



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

April 2, 2026

Zoning Division

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

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

BZA Staff

Laekin O’Hara	Chief Planner
Catherine Glase	Planner II
Jacqueline Boling	Planner I
Daniella McCloud	Planner I

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
APRIL 2, 2026**

Case #	Applicant	Commission District	Staff Recommendation	BZA	Page #
VA-26-04-015	Luis Torres	1	Denial	Approved w/Conditions	1
VA-26-04-017	Guillermo Contreras	2	Approved w/Conditions	Approved w/Conditions	16
VA-26-04-021	James Miller	5	Approved w/Conditions	Approved w/Conditions	30
VA-26-04-018	Juan Manuel Vasquez	3	Approved w/Conditions	Approved w/Conditions	44
SE-26-04-020	Juan Manuel Vasquez	5	CONTINUED	WITHDRAWN	60
VA-26-03-008	Robert Rausch	2	Denial	Approved w/Conditions	61
SE-26-01-080	Juan Rodriguez For SCI Funeral Services	1	Approved w/Conditions	Approved w/Conditions	77
VA-26-01-089	Andrew McCown	1	Request #2, Denial Requests #1, #3-lesser, Approved w/Conditions	Continued to 5/7/26	96
SE-25-11-051	Richard O'Shields for Hollingshead Materials LLC	2	Denial	Denial	116
VA-25-09-042	Mantin Qamar	4	Request #1, Approved w/Conditions Request #2, Denial	Request #1, Approved w/Conditions Request #2, Withdrawn	144

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 APR 21, 2026.

ORANGE COUNTY ZONING DISTRICTS

Agricultural Districts

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

Residential Districts

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

Non-Residential Districts

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

Other District

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

SITE & BUILDING REQUIREMENTS

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

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

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

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

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

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

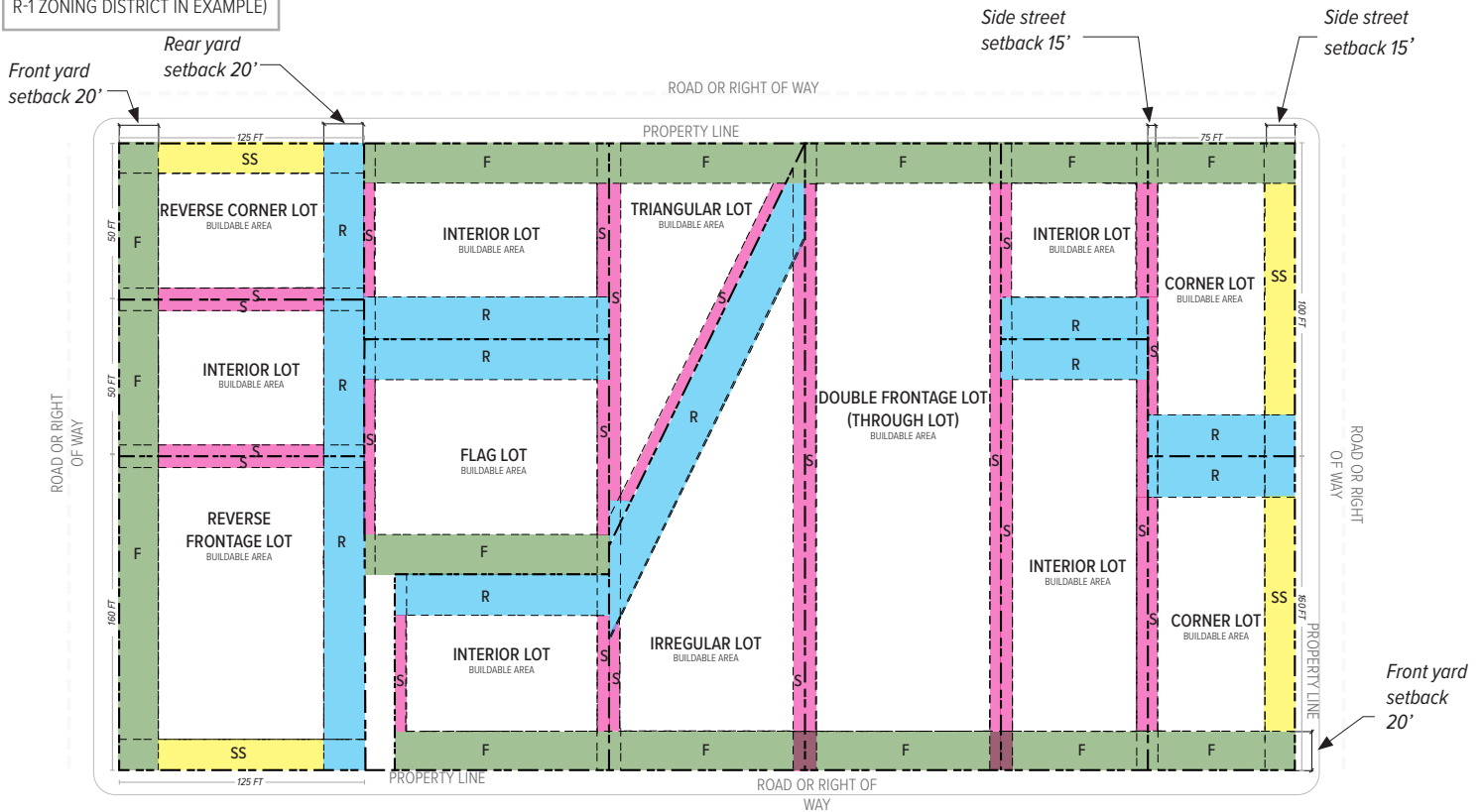
FOOTNOTES

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

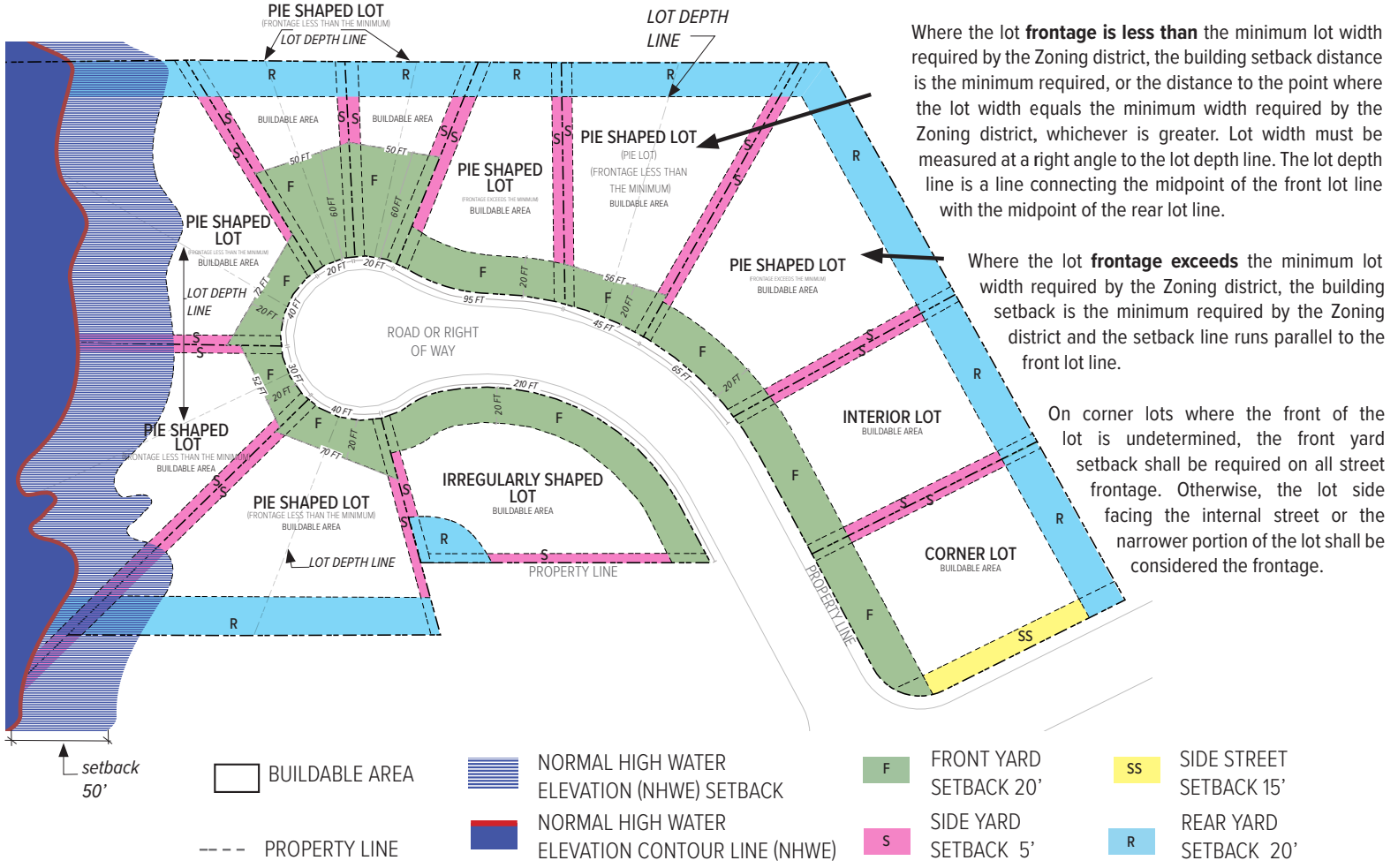
These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

Figure 1. Residential Yard Setback

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



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



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

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

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

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

VARIANCE CRITERIA:

Section 30-43 of the Orange County Code Stipulates specific standards for the approval of variances. No application for a zoning variance shall be approved unless the Board of Zoning Adjustment finds that all of the following standards are met:

1. **Special Conditions and Circumstances** – Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of any proposed zoning variance.
2. **Not Self-Created** – The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.
3. **No Special Privilege Conferred** – Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by the Chapter to other lands, buildings, or structures in the same zoning district.
4. **Deprivation of Rights** – Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of the property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval.
5. **Minimum Possible Variance** – The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. **Purpose and Intent** – Approval of the zoning variance will be in harmony with the purpose and intent of this Chapter and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SPECIAL EXCEPTION CRITERIA:

Subject to Section 38-78, in reviewing any request for a Special Exception, the following criteria shall be met:

1. The use shall be consistent with the Comprehensive Policy Plan.
2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.
3. The use shall not act as a detrimental intrusion into a surrounding area.
4. The use shall meet the performance standards of the district in which the use is permitted.
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.
6. Landscape buffer yards shall be in accordance with Section 24-5, Orange County Code. Buffer yard types shall track the district in which the use is permitted.

In addition to demonstrating compliance with the above criteria, any applicable conditions set forth in Section 38-79 shall be met.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **APR 02, 2026**

Commission District: **#1**

Case #: **VA-26-04-015**

Case Planner: **Daniella McCloud (407) 836-2939**
Daniella.McCloud@ocfl.net

GENERAL INFORMATION

APPLICANT(s): LUIS TORRES

OWNER(s): JEFFREY PEELE, LISA MARIE PEELE

REQUEST: Variance in the R-1AA zoning district to allow an addition with a rear setback of 31.4 ft. in lieu of 35 ft.

PROPERTY LOCATION: 8998 Levally Ct. Orlando, Florida 32819, southeast corner of Tarawood Dr. and Levally Ct., north of Bay Hill Blvd., south of Conroy Windermere Rd., east of Winter Garden Vineland Rd., west of S. Apopka Vineland Rd.

PARCEL ID: 27-23-28-0540-03-090

LOT SIZE: 18,209 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 63

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

1. Development shall be in accordance with the site plan and elevations dated October 22, 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 addition, a permit for the pavers must be obtained, or the pavers 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 six criteria and the reasons for a recommendation for denial of the Variance request. Staff noted that three comments were received in favor and none in opposition to the request.

The BZA asked staff about similar improvements in the area and setback requirements for existing improvements on the property.

The applicant was present and discussed the need for the family room expansion and an ADA accessible pool bathroom within the rear addition. The applicant also discussed that there is not adequate space for a reasonable addition that also allows for wheelchair maneuverability.

The BZA asked the applicant about the pavers to be removed, and the applicant discussed impervious surface concerns and wanted to make sure the property was not surpassing the allowed impervious surface ratio.

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

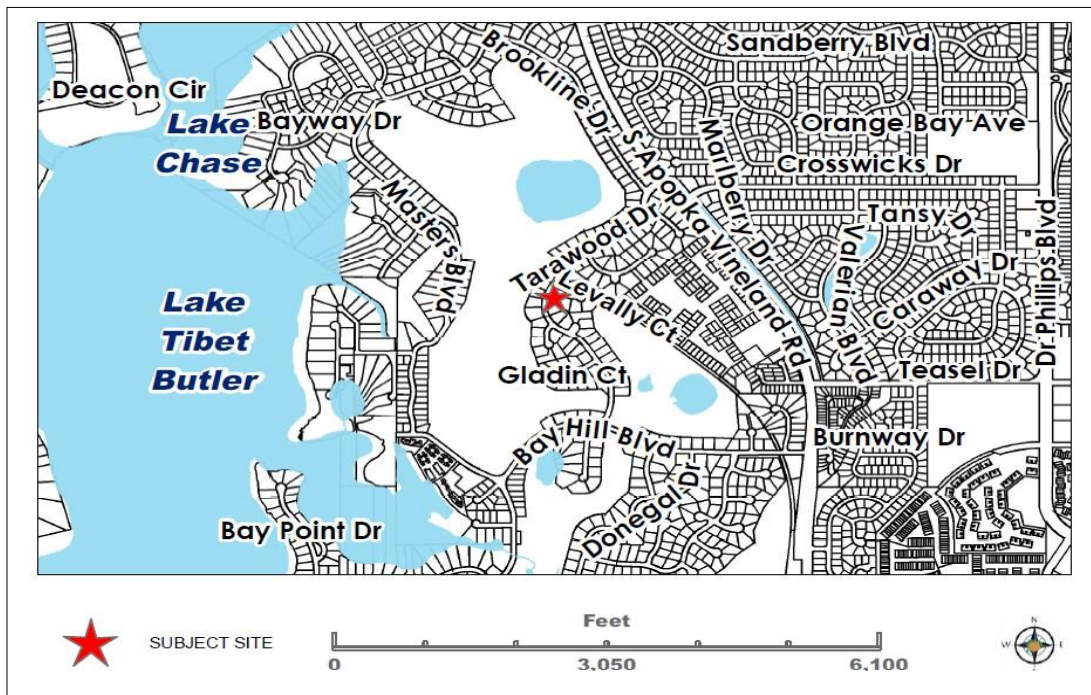
The BZA discussed the request and determined that the request was de minimis and was appropriate for the functionality of the space.

The BZA recommended approval of the Variance request by a 5-0 vote, with 2 absent, subject to the four conditions found in the staff report.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

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

The surrounding neighborhood is primarily composed of single-family residences situated on similarly sized lots with comparable structures. The property is 18,209 sq. ft. in size, was platted in 1973 as lot 309 of the Bay Hill Section 8 plat and is a conforming lot of record. The property is a reverse corner lot with rights-of-way along Levally Ct. to the north and Tarawood 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, Levally Ct. is considered the front and Tarawood Dr. is considered the side street.

The subject property is improved with a one-story, 3,495 sq. ft. single family residence constructed in 1973, a pool and pool deck, a screen enclosure, a wood fence enclosing the rear yard and a paved patio in the rear yard. The current owner purchased the property in 2019.

The existing home is located 24.7 ft. from the west side street property line. The typical side street setback for a property located in the R-1AA district is 15 ft. However, per Sec. 38-1502 (b), *on any corner lot abutting the side of another lot, no structure shall be nearer the side street lot line than the required front yard of such abutting lot.* The lot abutting the subject property to the south has frontage on Tarawood Drive. The required front yard setback from Tarawood Dr. 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 proposal is to construct a 303 sq. ft. addition at the rear of the home and a new covered front entry. The minimum rear setback is 35 ft. for the R-1AA zoning district. A portion of the proposed rear addition is located 31.4 ft. from the rear property line, prompting the Variance request. This represents a deviation of 3.6 ft. from the established standard. The addition meets all other development standards for principal structure additions. The new front-covered entry complies with all development standards and is not included in the Variance request.

Pavers were installed in the rear yard without a permit. Prior to the issuance of the permit for the addition, the owner will be required to obtain a permit for the pavers demonstrating all development standards are met or remove the pavers from the property, as reflected in Condition of Approval (COA) #4.

District Development Standards

	Code Requirement	Proposed
Max. height:	35 ft.	14.9 ft.
Min. lot width:	85 ft.	98.42 ft.
Min. lot area:	10,000 sq. ft.	18,209 sq. ft.

Building Setbacks (Principal Structure – Addition)

	Code Requirement	Proposed
Front: (Levally Ct.)	30 ft.	N/A
Side:	7.5 ft.	17.67 ft. (East)
Side Street: (Tarawood Dr.)	30 ft. *	83 ft. (West)
Rear:	35 ft.	31.4 ft. (South- Variance)

**Side street setback increases from the standard 15 ft. to the abutting lot's front yard setback (30 ft.) in accordance with Sec. 38-1502(b).*

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. The applicant provided three letters of support from the neighboring properties directly adjacent to the subject site to the south and the east with the application package.

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 request meets some but not all of the Variance criteria. Due to the addition being new construction, there is space on the property for the addition to be reconfigured to meet the rear setback requirements.

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

MET - Special conditions and circumstances exist as the property is a reverse corner lot which restricts the area an addition could be constructed at a sufficient size. The placement of the existing home further limits the space that can be utilized for an addition.

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

MET - Approval of this variance will not confer any special privilege that is denied to other properties within the R-1AA zoning district. The requested Variance is not significantly different than the code standard. Additionally, only a 3.66 ft. by 8.08 ft. portion of the addition would be located within the setback.

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 lessen or eliminate the Variance request.

Minimum Possible Variance

NOT MET - The request is not the minimum possible as the addition 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. As requested, the rear setback of the proposed addition will not be detrimental to the neighborhood as majority of the addition complies with the setback requirements. Only a small portion of the structure encroaches into the rear setback therefore preserving the intent of the zoning regulation.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated October 22, 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 addition, a permit for the pavers must be obtained, or the pavers must be removed.

C: Luis Torres
894 Breakwater Dr.
Altamonte Springs, Florida 32714



894 Breakwater Dr. Altamonte Springs FL 32714

February 3, 2026

Orange County Zoning Division
Board of Zoning Adjustment (BZA)
201 South Rosalind Avenue
Orlando, Florida 32801

Re: Variance Request – Rear Setback Adjustment
Property Address: **8998 Levalley Court, Orlando, Florida 32819**
Parcel ID: Lot 309, Bay Hill Section 8
Applicants: **Jeffrey S. Peele & Lisa M. Peele**

Dear Members of the Board of Zoning Adjustment,

On behalf of the property owners, Jeffrey and Lisa Peele, this letter is submitted in support of a request for a **rear setback variance** associated with a **single-story family room addition and the rebuilding of an existing pool bathroom** at the above-referenced single-family residence.

Request Description

The applicants are requesting approval to allow a **rear setback of 30'-0" in lieu of the required 31'-5" rear setback**, as prescribed by the Orange County Zoning Code. The variance applies to a **small triangular portion of the rear-left corner** of the proposed addition and measures approximately **3'-8" X 8'-1" (approximately 15 square feet)**. All other required setbacks fully comply with the Zoning Setbacks Requirements.

Existing and Proposed Construction

The project consists of a **single-story residential addition** constructed of materials consistent with the existing home including **CMU construction, wood framing, stucco exterior finish, and asphalt shingle roofing**.

The existing first-floor air-conditioned area of the residence is approximately **2,534 square feet**. The proposed family room addition and pool bathroom rebuild will add approximately **303 square feet of new air-conditioned space**, resulting in a total first-floor air-conditioned area of approximately **2,837 square feet**.

Additional existing site elements include a 552-square-foot garage and a 384-square-foot open terrace. **NOT PART OF THE VARIANCE** -The project also includes a new covered front entry measuring approximately 97 square feet. Upon completion, the total floor area of the residence will be approximately 3,870 square feet.

Building Height

The proposed addition is **single-story** with a maximum roof height of approximately **15'-2"**, which is consistent with the scale of the existing residence (approximately **14'-10"**). **No variance from height regulations is requested.**

Setback Compliance

- **Rear setback required:** 35'-0"
- **Rear setback proposed:** 31'-5" (limited to one corner of the addition)
- **Encroachment area:** Approximately 15 square feet (triangular shape)
- **Front, side, and side-street setbacks:** Fully compliant

Reason for the Request

Due to the **existing configuration, the angular orientation of the residence and the geometry of the lot**, strict compliance with the rear setback would make the proposed family room addition and pool bathroom rebuild impractical while maintaining reasonable functionality and continuity with the existing structure. The proposed design minimizes the encroachment and limits it to the smallest area necessary.

Variance Justification – Section 30-43(3), Orange County Code

1. Special Conditions and Circumstances

Special conditions exist that are unique to the subject property, including the **existing placement of the home and the lot configuration**, which limit the ability to expand the residence while maintaining full rear setback compliance. These conditions are not generally applicable to other properties within the zoning district.

2. Not Self-Created

The need for the variance is not self-created. The encroachment results from existing site conditions and the original placement of the residence, not from any action or design preference of the applicants.

3. No Special Privilege Conferred

Approval of the variance will **not confer any special privilege**. The proposed addition is consistent in scale, height, and character with other single-family improvements commonly found in the neighborhood.

4. Deprivation of Rights

A literal interpretation of the rear setback requirement would **deprive the applicants of the ability to reasonably improve their home** in a manner commonly enjoyed by other properties in the same zoning district, resulting in unnecessary hardship unrelated to financial considerations.

5. Minimum Possible Variance

The requested variance represents the **minimum adjustment necessary** to allow reasonable use of the property. The encroachment is limited to a small triangular corner area, and the remainder of the addition fully complies with all zoning requirements.

6. Purpose and Intent

Approval of the variance is consistent with the **purpose and intent of the zoning regulations** and will not be detrimental to the neighborhood or the public welfare. The addition is single-story, maintains the existing residential character, and does not adversely impact adjacent properties.

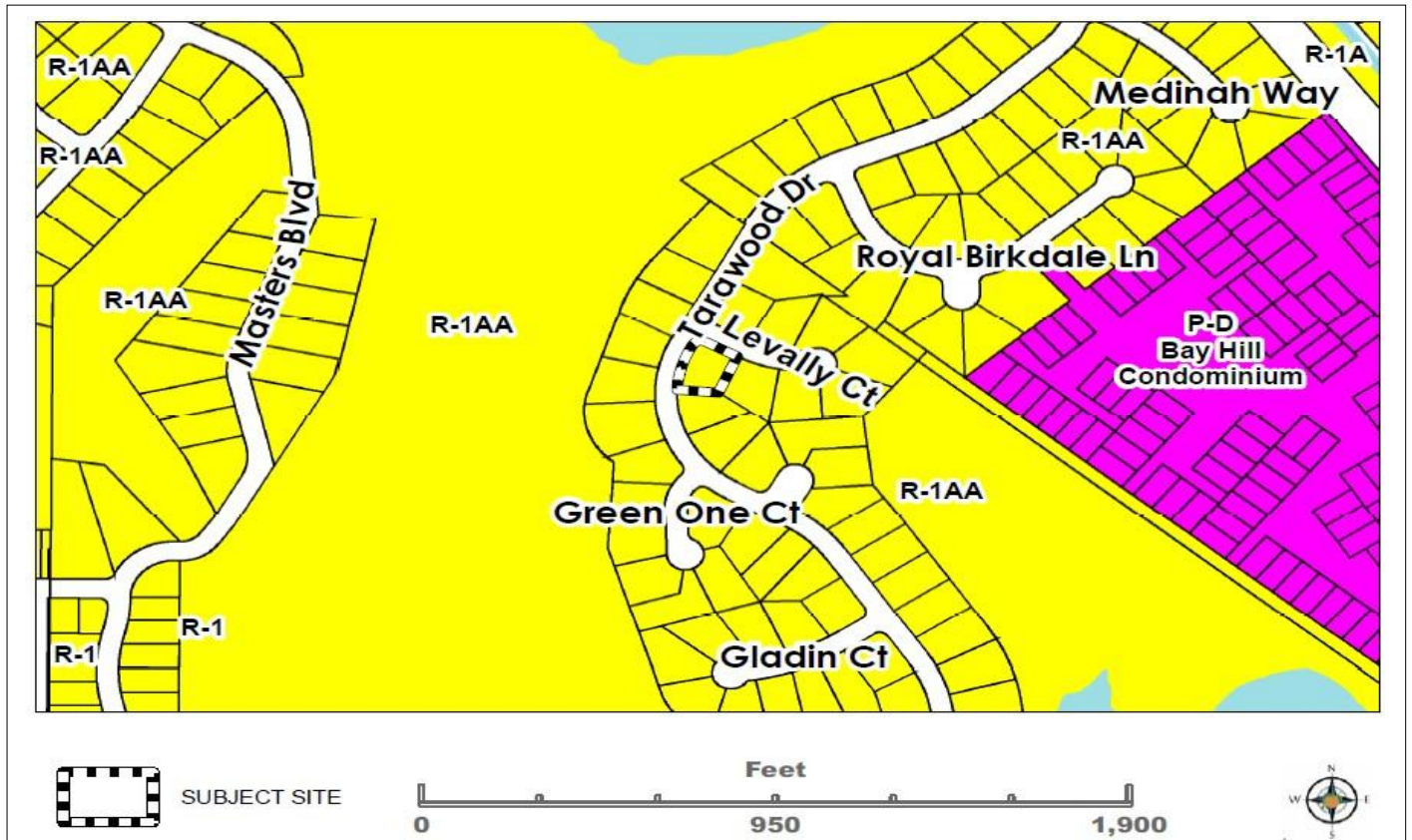
For these reasons, the applicants respectfully request approval of the rear setback variance. Thank you for your time and consideration of this request.

Sincerely,

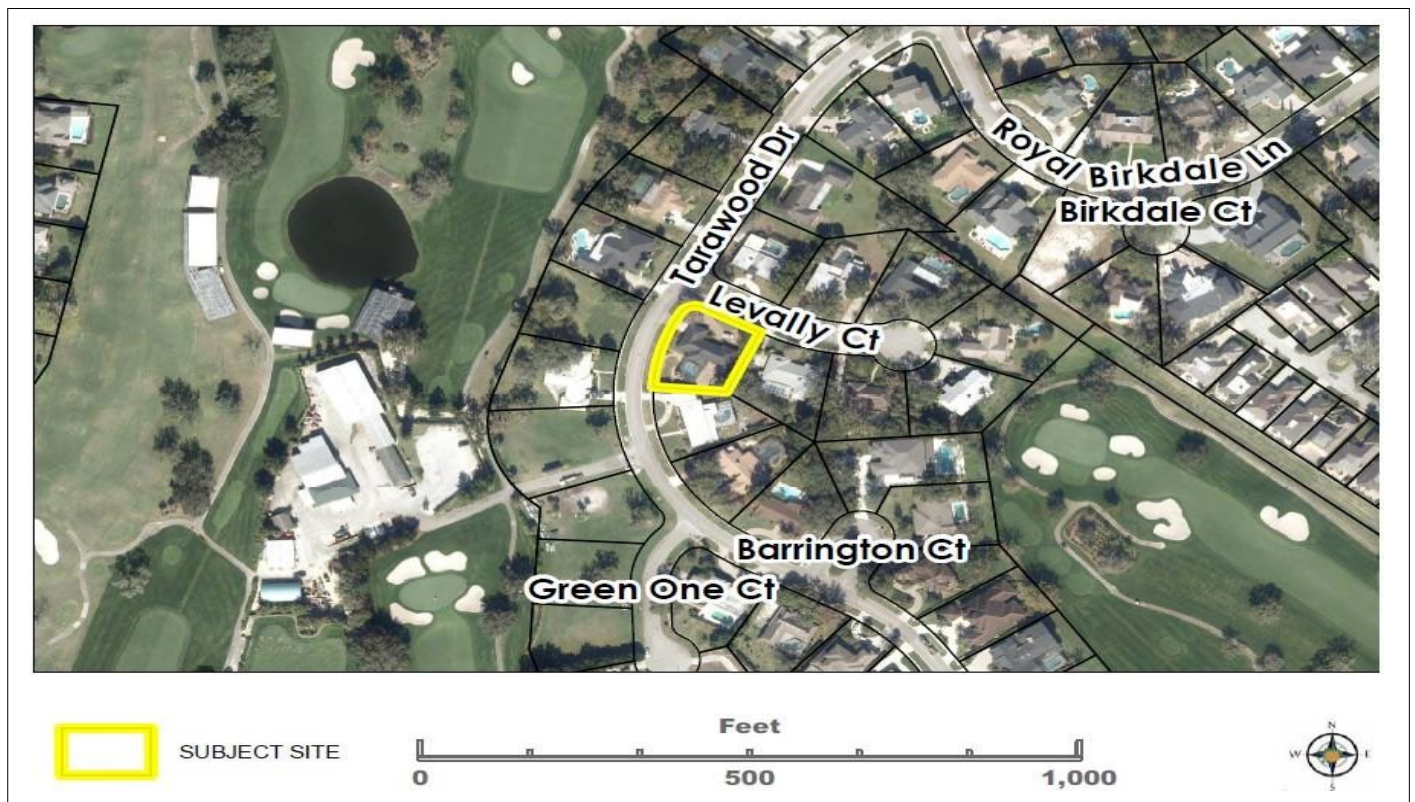
Jeffrey S. Peele & Lisa M. Peele
8998 Levalley Court
Orlando, Florida 32819

Authorized Agent:
Luis R. Torres
Abitare Custom Design Group

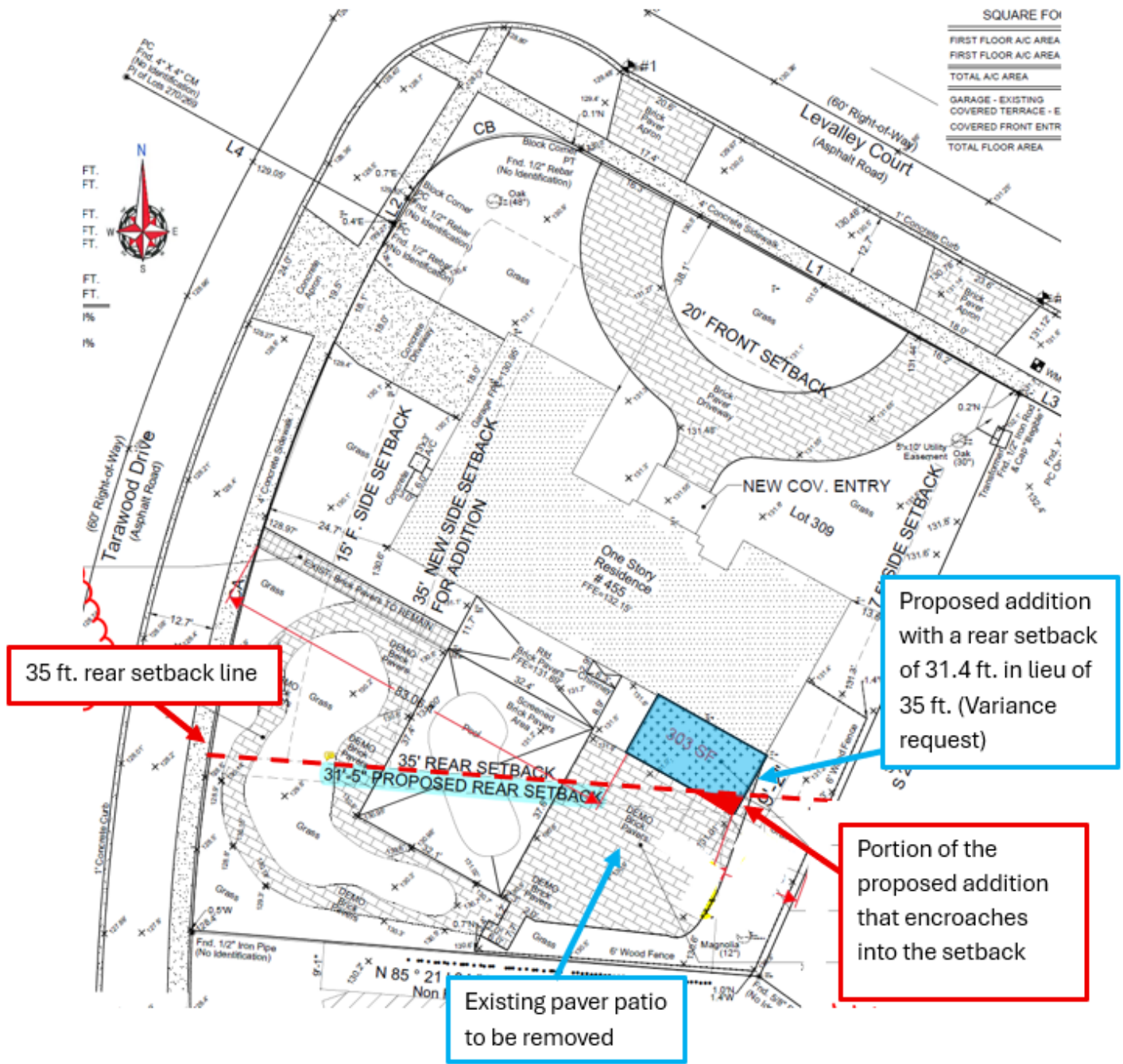
ZONING MAP



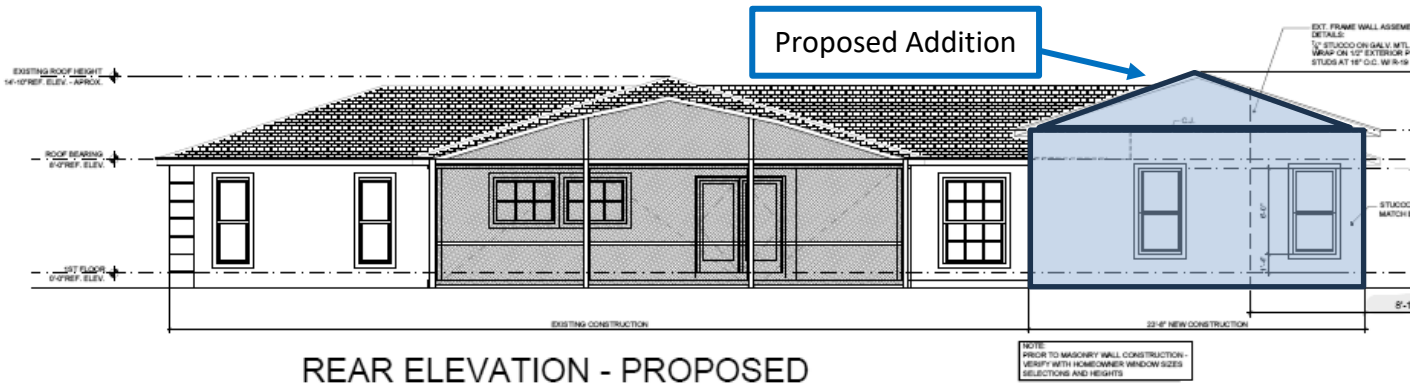
AERIAL MAP



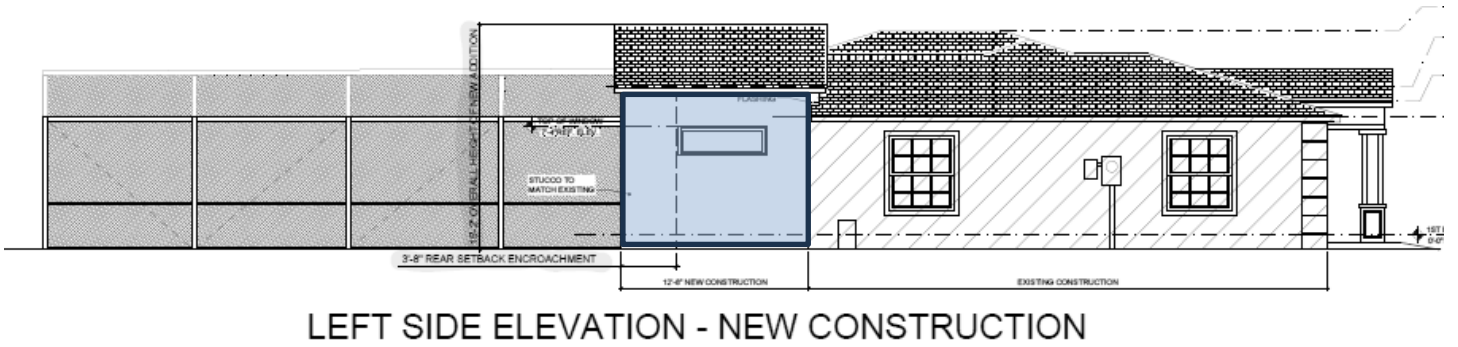
SITE PLAN



ELEVATIONS

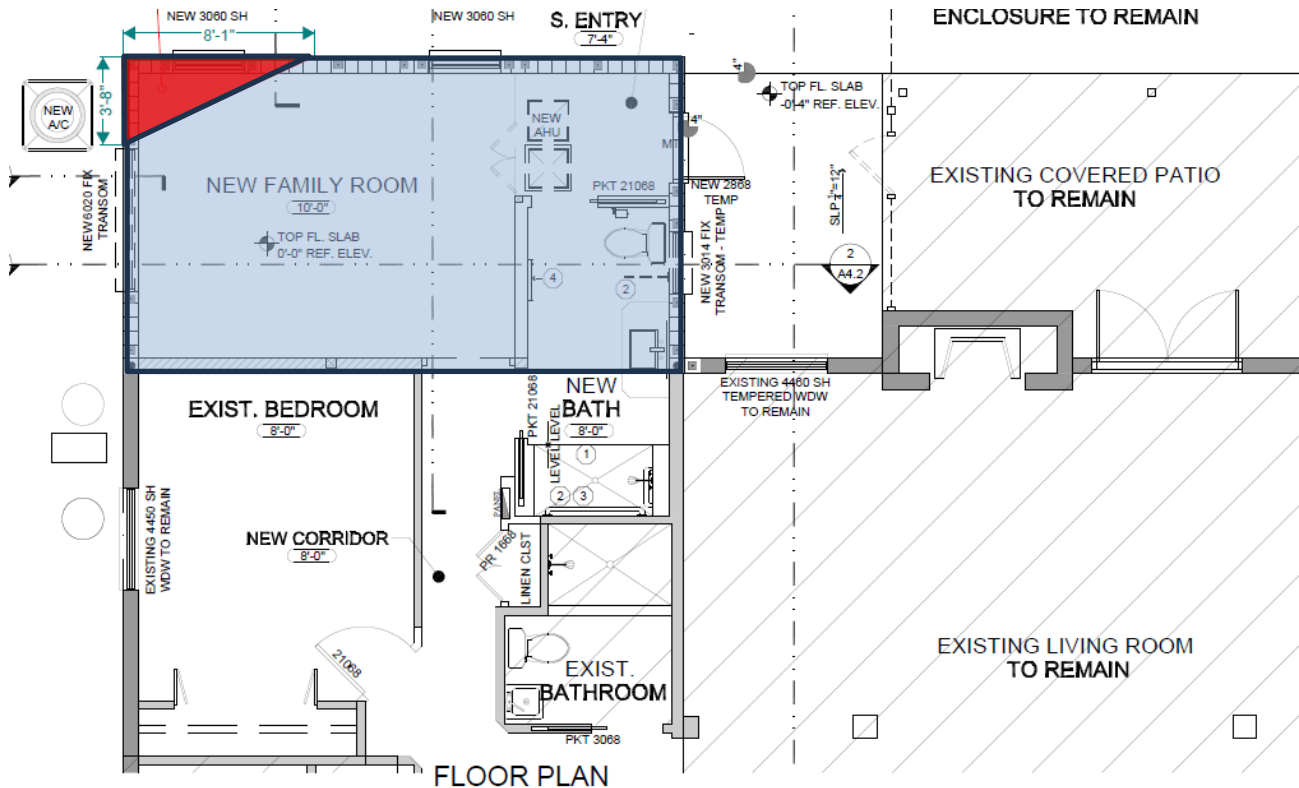


North Elevation



West Elevation

PROPOSED FLOOR PLAN



SITE PHOTOS



On Levally Ct., facing south toward the front of the subject property



On Tarawood Dr., facing east toward the side street and rear yard of the subject property

SITE PHOTOS



On the subject property, facing northeast toward the existing pool and screen enclosure



On the subject property, facing north toward the location of the proposed rear addition

SITE PHOTOS



On the subject property, facing northwest toward the location of the proposed rear addition



On the subject property, facing southwest toward the existing pavers to be removed or permitted

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **APR 02, 2026**

Commission District: **#2**

Case #: **VA-26-04-017**

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

Daniella.McCloud@ocfl.net

GENERAL INFORMATION

APPLICANT(s): GUILLERMO CONTRERAS

OWNER(s): GUILLERMO CONTRERAS, MARIA CONTRERAS

REQUEST: Variance in the R-T-2 zoning district to allow a minimum lot area of 0.46 acres in lieu of 0.5 acres

PROPERTY LOCATION: 1352 Pine St., Apopka, Florida 32703, south side of Pine St., north of S.R. 414, south of S. Apopka Blvd., east of Clarcona Rd., west of N. Hiawasse Rd.

PARCEL ID: 23-21-28-6068-10-040

LOT SIZE: 19,977 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 80

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

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

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

Staff provided an analysis of the six criteria and the reasons for a recommendation for approval of the Variance request. Staff noted that one comment was received in favor and none in opposition to the request.

The applicant was present and stated that they wanted to improve the area by developing the lot with a mobile home.

There was one person in attendance to speak in favor of the request, and they discussed the compatibility of the improvement with the existing neighborhood. There was no one in attendance to speak in opposition to the request.

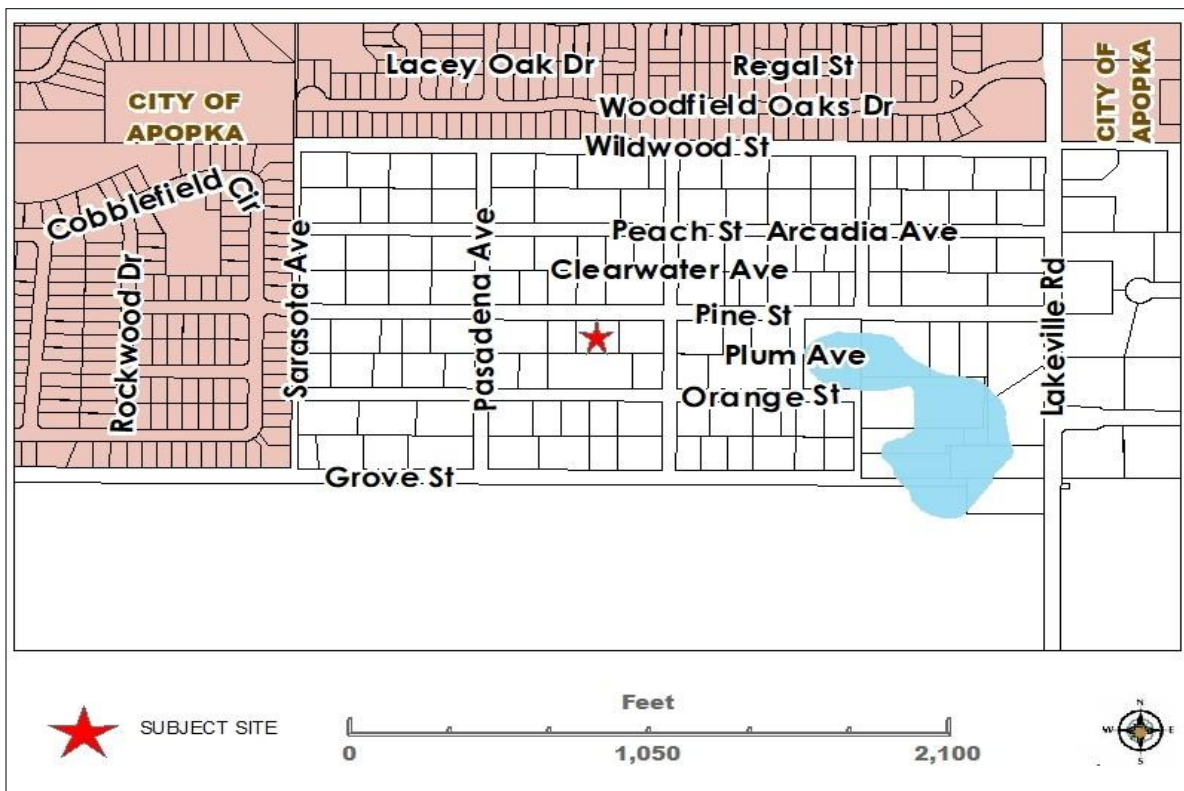
The BZA discussed the request and agreed with staff's recommendation. The BZA stated the proposal would not be detrimental to neighboring properties and meets the intent of the code.

The BZA recommended approval of the Variance request by a 5-0 vote, with 2 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-T-2	R-T-2	R-T-2	R-T-2	R-T-2
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Vacant	Mobile Home	Single-family Residential	Single-family Residential	Mobile Home

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-T-2, Combination Mobile Home and Single-Family Dwelling district, which allows a mix of mobile homes and single-family homes on single lots under individual ownership. The Future Land Use (FLU) is Low Density Residential (LDR) which is consistent with the R-T-2 zoning district.

The area surrounding the subject site consists of mobile homes and single-family residences. The subject property is 19,977 sq. ft. in size, was platted in 1926 as lots 4, 5, and 6 of Block J of the Oak Park Manor Plat and is a substandard lot due to the lot area. 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. The subject site was under contiguous ownership with the lot to the east from May 2021 to November 2024. Due to the lot combination and 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 November of 2024. A permit (B25017908) was submitted to install a mobile home on the property in September of 2025, with a deficiency comment noting that the property does not comply with the minimum lot area. During the site visit, staff observed that a mobile home was already placed on the property, but has not been connected, as shown in the site photos.

The proposal is to install a one-story, 1,568 gross sq. ft. mobile home. The R-T-2 zoning district requires a minimum lot area of 21,780 sq. ft. (0.5 acres) for lots zoned after January 29, 1973. The lot area of the subject property is 19,977 sq. ft. (0.46 acres) and was rezoned from A-1 to R-T-2 on April 24, 1973, requiring the Variance. While the cover letter requests a variance for setbacks, the property and proposed mobile home meet all other development standards for the zoning district. The site plan included provides reference to the compliant placement of the proposed mobile home on the site but is not part of the Variance request.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13.6 ft.
Min. Lot Width:	100 ft.	150 ft.
Min. Lot Size:	21,780 sq. ft. (0.5 acres)	19,977 sq. ft. (0.46 acres – Variance)

Building Setbacks

	Code Requirement	Proposed
Front:	35 ft.	44 ft. (North)
Rear:	50 ft.	66 ft. ft. (South)
Side:	10 ft.	49 ft. (East) 45 ft. (West)

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

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

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

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

Not Self-Created

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

No Special Privilege Conferred

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

Deprivation of Rights

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

Minimum Possible Variance

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

Purpose and Intent

MET – Approval of the request 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 will not be detrimental to the neighborhood as the proposed lot size will be consistent with the developed lots in the area. Additionally, the proposed residence complies with all other zoning development standards, including setbacks.

CONDITIONS OF APPROVAL

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

C: Guillermo Contreras
2426 Rockwood Dr.
Apopka, FL 32703

Guillermo Contreras
1352 Pine St
Apopka, FL 32703
Phone: 321-960-9991
Email: gxc.0493@gmail.com

Date: December 29, 2025

Orange County Planning Division
Zoning & Development Review
201 S. Rosalind Avenue
Orlando, FL 32801

RE: Variance Application – Setback Variance
Property Address: 1352 Pine St, Apopka, FL 32703
Parcel ID: 23-21-28-6068-10-040

Dear Sir or Madam,

Please accept this letter as a cover letter in support of the variance application submitted for the property located at **1352 Pine St, Apopka, Florida 32703**, Parcel ID **23-21-28-6068-10-040**, within unincorporated Orange County.

The purpose of this request is to obtain approval for a **variance to the required setback standards of the Orange County Land Development Code** in order to allow placement of a **manufactured double-wide residential home measuring approximately 28 feet by 56 feet (1,568 square feet)**.

The subject property presents *unique physical conditions and constraints*, including its existing lot configuration and dimensional limitations, which were not created by the applicant. Strict application of the required setbacks would prevent reasonable placement of a standard manufactured double-wide home, resulting in unnecessary hardship and limiting reasonable use of the property.

The requested setback variance represents the minimum variance necessary to allow development consistent with surrounding residential uses and will not be detrimental to public health, safety, or welfare.

All required application materials have been submitted. I respectfully request favorable consideration of this variance application.

Sincerely,

Guillermo Contreras
Property Owner

VARIANCE CRITERIA

Property: 1352 Pine St, Apopka, FL
Parcel: 23-21-28-6068-10-040 | Zoning: R-T-2
Owners: Guillermo Contreras & Maria Contreras
Authorized Agent: Guillermo Contreras Jr.
Proposed Setbacks: Front 54 ft, Left 49 ft, Rear 56 ft

1. Special Conditions and Circumstances

The subject property is a legally created substandard lot of record that predates current zoning and setback requirements. Due to its limited width and depth, strict application of the code creates practical difficulty in placing a code-compliant 28' x 56' manufactured home. These conditions are unique to this parcel and not common to conforming lots in the area.

2. Not Self-Created

The hardship is not self-created. The lot dimensions were established long before the current owners and prior to adoption of the present zoning regulations. The need for the variance results solely from the historic configuration of the property.

3. No Special Privilege

The requested variance will not confer a special privilege. The proposal allows only a single-family residential use already permitted in the R-T-2 zoning district and does not increase density or intensity beyond that of surrounding properties.

4. Deprivation of Substantial Property Rights

Without the requested variance, the owners would be deprived of reasonable use of the property, as the lot could not accommodate a standard HUD-compliant manufactured home while meeting all setback requirements. Denial would effectively render the property unbuildable for its intended residential use.

5. Minimum Variance Necessary

The requested setbacks of 54 feet in the front, 49 feet on the left side, and 56 feet in the rear represent the minimum relief necessary to allow reasonable residential development. The home placement has been designed to minimize encroachment and maintain compatibility with adjacent properties.

6. Consistency With the Public Interest

Approval of the variance will be in harmony with the intent of the zoning regulations and will not be detrimental to public health, safety, or welfare. The proposed placement is consistent with the character of the surrounding neighborhood and will not adversely impact adjacent properties.

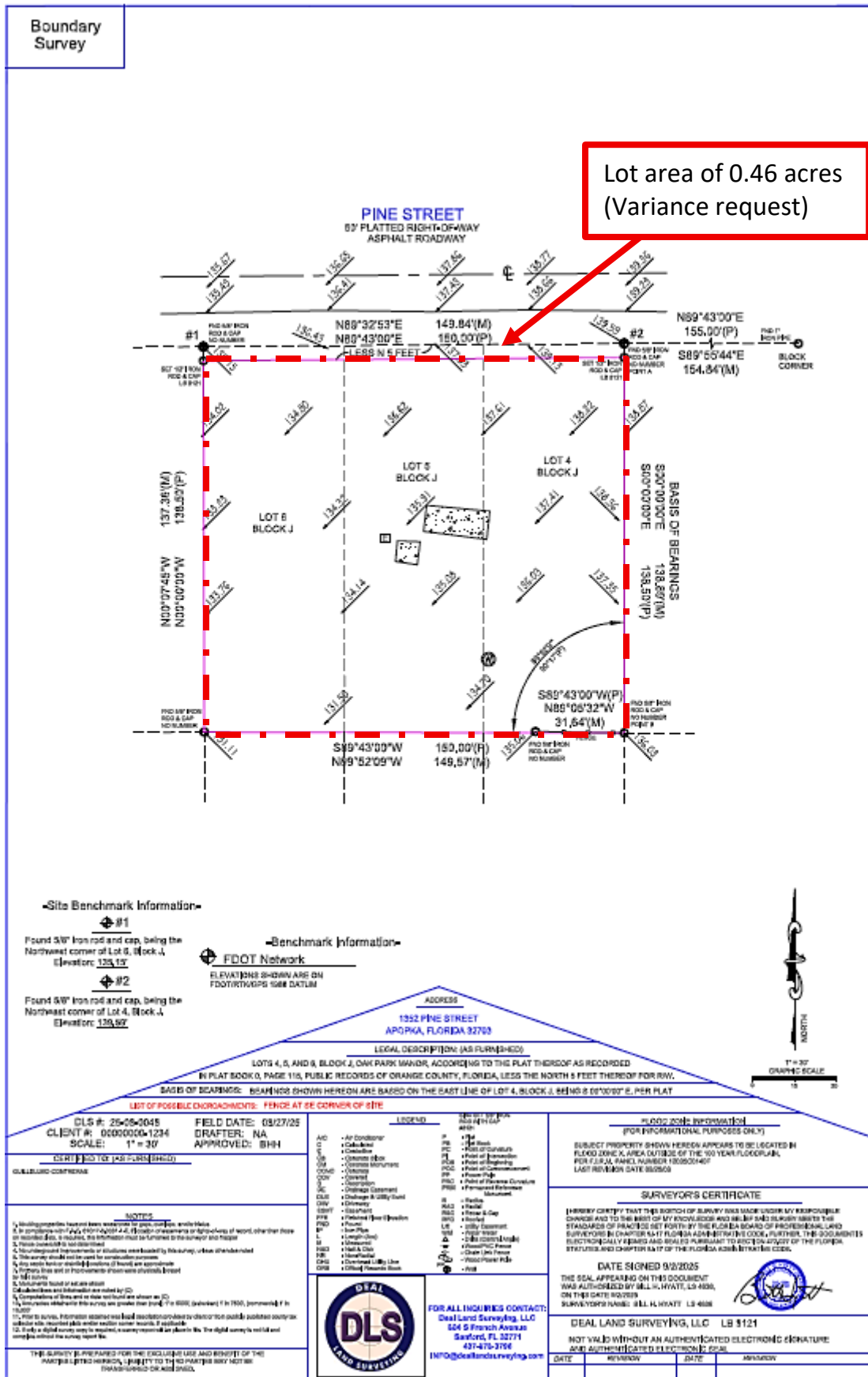
ZONING MAP



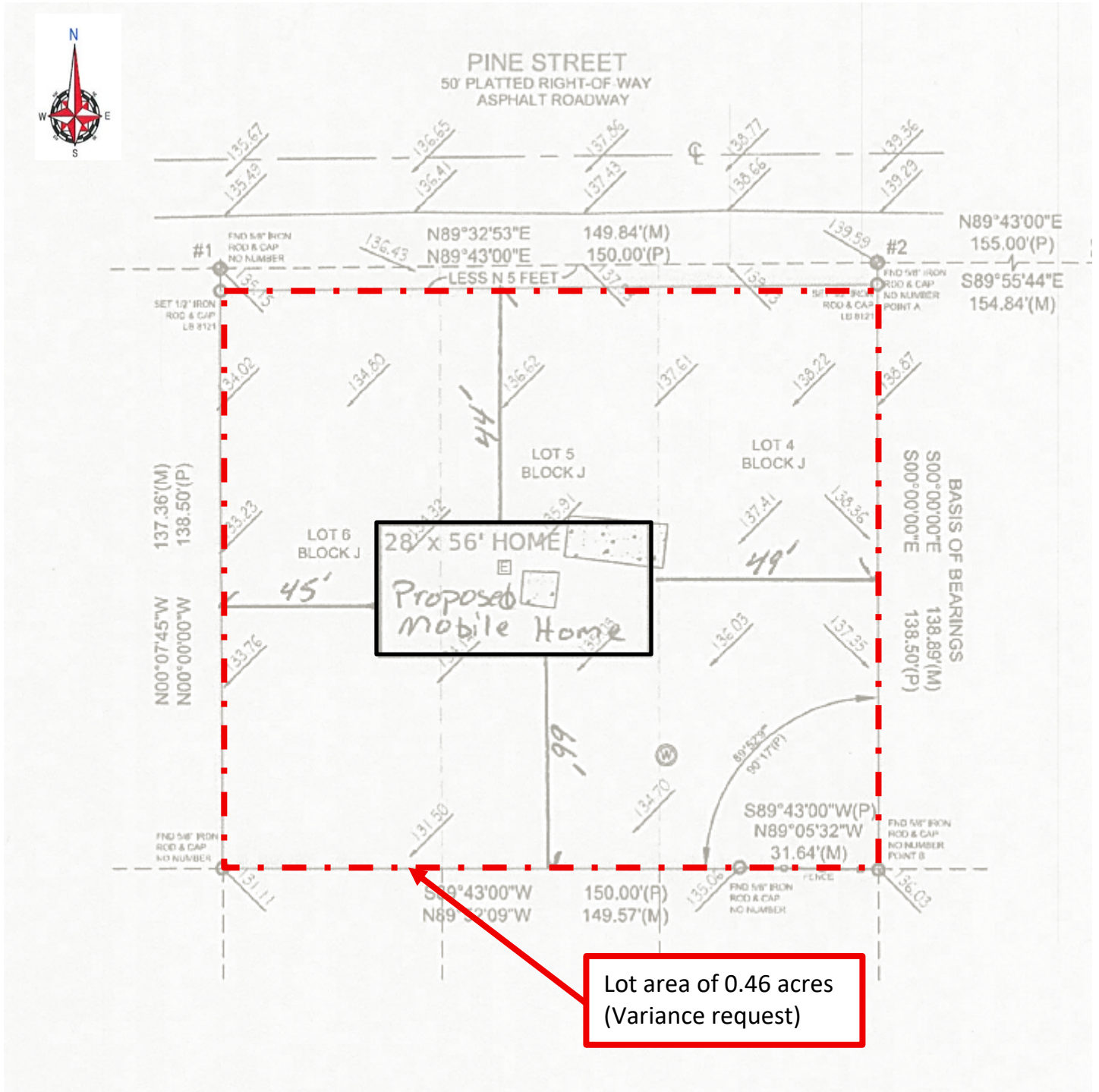
AERIAL MAP



SURVEY



SITE PLAN



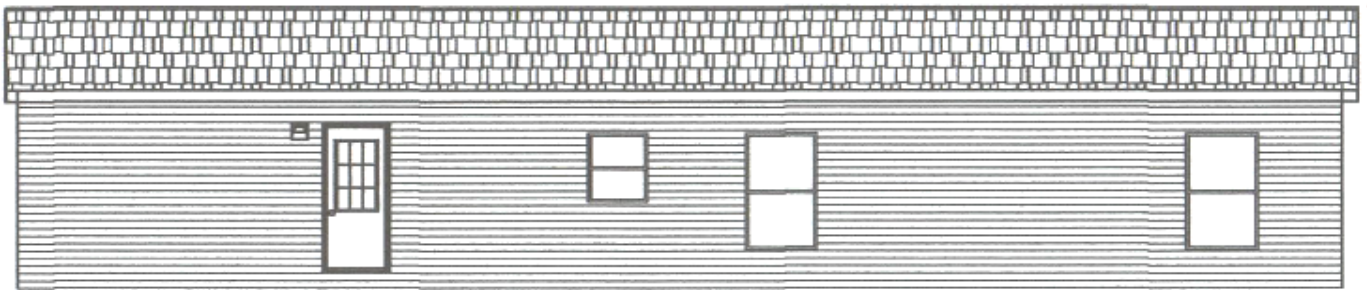
ELEVATIONS



13.6 ft.

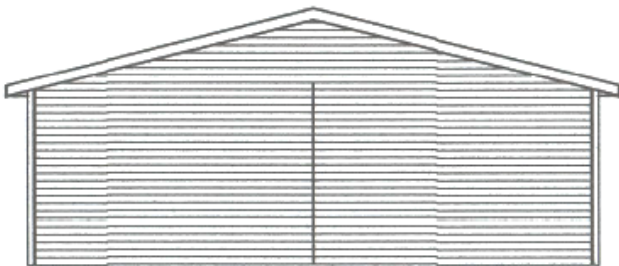
FRONT ELEVATION

South Elevation

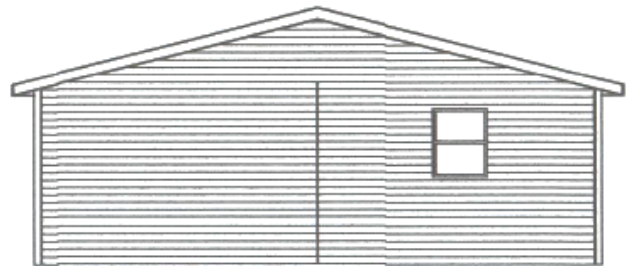


REAR ELEVATION

North Elevation



LEFT ELEVATION



RIGHT ELEVATION

East Elevation

West Elevation

BIRDSEYE VIEW - 2026



SITE PHOTOS



On Pine St., facing south towards front of subject property

SITE PHOTOS



At the rear of the subject property, facing north towards Pine St.



On the subject property, facing east toward proposed location of a mobile home

SITE PHOTOS



On the subject property, facing west toward the neighboring property



On Pine St., facing west

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **APR 02, 2026**

Commission District: **#5**

Case #: **VA-26-04-021**

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

GENERAL INFORMATION

APPLICANT(s): JAMES MILLER

OWNER(s): JOEMIAH COLEMAN, TIFFANY WALLACE

REQUEST: Variance in the R-T-2 zoning district to allow mechanical equipment (HVAC) in front of the principal structure in lieu of the side or rear

PROPERTY LOCATION: 47 Seminole Trl., Orlando, Florida 32833, east side of Seminole Trl., north of S.R. 528, south of E. Colonial Dr., west of S. County Road 13, east of S. Avalon Park Blvd.

PARCEL ID: 21-22-32-0734-00-660

LOT SIZE: 1.5 acres

NOTICE AREA: 1,000 ft.

NUMBER OF NOTICES: 48

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

1. Development shall be in accordance with the site plan dated February 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 request. Staff also noted that no comments had been received in support or opposition.

The BZA briefly discussed the location of the proposed ADU and how it relates to the location of the HVAC equipment. The authorized agent was present and explained the need for the HVAC equipment in its proposed location.

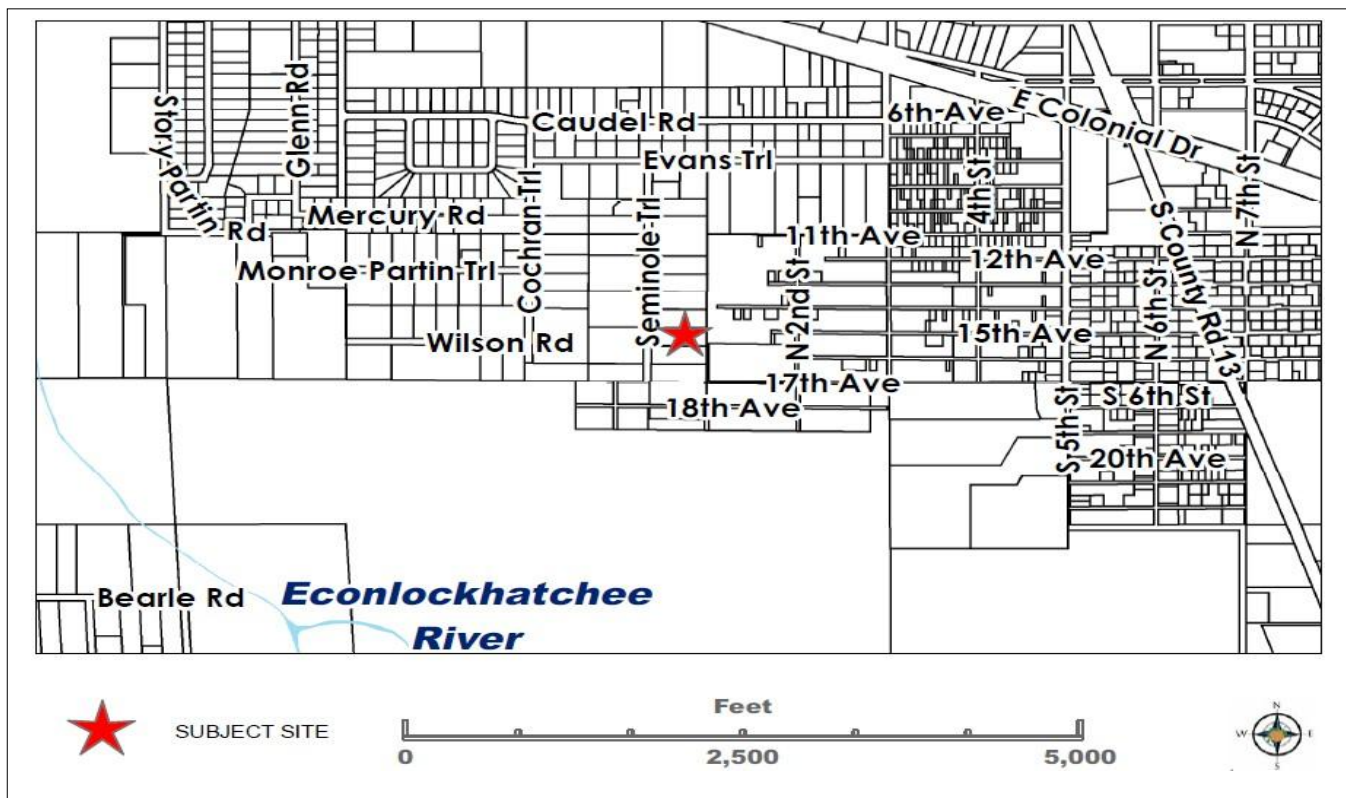
No members of the public were present to speak in favor of or in opposition to the requests.

The BZA recommended approval of the Variance request by a 5-0 vote, with 2 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-T-2	R-T-2	R-T-2	A-2	R-T-2
Future Land Use	RS 1/1 (Bithlo RS)	RS 1/1 (Bithlo RS)	RS 1/1 (Bithlo RS)	R	RS 1/1 (Bithlo RS)
Current Use	Mobile Home	Mobile Home	Mobile Home	Vacant	Junkyard

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-T-2, Combination Mobile Home and Single-Family Dwelling district, which allows a mix of mobile homes and single-family homes on single lots under individual ownership. The Future Land Use (FLU) is Rural Settlement 1/1 (RS 1/1) which is inconsistent with the R-T-2 zoning district.

The property is located in the Bithlo Rural Settlement. Rural settlements are areas of the County identified in the Comprehensive Plan, where a particular rural character is desired to be preserved by its residents. Rural settlements typically limit certain uses, such as institutional uses, or commercial development, and control densities. However, they typically have little impact on the development of individual residential properties, as is the case for this request, which is not impacted by the Bithlo Rural Settlement.

The area around the subject site consists of mobile homes, vacant lots and an automotive repair and retail shop to the west. The subject property is 1.56 acres in size, was platted in 1961 as lot 66 of the Bithlo Ranches Plat and is a conforming lot of record. The property is an interior lot with right-of-way along Seminole Trl. to the west. The property is developed with a one-story 1,300 gross sq. ft. mobile home (B12004079). The property was purchased by the current owner in March of 2020.

The proposal is to construct a 770 gross sq. ft., 17.33 ft. tall, Accessory Dwelling Unit (ADU). The proposed floor plan shows 650 sq ft. of living space with one bedroom, one bathroom, a kitchen, and living room. The remaining 120 sq. ft. of the structure is a covered front porch. The ADU is proposed to be located between the principal structure and Seminole Trl. Sec. 38-1426(2)c.6.(ii) states, *“a detached accessory dwelling unit may not be located in front of the primary dwelling unit unless the primary dwelling unit is located entirely in the rear half of the lot...”* The principal structure is located in the rear half of the lot, and as such the ADU is permitted to be located in front of the principal structure. However, Section 38-79(16)(b) of Orange County Code states 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 plans provided show the mechanical equipment (HVAC) located in front of the principal structure, requiring the Variance.

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. The inability to permit mechanical equipment in association with an accessory structure allowed by right, was an oversight in the code provision that staff will be working on updating in a future code amendment.

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 Request)
Side:	2 ft.	+/- 100 ft. (North) +/- 100 ft. (South)
Rear:	5 ft.	+/- 150 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. Staff has determined that the Variance request meets all criteria. The HVAC is accessory to the Accessory Dwelling Unit and is not proposed between the ADU and right-of-way, meeting the intent of Code. The HVAC equipment will not be visible from any public right-of-way and will be screened with an opaque vegetative buffer. Therefore, staff recommends approval of the requested Variance.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET - Special conditions or circumstances exist due to the unique placement of the structures on the lot. The principal structure is situated in the rear half of the property, which prevents mechanical equipment from being located between the dwelling and the right-of-way. Additionally, the accessory dwelling unit (ADU) is positioned in front of the principal structure, and the mechanical equipment serves this front structure. This configuration creates a constraint driven by the relative locations of both buildings on the site.

Not Self-Created

MET - The need for the variance is not self-created, as the location of the mechanical equipment is directly associated with a lawfully permitted ADU.

No Special Privilege Conferred

MET - Granting the requested variance 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 and does not address mechanical equipment associated with an accessory structure.

Deprivation of Rights

MET - Without approval of the requested Variance, the owner will be deprived of the ability to utilize mechanical equipment in association with a lawfully located ADU.

Minimum Possible Variance

MET - The request represents the minimum variance necessary to allow mechanical equipment to be installed in association with the ADU.

Purpose and Intent

MET - Approval of the requested variance would be in harmony with the purpose and intent of the Zoning Regulations, which support the development of Accessory Dwelling Units (ADUs). The regulations aim to limit the location of the HVAC equipment so that it is not visible from the right of way and this proposal meets those objectives. The HVAC equipment will be adequately screened from both the principal dwelling, as well as from neighboring properties, ensuring it is not visible from surrounding areas.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated February 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: James Miller
261 Racoon Drive
Geneva, FL 32732

COVER LETTER

Ohana Custom Builders LLC
261 Racoon Trail
Geneva, FL 32732
407-409-3912

Orange County Building Department
Attention: BZA Variance Application
201 S Rosalind Ave
Orlando, Fl 32801

February 11, 2026

We are respectfully requesting a variance for the HVAC unit and pad for the Accessory Dwelling Unit in the permitting stage located at 47 Seminole Trail Orlando, Fl 32833. The permit number is B25022083.

The request for the variance is that the primary residence is behind the location the ADU will be placed and Building Code Sec. 38-79(16) prohibits the HVAC to be placed in front of the primary residence. It also prohibits placement for the HVAC between the primary residence and the public right away and the driveway.

The HVAC condenser unit is 36" wide by 26" tall and 15" deep. The condenser pad will be 36"x36" in concrete, placed 5 feet from the structure.

The structure will be approximately 126 feet from the property line at the front of the property, roughly 64 feet from the property line to the right, and the property line is roughly 100 feet from the property line to the left.

Once the HVAC is installed outside, there will be a foliage shield around the three sides of the unit to hide it from public view.

The variance requested will not affect the nearby neighbors in that the property is over 1.5 acres and has brush to hide the HVAC unit from visual line of sight.

The HVAC unit doesn't affect the minimum setbacks to the neighbors on the sides of the property, and the rear of the property has a cow pasture on the property line. The front property line is the main road. The circumstances affecting the location of the ADU is the primary residence behind the ADU.

There is a driveway and outbuildings behind the primary residence that prevented the ADU from being placed behind the primary residence.

The ADU is a single project and isn't scheduled to be built on any other properties.

Thank you for your time.
Cherise Miller

VARIANCE CRITERIA

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.

On cover letter - The ADU is only scheduled to be built on this property. The HVAC is the only variance we are requesting.

- 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.

On cover letter Owners have outbuildings behind the house and uses the area in back to grow food and a driveway - no room for ADU

- 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.

On cover letter - no other structures will require an HVAC.

- 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.

On cover letter - the ADU and HVAC unit will not affect the other residents on each side of the house.

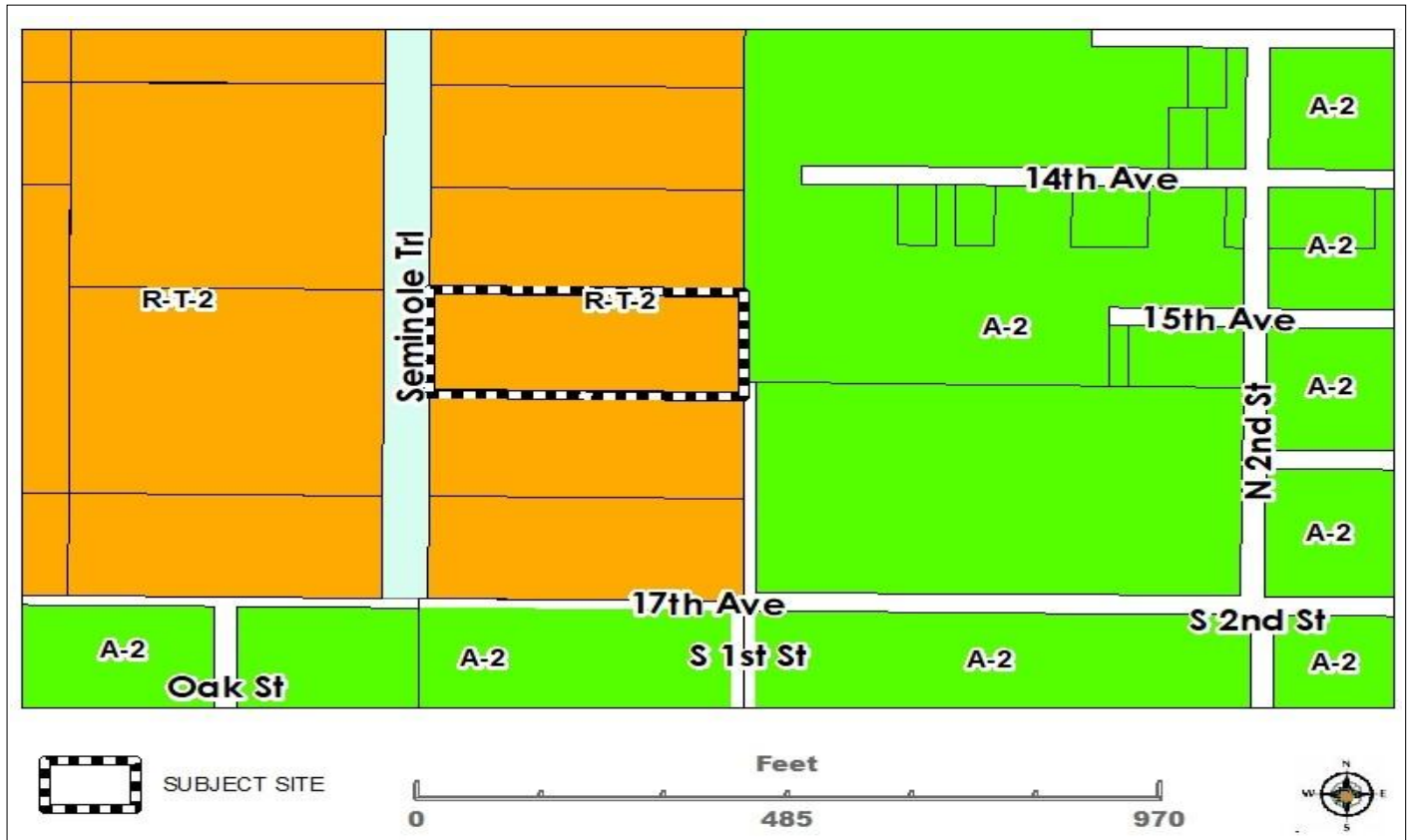
- 5. Minimum Possible Variance - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

On cover letter - The HVAC and ADU is on 1.5 ~~acre~~ acres and the placement is in the center of the property. We only need this one variance

- 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.

On cover letter - The HVAC will be surrounded on three sides with foliage, and the property is densely covered in brush.

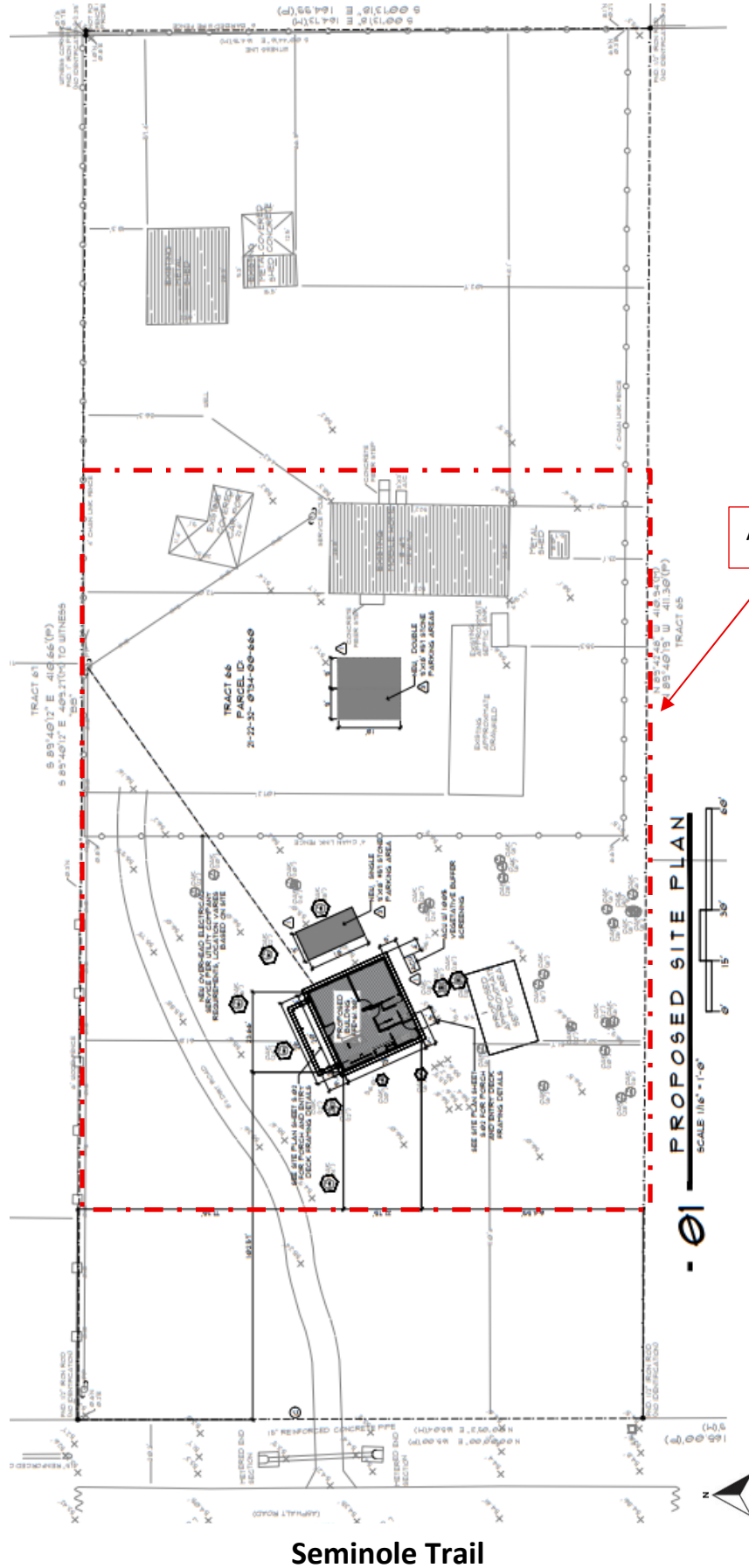
ZONING MAP



AERIAL MAP

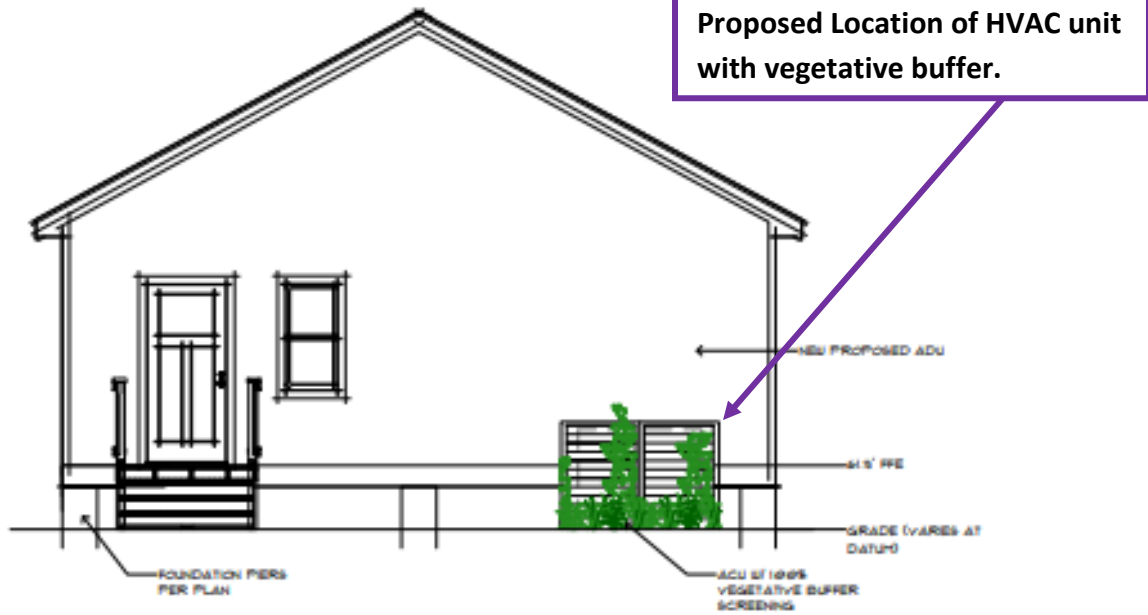


OVERALL SITE PLAN

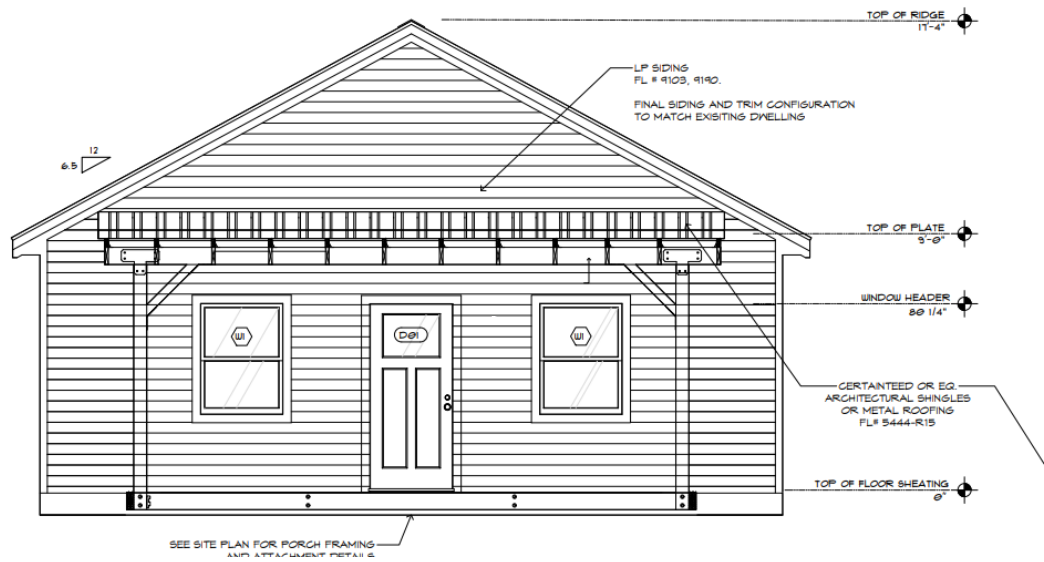


Area of work

ELEVATIONS

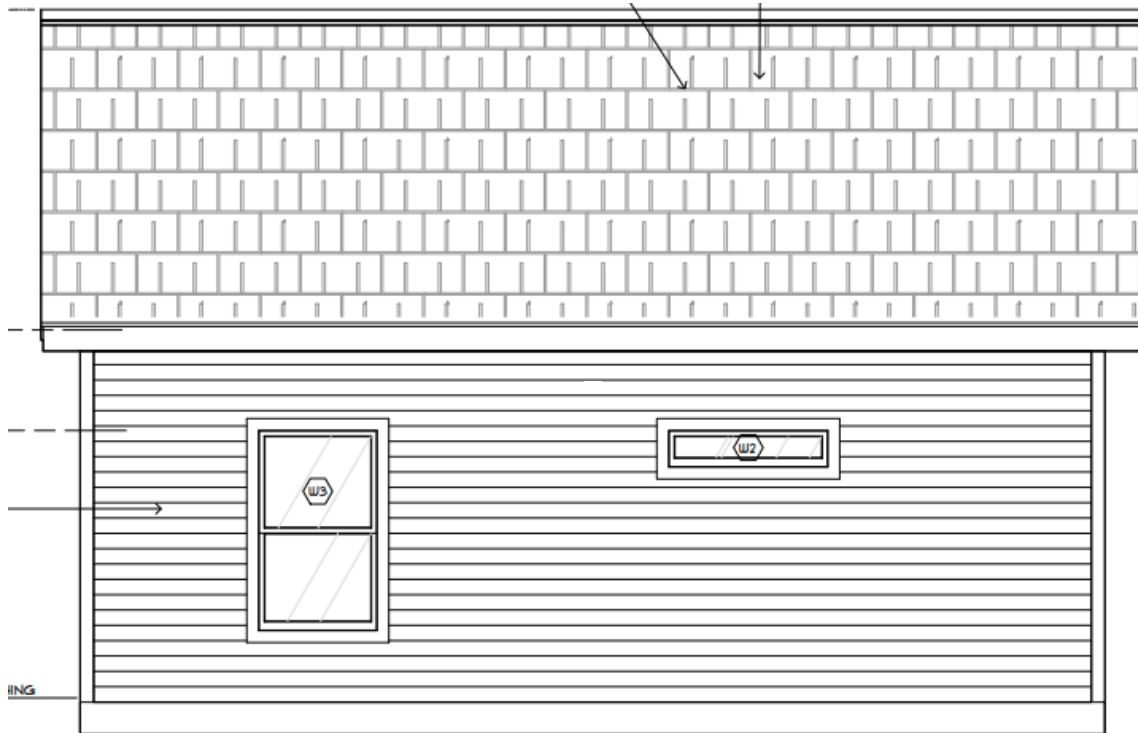


Rear (South) Elevation

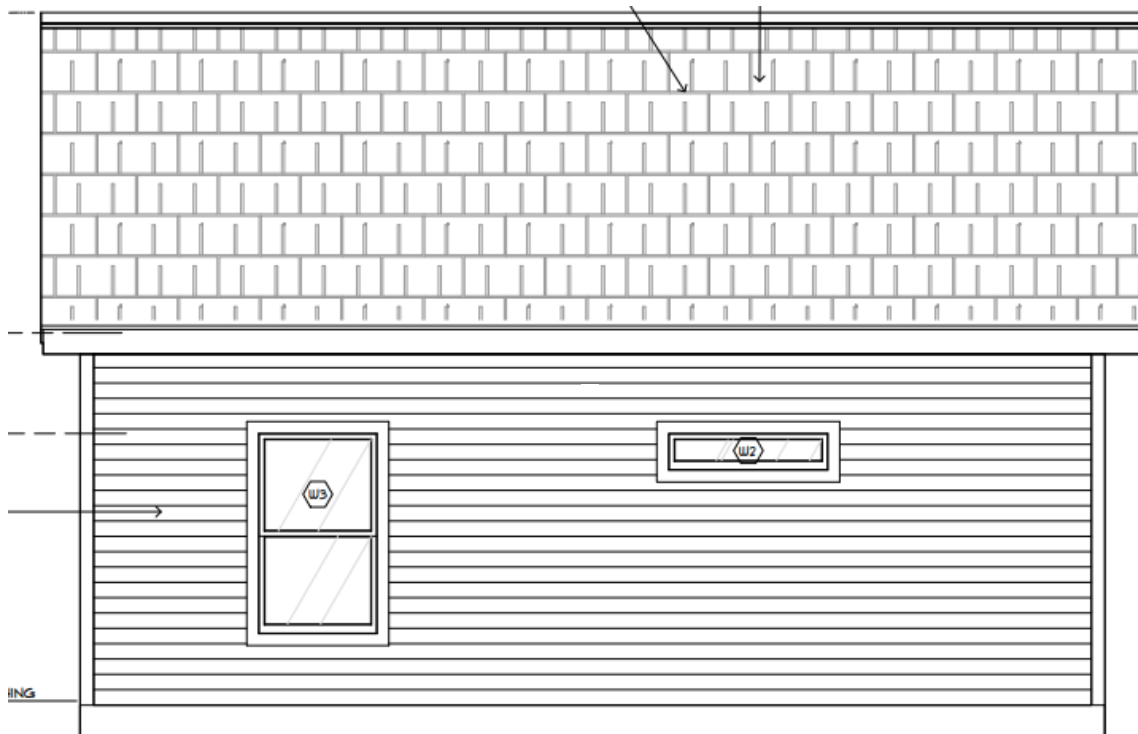


Front (North) Elevation

ELEVATIONS



Left (East) Elevation



Right (West) Elevation

SITE PHOTOS



Front yard, facing southeast towards front of subject property



Front yard, facing southeast towards front of subject property and proposed location of the ADU

SITE PHOTOS



On subject property facing west towards the front of the property and Seminole Trail



Front yard facing north towards neighboring properties

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **APR 02, 2026**

Commission District: **#3**

Case #: **VA-26-04-018**

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

GENERAL INFORMATION

APPLICANT(s): JUAN MANUEL VASQUEZ

OWNER(s): VASQUEZ HOMES LLC

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

1) To allow a pool and pool deck with a Normal High Water Elevation (NHWE) setback of 22.1 ft. in lieu of 30 ft.

2) To allow an addition to an existing detached accessory structure in front of the principal structure in lieu of the side or rear

PROPERTY LOCATION: 3226 Raeford Rd., Orlando, FL 32806, south side of Raeford Rd., north side of Lake La Grange, south of E. Michigan St., east of S. Bumby Ave., west of Conway Gardens Rd.

PARCEL ID: 07-23-30-6792-00-002

LOT SIZE: 1.2 acres (21,796 sq. ft. upland)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 102

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

1. Development shall be in accordance with the site plan, and elevations date stamped March 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.

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 pool, deck, and gazebo is located no closer than 22.1 feet from the Normal High Water Elevation (NHWE) of Lake La Grange.

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.

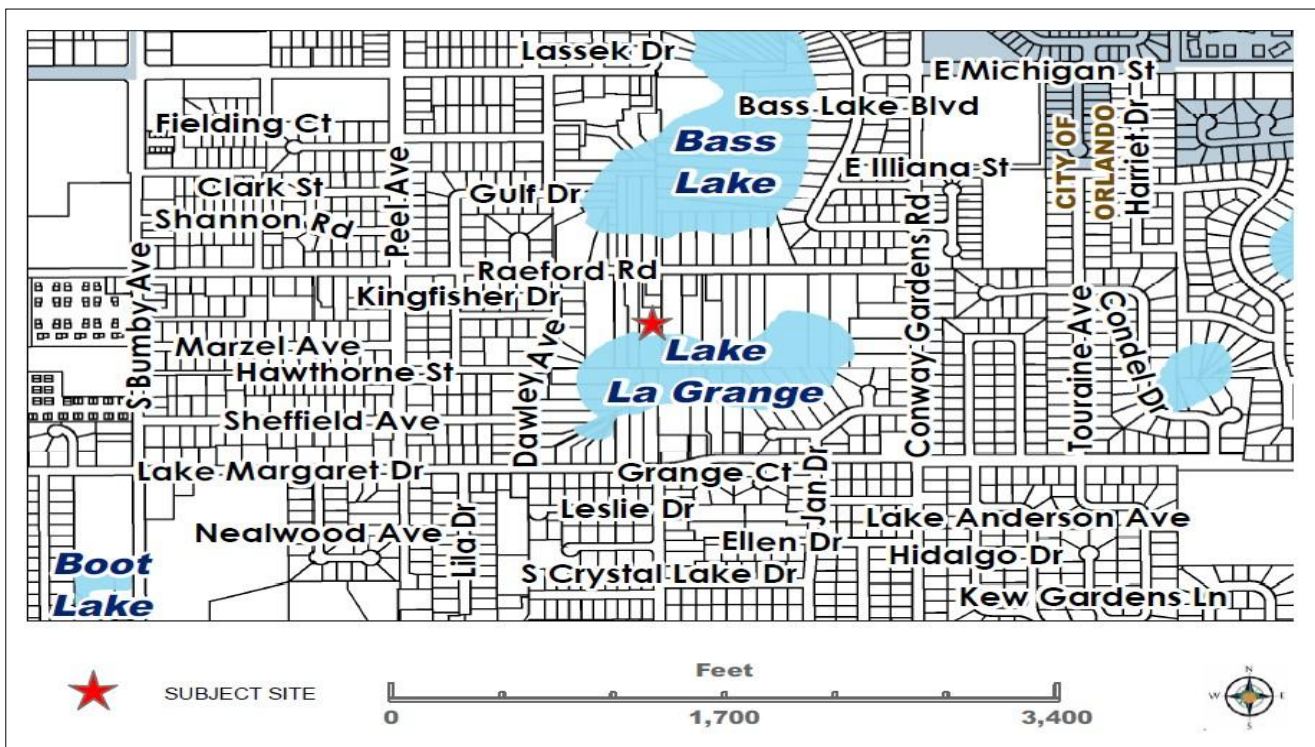
The applicant was present and explained the need for the proposal, and the justification of the current configuration of the structures on the property.

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 5-0 vote, with 2 absent, subject to the four 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	Water Body	LDR	LDR
Current Use	Single-family residence	Single-family residence	Lake La Grange	Vacant	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area surrounding the subject site consists of single-family homes, with a vacant lot to the east. The subject property is 1.2 acres in size, with 21,796 sq. ft. of upland area, and is located in the Pelham Park Replat 2nd Addition, recorded in 1928. The subject site was created by a lot split in July 2024 (LS-24-07-066), and is considered to be a conforming lot of record. The lot split created a flag lot with a 20-ft.-wide access from Raeford Rd. to the north and Lake La Grange to the south. The property was purchased by the current owner in 2024.

In 2024, prior to the lot split, the property was developed with two single-family homes. One single-family residence, built in 1935, was demolished (B24014988). What remained was a one-story, 1,235 gross sq. ft., single-family residence constructed in 1955, and a 370.5 sq. ft. detached accessory structure (garage) constructed in 1935, both built prior to Zoning Code adoption. In February 2025, a Variance (VA-25-02-143) was granted to recognize the existing non-conforming structures and allow an addition of 2,541 sq. ft. of living space to the residence as follows:

- 1) To allow an existing residence with a 22.1 ft. NHWE setback in lieu of 50 ft.
- 2) To allow an addition with a 33.9 ft. NHWE setback in lieu of 50 ft.
- 3) To allow an existing detached accessory structure in front of the principal structure in lieu of the side or rear
- 4) To allow an existing detached accessory structure with a 4.5 ft. west side setback in lieu of 7.5 ft.

Section 38-1501, Footnote "A," of the Orange County Code States "*The minimum setbacks from the normal high-water elevation (NHWE) contour for an accessory building, a swimming pool, swimming pool deck, a wood deck attached to the principal structure or accessory structure 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.*" The rear setback for this property in the R-1A zoning district is 30 ft.

The proposal is to install a 1,476 sq. ft. pool, deck, and gazebo at the rear and side of the existing residence. Section 38-79(10) c. of the Orange County Code establishes that swimming pools, including all appurtenances such as pool decks, security fences, or screen enclosures, must comply with the setback requirements from the Normal High-Water Elevation (NHWE) contour for water bodies. The proposed pool and deck would be located 22.18 ft. from the NHWE line, where a 30 ft. setback is required, necessitating Variance #1. The gazebo complies with all applicable development standards and does not encroach into the required general setbacks or the NHWE setback.

The proposal also includes adding additional square footage to the existing garage, which is located in front of the principal structure. Section 38-1426(2)(iii) of Orange County Code states that *a detached accessory structure may not be located in front of the principal structure unless the principal structure occupies the rear half of the lot or the lot contains five or more developable acres.* On February 25, 2025, the Board of County Commissioners granted a variance (VA-25-02-143) recognizing the garage’s existing location, in front of the principal structure. With the addition of 554 sq. ft. to the garage, a new Variance is required, resulting in Variance #2. The proposed addition to the garage continues the existing side setback of 4.9 ft., not meeting the required setback of 5 ft. Section 38-1508 of Orange County Code states *the zoning manager shall have the authority to grant administrative waivers from the minimum yard requirements, provided that no such administrative waiver shall exceed six (6) percent of the applicable requirement for the yard.* The existing 4.9 ft. setback does not exceed 6% of the required 5 ft. side setback and has been granted an administrative waiver.

Site and Building Requirements

	Code Requirement	Proposed
Max Height:	35 ft.	18.2 ft.
Min. Lot Width:	75 ft.	117.2 sq. ft.
Min. Lot Size:	7,500 sq. ft.	21,796 sq. ft. upland

Building Setbacks (Pool, Pool Deck, and Gazebo Setbacks)

	Code Requirement	Proposed
Front:	May not be located in front of the principal structure	N/A
Side:	5 ft.	5.2 ft. (Pool and Deck – West) 5.6 (Gazebo – West)
Rear:	5 ft.	25.2 ft. (Deck - South) 22.1 ft. (Pool and Deck - West) 75 ft. (Gazebo – West)
NHWE:	30 ft.	22.1 ft. (Pool and Deck - West – Variance #1)

Building Setbacks (Detached Accessory Structure – Garage)

	Code Requirement	Proposed
Max Height:	25 ft.	12.8 ft.
Front:	May not be located in front of the principal structure	5 ft. (Variance #2)
Side:	5 ft.	4.9 ft. (Administrative Waiver)

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

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Staff has determined that these requests meet all the criteria, therefore staff is recommending approval. Based on staff’s analysis, the requested variance represents the minimum necessary

to accommodate the installation of a pool, pool deck, and addition to the existing detached garage, given the current site configuration and the constraints imposed by the NHWE line.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET – The principal structure was constructed prior to the adoption of current zoning regulations. As a result, its reduced NHWE setback limits the ability to lawfully place improvements within the rear yard. Similarly, the detached garage was also built before the current zoning standards were established, further restricting feasible locations for additional development that would comply with present requirements.

Not Self-Created

MET – The need for the variances is not self-created as the existing principal structure and detached garage were constructed prior to the current zoning regulations and limit the area for compliant accessory improvements.

No Special Privilege Conferred

MET – Granting the requested variances would not confer a special privilege, as the applicant’s request does not exceed the distance previously approved for the home addition in 2025.

Deprivation of Rights

MET – Without approval of the requested variances, the property owner would be unable to construct the pool, pool deck, and the proposed addition to the existing garage, limiting the reasonable use of the property.

Minimum Possible Variance

MET – The requested variances represent the minimum necessary to accommodate the installation of a pool, pool deck, and addition to the existing detached garage given the current site configuration.

Purpose and Intent

MET – Approval of the requested variances would be consistent with the purpose and intent of the Code, as it accommodates and recognizes the nonconforming improvements. Additionally, the proposed design will not be detrimental to the neighborhood, as the variances do not extend into the NHWE setback beyond the location of the existing residence. The new additions will have minimal visibility from surrounding properties due to the lot’s flag configuration and the presence of an existing 8-foot wall.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan, and elevations date stamped March 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.
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 pool, deck, and gazebo is located no closer than 22.1 feet from the Normal High Water Elevation (NHWE) of Lake La Grange.

C: Juan Manuel Vasquez, PE
3226 Raeford Rd.
Orlando, FL 32806



VARIANCE REQUEST COVER LETTER

Juan Manuel Vasquez, PE,
MBA
Vasquez Civil Llc
P.O. Box 560487
Orlando, FL 32856
Juan@vasquezcivil.com
4072198277

February 8, 2026

Attention to:

Orange County Zoning Division

201 S. Rosalind Ave, 1st Floor

Orlando, Florida 32801

Subject Address: 3226 Raeford Rd, Orlando, FL 32806

Owner: Vasquez Homes Llc

Subject: Variance for Side/Front Setback of Detached Garage and Rear Setback of Pool Deck

These setback variance requests are in regard to the proposed detached garage addition and the new proposed pool deck that is attached to the side of the existing single-family residence. The existing single-family residence was built in 1955 (please see page 4 of Exhibit A), prior to the effective date of Orange County Zoning becoming effective in October 7, 1957. The detached double garage was built in 1935 (please see page 4 of Exhibit A), also prior to the effective date of Orange County Zoning becoming effective in October 7, 1957.

- For the new pool deck, attached to the single-family residence, I am requesting a rear setback variance to the NHWE (Normal High-Water Elevation). The proposed rear setback is 22.18 ft (per the attached site plan) and Orange County Zoning requires a minimum 30 ft setback (Orange County Code Sec. 38-1501 (a)).
Note: The existing rear setback to the NHWE of the existing single-family residence is 22.18 ft (per the attached survey) which was approved under variance VA-25-02-143 for the same reason.
- For the detached garage addition, I am requesting a left side and front side setback variance. The current left side setback is 4.5 ft and the front side setback is 25 ft (per the attached survey) and I am proposing a 4.5 ft side setback and 5 ft for the front side setback for the addition. Orange County requires a minimum 5 ft side setback and 25 ft front side setback for accessory units (Orange County Code Sec. 38-1501 (a)).
Note: The side setback of the existing detached garage is 4.5 ft (per the attached survey) which was approved under variance VA-25-02-143 for the same reason.

I certify that my statements herein are true and accurate to the best of my belief.

Sincerely,



This item has been electronically signed and sealed by Juan M. Vasquez, P.E., using a digital signature. Printed copies of this document are not considered signed & sealed and the signature must be verified on any electronic copies.

Digitally signed
by Juan M
Vasquez
Date: 2026.02.24
17:23:13 -05'00'

Juan Manuel Vasquez, P.E., MBA
State of Florida Professional Engineer, PE No. 95783



VARIANCE CRITERIA

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 rear single family residence was built in 1955 and the detached garage was built in 1935. Orange county zoning became effective on October 7, 1957, after these structures were built.

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 rear single family residence was built in 1955 and the detached garage was built in 1955. Orange County zoning became effective on October 7, 1957, after these structures were built.

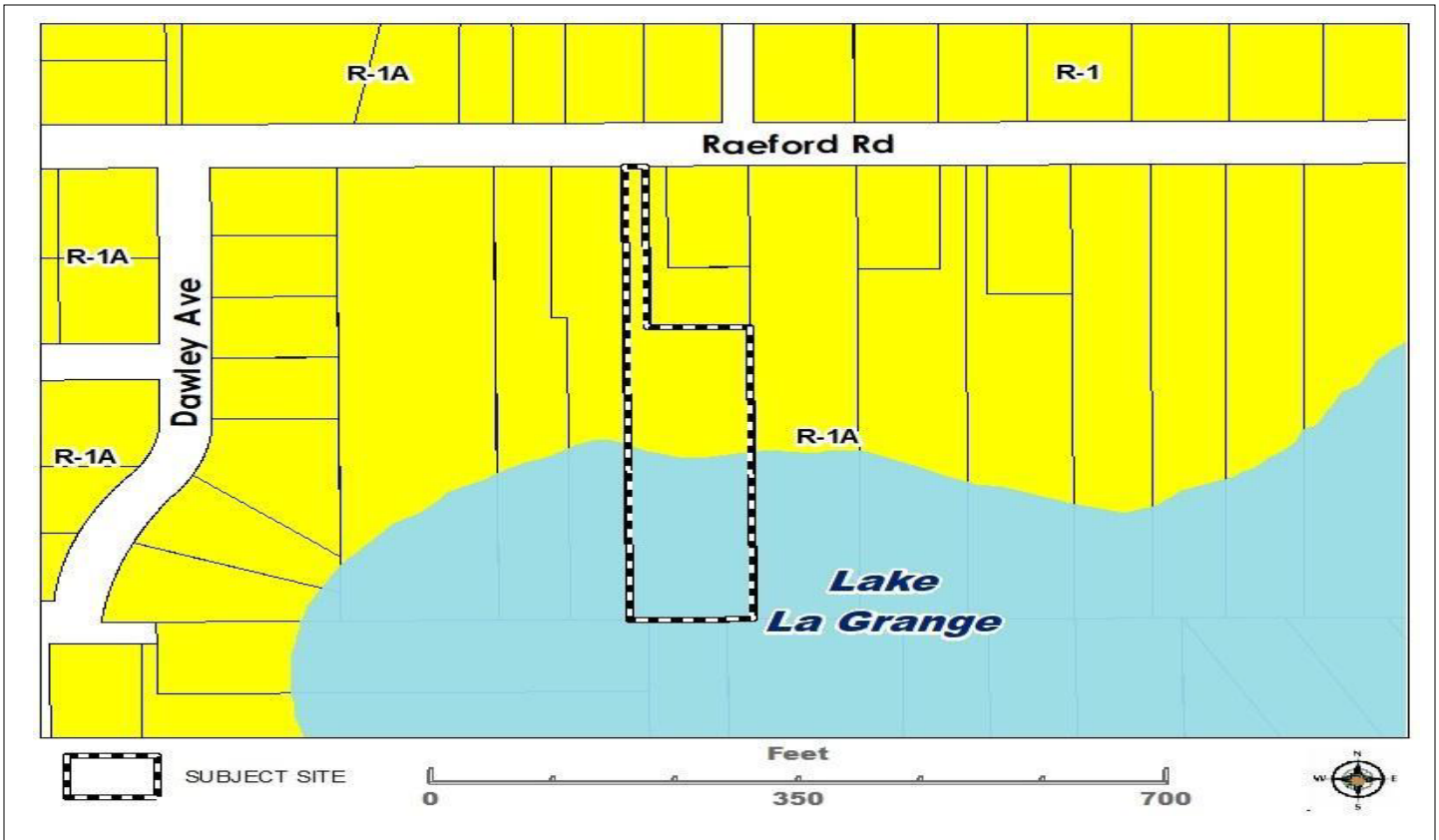
3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.
Approval of the zoning variance requested will not confer any special privilege that is denied by this chapter, on me, to other lands, building, 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 property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.
Literal interpretation of the zoning is depriving me of altering the existing rear single family residence which is my primary residence. Until these two variances are approved Orange County Zoning will not approve plans for an addition on the existing rear single family residence.

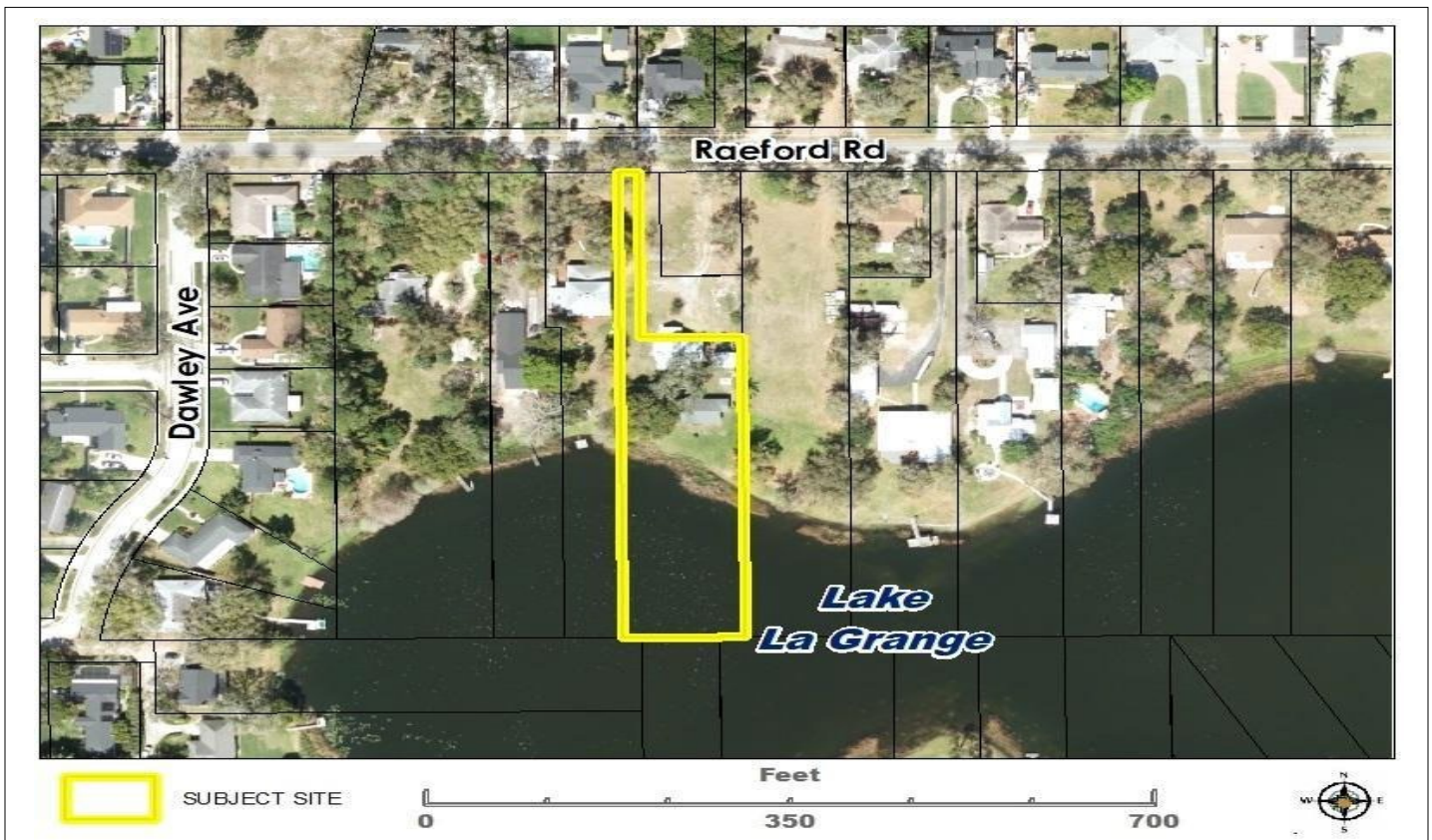
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.
The setback variance request for the rear single family residence and the detached garage is the minimum variance that will make possible the reasonable use of these two structures.

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 rear single family residence was built in 1955 and the detached garage was built in 1935. Orange County Zoning became effective on October 7, 1957, after these structures were built.

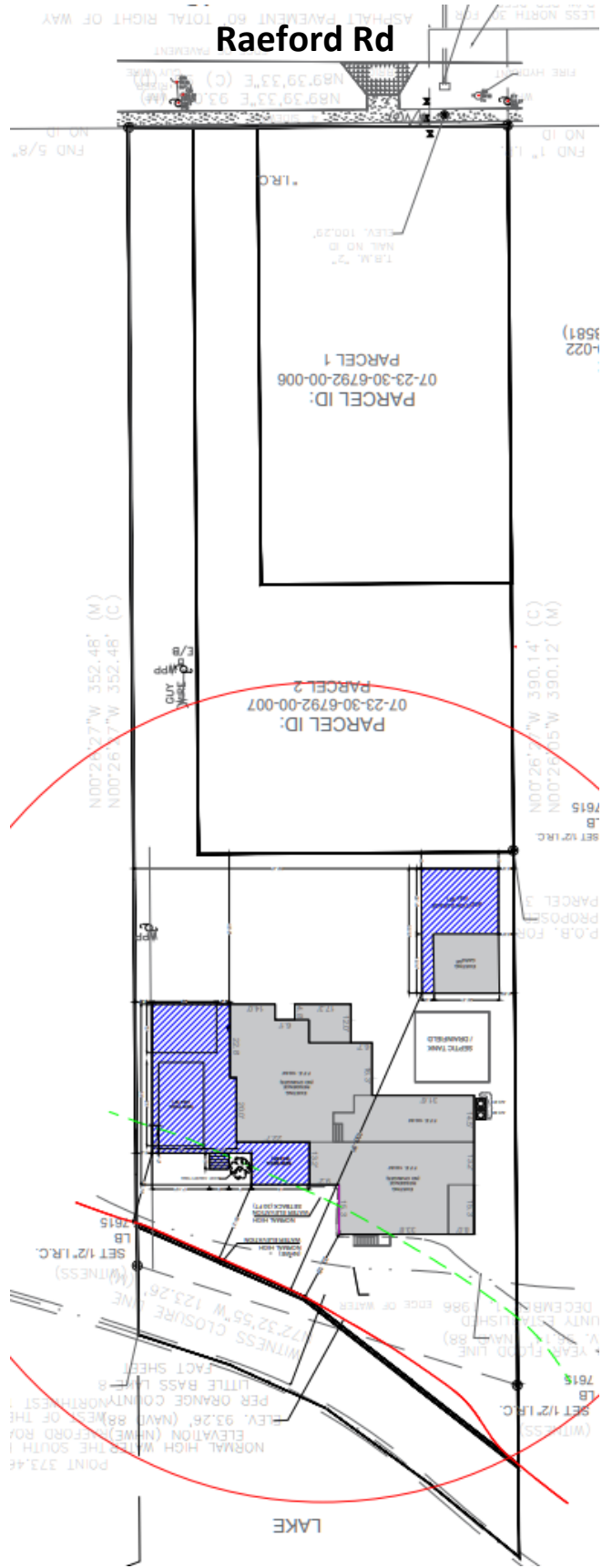
ZONING MAP



AERIAL MAP

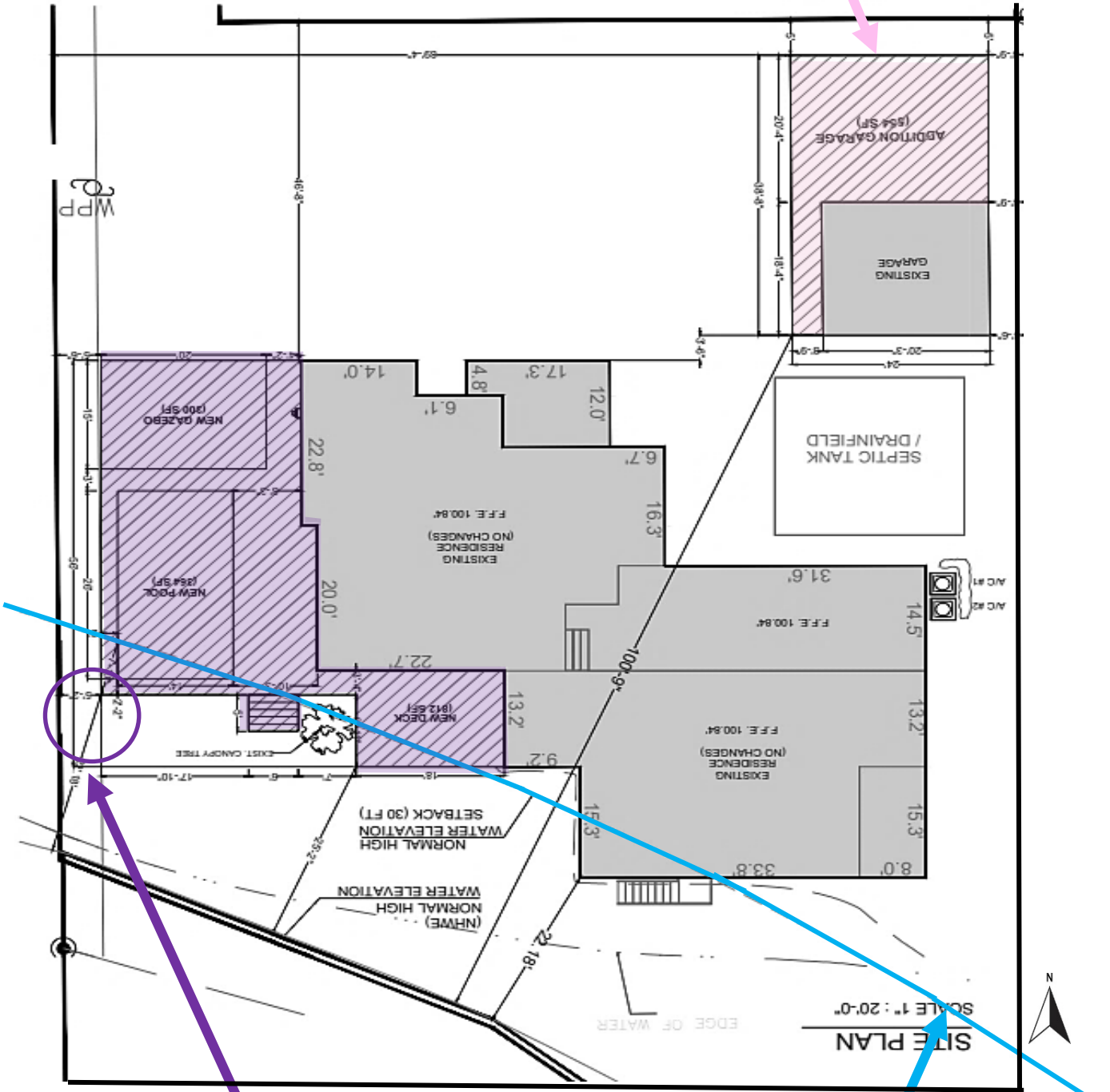


OVERALL SITE PLAN



PARTIAL SITE PLAN

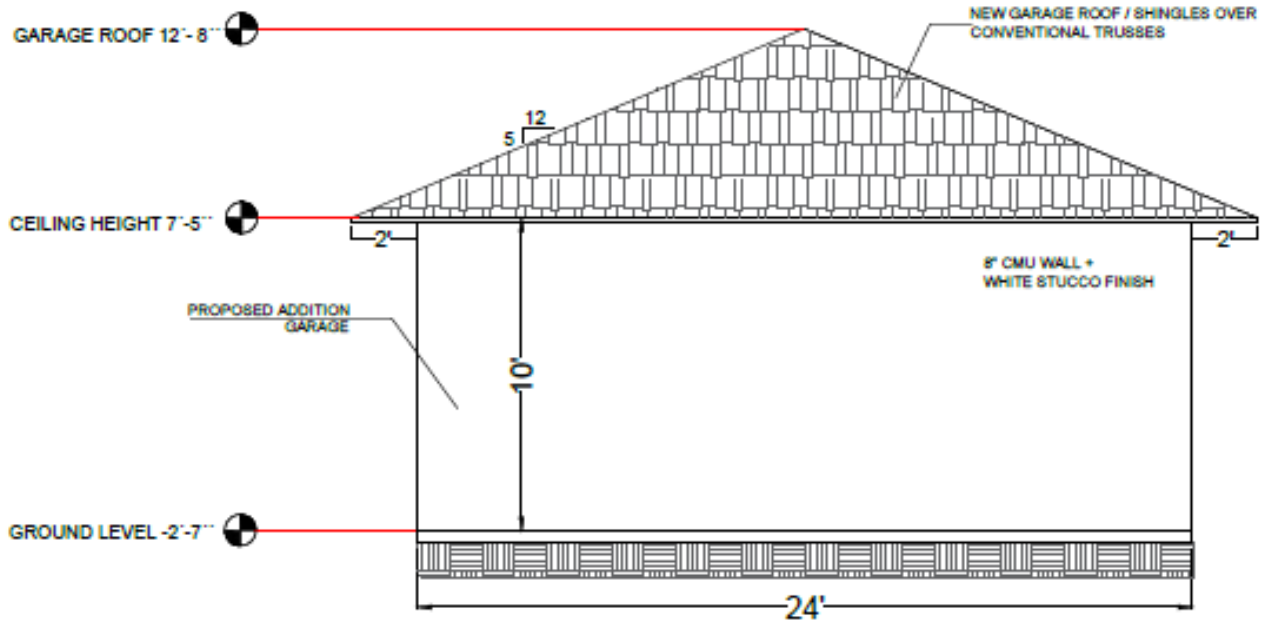
Variance #2: To allow an addition to an existing detached accessory structure in front of the principal structure in lieu of the side or rear.



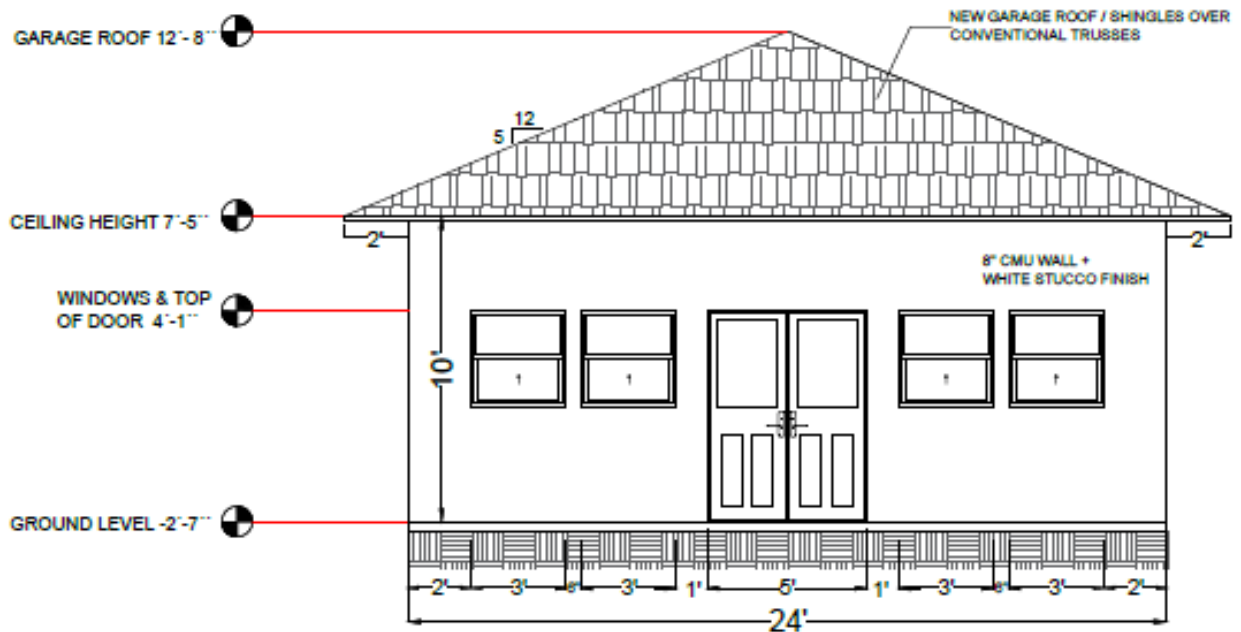
Variance #2: To allow a pool and pool deck with a Normal High Water Elevation (NHWE) setback of 22.1 ft. in lieu of 30 ft.

NHWE Setback: 30 ft.

ELEVATIONS (GARAGE)

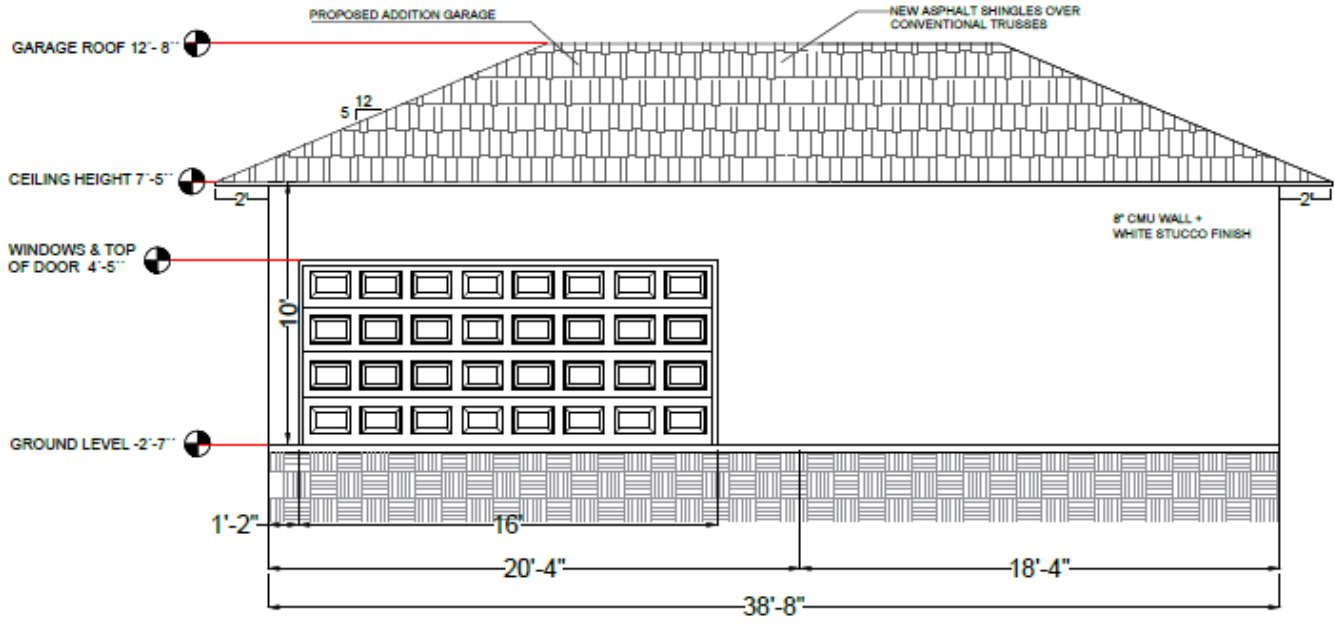


PROPOSED FRONT (SOUTH) ELEVATION
SCALE 1" : 10'-00"

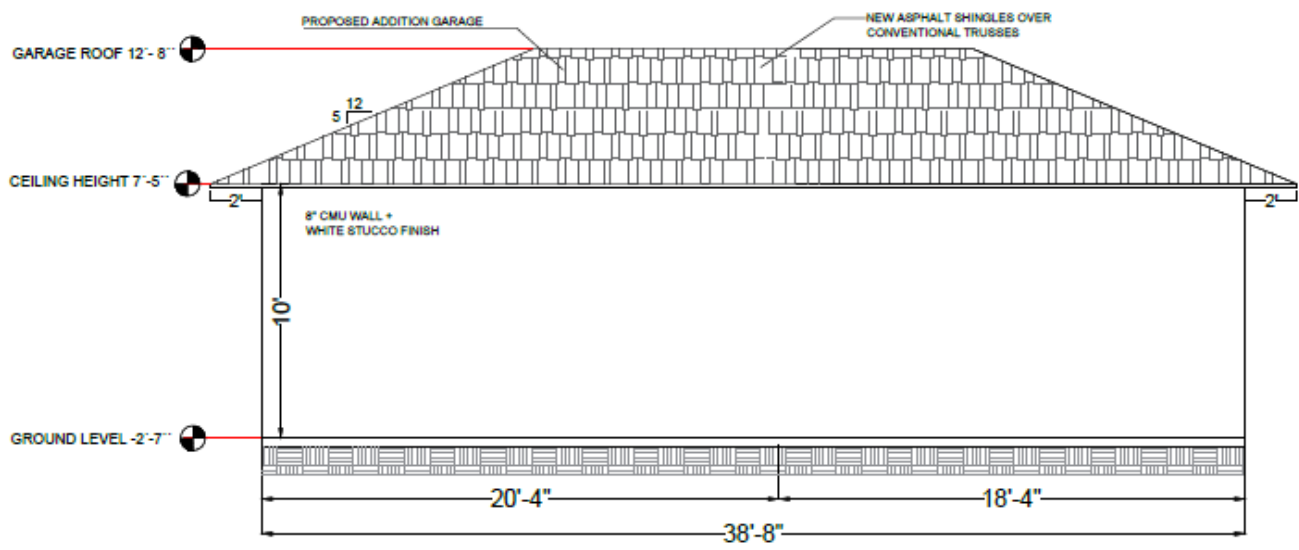


PROPOSED REAR (NORTH) ELEVATION
SCALE 1" : 10'-00"

ELEVATIONS (GARAGE)

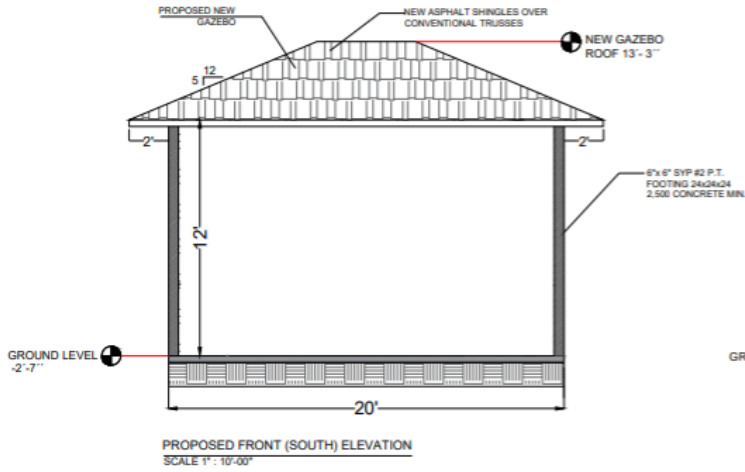


PROPOSED LEFT (WEST) ELEVATION
SCALE 1" : 10'-00"

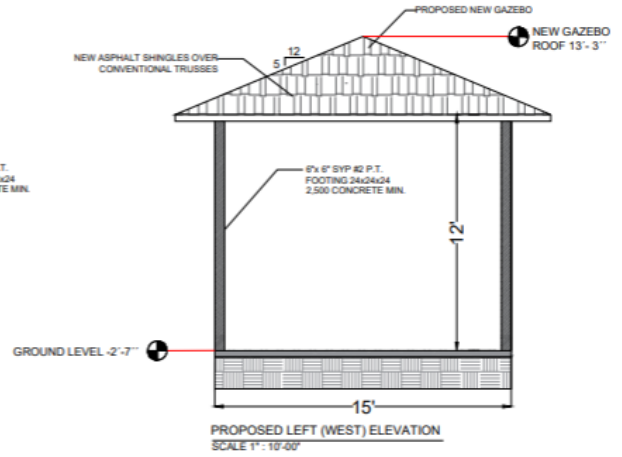


PROPOSED RIGHT (EAST) ELEVATION
SCALE 1" : 10'-00"

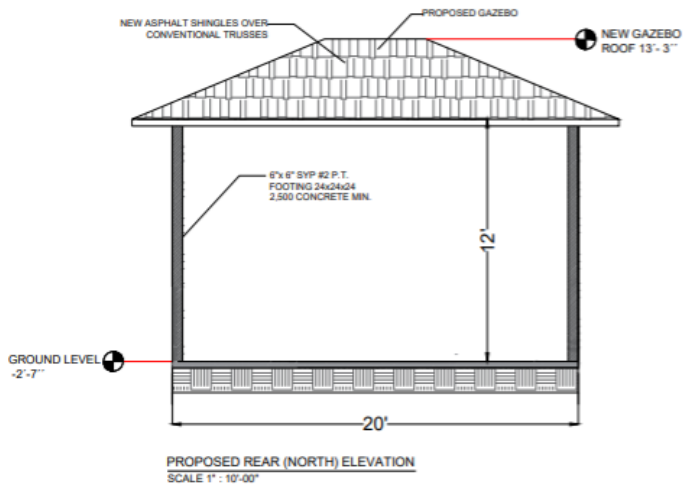
ELEVATIONS (GAZEBO)



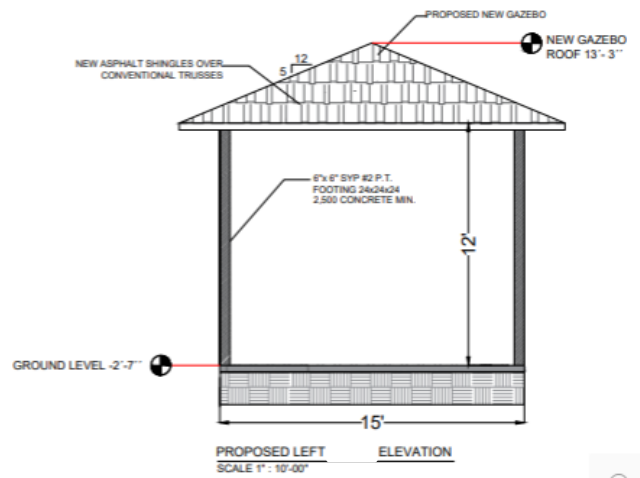
South Elevation



West Elevation



North Elevation



East Elevation

SITE PHOTOS



Facing north west towards the primary residence, garage, and fence



Facing west towards the existing garage and proposed addition

SITE PHOTOS



Facing north west towards the proposed location of pool and deck



On subject property, facing southeast towards the location of the proposed pool and deck

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **APR 02, 2026**

Commission District: **#5**

Case #: **SE-26-04-020**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JUAN MANUEL VASQUEZ

OWNER(s): VASQUEZ HOMES LLC

REQUEST: Special Exception and Variance in the R-1A zoning district as follows:

1) Special Exception to allow a day care center

2) Variance to allow 11 parking spaces in lieu of 14 parking spaces

PROPERTY LOCATION: 7501 Liverpool Blvd., Orlando, FL 32807, northeast corner of N. Goldenrod Rd. and Liverpool Blvd., south of University Blvd., west of Central Florida Greenway

PARCEL ID: 14-22-30-0000-00-132

LOT SIZE: 11,549 sq. ft.

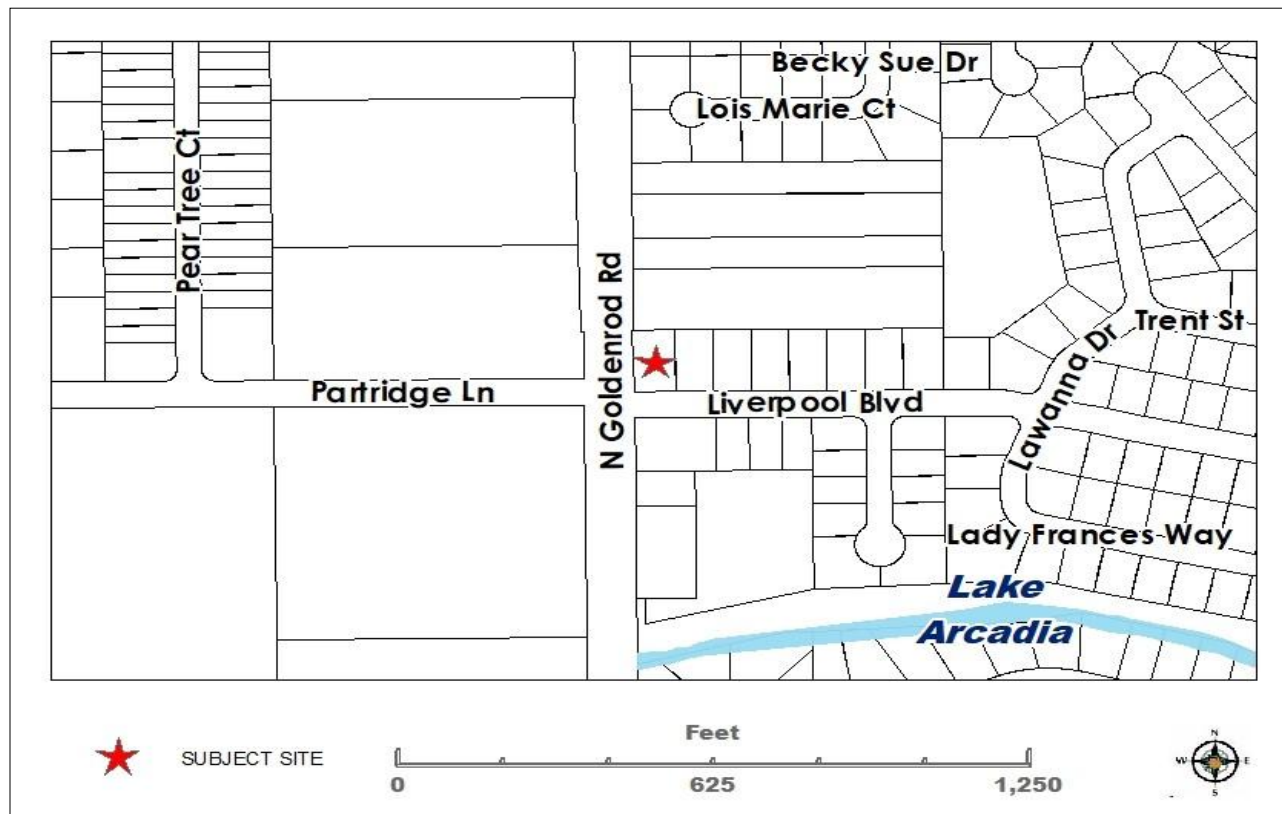
NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 132

STAFF RECOMMENDATIONS

CONTINUED PRIOR TO THE 4/2/26 BZA MEETING AND SUBSEQUENTLY WITHDRAWN

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **APR 02, 2026**

Commission District: **#2**

Case #: **VA-26-03-008**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): ROBERT RAUSCH

OWNER(s): REM: PAYTON C RAUSCH, ROBERT D RAUSCH LIFE ESTATE

REQUEST: Variances in the R-1 zoning district to allow a fence as follows:

- 1) To be constructed with galvanized metal panels in lieu of a standard material conventionally used by the fence industry
- 2) A 6 ft. tall fence within the front setback in lieu of a maximum height of 4 ft.

NOTE: This is the result of a code violation

PROPERTY LOCATION: 2901 Forest City Ter., Orlando, FL 32810, north side of Forest City Ter., west of Forest City Rd., north of Edgewater Dr., south of W. Kennedy Blvd.

PARCEL ID: 33-21-29-0000-00-091

LOT SIZE: 19,600 sq. ft.

NOTICE AREA: 500 ft.

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

1. Development shall be in accordance with the partial site plan dated February 16, 2026, and the associated legend provided by staff, 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 fence, the utility trailer shall be relocated to a code compliant location or removed from the property.
5. Prior to the issuance of a permit for the fence, the dual rear wheel vehicle trailer shall be removed from the property.

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 of denial of the Variance requests. Staff noted that 12 comments were received in favor and no comments were received in opposition to the request.

The applicant was present with legal counsel and stated the request is due to the need to safely secure their property. They discussed their request in relation to the Variance criteria and the presence of crime in the area and past trespassing and attempted break-ins on their property. They went on to state the increased height and metal material provides greater security than a standard 4 ft. tall fence would not be able to provide.

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

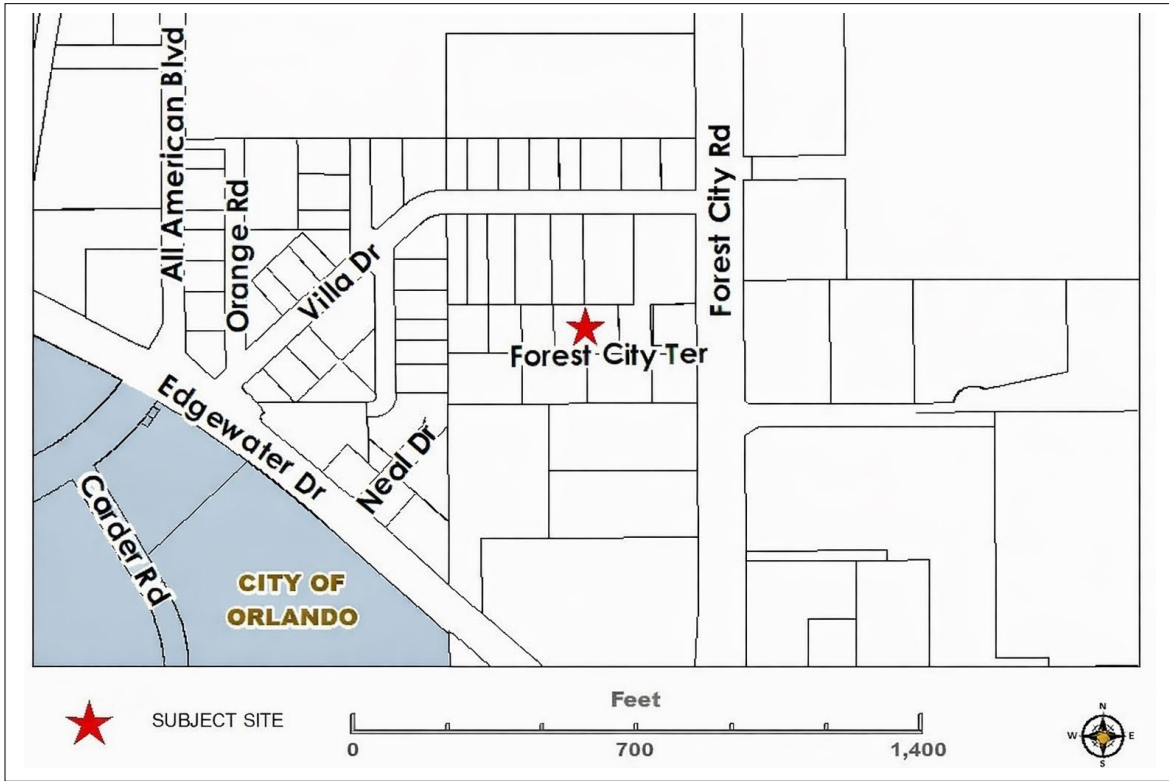
The BZA discussed the requests and stated the fence would allow increased security and that the metal is not currently standard in the fencing industry but is becoming more common.

The BZA recommended approval of the Variance requests by a 5-0 vote, with 2 absent, subject to the five conditions found in the staff report.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1	R-1	R-1	R-1	R-1
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Religious Institution	Single-family residential

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 in the immediate vicinity and commercial uses further to the south and east. The subject property is 19,600 sq. ft. in size and is an unplatted interior lot. The subject property is landlocked and does not have fee simple access to a public roadway. Ingress and egress are provided via a prescriptive road easement across the adjoining parcel to the nearest public road, Forest City Rd. The property was purchased by the current owner in 2007.

The property is developed with a one-story single-family home. Pavers and a 6 ft. tall fence have been installed on the property. Based on aerial images, the fence was installed sometime between 2023 and 2024 and the pavers appear to have been installed between 2024 and 2025. Code Compliance cited the property owner on

November 17, 2025 (CE: 665218) for a fence and pavers installed without a permit, a utility trailer in the front yard, and a dual rear wheel vehicle trailer parked in the backyard. The property owner submitted a fence permit (F25023294) on November 24, 2025, for the subject fence. The fence permit is active and is deficient based on the height, location, and material of the existing fence.

During the site visit, staff observed pavers installed around the driveway and a utility trailer located in the front yard consistent with the active code violation. On February 16, 2026, a permit was obtained for the pavers (Z26000539). Section 38-79(141) of Orange County Code prohibits parking, storing, or keeping a utility trailer in a front yard or side street yard. The utility trailer is required to be relocated to a code compliant location or removed from the property, as reflected in Condition of Approval (COA) #4. Sec. 38-77 prohibits parking and storage of dual rear wheel vehicles on residential properties. Any dual rear wheel vehicle trailers must be removed from the site, reflected in COA #5.

The proposal is to keep the existing 6 ft. tall privacy fence located in the front yard and to extend the same style of fencing along the east property line. Per Sec. 38-1408 (a) of the Orange County Code, a fence shall be uniform in construction, design, material, color and pattern, and the fence material shall be a standard material conventionally used by the fence industry. The existing fence is comprised of 6 ft. tall, galvanized metal panels which is not considered a standard material for fencing, prompting Variance request #1. Per Sec. 38-1408 (g) of the Orange County Code, fences in residential districts are limited to maximum height of 4 ft. in the front yard setback, unless abutting a collector or arterial right-of-way. The prescriptive road easement is classified as local street and therefore the fence is limited to 4 ft. in height within 20 ft. of the front property line. The fence is located 15 ft. from the front property line, within the front setback, prompting Variance request #2.

Fence/Wall Requirements

	Maximum Height	Proposed Height
Front Yard*:	4 ft.	6 ft. (Variance #2)
Side and Rear Yard:	8 ft.	6 ft.

** Limited to a maximum height of four feet in the front yard 20 ft. setback*

The request was routed to all relevant reviewing Divisions. There were no objections noted. Code Compliance reviewed the Variance requests and noted case #665218 has not been heard before the Special Magistrate and is not accruing any 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 provided five letters in support from surrounding neighbors.

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 requests meet some of the criteria, they do not meet all the criteria. Based on staff’s analysis, the fence could be reduced in height and constructed of a standard fencing material to eliminate the Variance requests. Therefore, staff is recommending denial of both the Variance requests.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variance #1 NOT MET – There are no special conditions and circumstances that would prevent a fence from being constructed on the property using a standard material used by the fence industry.

Variance #2 NOT MET – There are no special conditions and circumstances that would prevent a 4 ft. fence from being installed on the property.

Not Self-Created

ALL VARIANCES NOT MET - The need for the Variances are self-created since there are other options available to fence the property in a code compliant manner.

No Special Privilege Conferred

ALL VARIANCES NOT MET - Granting the requested Variances will confer special privilege not conferred to others under similar circumstances as this is a standard mandated in all residential zoning districts throughout Orange County.

Deprivation of Rights

ALL VARIANCES NOT MET – There is no deprivation of rights without the requested Variances, the owner would be able to install a 4 ft. tall fence along the front property line or a 6 ft. tall fence 20 ft. from the front property line using standard material conventionally used by the fence industry, and fencing up to 8 ft. in height along the side and rear property lines.

Minimum Possible Variance

ALL VARIANCES NOT MET – While the requests are the minimum possible to keep the existing 6 ft. tall fence within the front setback as constructed, the request includes new fencing that is inconsistent with Code requirements that could be otherwise amended to comply with all code requirements therefore the requests are not the minimum possible.

Purpose and Intent

Variance #1 NOT MET - Approval of the requested Variances would not be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on preserving neighborhood aesthetics. The proposed galvanized metal panels are incompatible with fencing materials used throughout Orange County.

Variance #2 NOT MET - Approval of the requested Variances would not be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on preserving visibility and neighborhood aesthetics. While the property lacks direct access to a public right-of-way, the proposed location of the fence is not visually consistent with fencing found in a typical residential neighborhood. The proposed height within the front setback is inconsistent and incompatible with fencing throughout Orange County.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the partial site plan dated February 16, 2026, and the associated legend provided by staff, 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 fence, the utility trailer shall be relocated to a code compliant location or removed from the property.
5. Prior to the issuance of a permit for the fence, the dual rear wheel vehicle trailer shall be removed from the property.

C: Robert Rausch
2810 Villa Dr.
Orlando, FL 32810

For the attention of the BZA Team:

Robert D Rausch is submitting the necessary application and supporting documentation for the process of a Fence Variance. This is accompanied by an outlined/cover letter below, which we hope will provide a summary of why this fence variance process is so important to us, as long time Orange County Residences.

2901 Forest City Terrace, Orlando, FL 32810

Fence Replacement

My Residence includes 2810 Villa Drive, 2820 Villa Drive, Orlando, FL 32810 and 2901 Forest City Terrace, Orlando, FL 32810.

The neighborhood is less than 28 homes with a few short streets surrounded by commercial and industrial properties, wooded acres, a transmission line and sub-station.

The neighbors watch out for one another. We get along and stay out of each other's business. Some are retired like me, most are blue collar working type folks. An HOA was presented at one point by mail, without much interest. This is a low income area, half of the residences own their properties and the other half are renters.

Random homeless people live in and around the above mentioned areas. They have camped out, defecated, vandalized and trashed my property. They have even used my water hose to shower without my consent. My vehicles and home have been broken into numerous times over the 40 plus years that I have lived in my home in this area.

Private property keeps disappearing randomly: tools, lawn equipment, etc. Drug paraphernalia, clothing, trash, etc, litter the sides of the road.

2901 Forest City Terrace:

Existing wood and chainlink fences were removed and replaced with wood post and metal panels.

The purpose of the solid fence is multi functional:

- Secure the property from the many homeless wandering up and down SR 434 and Forrest City Road.

COVER LETTER

- Provide privacy from the traffic on Forrest City Road and Forest City Terrace.
- Reduce noise coming from the above mentioned and the two churches to the East and South abutting my properties.
- Reduce noise coming from the North and South commercial properties: sirens, loud music, etc.
- To keep my two dogs secure in my yard by the fence material that is 6 FT high and 1 FT buried into the ground.

Details on Material and Structure:

- The material is industry standard galvanized metal panels, screwed to the wooden fence post.
- Wooden posts are 5" diameter, post set 26 to 30 inches into the soil, at 5 foot intervals.
- The panel's have a dull galvanized look (like the back of a street sign). It's a clean looking linear look, that provides the needs and purpose listed above, without the problems of fading, sagging, rotting, etc.
- Wind loads are above standards provided by vertical posts every 5 feet, in lieu of the normal 8 foot spacing.
- The panel fasteners are 1-¼ inch zinc coated screws into the post, 1 foot on center.

Burying the panel 1 foot into the soil keeps my dogs from digging under the fence.

The fence material consists of standard galvanized panels being utilized in high end residential projects, providing a pleasing modern aesthetic. Its durability is unmatched, plus it is recyclable when it is no longer usable.

It is attractive, architecturally pleasing, using acceptable materials to help protect my property from repeated thefts and intrusions.

Permit application was rejected by OC Zoning for two reasons:

1. Sec.38-1408(G1) Fence limited to 4' high in the front if closer than 25 feet of front property line.
2. Sec.38-1408(A) Metal fence panels were rejected.

Included attachments to this email are as follows:

BZA Application (14 pages)

Survey & Drawings with details (3 pages)

Code Violation Compliance Inspector Details (2 pages)

Robert D Rausch Warranty Deed Life Estate (2 pages)

Photo's of the Fence (4 pictures)

Robert David Rausch can be contacted at anytime via phone call 407-383-6620. Thank you in advance for your time in reviewing the details of this application. We realize your time is valuable, so we appreciate your attention to this submission.

Sincerely,

Robert D Rausch

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 elevated grade of Forest City Terrace renders a six foot privacy fence beyond the 25-foot front setback ineffective

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 cannot control the traffic or the homeless situation. We can only protect and secure our own property and safety.

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.

N/A

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.

N/A

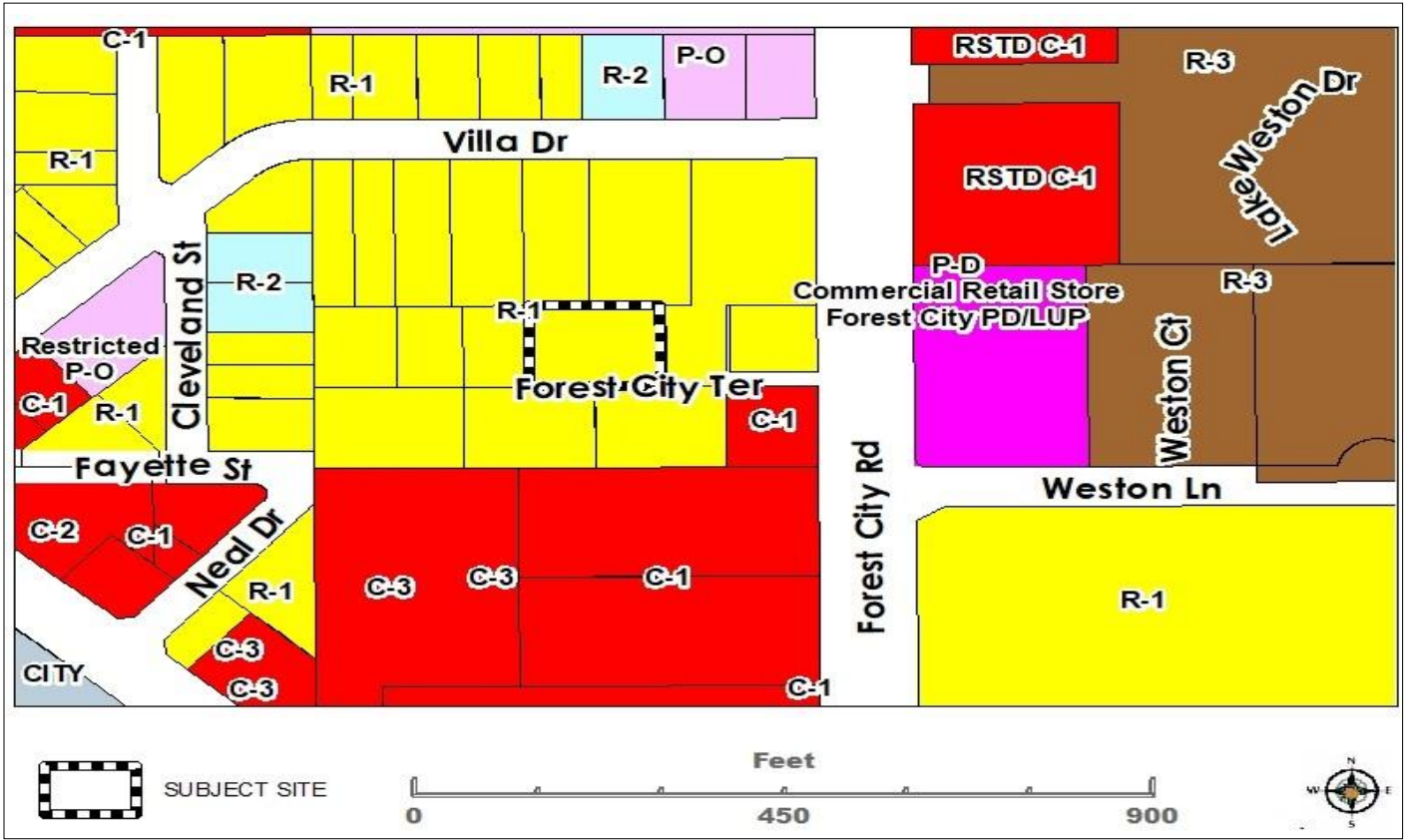
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

We are simply try to secure and protect our property. We are requesting at a minimum, a variance of a 12 foot front set-back, for the purpose of a 6ft fence.

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.

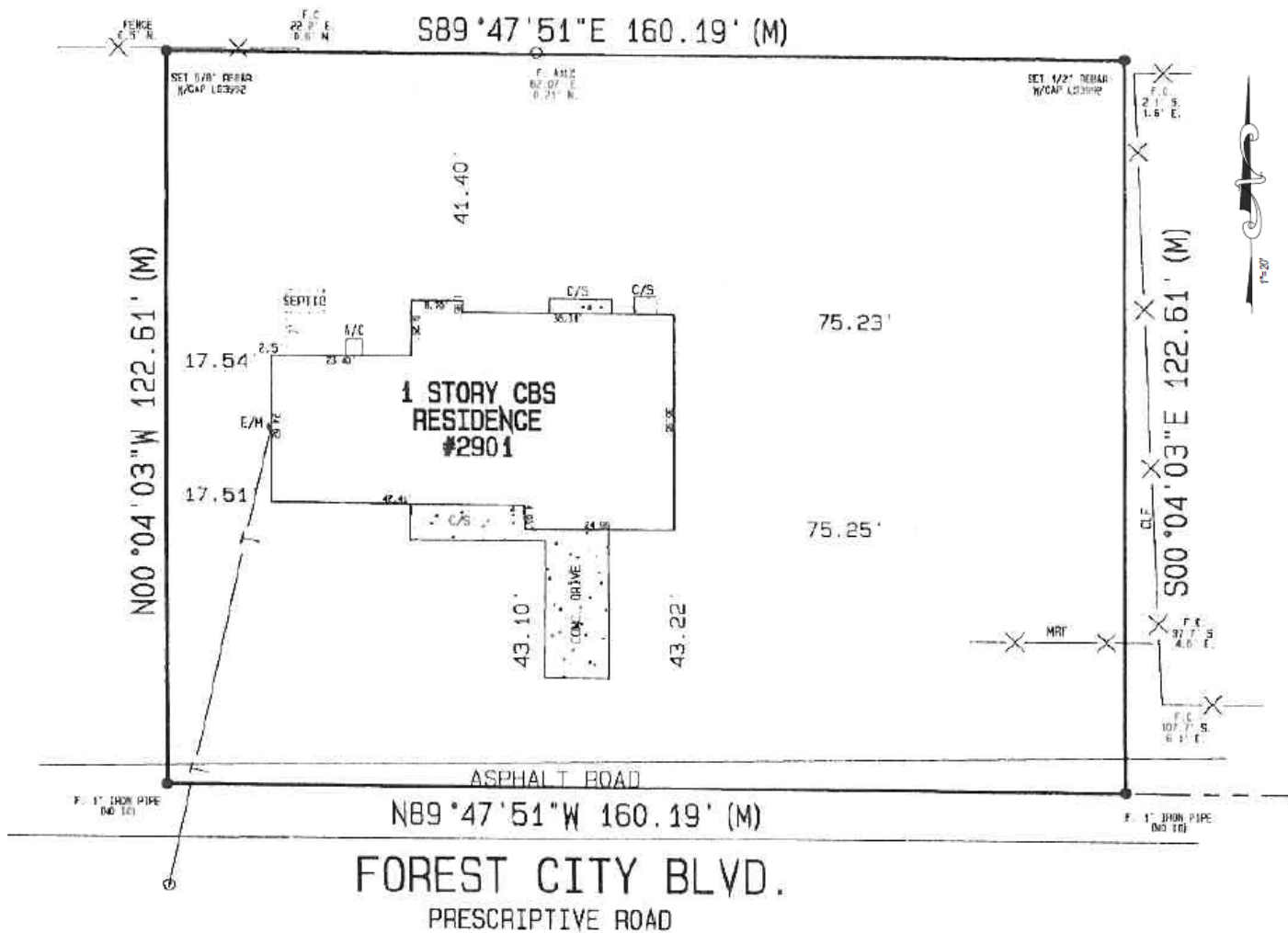
N/A - Private Road

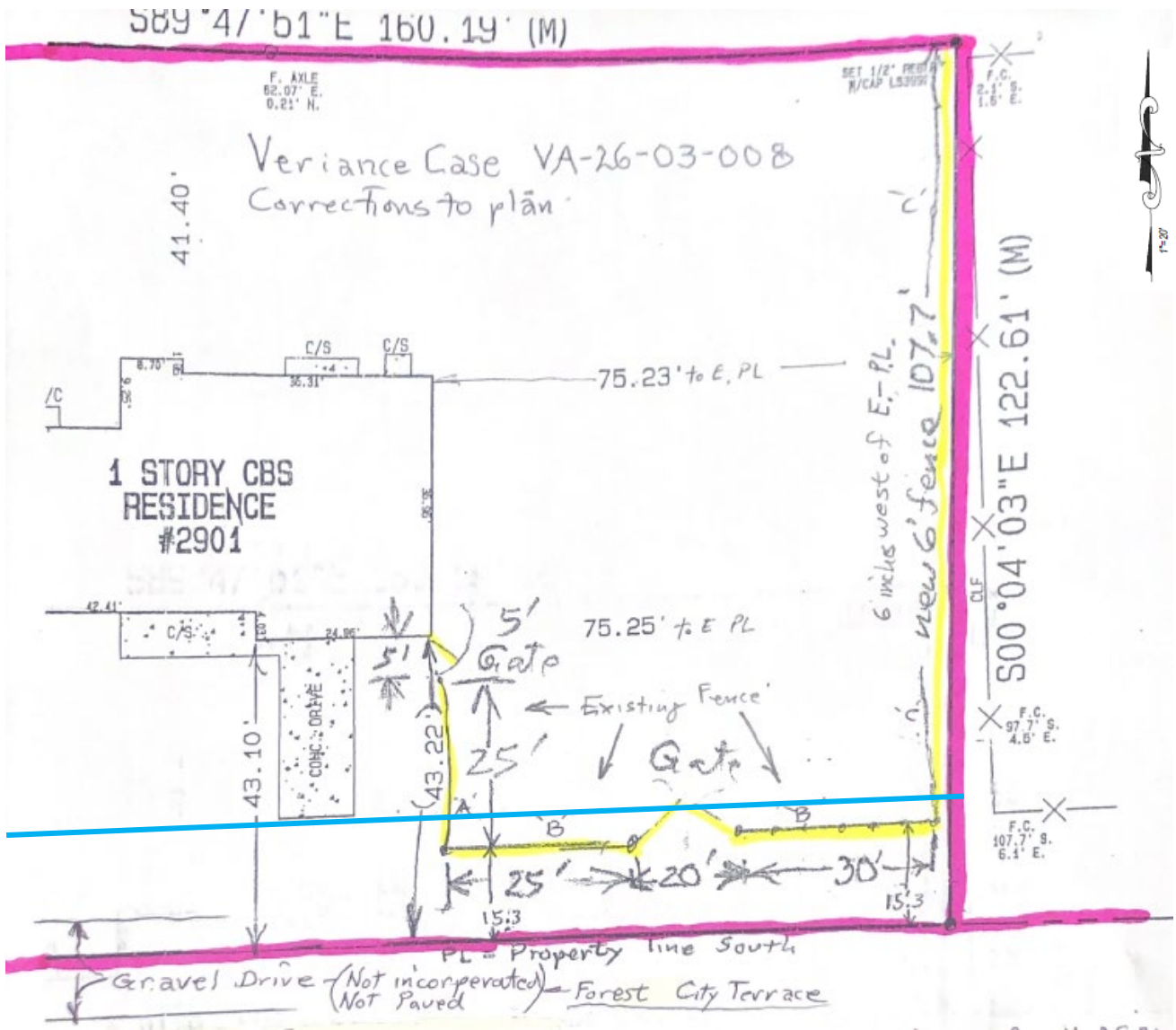
ZONING MAP



AERIAL MAP







Legend:

Property lines – Pink

Proposed 6 ft. tall, galvanized metal fence – Yellow

Front (20 ft.) Setback – Blue

2026 BIRDSEYE VIEW



2025 AERIAL



SITE PHOTOS



Facing north towards front of subject property



Facing northeast towards front of subject property and existing fence (Variance Request)

SITE PHOTOS



Facing west along private road towards subject site



Front yard, facing southeast towards the existing location of the fence

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **APR 02, 2026**

Commission District: **#1**

Case #: **SE-26-01-080**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JUAN RODRIGUEZ FOR SCI FUNERAL SERVICES

OWNER(s): SCI FUNERAL SERVICES OF FLORIDA LLC

REQUEST: An amendment to a Special Exception to allow a funeral home and cemetery estates in the A-1, PD, R-CE zoning districts.

PROPERTY LOCATION: 544 Woodlawn Cemetery Rd., Gotha, FL 34734, west side of Woodlawn Cemetery Rd., north side of Morton Jones Rd., south of Old Winter Garden Rd., north of Gotha Rd., west of S Apopka Vineland Rd., east of Hempel Ave.

PARCEL ID: 27-22-28-4880-00-470; 33-22-28-0000-00-001;
33-22-28-3100-01-100

LOT SIZE: 122.04 acres

NOTICE AREA: 1,200 ft.

NUMBER OF NOTICES: 469

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

1. Development shall be in accordance with the site plan dated January 15, 2025, as modified by condition of approval #5, and elevations dated February 11, 2022, 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 Phase I shall be obtained within 5 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. The new driveway access shown on Woodlawn Cemetery Rd. shall be relocated to Butler Ave., or the driveway access shall be removed.
6. Prior to issuance of a final Certificate of Occupancy for the new funeral home, the existing funeral home on Parcel 27-22-28-4880-00-470 shall be demolished.
7. Lighting shall be low intensity and conform to "dark sky" standards of downward projected, "full cut-off" illumination that shields light from being emitted upwards toward the night sky or surrounding natural areas. To be full cut-off, the light bulb shall not extend below the lamp shade. The height of any exterior light pole fixture shall be limited to 25 feet.
8. The security entrance gates shall be locked from 9pm to 5am.
9. Any new entrance areas shall be equipped with CCTV cameras and signage noting that recording is occurring.
10. Noise shall be regulated by Chapter 15, Orange County Code "Environmental Control", specifically Article V "Noise Pollution Control". No outdoor speakers or other audio amplification shall be permitted.

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

The applicant was present and stated they are the engineer of record for the project. They discussed their request was previously approved and the current proposal is a modification of the past request to shift the location of the structure north in order to keep the existing maintenance barn. They also stated they consent with all conditions of approval, including prohibiting amplified sound.

There was no one in attendance to speak in opposition to the request. One individual spoke in favor, stating they are a neighboring property owner. They noted that they were originally opposed but now offer conditional support with the additional condition prohibiting amplified sound.

The BZA discussed the request and the conditions of approval and found the request appropriate.

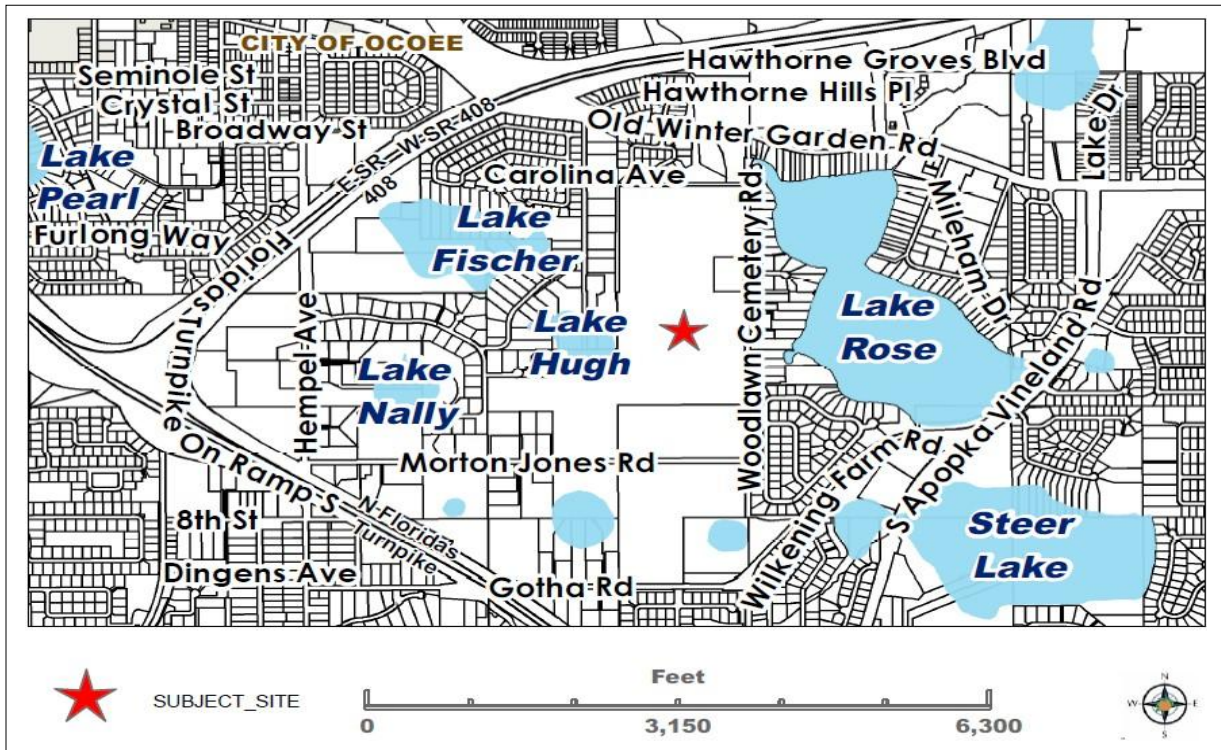
The BZA recommended approval of the Special Exception request by a 5-0 vote, with 2 absent, subject to the 9 conditions found in the staff report and the addition of Condition of Approval #10 as follows:

10. Noise shall be regulated by Chapter 15, Orange County Code "Environmental Control", specifically Article V "Noise Pollution Control". No outdoor speakers or other audio amplification shall be permitted.

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, R-CE	A-1, PD, R-CE	R-CE, A-1, PD	R-1	R-CE, A-1, PD
Future Land Use	INST, RS 1/1	LDR, INST	RS 1/1, INST	LDR	RS 1/1
Current Use	Cemetery, Funeral Home, Crematorium	Single Family, Communication Tower, Vacant	School, Single- family	Single-family residences	Single-family

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject site is comprised of three separate parcels that function as a unified development. Parcel ID 33-22-28-0000-00-001 (labeled as parcel A) is located in the A-1, Citrus Rural district, parcel ID 27-22-28-4880-00-470 (labeled as parcel B) is located in the Woodlawn Funeral Planned Development (PD), and parcel ID 33-22-28-3100-01-100 (labeled as parcel C) is located in the R-CE, Country Estate district. The Future Land Use (FLU) of parcel B is Institutional (INST), which is consistent with all zoning districts, and parcels A and C have a FLU of Rural Settlement 1/1 (RS 1/1), which is consistent with the A-1 and R-CE zoning districts.

The subject property is located in the Gotha Rural Settlement. 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 portion of property with the RS 1/1 FLU is cemetery plots, and no improvements are proposed on this portion.

The subject property is 122.04 acres in size, with an existing 14,000 sq. ft. funeral home, constructed in 1976, crematory, cemetery, mausoleum buildings, and associated accessory structures including a barn. The existing funeral home is on its own parcel, parcel B, which is zoned PD. The other associated structures and a portion of the cemetery are on parcel A, zoned A-1. Parcel C, zoned R-CE, contains the rest of the cemetery and no work is proposed on this property.

The main parcel (parcel A) has right-of-way frontage on Hart Ave., Morton Jones Road, Woodlawn Cemetery Road, Lake Hugh Drive, and Butler Avenue. Woodlawn Cemetery Road is considered the front, as frontage for commercial property is determined by the width of the lot abutting the street with heaviest traffic usage. Given the unique shape and multiple street frontages, it has been determined that for the purposes of zoning and yards, Hart Ave. and Lake Hugh Dr. are also considered front yards, and Butler Ave. and Morton Jones Rd. are side streets. A portion of Lake Hugh is located on the southwest portion of the property and is not impacted by the development area. The area consists of one-story single-family homes in the immediate vicinity, a communications tower to the north, a middle school, and some vacant lots. The subject site has been granted several amendments to the original 1973 Special Exception request, as outlined below, all of which related to the existing cemetery use.

Prior Cases*:

- December 6, 1973: Special Exception to allow a cemetery that had existed on site since 1926.
- September 17, 1974: Parcel B was rezoned to Planned Development (Woodlawn Funeral PD) to allow a funeral home as part of the Planned Development.
- September 16, 1975: Development Plan approval for the existing funeral home on parcel B.
- March 1, 1990: Special Exception (Item #12) on parcels A and C to expand the existing cemetery.
- September 4, 1997: Special Exception (Item #4) on parcels A and C for a crematory as an ancillary use to an existing cemetery and funeral home operation.
- October 5, 2000: Special Exception (item #4) on parcels A and C to add two mausoleum buildings and one pavilion structure adjacent to the existing mausoleum buildings.
- April 3, 2003: Special Exception (SE-03-04-019) on parcels A and C to construct a 3,500 sq. ft. crematorium as an ancillary use to an existing cemetery and funeral home – replacing the previous 1997 approval which expired.
- September 1, 2022: Special Exception (SE-22-08-063) to construct a new 19,236 sq. ft. funeral home on parcel A to replace an existing 14,000 sq. ft. funeral home on parcel B.
- August 3, 2023: Special Exception (SE-23-09-069) to construct a 1,274 sq. ft. mausoleum building on parcel A.

**Final approvals were granted by the Board of County Commissioners*

The proposal is to construct a 19,236 sq. ft. funeral home building on parcel A to replace the existing 14,000 sq. ft. funeral home on parcel B. The project is proposed to be constructed in two phases. Phase I will consist of the construction of the new funeral home and associated parking and access. The existing funeral home, located within the PD zoned property, will continue operation until the time of issuance of the Certificate of Occupancy for the proposed new funeral home, at which time the existing funeral home will be demolished. Phase II includes the demolition of the existing funeral home and associated parking, and the construction of an additional parking area and access to the west, connecting to internal roadways. The existing funeral home

on parcel B will be reverted to grass area as part of the Phase II demolition and is intended to be used as expanded cemetery area in the future. Because the parcel is located within a PD, an amendment to the Land Use Plan will be required. This amendment must be submitted for review by the Development Review Committee and may also require a public hearing.

Vehicular access to the site will be provided from Woodlawn Cemetery Road to the east. A new point of access from Woodlawn Cemetery Road is proposed, in addition to the existing connection from the crematory. The proposed landscaping plan for the project provides a landscape buffer with canopy trees and shrubs along the perimeter, meeting code. There are trees existing on parcel A that are proposed to be removed in phase II, which is subject to Chapter 15 of the Orange County Code.

The 2022 Special Exception was proposed to be developed in two phases with 9 Conditions of Approval (COA). Phase I was to consist of the demolition of the existing barn and the construction of the new funeral home and associated parking and access. The current proposal has shifted the location of the structure in order to keep the barn structure in its current configuration. COA #1 tied the approval to the site plan and elevations proposed at the time. Due to the shift of the proposed structure to the north and the plan to retain the barn, the proposed modifications to the original approval were determined to be substantial, requiring a new request for a Special Exception. All other portions of the proposal remain the same.

Parking Calculations

Type	Parking Requirements	# of seats in chapel	# of commercial vehicles	Required spaces	Phase I spaces provided	Phase II spaces provided	Total spaces
Mortuaries	1 space for each 4 seats in chapel, plus 1 space for each commercial vehicle	245	18	80	85	50	135

Based upon the above table, the total parking spaces required is 80 parking spaces. Phase I includes an 85 space parking lot, and Phase II will provide an additional 50 spaces, for a total of 135 spaces, which meets the minimum parking requirements. Parking for other uses on site were met at the time of construction of such uses.

Building Setbacks

	Code Requirement	Proposed
Front (Woodlawn Cemetery Rd., Hart Ave., & Lake Hugh Drive):	35 ft.	113 ft. (East, Woodlawn Cemetery Rd.) 1,061 ft. (West, Hart Ave.) All other streets not applicable to the proposed development area
Side:	10 ft.	563 ft. (South)
Side Street (Butler Ave. & Morton Jones Rd.):	15 ft.	85 ft. (North, Butler Ave.) All other streets not applicable to the proposed development area
Rear:	50 ft.	not applicable to the proposed development area

The request was routed to all relevant reviewing Divisions. Traffic Engineering stated the access driveway for the proposed funeral home must be relocated to Butler Ave. to the north or be removed, as reflected in condition of approval #5. No other objections were noted by other reviewing staff. Transportation Planning indicated that since there will be no increase in employees associated with the request a traffic study will not be required at this time. As of the date of this report, no comments have 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. Staff has determined that the request meets the six criteria. Based on staff's analysis, the operation of the proposed structure will function in the same capacity as the existing cemetery and therefore staff is recommending approval of the Special Exception request.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

MET – The use of the property for a funeral home and cemetery, as conditioned through the Special Exception process, is consistent with the Comprehensive Plan. The intent of the Rural Settlements is to preserve the existing character of the area, and consistent with the Comprehensive Plan, the property serves as a necessary resource for public services.

Similar and Compatible with the Surrounding Area

MET - The proposed one-story building is internal to the site, and is consistent with the other one-story buildings already existing on site. The proposed maximum height of 35 ft. is consistent with the surrounding single-family residences and institutional uses. Furthermore, after demolition of the existing funeral home, there will be only a slight increase in building area on the property.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

MET - The proposed funeral home is consistent with the existing development, as the cemetery has been in existence since 1926 and the existing funeral home has been in existence since 1976. After the completion of Phase II, the funeral home square footage will have only increased by 5,236 sq. ft.

Meet the performance standards of the district

MET - The proposed development is in compliance with the performance standards.

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

MET – The proposed funeral home is replacing an existing funeral home and the characteristics and impacts of the proposed development will not change.

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 perimeter landscaping in compliance with Section 24-5 of Orange County Code.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated January 15, 2025, as modified by condition of approval #5, and elevations dated February 11, 2022, 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 Phase I shall be obtained within 5 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. The new driveway access shown on Woodlawn Cemetery Rd. shall be relocated to Butler Ave., or the driveway access shall be removed.
6. Prior to issuance of a final Certificate of Occupancy for the new funeral home, the existing funeral home on Parcel 27-22-28-4880-00-470 shall be demolished.
7. Lighting shall be low intensity and conform to "dark sky" standards of downward projected, "full cut-off" illumination that shields light from being emitted upwards toward the night sky or surrounding natural areas. To be full cut-off, the light bulb shall not extend below the lamp shade. The height of any exterior light pole fixture shall be limited to 25 feet.
8. The security entrance gates shall be locked from 9pm to 5am.
9. Any new entrance areas shall be equipped with CCTV cameras and signage noting that recording is occurring.

C: Juan P. Rodriguez, P.E.
Kimley-Horn and Associates, Inc.
200 S. Orange Ave., Suite 600
Orlando, Florida 32801



February 18, 2026

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

Project Narrative

**SCI Funeral Services of Florida, LLC – 544 Woodlawn Cemetery Road, Gotha, Florida 34734
Proposed Funeral Home and Cemetery Office**

Special Exception Project Description:

The proposed project site is owned by SCI Funeral Services of Florida, LLC d/b/a Woodlawn Memorial Park & Funeral Home (“SCI”) and is located at 544 Woodlawn Cemetery Road, Gotha, Florida 34734, Orange County, Florida The Parcel ID summary is below:

PARCEL ID	AREA	ZONING
27-22-28-4880-00-470	2.89 ac	P-D
33-22-28-0000-00-001	100.12 ac	A-1

A new 19,236 sf funeral home will be added on 33-22-28-0000-00-001 parcel to replace an existing ±14,000 square foot building at Woodlawn Memorial Park and Funeral Home (the “Existing Project”). The Existing Project is located at the southwest corner of Woodlawn Cemetery Road and Butler Avenue in Gotha, FL (lots 47 and 48 of Parcel ID is 27-22-28-4880-00-470) – which also contains an already approved cremation structure by the County. The Proposed Project will be located on parcel 33-22-28-0000-00-001 and will not re-locate the existing cremation structure and maintenance building on Parcel ID is 27-22-28-4880-00-470. Additional estates and circulation roads will be added on parcels 27-22-28-4800-00-470; 33-22-28-0000-00-001 and 33-22-28-3100-01-100.

Why this request is consistent with Orange County’s Special Exception Criteria (38-78):

The use shall be consistent with the comprehensive plan

GOAL FLU1 URBAN FRAMEWORK. Orange County shall implement an urban planning framework that provides for long-term, cost-effective provision of public services and facilities and the desired future development pattern for Orange County.

According to the Orange County Comprehensive Plan, the Property already serves as a necessary resource of public services; therefore, the Proposed Project and Existing Project qualify and serve the purposes as enumerated therein.



The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development; the use shall not act as a detrimental intrusion into a surrounding area; the use shall meet the performance standards of the district in which the use is permitted; and 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.

As noted above, the Property and Proposed Project will merely serve as a replacement structure for an already existing, approved, funeral chapel pursuant to the County's Land Development Code.

Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code

As evinced in the attached application, the Proposed Project meets all applicable criteria of the County's Land Development Code regarding buffering and landscaping.

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

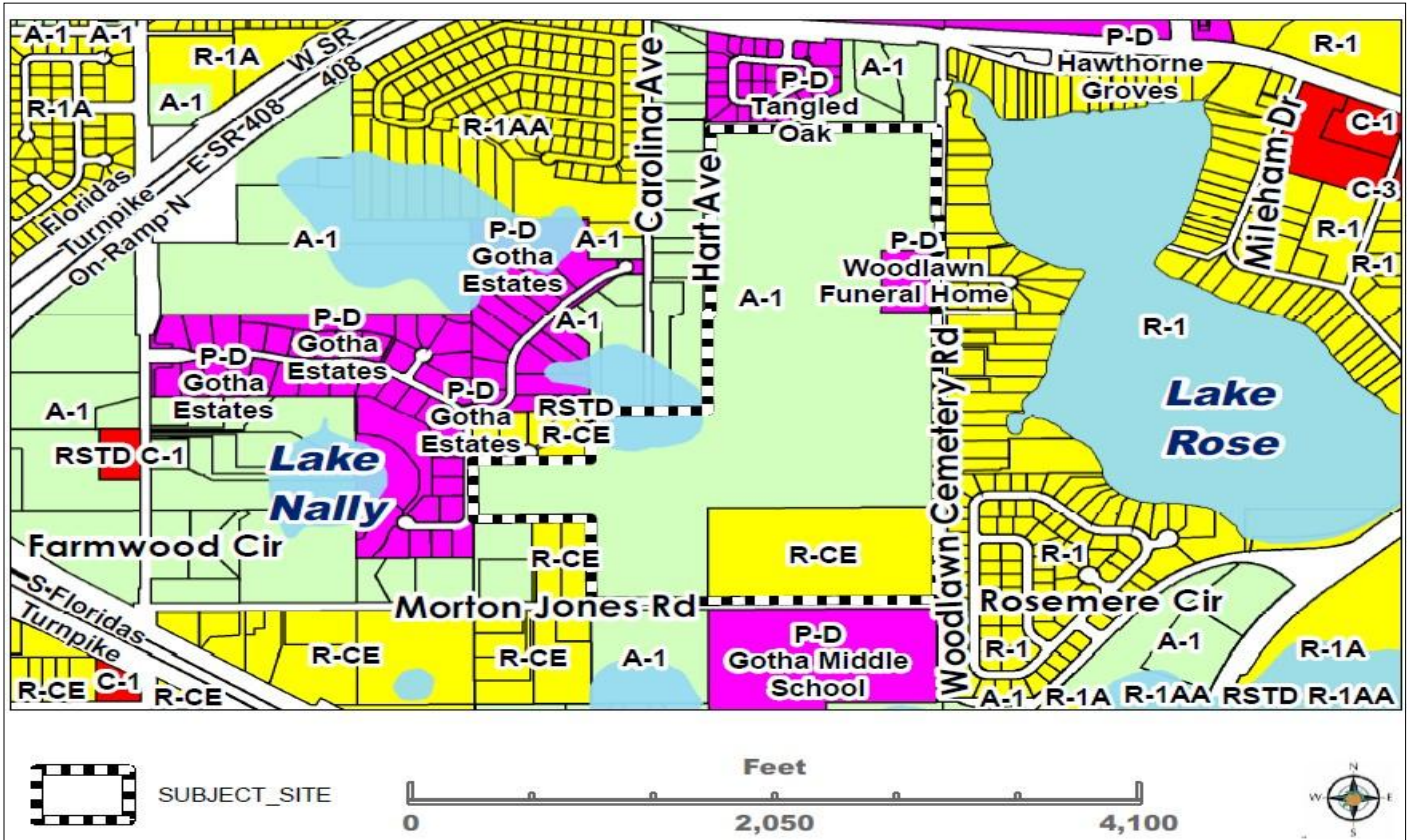
Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

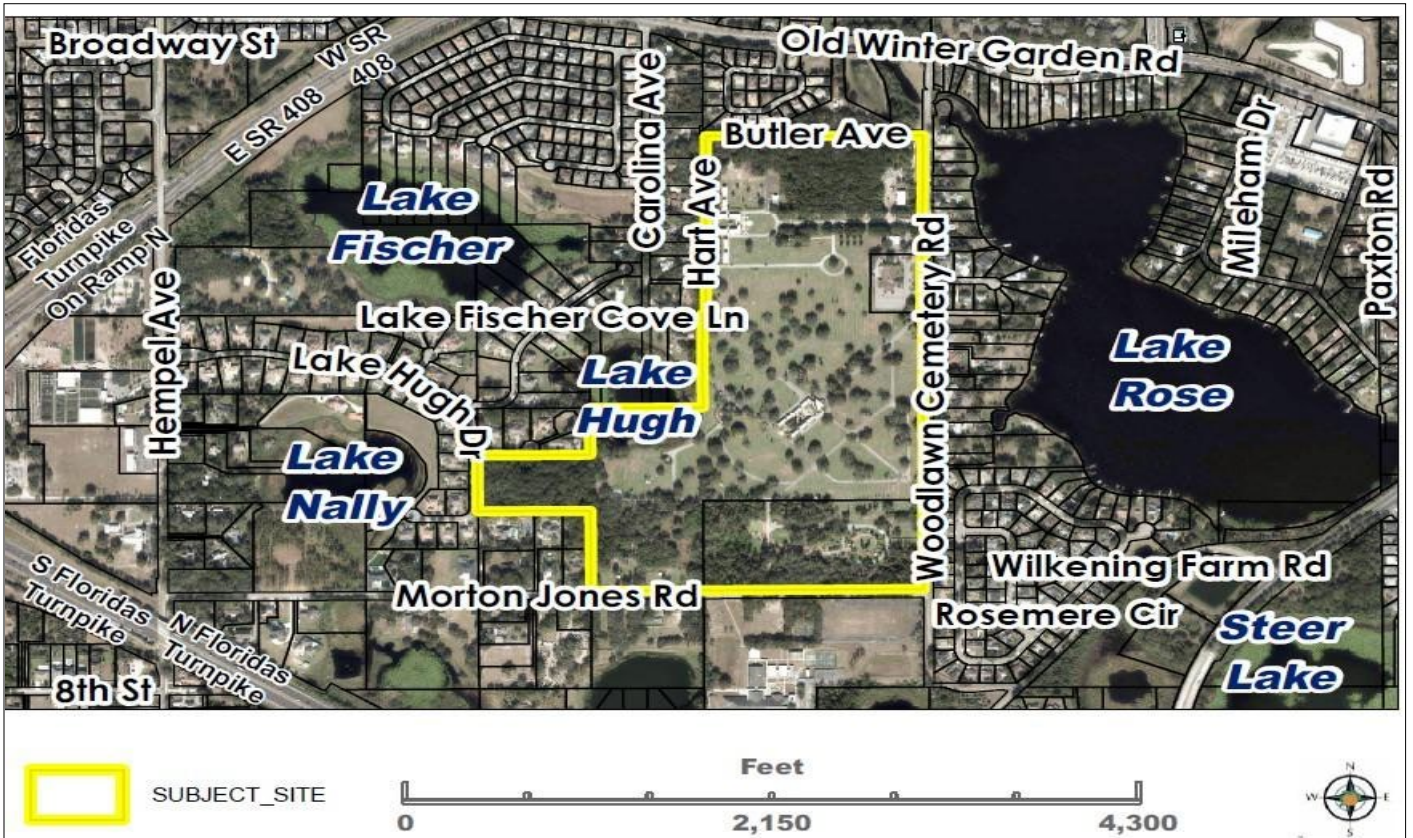
A handwritten signature in blue ink, appearing to read "Juan P. Rodriguez".

Juan P. Rodriguez, P.E.

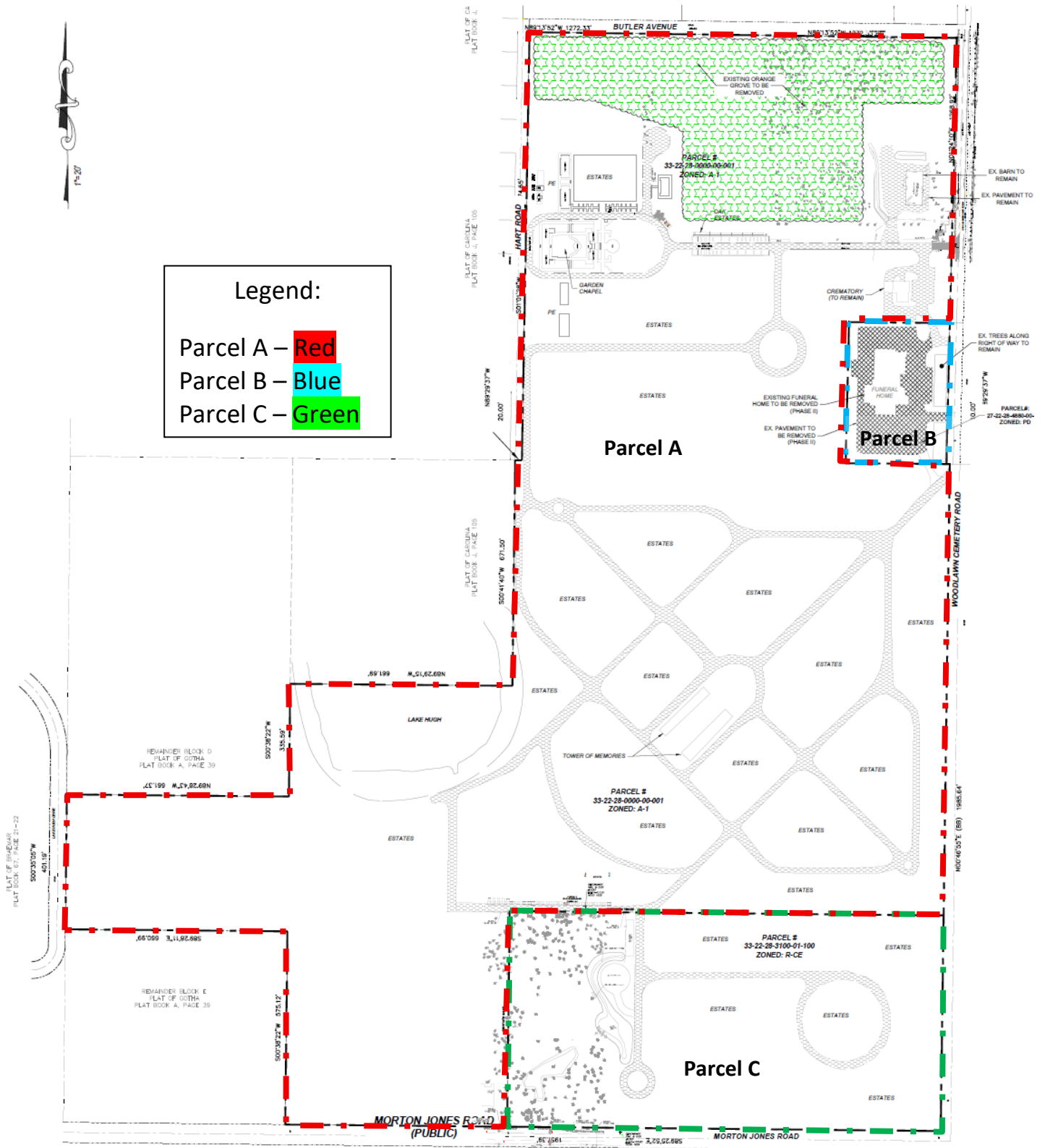
ZONING MAP



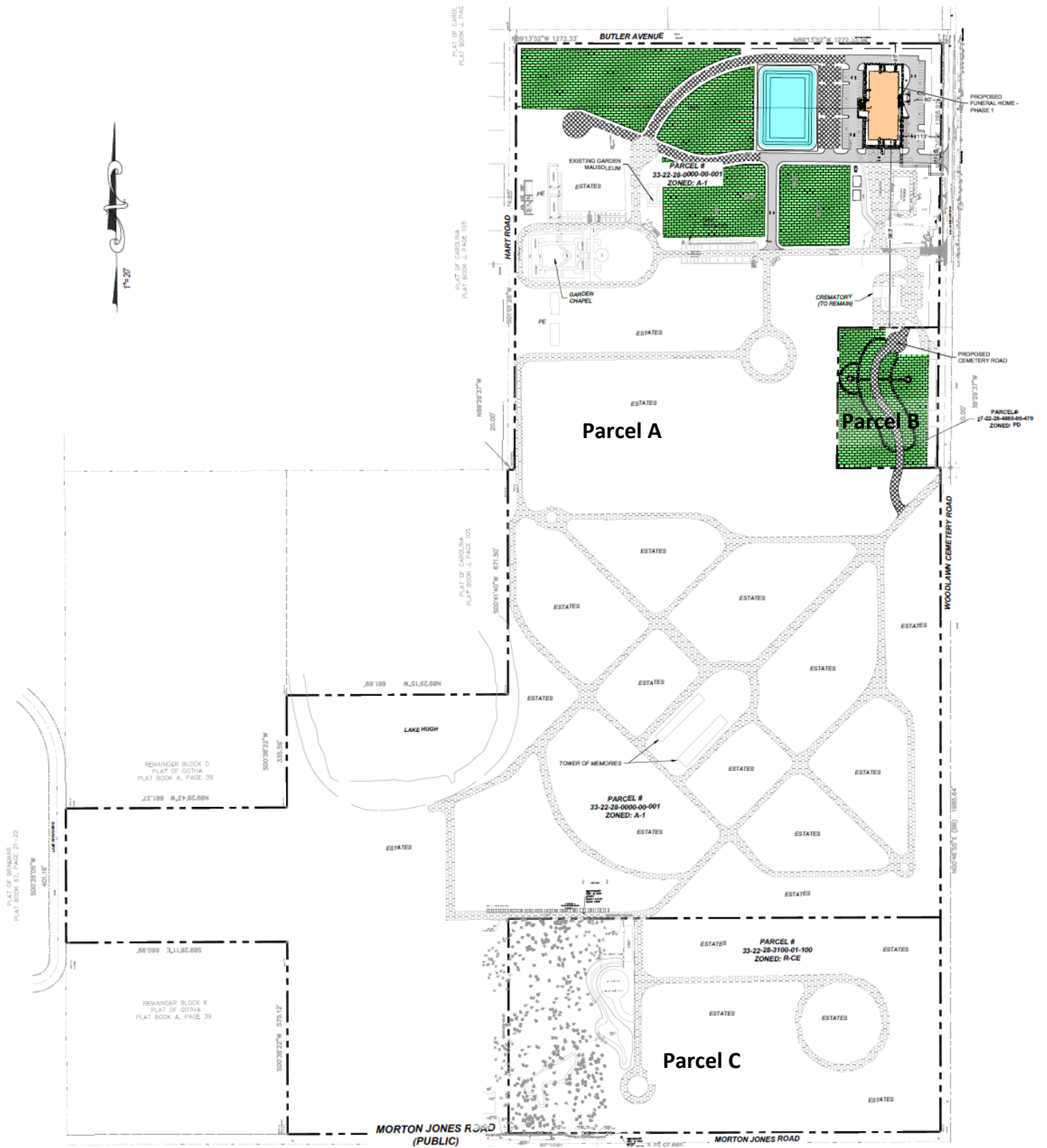
AERIAL MAP



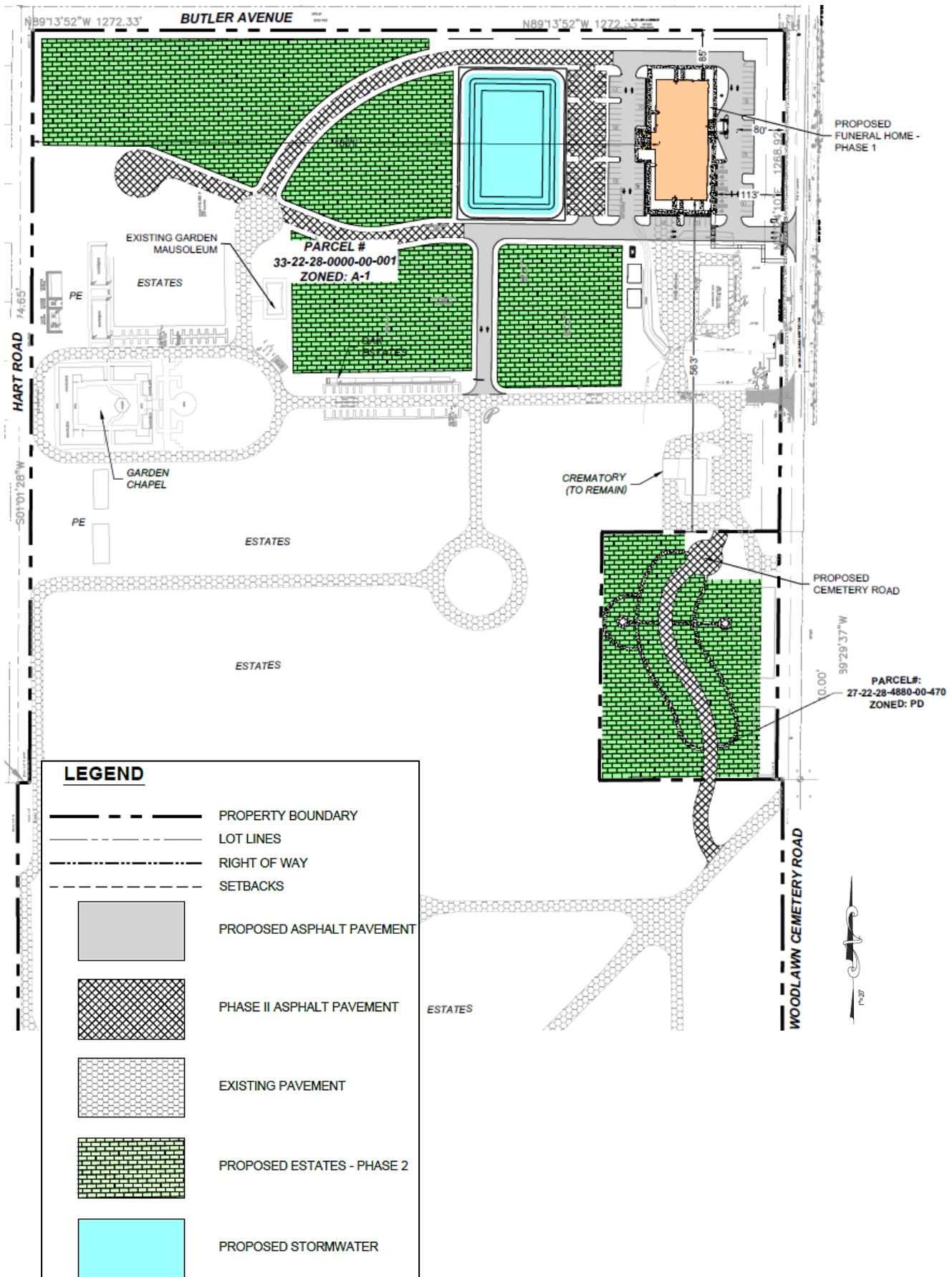
OVERALL EXISTING SITE PLAN



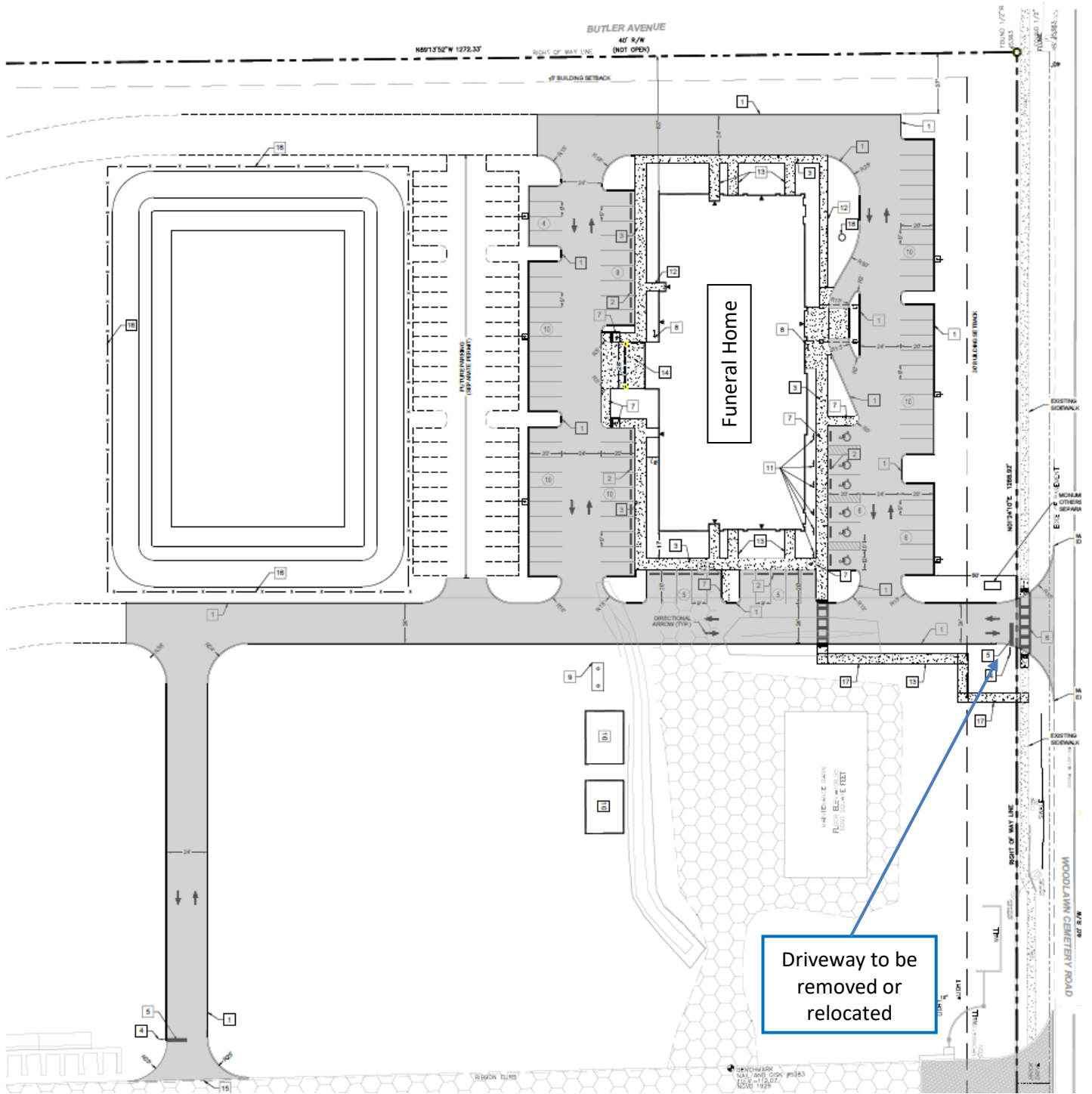
OVERALL PROPOSED SITE PLAN



PHASE II SITE PLAN



PHASE ONE SITE PLAN



FUNERAL HOME ELEVATIONS



(NORTH) RIGHT SIDE ELEVATION



(EAST) FRONT ELEVATION



(SOUTH) LEFT SIDE ELEVATION

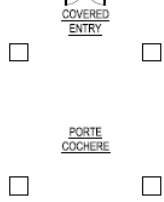


(WEST) REAR ELEVATION

FLOOR PLAN



WOODLAWN
GARDEN OF MEMORIES
GOTHA, FLORIDA
August 12, 2022



SITE PHOTOS



Facing north toward the proposed location of the funeral home and Woodlawn Cemetery Rd.



Facing north towards barn to remain and location of the proposed structure

SITE PHOTOS



Facing west towards the approximate location of the proposed driveway

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 30.42 ft. in lieu of 15 ft.

2) A sign face with a maximum allowable copy area of 380.3 sq. ft. in lieu of 300 sq. ft.

3) A maximum copy area of 660.4 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 a **CONTINUANCE** to the May 7, 2026, BZA Meeting (Motion by Thomas Moses, Second by Glenn Rubinstein; unanimous; 5 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Sonya Shakespeare, Johnny Stanley; 0 opposed; 2 absent: Roberta Walton Johnson, Juan Velez).

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six criteria and the reasons for a recommendation for approval of Variance request #1, denial of Variance request #2, and approval of a lesser Variance of a maximum copy area of 580.1 sq. ft. for ground signage in lieu of 220 sq. ft. for request #3. Staff noted that no comments were received in favor and three comments were received in opposition to the request.

The applicant was present and stated the owner's representatives were also present and available for question. The applicant team went on to present 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 favor of or in opposition to the requests.

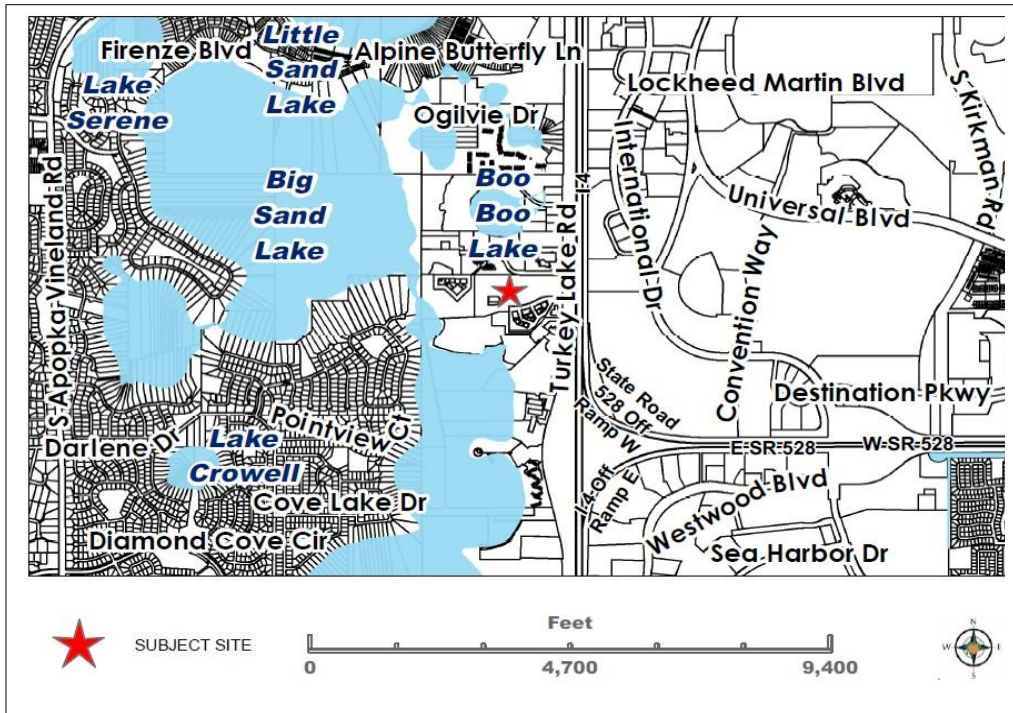
The BZA discussed the request and stated the difference between the existing 15 ft. sign and the proposed 30 ft. sign was excessive and could be redesigned to lessen the requests while still accomplishing the applicant's goals. The applicant agreed to a continuance to the May hearing to provide an alternative option.

The BZA recommended to continue the Variance requests by a 5-0 vote with 2 absent, to the May 7, 2026, BZA Hearing.

STAFF RECOMMENDATIONS

Approval of Variance request #1, denial of Variance request #2 and approval of a lesser Variance of a maximum copy area of 580.1 sq. ft. for ground signage in lieu of 220 sq. ft. for request #3, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	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

BACKGROUND AND ANALYSIS

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 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 30.42 ft. tall by 15.83 ft. wide, 380.3 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.* Pole signs within commercial, industrial, and agricultural districts are permitted to be at a maximum height of 30 ft., therefore, the proposal is generally consistent with the pole sign code in regard to height.

As set forth in Section 31.5-67(b), Code considers the proposed sign to be a pole sign and follows the additional regulations such as copy area and distance separation between pole and ground signs set forth in the pole sign Code. Section 31.5-68(g) of Orange County Code states *...the maximum allowable copy area of any pole sign on a parcel in a commercial district shall be three hundred (300) square feet per sign face...* As proposed, the sign face contains 380.6 sq. ft. of copy area, prompting Variance request #2. The face of the proposed sign has an area of 120 sq. ft. of blank space for potential copy. As proposed, the sign exceeds the maximum copy area by 80 sq. ft. The sign can be redesigned in compliance with this standard without altering the message.

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 660.4 sq. ft. where a maximum of 220 sq. ft. is allowed, prompting Variance #3.

Development Standards for ground / pole signs

	Code Requirement	Proposed
Max Number of Signs	1 ground sign per parcel 1 pole sign per parcel	2 (1 ground, 1 pole)
Distance between Signs	100 ft.	+/- 150 ft.
Max Copy Area per sign face:	120 sq. ft. (ground sign) 300 sq. ft. (pole sign)	280.1 sq. ft. (existing ground sign - VA-18-01-147) 380.3 sq. ft. (Proposed pole sign - Variance #2)
Total Max Copy Area:	220 sq. ft.	660.4 sq. ft. (Variance #3)
Max Height:	15 ft. (ground sign) 30 ft. (pole sign)	30.42 ft. (pole sign - Variance #1)
Min. Setbacks (All property lines):	10 ft.	10 ft. – East 83 ft. – South 350 ft. – North N/A - West

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 largely consistent with the code provisions regulating pole signs, however, the sign could be redesigned to reduce the width of the sign to comply with the 300 sq. ft. maximum copy area for the individual sign face eliminating the need for Variance request #2 and reducing Variance request #3. Therefore, staff is recommending approval of Variance request #1, denial of Variance #2, and approval of a lesser Variance for request #3 to allow a maximum copy area of 580.1 sq. ft. for ground signage in lieu of 220 sq. ft.

STAFF FINDINGS

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 NOT MET – There are no special conditions and circumstances specific to the property that would require increased copy area. The code allows 300 sq. ft. by right which provides sufficient visibility. The face of the proposed sign has an area of 120 sq. ft. of blank space for potential copy. As proposed, the sign exceeds the maximum copy area by 80 sq. ft. The sign has the ability to be redesigned in compliance with this standard without altering the message.

VARIANCE #3 (as modified) 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 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 NOT MET - The request is self-created as the sign could be redesigned to comply with the code requirements without sacrificing visibility.

VARIANCE #3 (as modified) 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 generally 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 NOT MET – Approval would confer special privilege to the applicant. Standard ground signs are allowed 120 sq. ft. of copy area per sign face. Since the sign is proposed to be over 15 ft. in height, Code allows the maximum copy area for the sign to be increased to 300 sq. ft. The proposed sign is beyond the increased requirement which is consistent for all commercial properties where pole signs are permitted.

VARIANCE #3 (as modified) 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 NOT MET– Literal interpretation of this requirement would not deprive the applicant rights commonly enjoyed by other properties as the sign could be redesigned to comply with the maximum copy area size requirement.

VARIANCE #3 (as modified) 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 generally consistent with the sign height allowed for pole signage.

VARIANCE #2 – The request is not the minimum possible as the sign could be redesigned to comply with the maximum size requirement.

VARIANCE #3 (as modified) MET – The request is the minimum possible to allow for the installation of the proposed sign.

Purpose and Intent

ALL VARIANCES (as modified) 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.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated October 22, 2025, and the sign details dated July 15, 2025, as modified to not exceed 300 sq. ft. of copy area, 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
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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

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 30'-5" x 15'-10" x 4'. Broken down by sections, the ID area measures 20'-8" x 12'-6". The address area measures 9'-4" x 12'-6". The Emergency totem measures 30'-5" x 3'-4". 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."

The proposed sign will contain various areas with copy. The first is the ID area which measures 20'-8" x 12'-6" (258.3 sq. ft.). The second is the address area which measures 30'-5" x 3'-4" (101.4 sq. ft.). The third is the emergency totem area which measures 2' 9" x 7' 7" (20.9 sq. ft.). The total copy area is 387.5 sq. ft. 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 supports 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.

They 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.

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.

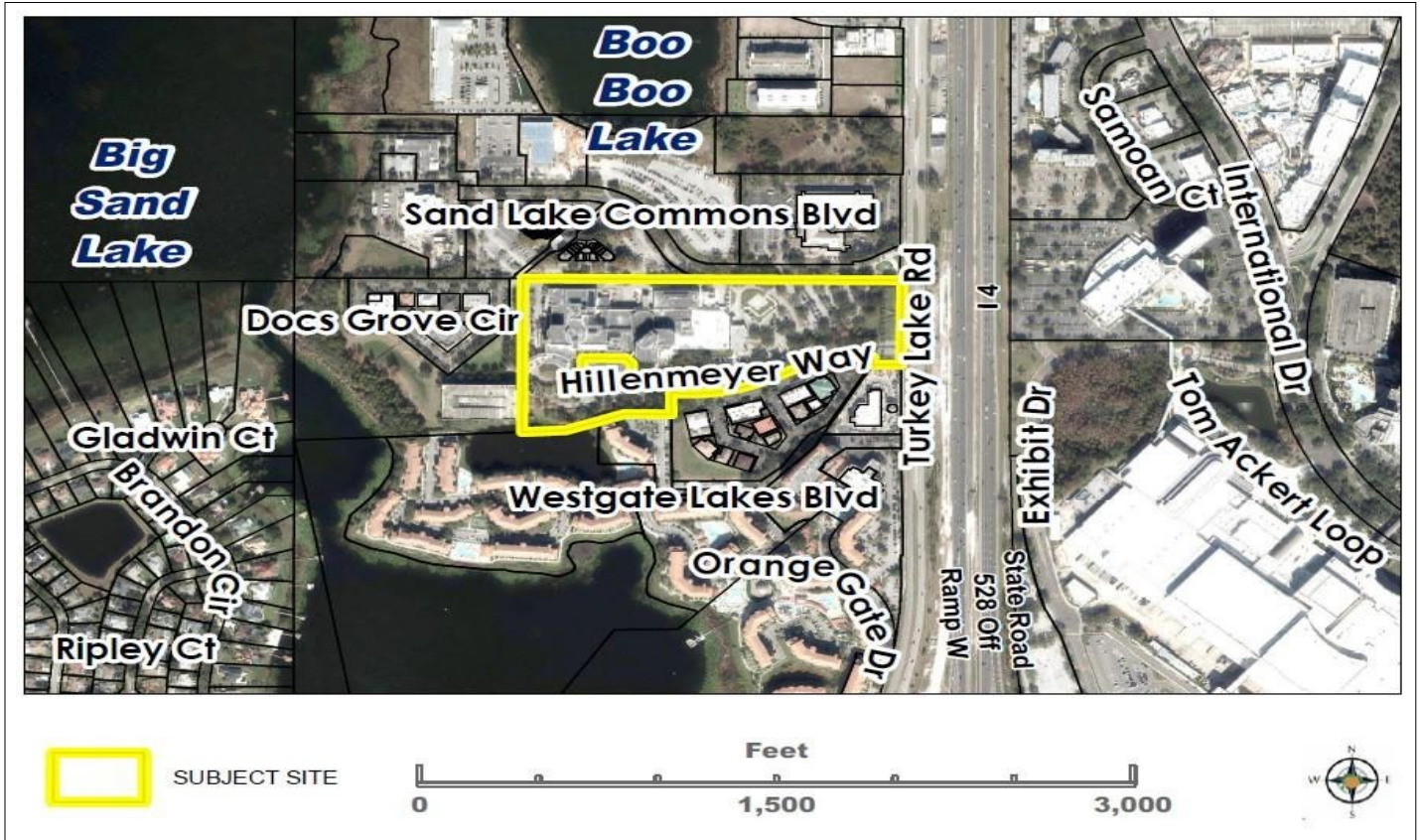
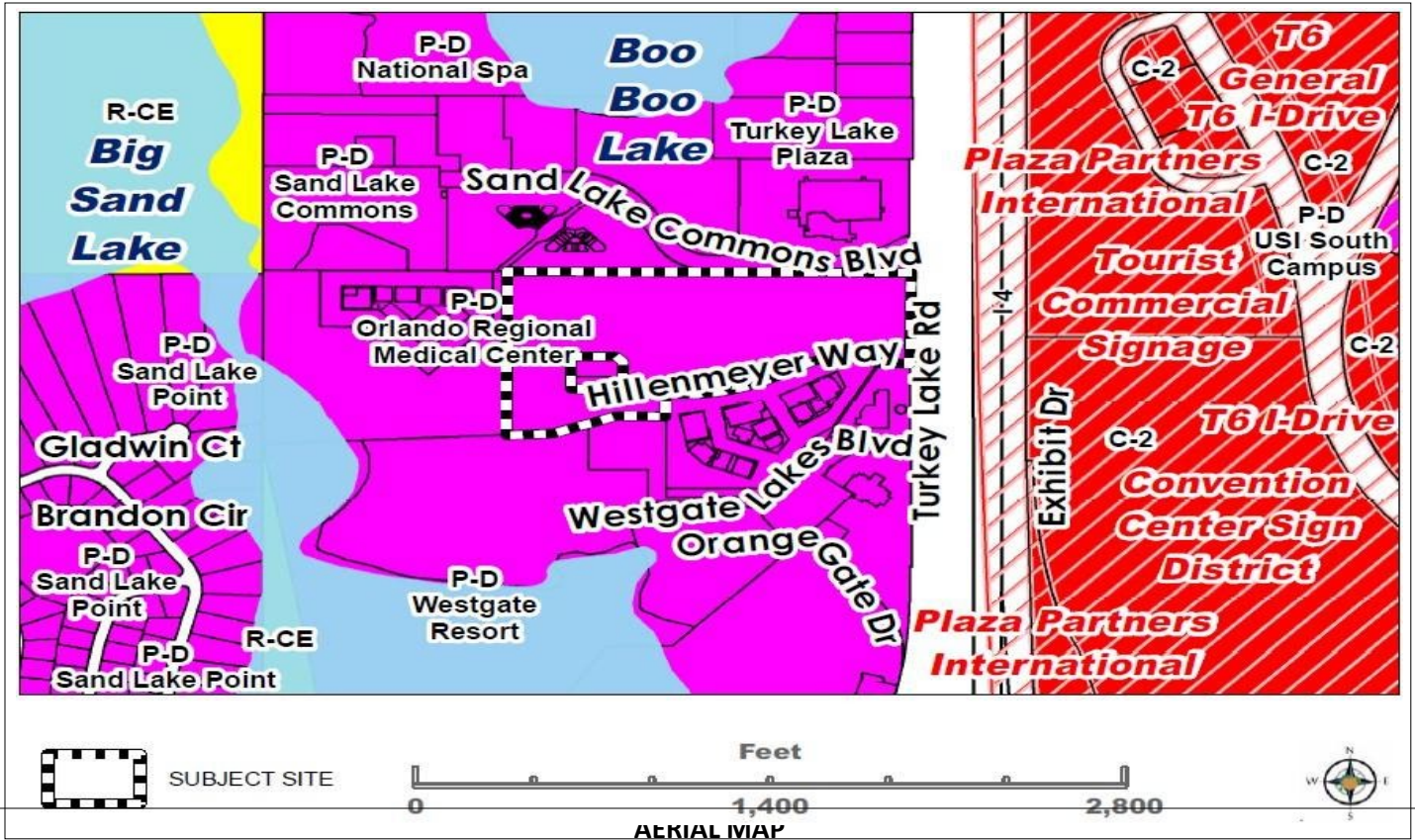
Sincerely,



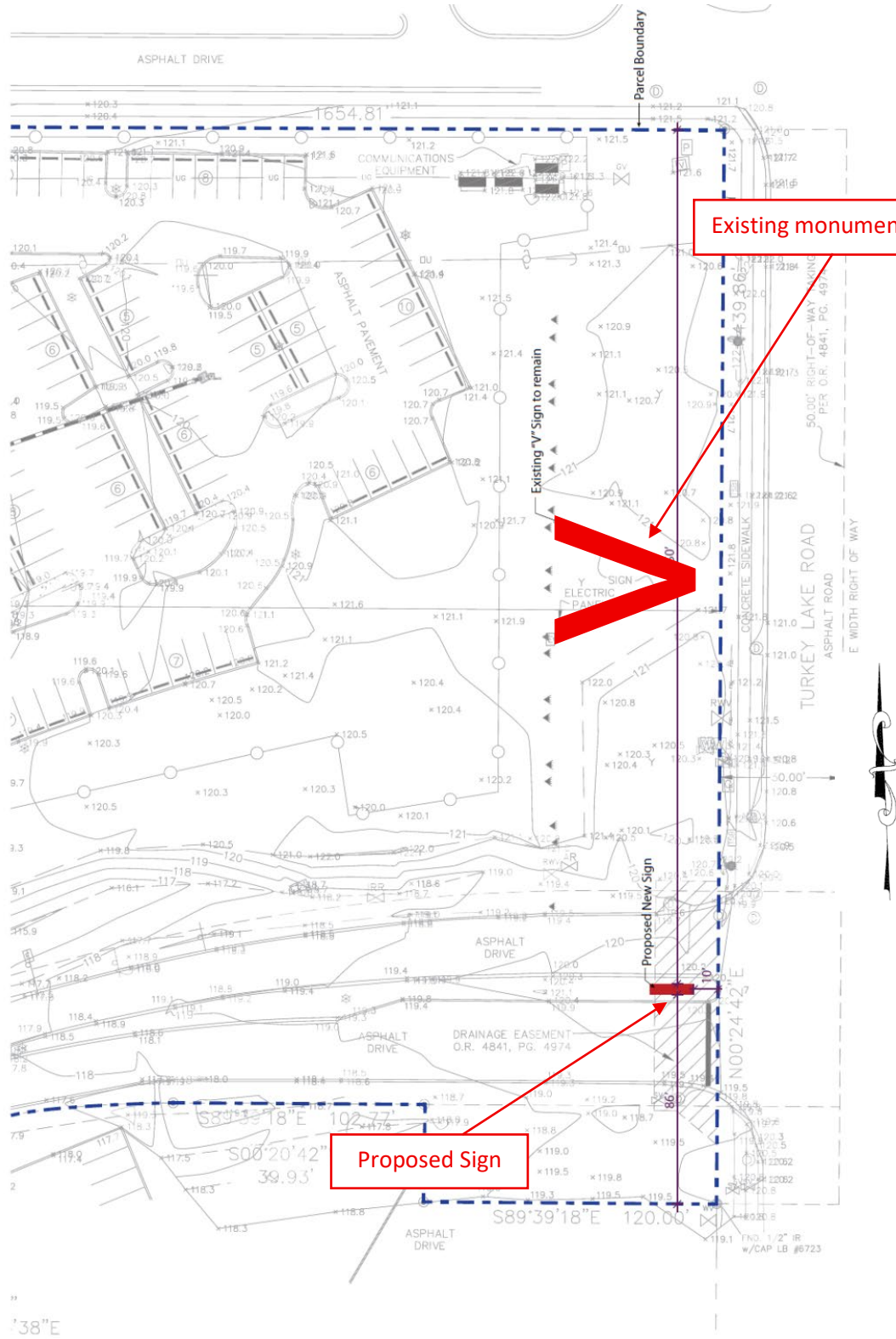
Andrew McCown, AICP

Director of Planning, Community Solutions Group

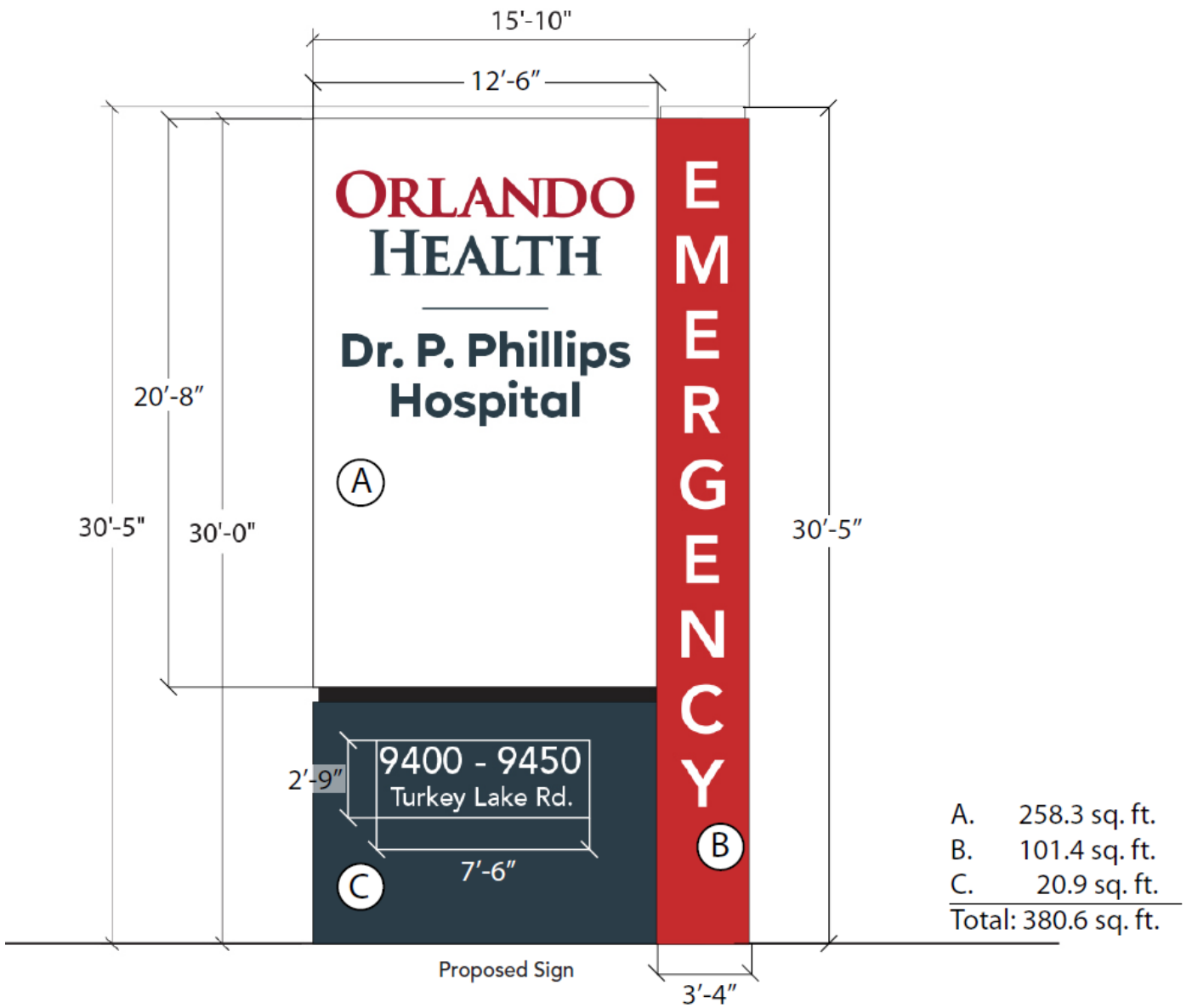
ZONING MAP



PARTIAL SITE PLAN



SIGN DETAILS



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: **APR 02, 2026**

Commission District: **#2**

Case #: **SE-25-11-051**

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

Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): RICHARD O'SHIELDS FOR HOLLINGSHEAD MATERIALS LLC

OWNER(s): BGD ZELLWOOD LLC

REQUEST: Special Exception and Variance requests in the A-1 zoning district:

- 1) Special Exception to allow a Concrete plant
- 2) Variance to allow operations to be located 912 ft. from the nearest property line of a residential use in lieu of 1,000 ft.
- 3) Variance to allow operations to be located 272 ft. from the nearest property line of a residential zoning district in lieu of 1,000 ft.
- 4) Variance to allow a structure with a maximum height of 82 ft. in lieu of 35 ft.

PROPERTY LOCATION: 2810 Union St., Apopka, FL 32703, south side of W. Ponkan Rd., west of N. Orange Blossom Trl., north of Lake Apopka, east of the Lake County line

PARCEL ID: 27-20-27-0000-00-003 (portion of)

LOT SIZE: 9.69 acres

NOTICE AREA: 1 mile

NUMBER OF NOTICES: 598

DECISION: Recommended **DENIAL** of the Special Exception request in that the Board finds it does not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest; and, **DENIAL** of the Variance requests in that there was no unnecessary hardship shown on the land; and further, they do not meet the requirements governing Variances as spelled out in Orange County Code, Section 30-43(3). (Motion by John Drago, Second by Johnny Stanley; unanimous; 5 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Sonya Shakespeare, Johnny Stanley; 0 opposed; 2 absent: Roberta Walton Johnson, Juan Velez).

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 of denial of the Special Exception and Variance requests. Staff noted that one comment was received in support and two comments were received in opposition to the request.

The applicant was present and provided an explanation of the on-site operations. The engineer of record and property owner were also present, and provided additional commentary related to the water usage of the operation and availability, site zoning, and the surrounding area.

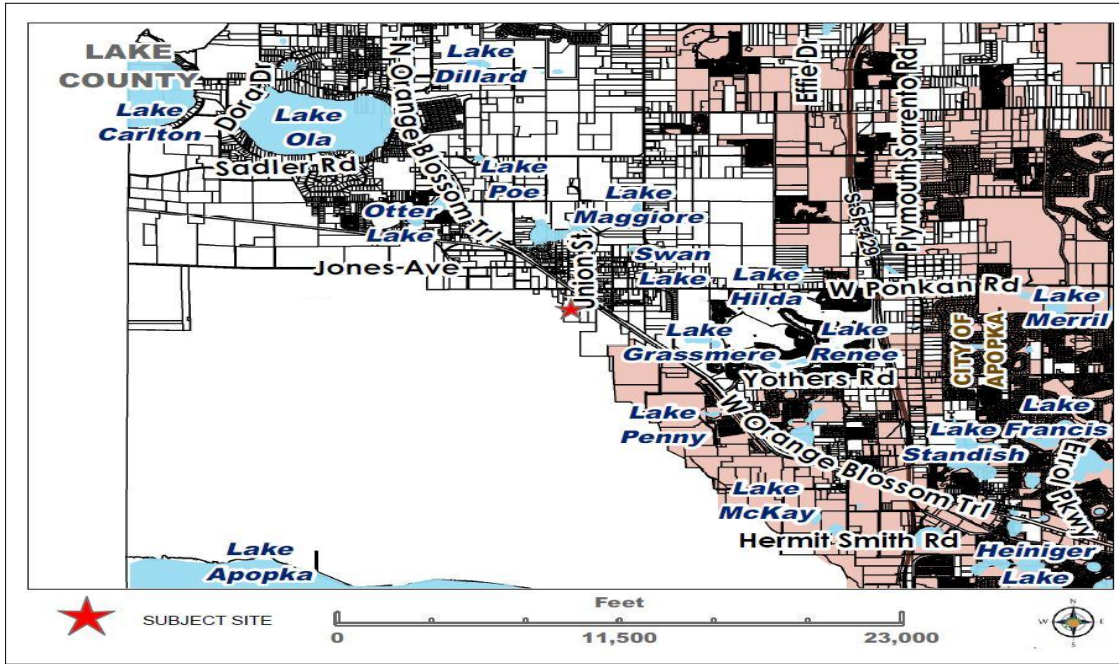
There was no one in attendance to speak in favor of the request. There was one person present to speak in opposition to the request. The opposed person cited concerns with compatibility, dust, and enforcement.

The BZA discussed the requests determining that it was inconsistent with the surrounding area and recommended denial of the Special Exception and Variance requests by a 5-0 vote, with 2 absent.

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of a Special Exception and the Variance requests, 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	A-1, I-1 / I-5	I-1 / I-5	A-1	I-2 / I-3	A-1
Future Land Use	R, IND	IND	R	IND	R
Current Use	Vacant	Open storage	Vacant [conservation]	Agricultural, warehouse	Vacant [conservation]

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property has split zoning between the A-1, Citrus Rural District and I-1 / I-5, Industrial zoning districts, with the portion of the property subject to the request having A-1 zoning. The A-1 zoning district allows agricultural uses by right, and some industrial uses like concrete plants, animal slaughtering, and landfills permitted through the Special Exception process. The Future Land Use is Industrial (IND) for the portion of the property zoned I-1/I-5, and Rural/Agricultural (R) for the portion of the property zoned A-1, which are both consistent with the subject zoning districts. The subject property is located within the Wekiva Study Area, which seeks to protect ground water and surface water resources. Additional environmental regulations apply, such as requiring more open space, septic tank criteria, stormwater treatment and wetlands/surface waters, and upland buffer widths.

The area consists of agricultural and industrial properties, with the properties along N. Orange Blossom Trl. having been developed with warehouse buildings and outdoor storage, and the properties to the west of the

subject property, which have frontage on W. Ponkan Rd., primarily being vacant agricultural land, and some single-family residences. The property to the west and south of the subject site is the Lake Apopka Restoration Area, which is owned and managed by the St. Johns River Water Management District.

The proposed project area is a 9.69 acre portion of a 23.71 acre parent parcel. The applicant has indicated intent to split the lot consistent with the lot lines shown in the overall site plan. Access to the site is provided via easement along Union St., which will need to be recorded consistent with Condition of Approval (COA) #5. The applicant has obtained agreements with each property owner to provide a 50 ft. permanent access to Highway 441, as depicted on the overall site plan.

The applicant is proposing to purchase the subject property to develop a concrete ready-mix plant. Cement, concrete, and asphalt plants are only permitted by right in the I-2/I-3 and I-4 districts, and by Special Exception in the A-1 and A-2 districts, subject to Sec. 38-79(51) of code, and are prohibited in all other zoning districts. Sec. 38-79(51) lists the requirements for operation, location, and design of sites, including distance separations from residential zoning districts, uses, and schools. The type of use or operation allowed under subsection [38-79\(51\)a](#). shall meet the following location, design and operational criteria:

1. The use or operation shall be subject to an approved commercial site plan, and shall comply with all applicable laws, ordinances, rules, and regulations, including the air quality rules codified at article III, [chapter 15](#), Orange County Code, the noise control ordinance codified at article V, [chapter 15](#), Orange County Code, and the vibration requirements in [section 38-1454](#), Orange County Code.
2. Unconfined or uncontrolled emissions of particulate matter from any crushing activity, screening activity, conveying activity, stockpiling, loading/unloading activity, or vehicular traffic shall be controlled using water suppression systems, dust suppressants, or other engineering controls acceptable to the County.
3. Buffer requirements at any abutting residential or institutional use property line shall be Type A opaque with landscaping, consistent with the landscaping and buffering ordinance codified at article I, [chapter 24](#), Orange County Code.
4. Stockpile heights shall not exceed thirty-five (35) feet above the finished grade elevation in A-1 and A-2 zoned districts, and shall not exceed fifty (50) feet above the finished grade elevation in I-2/I-3 and I-4 zoned districts.
5. Building heights shall not exceed fifty (50) feet, or thirty-five (35) feet when located within one hundred (100) feet of a residential zoning district or residential designation on the future land use map, or one hundred (100) feet when located more than five hundred (500) feet of a residential zoning district or residential designation on the future land use map, whichever is applicable.
6. Hours of operation shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. on Saturday at a plant or facility in an A-1, A-2, I-2/I-3, or I-4 zoned district. No such plant or facility may operate on Sunday.

The proposed facility includes a 2-story operations office building, bunker storage for aggregates, a silo, a washdown and sediment collection area, and truck parking. A full description of the proposed operation is included in this report in the applicant's cover letter, under the heading "Operations Description". The operation as described will comply with Code.

County code requires a distance separation of 1,000 ft. from the location where the operation has equipment or machines to the nearest property line of any residential zoned district, residential use, or school. The operation's equipment is located 912 ft. from the nearest property line of a property with a residential use, requiring Variance #2. Based on the proposed lot lines (after the proposed lot split), the operation would be

272 ft. to the nearest A-1 zoned property, which is considered a residential zoned district, resulting in Variance #3.

The equipment for the concrete batch plant includes a Vent & Batcher silo and a 200-ton aggregate bin. The silo is proposed to be 82 ft. tall. While condition #5 listed above under the design and operational criteria of Section 39-79 (51)a. notes that building heights are not to exceed 50 ft., the maximum building height allowed in the zoning district is 35 ft. so the more restrictive requirement applies, prompting the request for Variance #4. The proposal meets all other performance standards within the A-1 zoning district.

Parking requirements for the property are 1 space for each 300 square feet of gross floor area with no use having less than 3 spaces. The 624 sq. ft. building would require a minimum of 3 spaces. The applicant is proposing to install 12 parking spaces. A perimeter buffer in compliance with Sec. 24-5 will be installed around the full site. Consistent with Sec. 38-79 (51) b. 3., a Type A buffer shall be installed for the property line abutting the residential use. A Type A buffer is a minimum of 8 ft. in height, opaque, and 50 ft. wide.

The proposed hours of operation for the facility are 7:00 a.m. to 5:00 p.m. Monday through Friday. The applicant indicated typical Saturday hours of 5:30 a.m. to 1:00 p.m., however, Code limits hours of operation to 8:00 a.m. to 3:00 p.m. on Saturday. The proposed operation will comply with the Code.

An Orange County Wetland Determination (WD-25-11-143) application was submitted on 11/18/25 and is in progress. The applicant must submit a certified boundary survey showing the limits of the wetlands and surface waters to complete the WD. The developable acreage will be verified once the final survey is approved.

The Environmental Protection Division (EPD) has reviewed the submittal for compliance with county requirements as it pertains to odor and air quality, as well as noise, and have no objections. Based on the information submitted, the owner is required to apply for a General Permit with the Florida Department of Environmental Protection (FDEP) to operate a Concrete Batching Plant Facility under the authority of Rule 62-210.310, of the Florida Administrative Code (F.A.C.)

The Planning Division reviewed for consistency with the Comprehensive Plan and indicated the request is inconsistent with Comprehensive Plan policies regulating development within the Rural Service Area and Wekiva Study Area. Open Space Element Policy OS1.3.6(G) limits new non-residential uses in the Wekiva Study Area to low-intensity uses such as neighborhood or community commercial, small offices, institutional, agricultural, park, and conservation uses. Future Land Use Element Goal FLU6 and Policy FLU6.1.2 require development within the Rural Service Area to maintain rural character and appropriate scale and intensity, while Policy FLU6.2.14 restricts industrial uses to designated Rural Settlements. Additionally, Policy FLU6.6.8 limits land uses in the Rural Service Area portion of the Wekiva Study Area to very low and low intensity uses and requires applicants to demonstrate compatibility with surrounding land uses, environmental protection, and that no less sensitive alternative locations are available.

This property is within City of Apopka Water Service Area. This property is within City of Apopka Wastewater and Reclaimed Water Service Area.

A Community Meeting was held on Wednesday, October 1, 2025, at Zellwood Elementary School. One member of the public was in attendance, citing concerns related to inconsistencies in the cover letter, and had questions about operations of the site, water runoff and treatment, and traffic. The applicant team clarified the site operations and addressed the resident's concerns.

This case continued from the October 2, 2025 BZA hearing prior to any discussion to allow for further review by the Environmental Protection Division.

Section 30-43 (2) of the Orange County Code stipulates that a recommendation of approval can only be made if all six Special Exception criteria are met. While the request meets some of the criteria, it does not meet all the criteria. Therefore, staff is recommending denial of the Special Exception request. Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. While the requests meet some of the criteria, they do not meet all the criteria. Therefore, staff is recommending denial of the Variance requests.

As of the date of this report, no comments have been received in favor of the request, and one comment has been received in opposition. The applicant provided a letter of support from the most impacted property owner.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

NOT MET - The proposal is inconsistent with the following Comprehensive Plan provisions: Open Space Element Policy OS1.3.6 G., Future Land Use Element GOAL FLU6, Policy FLU6.1.2, Policy FLU6.2.14, and Policy FLU6.6.8.

Similar and compatible with the surrounding area

MET -The proposed concrete plant is compatible with other existing nearby agricultural and industrial uses such as warehousing, outdoor storage, and manufacturing. Furthermore, the operations and activities of the plant are centralized on the parcel, providing a minimum 50 ft. setback for storage of materials and providing landscape buffering.

Shall not act as a detrimental intrusion into a surrounding area

MET - The proposed operation on the subject property will not negatively impact the surrounding area, as there is heavy industrial in the area. The operation is located furthest on the property from the residential uses and provides buffering adjacent to other properties.

Meet the performance standards of the district

NOT MET - The use meets all setbacks, parking requirements, and other performance standards as required for the concrete plant facilities. However, the height and distance separations have not been met. Staff is recommending denial of the variances. If the variances are granted, then this criteria would be met.

Similar in noise, vibration, dust, odor, glare, heat production

MET - There are no proposed activities on the property that would generate noise, vibration, dust, odor, glare, or heat that is not similar to the uses permitted in the zoning district, and adjacent and nearby uses.

Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code

MET - A landscape buffer in compliance with Sec. 24-5 is proposed.

VARIANCE CRITERIA

Special Conditions and Circumstances

Variances #1 and #2 MET – This property is positioned just outside of the Zellwood Rural Settlement and is adjacent to industrial properties that are within the Rural Settlement. The existence of residential properties directly adjacent to industrial zoning is a special condition.

Variance #3 MET – The maximum height is based on the underlying zoning district, limiting it to 35 ft. Even in an industrial district the maximum building height is 50 ft., which is fairly limiting for certain industries with specific equipment or structures necessary for specific uses.

Not Self-Created

Variances #1 and #2 NOT MET – The need for the variances is self-created and does result from the applicant's request. The applicant could acquire a property for this use that meets the separation distance.

Variance #3 NOT MET – The maximum height of the silo is as decided by the applicant for their operations. They could have chosen a site with a taller maximum height, or designed a shorter silo.

No Special Privilege Conferred

Variances #1 and #2 NOT MET – Approval of the variances will confer special privilege that is denied to other properties in the same area and zoning district, since all properties with the proposed use are subject to the same distance requirements.

Variance #3 MET – The height is above and beyond the maximum height allowed in industrial districts.

Deprivation of Rights

Variances #1 and #2 MET – Without the requested variances, the applicant would have to locate the operations closer to the landscape buffer / property boundary or would be unable to locate the use on this property.

Variance #3 MET – Without the requested variance, the applicant would be deprived of the ability to construct a silo which is a structure necessary for these types of operations.

Minimum Possible Variance

ALL Variances MET – The requests are the minimum possible to allow the on-site operations. The portion of the property that is meeting the 1,000 ft. separation requirement is only 100 ft. deep, which would not allow accommodation of the 50 ft. wide buffer and maneuverability on the site. Additionally, the silo height is necessary to accommodate the trucks passing underneath.

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 minimizing the impact of the on-site operations from residential properties, and the distance from actual residential uses exceeds the distance separation requirement at approximately 1,233 ft. away. Additionally, the applicant is proposing landscape buffering to mitigate any potential nuisance.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped August 15, 2025, building elevations dated February 10, 2022, and Silo Elevations dated September 9, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Building permits for the required site and building improvements shall be obtained within 3 years of final action on this application by Orange County or this approval becomes null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. A permanent 50 ft. access agreement shall be recorded in public records prior to the issuance of a building permit for the Concrete Plant.
6. Unconfined or uncontrolled emissions of particulate matter from any crushing activity, screening activity, conveying activity, stockpiling, loading/unloading activity, or vehicular traffic shall be controlled using water suppression systems, dust suppressants, or other engineering controls acceptable to the County.
7. Hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. Monday through Friday and 8:00 a.m. to 3:00 p.m. on Saturday. No such plant or facility may operate on Sunday.
8. Stockpile heights shall not exceed thirty-five (35) feet above the finished grade elevation.
9. Buffer requirements at any abutting residential or institutional use property line shall be Type A opaque with landscaping, consistent with the landscaping and buffering ordinance codified at article I, chapter 24, Orange County Code.
10. A minimum of 25% permanently protected open space shall be provided consistent with OS1.3.4.

C: Richard O'Shields
1000 Hollingshead Circle
Murfreesboro, TN 37129



Summary

Smyrna Ready Mix Concrete, LLC (SRM) will invest over \$16,000,000 in the greenfield and plant development of a concrete plant in Marysville, OH. In addition to the construction budget spent in the local economy, 15 to 20 full-time employees will be staffing the operations with competitive wages, best in industry health insurance offerings, and retirement plans that are immediately vested. SRM is committed to a design that will control access and truck traffic. The plant will have a plant manager, batcher, loader operator and mixer operators when we are fully commissioned. As a family-owned business, we are acutely aware of the needs of the community. The Hollingshead Foundation returns 10% of all net profits earned in the community back to the community. Our concrete plant is designed by Stephens Manufacturing and implements the latest technology available to control dust and noise. SRM has performed noise studies in various markets, and all were following OSHA standards for noise levels.

Existing/Current Property Description

Located at 8210 Union Street, Apopka FL 32712 (Parcels ID's # 12-21-27-0000-006). Currently Zoned as A-1. The parcel is undeveloped with pasture and trees. Neighboring properties are being used under the I zoning classification. A special exception is required to use the zoned A-1 parcel for a concrete ready mix plant.

Site Improvements

Plant facility - The facilities main components include a Stephen's plant batching equipment, a small two-story operations office building, bunker storage for aggregates, a washdown area and sediment collection area, truck parking and paved surfaces around the facility. The site will be graded as necessary for drainage and storm controls. The size and location for storm detention will be determined after a topography and drainage analysis has been completed. Connection to city utilities is TBD, otherwise SRM plans to install a well for potable water and septic system.

Access – A private drive will need to be install within the easement between the properties. Responsibility and ownership of the access is under negotiations.

Waste Water Handling

We will collect the wastewater on site and recycle onsite to be used for washdown and wet down of aggregates. Wastewater from this type of operation sediment from aggregates and cement powder; these sediments are removed using a settling containment system; as needed, the sediment containment bays are dredged with frontend loader for removal or reuse of material.

Operations Description

Startup - The plant operations will begin every morning at 7 am (time TBD based on local ordinance restrictions) a daily checklist which includes things like equipment inspections, material



Batch Plant Facility Narrative
Apopka FL

levels/testing, consumables, safety checks. Operators/Drivers will all receive daily schedule and safety briefs, followed by inspections of equipment.

Loading/Mixer Truck Operations - As per schedule needs, drivers will line up and load the mixers under the batch hopper. Following loading, drivers will advance their trucks through a truck wash and rinse area, and there they will do a slump check and rinse off any dust or debris remaining on the truck before exiting the site. SRM is committed to controlling dust, keeping the plant and its streets clean and free from debris.

Front End Loader Operations - A loader will be used for handling of the material piles and for loading the batch plant's feed hopper. Material stockpiles will be located on the North portion of the site, minimizing interference from other operational traffic. The loader will also from time- to-time be scrapping out the wastewater systems settlement cells. Sediment will go to a waste pile to be removed from the site for recycling.

End of Day – All equipment will be parked and checked. All facility equipment will be secured/locked up after 5pm. Minimal lights will stay on at night for security reasons.

Facility operations traffic

The facility intends to operate 8-12 trucks from the site. Each mixer truck will make 6-8 trips per day. Additionally, there will be 2-4 material deliveries per day of aggregate and cement. We estimated that the site will not exceed a total of 160 trips per operation day.

Employee and visitor parking- Required parking will be provided for the office building. Additional space for employee parking to the east along with mixer truck parking area.

Other Facility Facts

- 15 to 20 full time employees
- Standard Vehicles on site: 12-14 POVs, 10 to 12 mixer trucks, one front-end loader
- Standard hours of operations 7 am-5 pm (Monday thru Saturday, closed on Sundays)
- City water (Estimated consumption of 10,000gallons per day) if available, otherwise well and water storage system to be installed.
- City Sewer (less than 500gallons) if available, otherwise Septic System to be installed
- Dust control - Equipment configured with dust control system, wet down water will be used for aggregate piles, and daily cleaning by sweeping and wetdown.
- Lighting control – Limited site lighting will be used in the early hours or later afternoon. Overnight lighting will be limited to a few flood lights used for security purposes.

Compatibility to neighboring properties

There area is in proximity to other light industrial activities. The undeveloped properties are mostly rural/farm. The area of property being developed is set back and there are natural barriers



Batch Plant Facility Narrative
Apopka FL

and distance that will mitigate any concerns of nuisance. With the use of wet down controls and latest batching technology, and natural use of tree barriers there are no concerns of dust transmission from the site or to neighboring properties.

Justification of Special Exception

- A. The site provides ideal circumstances for no impact to others and betterment to local economy.
- B. The operations of a ready mix facility are similar to other light industrial facilities that operate in the vicinity. The materials are all inert and non toxic, storage of loading of materials takes place at the site, while all mixing is accomplish inside the trucks in route to the customers.
- C. SRM has a very good record with working with the local communities, municipalities and environmentally meeting or exceeding standards.
- D. The requested for special exception is limited to SRM and non-transferrable to the next owner.



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Apopka FL

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- C. SRM has a very good record with working with the local communities, municipalities and environmentally meeting or exceeding standards.
- D. The requested for special exception is limited to SRM and non-transferrable to the next owner.

SPECIAL EXCEPTION CRITERIA

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

Yes, it will 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.

The property shares borders with industrial districts and is partially in an industrial district, so a special exception for a concrete batch plant is consistent with the surrounding pattern of development.

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

The use shall not be intrusion into the surrounding area.

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

Yes, it will meet all performance standards.

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.

The noise shall not be at obnoxious level and dust will be controlled with mitigation of collection system, irrigation, collection. The plant shall not produce vibration, odor, heat or glare that would be of nuisance.

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.

Landscaping and buffers will be in accordance with all requirements per section 24-5 of the Orange County Code. Buffers will be adhered to.



Civil On Demand, LLC
15436 N Florida Avenue, Suite 101
Tampa, FL 33613
(813) 280-9941

February 24, 2026

Orange County
Planning, Environmental & Development Services/Zoning Division

Re: **Response to BZA Staff Report**
Applicant: Hollingshead Materials
Case No.: (SE-25-11-051)
2810 Union Street
Apopka, FL
Parcel ID.: 27-20-27-0000-00-003 (portion of)

Dear Staff,

The County has issued comments with respect to the subject special exception application not meeting specific criteria to demonstrate consistency with the Orange County Comprehensive Plan. Responses to those specific points not being met are as follows:

SPECIAL EXCEPTION APPLICATION CLARIFICATION:

Open Space Element Policy OS1.3.6 G.

Objective: New non-residential uses permitted in the Wekiva Study Area within the Rural Service Area (including Rural Settlements) generally shall be limited to neighborhood and community commercial uses including small offices, institutional uses, agricultural uses, public parks and public conservation lands.

RE: The subject parcel and neighboring properties have a myriad of industrial and agroindustry type uses. These uses include a site contractor's yard, utility contractor's yard, truss manufacturing, junkyard, recycled aggregate processing, and fertilizer manufacturing. The proposed use of the property as a concrete batch plant is very much compatible with the current and established uses. Residential, small office or institutional uses are not compatible given the characteristics of the surrounding uses. **Policy OS1.3.6 G permits agricultural uses. Concrete Batch Plants are a permitted use within A-1 via special exception.** Section 38-79(51) of the Land Development Code identifies the need for a special exception approval process for A-1 & A-2 zoned parcels that are compatible with the surrounding uses. Per the BZA report, the County has acknowledged that the site is compatible. Given compatibility with the surrounding area and the specific special exception process allowable through LDC Sec. 38-79(51), the objectives of Policy OS1.3.6 G. have been met.

Future Land Use Element GOAL FLU6

Goal: The County will promote the management of land uses within the Rural Service Area, including agricultural lands, historic resources, the Lake Pickett Study Area, and Rural Settlements, together with environmental lands, natural resources and the Wekiva and Econlockhatchee River Protection Areas environmental lands including the Wekiva Area, so as to conserve these assets and their values. Underlying Policy FLU6.1.2 requires that Orange County enforce criteria to ensure the scale, density, and/or intensity of development within the Rural Service Area

RESPONSE TO STAFF REPORT

so that it promotes the intended rural character; and Policy FLU6.2.14 establishes that Industrial uses in the Rural Service Area shall be permitted only as shown on the Future Land Use Map within the Rural Settlements of Bithlo, Christmas, and Zellwood.

RE: The adjacent parcel is owned by the SJWMD and has been designated for conservation. The proposed project will not impact any jurisdictional wetlands or environmentally sensitive habitats. A land use plan amendment is not required as part of this project as Concrete Batch Plants are a permitted use within A-1 zoning districts through special exception approval. The proposed use and corresponding development plans will not adversely impact the rural character of the area, and no impacts will occur to any protected natural resources. With this explanation and clarification, it is the applicant's opinion that FLU Element Goal FLU6 has been met.

Future Land Use Element Policy FLU6.6.8

Objective: Land uses within the Rural Service Area portion of the Wekiva Study Area shall be limited to very low and low intensity uses to the greatest extent possible. This policy further states that to ensure environmental protection, projects shall identify whether a site is located in an environmentally sensitive area and whether locations in areas of lower vulnerability or areas that already allow the proposed land use are not available within a reasonable distance. Applicants must also demonstrate that the proposed land use is compatible with existing land uses and community character and is the least intensive to meet the demonstrated need. Additionally, the project will be evaluated based upon whether community or economic benefits are derived from the proposed land use at that location, as well as whether the proposed use benefits the environment (such as projects that will be designed and constructed using conservation design and green principles). Non-residential and mixed-use projects shall also demonstrate that the proposed land use will not generate hazardous materials and waste. Lastly, factors such as support for forestry, agriculture, fishing, and natural resource-based outdoor recreation industries, as well as dependence on site-specific natural resources, shall be evaluated with the proposed land use.

RE: The use as a concrete batch plant should not be considered "high" intensity. Typical operational hours are 5:30am to 4:30pm Monday through Friday and 5:30am to 1:00pm on Saturdays (if necessary). The plant does not operate continuously. The facility will employ up to 20 people including drivers. Average trips per day for the site will vary from 100 to 150 TPD.

FDEP has specific requirements for concrete batch plants for surface water and stormwater management which the facility must adhere to. These requirements and standards are stricter than a normal environmental resource permit issued for commercial or industrial site development. There is no manufacturing of products or chemical processes occurring onsite. The batch plant combines cement, water, rock, and sand in precise proportions within a mixing truck that delivers high quality concrete to offsite locations. All water used onsite is collected, treated, and recycled in the concrete batching operation processes. Trucks exiting the site are passed through a wash unit that prevents any tracking offsite. The site plan will be designed to avoid any impact to environmentally sensitive areas within the property (if they so exist).

The current uses surrounding the subject parcel are of equal to or greater intensity and will be subject to less environmental restrictions/regulations (if any). The character of the surrounding parcels coincides with the proposed concrete batch plant use. The adjacent areas that are compatible are of similar/higher vulnerability (i.e. Parcel ID-21-20-27-0000-00-074) and/or are currently occupied. It is the conclusion of the applicant that there is not a suitable alternate location.

The project will provide community and economic benefit to the Apopka/Zellwood area. Concrete is used in almost all construction projects regardless of land use. Economically & logistically, ready mix concrete can travel 10 miles from the batch plant. Once beyond 10 miles, freight costs increase, and the concrete quality can be compromised. There are currently no concrete batch plants in the Zellwood/North Lake Apopka areas. Several concrete batch plants are located 16+ miles south of the subject site. The construction of this site will allow for affordable, reliable, and readily available concrete to service the market. There will also be 20 new jobs for residents through Smyrna Ready Mix. The applicant has identified a clear need for a concrete batch plant in this specific market and, upon approval, will invest \$16+ million dollars in their new facility to support that need.

RESPONSE TO STAFF REPORT

In consideration of the reasons and clarification provided in this response, the intent of FLU Element Policy FLU6.6.8 has been met.

VARIANCE CRITERIA CLARIFICATION:

Not Self-Created

Standard: The need for the Variance is self-created and does result from the applicant's request. The applicant could acquire a property for this use that meets the separation distance.

RE: The applicant has acknowledged that the separation distance is within the 1,000-ft required by code from the residential parcel. The plant is currently located at 912-lf from the residential property line of Parcel ID 22-20-27-2736-15-010. The Applicant has been given a letter of no objection/support from the parcel owner for the variance and special exception applications. With the letter of no objection/support, the 88-lf encroachment into the 1,000-ft setback has been acknowledged is acceptable by the sole owner impacted. If the property were to be sold, the owner/seller will do so with the understanding that this encroachment exists and he supported it. Letters of no objection are typical for this type of encroachment and necessary to show cooperation with the surrounding parcels potentially influenced by the variance approval. Additionally, there are not suitable sites available within this area that meet the FLU, zoning standards, and meet the separation distance for concrete batch plants. **Given the lack of suitable sites, the variance need is not self-created but warranted due to the development criteria set forth by the comprehensive plan and LDC.** Outside Parcel ID 22-20-27-2736-15-010, there are no other encroachments.

No Special Privilege Conferred

Standard: Approval of the Variance will confer special privilege that is denied to other properties in the same area and zoning district, since all properties with the proposed use are subject to the same distance requirements.

RE: County code requires a distance separation of 1,000 ft. from the location where the operation has equipment or machines to the nearest property line of any residential zoned district, residential use, or school. Other properties adjacent to residential Parcel ID 22-20-27-2736-15-010 are operating equipment and machines within the 1,000-ft separation requirement. The list of encroachments for the adjacent properties currently benefiting from a reduced setback with respect to Parcel ID 22-20-27-2736-15-010 is as follows:

Adj. Parcel ID No.	Description/Use	Approx. Setback
22-20-27-2736-14-050	Demo/Recycled Aggregates	950-lf
27-20-27-0000-00-005	Truss Manufacturer	390-lf
27-20-27-0000-00-065	Contractor Yard/Materials	260-lf
27-20-27-0000-00-012	Fertilizer Manufacturer	765-lf

As the list shows, the applicant's request for a reduced setback is not unique to the current situation and the surrounding parcels. Multiple businesses immediately adjacent to the subject parcel are currently operating with a reduced setback. The approval of the setback will not set a precedent or establish any special privilege for the subject parcel/applicant.

CONCLUSION:

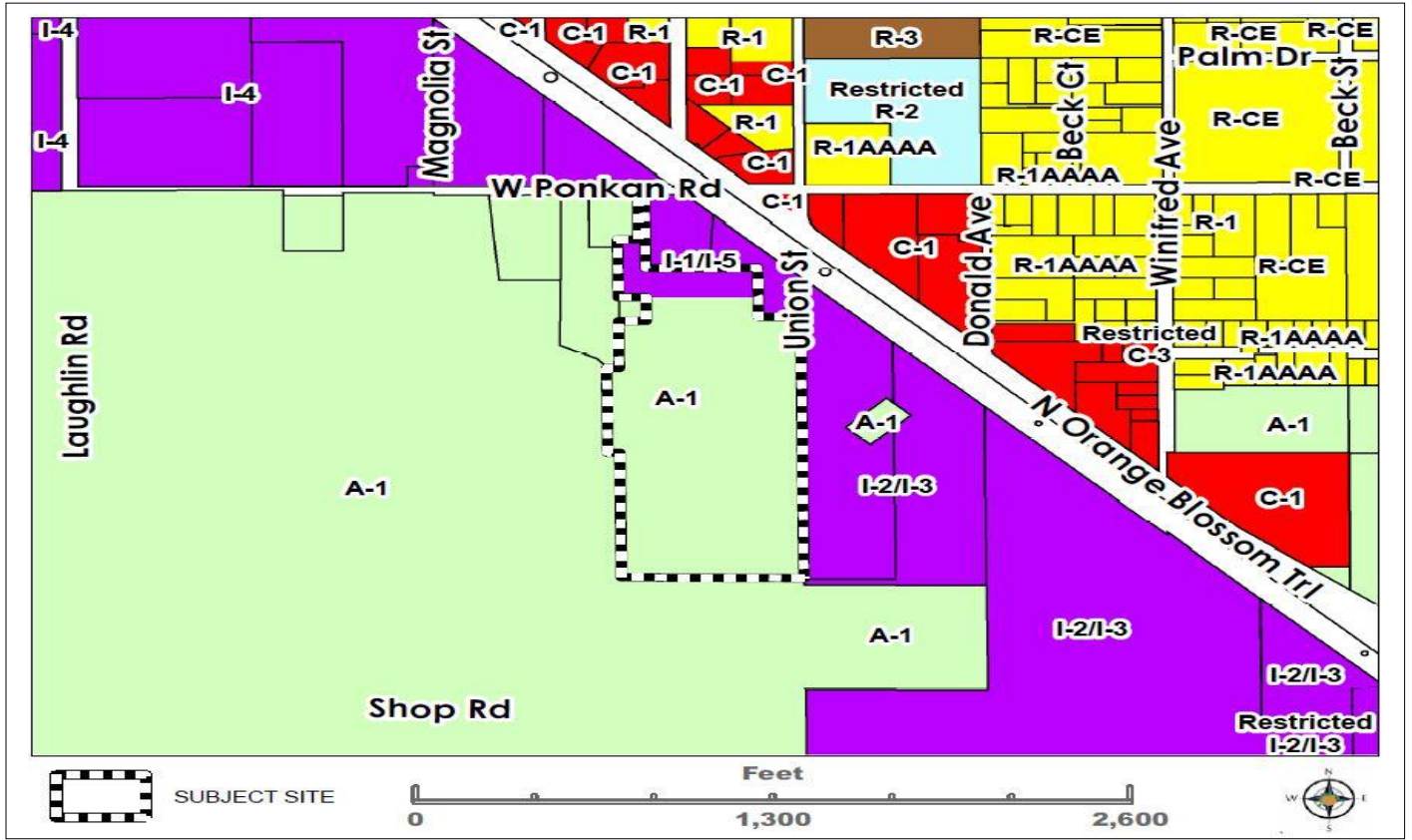
The applicant has responded to the concerns of the BZA. We trust that the above responses and clarification meets your requirements for approval of the Special Exception and Variance applications. We hope that the County sees the need for the proposed investment by the Applicant in the Zellwood community and will support the our intentions. Please contact me at (813) 434-5744 or via email at dbergin@ondemandfl.com if there are any further comments or concerns.

Sincerely,
CIVIL ON DEMAND

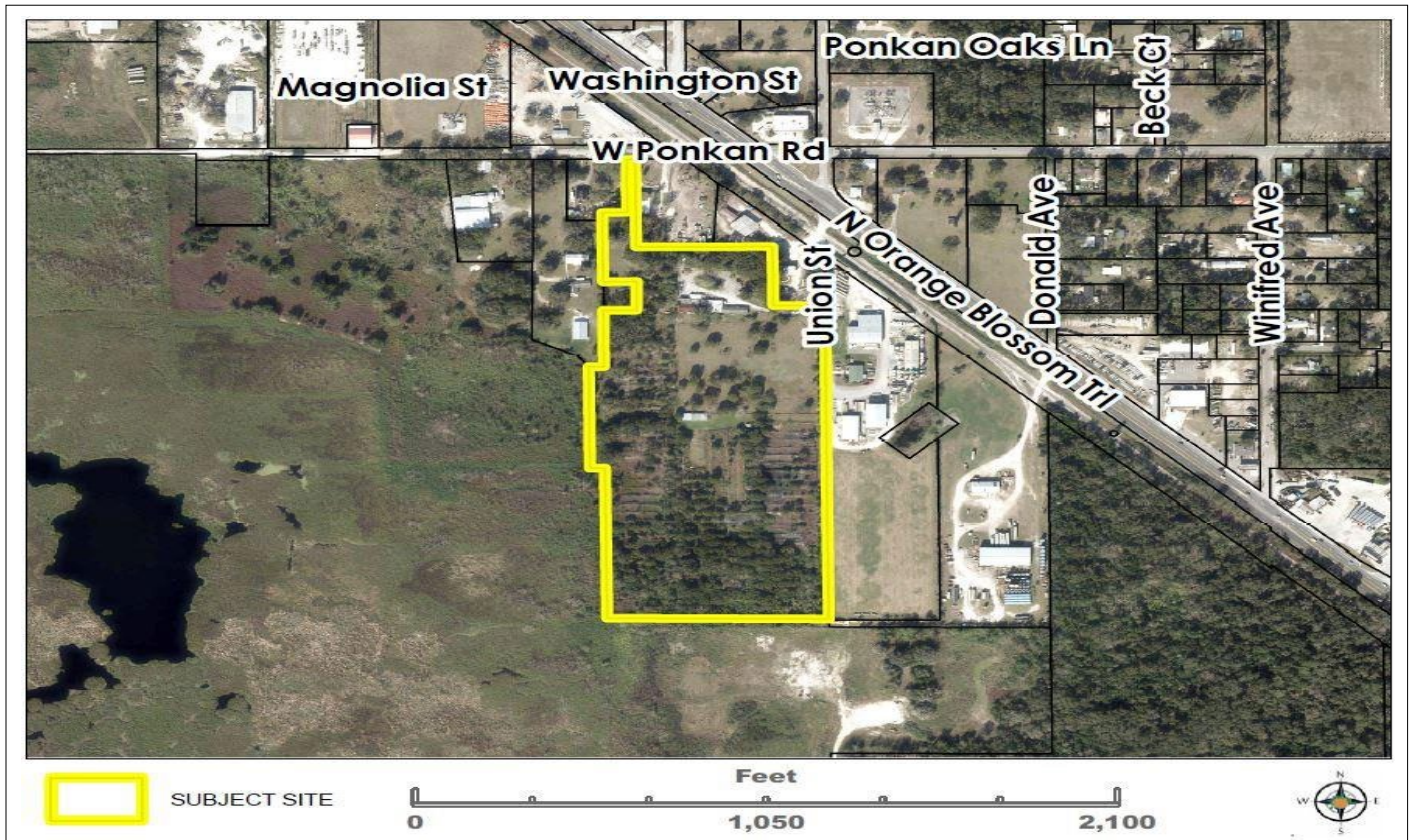


Daniel J. Bergin, P.E.
President

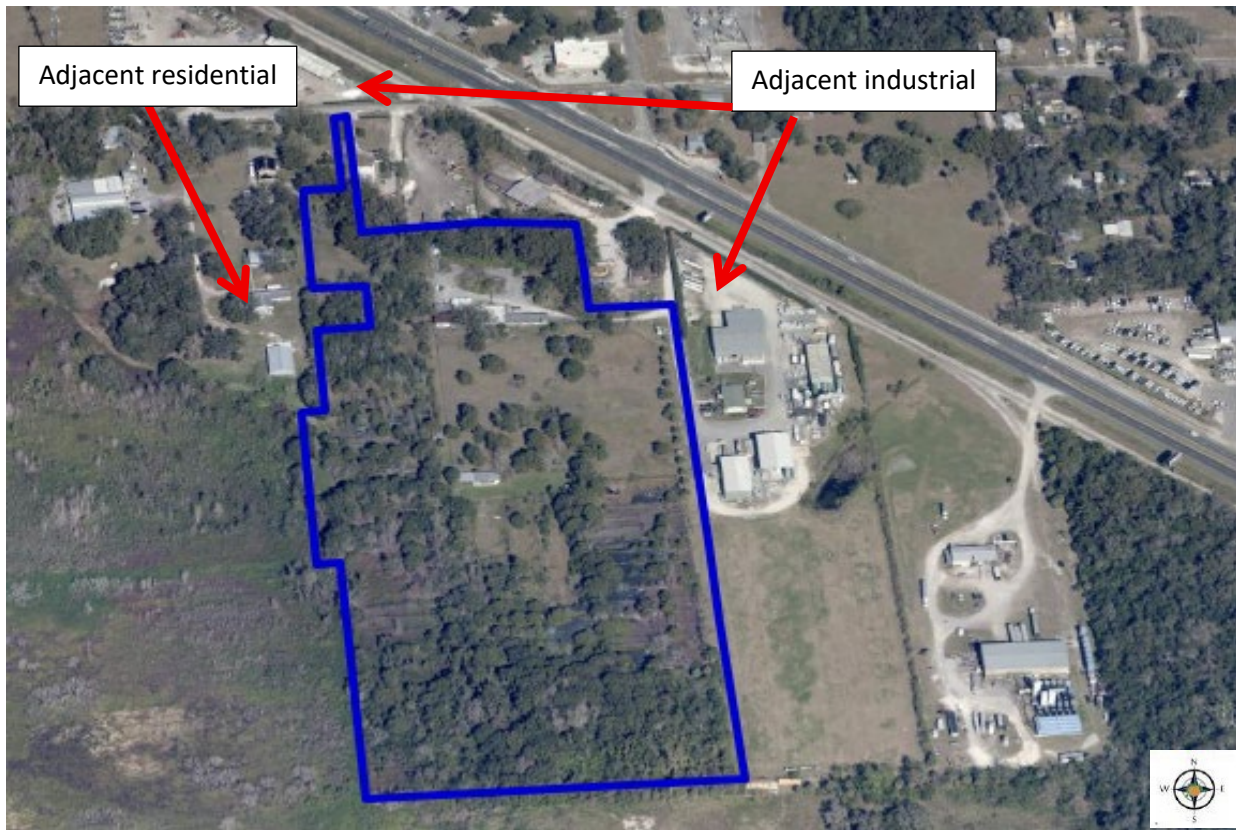
ZONING MAP



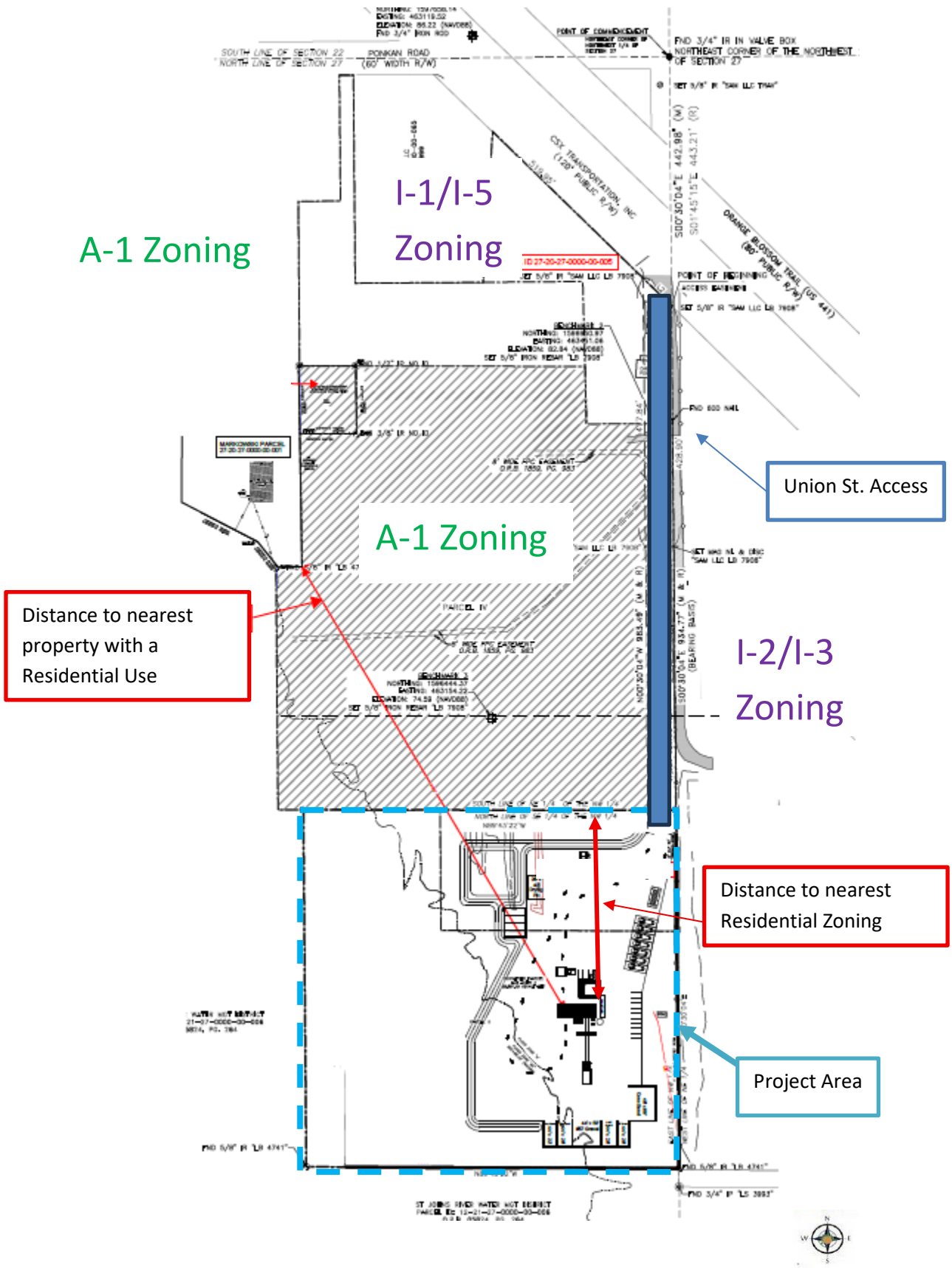
AERIAL MAP



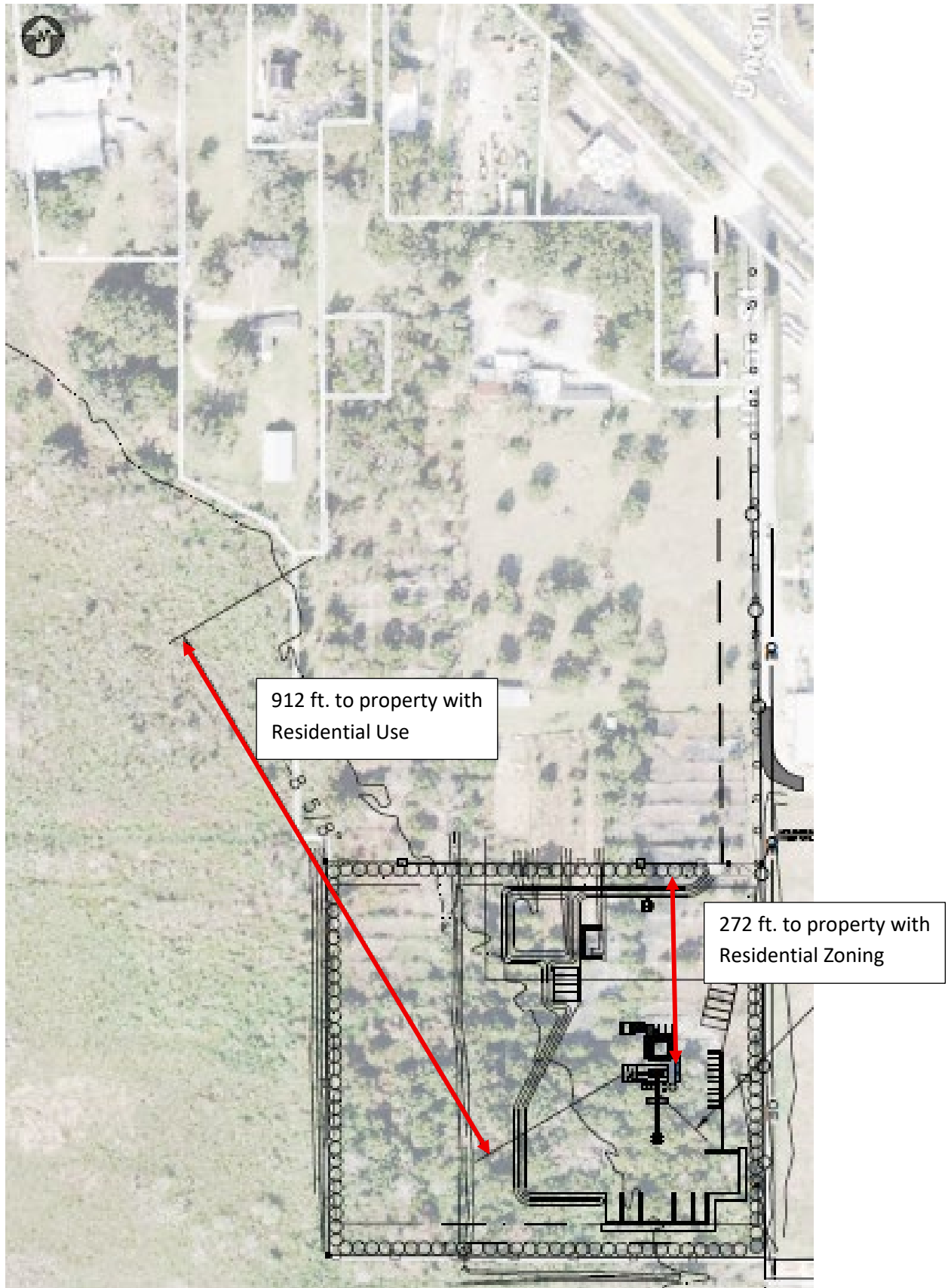
ENHANCED AERIAL MAPS



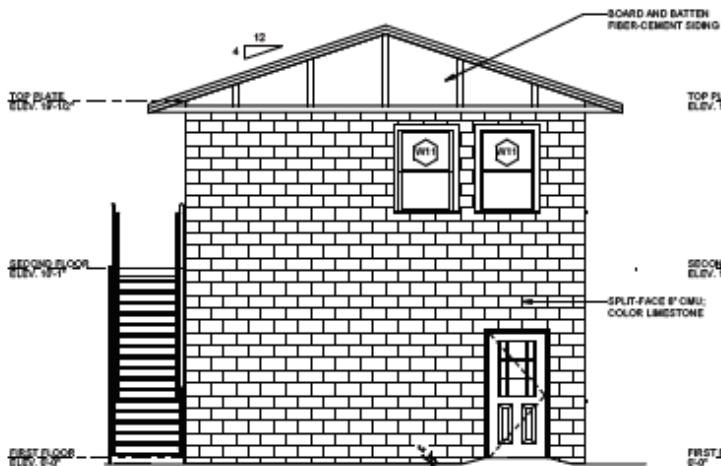
OVERALL SITE PLAN



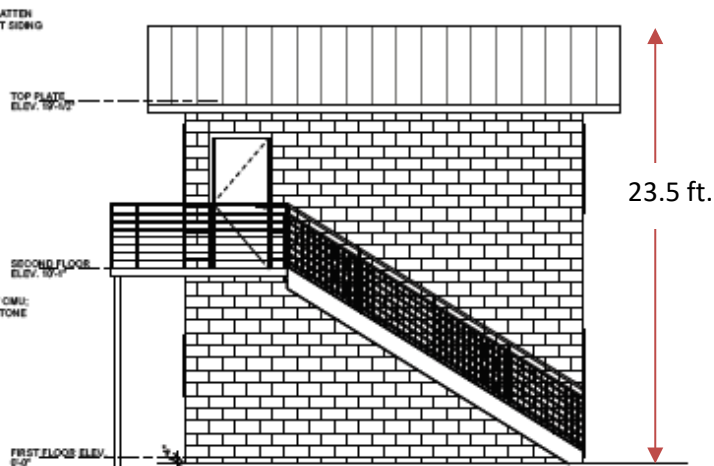
DISTANCE SEPARATION PLAN



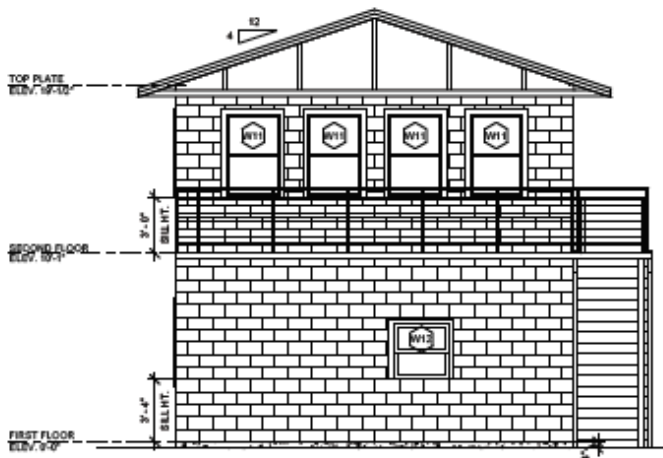
BUILDING ELEVATIONS



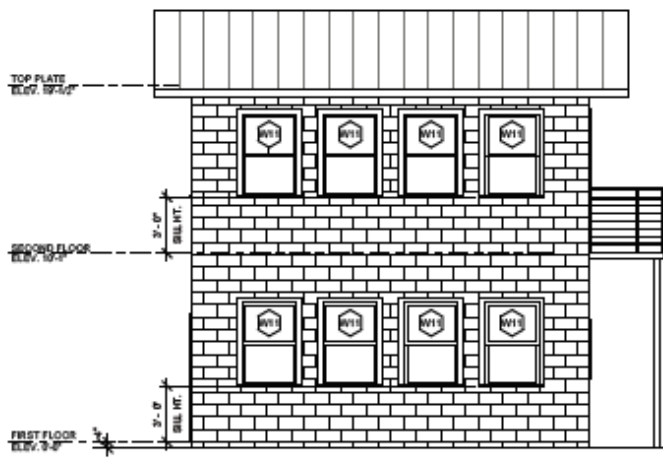
1 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"



2 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

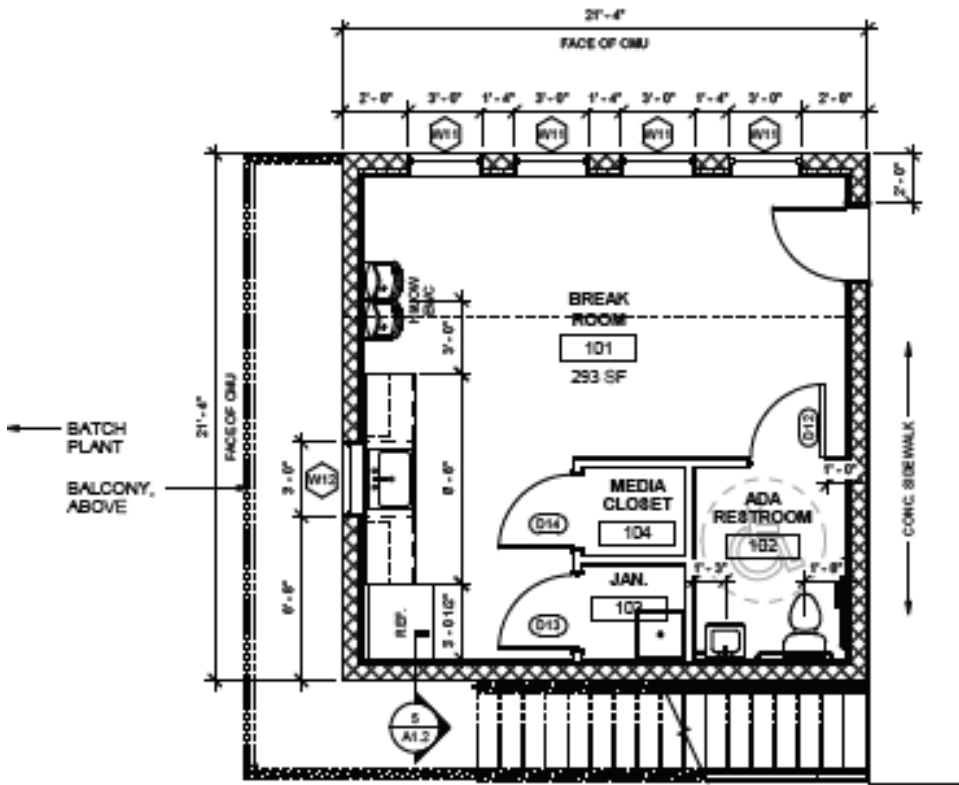


3 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

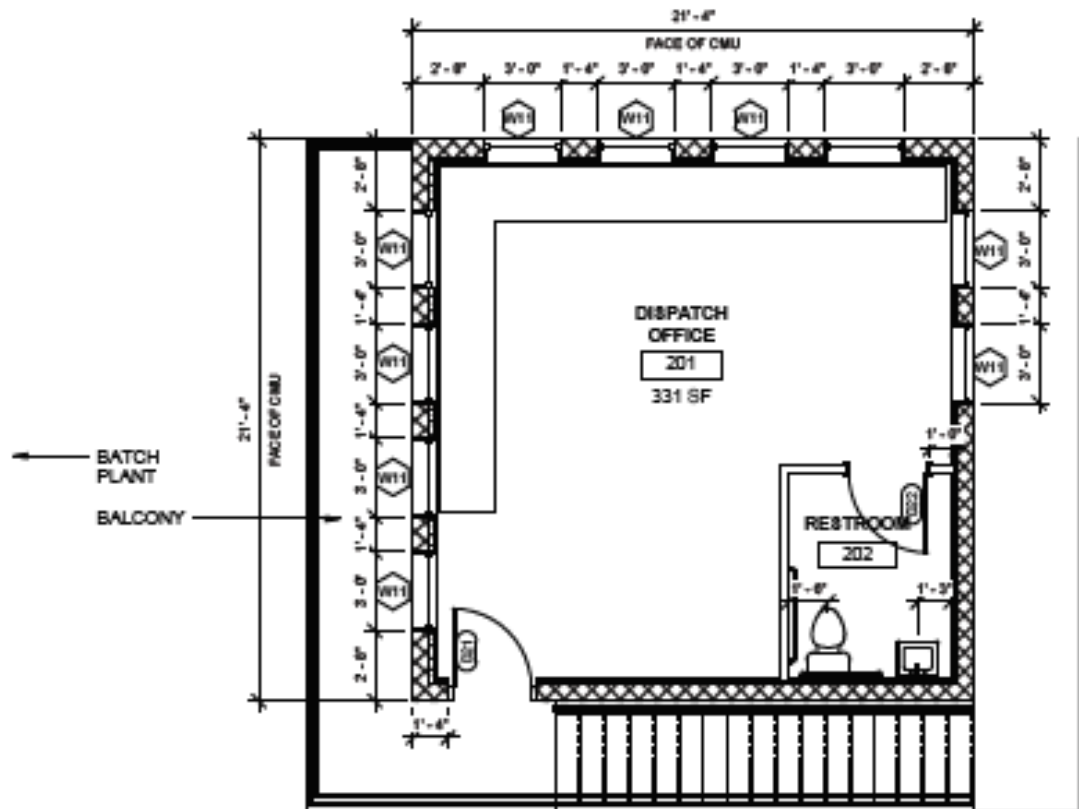


4 EXTERIOR ELEVATION
SCALE: 1/4" = 1'-0"

FLOOR PLAN



1 FIRST FLOOR PLAN



2 SECOND FLOOR PLAN

SITE PHOTOS



Site Photos Key



Facing south from center of parent parcel, towards front of subject property

SITE PHOTOS



2

From W. Ponkan Rd., facing south



3

From Ponkan Rd., facing northwest

SITE PHOTOS



4

Access easement to subject site from Union St., facing south



5

From Union St. facing adjacent industrial uses

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **APR 02, 2026**

Commission District: **#4**

Case #: **VA-25-09-042**

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

Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MANTIN QAMAR

OWNER(s): CT16 LLC

REQUEST: Variances in the I-4 zoning district as follows:

- 1) To allow an exterior stairway with a south side setback of 18.48 ft. in lieu of 25 ft.
- 2) To allow 31 parking spaces in lieu of 86 parking spaces

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

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

LOT SIZE: 0.68 acres

NOTICE AREA: 800 ft.

NUMBER OF NOTICES: 60

DECISION: Recommended **APPROVAL** of the Variance request **#1**, in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as amended; and Variance request **#2**, was **WITHDRAWN** by the applicant (Motion by Glenn Rubinstein, Second by Johnny Stanley; unanimous; 5 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Sonya Shakespeare, Johnny Stanley; 0 opposed; 2 absent: Roberta Walton Johnson, Juan Velez):

1. Development shall be in accordance with the site plan date stamped November 20, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

The applicant was present and discussed the alternative options to providing parking on site, consisting of shuttle transportation and off-site parking areas. The BZA asked questions related to the number of patrons and employees the site could support without a variance request and the feasibility of utilizing parking on neighboring lots.

One person was present and spoke in favor of the request. No one was in attendance to speak in opposition to the request.

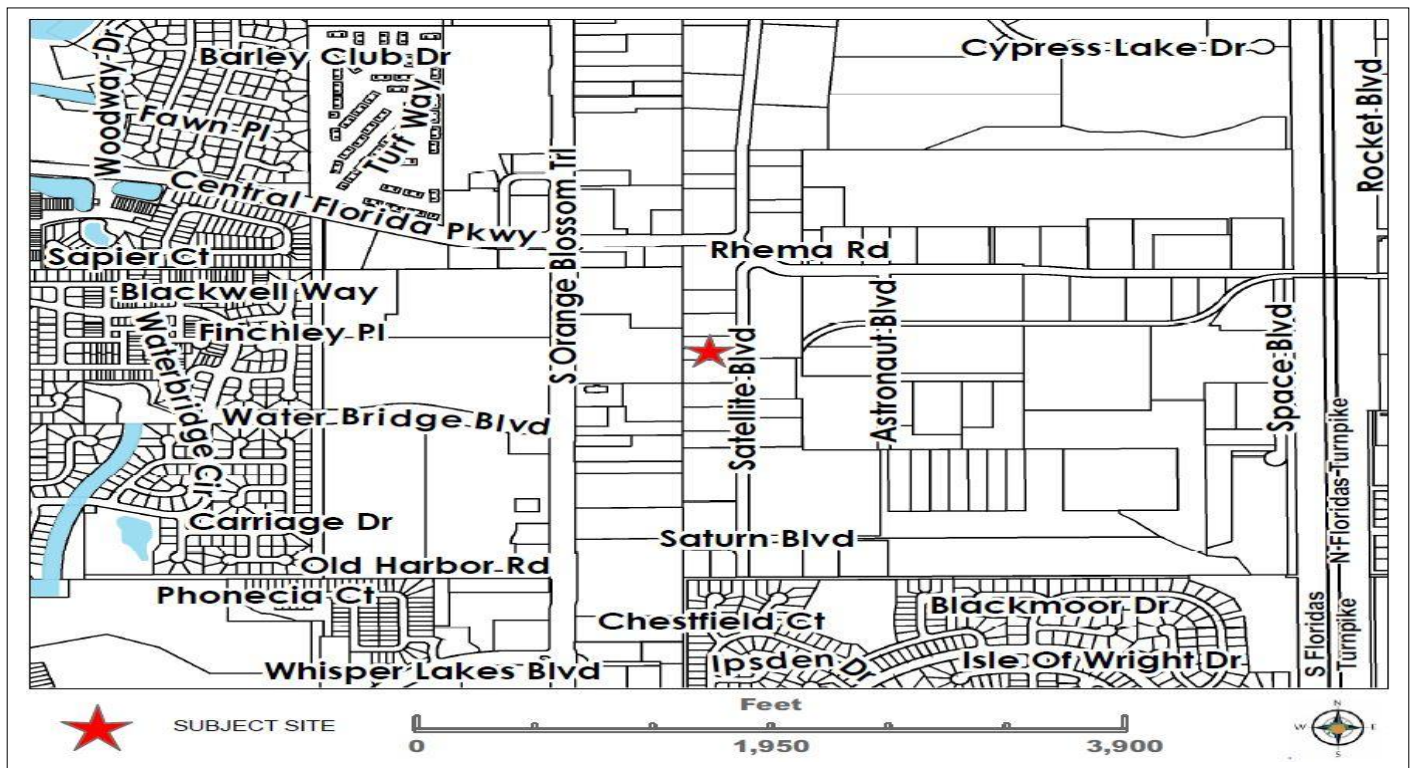
The BZA discussed the site constraints and the ability to still use the space, but with less patrons.

The applicant withdrew the request for Variance #2. The BZA recommended approval of Variance request #1 by a 5-0 vote, with two absent, subject to Conditions #1-#3, and removal of Condition #4, found in the staff report.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	I-4	I-4	I-4	I-4	I-2/I-3
Future Land Use	Industrial	Industrial	Industrial	Industrial	Industrial
Current Use	Auto Sales	Warehouse	Warehouse	Warehouse	Auto repair / dealer

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area around the subject site consists of other warehouse buildings, and industrial and commercial uses. The property is a 0.68 acre parcel, platted in 1961 as Lot 13 of the Central Florida Industrial Park Section One Plat, and is a conforming lot. It is an interior lot with frontage on Satellite Blvd. The site is developed with a two-story warehouse building, which is currently operating as an auto sales and repair center on the first floor, and has a vacant mezzanine / second floor area. The site is also developed with a parking lot that is being restriped to provide 31 spaces.

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

Building Setbacks

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

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

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

Based upon the above count, the total parking spaces required is 86 spaces. Proposed is 31 parking spaces, an overall reduction of 55 spaces, requiring Variance #2. Orange County Code Section 38-1478 allows for joint use of off-street parking where the parking demands of different uses occur at different times. The applicant provided letters from the first floor businesses indicating that their operational hours occur between 9am and 5pm. If the applicant is able to fulfil the requirements of this code section, the parking may be shared between the uses, reducing the required parking to the 58 spaces for the event space use.

The Orange County Transportation Planning Division requested the applicant provide a parking study based on the Orange County Parking Variance review procedure and methodology. In response, the applicant provided a technical parking study which focused on consistency of the parking request with the Institute of Transportation Engineers (ITE) parking generation manual under Land Use Code 640 – Function Hall / Banquet Facility. As part of this analysis the applicant is proposing to utilize a valet service during the operation of the event space, and has provided a parking plan identifying 53 total spaces. The parking study concluded that the number of parking spaces proposed with the valet parking plan is adequate to meet the demand that will be realized. After review of the technical memorandum, the Transportation Planning Division agreed with the analysis based on the proposed valet parking plan.

Orange County Code Sections 38-1479 and 38-1480 detail the requirements of off-street parking lot design and off-street loading and unloading. These Code sections discuss the requirement of on-site maneuverability, which is not taken into consideration by the applicant’s proposed valet plan. Additionally, valet is an operational choice, and is not identified within Article XI – off-street parking and loading regulations as a means for addressing required parking. The parking study and applicant’s cover letter also discussed the option of on-street parking along Satellite Blvd., which is not permitted. The two-lane road does not provide a designated parking lane or shoulder that can be used. Additionally, the Code requires that all parking shall be provided on the same lot where the principal use is located.

This request was continued from the January 8, 2026 BZA hearing, to allow the applicant more time to explore alternative parking options. The applicant has since provided revised documentation including a lease agreement and a narrative explanation outlining a proposed parking plan to address limited on-site parking on the property. The applicant has noted that there will be 27 spaces available for their use during operating hours, with the other 4 spaces dedicated to overnight parking for the first-floor businesses. At this time, the applicant has not provided a joint parking agreement for the existing on-site parking. The current proposal addresses the remaining necessary spaces through patron rental agreements and relies primarily on off-site parking lots and contracted licensed transportation services—such as charter buses, minibuses, or shuttle buses to transport guests to and from events. Shuttle services will run continuously and accommodate guests from hotels, nearby public parking areas (including a library lot), designated off-site locations, and centralized pickup points such as a nearby Walmart. Additional contingency options, including valet parking, have also

been explored. The proposal aims to reduce on-site parking demand, minimize neighborhood impacts, and maintain safe and organized traffic flow during events. However, the applicant has not provided information that supports the availability of the off-site parking, or agreements with those businesses.

Sec. 38-1477 requires that off-street parking be provided on the same lot where the principal use is located or within three hundred (300) feet from the principal entrance as measured along the most direct pedestrian route. The intent of this Code section is to have off-street parking areas directly serving the businesses they are required for. In a similar fashion, Sec. 38-1478 requires that no required off-street parking area shall be included as part of an off-street parking area similarly required for another building or use. The applicant's proposal does not identify if the parking is actively being used for another use, or if there are excess spaces. Additionally, the parking exceeds the 300 ft. distance, requiring the use of the shuttle service.

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 Variance request #2 meets some of the criteria, not all of the criteria have been met. Therefore, staff is recommending approval Variance #1, and denial of Variance #2.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

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

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

Not Self-Created

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

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

No Special Privilege Conferred

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

Variance #2, NOT MET – All uses are required to provide off-street parking on the same lot where the principal use is located or within three hundred (300) feet from the principal entrance. Further, any off-site parking that might conform to the 300 ft. distance would need to be verified to be parking that is not otherwise allocated to other uses, and a parking agreement would be required by the property owner of said excess parking giving

permission for others to park on their property. Granting this request based on the applicants submittal would confer special privilege and would not be in compliance with code.

Deprivation of Rights

Variance #1, MET – Denial of the request would deprive the applicant of use of the second floor of the building.
Variance #2, NOT MET – The need for the Variance is due to increasing the capacity of the building, but the applicant has not been denied reasonable use of the building, as other uses may occupy the space that would require less parking.

Minimum Possible Variance

Variance #1, MET – The request is the minimum possible to locate the stairwell on site.
Variance #2, MET – The request is the minimum possible for the business to operate with the existing off-street parking.

Purpose and Intent

Variance #1, MET – Approval of the request would be in harmony with the purpose and intent of the Zoning Regulations.
Variance #2, NOT MET – Approval of the request would not be in harmony with the purpose and intent of the Zoning Regulations, as the off-street parking requirement is intended to ensure adequate parking is provided on-site for business operations. The parking study relies on operational choices including off-site shuttle services and parking on other people’s property not in compliance with code or with their permission and the valet parking plan, which does not allow for site circulation. In all proposed scenarios, the site will be underparked.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped November 20, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a Certificate of Occupancy or Certificate of Completion, whichever is required, a joint off-street parking agreement is required to be provided to the County, which shall include:
 - a) A notarized statement from all property owners involved indicating that the activities of each separate building or use which creates a demand for parking shall occur at different times. Such statement must include an agreement between the parties involved indicating responsibility for maintenance of the parking area; and
 - b) It shall run with the duration of the occupational licenses of all buildings or uses involved in the agreement and shall be required to be renewed at the time of occupational license renewal. Where an occupational license is not required, then the agreement shall run with the duration of the uses.

C: Mantin Qamar
Event Orlando LLC
2130 Michigan Ave., #138
Kissimmee, FL 34744

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

5. The number of patrons for the event space on the second floor shall not exceed 144, with up to 10 employees, unless additional parking is provided that meets Code.
6. Any future change in occupational licenses shall require a renewed joint off-street parking agreement, subject to the requirements of condition #4.

BZA and OCFL Transportation

I am writing to provide a narrative explanation of our proposed parking and transportation solution in support of the zoning variance request for our property in Orange County.

To address parking limitations and ensure compliance with County requirements, we will implement the following measures:

First, we will restrict on-site parking usage through a rental agreement with our patrons. The agreement will clearly state that only **27 on-site parking spaces** are available during operating hours. Patrons will be informed of this limitation in advance and will be required to acknowledge and comply with it.

Second, all event-related transportation—including for the groom and bride, family members, and all other patrons—will be handled by a **licensed transportation company designated by contract**. Transportation will be provided using a **charter bus, minibus, or shuttle bus with capacity of up to 28 passengers per vehicle**.

This charter or shuttle transportation will operate **continuously throughout the event**, running back and forth at scheduled intervals to ensure timely and efficient movement of guests without reliance on on-site parking.

The shuttle service provides several additional benefits. It will accommodate:

- Out-of-town guests staying at hotels
- We have obtained to rent 3 rooms through out each events for the Days Inn 9301 S Orange Bloosom Trail Orlando FL parking spaces to use and designated areas
- Guests parking at nearby public parking facilities, such as the Library parking located at **1732 Deerfield Drive, Orlando, FL**
- Designated off-site locations approved by Eventolando LLC
- A nearby Super Walmart location used as a centralized pickup point located at **1431 Osceola Parkway, Kissimmee, FL 34744** (see attached)
- Other specific pickup locations designated by the patron in advance, including private residences or restaurants

In addition, this transportation and parking plan has been **submitted to the appropriate transportation board for evaluation and review**. We have conducted extensive research to support this plan, and all research materials include **supporting documentation, photographs, and operational backups**, which are available upon request.

As an additional contingency, we have also explored a **valet parking scenario** as a supplemental option. While valet parking is **not within Orange County's authority to manage or regulate**, it remains an available alternative that can be implemented if needed at the conclusion of all other measures.

By implementing these layered transportation and parking solutions, we will significantly reduce on-site parking demand, minimize neighborhood impacts, and ensure safe and orderly traffic flow during events.

We believe this approach demonstrates a comprehensive, well-researched, and responsible solution to the parking constraints associated with the zoning variance request.

Thank you for your time and consideration. Please feel free to contact me if additional information or clarification is required.

Sincerely,
Helen Qamar
Manager
EVENTOLANDO LLC
754-423-2828
EVENTOLANDO@gmail.com

Dear Board Members,

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

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

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

To address this shortfall, we propose two solutions:

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

The basic parking scenario is as follows:

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

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

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

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

Sincerely,



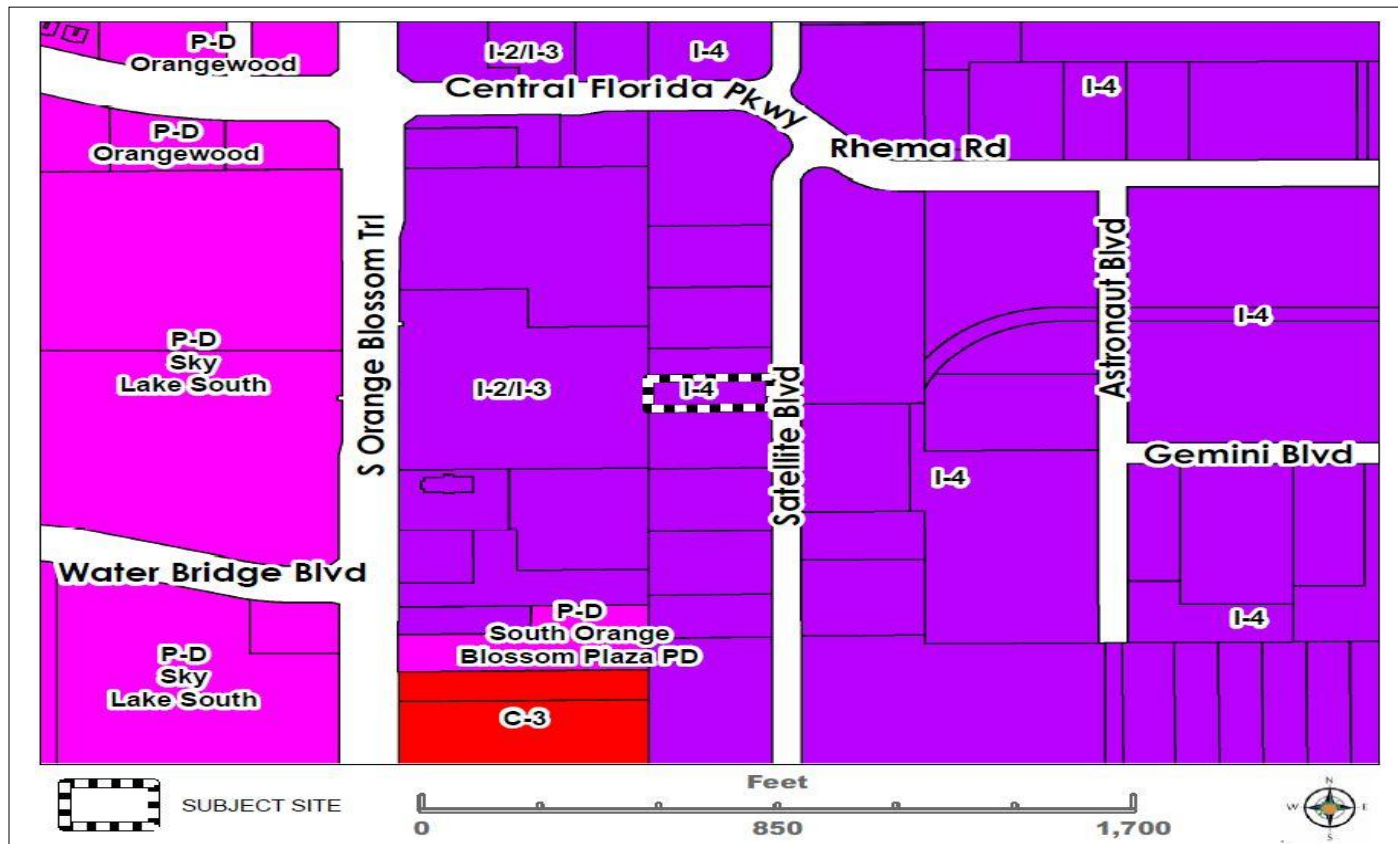
Martin Qamar
EventOlando LLC

VARIANCE CRITERIA

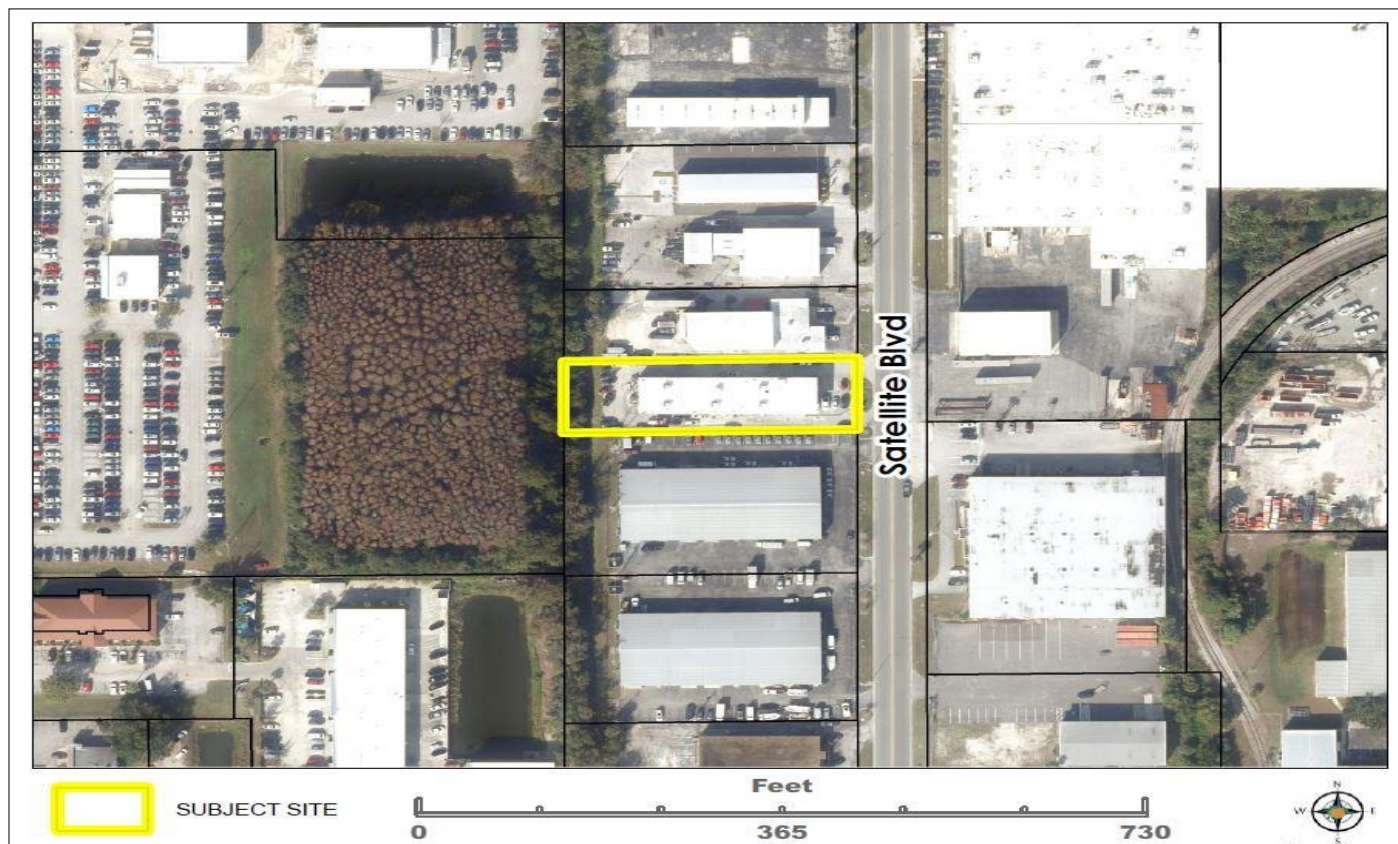
VARIANCE CRITERIA

1. **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of a proposed zoning variance.
REQUESTED A SECOND EXIT STAIRWAY PER FIRE DEPARTMENT APPROVED TO THE SECOND FLOOR REMODELING WITHIN THE SETBACK AREA
2. **Not Self-Created** - The special conditions and circumstances do not result from the actions of the applicant. A self-created or self-imposed hardship shall not justify a zoning variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.
DUE TO FIRE DEPARTMENT REQUIRING AN SECOND EXIT TO A PERMIT ISSUED B20903319 FOR THE SECOND FLOOR REMODELING
3. **No Special Privilege Conferred** - Approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, building, or structures in the same zoning district.
AN SECOND EXIT WAS ISSUED TO FIRE SAFETY MEASURES AND NO SPECIAL PRIVILEGE WERE ALLOTTED.
4. **Deprivation of Rights** - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.
THERE IS NO DEPRIVATION OF RIGHTS AND THIS IS ONLY AN EXIT REQUIRED TO FIRE SAFETY MEASURES AS CONJUNCTION TO AN ISSUED PERMIT TO REMODEL SECOND FLOOR
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.
A SETBACK VARIANCE FOR EXIT STAIRWAY IS REQUESTED TO BE CONSTRUCTED AS PER CODE AND A PARKING LOT REDUCTION VARIANCE FOR PARKING SPACES INSTEAD OF 72 PARKING SPACES PER OCCUPANCY REQUIRED.
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
IT IS REQUESTED BOTH VARIANCES WILL BE IN HARMONY SINCE IT IS NOT INJURIOUS OR DETRIMENTAL AND IN THE PARKING LOT AND BACK OF THE BUILDING.

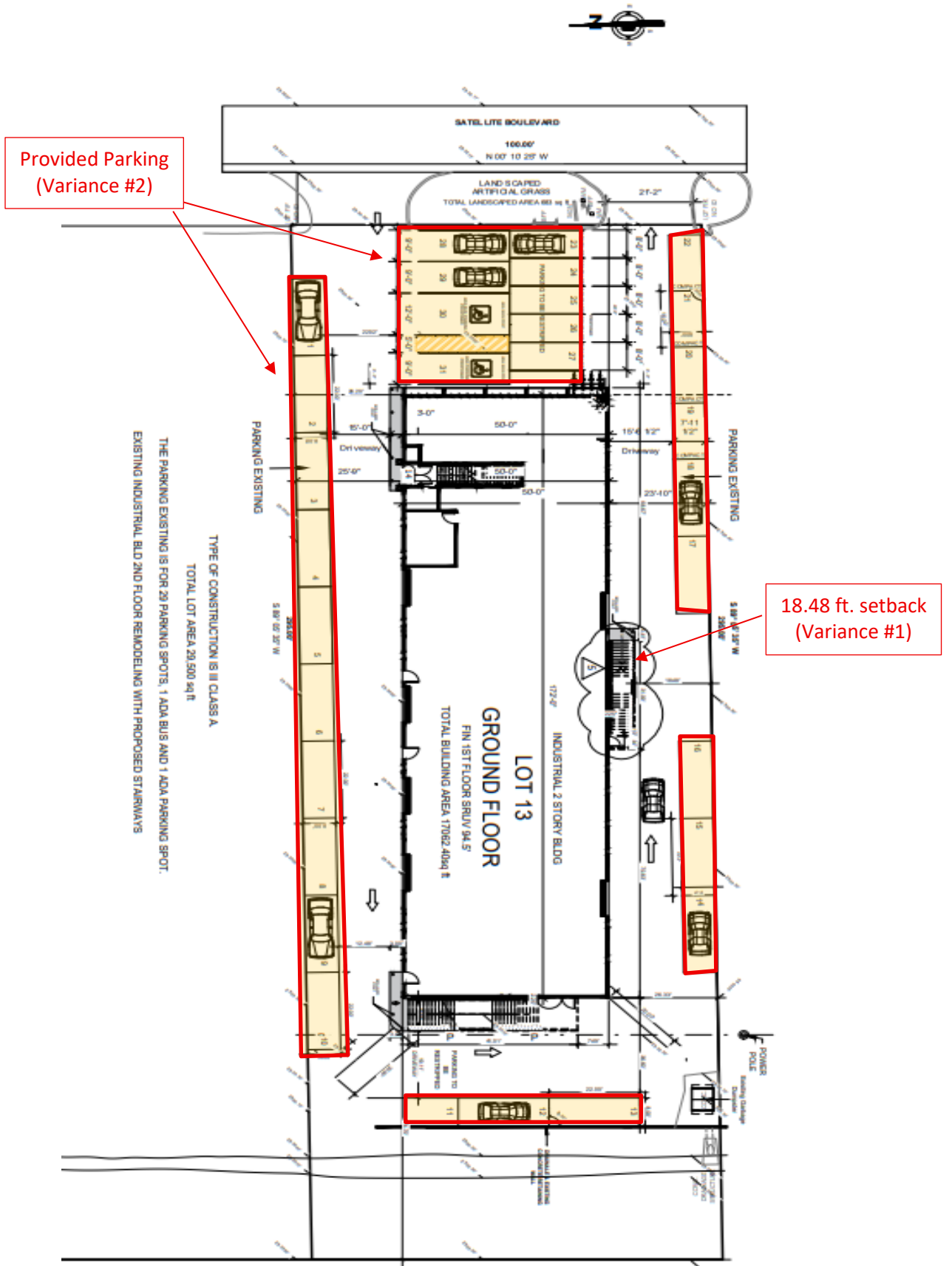
ZONING MAP



AERIAL MAP



SITE PLAN



SITE PHOTOS



Facing west from Satellite Blvd. towards front of building



From Satellite Blvd. facing northwest

SITE PHOTOS



From rear of property facing east



From south property line, facing the exterior staircase



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