





Interoffice Memorandum

March 12, 2025

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Tanya Wilson, AICP, Director
Planning, Environmental, and Development Services
Department 

CONTACT PERSON: Laekin O'Hara
Chief Planner, Zoning Division
(407) 836-5943 

SUBJECT: April 8, 2025, Board-Called Public Hearing
Applicant: Rizwan Chaudhry
BZA Case # VA-25-02-141, February 6, 2025; District 3

Board of Zoning Adjustment (BZA) Case # VA-25-02-141, located at 5637 Marinell Dr., Orlando, FL 32809, in District 3, is a Board-Called public hearing. The applicant is requesting variances in the R-1A zoning district as follows:

- 1) To allow a lot width of 50 ft. in lieu of 75 ft.
- 2) To allow a lot area of 6,092 sq. ft. in lieu of 7,500 sq. ft.
- 3) To allow a north side setback of 6 ft. in lieu of 7.5 ft.
- 4) To allow a south side setback of 6 ft. in lieu of 7.5 ft.

At the February 6, 2025, BZA hearing, staff recommended approval of Variances #1 and #2, and denial of Variances #3 and #4. Five individuals were present in opposition to the request and there were none in attendance to speak in favor of the request. It was also noted that prior to the BZA hearing no comments were received in favor and nine comments were received in opposition to the request. Additionally, staff noted that two comments were received in opposition to the request after the hearing had begun. The Board discussed the substandard aspects of the lot indicating that other lots in the area are of similar width and size. The BZA recommended approval of Variances #1 and #2, and approval of Variances #3 and #4 with following modifications and subject to three conditions as modified.

- 3) To allow a north side setback of 6.5 ft. in lieu of 7.5 ft.
- 4) To allow a south side setback of 6.5 ft. in lieu of 7.5 ft.

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At the February 25, 2025 Board meeting, this item was pulled for a separate public hearing at the request of Commissioner Uribe.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the BCC. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Laekin O'Hara at (407) 836-5943 or Laekin.O'Hara@ocfl.net.

ACTION REQUESTED: Deny the applicant's request; or approve the applicant's request with conditions. District 3

LO/ag

Attachment: Zoning Division Public Hearing Report and BZA Staff Report

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

April 8, 2025

The following is a public hearing before the Board of County Commissioners on April 8, 2025, at 2:00 p.m.

- APPLICANT:** RIZWAN CHAUDHRY
- REQUEST:** Variances in the R-1A zoning district as follows:
1) To allow a lot width of 50 ft. in lieu of 75 ft.
2) To allow a lot area of 6,092 sq. ft. in lieu of 7,500 sq. ft.
3) To allow a north side setback of 6 ft. in lieu of 7.5 ft.
4) To allow a south side setback of 6 ft. in lieu of 7.5 ft.
- LOCATION:** 5637 Marinell Dr., Orlando, FL 32809, east side of Marinell Dr., north of Hoffner Ave., east of Hansel Ave., south of Gatin Ave., west of Conway Rd.
- LOT SIZE:** 6,092 sq. ft.
- ZONING:** R-1A
- DISTRICT:** #3
- PROPERTIES NOTIFIED:** 99

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

Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval of Variances #1 and #2 and denial of Variances #3 and #4. Staff noted that no comments were received in favor and nine (9) comments received in opposition to the request. Additionally, staff noted that two (2) additional comments were received in opposition to the request after the hearing had begun.

The applicant and their legal representative were present. The legal representative spoke on behalf of the applicant and stated that property was believed to be a buildable lot when purchased, and other lots in the neighborhood have the same lot width and lot area. Additionally, the applicant noted they were willing to reduce Variances #3 and #4 to 6.5 ft instead of the requested 6 ft. setback.

Five (5) individuals were present in opposition to the request. Three (3) individuals spoke before the board stating the area has poor drainage, that building a new residence will push water runoff onto adjacent properties, and that the street is too narrow to accommodate additional traffic and parking.

The Board discussed the substandard aspects of the lot indicating that other lots in the area are of similar width and size. The BZA recommended approval of Variances #1 and #2, and approval of Variances #3 and #4 with the following modifications:

- 3) To allow a north side setback of 6.5 ft. in lieu of 7.5 ft.
- 4) To allow a south side setback of 6.5 ft. in lieu of 7.5 ft.

The recommendation was carried by a 6-0 vote, with one (1) absent subject to the three (3) conditions found in the staff report with the modification to Condition #1 as follows:

“Development shall be in accordance with the site plan as modified to reflect 6.5 ft. side setbacks, 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).”

BZA HEARING DECISION:

A motion was made by Juan Velez, seconded by Chris Dowdy 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 following conditions as amended (6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Sonya Shakespeare, Chris Dowdy; 0 opposed; 1 absent: Roberta Walton Johnson):

1. Development shall be in accordance with the site plan as modified to reflect 6.5 ft. side setbacks, 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.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **FEB 06, 2025**

Commission District: **#3**

Case #: **VA-25-02-141**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): RIZWAN CHAUDHRY

OWNER(s): SIDRA CHAUDHRY

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

- 1) To allow a lot width of 50 ft. in lieu of 75 ft.
- 2) To allow a lot area of 6,092 sq. ft. in lieu of 7,500 sq. ft.
- 3) To allow a north side setback of 6 ft. in lieu of 7.5 ft.
- 4) To allow a south side setback of 6 ft. in lieu of 7.5 ft.

PROPERTY LOCATION: 5637 Marinell Dr., Orlando, FL 32809, east side of Marinell Dr., north of Hoffner Ave., east of Hansel Ave., south of Gatin Ave., west of Conway Rd.

PARCEL ID: 24-23-29-4874-01-070

LOT SIZE: 6,092 sq. ft.

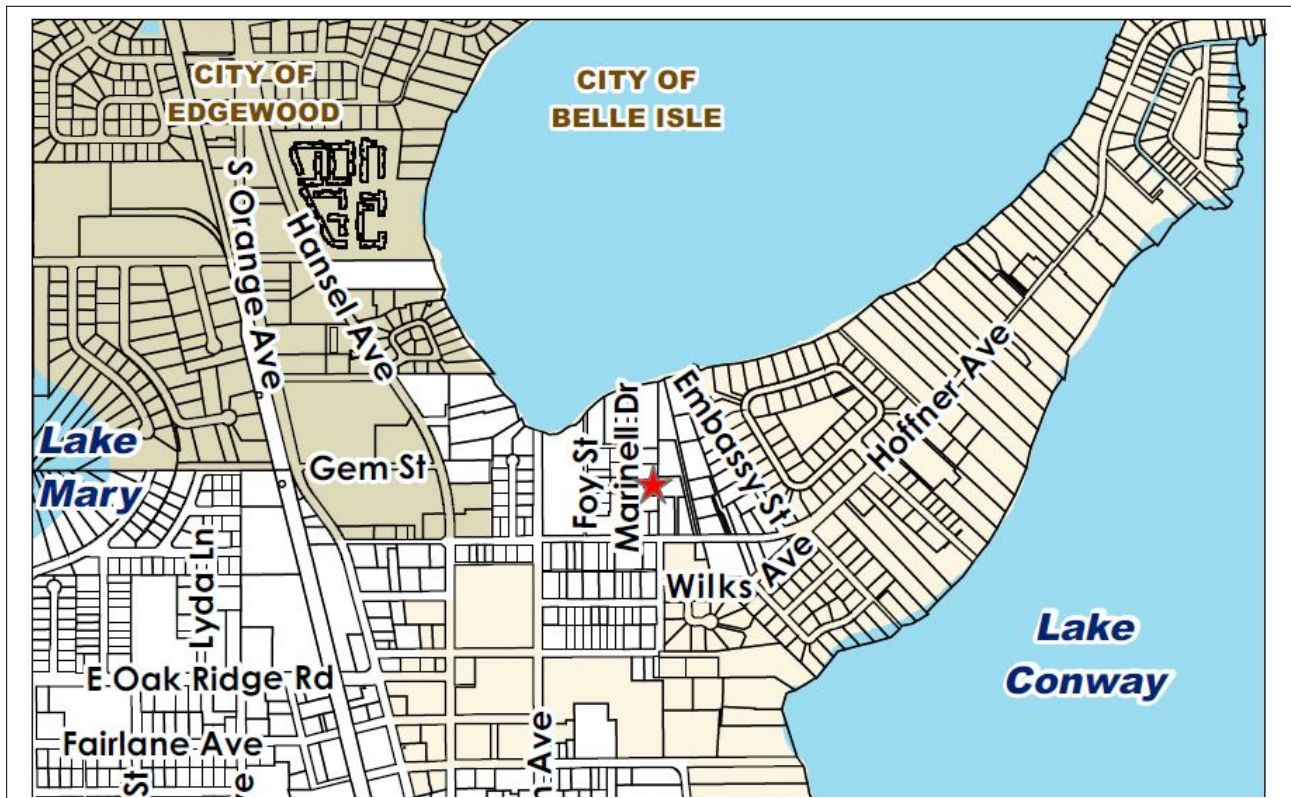
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 99

STAFF RECOMMENDATIONS

Approval of Variances #1 and #2, subject to the conditions in this report, and denial of Variances #3 and #4. 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-1A	R-1A	R-2	R-1A	R-1A
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 zoned R-1A, Single-Family Dwelling district, which allows single-family homes and associated accessory structures. The future land use is Low Density Residential (LDR), which is consistent with the R-1A zoning district.

The area around the subject site consists of vacant lots and single-family homes, many of which were built in the 1970s. The subject property is 6,092 sq. ft. in size, was platted in 1925 as Lot 7 in Block A of the Conway Lakeview Plat and is considered to be a substandard lot due to the size and the width of the lot, requiring Variances #1 and #2. The lot is not considered a substandard lot of record as it was combined and in contiguous ownership with lots 8 through 11 to the south from 1992 to 2024. The lot is currently vacant with a chain-link fence around the perimeter. The property was purchased by the current owner in August of 2024.

The applicant is proposing to construct a 2,294 gross sq. ft. one-story residence with a covered front entry and a rear covered patio. The R-1A zoning district requires a minimum lot width of 75 ft. and a minimum lot area of 7,500 sq. ft. The existing lot width is 50 ft., requiring Variance #1, and the existing lot area is 6,092 sq. ft., requiring Variance #2. The residence is proposed to be located 6 ft. from the north side and south side property lines in lieu of the required 7.5 ft. side yard setbacks, requiring Variances #3 and #4. The site plan shows the proposed residence would comply with the required front and rear yard setbacks.

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 Variance requests #1 and #2 meet all the criteria. While Variance requests #3 and #4 meet some of the criteria, they do not meet all the criteria. Therefore, staff is recommending approval of Variance requests #1 and #2 and denial of Variance requests #3 and #4.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	16.33 ft.
Min. Lot Width:	75 ft.	50 ft. (Variance #1)
Min. Lot Size:	7,500 sq. ft.	6, 092 sq. ft. (Variance #2)

Building Setbacks

	Code Requirement	Proposed
Front:	25 ft.	26.9 ft. (West)
Rear:	30 ft.	30 ft. (East)
Side:	7.5 ft.	6 ft. (North) (Variance #3) 6 ft. (South) (Variance #4)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

Variances #1 and #2 MET – The special conditions and circumstance particular to the subject property are that the lot will be undevelopable without the requested Variances for lot width and size.

Variances #3 and #4 NOT MET – There are no special conditions and circumstances that are peculiar to the property as a property provides adequate space to construct a residence in compliance with all setback requirements.

Not Self-Created

Variances #1 and #2 MET – The substandard aspects of the parcel are not self-created, as the lot was in this configuration when the current owners purchased the property.

Variances #3 and #4 NOT MET – The requests are self-created in that it is new construction and there are alternatives to reduce or eliminate the requests.

No Special Privilege Conferred

Variances #1 and #2 MET – Granting the Variances would not confer special privilege since the surrounding developed properties in the area contain homes on the same or similar sized lot.

Variances #3 and #4 MET – Granting the Variances would not confer special privilege since properties in the surrounding area do appear to have been developed with side yard setbacks that are less than 7.5 ft. on lots with the same or similar width and lot size with the same zoning as the subject property.

Deprivation of Rights

Variances #1 and #2 MET – Without approval of the requested Variances, the owner will be deprived of the ability to construct a residence on the parcel.

Variances #3 and #4 NOT MET – There is no deprivation of rights since there are other options to meet the required setbacks without variances.

Minimum Possible Variance

Variances #1 and #2 MET – The requested Variances are the minimum necessary to construct a home on the property.

Variances #3 and #4 NOT MET – The requested Variances are not the minimum possible since the proposed home could be reduced in size or altered to meet the required side setbacks.

Purpose and Intent

All Variances MET – Approval of the requests will be in harmony with the purpose and intent of the Code, which is to allow infill development of lawfully constructed residences. The lot size, width, and setbacks as proposed will not be detrimental to the neighborhood as the proposed residence will be consistent with the lots in the area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the lot width and dimensions shown on the site plan dated January 13, 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: Rizwan Chaudhry
7963 Harbor Bend Cir.
Orlando, Florida 32822

C: Jeanne Reynaud
425 W. New England Ave., Suite 200
Winter Park, Florida 32789

Rizwan Chaudhry
Authorized Agent
7963 Harbor Bend Circle
Orlando, FL 32822
407-923-5400
gogach29@gmail.com

12/18/2024

To: Orange County Zoning Division
Board of Zoning Adjustment (BZA)
201 S. Rosalind Avenue, 1st Floor
Orlando, FL 32801
407-836-3111
BZA@ocfl.net

RE: Cover Letter/Narrative Statement for Building Variances Request

Property Address: 5637 Marinell Dr, Orlando, FL 32809

Parcel Number: 24-23-29-4874-01-070

Variance Requests: Substandard Lot:

1. Total Land Area Variances; 50' wide in lieu of 75' and 6,092 sq ft total Land Area, in lieu of 7,500 sq ft
2. Setbacks (A and B); 6' in lieu of 7.5'
3. Septic Tank Installation

Dear Sir/Madam,

I am writing to formally request building variances for the property located at 5637 Marinell Dr, Orlando, FL 32809, in accordance with Section 30-43 of the Orange County Code. These variance requests are necessitated by special conditions and circumstances that exist on the property, which prevent full compliance with the applicable zoning regulations. Below, I have outlined how this request meets each of the six special exception criteria established by the County.

1. Special Conditions and Circumstances

The subject property contains special conditions and circumstances that are unique to this site and are not applicable to other properties in the same zoning district. Specifically, the lot is substandard, 50 ft wide, in lieu of 75 ft wide, and 6,092 sq ft total land area, in lieu of 7,500 sq ft, which impacts the ability to comply with the standard zoning requirements. These unique conditions do not affect neighboring properties and are inherent to the subject parcel itself. Therefore, variances are needed to accommodate the proposed development and make the property usable in a practical way.

2. Not Self-Created

The special conditions and circumstances that necessitate the requested variances were not self-imposed or created by the applicant. These conditions were inherent to the property prior to its acquisition by the applicant, and the applicant has not made any changes to the property that would create the need for these variances. As such, the hardship is not self-created, and the request is made solely due to the existing, unique characteristics of the land.

3. No Special Privilege Conferred

Approval of these variances will not confer any special privilege to the applicant that is not afforded to other properties within the same zoning district. The requested variances are specifically intended to address the unique features of this particular property and will allow for reasonable use of the land without giving the applicant an advantage over other property owners. These variances would not establish a precedent for similar variances, as it is tailored to the specific conditions of the property, and the applicant is not requesting any preferential treatment.

4. Deprivation of Rights

A literal interpretation of the zoning provisions would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. The requested variances would allow for the reasonable use of the property, which would otherwise be restricted by the current zoning requirements. For example, the Property Owner to the North, (Lot 6), has a same sized lot, with a home on it. Without the requested variances, the current applicant would face significant hardship and be unable to develop the property in a reasonable manner, which would effectively deprive the applicant of the rights that other property owners in the district enjoy.

5. Minimum Possible Variance

The requested variances are the minimum necessary to allow for the reasonable use of the property. Specifically, the proposed dimensions of the construction are as follows: the building will be 2294 square feet in size, with proposed dimensions of 37.6 ft by 63.2 ft. The building will be located 25 ft from the front property line, 30 ft from the rear property line, and 6 ft from both side property lines. The proposed height of the structure will be 16.4 ft. These dimensions are the minimal adjustments necessary to accommodate the development and make efficient use of the property while maintaining compliance with the overall goals of the zoning district.

6. Purpose and Intent

Approval of the zoning variances will be in harmony with the purpose and intent of the Zoning Regulations. The requested variances will not be injurious to the neighborhood or detrimental to the public welfare. The proposed development is consistent with the character of the surrounding properties, and the variances would not result in any negative impacts on the community. In fact, the variances will allow for a reasonable and well-designed development that will blend with the existing neighborhood. The variances ensure that the property can be developed in a manner that meets the needs of the applicant without compromising the goals of the Zoning Code or the quality of the surrounding area.

Proposed Project Details:

- **Proposed Square Footage:** 2294 sf
- **Proposed Dimensions:** 37.6' x 63.2'
- **Proposed Height:** 16.4'
- **Proposed Setbacks:**
 - Front setback: 25'
 - Rear setback: 30'
 - Side setbacks: 6' in lieu of 7.5'

Conclusion

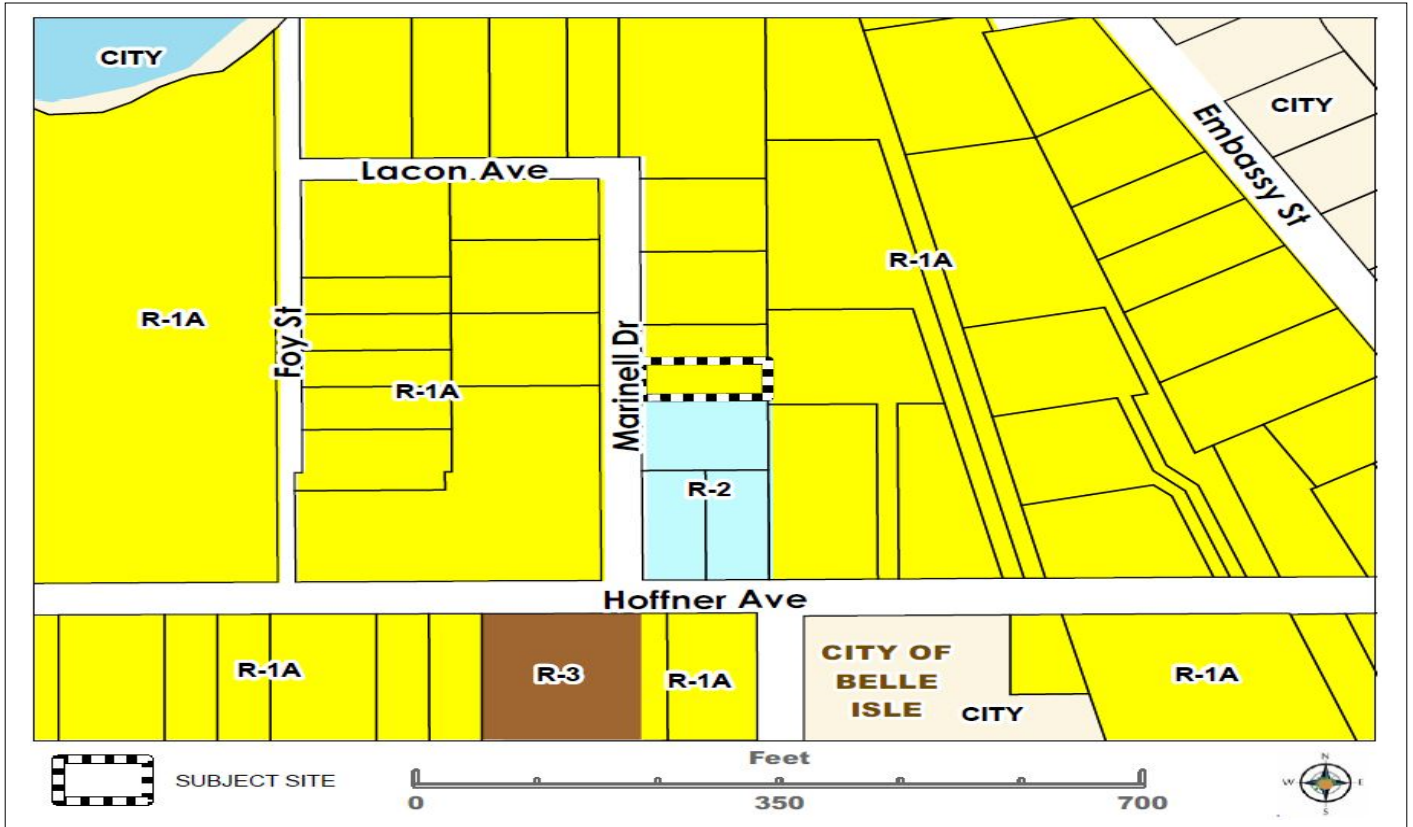
In conclusion, the requested variances are justified based on the unique and specific conditions of the property. It meets all six criteria set forth in Section 30-43 of the Orange County Code. These variances are essential for the reasonable use of the property, are not self-imposed, and are the minimum necessary to accommodate the development. It will not confer special privileges or cause harm to the neighborhood, but rather, will ensure that the property can be used in a manner consistent with the Zoning Code's overall goals.

I respectfully request your favorable consideration and approval of these variances. Should you require additional information or clarification, please do not hesitate to contact me at 407-923-5400 or via email at gogach29@gmail.com

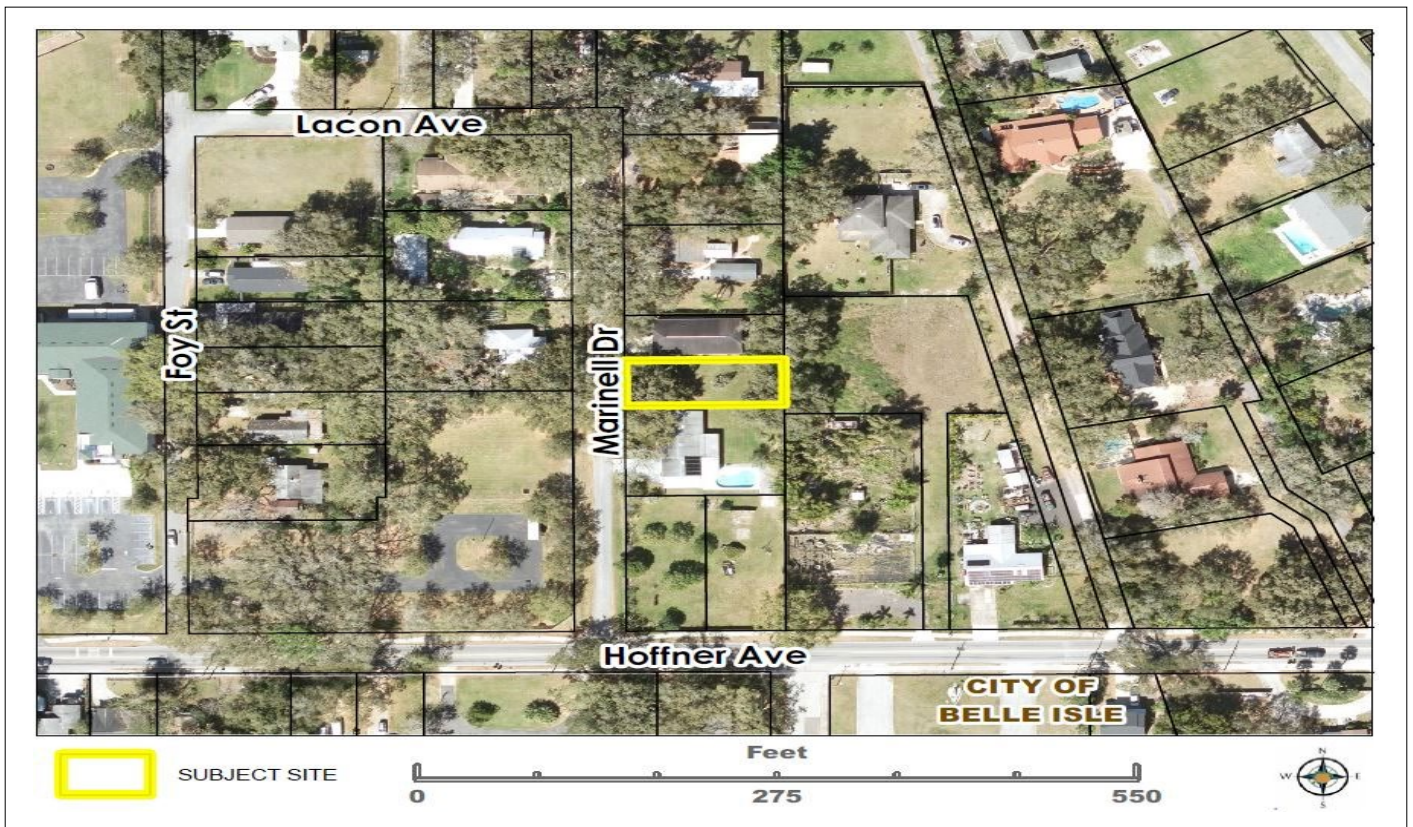
Thank you for your time and attention to this matter.

Sincerely,
Rizwan Chaudhry
Authorized Agent
Rizwan Chaudhry

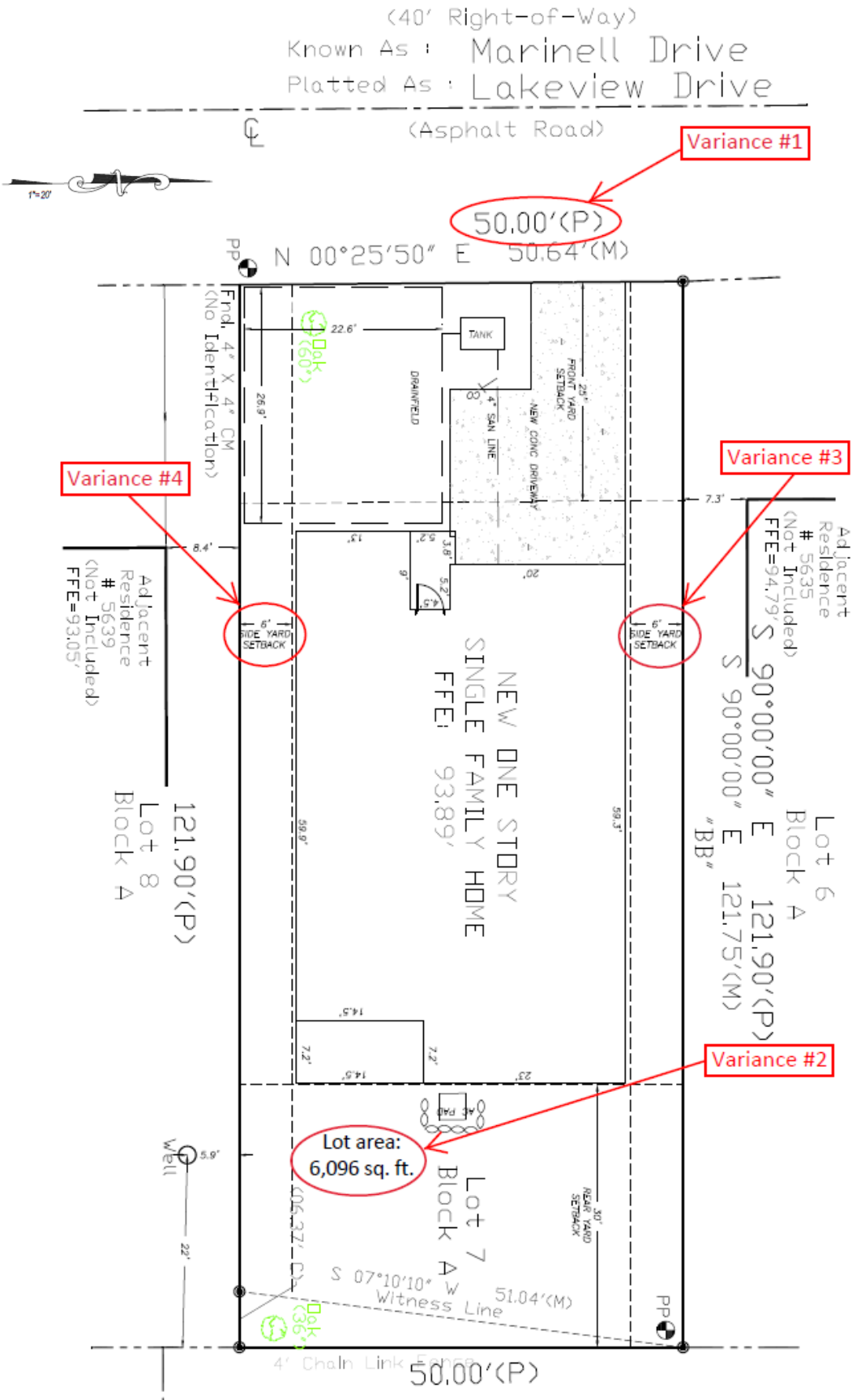
ZONING MAP



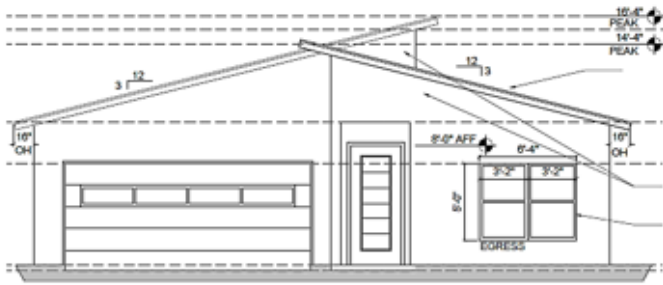
AERIAL MAP



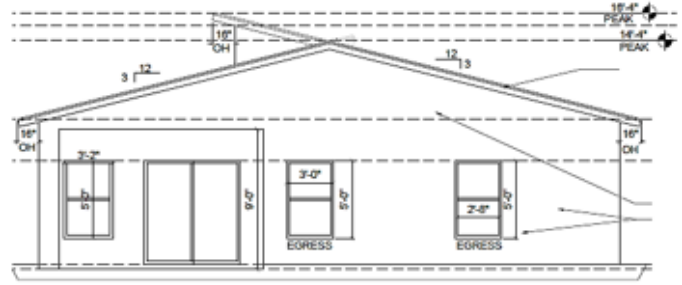
SITE PLAN



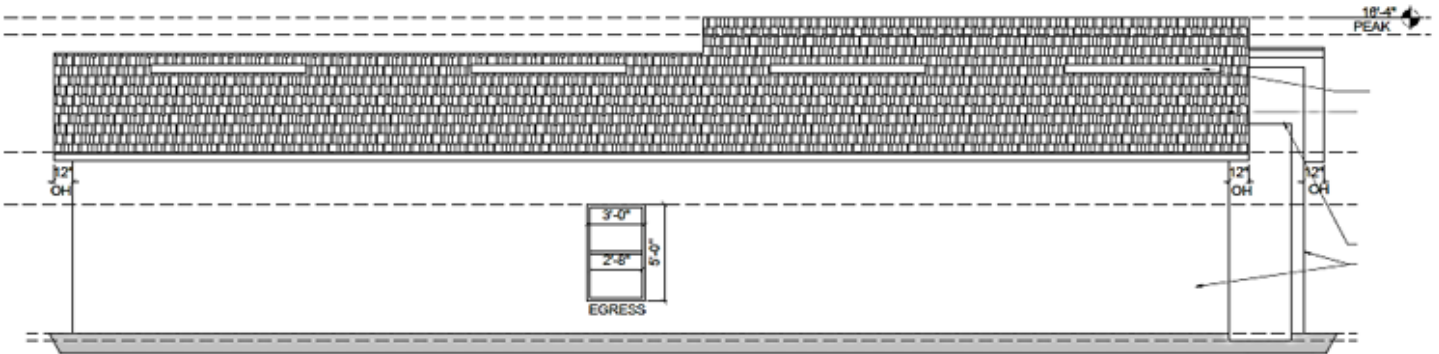
ELEVATIONS



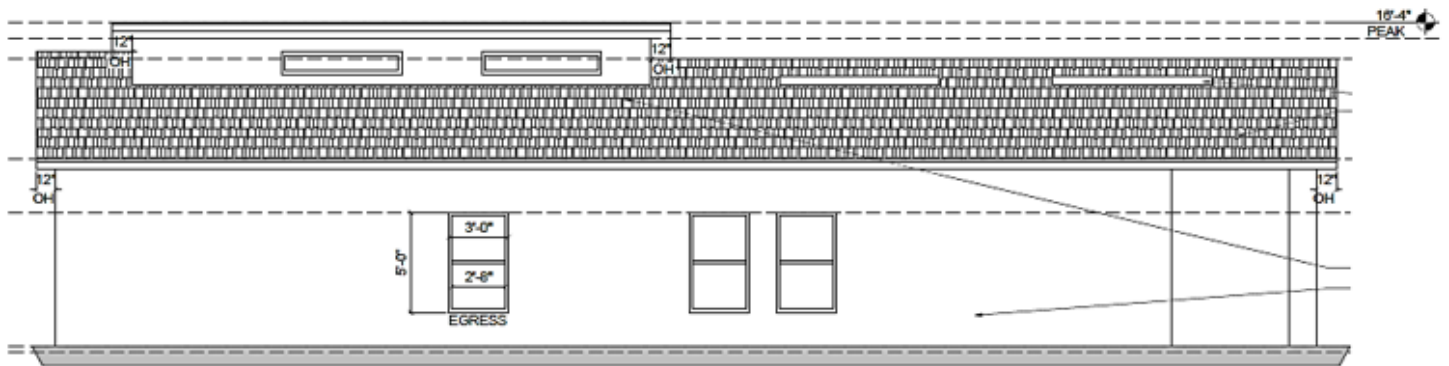
FRONT (EAST) ELEVATION



REAR (WEST) ELEVATION



SIDE (SOUTH) ELEVATION



SIDE (NORTH) ELEVATION

SITE PHOTOS



Facing east towards front of subject property



Facing west towards Marinell Dr. from the front yard of the subject property

SITE PHOTOS



December 31, 2024 4:30 PM

Facing north towards side yard and neighboring residence



Facing east along the south side yard and neighboring fence line