

Interoffice Memorandum

DATE: November 12, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

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

CONTACT: Laekin O'Hara, Chief Planner

PHONE: (407) 836-5943

DIVISION: Zoning Division

ACTION REQUESTED:

Deny the applicant's request; or approve the applicant's request with conditions. District 2.

PROJECT: Case # VA-25-09-039 – BERESFORD GITTENS

PURPOSE: Board of Zoning Adjustment (BZA) Case # VA-25-09-039 located at 5285 Shale Ridge Trl., Orlando, FL 32818, in District 2, is an appeal to the Board of County Commissioners (BCC). The applicant is requesting Variances in the R-L-D zoning district for a detached accessory structure (shed) as follows:

- 1) To allow a 1 ft. north side setback in lieu of 5 ft.
- 2) To allow a 1 ft. rear setback in lieu of 5 ft.

At the October 2, 2025 BZA hearing, staff recommended denial of the Variance request. There was no one in attendance to speak in favor or in opposition to the request. Prior to the BZA hearing, no comments were received in favor or in opposition to the request. At the BZA hearing, the applicant provided 4 letters of support from surrounding neighbors.

The BZA and applicant discussed at length the chosen placement of the shed, the water runoff, the lack of obtaining permits, and impacts to adjacent property owners. A representative from Development Engineering spoke to the additional conditions related to stormwater runoff and the installation of gutters. Code Enforcement was also present and discussed the cited violations and noted that the case has not yet been heard by the Special Magistrate. The BZA voiced concerns with adverse impacts to adjacent

property owners, and recommended denial of the Variance requests by a 5-1 vote with 1 absent.

The applicant subsequently appealed the BZA recommendation of denial, noting that installing gutters on the shed and open porch to direct water toward their own property, along with completing sod installation on the side of the house, would help address concerns about water drainage. Combined with the letters of support previously submitted by neighbors, the applicant feels these measures should be sufficient to justify retaining the shed and open porch.

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 of the application is available upon request in the Zoning Division.

BUDGET: N/A