

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

July 14, 2026

The following is a public hearing before the Board of County Commissioners on July 14, 2026, at 2:00 p.m.

APPLICANT: ALKARIM DHANANI

OWNER: YASMIN DHANJI, RAHIM DHANJI

CASE #: VA-26-05-022

REQUEST: Variances in the PD zoning district from the Normal High Water Elevation as follows:

- 1) To allow an existing wood deck with a setback of 5 ft. in lieu of 20 ft.
- 2) To allow an existing spa and deck with a setback of 16.5 ft. in lieu of 20 ft.

NOTE: This is the result of a code violation

LOCATION: 8016 Firenze Blvd., Orlando, FL 32836, south side of Firenze Blvd., north side of Big Sand Lake., east of S. Apopka Vineland Rd., south of W. Sand Lake Rd., west of Turkey Lake Rd.

LOT SIZE: 10,205 sq. ft. (9,538 sq. ft. upland)

ZONING: Planned Development (PD)

DISTRICT: #1

PROPERTIES NOTIFIED: 107

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

Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the 6 criteria and the reasons for a recommendation for denial of Variance request #1 and approval of Variance request #2. Staff noted that no comments were received in favor or in opposition to the request.

The applicant was present and stated the wood deck was constructed without permits by a contractor and the code violation was prompted by the HOA.

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

The BZA discussed the requests, the HOA, and the improvements on neighboring residences. The board stated the improvements are consistent with the development in the area and denial would deprive the applicant the ability to use their rear yard.

The BZA recommended approval of the Variance requests by a 6-0 vote, with 1 absent, subject to the conditions in the 6 conditions listed in the staff report with the following modifications:

- 1) Development shall be in accordance with the site plan date stamped January 28, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
- 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 spa and deck is located no closer than 16.5 feet and the wood deck is located no closer than 5 ft. from the Normal High Water Elevation (NHWE) of Big Sand Lake.

BZA HEARING DECISION:

A motion was made by Thomas Moses, seconded by Juan Velez, and carried to recommend 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 conditions as modified (Motion by Thomas Moses, Second by Juan Velez; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley).

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#1**

Case #: **VA-26-05-022**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): ALKARIM DHANANI

OWNER(s): YASMIN DHANJI, RAHIM DHANJI

REQUEST: Variances in the PD zoning district from the Normal High Water Elevation as follows:

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PROPERTY LOCATION: 8016 Firenze Blvd., Orlando, FL 32836, south side of Firenze Blvd., north side of Big Sand Lake., east of S. Apopka Vineland Rd., south of W. Sand Lake Rd., west of Turkey Lake Rd.

PARCEL ID: 34-23-28-8880-04-270

LOT SIZE: 10,205 sq. ft. (9,538 sq. ft. upland)

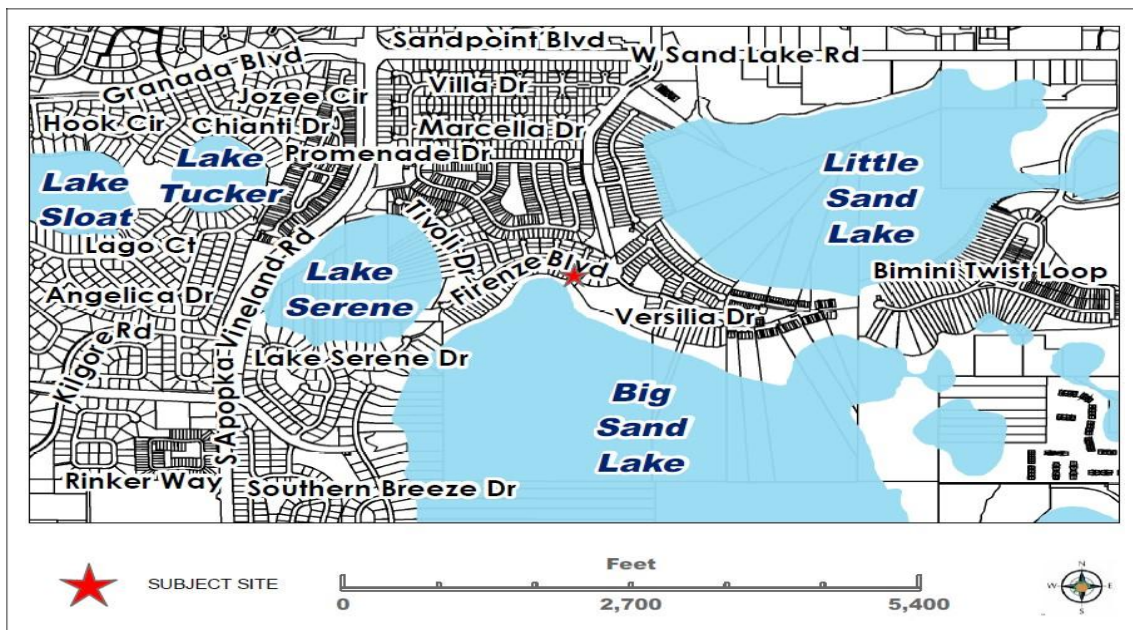
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 107

STAFF RECOMMENDATIONS

Denial of Variance #1 and approval of Variance #2 and, subject to the conditions in this report. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of all 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	MDR	MDR	MDR	MDR	MDR
Current Use	Single-family residential	Single-family residential	Big Sand Lake	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned Planned Development (PD) district, and is located within Vizcaya Phase 1 of the Granda Properties PD. This section of the PD allows for single-family uses and associated accessory structures. The Future Land Use (FLU) is Medium Density Residential which is consistent with the PD zoning district.

The area around the property consists of mostly single-family homes. The subject property is 10,205 sq. ft. with 9,538 sq. ft. of upland area in size and was platted in 2000 as Lot 27D of Block D of the Vizcaya Phase 1 Plat and is a conforming lot of record. The property is an interior lakefront lot with right-of-way along Firenze Blvd. to the north and Big Sand Lake to the south. There is a 15 ft. environmental swale easement and a 5 ft. wall easement both along the rear property line.

The property was purchased by the current owner in 2009, and is developed with a three-story, 7,465 gross sq. ft. single-family home (B02009436), constructed in 2003, a pool and paver deck (B02017248), a wooden deck, a concrete walkway on the east side of the home (B25013049), a boat dock (B10000275), and a 4 ft. tall aluminum fence.

Code Compliance issued a code violation on September 18, 2025, (CE: # 651164) for exterior alterations done on the property without a permit. Those improvements consisted of glass rail on the 2nd floor of the home, a wood deck with a railing, a retaining wall, and concrete stairs on the side of the home. A permit (B25006146) was submitted in March of 2025 to retroactively permit the wood deck and associated glass railing and retaining wall alterations. This permit is active with deficiency comments relating to setbacks and pending the outcome of the Variance request. A permit (B25013049) was submitted in June of 2025 to permit concrete steps constructed on the east side of the home. This permit was issued in July of 2025 and is now expired due to no final inspection. This permit must be reinstated or replaced in order to resolve the violation.

The proposal is to keep the existing unpermitted wood deck expansion. Section 38-1426(1)c.2.(ii) establishes that detached accessory structures, are subject to the setback requirements from the Normal High Water Elevation (NHWE) contour for water bodies outlined in Section 38-1501 of Orange County Code. 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 deck is proposed to be located 5 ft. from the NHWE line where a 20 ft. setback is required, prompting Variance #1. The existing survey shows the structure was built directly on the retaining wall with a zero ft. setback. Based on the proposed site plan, the deck will be reconfigured to meet the 5 ft requested setback.

In 2002, a permit (B02017248) was obtained for the installation of a pool and deck located in the rear yard of the property. Section 38-79(10)c. states that 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. As referenced above, 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 (Footnote ‘A’ of Section 38-1501). The approved plans show the deck 20 ft. from the NHWE line. Based on the survey provided, a portion of the pool deck and spa area were constructed within the setback area and located 16.5 ft. from the NHWE line where a 20 ft. setback is required, prompting Variance request #2.

Building Setbacks (Pool and Deck)

	Code Requirement	Proposed
Front:	Not located in the front yard	N/A (North)
Side:	5 ft.	5 ft. (East) 5 ft. (West)
Rear:	5 ft.	11.4 ft. Wood deck (South) 22.3 ft Spa and deck (South)
NHWE:	20 ft.	16.5 ft Spa and deck (South - Variance #2) 5 ft. Wood deck (South - Variance #1)

The request was routed to all relevant reviewing Divisions. There were no objections noted. A Code Compliance Officer reviewed the Variance request and noted case #651164 was heard before the Code Enforcement Board on December 13, 2025, and is still in violation and running a \$250 daily fine. To satisfy the code violation, the unpermitted improvements must be removed, or permits must be obtained. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Staff has determined that Variance request #1 does not meet all the criteria and that Variance request #2 does meet all the criteria. Therefore, staff is recommending denial of Variance request #1 and approval of Variance request #2.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variance #1 NOT MET – There are no special conditions and circumstances unique to the subject site as the property is fully developed with a home and a large pool and deck area.

Variance #2 MET – There are special conditions and circumstances unique to the subject structure as the pool/spa and deck were constructed under previous ownership through an issued permit and received all required inspections.

Not Self-Created

Variance #1 NOT MET – The need for the Variance is self-created, as the deck was installed without any permits.
Variance #2 MET – The need for the Variance is not self-created, as the pool/spa and deck were constructed by the previous owner under an issued permit.

No Special Privilege Conferred

Variance #1 NOT MET – Granting the Variance as requested would confer special privilege as other properties are subject to the same setback requirements, have received similar Code Compliance violations, and removed the encroachments to comply with the code requirements.

Variance #2 MET – Granting the Variance as requested would not confer special privilege as the pool/spa and deck were constructed and received all required permits.

Deprivation of Rights

Variance #1 NOT MET – Denial of the Variance would not deprive the rights of the owner as the property can continue to be enjoyed without the wood deck.

Variance #2 MET – Denial of the Variance would deprive the rights of the owner as the pool/spa and deck were constructed and received all required permits.

Minimum Possible Variance

Variance #1 NOT MET – The request is not the minimum possible as the plan includes alterations to the deck to reduce the size to meet the 5 ft. proposed setback. The applicant has the ability to modify the size or remove the deck to reduce or eliminate the Variance request.

Variance #2 MET – The request is the minimum possible to recognize the pool/spa and deck in its current configuration.

Purpose and Intent

Variance #1 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.

Variance #2 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 the lake. The encroachment is minimal and outside of all the easements.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped January 28, 2025, as modified to remove the wood deck, 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 spa and deck is located no closer than 16.5 feet from the Normal High Water Elevation (NHWE) of Big Sand Lake.

C: Alkarim Dhanani
8016 Firenze Blvd.
Orlando, FL 32836

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

5. A permit for the deck shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
6. Prior to the issuance of the permit for the wooden deck, permits for all unpermitted work (glass rail on the 2nd floor of the home, retaining wall, and concrete stairs) must be obtained, or the wooden deck must be removed.

COVER LETTER

Original submittal: August 20, 2025
Updated on: January 28, 2025

To: Orange County Zoning Division - Board of Zoning Adjustment
201 South Rosalind Avenue, 1st Floor, Orlando, FL 32801

Subject: Variance – 20ft NHWL/Seawall Setback for Existing Elevated Wood Deck

Parcel ID: 34-23-28-8880-04-270
Address: 8016 Firenze Blvd., Orlando, FL 32836
Owner(s): Dhanji Rahim S & Dhanji Yasmin R

To Whom It May Concern,

We respectfully request approval of a variance from the required 20ft Normal High Water Line (NHWL)/seawall setback to allow the existing elevated wood deck to remain at 5ft away from the NHWL/seawall, as shown on the submitted survey and plan. This proposal is already conditionally approved by the HOA and the Orange county if the variance is obtained.

Description of Improvement (what, why, construction, size, dimensions, setbacks, height)

- What/Why: Retain an existing residential shoreline improvement (wooden deck) constrained by a pre-existing seawall; no seawall modification or fill was performed and on-site drainage patterns are maintained.
- Construction: Wood deck (trex) with railings
- Area: requiring variance 570 sq ft deck (irregular shape per survey).
- Setbacks: Rear (NHWL/seawall) 5ft proposed (variance from 20ft required).
Front/side setbacks: no change requested.
- Height: Deck walking surface ~4 ft above adjacent grade; no roof.

Justification - Six Standards for Variance Approval

1. **Special Conditions & Circumstances:** This is a waterfront parcel with a pre-existing seawall that establishes the Normal High Water Line (NHWL) at the rear. The as-built rear grade/elevation transitions directly to the seawall, creating non-typical yard conditions compared to interior lots. These shoreline constraints are peculiar to this property and materially affect where a deck and any associated guard/retaining element can be placed without altering the seawall or grade. These circumstances are not generally applicable to other properties that do not abut the NHWL.
2. **Not Self-Created:** The seawall location and the existing rear grade predate the current improvements and were not created by the applicant. No backfilling was placed and no modifications were made to the seawall to facilitate the deck. The resulting setback constraint arises from the original shoreline configuration, not from any self-imposed action by the owner.
3. **No Special Privilege Conferred:** Granting this variance does not confer a special privilege unavailable to others in the same district. The request simply allows a customary residential shoreline improvement, an elevated deck, to remain in its existing footprint under unique waterfront conditions. The relief is site-specific and does not expand development rights beyond what comparable waterfront properties may seek under similar constraints.
4. **Deprivation of Rights:** Literal application of the 20ft NHWL/seawall setback would require removal or relocation of integrated, functional improvements that provide reasonable residential use and enjoyment of the shoreline. This would deprive the property of rights commonly enjoyed by similar waterfront homes that utilize decks or hardscape near the water's edge. The hardship is physical and site-driven, not based on financial considerations, business competition, or purchase intent.

COVER LETTER

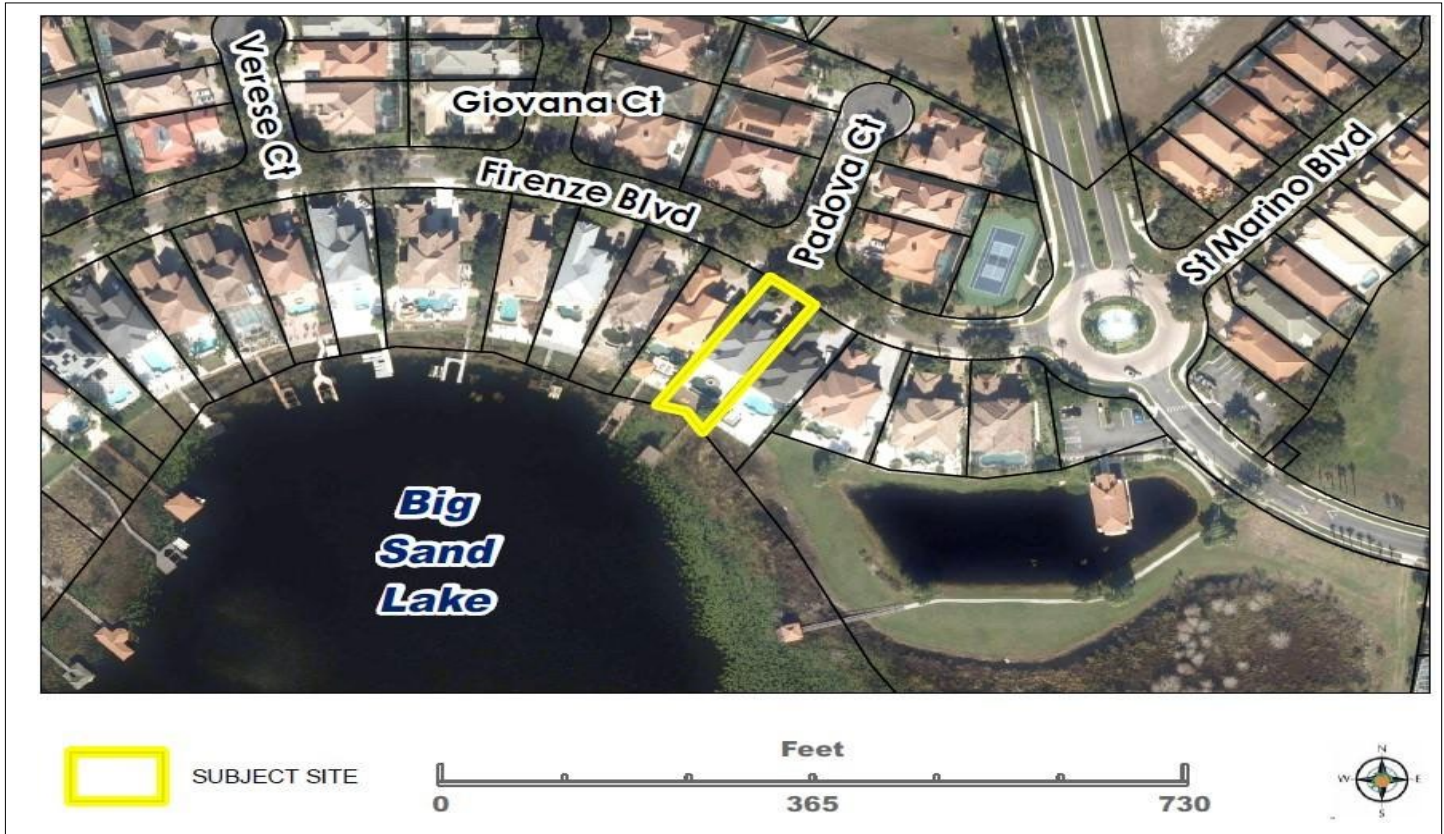
5. Minimum Possible Variance: The relief requested is narrowly tailored to the rear NHWL/seawall setback only and is limited to the existing footprint of the improvement, no expansion is proposed. All other zoning standards and setbacks are met.
6. Purpose & Intent; No Public Harm: Approval will remain in harmony with the purpose and intent of the Zoning Regulations and will not be injurious to the neighborhood or detrimental to the public welfare. The improvement does not alter the seawall, does not introduce fill, and does not discharge stormwater off-site; site drainage patterns remain on-property. Sightlines and access along the shoreline are preserved, and the residential character of the area is maintained.

Sincerely,
Dhanji Rahim S and Dhanji Yasmin R
8016 Firenze Blvd., Orlando, FL 32836

ZONING MAP

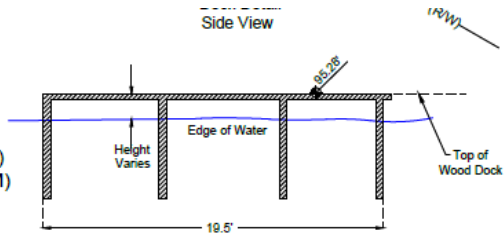


AERIAL MAP



SURVEY

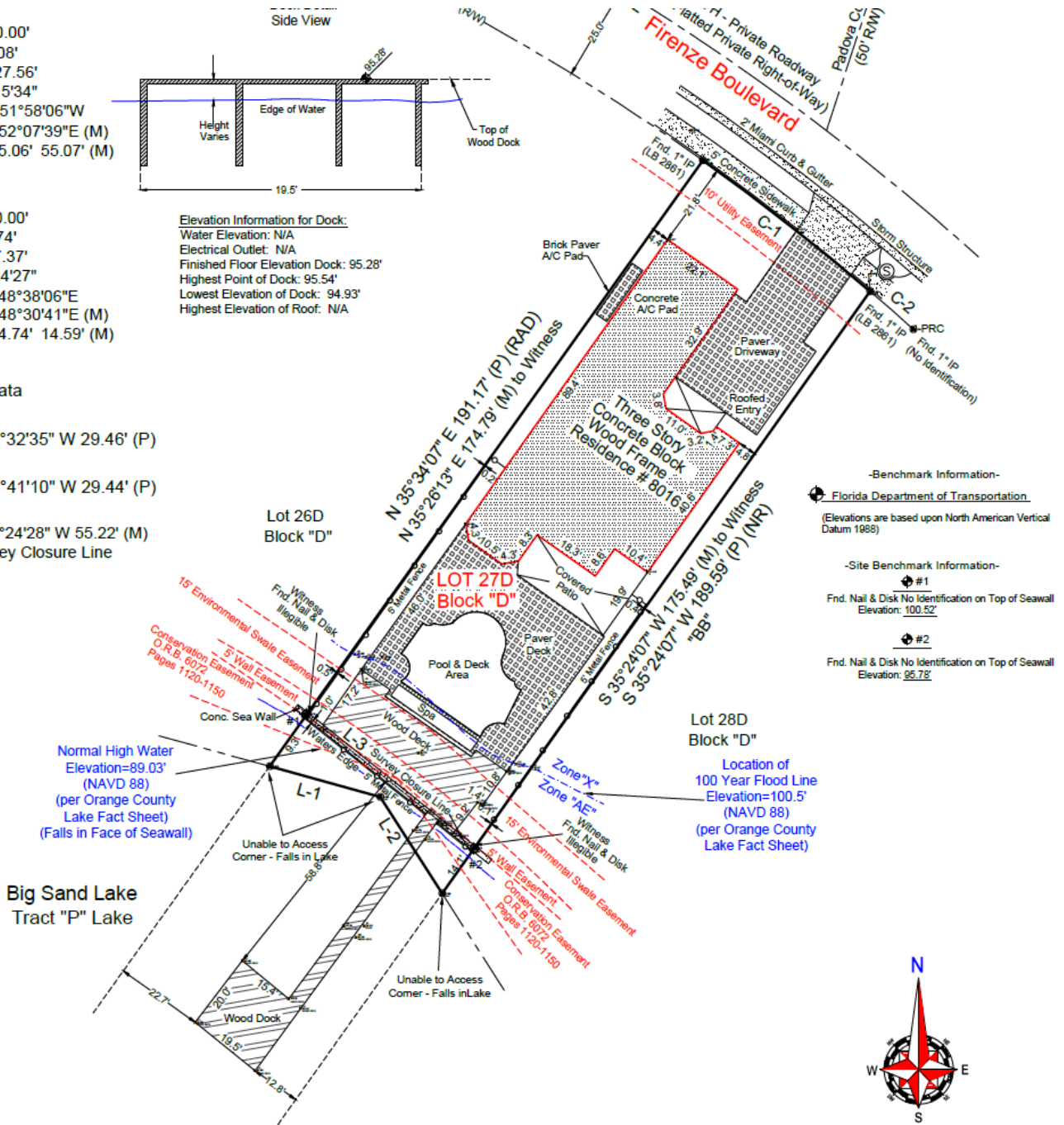
C-1
R=600.00'
L=55.08'
Tan=27.56'
 $\Delta=5^{\circ}15'34''$
CB=N51°58'06"W
CB=S52°07'39"E (M)
CH=55.06' 55.07' (M)



C-2
R=600.00'
L=14.74'
Tan=7.37'
 $\Delta=1^{\circ}24'27''$
CB=S48°38'06"E
CB=S48°30'41"E (M)
CH=14.74' 14.59' (M)

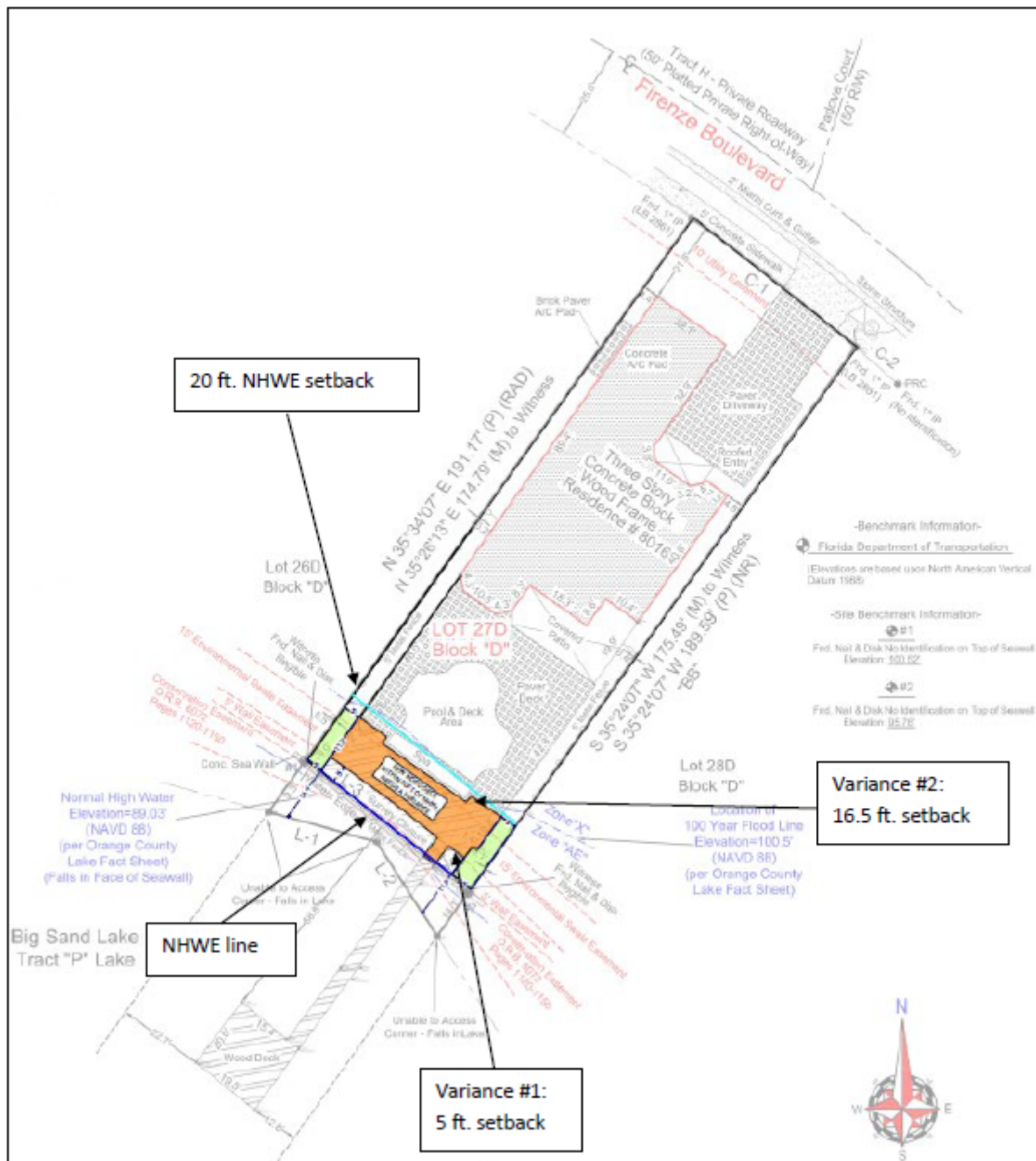
Elevation Information for Dock:
Water Elevation: N/A
Electrical Outlet: N/A
Finished Floor Elevation Dock: 95.28'
Highest Point of Dock: 95.54'
Lowest Elevation of Dock: 94.93'
Highest Elevation of Roof: N/A

Line Data
L-1
N 74°32'35" W 29.46' (P)
L-2
N 32°41'10" W 29.44' (P)
L-3
N 51°24'28" W 55.22' (M)
Survey Closure Line

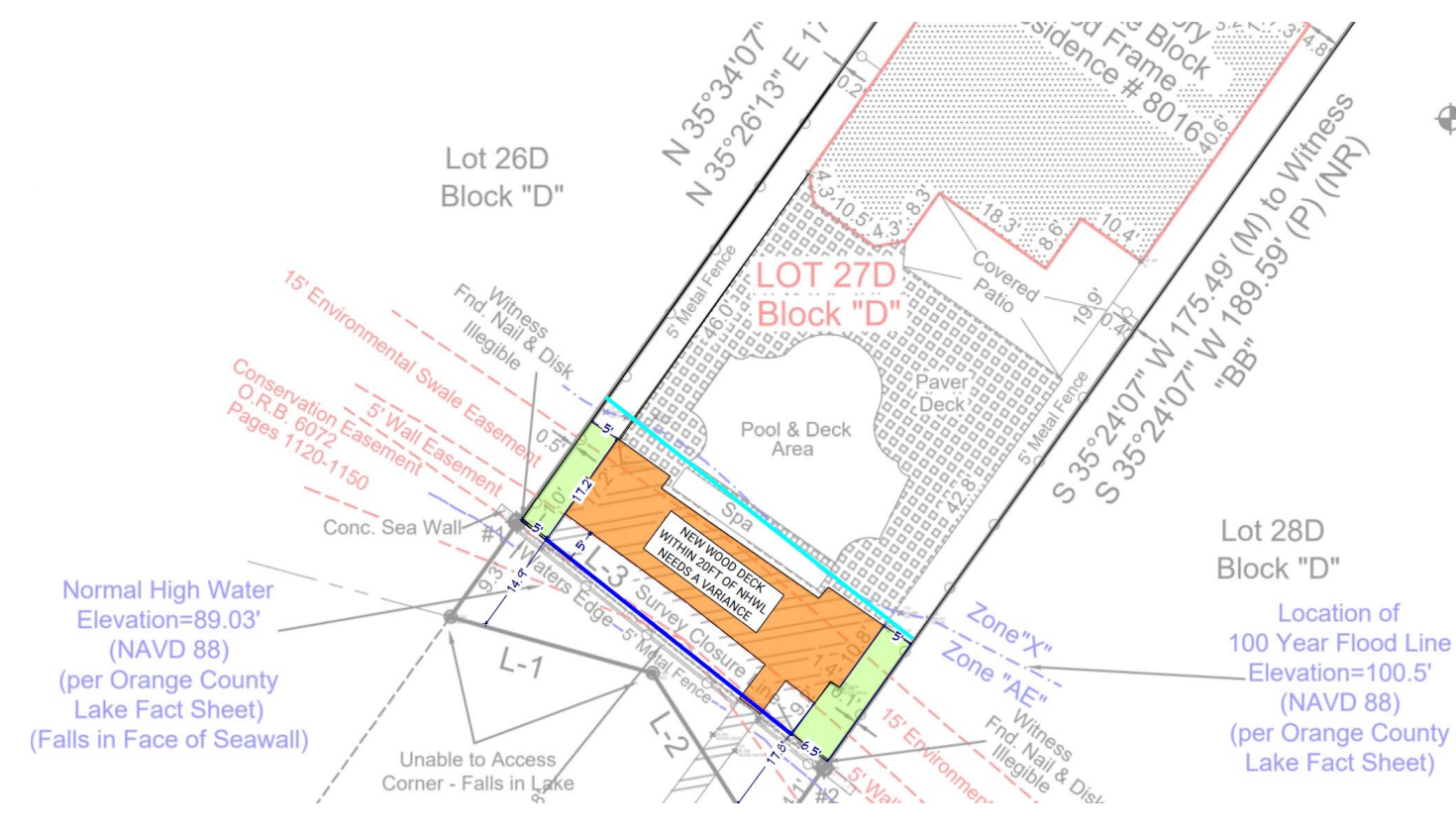


-Benchmark Information-
Florida Department of Transportation
(Elevations are based on North American Vertical Datum 1988)
-#1
Fnd. Nail & Disk No Identification on Top of Seawall
Elevation: 100.52'
-#2
Fnd. Nail & Disk No Identification on Top of Seawall
Elevation: 95.78'

SITE PLAN



ENHANCED SITE PLAN



SITE PHOTOS



Facing south towards front of subject property



Side yard, facing south towards concrete walkway along the east side of the home

SITE PHOTOS



Rear yard, facing south towards existing pool and wood deck



Rear yard, facing southeast towards pool/spa and deck (Variance #2) and wood deck (Variance #1)

SITE PHOTOS



Rear yard, facing north towards pool area



Rear yard, facing northwest towards the deck constructed on the seawall and the glass railing

SITE PHOTOS



Rear yard, facing west towards neighboring properties along Big Sand Lake



Rear yard, facing east towards neighboring property