




## Interoffice Memorandum

December 30, 2024

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

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

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

SUBJECT: January 28, 2025, Board-Called Public Hearing  
Applicant: Omar Ramos – Madrigal Court  
BZA Case # VA-24-07-060, November 7, 2024; District 3

Board of Zoning Adjustment (BZA) Case # VA-24-07-060, located at 541 Madrigal Ct., Orlando, FL 32825, in District 3, is a Board-Called public hearing. The applicant is requesting variances in the PD zoning district as follows:

- 1) To allow an existing residence with 1,407 sq. ft. of living area in lieu of a maximum of 1,343 sq. ft.
- 2) To allow a proposed residence with 1,915 sq. ft. of living area in lieu of a maximum of 1,343 sq. ft.
- 3) To allow an addition to a residence with a north rear setback of 7 ft. in lieu of 15 ft.
- 4) To allow a 6 ft. high vinyl fence in the front yard setback in lieu of 4 ft.

This case was heard before the BZA on August 1, 2024, with a request for 4 variances. After discussion, it was recommended to be continued to a future BZA hearing date to allow the applicant the time to potentially modify the request and to receive approval from the Homeowners Association.

At the November 7, 2024, BZA hearing, staff recommended denial of variances #2 and #3; and approval of variances #1 and #4. Staff noted the reason for the recommendation of denial for variances #2 and #3 as there is ample space on the subject property to construct a reconfigured addition to the west side of the house, such that a setback variance would not be required, and the additional increase in square

December 30, 2024

Board-Called Public Hearing – Omar Ramos – Madrigal Court

Variances

Page 2

footage where the residence is already in excess of the maximum square footage designated per the preliminary subdivision plan (PSP) is self-created. There was no one in attendance to speak in favor or in opposition to the request. It was also noted that prior to the BZA hearing two comments were received in favor and no comments were received in opposition to the request. The BZA discussed the unique shape of all lots within the subdivision and that the size difference between the proposed addition and existing screen enclosure is nominal. As such, the BZA recommended approval of all four variance requests subject to the conditions found in the staff report.

At the December 3, 2024, Board meeting, this item was pulled for a separate public hearing at the request of Commissioner Uribe.

The notification area was updated to include the remaining parcels in the block as requested by Commissioner Uribe, which included 4 additional properties.

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

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

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

LO/ag

Attachment: Zoning Division Public Hearing Report and BZA Staff Report

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

**January 28, 2025**

The following is a public hearing before the Board of County Commissioners on January 28, 2025, at 2:00 p.m.

**APPLICANT:** OMAR RAMOS - MADRIGAL COURT

**REQUEST:** Variances in the PD zoning district as follows:  
1) To allow an existing residence with 1,407 sq. ft. of living area in lieu of a maximum of 1,343 sq. ft.  
2) To allow a proposed residence with 1,915 sq. ft. of living area in lieu of a maximum of 1,343 sq. ft.  
3) To allow an addition to a residence with a north rear setback of 7 ft. in lieu of 15 ft.  
4) To allow a 6 ft. high vinyl fence in the front yard setback in lieu of 4 ft.

**LOCATION:** 541 Madrigal Ct., Orlando, FL 32825, east side of Madrigal Ct., west of N. Chickasaw Trl., east of N. Goldenrod Rd., north of S.R. 408

**LOT SIZE:** +/- 0.21 acres (+/- 9,398 sq. ft.)

**ZONING:** PD

**DISTRICT:** #3

**PROPERTIES NOTIFIED:** 151

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

Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval for Variances #1 and #4 and denial of Variances #2 and #3. Staff noted that two comments were received in favor and no comments were received in opposition to the request. Staff explained that this request was previously heard at the August BZA hearing and the BZA had continued the item in order for the applicant to meet with the HOA and redesign the site plan to reduce the requested Variances.

The applicant discussed the correspondence with the HOA and explained that they have been reaching out to the HOA but have not gotten a clear answer or response. The applicant noted that they had removed the previously requested 5th variance related to the shed location. The owner explained the reason for the proposed addition.

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

The BZA discussed the request, noting that the most affected neighbor has now provided comments in support and that the lots within the subdivision are all fairly unique in shape, but that this lot is the most unique. The BZA asked if the sheds have been removed or relocated yet, to which the applicant noted that they had not. The BZA discussed the size difference between the proposed addition and existing screen enclosure, determining that the size and setback are fairly similar to the existing condition. The BZA unanimously recommended approval of all four (4) variances by a 7-0 vote, subject to the six (6) conditions found in the staff report.

### **BZA HEARING DECISION:**

A motion was made by Juan Velez, seconded by Roberta Walton Johnson and carried to recommend APPROVAL of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as amended (7 in favor: John Drago, Juan Velez, Deborah Moskowitz, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Chris Dowdy; 0 opposed; 0 absent):

1. Development shall be in accordance with the site plan and elevations dated September 12, 2024, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit for the existing fence, showing that the north gate has been removed shall be obtained prior to obtaining a permit for the addition; or within 180 days of final approval, whichever comes first.
5. A permit shall be obtained for the concrete pad, or it shall be removed prior to obtaining a permit for the addition.
6. A permit shall be obtained for the 2 sheds, or they shall be removed prior to obtaining a permit for the addition.

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **NOV 07, 2024**

Commission District: **#3**

Case #: **VA-24-07-060**

Case Planner: **Laekin O'Hara (407) 836-5943**

**Laekin.O'Hara@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** OMAR RAMOS - MADRIGAL COURT

**OWNER(s):** JUAN JOSE ARUACO; ESPERANZA VICTORIA RODRIGUEZ

**REQUEST:** Variances in the PD zoning district as follows:

- 1) To allow an existing residence with 1,407 sq. ft. of living area in lieu of a maximum of 1,343 sq. ft.
- 2) To allow a proposed residence with 1,915 sq. ft. of living area in lieu of a maximum of 1,343 sq. ft.
- 3) To allow an addition to a residence with a north rear setback of 7 ft. in lieu of 15 ft.
- 4) To allow a 6 ft. high vinyl fence in the front yard setback in lieu of 4 ft.

**PROPERTY LOCATION:** 541 Madrigal Ct., Orlando, FL 32825, east side of Madrigal Ct., west of N. Chickasaw Trl., east of N. Goldenrod Rd., north of S.R. 408

**PARCEL ID:** 26-22-30-2060-00-490

**LOT SIZE:** +/- 0.21 acres (+/- 9,398 sq. ft.)

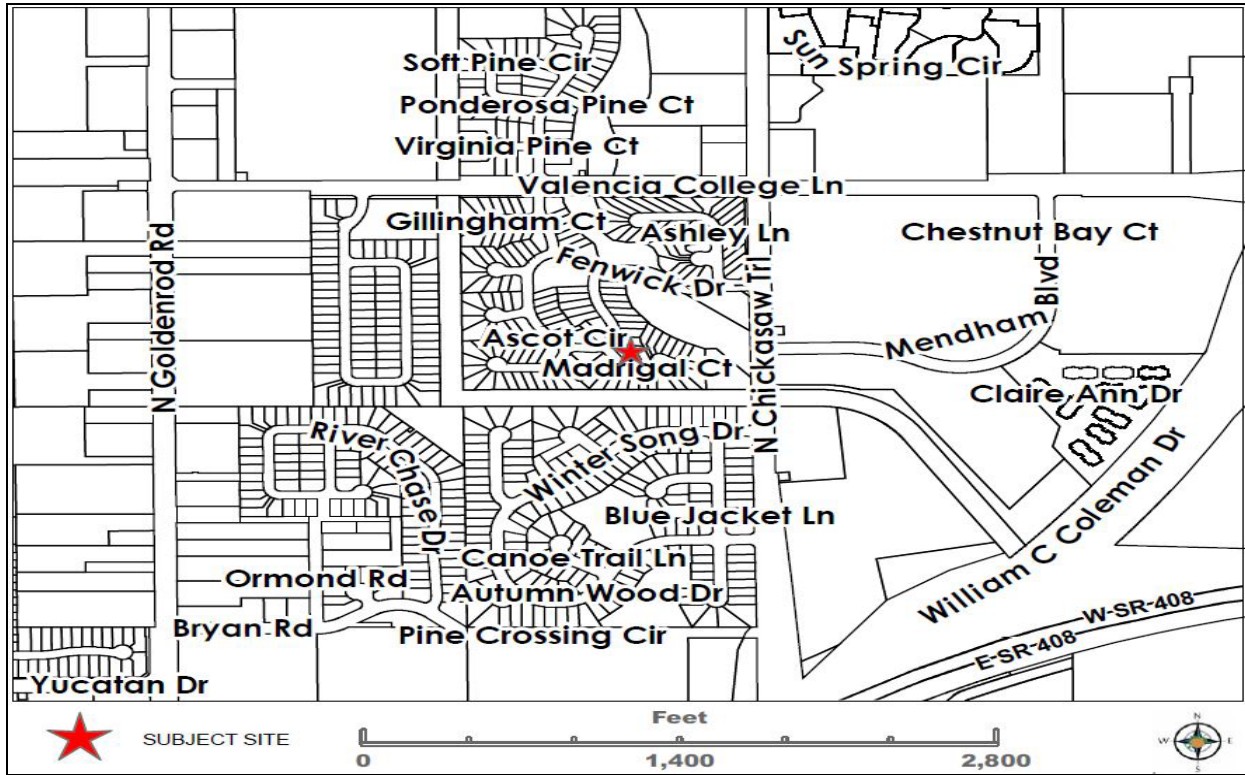
**NOTICE AREA:** 500 ft.

**NUMBER OF NOTICES:** 151

## STAFF RECOMMENDATIONS

Denial of Variances #2 and #3; approval of Variances #1 and #4, subject to the conditions in this report. However, if the BZA should find that the applicant has satisfied the criteria for the granting of all the Variances, staff recommends that the approval be subject to the conditions in this report.

## LOCATION MAP



## SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Expressway Center PD	Expressway Center PD	Expressway Center PD	Expressway Center PD	Expressway Center PD
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
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 Expressway Center Planned Development, which allows single-family, multi-family, commercial, office, and institutional uses. The property has a Future Land Use designation of Low-Medium Density Residential (LMDR) which is consistent with the PD zoning designation.

The subject property is located on the north side of Madrigal Ct. and is considered a reverse corner lot. Madrigal Ct. is a single road that curves into a cul-de-sac, where it could be considered one continuous frontage; however, the original building permit for this home clearly identifies this as a corner lot. The north rear of the subject property abuts the side of the adjacent property, which makes it a reverse corner lot. The property was platted in 1985 as Lot 49 of the First Addition to Devonwood Unit One-A plat. The property is located in the Devonwood subdivision, which is comprised of single-family detached homes. The site is developed with a single-story, 1,407 gross sq. ft. single-family home, constructed in 1985. The property also

contains an existing 315 sq. ft. screen room and two storage sheds, all installed without permits. One shed is located near the rear of the property, and one is located near the front. Based on aerial photography, the screen room was installed some time before 2004, the rear shed some time after 2022, and the front shed some time after 2023. Additionally, there is a 6 ft. high fence with three gates enclosing the property on its north, west, and south sides. There is a 10 ft. utility easement on the west side of the property, and a 5 ft. utility easement on the north side, neither of which are impacted by the requests. The property was acquired by the current owners in 2023.

The proposal includes the construction of a 508 sq. ft. addition to the rear of the home and recognition of existing improvements. The preliminary subdivision plan (PSP) for the Devonwood subdivision designates the maximum square footage for detached homes as 1,343 sq. ft. thereby necessitating two Variances: a retroactive Variance for the existing home to exceed the maximum allowable square footage, from 1,343 sq. ft. to 1,407 sq. ft. (Variance #1); and a Variance to exceed the maximum allowable square footage as a result of the proposed addition, from 1,343 sq. ft. to 1,915 sq. ft. (Variance #2). The Devonwood PSP also designates 15 ft. rear setbacks, and side yard setbacks as 0/7.5 ft. Meaning that along one of the side yard lot lines, the minimum setback is 0 ft., and structures can be built up to the property line, but along the other side yard lot line, there would need to be a minimum of 7.5 ft. setback. This effectively creates a minimum building separation between lots of 7.5 ft. The home to the north of the subject property is built less than 2 ft. from the property line shared by the two homes, as the shared lot line is the rear lot line of the subject property, but the side lot line of the abutting north property. The proposed addition is only 7 ft. from the north property line, thereby necessitating a Variance to allow a rear setback of 7 ft. in lieu of 15 ft. (Variance #3). If the addition to the home is approved as proposed, it will be located less than 9 ft. from the adjacent home. A slab has been poured to the north rear property line without a permit, encroaching on the 5 ft. utility easement; the portion that is encroaching on the utility easement is proposed to be removed.

Both sheds are inside the fence, though the shed at the front of the property does not meet setback requirements. The screen room and rear shed are proposed to be removed with construction of the addition. The fence was permitted in 2017 to be 6 ft. in height on all sides, including the south (front) side—though code requires a maximum of 4 ft. in the front yard setback and was permitted with only one gate. As a result, an additional Variance is requested to allow the 6 ft. portion of the fence to remain at the front of the property (Variance #4). A permit (F24012437) has been submitted to correct the unpermitted sections of the fence and gates, which is on hold pending the outcome of these requests. A permit (B24012436) was submitted for the existing front shed on June 11, 2024, and was pending approval of a variance request to the west setback but that variance request has since been withdrawn, as noted below.

Staff has reviewed the request and recommends denial of Variances #2 and #3. Based on staff review, there is ample space on the subject property to construct a reconfigured addition to the west side of the house, such that a setback Variance would not be required, and the additional increase in square footage where the residence is already in excess of the maximum square footage is self-created.

However, staff recommends approval of Variances #1 and #4. The home was built in excess of the PSP's stated maximum square footage well before the current owners took ownership and is therefore not a self-created condition. Similarly, the fence was permitted in 2017, prior to the current owners, to be constructed at a height of 6 ft.

This case was heard before the Board of Zoning Adjustment (BZA) on August 1, 2024, with a request for 5 variances. After discussion, it was recommended to be continued to a future BZA hearing date to allow the applicant the time to potentially modify the request and to receive approval from the Homeowners

Association. Following the BZA discussion, the owners modified their request and their plans and removed the initial request for Variance #5 to allow the existing shed to remain at the front of the property to remain as-is. They have indicated that this shed will either be relocated to a Code compliant location or removed. They also reduced the size of the addition from 575 sq. ft. to 508 sq. ft. resulting in a total of 1,915 sq. ft. as opposed to the previously requested 1,982 sq. ft. and an increased setback of 7 ft. from the north property line in lieu of the previously requested 5 ft.

The applicant is still coordinating with the HOA at this time but asked to continue forward with the BZA hearing.

Staff has received 1 comment in favor of the application, and no comments in opposition.

#### District Development Standards

	Code Requirement	Proposed
Max Height:	16 ft.	16 ft.
Min. Lot Width:	None stated on PSP	86.7 ft. (existing)
Min. Lot Size:	3,540 sq. ft.	+/- 9,398 sq. ft.
Max. Living Area	1,343 sq. ft.	1,407 sq. ft. (existing, Variance #1) 1,915 sq. ft. (proposed, Variance #2)

#### Building Setbacks (that apply to structure in question)

	Code Requirement	Proposed
Front:	20 ft. primary structure	30.3 ft. residence (South)
Rear:	15 ft. primary structure	16.67 ft. residence (North, existing) 5.5 ft. screen room (North, existing - To be removed) 7 ft. (North, proposed, Variance #3)
Side:	0 ft. primary structure	6.6 ft residence (East, existing)
Side Street: Madrigal Ct.	20 ft. side street, primary structure	22.5 ft. residence (East, existing)

---

#### STAFF FINDINGS

---

#### VARIANCE CRITERIA

##### Special Conditions and Circumstances

**Variance #3:** There are no special conditions or circumstances peculiar to the land or building which are not applicable to other properties in the same subdivision. The applicant can redesign the addition without sacrificing functionality or useability.

**Variances #1, #2, and #4:** The home was built in excess of the PSP's stated maximum square footage well before the current owners took ownership. Any addition to the existing home, for which there is ample space, would



require a variance. Similarly, the unique lot shape and its classification as a reverse corner lot limits the locations where a privacy fence could be installed.

#### **Not Self-Created**

**Variance #3:** All circumstances are self-created. The applicant can redesign the addition without sacrificing functionality or useability.

**Variances #1, #2, and #4:** The home was built in excess of the PSP's stated maximum square footage well before the current owners took ownership and is therefore not self-created. Any addition to the existing home, for which there is ample space, would require a variance. Similarly, the owners are not responsible for the height at which the fence was permitted.

#### **No Special Privilege Conferred**

**Variance #3:** Granting this Variance would confer special privilege since there are other options for constructing an addition to the house that would meet PSP setback standards.

**Variances #1, #2, and #4:** No special privilege would be conferred by granting these Variances; they are meant simply to bring improvements that were constructed before the current owners took ownership into compliance. Additionally, any addition to the existing home, for which there is ample space, would require a variance.

#### **Deprivation of Rights**

**Variance #3:** There is no deprivation of rights as there are code-compliant options available for the addition.

**Variances #1, #2, and #4:** Without approval of these variances, the owners would be held responsible for non-compliance issues for which they are not responsible. Additionally, any addition to the existing home, for which there is ample space, would require a variance.

#### **Minimum Possible Variance**

**Variance #3:** The request is not the minimum possible as there are code-compliant options available for the addition.

**Variances #1, #2, and #4:** The requests are the minimum possible as the size of the house and the height of the fence were both constructed as permitted. Additionally, any addition to the existing home, for which there is ample space, would require a variance.

#### **Purpose and Intent**

**Variances #2 and #3:** The requests are not in harmony with the purpose and intent of the code. The code is primarily focused on minimizing the impact structures have on surrounding properties. The proposed addition could be reconfigured to lessen or remove said impact.

**Variances #1, #4:** Approval of the Variances will recognize the existing improvements to the property.

---

## CONDITIONS OF APPROVAL

---

1. Development shall be in accordance with the site plan and elevations dated September 12, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit for the existing fence, showing that the north gate has been removed shall be obtained prior to obtaining a permit for the addition; or within 180 days of final approval, whichever comes first.
5. A permit shall be obtained for the concrete pad, or it shall be removed prior to obtaining a permit for the addition.
6. A permit shall be obtained for the 2 sheds, or they shall be removed prior to obtaining a permit for the addition.

C: Omar Ramos  
E-General Services Corp.  
6 Randia Drive  
Orlando, FL 32807

Juan Jose Aruaco and Esperanza Victoria Rodriguez  
541 Madrigal Ct.  
Orlando, FL 32825

## Cover Letter

Juan Jose Arauco  
541 Madrigal Ct  
Orlando, FL 32825  
(321) 200-0359  
info@er-permits.com

October, 17th, 2024

ELECTRONIC MAIL

Orange Orange Board of Zoning Adjustment  
201 South Rosalind Avenue, 1st Floor,  
Orlando, Florida 32801

Re: 541 Madrigal Ct      Application for Variance

To whom it May Concern,

I, Juan Jose Arauco, represent myself as a homeowner of approximately 9,398 square feet of land located at 541 Madrigal Ct in unincorporated Orange County (Parcel Identification number 26-22-30-2060-00-490)("Property"). Enclosed is an Orange County Board of Zoning Adjustment Application, Together with the applicable fee of \$638.00, requesting the approval of a variance to:

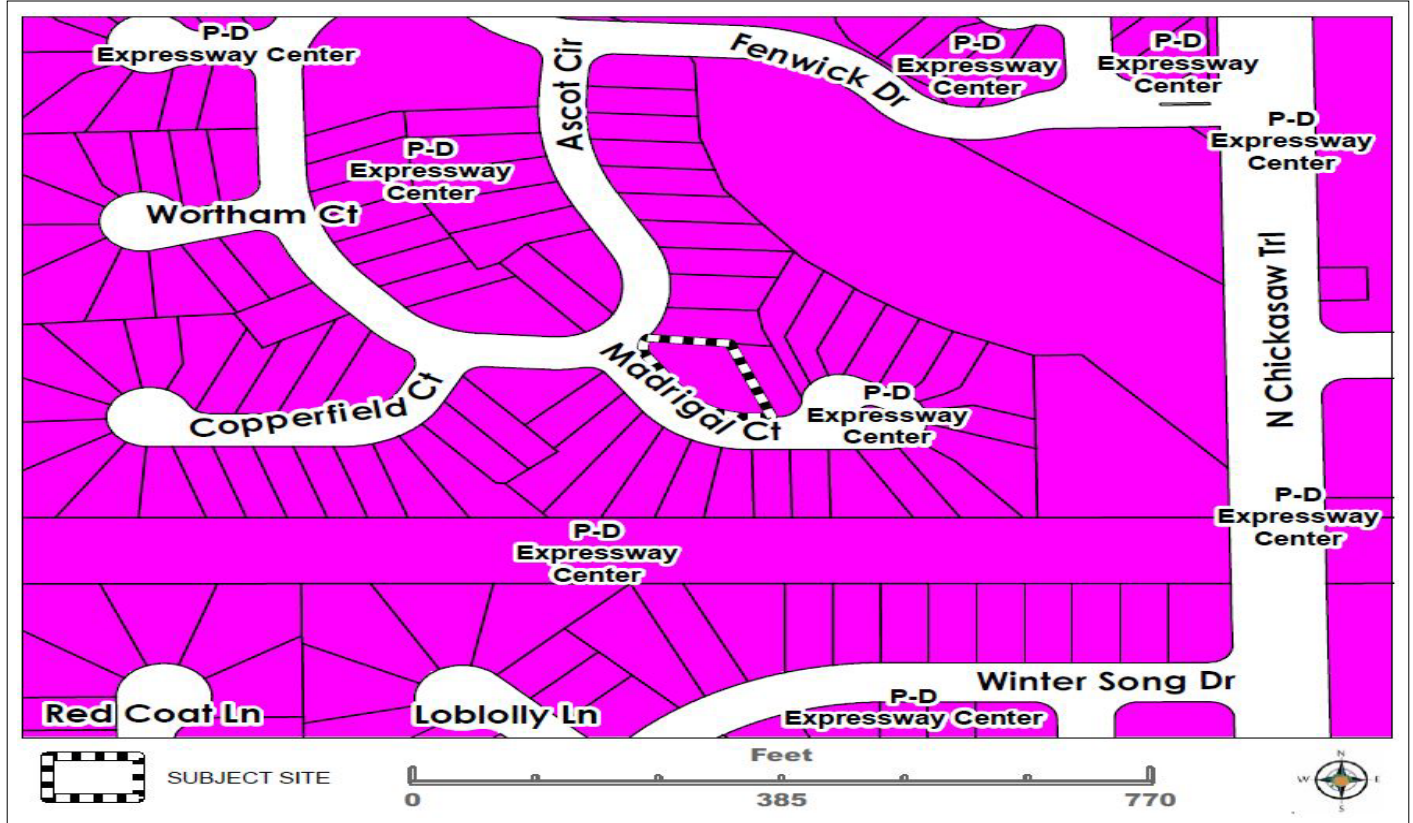
1. To allow an existing residence with 1,407 sq. ft. of living area in lieu of a maximum of 1,343 sq. ft.
2. To allow a proposed residence with 1,915 sq. ft. of living area in lieu of 1,343 sq. ft
3. To allow an addition to a residence with a north rear setback of 7 ft. in lieu of 15 ft.
4. To allow a six foot high vinyl fence in the front yard in lieu of 4 ft.

Approval of this variance will give us an opportunity to move forward with the required permits for this project and conclude the construction as soon as we can. The additional space is necessary to accommodate my daughter who is currently taking classes in the University. A separate and quiet space is essential for her study success. The rent pricing increase for housing in our community left my daughter with the impossibility to live independently. This additional space will help us to support and cover the needs of my entire family.

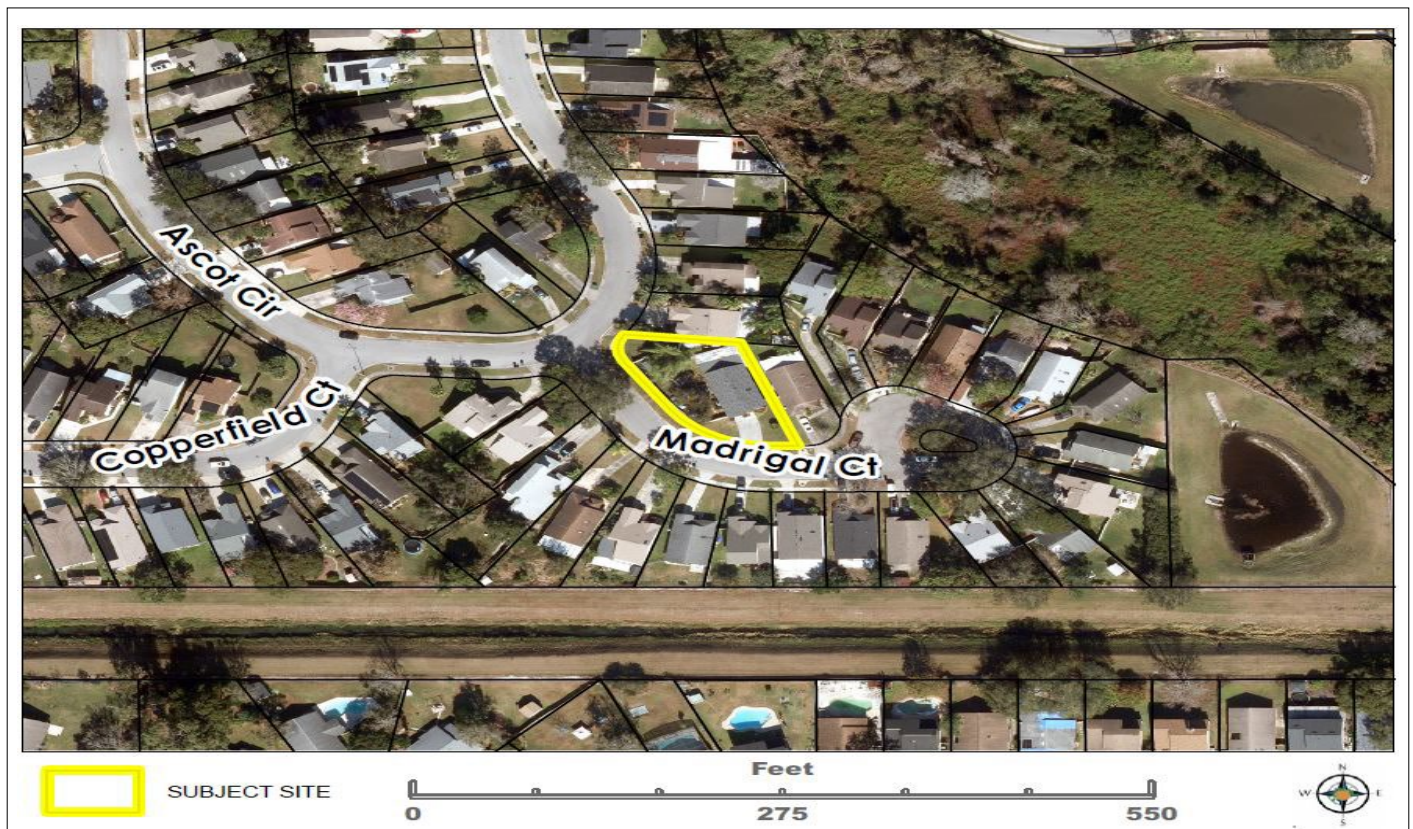
Best regards,

*Juan Jose Arauco*  
Homeowner

## ZONING MAP

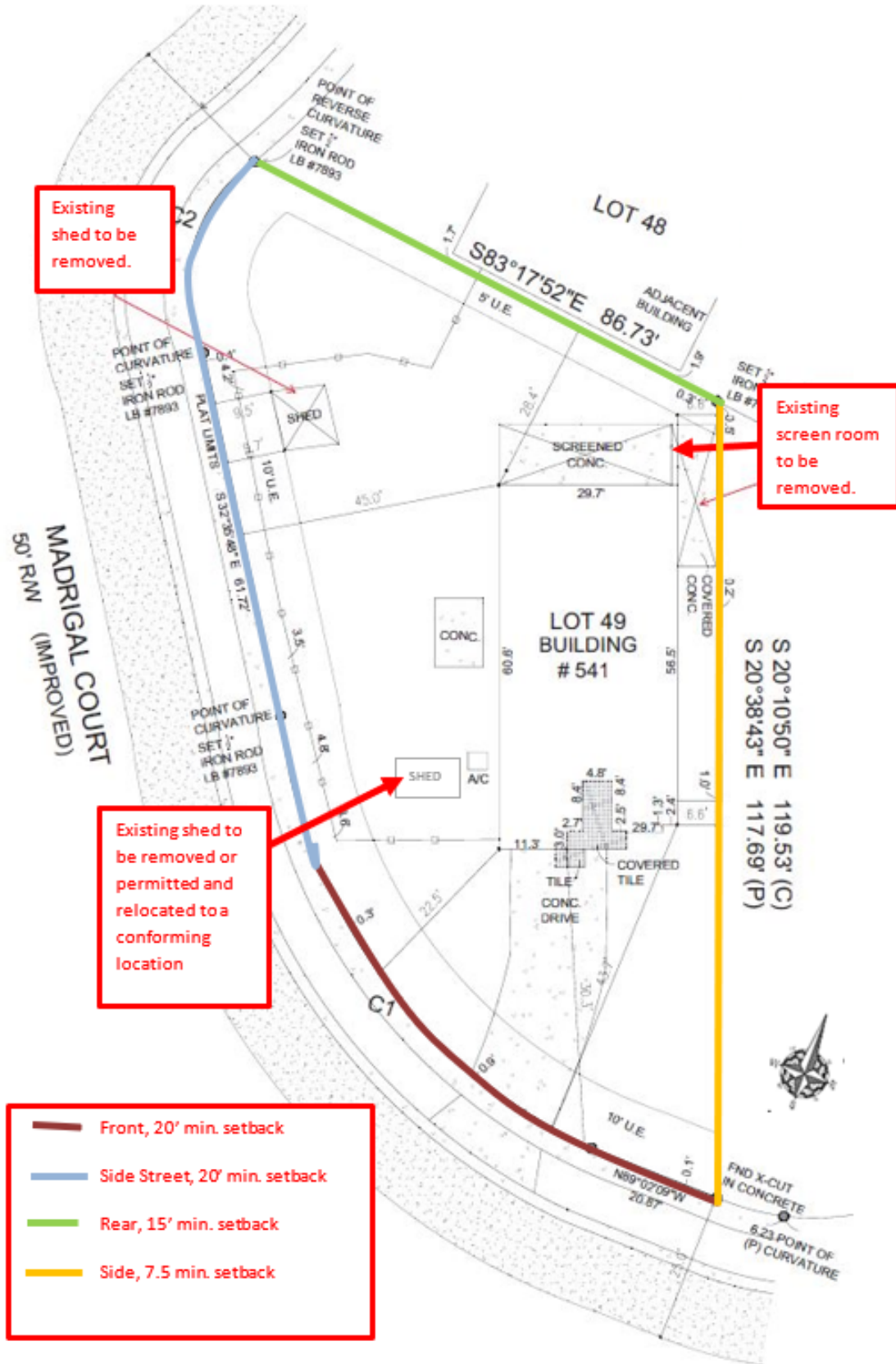


## AERIAL MAP

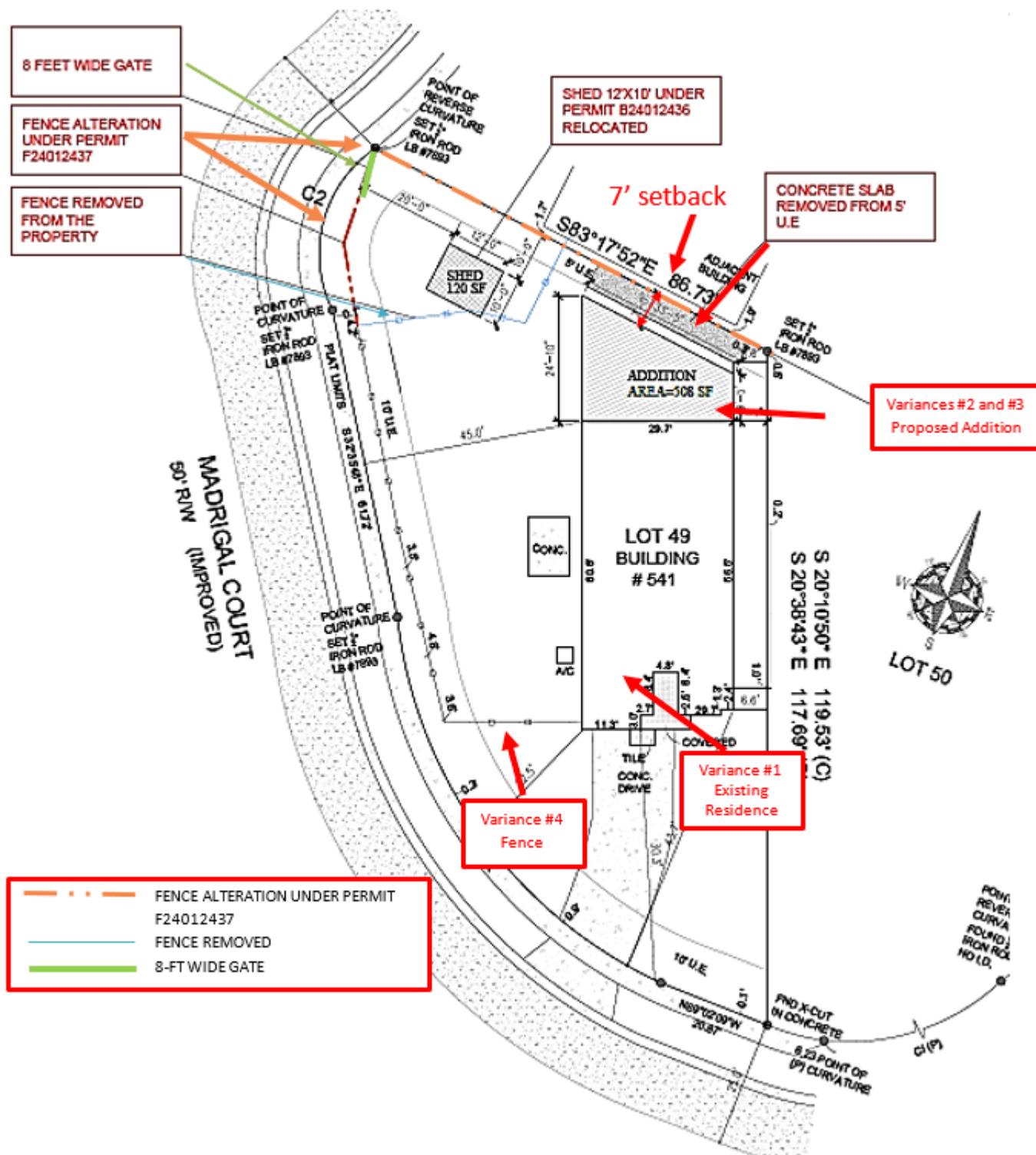




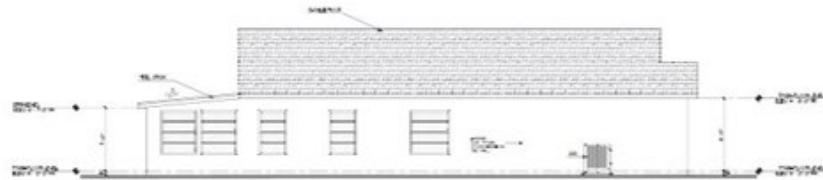
# SITE PLAN



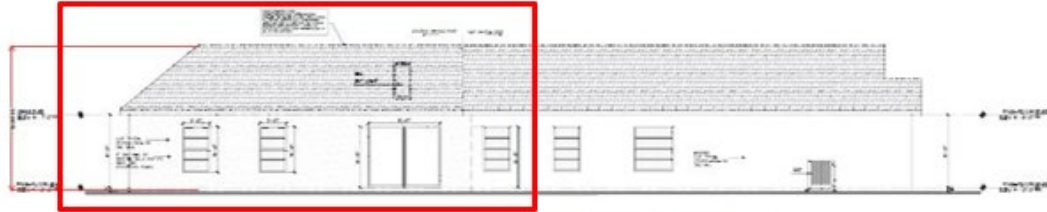
## FLOOR PLAN



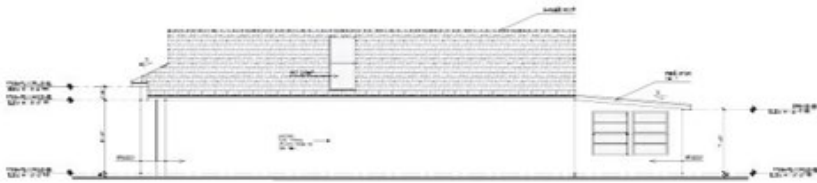
# ELEVATIONS



WEST 1  
A2 EXISTING LEFT ELEV.  
SCALE 3/16" = 1'



WEST 1  
A2 PROPOSED LEFT ELEV.  
SCALE 3/16" = 1'



EAST 1  
A2 EXISTING RIGHT ELEV.  
SCALE 3/16" = 1'



NORTH 1  
A2 EXISTING REAR ELEV.  
SCALE 3/16" = 1'



EAST 1  
A2 PROPOSED RIGHT ELEV.  
SCALE 3/16" = 1'



NORTH 1  
A2 PROPOSED REAR ELEV.  
SCALE 3/16" = 1'



## SITE PHOTOS



**Front of home with existing 6 ft. fence and shed (to be removed or relocated), facing north (Variance #4)**



**Existing shed, fence, and gate, facing east from Madrigal Ct. (Variance #4)**



## SITE PHOTOS



**Side gate, facing northeast from Madrigal Ct.**



**Rear gate, facing northeast from Madrigal Ct.**



## SITE PHOTOS



**Proposed location of addition, facing east**



**Proposed location of addition, facing northeast**



---

## SITE PHOTOS

---



**Location of proposed addition, facing west**



**Facing west with adjacent structure**