

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

March 10, 2026

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

APPLICANT: REBECCA HAMMOCK

OWNER: PAMELA RANSONE

CASE #: VA-25-12-074

REQUEST: Variances in the R-CE zoning district as follows:
1) To allow a minimum lot area of 0.61 acres in lieu of 1 acre
2) To allow a minimum lot width of 129.91 ft. in lieu of 130 ft.
3) To allow a structure to be located nearer the side street lot line than the required front yard of such abutting lot (15.3 ft. in lieu of 35 ft.).

LOCATION: 1876 Windermere Rd, Winter Garden, FL 34787, northwest corner of Windermere Rd. and Mckinnon Rd., east of Winter Garden Vineland Rd., south of Roberson Rd., west of Maguire Rd.

LOT SIZE: +/- 0.61 acre

ZONING: R-CE

DISTRICT: #1

PROPERTIES NOTIFIED: 71

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

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

Staff noted that no correspondence was received in favor of the request and two correspondences were received in opposition.

The applicant was present and discussed the same vested rights letter from the request of the property to the north (VA-25-12-073). Additional information was provided regarding future development of various vacant lots surrounding the subject property.

The applicant presented a new site plan (dated November 17, 2025) that shifted the house to the north, resulting in a modified Variance request #3 for a 28.5 ft. setback, in lieu of the original

request of a 15.3 ft. setback. The BZA discussed the size of the property regarding the requirements for lot size in the R-CE zoning district.

The BZA determined that the shape of the lot constrains the location of the proposed structure, requiring a reduced setback.

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

The BZA recommended approval of Variance requests #1 and #2 and a lesser variance of 28.5 ft. in lieu of 35 ft. for Variance request #3 by a 5-0 vote, with two absent, subject to the 3 conditions found in the staff report with a modified Condition of Approval #1:

Development shall be in accordance with the site plan dated November 17, 2025, and elevations dated September 26, 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).

BZA HEARING DECISION:

A motion was made by Thomas Moses, seconded by Juan Velez, and carried to recommend APPROVAL of the Variance requests #1 and #2, and APPROVAL of a modified Variance request #3, of a lesser variance of 28.5 ft. in lieu of 35 ft., in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as modified (Motion by Thomas Moses, Second by Juan Velez; unanimous; 5 in favor: John Drago, Juan Velez, Thomas Moses, Roberta Walton Johnson, Johnny Stanley; 0 opposed; 2 absent: Glenn Rubinstein, Sonya Shakespeare)

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **DEC 04, 2025**

Commission District: **#1**

Case #: **VA-25-12-074**

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

Jacqueline.Boling@ocfl.net

GENERAL INFORMATION

APPLICANT(s): REBECCA HAMMOCK

OWNER(s): PAMELA RANSONE

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

- 1) To allow a minimum lot area of 0.61 acres in lieu of 1 acre
- 2) To allow a minimum lot width of 129.91 ft. in lieu of 130 ft.
- 3) To allow a structure to be located nearer the side street lot line than the required front yard of such abutting lot (15.3 ft. in lieu of 35 ft.).

PROPERTY LOCATION: 1876 Windermere Rd, Winter Garden, FL 34787, northwest corner of Windermere Rd. and Mckinnon Rd., east of Winter Garden Vineland Rd., south of Roberson Rd., west of Maguire Rd.

PARCEL ID: 06-23-28-0000-00-024

LOT SIZE: +/- 0.61 acre

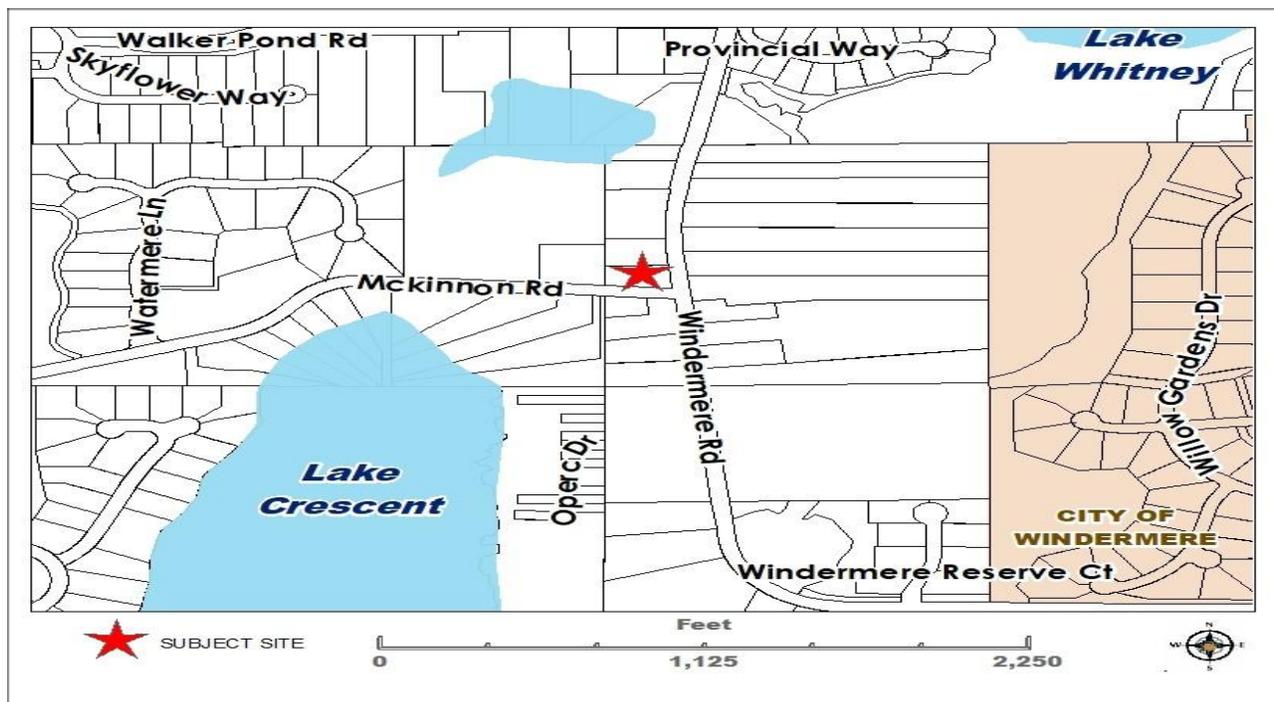
NOTICE AREA: 1,000

NUMBER OF NOTICES: 71

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

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

The parcel is 26,697 square feet in size, which is below the minimum 43,563 square feet required for single-family residential development in the R-CE zoning district, requiring Variance #1. The lot has a width of 129.91 feet, which is slightly below the minimum required width of 130 feet for the district; therefore, Variance #2 is requested. All existing structures on the site are proposed to be demolished to allow the new construction of a two-story, single-family residence totaling 4,584 square feet. The residence is proposed to be located closer to the side street lot line than the required front yard setback of the adjoining lot, with a proposed setback of 15.3 feet in lieu of the required 35 feet, prompting the need for Variance #3. The applicant must also comply with a 50-foot wetland buffer established through a Conservation Area Determination (CAD-22-11-219).

This property, along with the adjacent parcel, is proposed to be developed with new single-family residences and is subject to a related variance request Case #(VA-26-01-073). The adjacent parcel is currently vacant, with a proposal to construct a 6,998-square-foot single-family residence.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	28 ft.
Min. Lot Width:	130 ft.	129.91 ft. (Variance #2)
Min. Lot Size:	43,560 sq. ft.	26.697 sq. ft. (Variance #1)
Min. Living Area:	1,500 sq. ft.	4,584 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front: (Windermere Rd)	35 ft.	35.7 ft.
Side Street Yard: McKinnon Rd)	35 ft.*	15.3 ft. (South) (Variance #3)
Side:	10 ft.	24.1 ft. (North)
Rear:	50 ft.	+/- 50 ft. (West)

**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. As of the date of this report, no comments have been received in favor or in opposition to this request.

Section 30-43(3) of the Orange County Code requires that all six variance criteria be satisfied before a recommendation of approval can be made. Based on staff's analysis, the variance requests do not meet all of the required criteria. While there are special circumstances related to the property's smaller and irregular size, staff recommends denial of the variance due to the issue of contiguous ownership.

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

VARIANCES #1 & 2 NOT MET – The special conditions and circumstance particular to the subject property is that the lot is not buildable without the requested variance; however, the subject property would be buildable by aggregating the other property.

VARIANCE #3 MET - Special conditions and circumstances exist due to the limited lot size, which restricts both the overall size of the proposed structure and its potential placement on the property.

Not Self-Created

ALL VARIANCES NOT MET – The variance request is self-created, as the Code requires that substandard adjoining lots under single ownership shall be aggregated to create a tract meeting the minimum lot size and area. One lot of standard size would eliminate the need for all 3 variance requests.

No Special Privilege Conferred

ALL VARIANCES NOT MET - Granting the Variance would confer special privilege as other developments in the area have complied with Orange County Code and Development standards.

Deprivation of Rights

ALL VARIANCES NOT MET – Denial of the Variance would not deprive the applicant of the ability to construct a residence, as the property owner maintains ownership of the adjacent lot to the north. In these situations, Code requires that the lots be combined in order to lessen or eliminate the nonconformity. The subject and adjacent lots would become a conforming lot once aggregate

Minimum Possible Variance

ALL VARIANCES NOT MET - The request is not the minimum possible due to the ownership of the adjacent lot. Combination of the lots would eliminate the need for a Variance but would restrict the development to only one residence. Additionally, the proposed home could be shifted on the subject site to comply with development standards to minimize their variance request.

Purpose and Intent

VARIANCES #1 & 2 NOT MET – Sec. 38-1401 (d) specifically notes that a lot or parcel which contains less than the minimum lot area required by the zoning district and is not a lawful nonconforming lot or parcel, shall not be grounds for granting a variance pursuant to Section 30-43, Orange County Code. As there are two contiguous lots under single ownership, the lots should be aggregated.

VARIANCE #3 MET – Approval of the requested Variance would be in harmony with the purpose and intent of the zoning regulations as the Code encourages infill development. Granting the requested Variance will not be injurious to the neighborhood or detrimental to the public welfare as the residence meets all other performance standards and will be consistent with the existing development in the area.

CONDITIONS OF APPROVAL

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

C: Rebecca Hammock
Poulos & Bennett, LLC
2602 E. Livingston St.
Orlando, FL 32803

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

Variance Application Narrative Lot: 06-23-28-0000-024 (1876 Windermere Road)

Toll Brothers, the prospective buyer of the subject lot is seeking a lot size and lot width variances for the subject lot to demolish the existing home and build a new house.

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

Applicant Response: The subject lot is a non-standard lot in its zoning category of R-CE, which requires a minimum one (1) acre lot size and a minimum lot width of 130'. The lot is 0.626 acres, less than one acre and has a lot width of 129.91'. However, the lot was created prior to zoning in 1957.

The subject lot is a substandard lot of record as it was created prior to 1957. Attached is a 1945 Vesting Deed for the 1876 Windermere Road property, which is evidence that this described property existed before the 1957 zoning went into effect. The deed reflects the same legal as the most recent vesting deed. However, at some point this parcel was in common ownership with the lot to the north so it no longer qualifies as a substandard lot of record based on Orange County Code. However, the lot to the north received a vested rights certificate in 1992 (92-34) to allow it to be developed even with an ownership change and stated that the aggregation requirement does not apply. The lot to the north was given vested rights to develop one single family residential home.

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

Applicant Response: The property was a substandard lot of record and is developed with an existing single-family residential home built in 1940. Previously the subject property was under common ownership with the parcel to the north, however, the parcels are no longer under the same ownership. As the lot was created prior to Orange County's zoning code and is already developed with a single-family home, the special conditions and circumstances do not result from the actions of the applicant. The conditions existed prior to the Applicant's interest in the property.

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

Applicant Response: Approval of the variance requested will not confer on the applicant any special privileges as the applicant only wishes to build one single family residential home on the lot to replace the existing home. All other R-CE zoning requirements will be met. The variance will allow the Applicant to the same rights and privileges as other property owners in the area who also have substandard lot sizes.

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 with the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

Applicant Response: Literal interpretation of the provisions would prevent the applicant from being able to develop the subject property as it is currently developed. It would prevent the reasonable use of the property from being developed with a new single-family residential home to replace the existing home that was originally built in 1940.

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

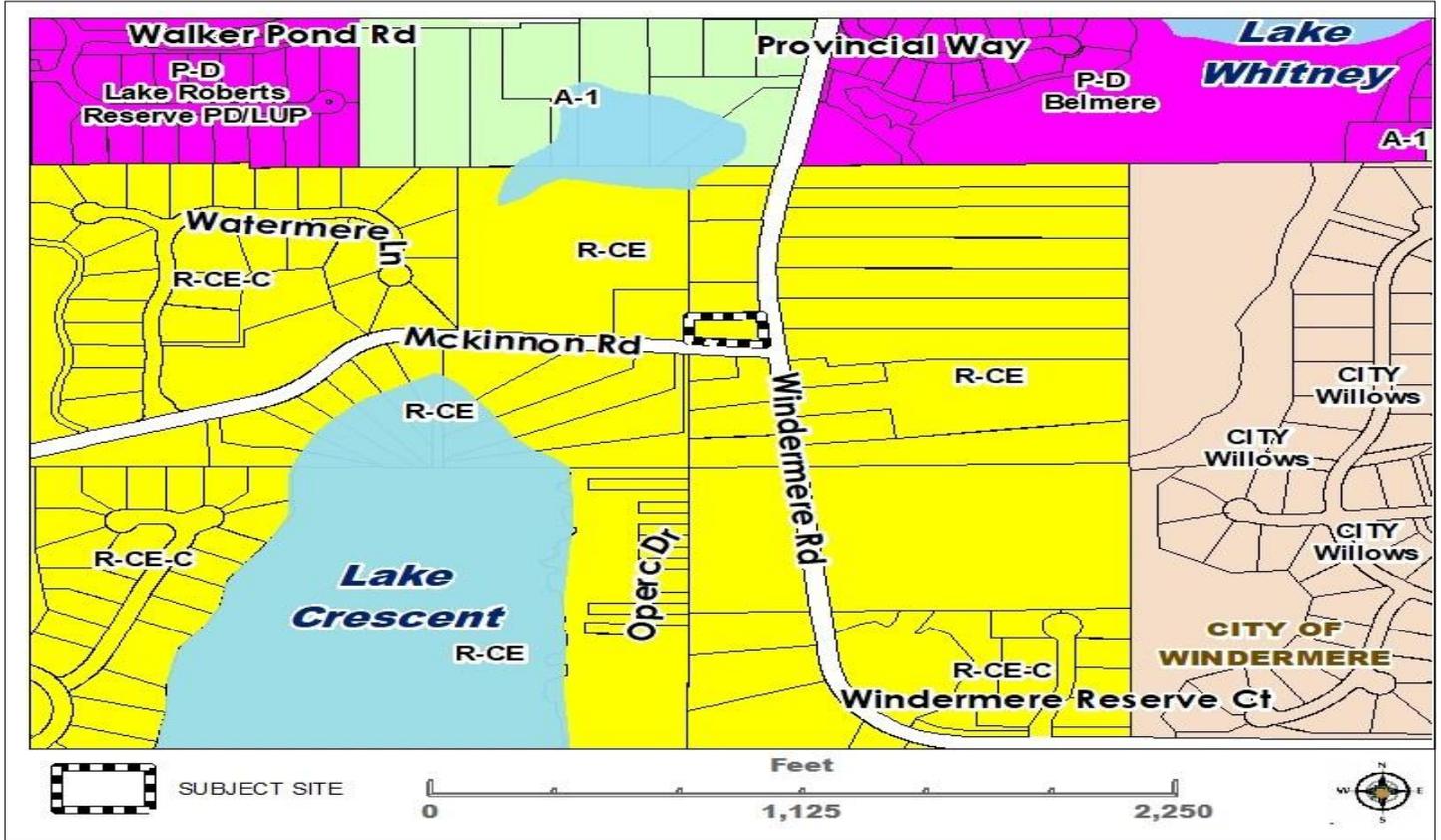
Applicant Response: This is the minimal variance needed to develop the subject property with one single family home. The lot size and lot width exist and were established prior to 1957.

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.

7.

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

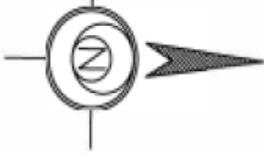
ZONING MAP



SITE PLAN



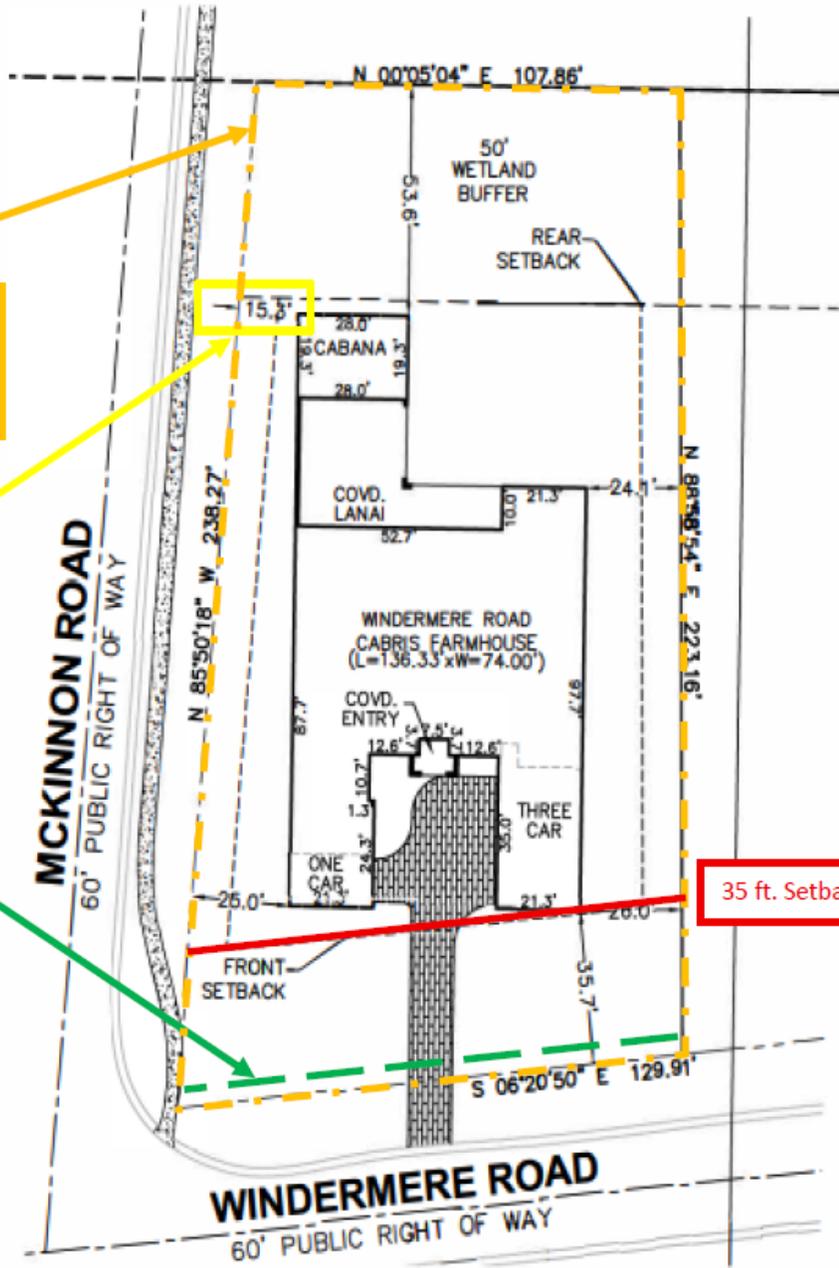
SITE PLAN



Variance #1: Minimum lot area of 0.63 acres in lieu of 1 acre.

Variance #3: Minimum side street setback of 15.3 ft. in lieu of 35 ft.).

Variance #2: Minimum lot width of 129.91 ft. in lieu of 130 ft.

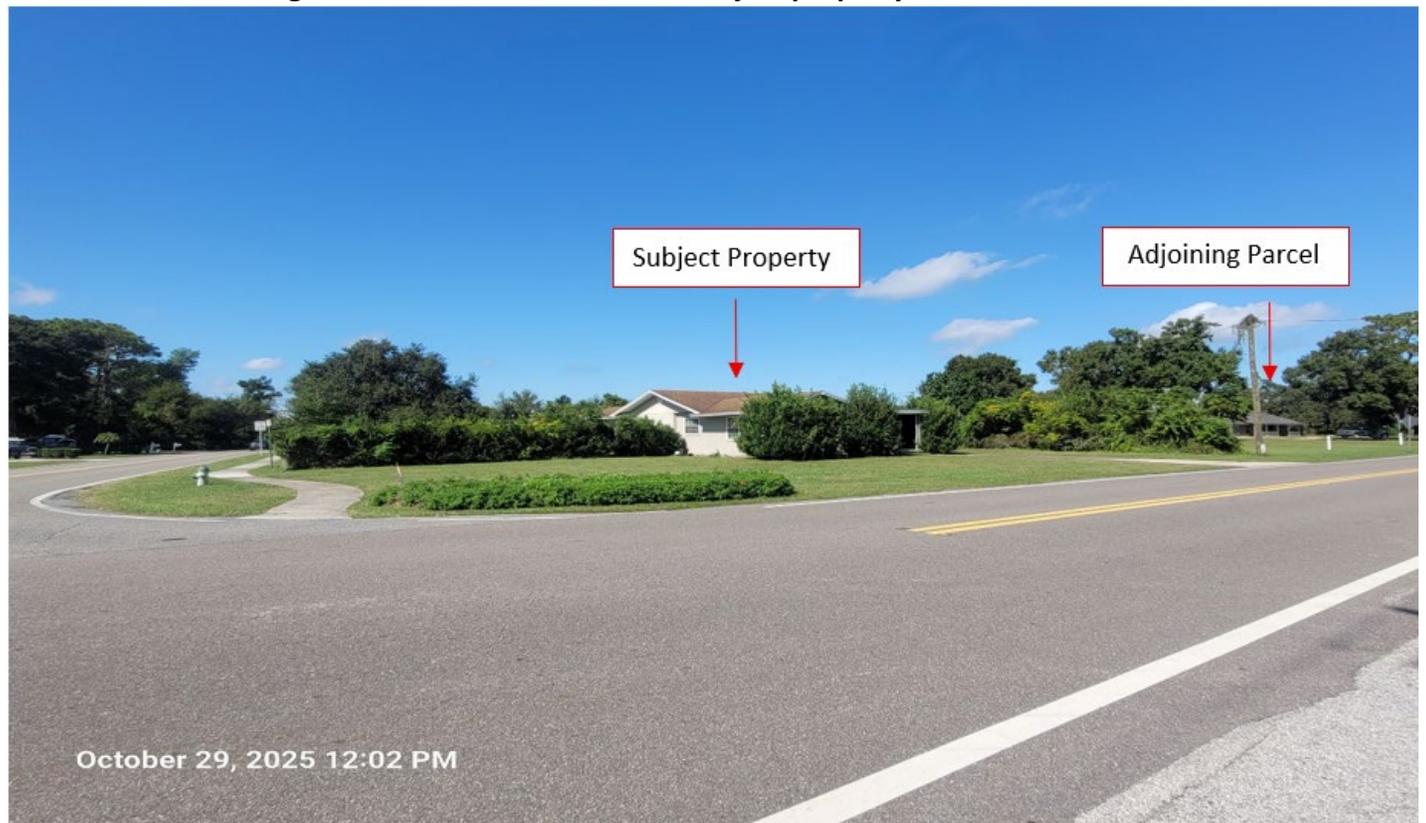


35 ft. Setback

SITE PHOTOS



Facing east towards the front of the subject property from Windermere Rd.



Facing southeast towards the subject property at the corner of McKinnon and Windermere Rd.

SITE PHOTOS



October 29, 2025 12:04 PM

Facing north towards the side of the subject property from McKinnon Rd.



October 29, 2025 12:02 PM

Corner of Windermere Road and McKinnon Road looking west. Subject property to the right.