



Planning, Environmental &  
Development Services  
Department

Orange County Board of Zoning Adjustment

# Recommendations Booklet

Hearing Date:

**May 7, 2026**

Zoning Division

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

| <b><u>Board Member</u></b> | <b><u>District</u></b> |
|----------------------------|------------------------|
| 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**

|                   |                   |
|-------------------|-------------------|
| Melissa Dunklin   | Assistant Manager |
| Laekin O’Hara     | Chief Planner     |
| Catherine Glase   | Planner II        |
| Jacqueline Boling | Planner I         |
| Daniella McCloud  | Planner I         |

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
RECOMMENDATIONS  
MAY 7, 2026**

| <b>Case #</b> | <b>Applicant</b>   | <b>Commission District</b> | <b>Staff Recommendation</b>                                | <b>BZA</b>            | <b>Page #</b> |
|---------------|--------------------|----------------------------|--|-----------------------|---------------|
| VA-26-01-089  | Andrew McCown      | 1                          | Approved w/Conditions                                      | Approved w/Conditions | 1             |
| VA-26-05-022  | Alkarim Dhanani    | 1                          | Request #1, Denial<br>Request #2,<br>Approved w/Conditions | Approved w/Conditions | 22            |
| VA-26-05-023  | Karys Morgan       | 5                          | Approved w/Conditions                                      | Approved w/Conditions | 39            |
| VA-26-05-032  | Rachelle Dunneback | 1                          | Denial   | Approved w/Conditions | 58            |
| VA-26-05-033  | Aubrey Diaz        | 1                          | Denial   | Approved w/Conditions | 71            |
| VA-26-05-025  | Donn Sharpe        | 1                          | Approved w/Conditions                                      | Approved w/Conditions | 84            |
| VA-26-05-028  | Heather Daffan     | 3                          | Denial   | Approved w/Conditions | 95            |
| VA-26-05-035  | Dee Dee Albertson  | 1                          | Denial   | Approved w/Conditions | 108           |
| VA-26-05-036  | Kevin Carpenter    | 6                          | Denial   | Approved w/Conditions | 123           |
| VA-26-04-013  | Nelson Fairfoot    | 3                          | Denial   | Approved w/Conditions | 136           |
| VA-26-05-030  | Ian Duffy          | 1                          | Approved w/Conditions                                      | Approved w/Conditions | 152           |
| VA-26-05-034  | Peter Leerdam      | 5                          | Approved w/Conditions                                      | Approved w/Conditions | 168           |
| VA-26-05-037  | Katelyn O'Neal     | 1                          | Denial   | Approved w/Conditions | 179           |
| SE-26-05-029  | James Willard      | 3                          | Approved w/Conditions                                      | Approved w/Conditions | 193           |

**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 Jun 02, 2026.**

# ORANGE COUNTY ZONING DISTRICTS

## Agricultural Districts

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

## Residential Districts

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

## Non-Residential Districts

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

## Other District

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

# SITE & BUILDING REQUIREMENTS

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

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

| District                       | Min. Lot Area <sup>M</sup> (sq. ft.)                              | Min. Living Area/ floor area (sq. ft.)       | Min. Lot width (ft.) | <sup>A</sup> Min. Front yard (ft.)                                    | <sup>A</sup> Min. Rear yard (ft.)               | <sup>A</sup> Min. Side yard (ft.) | <sup>A</sup> 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 <sup>A</sup>    | 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 <sup>A</sup>    | L                                |                      |
| NR                             | One family dwelling, 4,500  | 1,000  | 45 <sup>C</sup>      | 20  | 20  | 5                                 | 15                                       | 35/3 stories  | 50 <sup>A</sup>    | L                                | 38-1748              |
|                                | Two dwelling units, 8,000   | 500 per dwelling unit                        | 80                   | 20  | 20  | 5                                 | 15                                       | 35/3 stories  | 50 <sup>A</sup>    | L                                | 38-1748              |
|                                | Three dwelling, 11,250  | 1,000  | 45 <sup>C</sup>      | 20  | 20  | 5                                 | 15                                       | 35/3 stories  | 50 <sup>A</sup>    | 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 <sup>A</sup>    | 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 <sup>A</sup>    | 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 <sup>A</sup>    | L                                | 38-1741              |
|                                | One family dwelling, 4,500  | 1,000  | 45 <sup>C</sup>      | 20  | 20  | 5                                 | 15                                       | 35/3 stories  | 50 <sup>A</sup>    | L                                | 38-1741              |
|                                | Two dwelling units, 11,250  | 500 per dwelling unit                        | 80                   | 20  | 20  | 5                                 | 15                                       | 35/3 stories  | 50 <sup>A</sup>    | L                                | 38-1741              |
|                                | Three dwelling, 11,250  | 500 per dwelling unit                        | 85                   | 20  | 20  | 10                                | 15                                       | 35/3 stories  | 50 <sup>A</sup>    | 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 <sup>A</sup>    | 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 <sup>A</sup>    | 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 <sup>A</sup>    | L                                | 38-1734              |
|                                | One family dwelling, 4,500  | 1,000  | 45 <sup>C</sup>      | 20  | 20  | 5                                 | 15                                       | 35/3 stories  | 50 <sup>A</sup>    | L                                | 38-1734              |
|                                | Two dwelling units, 8,000   | 500 per dwelling unit                        | 80                   | 20  | 20  | 5                                 | 15                                       | 35/3 stories  | 50 <sup>A</sup>    | L                                | 38-1734              |
|                                | Three dwelling, 11,250  | 500 per dwelling unit                        | 85                   | 20  | 20  | 10                                | 15                                       | 35/3 stories  | 50 <sup>A</sup>    | L                                | 38-1734              |

| District | Min. Lot Area <sup>M</sup> (sq. ft.)                              | Min. Living Area/ floor area (sq. ft.) | Min. Lot width (ft.) | <sup>A</sup> Min. Front yard (ft.) | <sup>A</sup> Min. Rear yard (ft.)                             | <sup>A</sup> Min. Side yard (ft.)                                 | <sup>A</sup> 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 <sup>A</sup>    | 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 <sup>A</sup>    | 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 <sup>A</sup>    | 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 <sup>A</sup>    | 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 <sup>A</sup>    | 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 <sup>A</sup>    | L                                | 38-880               |
| I-1A     | N/A   | N/A                                    | N/A                  | 35                                 | 25 <sup>N</sup>   | 25 <sup>N</sup>   | 15                                       | 50; or 35 within 100 feet of any residential use or district | 50 <sup>A</sup>    | L                                | 38-907               |
| I-1/I-5  | N/A   | N/A                                    | N/A                  | 35                                 | 25, or 50 ft. when abutting residential district <sup>N</sup> | 25, or 50 ft. when abutting residential district <sup>N/O</sup>   | 15                                       | 50; or 35 within 100 feet of any residential use or district | 50 <sup>A</sup>    | L                                | 38-932               |
| I-2/1-3  | N/A   | N/A                                    | N/A                  | 25                                 | 10, or 60 ft. when abutting residential district <sup>P</sup> | 15, or 60 ft. when abutting residential district <sup>P</sup>     | 15                                       | 50; or 35 within 100 feet of any residential use or district | 50 <sup>A</sup>    | L                                | 38-981               |
| I-4      | N/A   | N/A                                    | N/A                  | 35                                 | 10, or 75 ft. when abutting residential district <sup>N</sup> | 25, or 75 ft. when abutting residential district <sup>N</sup>     | 15                                       | 50; or 35 within 100 feet of any residential use or district | 50 <sup>A</sup>    | L                                | 38-1008              |

| District | Min. Lot Area <sup>M</sup> (sq. ft.) | Min. Living Area/ floor area (sq. ft.) | Min. Lot width (ft.) | <sup>A</sup> Min. Front yard (ft.) | <sup>A</sup> Min. Rear yard (ft.) | <sup>A</sup> Min. Side yard (ft.) | <sup>A</sup> 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 <sup>J</sup>      | 20/25 <sup>H</sup>                 | 30                                | 10 <sup>B</sup>                   | 15                                       | 35                         | 50 <sup>A</sup>    | 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.

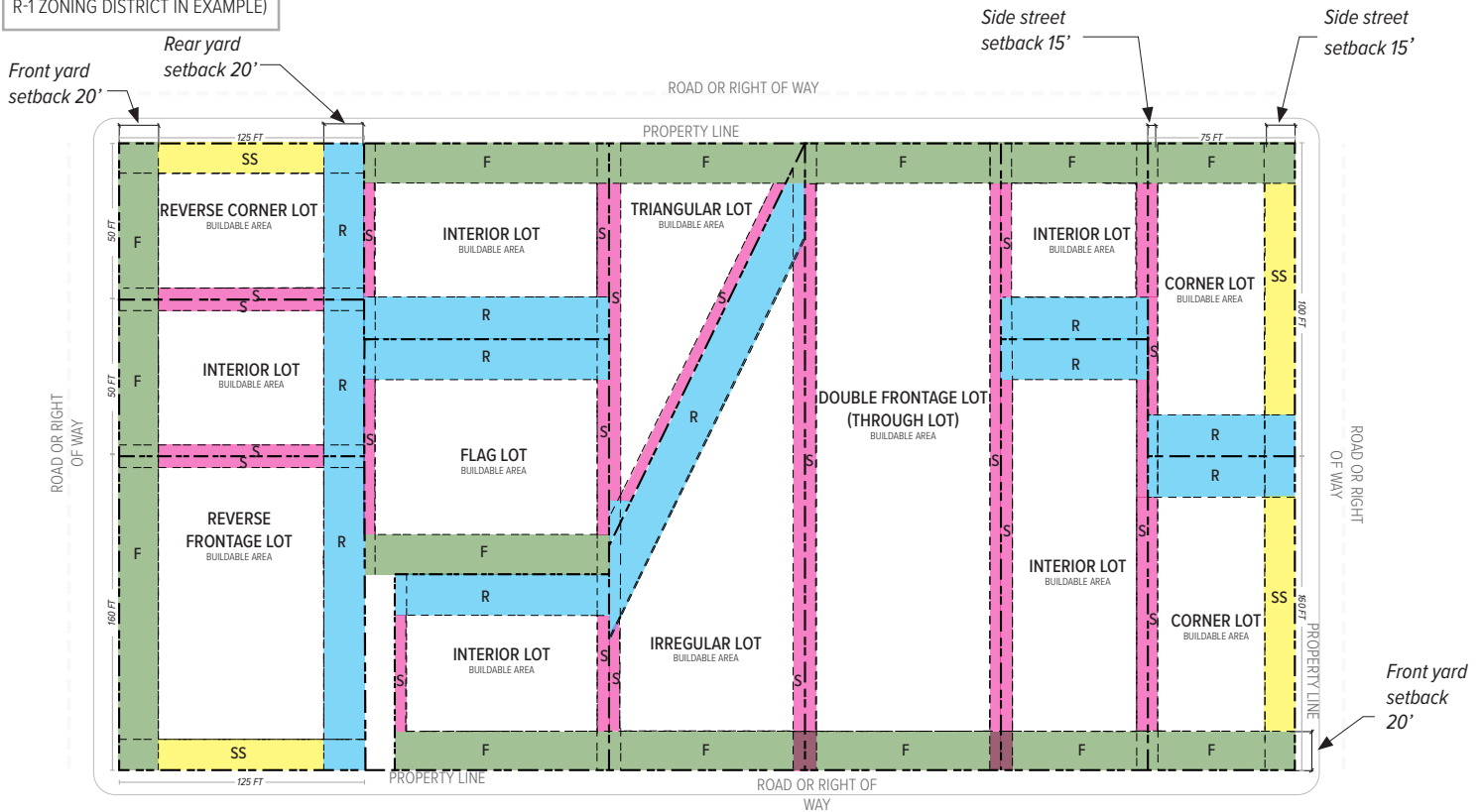
**FOOTNOTES**

|   |   |
|---|---|
| A | <p>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.</p> <p>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.</p> |
| 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.  |

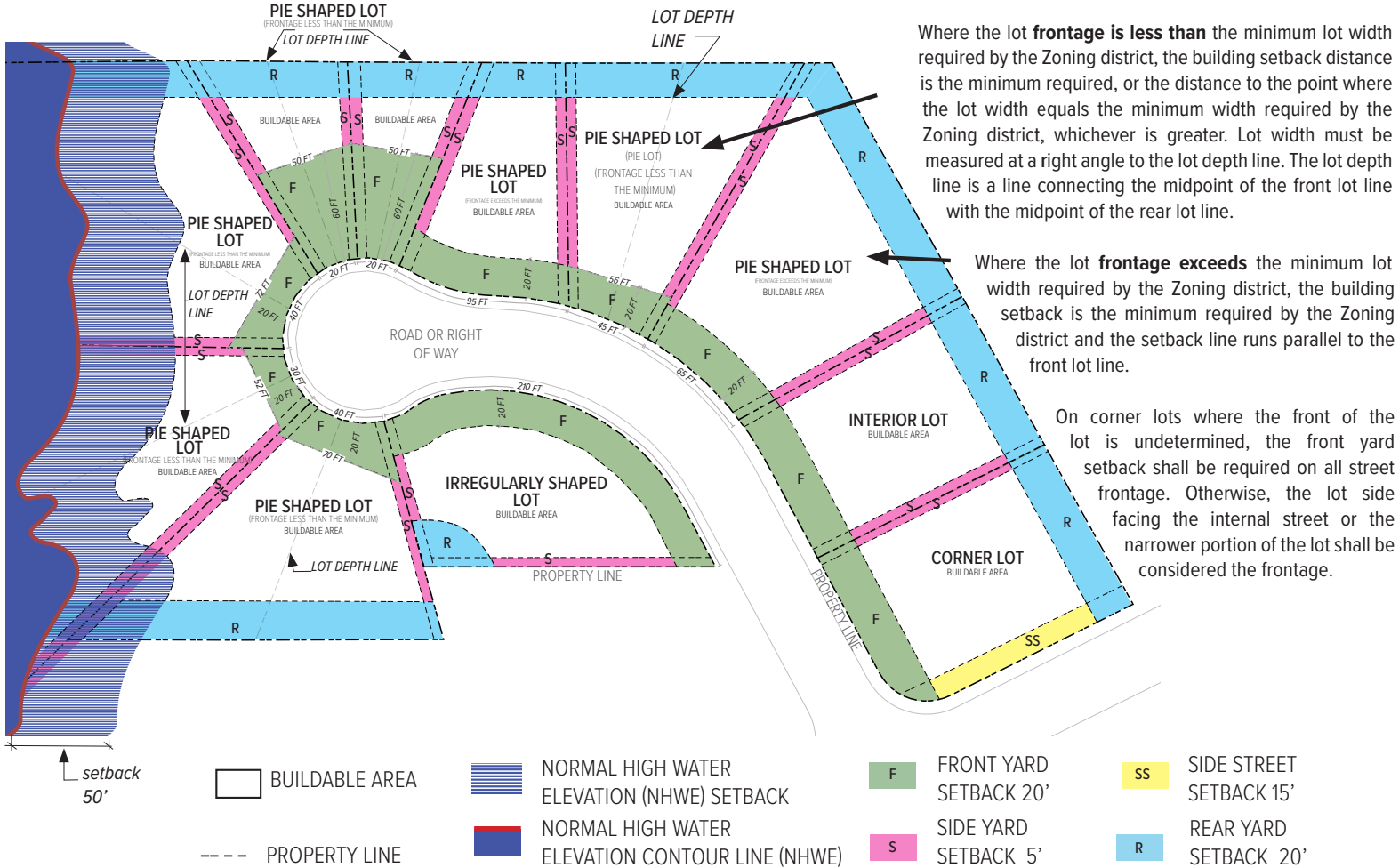
***These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.***

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'



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

## 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: **APR 02, 2026**

Commission District: **#1**

Case #: **VA-26-01-089**

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

**Catherine.Glase@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** ANDREW MCCOWN

**OWNER(s):** ORLANDO HEALTH INC

**REQUEST:** Variances in the PD zoning district to allow a ground sign as follows:

1) A maximum height of 27 ft. in lieu of 15 ft.

2) A maximum copy area of 531.9 sq. ft. for ground signage in lieu of 220 sq. ft.

**PROPERTY LOCATION:** 9400 Turkey Lake Rd., Orlando, FL 32819, west side of Turkey Lake Rd., north of S. R. 528, east of S. Apopka Vineland Rd., south of W. Sand Lake Rd., west of I-4.

**PARCEL ID:** 02-24-28-0000-00-006

**LOT SIZE:** 20.96 acres

**NOTICE AREA:** 900 ft.

**NUMBER OF NOTICES:** 97

**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 Thomas Moses, Second by Juan Velez; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the site plan dated October 22, 2025, and the sign details dated April 10, 2026, 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 6 criteria and the reasons for a recommendation for approval of the

Variations. Staff noted that three comments were received in favor and no comments were received in opposition to the request.

The applicant was present and provided a presentation of the request and went on to discuss their reasoning for the requests and some of the factors going into the decision for the proposed size and height of the sign, like early identification, clear messaging, and wayfinding.

There was no one in attendance to speak in opposition to the requests. One representative from Orange County Fire spoke in favor of the request and discussed the necessity to have signage visible from a distance for the public to easily identify the facility during times of crisis.

The BZA discussed the request and the difference between the existing 15 ft. sign, the previously proposed 30 ft. sign, and the current proposal. The board stated the reduction in height was more appropriate than the previous request.

The BZA recommended approval of the Variance requests by a 6-0 vote, with 1 absent, subject to the conditions in the staff report.

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### STAFF RECOMMENDATIONS

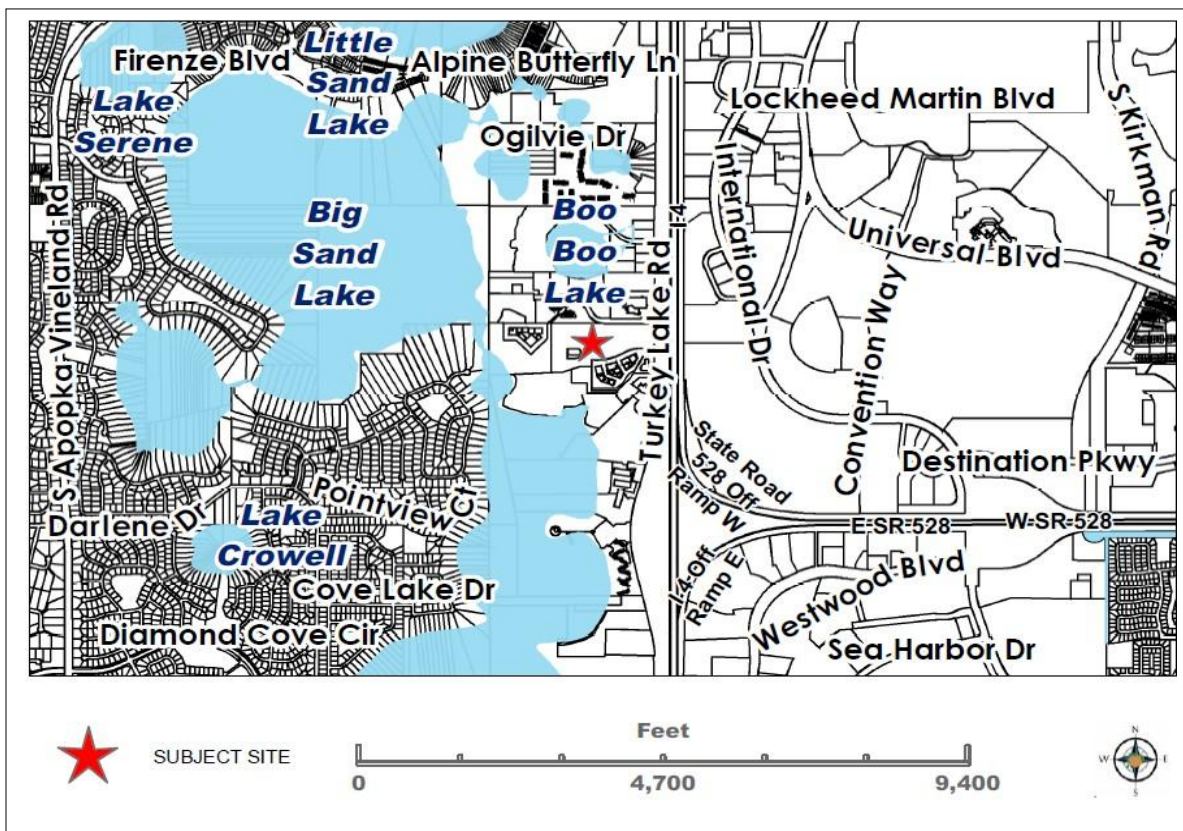
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Approval, subject to the conditions in this report.

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### LOCATION MAP

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**SITE & SURROUNDING DATA**

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|                 | Property | North     | South           | East               | West            |
|-----------------|----------|-----------|-----------------|--------------------|-----------------|
| Current Zoning  | PD       | PD        | PD              | N/A                | PD              |
| Future Land Use | INST     | PD-C/MHDR | INST            | N/A                | INST            |
| Current Use     | Hospital | Mixed Use | Medical Offices | Interstate 4 (I-4) | Medical Offices |

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The subject property is located in the Orlando Regional Medical Center Planned Development (PD). This PD allows for a hospital and medical offices. The Future Land Use (FLU) is Institutional (INST), which is consistent with the PD zoning district.

The area around the subject site consists of mixed-use office complexes, hotels, commercial, and some multifamily housing. The subject property is approximately 20.96 acres and is an unplatted lot of record. The site has access along Turkey Lake Road and a private right-of-way, Hillenmeyer Way, which runs along the south property line from Turkey Lake Road to the hospital buildings and the offices on the adjacent parcel to the south. The property is an irregular-shaped lot, developed with a six-story public hospital complex and associated surface parking lots. There are two monument style ground signs at the front of the property, and wayfinding signs throughout the site.

Variances were granted for the existing signage on site by the Board of County Commissioners as follows:

- September 30, 2008: Case #VA-08-09-012
  - 1) To allow 4 directional signs in lieu of 2
  - 2) To allow directional signs with 29.9 sq. ft. of copy area in lieu of 6 sq. ft. and 8.2 ft. in height in lieu of 6 ft.
  - 3) To allow 2 directional signs with 10.4 sq. ft. of copy area in lieu of 6 sq. ft.
  - 4) To allow a directional sign with 10.4 sq. ft. of copy area in lieu of 6 sq. ft.
- January 23, 2018: Case #VA-18-01-147 To allow 459 cumulative sq. ft. of ground signage in lieu of 120 sq. ft. The approval was to exceed the max sq. ft. allowed per sign face, not for the overall parcel.

The Development Plan (DP) contains the following restriction related to signage on the subject site: *Billboards shall be prohibited. Pole signs shall be prohibited except a sign that would otherwise meet the definition of a ground sign and is proposed, through a variance application to exceed fifteen (15) feet in height. All other signage shall comply with Chapter 31.5 of the Orange County Code, as may be amended.*

The proposal is to remove the existing 14.92 ft. tall by 7 ft. wide, 70 sq. ft., monument sign at the entrance of Hillenmeyer Way and erect a new 27 ft. tall by 13.25 ft. wide, 251.81 sq. ft. monument sign in the same location. Section 31.5-67(b) of Orange County Code states, "the maximum height of any ground sign in a commercial, industrial or agricultural district shall be twelve (12) feet, except that a monument-style ground sign may be a maximum of fifteen (15) feet in height..." The proposal utilizes a solid structural base, maintains the same width from bottom to top and is compatible with the architectural style of the principal building, therefore the maximum allowable height of the sign is 15 ft., prompting Variance #1. Section 31.5-67(b) states "...Any sign that would otherwise fall within the definition of a ground sign and proposed through a Variance application to be more than fifteen (15) feet in height shall be deemed to be a pole sign, and therefore subject

to the applicable provisions regulating pole signs.” The sign is designed with the main sign face at 25 ft. in height with a red totem extending another 2 ft. above the main sign face to reach the 27 ft. proposed height. Pole signs within commercial, industrial, and agricultural districts are permitted to be at a maximum height of 30 ft., therefore, the proposal is consistent with the pole sign code in regard to height.

Section 31.5-15(a)(1) of Orange County Code states, for ground signs or pole signs, a total of one-half square foot of copy area for signage may be allowed for each one linear foot of right-of-way frontage. Orange County Code defines property (right-of-way) frontage as the length of the property line along the public right-of-way on which the property borders. The property contains 440 linear feet of right-of-way frontage along Turkey Lake Rd. The definition of property frontage specifically states public right-of-way, therefore, Hillenmeyer Way is not included in the calculations used to determine the maximum copy area allowed for ground signs or pole signs on the parcel. A maximum copy area of 220 sq. ft. is allotted for the property. The existing V-shaped monument style ground sign is proposed to remain on site in its current configuration at 280.1 sq. ft. of copy area. The cumulative copy area of the existing and proposed sign is 531.9 sq. ft. where a maximum of 220 sq. ft. is allowed, prompting Variance #2.

Development Standards for ground / pole signs

|                                     | Code Requirement                                     | Proposed   |
|-------------------------------------|--|--|
| Max Number of Signs                 | 1 ground sign per parcel<br>1 pole sign per parcel   | 2 (1 existing and 1 proposed)  |
| Distance between Signs              | 100 ft.  | +/- 150 ft.  |
| Max Copy Area per sign face:        | 120 sq. ft. (ground sign)<br>300 sq. ft. (pole sign) | 280.1 sq. ft. (existing ground sign - VA-18-01-147)<br>251.81 sq. ft. (Proposed pole sign) |
| Total Max Copy Area:                | 220 sq. ft.  | 531.9 sq. ft. (Variance #2)  |
| Max Height:                         | 15 ft. (ground sign)<br>30 ft. (pole sign)           | 27 ft. (pole sign - Variance #1)   |
| Min. Setbacks (All property lines): | 10 ft.   | 10 ft. – East<br>83 ft. – South<br>350 ft. – North<br>N/A - West                           |

This request was continued from the April 2, 2026, BZA hearing, to allow the applicant time to explore alternative signage options. The original proposal included three Variances to allow a monument sign measuring 30.42 ft. in height and 15.83 ft. in width, with a total copy area of 380.3 sq. ft. The applicant has since submitted revised drawings, and updated their request as indicated in this report. The revised plans reduce the overall sign face area, eliminating the need for one of the three original variances.

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

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Based on staff’s analysis, the proposed sign height is consistent with the code

provisions regulating pole signs and there are unique circumstances for the site necessitating the increased cumulative copy area for ground signs. Therefore, staff is recommending approval of the Variance requests.

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## STAFF FINDINGS

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### **VARIANCE CRITERIA**

#### **Special Conditions and Circumstances**

VARIANCE #1 MET – The special conditions and circumstances exist as the building is set back a considerable distance from the roadway. The proposed sign height improves wayfinding by allowing earlier identification of the facility.

VARIANCE #2 MET – The special conditions and circumstances exist as the property contains approximately 2,370 sq. ft. of right-of-way frontage. However, a majority of the right-of-way is private, along Hillenmeyer Way. Therefore, 1,930 linear ft. right-of-way frontage along Hillenmeyer Way is. is not recognized for copy area calculation purposes, which would otherwise allow the property a total copy area of 1,185 sq. ft.

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

VARIANCE #1 MET – The request is not self-created as the conditions affecting visibility were not created by the applicant but rather are due to the size and configuration of the property.

VARIANCE #2 MET - The request is not self-created as the copy area limitations result from the determination of which rights-of-way can be used to calculate copy area.

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

VARIANCE #1 MET – While Code limits ground signs to a maximum of 15 ft. in height, the proposed height is consistent with the maximum permitted for pole signs and Code requires any sign that would otherwise fall within the definition of a ground sign and proposed through a Variance application to be more than 15 ft. in height to be deemed a pole sign, and therefore subject to the applicable provisions regulating pole signs.

VARIANCE #2 MET – Approval of the Variance would not confer special privilege as the subject property has a unique right-of-way.

#### **Deprivation of Rights**

VARIANCE #1 MET – Literal interpretation of this requirement would deprive the applicant rights commonly enjoyed by other properties. Properties along arterial roadways rely on signage that is visible from a distance to provide site identification, specifically when the development is not visible from the right-of-way. Strict application of the height limitation limits visibility compared to other commercial uses.

VARIANCE #2 MET – Strict application of the code would deny the applicant the ability to provide adequate signage for the property.

#### **Minimum Possible Variance**

VARIANCE #1 MET – The request is the minimum possible. The height is consistent with the sign height allowed for pole signage.

VARIANCE #2 MET – The request is the minimum possible to allow for the installation of the proposed sign.

## **Purpose and Intent**

ALL VARIANCES MET – Granting the Variances would be in harmony with the purpose and intent of code as code is primarily focused on effectively communicating the sign message while protecting the aesthetic character of the area and ensuring traffic safety. The proposed increase in sign height and overall copy is intended to improve visibility from adjacent rights-of-way and assist motorists in identifying the facility.

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## **CONDITIONS OF APPROVAL**

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1. Development shall be in accordance with the site plan dated October 22, 2025, and the sign details dated April 10, 2026, 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: Andrew McCown  
618 E. South St., Suite 700  
Orlando, FL 32801



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|         |   |
|---------|---|
| To      | Orange County Staff                                     |
| CC      | Nathan Milch, Sharon Subryan                            |
| Subject | Sign Variance   |
| Project | Orlando Health Dr. P. Phillips Hospital – Entrance Sign |
| From:   | Andrew McCown, Dawn Welsh                               |
| Date    | February 26, 2026 rev. April 10, 2026                   |

To Whom It May Concern,

Orlando Health Dr. P. Phillips Hospital is a large healthcare campus spanning over 40 acres. It includes a hospital and emergency room, several medical office parks, a single main entrance from Turkey Lake Road, multiple parking areas, and a multi-level parking garage. Per Orange County Code Sec. 31.5-190 – *Master Sign Plan*, large planned developments with at least 15 developable acres and 1,000 feet of right-of-way frontage are encouraged to submit a Master Sign Plan (MSP). While our site is well in excess of the acreage requirement, it falls short of the right-of-way frontage due to the unique parcel configuration, with only approximately 440 feet along Turkey Lake Road. This limitation restricts our ability to implement a comprehensive MSP that would enhance wayfinding across the campus.

The current Orange County Sign Code outlines sign types, locations, and sizes for permitted signs, but does not adequately address the unique needs of a unified healthcare campus such as Dr. P. Phillips Hospital. Strict adherence to these codes erodes protection of the public health, safety, and welfare, as it significantly hinders effective wayfinding, particularly for emergency services, as the emergency room is located deep within the property and is not visible from Turkey Lake Road.

In 2018, Orlando Health Dr. P. Phillips Hospital submitted two sign variances for its property located along Turkey Lake Road. In recognition of the shortcomings of the existing code in the unique case of the hospital, they were both granted by the County:

**Approved Variance 1:**

Approved to replace the previously existing monument sign measuring 12 feet by 10 feet. The new ground monument sign was installed within the planting strip of the entrance road.

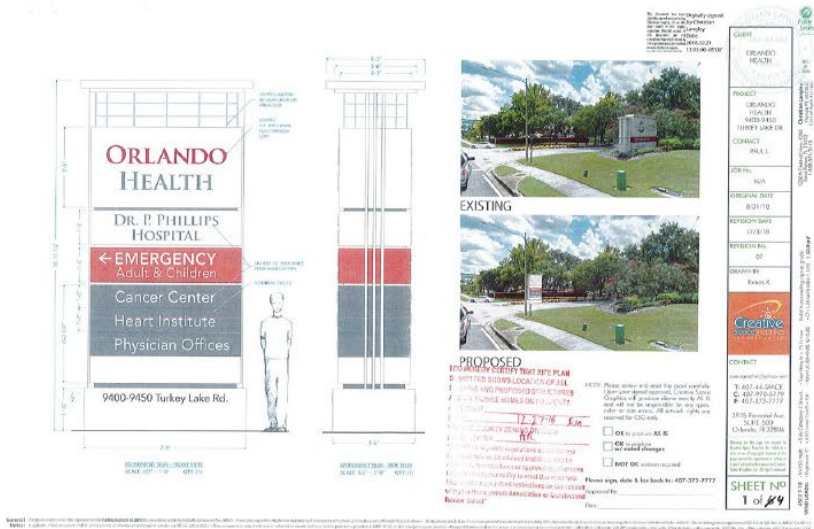


Figure 1. Approved entrance sign.

**Approved Variance 2:**

Approved for the installation of an additional V-shaped monument sign measuring 61 feet 7 inches by 8 feet, also located along Turkey Lake Road.



Figure 2. Approved V-shaped sign



In addition to these variances, the Dr. P. Phillips Hospital has undergone the process with Orange County of consolidating the relevant development plans for the property, as required by the County prior to submitting to the Board of Zoning Adjustment. Please see case CDR-26-01-002 for the consolidated plans.

Hospital signage must be easily identifiable, highly visible, and provide clear directions. Unlike commercial developments, hospital campuses serve individuals in crisis, and signage plays a vital role in ensuring public health, safety, and welfare. The proposed sign will support these goals by improving access for patients in distress, visitors, and emergency vehicles.

Please find the **Orlando Health Dr. P. Phillips Hospital Totem Sign** document attached, which outlines the specifications of the existing and proposed signs.

### **Proposed Sign Specs**

The overall dimensions of the proposed sign are 13'-3" x 27' x 4'. Broken down by sections, the ID area measures 15'-5" x 10'-3" (159.31 sq ft). The address area measures 1'-10" x 6'-1" (11.15 sq ft). The Emergency totem measures 3' x 27' (81 sq ft). The total copy area of the sign is 251.46 sq ft. Per Sec. 31.5-67. Ground Signs (b), "any sign that would otherwise fall within the definition of a ground sign and proposed through a variance application to be *more than 15 ft. in height* shall be deemed to be a pole sign, and therefore subject to the applicable provisions regulating pole signs."

As it will replace the existing sign and will be in the same location, it will remain 10' from the eastern property line located along Turkey Lake Road. It will be 350' from the northern property line and 86' from the southern property line.

The sign will be constructed of an internally illuminated aluminum cabinet with push through acrylic letters and logo. The emergency totem is constructed using an aluminum cabinet base with polycarbonate faces (all sides) with reverse cut vinyl graphics.

Below, please find our responses to the County's supplemental questions for variance approval for the request of the Orlando Health, Dr. P. Phillips Hospital entrance sign replacement.

### **Responses to Variance Review Criteria and Findings.**

- (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 use of the subject property as a large medical campus presents a unique condition within the County, necessitating a tailored and systematic approach to signage. As currently written, **Section 31.5-67 – Ground Signs** does not permit a monument sign of the requested size. **Section 31.5-190** allows projects with 15 or more developable acres to submit a Master Sign Plan (MSP) for a more flexible wayfinding option; however, this property is ineligible due to its

parcel dimensions — it only has 440 ft. of right-of-way along Turkey Lake Road, falling short of the 1,000 ft. minimum requirement.

Section 31.5-5 of the code defines property frontage as the length of the property line that lies along a public right-of-way. Importantly, the term right-of-way excludes limited-access highways, unopened or vacated rights-of-way, easements, and retention ponds. Based on this definition, only the frontage along Turkey Lake Road may be used to calculate the site's total right-of-way frontage. Because the Dr. P. Phillips Hospital campus is large and irregularly shaped, it is uncommon for a property of this size to have such limited frontage along a public right-of-way. Hillenmeyer Way functions as the primary internal access road throughout the campus; however, because it is a private right-of-way, it cannot be included when determining the maximum allowable copy area for signage. Given the hospital's scale and the number of destinations distributed throughout the campus, additional signage is necessary to ensure that patients, visitors, and staff can safely and efficiently navigate the site.

The Hospital has conducted multiple user experience surveys which have indicated that the public struggles to locate the hospital's emergency entrance, even with previous signage variances. The current sign presents too much information at once—such as references to the Cancer Center, Heart Institute, and Physician Offices—which can overwhelm drivers and hinder their ability to respond effectively in urgent situations.

In emergency situations, individuals must first perceive a visual cue before interpreting its meaning and acting on it. This process—recognizing signage, understanding its context, and making quick decisions while driving—is critical. The proposed sign eliminates visual ambiguity and presents clear, concise messaging. In contrast, the existing sign is insufficiently sized for fast-moving traffic, lacks definition, and is difficult to notice.

The requested variances are for a larger, more clearly defined emergency sign with additional copy area. The proposed design incorporates effective visual cues, including visual features that appear to grow or approach rapidly, which are proven to capture attention and convey urgency more effectively than the existing signage.

The proposed sign streamlines messaging to focus solely on emergency access, reducing cognitive load and improving response time. It also addresses the reality that drivers in emergency situations often experience narrowed attention and may overlook important environmental cues, posing risks to themselves and others.

These variance requests reflect special conditions and circumstances tied to the property's use, and support a significant public benefit: ensuring safe, efficient movement of patients and visitors to the hospital. Approval of this request will not grant special privilege, but rather promote public safety and align with the intent of the County's zoning regulations.

- (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.

There are no self-created or self-imposed hardships that will be used to justify the requested zoning variance. Despite the campus being over 40 acres in size, the hospital has only 440 feet of right-of-way frontage along Turkey Lake Road. Due to its irregular shape, the hospital building is set back further from the road than typical developments, rendering it largely invisible from the public right-of-way – including the emergency room. This lack of visibility creates a legitimate hardship that is not the result of actions taken by the applicant, but rather a consequence of the parcel's physical characteristics.

Due to the parcel's size and land use designation, it would significantly benefit from a Master Signage Plan (MSP) for the hospital campus. An MSP would enable the creation of this critical signage, which is especially important for hospitals in general due to their unique, emergency wayfinding needs. Effective emergency signage must be clear, consistent, and legible from a distance, using simple language and universal icons. Strategic placement - particularly for emergency signage - is critical for safety and accessibility. However, the parcel's current configuration does not allow for the creation of an MSP, despite the clear need and public benefit, and a variance to the sign code is the only option to achieve the goals of the emergency signage.

- (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.

Approval of the requested zoning variances will not confer any special privilege to the applicant that is denied to other properties within the same zoning district. The parcel in question is zoned P-D (Planned Development), which is intended to support more flexible, creative, and integrated development than traditional zoning classifications.

Granting these variances will not provide Orlando Health Dr. P. Phillips Hospital with an unfair advantage. Rather, it will enhance public safety by helping drivers—especially those in distress—navigate more efficiently and reach emergency services quickly. Surrounding P-D uses include big box retail, offices, and resort hotels—none of which serve as emergency destinations requiring highly visible or immediate directional signage. These uses do not depend on prominent visual cues to guide their clients in emergency situations, unlike patients seeking urgent medical care.

- (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 applicant submits that literal interpretation of the provisions contained in this Chapter would deprive the property of rights commonly enjoyed by other properties within the same zoning district. Sec. 31.5-67. (b) restricts “the maximum height of any ground sign in a commercial, industrial or agricultural district shall be twelve (12) feet, except that a monument-style ground sign may be a maximum of fifteen (15) feet in height, provided it has a solid structural base and generally maintains the same width from bottom to top, and is compatible with the architectural style of the principal building or structure.” This restriction significantly impairs the applicant’s ability to construct a sign that would enhance visibility, facilitate access, and improve safety—particularly for emergency vehicles and individuals seeking medical care. Due to the site’s irregular configuration and absence of direct right-of-way frontage, the applicant is unable to submit an MSP for a cohesive and effective wayfinding system with flexible design standards. This limitation also critically affects the ability to implement necessary emergency signage. The proposed signage is essential for ensuring that the property is easily identifiable and accessible, especially in urgent situations.

- (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 variances represent the minimum adjustment necessary to realize the full benefits of the proposed emergency sign replacement. This emergency signage is a critical component of a thoughtfully designed wayfinding system intended to serve the public interest by reducing confusion and improving navigation for drivers on and around the hospital campus.

While signage benefits all patients, traditional signs often fail to address the heightened anxiety and disorientation experienced by emergency visitors. User experience surveys have indicated that even with existing emergency signage, it is ineffective and contributes to increased stress, physical discomfort, and dissatisfaction with their healthcare experience.

Although current signs utilize high-contrast colors, they suffer from small font sizes that are difficult to read at driving speeds of 40 mph. Additionally, they include nonessential information about hospital services that is not relevant during emergency situations. The proposed signage eliminates unnecessary content and prioritizes clear, legible emergency messaging that can be easily seen from a distance.

This improvement directly supports the health, safety, and welfare of the community by enhancing emergency access and reducing visitor confusion. The design of the proposed sign and the requested variance have been carefully considered to minimize any impact on the surrounding area while maximizing public benefit.

- (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.

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## COVER LETTER

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Granting the requested variances will not be injurious to the surrounding neighborhood nor detrimental to the public welfare. On the contrary, the proposed pole sign is thoughtfully designed to be visually appealing and will significantly enhance public safety. The additional copy area is only to provide critical information. It will provide clear, legible guidance to the emergency room, benefiting both emergency vehicles and emergency patients navigating the hospital campus.

The hospital is located in a predominantly commercial and institutional area, surrounded by medical offices, resort hotels, and bordered by Interstate 4. The nearest residential neighborhood lies over 2,500 feet away, separated by Big Sand Lake. This natural barrier, combined with the orientation of the neighborhood—facing away from the hospital—ensures that the sign will not impact residential views or character.

Furthermore, there is no shared entrance or direct access between the hospital and the residential area that could be affected by the sign's presence. As such, the proposed sign will not clutter or detract from the residential environment. Instead, it will serve a vital role in improving wayfinding and emergency response efficiency, aligning with both public safety and aesthetic considerations.

Based on these responses, we respectfully request approval of our variance for the Dr. P. Phillips Hospital proposed emergency sign. Please don't hesitate to contact me at 321.319.3069 if you have any questions regarding this submittal.

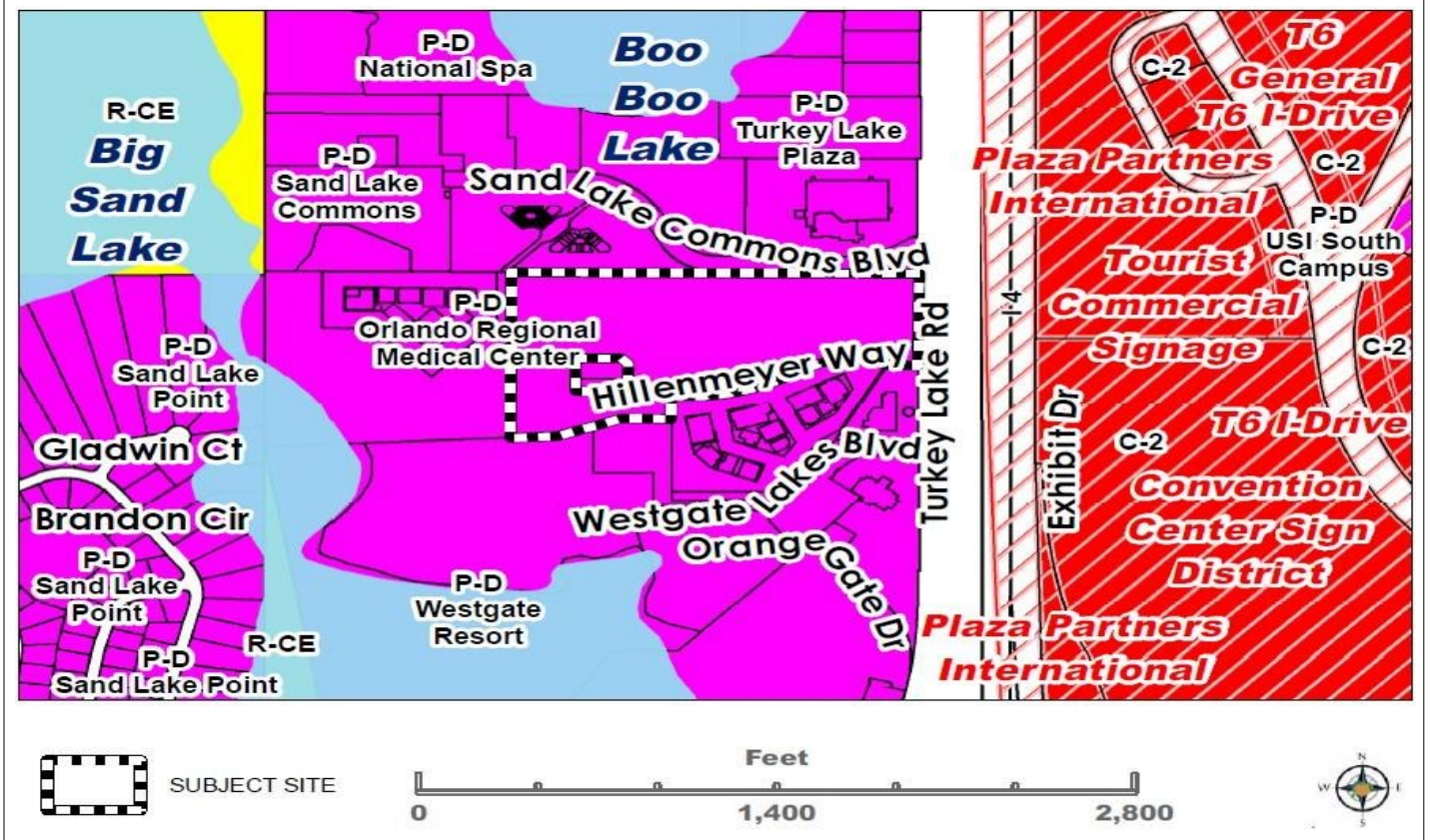
Sincerely,



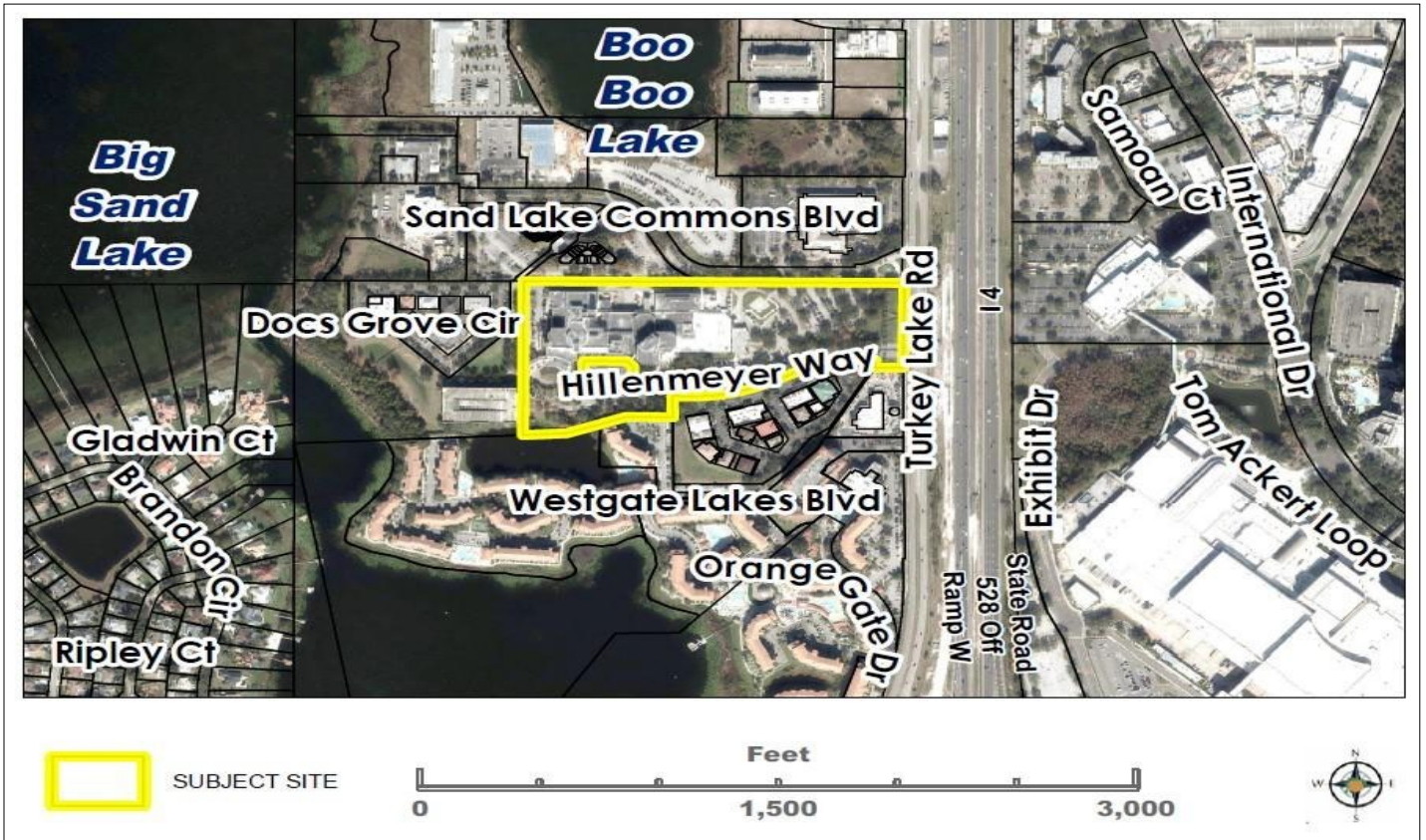
Andrew McCown, AICP

Director of Planning, Community Solutions Group

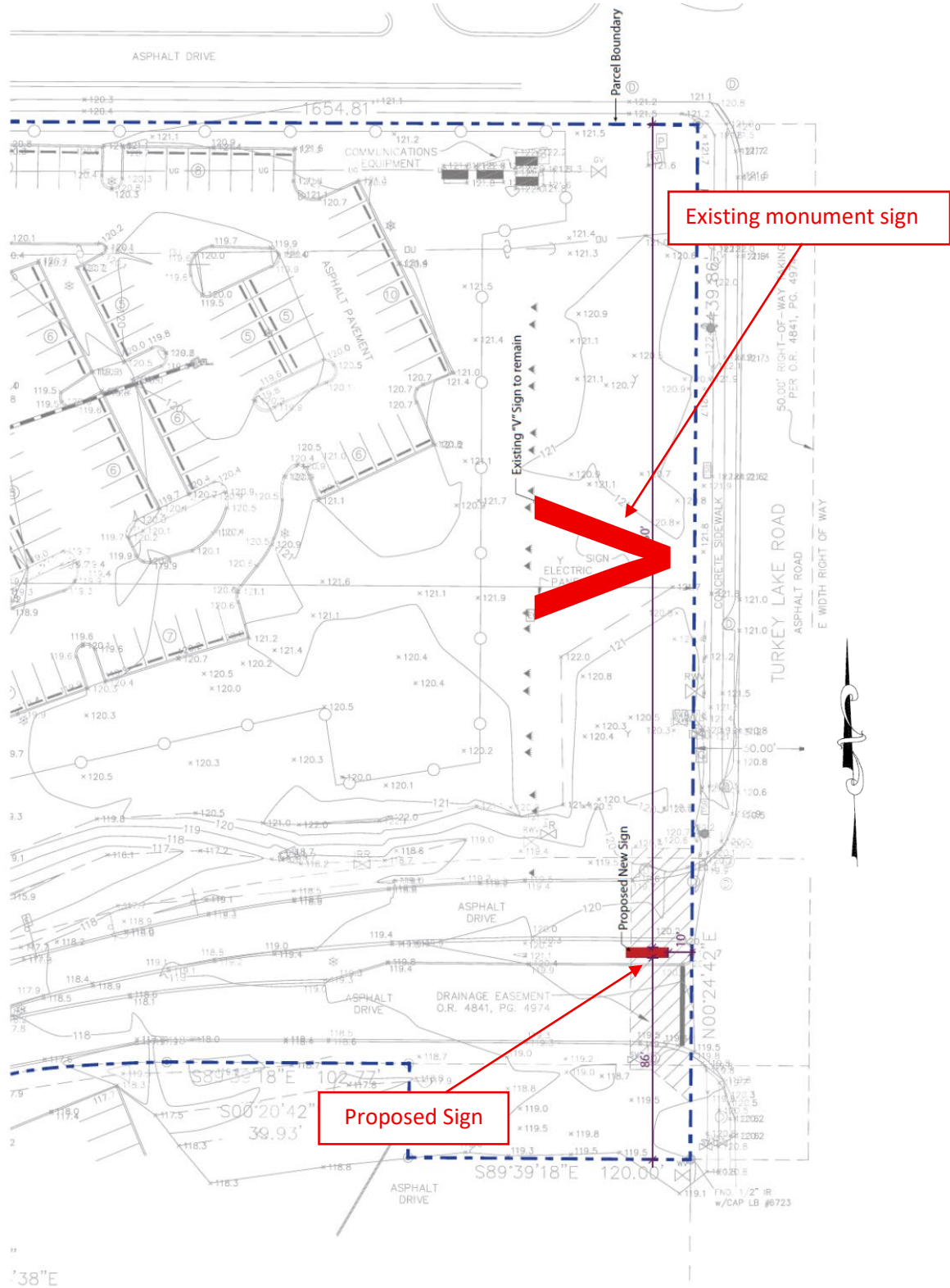
ZONING MAP



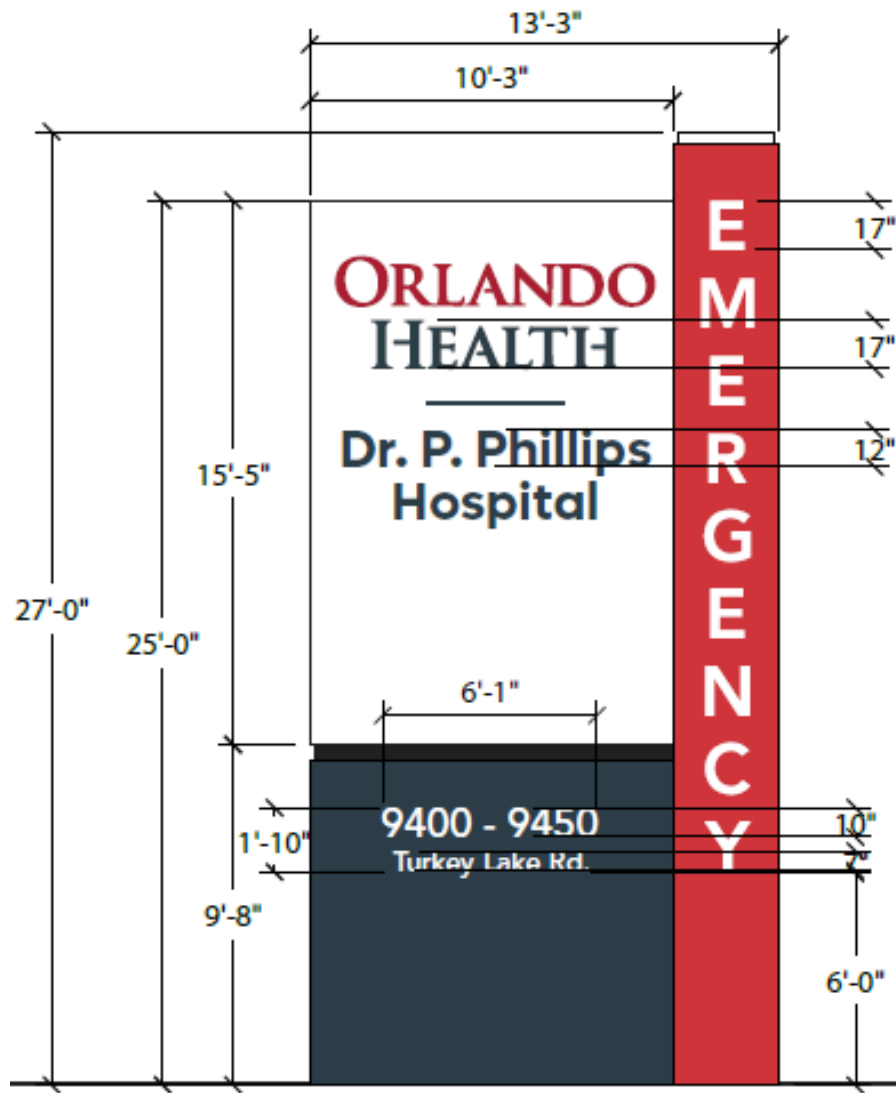
AERIAL MAP



PARTIAL SITE PLAN



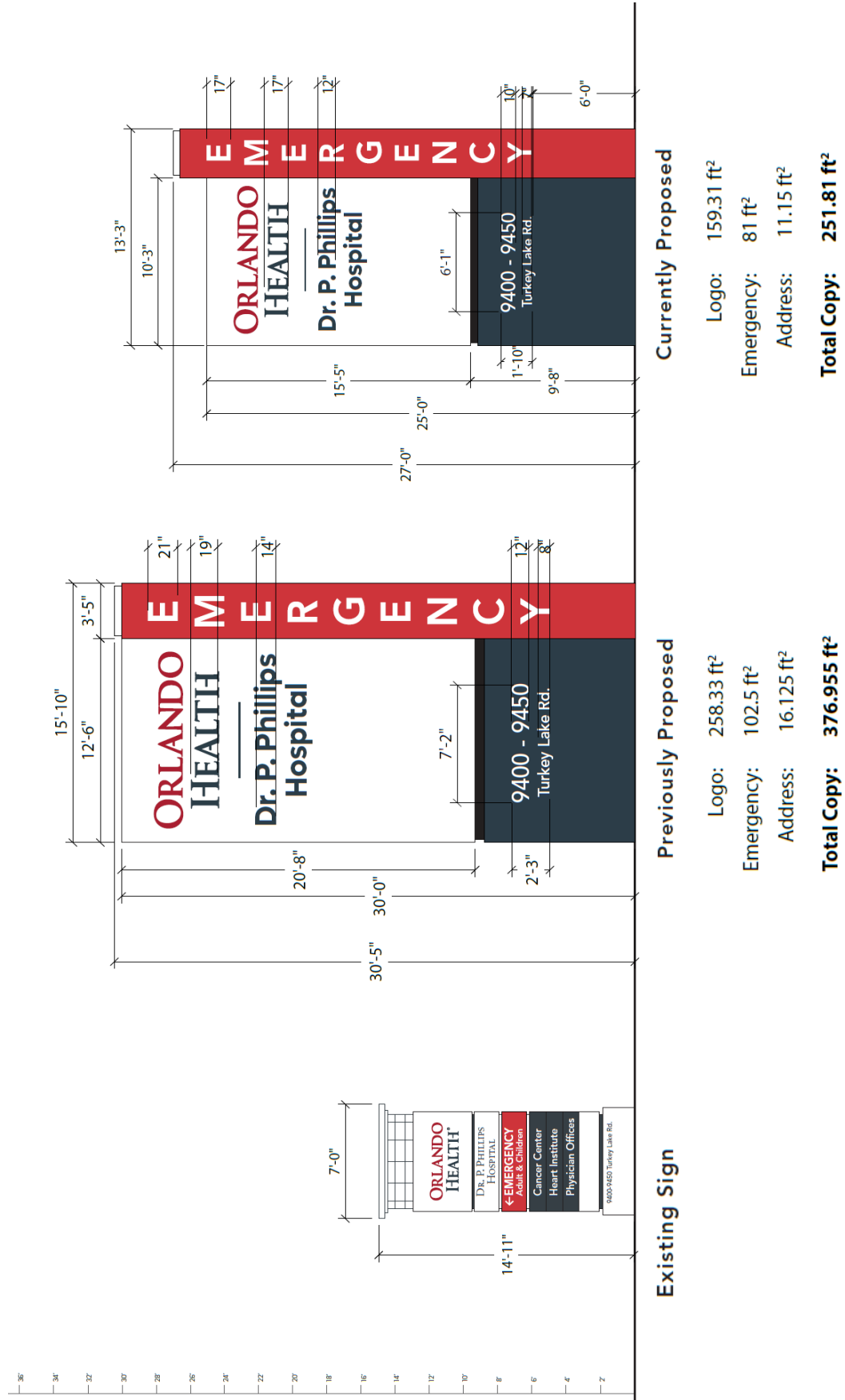
SIGN DETAILS



Currently Proposed

|                    |                              |
|--------------------|------------------------------|
| Logo:              | 159.31 ft <sup>2</sup>       |
| Emergency:         | 81 ft <sup>2</sup>           |
| Address:           | 11.15 ft <sup>2</sup>        |
| <b>Total Copy:</b> | <b>251.81 ft<sup>2</sup></b> |

# SIGN COMPARISON



**SIGN RENDERINGS**



**From Turkey Lake Rd. facing south**



**From Turkey Lake Rd. facing north**

SITE PHOTOS



To be removed and replaced

Facing north along the intersection of Turkey Lake Rd. and Hillenmeyer Way towards the existing signage



14.91 ft.

Facing north along Turkey Lake Rd. from the crosswalk towards the location of the proposed sign

SITE PHOTOS



Facing south along Turkey Lake Rd. towards the existing signage



Facing north along Turkey Lake Rd. towards the location of the proposed sign

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#1**

Case #: **VA-26-05-022**

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

**Catherine.Glase@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** ALKARIM DHANANI

**OWNER(s):** YASMIN DHANJI, RAHIM DHANJI

**REQUEST:** Variances in the PD zoning district from the Normal High Water Elevation as follows:

- 1) To allow an existing wood deck with a setback of 5 ft. in lieu of 20 ft.
- 2) To allow an existing spa and deck with a setback of 16.5 ft. in lieu of 20 ft.

NOTE: This is the result of a code violation

**PROPERTY LOCATION:** 8016 Firenze Blvd., Orlando, FL 32836, south side of Firenze Blvd., north side of Big Sand Lake., east of S. Apopka Vineland Rd., south of W. Sand Lake Rd., west of Turkey Lake Rd.

**PARCEL ID:** 34-23-28-8880-04-270

**LOT SIZE:** 10,205 sq. ft. (9,538 sq. ft. upland)

**NOTICE AREA:** 500 ft.

**NUMBER OF NOTICES:** 107

**DECISION:** Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as modified (Motion by Thomas Moses, Second by Juan Velez; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the site plan date stamped January 28, 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 any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the Variance request and, which shall inform all interested parties that the spa and deck is located no closer than 16.5 feet and the wood deck is located no closer than 5 ft. from the Normal High Water Elevation (NHWE) of Big Sand Lake.
5. A permit for the deck shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
6. Prior to the issuance of the permit for the wooden deck, permits for all unpermitted work (glass rail on the 2nd floor of the home, retaining wall, and concrete stairs) must be obtained, or the wooden deck must be removed.

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

The applicant was present and stated the wood deck was constructed without permits by a contractor and the code violation was prompted by the HOA.

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

The BZA discussed the requests, the HOA, and the improvements on neighboring residences. The board stated the improvements are consistent with the development in the area and denial would deprive the applicant the ability to use their rear yard.

The BZA recommended approval of the Variance requests by a 6-0 vote, with 1 absent, subject to the conditions in the 6 conditions listed in the staff report with the following modifications:

1) Development shall be in accordance with the site plan date stamped January 28, 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).

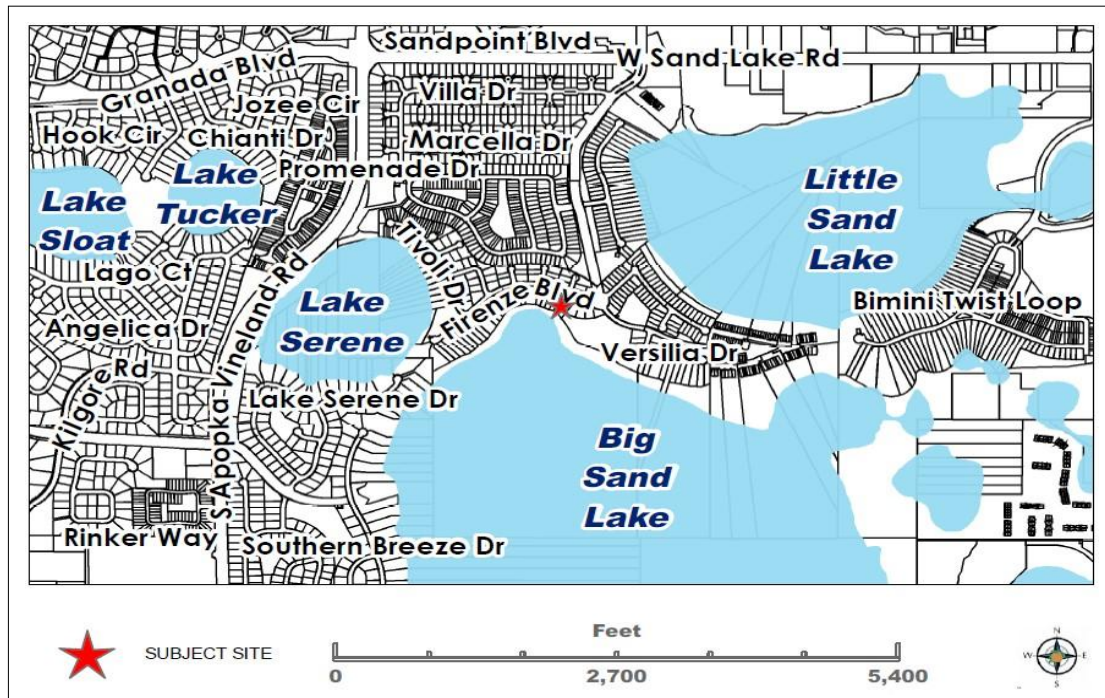
4) Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the Variance request and, which shall inform all interested parties that the spa and deck is located no closer than 16.5 feet

and the wood deck is located no closer than 5 ft. from the Normal High Water Elevation (NHWE) of Big Sand Lake.

**STAFF RECOMMENDATIONS**

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

**LOCATION MAP**



**SITE & SURROUNDING DATA**

|                 | Property                  | North                     | South         | East                      | West                      |
|-----------------|---------------------------|---------------------------|---------------|---------------------------|---------------------------|
| Current Zoning  | PD                        | PD                        | PD            | PD                        | PD                        |
| Future Land Use | MDR                       | MDR                       | MDR           | MDR                       | MDR                       |
| Current Use     | Single-family residential | Single-family residential | Big Sand Lake | Single-family residential | Single-family residential |

**BACKGROUND AND ANALYSIS**

**DESCRIPTION AND CONTEXT**

The subject property is zoned Planned Development (PD) district, and is located within Vizcaya Phase 1 of the Granda Properties PD. This section of the PD allows for single-family uses and associated accessory structures. The Future Land Use (FLU) is Medium Density Residential which is consistent with the PD zoning district.

The area around the property consists of mostly single-family homes. The subject property is 10,205 sq. ft. with 9,538 sq. ft. of upland area in size and was platted in 2000 as Lot 27D of Block D of the Vizcaya Phase 1 Plat and is a conforming lot of record. The property is an interior lakefront lot with right-of-way along Firenze

Blvd. to the north and Big Sand Lake to the south. There is a 15 ft. environmental swale easement and a 5 ft. wall easement both along the rear property line.

The property was purchased by the current owner in 2009, and is developed with a three-story, 7,465 gross sq. ft. single-family home (B02009436), constructed in 2003, a pool and paver deck (B02017248), a wooden deck, a concrete walkway on the east side of the home (B25013049), a boat dock (B10000275), and a 4 ft. tall aluminum fence.

Code Compliance issued a code violation on September 18, 2025, (CE: # 651164) for exterior alterations done on the property without a permit. Those improvements consisted of glass rail on the 2nd floor of the home, a wood deck with a railing, a retaining wall, and concrete stairs on the side of the home. A permit (B25006146) was submitted in March of 2025 to retroactively permit the wood deck and associated glass railing and retaining wall alterations. This permit is active with deficiency comments relating to setbacks and pending the outcome of the Variance request. A permit (B25013049) was submitted in June of 2025 to permit concrete steps constructed on the east side of the home. This permit was issued in July of 2025 and is now expired due to no final inspection. This permit must be reinstated or replaced in order to resolve the violation.

The proposal is to keep the existing unpermitted wood deck expansion. Section 38-1426(1)c.2.(ii) establishes that detached accessory structures, are subject to the setback requirements from the Normal High Water Elevation (NHWE) contour for water bodies outlined in Section 38-1501 of Orange County Code. Footnote 'A' of Section 38-1501 of Orange County Code states *the minimum setbacks from the NHWE contour for accessory structures and uses shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the NHWE contour*. The deck is proposed to be located 5 ft. from the NHWE line where a 20 ft. setback is required, prompting Variance #1. The existing survey shows the structure was built directly on the retaining wall with a zero ft. setback. Based on the proposed site plan, the deck will be reconfigured to meet the 5 ft requested setback.

In 2002, a permit (B02017248) was obtained for the installation of a pool and deck located in the rear yard of the property. Section 38-79(10)c. states that swimming pools, including all appurtenances thereto, such as pool decks, security fences, or screen enclosures, shall be subject to the setback requirements from the NHWE contour for water bodies. As referenced above, accessory structures and uses shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the NHWE contour (Footnote 'A' of Section 38-1501). The approved plans show the deck 20 ft. from the NHWE line. Based on the survey provided, a portion of the pool deck and spa area were constructed within the setback area and located 16.5 ft. from the NHWE line where a 20 ft. setback is required, prompting Variance request #2.

**Building Setbacks (Pool and Deck)**

|        | Code Requirement              | Proposed  |
|--------|-------------------------------|---|
| Front: | Not located in the front yard | N/A (North)   |
| Side:  | 5 ft.                         | 5 ft. (East)<br>5 ft. (West)  |
| Rear:  | 5 ft.                         | 11.4 ft. Wood deck (South)<br>22.3 ft Spa and deck (South)                          |
| NHWE:  | 20 ft.                        | 16.5 ft Spa and deck (South - Variance #2)<br>5 ft. Wood deck (South - Variance #1) |

The request was routed to all relevant reviewing Divisions. There were no objections noted. A Code Compliance Officer reviewed the Variance request and noted case #651164 was heard before the Code Enforcement Board on December 13, 2025, and is still in violation and running a \$250 daily fine. To satisfy the code violation, the unpermitted improvements must be removed, or permits must be obtained. As of the date of this report, no comments have been received in favor or in opposition to this request.

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

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## STAFF FINDINGS

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### **VARIANCE CRITERIA**

#### **Special Conditions and Circumstances**

Variance #1 NOT MET – There are no special conditions and circumstances unique to the subject site as the property is fully developed with a home and a large pool and deck area.

Variance #2 MET – There are special conditions and circumstances unique to the subject structure as the pool/spa and deck were constructed under previous ownership through an issued permit and received all required inspections.

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

Variance #1 NOT MET – The need for the Variance is self-created, as the deck was installed without any permits.

Variance #2 MET – The need for the Variance is not self-created, as the pool/spa and deck were constructed by the previous owner under an issued permit.

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

Variance #1 NOT MET – Granting the Variance as requested would confer special privilege as other properties are subject to the same setback requirements, have received similar Code Compliance violations, and removed the encroachments to comply with the code requirements.

Variance #2 MET – Granting the Variance as requested would not confer special privilege as the pool/spa and deck were constructed and received all required permits.

#### **Deprivation of Rights**

Variance #1 NOT MET – Denial of the Variance would not deprive the rights of the owner as the property can continue to be enjoyed without the wood deck.

Variance #2 MET – Denial of the Variance would deprive the rights of the owner as the pool/spa and deck were constructed and received all required permits.

#### **Minimum Possible Variance**

Variance #1 NOT MET – The request is not the minimum possible as the plan includes alterations to the deck to reduce the size to meet the 5 ft. proposed setback. The applicant has the ability to modify the size or remove the deck to reduce or eliminate the Variance request.

Variance #2 MET – The request is the minimum possible to recognize the pool/spa and deck in its current configuration.

**Purpose and Intent**

Variance #1 NOT MET – Approval of the requested Variance would not be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on the lake.

Variance #2 MET – Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on the lake. The encroachment is minimal and outside of all the easements.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan date stamped January 28, 2025, as modified to remove the wood deck, 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 any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the Variance request and, which shall inform all interested parties that the spa and deck is located no closer than 16.5 feet from the Normal High Water Elevation (NHWE) of Big Sand Lake.

C: Alkarim Dhanani  
8016 Firenze Blvd.  
Orlando, FL 32836

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

5. A permit for the deck shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
6. Prior to the issuance of the permit for the wooden deck, permits for all unpermitted work (glass rail on the 2nd floor of the home, retaining wall, and concrete stairs) must be obtained, or the wooden deck must be removed.

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## COVER LETTER

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**Original submittal:** August 20, 2025  
**Updated on:** January 28, 2025

**To:** Orange County Zoning Division - Board of Zoning Adjustment  
201 South Rosalind Avenue, 1st Floor, Orlando, FL 32801

**Subject:** Variance – 20ft NHWL/Seawall Setback for Existing Elevated Wood Deck

**Parcel ID:** 34-23-28-8880-04-270  
**Address:** 8016 Firenze Blvd., Orlando, FL 32836  
**Owner(s):** Dhanji Rahim S & Dhanji Yasmin R

To Whom It May Concern,

We respectfully request approval of a variance from the required 20ft Normal High Water Line (NHWL)/seawall setback to allow the existing elevated wood deck to remain at 5ft away from the NHWL/seawall, as shown on the submitted survey and plan. This proposal is already conditionally approved by the HOA and the Orange county if the variance is obtained.

### **Description of Improvement (what, why, construction, size, dimensions, setbacks, height)**

- **What/Why:** Retain an existing residential shoreline improvement (wooden deck) constrained by a pre-existing seawall; no seawall modification or fill was performed and on-site drainage patterns are maintained.
- **Construction:** Wood deck (trex) with railings
- **Area:** requiring variance 570 sq ft deck (irregular shape per survey).
- **Setbacks:** Rear (NHWL/seawall) 5ft proposed (variance from 20ft required).  
Front/side setbacks: no change requested.
- **Height:** Deck walking surface ~4 ft above adjacent grade; no roof.

### **Justification - Six Standards for Variance Approval**

1. **Special Conditions & Circumstances:** This is a waterfront parcel with a pre-existing seawall that establishes the Normal High Water Line (NHWL) at the rear. The as-built rear grade/elevation transitions directly to the seawall, creating non-typical yard conditions compared to interior lots. These shoreline constraints are peculiar to this property and materially affect where a deck and any associated guard/retaining element can be placed without altering the seawall or grade. These circumstances are not generally applicable to other properties that do not abut the NHWL.
2. **Not Self-Created:** The seawall location and the existing rear grade predate the current improvements and were not created by the applicant. No backfilling was placed and no modifications were made to the seawall to facilitate the deck. The resulting setback constraint arises from the original shoreline configuration, not from any self-imposed action by the owner.
3. **No Special Privilege Conferred:** Granting this variance does not confer a special privilege unavailable to others in the same district. The request simply allows a customary residential shoreline improvement, an elevated deck, to remain in its existing footprint under unique waterfront conditions. The relief is site-specific and does not expand development rights beyond what comparable waterfront properties may seek under similar constraints.
4. **Deprivation of Rights:** Literal application of the 20ft NHWL/seawall setback would require removal or relocation of integrated, functional improvements that provide reasonable residential use and enjoyment of the shoreline. This would deprive the property of rights commonly enjoyed by similar waterfront homes that utilize decks or hardscape near the water's edge. The hardship is physical and site-driven, not based on financial considerations, business competition, or purchase intent.

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## COVER LETTER

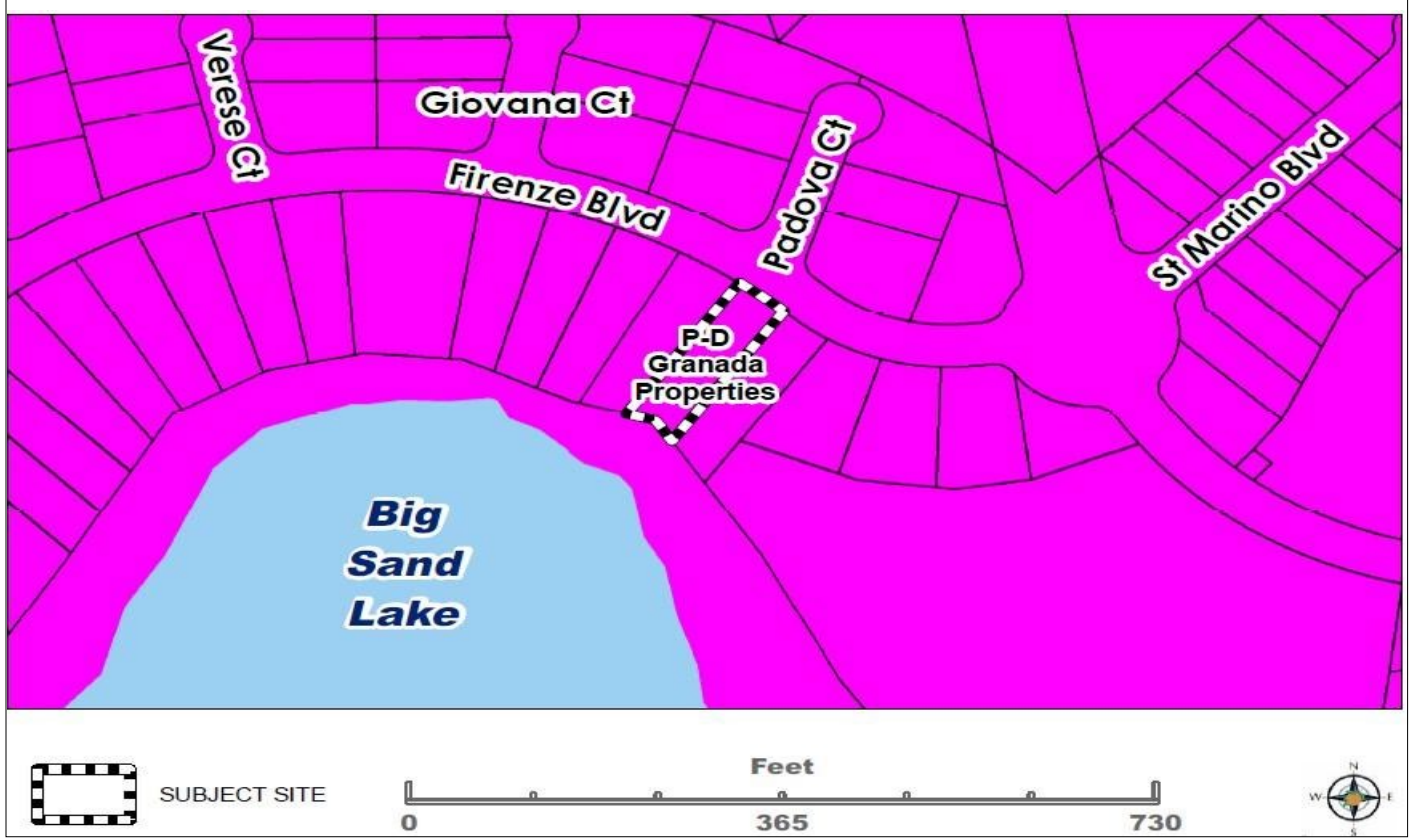
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5. **Minimum Possible Variance:** The relief requested is narrowly tailored to the rear NHWL/seawall setback only and is limited to the existing footprint of the improvement, no expansion is proposed. All other zoning standards and setbacks are met.
6. **Purpose & Intent; No Public Harm:** Approval will remain in harmony with the purpose and intent of the Zoning Regulations and will not be injurious to the neighborhood or detrimental to the public welfare. The improvement does not alter the seawall, does not introduce fill, and does not discharge stormwater off-site; site drainage patterns remain on-property. Sightlines and access along the shoreline are preserved, and the residential character of the area is maintained.

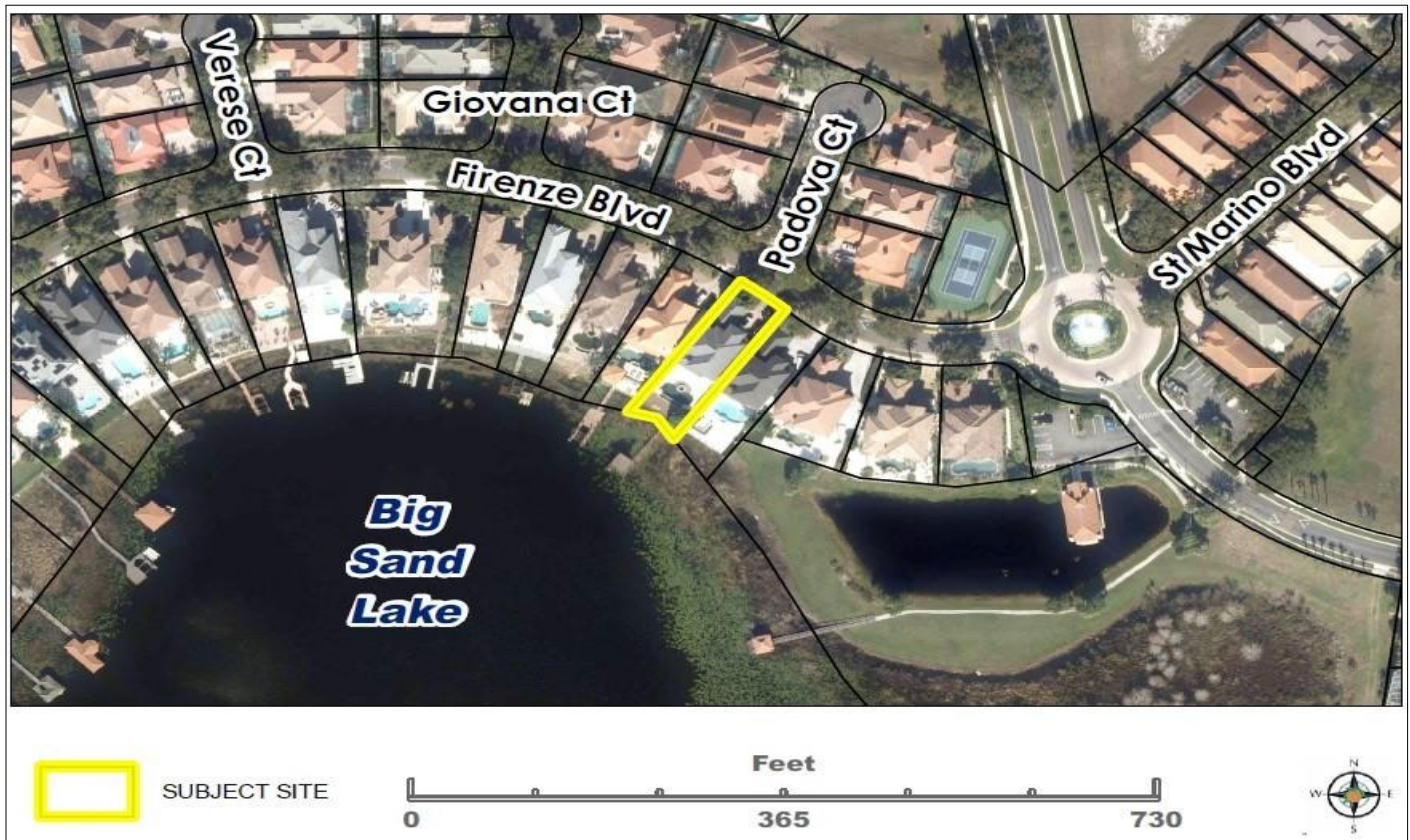
Sincerely,

Dhanji Rahim S and Dhanji Yasmin R  
8016 Firenze Blvd., Orlando, FL 32836

ZONING MAP

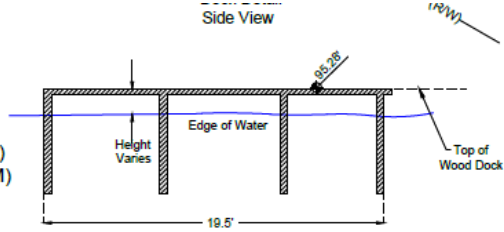


AERIAL MAP



# SURVEY

C-1  
 R=600.00'  
 L=55.08'  
 Tan=27.56'  
 Δ=5°15'34"  
 CB=N51°58'06"W  
 CB=S52°07'39"E (M)  
 CH=55.06' 55.07' (M)

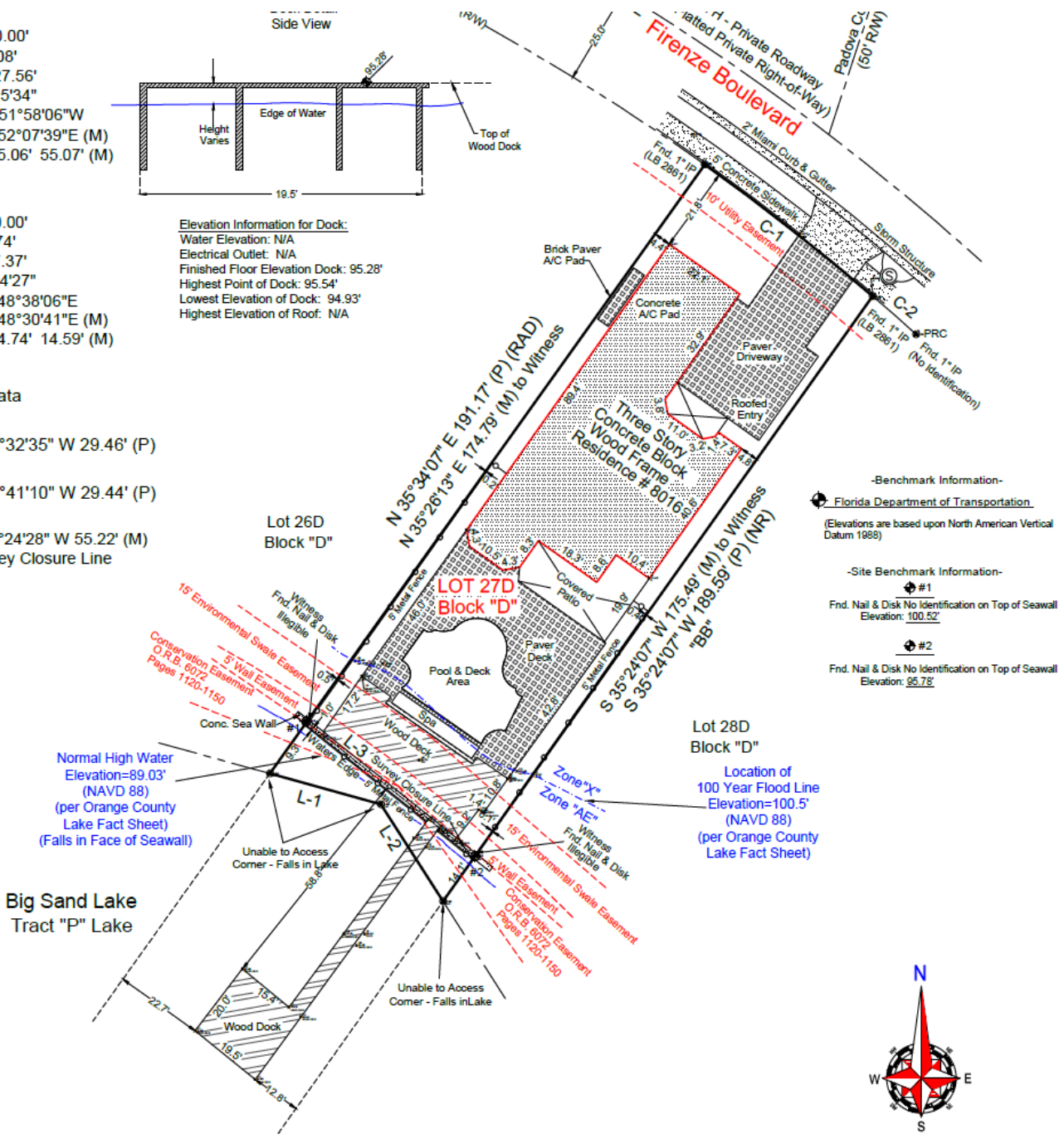


C-2  
 R=600.00'  
 L=14.74'  
 Tan=7.37'  
 Δ=1°24'27"  
 CB=S48°38'06"E  
 CB=S48°30'41"E (M)  
 CH=14.74' 14.59' (M)

**Elevation Information for Dock:**  
 Water Elevation: N/A  
 Electrical Outlet: N/A  
 Finished Floor Elevation Dock: 95.28'  
 Highest Point of Dock: 95.54'  
 Lowest Elevation of Dock: 94.93'  
 Highest Elevation of Roof: N/A

**Line Data**

L-1  
 N 74°32'35" W 29.46' (P)  
 L-2  
 N 32°41'10" W 29.44' (P)  
 L-3  
 N 51°24'28" W 55.22' (M)  
 Survey Closure Line



**Benchmark Information-**  
 Florida Department of Transportation  
 (Elevations are based upon North American Vertical Datum 1988)

**-Site Benchmark Information-**  
 #1  
 Fnd. Nail & Disk No Identification on Top of Seawall  
 Elevation: 100.52'  
 #2  
 Fnd. Nail & Disk No Identification on Top of Seawall  
 Elevation: 95.78'





**SITE PHOTOS**



**Facing south towards front of subject property**



**Side yard, facing south towards concrete walkway along the east side of the home**

**SITE PHOTOS**



**Rear yard, facing south towards existing pool and wood deck**



**Rear yard, facing southeast towards pool/spa and deck (Variance #2) and wood deck (Variance #1)**

**SITE PHOTOS**



**Rear yard, facing north towards pool area**



**Rear yard, facing northwest towards the deck constructed on the seawall and the glass railing**

**SITE PHOTOS**



**Rear yard, facing west towards neighboring properties along Big Sand Lake**



**Rear yard, facing east towards neighboring property**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#5**

Case #: **VA-26-05-023**

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

**Catherine.Glase@ocfl.net**

## GENERAL INFORMATION

APPLICANT(s): KARYS MORGAN

OWNER(s): KARYS MORGAN, DARIN MORGAN

REQUEST: Variance in the A-2 zoning district to allow a detached garage in front of the principal structure in lieu of side or rear.

PROPERTY LOCATION: 25341 Bartholomew St., Christmas, FL 32709, north side of Bartholomew St., east of Taylor Creek Rd., south of E. Colonial Dr., west of St. Johns River.

PARCEL ID: 34-22-33-1327-05-350

LOT SIZE: 1 acre

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 50

**DECISION:** Recommended **APPROVAL** of the Variance request in that the Board finds it meets that the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as modified (Motion by Roberta Walton Johnson, Second by Juan Velez; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the site plan date stamped January 26, 2026, 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 accessory structure (garage), a permit shall be obtained for the solar panels, or they shall be removed from the property unless the structures are otherwise determined by the county to be exempt from permitting.

5. Prior to the issuance of a permit for the accessory structure (garage), a permit shall be obtained for the shed and greenhouse, or they shall be removed from the property unless the structures are otherwise determined by the county to be exempt from permitting.

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

The applicant and her husband were present and stated they cannot attach the structure to the mobile home due to building safety regulations. There was discussion between the applicant and the BZA regarding the other structures on site and obtaining permits. The applicant explained they have received an agricultural approval by the USDA for the structure in the rear yard.

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

The BZA stated they agreed with staff's recommendation and discussed the process for the applicant permit the existing improvements and the additional conditions of approval provided by staff.

The BZA recommended approval of Variance request by a 6-0 vote, with one absent, subject to the five conditions found in the staff report with the following modifications:

4) Prior to the issuance of a permit for the accessory structure (garage), a permit shall be obtained for the solar panels, or they shall be removed from the property unless the structures are otherwise determined by the county to be exempt from permitting.

5) Prior to the issuance of a permit for the accessory structure (garage), a permit shall be obtained for the shed and greenhouse, or they shall be removed from the property unless the structures are otherwise determined by the county to be exempt from permitting.

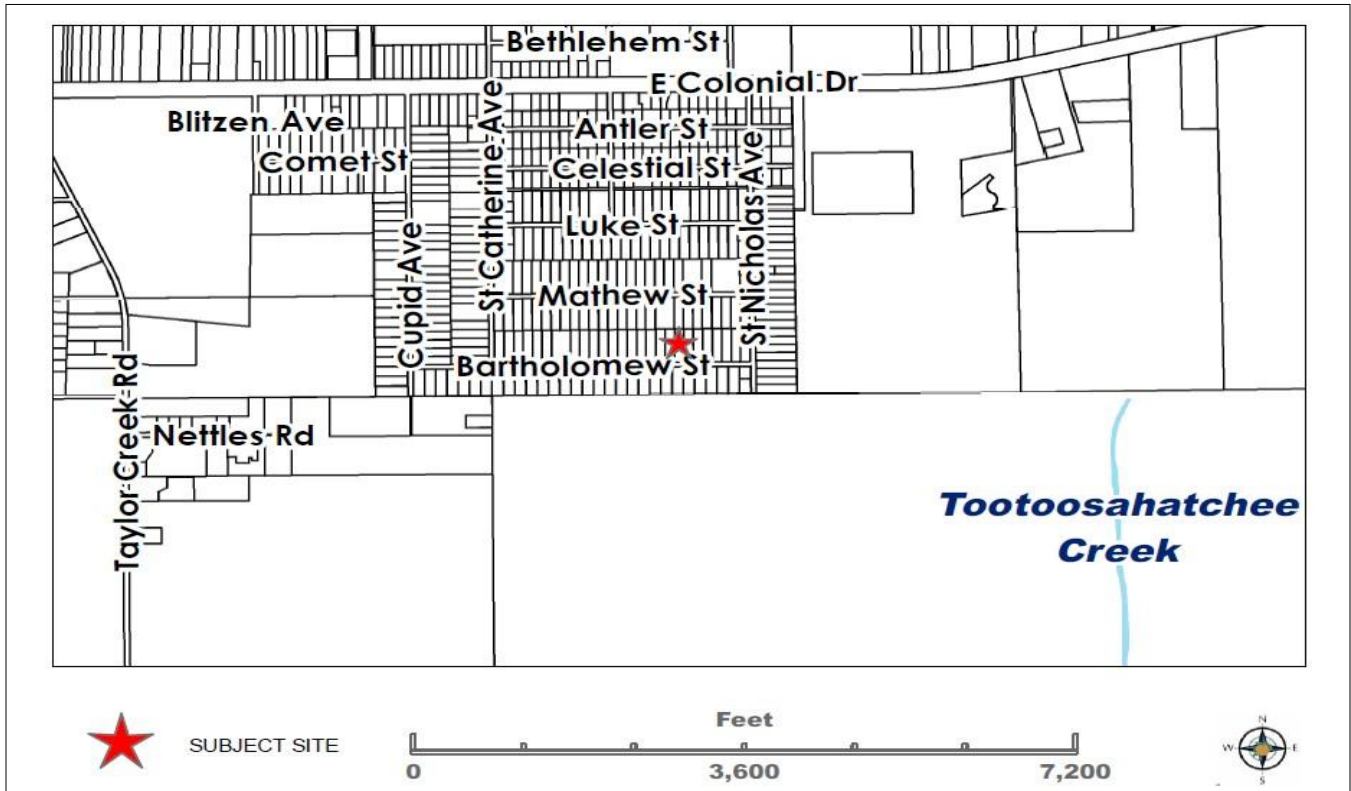
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#### **STAFF RECOMMENDATIONS**

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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 | RS 1/1      | RS 1/1                  | RS 1/1      | RS 1/1      | RS 1/1      |
| Current Use     | Mobile Home | Single Family Residence | Mobile Home | Mobile Home | Mobile Home |

**BACKGROUND AND ANALYSIS**

**DESCRIPTION AND CONTEXT**

The subject property is located in the A-2, Farmland Rural district, which allows agricultural uses, single-family homes, mobile homes, and associated accessory structures. The Future Land Use (FLU) is Rural Settlement 1/1 (RS 1/1) which is consistent with the A-2 zoning district.

The subject property is located in the Christmas Rural Settlement. Rural settlements are established through the Comprehensive Plan and are intended to identify areas with unique traits and characteristics which the residents of those areas wish to preserve. The rural settlement designation typically impacts such development factors as residential density, location, and intensity of commercial and other nonresidential uses. In the Christmas Rural Settlement, the maximum density is one unit per acre for new residential development, and as such, the property is consistent with the Christmas Rural Settlement.

The area around the subject site consists of mobile homes and single-family homes. The subject property is a 1-acre lot platted in 1960 as lot 35 of block E of the Christmas Park First Addition Plat. There is a 7.5 ft. drainage

easement along the east and west side property line and a 15 ft. drainage easement along the rear property line. The subject property is a narrow, elongated rectangular interior lot with frontage along Bartholomew St. to the south.

The property is developed with a 1,976 gross sq. ft. mobile home, solar panels in the front yard, and two detached accessory structures, one structure, a shed, located in the front/west side of the property and the second, a greenhouse, in the rear yard. Both structures were erected without permits between January 2025 and now and are not shown on the site plan provided. The current owner purchased the property in 2022. Conditions of approval (COA) #3 and #4 require these improvements to obtain permits demonstrating all development standards have been met or they shall be removed from the property.

The proposal is to construct a one-story 1,100 sq. ft. detached accessory structure that will contain a 3-car garage. The structure is proposed to be located in front of the primary structure and will meet the setbacks for the A-2 zoning district. However, per Section 38-1426 (1) c. 2. (iii) of the Orange County Code, a detached accessory structure shall not be located in front of the principal structure unless the principal structure is located in the rear half (1/2) of the lot/parcel. The principal structure is entirely beyond the midpoint line of the subject property, in the front half, requiring a Variance.

**Development Standards**

|                                      | Code Requirement | Proposed  |
|--------------------------------------|------------------|-----------|
| Max Height for accessory structures: | 25 ft.           | 14.75 ft. |
| Min. Lot Width:                      | 100 ft.          | 103 ft.   |
| Min. Lot Size:                       | 0.5 acre         | 1 acre    |

**Building Setbacks (Detached Accessory Structure)**

|        | Code Requirement                                  | Proposed   |
|--------|---|--|
| Front: | Not permitted in front of the principal structure | In front of the principal structure (Variance)<br>58 ft. (South) |
| Side:  | 5 ft.   | 10 ft. (East)<br>71 ft. (West)                                   |
| Rear:  | 5 ft.   | +/- 315 ft. (North)  |

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

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. The request does meet all the criteria. Based on staff’s analysis, there are special conditions relating to the elongated shape of the lot and the placement of the existing home preventing the structure from being constructed in a code compliant manner. Therefore, staff is recommending approval of the Variance request.

**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

MET – The special conditions and circumstances particular to the subject property are the location of the existing mobile home and septic tank and the narrow, elongated rectangular shape of the lot.

**Not Self-Created**

MET – The request is not self-created since the proposed structure cannot be attached to the existing mobile home, and a large portion of the rear yard is a drainfield. Additionally, the proposed structure is a garage which is typically located in front of the principal structure.

**No Special Privilege Conferred**

MET – Granting the requested Variance will not confer special privilege not conferred to others under the same circumstances since accessory structures are permitted by right.

**Deprivation of Rights**

MET – Without the requested Variance the owner will be deprived the ability to construct a garage on the property.

**Minimum Possible Variance**

MET - The request is the minimum possible to allow an accessory structure in the proposed location.

**Purpose and Intent**

MET – Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the neighborhood. The detached accessory structure will be set back from the front property line by 58 ft. which is greater than what is required for a principal structure in that zoning district, thereby limiting any quantifiable negative impact on surrounding property owners.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan date stamped January 26, 2026, 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 accessory structure (garage), a permit shall be obtained for the solar panels, or they shall be removed from the property.
5. Prior to the issuance of a permit for the accessory structure (garage), a permit shall be obtained for the shed and greenhouse, or they shall be removed from the property.

C: Karys Morgan  
25341 Bartholomew St.  
Christmas, FL 32709

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COVER LETTER

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Darin and Karys Morgan

**25341 Bartholomew St.**

**Christmas, FL 32709**

**Date: 2-24-2026**

**To: Orange County Board of Zoning Adjustment (BZA)**

**Re: Variance Request for 25341 Bartholomew St.**

**Parcel ID: 34-22-33-1327-05-350**

**Dear Members of the Board,**

We, **Darin Morgan and Karys Morgan** as the legal owners of the property located at 25341 Bartholomew St., hereby submit this Letter of Intent for a variance request...

We are seeking a variance from the Orange County Zoning Code to allow a detached garage in front of the property. Specifically, we are requesting that the **garage and breezeway remain unattached but adjacent**, to the mobile home maintaining a separation of **2 feet** from the primary residence.



**Darin Morgan**

Date: 2-24-2026

**248 495 7995**

[dmorgan310@gmail.com](mailto:dmorgan310@gmail.com)



**Karys Morgan**

Date: 2-24-2026

**248 495 7995**

[kmorgan310@gmail.com](mailto:kmorgan310@gmail.com)

## Letter of Intent: Variance Request

**TO:** Orange County Board of Zoning Adjustment (BZA)

**RE:** Variance Request for ~~24~~<sup>5</sup>341 Bartholomew St.

Christmas FL, 32709 <sup>FAM</sup>

Parcel ID 34-22-33-1327-05-350

### 1. Nature of the Request

I am seeking a variance from the Orange County Zoning Code to allow a detached garage in the front of my property. Specifically, I am requesting that the **garage and breezeway remain unattached but adjacent**, maintaining a separation of **2 feet** from the primary residence.

### 2. Special Conditions & Circumstances

The property is subject to unique constraints that dictate this specific placement and construction:

- **Structural Limitation:** The primary residence is a HUD-coded manufactured home. To maintain its structural integrity and comply with Florida's "Fourth Wall" construction standards, all additions must be free-standing. A physical attachment to the home's roof or chassis is not permitted.
- **Existing Septic System:** The rear of the property contains a large septic drain field, which prevents any construction in the back of the lot.
- **Federal Conservation Contract:** The further portion of the property is under a legally binding **NRCS-CPA-1155** conservation contract (**EQIP 2018 744209252G0**). This area is protected for agricultural and environmental preservation, leaving the front yard as the only buildable area.
- The subject property (Parcel ID 34-22-33-1327-05-350) is burdened by unique physical limitations. Specifically, the rear portion of the property is legally designated as **protected conservation land** under [NRCS EQIP Contract #EQIP 2018 744209252G0](#) (**Exhibit B**). This federal encumbrance, combined with the location of the existing septic system, creates a "non-buildable" zone that restricts all viable development to the front yard. These conditions are peculiar to this land and not generally shared by neighboring parcels in this zoning district.

### 3. Not Self-Created

The location of the septic system and the federal conservation designation are pre-existing conditions of the land. The structural requirements for mobile homes are mandated by state and federal law. These hardships are not the result of my actions. Granting this variance will not confer any special privilege. It merely allows for the reasonable use of the property—specifically, the addition of a standard garage—which is an amenity commonly enjoyed by other residential properties in Christmas, FL that do not have such extreme buildable-area restrictions.

### 4. Unnecessary Hardship

Strict adherence to the code requiring a physical attachment via a breezeway would force a violation of HUD safety standards. Furthermore, the septic and conservation areas make the rear yard unusable for this purpose. Denying this variance would deprive me of the right to a garage, a standard amenity for residential properties.

Literal enforcement of the code (which typically prohibits accessory structures in front yards) would effectively deprive the applicant of the right to have a garage. Due to the conservation land at the rear, there is no other location on the property where the structure can be legally and physically situated.

### 5. Minimum Variance & Harmony

The request is the **minimum variance** that will make possible the reasonable use of the land.

- The **front-yard placement** is the only site-available option.
- The **2-foot separation** is the minimum distance required to avoid disturbing the existing residence's foundation and septic lines while maintaining the functional benefits of an adjacent structure.
- The **15-foot height** matches the primary residence, ensuring architectural consistency per [Section 38-1476](#).

By keeping the **garage and breezeway unattached but adjacent at a distance of 2 feet**, the project fulfills the visual intent of the zoning code while remaining structurally safe and protecting the conservation land. This configuration will not be injurious to the neighborhood or detrimental to the public welfare.

**6. General Harmony / Public Interest**

*The proposed structure is designed to be in harmony with the surrounding neighborhood. As evidenced by Exhibit C and D, the garage uses matching elevations and scale to the primary residence. The project will not be injurious to the neighborhood or otherwise detrimental to the public welfare, as it maintains all necessary safety clearances and preserves the protected conservation area at the rear.*

***Primary residence is set on a standard 3-block masonry foundation (24 inches), bringing the total height from grade to the roof peak to 15 feet, as confirmed by the manufacturer's exterior elevation and physical tape measurement***





Based on the engineering schematic you provided for the [ScotBilt "The Liberty"](#) (Model 2876489LIB) and standard manufactured home setup guidelines, here is the height breakdown:

- **Skirting/Foundation (Approx. 24 inches / 2 feet):** In Florida, "3 blocks high" typically refers to three standard 8-inch masonry blocks stacked. This provides a 24-inch (2-foot) clearance from the ground to the bottom of the home's chassis.
- **Home Structure (Approx. 12.5 – 13.5 feet):** The "Liberty" is a multi-section home built to HUD standards. Most modern manufactured homes have an exterior wall height of 8–9 feet, plus the thickness of the floor/chassis and the pitch of the roof.
- **Combined Total:** 2 feet (skirting) + 13 feet (home body) = **15 feet total.**

**Yard Storage needed**

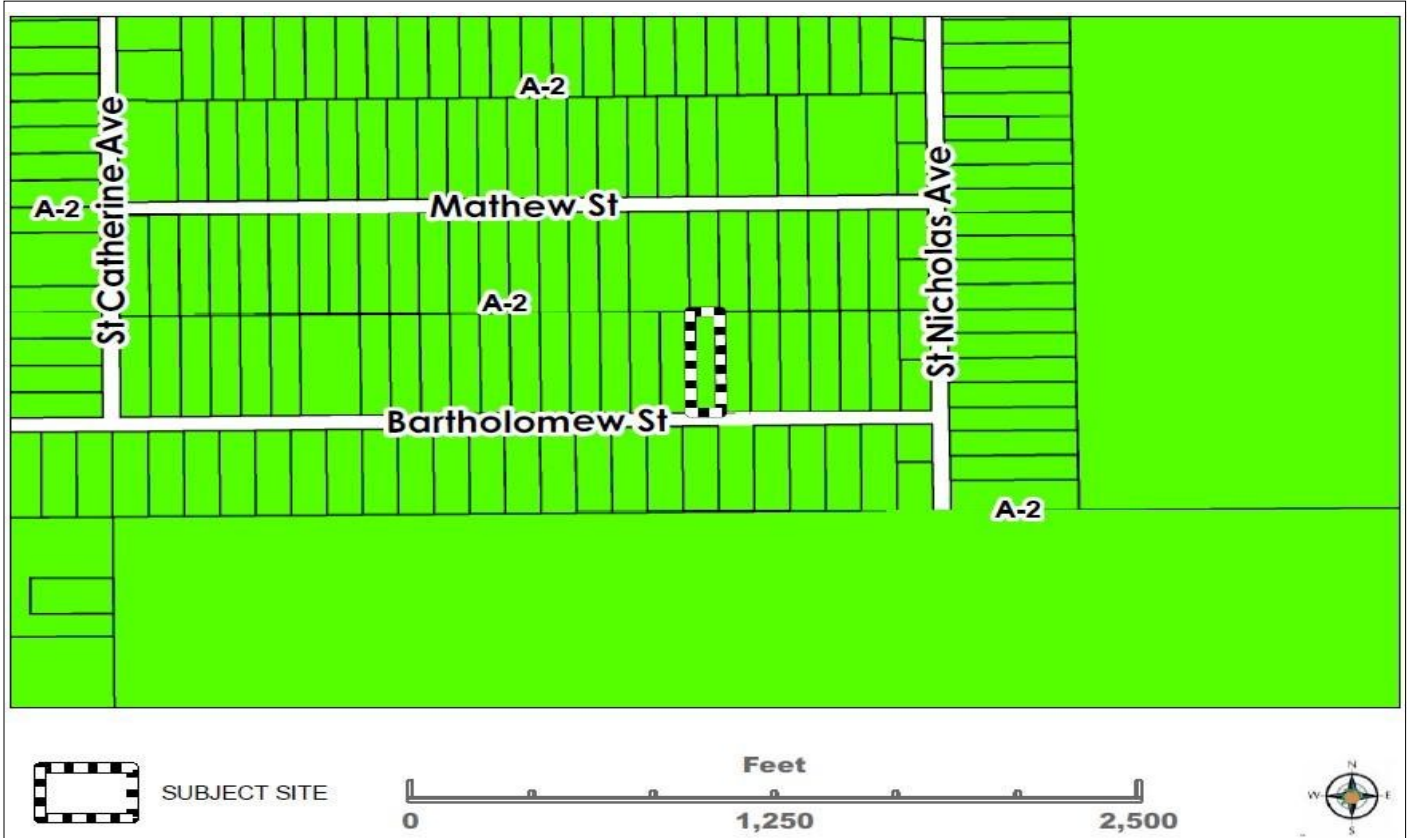
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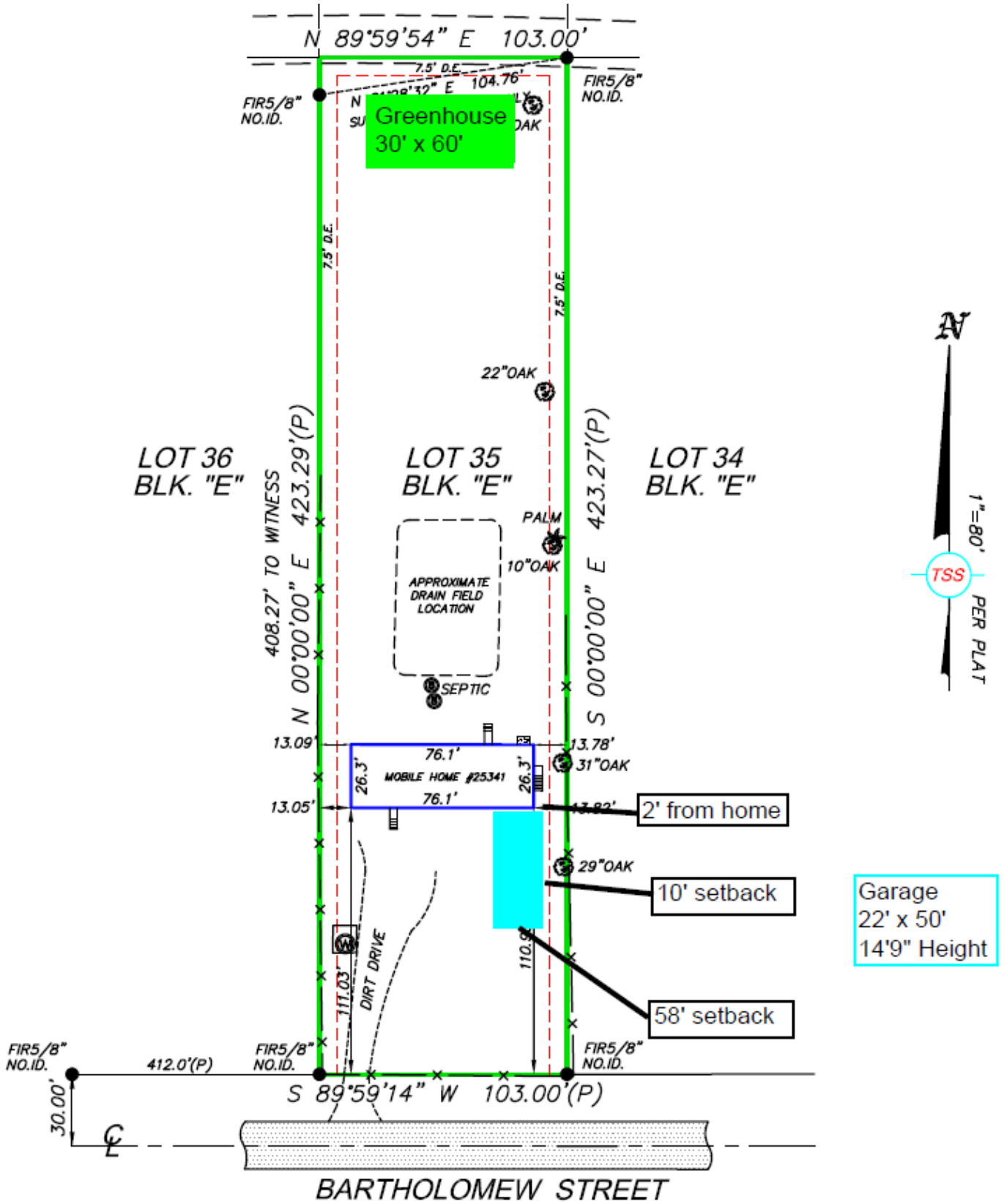
ZONING MAP



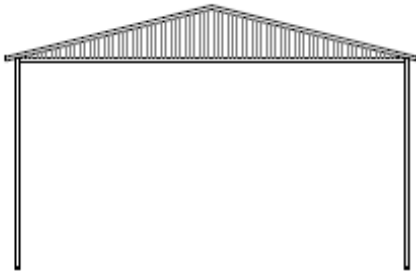
AERIAL MAP



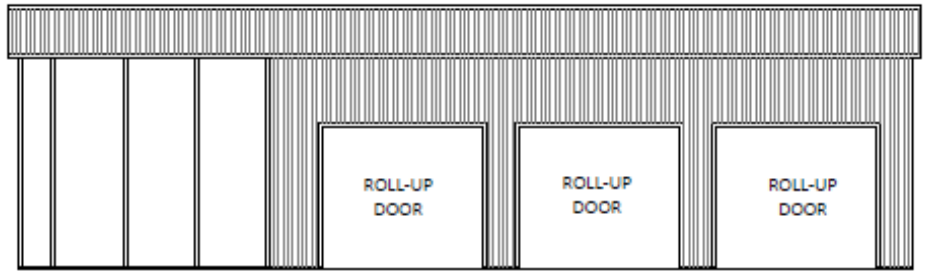
SITE PLAN



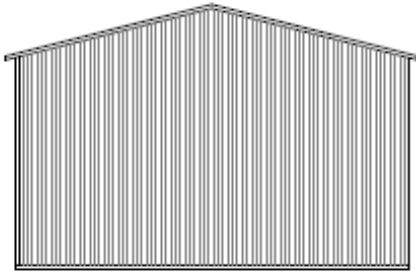
# ELEVATIONS



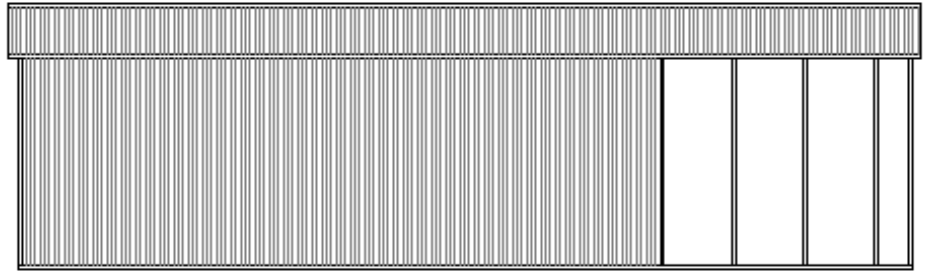
FRONT ELEVATION



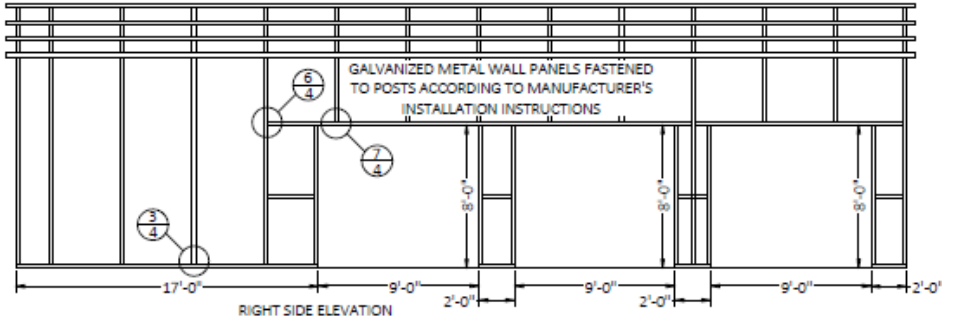
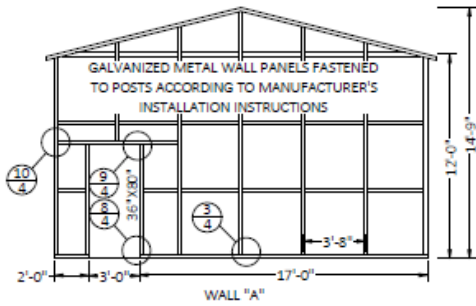
RIGHT SIDE ELEVATION



REAR ELEVATION



LEFT SIDE ELEVATION



**SITE PHOTOS**



**Facing north from Bartholomew St. towards front of subject property and un**



**Facing north towards the proposed location of the garage and unpermitted solar panels**

**SITE PHOTOS**



**Location of proposed accessory structure facing east towards neighboring residence**



**Facing northwest towards unpermitted solar panels and unpermitted shed**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#1**

Case #: **VA-26-05-032**

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

**Catherine.Glase@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** RACHELLE DUNNEBACK

**OWNER(s):** RACHELLE DUNNEBACK, JOSEPH SIMON

**REQUEST:** Variance in the A-1 zoning district to allow an existing shed with a side setback of 4.44 ft. in lieu of 5 ft.

**PROPERTY LOCATION:** 9009 Lake Hickory Nut Dr., Winter Garden, FL 34787, east side of Hickory Nut Drive, west side of Hickory Nut Lake, east of the Lake County line, west of S.R. 429, south of Old YMCA Rd.

**PARCEL ID:** 06-24-27-3548-00-400

**LOT SIZE:** 1.42 acres (1.28 upland acres)

**NOTICE AREA:** 800 ft.

**NUMBER OF NOTICES:** 65

**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 Thomas Moses, Second by Sonya Shakespeare; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the site plan dated March 11, 2025, and the photo date stamped April 14, 2026, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

**SYNOPSIS:** Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six criteria and the reasons for a recommendation for denial of the

Variance. Staff noted that no comments were received in favor and 1 comment was received in opposition to the request.

The owner was present and stated they originally intended to modify the structure to comply with their previous Variance condition of approval but determined this would require the well to be moved on the property. They also stated the shed had been on the property prior to purchasing the home. The owner stated they are friends with the direct neighbor who has no objections to the placement of the shed.

The BZA discussed the placement of the shed and the implications of relocating the structure.

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

The BZA recommended approval of Variance request by a 6-0 vote, with one absent, subject to the three conditions found in the staff report.

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### STAFF RECOMMENDATIONS

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Denial, However, should the BZA find that the applicant has satisfied the criteria necessary to grant the Variance, staff recommends that the approval be subject to the conditions in this report.

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### LOCATION MAP

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**SITE & SURROUNDING DATA**

|                 | Property                                    | North   | South                                       | East  | West  |
|-----------------|---|---------|---|---|---|
| Current Zoning  | A-1   | A-1     | A-1   | A-1   | A-1   |
| Future Land Use | Village, Water Body                         | Village | Village, Water Body                         | Village, Water Body                         | Village, Water Body                         |
| Current Use     | Single-family residential, Hickory Nut Lake | Vacant  | Single-family residential, Hickory Nut Lake | Single-family residential, Hickory Nut Lake | Single-family residential, Hickory Nut Lake |

**BACKGROUND AND ANALYSIS**

**DESCRIPTION AND CONTEXT**

The subject property is located in the A-1, Farmland Rural district, which primarily allows agricultural uses, as well as mobile homes and single-family homes on larger lots. The Future Land Use (FLU) is Village (V) which is inconsistent with the A-1 zoning district. However, the Planning Division has reviewed for the inconsistency and has determined that the property is vested for a single-family home under Policy FLU 4.1.9 and 8.2.5.1, therefore single-family residential construction, expansion, and ancillary uses are permitted.

The area around the subject site consists of single-family homes. The subject property is 1.42 acres in size with 1.28 upland acres and was platted in 1956 as lot 40 of the Hickory Lake Estates Plat. The subject lot is an interior lakefront lot located on Hickory Nut Lake with right-of-way along Lake Hickory Nut Dr. to the west. The property is developed with a 2-story, 4,283 gross sq. ft. single-family home (B22014042), constructed in 2024, a shed, and a boat dock. The property was purchased by the current owner in 2015.

In September 2025, a Variance was granted to construct an accessory dwelling unit (ADU) between the primary structure and Lake Hickory Nut Dr., subject to six conditions of approval (COA). Upon review of the Variance application, it was identified that the existing shed on the property was constructed without a permit. It is unclear when the shed was constructed due to the existing tree canopy in the rear yard but appears in aerial images as early as 2010. COA #4 of the previous Variance approval required the detached accessory structure (shed) to be relocated to a code compliant location, and a permit obtained, or the structure removed from the property. As such, a permit has been submitted for the ADU and is currently expired. The permit must be reinstated or replaced in order to move forward with the ADU and address all COAs.

The request is to keep the existing 205.23 sq. ft. shed in the rear yard. The shed is located 4.44 ft. from the side property line where 5 ft. is required. The property owner has decided to pursue a new Variance request to keep the structure in its current location.

**Development Standards**

|                                 | Code Requirement | Proposed         |
|---------------------------------|------------------|------------------|
| Max. Height:                    | 25 ft.           | 11 ft.           |
| Max. Cumulative Square Footage: | 5,000 sq. ft.    | 1,695.23 sq. ft. |

**Building Setbacks (Accessory Structures)**

|            | Code Requirement       | Proposed  |
|------------|------------------------|---|
| Front:     | 35 ft. when applicable | N/A   |
| Side:      | 5 ft.                  | +/- 82 ft. (North)<br>4.44 ft. (South – Variance Request) |
| NHWE line: | 50 ft.                 | +/- 125 ft. (East)  |

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

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. While the request meets some of the criteria, it does not meet all the criteria. Based on staff’s analysis, while the location of the shed is not due to the actions of the current owner, there are no special conditions or circumstances that would prevent the structure from being relocated to a code-compliant location in the rear yard, eliminating the need for the Variance request. Therefore, staff is recommending denial of the Variance request.

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**STAFF FINDINGS**

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**VARIANCE CRITERIA****Special Conditions and Circumstances**

NOT MET - There are no special conditions or circumstances peculiar to this property, as the property meets the development standards for the zoning district and contains adequate space to construct a code compliant shed in the rear yard.

**Not Self-Created**

MET - The need for the Variance is not self-created, as the structure was built by a previous owner therefore the need for the request is not due to the actions of the current property owner and the requested Variance will bring the structure into compliance.

**No Special Privilege Conferred**

NOT MET - Approval of the requested Variance will confer special privilege upon the applicant that is denied to other properties in the same zoning district. The Variance allows for the continued existence of a typical residential accessory feature structure, however, there is adequate space on the property for a code compliant shed.

**Deprivation of Rights**

NOT MET - Denial of the Variance would not deprive the owner of the ability to have a code compliant accessory structure.

**Minimum Possible Variance**

MET - The request is the minimum possible to keep the existing structure in its current location.

## 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 shed has existed in the same configuration since 2010 and has a fence separating the shed from the neighboring property. Approval of the Variance will recognize the structure in its current location, limiting any quantifiable negative impact on surrounding property owners.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan dated March 11, 2025, and the photo date stamped April 14, 2026, 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:     Rachelle Dunneback  
       9009 Lake Hickory Nut Dr.  
       Winter Garden, FL 34787

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**COVER LETTER**

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To: Orange County Zoning Division  
Catherine Glase, Planner I

From: Rachelle Dunneback, Homeowner

Project: 9009 Lake Hickory Nut Drive  
Winter Garden, FL 34787  
Permit # B24021767

Date: Tuesday, February 24, 2026

Please accept this cover letter, enclosed application and corresponding documents for a variance request from Orange County Zoning code. We are requesting that the already existing shed located on the property be allowed within the 5-foot standard setback.

The already existing shed is currently 4.5 feet from the lot line. The shed has been located on the property well before we purchased the property in 2015. The shed houses the home's well water and water pump, which sits directly on the wall closest to the lot line in question. Our neighbors have no issue with the shed's location and moving the shed will directly impact the home's water source.

Due to the age of the shed, hardship associated in potentially moving the structure, and the shed's importance in housing the home's water, we implore your agreement in the proposed variance.

Sincerely,

Rachelle Dunneback  
407-748-1354  
r.simon724@yahoo.com

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## VARIANCE CRITERIA

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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 shed is located in between a tree and the lot line and contains the home's well water and pump. Due to the location of piping from the well and the well itself, it would be cumbersome and expensive to move the shed. Removing the shed would result in the well being exposed.
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 location of the shed was not self-created by the owners, as the shed was existing when the home was purchased and has not been modified during our ownership.
3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.

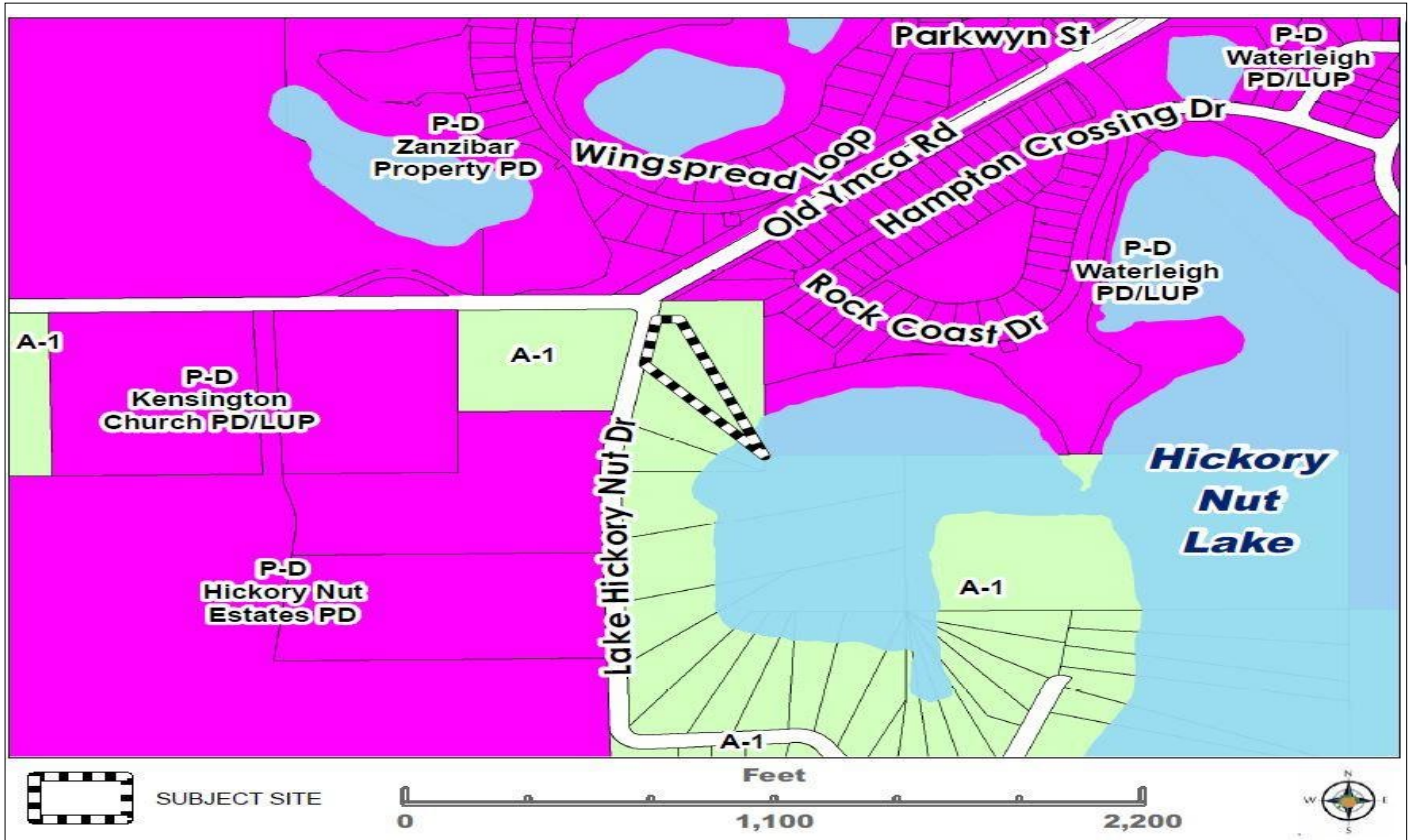
No special privilege would be conferred with this variance request, as the shed is only 6" away from meeting the 5' setback requirement and without it, the owners will be unable to protect the well source with a shed.
4. **Deprivation of Rights** - Literal interpretation of the provisions contained in 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.

Numerous properties in the same zoning district have a shed on property and a literal interpretation of the zoning requirements would deprive the owners of this ability with undue hardship to move or remove the shed, protecting well water source.
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

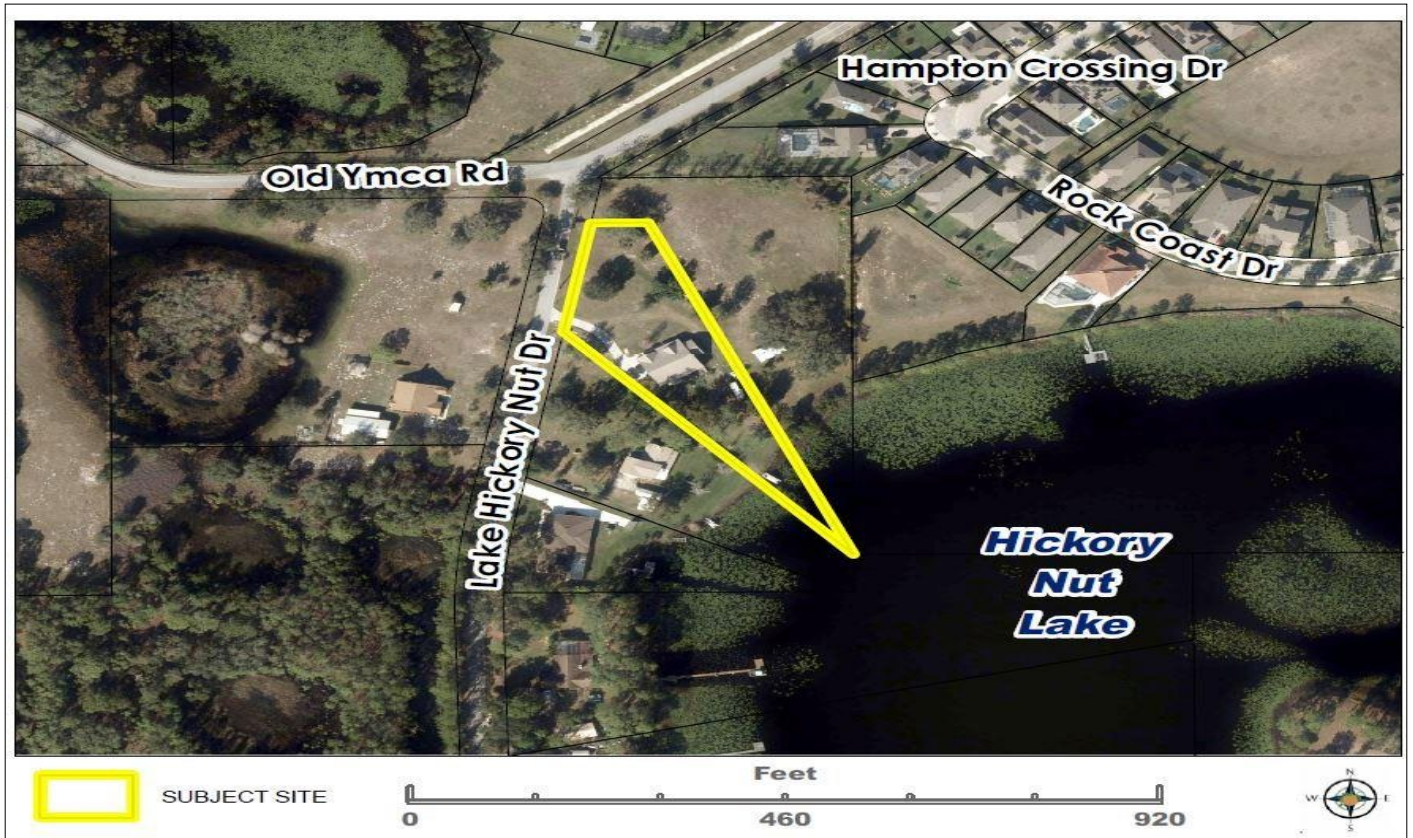
Yes, the approve variance is the minimum possible, as the structure is already existing and located only 6" away from the 5' setback requirement.
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The shed has existed for decades. The adjacent neighbors do not have an issue with its location.  
Allowing a 6" variance aligns with the purpose and intent of zoning regulations with no harm to neighborhood.

ZONING MAP



AERIAL MAP



# SITE PLAN



*Legal Description:*  
 Lot 40, HICKORY LAKE ESTATES, according to Plat Book V, Page(s) 4, of the Public Records.

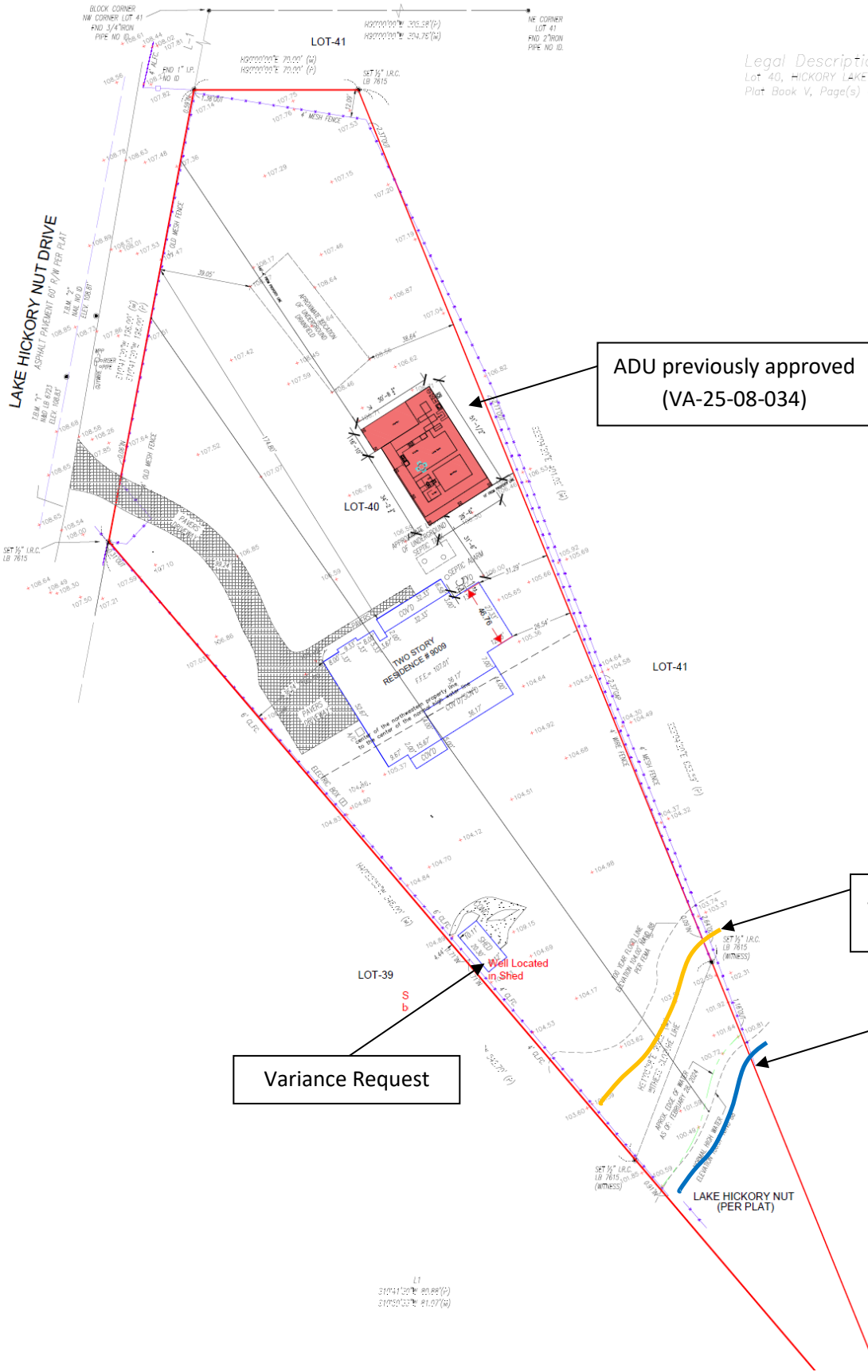


PHOTO OF EXISTING SHED



Front elevation provided by applicant showing overall height of the existing shed

**SITE PHOTOS**



**Front yard, facing southeast towards front of subject property**



**Side yard, facing southeast towards rear of subject property**

**SITE PHOTOS**



**Rear yard, facing west towards the existing shed**



**Rear yard, facing northwest towards the existing shed**

**SITE PHOTOS**



**Side yard, facing northwest towards the existing shed**



**Side yard, facing southeast towards the existing shed**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#1**

Case #: **VA-26-05-033**

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

**Catherine.Glase@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** AUBREY DIAZ

**OWNER(s):** JORGE DIAZ, AUBREY DIAZ

**REQUEST:** Variance in the R-1AAAA zoning district to allow a 6 ft. tall fence in the side street setback in lieu of a maximum height of 4 ft.

NOTE: This is the result of a code violation

**PROPERTY LOCATION:** 5303 Faywood Ct., Orlando, FL 32819, southeast corner of Faywood Ct. and Bay Ridge Blvd., east of S. Apopka Vineland Rd., west of Dr. Phillips Blvd., north of Banyan Blvd., south of Conroy Windermere Rd.

**PARCEL ID:** 15-23-28-8783-00-120

**LOT SIZE:** 0.51 acres

**NOTICE AREA:** 700 ft.

**NUMBER OF NOTICES:** 96

**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 Thomas Moses, Second by Juan Velez; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the site plan dated March 6, 2026, and the fence rendering dated June 19, 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 fence, an Easement Acknowledgement Form shall be completed by the property owner and submitted to the Orange County Zoning Division, or the fence shall be relocated outside of the Utility Easements.

**SYNOPSIS:** Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six criteria and the reasons for a recommendation for denial of the Variance. Staff noted that 12 comments were received in favor and 1 comment was received in opposition to the request.

The applicant was present and stated they received approval from the HOA and had a fence contractor install the fence. They stated they were unaware that a permit was required and submitted once they were informed a permit was needed. They went on to state there were several factors leading to installing the fence like vegetation impeding the sidewalk and owning several dogs.

The BZA discussed the configuration of the lot, and the literal interpretation of the zoning code would render the subject portion of the yard unusable and neighboring properties in the area have similar fences.

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

The BZA recommended approval of Variance request by a 6-0 vote, with one absent, subject to the four (4) conditions found in the staff report.

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### STAFF RECOMMENDATIONS

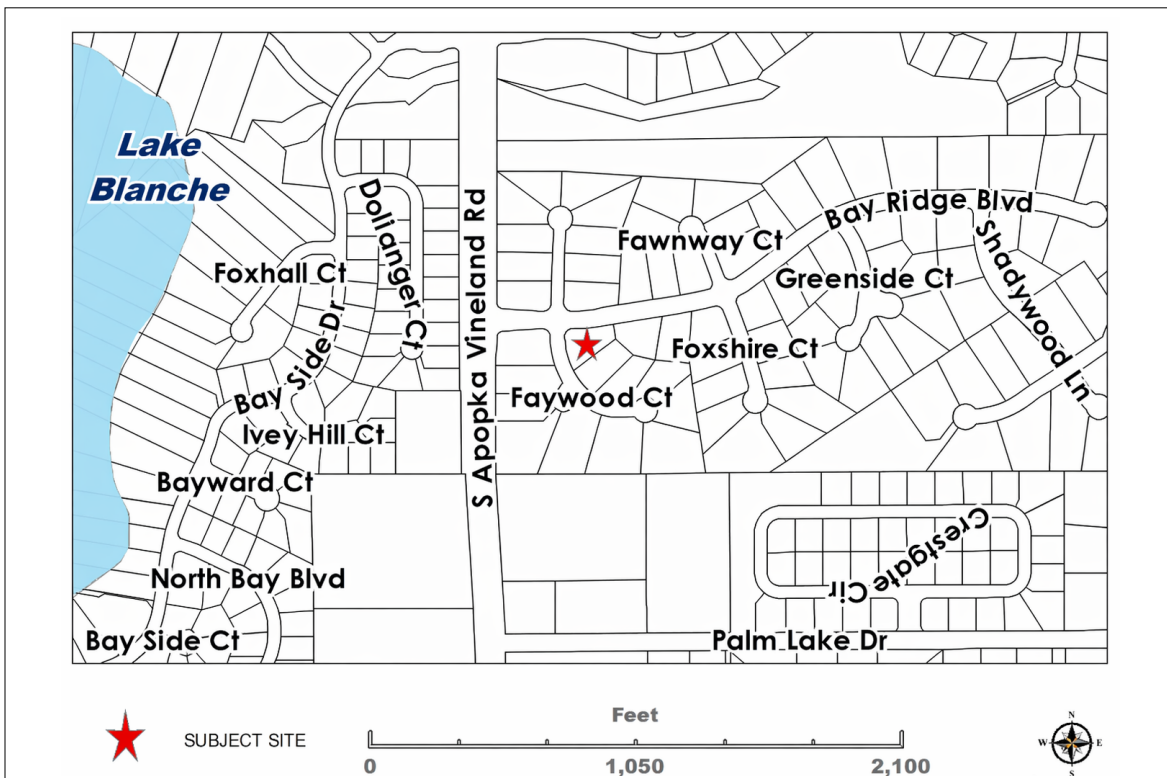
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Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of the Variance, staff recommends that the approval be subject to the conditions in this report.

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### LOCATION MAP

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**SITE & SURROUNDING DATA**

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|                 | Property                  | North                     | South                     | East                      | West                      |
|-----------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| Current Zoning  | R-1AAAA                   | R-1AAAA                   | R-1AAAA                   | R-1AAAA                   | R-1AAAA                   |
| Future Land Use | LDR                       | LDR                       | LDR                       | LDR                       | LDR                       |
| Current Use     | Single-family residential | Single-family residential | Single-family residential | Single-family residential | Single-family residential |

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The subject property is located in the R-1AAAA, Residential Urban 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 R-1AAAA zoning district.

The area around the subject site consists of single-family homes. The subject property is 22,038 sq. ft. in size, was platted in 1983 as lot 12 of the Turnbury Woods plat and is considered a conforming lot. The property is a reverse corner lot with rights-of-way along Faywood Ct. to the west and Bay Ridge Blvd. to the north. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, Faywood Ct. is considered the front and Bay Ridge Blvd. is considered the side street. There is a 5 ft. utility easement along the south side property line and a 7.5 ft. utility easement along the rear property line. The property is developed with a one-story 4,031 gross sq. ft. single-family home, constructed in 1987, as well as a pool and deck, screen enclosure, and a 6 ft. tall vinyl privacy fence enclosing the side and rear yards. The property was purchased by the current owner in 2018.

The existing home is located 18.5 ft. from the north side street property line and 29.6 ft. from the front property line. 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 6% of the applicable requirement for the yard. The existing 29.5 ft. front setback does not exceed 6% of the required 30 ft. front setback and has been granted an administrative waiver. The typical side street setback for a property located in the R-1AAAA district is 15 ft. However, per Sec. 38-1502 (b), on any corner lot abutting the side of another lot, no structure shall be nearer the side street lot line than the required front yard of such abutting lot. The lot abutting the subject property to the east has frontage on Bay Ridge Boulevard. The required front yard setback from Bay Ridge Blvd. is 30 ft., so that same setback applies to the subject property. The home was lawfully constructed with a building permit; therefore, the structure is considered legal non-conforming and does not require a Variance.

The property owner was issued a code compliance violation on November 20, 2025 (CE: 665352) for a fence installed without a permit. The property owner submitted a fence permit (F25023488) on November 25, 2025, for the subject fence. The fence permit is active and is deficient based on the height and location of the existing fence.

The proposal is to keep the existing 6 ft. tall vinyl privacy fence located in the side street yard. The fence extends from the north façade of the existing home to the north property line and continues east to the east property line and encloses the rear and side yards. The fence is approximately 1.7 ft. from the sidewalk running along the north property line. Per Sec. 38-1408(g)(2) fences in residential districts are limited to a maximum height of six feet in the side street yard setback, except on a reverse corner lot, where the maximum

height is limited to four feet in the side street yard setback. The lot abutting the subject property to the east has frontage on Bay Ridge Blvd. prompting the maximum height requirement of 4 ft. in the 15 ft. side street yard setback. Approximately 113.85 linear ft. of 6 ft. tall fence is located within the 15 ft. side street yard setback, requiring the Variance request.

**Fence/Wall Requirements**

|                     | Maximum Height | Proposed Height          |
|---------------------|----------------|--------------------------|
| Front Yard:         | 4 ft.          | N/A                      |
| Side Street Yard:   | 4 ft / 6 ft.*  | 6 ft. (Variance Request) |
| Side and Rear Yard: | 8 ft.          | 6 ft.                    |

*\* Limited to a maximum height of four feet in the 15 ft. side street yard setback for reverse corner lots*

The request was routed to all relevant reviewing Divisions. There were no objections noted. The Utilities Division reviewed the Variance request and provided no objections to the location of the proposed fencing. They did note that the property owner must complete an easement acknowledgement form for the portion of the fence within the utility easements along the rear and south side property lines or relocate the fence outside of the easement, as reflected in Condition of Approval (COA) #4. A Code Compliance Officer reviewed the Variance request and noted case #665352 has not been heard before the Special Magistrate and therefore is not accruing daily fines. To satisfy the code violation, the unpermitted fence must be removed, or a permit must be obtained. As of the date of this report, no comments have been received in favor or in opposition to this request. The applicant submitted 11 letters in support of the request from adjacent property owners as well as an approval letter from the Homeowners Association.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Staff has determined that while the Variance request meets some of the criteria, it does not meet all the criteria. Based on staff analysis, while there are special circumstances due to the unique aspects of the right-of-way, the fence could be reduced in height to eliminate the Variance request or relocated outside of the street side yard. Therefore, staff is recommending denial of the Variance request.

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**STAFF FINDINGS**

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**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

MET – Special conditions and circumstances exist as the property is a corner lot where the rear yard abuts an adjacent front yard. While literal interpretation of the zoning code classifies the lot as a reverse corner lot it functions as a typical corner lot as the lot to the east front yard adjacent to the subject lot acts as a side yard due to the placement of the home.

**Not Self-Created**

NOT MET - The need for the Variance is self-created since the fence height could be reduced to meet code or relocate the 6 ft. tall fence outside of the 15 ft. side street yard.

**No Special Privilege Conferred**

MET - Granting the Variance would not confer a special privilege to the applicant, , there are other examples within this neighborhood and surrounding subdivisions of 6 ft. tall fences that were lawfully permitted in side street yards prior to a 2024 code amendment that now restricts them.

**Deprivation of Rights**

NOT MET - Without the requested Variance, the owner would be able to install a 4 ft. tall fence along the side street property line or relocate the 6 ft. tall fence outside of the 15 ft. side street yard.

**Minimum Possible Variance**

MET - The request is the minimum possible for the fence to remain in its current configuration.

**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 preserving visibility and neighborhood aesthetics. The placement of the fence does not restrict visibility and is aesthetically consistent with the surrounding area thereby limiting any quantifiable negative impact on surrounding property owners. Additionally, there is mature landscaping along the shared property line prompting the additional restrictions of the reverse corner minimizing the impact the fence has on the adjoining property.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan dated March 6, 2026, and the fence rendering dated June 19, 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 fence, an Easement Acknowledgement Form shall be completed by the property owner and submitted to the Orange County Zoning Division, or the fence shall be relocated outside of the Utility Easements.

C: Aubrey Diaz  
5303 Faywood Ct.  
Orlando, FL 32819

LS  
CARLSON  
LAW

March 11, 2026

VIA EMAIL

Orange County Zoning Division  
201 South Rosalind Avenue, 1<sup>st</sup> Floor  
Orlando, FL 32801  
BZA@ocfl.net

Re: Variance Application for 5303 Faywood Court, Orlando, FL 32819

To Whom This May Concern:

Our firm has the honor and privilege of representing Jorge and Aubrey Diaz (“my Clients”), owners of real property located at 5303 Faywood Court, Orlando, Florida 32819 (the “Property”). Our Clients are requesting a fence height variance due to their replacement fence being 6 feet tall. Allow this letter to serve as a summary of the strong justification for making this request, along with supportive documentation including site plan/survey drawn to scale showing property lines, the fence location and dimensions, setbacks, photographs from the street showing house orientation, photos of similar fences nearby, and letters of support from their neighbors.

The existing four foot fence limit for traditional reverse corner lots is designed to preserve traffic visibility, prevent the fence from acting as a “front yard wall” and maintain neighborhood character along street frontages. **The functional orientation of the Diaz’ lot distinguishes it from a traditional reverse corner lot. The side street does not function as a front yard, either for the Diaz family or for the house across from the side street.** Although it is still technically a corner lot because it is on a corner, their home has one true front façade, and the side street does not face the primary entrance of another home. The side yard does not function as a front yard.

**There is no impact on traffic or sight lines.** The six-foot fence height does not interfere with the sight distance or public safety, which is the primary intent of the corner lot height restriction. Applying the corner lot height restriction to the non-traditional configuration creates an unnecessary hardship not experienced by similarly situated lots. Strict compliance would create unnecessary hardship because the lower fence would fail to enclose the yard for the Diaz’ large dogs. It would also be inconsistent with fencing on similarly situated lots, such as the property directly across the street from them.

LS Carlson Law  
561-462-2470

1200 N. Federal Hwy, Suite 300  
Boca Raton, FL 33432  
dlehr@lscarlsonlaw.com



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**COVER LETTER**

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This hardship was not self-created as the lot existed this way prior to their ownership of it. This was a good faith replacement for an existing fence, installed along the previous fence line. The owners properly applied for architectural approval, and it was granted prior to installing the fence. The ARB approval notes reflect "The fence would match the style and type of fence to the one on the house directly across from the shrub line on Bay Ridge Blvd. thus keeping the neighborhood aesthetics consistent." The recent Code change created the current nonconformity. The owners relied on the previous long-standing standards. There was no intent to circumvent zoning requirements.

This request is limited solely to the side yard fence along (street name) and represents the minimum relief necessary. There is no negative impact on the neighborhood. Neighboring homes have a similar fence height. Not only do the Diaz' immediate neighbors not object, but they also fully support the fence height. Furthermore, the fence materials match the neighborhood character.

This correspondence does not constitute a complete or exhaustive statement of my clients' rights or remedies. Nothing stated herein is intended as, nor should it be deemed to constitute a waiver or relinquishment thereof, all of which are hereby reserved.

If you have any questions about the foregoing, please do not hesitate to contact me.

Sincerely yours,

/s/

David J. Lehr, Esq.  
Michele L. Hobby, Esq.

CC: Clients

**Variance Application Narrative Statement**

**Jorge & Aubrey Diaz, Owners - 5303 Faywood Ct., Orlando, FL 32819**

**Variance Criteria Section 30-43 (3)**

**Special Conditions and Circumstances**

- Our property features a reverse-corner lot orientation with a large street-side easement, including 16 feet of owner-maintained oak trees, grass and sprinklers, as well as a sidewalk.
- There is no barrier to sightlines for drivers in the neighborhood as the fence is located at the back of the property and more than 60 feet from the lot corner.
- The rear neighbor contributed to half of the fence-line cost for installation between the properties.
- There are dense trees on the rear neighbor's property, spanning 10-15 feet between the fence and the owner's yard.

**Not Self-Created**

- The previous wooden fence, permitted by Orange County in 2003 for the previous owner, was installed in the exact same place (16 inches from the property line).
- All other reverse corner lots in the Turnburry Woods neighborhood with fences; are 6 ft. tall

**No Special Privilege Conferred**

- Approval of this variance request will not provide any special privileges on the homeowners differently than any other homeowner in the neighborhood

**Deprivation of Rights**

- Height variance to allow 6 ft. will keep neighborhood fences consistent. Ours would be the only one with a height of 4 ft.
- A height variance would allow for less financial loss by homeowners.
- The installed fence exactly matches the 6 ft white vinyl fence around the home directly across the street.
- Turnburry Woods HOA ARB approved the fence application as submitted: installation quote, survey provided and fence type example in accordance with the HOA bylaws.

**Minimum Possible Variance**

- Allowing the minimum possible variance would mean the fence can stay as-is with the height of 6 ft. to match other privacy fences on reverse corner lots in the neighborhood.

**Purpose and Intent**

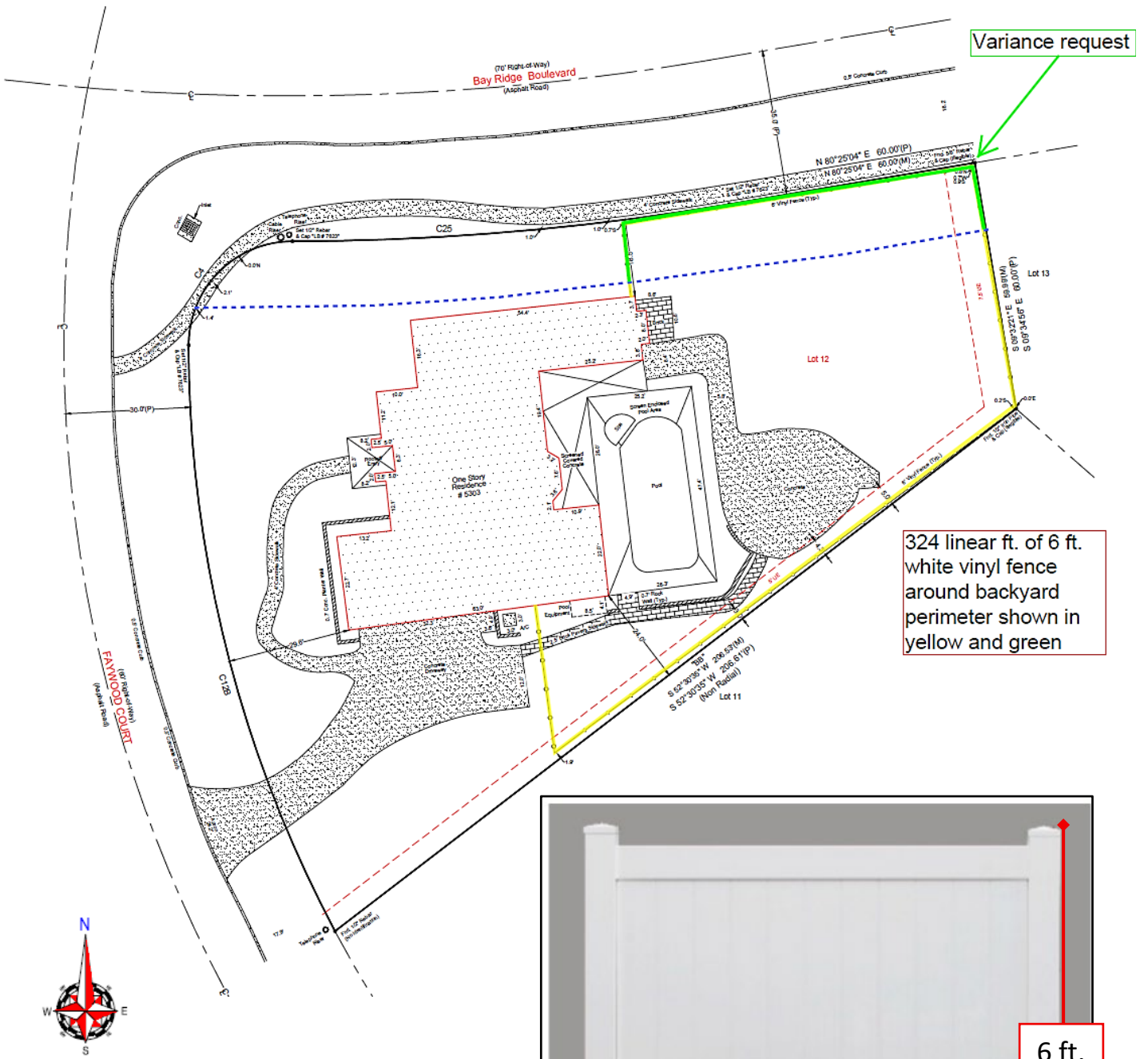
- The purpose of lower fence height is to ensure safe driving, which is not affected in this case. Also, the neighboring properties are supportive of the fence as installed. The fence is not detrimental to public welfare in any way.

**Why the fence is beneficial as-is:**

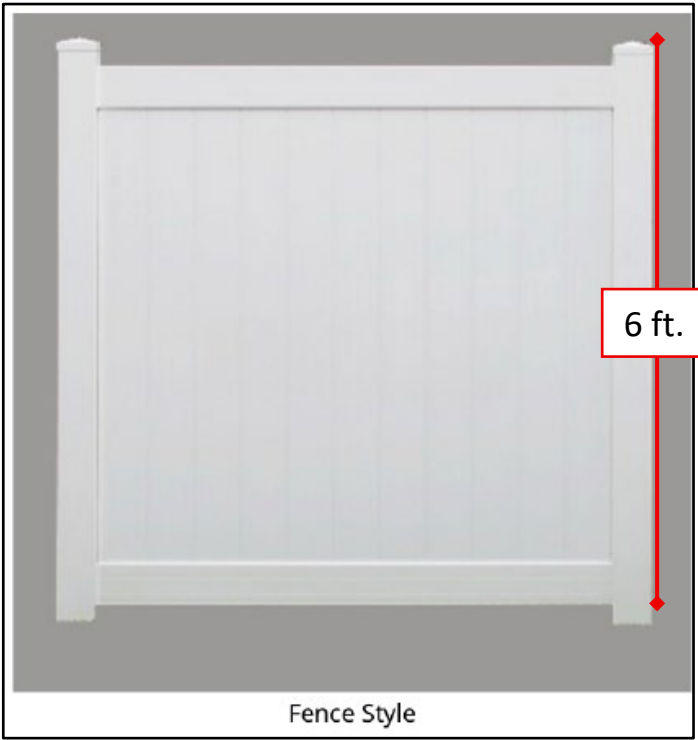
- **We care about Safety of our Neighbors**
  - o Previous bushes encroached over the sidewalk and created a hazard for walkers (Mr. Bruce needed to walk in the street with his walker.)
  - o Previous bushes were mature and dying, sparse areas could be walked through creating an issue with neighbors who walk dogs in the neighborhood.
  - o Previous bushes created a slick green mold on the sidewalk and needed pressure-washing regularly to remain safe for walkers and bicycles.
- **We care about the Trees - they are important to Turnburry Woods**
  - o Side facing street - property directly on inside of fence includes 6 trees, ((1) fruit-bearing avocado tree, (1) grapefruit tree, (1) orange tree, (2) loquat trees and (2) Hawthorne trees).
  - o Fence placed in accordance with the HOA bylaws of 16" from the property line to allow for growth of the trees.
- **We care about our property value - increased by recent home improvements**
  - o 2025 Replaced all windows of house - \$35,500
  - o 2025 Installed new white vinyl privacy fence - \$11,500



# SITE PLAN AND FENCE DETAIL



324 linear ft. of 6 ft. white vinyl fence around backyard perimeter shown in yellow and green



6 ft.

**SITE PHOTOS**



**Facing east towards front of subject property**



**Facing southeast from the intersection of Faywood Ct. and Bay Ridge Blvd.**

**SITE PHOTOS**



**Facing southeast along the fence and side street right-of-way**



**Bay Ridge Blvd., facing west from the adjacent property's driveway towards the location of the fence**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#1**

Case #: **VA-26-05-025**

Case Planner: **Melissa Dunklin (407)836-5329**

**Melissa.Dunklin@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** DONN SHARPE

**OWNER(s):** VEIGA LM SERVICES LLC

**REQUEST:** Variances in the R-CE zoning district as follows:

- 1) To allow a minimum lot width of 94 ft. in lieu of 130 ft.
- 2) To allow a minimum lot area of 0.43 acres in lieu of 1 acre

**PROPERTY LOCATION:** 1127 Hempel Avenue, Gotha, FL 34734, east side of Hempel Ave., south of Florida Turnpike, north of Windy Ridge Rd., west of S. Apopka Vineland Rd.

**PARCEL ID:** 33-22-28-3100-15-470

**LOT SIZE:** 18,804 sq. ft.

**NOTICE AREA:** 500

**NUMBER OF NOTICES:** 77

**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 Thomas Moses, Second by John Drago; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the lot area and lot width dimension shown on the site plan date stamped April 8, 2026, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

The applicant was present and agreed with staff's recommendation of approval as the lot has been in this same configuration since 1885.

The BZA asked the applicant if they were aware of the lot requirements prior to purchasing the property.

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

The BZA discussed the that the lot was in an older area of the County and would not be buildable for a new residence without the variance requests.

The BZA recommended approval of the Variance requests by a 6-0 vote, with one absent, subject to the 3 conditions of approval in the staff report.

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### STAFF RECOMMENDATIONS

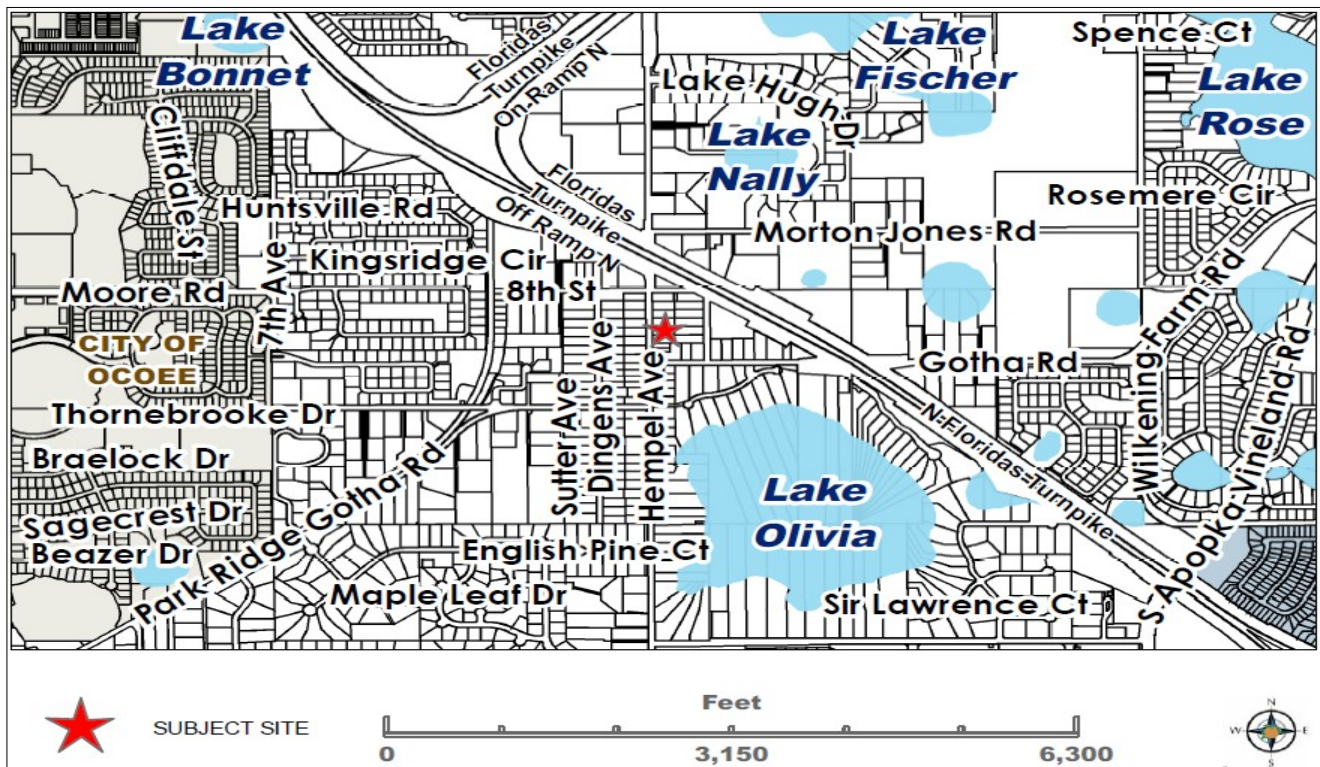
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Approval, subject to the conditions in this report.

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### LOCATION MAP

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**SITE & SURROUNDING DATA**

|                 | Property                | North                   | South                   | East   | West                    |
|-----------------|-------------------------|-------------------------|-------------------------|--------|-------------------------|
| Current Zoning  | R-CE                    | R-CE                    | R-CE                    | R-CE   | R-CE                    |
| Future Land Use | RS 1/1                  | RS 1/1                  | RS 1/1                  | RS 1/1 | RS 1/1                  |
| Current Use     | Single-Family Residence | Single-Family Residence | Single-Family Residence | Vacant | Single-Family Residence |

**BACKGROUND AND ANALYSIS**

**DESCRIPTION AND CONTEXT**

The subject property is situated within the R-CE, Country Estate zoning district, which allows for single family residential development on one acre lots and certain rural uses. The future land use is Rural Settlement 1/1 (RS 1/1), and the property is located in the Gotha Rural Settlement. The Future Land Use is consistent with the R-CE zoning district. The Gotha Rural Settlement is identified in the Orange County Future Land Use Element as one of five Rural Settlements within the County that has maintained its historically rural character, and mandates that every effort shall be made to preserve this rural character as part of Orange County’s heritage and historic preservation efforts. Rural Settlements restrict non-residential uses to those that support existing residential uses and serve the residents of the community.

The area surrounding the subject site consists primarily of single-family homes. The property is an interior lot with frontage along Hempel Avenue. The property was replatted in 1885 as Lot 47 of Block P under the Town of Gotha Replat and is considered to be a substandard lot due to the lot area and width of the lot. The lot is currently developed with a one-story, 1,142 gross sq. ft. single-family residence and a 504 sq. ft. detached accessory structure both constructed in 1949. Per Orange County Code Sec. 38-1401, if two or more adjoining lots were under single ownership on or after October 7, 1957, and one of the lots has a frontage or lot area less than what is required by the zoning district, such substandard lot or lots shall be aggregated to create one conforming lot. This property was under shared ownership in the 1980s with the adjoining property to the south so it is not possible to establish a substandard lot of record status.

The applicant is proposing to demolish the existing 1-story single family residence along with the detached accessory structure and is proposing to build a 5,823 sq. ft., 2-story single family residence with two 2-car garages along with an attached 390 sq. ft. accessory dwelling unit (ADU). The R-CE zoning district requires a minimum lot width of 130 feet and the existing lot width is 94 feet, requiring Variance request #1. The R-CE zoning district requires a minimum lot area of 1 acre, the existing lot area is 0.43 acre, requiring Variance request #2. The proposed residence complies with all other zoning development standards.

**District Development Standards**

|                   | Code Requirement        | Proposed                                 |
|-------------------|-------------------------|--|
| Max Height:       | 35 ft.                  | +/- 30 ft.                               |
| Min. Lot Width:   | 130 ft.                 | 94 ft. (Variance #1)                     |
| Min. Lot Size:    | 43,560 sq. ft. (1 acre) | 18,804 sq. ft.; 0.43 acres (Variance #2) |
| Min. Living Area: | 1,500 sq. ft.           | 5,823 sq. ft.                            |

## Building Setbacks

|        | Code Requirement | Proposed                         |
|--------|------------------|----------------------------------|
| Front: | 35 ft.           | 35 ft. (West)                    |
| Side:  | 10 ft.           | 10 ft. (North)<br>10 ft. (South) |
| Rear:  | 50 ft.           | 50 ft.                           |

The subject property will be required to connect to Orange County Utilities water system and will be reliant on septic tanks for wastewater disposal. Reclaimed water is not considered available. The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43(3) of the Orange County Code requires that all six variance criteria be satisfied before a recommendation of approval can be made. Based on staff's analysis, both Variance requests meet all the required criteria. Without the requested variances for lot area and lot width, this parcel would be undevelopable at no fault of the applicant who purchased the property in its current configuration. Therefore, staff is recommending approval of both Variance requests.

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## STAFF FINDINGS

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### VARIANCE CRITERIA

#### **Special Conditions and Circumstances**

Both Variances MET – The special conditions and circumstance particular to the subject property is that the lot is not buildable without the requested variances.

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

Both Variances MET – The substandard aspects of the parcel are not self-created, as the lot was in this configuration since 1885 and when the current owner purchased the property.

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

Both Variances MET - Granting the Variance would not confer special privilege as the majority of the surrounding properties in the area contain homes on similar sized lots.

#### **Deprivation of Rights**

Both Variances MET – Without approval of the requested Variance, the owner will be deprived of the ability to reconstruct a residence on the parcel.

#### **Minimum Possible Variance**

Both Variances MET – The requested Variances are the minimum necessary to construct a home on the property as the property is existing in its current configuration since 1885.

#### **Purpose and Intent**

Both Variances MET – Approval of the requests will be in harmony with the purpose and intent of the Code, which is to allow infill development of lawfully constructed residences. The lot area and width will not be

detrimental to the neighborhood as the proposed lot size is consistent with the developed lots in the area. Additionally, the proposed residence complies with all other zoning development standards, including setbacks and height.

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### CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the lot area and lot width dimension shown on the site plan date stamped April 8, 2026, 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:     Donn Sharpe  
       3854 Province Dr.  
       Melbourne, FL 32934

**RECEIVED**

By Orange County Gov at 3:13 pm, Apr 08, 2026



To the Board of Zoning Adjustment,

We are requesting a variance for 1127 Hempel Ave for lot size, 0.43 ac in lieu of 1, and 94' lot width in lieu of 130. This property was platted prior to zoning establishing the districts and requirements. Unfortunately, this property had some shared ownership in the 1980's so we are unable to establish a substandard lot of record. To rebuild on this property, our only path forward is a variance approval.

We are proposing to demolish all existing structures on the property, which includes an existing 1 story home and detached accessory structure (storage). We will rebuild a new single family home with attached ADU.

Regards,

Donn Sharpe

Agent / Applicant



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**VARIANCE CRITERIA**

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**VARIANCE CRITERIA**

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

The property was platted prior to zoning. The platted lot is substandard

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

This was not self-created. Existing home is to be demolished, and we are asking for variance approval ahead of permit submission.

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

No special privilege would be granted through this variance.

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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.

This lot is otherwise unbuildable to zoning standards without a variance.  
There is an existing home and being unable to rebuild if knocked down would be a deprivation of rights.

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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 only requesting the variance to meet lot dimension and size standards.

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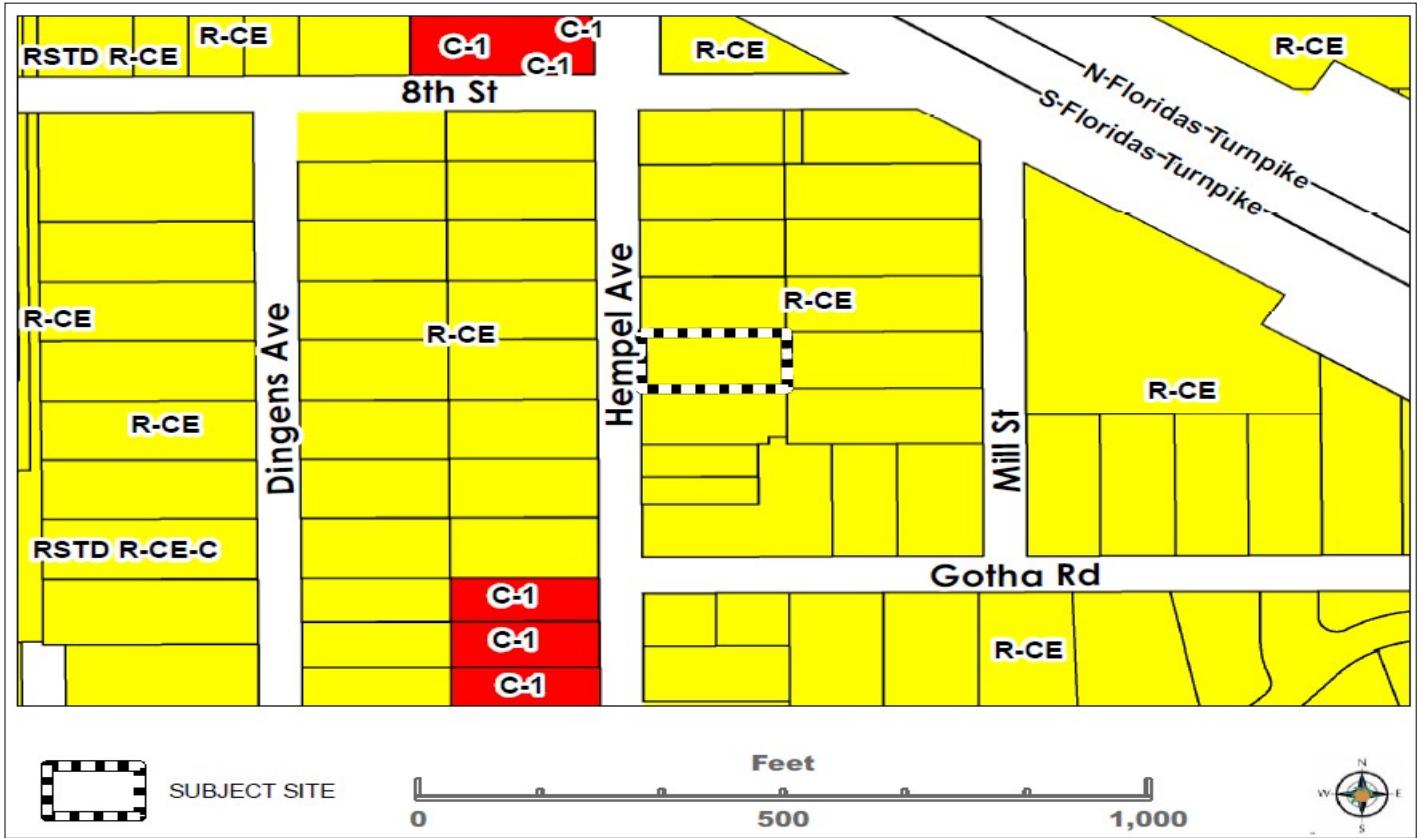
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

A residential home in this location would conform to the surrounding areas.

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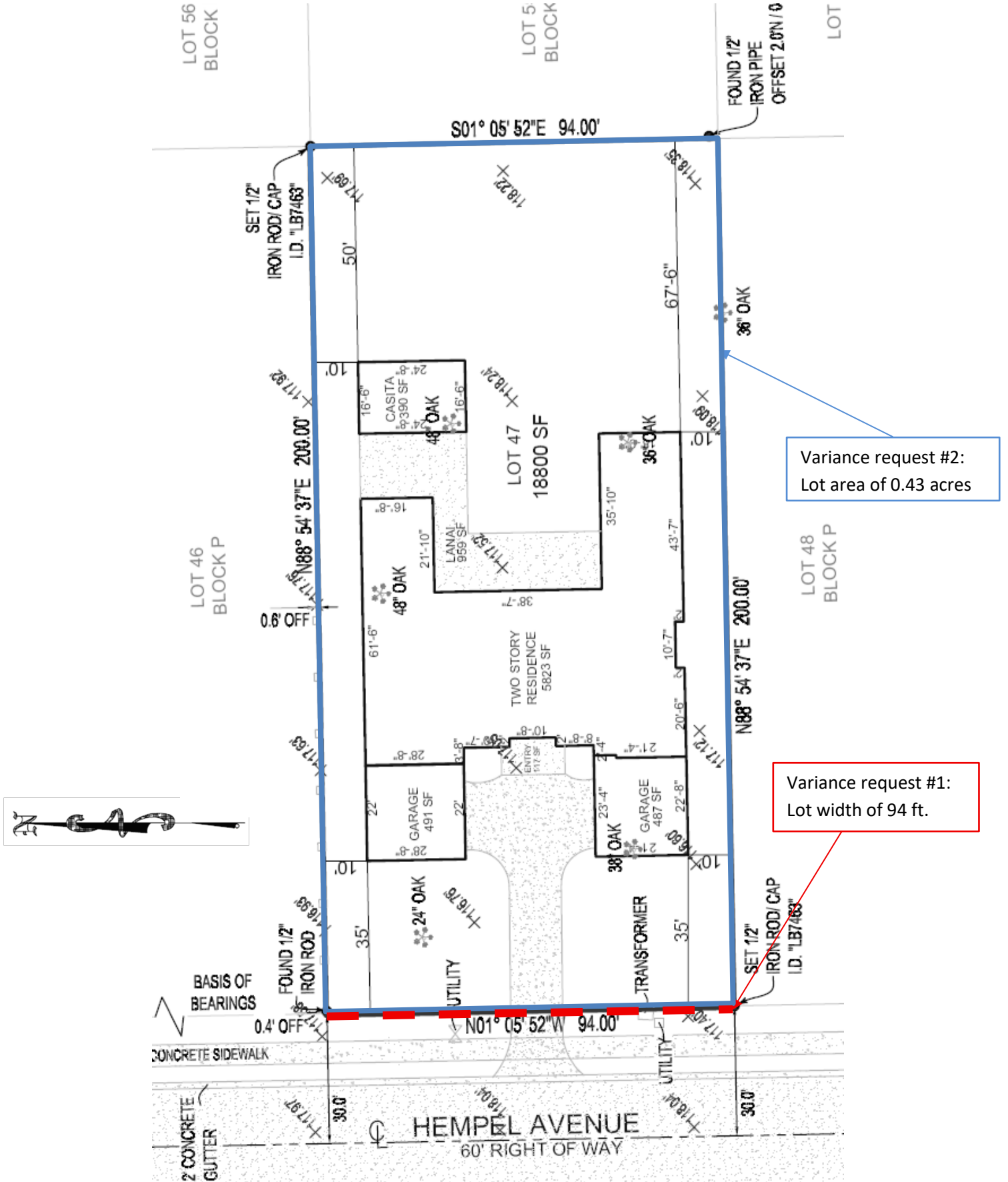
ZONING MAP



AERIAL MAP



SITE PLAN



**SITE PHOTOS**



**Facing east from Hempel Avenue towards front of subject property**



**Facing southwest towards the existing structures to be demolished**

**SITE PHOTOS**



**Facing south towards side of existing home to be demolished**



**Facing south towards adjacent residences along Hempel Avenue**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#3**

Case #: **VA-26-05-028**

Case Planner: **Daniella McCloud (407)836-2939**

**Daniella.McCloud@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** HEATHER DAFFAN

**OWNER(s):** HEATHER DAFFAN

**REQUEST:** Variance in the R-3 zoning district to allow a sunroom with a rear setback of 20.1 ft. in lieu of 25 ft.

**PROPERTY LOCATION:** 3064 Jon Jon Ct., Orlando, Florida 32822, north and west side of Jon Jon Ct., north of Pershing Ave., south of Curry Ford Rd., east of S. Semoran Blvd., west of S. Goldenrod Rd.

**PARCEL ID:** 11-23-30-6851-00-122

**LOT SIZE:** 9,267 sq. ft.

**NOTICE AREA:** 500 ft.

**NUMBER OF NOTICES:** 98

**DECISION:** Recommended **APPROVAL** of the Variance request in that the Board finds it meets that the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Juan Velez, Second by Roberta Walton Johnson; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the site plan date stamped April 10, 2026, and elevations dated January 8, 2026, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

**SYNOPSIS:** Staff described the proposal, including the location of the property, the site plan, and photos of the site.

Staff provided an analysis of the six criteria and the reasons for a recommendation for denial of the Variance request. Staff noted that no comments were received in favor or in opposition to the request.

The BZA asked staff about the setback differences for screen rooms and sunrooms.

Staff explained that sunrooms were subject to principal structure setbacks, while screen rooms were defined as a separate use with differing setbacks per code.

The applicant was present and discussed how the irregular shape of the lot constricts development and leaves minimal room for rear additions.

The BZA asked the applicant about the reason for the conversion and if the sunroom would be located within the same footprint as the existing screen room.

There was one person in attendance to speak in favor of the request. They discussed the compatibility with surrounding area and the near identical replacement of the structure within the same footprint.

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

The BZA discussed the request and determined that the conversion of the structure would not be intrusive to the area and would serve an almost identical purpose to the existing screen room.

The BZA recommended approval of the Variance request by a 6-0 vote, with 1 absent, subject to the 3 conditions of approval in the staff report.

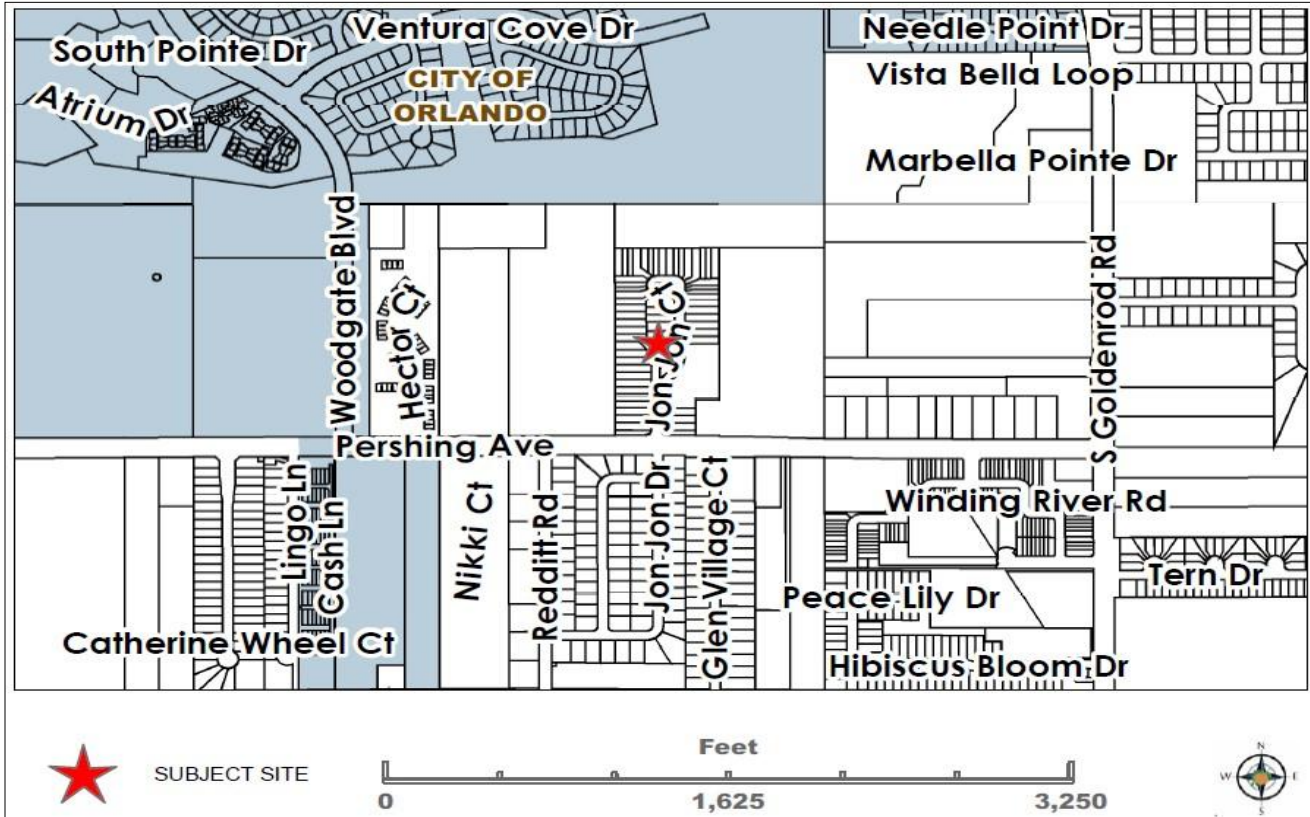
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#### **STAFF RECOMMENDATIONS**

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Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of the Variance, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

|                 | Property                | North                   | South                   | East                    | West                    |
|-----------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|
| Current Zoning  | R-3                     | R-3                     | R-3                     | R-3                     | R-3                     |
| Future Land Use | LMDR                    | LMDR                    | LMDR                    | LMDR                    | LMDR                    |
| Current Use     | Single-family residence | Single-family residence | Single-family residence | Single-family residence | Single-family residence |

BACKGROUND AND ANALYSIS

**DESCRIPTION AND CONTEXT**

The subject property is located in the R-3, multiple-family dwelling district, which allows single-family homes and multi-family development. The Future Land Use is Low-Medium Density Residential (LMDR) which is inconsistent with the R-3 zoning district.

The area around the subject site consists of single-family homes, duplexes, and triplexes. The subject property is 9,267 sq. ft. in size, was platted in 1987 as lot 12 of the Pershing Vilas Plat and is considered a conforming lot of record. The property is an irregularly shaped lot with continuous frontage along Jon Jon Ct. to the east and the south. Due to the irregular shape of the property, the front yard is considered the entire area between the street line (Jon Jon Ct.) and the principal building or any projections thereof. There is a 10 ft. wide drainage and utility easement running parallel to the continuous front property line and the rear property line. The property is developed with a one-story 1,416 gross sq. ft. single-family residence (B00009800), constructed in 2000, as well as a screen room built in October 2025 (B25014230) attached to the rear of the home. The current owner purchased the property in 2013.

The applicant is proposing to replace the existing 12ft. by 28 ft. screen room with a sunroom addition. Orange County Code defines a screen room as *an uninhabitable structure consisting of solid aluminum roof panels, attached to the principal structure. Such room shall be open and unenclosed on the projecting three (3) sides, supported by aluminum columns. The aluminum columns may only support screen mesh, solid aluminum kick panels up to twenty-four (24) inches in height above the floor of the room and/or vinyl panels which are seasonal, nonpermanent and removable. The screen mesh shall be the type not less than fifty-five (55) percent open.* Section 38-79(18) states *“A screen room may extend up to fifty (50) percent into the required rear yard setback for the principal structure...”*. The required rear yard is 25 ft. for this property. The existing screen room has a 20.1 ft. rear setback in compliance with the 12.5 ft. setback required by code.

The proposed addition will be a 12 ft. by 28 ft. glass sunroom. As proposed, the sunroom will be constructed in the same location and footprint as the existing screen room. The rear setback reduction allowed by Code is specific to screen rooms, and the proposed addition does not meet the definition of a screen room. Section 38-1501 of Orange County Code requires principal structures to be set back a minimum of 25 ft. from the rear property line in the R-3 zoning district. Therefore, the proposed structure must comply with the 25 ft. rear setback. The addition will be located 20.1 ft. from the rear property line, prompting the Variance request. The 10 ft. wide drainage and utility easement is not impacted by the Variance request.

**District Development Standards**

|                 | Code Requirement | Proposed      |
|-----------------|------------------|---------------|
| Max. height:    | 35 ft.           | 7.5 ft.       |
| Min. lot width: | 45 ft.           | 116 ft.       |
| Min. lot area:  | 4,500 sq. ft.    | 9,267 sq. ft. |

**Building Setbacks (Principal Structure-Sunroom)**

|         | Code Requirement | Proposed                   |
|---------|------------------|----------------------------|
| *Front: | 25 ft.           | 49.2 ft. (South and East)  |
| Side:   | 5 ft.            | 7 ft. (North)              |
| Rear:   | 25 ft.           | 20.1 ft. (West – Variance) |

\*In accordance with Orange County Code Sec. 38-1, the front lot line is defined as the property boundary parallel to Jon Jon Ct. (eastern and southern boundary). Due to the irregular configuration of the lot, both property lines are considered the front yard.

The request was routed to all reviewing divisions, and no objections were received. The Planning Division provided comments regarding inconsistencies in the Zoning and Future Land Use (FLU). The comment stated that the application appears consistent with Policy FLU1.1.3(B), which allows one residential unit on a lot of record as of July 1, 1991, provided all applicable County development regulations are met and without altering the established character, density, or intensity of the residential area. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Staff has determined that while the Variance request meets some of the criteria, it does not meet all the criteria. Based on staff analysis, while the request would be in harmony with the purpose and intent of the Zoning Regulations, alternative options exist to eliminate the request as the

property owner could keep the existing screen room in the same location or construct a smaller sun room without a Variance. Therefore, staff is recommending denial of the Variance request.

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## STAFF FINDINGS

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### **VARIANCE CRITERIA**

#### **Special Conditions and Circumstances**

MET - There are special conditions or circumstances peculiar to this property, as the lot is irregularly shaped and restricts development of principal structure additions.

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

NOT MET- The requested Variance is self-created, as the existing screen room could be enjoyed as constructed in October 2025.

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

MET- Due to the location of the existing structure, granting the requested Variance will not confer any special privilege conferred to others under the same circumstances as several other properties are developed with similar structures and the sunroom will serve the same purpose as a screen room.

#### **Deprivation of Rights**

NOT MET- The requested Variance is not a deprivation of rights, as the existing screen room could be enjoyed as constructed in October 2025.

#### **Minimum Possible Variance**

NOT MET- The request is not the minimum possible as the screen room could be enjoyed as constructed in October 2025, or a smaller sun room could be constructed.

#### **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 sunroom will be at the rear of the home, within the same footprint and location as the existing screen room. The sunroom will serve the same purpose as a screen room and will not be detrimental to neighboring properties.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan date stamped April 10, 2026, and elevations dated January 8, 2026, 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: Heather Daffan  
3064 Jon Jon Ct.  
Orlando, FL 32822

COVER LETTER

Fax: 407-678-5560  
Toll Free: 1-800-247-6768  
FL Reg. # RX11067027  
FL Lic. # SCC056770



MAIN OFFICE  
3005 Forsyth Road  
Winter Park, FL 32792  
(407) 678-0500  
Sales, Installation, Show Room

To whom it may concern:

This Variance request is for a 20.1' in lieu of 25' in the rear yard. This will allow the applicant to convert their existing, approved 12' x 28' (336ft<sup>2</sup>) screen room to a CAT2 Sunroom on an existing concrete slab. The structure will be no taller than 8' and is currently 20.1 from the rear property line., 7' from the left yard setback.

This proposal meets the six standards for variance approval as outlined below:

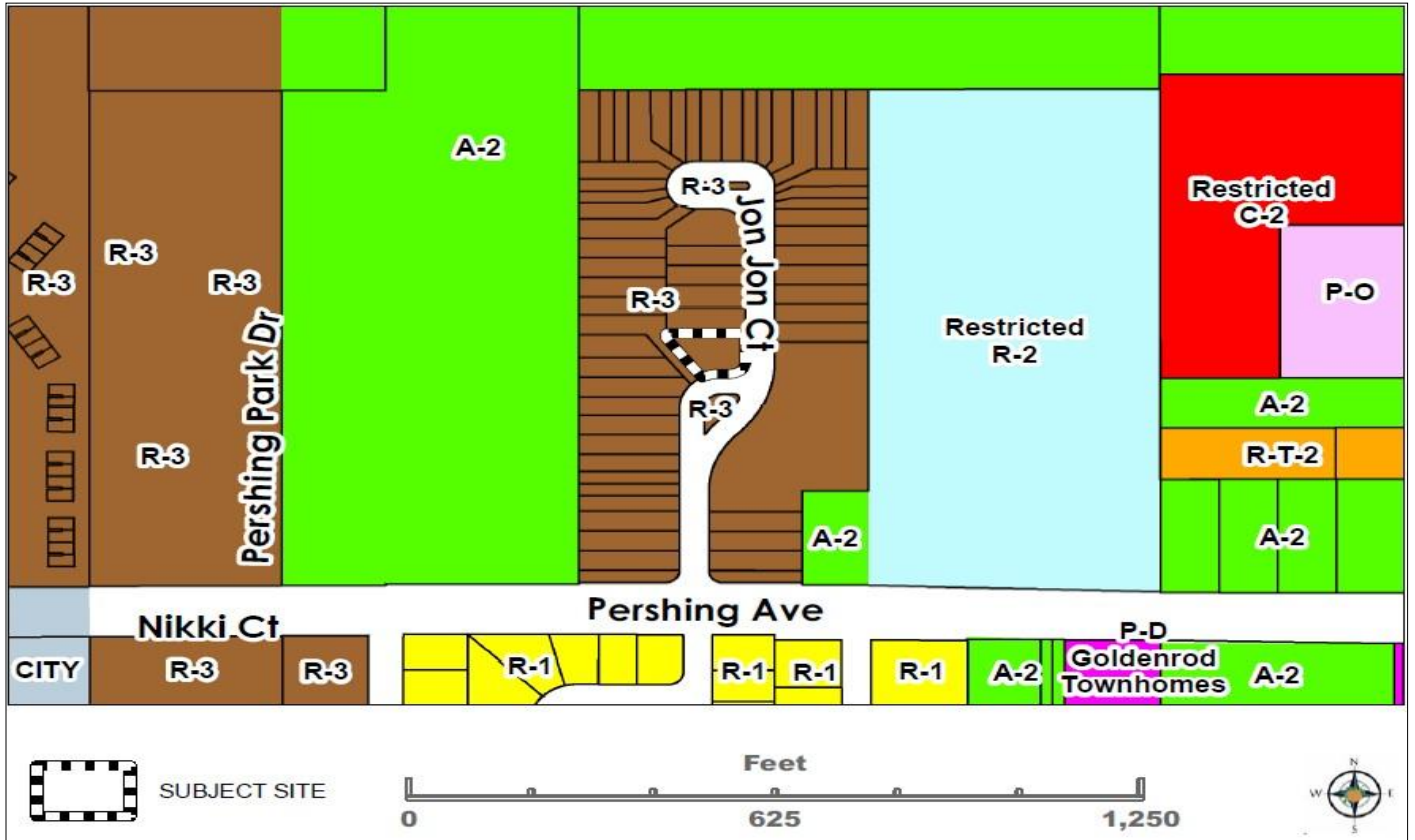
1. **Special Conditions and Circumstances** – The subject property is irregularly shaped and as such, does not allow for improvements to be made in the rear yard.
2. **Not Self-Created** – The size of the parcel and proximity of the SFR to the rear property line was not influenced or created by the homeowner.
3. **No Special Privilege Conferred** – No special privilege will be conferred by approval of this variance request.
4. **Deprivation of Rights** – The literal interpretation of the zoning code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work undue hardship on the applicant.
5. **Minimum Possible Variance** – This is the minimum variance required to build the proposed structure.
6. **Purpose and Intent** – The approval of the zoning variance would be in harmony with zoning regulations and would not be a detriment to the neighborhood, surrounding area, or public welfare.

Kind Regards,

Timothy Orle  
Superior Aluminum Installations, Inc.  
SCC056770  
3005 Forsyth Road  
Winter Park, FL 32792



ZONING MAP



AERIAL MAP



# SITE PLAN

CERTIFIED TO:  
HEATHER DAFFAN

**RECEIVED**

By Orange County Gov at 1:18 pm, Apr 10, 2026

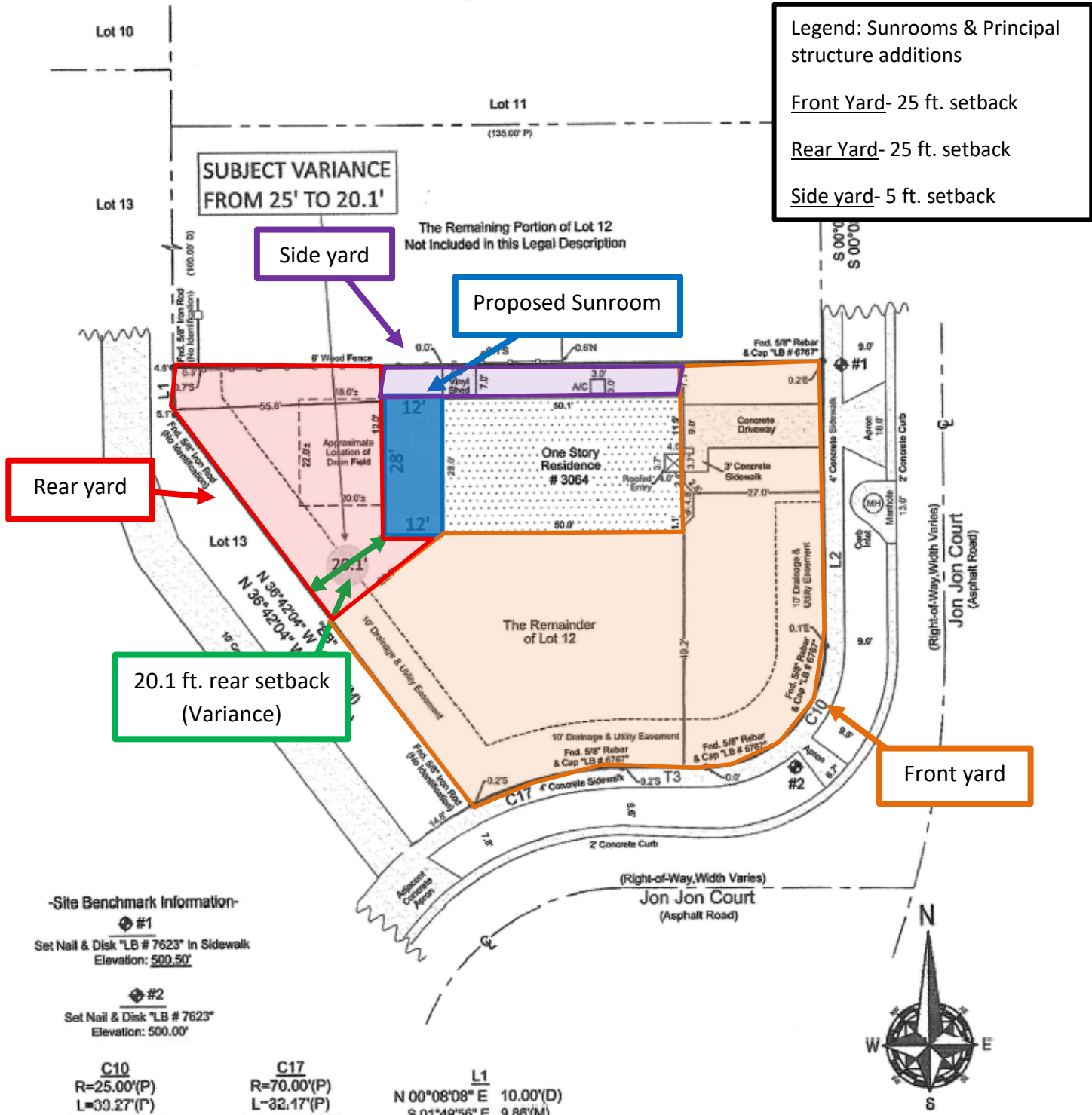
3064 JON JON COURT, ORLANDO, FLORIDA 32822

Legend: Sunrooms & Principal structure additions

Front Yard- 25 ft. setback

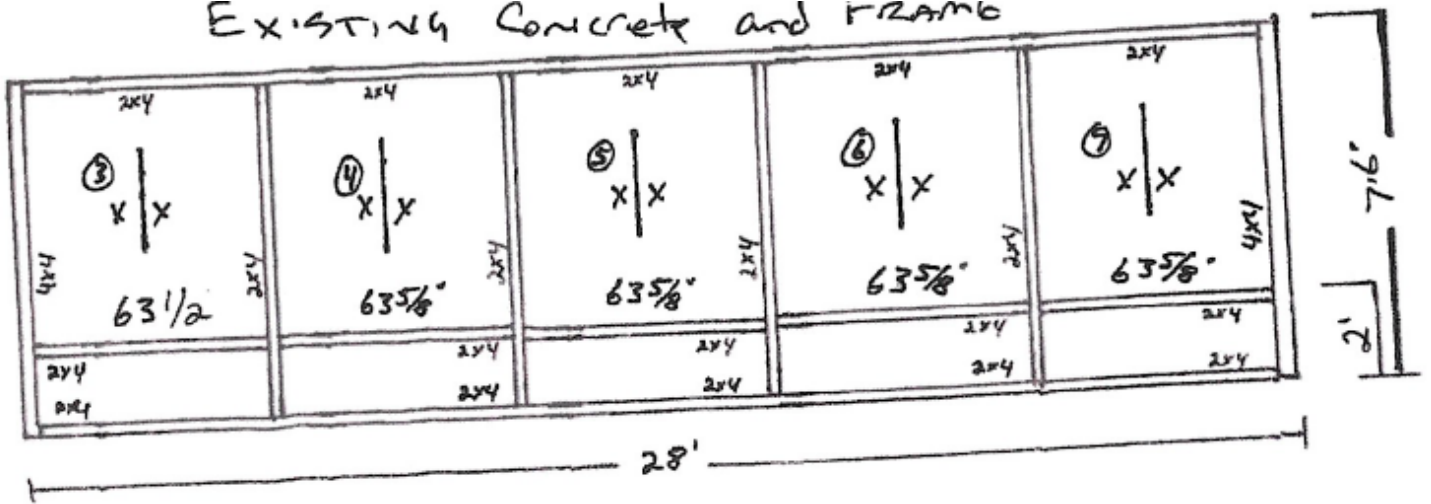
Rear Yard- 25 ft. setback

Side yard- 5 ft. setback

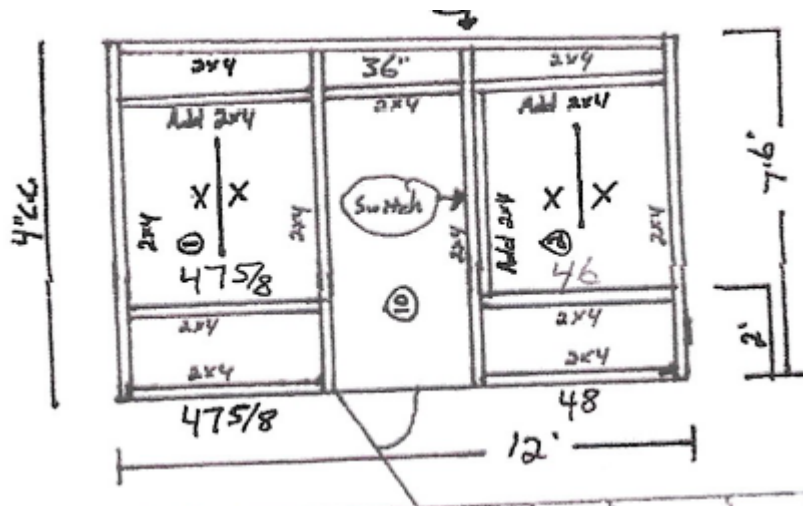


ELEVATIONS

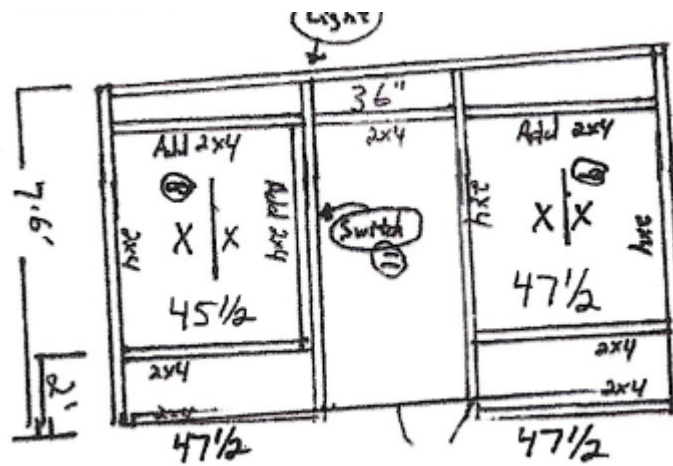
EXISTING CONCRETE AND FRAME



East Elevation

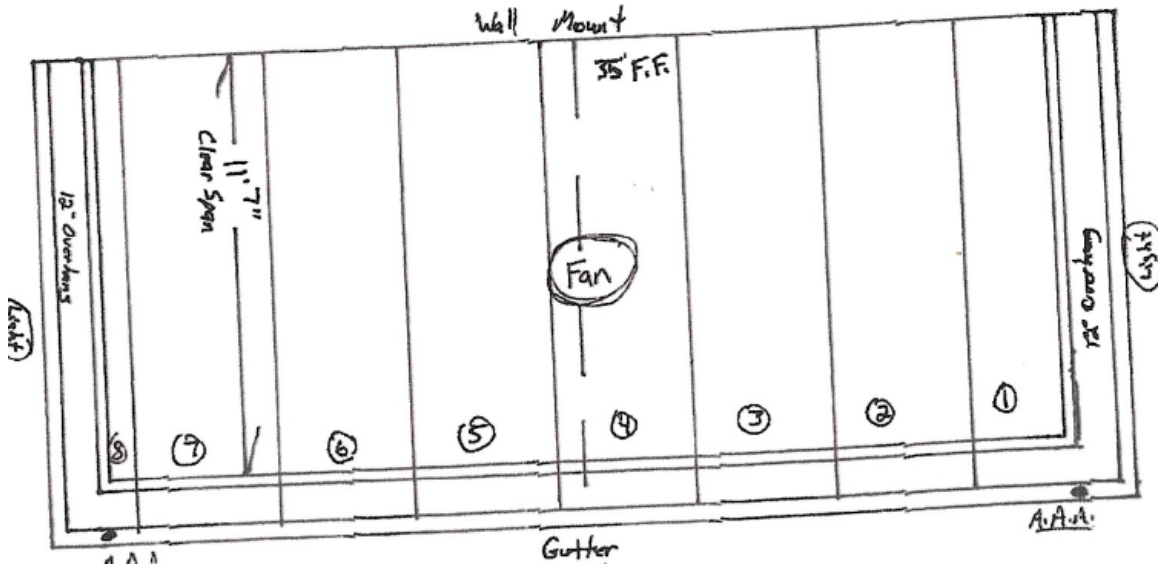


South Elevation



North Elevation

ROOF PLAN



SITE PHOTOS



From Jon Jon Ct., facing northwest towards the subject property

**SITE PHOTOS**



**On the subject property, facing north towards the front yard and side of the existing home**



**On the subject property, facing north towards the existing screen room to be replaced by the proposed sunroom**

**SITE PHOTOS**



**Rear yard facing southeast, towards existing screen room and front yard**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#1**

Case #: **VA-26-05-035**

Case Planner: **Daniella McCloud (407)836-2939**

**Daniella.McCloud@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** DEE DEE ALBERTSON

**OWNER(s):** JAMES DANIEL LOWRY, LESLIE LOWRY

**REQUEST:** Variance in the PD zoning district to allow an attached pergola with a rear setback of 11.58 ft. in lieu of 25 ft.

**PROPERTY LOCATION:** 7912 Jailene Dr., Windermere, FL 34786, west side of Jailene Dr., north of Reams Rd., south and west of Winter Garden Vineland Rd., east of Ficquette Rd.

**PARCEL ID:** 35-23-27-4766-00-570

**LOT SIZE:** 6,000 sq. ft.

**NOTICE AREA:** 500 ft.

**NUMBER OF NOTICES:** 67

**DECISION:** Recommended **APPROVAL** of the Variance request in that the Board finds it meets that the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Thomas Moses, Second by Glenn Rubinstein; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the site plan dated February 19, 2026, and elevations dated February 12, 2026, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

**SYNOPSIS:** Staff described the proposal, including the location of the property, the site plan, and photos of the site.

Staff provided an analysis of the six criteria and the reasons for a recommendation for denial of the Variance request. Staff noted that no comments were received in favor or in opposition to the request.

The BZA asked staff about setbacks for detached structures and if the attached pergola was within the same setback and footprint of existing screen enclosure.

The applicant was not present.

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

The BZA discussed the request and possible safety concerns with having a detached structure within the screen enclosure. The BZA felt comfortable recommending approval in the absence of an applicant or authorized agent.

The BZA recommended approval of the Variance request by a 6-0 vote, with one absent, subject to the 3 conditions of approval in the staff report.

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### STAFF RECOMMENDATIONS

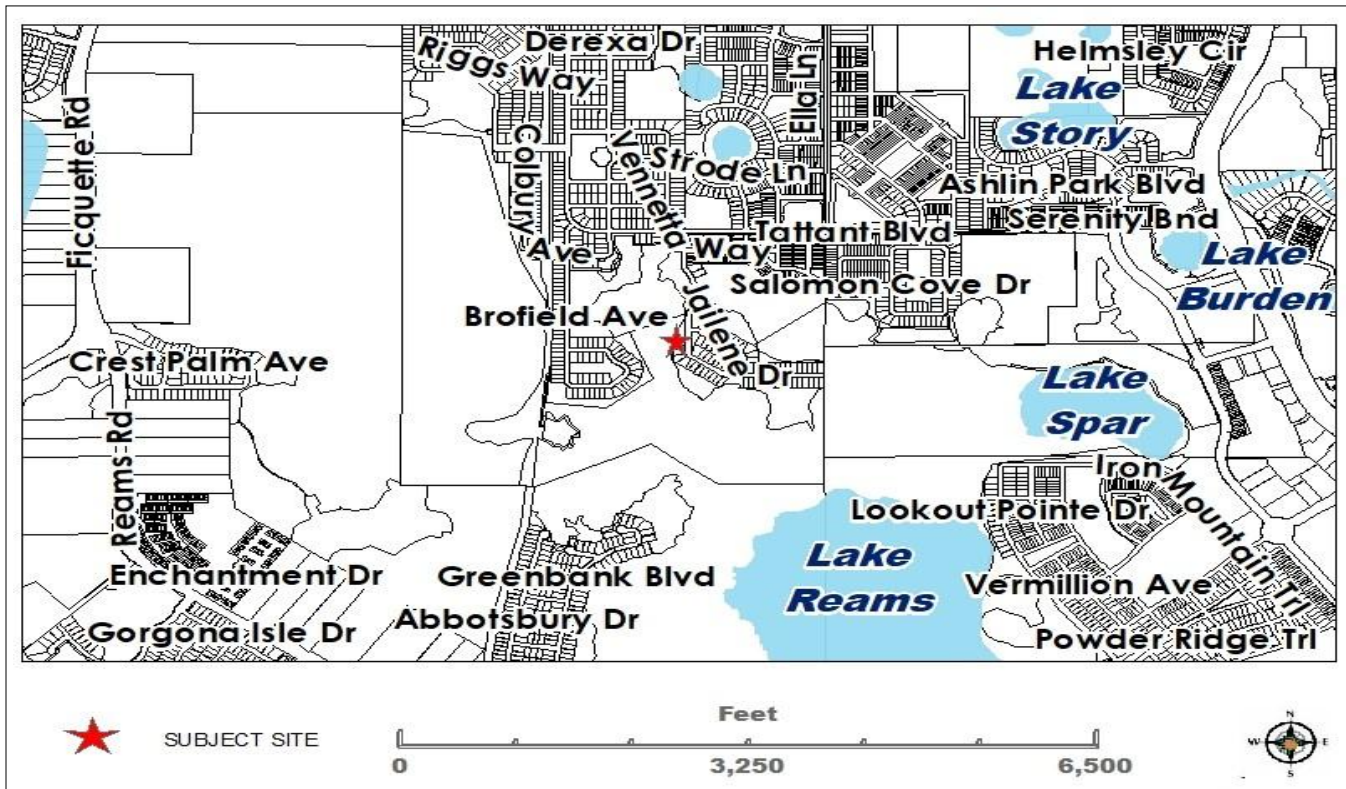
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Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of a variance, staff recommends that the approval be subject to the conditions in this report.

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### LOCATION MAP

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**SITE & SURROUNDING DATA**

|                 | Property                  | North                     | South                    | East                      | West               |
|-----------------|---------------------------|---------------------------|--------------------------|---------------------------|--------------------|
| Current Zoning  | PD                        | PD                        | PD                       | PD                        | PD                 |
| Future Land Use | Village                   | Village                   | Village                  | Village                   | Village            |
| Current Use     | Single-family residential | Single-family residential | Multi-family residential | Single-family residential | Conservation Tract |

**BACKGROUND AND ANALYSIS**

**DESCRIPTION AND CONTEXT**

The subject property is zoned Planned Development (PD) district, and is located within the Lake Sawyer South Berkshire Park subdivision of the Lake Sawyer Neighborhood PD. This section of the PD allows for single-family uses and associated accessory structures. The Future Land Use (FLU) is Village, which is consistent with the PD zoning district.

The area surrounding the subject site consists of single-family homes and a conservation tract to the west. The subject property is 6,000 sq. ft. in size, was platted in 2011 as Lot 57 of the Lake Sawyer South Phase 5 plat and is a conforming lot of record. The property is an interior lot with right-of-way along Jailene Drive. A 10 ft. wide utility easement runs parallel to the front property line.

The property was purchased by the current owner in March 2021, and is developed with a 2-story, 3,543 gross sq. ft. single-family home (B11004508) constructed in 2011, a pool and deck (B12000917), a screen enclosure (B12002955), and 4 ft. tall aluminum rail fencing (F12005475) along the side and rear property lines, enclosing the side and rear yards.

The proposal is to construct a 476 sq. ft. attached pergola within the existing screen enclosure. The attached pergola is an 'L' shape structure proposed to run parallel to the rear façade of the home and extends 16 ft. further into the rear yard over the existing pool deck. The existing screen enclosure is located 11.58 ft. from the rear property line, meeting the development standards for screen enclosures for detached single-family dwellings. While the improvement is proposed within the screen enclosure, due to the proposed material, the pergola is classified as a principal structure addition and is subject to principal structure setbacks. The attached pergola is proposed to be located 11.58 ft. from the rear property line, where code requires 25 ft., requiring the Variance. A building permit (B26003493) was applied for in February 2026 for the attached pergola; however, the zoning reviewer denied the application for encroaching into the setback requirement. The attached pergola meets all other development standards for a principal structure addition, and the request does not impact the utility easement located in the front yard. The building permit for the attached pergola is pending the outcome of the Variance request.

**District Development Standards**

|                                | Code Requirement | Proposed      |
|--------------------------------|------------------|---------------|
| Max Height (attached pergola): | 35 ft.           | 10.16 ft.     |
| Min. Lot Width:                | 50 ft.           | 50 ft.        |
| Min. Lot Size:                 | 6,000 sq. ft.    | 6,000 sq. ft. |

**Building Setbacks (Principal Structure)**

|        | Code Requirement | Proposed                       |
|--------|------------------|--------------------------------|
| Front: | 20 ft.           | N/A                            |
| Rear:  | 25 ft.           | 11.58 ft. (West) (Variance)    |
| Side:  | 5 ft.            | 5 ft. (North)<br>5 ft. (South) |

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

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. 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 an addition to either lessen or eliminate the need for the Variance. Additionally, a detached accessory structure of the same height and size could be permitted outright with 5 ft. side and rear setback, eliminating the need for the Variance.

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**STAFF FINDINGS**


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**VARIANCE CRITERIA****Special Conditions and Circumstances**

NOT MET- There are no special conditions or circumstances peculiar to this property, as the property is not irregularly shaped, and the attached pergola could be redesigned to eliminate or lessen the request.

**Not Self-Created**

NOT MET- The need for the Variance is self-created, as the attached pergola is new construction and there are alternatives to eliminate the request.

**No Special Privilege Conferred**

MET- Approval of this Variance will not confer any special privilege that is denied to other properties within the PD zoning district. The attached pergola will be located within the existing screen enclosure and is proposed to have an open-air design that acts similarly to the existing screen enclosure.

**Deprivation of Rights**

NOT MET- Without approval of the requested Variance, the owner will not be deprived of the ability to construct an attached pergola on the property. The attached pergola could be redesigned to lessen or eliminate the Variance request.

**Minimum Possible Variance**

NOT MET- The request is not the minimum possible as the attached pergola could be redesigned to lessen or eliminate the Variance 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 attached pergola will not be significantly visible from any of the surrounding properties and is entirely within the existing screen enclosure. The request will not be detrimental to the neighboring properties as the subject site abuts a conservation tract to the rear.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan dated February 19, 2026, and elevations dated February 12, 2026, 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: Dee Dee Albertson  
278 Semoran Commerce Place  
Apopka, FL 32703

## ORANGE COUNTY BOARD OF ZONING ADJUSTMENT

Variance Application — Narrative Statement

7912 Jailene Drive, Windermere, FL 34786 | Parcel No. 35-23-27-4766-00-570

### VARIANCE NARRATIVE — SEPARATE COVER STATEMENT

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*Required per Orange County BZA Application Instructions — Outlining How the Request Meets Each of the Six (6) Variance Criteria*

#### **Project Summary**

The applicant, Dee Dee Albertson of Orlando Outdoor Living (OOL), submits this narrative on behalf of the property owner, James Daniel Lowry, of 7912 Jailene Drive, Windermere, FL 34786 (Parcel No. 35-23-27-4766-00-570). The applicant requests a variance from the required 25-foot principal structure rear setback pursuant to Orange County Land Development Code to permit construction of an open louvered pergola system (StruXure, 476 sq. ft., 10 ft. 2 in. in height) with an associated L-shaped prefab outdoor kitchen (36.6 sq. ft.), proposed at a rear setback of 11 ft. 7 in. and side setbacks of 5 ft. 0 in. on both sides.

The subject property is Lot 57, Lake Sawyer South Phase 5, consisting of approximately 6,000 sq. ft. The property currently supports a two-story principal residence, a pool, pool deck, and a permitted screen enclosure. The proposed pergola is designed to be installed entirely within the footprint of the existing permitted screen enclosure.

Following pre-application consultation, Orange County Zoning Division staff — in coordination with the Residential Chief Planner — determined that the proposed open louvered pergola, as designed, constitutes an attached structure subject to principal structure setbacks under the Orange County Land Development Code. The required 25-foot rear setback cannot be achieved within the physical constraints of this lot and existing improvements. The applicant therefore respectfully requests a variance as outlined below.

#### **Variance Criteria**

The following addresses each of the six (6) criteria required for variance approval under Orange County Land Development Code:

##### **1. Special Conditions and Circumstances**

Special conditions and circumstances exist that are peculiar to this land and structure, and are not applicable to other lands and structures in the same zoning district. The subject parcel is a modestly sized residential lot of approximately 6,000 sq. ft. located within the Lake Sawyer South subdivision. The existing pool, pool deck, and permitted screen enclosure were constructed within the buildable envelope of the lot, occupying substantial rear yard area. The placement and footprint of those existing permitted improvements dictate the only functionally viable location for a covered outdoor living structure. The proposed pergola, at 476 sq. ft., is designed to be situated entirely within the existing screen enclosure footprint — a spatial configuration that is a direct result of the lot's limited size and the prior placement of permitted structures, circumstances not of the property owner's making.

**2. Not Self-Created:**

The hardship described above was not created by the applicant or property owner. The existing screen enclosure, pool, and pool deck were constructed lawfully under prior permits and in accordance with Orange County code requirements at the time of their construction. Orange County Code Section 38- 79(84) provides that screen enclosures are subject to only a 5-foot rear setback, and Code Section 38-79(18) provides that screen rooms are subject to 50% of the principal rear setback (12.5 feet for this property). These more permissive setback standards facilitated the placement of the existing enclosure closer to the rear property line than would have been permitted for a principal structure. It is the classification of the proposed pergola - as an attached structure subject to full 25-foot principal structure setbacks rather than as a screen room accessory - that creates the noncompliance, not any action taken by the owner or applicant. The physical reality of the lot and its existing permitted improvements make compliance with the 25-foot setback functionally impossible.

**3. No Special Privilege:**

The literal application of the Orange County Land Development Code would deprive the property owner of privileges commonly enjoyed by other properties in the same zoning district under the same terms of the Code. Properties with larger rear yards or different lot configurations are routinely able to construct open louvered pergola systems and similar outdoor living structures within the required 25-foot rear setback. On this 6,000 sq. ft. lot, the existing permitted pool and screen enclosure have consumed the available rear yard area to such a degree that no compliant location exists for the proposed improvement. Denial of the variance would deprive this property owner of an outdoor improvement that is standard and commonly permitted on comparably zoned residential parcels throughout Orange County.

**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.

**5. Minimum Possible Variance:**

The requested variance is the minimum necessary to make possible the reasonable use of the land and structure. The proposed rear setback of 11 ft. 7 in. represents the distance to the rear property line from the outermost extent of the proposed pergola as designed and sited within the existing screen enclosure footprint. The proposed structure cannot be reduced in size or repositioned

without undermining its functional purpose or conflicting with the existing pool and pool deck improvements. No lesser variance would achieve the intended result. The applicant has not proposed a structure that extends beyond the existing screen enclosure footprint, further limiting the encroachment to only what is necessitated by the site constraints.

**6. Purpose and Intent:**

Granting the variance will be in harmony with the general intent and purpose of the Orange County Land Development Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. The proposed open louvered pergola is a residential accessory improvement consistent with the character of the Lake Sawyer South subdivision and the surrounding R-1 zoning district. The structure is contained entirely within the existing screen enclosure footprint, which itself has been lawfully permitted and has coexisted with the surrounding neighborhood without issue. The pergola, at 10ft. 2 in. in height, does not exceed the height of the principal residence and is not visible from adjacent rights-of-way. There are no wetlands, conservation areas, or flood hazard elements identified on the boundary survey that would be adversely impacted by the proposed installation. Approval of this variance does not set a precedent inconsistent with the Code's intent, as the need for relief is driven by site-specific constraints rather than a desire to circumvent code requirements generally.

**Conclusion :**

The applicant respectfully requests that the Board of Zoning Adjustment approve the requested variance permitting a rear setback of 11 ft. 7 in. in lieu of the required 25 ft. for the proposed open louvered pergola system (476 sq. ft., 10 ft. 2 in. height) at 7912 Jailene Drive, Windermere, FL 34786. All six criteria for variance approval are satisfied. The hardship is real, non-self-created, and driven entirely by the physical constraints of a 6,000 sq. ft. lot with existing permitted improvements. The proposed structure is compatible with the neighborhood, contained within the existing screen enclosure footprint, and represents the minimum relief necessary to permit a reasonable residential improvement.

Submitted by:

Dee Dee Albertson, Authorized Agent

Orlando Outdoor Living (OOL)

278 Semoran Commerce Pl., Apopka, FL 32803

407-719-3170 | [deedee@orlandooutdoorliving.com](mailto:deedee@orlandooutdoorliving.com)

On behalf of:

James Daniel Lowry, Property Owner

7912 Jailene Drive, Windermere, FL 34786

ZONING MAP



AERIAL MAP

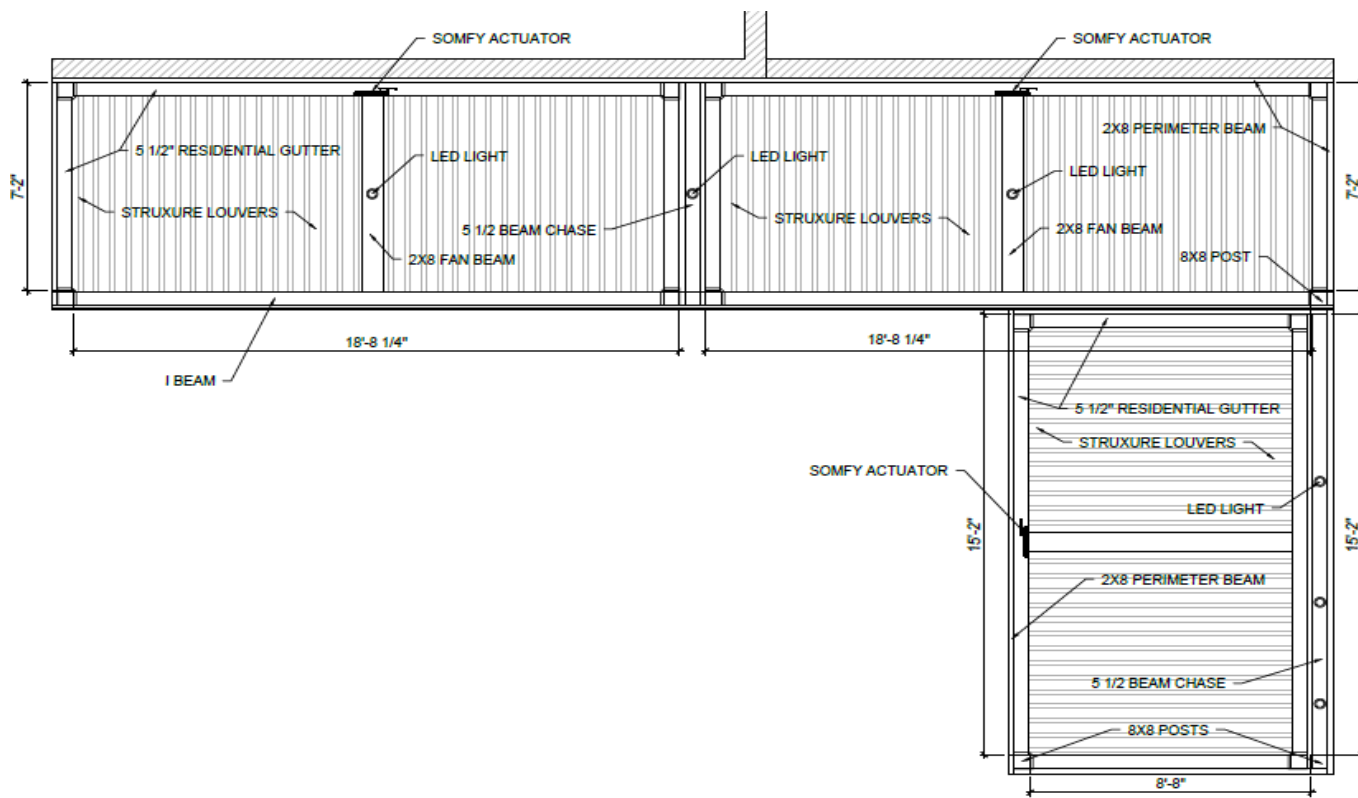




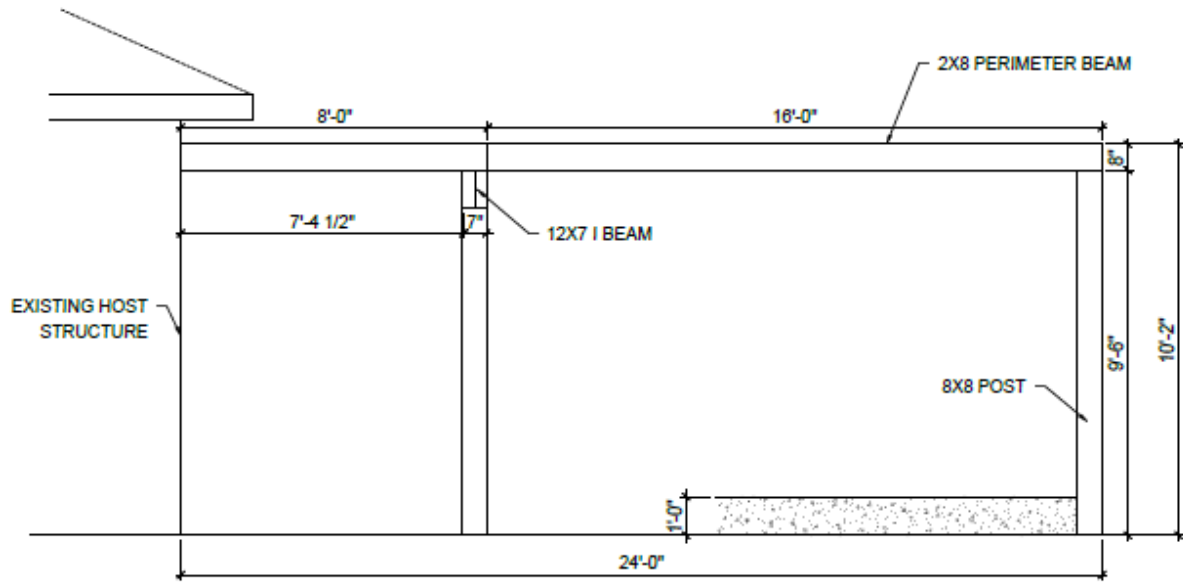
CONCEPTUAL RENDERING



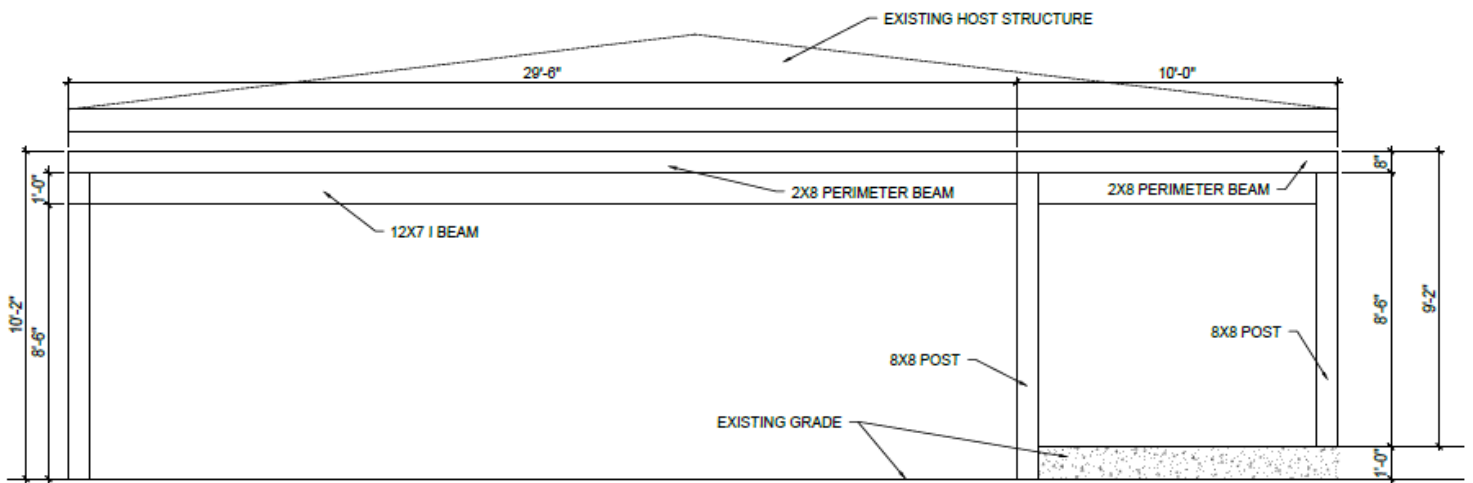
ROOF PLAN



# ELEVATIONS



South Elevation



East Elevation

**SITE PHOTOS**



**On Jailene Dr., facing west towards the front of the subject property**



**On the subject property, facing south towards the proposed location of the pergola and outdoor kitchen**

**SITE PHOTOS**



**On the subject property, facing west towards the rear yard**



**On the subject property, facing southeast towards the proposed location of the pergola**

**SITE PHOTOS**



Rear setback of  
11.58 ft. (Variance)

**On the subject property facing north towards the area between the screen enclosure and rear property line**



**On the subject property, facing northeast towards the proposed location of the lanai and outdoor kitchen**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#6**

Case #: **VA-26-05-036**

Case Planner: **Daniella McCloud (407)836-2939**

**Daniella.McCloud@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** KEVIN CARPENTER

**OWNER(s):** KEVIN CARPENTER, HOLLY ANN CARPENTER

**REQUEST:** Variance in the R-1A zoning district to allow an addition with a rear setback of 28 ft. in lieu of 30 ft.

**PROPERTY LOCATION:** 8631 Valley Ridge Ct., Orlando, Florida 32818, north side of Valley Ridge Ct., south side of Balboa Dr., north of W. Colonial Dr., east of Good Homes Rd., west of N. Apopka Vineland Rd.

**PARCEL ID:** 22-22-28-9223-00-650

**LOT SIZE:** 9,691 sq. ft.

**NOTICE AREA:** 500 ft.

**NUMBER OF NOTICES:** 113

**DECISION:** Recommended **APPROVAL** of the Variance request in that the Board finds it meets that the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Sonya Shakespeare, Second by Thomas Moses; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the site plan and elevations dated March 12, 2024, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

The BZA had no questions for Staff.

The applicant was present and discussed the door width for ADA compliance and the need for the extra 2 feet in the addition.

The BZA asked the applicant about demolition of the existing rear side of the home and compatibility of the existing home with the new addition.

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

The BZA discussed the request and felt that a 2 ft. deviation from the setback was De minimis and was compatible the surrounding area.

The BZA recommended approval of the Variance request by a 6-0 vote, with one absent, subject to the 3 conditions of approval in the staff report.

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### STAFF RECOMMENDATIONS

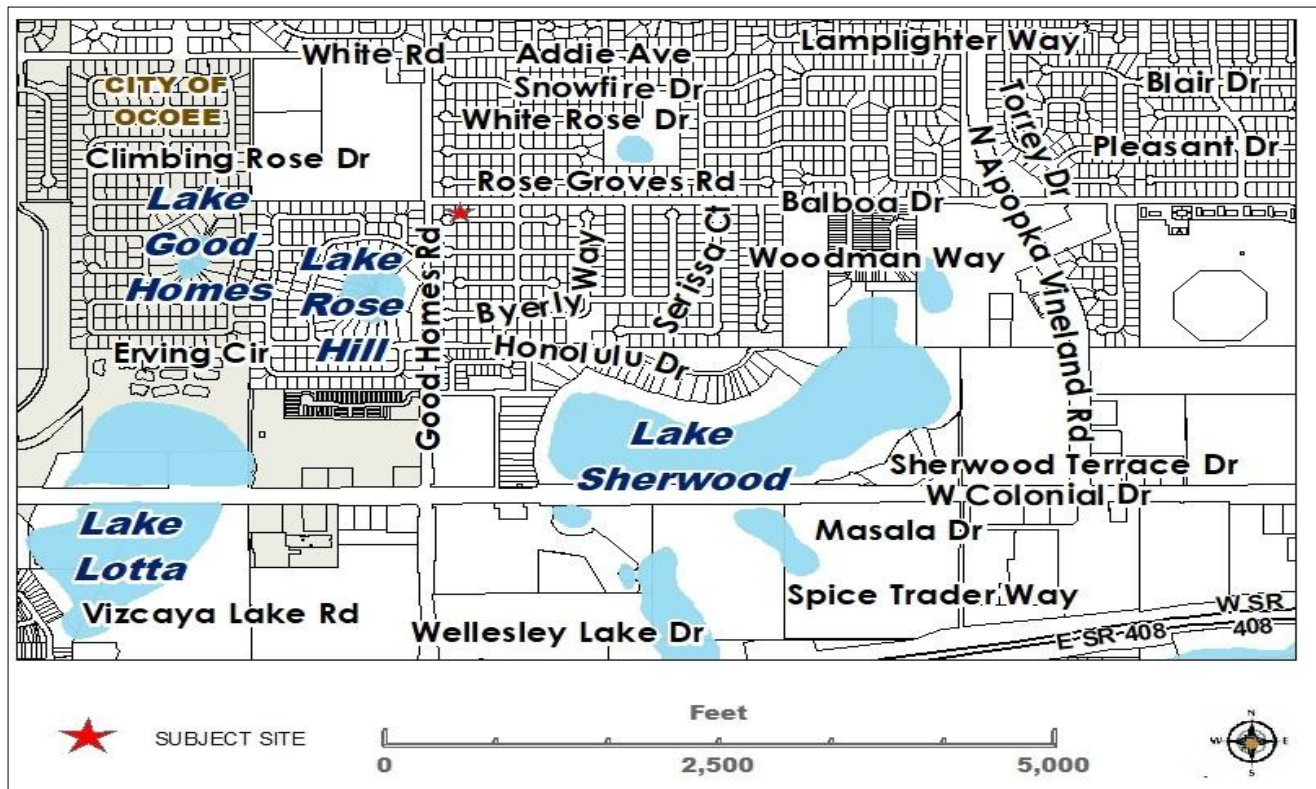
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Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of the Variance, staff recommends that the approval be subject to the conditions in this report.

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### LOCATION MAP

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**SITE & SURROUNDING DATA**

|                 | Property                  | North                     | South                     | East                      | West                      |
|-----------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| Current Zoning  | R-1A                      | R-1A                      | R-1A                      | R-1A                      | R-1A                      |
| Future Land Use | LDR                       | LDR                       | LDR                       | LDR                       | LDR                       |
| Current Use     | Single-Family Residential | Single-Family Residential | Single-Family Residential | Single-Family Residential | Single-Family Residential |

**BACKGROUND AND ANALYSIS**

**DESCRIPTION AND CONTEXT**

The subject property is located in the R-1A single-family dwelling district, which allows for single-family uses and associated accessory structures. The Future Land Use (FLU) is Low Density Residential (LDR), which is consistent with the R-1A zoning district.

The surrounding neighborhood is primarily composed of single-family residences situated on similarly sized lots with comparable structures. The property is 9,691 sq. ft. in size, was platted in 1988 as lot 65 of the Westover Hills plat and is a conforming lot of record. There is a 5 ft. wide utility easement along the rear and side property lines, and a 10 ft. utility easement along the front/south property line. The property is a double frontage lot with rights-of-way along Valley Ridge Ct. to the south and Balboa Dr. to the north. Valley Ridge Ct. is the primary access point for the property, and Balboa Dr. 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 Valley Ridge Ct., making this the front, and Balboa Dr. the rear.

The subject property is improved with a one-story, 2,396 sq. ft. single family residence (B89003899) constructed in 1989, and a wood fence (F19023540) enclosing the rear and side yard. The current owner purchased the property in 1999.

The proposal is to construct a 429 sq. ft. addition at the rear of the home. The minimum rear setback is 30 ft. for the R-1A zoning district. The proposed addition is 28 ft. from the rear property line, prompting the Variance request. A building permit (B26002468) was applied for in February 2026 for the proposed addition; however, the Zoning reviewer denied the application for encroaching into the rear setback requirement. The addition meets all other development standards for principal structure additions.

**District Development Standards**

|                 | Code Requirement | Proposed      |
|-----------------|------------------|---------------|
| Max. height:    | 35 ft.           | 15.33 ft.     |
| Min. lot width: | 75 ft.           | 87.18 ft.     |
| Min. lot area:  | 7,500 sq. ft.    | 9,691 sq. ft. |

**Building Setbacks (Principal Structure – Addition)**

|                              | Code Requirement | Proposed                         |
|------------------------------|------------------|----------------------------------|
| Front:<br>(Valley Ridge Ct.) | 25 ft.           | N/A                              |
| Side:                        | 7.5 ft.          | 16.2 ft. (East)<br>14 ft. (West) |
| Rear:<br>(Balboa Dr.)        | 30 ft.           | 28 ft. (North- Variance)         |

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

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Based on staff analysis, the request meets some but not all of the Variance criteria. The addition is new construction, and there is space on the property for the addition to be reconfigured to meet the rear setback requirements.

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**STAFF FINDINGS**

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**VARIANCE CRITERIA****Special Conditions and Circumstances**

NOT MET - There are no special conditions or circumstances peculiar to this property, as the property is not irregularly shaped, and the addition could be redesigned to eliminate the request.

**Not Self-Created**

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

**No Special Privilege Conferred**

NOT MET- Approval of the requested Variance will confer on the applicant special privilege that is denied by this chapter as all principal structures in the R-1A zoning district must meet the principal structure setback of 30 ft. from the rear property line.

**Deprivation of Rights**

NOT MET - Without approval of the requested Variance, the owner will not be deprived of the ability to construct an addition on the property. The addition could be redesigned to eliminate the Variance request.

**Minimum Possible Variance**

NOT MET - The request is not the minimum possible as the addition is new construction and could be redesigned to eliminate the Variance 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 addition will not be significantly visible from any of the surrounding properties due to the 6 ft. tall fence along the side property lines and the subdivision fence/wall running along the rear property lines of all adjacent properties, thereby limiting any quantifiable negative impact to surrounding property owners.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan and elevations dated March 12, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Kevin Carpenter  
8631 Valley Ridge Ct.  
Orlando, Florida 32818

Residential Zoning Variance Request

March 3, 2026

Kevin Carpenter and Holly Carpenter  
8631 Valley Ridge Ct  
Orlando, FL 32818  
[kevin.h.carpenter@gmail.com](mailto:kevin.h.carpenter@gmail.com)  
407-716-9422

Zoning Board Committee  
Orange County Zoning Division  
201 South Rosalind Avenue  
Orlando, FL 32801

Dear Members of the Zoning Board

I am writing to formally request a zoning variance for our property at 8631 Valley Ridge Ct. Orlando, FL. 32818. Due to the original 30' rear set back requirement for R1-A for lots plotted prior to 1995, our rear porch and additional renovation encroaches 2' into the set back. The Zoning for R1-A lots has since been revised for lots after 1995 to only 25' rear set back. I am requesting a minor 2' modification from the original 30' to allow for a 28' rear set back requirement. This will allow our rear porch and the addition to be more useful. It will allow a proper size rear door for code compliant egress. Our 95 year old mother needs to use a wheelchair, and she would not be able to exit the back of the house in an emergency. One of the reasons for this alteration is to remove the energy inefficient fixed glass exterior wall and roof panels that were popular at the time when the house was originally built.

I believe the small modification to expand the footprint aligns with the HOA that has authorized this plan and will positively contribute to the neighborhood creating a clean architectural design that is cohesive with the neighborhood, especially since the back of the dwelling faces Balboa Rd. The proposed 2' that I am requesting will enable us to add 2' to the family room and 5' to the kitchen, allowing for easy accessibility for our mother, creating more space for dining and living. The new exterior wall will be cinderblock which will be beneficial for the neighborhood. Also, the new space will be energy efficient and hurricane resistant by using double pane windows and a metal shingle roof.

I would really appreciate the opportunity to discuss this matter further to make sure we are compliant with our application for a zoning variance. Please let us know if you need any additional information.

Thank you very much for considering our request. I look forward to hearing from you soon.

Sincerely,



Kevin Carpenter

\* VARIANCE CRITERIA

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

I need to have a rear exit to the house that is ADA compliant. If there is an emergency we may need to exit that side of the house.

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 fl. building code says that all exits has to be at least 34" wide.

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.

A home in my subdivision was had a rear addition added to their house that was bigger than mine closer to the back of their lot.

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

The back door needs to be wide enough so my mother's wheel chair can pass through to get to the patio or exit in an emergency.

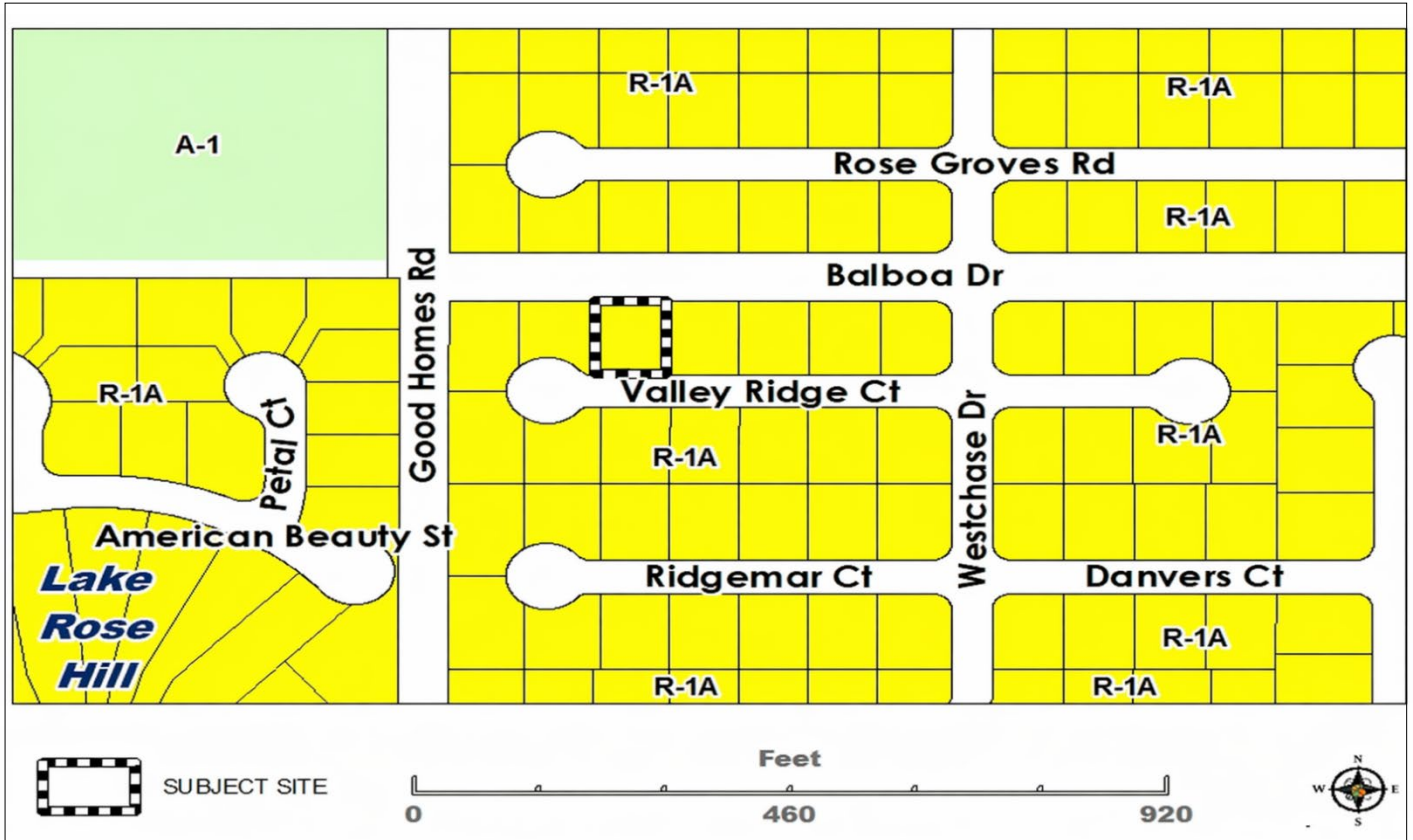
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The zoning commission recognized in 1975 that the set back 30' for this lot R1-A should be reduced by 17% making it 25'. I am asking for a 7% reduction to 28'.

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.

My H.O.A. has already authorized my plans. No affected rear neighbor. Back of lot is against road.

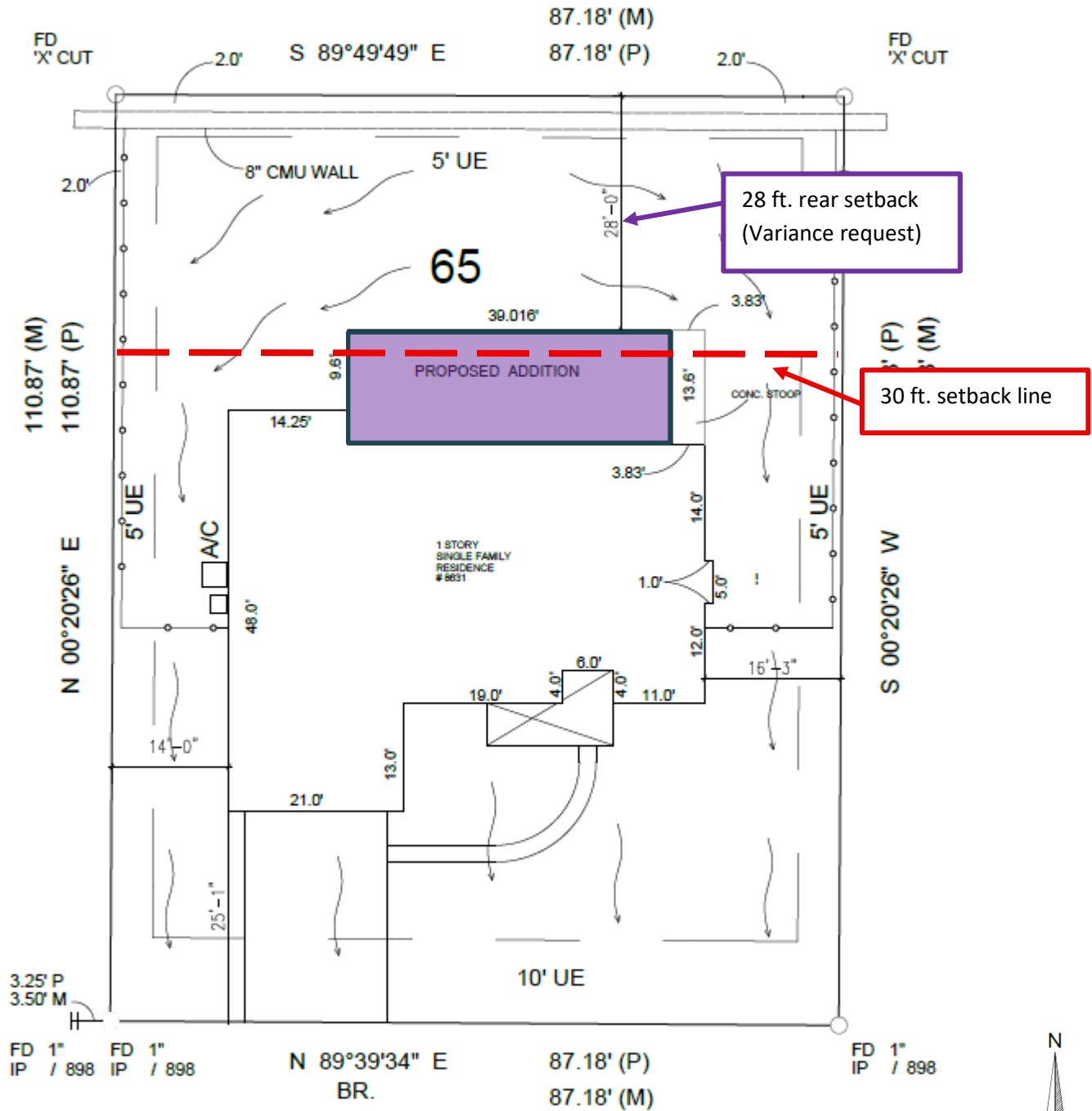
ZONING MAP



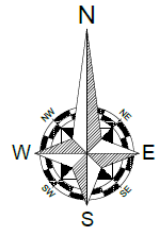
AERIAL MAP



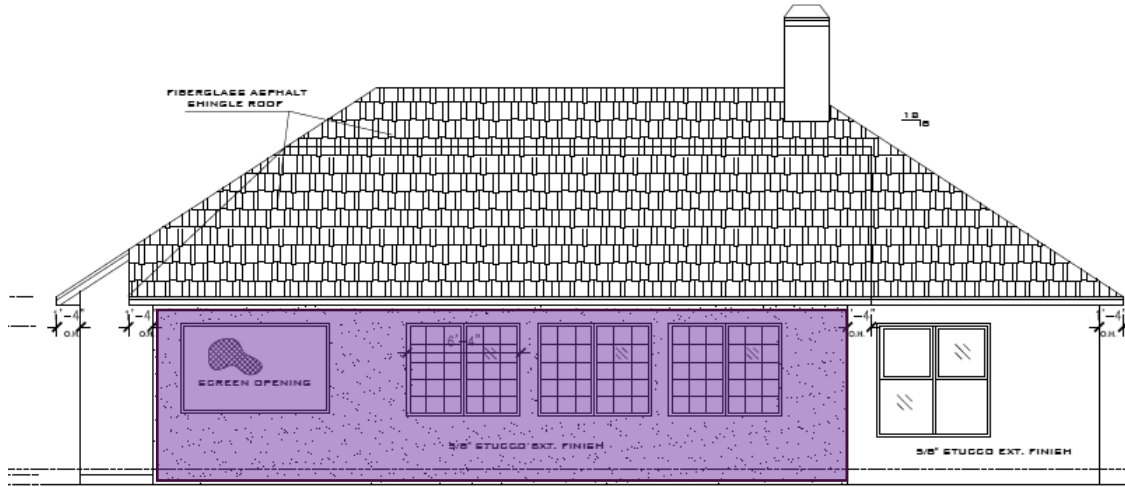
# BALBOA DRIVE



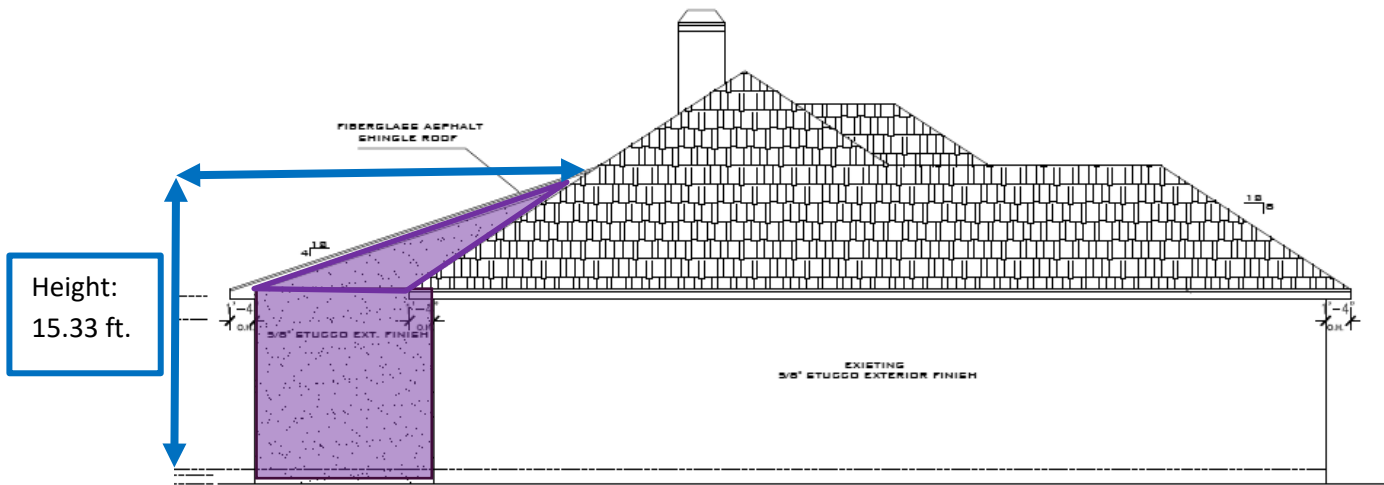
# VALLEY RIDGE COURT



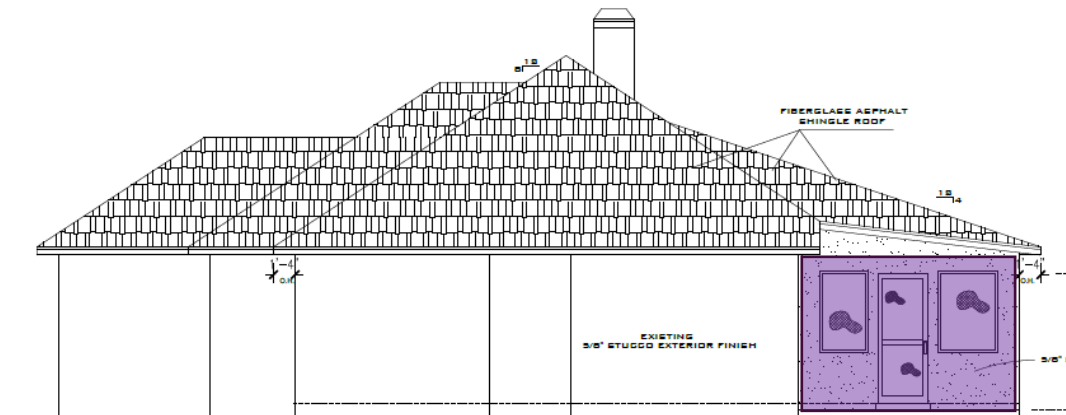
# ELEVATIONS



South Elevation

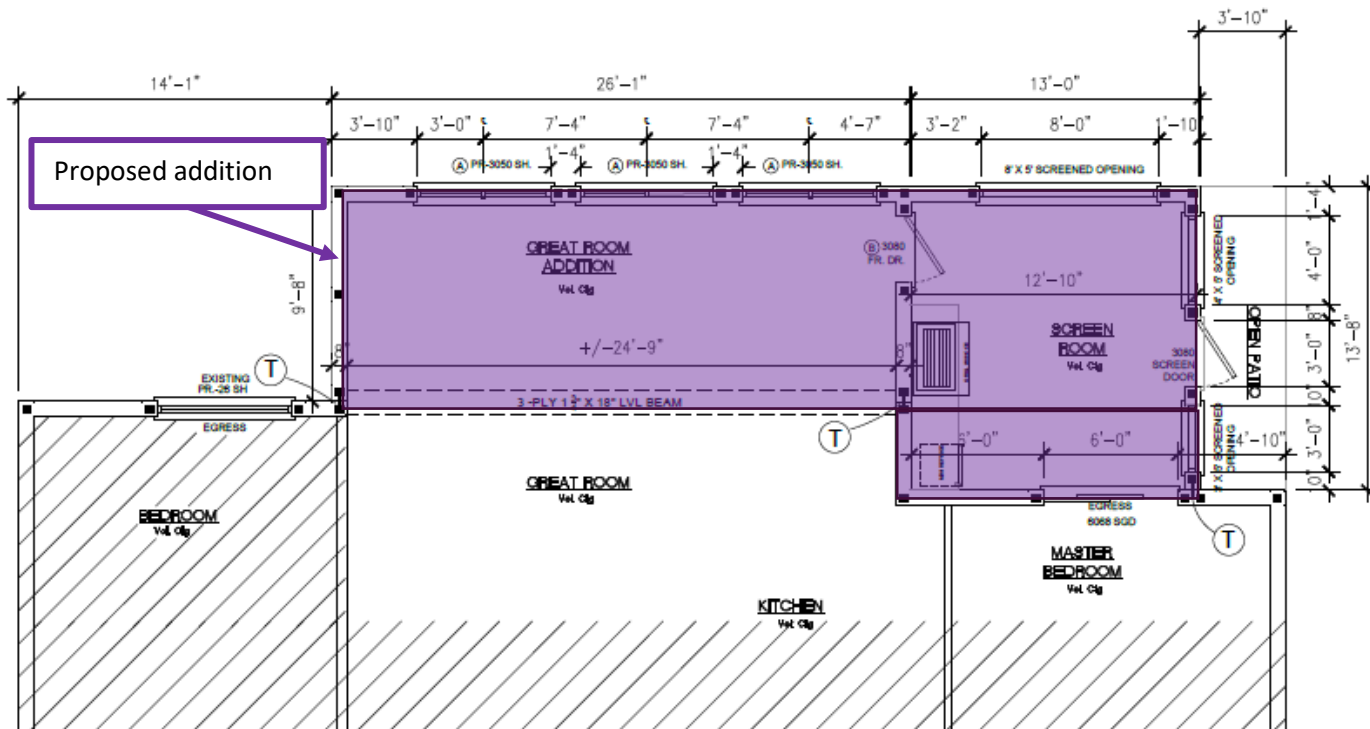


West Elevation



East Elevation

PROPOSED FLOOR PLAN



SITE PHOTOS



On Valley Ridge Ct., facing north towards the front of the subject property

**SITE PHOTOS**



**On the subject property, facing east towards the rear yard and proposed location of the addition**



**On the subject property, facing northwest towards the rear yard and proposed location of the addition**

**SITE PHOTOS**



**On the subject property facing southwest towards the location of the proposed addition**



**On the subject property, facing north toward the subdivision wall at the rear of the property**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#3**

Case #: **VA-26-04-013**

Case Planner: **Daniella McCloud(407) 836-2939**

**Daniella.McCloud@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** NELSON FAIRFOOT

**OWNER(s):** ANA MENDEZ, NELSON FAIRFOOT

**REQUEST:** Variance in the R-1 zoning district to allow an existing shed with a north side setback of 3.88 ft. in lieu of 5 ft.

NOTE: This is a result of a code violation.

**PROPERTY LOCATION:** 9421 Seaman Street Orlando, Florida 32825, northeast corner of Seaman St. and Melanie Dr., north of Valencia College Ln., south of E. Colonial Dr., west of N Econlockhatchee Trl., east of S.R. 417

**PARCEL ID:** 19-22-31-1272-08-090

**LOT SIZE:** 5,437 sq. ft.

**NOTICE AREA:** 500 ft.

**NUMBER OF NOTICES:** 114

**DECISION:** Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Juan Velez, Second by Glenn Rubinstein; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the survey dated November 27, 2015, as modified to reflect Condition of Approval #6, and elevations dated December 12, 2023, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. A permit for the shed shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Prior to the issuance of the permit for the shed, a Use Agreement and Right-Of-Way Utilization Permit shall be obtained for the fencing beyond the property lines, or the fencing shall be removed.
6. The applicant shall, at the time of permitting, install a minimum 4-inch by 4-inch raised edge (curb) along the northern property line adjacent to the shed. Stormwater runoff shall be directed to the public right-of-way in a manner that does not adversely impact adjacent properties.

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

The BZA asked Staff about COA #6 and its relation to the existing shed. Staff elaborated that the comment was in regard to stormwater runoff and curbing requirements from Development Engineering was standard for improvements within 5 ft. of the property line.

The applicant was present and discussed the existence of the shed prior to his ownership.

The BZA asked the applicant about building plans, construction material of the shed, and code compliance on the property.

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

The BZA discussed the request and determined the applicant would be denied the right to keep the shed that was on the property prior to the applicant's ownership of the property.

The BZA recommended approval of the Variance request by a 6-0 vote, with one absent, subject to the 6 conditions of approval in the staff report.

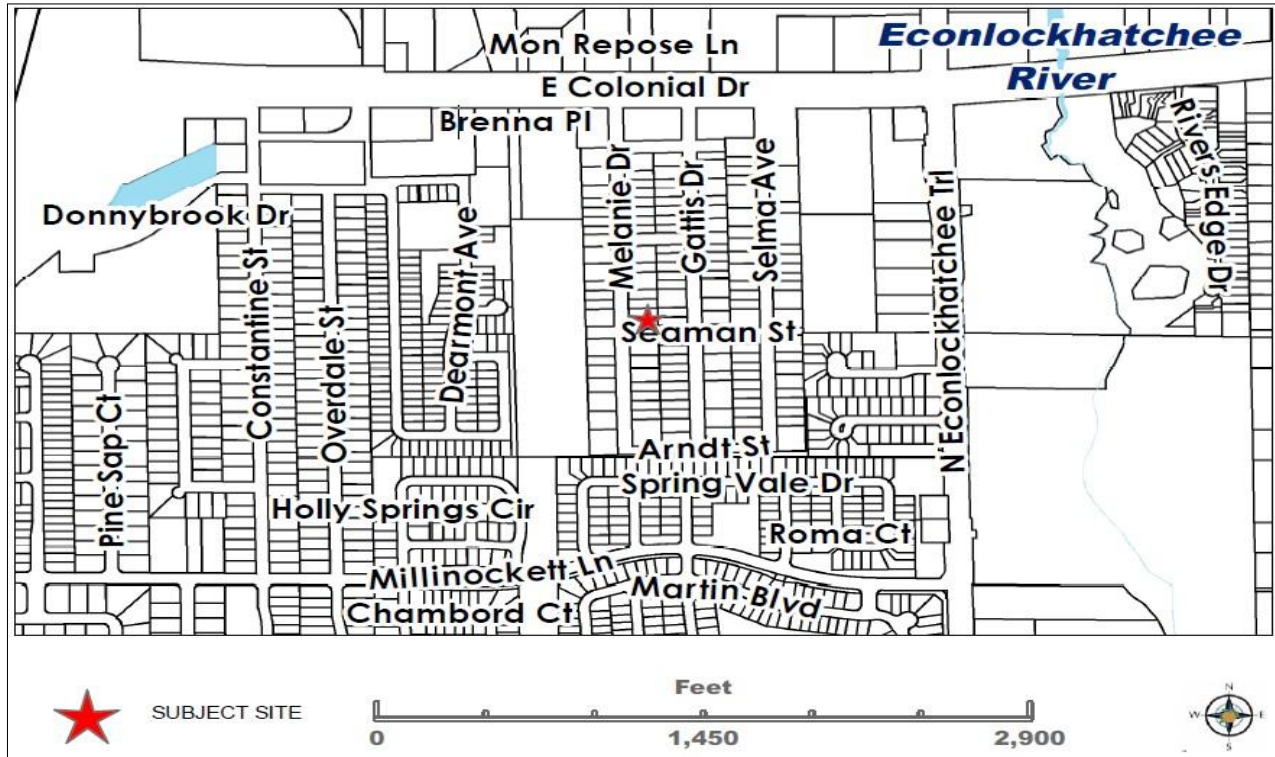
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### STAFF RECOMMENDATIONS

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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  | R-1                     | R-1    | R-1               | R-1                     | R-1                     |
| Future Land Use | LMDR                    | LMDR   | LMDR              | LMDR                    | LMDR                    |
| Current Use     | Single-family residence | Vacant | Child Care Center | Single-family residence | Single-family residence |

BACKGROUND AND ANALYSIS

**DESCRIPTION AND CONTEXT**

The subject property is located in the R-1, single-family dwelling district, which allows single-family homes and associated accessory structures. The Future Land Use (FLU) is Low-Medium Density Residential (LMDR), which is consistent with the R-1 zoning district.

The area around the subject site consists of single-family homes, a vacant lot to the north and a child care center to the south. The subject property is 5,437 sq. ft. in size and was platted in 1955 as lot 9 of the Cheney Heights Unit No. 1 replat. The subject lot is a corner lot with rights-of-way along Seaman St. to the south and Melanie Dr. to the west. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, Melanie Dr. is considered the front and Seaman St. is considered the side street. The property is developed with a one-story 1,488 gross sq. ft. single-family home constructed in 1981, a shed, and a wood fence. The existing shed in the rear of the property was installed without a permit. The structure is 10.2 ft. by 26.4 ft. and 11.16 ft. in height.

Code Compliance cited the property owner on July 31, 2024 (CE: 643955) for an accessory structure constructed without a permit, fencing in the right-of-way and installed without a permit, more than one utility trailer being stored on site, and a utility trailer in the right-of-way. A permit application was submitted for the existing shed; however, the permit has since expired. No permit applications for the fence have been submitted as of the date of this report. Due to the fencing being located outside of the property lines, a Use Agreement and a Right-Of-Way Utilization Permit would be required by the Public Works Department. To resolve the code violation, the unpermitted improvements must either be removed or brought into compliance by obtaining the required permits. During the site visit, staff observed that the property now only contains one utility trailer and it has been removed from the right-of-way.

The request is to allow the existing shed to remain in its current location, encroaching into the north side setback. The structure is located 3.88 ft. from the north side property line. 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 the Variance. The existing shed meets all other development standards.

**Accessory Structure Development Standards**

|                                 | Code Requirement                         | Proposed       |
|---------------------------------|--|----------------|
| Max. Height:                    | 25 ft.                                   | 11.16 ft.      |
| Max. Cumulative Square Footage: | 10% of the net land area / 543.7 sq. ft. | 269.28 sq. ft. |

**Building Setbacks (Accessory Structures)**

|                           | Code Requirement                                | Proposed                   |
|---------------------------|---|----------------------------|
| Front (Melanie Dr.):      | Not located in front of the principal structure | N/A                        |
| Side:                     | 5 ft.   | 3.88 ft. (North -Variance) |
| Side Street (Seaman St.): | 15 ft.  | 27.92 (South)              |
| Rear:                     | 5 ft.   | 14 ft. (East)              |

The request was routed to all reviewing divisions and no objections were provided. Development Engineering provided comments stating that if a shed is proposed within 5 feet of the property line, stormwater runoff must not be directed toward or impact neighboring properties. A recommended way to address this is by installing a minimum 4-inch by 4-inch raised edge (curb) along the edge of the shed area, as reflected in Condition of Approval #6. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Staff have determined that the Variance request does not meet all the criteria. Based on staff's analysis, had permits been obtained prior to construction, the applicant could have redesigned or relocated the structure to comply with all development standards. Therefore, staff is recommending denial of the Variance.

**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

NOT MET – There are no special conditions or circumstances peculiar to this property, as the property is not irregularly shaped and the structure could have been redesigned or relocated to be code compliant.

**Not Self-Created**

NOT MET – The need for the Variance is self-created, as the structure was erected without a permit and could have been redesigned or relocated to be code compliant.

**No Special Privilege Conferred**

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-1 zoning district must maintain 5 ft. from all side property lines.

**Deprivation of Rights**

NOT MET – The Variance request is not a deprivation of rights because the yard can still be enjoyed without the existing shed. Further, there is adequate room in the yard for the shed to be located in a code compliant location.

**Minimum Possible Variance**

MET – The requested Variance is the minimum possible to allow the existing development to remain in its current configuration. No new construction is proposed with the requested Variance.

**Purpose and Intent**

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

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the survey dated November 27, 2015, as modified to reflect Condition of Approval #6, and elevations dated December 12, 2023, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit for the shed shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Prior to the issuance of the permit for the shed, a Use Agreement and Right-Of-Way Utilization Permit shall be obtained for the fencing beyond the property lines, or the fencing shall be removed.
6. The applicant shall, at the time of permitting, install a minimum 4-inch by 4-inch raised edge (curb) along the northern property line adjacent to the shed. Stormwater runoff shall be directed to the public right-of-way in a manner that does not adversely impact adjacent properties.

C: Nelson Fairfoot  
9421 Seaman Street  
Orlando, Florida 32825

ORANGE COUNTY GOVERNMENT FL.  
Zoning Division  
201 S. Rosalind Avenue,  
Orlando, FL 32801

January 20, 2026

LETTER OF INTENT - VARIANCE

TO WHOM IT MAY CONCERN

We request a variance to reduce the back yard setback from 5 feet to 3.88 feet for a proposed lofted barn shed 10.2 feet wide by 26.4 feet long by 11 feet height. This shed was in the property when we bought the house, it is 5'4" away from the neighbor's wood fence, I guess, when they installed it, they put it behind an old chain link fence that was separating the 2 lots and when the previous owner of my property bought his shed, the sellers used the fence as the border line.

We need the variance because after so many years, if we try to move it will get badly damaged, also I am 70 years old retiree and we can hardly survive with our income and they charging us a lot of money to move it and repair it if it gets damaged and our house is very small and we really need the place to storage our stuff.

Thank you in advance for your time and consideration,

Sincerely,

A handwritten signature in black ink, appearing to read 'Nelson & Ana Fairfoot', written over a horizontal line.

Nelson & Ana Fairfoot

9421 Seaman Street,  
Orlando, FL 32825

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**VARIANCE CRITERIA**

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**VARIANCE CRITERIA**

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

When we bought this house, this wood

Lofted barn beautiful shed was already in the property.

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

This shed was in the property when I bought the house this property and was not created by my own actions.

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

No special privilege, about 60% of my neighbors have sheds.

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.

This request is the minimum variance required to allow reasonable use of the property.

Our house is very small and we really need the extra storage.

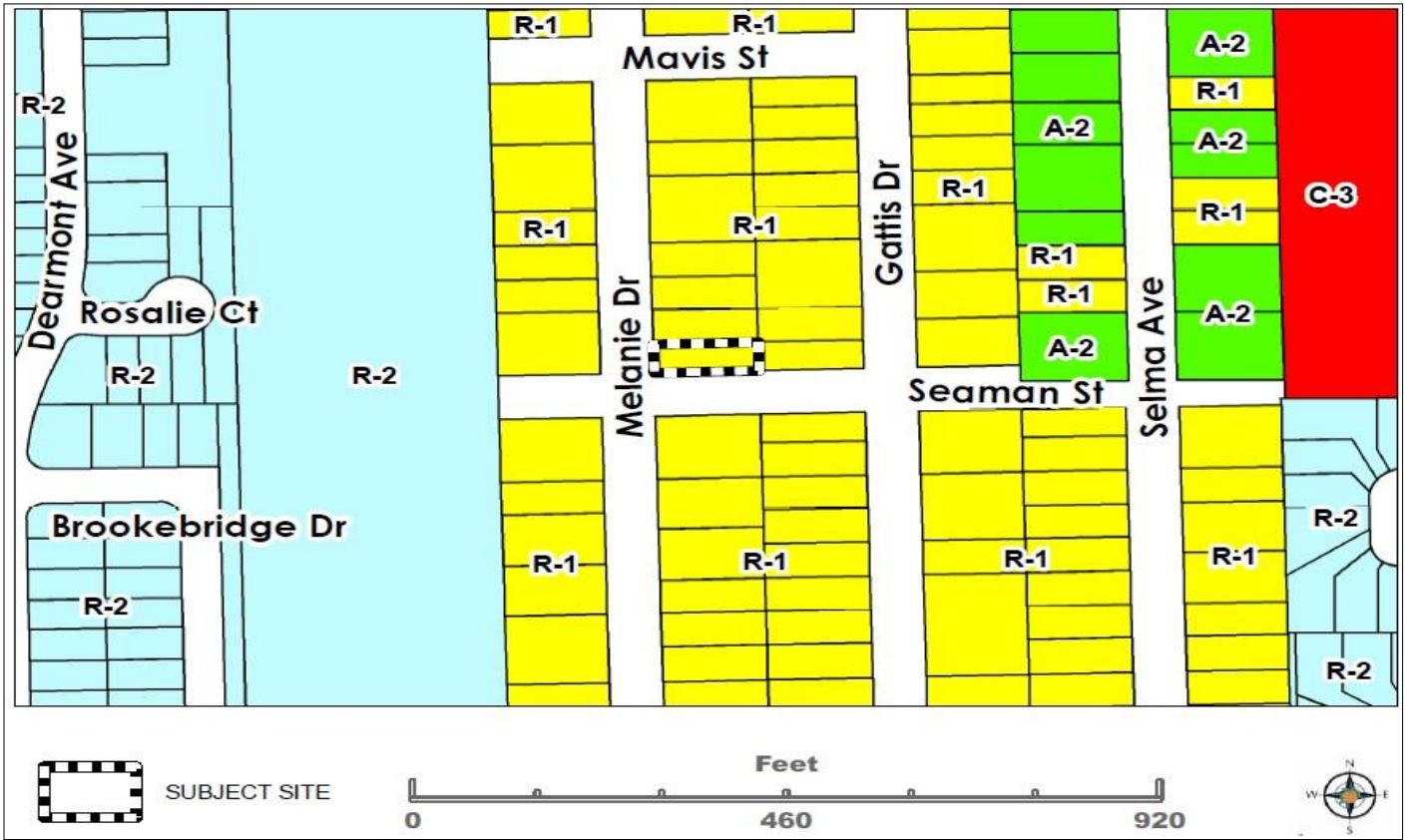
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The border line in the south setback of my shed is only 3.88 Feet and I realize that irregularity when I got informed by the Zoning division because the fence is located 5'4", I guess, my neighbor installed it behind the border line behind an old chain link fence long time ago.

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

The granting of this variance will not be injurious to surrounding properties, as the structure will be consistent with the neighborhood, it does not block scenic views, etc.

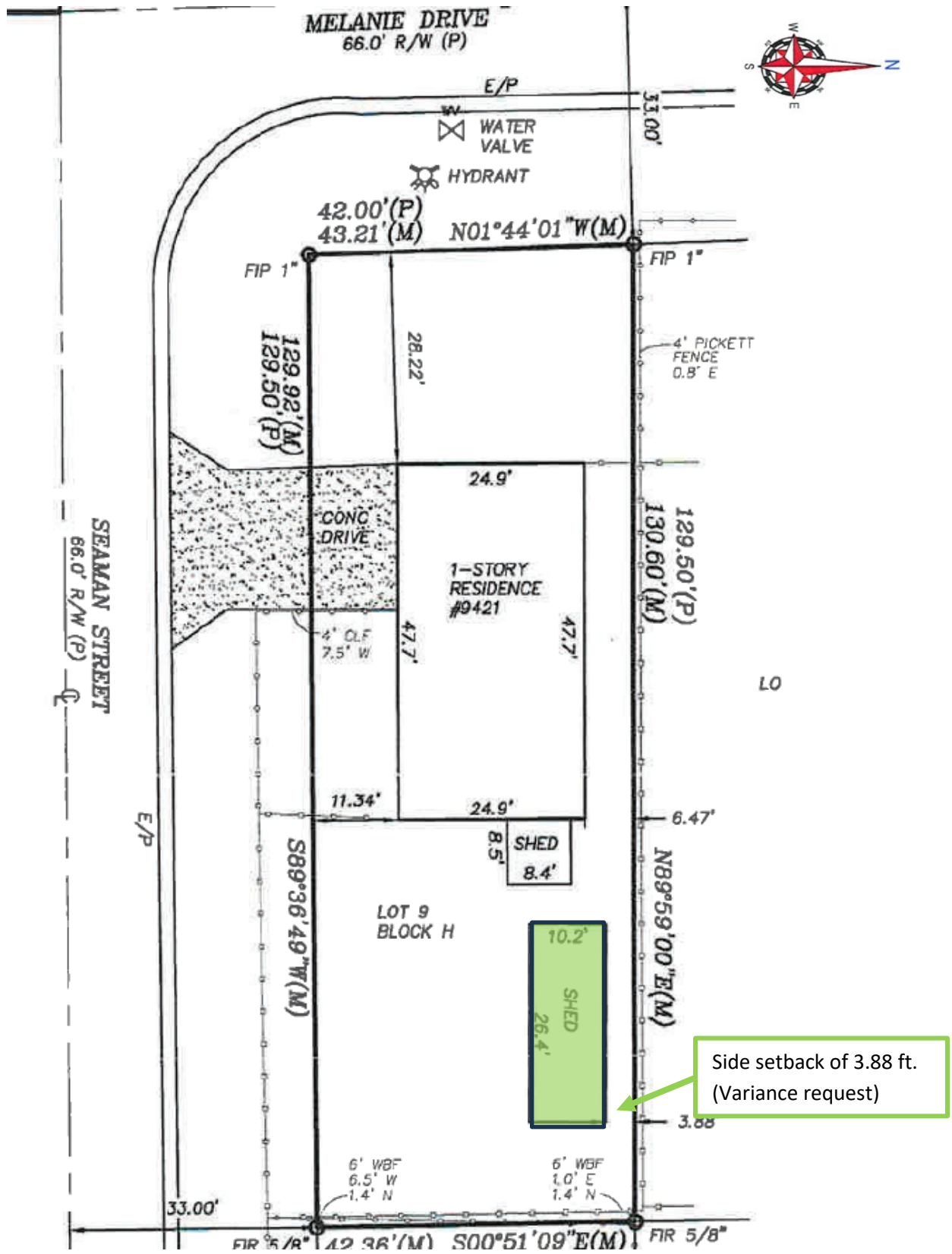
ZONING MAP



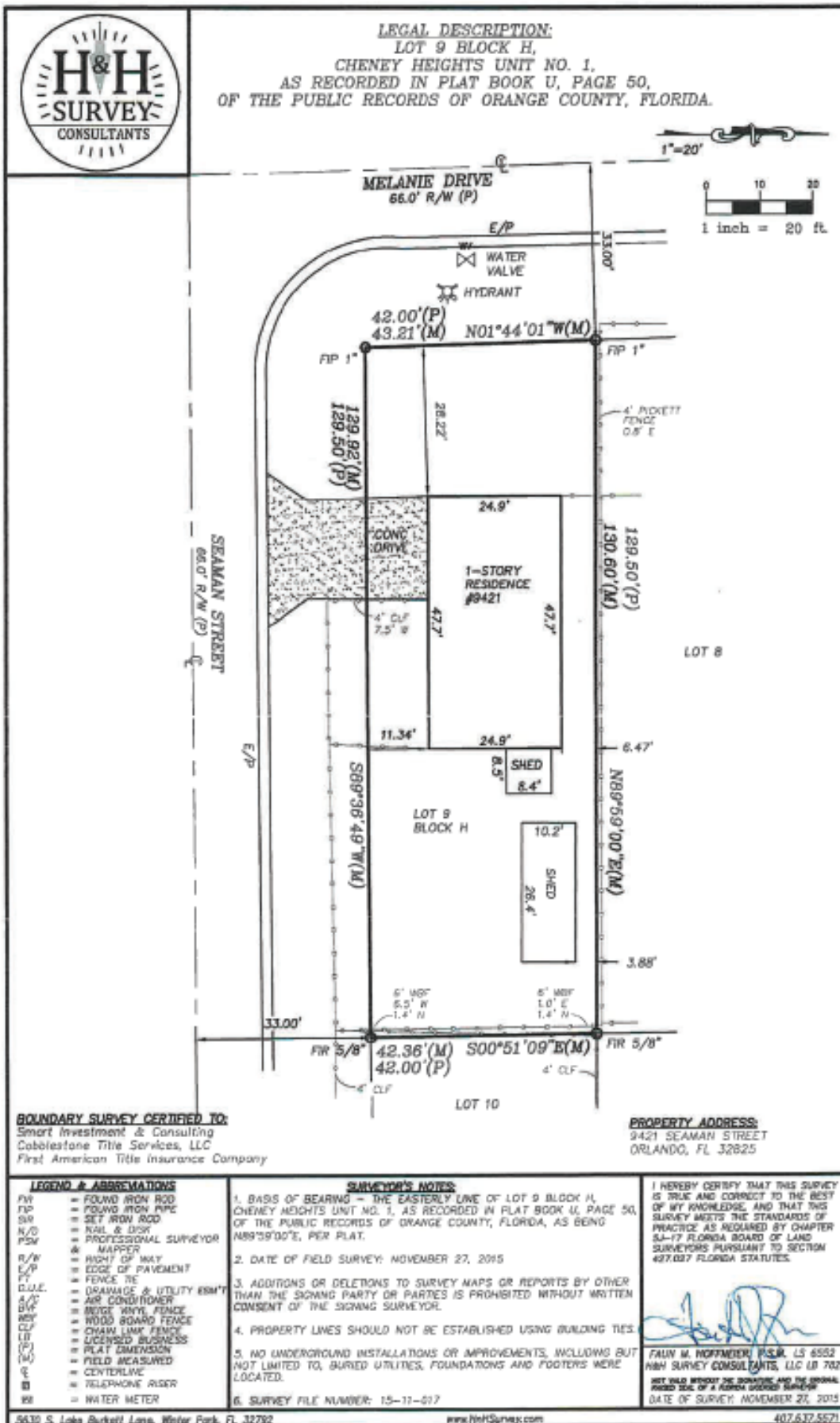
AERIAL MAP



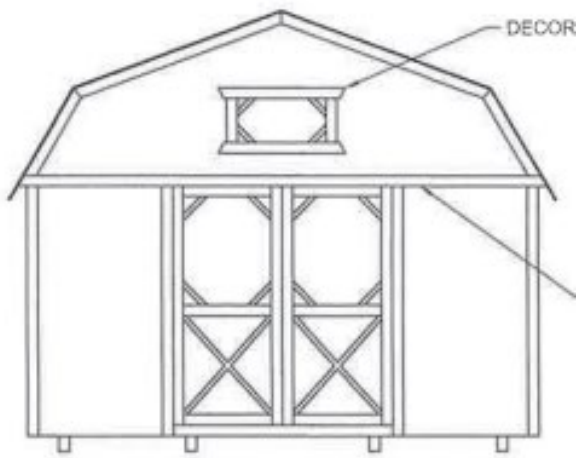
SITE PLAN



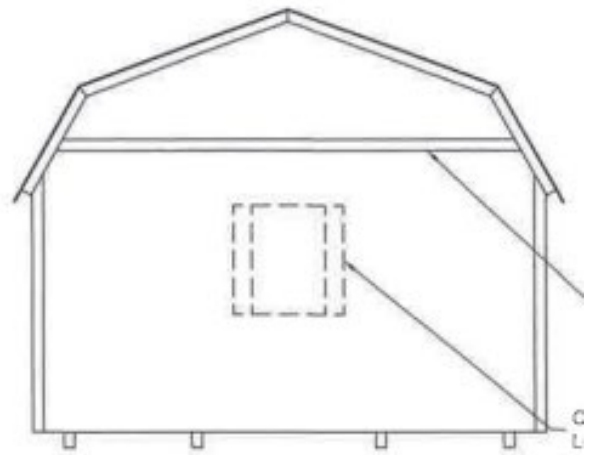
**SURVEY**



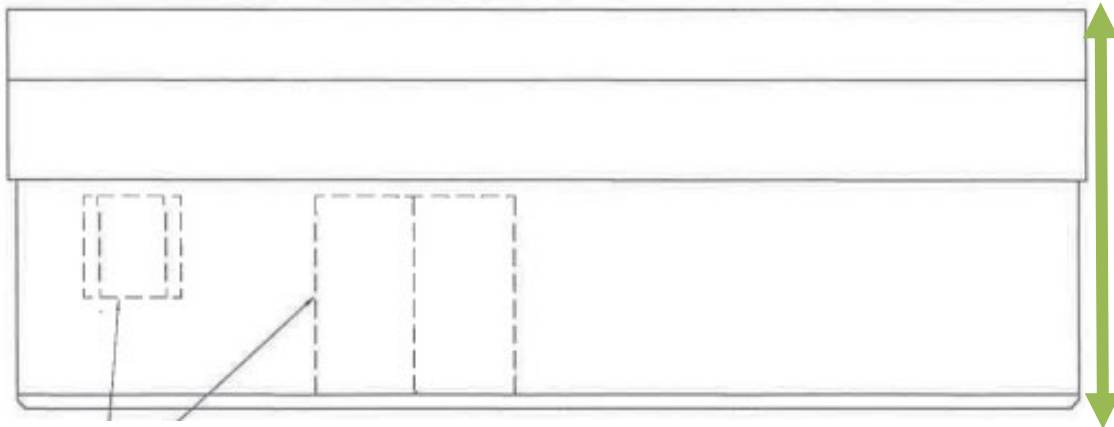
ELEVATIONS



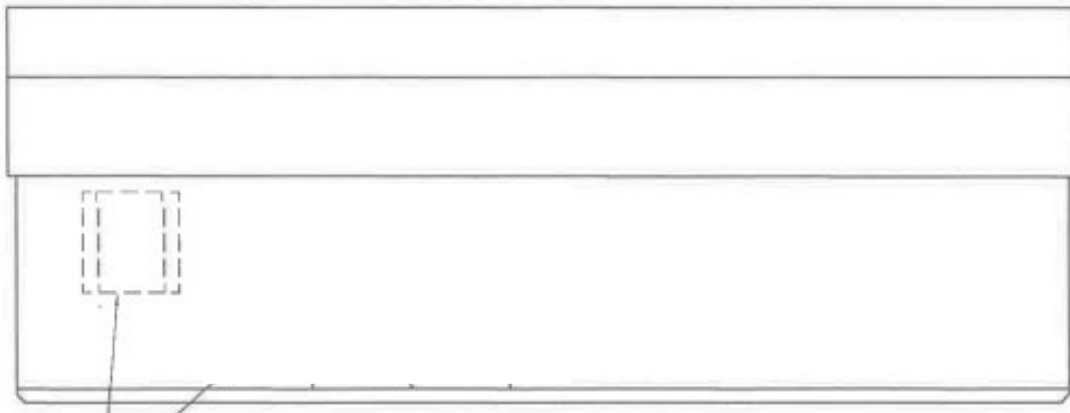
East Elevation



West Elevation



North Elevation



South Elevation

**SITE PHOTOS**



**At the intersection of Seaman St. and Melanie Dr., facing northeast towards the subject property**



**On Seaman St., facing north toward the side street yard and fencing in the right-of-way**

**SITE PHOTOS**



**On the subject property, facing east toward the side street yard and fencing in the right-of-way**



**On the subject property, facing north towards the existing shed**

**SITE PHOTOS**



**On the subject property, facing northwest towards the principal structure**



**On the subject property, facing east towards the north side of the existing shed**

**SITE PHOTOS**



**On the subject property, facing west towards the north side of the existing shed**



**On the subject property, facing northeast towards the existing shed and utility trailer**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#1**

Case #: **VA-26-05-030**

Case Planner: **Jacqueline Boling (407) 836-5955**  
**Jacqueline.Boling@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** IAN DUFFY

**OWNER(s):** POOJA SHETH, IAN DUFFY

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

- 1) To allow an Accessory Dwelling Unit in front of the principal structure in lieu of the side or rear
- 2) To allow mechanical equipment in front of the principal structure in lieu of the side or rear

**PROPERTY LOCATION:** 14370 Summerlake Park Blvd., Winter Garden, FL 34787, northeast corner of Summerlake Park Blvd. and Porter Rd., south of New Independence Pkwy., west of Ficquette Rd., east of Avalon Rd.

**PARCEL ID:** 27-23-27-0000-00-023

**LOT SIZE:** 8.00 acres (upland 0.91 acres)

**NOTICE AREA:** 700 ft.

**NUMBER OF NOTICES:** 89

**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 Thomas Moses, Second by Roberta Walton Johnson; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the site plan and elevations date stamped April 10, 2026, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

**SYNOPSIS:** Staff presented the proposal and reviewed the property’s location, site plan, and site photos. Staff provided an analysis of the six criteria and the reasons for a recommendation for approval of the Variance requests. Staff also noted that no comments had been received in support or opposition.

The applicant was present and explained the need for the proposal, and the justification of the current configuration of the structures on the property.

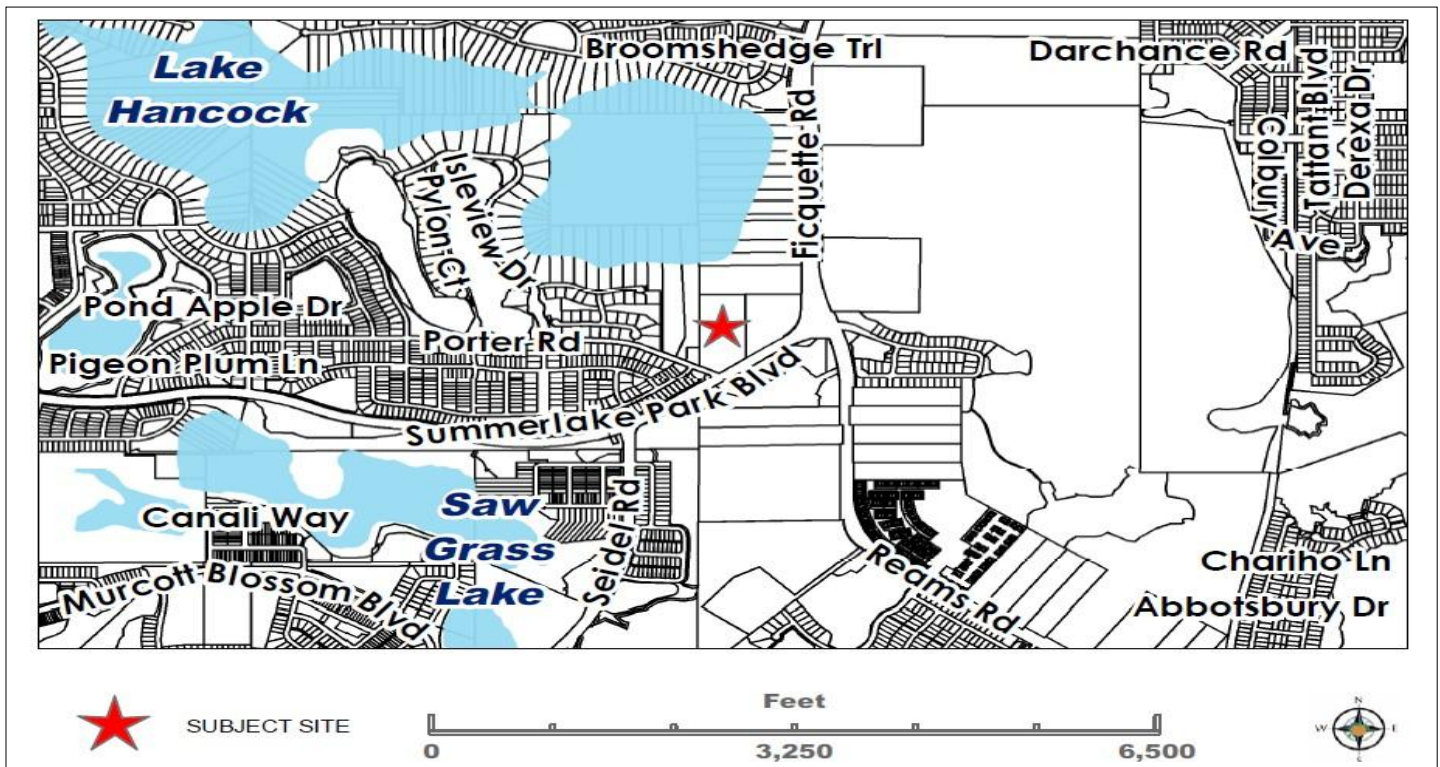
No members of the public were present to speak in favor of or in opposition to the requests.

The BZA recommended approval of the Variance requests by a 6-0 vote, with 1 absent, subject to the three 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-1                        | PD           | PD             | A-1/R-CE-2 | A-1     |
| Future Land Use | Village                    | Village      | Village        | Village    | Village |
| Current Use     | Vacant; under construction | Conservation | Retention Pond | Vacant     | Vacant  |

**DESCRIPTION AND CONTEXT**

The subject property is located in the A-1, Cirtus Rural district, which allows agricultural uses, single-family homes, mobile homes, and associated accessory structures. The Future Land Use (FLU) is Village which is inconsistent with the A-1 zoning district. However, the application is consistent with Policy FLU1.1.3(B), which allows for the construction of one (1) residential unit, including ancillary improvements, on an existing lot of record as of July 1, 1991. The Planning Division has determined that development of a single-family home on the subject property is appropriate; therefore, such development is permitted.

The area around the subject site consists of vacant parcels, single-family homes, and conservation area. The subject site is 8 acres in size. A wetland determination (CAD-21-02-042) was completed in 2021 and determined that there was 0.91 acres of upland area on the site. The property is an unplatted irregularly shaped lot with rights-of-way along Summerlake Park Blvd. to the southeast and Porter Rd. to the southwest. Sec. 38-1 describes *Lot frontage* for nonresidential zoning districts, including agricultural districts, as the width of the lot abutting the street with the highest volume of vehicular traffic. Summerlake Park Blvd. is classified as urban major collector while Porter Rd. is a local road. As such, Summerlake Park Blvd. is considered the front, and Porter Rd. is considered the side street.

The subject property was purchased by the current owners in 2020. The site is currently being developed with a 3,682 sq. ft., one-story, single-family home (B23002492). A pool permit (B25021965) has also been issued; however, no construction has commenced. The approved plans show the pool located toward the far northern portion of the property, closest to the wetland buffer.

The proposal is to construct a 847 sq. ft., 9.5 ft. tall, Accessory Dwelling Unit (ADU). The location of the ADU is in front of the principal structure. Per Section 38-1426(2)c.6.(ii) of the Orange County Code, a detached ADU shall not be located in front of the principal structure unless the principal structure is located in the rear half of the lot/parcel. The location of the existing home extends beyond the midpoint line of the subject property, requiring Variance request #1. Due to the majority of the property being classified as wetland, no other alternatives exist to construct an ADU in a code compliant location.

Section 38-79(16)(b) of Orange County Code states that mechanical equipment *“shall not be located in the front yard, side street yard, or between any portion of the principal structure and public or private right-of-way”*. The site plan identifies the mechanical equipment for the proposed ADU as being located in front of the principal structure, requiring Variance request #2.

While the intent of the code is to minimize the visual impact of mechanical equipment, it does not address the applicability of such equipment when located with a detached accessory structure independent of the principal structure.

**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) |
| Min. Lot Width:  | 35 ft.  | 9.6 ft.   |
| Min. Lot Size:   | 100 ft.   | 400 ft.   |
| Max Living Area: | 1,000 sq. ft.   | 847 sq. ft.   |
| Max Height:      | 35 ft.  | 9.5 ft.   |

**Building Setbacks (Accessory Dwelling Unit)**

|        | Code Requirement  | Proposed                        |
|--------|---|---------------------------------|
| Front: | Not located in front of the principal structure; 35 ft. when applicable | 42 ft.                          |
| Rear:  | 5ft.  | 701 ft.                         |
| Side:  | 10 ft.  | 53 ft. (East)<br>306 ft. (West) |

**Mechanical Equipment Setbacks**

|        | Code Requirement   | Proposed  |
|--------|--|---|
| Front: | Shall not be located in the front yard, side street yards or between any portion of the principal structure. | Located in front of principal structure (Variance #2) |
| Side:  | 2 ft.  | +/- 100 ft.   |
| Rear:  | 5 ft.  | +/- 100 ft.   |

The request was routed to all relevant reviewing divisions, and no objections were noted. The Planning Division provided comments regarding an inconsistent future land use designation, which has been addressed earlier in this report. As of the date of this report, no comments have been received in support of or in opposition to the requests.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Staff has determined that the Variance requests meet all criteria, therefore staff is recommending approval. Based on staff's analysis, the requests represent the minimum necessary to accommodate the development of an accessory dwelling unit (ADU), given the site constraints imposed by the extensive wetland area.

**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

ALL VARIANCES MET - There are special conditions and circumstances peculiar to this property, as a large portion of the site consists of wetlands, which restricts the developable area, and the location of the home currently under construction limits where an accessory dwelling unit (ADU) can be lawfully placed. Additionally, the ADU is located in front of the principal structure, and the mechanical equipment serves this structure. This configuration creates a site constraint driven by the relative placement of both buildings.

**Not Self-Created**

ALL VARIANCES MET - The requests are not self-created, as the presence of wetlands on the property and the location of the home under construction significantly reduces the potential location of an ADU and associated mechanical equipment, thereby necessitating the requested variances.

**No Special Privilege Conferred**

ALL VARIANCES MET - Granting the requested variances will not confer a special privilege not otherwise available to others under similar circumstances, as the code specifically addresses the location of mechanical equipment in relation to the principal structure but does not address mechanical equipment associated with an accessory structure. Additionally, the location of the existing house and the presence of wetlands on the property limits where structures can be placed, further constraining the site design.

**Deprivation of Rights**

ALL VARIANCES MET – Without the requested variances, the property owner would be deprived of the ability to place an ADU and its associated mechanical equipment on the property.

**Minimum Possible Variance**

ALL VARIANCES MET - The requests represent the minimum necessary to allow for the development of an ADU and its associated mechanical equipment on the property.

**Purpose and Intent**

ALL VARIANCES MET - Approval of the requested variances 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 request allows for the installation of an ADU and associated mechanical equipment while not impacting the wetlands. Additionally, the code encourages the development of accessory dwelling units, further supporting the intent of these requests.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan and elevations date stamped April 10, 2026, 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: Ian Duffy  
8139 Soldierwood Street  
Winter Garden, Florida 34787

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COVER LETTER

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Ian Duffy  
8139 Soldierwood St  
Winter Garden, FL 34787  
[hello@ianduffy.com](mailto:hello@ianduffy.com)  
(305) 915-8825

To: Orange County Zoning Division / Board of Zoning Adjustment  
201 South Rosalind Avenue, 1st Floor  
Orlando, Florida 32801

Re: *Application for Variances - Cover Letter*

Subject address: 14370 Summerlake Park Blvd., Winter Garden, FL 34787  
Parcel ID: 27-23-27-0000-00-023  
Requested Relief: Sec. 38-1426(2)(c)6.(ii) and Sec. 38-79(16)

March 09, 2026

To the Board of Zoning Adjustment:

Please accept this letter in support of the variance application for the property located at 14370 Summerlake Park Blvd., Winter Garden, Florida 34787. The property is zoned A-1. The proposed use is a detached Accessory Dwelling Unit ("ADU"), which is a permitted use in the zoning district. The requested relief concerns only the location of the ADU in front of the principal structure and the corresponding location of its associated ground-mounted mechanical equipment.

The 8-acre subject parcel is largely comprised of wetland and forested areas, with only limited upland suitable for development. The principal residence is situated near the interior of the tract and is substantially buffered from surrounding properties and public view by distance and existing tree cover. Because of these site conditions, the practical buildable envelope for additional development is unusually limited.

This request arises from a planning process that began in the opposite direction. During the initial design phase, a rear-yard concept for the ADU was presented to the Orange County Environmental Protection Division. That concept would have required impacts within the wetland buffer and a limited encroachment near the wetland boundary. EPD rejected that approach and advised that, because sufficient upland area existed elsewhere on the property, rear-yard impacts to the buffer or wetland system were not supportable. As a result, the rear-yard concept was abandoned, and the current proposal was developed specifically to avoid

environmental impacts and preserve the wetland system. This approach allows the ADU to be constructed while fully preserving the wetland system and associated buffer areas on the property.

Accordingly, the present application is not the result of a preferred front-yard design. It is the product of a regulatory conflict between standard locational zoning requirements and the environmental limitations governing this site. Once rear placement was determined to be environmentally unsupported, the front upland portion of the property became the only practical location for a detached ADU.

The requested variances satisfy the six criteria for approval as follows:

1. Special Conditions and Circumstances

Special conditions and circumstances exist which are peculiar to this property and are not generally applicable to other lands in the same zoning district. The rear portion of the property is substantially constrained by wetlands and protected buffer areas, which materially reduce the net usable upland area and limit the buildable envelope. Unlike a conventional lot with a usable rear-yard building area, this parcel's rear area is functionally unavailable for the proposed ADU. Those natural and regulatory conditions make the front upland portion of the site the only feasible location for the ADU and the associated mechanical equipment needed to serve it.

2. Not Self-Created

The hardship is not self-created. It arises from the natural condition of the land, the location of wetlands and buffer areas, and the County's environmental protection requirements. The applicant did not create these constraints. To the contrary, the current proposal is the direct result of complying with EPD guidance after a rear-yard alternative was determined to be environmentally unsupportable. The hardship therefore originates in the land and the governing regulations, not in preference or design choice.

3. No Special Privilege Conferred

Granting these variances would not confer a special privilege denied to other properties in the same zoning district. The ADU is a permitted use in A-1 zoning. Other similarly zoned properties with conventional upland rear yards can site an ADU without needing locational relief. This property cannot do so because of its physical and environmental limitations. Approval would therefore restore a practical right commonly enjoyed by other similarly zoned properties, not create an unfair advantage.

4. Deprivation of Rights

A literal interpretation of the Code would create an administrative conflict by prohibiting a permitted use in the only environmentally supportable portion of the site. Because the rear of the

property is constrained by wetlands and protected buffer areas, strict adherence to the rear-yard locational rule would effectively deprive the applicant of the ability to develop a detached ADU at all. That would work an unnecessary hardship on this parcel and deprive the applicant of a right commonly enjoyed by other properties in the same zoning district.

5. Minimum Possible Variance

The requested relief is the minimum necessary to permit the reasonable use of the land. No variance is requested for use, density, height, or other dimensional standards beyond the locational placement required by the site's environmental constraints. The proposed ADU is modest in scale and subordinate to the principal residence. While parcels of this size may permit an ADU of up to 1,500 square feet, the proposed unit has been intentionally limited to 897 square feet in recognition of the site's constrained upland building area. The associated mechanical equipment is incidental to the ADU and represents the minimum additional relief required to serve the structure.

6. Purpose and Intent

Approval of the requested variances will be in harmony with the purpose and intent of the zoning regulations and will not be injurious to the neighborhood or detrimental to the public welfare. The proposal preserves the wetland system and associated buffer areas while accommodating a permitted accessory residential use in a site-responsive manner. The ADU is designed to be architecturally consistent with the principal residence and clearly subordinate in scale. While the structure will be visible from the street, it will sit behind a permitted 6-foot privacy wall and will remain visually coordinated with the principal residence and overall residential character of the site. The associated mechanical equipment will also be screened from ground-level view consistent with the visual intent of the Code.

For these reasons, the applicants respectfully request approval of the requested variances. The proposal is a constrained, site-responsive solution to a property with unusual environmental limitations, and it represents the minimum relief necessary to allow reasonable use of the land while preserving its sensitive natural features.

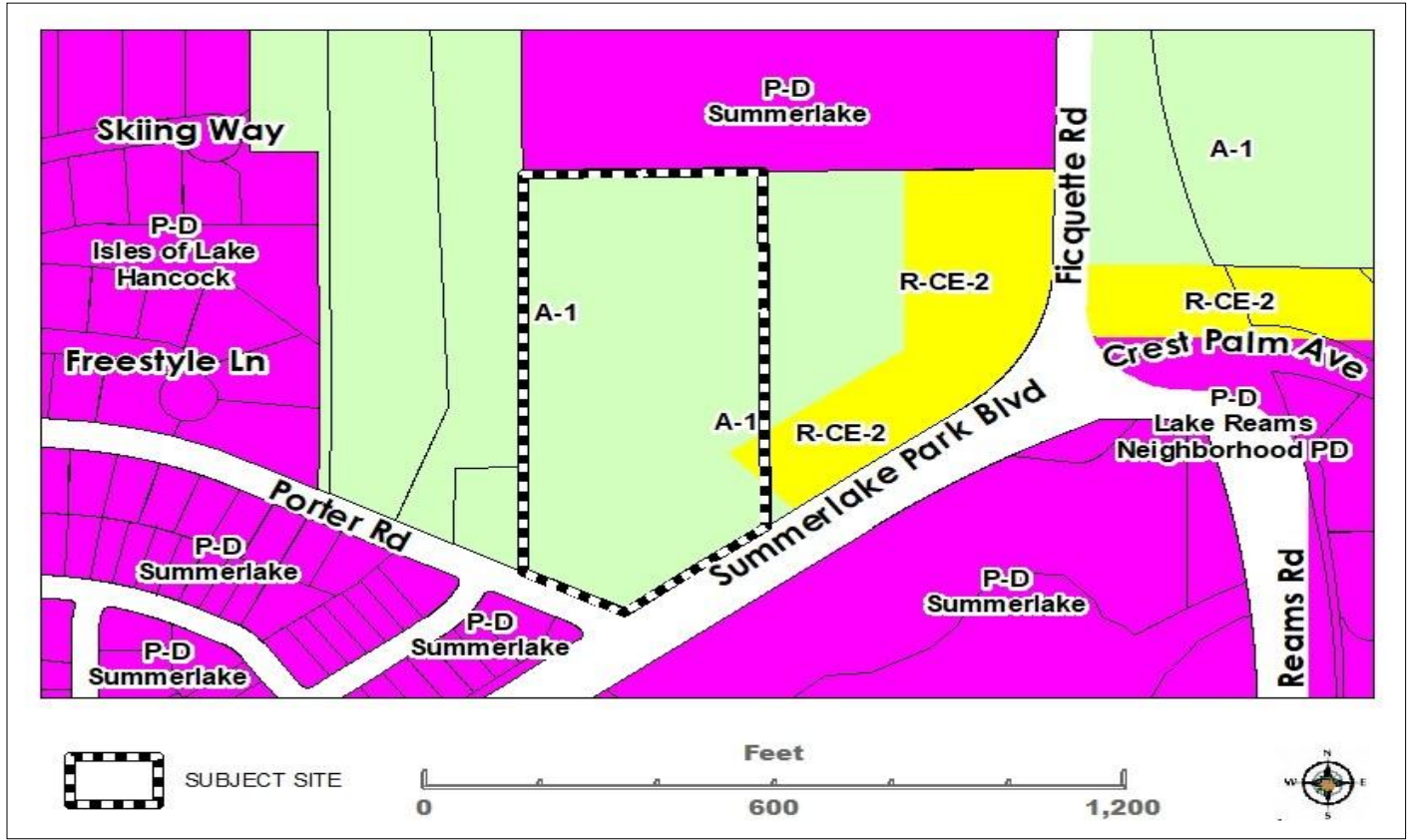
Respectfully submitted,

Ian Duffy

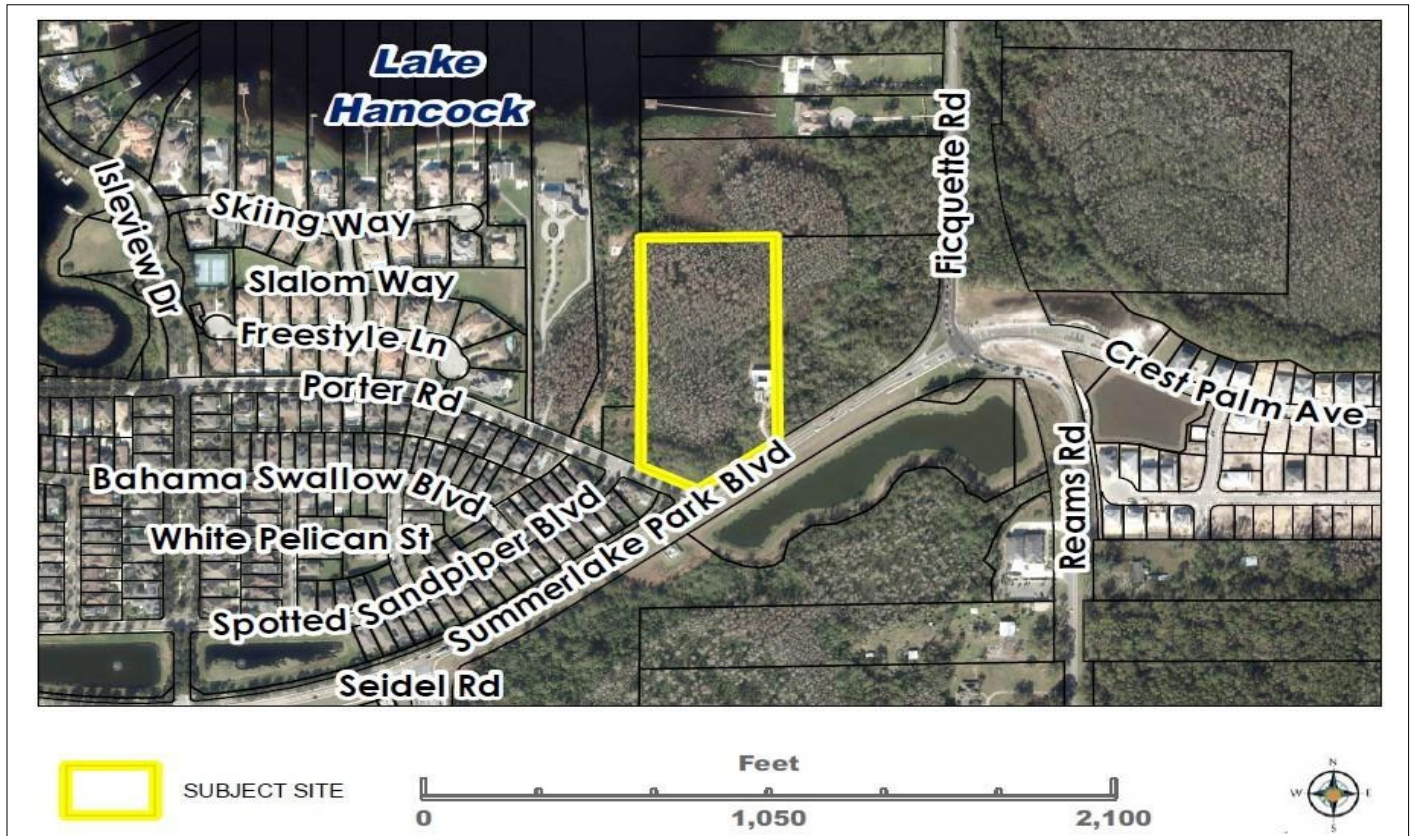


Owner – 14370 Summerlake Park Blvd

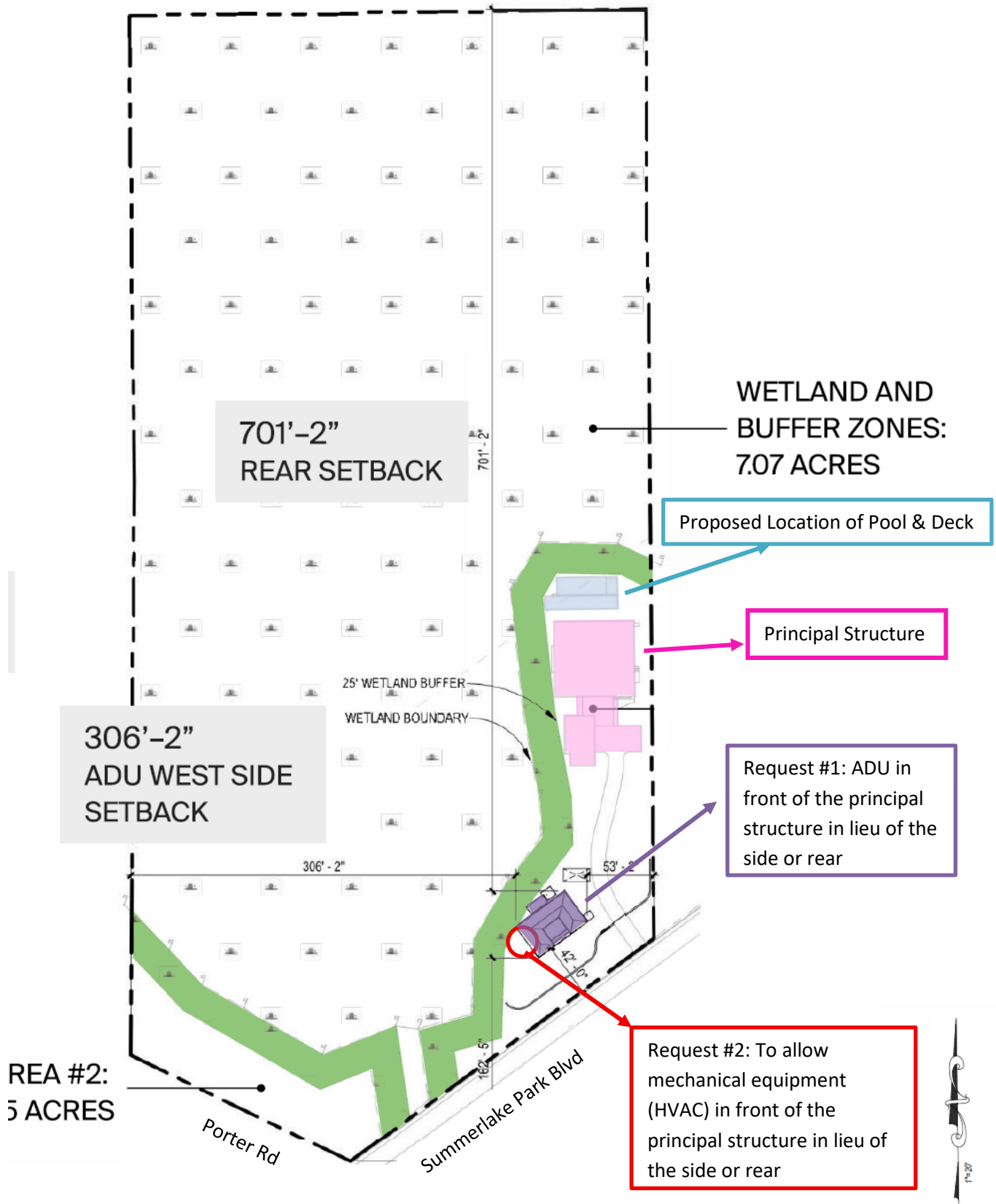
ZONING MAP



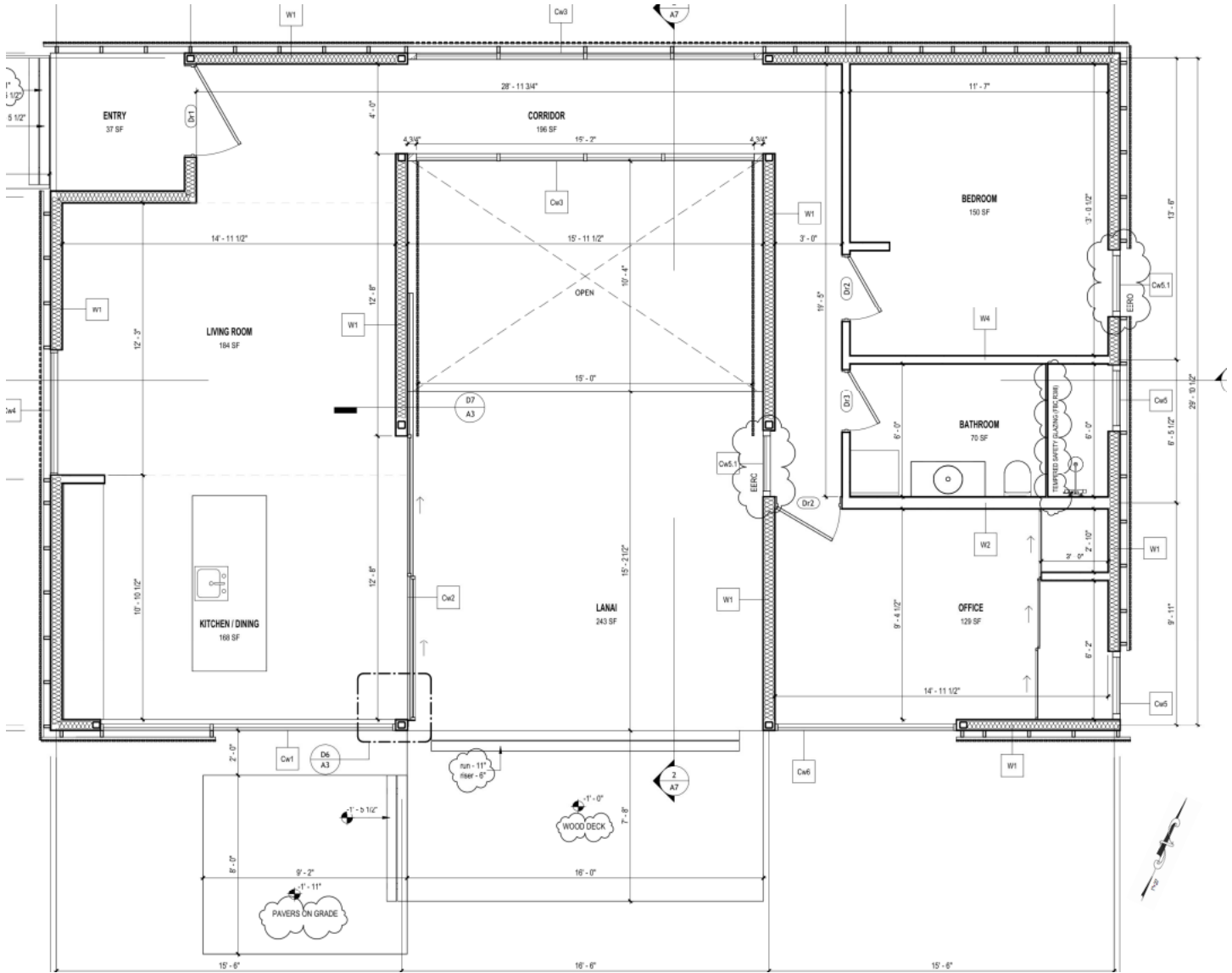
AERIAL MAP



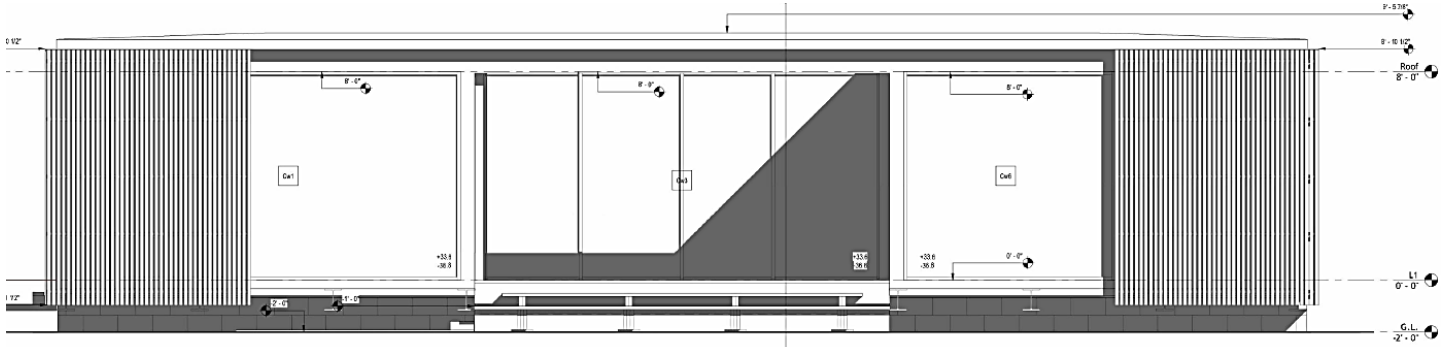
OVERALL SITE PLAN



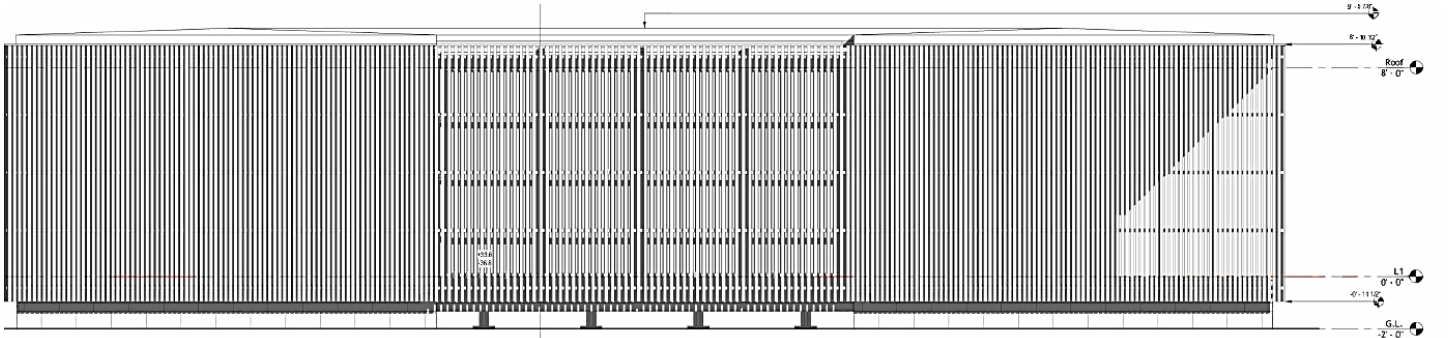
# ADU FLOOR PLAN



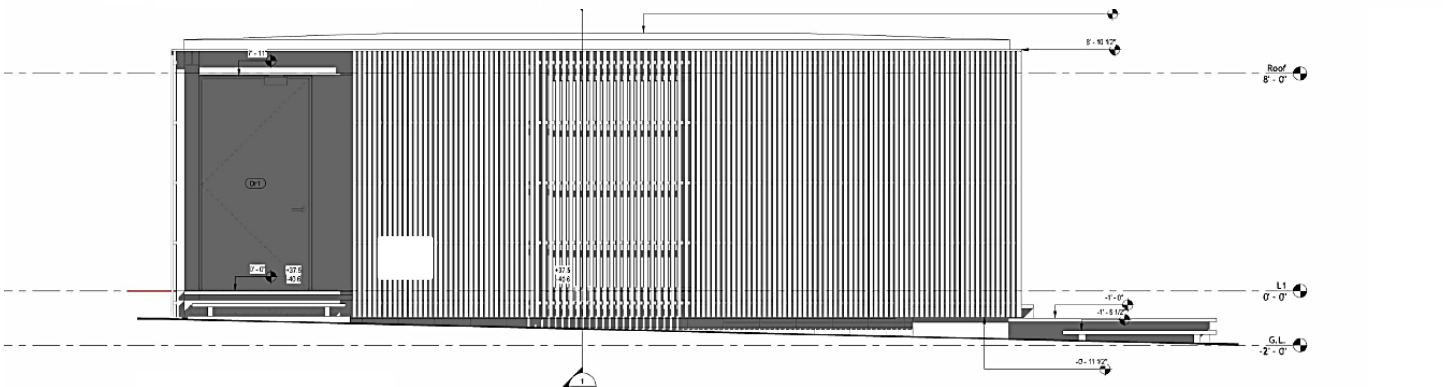
# ACCESSORY STRUCTURE ELEVATIONS



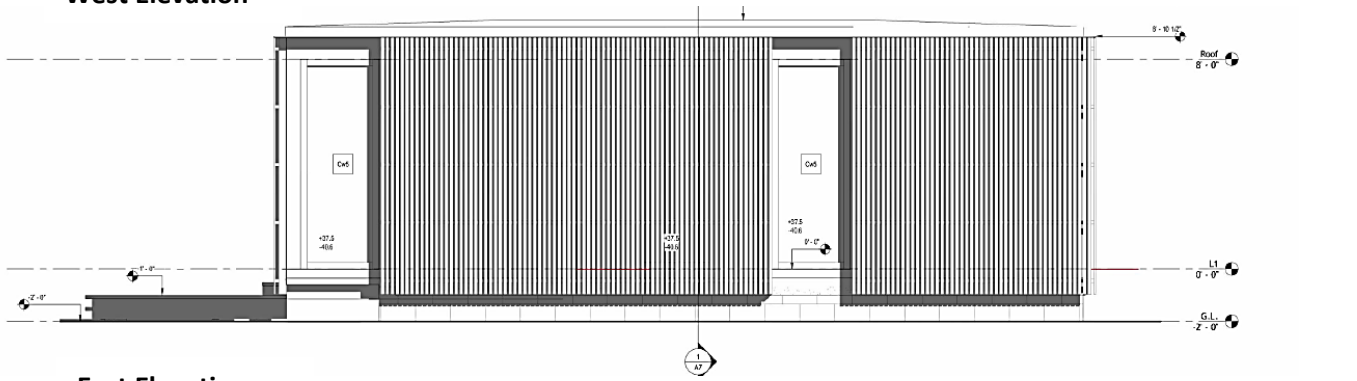
South Elevation



North Elevation



West Elevation



East Elevation

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**SITE PHOTOS**

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**Facing west from the bike path parallel to Summerlake Park Blvd. toward the front of the subject property**



**On property, facing east towards the location of proposed ADU**

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**SITE PHOTOS**

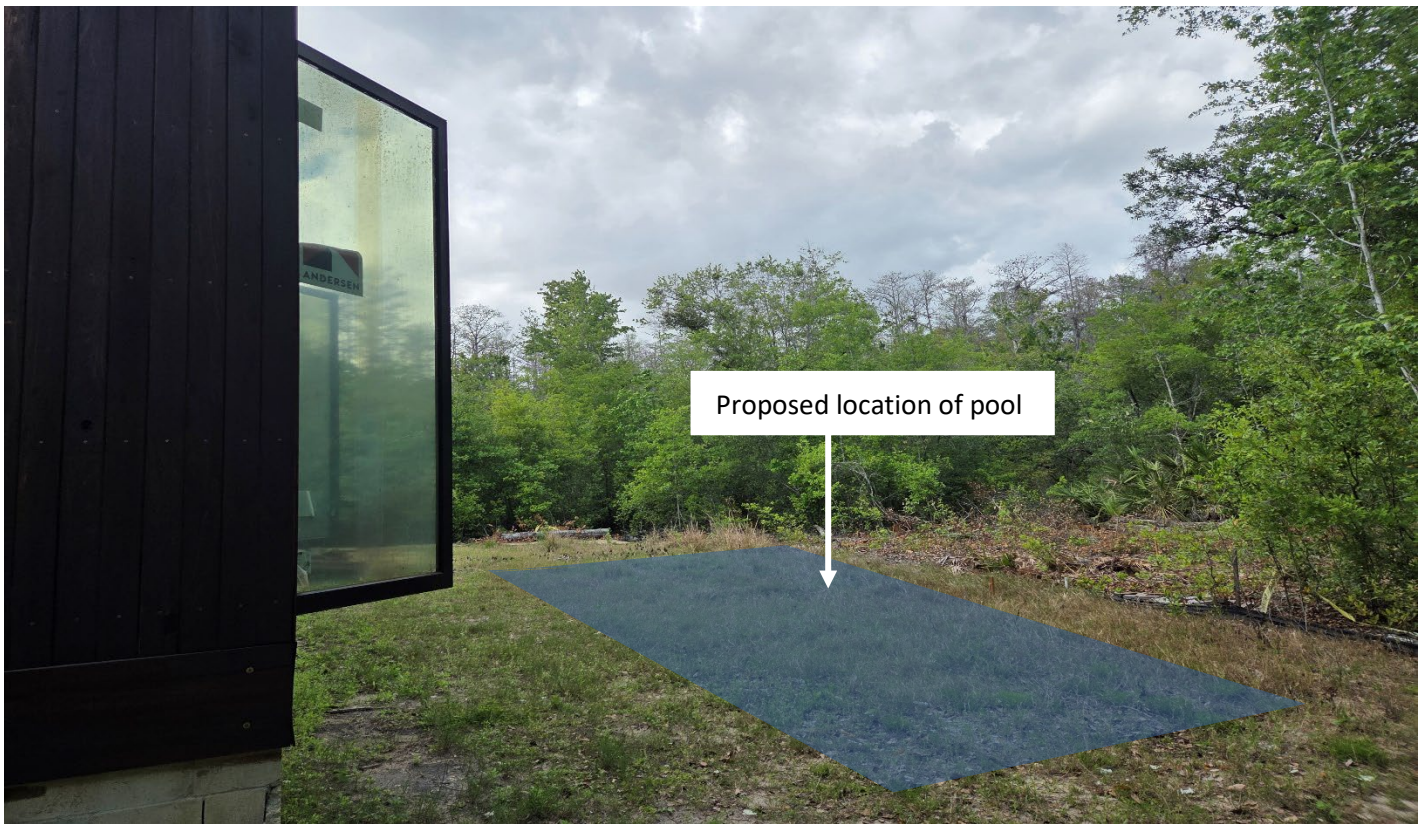
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**On property, facing north towards principal structure**



**Facing south towards Summerlake Park Blvd, and surrounding properties.**



**Facing northeast towards back yard of subject property.**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#5**

Case #: **VA-26-05-034**

Case Planner: **Jacqueline Boling (407) 836-5955**

**Jacqueline.Boling@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** PETER LEERDAM

**OWNER(s):** RESI PRESTIGE WORLDWIDE LLC

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

1) To allow a minimum lot width of 50 ft. in lieu of 75 ft.

2) To allow a minimum lot area of 6,720 sq. ft. in lieu of 7,500 sq. ft.

**PROPERTY LOCATION:** 1118 Timor Ave, Orlando, Florida 32804, south side of Timor Ave., north of W. Fairbanks Ave., east of Edgewater Dr., west of Adanson St., south of Lee Rd.

**PARCEL ID:** 03-22-29-8476-04-190

**LOT SIZE:** 6,720 sq. ft.

**NOTICE AREA:** 500 ft.

**NUMBER OF NOTICES:** 138

**DECISION:** Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Roberta Walton Johnson, Second by Glenn Rubinstein; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the lot width and dimensions shown on the site plan dated February 17, 2026, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

**SYNOPSIS:** Staff presented the proposal and reviewed the property’s location, site plan, and site photos. Staff provided an analysis of the six criteria and the reasons for a recommendation for approval of the Variance requests. Staff also noted that no comments had been received in support or opposition.

The applicant was present and explained the need for the proposal and the current configuration of the lot.

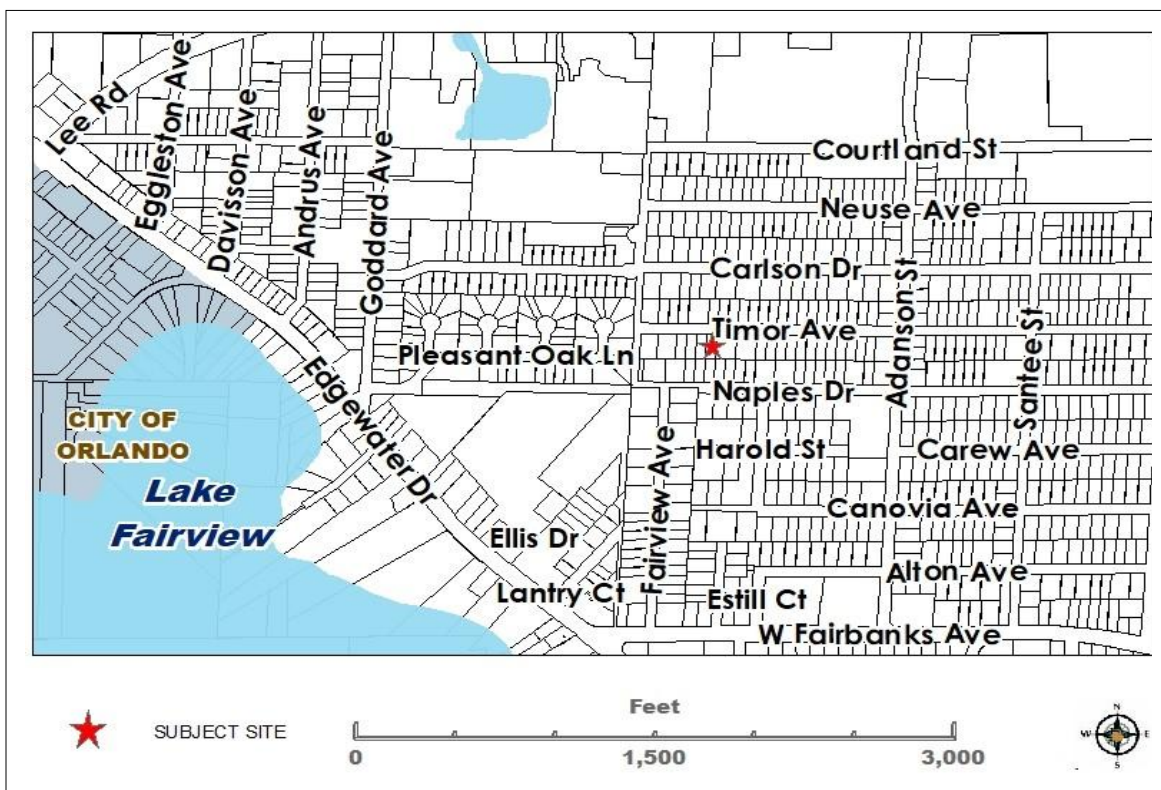
No members of the public were present to speak in favor of or in opposition to the requests.

The BZA recommended approval of the Variance requests by a 6-0 vote, with 1 absent, subject to the three 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  | R-1A                      | R-1A                      | R-1A                      | R-1A                      | R-1A                      |
| Future Land Use | LDR                       | LDR                       | LDR                       | LDR                       | LDR                       |
| Current Use     | Single-family residential | Single-family residential | Single-family residential | Single-family residential | Single-family residential |

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## BACKGROUND AND ANALYSIS

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### **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 (FLU) is Low Density Residential (LDR), which is consistent with the R-1A zoning district.

The area surrounding the subject site consists of vacant lots and single-family homes, many of which were constructed in the 1970s. The subject property is 6,720 sq. ft. in size and was originally platted in 1926 as Lot 19 in the Sunshine Gardens Plat. It is considered a substandard lot due to its lot width and lot area. Per Orange County Code Section 38-1401, if two or more adjoining lots were under single ownership on or after October 7, 1957, and one or more of those lots has frontage or area below the minimum required by the zoning district, the lots must be aggregated to create one conforming lot. The subject site was under contiguous ownership with the lot to the east from September 2004 - September 2020. Due to the contiguous ownership, the subject lot is not considered a substandard lot of record.

The property is currently vacant and was purchased by the current owner in December 2025. A building permit (B26006309) was submitted for the construction of a new residence on the property in April 2026. As of the date of this report, the permit is still under review.

The proposal is to construct a 2,696 sq. ft., two-story single-family residence. The minimum lot width requirement for properties zoned R-1A is 75 ft; however, this property has a width of 50 ft, necessitating Variance request #1. Additionally, the lot area is 6,720 sq. ft., whereas 7,500 sq. ft. is required for properties in the R-1A zoning district, prompting Variance request #2. The site plan provided by the applicant indicates that the proposed residence meets all other development standards of the R-1A zoning district.

### **District Development Standards**

|                 | Code Requirement | Proposed                    |
|-----------------|------------------|-----------------------------|
| Max Height:     | 35 ft.           | 24 ft.                      |
| Min. Lot Width: | 75 ft.           | 50 ft. (Variance #1)        |
| Min. Lot Size:  | 7,500 sq. ft.    | 6,720 sq. ft. (Variance #2) |

### **Building Setbacks**

|        | Code Requirement | Proposed                         |
|--------|------------------|----------------------------------|
| Front: | 25 ft.           | 35.1 ft. (North)                 |
| Side:  | 7.5 ft.          | 8.5 ft. (West)<br>8.7 ft. (East) |
| Rear:  | 30 ft.           | 32.5 ft. (South)                 |

The request was routed to all reviewing divisions, and no objections were received except from Utilities, which noted that the property is within the City of Winter Park water and wastewater service areas and within Orange County Utilities reclaimed water service areas; however, no reclaimed water mains are located nearby, so reclaimed water is considered unavailable and connection is not required in accordance with Orange County

Page | 170 Board of Zoning Adjustment [BZA]

Code Chapter 37. As of the date of this report, no comments have been received either in favor of or in opposition to the request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Staff has determined that the Variance requests meet all applicable criteria, as the property cannot be developed without the Variance requests for lot width and lot area. Therefore, staff is recommending approval of the Variance requests.

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## **STAFF FINDINGS**

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### **VARIANCE CRITERIA**

#### **Special Conditions and Circumstances**

ALL VARIANCES MET – The special conditions and circumstance particular to the subject property are that the lot will be undevelopable without the requested Variances for lot width and lot area.

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

ALL VARIANCES MET – The parcel’s substandard condition is not self-created. The lot has remained in its current configuration since it was originally platted in 1926, prior to the current owners’ purchase of the property.

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

ALL VARIANCES MET – Granting the Variances would not confer special privilege since the surrounding developed properties in the area contain homes on the same or similar sized lots.

#### **Deprivation of Rights**

ALL VARIANCES MET – Without approval of the requested Variances, the owner will be deprived of the ability to construct a residence on the parcel.

#### **Minimum Possible Variance**

ALL VARIANCES MET – The requested Variances are the minimum necessary to construct a home on the property.

#### **Purpose and Intent**

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

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the lot width and dimensions shown on the site plan dated February 17, 2026, 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: Peter Leerdam  
RESI PRESTIGE WORLDWIDE LLC  
240 Lookout Place  
Maitland, FL 32751

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**COVER LETTER**

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March 04, 2026

Orange County Zoning Division  
201 S. Rosalind Avenue  
Orlando, Florida 32801

RE: Variance Application – 1118 Timor Ave, Orlando, FL 32804  
Parcel ID: 02-22-29-8472-04-190

To Whom It May Concern:

Please accept this application for a variance for the property located at **1118 Timor Avenue, Orlando, Florida**, within the **Sunshine Gardens First Addition subdivision**.

The subject property is zoned **R-1A** and has a lot width of approximately **50 feet**, while the R-1A zoning district requires a **minimum lot width of 75 feet** for single-family residential development.

The applicant is requesting a **variance from the minimum lot width requirement** to allow the construction of a single-family residence on the property.

The proposed residence has been designed to comply with all other applicable development standards of the R-1A zoning district. The site plan provides **side setbacks of approximately 8.5 feet**, which exceeds the required **7.5-foot minimum side setback**, and the proposed front and rear setbacks also meet or exceed the minimum requirements.

The proposed home is consistent with the scale and character of surrounding residential development within the Sunshine Gardens neighborhood.

Thank you for your consideration of this request.

Sincerely,



Peter Leerdam  
Resi Prestige Worldwide, LLC  
407-619-4884  
PLEerdam@YourHomedy.com

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**VARIANCE CRITERIA**

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**VARIANCE CRITERIA**

1. **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.  
The history of the lot was originally platted as a 50' lot. The lot today is zoned R1-A which requires it to be a 75' lot to be able to build a single family home on it.

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2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.  
We purchased the lot at the foreclosure sale and a single-family home previously existed as recently as 2025.

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

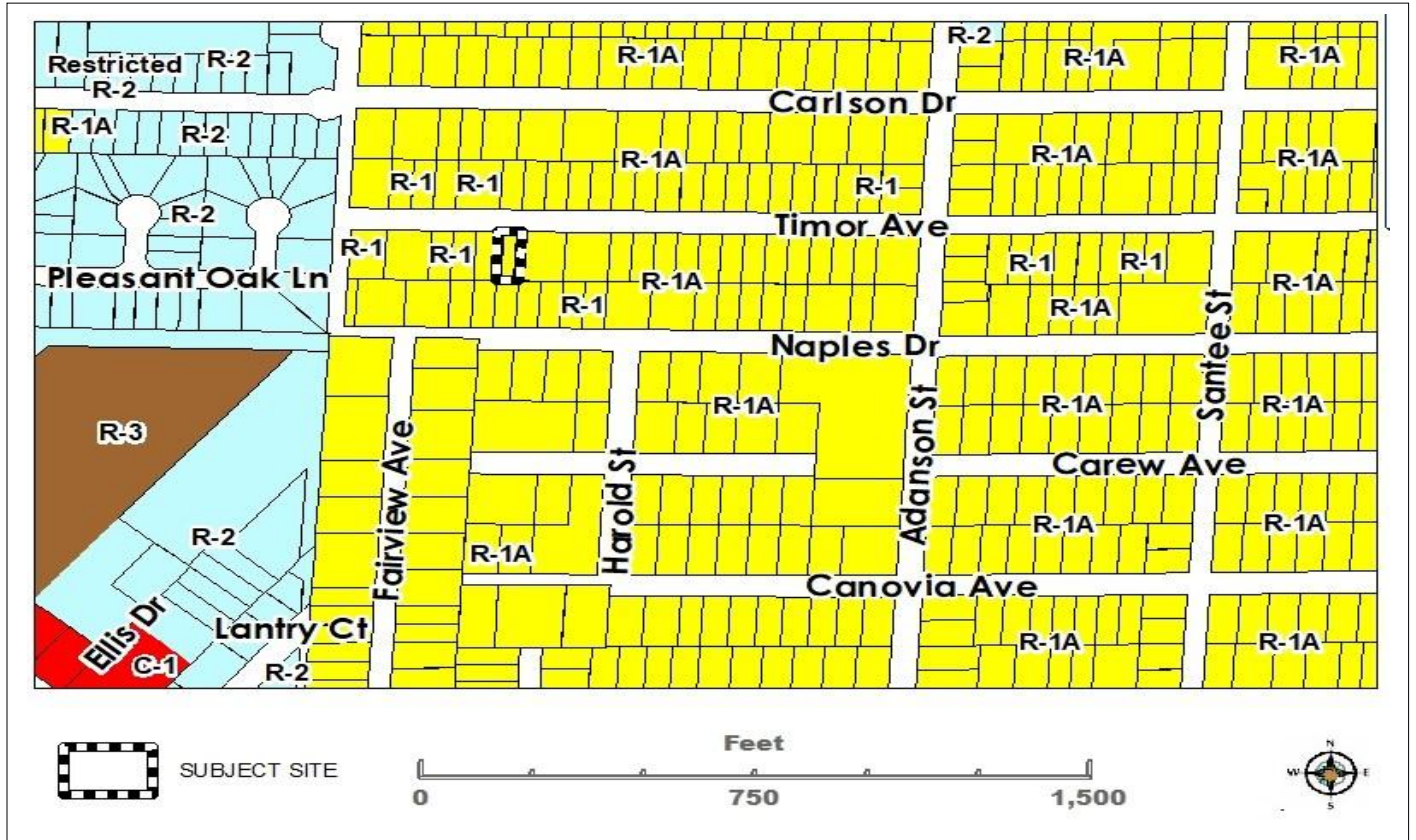
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4. **Deprivation of Rights** - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work 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.  
Without the variance we would be deprived of the ability to build a single-family home on the lot that is consistent with the other homes and lots in the neighborhood.

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5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.  
The variance requested is the minimum necessary to allow a single-family home to be constructed on the lot.

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

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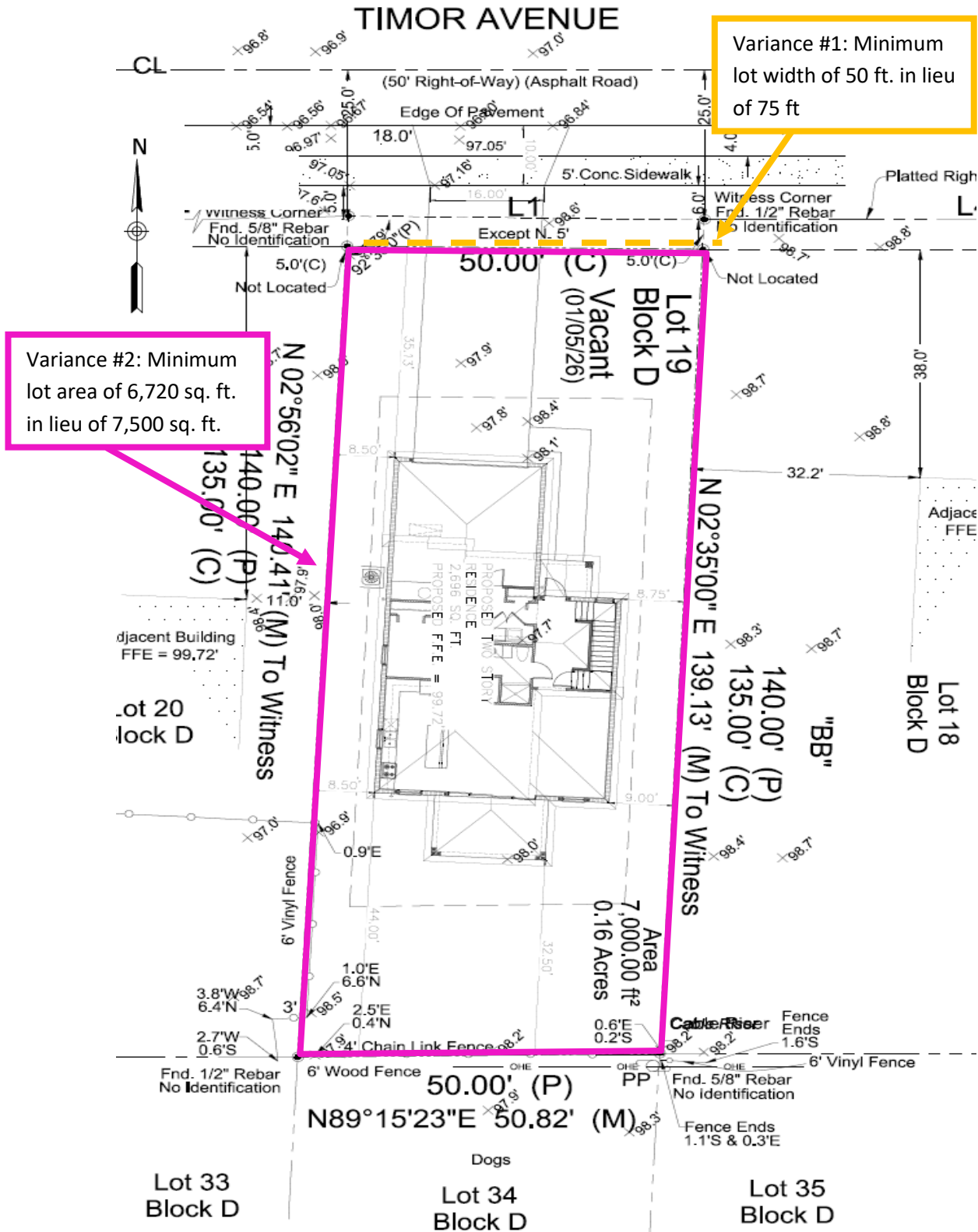
ZONING MAP



AERIAL MAP



SITE PLAN



**SITE PHOTOS**



**Facing south towards front of subject property**



Variance #1:  
50 ft. lot width

**Facing northwest towards Timor Dr. from the rear yard of the subject property**

**SITE PHOTOS**



**Facing west towards side yard and neighboring residence**



**Facing east along the side yard on subject property.**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#1**

Case #: **VA-26-05-037**

Case Planner: **Jacqueline Boling (407) 836-5955**  
**Jacqueline.Boling@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** KATELYN O'NEAL

**OWNER(s):** JORDAN KUPPINGER

**REQUEST:** Variances in the R-1AA zoning district from the Normal High Water Elevation as follows:

1) To allow a new residence with a setback of 16.6 ft. in lieu of 35 ft.

2) To allow a pool and deck with a setback of 3.2 ft. in lieu of 35 ft.

**PROPERTY LOCATION:** 9146 Bay Point Dr., Orlando, FL 32819, west side of Bay Point Dr., east side of Lake Tibet, east of Winter Garden Vineland Rd., south of Conroy Windermere Rd., west of S. Apopka Vineland Rd.

**PARCEL ID:** 28-23-28-0600-00-210

**LOT SIZE:** 18,211 sq. ft. (13,870 sq. ft. upland)

**NOTICE AREA:** 1,100 ft.

**NUMBER OF NOTICES:** 87

**DECISION:** Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as modified (Motion by Thomas Moses, Second by Roberta Walton Johnson; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the site plan and elevations date stamped May 4, 2026, 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 any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the Variance requests and, which shall inform all interested parties that the principal structure is located no closer than 16.6 feet and the pool and deck is located no closer than 3.2 feet from the Normal High Water Elevation (NHWE) of Lake Tibet.

**SYNOPSIS:** Staff presented the proposal and reviewed the property's location, site plan, and site photos. Staff provided an analysis of the six criteria and the reasons for a recommendation for denial of the Variance requests. Staff also noted that no comments had been received in support or opposition.

The applicant was present and explained the need for the proposal, and the justification of the proposed configuration of the structures on the property.

No members of the public were present to speak in favor of or in opposition to the requests.

The BZA recommended approval of the Variance requests by a 6-0 vote, with one absent, subject to the four conditions found in the staff report, as modified:

1. Development shall be in accordance with the site plan and elevations date stamped May 4, 2026, 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).

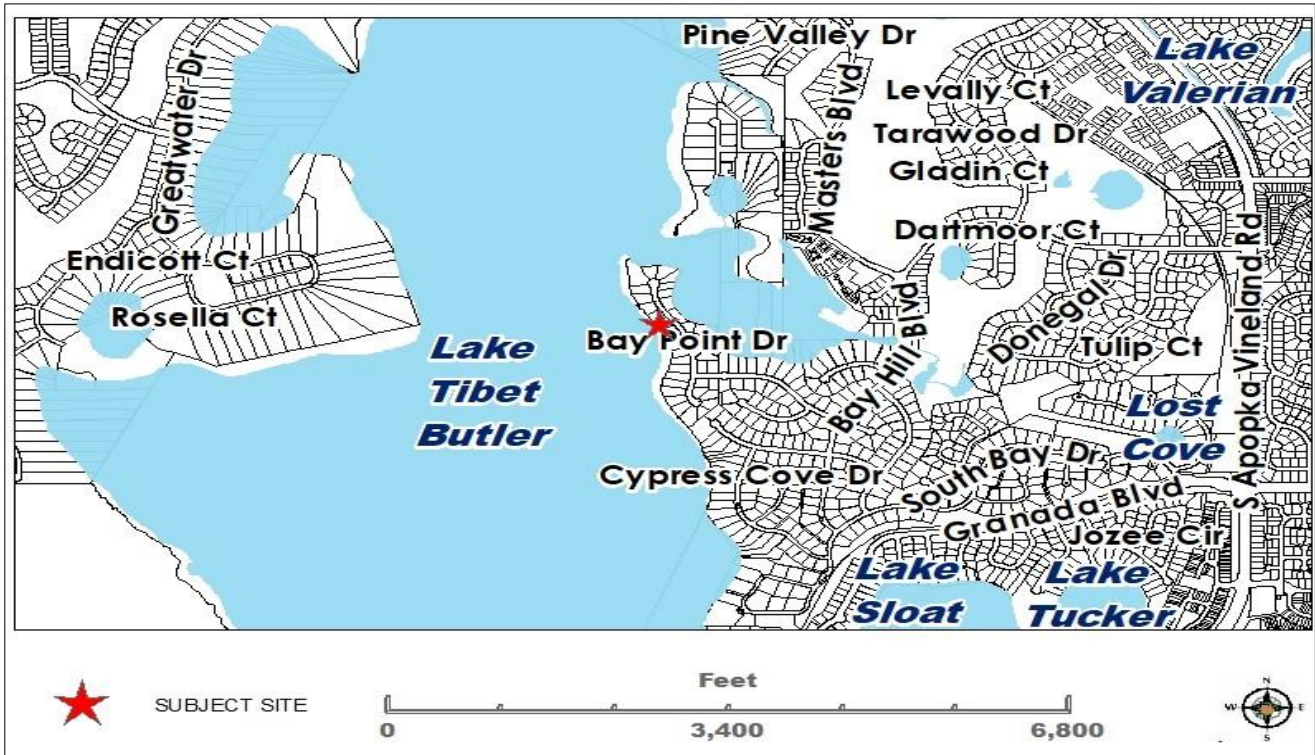
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#### **STAFF RECOMMENDATIONS**

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Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of the Variances, staff recommends that the approval be subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

|                 | Property                | North                   | South  | East      | West       |
|-----------------|-------------------------|-------------------------|--------|-----------|------------|
| Current Zoning  | R-1AA                   | R-1AA                   | R-1AA  | R-1AA     | R-1AA      |
| Future Land Use | R                       | R                       | R      | R         | Water Body |
| Current Use     | Single-family residence | Single-family residence | Vacant | HOA Tract | Lake Tibet |

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 (FLU) is Rural (R), which is inconsistent with the R-1AA zoning district. The Planning Division reviewed the request and found that the property is vested for a single-family home, therefore single-family residential construction, expansions and ancillary uses are permitted.

The area around the subject site consists of single-family homes. The subject property is approximately 18,211 square feet in total area, with 13,870 sq. ft. of upland. It was platted in 1978 as Lot 21 of the Bay Point Plat and is considered a conforming lot. The subject lot is an interior lakefront lot with right-of-way along Bay Point Dr. to the east and Lake Tibet to the west. The property was purchased by the current owner in 2025 and is developed with a two-story, 6,384-gross-square-foot single-family home constructed in 1979, as well as a rear yard paver patio, pool, and boat dock. The submitted survey indicates that existing improvements comply with applicable code requirements, including the Normal High Water Elevation (NHWE) setback. The existing residence, including the pool and deck, is proposed for demolition.

The proposal is to construct an approximately 7,800-square-foot, two-story single-family residence with two two-car garages, along with a covered patio, pool, and deck located at the rear of the home. The proposed residence is shown with a 16.6 ft. setback from the Normal High-Water Elevation (NHWE) line. The typical NHWE setback for a property located in the R-1AA district is 50 ft. However, Section 38-1501 footnote 'A' of Orange County Code states that *a lot which is part of a subdivision, the plat of which has been lawfully recorded, ... on or before August 31, 1982, ... which has a depth of less than one hundred fifty (150) feet above the NHWE contour, shall be exempt from the 50 ft. setback requirement set forth in Section 38-1501. Instead, the setbacks under the respective zoning district requirements shall apply as measured from the NHWE contour.* Lot depth is measured as the distance measured from the midpoint of the front line to the midpoint of the opposite rear line of the lot, which in this instance is the NHWE line. The property depth is approximately 135 ft.; therefore, the minimum rear setback is 35 ft. from the NHWE, and the proposed residence will not comply with this setback requirement, therefore requiring Variance #1.

Section 38-79(10)c. establishes swimming pools, including all appurtenances thereto, such as pool decks, security fences, or screen enclosures, shall be subject to the setback requirements from the NHWE contour for water bodies. Footnote 'A' of Section 38-1501 of Orange County Code states *the minimum setbacks from the NHWE contour for accessory structures and uses shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the NHWE contour.* The pool and deck are proposed to be located 3.2 ft. from the NHWE line where a 35 ft. setback is required, prompting Variance #2.

In the cover letter, the applicant identifies the need for four separate variance requests. However, these have been consolidated into two requests. This is because pool setbacks are measured from the edge of the deck rather than the waterline, and the covered patio is subject to principal structure setbacks, eliminating some of the original requests.

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

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. While the Variance requests meet some of the criteria, they do not meet all the criteria. Based on staff's analysis the residence is not yet constructed and could be redesigned to lessen the Variance requests. Therefore, staff is recommending denial.

**Site and Building Requirements**

|                 | Code Requirement | Proposed              |
|-----------------|------------------|-----------------------|
| Max Height:     | 35 ft.           | 30 ft.                |
| Min. Lot Width: | 85 ft.           | 120 sq. ft.           |
| Min. Lot Size:  | 10,000 sq. ft.   | 13,681 sq. ft. upland |

**Building Setbacks**

|                             | Code Requirement | Proposed  |
|-----------------------------|------------------|---|
| Front:                      | 30 ft.           | 30 ft.  |
| Side (Principal Structure): | 7.5 ft.          | 10 ft. (North)<br>10 ft. (South)  |
| Rear/NHWE:                  | 35 ft.           | 16.6 ft. (Covered Patio – Variance #1)<br>3.2 ft. (Pool and Deck – Variance #2) |

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**STAFF FINDINGS**


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**VARIANCE CRITERIA****Special Conditions and Circumstances**

ALL VARIANCES NOT MET – No special conditions and circumstances exist as the home has not been constructed, and the proposed construction could be redesigned in a way to comply with all setback requirements for the lot. The buildable area of the lot once all required setbacks are applied is approximately 5,550 sq. ft.

**Not Self-Created**

ALL VARIANCES NOT MET – The need for the Variances are self-created as all existing structures on the property will be demolished allowing the owner the ability to redesign the development to comply with all setback requirements for the lot.

**No Special Privilege Conferred**

ALL VARIANCES MET – Granting the Variances as requested would not confer special privilege as several other properties in the area appear to have NHWE setbacks similar to the requests.

**Deprivation of Rights**

ALL VARIANCES NOT MET – Without approval of the requested Variances, the owner will not be deprived of the ability to build a home with a pool and deck that complies with code.

**Minimum Possible Variance**

ALL VARIANCES NOT MET – The requested Variances do not represent the minimum necessary to accommodate a new single-family home, pool, and deck, as the proposed development could be redesigned to eliminate or reduce the extent of the requests.

**Purpose and Intent**

ALL VARIANCES NOT MET – Approval of the requested Variances would not be in harmony with the purpose and intent of the Zoning Regulations, which are designed to minimize the impacts that structures, including single-family homes, pools, and decks, may have on adjacent lake resources. These regulations aim to maintain appropriate setbacks to reduce potential environmental and visual impacts. Granting the Variances would be inconsistent with these objectives, as it would allow development in closer proximity to the lake than intended by the code.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan and elevations date stamped January 17, 2026, 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 any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the Variance requests and, which shall inform all interested parties that the principal structure is located no closer than 16.6 feet and the pool and deck is located no closer than 3.2 feet from the Normal High Water Elevation (NHWE) of Lake Tibet.

C:     Katelyn O'Neal  
       900 W. Lake Holden Pt.  
       Orlando, FL 32805

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## COVER LETTER

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Orange County Zoning Division  
201 South Rosalind Ave, 1<sup>st</sup> Floor  
Orlando, FL 32801

To the Board of Zoning Adjustment,

I am writing to request a variance to Sec. 38-1501 rear setback requirement from NHWE criteria at the residence of 9146 Bay Point Drive for a variance for a (1)primary residence setback from NHWE to be 26' in lieu of 35', (2)pool setback from NHWE to be 6'1" in lieu of 35', (3)pool deck setback from NHWE to be 3'2" in lieu of 35' and (4)covered patio setback of 16'6" in lieu of 35'. Property is zoned as ORG-R-1AA and located with the Bay Point of Bay Hill Property Owners Association.

**Special Conditions & Circumstances:** Property was platted prior to 1982. It is positioned with less than 150ft from street to NHWE. The property is not square with the N side property line shorter than the S property line, causing the rear/west property line at NHWE to be angled. In order to conform to code on the front setback and HOA requirement at 30ft, a variance would be required to adjust the rear setback to allow for primary residence, covered patio and pool/pool deck. Additionally, the seawall on the property cuts landward around cypress trees, creating a non-linear NHWE line on the property.

**Not Self-Created:** The current property owner has no control over the lot platting. Constrained lot and special conditions listed above are not self-created. The existing SFR, covered patio, and pool/pool deck were permitted to be built within the 35ft setback requirement.

In purchasing the property, the real estate survey provided during closing showed larger dimensions that would have allowed for construction of the SFR without a variance. After purchase of the property, the property owner acquired a detailed elevation survey for permitting the proposed structures and changes to the existing pool, which varied significantly from the original survey. Based on the new dimensions, a variance would now be required to build the proposed SFR and adjustments have been made to the proposed structures for minimum possible variance.

**No Special Privilege:** Approval of this variance would simply allow for a new primary residence, covered patio and pool/pool deck to be constructed which is a right conferred to others on the same street and on Lake Tibet. There is a record of 14 homes on the street having approved variance for pool/pool deck and 7 properties with approved variance for SFR. Examples of homes that have already received a NHWE variance include:

- 9161 Bay Point Drive – VA-16-11-139 Approved SFR at 26ft to NHWE
- 9236 Bay Point Drive – VA-13-06-023 Approved SFR at 29.7ft to NHWE
- 9154 Bay Point Drive – VA-25-11-060 Approved Pool/Pool Deck at 3.67ft to NHWE
- 9105 Bay Point Drive – VA-10-01-004 Approved Covered porch at 16.5ft to NHWE

This request for variance does not expand beyond existing precedent on the street.

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## COVER LETTER

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**Deprivation of Rights:** The special conditions of the property would prevent construction without a variance. Granting of a variance allows the property owner their basic property right of enjoyment to which neighboring lakefront owners have previously been granted via NHWE setback variances.

**Minimum Possible Variance:** The proposed residence, patio and pool location is the only location on the property with sufficient space to build while maintaining HOA requirements for front setback and residence size that adhere to the covenants of the neighborhood. Additionally, the request for variances for the pool/deck does not extend beyond the existing permitted pool and pool deck distance to NHWE. The variance requested is therefore the minimum possible to allow for new construction on the lot as platted.

**Purpose and Intent:** Variance would be in harmony with the purpose and intent of the existing zoning regulations and does not adversely affect the neighborhood. The property maintains a structurally sound seawall which provides a barrier to the lake from any erosion impact. Lake levels over the past 10 years show only a 0.639ft difference between Min and Max water level. (Source: OC Stormwater Water Level Sampling Lake Tibet 2016-2026)

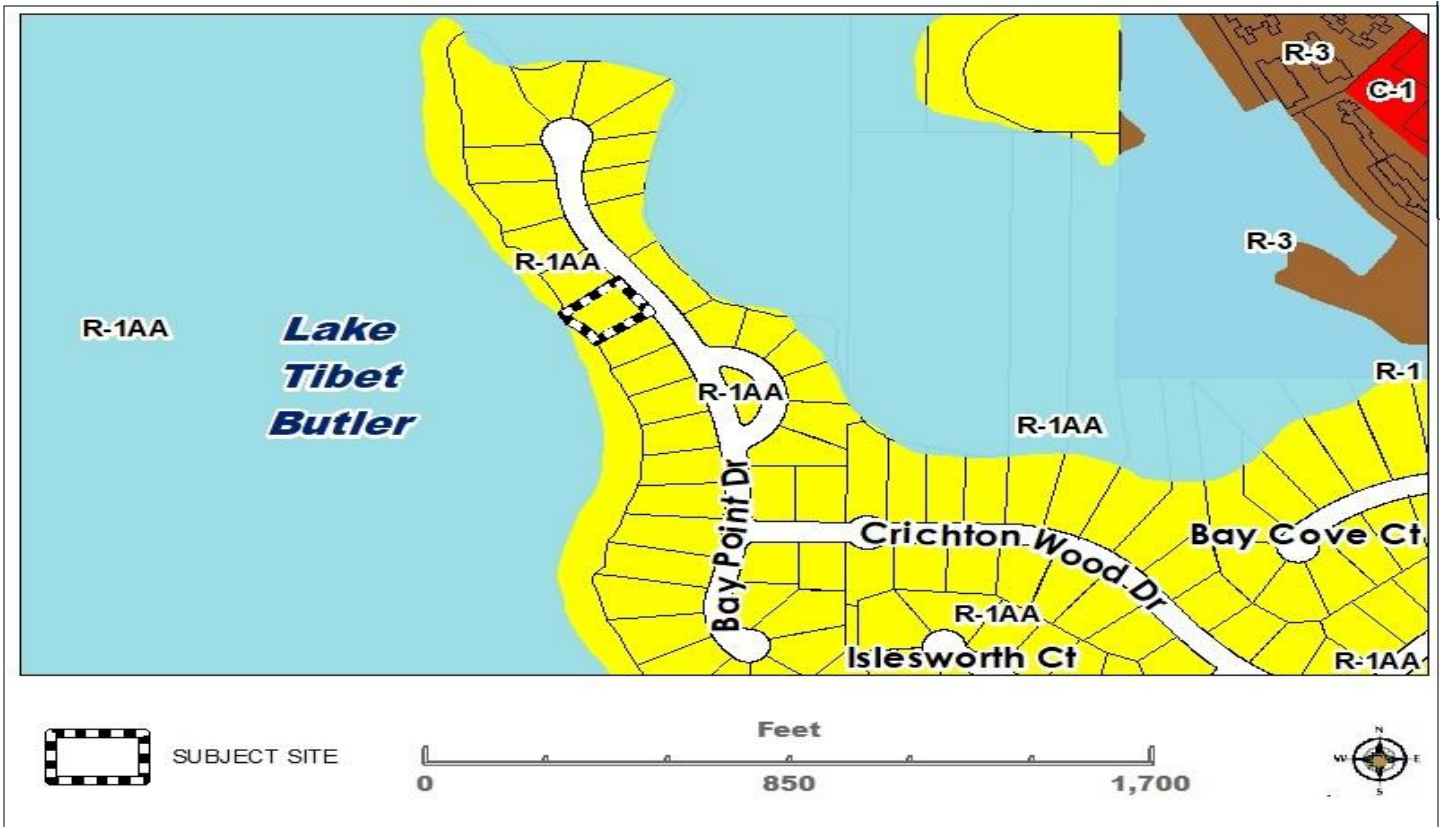
In summary, I am requesting a variance to Sec. 38-1501 Setback requirement criteria from NHWE for a proposed primary residence, covered patio, and pool/pool deck. Only a variance would allow the property owner to construct these proposed changes to the property with the special circumstances outlined above.

Thank you for your time and consideration of this variance request.

With Respect,

Katie O'Neal  
Authorized Agent

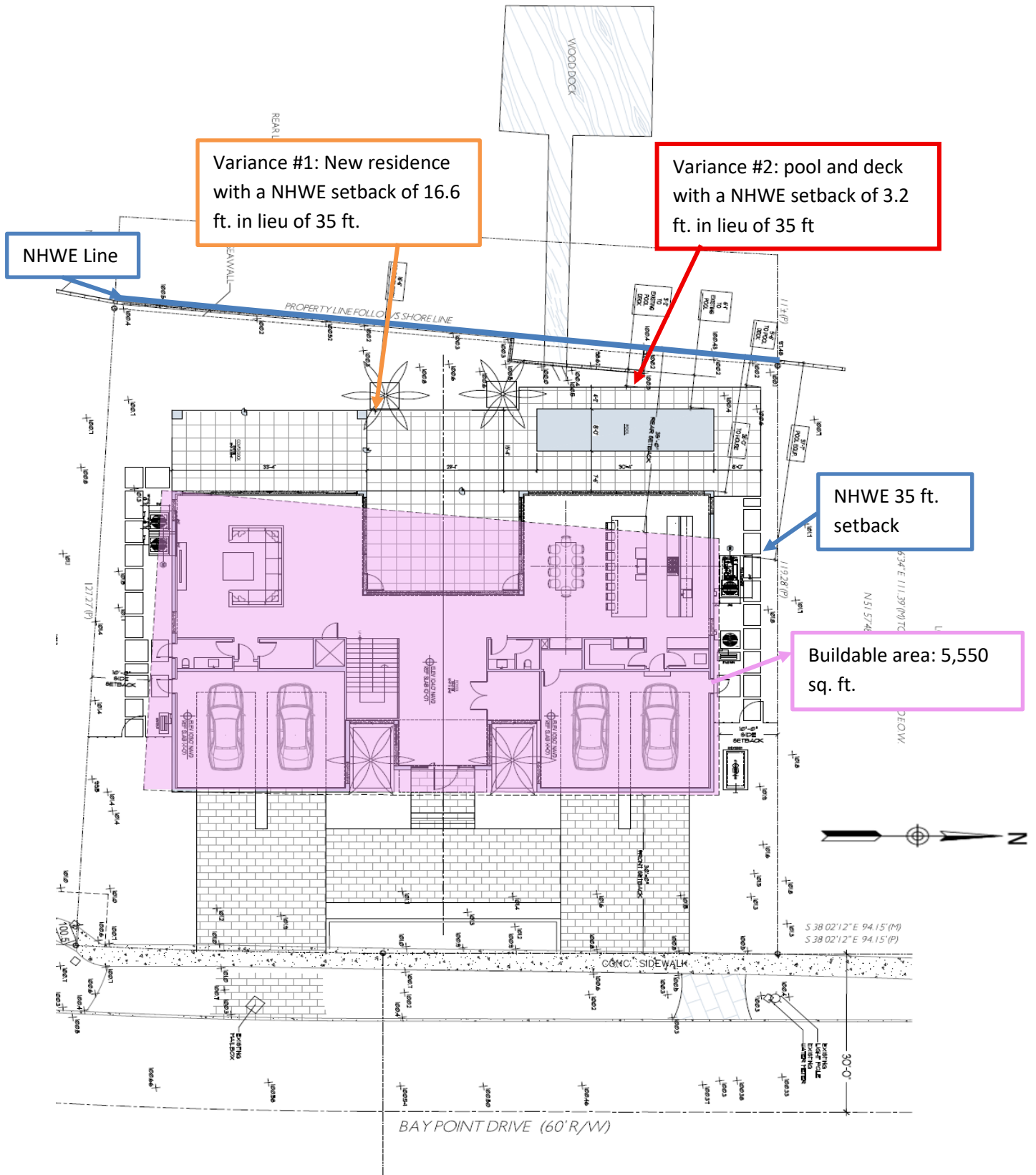
ZONING MAP



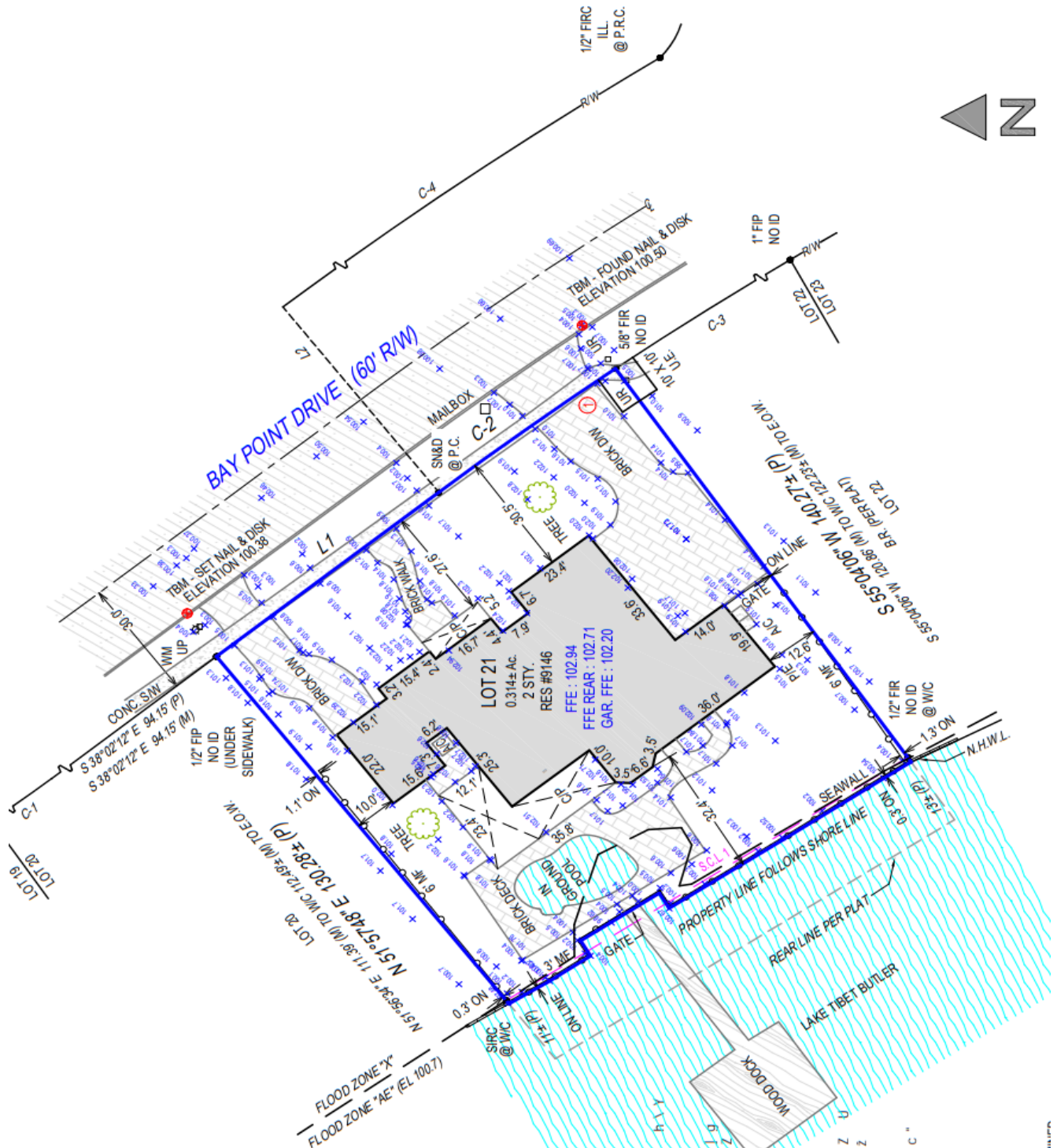
AERIAL MAP



SITE PLAN



SURVEY



ADJACENT COUNTY

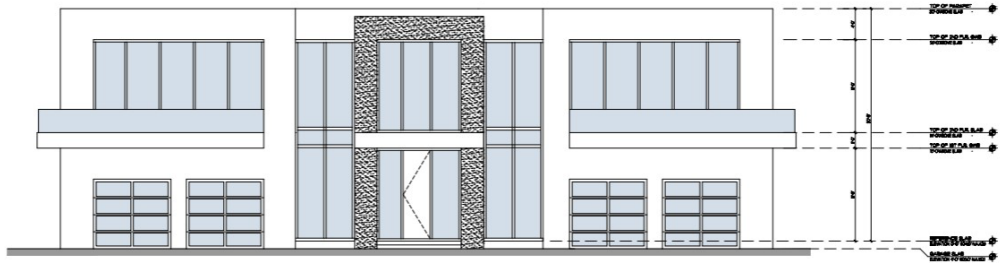
- C-1
  - 397.50' (P&M)
  - 16.30' (P) 26.26' (M)
  - 3°47'27" (P) 3°47'07" (M)
  - S 36°08'28" E 26.30' (P)
  - S 35°48'31" E 26.26' (M)
- C-2
  - 370.00' (P&M)
  - 12.57' (P) 52.57' (M)
  - 3°06'19" (P) 3°06'17" (M)
  - S 36°29'03" E 52.56' (P)
  - S 36°29'03" E 52.56' (M)
- C-3
  - 370.00' (P&M)
  - 10.00' (P) 109.25' (M)
  - 5°29'51" (P) 6°27'12" (M)
  - S 31°40'58" E 109.94' (P)
  - S 31°33'58" E 109.20' (M)
- C-4
  - 1030.00' (P&M)
  - 102.22' (P) 202.17' (M)
  - 11°14'55" (P) 11°46' (M)
  - S 32°24'44" E 201.90' (P)
  - S 32°20'11" E 201.85' (M)

S OF ELEVATIONS SHOWN:  
 GNATION: GIS 146 RESET  
 AKT184  
 ATION: 105.95  
 IM: NAVD88

J g S i f j y m c z h i y  
 U g a u x y  
 J c b z U b x h c  
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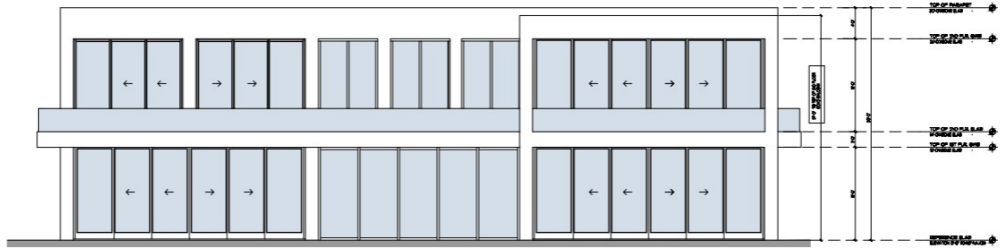
VEYORS NOTE:  
 NOT A PROFESSIONAL SURVEYOR'S REPORT

# ELEVATIONS



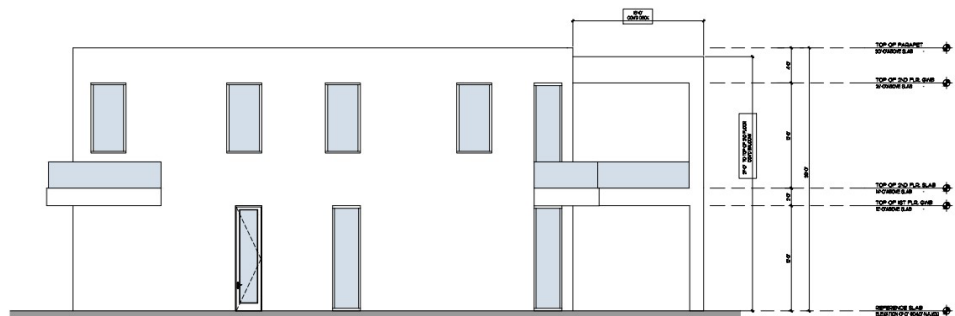
**East Elevation**

3/16" = 1'-0"



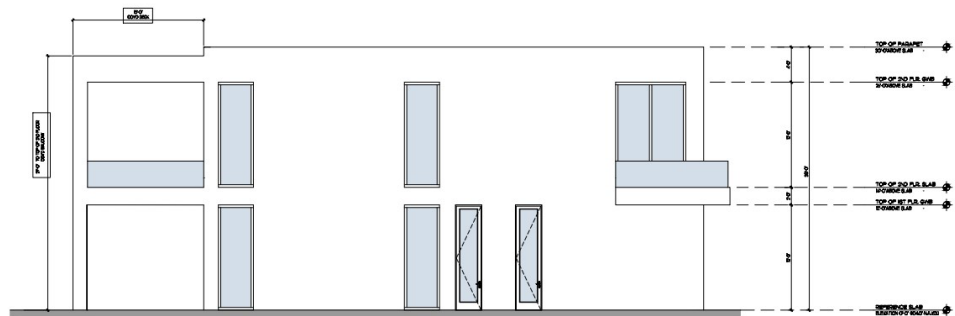
**West Elevation**

3/16" = 1'-0"



**North Elevation**

3/16" = 1'-0"



**South Elevation**

3/16" = 1'-0"

**SITE PHOTOS**



**Subject property facing south**



**Facing south west towards the backyard of subject property and Lake Tibet**

**SITE PHOTOS**



**Facing north towards the back yard of subject property.**



**Facing northwest towards the location of the proposed pool and deck and new residence.**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 07, 2026**

Commission District: **#3**

Case #: **SE-26-05-029**

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

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

## GENERAL INFORMATION

**APPLICANT(s):** JAMES WILLARD

**OWNER(s):** SCHOOL BOARD OF ORANGE COUNTY FLORIDA

**REQUEST:** Special Exception in the R-1AA zoning district for a new park (Amusement & Recreation - Outdoor Uses)

**PROPERTY LOCATION:** 3909 S. Summerlin Ave., Orlando, FL 32806, northeast corner of S. Summerlin Ave. and Gatlin Ave., west side of Lake Gem Mary, west of S. Fern Creek Ave., east of S. Orange Ave., south of Pershing Ave.

**PARCEL ID:** 12-23-29-7316-02-010

**LOT SIZE:** 9.13 acres (+/-2.84 acres upland)

**NOTICE AREA:** 700 ft.

**NUMBER OF NOTICES:** 183

**DECISION:** Recommended **APPROVAL** of the Special Exception request in that the Board finds it meets the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; further, said approval is subject to the following conditions as amended (Motion by Juan Velez, Second by Glenn Rubinstein; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare; 0 opposed; 1 absent: Johnny Stanley):

1. Development shall be in accordance with the site plan and elevations dated April 28, 2026, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. A site work permit shall be obtained within 3 years of the final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Hours of operation shall be limited from sunrise to sunset.
6. Lighting shall be prohibited.
7. The use of outdoor amplified sound and music is prohibited.
8. Outdoor Special Events shall be prohibited.
9. Lake access, swimming, boating, and any other activities associated with the use of the lake shall be prohibited.
10. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County prior to site work permit approval. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S., as may be amended.

**SYNOPSIS:** Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six criteria and the reasons for a recommendation for approval. Staff noted that 3 comments were received in support and no comments in opposition to the request.

The applicant was present and provided further details to the Board relating to the proposal and operations.

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

The BZA discussed the requests determining that it was appropriate, and recommended approval of the Special Exception by a 6-0 vote, with 1 absent subject to Conditions 1-8 and 10-11 found in the staff report, with the deletion of Condition #9, and renumbering of the remaining Conditions, and a modification to Condition #1 as follows:

1. Development shall be in accordance with the site plan and elevations dated April 28, 2026, 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).

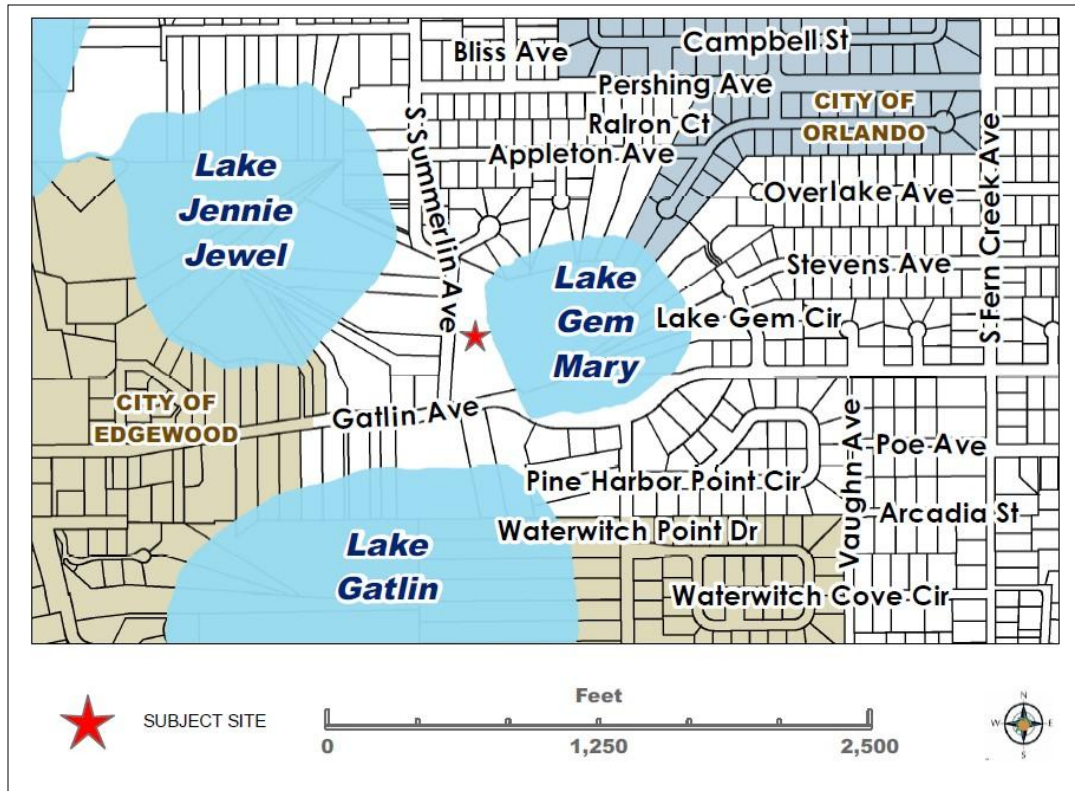
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#### **STAFF RECOMMENDATIONS**

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Approval, subject to the conditions in this report.

**LOCATION MAP**



**SITE & SURROUNDING DATA**

|                 | Property                | North                     | South                     | East                      | West                      |
|-----------------|-------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| Current Zoning  | R-1AA                   | R-2                       | R-1AA                     | R-1AA                     | R-1AA                     |
| Future Land Use | LDR                     | LDR                       | LDR                       | LDR                       | LDR                       |
| Current Use     | Vacant Office Buildings | Single-family residential | Single-family residential | Single-family residential | Single-family residential |

**BACKGROUND AND ANALYSIS**

**DESCRIPTION AND CONTEXT**

The subject property is located in the R-1AA, Single-Family Dwelling district, which allows single-family homes and associated accessory structures by right, and Outdoor Recreation uses via Special Exception. 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, with some lakefront lots to the north. The property includes a portion of Lake Gem Mary to the east. The subject property is a 9.13 acre lot that was platted in 1891 as part of the Randolph Land Fort Gatlin Plat, which has since been reconfigured with the construction of the Gatlin Ave. right-of-way. The property is a corner lot with frontage on Gatlin Ave. to the south, and S. Summerlin Ave. to the west. For residential properties, the narrow portion of the lot is considered the front; as such, Gatlin Ave. is the front and S. Summerlin Ave. is considered the side street.

The property is currently improved with three vacant buildings, all proposed to be demolished. The main building was originally constructed in the 1950s, while the other two buildings were both constructed in 1990 in association with naval research occurring on-site. The US Navy, who maintained ownership of the site until

2010, operated the site as the Navy Sound Laboratory until its closure in 1996 pursuant to The Defense Base Closure and Realignment Act of 1990. Presumably as a result of waste disposal practices during the time of base operations, when chlorinated solvents were discharged into an on-base septic system, laboratory drains, and possibly stormwater drains, contamination of surface and groundwater occurred on the site. As a result of clean-up efforts over the years by the Navy, the Florida Department of Environmental Protection issued a Site Rehabilitation Cleanup Order (SRCO) on November 10, 2008. The SRCO states that the Navy had satisfied the site rehabilitation requirements for the referenced site and referenced contaminants and was released from any further obligation to conduct site rehabilitation unless certain exceptions occur. Those exceptions include: (a) fraud was committed in demonstrating the site conditions or completion of site rehabilitation; (b) new information confirms the existence of an area of previously unknown contamination which exceeds established site-specific rehabilitation levels or which otherwise poses a threat of real and substantial harm to public health, safety, or the environment; (c) the level of risk is increased beyond the established acceptable risk level due to substantial changes in exposure conditions, such as a change in land use from nonresidential to residential use (any person who changes the land use of the site, thereby causing the level of risk to increase beyond the acceptable risk level, may be required by the Department to undertake additional remediation measures to ensure that human health, public safety and the environment are protected); and (d) a new discharge of pollutants or hazardous substances occurs at the site subsequent to the issuance of the SRCO.

In 2010 the property was conveyed to the Orange County School Board, and the buildings were repurposed for school administration. The site is currently under contract to be purchased by Green Space Restoration LLC.

The proposal is to provide a passive lakeside park, which is considered an outdoor recreation use, which requires a special exception in the R-1AA zoning district. The request includes two 20 ft. by 20 ft. shade / picnic structures, a walking trail with benches, and bike parking. The proposed park incorporates a mixture of existing canopy trees and new native plantings and landscaping. Two points of pedestrian access are proposed along S. Summerlin Ave. No lighting is proposed with this request. The site is proposed to be fenced with a 6 ft. high black aluminum decorative fence with columns along the north, west, and south sides. Gates are proposed at each of the pedestrian entrances.

Outdoor Recreation is not a listed use in the off-street parking requirements set forth in Sec. 38-1476 of the Orange County Code. As such, the parking requirements are determined by the zoning manager by adopting or utilizing the parking requirements for the listed use that the zoning manager determines is most similar. The site plan identifies eight on-street parking stalls to be provided along S. Summerlin Avenue to accommodate the minimal traffic anticipated. Given that this park site is intended to serve the neighborhood and the small size of the park, minimal vehicular traffic is anticipated. There is no use in the parking table that is similar, however, given the nature of the use and location, no parking is required. Although, the proposed on-street parking will provide a reasonable alternative to on-site parking while accommodating vehicular traffic.

The proposal also includes a Community Park identification sign, and an obelisk park ID feature. Signage advertising non-residential uses within residential zoning districts is limited to a maximum height of 8 ft. and a maximum allowable copy area of 32 sq. ft. The Community Park Identification sign as shown will comply with the Code.

A community meeting is scheduled for Monday, May 4, 2026, at Pershing K-8 School. A summary of the meeting will be provided at the BZA public hearing.

The request was routed to all relevant reviewing Divisions. The site is located within the Urban Service Area and is within Orlando Utilities Commission Water Service Area and within City of Orlando Wastewater and Reclaimed Water Service Area. However, there are no facilities that would use water or wastewater. The Transportation Planning Division noted that the proposed Public Community Park has a DeMinimis impact on the roadways.

The Environmental Protection Division (EPD) provided comments noting concerns related to noise generated by outdoor special events. As such, staff is recommending the addition of Condition of Approval #8, prohibiting outdoor special events on this site.

EPD has no record of a Wetland Determination (WD) for this site. An Orange County Wetland Determination (WD) may be required prior to any plan or permit approvals.

The Orange County Parks and Recreation Division provided a courtesy review based on their expertise and has provided multiple recommendations based on the current proposal to ensure park patron public safety and ease of future maintenance:

1. A vegetative buffer shall be added to the shoreline to separate lake from park area.
2. Instead of a fence with gated entry points, the park perimeter should be a delineating fence with open entry points. This will reduce the operational demand of the site.

No other comments were noted. As of the date of this report, one comment has been received in favor of this request, and no comments have been received in opposition to this request.

Section 30-43 (2) of the Orange County Code stipulates a recommendation of approval can only be made if all six Special Exception criteria are met. With the recommended Conditions of Approval, the request will meet all six criteria. Therefore, staff is recommending approval of the Special Exception request.

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## STAFF FINDINGS

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### **SPECIAL EXCEPTION CRITERIA**

#### **Consistent with the Comprehensive Plan**

MET – With the approval of a Special Exception, the proposed use will be consistent with the Comprehensive Plan.

#### **Similar and Compatible with the Surrounding Area**

MET – The area surrounding this site primarily consists of single-family residences, some of which are lakefront. The proposed park is anticipated to be a low-impact development, and compatible with the neighboring community.

#### **Shall Not Act as a Detrimental Intrusion into a Surrounding Area**

MET – The proposed use as a public park will serve residents in the immediate vicinity, and with the prohibition on amplified sound, lighting, and outdoor special events, will not be intrusive to the neighboring residential.

**Meet the performance standards of the district**

MET – The development as proposed will meet the performance standards of the district.

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

MET – No lighting or amplified sound is proposed with the application, and the additional conditions restricting outdoor special events will ensure that the use is similar in noise to that of the adjacent residential uses.

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

MET – The applicant has provided a landscaping plan which addresses landscaping in compliance with Section 24-5 of Orange County Code.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan and elevations dated April 28, 2026, as modified to remove the pedestrian gates, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A site work permit shall be obtained within 3 years of the final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Hours of operation shall be limited from sunrise to sunset.
6. Lighting shall be prohibited.
7. The use of outdoor amplified sound and music is prohibited.
8. Outdoor Special Events shall be prohibited.
9. The site plan shall be modified to remove the pedestrian gates to allow for open entry points.
10. Lake access, swimming, boating, and any other activities associated with the use of the lake shall be prohibited.
11. No activity will be permitted on the site that may disturb, influence, or otherwise interfere with: areas of soil or groundwater contamination, or any remediation activities, or within the hydrological zone of influence of any contaminated area, unless prior approval has been obtained through the Florida Department of Environmental Protection (FDEP) and such approval has been provided to the Environmental Protection Division of Orange County prior to site work permit approval. An owner/operator who exacerbates any existing contamination or does not properly dispose of any excavated contaminated media may become liable for some portion of the contamination pursuant to the provisions in section 376.308, F.S., as may be amended.

C: James Willard  
Shutts & Bowen  
300 S. Orange Ave., Suite 1600  
Orlando, FL 32801



JAMES G. WILLARD  
PARTNER  
Shutts & Bowen LLP  
300 South Orange Avenue  
Suite 1600  
Orlando, FL 32801  
DIRECT (407) 835-6909  
EMAIL JWillard@shutts.com

March 4, 2026

**VIA HAND DELIVERY**

Laekin O'Hara, Chief Planner  
Orange County Zoning Division  
Planning, Environmental, and Development Services Department  
201 S. Rosalind Avenue  
Orlando, FL 32801

Re: BZA Special Exception Application for Ft. Gatlin Community Park

Dear Laekin:

As discussed during our pre-application conference, my office is pleased to submit the enclosed application and supporting materials for a Special Exception from BZA to construct a community park on the current location of the Orange County Public School Administrative Buildings at Ft. Gatlin.

Please find attached the following:

1. Completed BZA Application form;
2. Agent Authorization;
3. Orange County Project Expenditure Report;
4. Relationship Disclosure Form;
5. Responses to Special Exception Criteria;
6. Development Plan with supporting material, including Survey; and
7. Application Fee Check for \$1,355.00.

This Special Exception is requested to allow demolition of the existing office buildings on this site and reconstruction of the upland area into a community park featuring extensive landscaping, a parking area, walking trails and an open air pavilion.

Hours of park operation are anticipated to be sunrise to sundown.

The land is currently under contract to purchase from the Orange County School Board. The Buyer is Green Space Restoration, LLC, a Florida limited liability corporation for which I'm currently serving as the sole Manager. Approval of this Special Exception is a closing condition of the land purchase from OCSB.

Laekin O'Hara, Chief Planner  
Orange County Zoning Division  
March 4, 2026  
Page 2

Upon approval of this Special Exception and remediation of an existing underground heating oil tank (which must be removed), we anticipate that demolition of the existing buildings and clearing of the site will take approximately one year. Park construction in accordance with the final Development Plan would start as soon thereafter as possible. Subject to matters of force majeure, we anticipate the park to be operational within 2-3 years after site acquisition.

While final construction of the park will be consistent with the BZA conditions of approval and the Development Plan, certain details will not be determined until final Construction Plans are submitted for Building permit. For example, final signage design and location, the feature Obelisk monument detail, major landscaping details (e.g. exact tree placement) and the final name of the park itself will not be determined until the time of construction. We do, however, anticipate the final name to take into account the historical nature of Ft. Gatlin.

We look forward to working with you and your staff in approving this request.

Very truly yours,

Shutts & Bowen LLP

  
James G. Willard

JGW/jjo  
Enclosures

cc: **Via Email (w/Enclosures):**  
Tamara Pelc, OCPS  
Sergio Ruiz, Esq., OCPS  
Chris Wilson, Esq.  
Perry Mason  
Barry Rymer  
Patrick Salmon, Esq.

ORLDOCS 23738809 1

**SPECIAL EXCEPTION CRITERIA**

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

The Future Land Use designation for the subject property is Low Density Residential and the current zoning is R-1AA, which would allow use of the subject property as a private community park by Special Exception. Use of the property as a community park will further Goal R-1 of the Recreation Element of the Orange County Comprehensive Plan as well as Policy R1.5.8 encouraging private participation in providing public recreation sites.

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

The surrounding area is entirely single family residential and use of the subject property as a community park will be compatible with such residential use.

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

Use of the subject land as a community park will not be a detrimental intrusion into the surrounding area.

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

When constructed pursuant to the requested Development Plan, the use will meet all required performance standards in this residential district.

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.

Use of the subject property as a community park will reduce all current undesirable characteristics generated from the existing administrative/office use of the property.

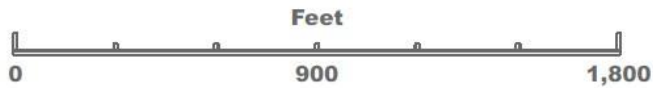
6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

The proposed community park use will meet or exceed all required buffer yard requirements in the R-1AA district.

ZONING MAP



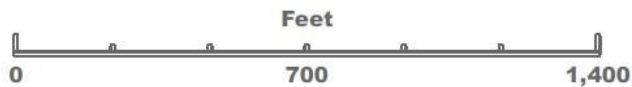
SUBJECT SITE



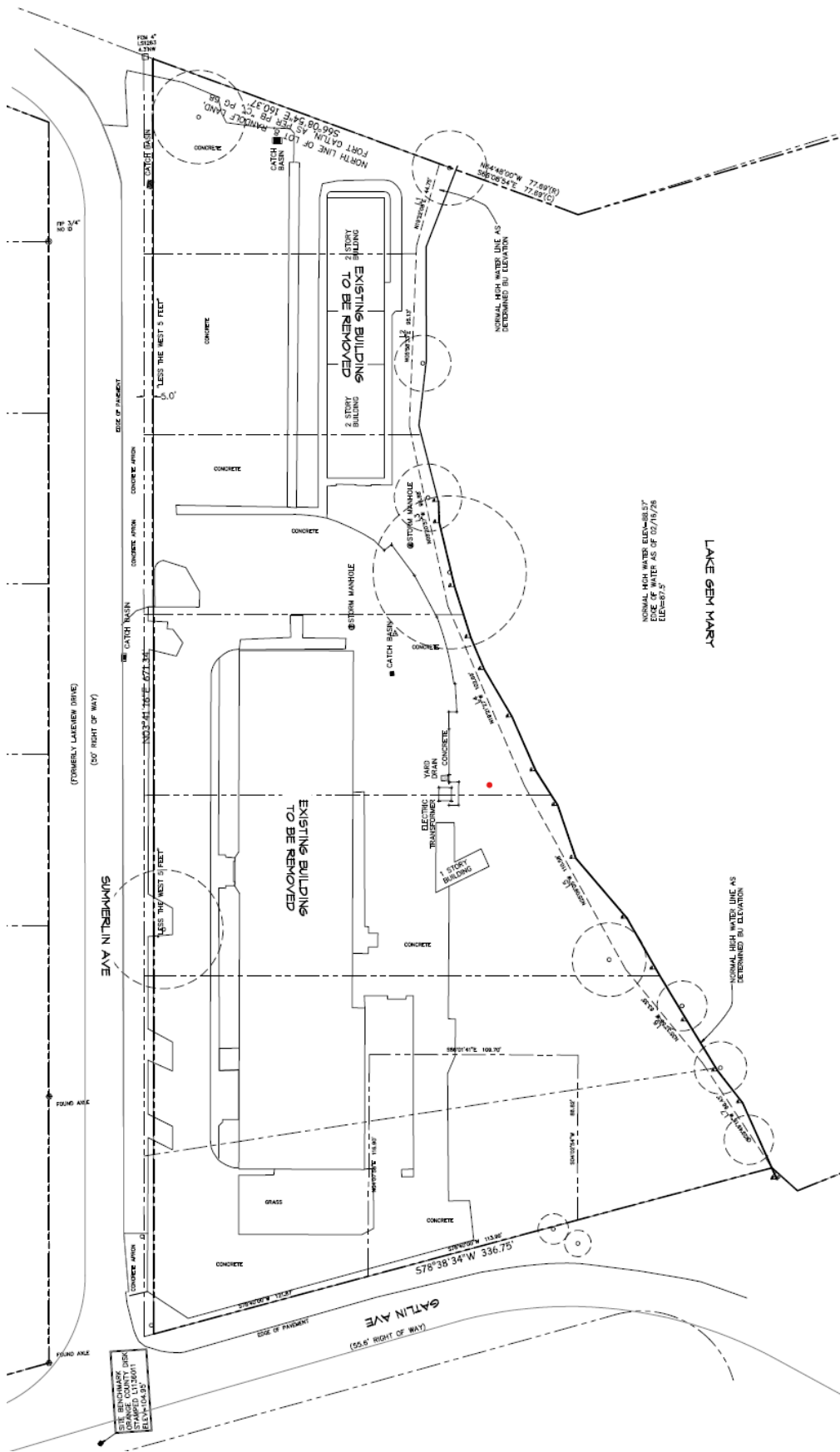
AERIAL MAP



SUBJECT SITE



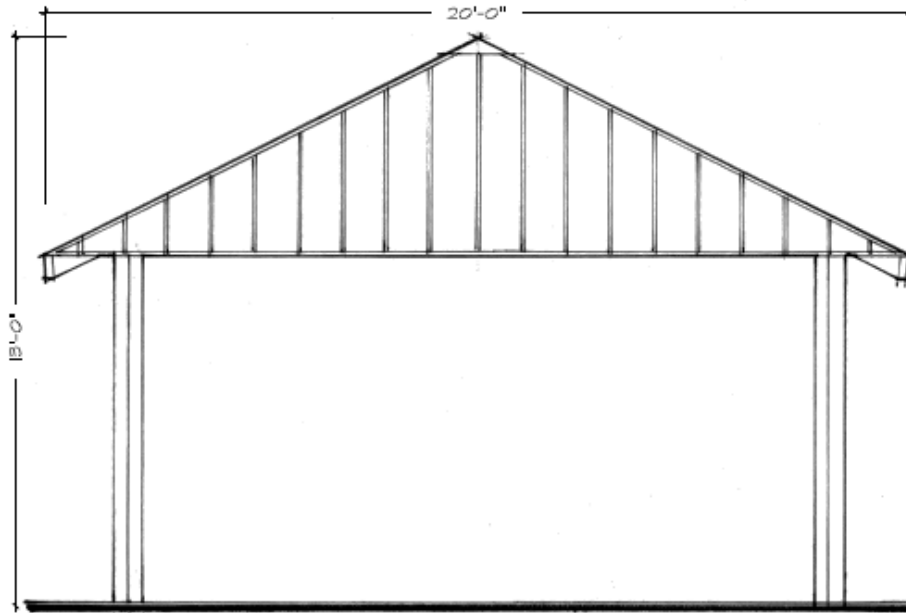
EXISTING CONDITIONS PLAN



# SITE AND LANDSCAPE PLAN



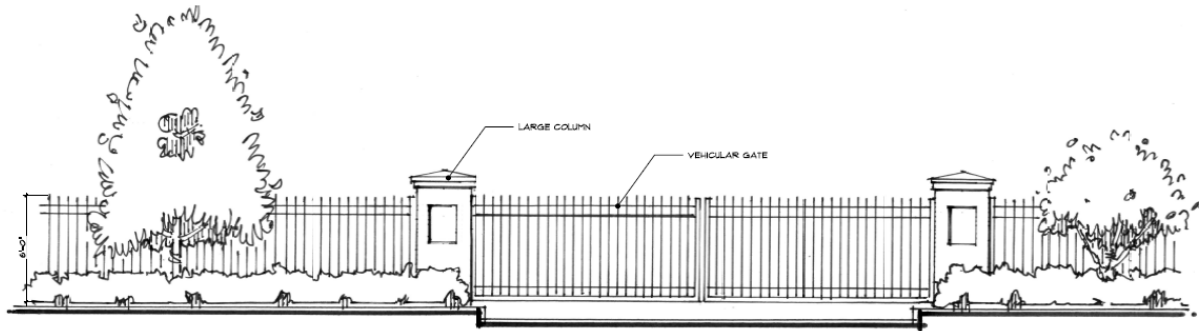
SHADE STRUCTURE ELEVATIONS



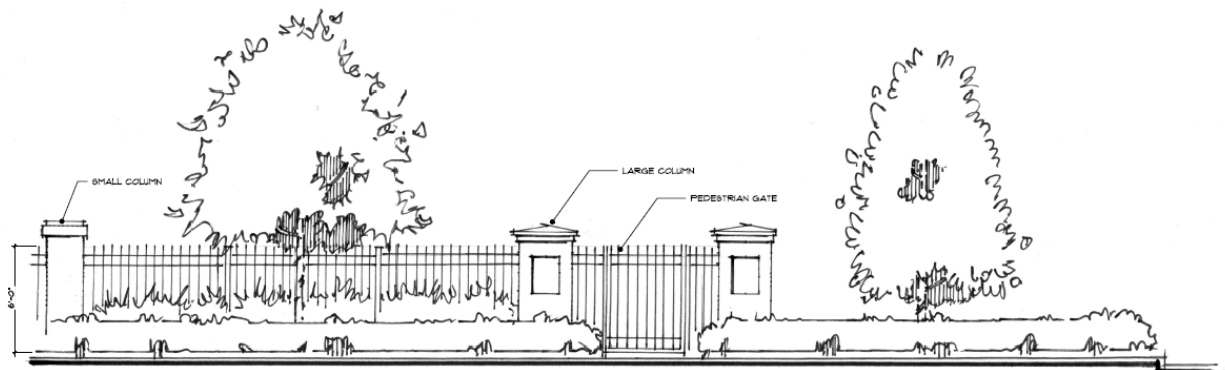
SHADE SHELTER

SCALE: 1/2" = 1'

FENCING DETAIL



VEHICULAR GATED ENTRANCE  
SCALE: 1/4" = 1'



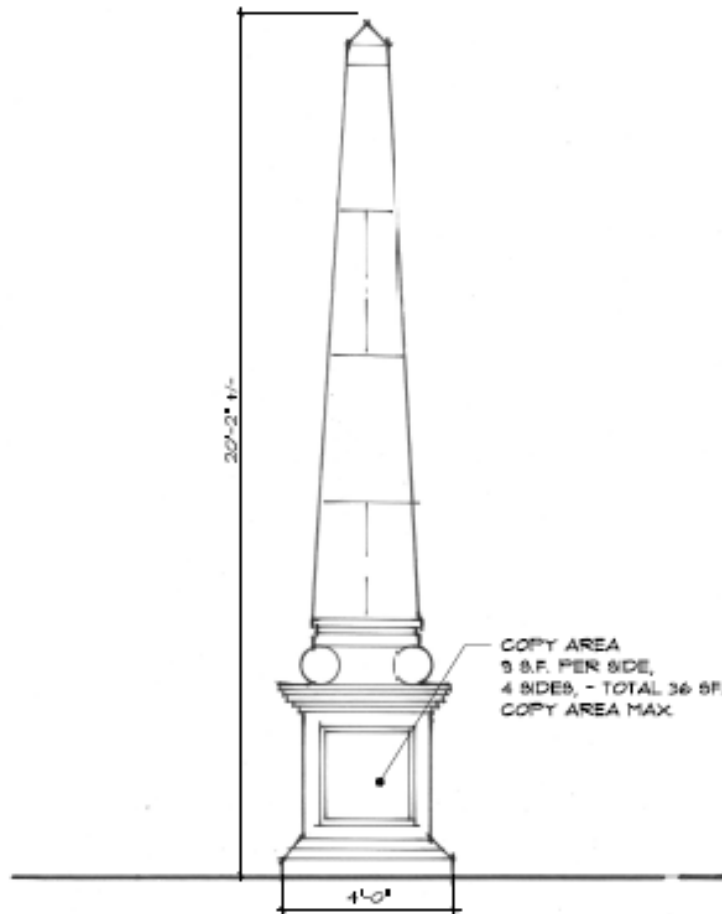
PEDESTRIAN GATED ENTRANCE  
SCALE: 1/4" = 1'

PROPOSED SIGNAGE DETAILS



PARK IDENTITY SIGN (FINAL NAME TO BE DETERMINED BY OWNER AT TIME OF PARK CONSTRUCTION)

SCALE: 1/2" = 1'



PARK I.D. FEATURE - OBELISK

SCALE: 1/2" = 1'

**SITE PHOTOS**



**From S. Summerlin Ave. facing east towards subject site**



**From the intersection of S. Summerlin Ave. and Gatlin Ave. facing east**

**SITE PHOTOS**



**From northwestern corner of site facing north towards adjacent residential**



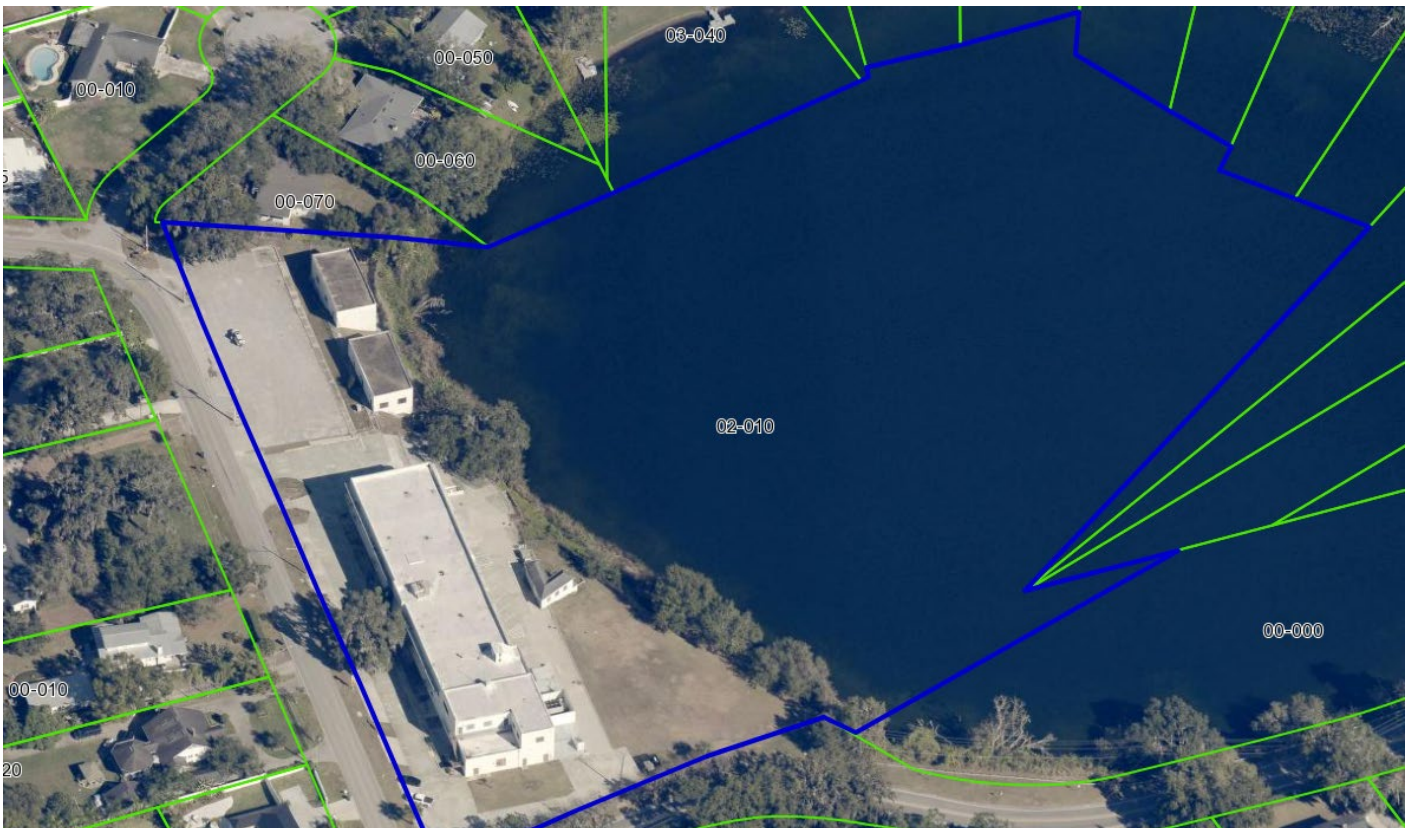
**Facing south along S. Summerlin Ave.**

**SITE PHOTOS**



**From southeastern corner of site facing Lake Gem Mary**

**BIRDSEYE AERIAL 2026**





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