



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

July 3, 2025

Zoning Division

**BOARD OF ZONING ADJUSTMENT (BZA)
ORANGE COUNTY GOVERNMENT**

<u>Board Member</u>	<u>District</u>
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 I

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
JULY 3, 2025**

Case #	Applicant	Commission District	Staff Recommendation	BZA	Page #
VA-25-06-020	David Heinmiller	3	Request #1 Approval w/Conditions Request #2, Denial	Approval w/Conditions	1
VA-25-07-025	David Acosta and Mercy Marquez	5	Approval w/Conditions	Approval w/Conditions	15
VA-25-07-026	Marie Presume and Charlemagne Presume	4	Denial	Approval w/Conditions	30
VA-25-07-027	Steven McAuliffe	5	Denial	Approval w/Conditions	46
VA-25-07-028	Applicant	3	Continued to 8/7/25	Continued to 8/7/25	60

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 Aug. 5, 2025.

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.

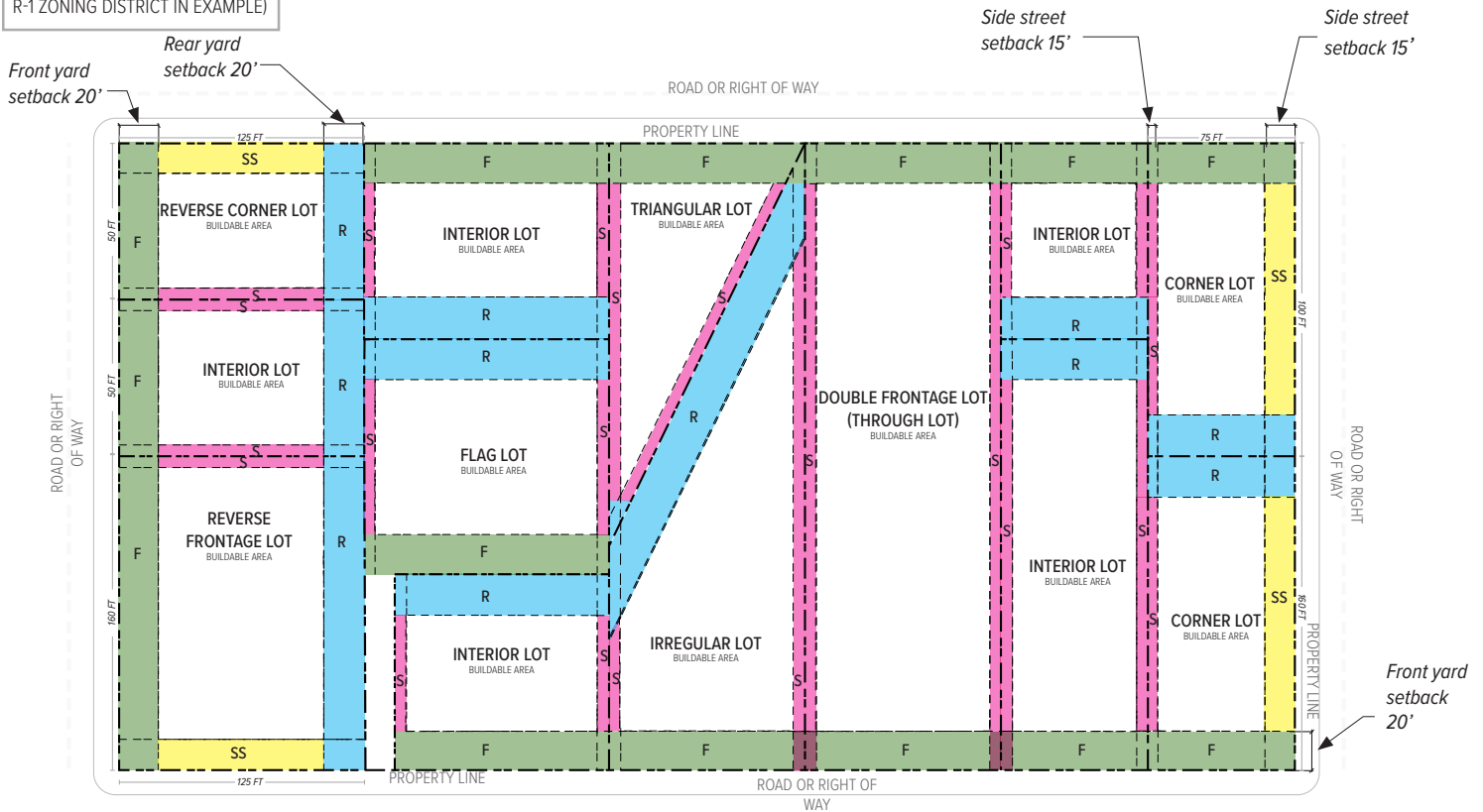
FOOTNOTES

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.

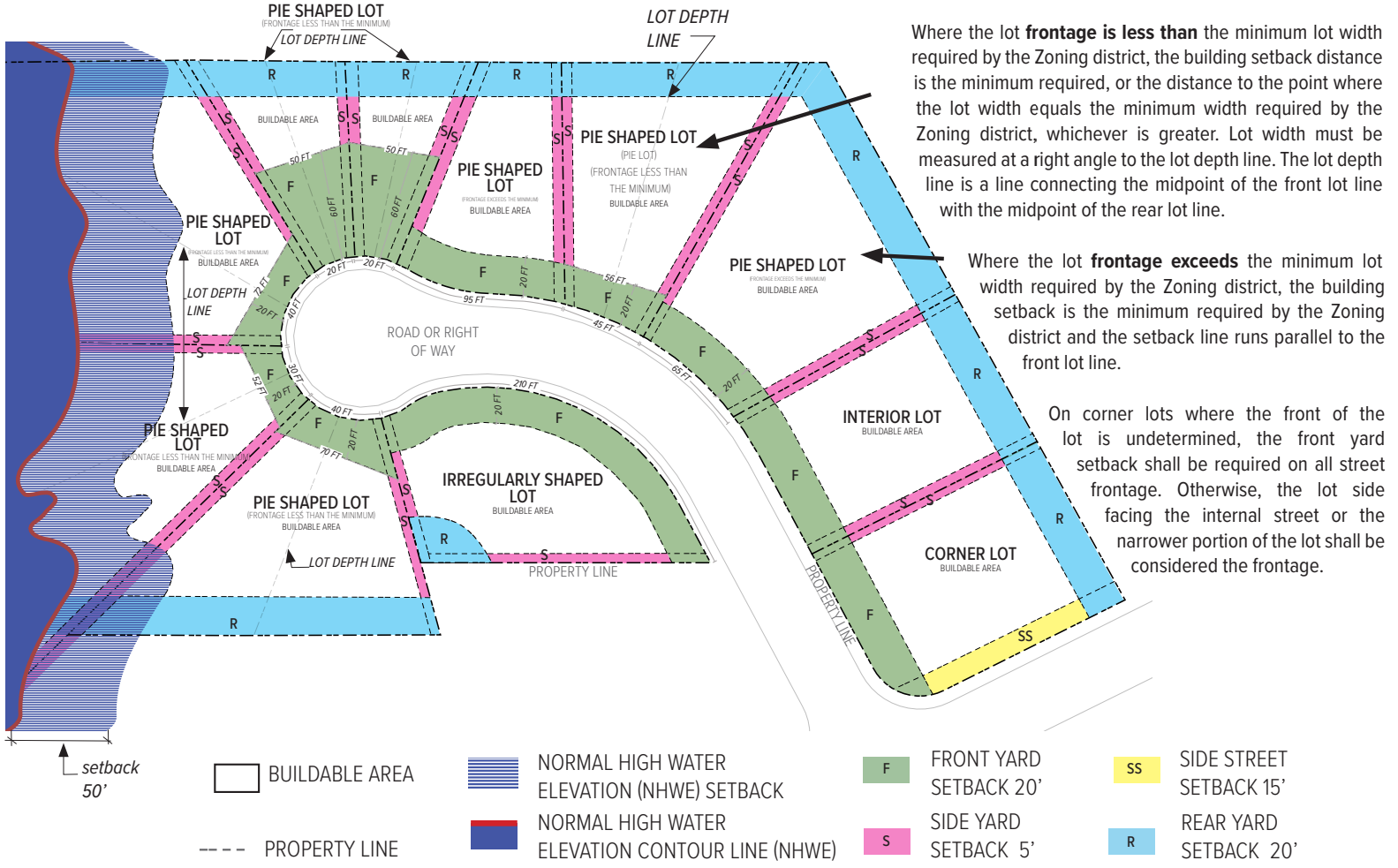
These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

Figure 1. Residential Yard Setback

YARD DETERMINATION (BASED ON R-1 ZONING DISTRICT IN EXAMPLE)



- BUILDABLE AREA
- PROPERTY LINE
- SS SIDE STREET SETBACK 15'
- F FRONT YARD SETBACK 20'
- S SIDE YARD SETBACK 5'
- R REAR YARD SETBACK 20'



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.

- BUILDABLE AREA
- NORMAL HIGH WATER ELEVATION (NHWE) SETBACK
- F FRONT YARD SETBACK 20'
- SS SIDE STREET SETBACK 15'
- PROPERTY LINE
- NORMAL HIGH WATER ELEVATION CONTOUR LINE (NHWE)
- S SIDE YARD SETBACK 5'
- R REAR YARD SETBACK 20'

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: **JULY 03, 2025**

Commission District: **#3**

Case #: **VA-25-06-020**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): DAVID HEINMILLER

OWNER(s): DAVID HEINMILLER

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

1) To allow the enclosure of the existing porch with a front setback of 24.6 ft. in lieu of 30 ft.

2) To allow an existing shed with a side setback of 4 ft. in lieu of 5 ft.

PROPERTY LOCATION: 3616 Bliss Ave., Orlando, FL 32806, west side of Bliss Ave., north of Gatin Ave., east of S. Summerlin Ave., south of E. Michigan St., west of S. Fern Creek Ave.

PARCEL ID: 12-23-29-0748-02-030

LOT SIZE: +/- 0.26 acres (+/- 11,407 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 113

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

1. Development shall be in accordance with the site plan date stamped June 16, 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 enclosure of the existing porch to living space, a permit for the detached accessory structure (shed) shall be obtained, or the structure shall be removed from the property.
5. The proposed front porch enclosure shall be constructed of the same material as the existing house and painted in the same color palette as the existing house.

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 (6) criteria and the reasons for a recommendation for approval of Variance #1 and denial of Variance #2. Staff noted that one comment was received in favor and no comments were received in opposition to the request.

The applicant was present and noted that when they purchased the property the shed was on the property.

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

The BZA discussed the fact that the structure has been on the property since the 1970s and the setback encroachment was considered minor and without the Variance the shed would have to be removed.

The BZA recommended approval of both Variances as requested by a 5-0 vote, subject to the four (4) conditions found in the staff report with a modification of condition of approval #1 and the addition of condition of approval #5 as follows:

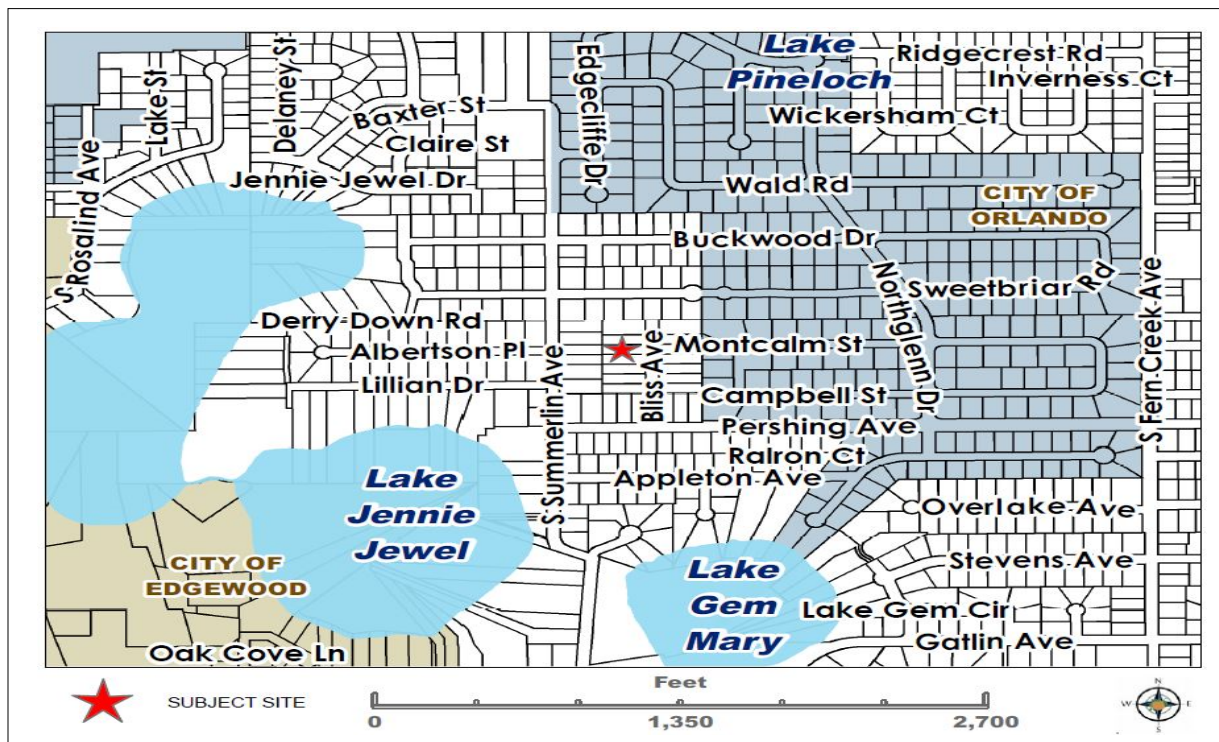
1) Development shall be in accordance with the site plan date stamped June 16, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. 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).

5) The proposed front porch enclosure shall be constructed of the same material as the existing house and painted in the same color palette as the existing house.

STAFF RECOMMENDATIONS

Approval of Variance request #1 and denial of Variance request #2, 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 modified conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1AA	R-1AA	R-1AA	R-1AA	R-1AA
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-1AA, 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-1AA zoning district.

The area around the subject site consists of single-family homes. The subject property is approximately 11,407 sq. ft. in size, was platted in 1948 as lot 3 in Block B of the Blissfield Homes Subdivision Plat and is considered a substandard lot due to the lot width. The subject lot is an interior lot with right-of-way along Bliss Ave. to the east. The property is developed with a one-story 940 gross sq. ft. single-family home constructed in 1948, and a shed in the rear yard. The existing covered front porch of the home encroaches into the front setback. The home was constructed prior to the adoption of the zoning code and therefore is legal non-conforming regarding the setbacks. The property was purchased by the current owners in 2011.

The proposal is to enclose the existing 240 sq. ft. covered porch at the front of the home. Section 38-1501 requires principal structures to be setback a minimum of 30 ft. from the front property line in the R-1AA

zoning district. The proposed construction utilizes the footprint of the existing covered porch which is located 24.6 ft. from the front property line where a 30 ft. setback is required, prompting Variance request #1.

The existing shed in the rear yard is located 4 ft. from the north side property line. The structure appears in aerial images since 1971 and was enclosed without a permit between 2012 and 2013 based on aerial images. Per Orange County Code Sec. 38-1426(1)c.2.(ii) A detached accessory structure with a height of fifteen (15) feet or less shall be set back a minimum of 5 ft. from any side or rear lot line, requiring Variance #2. A permit for the shed must be obtained prior to the issuance of the permit for the enclosure of the existing porch to living space, as reflected in Condition of Approval #4.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Staff has determined that Variance request #1 meets all the criteria for a recommendation of approval. While Variance request #2 meets some of the criteria, it does not meet all the criteria. Therefore, staff is recommending approval of Variance request #1 and denial of Variance request #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.

Building Setbacks (House)

	Code Requirement	Proposed
Front:	30 ft.	24.6 ft. (East – Variance #1)
Side:	7.5 ft.	11.1 ft. (North) 17.2 ft. (South)
Rear:	35 ft.	+/- 122 ft. (West)

Building Setbacks (Accessory Structure - Shed)

	Code Requirement	Proposed
Front:	30 ft. when applicable	N/A
Side:	5 ft.	4 ft. (East) (North – Variance #2) 45.2 ft. (South)
Rear:	5 ft.	101.1 ft. (West)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variance #1 MET – There are special conditions or circumstances peculiar to this property, as the structure was built prior to the adoption of Zoning regulations.

Variance #2 NOT MET – There are no special conditions or circumstances peculiar to this property, as the structure was erected without a permit and the shed could have been installed in a code compliant manner.

Not Self-Created

Variance #1 MET – The requested Variance is not self-created since the owner is not responsible for the placement of the existing residence in relation to the front property line.

Variance #2 NOT MET – The requested Variance is self-created as the structure was erected without a permit and the shed could have been installed in a code compliant manner, however the current owner is not responsible for the placement of the existing shed in relation to the side property line.

No Special Privilege Conferred

Variance #1 MET – Due to the orientation of the existing residence, granting the requested Variances will not confer any special privilege conferred to others under the same circumstances. Further, several properties appear to have similar front setbacks.

Variance #2 NOT MET – Approval of the requested Variance will confer on the applicant special privilege that is denied by this Chapter as any accessory structure in the R-1AA must maintain 5 ft. from all side property lines, which could have been met.

Deprivation of Rights

Variance #1 MET – Denial of the Variance would deprive the owner the ability to enjoy improvements to the existing porch due to the location of the house in relation to the front property line.

Variance #2 NOT MET – Denial of the Variance would not deprive the owner of the ability to have accessory structures on the property. The subject lot contains adequate space for an accessory structure to be built in compliance with all setback requirements.

Minimum Possible Variance

All Variances MET – The requested Variances are the minimum possible to allow the existing development to remain in its current configuration. No new building area is proposed with the requested Variances.

Purpose and Intent

All Variances MET – Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The lot has been developed since 1948, and the enclosure will not be intrusive to the surrounding properties as the structure exists and has been in its current location since 1948. The shed has been in this location since approximately 1971 and is not significantly visible from any of the surrounding properties due to the 6 ft. tall opaque fence along the side property line, thereby limiting any quantifiable negative impact on surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped June 16, 2025, as modified to remove or relocate the shed, and elevations dated June 16, 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 enclosure of the existing porch to living space, a permit for the detached accessory structure (shed) shall be obtained, or the structure shall be removed from the property.

C: David Heinmiller
PO Box 568523
Orlando, Florida, 32856

COVER LETTER

My name is David Heinmiller. I am seeking a setback variance on my home located at 3616 Bliss ave, Orlando, 32806. My intention is to enclose an existing front porch. No changes to the footprint or roof of the project will occur, just the enclose of the porch. The homes built on Bliss ave were originally constructed approximately between 1946, and 1948, before setbacks were established.

- 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.

Front porch is existing, built before 1957, I wish to enclose the porch
I would like to keep the shed in the backyard as is.

- 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 porch was built before setbacks were created
The porch shed was also built before setbacks were created

- 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.

Front porch is existing, built before 1957. It matches the character of the neighborhood
The rear detached shed was built before 1957 also

- 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.

I would like to enclose front porch as adding a rear porch far more expensive

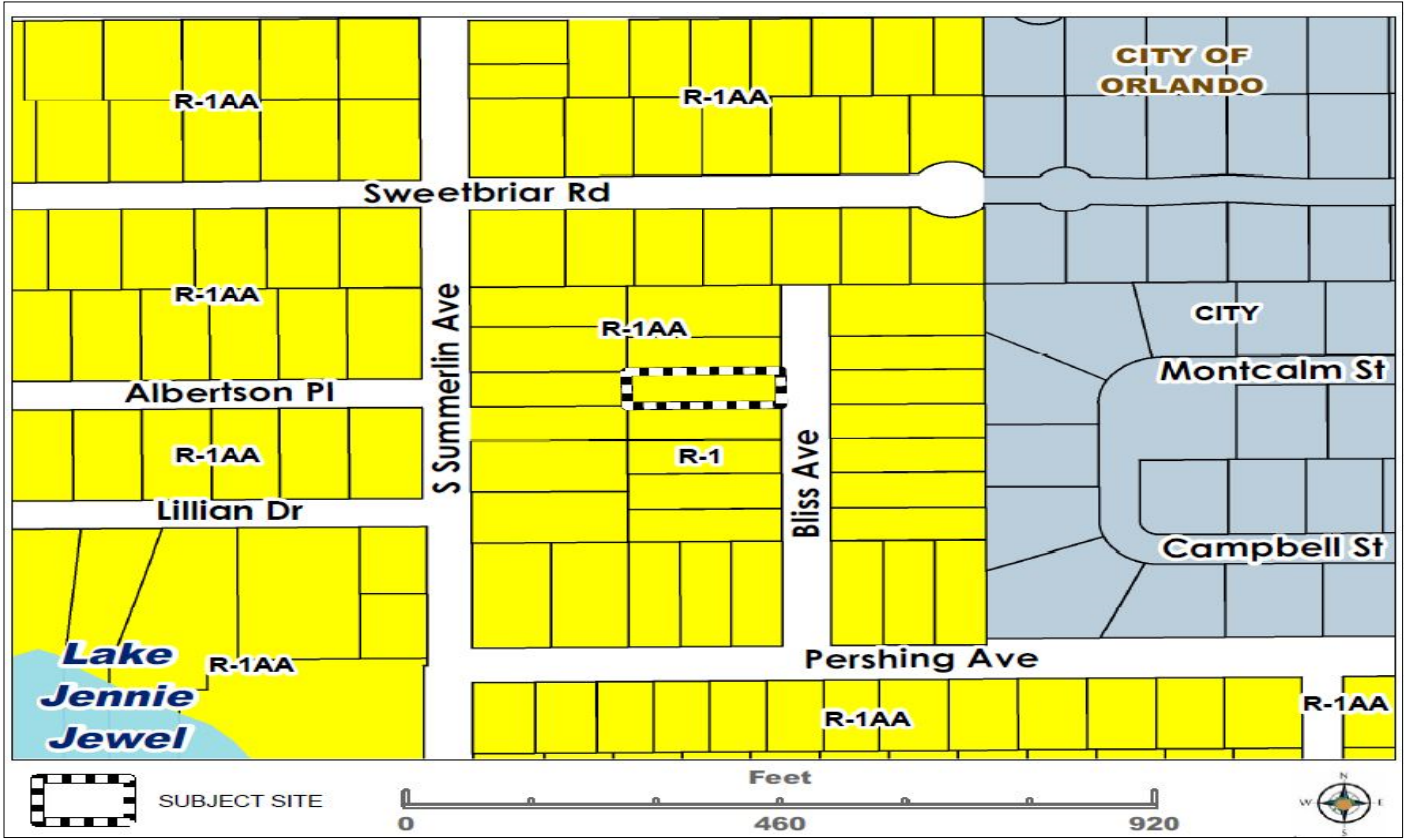
- 5. Minimum Possible Variance - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

I am enclosing an existing space.
Rear detached shed can not be moved and was built before 1957

- 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.

I will be enclosing an existing space and will in no way be interfering with neighbors
The rear detached garage was built before 1957 and will not be changed.

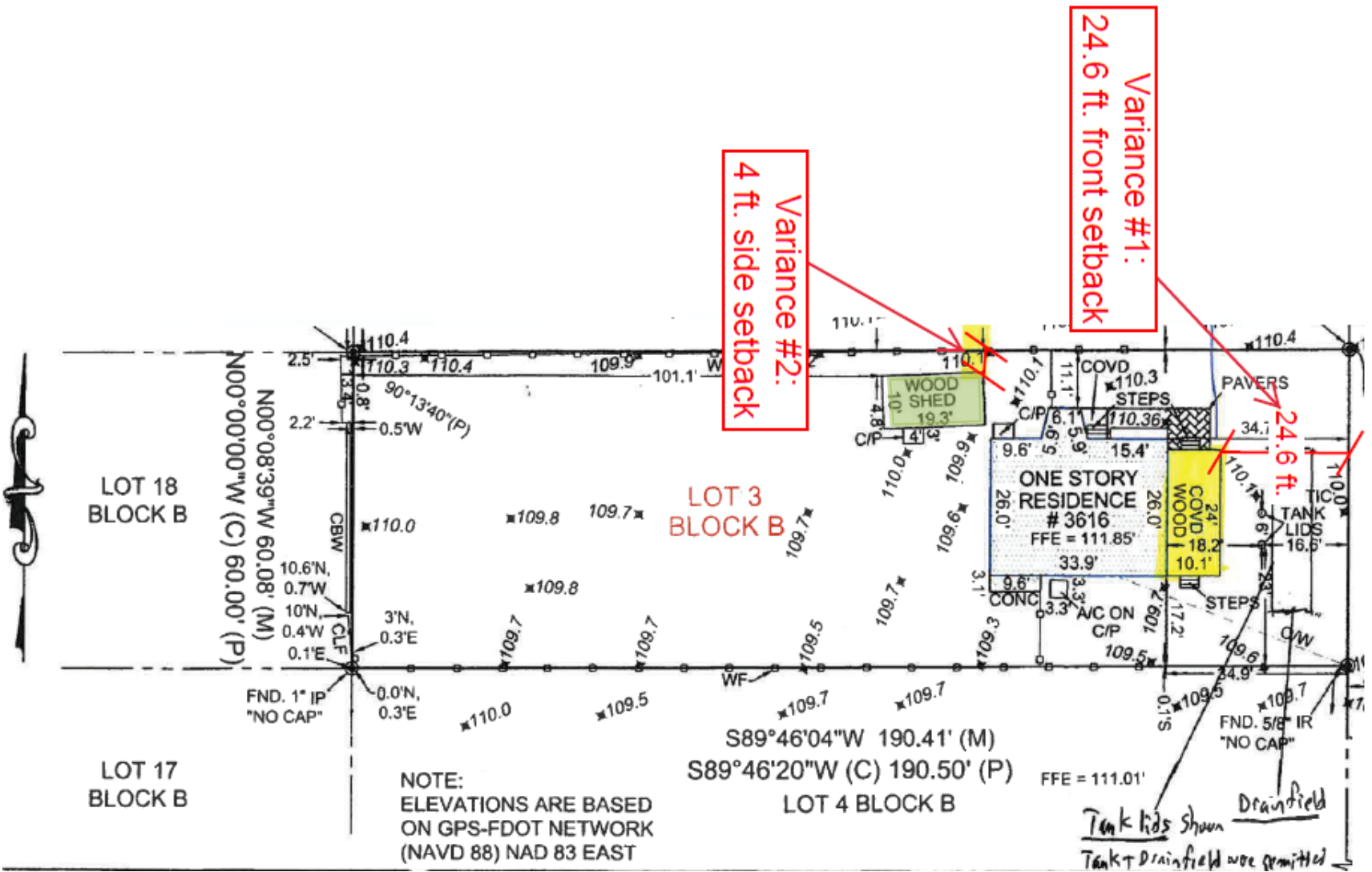
ZONING MAP



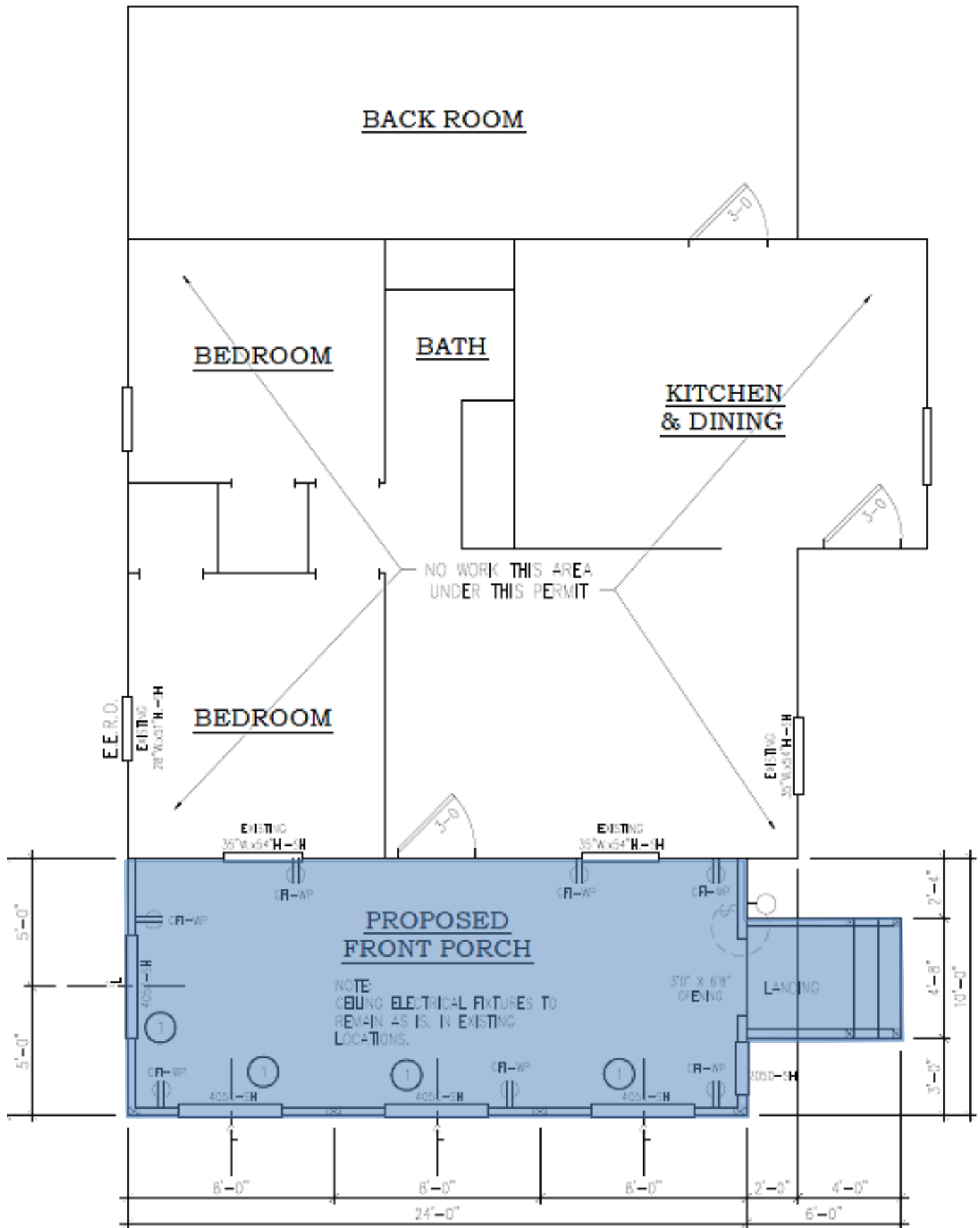
AERIAL MAP



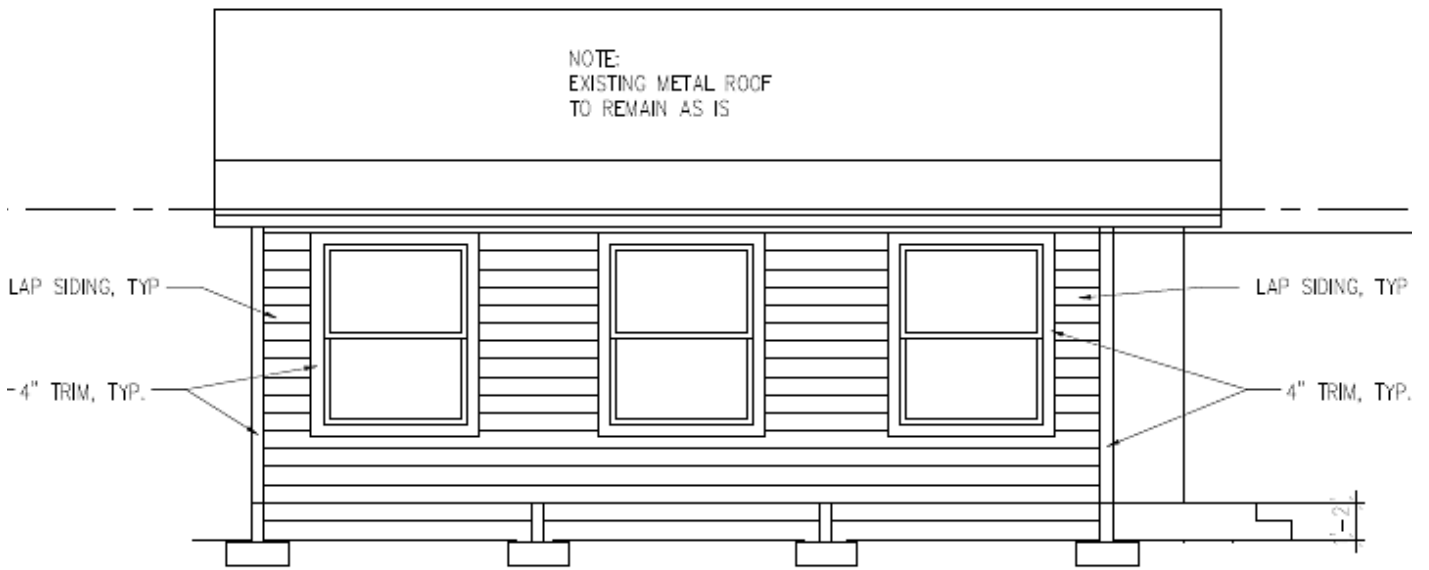
Biss Ave.



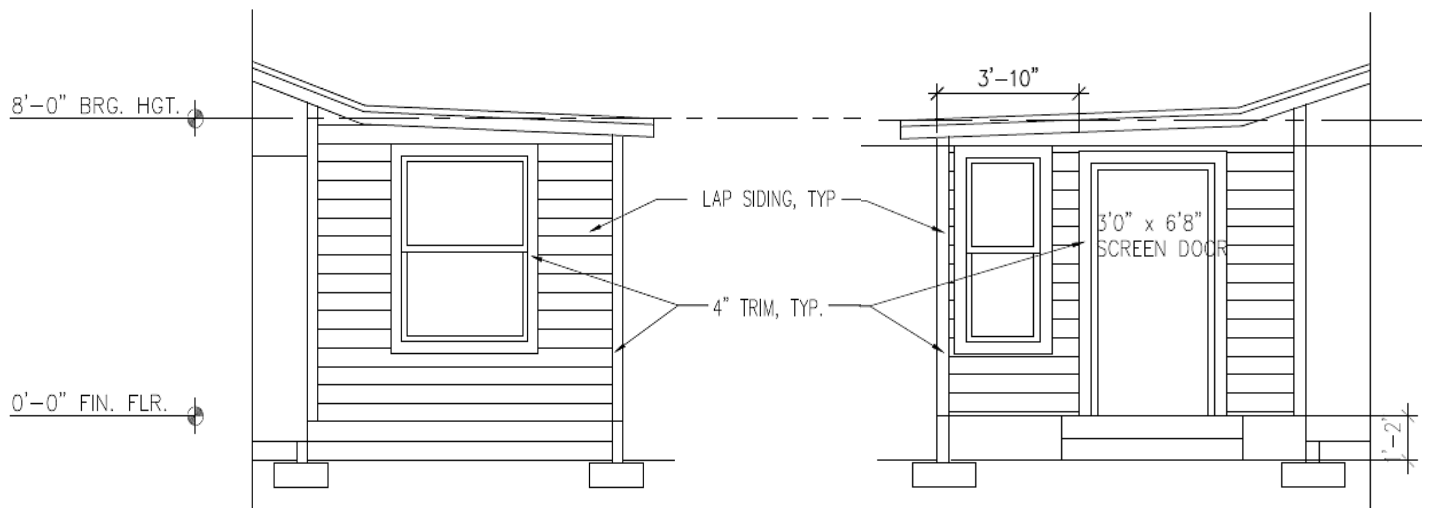
FLOOR PLAN



ELEVATIONS



Front Elevation



Side (Left) Elevation

Side (Right) Elevation

SITE PHOTOS



From Bliss Ave., facing southwest towards subject property



Front yard, facing west towards front porch

SITE PHOTOS



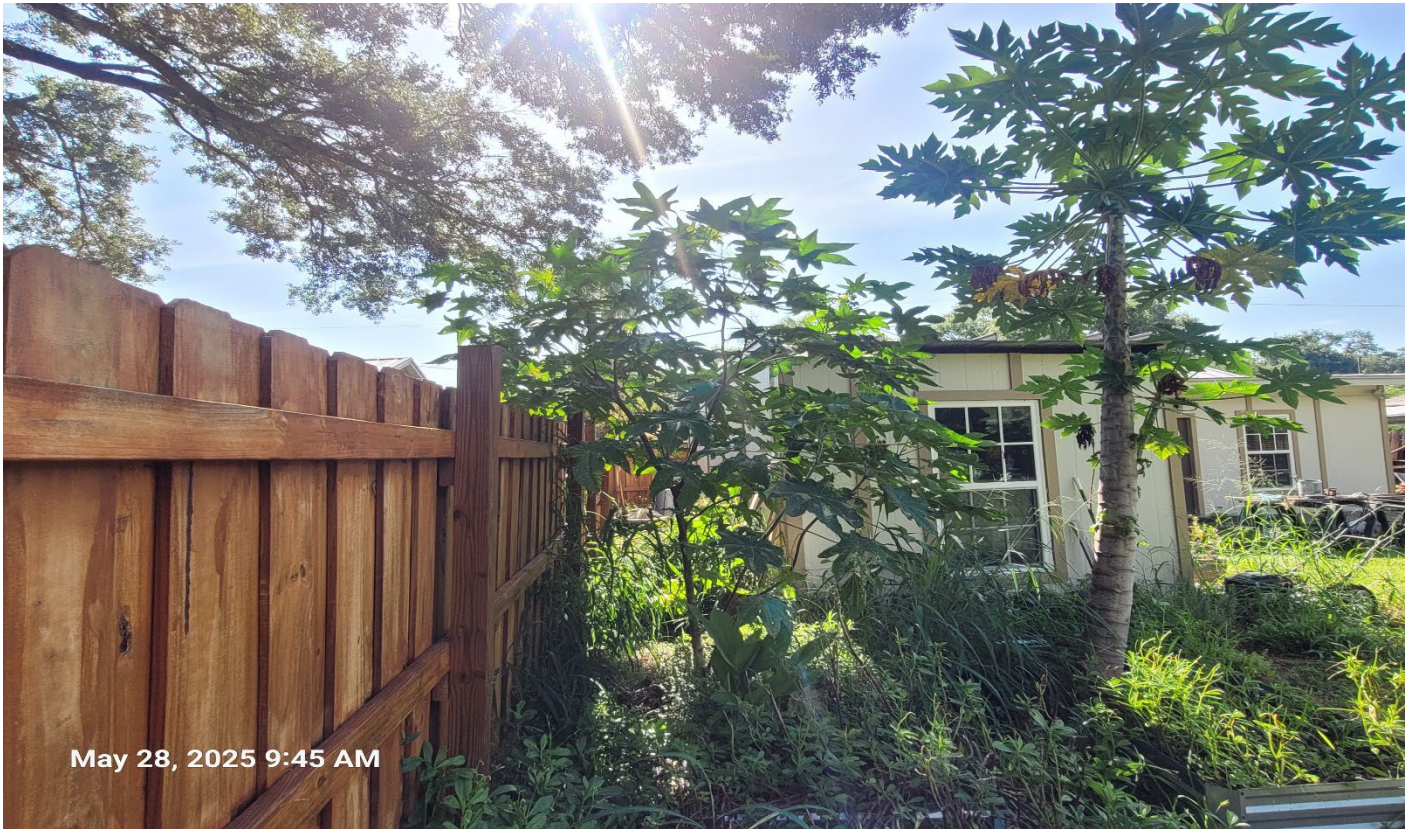
Front yard, facing southwest towards front porch



**Variance #2:
4 ft. north side setback**

Side yard, facing west towards existing non-conforming setback

SITE PHOTOS



May 28, 2025 9:45 AM

Rear yard, facing east towards existing non-conforming setback



May 28, 2025 9:45 AM

Rear yard, facing east towards existing house and shed

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JULY 03, 2025**

Commission District: **#5**

Case #: **VA-25-07-025**

Case Planner: **Catherine Glase; 407-836-9615**

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): DAVID ACOSTA AND MERCY MARQUEZ

OWNER(s): MERCY MARQUEZ; DAVID ACOSTA

REQUEST: Variances in the A-2 zoning district to convert an existing structure into an Accessory Dwelling Unit (ADU) as follows:

- 1) To allow an ADU in front of the primary dwelling unit in lieu of the side or rear.
- 2) To allow an ADU with 1,403 sq. ft. of living area in lieu of 1,192.5 sq. ft.

PROPERTY LOCATION: 19500 Quarterly Pkwy., Orlando, FL 32833, south side of Quarterly Pkwy., north of S.R. 528, east of Dallas Blvd., south of E. Colonial Dr., west of Bancroft Blvd.

PARCEL ID: 23-23-32-9630-00-650

LOT SIZE: +/- 8.07 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 29

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

1. Development shall be in accordance with the site plan and elevations date stamped May 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 (6) criteria and the reasons for a recommendation for approval of Variances #1 and #2. Staff noted that no comments were received in favor or in opposition to the request.

The applicant was present and noted that when they purchased the property the structure was on the property, and they could not redesign the existing structure to comply with the code requirements. They also noted that the structure was originally constructed to match the existing home.

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

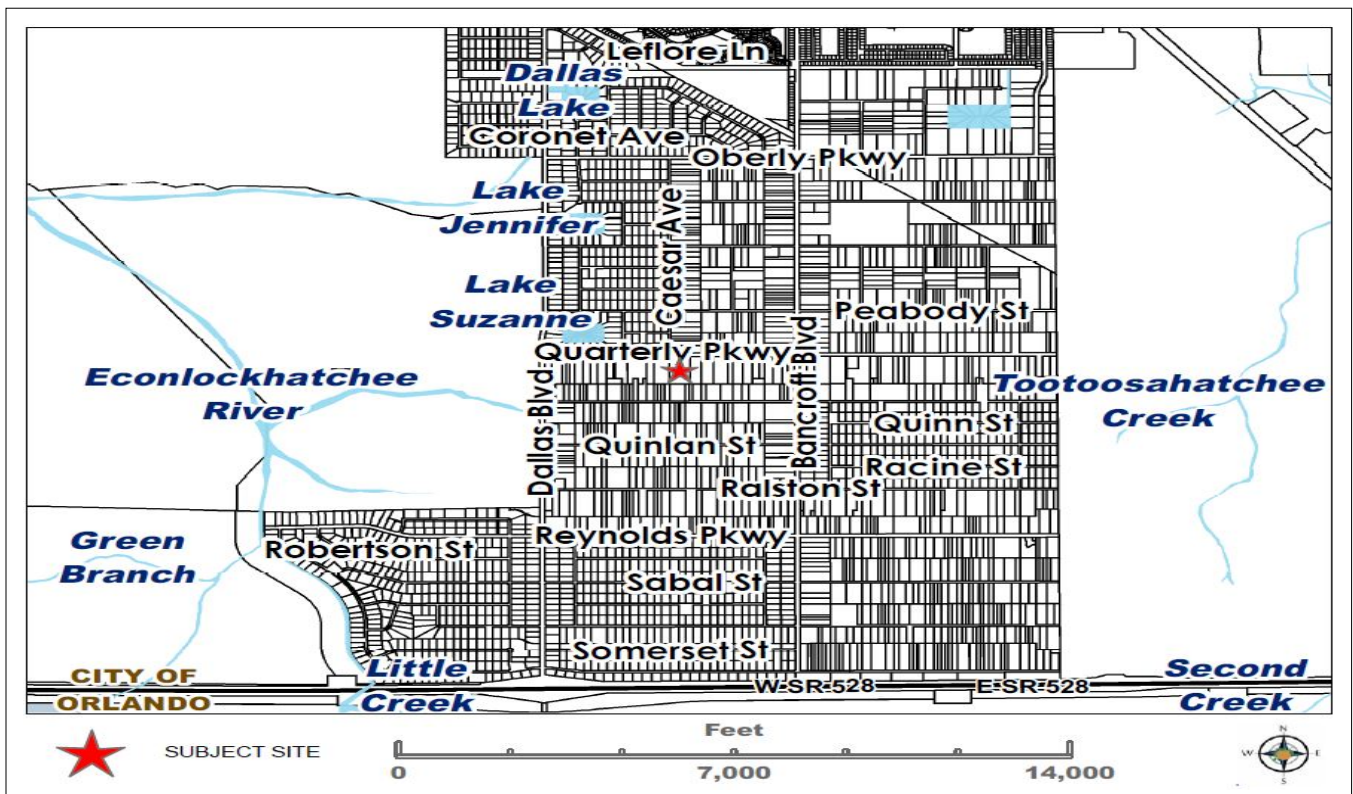
The BZA discussed the fact that the structure has been on the property since the 1990s and was permitted to comply with accessory structure requirements rather than accessory dwelling unit requirements. The board also noted that the subject property is approximately 8 acres therefore the structure is not visible from or intrusive to the surrounding properties.

The BZA recommended approval of both Variances as requested by a 5-0 vote, subject to the three (3) 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	A-2	A-2	A-2	A-2	A-2
Future Land Use	R	R	R	R	R
Current Use	Single-family residential	Single-family residential	Single-family residential	Vacant	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-2, Farmland Rural district, which primarily allows agricultural uses, as well as mobile homes and single-family homes on larger lots. The Future Land Use is Rural (R) which is consistent with the A-2 zoning district.

The area around the subject site consists of single-family homes. The subject property is 8.07 acres in size, was platted in 1964 as lot 65 and a portion of lot 80 of the Rocket City Unit 8A Plat. The property was created through a lot split in 2021 (LS-21-09-056) and is a conforming lot of record. The subject lot is an interior lot with right-of-way along Quarterly Parkway to the north. The property is developed with a 1-story, 3,348 sq. ft. single-family home (B97002956), constructed in 1997, and two detached accessory structures, one constructed in 1997 (B97002958) and the second constructed in 2000 (B00008999). The property was purchased by the current owner in 2018.

The proposal is to convert the existing 1,623 gross sq. ft., 25.3 ft. tall, detached accessory structure to an Accessory Dwelling Unit (ADU) using the footprint of the existing structure. The proposed floor plan shows two bedrooms, two bathrooms, a kitchen, laundry room, and a covered front porch. The existing structure was built 5 ft. in front of the primary residence, which is permitted for detached accessory structures on lots greater than 5 developable acres per Section 38-1426(1)(c)2.(iii). However, per Section 38-1426(2)(c)6.(ii) a detached ADU may not be located in front of the primary dwelling unit unless the primary residence is located entirely in the rear half of the lot, regardless of the size of the lot. The primary residence is located approximately 13.3 ft. in front of the midpoint of the property, prompting Variance request #1.

Per Section 38-1426(2)(c)4. for lots equal to or greater than two (2) developable acres, the maximum living area of an ADU shall not exceed fifty percent (50%) of the primary dwelling unit living area or one thousand five hundred (1,500) square feet, whichever is less. While the ADU is below the 1,500 sq. ft. living space threshold, the primary residence contains approximately 2,385 sq. ft. of living area therefore, the maximum size allowed for an ADU on the subject site 1,192.5 sq. ft. of living area. The proposed conversion utilizes the footprint of the existing 1,623 gross sq. ft. structure. As proposed, the living space area of the ADU will be 1,403 sq. ft., requiring Variance request #2. The front porch accounts for the remaining 220 sq. ft. of the structure.

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

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Staff has determined that both Variance requests meet all the criteria. Therefore, staff is recommending approval.

Accessory Dwelling Unit Development Standards

	Code Requirement	Proposed
Location:	Not located in front of the primary dwelling unit unless the primary dwelling unit is located entirely in the rear half of the lot	Located in front of the primary dwelling unit (Variance #1)
Max. Height:	35 ft.	25.3 ft.
Max. Living Area:	1,192.5 sq. ft.	1,403 sq. ft. (Variance #2)

Building Setbacks (Accessory Dwelling Unit)

	Code Requirement	Proposed
Front:	35 ft. when applicable	404 ft. (North)
Side:	10 ft.	+/- 238.1 ft. (East) 143.6 ft. (West)
Rear:	5 ft.	161 ft. (South)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variances #1 and #2 MET - There are special conditions or circumstances peculiar to this property, as the structure is existing and was developed to comply with accessory structure setbacks and size requirements.

Not Self-Created

Variances #1 and #2 MET - The need for the Variance is not self-created, as the structure exists in its current location and size and the proposal is to utilize the existing footprint of the legally constructed accessory structure.

No Special Privilege Conferred

Variances #1 and #2 MET - Granting the Variances as requested would not confer special privilege as the structure is permitted by right in the A-2 zoning district and the proposal is to utilize a lawfully constructed building.

Deprivation of Rights

Variances #1 and #2 MET - Without approval of the requested Variances, the owner will be deprived of the ability to utilize the existing space as an Accessory Dwelling Unit (ADU).

Minimum Possible Variance

Variances #1 and #2 MET - The requests are the minimum possible to convert the structure into an ADU and remain in its current location and size.

Purpose and Intent

Variations #1 and #2 MET - Approval of the requested Variations would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The conversion will not be intrusive to the surrounding properties as the structure is existing and has been in its current location since 1997.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped May 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: David Acosta
19500 Quarterly Pkwy.
Orlando, FL 32833

Mercy Marquez
19500 Quarterly Pkwy.
Orlando, FL 32833

COVER LETTER

David R Acosta and Mercy E Marquez
19500 Quarterly Pkwy
Orlando, Florida, 32833
321-948-3170
mercyemarquez@outlook.com
04/11/2025

Orange County Zoning Division
Board of Adjustments
201 South Rosalind Avenue, 1st Floor,
Orlando, Florida 32801
Subject: Variance Application for 19500 Quarterly Pkwy (23-23-32-9630-00-650)

Dear Zoning Administrator,

I am writing to formally request two variances for my property on 19500 Quarterly Pkwy (23-23-32-9630-00-650). The variances are necessary to allow existing set backs and square footage of a barn to allow for a detached ADU conversion.

The request is based on the structure being 1393 sq. ft. instead of 1000 sq. ft or half of the main house square footage which is 3348 sq. ft. gross and 2385 sq. ft. living. It is also positioned 13.5 feet across the midpoint of the property line instead of 5 ft. behind the midpoint of the property as otherwise required for the purpose. Due to it being an existing structure, strict enforcement of the zoning regulations would impose an unnecessary hardship, preventing the reasonable use of my property.

The structure was built with concrete block and stucco and asphalt shingle roof. The conversion would add interior divisions of wood and gypsum board, as well as some exterior modifications such as windows and doors. The structure will stand where it is, with no change to its distance to the property line.

My request meets the criteria for a variance as follows:

1. **Special Conditions and Circumstances:** The property has unique characteristics that differentiate it from others in the zoning district, making strict compliance impractical.
2. **No Special Privilege Conferred:** Approval of this variance will not grant me any special privilege beyond what is reasonably granted to other properties in similar circumstances.
3. **Deprivation of Rights:** Denial of this variance would deprive me of rights commonly enjoyed by other property owners in the same zoning district.
4. **Minimum Possible Variance:** The requested variance is the least deviation necessary to allow reasonable use of the property.

COVER LETTER

5. No Detrimental Intrusion: The proposed use will not negatively impact neighboring properties or the character of the area.

6. Compliance with Performance Standards: The use will meet all other applicable zoning regulations and performance standards.

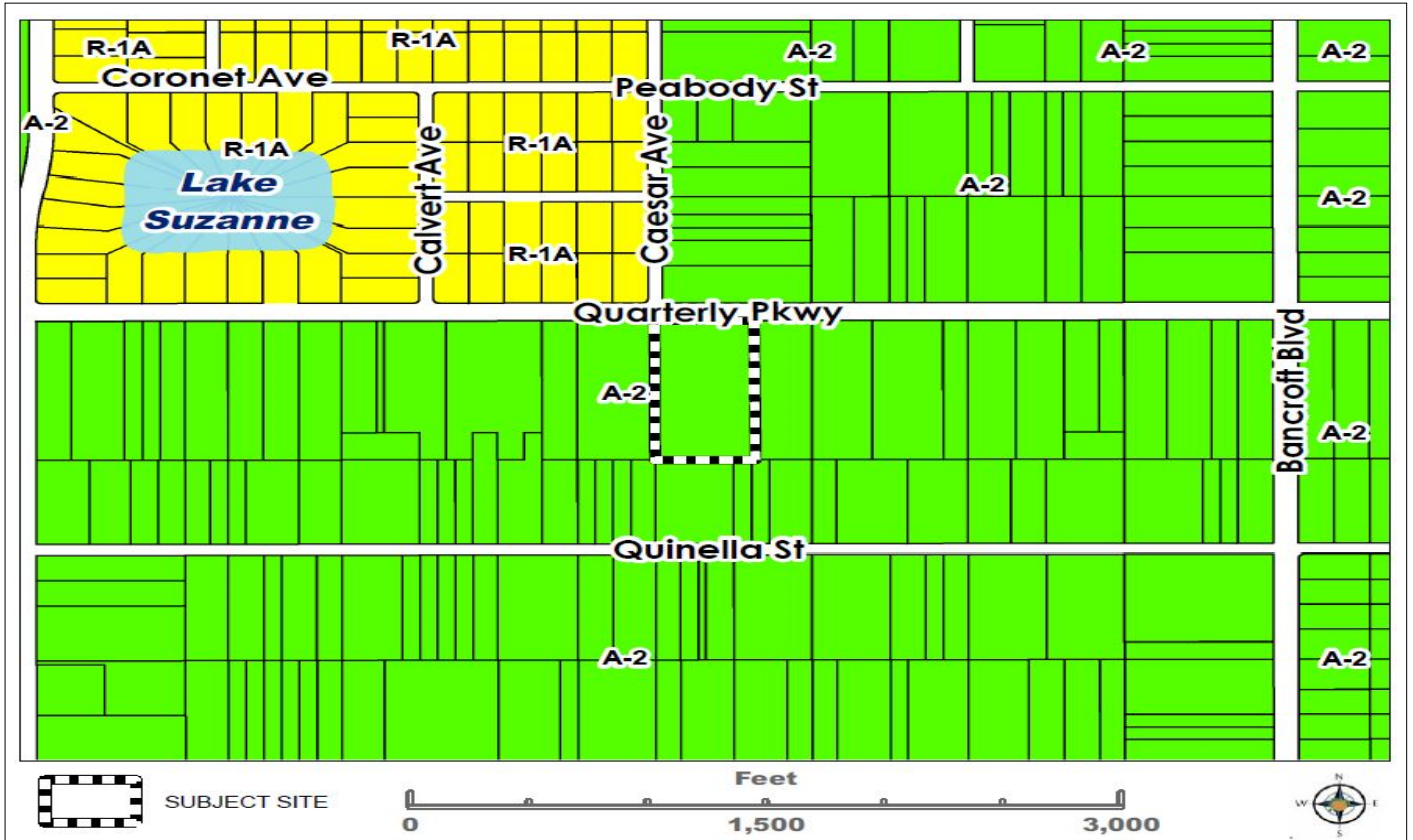
I have attached all required documentation, including a site plan, survey and the completed variance application form. I respectfully request that this application be reviewed for approval at the next available hearing.

Thank you for your time and consideration. Please feel free to contact us at mercyem Marquez@outlook.com if you need any additional information.

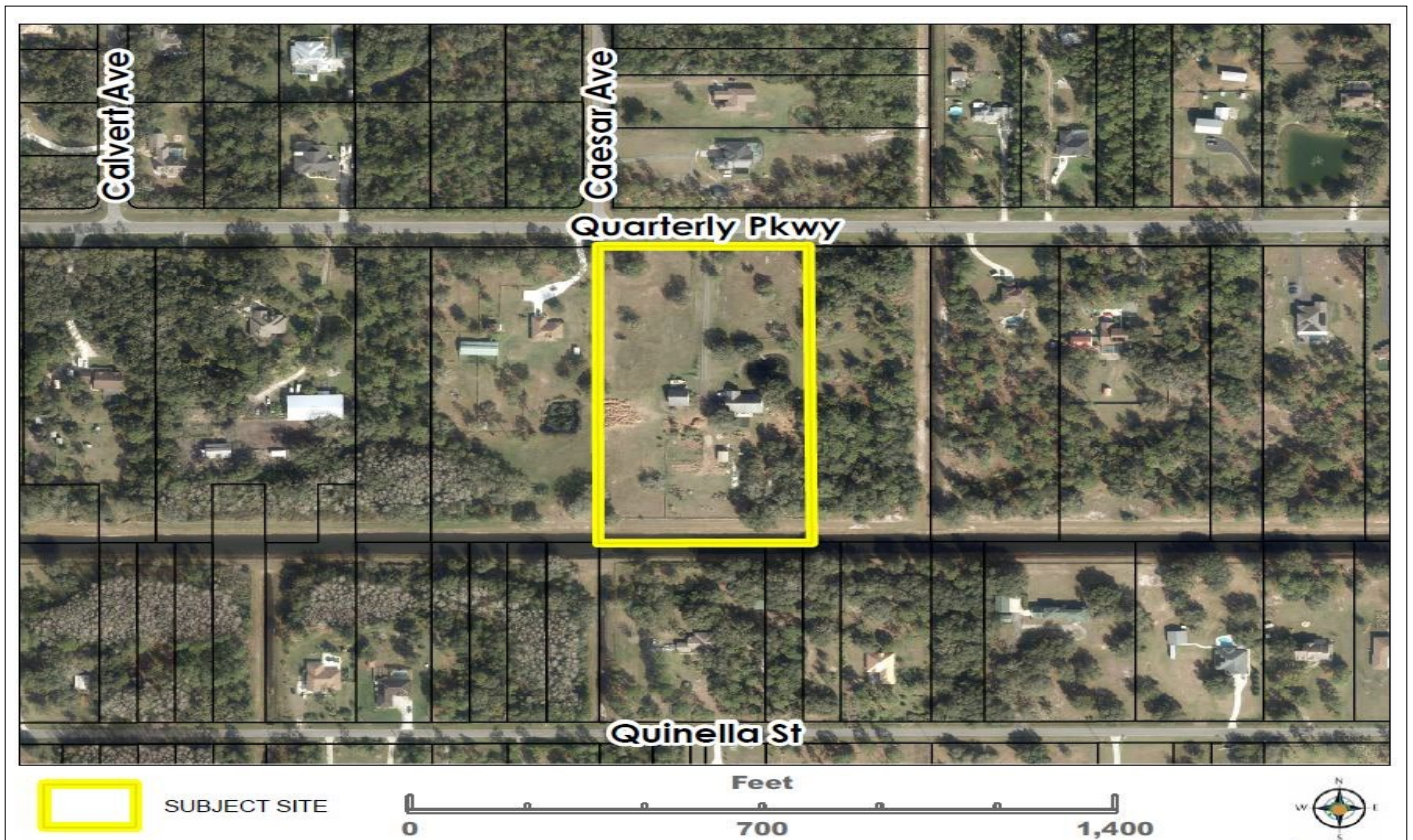
Sincerely,

Mercy E Marquez and David R Acosta

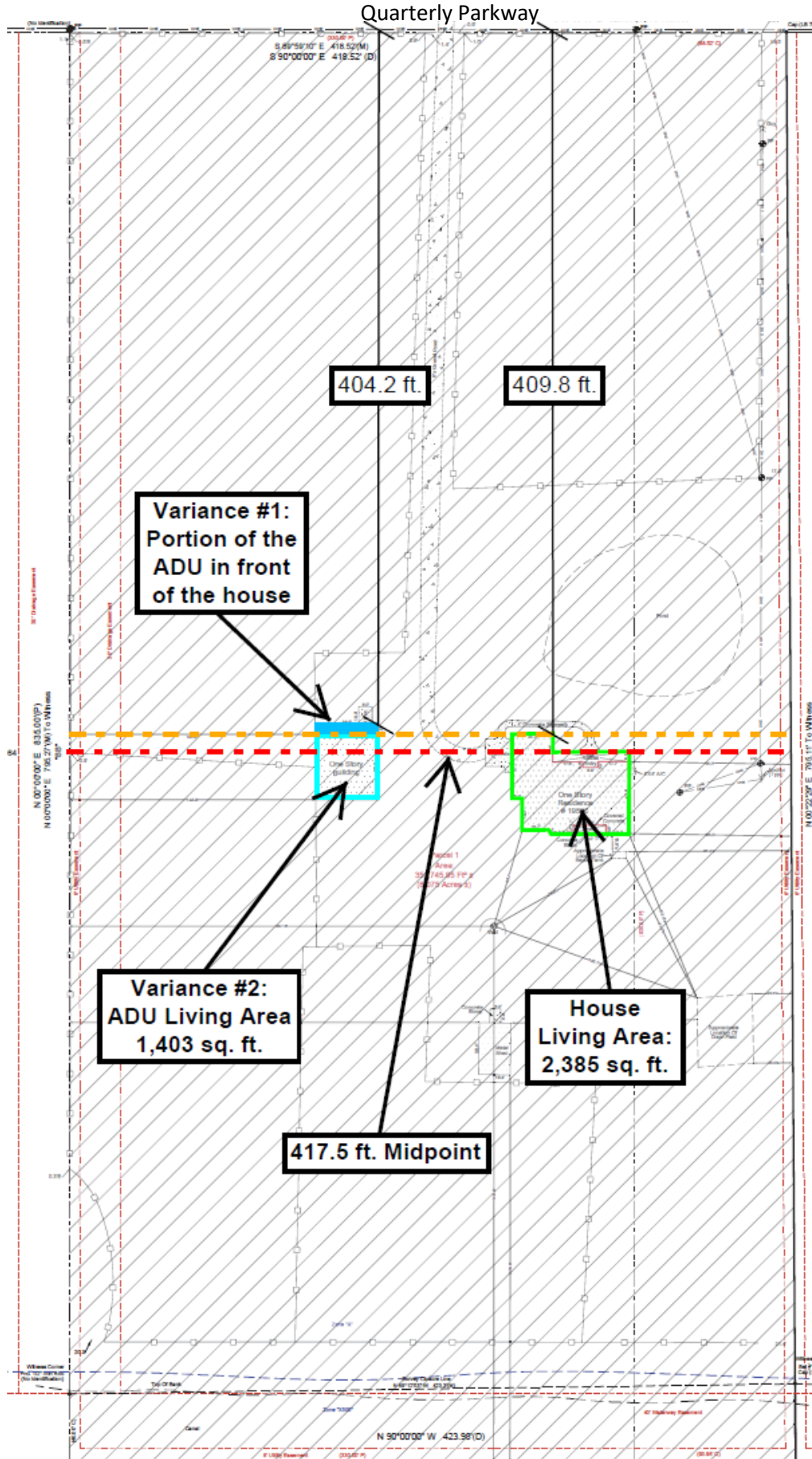
ZONING MAP



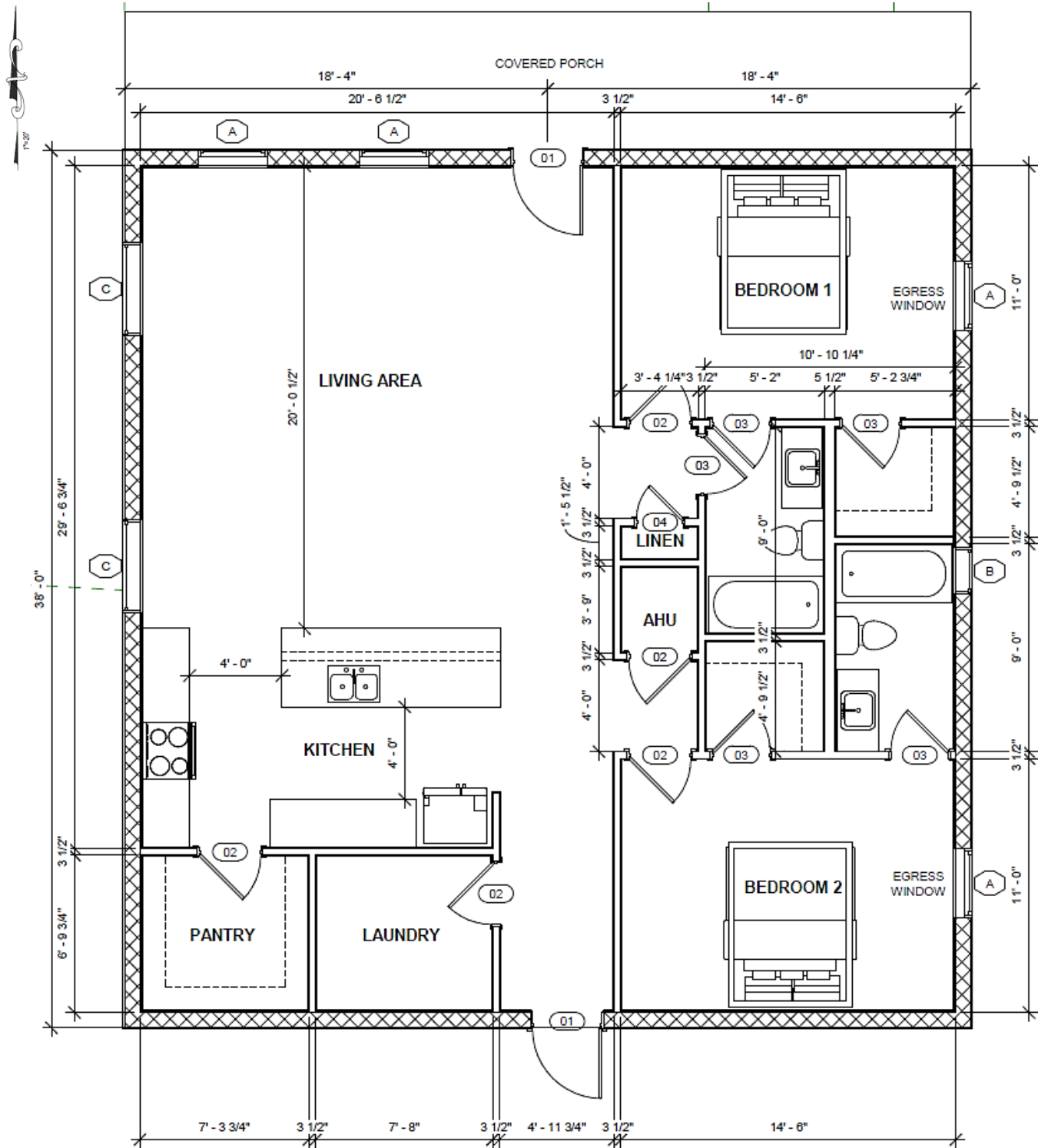
AERIAL MAP



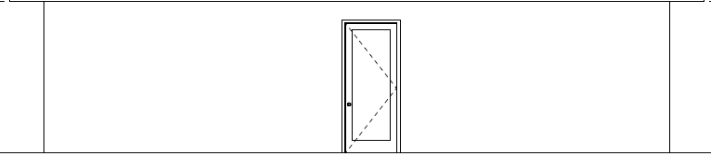
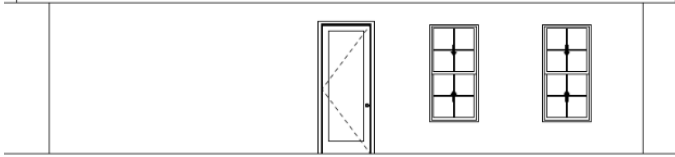
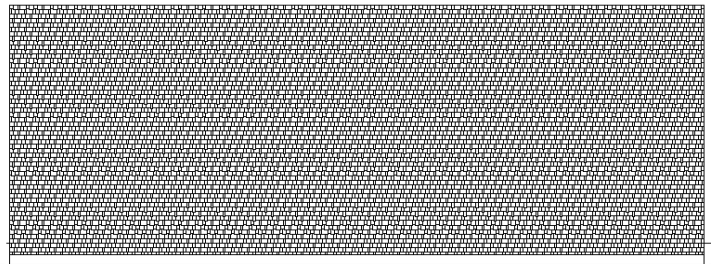
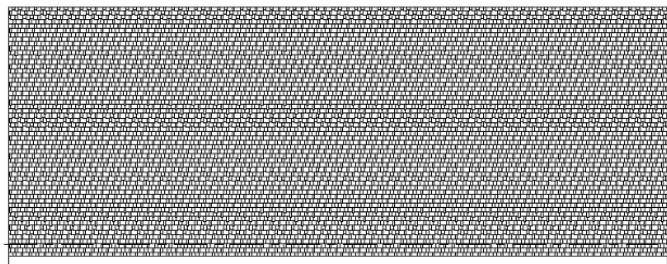
OVERALL SITE PLAN



FLOOR PLAN

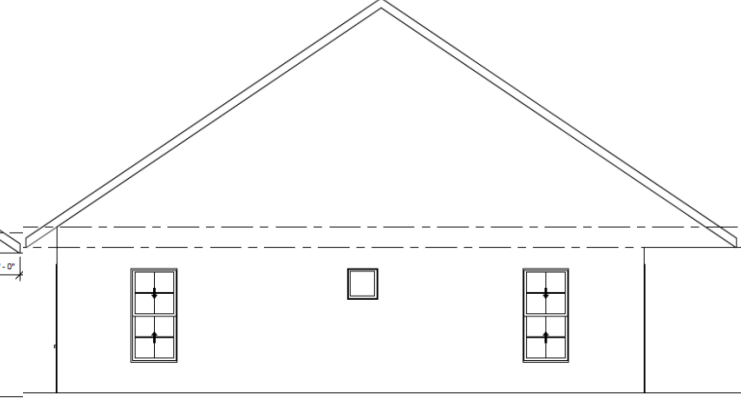
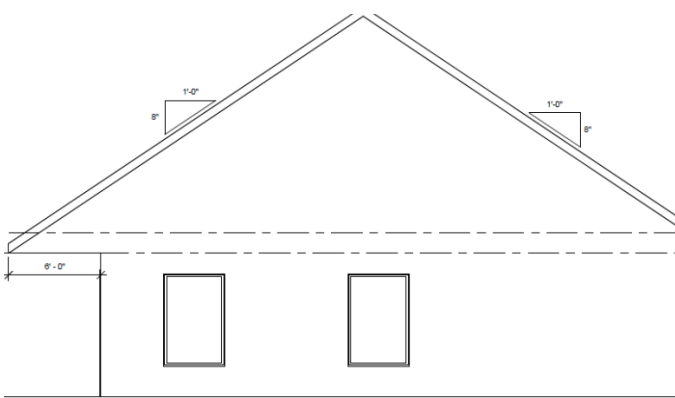


ELEVATIONS



Proposed Front (North) Elevation

Proposed Rear (South) Elevation



Proposed Side (West) Elevation

Proposed Side (East) Elevation

SITE PHOTOS



Front yard, facing south towards front of subject property



Front yard, facing south towards the house and proposed ADU on right

SITE PHOTOS



Front yard, facing southwest towards the house and proposed ADU



Rear yard, facing northeast towards the proposed ADU

SITE PHOTOS



Front yard, facing southwest towards the proposed ADU



Rear yard, facing northeast towards the proposed ADU and house

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JULY 03, 2025**

Commission District: **#4**

Case #: **VA-25-07-026**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MARIE PRESUME AND CHARLEMAGNE PRESUME

OWNER(s): MARIE PRESUME; CHARLEMAGNE PRESUME

REQUEST: Variance in the PD zoning district to allow a 11.83 ft. rear setback in lieu of 25 ft.

PROPERTY LOCATION: 11334 Aries Dr., Orlando, FL 32837, south side of Aries Dr. and north side of Waterbridge Cir., east of S. John Young Pkwy., south of Central Florida Pkwy., west of S. Orange Blossom Trl., and north of Whisper Lakes Blvd.

PARCEL ID: 16-24-29-8114-04-290

LOT SIZE: +/- 7,052 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 150

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

1. Development shall be in accordance with the site plan and elevations dated stamped June 17, 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 addition, a permit shall be obtained for the pavers, or they shall be removed.
5. The exterior finish material and color of the addition shall match the principal structure.

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 (6) criteria and the reasons for a recommendation for denial of the Variance. Staff noted that two comment was received in favor and no comments were received in opposition to the request.

The applicant was present and noted that the existing rear addition of the home was constructed without a permit and needs to be replaced. They stated that the addition is to provide additional living space for a family member.

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

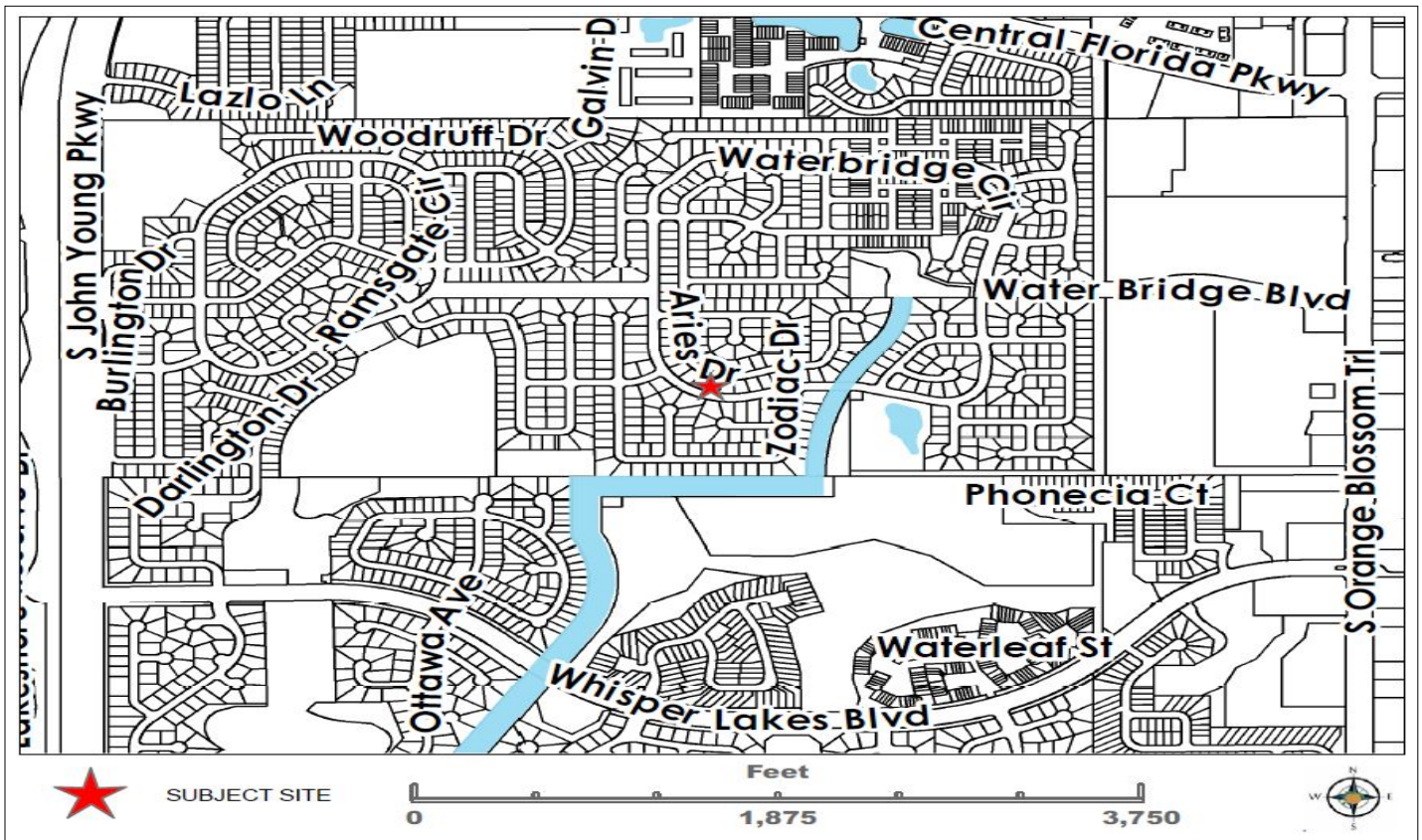
The BZA discussed the fact that the property abuts a right-of-way to the rear rather than another residence therefore the addition would not be intrusive to the neighbors. The BZA went on to discuss the existing size of the property and placement of the home limits the ability to construct an addition complying with the rear setback requirement.

The BZA recommended approval of the Variance as requested by a 5-0 vote, subject to the five (5) conditions found in the staff report.

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria 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	PD	PD	PD	PD	PD
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 Sky Lake South Planned Development (PD) zoning district, which allows single-family homes and associated accessory structures. The Future Land Use (FLU) is Low Density Residential (LDR), which is consistent with the PD zoning district.

The area around the subject site consists of single-family homes. The subject property is approximately 7,052 sq. ft., platted in 1977 as Lot 429 of the Sky Lake South Unit Three Plat, and is a conforming lot of record. The property is developed with a one-story 2,331 gross sq. ft. single-family home constructed in 1978, an unpermitted rear addition, rear screen porch, 6 ft. tall fence along the side property lines, and a 6 ft. tall subdivision fence along the rear property line. The rear addition and screen porch appear to have been constructed in 2016 based on Property Appraiser aerials. There is also a 6 ft. utility easement along the south property line. The easement is not affected by the Variance requested. The property was acquired by the current owners in 2017.

The property is a double frontage lot with rights-of-way along Aries Dr. to the north and Waterbridge Cir. to the south. Aries Dr. is the primary access point for the property, and Waterbridge Cir. is not accessible due to a subdivision fence/wall running along the rear property lines of all adjacent properties. Per Sec. 38-1405(d), *on double frontage lots, unless otherwise determined by the Zoning Manager the required front yard shall be provided on each street; except that when all lots in the block have been or will be developed with all of the buildings facing the same street, the second frontage of those lots shall be designated and utilized as rear yard.* All lots on the block have been developed to face Aries Dr., making this the front, and Waterbridge Cir. the rear.

The proposal is to remove the unpermitted addition and screen porch and to construct a 713 sq. ft., one-story addition to the rear of the existing residence. The proposed addition includes the expansion of an existing bedroom, and a new game room, bathroom, and covered porch. The addition will meet the required side setbacks, but an 11.83 ft. rear yard setback is proposed in lieu of 25 ft., prompting the Variance request. While the applicant's cover letter states a 10.5 ft. setback is proposed, this measurement is from the fence line rather than the property line.

The plans provided show pavers within the side yard of the property and a shed within the rear utility easement. No permits have been submitted for the improvements. The applicant was informed that a permit will be required for the pavers and the shed's encroachment into the utility easement. The shed has been removed from the property and was not on the property when staff conducted the site visit. If a permit cannot be obtained for the pavers they will be required to be removed from the property, as reflected in Condition of Approval (COA) #4.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. While the Variance request meets some of the criteria, it does not meet all the criteria. Therefore, staff is recommending denial of the Variance request.

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.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	15.33 ft.
Min. Lot Width:	50 ft.	59.49 ft.
Min. Lot Size:	5,000 sq. ft.	7,052 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	20 ft.	29.22 ft. existing residence (North)
Side:	5 ft.	6.09 ft. addition (East) 9.72 ft. existing residence (West)
Rear:	25 ft.	11.83 ft. addition (South - Variance)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET – The special conditions and circumstances particular to this property are related to the size, layout and location of the existing home which limits the area a useable addition could be constructed without a Variance.

Not Self-Created

NOT MET - The requested Variance is self-created as the existing residence could continue to be enjoyed as originally constructed.

No Special Privilege Conferred

MET – Granting the Variance would not confer special privilege as other properties in the area appear to have similar rear yard encroachments.

Deprivation of Rights

NOT MET – There is no deprivation of rights as the existing residence could continue to be enjoyed as originally constructed.

Minimum Possible Variance

MET – The requested Variance is the minimum possible to accommodate the construction of a reasonably sized addition.

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 is primarily focused on minimizing the impact that structures have on surrounding properties. The proposed addition will be at the rear of the house, which will not be significantly visible from any of the surrounding properties. Further, there is a 6 ft. high fence along the sides and rear of the property, which will screen the view of the proposed one-story addition.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated stamped June 17, 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 addition, a permit shall be obtained for the pavers, or they shall be removed.
5. The exterior finish material and color of the addition shall match the principal structure.

C: Marie Presume and Charlemagne Presume
11334 Aries Drive
Orlando, FL 32837

COVER LETTER

Orange County Zoning Division

201 S Rosalind Ave. 1st Floor Orlando Fl, 32801

Dear Orange County Zoning Division,

I hope this letter finds you well. I am writing to formally request a variance regarding the Setbacks required for 11334 Aries Dr, Orlando Florida 32807. We are requiring the variance because we would like to have an extension of our master bedroom area, and open porch and a Game room addition area in order to have more area inside our house a little more comfortable. The proposed project have an addition area of 713 SF aprox. And the structure with concrete blocks exterior walls and stucco and rafters wood structure at roof. The height of the walls of 8'-0" aprox. The current setback requirements Outlined by Orange County are 25 feet.

But we are seeking approval for a variance that would allow for a chance in minimum setbacks To 10'-6' in one of the corner of the proposed new project for the following reasons:

1. Enough distance to the fence at backyard
2. We don't have any construction after the fence at the south of our property.
3. After fence at the south only there is a landscaped area and Water Bridge Circ Street

And we will remove the shed encroaching within the easement because is not allowed.

Attached to this letter, you will find all supporting documents such as site plans, drawings, surveys, etc.; that are required per the application request. These documents illustrate the proposed changes and demonstrate our commitment to ensuring that the variance, if granted, will be implemented with careful consideration for community standards and safety.

We are open to any discussions or additional information you may require to further support this Variance application. Please feel free to contact us.

Thank you for considering my request. It looks forward to your favorable response regarding the Variance applicable at your earliest convenience.

Sincerely,

MR Presume Charlemagne M

Mrs. Presume Marie J.

11334 Aries Dr , Orlando, Fl 32807

millot19@yahoo.com

321-945-4873 & 407-443-0396

COVER LETTER

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 no constitute grounds for approval of a proposed zoning variance. We are aware of this and we are requesting a variance to decrease the required rear setback of 25'-0" by 10'-11". (south). This would be at the corner part of a proposed open porch .

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 this own conduct creates the hardship he alleges to exist, he is not entitled to relief. This variance application is for a proposed structure in order to have a better accommodation Area inside the house and that it does not cause any negative effect to our environmental.

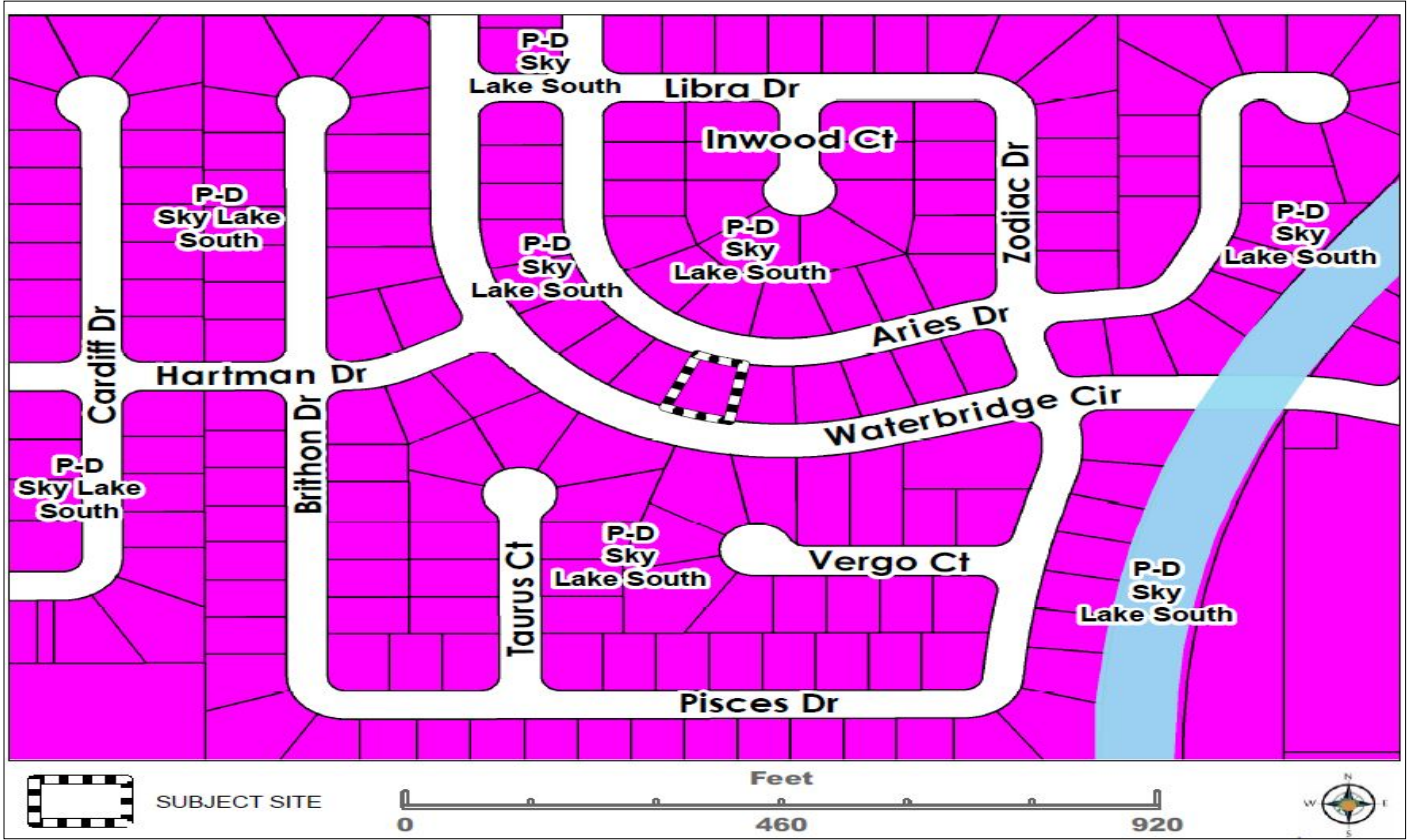
3. No Special Privilege Conferred- Approval of the zoning variance requested will not confer On the applicant any special privilege that is denied by this Chapter to other lands, building, Or structures in the same zoning district. We are aware of this and we are requesting a variance with all the required information but we recognize that your institution is the one that gives approval or not.

4. Deprivation of rights -Literal interpretation of the provisions contained in this chapter would Deprive the applicant of rights commonly enjoyed by others properties in the same zoning district Under the terms of this chapter and would 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. We also are aware of this chapter but we consider that with this variance the property will be More completed

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. We are applying for this variance but we are aware and agree with any decision made by you According to the minimum .

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 We consider that The neighborhood will not be affected, because our addition is in the Rear Side of the house and we don't have any building after the fence

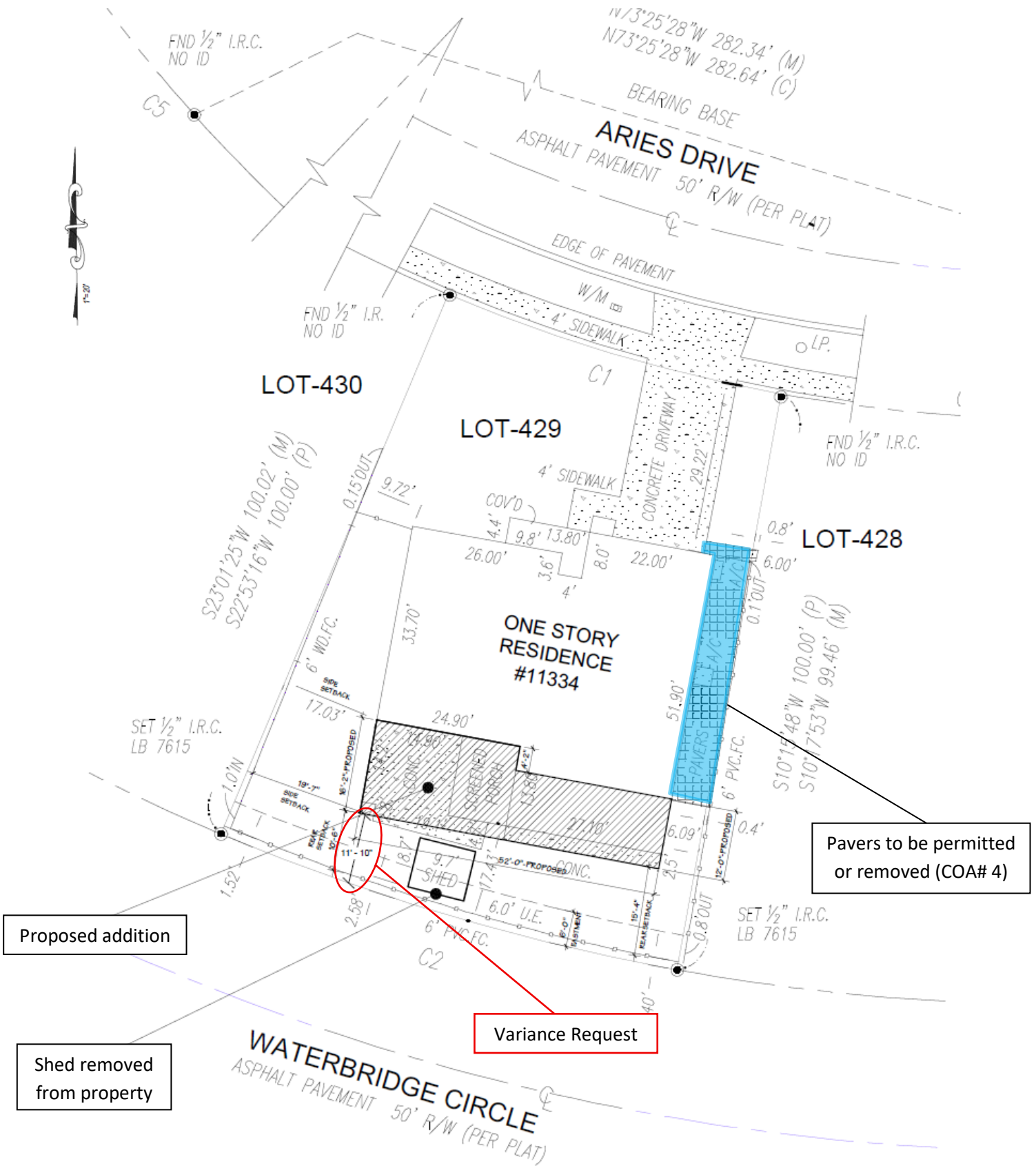
ZONING MAP



AERIAL MAP



SITE PLAN



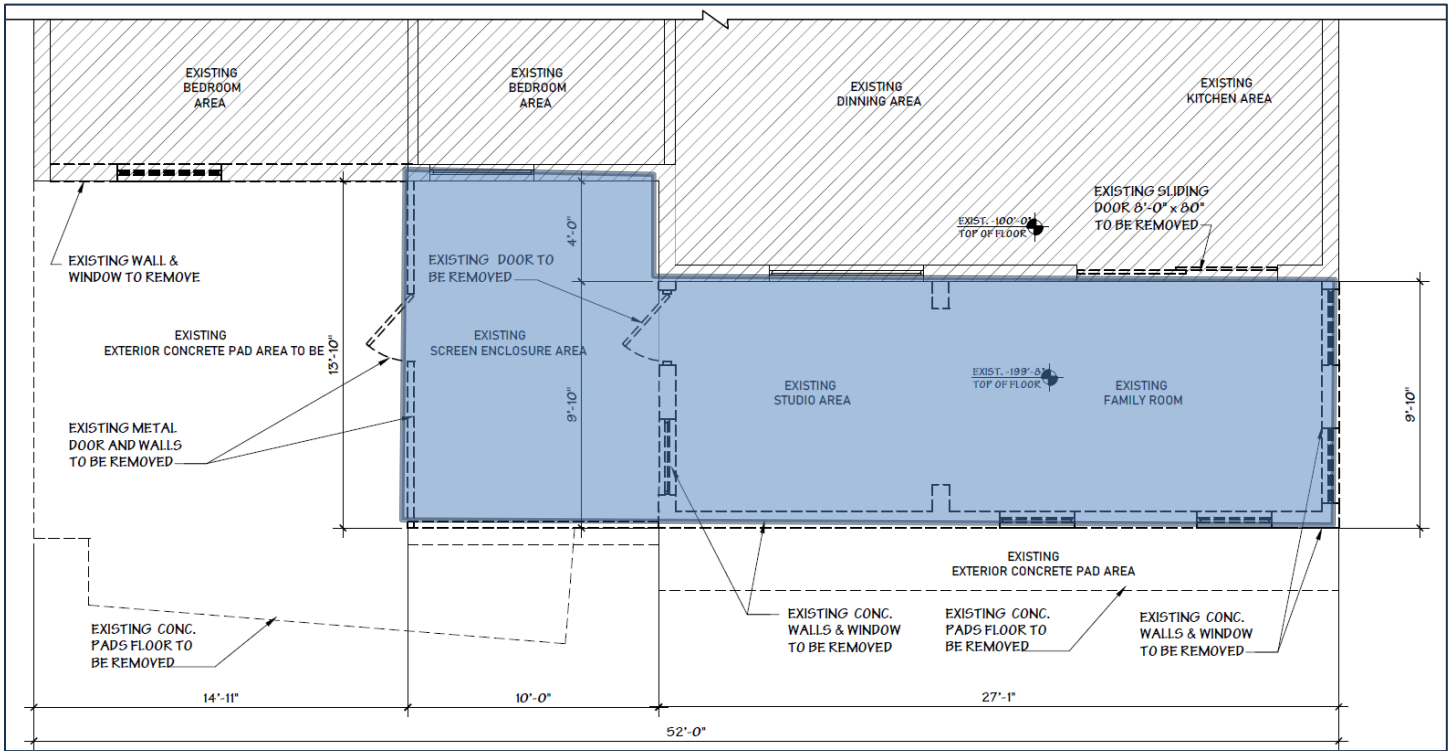
Pavers to be permitted or removed (COA# 4)

Proposed addition

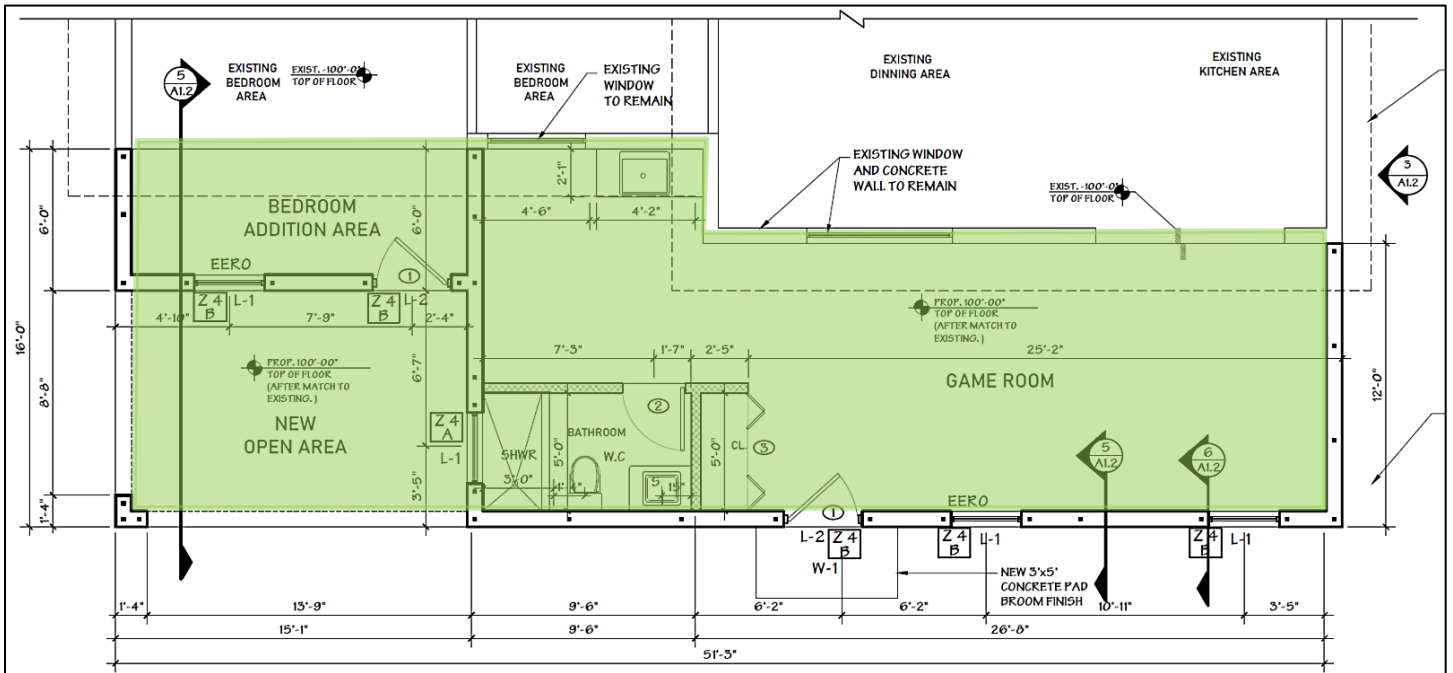
Shed removed from property

Variance Request

FLOOR PLANS

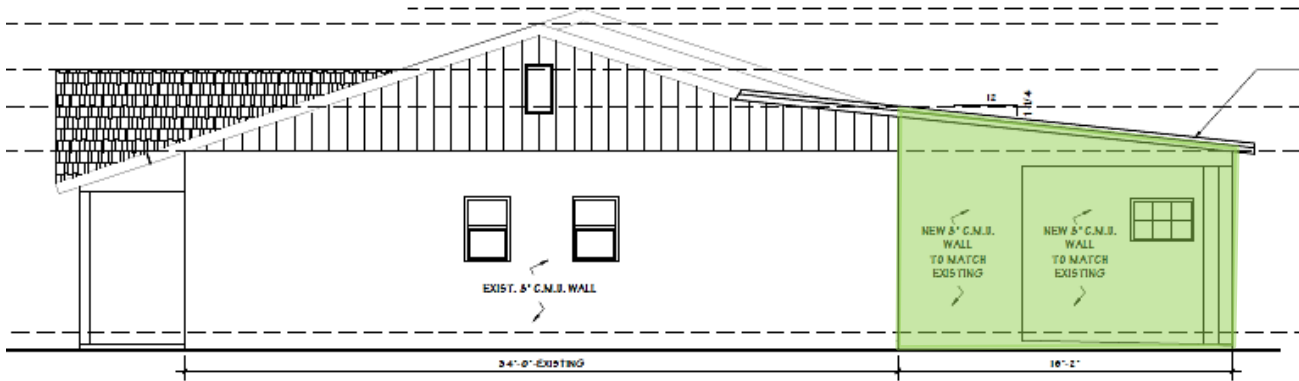
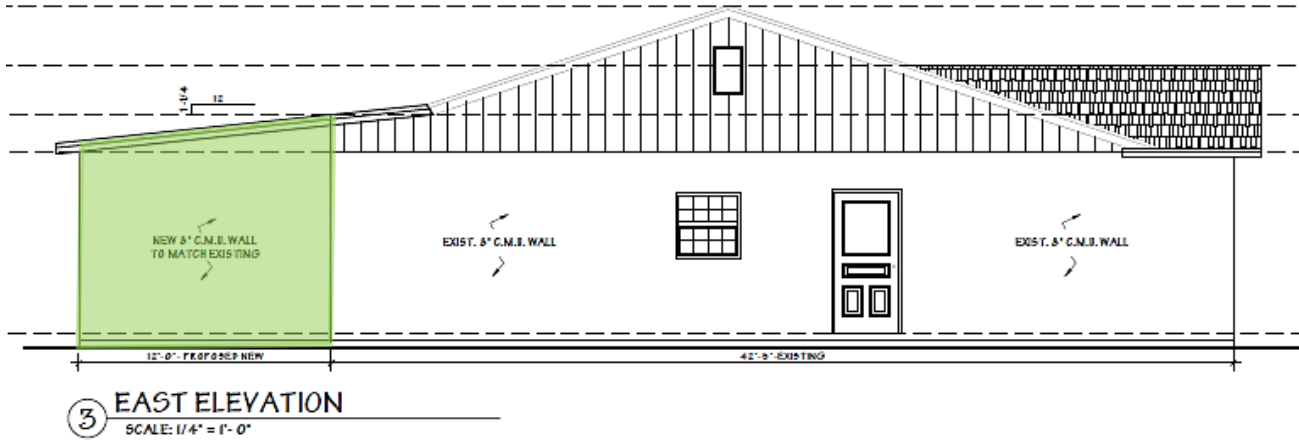
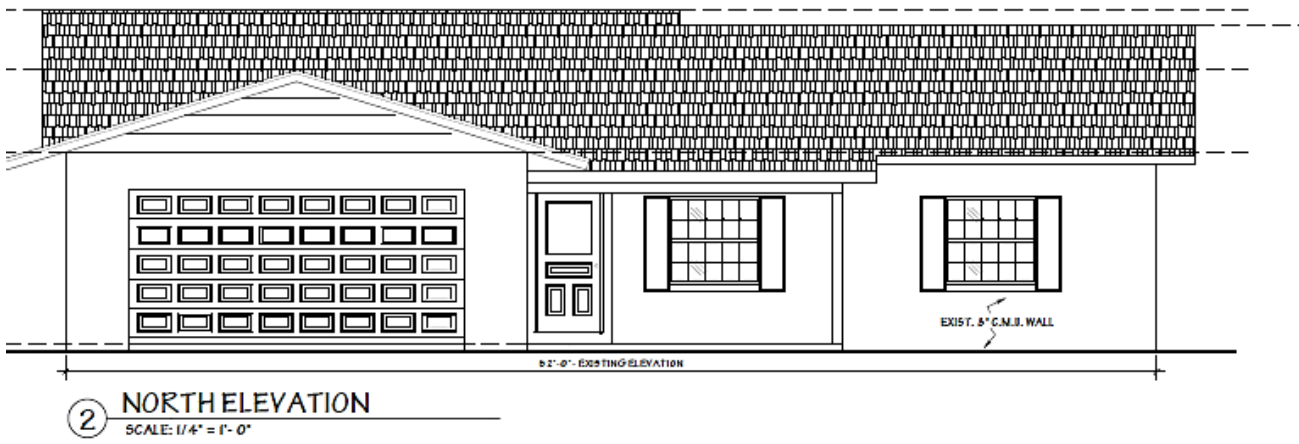
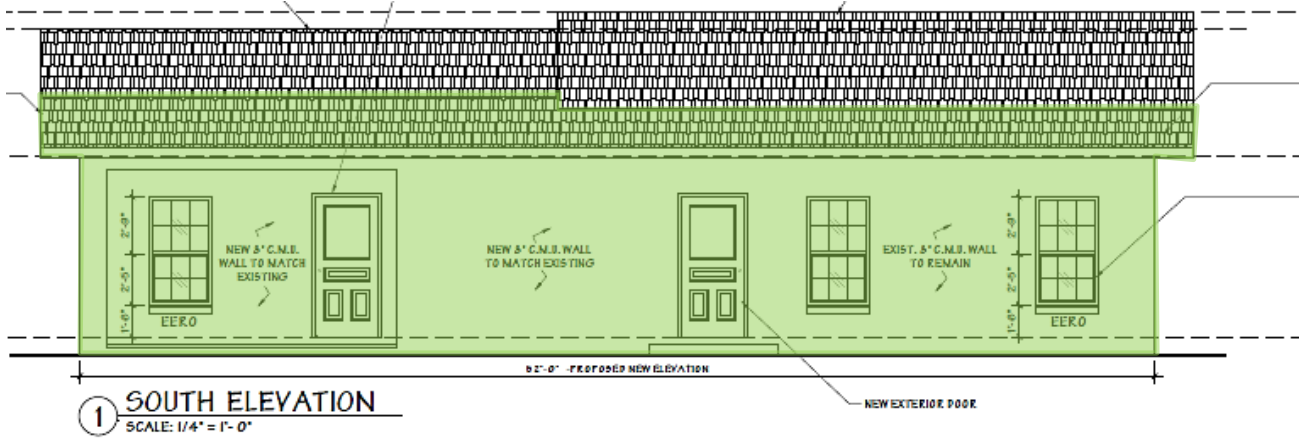


Demolition Plan



Proposed Plan

ELEVATIONS



SITE PHOTOS



From Aries Dr., facing south towards front of subject property



Side yard, facing south towards the existing home

SITE PHOTOS



Rear yard, facing west towards the existing unpermitted addition and location of proposed addition



Rear yard, facing northeast towards the existing unpermitted addition and location of proposed addition

SITE PHOTOS



Rear yard, facing north towards location of proposed addition



Side yard, facing north towards the existing home

SITE PHOTOS



Rear yard, facing south towards previous location of shed (already removed from property)



Waterbridge Cir., facing north toward subdivision fence along the rear of the subject property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JULY 03, 2025**

Commission District: **#5**

Case #: **VA-25-07-027**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): STEVEN MCAULIFFE

OWNER(s): STEVEN MCAULIFFEE, ASHLEY MCAULIFFE

REQUEST: Variance in the R-1A zoning district to allow a rear setback of 16.25 ft. in lieu of 30 ft.

PROPERTY LOCATION: 2921 Abbey Ct., Winter Park, FL 32792, north side of Abbey Ct., west of N. Semoran Blvd., south of Aloma Ave., east of N. Lakemont Ave., north of E. Colonial Dr.

PARCEL ID: 03-22-30-9426-01-030

LOT SIZE: +/- 8,897 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 63

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

1. Development shall be in accordance with the site plan and elevations date stamped June 18, 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 (6) criteria and the reasons for a recommendation for denial of the

Variance. Staff noted that one comment was received in favor and no comments were received in opposition to the request.

The applicant was present and noted that the covered patio was designed with the understanding that the rear setback was only 5 ft. but was informed at permitting the rear setback requirement is 30 ft. The applicant described that the existing concrete paver deck was designed with footers to accommodate the structure and would aesthetically match the existing residence.

The BZA discussed the different setback requirements for the pool and deck, a screen enclosure, and detached accessory structures and stated the structure could be located closer to the property lines if it was freestanding. The BZA also stated that the structure would match the house and be more visually appealing than redesigning the structure to comply with setbacks.

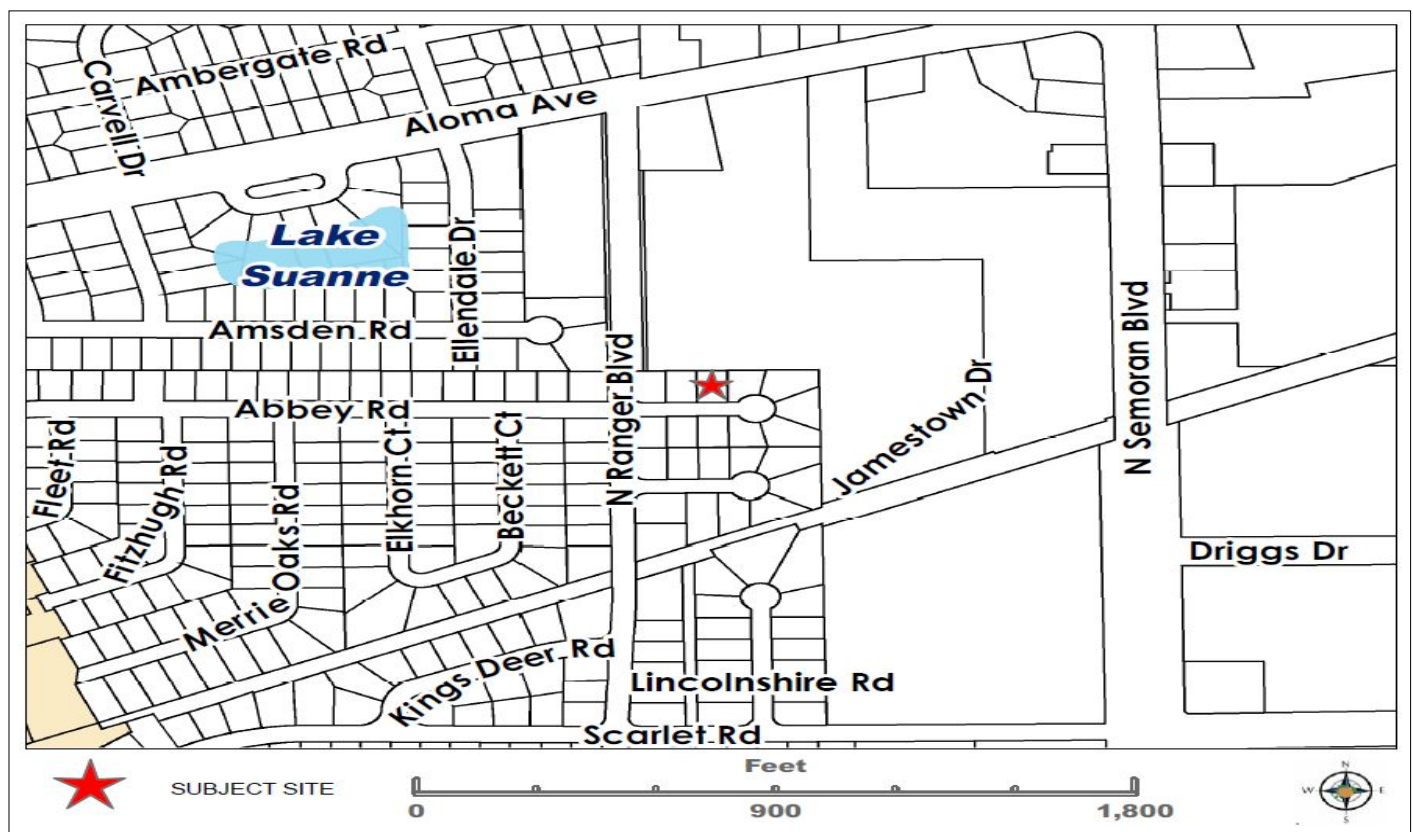
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the Variance as requested by a 5-0 vote, subject to the three (3) 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 a 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-1A	R-3	R-1A	R-1A	R-1A
Future Land Use	LDR	MDR	LDR	LDR	LDR
Current Use	Single-family residential	Multi-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 surrounding the subject site consists of single-family homes and a multi-family development to the north. The subject property is 8,897 sq. ft. in size, was platted in 1963 as Lot 3 of Block A of the Winter Park Pines Unit Three Plat and is a conforming lot of record. The property is an interior lot with right-of-way along Abbey Ct. to the south. There is a 10 ft. utility easement along the rear property line and a 6 ft. utility easement along the east property line.

The property is developed with a one-story, 2,472 gross sq. ft. home, constructed in 1964, a partially constructed pool and paver deck (B25000709) in the rear yard, and a 6 ft. PVC fence enclosing the rear and side yards. The existing home is developed with a front setback of 24.87 ft. Section 38-1508 of Orange County Code states *the zoning manager shall have the authority to grant administrative waivers from the minimum yard requirements, provided that no such administrative waiver shall exceed six (6) percent of the applicable requirement for the yard.* The existing 24.87 ft. setback does not exceed 6% of the required 25 ft. front setback and has been granted an administrative waiver.

The proposal is to construct a 324 sq. ft. covered patio at the rear of the home. The patio is proposed to cover the existing concrete pavers recently permitted in conjunction with the pool. As proposed, the covered patio will be 16.25 ft. from the rear property line where 30 ft. is required, prompting the Variance request. The addition complies with the side setback requirements and does not impact the utility easements located along the rear and side property lines.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. While the request meets some of the criteria, it does not meet all the criteria. Therefore, staff is recommending denial of this request. Based on staff analysis, alternative options exist for a covered patio to either lessen or eliminate the need for the Variance. A detached accessory structure of the same height and size could be permitted outright with a 5 ft. side and 10 ft. rear setback, eliminating the need for the Variance. Alternatively, an attached aluminum structure of the same height and size could be permitted outright with a 7.5 ft. side and 15 ft. rear setback, eliminating the need or the Variance.

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.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13.25 ft.
Min. Lot Width:	75 ft.	77.5 ft.
Min. Lot Size:	7,500 sq. ft.	8,897 sq. ft.

Building Setbacks (Covered Patio)

	Code Requirement	Proposed
Front:	25 ft.	24.87 ft. (South – Administrative Wavier)
Side:	7.5 ft.	7.76 ft. (West) 7.73 ft. (East)
Rear:	30 ft.	16.25 ft. (North - Variance)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

MET – There are special conditions or circumstances peculiar to this property, as placement of the existing home limits the area a usable addition could be constructed to comply with setback requirements.

Not Self-Created

NOT MET – The need for the Variance is self-created, as the patio could be redesigned to comply with all development standards for a detached accessory structure or an attached aluminum structure.

No Special Privilege Conferred

MET – Granting the variance as requested would not confer special privilege as there are other properties in the area that appear to have rear setbacks similar to the request.

Deprivation of Rights

NOT MET – There is no deprivation of rights as the scope of the proposed project could be redesigned to comply with all development standards.

Minimum Possible Variance

NOT MET – The request is not the minimum possible to construct a covered patio on the property as the patio could be redesigned to lessen or eliminate the request.

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 is primarily focused on minimizing the impact that structures have on surrounding properties. The covered patio will not be significantly visible from any of the surrounding properties due to the 6 ft. tall fence along the rear and side property lines, thereby limiting any quantifiable negative impact to surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped June 18, 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: Steven McAuliffe
2921 Abbey Ct.
Winter Park, FL 32792

Variance Request Cover Letter

To whom it may concern,

This request is for an 18-foot variance on the rear of my property to construct an 18' x 18' (324 sq. ft.) patio addition matching the existing roofline. As the property sites, and the zoning codes in place, there is a 30' setback for a project of this nature limiting our ability to not improve our home but preventing us from enjoying an outdoor living space. The patio will be 16.25' from the rear property line, and 13.25' from the side property line standing no taller than 10.7'.

1. **Special Condition and Circumstances:** The rear setback of 30' takes up +/- 89% of my backyard leaving no room for improvements. From the rear property line to edge of my house is only 34.25', and 30' of that is a setback.
2. **Not Self-Created:** The zoning restrictions are not a result of my actions. Under the impressions the setbacks were 5', we hired a structural engineer to draw/design our patio to replace a deteriorating aluminum porch that was unsafe. There are also no other locations on the property construct such a project.
3. **No Special Privilege Conferred:** There will be no special privilege conferred.
4. **Deprivation of Rights:** The literal interpretation of the zoning codes is depriving me from improving, not only property, but the enjoyment of an outdoor patio area.
5. **Minimum Possible Variance:** The requested variance is the minimum required to construct the proposed patio addition.
6. **Purpose and Intent:** This variance will be in harmony with the purpose and intent of regulations. This patio addition will not be injurious to the neighborhood or detrimental to the public welfare.

Thank you for your time and consideration of this matter.

Regards,

Steven & Ashley McAuliffe
2921 Abbey Ct.
Winter Park, FL 32792
407-864-6262
Steven.mcauliffe1@gmail.com

COVER LETTER

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 rear setback of 30' takes up +/- 89% of my backyard leaving little to no room for improvements.

From the rear property line to edge of my house is only 34.25', and 30' of that is a 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.

The zoning restrictions are not a result of my actions. Under the impressions the setbacks were 5', we hired a structural engineer to

draw/design our patio to replace a deteriorating aluminum porch that was unsafe. There are also no other locations on the property construct such a project.

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.

There will be no special privilege conferred.

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 literal interpretation of the zoning code is depriving me from improving, not only my property,

but the enjoyment of an outdoor patio 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.

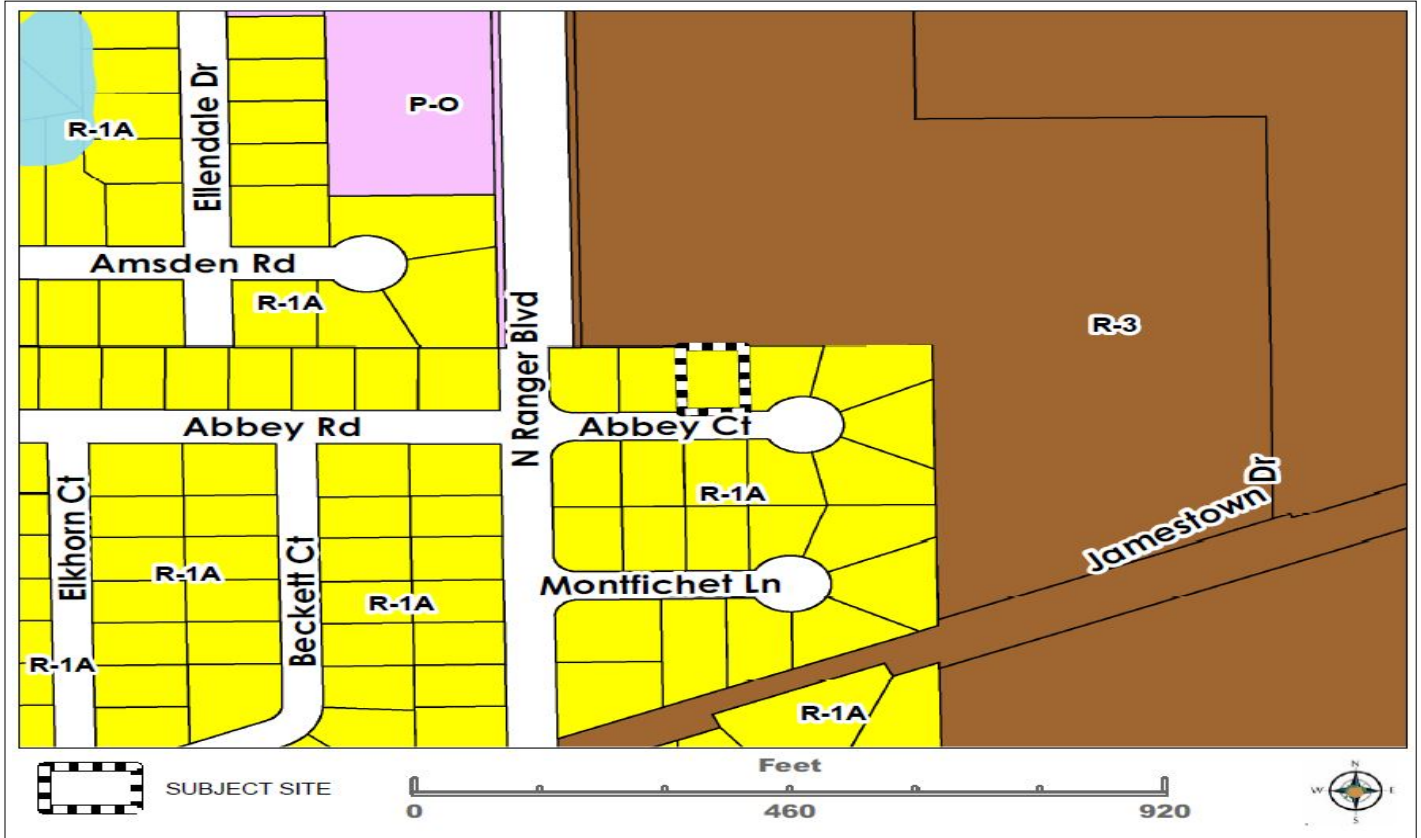
The requested variance is the minimum required to construct the proposed patio addition.

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.

This variance will be in harmony with the purpose and intent of regulations.

This patio addition will not be injurious to the neighborhood or detrimental to the public welfare.

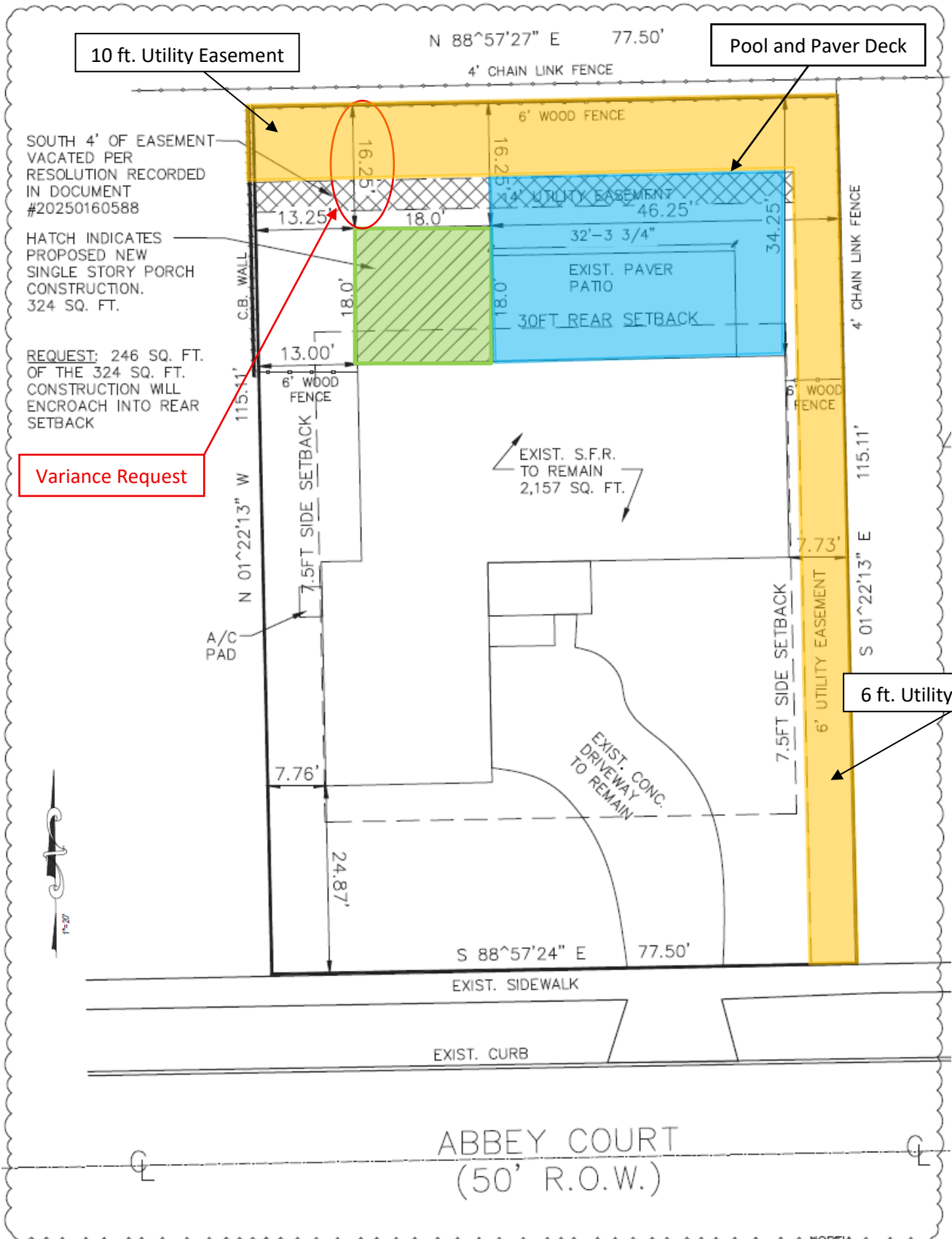
ZONING MAP



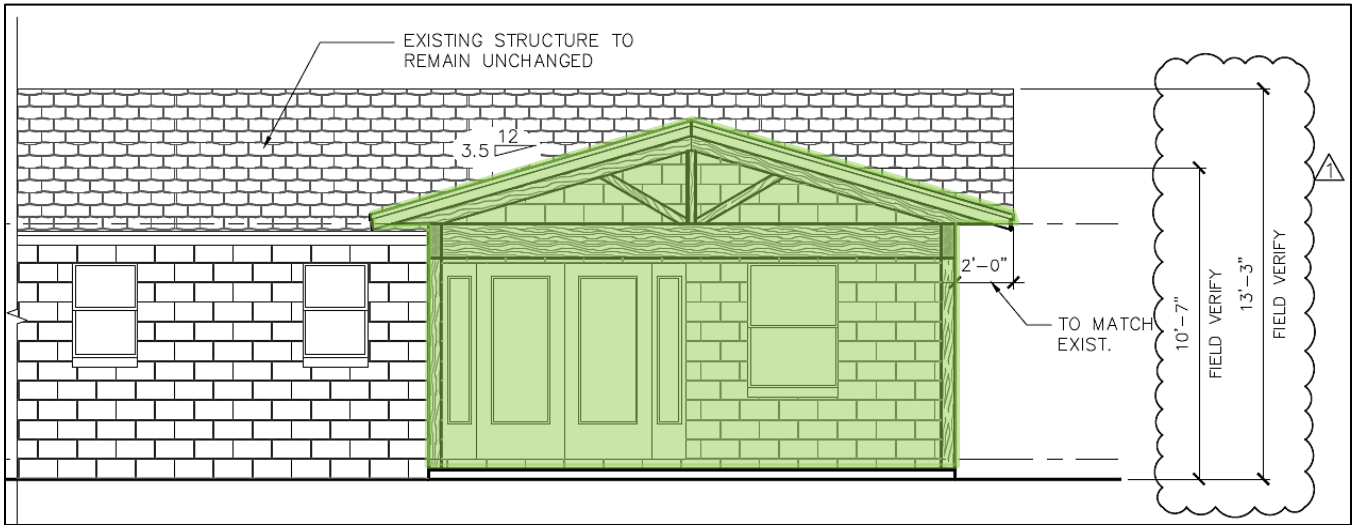
AERIAL MAP



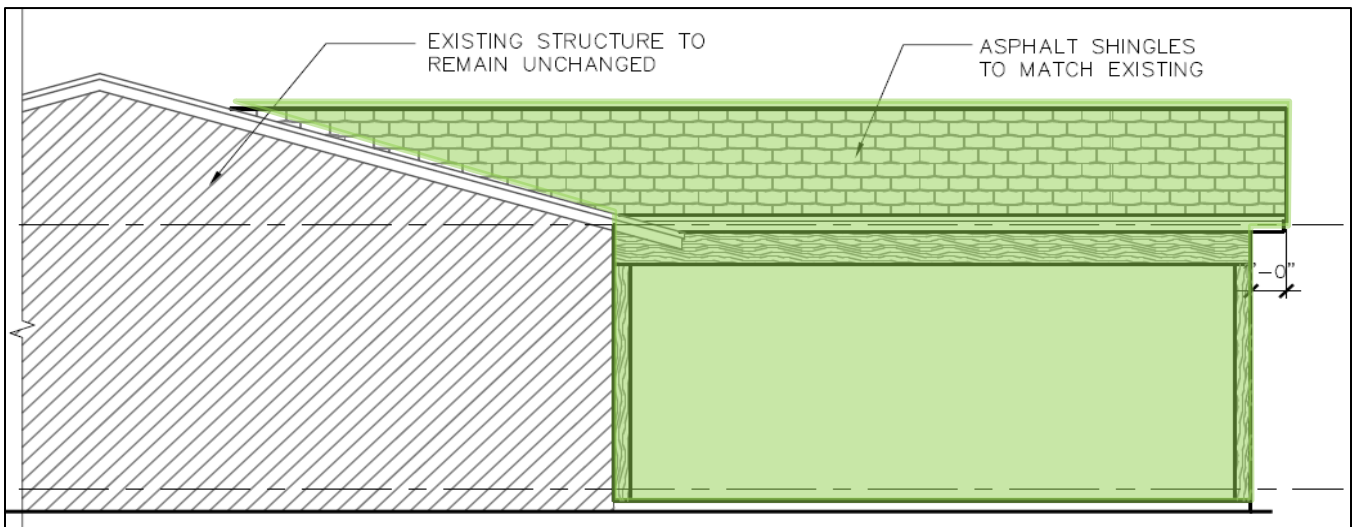
SITE PLAN



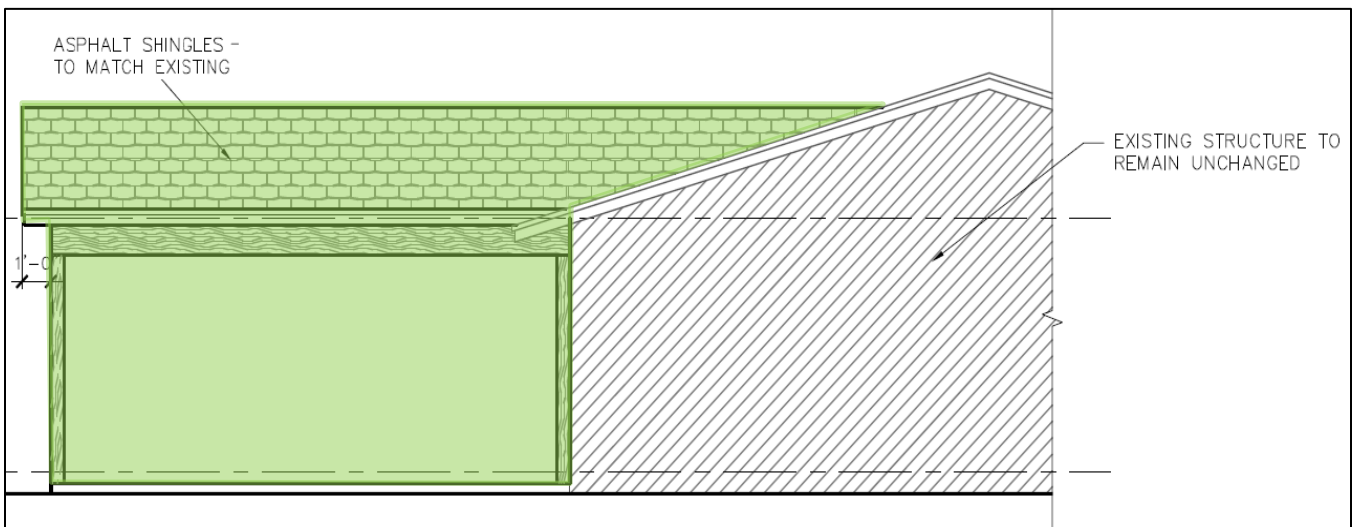
ELEVATIONS



Rear Elevation



Right Elevation



Left Elevation

SITE PHOTOS



From Abbey Ct., facing north towards front of subject property



East side yard, facing north towards existing home

SITE PHOTOS



Rear yard, facing west towards proposed patio location



Rear yard, facing southwest towards proposed patio location

SITE PHOTOS



Rear yard, facing southeast towards proposed patio location



Rear yard, facing northeast towards proposed patio location and neighboring property to the north

SITE PHOTOS



West side yard, facing north

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JULY 03, 2025**

Commission District: **#3**

Case #: **VA-25-07-028**

Case Planner: **Catherine Glase; 407-836-9615**

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): APPLICANT

OWNER(s): CONFIDENTIAL

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

- 1) To allow an ADU with living space of 748 sq. ft. in lieu of 723 sq. ft.
- 2) To allow an ADU with a rear setback of 5.74 ft. in lieu of 15 ft.
- 3) To allow an ADU with a south side setback of 6.25 ft. in lieu of 7.5 ft.
- 4) To allow an addition (carport and porch) with a front setback of 14.66 ft. in lieu of 25 ft.

PROPERTY LOCATION: 6 Randia Dr., Orlando, FL 32807, west side of Randia Dr., north of S.R. 408, east of S. Semoran Blvd., south of E. Colonial Dr., and west of N. Goldenrod Rd.

PARCEL ID: 27-22-30-0390-03-270

LOT SIZE: +/- 9,256 sq. ft.

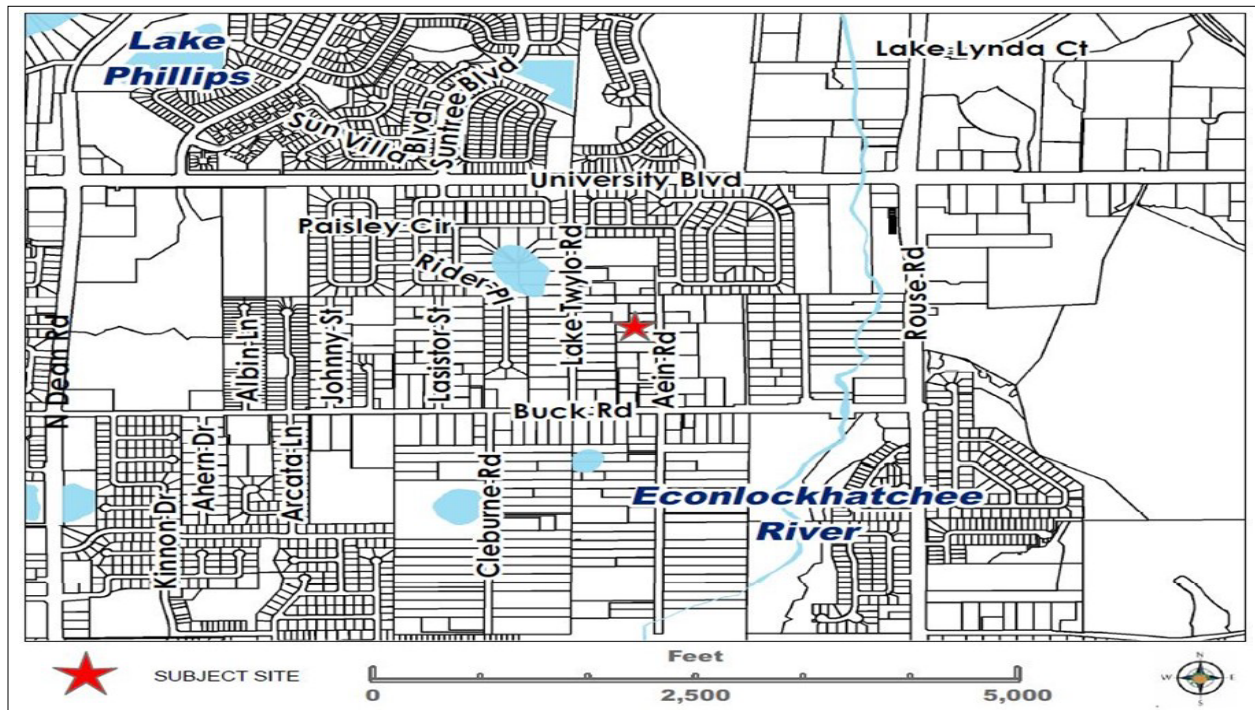
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 134

STAFF RECOMMENDATIONS

CONTINUED TO AUGUST 7, 2025, BZA MEETING

LOCATION MAP





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

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JULY 03, 2025**

Commission District: **#3**

Case #: **VA-25-06-020**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): DAVID HEINMILLER

OWNER(s): DAVID HEINMILLER

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

1) To allow the enclosure of the existing porch with a front setback of 24.6 ft. in lieu of 30 ft.

2) To allow an existing shed with a side setback of 4 ft. in lieu of 5 ft.

PROPERTY LOCATION: 3616 Bliss Ave., Orlando, FL 32806, west side of Bliss Ave., north of Gatin Ave., east of S. Summerlin Ave., south of E. Michigan St., west of S. Fern Creek Ave.

PARCEL ID: 12-23-29-0748-02-030

LOT SIZE: +/- 0.26 acres (+/- 11,407 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 113

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

1. Development shall be in accordance with the site plan date stamped June 16, 2025, and elevations dated June 16, 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 enclosure of the existing porch to living space, a permit for the detached accessory structure (shed) shall be obtained, or the structure shall be removed from the property.
5. The proposed front porch enclosure shall be constructed of the same material as the existing house and painted in the same color palette as the existing house.

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 (6) criteria and the reasons for a recommendation for approval of Variance #1 and denial of Variance #2. Staff noted that one comment was received in favor and no comments were received in opposition to the request.

The applicant was present and noted that when they purchased the property the shed was on the property.

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

The BZA discussed the fact that the structure has been on the property since the 1970s and the setback encroachment was considered minor and without the Variance the shed would have to be removed.

The BZA recommended approval of both Variances as requested by a 5-0 vote, subject to the four (4) conditions found in the staff report with a modification of condition of approval #1 and the addition of condition of approval #5 as follows:

1) Development shall be in accordance with the site plan date stamped June 16, 2025, and elevations dated June 16, 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).

5) The proposed front porch enclosure shall be constructed of the same material as the existing house and painted in the same color palette as the existing house.

STAFF RECOMMENDATIONS

Approval of Variance request #1 and denial of Variance request #2, 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 modified conditions in this report.