recommended approval of the Variance request by a 6-0 vote, with one absent, subject to the 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-1AA	R-1AA	R-1AA	R-1AA	R-1A
Future Land Use	LDR	LDR	LDR	Water Body	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Lake Irma	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1AA, Single-Family Dwelling district, which allows single-family homes and associated accessory structures, and requires a minimum lot area of 10,000 sq. ft. The Future Land Use is Low Density Residential (LDR), which is consistent with the R-1AA zoning district.

The subject property is 22,844 sq. ft. in size with 10,781 sq. ft. of upland. It is a lakefront lot on Lake Irma that was platted in 1974 as Lot 168 of the Harbor East – Unit Two Plat and is a conforming lot of record. The area around the property consists of single-family homes. The property was purchased by the current owner in 2017, and is developed with a 2-story, 2,490 gross sq. ft. single-family home, constructed in 1978.

The existing residence is shown at a 30 ft. setback from the Normal High-Water Elevation (NHWE) line. The typical NHWE setback for a property located in the R-1AA district is 50 ft. However, Section 38-1501 footnote 'A' of Orange County Code states that a lot which is part of a subdivision, the plat of which has been lawfully recorded,... on or before August 31, 1982,... which has a depth of less than one hundred fifty (150) feet above the NHWE contour, shall be exempt from the 50 ft. setback requirement set forth in Section 38-1501. Instead, the setbacks under the respective zoning district requirements shall apply as measured from the NHWE contour. Lot depth is measured as the distance measured from the midpoint of the front line to the midpoint of the opposite rear line of the lot, in this instance, the NHWE line. The property depth is approximately 123 ft.; therefore, the minimum rear setback is 35 ft. from the NHWE. The existing residence was granted a Variance in 2023 to allow an addition to be located 30 ft. from the NHWE in lieu of 35 ft.

The proposal is for the installation of 58 linear feet of a 6 ft. high wood privacy fence along a portion of the north property line, of which 51 linear feet will encroach in the NHWE setback. Per Sec. 38-1408 (g) (2) of Orange County Code, fences in residential districts are limited to maximum height of 8 ft. in the side and rear yards. However, Sec. 38-1408 (j) of the code states that on a lakefront lot, a fence or wall within the NHWE setback shall be limited to a maximum height of four (4) feet. Although 23 linear feet of the 6 ft. high wood privacy fence along the north property line meets code, the remaining 35 linear feet encroaching in the NHWE setback does not comply with the maximum height of 4 ft., requiring a 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, but the applicant provided a letter from their neighbor in support of the request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Staff is recommending denial of this request as there are options to meet

code. Based on staff analysis, the portion of the proposed 6 ft. wood privacy fence encroaching in the NHWE could be eliminated or reduced to the maximum height of 4 ft., both of which would eliminate the need for the requested Variance.

Fence/Wall Hight Requirements

	Code Requirement	Proposed
Front Yard:	4 ft.	N/A
Side and Rear Yard:	8 ft.	6 ft.
NHWE:	4 ft.	6 ft. (Variance)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET – There are no special conditions and circumstances, as fencing may be installed in a manner that meets the requirements of the Code.

Not Self-Created

NOT MET – The need for the Variance is self-created since there are other options available.

No Special Privilege Conferred

NOT MET – Granting this request would confer special privilege since there are no other similar requests for fence height approved within the area.

Deprivation of Rights

NOT MET – There is no deprivation of rights as the owner has the ability to install a fence that complies with the County Code by reducing the height.

Minimum Possible Variance

NOT MET – The requested Variance is not the minimum possible, as the owner could reduce the proposed fence height.

Purpose and Intent

NOT MET – Approval of the Variance will not be in harmony with the purpose and intent of the Code since it will obstruct the view of the lake from neighboring properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped October 20, 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: Thomas Hagood
3507 T C U BLVD
Orlando, FL 32817

12 July 2025

Variance Request Cover Letter

The included Variance Request is to allow a 6' fence to be installed within 50' of the NHWE of Lake Irma.

My wife, Barbara, and I reside at 3507 TCU Blvd, Orlando, on Lake Irma. Our neighbor at 3513 TCU has signed two forms of identically intended documents: 1) LONO form stating no objection to a 6' fence; 2) a Memo form of the same purpose. These are included in the submission.

The fence is intended to be 6' high, wooden fence, and will run along property line on the 3507 TCU side. The fence will be approximately 6' x 50', with a gate section tying the fence to house on 3507 TCU Blvd.

This variance is to have a 6' fence as opposed to Code's 4' fence within 50' of NHWE.

The 6 standards response is included in package and repeated here:

- 1) Special Conditions: Request variance from 4' height limit to instead install a 6' fence within the 50' of the NHWE. Due to finished floor height difference between 3507 and 3513 TCU - a 6' fence provides a small degree of privacy that both neighbors desire, without impacting lake view.
- 2) Not Self-Created: Difference in ground elevations and finished floor levels and a mutual desire for privacy of both neighbors (as documented in LONO and memo of no objection).
- 3) No Special Privilege: No special privilege conferred, any land owner can request this type variance.
- 4) Deprivation of Rights: Denial of variance would deprive applicants and neighbors privacy they desire and that other lake front owners with 6' fences enjoy.
- 5) Minimum Possible Variance: 6' in height as opposed to 4' in height is the minimum increase in height to provide mutual privacy for both adjacent land owners.
- 6) Purpose and Intent: Variance approval is in harmony with countless other properties on Lake Irma and in Orange County with 6' fences. The privacy of proposed 6' fence is not injurious to neighborhood and neighbors, and does not impact public welfare.

Certification of Trust(s) are provided to Orange County to document the Trust's conditions and Trustee's authority, Title of Property documents Trust's ownership of property.

Please advise if further information or clarification is needed. Best regards,

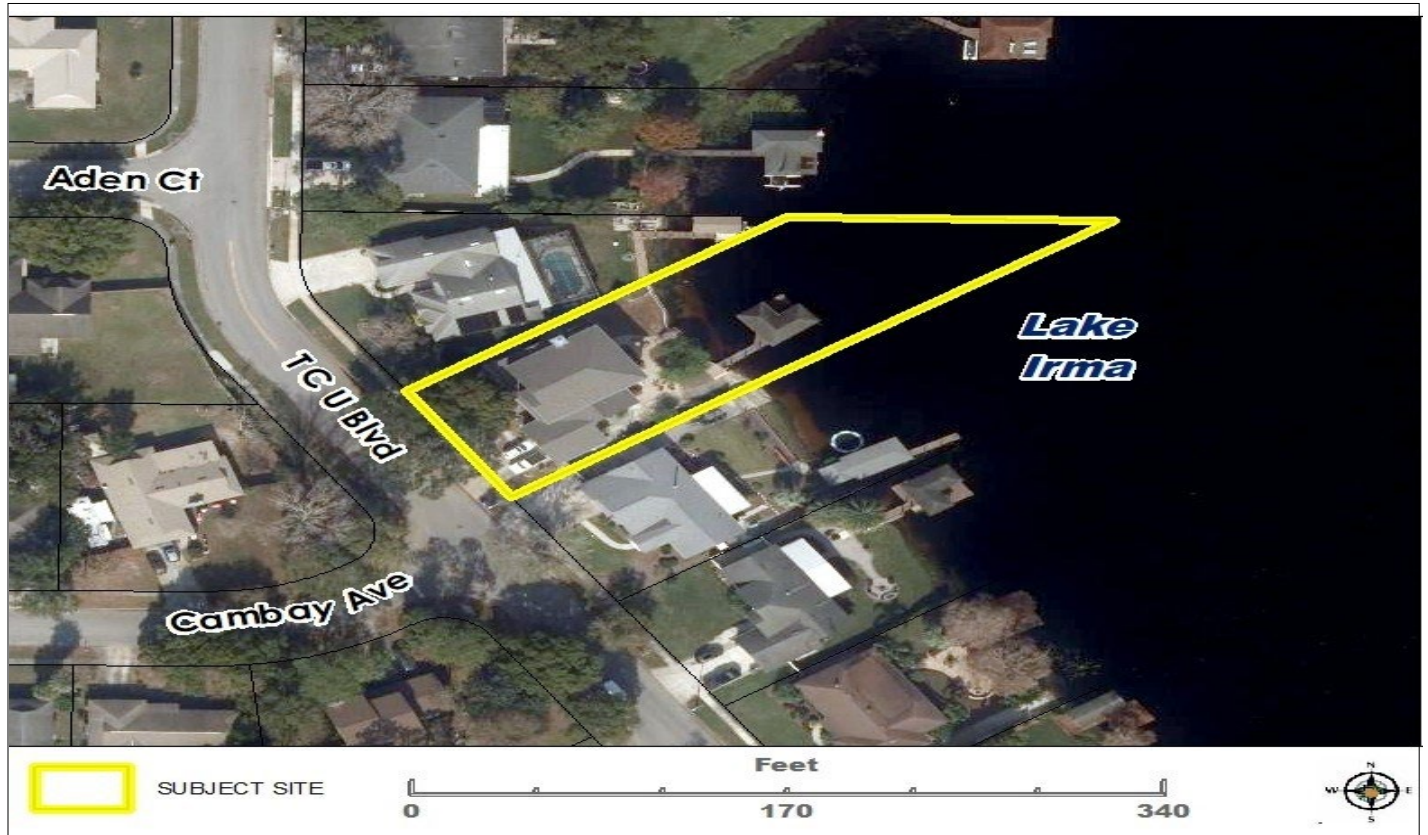


Tom (Thomas) and Bobbi (Barbara) Hagoood

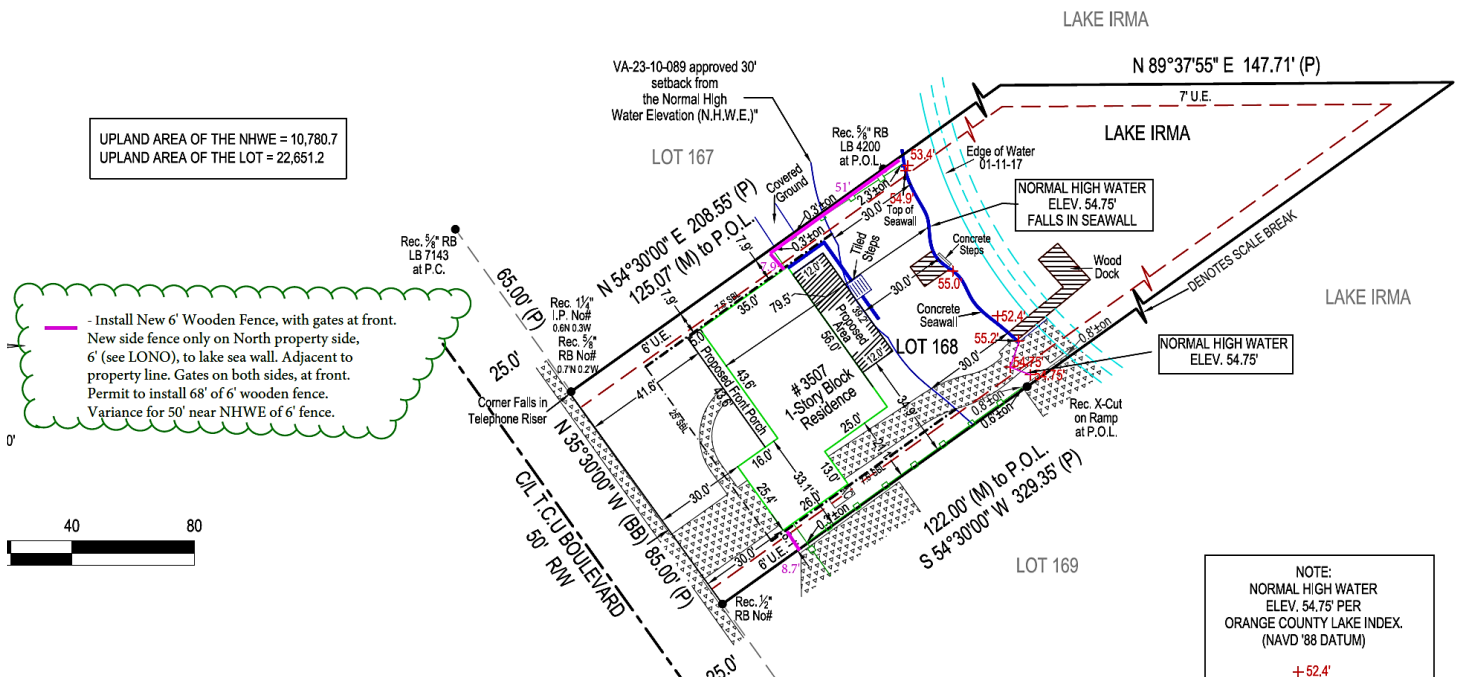
MODIFIED ZONING MAP



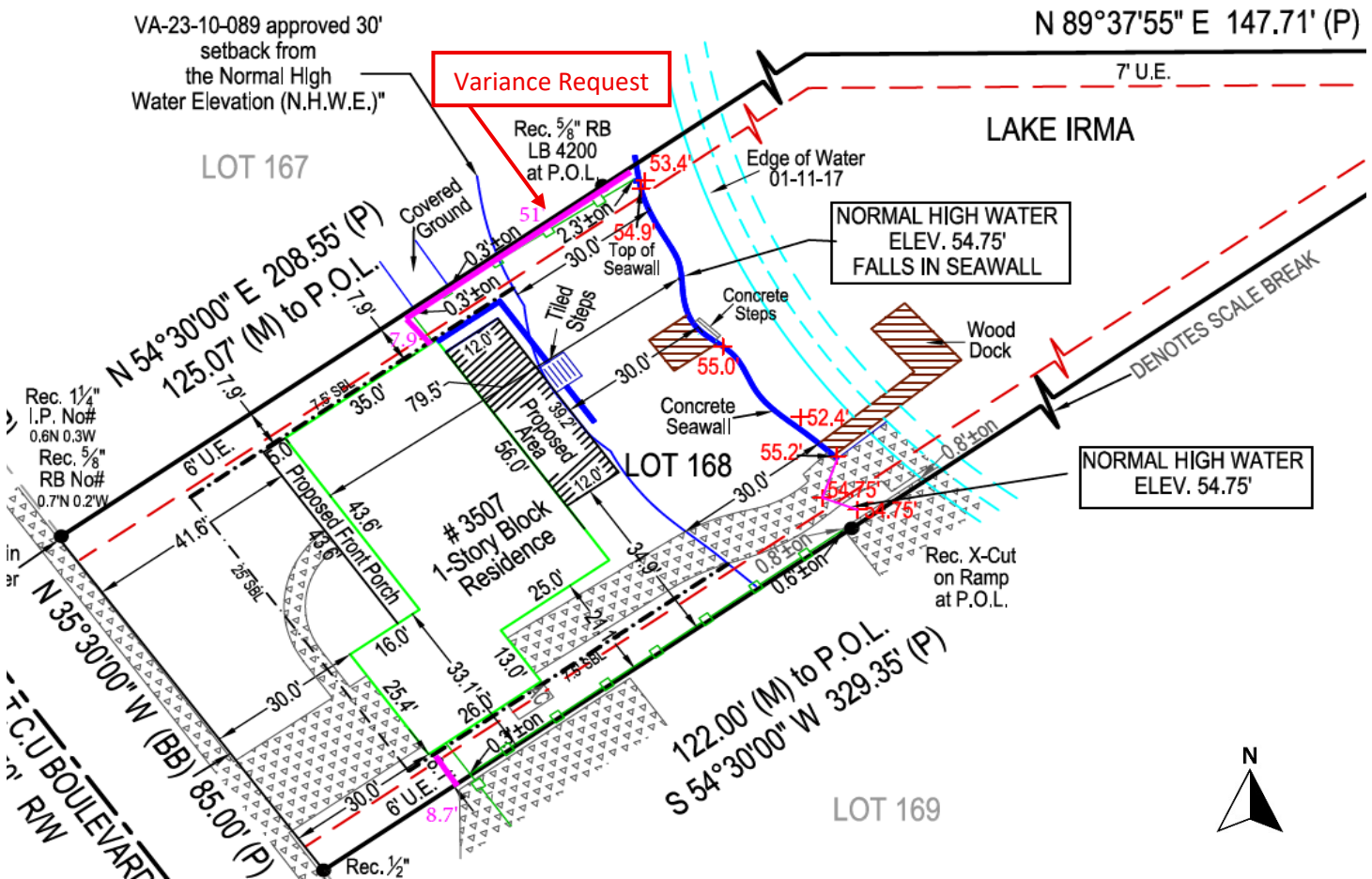
MODIFIED AERIAL MAP



SITE PLAN



ENHANCED SITE PLAN



SITE PHOTOS



Facing northeast towards front of subject property



Side yard, facing northeast towards Lake Irma

SITE PHOTOS



Rear yard, facing north toward proposed location of the 6 ft. fence and neighbors yard to the north



Rear yard, facing southeast toward Lake Irma from the location of the proposed 6' high fence



Aerial Photograph dated January 30, 2025 looking north. General location of proposed fence in orange.



Aerial Photograph dated January 8, 2025 looking south. General location of proposed fence in orange.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 06, 2025**

Commission District: **#3**

Case #: **VA-25-11-053**

Case Planner: **Shannon Tokumaru (407) 836-5625**

Shannon.Tokumaru@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JAIME RUIZ JR

OWNER(s): JORDAN RUIZ, JAIME RUIZ JR

REQUEST: Variances in the R-1 zoning district to allow a pool and deck as follows:

- 1) To be located in the side street yard in lieu of in the side or rear yards
- 2) A 0 ft. side street setback in lieu of 15 ft.

PROPERTY LOCATION: 2515 Raehn St., Orlando, FL 32806, northwest corner of Raehn St. and Clark St., north of Curry Ford Rd., south of S.R. 408, west of S. Crystal Lake Dr. and east of S. Bumby Ave.

PARCEL ID: 31-22-30-3324-02-080

LOT SIZE: +/- 7,044 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 162

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

1. Development shall be in accordance with the site plan date stamped October 9, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff presented the proposal, outlined the property's location, site plan, and site photos, and reviewed the six criteria and explained the reasons for recommending denial of the Variances. Staff noted that one comment was received in support of and one comment was received in opposition to the request. The BZA

asked questions about the existing 6 ft. fence and whether it was permitted. Staff stated the fence permit is currently in review and no additional Variances are needed for the fence. The BZA also inquired about the dimension of the pool and reasoning for the chosen location.

The applicant’s representative, who was present, explained that they are trying to make the most of their limited yard space and emphasized that all activities and improvements will remain within the fenced area and expressed hope that the project would allow the family to better enjoy their outdoor space.

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

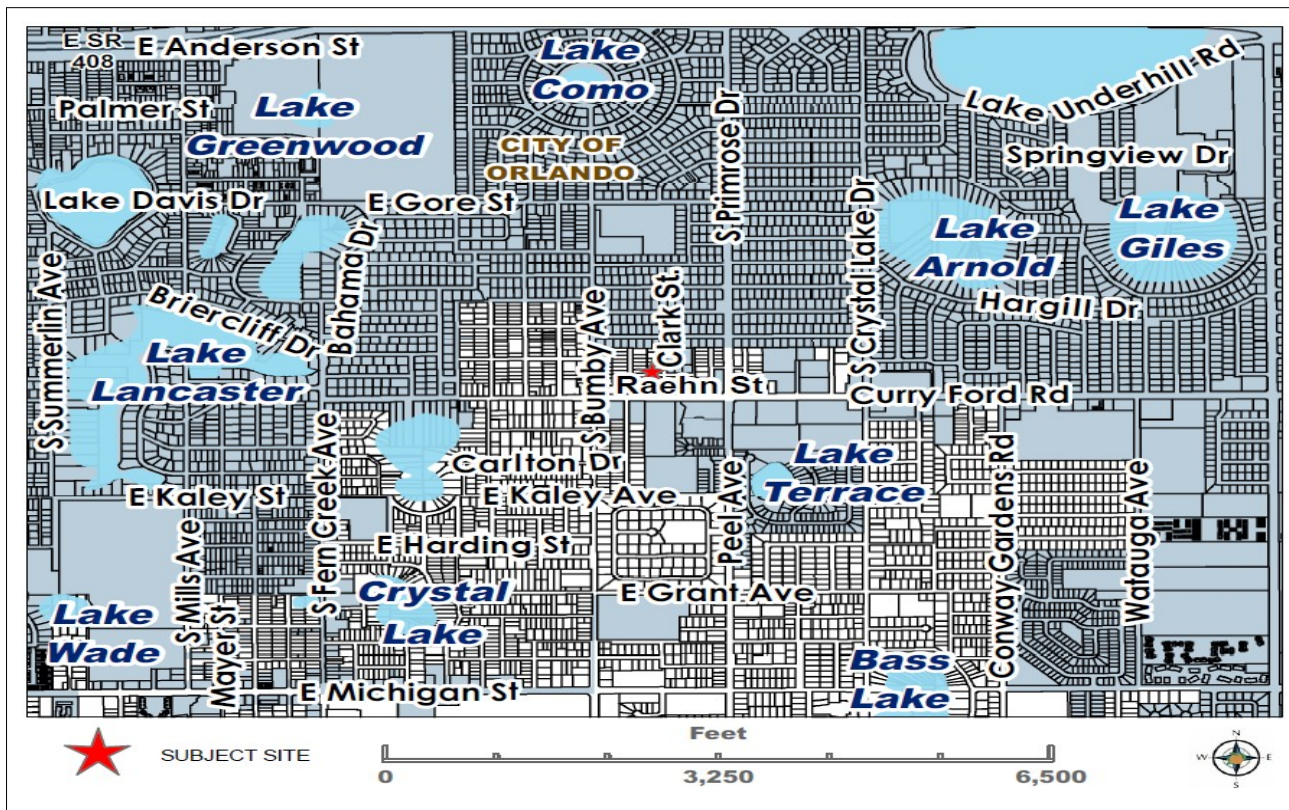
The BZA determined that the applicant was proposing a minimal amount of work and stated that the pool and deck would not be visible from the right-of-way or neighboring properties. They went on to state that the size of the lot and placement of the existing structures restricts the ability to construct a pool on the site.

The BZA recommended approval of 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 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-1	R-1	R-1A	City of Orlando	R-1
Future Land Use	LDR	LDR	LDR	City of Orlando	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1 Single-Family Dwelling district, which allows single-family homes and associated accessory structures on lots of a minimum of 5,000 square feet. The Future Land Use (FLU) is Low Density Residential (LDR), which is consistent with the R-1 zoning district.

The subject property is 7,044 sq. ft. in size, was platted in 1925 as Lot 8 of Block B of the Handsonhurst plat and is a conforming lot of record. The area surrounding the subject site consists of single-family homes. The property is a corner lot with right-of-way along Raehn St. to the south and Clark St. to the east. For residential properties, Code considers the narrow portion of the lot to be the front; as such, Clark St. is considered the front and Raehn St. is considered the side street. The south property line is setback 18 ft. from the edge of pavement along Raehn St and there is no sidewalk along the street adjacent to the lot.

The property was purchased by the current owner in May 2023, and is developed with a 2-story, 2,755 gross sq. ft. single-family home, constructed in March 2023, as well as a detached garage. There is a 6 ft. tall wooden privacy fence enclosing the side street, rear, and side yard. A fence permit (F25020070) for the subject fence is actively under review, and no Variances are being requested for the fence.

The proposal is to construct a 750 sq. ft. pool and deck within the side street yard. The plans provided show an 8 ft. by 16 ft. plunge pool with pavers in the side street yard. Section 38-79 (10) b. of Orange County Code states a pool and deck shall not be located in the front yard or side street yard. The pool and deck are being proposed between the principal structure and the street right of way, requiring Variance request #1. Section 38-79 (10) d. of Orange County Code states that “A pool.... shall maintain.....a minimum side street yard setback of fifteen (15) feet.” The pool is proposed to be setback 1 ft. from the side street property line and the pool deck is proposed with a 0 ft. side street yard setback in lieu of the required 15 ft., requiring Variance request #2.

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Staff has determined that neither Variance request meets all of the criteria. Based on staff’s analysis, the pool and deck and could be redesigned to lessen the Variance request. Therefore, staff is recommending denial for Variance request #1 and Variance request #2.

Building Setbacks (Pool and Pool Deck)

	Code Requirement	Proposed
Front:	Not located within the front yard	N/A (East)
Side:	5 ft.	N/A (North)
Side Street:	Not located within the side street yard; 15 ft. when applicable	Located in the side street yard (VA #1) 0 ft. (South - VA #2)
Rear:	20 ft.	35 ft. (West)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

All Variances MET – The configuration of the lot and placement of the existing home restricts the area where a pool and deck could be constructed which conforms to code requirements and are of sufficient size.

Not Self-Created

All Variances NOT MET – The Variance request is self-created as the yard can still be enjoyed without a pool and pool deck.

No Special Privilege Conferred

All Variances NOT MET – Granting this Variance would convey a special privilege to the applicant as all zoning districts restrict the placement of a pool outside of the side street yard. Additionally, any pool and deck in the R-1 district must maintain a 15 ft. setback from the side street property line.

Deprivation of Rights

All Variances NOT MET – The Variance request is not a deprivation of rights because the applicant is not granted the right to have a pool, and the yard can still be enjoyed without a pool and deck.

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

Variance #1 MET – Approval of the requested Variance would be in harmony with the purpose and intent of the zoning code as the code is primarily focused on preserving access and visibility, while minimizing the impact on surrounding properties. There is 18 ft. of right-of-way before the edge of pavement for Raehn St., which provides separation from the roadway. The pool and deck will be enclosed with a 6 ft. tall privacy fence and will not be visible from the surrounding properties or the adjacent right-of-way thereby limiting any quantifiable negative impacts on surrounding property owners.

Variance #2 NOT MET – The requested Variance is not in harmony with the purpose and intent of the zoning code, which is to provide adequate separation between improvements and the right-of-way. The proposed 0 ft. setback could be modified to reduce potential impact.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped October 9, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Jaime Ruiz Jr
2515 Raehn St.
Orlando, FL 32806

COVER LETTER

Jaime and Jordan Ruiz

2515 Raeln Street

Orlando, FL 32806

321-615-1242 | 321-794-2582

jordansussi@yahoo.com | ruizjr1586@gmail.com

August 19, 2025

Orange County Zoning Division

201 South Rosalind Avenue, 1st Floor

Orlando, FL 32801

To Whom It May Concern:

We are submitting this letter as part of our application to the Orange County Board of Zoning Adjustment to request two variances for our home at 2515 Raeln Street, Orlando, FL 32806. We are the owners of this property and are requesting:

1. 0' pool deck setback and
2. An allowance to install a plunge pool in the side yard.

Due to the unique layout of our lot, we do not have a usable backyard, and the only viable location for a pool is the side yard, which is fully enclosed by an existing privacy fence. The proposed plunge pool would measure approximately 8 feet by 16 feet with a modern, sleek design that complements the style of our home. It will be built completely within the fenced-in area and will be minimally visible from outside the property.

Page 1

The proposed structure will be made of concrete and finished with modern materials, and it will be installed at ground level with no raised decking. There will be no visual obstruction, noise, or other impacts to neighboring properties. The installation will meet all safety and permitting requirements.

We respectfully submit this request based on the following variance criteria:

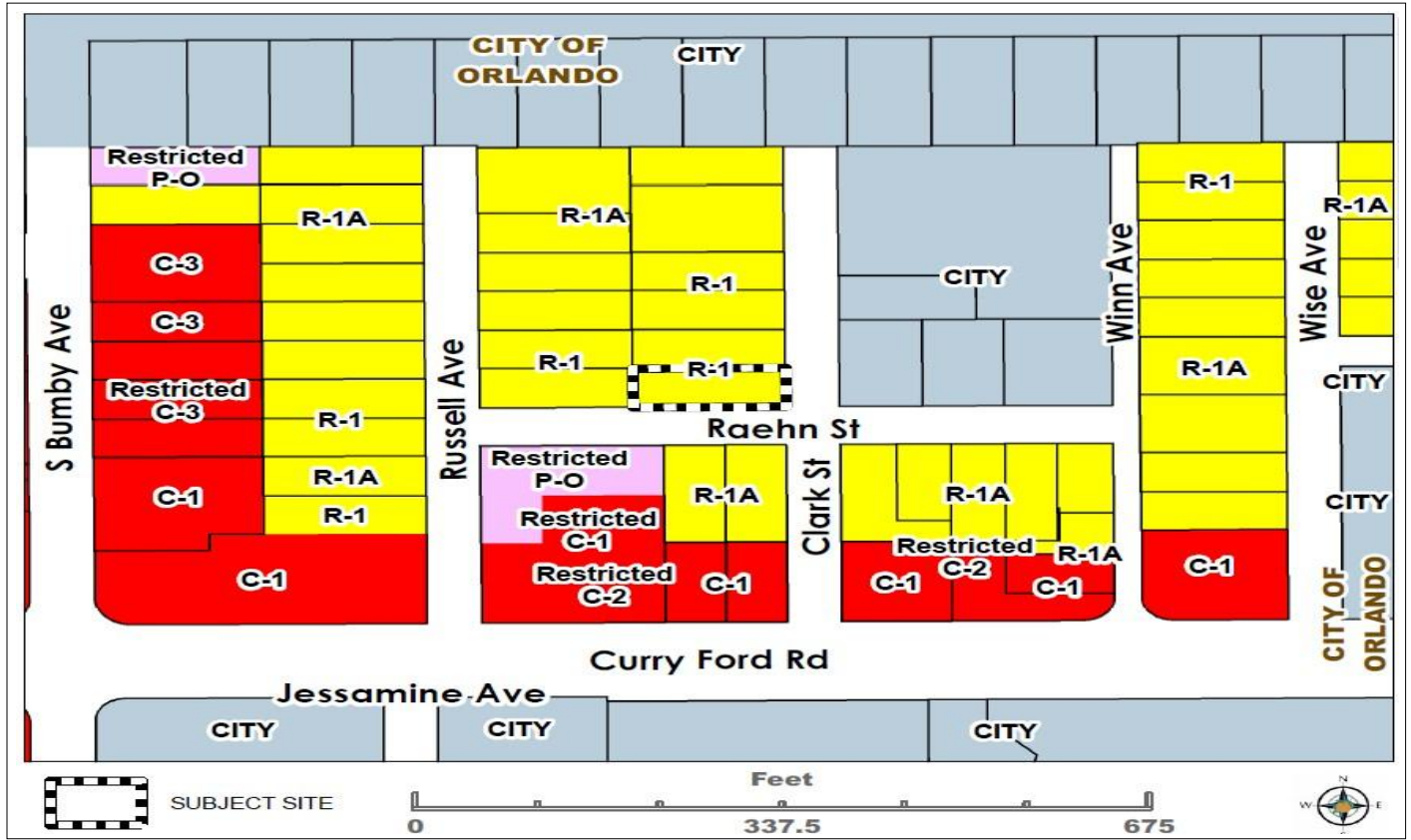
1. Special Conditions and Circumstances - The configuration of our lot does not allow for a traditional backyard, unlike other homes in our zoning district. The side yard is the only feasible location for a small pool.
2. Not Self-Created - The lack of backyard space is due to the original lot layout and was not created by us.
3. No Special Privilege Conferred - We are not seeking special treatment, only the opportunity to reasonably enjoy our property in a way consistent with others in our neighborhood who have pools.
4. Deprivation of Rights - Strict interpretation of the code would prevent us from installing a pool entirely, which is a commonly enjoyed amenity in this area.
5. Minimum Possible Variance - We are only requesting the minimal setback reduction necessary to allow the installation of the pool while maintaining safety and code compliance.
6. Purpose and Intent - The pool will not be visible from the street and will not negatively affect the neighborhood. It will be well-maintained and consistent with the aesthetic of our property.

We appreciate your consideration and are happy to answer any questions or provide additional documentation as needed.

Sincerely,

Jaime and Jordan Ruiz

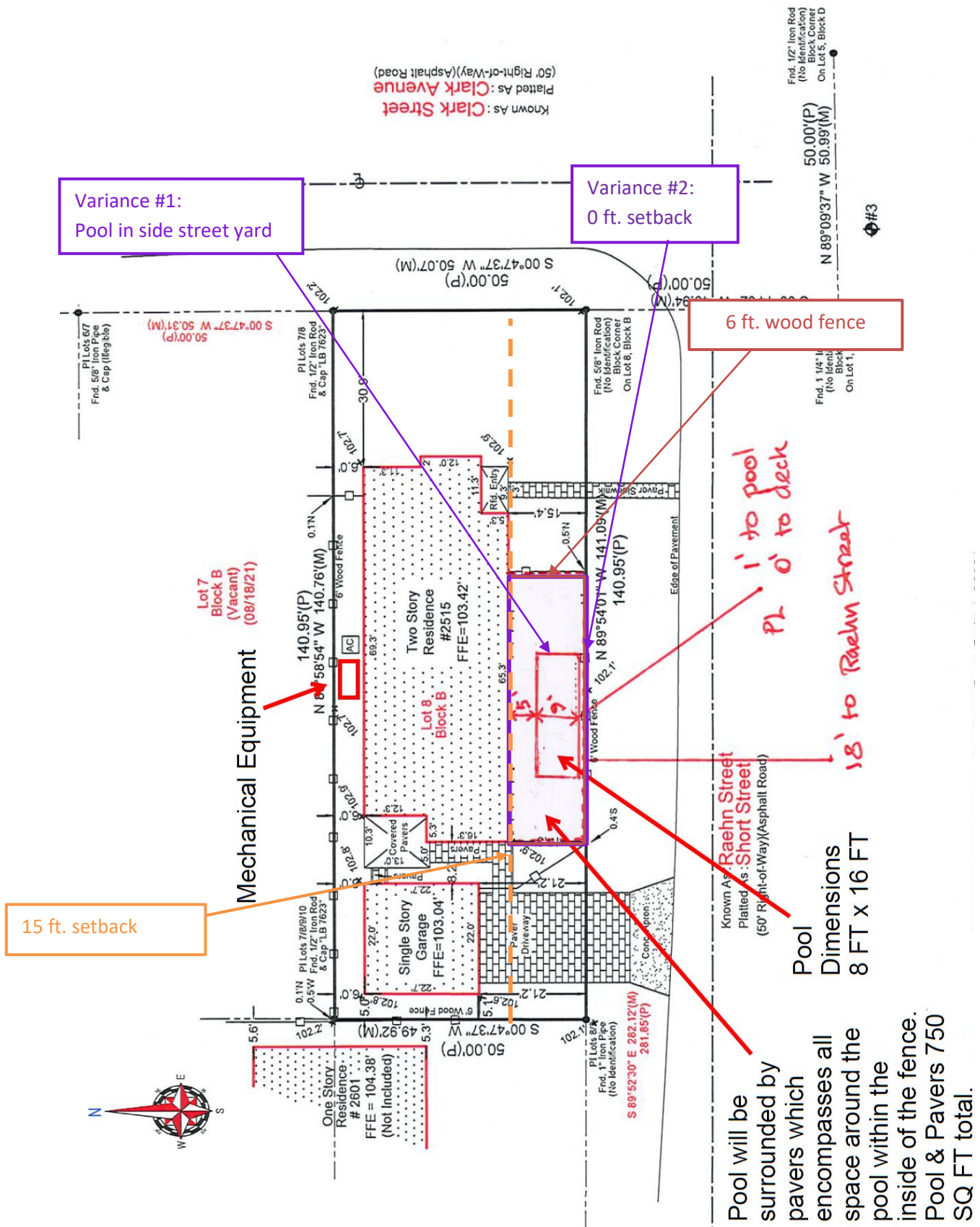
ZONING MAP



AERIAL MAP



SITE PLAN



SITE PHOTOS



Facing west towards front of subject property



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

SITE PHOTOS



Side street yard, facing north towards paver driveway and privacy fence along south side of home



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

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 06, 2025**

Commission District: **#5**

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

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

Bryan.Salamanca@ocfl.net

GENERAL INFORMATION

APPLICANT(s): VICTOR CABRERA

OWNER(s): VICTOR CABRERA

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

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

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

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

NOTICE AREA: 1100

NUMBER OF NOTICES: 68

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

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

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

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

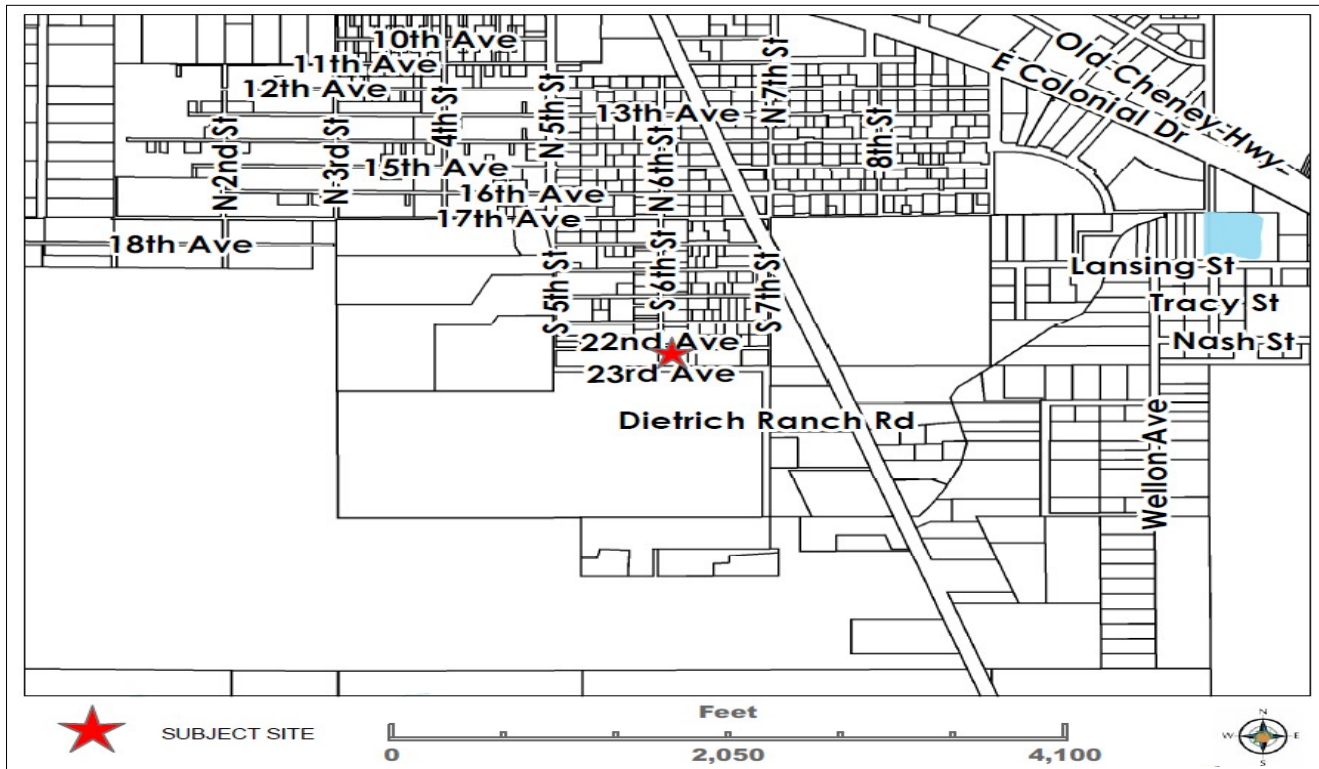
One individual spoke in favor of the request stating they believe that shifting the building forward would restrict maneuverability of the equipment and vehicles coming in and out of the structure. There was no one in attendance to speak in opposition to the request.

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

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	A-2	A-2	A-2	A-2	A-2
Future Land Use	R	R	R	R	R
Current Use	Vacant	Vacant	Vacant	Vacant	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

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

The property is a double reverse corner lot with right-of-way along S. 6th St. to the west, 22nd Ave. to the north, and 23rd Ave. to the south. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, S. 6th St. is considered the front and 22nd Ave. and 23rd Ave. are considered the side streets. S. 6th St. and 22nd Ave. are both 30 ft. wide dirt rights-of-way. The property is currently vacant with a chain link fence along the north, east, and west property lines. The property was purchased by the current owner in 2024.

The proposal is to construct a 1,500 gross sq. ft one-story accessory structure (garage), and a 2,368 gross sq. ft. single-family residence. As proposed, the accessory structure will be located 15 ft. from the north side street property line where 35 ft. is required. The typical side street setback for a property located in the A-2 district is 15 ft. however, per Sec. 38-1502 (b), *on any corner lot abutting the side of another lot, no structure shall be nearer the side street lot line than the required front yard of such abutting lot.* The lot abutting the subject property to the east has frontage on both 22nd Ave. and 23rd Ave. The required front yard of the abutting lots is 35 ft., so a 35 ft. setback is required on the subject site from both 22nd Ave. and 23rd Ave, prompting the Variance request. The proposed accessory structure complies with all other zoning development standards. The applicant's cover letter identifies corrugated metal panels as the exterior material for the proposed accessory structure, however the elevations provided call out Hardie board siding. Pursuant to Condition of Approval (COA) #1, the proposed accessory structure will be required to match the elevations provided.

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

Accessory Structure Development Standards

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

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

Accessory Structure Setbacks

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

**Side street setback increases from the standard 15 ft. to the abutting lot's front yard setback (35 ft.) in accordance with Sec. 38-1502(b).*

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. While the Variance request meets some of the criteria, it does not meet all the criteria. Based on staff's analysis the proposed accessory structure could be relocated to a code compliant location. Therefore, staff is recommending denial.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

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

Not Self-Created

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

No Special Privilege Conferred

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

Deprivation of Rights

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

Minimum Possible Variance

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

Purpose and Intent

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

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated October 15, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of the Certificate of Completion for the accessory structure permit, the applicant shall provide a Florida #1 3-inch caliper canopy tree as described in Orange County Code Section 24-12 between the northern facade of the proposed accessory structure and 22nd Ave. A watering schedule or an irrigation system in compliance with Sec. 24-7 – irrigation, shall be provided.
5. Prior to the issuance of a permit for the accessory structure, a permit shall be obtained for the fence, or the fence shall be removed.

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

Victor Cabrera
1712 Brassie Ct
Kissimmee, FL 34746-4535

August 27, 2025

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

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

Dear Orange County Zoning Division,

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

Nature of the Request

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

Project Description

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

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

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

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

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

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

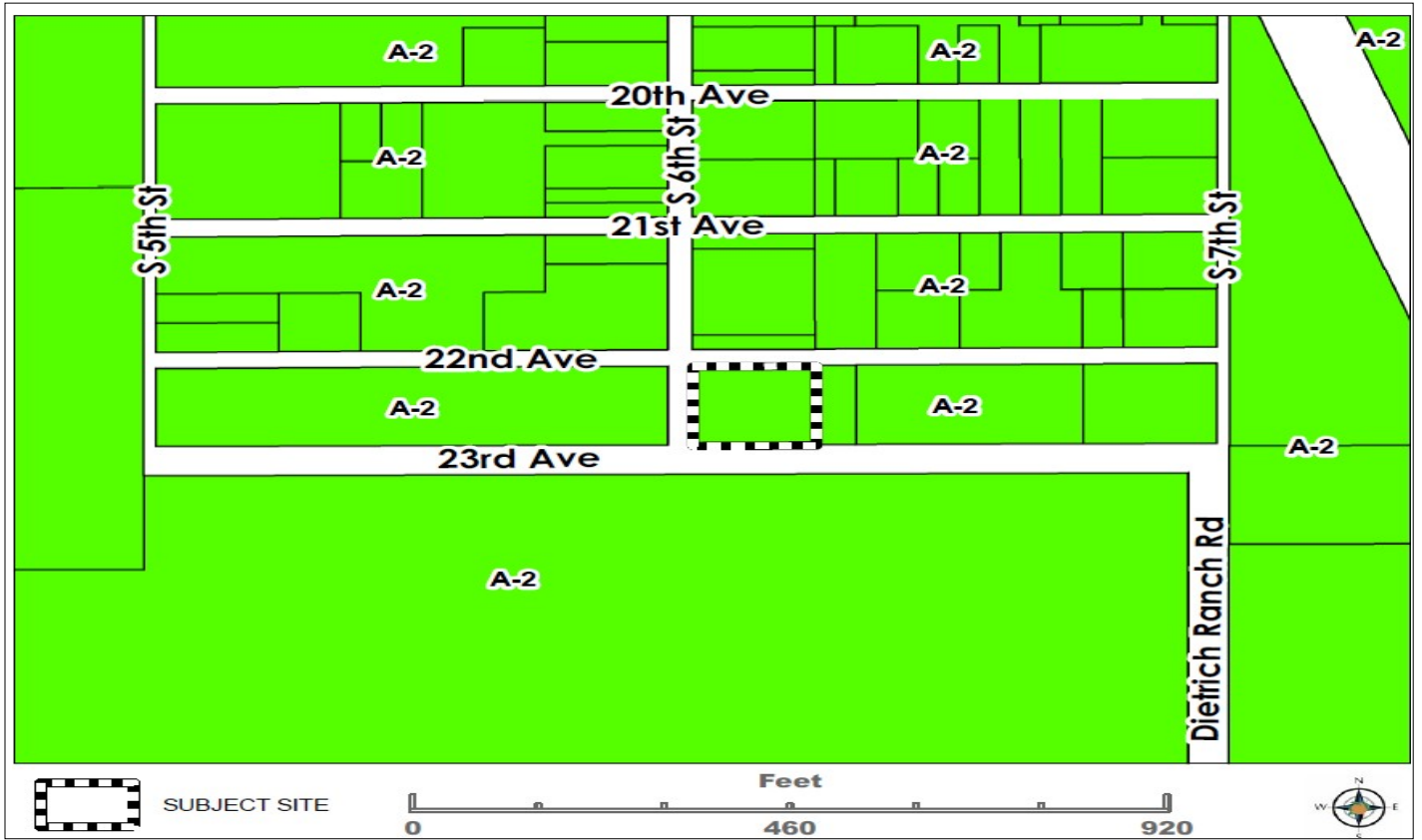
Please feel free to contact me if further information or clarification is needed.

Thank you for your time and consideration.

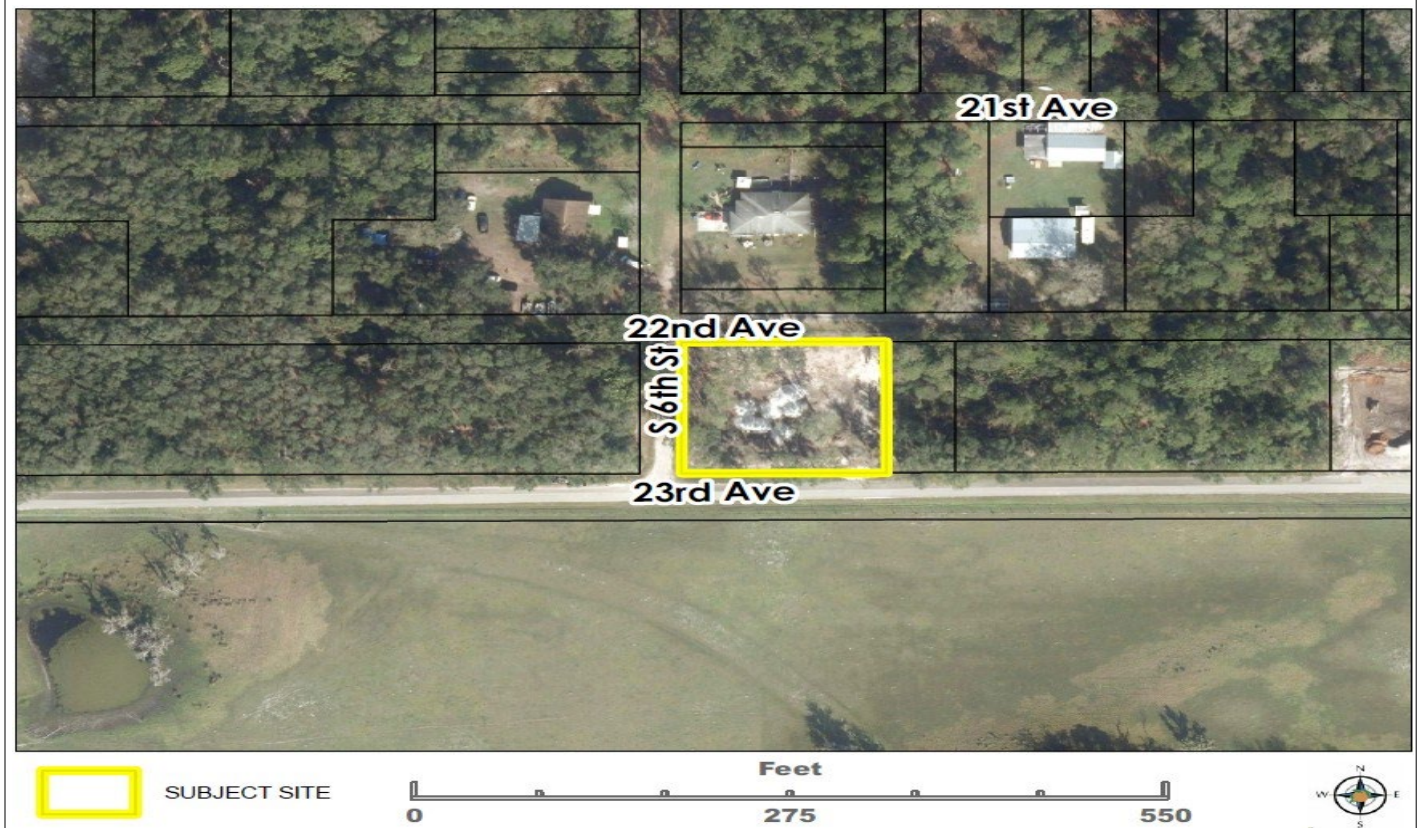
Sincerely,

Victor Cabera

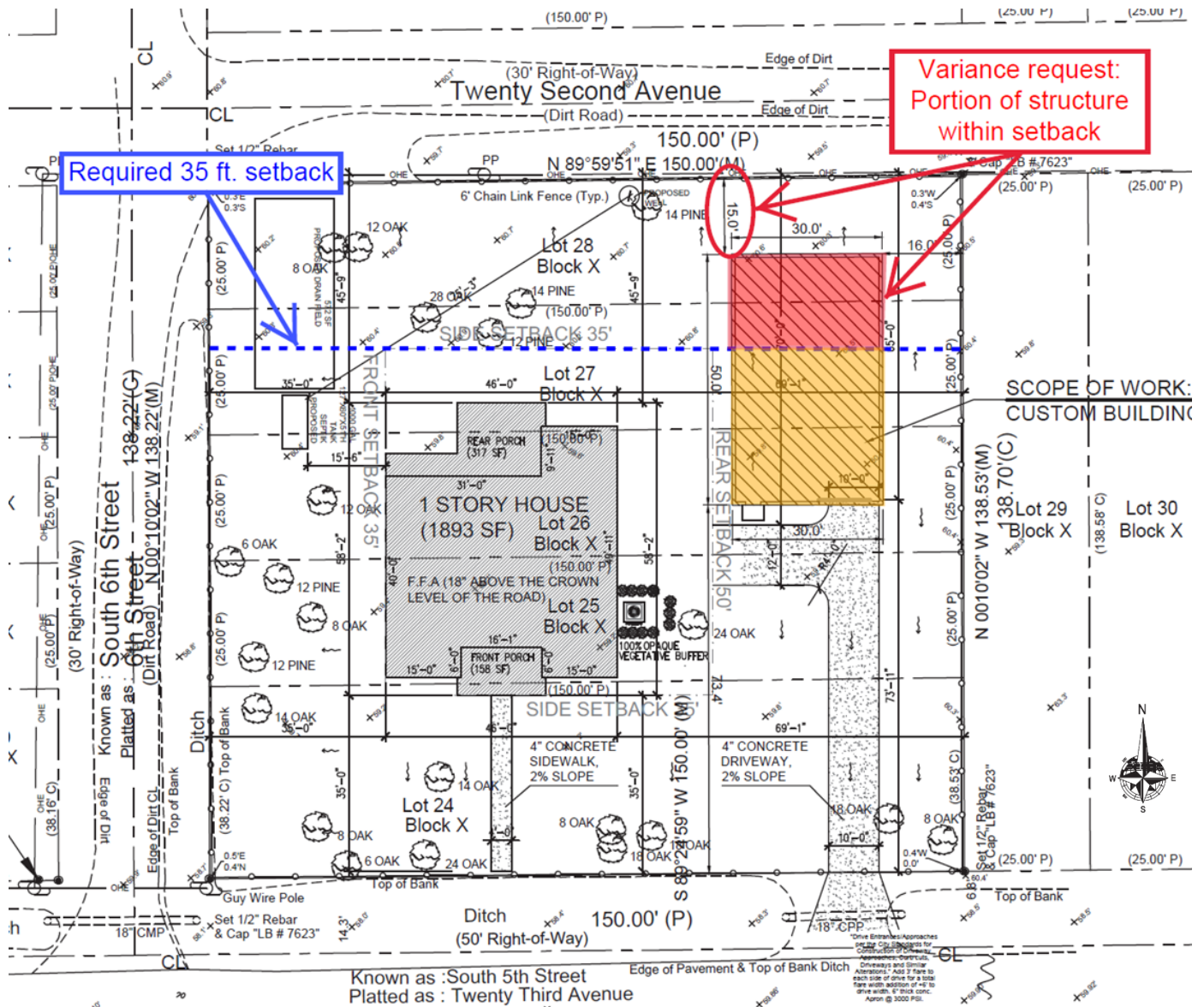
ZONING MAP



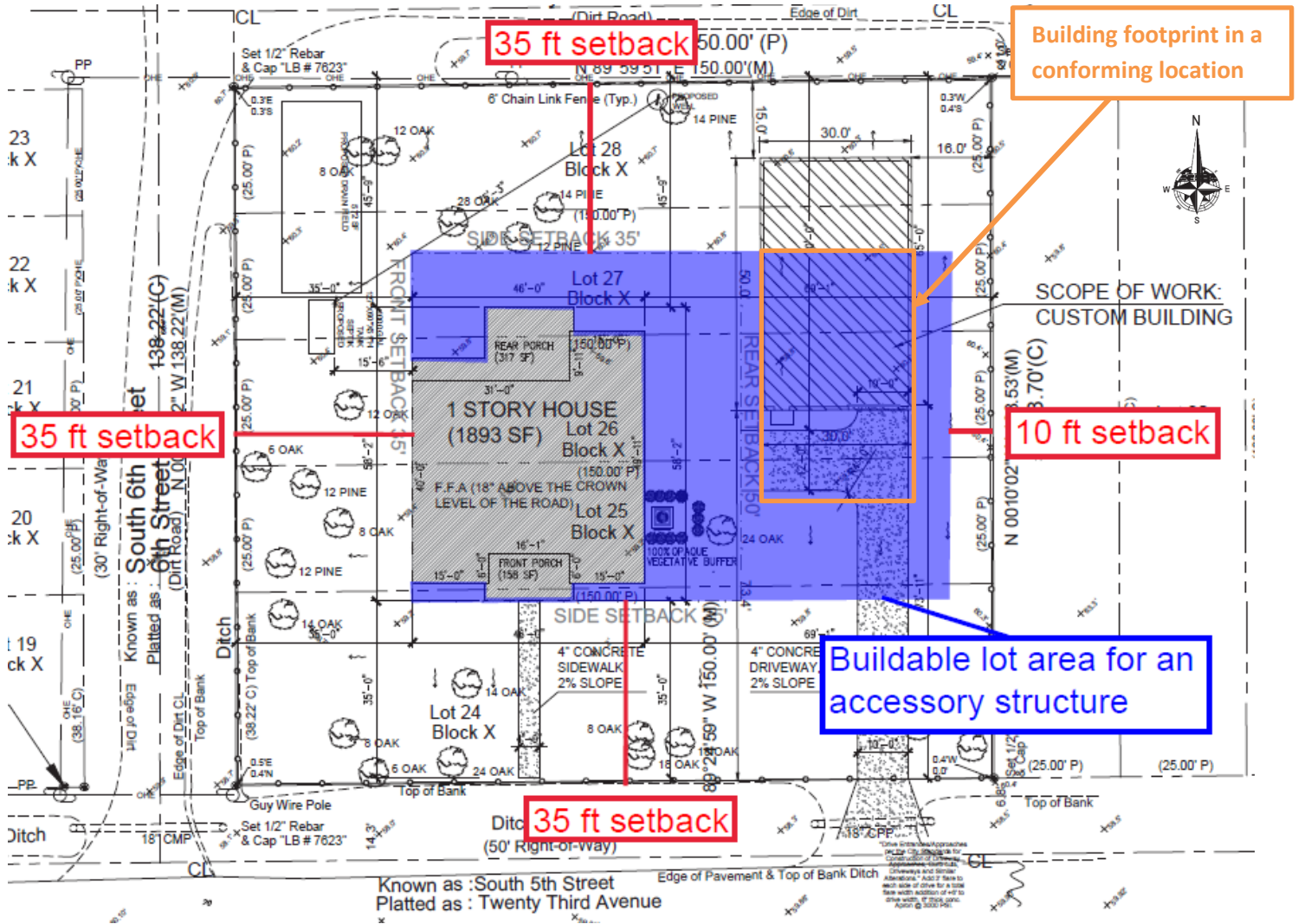
AERIAL MAP



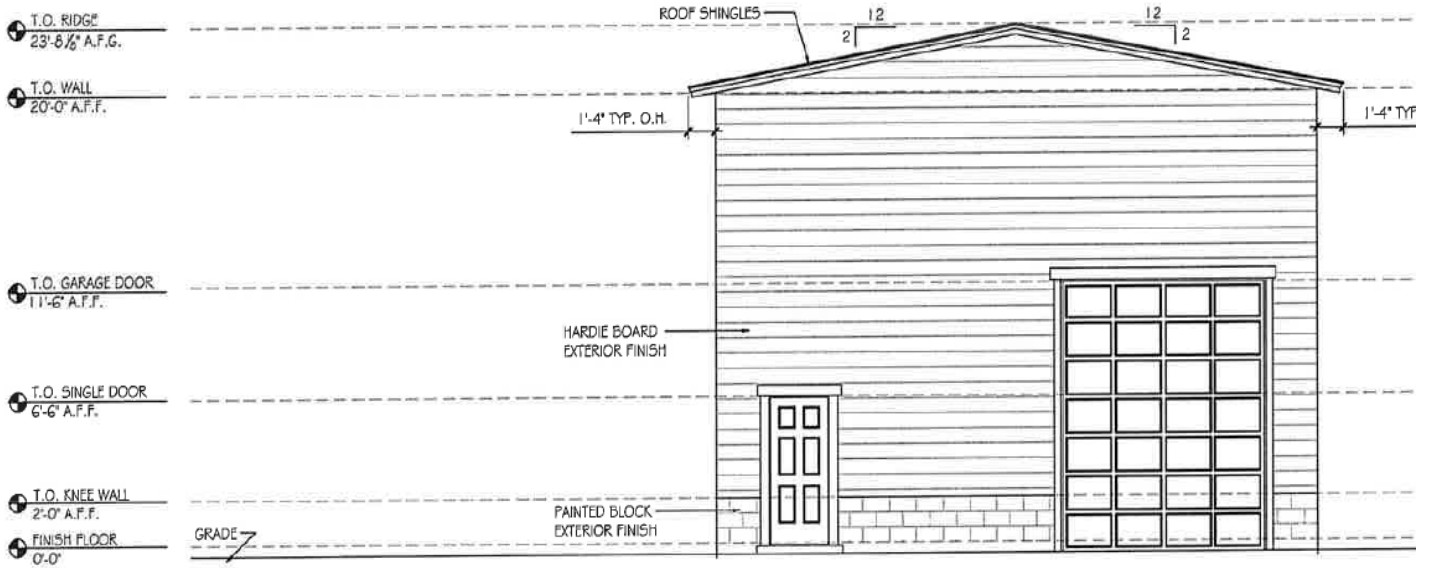
SITE PLAN



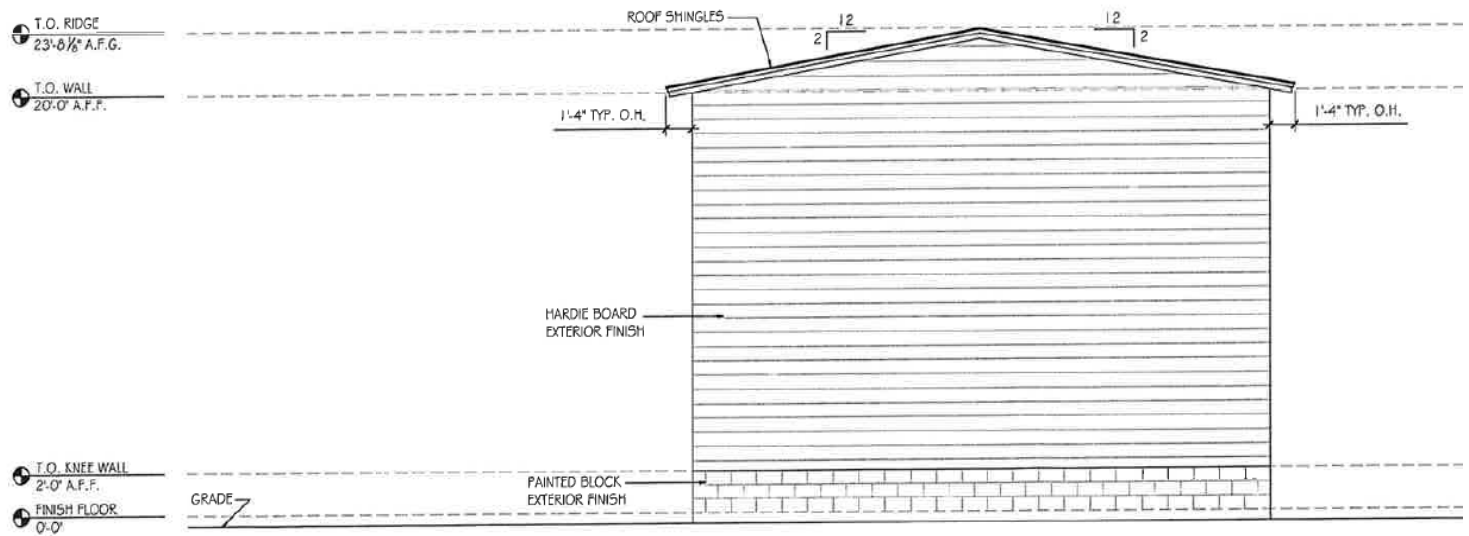
SITE PLAN – BUILDABLE AREA FOR ACCESSORY STRUCTURES



ELEVATIONS

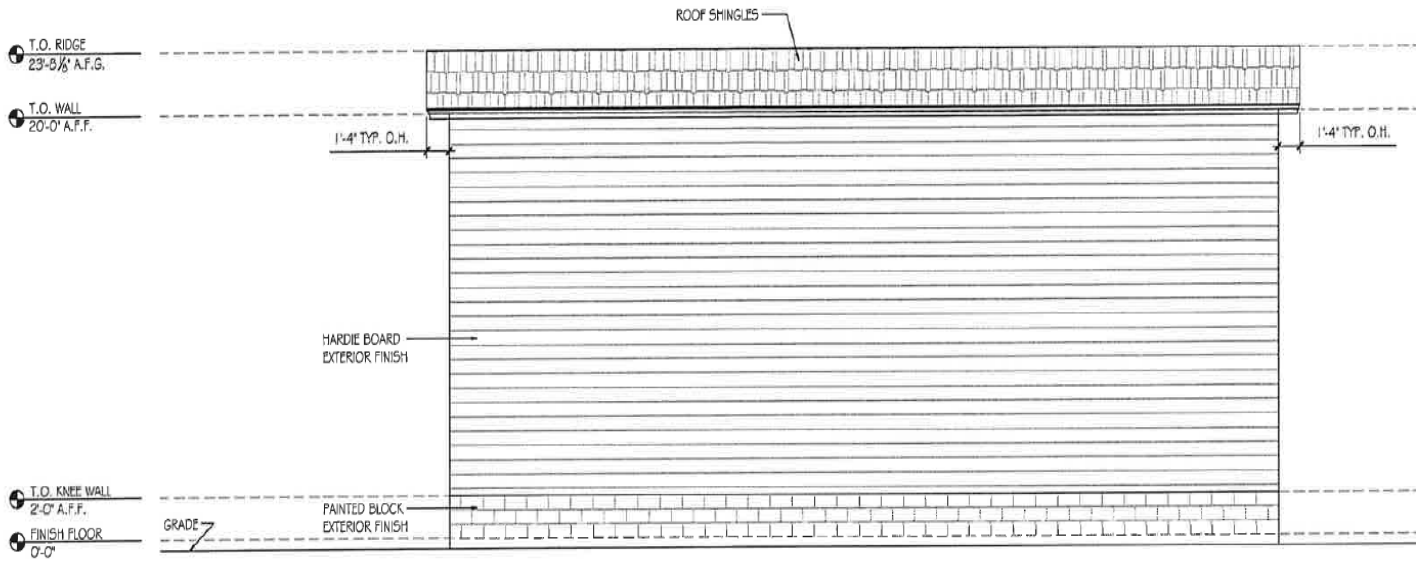


South elevation (front) – Facing 23rd Ave.

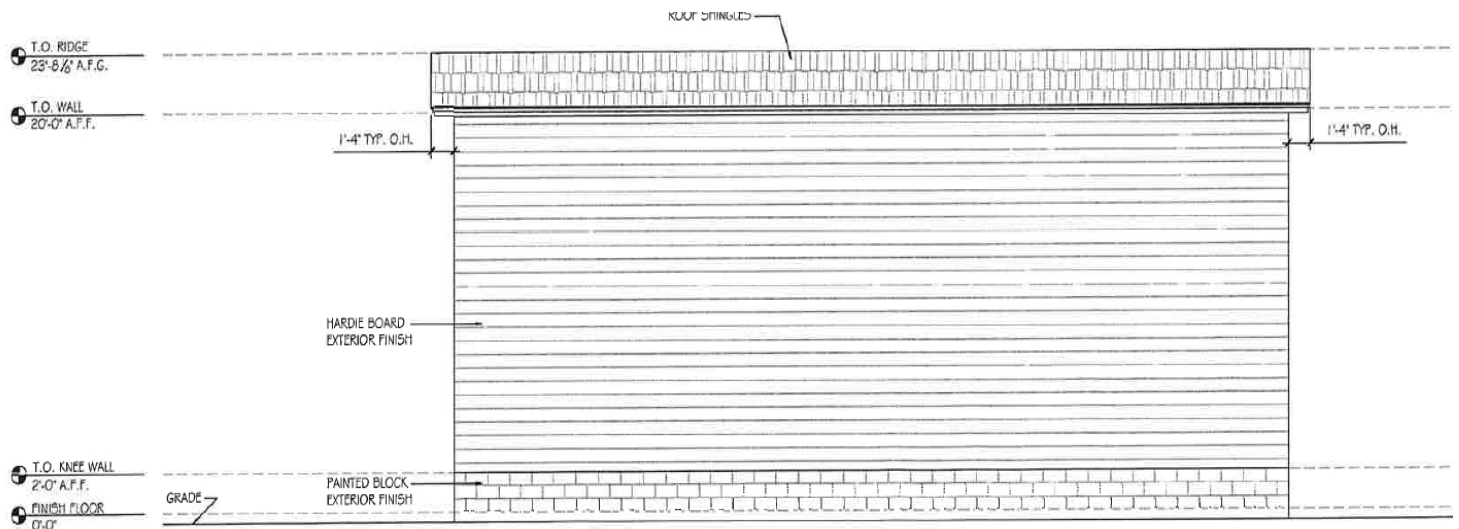


North elevation (rear) – Facing 22nd Ave.

ELEVATIONS



West elevation (side)



East Elevation (side)

SITE PHOTOS



Facing north from 23rd Ave. towards the subject property



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

SITE PHOTOS



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



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

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 06, 2025**

Commission District: **#1**

Case #: **VA-25-11-069**

Case Planner: **Adriana Morales (407) 836-9643**
Adriana.MoralesPizarro@ocfl.net

GENERAL INFORMATION

APPLICANT(s): CARL WEIRICH

OWNER(s): ANDRE MARTINS, SILVANA MARTINS

REQUEST: Variance in the R-CE zoning district to allow ground-mounted solar panels to be located in the front yard in lieu of the side or rear yard.

PROPERTY LOCATION: 9132 Kilgore Rd, Orlando FL 32836, west side of Kilgore Rd., east side of Lake Sheen, north of Winter Garden Vineland Rd., south of Conroy Windermere Rd.

PARCEL ID: 04-24-28-0000-00-062

LOT SIZE: +/- 5.88 acres

NOTICE AREA: 1,000 ft.

NUMBER OF NOTICES: 89

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

1. Development shall be in accordance with the site plan and solar array detail date stamped October 9, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

Variance. Staff noted that no comments were received in favor and no comments were received in opposition to the request.

The applicant was present and agreed with staff’s recommendation. The applicant did not provide additional comments and was available for questions.

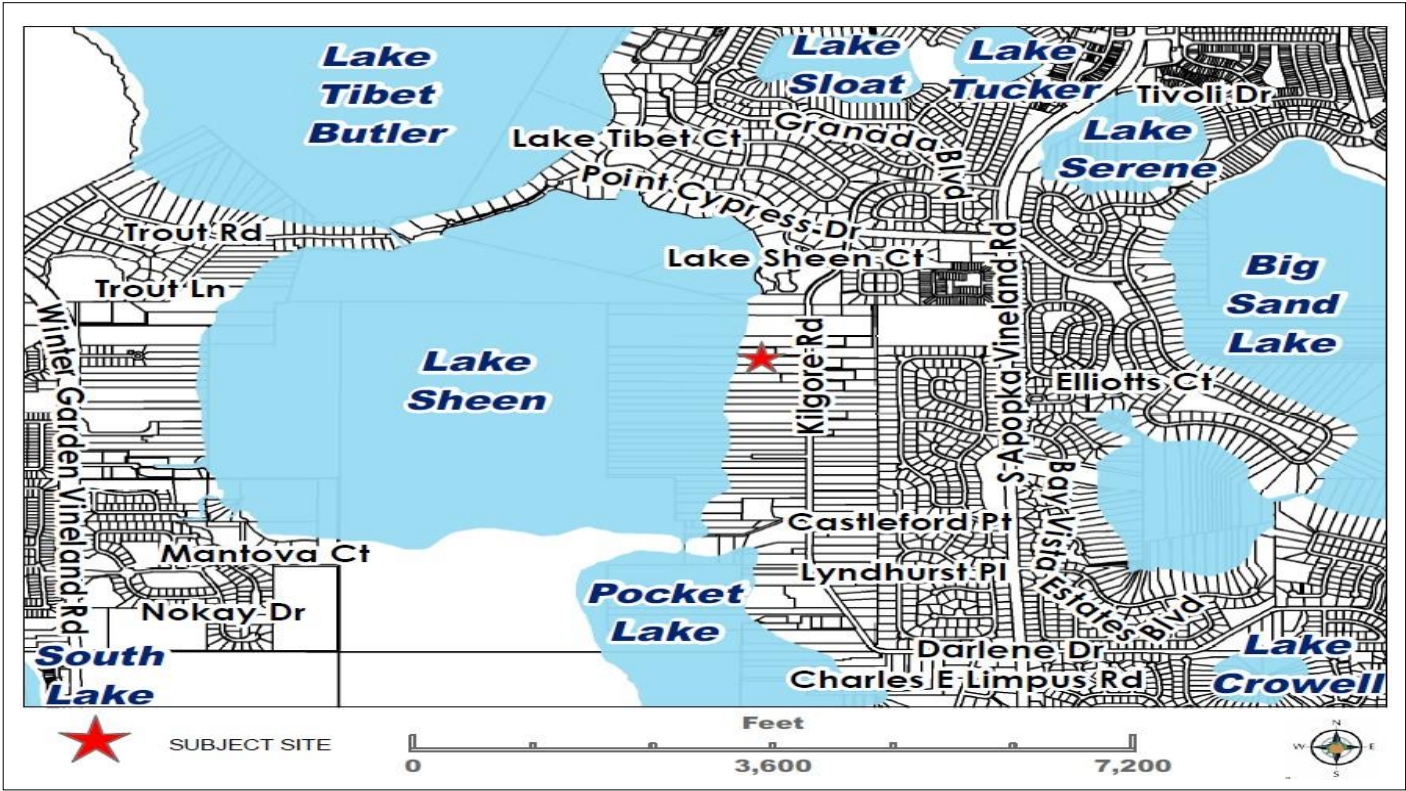
The BZA emphasized the applicant’s lack of options without the requested Variance and agreed with staff’s recommendation.

The BZA recommended approval of the Variance as requested by a 6-0 vote with one absent, subject to the three 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-CE	R-CE	R-CE	R-CE	R-CE
Future Land Use	LDR/R	R	R	LDR	Water Body
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Lake Sheen

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-CE, Rural Country Estate district, which allows for single-family development on one (1) acre lots and certain agricultural uses. The Future Land Use is Rural (R) which is consistent with the R-CE zoning district, and Low Density Residential (LDR) which is inconsistent with the zoning district. However, per FLU 8.2.5.1, a rezoning was not required since single-family residential uses are permitted within all zoning districts consistent with the LDR district.

The area around the subject site consists of single-family homes, many of which are lakefront. The subject property is a 5.88-acre unplatted parcel and is considered to be a substandard lot due to the lot width. The property was purchased by the current owner in 2024, and is developed with a 1-story, 6,303 sq. ft. single-family home. The home was originally constructed in 1987 (B86032974), with an expansion completed in 2005 (B03017757), which included a new pool and pool deck at the rear (B04000782).

The proposal is to install 2 ground-mounted solar panel arrays (26'x55') on either side of the entrance drive at the front of the lot. Section 38-79(83) states that solar panels may be permitted as an accessory structure or use and may be either free-standing, ground-mounted, or roof-mounted. Free-standing or ground-mounted solar panels are allowed to be a maximum height of 8 ft. and shall be located only in a side or rear yard. The proposed ground-mounted solar panels are in the front yard, requiring the Variance request. The proposed solar panels will meet all other requirements of Code.

The request was routed to all the reviewing divisions and no objections were provided. As of the date of this report, no comments or letters have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Staff has determined that the Variance meets all the criteria for a recommendation of approval since there is no space for ground-mounted solar panels in the rear or side yards of the property.

Setbacks/Height (Ground-Mounted Solar Panels)

	Code Requirement	Proposed
Front setback:	Not located within the front yard; 35 ft. when applicable	+/- 50 ft. (East) - Variance request
Rear setback:	5 ft.	N/A
Side setback:	5 ft.	10.7 ft. (North) 14.1 ft. (South)
Height:	8 ft.	7.6 ft.

Development Standards (Subject Property)

	Minimum Code Requirement	Existing
Lot Width:	130 ft.	129.40 ft.
Lot Size:	2 acres	5.88 acres

VARIANCE CRITERIA**Special Conditions and Circumstances**

MET – There are special conditions and circumstances peculiar to this property as this is a lakefront lot with limited rear yard space. The house occupies the width of the lot, which also limits the available space in the side yards. The 5-acre front yard is the only developable space within the lot.

Not Self-Created

MET – The need for the variance is not self-created since there is no other option for placement of the solar panels.

No Special Privilege Conferred

MET – Granting the variance as requested would not confer special privilege as other lakefront properties have similar primary structure placement that creates large front yards and limited backyard areas.

Deprivation of Rights

MET – If the Variance is not granted, the owners would be deprived of the ability to install ground-mounted solar panels on their property.

Minimum Possible Variance

MET – The request is the minimum possible to allow ground mounted solar panels.

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 solar panels will not be significantly visible from any of the surrounding properties due to the wall around the property, the proposed screening fence, and the landscape buffer. The solar panels will be setback from the front property line by +/- 50 ft., which is greater than what is required for a principal structure in that zoning district, thereby limiting any quantifiable negative impact to surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and solar array detail date stamped October 9, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Carl Weirich
541 Teacup Springs Ct.
Winter Garden, FL 34787

Alex Miller
5998 Westgate Dr. #201
Orlando, FL 32835

SOLAR-RAY INC.

6007. ANNO AVE.
ORLANDO, FL 32809

September 4, 2025

Orange County Building Department
201 Rosiland Avenue
Orlando, FL 32801

RE: Property Variance

To The Board of Zoning Adjustment:

This is a request for a zoning variance for the property at 9232 Kilgore Rd, Orlando, FL 32836. To build a ground mounted solar system, installed at the East entrance of the property on both sides of the driveway. It's purpose is to offset the considerable electric usage of the large lakeside home, already completed, on the west end of the property.

As the home is lakeside there is no room on the back (lakeside) or the sides of the home to construct a solar array as the gross home structure occupies the width of the space. As the property is a long narrow 5.88 acres of land, the only place available for solar use is in the area above the high water marks and septic fields at the East entrance of the property.

This location violates the location zoning code of Orange County Building Department and thus this request is for a variance from that code. The project shall include fencing and vegetation to conceal most of the array from public view and to comply with the remaining zoning requirements.

Because of the length and width of the property is unusual, the "front yard" is some five acres of unusable land except for lawn and vegetation. Building anything there would require a variance of some kind to utilize and make use of the property.

We request a granting of a location variance from the Board to allow the project to go forward to the benefit of the owners.

Thank you,



Carl Weirich - Contractor for the owner 407.680.9587

407.443.4404

WWW.SOLAR-RAY.NET

solararray@solar-ray.net

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.

Because of the narrow property widths in this area, once a home is constructed the sides and back of the home eliminate the space needed for construction of solar attributes. Being a lake front home only the front on the properties provide area to construct solar systems and the roof is too small and complicated to be of value.

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.

No special conditions or circumstances are a result from the actions of the applicant.

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

No special privileges are conferred on this applicant that are denied by this Chapter to other lands of this zoning district. Nearby property has a similar variance granted.

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 provisions contained in this Chapter would deprive this applicant of rights enjoyed by other properties in the same zoning district.

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

This variance approval will minimize the impact to the zoning district with certain camouflage features to reduce the visual impact to other residents in this area.

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.

Project shall be designed to harmonize the area of construction and not be injurious to the neighborhood or be detrimental to the public welfare.

SOLAR-RAY INC.

6007. ANNO AVE.
ORLANDO, FL 32809

Orange County Building Department
201 Rosiland Avenue
Orlando, FL 32801

RE: Property Variance - 9232 Kilgore Rd, Orlando, FL 32836

To The Board of Zoning Adjustment:

10.12.2025

This letter is an overview of placing solar modules on the home owners' roof or on the proposed ground mount. The value of any photovoltaic solar installation is the production of kWh for the home's electrical requirements. If generation can match most of the yearly consumption of the building, then it's considered a worthwhile investment.

The roof of this home offers a small percent of value location for solar modules. The South facing roofs offer the most value for solar modules as they produce energy from sunrise to sunset. The East and West roof production is reduced by 30% as sunlight is cut off as the sun passes to the other side of the home. The North roofs have a reduction in performance of 70-80% as little sunlight is directed to the North roof most of the year.

The roof North facing sections marked XXX (see attachment) offer the least production values. The two roof sections on the South side (also marked XXX) should produce well but cannot as trees line the South property and cause shading which interferes dramatically with energy production. Roof sections mark with E (East) offer limited production values while the roof sections marked W (West) are similar limited production but are too small to provide module locations.

Altogether, South availability is limited and East and West never will produce adequate production value for this home. The requested ground mounted solar module location will allow 100% of the modules to be mounted due South allowing maximum energy production. Also, production of energy is enhanced as ground mounted module produce more energy than roof mounted modules as accumulated heat is dissipated from the array more efficiently.

In summary, a ground mounted solar system offers far greater value than a roof mounted system for this owner. Making it worth the investment whereas, a roof mount solar system for this home cannot be considered a viable investment and would not be proposed to the owner.

Carl Weirich - Contractor for the owner 407.680.9587

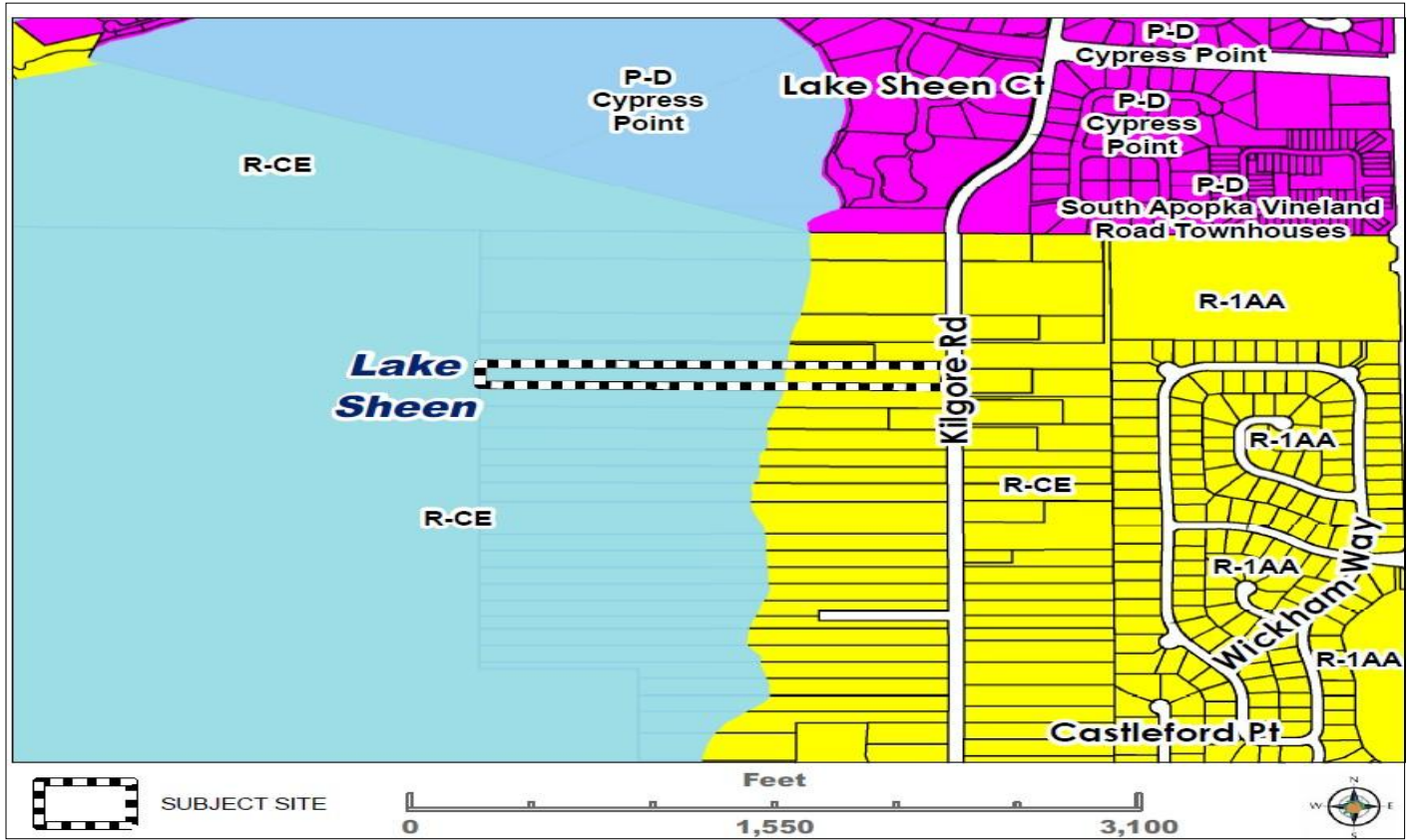
407.443.4404

WWW.SOLAR-RAY.NET

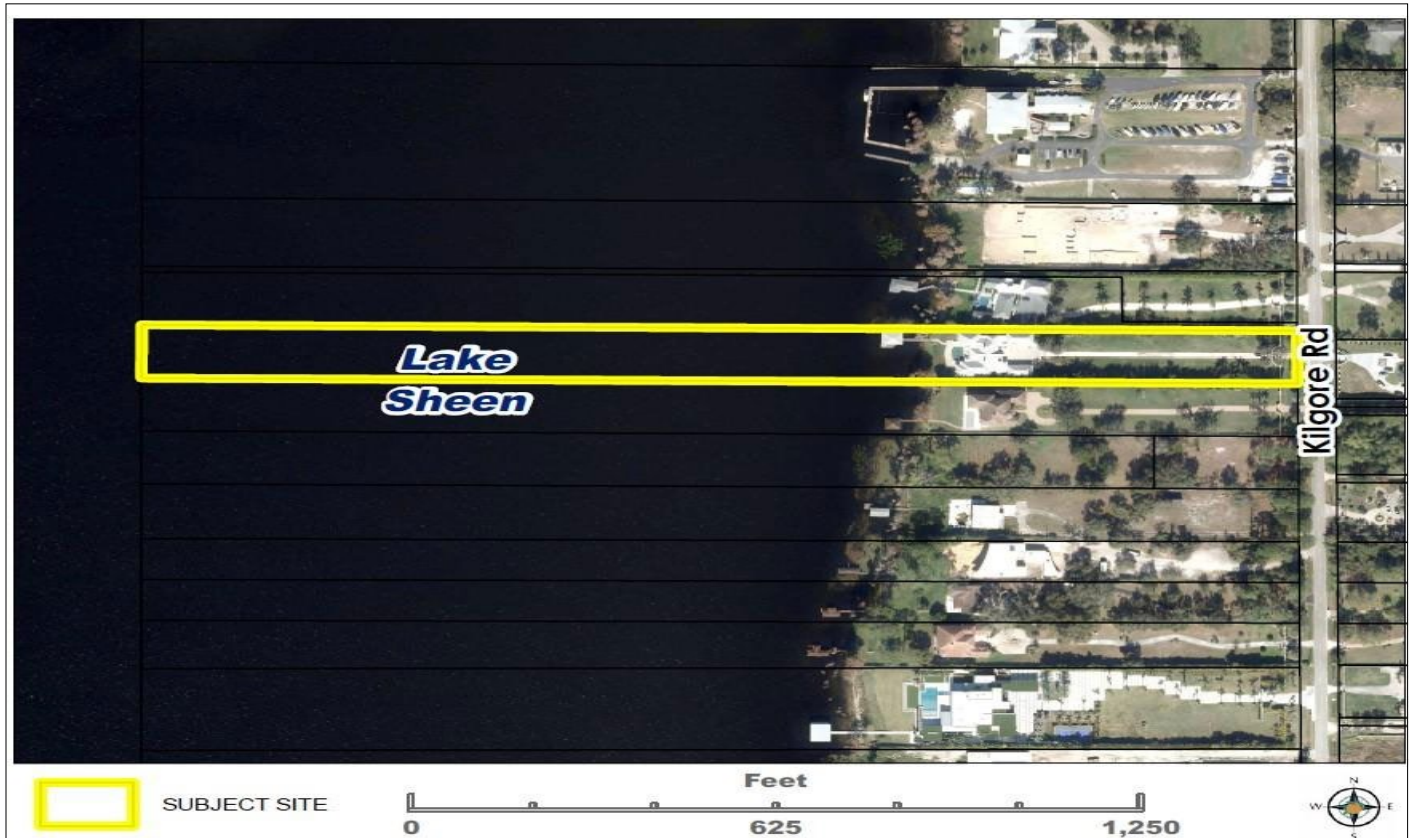
solararray@solar-ray.net



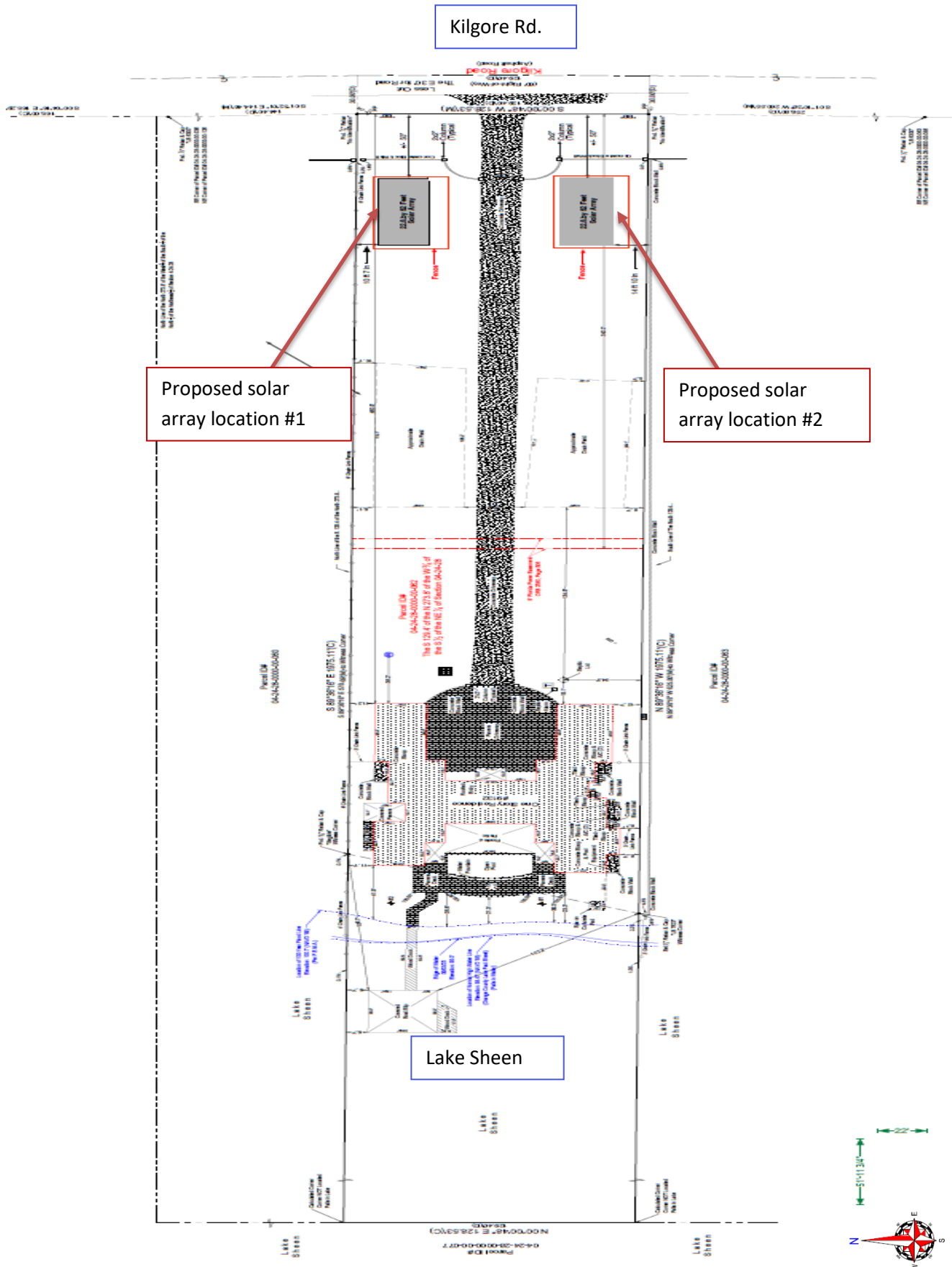
ZONING MAP



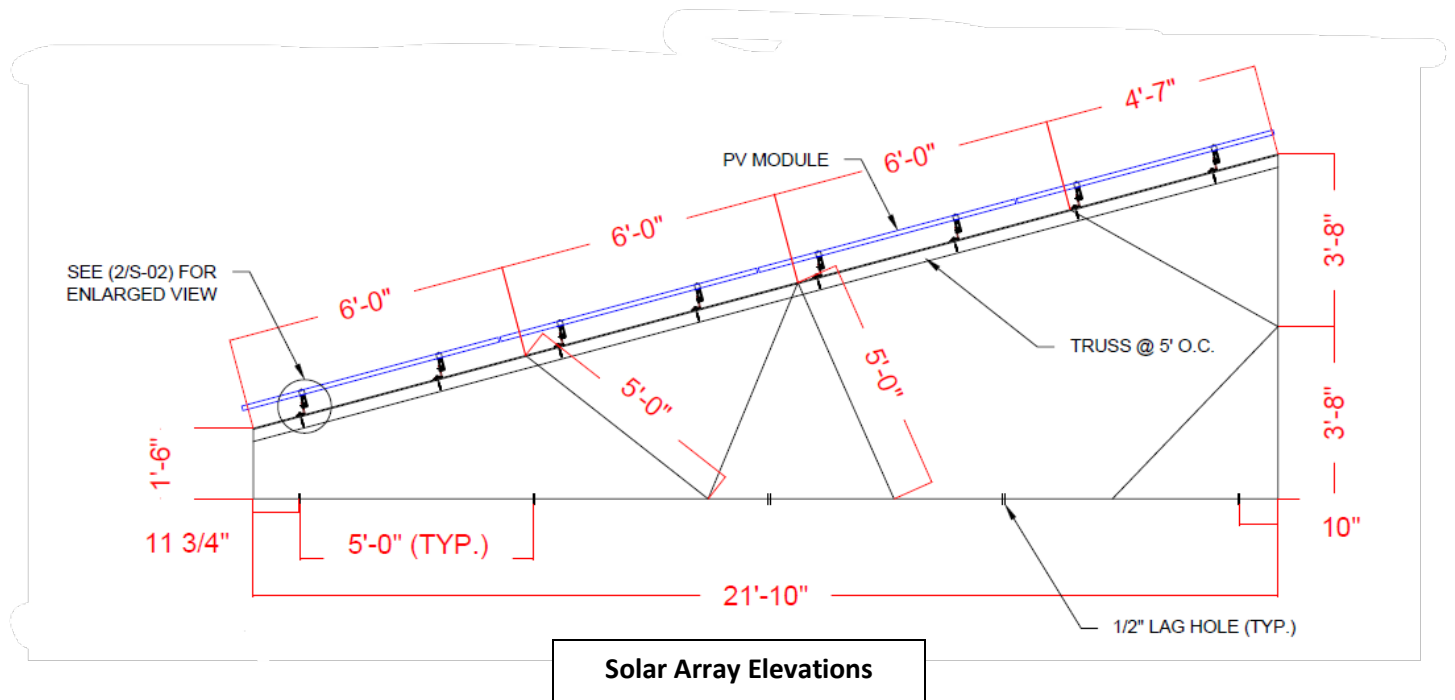
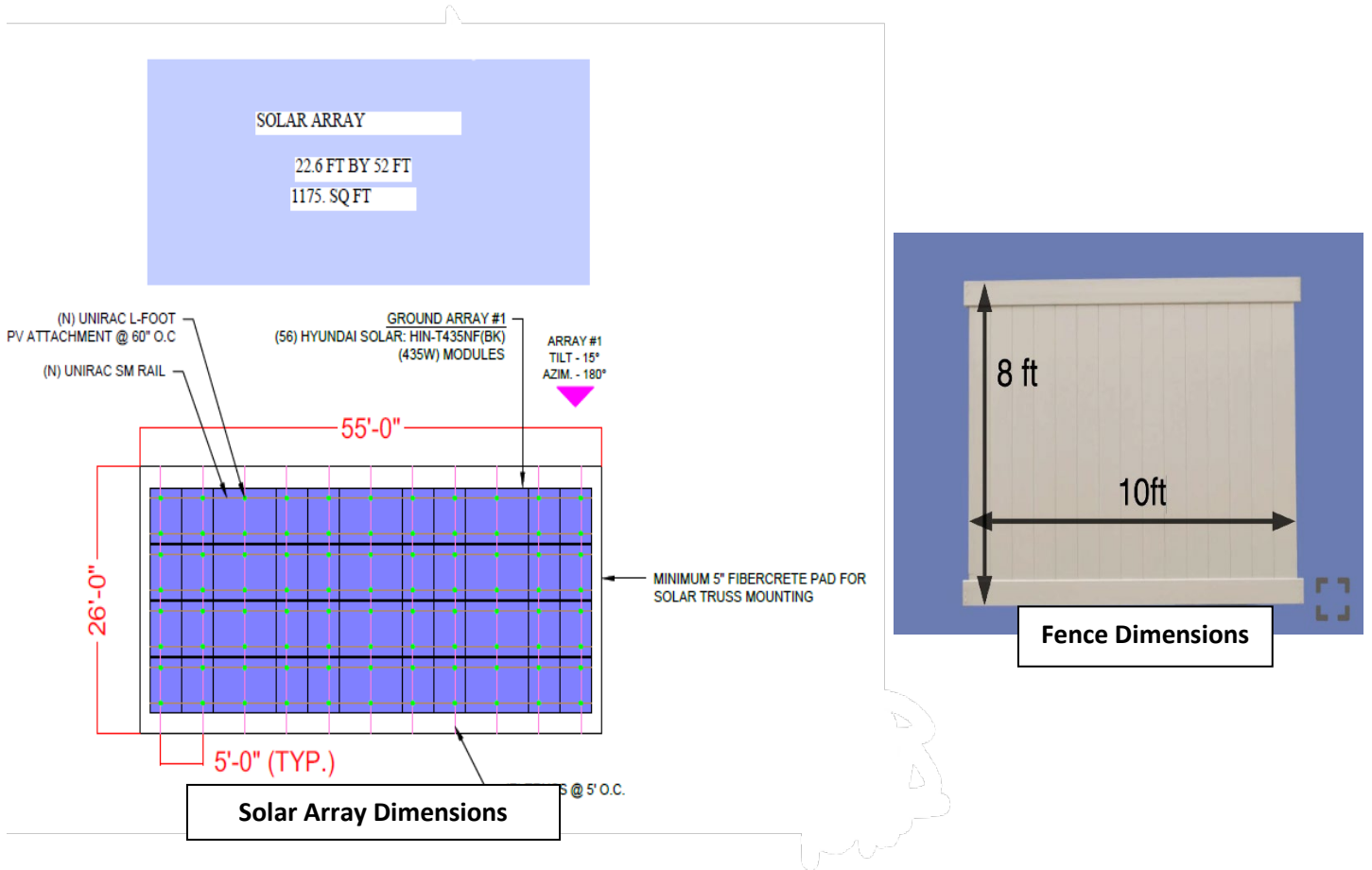
AERIAL MAP



SITE PLAN



SOLAR ARRAY DETAILS



SITE PHOTOS



Subject property, facing west from Kilgore Rd.



Front yard, facing east towards Kilgore Rd. from driveway

SITE PHOTOS



Front yard, facing west towards the existing residence



Facing west towards existing residence from driveway

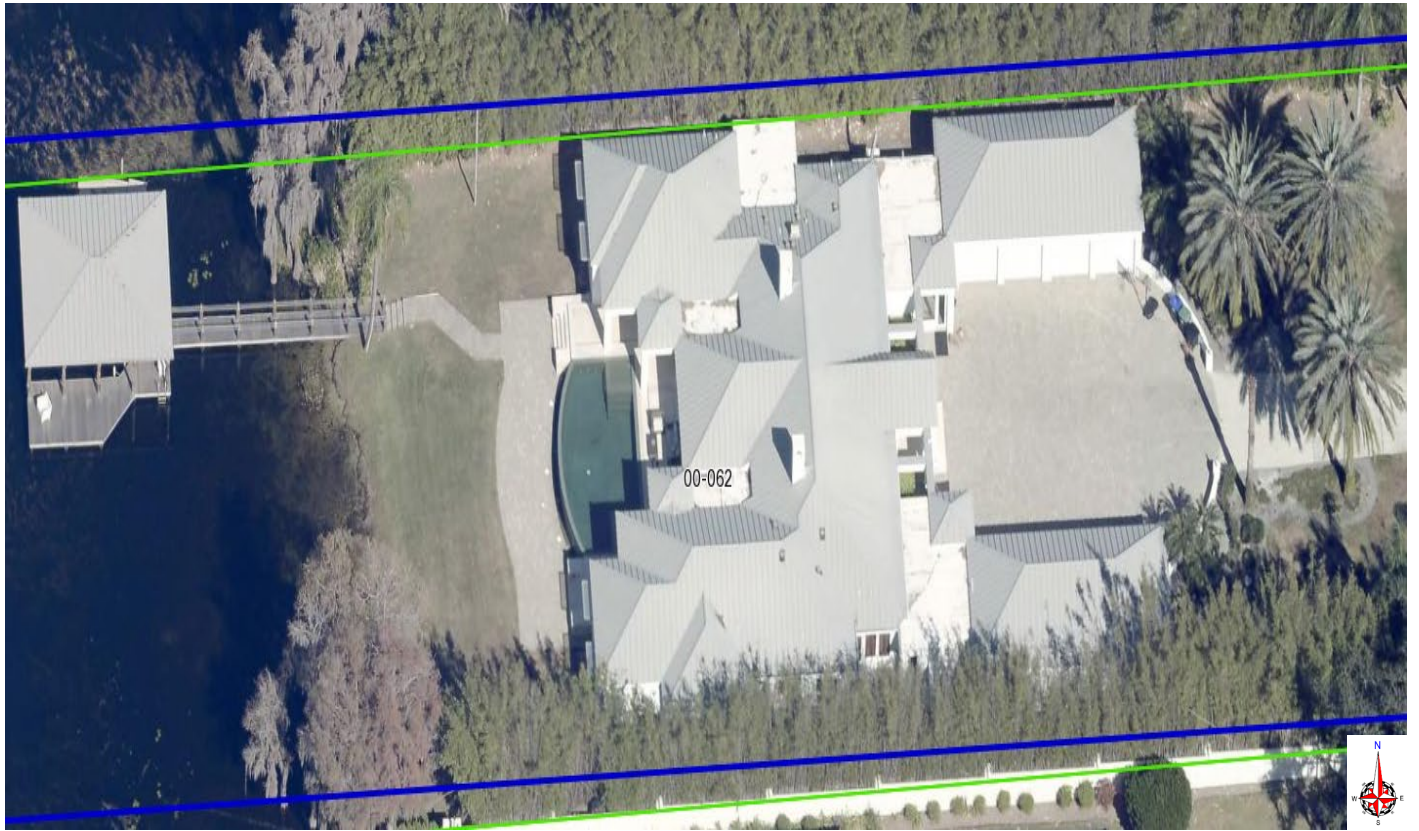
SITE PHOTOS



Front yard, facing north towards proposed solar array location #1



Front yard, facing south towards proposed solar array location #2



Birdseye view of rear and side yards

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 06, 2025**

Commission District: **#6**

Case #: **VA-25-11-057**

Case Planner: **Michelle Corretjer (407) 836-5592**
Michelle Corretjer-Colon@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MATTHEW APELL

OWNER(s): EMILY EIKE

REQUEST: Variance in the R-1 zoning district to allow an addition to a residence with a rear setback of ~~20.1~~* ft. in lieu of 25 ft.

**Advertised incorrectly as 20.1 ft. instead of 20.3 ft.*

PROPERTY LOCATION: 635 Rosegate Ln., east side of Rosegate Ln., north of Wilkening Farm Rd., south of Old Winter Garden Rd., east of Woodlawn Cemetery Rd, and west of S. Apopka Vineland Rd.

PARCEL ID: 34-22-28-4722-00-250

LOT SIZE: +/- 10,852 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 118

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

1. Development shall be in accordance with the site plan and elevations date stamped October 9, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a permit for the addition, a permit shall be obtained for the shed, covered patio, and concrete slab, or they shall be removed.

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

The applicant was present and available to answer questions. He explained that the proposed location was the only feasible spot for the expansion without creating issues with life safety entrances and exits. He also informed the BZA that the space would be used as a home office.

There was one individual in attendance to speak in favor of the request. They stated that the board should approve the request as the applicant stated there was an individual living in the home that was differently abled and reasonable accommodation should be made. There was no one in attendance to speak in opposition to the request.

The BZA emphasized the applicant's limited options without the requested Variance, acknowledged the applicant's reasoning, and agreed that the proposal was appropriate.

The BZA recommended approval of the Variance by a 6-0 vote, with one member absent subject to the four conditions found in the staff report with a modification to condition of approval #4 as follows:

4. Prior to the issuance of a permit for the addition, a permit shall be obtained for the shed, covered patio, and concrete slab, or they shall be removed.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area around the subject site consists of single-family homes. The subject property is approximately 10,852 sq. ft. in size, was platted in 1984 as lot 25 of the Lake Rose Pointe Plat and is considered a conforming lot. The property is an internal lot with right-of-way along Rosegate Lane to the west. There is a 10 ft. wide utility easement that runs along the rear property line. The property is developed with a one-story 2,635 gross sq. ft. single-family residence, constructed in 1985, a shed located in the rear yard, attached covered patio, pavers, and a 6 ft. tall white vinyl privacy fence. No permits were found for the existing shed, pavers, and covered patio. Permits will need to be obtained for those improvements, as identified by Condition of Approval #4. It should be noted that the existing shed is located within the 10 ft. utility easement, so that

easement will need to be vacated or the shed relocated before a permit could be issued. The current owner purchased the property in June of 2011.

Proposed is a 289 sq. ft. addition to the rear of the existing residence. The proposed addition is for a home office, connected through the existing kitchen. The original addition was proposed to be located 20.1 ft. from the rear property line, prompting the Variance request. The applicant submitted a revised site plan stamped on October 9, 2025, modifying the rear setback from 20.1 ft. to 20.3 ft. as shown in the staff report. The cover letter states that the addition will result in an encroachment of 7.4 ft. into the rear setback, however, the actual encroachment will be 4.7 ft. as depicted on the revised site plan. The 10 ft. wide utility easement is not affected by the Variance request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	15.67 ft.
Min. Lot Width:	50 ft.	90 ft.
Min. Lot Size:	5,000 sq. ft.	10,852 sq. ft.

Building Setbacks (Addition)

	Code Requirement	Proposed
Front:	20 ft.	N/A
Side:	6 ft.	17.3 ft. (North) 13.1 ft. (South)
Rear:	25 ft.	20.3 ft. (East – Variance)

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Staff has determined that while the Variance request meets some of the criteria, it does not meet all the criteria. Based on staff analysis, while the request would be in harmony with the purpose and intent of the Zoning Regulations, alternative options exist to eliminate the request as the property owner could construct a smaller addition in the same location without a Variance. Therefore, staff is recommending denial of the Variance request.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET - There are no special conditions or circumstances peculiar to this property, as the lot is of similar size and configuration as the surrounding properties, and it meets the minimum lot standards for the R-1 district.

Not Self-Created

NOT MET- The requested variance is self-created, as there are other options to redesign or reduce the footprint of the addition to lessen the request or meet code, thereby eliminating the need for the proposed Variance.

No Special Privilege Conferred

NOT MET- Due to the location of the existing structure, granting the requested Variance will confer special privilege as no other nearby property has been developed with similar structures.

Deprivation of Rights

NOT MET- The applicant is not being deprived of constructing an addition that meets code by reducing the footprint or modifying the design.

Minimum Possible Variance

NOT MET- The Variance request is not the minimum since there are alternatives to lessen or eliminate the request.

Purpose and Intent

MET – Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The proposed addition will be at the rear of the house and will not be significantly visible from the neighboring residential properties due to a 6 ft. high vinyl fence along the rear and north side property line.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped October 9, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a permit for the addition, a permit shall be obtained for the shed, covered patio, and pavers, or they shall be removed.

C: Matthew Apell
147 Parliament Loop #1001
Lake Mary, FL 32746

**XTREME ROOFING
& CONSTRUCTION**

XRC, LLC dba Xtreme Roofing & Construction
147 Parliament Loop, Suite 1001, Lake Mary, FL 32746

August 14, 2025

Orange County Zoning Division
201 Rosalind Avenue, 1st Floor
Orlando, Florida 32802

RE: 635 Rosegate Lane
Orlando, Florida 32835

Home Office Addition to encroach easement

TO WHOM IT MAY CONCERN:

Proposed Scope of Work: The addition will be constructed in accordance with the current Florida Building Code and Architectural Plans. The primary purpose of the addition is to serve as a home office 18' x 13' and height of 8' with a total of 234 square feet.

The existing concrete slab will be demolished and replaced with a new concrete foundation that will be integrated with the existing home foundation. Electrical work will include installation of three wall outlets and one ceiling fan. Interior walls will be insulated and will be covered with drywall. Three builder-grade windows and one builder-grade exterior door will be installed. The roof will be designed with a low slope and the space will be fitted with a mini split system.

The current rear set back is 25'. We are requesting an encroachment of 7' 4"

Thank you,

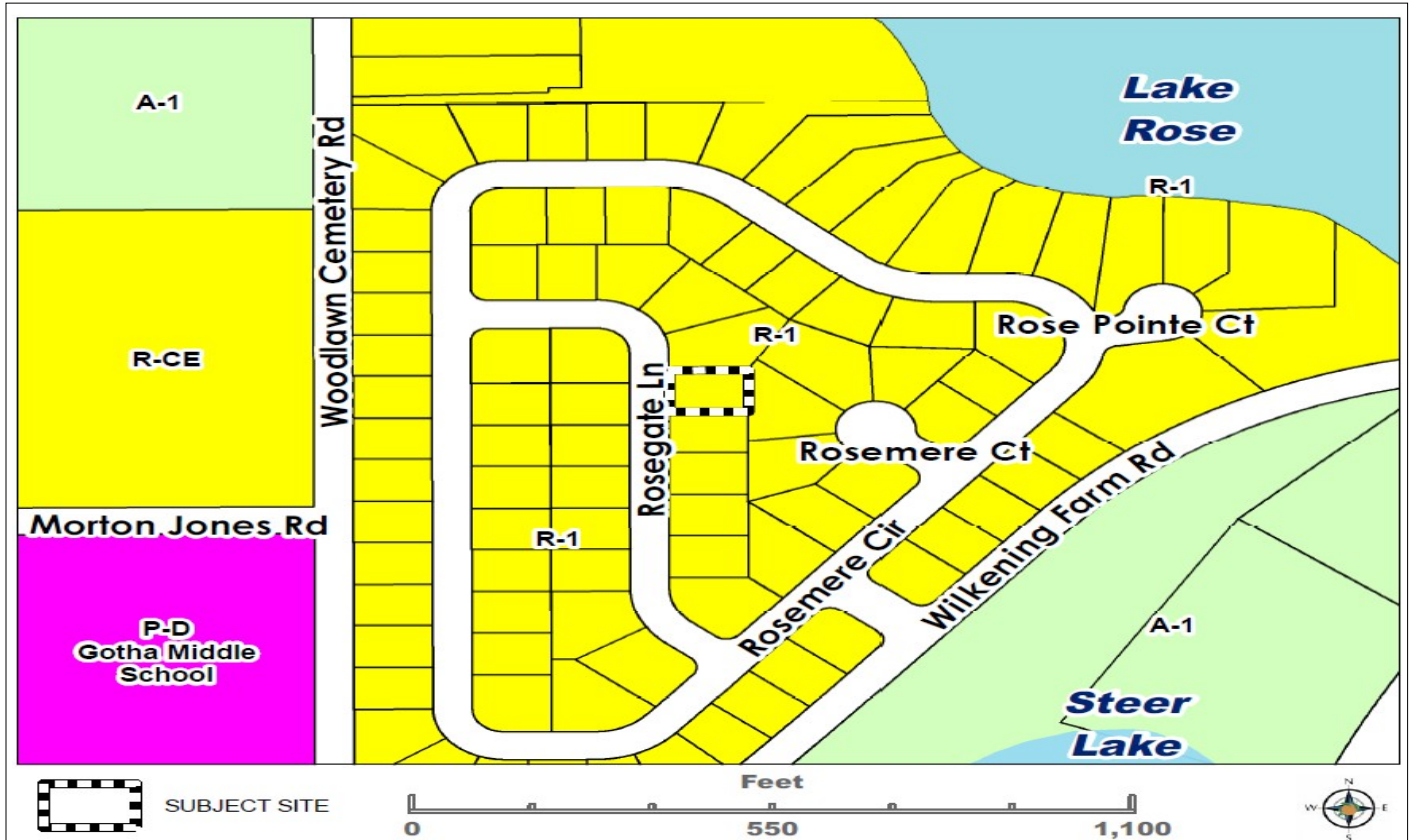


Mathew Appell, MGR

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 special conditions and circumstances associated with this property are not the result of any action taken by the applicant. The hardship arises from the existing location of a recorded easement at the rear of the property. This easement, combined with the layout of the existing home, limits reasonable options for adding a small office space without encroachment. The requested variance will allow the addition to be placed in a manner consistent with the use and enjoyment of the property while maintaining compliance with all other applicable zoning requirements to the greatest extent possible.
2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.
The hardship results solely from the easement and lot layout, not from any action by the applicant. Special conditions and circumstances exist with this property that are peculiar to the land and structure involved. The location of the recorded easement at the rear of the property, combined with the placement of the existing home, limits available space for an office addition without encroaching into that easement area.
3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.
Approval of this variance will not grant any special privilege unavailable to other properties in the same zoning district. It is based solely on the unique site constraints of the rear easement and existing home placement, allowing reasonable use consistent with permitted uses.
4. **Deprivation of Rights** - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.
Strict application of the zoning provisions would prevent the addition of an office space—a use commonly enjoyed by other properties in the same district—and would impose an unnecessary hardship due to the unique rear easement and existing home placement. This request is unrelated to financial gain, business competition, or development intent in violation of the code.
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.
The requested variance is the smallest necessary to allow reasonable use of the property while accommodating the existing easement and home placement. The design minimizes encroachment and preserves compliance with all other zoning requirements.
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 variance will be in harmony with the intent of the zoning regulations. The office addition is designed to be aesthetically compatible and will not be injurious to the neighborhood or detrimental to the public welfare.

ZONING MAP



AERIAL MAP



SITE PLAN

FIELD WORK DATE: 9/26/2025

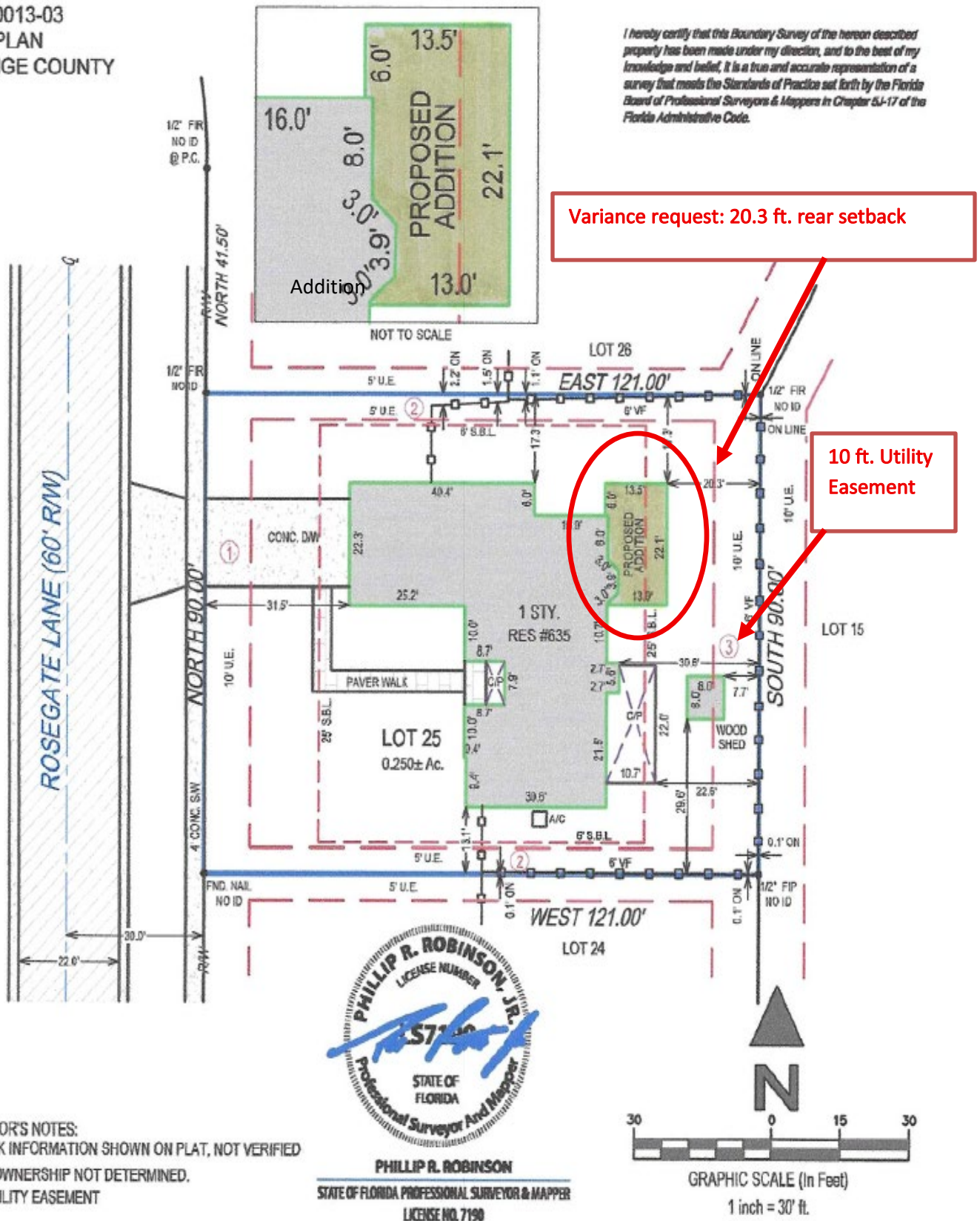
REVISION HISTORY: (REV.1 9/26/2025)

2504.0013-03
SITE PLAN
ORANGE COUNTY

I hereby certify that this Boundary Survey of the hereon described property has been made under my direction, and to the best of my knowledge and belief, it is a true and accurate representation of a survey that meets the Standards of Practice set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 5J-17 of the Florida Administrative Code.

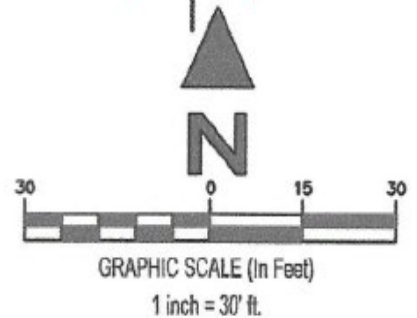
Variance request: 20.3 ft. rear setback

10 ft. Utility Easement



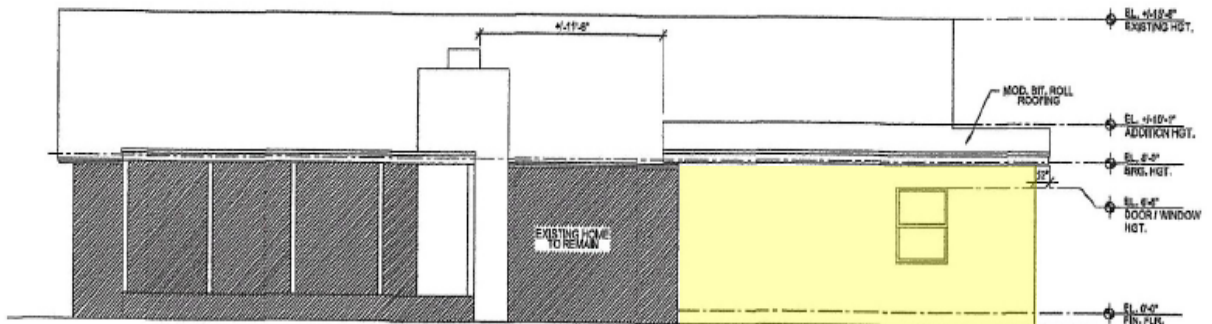
SURVEYOR'S NOTES:
SETBACK INFORMATION SHOWN ON PLAT, NOT VERIFIED
FENCE OWNERSHIP NOT DETERMINED.
U.E. - UTILITY EASEMENT

PHILLIP R. ROBINSON, J.R.
LICENSE NUMBER 57190
STATE OF FLORIDA
Professional Surveyor And Mapper
PHILLIP R. ROBINSON
STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER
LICENSE NO. 7190



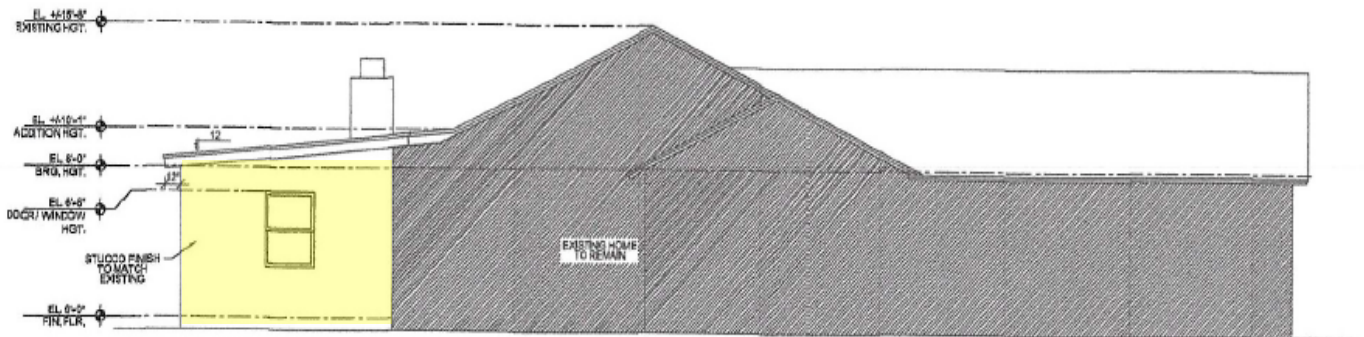
ELEVATIONS

ADDITION WILL NOT BE VISIBLE FROM FRONT / WEST ELEVATION VIEW



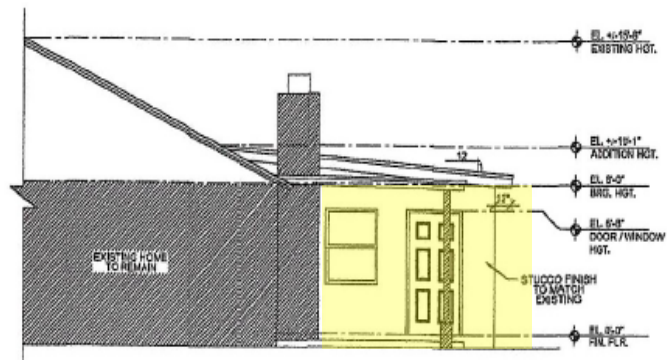
REAR / EAST ELEVATION

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



LEFT / NORTH ELEVATION

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



RIGHT / SOUTH ELEVATION

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

SITE PHOTOS



From Rosegate Ln., facing east towards existing home



Rear yard, facing west towards the existing structure and pavers

SITE PHOTOS



Rear yard, facing north towards the existing structure and measurement of proposed addition



Rear yard, facing south towards the existing structures

SITE PHOTOS



Rear yard facing west, towards existing residence and measurement of proposed addition

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 06, 2025**

Commission District: **#3**

Case #: **VA-25-11-065**

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

GENERAL INFORMATION

APPLICANT(s): CHRISTOPHER MATHIESON

OWNER(s): CHRISTOPHER MATHIESON

REQUEST: Variance in the R-1AA zoning district to allow a new residence with 611 sq. ft. of living area in lieu of a minimum of 1,200 sq. ft.

PROPERTY LOCATION: 3501 S. Westmoreland Dr., Orlando, FL 32805, east side of S. Westmoreland Dr., west side of Lake Holden, north of Holden Ave., east of S.R. 441, south of W. Michigan St., west of S. Orange Ave.

PARCEL ID: 11-23-29-9493-00-010

LOT SIZE: +/- 3.12 acres (+/- 1.08 upland acres)

NOTICE AREA: 500

NUMBER OF NOTICES: 108

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

1. Development shall be in accordance with the site plan and elevations date stamped 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.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff noted that two comments were received in favor and one correspondence was received in opposition

to the request. Staff provided an analysis of the six criteria and the reasons for the original recommendation of denial of the Variance. Staff noted that after the staff booklet was published, the applicant provided additional confidential medical documentation to support a reasonable accommodation under the Fair Housing Act, and therefore changed the recommendation to approval of the request.

The applicant was present and agreed with staff’s recommendation. The applicant did not provide additional comments and was available for questions.

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

The BZA recommended approval of the Variance as requested 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-1AA	R-1AA	R-1AA	R-1AA	R-1AA
Future Land Use	LDR	LDR	LDR	Water Body	LDR
Current Use	Vacant	Vacant	Vacant	Lake Holden	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area around the subject site consists of single-family homes and some vacant lots. The subject property is a vacant 3.12 acre lot, platted in 1986 as Lot 1 of the Wyndham Estates Plat. The property is a lakefront lot located on Lake Holden, with right-of-way frontage along S. Westmoreland Dr. to the west. A wetland determination (CAD-22-01-004) was obtained in 2022 which identified 2.04 acres of wetland on the subject property. There is an existing 10 ft. utility easement along both the north and south property lines. The subject lot contains 1.08 acres of upland/developable area.

The property is currently vacant and was purchased by the current owner in 2019. The proposal is to construct a one-story, 611 sq. ft. single-family home. Section 38-1501 of Orange County Code establishes the basic site and principal building requirements for all zoning districts. One of the development standards established by this section is a minimum living area of 1,200 sq. ft. in the R-1AA zoning district. The proposed living area is 611 sq. ft. where 1,200 is required, prompting the Variance request. The applicant's cover letter states the requested living area is 675 sq. ft., however, living area is defined as *the total air conditioned or heated floor area of all dwelling units measured to the interior surfaces of exterior walls, but excluding exterior halls and stairways*. As shown on the plans provided, the total square footage of the interior surfaces of exterior walls is 611 sq. ft. The proposed residence complies with all other zoning development standards.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13.75 ft.
Min. Lot Width:	85 ft.	85 ft.
Min. Lot Size:	10,000 sq. ft.	1.08 acres
Min. Living Area	1,200 sq. ft.	611 sq. ft. (Variance)

Building Setbacks

	Code Requirement	Proposed
Front:	30 ft.	133.8 ft. (West)
Side:	7.5 ft.	+/- 62.17 ft. (North) 7.5 ft. (South)
Rear:	35 ft.	+/- 1,117.3 ft. (East)
NHWE:	50 ft.	+/- 423.8 ft. (East)

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. While the Variance request meets some of the criteria, it does not meet all

the criteria. Based on staff's analysis the proposed residence could be redesigned to lessen or eliminate the Variance request. Therefore, staff is recommending denial.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET – There are no special conditions or circumstances specific to the land or proposed structure as the property provides adequate size to construct a residence in compliance with all development standards.

Not Self-Created

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

No Special Privilege Conferred

NOT MET - Granting the Variance would confer special privilege as the minimum living area requirement is the same for all properties in the R-1AA zoning districts.

Deprivation of Rights

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

Minimum Possible Variance

NOT MET – The requested Variance is not the minimum possible, as the house could be redesigned to meet the living area requirement.

Purpose and Intent

MET – Approval of the requested Variance would be in harmony with the purpose and intent of the zoning regulations as the Code encourages infill development. Granting the requested Variance will not be injurious to the neighborhood or detrimental to the public welfare as the residence meets all other performance standards and will not be significantly visible from the neighboring properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped 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: Christopher Mathieson
125 E. Pine St., Apt 2214
Orlando, FL 32801

Variance Request ;

Subject Property: 3501 S. Westmoreland Drive

Dear Mayor Demings, Orange County Commissioners and Orange County Zoning Division,

I purchased 3501 S. Westmoreland Drive in 2019 with the purpose of building a home. In the process of the design I became aware of Vision 2050. Within Vision 2050, my lot's requirement for a specific housing size would be eliminated. This would allow me to build a house that is more appropriate for my needs as a medically disabled person.

The current size requirement is 1,200 square feet. I am asking for a single variance to build a 675 square foot home. This is the only variance I am requesting.

Under Title II of the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA), housing policies and zoning codes must provide reasonable accommodations when necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling. Granting this variance is a reasonable accommodation that imposes no undue financial or administrative burden on the County and does not fundamentally alter the nature of the zoning program.

Courts consistently upheld:

- Oxford House, Inc. v. Town of Babylon, 819 F. Supp. 1179 (E.D.N.Y. 1993); held that municipalities must adjust zoning rules to avoid disability-based discrimination.
- Tsombanidis v. West Haven Fire Dept., 352 F.3d 565 (2d Cir. 2003); confirmed that zoning must allow accommodations where standard rules deny equal housing opportunity to people with disabilities.

In June 2022, 3624 Woods Avenue (Case VA-22-06-042), which is one block from my property, was approved with three variances; lot size, lot width, and rear setback. This allowed the construction of a new home.

Vision 2050 provided for this. Federal law grants this. And variances within the neighborhood have been approved for more. For these reasons, I respectfully request approval of my variance.

Narrative Statement – Variance Request

09/03/2025

I, Christopher Mathieson, am requesting a variance from the current Orange County minimum dwelling size requirement of 1,200 square feet to allow construction of a 675 square foot residence. This request is based on my medical disability, which substantially limits my stamina, cognitive function, and mobility. My disability may progress in the future, potentially increasing my need for an easily navigable, low-maintenance home.

The proposed home's compact, single-level, linear floor plan will reduce physical strain, minimize distances traveled within the home, and allow me to safely and independently perform daily activities. The design includes a small guest room to accommodate either a live-in home health aide or a family member, ensuring my long-term care needs can be met without relocation.

Under Title II of the Americans with Disabilities Act (ADA) and the Fair Housing Act (FHA), housing policies and zoning codes must provide reasonable accommodations when necessary to afford individuals with disabilities an equal opportunity to use and enjoy a dwelling. Granting this variance is a reasonable accommodation that imposes no undue financial or administrative burden on the County and does not fundamentally alter the nature of the zoning program.

This variance will allow me to construct a home that meets my disability-related needs, is consistent with the surrounding residential character, and supports my continued independence and quality of life.

COVER LETTER

1. **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.

Homeowner has a medical condition that limits their mobility to maneuver and maintain a larger home.

2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.

The hardship arises from the applicant's medical condition and unique accessibility needs, not from personal actions or property purchase. The variance request reflects circumstances beyond the applicant's control.

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.

Refer to enclosed cover letter regarding Title II of the Americans with Disabilities Act (ADA) and Fair Housing Act (FHA) regarding the request for reasonable accommodations for individuals with disabilities for equal opportunities.

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

Strict interpretation of the code would deprive the applicant of rights commonly enjoyed by other property owners in this zoning district and would create an unnecessary and undue hardship. The hardship is not financial in nature, nor the result of speculative purchase, but due to a documented medical condition which requires a carefully designed, compact layout to safely maneuver within the home and maintain independence in daily living.

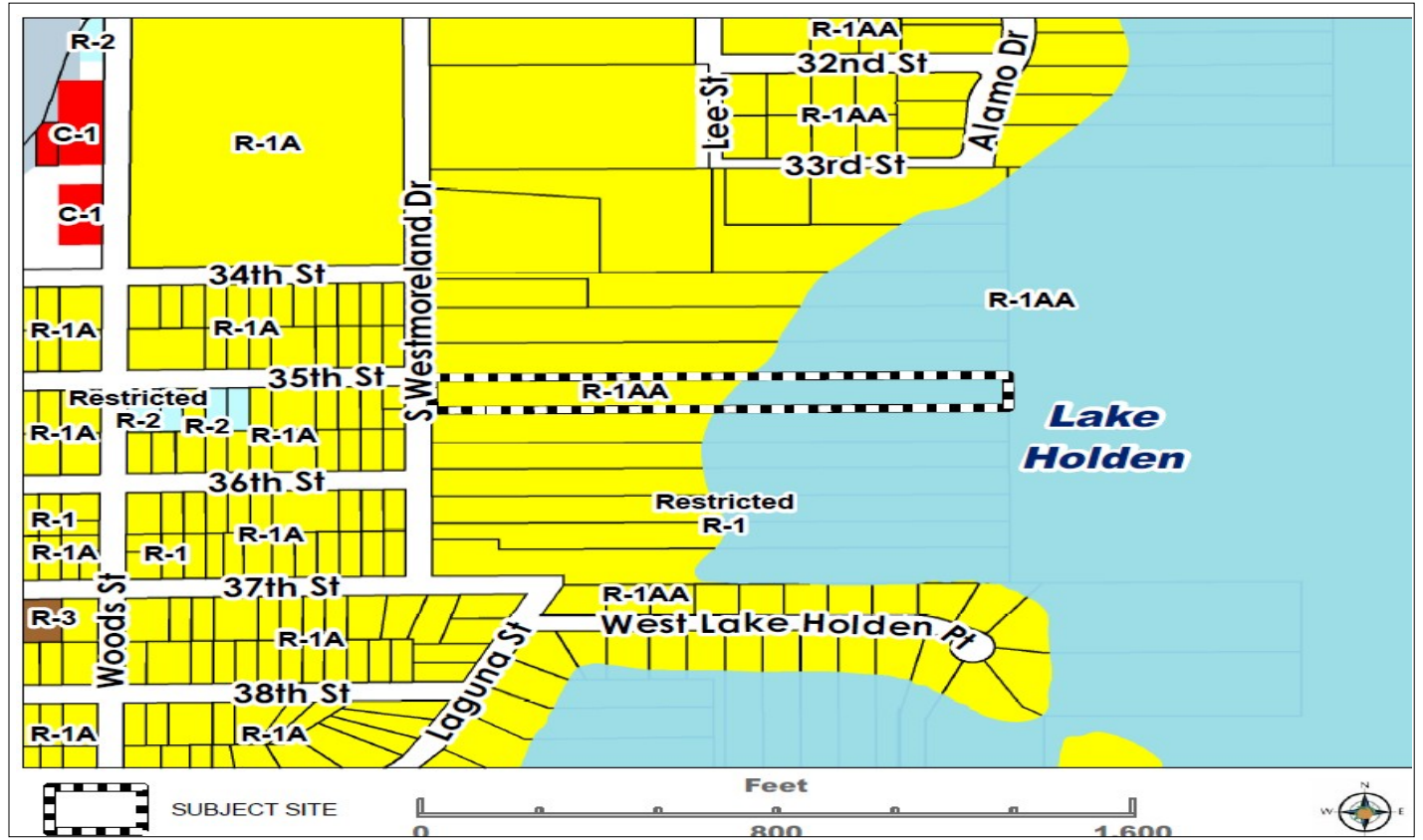
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The requested 675 sq. ft. variance is the minimum reduction necessary to reasonably accommodate the applicant's medical needs, ensuring safe maneuverability and independent living while preserving residential character.

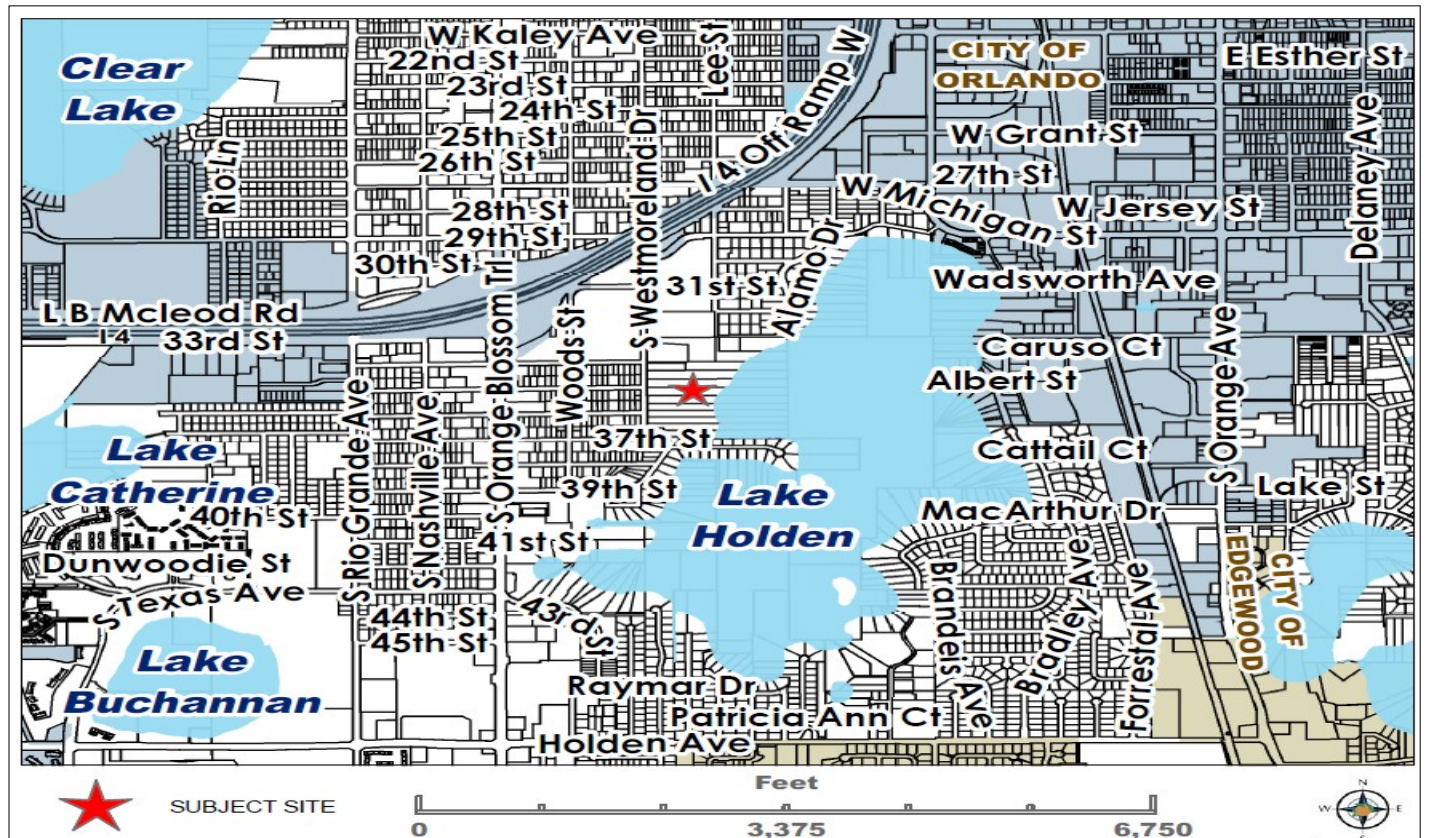
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Approval aligns with zoning intent by allowing safe, accessible housing tailored to medical needs. The variance maintains neighborhood character, poses no harm to adjoining properties, and supports overall public welfare.

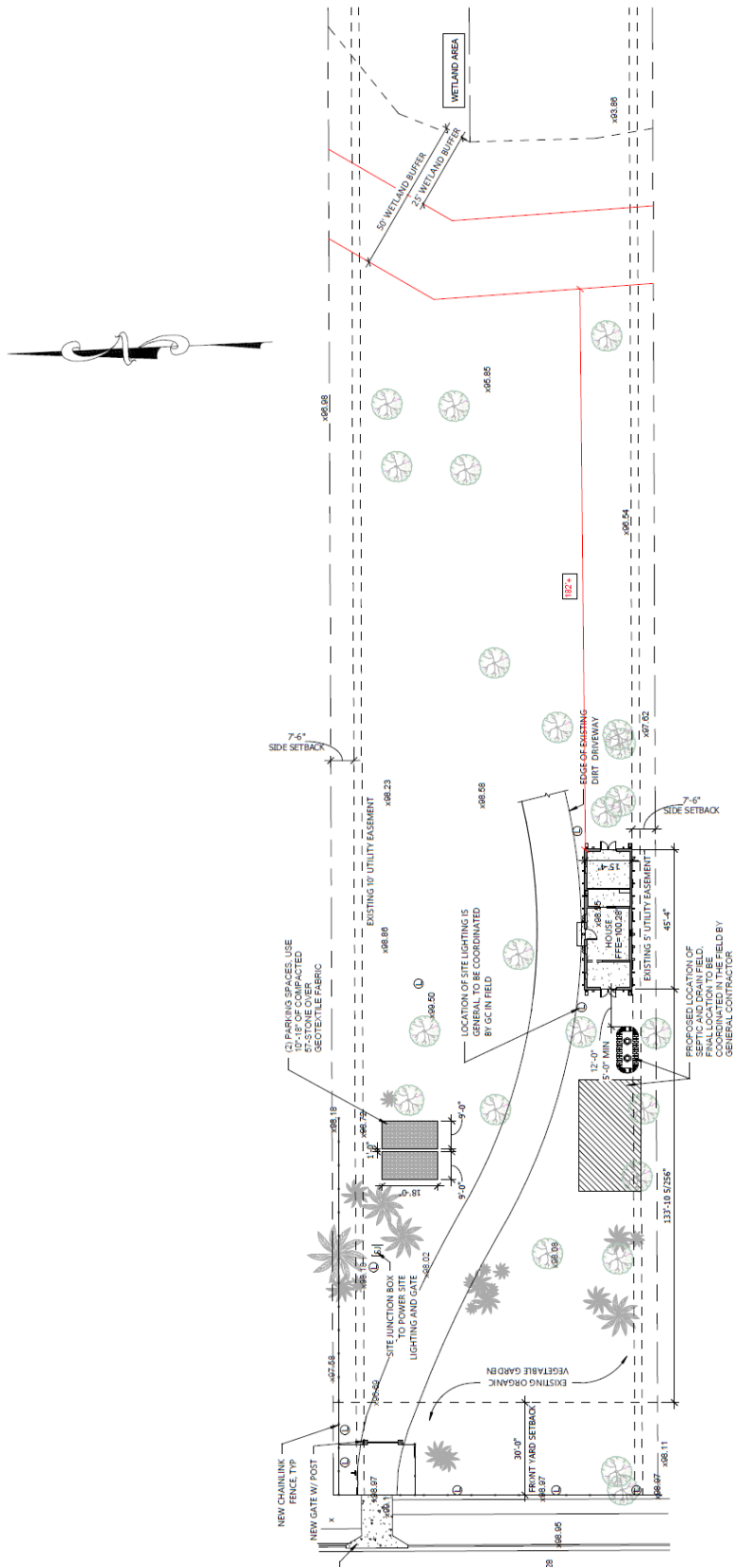
ZONING MAP



AERIAL MAP

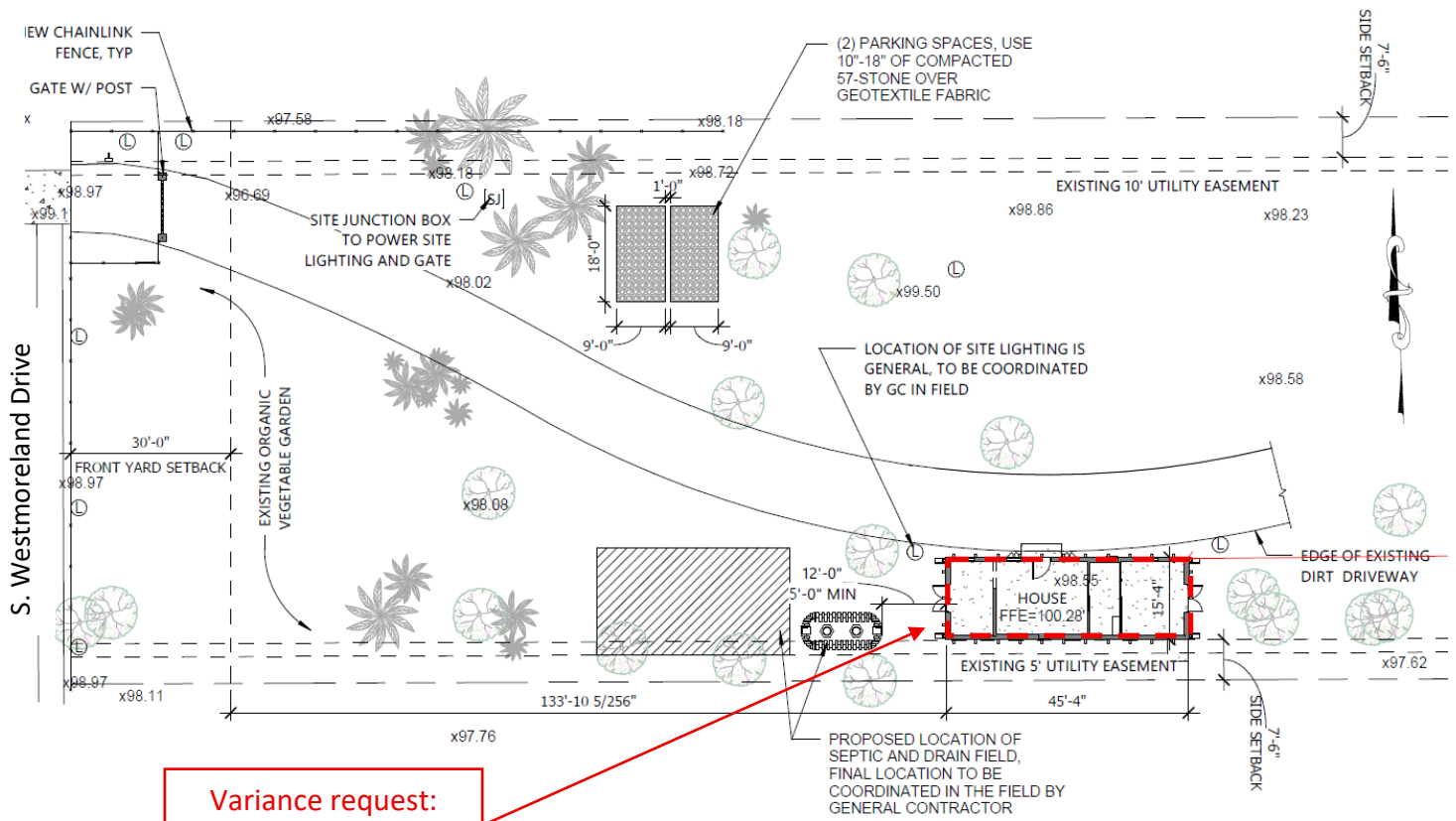


OVERALL SITE PLAN



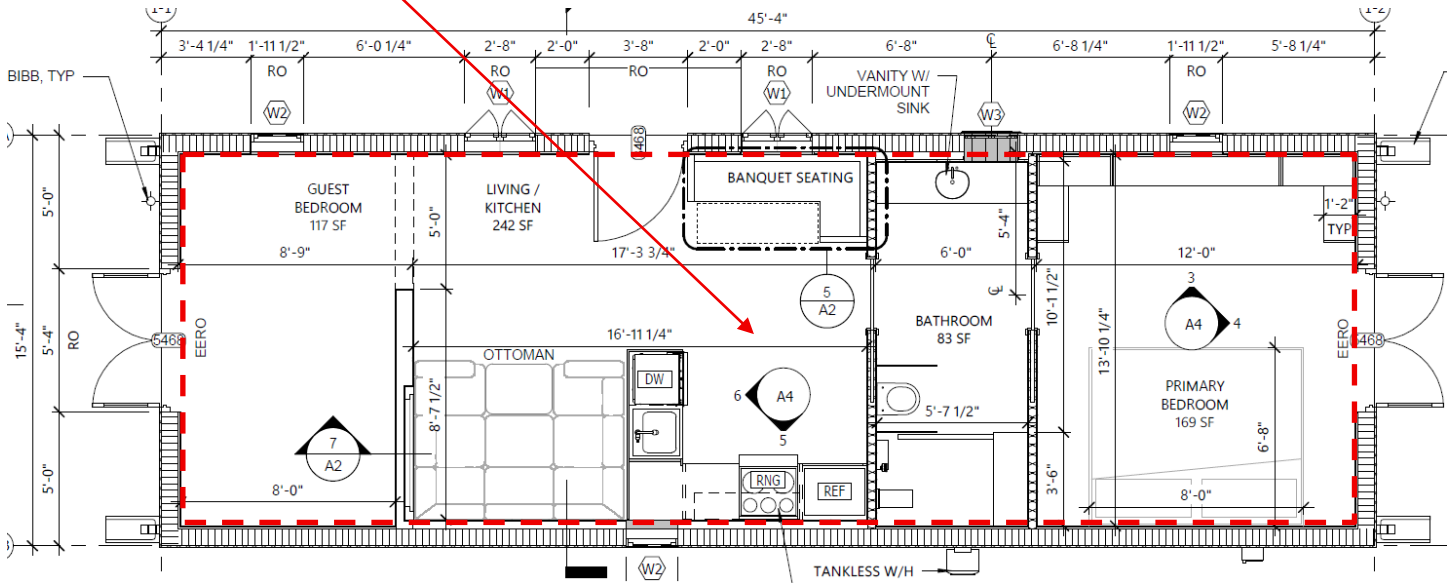
S. Westmoreland Drive

ENHANCED SITE PLAN

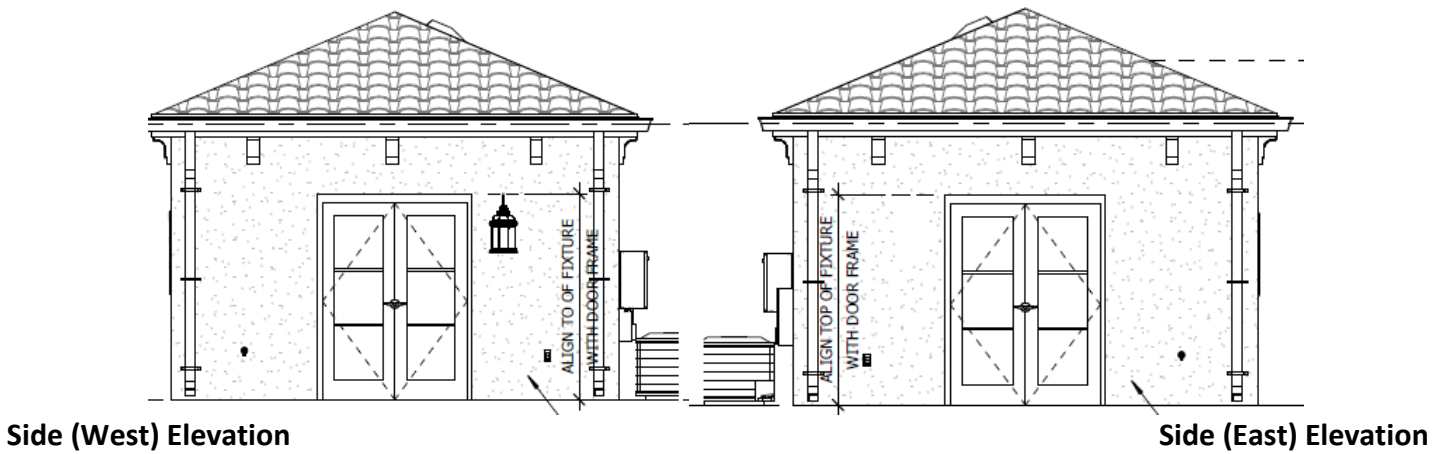
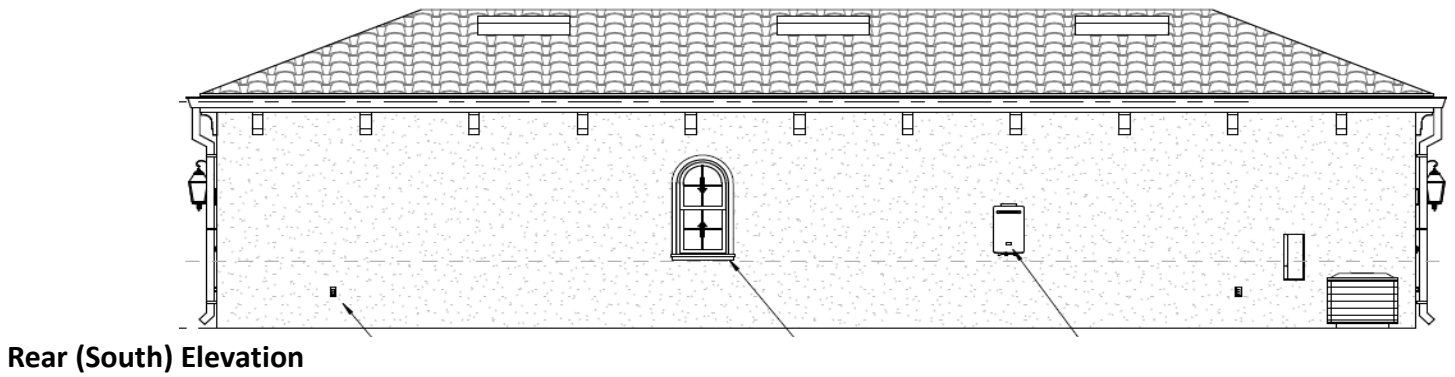
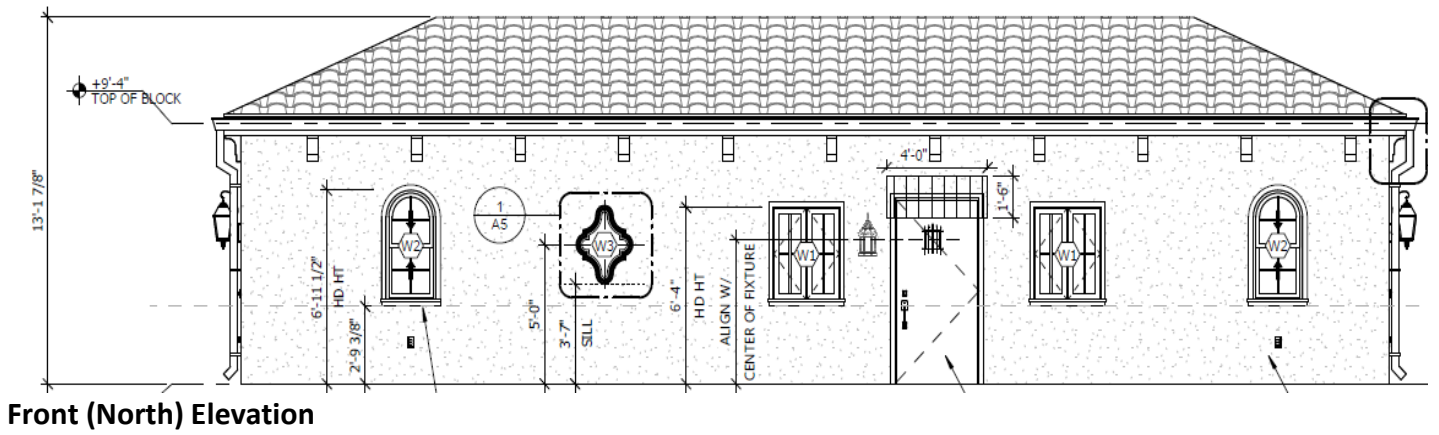


Variance request:
611 sq. ft. living area

FLOOR PLAN



ELEVATIONS



SITE PHOTOS



Facing east towards the front of the subject property



Facing east towards the subject property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 06, 2025**

Commission District: **#1**

Case #: **VA-25-11-070**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): ADDIE MENTRY

OWNER(s): GRANDE LAKES V APARTMENTS OWNER LLC

REQUEST: Variance in the PD zoning district to allow an awning sign with a height of 36 inches in lieu of a maximum of 24 inches

PROPERTY LOCATION: 10149 Arise Loop, Unit 100, Orlando, FL 32837, south side of Taft Vineland Rd., east of Orangewood Blvd., north of Central Florida Pkwy., west of S. John Young Pkwy.

PARCEL ID: 09-24-29-7230-01-001

LOT SIZE: +/- 7.85 acres

NOTICE AREA: 1200 ft.

NUMBER OF NOTICES: 44

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

1. Development shall be in accordance with the site plan and sign details date stamped October 10, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

request. The BZA asked staff clarifying questions related to the signage allowance and how Code measures the different sign types.

The applicant was present and available to answer questions. She explained that the height of the sign was important, as without the variance, it might not be visible and could fail to serve as an effective wayfinding marker for locating the front office.

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

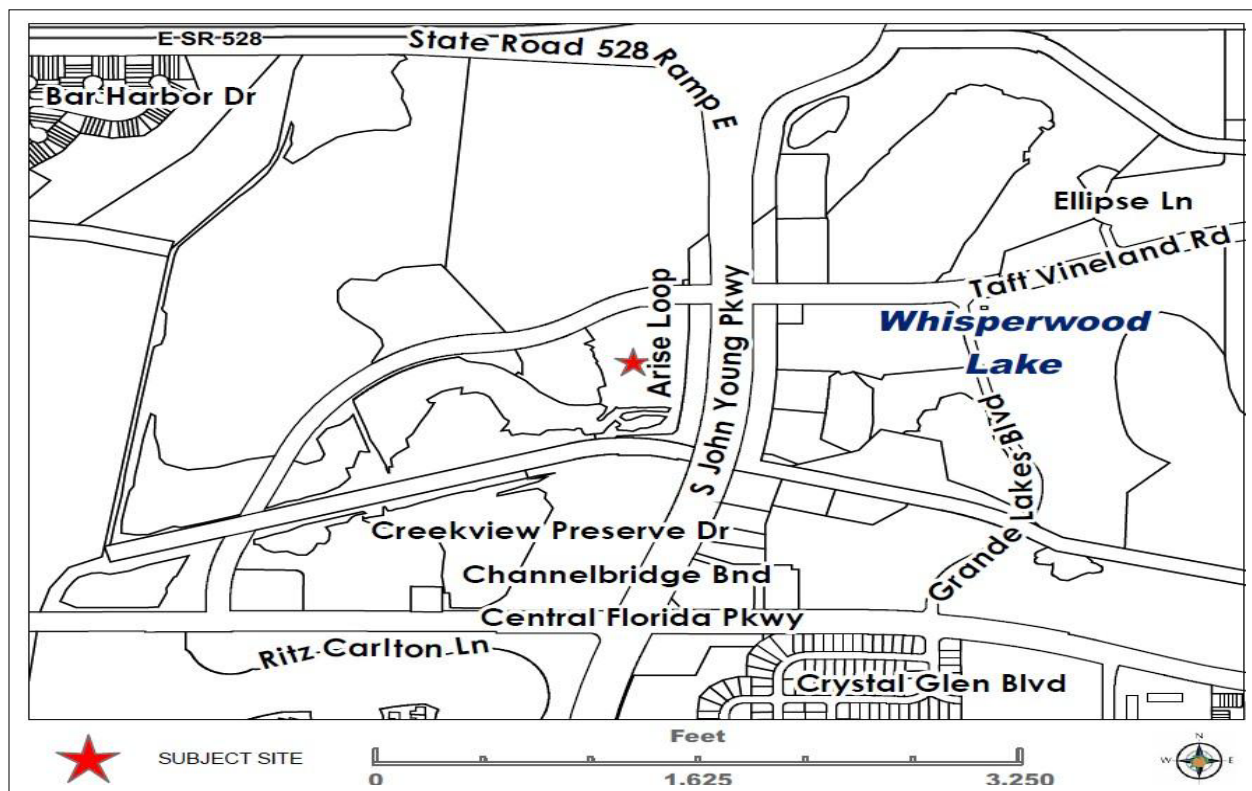
The BZA discussed the other options and noted the limitations associated with the modifications. They also clarified that there was only one letter that was taller and required the variance and agreed that the proposal was appropriate. The rest of the sign conformed to Orange County Code.

The BZA recommended approval of the Variance as requested 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 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	PD	PD	PD	PD	PD
Future Land Use	PR-OS	O	C	PR-OS	PR-OS
Current Use	Multi-Family	Offices	Multi-Family	Stormwater/ retention area	Hotel

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Project ABC Planned Development (PD) district, which allows for multi-family uses and associated accessory structures. The Future Land Use (FLU) is Parks and Recreation – Open Space (PR-OS). As the Planned Development was approved prior to the Future Land Use Map being adopted in 1991, the PD is considered consistent with the Future Land Use Map per Comprehensive Plan Policy 8.1.5. Therefore, the request is considered to be consistent with the Comprehensive Plan.

The subject property is a 7.85-acre lot and is being developed with a five-story, 219 multi-family unit apartment complex. The area around the subject site consists of multi-family residences, hotels, offices, and some conservation area to the southwest.

The proposal is to erect two signs on the building, one awning sign on the north façade and one wall sign on the east façade. Section 31.5-73 of Orange County Code allows for a primary identification sign up to 100 sq. ft. in size and secondary signs up to 48 sq. ft. in size for multi-family developments. This section of code does not differentiate between ground signs or wall signs. There is an existing monument sign on site, which is the primary identification sign while the two proposed signs are classified as secondary signs. The proposed wall sign on the east façade will be 42.19 sq. ft. in size and complies with all development standards. The proposed sign on the north façade will be located atop the entrance awning and is also 42.19 sq. ft. in size. Section 31.5-69 of Orange County Code states that the sign *shall not extend more than twenty-four (24) inches above the highest point of the marquee*. As proposed, the awning sign will extend 36 inches above the entrance awning, prompting the Variance request.

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 (6) Variance criteria are met. Based on staff's analysis, the proposed sign could be redesigned to comply with all applicable zoning requirements and does not meet any of the criteria. Therefore, staff is recommending denial.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET - There are no unique conditions or circumstances present that would necessitate a taller sign than what is permitted and adequate signage can be installed on the property without the Variance request.

Not Self-Created

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

No Special Privilege Conferred

NOT MET - Granting the requested Variance would confer a special privilege, as the surrounding properties and other businesses on the subject property are subject to the same code requirements.

Deprivation of Rights

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

Minimum Possible Variance

NOT MET - The requested Variance is not the minimum necessary to allow for a sign at the proposed location as code compliant signs could be installed.

Purpose and Intent

NOT MET - Approval of the requested variance would not be in harmony with the purpose and intent of the Zoning Regulations, which aim to ensure consistency and uniformity of signage. Approval of the requested Variance would allow the property to have signage inconsistent with sign regulations applicable to all zoning districts.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and sign details date stamped October 10, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Addie Mentry
12801 Commodity Place
Tampa, FL 33626



Orange County, FL

RE: V by Alta – Signage Variance

Site Address: 10149 Arise Loop, Orlando, FL

Variance – Project Description Narrative

The applicant, on behalf of *V by Alta*, respectfully requests approval of a variance to allow an **awning sign extending thirty-six (36) inches above the canopy structure**, in lieu of the maximum twenty-four (24) inches permitted under **Sec. 31.5-69 / Sec. 38-69(b)** of the Land Development Code. This request is necessary to ensure proper visibility, wayfinding, and public safety for this newly developed multifamily community.

The subject property presents several unique conditions that create practical difficulty under the current sign code standards:

1. **Parcel Orientation and Access Limitations**

The sole vehicular entrance to the site is located along West Taft Vineland Road, while the majority of traffic and visibility for the site originates from South John Young Parkway, a major arterial roadway with an average daily traffic count of 59,000 vehicles and approximately 4,400 vehicles per hour during peak travel times. Unlike other parcels with direct frontage and access along South John Young Parkway, this property does not have an entrance along that roadway, thereby eliminating the opportunity for monument signage in the most visible corridor.

2. **Setback, Visibility, and Wayfinding Concerns**

The building and canopy structure are significantly set back from West Taft Vineland Road, the only point of access for the community. Due to this setback distance, a sign limited to twenty-four (24) inches above the canopy would be undersized and would not provide adequate visibility for residents, visitors, delivery drivers, or emergency responders. Increasing the sign height to thirty-six (36) inches is essential to ensure proper scale and legibility at roadway speeds and to allow motorists to safely identify and navigate to the community.

Proposed Signage Plan

The proposed signage variance package, as illustrated in the attached site plan and renderings, includes the following:

- **Awning Sign**

One (1) awning-mounted sign, identified as ST-LT2 in the attached plans, located on the building canopy. The sign is designed to project thirty-six (36) inches above the canopy structure, where the code currently limits such signs to a maximum of twenty-four (24) inches. The increased height is proportionate to the building's setback and canopy design and is necessary to achieve adequate visibility from West Taft Vineland Road.

Code Reference

- **Sec. 31.5-69 / Sec. 38-69(b)** – Awning signs shall not extend more than twenty-four (24) inches above the highest point of the marquee or canopy.

Variance – Criteria Narratives

1. **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.

The subject property faces unique physical and visual challenges not shared by other parcels within the same zoning district. The primary hardship is caused by the significant setback of the building and canopy structure from West Taft Vineland Road, the property's sole access point. Due to this setback, standard-sized wall or awning signage—limited to 24 inches above the canopy—would be diminished in scale and visibility, particularly for motorists approaching the property entrance at roadway speeds. Unlike neighboring developments with building frontages closer to the roadway or direct access to South John Young Parkway, V by Alta must rely exclusively on West Taft Vineland Road for its identification. As a result, the visual distance between the road and the building canopy creates a site-specific visibility hardship that is not self-imposed, but inherent to the development's orientation and design.

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.

- a. The hardship is not the result of any action taken by the applicant. The setback and depth of the building, along with the location of the canopy structure, are a product of approved site planning and roadway design. These factors, which were dictated by land planning, roadway engineering, and building design standards, are outside the control of the applicant. The applicant's proposal to increase the allowable sign height to 36 inches is a direct response to these existing conditions. It is not an attempt to circumvent zoning requirements, but rather a necessary adjustment to ensure that signage is visible and legible from Taft Vineland Road. Without relief, the property would remain disproportionately disadvantaged compared to similarly zoned properties that benefit from closer frontage or direct access visibility.

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.

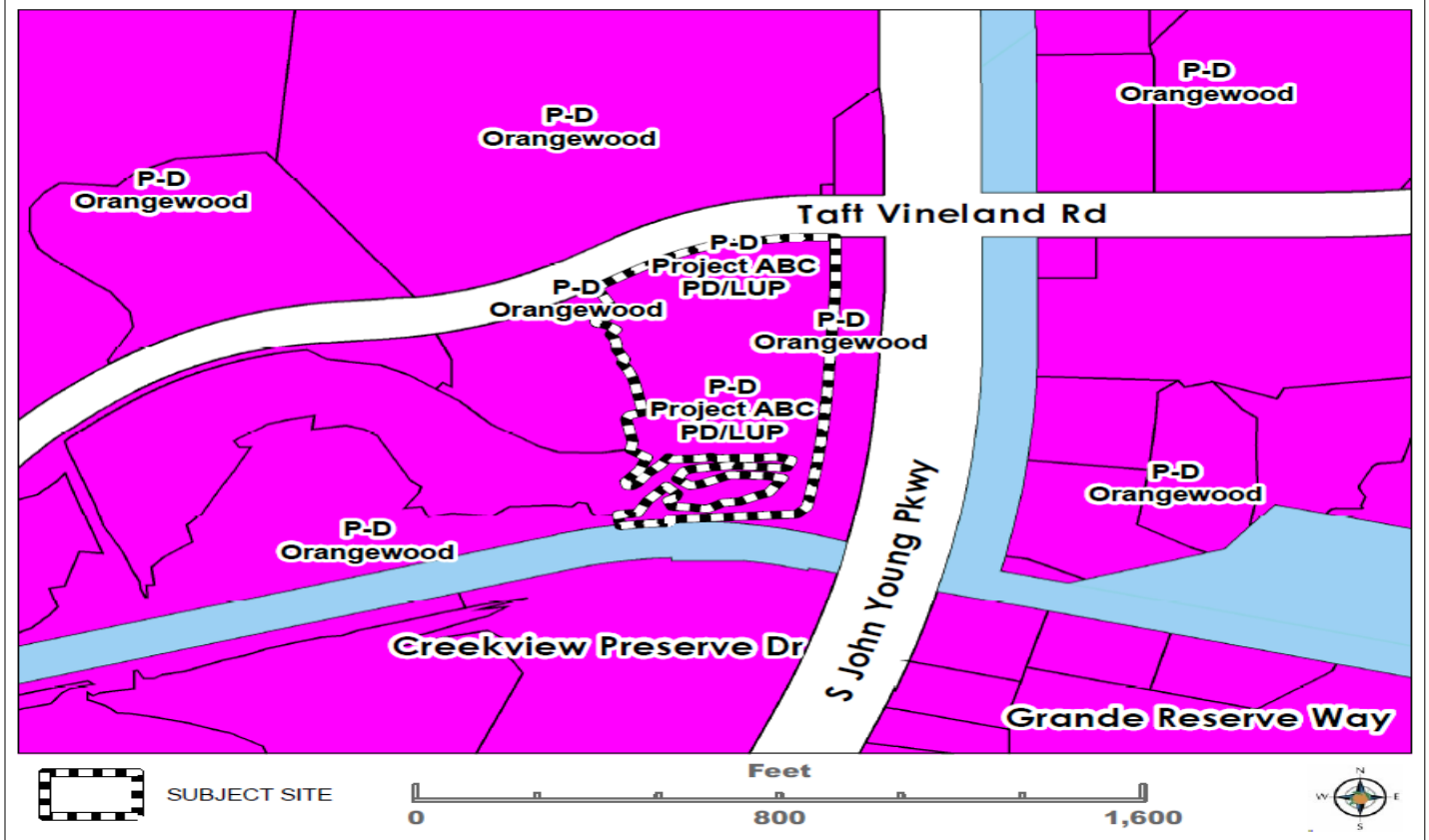
- a. Approval of this variance does not confer any special privilege. The variance is narrowly tailored to address the site's unique setback condition and visibility deficit. Other multifamily or mixed-use developments in the same zoning district, with buildings oriented closer to their primary frontage, are able to comply with the 24-inch restriction while still maintaining effective signage visibility. In this case, strict application of the code would result in an undersized sign that cannot be reasonably seen by motorists traveling along Taft Vineland Road, particularly during peak traffic times. Allowing a modest increase to 36 inches simply places this development on equal footing with others in the district, ensuring it can achieve the same level of visibility and wayfinding support afforded to properties with more favorable site conditions.

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

- a. Literal interpretation of the 24-inch maximum would deprive the applicant of the same rights enjoyed by other properties in the district. Given the deep setback of the building and canopy from Taft Vineland Road, a 24-inch sign would not achieve effective visibility, resulting in unnecessary hardship. Other developments with buildings positioned closer to their road frontage can comply with the restriction while still achieving adequate identification. Without relief, V by Alta would be denied the reasonable ability to communicate its presence to residents, visitors, delivery drivers, and emergency responders, undermining both operational efficiency and public safety. This hardship is not financial in nature but stems directly from the site's physical layout and the roadway conditions surrounding it.

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.
 - a. Approval of the variance is consistent with the purpose and intent of the zoning regulations, which are designed to ensure safe, effective, and aesthetically compatible signage. The proposed awning sign enhances wayfinding and public safety, particularly given the site's orientation and heavy traffic volumes along Taft Vineland Road. The increased height does not create visual clutter, dominate the façade, or conflict with neighborhood character. Instead, it results in a proportional and architecturally integrated sign that allows the community to be properly identified at roadway speeds from its only access point. This ensures harmony with both the intent of the regulations and the broader public welfare.

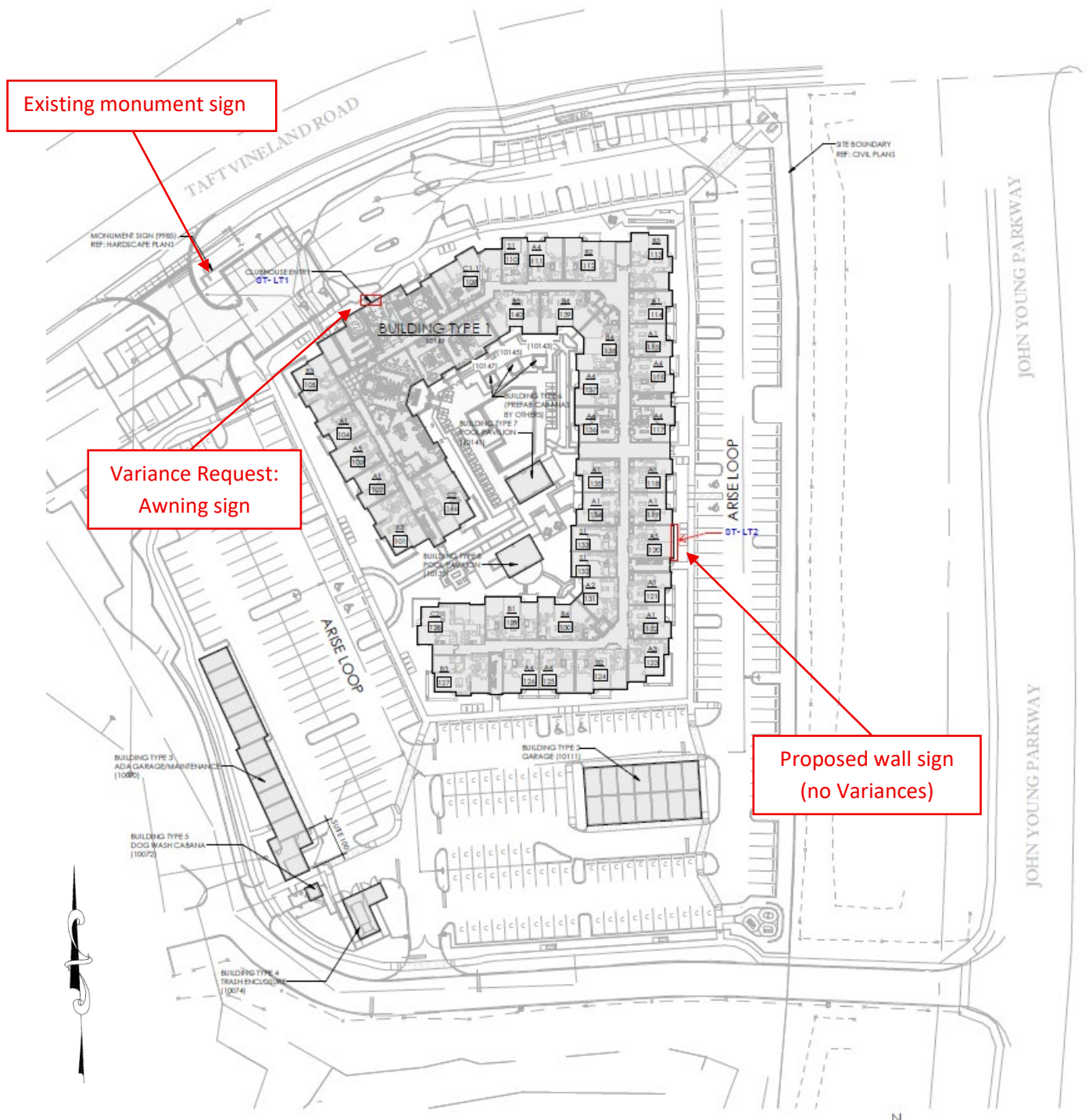
ZONING MAP



AERIAL MAP

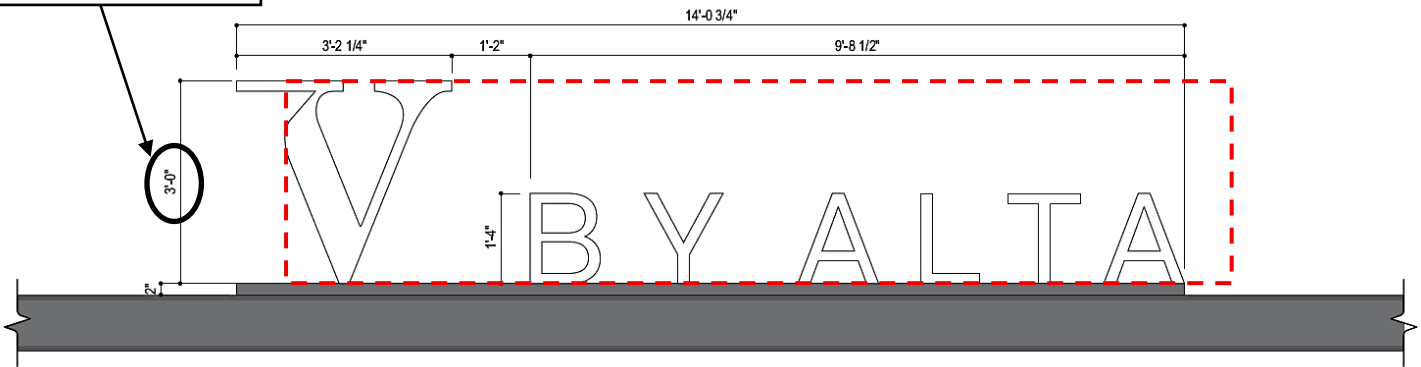


SITE PLAN





Variance Request: 36 inches



SITE PHOTOS



Facing southeast towards front of subject property/proposed awning sign



Facing east towards existing monument sign (primary entrance sign)/ /proposed awning sign

SITE PHOTOS



Facing south towards front of apartment complex



Facing south towards proposed location of awning sign (secondary sign)

SITE PHOTOS



Facing southeast towards existing awning



Facing southwest towards location of wall sign, no Variances (secondary sign)

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 06, 2025**

Commission District: **#6**

Case #: **VA-25-12-067**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): LUCILLE GHIOTO

OWNER(s): HABITAT FOR HUMANITY OF GREATER ORLANDO AND OSCEOLA COUNTY INC

REQUEST: Variance in the R-2 zoning district to allow a structure to be located nearer the side street lot line than the required front yard of such abutting lot (18 ft. in lieu of 25 ft.).

PROPERTY LOCATION: 1909 S. Westmoreland Dr., Orlando, FL 32805, northeast corner of 20th St. and S. Westmoreland Dr., north of W. Kaley Ave., west of I-4, east of S. Orange Blossom Trl.

PARCEL ID: 03-23-29-0180-14-130

LOT SIZE: +/- 6,742 sq. ft.

NOTICE AREA: 500

NUMBER OF NOTICES: 138

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

1. Development shall be in accordance with the site plan and elevations date stamped October 9, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

The applicant was present and available to answer questions. She explained that the property was donated by Orange County for the purpose of developing affordable housing, and the proposed structure was appropriately sized for the lot. The applicant also noted that due to the lot's limited dimensions and front setback requirements, meeting the setback standards was challenging.

There was no one in attendance to speak in favor of the request. Three individuals spoke in opposition to the request. The objections were not related to the proposed variance; rather, they expressed frustration that they were unable to purchase the property themselves.

The BZA acknowledged the request and agreed with the applicant that the proposal was appropriate and consistent with the neighborhood. They also addressed the opposition's comments and suggested that those individuals meet with additional county staff to discuss the process.

The BZA recommended approval of the Variance as requested 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-2	R-2	R-2	R-2	R-2
Future Land Use	LMDR	LMDR	LMDR	LMDR	NR
Current Use	Single-family residence	Single-family residence	Single-family residence	Vacant	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-2 Residential zoning district, which allows single-family homes and associated accessory structures. The Future Land Use (FLU) is Low Medium Density Residential (LMDR), which is consistent with the R-2 zoning district.

The area around the subject site consists of single-family homes and some vacant lots. The subject property is a vacant 6,742 sq. ft. lot, platted in 1923 as Lot 13 of Block 14 of the Angebilt Addition Plat. The property is a reverse corner lot with right-of-way along S. Westmoreland Dr. to the west, and 20th St. to the south. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, 20th St. is considered the front and S. Westmoreland Dr. is considered the side street.

The typical side street setback for a property located in the R-2 district is 15 ft. However, per Sec. 38-1502 (b), *on any corner lot abutting the side of another lot, no structure shall be nearer the side street lot line than the required front yard of such abutting lot.* The lot abutting the subject property to the north has frontage on S. Westmoreland Drive. The required front yard setback from S. Westmoreland Dr. is 25 ft., so that same setback applies to the S. Westmoreland St. side.

The property is currently vacant and was purchased by the current owner in 2025 from Orange County Government. Restrictions were placed on the property requiring development be limited to the construction of permanent affordable housing. The proposal is to construct a 1,571 gross sq. ft one-story single-family home. As proposed, the home will be located 18 ft. from the west side street property line where 25 ft. is required, prompting the Variance request. The proposed residence complies with all other zoning development standards. The neighboring residence to the north has a front setback of 9.2 ft. where 25 ft. is required, however it was constructed in 1950, prior to the adoption of the Orange County Zoning regulations.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13.75 ft.
Min. Lot Width:	50 ft.	50 ft.
Min. Lot Size:	5,000 sq. ft.	6,742 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front: (20 th St.)	25 ft.	28.3 ft. (South)
Side Street: (S. Westmoreland Dr.)	25 ft.*	18 ft. (West - Variance)
Side:	6 ft.	6 ft. (East)
Rear:	25 ft.	45.7 ft. (North)

**Side street setback increases from the standard 15 ft. to the abutting lot's front yard setback (25 ft.) in accordance with Sec. 38-1502(b).*

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. While the Variance request meets some of the criteria, it does not meet all the criteria. Based on staff's analysis the proposed residence could be redesigned to lessen or eliminate the Variance request. Therefore, staff is recommending denial.

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

MET - There are special conditions or circumstances particular to the subject property as the lot is 50 ft. wide and would have a significantly reduced buildable area with the 25 ft. side street setback and the 6 ft. side setback. There is also approximately 17 ft. of right-of-way between the property line and the edge of the road.

Not Self-Created

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

No Special Privilege Conferred

MET - Granting the Variance would not confer special privilege as there are other surrounding properties developed with similar reductions in side street yard setbacks on reverse corner lots.

Deprivation of Rights

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

Minimum Possible Variance

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

Purpose and Intent

MET – Approval of the requested Variance would be in harmony with the purpose and intent of the zoning regulations as the Code encourages infill development. Granting the requested Variance will not be injurious to the neighborhood or detrimental to the public welfare as the residence meets all other performance standards and will be consistent with the existing development in the area. Additionally, the property prompting the increased reverse corner side street setback is developed with a home built with a 9.2 ft. setback from the same right-of-way.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped October 9, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Lucille Ghioto
4116 Silver Star Rd.
Orlando, FL 32808



FACE THE
HOUSING CRISIS™

October 13, 2025

Orange County Planning Division
201 South Rosalind Ave, 2nd Floor
Orlando, FL 32801

Subject: Application for Zoning Variance at 1909 S. Westmoreland Drive

I am writing to formally submit our application for a zoning variance for the property located at 1909 S. Westmoreland Drive, requesting relief from the street side yard setback from Westmoreland Drive, proposing instead an 18-foot setback, in lieu of the 25 feet required, for the purpose of constructing an affordable, single-family home. The property was recently donated to Habitat for Humanity Greater Orlando & Osceola County by Orange County through its surplus lot program and the proposed variance is necessary to achieve the requirements of the donation to construct affordable housing on this property.

SUMMARY OF REQUEST

The subject property at 1909 S. Westmoreland Drive is located at the northeast corner of Westmoreland and 20th Street in the Holden Heights neighborhood. The property is currently within the R-2 zoning district with a proposed Transect Zone of T4.2 in the potential Orange Code.

The applicant, Habitat for Humanity Greater Orlando & Osceola County, proposes to construct a 1,571 square foot single family residence onsite for the purpose of creating additional affordable homeownership opportunities in the community.

Section 38-1502(b) of the current land development code requires reverse corner lots (street side abutting the front yard of the property around the corner) to provide the same setback as the front yard of the abutting property (25-feet). As indicated in the attached site plan, the applicant requests a reduction in the street side setback to 18-feet to accommodate a 1-story residential home for the purposes of increasing affordable homeownership in the community.

Full site details are listed below, with illustration of buildable area to follow.

HabitatOrlando.org | 407-648-4567 | 4116 Silver Star Road, Orlando, FL 32808

SITE DATA		
Property Size	0.15 acres	
Building Information		
Size	1,571 sf (gross); 1,343 sf (living)	
Dimensions	26' x 61'	
Height	13.75' (finish floor to top of ridge)	
Setbacks	Required	Proposed
Front	25'	28.3'
Street Side (reverse corner)	25'	18'
Interior Side	6'	6.5'
Rear	25'	45.7'



Subject property showing required setbacks (R-2 Zoning)



**FACE THE
HOUSING CRISIS™**

JUSTIFICATION OF REQUEST (VARIANCE CRITERIA)

Section 30-43 (3) of the Orange County Code stipulates specific standards for the approval of variances. No application for a zoning variance will be approved unless the Board of Zoning Adjustment finds that 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 a proposed zoning variance.

Response: As this property is situated on a reverse corner, the required setback increases from the standard street side yard of 15 feet to 25 feet, imposing a significant restriction on the ability to construct a quality residential home on the property. Meeting the required 25-foot setback would limit any structure onsite to 19-feet in width.

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.

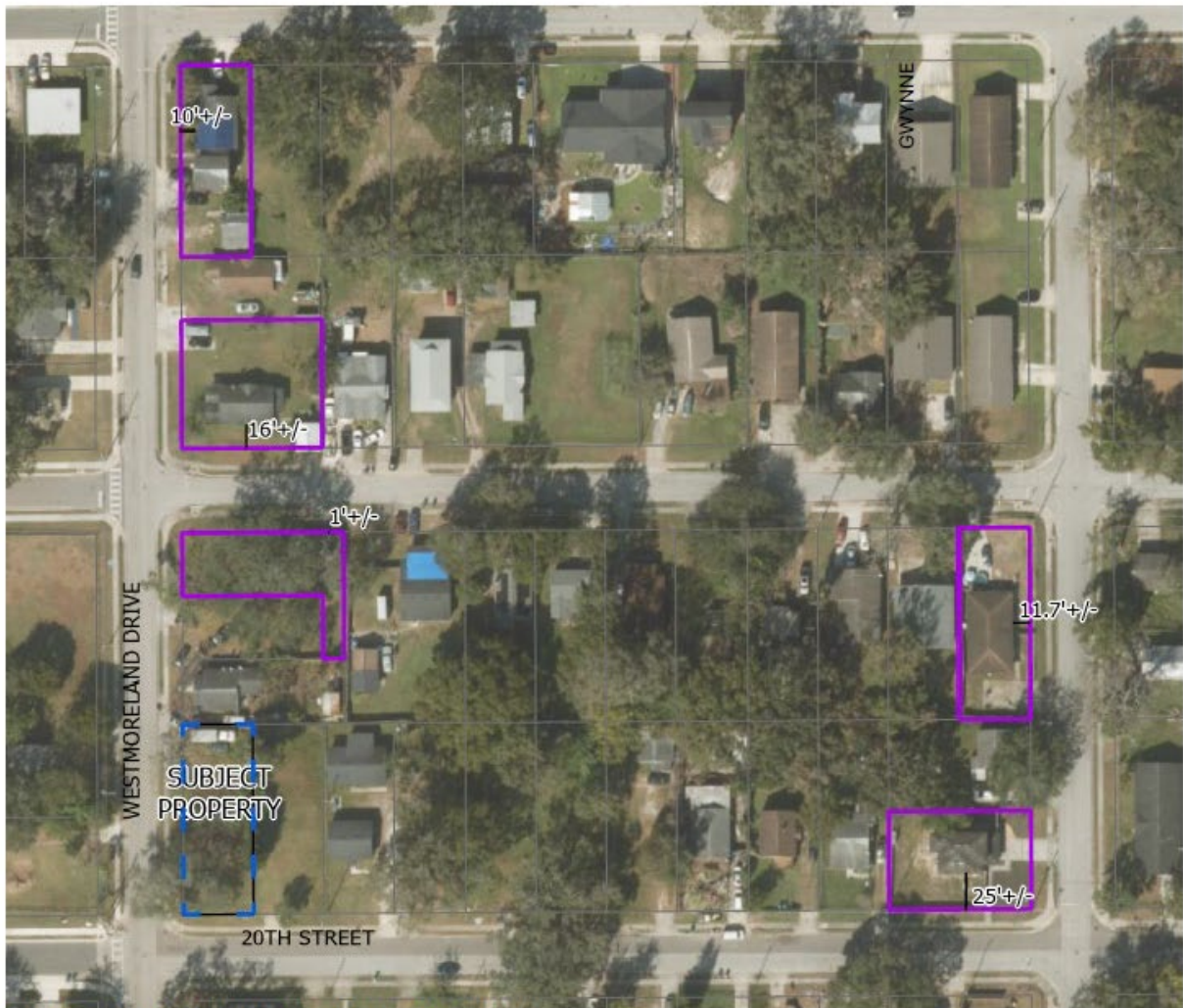
Response: The existing lot is consistent with the original plat of the Angebilt Subdivision and other existing lots of record, as platted in 1923. Therefore, this request is not a self-imposed hardship.

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.

Response: The proposed development consists of a 1,571 square foot (gross), single story residence to be located primarily 18-feet from Westmoreland Drive. Similar reverse corner lots in this same subdivision have existing homes with lesser setbacks than proposed, as indicated in the image below, with the closest structure approximately 1-foot from the property line and the greatest at 25-feet. The applicant has located the home as far from the property line on Westmoreland Drive as possible while maintaining the quality and integrity of the home, as well as vehicular visibility at the corner of Westmoreland and 20th Street.



FACE THE
HOUSING CRISIS™



Reverse Corner Lots at Westmoreland and Lee Street

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.

Response: Without the requested variance, Habitat would be limited to a 19-foot home width, which significantly impacts the ability to provide a high-quality, affordable home to first-time homebuyers. Other existing homes on reverse corner lots in this neighborhood are located closer to the right of ways on both Westmoreland and Lee Street, establishing

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building lines that, with the exception of two, are already closer to the street than typically required by a standard street side setback of 15-feet.

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.

Response: The applicant has located the proposed home as far from the Westmoreland Drive right of way as possible. The proposed driveway has been located on 20th Street to further minimize potential impacts to the lot behind.

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.

Response: The requested variance will be in harmony with the existing neighborhood fabric, providing a greater set back than currently maintained by other reverse corner lots, and also complies with the setbacks contemplated in Orange Code, as the new code eliminates the additional reverse corner set back and requires a 12-foot minimum secondary frontage (T4.2).

CLOSING

Granting this variance will not only allow Habitat to utilize the property effectively but also help fulfill our commitment to addressing the housing crisis in our community. It is consistent with other reverse corner lots in the neighborhood and compliant with the proposed Orange Code. Further, the project has been designed to minimize encroachment into the required setback while maintaining visibility requirements and complying with other site design requirements.

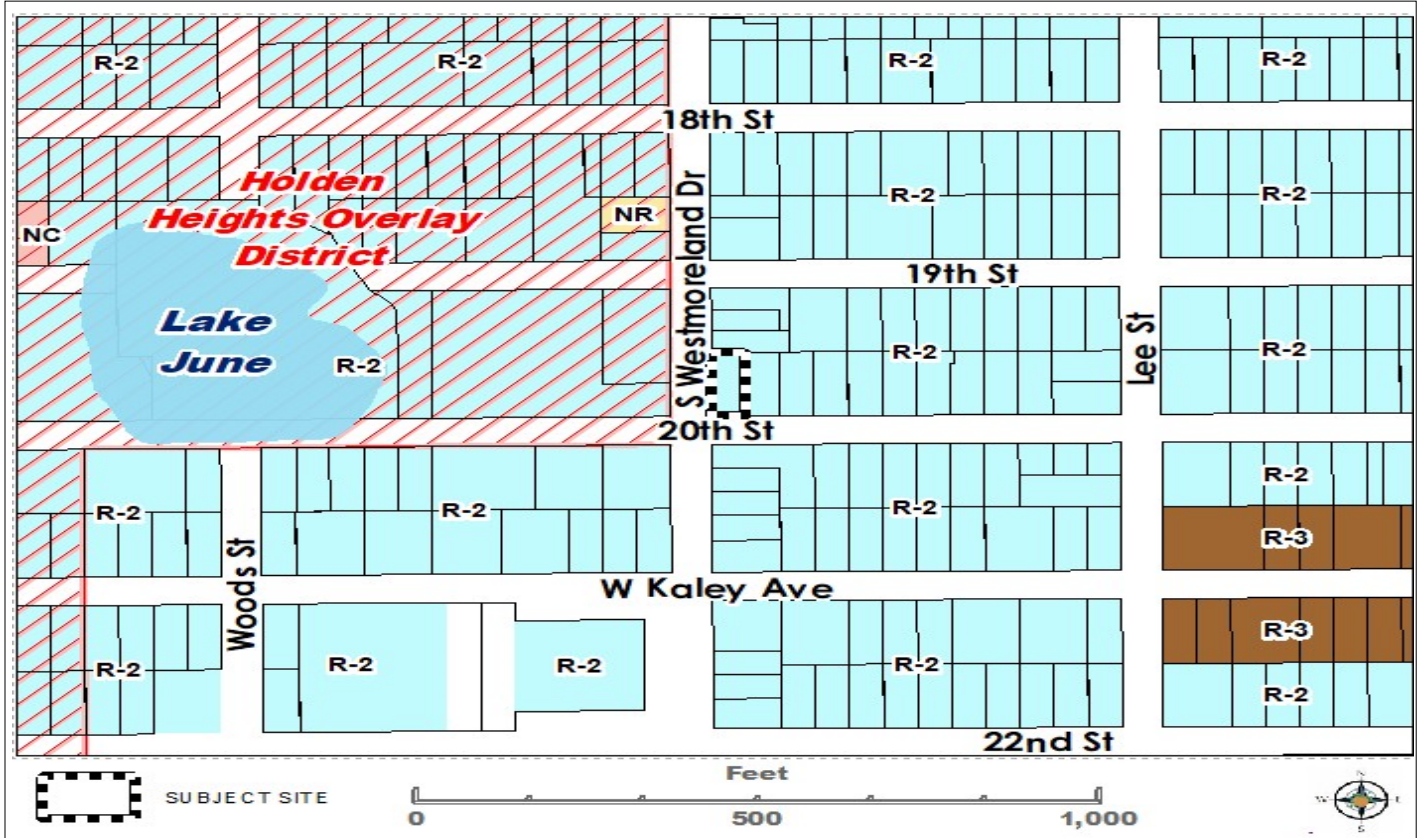
Thank you for your consideration of this request. Should you require any further information or wish to discuss our proposal, please do not hesitate to contact me.

Sincerely,

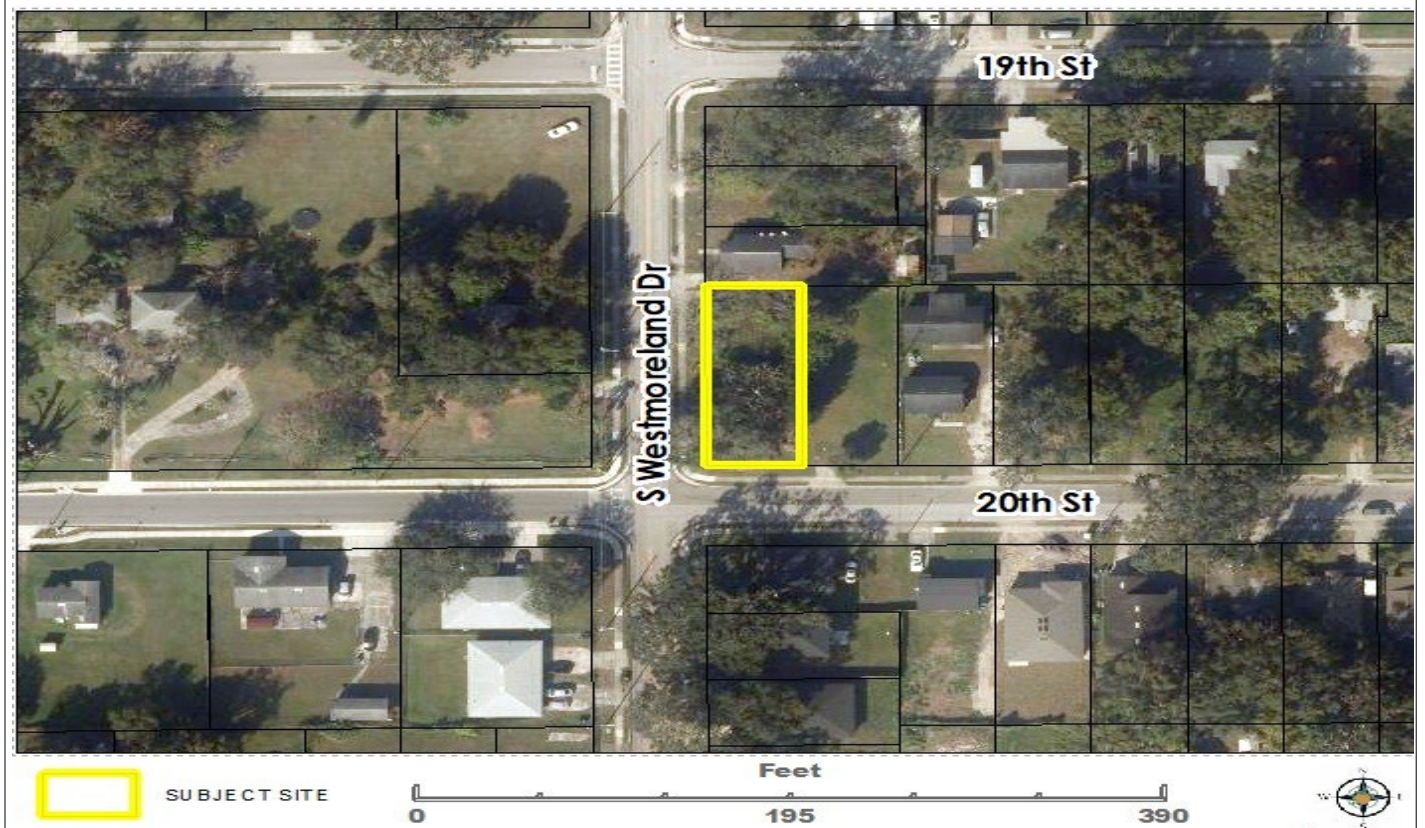
A handwritten signature in blue ink, appearing to read "L. Ghioto".

Lucie Ghioto, AICP
Growth Management Officer

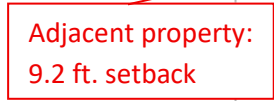
ZONING MAP



AERIAL MAP



SITE PLAN

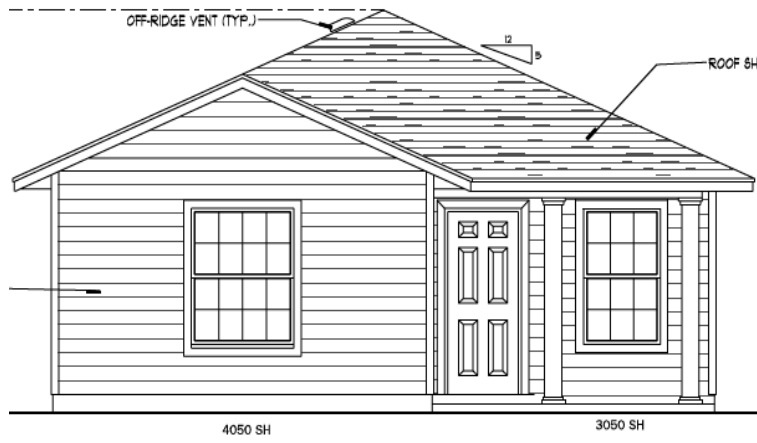


Minimum required 25 ft.
side street setback

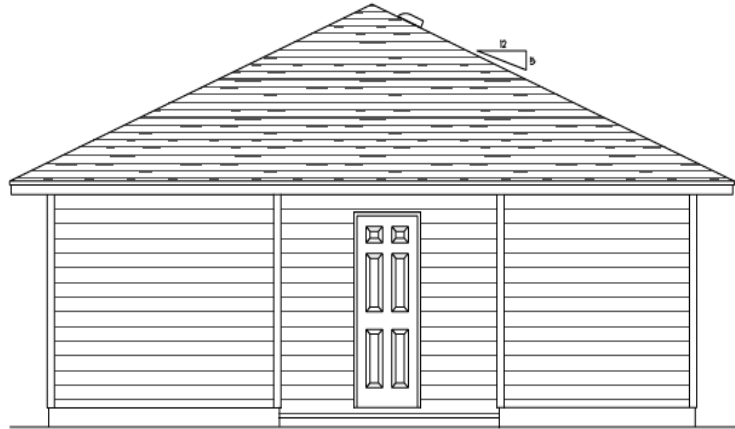
Portion of home within the required setback

Variance Request

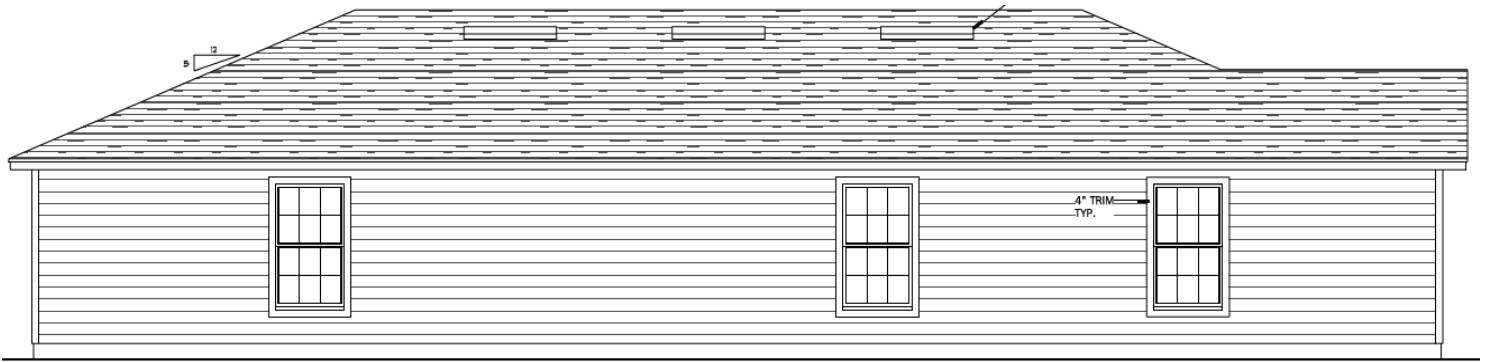
ELEVATIONS



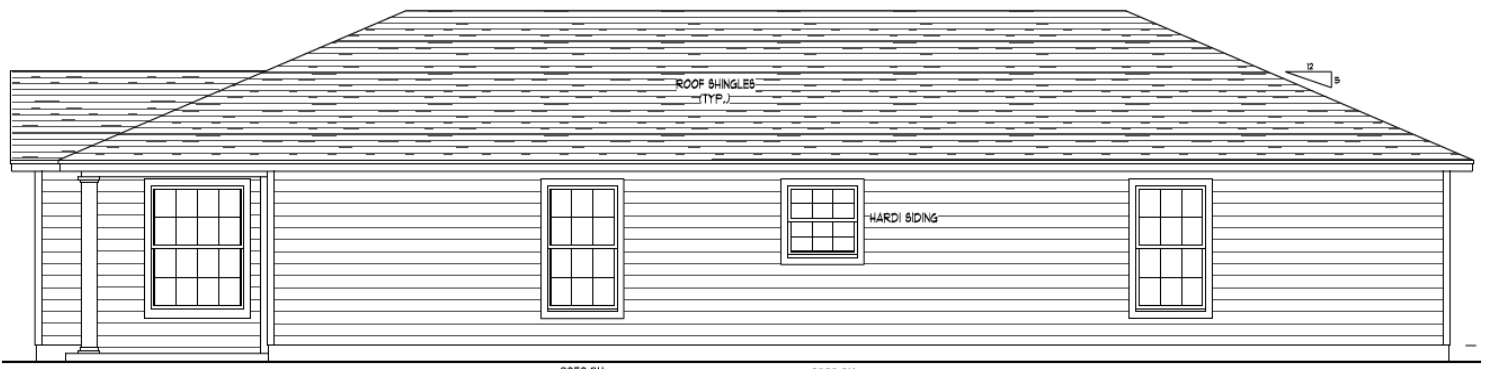
Front Elevation



Rear Elevation



Left Elevation



Right Elevation

SITE PHOTOS



Facing north from 20th St. towards the front of the subject property



Facing northeast from S. Westmoreland Dr. towards the subject property

SITE PHOTOS



Facing north towards adjacent home setback 9.2 ft. from S. Westmoreland Dr.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 06, 2025**

Commission District: **#1**

Case #: **VA-25-11-059**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): KATELYN O'NEAL

OWNER(s): DIANA KESSLER, MARK KESSLER

REQUEST: Variance in the R-1AA Zoning District to allow a pool and deck with a Normal High Water Elevation (NHWE) setback of 9.92 ft. in lieu of 35 ft.

PROPERTY LOCATION: 9170 Bay Point Dr., Orlando, FL, 32819, west side of Bay Point Dr., east side of Lake Tibet, northwest of W. Sand Lake Rd., west of S. Apopka Vineland Rd., south of Conroy Windermere Rd.

PARCEL ID: 28-23-28-0600-00-240

LOT SIZE: +/- 16,680 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 63

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

1. Development shall be in accordance with the site plan date stamped October 9, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. 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 pool and deck is located no closer than 9.92 feet from the Normal High Water Elevation (NHWE) of Lake Tibet.

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

The applicant was present and available to answer questions. She explained that other lots in the area had similar setbacks and provided a rationale for why the proposed design best suited the property, the neighborhood, and the owner's needs. She went on to state that this lot was one of three on the street without a pool and that approval of the request would be consistent with the development in the area.

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

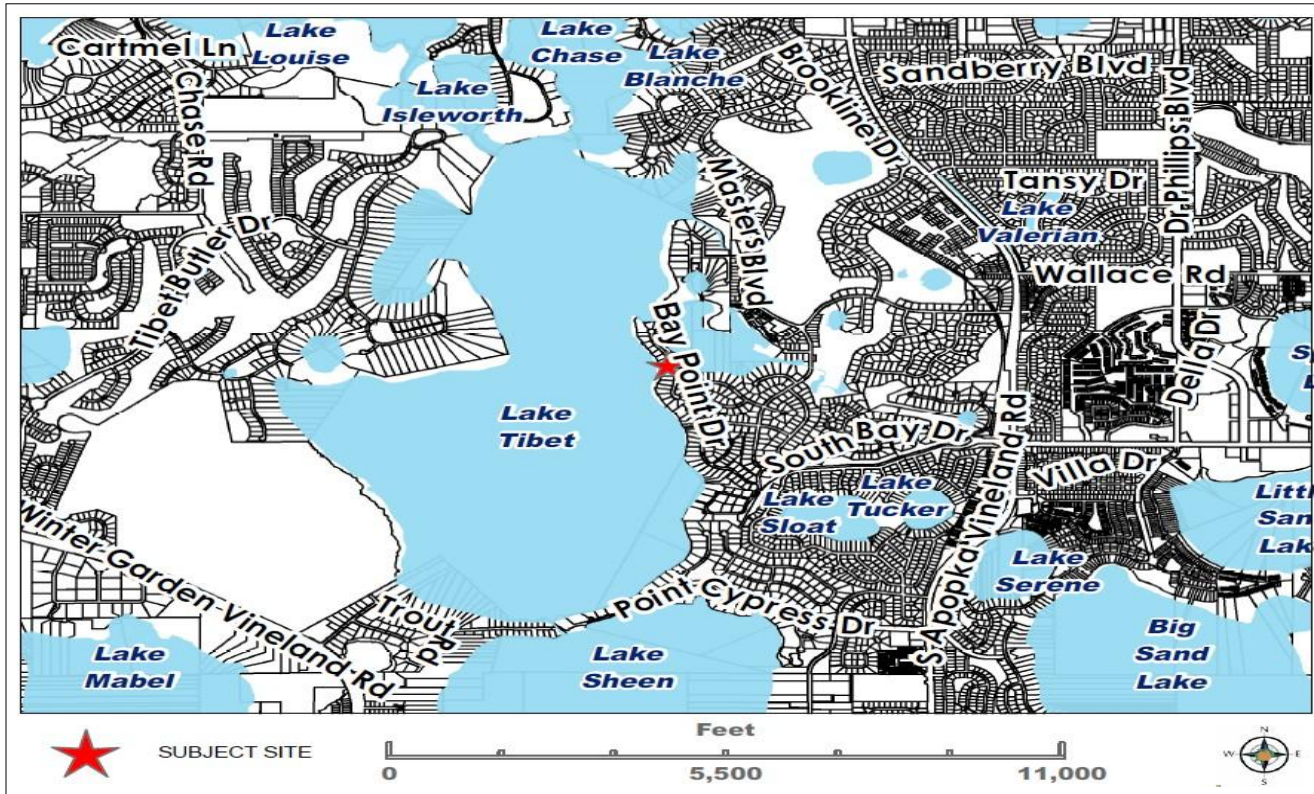
The BZA acknowledged the request and agreed that the proposal was appropriate, and similar to other setbacks throughout the neighborhood.

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

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1AA	R-1AA	R-1AA	R-1AA	R-1AA
Future Land Use	R	R	R	R	Water Body
Current Use	Single-family residence	Single-family residence	Single-family residence	HOA Tract	Lake Tibet

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1AA Single-Family Dwelling district, which allows single-family homes and associated accessory structures. The Future Land Use (FLU) is Rural (R), which is inconsistent with the R-1AA zoning district. The Planning Division reviewed the request and found that the property is vested for a single-family home, therefore single-family residential construction, expansions and ancillary structures are permitted.

The area around the subject site consists of single-family homes. The subject property is approximately 16,680 sq. ft. in size, was platted in 1978 as lot 24 of the Bay Point Plat and is considered a conforming lot. The subject lot is an interior lakefront lot on Lake Tibet with right-of-way along Bay Point Dr. to the east.

The property was purchased by the current owner in 2021 and is currently developed with a 2-story, 4,458 gross sq. ft. single-family home, as well as a rear yard paver patio and a boat dock. The existing residence is

being demolished, and a permit has been issued for a new 7,216 sq. ft., two-story, single-family residence to be constructed on the property but at the time of the site visit no construction had been completed.

The proposed residence is shown at a 35 ft. setback from the Normal High-Water Elevation (NHWE) line. The typical NHWE setback for a property located in the R-1AA district is 50 ft. However, Section 38-1501 footnote 'A' of Orange County Code states that *a lot which is part of a subdivision, the plat of which has been lawfully recorded,... on or before August 31, 1982,... which has a depth of less than one hundred fifty (150) feet above the NHWE contour, shall be exempt from the 50 ft. setback requirement set forth in Section 38-1501. Instead, the setbacks under the respective zoning district requirements shall apply as measured from the NHWE contour.* Lot depth is measured as the distance measured from the midpoint of the front line to the midpoint of the opposite rear line of the lot, in this instance, the NHWE line. The property depth is approximately 135 ft.; therefore, the minimum rear setback is 35 ft. from the NHWE, and the proposed residence will comply with this setback requirement.

The proposal is to install a 2,094 sq. ft. pool and deck at the rear of the proposed residence. Section 38-79(10)c. establishes swimming pools, including all appurtenances thereto, such as pool decks, security fences, or screen enclosures, shall be subject to the setback requirements from the NHWE contour for water bodies. Footnote 'A' of Section 38-1501 of Orange County Code states *the minimum setbacks from the NHWE contour for accessory structures and uses shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the NHWE contour.* The pool and deck are proposed to be located 9.92 ft. from the NHWE line where a 35 ft. setback is required, prompting the Variance request.

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. While the Variance request meets some of the criteria, it does not meet all the criteria. Based on staff's analysis the residence is not yet constructed and could be redesigned to lessen the Variance request for the pool and deck. Therefore, staff is recommending denial.

Building Setbacks

	Code Requirement	Proposed
Front:	Not located within the front yard	N/A
Side:	5 ft.	9 ft. (North) 8.58 ft. (South)
NHWE:	35 ft.	9.92 ft. (West – Variance)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET – No Special conditions and circumstances exist as the home has not been constructed, and the proposed construction could incorporate the pool and deck in a way to comply with all setback requirements for the lot.

Not Self-Created

NOT MET – The need for the Variance is self-created as all existing structures on the property will be demolished allowing the owner the ability to redesign the development to comply with all setback requirements for the lot.

No Special Privilege Conferred

MET – Granting the Variance as requested would not confer special privilege as several other properties in the area appear to have NHWE setbacks similar to the request.

Deprivation of Rights

NOT MET – Without approval of the requested Variance, the owner will not be deprived of the ability to construct a pool and deck as the proposed construction could incorporate the pool and deck in a way to comply with all setback requirements.

Minimum Possible Variance

NOT MET – The requested Variance is not the minimum possible to accommodate the installation of a pool and deck as the development could be redesigned to lessen the request.

Purpose and Intent

NOT MET – Approval of the requested Variance would not be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on the lake.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped October 9, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. 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 pool and deck is located no closer than 9.92 feet from the Normal High Water Elevation (NHWE) of Lake Tibet.

C: Katelyn O'Neal
 900 W. Lake Holden Pt.
 Orlando, FL 32805

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

To the Board of Zoning Adjustment,

I am writing to request a variance to Sec. 38-1501 50ft rear setback requirement from NHWE criteria at the residence of 9170 Bay Point Drive for a variance for a 47ft x 16ft pool setback from NHWE to be 9ft instead of 35ft. Property is zoned as ORG-R-1AA.

Special Conditions & Circumstances: Property was platted prior to 1982. It is positioned with less than 150ft from street to NHWE which would qualify the homeowner for an exemption from the 50ft setback requirement from NHWE set forth in Sec. 38-1501. For the R-1AA district, rear setback requirement is 35ft. In order to conform to code on the front setback, the residence is permitted at the 35ft minimum setback.

Not Self-Created: The current property owner has no control over the lot platting. Constrained lot and special conditions listed above are not self-created.

No Special Privilege: Approval of this variance would simply allow for a pool to be constructed which is a right conferred to others on the same street and on Lake Tibet. Examples of homes that have already received a NHWE variance for a pool include:

- 9210 Bay Point Drive - VA-20-05-022 Approved at 10.25ft to NHWE
- 9178 Bay Point Drive - VA-22-07-055 Approved at 16.4ft to NHWE
- 9138 Bay Point Drive - VA-20-02-166 Approved at 11ft to NHWE
- 9173 Bay Point Drive - VA-93-10-003 Approved at 10ft to NHWE
- 9161 Bay Point Drive - VA-16-11-139 Approved at 9ft to NHWE

Deprivation of Rights: A pool is a common accessory use that is permitted within the zoning district. The special conditions of the property would prevent construction without a variance. Granting of a variance allows the property owner their basic property right of enjoyment to which neighboring lakefront owners have previously been granted via setback variance.

Minimum Possible Variance: The proposed pool location is the only location on the property with sufficient space to build a pool. Pool size has been designed at a minimum standard to also maintain safe distance from the primary residence. The variance requested is therefore the minimum possible to allow for pool construction on the property.

Purpose and Intent: Variance would be in harmony with the purpose and intent of the existing zoning regulations and does not adversely affect the neighborhood.

In summary, I am requesting a variance to Sec. 38-1501 Setback requirement criteria from NHWE for a proposed pool. Only a variance would allow the property owner to construct a pool on the property with the special circumstances outlined above.

COVER LETTER

I thank you for your time and consideration of this variance request.

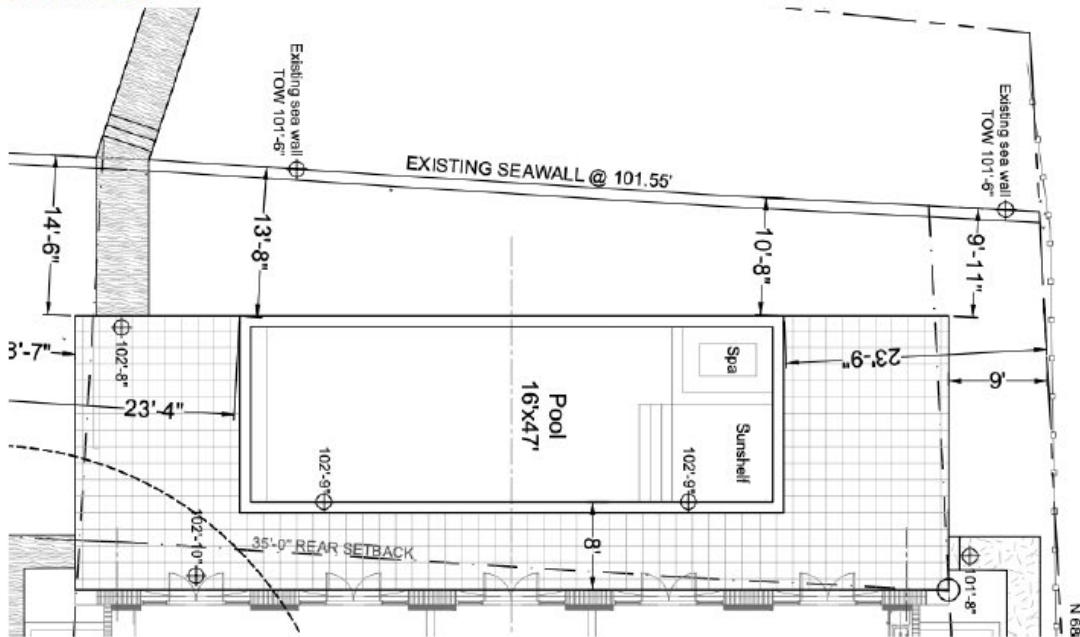
With Respect,

Katie O'Neal
Authorized Agent

Satellite view of the property



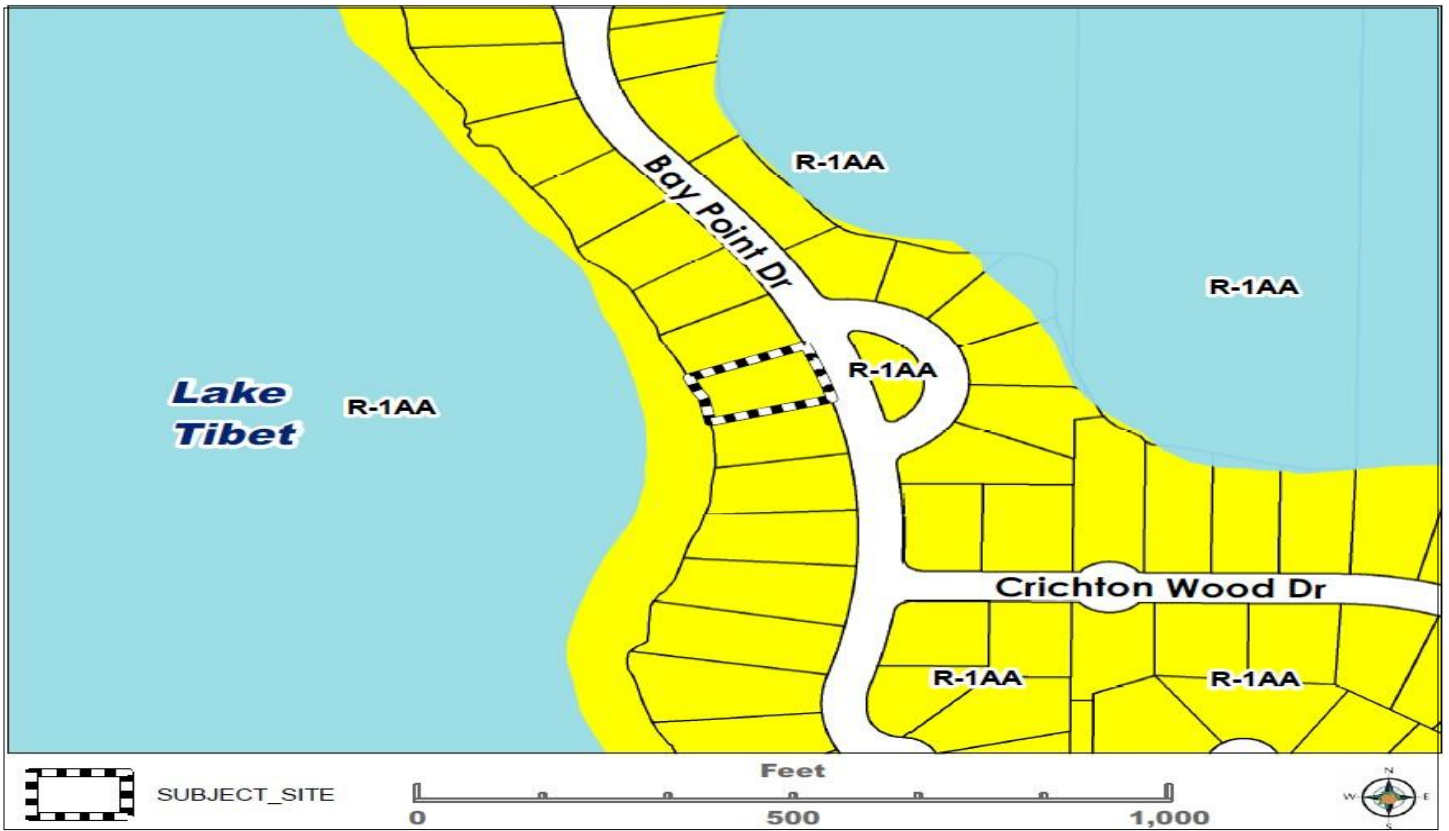
Deck Plan



Pool Rendering



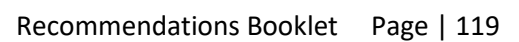
ZONING MAP



AERIAL MAP



BAY POINT DRIVE



SITE PHOTOS



Facing east from the boat dock towards subject property



Facing southeast towards the existing home and the rear of the property

SITE PHOTOS



Facing northwest towards the existing paver patio



Facing south towards the location of the proposed pool and deck

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 06, 2025**

Commission District: **#1**

Case #: **VA-25-11-060**

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

GENERAL INFORMATION

APPLICANT(s): KATELYN O'NEAL

OWNER(s): HAS HOMES LLC

REQUEST: Variance in the R-1AA Zoning District to allow a pool and deck with a Normal High Water Elevation (NHWE) setback of 3.67 ft. in lieu of 35 ft.

PROPERTY LOCATION: 9154 Bay Point Drive Orlando, FL, 32819, west side of Bay Point Dr., east side of Lake Tibet, northwest of W. Sand Lake Rd., west of S. Apopka Vineland Rd., south of Conroy Windermere Rd.

PARCEL ID: 28-23-28-0600-00-220

LOT SIZE: +/- 16,107 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 59

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

1. Development shall be in accordance with the site plan date stamped October 9, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. 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 pool and deck is located no closer than 3.67 feet from the Normal High Water Elevation (NHWE) of Lake Tibet.

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

The applicant was present and available to answer questions. She explained that other lots in the area had similar setbacks and provided a rationale for why the proposed design best suited the property, the neighborhood, and the owner's needs. She went on to discuss the unique shape of the seawall which is why the request is smaller than others in the area.

There was one in attendance to speak in favor or in opposition to the request.

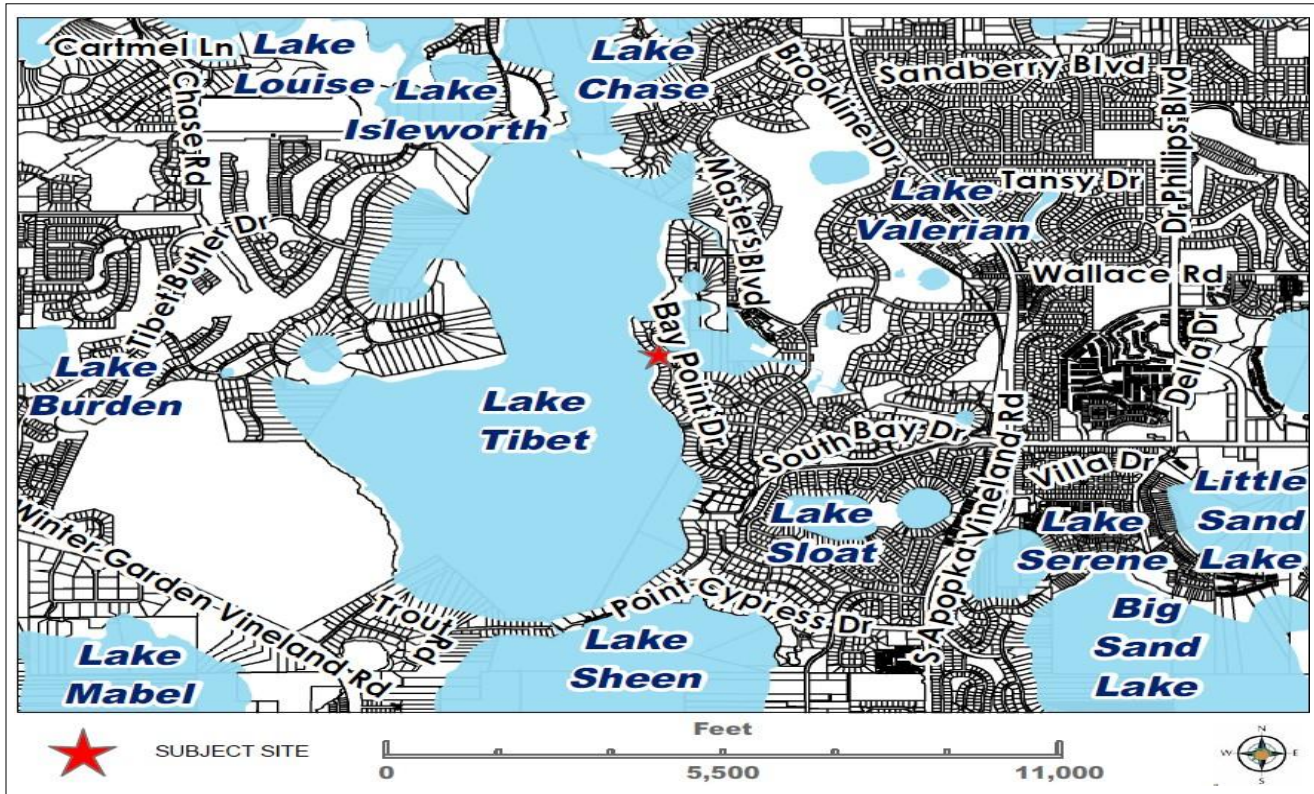
The BZA acknowledged the request and agreed that the proposal was appropriate. They also noted that there were similar setbacks throughout the neighborhood and that the location of the seawall further restricts the area where a pool could be placed.

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

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1AA	R-1AA	R-1AA	R-1AA	R-1AA
Future Land Use	R	R	R	R	Water Body
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	Lake Tibet

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1AA, Single-Family Dwelling district, which allows single-family homes and associated accessory structures. The Future Land Use (FLU) is Rural (R), which is inconsistent with the R-1AA zoning district. The Planning Division reviewed the request and found that the property is vested for a single-family home, therefore single-family residential construction, expansions and ancillary uses are permitted.

The area around the subject site consists of single-family homes. The subject property is approximately 16,107 sq. ft. in size, was platted in 1978 as lot 22 of the Bay Point Plat and is considered a conforming lot. The subject lot is an interior lakefront lot on Lake Tibet with right-of-way along Bay Point Dr. to the east.

The property was purchased by the current owner in 2023 and is currently being developed with a 2-story, 7,288 gross sq. ft. single-family home. The new residence is being constructed with a 35 ft. setback from the

Page | 124 Board of Zoning Adjustment [BZA]

Normal High-Water Elevation (NHWE) line. The typical NHWE setback for a property located in the R-1AA district is 50 ft. However, Section 38-1501 footnote 'A' of Orange County Code states that *a lot which is part of a subdivision, the plat of which has been lawfully recorded,... on or before August 31, 1982,... which has a depth of less than one hundred fifty (150) feet above the NHWE contour, shall be exempt from the 50 ft. setback requirement set forth in Section 38-1501. Instead, the setbacks under the respective zoning district requirements shall apply as measured from the NHWE contour.* Lot depth is measured as the distance measured from the midpoint of the front line to the midpoint of the opposite rear line of the lot, in this instance, the NHWE line. The property depth is approximately 145 ft.; therefore, the minimum rear setback is 35 ft. from the NHWE, and the new residence complies with this setback requirement.

The proposal is to install an approximately 1,600 sq. ft., pool and deck at the rear of the new residence. Section 38-79(10)c. establishes swimming pools, including all appurtenances thereto, such as pool decks, security fences, or screen enclosures, shall be subject to the setback requirements from the NHWE contour for water bodies. Footnote 'A' of Section 38-1501 of Orange County Code states *the minimum setbacks from the NHWE contour for accessory structures and uses shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the NHWE contour.* The pool and deck are proposed to be located 3.67 ft. from the NHWE line where a 35 ft. setback is required, prompting the Variance request.

The pool and deck were shown on the plans for the new residence and at the time of permitting staff commented that the pool and deck did not meet code. The residence could have been revised during permitting to address the pool and deck setback.

This property is within Orlando Utilities Commission Water Service Area and Orange County Utilities Wastewater and Reclaimed Water Service Areas. Reclaimed water is considered not available.

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. While the Variance request meets some of the criteria, it does not meet all the criteria. Based on staff's analysis the pool and deck could be redesigned to lessen the Variance request. Therefore, staff is recommending denial.

Site and Building Requirements

	Code Requirement	Proposed
Max Height:	35 ft.	N/A
Min. Lot Width:	85 ft.	110 sq. ft.
Min. Lot Size:	10,000 sq. ft.	+/- 16,107 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	Not located within the front yard	N/A
Side:	5 ft.	7.92 ft. (North) 9 ft. (South)
NHWE:	35 ft.	3.67 ft. (West – Variance)

VARIANCE CRITERIA

Special Conditions and Circumstances

MET – Special conditions and circumstances exist as the home is currently under construction on the property and is constructed at a 35 ft. setback therefore a pool of any size would require a Variance.

Not Self-Created

NOT MET – The need for the Variance is self-created as the proposed pool is part of a new home, and the project could have been designed to incorporate the pool and deck in a way to comply with all setback requirements.

No Special Privilege Conferred

NOT MET – Granting the variance as requested would confer special privilege. While there are other properties in the area that appear to have reduced rear setbacks, the requested Variance is larger than those granted to other property owners.

Deprivation of Rights

MET – Without approval of the requested Variance, the owner will be deprived of the ability to construct a pool and deck.

Minimum Possible Variance

NOT MET – The requested Variance is not the minimum possible to accommodate the installation of a pool and deck as the development could be redesigned to lessen the request.

Purpose and Intent

NOT MET – Approval of the requested Variance would not be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on the lake.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped October 9, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. 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 pool and deck is located no closer than 3.67 feet from the Normal High Water Elevation (NHWE) of Lake Tibet.

C: Katelyn O'Neal
 900 W. Lake Holden Pt.
 Orlando, FL 32805

COVER LETTER

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

To the Board of Zoning Adjustment,

I am writing to request a variance to Sec. 38-1501 50ft rear setback requirement from NHWE criteria at the residence of 9154 Bay Point Drive for a variance for a pool/pool deck at a setback from NHWE/Seawall to be 3ft 8in in lieu of 35ft. Property is zoned as R-1AA.

Special Conditions & Circumstances: Property was platted prior to 1982. It is positioned with less than 150ft from street to NHWE which would qualify the homeowner for an exemption from the 50ft setback requirement from NHWE set forth in Sec. 38-1501. For the R-1AA district, rear setback requirement is 35ft.

Not Self-Created: The current property owner has no control over the lot platting. Constrained lot and special conditions listed above are not self-created.

No Special Privilege: Approval of this variance would simply allow for a pool and pool deck to be constructed which is a right conferred to others on the same street and on Lake Tibet.

Examples of homes that have already received a NHWE variance include:

- 9210 Bay Point Drive - VA-20-05-022 Approved at 10.25ft to NHWE
- 9178 Bay Point Drive - VA-22-07-055 Approved at 16.4ft to NHWE
- 9138 Bay Point Drive - VA-20-02-166 Approved at 11ft to NHWE
- 9173 Bay Point Drive - VA-93-10-003 Approved at 10ft to NHWE
- 9161 Bay Point Drive - VA-16-11-139 Approved at 9ft to NHWE

Deprivation of Rights: A pool is a common accessory use that is permitted within the zoning district. The special conditions of the property would prevent construction without a variance. Granting of a variance allows the property owner their basic property right of enjoyment to which neighboring lakefront owners have previously been granted via setback variance.

Minimum Possible Variance: The proposed pool location is the only location on the property with sufficient space to build a pool. Pool size has been designed at a minimum standard to also maintain safe distance from the primary residence. The variance requested is therefore the minimum possible to allow for pool construction on the property.

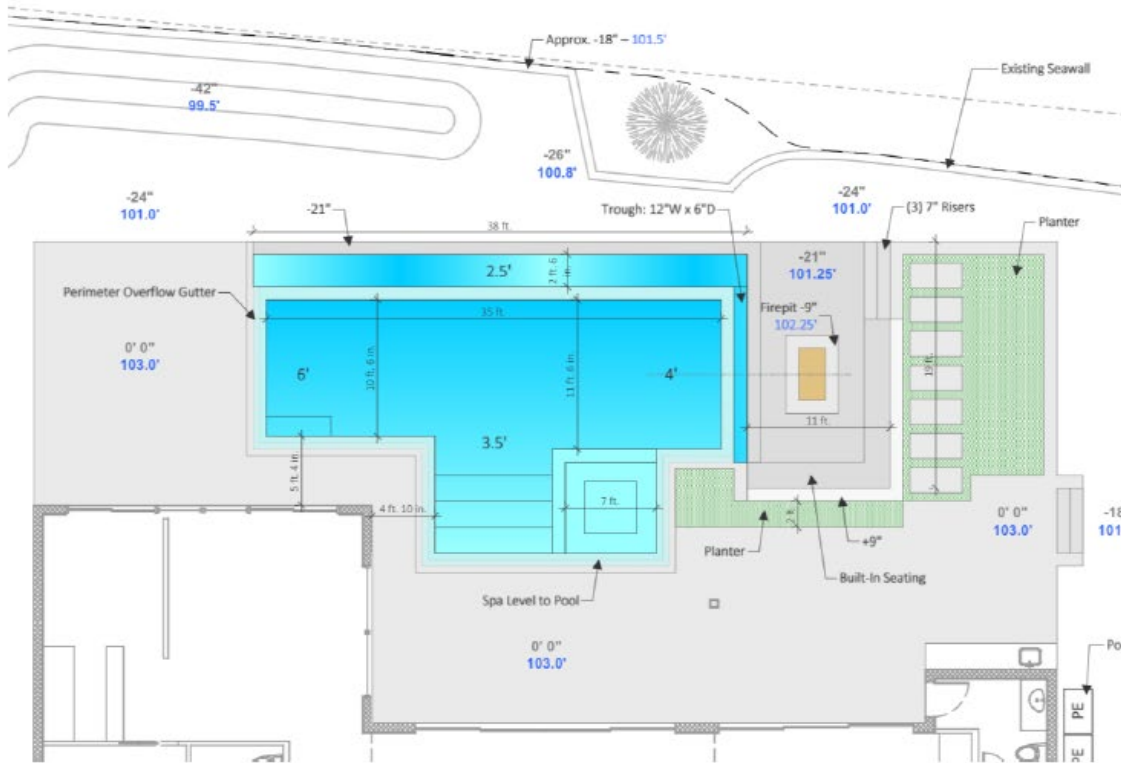
Purpose and Intent: Variance would be in harmony with the purpose and intent of the existing zoning regulations and does not adversely affect the neighborhood.

In summary, I am requesting a variance to Sec. 38-1501 Setback requirement criteria from NHWE for a proposed pool. Only a variance would allow the property owner to construct a pool on the property with the special conditions outlined above.

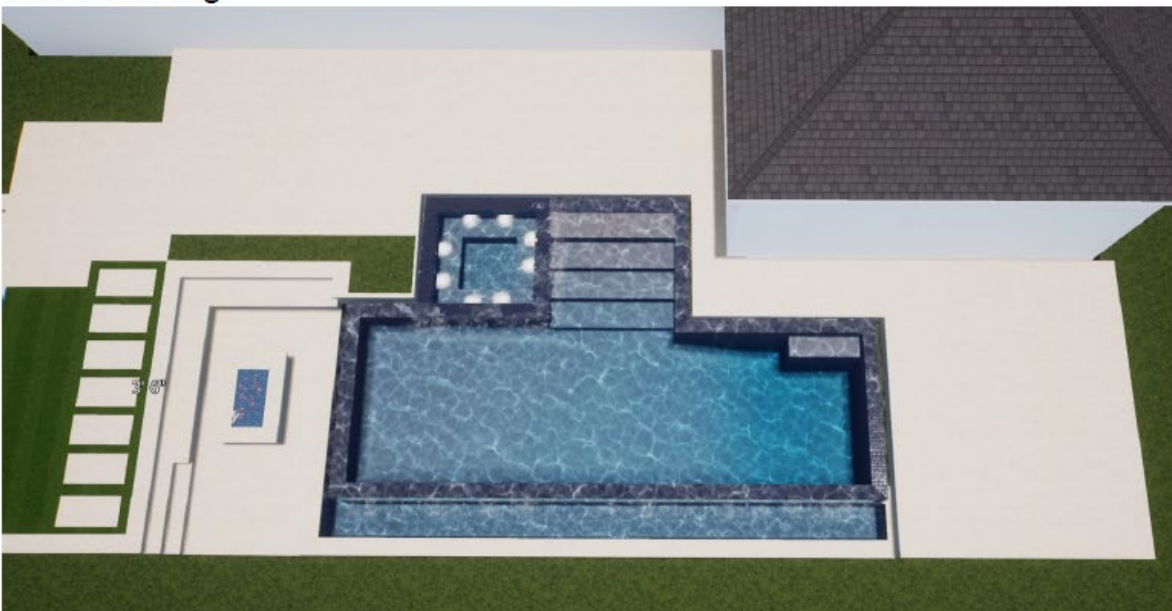
With Respect,

Katie O'Neal
Authorized Agent

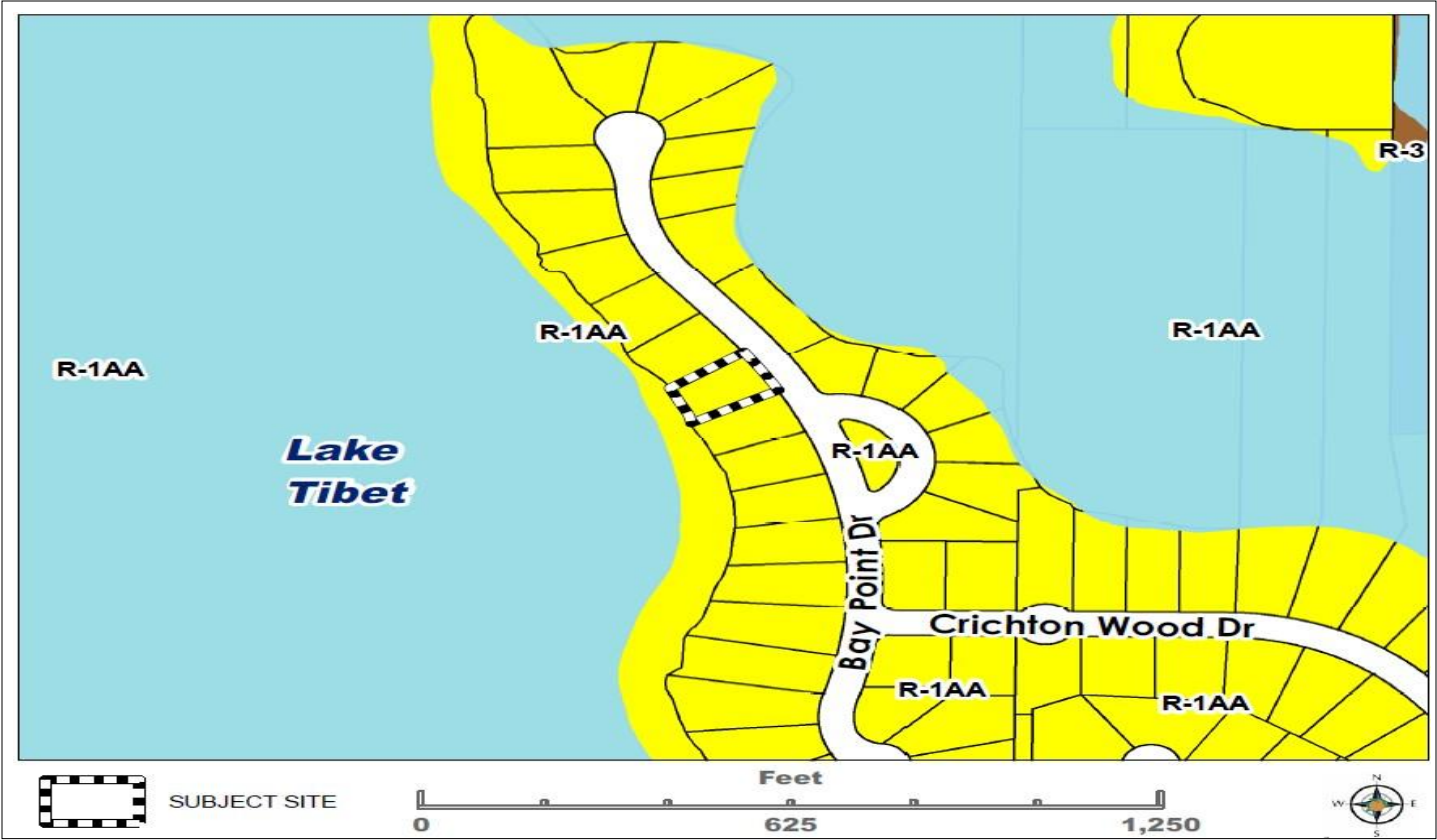
Deck Plan



Pool Rendering



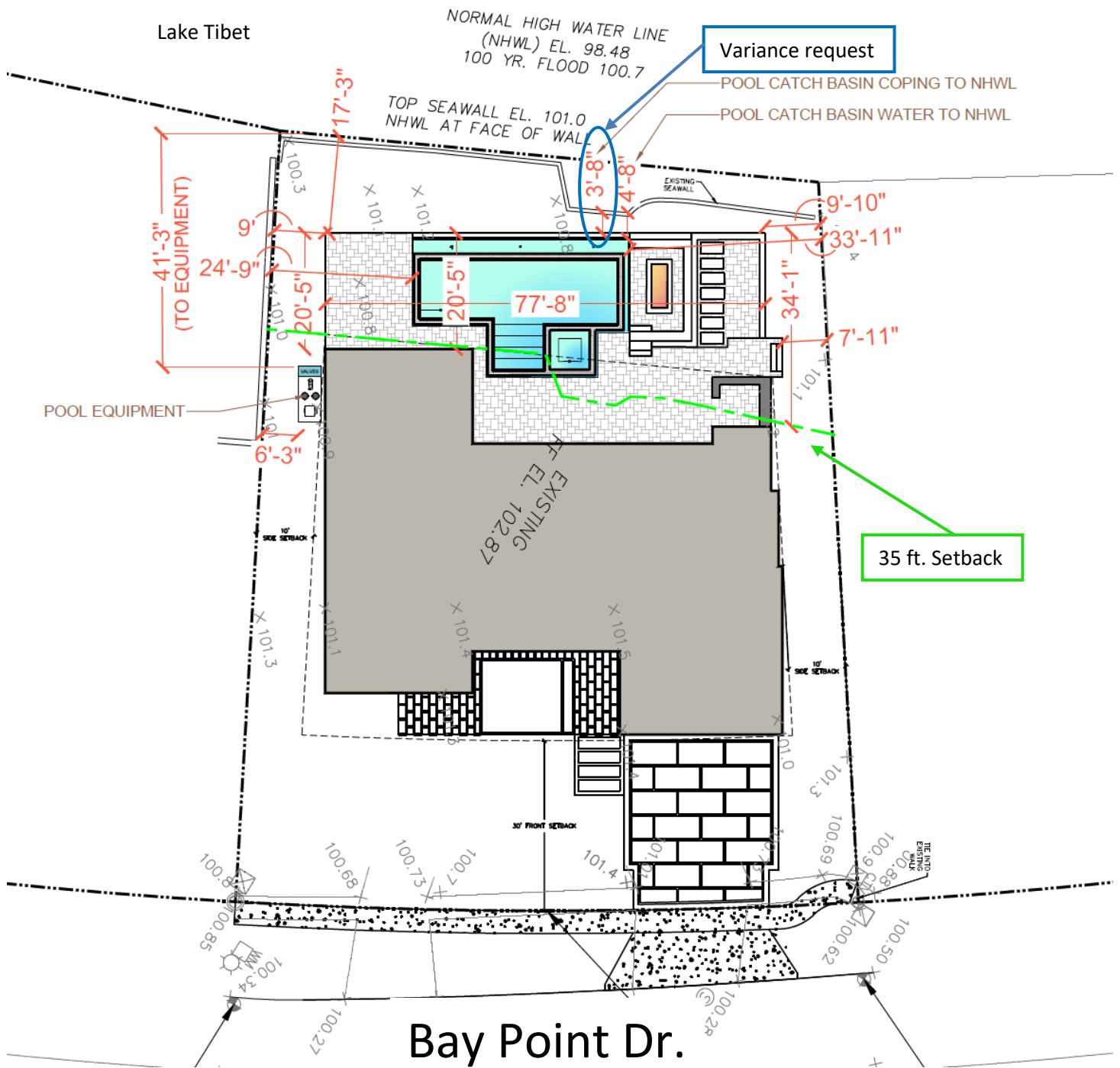
ZONING MAP



AERIAL MAP



SITE PLAN



SITE PHOTOS



Facing east towards the existing residence under construction



Facing north towards the existing home and proposed location of pool and deck

SITE PHOTOS



Facing southwest towards the proposed location of pool and deck



Facing west towards the location of the proposed pool and deck and Lake Tibet

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 06, 2025**

Commission District: **#4**

Case #: **VA-25-11-063**

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

GENERAL INFORMATION

APPLICANT(s): JEANNEL LOUIRAL

OWNER(s): JEANNEL LOUIRAL

REQUEST: Variance in the PD zoning district to allow an addition with a rear setback of 5.67 ft. in lieu of 15 ft.

NOTE: This is a result of Code Enforcement.

PROPERTY LOCATION: 13021 Los Angeles Woods Ln., Orlando, FL, 32824, east side of Los Angeles Woods Ln., south of E. Wetherbee Rd., west of Landstar Blvd., north of S.R. 417, east of S. Orange Ave.

PARCEL ID: 25-24-29-6022-44-030

LOT SIZE: +/- 6,050 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 180

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

1. Development shall be in accordance with the site plan date stamped October 13, 2025, as modified to reflect an 8'10" rear setback and elevations date stamped October 15, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Prior to the issuance of the permit for the addition, a permit must be obtained for the fence, or the fence must be removed from the property.
5. Prior to the issuance of the permit for the addition, a permit must be obtained for the concrete pad, or the concrete pad must be removed from the property.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six criteria and the reasons for a recommendation of denial of the Variance. Staff noted that three comments were received in favor, with one duplicate, and no correspondence was received in opposition to the request. Staff noted that this variance was brought forward by a code compliance issue. Staff indicated that two additional conditions of approval were described in staff's analysis of the case but not reflected in the conditions of approval of the staff report. Staff added Conditions #4 and #5 into the recommendation.

The applicant was present and available to answer questions. He explained that additional space was necessary to better care for family members, and that there was not a specific contractor. Individuals were being hired to do the work. Since the violation was issued a company has been hired to assist with the permitting and paperwork

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

The BZA acknowledged the request and discussed whether approving it would be appropriate, given the potential impact on adjacent properties. The applicant noted that neighboring properties had already constructed structures extending into the setback and supported the proposed addition. The BZA also expressed concern and emphasized the importance of ensuring that the addition is built in a code-compliant manner.

The BZA recommended approval of a lesser Variance of an 8'10" rear setback, by a 6-0 vote with one absent. The approval is subject to the three conditions outlined in the staff report and the additional two Conditions, #4 and #5, as presented by staff during the hearing with a modification of Condition #1 as follows:

1) Development shall be in accordance with the site plan date stamped October 13, 2025, as modified to reflect an 8'10" rear setback and elevations date stamped 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).

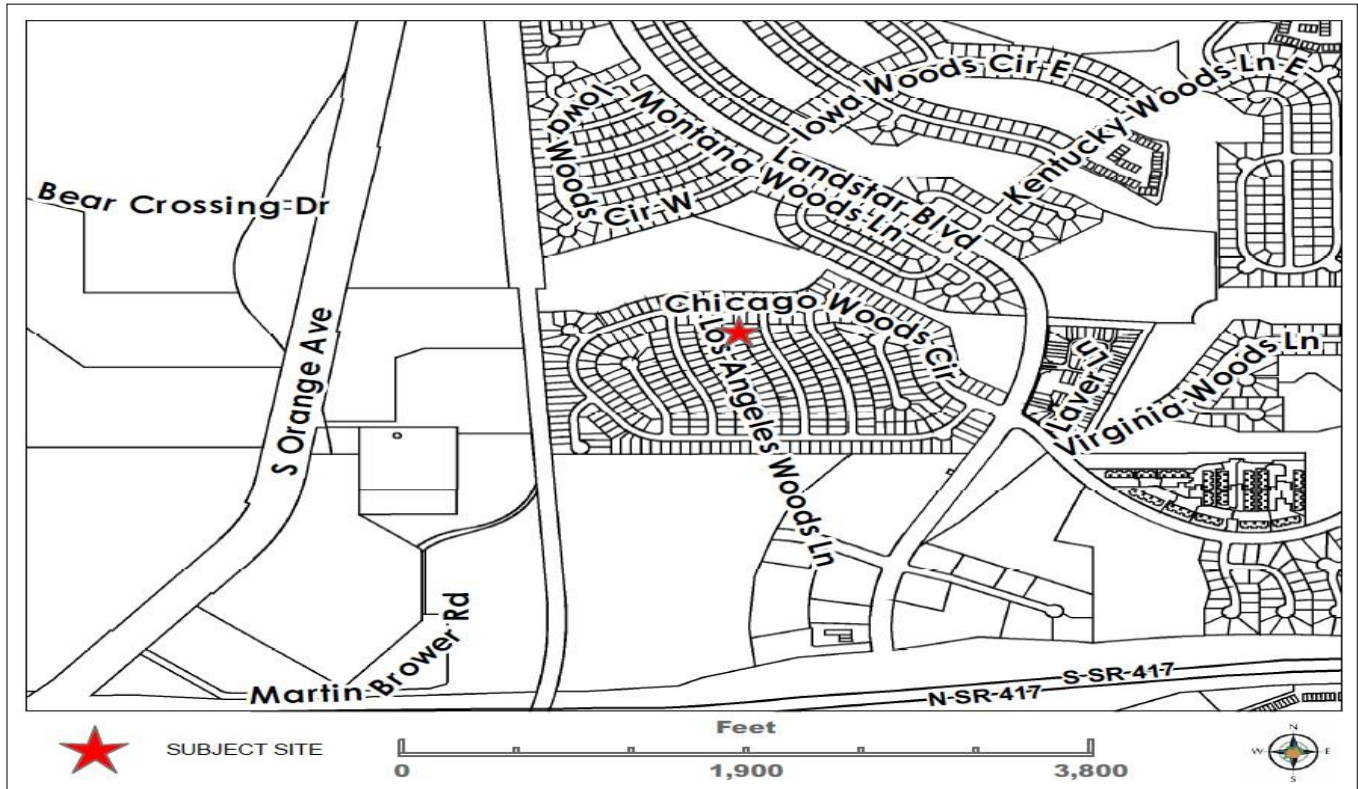
4) Prior to the issuance of the permit for the addition, a permit must be obtained for the fence, or the fence must be removed from the property.

5) Prior to the issuance of the permit for the addition, a permit must be obtained for the concrete pad, or the concrete pad must be removed from the property.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	PD	PD	PD	PD	PD
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-Family Residential	Single-Family Residential	Single-Family Residential	Single-Family Residential	Single-Family Residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the Meadow Woods Planned Development (PD) 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 PD zoning district.

The surrounding neighborhood is primarily composed of single-family residences situated on similarly sized lots with comparable structures. The property was platted in 1986 as lot 3 in Block 144 of the Meadow Woods Village 7 Phase 2 Plat, and is a conforming lot. The property is an interior lot with right-of-way along Los Angeles Woods Ln. to the west. There is a 5 ft. wide utility easement along the rear property line and a 10 ft. wide utility easement along the front property line. The subject property is a 6,050 sq. ft. lot improved with a

two-story, 2,682 sq. ft. single family residence, constructed in 1987. The site also contains a partially constructed addition and a 6 ft. tall wood fence enclosing the side and rear yards.

The existing residence is developed with a 3 ft. side setback. Residences within the Meadow Woods Village 7 Phase 2 Preliminary Subdivision Plan (PSP) require 10-foot building separation between homes. The existing home is constructed with a 1.9 ft. setback from the north property line, meeting the required building separation.

A code compliance violation was issued on July 23, 2025, for a fence, concrete pad, and addition all constructed without permits. Residences within the Meadow Woods Village 7 Preliminary Subdivision Plan (PSP) must maintain a 15 ft. rear setback. The partially constructed addition on the primary structure does not comply with the required rear setback standard as established within the PSP development standards. The applicant is requesting to keep the addition, located 5.67 ft. from the rear property line, where a minimum setback of 15 ft. is required, prompting the Variance request. This represents a deviation of 9.33 feet from the established standard. The fence and concrete pad were also constructed without permits. No additional Variances are being requested for these structures. As of the date of this report, no permits have been submitted for the fence or concrete pad. Conditions of Approval #4 and #5 have been added to address these unpermitted items.

When reviewing the Variance application, discrepancies were found between the proposed plans and the construction on site. The existing addition appears to be closer to the rear property line than what is shown on the site plan and appears to encroach into the 5 ft. wide rear utility easement. As proposed, the existing addition will be required to be partially demolished to match the layout shown on the site plan. Approximately 3 ft. of the addition must be removed to accommodate the 5.67 ft. rear setback as requested.

Site and Building Requirements

	Code Requirement	Proposed
Max Height:	35 ft.	N/A
Min. Lot Width:	55 ft.	63.14 sq. ft.
Min. Lot Size:	5,500 sq. ft.	6,050 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	20 ft.	24.6 ft. (East)
Side:	0 ft.; 10 ft. between structures	3 ft. (North) 8.4 ft. (South)
Rear:	15 ft.	5.67 ft. (West – Variance)

This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. 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 (6) Variance criteria are met. Based on staff's analysis, had permits been obtained prior to construction the applicant could have redesigned the addition to lessen the request or place the addition to the front of

the home and comply with all development standards. While the request meets some of the criteria it does not meet all the criteria. Therefore, staff is recommending denial.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET - There are no special conditions or circumstances that justify the proposed location of the addition. A smaller structure could be built, or the addition could be placed in a code-compliant location, such as the front of the home, as the lot meets minimum width and area requirements and has a typical shape for properties within the PD.

Not Self-Created

NOT MET - The need for the Variance is self-created, as the addition was constructed without a permit and subsequently cited by Code Enforcement, necessitating the Variance.

No Special Privilege Conferred

MET - Granting the requested Variance would not confer a special privilege, as surrounding properties appear to have similar rear yard encroachments.

Deprivation of Rights

NOT MET - Denial of the Variance would not deprive the rights of the property owner as the property could continue to be enjoyed as originally constructed or an addition could be proposed in a code complaint location

Minimum Possible Variance

NOT MET - The requested Variance is not the minimum deviation necessary to permit an addition, as the addition could be redesigned to lessen the Variance.

Purpose and Intent

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

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped October 13, 2025, and elevations date stamped 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: Jeannel Louiral
13021 Los Angeles Woods Ln.
Orlando, FL 32824

09/01/2025

Board of Zoning Adjustment (BZA)

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

Subject: Variance Request for Rear Addition – 13021 Los Angeles Woods Ln

Dear Members of the Board,

I am respectfully submitting this request for a variance pertaining to my property located at 13021 Los Angeles Woods Ln. The rear addition does not fully comply with the required setbacks under the current zoning code. It has a rear setback of 5ft 10in in lieu of 15ft and 3ft in lieu of 10 ft on the left side. The total rear of the addition is 514.51sq ft with the highest roof peak of 11ft. I am seeking relief to allow reasonable use of my property.

Due to the unique lot configuration and site constraints, strict application of the setback requirements creates an undue hardship and limits the reasonable use of the property. The requested variance will allow for the proposed addition to be constructed while maintaining the overall character of the neighborhood.

This variance is especially important to my family, as I have a large household. Given the current high market conditions, purchasing a larger home is financially unfeasible for us. Granting this variance would allow us to add an additional bedroom and living space that would ensure a safe and comfortable environment for my family. Also, I believe granting this variance will not adversely affect adjacent properties, alter the essential character of the surrounding area, or impair the intent of the zoning ordinance. The design will remain compatible with existing homes in the area and will enhance both the functionality and value of the property.

I kindly request that this variance be placed on the next available hearing agenda for consideration. Enclosed with this letter are the required site plan, drawings, and supporting documents.

Thank you for your time and consideration. Please feel free to contact me if additional information or clarification is needed.

Sincerely,



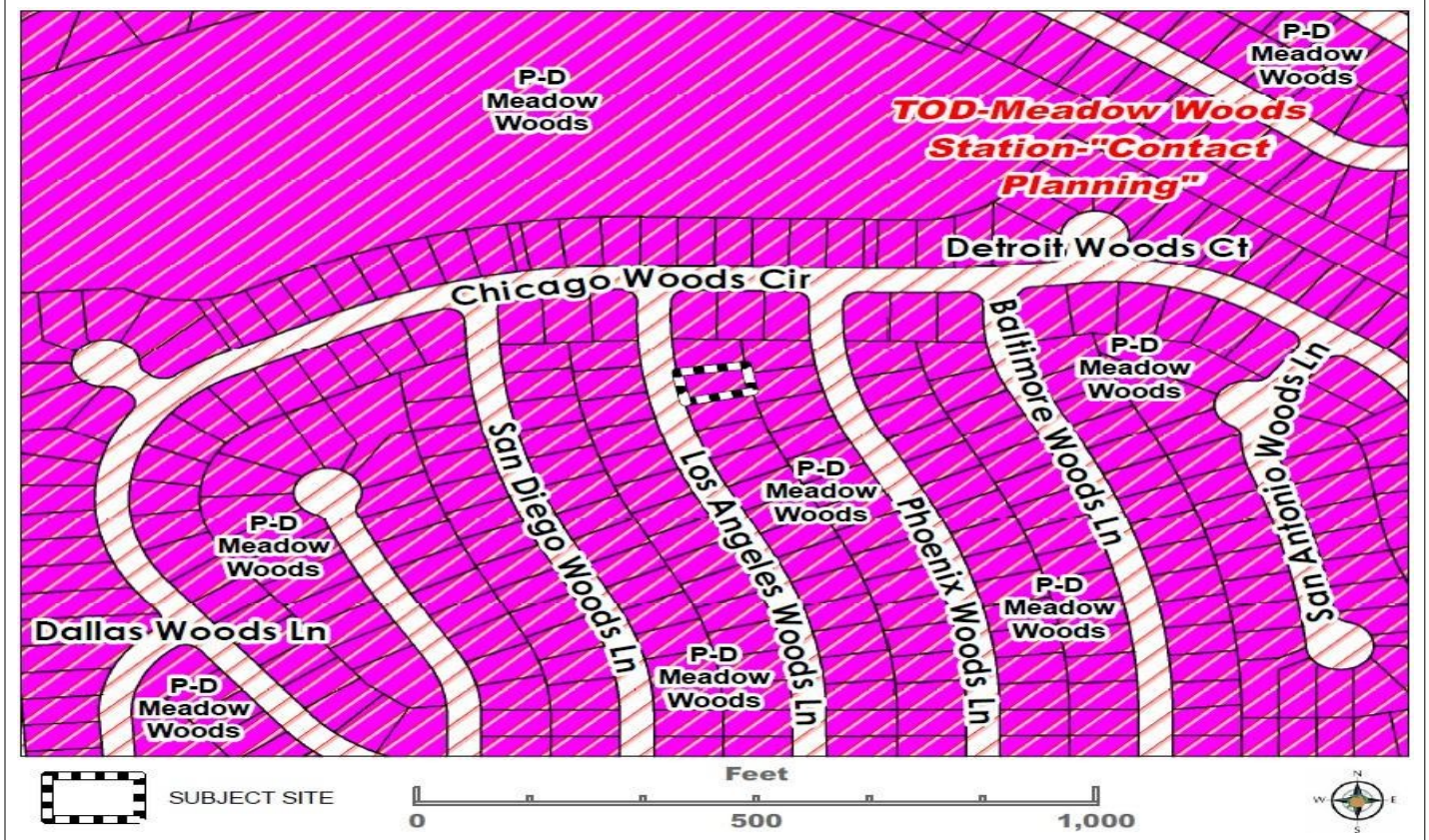
Jeannel Louiral

9/2/2025

COVER LETTER

1. **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.
The property has a limited buildable area due to its lot depth and existing layout. The configuration restricts the ability to expand the home in compliance with current rear and side yard setbacks.
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 location of the existing residence on the lot was determined at the time of original construction. This placement leaves limited options for expansion while maintaining compliance with current setback requirement.
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.
Does not confer any special privilege denied to other properties in the area with similar conditions. It is simply a reasonable adjustment to allow for an addition that aligns with neighboring patterns.
4. **Deprivation of Rights** - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.
Without the requested variance, I am unable to reasonably expand the existing home to meet functional family and living space needs. Denying this request would unfairly limit the property's use and prevent me from enjoying the same reasonable development opportunities.
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.
The request does not exceed what is needed for a modest and functional rear addition and does not seek to maximize development at the expense of surrounding properties. This will allow me to reasonably improve the home in a manner consistent with the neighborhood.
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
The addition preserves open space, ensuring separation between structures and remains consistent with the residential character of the community.

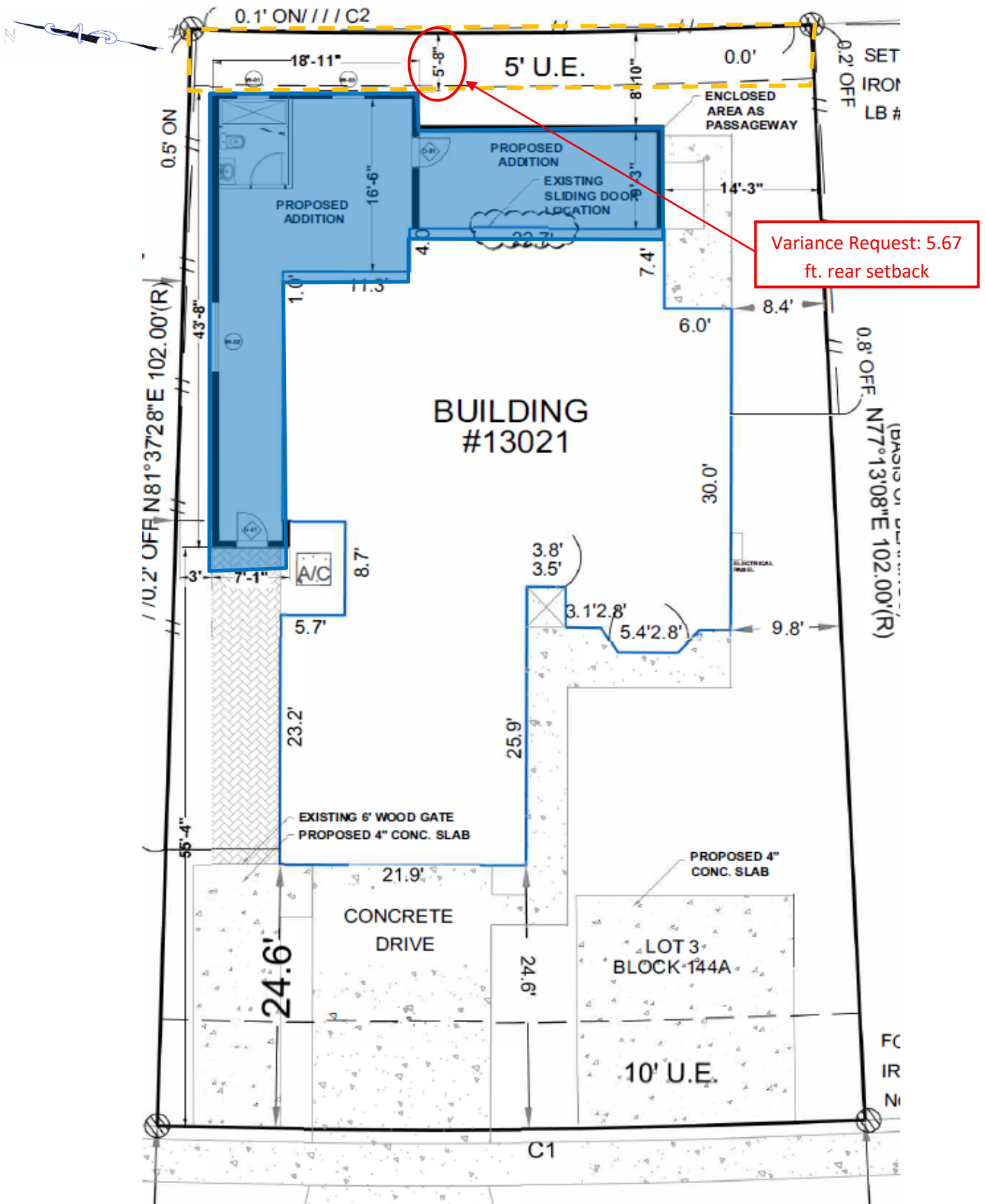
ZONING MAP



AERIAL MAP

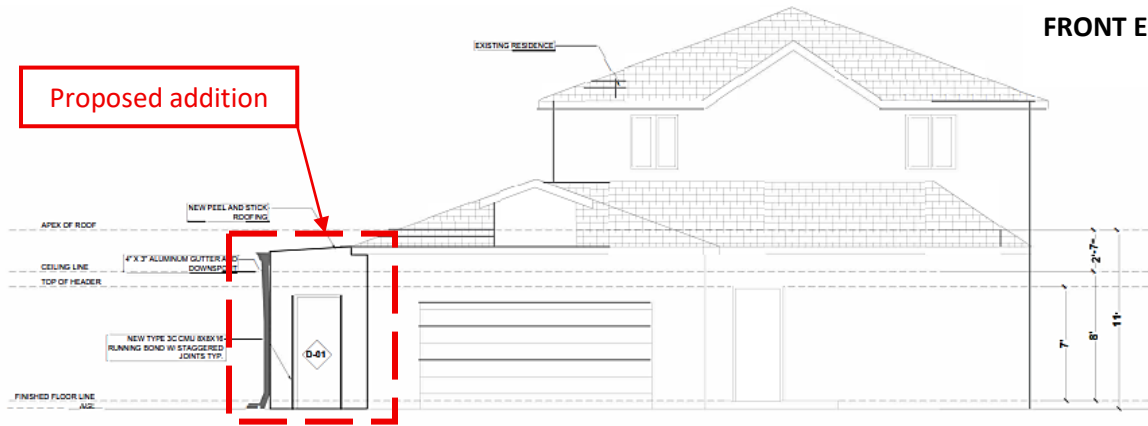


SITE PLAN

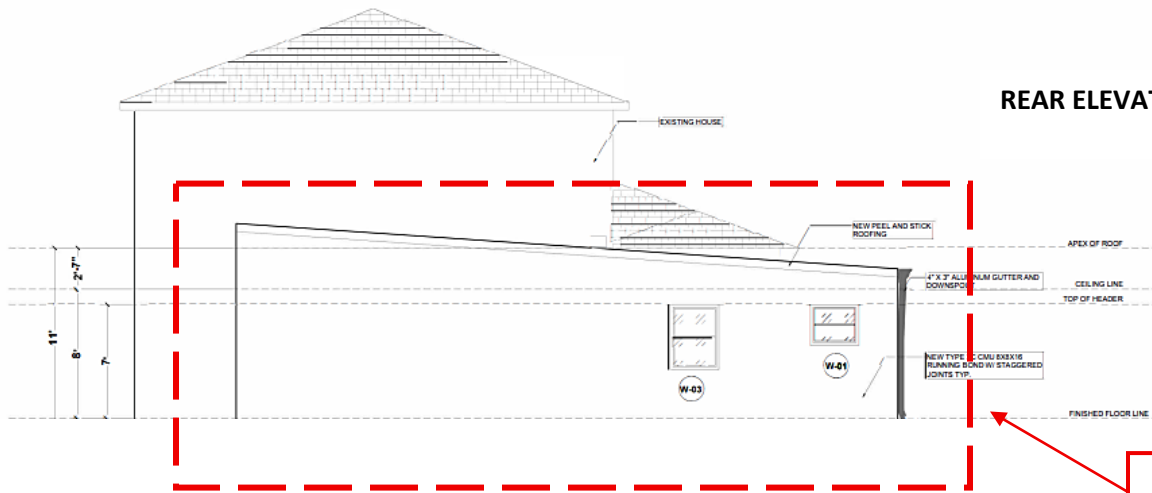


ELEVATIONS

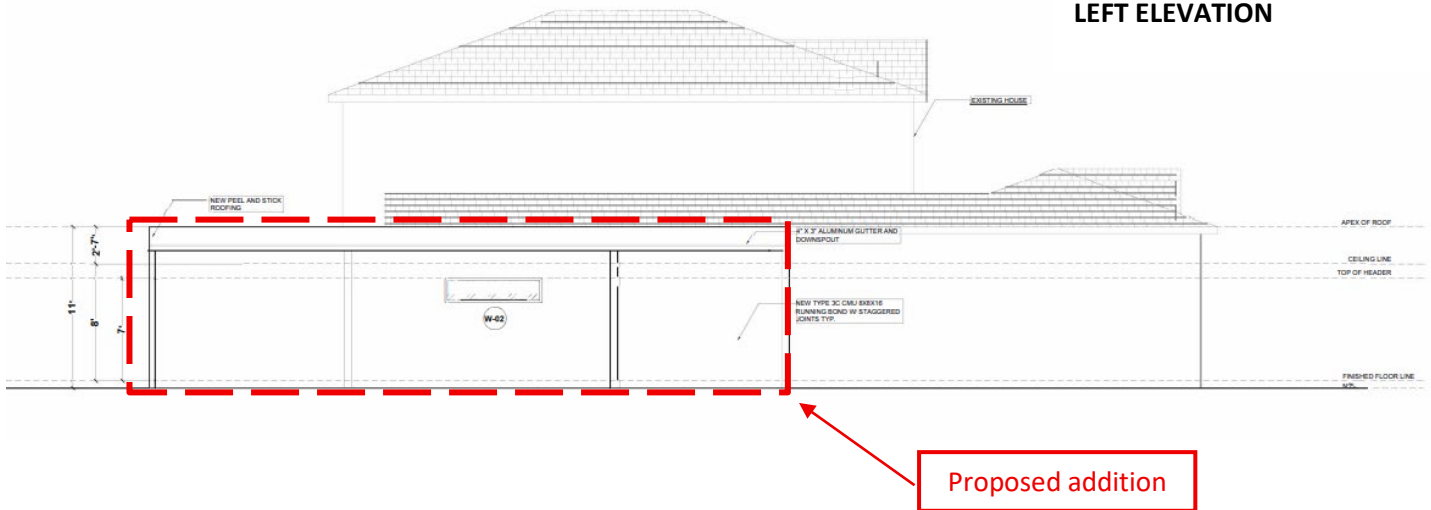
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



SITE PHOTOS



Facing east towards existing residence from Los Angeles Woods Ln.



Facing northeast towards existing residence

SITE PHOTOS



Facing east towards the side yard and existing fence



Facing east from the side yard towards the addition

SITE PHOTOS



Facing east towards the rear property line



Facing north towards the partially constructed addition

SITE PHOTOS



Facing north towards addition and the rear property line

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 06, 2025**

Commission District: **#4**

Case #: **VA-25-08-033**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JOSE MARTINEZ

OWNER(s): JOSE MARTINEZ

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

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

NOTE: This is a result of Code Enforcement.

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

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

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

NOTICE AREA: 500 ft.

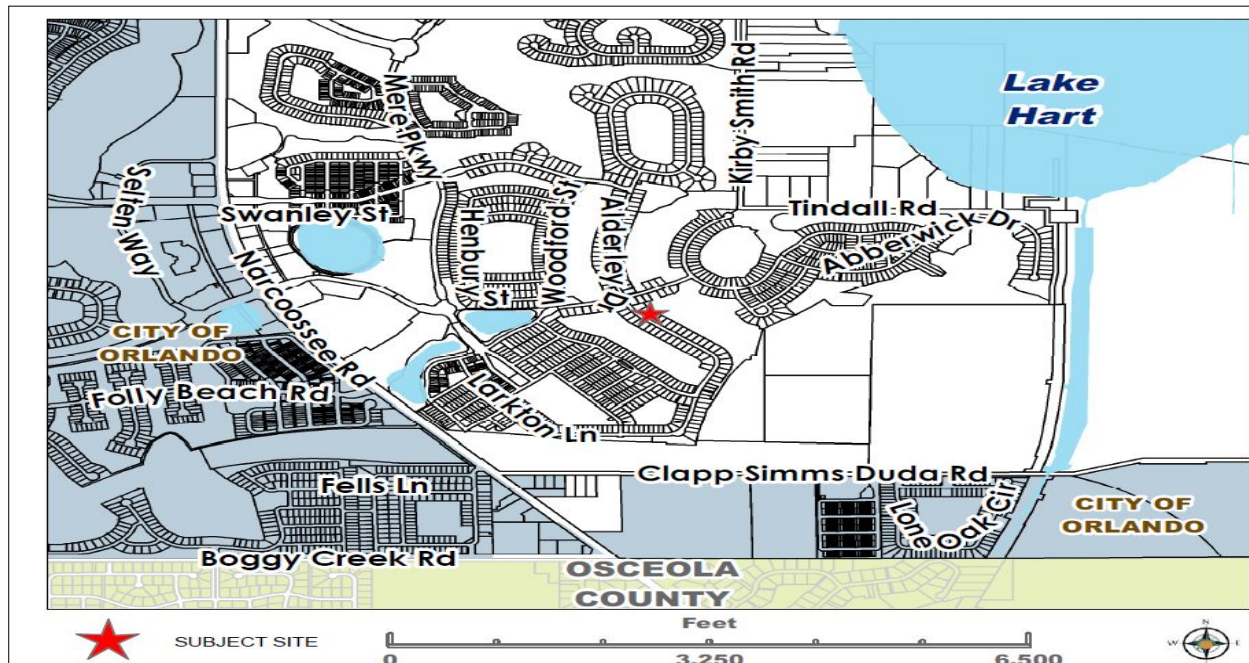
NUMBER OF NOTICES: 47

DECISION: Recommended to **CONTINUE** the case to the 12/4/25 BZA Meeting (Motion by John Drago, Second by Juan Velez; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Sonya Shakespeare, Johnny Stanley; 0 opposed; 1 absent: Roberta Walton Johnson)

STAFF RECOMMENDATIONS

APPLICANT REQUESTED TO CONTINUE TO THE DECEMBER 4, 2025 PUBLIC HEARING

LOCATION MAP





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