

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT, SERVICES DEPARTMENT  
ZONING DIVISION PUBLIC HEARING REPORT**

**March 10, 2026**

The following is a public hearing on an appeal before the Board of County Commissioners on March 10, 2026, at 2:00 p.m.

**APPLICANT:** REBECCA HAMMOCK

**OWNER:** PAMELA RANSONE

**CASE #:** VA-25-12-073

**REQUEST:** Variance in the R-CE zoning district to allow a minimum lot area of 0.73 acres in lieu of 1 acre.

**LOCATION:** Unaddressed property on Windermere Rd., Winter Garden, FL 34787, west side of Windermere Rd., north of Mckinnon Rd., east of Winter Garden Vineland Rd., south of Roberson Rd., west of Maguire Rd.

**LOT SIZE:** +/- 0.73 acres

**ZONING:** R-CE

**DISTRICT:** #1

**PROPERTIES NOTIFIED:** 71

**BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:**

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.

Staff noted that no correspondence was received in favor of the request and one correspondence was received in opposition.

The applicant was present and discussed the vested rights letter that was granted by Orange County regarding the allowance of a single-family home on the subject property, and additional correspondences from the County regarding the letter.

The BZA discussed the surrounding areas and if the lots surrounding the subject property were built upon with less than the required lot size of one acre. The BZA determined the vested rights letter was basis for granting approval of the request.

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

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

**BZA HEARING DECISION:**

A motion was made by Thomas Moses, seconded by Roberta Walton Johnson, and carried to recommend 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 conditions (Motion by Thomas Moses, Second by Roberta Walton Johnson; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Johnny Stanley; 0 opposed; 1 absent: Sonya Shakespeare).

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 2025**  
Case #: **VA-25-12-073**

Commission District: **#1**  
Case Planner: **Jacqueline Boling (407) 836-5955**  
**Jacqueline.Boling@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** REBECCA HAMMOCK

**OWNER(s):** PAMELA RANSONE

**REQUEST:** Variance in the R-CE zoning district to allow a minimum lot area of 0.73 acres in lieu of 1 acre.

**PROPERTY LOCATION:** Unaddressed property on Windermere Rd., Winter Garden, FL 34787, west side of Windermere Rd., north of Mckinnon Rd., east of Winter Garden Vineland Rd., south of Roberson Rd., west of Maguire Rd.

**PARCEL ID:** 06-23-28-0000-00-001

**LOT SIZE:** +/- 0.73 acres

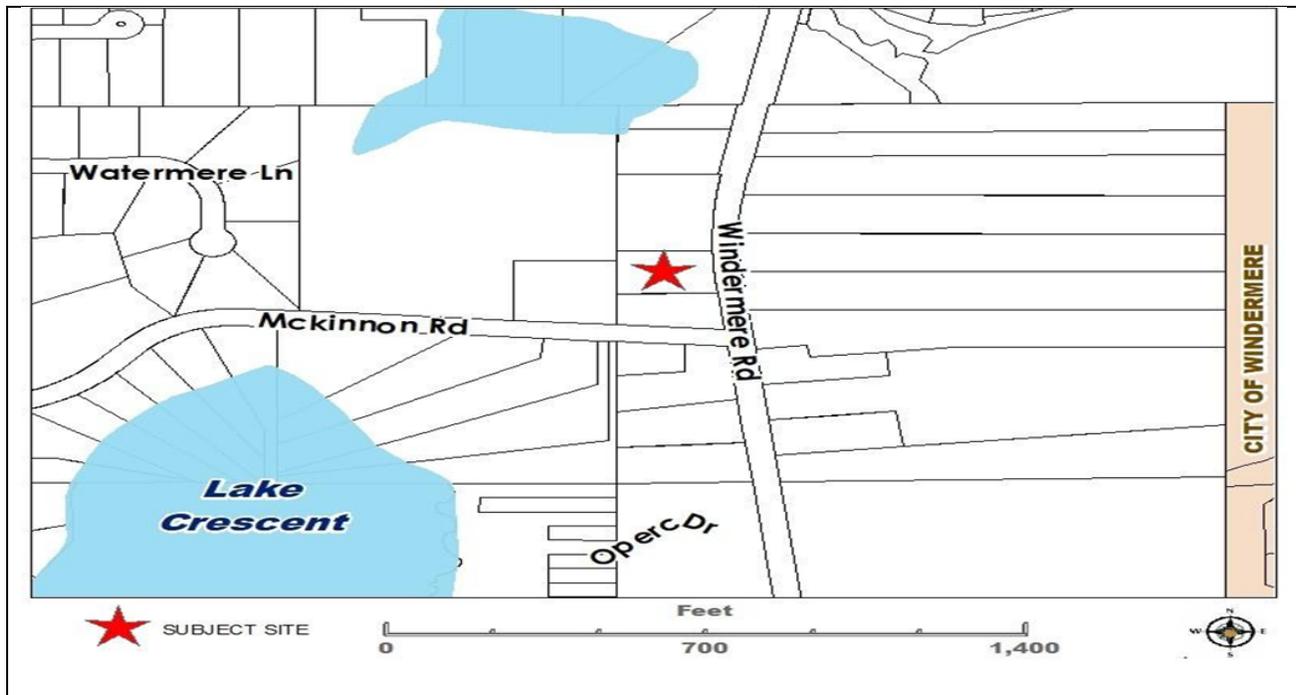
**NOTICE AREA:** 1,000

**NUMBER OF NOTICES:** 71

## 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



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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	R-CE	R-CE	R-CE	R-CE	R-CE
Future Land Use	RS 1/1	RS 1/1	RS 1/1	RS 1/1	RS 1/1
Current Use	Vacant	Single-family residence	Single-family residence	Vacant	Vacant

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The subject property is situated within the R-CE, Country Estate zoning district, which is intended to maintain very low residential densities and protect home investments from potential adverse impacts commonly associated with agricultural areas. This district is primarily designated for residential use. The Future Land Use (FLU) is Rural Settlement 1/1 (RS 1/1), which is consistent with the R-CE zoning district.

The area surrounding the subject site consists primarily of vacant parcels and single-family homes. The property is an interior lot with frontage along Windermere Road and is currently vacant. The property is unplatted and shares common ownership with the adjoining parcel to the south. According to Orange County Code Section 38-1401, when two or more adjoining lots were under single ownership on or after October 7, 1957, and one of the lots does not meet the minimum frontage or area requirements of its zoning district, those lots must be combined to form a single conforming lot. Because the subject parcel (06-23-28-0000-00-001) has been under contiguous ownership with the adjacent parcel (06-23-28-0000-00-024) since 2023, it is not considered a substandard lot of record. The subject parcel received a vested rights certificate from Orange County in 1992, allowing it to be developed with a single-family home. This certificate establishes consistency with the Comprehensive Plan, meaning that even if the surrounding area's land use designation changes in the future, the parcel retains the right to be developed as a single-family residence. However, the existence of a vested rights certificate does not exempt the property from current zoning regulations; all developments must still comply with applicable zoning standards and requirements.

The lot size is 31,973 square feet (0.73 acres), which is below the minimum lot area of 43,563 square feet (1 acre) required for single-family residential development in the R-CE zoning district, requiring the Variance. Proposed on the lot is a two-story, single-family residence totaling 6,998 gross square feet. The design complies with all other development standards, including the required 50-foot undisturbed upland buffer established through a Conservation Area Determination (CAD-22-11-219).

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	35 ft.
Min. Lot Width:	130 ft.	150 ft.
Min. Lot Size:	43,560 sq. ft. (1 acre)	31,973 sq. ft. (Variance Request)
Min. Living Area:	1,500 sq. ft.	6,998 sq. ft.

**Building Setbacks**

	Code Requirement	Proposed
Front:	35 ft.	35 ft. (East)
Side:	10 ft.	+/- 62.6 ft. (North) 10.2 ft. (South)
Rear:	50 ft.	+/- 50 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 requires that all six variance criteria be satisfied before a recommendation of approval can be made. Based on staff's analysis, the variance request does not meet all of the required criteria. Therefore, staff is recommending denial of the variance due to the issue of contiguous ownership.

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**STAFF FINDINGS**


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

NOT MET – The special conditions and circumstance particular to the subject property is that the lot is not buildable without the requested variance; however, the subject property would be buildable by aggregating the other property

**Not Self-Created**

NOT MET - The variance request is self-created as the nonconformity was created by purchasing the neighboring lot.

**No Special Privilege Conferred**

MET - Granting the Variance would not confer special privilege as other properties in the area are developed with similar lot size.

**Deprivation of Rights**

NOT MET – Denial of the Variance would not deprive the applicant of the ability to construct a residence, as the property owner maintains ownership of the adjacent lot to the south. In these situations, Code requires that the lots be combined in order to lessen or eliminate the nonconformity.

**Minimum Possible Variance**

NOT MET - The request is not the minimum possible due to the ownership of the adjacent lot. Combination of the lots would eliminate the need for a Variance but would restrict the development to only one residence.

**Purpose and Intent**

NOT MET – Sec. 38-1401 (d) specifically notes that a lot or parcel which contains less than the minimum lot area required by the zoning district and is not a lawful nonconforming lot or parcel, shall not be grounds for granting a

variance pursuant to Section 30-43, Orange County Code. As there are two contiguous lots under single ownership, the lots should be aggregated.

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**CONDITIONS OF APPROVAL**

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1. Development shall be in accordance with the lot area shown on the site plan dated September 5, 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: Rebecca Hammock  
Poulos & Bennett, LLC  
2602 E. Livingston St.  
Orlando, FL 32803

Mike Flegiel  
Toll Brothers  
2966 Commerce Park Dr., S-100  
Orlando, FL 32819

**Variance Application Narrative: 06-23-28-0000-00-001 Windermere Road**

Toll Brothers, the prospective buyer of the subject lot is seeking a lot size variance to build a single-family residence.

- 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.

**Applicant Response: The subject property is zoned R-CE which requires a minimum lot size of one (1) acre. The subject property is 0.740 acres and received a vesting certificate in 1992 (92-34) from Orange County to allow it to be developed with a single-family home, please see attached.**

- 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.

**Applicant Response: The special condition and circumstances are not the result of the actions of the applicant as the lot was created prior to 1957 and appears to have vested rights to be developed with a single-family residence. Please see excerpt below from an Orange County Zoning Letter dated March 6, 1992. Full letter included in the application package.**

This is written in response to your letter dated February 23, 1992 regarding the above referenced property. By virtue of your information submitted, deeds of record predating October of 1957 which identify contiguous parcels to the North and South as individually owned parcels, and the fact that the property in question is divided by the road right-of-way from the remainder of parcel #5, we've determined the subject property to be a bona-fide substandard parcel of record. Thus, a single family residence would be permitted on the property provided all other applicable zoning requirements are met.

- 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.

**Applicant Response: Approval of the variance requested will not confer on the applicant any special privileges as the applicant only wishes to build one single family residential home on the lot. All other R-CE zoning requirements will be met.**

- 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.

***Applicant Response: Literal interpretation of the provisions would prevent the applicant from being able to develop the subject property consistent with other uses in the neighborhood. It would prevent the reasonable use of the property from being developed with one single family residential home.***

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.

***Applicant Response: The requested variance is the minimum variance that will make reasonable use of the land by allowing the development of one (1) single family residence. The lot size exists, and the request is to allow a lot size variance to meet the Property's zoning requirements. Proposed development of the property will meet all other zoning requirements of the R-CE zoning district.***

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.

***Applicant Response: The existing lot size and the proposed development of a single-family residential home is in harmony and compatible with the existing lot sizes in the neighborhood. There are a number of developed lots along Windermere Road to the north and south of the subject property that are less than the required 1 acre. Development of a new residence on the subject property will be in character with the current trend of development in the area.***



Zoning Department  
201 South Rosalind Avenue, 1st Floor  
Reply To: Post Office Box 2687  
Orlando, Florida 32802-2687  
Telephone (407) 836-5525

March 6, 1992

Rohland A. June II, P. E.  
June Engineering Consultants, Inc.  
310 S. Dillard Street  
P. O. Box 771166  
Winter Garden, Florida 34777-1166

In Re: Beg. 660 ft. N of the SW cor. of the NW 1/4, run 215 ft.  
E to Winter Garden-Windermere Rd., N along road 150 ft.,  
th, W 215 ft., th, South along 1/4 section line 150 ft.  
to POB. All in Sec. 6, Twp. 23 S, Rge. 28 E, Orange  
County, Fl. (approx. 0.74 acre)

Dear Mr. June:

This is written in response to your letter dated February 23, 1992 regarding the above referenced property. By virtue of your information submitted, deeds of record predating October of 1957 which identify contiguous parcels to the North and South as individually owned parcels, and the fact that the property in question is divided by the road right-of-way from the remainder of parcel #5, we've determined the subject property to be a bona-fide substandard parcel of record. Thus, a single family residence would be permitted on the property provided all other applicable zoning requirements are met.

There is still the question of consistency with the Comprehensive Policy Plan and the newly implemented Concurrency Management System. Please refer any further questions regarding these issues, to the Planning Department at 836-5600.

I trust this information will be of help to you.

Sincerely,

Joanne McMurray  
Assistant Zoning Director

JMC:KB:jv

cc: Margaret Hartwell, Planning Department

CONSISTENCY VESTED RIGHTS CERTIFICATE #92-34

101  
Orange



County

Planning Department  
Edward J. Williams, Director  
201 South Rosalind Avenue, 2nd Floor  
Reply To: Post Office Box 1393  
Orlando, Florida 32802-1393  
Telephone (407) 836-5600

March 16, 1992

Certi-Fine Fruit Company, Inc.  
c/o Rohland A. June II  
June Engineering Consultants, Inc.  
Post Office Box 771166  
Winter Garden, Florida 34777-1166

CERTIFIED MAIL

SUBJECT: Consistency Vested Rights Application #92-34

Dear Mr. June:

This letter is to certify that based upon review of your Application for Vested Rights from the Consistency Requirements of the Orange County 1990-2010 Comprehensive Policy Plan, Orange County has found that the property described on Application #92-34 as:

Beg. 660 ft. N of the SW cor. of the NW 1/4, run 215 ft. E to Winter Garden-Windermere Rd., N along road 150 ft., th, W 215 ft., th, South along 1/4 section line 150 ft. to POB. All in Sec. 6, Twp. 23 S, Rge. 28 E, Orange County, Fl. (approx. 0.74 acre);

is entitled to a Vested Rights Certificate to build one single family residence based on Section 30-353.D.10 of Chapter 30, Article XI, Orange County Code.

This certificate entitles you to undertake or continue the development of the above referenced property, despite the inconsistency of the development with the comprehensive plan, and shall not act to create rights that otherwise do not exist. This certificate does not exempt the development of this property from Orange County's concurrency requirements. Upon the expiration of any Development Order or permit or approval that serves as the predicate for the right to develop, the rights granted shall likewise expire. Also, if any application for a permit or other approval is denied, or if the application is granted but the permit or approval later expires for lack of construction or otherwise, and if the submission of the application serves as the predicate for the rights granted, then the rights granted hereunder shall also expire.

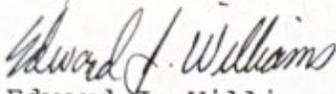
Furthermore, any such development shall continue to be subject in all respects to all laws, ordinances, rules and regulations, and shall continue to be subject to all terms, conditions, requirements and restrictions contained in any Development Order or permit or

Rohland A. June II  
Vested Rights Application #92-34  
March 16, 1992  
Page 2

approval or Binding Letter of Vested Rights pertaining to the particular development. Finally, any substantial change or substantial deviation from the terms of the Development Order upon which a Vested Rights Certificate was predicated shall cause the change or deviation to become subject to the Comprehensive Policy Plan.

If you have any questions on this matter, please feel free to call Margaret Hartwell of my staff at #(407) 836-5600.

Sincerely,

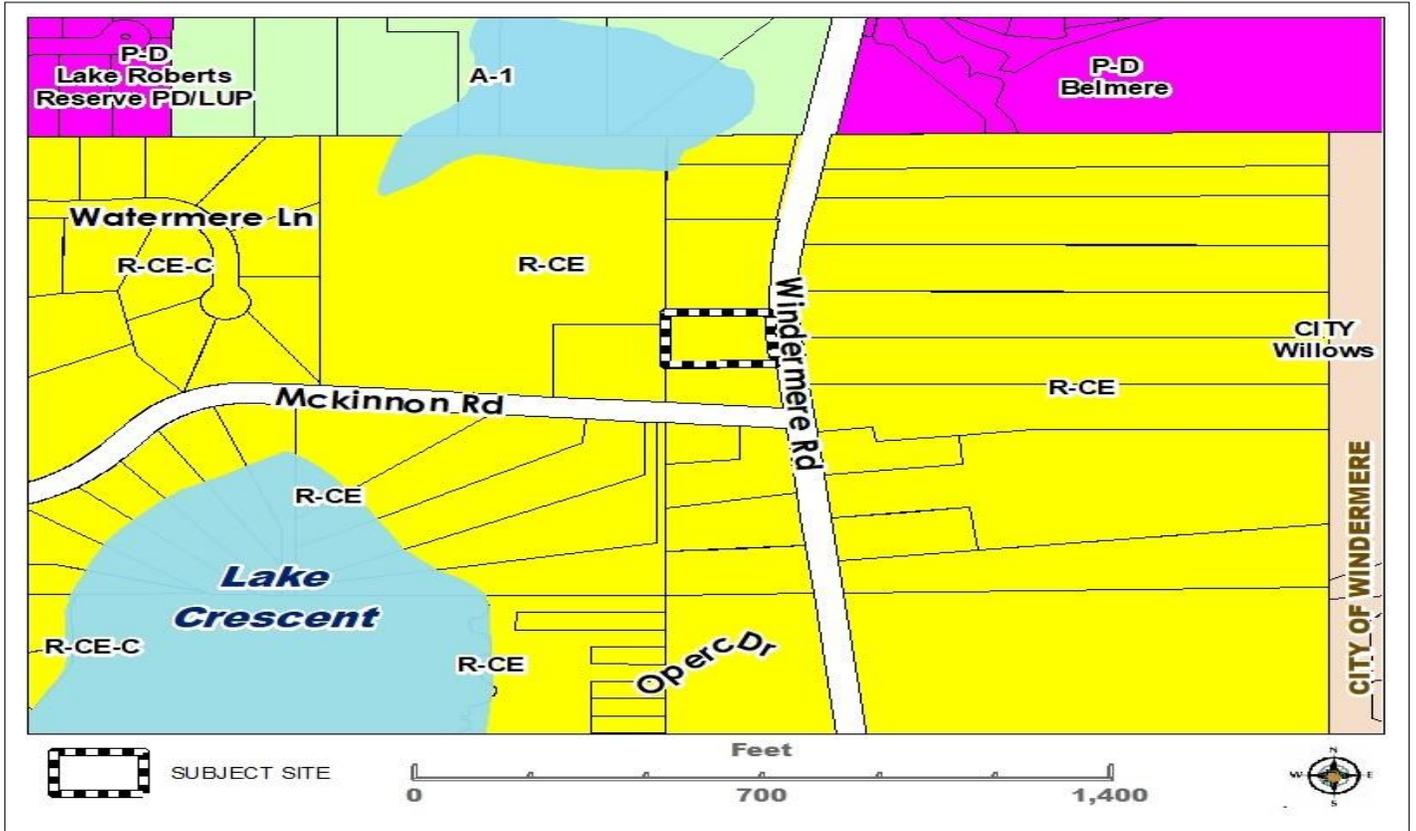


Edward J. Williams  
Planning Director

EJW/MMH/lab

cc: Melvin Pittman, Acting Zoning Director

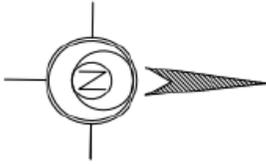
ZONING MAP



AERIAL MAP



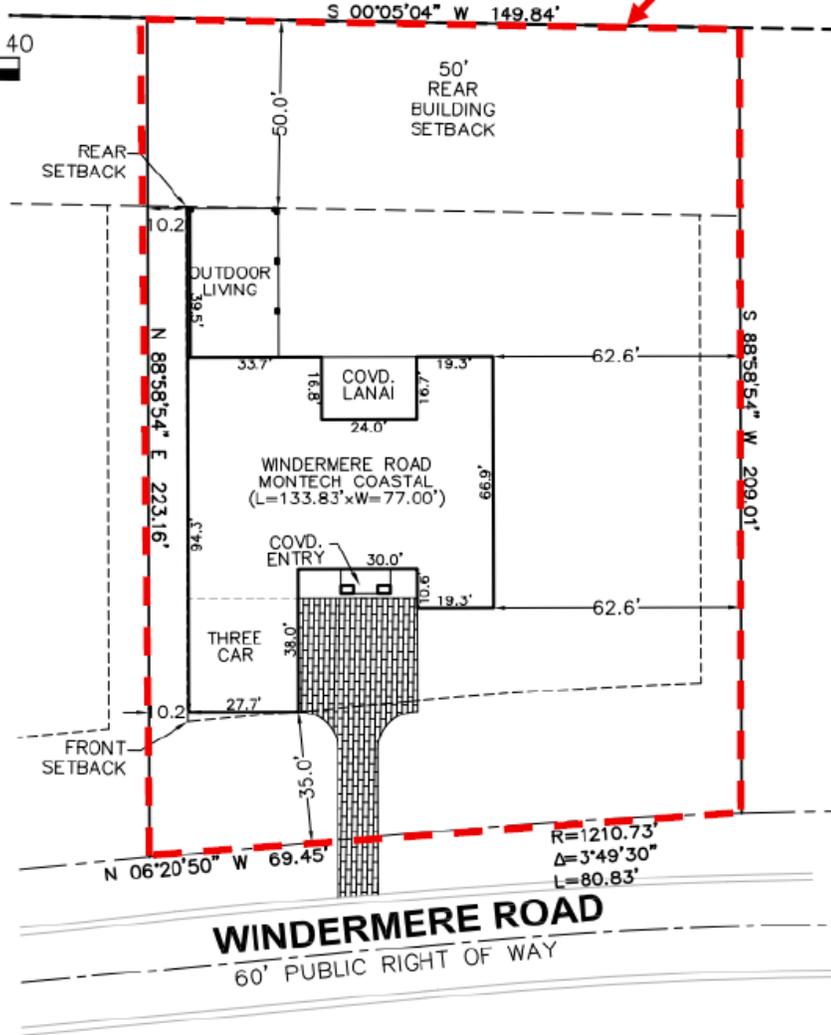
OVERALL SITE PLAN



SETBACKS  
 FRONT=35'  
 SIDE=10'  
 REAR=50'

LEGEND  
 CL=CENTERLINE  
 COVD.=COVERED

Variance Request: Min Lot Area of 31,973 sq. ft (0.73 acres), in lieu of 43,563 sq. ft (1 acre).



# ELEVATIONS



**Front Elevation**



**Right Elevation**



**Rear Elevation**



**Left Elevation**

**SITE PHOTOS**



**Facing north towards the front of the subject property from Windermere Rd.**



**Facing northeast towards the subject property from Windermere Rd.**

**SITE PHOTOS**



October 29, 2025 11:51 AM

**Facing southwest towards the front of the subject property from Windermere Rd.**



October 29, 2025 11:53 AM

**Facing south towards Windermere Rd from rear of subject property.**