



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

June 4, 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
JUNE 4, 2026**

Case #	Applicant	Commission District	Staff Recommendation	BZA	Page #
VA-26-03-010	Sonia Rodriguez	5	Denial	Approved w/Conditions	1
VA-26-06-041	Charley Schallioli	1	Denial	Denial	16
VA-26-06-042	Angel Rodriguez	3	Denial	Approved w/Conditions	33
VA-26-06-047	Martha Hiatt	5	Denial	Approved w/Conditions	47
VA-26-06-051	Ian McCook	5	Denial	Continued to 8/6/26	63
VA-26-06-052	Jose Campuzano	5	Approved w/Conditions	Approved w/Conditions	79
VA-26-06-044	Eric Stolpa	2	Denial	Approved w/Conditions	92
VA-26-06-045	Marie Lefevre	6	Denial	Denial	105
VA-26-04-016	William Andrews Jr. and Cynthia Andrews	5	Denial	Approved w/Conditions	118
VA-26-06-048	James Carpentier	3	Approved w/Conditions	Approved w/Conditions	133
VA-26-03-099	Robert Goudy	1	Requests #1-3, Approved w/Conditions Requests #4-6, Denial	Continued TBD	152

Please note that approvals granted by the BZA are not final unless no appeals are filed within 15 calendar days of the BZA's recommendation and until the Board of County Commissioner (BCC) confirms the recommendation of the BZA on Jun 30, 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.

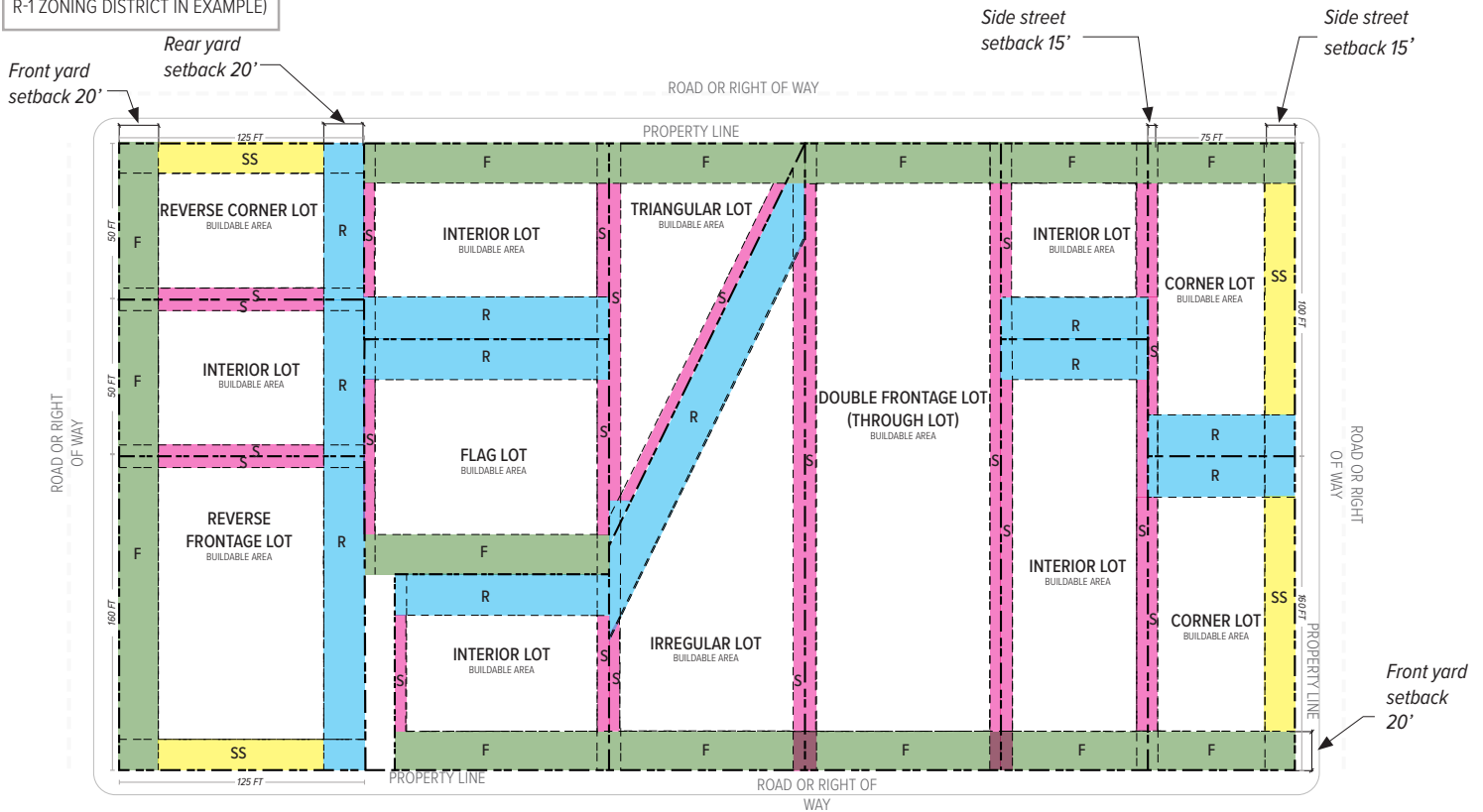
FOOTNOTES

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

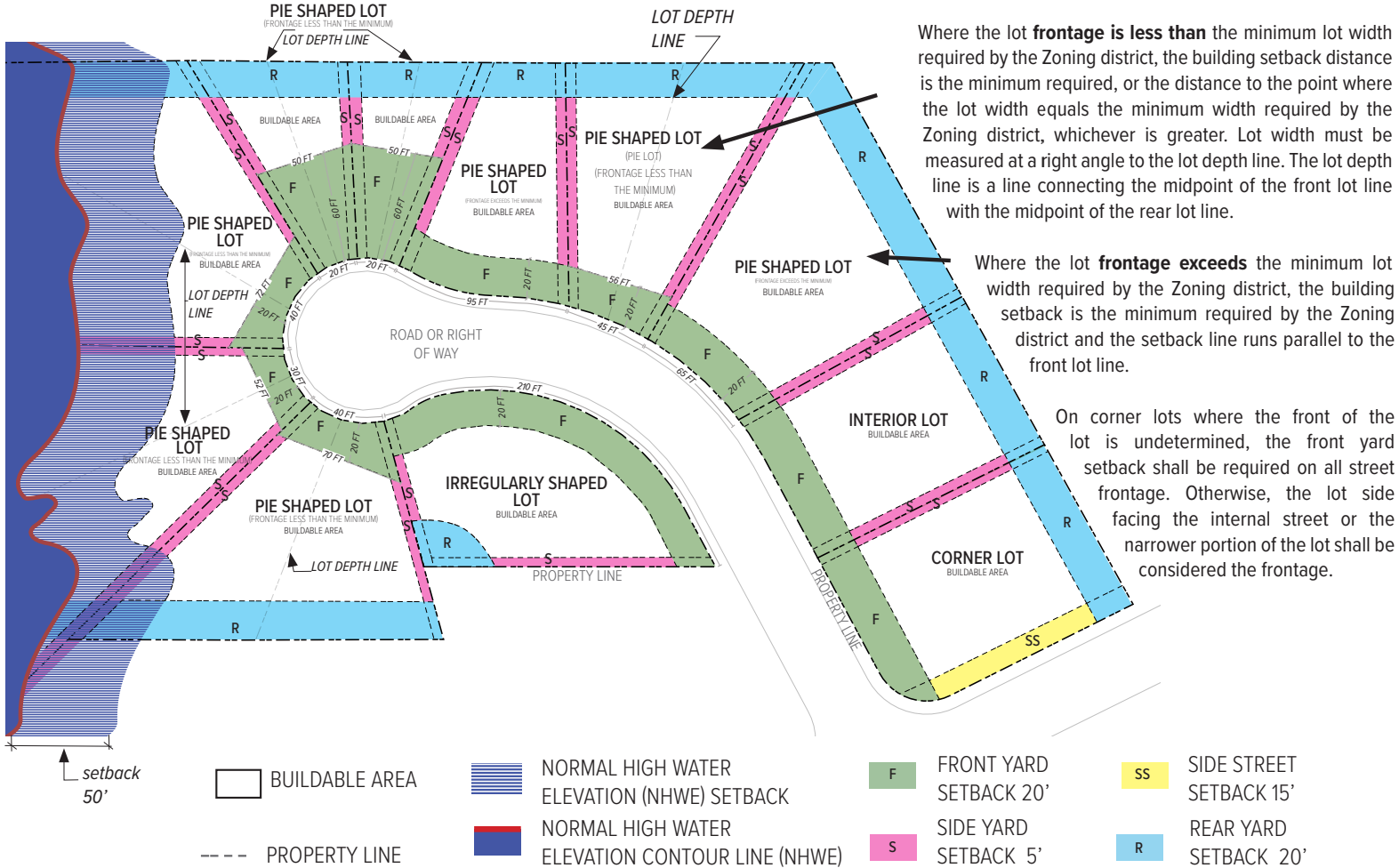
These requirements are intended for reference only; actual requirements should be verified in the Zoning Division prior to design or construction.

Figure 1. Residential Yard Setback

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



- BUILDABLE AREA
- PROPERTY LINE
- SIDE STREET SETBACK 15'
- FRONT YARD SETBACK 20'
- SIDE YARD SETBACK 5'
- REAR YARD SETBACK 20'



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

VARIANCE CRITERIA:

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

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

SPECIAL EXCEPTION CRITERIA:

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

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

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

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 4, 2026**
Case #: **VA-26-03-010**

Commission District: **#5**
Case Planner: **Jacqueline Boling (407) 836-5955**
Jacqueline.Boling@ocfl.net

GENERAL INFORMATION

APPLICANT(s): SONIA RODRIGUEZ

OWNER(s): SONIA RODRIGUEZ

REQUEST: Variances in the R-1A zoning district to allow a shed as follows:
1) With a Normal High Water Elevation (NHWE) setback of 27.3 ft. in lieu of 30 ft.
2) With a north side setback of 3.2 ft. in lieu of 5 ft.

NOTE: This is the result of a code violation.

PROPERTY LOCATION: 1826 Crescent Blvd., Orlando, FL 32817, west side of Crescent Blvd., north of E. Colonial Dr., east of Rouse Rd., south of University Blvd., west of N. Alafaya Trl.

PARCEL ID: 15-22-31-5748-10-071

LOT SIZE: 0.85 acres (0.29 acres upland)

NOTICE AREA: 700

NUMBER OF NOTICES: 67

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Johnny Stanley, Second by Sonya Shakespeare; unanimous; 7 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed):

1. Development shall be in accordance with the site plan date stamped May 26, 2026, and elevations dated January 3, 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 accessory structure is located no closer than 27.3 ft. from the Normal High Water Elevation (NHWE) of Lake Emerald.

5. A permit for Shed 1 shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
6. Prior to the issuance of a permit for the accessory structure (Shed 1), a demolition permit for the Shed 2 must be obtained.

SYNOPSIS: Staff described the proposal, including the property's location, the site plan, and photographs of the site. Staff also presented an analysis of the six variance criteria and explained the basis for recommending denial of Variance #1 and Variance #2. Staff noted that no comments were received in support of the application, while one comment was received in opposition.

The applicant was present and described the changes made to the site plan since the previous hearing, as reflected in the revised plan presented to the Board. The applicant also explained the need to maintain the shed in its current location and configuration.

There was one person in attendance to speak in opposition to the requests.

The BZA discussed the variance requests, the revisions made to the site plan, and the potential impacts on neighboring residences. The Board noted that the improvements are consistent with surrounding development and that denial of the requests would limit the applicant's ability to use the accessory structure in its current configuration.

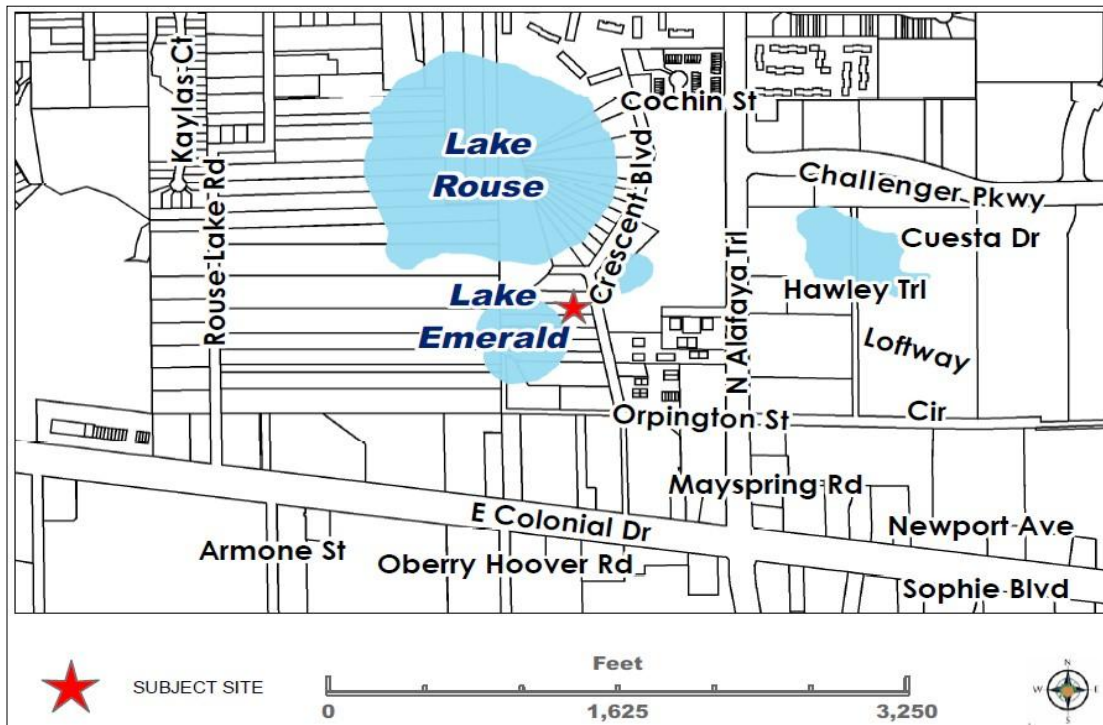
Staff from the Environmental Protection Division provided clarification regarding their opposition to NHWE setback encroachments and related to the code compliance violation.

The BZA recommended approval of the Variance requests by a 7-0 vote, subject to the 6 conditions listed 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-1A	R-1A	R-1A	P-O	R-1
Future Land Use	LDR	LDR	O	O	LDR
Current Use	Single-family residence	Single-family residence	Single-family residence	Office	Vacant

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 residences, Lake Emerald to the west, and offices to the east. The subject property is 0.85 acres in size, with 0.29 acres upland, and was platted in 1926 as Lot 7 of Wyandotte Farms. The lot meets the minimum area requirements for the R-1A zoning district. The subject property is an interior lakefront lot with frontage along Crescent Blvd, and Lake Emerald located to the rear (west) of the property. The current owner purchased the property in July 1999.

The site is developed with a 1,772-sq. ft., two-story single-family residence built in 1987. Additional improvements include a screened-in pool and deck, as well as two accessory structures: a 242 sq. ft. shed (Shed 1), with an attached deck, located in the western portion of the property, and a 41.6 sq. ft. shed (Shed

2) located in the northeastern portion of the property. In 2012, the current owner obtained a building permit (B12008730) for Shed 1; however, the required final inspection was not completed, and the permit subsequently expired. The permit identified the shed as located 5 ft. from the north property line and 30 ft. from the Normal High Water Elevation of Lake Emerald. Aerial imagery indicates that Shed 1 was installed between 2004 and 2006. No permits were obtained for Shed 2, which was installed between 2009 and 2010.

A Code Compliance violation (CE# 664129) was issued on October 28, 2025, for a structure (Shed 1) that was constructed without permits and did not comply with the required setbacks. A building permit application (B25021754) was submitted on October 29, 2025; however, the Zoning Reviewer denied the application due to the structure’s encroachment into the Normal High Water Elevation (NHWE) setback and northern side yard.

In March 2026, the Board of Zoning Adjustment heard the case regarding Sheds 1 and 2 and ultimately continued the matter to the June BZA hearing to allow the applicant time to provide additional information regarding the full or partial removal of the deck, to allow for additional information from the Environmental Protection Division and to allow the applicant time to confirm the proper setback measurement. The original request included three variances for setbacks related to the two sheds. Since the March 2026 BZA hearing, the applicant has decided to demolish the 41.6 sq. ft. shed located at the front of the property (Shed 2), thereby eliminating the need for the third variance request. The applicant has submitted revised drawings and updated the request, as reflected in this report. The revised plans reduce the NHWE line encroachment of Shed 1 from 23.3 ft. to 27.3 ft., modifying variance request #1.

The revised request is to allow the 242 sq. ft. shed (Shed 1) to remain in its current location. The structure is located within the Normal High Water Elevation (NHWE) setback. While the request includes removing a portion of the deck and stairs to comply more closely with the NHWE setback, the structure would still be 27.3 ft. from the NHWE in lieu of the required 30 ft. setback, necessitating Variance #1. Additionally, the shed is located 3.2 ft. from the north property line where a minimum setback of 5 ft. is required, necessitating Variance #2. Although the applicant’s cover letter identifies the shed as an Accessory Dwelling Unit (ADU), the submitted floor and site plans classify the structure as a detached accessory structure rather than an ADU.

Accessory Structure Setbacks

	Code Requirement	Proposed
Front (Crescent Blvd.):	Not permitted in the front yard	N/A (East)
Side:	5 ft.	3.2 ft. (North – Variance #2) 50.7 ft. (South)
Rear:	5 ft.	+/- 370 ft. (West)
NHWE:	30 ft.	27.3 ft. (West - Variance #1)

The request was routed to all reviewing divisions. The Environmental Protection Division (EPD) provided comments stating that, at the time of review, a wetland determination was not required; however, they did not support the accessory structure remaining within the NHWE setback. Both the Stormwater and Development Engineering Divisions indicated that the accessory structure encroaches into the floodplain; however, the applicant has obtained a stormwater permit allowing the structure to remain in its current configuration. As of the date of this report, one comment has been received in opposition to this request.

Pursuant to Section 30-43(3) of the Orange County Code, a recommendation for approval may be made only when all six variance criteria are fully satisfied. The variances meet only some of the required criteria and therefore do not satisfy the applicable standards in their entirety. Based on staff analysis, approval of the requested variances would be inconsistent with the purpose and intent of the Zoning Regulations, which are primarily designed to minimize the impact of structures on the lake and surrounding properties. Accordingly, staff is recommending denial of the requested variances.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

ALL VARIANCES NOT MET - No special conditions or circumstances exist, as the accessory structure could have been constructed in a location compliant with code requirements.

Not Self-Created

ALL VARIANCES NOT MET - The requests are self-created, as the owner, having obtained a building permit for a shed in a compliant location, was aware of the applicable requirements and the shed could have been placed in a code-compliant location.

No Special Privilege Conferred

ALL VARIANCES NOT MET – Although it may appear that other nearby properties have constructed accessory structures within the Normal High Water Elevation setback, those properties are currently subject to EPD enforcement and will ultimately be required to obtain the necessary permits or be removed. Approving these variances would grant a special privilege, as other properties in the area do not have authorized accessory structures within the required setback.

Deprivation of Rights

ALL VARIANCES NOT MET – Without the requested variances, the applicant would still have the ability to relocate the shed to a code-compliant location where it can be used and enjoyed by the applicant.

Minimum Possible Variance

ALL VARIANCES MET - The requested variances are the minimum possible variance to keep the accessory structure in its current configuration.

Purpose and Intent

ALL VARIANCES NOT MET- Approval of the requested variances would not be in harmony with the purpose and intent of the Zoning Regulations, which are primarily focused on minimizing the impact of structures on the lake.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped May 26, 2026, and elevations dated January 3, 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 accessory structure is located no closer than 27.3 ft. from the Normal High Water Elevation (NHWE) of Lake Emerald.
5. A permit for Shed 1 shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
6. Prior to the issuance of a permit for the accessory structure (Shed 1), a demolition permit for the Shed 2 must be obtained.

C: Sonia Rodriguez
1826 Crescent Blvd.
Orlando, FL 32817

C: Project Services Group, LLC
478 E. Altamonte Springs Dr., Suite 108-709
Altamonte Springs, FL 32714

COVER LETTER

January 14, 2026

Subject: Variance for Rear Set Back
1826 Crescent Blvd
Orlando, FL 32817
Parcel: 15-22-31-5748-10-071

Dear BZA,

I am requesting a modification of my rear NHWE to change from 30 feet to 25 feet and the Side set back from 5 feet to 3.2 feet.

I have an ADU already built that is raised at least 2 feet off the ground. I am in the Process of working with Code Enforcement and Orange County Building Department to resolve the Permit issues.

Please let me know if you have any questions,

Sincerely,

Sonia Rodriguez

cc Nigel Cort

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 NHWE is the only peculiar condition from our knowledge

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.

Client built the ADU without a permit, so we are trying to get it permitted.

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

We agree.

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.

If the ADU had to be demolish it would cost our client money she doesnt have.

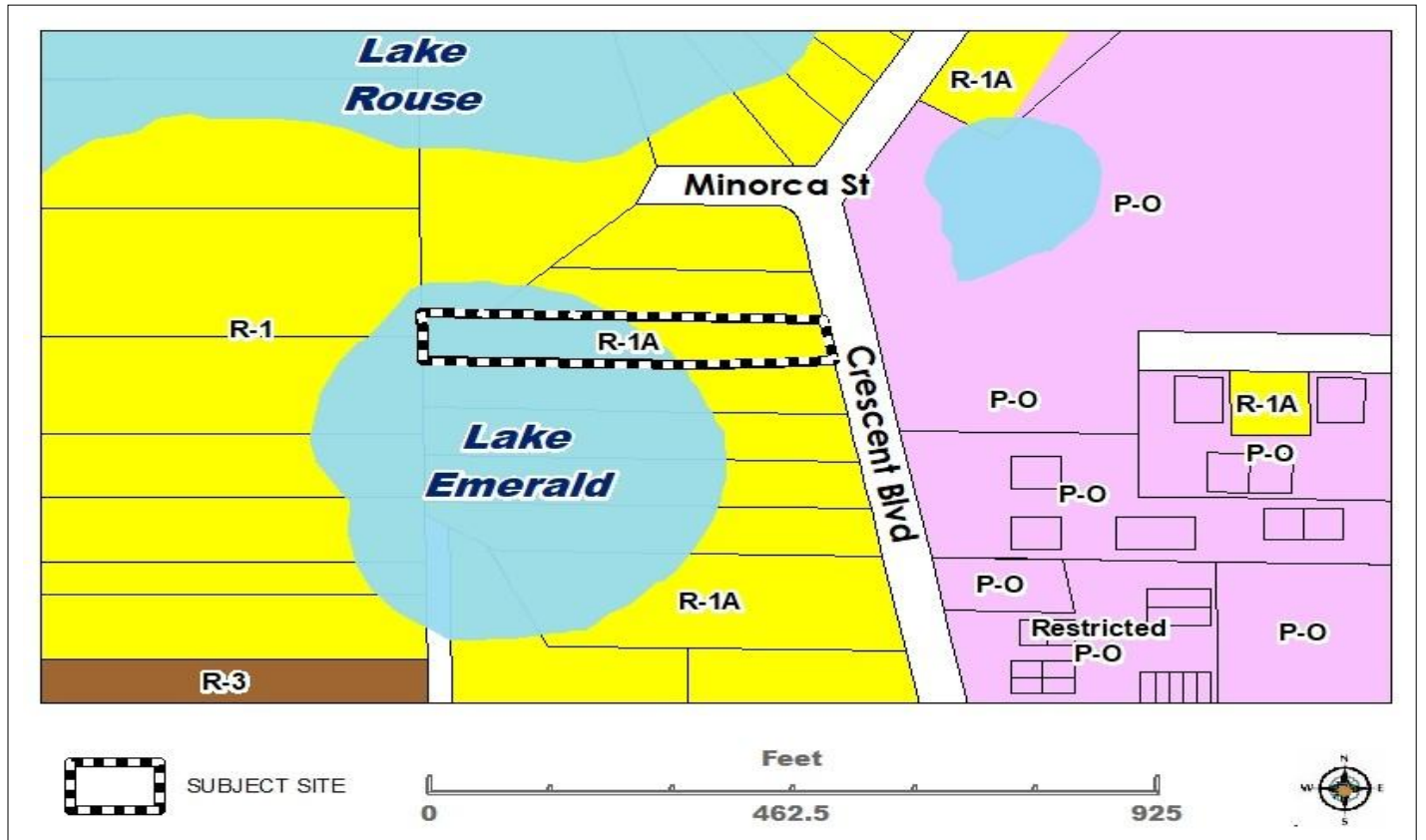
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

I would like minimum variance to keep the structure.

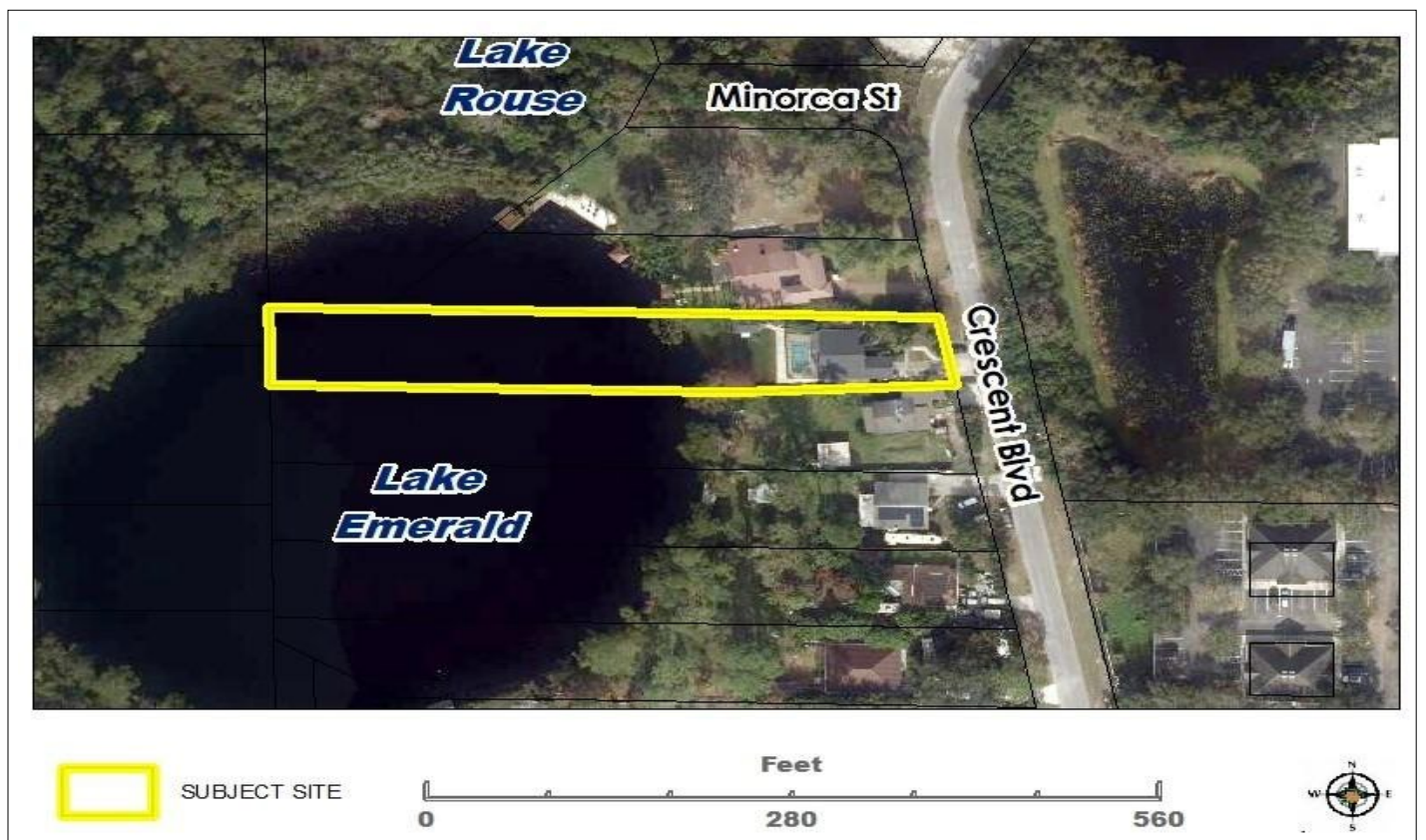
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

used as a workshop / storage

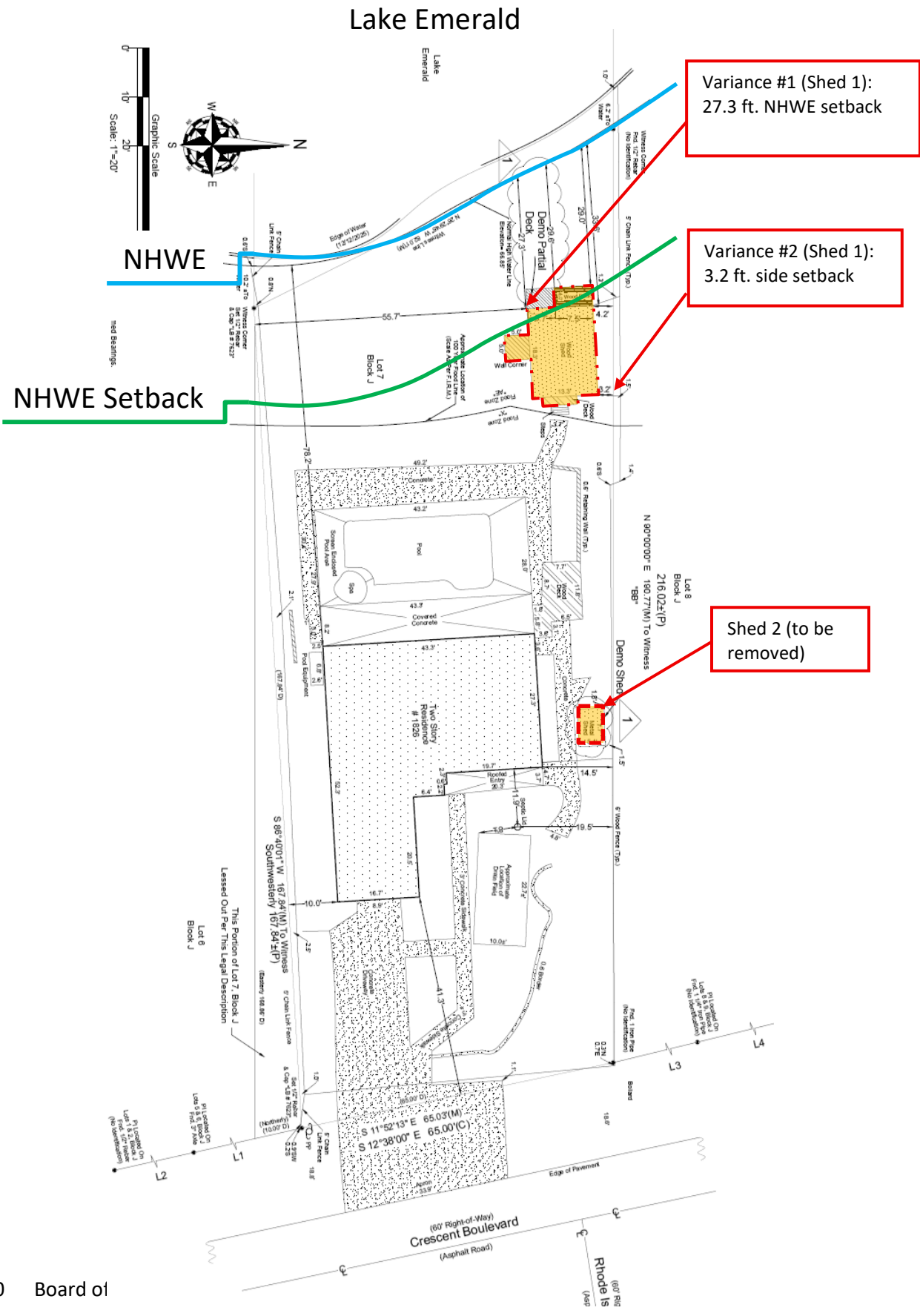
ZONING MAP



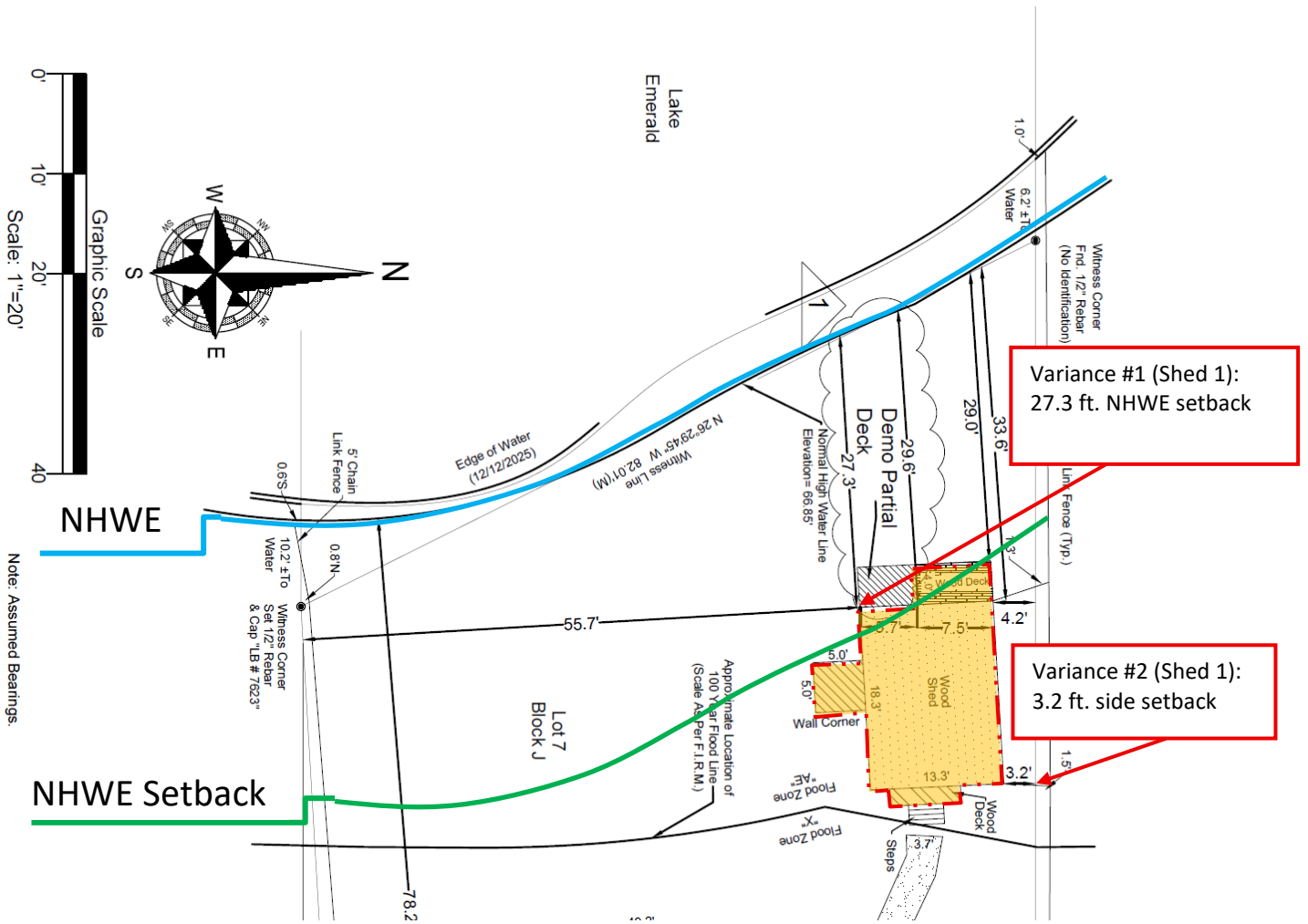
AERIAL MAP



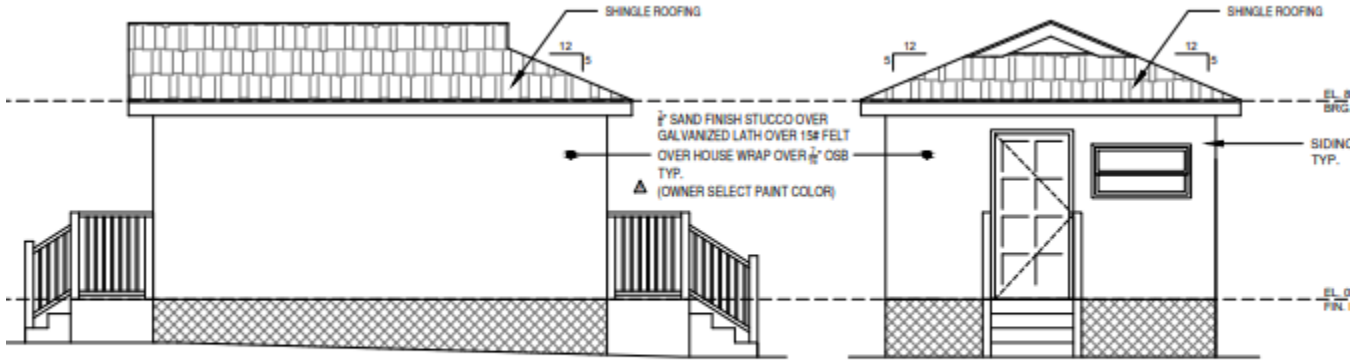
SITE PLAN



ENLARGED SITE PLAN

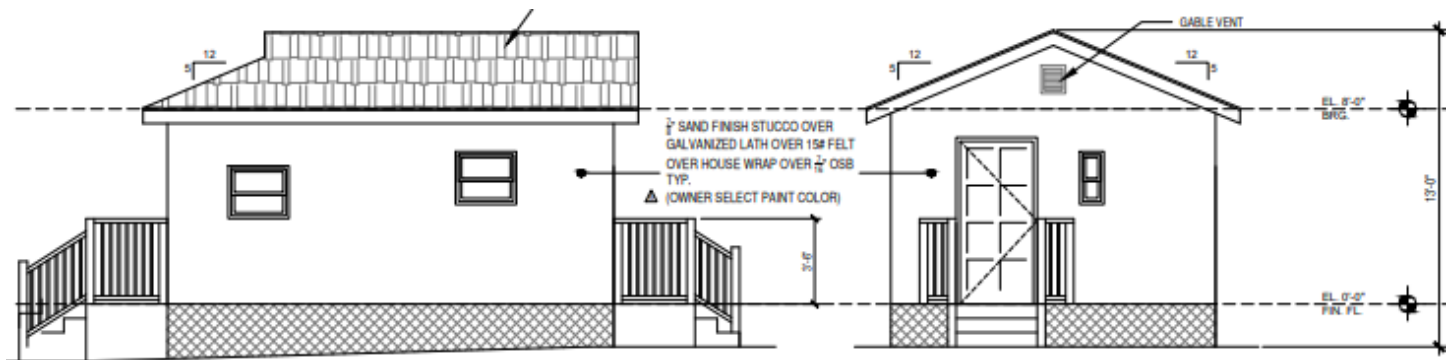


ELEVATIONS OF SHED 1



Right Side (North) Elevation

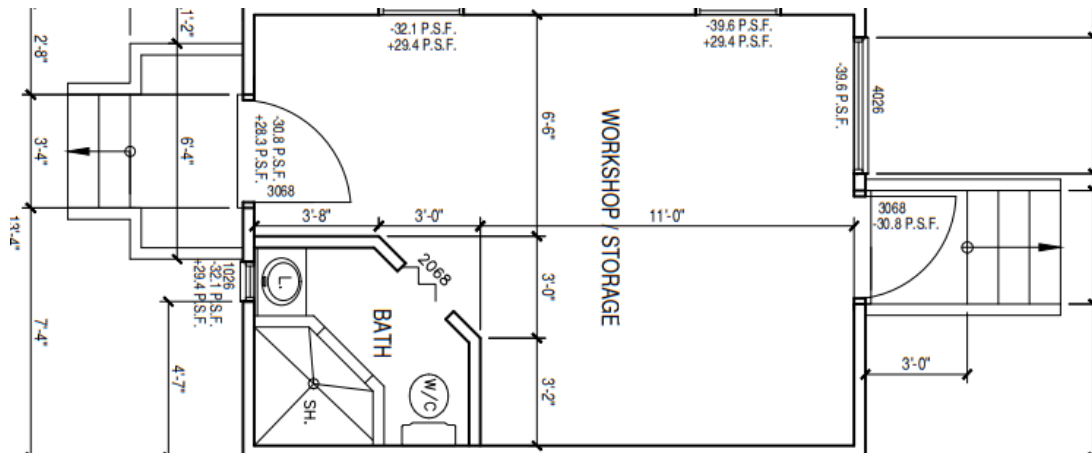
Rear (East) Elevation



Left Side (South) Elevation

Front (West) Elevation

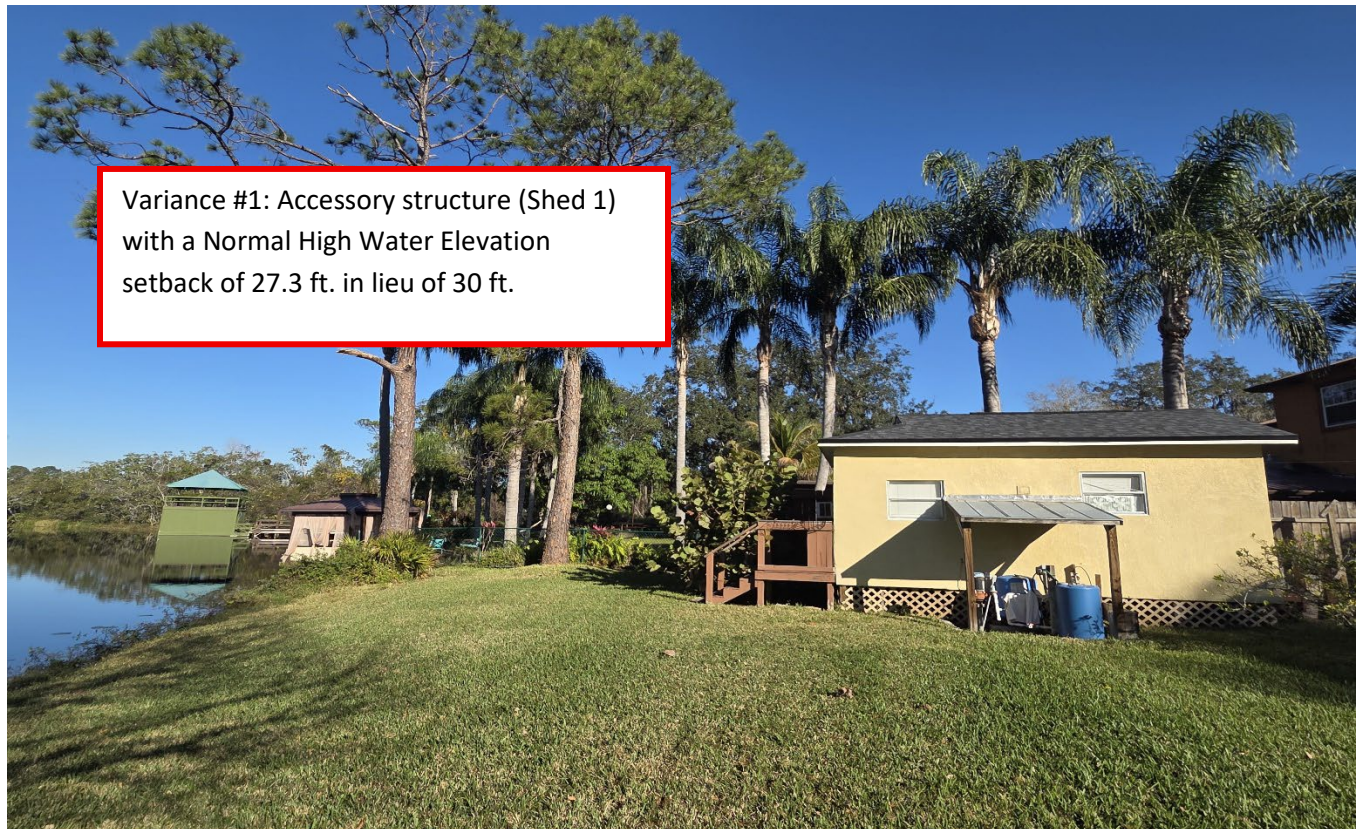
FLOOR PLAN OF SHED 1



SITE PHOTOS



Subject property facing west from Crescent Blvd.



On subject property facing accessory structure (Shed 1) towards neighboring properties.

SITE PHOTOS



Facing west towards the front of Shed 1



Facing west towards Shed 2 (to be removed) and side walkway

SITE PHOTOS



Facing east towards primary structure and side walkway



On subject property facing west towards Lake Emerald from Shed 1

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 04, 2026**

Commission District: **#1**

Case #: **VA-26-06-041**

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

GENERAL INFORMATION

APPLICANT(s): CHARLEY SCHALLIOL

OWNER(s): BOSTON POST ROAD LLC

REQUEST: Variance in the PD zoning district to allow a maximum copy area of 176.4 sq. ft. for wall signage in lieu of 91.08 sq. ft.

PROPERTY LOCATION: 7903 W. Irlo Bronson Memorial Hwy., Kissimmee, FL 34747, north side of Irlo Bronson Memorial Hwy., east of S.R 429, south of Western Way, west of World Dr.

PARCEL ID: 34-24-27-1000-01-006

LOT SIZE: 2.10 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 13

DECISION: Recommended **DENIAL** of the Variance request in that there was no unnecessary hardship shown on the land; and further, it does not meet the requirements governing Variances as spelled out in Orange County Code, Section 30-43(3) (Motion by Thomas Moses, Second by Glenn Rubinstein; 6 in favor: Thomas Moses, Roberta Walton Johnson, Glenn Rubinstein, Sonya Shakespeare, Johnny Stanley; 1 opposed: Juan Velez).

SYNOPSIS: Staff described the proposal, including the property's location, the site plan, and photographs of the site. Staff also presented an analysis of the six variance criteria and explained the basis for recommending denial of the Variance. Staff noted that no comments were received in support of or opposition to the application.

A representative for the applicant was present and explained the need for additional sign copy area, as well as the limitations of the site configuration and the need for increased sign visibility. They also offered to eliminate one of the three proposed wall signs resulting in a lesser variance request.

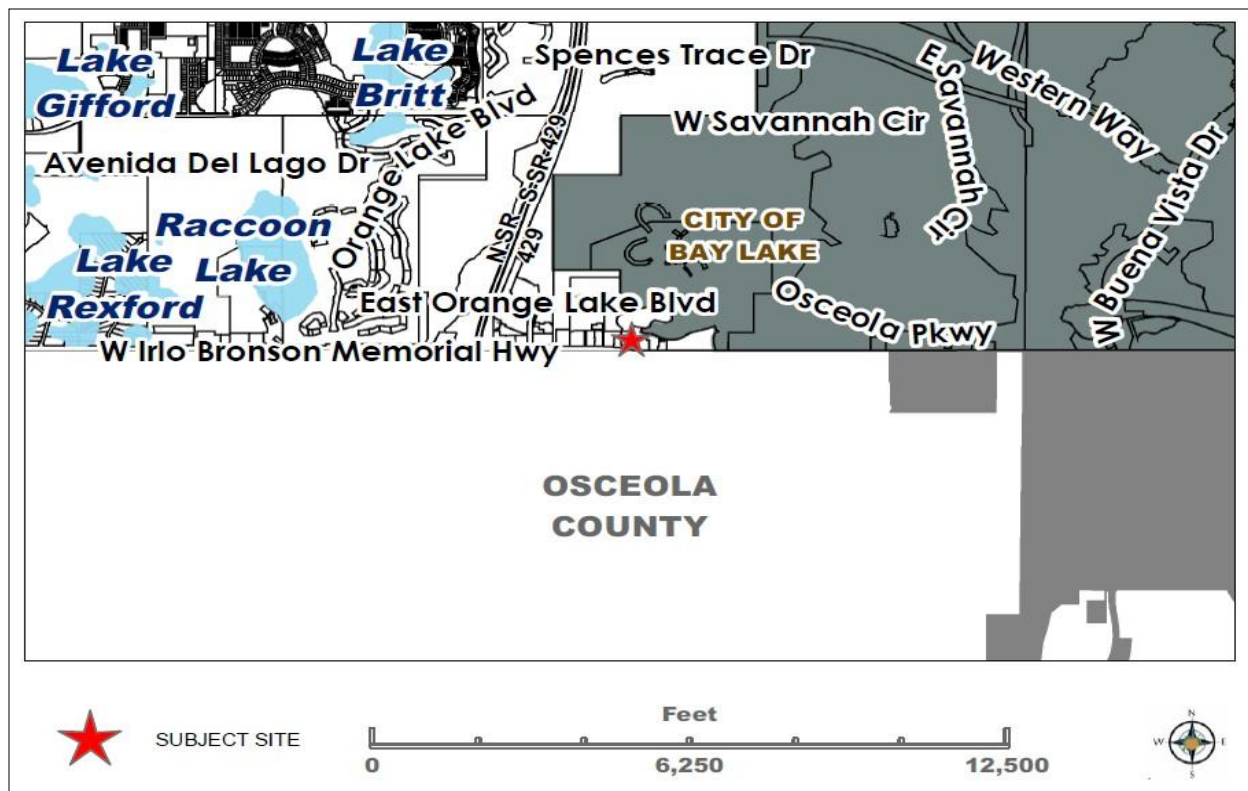
There was no one in attendance to speak in support of or opposition to the requests.

The BZA discussed the variance request and noted that a similar variance had previously been denied for the former establishment at the site. The Board also observed that other businesses in the area comply with the sign code regulations and that approval of this request would represent the first significant deviation from the code requirements. The BZA recommended denial of the Variance request by a 6-1 vote.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	PD	PD	Osceola County	PD	PD
Future Land Use	C	C	Osceola County	C	C
Current Use	Restaurant	Vacant	Osceola County	Restaurant	Restaurant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located within the Planned Development (PD) zoning district and specifically within the Black Lake PD. The Black Lake PD permits a variety of uses, including single-family residential, multi-family residential, commercial, and industrial uses. The property’s Future Land Use (FLU) designation is Commercial, which is consistent with the PD Zoning District. This PD does not include a Master Sign Plan and instead defaults to the signage regulations outlined in Chapter 31.5.

The subject property consists of a 2.10-acre parcel currently developed with a one-story, 8,708 sq. ft. building and parking area, previously occupied by Joes Crab Shack. The existing building is proposed to be demolished and replaced by a one-story 8,998 sq. ft. building for the Yard House restaurant. Surrounding land uses include multi-family residential developments, hotels, office uses, and a conservation area located north of the site.

In April 2012, a variance (VA-12-04-015) was requested for the subject property to allow a total of 386.5 sq. ft. of wall signage in lieu of the permitted 135 sq. ft. The applicant advised the BZA that additional signage

was necessary due to visibility concerns. The request was ultimately denied, and no appeals were filed. In June 2012, a variance (VA-12-06-031) was requested to allow a ground sign within the PD for Joe’s Crab Shack with a height of 14 ft. in lieu of a maximum of 8 ft., which was ultimately recommended for approval by the BZA and confirmed by the BCC.

The proposal consists of the installation of 10 new signs along the building façade, including three wall signs, four awning signs, one monument sign, and two keg-man sculptures. In the cover letter, the applicant describes the keg-man sculptures as two additional ground signs in lieu of the single freestanding sign permitted by code. However, the Zoning Manager has determined that the illuminated keg figures qualify as art and are therefore exempt from sign regulations. Pursuant to Section 31.5-163(a) of the Orange County Code, *“the maximum allowable copy area of permanent on-site signage for any parcel or establishment is determined by the following formula: for signs erected on buildings, one (1) square foot of copy area is permitted for each one (1) linear foot of building frontage per establishment, provided that the total copy area for signage does not exceed 200 square feet per establishment.”* The proposed structure has 91.08 linear ft. of frontage, which allows a maximum wall signage copy area of 91.08 sq. ft. Each of the three proposed wall signs contains 58.8 sq. ft. of copy area, resulting in a total copy area of 176.4 sq. ft., therefore necessitating the variance request. The four fabric awning signs and the monument sign comply with Orange County Code requirements and, therefore, are not subject to variance approval.

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 restaurant is newly constructed and could have been designed in a way that accommodates the signage without requiring a variance. The east and west façades could have been utilized or swapped to support the sign placement while still maintaining visibility from the roadway. Further, the proposed signage could be reduced in size and/or number of signs to come into compliance with code. Therefore, staff is recommending denial.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET - There are no unique conditions or circumstances associated with the property that would necessitate additional sign copy area beyond what is permitted by code. As this is a newly constructed building, the site and structure could have been designed to accommodate compliant signage, and adequate signage can be installed on the property without the need for a variance.

Not Self-Created

NOT MET - The need for the variance is self-created, as the applicant could install smaller signs or reduce the number of signs to comply with current regulations.

No Special Privilege Conferred

NOT MET - Granting the requested variance would confer a special privilege upon the applicant, as surrounding properties and other businesses within the subject development are required to comply with the same sign regulations and copy area limitations established by the Orange County Code.

Deprivation of Rights

NOT MET - Denial of the variance would not deprive the property owner of the ability to install signage that complies with code requirements, as alternative options exist to reduce the size and number of signs.

Minimum Possible Variance

NOT MET - The requested Variance is not the minimum necessary to allow for signage at the proposed location as code compliant signage could be installed.

Purpose and Intent

NOT MET - Approval of the requested variance would not be in harmony with the purpose and intent of the Zoning Regulations, which are intended to promote consistency and uniformity in signage standards. Granting the variance would permit signage that exceeds the regulations applicable to all zoning districts and would result in signage that is inconsistent with the established code requirements.

CONDITIONS OF APPROVAL

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

C: Charley Schalliol
6001 Nimtz Parkway
South Bend, IN 46628

C: Boston Post Road, LLC
7202 Hunters Run Drive
Prospect, KY 4005



March 13, 2026

Property Address: 7903 West Irlon Bronson Memorial Highway, Kissimmee, FL 34747

Allowed by Code vs. Variance Requested:

- **Wall signs**
 - o Front (South) elevation width is 91'-1"
 - o ALLOWED Wall Sign sqft = 91.1 sqft
 - o VARIANCE requested sqft = ADDITIONAL 89.65 sqft
- **Ground Sign**
 - o ALLOWED: (1) Ground Sign at 80 sqft at 10' OAH
 - o VARIANCE requested: ADDITIONAL (2) Ground Signs
 - o VARIANCE requested: ADDITIONAL 54.08 sqft total

Summary of Request:

- **Type of Sign/Size/SQFT**
 - o Wall Sign: 5'-0" x 11'-9 1/8" = 26.5 sqft (32.3 sqft remains from unused allowed sqft)
 - o Wall Sign: 5'-0" x 11'-9 1/8" = 58.8 sqft
 - o Awning Sign: (4) 7" letters sets = 4.35 sqft total
 - o Ground Sign: 82-3/16" x 47-3/8" = 27.04 sqft
 - o Ground Sign: 82-3/16" x 47-3/8" = 27.04 sqft

Justification of Requested Variances:

- **Site Enhancement Services/Yard House is respectfully requesting variances for additional wall sign square-footage, and number and area for additional ground signs at the property that they are going to be occupying in Orange County. This property is the former home of Joe's Crab Shack.**

The elements that are requested have been designed and placed based on the property configuration, building architecture, and position of the property within the center. The additional items requested are intended to assist motorists in locating this business and traveling to the property in a safe and controlled manner. Patrons can arrive at this location from numerous directions and the elements that are requested will ensure that each of these potential pathways are provided with proper wayfinding assistance.

In addition, the (2) "ground signs" that are requested in this application have minimal branding and are only meant to create a lively onsite experience and provide visual interest through the use of unique shape and illumination. These elements will have minimal to no offsite impact.

• **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 elements that are requested as part of this application are intended to highlight the unique building architecture and the “vibe” that is sought at this location. The wayfinding signs that are intended to be mounted on the building facades will allow patrons seeking this destination the ability to quickly and easily locate this facility within a very busy visual environment. The (2) freestanding art pieces are intended to create a unique/visually interesting experience for patrons only when they are already onsite.*

The property in question is unique as this building is located directly adjacent to the main entrance into the center but can be reached from several other directions from roadways in and around the center. The unique architecture of this building, combined with the numerous arrival pathways, combines to create a need for placed based identification tools so patrons can safely locate this destination. Other businesses in and around this center have wider street facing storefronts so their square-footage allotments are greater and several also only have true motorist exposure on one elevation. This building architecture is unique and warrants special consideration.

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

- *This application is not the result of a self-created hardship. In fact, any business that was to be located on this specific piece of property would face similar difficulty in identifying their business to the general public.*

The location of this building, the complexity of this commercial corridor, combined with the desire to operate a successful business at this location, creates the need for identification tools that are in excess of the strict regulations. This application seeks to make sure that a commercial business, within a commercial area, can be visible to the public and have the best opportunity to be a long-standing contributor to the commercial environment in this corridor.

• **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.

- *This application does not represent a request for any element that is not allowed to other businesses/properties in the area. We are merely seeking additional square-footage for allowed elements as well as (2) unique art pieces that are being classified as freestanding signs.*

The Yard House restaurant is a unique establishment as it functions as much as a meeting place as it does an eating establishment. Making sure that people are able to easily find, and travel to, this location is paramount to its success and viability within the marketplace. A well-functioning Yard House will be a benefit to the other businesses in and around this area. People will travel to this location and will subsequently visit other businesses within this corridor.

• **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.

- *Other business in this corridor are able to make the "allowed" signage work for the purposes of operating their businesses. The signage allotments per the regulations are insufficient for this property, the location of the building on this property, and the type of business that is being conducted at this location. This application is not the result of a financial loss, though viability of a commercial business in a commercial corridor is important, nor is it as a result of needing to compete with any other business in the area. This application is all about making sure that motorists in and around this center are able to easily and safely locate and visit this business. A neighboring tenant could have significantly more and bigger signage, but that would not change what is needed for this specific property as it relates to site branding and visibility to the motoring public.*

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

- *Yard House is not seeking signage in excess of what is needed in order to ensure that it is visible and viable at this location. The elements that are requested are correctly sized and placed according to the building layout on the site and the building architecture.*

In addition, the (2) freestanding elements that are sought in this application should be looked at as interpretive creative elements and not freestanding signs as they are abstract representations that carry minimal (at best) branding and are intended to create a visual presence and fun “vibe” to all who visit this location.

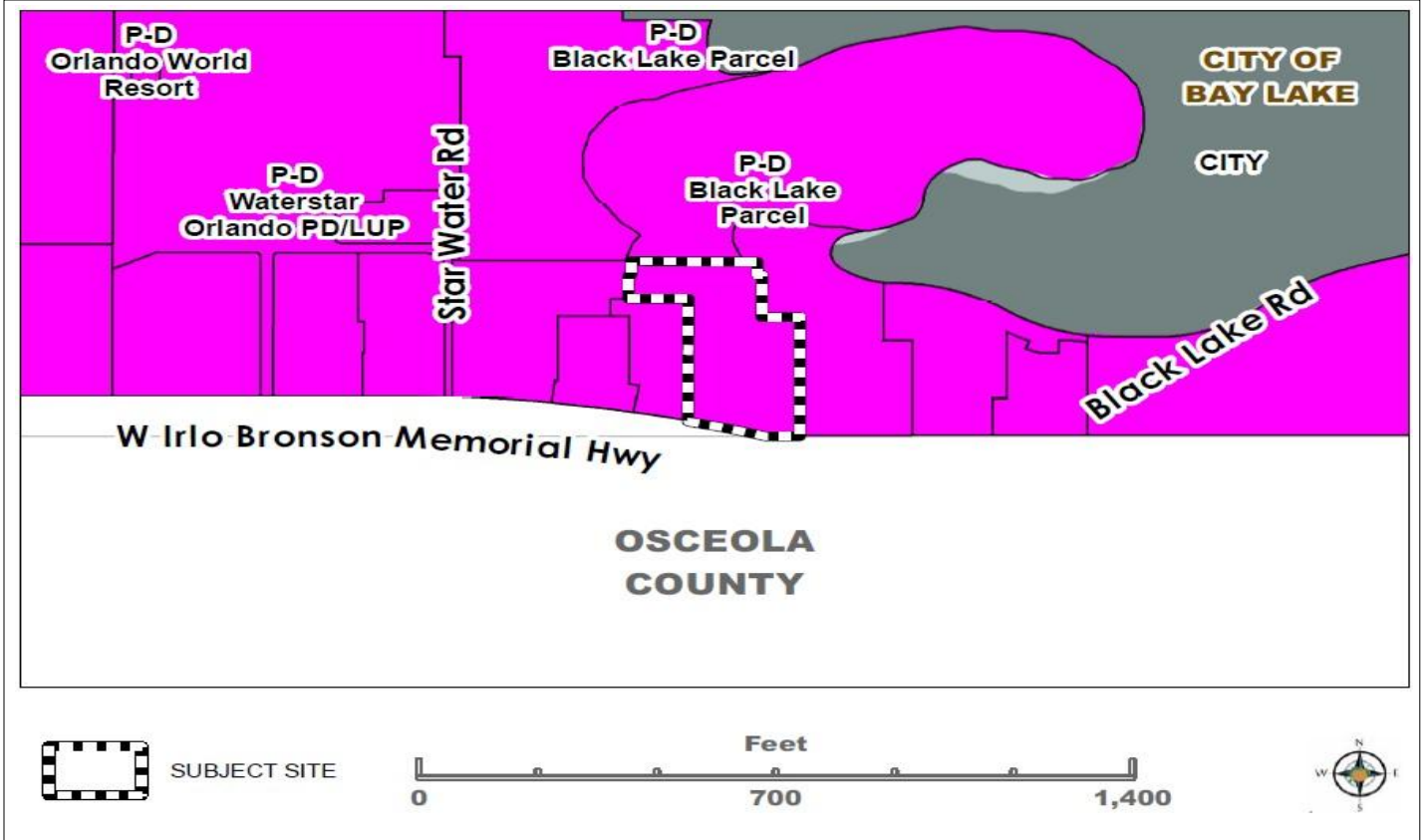
• Purpose and Intent - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

- *The elements that we are seeking in this application will allow a commercial business the opportunity to function appropriately within a commercial center within a commercial corridor. We are not seeking any element that is contrary to normal commercial business practices and would be out of the norm for this type of area.*

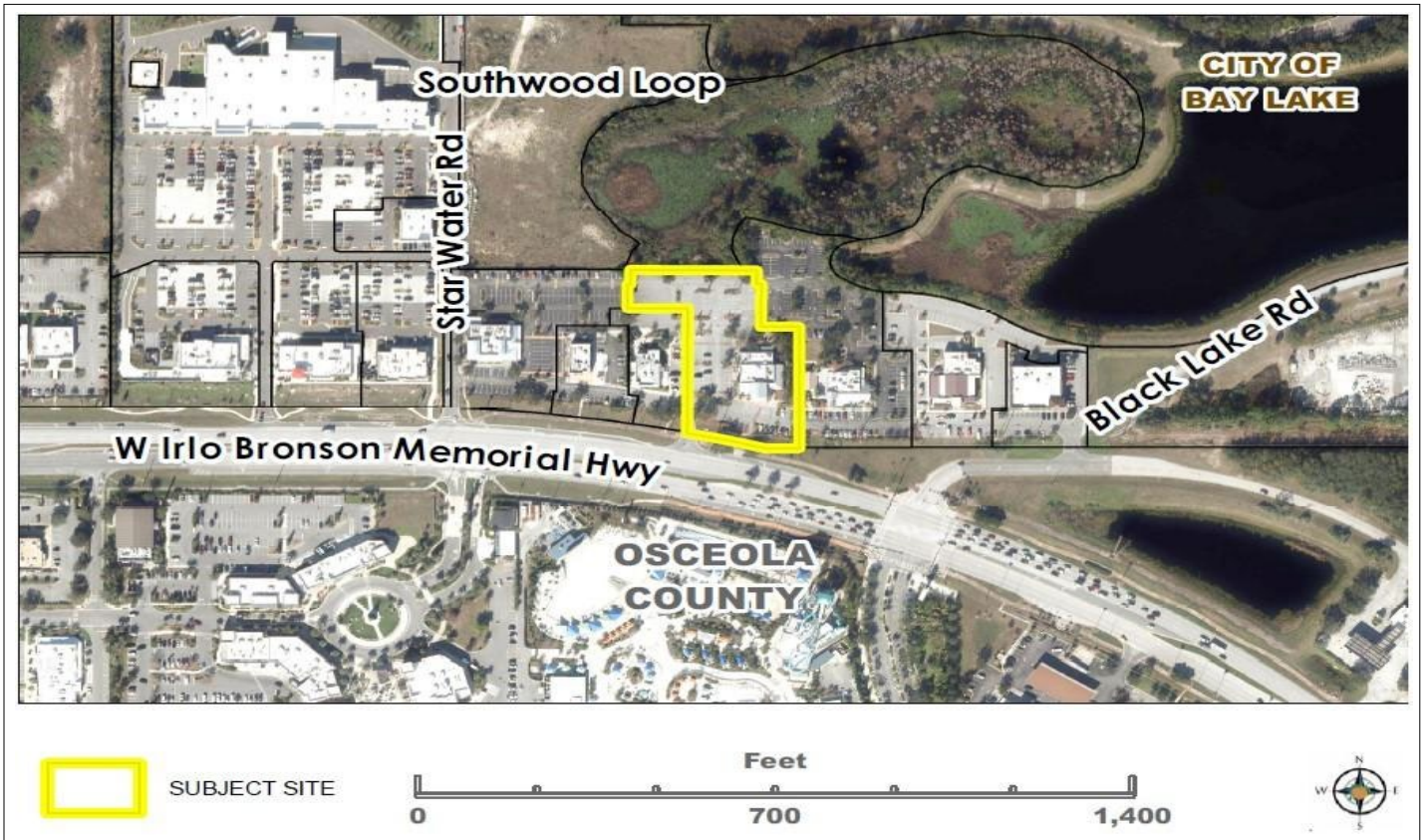
We are seeking placed-based identification tools and artwork that will allow those seeking to find this destination the best ability to do so in a complex and busy visual environment. Patrons can arrive at this location from several different paths of travel and that situation creates the need for additional wayfinding elements. The additional wayfinding elements will ensure that motorists are able to see, comprehend, and react appropriately on the busy roadways in a safe manner as they head towards this destination.

This application, if approved, would only be a benefit to the neighborhood as this business will bring additional patrons into the area who will be exposed to the other offerings in this center and within the corridor. Also, this application will in no way be detrimental to the public welfare. We are not looking to change the “use” of the property to something that is unfamiliar or doesn’t fit in with the surrounding area. We are looking to reinvest in this commercial property with a new and vibrant use and support the overall commercial classification of this property. In addition, a business that is properly identified and easy to locate is a benefit to all those that are seeking that destination as well as those who are just traveling through the busy commercial corridor. The request in this application reflects our desire to ensure that motorists that are traveling in and through this corridor have the ability to easily and safely locate this business.

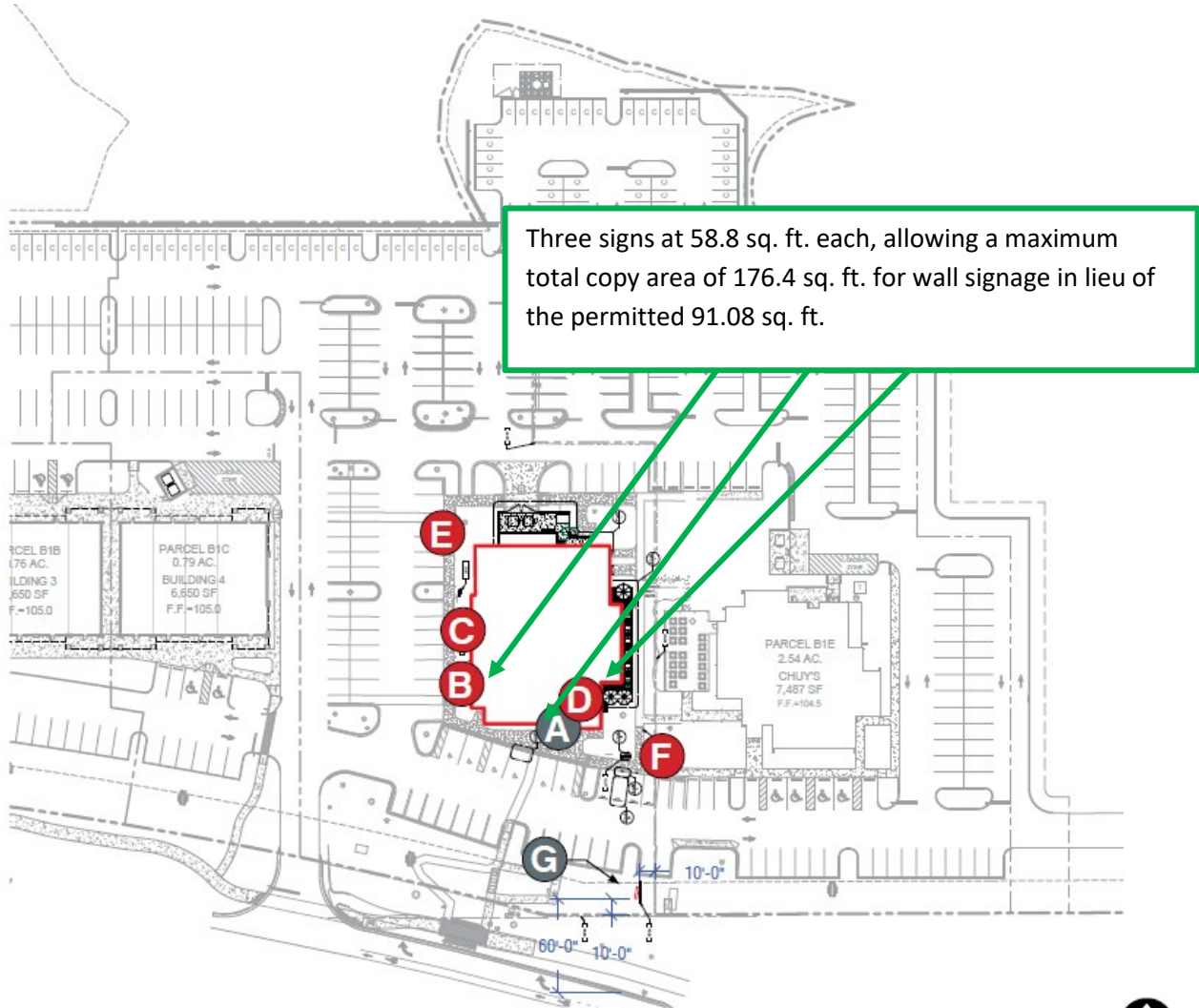
ZONING MAP



AERIAL MAP



SITE PLAN



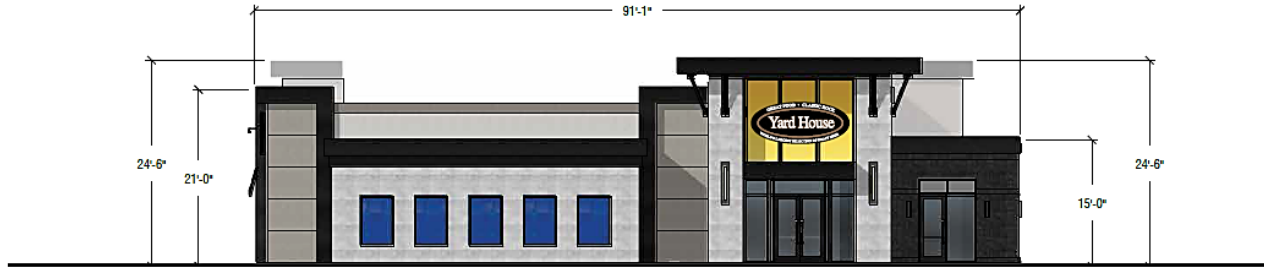
West Irlo Bronson Highway

Scale: 1" = 80'

- A** 5'-0" x 11'-9 1/8" Wall Sign: 58.8 SF
- B** 5'-0" x 11'-9 1/8" Wall Sign: 58.8 SF
- C1** FCO Letters on Fabric Awning: 1.01 SF
- C2** FCO Letters on Fabric Awning: 1.15 SF
- C3** FCO Letters on Fabric Awning: 1.01 SF
- C4** FCO Letters on Fabric Awning: 1.18 SF
- D** 5'-0" x 11'-9 1/8" Wall Sign: 58.8 SF
- E** Keg Man Sculpture: 27.04 SF
- F** Keg Man Sculpture: 27.04 SF
- G** Custom Monument Sign at 10' OAH: 80 SF

SIGN DETAILS

Front (South) Elevation



Scale: 3/32" = 1'



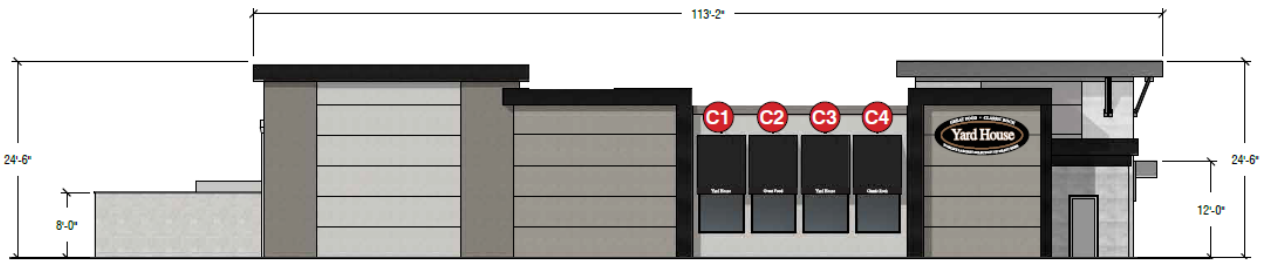
A 58 SF Wall Sign (Internally Illuminated w/ LEDs)
Utilized Square Footage: 58.8 SF
Scale: 3/8" = 1'



ILLUMINATION VIEW



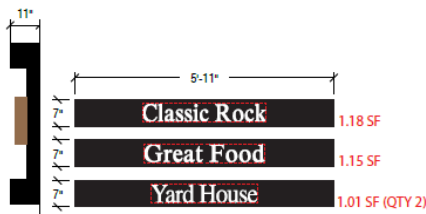
Left (West) Elevation



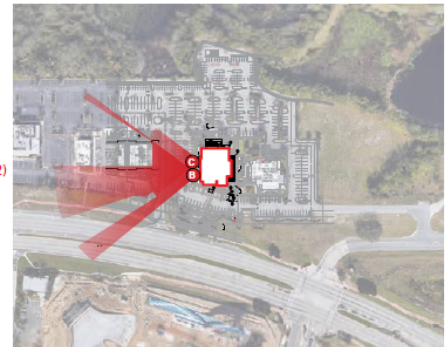
Scale: 3/32" = 1'



B 58 SF Wall Sign (Internally Illuminated w/ LEDs)
Utilized Square Footage: 58.8 SF
Scale: 3/8" = 1'

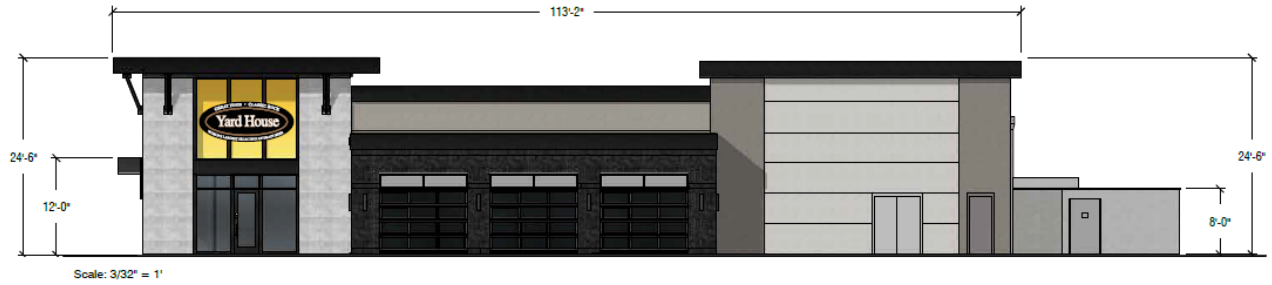


C FCO Letters on Fabric Awning
Utilized Square Footage: 4.34 SF
Scale: 1/2" = 1'



SIGN DETAILS

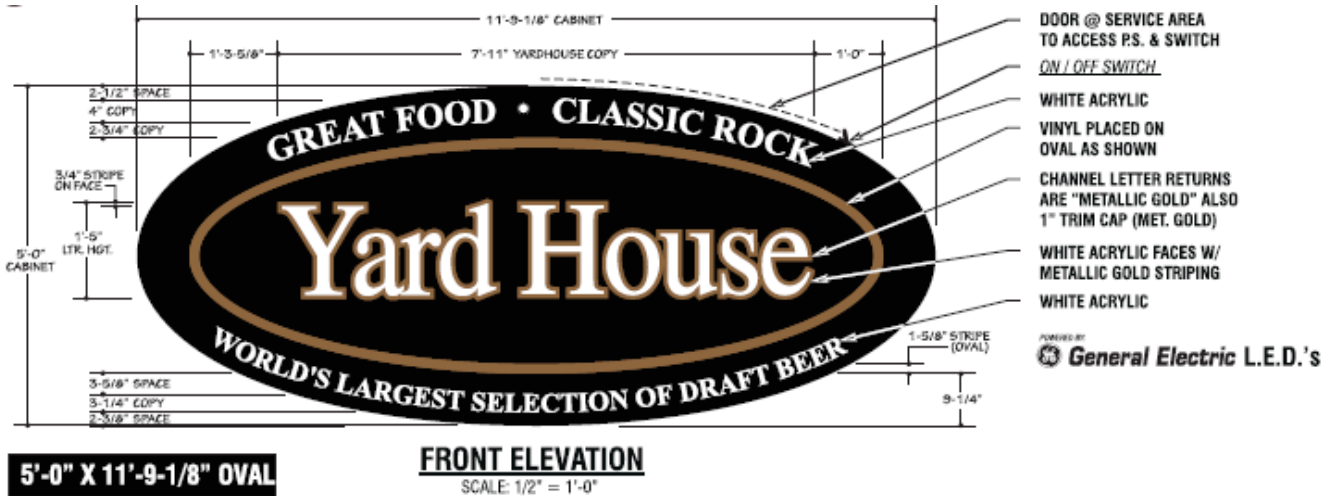
Right (East) Elevation



D 58 SF Wall Sign (Internally Illuminated w/ LEDs)
Utilized Square Footage: 58.8 SF
Scale: 3/8" = 1'



ILLUMINATION VIEW



5'-0" X 11'-9-1/8" OVAL

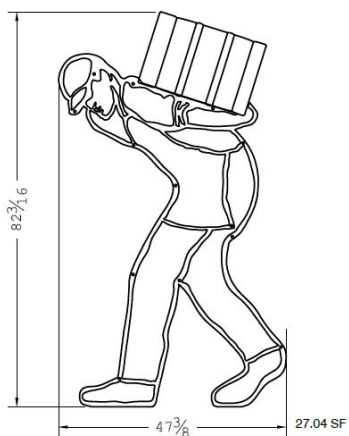
FRONT ELEVATION

SCALE: 1/2" = 1'-0"

SIGN DETAILS

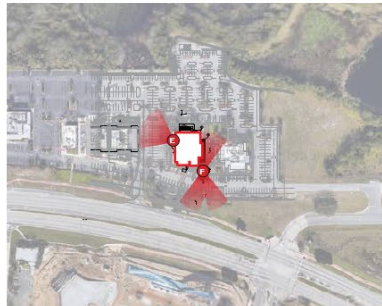
KEG MEN

Restaurant # 25Y0009
7903 West Irla Bronson Memorial Hwy, Kissimmee, FL 34747



- E** Two (2) Keg Men
- F** Utilized Square Footage: Varies
- F** Scale: 3/8"=1'

Illumination Examples



MONUMENT SIGN

Restaurant # 25Y0009
7903 West Irla Bronson Memorial Hwy, Kissimmee, FL 34747



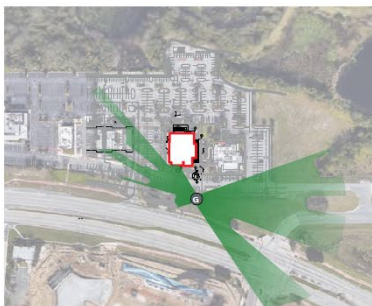
- G** Custom Monument at 10' OAH
- Utilized Square Footage: 80 SF
- Scale: 1/4"=1'



ILLUMINATION VIEW



Existing Signage



SITE PHOTOS



Facing northwest along W Irlo Bronson Hwy toward the front of the subject property



On neighboring parcel facing east towards subject property

SITE PHOTOS



Facing south on parking lot towards subject property



On neighboring parcel facing west towards subject property

SITE PHOTOS



On property facing south towards Irlo Bronson Hwy



On subject property facing east towards adjacent properties

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 04, 2026**

Commission District: **#3**

Case #: **VA-26-06-042**

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

Jacqueline.Boling@ocfl.net

GENERAL INFORMATION

APPLICANT(s): ANGEL RODRIGUEZ

OWNER(s): SJC IRREVOCABLE RESIDENCE TRUST

REQUEST: Variance in the R-CE zoning district to allow a permanent generator in front of the principal structure in lieu of the side or rear

PROPERTY LOCATION: 1661 S. Chickasaw Trl., Orlando, FL 32825, east side of S. Chickasaw Trl., north of Curry Ford Rd., south of Lake Underhill Rd., west of S. Econlockhatchee Trl.

PARCEL ID: 01-23-30-1293-00-040

LOT SIZE: 1.56 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 74

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Juan Velez, Second by Roberta Walton Johnson; unanimous; 7 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed):

1. Development shall be in accordance with the site plan date stamped December 11, 2025, and generator specifications dated May 26, 2026, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

SYNOPSIS: Staff described the proposal, including the property's location, the site plan, and photographs of the site. Staff also presented an analysis of the six variance criteria and explained the basis for the recommendation to deny the variance request. Staff noted that one comment was received in support of the application and that no comments were received in opposition.

The applicant was present and explained that the proposed location for the mechanical equipment is necessary due to site constraints, including drainage field and septic tank locations, and the industry standard for the location of the propane tanks in relation to the generator.

The applicant further stated that the equipment would be used only during emergency situations and would not be visible from neighboring properties.

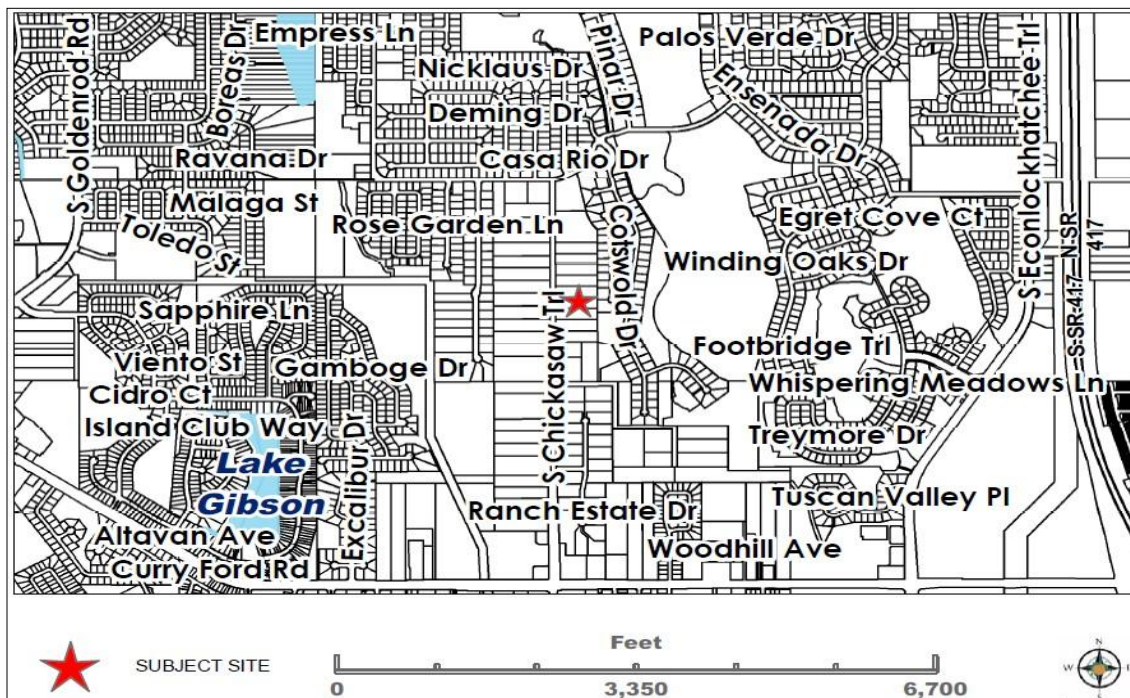
There was no one in attendance to speak in support or opposition to the requests.

The BZA discussed the variance request and concurred with the applicant that site constraints exist. The Board also agreed that the proposed location of the mechanical equipment would have minimal visibility from surrounding properties. The BZA recommended approval of the Variance request by a 7-0 vote, subject to the 3 conditions listed 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-CE	R-CE	R-CE	R-1AA	R-CE
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-CE, Rural Country Estate district, which allows primarily single-family homes and certain agricultural uses with a minimum lot area of one acre. The future land use is Low Density Residential (LDR), which is consistent with the R-CE zoning district.

The area surrounding the subject site consists of single-family homes. The subject property is 1.56 acres in size and was platted in 2002 as Lot 40 of the Chickasaw Trail Estates plat. The subject lot is an interior lot with right-of-way frontage along South Chickasaw Trail to the west. The property is developed with a two-story, 9,951-gross-square-foot single-family residence (B08010517), constructed in 2010, as well as a pool and deck (B17010536), pergola (B17020555), porte cochère (B18023747), and fencing (B09008228) located in the rear of the property. The property was purchased by the current owner in January 2025.

The request is to install a generator measuring 5 feet in height, 4 feet in width, and 8 feet in length in front of the principal structure near the southwestern corner of the property, with a 5-foot setback from the side property line. Section 38-79(16)(b) of Orange County Code states that mechanical equipment shall not be located in the front yard, side street yard or between any portion of the principal structure and public or private right-of-way, therefore requiring the Variance request. The generator will operate normally at 65 decibels (Db) noise level from a distance of 23 ft. When the unit is operating at full power during a power outage, it operates at a level of approximately 65 Db, which is between the sound of conversation in a restaurant and a vacuum cleaner, or an a/c compressor. Normal conversation is 50 Db.

Building Setbacks (Mechanical equipment)

	Code Requirement	Proposed
Front:	Not located in the front yard	100 ft. (West) (Variance Request)
Side:	2 ft.	140 ft. (North) 5 ft. (South)
Rear:	5 ft.	+/- 360 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 requests do not meet all of the criteria. Based on staff's analysis, the property contains sufficient space within the rear portion of the lot to accommodate the generator. Therefore, staff is recommending denial of the Variance requests.

VARIANCE CRITERIA

Special Conditions and Circumstances

Variance NOT MET – The configuration of the lot and the placement of the existing home do not prevent the property owner from locating the generator in a manner that complies with code requirements.

Not Self-Created

Variance NOT MET – The Variance request is self-created, as the generator is a new installation and can be located in a code-compliant location on the property.

No Special Privilege Conferred

Variance NOT MET – Granting this variance would confer a special privilege upon the applicant, as the proposed placement of the generator in the front yard would be among the first in the area, whereas neighboring properties have placed similar mechanical equipment in the rear of their homes.

Deprivation of Rights

Variance NOT MET – The Variance request is not a deprivation of rights because the applicant is not granted the right to have a generator, and the mechanical equipment can still be located in the rear yard in lieu of the side street yard.

Minimum Possible Variance

Variance NOT MET – The request is not the minimum possible variance, as the generator could be located in an area that complies with code requirements.

Purpose and Intent

Variance MET – Approval of the requested variance would be consistent with the purpose and intent of the Zoning Regulations, which are primarily intended to minimize the impact of structures on surrounding properties. The mechanical equipment will not be significantly visible from adjacent properties due to existing fencing, thereby limiting any measurable adverse impact to neighboring property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped December 11, 2025, and generator specifications dated May 26, 2026, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Angel Rodriguez
1980 Dolgner Place, #1028
Sanford, Florida 32771

C: SJC Irrevocable Residence Trust
1661 S Chickasaw Trail
Orlando, Florida 32825

COVER LETTER

Sjc Irrevocable Residence Trust VARIANCE NARRATIVE
1661 S CHICKASAW TRAIL Orlando, FL 32825

An electrical permit E25016349 has been applied for and rejected for zoning issue (front yard location). The homeowner has requested Genstar Service apply for a variance to allow the proposed generator location. ADDING 100 KW GENERATOR (height= 5'). The generator is 44" wide and 100" long.

Total property area is 68,143 sq ft.
RESIDENCE: Gross Area 9951 sqft, Living Area 5178 sqft, 2 floors-height unknown.

The requested front yard location is 5' from the side yard property line, 100' from the front yard property line, 360' from the rear yard property line and 140' from the left side yard. Flood zone X.

The wiring route from the electrical service entry to any rear or side yard location other than the proposed front yard location requires underground boring under existing concrete pavement or patio tiling. Wiring route to the proposed location would only require ditching and avoids the garage septic system.

No special conditions or circumstances exist; no self-created or self-imposed hardships exist.

There are no special privileges related to the generator installation. There are no deprivation of rights.

The property size allows the proposed front yard generator location to be at least 100' from the front property line. The distance from the nearest side meets the zoning requirement.

The property size and distance from the front property line enables any noise or sight line issues to be negated and also reduces noise to the homeowner. The generator is for emergency use only so any noise would be limited to any power outages only.

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.

Wiring route from electric service entry to any location other than the proposed front yard location requires underground boring under existing concrete pavement or patio tiling. Wiring route to proposed location would only require minimal ditching and avoids any septic system components.

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.

No special conditions or circumstances exist; no self-created or self-imposed hardships.

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

There are no special privileges related to the generator installation.

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.

No deprivation of rights.

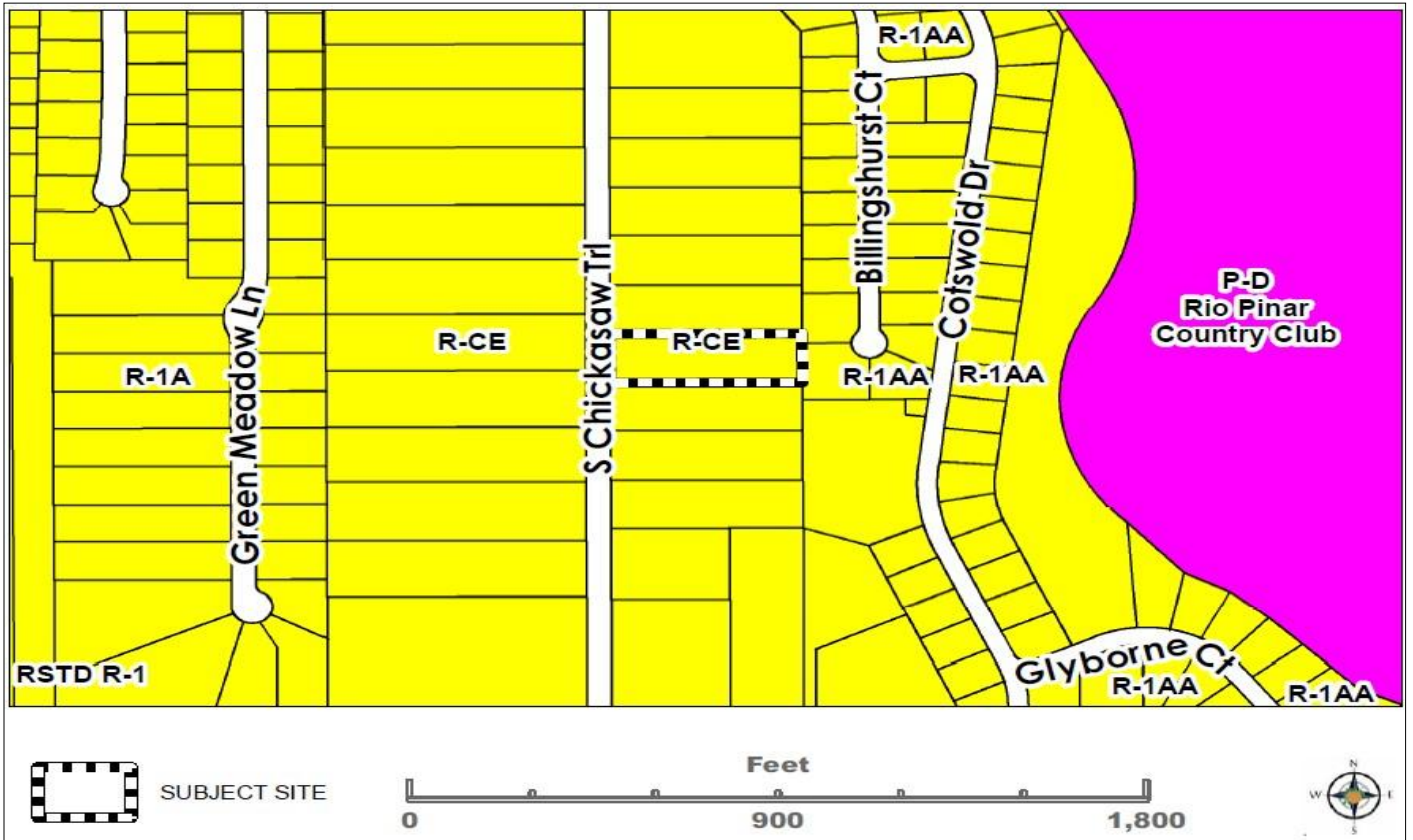
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The property size allows the proposed front yard generator location to be at least 100' from the front property line. The distance from the nearest side yard would be similar whether in the front, side or back yard.

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 property size and the distance from the front property line enables any noise or sight line issues to be negated. The generator is for emergency use only so any noise would be limited to power outages only.

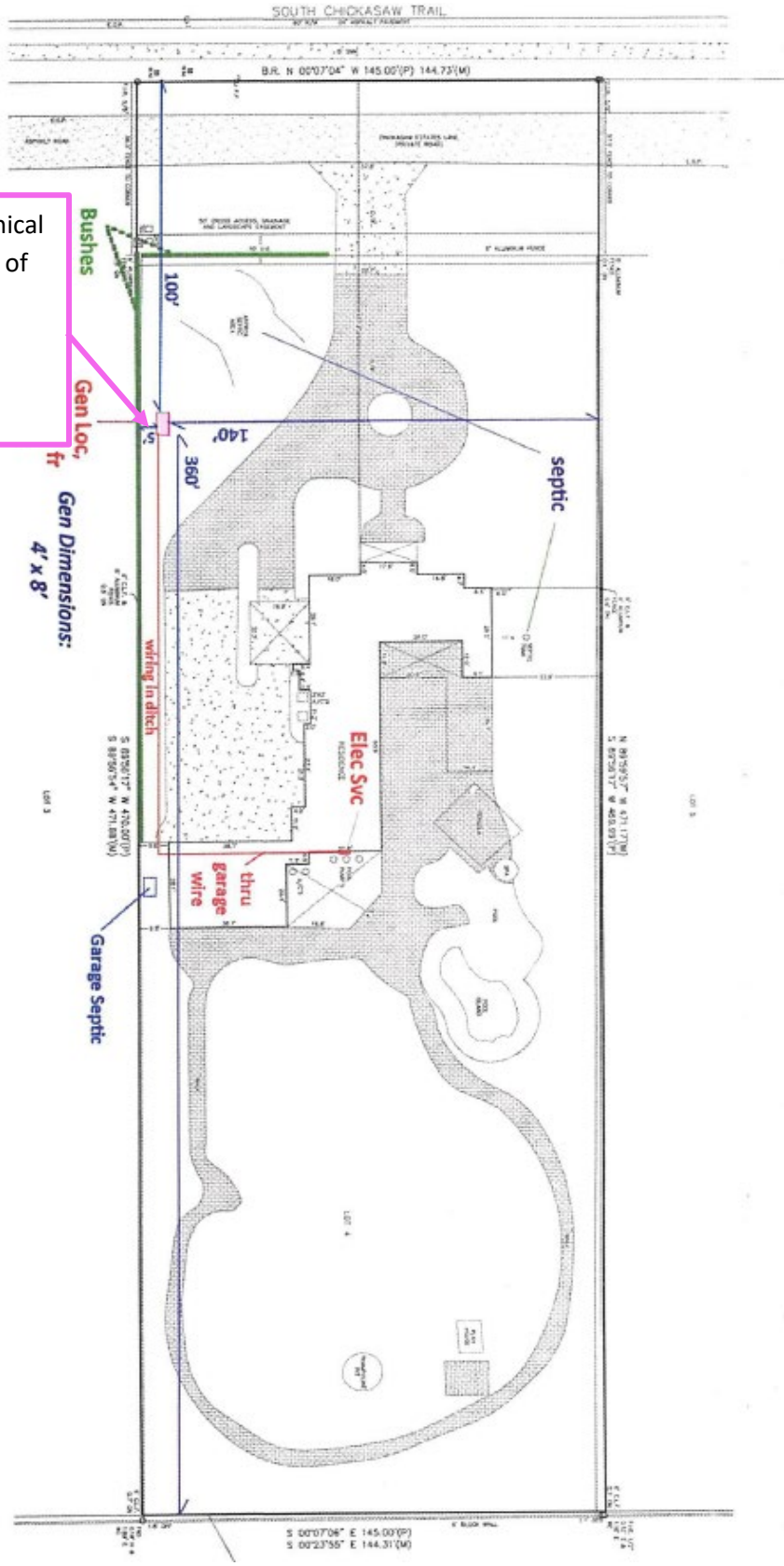
ZONING MAP



AERIAL MAP



SITE PLAN



Location of the mechanical equipment in the front of the principal structure (Variance request)

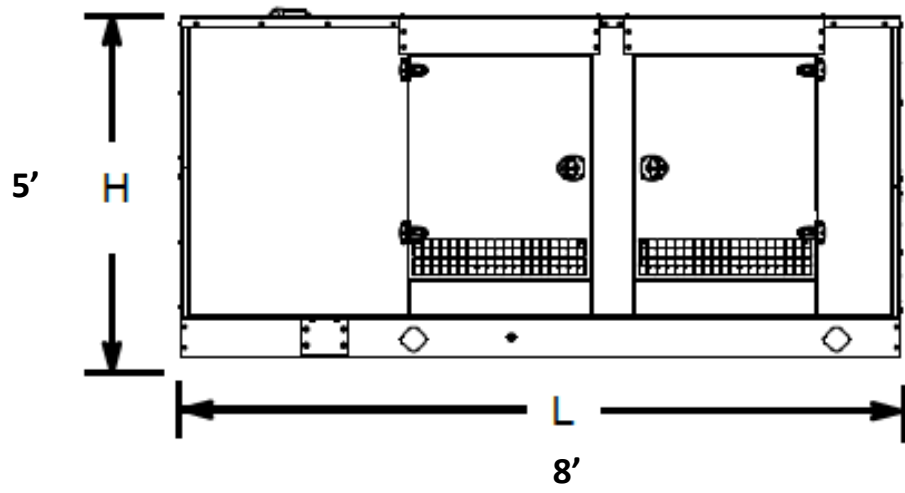
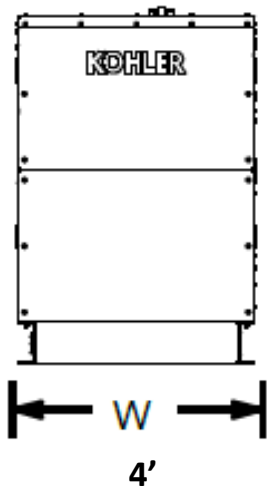


AERIAL IMAGERY OF SURROUNDING PROPERTIES

S. Chickasaw Trail



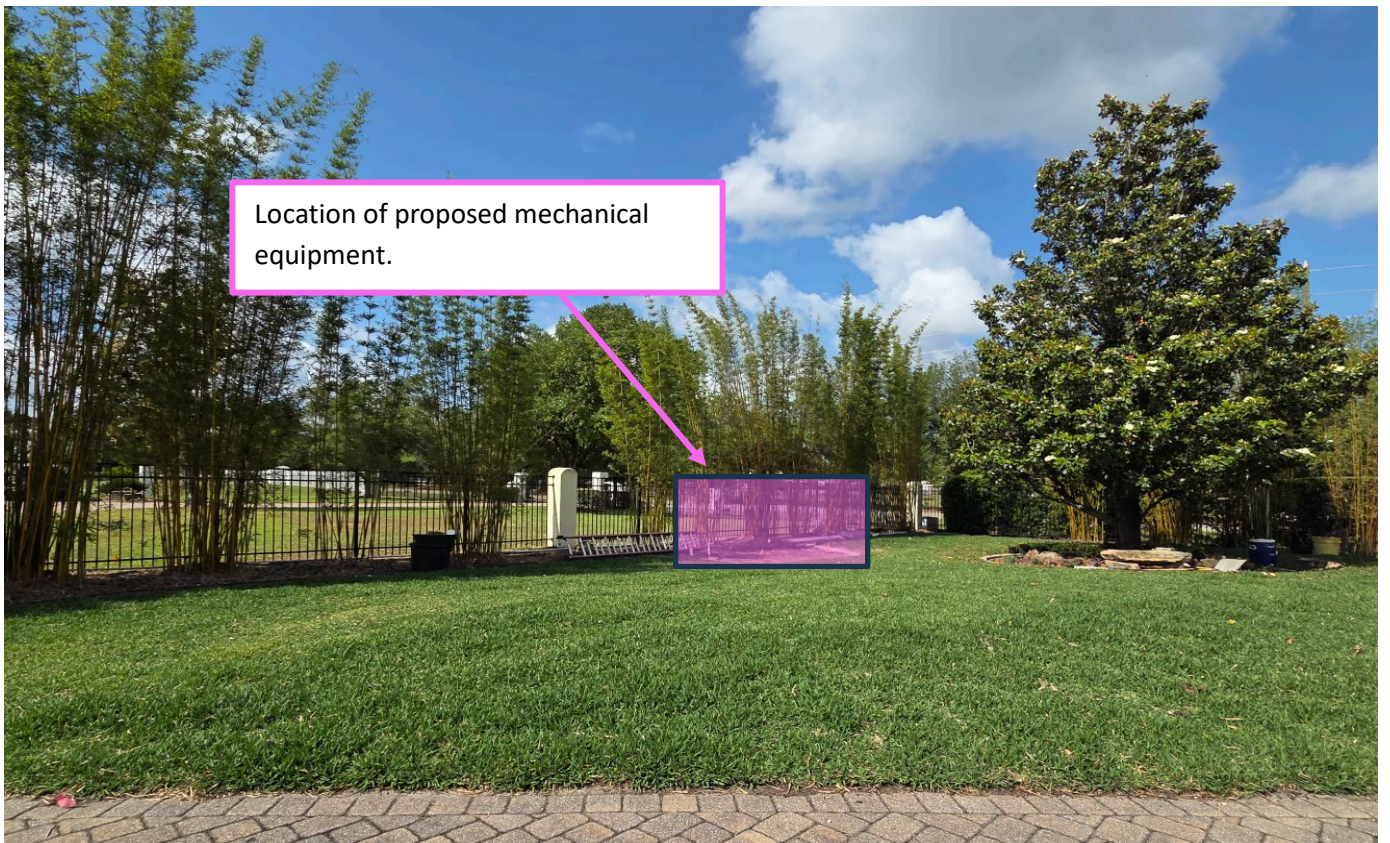
GENERATOR SPECIFICATIONS



SITE PHOTOS



On subject property facing east towards principal structure.



On subject property facing southwest towards the variance request.

SITE PHOTOS



On S. Chickasaw Trail. Facing east towards subject property



On subject property facing south

SITE PHOTOS



On the subject property, facing north east towards backyard



On the subject property, facing north towards backyard

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 04, 2026**

Commission District: **#5**

Case #: **VA-26-06-047**

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

GENERAL INFORMATION

APPLICANT(s): MARTHA HIATT

OWNER(s): MARTHA HIATT

REQUEST: Variances in the R-1A zoning district to allow an attached garage as follows:

- 1) With a front setback of 16.33 ft. in lieu of 25 ft.
- 2) With a side setback of 5.3 ft. in lieu of 7.5 ft.

PROPERTY LOCATION: 334 Ololu Dr., Winter Park, FL 32789, northside of Lotafun Ave., south side of Ololu Dr., north of W. Fairbanks Ave., east of I-4, south of Lee Rd., west of US Hwy 17-92

PARCEL ID: 02-22-29-4068-01-170

LOT SIZE: 10,706 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 114

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Johnny Stanley, Second by Glenn Rubinstein; unanimous; 7 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed):

1. Development shall be in accordance with the site plan and elevations dated February 02, 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, including the property's location, the site plan, and photographs of the site. Staff also reviewed the six variance criteria and explained the basis for the recommendation to deny the requested variances. Staff noted that two comments were received in support of the application, with no comments received in opposition.

The applicant was present and explained that, due to the unique configuration of the lot, the proposed location for the garage is the only feasible option. The applicant also stated that attaching the garage to the principal structure would obscure portions of the original fishing cottage, including a stained-glass window. In addition, the applicant noted that increasing crime in the area is another reason for the proposed garage, to help protect vehicles and valuables.

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

The BZA discussed the variance requests and concurred with the applicant that site constraints exist. The Board also agreed that, due to the location of the septic system and drainfield, the proposed location is the only viable option for development.

The BZA recommended approval of the Variance requests by a 7-0 vote, subject to the conditions in the 3 conditions listed in the staff report.

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-1A, Single-Family Dwelling district, which allows 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 and Lake Killarney to the northeast. The subject property is 0.25 acres in size, was platted in 1923 as Lot 97 of the Justamere Camp Replat and is a conforming lot of record. The property is a double frontage lot with rights-of-way along Ololu Dr. to the north and Lotafun Ave. to the south. Ololu Dr. is the primary access point for the property. Per Sec. 38-1405(d), *“on double frontage lots, unless otherwise determined by the Zoning Manager the required front yard shall be provided on each street; except that when all lots in the block have been or will be developed with all of the buildings facing the same street, the second frontage of those lots shall be designated and utilized as rear yard”*. All lots on the block have been developed to face Ololu Dr., making this the front, and Lotafun Ave. the rear.

The lot is developed with a 1-story, 1,962 gross sq. ft. single-family home constructed in 1930, a pool and deck (B05018956), a screen enclosure (B06007940), and 5 ft. tall aluminum picket fencing (F15003127) along the side and rear property lines. The property was purchased by the current owner in March 1993. The existing home is located 11 ft. from the front property line. The house was relocated from 350 Ololu Dr. to its current location in 1991 under permit (B91023090). The site plan included with the permit shows that the house was proposed to be placed 27 ft. from the front property line. required front setback. Although, the structure as placed is not in compliance with code or the approved site plan. However, because the permit was properly issued and completed, the structure is considered legal non-conforming, and does not require a variance.

The proposal is to construct a 440 sq. ft. garage. Although the site plan labels the improvement as a detached garage, it is classified as an attached accessory structure because it is connected to the principal structure by a 5 ft. covered breezeway and is therefore subject to principal structure setback requirements. The garage is proposed to be located 16.33 ft. from the front property line, where code requires a minimum setback of 25 ft., necessitating Variance #1. The garage is also proposed to be located 5.3 ft. from the side property line, where code requires a minimum setback of 7.5 ft., necessitating Variance #2. A building permit (B26005193) for the attached garage was submitted in March 2026; however, the zoning reviewer provided deficiencies comments related to the encroachment into the required setbacks. The proposed attached garage complies with all other applicable development standards. Issuance of the building permit is pending the outcome of the Variance request.

District Development Standards

	Code Requirement	Proposed
Max Height (attached garage):	35 ft.	15.3 ft.
Min. Lot Width:	75 ft.	90.6 ft.
Min. Lot Size:	7,500 sq. ft.	10,706 sq. ft.

Building Setbacks (Principal Structure)

	Code Requirement	Proposed
Front:	25 ft.	16.3 ft. (North) (Variance #1)
Rear:	30 ft.	40 ft. (South)
Side:	7.5 ft.	5.8 ft. (West) (Variance #2) 7.5 ft. (East)

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

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. While the requests meet some of the criteria, they do not meet all the criteria. Therefore, staff is recommending denial of the requests. Based on staff analysis, alternative options exist for an addition to either lessen or eliminate the need for the Variance requests.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

ALL VARIANCES MET- There are special conditions or circumstances unique to this property as it is irregularly shaped and the location of the existing home limits the feasible locations for new construction.

Not Self-Created

ALL VARIANCES NOT MET- The need for the Variances is self-created, as the requests result from the proposed new construction of the attached garage.

No Special Privilege Conferred

ALL VARIANCES MET- Approval of this variance will not confer any special privilege denied to other properties in the area, as similar accessory structures exist on surrounding properties. However, unlike neighboring lots, the irregular shape of the subject property limits the locations where the structure can be placed in compliance with current zoning regulations.

Deprivation of Rights

ALL VARIANCES NOT MET- Without approval of the requested variance, the owner will still be able to reasonably enjoy the home in its current condition.

Minimum Possible Variance

ALL VARIANCES NOT MET- The request does not represent the minimum possible variances, as the garage could be attached to the house in a manner that would avoid or reduce the encroachment into the required setback.

Purpose and Intent

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

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated February 02, 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: Martha Hiatt
334 Ololu Drive
Winter Park, FL 32789

Request for a Variance in zoning within unincorporated County FI

This is a request to build an attached garage in an unusual lot configuration.

This residence was built in 1930 as an original fishing lodge on Lake Killarney. The previous owner divided the entire property into 2 1/2 acre lakefront lots plus a 10,000 ft.² area off the lake for the site of the house, because the owner wanted to preserve the unique qualities of the house. It was moved in 1991 without plans for a garage. All 3 lots share a common area off of Ololu Drive, that is unmaintained Orange County property. This area- or cul-de-sac- is approximately 1600 ft.² with 1200 ft.² of rocks and gravel, up to the paved area on Ololu Drive. This gravel project was paid for by the original owner and was added about 20 years ago. Previously it was a dirt non-maintained area and prone to dust. This newer gravel area has had three different re-rock projects laid down to maintain it by two of the owners.

I bought the house in 1993 and need a two car garage. The only area large enough is the one being planned, as the double frontage option from Lotafun Avenue would not be feasible with the existing house and septic area.

The house sits 19'9" from the common area front setback line and in 1997 the setback was changed to 25 feet.

Due to the unusual configuration, as the lot is not square, the proposed corner of the garage would be 16'3" from county property. This north west corner is opposite from any driveway or right of way. The west side setback from a neighbor is proposed at 5 ft 8".

My husband and I would like to have a two car garage built to protect our cars and property, due to weather, landscaping, safety, and local vandalism.

Our neighbors are friends on all sides and we have an understanding to maintain property values, and we enjoy the secluded area. We all respect our boundaries and have been cohesive in any other county or utility decisions.

I will be requesting from our neighbor on the west side an exemption from a 7'5" side setback to 5'8" per our plans.

The proposed two car garage is wood frame with similar architecture as the house and it will be on a concrete slab. It would be 20' x 22' and 440 ft.².

Our plans include proper drainage on all sides. The house height is 17'6" and the garage would be 15'3". I prefer a 5 foot breezeway between the structures to maintain the beautiful west-facing windows which were added with renovations.

Thank you
Martha Hiatt and Michael Betuel

1. Special Conditions and Circumstances

The subject property is uniquely burdened by its location at the terminus of a cul-de-sac that incorporates approximately 1,600 square feet of unmaintained Orange County-owned land. This area functions as shared access for three residences and does not reflect a standard cul-de-sac design or maintenance condition typical within the zoning district. Additionally, the surface of the cul-de-sac is gravel, informally installed by a neighboring property owner, further distinguishing this property from others in the area.

These atypical conditions create functional limitations on the use of the property that are not experienced by similarly zoned properties, thereby justifying consideration for a variance.

2. Not Self-Created

The hardship is not self-created but inherent to the property at the time of purchase. The residence was acquired without a garage, placing the property at a disadvantage compared to typical single-family homes. The applicant did not create the lot configuration, access conditions, or absence of covered parking.

The requested variance seeks to reasonably remedy these pre-existing conditions rather than to introduce a self-imposed hardship.

3. No Special Privilege Conferred

Granting this variance will not confer any special privilege but will instead bring the property into alignment with the reasonable and customary use of residential properties in the area. Garages are a standard feature for single-family homes and are commonly permitted throughout the zoning district. The request does not seek an exception that would exceed what is typical, but rather to achieve parity with neighboring properties that already enjoy similar functionality and protection.

4. Deprivation of Rights

Strict application of the zoning code deprives the property owner of rights commonly enjoyed by others in the same zoning district – namely, the ability to provide secure, covered parking and protection for personal property. This deprivation is not merely theoretical; it has practical consequences. The absence of a garage exposes vehicles and belongings to environmental damage and increased risk of theft or vandalism. The concern is heightened by documented criminal activity within proximity to the residence, including burglary, theft, and vandalism.

Without the variance, the property cannot reasonably achieve the level of safety, security, and utility that is standard for comparable homes.

5. Minimum Possible Variance

The proposed garage represents the minimum variance necessary to enable reasonable use of the property. Due to the lot's configuration and constraints, there is only one feasible location where a structure of this type can be placed.

The design has been intentionally limited to accommodating two vehicles-the standard residential need- without excess size or encroachment. Every effort has been made to reduce the scope of the variance to the smallest extent required to achieve functional use.

6. Purpose and Intent

The requested variance is fully consistent with the purpose and intent of the zoning regulations. The proposed garage will not be injurious to the neighborhood or detrimental to the public welfare.

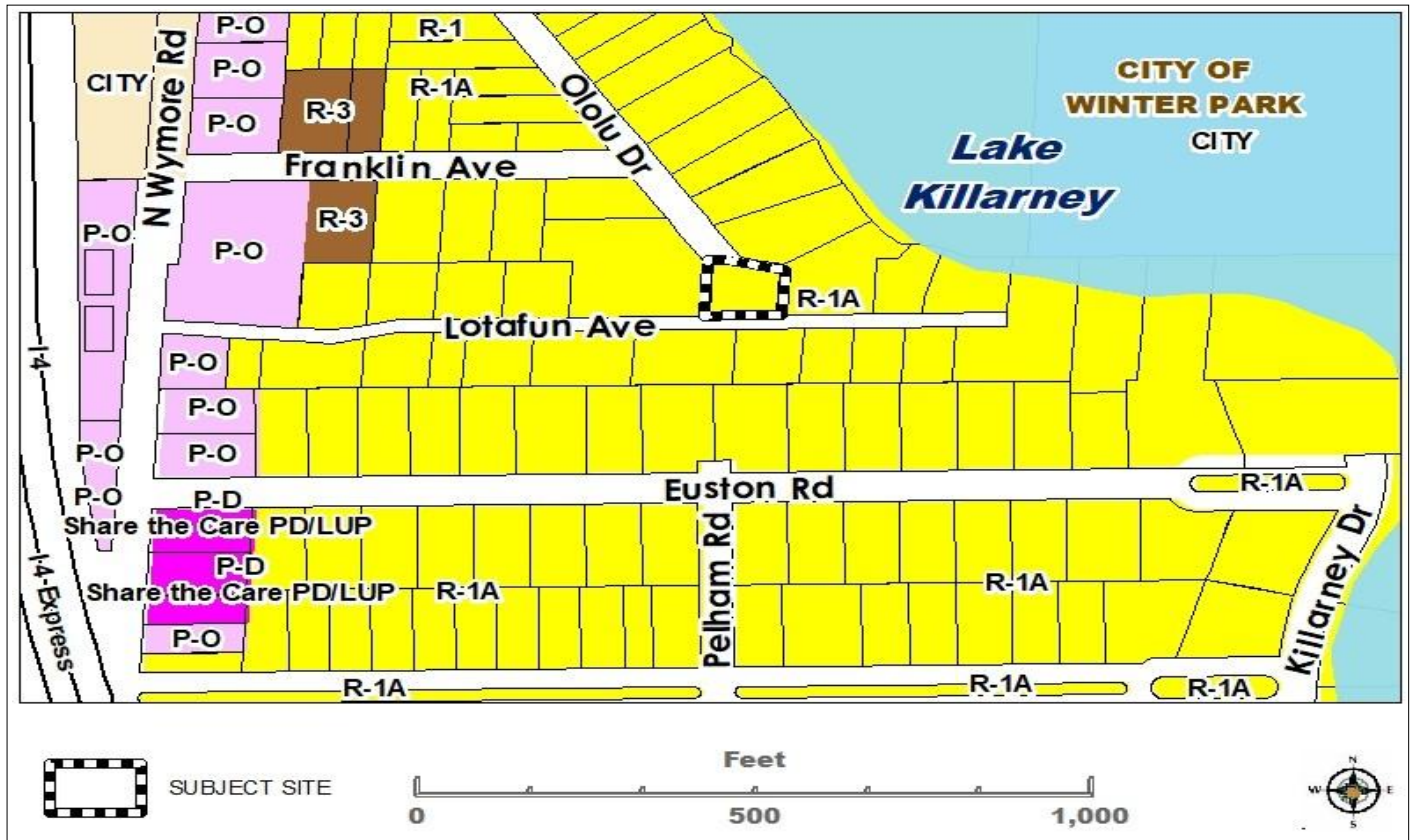
The structure will not impact any right-of-way-and has been positioned with appropriate setbacks- approximately 16 feet 3 inches from the cul-de-sac and 5 feet 8 inches from the western property line-to ensure compatibility with surrounding properties.

Rather than disrupting the neighborhood, the addition of a garage will enhance the property's appearance, functionality, and conformity with typical residential development patterns.

Closing Statement

In summary, this request is not an attempt to seek special treatment, but rather a practical and reasonable effort to bring the property into alignment the standards and expectations of typical residential use. The hardship is inherent to the property, not self-created, and the proposed solution is carefully limited in scope, thoughtfully designed, and respectful of surrounding properties. Approval of this variance will allow for safe, functional use of the home without negatively impacting the neighborhood or public welfare. For these reasons, we respectfully request approval of the variance.

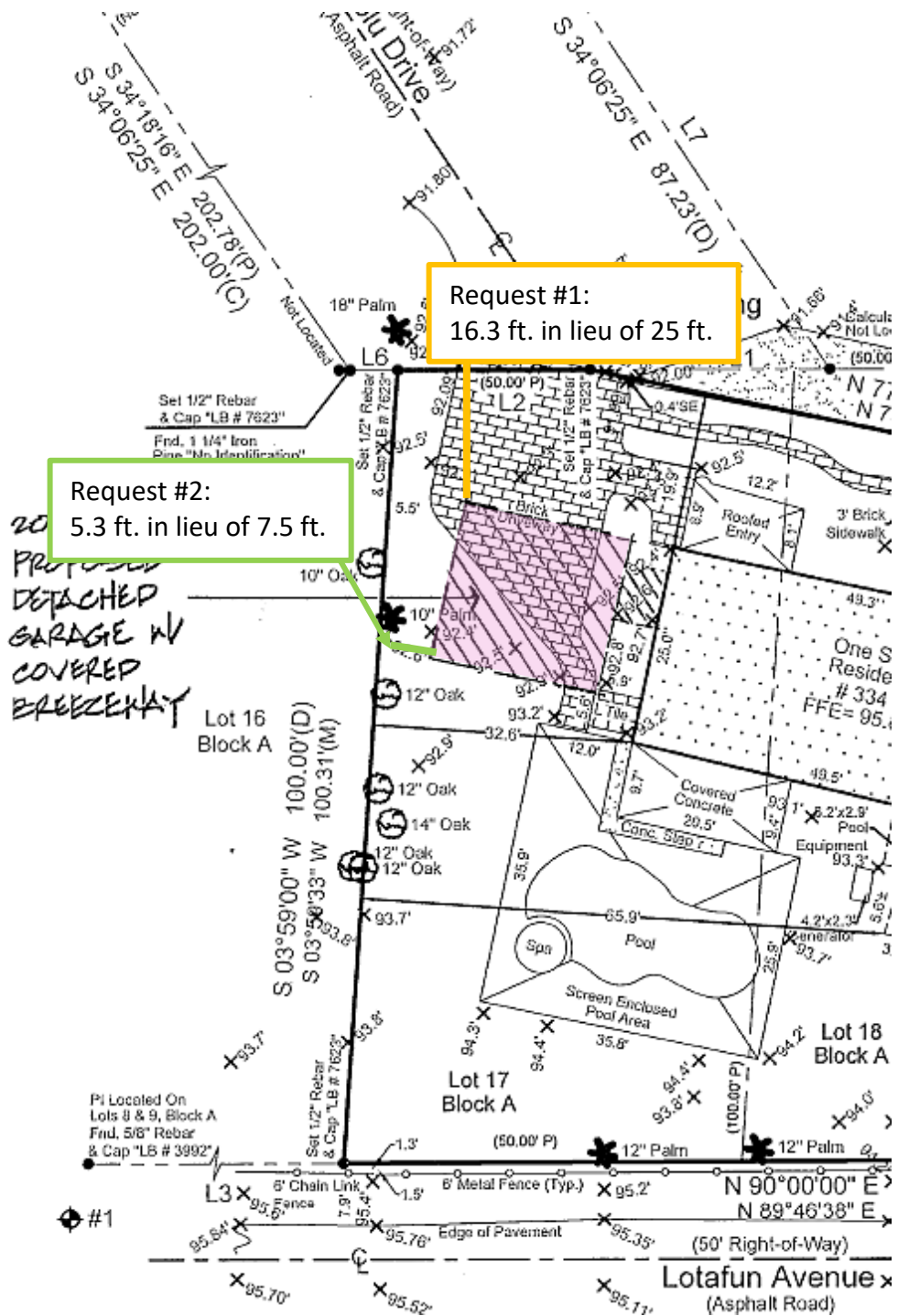
ZONING MAP



AERIAL MAP



PARTIAL ENLARGED SITE PLAN

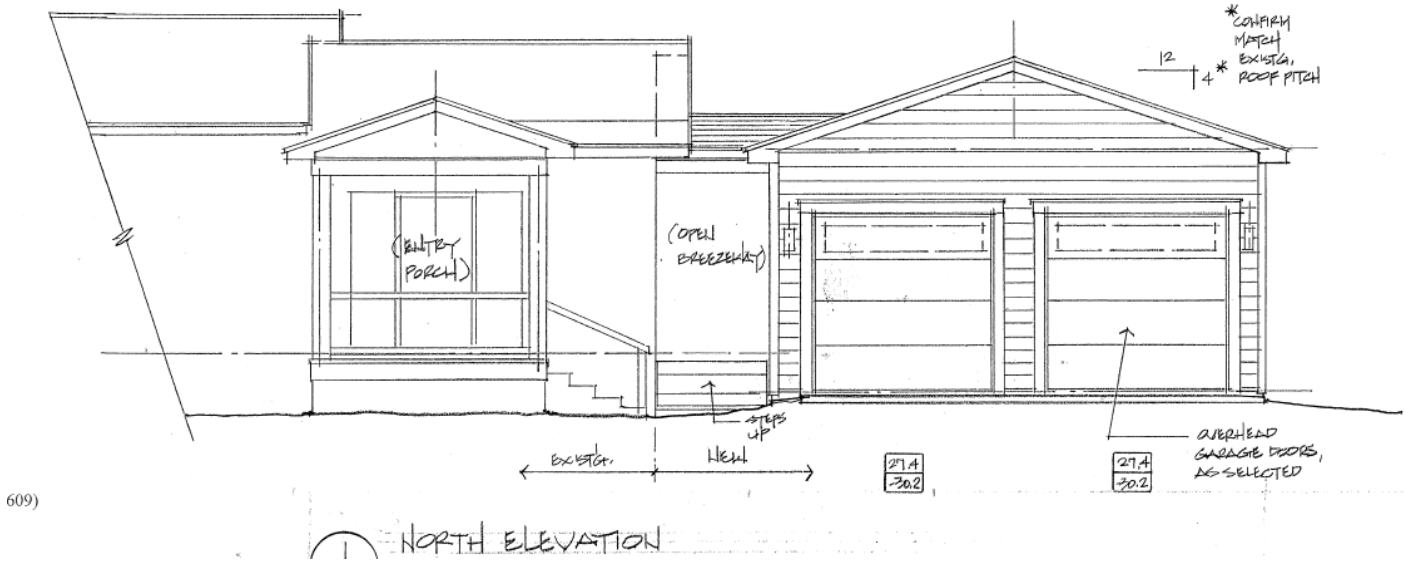


Request #1:
16.3 ft. in lieu of 25 ft.

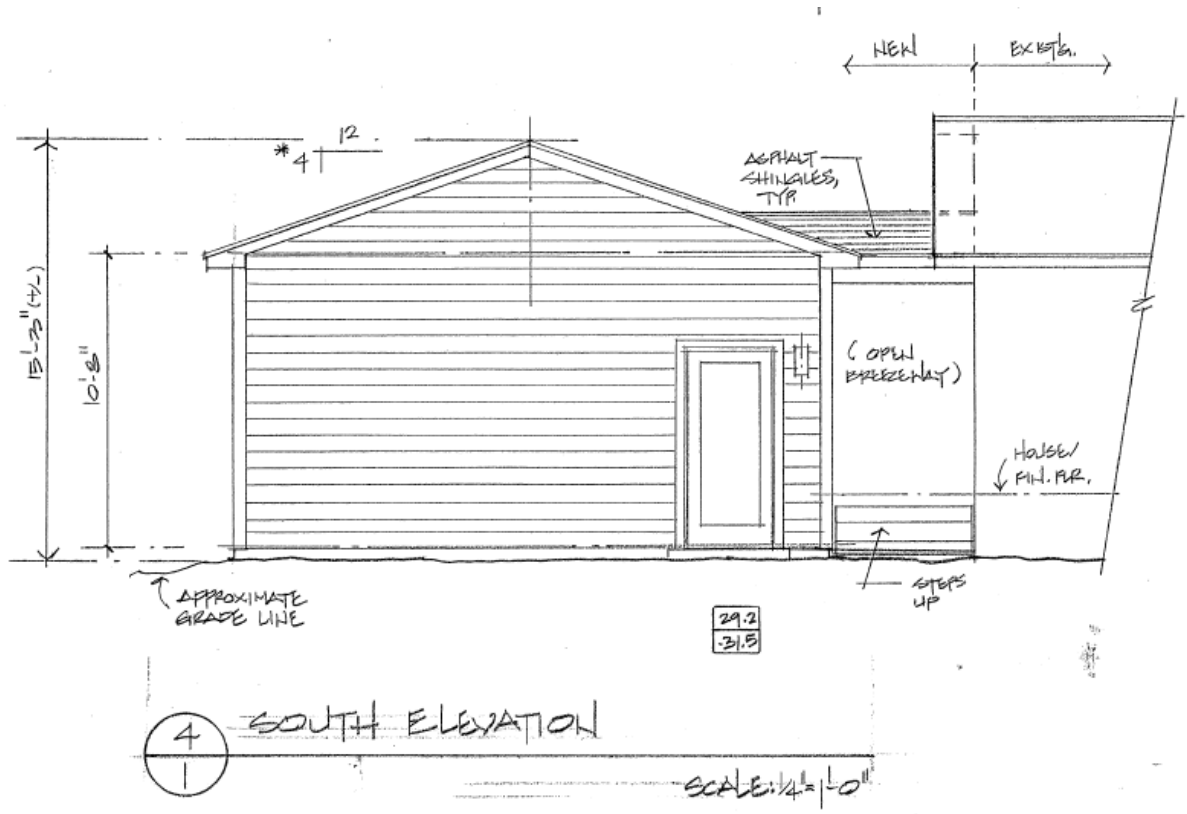
Request #2:
5.3 ft. in lieu of 7.5 ft.

PROPOSED
DETACHED
GARAGE W/
COVERED
BREEZEWAY

ELEVATIONS

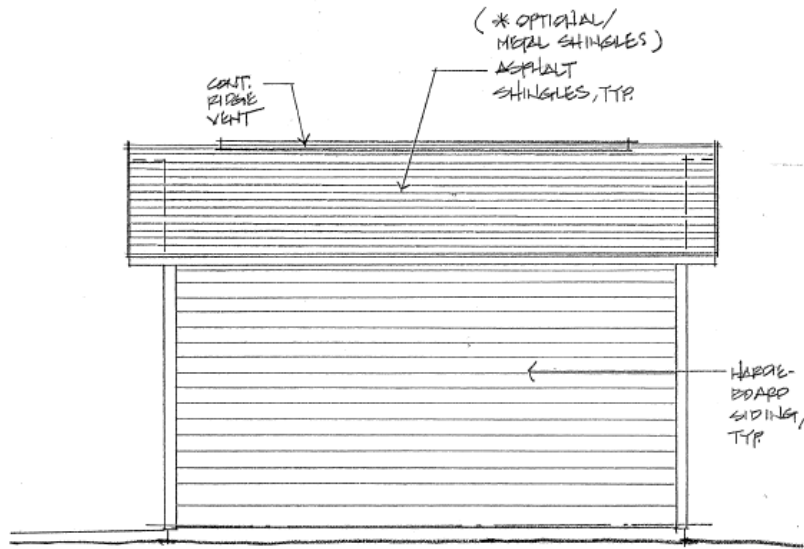


North Elevation



South Elevation

ELEVATIONS

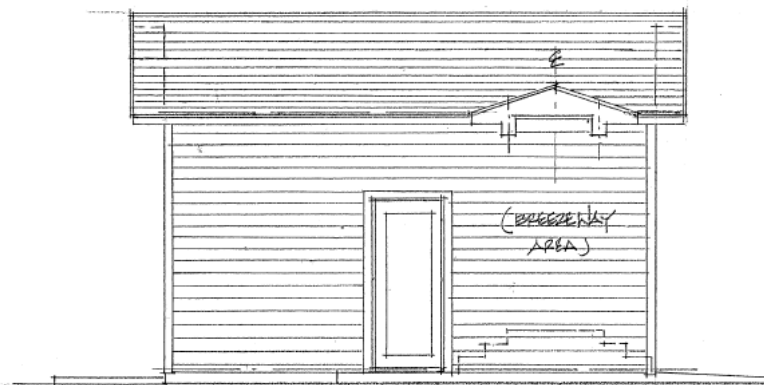


3
1

WEST ELEVATION

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

West Elevation



29.2
-31.5

2
1

EAST ELEVATION

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

East Elevation

SITE PHOTOS



On Ololu Dr., facing south east towards the front of the subject property



On the subject property, facing south east towards the proposed location of garage

SITE PHOTOS



On the subject property, facing south towards the rear yard and Lotafun Ave



On backyard of subject property, facing north towards surrounding properties

SITE PHOTOS



On the subject property facing west towards principal structure



On the subject property, facing northwest towards the back of the property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUNE 04, 2026**

Commission District: **#5**

Case #: **VA-26-06-051**

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

Jacqueline.Boling@ocfl.net

GENERAL INFORMATION

APPLICANT(s): IAN MCCOOK

OWNER(s): UNIVERSITY PLACE PROPERTIES LLC

REQUEST: Variance in the C-3 zoning district to allow a maximum copy area of 75 sq. ft. for wall signage in lieu of 40.25 sq. ft.

PROPERTY LOCATION: 3260 University Blvd, Winter Park, FL 32792, south side of University Blvd., north of Hanging Moss Rd., east of N. Semoran Rd., south of Aloma Ave., west of N. Forsyth Rd.

PARCEL ID: 10-22-30-8819-00-020

LOT SIZE: 5.57 acres

NOTICE AREA: 1200 ft.

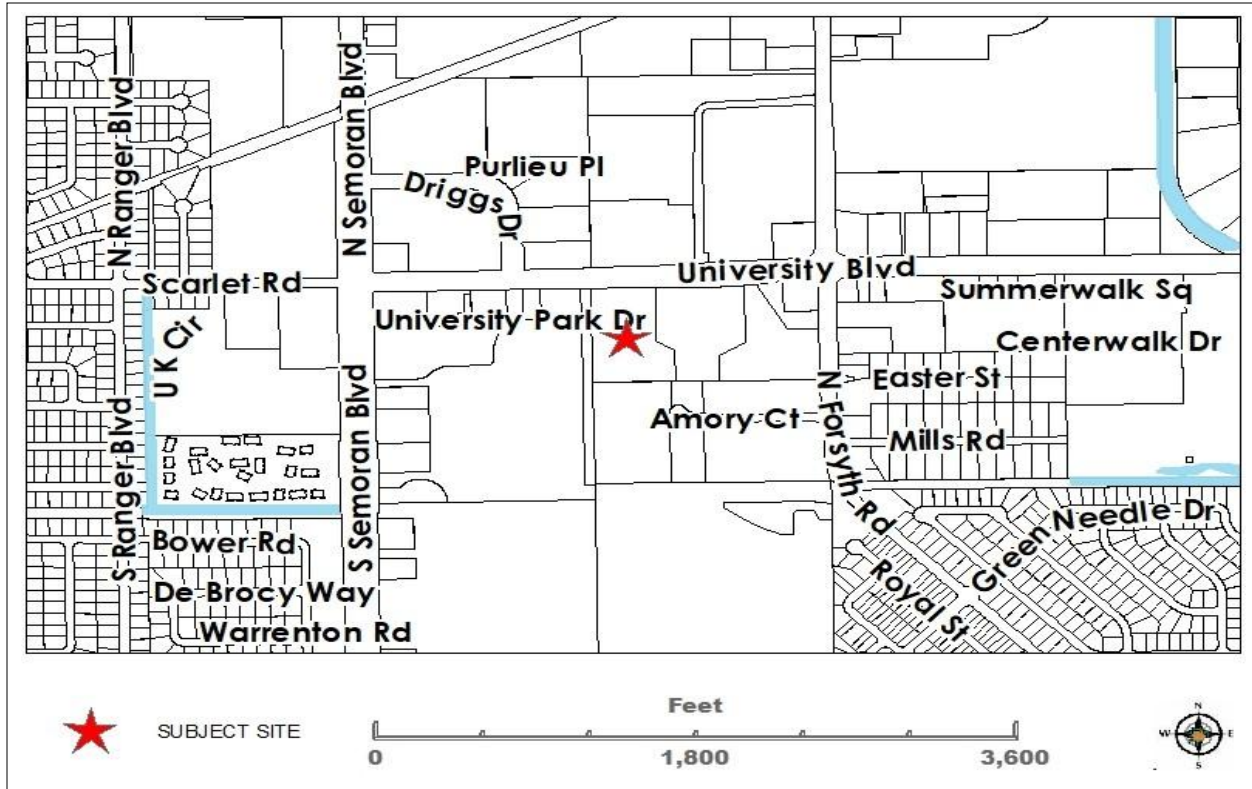
NUMBER OF NOTICES: 66

DECISION: Recommended a **CONTINUANCE** to the August 6, 2026, BZA Meeting as requested by the applicant (Motion by Johnny Stanley, Second by Juan Velez; unanimous; 7 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed).

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-3	PD	C-3	C-3	C-1/C-2
Future Land Use	IND	PD-C/HDR	INST	IND	C
Current Use	University	Vacant	Orange County BCC	University	University

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located within the C-3 Wholesale Commercial district, which permits colleges and universities, as well as higher-intensity commercial uses such as warehousing, wholesale distribution, major automotive repair and sales, and certain outdoor operations. The property’s Future Land Use (FLU) designation is Industrial which is inconsistent with C-3 zoning. However, Future Land Use Element Policy FLU8.2.5.1 states that a rezoning may not be required for properties with inconsistent zoning and FLU designations under certain circumstances. As the use of colleges and universities is permitted in both the C-3 zoning classification and the Industrial zoning classifications, a rezoning is not required.

Surrounding uses include multi-family residential developments, hotels, office buildings, and some vacant parcels. The subject 5.57-acre site, and several surrounding properties are part of the overall Full Sail University campus. The property directly to the north across University Blvd. has a Development Plan (DP-24-10-258) that was approved for a student housing development. Proposed as part of that application is a

pedestrian bridge which connects the campus across University Blvd., with the landing and staircases on the property to the north (parcel ID #03-22-30-7950-04-001) and the subject site respectively. The parcel to the north is zoned Planned Development, and all development associated with the student housing and pedestrian bridge are being reviewed by the Development Review Committee and the Board of County Commissioners under a separate application.

The proposal is to erect signage on the pedestrian bridge, consisting of two 37.5 sq. ft. signs on both the east and west facades of the stairwell structure. The proposed signs on the PD side of the bridge —identical to those included in this application—will be governed by a master sign plan and is under review (CDR-26-04-073) by the Development Review Committee. For the purposes of the sign code, *“Building shall mean any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind”*. As such, the proposed signs are treated as wall signage. Per Sec. 31.5-15 of the County Code the copy area is calculated at 1.5 square feet of copy area for each one linear foot of building frontage. The frontage for the pedestrian bridge stairway is 26.83 ft., therefore, the total allowable copy area is 40.25 sq. ft. The proposed 75 sq. ft. of copy area is in excess of this, requiring the Variance.

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

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six Variance criteria are met. Based on staff analysis, the proposed sign could be redesigned to comply with all applicable zoning requirements and does not meet any of the criteria. Therefore, staff is recommending denial.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET - There are special conditions and circumstances present, as the stairwell is part of a larger pedestrian bridge structure that extends beyond the property boundaries. The portion of the structure outside the property cannot be included in the calculation of copy area. In this case, the signage functions similarly to a ground sign, where copy area is based on the property’s right-of-way rather than the full size of the structure on which it is mounted.

Not Self-Created

NOT MET - The need for the Variance is self-created, as smaller signs could be installed in compliance with code.

No Special Privilege Conferred

MET - Granting the requested Variance would not confer a special privilege, as the stairway tower is a unique structure not commonly seen throughout the county. The structure functions differently than a typical commercial development and is visually consistent with ground signage as the structure is a double-sided sign with each side visible only to traffic traveling in that direction.

Deprivation of Rights

NOT MET - Denial of the Variance would not deprive the property owner of the right to install code compliant signage on the property.

Minimum Possible Variance

NOT MET - The requested Variance is not the minimum necessary to allow for a sign at the proposed location as code compliant signs could be installed.

Purpose and Intent

NOT MET - Approval of the requested variance would not be consistent with the purpose and intent of the Zoning Regulations, which are designed to maintain consistency and uniformity in signage throughout the area and to reduce visual clutter. The requested variance would allow signage that is nearly double the amount permitted by code. Additionally, the proposal could be reasonably modified to comply more closely with the regulations.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated stamped May 13, 2026, and sign details date stamped December 17, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Ian McCook
PO Box 940103
Maitland, FL 32794

C: University Place Properties LLC & University Park Associates, LLLP
3300 University Blvd, Suite 218
Winter Park, FL 32792



Application – Board of Zoning Adjustment

Orange County Board of Zoning Adjustment
c/o Zoning Division
Orange County, Florida
April 6, 2026

Re: Variance Application – Wall Sign (Section 31.5-72)
Property Address: 3260 University Boulevard, Winter Park, FL 32792
Parcel IDs: 10-22-30-8819-00-020 and 10-22-30-0000-00-011

Dear Board Members,

On behalf of University Park Associates, LLLP and University Place Properties, LLC, please accept this letter in support of a variance request from Section 31.5-72 of the Orange County Code (Wall Signs) for the proposed pedestrian bridge located at the above-referenced property.

Request

The proposed signs will be placed on a to-be-constructed pedestrian bridge that will be crossing University Boulevard, servicing a new student housing project related to Full Sail University on the north side. Companies related to Full Sail own all the property on the south side of University Blvd, and the bridge will connect these student residents to the University Campus. The Bridge is a unique public-private partnership project that has been extensively coordinated with and approved by Orange County. The Project has received approval of the Development Plan, and the associated Pedestrian Bridge Agreement and Proportionate Share Agreement have been fully executed. The County has allocated funds paid by the developer of the student housing project to the cost of the bridge, and the developer will be paying the remaining costs of the design, permitting and construction. Upon completion, the bridge will be dedicated to the County. The private development on the North side of the road will be responsible for the cost of maintaining the bridge through its useful life.

The design of the bridge has been developed in close coordination with Orange County and incorporates public access, including ADA-compliant ramps and stair connections to the public right-of-way along University Boulevard. The bridge is intended not only to provide a safe pedestrian crossing, but also to serve as an enhanced architectural feature along the corridor, contributing positively to the character and visual quality of the surrounding area.

Pursuant to the Pedestrian Bridge Agreement, signage on the bridge is permitted; however, Orange County has requested that formal zoning approval be obtained for such signage. This application is being submitted in response to that request.

On the south side of University Boulevard, all adjacent properties are owned by separate related entities to Full Sail University, that are directly served by the bridge. Together, these properties run along the south side of University, and for half a mile down the perpendicular 436/S Semoran Blvd. This is a unique situation, with signage through the corridor that should provide consideration for variances from the signage code, as these combined factors create a circumstance that is not typical of standard development.

This application requests a variance to allow a maximum of 37.5 square feet of sign copy area per side of each bridge landing, for a total of 75 square feet per landing, distributed between the east and west elevations.

Per Code Section 31.5-72, wall signage is limited to 1.5 square feet of copy area per linear foot of the structure to which the sign is attached. Each bridge "sail" structure is approximately 25 feet in width, which equates to 37.5 square feet of allowable copy area.

Orange County has interpreted this provision to apply to only one side of each bridge landing. This request seeks approval to apply the calculation to both the east and west elevations, as each façade functions independently and is only visible from one direction of travel.

Project Description

The pedestrian bridge spans University Boulevard and includes a landing area south of University Boulevard located on two parcels (identified above). The proposed signage will be mounted on architectural sail elements located on both the eastern and western elevations of each landing.

- Construction Type: Aluminum signage with automotive paint finish
- Sign Area: 37.5 square feet per sign face
- Total Signage per Landing: 75 square feet (two faces)
- Dimensions: Consistent with Master Signage Plan (25-foot-wide sail structures)
- Height: Centered at approximately 13 feet above grade

Setbacks

Western Sign Location:

- 15.5 feet from the northern property line (Public ROW)
- 15.33 feet from the eastern property line (Related company)

- 35.33 feet from the western property line (Related company)
- Approximately 1,250 feet from the southern property line (Related company)

Eastern Sign Location:

- 19.5 feet from the northern property line (Public ROW)
- 3 feet from the western property line (Related company)
- Approximately 360 feet from the eastern property line (Public ROW)
- Approximately 581 feet from the southern property line (Related company)

Variance Criteria (Section 30-43(3))

1. Special Conditions and Circumstances

The pedestrian bridge presents unique design conditions not typical of standard buildings governed by wall signage regulations. The bridge incorporates two opposing sail façades, each oriented toward a single direction of travel. Because each sign face is only visible from one direction, both elevations should be included in the allowable copy area calculation. This condition is specific to the bridge design and not generally applicable to other properties.

2. Not Self-Created

The bridge has been designed in coordination with Orange County and in accordance with County direction and requirements. The configuration of the structure, including the sail elements, is the result of this coordinated design process and is not a self-created hardship.

3. No Special Privilege Conferred

Approval of this variance will not confer a special privilege, as it simply allows the Project to apply the existing code standard (1.5 square feet per linear foot) to both functional façades of the structure. Other properties with multiple building frontages or façades may similarly utilize allowable signage area per frontage. This request does not exceed the proportional intent of the Code, but rather ensures consistent application given the dual-facing nature of the bridge.

4. Deprivation of Rights

Without the variance, the Project would be limited to signage on only one side of the bridge landing, effectively eliminating visibility for traffic traveling in the opposite direction. This would deprive the Owner of signage visibility commonly available to other properties with multiple frontages within the same zoning district.

5. Minimum Possible Variance

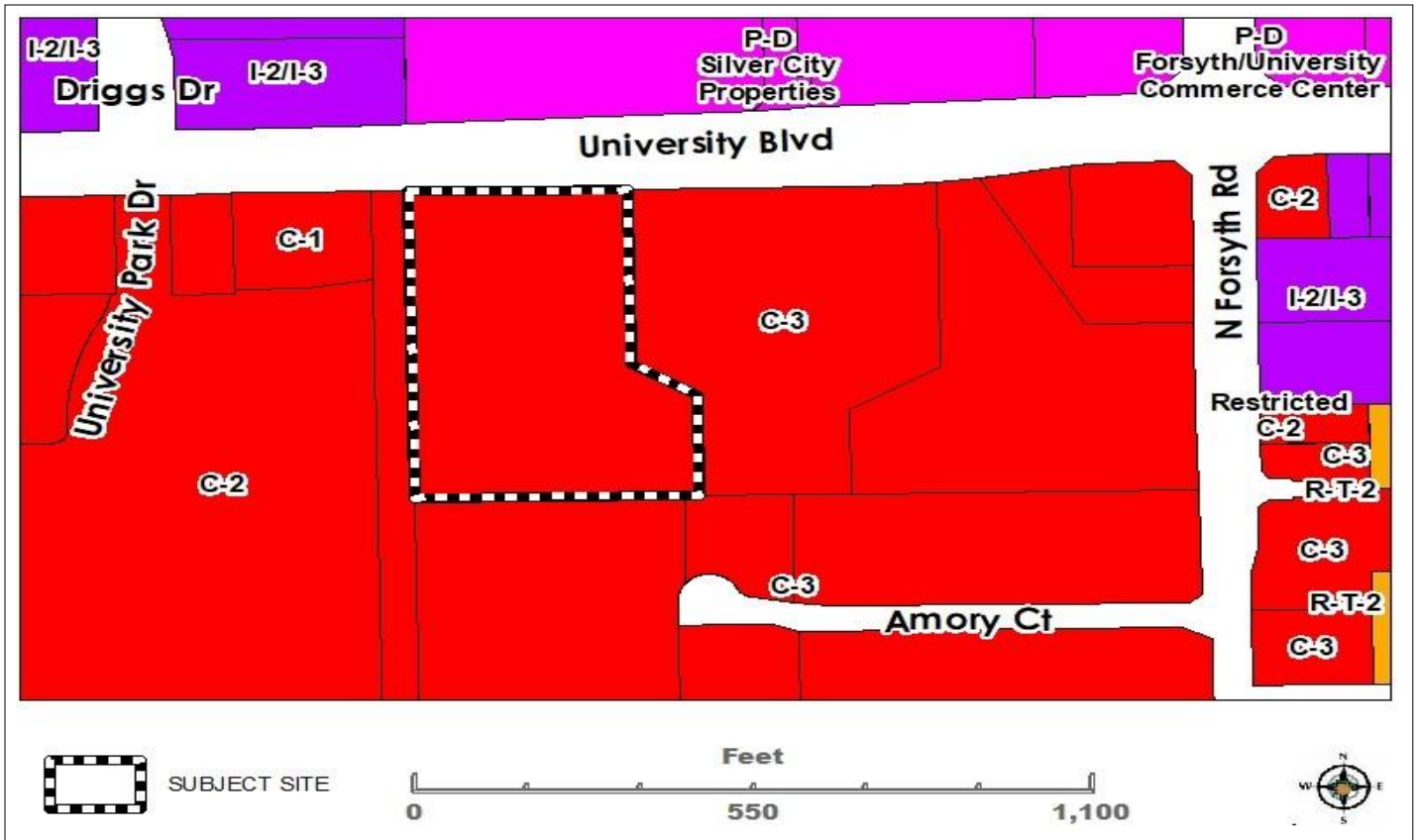
The requested signage area of 37.5 square feet per side represents the minimum necessary to achieve reasonable

visibility for pedestrians and vehicular traffic along University Boulevard. The request does not seek to increase the allowable area per façade, only to apply it to both functional sides of the structure.

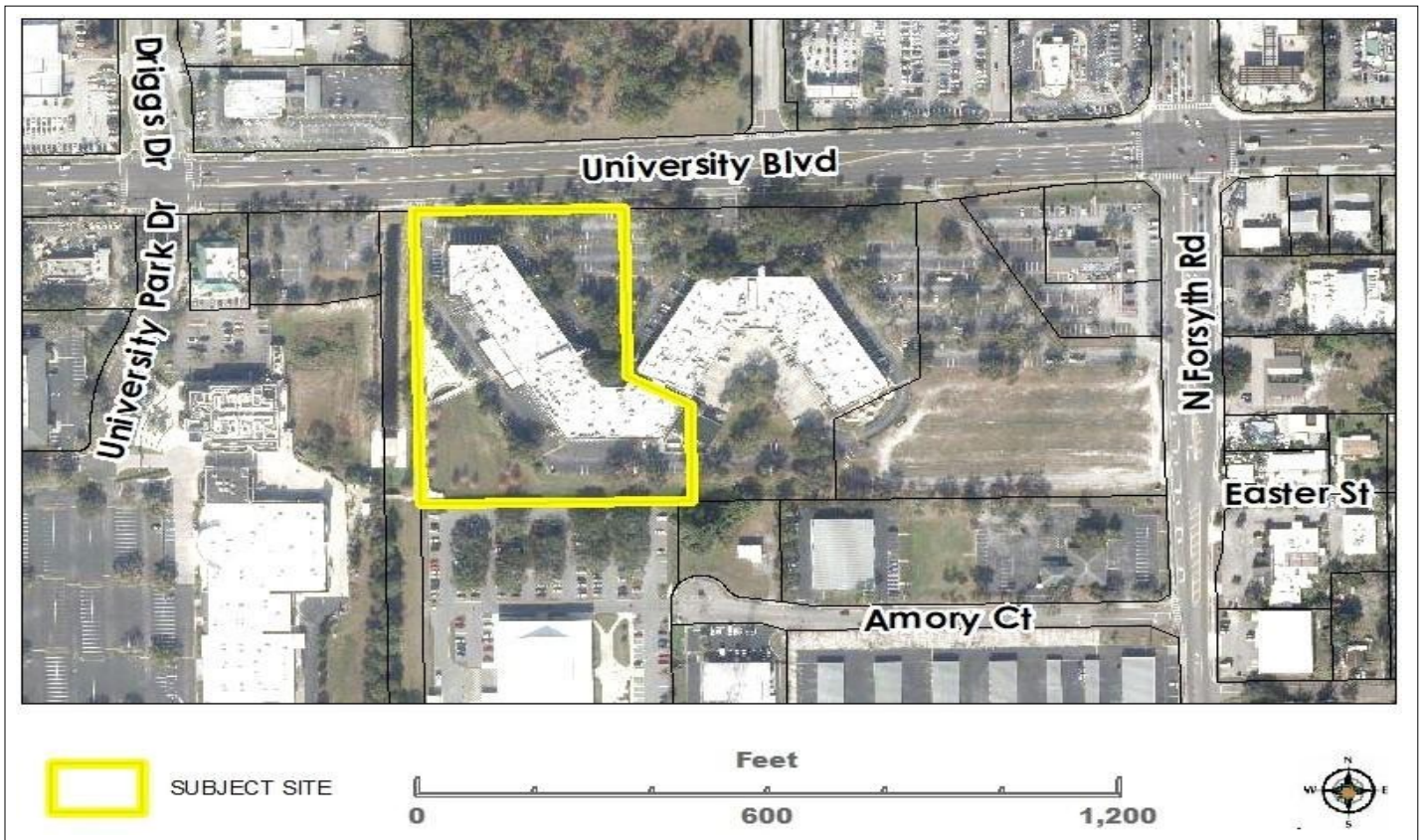
6. Purpose and Intent

The proposed signage is consistent with the purpose and intent of the Orange County Zoning Code. The pedestrian bridge will serve as a landmark feature along the University Boulevard corridor, enhancing the visual character of the area while providing a safe pedestrian connection. The signage is appropriately scaled, architecturally integrated, and will not negatively impact the surrounding area. The bridge will ultimately be dedicated to Orange County, further supporting the public benefit of the Project.

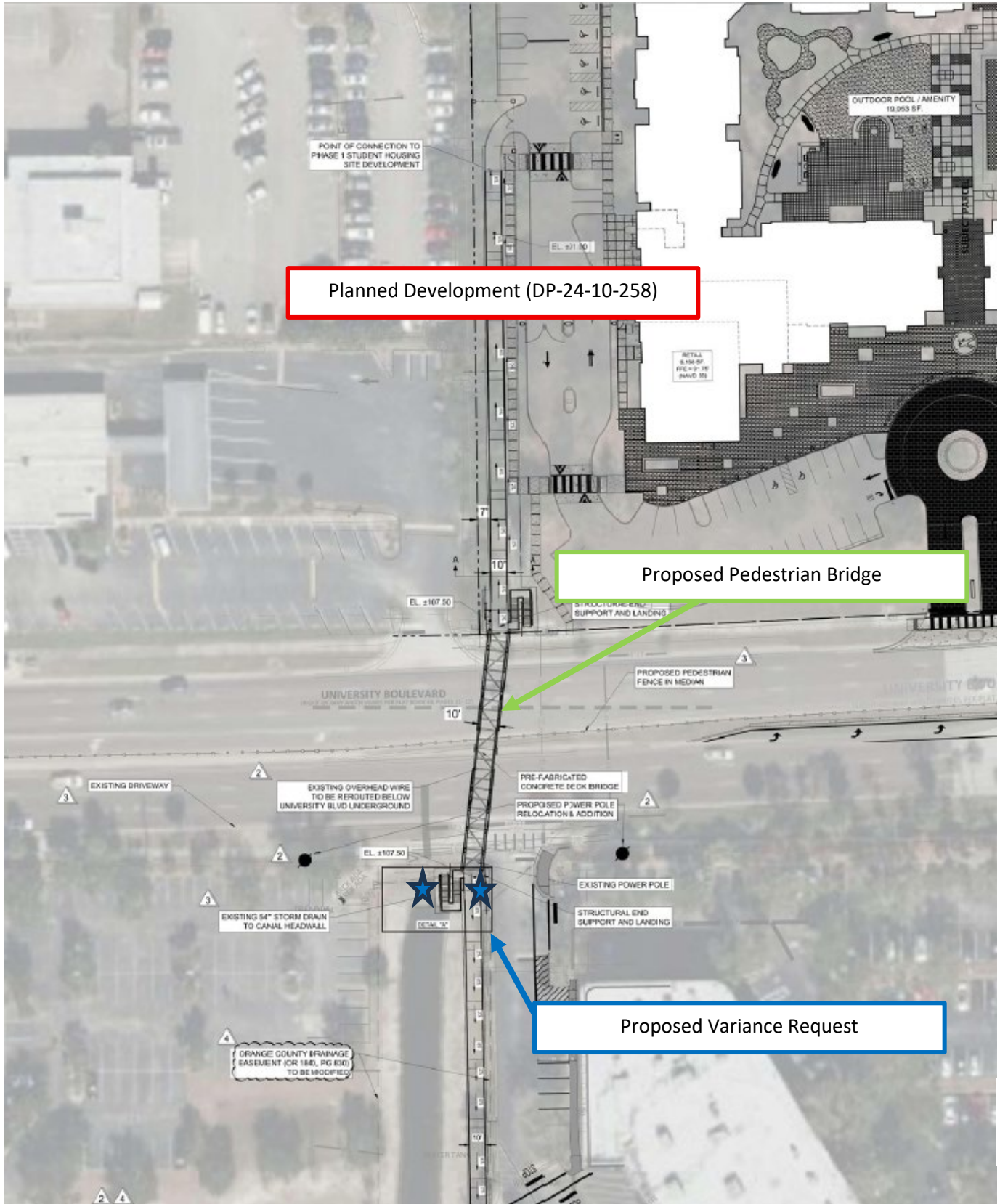
ZONING MAP



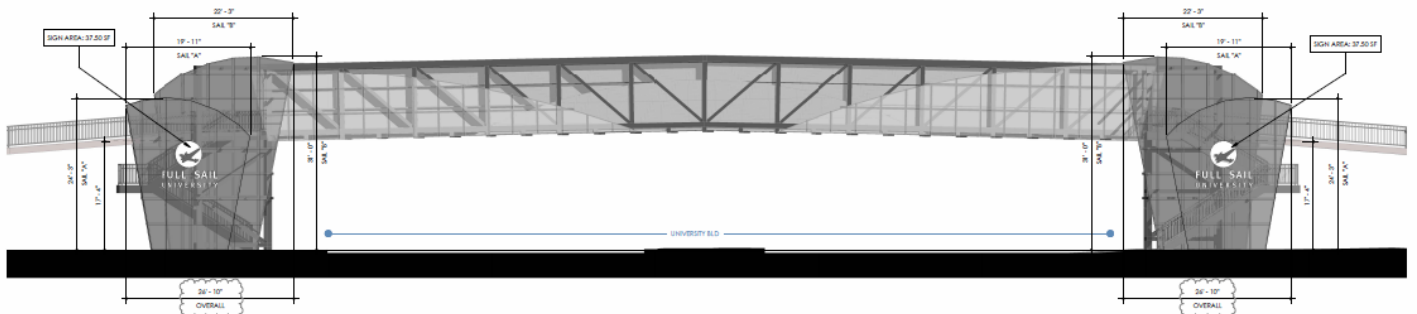
AERIAL MAP



OVERALL SITE PLAN

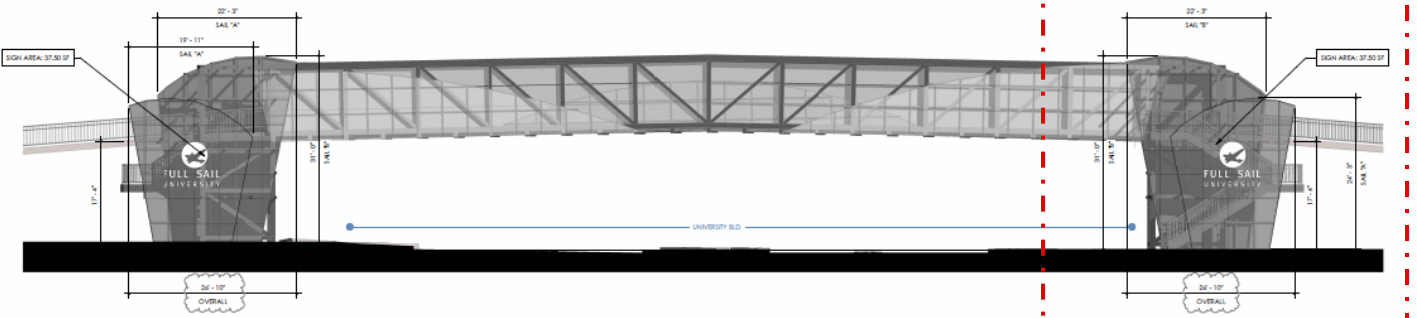


SIGN DETAILS



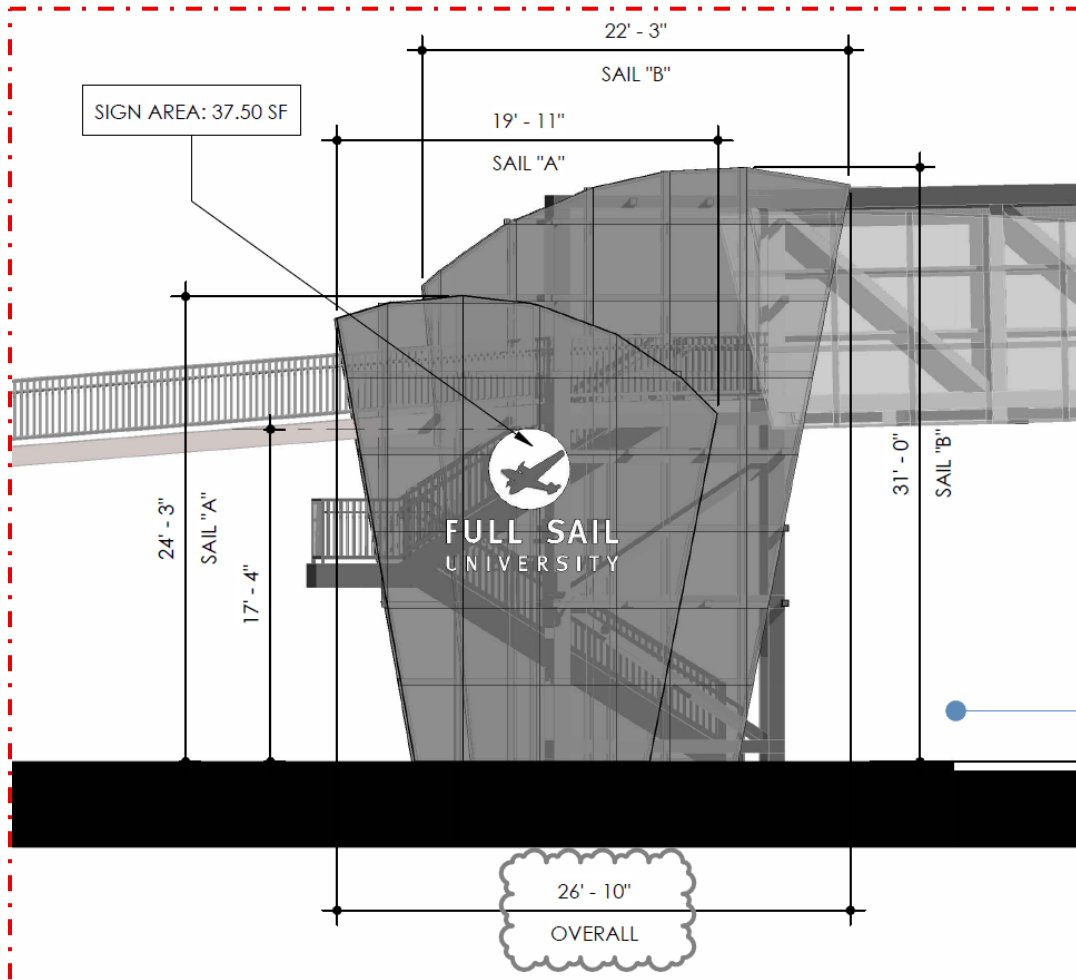
1 BRIDGE ELEVATION - WEST - SIGNAGE

SCALE: 1/8"=1'-0"

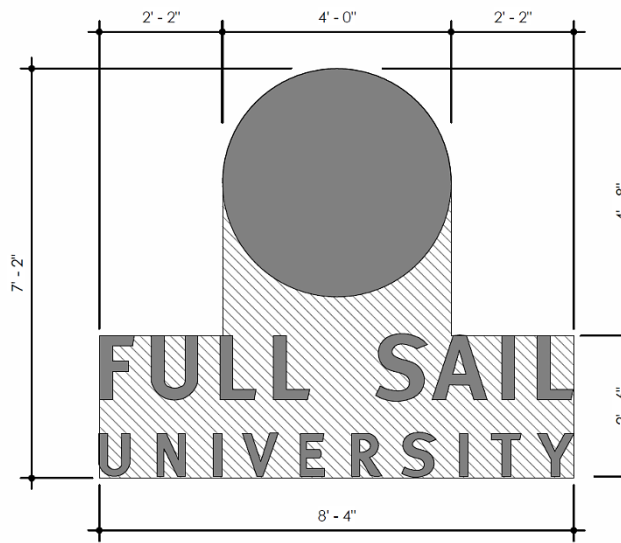
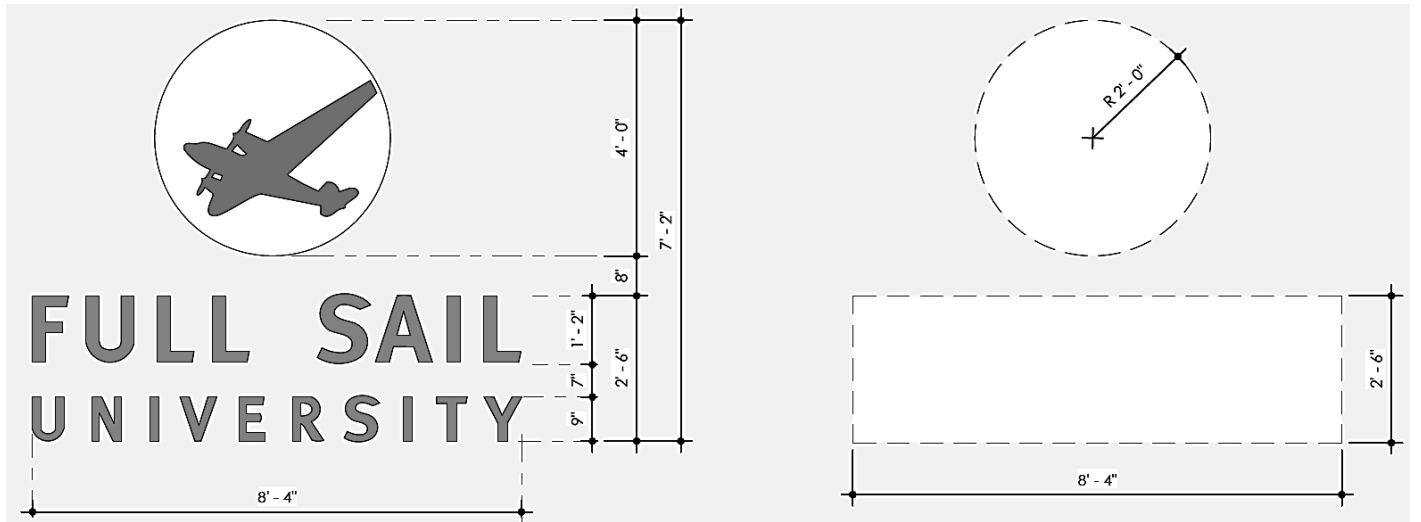


2 BRIDGE ELEVATION - EAST - SIGNAGE

SCALE: 1/8"=1'-0"



SIGN DETAILS



SIGN AREA: 37.50 SF

SITE PHOTOS



Facing west towards proposed sign location



Facing southwest towards proposed sign location

SITE PHOTOS



Facing northeast towards Planned Development and second sign location



Facing east towards University Blvd towards proposed sign location

SITE PHOTOS



On subject property facing north towards proposed planned development



On subject property facing west toward University Blvd and surrounding properties

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 04, 2026**

Commission District: **#5**

Case #: **VA-26-06-052**

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

GENERAL INFORMATION

APPLICANT(s): JOSE CAMPUZANO

OWNER(s): TONY ROBLES

REQUEST: Variance in the R-1A zoning district to allow the conversion of a garage to a detached Accessory Dwelling Unit with a side setback of 5.75 ft. in lieu of 7.5.
NOTE: This is a result of a code violation.

PROPERTY LOCATION: 916 Eldridge St., Orlando, FL 32803, westside of Eldridge St., north of E. Colonial Dr., east of Bennett Rd., south of Lake Baldwin Ln., west of N Semoran Blvd.

PARCEL ID: 21-22-30-3932-11-030

LOT SIZE: 10,118 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 110

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 as modified (Motion by Johnny Stanley, Second by Roberta Walton Johnson; unanimous; 7 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed):

1. Development shall be in accordance with the site plan dated November 06, 2025, and elevations date stamped July 10, 2025, as will be subsequently revised, submitted and accepted by the zoning division, 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, including the property's location, site plan, and photographs of the site. Staff also reviewed the six variance criteria and explained the basis for the recommendation to approve the requested variance. Staff noted that no comments were received in support of or in opposition to the application.

The property owner was present and agreed with staff's analysis and explained the reasoning behind converting the garage into an accessory dwelling unit.

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

The BZA discussed the variance request and concurred that it would be appropriate to convert the existing garage into an accessory dwelling unit.

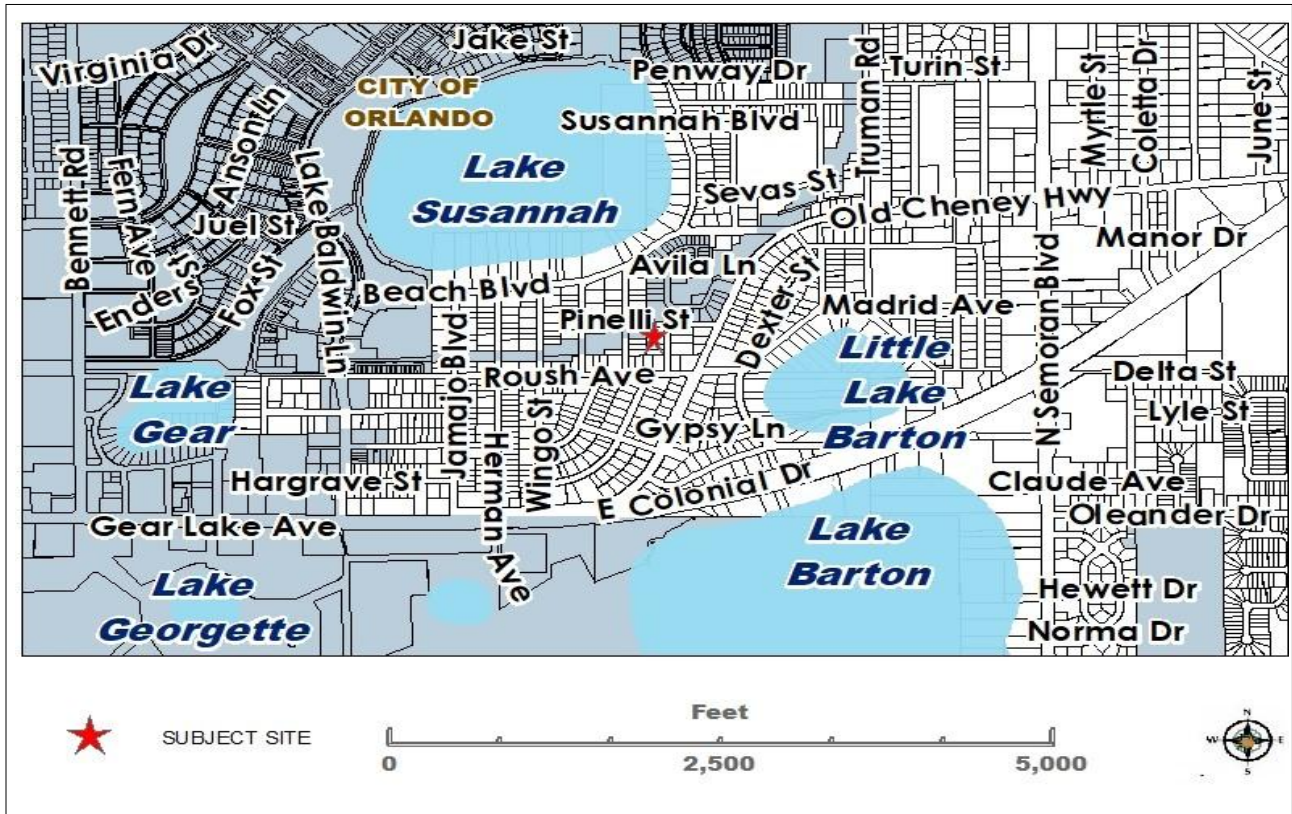
The BZA recommended approval of the Variance request by a 7-0 vote, subject to the three conditions listed in the staff report, with the following modification to Condition of Approval #1 to clarify that the architectural elevations submitted with the application depict the existing structure and do not match the proposed improvements reflected in the variance request:

- 1) Development shall be in accordance with the site plan dated November 06, 2025, and elevations date stamped July 10, 2025, as will be subsequently revised submitted and accepted by the zoning division, 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).

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-2	R-1	R-1A	R-2
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area surrounding the subject site consists of mostly single-family homes. The subject property is 10,118 sq. ft. in size, was platted in 1924 as a portion of Lot 2 of Block K of the Jamajo J Plat and is a conforming lot of record. The property is an interior lot with right-of-way along Eldridge Street.

The property is developed with a one-story, 1,726 gross sq. ft. single-family home, with 1,081 sq. ft. of living area, constructed in 1932, prior to the adoption of the zoning code in 1957. There is one detached structure (2 car garage and attached carport) in the rear yard, and a 6 ft. wood fence enclosing the side and rear yards.

Per aerial imagery, the detached structure appears to have been built in 2004. The property was purchased by the current owners in March of 2024.

In June 2024, the Orange County Building Division issued a Field Investigation Report (FIR-24-06-0334) which identified that interior and exterior alterations had been performed without the required permits. Subsequently, in June 2025, the current owners applied for a building permit (B25012804) to convert the garage into an Accessory Dwelling Unit (ADU). During the review process, the application was found to be deficient because the structure encroaches into the required side setback. The permit has since expired. At this time, there are no active permits, and any future permitting will depend on the outcome of this Variance request.

The proposal is to convert the existing 511 sq. ft. garage to an Accessory Dwelling Unit (ADU) using the footprint of the existing garage. The proposed floor plan shows a large common space, with one bathroom and kitchen. The existing garage was constructed with a north side setback of 5.7 ft., which currently complies with Orange County code for detached accessory structures. For one-story detached ADUs, Sec. 38-1426(2)(6)(ii) requires the structure to be set back a minimum of five feet from the rear property line, and to meet the minimum side setback of the principal structure. As proposed, the ADU will utilize the existing structures footprint and setback of 5.7 ft., where 7.5 ft. is required, prompting the Variance request. The proposed conversion will comply with all other zoning development standards.

Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	13 ft.
Min. Lot Width:	75 ft.	75 ft.
Min. Lot Size:	7,500 sq. ft.	10,118 sq. ft.

Building Setbacks (Accessory Dwelling Unit)

	Code Requirement	Proposed
Front:	Not located in the front yard	N/A (East)
Side:	7.5 ft.	5.75 ft. (North - Variance) +/- 30 ft. (South)
Rear:	5 ft.	7.67 ft. (West)

Pursuant to Section 38-1426(2)c.9. of the Orange County Code, one additional off-street parking space is required for an accessory dwelling unit. This requirement may be satisfied by the garage, carport, or driveway serving the primary residence. In addition, two parking spaces are required for the main dwelling unit. Following the proposed conversion, the site will provide three parking spaces within the existing driveway thereby meeting the applicable parking requirements.

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. Therefore, staff is recommending approval.

VARIANCE CRITERIA

Special Conditions and Circumstances

MET - There are special conditions or circumstances peculiar to this structure, as it has existed in its current configuration since at least 2004, and the footprint cannot be reasonably modified without demolition and reconstruction.

Not Self-Created

MET - The need for the variance is not self-created, as the structure was not built by the current property owner.

No Special Privilege Conferred

MET - Granting the requested Variance would not confer a special privilege, as there are several accessory dwelling units within the surrounding area that maintain similar reduced side setback conditions.

Deprivation of Rights

MET – Without approval of the requested Variance, the owner will be deprived of the ability to utilize the existing space as an Accessory Dwelling Unit (ADU).

Minimum Possible Variance

MET - The request is the minimum possible to convert the structure into an ADU and remain in its current location.

Purpose and Intent

MET - Approval of the requested Variance would be consistent with the purpose and intent of the Zoning Regulations, which are intended to minimize impacts on surrounding properties. The proposed conversion is not expected to adversely affect adjacent properties, as the structure is located within the rear portion of the lot and is screened by existing fencing.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated November 06, 2025, and elevations date stamped July 10, 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: Jose Campuzano, P.E.
404 E. State Rd 434
Winter Springs, Florida 32708

C: Tony Robles
916 Eldridge St.
Orlando, Florida 32803

COVER LETTER

April 1, 2026

Orange County Zoning Division
201 South Rosalind Avenue, 1st Floor
Orlando, FL 32801

Re: Variance Request – 916 Eldridge Street, Orlando, FL 32803

To Whom It May Concern:

Please find attached the application package for a Variance request before the Orange County Board of Zoning Adjustment for the above-referenced property.

The request is to allow an existing structure to remain with a side setback of 5'-9" in lieu of the required 7'-6" minimum side setback for an Accessory Dwelling Unit (ADU) within the R-1A zoning district. The subject property contains an existing single-family residence of approximately 1,157 square feet with an attached garage of approximately 511 square feet, which is proposed to be converted into an ADU. The structure is of wood frame construction and has an approximate height of 13 feet to the highest point.

No expansion, increase in square footage, or change in height is proposed, as the request is limited strictly to allowing the existing structure to remain in its current location. The existing structure is currently located 5'-9" from the side property line where 7'-6" is required, resulting in the requested variance, while all other setbacks remain compliant.

Due to the placement of the existing structure on the lot, bringing it into compliance would require significant demolition and reconstruction, creating an unnecessary hardship. The condition is unique to the property and was not created by the current owner. Approval of this request will not confer any special privilege, but rather allow a reasonable use of the existing structure that is commonly enjoyed by other properties in the same zoning district. The request represents the minimum variance necessary and remains consistent with the intent of the zoning regulations, as it will not negatively impact the surrounding neighborhood or public welfare.

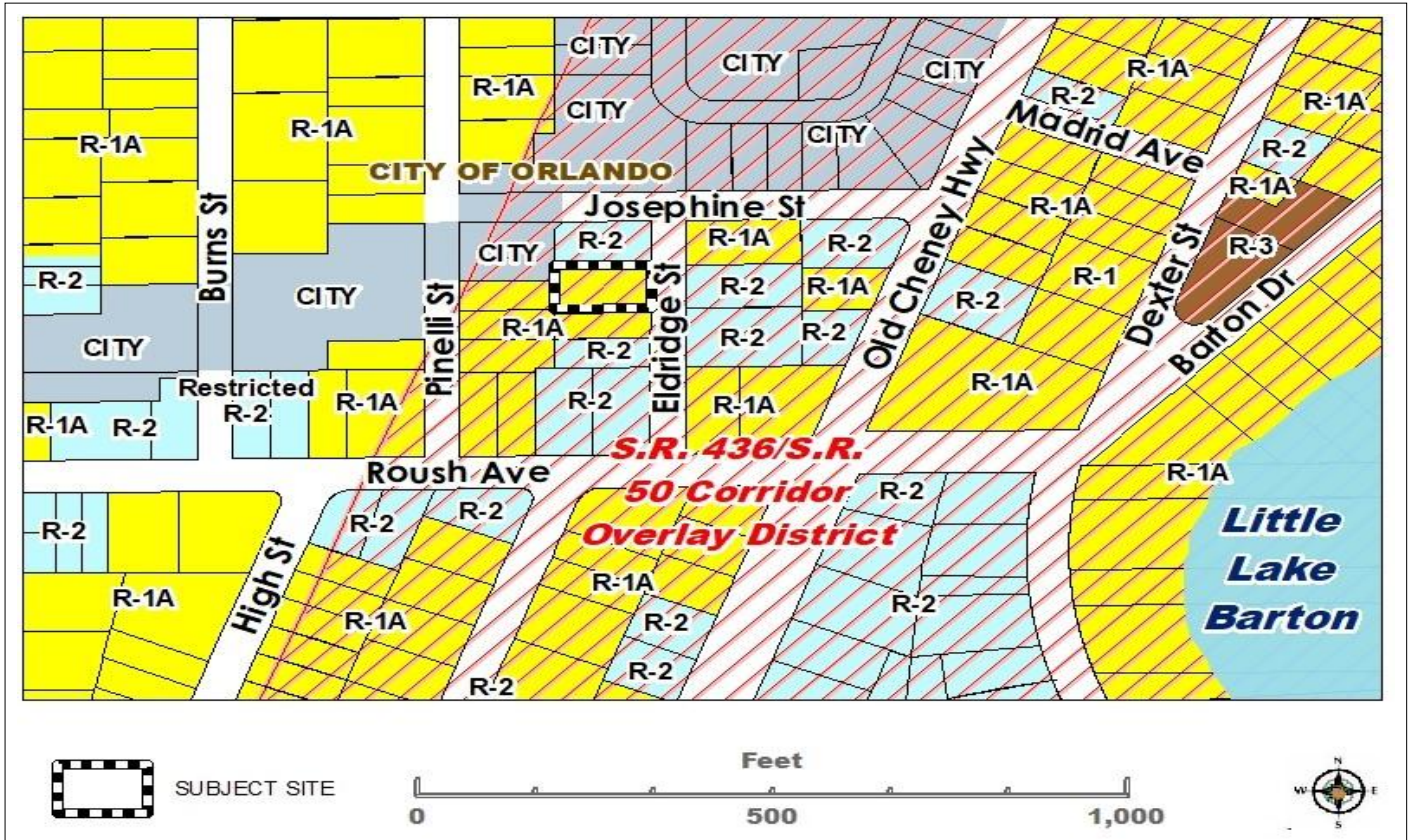
The proposed improvement is limited to an interior conversion and will maintain the existing character of the property and surrounding area.

Please let us know if any additional information is required.

Sincerely,

Abacus Construction Services, LLC
www.abacusdesignco.com
(407) 505 6667 ext 0.

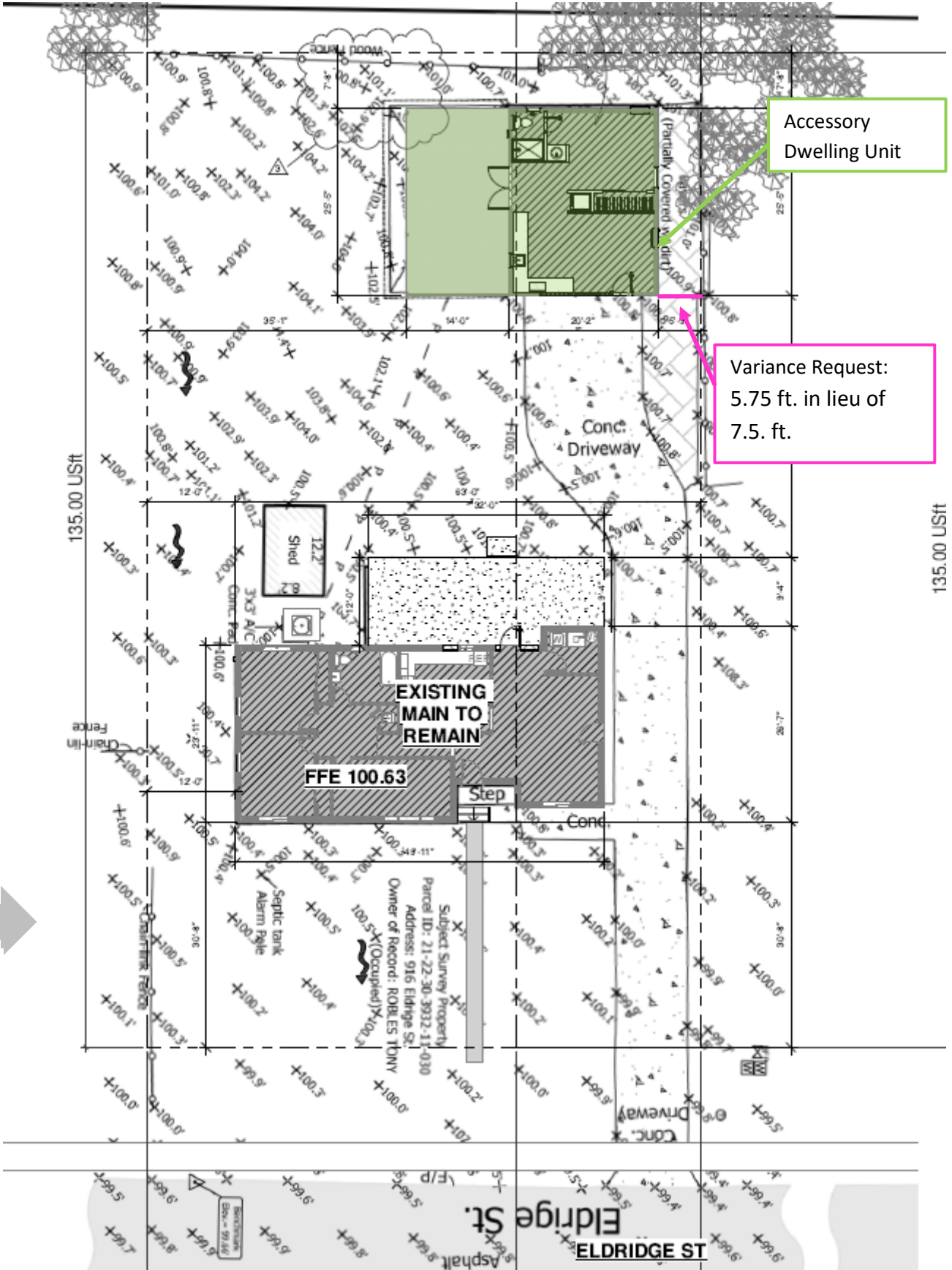
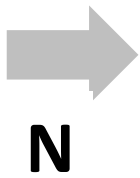
ZONING MAP



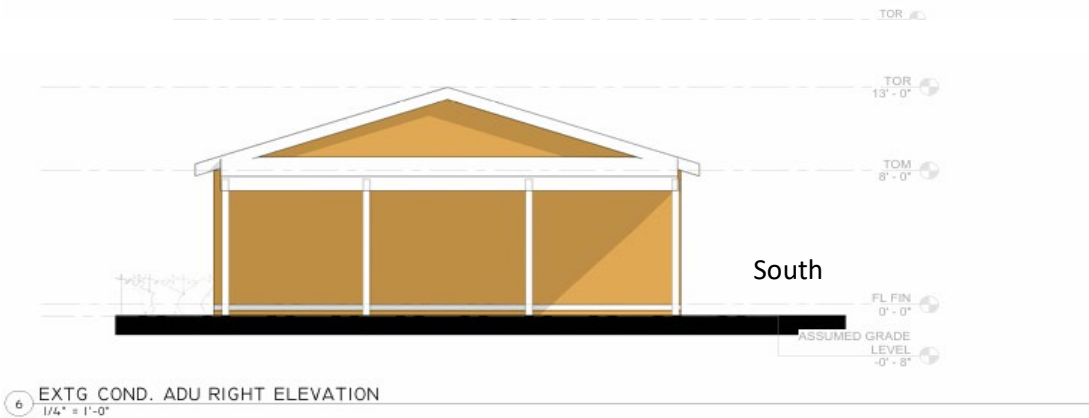
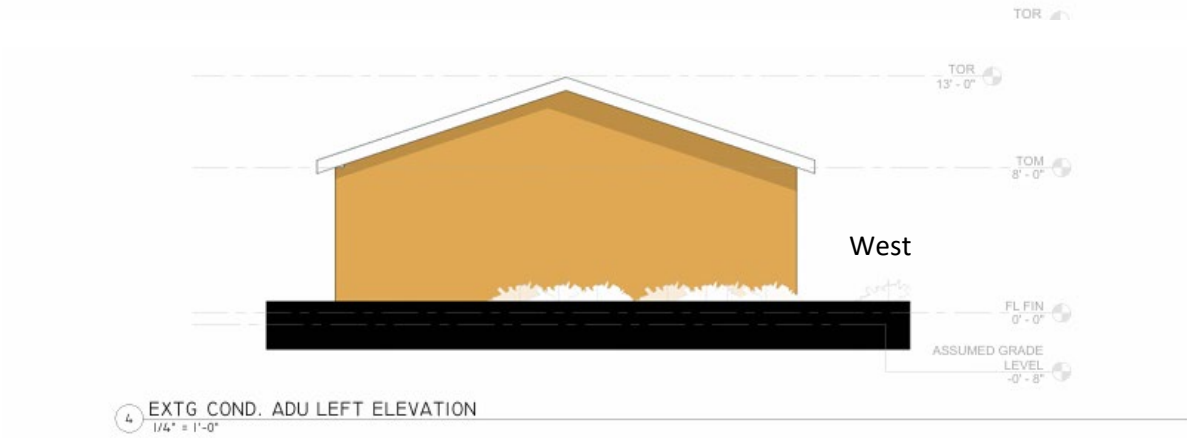
AERIAL MAP



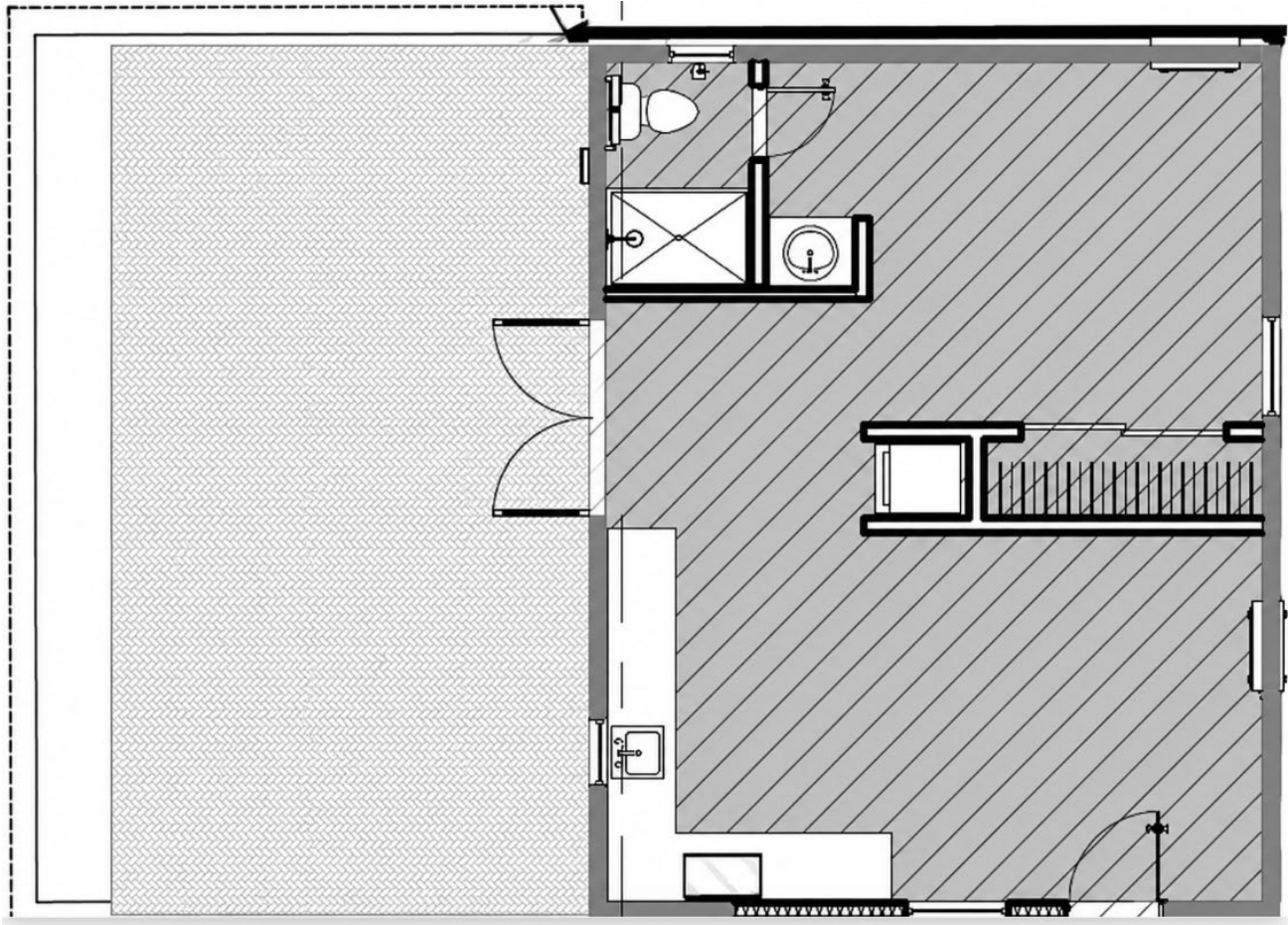
SITE PLAN



ELEVATIONS



FLOOR PLAN



SITE PHOTOS

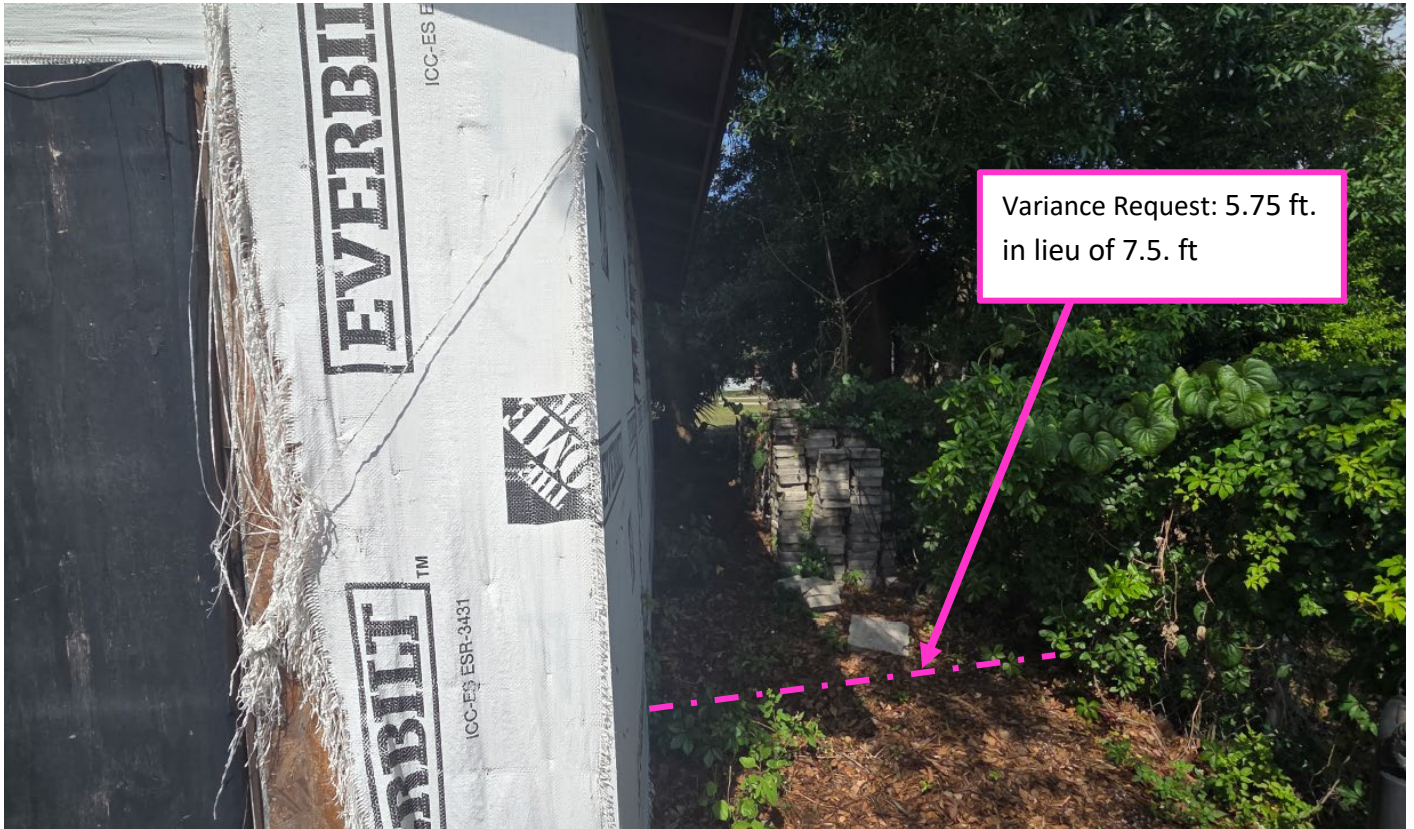


Facing east towards front of subject property from Eldridge St.



On subject property, facing east towards garage

SITE PHOTOS



Facing east towards the accessory structure and Variance Request



Facing east towards front of subject property from Eldridge St.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 04, 2026**

Commission District: **#2**

Case #: **VA-26-06-044**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): ERIC STOLPA

OWNER(s): ERIC STOLPA

REQUEST: Variance in the R-1 zoning district to allow 1,352 cumulative sq. ft. of detached accessory structures in lieu of 1,104.7 sq. ft.

PROPERTY LOCATION: 6219 Sanson Dr., Apopka, FL 32712, east side of Sanson Dr., north of W. Kelly Park Rd., east of Mt. Plymouth Rd., south of S. R. 429., west of Wekiwa Springs State Park

PARCEL ID: 09-20-28-1809-00-470

LOT SIZE: 11,047 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 60

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 Thomas Moses; unanimous; 7 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed):

1. Development shall be in accordance with the site plan dated March 10, 2026, and elevations dated December 27, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a permit for the accessory structure (garage), a permit shall be obtained for the shed, or it shall be removed from the property.

5. Prior to the issuance of a permit for the accessory structure (garage), a permit shall be obtained for the fence, or it 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. Staff noted that 3 comments were received in favor, 6 in a petition of support, and none in opposition to the request.

The BZA asked staff about the setbacks of the structure and cumulative square footage allowance in relation to the developable land area.

The applicant was present and discussed the small nature of the lot and the decision to make the proposal vertical to lessen the structure's impact on the lot in terms of lot coverage and open space.

The BZA asked the applicant about the location of the septic and drainfield in relation to the home and proposed structure.

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

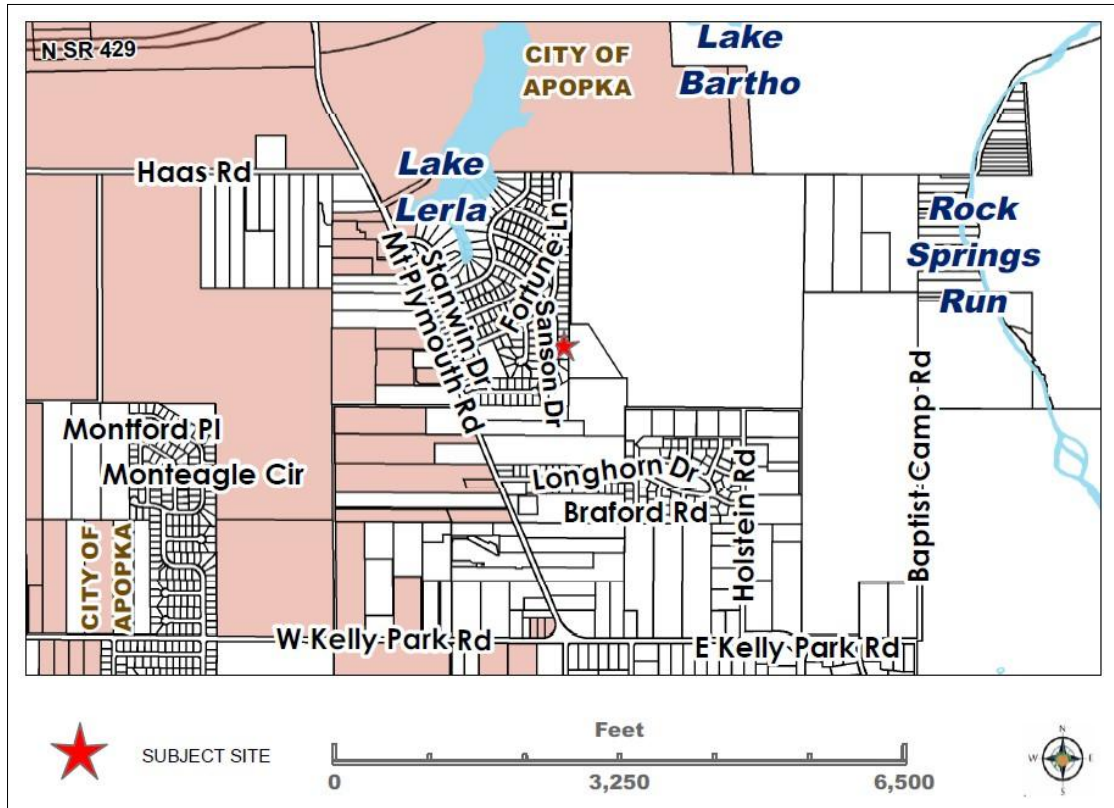
The BZA stated that the request meets all other performance standards and it would not be intrusive nor would it impact nearby properties as the height and setbacks are in compliance with code.

The BZA recommended approval of the Variance request by a 7-0 vote, subject to the 5 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-1	R-1	R-1	A-2	R-1
Future Land Use	LDR	LDR	LDR	R	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential	City of Apopka utilities	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 Density Residential (LDR), which is consistent with the R-1 zoning district

The area surrounding the subject site consists of single-family homes and vacant land. The subject property is 11,047 sq. ft. in size and was platted in 1985 as lot 47 of the County Shire Plat, and is a conforming lot of record. The property is an internal lot with right-of-way along Sanson Dr. to the west. The property contains a 6 ft. utility easement along the side property lines and a 10 ft. utility easement along the rear property line. The property is developed with a 1-story, 1,256 gross sq. ft. single-family home, constructed in 1986, a 200 sq. ft. detached accessory structure (shed), and a privacy fence enclosing the side and rear yards. The property was purchased by the current owner in 1993.

The proposal is to construct a two-story detached accessory structure in the rear yard measuring 24 ft. by 24 ft., totaling 1,152 sq. ft., and 24.9 ft. in height. Per Section 38-1426(1)c.2.(vi), detached accessory structures on parcels less than one acre are limited to 10% of the net land area, or 500 sq. ft., with a maximum cumulative total of 3,000 square feet. The subject property is 11,047 sq. ft. in size; therefore, the maximum allowable cumulative area for detached accessory structures is 1,104.7 sq. ft. The property currently contains an existing 200 sq. ft. shed. Combined with the proposed 1,152 sq. ft. accessory structure, the total cumulative accessory structure area would be 1,352 sq. ft., exceeding the allowable limit, prompting the Variance request. The proposed accessory structure complies with all other applicable development standards, including setbacks and height requirements. In addition, the applicant is proposing a living space addition to the primary residence. This addition complies with all applicable development standards; therefore, no Variances are requested for the addition.

Development Standards (Detached Accessory Structure)

	Code Requirement	Proposed
Max Height:	25 ft.	24.9 ft.
Max Cumulative Square Feet	1,104.7 sq. ft.	1,352 sq. ft. (Variance)

Building Setbacks (Accessory Structure)

	Code Requirement	Proposed
Front:	Not located in the front yard	N/A (West)
Side:	6 ft.	6 ft. (North) 55 ft. (South)
Rear:	10 ft.	10 ft. (East)

Upon review of the Variance application and the site visit, it was identified that a shed and fence were erected on site without permits. Per COA #4 and #5, permits must be obtained or the improvements shall be removed from the property.

The request was routed to all reviewing divisions and no objections were provided. As of the date of this report, one comment has been received in favor and no comments have been received in opposition to this request. The applicant provided a petition in support of the request signed by six neighbors, including the adjacent neighbors to the north and south of the subject property.

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 analysis, alternative options exist to redesign the structure to lessen the Variance request. Therefore, staff is recommending denial of the Variance request.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET - There are no special conditions or circumstances peculiar to this property, as the addition of the accessory structure is new construction and could be redesigned to comply with the maximum square footage requirements.

Not Self-Created

NOT MET - The need for the Variance is self-created, as the structure could be redesigned to comply with the maximum square footage requirement.

No Special Privilege Conferred

NOT MET – Granting the Variance as requested will confer special privilege, as the maximum square footage is consistent throughout all zoning districts.

Deprivation of Rights

NOT MET – Without approval of the requested Variance, the owner will not be deprived of the ability to have an accessory structure, as the structure could be redesigned to comply with the maximum square footage requirements.

Minimum Possible Variance

NOT MET - The request is not the minimum possible to construct an accessory structure. It is new construction and could be redesigned to comply with the zoning requirements.

Purpose and Intent

MET - Approval of the requested Variances would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The additional square footage is being provided in a two-story structure rather than additional lot coverage, which minimizes the impact on adjacent properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan dated March 10, 2026, and elevations dated December 27, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a permit for the accessory structure (garage), a permit shall be obtained for the shed, or it shall be removed from the property.
5. Prior to the issuance of a permit for the accessory structure (garage), a permit shall be obtained for the fence, or it shall be removed from the property.

C: Eric Stolpa
6219 Sanson Dr.
Apopka, FL 32712

COVER LETTER

To the Orange County Board of Zoning Adjustment,

I respectfully submit this request for a variance for the property located at 6219 Sanson Drive, Apopka, Florida 32712, identified as Country Shire 15/94 Lot 47, Account Number 09-20-28-1809-00470.

This request is for approval to construct a residential addition and a detached two-story garage on the property.

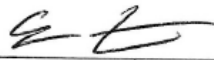
The proposed garage will have a footprint of approximately 560 square feet and exceeds the allowable square footage by 16 square feet. This represents a minimal deviation from the current zoning requirements and is necessary to allow for a functional and practical structure design.

The residential addition is proposed to accommodate an elderly handicapped family member who requires accessible living space. The addition will allow for appropriate accessibility features and safer accommodations so the family member may remain in a supportive home environment.

The requested variance represents the minimum relief necessary to allow reasonable use of the property while maintaining the intent and spirit of the zoning regulations. The proposed structures will remain consistent with the residential character of the surrounding neighborhood and will not negatively impact adjacent properties, traffic, drainage, light, air, or public safety.

These improvements are intended solely for personal residential use and are not for rental or commercial purposes.

Thank you for your time and consideration.


Eric Stoipa
Date: 3/8/20

Hardship Statement

This hardship statement is submitted in support of the variance request for the property located at 6219 Sanson Drive, Apopka, Florida.

Special circumstances exist due to the need to provide safe and accessible living accommodations for an elderly handicapped family member. The existing home layout does not allow for the necessary accessibility features without expanding beyond current dimensional limitations.


The hardship is not self-created. The need arises from unforeseen family medical and mobility circumstances requiring accessible living accommodations within the home.

Strict application of the zoning ordinance would deprive the property owner of reasonable use of the property by preventing necessary improvements that allow safe care for a family member within a residential setting.

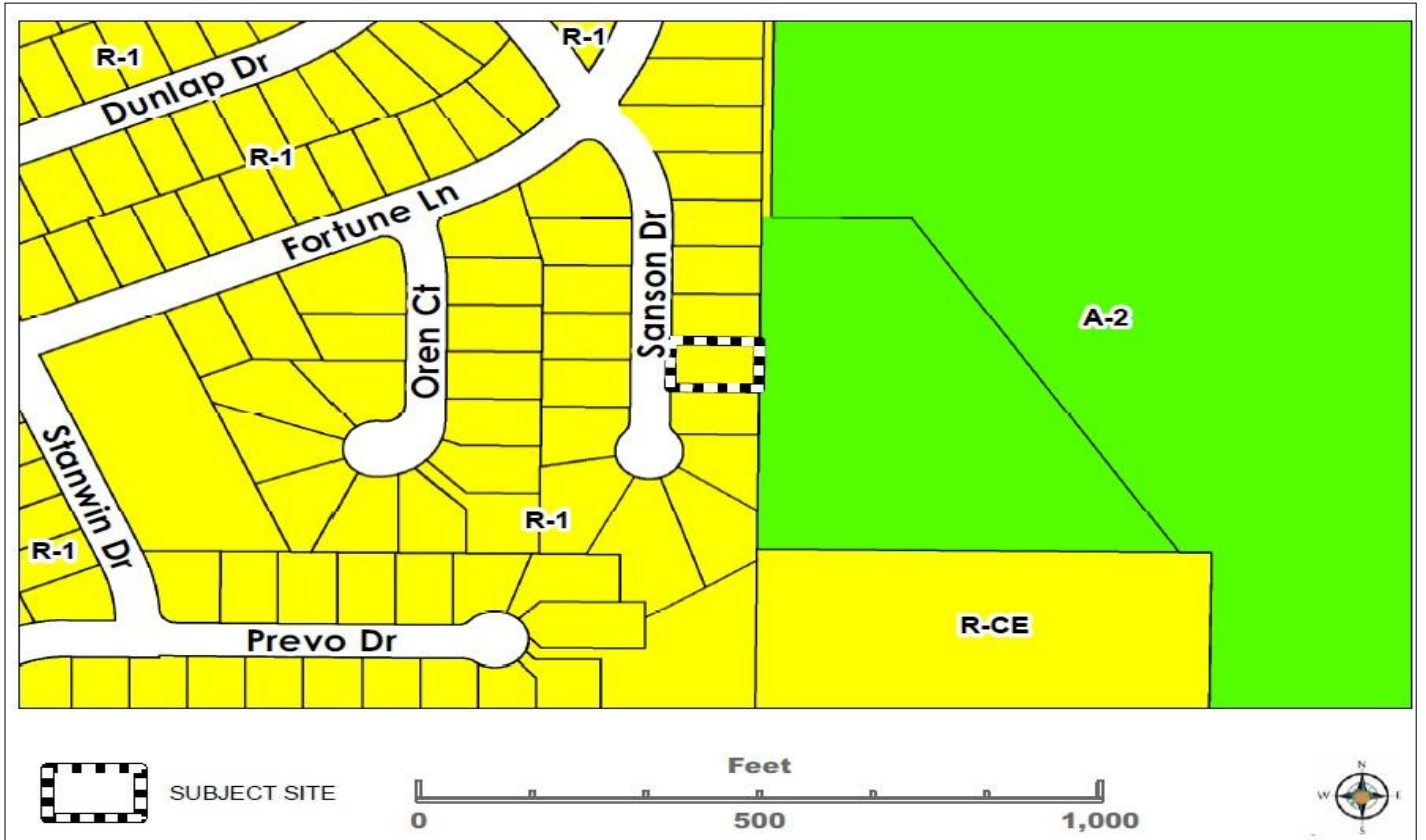
The proposed garage maintains a modest footprint of approximately 560 square feet and exceeds the allowable square footage by only 16 square feet. This represents the minimum variance necessary to allow practical construction and use of the structure.

The proposed improvements will remain consistent with the character of the neighborhood and will not adversely affect surrounding properties, public safety, traffic, drainage, or general welfare.

Granting this variance will allow reasonable accommodation for family caregiving while maintaining the spirit and intent of the zoning regulations.


Eric Stoins
Date: 3/8/26

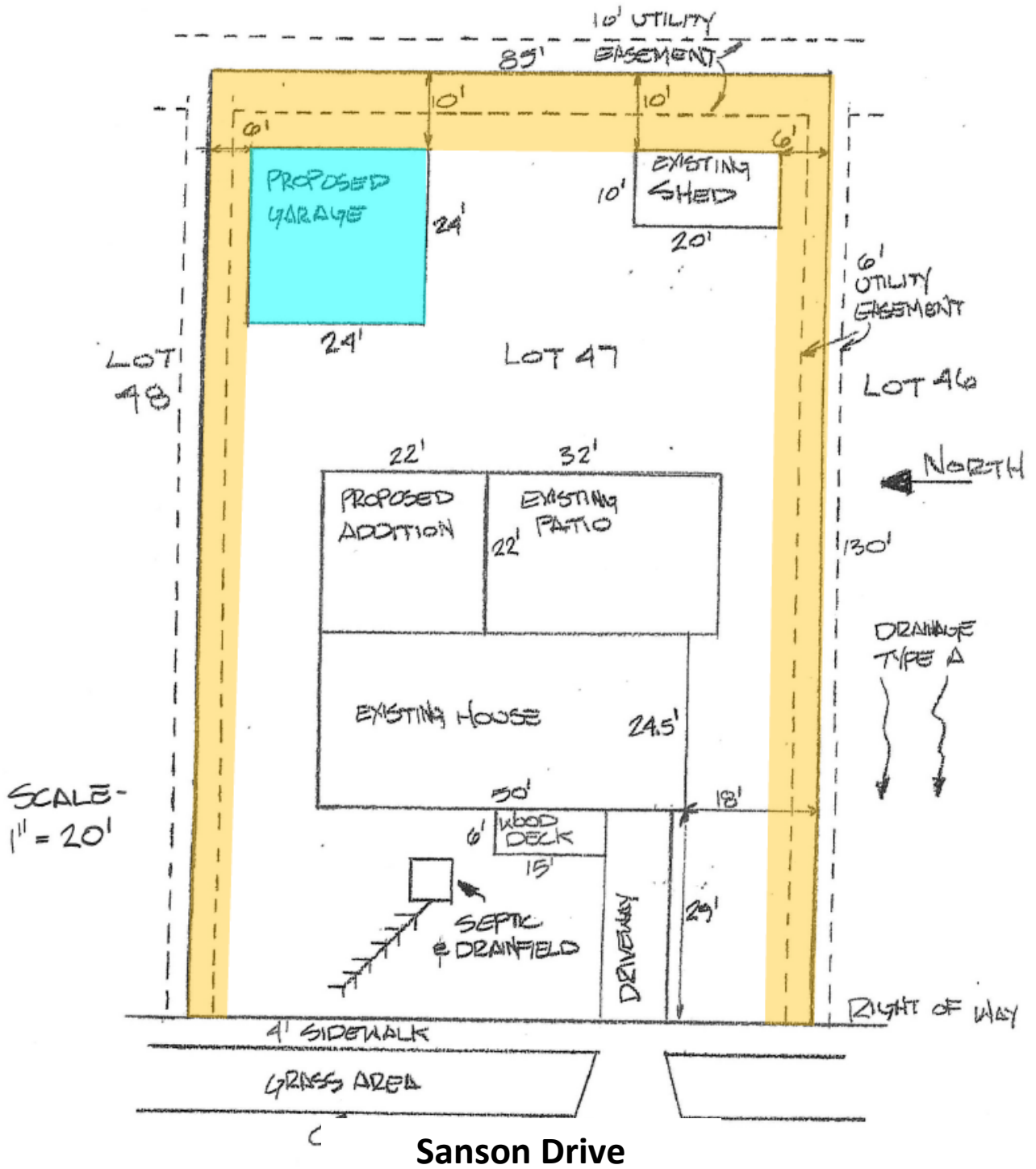
ZONING MAP



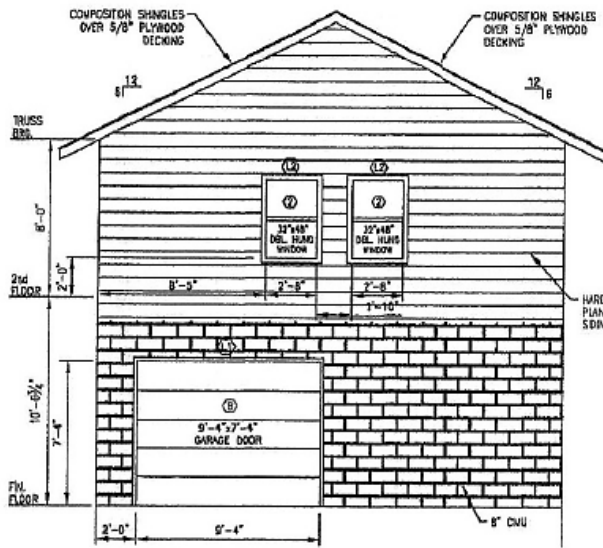
AERIAL MAP



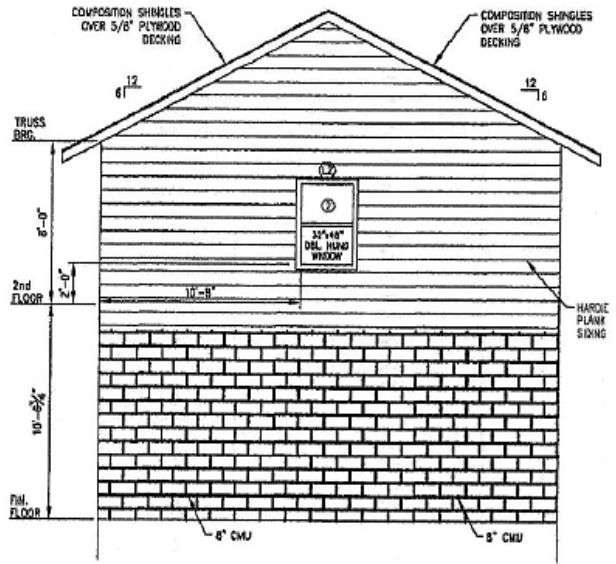
SITE PLAN



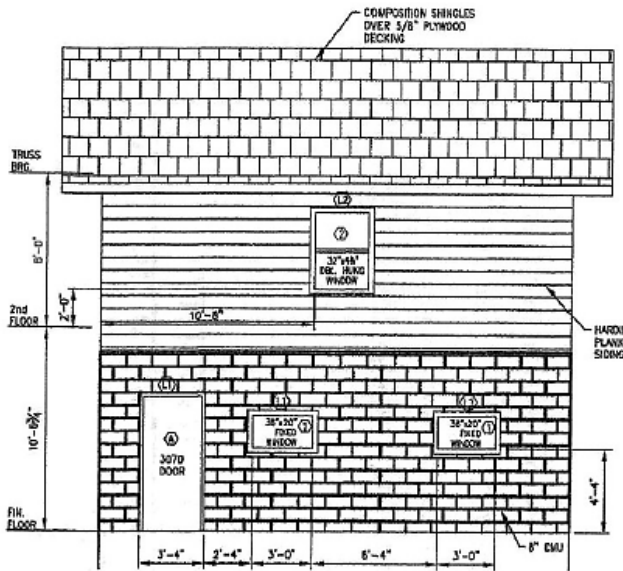
ELEVATIONS



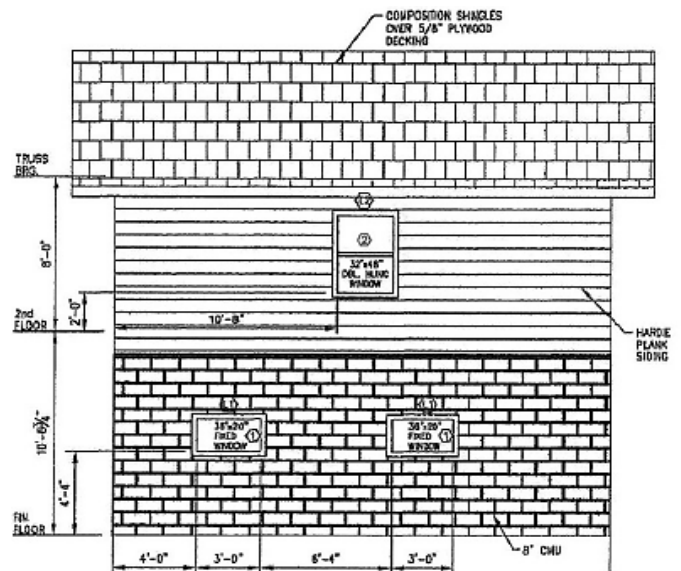
EAST ELEVATION
SCALE: 1/4"=1'-0"



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



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



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

SITE PHOTOS



Facing east towards the front of the subject property from Sanson Drive



Rear yard, facing east towards proposed location of the accessory structure and the existing structure

SITE PHOTOS



Rear yard, facing northeast towards proposed location of the accessory structure



Facing north towards proposed location of the accessory structure and the neighboring property

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 04, 2026**

Commission District: **#6**

Case #: **VA-26-06-045**

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

GENERAL INFORMATION

APPLICANT(s): MARIE LEFEVRE

OWNER(s): MARIE LEFEVRE

REQUEST: Variance in the R-1A zoning district to allow a Community Residential Home to be located 807.5 ft. from another Community Residential Home in lieu of 1,000 ft.

PROPERTY LOCATION: 6301 Sunshine St., Orlando, FL 32818, northwestern corner of Sunshine St. and N. Powers Dr., north of Silver Star Rd., east of N. Hiwassee Rd., west of N. Powers Dr., south of Indian Hill Rd.

PARCEL ID: 12-22-28-8471-01-010

LOT SIZE: 12,695 sq. ft.

NOTICE AREA: 700 ft.

NUMBER OF NOTICES: 193

DECISION: Recommended **DENIAL** of the Variance request in that there was no unnecessary hardship shown on the land; and further, it does not meet the requirements governing Variances as spelled out in Orange County Code, Section 30-43(3). (Motion by Sonya Shakespeare, Second by Roberta Walton Johnson; unanimous; 7 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed).

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

The BZA asked staff about other existing operations in the area and if a map showing all nearby facilities could be shown. Staff noted a map was not available but provided data from the State regarding the existing registered facilities in the nearby area.

The applicant was present and discussed the need for the CRH in the area and the kind of residents they intended to care for.

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

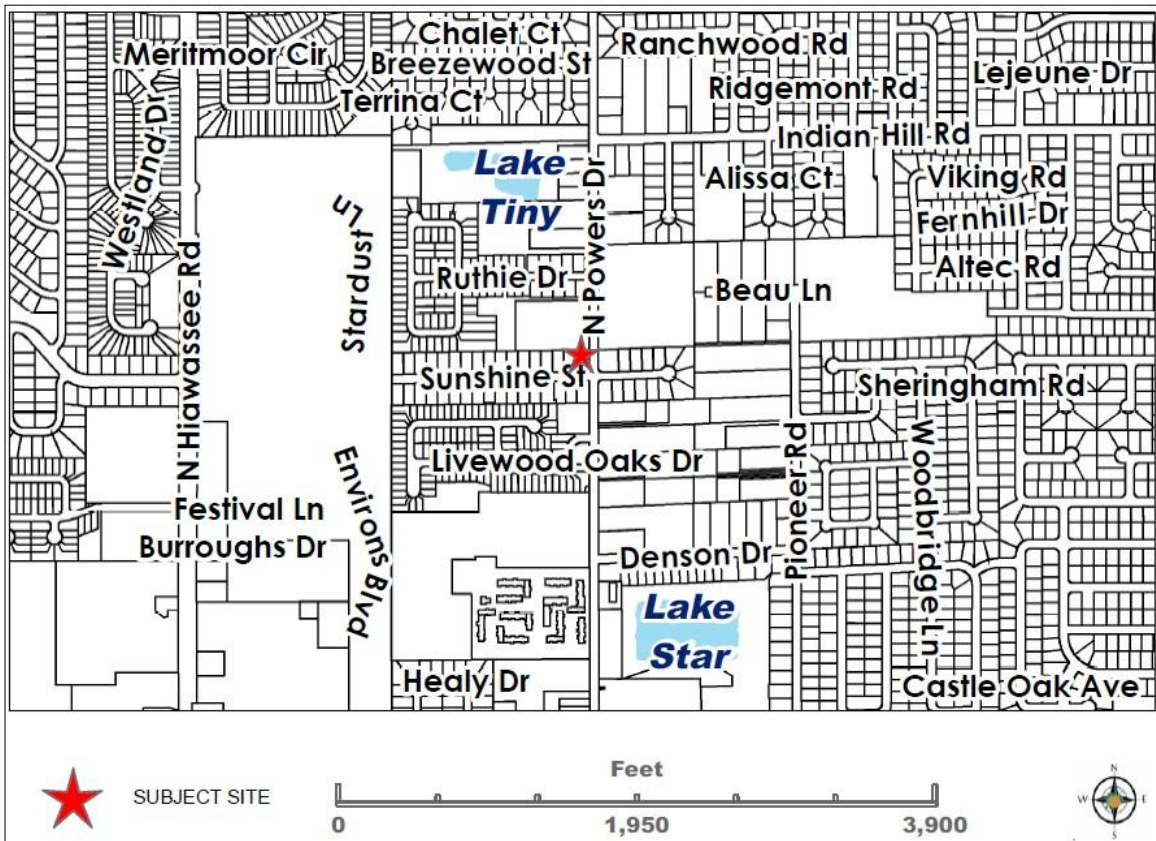
The BZA discussed the intent of the distance separation between CRH facilities and the importance of maintaining the State required distance separation.

The BZA recommended denial of the Variance request by a 7-0 vote.

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-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residential	Religious Institution	Single-family residential	County Stormwater Tract	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area around the subject site consists of single-family homes and a religious institution to the north. The subject property is 12,695 sq. ft. in size, was platted in 1959 as lot 1 Block A of the Sunshine Subdivision Replat, and is a conforming lot of record. The property is a reverse corner lot with right-of-way along Sunshine St. to the south, and N. Powers Dr. to the east. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, Sunshine St. is considered the front and N. Powers Dr. is considered the side street. The property is developed with a 1-story, 3,055 gross sq. ft. single-family home,

constructed in 1980, a shed, and a 6 ft. tall fence (F25021968) enclosing the rear and side street yards. The property was purchased by the current owner in August of 2025.

The request is for a residence that meets the definition of a Community Residential Home (CRH), containing six or fewer residents. Section 38-1 of Orange County Code defines a CRH, mirrored by state law, as follows:

Community residential home shall mean a dwelling unit licensed to serve clients of the State of Florida pursuant to F.S. ch. 419, which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by support staff as may be necessary to meet the physical, emotional, and social needs of the "residents." The term "resident" as used in relation to community residential homes shall have the same meaning as stated in F.S. § 419.001(1)(e), as may be amended or replaced.

Furthermore, section 38-79(12) of Orange County code states that: *"A home of six (6) or fewer residents which otherwise meets the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use. Such a home shall be allowed in single-family or multifamily zoning without approval by the county, provided that such a home shall not be located within a radius of one thousand (1,000) feet of another existing such home with six (6) or fewer residents or within a radius of one thousand two hundred (1,200) feet of another existing community residential home... All distance requirements pertaining to such a home with six (6) or fewer residents shall be measured from the nearest point of the existing such home with six (6) or fewer residents or existing community residential home to the nearest point of the proposed home."*

To establish a Community Residential Home in Orange County, applicants must go through the Zoning Verification Letter (ZVL) process to show they comply with State law. This includes submitting state-published information about nearby community residential homes and a notarized affidavit confirming required distance separations, such as the 1,000 ft. rule for homes with six or fewer residents unless a Variance is approved. The ZVL is only an informational document and does not guarantee approval for the property's use, permits, or development. Applicants must also certify they have notified the local government of their intent to establish the facility and will notify them again once the home becomes licensed.

Obtaining the necessary approvals for a CRH is a multi-step process. While some steps may occur concurrently or in a slightly different order, the general sequence is outlined below:

1. **Zoning Verification Letter:** Submit the ZVL application along with the Community Residential Home Affidavit of Compliance form and lists of other community residential homes obtained from the State of Florida's Agency for Persons with Disabilities (APD), Department of Children and Families (DCF), and Agency for Health Care Administration (AHCA).
2. **Zoning Verification Letter Issuance:** Once the ZVL and all supporting documents are reviewed, the Zoning Division verifies if the proposed location of the Community Residential Home meets the distance separation requirement of at least 1,000 ft. from any existing Community Residential Homes.
3. **Business Tax Receipt (BTR) – Zoning Approval:** After the ZVL is issued, the applicant applies for BTR Zoning Approval. A copy of the approved ZVL must be attached to the BTR Zoning Approval application within 45 days of the issuance of the ZVL. Zoning staff will review the documentation and, if complete, issue the Zoning Approval subject to the submission and completion of a Use Permit.
4. **State License:** Applicant applies for & obtains the relevant State facility license. The license is issued once all State requirements are met and a copy of the ZVL is provided.

5. **Use Permit:** Submit the Use Permit to the Building Division. Depending on the use, additional Building and Fire permits/inspections may be required. Upon completion, the applicant receives both the BTR Zoning Approval Letter from Zoning and a Certificate of Occupancy from the Building Division.
6. **Final BTR Issuance:** Once all approvals and inspections are complete, including obtaining the State license, the applicant submits copies of the approvals to the Orange County Tax Collector to obtain the official Orange County Business Tax Receipt.

A ZVL (Z25009118) was requested with all appropriate documentation including the signed and notarized statement from the applicant stating, "I certify that the proposed facility is not located within a 1,000 ft. radius of another community residential home or has an approved variance from the local zoning authority." The applicant was unaware of the existence of another CRH with the distance separation radius and submitted the ZVL to being the permitting process for the operation of a CRH at the subject property. The issued ZVL indicated that the subject property did not meet the 1,000 ft. separation distance code requirement due to the presence of another State licensed facility at 6361 Ruthie Dr., located approximately 807.5 ft. away, thus prompting the request for the Variance.

On Tuesday, May 26, 2026, a Community Meeting was held at Pine Hills Elementary School. The citizens had questions about what exactly a Community Residential Home is and how it impacts the existing residence, how many residents would be allowed to reside in the Community Residential Home and what are the different opportunities to make public comment regarding the request. The applicant shared that they were limited to a maximum number of six residents and it was their intent to have the maximum allowed. The applicant also explained to the citizens that they would be caring for individuals with disabilities and that the applicant would be residing in the home and around the clock care would be provided to all residents. The overall tone of the meeting was positive.

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments were 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 request does not meet all the criteria. Based on staff analysis, the requests fail to satisfy the requirements related to special conditions and circumstances, self-created hardship, no special privilege conferred, deprivation of rights, and consistency with the purpose and intent of the code, as they would result in the clustering of Community Residential Homes within the required separation distance. Therefore, staff is recommending denial.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET - There are no special conditions or circumstances peculiar to this property that are not applicable to other lands, or buildings in the same zoning district.

Not Self-Created

NOT MET - The need for the Variance is self-created, as the request arises from the applicant's decision to locate a Community Residential Home at this site despite an existing Community Residential Home within the applicable separation distance.

No Special Privilege Conferred

NOT MET – Approval of the Variance would confer a special privilege not enjoyed by other properties in the district, as it would allow a Community Residential Home to operate within the required separation distance from another such home. This reduction in separation would grant the applicant a unique allowance beyond what is permitted for other properties that must comply with the established distance requirements.

Deprivation of Rights

NOT MET – Denial of the Variance would not deprive the owner of reasonable use of the property, as the dwelling can continue to be used as a single-family residence.

Minimum Possible Variance

MET - The Variance request is the minimum possible as the distance of 807.5 ft. reflects the minimum possible Variance needed for this applicant to qualify as a six-or-fewer Community Residential Home.

Purpose and Intent

NOT MET - Approval of the requested Variance would not be in harmony with the purpose and intent of the Zoning Regulations as the separation standard is intended to avoid the clustering of Community Residential Homes within single-family neighborhoods. Allowing the separation reduction on this site would place two Community Residential Homes within a 1,000 ft. radius.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the survey dated September 25, 2009, 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: Marie Lefevre
6301 Sunshine St.
Orlando, Florida 32818

Albright Group Home LLC

Our mission is to provide a safe, inclusive, and supportive home for adults with disabilities, where each individual is treated with dignity, respect, and compassion. We are dedicated to empowering residents to build independence, develop life skills, and achieve personal goals through individualized care and meaningful opportunities. By fostering a strong sense of community, belonging, and purpose, we strive to enhance quality of life and support each person in living as fully and independently as possible.

VARIANCE CRITERIA RESPONSES

1. Special Conditions and Circumstances

Special conditions and circumstances exist in that the subject property is located on a different street from the nearest group home, which is approximately 807 feet away. Due to the street layout and separation, the two properties are not visually or functionally related and do not create a concentration of similar uses.

The property is particularly suitable for a small, residential-style group home; however, the strict application of the 1,000-foot spacing requirement does not reflect the actual neighborhood layout or conditions. These circumstances are unique to this property and not generally applicable to others in the same zoning district.

2. Not Self-Created

The condition is not self-created. The spacing requirement is a general regulation, and the proximity to another group home is not something created or controlled by the applicant.

3. Minimum Necessary Relief

The request is the minimum necessary to allow reasonable use of the property. The variance is limited solely to reducing the spacing requirement from 1,000 feet to approximately 807 feet. No additional variances are requested.

4. No Detriment to Neighborhood

The proposed use will not adversely affect the surrounding neighborhood. The home will be limited to six residents and will be owner-occupied, ensuring continuous supervision and proper maintenance.

The use will function similarly to a typical household, with no significant impact on traffic, noise, or parking.

5. Consistent with the Intent of the Code

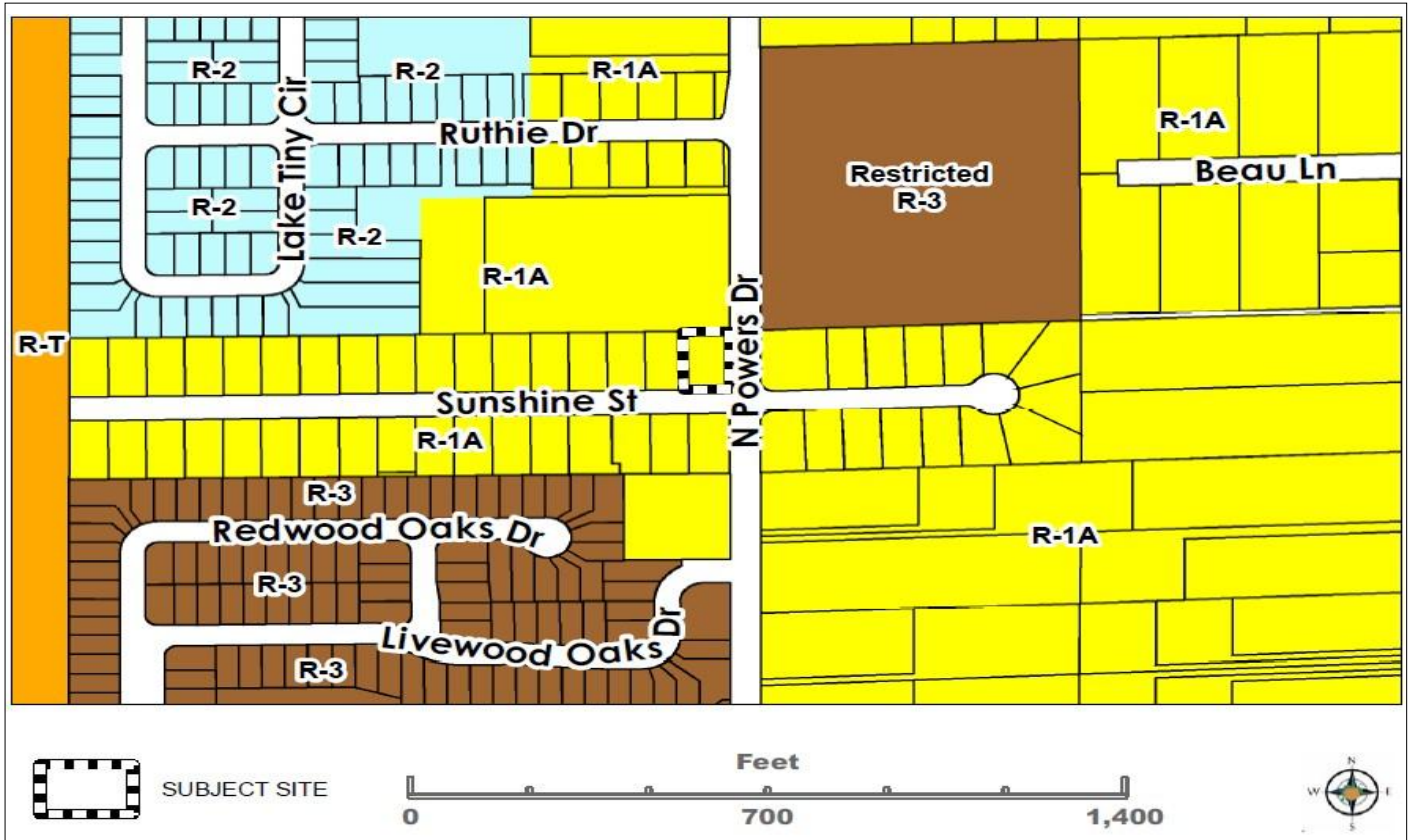
The intent of the spacing requirement is to prevent overconcentration. In this case, that intent is maintained. Although the distance is less than 1,000 feet, the other home is located on a different street, and there is no visual or functional clustering.

The homes will operate independently and will not create cumulative impacts.

6. Not Contrary to Public Interest

Approval of this variance supports the public interest by providing needed housing for individuals with disabilities in a safe, residential environment while preserving neighborhood character.

ZONING MAP

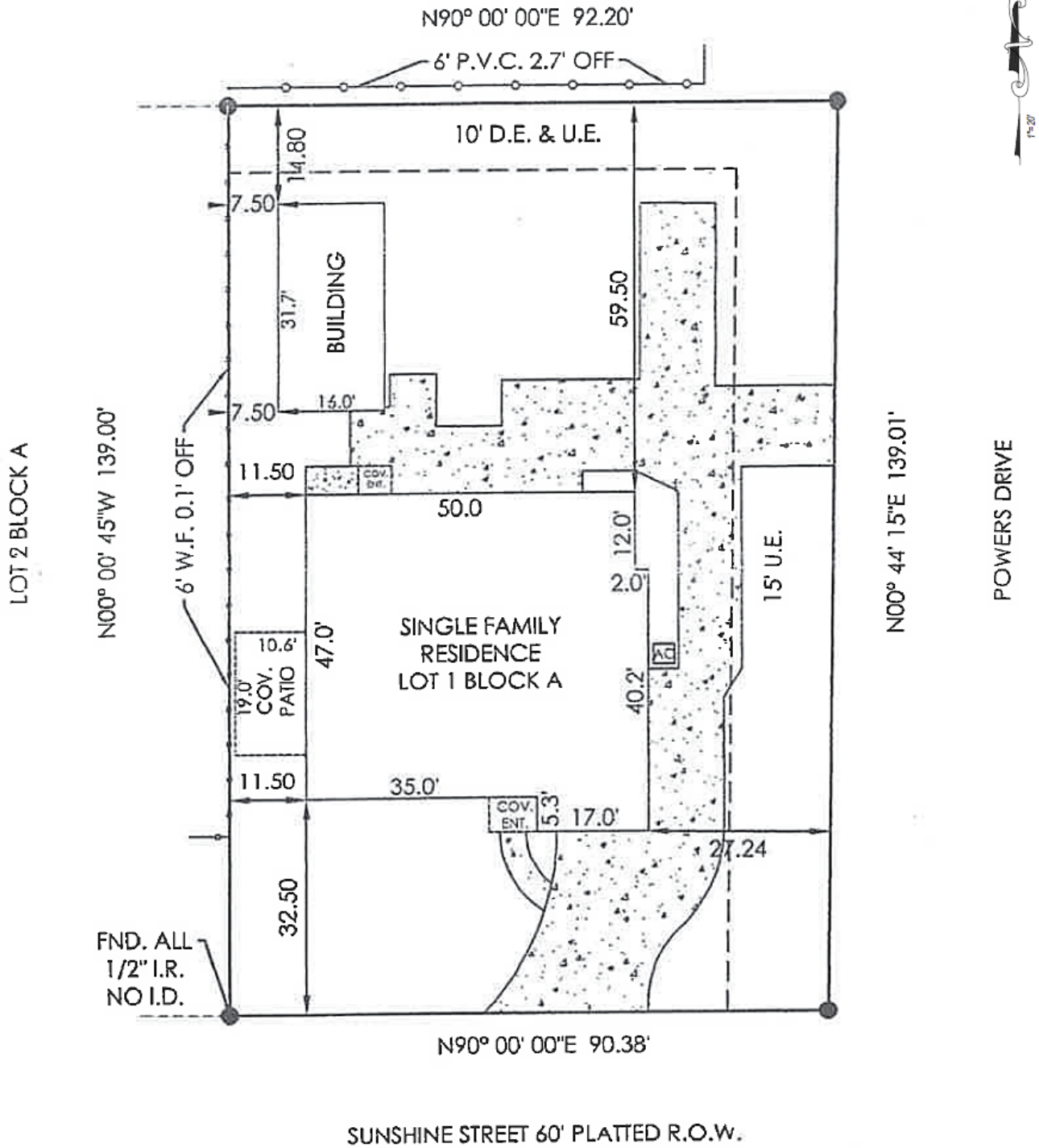


AERIAL MAP

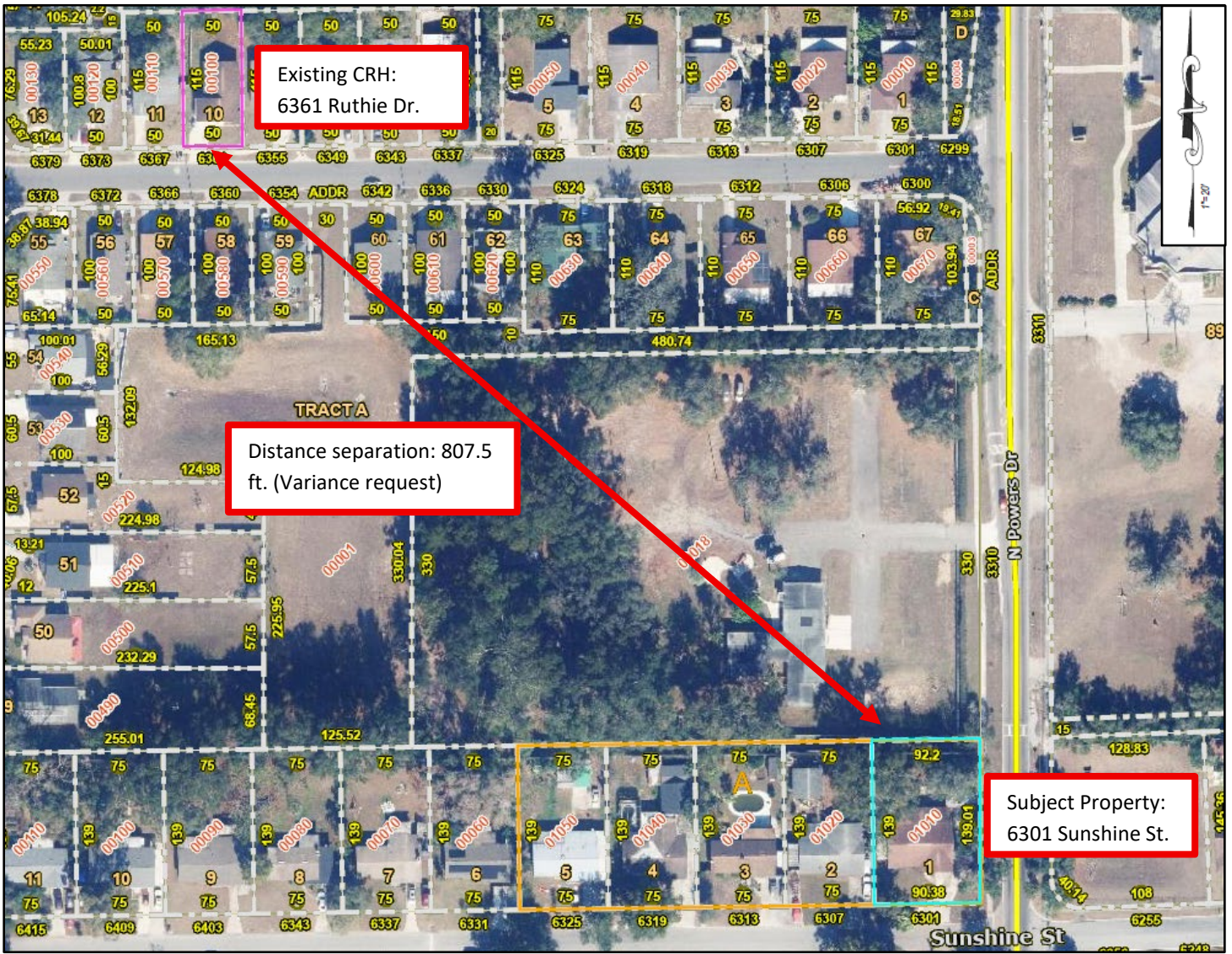


SURVEY

NOT PLATTED



DISTANCE SEPARATION PLAN



SITE PHOTOS



Sunshine St., facing north towards front of subject property



From N. Powers Dr., facing west towards the side street yard of the subject property

SITE PHOTOS



N. Powers Dr., facing southwest towards the side street and rear yard of the subject property



Front yard, facing north towards 6361 Ruthie Dr. (other home within 1,000 ft. of subject site)

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 04, 2026**

Commission District: **#5**

Case #: **VA-26-04-016**

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

Daniella.McCloud@ocfl.net

GENERAL INFORMATION

APPLICANT(s): WILLIAM ANDREWS JR. AND CYNTHIA ANDREWS

OWNER(s): WILLIAM ANDREWS JR., CYNTHIA ANDREWS

REQUEST: Variance in the R-1AA zoning district to allow an existing shed with a side setback of 3.4 ft. in lieu of 5 ft.

NOTE: This is the result of a code violation.

PROPERTY LOCATION: 4572 Thornlea Rd., Orlando, FL 32817, south side of Thornlea Rd., northeast side of Lake Waunatta, north of University Blvd., south of Aloma Ave., west of Hall Rd., east of N. Goldenrod Rd.

PARCEL ID: 01-22-30-9076-02-100

LOT SIZE: 1.10 acres (0.38 upland acres)

NOTICE AREA: 700 ft.

NUMBER OF NOTICES: 104

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 as modified (Motion by Johnny Stanley, Second by Glenn Rubinstein; unanimous; 7 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed):

1. Development shall be in accordance with the survey and elevations dated January 6, 2026, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a permit for the wood shed, an updated drainage easement, in a form acceptable to the County, shall be dedicated to the County and recorded in public records.

5. In the case that the County needs to excavate to maintain the pipe, the shed shall be removed or relocated outside the easement at the owner's expense. Such removal or relocation, if required, will need to be completed within thirty days of notification, unless it is an emergency situation, as determined by the County. In an emergency case, it shall be relocated or removed immediately, and the County shall have the right to remove/demo the shed if needed in an emergency.
6. Prior to the issuance of the permit for the wood shed, a permit for the metal shed (as shown on the survey), shall be obtained or the structure shall be removed from the property.
7. A permit for the shed shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

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 request. Staff noted that no comments were received in favor or in opposition to the request.

The BZA asked staff about the Code Compliance on the site in relation to the shed.

The applicant was present and discussed the need for the shed and expressed agreement with the Conditions made by staff in relation to the shed and its encroachment into the drainage easement.

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

Staff from the Orange County Development Engineering Division were present and discussed the proposed Conditions of Approval in relation to maintenance of the pipe within the easement.

The BZA discussed that the shed was not encroaching over the pipe itself but into the dedicated easement for access to the pipe and the property owner's agreement with the condition language.

The BZA recommended approval of the Variance request by a 7-0 vote, subject to the 7 conditions found in the staff report, with a modification to Condition of Approval #4 as follows:

4. Prior to the issuance of a permit for the wood shed, an updated drainage easement, in a form acceptable to the County, shall be dedicated to the County and recorded in public records.

STAFF RECOMMENDATIONS

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

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, Water Body	LDR	Water Body	LDR	LDR, Water Body
Current Use	Single-family residential, Lake Waunatta	Single-family residential	Lake Waunatta	Single-family residential	Single-family residential, Lake Waunatta

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 area around the subject site consists of single-family homes. The subject property is 1.10 acres in size with 0.38 upland acres and was platted in 1952 as lot 9 of the Waunatta Shores Plat. The subject lot is an interior lakefront lot located on Lake Waunatta, with right-of-way along Thornlea Rd. to the northeast. The property is developed with a 2-story, 6,226 gross sq. ft. single-family home (B07006675), constructed in 2007, a pool and deck (B04006565), a wood shed, a metal shed, and a boat dock (B01004605). In 2004, a Variance (VA-04-04-143) was granted to construct a pool and deck in the rear of the property. The pool and deck are located 21 ft. from Normal High-Water Elevation (NHWE) of Lake Waunatta in lieu of 35 feet. A 5 ft. wide

drainage easement runs parallel to the south property line and the existing wood shed encroaches into the easement. The property was purchased by the current owner in 2000.

In 2004, a Variance (VA-04-04-143) was granted on this property to construct the pool and deck in the rear of the property, 21 ft. from Normal High-Water Elevation (NHWE) of Lake Waunatta in lieu of 35 feet.

Code Compliance cited the property owner on November 5, 2025 (CE: 664427) for an accessory structure constructed without a permit. To resolve the code violation, the unpermitted improvement must either be removed or brought into compliance by obtaining the required permits. A permit application was submitted for the existing wood shed (B25022496); however, the permit is currently denied with outstanding comments from the Zoning and Building Safety Divisions. The Zoning reviewer denied the application for encroaching into the side setback requirement.

The request is to allow the 159.65 sq. ft., 8.91 ft. tall, existing wood shed to remain in its current location. The structure is located 3.4 ft. from the side property line. Per Orange County Code Sec. 38-1426(1)c.2.(ii) a detached accessory structure with a height of fifteen (15) feet or less shall be set back a minimum of 5 ft. from any side or rear lot line, requiring the Variance. The existing shed meets all other development standards. There is a second 48 sq. ft. metal shed on the property that is also not permitted, and a permit is required to be obtained or the metal shed is required to be removed as reflected in Condition of Approval (COA) #6.

Development Standards (Accessory Structures)

	Code Requirement	Proposed
Max. Height:	25 ft.	8.91 ft.
Max. Cumulative Square Footage:	1,678 sq. ft.	207.65 sq. ft.

Building Setbacks (Accessory Structures)

	Code Requirement	Proposed
Front:	Not located in front of the principal structure *30 ft. when applicable	N/A
Side:	5 ft.	105.5 ft. (North) 3.4 ft. (South – Variance Request)
NHWE line:	35 ft.	77 ft. (West)

The request was routed to all reviewing divisions; Development Engineering provided a comment stating that the existing accessory structure that is the subject of this Variance request encroaches into a dedicated 5 ft. drainage easement. As noted in Conditions of Approval #4 and #5, prior to issuance of a permit for the wood shed, an updated drainage easement shall be dedicated to the County and recorded in the public records, or the shed shall be removed. If the County must excavate to maintain the pipe, the shed shall be removed or relocated outside the easement at the owner’s expense within thirty (30) days of notification, or immediately in an emergency as determined by the County, and the County reserves the right to remove or demolish the shed if necessary in an emergency. As of the date of this report, no comments have been received in favor or in opposition to this request.

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

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

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

Not Self-Created

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

No Special Privilege Conferred

NOT MET - Approval of the requested Variance will confer on the applicant special privilege that is denied by this chapter as any accessory structure in the R-1AA zoning district must maintain 5 ft. from all side property lines.

Deprivation of Rights

NOT MET - Denial of the Variance would not deprive the applicant of the ability to construct an accessory structure as there is adequate space to construct a code compliant structure in the side and rear yard.

Minimum Possible Variance

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

Purpose and Intent

MET – Approval of the requested variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The shed is not significantly visible from any of the surrounding properties due to the existing trees and landscaping along the south side property line, thereby limiting any quantifiable negative impact to surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the survey and elevations dated January 6, 2026, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of a permit for the wood shed, an updated drainage easement shall be dedicated to the County and recorded in public records.
5. In the case that the County needs to excavate to maintain the pipe, the shed shall be removed or relocated outside the easement at the owner's expense. Such removal or relocation, if required, will need to be completed within thirty days of notification, unless it is an emergency situation, as determined by the County. In an emergency case, it shall be relocated or removed immediately, and the County shall have the right to remove/demo the shed if needed in an emergency.
6. Prior to the issuance of the permit for the wood shed, a permit for the metal shed (as shown on the survey), shall be obtained or the structure shall be removed from the property.
7. A permit for the shed shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

C: William Andrews Jr. and Cynthia Andrews
4572 Thornlea Rd.
Orlando, FL 32817

William & Cynthia Andrews
4572 Thornlea Road
Orlando, FL 32817
Parcel ID: 01-22-30-9076-02-100

Date: 2-2-26

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

RE: Variance Request – Side Setback Reduction
Property Address: 4572 Thornlea Road, Orlando, FL 32817

Dear Members of the Board of Zoning Adjustment,

We respectfully submit this letter in support of our application for a zoning variance to allow a reduced side setback for an accessory structure located on our property at 4572 Thornlea Road.

The request is for a **side setback of 3 feet 4 inches in lieu of the required 5 feet** for an existing detached storage shed. The shed is approximately **10 feet deep by 15 feet wide** and is used solely for non-habitable residential storage. No commercial use is proposed.

The variance request satisfies the six criteria for approval as outlined in Section 30-43(3) of the Orange County Code, as detailed below:

1. Special Conditions and Circumstances

The property is an irregularly configured residential lot with existing improvements and site constraints that limit the reasonable placement of accessory structures. The location of the existing residence, driveway, and usable yard area creates a unique condition specific to this property that is not generally applicable to other properties in the zoning district.

2. Not Self-Created

The hardship is not self-created. The placement of the shed was not intended to circumvent zoning requirements, and there was no attempt to gain an advantage over neighboring properties. The encroachment is minor and unintentional.

3. No Special Privilege Conferred

Approval of this variance will not confer any special privilege that is denied to other properties in the same zoning district. The request is modest in nature and limited to the minimum relief necessary to address the existing condition.

4. Deprivation of Rights

Strict enforcement of the setback requirement would deprive the property owner of reasonable use of the property commonly enjoyed by other residential properties, specifically the ability to

maintain a functional accessory storage structure. Denial of the variance would create an unnecessary hardship given the minimal nature of the encroachment.

5. Minimum Possible Variance

The requested setback reduction represents the **minimum variance necessary** to allow the continued use of the existing structure. No expansion or further encroachment is proposed.

6. Purpose and Intent of the Zoning Code

Granting the variance will be in harmony with the intent of the zoning regulations and will not be injurious to the surrounding neighborhood or detrimental to the public welfare. The structure does not negatively impact adjacent properties, traffic, drainage, visibility, or neighborhood character.

For these reasons, we respectfully request approval of the variance as submitted. We appreciate the Board's time and consideration of this request and are available to provide any additional information if needed.

Sincerely,

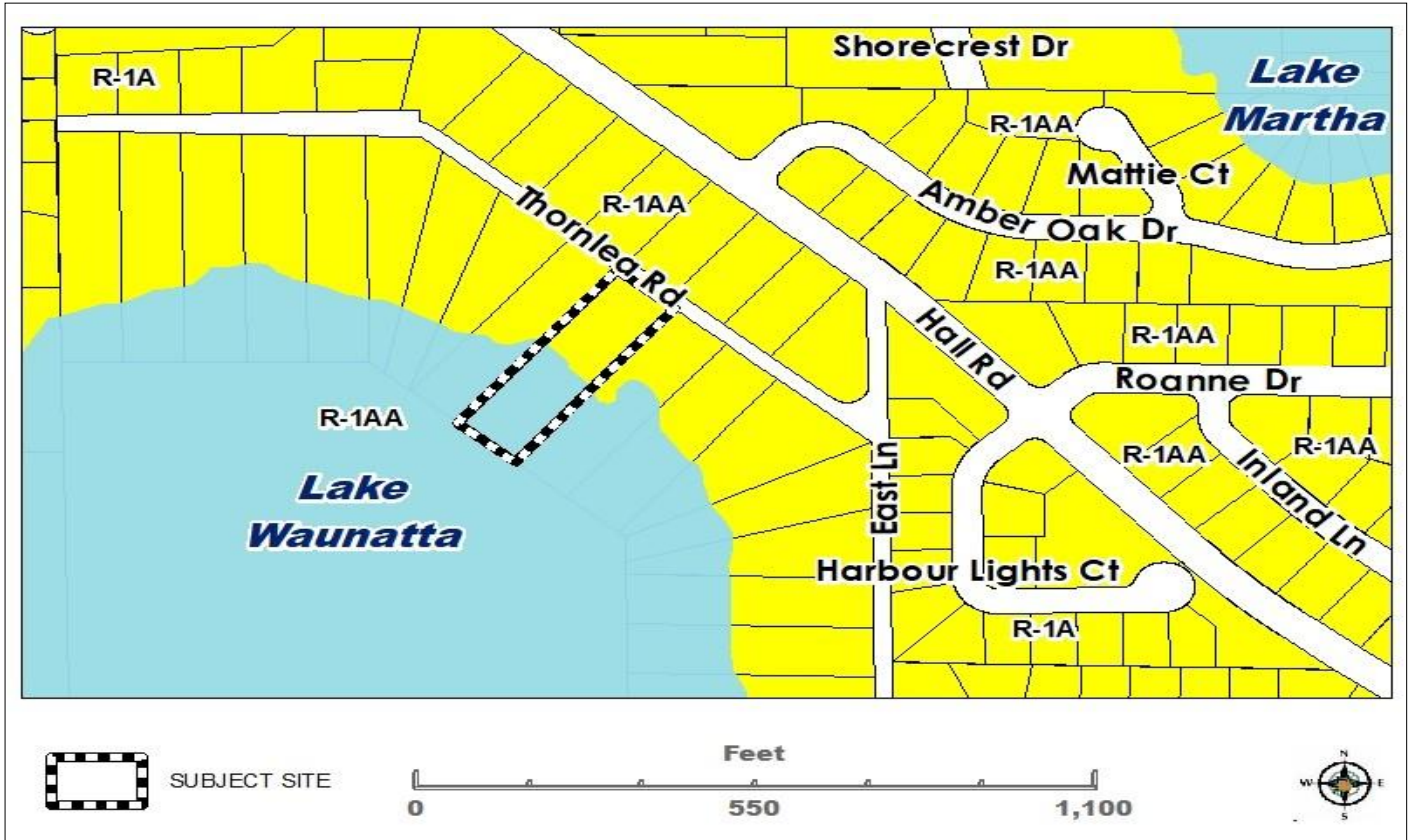


William Andrews
Property Owner



Cynthia Andrews
Property Owner

ZONING MAP



AERIAL MAP



SURVEY

Plot Plan
(This Does Not Constitute a Survey)

Legal Description:
Lot 10 and the Southern 10 feet of Lot 9, Block 'B', UNRECORDED PLAT OF WAUNATTA SHORES, according to the plat thereof, recorded in Deed Book 911, Page 13, Public Records of Orange County, Florida, more particularly described as follows:

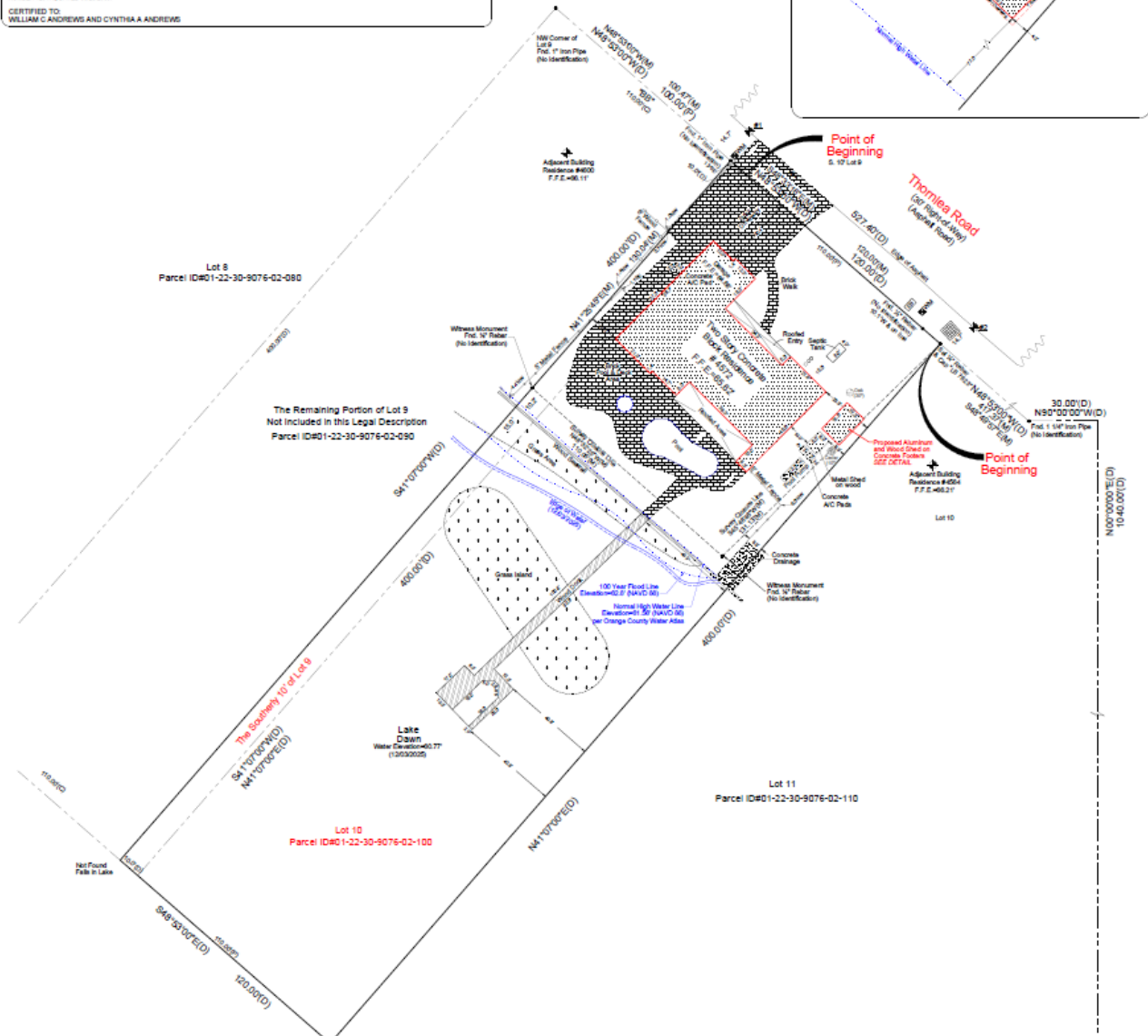
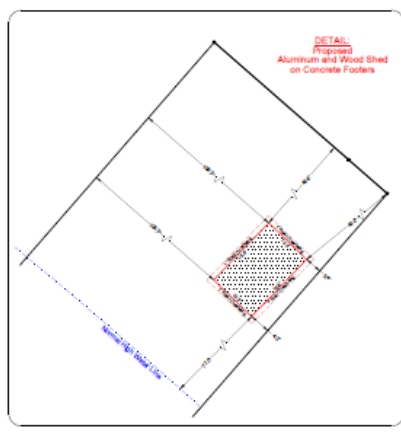
From a point 1040 feet North of and 30 feet West of the Southeast corner of the Northwest quarter of the Southwest quarter of Section 1, Township 22 South, Range 30 East, run North 48°53' West 417.04 feet to a point of beginning; thence continue North 48°53' West 110 feet; thence South 41°07' West 400 feet to a point in Lake Dawn; thence South 48°53' East 110 feet; thence North 41°07' East 400 feet to the point of beginning.

And

From a point 1040 feet North of and 30 feet West of the Southeast corner of the Northwest quarter of the Southwest quarter of Section 1, Township 22 South, Range 30 East, run North 48°53' West 527.40 feet to the point of beginning; thence continue North 48°53' West 10 feet; thence South 41°07' West 400 feet to a point in Lake Dawn; thence South 48°53' East 10 feet; thence North 41°07' East 400 feet to the point of beginning.

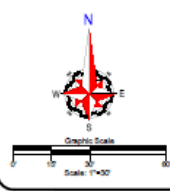
Field Description:
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WMA FORMATION, THE PROPERTY APPEARS TO BE LOCATED IN ZONE AS 8.5 (WITH A 500-FEET FLOOD ELEVATION OF 8.5). THIS PROPERTY WAS FOUND IN ORANGE COUNTY, COUNTY NUMBER 100TH DATE: 06/25/2008.

CERTIFIED TO:
WILLIAM G. ANDREWS AND CYNTHIA A. ANDREWS



PERIMETER & IMPROVEMENT CALCULATION

Existing Metal Shed	17,862.32 Sq. Ft. (0.38% Improvement)
Proposed Aluminum and Wood Shed	1,962.56 Sq. Ft. (0.38% Improvement)
100 Year Flood Line	1,000.00 Sq. Ft. (0.38% Improvement)
Normal High Water Line	1,000.00 Sq. Ft. (0.38% Improvement)
Concrete Footers	1,000.00 Sq. Ft. (0.38% Improvement)
Total Perimeter	22,824.88 Sq. Ft. (0.38% Improvement)
Total (to edge of water)	18,862.32 Sq. Ft.

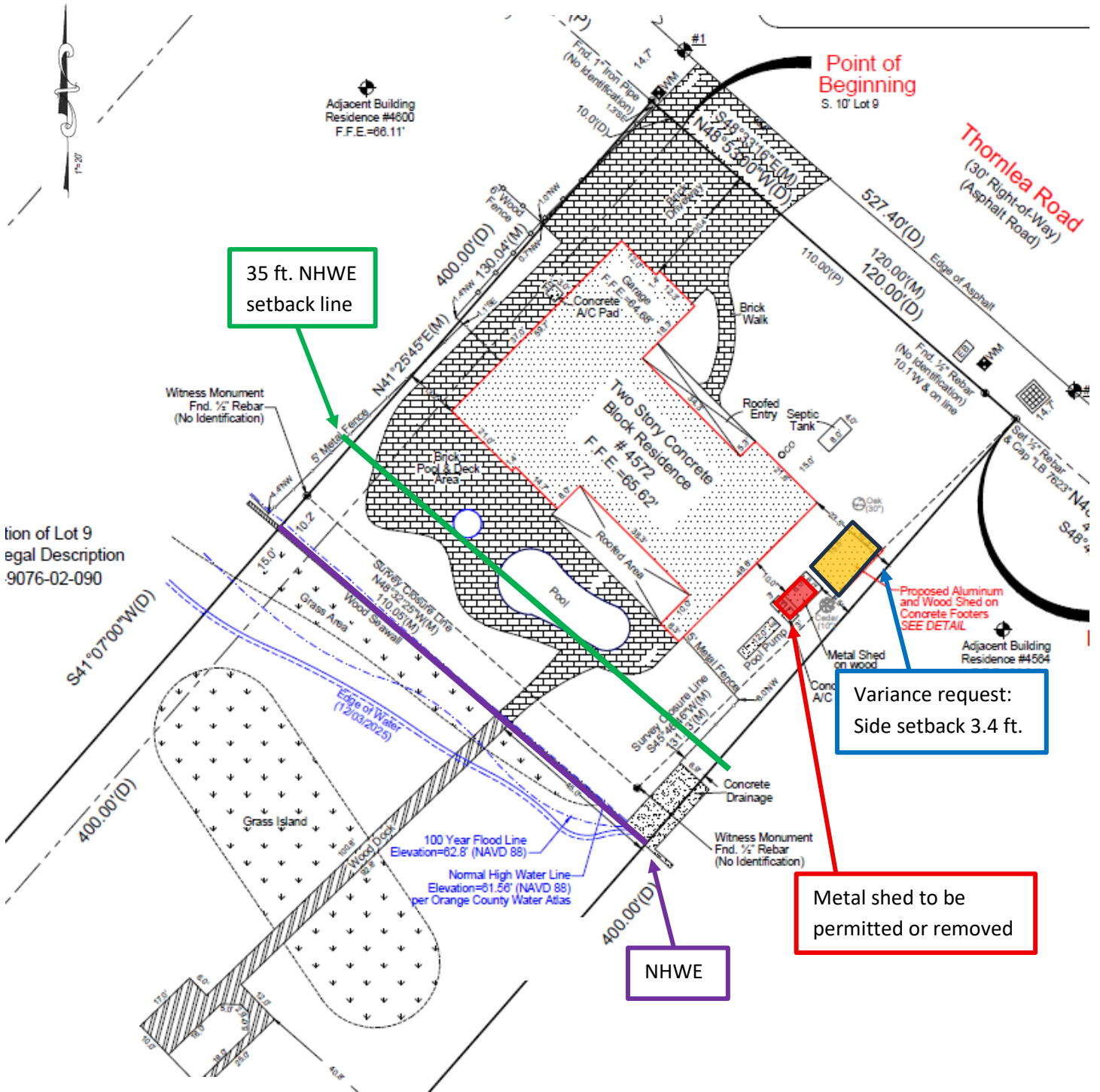


Site Benchmark Information:
 - Set 1: 111.11' ± (ICP) in Asphalt
 - Set 2: 111.11' ± (ICP) in Asphalt
 - Set 3: 111.11' ± (ICP) in Asphalt
 - Benchmark Designation: S 440
 - Station: 111.11
 - Elevation: 111.11 (based upon the North American Vertical Datum of 1988)

Legend:
 - Dashed line: Easement
 - Solid line: Property Line
 - Dotted line: Utility Line
 - Shaded area: Flood Zone

Field Date: 03/23/17	Data Completed: 01/05/2018	Survey: Survey of the Southern Corner of the above Described Property, Lot 10 and the Southern 10 feet of Lot 9, Block 'B', Unrecorded Plat of Waunatta Shores, according to the plat thereof, recorded in Deed Book 911, Page 13, Public Records of Orange County, Florida, more particularly described as follows: From a point 1040 feet North of and 30 feet West of the Southeast corner of the Northwest quarter of the Southwest quarter of Section 1, Township 22 South, Range 30 East, run North 48°53' West 417.04 feet to a point of beginning; thence continue North 48°53' West 110 feet; thence South 41°07' West 400 feet to a point in Lake Dawn; thence South 48°53' East 110 feet; thence North 41°07' East 400 feet to the point of beginning. And From a point 1040 feet North of and 30 feet West of the Southeast corner of the Northwest quarter of the Southwest quarter of Section 1, Township 22 South, Range 30 East, run North 48°53' West 527.40 feet to the point of beginning; thence continue North 48°53' West 10 feet; thence South 41°07' West 400 feet to a point in Lake Dawn; thence South 48°53' East 10 feet; thence North 41°07' East 400 feet to the point of beginning.
Drawn By: SA	File Number: 15-38781-TOPO	Revisions: 11/05/2018 Update Survey/ADD Topography 01/05/2018 Plot Plan
Client: Ireland & Associates Surveying, Inc.	Project: Plot Plan	Surveyor: William G. Andrews, L.S. 12071 Cynthia A. Andrews, L.S. 12072
Address: 800 Currency Circle, Suite 1020, Lake Mary, Florida 32746	Phone: 407.678.3366	Fax: 407.320.8165

ENHANCED SURVEY



35 ft. NHWE setback line

Point of Beginning
S. 10' Lot 9

Thornlea Road
(30' Right-of-Way)
(Asphalt Road)

Witness Monument
Fnd. 1/2" Rebar
(No Identification)

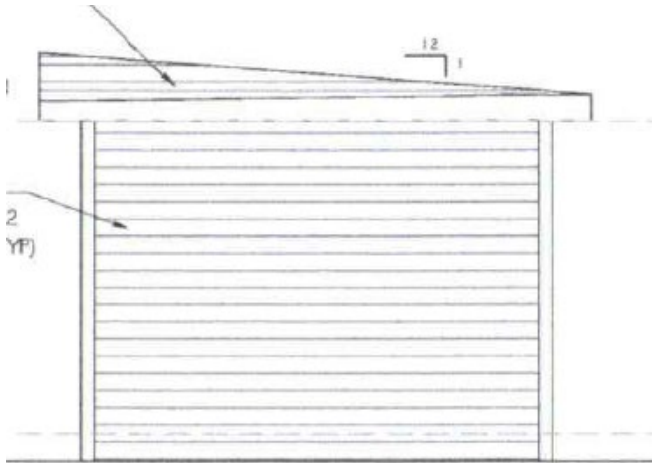
Division of Lot 9
Legal Description
9076-02-090

Variance request:
Side setback 3.4 ft.

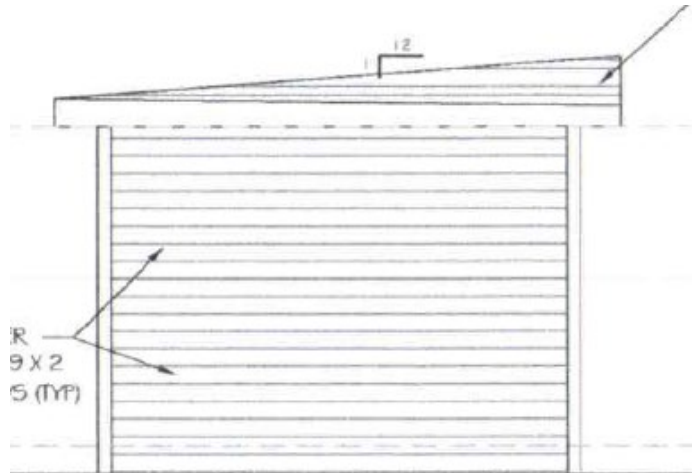
Metal shed to be permitted or removed

NHWE

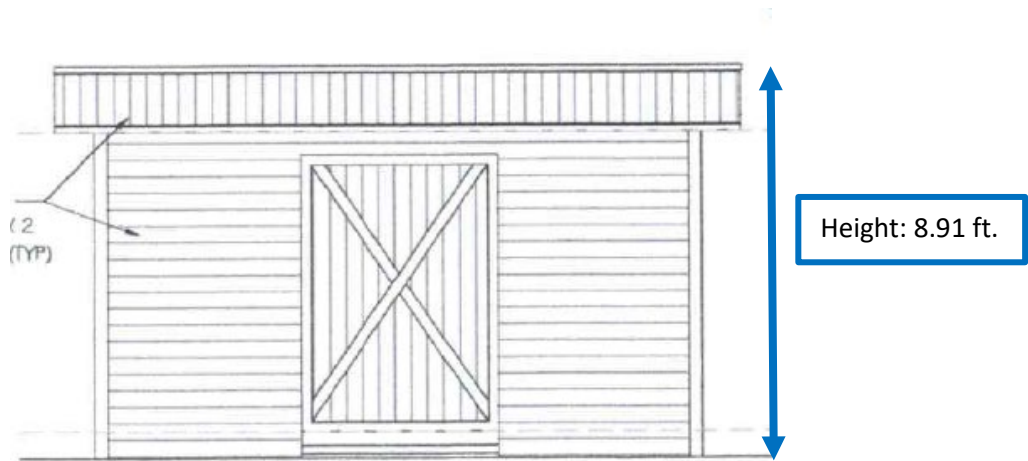
ELEVATIONS



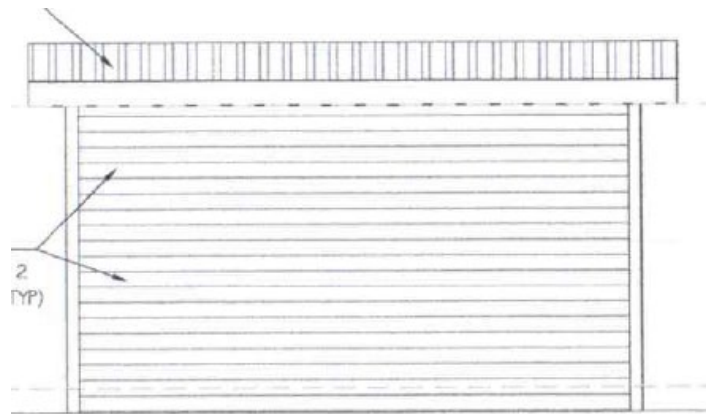
South Elevation



North Elevation



East Elevation



West Elevation

SITE PHOTOS



Front yard, facing west towards front of subject property



Front yard facing west towards the existing shed

SITE PHOTOS



Side yard, facing west towards the existing shed



Rear yard, facing east towards both existing sheds

SITE PHOTOS



Side yard, facing southwest towards both existing sheds



Rear yard, facing east towards the existing residence

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 04, 2026**

Commission District: **#3**

Case #: **VA-26-06-048**

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

Daniella.McCloud@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JAMES CARPENTIER

OWNER(s): SL RETAIL LLC

REQUEST: Variance in the C-2 zoning district to allow an alteration to an existing pole sign with a front setback of 7.5 ft. in lieu of 10 ft.

PROPERTY LOCATION: 1233 W. Sand Lake Rd., Orlando, FL, 32809, North side of E. Sand Lake Rd., east of S. Orange Blossom Trl., west of S. Orange Ave., north of S.R. 528, south of W. Lancaster Rd.

PARCEL ID: 27-23-29-0000-00-054

LOT SIZE: 2.43 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 98

DECISION: Recommended **APPROVAL** of the Variance request in that the Board finds it meets the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Juan Velez, Second by Johnny Stanley; unanimous; 7 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed):

1. Development shall be in accordance with the survey dated April 10, 2022, and the sign details dated November 4, 2024, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

The BZA asked staff about the existing height of the sign and impacts the increased setback may have on the existing drive aisle and parking lot.

The applicant's representative was present and agreed with staff's analysis and recommendation of approval.

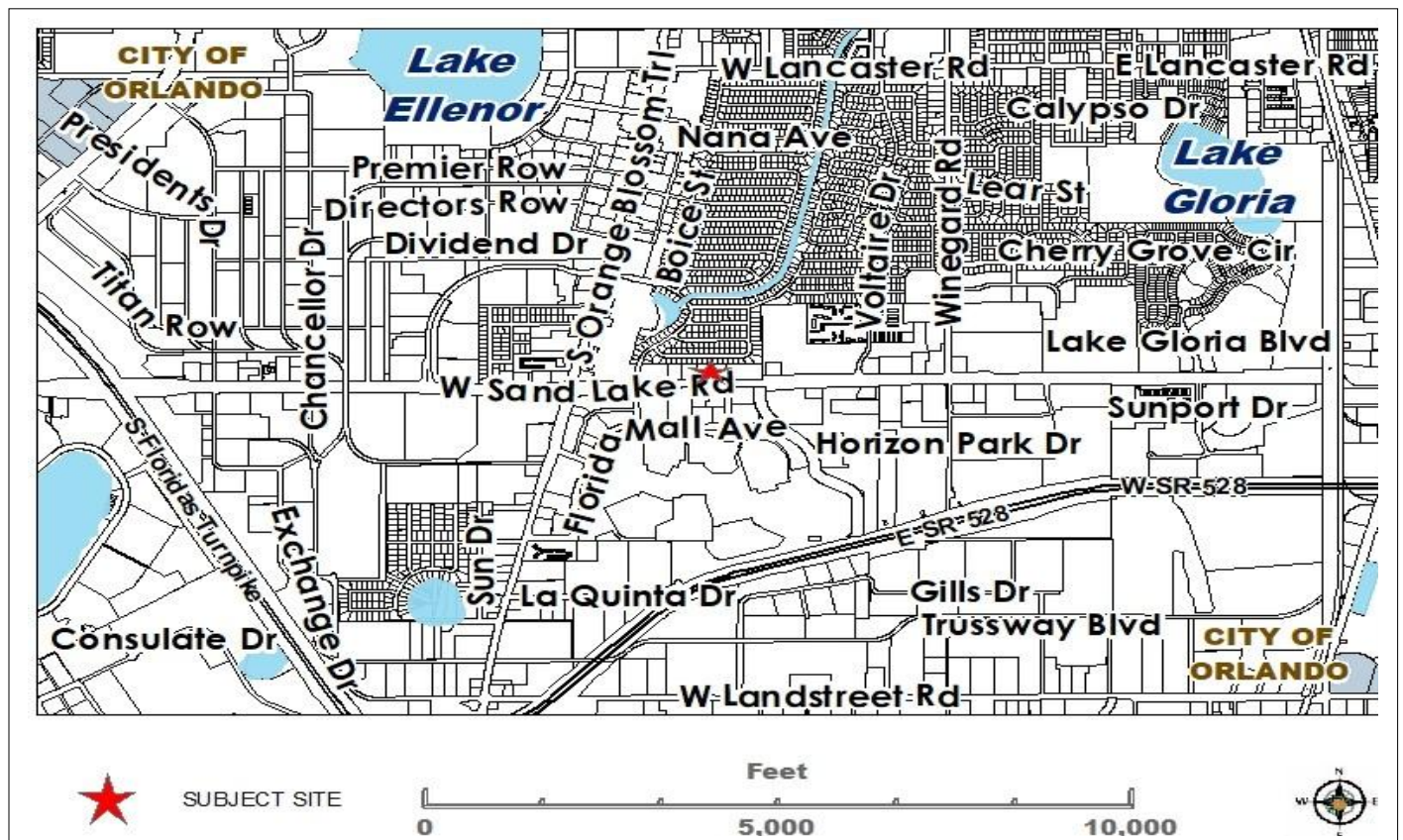
There was no one in attendance to speak in favor of or in opposition to the request.

The BZA stated they agreed with staff's recommendation, and recommended approval of the Variance request by a 7-0 vote, subject to the 3 conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-2	R-1	PD	C-2	C-2
Future Land Use	C	LDR	C	C	C
Current Use	Retail Plaza	Single Family Residential	Retail Plaza	Auto Repair	Retail Plaza

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the C-2, General Commercial district, which allows a wider variety of commercial uses including automotive repair/sales and selected trade shops, and requires a larger lot area than the C-1 Retail Commercial district. The Future Land Use (FLU) is Commercial (C), which is consistent with the C-2 zoning district.

The area surrounding the site consists of other commercial uses and single-family residential to the north. The subject property is an unplatted, 2.43 acre parcel with 407.52 ft. of frontage along W. Sand Lake Road. The site is developed with a 36,605 gross sq. ft. building, constructed in 1999, utilized as a retail plaza, and associated surface parking lot. There is also an existing pole sign on site, which identifies the businesses located in the Sand Lake Plaza. The current owner purchased the property in December 2024.

A permit for the existing pole sign (B98015988) was completed in 1998. The permit received all required reviews and inspections but was installed 7.5 ft. from the front property line where 10 ft. is required. The permit identifies that a 10 ft. front setback is required to be met, but the site plan provided did not specifically label the setbacks of the pole sign. Based on the permit, the existing pole sign is 26.5 ft. tall with 281 sq. ft. of copy area and is considered legal non-conforming. 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 407.52 linear feet of right-of-way frontage. A maximum copy area of 203.76 sq. ft. is allotted for the property. Although the cover letter addresses a maximum allowable copy area of 300 sq. ft. as stated in Orange County code section 31.5-68(g), the total maximum copy area is determined by Section 31.5-15(a)(1) of Orange County Code. The stricter of the two code sections is applied, thus requiring the pole sign to comply with a maximum copy area of 203.76 sq. ft.

The request is to update the existing pole sign by removing the upper portion of the structure and replacing the existing cabinets. The revised sign is proposed to be 21.5 ft. tall with 203.65 sq. ft. of copy area, with the existing support structures remaining as is, 7.5 ft. from the south front property line. Section 31.5-7(b) allows a nonconforming sign face to be changed only if no structural alterations are made. Any structural alterations must comply with all applicable code requirements. Although the proposed modification would not increase the degree of nonconformity because the overall copy area and height are reduced and the setback remains the same, adding a new cabinet to the existing sign structure constitutes a structural alteration and would therefore be required to meet the 10 ft. setback requirement, making it noncompliant with code. The proposed modified pole sign will meet all other development standards for pole signs in the C-2 zoning district.

Development Standards for pole signs

	Code Requirement	Existing	Proposed
Max. Number of Signs	2 pole signs	1 pole sign	1 pole sign
Total Max. Copy Area:	203.76 sq. ft.	281 sq. ft.	203.65 sq. ft.
Max. Height:	30 ft.	26.5 ft.	21.5 ft.
Min. Clearance:	9 ft.	9 ft.	9 ft.

Setbacks for pole signs

	Code Requirement	Proposed
Min. Setbacks (All property lines):	10 ft./100 ft. to Residential	10 ft. – (Side, East) 7.5 ft. – (Front W. Sand Lake Rd., South) 238.37 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. Staff has determined that the Variance request meets all the criteria, therefore staff is recommending approval.

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

MET - Special conditions and circumstances exist as the proposed sign utilizes the same location of the sign currently erected on site and will use the existing support structures on the site for the current sign.

Not Self-Created

MET - The Variance request is not self-created as the existing sign was permitted, reviewed, and inspected by all relevant divisions and subsequently constructed in reliance upon that approval. The current owner did not install or relocate the sign and only acquired the property in December 2024.

No Special Privilege Conferred

MET - Granting of the requested Variance would not confer special privilege as it allows replacement of an existing legal nonconforming pole sign within substantially the same footprint and setback that has existed on the property for over 25 years. The proposed sign is reduced in height and copy area, thereby decreasing the overall visual impact of the structure while maintaining reasonable identification signage consistent with other commercially zoned properties in the area.

Deprivation of Rights

MET - Denial of the Variance would deprive the rights of the owner to replace the existing sign in the same location as it has existed for over 25 years.

Minimum Possible Variance

MET - The Variance request is the minimum possible to replace the pole sign in the same location.

Purpose and Intent

MET - Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the proposed replacement sign substantially reduces the overall height and copy area of the existing pole sign. The sign location does not impact visibility, and overall, the proposed signage is similar and compatible with surrounding area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the survey dated April 10, 2022, and the sign details dated November 4, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: James Carpentier
3626 N. Desert Oasis
Mesa, AZ 85207

COVER LETTER

VARIANCE REQUEST 1233 W. Sand Lake Rd.

Honorable Chair Drago and the Board of Zoning Adjustment

Orange County, Florida

Request Summary

Applicant: James Carpentier, AICP (Authorized Agent)

Property Address: 1233 W. Sand Lake Road

Parcel ID: 27-23-29-0000-00-054

Zoning District: C-2 (General Commercial)

Vision 2050: Urban Corridor

Request: Sign Variance – Pylon Sign Setback variance of 2.5 ft.

Code Section: Orange County Code Section 31.5-68(f) - requires a 10' setback

On behalf of the property owner, this application requests approval of a sign setback variance for an existing freestanding pylon sign located at 1233 W. Sand Lake Road, within the C-2 (General Commercial) zoning district. The request seeks a 2.5 foot reduction in the required setback from the right-of-way, allowing an existing setback of 7.5 feet where 10 feet is required pursuant to Orange County Code Section 31.5-68 (f).

The subject pylon sign is an existing, established structure originally constructed prior to 1999 and previously approved for modification under Permit No. B99004515 (Exhibit E) on March 26, 1999. The requested variance does not increase the degree of nonconformity associated with the sign. On the contrary, the proposal substantially reduces the existing nonconformity.

Specifically, the sign area will be reduced from 328 square feet to 204 square feet, bringing the sign into full compliance with the current sign area limitations of 300 s. ft. (Section 31.5-68(g)). As revised, the sign will be substantially below the maximum permitted area by 96 square feet, representing a reduction of approximately 32 percent. In addition, the overall height of the sign will be reduced from 26 feet 9 inches to 21 feet 5 inches, resulting in a more proportionate and visually compatible pylon sign with the structure which is 30' 3" in height (Exhibit D). The proposed modification includes removal of the upper portion of the sign and replacement with two smaller tenant panels, further improving the sign's scale, appearance, and compatibility with the adjacent building.

The proposed modifications are required to bring the sign into conformance with the current code and are consistent with the Orange County Code Section 38-49(1) and (2) of, which allows nonconforming structures to be maintained and altered provided that the degree of nonconformity is not increased. No additional height, area, or location variances are requested.

Both Chapter 31.5 (Signs) and Chapter 38, Article III (Nonconforming Uses) of the Orange County Code apply to the subject sign. Section 38-49(1) and (2) provide the general standard governing nonconforming structures, allowing maintenance and alterations provided that “the degree of nonconformity is not increased.” Section 31.5-7(b) provides sign-specific direction, stating that a sign face of a nonconforming sign may be changed provided no structural alterations are made, and that any structural alterations may be permitted only if they are in compliance with Chapter 31.5.

Staff has interpreted Section 31.5-7(b) to require full compliance with current setback standards where a structural alteration is proposed. The Applicant acknowledges that both code sections apply; however, the proposed modification does not increase the degree of nonconformity as prohibited by Section 38-49(2). The sign location and existing setback remain unchanged, no relocation or expansion of the structure is proposed, and the overall sign height and copy area are reduced to comply with current standards. Accordingly, the variance request is limited solely to recognition of the existing setback condition and is consistent with the intent and application of Sections 31.5-7(b) and 38-49(1) (2), which together allow reasonable modification of legally established nonconforming signs while preventing the expansion or intensification of nonconforming conditions.

The requested setback variance represents the minimum relief necessary to accommodate the existing site conditions and maintain reasonable sign visibility along Sand Lake Road, a major arterial roadway. The variance is limited in scope, does not alter the established character of the area, and will not be injurious to surrounding properties or the public welfare. Approval of the request results in a net improvement to the site by reducing visual mass of this pylon signs while retaining the sign’s longstanding and functional location.

As part of this request, the owner proposes a reduction of 124 square feet in overall sign area that equals 204 sq. ft., bringing the sign into full compliance with current sign area requirements, which allows 300 sq. ft. (Section 31.5-68(g)). As revised, the sign will be substantially below the maximum permitted area by 96 square feet, representing a reduction of approximately 32 percent.

No expansion of the sign footprint or encroachment toward adjacent properties is proposed. The request is limited solely to recognition of the existing setback condition, coupled with a significant reduction in sign area and sign height.

Reason for the Request

The requested setback variance is necessitated by the existing location of the pylon sign relative to the right-of-way, which reflects long-established site design, access configuration, and internal circulation patterns. In addition, the modifications to the sign will enhance the visual appearance of the development. The modifications to the pylon sign are phase II of the overall enhancements to the site which included phase I facade improvements for the entire retail strip center (Exhibit H).

Strict compliance with the current 10-foot setback requirement would require removal and reconstruction of the existing sign structure, resulting in unnecessary site disturbance and disruption to established site conditions. Such reconstruction would not yield a measurable public benefit, nor would it improve site functionality, safety, or visual conditions.

In lieu of reconstruction, the applicant proposes a substantial reduction in both sign area and overall height, which materially reduces the visual scale of the sign since the reduction in height essentially matches the height of the structure. In addition this reduction in height improves visual compatibility along the corridor since the sign height will essentially match the height of the building, while maintaining effective and safe site identification. The requested setback variance represents the minimum relief necessary to accommodate existing site constraints, as no additional location, height, or area variances are requested.

Approval of the variance will not adversely affect adjacent properties, traffic circulation, utility infrastructure, or public safety, and does not increase the degree of nonconformity associated with the existing sign. To the contrary, the proposal results in a net visual improvement to the site while preserving an established, functional sign location.

Description of the Request

- **Type of Sign:** Existing Pylon Sign (Exhibits C & D)
- **Existing Sign Area:** 328 square feet
- **Proposed Sign Area:** 203.65 square feet - (Exhibits B & C)
- **Allowable Sign Area:** 300 square feet - (Section 31.5-68(g))
- **Existing Setback from ROW:** 7.5 feet - (Exhibit F)
- **Required Setback:** 10 feet - (Section 31.5-68(f))
- **Variance Requested:** 2.5 feet
- **Height of Existing Sign:** 29.5' - (Section 31.5-69 Pole Sign (b))
- **Height of Proposed Sign:** 21.5'
- **Distance to East Property Line:** - 187.5
- **Distance to West Property Line:** - 218.3'
- **Frontage:** 407.52 (D)

Construction Details

- Aluminum cabinet, Polycarbonate faces, vinyl graphics and LED retrofit

Exhibits

Exhibit A – Location Map and Aerial View

Exhibit B – Proposed Pylon Sign Drawings

Exhibit C – Existing Sign and Building Façade (View from ROW)

Exhibit D – Existing vs. Proposed Sign Simulation

Exhibit E – Approved Permit No. B99004515 (March 26, 1999)

Exhibit F – Survey

Exhibit G - Application for Waiver

Exhibit H – Facade Improvement

Adjacent Zoning and Uses – Vision 2050

	North	South	East	West
Zoning	R-1	P-D	C-2	C-2
Use	Residential	Commercial	Commercial	Commercial
Vision 2050	Suburban Neighborhood	Urban Center	Urban Corridor	Urban Corridor

Basis for the Request

The variance is requested due to the existing placement of the sign, which was modified in 1999 under an approved permit (Exhibit 2). Strict application of the current setback requirement would require removal or relocation of the sign, despite its longstanding, presence, and the proposed reduction in visual impact by reducing the height from 29’0” to 21’ 5”. In addition, this sign has long served as a vital directory for multiple small businesses within the plaza, helping customers locate stores and services efficiently.

Allowing these improvements, confined entirely to the existing sign location, supports the purpose and intent of the sign code by encouraging visual enhancement by reducing the sign height and area representing a responsible reinvestment without increasing nonconformity. Denial of the request would produce the opposite outcome perpetuating visible deterioration and undermining the appearance of the corridor contrary to the code’s objectives.

The existing sign at 1233 W. Sand Lake Road is an established structure. Pursuant to Section 3849(1) and (2) of the Orange County Code, nonconforming structures may be maintained and altered provided that no unlawful structural expansion occurs and the degree of nonconformity is not increased.

The proposed modifications are required to bring the sign into compliance with current sign area regulations. Specifically, the applicant is reducing the sign area from 328 square feet to 204 square feet, which brings the sign area into compliance with 31.5-68 Pole Signs (g) which allows 300 sq. ft. As such, the proposed alterations do not expand or intensify the nonconforming status of the sign but instead move the structure closer to full compliance with the Code.

Alterations that are code mandated and result in a measurable reduction of nonconformity are recognized as permissible modifications to nonconforming signs. The proposed work is

limited in scope, does not introduce new nonconforming elements, and does not alter the sign's location, or overall structural footprint.

Accordingly, the proposed modification satisfies the intent and requirements of Section 38-49(1) and (2), as the alteration is required by law and results in a net reduction of nonconformity, while maintaining consistency with the County's long-standing approach to nonconforming signs.

The request represents the minimum relief necessary to allow continued use of the sign while improving compliance and reducing visual impact.

Respectfully submitted,
James Carpentier, AICP
Authorized Agent

VARIANCE JUSTIFICATION

Variance Criteria 1

Special conditions and circumstances exist which are peculiar to the land or structure and are not applicable to other lands or structures in the same zoning district.

The subject pole sign is an existing, established sign, constructed and modified under a valid permit issued in 1999. The existing placement at 7.5 feet from the right-of-way is unique to this site and results from historical development patterns along Sand Lake Road.

These conditions are specific to the subject property and sign, and do not apply generally to other properties within the C2 zoning district.

Variance Criteria 2

The special conditions and circumstances do not result from the actions of the applicant.

The existing setback condition was not created by the current property owner who purchased this property in June of 2022. The sign location and configuration predate current ownership.

The applicant is not seeking to intensify or expand the nonconformity; rather, the proposal reduces sign area and height which decreases the overall visual impact, demonstrating good-faith compliance.

Variance Criteria 3

Granting the variance requested will not confer on the applicant any special privilege that is denied by the Code to other lands, structures, or buildings in the same zoning district.

Approval of this variance would not grant a special privilege, as it applies solely to an existing sign with a documented approval history. New pole or pylon signs in the area remain subject to full setback requirements.

The request does not establish a precedent for new development, but instead addresses a site specific, existing condition.

Variance Criteria 4

Literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

A literal interpretation of the 10-foot setback requirement, as applied to this existing pylon sign, would deprive the subject property of signage rights that are commonly enjoyed by other commercially zoned properties along the Sand Lake Road corridor. The sign has been safely maintained and has functioned compatibly with surrounding development for decades, consistent with the established commercial character of the area.

Strict enforcement would necessitate removal or relocation of the sign solely due to its nonconforming setback, despite the applicant's proposal to reduce the sign face area and height to well below the maximum permitted by code. This outcome would effectively preclude continued use of a common and historically accepted sign type for this site and corridor, rather than advancing the code's objectives of proportionality, compatibility, and incremental visual improvement.

Variance Criteria 5

The requested variance represents the minimum relief necessary to allow the continued reasonable use of the existing sign structure.

The variance is limited to a 2.5-foot reduction in the required setback and applies solely to the sign's established location. No increase in sign height, sign area, or encroachment into the right-of-way is proposed.

On the contrary, the proposal results in a substantial reduction in sign area by approximately 38 percent, bringing the sign into full compliance with current sign area standards and reducing its overall visual impact. The request does not intensify the nonconformity and is narrowly tailored to facilitate compliance and reinvestment while maintaining consistency with the intent of the sign regulations.

The variance is the minimum variance that will make possible the reasonable use of the sign.

Variance Criteria 6

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 setback variance is consistent with the general intent and purpose of the Orange County Code and will not be injurious to the surrounding area or detrimental to the public welfare. The proposal aligns with the stated purposes of Chapter 31.5 (Signs),

Sec. 31.5-3, which are intended to promote traffic safety, reduce visual clutter, encourage high-quality and compatible signage, and allow reasonable business identification while protecting the visual character of the community.

In addition, the proposed variance is consistent with the intent and purpose of the Orange County Zoning Code, which is to promote the public health, safety, and general welfare while providing a predictable framework for orderly development and reasonable use of property. By reducing the height and overall area of an existing, legally established sign while avoiding unnecessary reconstruction and site disturbance the proposal advances the Code's objectives of compatibility, safety, and balanced regulation. Accordingly, the request fulfills Criterion 6 by furthering the stated purposes of the Zoning Code as set forth in Article 2, Subarticle 1 (Authority, Purpose, and Objectives).

As contemplated by the Purpose and Intent of Chapter 31.5, the proposed improvements reduce the sign face area by approximately 38 percent, and sign height by 19% bringing the sign into full compliance with current sign area and height standards and substantially decreasing its visual impact. No increase in sign height, illumination, or overall sign intensity is proposed, and the sign will remain in its established location with no additional encroachment into required setbacks or the public right-of-way.

The proposal supports the intent of the sign regulations by maintaining safe sight distances and clear visibility for motorists and pedestrians, while avoiding the creation of visual clutter or adverse impacts to adjacent properties. The reduced sign area ensures compatibility with surrounding commercial development and the established character of the Sand Lake Road corridor.

Accordingly, the requested variance represents a balanced and proportional adjustment that furthers the purposes of Chapter 31.5, secures public safety, enhances visual quality, and supports reasonable business identification. Approval of the variance will not adversely affect public welfare and is consistent with the intent of the Orange County sign regulations.

Granting the variance will be in harmony with the general intent and purpose of the Code and will not be injurious to the area involved or otherwise detrimental to the public welfare.

Conclusion

For the reasons outlined above, approval of the requested 2.5-foot setback variance for the existing pole sign at 1233 W. Sand Lake Road is warranted and appropriate. The request represents a minor and proportional adjustment that improves compliance with current sign regulations, reduces visual impact, and does not create adverse effects on the surrounding area.

Specifically:

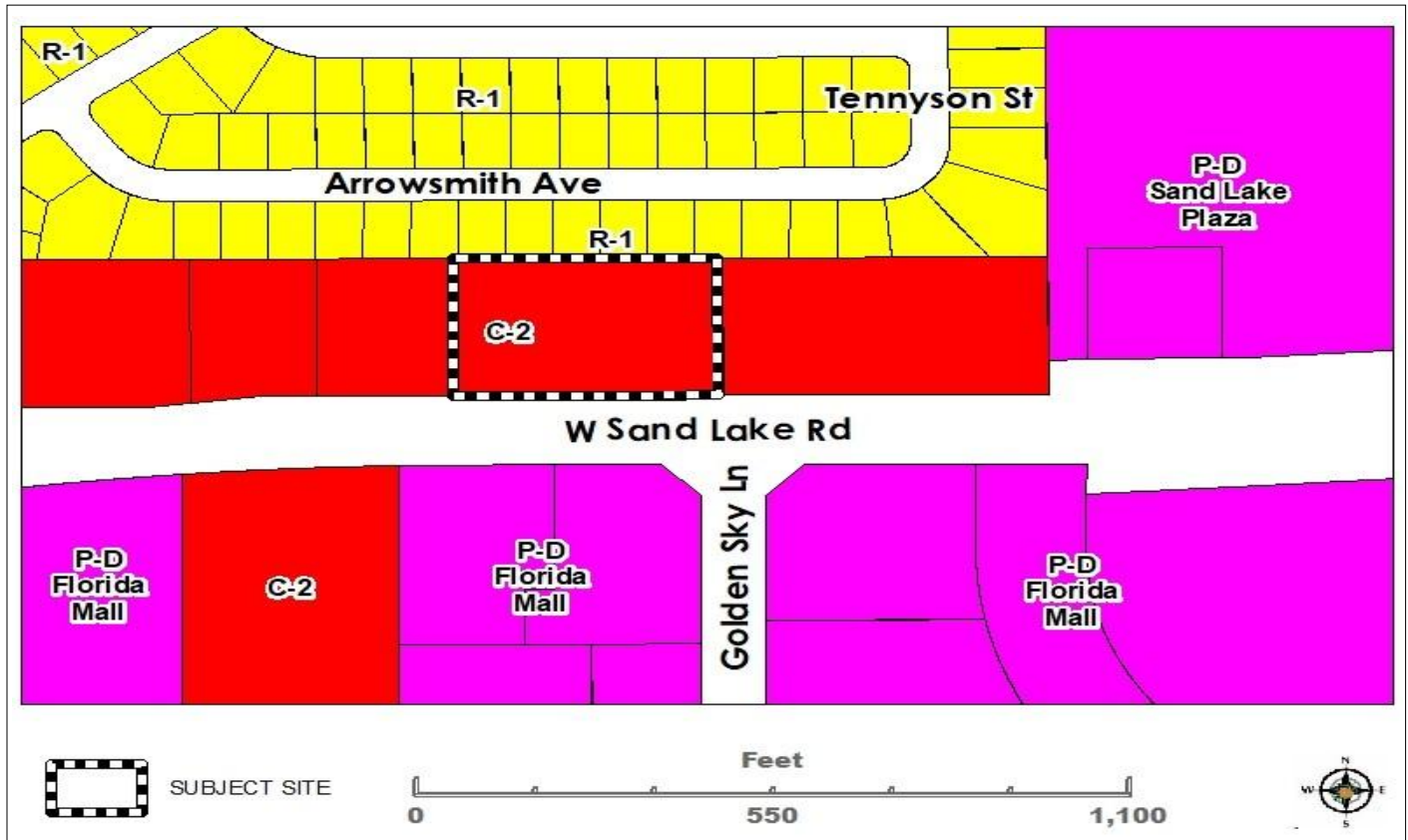
1. The existing setback condition predates the current ownership and was not created by the applicant.
2. The proposal does not increase the degree of nonconformity and maintains the sign in its established location.
3. The requested variance constitutes the minimum relief necessary to allow the reasonable use of the existing sign structure.
4. The proposal results in a net reduction in visual impact, including an approximately 38 percent reduction in sign area, and a 20% reduction in height bringing the sign into compliance with applicable sign area standards.
5. The request is consistent with the intent and purpose of the Orange County Code, including the objectives of improving aesthetics, reducing massing, and promoting orderly development.
6. The deviation sought is modest and reasonable and is directly related to special conditions specific to this site rather than a general condition affecting other properties.
7. The application satisfies all applicable statutory and code-based variance criteria and does not confer a special privilege.

Accordingly, the requested variance represents a balanced and well supported solution that aligns with the 6 criteria required for a variance and warrants favorable consideration.

Therefore, we respectfully request that the Board of Zoning Adjustment approve the proposed drawings and a 2.5-foot setback variance at 1233 W Sand Lake Rd.

We appreciate the Board of Zoning Adjustment's time and consideration of this application.

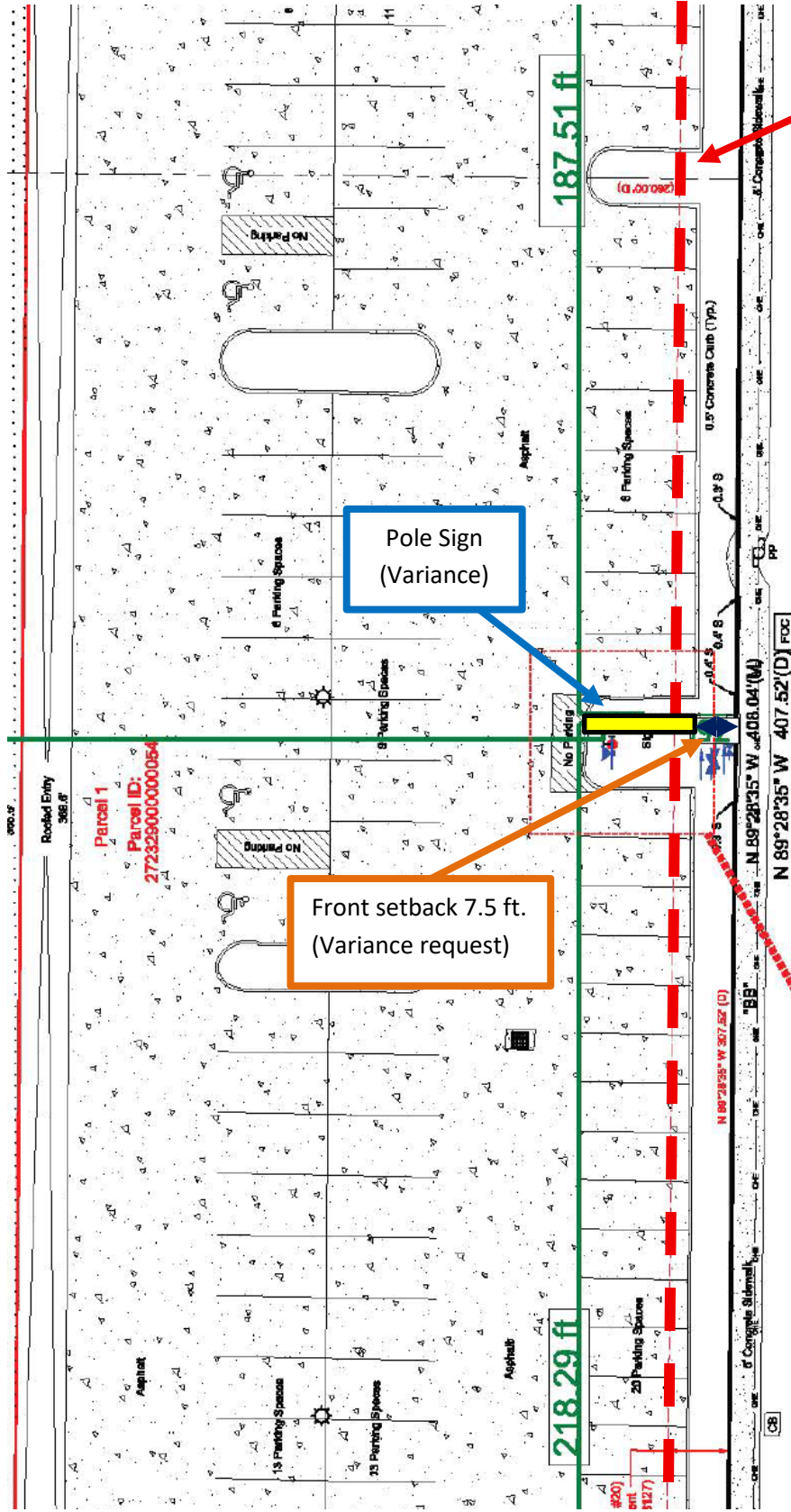
ZONING MAP



AERIAL MAP



ENHANCED SURVEY



10 ft. setback line

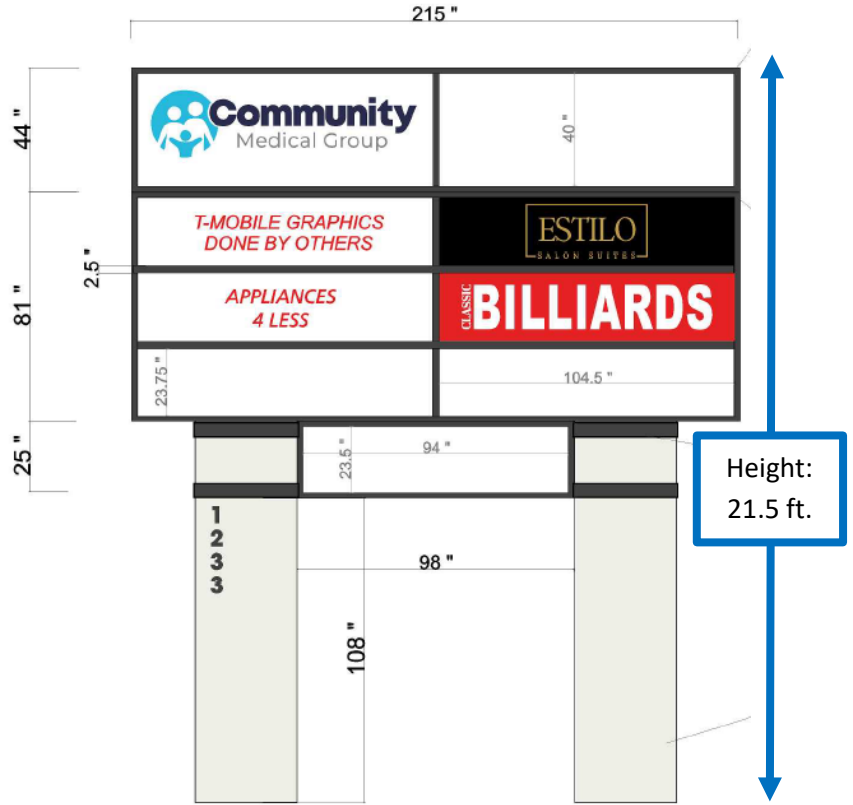
Pole Sign
(Variance)

Front setback 7.5 ft.
(Variance request)

W. Sand Lake Rd.

PROPOSED SIGN DETAILS

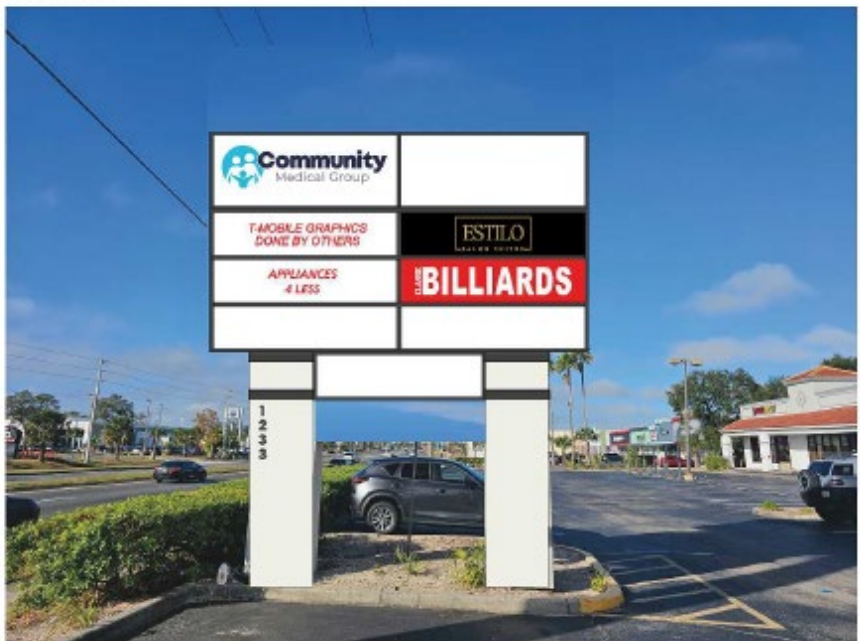
SIDE VIEW



EXISTING



PROPOSED



SITE PHOTOS



On the subject property, facing west toward the existing pole sign to be replaced



On the subject property, facing west toward the existing sign and W. Sand Lake Rd.

SITE PHOTOS



On W. Sand Lake Rd., facing north toward the subject property and existing pole sign



In the right of way along W. Sand Lake Rd., facing east toward the existing pole sign

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUN 04, 2026**

Commission District: **#1**

Case #: **VA-26-03-099**

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

Daniella.McCloud@ocfl.net

GENERAL INFORMATION

APPLICANT(s): ROBERT GOUDY

OWNER(s): ENDOSCOPIC CONSULTANTS LLC

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

- 1) A minimum lot area of 0.64 acres in lieu of 1 acre
- 2) A minimum lot width of 70 ft. in lieu of 130 ft.
- 3) To allow a residence to be located nearer the side street lot line than the required front yard of such abutting lot (5 ft. in lieu of 35 ft.)
- 4) To allow a residence with a south side setback of 5 ft. in lieu of 10 ft.
- 5) To allow an existing shed with a side setback of 4.1 ft. in lieu of 5 ft.
- 6) To allow an existing greenhouse with a side setback of 4 ft. in lieu of 5 ft.

PROPERTY LOCATION: 5235 W. Lake Butler Rd., Windermere, FL 34786, southeastern corner of W. Lake Butler Rd. and Summerport Ln., west side of Lake Butler, north and east of Winter Garden Vineland Rd., south of Lake Butler Blvd., west of S. Apopka Vineland Rd.

PARCEL ID: 13-23-27-8392-00-190

LOT SIZE: 0.68 acres (0.64 acres upland)

NOTICE AREA: 500

NUMBER OF NOTICES: 56

DECISION: Recommended a **CONTINUANCE** to a date uncertain as requested by the applicant (Motion by Thomas Moses, Second by Johnny Stanley; unanimous; 7 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Johnny Stanley; 0 opposed).

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 Variances #1 and #2, approval of a lesser Variance #3, and denial of Variances #4-#6. Staff noted that no comments were received in favor of the request and one comment was received in opposition to the request.

The applicant was present and discussed lot constraints due to size and width and issues with the proposed Conditions of Approval for the presented site plan and elevations.

The BZA asked if the applicant was satisfied with the plans submitted before the Board or if additional time would allow the applicant to return with something that better represents the intended plans for the site.

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

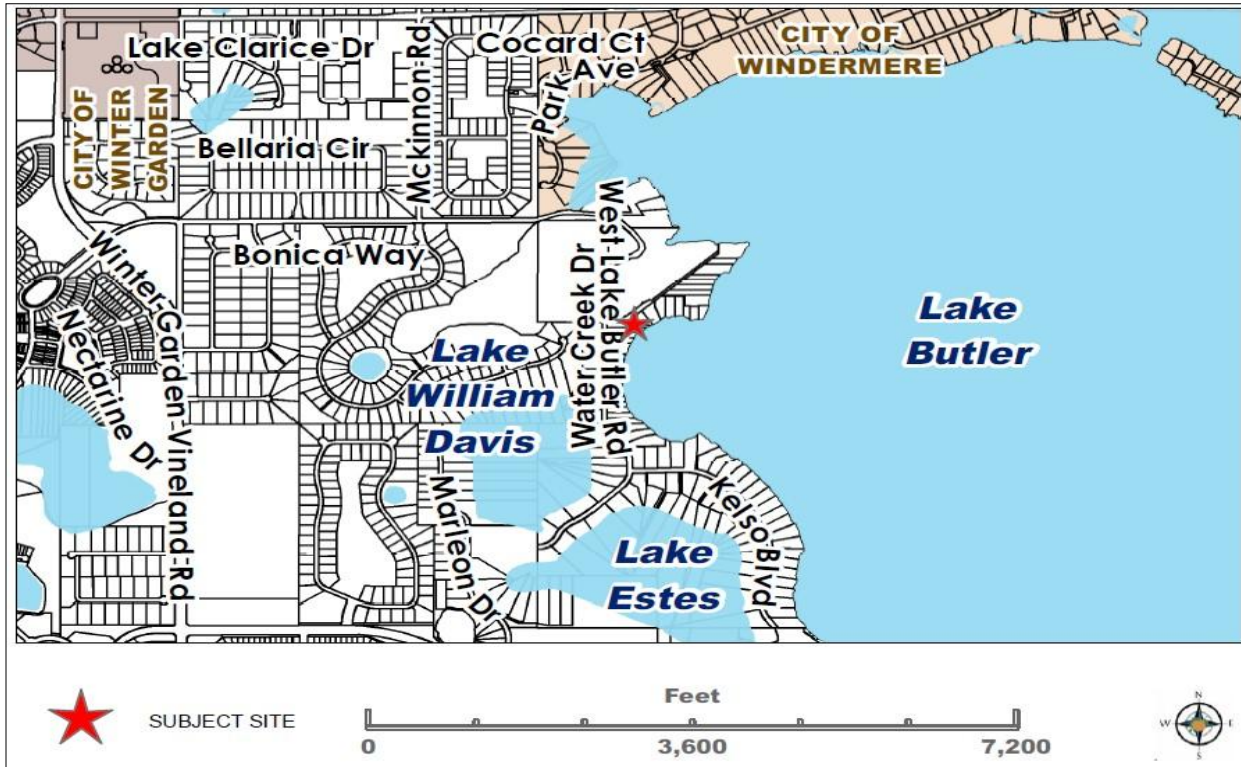
The BZA discussed the request and determined a continuance would allow the applicant more time to prepare plans that align with the needs of the property owner.

The Board then recommended a continuance to a date uncertain by a 7-0 vote.

STAFF RECOMMENDATIONS

Approval of Variance requests #1 and #2, approval of a lesser Variance to allow a new residence to be located nearer the side street lot line than the required front yard of such abutting lot (15 ft. in lieu of 35 ft.) for request #3, and denial of Variance requests #4-#6, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE	R-CE	R-CE	R-CE	R-CE-C
Future Land Use	RS 1/1	RS 1/1	RS 1/1	Water Body	RS 1/1
Current Use	Vacant	Citrus Grove	Single-Family Residence	Lake Butler	Single-Family Residence

DESCRIPTION AND CONTEXT

The subject property is situated within the R-CE, Country Estate zoning district, which allows for single family residential development on one acre lots and certain rural uses. The Future Land Use (FLU) is Rural Settlement 1/1 (RS 1/1), which is consistent with the R-CE zoning district. The FLU allows for 1 dwelling unit per acre. However, policy FLU1.1.3(B) allows for the construction of one (1) residential unit (including ancillary buildings or improvements) on an existing lot of record as of July 1, 1991. This lot is considered a lot of record for Comprehensive Plan purposes, having been lawfully created as a deeded parcel prior to the adoption of the Comprehensive Plan on July 1, 1991. Therefore, a dwelling unit on a lot of record smaller than the 1 acre requirement. The subject property is located in the West Windermere Rural Settlement. Rural settlements are established through the Comprehensive Plan and are intended to identify areas with unique traits and characteristics which the residents of those areas wish to preserve. The rural settlement designation typically impacts such development factors as residential density, location, and intensity of commercial and other nonresidential uses.

The area surrounding the subject site consists primarily of single-family homes. The property is a reversed corner lakefront lot located on Lake Butler, with right-of-way along W. Lake Butler Rd. to the west and Summerport Ln. to the north, and abuts Lake Butler to the east. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, W. Lake Butler Rd. is considered the front and Summerport Ln. is considered the side street. The property was platted in 1922 as Lot 19 of the Summerport Beach plat and is considered to be a substandard lot due to the lot area and width of the lot. Per Orange County Code Sec. 38-1401, if two or more adjoining lots were under single ownership on or after October 7, 1957, and one of the lots has a frontage or lot area less than what is required by the zoning district, such substandard lot or lots shall be aggregated to create one conforming lot. This property was under shared ownership until February 2020 with the adjoining property to the south, so it is not possible to establish a substandard lot of record status. The lot is vacant, except for two existing, unpermitted accessory structures at the rear of the property., Staff is unable to determine when the structures were placed on the property, due to mature tree canopy. The current owner purchased the property in November 2025.

The proposal is to construct a 5,678.59 sq. ft., one-story single family residence. The R-CE zoning district requires a minimum lot area of one acre, and the existing lot contains 0.64 acres of developable area, requiring Variance request #1. The R-CE zoning district requires a minimum lot width of 130 ft. and the existing lot width is 70 ft., requiring Variance #2.

Section 38-1 of Orange County Code defines a reversed corner lot as a corner lot, where the rear yard abuts an adjacent front yard, and where the side street lot line of which is substantially the continuation of the front lot line of the first lot to its rear. Due to the unique configuration of the subject property as a reversed corner lot, and a lot width 60 ft. narrower than code requires, the proposed residence is constrained by overlapping setback requirements that significantly reduce the buildable area of the parcel. The residence is proposed to be located 5 ft. from the north side street property line, where 35 ft. is required, prompting Variance request #3. It is also proposed to be located 5 ft. from the south side property line, where 10 ft. is required, prompting Variance request #4. The two existing accessory structures (the shed and greenhouse) are setback 4 ft. and 4.1 ft. from the north side property line where 5 ft. is required, prompting Variance requests #5 and #6.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	16 ft.
Min. Lot Width:	130 ft.	70 ft. (Variance #2)
Min. Lot Size:	1 acre	0.64 acres (Variance #1)
Min. Living Area:	1,500 sq. ft.	5,678.59 sq. ft.

Building Setbacks (Principal Structure)

	Code Requirement	Proposed
Front:	35 ft.	154 ft. (West)
Side:	10 ft.	5 ft. (South, Variance #4)
Side Street (Summerport Ln.)	35 ft.*	5 ft. (North, Variance #3)
Rear/NHWE:	50 ft.	153 ft.

**Side street setback increases from the standard 15 ft. to the abutting lot's front yard setback (35 ft.) in accordance with Sec. 38-1502(b)*

The request was routed to all reviewing divisions, and no objections were provided. The Environmental Protection Division noted that Wetland Determination (WD) would be required for permitting. A permit (WD-26-03-043) is being completed by the applicant and is pending finalization. The Planning Division also noted that the R-CE (Country Estate District) zoning classification is consistent with the Rural Settlement 1/1 (RS 1/1) Future Land Use Map (FLUM) designation; therefore, the requests are consistent with the FLUM designation. 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, Variance requests #1 and #2 meet all the required criteria and staff is recommending approval. Staff is recommending a lesser A modified approval of Variance of 15 ft. for request #3, which would be consistent with typical side street setback limitations as the lot does not meet the typical lot width for the zoning district and thus has reduced footprint for development, application of a 35 ft. side street setback would encroach into half of the existing lot width. Staff is recommending denial of Variance request #4 as the property is currently vacant and the home could be redesigned to eliminate the request, and . Staff is also recommending denial of Variance requests #5 and #6 as the existing structures could be relocated to meet required setbacks.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variations #1 and #2 MET – The special conditions and circumstance particular to the subject property is that the lot is not buildable without the requested variances.

Variance #3 (as modified) MET- There are special conditions or circumstances particular to the subject property as the lot is 70 ft. wide and would have a significantly reduced buildable area with the required 35 ft. side street setback.

Variance #4 NOT MET – There are no special conditions unique to the property as there is sufficient space to construct a residence that complies with the standard side-yard setback requirements. The proposal could be redesigned to accommodate an alternative concept, such as a two-story home, since the lot contains a long, narrow buildable area.

Variances #5 and #6 NOT MET- There are no special conditions or circumstances peculiar to this property, as the property is not irregularly shaped and the structures could have been redesigned or relocated to be code compliant.

Not Self-Created

Variances #1 and #2 MET – The substandard aspects of the parcel are not self-created, as the lot was in this configuration when the current owner purchased the property.

Variance #3 MET- The request is not self-created as the lot was established through the original plat and has existed in its current configuration for decades. The reversed corner lot configuration, reduced lot width, and substandard lot area are longstanding physical characteristics of the parcel and are not the result of actions taken by the current owners.

Variance #4 NOT MET- The request is self-created as this is new construction and there are alternatives to reduce or eliminate the request.

Variances #5 and #6 MET- The need for the Variances is not self-created, as the structures were erected at an undetermined point in time without permits.

No Special Privilege Conferred

Variances #1 and #2 MET - Granting the Variances would not confer special privilege as the majority of the surrounding properties in the area contain homes on similar sized lots.

Variance #3 (as modified) MET- Approval of the requested Variance (5 ft. in lieu of 35 ft.) will confer a special privilege upon the applicant that is denied to other properties, however the lesser Variance request (15 ft. in lieu of 35 ft.) as recommended by staff is intended to allow reasonable use of an existing platted residential lot in a manner consistent with the surrounding neighborhood pattern.

Variance #4 MET- Granting the Variance would not confer a special privilege because other properties in the surrounding area appear to have been developed with similar side setbacks to the request.

Variances #5 and #6 NOT MET- Approval of the requested Variances will confer on the applicant special privilege that is denied by this chapter as any detached accessory structure in the R-CE zoning district must maintain 5 ft. from all side property lines.

Deprivation of Rights

Variances #1 and #2 MET – Without approval of the requested Variances, the owner will be deprived of the ability to construct a residence on the parcel.

Variance #3 (as modified) MET- Strict application of the required 35 ft. side street setback would deprive the applicant of rights commonly enjoyed by other residential properties within the same zoning district by significantly limiting the reasonable buildable area of the lot, however the lesser Variance of 15 ft. would allow for a side street yard setback applicable to corner lots.

Variance #4 NOT MET- There is no deprivation of rights as a code compliant residence could be constructed on the property.

Variations #5 and #6 NOT MET- The Variance requests are not a deprivation of rights because the yard can still be enjoyed without the existing structures.

Minimum Possible Variance

Variations #1 and #2 MET – The requested Variations are the minimum necessary to construct a home on the property.

Variance #3 (as modified) MET- The requested Variance of 5 ft. in lieu of the required 35 ft. would not be the minimum possible Variance to develop the property with a single family home. However, the lesser Variance request (15 ft. in lieu of 35 ft.) as recommended by staff represents the minimum necessary to allow for the reasonable use of the property. The lesser Variance would minimize impacts while still accommodating a reasonably sized residence, consistent with the surrounding area.

Variance #4 NOT MET- The requested Variance is not the minimum possible, as the house could be redesigned to meet the setback requirements.

Variations #5 and #6 MET- The requested Variations are the minimum possible to allow the existing structures to remain in the current configuration. No new construction is proposed with these requested Variations.

Purpose and Intent

Variations #1 and #2 MET – Approval of the requests will be in harmony with the purpose and intent of the Code, which is to allow infill development of lawfully constructed residences. The lot area and width will not be detrimental to the neighborhood as the proposed lot size is consistent with the developed lots in the area.

Variance #3 (as modified) MET- Approval of the lesser Variance of 15 ft. would be consistent with the purpose and intent of the Zoning Regulations because it would allow reasonable residential development while maintaining compatibility with the surrounding neighborhood. The placement of the residence does not restrict visibility and is consistent with the surrounding area thereby limiting any quantifiable negative impact on surrounding property owners. Additionally, there is mature landscaping along the shared property line, minimizing the impact the residence has on the adjoining property.

Variance #4 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 setback as proposed will not be detrimental to the neighborhood as the proposed setback will be consistent with the other side setbacks in the area.

Variations #5 and #6 MET- Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The structures are not significantly visible from any of the surrounding properties due to the existing trees and landscaping along the north side property line and the limited visibility of the shed to other neighboring properties. Approval of the Variations will recognize the structures in their current location, limiting any quantifiable negative impact on surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped May 13, 2026, as modified to reflect lesser Variance of 15 ft. for request #3 and removal of the existing shed and greenhouse, and elevations date stamped May 13, 2026, as modified to reflect a lesser Variance of 15 ft. for request #3, 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 Certificate of Occupancy for the house, a permit shall be obtained for the existing shed and greenhouse in a code compliant location, or they shall be removed.

C: Robert Goudy
6077 Lexington Park
Orlando, FL 32819

Formal Request for Zoning Exception

Setback Variance for 5235 Westlake Butler Blvd

[Date: 05/12/2026]

Zoning Board of Adjustment

SUBJECT PROPERTY-**5235 Westlake Butler Blvd. Windermere FL. 34786**

Re: Request for Variance for the following conditions:

1. Setback –
2. Lot Widths
3. Side property to front yard of adjoining lot
4. (2) OUT BUILDINGS EXISTING AT PURCHASE OF PROPERTY ARE BEING REQUESTED TO STAY AND WILL BE MOVED INSIDE SETBACK IF REQUIRED BY BCC ALSO, AIRCONDITIONING SYSTEM NOTED ON SITE PLAN AND FLOOR PLAN AS REQUESTED BY zoning dept. WETLANDS SURVEY AND CALCULATIONS ON DOCUMENT FOR MITIGATION PERMIT COMPLETED BY MODICA AND ASSOCIATES

Dear Members of the Zoning Board,

I am writing to formally request a zoning exception for the property located at 5235 Westlake Butler Blvd. ALSO known as Lot 19

This request seeks to allow the same variances as those previously granted to neighboring properties, most notably the adjoining Lot 18 at 5243 Westlake Butler Blvd. The purpose of this variance is to facilitate the construction of a new residence for a family member while ensuring consistency with the established character of the community.

Background

Several properties along Westlake Butler Blvd, including referenced Lot 18, have been granted variances that allow a more suitable building area on referenced lot 19. These precedents have contributed to a harmonious streetscape and have addressed unique site constraints present in this area.

Unique Property Circumstances

The subject property faces challenges that warrant consideration for similar relief. Notably, an adjacent side street abuts the north boundary, which uniquely affects the buildable envelope. Unlike interior lots, this configuration restricts the usable building envelope and imposes a hardship if the current regulations are to be enforced.

Additionally, the property's considerable depth allows for the principal structure to be situated further from the main thoroughfare, thereby reducing its visual impact on Westlake Butler Blvd. This feature supports the compatibility of a of the surrounding homes, as it maintains the openness and privacy valued in the neighborhood.

Variance Request

1. Setback –
2. Lot Widths
3. Side property to front yard of adjoining lot
4. (2) OUT BUILDINGS EXISTING AT PURCHASE OF PROPERTY ARE BEING REQUESTED TO STAY AND WILL BE MOVED INSIDE SETBACK IF REQUIRED BY BCC
ALSO, AIRCONDITIONING SYSTEM NOTED ON SITE PLAN AND FLOOR PLAN AS REQUESTED BY zoning dept.
WETLANDS SURVEY AND CALCULATIONS ON DOCUMENT FOR MITIGATION PERMIT COMPLETED BY MODICA AND ASSOCIATES

This adjustment will align the property with established neighborhood patterns and ensure equitable treatment among similarly situated homes.

Visual Impact Mitigation

To address potential concerns regarding privacy and aesthetics, I propose the installation of a substantial landscape buffer along the affected property lines. This buffer will consist of native plantings and evergreen species, designed to minimize any visual intrusion for adjacent properties and to enhance the overall streetscape.

It is also of note that the area to the Roper parcel north is anticipated to undergo a denser lot configuration in the future, with the likely construction of a subdivision wall. The requested variance will not adversely affect this transition and paired with the proposed landscape buffer, will further mitigate any potential impacts.

Conclusion

The intent of this request is to construct a new residence for a family member, in a manner that both respects neighborhood precedent and responds thoughtfully to the property's unique circumstances. I respectfully ask that the Board consider this application for variances at its JUNE meeting.

Thank you for your attention to this matter. I am available to provide any additional information or clarifications the Board may require in advance of the scheduled hearing.

Sincerely,

Robert Goudy

6077 Lexington Park

Orlando Fl. 32819

407-758-8490

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.

THIS PROPERTY IS IN AN AREA ON LAKE BULTER THAT HAS HAD MANY PROPERTIES ISSUED VARIANCES IN THE PAST
OWNER IS REQUEST TYPICAL VARIANCE REQUEST FOR SIDELINES IN NORMAL ISSUANCES. THE EXCEPTION FOR THE ADDED
REQUEST IS DUE TO A INTERSECTING ROAD THAT REQUIRES 35' SETBACK THAT MAKES PROPERTY NON BUILDABLE IN WIDTH

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

THIS PROPERTY IS COMMON TO THOSE ADJACENT ON THE SAME STREET. THE MINOR
DIFFERENCE IS THAT AN ADJOINING "SIDE STREET" AFFECTS THOSE ZONING CONDITIONS
THAT STATE A LARGER SET BACK DEMINSION THAT AFFECTS BUILDABLE AREA

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

WE ARE NOT ASKING FOR ANY PRIVELEGES THAT WILL DIFFER FROM ANY OTHER HOME IN
THE AREA

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 STATUTE THAT STIPULATES A "SIDE STREET" REQUIRING A LARGER SETBACK
AFFECT THE BUILDABLE FOOTPRINT THAT WILL TREMEDOUSLEY AFFECT THE VALUE OF THE
PROPERTY AND WILL NOW ALLOW FOR SIMILAR HOME SIZE TO ADJOINING LOTS

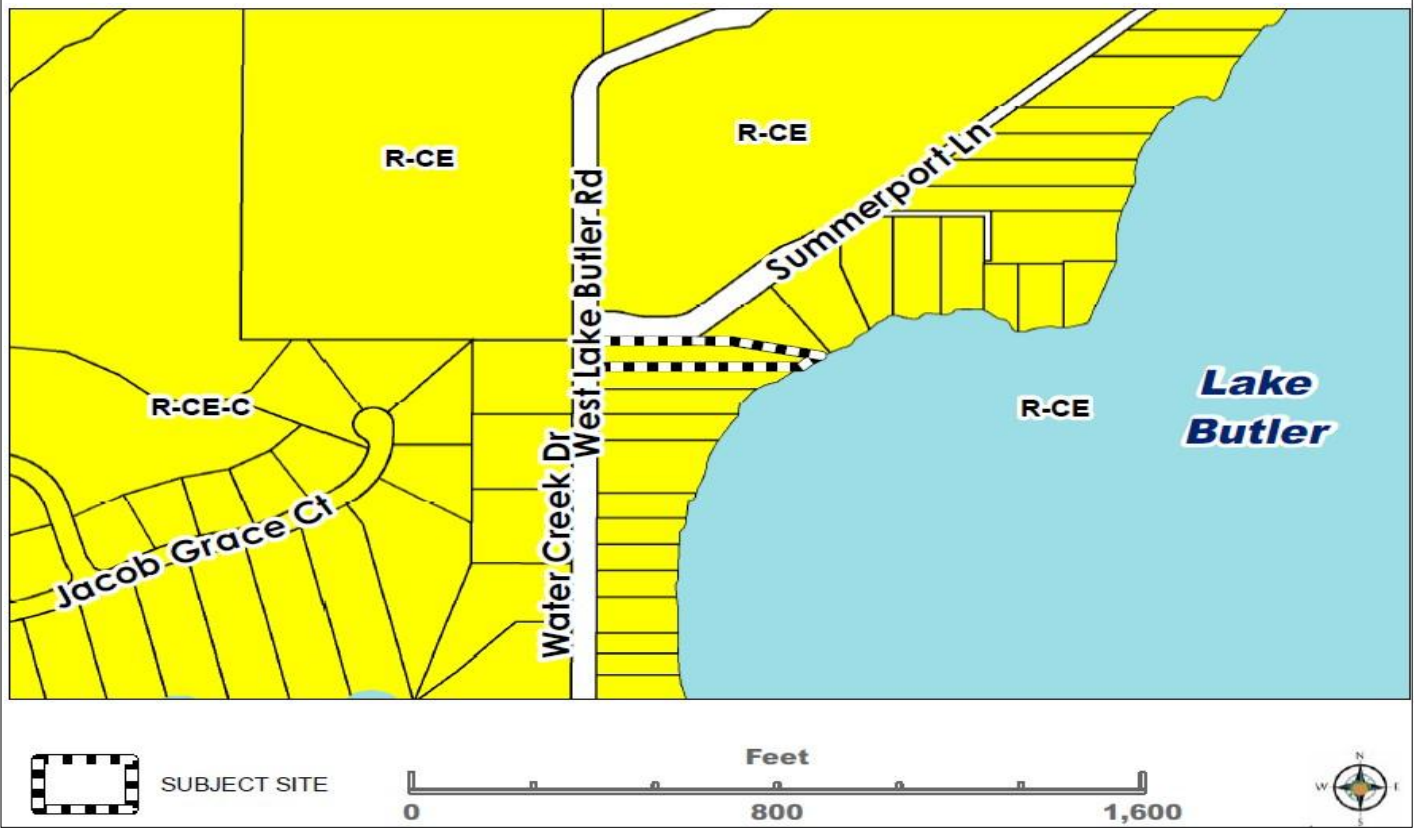
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

WE ARE ASKING FOR SIMILAR SETBACKS AFFORDED TO ALL LOTS PREVIOUSLY GRANTED
VARIANCES IN THIS AREA

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

THIS PROPERTY ALLOWS FOR A RESIDENCE TO HAVE A MUCH DEEPER SETBACK FROM FRONT ROAD DUE TO LOT DEPTH
THE SIDE SETBACK WILL ALLOW A NORMAL SIZED "5000-7000 sqft. CONSTRUCTED ON PROPERTY WITH LITTLE OR NO ISSUES
FOR NEIGHBORING PROPERTIES AND OR RESIDENTS

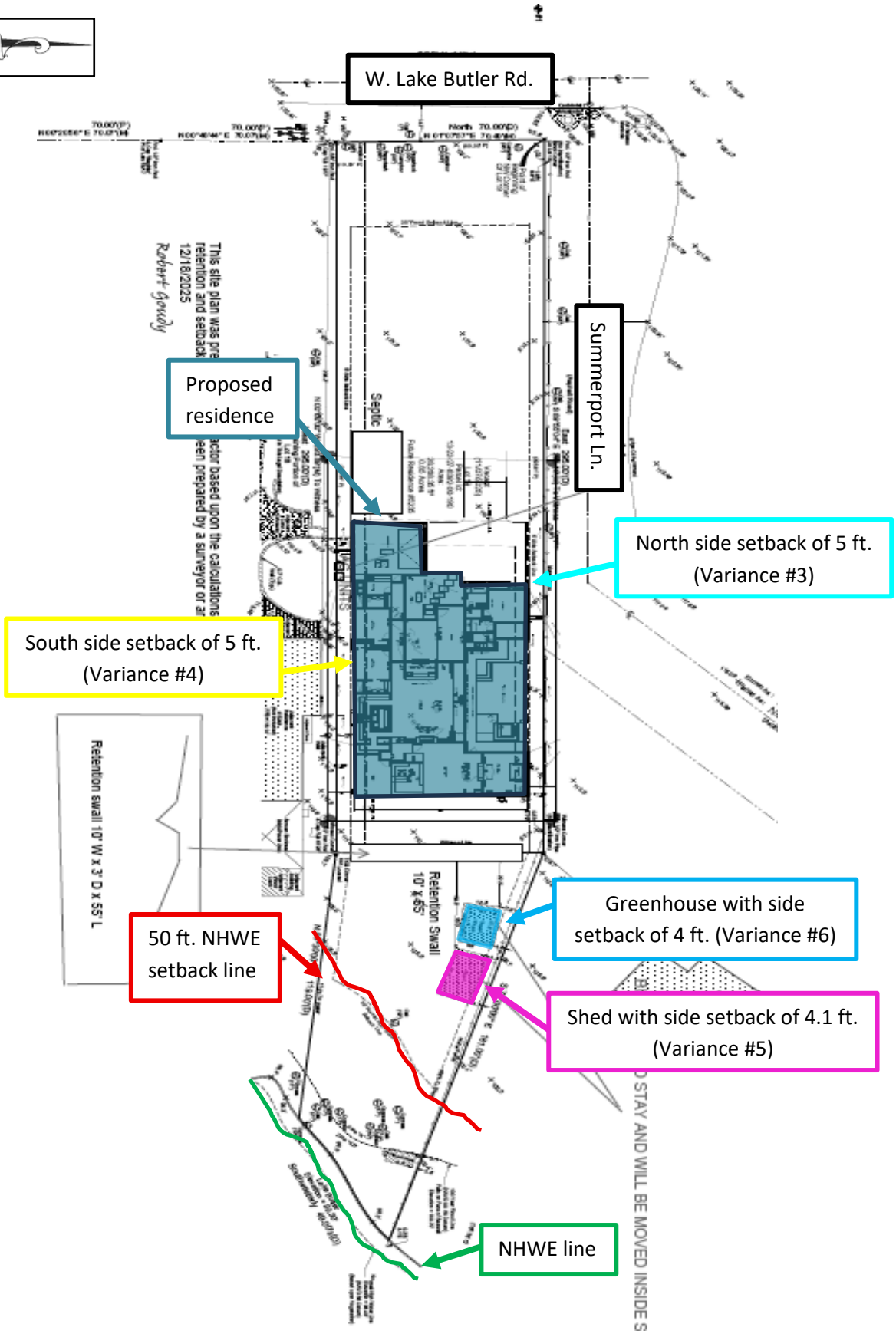
ZONING MAP



AERIAL MAP



SITE PLAN



BUILDABLE AREA PLAN



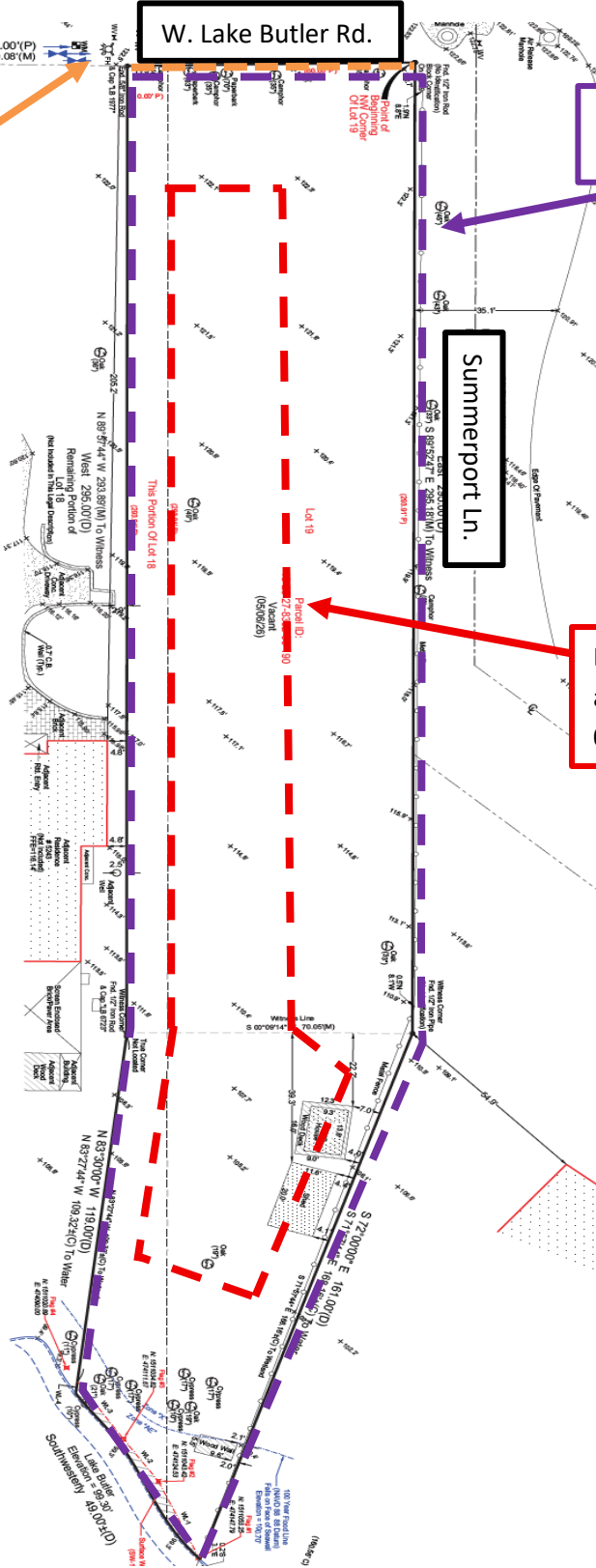
Lot width: 70 ft.
(Variance #2)

W. Lake Butler Rd.

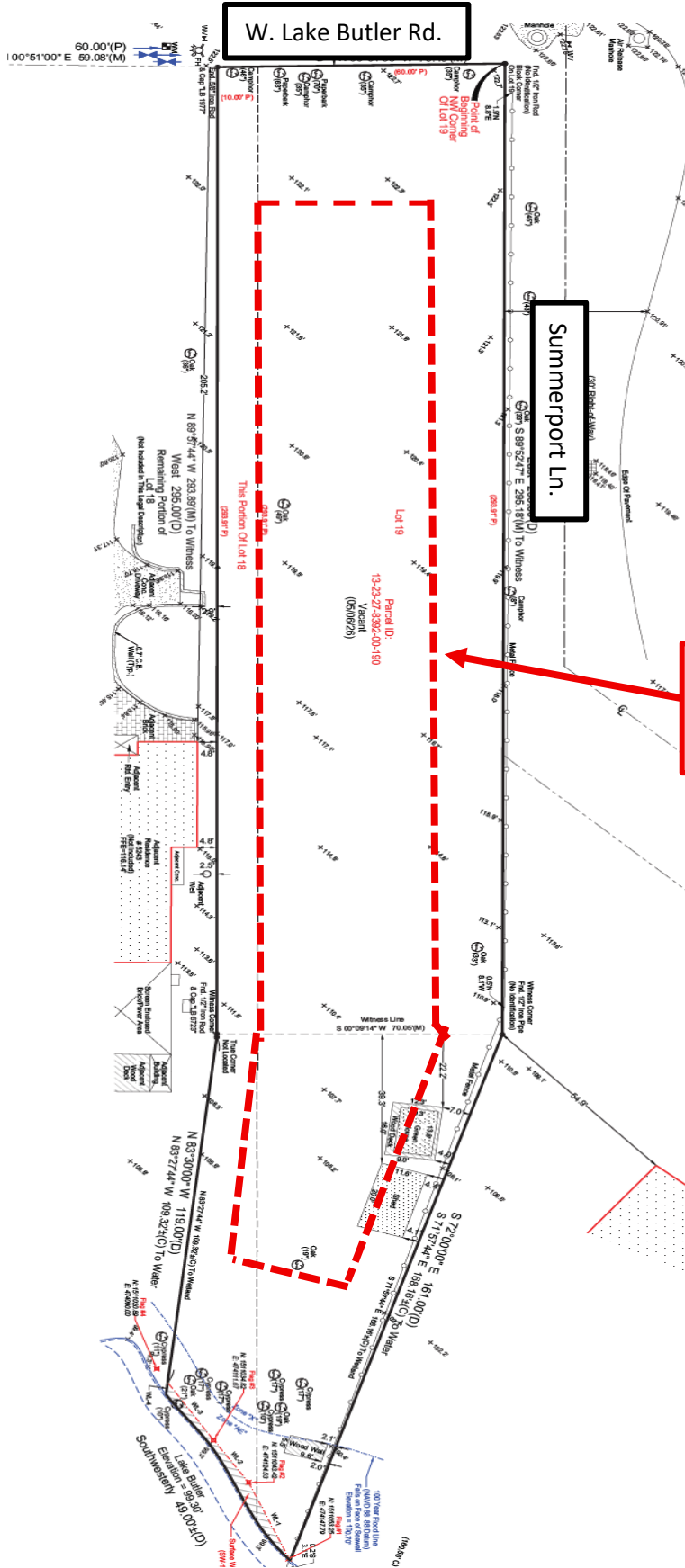
Lot area: 0.64 acres
(Variance #1)

Summerport Ln.

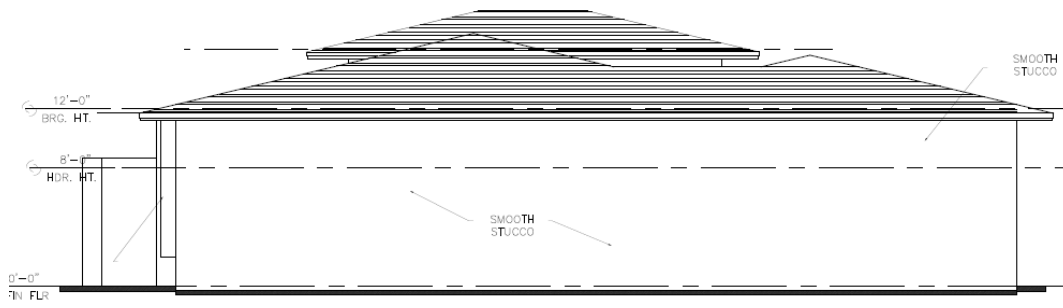
Buildable area \approx 0.25
acres of the upland
0.64 acres



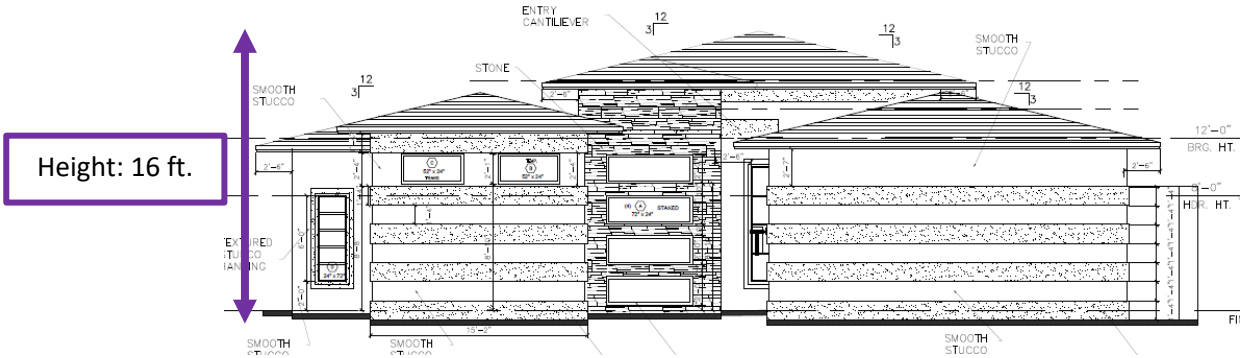
BUILDABLE AREA PLAN WITH LESSER VARIANCE #3



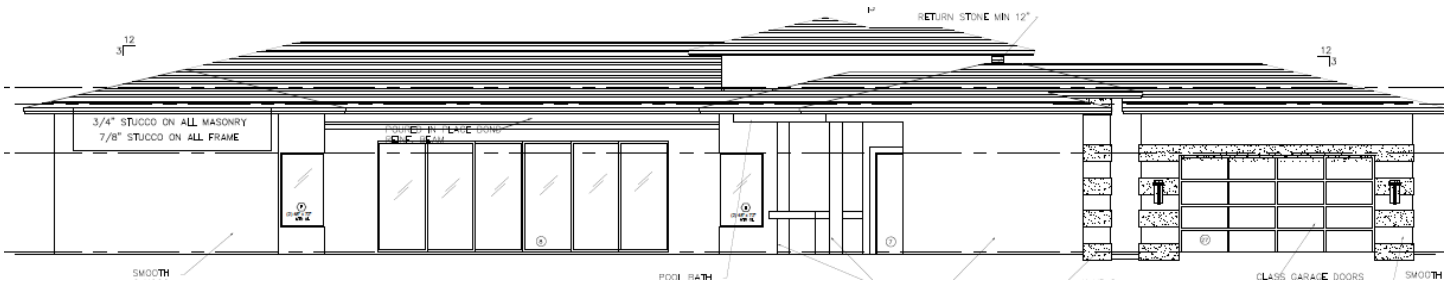
ELEVATIONS



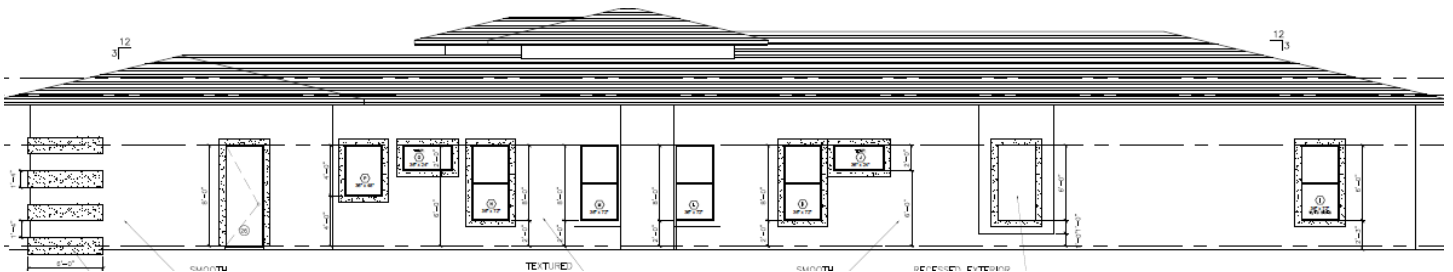
East Elevation



West Elevation



North Elevation



South Elevation

SITE PHOTOS



Facing east from W. Lake Butler Rd., towards front of subject property



On the subject property, facing west towards W. Lake Butler Rd.

SITE PHOTOS



At the intersection of W. Lake Butler Rd. and Summerport Ln., facing southeast toward the property



On the subject property, facing east

SITE PHOTOS



Facing south from Summerport Ln., towards the subject property



On the subject property, facing west

SITE PHOTOS

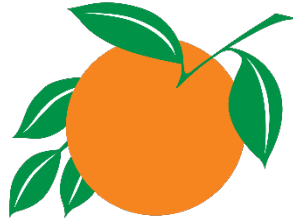


Facing northeast towards the existing shed and greenhouse on the property



Facing west towards the side of the existing structures (shed and greenhouse)

ORANGE



COUNTY

F L O R I D A

BOARD OF ZONING ADJUSTMENT

201 S. Rosalind Ave.

Orlando, FL 32801