ORANGE COUNTY GOVERNMENT
FLORIDA

Planning, Environmental & Development Services Department

Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

January 8, 2026

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)

ORANGE COUNTY GOVERNMENT

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

BZA Staff

Laekin O'Hara	Chief Planner
Catherine Glase	Planner II
Bryan Salamanca	Planner II
Jacqueline Boling	Planner I
Daniella McCloud	Planner I

ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
JANUARY 8, 2026

Case #	Applicant	Commission District	Staff Recommendation	BZA Recommendation	Page #
VA-25-11-064	Roy E. Tyson	3	Approved w/Conditions	Approved w/Conditions	1
VA-26-01-082	Derek Walters	3	Approved w/Conditions	Approved w/Conditions	16
VA-26-01-084	Omar Sanchez	5	Request #1, Approved w/Conditions Request #2, Denial	Approved w/Conditions	30
VA-26-02-086	Dennis Delaby	5	Denial	Approved w/Conditions	43
VA-25-09-042	Mantin Qamar	4	Request #1, Approved w/Conditions Request #2, Denial	Continued to 4/2/26	55
VA-26-01-083	Lucille Ghioto	6	Denial	Approved w/Conditions	68
VA-26-01-085	Amit Ubale	1	Request #1, Approved w/Conditions Requests #2-#3, Denial	Approved w/Conditions	85
SE-25-11-061	Adrienne Downey-Jacks for Evolve Church	2	Approved w/Conditions	Approved w/Conditions	101
VA-25-11-055	Edynardo Weyne	2	Denial	Approved w/Conditions	120

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 Jan 27, 2026.

ORANGE COUNTY
ZONING DISTRICTS

Agricultural Districts

A-1	Citrus Rural
A-2	Farmland Rural
A-R	Agricultural-Residential District

Residential Districts

R-CE	Country Estate District
R-CE-2	Rural Residential District
R-CE-5	Rural Country Estate Residential District
R-1, R-1A & R-1AA	Single-Family Dwelling District
R-1AAA & R-1AAAA	Residential Urban Districts
R-2	Residential District
R-3	Multiple-Family Dwelling District
X-C	Cluster Districts (where *X* is the base zoning district)
R-T	Mobile Home Park District
R-T-1	Mobile Home Subdivision District
R-T-2	Combination Mobile Home and Single-Family Dwelling District
R-L-D	Residential -Low-Density District
N-R	Neighborhood Residential

Non-Residential Districts

P-O	Professional Office District
C-1	Retail Commercial District
C-2	General Commercial District
C-3	Wholesale Commercial District
I-1A	Restricted Industrial District
I-1/I-5	Restricted Industrial District
I-2/I-3	Industrial Park District
I-4	Industrial District

Other District

P-D	Planned Development District
U-V	Urban Village District
N-C	Neighborhood Center
N-A-C	Neighborhood Activity Center

SITE & BUILDING REQUIREMENTS

Orange County Code Section 38-1501. Basic Site and Principal Building Requirements

District	Min. Lot Area[M] (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	[A]Min. Front yard (ft.)	[A]Min. Rear yard (ft.)	[A]Min. Side yard (ft.)	[A]Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
A-1	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50[A]	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50[A]	L	
A-2	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50[A]	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50[A]	L	
A-R	108,900 (2½ acres)	950	270	35	50	25	15	35	50[A]	L	
R-CE	43,560 (1 acre)	1,500	130	35	50	10	15	35	50[A]	L	
R-CE-2	2 acres	1,200	185	45	50	30	15	35	50[A]	L	
R-CE-5	5 acres	1,200	250	50	50	45	15	35	50[A]	L	
R-1AAAA	21,780(½ acre)	1,500	110	30	35	10	15	35	50[A]	L	
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	15	35	50[A]	L	
R-1AA	10,000	1,200	85	25/30[H]	30/35[H]	7.5	15	35	50[A]	L	
R-1A	7,500	1,200	75	20/25[H]	25/30[H]	7.5	15	35	50[A]	L	
R-1	5,000	1,000	50	20/25[H]	20/25[H]	5/6[H]	15	35	50[A]	L	
R-2	One-family dwelling, 4,500	1,000	45[C]	20/25[H]	20/25[H]	5/6[H]	15	35	50[A]	L	38-456
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit[D]	80/90[D]	20/25[H]	25	5/6[H]	15	35	50[A]	L	38-456
	Three dwelling units, 11,250	500 per dwelling unit	85[J]	20/25[H]	30	10	15	35[E]	50[A]	L	38-456
	Four or more dwelling units, 15,000	500 per dwelling unit	85[J]	20/25[H]	30	10[B]	15	35[E]	50[A]	L	38-456; limited to 4 units per building
R-3	One-family dwelling, 4,500	1,000	45[C]	20/25[H]	20/25[H]	5	15	35	50[A]	L	38-481
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit[D]	80/90[D]	20/25[H]	20/25[H]	5/6[H]	15	35	50[A]	L	38-481
	Three dwelling units, 11,250	500 per dwelling unit	85[J]	20/25[H]	30	10	15	35[E]	50[A]	L	38-481
	Four or more dwelling units, 15,000	500 per dwelling unit	85[J]	20/25[H]	30	10[B]	15	35[E]	50[A]	L	38-481
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10[S]	15	35[Q]	50[A]	L	38-605
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	15	35	50[A]	L	38-578
R-T-1 SFR	4,500[C]	1,000	45	20	20	5	15	35	50[A]	L	
Mobile Home	4,500[C]	Min. mobile home size 8 ft. x 35 ft.	45	20	20	5	15	35	50[A]	L	

District	Min. Lot Area[M] (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	[A]Min. Front yard (ft.)	[A]Min. Rear yard (ft.)	[A]Min. Side yard (ft.)	[A]Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
R-T-2 (zoned prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	50	6	15	35	50[A]	L	
(zoned after 1/29/73)	21,780	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	15	35	50[A]	L	
NR	One family dwelling, 4,500	1,000	45[C]	20	20	5	15	35/3 stories	50[A]	L	38-1748
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50[A]	L	38-1748
	Three dwelling, 11,250	1,000	45[C]	20	20	5	15	35/3 stories	50[A]	L	38-1748
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50/4 stories	50[A]	L	38-1748
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50[A]	L	38-1748
NAC	Nonresidential and mixed use development, 6,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	15	50 feet	50[A]	L	38-1741
	One family dwelling, 4,500	1,000	45[C]	20	20	5	15	35/3 stories	50[A]	L	38-1741
	Two dwelling units, 11,250	500 per dwelling unit	80	20	20	5	15	35/3 stories	50[A]	L	38-1741
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50[A]	L	38-1741
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50 feet/4 stories, 65 feet with ground floor retail	50[A]	L	38-1741
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50[A]	L	38-1741
NC	Nonresidential and mixed use development, 8,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	15	65 feet	50[A]	L	38-1734
	One family dwelling, 4,500	1,000	45[C]	20	20	5	15	35/3 stories	50[A]	L	38-1734
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50[A]	L	38-1734
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50[A]	L	38-1734

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

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

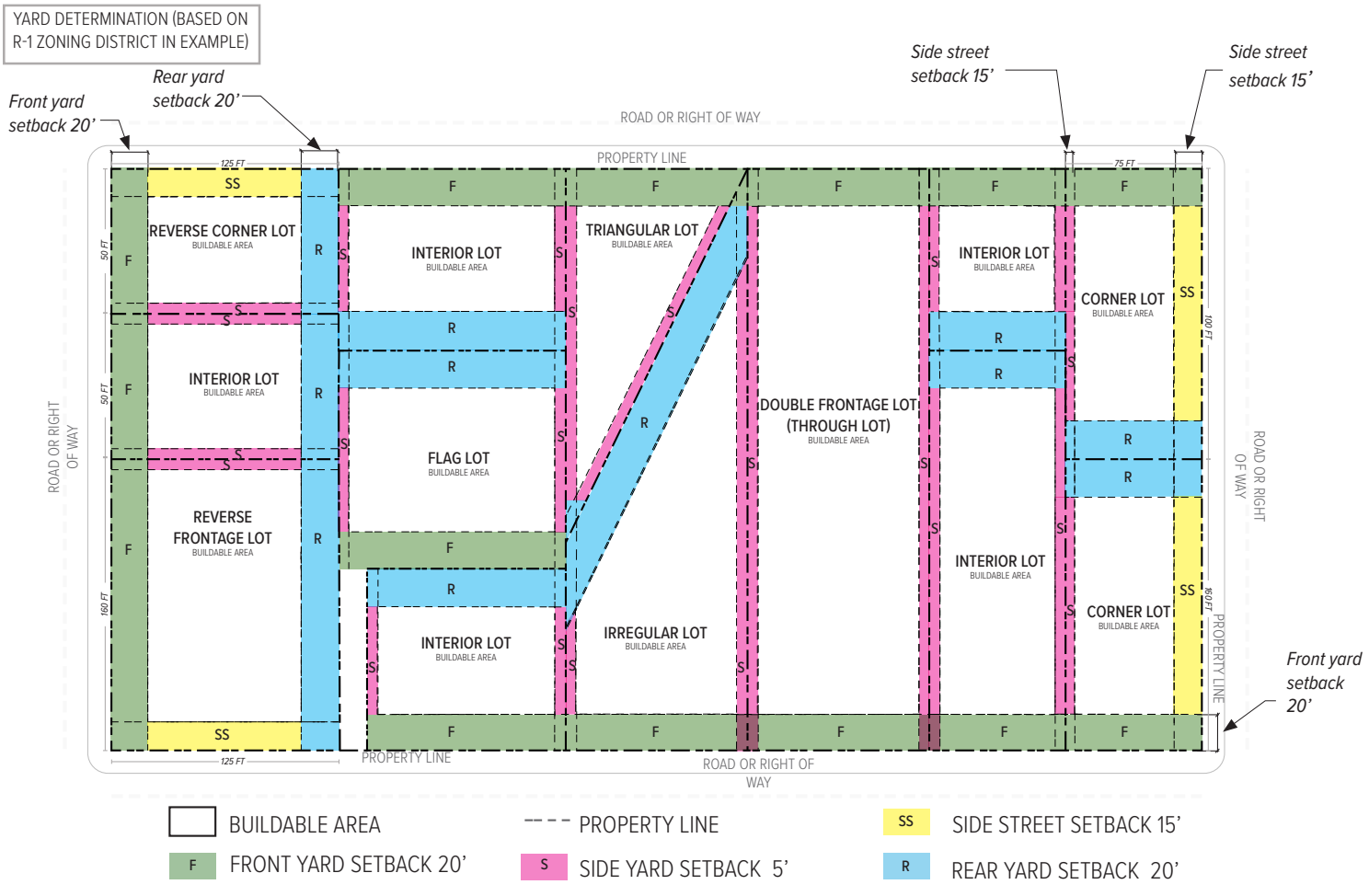
NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements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

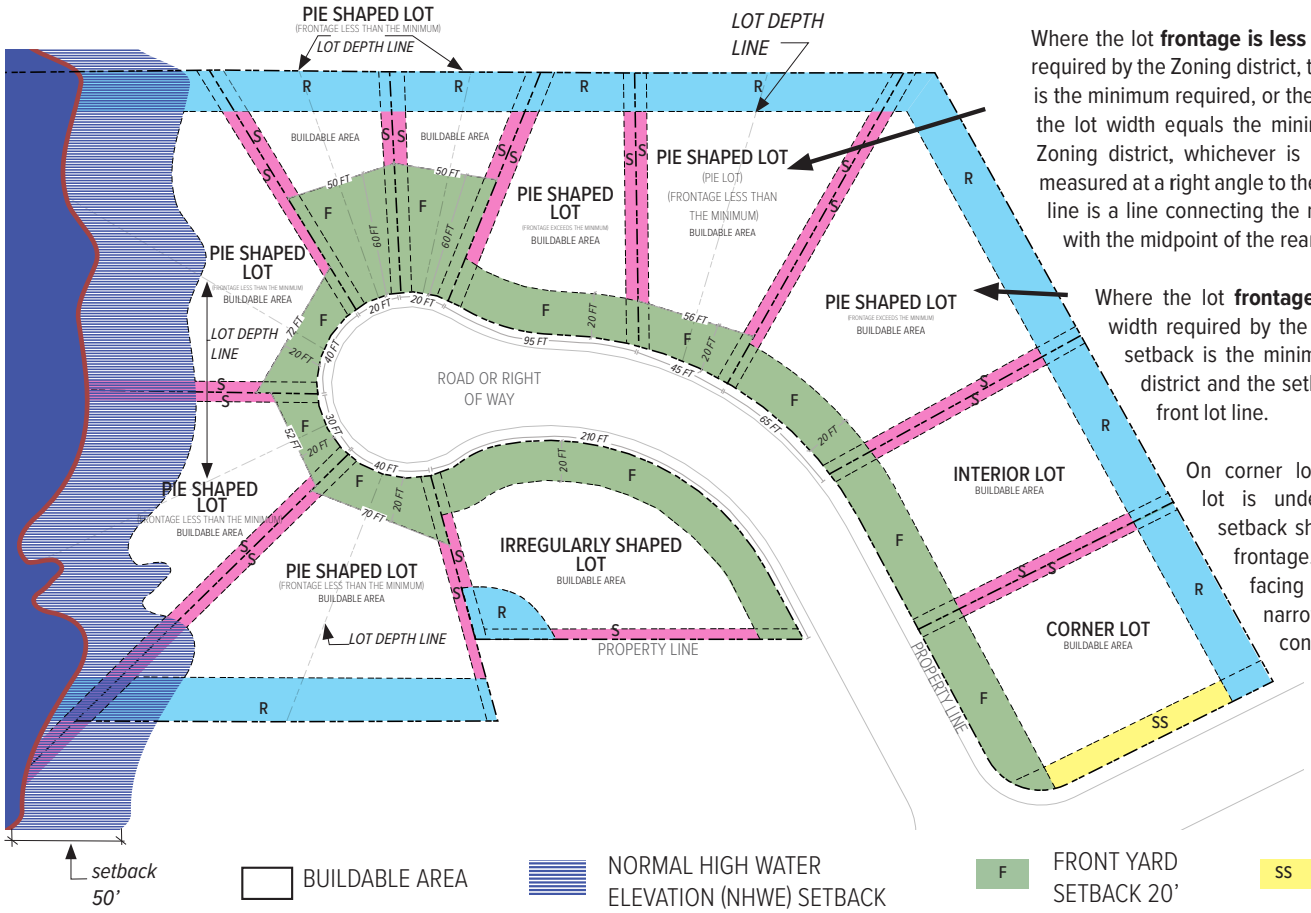
FOOTNOTES

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

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

Figure 1. Residential Yard Setback





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

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

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

11.16.2023

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:	**JAN 08, 2026**	Commission District:	**#3**
Case #:	**VA-25-11-064**	Case Planner:	**Bryan Salamanca (407) 836-9616** **Bryan.Salamanca@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): ROY E. TYSON

OWNER(s): CROWN ENTERPRISES, LLC.

REQUEST: Variance in the I-4 zoning district to allow the parking of commercial vehicles within the front fifty (50) percent of the required front yard.

PROPERTY LOCATION: 10066 General Drive, Orlando, Florida 32824, southwest corner of Taft Vineland Rd. and General Dr., east of FL Turnpike, west of S. Orange Ave., north of W. Wetherbee Rd.

PARCEL ID: 11-24-29-1141-00-010

LOT SIZE: +/- 16.87 acres

NOTICE AREA: 1,500 ft.

NUMBER OF NOTICES: 58

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 Juan Velez, Second by Roberta Walton Johnson; unanimous; 5 in favor: John Drago, Juan Velez, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 2 absent: Thomas Moses, Johnny Stanley):

1. Development shall be in accordance with the site plan dated December 15, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Prior to the issuance of a permit for the concrete extension of the parking aisles, the property owner(s) shall execute and record in the Official Records of Orange County, Florida, an agreement or declaration between the property owners of the affected parcels, in a form

acceptable to Orange County, that states the property owners, their successors in interest, heirs, grantees, and assigns agree to maintain the condition and current configuration of the pond that is located on the parcel with current Parcel Identification Number 11-24-29-1141-00-011, for the purpose of drainage and for compliance with the open space requirements for both parcels.

5. A screen wall/fence shall be provided in accordance with the details provided with the site plan dated December 15, 2025.

6. Development shall comply with Chapter 24 (Landscaping, Buffering and Open Space) and Chapter 15 Article VIII (Tree Protection and Removal). In the event there is a conflict between Chapter 24 or Chapter 15 and the plans, the provisions of Chapter 24 and Chapter 15 shall prevail.

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 approval of the Variance. Staff noted that no comments were received in support, and no comments were received in opposition to the request.

The applicant, who was present, stated that they were in support of Staff's recommendation. The Board of Zoning Adjustment (BZA) asked questions about the right of way taking and eminent domain that significantly reduced the frontage of the subject property.

Additional discussion followed regarding open space requirements and the nonconforming nature of the lot. The BZA determined that the request is appropriate as there was an eminent domain taking, which limited the available front yard for required commercial operations.

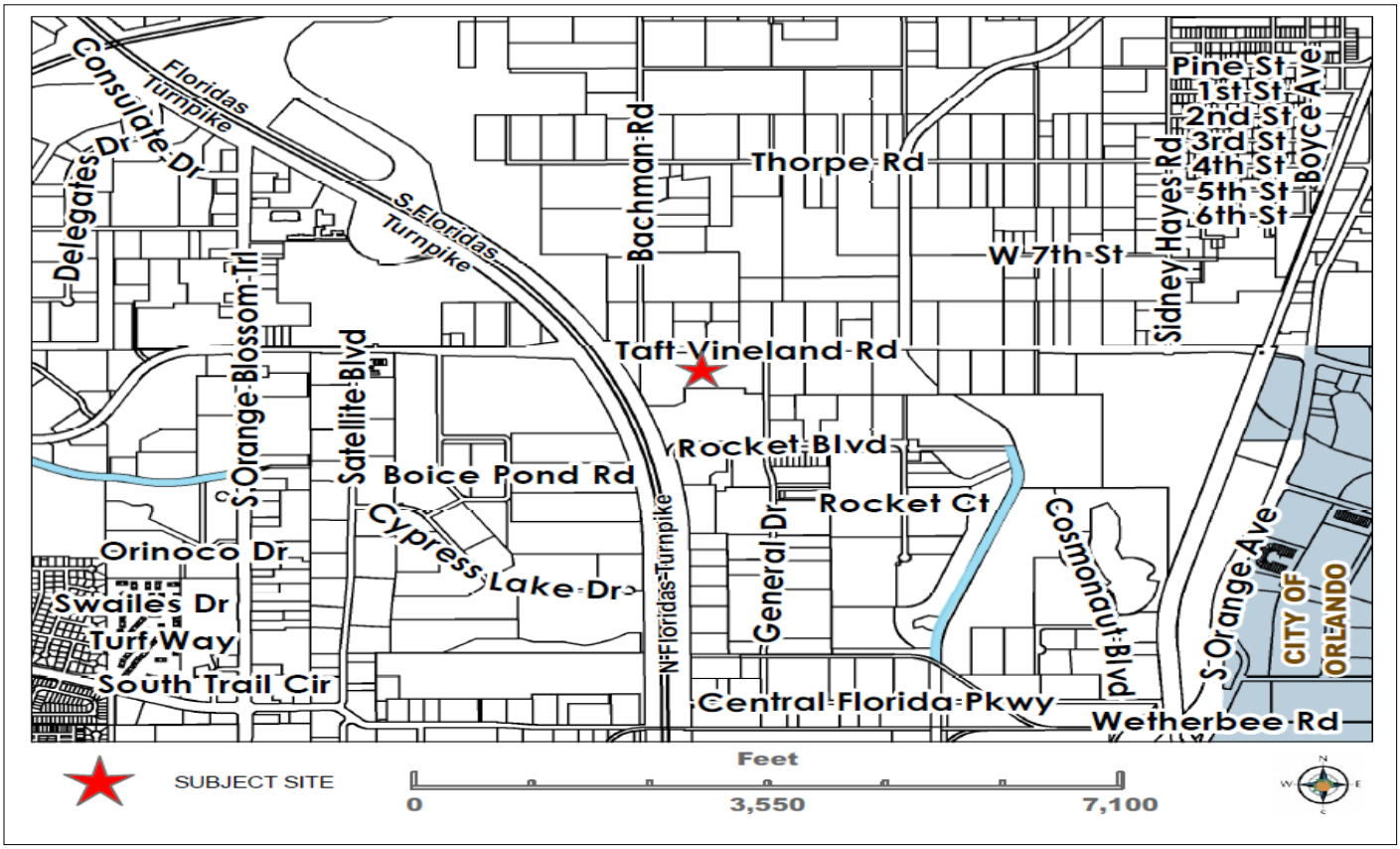
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the Variance request by a 5-0 vote, with two absent, subject to the six 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	I-4	I-2/I-3	I-4	I-4	I-4
Future Land Use	IND	IND	IND	IND	IND
Current Use	Truck Terminal	Commercial/Industrial	Truck Terminal	Warehouse	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the I-4, Industrial District, which allows a variety of commercial and industrial uses. The Future Land Use is Industrial (IND), which is consistent with the I-4 zoning district.

The subject property is a +/- 16.87-acre parcel. The parcel conforms with the zoning regulations for size and width. The subject site was created in 2003 via a lot split, which divided the overall parcel into two. It is developed with a 54,299 sq. ft. warehouse building constructed in 1985, a 6,860 sq. ft. warehouse building constructed in 1985, a 6,649 sq. ft. office building constructed in 1993, and a paved parking lot used for vehicle and truck parking.

As the property currently exists, the minimum fifteen percent (15%) open space requirement set forth in Section 24-29(c) is not met, rendering the site nonconforming with respect to open space. However, in 2004,

a portion of the property was subject to eminent domain, resulting in the taking of approximately 30 ft. in width at varying points along the parcel frontage to accommodate the expansion of the Taft-Vineland Road right-of-way, as documented in the Carrier Park plat recorded in 2004. This reduction in site area diminished the functional capacity of the property and increased the degree of nonconformity. Additional research conducted by staff indicates that when the property was originally developed as a unified site, including the parcel to the south (Parcel No. 11-24-29-1141-00-011), the stormwater pond located on that parcel may have contributed toward satisfying the required open space, in combination with other open space areas on the site. Based on this understanding, staff recognizes that while the subject parcel is currently nonconforming with respect to open space, the property as a whole complied with open space requirements at the time of original development, prior to the 2003 lot split and the 2004 right-of-way taking.

A building expansion, as depicted on site plan, is under review and is not part of this variance request as it complies with all applicable development standards. The request is to expand the truck and trailer parking area on the north side of the property, adjacent to Taft-Vineland Rd., by adding an approximately 8-foot-wide concrete strip running 700 feet along the parcel's frontage, for a total expansion of about 5,600 square feet. Pursuant to section 38-1008(4), the parking of commercial vehicles may be permitted provided such areas shall not be located in any required buffer yard or within the front fifty (50) percent of any required front yard. Due to the existing location of the truck parking stalls, the proximity to the Taft-Vineland right-of-way, and the existing location of the building, the variance is being requested to add an additional strip of concrete, as previously described, to provide the existing facility more driveway space between loading dock spaces and trailer parking spaces. According to the applicant, the current driveway width does not allow the existing parking spaces to be fully utilized while maintaining sufficient maneuverability for trucks to access the loading docks.

The request was routed to all relevant reviewing Divisions. There were no objections noted. Public Works Development Engineering noted that future additional widening of Taft-Vineland Rd. east of Florida's Turnpike is expected to impact this parcel at a future date. Currently that project is on hold pending the design of the Brightline train alignment which will run within the Taft-Vineland corridor and will impact the proposed roadway design.

As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Staff has determined that the request meets all the criteria, therefore staff is recommending approval, including a condition to address the existing open space noncompliance. A recorded agreement between the property owners or declaration to maintain the pond for the purpose of drainage and for compliance with the open space requirements for both parcels will be required. Note that although the condition of approval describes the parcel containing the pond with a parcel identification number, the applicant's agreement should describe that parcel with a legal description, not a parcel identification number.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET - Special conditions and circumstances do exist, as the property experienced a partial taking through eminent domain in 2004. The portion removed along Taft-Vineland Road reduced the functional depth of the

parcel and created a nonconforming condition. This loss of area directly affects how commercial vehicles can safely maneuver and park on the site.

Not Self-Created

MET - The long-standing truck terminal use predates the 2004 right-of-way acquisition. Following the partial taking in 2004, there was reduced available maneuvering space and site operations were impacted. The requested variance is intended to address current safety conditions on the property and to formally recognize the longstanding commercial parking of vehicles within the front yard area.

No Special Privilege Conferred

MET - Granting the variance would not confer a special privilege that is denied to other properties in the I-4 zoning district. The request responds to a unique site-specific physical constraint caused by the right-of-way acquisition and does not create an advantage beyond enabling the site to function as it historically has.

Deprivation of Rights

MET - Strict application of the zoning code would deprive the property of rights commonly enjoyed by other properties in the same district that exist. The reduced lot depth limits the ability to accommodate truck circulation and parking without the requested relief.

Minimum Possible Variance

MET - The request is the minimum necessary to address the site's physical limitations. The variance only acknowledges parking within the front fifty percent of the yard to improve vehicle circulation and maintain safe site function.

Purpose and Intent

MET - Granting the variance is in harmony with the general purpose and intent of the zoning code. Allowing commercial vehicle parking in the front portion of the yard will not alter the industrial character of the area, and the use remains consistent with the I-4 district and the applicant is proposing a screen wall/fence to minimize the impact.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated December 15, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a permit for the concrete extension of the parking aisles, the property owner(s) shall execute and record in the Official Records of Orange County, Florida, an agreement or declaration between the property owners of the affected parcels, in a form acceptable to Orange County, that states the property owners, their successors in interest, heirs, grantees, and assigns agree to maintain the condition and current configuration of the pond that is located on the parcel with current Parcel Identification Number 11-24-29-1141-00-011, for the purpose of drainage and for compliance with the open space requirements for both parcels.
5. A screen wall/fence shall be provided in accordance with the details provided with the site plan dated December 15, 2025.
6. Development shall comply with Chapter 24 (Landscaping, Buffering and Open Space) and Chapter 15 Article VIII (Tree Protection and Removal). In the event there is a conflict between Chapter 24 or Chapter 15 and the plans, the provisions of Chapter 24 and Chapter 15 shall prevail.

C: Roy E. Tyson
Kimley-Horn and Associates, Inc.
6876 Marwick Lane, Suite 350,
Orlando, FL 32827

Kimley»Horn

September 3, 2025

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

Project Narrative

Crown Enterprises, LLC – 10066 General Drive, Orlando, Florida 32824
Proposed Warehouse/Office extension

Variance Project Description:

The proposed project site is owned by Crown Enterprise, LLC (the "**Client**"). and is located at 10066 General Drive, Orlando, Florida 32824, Orange County, Florida (the "**Property**"). The Parcel ID is 11-24-29-1141-00-010 and is currently zoned for Industrial district (I-4), which allows for warehouses, but requires a variance due to front yard setbacks.

The Client is currently expanding the existing warehouse building (the "**Existing Project**") from ±54,299 SF to ±67,500 SF under site development application number B25901794. The existing and expanded building are 23 feet in height as allowed by current zoning standards. The active site development application does not include the construction request related to this variance application.

The proposed variance request (the "**Proposed Project**") is an ±8' expansion of trailer parking area for a total parking surface expansion of ±5,600 SF. The purpose of this pavement expansion is to provide the existing facility more driveway space between loading dock spaces and trailer parking spaces. The current driveway width does not allow parking spaces to be utilized while still allowing space for the maneuverability of trucks accessing loading docks.

Once built, the Proposed Project will not create increased traffic. The Existing Project on-site will function as it did previously during construction and the Existing Project will be extended once the Proposed Project is built and operational.

Why is this request consistent with Orange County's Variance Criteria (34-28):

- **The use shall be consistent with the Vision 2050 & current comprehensive plan**

  According to the Orange County Current Comprehensive Plan and Vision 2050 plan, the Property already serves as an industrial warehouse distribution place; therefore, the Proposed Project and Existing Project qualify and serve the purposes as enumerated therein.

- **These special conditions and circumstances exist and do not result from the actions of the applicant.**

The existing ±16.91-acre site was designed, permitted, and constructed before 1995, conforming to County zoning code. In 2004 Orange County requested right of way along the north side of the property placing the existing site out of compliance. Additionally, the Proposed Project would meet zoning district requirements if the 2004 land taking had not occurred.

- **The landscape front buffer yard and landscape buffer in vehicular use area shall be in accordance with section 24-5 and 24-4 respectively of the Orange County Code**

  Sections 24-5:

  The proposed parking expansion will comply with all applicable design standards for vehicular use areas, including circulation, paving, and dimensional requirements. The reduced setback of 7.5 feet will continue to provide adequate separation between the parking area and the public right-of-way, ensuring safe vehicle movement and pedestrian accessibility. No waiver is being sought from the functional standards of the code; the variance pertains only to the depth of the setback.

  Sections 24-4:

  The site plan has been designed to incorporate landscaping consistent with Chapter 24-4. Perimeter plantings and screening will be provided within the available setback to maintain visual buffering and aesthetic quality along the roadway frontage. Even with the reduced setback, the project will meet the County's intent to soften the appearance of paved areas, provide shade, and promote compatibility with adjacent properties. The landscaping plan will be reviewed and approved through the permitting process to ensure full compliance with the County's minimum planting, irrigation, and screening standards. In addition to landscape screening, site development application B25901794 proposes a 3' tall masonry wall with a 5' chain link fence is proposed within the space between the parking expansion and the current property line. This proposed wall and fence are included for security purposes and a detail is included in the enclosed site plan.

- **Special Conditions and Hardship:**

  This property is uniquely constrained due to a 2004 public right-of-way acquisition that reduced the buildable depth of the lot. This hardship is not self-created and results in a loss of reasonable use compared to similarly zoned properties.

- **No Special Privilege Conferred:**

  Granting this variance will not provide the applicant with any special privilege. The request simply restores the site's ability to use the property in a manner already enjoyed by other parcels within the same zoning district that were not impacted by ROW takings.

- **Deprivation of Rights:**

Strict interpretation of the 17.5-foot setback would deprive the property of the ability to provide adequate parking to support its reasonable use, a right commonly enjoyed by other properties in the same zoning district.

- **Minimum Possible Variance:**

  The reduction to 7.5 feet is the minimum relief necessary to allow the parking expansion. The site plan has been designed to minimize encroachment and avoid the need for additional variances.

- **Purpose and Intent:**

  Approval of this variance will remain in harmony with the intent of the zoning regulations. The proposed design maintains compatibility with surrounding uses, preserves traffic safety and circulation, and will not be injurious to the neighborhood or detrimental to the public welfare.

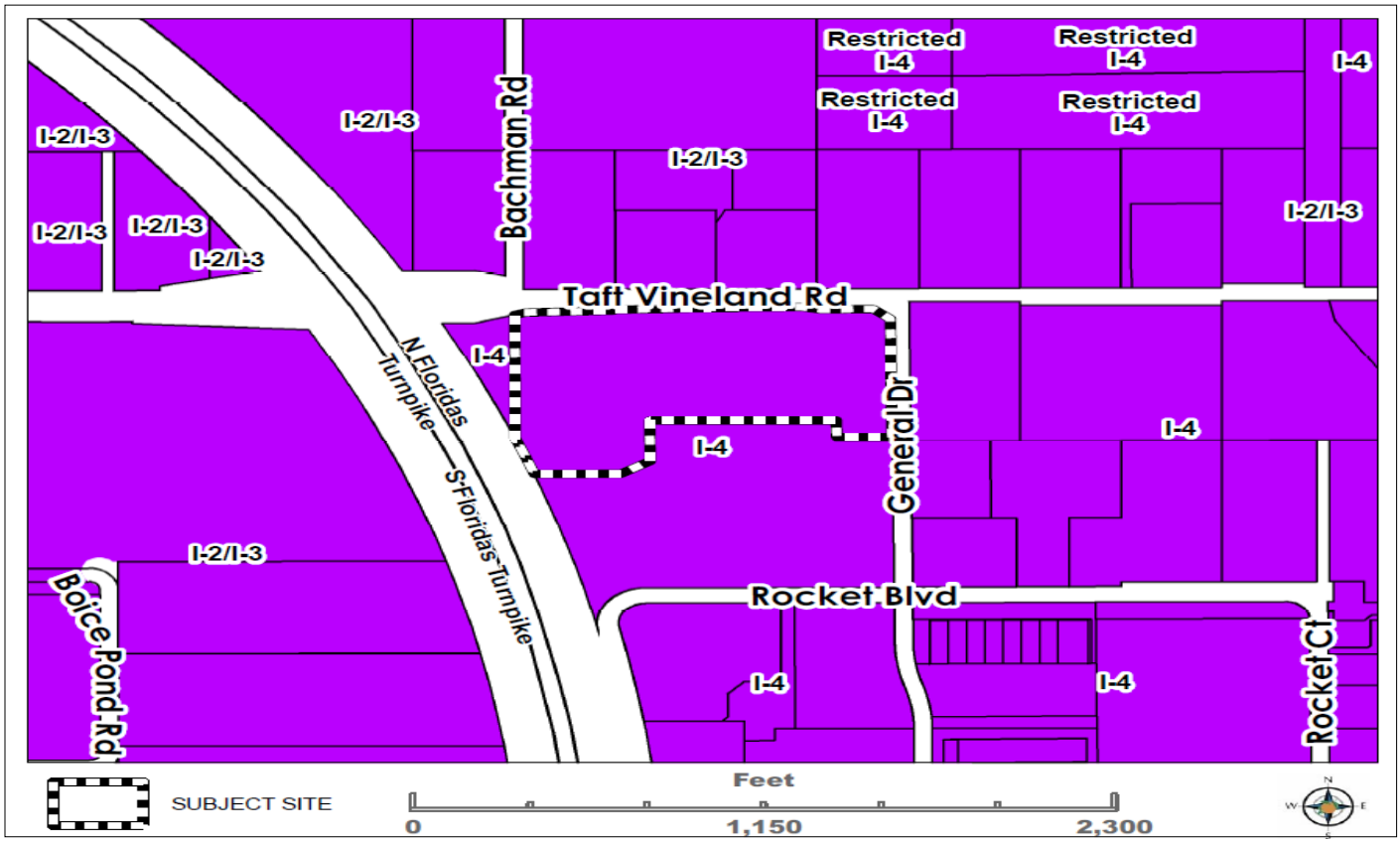
If you have any further questions, please do not hesitate to contact me at 407-768-3230 or by email at Roy.tyson@kimley-horn.com .

Sincerely,

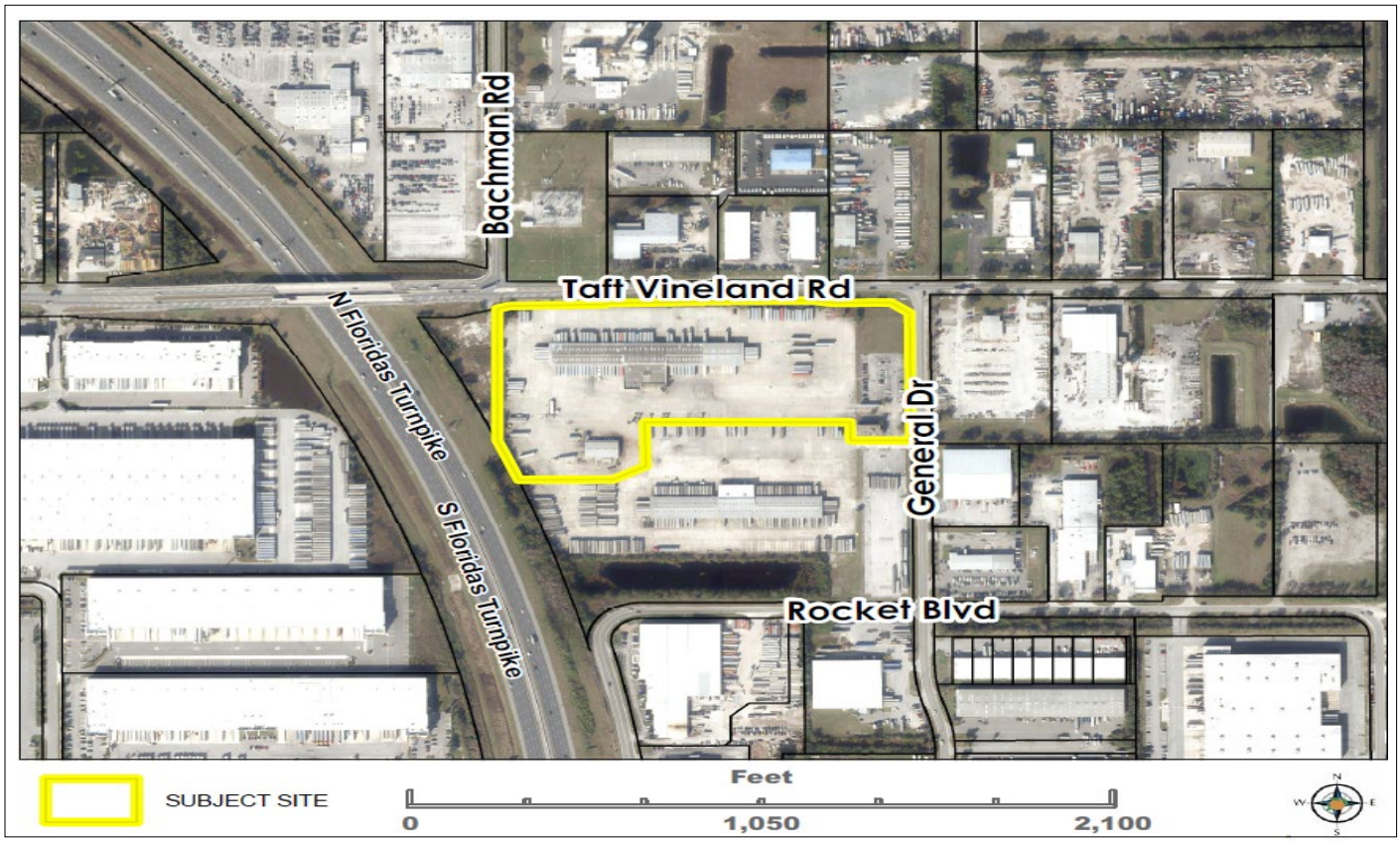
KIMLEY-HORN AND ASSOCIATES, INC.

Roy E. Tyson, P.E.
Project Manager

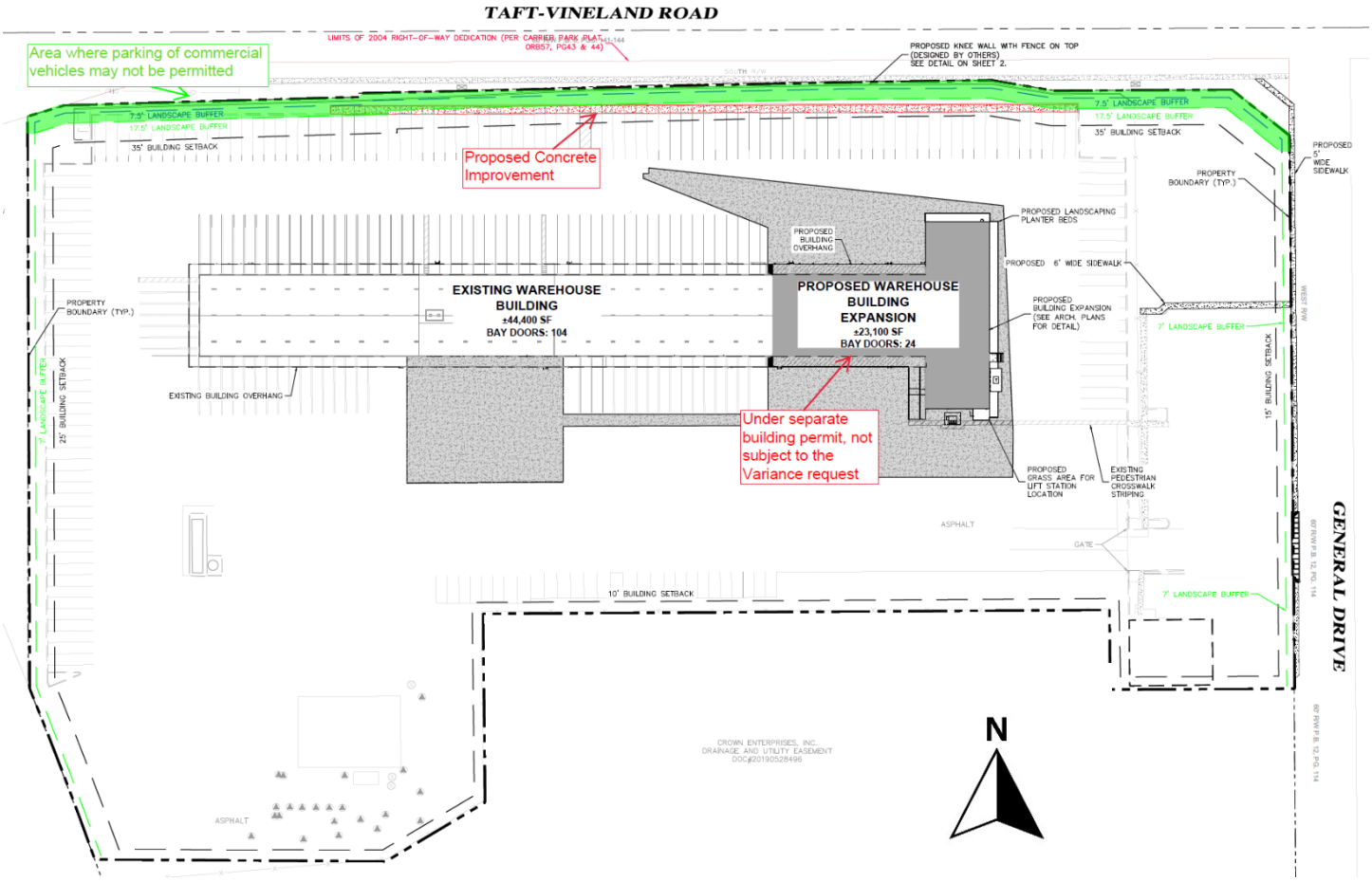
ZONING MAP

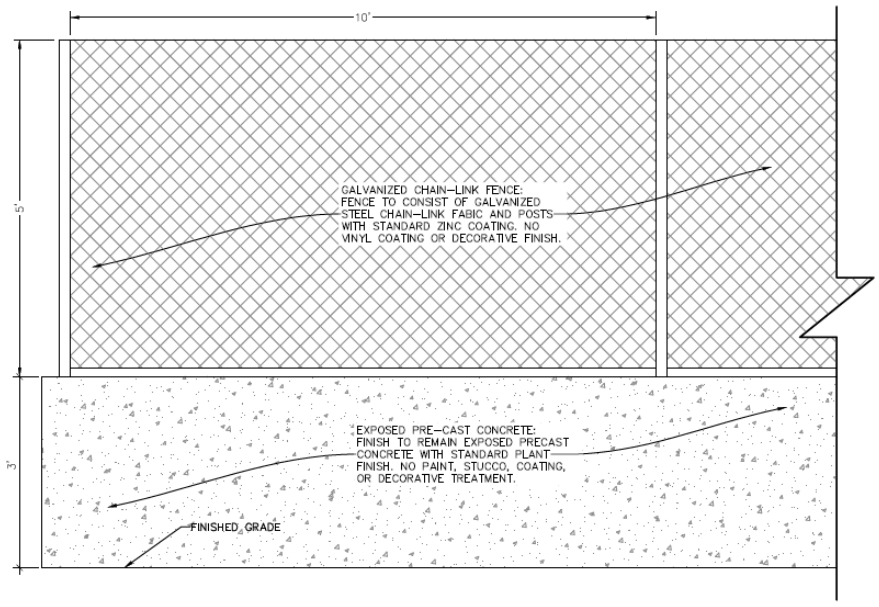


AERIAL MAP



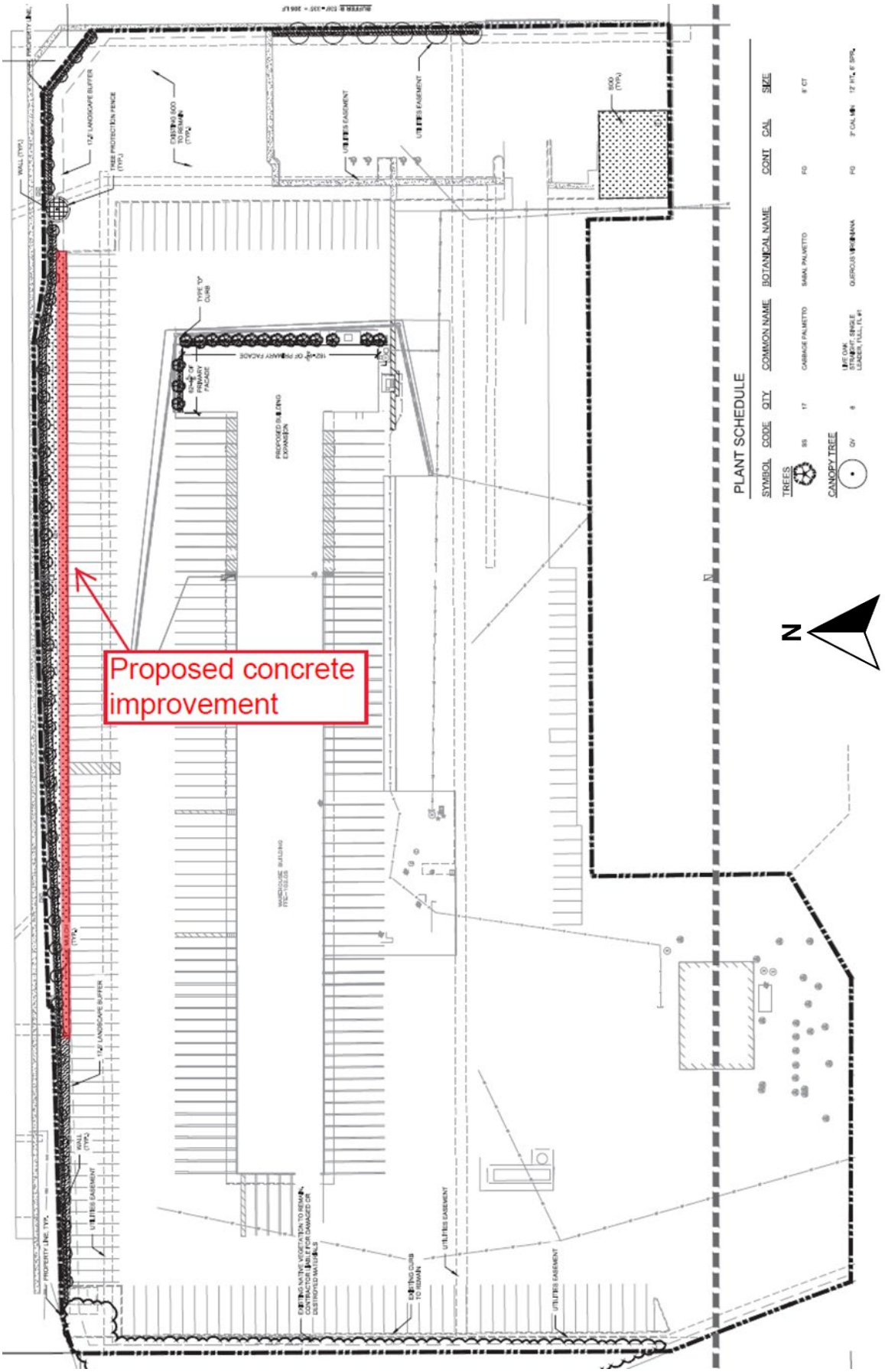
SITE PLAN WITH PROPOSED SCREEN WALL





KNEE WALL WITH FENCE HORIZONTAL DETAIL

DESIGNED BY OTHERS


Proposed concrete improvement
PLANT SCHEDULE
SYMBOL
CODE
QTY
COMMON NAME
BOTANICAL NAME
CONT
CAL
SIZE
TREES
CANOPY TREE
N

SITE PHOTOS

From General Drive facing southeast towards the subject property

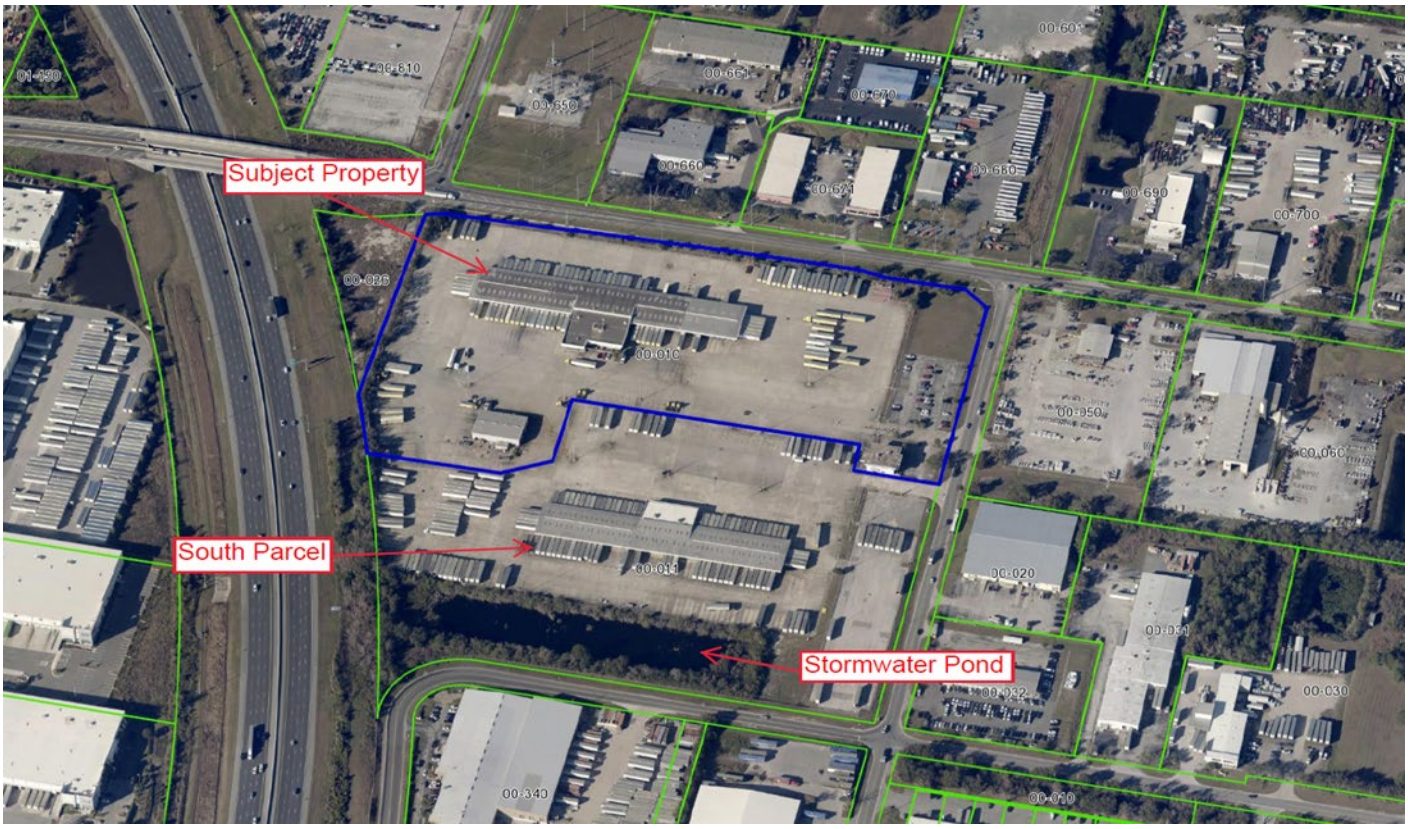
From Taft-Vineland Road facing south towards the subject property

SITE PHOTOS

Facing northwest on the subject property towards general location of concrete improvements

From Taft-Vineland Rd facing east towards subject property

2025 Birdseye Aerial – Existing Conditions



Enhanced 2025 Birdseye Aerial – Existing Conditions

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**JAN 08, 2026**	Commission District:	**#3**
Case #:	**VA-26-01-082**	Case Planner:	**Jacqueline Boling (407) 836-5955 Jacqueline.boling@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): DEREK WATERS

OWNER(s): US PIPE FABRICATION LLC

REQUEST: Variance in the I-2/I-3 zoning district to allow a dumpster to be located in the front yard in lieu of the side or rear yards

PROPERTY LOCATION: 202 4th St., Orlando, FL 32824, located south of 4th St., east of Ave. E, west of Ave. D, and north of 5th St., north of Taft Vineland Rd., east of the FL Turnpike, south of E. Landstreet Rd., west of S. Orange Ave.

PARCEL ID: 01-24-29-8516-40-201

LOT SIZE: +/- 2.06 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 90

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 Juan Velez, Second by Roberta Walton Johnson; unanimous; 5 in favor: John Drago, Juan Velez, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 2 absent: Thomas Moses, Johnny Stanley):

1. Development shall be in accordance with the site plan dated August 11, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff presented the proposal, outlining the property's location, site plan, and site photographs. Staff also reviewed the six required criteria and explained the basis for recommending approval of the Variance

request. It was noted that no comments were received in support of the request and that one comment was received in opposition, from an adjacent property owner to the northeast.

The applicant, who was present, stated that they were in support of staff's recommendation. The applicant provided additional details about the location and operation of the site.

The Board of Zoning Adjustment (BZA) asked questions regarding the determination of double frontage and the exact location of the proposed dumpster. After discussion, the BZA determined that the request was appropriate due to the limited options available for dumpster placement and agreed that the proposed location was acceptable.

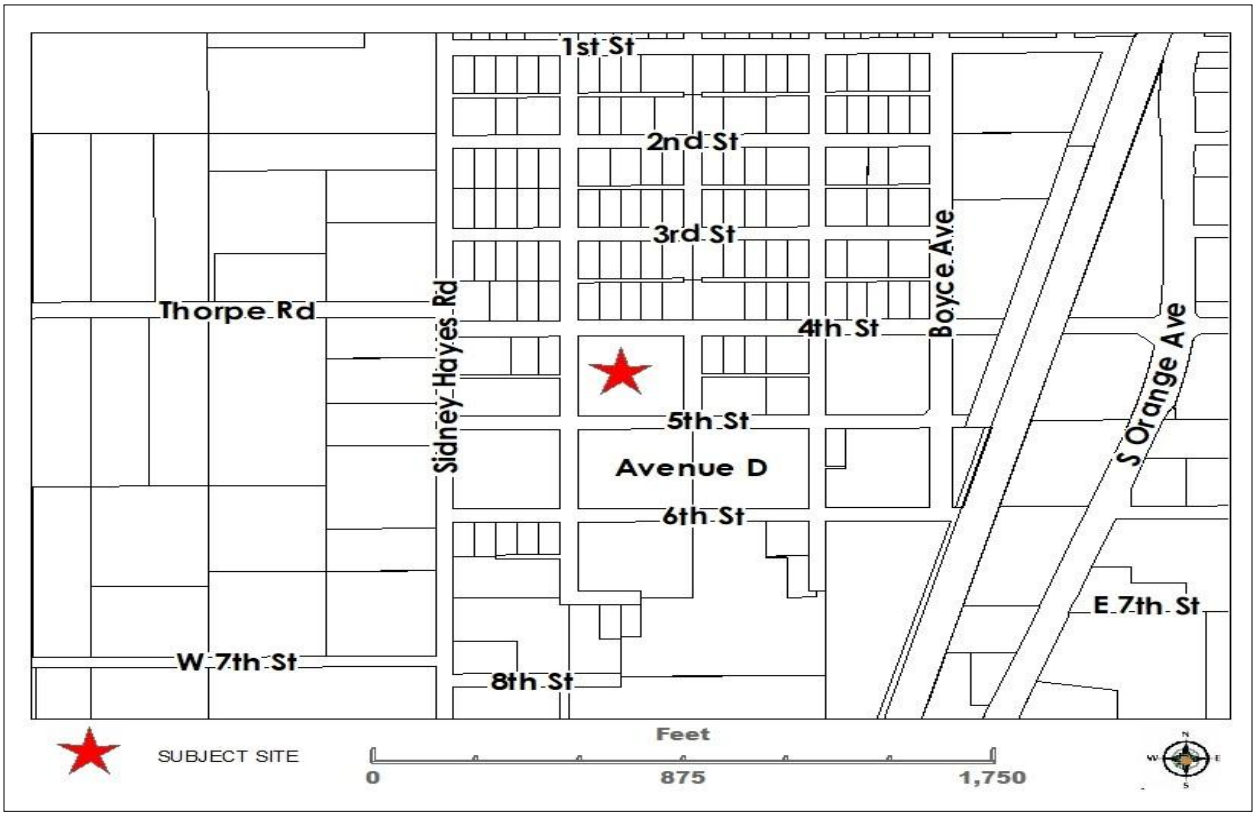
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the variance request by a 5-0 vote, with two members absent, subject to the three conditions outlined 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	I-2/I-3	R-T-1	I-2/I-3	I-2/I-3	I-2/I-3
Future Land Use	IND	LMDR	IND	IND	IND
Current Use	Industrial	Single Family Residential	Industrial	Industrial	Industrial

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the I-2/I-3, Industrial district, which allows for general industrial and related activities such as warehousing, manufacturing, and accessory retail uses. The Future Land Use is Industrial (IND), which is consistent with the I-2/I-3 zoning district.

The area surrounding the subject site includes a mix of commercial businesses, with residential located to the north. The subject property is a 2.06-acre parcel that was originally platted in 1910 as Lots 1 through 10 of the Taft Prosper Colony and is considered a conforming lot. The property has right-of-way frontage along 4th St. to the north, 5th St. to the south, Avenue D to the east, and Avenue E to the west. Sec. 38-1 describes *Lot frontage* for nonresidential zoning districts as the width of the lot abutting the street with the highest volume of vehicular traffic. As such, the lot is treated as a double front, with frontage along both 4th and 5th St., and Avenue D and E being treated as side streets. The current owner purchased the property in 2024.

The property is currently developed with two warehouse buildings, constructed in 2015, a 19,180-square-foot building on the east side and a 5,460-square-foot building on the west side. The site also contains a 4,030-square-foot commercial building constructed in 1974. All of these structures are proposed to be demolished, and a new 39,698 sq. ft. warehouse building constructed, a permit for which is under review (B25904781). The proposed warehouse building complies with all zoning requirements and is not subject to this Variance request.

The proposal is to install a dumpster enclosure at the southeastern corner of the property. County Code Section 38-981(6)a. states that refuse and solid waste areas "shall not be located within any front yard." The proposed location is within a front yard and therefore necessitates the approval of a variance. The proposed dumpster enclosure complies with all other applicable setback and dimensional requirements of the County Code. Due to existing site constraints, including the configuration of the lot, building placement, access limitations, and required setbacks, alternative locations for the dumpster enclosure would not be feasible or would result in greater nonconformities with the County Code. Many potential locations would conflict with required setbacks, circulation areas, or operational needs of the site. As a result, the proposed southeastern corner represents the most suitable and least impactful location for the dumpster enclosure, providing adequate access for service vehicles while minimizing impacts to the site and surrounding properties.

Dumpster Enclosure Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	*Shall not be located within any front yard*	N/A (North – 4th St.) 15 ft. (South - 5th St.) (Variance)
Side Street:	15 ft.	15 ft. (East – Avenue D) +/- 60 ft. (West – Avenue E)

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 requires that all six Variance criteria be satisfied before a recommendation of approval can be made. Staff has determined that the Variance request meets all criteria. Therefore, staff recommends approval of the requested Variance.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET – There are special conditions and circumstances related to the lot. The lot has frontage on four rights-of-way, with two front yards and two side street yards, significantly limiting where the proposed dumpster could be located to meet code.

Not Self-Created

MET – Given the lot constraints, a Variance would be required in any available location on-site.

No Special Privilege Conferred

MET – Approval of the Variance would not confer a special privilege as relief due to special circumstances is available to other properties within the same zoning district.

Deprivation of Rights

MET - Denial of the Variance would create a hardship on the applicant for adequate removal of refuse.

Minimum Possible Variance

MET - The requested Variance is the minimum necessary to place a dumpster on the property.

Purpose and Intent

MET - Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the site requirements for refuse or solid waste areas are intended to maintain and enhance community appearance. By allowing the dumpster to be in the requested location, the dumpster can still be adequately screened in accordance with the landscaping requirements. Additionally, the site is effectively treating 4th Street as the front, with customer parking and the entrance off of 4th, and 5th St. as its rear.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated August 11, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Derek Walters
Catalyst Design Group
1085 W. Morse Blvd.
Winter Park, Florida 32789

David Woolums
US Pipe Fabrication LLC
109 5th Street
Orlando, Florida 32824

October 6, 2025

US Pipe Fabrication Facility (Permit #: B25904781)

Variance Request Narrative

Orange County, Florida

PROJECT DESCRIPTION

The proposed project, US Pipe Fabrication Facility, is the development of an industrial facility. The site is located at the intersection of 4th Street and Avenue E and includes Parcel ID #292401851640201, per the Orange County property appraiser. The site is a developed parcel and contains 2.07-Acres. The proposed development consists of a 45,158-sf industrial building with associated vehicular parking, dumpster enclosure, driving aisles, utilities, and a stormwater management system.

SPECIAL CONDITIONS AND CIRCUMSTANCES

This variance will involve the proposed location of the dumpster enclosure on the southeast corner of the site. The current zoning for this site includes two "front" setbacks on the north and south faces of the property and two "side" setbacks on the east and west faces of the property. The dumpster enclosure is currently positioned outside of the 15 foot "front" side landscape buffer however is proposed within the 25-foot "front" south building setback. The site layout demonstrates that the proposed "front" of the property is to the north (4th Street) which abides to the 25-foot setback and is to be the main access. The dumpster is located at what is to be considered the "rear" of the property and is fully surrounded by industrial (IND-2 / IND-3) zoning (See Attached Variance Exhibit).

NOT SELF-CREATED

The proposed variance is not self-created as the dumpster location is required to be 10 feet minimum from the face of the proposed industrial building while conforming to the 15-foot landscape buffer. It was mentioned in our pre-application meeting on 10/07/2024 that this dumpster could be positioned 15 feet off the south property line.

NO SPECIAL PRIVILEGE CONFERRED

The proposed variance will not grant any special privilege that is denied by Orange County LDC under industrial zoning.

DEPRIVATION OF RIGHTS

There are no deprivation of rights involved with the proposed variance.

1085 W. Morse Blvd, Winter Park, FL 32789
689.219.8900 | www.catalyst-dg.com

MINIMUM POSSIBLE VARIANCE

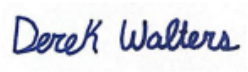
The proposed variance demonstrates the minimum possible variance by locating the dumpster at the rear of the property while still conforming to the 15-foot landscape buffer.

PURPOSE AND INTENT

The proposed variance will be to allow the proposed dumpster enclosure to be located 15' off the southern property line. This will allow for the necessary clearance between the dumpster enclosure to the building, and allow the dumpster enclosure to be easily accessible on the south side of the building.

Should you have any questions, please feel free to contact myself via e-mail (ghuddleston@catayst-dg.com) or phone (689-219-8900).

Catalyst Design Group

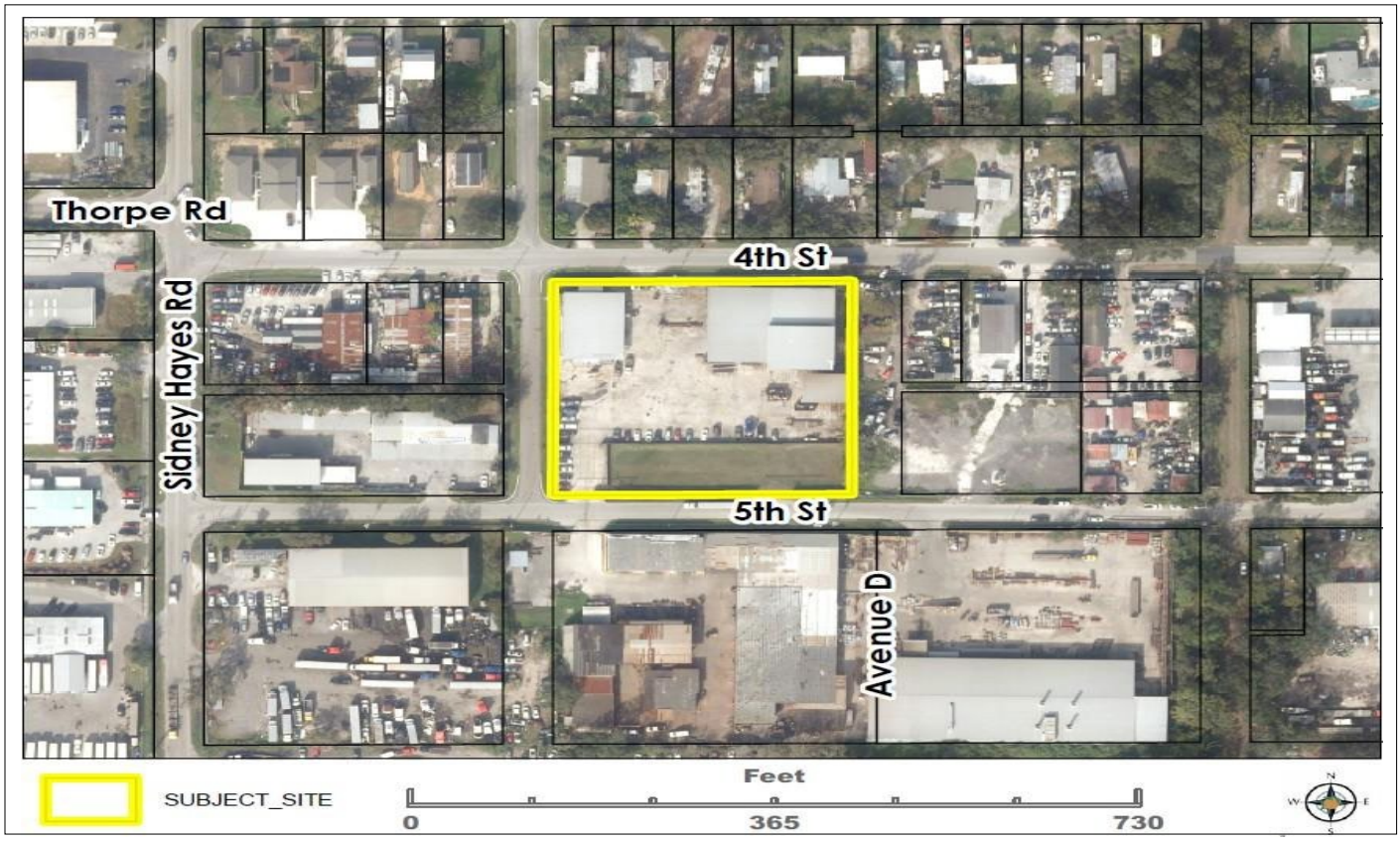


Derek Walters, PE
Design Engineer

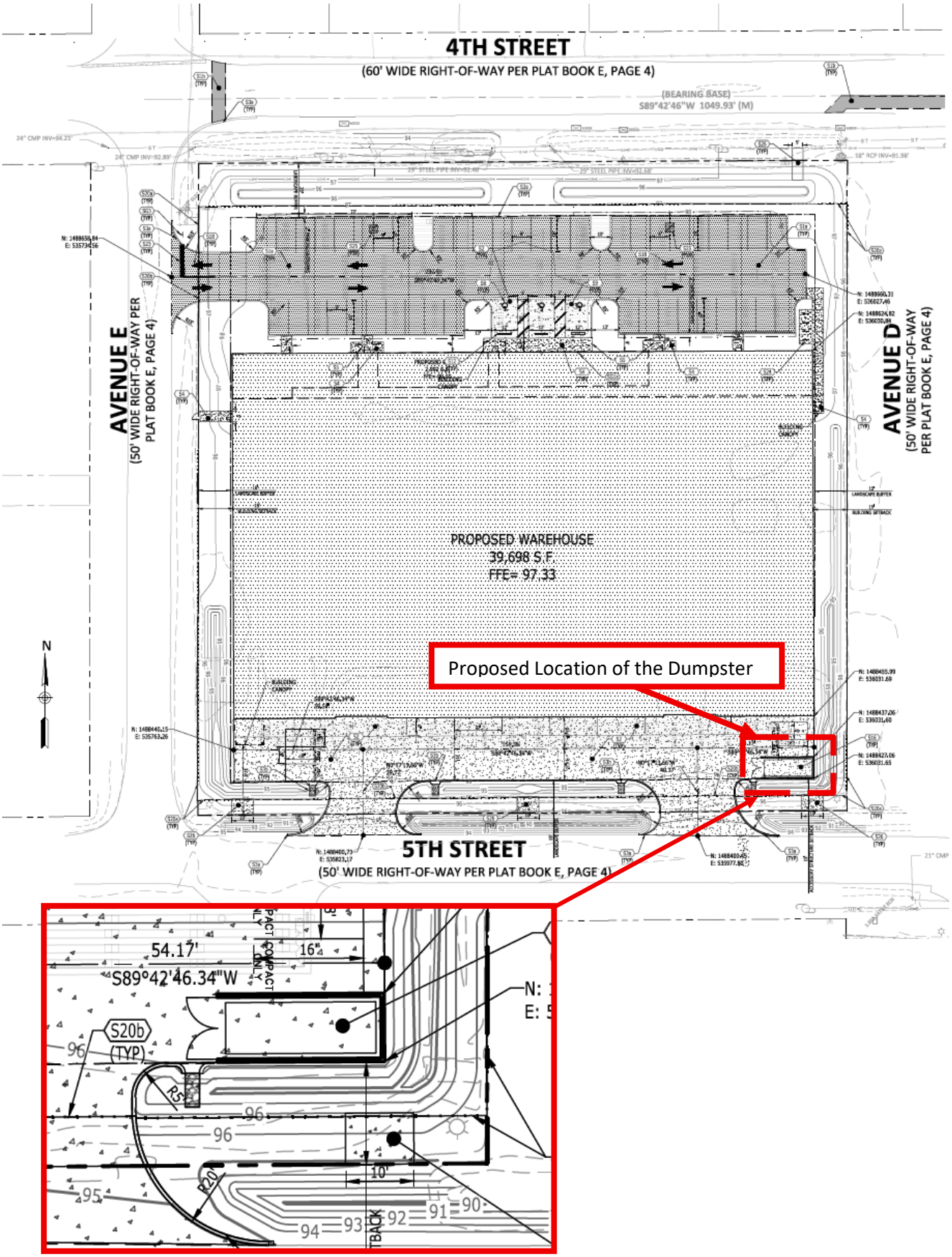
Attachments: Variance Exhibit
Dumpster Plan
Zoning Map

ZONING MAP

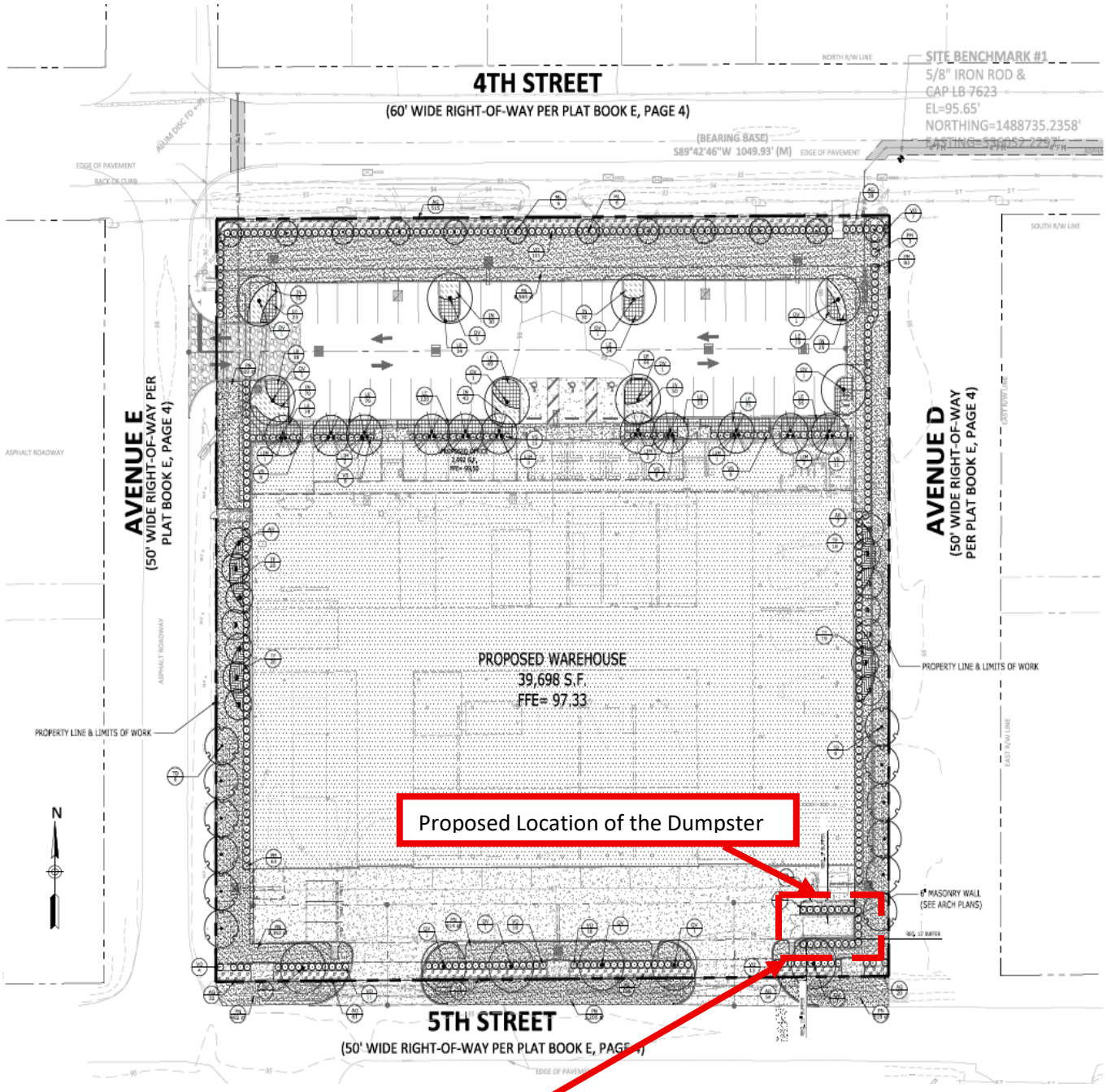
AERIAL MAP

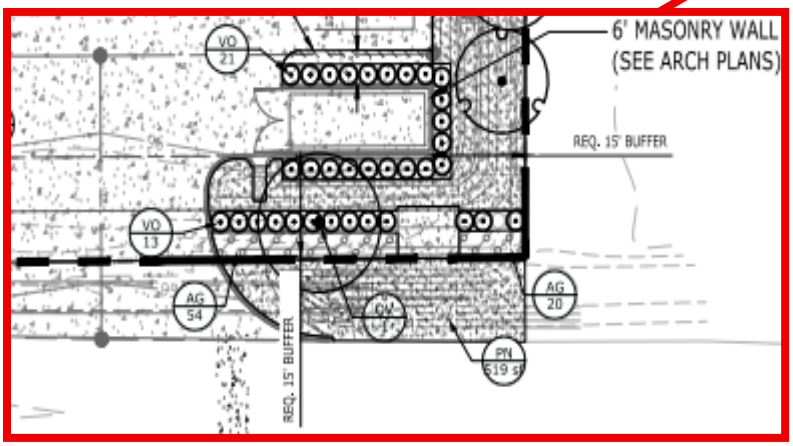


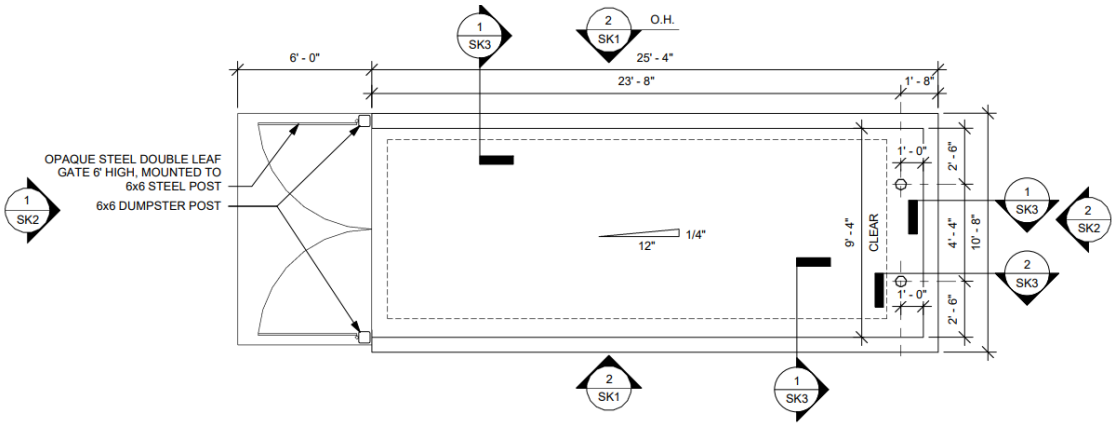
SITE PLAN

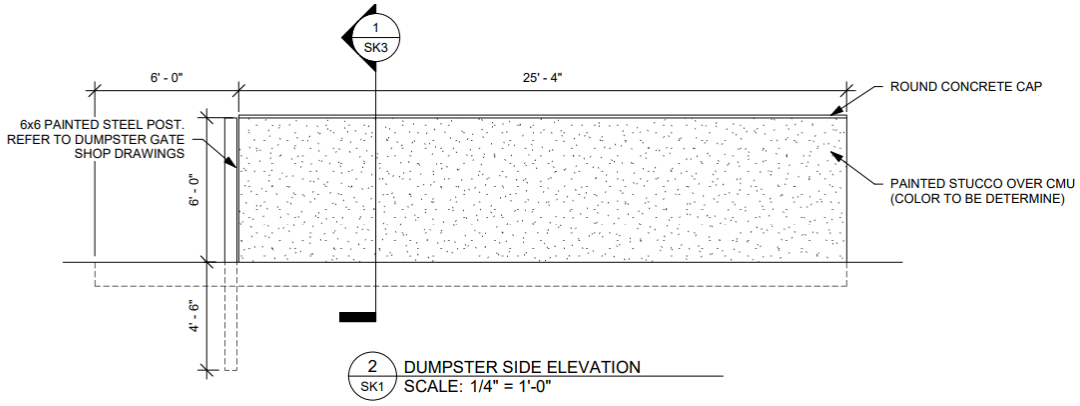

4TH STREET
(60' WIDE RIGHT-OF-WAY PER PLAT BOOK E, PAGE 4)
(BEARING BASE)
S89°42'46"W 1049.93' (M)
AVENUE E
(50' WIDE RIGHT-OF-WAY PER PLAT BOOK E, PAGE 4)
AVENUE D
(50' WIDE RIGHT-OF-WAY PER PLAT BOOK E, PAGE 4)
PROPOSED WAREHOUSE
39,698 S.F.
FFE= 97.33
Proposed Location of the Dumpster
5TH STREET
(50' WIDE RIGHT-OF-WAY PER PLAT BOOK E, PAGE 4)
N
54.17'
S89°42'46.34"W
16"
S20b
(TYP)
96
96
95
94
93
92
91
90
10'
R20'
R5'
TBACK

LANDSCAPE PLAN

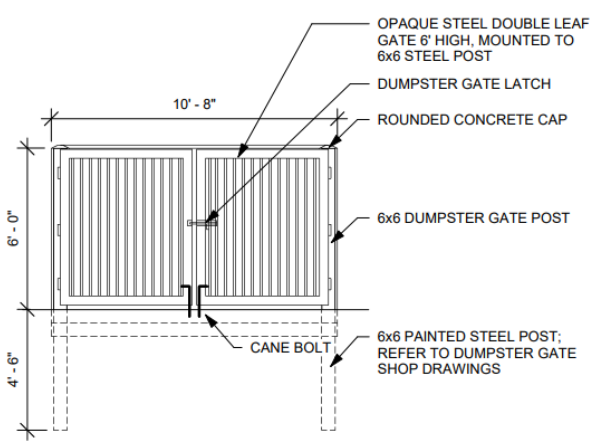




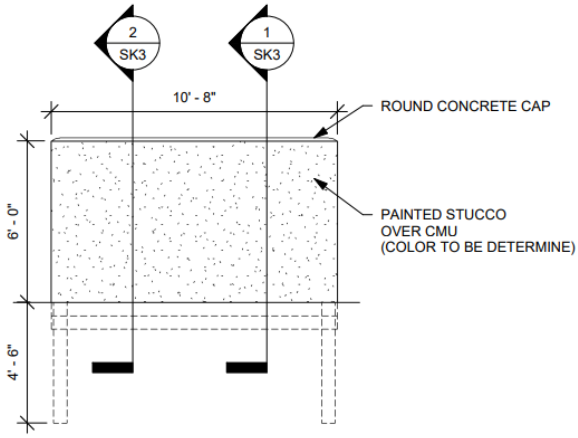




2 SK1 DUMPSTER SIDE ELEVATION
SCALE: 1/4" = 1'-0"



1 SK2 DUMPSTER FRONT ELEVATION
SCALE: 1/4" = 1'-0"



2 SK2 DUMPSTER REAR ELEVATION
SCALE: 1/4" = 1'-0"

AERIAL VIEW

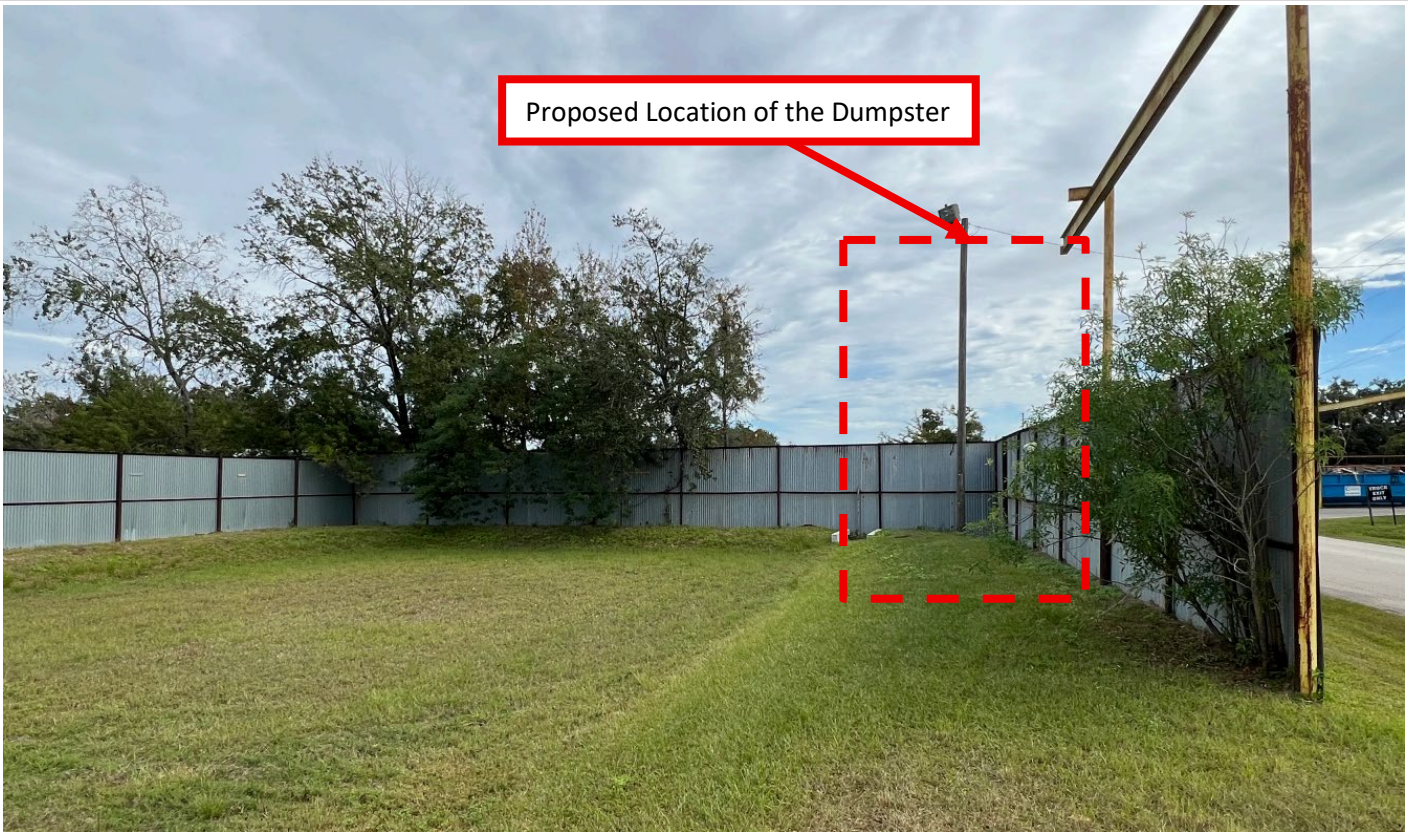

30-109
30-110
30-206
30-207
30-208
30-209
30-210
30-306
4th Street
40-305
40-304
40-201
Avenue E
Avenue D
40-306
5th Street
Proposed Location of dumpster
50-201
50-301

SITE PHOTOS

Front of subject property facing north east from the corner of 5th St. and Avenue E

Facing northwest from 4th street towards the subject property

SITE PHOTOS



On subject property, proposed location of the dumster

From 5th Street facing west.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**JAN 08, 2026**	Commission District:	**#5**
Case #:	**VA-26-01-084**	Case Planner:	**Jacqueline Boling (407) 836-5955 Jacqueline.Boling@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): OMAR SANCHEZ

OWNER(s): ZOMAR CAPITAL LLC

REQUEST: Variances in the R-1A Zoning District to allow the development of a new residence as follows:
1) A 55.2 ft. lot width in lieu of 75 ft.
2) A rear setback of 25.88 ft. in lieu of 30 ft.

PROPERTY LOCATION: 731 Timor Avenue Orlando, Florida, 32804, north side of Timor Ave., east of Adanson St., south of Lee Rd., north of W. Fairbanks Ave., west of I-4

PARCEL ID: 02-22-29-8472-05-220

LOT SIZE: +/- 7,707 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 120

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as modified (Motion by John Drago, Second by Juan Velez; unanimous; 5 in favor: John Drago, Juan Velez, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 2 absent: Thomas Moses, Johnny Stanley):

1. Development shall be in accordance with the site plan dated July 8, 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, outlining the property's location, site plan, and site photographs. Staff reviewed the six required criteria and explained the reasons for recommending approval of Variance Request

#1 and denial of Variance Request #2. Staff noted that one comment was received in support of the request and that no comments were received in opposition.

The applicant, who was present, stated that the variance requests were necessary due to the substandard lot size, noting that the lot is slightly smaller than others in the surrounding area.

The Board of Zoning Adjustment (BZA) asked questions regarding the owner's understanding of zoning requirements prior to purchasing the property. Further discussion focused on the possibility of shifting the house forward on the lot and whether doing so would negatively affect the neighborhood's appearance. The applicant clarified that the septic drainfield is located toward the southwestern corner of the property and that moving the house forward would not be ideal.

After discussion, the BZA determined that the request was reasonable and would not be injurious to the neighborhood. The BZA also agreed that locating a septic drainfield in the rear of the property would be difficult and that the available side yard space is limited.

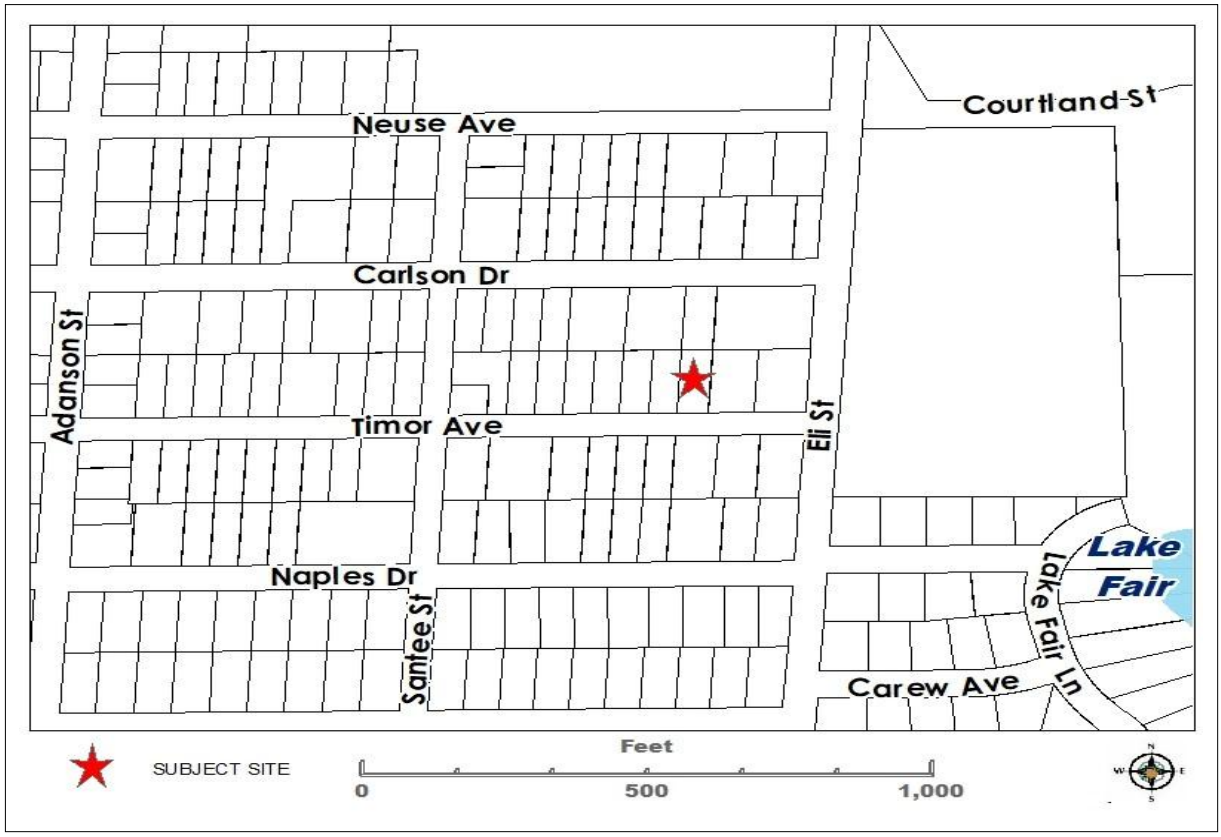
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the variance request by a 5-0 vote, with two members absent, subject to the three conditions outlined in the staff report with the modification to Condition #1 as follows, " Development shall be in accordance with the site plan dated July 8, 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)."

STAFF RECOMMENDATIONS

Approval of Variance #1 subject to the conditions in this report, and denial of Variance #2. 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-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Vacant	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1A, Single-Family Dwelling district, which allows 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 7,707 sq. ft. in size, was platted in 1925 as Lot 22 in the Sunshine Gardens Plat, and is considered to be a substandard lot due to the width of the lot. Per Orange County Code Sec. 38-1401, if two or more adjoining lots were under single ownership on or after October 7, 1957, and one of the lots has a frontage or lot area less than what is required by the zoning district, such as a substandard lot or lots shall be aggregated to create one conforming lot. The subject lot (Parcel No. 02-22-29-8472-05-220) was in contiguous ownership with the adjacent lot to the east (Parcel No. 02-22-29-8472-05-231) beginning in June 2016, as such it is not considered a substandard lot of record. As a result, Variance #1 is required. The subject lot was purchased by the current owner in June 2025.

The proposal is to construct a 2,920 gross square-foot one story single-family residence. The residence is proposed to be located 25.88 ft. from the rear property line in lieu of the required 30 ft. rear yard setback, requiring Variance #2. The site plan shows the proposed residence would comply with the required front and side yard setbacks. The applicant submitted a building permit (B25014954) to construct the new residence in July 2025. The permit is in a review status with outstanding deficiency comments, however, these comments would not impact the Variance requests. During the site visit, staff observed the foundation footprint of the residence was present on the property.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	18 ft.
Min. Lot Width:	75 ft.	55.2 ft. (Variance #1)
Min. Lot Size:	7,500 sq. ft.	7,707 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	25 ft.	33.1 ft. (South)
Side:	7.5 ft.	8.5 ft. (East) 8.7 ft. (West)
Rear:	30 ft.	25.88 ft. (North) (Variance #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 Variance criteria are met. Staff has determined that Variance request #1 meets all the criteria. While Variance request #2 meets some of the criteria, it does not meet all the criteria. As this is a new construction project, the structure can be modified or relocated closer to the front of the lot to comply with Code standards. Therefore, staff is recommending approval of Variance request #1 and denial of Variance request #2.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

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

Variance # 2 NOT MET – There are no special conditions and circumstances that are peculiar to the property as there is adequate space to construct a residence in compliance with all setback requirements.

Not Self-Created

Variance #1 MET – The substandard aspect of the parcel is not self-created, as the lot was in this configuration when the current owners purchased the property.

Variance #2 NOT MET – The request is self-created in that it is new construction and there are alternatives to reduce or eliminate the requests.

No Special Privilege Conferred

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

Variance #2 NOT MET – Granting the Variance would confer a special privilege because other properties in the surrounding area appear to have been developed in compliance with the rear-yard setback requirement on lots of the same or similar width, size, and zoning as the subject property.

Deprivation of Rights

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

Variance #2 NOT MET – There is no deprivation of rights since there are other options to meet the required setbacks without variances.

Minimum Possible Variance

Variance #1 MET – The requested Variance is the minimum necessary to construct a home on the property.

Variance #2 NOT MET – The requested Variance is not the minimum possible since the proposed home could be reduced in size or shifted forward to meet the required rear 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 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 July 8, 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: Omar Sanchez
Zomar Capital LLC
2173 Green Glade Loop
Winter Park, FL 32792

Variance Request on Permit B25014954

Who:

Zomar Capital, LLC

2173 Green Glade Loop, Winter Park, FL 32792

(407) 496-6888

omar@gofastrealty.com

Where:

731 Timor Ave, Orlando, FL 32804

Parcel 02-22-29-8472-05-220

Description SUNSHINE GARDENS L/79 LOT 22 & W 5.2 FT OF LOT 23 BLK E

What:

Request to develop a single-family, single-story home on the lot that doesn't meet the requirement standards, which today is minimum of 75', but lot is 55'. The home size is 2,920 sqft total and 2,150 sqft heated with a peak height of 18'. Setbacks are 6' on the sides and 25' on the front and back.

Why:

The lot was originally plotted as a 50' lot and most of the neighboring homes are on 50' lots so it does not confer any special privileges and is consistent with the neighborhood homes. The request is not self-created and the lot was purchase as is and had a single-family home on it in the past. Deprivation of right would not allow us to build the home that is consistent with the neighborhood and their lots.

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 history of the lot was originally platted as a 50' lot. The lot today is 55' yet the zoning R1-A requires it to be a 75' lot to be able to build a single family home on it. Please consider the setbacks to be 6' on the sides and 25' in the rear and front as is consistent with the rest of the community

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.

   We purchased the lot as is and there was a single family home on it in the past.

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

   The lot does not confer any special privilege and is consistent with the with the other homes in the neighborhood

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.

   By board not giving the variance we are being deprived of the right to build a single family home on the lot that is consistent with the neighborhood and their lots and single family homes

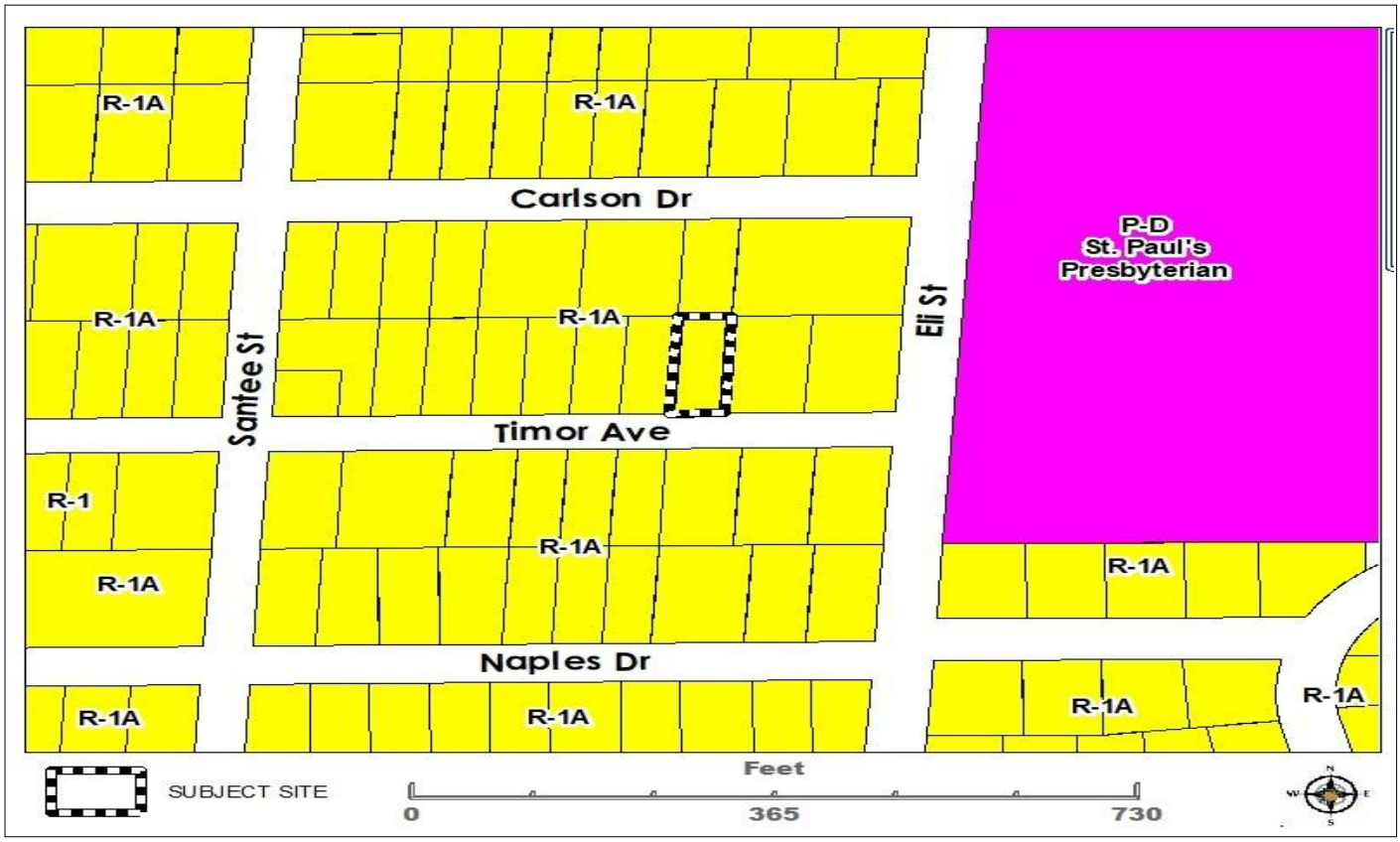
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

   Not requesting lot to be smaller but to allow a single family home to be built on it since the current zoning requests it to be a 75' wide lot. Also the front and rear setback to be adjusted to 25' as is standard with other homes in the community

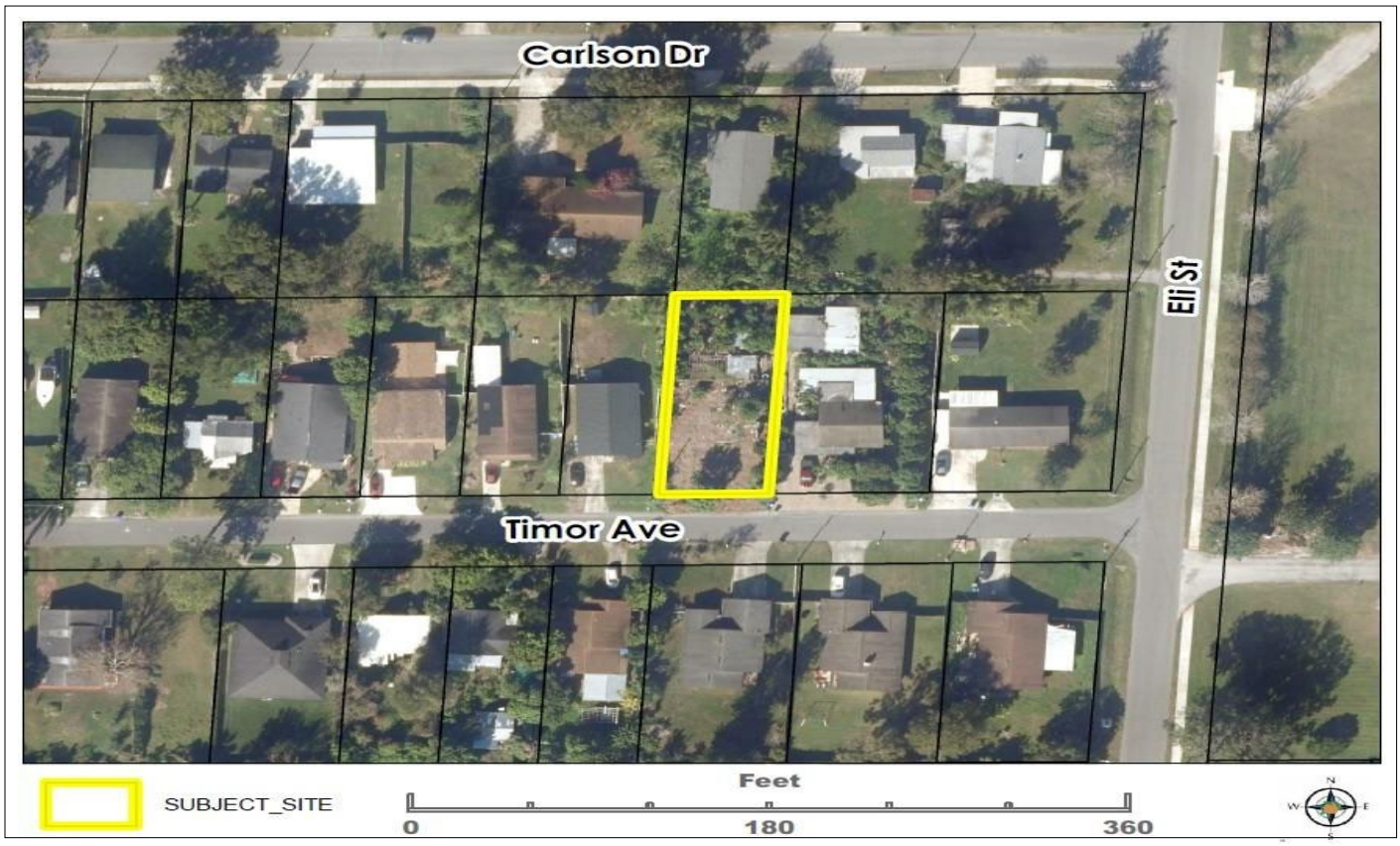
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

   The purpose and intent is adequate with similar sized lots in the neighborhood

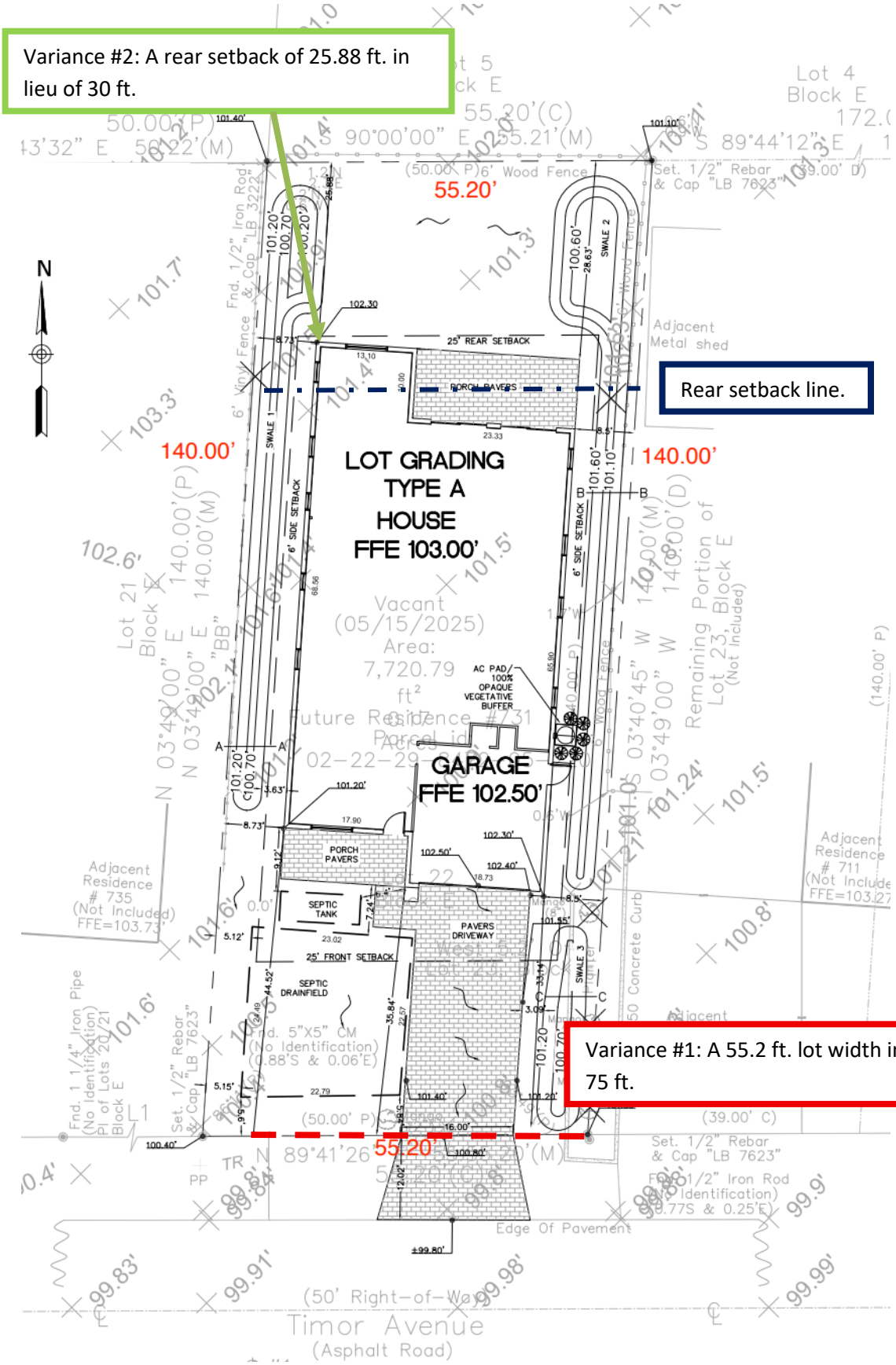
ZONING MAP

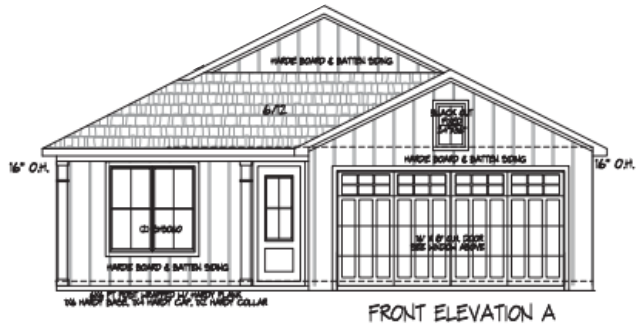


AERIAL MAP

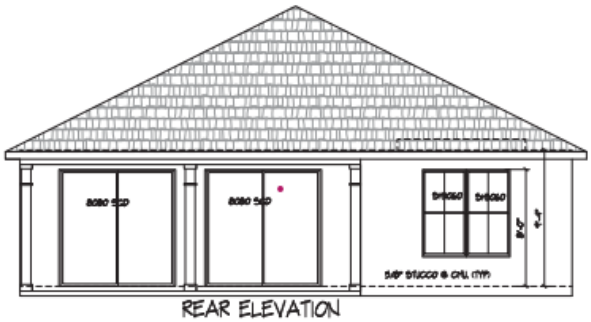


SITE PLAN

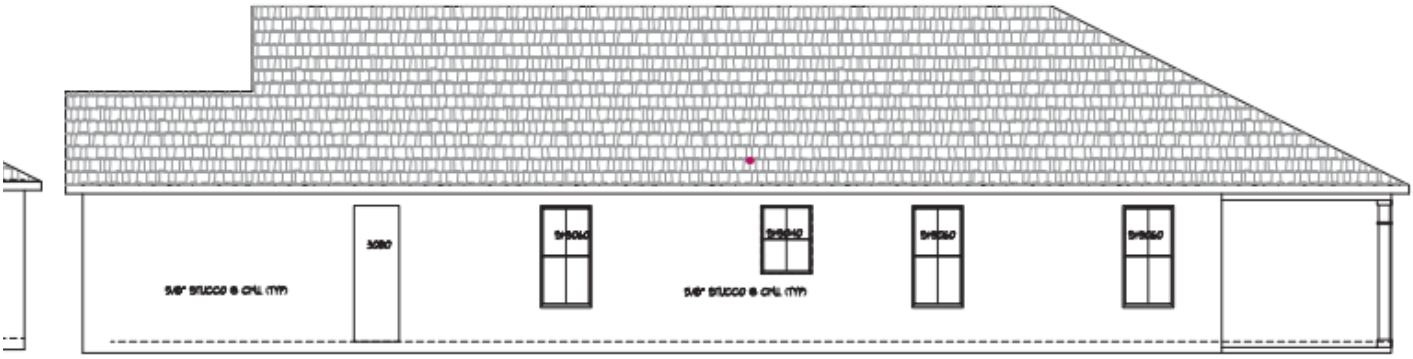

Variance #2: A rear setback of 25.88 ft. in lieu of 30 ft.
Rear setback line.
Variance #1: A 55.2 ft. lot width in lieu of 75 ft.
55.20'
140.00'
140.00'
55.20'
LOT GRADING
TYPE A
HOUSE
FFE 103.00'
GARAGE
FFE 102.50'
25' REAR SETBACK
25' FRONT SETBACK
6' SIDE SETBACK
PORCH PAVERS
PAVERS DRIVEWAY
SEPTIC TANK
SEPTIC DRAINFIELD
AC PAD/ 100% OPAQUE VEGETATIVE BUFFER
SWALE 1
SWALE 2
SWALE 3
Vacant
(05/15/2025)
Area:
7,720.79 ft²
Future Residence #731
Parcel id: 02-22-29-
Adjacent Residence # 735 (Not Included) FFE=103.73'
Adjacent Residence # 711 (Not Included FFE=103.27
Adjacent Metal shed
Remaining Portion of Lot 23, Block E (Not Included)
Lot 21 Block E
Lot 4 Block E
Edge Of Pavement
(50' Right-of-Way)
Timor Avenue
(Asphalt Road)
N



FRONT ELEVATION A



REAR ELEVATION



RIGHT SIDE ELEVATION-A

LEFT SIDE ELEVATION A

SITE PHOTOS

Facing north towards front of subject property

Facing south towards Timor Dr. from the back yard of the subject property

SITE PHOTOS

Facing west towards side yard and neighboring residence

Facing east along the side yard on subject property.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**JAN 08, 2026**	Commission District:	**#5**
Case #:	**VA-26-02-086**	Case Planner:	**Jacqueline Boling (407) 836-5955 Jacqueline.Boling@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): DENNIS DELABY

OWNER(s): DENNIS DELABY

REQUEST: Variances in the R-1 zoning district as follows:
1) To allow a pool and deck with a Normal High-Water Elevation (NHWE) setback of 9.3 ft. in lieu of 25 ft.
2) To allow an existing accessory structure (shed) with a Normal High-Water Elevation (NHWE) setback of 6.2 ft. in lieu of 25 ft.

PROPERTY LOCATION: 2914 S M U Blvd., Orlando, Florida 32817, west side of S M U Blvd., north of E. Colonial Dr., east of N. Goldenrod Rd., south of University Blvd., west of S.R. 417

PARCEL ID: 12-22-30-8831-01-090

LOT SIZE: +/- 13,105 sq. ft.

NOTICE AREA: 500

NUMBER OF NOTICES: 118

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as amended (Motion by John Drago, Second by Sonya Shakespeare; unanimous; 5 in favor: John Drago, Juan Velez, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 2 absent: Thomas Moses, Johnny Stanley):

1. Development shall be in accordance with the site plan dated October 27, 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 pool and pool deck, a permit for both existing accessory structures (garage and shed) shall be obtained, or the structures shall be removed from the property.

5. Prior to the issuance of any building permit, the property owner shall record an Indemnification/Hold Harmless Agreement in the Official Records of Orange County, Florida, using a form provided by the County. This agreement shall indemnify and hold Orange County harmless from any damages or losses arising from or related to the activities, operations, or use of the improvements resulting from the approval of the variance request. The agreement shall also notify all interested parties that the pool and deck are located no closer than 9.3 feet from, and the shed is located 6.2 feet from, the Normal High Water Elevation (NHWE) of the Lake Irma Canal.

SYNOPSIS: Staff presented the proposal, outlining the property's location, site plan, and site photographs. Staff reviewed the six required criteria and explained the reasons for recommending denial of Variance Requests #1 and #2. Staff noted that no comments were received in support of or in opposition to the request.

The applicant, who was present, stated that the variance requests were necessary due to the smaller lot size and noted that other pools in the area are located within the NHWE setback. The Board of Zoning Adjustment (BZA) asked questions regarding the slope of the yard and potential flooding and requested clarification from staff on the purpose of the NHWE setbacks. The applicant indicated that there was no flooding or property damage during Hurricane Irma and stated that they were unaware the two existing accessory structures were unpermitted, as they were installed prior to their ownership of the property.

After discussion, the BZA determined that the request was reasonable and would not be injurious to the neighborhood. The Board also felt that denying the applicant the ability to construct a pool would deprive them of reasonable use and enjoyment of their backyard, particularly given that surrounding properties have similar development within the NHWE setback.

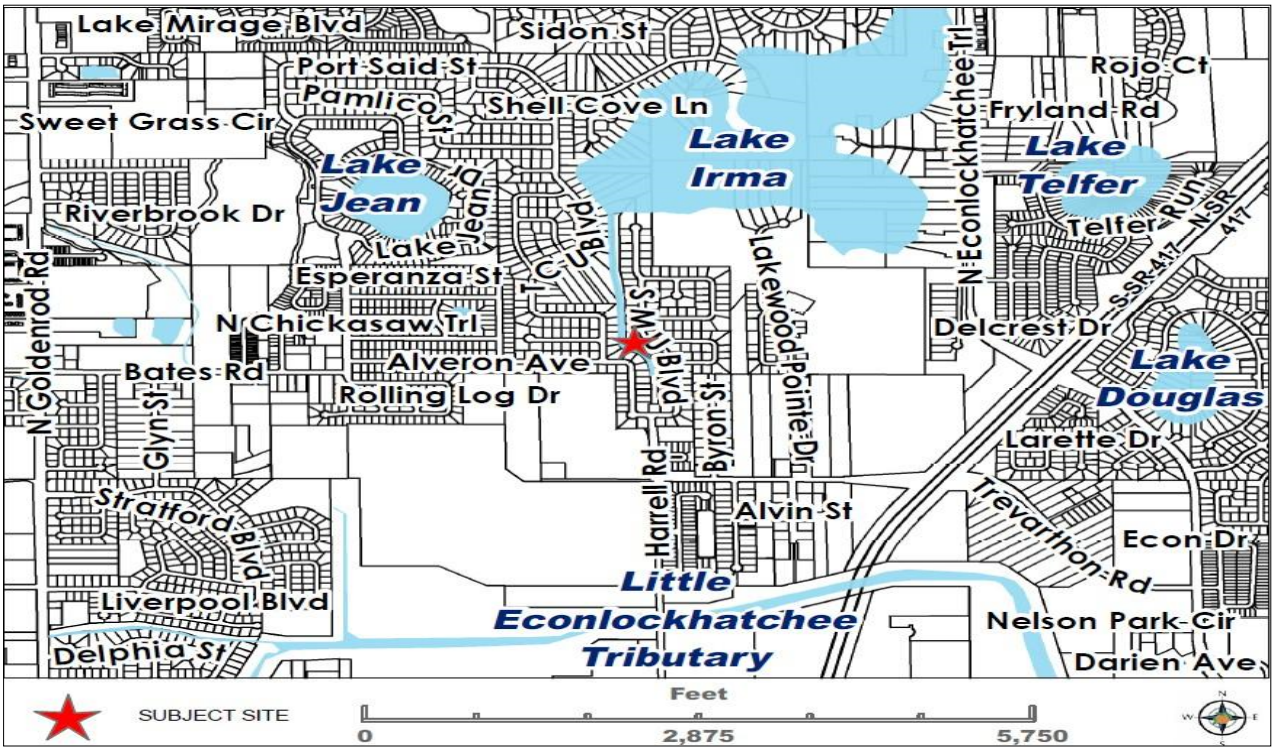
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the variance request by a 5-0 vote, with two members absent, subject to the four conditions outlined in the staff report, and added Condition #5 as follows: "Prior to the issuance of any building permit, the property owner shall record an Indemnification/Hold Harmless Agreement in the Official Records of Orange County, Florida, using a form provided by the County. This agreement shall indemnify and hold Orange County harmless from any damages or losses arising from or related to the activities, operations, or use of the improvements resulting from the approval of the variance request. The agreement shall also notify all interested parties that the pool and deck are located no closer than 9.3 feet from, and the shed is located 6.2 feet from, the Normal High Water Elevation (NHWE) of the Lake Irma Canal."

STAFF RECOMMENDATIONS

Denial of Variances #1 and #2. 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-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 and requires a minimum lot area of 5,000 sq. ft. The Future Land Use (FLU) is Low Density Residential (LDR), which is consistent with the R-1 zoning district.

The area surrounding the subject site consists of single-family residences. The subject property is a 13,105 sq. ft. lot, platted in 1968 as Lot 9, Block A of the University Shores Unit Three subdivision. The lot meets the minimum area requirements for the R-1 zoning district. It is a pie-shaped parcel with frontage along S M U Blvd. and includes a canal connection to Lake Irma at the rear. The current owners purchased the property in August 2013. The site is developed with a 1,835 sq. ft., one-story single-family home built in 1968, along with two accessory structures: a detached garage and a shed. In 2004, a previous owner obtained a permit for a 500 sq. ft., 15-foot-tall garage. Although the permit was approved and issued, no final inspection was completed, and the permit has since expired. Aerial imagery indicates that the shed was installed by the previous owner between 2004 and 2006, without a permit.

The request is to construct a pool and deck in the Normal High Water Elevation (NHWE) setback with a 9.3 foot setback in lieu of the 25-foot setback required by County Code Section 38-1501(a), which requires Variance #1. The existing shed is located with a 6.2 ft. NHWE setback instead of the required 25 feet, requiring Variance #2.

District Development Standards

	Code Requirement	Proposed
Max Height (shed):	25 ft.	10 ft.
Min. Lot Width:	50 ft.	+/- 67.6 ft.
Min. Lot Size:	5,000 sq. ft.	13,105 sq. ft.

Accessory Structures and Pools Setbacks

	Code Requirement	Proposed
Front (SMU Blvd.):	Not permitted in the front yard	N/A (North)
Side:	5 ft.	30.8 ft. Pool deck (East) 5.6 ft. Shed (West)
Rear:	5 ft.	6 ft. Pool deck (South) 5 ft. Shed (South)
NHWE:	25 ft.	9.3 ft. Pool deck (South - Variance #1) 6.2 ft. Shed (South - Variance #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.

Pursuant to Section 30-43(3) of the Orange County Code, a recommendation for approval may be made only when all six variance criteria are fully satisfied. Variances #1 and #2 meet only some of these criteria and therefore fail to satisfy the requirements in their entirety. Based on staff's analysis, approval of the requested variances would not be consistent with the purpose and intent of the Zoning Regulations, which are primarily intended to minimize the impact of structures on the lake. Accordingly, staff recommends denial of Variances #1 and #2.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variance #1 NOT MET - No special conditions exist, as the property is a standard lot that meets the minimum requirements of the zoning district, and the yard can be fully utilized without the installation of a pool.

Variance #2 NOT MET – No special conditions or circumstances exist, as the shed could be relocated to a location that complies with code requirements.

Not Self-Created

Variance #1 NOT MET - The request is self-created, as the property can be fully utilized without the installation of a pool.

Variance #2 MET - The request is not self-created, as the shed was constructed prior to the current owner's acquisition of the property.

No Special Privilege Conferred

Variance #1 MET - Granting the variance would not confer a special privilege, as several surrounding developed properties also have pools and decks within the NHWE setback.

Variance #2 MET - Approval of the variance would not constitute a special privilege because multiple surrounding developed properties have accessory structures encroaching into the NHWE setback.

Deprivation of Rights

Variance #1 MET – Without the requested variance, the applicant would not be able to build the pool and deck.

Variance #2 NOT MET – Although the shed was constructed prior to the current ownership, it can be relocated to a code-compliant location to meet County Code requirements, thereby not depriving the owners of their right to retain the shed.

Minimum Possible Variance

Variance #1 NOT MET - The requested Variance is not the minimum possible, as the proposed pool and deck could be redesigned to lessen or eliminate the Variance request.

Variance #2 NOT MET - The requested variance is not the minimum possible, as the structure could be relocated within the property to a code-compliant location.

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, which are primarily focused on minimizing the impact of structures on surrounding properties. The existing shed was constructed prior to the current ownership, is located at the rear of the house, and does not adversely affect neighboring properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated October 27, 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 pool and pool deck, a permit for both existing accessory structures (garage and shed) shall be obtained, or the structures shall be removed from the property.

C: Dennis DeLaby
2914 SMU Blvd.
Orlando, FL 32817

Dennis & Marta Delaby

2914 SMU Blvd

Orlando, FL 32817

To: Orange County Zoning Board Members

Re: Request for Variance Application – Swimming Pool Construction

My wife and I are in the process of designing our dream pool in our backyard.

After consulting with our pool contractor John with Premier Pools of Central Florida it has been brought to our attention there is a 25FT threshold from the normal high-water line (existing Seawall) we must maintain. This is creating a hardship in getting our pool plans to meet Orange County Zoning criteria.

Please find attached the supporting information detailing the property survey and construction plans associated with the project.

Please, consider approving the variance request to construct a swimming pool and deck with a setback of 9.3 ft. in lieu of 25 ft.

Thank you so much for your time on this matter.

Delaby Family / Premier Pools Of Central Florida

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.

   2714 SMUK BLVD HAS EXISTING SEA WALL ACTING AS NORMAL HIGH WATER LINE - THE ZONING REQUIREMENT OF 25 FT FROM NHWE LIMITS THE ABILITY TO CONSTRUCT A STANDARD-SIZED POOL WITHIN THE REQUIRED SETBACK.

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.

   THESE CONSTRAINTS ARE NOT SELF-IMPOSED AND EXISTED PRIOR TO THE APPLICANTS OWNERSHIP. AS A RESULT, THE ZONING REQUIREMENTS DEPRIVE THE HOMEOWNER OF REASONABLE USE AVAILABLE TO OTHER NEIGHBORING properties with swimming pools.

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

   THE REQUEST IS BASED SOLELY ON THE UNIQUE CHARACTERISTICS OF THE PROPERTY SUCH AS THE 25FT NHWE - THIS CREATES PRACTICAL DIFFICULTIES IN MEETING THE CURRENT SETBACK REQUIREMENTS.

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.

   DUE TO THE 25FT NHWE SETBACK, COMPLIANCE WITH THE REQUIRED SETBACK WOULD MAKE IT IMPOSSIBLE TO CONSTRUCT A REASONABLY SIZED SWIMMING POOL + DECK.

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 VARIANCE REQUESTED IS THE MINIMUM NECESSARY TO ALLOW A POOL OF PRACTICAL + SAFE DIMENSIONS WHILE MAINTAINING CONFORMANCE WITH ALL OTHER APPLICABLE CODE PROVISIONS.

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 VARIANCE WILL NOT BE DETRIMENTAL TO PUBLIC WELFARE THE PROPOSED POOL + DECK LOCATION MAINTAINS AN ADEQUATE BUILD AND ADHERES TO SAFETY REQUIREMENTS.

Revised 02/2025

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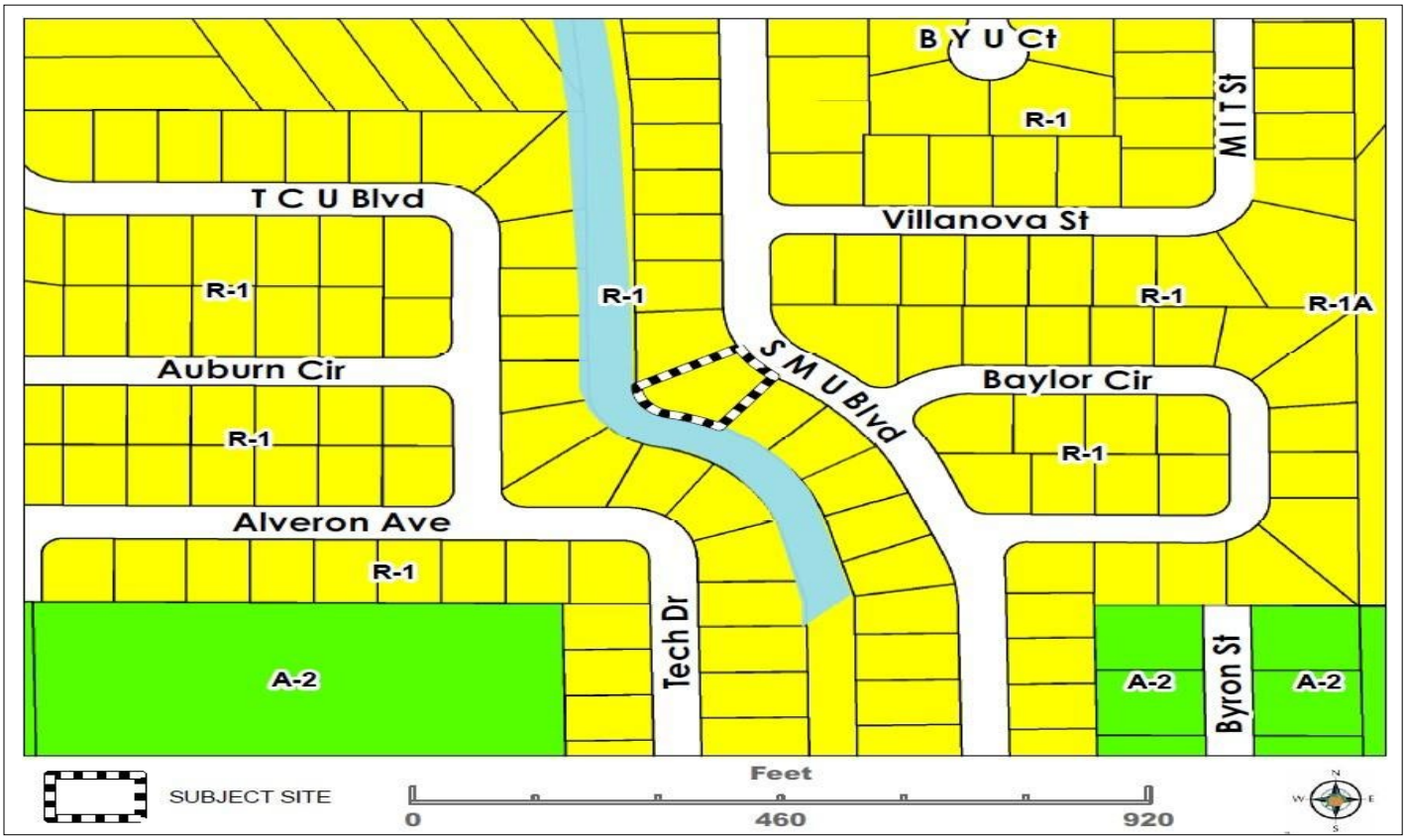
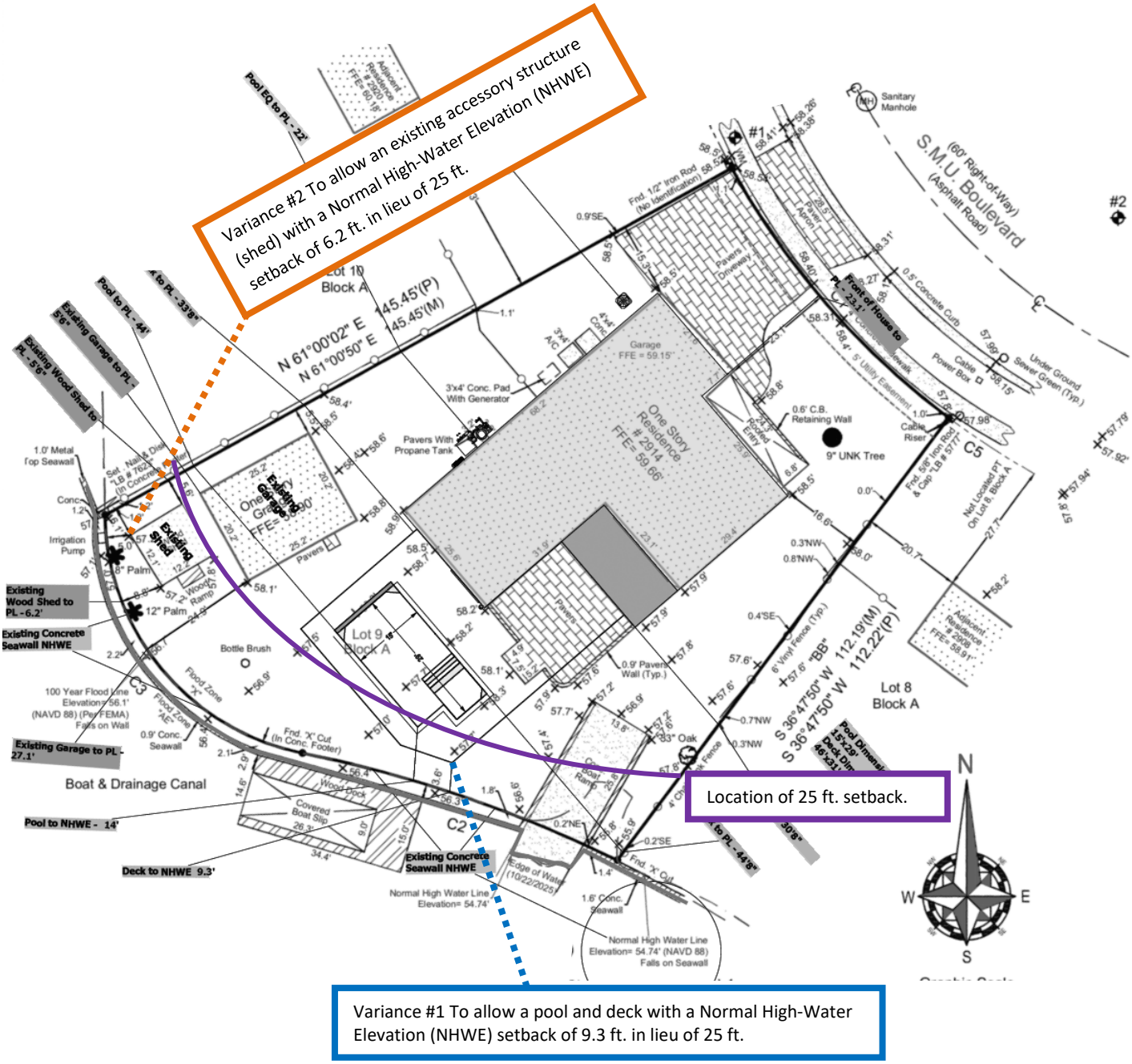
ZONING MAP



AERIAL MAP

SITE PLAN


Variance #2 To allow an existing accessory structure (shed) with a Normal High-Water Elevation (NHWE) setback of 6.2 ft. in lieu of 25 ft.
Location of 25 ft. setback.
Variance #1 To allow a pool and deck with a Normal High-Water Elevation (NHWE) setback of 9.3 ft. in lieu of 25 ft.
S.M.U. Boulevard
(60' Right-of-Way)
(Asphalt Road)
Lot 10
Block A
Lot 9
Block A
Lot 8
Block A
One Story Residence # 2914 FFE= 59.66'
Existing Garage FFE= 59.90'
Garage FFE = 59.15'
Existing Shed
Existing Wood Shed to PL - 6.2'
Existing Concrete Seawall NHWE
Existing Garage to PL - 27.1'
Boat & Drainage Canal
Pool to NHWE - 14'
Deck to NHWE 9.3'
Pool to PL - 44'
Existing Garage to PL - 5'6"
Existing Wood Shed to PL - 5'6"
Pool EQ to PL - 22'
Pool to PL - 33'8"
Front of House to PL - 23.1'
Pool to PL - 44'8"
Normal High Water Line Elevation= 54.74'
Normal High Water Line Elevation= 54.74' (NAVD 88) Falls on Seawall
100 Year Flood Line Elevation= 56.1' (NAVD 88) (Per FEMA) Falls on Wall
Sanitary Manhole
9" UNK Tree
Bottle Brush
12" Palm
8" Palm
83" Oak
Pavers With Propane Tank
3'x4' Conc. Pad With Generator
Irrigation Pump
Pavers Driveway
Pavers
Wood Ramp
Wood Dock
Covered Boat Slip
Boat Ramp
Edge of Water (10/22/2025)
Adjacent Residence # 2900 FFE= 58.91'
Adjacent Residence # 2900 FFE= 60.18'
Cable Power Box
Under Ground Sewer Green (Typ.)
0.5' Concrete Curb
5' Utility Easement
0.6' C.B. Retaining Wall
Cable Riser
Not Located PT On Lot 8, Block A
6' Vinyl Fence (Typ.)
0.9' Pavers Wall (Typ.)
0.9' Conc. Seawall
1.6' Conc. Seawall
Flood Zone "X"
Flood Zone "AE"
Fnd. "X" Cut (In Conc. Footer)
Fnd. "X" Cut
Fnd. 1/2" Iron Rod (No Identification)
Fnd. 5/8" Iron Rod & Cap "LB # 5771"
Set Nail & Disk "LB # 7627" (In Concrete)
1.0' Metal Top Seawall
Conc.
Pool Dimensions 45'x29' Deck Dimensions 49'x31'
N 61°00'02" E 145.45'(P)
N 61°00'50" E 145.45'(M)
S 36°47'50" W 112.19'(M)
S 36°47'50" W 112.22'(P)
C1
C2
C3
C5
N
S
E
W

SITE PHOTOS

Subject property facing east from S M U Blvd.

On subject property facing southeast towards neighboring properties

Facing southwest towards the backyard of subject property

Facing west towards existing shed and garage on subject property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**JAN 08, 2026**	Commission District:	**#4**
Case #:	**VA-25-09-042**	Case Planner:	**Laekin O'Hara (407) 836-5943 Laekin.O'Hara@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): MANTIN QAMAR

OWNER(s): CT16 LLC

REQUEST: Variances in the I-4 zoning district as follows:
1) To allow an exterior stairway with a south side setback of 18.48 ft. in lieu of 25 ft.
2) To allow 31 parking spaces in lieu of 86 parking spaces

PROPERTY LOCATION: 11136 Satellite Boulevard, Orlando, Florida 32837, west side of Satellite Blvd., east of S. Orange Blossom Trl., south of Central Florida Pkwy., west of FL Turnpike, north of W. Wetherbee Rd.

PARCEL ID: 10-24-29-1234-00-130

LOT SIZE: +/- 0.68 acres

NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 60

DECISION: Recommended a **CONTINUANCE** to the April 2, 2026, BZA Meeting (Motion by Glenn Rubinstein, Second by Juan Velez; unanimous; 5 in favor: John Drago, Juan Velez, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 2 absent: Thomas Moses, Johnny Stanley):

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 approval of Variance request #1 and denial of Variance request #2. Staff noted that one comment was received in support and no comments were received in opposition to the request.

The applicant, who was present, stated that the need for the variance requests was to comply with updated life safety requirements and the County's required off-street parking spaces. The applicant's engineer provided additional context to the parking lot design and how the plan has changed over time.

The Board of Zoning Adjustment (BZA) asked questions about the required parking and other options to accommodate parking outside of the valet parking presented by the applicant.

Additional discussion followed regarding usage of the facility and limitations of maneuverability with the narrow drive aisles and limited parking on-site. A Transportation Planning representative spoke about their opposition to the request for reduced off-street parking.

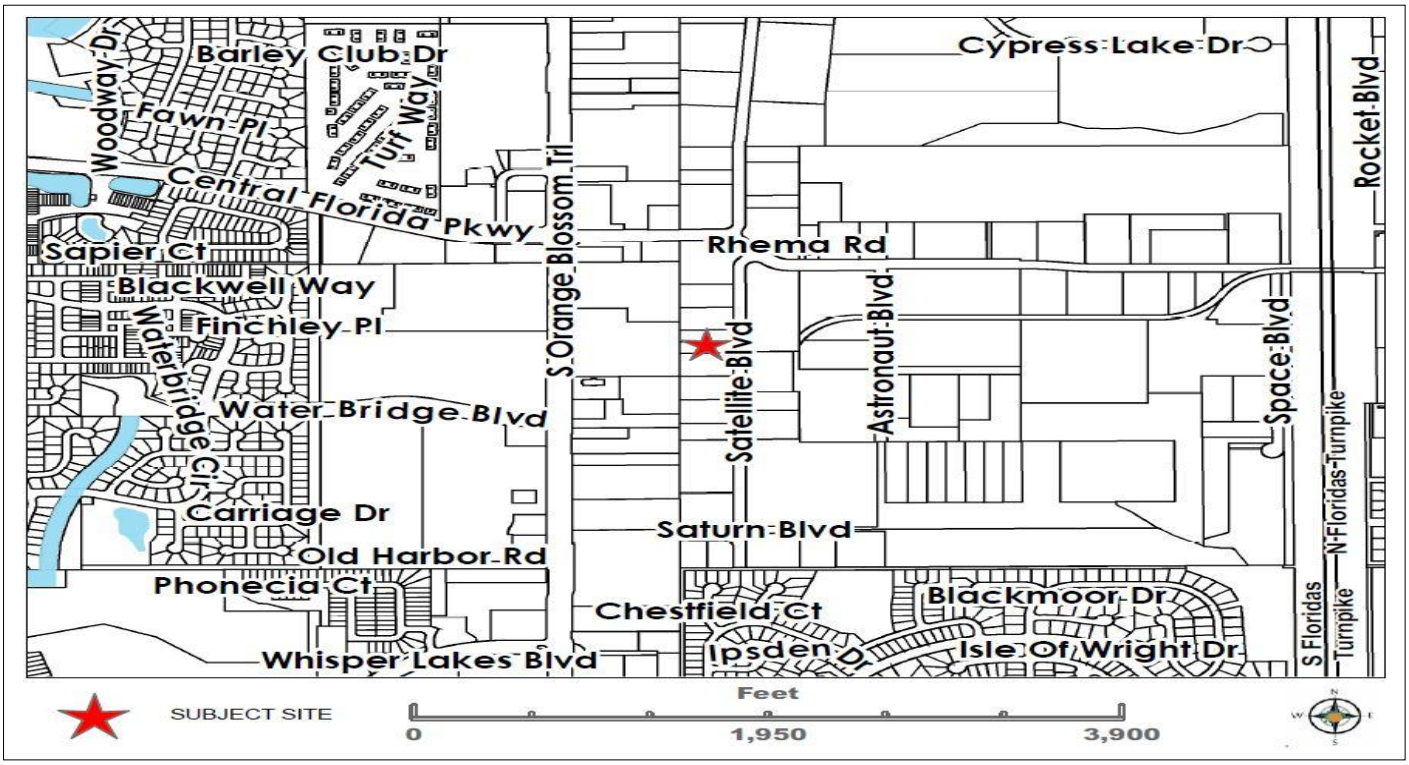
There was no one in attendance to speak in favor or in opposition to the request.

A lengthy discussion ensued regarding the inconsistencies with the parking requirements and the applicant ultimately requested a continuance to the April 2, 2026, BZA Meeting. The BZA recommended approval of the continuance.

STAFF RECOMMENDATIONS

Approval of Variance #1, and denial of Variance #2, 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 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	I-4	I-4	I-4	I-4	I-2/I-3
Future Land Use	Industrial	Industrial	Industrial	Industrial	Industrial
Current Use	Auto Sales	Warehouse	Warehouse	Warehouse	Auto repair / dealer

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned I-4 Industrial District, which allows a variety of commercial and industrial uses, including Amusement & Recreation (Indoor Uses), by right. The Future Land Use is Industrial (IND), which is consistent with the zoning district.

The area around the subject site consists of other warehouse buildings, and industrial and commercial uses. The property is a 0.68 acre parcel, platted in 1961 as Lot 13 of the Central Florida Industrial Park Section One Plat, and is a conforming lot. It is an interior lot with frontage on Satellite Blvd. The site is developed with a two-story warehouse building, which is currently operating as an auto sales and repair center on the first floor,

and has a vacant mezzanine / second floor area. The site is also developed with a parking lot that is being restriped to provide 31 spaces.

The proposal includes the build-out of the second floor of the existing warehouse building for an event business with up to 144 patrons and 10 employees. During the permit review for the interior renovations (B20903319), the Orange County Fire reviewer identified the need for additional egress from the second floor. The warehouse building provides an interior stairwell on the north side of the building, and an exterior stairwell on the west side of the building. To address the need for additional egress, the applicant revised the plans to show an exterior stairwell on the south side of the building. The warehouse building was constructed at the 25 ft. setback, and as such any exterior improvements are unable to meet the required setbacks. The I-4 zoning district requires a 25 ft. side setback, and the proposed stairwell is located 18.48 ft. from the property line, requiring Variance #1. As the building occupancy is increasing in capacity, and there are now exterior renovations occurring, off-street parking is required to be met.

Building Setbacks

	Code Requirement	Proposed
Front (Satellite Blvd.):	35 ft.	48.5 ft. (East)
Side:	25 ft.	18.48 ft. (South) – Variance #1 25.75 ft. (North)
Rear:	10 ft.	74.7 ft. (West)

The building was originally constructed as a warehouse, which requires parking based on the number of bays and square footage of the overall building. As such, the existing parking lot satisfied the demand for the use when constructed, at a total of 14 spaces. The current use of the first floor as an auto dealership calculates parking based on gross floor area. The parking requirements for event spaces falls under amusement or assembly places without fixed seats, and the demand is generated based on the number of patrons and employees.

Use	Parking Requirement	Calculation	Required # of Spaces
Warehouse, Distribution	1 space for each bay, plus 1 space for each 1,000 square feet	6 bays + 8,532.2 sq. ft. 1st floor	14 spaces
Auto dealerships	1 space per every three hundred (300) square feet of gross floor area including showroom, sales offices and general offices.	8,532.2 sq. ft. 1st floor	28 spaces
Amusement or assembly places without fixed seats	1 space per each 3 patrons, plus 1 space per each employee	144 patrons, 10 employees	58 spaces
Total			86 spaces

Based upon the above count, the total parking spaces required for the current building operation is 86 spaces. Proposed is 31 parking spaces, an overall reduction of 55 spaces, requiring Variance #2. Orange County Code Section 38-1478 allows for joint use of off-street parking where the parking demands of different uses occur at different times. However, it also requires notarized agreements from the applicable property owner(s) which are attached to the operational licenses of the businesses. The applicant provided letters from the first floor

businesses indicating that their operational hours occur between 9am and 5pm, however, this is not sufficient to allow for the Code reduction. If the applicant is able to fulfil the requirements of this code section, the parking may be shared between the uses, reducing the required parking to the 58 spaces for the event space use.

The Orange County Transportation Planning Division requested the applicant provide a parking study based on the Orange County Parking Variance review procedure and methodology. In response, the applicant provided a technical parking study which focused on consistency of the parking request with the Institute of Transportation Engineers (ITE) parking generation manual under Land Use Code 640 – Function Hall / Banquet Facility. As part of this analysis the applicant is proposing to utilize a valet service during the operation of the event space, and has provided a parking plan identifying 53 total spaces. The parking study concluded that the number of parking spaces proposed with the valet parking plan is adequate to meet the demand that will be realized. After review of the technical memorandum, the Transportation Planning Division disagreed with the analysis, and is not in support of the request.

Orange County Code Sections 38-1479 and 38-1480 detail the requirements of off-street parking lot design and off-street loading and unloading. These Code sections discuss the requirement of on-site maneuverability, which is not taken into consideration by the applicant's proposed valet plan. Additionally, valet is an operational choice, and is not identified within Article XI – off-street parking and loading regulations as a means for addressing required parking. The parking study and applicant's cover letter also mentioned on-street parking along Satellite Blvd. and side streets, which is not permitted. Further, there are no side streets within 1,500 ft. of the subject site. The two-lane road does not provide a designated parking lane or shoulder that can be used. The study also mentions additional public and private parking spaces are available without any documentation as to where these are. Additionally, the Code requires that all parking shall be provided on the same lot where the principal use is located.

The request was routed to all relevant reviewing Divisions. There were no other objections noted. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. As noted in the analysis above, the additional stairway is needed for fire safety and the required setback is the minimum request to provide the required stairwell. Staff has determined that it met all the criteria for Variance #1. While Variance request #2 meets some of the criteria, not all of the criteria have been met. Therefore, staff is recommending approval Variance #1, and denial of Variance #2.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variance #1, MET – The special conditions and circumstances particular to the subject property is the need for the Variance arises from updated Life Safety requirements. The encroachment into the setback is only for an exterior stairwell, and a majority of the site is still providing the required 25 ft. setback.

Variance #2, NOT MET - There are no special conditions and circumstances particular to the subject property as it is an existing industrial warehouse property and warehouse uses have lower parking requirements than other uses. It could be continued to use for warehousing and meet the parking demand on-site.

Not Self-Created

Variance #1, MET – The request is not self-created as the need for the Variance arises from updated Life Safety requirements.

Variance #2, NOT MET – The need for the Variance is due to increasing the capacity of the building and the proposed second floor use.

No Special Privilege Conferred

Variance #1, MET – The request would not confer special privilege as the need for the Variance arises from updated Life Safety requirements.

Variance #2, NOT MET – Approval of the zoning variance requested will confer special privilege, as the parking code consistently applies across all uses to ensure the sites are adequately parked.

Deprivation of Rights

Variance #1, MET – Denial of the request would deprive the applicant of use of the second floor of the building.

Variance #2, NOT MET – The need for the Variance is due to increasing the capacity of the building, but the applicant has not been denied reasonable use of the building, as other uses may occupy the space that would require less parking.

Minimum Possible Variance

Variance #1, MET – The request is the minimum possible to locate the stairwell on site.

Variance #2, MET – The request is the minimum possible for the business to operate with the existing off-street parking.

Purpose and Intent

Variance #1, MET – Approval of the request would be in harmony with the purpose and intent of the Zoning Regulations

Variance #2, NOT MET – Approval of the request would not be in harmony with the purpose and intent of the Zoning Regulations, as the off-street parking requirement is intended to ensure adequate parking is provided on-site for business operations. The parking study relies on the valet parking plan, which does not allow for site circulation, and relies on on-street parking which is not permitted. With or without the use of a valet operation, the site will still be underparked.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped November 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: Mantin Qamar
Event Orlando LLC
2130 Michigan Ave., #138
Kissimmee, FL 34744

Should the BZA find that the applicant has satisfied the criteria necessary for the granting of Variance #2, staff recommends that the approval be subject to the following additional conditions:

4. The number of patrons for the event space on the second floor shall not exceed 144, with up to 10 employees.
5. Prior to the issuance of the Use Permit for the event space on the second floor, the property owner(s) shall execute and record in the Official Records of Orange County, Florida, an agreement or declaration between the property owners of the affected parcels, in a form acceptable to Orange County, that indicates the activities of each separate building or use which creates a demand for parking shall occur at different times. Such statement must include an agreement between the parties involved indicating responsibility for maintenance of the parking area.
6. Any future change in business types shall require a renewed joint off-street parking agreement in conformance with Code prior to the granting of any new Business Tax Receipt.
7. Valet parking shall be utilized for any event associated with the event space.

COVER LETTER

Dear Board Members,

In 2020, I began pursuing a lifelong dream of opening an event hall with my dear friend, Rosanna Tran. Rosanna is an experienced event coordinator, and I operate a wholesale business specializing in event décor. Together, we leased the property at **11136 Satellite Blvd, Orlando, FL 32837** and obtained the necessary zoning approval and occupational license to begin renovations.

Over the past three and a half years, we have worked tirelessly through an extensive plan review process involving fire sprinklers, alarms, a new electrical riser and meter, and a new fire-safety stairway. The process has been long and financially challenging; I even sold my home to cover the costs of completing this dream. Today, we are in the final phase of construction, and this variance request represents the last step needed for approval.

The variance is required to allow a second exit along the setback area as requested by the Fire Department. The zoning department also requested that parking requirements be addressed. Based on zoning calculations, the hall must provide **one parking space per three patrons**, or **48 spaces for 144 guests**, plus **10 employee spaces**, for a total of **58 required spaces**. Currently, the property provides **31 existing spaces**.

To address this shortfall, we propose two solutions:

1) **On-site valet parking**: Up to 16 temporary valet parking spaces will be available in the rear of the property. Zoning confirmed that on-site valet parking is permitted, provided these spaces are used only during events.
2) **Street parking along Satellite Blvd**: The street offers approximately 2,550 linear feet of space with a 17.5-foot-wide traffic lane—sufficient for parallel parking and one-way traffic. A traffic simulation conducted at 5:00 PM indicated light traffic and no expected congestion.

The basic parking scenario is as follows:

- 58 required spaces,
- 31 existing spaces,
- 16 on-site valet spaces,
- 9 available street spaces

Additionally, a traffic study comparing three similar event halls in Orlando showed an average usage of **one parking space per 3.5 to 4 patrons**, supporting that our available parking should be in compliance when valet is used. Local event professionals, such as Letty from *Fiesta Factory* in Lakeland (14 years of experience), confirm similar ratios to be about 22–25 spaces per 100 patrons.

We respectfully ask the Board to approve this variance, allowing both proposed parking solutions during all business hours. As a single mother of three and a woman-owned business owner, I have poured my heart, time, and savings into creating a safe, compliant, and beautiful venue that will contribute positively to the community.

With your support, this dream can finally become a reality.

Sincerely,

Mantin Qamar
EventOlando LLC

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.

   REQUESTED A SECOND EXIT STAIRWAY PER FIRE DEPARTMENT APPROVED TO THE SECOND FLOOR REMODELING WITHIN THE SETBACK AREA

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.

   DUE TO FIRE DEPARTMENT REQUIRE AN SECOND EXIT TO A PERMIT ISSUED B20903319 FOR THE SECOND FLOOR REMODELING

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.

   AN SECOND EXIT WAS ISSUED TO FIRE SAFETY MEASURES AND NO SPECIAL PRIVILEGE WERE ALLOTED.

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.

   THERE IS NO DEPRIVATION OF RIGHTS AND THIS IS ONLY AN EXT REQUIRED TO FIRE SAFETY MEASURES AS CONJUNCTION TO AN ISSUED PERMIT TO REMODEL SECOND FLOOR

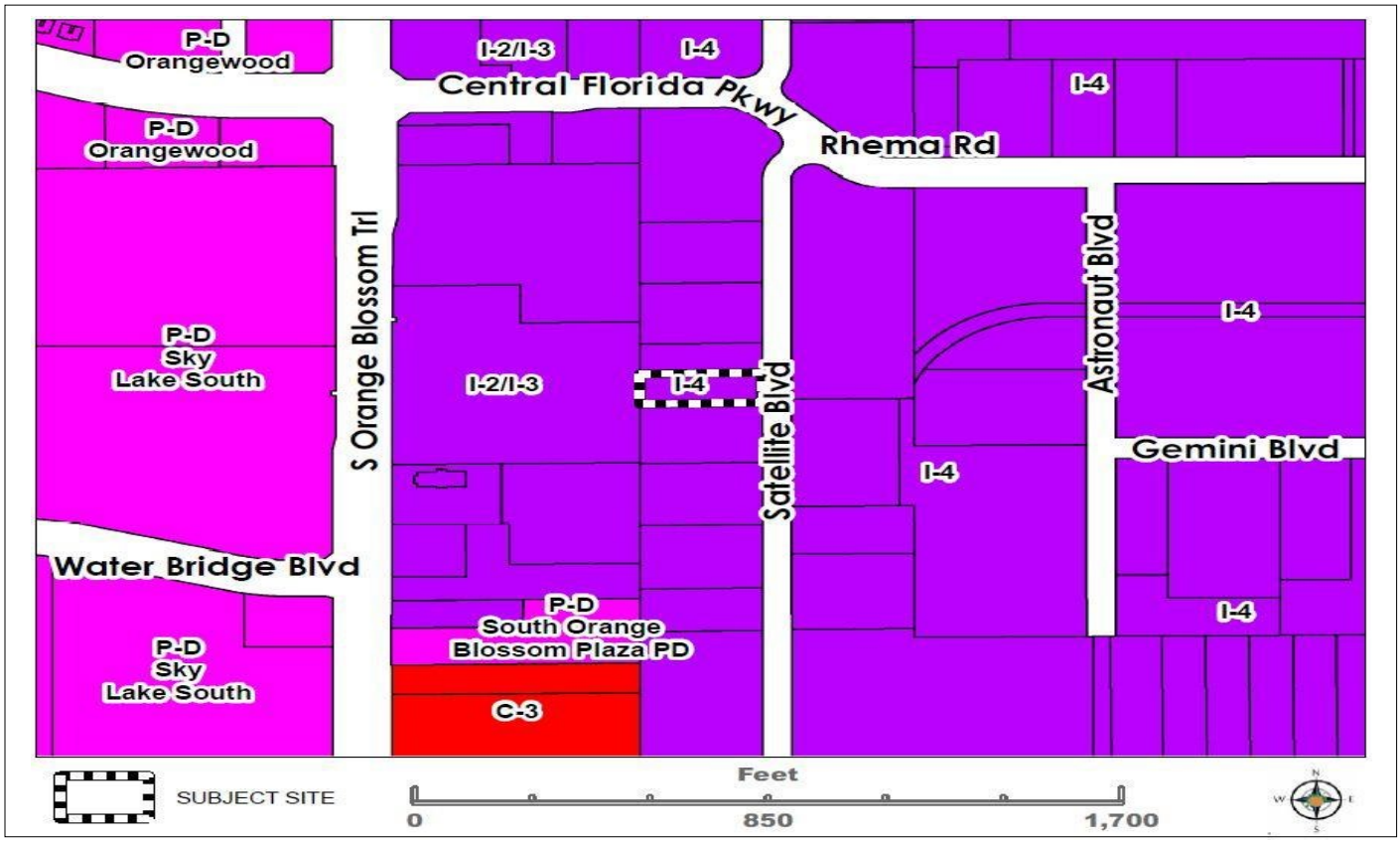
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

   A SETBACK VARIANCE FOR EXIT STAIRWAY IS REQUESTED TO BE CONSTRUCTED AS PER CODE AND A PARKING LOT REDUCTION VARIANCE FOR PARKING SPACES INSTEAD OF 72 PARKING SPACES PER OCCUPANCY REQUIRED.

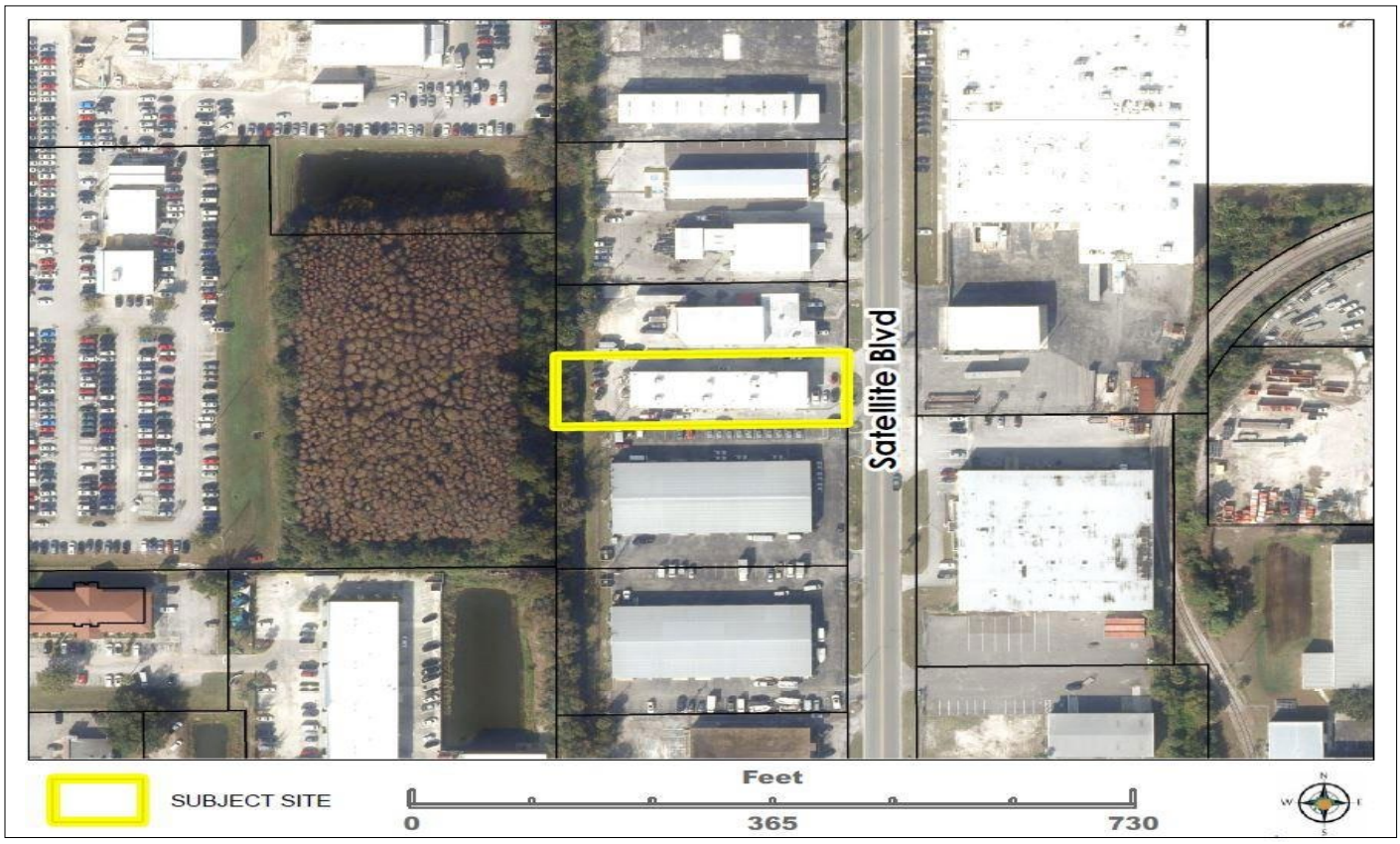
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

   IT IS REQUESTED BOTH VARIANCES WILL BE IN HARMONY SINCE IT IS NOT INJURIOUS OR DETRIMENTAL AND IN THE PARKING LOT AND BACK OF THE BUILDING.

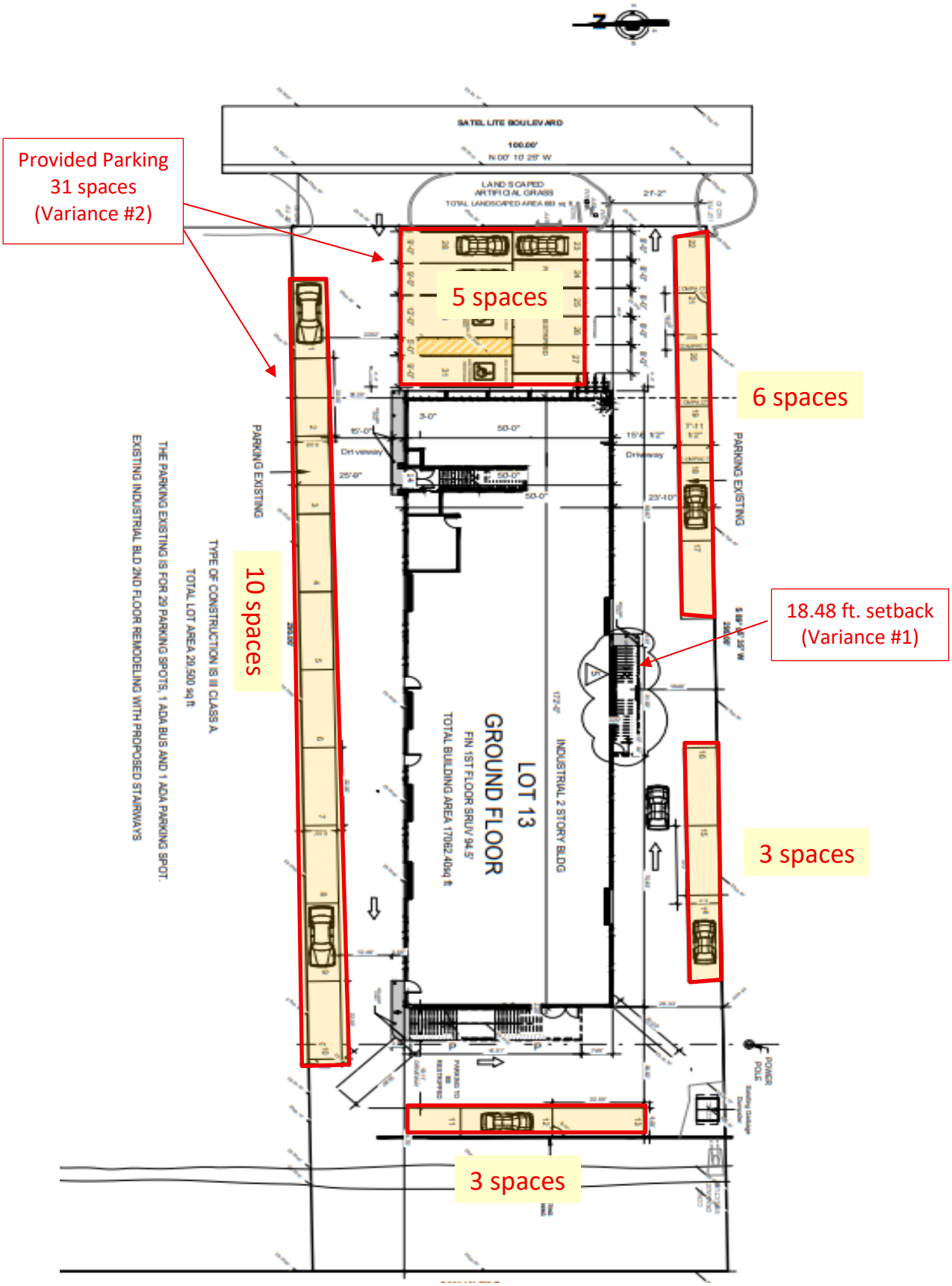
ZONING MAP



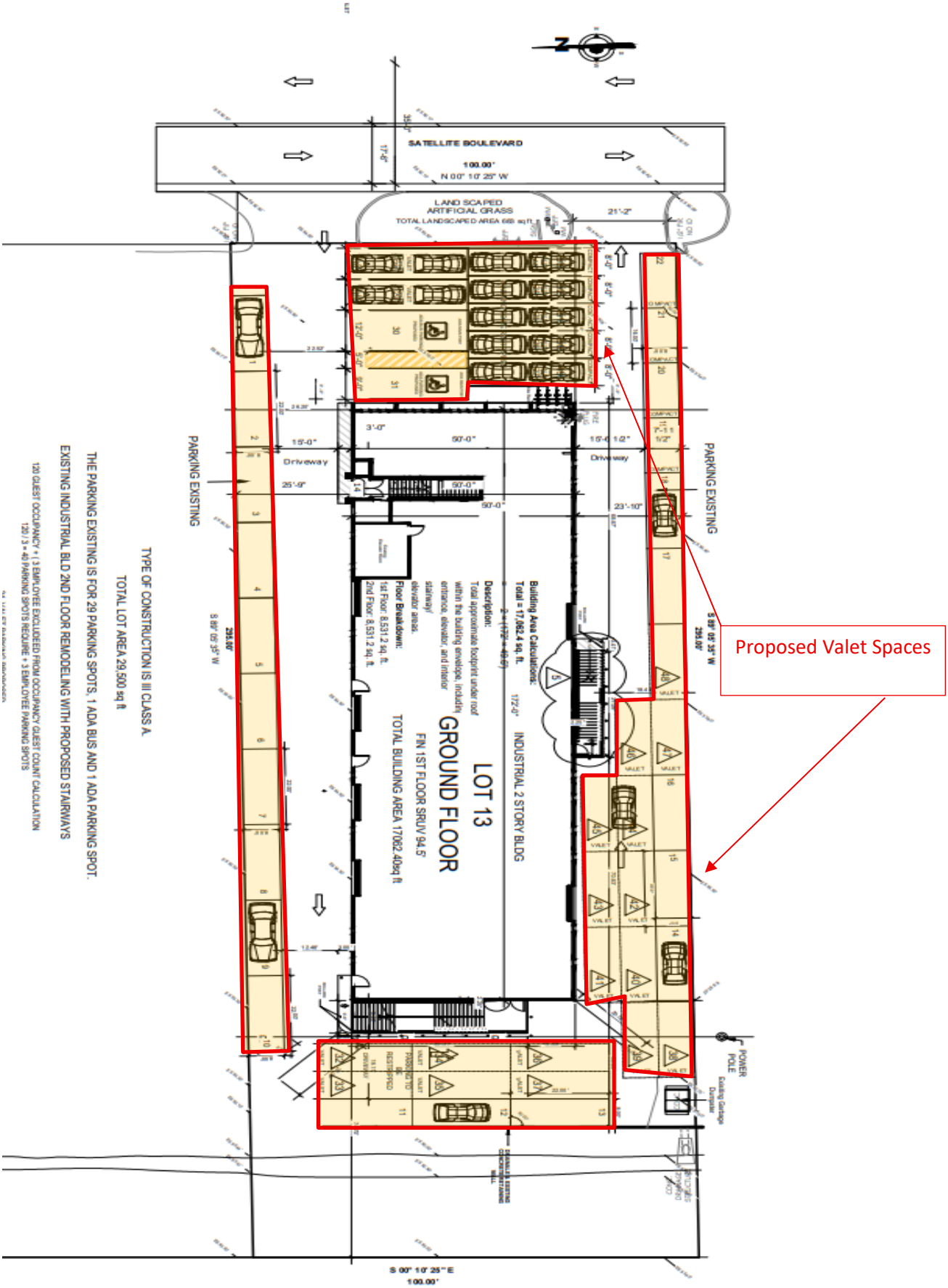
AERIAL MAP



SITE PLAN


Provided Parking
31 spaces
(Variance #2)
5 spaces
6 spaces
10 spaces
18.48 ft. setback
(Variance #1)
3 spaces
3 spaces
SATELLITE BOULEVARD
LANDSCAPED
ARTIFICIAL GRASS
PARKING EXISTING
PARKING EXISTING
Driveway
Driveway
LOT 13
GROUND FLOOR
FIN 1ST FLOOR SRUV 94.5'
TOTAL BUILDING AREA 17062.40sq ft
INDUSTRIAL 2 STORY BLDG
TYPE OF CONSTRUCTION IS III CLASS A
TOTAL LOT AREA 29,500 sq ft
THE PARKING EXISTING IS FOR 29 PARKING SPOTS, 1 ADA BUS AND 1 ADA PARKING SPOT.
EXISTING INDUSTRIAL BLD 2ND FLOOR REMODELING WITH PROPOSED STAIRWAYS
POWER POLE

VALET PLAN


SATELLITE BOULEVARD
100.00'
N 00° 10' 25" W
LAND SCAPED
ARTIFICIAL GRASS
TOTAL LANDSCAPED AREA 668 sq ft
21'-2"
PARKING EXISTING
Driveway
15'-0"
25'-9"
3'-0"
50'-0"
15'-0 1/2"
23'-10"
S 89° 05' 35" W
295.00'
GROUND FLOOR
LOT 13
INDUSTRIAL 2 STORY BLDG
Building Area Calculations:
Total = 17,062.4 sq. ft.
Description:
Total approximate footprint under roof within the building envelope, including entrance, elevator, and interior stairway/ elevator areas.
Floor Breakdown:
1st Floor: 8,531.2 sq. ft.
2nd Floor: 8,531.2 sq. ft.
FIN 1ST FLOOR SRUV 94.5'
TOTAL BUILDING AREA 17062.40sq ft
TYPE OF CONSTRUCTION IS III CLASS A.
TOTAL LOT AREA 29,500 sq ft
THE PARKING EXISTING IS FOR 29 PARKING SPOTS, 1 ADA BUS AND 1 ADA PARKING SPOT.
EXISTING INDUSTRIAL BLD 2ND FLOOR REMODELING WITH PROPOSED STAIRWAYS
120 GUEST OCCUPANCY + (3 EMPLOYEE EXCLUDED FROM OCCUPANCY GUEST COUNT CALCULATION
120 / 3 = 40 PARKING SPOTS REQUIRE + 3 EMPLOYEE PARKING SPOTS
POWER POLE
Existing Garbage Dumpster
S 00° 10' 25" E
100.00'
Proposed Valet Spaces

SITE PHOTOS

Facing west from Satellite Blvd. towards front of building

From Satellite Blvd. facing northwest

From rear of property facing east

From south property line, facing the exterior staircase

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**JAN 08, 2025**	Commission District:	**#6**
Case #:	**VA-26-01-083**	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 20 ft.)

PROPERTY LOCATION: 1002 26th St., Orlando, FL 32805, southwest corner of 26th St. and S. Westmoreland Dr., north of W. Michigan St., east of S. Orange Blossom Trl., west of I-4, south of W. Kaley Ave.

PARCEL ID: 03-23-29-0180-52-010

LOT SIZE: +/- 6,747 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 119

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Sonya Shakespeare, Second by Roberta Walton Johnson; unanimous; 5 in favor: John Drago, Juan Velez, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 2 absent: Thomas Moses, Johnny Stanley):

1. Development shall be in accordance with the site plan dated September 15, 2025, 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.

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

The applicant was present and disagreed with staff's recommendation of denial. The applicant stated the subject property was gifted to Habitat for Humanity by Orange County Government with the purpose of constructing affordable single-family residences. The applicant went on to state how redesigning the layout would be problematic as the home is designed to be wheelchair accessible and they use pre-designed plans in order to provide an affordable product.

The Board of Zoning Adjustment (BZA) stated there have been several other similar cases before the board in the recent past and the County encourages infill development of affordable housing and the request complies with all Variance criteria as the side street setback significantly reduces the buildable area of the lot imposing an undue hardship on the owner and other lots are developed in a similar manner.

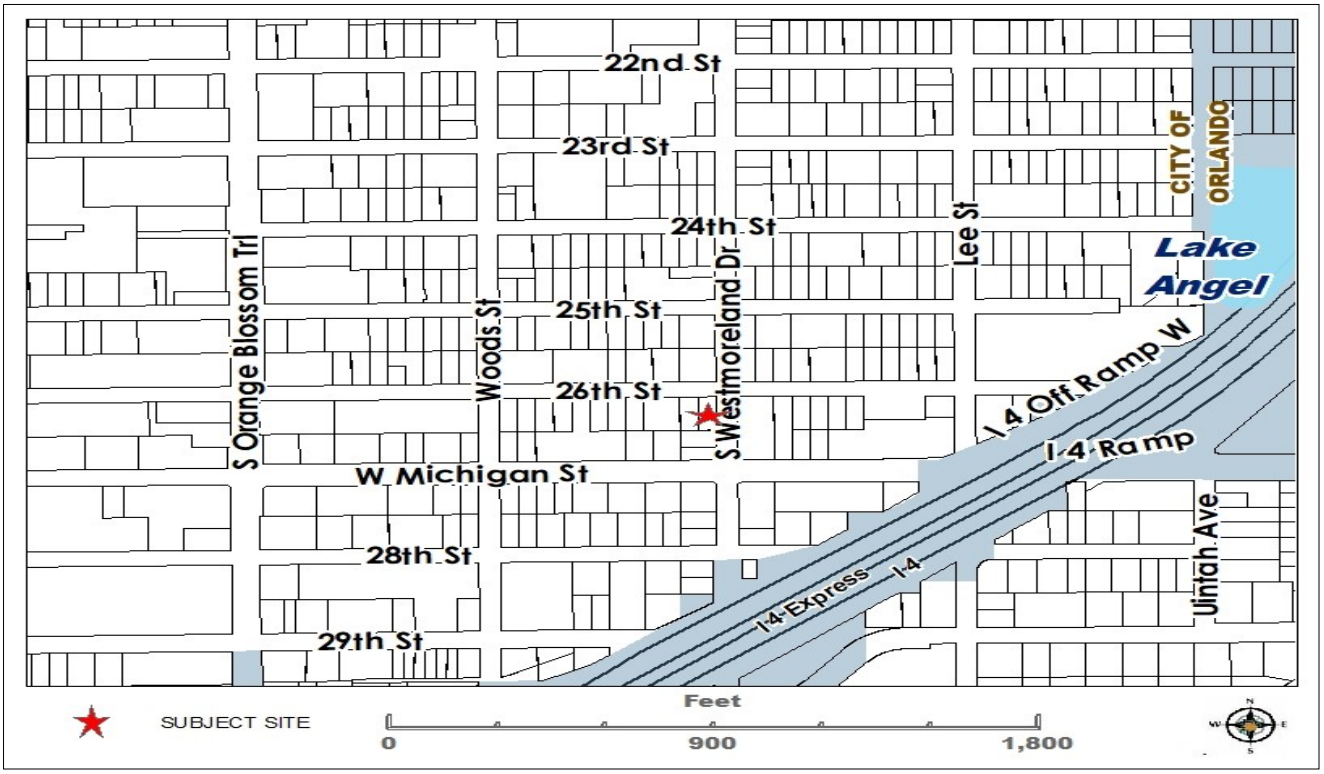
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of Variance request by a 5-0 vote, with two 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	RSTD-NAC	R-1A	R-2
Future Land Use	LMDR	LMDR	NAC	LMDR	LMDR
Current Use	Vacant	Single-family residence	Vacant	Single-family residence	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, vacant lots, and some commercial uses to the south. The subject property is a vacant 6,747 sq. ft. lot, platted in 1923 as Lot 1 of Block 52 of the Angebilt Addition Plat. The property is a reverse corner lot with right-of-way along S. Westmoreland Dr. to the east, and 26th St. to the north. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, 26th St. is considered the front and S. Westmoreland Dr. is considered the side street.

The property was obtained 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. 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 south has frontage on S. Westmoreland Drive. The required front yard setback from S. Westmoreland Dr. is 20 ft., so that same setback applies to the subject property. As proposed, the home will be located 18 ft. from the east side street property line where 20 ft. is required, prompting the Variance request. The proposed residence complies with all other zoning development standards.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13.75 ft.
Min. Lot Width:	50 ft.	50 ft.
Min. Lot Size:	5,000 sq. ft.	6,747 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front: (20th St.)	25 ft.	26.1 ft. (North)
Side Street: (S. Westmoreland Dr.)	20 ft.*	18 ft. (East - Variance)
Side:	6 ft.	6 ft. (West)
Rear:	25 ft.	43.5 ft. (South)

**Side street setback increases from the standard 15 ft. to the abutting lot's front yard setback (20 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 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 20 ft. side street setback and the 6 ft. side setback.

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.

CONDITIONS OF APPROVAL

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

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

Habitat for Humanity®
Greater Orlando & Osceola County

November 7, 2025

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

Subject: Application for zoning variance at 1002 26th Street

I am writing to formally submit our application for a zoning variance for the property located at 1002 26th Street, requesting relief from the street side yard setback from South Westmoreland Drive, proposing instead an 18-foot setback, in lieu of the 20 feet required, for the purpose of constructing an affordable, single-family home. The property was recently donated to Habitat for Humanity Greater Orlando and Osceola County, Inc. 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 1002 26th Street is located at the southwest corner of 26th Street and South Westmoreland in the Holden Heights neighborhood. The property is currently within the R-2 zoning district with a proposed Transect Zone of T4.3 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.

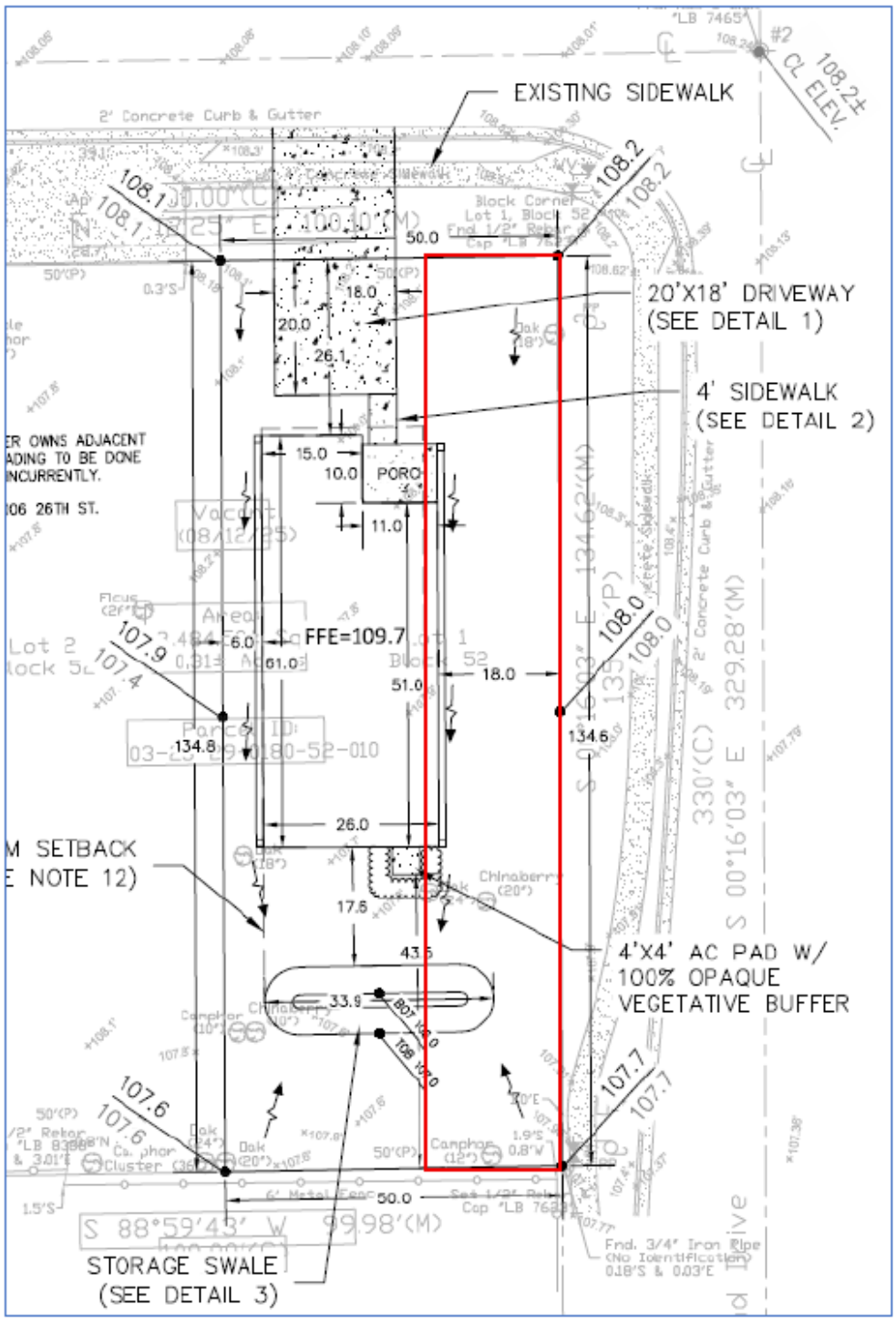
Section 38-1502(b) of the current land development code requires reverse corner lots to provide the same setback as the front yard of the abutting property. The abutting property has a zoning of NAC, whose front setback differs depending on the existing use. In this case, the property is vacant, resulting in a minimum front yard of 20-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 I 407-648-4567 I 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'	26.1'
Street Side (reverse corner)	20'	18'
Interior Side	6'	6'
Rear	25'	43.5'

Subject property showing required setbacks (R-2 Zoning)



1002 26th Street, Site Plan

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 20 feet, imposing a significant restriction on the ability to construct a quality residential home on the property. Meeting the required 20-foot setback would limit any structure onsite to 24-feet in width, adversely impacting the ability to ensure the home remains fully wheelchair accessible, as required by Habitat for Humanity US Construction Standards.

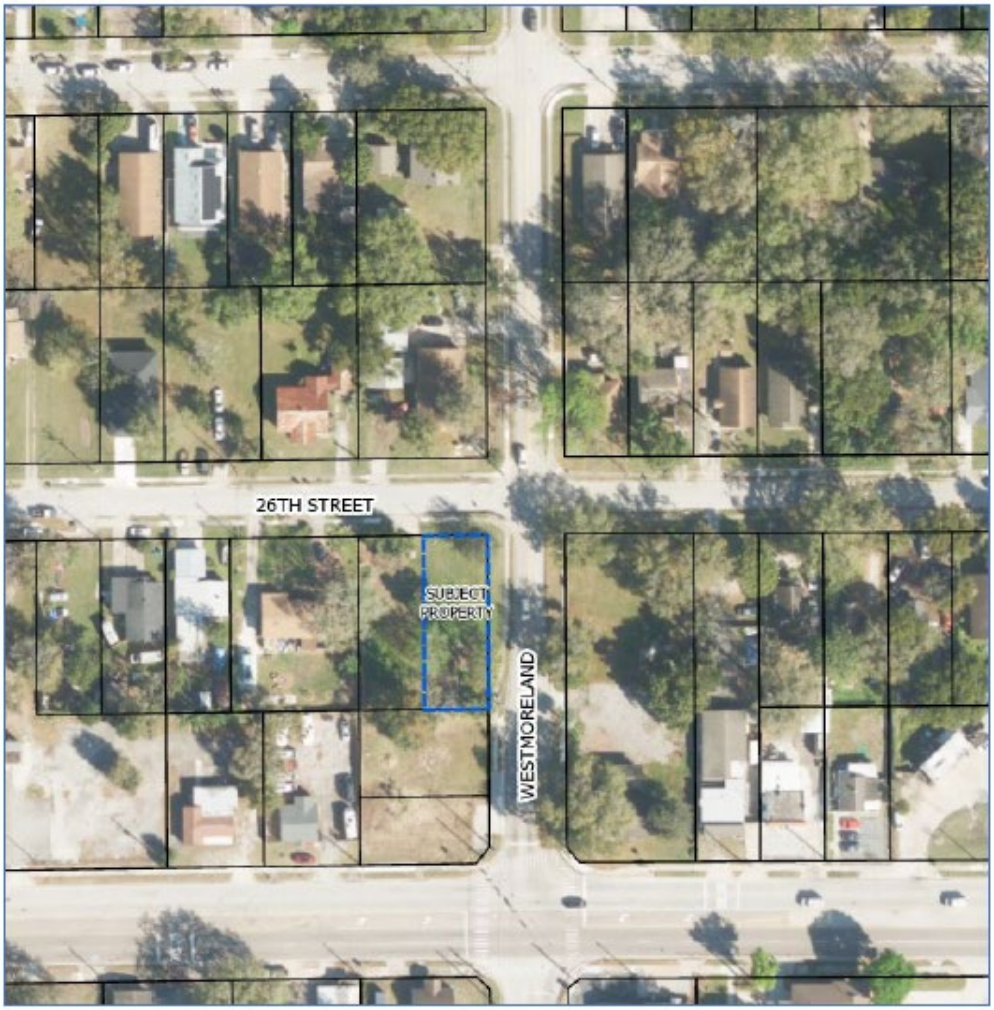
2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance, i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled 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 18-feet from Westmoreland Drive. 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 26th Street.

   As there are no other developed reverse corner lots in close proximity to this site, all other corner lots require only a 15-foot street side setback. As such, this project would remain visually consistent with the surrounding neighborhood.



Surrounding Properties

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 24-foot home width, which significantly impacts the ability to provide a high-quality, affordable home to first-time homebuyers and, particularly, the ability to ensure the home remains wheelchair accessible throughout.

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 required by other nearby 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 (T4.3).

CLOSING

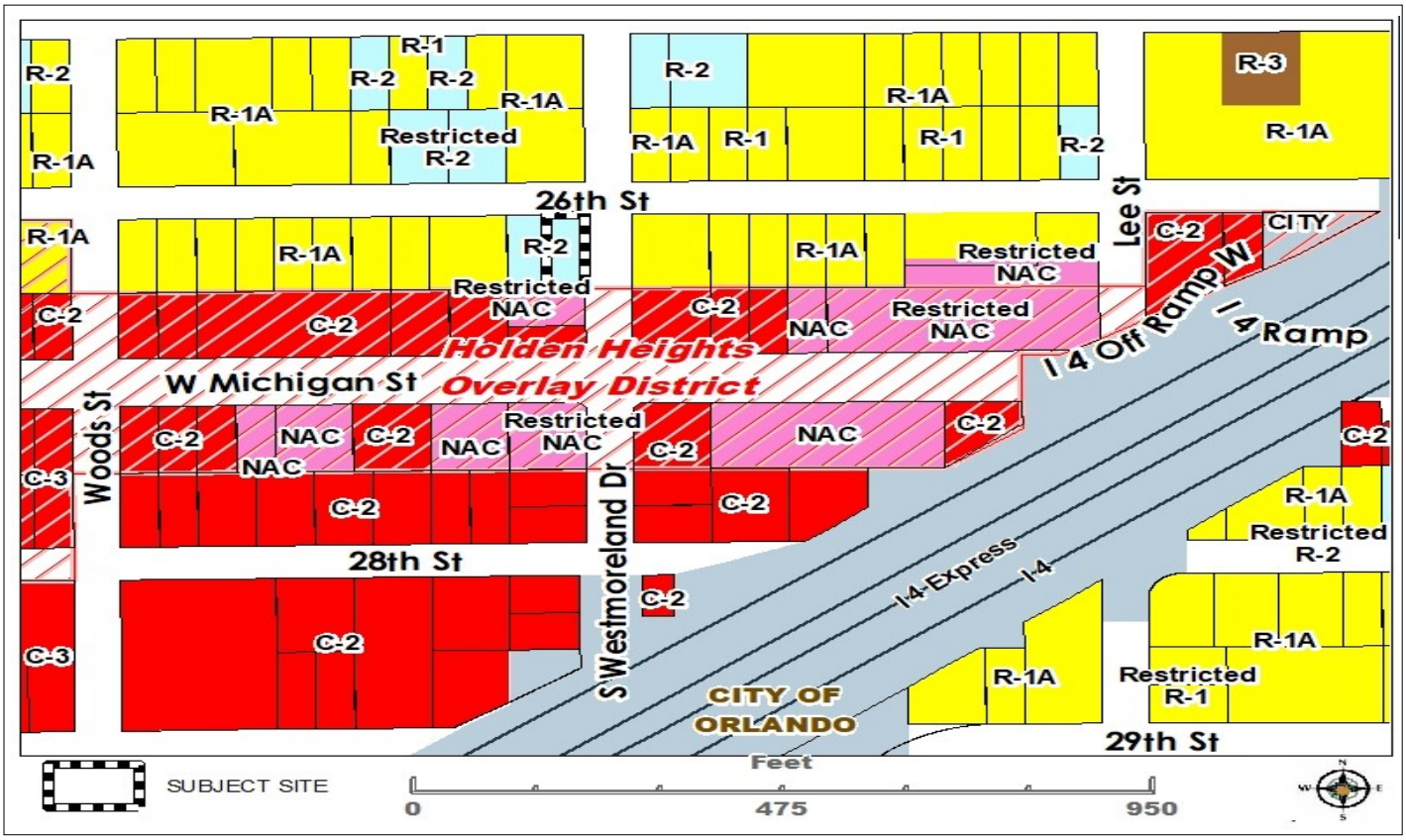
Granting this variance will not only allow Habitat to utilize the property effectively but also help fulfill our commitment to addressing the housing crisis in our community. It is consistent with other reverse corner lots in the neighborhood and compliant with the proposed Orange Code. Further, the 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.

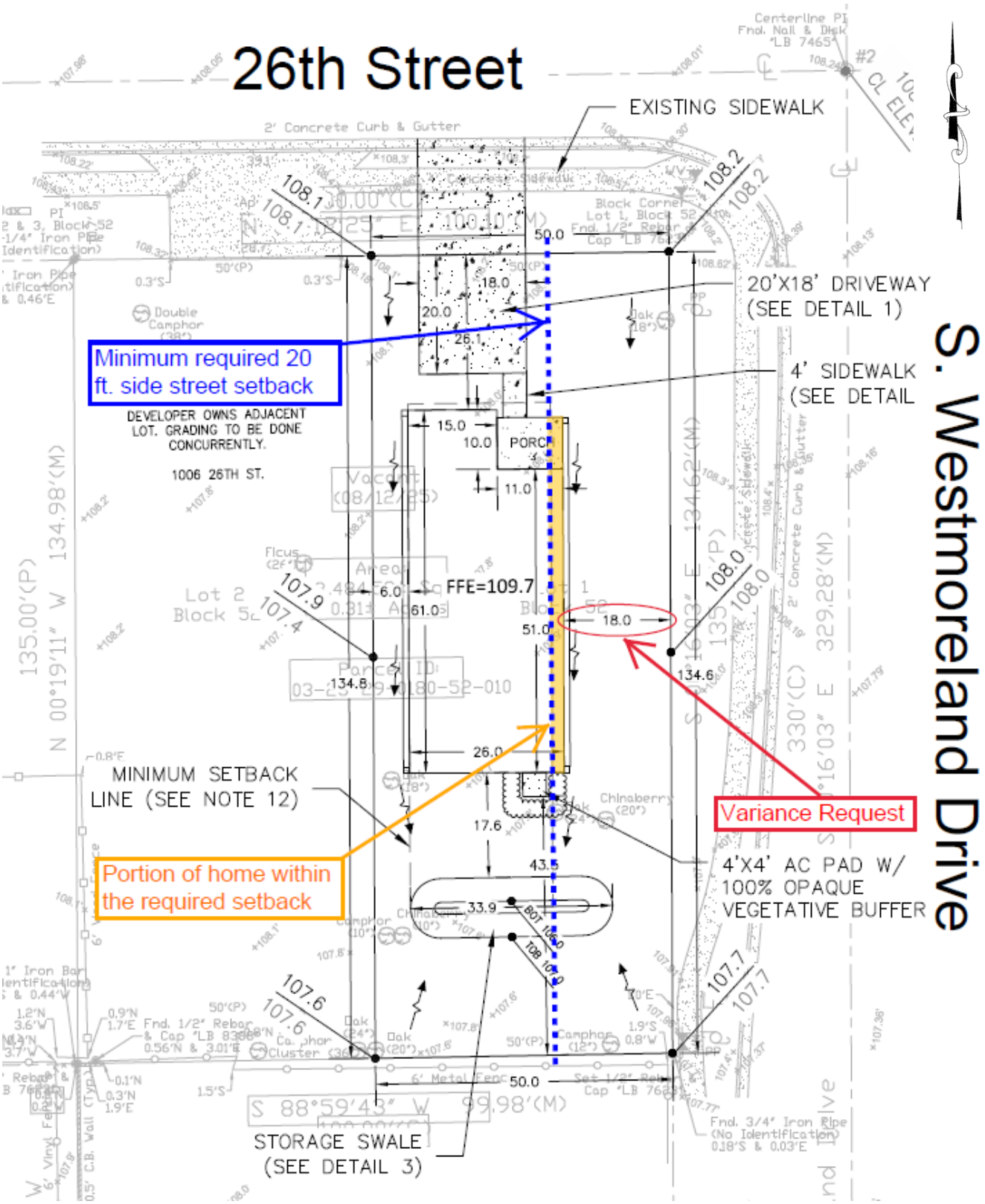
Sincerely,

Lucie Ghioto, AICP
Growth Management Officer

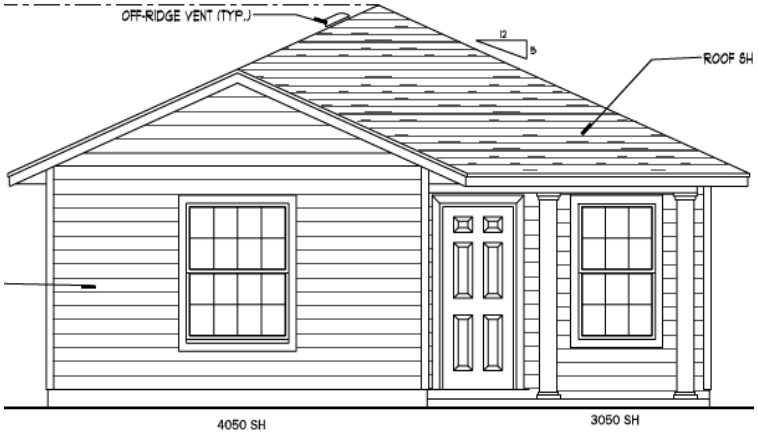
ZONING MAP



AERIAL MAP

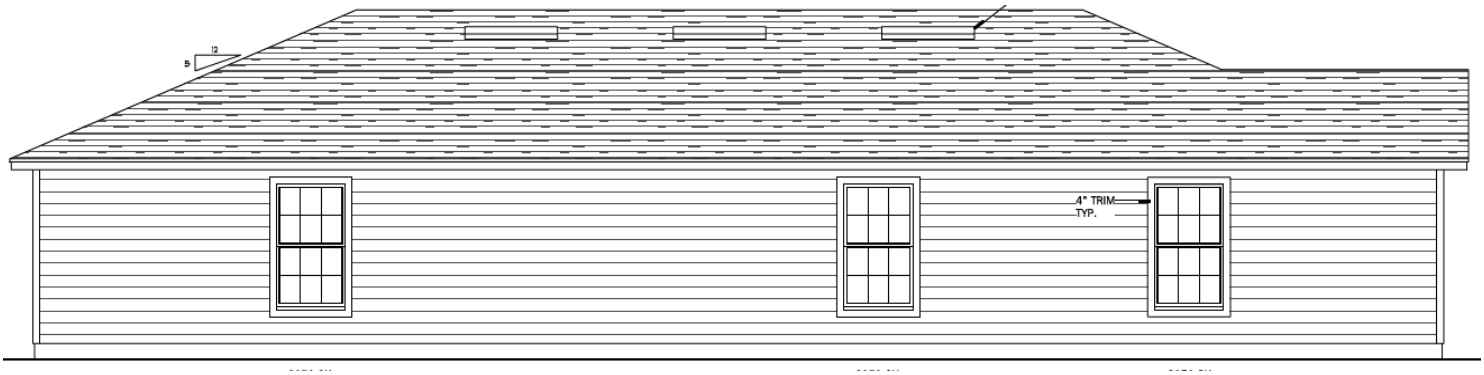

26th Street
S. Westmoreland Drive
EXISTING SIDEWALK
2' Concrete Curb & Gutter
20'X18' DRIVEWAY
(SEE DETAIL 1)
4' SIDEWALK
(SEE DETAIL
Minimum required 20 ft. side street setback
DEVELOPER OWNS ADJACENT LOT. GRADING TO BE DONE CONCURRENTLY.
1006 26TH ST.
PORCH
FFE=109.7
MINIMUM SETBACK LINE (SEE NOTE 12)
Portion of home within the required setback
Variance Request
4'X4' AC PAD W/ 100% OPAQUE VEGETATIVE BUFFER
STORAGE SWALE
(SEE DETAIL 3)
Vacant (08/12/85)
Lot 2
Block 52
Parcel ID: 03-23-29-0180-52-010
S 88°59'43" W 99.98'(M)
N 00°19'11" W 134.98'(M)
135.00'(P)
330'(C) E 329.28'(M)

ELEVATIONS

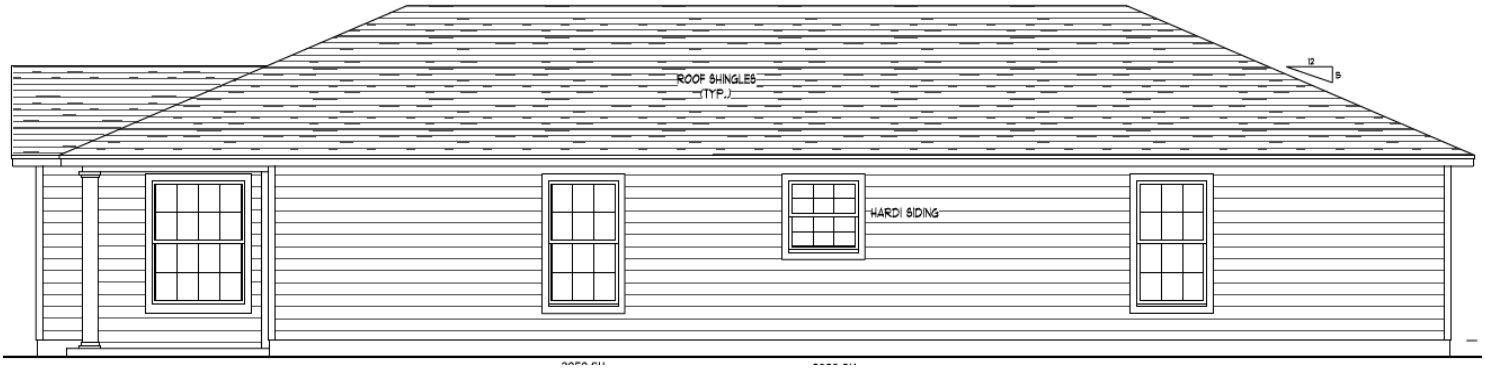


Front Elevation

Rear Elevation



Left Elevation



Right Elevation


STORAGE
8'-0" CLG
7'-4" X 7'-8 1/2"
COVERED LANAI
8'-0" CLG A.F.F.
8'-7 1/2" X 7'-11 1/2"
MASTER BATH
8'-0" CLG
LINEN
BEDROOM 2
8'-0" CLG
9'-7" X 10'-7"
MASTER BEDROOM
8'-0" CLG
10'-10" X 12'-9"
CLOSET
BATH 2
8'-0" CLG
CLOSET
REF.
RANGE W/ HOOD
KITCHEN
8'-0" CLG
10'-10" X 11'-0"
DW
W.
D.
MHU
UTILITY
8'-0" CLG
3'-7" X 6'-0"
ATTIC ACCESS
BEDROOM 3
8'-0" CLG
10'-0" X 12'-6"
CLOSET
DINING
8'-0" CLG
16'-0" X 12'-8"
LIVING
8'-0" CLG
14'-4" X 13'-8"
ENTRY
8'-0" CLG A.F.F.
11'-0" X 8'-8"

SITE PHOTOS

Facing south from 26th St. towards the front of the subject property

Facing southwest from the corner of 26th St. and S. Westmoreland Dr. towards the subject property

SITE PHOTOS

Facing south towards adjacent property along S. Westmoreland Dr.

Facing northwest towards adjacent property along S. Westmoreland Dr.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**JAN 08, 2026**	Commission District:	**#1**
Case #:	**VA-26-01-085**	Case Planner:	**Catherine Glase (407) 836-9615 Catherine.Glase@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): AMIT UBALE

OWNER(s): NIRMAN DEVELOPMENT LLC

REQUEST: Variances in the R-CE-C zoning district as follows:
1) To allow a minimum lot width of 75 ft. in lieu of 100 ft.
2) To allow a 3-story residence in lieu of 2-stories
3) To allow a maximum height of 39.83 ft. in lieu of 35 ft.

PROPERTY LOCATION: 1372 Lake Olivia Lane, Windermere, Florida 34786, south terminus of Lake Olivia Ln., east side of Lake Olivia, west of S. Apopka Vineland Rd., north of Windy Ridge Rd., south of FL Turnpike

PARCEL ID: 33-22-28-4668-00-120

LOT SIZE: +/- 3.81 acres (0.69 acres upland)

NOTICE AREA: 500

NUMBER OF NOTICES: 75

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 Roberta Walton Johnson, Second by Sonya Shakespeare; 4 in favor: John Drago, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare; 1 opposed: Juan Velez; 2 absent: Thomas Moses, Johnny Stanley):

1. Development shall be in accordance with the site plan dated November 4, 2025, and elevations dated October 30, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six criteria and the reasons for a recommendation for approval of Variance #1 and denial of Variances #2 and #3. Staff noted that no comments were received in favor and two comments were received in opposition to the request.

The applicant was present and explained that the proposed height of the home would appear similar to, or lower than, the height of surrounding homes on the same road due to the elevation and slope of the property. The applicant further stated that the placement of the home in front of the 100 ft. lot width requirement is due to the slope of the property and that the proposed placement would be similar to the neighboring home.

The Board of Zoning Adjustment (BZA) briefly discussed Variance #1 and agreed with staff's recommendation. The BZA also discussed a similar case regarding a height request that had been denied, noting that the property in the previous case was significantly larger and that the proposed height was substantially taller than in the current request. Commissioner Velez stated that the home could be redesigned to comply with the height and story requirements. The BZA further discussed that the subject property is unique due to the slope and the presence of several easements at the rear of the lot, and that the home would not appear taller when viewed from the right-of-way. The County Attorney clarified that if the property is restricted by the deed restrictions of the subdivision, and if the Homeowners Association determines the home cannot be built as proposed, BZA approval would not supersede those restrictions.

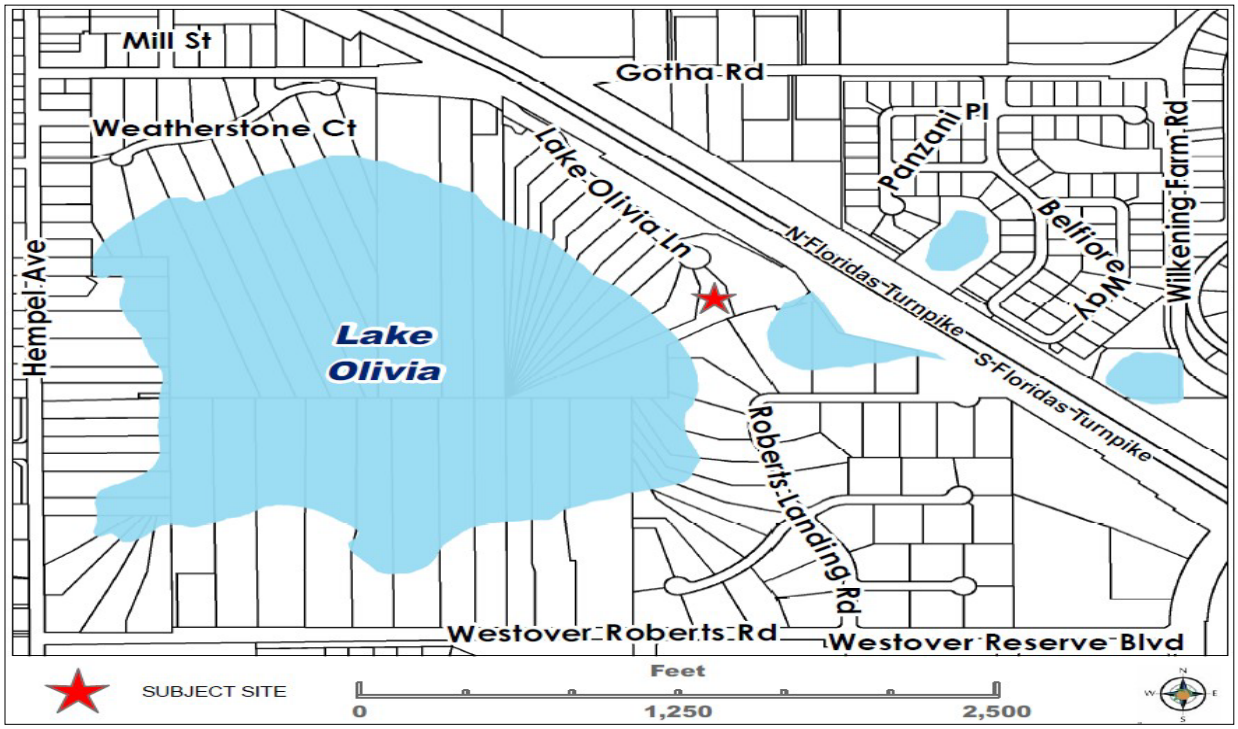
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the three Variance requests by a 4-1 vote, with two absent, subject to the three conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval of Variance #1 and denial of Variances #2 and #3, 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 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-CE-C	R-CE-C	R-CE	R-CE-C	R-CE-C
Future Land Use	RS 1/1	RS 1/1	RS 1/1	RS 1/1	RS 1/1
Current Use	Vacant	Recreation Tract	Single-family residence	Stormwater Tract	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-CE-C, Rural Country Estate Cluster zoning district, which allows single-family homes and associated accessory structures. The Future Land Use (FLU) is Rural Settlement 1/1 (RS 1/1) which is consistent with the R-CE-C zoning district. The subject property is located within the Gotha Rural Settlement (Gotha RS). The Gotha RS is identified in the Orange County Future Land Use Element as one of five Rural Settlements within the County that has maintained its historically rural character, and mandates that every effort shall be made to preserve this rural character as part of Orange County's heritage and historic preservation efforts. The Rural Settlement designation typically impacts such development factors as residential density and built forms.

The area around the subject site consists of single-family homes and vacant lots. The property is an interior, lakefront lot with right-of-way along Lake Olivia Lane to the north. The subject property is a 3.81 acre lot with 0.69 acres of upland area, platted in 2017 as Lot 12 of the Lake Olivia Reserve Replat. The rear of the lot contains an environmental swale easement, a conservation easement, and a drainage easement. The property is currently vacant and was purchased by the current owner in April of 2025.

The proposal is to construct an 8,619 gross sq. ft. three-story single-family home, with an attached 4-car garage. For residential properties, where the lot frontage is less than the minimum lot width required by the zoning district, the distance to the point where the lot width equals the minimum width required by the zoning district is the minimum required. The proposed home does not fall behind the required 100 ft. lot width of the zoning district, prompting request Variance #1. The cluster plan specifies a maximum of two stories, prompting Variance request #2. As proposed, the total height of the residence will be 39.83 ft., exceeding the maximum allowed of 35 ft., prompting Variance request #3.

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

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft. (Two stories)	Three stories (Variance #2) 39.83 ft. (Variance #3)
Min. Lot Width:	100 ft.	75 ft. (Variance #1)
Min. Lot Size:	0.5 acres (upland area)	0.69 acres (upland area)

Building Setbacks

	Code Requirement	Proposed
Front:	30 ft.	89 ft.
Side:	10 ft.	10 ft.
Rear:	25 or 50 ft.*	153 ft.

**The Lake Olivia Reserve Preliminary Subdivision Plan states that the rear setback is 25 ft. or 50 ft. from the Normal High Water Elevation of Lake Olivia (whichever is greater). In this case, the Normal High Water Elevation setback of 50 ft. is greater and therefore becomes the required rear setback for the principal structure.*

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. Variance request #1 meets all the Variance criteria. While Variance requests #2 and #3 meet some of the criteria, they do not meet all the criteria. Based on staff's analysis, the 100 ft. width requirement and the easements on the rear of the property reduce the buildable area of the lot preventing the construction of a home consistent with the development in the subdivision. However, the proposed residence could be redesigned to lessen or eliminate Variance requests #2 and #3. Therefore, staff is recommending approval of Variance #1 and denial of Variances #2 and #3.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variance #1 MET - The special conditions and circumstances particular to the subject property are that the lot is an irregular, narrow shape leaving minimal options for placement of the principal structure.

Variances #2 and #3 NOT MET - While the lot has a steep slope and an irregular shape, the principal structure can be redesigned to meet the story and height requirements, as the lot is vacant.

Not Self-Created

Variance #1 MET - The request is not self-created as the irregular shape of the lot and environmental constraints limit the placement of the principal structure.

Variances #2 and #3 NOT MET - The requests are self-created as this is new construction and there are alternatives to lessen or eliminate the requests.

No Special Privilege Conferred

Variance #1 MET - Granting the Variance would not confer special privilege as some of the surrounding developed properties in the area contain homes on similar sized lots.

Variances #2 and #3 NOT MET - Granting the Variances would confer special privilege as the surrounding properties must comply with height and story requirements as designated by the Preliminary Subdivision Plan/ zoning district.

Deprivation of Rights

Variance #1 MET - Without approval of the requested Variance, the owner will be deprived of the ability to construct a residence on the parcel.

Variances #2 and #3 NOT MET - There is no deprivation of rights as a code compliant residence could be constructed on the property within the required site and building requirements of code.

Minimum Possible Variance

Variance #1 MET - The requested Variance is the minimum necessary to construct a home on the property.

Variances #2 and #3 NOT MET - The requested Variances are not the minimum possible, as the proposed residence could be redesigned to lessen or eliminate the Variance requests.

Purpose and Intent

Variance #1 MET - Approval of the request will be in harmony with the purpose and intent of the Code. The lot width will not be detrimental to the neighborhood as the proposed lot width will be consistent with the developed lots in the area.

Variances #2 and #3 NOT MET - Approval of the requested Variances would not be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. Granting these Variances would be intrusive to the neighboring properties and inconsistent and incompatible with the surrounding area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated November 4, 2025, and elevations dated October 30, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Amit Ubale
8065 Laureate Blvd.
Orlando, FL 32827

Date: October 28, 2025

Orange County Zoning Division
Board of Zoning Adjustment,
Orlando Florida

Subject: Variance Request for 1372 Lake Oliva Lane, Windermere FL, Permit# B25010611

Dear Zoning Team,

I am writing to provide details regarding the proposed construction of a residential home on the property located at 1372 Lake Olivia Lane, Windermere FL 34786. The lot's irregular shape and environmental constraints have required careful planning to ensure compliance with all county regulations and engineering standards.

The lot's unique configuration presents specific challenges that affect the placement of the house. The main issues are as follows:

- The lot width of 100 feet is not suitable for building due to spatial constraints.
- Construction must begin at the front of the lot, where the width is narrower.
- A 45-foot environmental swale at the rear is a protected area and cannot be used for the main house pad.
- We are maintaining the county-required 30-foot setback from the front of the lot, with the house positioned 89 feet from the front, as shown in the attached site plan.

To address these limitations, we are submitting a variation form for your review and approval.

In response to the county zoning department's request to reduce the house from three levels to two levels, as noted in the attached zoning deficiencies document, we respectfully request approval to maintain the proposed three-level design. The total height of the structure is 39 feet, with 29 feet above ground and 10 feet below ground due to the lot's topography. This below-ground level is necessary to optimize the buildable area given the lot's irregular shape, the rear swale constraint, and the limited buildable pad. The three-level configuration, including the basement, allows for efficient use of space while adhering to the maximum above-ground height limit of 35 feet for two stories.

Similar designs have been approved in the area, including:

- Orange County permit B22026068 for 1312 Lake Olivia Lane, Windermere, FL 34786, in the same subdivision, which approved a three-level home.

- Orange County permit B15009197 for 9639 Westover Roberts Road, Windermere, FL 34786, which also approved a three-level home exceeding 35 feet total height with a 9-foot basement.

These precedents demonstrate that such configurations are feasible and compliant when necessitated by site constraints. Our design preserves the environmental swale, maintains required setbacks, and ensures the structure's height above ground remains within limits.

Enclosed with this letter are the Civil Engineer Site Plan, previously submitted to the county during the permitting process, and the variation form outlining the proposed adjustments. Our design team has developed a site plan that positions the home within the allowable boundaries while preserving the environmental integrity of the swale.

We are committed to adhering to all county zoning, environmental, and construction requirements. Please let us know if additional information or clarifications are needed to facilitate the review of the variation form and the permitting process.

Thank you for your time and consideration. We look forward to your feedback and approval to proceed with this project. Please feel free to contact me if you have any questions or require further details.

Sincerely,

Amit Ubale
407-990-9044
amit@vakuldc.com

VARIANCE CRITERIA

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

This parcel has an unusual trapazoidal shape in the front which places the 100-ft width section very far from the road and well beyond the normal 30-ft setback. Available building space on the lot is also limited in the back by an environmental swale. The proposed home & pool area ~~are designed similair to neighboring properties. These restructions would require an unusal three story building desing &~~ location on lot.

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.

This parcel has an unusual trapiziodal shape. Comparing typical frontyard setbacks in the community with the other rectanglar lots to this unsually shaped lot and the 100-ft lot with setback delineation requires this home to be significantly further from the road then other homes in the community on the same street.

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 priviledges to applicant/homowner. The variance will allow a home design and enjoyment similiar to neighboring properties, as well as, a more consistent location on the lot.

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

The 100-ft width line delinating the front setback on this lot, on this street, requires a very unusual design out of place with the rest of the neighborhood. It would require the home to be much further back from the street than neighboring homes and create an undo hardship on the applicant by significantly reducing their enjoyment of a backyard similar to the neighbors.

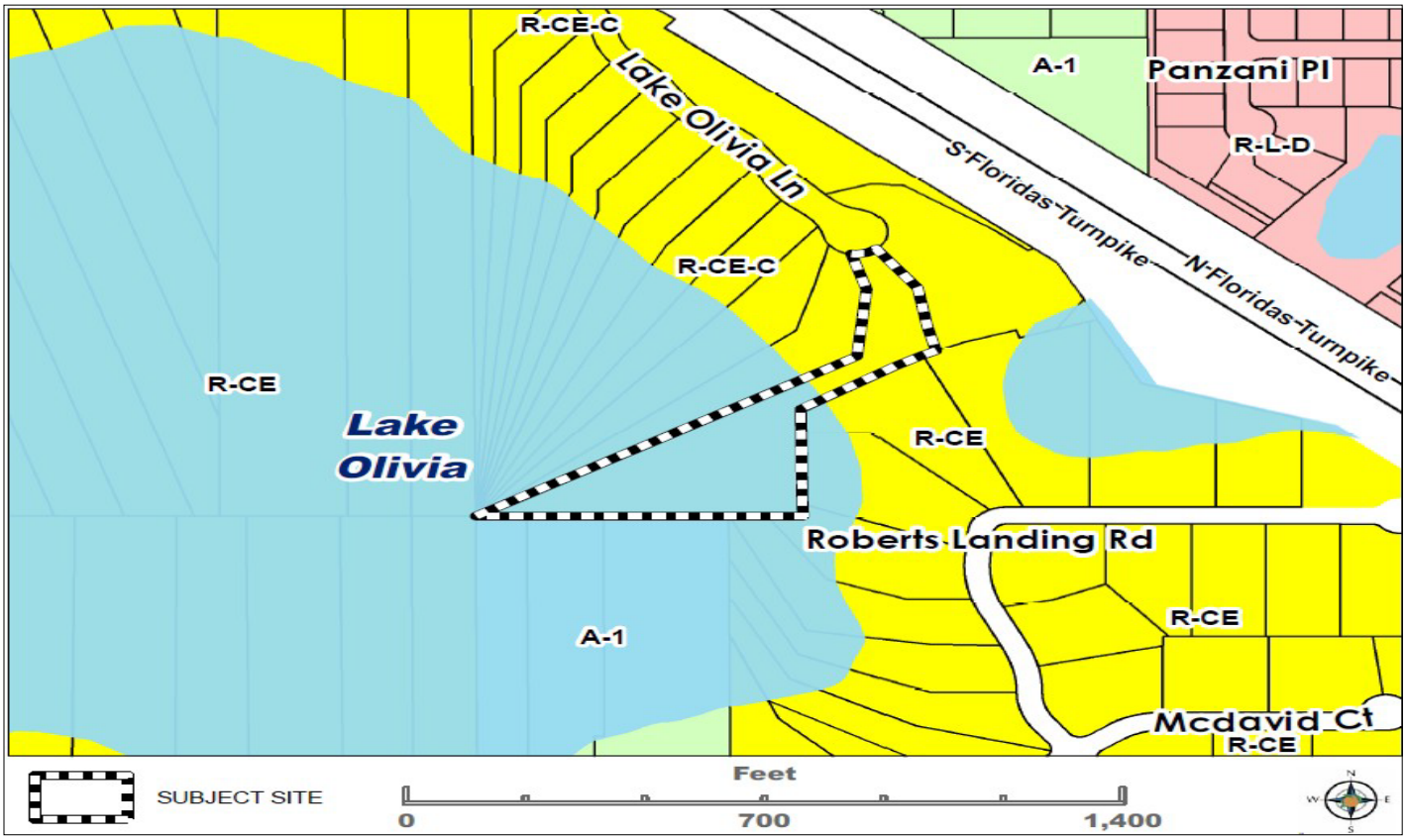
5. **Minimum Possible Variance -** The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The proposed design and placement of the home site is designed to meet all other zoning and environmental easment requirements except the frontvard setback as delineated by the 100-ft lot width line.

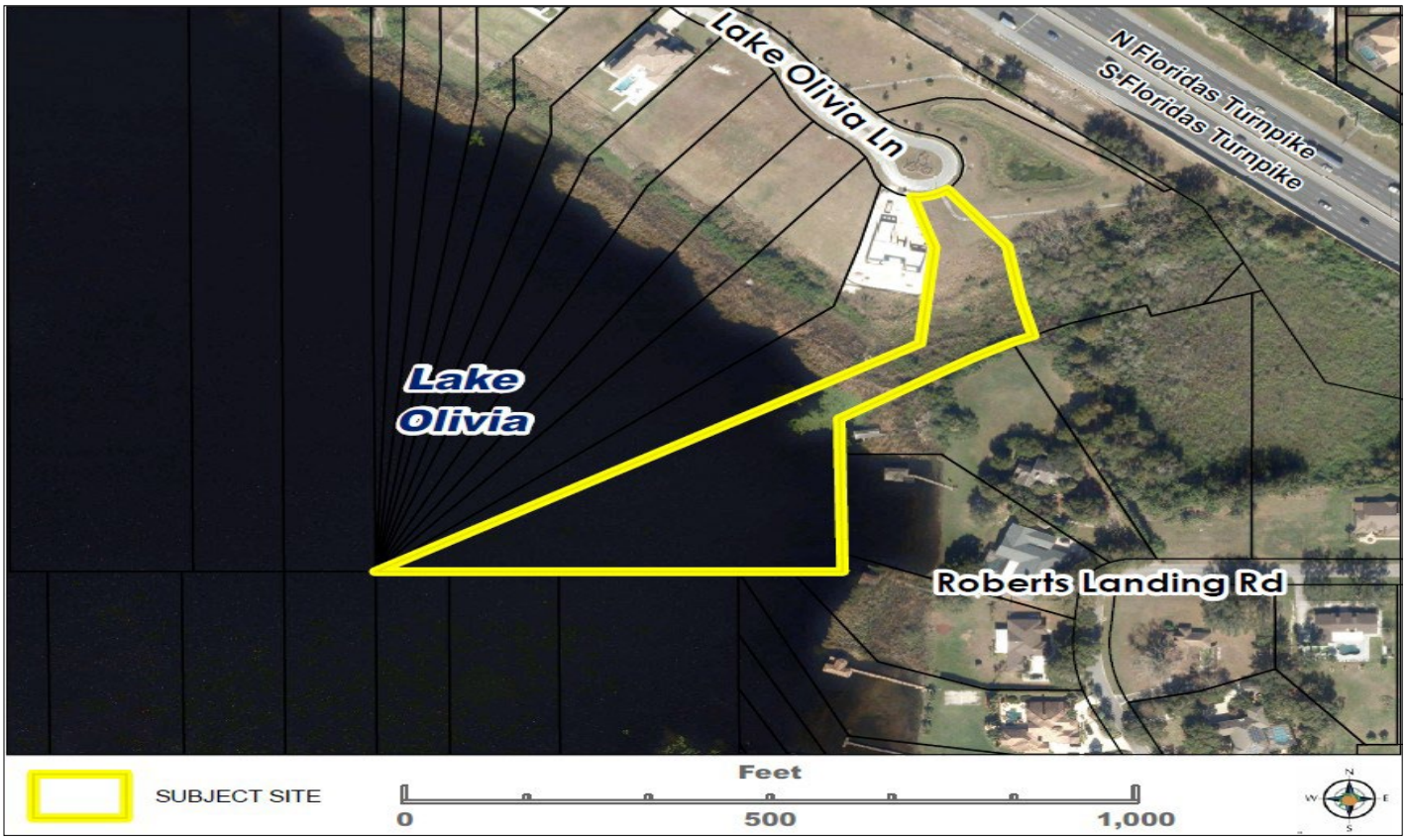
6. **Purpose and Intent -** Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

An approved zoning variance will enable the home to be designed and placed more consistent with neighboring homes in the community with similar, but rectagular lot shapes.

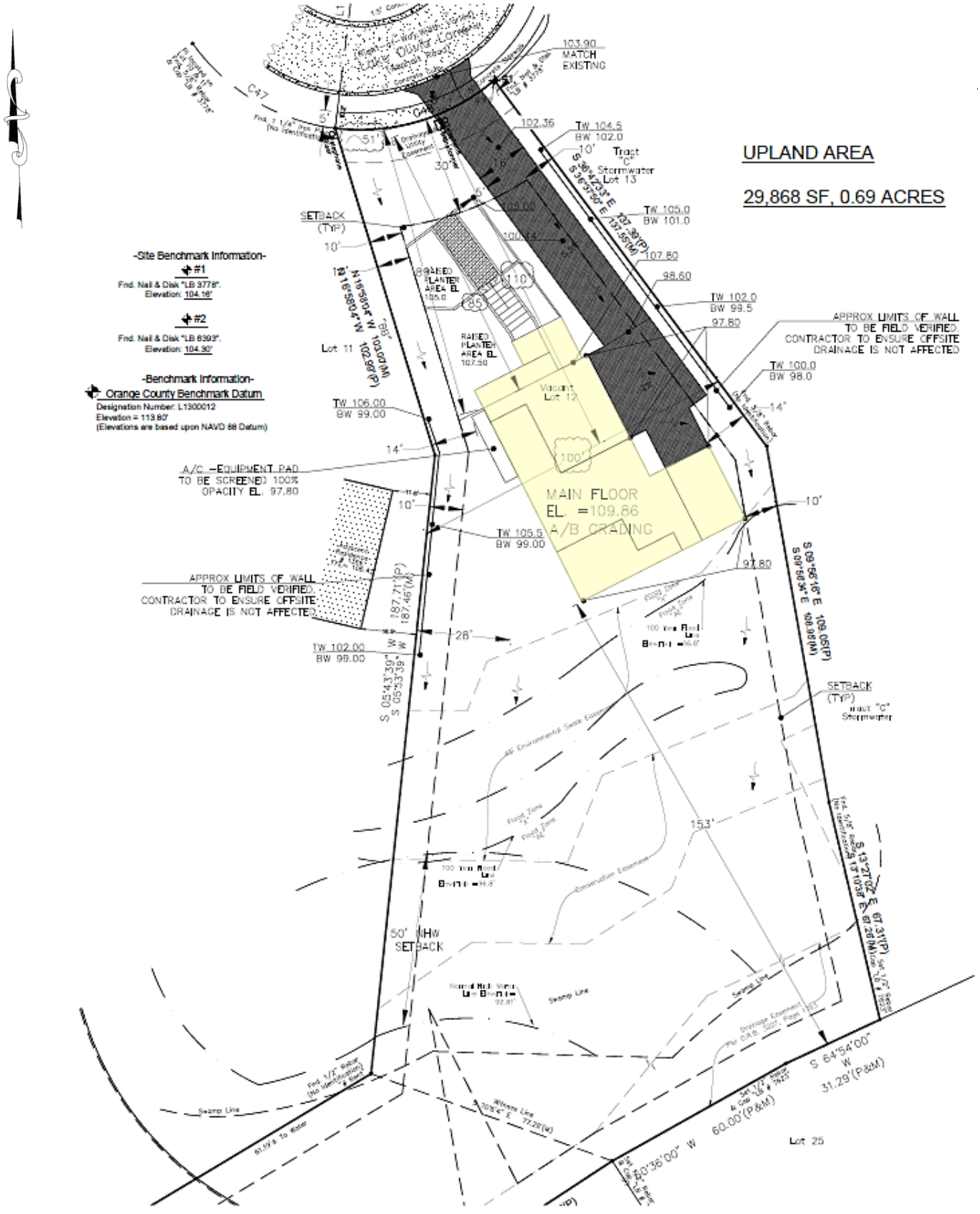
ZONING MAP



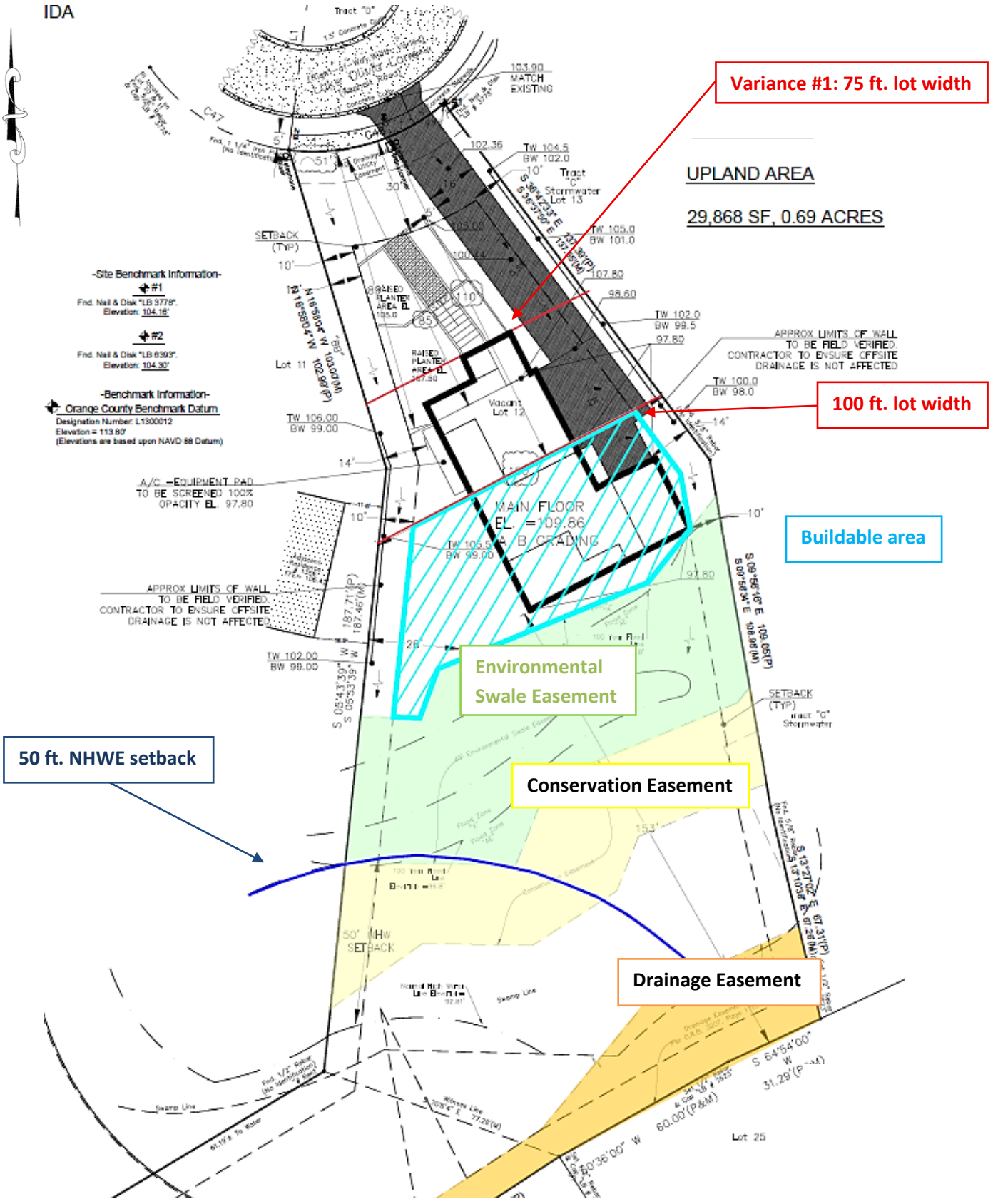
AERIAL MAP



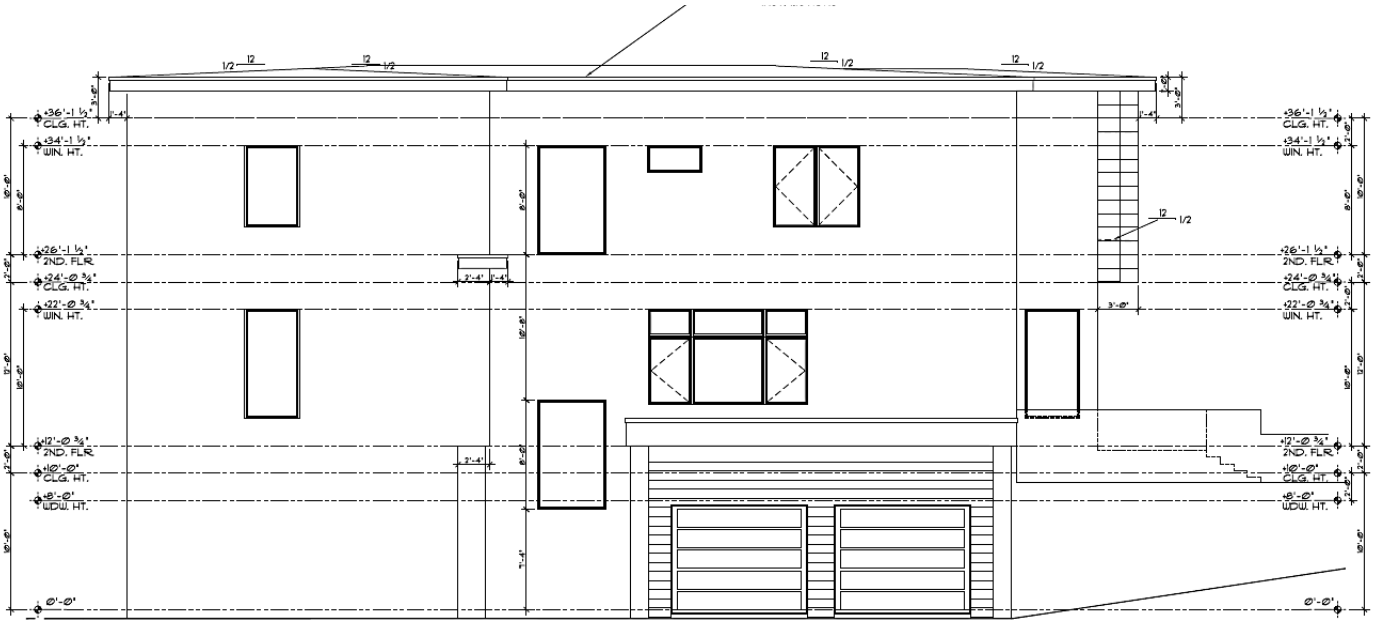
SITE PLAN


UPLAND AREA
29,868 SF, 0.69 ACRES
-Site Benchmark Information-
#1
Fnd. Nail & Disk "LB 3778".
Elevation: 104.18'
#2
Fnd. Nail & Disk "LB 6393".
Elevation: 104.30'
-Benchmark Information-
Orange County Benchmark Datum
Designation Number: L1300012
Elevation = 113.80'
(Elevations are based upon NAVD 88 Datum)
SETBACK (TYP)
RAISED PLANTER AREA EL 105.0
RAISED PLANTER AREA EL 107.50
Vacant Lot 12
MAIN FLOOR EL. =109.86
A/B GRADING
A/C -EQUIPMENT PAD TO BE SCREENED 100% OPACITY EL. 97.80
APPROX LIMITS OF WALL TO BE FIELD VERIFIED. CONTRACTOR TO ENSURE OFFSITE DRAINAGE IS NOT AFFECTED
APPROX LIMITS OF WALL TO BE FIELD VERIFIED. CONTRACTOR TO ENSURE OFFSITE DRAINAGE IS NOT AFFECTED
TW 104.5 BW 102.0
TW 105.0 BW 101.0
TW 102.0 BW 99.5
TW 100.0 BW 98.0
TW 106.00 BW 99.00
TW 105.5 BW 99.00
TW 102.00 BW 99.00
103.90 MATCH EXISTING
102.36
97.80
98.60
107.80
105.00
100.44
50' MHW SETBACK
Lot 11
Lot 25
Swamp Line
Conservation Easement
Drainage Easement
Trust "C" Stormwater Lot 13
S 64°54'00" W 31.29'(P&M)
S 80°36'00" W 60.00'(P&M)

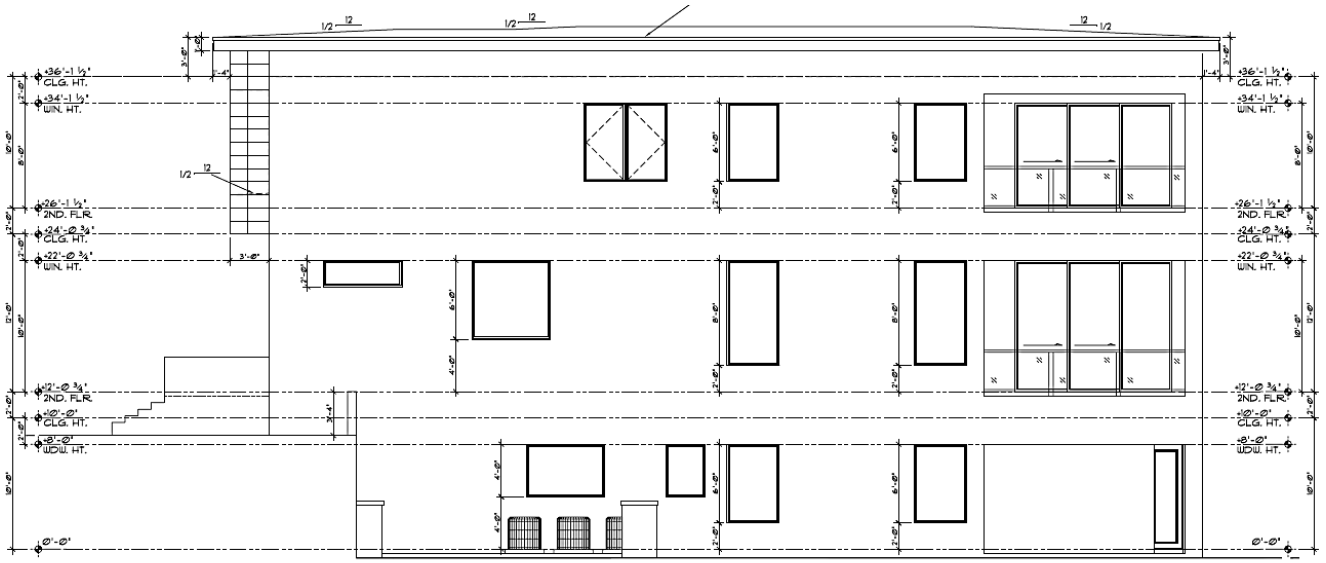
SITE PLAN


IDA
Variance #1: 75 ft. lot width
UPLAND AREA
29,868 SF, 0.69 ACRES
100 ft. lot width
Buildable area
Environmental Swale Easement
50 ft. NHWE setback
Conservation Easement
Drainage Easement
MAIN FLOOR EL. =109.66
-Site Benchmark Information-
-Benchmark Information-
Orange County Benchmark Datum
Vacant Lot 12
Lot 11
Lot 25
SETBACK (TYP)
APPROX LIMITS OF WALL TO BE FIELD VERIFIED. CONTRACTOR TO ENSURE OFFSITE DRAINAGE IS NOT AFFECTED
A/C -EQUIPMENT PAD TO BE SCREENED 100% OPACITY EL. 97.80
50' NHW SETBACK

Front Elevation



Left Elevation



Right Elevation

Rear Elevation

Facing south from Lake Olivia Ln. towards the subject property

Facing southwest from Lake Olivia Ln. towards the subject property and the adjacent development

SITE PHOTOS

On the subject property, facing north towards Lake Olivia Ln.

On the subject property, facing east towards Stormwater Tract

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**JAN 08, 2025**	Commission District:	**#2**
Case #:	**SE-25-11-061**	Case Planner:	**Catherine Glase (407) 836-9615 Catherine.Glase@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): ADRIENNE DOWNEY-JACKS FOR EVOLVE CHURCH

OWNER(s): FIRST BAPTIST CHURCH ORLANDO CAMPUS INC

REQUEST: Special Exception and Variance in the A-1 zoning district as follows:
1) Special Exception to allow a day care facility within the existing church structure.
2) Variance to allow grass parking in lieu of parking on an improved surface.

PROPERTY LOCATION: 10550 Clarcona Ocoee Rd. and 10564 2nd Ave., Apopka, FL 32703, south of Clarcona Ocoee Rd., west of N. Clarke Rd., east of Highway 429, north of Wurst Rd.

PARCEL ID: 05-22-28-6052-01-090, 05-22-28-6052-04-040

LOT SIZE: +/- 3.78 acres

NOTICE AREA: 700 ft.

NUMBER OF NOTICES: 180

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board finds it meets the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; (Motion by John Drago, Second by Glenn Rubinstein; unanimous; 5 in favor: John Drago, Juan Velez, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 2 absent: Thomas Moses, Johnny Stanley) and, **APPROVAL** of the Variance request in that the Board finds it meets that the requirements of Orange County Code, Section 30-43(3); further, said approvals are subject to the following conditions as modified (Motion by John Drago, Second by Sonya Shakespeare; unanimous; 5 in favor: John Drago, Juan Velez, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 2 absent: Thomas Moses, Johnny Stanley):

1. Development shall be in accordance with the site plan dated November 21, 2025, as modified to reflect two phases of parking, the applicant shall submit a revised site plan showing the proposed phased development of the parking lot, 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). The applicant shall submit a revised site plan in accordance with the phased development of the parking lot.

2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a

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

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. A Use Permit or Alteration Permit as may be necessary, for the day care facility shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

5. Hours of operation for the day care center shall be weekdays from 6:00 a.m. to 6:00 p.m. and shall not operate during the same time as the religious institution.

6. The grass parking spaces for the daycare shall be fitted with wheel stops. The drive aisles and handicap parking spaces shall be improved with a durable all-weather surface and properly drained in accordance with Orange County Code.

7. Vehicular use areas shall be screened from the adjacent rights-of-way in accordance with Sec. 24-4(a)(1) and subject to the applicable provisions regulating paved parking of Sec. 24-4(a)(3).

8. Maximum number of children for the day care facility shall not exceed 60 children.

9. Prior to the issuance of the Use Permit or Alteration Permit, as may be necessary, for the day care facility, the property owner(s) shall execute and record in the Official Records of Orange County, Florida, an agreement or declaration between the property owners of the affected parcels, in a form acceptable to Orange County, that indicates the activities of each separate building or use which creates a demand for parking shall occur at different times. Such statement must include an agreement between the parties involved indicating responsibility for maintenance of the parking area.

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

The applicant was present and provided some background to the request and future plans for the two properties to include a private K-8 school. They went on to discuss condition of approval #6 stating they would like the condition to be modified to postpone the improvement of the drive aisle to allow the day care to open prior to the improvements.

The Board of Zoning Adjustment (BZA) discussed whether the grass parking would require additional approvals for the future plans of the property. The BZA stated they had no objections to the two requests and discussed with staff how to modify the conditions to accommodate the applicants request in a code compliant manner.

The BZA also discussed the hours of operation noted in Condition of Approval #6, indicating that day care centers typically have longer hours than proposed, and recommended extending the hours.

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

The BZA recommended approval of the Special Exception by a 5-0 vote, with two absent and approval of the Variance request by a 5-0 vote, with two absent, both approvals are subject to the nine conditions found in the staff report with the following modifications to Conditions #1, #4, #5, #6, and #9:

1) Development shall be in accordance with the site plan dated November 21, 2025, as modified to reflect two phases of parking, the applicant shall submit a revised site plan showing the proposed phased development of the parking lot, 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). The applicant shall submit a revised site plan in accordance with the phased development of the parking lot.

4) A Use Permit or Alteration Permit, as may be necessary, for the day care facility shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

5) Hours of operation for the day care center shall be weekdays from 6:00 a.m. to 6:00 p.m. and shall not operate during the same time as the religious institution.

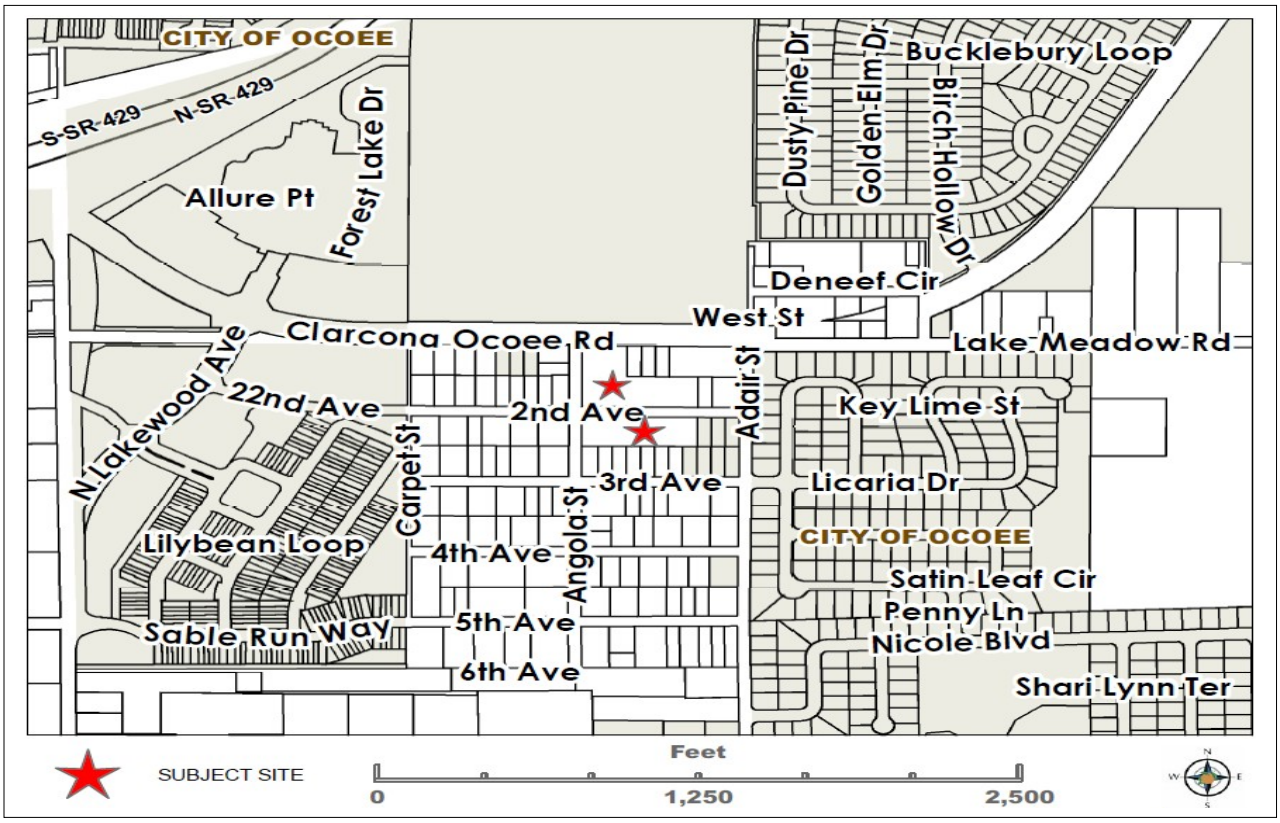
6) The grass parking spaces for the daycare shall be fitted with wheel stops. The drive aisles and handicap parking spaces shall be improved with a durable all-weather surface and properly drained in accordance with Orange County Code.

9) Prior to the issuance of the Use Permit or Alteration Permit, as may be necessary, for the day care facility, the property owner(s) shall execute and record in the Official Records of Orange County, Florida, an agreement or declaration between the property owners of the affected parcels, in a form acceptable to Orange County, that indicates the activities of each separate building or use which creates a demand for parking shall occur at different times. Such statement must include an agreement between the parties involved indicating responsibility for maintenance of the parking area.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	City of Ocoee	A-1	A-1	A-1
Future Land Use	R	City of Ocoee	R	R	R
Current Use	Vacant/ Institutional	Golf Course	Single-Family Residential	Single-Family Residential	Single-Family Residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-1, Citrus Rural zoning district, which primarily allows agricultural uses, nurseries, and churches, as well as mobile homes and single-family homes on larger lots. Certain non-agricultural, non-residential uses, such as day care centers, are permitted through the Special Exception process. The Future Land Use (FLU) is Rural (R), which is consistent with the A-1 zoning district.

The area surrounding the site is mostly single-family homes, some multi-family units, and a golf course to the north. The project site is two parcels separated by 2nd Avenue. The north parcel, 05-22-28-6052-01-090, is approximately 2.20 acres in size and was platted in 1925 as lots 9 through 19 in Block A of the Oak Level Heights Plat. It is a double frontage corner lot with frontage on Clarcona Ocoee Rd. to the north, Angola St. to the west and 2nd Ave. to the south. For nonresidential properties, Code states the width of the lot abutting the street with the highest volume of vehicular traffic is the front; as such, Clarcona Ocoee Rd. is considered the front, and Angola St. and 2nd Ave. are considered the side streets. The south parcel, 05-22-28-6052-04-

040, is approximately 1.58 acres in size and was platted in 1925 as lots 4 through 11 in Block D of the Oak Level Heights Plat. It is a corner lot with frontage on both Angola St. (front) to the west and 2nd Ave. (side street) to the north.

The subject properties and the entire surrounding subdivision were administratively rezoned in 1981 from the R-3 zoning district to the A-1 zoning district. The south parcel is developed with an existing religious institution and single-family home, both constructed in 1956, and the north parcel is vacant and currently used by the religious institution for parking. The existing building was originally erected prior to zoning regulations and additions were made to the building in 1975. The addition was permitted and constructed in compliance with the R-3 zoning district development standards at the time and is considered legal non-conforming; therefore, no Variances are being requested in regard to setbacks.

A tree removal violation (FIR-25-10-0816) was cited on October 30,2025, for the removal of a 41-inch Laurel Oak tree. The tree removal fine is assessed at $106 an inch per Sec. 15-284(c)(2) of Orange County Code. In order to address the violation, the property owner must provide mitigation in the form of replanting or payment into the tree trust fund, or a combination thereof.

The church office operates on weekdays for staff, with midweek evening events, classes, and programs. One Sunday service and worship is held at 10:30 a.m. The proposal is to add a day care center/preschool within a portion of the existing church building. Day care centers require a Special Exception in the A-1 zoning district. As identified on the floor plan, there are six rooms: one dedicated to staff/multi-purpose uses, one designated as the infant room able to hold eight babies. The other four classrooms can hold up to 13 children per room, with a maximum of 60 children for the daycare/preschool program and 11 employees (10 staff members and one director). The hours of operation will be weekdays from 7:30 a.m. to 4:30 p.m. The site plan provided depicts two modular classroom buildings on the northern site, which are only shown for reference and not a part of the current request. Any future development will be subject to a full review by staff.

The required number of parking spaces is calculated based on the number of seats and total employees for the religious institution and the number of children for the day care. Orange County Code requires one parking space per three seats for religious institutions (210 seats) and one parking space per employee for the religious institution, which is four employees, for a total of 74 parking spaces. For day care centers Orange County Code requires one parking space per ten children plus one parking space per five children when the site does not contain a dedicated pickup and drop-off area. Therefore, the day care center requires a total of 18 parking spaces.

Parking Standards

	Parking Requirement	Required Parking	Parking Provided
Amusement or assembly places without fixed seats	1 space per each 3 patrons, plus 1 space per each employee	210 patrons / 3 4 employees = 74 parking spaces	79 parking spaces (76 unimproved spaces and 3 improved ADA spaces)
Day Care Center (without a pick-up or drop-off area)	1 space per each 10 children plus 1 space per each 5 children	(60 / 10) + (60 / 5) = 18 parking spaces	

Orange County Code Section 38-1478 allows for joint use of off-street parking where the parking demands of different uses occur at different times. Since the religious institution and day care do not operate on the same days of the week, the two uses are able to share the required parking spaces. Therefore, a minimum of 74 parking spaces are required and 79 spaces are provided, exceeding the required spaces. The property owner

must record an agreement indicating the activities of each separate use which creates a demand for parking shall occur at different times and includes an agreement between the parties involved indicating responsibility for maintenance of the parking area, as reflected in Condition of Approval (COA) #9.

The request includes a Variance to allow the required parking spaces as grass parking where Code requires all parking be on an improved surface. All drive aisles and ADA parking spaces shall be improved with a durable all-weather surface and properly drained in accordance with Orange County Code. Condition of Approval #6 reflects the requirement that the grass parking spaces be fitted with wheel stops. Additionally, vehicular use areas shall be screened from the adjacent rights-of-way in accordance with Sec. 24-4(a)(1) which requires a continuous hedge and shade trees. The vehicular use areas shall also be subject to the applicable provisions regulating paved parking of Sec. 24-4(a)(3) which require landscape islands within the parking lot and at the end of each row of parking, as reflected in COA #7. The applicant provided a landscape plan in compliance with the minimum landscaping requirements for the day care and parking area. As conditioned through the special exception, additional landscaping is required to adequately buffer the proposed use to the adjacent residential lots and the right-or-way.

The request was routed to all relevant Divisions, and no objections were noted from the reviewing staff. The County Transportation Planning Division provided a Transportation Concurrency Analysis that indicated that the proposed project is expected to generate 245 daily trips and 47 total PM peak hour trips, therefore a traffic study is not required at this time. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (2) of the Orange County Code stipulates a recommendation of approval can only be made if all six Special Exception criteria are met. As the request meets all of the criteria, staff is recommending approval of the Special Exception 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. As the request meets all of the criteria, staff is recommending approval of the Variance request.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

MET – The Comprehensive Plan provides that certain uses, such as day care centers, as conditioned, are consistent through the Special Exception process.

Similar and Compatible with the Surrounding Area

MET - The size and scale of the proposed day care center will have minimal impact on the surrounding area as no new construction is proposed with the request.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

MET- The proposed use will be located in an existing building on the property, with no modifications to the building and as a result will not be detrimental to the surrounding area.

Meet the performance standards of the district

MET – With the approval of the requested Variance, the proposed development will meet the performance standards of the district.

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

MET – The proposed use of the property will be similar in noise, vibration, dust, odor, glare, and heat producing characteristics as those associated with the majority of uses currently permitted in the A-1 zoning district.

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

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

VARIANCE CRITERIA

Special Conditions and Circumstances

MET – The special condition unique to this property is the rural character of the site and use of the property. The existing rural character of the site and surrounding residential area is better supported by not having large areas of pavement.

Not Self-Created

MET – The need for the Variance is not self-created, due to the infrequent use of the area for parking and the desire to maintain the open space of the property.

No Special Privilege Conferred

MET – It is common for religious institutions to provide grass parking since these parking spaces are utilized significantly less than daily commercial uses. A special privilege will not be conferred.

Deprivation of Rights

MET – Without the Variance, the applicant would be required to improve the parking area with a durable all-weather surface which would result in an increased impervious surface area and be less consistent with the residential character of the zoning district.

Minimum Possible Variance

MET – The granting of a Variance for grass parking is the minimum possible variance needed to meet the applicant's needs and maintain the residential character of the site. The drive aisles will be improved with a durable all-weather surface, meeting the intent of the Code.

Purpose and Intent

MET – Approval of the Variance will be in harmony with the purpose and intent of the zoning regulations as the code is primarily focused on preserving the existing charter of the area and the subject property to ensure compatibility with the adjacent neighborhood.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated November 21, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A Use Permit for the day care facility shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Hours of operation for the day care center shall be weekdays from 7:30 a.m. to 4:30 p.m. and shall not operate during the same time as the religious institution.
6. The grass parking spaces shall be fitted with wheel stops. The drive aisles and handicap parking spaces shall be improved with a durable all-weather surface and properly drained in accordance with Orange County Code.
7. Vehicular use areas shall be screened from the adjacent rights-of-way in accordance with Sec. 24-4(a)(1) and subject to the applicable provisions regulating paved parking of Sec. 24-4(a)(3).
8. Maximum number of children for the day care facility shall not exceed 60 children.
9. Prior to the issuance of the Use Permit for the day care facility, the property owner(s) shall execute and record in the Official Records of Orange County, Florida, an agreement or declaration between the property owners of the affected parcels, in a form acceptable to Orange County, that indicates the activities of each separate building or use which creates a demand for parking shall occur at different times. Such statement must include an agreement between the parties involved indicating responsibility for maintenance of the parking area.

C: Adrienne Downey-Jacks
ADJ Land Design LLC
2418 Tioga Trail
Winter Park, FL 32789

a d j
land design

December 2, 2025

Attn: Catherine Glase | Planner II

Orange County Zoning Division
Planning, Environmental, and Development Services Department
201 S. Rosalind Ave., 1st Floor
Orlando, FL 32801

Re: Evolve Church Ocoee, FL – Request for Special Exception (SE) Daycare Use

Dear Catherine,

We have revised the Special Exception (SE) package based on the County comments received from you on 11/7/2025 via email. I have further coordinated with you, and the traffic engineering, transportation planning and development engineering staff which include Joshua Gonzales, Wendy Aviles, and Albert Marshall via email and by phone to address comments related to both private school and daycare uses.

Via email, you have communicated that only the daycare use can move forward through the Special Exception process because of the private school use requiring a traffic impact analysis (TIA). We will resubmit a new SE later once the TIA has been completed regarding the private school use. As discussed with Orange County Traffic Engineering staff, the daycare will be limited to 60 children keeping the use from exceeding 50 peak hour trip threshold.

Please advise if you need any additional information. We understand the tentative schedule is for the daycare portion of this project to be on the BZA agenda on 1/8/26. On behalf of the Evolve Church team, we thank you and genuinely appreciate your partnership in assisting us through the special exception process.

Kindest Regards,

Adrienne Downey-Jacks, RLA

Adrienne Downey-Jacks, RLA
ADJ Land Design, President

c.c. Matthew Robinson

2418 TIOGA TRAIL • WINTER PARK, FLORIDA 32789 • PHONE 407-687-5754

Evolve Church Campus at located on 10564 2nd Avenue, Ocoee FL and 10550 Clarcona Ocoee Rd, Apopka, FL. The campus lots are divided by 2nd Avenue. Both sites are located within unincorporated Orange County. The site has been operating as a church since the 1970's. It was then purchased by First Baptist Church Orlando Inc. in 2023 as an outreach ministry location to operate in the west Ocoee and south Apopka area and serve the Hispanic and international demographics residing in the surrounding area. The church building sanctuary, connected offices, classroom and ministry space (20,500 SF) are located on the parcel south of 2nd street. The sanctuary can seat 210 at full capacity. The vacant parcel which fronts Clarcona-Ocoee Rd. is occasionally utilized for overflow parking during larger church events such as the single Sunday worship service and quarterly festival style events. This lot can also serve as parking for parents who are dropping their children off for daycare or pre-school uses which will occur on weekdays.

Evolve Church presently serves as a small community ministry serving approximately 100 families and 200 members of all ages. There are (4) full time staff members who serve in the roles of pastor, associate pastor, children and music ministry directors. Many current church members serve as part-time and volunteer staff to support the various Christian outreach programs. Most members are within a 6-mile radius of the church campus. A single worship service occurs on Sundays at 10:30 a.m. Other community ministries include summer vacation bible school during June, 12-step style recovery ministry, counseling, community food bank and outreach, English as a Second Language programs, events for teenagers during the week, and life and spiritual development classes midweek evenings.

To further meet service needs of its members, a daycare and pre-school use is requested as part of this special exception process. These uses will serve as an added ancillary use to the existing church programs presently provided to its members. Ideally, the daycare facility could open in the 1st quarter of 2026. The daycare/preschool programs will be in a separate 2,200 SF building which is connected to the church building via a covered walkway and adjacent to an outdoor fenced playground area. There are (6) rooms: (1) dedicated to staff/multi-purpose uses, (1) designated as the infant room able to hold 8 babies. The other (4) classrooms could hold up to (13) preschoolers per room, with a total of sixty (60) children considered the maximum for the daycare/preschool program. There will be 2 part-time staff members in each of the 5 classrooms (10 total) and 1 full-time director, all of which will be professionals holding the highest of safety and early education standards. The hours of operation will be 7:30 a.m. to 4:30 pm. Parents will park on the campus and then walk to bring the children into their respective classrooms.

As a **future phase and long-term goal** for the campus, the church desires to add, a small private K-8 school dedicated to providing a bilingual language curriculum to facilitate and further teach English to school age children. The existing church building can accommodate the educational spaces for daycare and pre-school uses. A proposed modular building is being planned on the vacant lot site to serve as future classroom space for all school types. The worship center area will also be used as auditorium gathering space for any pre-school and future K-8 school related activities.

Parking for the campus occurs at various times and locations around the existing church building and on the vacant grassed lot across 2nd Avenue. During a typical weekday there could be 6-10 cars parked in the grass area along the 2nd street adjacent to the church building and **occasional** parking of up to 20 cars on the vacant grassed lot depending on ministry related meetings and services. Parking for the pre-school and daycare will occur at various times related to drop-off and pick-up activities. During the Sunday Worship Service, the vacant grassed lot will experience approximately 40-60 cars for a maximum period of 2-3 hours. Daycare and pre-school uses are expected to generate daily parking on the campus during weekdays, increasing by 15-30 cars to accommodate teachers and volunteers. The existing church site can park approximately 20 cars on existing grassed areas adjacent to Angola and 2nd streets. The vacant lot can hold beyond 130 cars. Operationally, the existing church, proposed daycare and pre-school will continue to operate as a low volume land use with negligible impact to the surrounding residential neighborhood. The surrounding neighborhood recognizes the church as a valuable partner and healthy community next door neighbor.

The Evolve Church is asking for a Special Exception approval of daycare and pre-school along with a variance to continue the use of their (unimproved) grassed parking areas.

BACKGROUND: The daycare and pre-school will serve as a valuable community education source and ministry to the families who attend and serve this faith-based organization. Continued use of the unimproved parking areas serves multi-purpose objectives:

1.) It remains a low volume vehicular use area for intermittent church and pre-school activities.
2.) It negates the event of urban heat islands associated with large areas of pavement.
3.) The site maintains a more friendly residential neighborhood aesthetic by utilizing large maintained and mowed grass areas for its intermittent and low volume parking use.
4.) It promotes immediate rainwater percolation to the soil without having to store in a run-off retention area. It promotes a low impervious surface area ratio for the campus.
5.) The open grass area can be utilized as an open play field for surrounding residents and attending future students when not used for parking, which is substantial. (i.e., frisbee, football, soccer, etc.)

RESEARCH & STATISTICS PROVIDED BY CHURCH STAFF

Ocoee and the surrounding West Orange County region are experiencing rapid population growth, driven by families relocating from both domestic and international markets. According to U.S. Census and Florida Department of Education projections:

- Ocoee's population has increased by over 30% in the past decade, with sustained annual growth projected through 2030.
- Nearly 40% of households in Ocoee speak a language other than English at home, with Spanish and Haitian Creole among the most common.
- The region is increasingly attractive to international families due to proximity to Orlando's tourism, technology, and healthcare sectors, all of which rely on a global workforce.

This growth is producing diverse student populations that require innovative educational models beyond the capacity of traditional schools. While Orange County Public Schools (OCPS) is one of the largest school districts in the nation, it faces challenges in meeting the specialized needs of bilingual and internationally minded families.

- Limited bilingual immersion programs exist in the western corridor of Orange County; most are concentrated in Orlando's downtown or east side.
- Many parents report interest in schools that prepare children for global citizenship, but current supply does not meet demand.
- Community surveys (such as those by OCPS and regional planning groups) indicate that families prioritize dual-language proficiency and global readiness skills.

By situating this initiative within a church property, the project further leverages community trust, land availability, and mission-driven development.

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 Evolve Church is a very small community asset which was purchased and has been operating with a grassed parking area. The church currently serves 200 families with one Sunday services. Parking is low volumn and will remain so even with the addition of a private school to serve its current members.

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 applicant inherited the existing grassed parking fields as part of the purchaseof the campus in 2023. It serves the organization operationally without impacting the neighborhood or surrounding streets with additional street parking. The uniproved grassed parking areas can accommodate well over 170 cars between the two owned church lots. The single Sunday service rarely utilizes more than 100 cars for a 2 hour period. This is the highest generator of parking for the facility.

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

   No special privilege will be conferred, the surrounding area has grown, but still maintains a rural feeling. The grass parking is well maintained and environmentally allows for more pervious surface area for the site.

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.

   Other A-1 Zoned churches in the area also experiencegrass parking (ie West Orange Park Community Church). To enforce the existing grass parking lots to be improved would cause undue hardship in terms of financial impact and un-necessary environmental impacts to force more impervious surface area, create urban heat island and visual impacts for views of pavement rather than turf area.

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.

   Yes, unimproved parking (existing use) is a minimal variance for this low traffic volume use. This will allow community church and out-reach programs to continue as an asset/need to the members it currently serves.

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.

   Yes, this approval will be in harmony with current church and neighborhood operations.

SPECIAL EXCEPTION CRITERIA
FOR DAYCARE and PRE-SCHOOL USES

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

The proposed private school use on A-1 zoned property is consistant with Comp Plan Policies. The property is outside the urban service boundary. The proposed use maintains low density of suburban rural area. The use is capatible with existing adjacent residential neighborhood. This use promotes neighborhood revitalization by providing bi-lingual programs for school ages (daycare & pre-school). This in turn, allows families with multi-aged children to attend one location and helps with economic pressures which promotes positive change in neighborhoods. This helps represents positive development and growth for children.

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

A small consoldated daycare and pre-school use campus, dedicated to a bi-lingual curriculum provides a positive need to the surrounding demographic which is currently under served. The use is similar and compatible with the adjacent residential uses abutting church properties. This use serves as an extention of ministry and services to those who are members of the Evolve Church.

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

Church ministry services currently serve the surrounding neighborhood. A daycare and pre-school addition to this campus will serve as a neighborhood revitalization element to further promote rural community needs. These educational uses are not considered a detrimental intrusion but a welcomed need within the ministry of the church campus.

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

Performance standards associated with a daycare and pre-school use shall be met as described by typical Orange County requirements related to density, open space, teacher ratios, curriculum, parking, hours of services etc. These uses will be monitored through the permitting and required state licensing of such educational facilities.

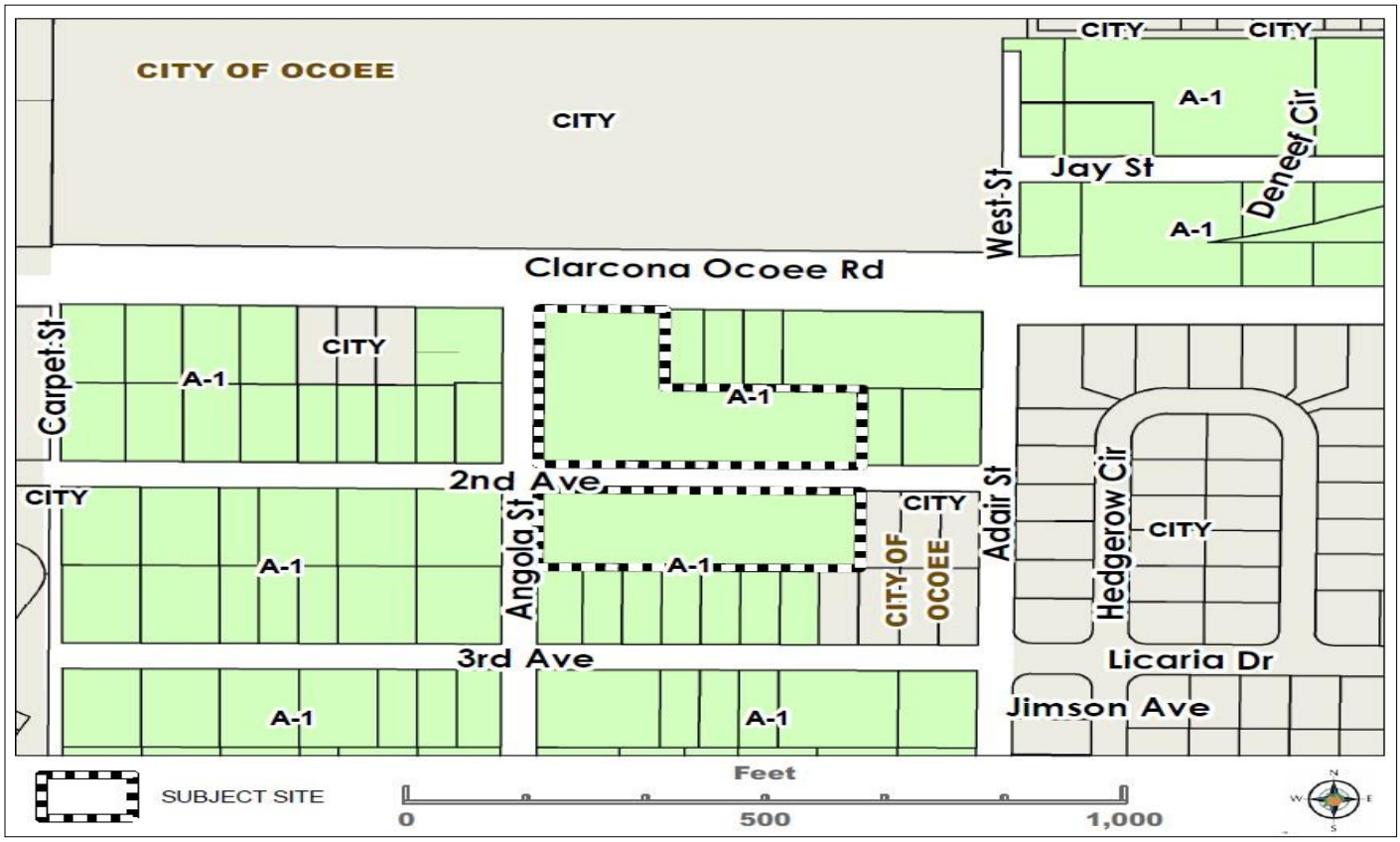
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

A daycare and pre-school use sharing a site and facilities with an existing church campus does have the similar characteristics listed above in terms of a zoning district allowed uses. The daycare and pre-school uses will serve as an extension of ministry services for its current members. There are many examples of daycare, pre school and church facilities existing on the same site throughout Orange County. The proposed uses sharing this facility allow for reduces infrastructure costs, while allowing valuable educational needs to be met.

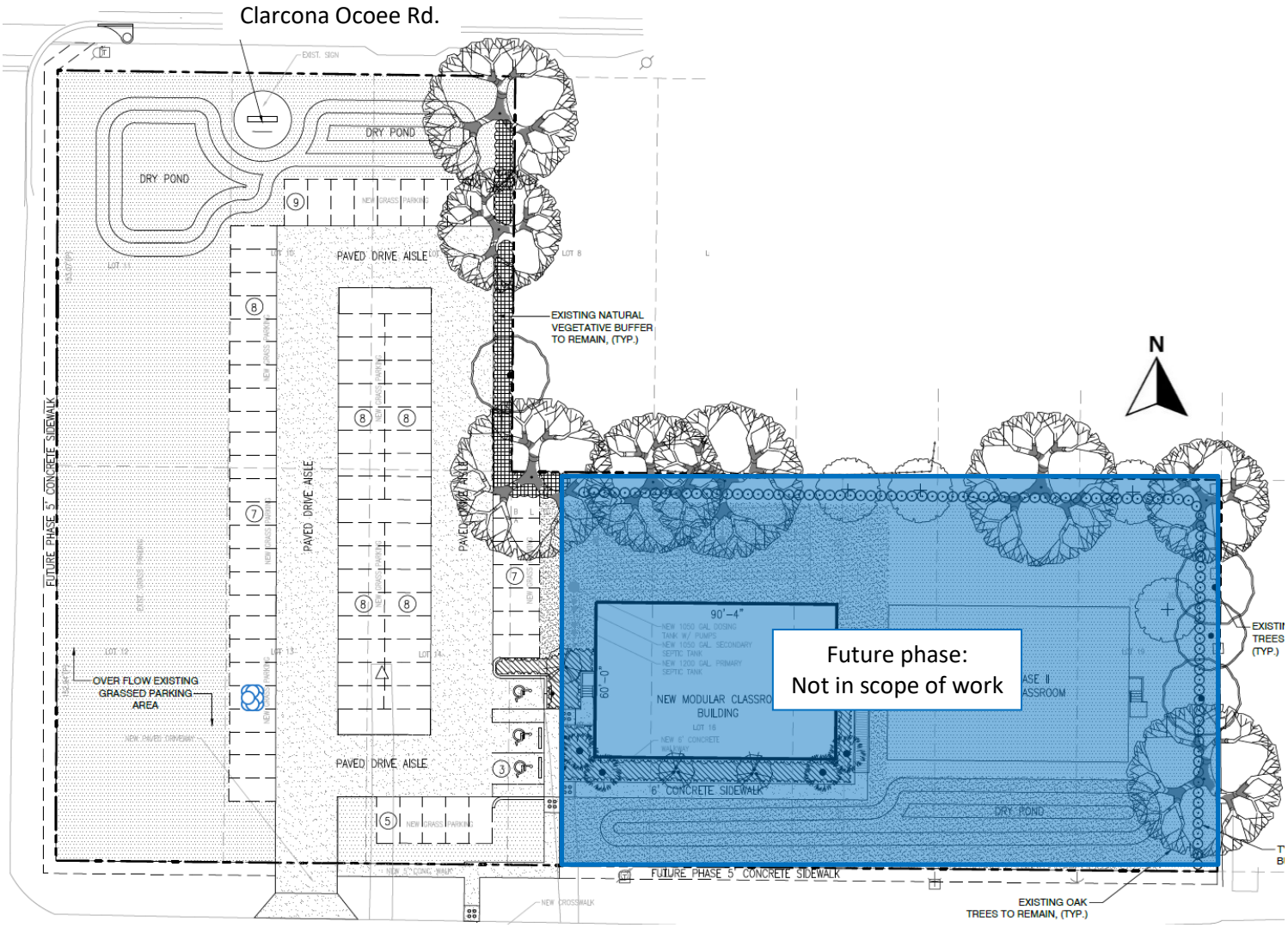
6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

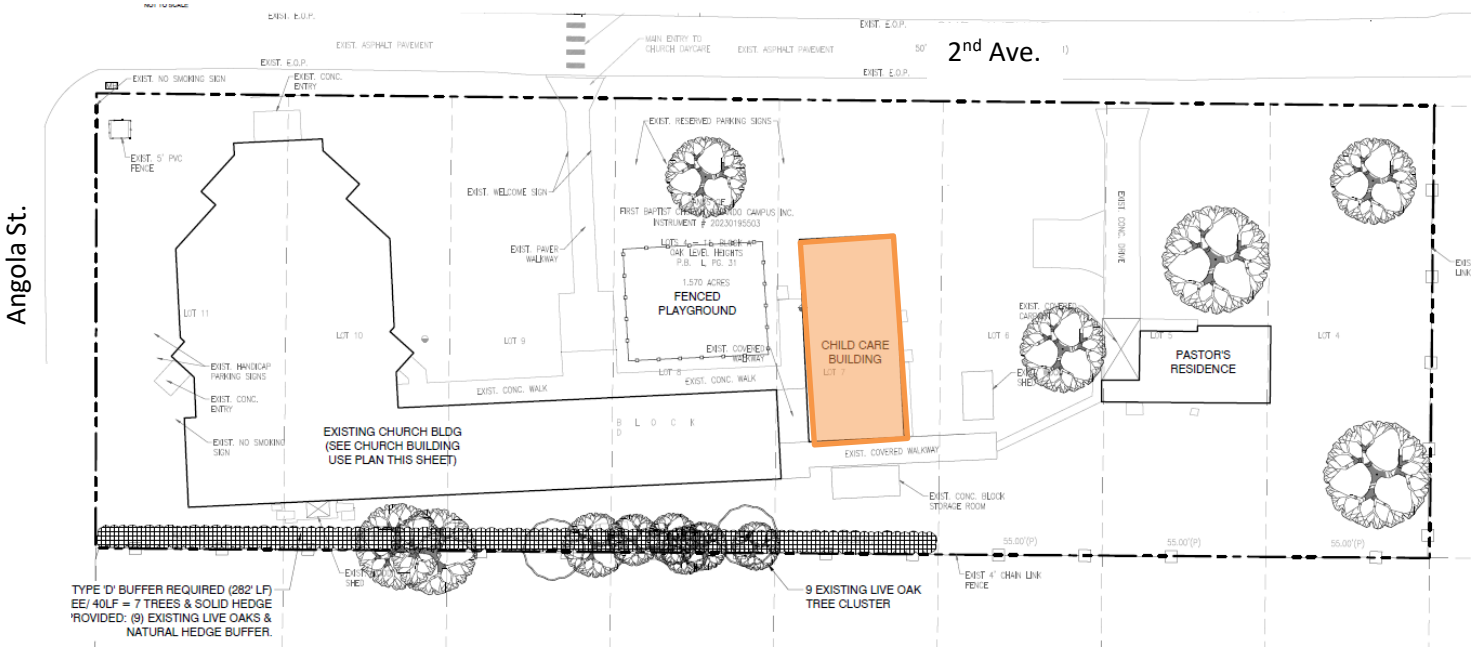
A 10' wide Type D buffer will be provided between the proposed modular classroom building and the adjacent single family residential home located to the north and east of the proposed building. There are extensive trees already existing along the property line. Proposed additional trees and a hedge will be installed to fill in gaps to meet Orange County Code bufferyard requirements. A 10' wide Type 'D' buffer already exists along the south property line of the church building site. It contains existing and established mature trees above code requirements.

ZONING MAP

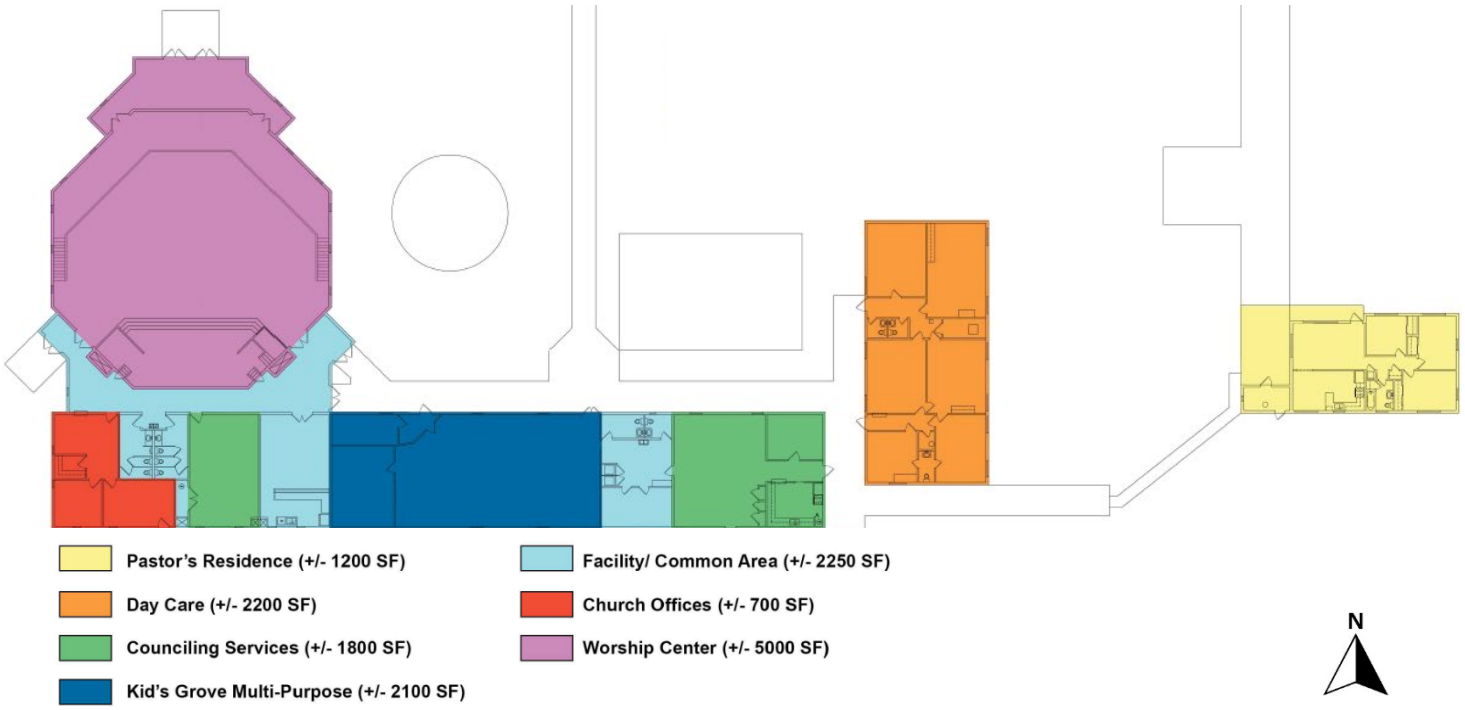


AERIAL MAP


Clarcona Ocoee Rd.
Angola St.
DRY POND
DRY POND
PAVED DRIVE AISLE
PAVED DRIVE AISLE
PAVED DRIVE AISLE
EXISTING NATURAL VEGETATIVE BUFFER TO REMAIN, (TYP.)
FUTURE PHASE 5' CONCRETE SIDEWALK
OVER FLOW EXISTING GRASSED PARKING AREA
NEW MODULAR CLASSRO BUILDING
Future phase:
Not in scope of work
6' CONCRETE SIDEWALK
DRY POND
FUTURE PHASE 5' CONCRETE SIDEWALK
EXISTING OAK TREES TO REMAIN, (TYP.)
N


Angola St.
2nd Ave.
EXIST. WELCOME SIGN
EXIST. PAVER WALKWAY
FENCED PLAYGROUND
CHILD CARE BUILDING
PASTOR'S RESIDENCE
EXISTING CHURCH BLDG (SEE CHURCH BUILDING USE PLAN THIS SHEET)
EXIST. COVERED WALKWAY
EXIST. CONC. BLOCK STORAGE ROOM
EXIST. 4' CHAIN LINK FENCE
9 EXISTING LIVE OAK TREE CLUSTER
TYPE 'D' BUFFER REQUIRED (282' LF)
EE/ 40LF = 7 TREES & SOLID HEDGE
'ROVIDED: (9) EXISTING LIVE OAKS &
NATURAL HEDGE BUFFER.

FLOOR PLAN



SITE PHOTOS

Facing south from 2nd Ave. towards the existing pastor's residence and proposed location of the day care

SITE PHOTOS

Facing east from Angola St. towards existing religious institution on the south parcel from Angola St.

Facing southeast towards the proposed location of the day care on the south parcel from 2nd Ave.

SITE PHOTOS

Facing southwest from 2nd Ave. towards the proposed location of the day care on the south parcel

Facing north towards the location of the grass parking on the north parcel

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date:	**JAN 08, 2026**	Commission District:	**#2**
Case #:	**VA-25-11-055**	Case Planner:	**Daniella McCloud (407) 836-2939 Daniella.McCloud@ocfl.net**

GENERAL INFORMATION

APPLICANT(s): EDYNARDO WEYNE

OWNER(s): MAGIC HOUSES, LLC

REQUEST: Variance in the R-2 zoning district to allow new residence with a side street setback of 6.1 ft. in lieu of 15 ft.

PROPERTY LOCATION: 1111 Derby Ave., Apopka, FL 32703, southeast corner of Derby Ave. and E. 11th St., north of E. 13th St., east of Clarcona Rd., south of S.R. 441, west of S.R. 424

PARCEL ID: 15-21-28-7532-00-150

LOT SIZE: +/- 8,645 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 81

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; 5 in favor: John Drago, Juan Velez, Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 2 absent: Thomas Moses, Johnny Stanley):

1. Development shall be in accordance with the site plan and elevations stamped on December 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 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 no comments were received in favor of or in opposition to the request.

The applicant's representative, who was present, stated that they wanted to build on the subject lot and the two lots to the south to improve development in the area.

The Board of Zoning Adjustment (BZA) asked questions about vacating the right of way to possibly eliminate the need for a variance. Additional discussion followed regarding compatibility with the surrounding area and needed development in this area of the County.

The BZA determined that the request is appropriate as the right of way to the north was undeveloped and would not be injurious to surrounding properties.

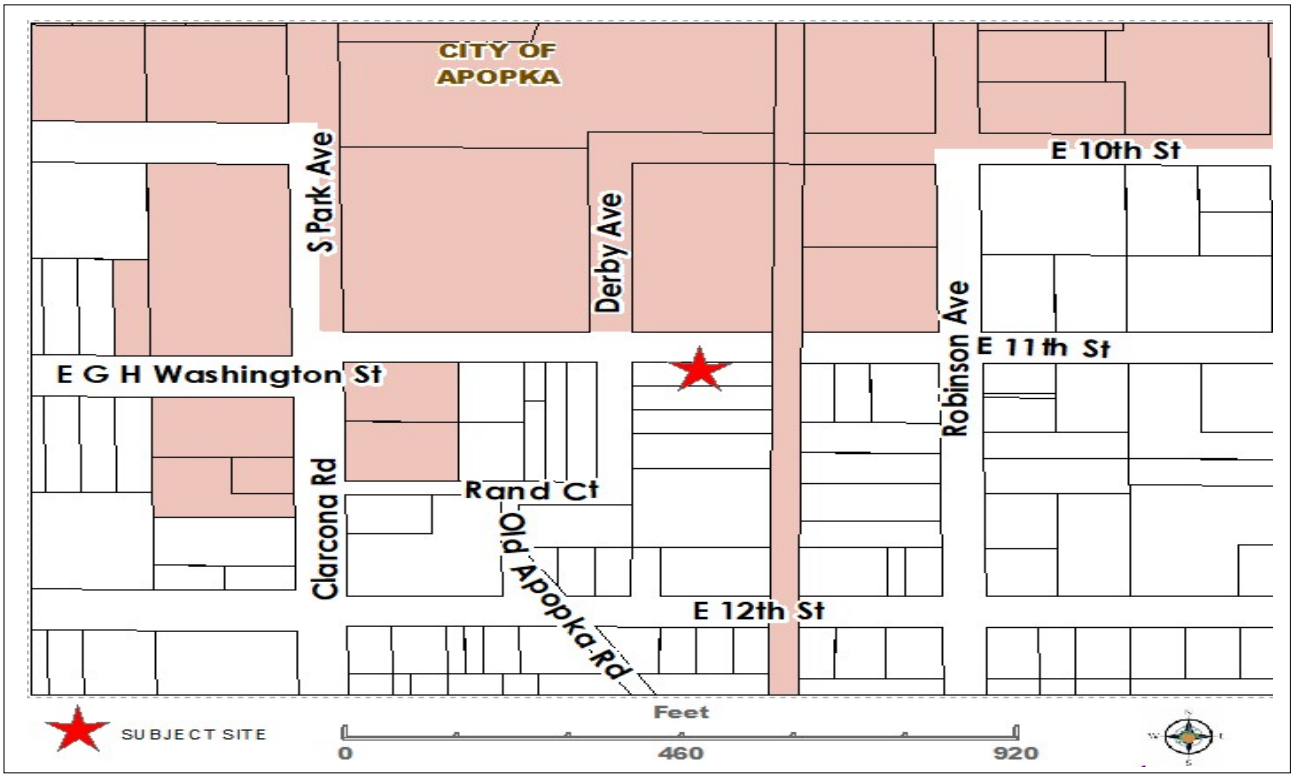
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the Variance request by a 5-0 vote, with two 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	City of Apopka	R-2	City of Apopka	R-3
Future Land Use	LMDR	City of Apopka	LMDR	City of Apopka	LMDR
Current Use	Vacant	Vacant	Vacant	Public Trail	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is in the R-2, Residential district, which allows single-family homes, duplexes, multi-family development, 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 surrounding the subject site is comprised of vacant residential lots. The subject property is 8,645 sq. ft. in size, was platted in 1920 as Lot 16/15 of the S A Robinson Second Revision Subdivision Plat. The property is a corner lot with right-of-way along Derby Avenue to the west, and E. 11th Street (unimproved) to the north. For residential properties, Code considers the narrow portion of the lot to be the front; as such, Derby Avenue is considered the front and E. 11th Street is considered the side street. The West Orange Trail runs along the rear of the property.

The subject property was created by a lot split in April 2025 (LS-25-03-022) as one of three new lots. At the time of the lot split, the properties were zoned R-3, which is inconsistent with the LMDR zoning district. The Planning Division determined a rezoning application would be required to correct the inconsistent FLU prior to the development of the property. As such, the subject property and two properties directly to the south were rezoned (RZ-25-11-026) from R-3 to R-2 to correct the inconsistency. On November 20, 2025, the Planning and Zoning Commission recommended approval of the rezoning. This approval was confirmed by the Board of County Commissioners on December 16, 2025.

The proposal is to construct a 2,091 gross sq. ft one-story single-family home. As proposed, the home will be located 6.1 ft. from the north side street property line where 15 ft. is required, prompting the Variance request. Public Works has noted support of vacation of the undeveloped right-of-way (ROW). However, the applicant opted to not proceed with the ROW vacation process.

The request was routed to all relevant reviewing Divisions. As of the date of this report, no comments have been received in favor or in opposition to this request.

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

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	21.16 ft
Min. Lot Width:	45 ft.	45 ft.
Min. Lot Size:	4,500 sq. ft.	8,645 sq. ft.

Building Setbacks (Single-Family Home)

	Code Requirement	Proposed
Front: (Derby Ave.)	25 ft.	54.3 ft. (West)
Side Street: (E. 11 St.)	15 ft.	6.1 ft. (North – Variance)
Side:	6 ft.	6 ft. (South)
Rear:	25 ft.	40.9 ft. (East)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

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

Not Self-Created

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

No Special Privilege Conferred

MET – Granting the requested Variance will not confer any special privilege conferred to others under the same circumstances as the northern right-of-way is not improved and would not be injurious to the surrounding properties.

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 requirements.

Purpose and Intent
MET – Approval of the request will be in harmony with the purpose and intent of the Code, which is to provide adequate separation between improvements and the right-of-way. The northern right-of-way is not developed, and the 6.1 ft. proposed setback would be consistent with the internal setback requirement for the R-2 zoning district.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations stamped on December 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: Edynardo Weyne
7065 West Point Blvd, #310
Orlando, FL 32835

Amr T. Gawad
3957 Blacktail Ct
Kissimmee, FL 34746

December 22, 2025

Ms. Daniella McCloud
Orange County Zoning Division
Planning, Environmental, and Development Services Department
201 South Rosalind Ave., 1st Floor
Orlando, Fl. 32801

TRUE.

Subject: Cover Letter to Application for Variance Request (Revised)
Single Family Residence
1111 Derby Ave, Apopka, Florida 32703
Parcel I.D. 15-21-28-7532-00-150
TEC # 25-035.00

Dear Ms. McCloud:

True Engineering & Consulting, Corp (TEC) is pleased to present this cover letter to the Orange County Board of Zoning Adjustment (BZA) Variance application for the property located at 1111 Derby Ave, within the unincorporated Orange County, Florida. The purpose of this letter is to provide detailed information for the proposed single family development on the subject property.

Variance Application:
The application for Orange County Board of zoning adjustment, variance, special exception and appeal of zoning manager's determination, has been completed and signed by applicant. **Exhibit 1** includes this signed application.

Proposed Development:

1. Proposed development: Single family residence.
2. Proposed construction: Reinforced Concrete Masonry
3. Proposed Roof: Shingle
4. Proposed gross area: 2,091 SF
5. Proposed structure dimensions: See attached site plan
6. Proposed building setbacks: Front – 25 ft (code requires 25 ft)
   Rear – 25 ft (code requires 25 ft)
   Side (south) – 6.1 ft (code requires 6 ft)
   Street Side (north) – 6.1 ft (***code requires 15 ft***)
7. Proposed height: 22 ft (code allows 35 ft)

Exhibit 2 presents the proposed site plan on 8½x11, and to-scale reflecting the above information. **Exhibit 3** presents the same proposed site plan imposed on aerial map on 8½x11, and to-scale reflecting the above information.

TRUE.

3957 Blacktail Ct, Kissimmee, Fl. 34746
T. (407) 920-6250
amrgawad60@gmail.com

Ms. Daniella McCloud
Orange County Zoning Division
Cover Letter to Application for Variance Request (Revised)
Single Family Residence
1111 Derby Ave, Apopka, Florida 32703
Parcel I.D. 15-21-28-7532-00-150
TEC # 25-035.00

Property Survey:
This property has been surveyed to include boundary, topographic, objects and trees. **Exhibit 4** presents the recent survey.

Architectural Elevations:
The proposed architectural elevations are presented (to scale) in **Exhibit 5**.

Current zoning / FLU:
The subject property is zoned R-3 under the current code. The Vision 2050 code has this property zoning as T4.2. The future land use under both codes is Single Family Residential.

Existing Conditions:
This property is currently vacant, and was never developed.

Criteria Justification
Section 38-43(3), Orange County Code stipulates specific criteria to be met for the approval of variances. The following presents justification for these 6 criteria:

1. **Special Conditions and Circumstances**
   The eastern portion of the 50 ft right-of-way north of this parcel is currently un-paved, vacant and heavily treed that is not in use. This right-of-way appears to be a future extension to E. 11th Street within the unincorporated Orange County.

   The subject parcel is 45 ft wide and the current "street side" building set back is 15 ft being adjacent to a "street". All surrounding properties have access to a public road, without the need to utilize this portion of the right-of-way, which has no paved or dirt road.

   In addition, this un-paved portion of the right-of-way dead ends at the West Orange Trail, with no access to the trail. Basically, this is an unused right-of-way and will not benefit any of the surrounding properties even if is paved in the unknown future. As a result, this presents a special condition which is peculiar to the subject parcel/land, not applicable to any other property within the same district zoning and will deem the development of the proposed single family residence un-practical and un-marketable.

Ms. Daniella McCloud
Orange County Zoning Division
Cover Letter to Application for Variance Request (Revised)
Single Family Residence
1111 Derby Ave, Apopka, Florida 32703
Parcel I.D. 15-21-28-7532-00-150
TEC # 25-035.00

2. **Not Self-Created**
   The special condition of this parcel has existed prior to applicant's purchase of this property. Therefore, this is NOT an applicant self-created condition. As a result a relief from the requirement of the 15 ft street side building setback is hereby requested to be reduced to 6.1 ft building setback.

3. **No Special Privilege Conferred**
   The request to reduce the north "street side" building setback from 15 ft to 6.1 ft, is a standard and common request. The approval of the zoning variance request will NOT confer on the applicant any special privilege that is denied by this Chapter to other lands, buildings or structures in the same zoning district.

4. **Deprivation of Rights**
   If the literal interpretation of the "street side" building setback of 15 ft is applied to this parcel, it will result in a maximum external house width of only 21 ft (after deduction of roof soffits). The internal width for this house would be 19 ft. This will certainly create an unnecessary and undue hardship on the applicant. Such narrow house will not be marketable and therefore will impose a financial loss to the applicant.

   The applicant has purchased the initial 2 lots then applied and obtained lot split to 3 lots, with NO intent to develop these lots in violation of the restrictions of this Chapter.

5. **Minimum Possible Variance**
   The requested variance to reduce the north "street side" building setback from 15 ft to 6.1 ft, is the minimum variance that will make possible the reasonable use of this land.

6. **Purpose and Intent**
   As evident of the proposed architectural elevations and construction qualities of this proposed house, this will greatly enhance the overall appearance of the surrounding neighborhood. Therefore, the requested variance to reduce the north "street side" building setback from 15 ft to 6.1 ft, will be in harmony with the purpose and intent of the zoning regulations and such variance will NOT be injurious (rather enhances) to the neighborhood or otherwise detrimental to the public welfare.

Ms. Daniella McCloud
Orange County Zoning Division
Cover Letter to Application for Variance Request (Revised)
Single Family Residence
1111 Derby Ave, Apopka, Florida 32703
Parcel I.D. 15-21-28-7532-00-150
TEC # 25-035.00

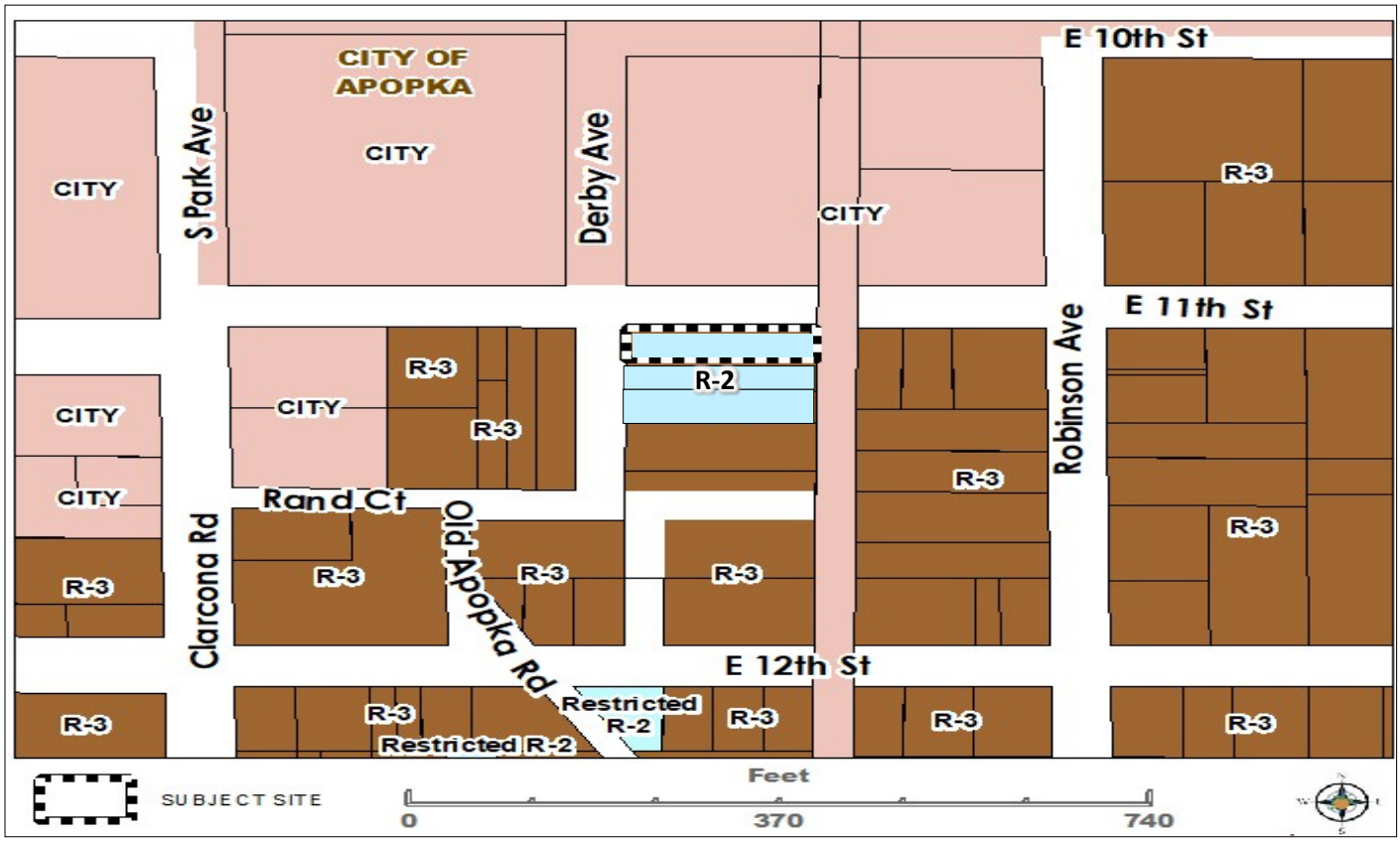
We trust the above information meets with your requirements for this application. Should you require any additional information or have any questions regarding this application and the attached supporting documents, please do not hesitate to contact me.

Very truly yours,
True Engineering & Consulting, Corp

By: Amr T. Gawad, P.E.,
President

Cc: Magic Houses, LLC

ZONING MAP

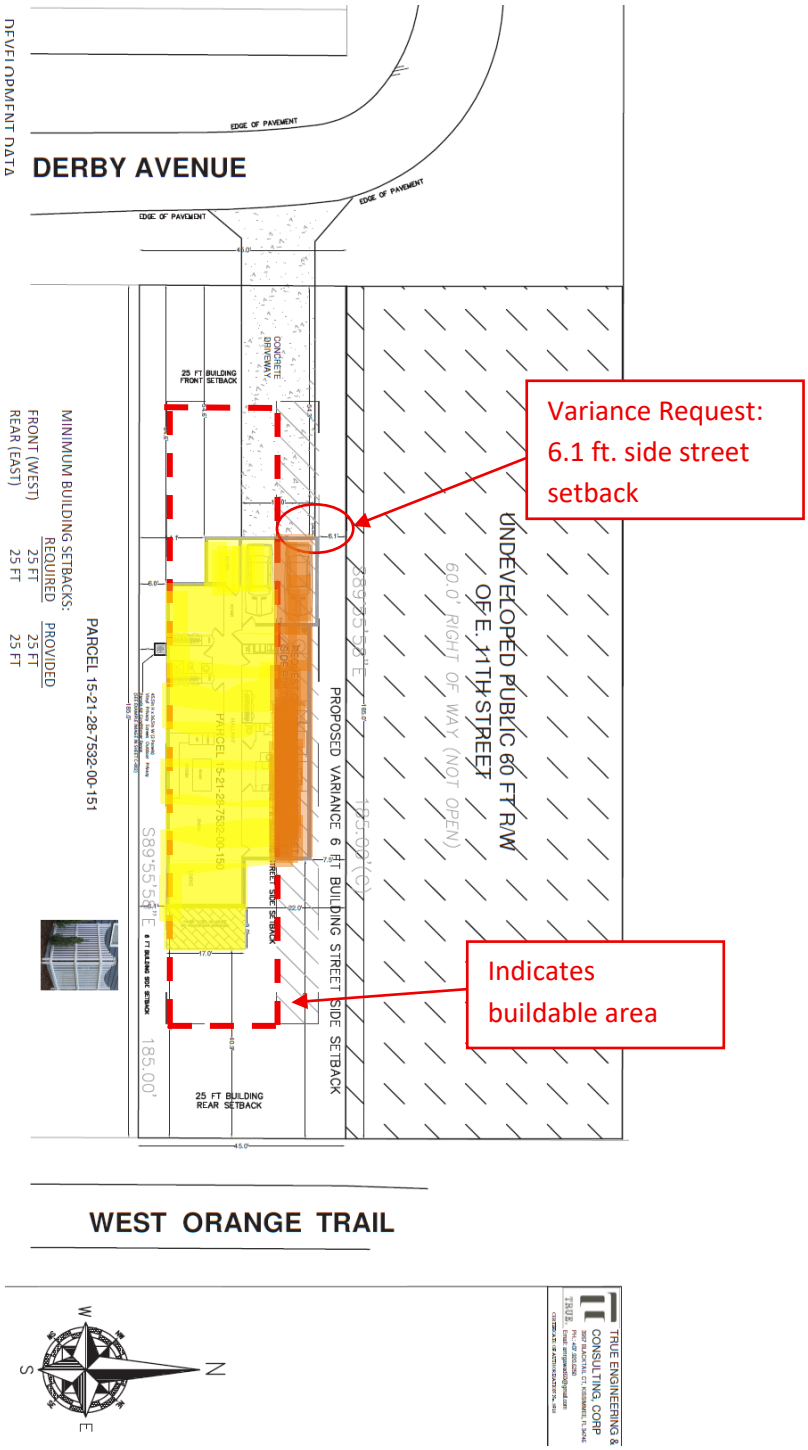


AERIAL MAP

SITE PLAN

- Proposed residence within buildable area/ building setbacks

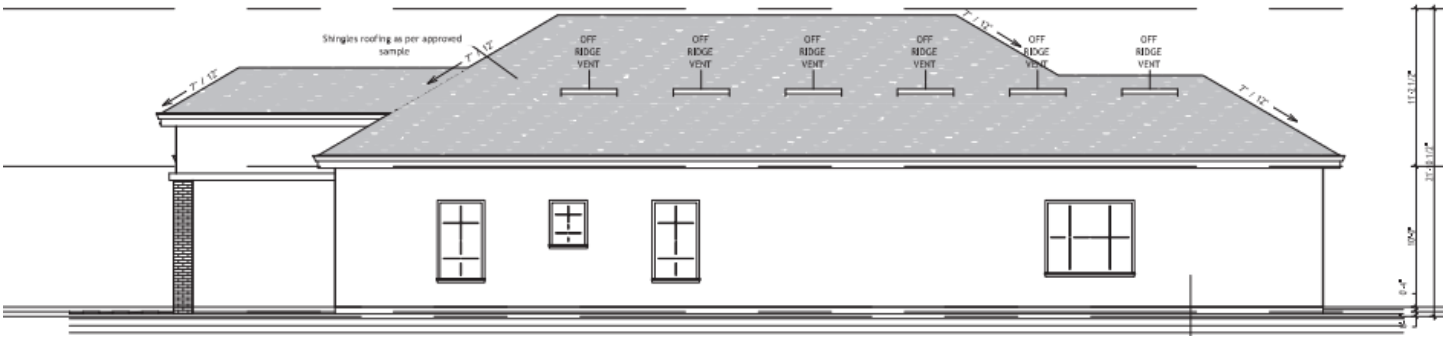
- Proposed residence within the required 15 ft. side street setback



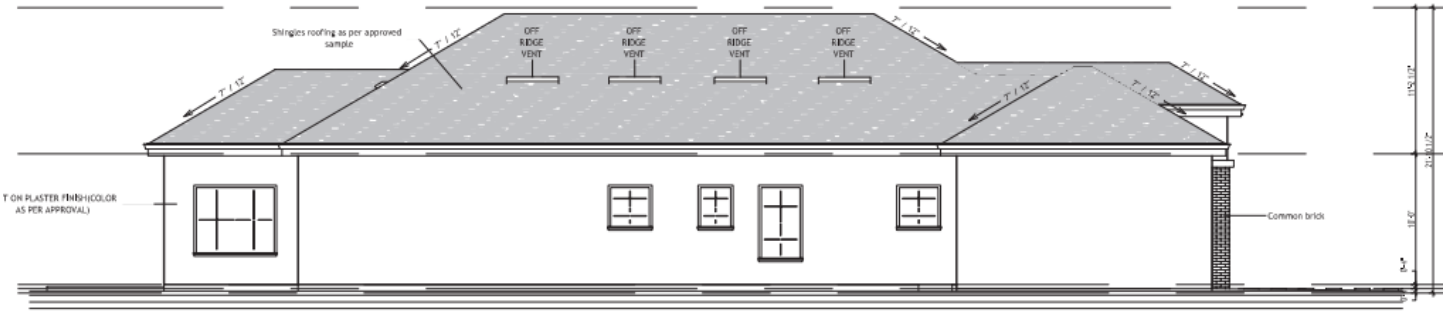
Front Elevation

Rear Elevation

ELEVATIONS



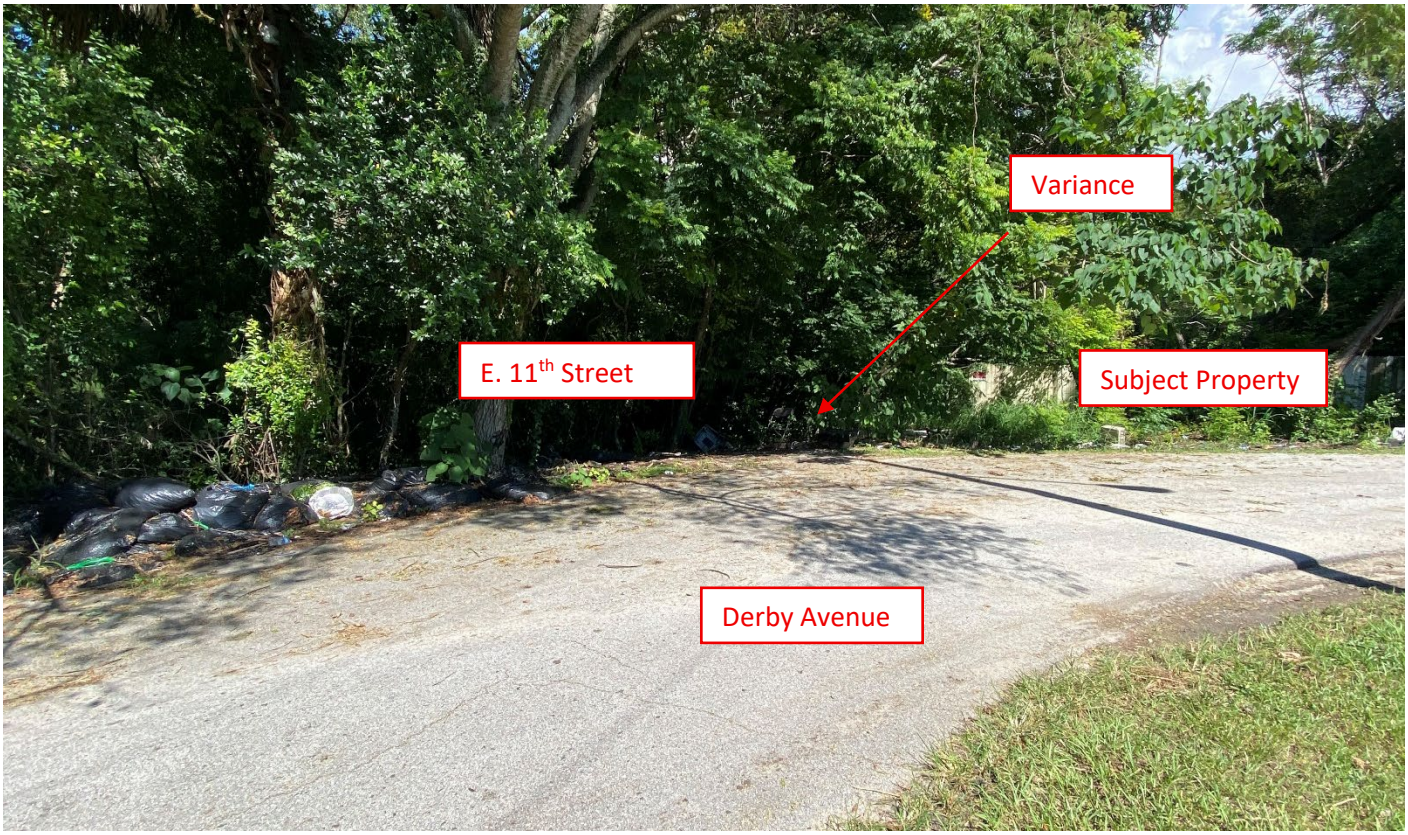
Right Elevation



Left Elevation

SITE PHOTOS

Facing east towards front of subject property from Derby Ave.



Facing east from the intersection of Derby Avenue and E. 11th Street

SITE PHOTOS

Side street yard, facing southeast towards subject property

Facing northeast, towards 11th Street from Derby Avenue

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