

**CASE # RZ-25-10-011**

Commission District: #5

**GENERAL INFORMATION**

**APPLICANT:** Charles Zoebelain  
**APPELLANT:** Frank Diefenderfer  
**OWNER:** Charles Zoebelain  
**HEARING TYPE:** Planning and Zoning Commission Appeal  
**REQUEST:** R-1A (Single-Family Dwelling District) to  
R-1 Restricted (Single-Family Dwelling District)  
**LOCATION:** 1860 Staunton Ave; generally located north of Biscayne Dr.,  
west of Clay St, and south of Staunton Ave  
**PARCEL ID NUMBER:** 12-22-29-4076-02-060  
**SIZE / ACREAGE:** 0.30- gross acre  
**PUBLIC NOTIFICATION:** The notification area for this public hearing was 500 feet  
[Chapter 30-40(c)(3a) of the Orange County Code requires 300  
feet]. One hundred seventy-five (175) notices were mailed to  
those property owners in the surrounding area.  
**COMMUNITY MEETING:** An in-person community meeting was held on September 23,  
2025, and is summarized further in this report.  
**PROPOSED USE:** Two Detached Single-Family Homes (pending lot split  
approval)

**STAFF RECOMMENDATION**

**PLANNING**

**Make a finding of consistency with the Comprehensive Plan and recommend  
approval of the requested R-1 Restricted (Single-Family Dwelling District) zoning,  
subject to the following restrictions:**

- 1) Fill added beyond Orange County Code requirement shall not be allowed (i.e.- maximum of 18 inches above the road's crown elevation or 1 foot above the base flood elevation). Any alterations to the site's existing topography should not negatively affect neighboring properties. Efforts to retain stormwater on-site should be made, with directing runoff towards the street as a final option.
- 2) The side setbacks shall be 7.5' on the outer sides of the property (7.5' side setback adjacent to Lot 8 and Lot 5 of Block B of the Karolina on Killarney Plat).

## **SUBJECT PROPERTY ANALYSIS**

### **Overview**

The subject property was originally platted in 1926 as two 50-foot-wide lots and was rezoned to R-1A (Single-Family Dwelling District) in 1957, prior to the adoption of the Orange County Comprehensive Plan. Today, 1860 Staunton Avenue contains one detached single-family home. The current zoning designation of R-1A is consistent with the Future Land Use designation of Low Density Residential (LDR).

The applicant is requesting to rezone the property from R-1A (Single-Family Dwelling District) to R-1 Restricted (Single-Family Dwelling District) to allow the construction of two detached single-family dwelling units on 0.15 gross acres, subject to a future lot split approval. A Future Land Use Map amendment is not required, as the request qualifies under the lot of record policy, which provides that the maximum density requirement of four (4) dwelling units per acre does not apply to legal lots of record with a Low Density Residential (LDR) designation, provided certain criteria are met. In this case, the subject property consists of two originally platted lots created prior to 1991 and recognized by the Zoning Division, and the proposed development is limited to detached single-family residential units consistent with surrounding development.

The surrounding area is predominantly developed with detached single-family homes, the majority of which are zoned R-1A (Single-Family Dwelling District), with some R-2 (Residential District) properties located to the southeast. Lot widths in the immediate area range from 50 feet to 100 feet. There are two R-1 Restricted zoned adjacent properties on the north side of Biscayne Drive approximately 1 block to the south and 1 block to the west of the subject property which were rezoned from R-1A to R-1 in 2015. The restriction on those properties is to provide a minimum 7.5 ft side setback on the eastern property line of the eastern lot. It was originally one lot that was rezoned to R-1 to allow for a lot split which has since occurred.

The proposed restrictions are provided to address flooding concerns of nearby neighbors expressed to staff at the community meeting on September 23<sup>rd</sup>. The concerns of flooding in the area appear to be due to existing infrastructure issues. The setback restriction is provided to allow for on-site rainwater retention as well as to match the existing setbacks of the R-1A district (R-1 allows for 6 foot side setbacks).

The subject property is within the Winter Park Wastewater service area; it will continue to rely on septic. It is also located within the Orange County Priority Vulnerability Area (PVA) and Basin Management Action Plan (BMAP) area. As such, the proposed development will be subject to the enhanced septic requirements.

### **Land Use Compatibility**

The R-1 Restricted zoning would allow for development that is compatible with the character of the surrounding area and would not adversely impact adjacent properties.

## Site Analysis

### **Rural Settlement**

The subject property is not located in a Rural Settlement.

### **Joint Planning Area (JPA)**

The subject property is located in the City of Winter Park JPA.

### **Overlay District Ordinance**

The subject property is not located within an Overlay District.

### **Airport Noise Zone**

The subject property is not located in an Airport Noise Zone.

### **Code Enforcement**

No cases found.

## **Comprehensive Plan (CP) Consistency**

The underlying CP Future Land Use Map (FLUM) designation of the subject property is Low Density Residential (LDR). The proposed R-1 Restricted zoning is consistent with the LDR FLUM designation, therefore a comprehensive plan amendment is not necessary. The proposed request is consistent with the following Comprehensive Plan provisions:

**FLU1.4.2** states that Orange County shall ensure that land uses changes are compatible with and serve existing neighborhoods.

**FLU8.1.1** states that the zoning and future land use correlation shall be used to determine consistency with the Future Land Use Map. Land use compatibility, the location, availability and capacity of services and facilities, market demand, and environmental features shall also be used in determining which specific zoning district is most appropriate. Density is restricted to the maximum and minimum allowed by the Future Land Use Map designation regardless of zoning.

Furthermore, FLU 8.1.1 states that the maximum density requirement of four (4) units per acre shall not apply to a legal lot of record as recognized by the Zoning Division with a future land use designation of Low Density Residential (LDR) and which, as of December 4, 2021, is zoned R-1A, R-1, R-2, or R-T-1, or may be rezoned from one of those four zoning districts to another of those zoning districts in accordance with this policy, provided that each of the following criteria are met:

1. The subject property is located within the Urban Service Area;
2. The proposed density and/or lot sized are similar and compatible to those in the surrounding area and consistent with the pattern of surrounding development;
3. The subject lot of record, or each resulting lot of a lot split is proposed, is accessed by an open and maintained County-approved roadway;
4. The proposed minimum lot size and lot width requirements comply with the underlying zoning district, unless a variance or rezoning is obtained in accordance herewith;

5. Any proposed lot split would revert to the configuration of the originally platted lots or legally subdivided lots prior to 1991; if a parcel of land contains two (2) or more lots of record in their entirety, lot lines may be reconfigured, so long as each resulting lot created is able to meet the minimum lot width and area requirements (Subject to obtaining a variance if needed), and so long as the total number of lots created does not exceed the number of lots of record contained within the parcel as originally platted or legally subdivided; and
6. For R-2 zoned properties, the proposed use is single-family detached residential.

Also, provided the existing infrastructure is sufficient to support the lots created under this policy, a Preliminary Subdivision Plan (PSP), or an additional PSP, as the case may be, will not be required.

A property that needs to be rezoned in order to benefit from this policy may do so, provided: (1) it is rezoned from one of the above-referenced zoning district to another of the above-referenced zoning districts, (2) the rezoning is necessary to ensure the proposed residential development of the property is consistent with the development pattern in the surrounding area, and (3) the Zoning Manager determines that any development, if built, would constitute a bona fide "urban infill" project in a manner consistent with the County's policies to encourage compact urban development and discourage urban sprawl.

**OBJ FLU8.2** states that compatibility will continue to be the fundamental consideration in all land use and zoning decisions.

**FLU8.2.1** states that land use changes shall be required to be compatible with existing development and development trend in the area. Performance restrictions and/or conditions may be placed on property through the appropriate development order to ensure compatibility. No restrictions or conditions shall be placed on a Future Land Use Map change.

**FLU8.2.2** states that continuous stretches of similar housing types and density of units shall be avoided. A diverse mix of uses and housing types shall be promoted.

**H1.3.8** states that in order to stabilize and improve existing neighborhoods, Orange County shall continue to support compatible infill development in existing neighborhoods where infrastructure already exists.

**FLU8.2.11** states that compatibility may not necessarily be determined to be a land use that is identical to those uses that surround it. Other factors may be considered, such as the design attributes of the project, its urban form, the physical integration of a project and its function in the broader community, as well its contribution toward the Goals and Objectives in the CP. The CP shall specifically allow for such a balance of considerations to occur.

**FLU8.1.1** states that any proposed lot split can revert to the configuration of the originally platted or legally subdivided lots prior to 1991, and that the total number of lots created shall not exceed the number of lots of record as originally platted or legally subdivided.

## SITE DATA

<b>Existing Use</b>	Detached Single-Family Home
<b>Adjacent Zoning</b>	N: R-1A (Single-Family Dwelling District) 1957 E: R-1A (Single-Family Dwelling District) 1957 W: R-1A (Single-Family Dwelling District) 1957 S: R-1A (Single-Family Dwelling District) 1957
<b>Adjacent Land Uses</b>	N: Detached Single-Family Home E: Detached Single-Family Home W: Detached Single-Family Home S: Detached Single-Family Home

### R-1 Development Standards

Min. Lot Area:	5,000 sq. ft.
Min. Lot Width:	50 feet
Max. Height:	35 feet
Min. Floor Area:	1,000 feet

### Building Setbacks

Front:	20 feet
Rear:	20 feet
Side:	5 feet

### **Intent, Purpose, and Uses**

The R-1 (Single-Family Dwelling District) zoning district is composed of lands and structures used primarily for single-family residential areas with large lots and low population densities.

Specific uses shall be identified by the letter "P" in the use table set forth in Section 38-77 of the Orange County Code.

## SPECIAL INFORMATION

### **Staff Comments**

#### **Environmental**

PVA and BMAP Enhanced Septic/Sewer Requirement - This site is located within the Orange County Priority Vulnerability Area (PVA). The PVA is identified as an area where groundwater quality is more vulnerable to nutrient pollutant discharges from conventional On-site Sewage Disposal Systems (OSDS). Any new OSDS approved to be located on a lot one acre or less in size within the PVA and a Basin Management Action Plan (BMAP) Area shall be an enhanced OSDS capable of meeting or exceeding at least sixty-five (65) percent total nitrogen reduction. Reference Orange County Code Chapter 37 Individual On-site Sewage Disposal System, Sec. 37-540 (p).

**Solid Waste Disposal** - Any miscellaneous regulated solid waste found or generated onsite including land clearing debris, construction and demolition debris, tires, garbage, and hazardous waste shall be properly managed through recycling and/or off-site disposal in accordance with local, state, and federal regulations.

**Transportation / Access**

The proposed use to allow a lot split and build two single family detached homes is a de minimis impact on the roadways. For the purposes of transportation analysis, a project is considered de minimis if its impacts are less than a total p.m. peak of five (5) hour trips on the roadways within the area of influence. Prior to any building permit approval, a Concurrency Application through the Concurrency Management office may be required. Please contact the Concurrency Management Office at concurrency@ocfl.net or 407-836-6110 for more information.

**Schools**

Two homes is de minimis.

**Parks and Recreation**

Parks and Recreation staff reviewed the request and did not identify any issues or concerns.

**Community Meeting Summary**

On September 23, 2025, a community meeting was held at Killarney Elementary School with 15 community members in attendance. Participants raised concerns related to infrastructure capacity, compatibility with the existing neighborhood, potential flooding impacts from additional development, unit sizes and reduced setbacks, as well as the potential for further intensification of the lots through accessory dwelling units (ADUs).

**Utilities Service Area (Availability of services may vary)**

Water: Winter Park

Wastewater: Winter Park

Reclaim Water: Winter Park

**Detailed Utility Information:**

This property is within City of Winter Park Water and Wastewater Service Areas. The property will be reliant on septic tanks. It is also located within the Orange County Priority Vulnerability Area (PVA) and Basin Management Action Plan (BMAP) area. As such, the proposed development will be subject to the enhanced septic requirements.

This property is within Orange County Utilities Reclaimed Water Service Area. In accordance with Orange County Code Chapter 37:

Reclaimed water: There are no reclaimed water mains within the vicinity of this property. Reclaimed water is considered not available. Connection is not required.

**State of Florida Notice**

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.

**Specific Project Expenditure Report and Relationship Disclosure Form**

The original Specific Project Expenditure Report and Relationship Disclosure Form are currently on file with the Planning Division.

## **ACTION REQUESTED**

**Planning and Zoning Commission (PZC) Recommendation – October 16, 2025**

**Make a finding of consistency with the Comprehensive Plan and recommend Approval of the requested R-1 Restricted (Single-Family Dwelling District) zoning subject to the following restrictions:**

- 1) Fill added beyond Orange County Code requirement shall not be allowed (i.e.- maximum of 24 inches above the road's crown elevation or 1 foot above the base flood elevation). Any alterations to the site's existing topography should not negatively affect neighboring properties. Efforts to retain stormwater on-site should be made such as the use of swales, with directing runoff towards the street as a final option.
- 2) The side setbacks shall be 7.5' on the outer sides of the property (7.5' side setback adjacent to Lot 8 and Lot 5 of Block B of the Karolina on Killarney Plat).

## **PLANNING AND ZONING COMMISSION (PZC) PUBLIC HEARING SYNOPSIS**

The staff report was presented to the PZC with the recommendation that they make a finding of consistency with the Comprehensive Plan and recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District) zoning subject to two restrictions. The applicant was present and agreed with the staff recommendation. One member of the public appeared during the public comment portion of the hearing to speak in opposition.

Staff indicated that one hundred seventy-five (175) notices were sent to property owners and residents in a 500 ft radius surrounding the property, and that staff had received zero 1 response in favor, 1 response with conditional favor and 5 responses in opposition to the request.

A discussion occurred regarding setbacks, stormwater/drainage of the surrounding area, noting that this case was different than the rezoning across the street due it not having as much of a flooding issue. Eric Warren, Chief Engineer from Public Works was there to speak to the stormwater issues expressed that these developments would be an opportunity to improve the grading and mitigate some of the issues.

A motion was made by Commissioner Holt and seconded by Commissioner Arrington to recommend APPROVAL of the requested R-1 Restricted (Single-Family Dwelling District) zoning subject to two restrictions. The motion carried unanimously.

**Motion / Second**

*Marjorie Holt / Michael Arrington*

**Voting in Favor**

*Marjorie Holt, Michael Arrington, Nelson Pena, Geroge Wiggins, Evelyn Cardenas and Eric Gray*

**Voting In Opposition**

*None*

**Absent**

*Camille Evans, David Boers and Eddie Fernandez*

RZ-25-10-011



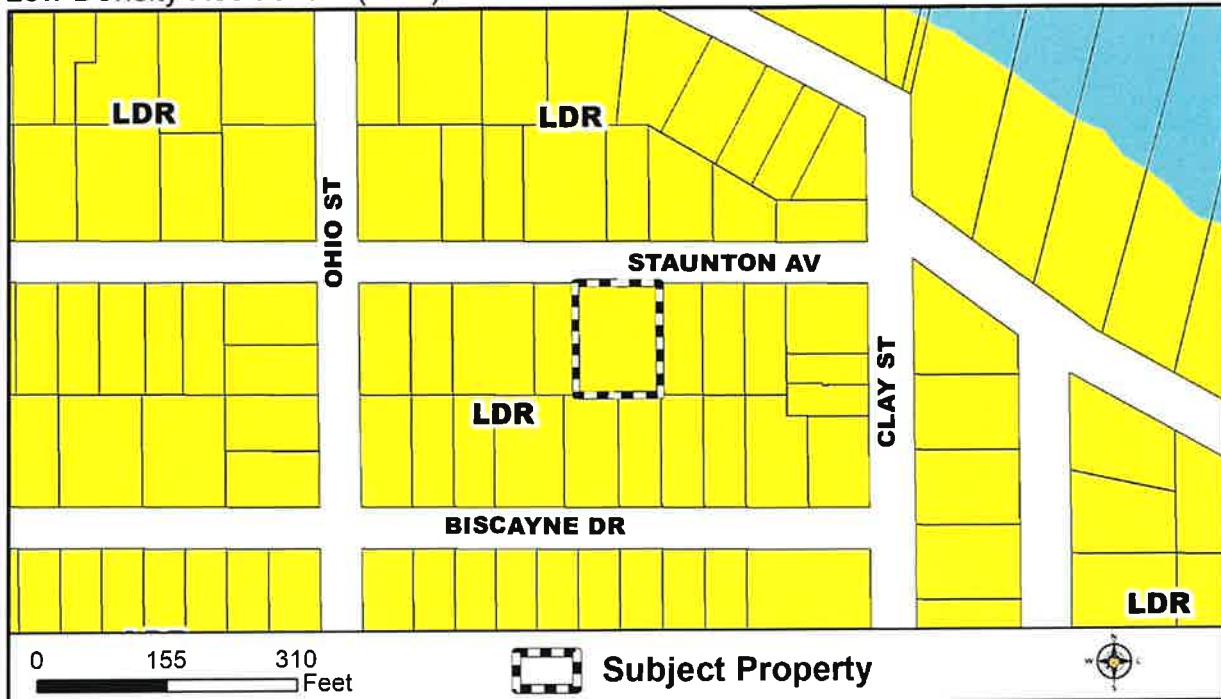
 Subject Property



0 150 300 Feet

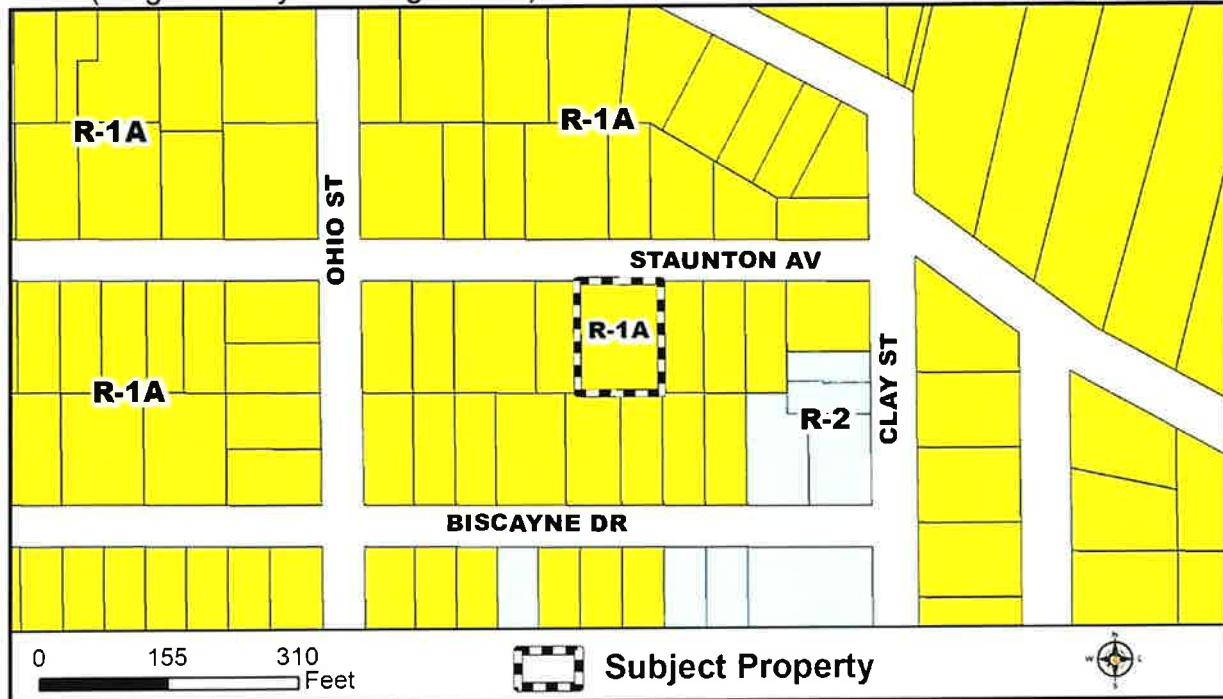
**FUTURE LAND USE – CURRENT**

Low Density Residential (LDR)



### ZONING – CURRENT

R-1A (Single-Family Dwelling District)



### ZONING – PROPOSED

R-1 Restricted (Single-Family Dwelling District)

