



Planning, Environmental &  
Development Services  
Department



Orange County Board of Zoning Adjustment

# Recommendations Booklet

Hearing Date:

**June 5, 2025**

Zoning Division

## ORANGE COUNTY GOVERNMENT

### BOARD OF ZONING ADJUSTMENT (BZA)

<b><u>Board Member</u></b>	<b><u>District</u></b>
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
Taylor Jones	Chief Planner
Tiffany Chen	Planner III
Michelle Corretjer	Planner II
Catherine Glase	Planner I
Bryan Salamanca	Planner I



**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT  
RECOMMENDATIONS  
JUNE 5, 2025**

<b>Case #</b>	<b>Applicant</b>	<b>Commission District</b>	<b>Staff Recommendation</b>	<b>BZA</b>	<b>Page #</b>
VA-25-05-016	Romualdo Garcia	2	Approval w/Conditions	Approval w/Conditions	1
VA-25-06-022	Joseph Forte	1	Approval w/Conditions	Approval w/Conditions	12
VA-25-06-024	Russell Stokes	1	Denial	Approval w/Conditions	27
VA-25-06-023	Connor Endres	1	Approval w/Conditions	Approval w/Conditions	40
VA-25-05-014	Matthew Danet	5	Approval w/Conditions	Approval w/Conditions	59
VA-25-06-021	Bryan Watts	3	Approval w/Conditions	Approval w/Conditions	73
VA-25-05-015	Jason Sellers	5	Request #1, Denial Requests #2 and 3, Approval w/Conditions	Approval w/Conditions	86
SE-25-02-148	Wilma Tompkins for Sanctuary of Praise	2	Approval w/Conditions	Denial	100

**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 June 17, 2025.**

# 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 <sup>M</sup> (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	<sup>A</sup> Min. Front yard (ft.)	<sup>A</sup> Min. Rear yard (ft.)	<sup>A</sup> Min. Side yard (ft.)	<sup>A</sup> 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 <sup>A</sup>	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 <sup>A</sup>	L	
A-2	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50 <sup>A</sup>	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 <sup>A</sup>	L	
A-R	108,900 (2½ acres)	950	270	35	50	25	15	35	50 <sup>A</sup>	L	
R-CE	43,560 (1 acre)	1,500	130	35	50	10	15	35	50 <sup>A</sup>	L	
R-CE-2	2 acres	1,200	185	45	50	30	15	35	50 <sup>A</sup>	L	
R-CE-5	5 acres	1,200	250	50	50	45	15	35	50 <sup>A</sup>	L	
R-1AAAA	21,780(½ acre)	1,500	110	30	35	10	15	35	50 <sup>A</sup>	L	
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	15	35	50 <sup>A</sup>	L	
R-1AA	10,000	1,200	85	25/30 <sup>H</sup>	30/35 <sup>H</sup>	7.5	15	35	50 <sup>A</sup>	L	
R-1A	7,500	1,200	75	20/25 <sup>H</sup>	25/30 <sup>H</sup>	7.5	15	35	50 <sup>A</sup>	L	
R-1	5,000	1,000	50	20/25 <sup>H</sup>	20/25 <sup>H</sup>	5/6 <sup>H</sup>	15	35	50 <sup>A</sup>	L	
R-2	One-family dwelling, 4,500	1,000	45 <sup>C</sup>	20/25 <sup>H</sup>	20/25 <sup>H</sup>	5/6 <sup>H</sup>	15	35	50 <sup>A</sup>	L	38-456
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit <sup>D</sup>	80/90 <sup>D</sup>	20/25 <sup>H</sup>	25	5/6 <sup>H</sup>	15	35	50 <sup>A</sup>	L	38-456
	Three dwelling units, 11,250	500 per dwelling unit	85 <sup>J</sup>	20/25 <sup>H</sup>	30	10	15	35 <sup>E</sup>	50 <sup>A</sup>	L	38-456
	Four or more dwelling units, 15,000	500 per dwelling unit	85 <sup>J</sup>	20/25 <sup>H</sup>	30	10 <sup>B</sup>	15	35 <sup>E</sup>	50 <sup>A</sup>	L	38-456; limited to 4 units per building
R-3	One-family dwelling, 4,500	1,000	45 <sup>C</sup>	20/25 <sup>H</sup>	20/25 <sup>H</sup>	5	15	35	50 <sup>A</sup>	L	38-481
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit <sup>D</sup>	80/90 <sup>D</sup>	20/25 <sup>H</sup>	20/25 <sup>H</sup>	5/6 <sup>H</sup>	15	35	50 <sup>A</sup>	L	38-481
	Three dwelling units, 11,250	500 per dwelling unit	85 <sup>J</sup>	20/25 <sup>H</sup>	30	10	15	35 <sup>E</sup>	50 <sup>A</sup>	L	38-481
	Four or more dwelling units, 15,000	500 per dwelling unit	85 <sup>J</sup>	20/25 <sup>H</sup>	30	10 <sup>B</sup>	15	35 <sup>E</sup>	50 <sup>A</sup>	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 <sup>S</sup>	15	35 <sup>Q</sup>	50 <sup>A</sup>	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 <sup>A</sup>	L	38-578
R-T-1 SFR	4,500 <sup>C</sup>	1,000	45	20	20	5	15	35	50 <sup>A</sup>	L	
Mobile Home	4,500 <sup>C</sup>	Min. mobile home size 8 ft. x 35 ft.	45	20	20	5	15	35	50 <sup>A</sup>	L	



District	Min. Lot Area <sup>M</sup> (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	<sup>A</sup> Min. Front yard (ft.)	<sup>A</sup> Min. Rear yard (ft.)	<sup>A</sup> Min. Side yard (ft.)	<sup>A</sup> 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 <sup>A</sup>	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 <sup>A</sup>	L	
NR	One family dwelling, 4,500	1,000	45 <sup>C</sup>	20	20	5	15	35/3 stories	50 <sup>A</sup>	L	38-1748
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 <sup>A</sup>	L	38-1748
	Three dwelling, 11,250	1,000	45 <sup>C</sup>	20	20	5	15	35/3 stories	50 <sup>A</sup>	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 <sup>A</sup>	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 <sup>A</sup>	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 <sup>A</sup>	L	38-1741
	One family dwelling, 4,500	1,000	45 <sup>C</sup>	20	20	5	15	35/3 stories	50 <sup>A</sup>	L	38-1741
	Two dwelling units, 11,250	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 <sup>A</sup>	L	38-1741
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 <sup>A</sup>	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 <sup>A</sup>	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 <sup>A</sup>	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 <sup>A</sup>	L	38-1734
	One family dwelling, 4,500	1,000	45 <sup>C</sup>	20	20	5	15	35/3 stories	50 <sup>A</sup>	L	38-1734
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 <sup>A</sup>	L	38-1734
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 <sup>A</sup>	L	38-1734

District	Min. Lot Area <sup>M</sup> (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	<sup>A</sup> Min. Front yard (ft.)	<sup>A</sup> Min. Rear yard (ft.)	<sup>A</sup> Min. Side yard (ft.)	<sup>A</sup> 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 <sup>A</sup>	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 <sup>A</sup>	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 <sup>A</sup>	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 <sup>A</sup>	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 <sup>A</sup>	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 <sup>A</sup>	L	38-880
I-1A	N/A	N/A	N/A	35	25 <sup>N</sup>	25 <sup>N</sup>	15	50; or 35 within 100 feet of any residential use or district	50 <sup>A</sup>	L	38-907
I-1/I-5	N/A	N/A	N/A	35	25, or 50 ft. when abutting residential district <sup>N</sup>	25, or 50 ft. when abutting residential district <sup>N/O</sup>	15	50; or 35 within 100 feet of any residential use or district	50 <sup>A</sup>	L	38-932
I-2/1-3	N/A	N/A	N/A	25	10, or 60 ft. when abutting residential district <sup>P</sup>	15, or 60 ft. when abutting residential district <sup>P</sup>	15	50; or 35 within 100 feet of any residential use or district	50 <sup>A</sup>	L	38-981
I-4	N/A	N/A	N/A	35	10, or 75 ft. when abutting residential district <sup>N</sup>	25, or 75 ft. when abutting residential district <sup>N</sup>	15	50; or 35 within 100 feet of any residential use or district	50 <sup>A</sup>	L	38-1008

District	Min. Lot Area <sup>M</sup> (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	<sup>A</sup> Min. Front yard (ft.)	<sup>A</sup> Min. Rear yard (ft.)	<sup>A</sup> Min. Side yard (ft.)	<sup>A</sup> 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 <sup>J</sup>	20/25 <sup>H</sup>	30	10 <sup>B</sup>	15	35	50 <sup>A</sup>	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.

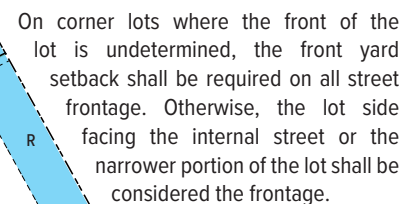
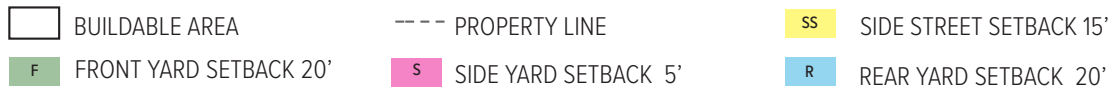
#### FOOTNOTES

<b>A</b>	Setbacks shall be measured from the normal high water elevation contour on any adjacent natural surface water body and any natural or artificial extension of such water body, for any building or other principal structure. Subject to Chapter 15, Article VII, Lakeshore Protection, and Chapter 15, Article X, Wetland Protection, the minimum setbacks from the normal high water elevation contour on any adjacent natural surface water body, and any natural or artificial extension of such water body, for an accessory building, a swimming pool, swimming pool deck, a wood deck attached to the principal structure or accessory structure, a parking lot, or any other accessory use, shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the normal high water elevation contour.  A lot which is part of a subdivision, the plat of which has been lawfully recorded, or a parcel of land, the deed of which was lawfully recorded on or before August 31, 1982, either of which has a depth of less than one hundred fifty (150) feet above the normal high water elevation contour, shall be exempt from the fifty-foot setback requirement set forth in section 38-1501. Instead, the setbacks under the respective zoning district requirements shall apply as measured from the normal high water elevation contour.
<b>B</b>	Side setback is 30 feet where adjacent to single-family district.
<b>C</b>	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.
<b>D</b>	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.
<b>E</b>	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.
<b>F</b>	Reserved.
<b>G</b>	Reserved.
<b>H</b>	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.
<b>J</b>	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.
<b>K</b>	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%.
<b>L</b>	Subject to the Future Land Use designation.
<b>M</b>	Developable land area.
<b>N</b>	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.
<b>O</b>	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.
<b>P</b>	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.
<b>Q</b>	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.
<b>R</b>	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.
<b>S</b>	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.***



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



## 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: **JUNE 05, 2025**

Commission District: **#2**

Case #: **VA-25-05-016**

Case Planner: **Michelle Corretjer (407) 836-5992**  
**Michelle.Corretjer-Colon@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** ROMUALDO GARCIA

**OWNER(s):** ROMUALDO GARCIA

**REQUEST:** Variance in the R-CE zoning district to allow a minimum lot area of 0.86 acres in lieu of a minimum of 1 acre.

**PROPERTY LOCATION:** 140 Holly St., Apopka, FL 32712, southeast corner of Holly St. and Oak St., northeast corner of Oak St. and Cedar St., north of E. Ponkan Rd., south of E. Kelly Park Rd., east of N. Rock Springs Rd.

**PARCEL ID:** 15-20-28-7616-00-080

**LOT SIZE:** 0.86 acres

**NOTICE AREA:** 500 ft.

**NUMBER OF NOTICES:** 55

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

1. Development shall be in accordance with the lot area shown on the site plan dated April 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.
4. The front door of the principal structure shall face Oak Street, which has been determined to be the front yard by the Zoning Manager.



**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 (6) criteria and the reasons for a recommendation for approval of the Variance. Staff noted that no comments were received in favor and one comment was received in in opposition to the request.

The applicant was present and did not have any additional information to provide for the Board.

The BZA discussed that the lot size is similar to surrounding properties and is infill development.

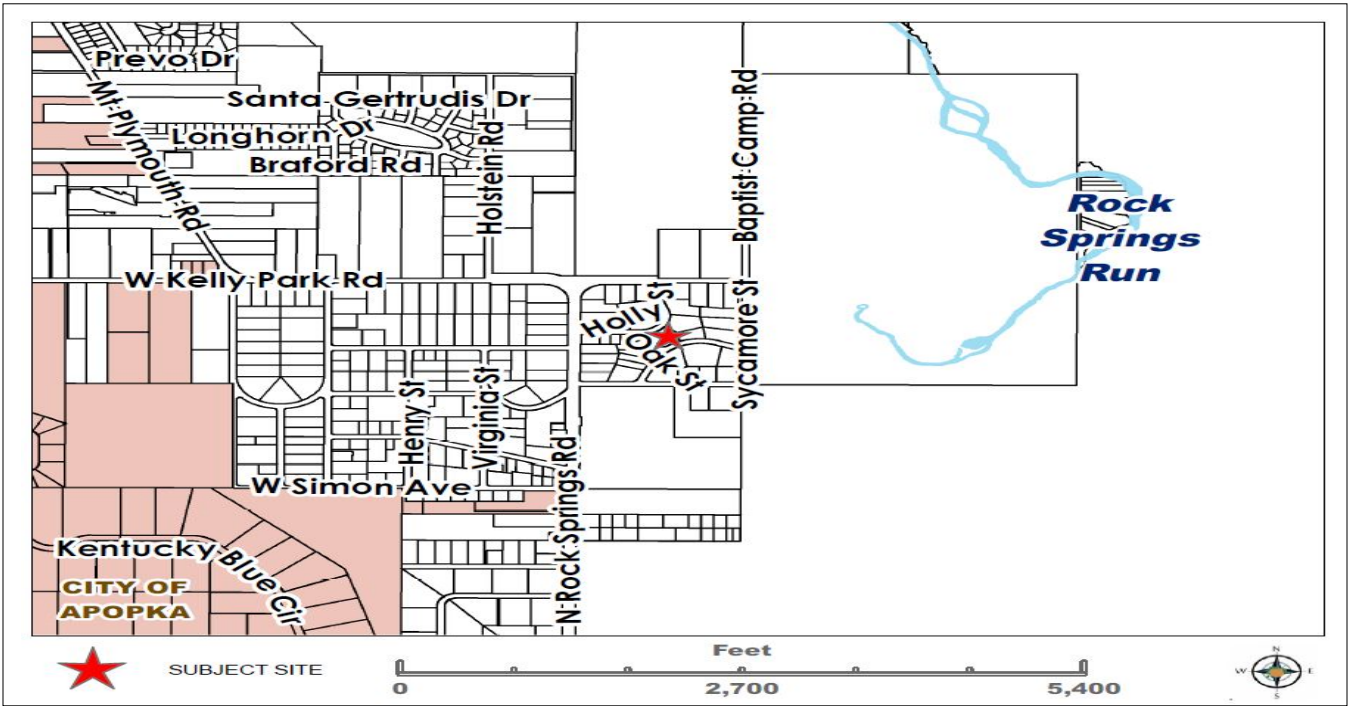
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the Variance request by a 5-0 vote, subject to the four (4) conditions found in the staff report.

**STAFF RECOMMENDATIONS**

Approval, subject to the conditions in this report.

**LOCATION MAP**



**SITE & SURROUNDING DATA**

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

**DESCRIPTION AND CONTEXT**

The subject property is located in the R-CE, Single-Family Dwelling district, which allows single-family homes and associated accessory structures on lots of 1 acre or greater. The future land use is Low Density Residential (LDR), which is inconsistent with the R-CE zoning district outside of Rural Settlements or Rural Residential Enclaves. A rezoning or Comprehensive Plan amendment is not required for a residential unit on a lot of record. Comprehensive Plan Policy FLU1.1.3B. allows for the construction of one (1) residential unit (including ancillary buildings or improvements) on an existing lot of record (according to Zoning Division records) as of July 1, 1991. This lot is considered a lot of record for Comprehensive Plan purposes, having been lawfully created as a platted lot prior to the adoption of the Comprehensive Plan on July 1, 1991.

The area around the subject site consists of vacant properties and single-family homes. The subject property is 37,420 sq. ft. in size, was platted in 1951 as lot 8 of the Rock Springs Park Plat and is considered to be a substandard lot due to the area of the lot. The property received a rezoning in 1982 from R-1 to R-CE initiated by the Orange County Planning and Zoning Commission. At the time of the rezoning, the lot size requirement changed from 6,000 square feet to one (1) acre creating the non-conformity.

Per Orange County Code Section 38-1401, if two or more adjoining lots were under single ownership on or after October 7, 1957, and one of the lots has a frontage or lot area less than what is required by the zoning district, such substandard lot or lots shall be aggregated to create one conforming lot. The owner was unable to provide documentation to verify if the property was under single ownership with the adjoining lots, therefore, the lot cannot be considered a substandard lot of record.

The property is a reverse corner lot with rights-of-way along Holly St. to the north, Oak St. to the west, and Cedar St. to the south. Oak St. is a paved and maintained public roadway, and both Holly St. and Cedar St. are unimproved rights-of-way. Per Orange County Code Section 38-1405 (d) and Section 38-1405 (6), on double frontage lots and in the cases of reversed frontages, the determination of yards shall be made by the Zoning Manager; as such, Oak St. is considered the front and Holly St. and Cedar St. are considered the side streets. After the reversed frontage determination has been made, the front door of the principal structure shall face the front yard as reflected in Condition of Approval #4. There was a single-family home on the lot which was demolished in 2015. The property is now vacant and was purchased by the current owner in 2019.

The applicant is proposing to construct a one-story, 5,827 gross sq. ft. residence with 4,137 sq. ft. of living area. The R-CE zoning district requires a minimum lot area of 1 acre and a minimum of 130 feet of lot width. The existing lot area is 0.86 acres, requiring the Variance request. The proposed residence complies with all other zoning development standards.

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 (6) Variance criteria are met. Staff has determined that the Variance request meets all the criteria. Therefore, staff is recommending approval of the Variance request.

**District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	25.25 ft.
Min. Lot Width:	130 ft.	184.11 ft.
Min. Lot Size:	1 acre	0.86 acre (Variance Request)

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**STAFF FINDINGS**

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

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

**Not Self-Created**

MET – The substandard aspects of the parcel are not self-created, as the lot was in this configuration when the current owner purchased the property and it was a staff initiated rezoning.

**No Special Privilege Conferred**

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

**Deprivation of Rights**

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

**Minimum Possible Variance**

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

**Purpose and Intent**

MET – Approval of the request will be in harmony with the purpose and intent of the Code, which is to allow infill development of lawfully constructed residences. The lot area will not be detrimental to the neighborhood as a home on a lot of this size will be consistent with the majority of the lots in the area. Additionally, the proposed residence complies with all other zoning development standards, including lot width and setbacks.



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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the lot area shown on the site plan dated April 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.
4. The front door of the principal structure shall face Oak Street, which has been determined to be the front yard by the Zoning Manager.

C: Romualdo Garcia  
1644 Gayle Ridge Dr.  
Apopka, FL 32703

**VARIANCE for:** 140 Holly Street, Apopka Fl 34712

Request is for: a new Single-Family Residence

Reason for request: The existing Lot is 0.86 Acre and width 117'-11" doesn't meet the minimum Lot requirement by the Orange County is 1 Acre and width 130'.

Type of construction proposed: Concrete, blocks, shingles and wood.

SF proposed: Gross area 5,827 SF and conditioned area is 4,137 SF.

Proposed dimensions: Gross area 5,827 SF and conditioned area is 4,137 SF.

Construction from property line: Setback in front (Holly St.) = 38.1'; side front street (Oak St.) = 50.3'; side 61.2', and rear (Cedar St.) = 63.9'

Proposed height: 25.75'

Numerical values: 25.75' height

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## COVER LETTER

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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 existing size and geometry of this lot is 0.86 acres and the lot width is 117'-11". The zoning requires a lot size of 1 acre and 130 ft in width. However, the existing size and geometry of the lot is not self-imposed.

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

The existing size and geometry of this lot is 0.86 acres and the lot width is 117'-11". The zoning requires a lot size of 1 acre and 130 ft in width. However, the existing size and geometry of the lot is not self-imposed.

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

Approval of the zoning variance requested will not confer any special privilege that is denied by this chapter, on me, to the other lands, building, or structures in the same zoning district.

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4. **Deprivation of Rights** - Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition or purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval or objection.

Literal interpretation of the zoning is depriving me of building a single family residence on this property.

Until these two variances are approved, Orange County Zoning will not approve plans for a new single family residence on this property.

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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 size and lot width variance request for this property is the minimum variance that will make possible the reasonable use of the land to be able to construct a single family residence on it.

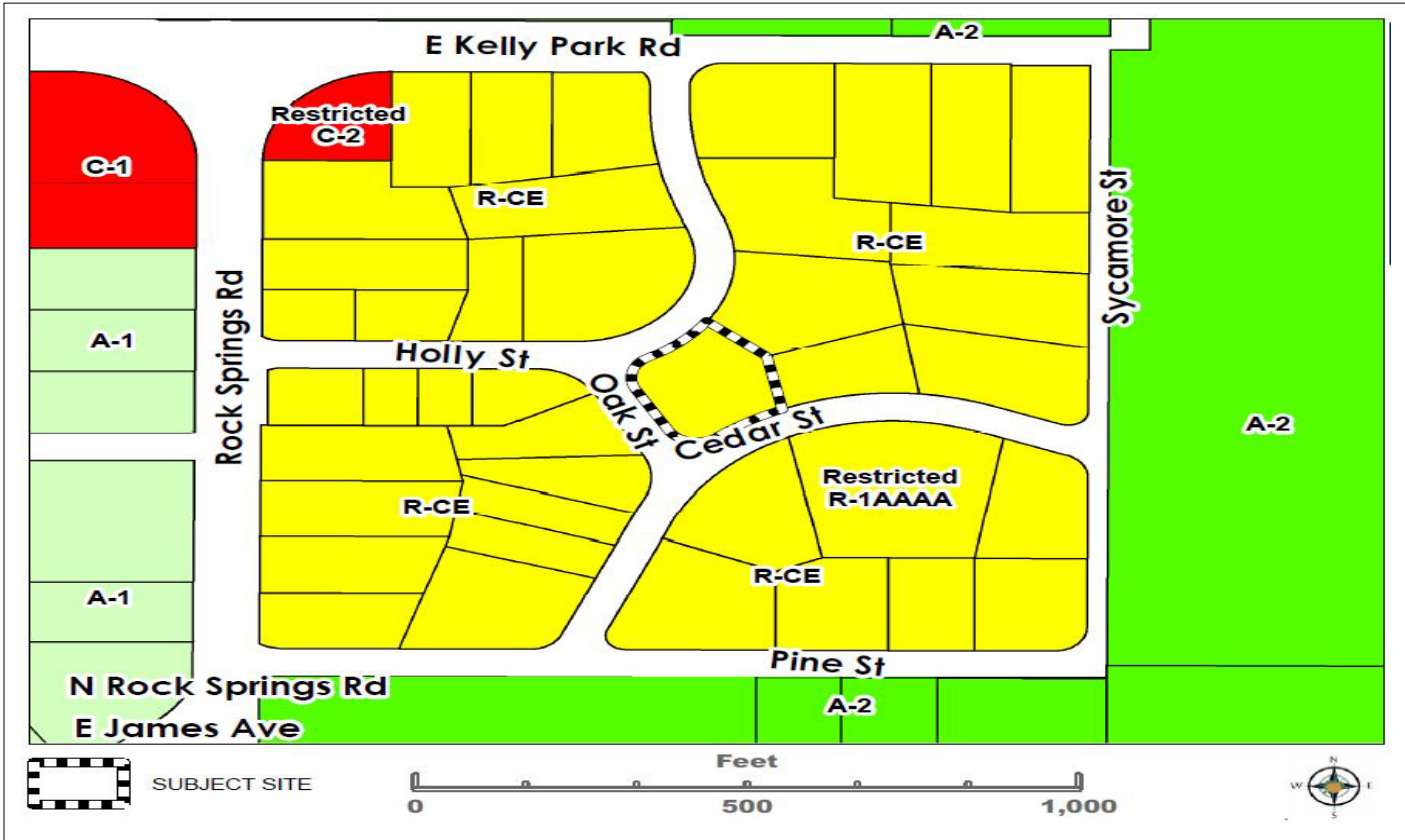
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6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

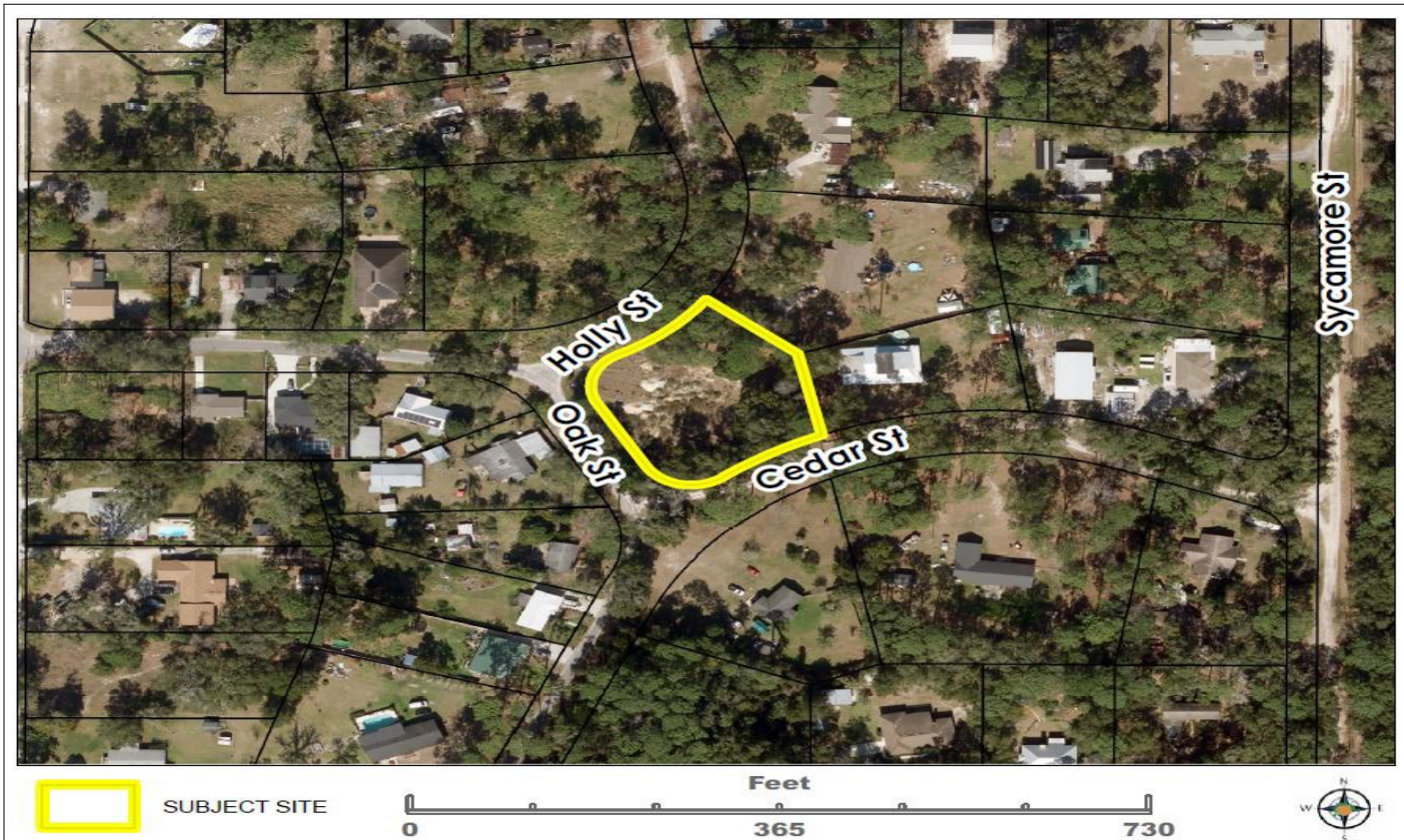
Approval of the zoning variance will be in harmony with the purpose and intent of the zoning regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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ZONING MAP

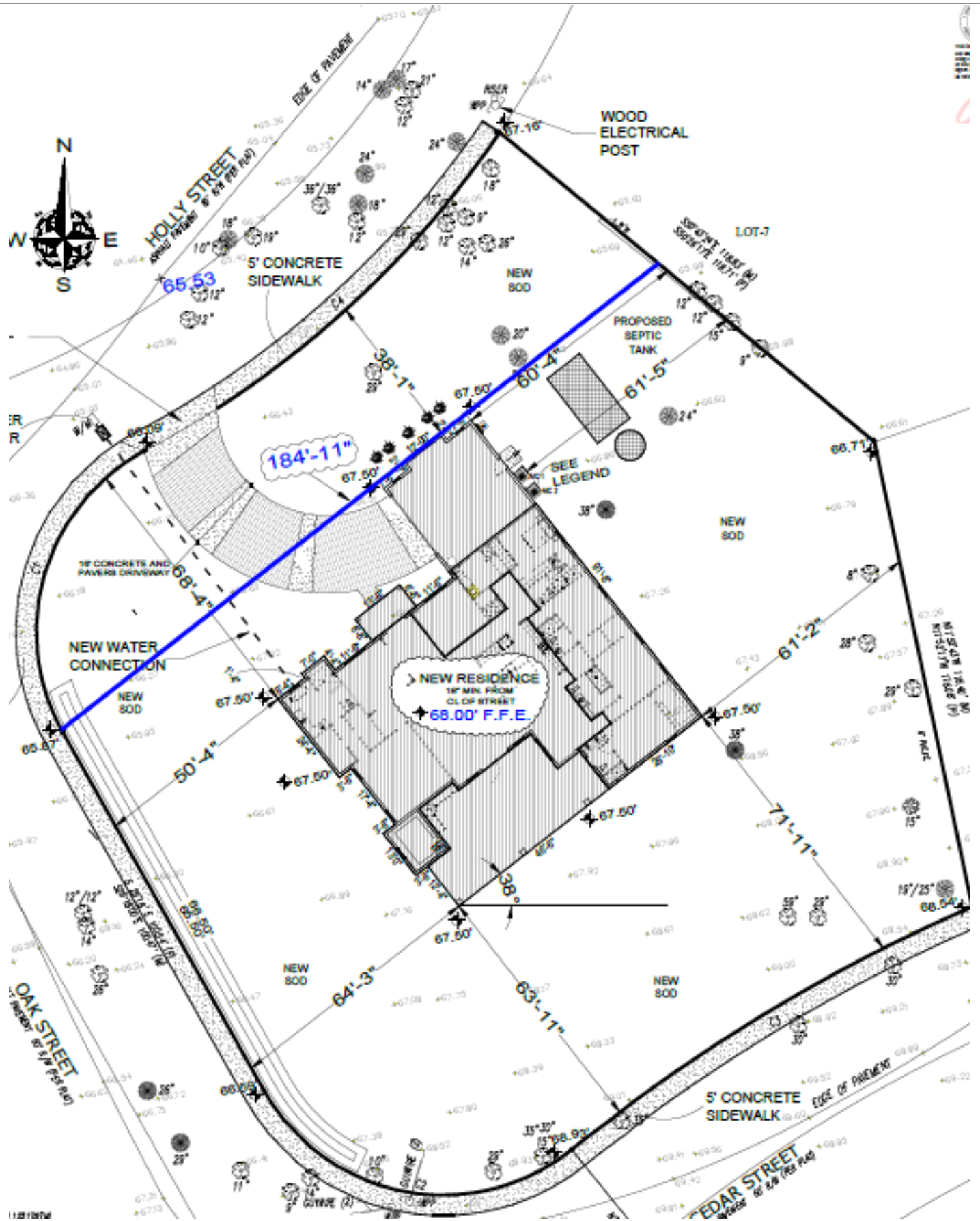


AERIAL MAP





# SITE PLAN





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**SITE PHOTOS**

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**Facing northeast towards front of subject property from Oak St.**



**Facing southeast towards the property from the intersection of Oak St. and Holly St.**



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## SITE PHOTOS

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**Facing north towards the property property from the intersection of Oak St. and Cedar St.**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUNE 05, 2025**

Commission District: **#1**

Case #: **VA-25-06-022**

Case Planner: **Tiffany Chen (407) 836-5549**

**Tiffany.Chen@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** JOSEPH FORTE

**OWNER(s):** SHERYL BOULINEAU, PAUL BOULINEAU

**REQUEST:** Variance in the PD zoning district to allow a screen enclosure with a 4.2 ft. side setback in lieu of 5 ft.

**PROPERTY LOCATION:** 7612 Orange Tree Lane, Orlando, FL 32819, south side of Orange Tree Ln., north of Wallace Rd, east of Dr. Philips Blvd., south of Lake Marsha, west of Turkey Lake Rd.

**PARCEL ID:** 26-23-28-6264-00-470

**LOT SIZE:** +/- 13,404 sq. ft.

**NOTICE AREA:** 500 ft.

**NUMBER OF NOTICES:** 84

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

1. Development shall be in accordance with the site plan and elevations date stamped April 9, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

**SYNOPSIS:** Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval of the Variance. Staff noted that no comments were received in favor or in opposition to the request.



The applicant was present and did not have any additional information to provide for the Board.

The BZA discussed the request to replace an existing structure over the permitted pool deck.

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

The BZA recommended approval of Variance request by a 5-0 vote, subject to the three (3) conditions found in the staff report.

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### STAFF RECOMMENDATIONS

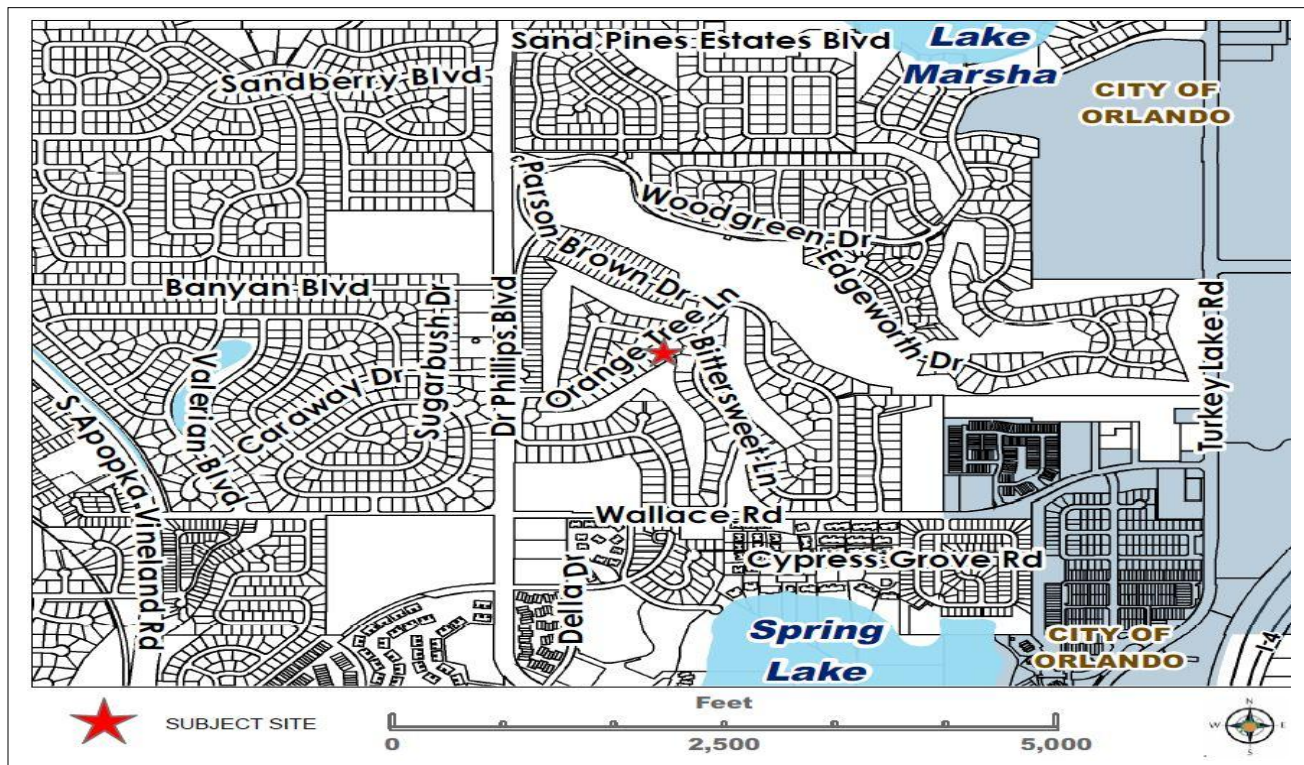
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Approval, subject to the conditions in this report.

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### LOCATION MAP

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### SITE & SURROUNDING DATA

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	Property	North	South	East	West
Current Zoning	Orange Tree Country Club PD	Orange Tree Country Club PD	Orange Tree Country Club PD	Orange Tree Country Club PD	Orange Tree Country Club PD
Future Land Use	LDR	LDR	PR-OS	LDR	LDR
Current Use	Single-family residence	Single-family residence	Golf course	Single-family residence	Single-family residence

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## BACKGROUND AND ANALYSIS

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### **DESCRIPTION AND CONTEXT**

The subject property is located within the Orange Tree Country Club Planned Development (PD) district, which allows for single-family development surrounding a golf course within a gated community. The future land use is Low Density Residential (LDR), which is consistent with the PD zoning.

The subject property is a +/- 13,404 sq. ft. lot which abuts the golf course to the rear, as do the neighboring single-family homes on the block. The property is located in the Orange Tree Country Club – Unit One plat recorded in 1974 and is currently developed with a 3,005 gross sq. ft. single-family home constructed in 1979. The Orange County Property Appraiser indicates that a pool and screen enclosure were also constructed that same year. The current owners purchased the property in 2022.

The applicant is proposing to replace the original pool screen enclosure (which has since been removed) with a new screen enclosure in the same location and with the same dimensions, but which would meet current Florida Building Code requirements. The proposed screen enclosure is 13 ft. tall at the highest point and 1,013 sq. ft. Due to the construction of the home and the pool/pool deck on a skewed angle on the property, the southwest corner of the screen enclosure was previously encroaching into the required 5 ft. side yard setback at a setback of 4.2 ft. In order to preserve adequate walkway width around the pool, the screen enclosure is proposed to be located at the same previous setback of 4.2 ft. from the west side property line.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Staff has determined that the Variance meets all the criteria for a recommendation of approval since this is a replacement of a structure that was previously existing for several decades, and the location of the pool and pool deck are existing.

The request was routed to all reviewing divisions and no objections were provided. One (1) letter of support was provided with the variance application from the neighboring property directly to the west (7618 Orange Tree Lane), which would be most affected by the setback variance. As of the date of this report, no additional correspondences have been received.

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## STAFF FINDINGS

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### **VARIANCE CRITERIA**

#### **Special Conditions and Circumstances**

MET- The special conditions and circumstances particular to the subject property are the existing orientation of the home and pool constructed at an angle on the lot, which creates a situation where the side yards of the home and structures on the property are narrower at the northeast and southwest corners. Other homes on the same street were not constructed at such an angle.

#### **Not Self-Created**

MET- The need for the Variance is not self-created since the owners purchased the property with the original screen enclosure already encroaching into the west side yard setback. The proposed screen enclosure would replace the original screen enclosure with the same footprint and dimensions in order to cover the existing pool and pool deck while leaving adequate clearance around the edge of the pool.

**No Special Privilege Conferred**

MET- Granting the Variance as requested would not confer special privilege as many other properties within the community have pools with screen enclosures.

**Deprivation of Rights**

MET- If the Variance is not granted, the owners would be deprived of the ability to install a screen enclosure over the existing pool and pool deck, which have been existing in their current location for several decades.

**Minimum Possible Variance**

MET- The request is the minimum possible as the screen enclosure would be replacing the original screen enclosure in the same location and dimensions, and which would be installed to cover the pool and pool deck with clearance for a walkway around the pool, as before.

**Purpose and Intent**

MET- Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations, would not be detrimental to adjacent properties and would maintain the existing character of the neighborhood.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan and elevations date stamped April 9, 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: Sheryl and Paul Boulineau  
31386 Tanoa Rd.  
Evergreen, CO 80439

Joseph Forte  
PO Box 521136  
Longwood, FL 32752

1400 South Ronald Reagan Blvd, Longwood FL 32750

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### Orange County BZA

7612 Orange Tree Ln, Orlando FL 32819

Proposal to replace the screen pool enclosure ( 28'10" X 44' 6" X 18' 9", 1013 SQ FT) with a structure that is up to the latest Florida building code. The original screen pool enclosure and deck was constructed in 1979. Due to the guidelines and setbacks on the property, the screen enclosure would be 4.2 feet off the side yard, with a 5' setback encroaching by 0.8 feet. The structure will consist of screen meshing and aluminum, as the foundation is existing. The height of the enclosure will range from 9'-13' at the peak.

The current homeowners did not reside at the property at the time the original structure was built.

As the residence is positioned in a slight angle on the lot, the enclosures distance from the property line decreases until its closest point to the property line (4.2 feet).

The previously approved pool deck and enclosure have been in its position for 46 years. Homeowners are not looking to increase SQ FT to the structure, but to replace what they have had with a structure that is built to the latest Florida Building Code in the exact same location.

Due to how the pool was constructed, the option of reducing the size of the enclosure to meet setbacks is not an option as it would eliminate the walkway around the pool deck.

Located in the Orange Tree Country Club, many of the lots also have Screen Pool Enclosures to increase the use of the backyard space without the worry of insects/debris. Enclosure has been in the same position for many years and would not be injurious to the neighborhood.

**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.

Single Family Home sits at an angle on the lot, causing a portion of the existing enclosure to fall into the 5' sideyard setback by 0.8'

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

The current homeowners did not reside at the property at the time the original project was constructed.

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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.

Located in the Orange Tree County Club Community, many of the lots in this development have Pool Enclosures to ensure usable area without insects/debris.

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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 previously approved Pool Deck and enclosure have been in its current position for 46 years. Homeowners are not looking to increase SQ FT of the structure, but to replace what they have had for many years with a pool enclosure that is built to the latest Florida Building Code.

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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.

Due to positioning of waters edge, reducing the size of the enclosure on the southwest corner would restrict walkway around pools edge.

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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.

Neighbors and Residents have been accustomed to seeing this enclosure for many years, enclosure is proposed to replace exact same SQ FT.

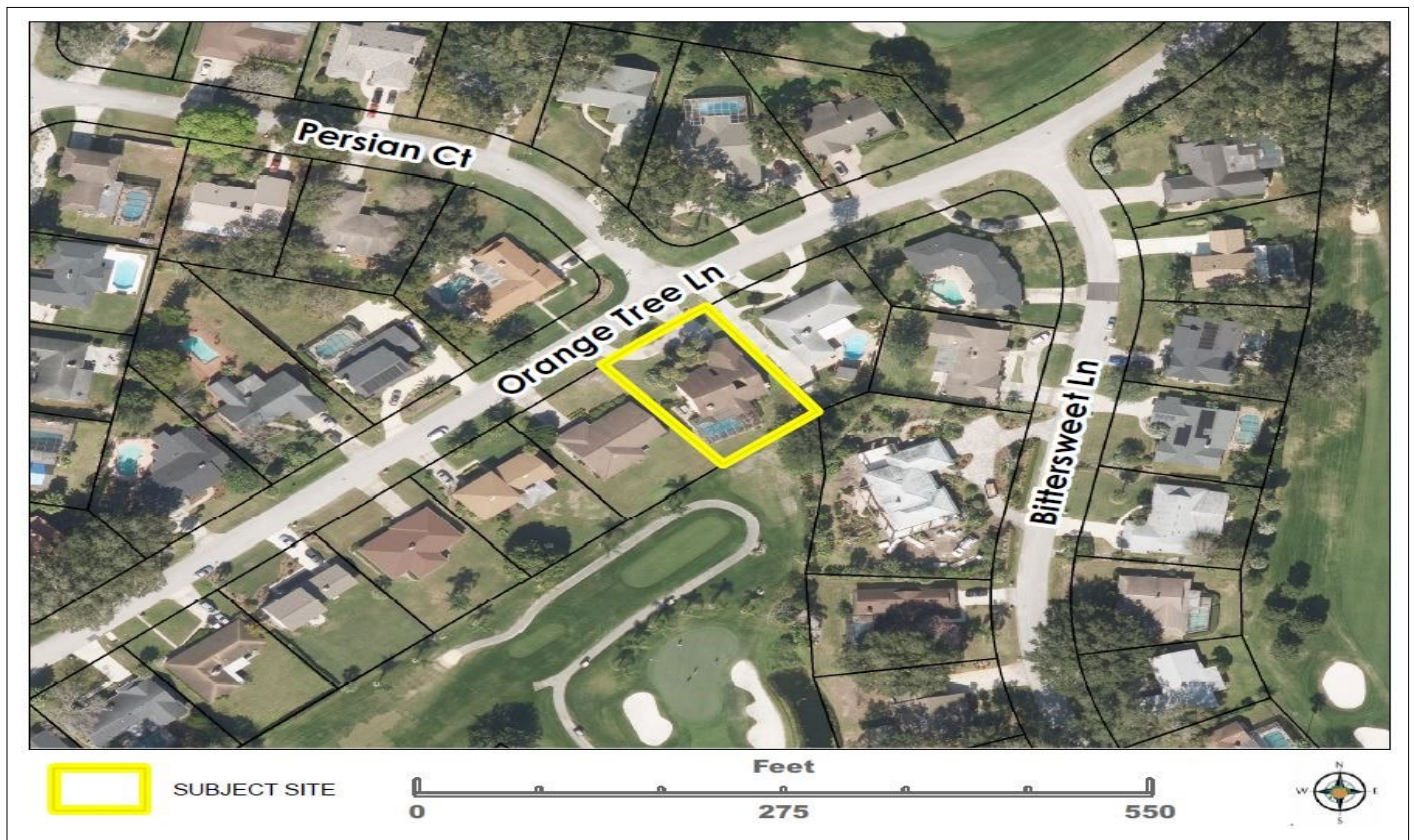
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## ZONING MAP

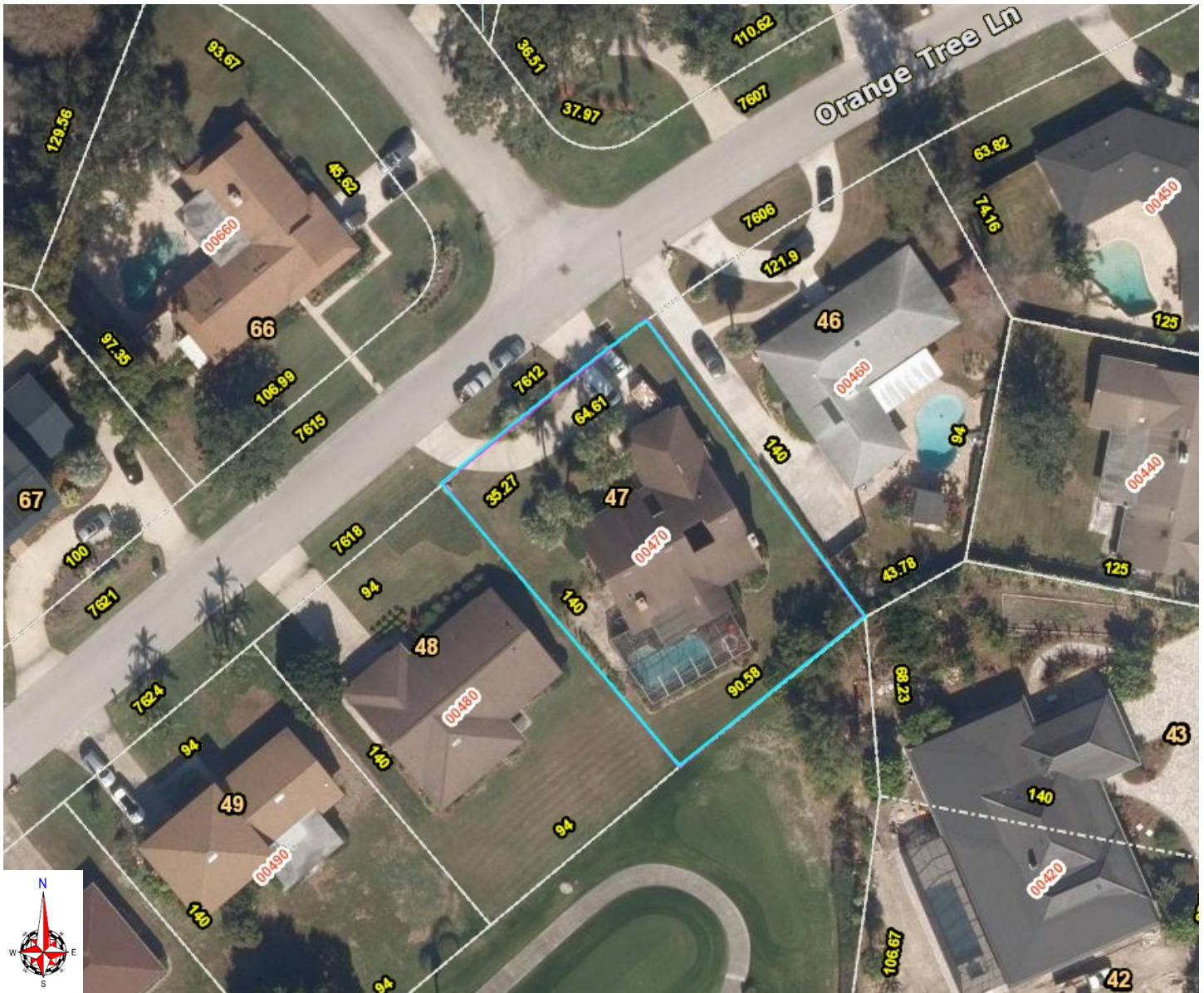


## AERIAL MAP



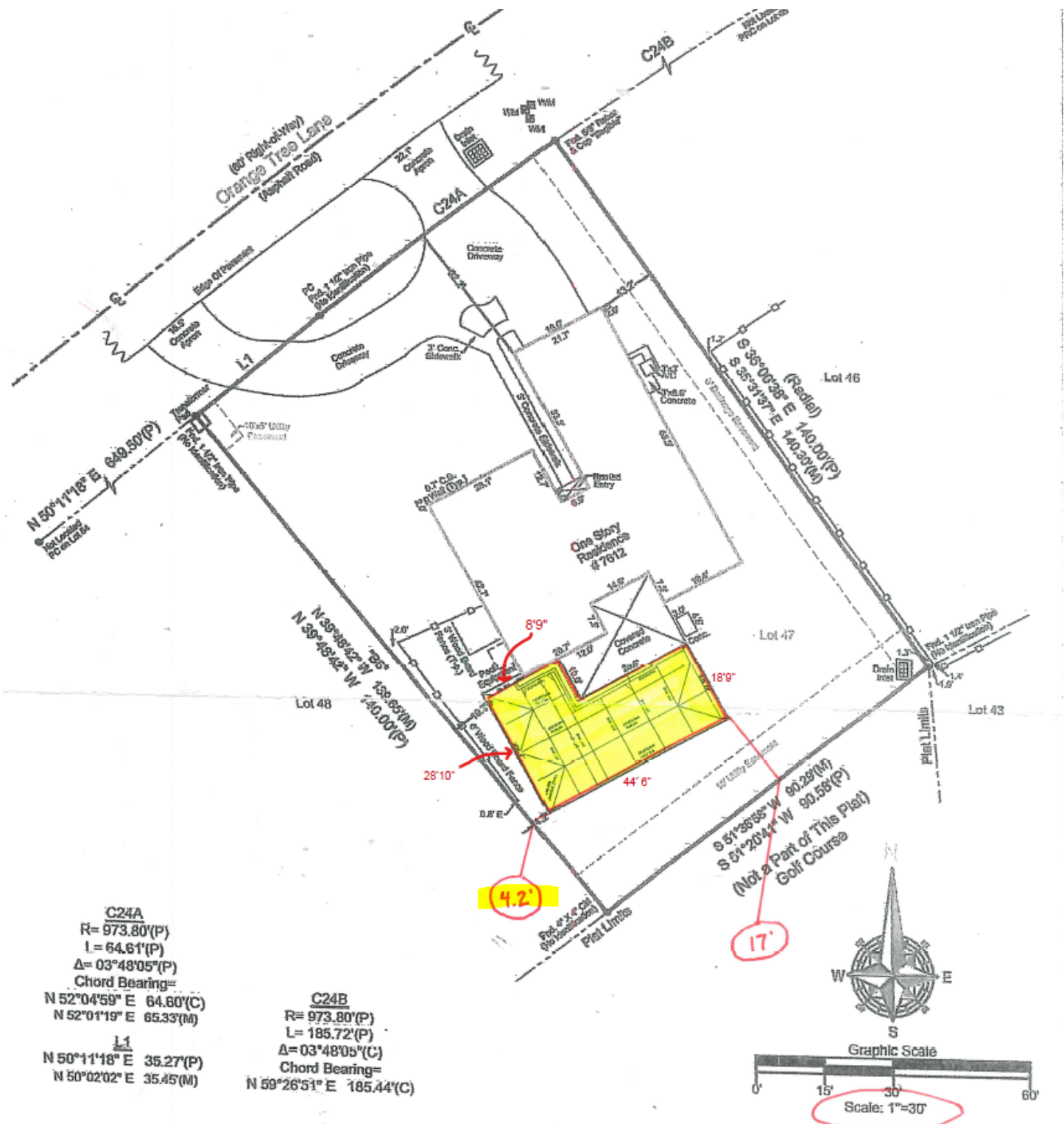


# ENHANCED AERIAL MAP

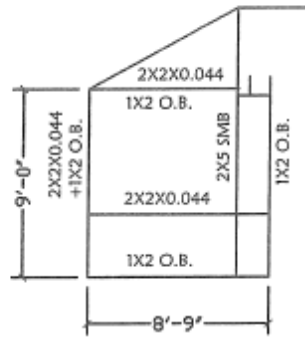




# SITE PLAN (PROPOSED)



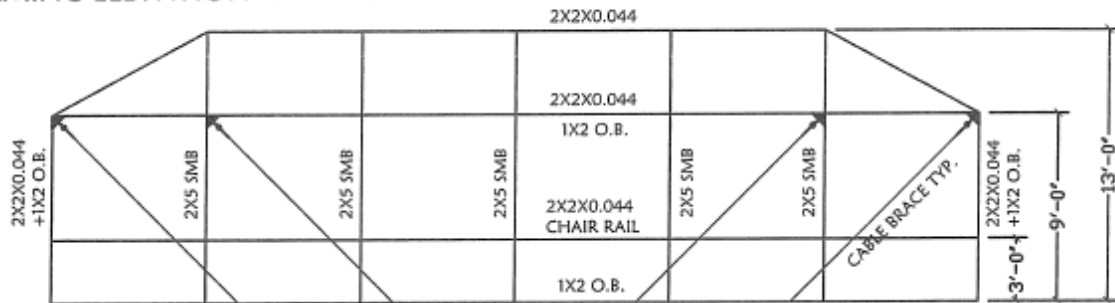
## SCREEN ENCLOSURE ELEVATIONS (PROPOSED)



SCREEN AREA 1013 SQ.FT.

EXISTING FOUNDATION  
4" NOMINAL CONCRETE SLAB  
(2500 PSI, MIN.) 10X10 W/W.  
6x10 THICKENED EDGE  
W/ 1-#5 REBAR

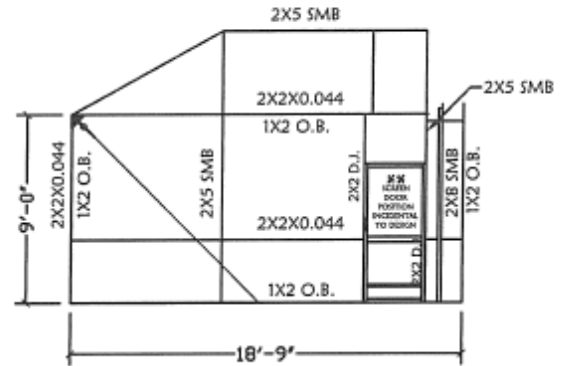
**BACK FRAMING ELEVATION (NORTH)**



**FRONT FRAMING ELEVATION (SOUTH)**



**LEFT FRAMING ELEVATION  
(WEST)**



**RIGHT FRAMING ELEVATION  
(EAST)**



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## SITE PHOTOS

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**Front from Orange Tree Lane, facing south towards existing home**



**Rear yard facing north, towards existing home**



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**SITE PHOTOS**

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**Rear yard from the east side yard, facing west**



**Rear yard and home from the west side yard, facing northeast**



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## SITE PHOTOS

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**Rear yard from the west side yard, facing southeast**



**West side yard from Orange Tree Lane, looking southeast**





**Original screen enclosure before removal (as provided by the applicant), facing northeast**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUNE 05, 2025**

Commission District: **#1**

Case #: **VA-25-06-024**

Case Planner: **Bryan Salamanca (407) 836-9616**

**Bryan.Salamanca@ocfl.net**

## GENERAL INFORMATION

APPLICANT(s): RUSSELL STOKES

OWNER(s): STOKES FAMILY JOINT TRUST

REQUEST: Variance in the PD Zoning district to allow an addition with a 6 ft. rear setback in lieu of 15 ft.

PROPERTY LOCATION: 8961 Charleston Park, Unit 21, Orlando, FL 32819, south side of Charleston Park, west of S. Apopka Vineland Rd., north of W. Sand Lake Rd., east of Winter Garden Vineland Rd.

PARCEL ID: 22-23-28-0555-00-210

LOT SIZE: +/- 0.16 acres (+/- 6,854 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 87

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

1. Development shall be in accordance with the site plan date stamped May 13, 2025, as modified to address Conditions of Approval #4 and #5, and elevations date stamped May 13, 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 addition, a permit shall be obtained for the pavers, or they shall be removed.

5. Prior to the issuance of a permit for the addition, the detached accessory structure (pergola) shall be permitted and relocated consistent with code, or the accessory structure shall be removed.
6. The exterior finish material and color of the addition shall match the principal structure.

**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 (6) criteria and the reasons for a recommendation for denial of the Variance. Staff noted that four (4) comments were received in favor and no comments in opposition to the request.

The applicant was present and disagreed with Staff's recommendation. They discussed how the request complies with the six criteria and how the addition will address existing issues with heat from lack of shade structures on site.

The BZA discussed that the request will replace and be slightly smaller than the existing structure, and that the structure abuts a golf course to the rear and other similar cases in the area have been approved.

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

The BZA recommended approval of Variance request by a 5-0 vote, subject to the six (6) conditions found in the staff report.

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#### STAFF RECOMMENDATIONS

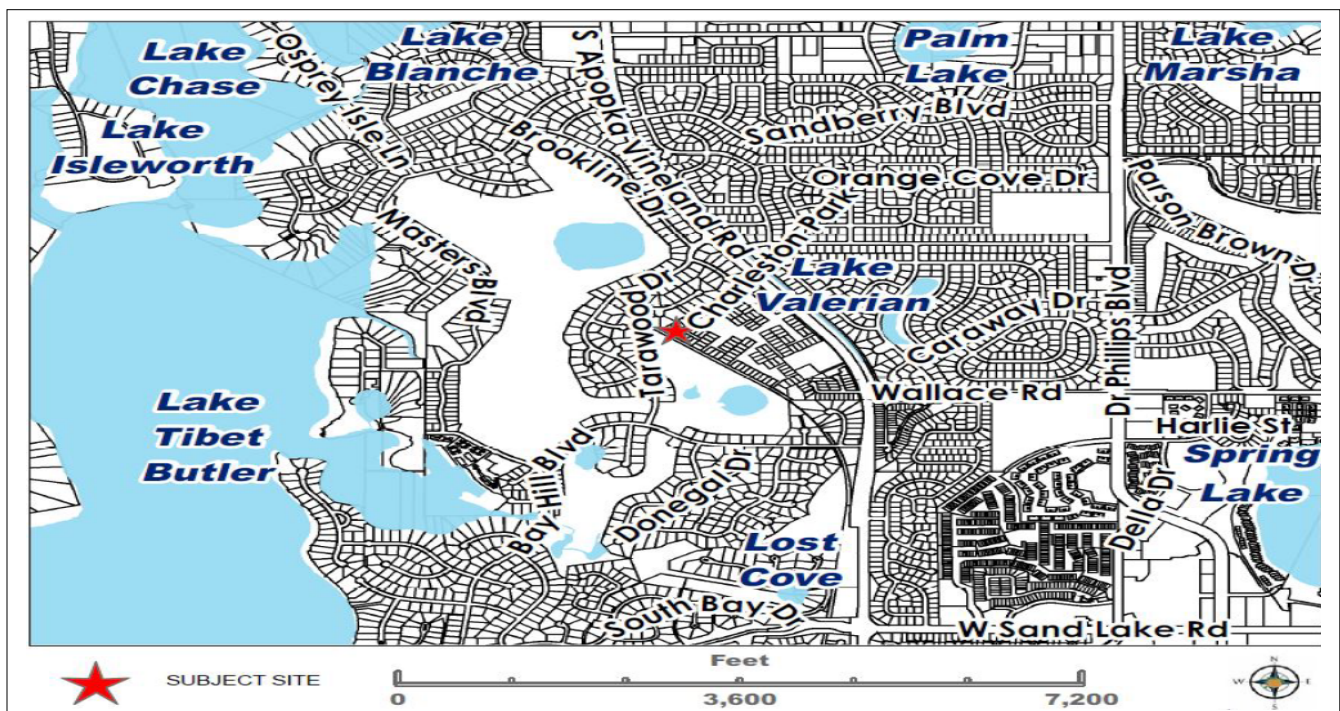
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Denial. However, if the BZA should find that the applicant has satisfied the criteria for the granting of the Variance, staff recommends that the approval be subject to the modified conditions in this report.

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#### LOCATION MAP

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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	Bay Hill Condominium PD	Bay Hill Condominium PD	R-1AA	Bay Hill Condominium PD	Bay Hill Condominium PD / R-1AA
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Single-family residence	Single-family residence	Single-family residence / Golf Course	Single-family residence	Single-family residence / Golf Course

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The subject property is located in the Bay Hill Condominium Planned Development (PD) district, which allows for single family uses. The future land use is Low Medium Density Residential (LMDR), which is consistent with the PD zoning district.

The area around the subject site consists of single-family homes, and a golf course to the southwest. The subject property is a 6,854 sq. ft. lot, located in the Bay Hill Village West plat, recorded in 1979, and is considered to be a conforming lot of record. It is developed with a 2,934 gross sq. ft. single-family home, constructed in 1980, with a rear covered porch, and a pergola. The current owners purchased the property in 2014.

The applicant is proposing to remove the existing covered patio and construct a 10 ft. x 28.67 ft. addition at the rear of the house with 10 ft. x 7.17 ft. of the addition being a covered porch. The proposed addition is located 6 ft. from the rear property line where a 15 ft. rear setback is required, resulting in the Variance request.

At the time of the site visit, a detached accessory structure (pergola) and pavers were observed on the property. No permits have been submitted for these improvements. The existing pergola encroaches into the required 5 ft. rear setback required for 1-story accessory structures. No additional Variances are being requested for the pergola or pavers. The applicant was informed that permits will be required for both improvements. If permits cannot be obtained for the improvements they will be required to be removed from the property, as reflected in Conditions of Approval #4 and #5.

The Bay Hill Golf Course borders the rear of the subject property and also adjoins the side property lines of other homes within the subdivision. Within the subdivision, a 10-foot building separation is required between structures. However, several properties have placed structures closer to the shared property line with the golf course, as there are no structures to the south requiring separation.

The request was routed to all relevant reviewing Divisions and there were no objections noted. As of the date of the writing of this report no correspondence has been received in opposition to this request. A letter in favor of the application was received by the Bay Hill Village Club Condominium Association.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. While the Variance request meets some of the criteria, it does not meet all

the criteria. Based on staff analysis, alternative options exist for a covered patio on the property to either lessen or eliminate the need for the Variance. Therefore, staff is recommending denial of this request.

**Building Regulations**

	Code Requirement	Proposed
Front setback:	20 ft.	N/A
Side setback:	0 ft. and 10 ft. between structures	+/- 10 ft. separation
Rear setback:	15 ft.	6 ft. (South - Variance)
Max Height:	35 ft.	13.91 ft.

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**STAFF FINDINGS**

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**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

NOT MET – There are no special conditions or circumstances as the property is a conforming lot meeting all development standards and the existing residence could continue to be enjoyed as originally constructed.

**Not Self-Created**

NOT MET - The requested Variance is self-created as the existing residence could continue to be enjoyed as originally constructed.

**No Special Privilege Conferred**

MET - Granting the Variance would not confer special privilege as other properties in the area appear to have similar rear yard encroachments.

**Deprivation of Rights**

NOT MET – There is no deprivation of rights as the existing residence could continue to be enjoyed as originally constructed.

**Minimum Possible Variance**

NOT MET - The request is not the minimum possible as the addition could have been redesigned to lessen the request.

**Purpose and Intent**

MET - Approval of the requested Variance would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties, and the property backs up to a golf course thereby limiting the impact on rear residences. Further, the addition will not be detrimental to the neighborhood since the design is consistent with the architectural design of the existing house and other residences in the surrounding area.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan date stamped May 13, 2025, as modified to address Conditions of Approval #4 and #5, and elevations date stamped May 13, 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 addition, a permit shall be obtained for the pavers, or they shall be removed.
  5. Prior to the issuance of a permit for the addition, the detached accessory structure (pergola) shall be permitted and relocated consistent with code, or the accessory structure shall be removed.
  6. The exterior finish material and color of the addition shall match the principal structure.
- C: Russell Stokes  
8961 Charleston Park, Lot 21  
Orlando, Florida 32819

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## COVER LETTER

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March 24, 2025

TO: Orange County Zoning Division  
201 S. Rosalind Ave.  
Orlando, FL 32801

From: Russell Stokes  
8961 Charleston Park, Lot 21  
Orlando, FL 32819

Ref: Variance Application for sunroom addition and covered porch at Lot 21 in Bay Hill Village; 6.0 feet from rear property boundary.

Dear Sirs:

As required documentation for our Lot 21 variance request, please accept this cover letter describing our request for a variance from the rear boundary setback to construct a sunroom addition (215 sq ft) and a covered porch (70 sq ft) with the same roofing and architectural style as existing home to be 6.0 feet from the existing rear property line in lieu of the 15 feet setback required by code.

We included a brief summary of the variance criteria within the Lot 21 variance application, and have included herein as follows:

1. Special Conditions and Circumstances:

- a. The area behind Lot 21 is a golf course with a 40' railway right of way between golf course and rear boundary of home.
- b. The home is in a zero lot line type development which planned to have open space behind it, not with the lots themselves.

2. Not Self-Created:

- a. The rear of Lot 21 faces SW which receives intense exposure to sunlight most of the year rendering the rear patio area unusable.
- b. Developer designed a unique layout of small lots in relation to large open spaces behind them, not the homeowner.

3. No Special Privilege Conferred:

- a. Of the 22 lots facing the golf course, most have pergola's, shade structures, pools, etc. which are within the rear yard setback and did not apply for variances.
- b. Other lots in this development have requested similar setback variances and received approval.

4. Deprivation of Rights:

- a. Proposed sunroom and porch include architectural elements similar to home exterior unlike the neighboring existing accessory structures.
- b. Also, the proposed sunroom and porch are 6' away from rear boundary vs accessory structures constructed within 5' from the rear boundary without a variance.

5. Minimum Possible Variance:

- a. Our Lot 21 setback request is similar to previously approved rear variance requests for Lot 78: 7.8' setback, VA-22-06-031, approved 5/5/24, and Lot 23: 6.7' setback, VA-25-02-126, approved 1/2/25.
- b. HOA and both adjacent neighbors support this request.

6. Purpose and Intent:

- a. Adjacent lots to Lot 21 have privacy side walls so no impact to neighbors; Lot 21 has a partial wall and railing along with a 40' railroad ROW, so no impact to golfers.
- b. The sunroom and porch enhance the golf course views intended by the developer and the conditioned sunroom space will allow fulltime use and enjoyment of patio area despite the intense heat.

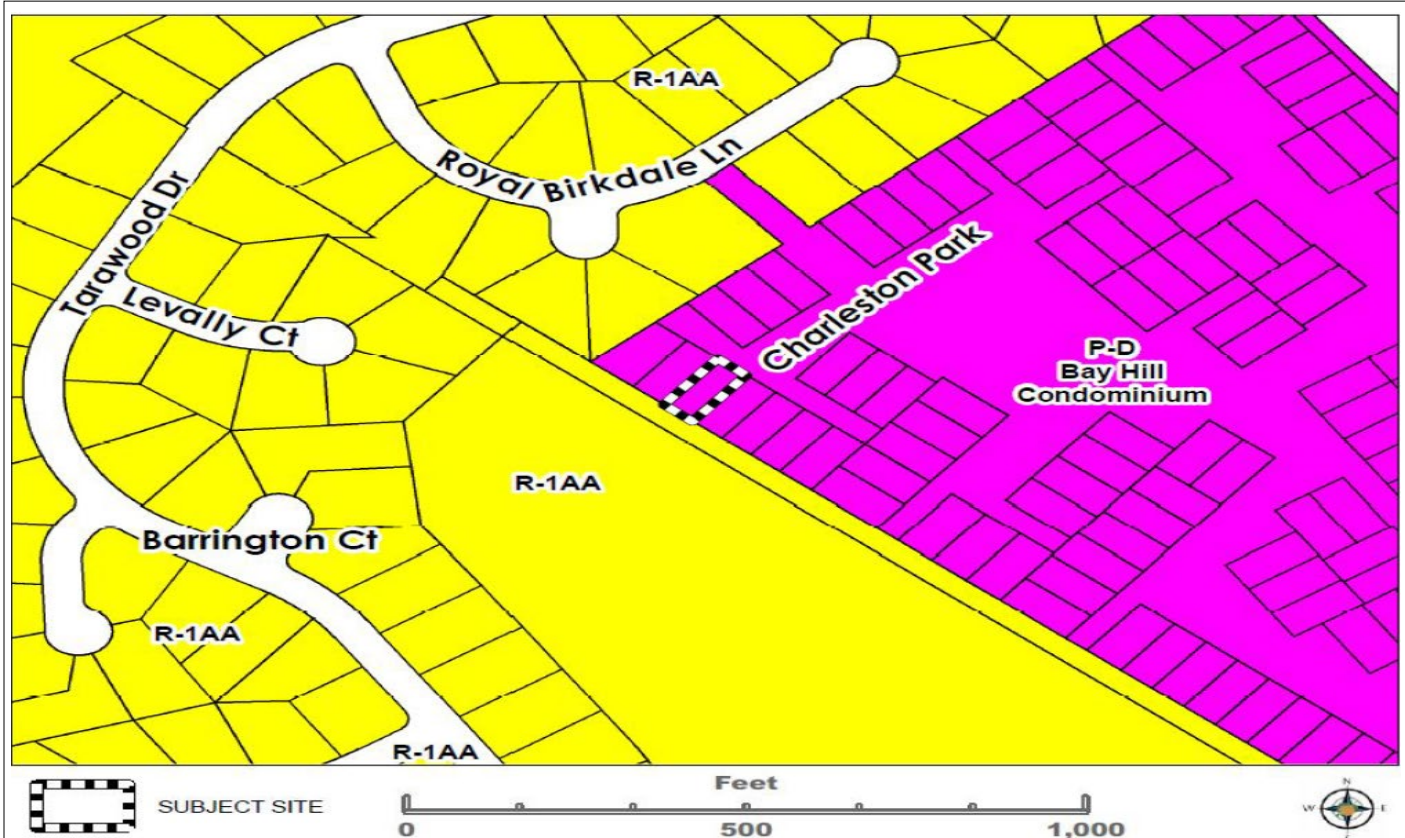
Thank you,



Russell Stokes  
407 256-6622  
rhstokes@cfl.rr.com



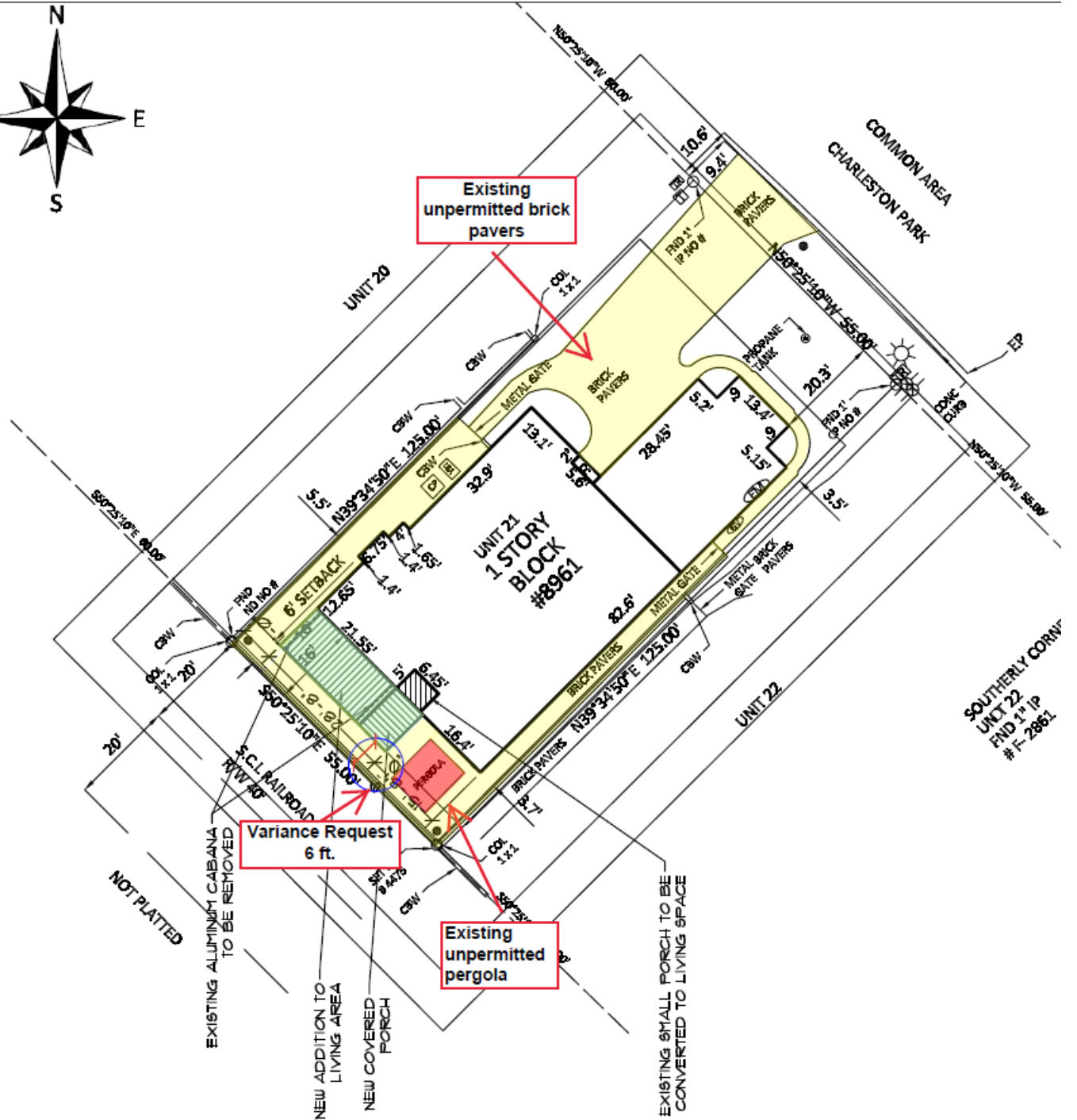
ZONING MAP



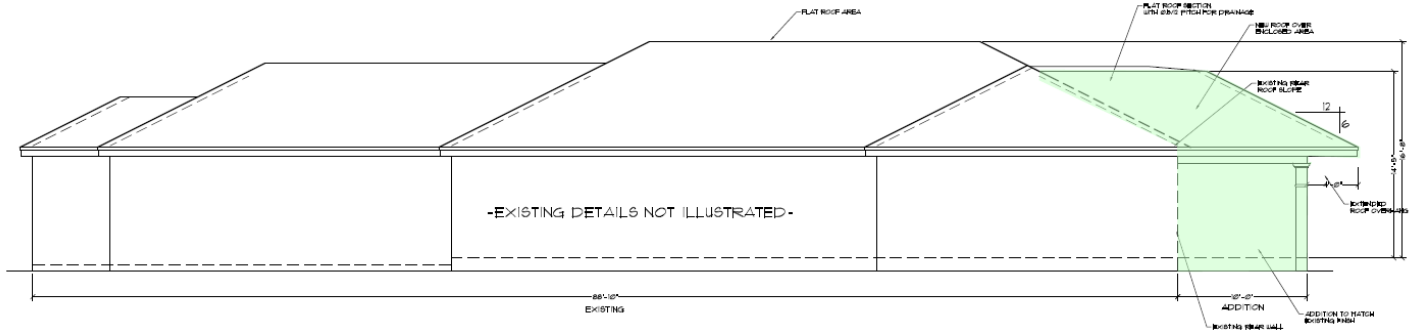
AERIAL MAP



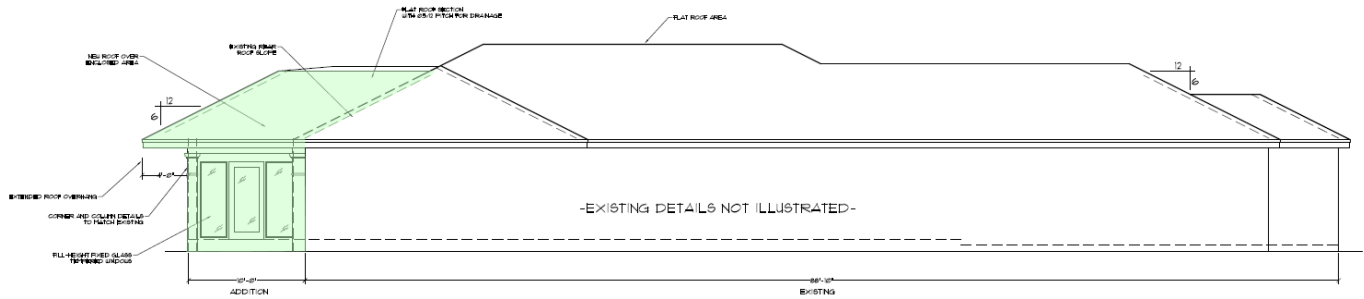
# SITE PLAN



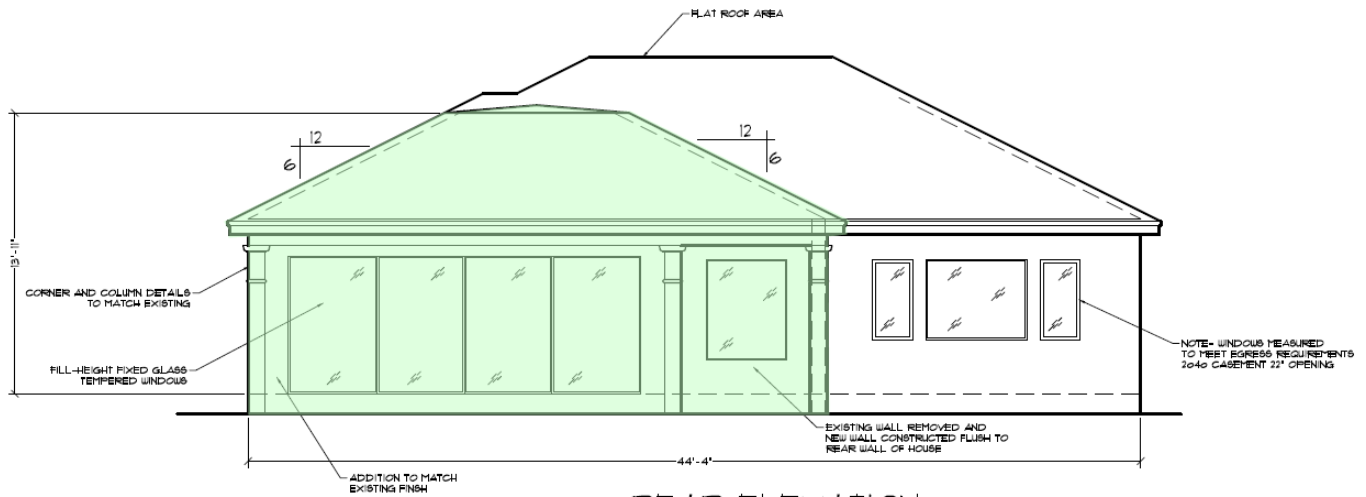
## ELEVATIONS



**Left Elevation – Patio addition shown in green**



**Right Elevation – Patio addition shown in green**



**Rear Elevation – Patio addition shown in green**



## SITE PHOTOS



**Facing southwest towards front of of subject property**



**Facing northeast towards rear yard**



## SITE PHOTOS



**Facing northwest towards the existing location of the pergola**



**Facing southwest towards the golf course from the subject site**

## SITE PHOTOS



**Facing east towards proposed location of addition**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUNE 05, 2025**

Commission District: **#1**

Case #: **VA-25-06-023**

Case Planner: **Taylor Jones, AICP (407)836-5944**

**Taylor.Jones@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** CONNOR ENDRES

**OWNER(s):** HERRA LEARNING LLC

**REQUEST:** Variances in the PD zoning district as follows:

- 1) To allow 4 signs (1 ground sign & 3 wall signs) to advertise a nonresidential use on a parcel in a residential district in lieu of 1 sign.
- 2) To allow 82.85 sq. ft. of cumulative copy area in lieu of 32 sq. ft., consisting of a ground sign with a copy area of ~~35~~\* 34 sq. ft. and three wall signs, 2 with a copy area of 19.62 sq. ft. and 1 with a copy area of 9.61 sq. ft.
- 3) To allow an existing ground sign with a front setback of 4 ft. in lieu of 10 ft.

\*Advertised incorrectly as 35 sq. ft. instead of 34 sq. ft.

**PROPERTY LOCATION:** 8680 Old Seidel Rd., Winter Garden, FL 34787, East side of Old Seidel Rd., east of S.R. 429, south of Summerlake Park Blvd., west of Reams Rd.

**PARCEL ID:** 34-23-27-0000-00-048

**LOT SIZE:** +/- 1.85 acres

**NOTICE AREA:** 1,500 ft.

**NUMBER OF NOTICES:** 224

**DECISION:** Recommended **APPROVAL** of Variance request **#3**, and **APPROVAL** of a lesser Variance for Variance request **#1** to allow 3 signs (1 ground sign and 2 wall signs) to advertise a nonresidential use on a parcel in a residential district in lieu of 1 sign, and a lesser Variance for Variance Request **#2** to allow 73.24 sq. ft. of cumulative copy area in lieu of 32 sq. ft., consisting of a ground sign with a copy area of 34 sq. ft. and two wall signs, each with a copy area of 19.62 sq. ft., and subject to the conditions as follows (Motion by Roberta Walton Johnson, Second by Sonya Shakespeare; 4 in favor: Glenn Rubinstein, Roberta Walton Johnson, Sonya Shakespeare, and Johnny Stanley; 1 opposed: John Drago; 2 absent: Thomas Moses, Juan Velez):

1. Development shall be in accordance with the site plan, and the ground and wall sign plans, as modified to reflect a total of 2 wall signs not to exceed 19.62 sq. ft. each, date stamped May 8, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the



obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

**SYNOPSIS:** Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for approval of Variance #3 and a modified approval of Variances #1 and #2. Staff noted that no comments were received in favor or in opposition to the request.

The applicant was present and noted that they agreed with staff's modified recommendation.

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

The BZA discussed the different signage in the area for other businesses, and the unique code application for non-residential signage in the Village Home district.

The BZA recommended approval of staff's recommendation for a lesser variance for Variances #1 and #2 and of Variance #3, as requested, by a 4-1 vote, subject to the three (3) conditions found in the staff report.

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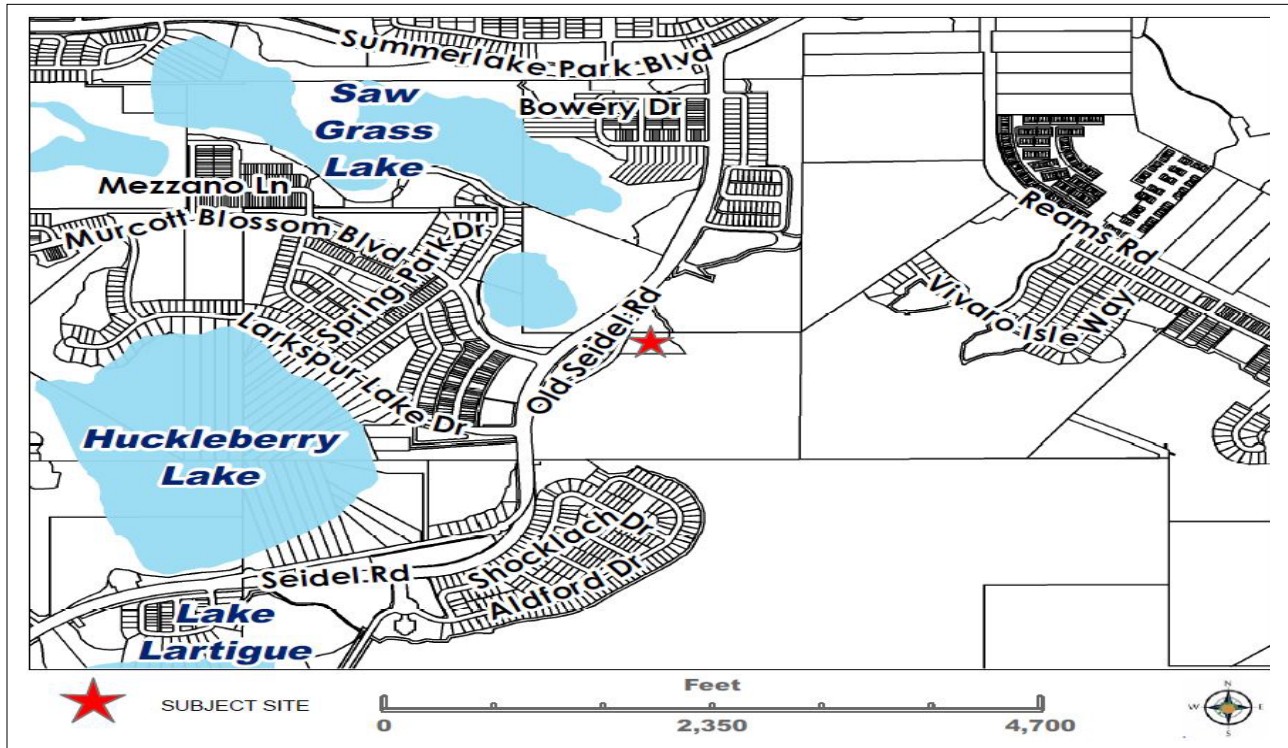
#### **STAFF RECOMMENDATIONS**

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Approval of Variance # 3, and approval of a lesser Variance for requests #1 and #2 listed below, subject to the conditions in this report. However, if the BZA should find that the applicant has satisfied the criteria needed to grant the Variances as requested, staff recommends that the approval be subject to the conditions in this report.

1. To allow 3 signs (1 ground sign and 2 wall signs) to advertise a nonresidential use on a parcel in a residential district in lieu of 1 sign
2. To allow 73.24 sq. ft. of cumulative copy area in lieu of 32 sq. ft., consisting of a ground sign with a copy area of 34 sq. ft. and two wall signs, each with a copy area of 19.62 sq. ft.

## LOCATION MAP



## SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Lake Hancock PD	Village F Master PD	Lake Hancock PD	Lake Hancock PD	Village F Master PD
Future Land Use	Village	Village	Village	Village	Village
Current Use	Daycare Facility (Under Construction)	Open Space Tract (Vacant)	Vacant	Vacant	County owned Stormwater Pond

## BACKGROUND AND ANALYSIS

### **DESCRIPTION AND CONTEXT**

The subject property is located in Lake Hancock Planned Development (PD) district. This PD is located within Horizon West and is designated as Village Home District on the Horizon West Special Planning Area Land Use Map (SPALUM). Planned Developments within the SPALUM are subject to the requirements of Chapter 38, Article VIII, Division 8 (aka The Village PD Code). The Village Home District is a residential district that allows single-family detached residential homes, townhomes, and any use that is permitted either outright, or by special exception in the R-1A zoning district, when designated on the approved Land Use Plan. The PD approved the use of a 15,000 sq. ft. day care facility on the subject parcel.

The area surrounding the subject site is mostly vacant. The adjacent parcel to the south and east of the subject site was approved for the future development of 34 townhomes within the Lake Hancock PD. The subject property is 1.85 acres and is currently being developed with a 13,649 sq. ft. building and associated surface parking lot and playground for a daycare. Additionally, there is an existing ground sign on site which was permitted in error and included within this Variance request.

The proposal is to erect three wall signs and a monument style ground sign. The Village PD Code does not have any specific regulations for signage within the Village Home District, therefore the standard sign code under Chapter 31.5 applies to this property. The Village Home District is a residential district therefore, signage for this property would be regulated by *Section 31.5-75-Signs advertising nonresidential uses in residential districts*. Section 31.5-75 limits the subject property to a maximum of one, 32 sq. ft., sign with a maximum height of 8 ft. and must maintain a 10 ft. setback from all property lines.

Three wall signs are proposed to be erected, one on each of the south, north, and west building facades, requiring Variance request #1. The signs on the north and west facades are each 19.62 sq. ft., and the sign on the south façade is 9.61 sq. ft. A single sign can contain a maximum of 32 sq. ft. All proposed wall signs comply with this requirement however code only allows one overall sign. The signs are circular signs that utilize “push-thru illumination” meaning that light only comes through the logo and lettering, which have acrylic faces, and not the entirety of the sign faces. Section 31.5-75 limits ground signs to 32 sq. ft. and must maintain a 10 ft. setback from all property lines. The monument sign is 8 ft. tall and designed with a monumental base that matches the architecture of the building. While the logo for the daycare being installed is only 19.62 sq. ft., the copy area for ground signs is the measurement of the entire sign face where copy could be added, and not just the logo. The sign face for this ground sign is 5.83 ft. by 5.83 ft. As such, the sign has a copy area of 34 sq. ft., which is larger than the 32 sq. ft. permitted by code. Cumulatively the applicant is proposing 82.85 sq. ft. of copy area for the four total signs requiring Variance #2.

The applicant submitted a permit for the monument style ground sign structure (B23907547) when submitting for the vertical permits for the daycare building. The permit drawings showed a ground sign located 4 ft. from the front property line, with 34 sq. ft. of copy area, where a minimum 10 ft setback and 32 sq. ft. maximum copy area is allowed. However, the ground sign was approved and installed per the approved permit (B23907547). As the ground sign does not meet the minimum required setback, and is exceeding the maximum allowed copy area, Variance request #2 and #3 are required for it to remain as installed.

#### **Development Standards for signs advertising a non-residential use in a residential district**

	Code Requirement	Proposed
Max Number of Signs	1	4 (1 ground, 3 wall) (Variance #1)
Max Copy Area for any sign:	32 sq. ft.	82.85 sq. ft. cumulative (4 signs 1 ground and 3 wall) (Variance #2)
Max Ground Sign Height:	8 ft.	8 ft.
Min. Sign Setbacks (All property lines):	10 ft.	4 ft. (Variance #3)

The subject site is located on Old Seidel Rd., which connects only to the larger collector road Seidel Rd. Old Seidel Rd. serves only this parcel, and the future townhome parcels to the south, as the only other parcel that abuts it is an Open Space tract for a subdivision to the north. Orange County Traffic Engineering reviewed the application and had no objection to the ground sign location relative to the driveway or road. They noted road geometry is favorable, and the location of the sign does not affect visibility.

While technically located in a residential district, this parcel of land was specifically approved for a non-residential use at the time of rezoning, and can only be used as a day care, unless the Planned Development is amended. Across the street to the west, along Seidel Road, is a neighborhood commercial district that is

currently under construction for 19,898 sq. ft. of retail commercial uses, which has a similar allowance on non-residential square footage for buildings, but a greater allowance in allowable copy area for signage.

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 (6) Variance criteria are met. Based on staff analysis, a lesser Variance request for #1 and #2 to reduce the three wall signs down to two wall signs, and Variance request #3 all meet the Variance criteria. Therefore, staff is recommending approval of Variance request #3 and a lesser Variance for #1 and #2.

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## STAFF FINDINGS

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### **VARIANCE CRITERIA**

#### **Special Conditions and Circumstances**

Variance #1 (recommended to be modified) MET – While located in a residential district, the property was specifically approved for a non-residential use. The property is also located on a side road that only serves this parcel and connects with one larger collector road.

Variances #2 (recommended to be modified) and #3 MET - The existing ground sign was approved in error, and had County staff not approved in error, the sign could have been revised and not built in its location or at its current size.

#### **Not Self-Created**

Variance #1 (recommended to be modified) MET – The Variance request is not self-created as the applicant specifically requested a non-residential use for the site, and was approved for one, and developed the site in accordance with all standards for non-residential uses.

Variances #2 (recommended to be modified) and #3 MET - The Variance requests are not self-created as the existing ground sign was approved in error, and had County staff not approved in error, the sign design and location could have been revised, and not built in its current location.

#### **No Special Privilege Conferred**

All Variances MET - Granting the Variances as requested would not confer special privilege as the other properties in the area are subject to different sign standards that would allow more signs and copy area. Subdivision signage in the Village Home District would be allowed to be larger and could potentially have reduced setbacks. Subdivision signage in residential districts can be up to 100 sq. ft. for the main entrance, and 48 sq. ft. for secondary entrances, both of which are larger than the 32 sq. ft. allowed for individual signs for non-residential uses. Signage for subdivisions can also be placed on subdivision walls, in which case no specific setback applies, merely visibility requirements. Further, the neighborhood commercial district along Seidel Rd. to the west of the subject property would allow a ground sign that had 60 square feet of copy area, and also allows wall signage at a ratio of 1 sq. ft. of copy area per each linear foot of building frontage. If the subject site applied the same sign code, they would be permitted a 60 sq. ft. ground sign, and wall signage outright.



### **Deprivation of Rights**

Variance #1 (recommended to be modified) MET – Allowing only 1 total sign would deprive the applicant of the ability to have signage visible from vehicular approaches along Old Seidel Rd.

Variances #2 (recommended to be modified) and #3 MET – Not approving the location and size of the existing monument sign would deprive the applicant the right to keep their existing sign.

### **Minimum Possible Variance**

Variance #1 (recommended to be modified) MET – The recommended modified approval of variance request #1, to allow 3 total signs (1 ground, 2 wall), is the minimum possible variance to allow visible signage from both directions of travel to the site.

Variances #2 (recommended to be modified) and #3 MET – The requests are the minimum possible variance to allow the existing ground sign to remain in its permitted location, and at its permitted size. While not meeting setbacks, the sign location does not create any visibility issues, and while the overall sign face is 34 sq. ft, the sign logo on the sign face is well below that, as 19.62 sq. ft.

### **Purpose and Intent**

All Variances MET - Approval of the requested Variances would be in harmony with the purpose and intent of the Zoning Regulations. The signage as proposed is much smaller than what typical non-residential uses would be allowed for both ground and wall signs. The signage as designed is architecturally compatible with the proposed daycare building. The ground sign location does not impact visibility, and overall, the proposed signage is similar and compatible with surrounding area and granting the variances will be in harmony with the zoning code.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan, and the ground and wall sign plans, as modified to reflect a total of 2 wall signs not to exceed 19.62 sq. ft. each, date stamped May 8, 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: Connor Endres  
12 Sunnen Drive, Suite 100  
St. Louis, MO 63143



Connor Endres  
12 Sunnen Drive, Suite 100  
Maplewood, MO 63143  
618.910.4498  
Connor.Endres@theCDcompanies.com  
April 9<sup>th</sup>, 2025

Orange County Government  
Planning & Zoning Division  
201 South Rosalind Avenue, 1<sup>st</sup> floor  
Orlando, FL 32801

Subject: Request for Variance – Additional Building Wall Signage and Monument Sign Setback Requirement

Dear Board of Zoning Adjustment Committee,

I am writing to formally request (3) three variances from the current Horizon West Planned Development, Village F district signage regulations concerning our client's property located at 8680 Old Seidel Road, Winter Garden, FL 34787. This request pertains to the following:

1. **Allowance for Additional Building Wall Signage:** The current signage regulations under *Section 31.5-75 (Signs advertising nonresidential uses in residential districts)* permits only one (1) sign, either a ground sign or wall sign; however, we are seeking approval for three (3) additional wall signs to ensure adequate visibility, safe and effective identification of this building to passing traffic and patrons. The monument sign will be considered our one approved by right sign.
2. **Increase in the Total Allowed Building Wall Signage Copy Area:** As outlined above, this variance application includes a request to allow three (3) additional building wall signs, thereby exceeding the total allowable copy area of 32 SF. Currently, 19.63 SF of that allowance is being utilized by the monument sign, leaving only 12.37 SF remaining (32 SF allowed – 19.63 SF proposed). Therefore, we are seeking a total copy area variance for the proposed three (3) additional building wall signs which have areas as follows: two (2) 60" diameter signs and one (1) 42" diameter sign, totaling 48.88 SF of copy area – calculated as 19.63 SF x 2 (North and West Elevation) + 9.62 SF (South Elevation). Accounting for the remaining unused monument sign allowance, the actual variance being requested is 36.52 SF of additional copy area (48.88 SF proposed – 12.37 SF remaining). The total sign copy area being requested yields 68.52 SF, which is reasonable. While we fully understand the Planned Development signage limiting criteria, please consider that for a commercial zoning designation under *Section 31.5-15(2) (Maximum allowable copy area)*, that the allowable wall signage copy area for our building frontage (87 linear feet) would equate to approximately 130 SF of allowable sign area, of which we are requesting only 48.88 SF. Additionally, the maximum allowable ground sign copy area is 236.84 feet of right of way lot frontage yielding 0.5 SF x 236.84 linear feet = 118 SF, of which we are using only 19.63 SF. These comparisons demonstrate the modesty of our request within a broader commercial signage context.



3. **Modification of the Required Setback for a Monument Sign:** The county's ordinance *Section 31.5-75* mandates a minimum 10-foot setback from the property line for a monument sign. Due to site constraints and the need for optimal visibility along Old Seidel Road, we are requesting a variance to reduce this required setback by 6 feet – placing the monument sign at a 4-foot setback from the property line. The monument sign otherwise complies with all applicable code requirements, including an allowable copy area of 19.6 SF and a maximum height of 8 feet. Additionally, the monument sign structure was previously approved and permitted by OCFL, at its proposed location four (4) feet off the property line, which has created an additional hardship as the sign structure has already been constructed. Furthermore, we have conducted a sight line study and it does not create any unsafe view obstructions.

### **Justification for Variance Request**

The three (3) variance requests meet the six standards for variance approval as outlined in *Section 30-43 (3)* of the Orange County Code:

1. **Special Conditions and Circumstances –**

Variance 1, 2 & 3: The property presents unique circumstances not common to others in the same zoning district. While it is governed by a Planned Development with Village Homes District signage limitations, the building operates as a commercial facility and fronts a public road, where additional signage and copy area is necessary to support wayfinding and visibility.

The site is directly north of a future residential development with 34 proposed townhomes, which will further obstruct the site's visibility and monument sign. This, combined with the dense, approved landscaping along the property's only access point on Old Seidel Road, creates significant challenges for identifying the building from the street – particularly for southbound oncoming traffic. By virtue of being located on a secondary roadway (Old Seidel Road) and not the main thoroughfare (Seidel Road), additional wall signage is necessary for visibility of the community. The natural growth of trees and vegetation, both existing and future, will reduce sightlines for both northbound and southbound drivers, potentially obscuring the monument sign. To address this, placing additional signage higher on the building as well as having the monument sign closer to the property line is critical to maintaining visibility and safely identifying the childcare facility serving the local community.

The building's design includes multiple exterior egress doors and individual canopies, which creates the need for additional building signage to clearly indicate main entry access point and ensure safe navigation throughout the site. These enhancements are particularly important for families and children visiting the facility, improving public safety and overall accessibility.

Given the limited frontage, obstructed sightlines, and overall building design for a childcare facility, these site-specific conditions justify the need for additional wall signage, increased copy area, and a reduced setback for the already-installed monument sign to ensure effective and safe wayfinding.





## **2. Not Self-Created –**

Variance 1 & 2: The request for this variance was not self-created by applicant. The allowable overall signage as dictated by the Planned Development for a commercial business is extremely limited and inherently restricts reasonable visibility. It is imperative to the business that they are visible from the primary thoroughfare of Seidel Road for the community in which it serves. Additional signage will allow for effective and safe wayfinding, improving public safety and accessibility for families and children.

Variance 3: The request for this variance was not self-created by the applicant. This project was already approved and permitted by OCFL on 09/05/2024. As a result of gaining permit approval for the monument sign structure, it was constructed as shown on the approved permit, approximately four (4) feet off the property line. It would be extremely expensive and time consuming to demo and rebuild the monument sign in cause of the City's negligence.

## **3. No Special Privilege Conferred –**

Variance 1, 2 & 3: The requested signage is not excessive for a like use in a more traditional commercial zoning district. The proposed signage is complimentary to the design and does not create any defacement of the building.

The owner does not have any personal relationship to the members of the Board of Adjustment, nor have they lobbied for any special privileges with the Board for any project specific need.

## **4. Deprivation of Rights –**

Variance 1 & 2: A strict application of the signage regulations would unreasonably restrict the property's ability to provide clear identification and visibility. These limitations would hinder the site's ability to effectively serve the community, impacting both the safe navigation of visitors and the successful operation of the facility.

Variance 3: A strict interpretation of the signage regulations would deprive the site of reasonable and adequate identification and visibility, which is essential for its operation and success. The site has very limited frontage with new dense landscaping which limits the possibilities for a visible monument sign location that also meets the 10-foot setback. Reversing the previously approved monument signage structure permit due to the City's oversight would result in significant financial burden and time-consuming delays.

## **5. Minimum Possible Variance –**

Variance 1, 2 & 3: The signage placed, both on the building and the monument sign, was designed to be minimal and proportional to the site's needs and still following code requirements. No excessive sign area or height was used – only what was essential to achieve effective visibility and maintain aesthetic consistency with the surrounding development.



Hera Learning LLC  
7463 Conroy Windermere Road, Unit C  
Melbourne, FL 32940  
Page 4

## 6. Purpose and Intent –

Variance 1 & 2: Approval of the requested building wall sign variances for additional building signage and increased copy area will remain in full harmony with the purpose and intent of the like use zoning regulations. The variances are specifically tailored to address the property's unique site constraints, including limited frontage, dense landscaping, multiple egress doors, and future visibility obstructions from adjacent townhome development and distance from the main thoroughfare, Seidel Road.

Variance 3: The monument sign setback distance does not negatively impact the purpose or intent of the Planned Development. The reduced setback does not create any safety or other detriment to the community in any way.

Variance 1, 2 & 3: All three (3) variance requests are not excessive or out of character with the surrounding area and will not be injurious to the neighborhood or detrimental to public welfare. On the contrary, the additional signage will enhance public safety, improve wayfinding, and support the property's function as a community-serving facility. All proposed signage maintains aesthetic consistency with the surrounding development and ensures that the property can be safely and effectively identified by visitors, particularly families and children.

## Required Documentation

In compliance with Orange County's variance application requirements, I am submitting the following documents:

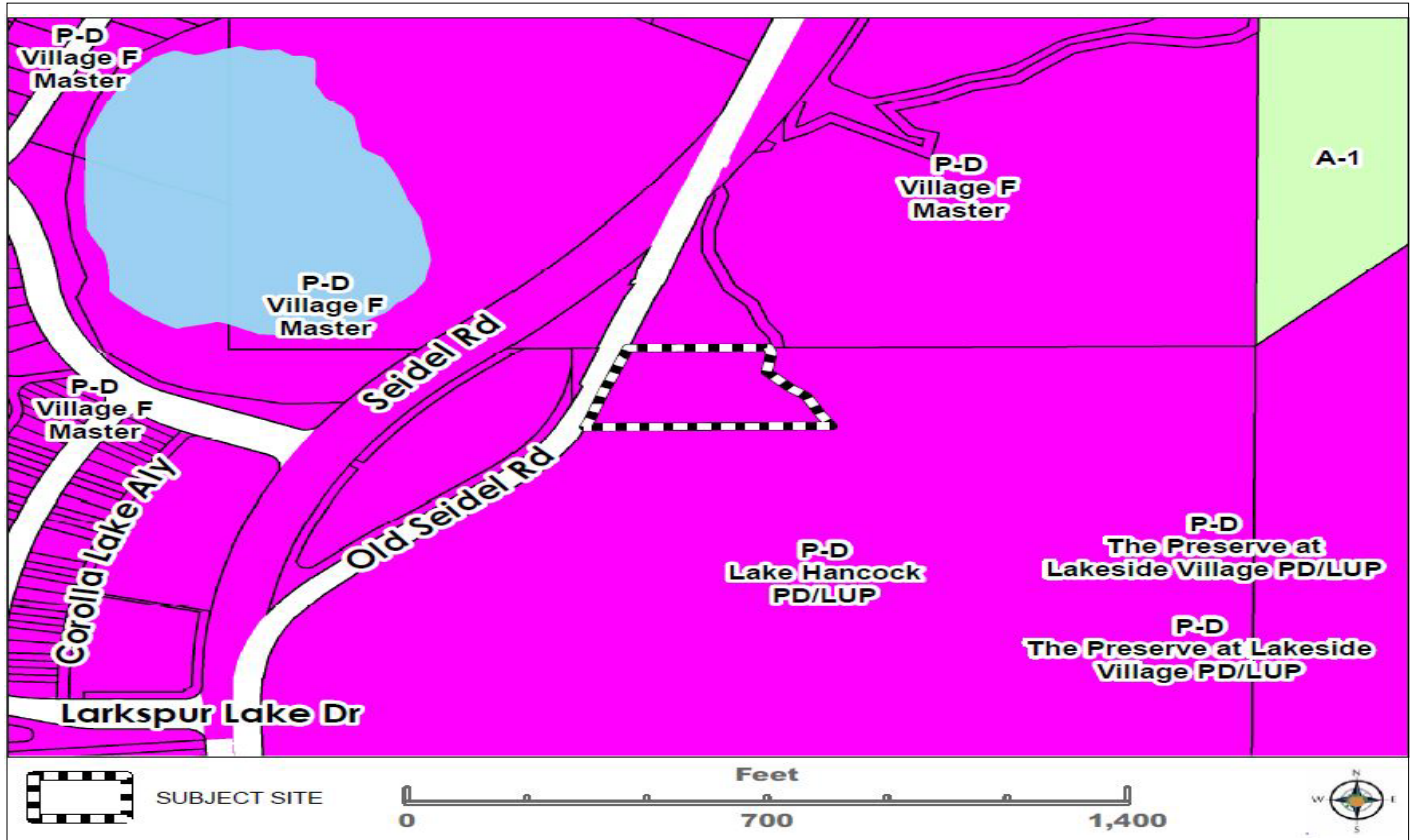
- **Detailed Cover Letter (this document)** specifying the type of sign variance requested, materials, dimensions, proposed locations, and justifications.
- **Detailed Site Plan/Survey** (8½" x 11" or 11" x 17") showing the exact placement of all proposed and existing signage, property boundaries, and distances from property lines, drawn to scale.
- **Architectural Elevations and Renderings** of all proposed and existing signs drawn to scale.
- **Sign Renderings (Two Copies)** including dimensions, heights, and total square footage.
- **8½" x 11" or 11" x 17" Reductions** of all submitted plans.

Thank you for your time and attention to this request. I am prepared to provide any additional information or documentation as needed and attend any required meetings to discuss this matter further. Please don't hesitate to contact me at your convenience.

Sincerely,  
Connor Endres  
CD Companies  
12 Sunnen Drive, Suite 100  
Maplewood, MO 63143  
618.910.4498



## ZONING MAP



## AERIAL MAP

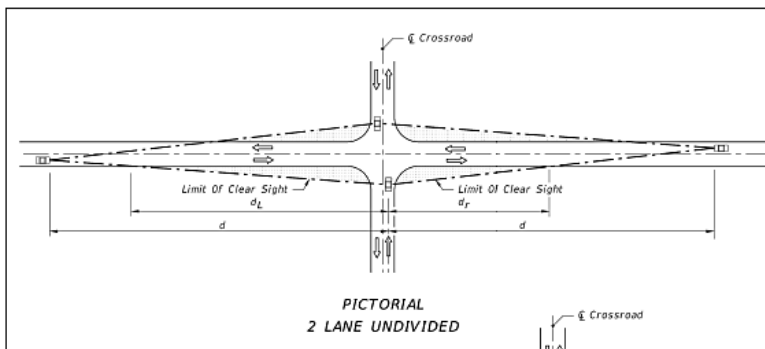


## SITE PLAN





## SITE PLAN – SITE DISTANCE TRIANGLE EXHIBIT



Design Speed	$d$	$d_L$	$d_R$
30	335	240	150
35	390	275	175
40	445	315	200
45	500	350	225
50	555	390	250
55	610	430	275
60	665	470	300
65	720	510	325

Passenger Vehicle

Design Speed	$d$	$d_L$	$d_R$
30	420	295	190
35	490	345	220
40	560	395	250
45	630	445	280
50	700	495	310
55	770	545	345
60	840	595	375
65	910	645	405

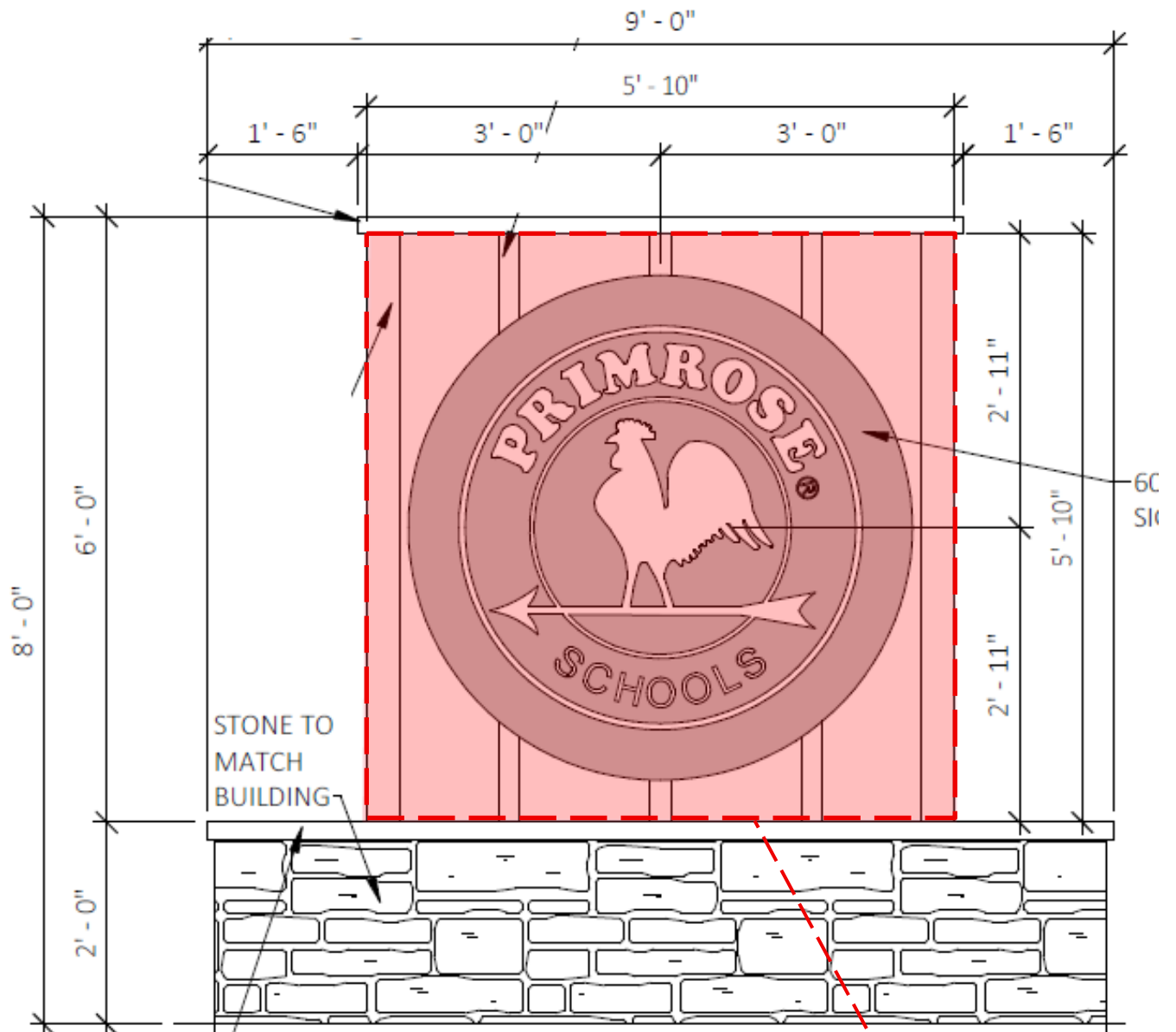
SU Vehicle

Design Speed	$d$	$d_L$	$d_R$
30	510	360	225
35	595	420	265
40	680	480	305
45	765	540	340
50	845	600	375
55	930	660	415
60	1015	720	450
65	1100	780	490

Combination Vehicle

SIGHT DISTANCE ( $d$ ) AND RELATED DISTANCES ( $d_L$ ,  $d_R$ ) (FEET)  
2 LANE UNDIVIDED

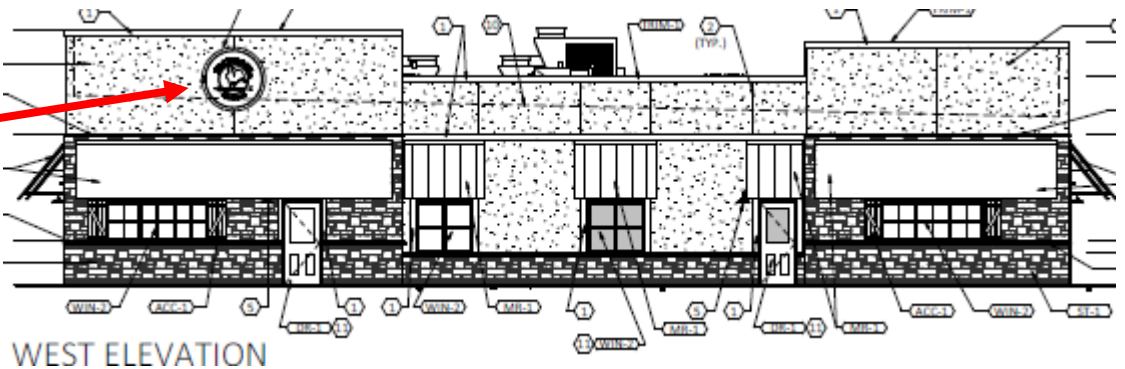
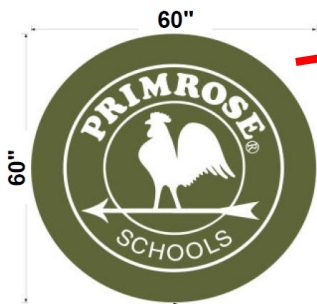
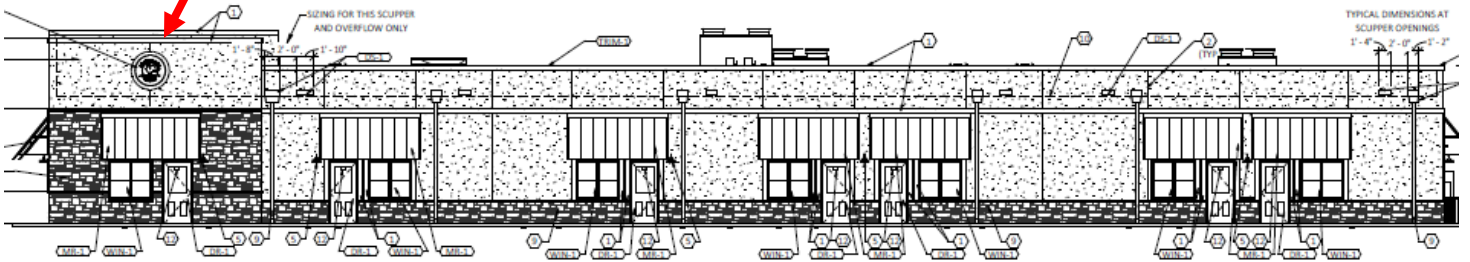
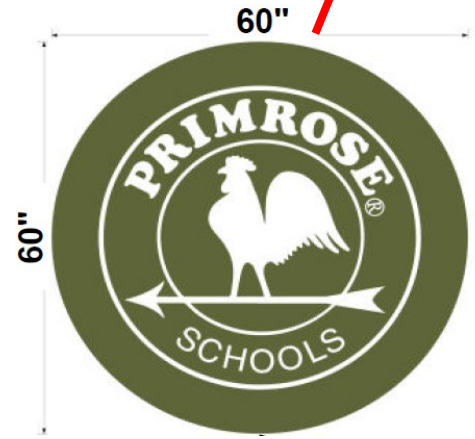
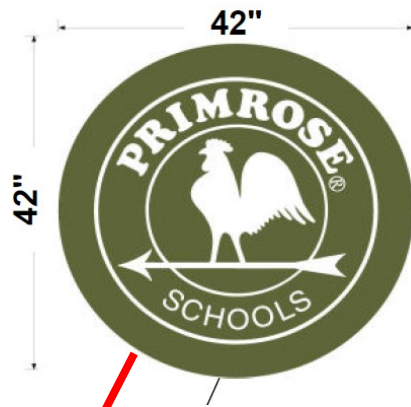
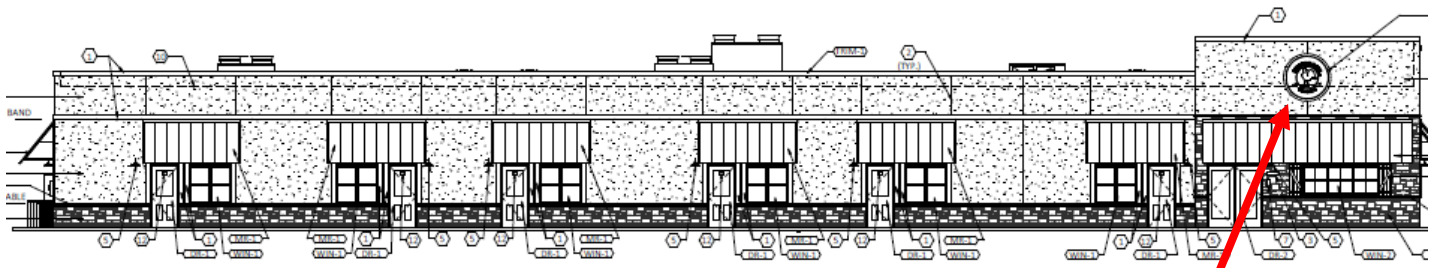
# GROUND SIGN PLANS



SIGN AREAS (ONE SIDE)
LOGO - 24"DIA =19.6 S.F.
AREA OF SIDING = 34 SF
OVERALL STRUCTURE= 54 SF

**VARIANCE # 2**  
**34 Sq. Ft**

## WALL SIGN PLANS & ELEVATIONS





**Existing  
Ground Sign**



**Facing north towards the ground sign, along Old Seidel Rd.**

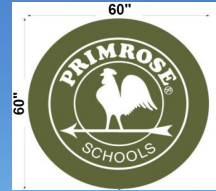


**Variance # 3  
4 ft. setback**

**Facing northeast, towards the existing ground sign**



## SITE PHOTOS



**Proposed Sign**

**Facing south, towards the ground sign & daycare building along Old Seidel Rd.**



**Facing south, towards the ground sign & building along Old Seidel Rd.**



## SITE PHOTOS



**Proposed Sign**

**Facing east, from Old Seidel Rd, toward existing daycare building and ground sign**



**Proposed Sign**

**Proposed Sign**

**Facing east from Old Seidel Rd, toward existing daycare building**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUNE 05, 2025**

Commission District: **#5**

Case #: **VA-25-05-014**

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

**Catherine.Glase@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** MATTHEW DANET

**OWNER(s):** MATTHEW DANET, VALENCIA DANET

**REQUEST:** Variance in the A-2 zoning district to allow an Accessory Dwelling Unit (ADU) with a north side setback of 7.6 ft. in lieu of 10 ft.

**PROPERTY LOCATION:** 3118 Aein Rd. Orlando, FL 32817, west side of Aein Rd., north of Buck Rd., east of N. Dean Rd., south of University Blvd., west of Rouse Rd.

**PARCEL ID:** 08-22-31-0000-00-149

**LOT SIZE:** +/- 0.83 acres

**NOTICE AREA:** 500 ft.

**NUMBER OF NOTICES:** 73

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

1. Development shall be in accordance with the site plan, date stamped March 25, 2025, as modified to reflect Condition of Approval #4, and elevations date stamped March 25, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of the permit for the conversion of the accessory structure to an accessory dwelling unit (ADU), a permit for improved parking spaces (a total of three spaces, each 9 ft. by 18 ft.) must be obtained.



**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 (6) criteria and the reasons for a recommendation for approval of the Variance. Staff noted that no comments were received in favor or in opposition to the request.

The applicant was present and stated the ADU will be for his daughter. The applicant discussed with the BZA the existing septic and well on site in relation to the proposed conversion, stating the system will be able to support both the ADU and the home.

The BZA stated they agreed with staff's recommendation of approval of the request and felt the request was appropriate.

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

The BZA recommended approval of Variance request by a 5-0 vote, subject to the four (4) conditions found in the staff report.

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### STAFF RECOMMENDATIONS

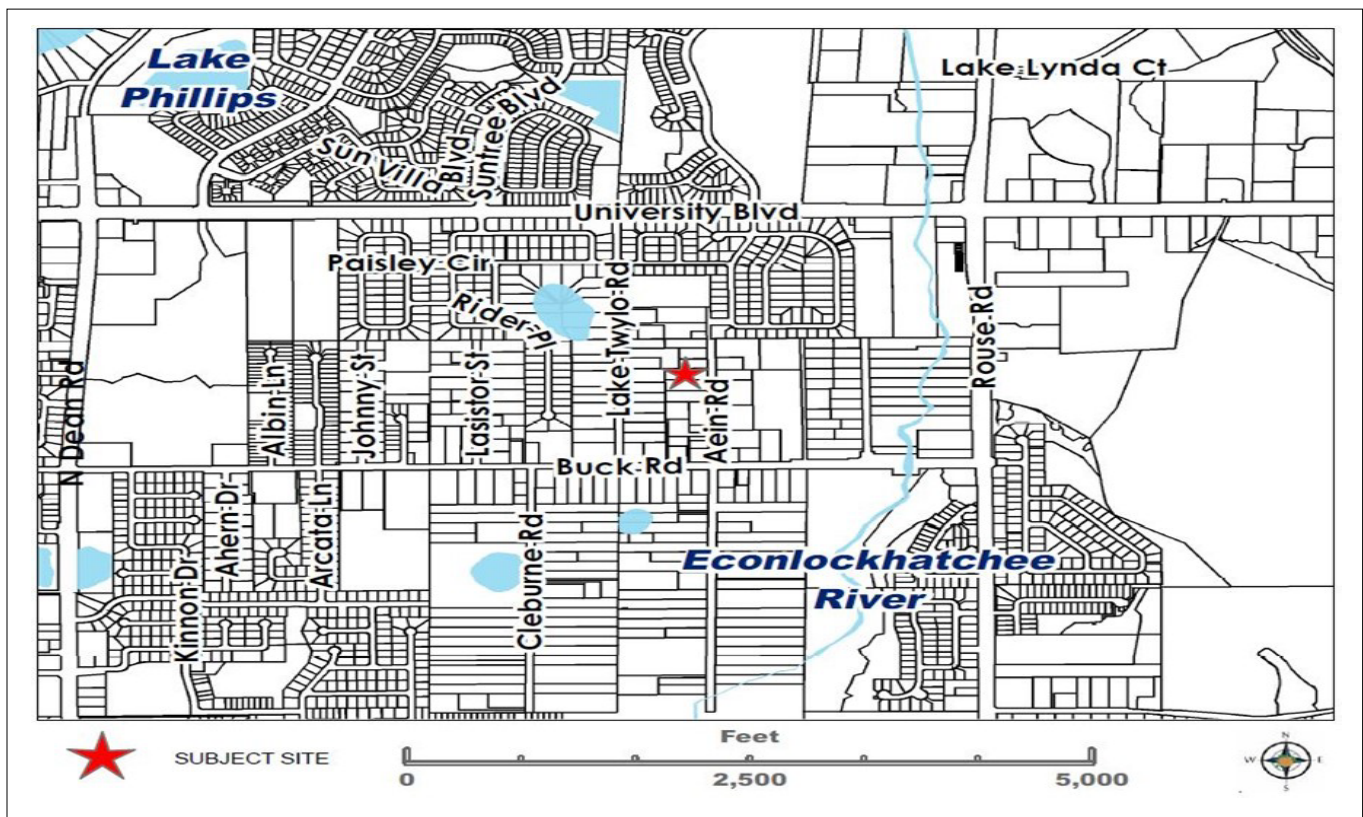
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Approval, subject to the conditions in this report.

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### LOCATION MAP

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## SITE & SURROUNDING DATA

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	Property	North	South	East	West
Current Zoning	A-2	A-2	A-2	A-2	A-2
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residential	Single-family residential	Vacant	Single-family residential	Single-family residential

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## BACKGROUND AND ANALYSIS

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### **DESCRIPTION AND CONTEXT**

The subject property is located in the A-2, Farmland Rural district, which primarily allows agricultural uses, as well as mobile homes and single-family homes on larger lots. The future land use is Low Density Residential (LDR), which is inconsistent with the A-2 zoning district. A rezoning or Comprehensive Plan amendment is not required for a residential unit on a lot of record. Comprehensive Plan Policy FLU1.1.3B. allows for the construction of one (1) residential unit (including ancillary buildings or improvements) on an existing lot of record (according to Zoning Division records) as of July 1, 1991. This lot is considered a lot of record for Comprehensive Plan purposes, having been lawfully created prior to the adoption of the Comprehensive Plan on July 1, 1991.

The area surrounding the subject site consists of mostly single-family homes and some vacant properties. The subject property is 36,312 sq. ft. in size and is an unplatted conforming lot of record. The property is an interior lot with right-of-way along Aein Rd. The property is developed with a 1-story, 2,467 gross sq. ft. single-family home, with 1,085 sq. ft. of living area, and an attached 2 car garage, constructed in 1985. There is also an existing 612 sq. ft. detached garage in the rear yard, constructed in 1993, and a 4 ft. tall chain link fence enclosing the side and rear yards.

The property was purchased by the current owner in 2021. In December of 2024, the owner obtained an interior alteration permit (B24025439) to convert 139 sq. ft. of the attached garage into living area to be utilized as a laundry room. The permit is issued and pending inspections. Once completed the new living area of the home will be 1,224 sq. ft.

The proposal is to convert the existing 612 sq. ft., 11.53 ft. tall, detached garage to an Accessory Dwelling Unit (ADU) using the footprint of the existing garage. The proposed floor plan shows a kitchenette with an under-the-counter refrigerator, kitchen sink, and countertop. Code provides a definition for kitchen and wet bar but does not define kitchenette. Per Section 38-1 *wet bar shall mean a hand sink and under-the-counter refrigerator with no overhead cabinets*. While the alteration does not include cooking appliances, the plans show a kitchen sink which exceeds the definition of a wet bar therefore classifying the space as a kitchen and the structure as an ADU. The existing garage was developed with a north side setback of 7.6 ft., in compliance with the 5 ft. minimum side setback requirement for a detached accessory structure less than 15 ft. in height. Per Section 38-1426(b)(3)f.2. of Orange County Code, a one-story detached ADU shall meet the minimum side setback for a principal structure in the zoning district, which is 10 ft. for the A-2 zoning district, prompting the Variance request. Per Section 38-1426(2)c.9. of Orange County Code, *one (1) additional off-street parking space shall be required for an accessory dwelling unit. The additional space requirement may be met by the garage, carport or driveway of the primary dwelling unit*. In addition to this requirement, two parking spaces must be provided for the home. After the conversion, the site will have two parking spaces within the home's existing garage. A permit for an additional parking space (a total of three spaces, each 9 ft. by 18 ft.) must be

obtained, reflected in Condition of Approval #4. The conversion of the detached garage to an ADU will meet all other zoning 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 (6) Variance criteria are met. Staff has determined that the Variance request meets all the criteria. Therefore, staff is recommending approval of the Variance request.

#### **District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	11.53 ft.
Min. Lot Width:	100 ft.	117 ft.
Min. Lot Size:	21,780 sq. ft.	+/- 36,312 sq. ft.

#### **Building Setbacks (Accessory Dwelling Unit)**

	Code Requirement	Proposed
Front:	Not located in the front yard	N/A (East)
Side:	10 ft.	7.5 ft. (North) (Variance) 91.9 ft. (South)
Rear:	5 ft.	161 ft. (West)

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### **STAFF FINDINGS**

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#### **VARIANCE CRITERIA**

##### **Special Conditions and Circumstances**

MET - There are special conditions or circumstances peculiar to this property, as the structure is existing and was developed to comply with accessory structure setbacks. Converting the structure to an ADU increases the required side setbacks by 5 ft.

##### **Not Self-Created**

MET - The need for the Variance is not self-created, as the structure is existing in its current location and the proposal is to utilize the existing footprint of the legally constructed accessory structure.

##### **No Special Privilege Conferred**

MET - Granting the Variance as requested would not confer special privilege as the structure is permitted by right in the A-2 zoning district and the proposal is to utilize a lawfully constructed building.

##### **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.



### 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 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 conversion will not be intrusive to the surrounding properties as the structure is existing and has been in its current location since 1985.

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### CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan date stamped March 25, 2025, as modified to reflect Condition of Approval #4, and elevations date stamped March 25, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of the permit for the conversion of the accessory structure to an accessory dwelling unit (ADU), a permit for improved parking spaces (a total of three spaces, each 9 ft. by 18 ft.) must be obtained.

C: Matthew and Valencia Danet  
3118 Aein Rd.  
Orlando, Florida 32817

---

COVER LETTER

---

Matthew Danet  
3118 AEIN RD  
Orlando Florida 32817

340-690-2107 or 407-865-0842

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

February 27, 2025

Dear members of the Zoning Board,

I am writing in request of a variance to convert an existing accessory structure single garage to an ADU.

The garage was built in 1993 by the previous owner. It is made from concrete blocks with a concrete floor and windows on the south and rear of the structure. The entrance consists of a side entry door and a slide-up garage door. The structure is 612 SF with a height of 11'6 3/4". The garage currently meets all other setbacks except the north side setback which is 7'6" in lieu of the 10 ft setback for ADU. The main house garage is in the process of an interior alteration of 139 sf for a conditioned laundry area. The exterior style and finish of the detached garage is the same as the exterior of the main house. I will not be altering the garage structure. I am proposing a build-out of the inside without a full kitchen as noted in the plan drawing A0-2.

Granting this variance will not have any adverse effect and will allow me modification to accommodate my extended family.

Thank you for your time and consideration. I look forward to a favorable response.

Sincerely

  
Matthew Danet

**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 existing detached garage was used as an accessory structure and met the zoning requirements of side set backs allowed. It is not in any zone violation for such structure

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

the garage was built by previous owner. I would like to utilize existing garage

as a living space (Mother in)

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

approval will no grant anything special things the other neighbors in area might already have

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.

failure to obtain variance would hurt my indevers and I could loose out on opportunities others i in my area enjoy

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.

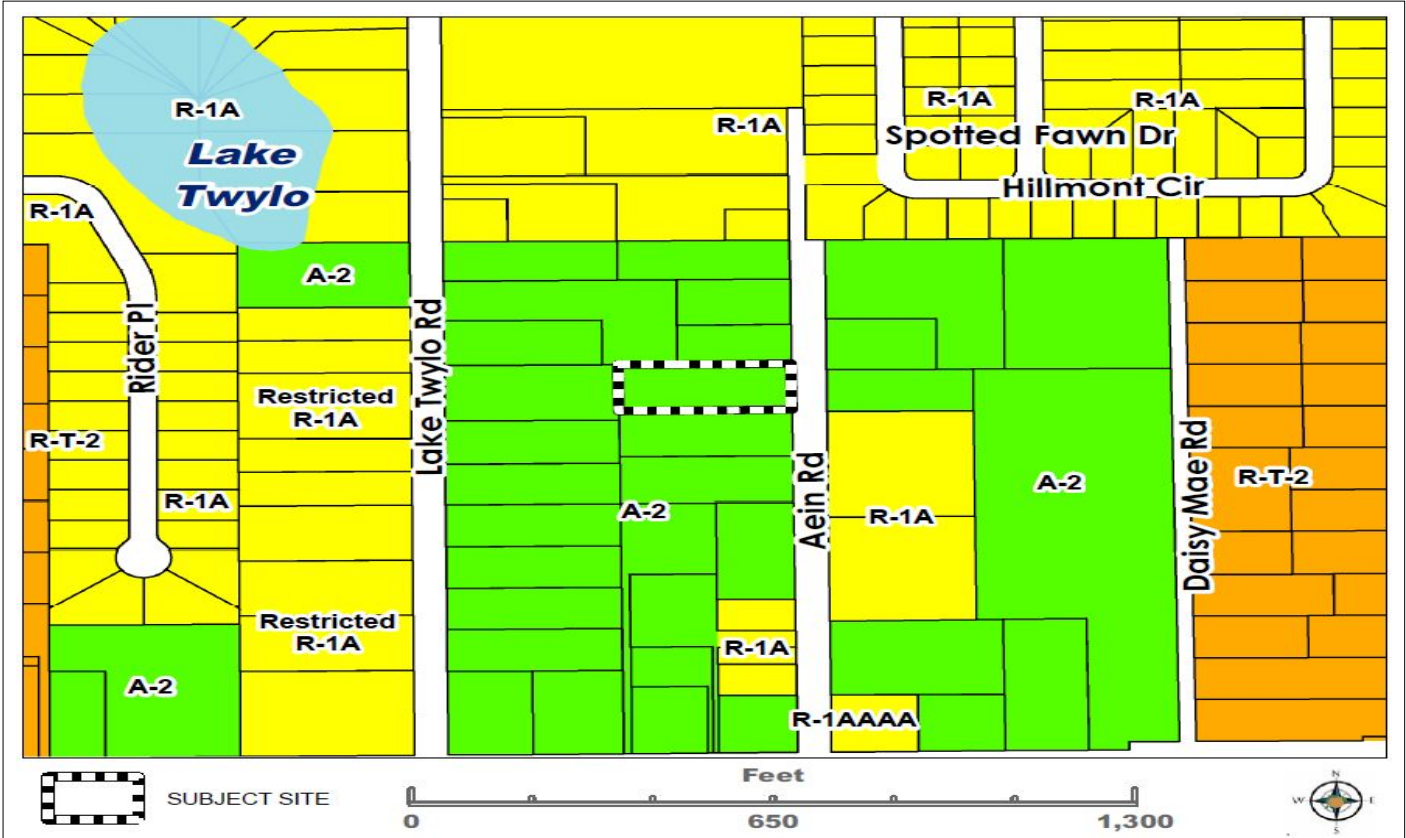
I am asking for a small adjustment to enable me to uterlize my property with in reason

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.

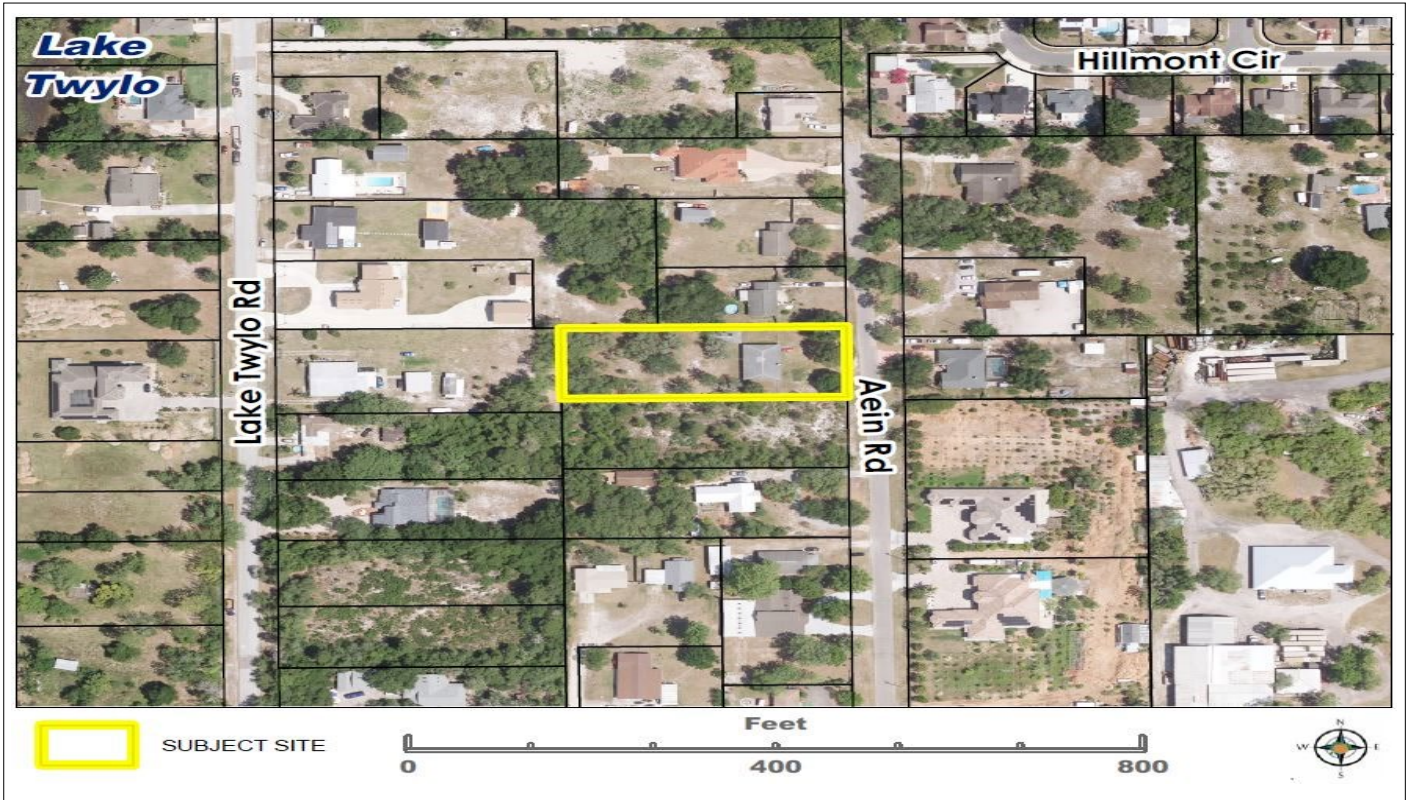
approval will place me on equal footing with in my neighborhood



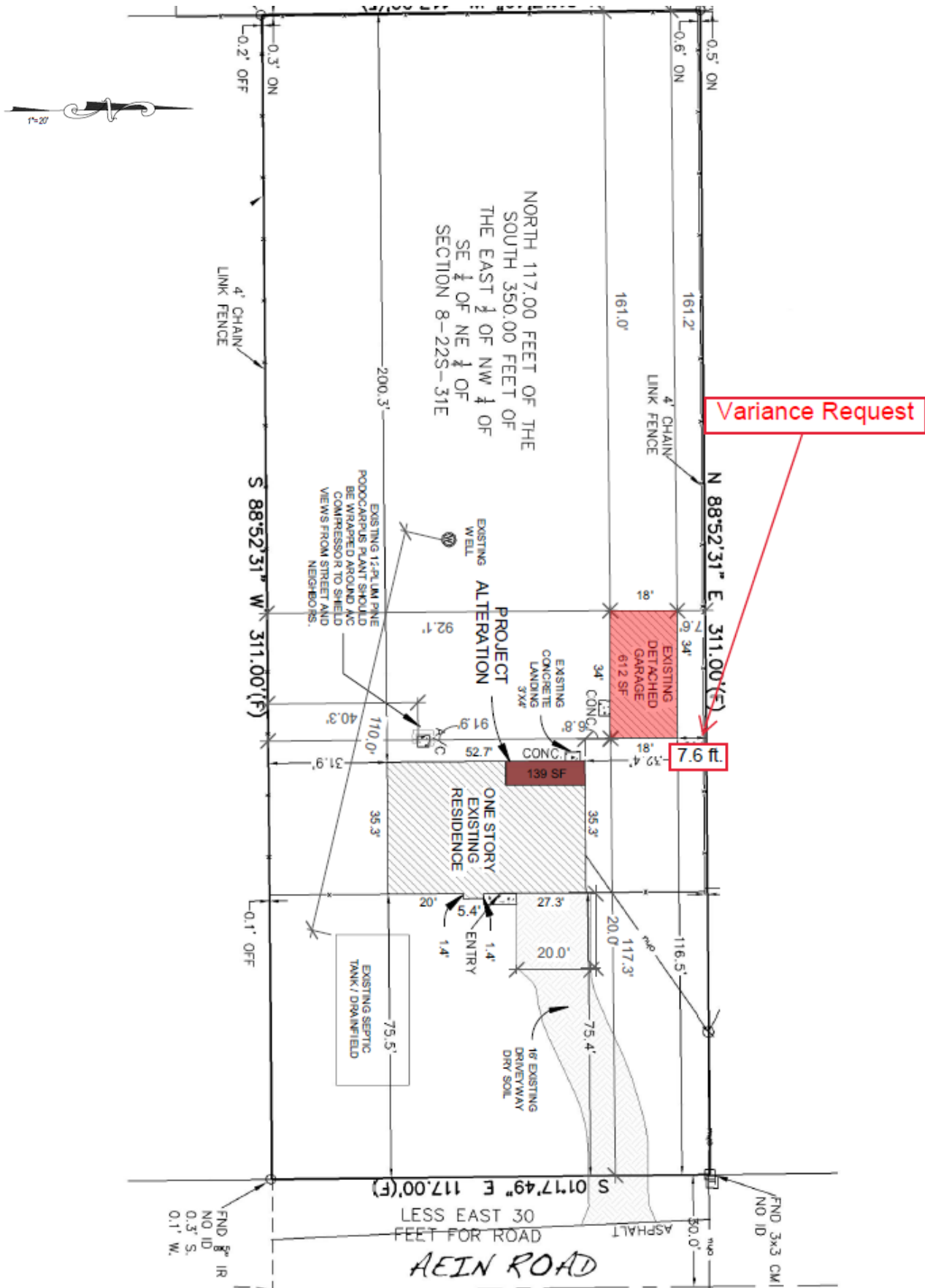
ZONING MAP



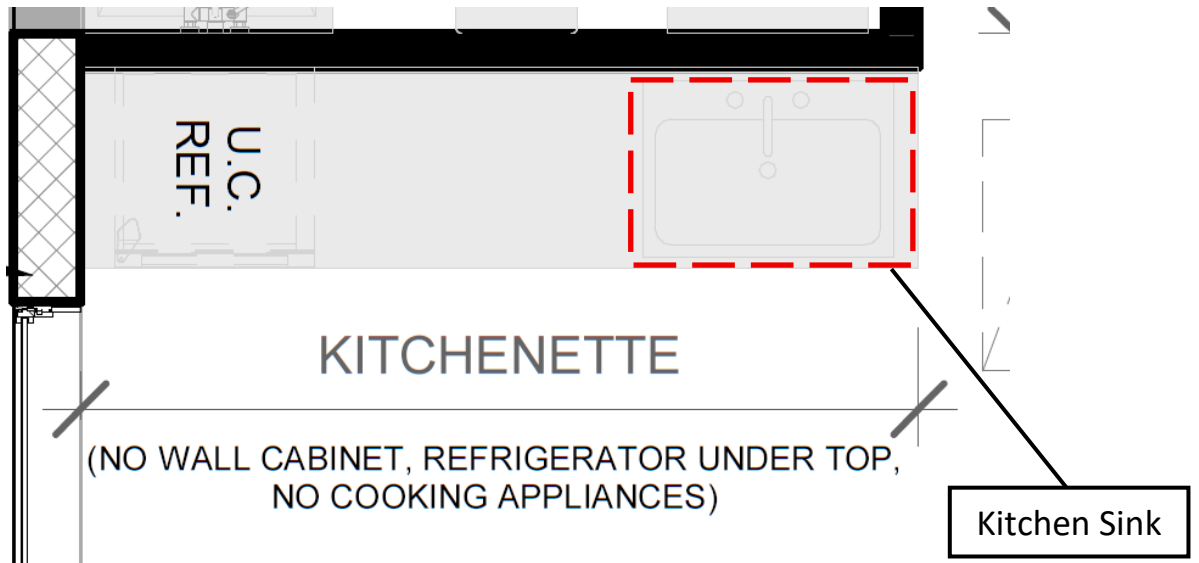
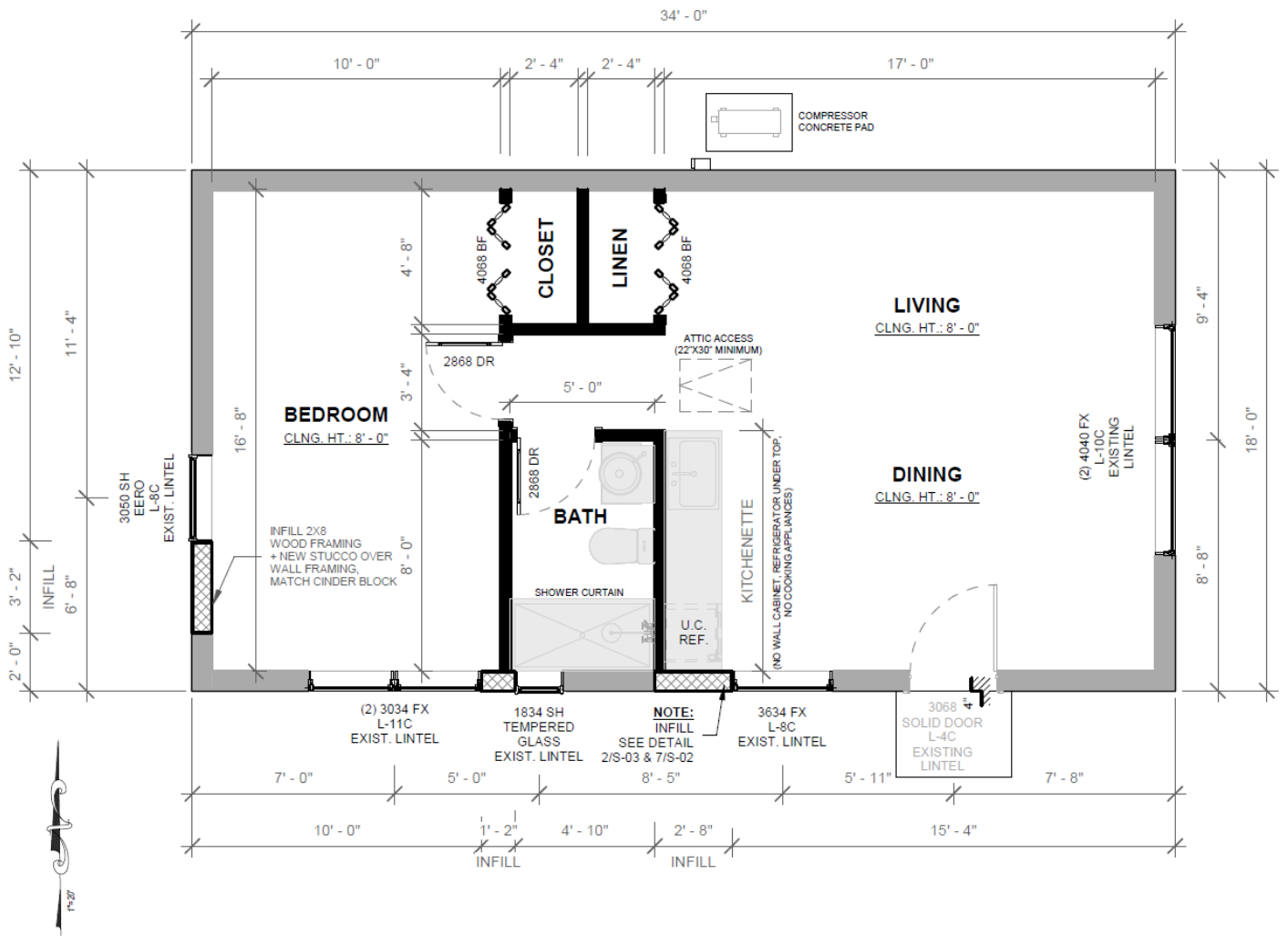
AERIAL MAP



# SITE PLAN

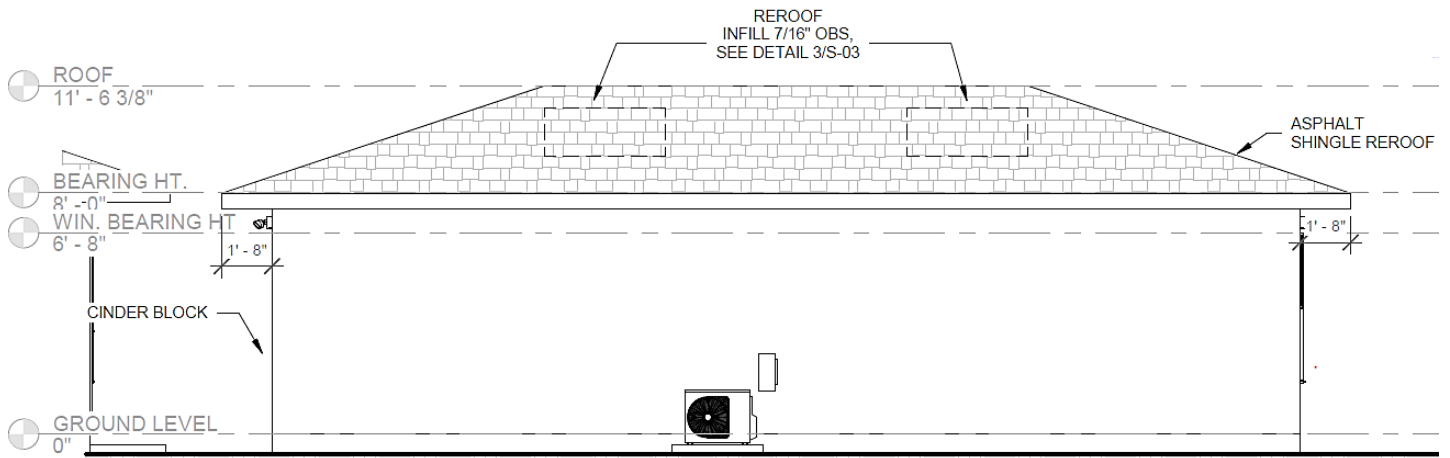
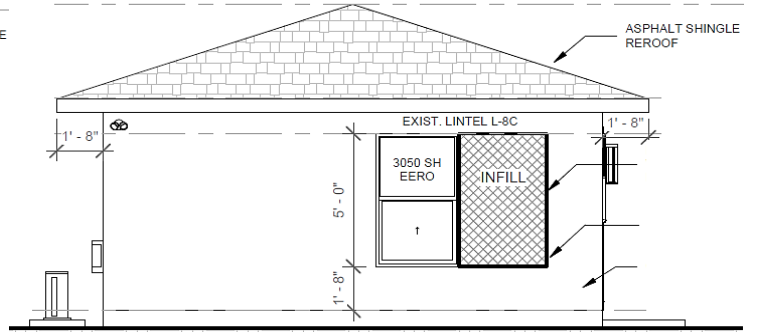
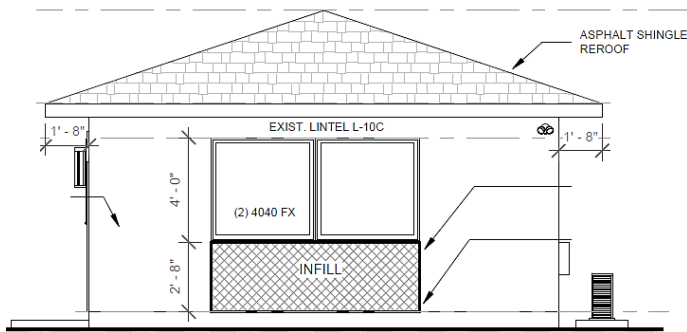
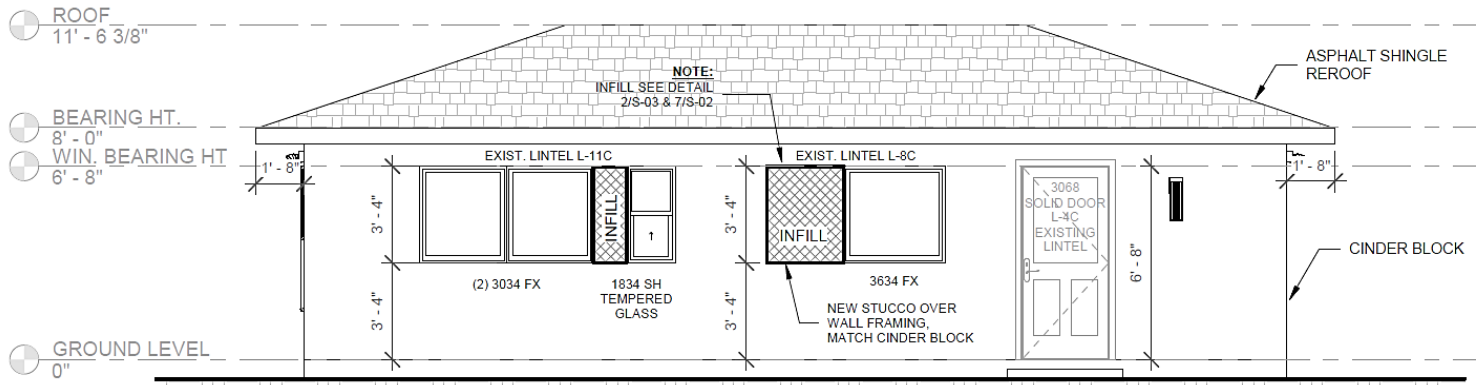


# FLOOR PLAN





## ELEVATIONS



## SITE PHOTOS



**Front yard, facing west towards front of subject property**



**Side yard, facing west towards the subject structure and Variance request**



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## SITE PHOTOS

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**Rear yard, facing north towards the subject structure**



**Rear yard, facing northeast towards the subject structure**



## SITE PHOTOS



**Side yard, facing east along the north side of the subject structure**



**Rear yard, facing northeast**



# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUNE 05, 2025**

Commission District: **#3**

Case #: **VA-25-06-021**

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

**Catherine.Glase@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** BRYAN WATTS

**OWNER(s):** JUDITH S DONALDSON LIFE ESTATE, JUDY S DONALDSON REVOCABLE LIVING TRUST

**REQUEST:** Variance in the R-1AA zoning district to allow a pool and deck with a Normal High Water Elevation (NHWE) setback of 9.4 ft. in lieu of 35 ft.

**PROPERTY LOCATION:** 4409 Raymar Dr., Orlando, FL 32839, east side of Raymar Dr., south side of Lake Holden, north of Holden Ave., east of S. Orange Blossom Trl., west of S. Orange Ave.

**PARCEL ID:** 11-23-29-9622-00-120

**LOT SIZE:** +/- 10,531 sq. ft.

**NOTICE AREA:** 500 ft.

**NUMBER OF NOTICES:** 89

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

1. Development shall be in accordance with the site plan dated stamped May 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.
4. Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and

losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the Variance request and, which shall inform all interested parties that the pool and deck is located no closer than 9.4 feet from the Normal High Water Elevation (NHWE) of Lake Holden.

**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 (6) criteria and the reasons for a recommendation for approval of the Variance. Staff noted that no comments were received in favor or in opposition to the request.

The applicant was present and stated other properties in the area have pools within the 35 ft. setback. They also stated the pool will be saltwater.

The BZA discussed the pool deck will utilize the existing paver location and the other reviewing divisions had no objections to the request.

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

The BZA recommended approval of Variance request by a 5-0 vote, subject to the four (4) conditions found in the staff report.

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#### STAFF RECOMMENDATIONS

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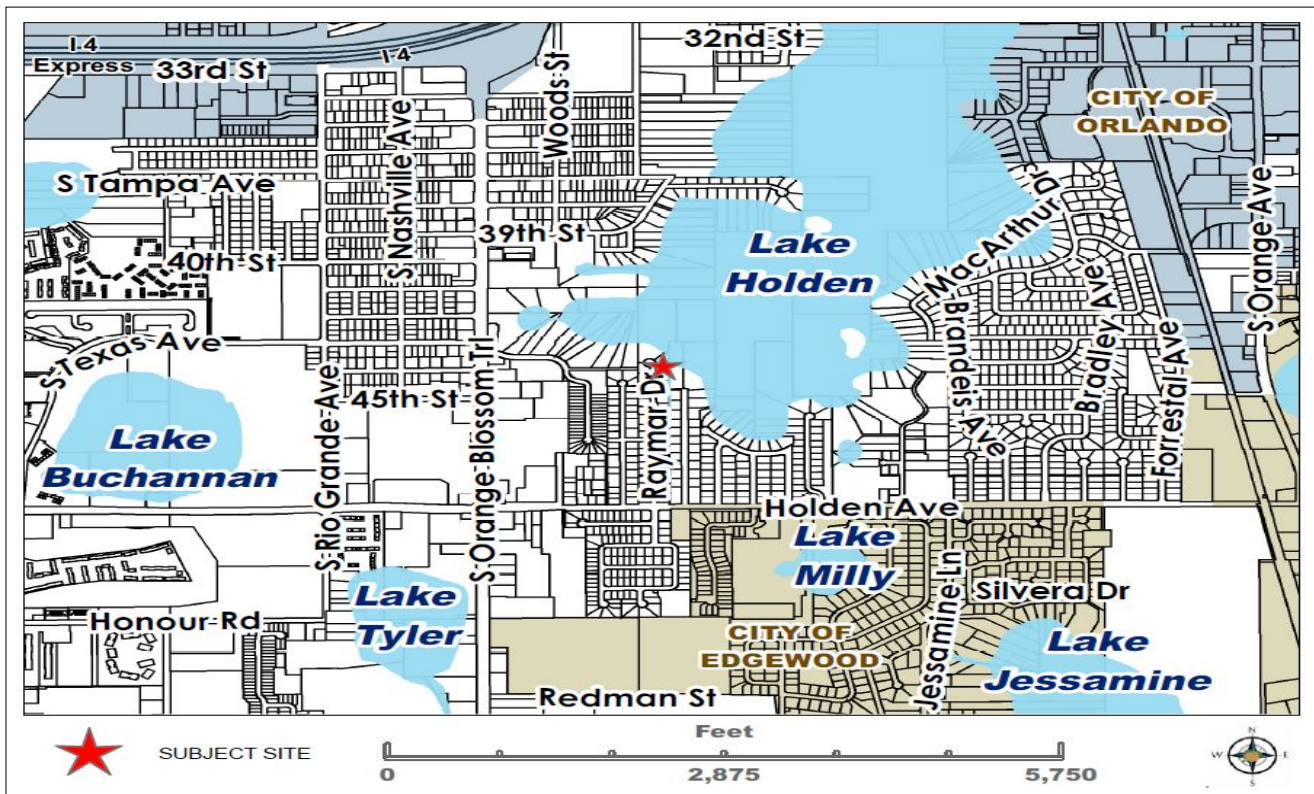
Approval, subject to the conditions in this report.

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#### LOCATION MAP

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**SITE & SURROUNDING DATA**

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	Property	North	South	East	West
Current Zoning	R-1AA	R-1AA	R-1AA	R-1AA	R-1AA
Future Land Use	LDR	LDR	LDR	Water Body (Lake Holden)	LDR
Current Use	Single-family residence	Single-family residence	Single-family residence	Lake Holden	Single-family residence

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The subject property is located in the R-1AA, Single-Family Dwelling district, which allows single-family homes and associated accessory structures. The future land use 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 approximately 10,531 sq. ft., in size, was platted in 1964 as lot 12 of the Raymar Manor Addition plat and is considered a conforming lot. The subject lot is an interior lakefront lot with right-of-way along Raymar Dr. to the west and Lake Holden to the east.

The property was purchased by the current owner in 2020 and is currently developed with a 1-story, 2,658 gross sq. ft. single-family home and rear yard paver patio. A Variance was granted for this property in 2021 to allow an addition with an east rear setback of 29 ft. from the Normal High Water Elevation (NHWE) in lieu of 35 ft and to allow an existing residence to remain with an east rear setback of 17.4 ft. from the NHWE in lieu of 35 ft (VA-21-07-040).

The development standards table under Section 38-1501 identifies a 50 ft. setback from the NHWE for the R-1AA zoning district. However, footnote A of this section states, *a lot which is part of a subdivision, where the plat of which has been lawfully recorded on or before August 31, 1982, which has a depth of less than 150 ft. above the NHWE contour, shall be exempt from the 50 ft. setback requirement set forth in Section 38-1501. Instead, the setbacks under the respective zoning district requirements shall apply as measured from the NHWE contour.* The subject property is approximately 100 ft. in depth above the NHWE contour, therefore exempting this lot from the 50 ft. setback requirement, and instead requiring a minimum NHWE setback of 35 ft. as this is the rear setback for the R-1AA zoning district.

The proposal is to install a 627 sq. ft., pool and deck at the rear of the existing residence. Section 38-79(10)c. establishes swimming pools, including all appurtenances thereto, such as pool decks, security fences, or screen enclosures, shall be subject to the setback requirements from the NHWE contour for water bodies. The pool and deck are proposed to be located 9.4 ft. from the NHWE line where a 35 ft. setback is required, prompting the Variance request. The proposed construction utilizes the footprint of the existing paver patio at the rear of the residence. As constructed, the existing paver patio is not subject to the NHWE setback as Orange County Code does not have a required setback from the NHWE for pavers.

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 (6) Variance criteria are met. The request meets all the criteria. Therefore, staff is recommending approval of the Variance request.

**Building Setbacks that apply to pool and deck**

	Code Requirement	Proposed
Front:	Not located within the front yard	N/A
Side:	5 ft.	14.58 ft. (North) 44.5 ft. (South)
NHWE:	35 ft.	9.4 ft. (East – Variance)

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**STAFF FINDINGS**

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**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

MET – The depth of the lot and placement of the existing home restricts the area where a pool and deck could be constructed which conforms to code requirements.

**Not Self-Created**

MET – The need for the Variance is not self-created, as the property does not contain adequate space in the rear yard to construct a code compliant pool and deck. Additionally, the proposal utilizes the existing footprint of the paver patio.

**No Special Privilege Conferred**

MET – Granting the Variance as requested would not confer special privilege as several other properties in the area appear to have NHWE setbacks similar to the request.

**Deprivation of Rights**

MET – Without approval of the requested Variance, the owner will be deprived of the ability to construct a pool and deck.

**Minimum Possible Variance**

MET – The requested Variance is the minimum possible to accommodate the installation of a pool and deck while utilizing the existing footprint of the paver patio.

**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 pool and deck will not be intrusive to the surrounding properties as the pool and deck will utilize the existing footprint of the paver patio which has been in its current location since 2013.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan dated stamped May 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.
4. Prior to the issuance of any building permit, the property owner shall record in the official records of Orange County, Florida an Indemnification/Hold Harmless Agreement, on a form provided by the County, which indemnifies Orange County, Florida from any damages and losses arising out of or related in any way to the activities or operations on or use of the Improvement resulting from the County's granting of the Variance request and, which shall inform all interested parties that the pool and deck is located no closer than 9.4 feet from the Normal High Water Elevation (NHWE) of Lake Holden.

C: Bryan Watts  
311 Aulin Ave., Suite 400  
Oviedo, FL 32765



To whom it may concern,

We are requesting this variance to build a new pool at 4409 Raymar Dr, Orlando FL 32839. This new pool will be placed in the same footprint as an existing patio. We are requesting this variance due to the permit application we sent in being denied because the pool would be in the NHWL that was created after the home was built. The new NHWL is inside the existing structure, the house. We are applying to build a patio and a new spa/pool. It is to be a concrete pool shell with cement pavers. It will be 33'x19', 627sq feet. The structure will be 23' away from the property line in the back, 14'7" from the left side, 44'6" from the right side, and the NWHL goes 16.5" into the existing house. We will not be changing the excising footprint, please see site survey. The new NHWL clearly is not allowing for any improvements to the property, but the house, existing patio and other structures are already in it.

Thank you,

Custom Quality Pools & Spas (DBA Pinnacle Pools & Spas)

*Bryan Watts*

**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 House and existing deck are already in the buffer. We are not changing the existing footprint. No modification past the existing deck are will occur. There have already been approved variances for this property. Since the 35' buffer is her living room.

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.

Unknown or Not Applicable

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.

Unknown or Not Applicable

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 right to improve the value or curb appeal of the owners homesteaded property. The right was taken when the NHWL was created.

"Treat property taken through regulation the same as property taken through physical seizure." This includes rights under regulatory takings.

The 5th and 14th Amendment of the Constitution protects property rights, including the right to make improvements to property.

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.

See attached survey and site plan.

11.5' from pool shell edge to sea wall and 9.5' from edge of pool deck to sea wall.

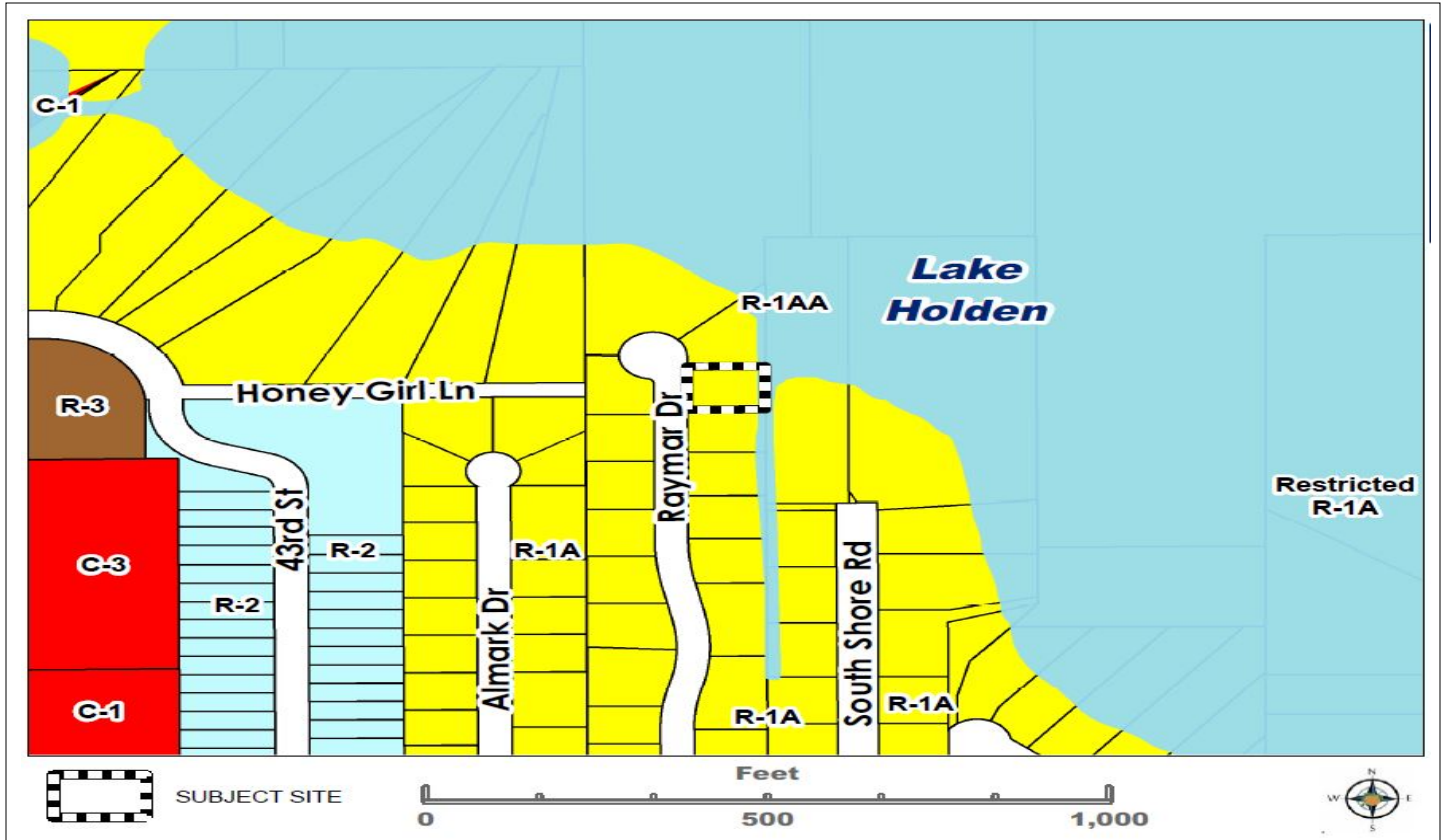
Matching the exact footprint of the existing deck on site.

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.

Replace the existing deck with new pavers 19' x 33' in the exact footprint.

Installation of a 12' x 8' spa.

## ZONING MAP

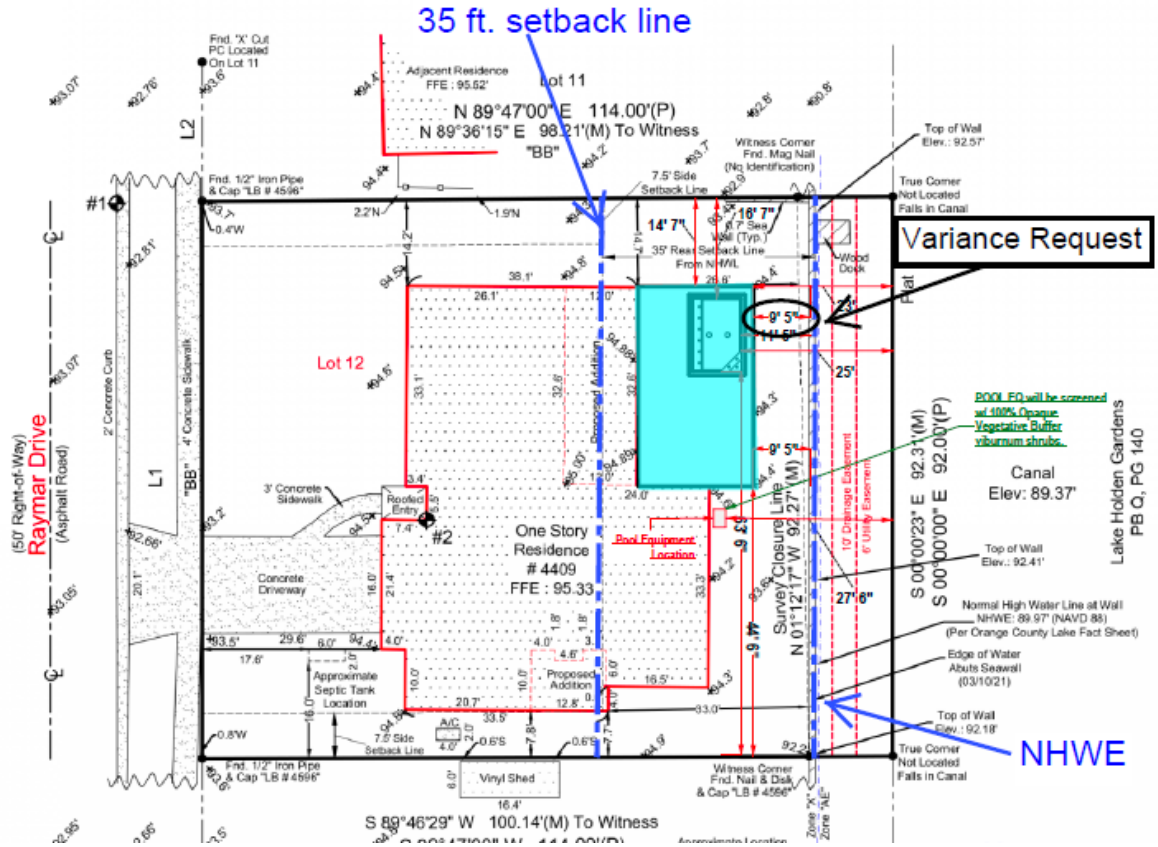


## AERIAL MAP

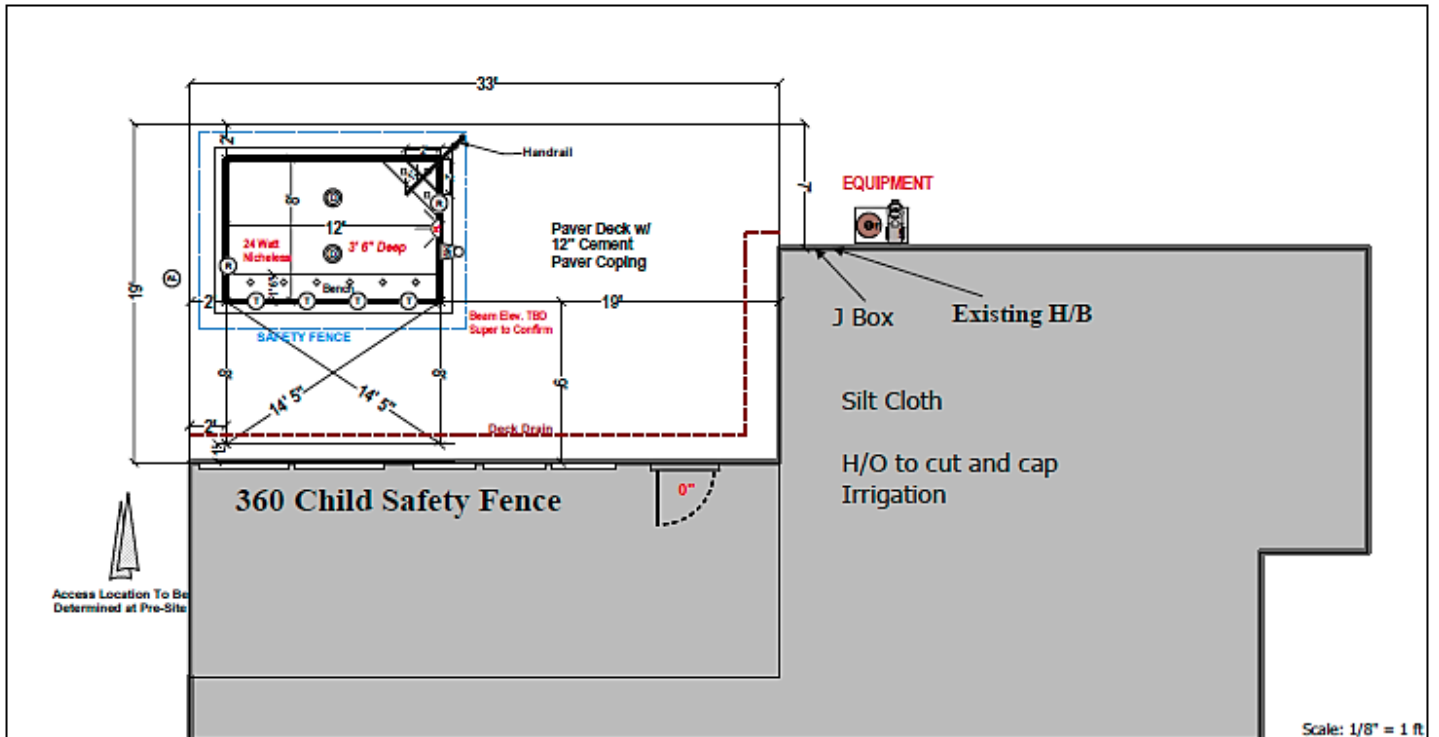




# SITE PLAN



## PROPOSED POOL AND DECK DETAIL



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**SITE PHOTOS**

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**Facing east from Raymar Dr. towards subject property**



**May 2, 2025 9:03 AM**

**Side yard, facing east towards Lake Holden and the rear of the property**





**Rear yard, facing south towards the existing paver patio**



**Rear yard, facing southeast towards Lake Holden**



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**SITE PHOTOS**

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**Rear yard, facing southwest towards proposed pool and deck location**



**Rear yard, facing north towards proposed pool and deck location**





**Rear yard, facing north towards existing home granted previous Variance from NHWE setback**

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUNE 05, 2025**

Commission District: **#5**

Case #: **VA-25-05-015**

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

**Catherine.Glase@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** JASON SELLERS

**OWNER(s):** NEIL CHARLES RADLOFF TRUST

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

- 1) To allow an addition with a front south setback of 20.16 ft. in lieu of 25 ft.
- 2) To allow an existing boat dock structure landward of the Normal High Water Elevation (NHWE) with a 19 ft. wide boat dock walkway in lieu of 6.6 ft.
- 3) To allow an existing pool and deck with a Normal High Water Elevation (NHWE) setback of 24.3 ft. in lieu of 30 ft.

**PROPERTY LOCATION:** 1785 Killarney Dr., Winter Park, FL 32789, north side of Killarney Dr., south side of Lake Killarney, north of W. Fairbanks Ave., east of I-4, west of S. Orlando Ave.

**PARCEL ID:** 12-22-29-2722-03-151

**LOT SIZE:** +/- 0.98 acres (+/- 0.34 acres upland)

**NOTICE AREA:** 500 ft.

**NUMBER OF NOTICES:** 165

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

1. Development shall be in accordance with the site plan dated March 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 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 existing pool deck is located no closer than 24.3 feet from the Normal High Water Elevation (NHWE) of Lake Killarney.

**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 (6) criteria and the reasons for a recommendation for denial of Variance #1 and approval of Variances #2 and #3. Staff noted that no comments were received in favor and no comments were received in in opposition to the request, but that two letters of support were provided by the applicant from the neighboring property owners.

The applicant was present and noted that a large portion of the existing home is being demolished and rebuilt, and that they are currently permitting a pool cabana at the rear, which is why they cannot relocate the addition.

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

The BZA discussed the placement of the existing home to the front property line and the minimal encroachment.

The BZA recommended approval of the Variance requests by a 5-0 vote, subject to the four (4) conditions found in the staff report, with a modification to Condition of Approval #1 as follows:

1. Development shall be in accordance with the site plan dated March 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).

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#### **STAFF RECOMMENDATIONS**

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Denial of Variance request #1 and approval of Variance requests #2 and #3, subject to the conditions in this report. However, if the BZA should find that the applicant has satisfied the criteria for the granting of all the Variances, staff recommends that the approval be subject to the modified 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	Water Body (Lake Killarney)	LDR	LDR	LDR
Current Use	Single-family residence	Lake Killarney	Single-family residence	Single-family residence	Single-family residence

## BACKGROUND AND ANALYSIS

### **DESCRIPTION AND CONTEXT**

The subject property is located in the R-1A, Single-Family Dwelling district, which allows single-family homes and associated accessory structures. The future land use 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, many of which are lakefront. The subject property is approximately 0.98 acres (0.34 acres upland), located in the Flamingo Shores Plat, recorded in 1953, and is considered to be a conforming lot of record. The property is a lakefront lot located on Lake Killarney with a Normal High Water Elevation (NHWE) line on the north side.

The property was purchased by the current owners in May of 2022 and is developed with a one-story 2,910 gross sq. ft. single-family home constructed in 1955, a pool and deck, and a boat dock. The existing home is developed with a front setback of 24.1 ft. Section 38-1508 of Orange County Code states *the zoning manager shall have the authority to grant administrative waivers from the minimum yard requirements, provided that no such administrative waiver shall exceed six (6) percent of the applicable requirement for the yard.* The

existing 24.1 ft. setback does not exceed 6% of the required 25 ft. front setback and has been granted an administrative waiver.

The proposal is for the construction of a garage addition to the front and a living space addition to the rear of the existing residence. The garage addition is proposed with a south front setback of 20.8 ft. in lieu of 25 ft., requiring Variance #1. The rear addition complies with all zoning development standards therefore, no Variance is requested for this.

Section 38-1605(m) of Orange County Code states *any part of a boat dock structure landward of the normal high-water elevation shall be no wider than the width of the boat dock walkway*. As constructed, the boat dock walkway is 6.6 ft. wide and the portion of the dock landward of the Normal High Water Elevation (NHWE) is 19 ft. wide, requiring Variance #2. A corner of the existing pool and deck is located 24.3 ft. from the NHWE line where 30 ft. is required, prompting Variance #3. No construction is proposed for the dock or deck; Variances #2 and #3 have been added to address the existing conditions.

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. Two letters of support were provided by the applicant from the neighboring property owners adjacent to the subject site.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. While Variance request #1 meets some of the criteria, it does not meet all the criteria. Based on staff analysis, alternative options exist for an addition on the property to either lessen or eliminate the need for the Variance. Staff has determined that Variance requests #2 and #3 meet all the criteria for a recommendation of approval. Therefore, staff is recommending denial of Variance request #1 and approval of Variance requests #2 and #3.

#### **District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	+/- 17.5 ft.
Min. Lot Width:	75 ft.	+/- 93.45 ft.
Min. Lot Size:	7,500 sq. ft.	+/- 0.98 acres (+/- 0.34 acres upland)

#### **Building Setbacks (House)**

	Code Requirement	Proposed
Front:	25 ft.	20.16 ft. addition (North – Variance #1) 24.1 ft. existing residence (South – Administrative Wavier granted)
Side:	7.5 ft.	10 ft. residence (East) 7.5 ft. addition (West) 13 ft. existing residence (West)
NHWE:	50 ft.	42.2 ft. residence (North)



**Setbacks (Boat Dock)**

	Code Requirement	Proposed
Side:	5 ft.	42.9 ft. (East) 13.3 (West)

**Setbacks (Pool Deck)**

	Code Requirement	Proposed
Side:	5 ft.	7.5 ft. (East) 35.4 ft. (West)
NHWE:	30 ft.	24.3 (North – Variance #3)

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**STAFF FINDINGS**

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

All Variances MET – The special condition and circumstance particular to the subject property is the existing residence’s footprint in relation to the front property line and NHWE line. Also, approval would recognize the existing location of the dock and deck.

**Not Self-Created**

Variance #1 MET – The request is not self-created since the owner is not responsible for the placement of the existing residence in relation to the front property line and constraints of the NHWE line, which renders any addition and improvement difficult without Variances.

Variances #2 and #3 MET – The request for Variances #2 and #3 is not self-created since the owner is not responsible for the existing location of the pool deck and boat dock.

**No Special Privilege Conferred**

All Variances MET – Due to the orientation of the existing residence and the existing non-conforming development of the existing structures, granting the requested Variances will not confer any special privilege conferred to others under the same circumstances. Further, several properties appear to have similar approved requests for reduced front and NHWE setbacks.

**Deprivation of Rights**

Variance #1 NOT MET – Denial of the Variance would not deprive the rights of the owner as the rear addition could be resigned to reduce or eliminate the Variance request.

Variances #2 and #3 MET – Approval of the Variances will allow the recognition of the existing location of the pool deck and boat dock.

**Minimum Possible Variance**

Variance #1 NOT MET – The Variance would not be the minimum possible as the rear addition could be resigned to reduce or eliminate the Variance request.

Variances #2 and #3 MET – Due to the existing non-conforming setbacks and the NHWE, the requested Variances are the minimum possible.

### **Purpose and Intent**

All Variances MET – Approval of the requested Variances would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The proposed addition at the front of the residence will have similar setbacks to several other properties with approved requests in the surrounding area. Approval of the requested Variances #2 and #3 would be in harmony with the purpose and intent of the Code since the request will recognize the existing non-conforming setbacks of the dock and deck.

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### **CONDITIONS OF APPROVAL**

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1. Development shall be in accordance with the site plan dated March 27, 2025, as modified to comply with the front setback requirement, 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 existing pool deck is located no closer than 24.3 feet from the Normal High Water Elevation (NHWE) of Lake Killarney.

C: Jason Sellers  
4321 Northern Dancer Way  
Orlando, FL 32826



**Orange County Zoning**

Board of Zoning Adjustment  
201 South Rosalind 1<sup>st</sup> Floor  
Orlando, FL 32801

**BZA Cover Letter**

To Board of Zoning Adjustment:

The is a request for a setback variance for 1785 Killarney Drive Winter Park Fl. The request is for the garage to be extended beyond the setback by 59 sq/ft. and will be constructed of concrete block with wood roof structure system. The edge of the garage will be 29'10" from the sidewalk leaving ample room for parking of any size vehicle so as not to block the sidewalk. The garage is 20' wide with the right corner or east side being directly on the set back line with the left or west side extending beyond the set back by approximately 4'8". The setback requirement is 25', the corner of the garage will be 20'2" from the property line.

The variance of criteria listed on page 13 is listed below:

- 1: Conditions exist in the back of the property with an existing pool that will be retained and demoed to avoid moving towards the lake. The home design will require space of 59sq/ft to keep within the design of the home. Variance to also include the existing nonconforming pool/deck (24.3 ft. from NHWE in lieu of 50ft) and the existing portion of the boat dock structure landward of the NHWE being wider than the width of the boat dock walkway (19ft. in width)
- 2: The condition creating this need was not created by the current owner as the pool is existing and constructed by previous owners.
- 3: There is no known special privilege to current owner that would not be allowed for other homeowners or has been denied to other homeowners.
- 4: There is no deprivation of rights.
- 5: The least amount of intrusion was created to maintain an adequate driveway.
- 6: The variance will not affect neighbors; letters are included from neighbors giving their approval of the variance desired.

Thank you for your consideration, please contact us with any questions or concerns.



M | 407.832.5744



4321 Northern Dancer Way  
Orlando, FL 32826



jason@sellersdevgroup.com

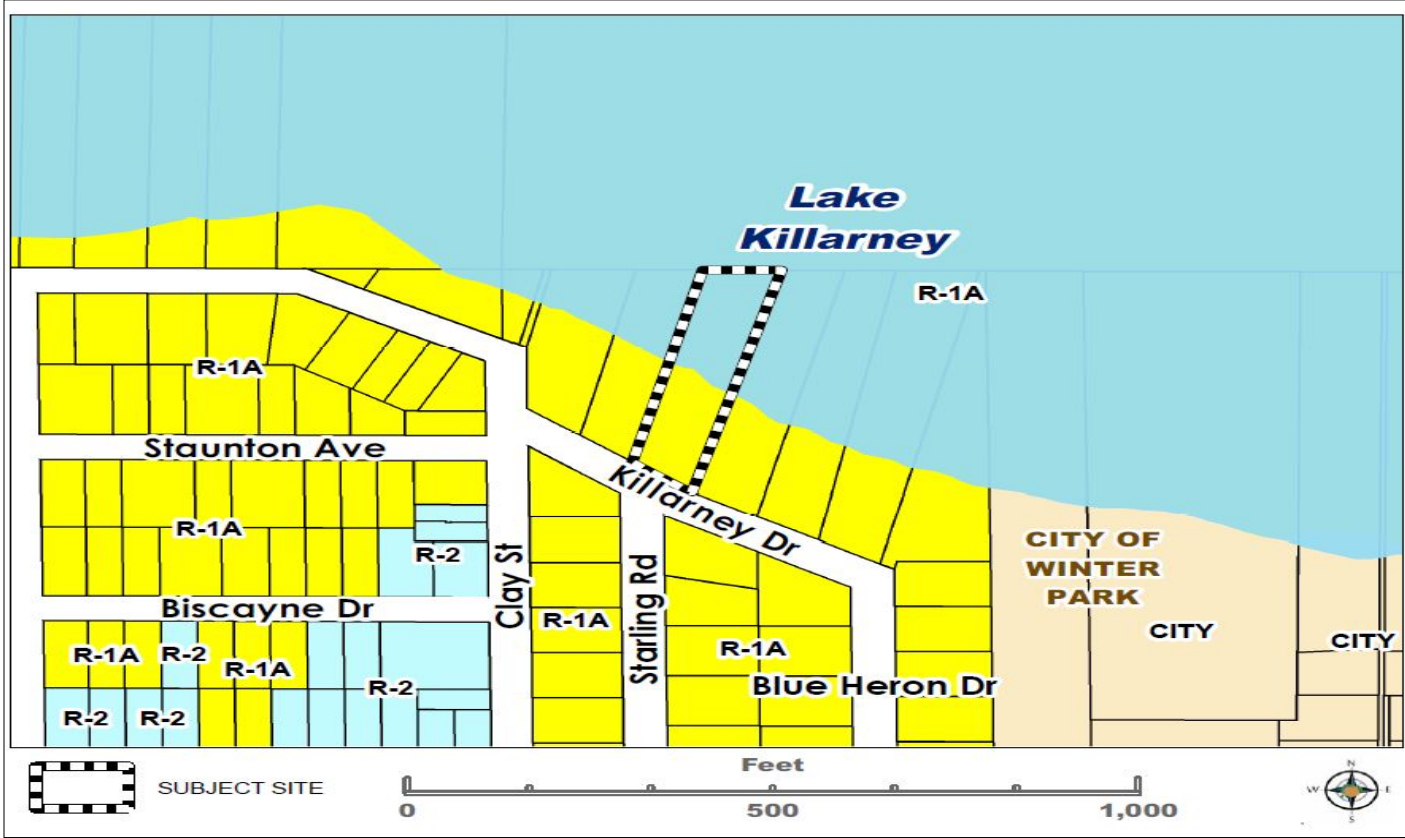
**JASON SELLERS**

MANAGING PARTNER

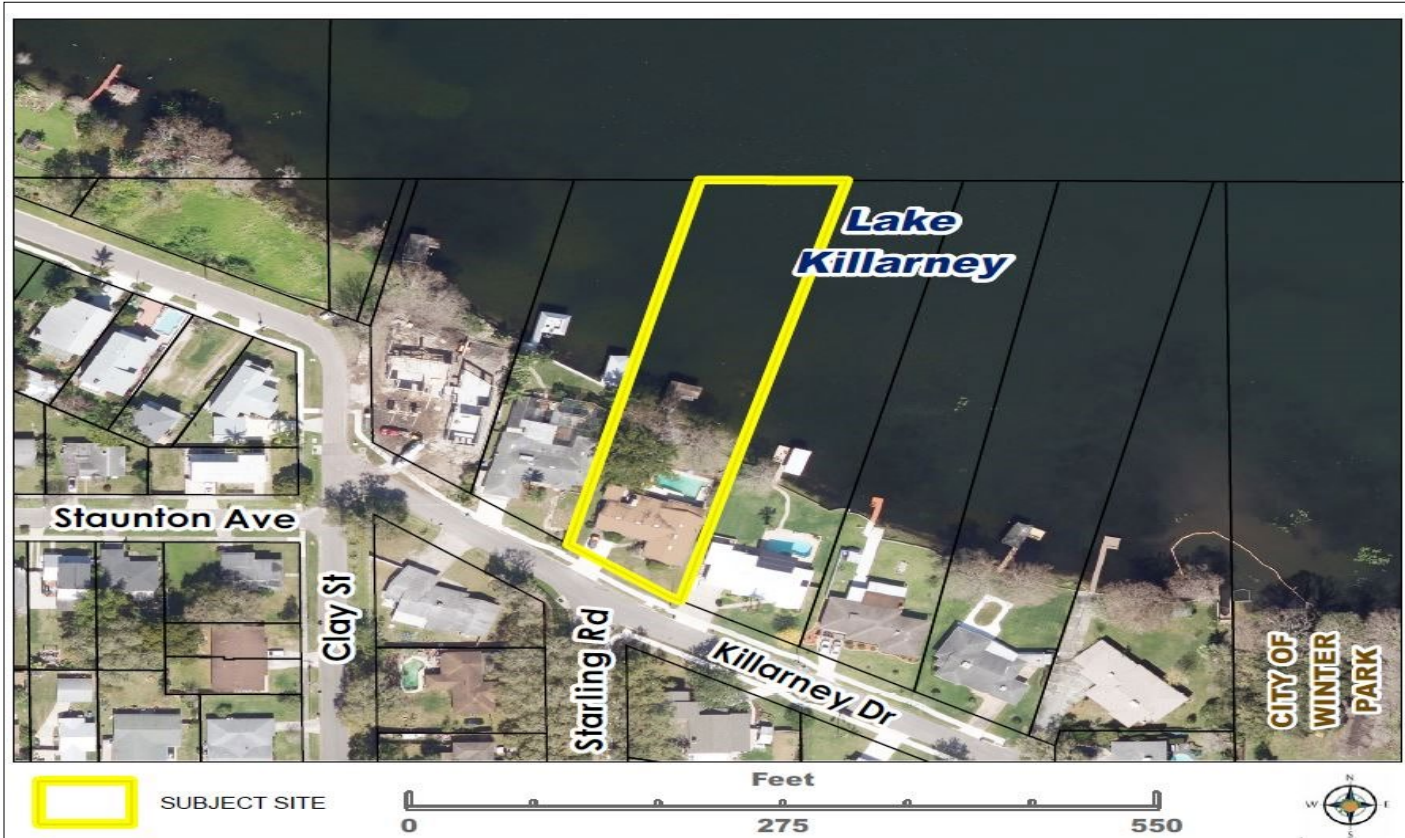
**CGC152533**



ZONING MAP

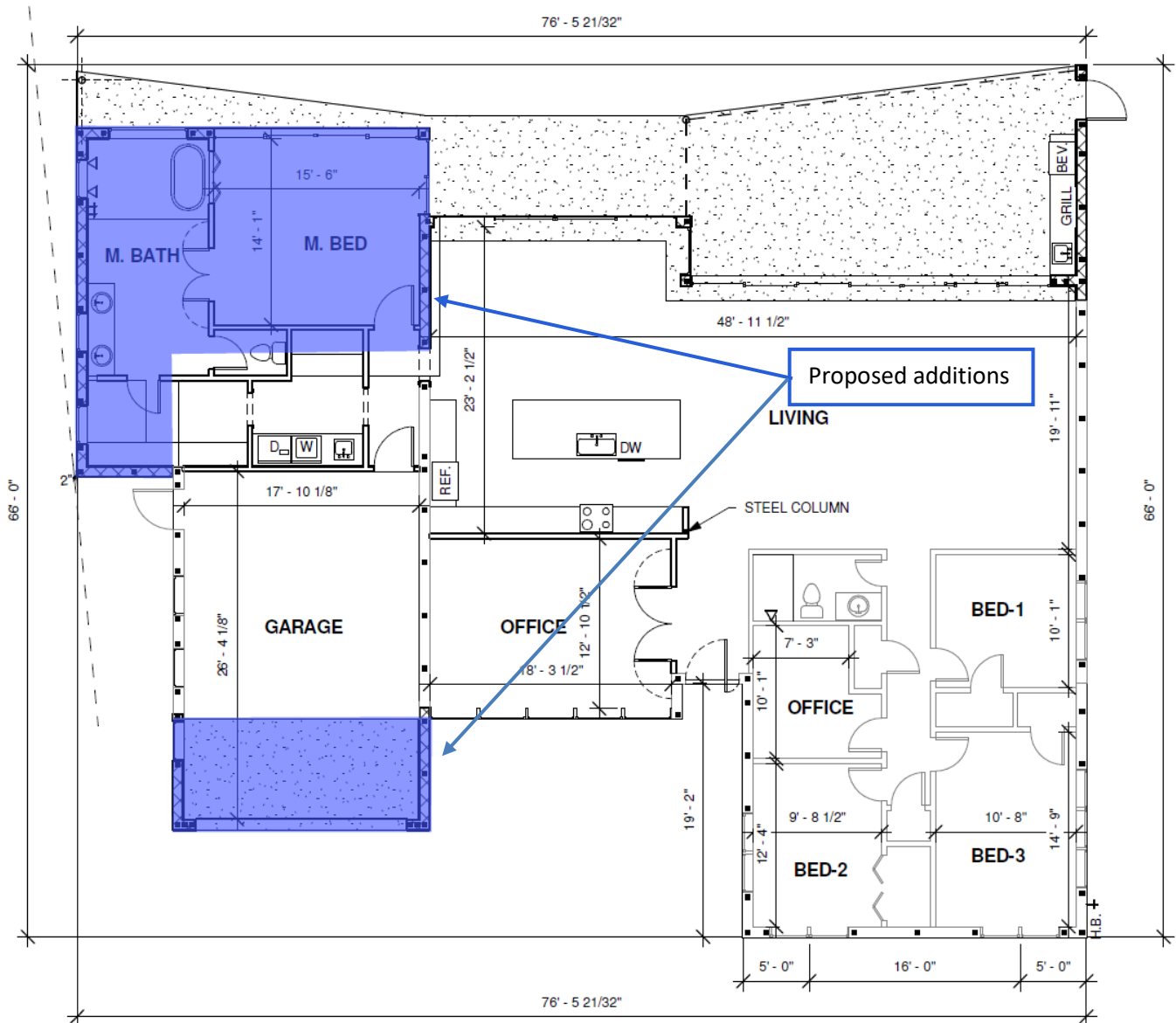


AERIAL MAP



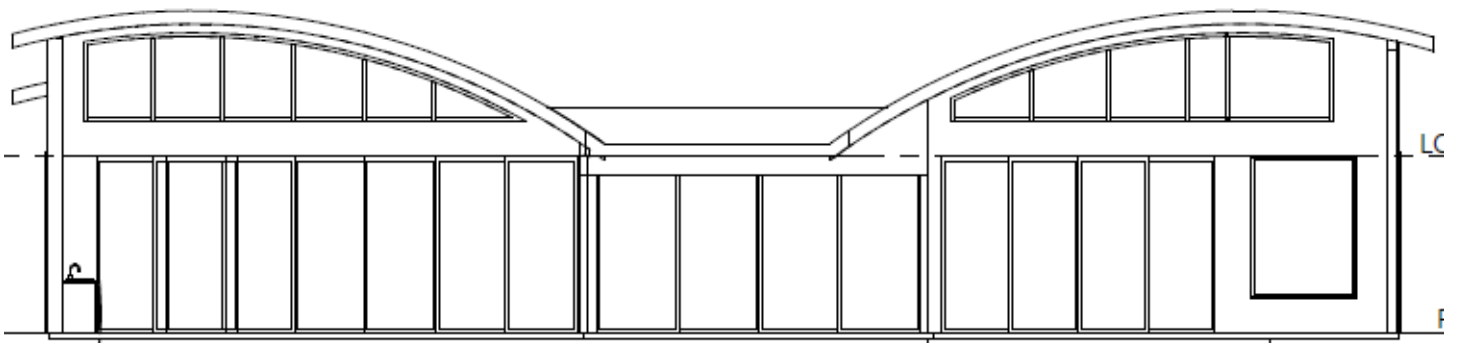
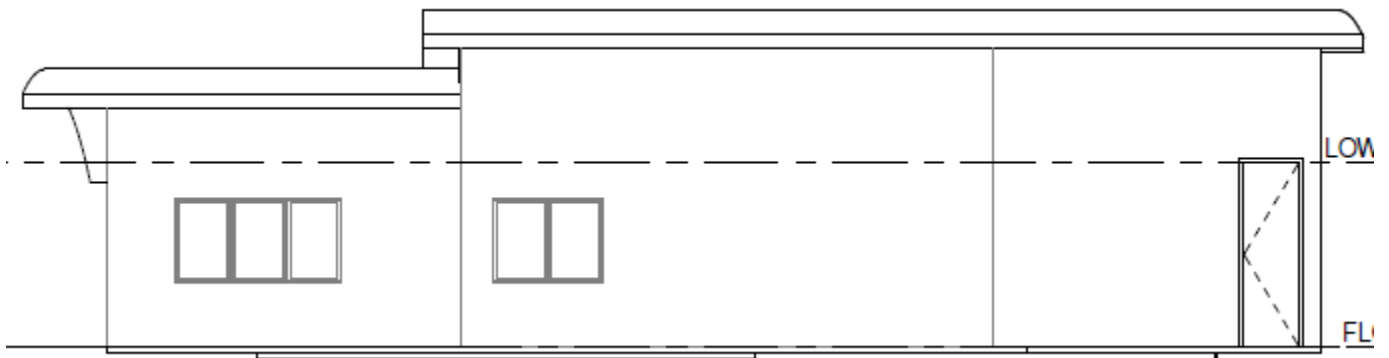
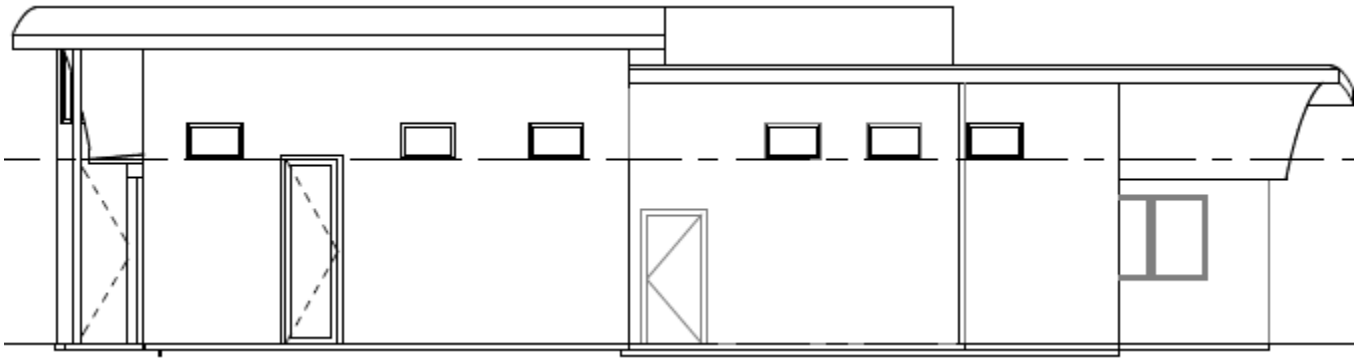
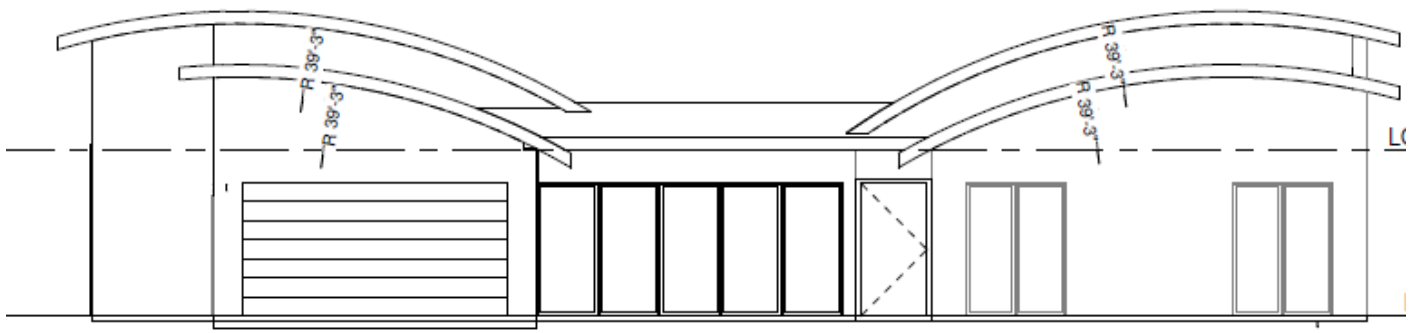


# FLOOR PLAN





## ELEVATIONS



## SITE PHOTOS



Facing north from Killarney Dr. towards subject property



Front yard, facing northeast towards proposed addition location



## SITE PHOTOS



Rear yard, facing south towards the rear of the house



Rear yard, facing north towards existing dock



## SITE PHOTOS



Rear yard, facing northeast from rear of residence towards the existing pool deck

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **JUNE 05, 2025**

Commission District: **#2**

Case #: **SE-25-02-148**

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

**Catherine.Glase@ocfl.net**

## GENERAL INFORMATION

**APPLICANT(s):** WILMA TOMPKINS FOR SANCTUARY OF PRAISE

**OWNER(s):** SANCTUARY OF PRAISE FELLOWSHIP INC

**REQUEST:** Special Exception in the A-1 zoning district to allow the construction of a religious institution.

**PROPERTY LOCATION:** 4908 N. Apopka Vineland Rd., Orlando, FL 32818, west side of N. Apopka Vineland Rd., north of Hackney Prairie Rd., east of N. Clarke Rd., south of Clarcona Ocoee Rd., west N. Hiawasee Rd.

**PARCEL ID:** 03-22-28-0000-00-023

**LOT SIZE:** +/- 7.31 acres (+/- 5.2 upland acres)

**NOTICE AREA:** 1,500 ft.

**NUMBER OF NOTICES:** 342

**DECISION:** Recommended **DENIAL** of the Special Exception request in that the Board finds it does not meet the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does adversely affect general public interest (Motion by John Drago, Second by Johnny Stanley; 3 in favor: John Drago, Glenn Rubinstein, Johnny Stanley; 1 opposed: Roberta Walton Johnson; 3 absent: Thomas Moses, Juan Velez, Sonya Shakespeare).

**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 (6) criteria and the reasons for a recommendation for approval of the Special Exception. Staff noted that no comments were received in favor of the request and 12 comments were received in opposition to the request.

The applicant was present and explained the operations of the church and the desire to locate on this property.

There was no one in attendance to speak in favor of the request. There were 4 people in attendance to speak in opposition to the request, noting concerns with traffic, drainage, the rural character of the area, and the number of churches already in the area.

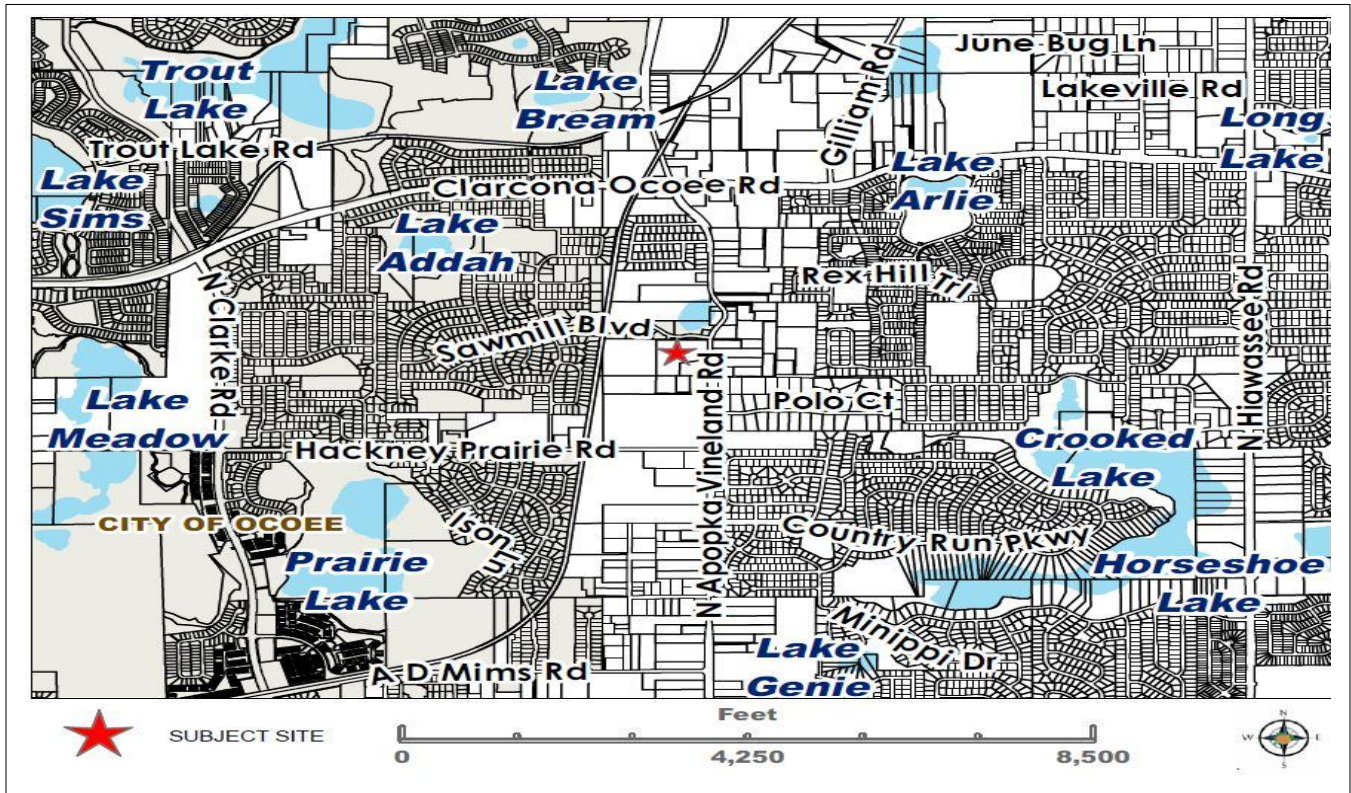
The BZA discussed the drainage, the objection to the access along Sawmill Blvd. and how to restrict parking on the site. Ultimately, the BZA determined there was not enough information regarding drainage and off-street parking and recommended denial of the Special Exception with a 3-1 vote.

## STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.



## LOCATION MAP



## SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	City of Ocoee	A-1	R-CE	A-1
Future Land Use	RS 1/1 Clarcona RS	City of Ocoee	RS 1/1 Clarcona RS	RS 1/1	RS 1/1 Clarcona RS
Current Use	Agricultural	Stormwater Retention	Single-family residential	Single-family residential	Agricultural/ Landscaping

## BACKGROUND AND ANALYSIS

### **DESCRIPTION AND CONTEXT**

The subject property is located in the A-1, Citrus Rural district, which allows agricultural uses and single-family homes by right, and religious institution uses via Special Exception. The future land use is Rural Settlement 1/1 (RS 1/1), which is consistent with the A-1 zoning district. The subject property is located within the Clarcona Rural Settlement. Rural Settlements are established through the Comprehensive Plan and are intended to support rural residential neighborhoods by addressing local compatibility challenges while promoting context-sensitive community planning. The Rural Settlement designation typically impacts such development factors as residential density and built forms. The subject site is also located within the Wekiva Study Area, which was established to protect ground water and surface water resources through additional regulations regarding allowed uses, stormwater management, open space, habitat protection, and public facilities.



The area around the subject site consists of single-family homes, vacant parcels, and agricultural lots. The neighboring properties and roadway to the north of the subject site are located within the City of Ocoee. The subject property is a 7.31 acre unplatted lot. The property is an internal lot with frontage on N. Apopka Vineland Rd. to the east. The northern property line is separated from Sawmill Blvd. by a small portion of the neighboring property to the west, therefore, the subject property's northern property line does not abut right-of-way. The property was purchased by the current owner in January of 2023 and is developed with several agricultural buildings.

The proposal is to demolish all of the existing buildings and construct a 14,400 sq. ft. religious institution with a surface parking lot containing 125 spaces. The church will contain 292 fixed seats, flex rooms and offices, and a multi-purpose center. While the applicant's cover letter states 329 seats, the floor plan provided shows only 292 fixed seats. The church office will operate weekdays between 9:00 a.m. and 4:00 p.m., with Wednesday night bible study from 7:00 p.m. to 8:30 p.m. Sunday service and worship will be held from 9:00 a.m. to 1:00 p.m. with Sunday school from 10:00 a.m. to 1:00 p.m. The parking lot is designed with two access points, one along N. Apopka Vineland Rd. to the east and the second along Sawmill Blvd. to the north. The second access point crosses through the neighboring lot to the west. A cross-access agreement has been provided allowing the access point.

A wetland determination (CAD-22-12-239) was obtained in 2023 which identified 2.089 acres of wetland on the subject property. The site layout includes impacts to 0.021 acre of surface waters (upland-cut ditch). The impacts were evaluated by the Environmental Protection Division (NGP-25-01-004) and were determined to be de minimis, therefore, no mitigation is required.

Section 38-1476 of Orange County Code does not specifically identify religious institutions as a use, and therefore the calculation is based off of the quantity of off-street parking spaces required for places of assembly. The required number of parking spaces for the use is 1 space for each 3 fixed seats provided for patron use plus 1 space per employee. This use would require 102 spaces at full capacity, the applicant is proposing to provide 125 parking spaces with 12 ADA compliant spaces.

#### **Parking Standards**

	# of Fixed Seats	# of Employee	Required # of Spaces	Proposed # of Spaces
1 space per every 3 patrons plus 1 space per employee	292	4	102	125

Installation of a landscape buffer is proposed to comply with Chapter 24 of Orange County Code, which requires the buffer yard to be completely opaque from the ground up to a height of at least six (6) feet and a minimum of fifteen (15) feet wide. The buffer may utilize a masonry wall, berm, planted and/or existing vegetation or any combination thereof which maintains a completely opaque buffer, and include one (1) shade tree for each forty (40) lineal feet or fraction thereof.

As proposed, the development would connect to Orange County water and wastewater utilities. There is water and wastewater infrastructure within the N. Apopka Vineland Road right-of-way. However, this property is located outside the Urban Service Area (USA) and within the Clarcona Rural Settlement. There are limitations within the Comprehensive Plan that restrict the extension of water and wastewater service outside the Urban Service Area and within Rural Settlements (Comprehensive Plan elements WAT1.4.3, WAT1.5.1, WAT1.5.2, WAT1.6.1, and WAT1.6.2). As the water and wastewater infrastructure exists within the road right-of-way, the request is not considered an extension of services; therefore, the Planning Division has confirmed

connection to central water and wastewater services is consistent with Comprehensive Plan elements WAT1.4.3, WAT1.5.1, WAT1.5.2, WAT1.6.1, and WAT1.6.2.

On Thursday, May 22, 2025, a Community Meeting was held at Lake Gem Elementary School to allow for input from the surrounding residents. The meeting was attended by the applicant, County staff, and 58 citizens. The citizens voiced concerns regarding flooding, traffic issues, street parking, noise, and disruptions to the surrounding wildlife. The applicant's civil engineer and environmental specialist spoke to the flooding and environmental concerns. County staff spoke about the flooding concerns and stated additional stormwater mitigation would be required at the time of construction. The meeting tone was generally negative.

The request was routed to all reviewing divisions. The Planning Division has confirmed the FLU designation of Rural Settlement 1/1 (RS 1/1) and the zoning of A-1 (Citrus Rural District) are consistent. Development Engineering identified existing drainage issues on the subject site. Upon approval, the existing stormwater structures shall be replaced in compliance with Condition of Approval #9. The City of Ocoee was notified of the Special Exception request and stated their objection to any proposed traffic generated from the Special Exception using Sawmill Blvd for ingress or egress, reflected in Condition of Approval #11.

As of the date of this report, no comments have been received in favor and 12 comments have been received in opposition to this request.

Section 30-43 (2) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Special Exception criteria are met. Staff has determined that the Special Exception meets all the criteria for a recommendation of approval. Therefore, staff is recommending approval of the Special Exception request.

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## STAFF FINDINGS

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### **SPECIAL EXCEPTION CRITERIA**

#### **Consistent with the Comprehensive Plan**

MET – The Comprehensive Plan provides that certain uses, such as religious institutions, as conditioned, may be considered and permitted through the Special Exception process. The Planning Division has indicated the request is consistent with the provisions of Policies FLU 8.1.1, 6.2.13 WAT1.4.3, WAT1.5.1, WAT1.5.2, WAT1.6.1, and WAT1.6.2.

#### **Similar and Compatible with the Surrounding Area**

MET – The area surrounding this site is primarily used for single-family residential and agricultural purposes. The scale and intensity of the religious uses is compatible with the development pattern of the existing Rural Settlement.

#### **Shall Not Act as a Detrimental Intrusion into a Surrounding Area**

MET – The proposed use will not act as a detrimental intrusion to the surrounding area as the proposed development provides adequate buffers to the surrounding residential properties.

#### **Meet the performance standards of the district**

MET – The development as proposed will meet the performance standards of the district.

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

MET – The proposed development will be similar in noise, vibration, dust, odor, glare, heat production to the majority of uses permitted in the A-1 zoning district. The use of the site will be indoors within the proposed building. Additionally, noise and lighting, as conditioned, will comply with all Orange County Code requirements.

**Landscape Buffer Yards Shall be in Accordance with Section 24-5 of the Orange County Code**

MET – The applicant has provided a landscaping plan which addresses landscaping in compliance with Section 24-5 of Orange County Code.

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**CONDITIONS OF APPROVAL**

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1. Development shall be in accordance with the site plan and elevations, date stamped March 28, 2025, as modified to remove the access point along Sawmill Blvd., and landscape plan date stamped May 14, 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. Permits shall be obtained within 3 years of the final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Hours of operation shall be 9:00 AM to 4:00 PM – weekdays for the office, 7:00 PM to 8:30 PM – Wednesdays for bible study, and 9:00 AM to 4:00 PM Sundays for religious services. For events, the hours of operation shall be pursuant to condition 6 or as soon as the event has concluded, the facility has been cleared, and any required clean-up has occurred, whichever is earlier.
6. No more than four (4) advertised outdoor special events open to the public per calendar year, and the hours of such events shall be limited from 9:00 a.m. to 7:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.



7. Exterior lighting shall be regulated by the County's Exterior lighting ordinance. An exterior lighting photometric plan compliant with the county's exterior lighting ordinance, shall be submitted and approved by Orange County staff prior to the issuance of a Building Permit. A color temperature of 3,500 K maximum is permitted, and glare visors shall be installed, and field-adjusted to prohibit off-site light spill.
8. Noise shall be regulated by Chapter 15, Orange County Code "Environmental Control", specifically Article V "Noise Pollution Control". No outdoor speakers or other audio amplification shall be permitted.
9. The existing outfall conveyance system from SW-1 (as identified on CAD-22-12-239) shall be replaced and reconstructed in a manner acceptable to Orange County. Such replacement and reconstruction may include, but is not limited to, Reinforced Concrete Pipe (RCP), and stormwater structures acceptable for maintenance by Orange County. The stormwater system must be replaced and reconstructed within a drainage easement dedicated to Orange County and recorded in the public records prior to any Certificate of Occupancy associated with the development of this property.
10. Development shall comply with Chapter 24 (Landscaping, Buffering and Open Space) and Chapter 15 Article VIII (Tree Protection and Removal). In the event there is a conflict between Chapter 24 or Chapter 15 and the site plan, the provisions of Chapter 24 and Chapter 15 shall prevail.
11. Ingress and egress via Sawmill Blvd shall be prohibited.

C: Wilma Tompkins  
13108 Fox Glove St.  
Winter Garden, FL 34787

Marte Wilson  
2555 Sunset Cir.  
Lake Wales, FL 33898



Sanctuary of Praise Fellowship, Inc  
4908 N. Apopka Vineland Rd.  
Orlando, FL 32818

Monday, December 9, 2024

Orange County Zoning Division  
201 South Rosalind Ave 1<sup>st</sup> Floor  
Orlando, FL 32801

To whom this may concern,

My name is Marte Wilson, and I am the Senior Pastor of Sanctuary of Praise. We are submitting this cover letter and application to request a special exemption for our property at 4908 North Apopka Vineland Rd. Our goal is to construct a new church campus.

Sanctuary of Praise was originally established in March of 1976. Currently, we are tenants at Evans High School, as we rent their auditorium for weekly worship services. The project we are planning to construct is a 14,400 square foot building with 120ft-by-120ft sides, a 329-seat auditorium, and 100-seat multi-purpose center with a full kitchen. In addition to 16 rooms for office spaces, Sunday School classrooms, meeting spaces, media, and ministry training spaces for members and volunteers.

**Business Operations for Site**

- The business operations for the site will be for a church with weekly worship opportunities for the public.
- The classrooms will serve as office spaces, Sunday School classrooms, meeting spaces, media, and ministry training spaces for members and volunteers.

**Hours of Operation**

- Church Administrative offices Monday-Friday from 9:00am-4:00pm.
- Wednesday Night Bible Study from 7:00pm-8:30pm on average.
- Sunday School 9:00am-10:00am
- Sunday Morning Worship 11:00am-1:00pm



**Day Care or School on Site**


- There will not be a daycare or school on site.
- The classrooms will serve as office spaces, Sunday School classrooms, meeting spaces, media, and ministry training spaces for members and volunteers.

**Number of Employees**

1. There will be only 4 employees.

It has taken the ministry nearly 13 years to reach this point of having our own campus again. We are prayerfully submitted as we await your response and consideration to this special exemption request.

Sincerely



Marté R. Wilson, Sr.  
Senior Pastor  
Sanctuary of Praise Fellowship



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## SPECIAL EXCEPTION CRITERIA

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

Sanctuary of Praise will be consistent and compliant with the Comprehensive Policy Plan, and neighborhood patterns and building codes.

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2. The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development.

Sanctuary of Praise's use shall be similar and compatible with the surrounding area and shall be consistent with pattern of surrounding development.

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

Sanctuary of Praise's use shall not act as a detrimental intrusion into a surrounding area.

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

Sanctuary of Praise's use shall meet the performance standards of the district in which the use is permitted.

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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.

Sanctuary of Praise's use shall be similar in noise, vibration, dust, odor, glare, heat producing, and other characteristics that are associated with the majoritt uses currently permitted in the zoning district.

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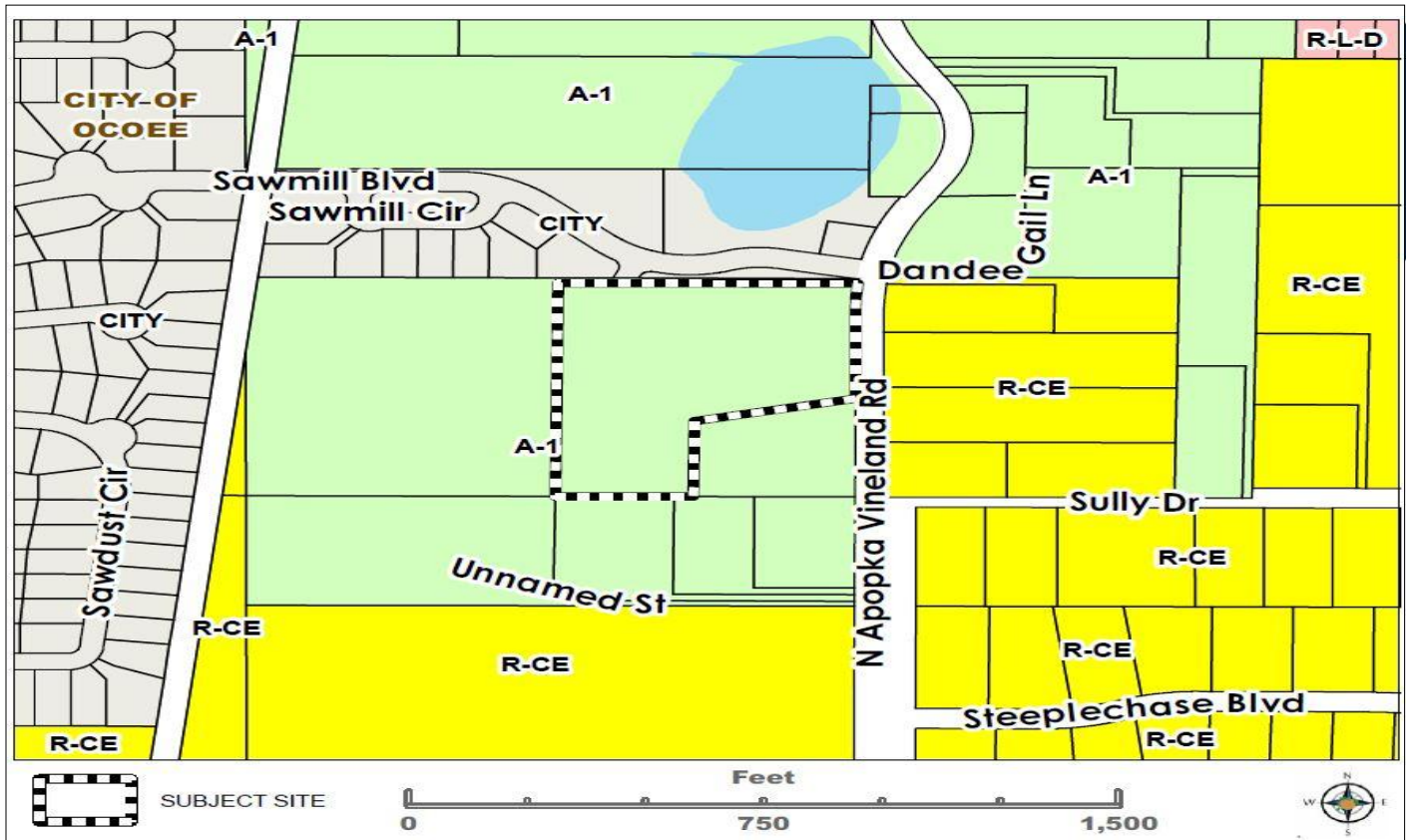
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6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

Sanctuary of Praise's landscaping buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the district in which the use is permitted.

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## ZONING MAP

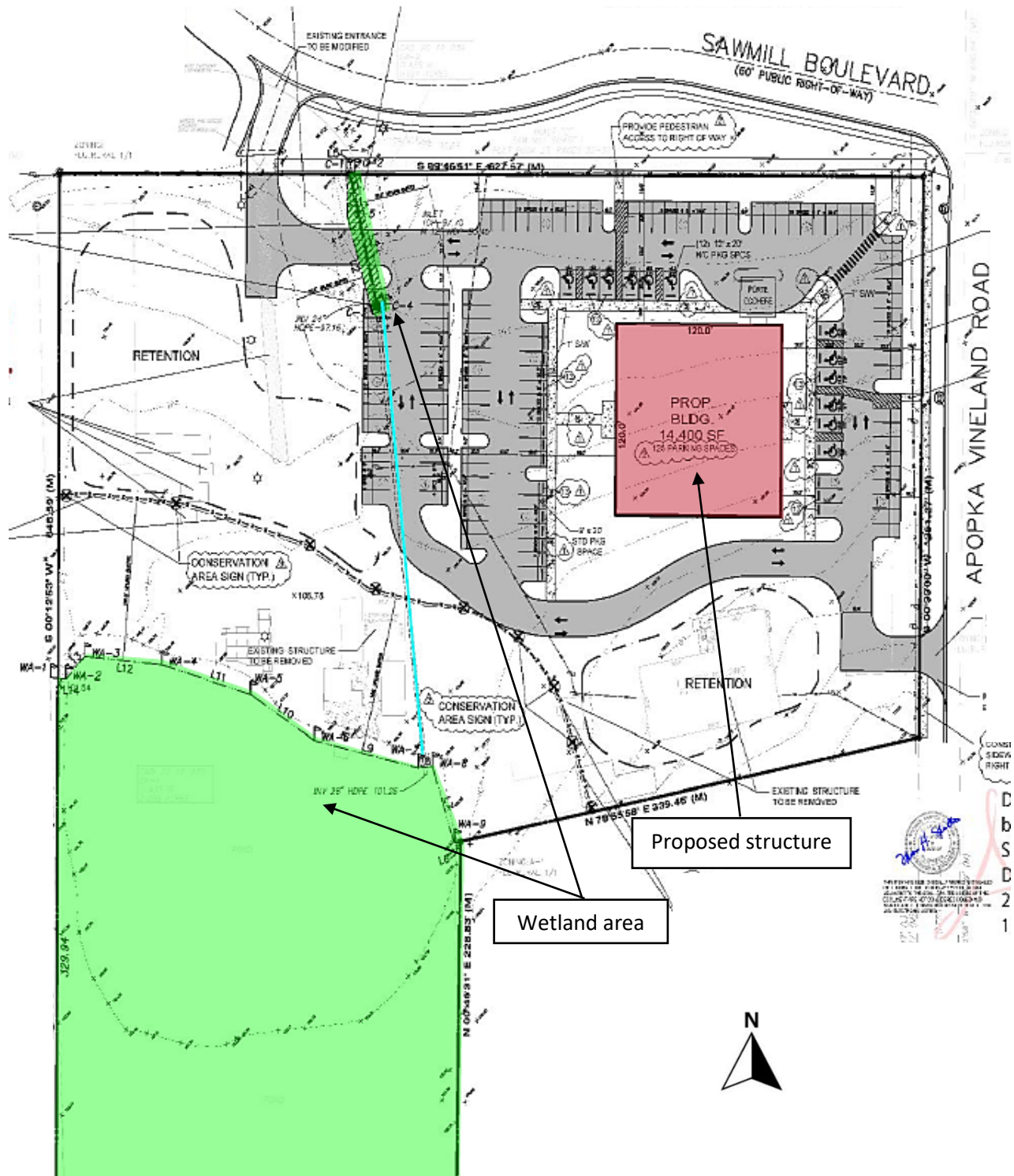


## AERIAL MAP



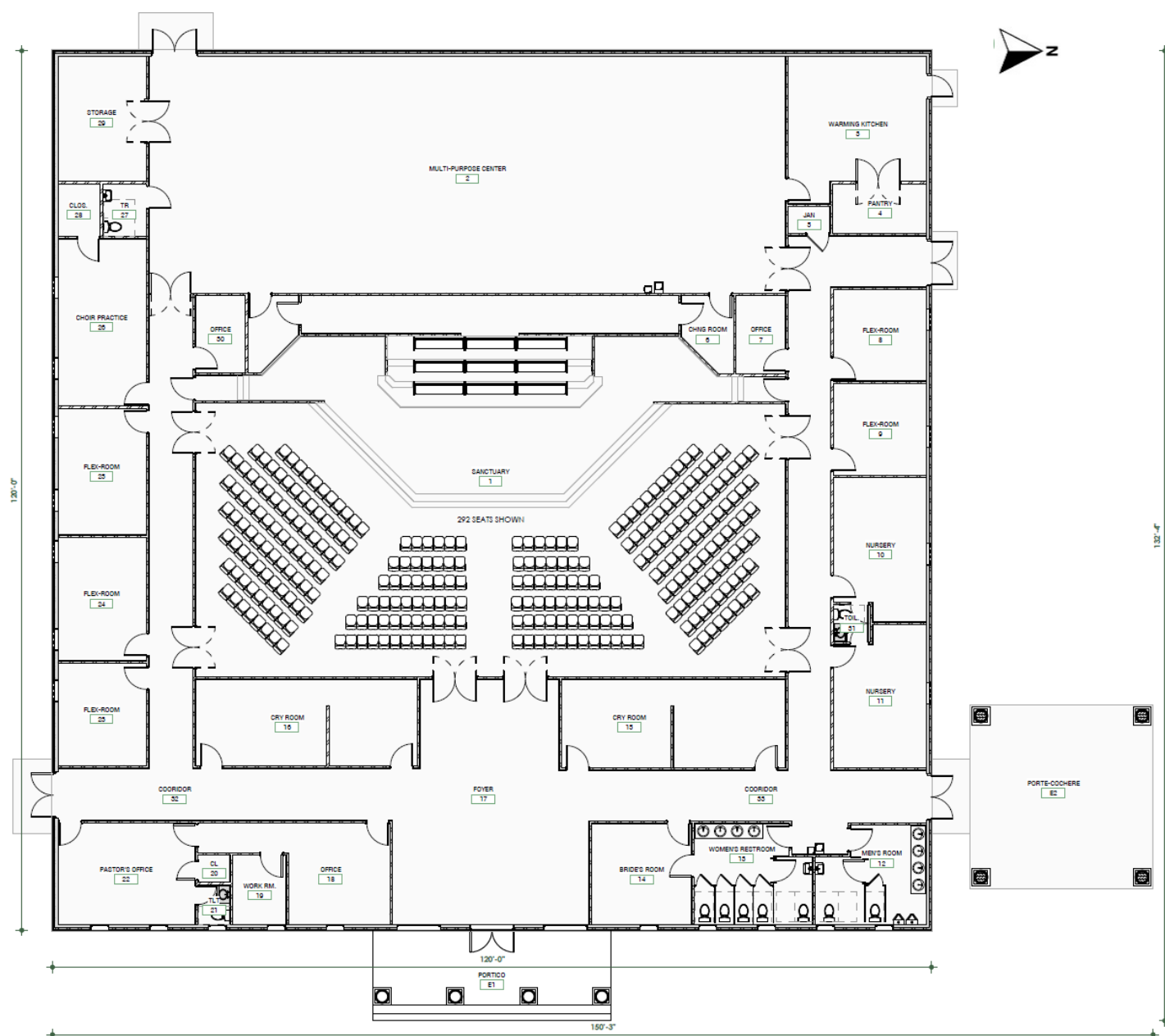


# SITE PLAN





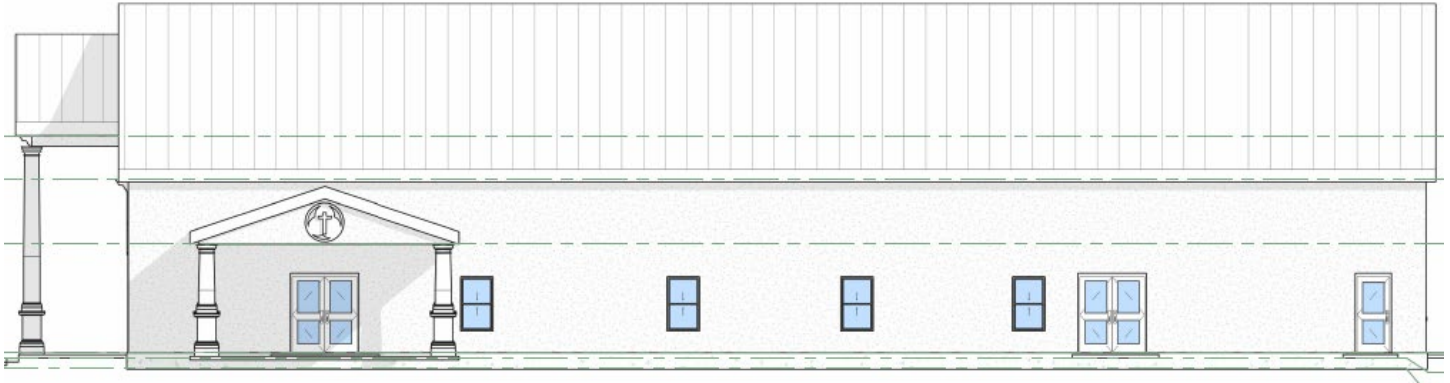
## FLOOR PLAN



## ELEVATIONS



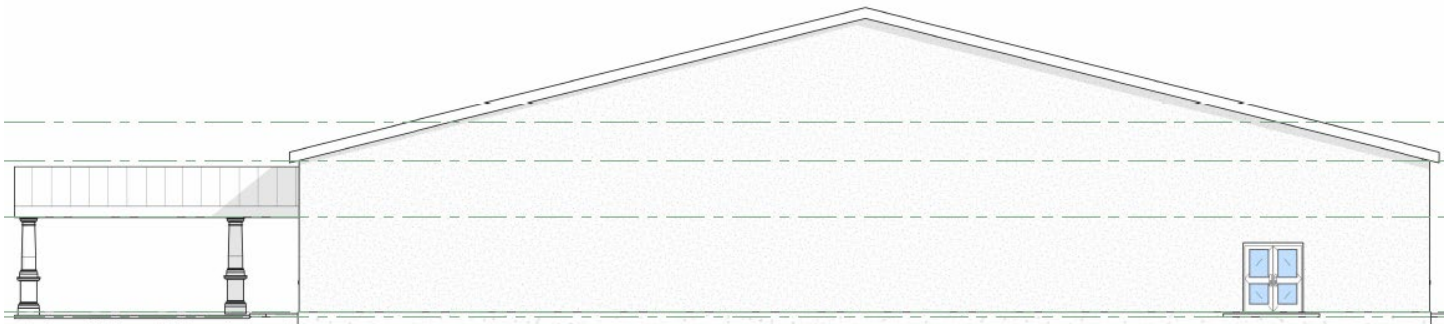
**East Elevation facing N. Apopka Vineland Rd.**



**North Elevation facing Sawmill Blvd.**

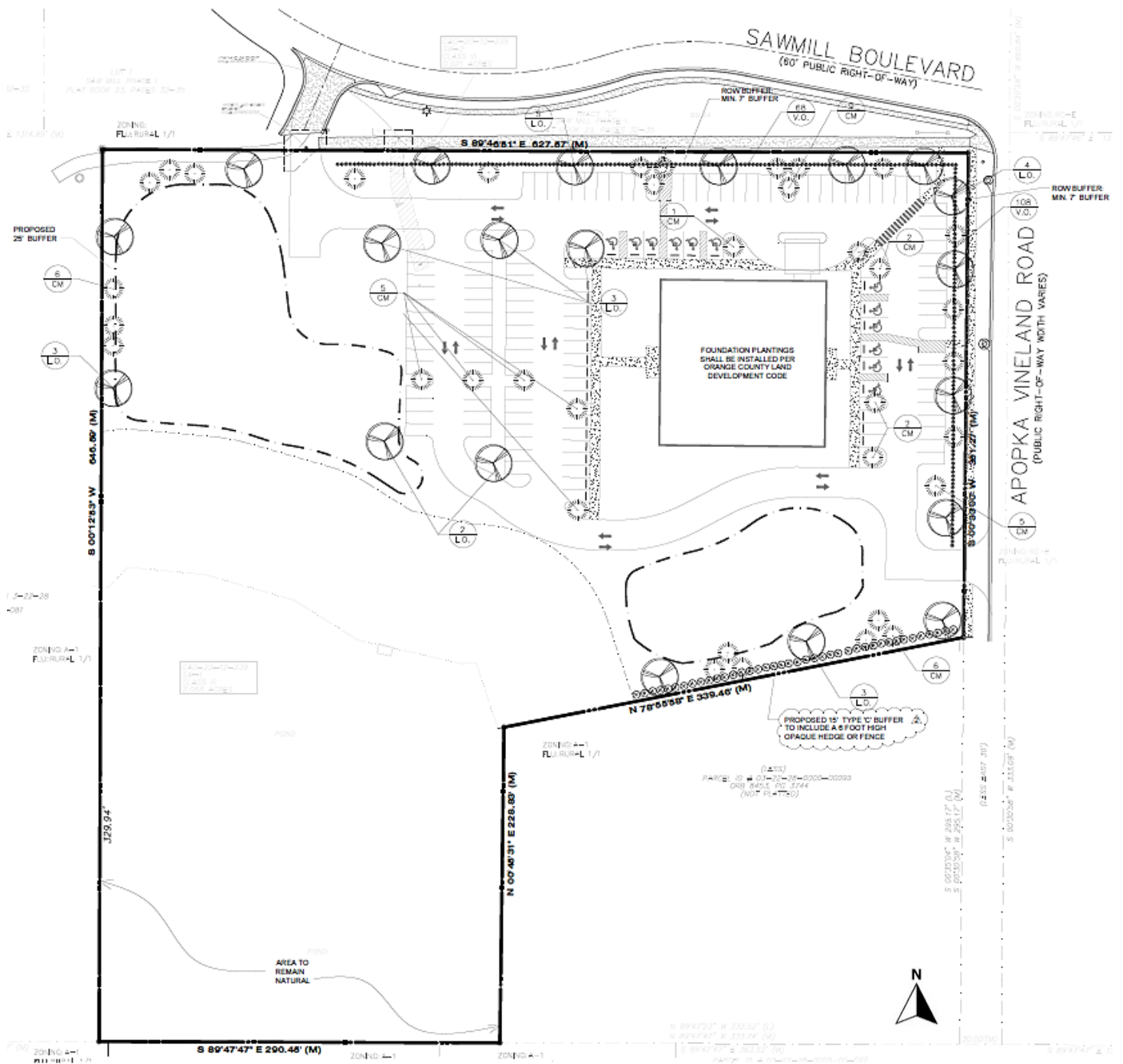


**South Elevation**



**West Elevation**

## LANDSCAPE PLAN





## SITE PHOTOS



From the intersection of N. Apopka Vineland Rd. and Sawmill Blvd. towards the subject site



April 29, 2025 3:25 PM

Facing north towards adjacent residential along Sawmill Blvd.



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## SITE PHOTOS

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**Facing southwest towards subject site from Sawmill Blvd.**



**Facing north along N. Apopka Vineland Rd. at property frontage**



## SITE PHOTOS



**Facing east from the southern property boundry towards the subject site**



**Facing southwest towards wetland area**





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