



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

March 6, 2025

Zoning Division

BOARD OF ZONING ADJUSTMENT (BZA)
ORANGE COUNTY GOVERNMENT

<u>Board Member</u>	<u>District</u>
Thomas Moses(Vice Chair)	1
John Drago (Chair)	2
Juan Velez	3
Glenn Rubinstein	4
Chris Dowdy	5
Sonya Shakespeare	6
Roberta Walton Johnson	At Large

BZA Staff

Laekin O'Hara	Chief Planner
Jenale Garnett	Planner II
Catherine Glase	Planner I

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
MARCH 6, 2025**

Case #	Applicant	Commission District	Staff Recommendation	BZA	Page #
VA-24-12-120	Ziad El Aryan	5	Approval w/Conditions	Approval w/Conditions	1
VA-25-03-001	Judith Montenegro Acosta	3	Approval w/Conditions	Approval w/Conditions	14
VA-25-02-135	Jason James, Tanya James	2	Denial	Request #1, Denial Requests #2,#3,#4,#5,#6, Approved w/Conditions	27
VA-25-03-002	Brenda Martinez	2	Approval w/Conditions	Approval w/Conditions	47
VA-25-02-145	Bernabe Vargas	1	Approval w/Conditions	Approval w/Conditions	59
SE-25-02-144	Mary Solik for Gulfstream Towers LLC	2	Continued to 4/3/25	Continued to 4/3/25	71
SE-25-02-142	Mary Solik for Gulfstream Towers LLC	4	Approval w/Conditions	Approval w/Conditions	72
SE-25-02-151	Alexis Altier for Camp Orange	3	Approval w/Conditions	Continued	92

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 March 25, 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 ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
A-1	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50 ^A	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 ^A	L	
A-2	SFR 21,780 (½ acre)	850	100	35	50	10	15	35	50 ^A	L	
	Mobile home 2 acres	850	100	35	50	10	15	35	50 ^A	L	
A-R	108,900 (2½ acres)	950	270	35	50	25	15	35	50 ^A	L	
R-CE	43,560 (1 acre)	1,500	130	35	50	10	15	35	50 ^A	L	
R-CE-2	2 acres	1,200	185	45	50	30	15	35	50 ^A	L	
R-CE-5	5 acres	1,200	250	50	50	45	15	35	50 ^A	L	
R-1AAAA	21,780(½ acre)	1,500	110	30	35	10	15	35	50 ^A	L	
R-1AAA	14,520 (1/3 acre)	1,500	95	30	35	10	15	35	50 ^A	L	
R-1AA	10,000	1,200	85	25/30 ^H	30/35 ^H	7.5	15	35	50 ^A	L	
R-1A	7,500	1,200	75	20/25 ^H	25/30 ^H	7.5	15	35	50 ^A	L	
R-1	5,000	1,000	50	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	
R-2	One-family dwelling, 4,500	1,000	45 ^C	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	38-456
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit ^D	80/90 ^D	20/25 ^H	25	5/6 ^H	15	35	50 ^A	L	38-456
	Three dwelling units, 11,250	500 per dwelling unit	85 ^J	20/25 ^H	30	10	15	35 ^E	50 ^A	L	38-456
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35 ^E	50 ^A	L	38-456; limited to 4 units per building
R-3	One-family dwelling, 4,500	1,000	45 ^C	20/25 ^H	20/25 ^H	5	15	35	50 ^A	L	38-481
	Two dwelling units, 8,000/9,000	500/1,000 per dwelling unit ^D	80/90 ^D	20/25 ^H	20/25 ^H	5/6 ^H	15	35	50 ^A	L	38-481
	Three dwelling units, 11,250	500 per dwelling unit	85 ^J	20/25 ^H	30	10	15	35 ^E	50 ^A	L	38-481
	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35 ^E	50 ^A	L	38-481
R-L-D	N/A	N/A	N/A	10 for side entry garage, 20 for front entry garage	15	0 to 10 ^S	15	35 ^Q	50 ^A	L	38-605
R-T	7 spaces per gross acre	Park size min. 5 acres	Min. mobile home size 8 ft. x 35 ft.	7.5	7.5	7.5	15	35	50 ^A	L	38-578
R-T-1 SFR	4,500 ^C	1,000	45	20	20	5	15	35	50 ^A	L	
Mobile Home	4,500 ^C	Min. mobile home size 8 ft. x 35 ft.	45	20	20	5	15	35	50 ^A	L	

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
R-T-2 (zoned prior to 1/29/73)	6,000	SFR 500 Min. mobile home size 8 ft. x 35 ft.	60	25	50	6	15	35	50 ^A	L	
(zoned after 1/29/73)	21,780	SFR 600 Min. mobile home size 8 ft. x 35 ft.	100	35	50	10	15	35	50 ^A	L	
NR	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Three dwelling, 11,250	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1748
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50/4 stories	50 ^A	L	38-1748
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1748
NAC	Nonresidential and mixed use development, 6,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	15	50 feet	50 ^A	L	38-1741
	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1741
	Two dwelling units, 11,250	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1741
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 ^A	L	38-1741
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	50 feet/4 stories, 65 feet with ground floor retail	50 ^A	L	38-1741
	Townhouse 1,800	750 per dwelling unit	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1741
NC	Nonresidential and mixed use development, 8,000	500	50	0/10 maximum 60% of building frontage must conform to maximum setback	15,20 adjacent to single-family zoning district	10,0 if buildings are adjoining	15	65 feet	50 ^A	L	38-1734
	One family dwelling, 4,500	1,000	45 ^C	20	20	5	15	35/3 stories	50 ^A	L	38-1734
	Two dwelling units, 8,000	500 per dwelling unit	80	20	20	5	15	35/3 stories	50 ^A	L	38-1734
	Three dwelling, 11,250	500 per dwelling unit	85	20	20	10	15	35/3 stories	50 ^A	L	38-1734

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
	Four or more dwelling, units, 1,000 plus, 2,000 per dwelling unit	500 per dwelling unit	85	20	20	10	15	65 Feet, 80 feet with ground floor retail	50 ^A	L	38-1734
	Townhouse 1,800	N/A	20	25, 15 for rear entry driveway	20,15 for rear entry garage	0,10 for end units	15	40/3 stories	50 ^A	L	38-1734
P-O	10,000	500	85	25	30	10 for one- and two-story bldgs., plus 2 feet for each add. story	15	35	50 ^A	L	38-806
C-1	6,000	500		25	20	0; or 15 ft. when abutting residential district	15	50; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-830
C-2	8,000	500		25	15; or 25 when abutting residential district	5; or 25 when abutting residential district	15	50; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-855
C-3	12,000	500		25	15; or 30 when abutting residential district	5; or 25 when abutting residential district	15	75; or 35 within 100 ft. of any residential use or district	50 ^A	L	38-880
I-1A	N/A	N/A	N/A	35	25 ^N	25 ^N	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-907
I-1/I-5	N/A	N/A	N/A	35	25, or 50 ft. when abutting residential district ^N	25, or 50 ft. when abutting residential district ^{N/O}	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-932
I-2/1-3	N/A	N/A	N/A	25	10, or 60 ft. when abutting residential district ^P	15, or 60 ft. when abutting residential district ^P	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-981
I-4	N/A	N/A	N/A	35	10, or 75 ft. when abutting residential district ^N	25, or 75 ft. when abutting residential district ^N	15	50; or 35 within 100 feet of any residential use or district	50 ^A	L	38-1008

District	Min. Lot Area ^M (sq. ft.)	Min. Living Area/ floor area (sq. ft.)	Min. Lot width (ft.)	^A Min. Front yard (ft.)	^A Min. Rear yard (ft.)	^A Min. Side yard (ft.)	^A Min. Side street Yard (ft.)	Max. Building Height (ft.)	NHWE Setback (ft.)	Max. FAR/ Density sq. ft./ du/ac	Additional Standards
U-R-3	Four or more dwelling units, 15,000	500 per dwelling unit	85 ^J	20/25 ^H	30	10 ^B	15	35	50 ^A	L	

NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements for use of septic tanks and/or wells.

FOOTNOTES

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

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

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: **MAR 06, 2025**

Commission District: **#5**

Case #: **VA-24-12-120**

Case Planner: **Jenale Garnett (407) 836-5955**

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): ZIAD EL ARYAN

OWNER(s): ZYAD BAWATNEH, YASMEEN BAWATNEH

REQUEST: Variance in the R-T-2 zoning district to allow a minimum developable lot area of 0.3 acres in lieu of 0.5 acres.

PROPERTY LOCATION: 2633 Aein Road, Orlando, Florida 32817, east side of Aein Rd., north of E. Colonial Dr., east of N. Dean Rd., south of University Blvd., west of Rouse Rd.

PARCEL ID: 08-22-31-0028-00-300

LOT SIZE: +/- 1.48 acres (+/- 0.30 acres upland)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 40

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 Chris Dowdy, Second by Roberta Walton Johnson; unanimous; 7 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Chris Dowdy; 0 opposed):

1. Development shall be in accordance with the dimensions provided on the site plan/lot area calculations for upland area date stamped January 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. Staff noted that no comments were received in favor or in opposition to the request.

The applicant was present and agreed with staff presentation.

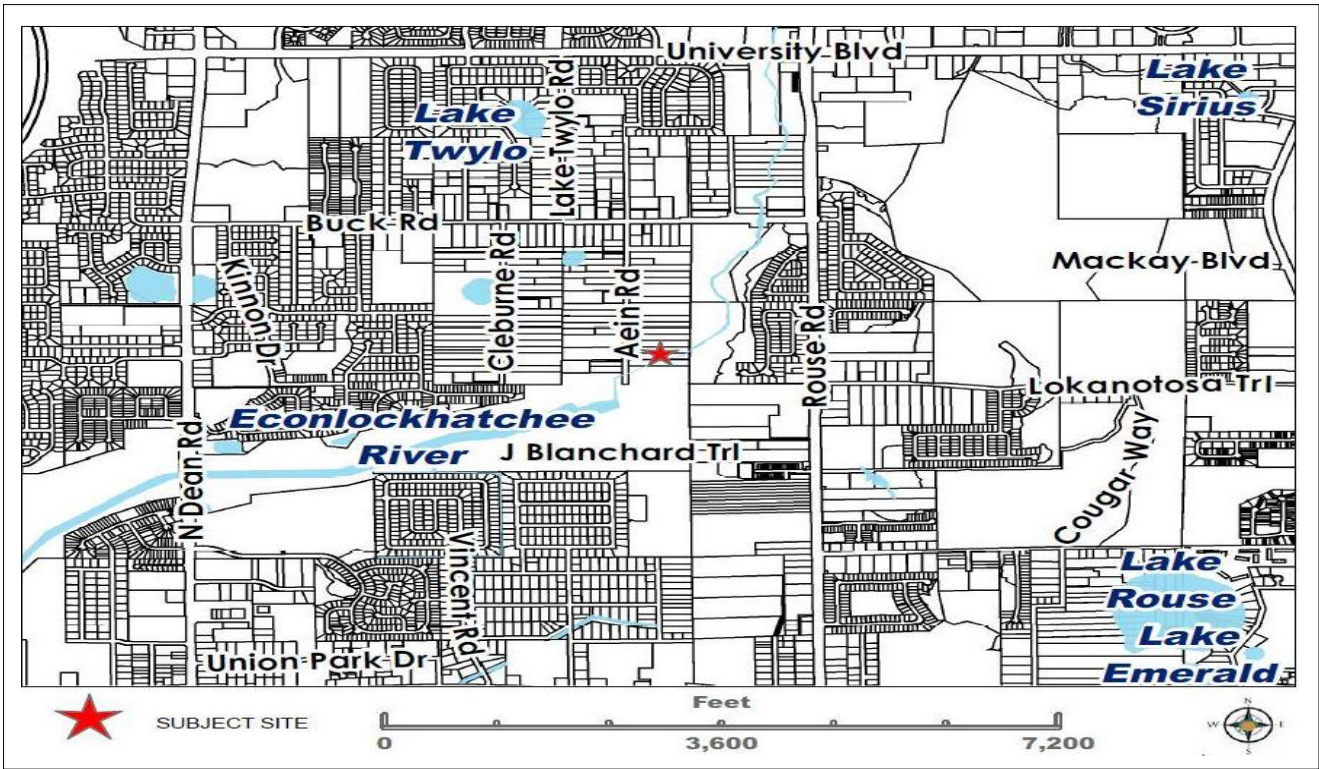
There was no one in attendance to speak in favor or in opposition to the request.

The BZA unanimously recommended approval of the Variance by a 7-0 vote, subject to the three (3) conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-T-2	R-T-2	A-2	A-2	Pegasus PD
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Vacant, Little Econlockhatchee River	Single-family residence	Manufactured home	Manufactured home	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-T-2 Combination Mobile Home and Single-Family Dwelling district, which allows a mix of mobile homes and single-family homes on single lots under individual ownership. The Future Land Use is Low Density Residential (LDR), which is consistent with the R-T-2 zoning district.

The area around the subject site consists of vacant parcels, single-family homes, and mobile homes. The subject property is Lot 30 of the Aein Subdivision, recorded in 1956, and is a +/- 1.48 acre platted lot, of which +/- 0.30 acres is upland, with the remainder of the parcel being +/- 1.19 acres of wetland or submerged property under Little Econlockhatchee River. A Conservation Area Determination (CAD) has been completed (CAD-24-03-046), and no impacts are proposed for development of the site. The property was zoned R-T-2 in 1980, thereby requiring the stricter standards set forth in Sec. 38-1501 of a minimum lot size of 0.50 acres. Parcels zoned R-T-2 prior to 1973 required a minimum lot size of 6,000 sq. ft., which the subject site would have met. The subject property was under the same ownership as the parcel to the north (Parcel #08-22-31-0028-00-310) in 2016 and therefore is not considered a substandard lot of record per Section 38-1401 of the Orange County Code. It was purchased by the current owners in 2018.

The proposal is to construct a 4,384.5 sq. ft., 29 ft. tall two-story single-family home in a location complying with the required setbacks. Due to the size of the adjacent lots, there is no possibility to acquire additional land to meet the lot size required in the R-T-2 zoning district. Further, the request is in harmony and consistent with the size of lots in the surrounding neighborhood, several of which are developed, and the lot would remain undevelopable without the requested variance. A permit, B24008080, to construct a new single-family home is on hold pending the outcome of 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.

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.

District Development Standards

	Code Requirement	Proposed
Min. Lot Width:	100 ft.	100 ft.
Min. Lot Size:	0.50 acres	0.30 acres (Variance)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

MET - The special conditions and circumstance particular to the subject property is that the lot is undevelopable without the requested Variance.

Not Self-Created

MET - The substandard aspects of the parcel are not self-created, as the lot was under shared ownership prior to the current owner purchasing the lot.

No Special Privilege Conferred

MET - Granting the Variance as requested will not confer special privilege since several developed properties in the surrounding area contain mobile homes or single-family homes on similar 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, as the owner is not able to acquire additional land.

Minimum Possible Variance

MET - The requested Variance is the minimum necessary to construct a single-family residence on the property. The lots surrounding the property are already developed with mobile homes or single-family homes and there is no possibility of acquiring additional land to meet code requirements. Furthermore, a single-family residence that meets setback requirements has been proposed.

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 request for lot size will allow for the construction of a single-family residence and is consistent with the size of properties in the surrounding area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the dimensions provided on the site plan/lot area calculations for upland area date stamped January 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: Ziad El Aryan
 1802 N. Alafaya Trail
 Orlando, Florida 32826



1802 N. Alafaya Trail
Orlando, FL 32826
Phone: 1-800-279-6770

Date: 10/04/2024

ORANGE COUNTY ZONING DIVISION

UPDATED : 02/12/2025

201 South Rosalind Avenue, 1st Floor,
Orlando, FL 32801
Phone: 407-836-3111
E-Mail: BZA@ocfl.net

RE: Application for Size of Land/upland Variance for 2633 Aein Road, Orlando FL 32817.
Property ID : 08-22-31-0028-00-300

Dear Board of Zoning Adjustments,

Attached to this letter is the application for an approval to a variance in the size of land/upland to be used for the construction of a single-family home.

As we are in the process of getting an approval for a building permit under permit #24008080, it was noted from the zoning reviewer that the minimum required lot size in the current zoning is 21,780 SF.

As per the attached survey it was noted that the upland area is 13,196.06 (0.303 Acres) out of a total lot Area of (1.49 Acres) therefore we are looking for your approval with this letter and attached application to grant us permission to build a single-Family home for the owner of the lot using the available upland area of land.

The proposed single-family home will have a total of 3,555.50 SF of heated area split over 2 floors, the footprint of the house shall be 2,749.50 SF, which makes a total of 4,384.5 SF as a total area including the garage, rear porch and front entrance; house to be built with CMU exterior walls and monolithic foundation as per current building code.

Please note that all required setbacks from property lines are met and no variance is required on setbacks or the proposed building height of 29'-1 1/4".

The Proposed building and land use meets the six standards for Variance approval as outlined below:-

1. **Special Conditions and Circumstances** - Special conditions and circumstances exist which are peculiar to the land involved and which are not applicable to other lands, in the same zoning district. It's related to the size of upland area of the Lot.
2. **Not Self-Created** - The special conditions and circumstances is not a result from the actions of the applicant. It is related to and existing condition of the upland area of the land available for use.
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 not confer any special Privileges.
4. **Deprivation of Rights** – Its Understood that Denying the applicant the rights that are typically granted to other properties within the same zoning district, as outlined in this Chapter, would impose significant and unwarranted challenges on the applicant. Additionally, reasons such as financial losses, competition from other businesses, or the purchase of property with the intention to develop it in ways that violate the restrictions set forth in this Chapter will not be considered valid justifications for either granting or denying the application."
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 Use of land is contingent upon the approval of this variance and it's related to the size of upland area.
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. On the contrary, it will improve the neighborhood and the surroundings.

Please also note that the property next door at address 2649 Aein Road, Orlando FL 32817 had a similar condition of upland slightly less than the property in question here, it has an upland area 0.274 Acres. It has an existing house on the property that was approved and built in 2018.

Thank you for all your efforts in advance.

Sincerely,

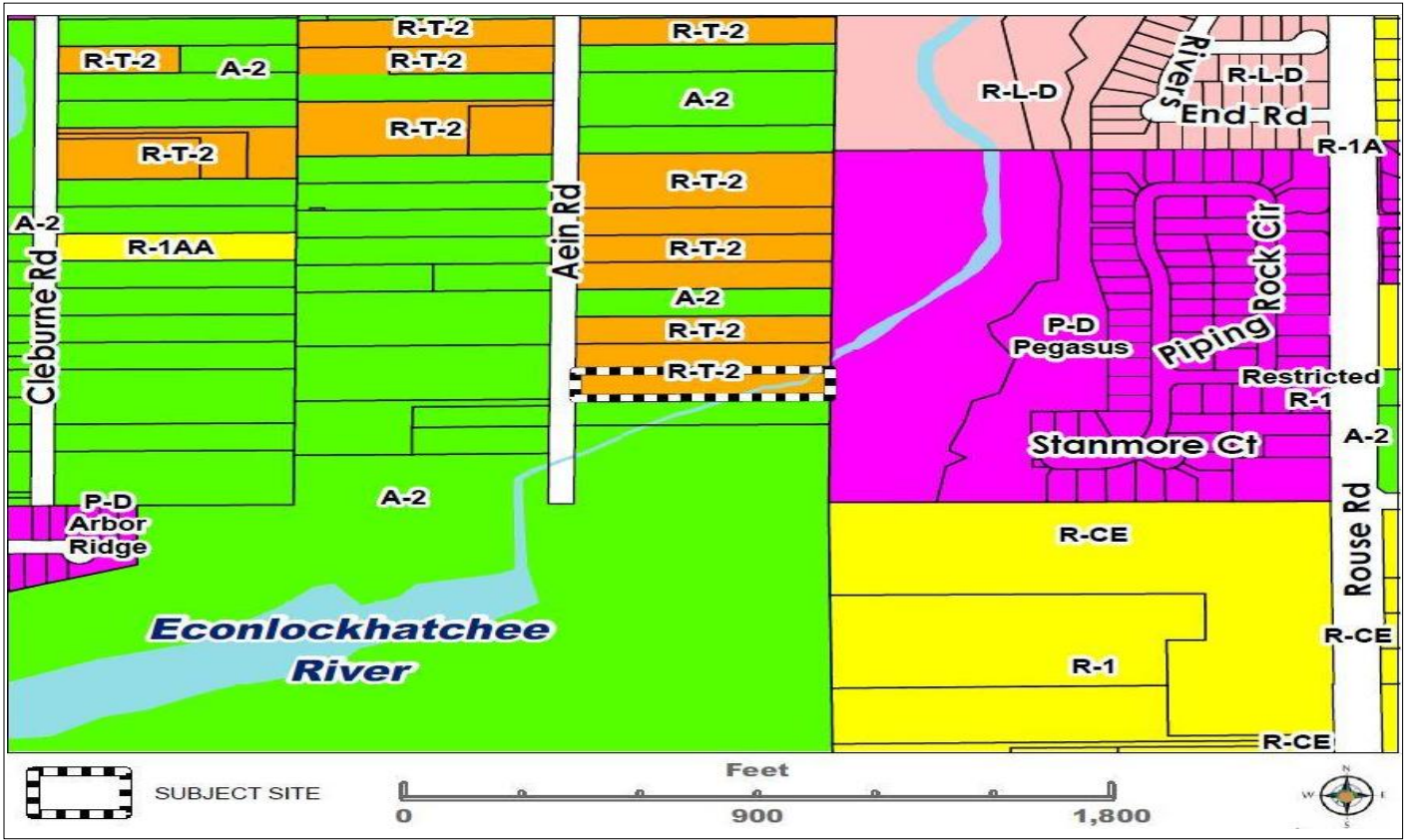
Ziad El Aryan

Elite Style Construction LLC

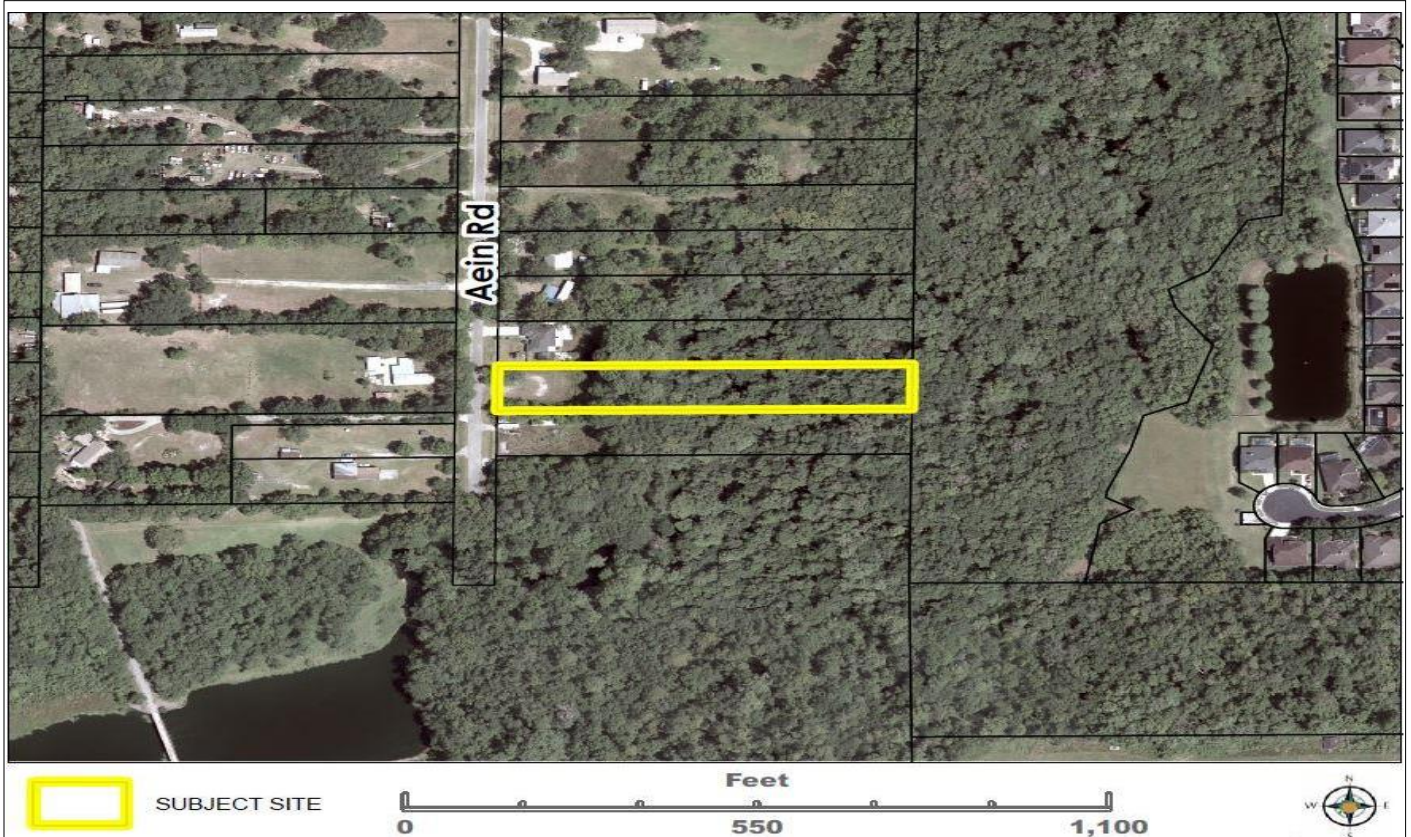
407-408-9467

ziad@Elitestyleconstruction.com

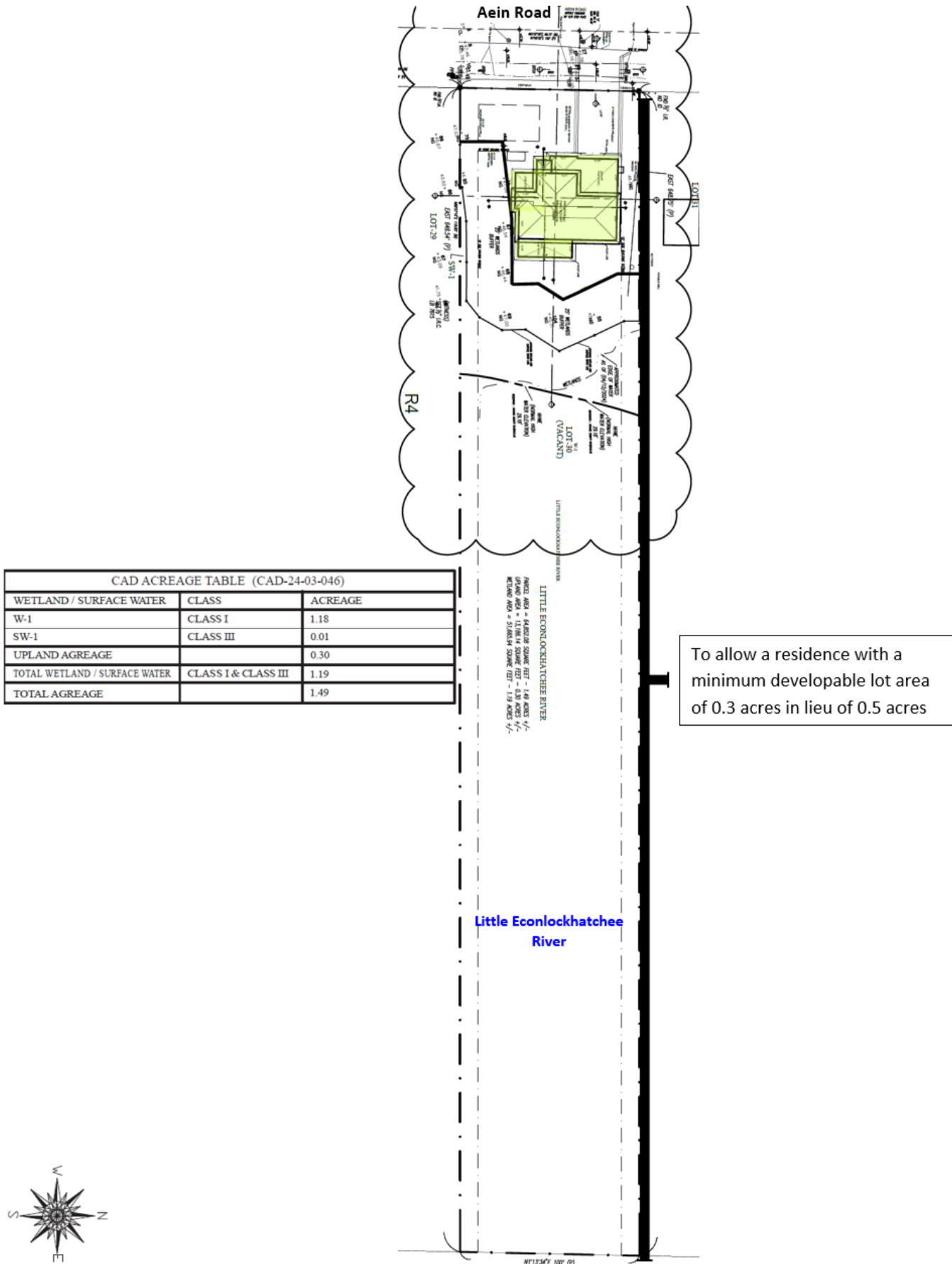
ZONING MAP



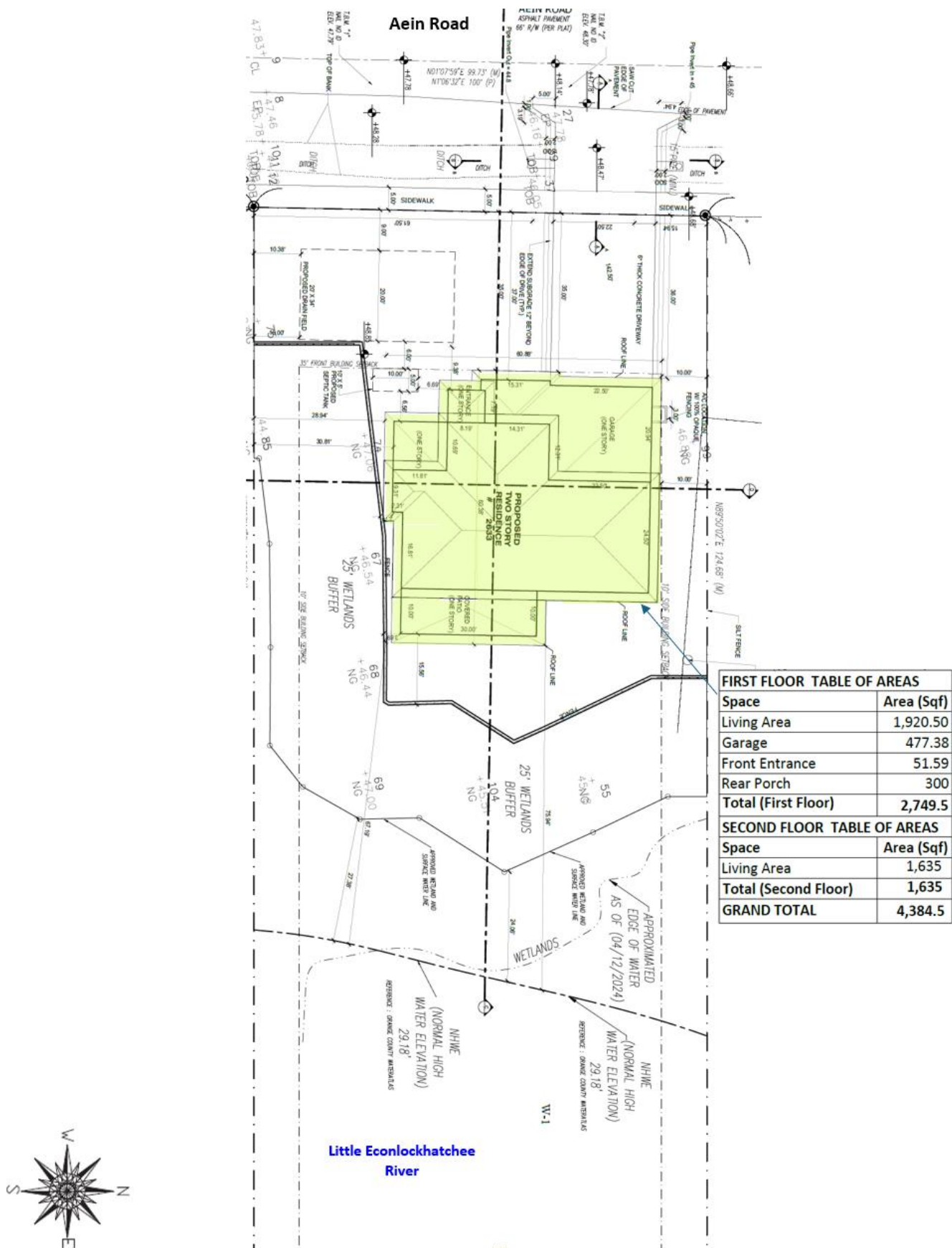
AERIAL MAP



SITE PLAN

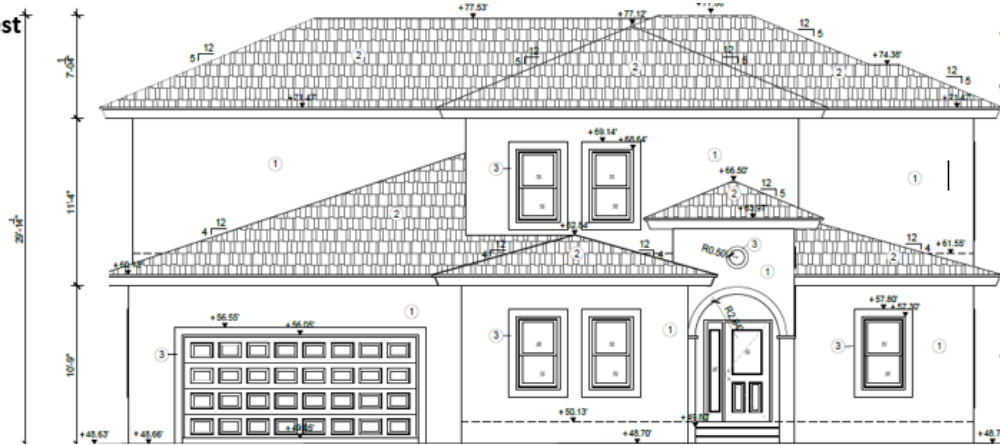


PARTIAL SITE PLAN

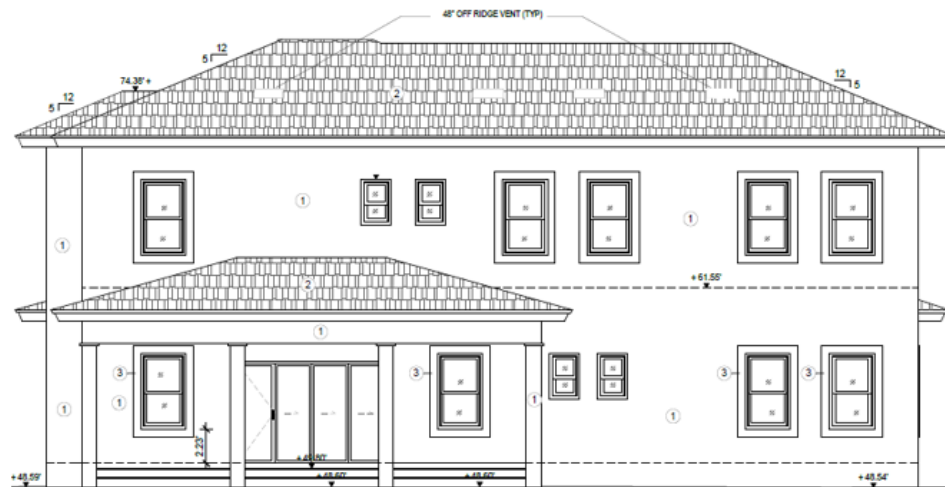


ELEVATIONS

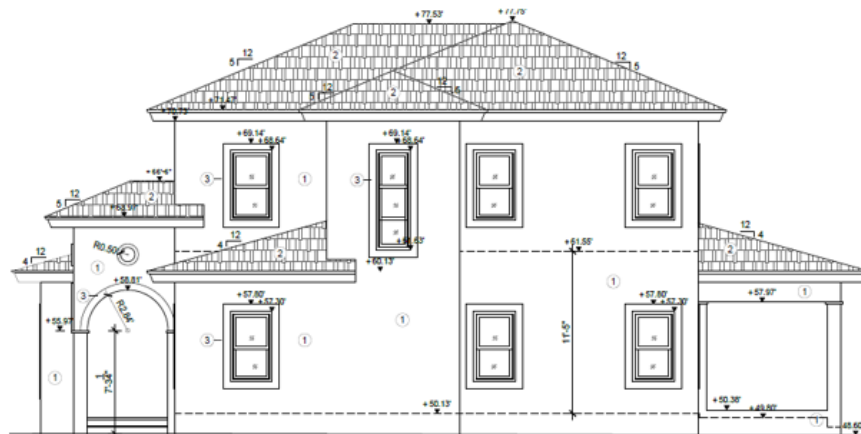
Front Elevation - West



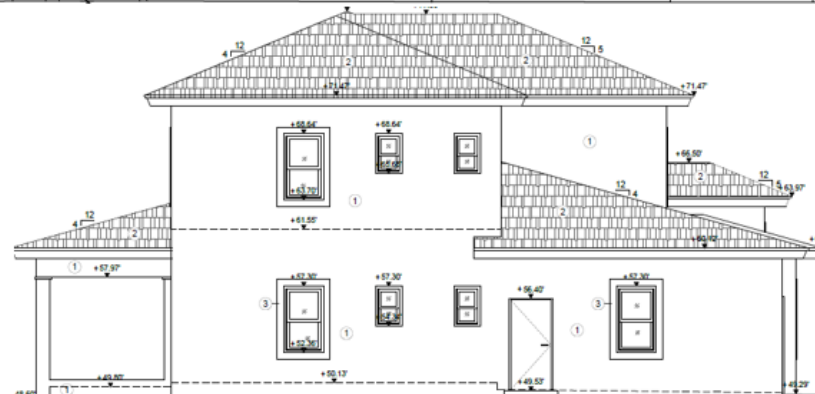
Rear Elevation - East



Right Elevation - South



Left Elevation - North



SITE PHOTOS



Facing east from Aein Rd. towards subject property



Rear yard, facing east towards existing wetlands and Little Econlockhatchee River



Rear yard, facing west towards proposed residence location and Aein Rd.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 06, 2025**

Commission District: **#3**

Case #: **VA-25-03-001**

Case Planner: **Jenale Garnett (407) 836-5955**

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JUDITH MONTENEGRO ACOSTA

OWNER(s): BIENVENIDO MONTENEGRO GUTIERREZ, JULIA MARQUEZ ACOSTA

REQUEST: Variance in the R-1A zoning district to allow an addition with a rear setback of 20.3 ft. in lieu of 30 ft.

PROPERTY LOCATION: 7513 Winter Shade Dr., Orlando, Florida 32822, north side of Winter Shade Dr., east of S. Goldenrod Rd., west of S. Chickasaw Trl., south of Lake Underhill Rd., north of Curry Ford Rd.

PARCEL ID: 35-22-30-0342-01-070

LOT SIZE: +/- 0.14 acres (+/- 7,556 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 105

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

1. Development shall be in accordance with the site plan and elevations dated stamped January 21, 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. Staff noted that no comments were received in favor or in opposition to the request.

The applicant’s architect was present and agreed with staff’s presentation, noting the reason for the design of the proposed addition is for sufficient space.

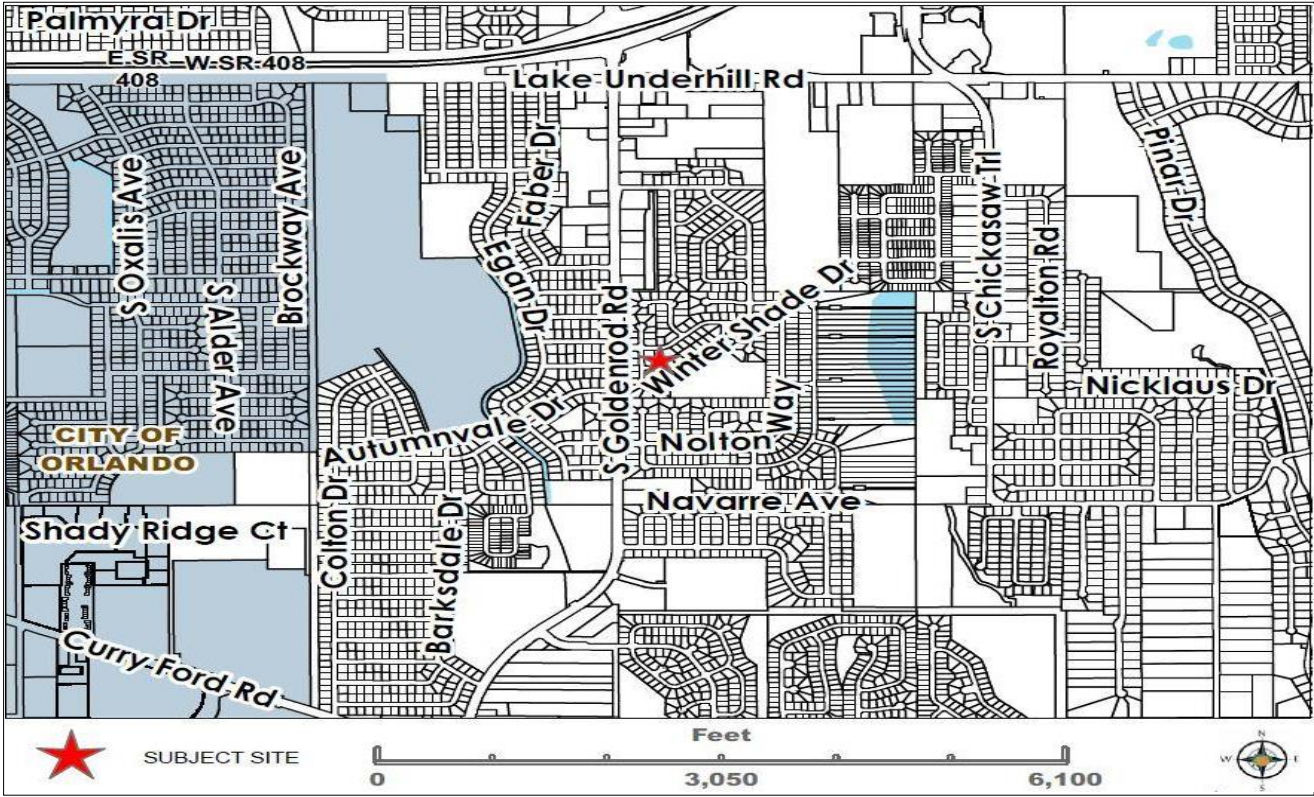
There was no one in attendance to speak in favor or in opposition to the request.

The BZA unanimously recommended approval of the Variance by a 7-0 vote, subject to the three (3) conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residence	Single-family residence	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 around the subject site consists of single-family homes. The subject property is a +/- 0.14 acre lot, platted in 1979 as Lot 107 of the Autumn Pines plat, and is a conforming lot of record. The property is developed with a one-story 1,551 gross sq. ft. single-family home constructed in 1980. There is a 6 ft. utility easement along the north property line, and a 5 ft. utility easement along the east and west. These easements are not affected by the Variance requested. The property was acquired by the current owners in 2019.

The proposal is for the construction of a 785.4 sq. ft., 9.9 ft. tall one-story addition to the rear of the existing residence, which will contain a bedroom, bathroom, and covered porch. The addition will meet the required side setbacks, but a 20.3 ft. rear yard setback is proposed in lieu of 30 ft., necessitating the Variance. The footprint of the existing house and setbacks limits the buildable area that a one-story addition could be added. The rear addition will not be significantly visible from any of the surrounding properties due to the 6 ft. wood fence along the sides and rear of the property, limiting any measurable impact on adjacent properties.

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.

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.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	9.9 ft. (addition)
Min. Lot Width:	75 ft.	75 ft.
Min. Lot Size:	7,500 sq. ft.	7,556 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	25 ft.	25 ft. existing residence (South)
Rear:	30 ft.	20.3 ft. addition (North – Variance)
Side:	7.5 ft.	11.8 ft. addition (East) 12.2 ft. addition (West)

VARIANCE CRITERIA**Special Conditions and Circumstances**

MET – The special conditions and circumstances particular to this property are related to the size, layout and location of the existing home which limits the area a useable addition could be constructed without a Variance.

Not Self-Created

MET – The request is not self-created since the owners are not responsible for the existing home in relation to the rear property line which limits the area where an addition with useable area could be built that conforms to setback requirements.

No Special Privilege Conferred

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

Deprivation of Rights

MET – Without approval of the requested Variance, the owners will not be able to construct the proposed addition.

Minimum Possible Variance

MET – The requested Variance is the minimum possible to accommodate the construction of a reasonably sized addition.

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 proposed addition will be at the rear of the house, which will not be significantly visible from any of the surrounding properties. Further, there is a 6 ft. high wood fence along the sides and rear of the property, which will screen the view of the proposed one-story addition.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated stamped January 21, 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: Judith Montenegro Acosta
7513 Winter Shade Drive
Orlando, Florida 32822

**MONTENEGRO COVER LETTER
VARIANCE APPLICATION
7513 WINTER SHADE DRIVE
WOOD GARAGE PROJECT**

03 JANUARY 2025

Ms. Judith Montenegro Acosta
7513 Winter Shade Drive
Orlando, Florida, 32822
Phone 407.558.5492
Email: judithmontenegro79@gmail.com

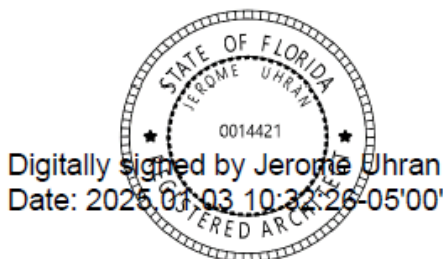


IQ II Project: IQ.24019.0
Orange County BZA
Permit Number:

To Whom it May Concern:

This letter is to describe the intent of the request for this variance application. The existing home, located @ 7513 Winter Shade Drive, contains 1,537 GSF. The owner/occupant intends to add a new addition of 15'-4" deep x 51'-0" wide [the entire width of the existing home]-782 SF. The addition would consist of a bedroom, bathroom, closet & a covered porch. The rear of the home [new addition] wants to extend into the rear setback [30.0'] 9.7' to create a new rear setback of 20.3'. The new addition would be constructed of 8x8x16 CMU [exterior] w/ a wall height of 8'-0". Interior walls would be of 2x4 wood studs. The roof trusses, sloped @ 1/12, would have an approximate maximum height of +10'-0 w/ a single ply membrane roofing. This what is being requested by this variance application for the homeowner, thank you.

Professionally,



Digitally Signed for Permit Submittal Only

Jerome Uhran, AIA, NCARB

This document has been electronically signed & sealed by JEROME UHRAN using a Digital Signature & date.
Printed copies of this document are not considered signed/sealed & the Signature must be verified on any electronic copies.

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.

AN EXISTING 10' DEEP X 15' WIDE CUL DE SAC PORTION OF THE HOME WANTS TO BE DEMOLISHED & A NEW 15.333' DEEP X 51.0' LONG ADDITION WANTS TO BE CONSTRUCTED - EXTENDING 5.333' BEYOND THE EXISTING WALL

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

THIS PROJECT IS ASKING TO EXPAND +5.333' ACROSS REAR OF EXISTING HOME

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.

MANY EXISTING PROPERTIES IN THIS AREA OF O.C. HAVE SIMILAR CONDITIONS. THE SIDE OF THIS HOME HAVE SMALL AMOUNT TO EXPAND, BUT AREAS AVAILABLE ARE TOO SMALL TO DEVELOP

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.

PROPERTIES IN THIS AREA OF O.C. HAVE THIS CONDITION, THE PROJECT WANTS TO EXPAND EXISTING CONDITION BY 5.333'!

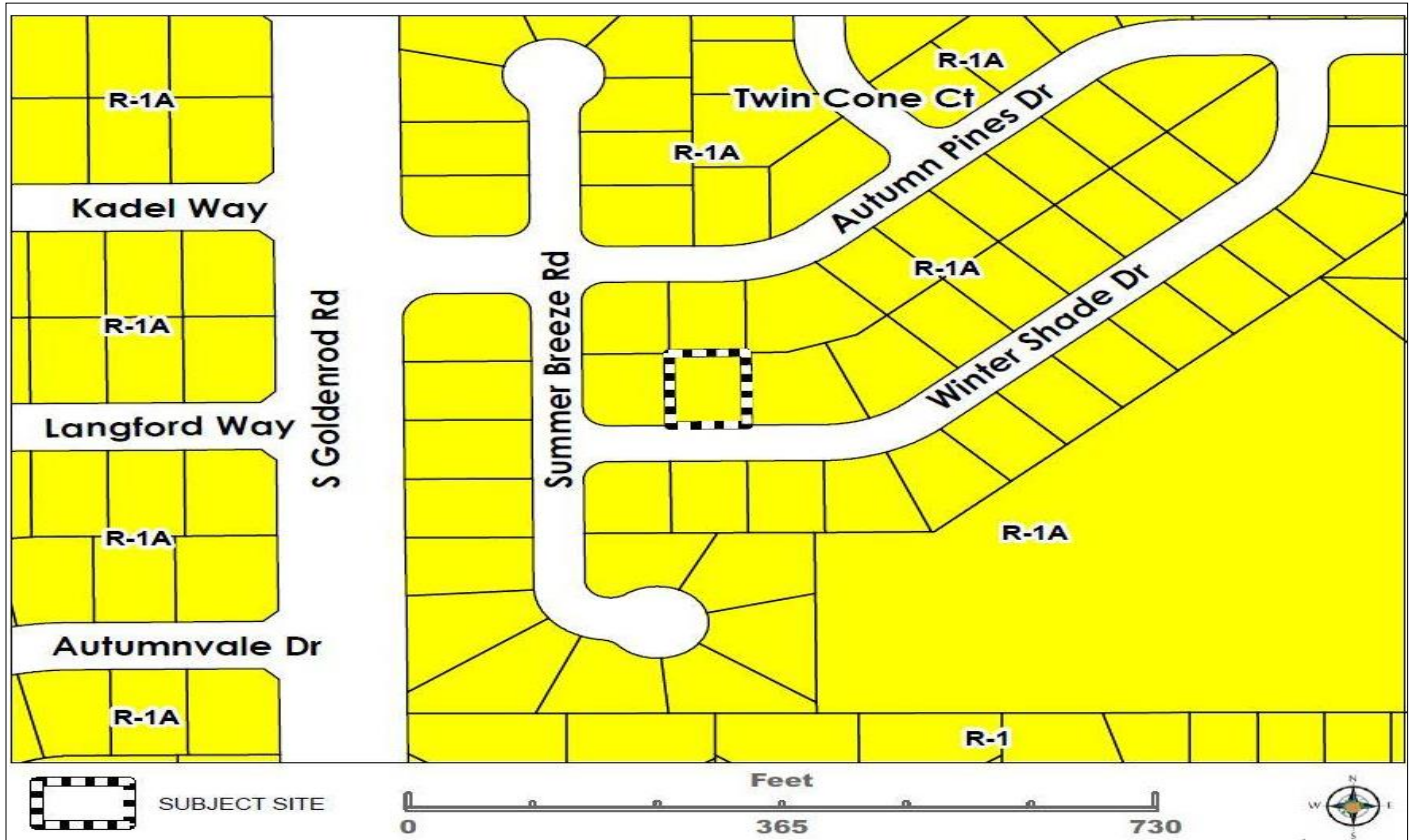
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

THE ATTEMPT TO EXPAND EXISTING CONDITIONS WILL NOT WORK. ADDING 5.333' ACROSS THE REAR FOR REASONABLE USE OF LAND IN THIS REAR OF HOME.

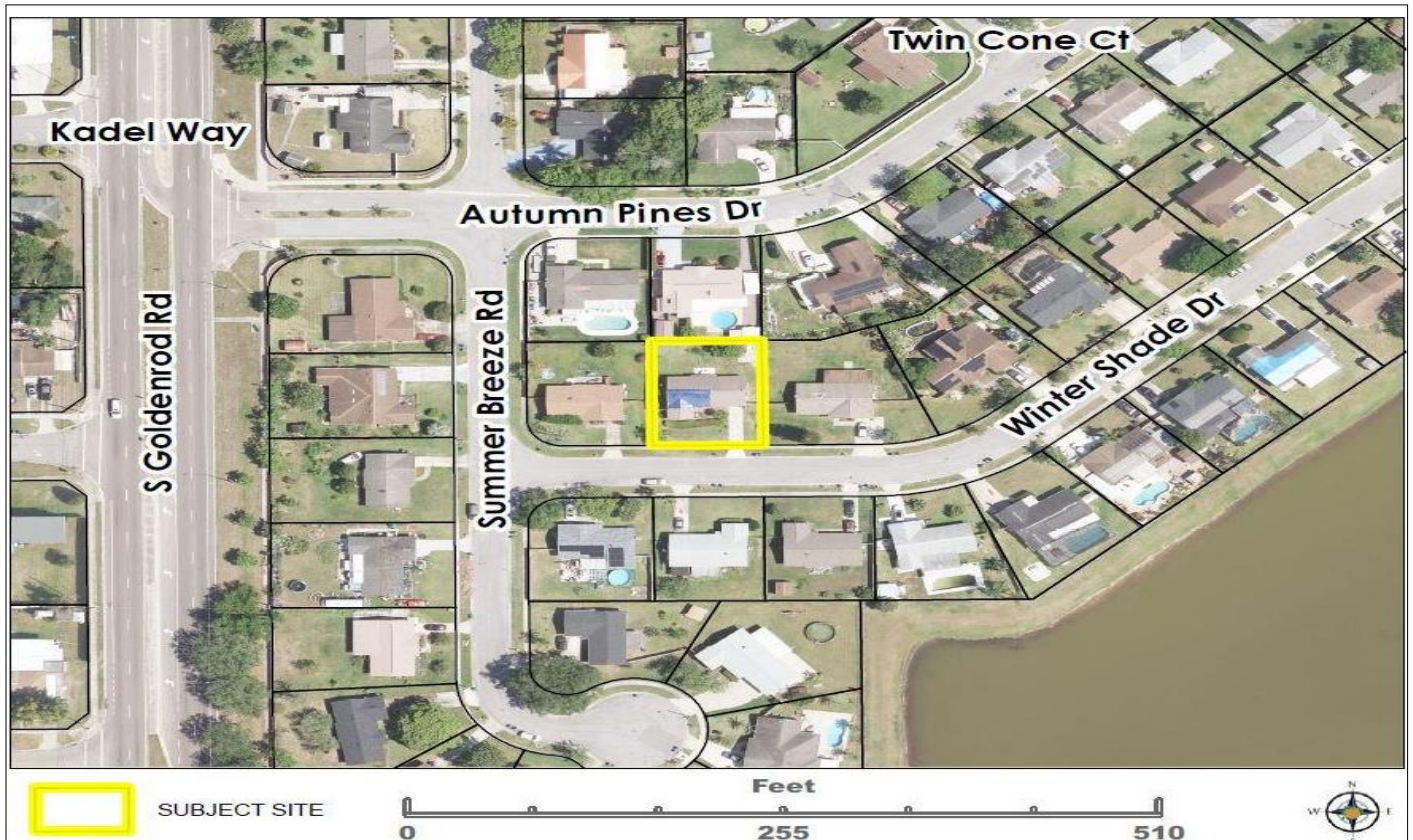
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

ADDING 5.333' BEYOND EXISTING REAR OF HOME WILL KEEP NEIGHBORHOOD CONSISTANT

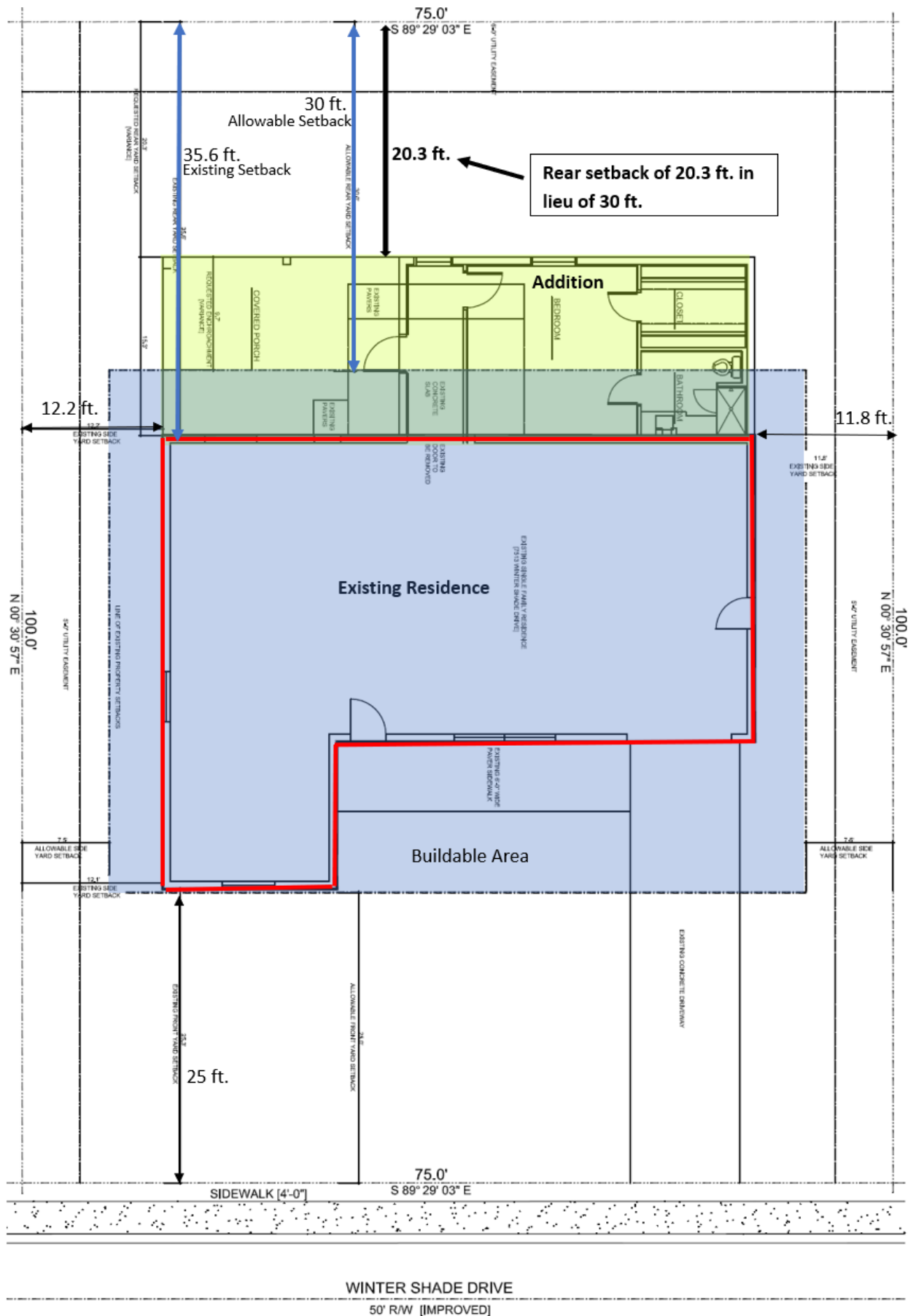
ZONING MAP



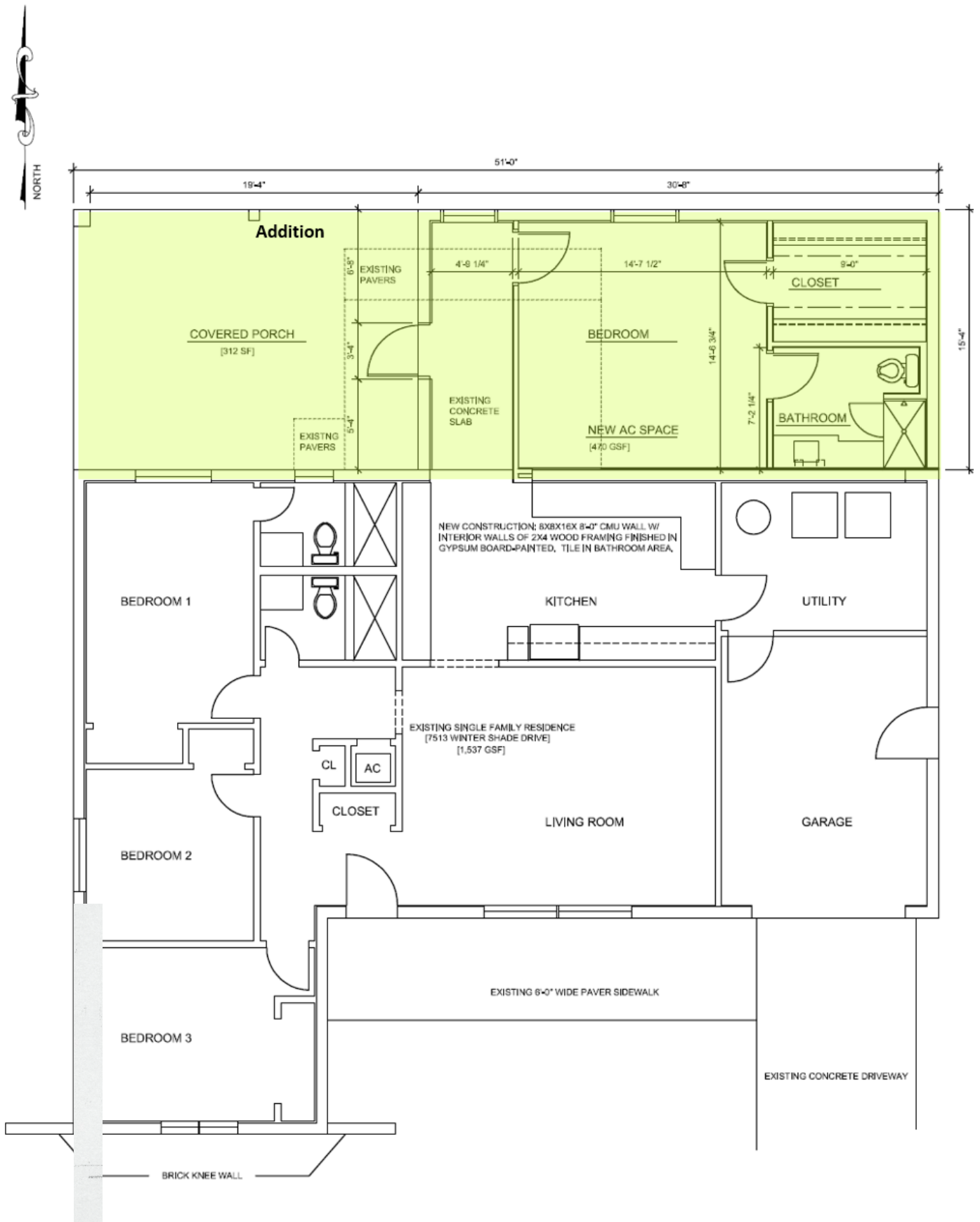
AERIAL MAP



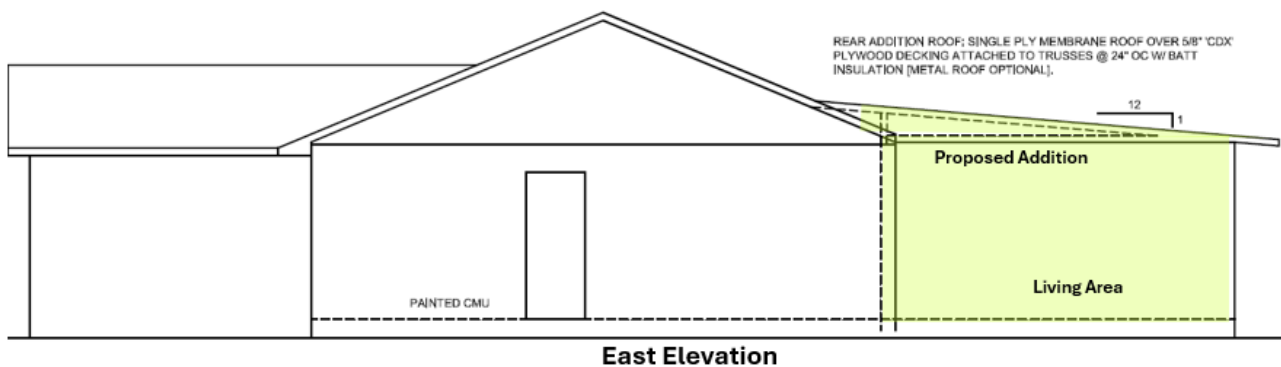
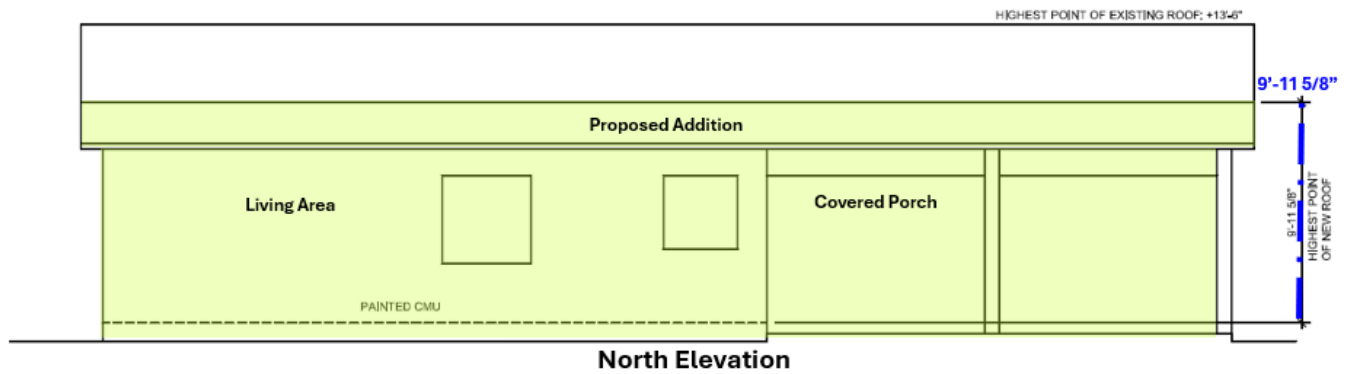
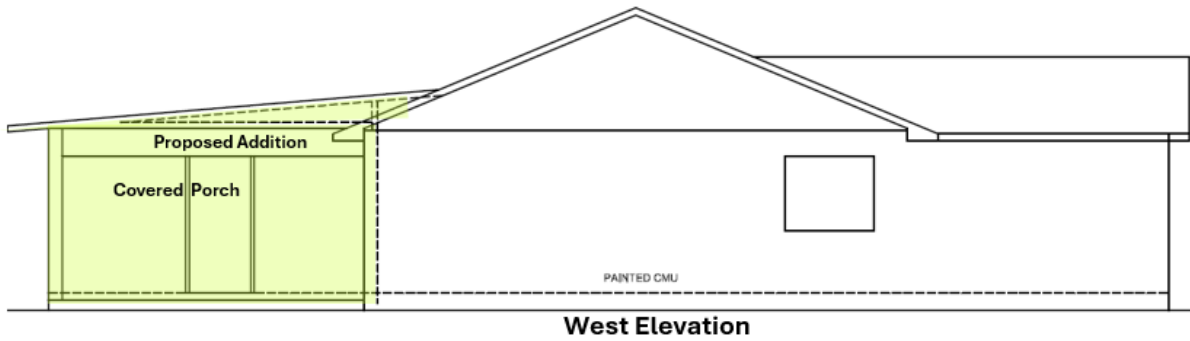
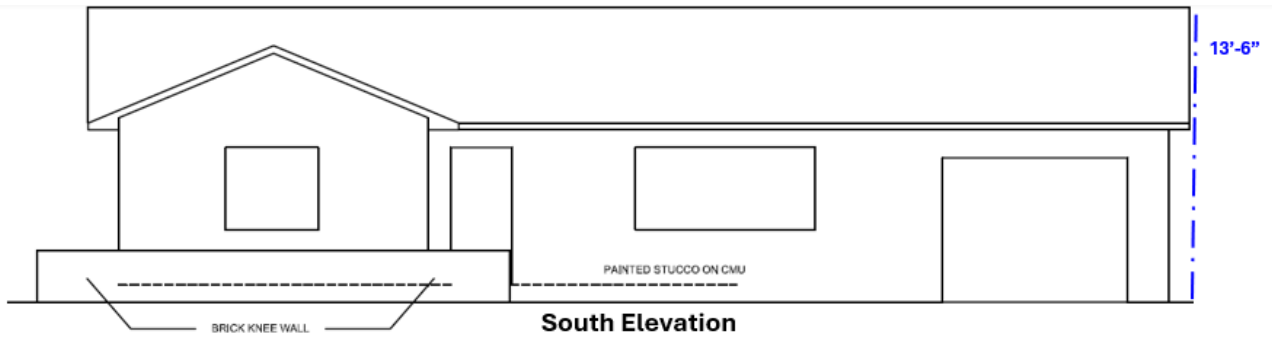
SITE PLAN



FLOOR PLAN



ELEVATIONS



SITE PHOTOS



Facing north from Winter Shade Dr. towards front of subject property



Rear yard, facing southeast towards proposed location of addition

SITE PHOTOS



Rear yard, facing northwest towards requested Variance

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 06, 2025**

Commission District: **#2**

Case #: **VA-25-02-135**

Case Planner: **Jenale Garnett (407) 836-5955**

Jenale.Garnett@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JASON JAMES, TANYA JAMES

OWNER(s): JASON JAMES, TANYA JAMES

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

- 1) To allow a single-family residence with a maximum height of 55 ft. in lieu of 35 ft.
- 2) To allow a pool and deck with a setback of 35.2 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
- 3) To allow a detached accessory structure (gazebo) with a setback of 40 ft. from the Normal High Water Elevation (NHWE) in lieu of 50 ft.
- 4) To allow a detached accessory structure (gate house) in front of the principal structure in lieu of the side or rear.
- 5) To allow a detached accessory structure (gate house) with a maximum height of 33.3 ft. in lieu of 25 ft.
- 6) To allow a detached accessory structure (gate house) with a front setback of 20.3 ft. in lieu of 35 ft.

PROPERTY LOCATION: 5005 Dora Drive, Mount Dora, Florida 32757, east side of Dora Dr., west side of Lake Ola, north of Sadler Rd., west of N. Orange Blossom Trl.

PARCEL ID: 07-20-27-0000-00-028

LOT SIZE: +/- 2.42 acres (+/- 2.24 acres upland)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 126

DECISION: Recommended **DENIAL** of Variance request **#1**, in that there was no unnecessary hardship shown on the land; and further, it does not meet the requirements governing Variances as spelled out in Orange County Code, Section 30-43(3); and, **APPROVAL** of Variance requests **#2, #3, #4, #5, and #6**, 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 amended (Motion by John Drago, Second by Thomas Moses; 4 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Chris Dowdy; 3 opposed: Juan Velez, Roberta Walton Johnson, Sonya Shakespeare). Following the motion, the Chair made a Motion to correct the preceding motion to provide for modification of Condition **#1** as follows, which was approved by a 6-1 vote (Motion by John Drago, Second by Thomas Moses; 6 in favor: John Drago, Glenn Rubinstein, Thomas Moses, Chris Dowdy, Roberta Walton Johnson, Sonya Shakespeare; 1 opposed: Juan Velez):

1. Development shall be in accordance with the site plan and elevations dated January 20, 2025, as modified to reflect the BZA decision, 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 requests and, which shall inform all interested parties that the pool and deck are located no closer than 35.2 feet from the Normal High Water Elevation (NHWE) of Lake Ola and the detached gazebo is located no closer than 40 feet from the Normal High Water Elevation (NHWE) of Lake Ola.
5. Restoration of a pollution abatement swale within the drainage easement at the rear of the property is required at permitting.

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. Staff noted that six (6) comments were received in support, and twenty (20) were received in opposition to the request.

The applicant team discussed the staff recommendation of denial and their disagreement with staff's recommendation. The applicant described the rationale for the proposed design and location of the structures, including the proposed home location being far from Dora Drive, and thus decreasing the impact of the increased height, and the pool, pool deck, and gazebo are proposed to be located within the footprint of the existing nonconforming residence and do not increase the nonconformity from the Normal High Water Elevation. The applicant presented large residences within Orange County and adjacent areas not within unincorporated Orange County. Further, the team noted the owner received twelve (12) additional neighbor letters of support.

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

The BZA asked questions of the applicant related to the height of the residence and of the gatehouse, and if alternate locations for the gatehouse were explored. The BZA discussed the requests determining the height of the house and gatehouse could be reduced to a code compliant height. The applicant was also asked about if the gazebo could be relocated to meet the setback, however, it was ultimately decided that as the footprint of the current house is encroaching within the Normal High Water Elevation, the gazebo would not provide more

of an impact. Further, the gate house is in a reasonable location for similar structures and due to the requirements for the septic system. the BZA also noted that the height would not be an issue if there were trees with a similar height, as are existing, and therefore the gatehouse will not be more of a visual impact. The BZA recommended denial of Variance #1 and recommended approval of Variances #2, #3, #4, #5, and #6 by a 4-3 vote, subject to the four (4) conditions found in the staff report with the addition of Condition of Approval #5 as follows “Restoration of a pollution abatement swale within the drainage easement at the rear of the property is required at permitting”. The BZA made a secondary motion to modify Condition #1 as follows, “Development shall be in accordance with the site plan and elevations dated January 20, 2025, as modified to reflect the BZA decision, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).”

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-CE	R-CE, Lake Carlton PD	R-CE	R-CE	R-CE
Future Land Use	Tangerine Rural Settlement RS 1/1	Tangerine Rural Settlement RS 1/1	Water Body (Lake Ola)	Tangerine Rural Settlement RS 1/1	Tangerine Rural Settlement RS 1/1
Current Use	Single-family residence	Single-family residence, Vacant	Lake Ola	Single-family residence, Stormwater Drainage	Single-family residence

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-CE, Country Estate district, which allows single-family homes and associated accessory structures on a minimum of one acre lots. The Future Land Use is Rural Settlement 1/1 (RS 1/1) and is located in the Tangerine Rural Settlement. Rural settlements are established through the Comprehensive Plan and are intended to identify areas with unique traits and characteristics which the residents of those areas wish to preserve. The rural settlement designation typically impacts such development factors as residential density, location and intensity of commercial and other nonresidential uses, and with the exception of density, have no impact on single-family development. In the Tangerine Rural Settlement, the maximum density is one (1) unit per one acre for new development. The R-CE zoning district is consistent with the future land use.

The area surrounding the subject site consists of single-family homes, many of which are lakefront, and a vacant parcel to the north. The subject property is an unplatted +/- 2.42 acre parcel of land located on the northwest side of Lake Ola, of which +/- 2.24 acres is upland. The remainder of the parcel is either wetland or submerged property under Lake Ola. The property meets the minimum lot standards of the R-CE zoning district. It is currently developed with a one-story 3,319 gross sq. ft. single-family home constructed in 1955, and two detached accessory structures: a 528 sq. ft. concrete utility building and 80 sq. ft. metal shed, boat dock, and covered boat slip. The current owners purchase the property in 2023.

The proposal is to demolish all existing improvements including the boat dock and covered boat slip, and to construct a new 35,718 gross sq. ft., two-story single-family home with a pool and deck, a gatehouse, and a new boat dock and covered boat slip. The proposed residence meets all required code provisions with the exception of height. Code allows single-family residential properties a maximum height of 35 ft., and the proposed house is 55 ft. tall, requiring Variance #1. The pool and deck are proposed to be located at the rear of the new residence, with a setback of 35.2 ft. from the Normal High Water Elevation (NHWE) in lieu of the required 50 ft., requiring Variance #2. A 609 sq. ft. gazebo that includes an enclosed bathroom, pantry, and partially enclosed summer kitchen and is proposed over the pool deck area, with a 40 ft. setback from the NHWE in lieu of 50 ft., requiring Variance #3. A 2,318 sq. ft. gate house is proposed at the front of the property to be utilized for storage and access to the property. Orange County Code requires that detached accessory structures be located in the side or rear yard, not located between the principal structure and the right-of-way. As such, Variance #4 is required for the location of the gatehouse. Additionally, the gatehouse is proposed to be

constructed at a height of 33.3 ft. where a maximum of 25 ft. is permitted for detached accessory structures, and to be located with a 20.3 ft. front setback in lieu of 25 ft., requiring Variances #5 and #6 respectively.

As the proposed residence is new construction, it could be redesigned to meet code, thereby eliminating the need for the Variances. The lot exceeds the minimum lot width and size for the district allowing ample area for constructing a code complaint home, accessory structures, and pool and deck.

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 requests do not meet all 6 criteria. Therefore, staff is recommending denial of the Variance requests.

The request was routed to all reviewing divisions and no objections were provided. As of the date of this report, four comments have been received in favor of the request, and no comments have been received in opposition to this request.

District Development Standards (that apply to residence, pool/deck, and gazebo)

	Code Requirement	Proposed
Max Height:	35 ft.	55 ft. residence (Variance #1) 18.1 ft. gazebo
Min. Lot Width:	130 ft.	261.42 ft.
Min. Lot Size:	1 acre	2.42 acres (2.24 acres upland)

Building Setbacks (that apply to residence, pool/deck, and gazebo)

	Code Requirement	Proposed
Front (Dora Rd.):	35 ft.	62.5 ft. residence (North)
Side:	10 ft.	10.2 ft. residence (East) 10.5 ft. residence (West)
NHWE:	50 ft.	50 ft. residence (South) 35.2 ft. pool/deck (South – Variance #2) 40 ft. gazebo (South – Variance #3)

Building Setbacks per Sec.38-1426(1)(c)(2) Detached Accessory Structures (gate house)

	Code Requirement	Proposed
Max Height:	25 ft.	33.3 ft. (Variance #5)
Front (Dora Rd.):	35 ft.; not permitted in front of principal structure	20.2 ft. (North – Variances #4 and #6)
Side:	10 ft.	128.9 ft. (East) 70.5 ft. (West)

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET – There are no special conditions or circumstances particular to the subject property. This is new construction of a single-family residence on a lot that meets and exceeds the minimum lot width and lot size.

Not Self-Created

NOT MET – The request is self-created in that it is new construction and there are alternatives to eliminate the requests.

No Special Privilege Conferred

NOT MET – The requests would confer special privilege since there are no surrounding properties of a similar size exceeding the maximum allowed height, that have accessory structures located in front of the principal structure, or that have reductions to the front yard or Normal High Water Elevation setbacks.

Deprivation of Rights

NOT MET – The applicant is not being deprived the right to construct a single-family residence with a pool and deck, gazebo, and gate house and there is sufficient space on the property to meet the required setbacks. Further, the plans could be modified to reduce the building heights.

Minimum Possible Variance

NOT MET – The Variances are not the minimum, since the new construction could be redesigned to meet code.

Purpose and Intent

NOT MET – Approval of the requested Variances would not 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. There are options available to redesign the residence with a pool and deck, gazebo, and gate house to meet code so as not to negatively impact the adjacent properties.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated January 20, 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 requests and, which shall inform all interested parties that the pool and deck are located no closer than 35.2 feet from the Normal High Water Elevation (NHWE) of Lake Ola and the detached gazebo is located no closer than 40 feet from the Normal High Water Elevation (NHWE) of Lake Ola.

C: Jason James and Tanya James
5005 Dora Drive
Mt. Dora, Florida 32757

Anna Long, Esq.
420 S. Orange Avenue, Suite 700
Orlando, Florida 32801

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

To the Board of Zoning Adjustment,

From the original design submitted months ago we would have had up to 10 variance requests. We have cut this in half, down to 5. After meeting with Zoning in the office, at the property location, and based on the feedback from the team at Orange County. We have meant with the Architects, Engineers, Attorneys, Designers, and the Builder to rework the plans to eliminate as many variances as possible for our home. We have eliminated half of the original requests and have redone a significant amount of the design to help reduce and only request the minimum of variances needed to build our family home.

I am writing to request a variance at the residence of 5005 Dora Drive in Mt. Dora, for

Sec. 38-1501 building and setback requirements
Sec. 38-1426 Accessory Structures

- 1) detached accessory storage structure at 20ft front setback instead of 50ft,
- 2) detached accessory storage structure located in front of principal residence
- 3) NHWE setback of 35ft instead of 50ft for a pool/patio,
- 4) height requirement increase from 35ft to 55ft on the principal residence for architectural features
- 5) height requirement increase from 25ft to 33ft-4in for the detached accessory storage structure architectural feature

Property is zoned as R-CE. While there are two parcel IDs in the application, the property is considered one lot. The Ag Curtilage split is for tax purposes only which has been converted back to a single continues parcel just not updated online as of this letter date.

Special Conditions & Circumstances: The property is a unique shaped lot with a peninsula that juts into Lake Ora at the rear of the property. The 3 sides of water from the peninsula create unique NHWE setback requirements for the rear.

Existing SFR is at approx. 25ft to the NW and 30ft to the SW NHWE mark. Septic location is limited by the water table depth, neighbors Well and Septic locations, set back from water bodies, and the proposed SFR which create obstacles to work around in property development.

Not Self-Created: The current property owner has no control over the lot platting or unique shape of the land nor the locations of the neighboring well and septic systems. Constrained lot and special conditions listed above are not self-created.

No Special Privilege: Approval of this variance would allow for a Storage structure to be constructed at the front of the property and a new principal structure with pool & patio on the property that meets the homeowners needs.

Several properties in the area zoned R-CE have accessory structures in front of the primary residence 1) Detached accessory structures in front of the primary residence, as seen on OCPA satellite view:

Both neighbors on each side of our property

5011 Dora Drive. (Neighbor)

4931 Dora Drive. (Neighbor)

1813 Sloewood Dr

1807 Sloewood Dr

4712 Sloewood Dr

4713 Sloewood Dr

4705 Sloewood Dr

4721 Sloewood Dr

7780 Earlwood Ave

Several properties in the area zoned R-CE have front set back less than 50ft for primary & accessory structures granting no special privilege to the property owner. As measured from OCPA satellite view:

4932 Dora Dr at ~20ft (across the street from our property)

5032 Dora Dr at ~25ft (across the street from our property)

4931 Dora Dr at ~25ft (Neighbor)

4606 Sloewood Court at ~29ft

7206 Lake Ola Drive at ~6ft

7140 Lake Ola Drive at ~3ft

7072 Lake Ola Drive at 20~ft

7100 Lake Ola Drive at ~25ft

Deprivation of Rights: A detached accessory storage structure and pool/patio are common accessory uses that are permitted within the zoning district. The special conditions of the property would prevent construction in the proposed locations without a variance. The proposed principal structure with outdoor pool/patio will allow for additional distance from NHWE than the existing single-family residence currently provides.

Minimum Possible Variance: The proposed site plan location is the only location on the property with sufficient space to build the accessory structure, water well, septic system, and new Single-Family Residence with pool/patio due to the unique feature of water being present on 3 sides of the property and the existing location of the neighbor's septic system and water well with respect to the system design requirements of the Health Department. The variance requested is therefore the minimum possible to allow for construction on the property.

COVER LETTER

Purpose and Intent: Should the variances be approved; the proposed improvements would not adversely affect the neighborhood. As there are similar sized or larger homes in the area. As noted on OCPA and LCPA (This area is close to the Orange/Lake county line)

6300 Dora Dr
17800 Palm View Cir
8302 Earlwood

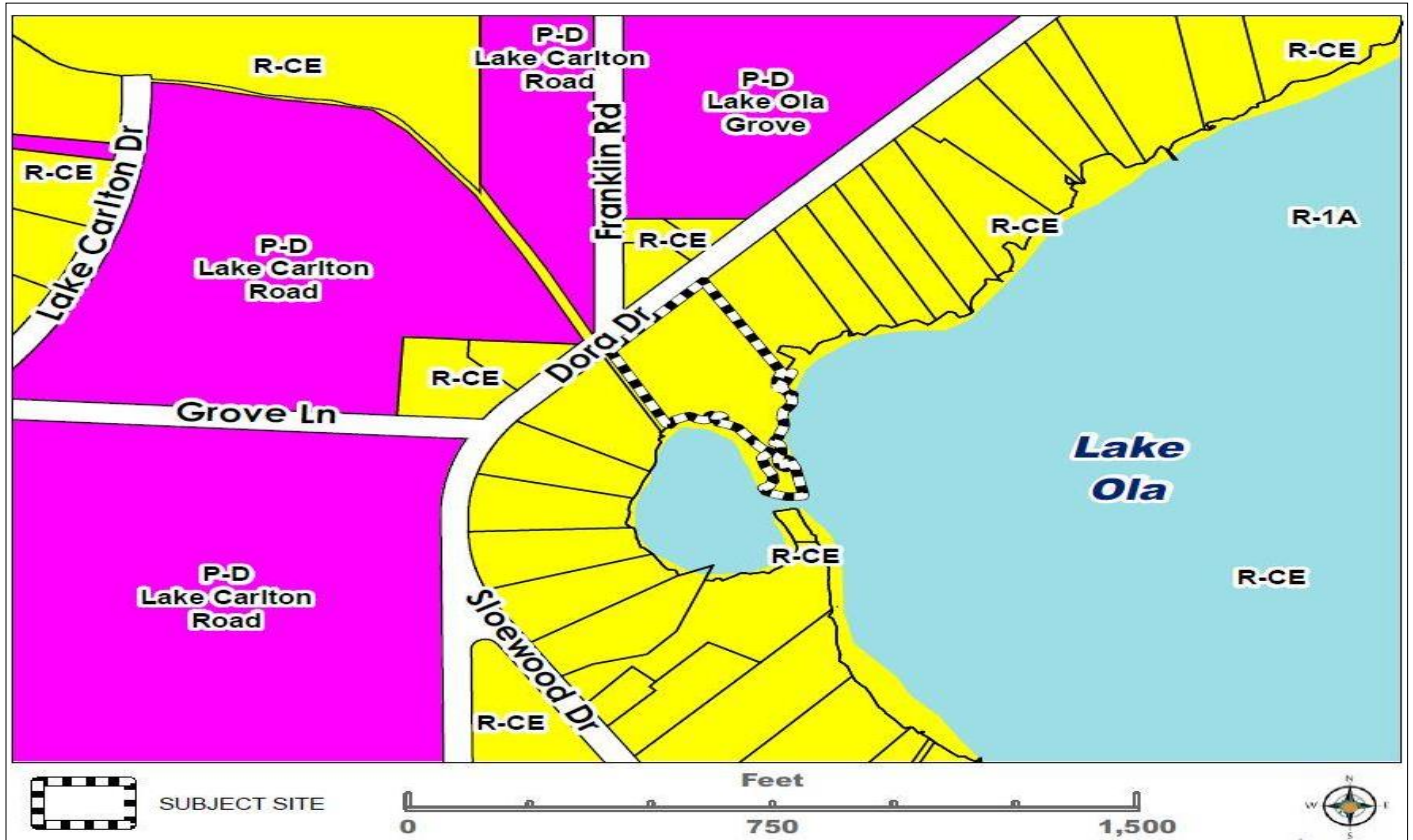
In summary, I am requesting a variance to Sec. 38-1501 Building and Setback requirements, 38-1426 Accessory Structures criteria for detached accessory storage structure at the front of the property and a new single-family residence with pool/patio cabana. Only a variance would allow the property owner to construct the proposed projects on the property due to constraints of having water on three sides of the property with NHWE, water table, water well and septic systems.

Thank you for your time and consideration of this variance request.

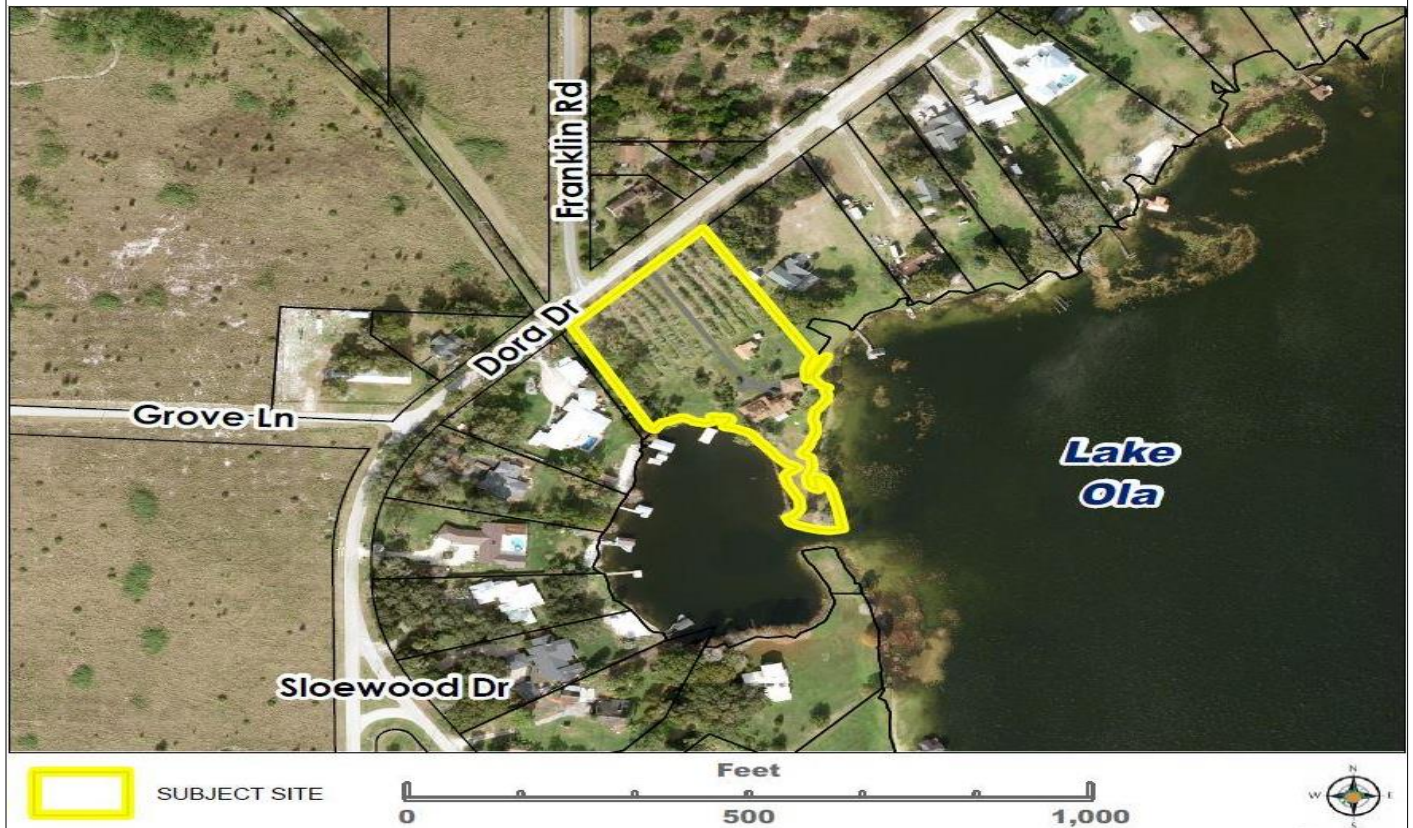
With Respect,

Jason & Tanya James

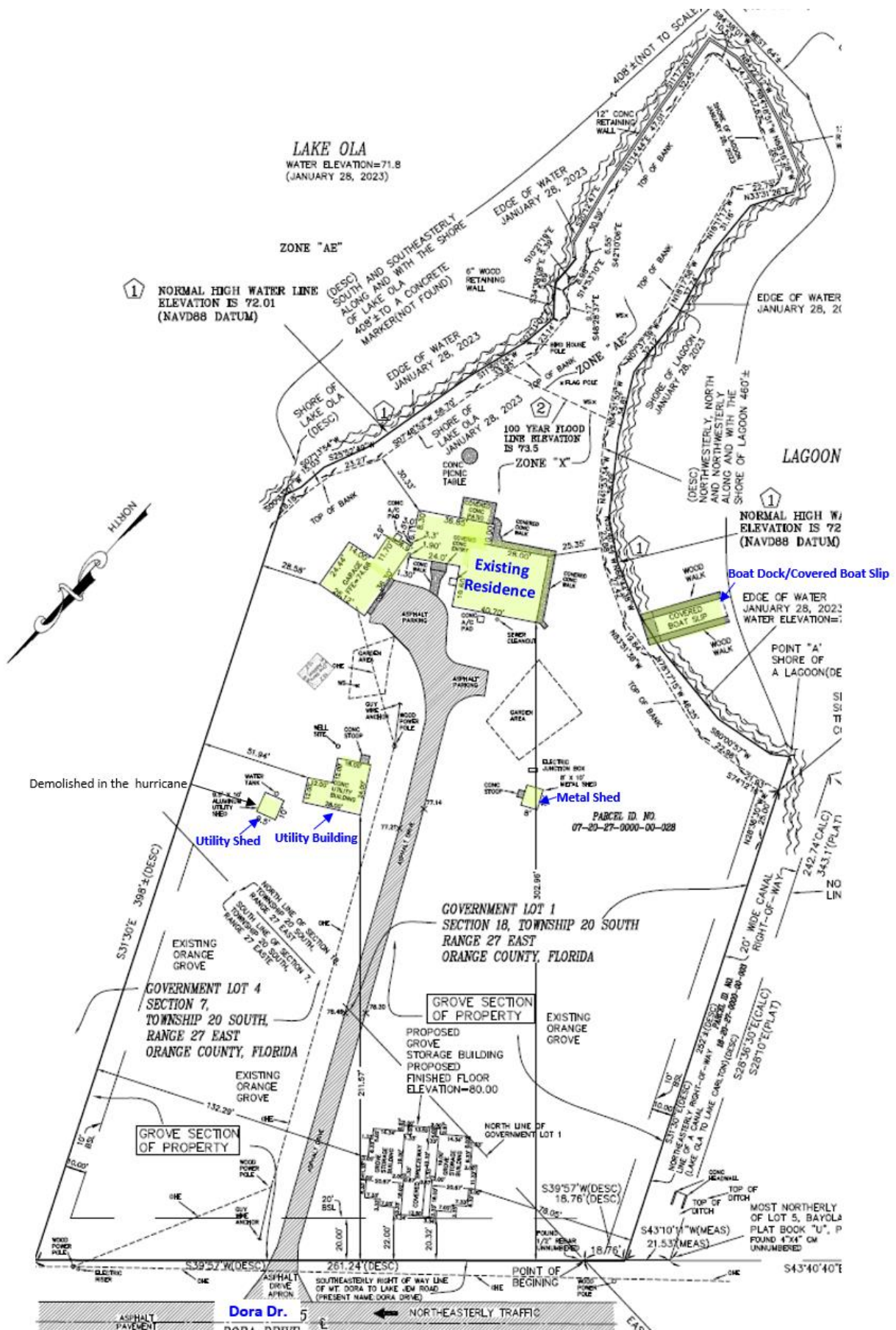
ZONING MAP



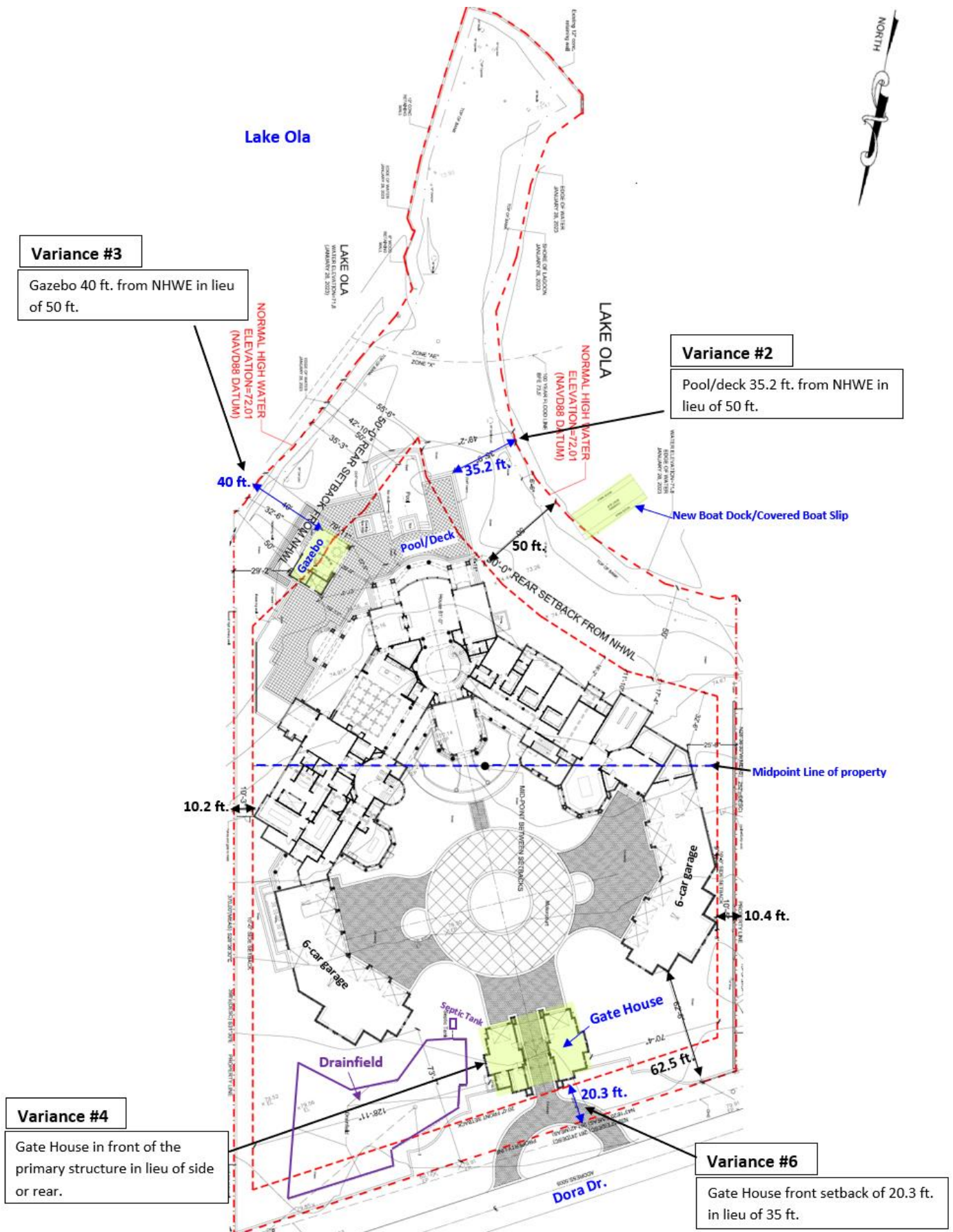
AERIAL MAP



SURVEY

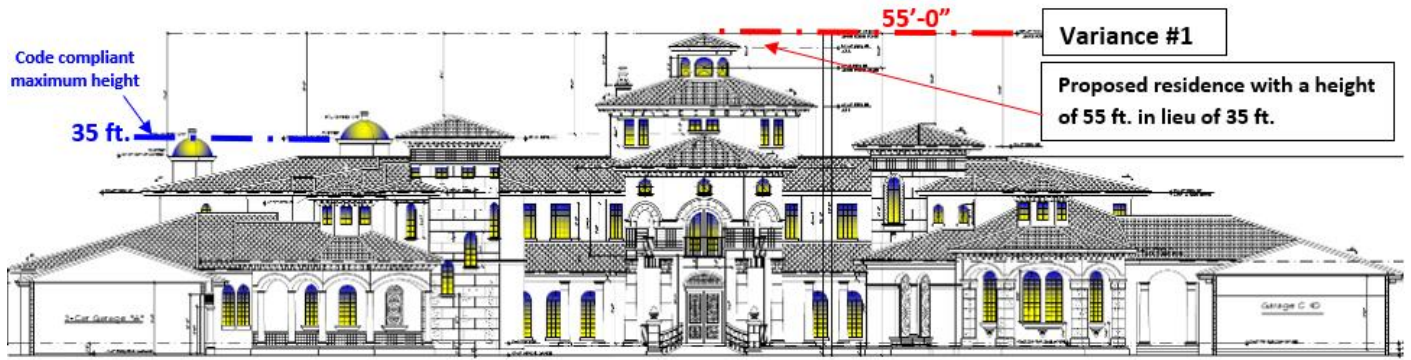


SITE PLAN

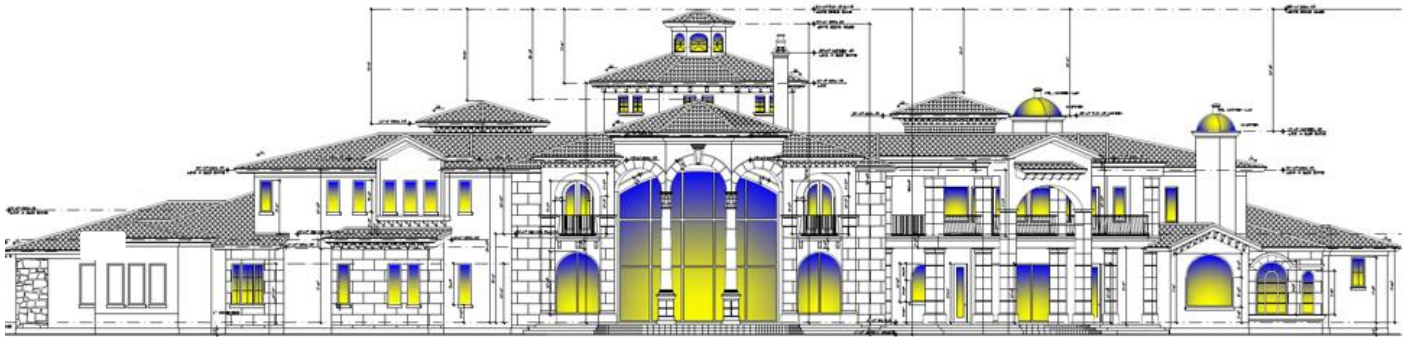


ELEVATIONS FOR PROPOSED RESIDENCE

North Elevation



South Elevation



West Elevation

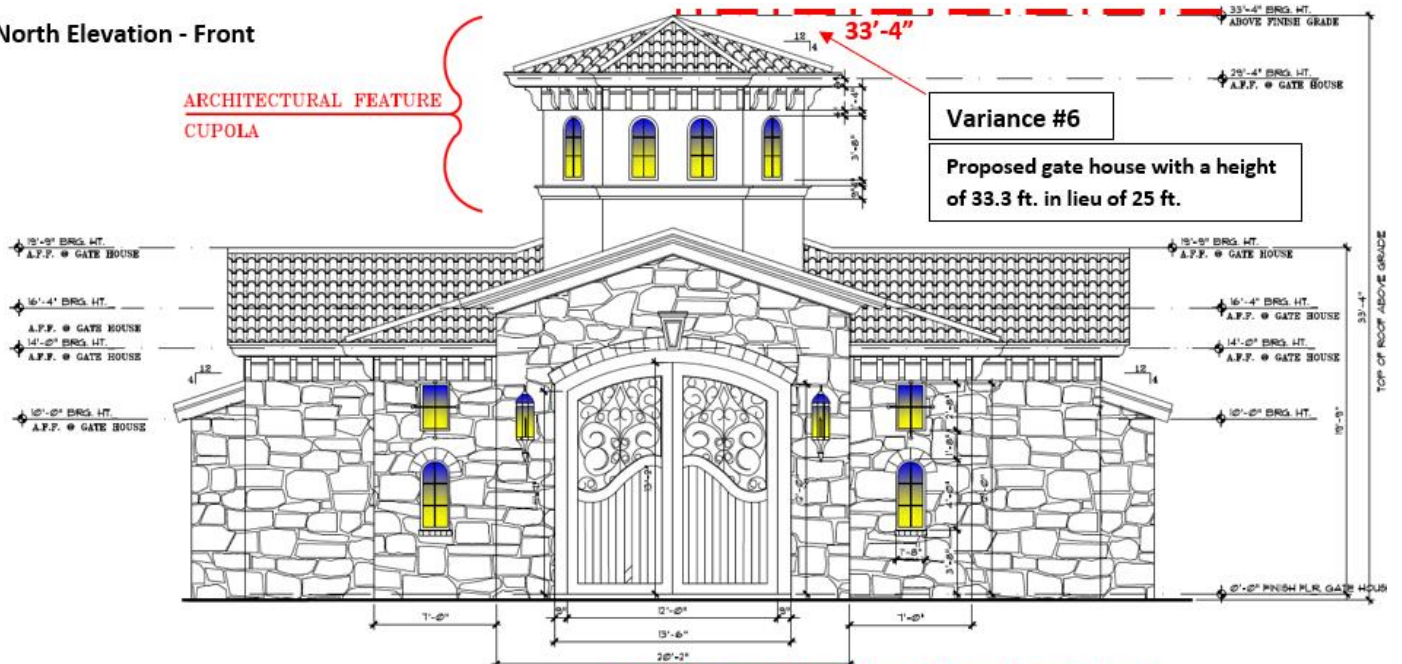


East Elevation

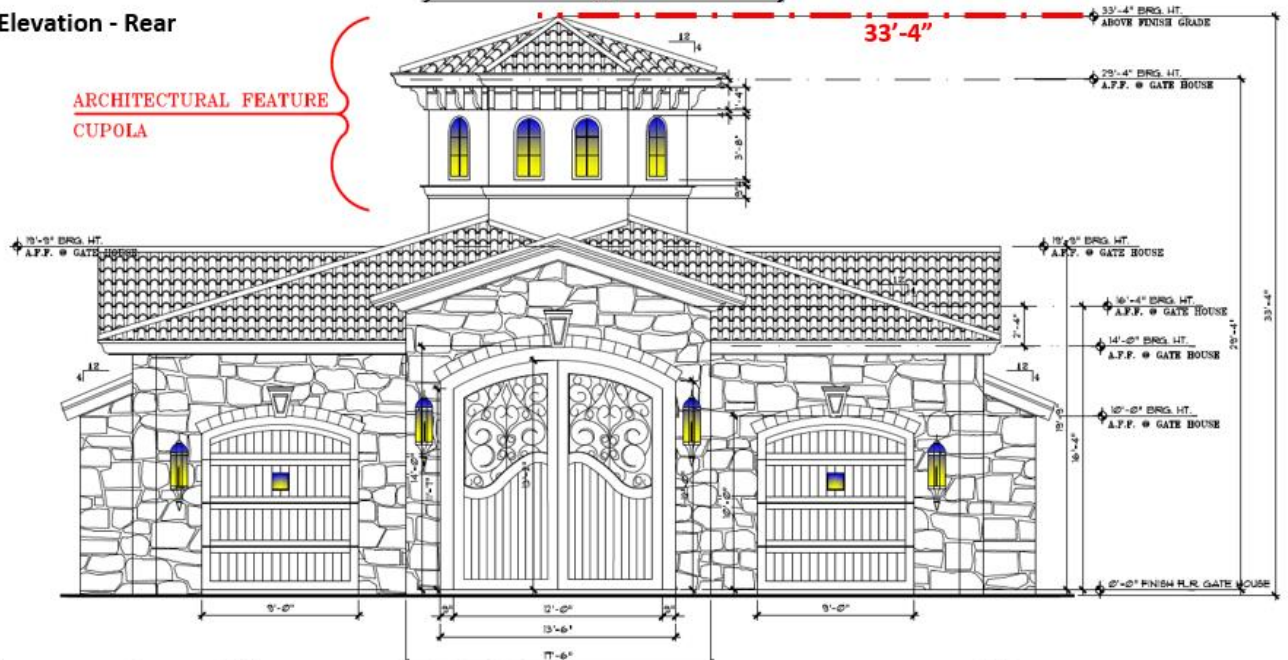


ELEVATIONS FOR PROPOSED GATE HOUSE

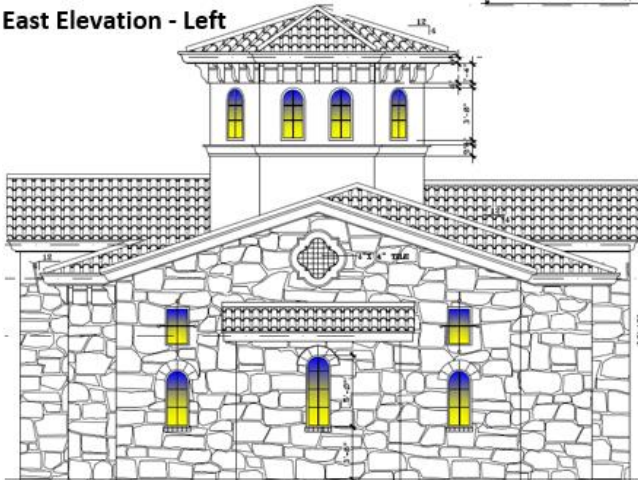
North Elevation - Front



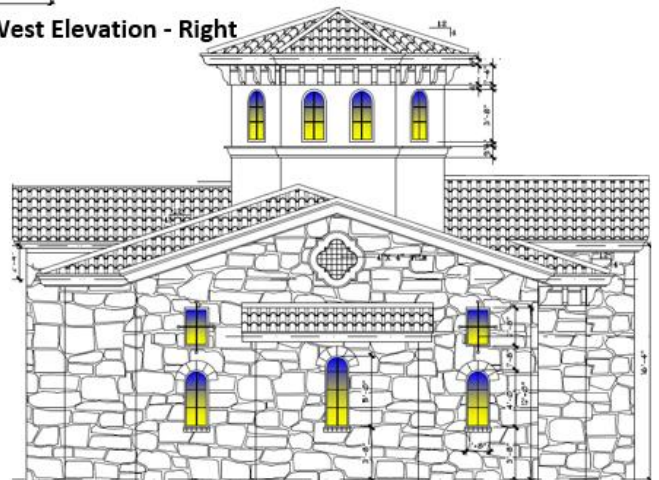
South Elevation - Rear



East Elevation - Left

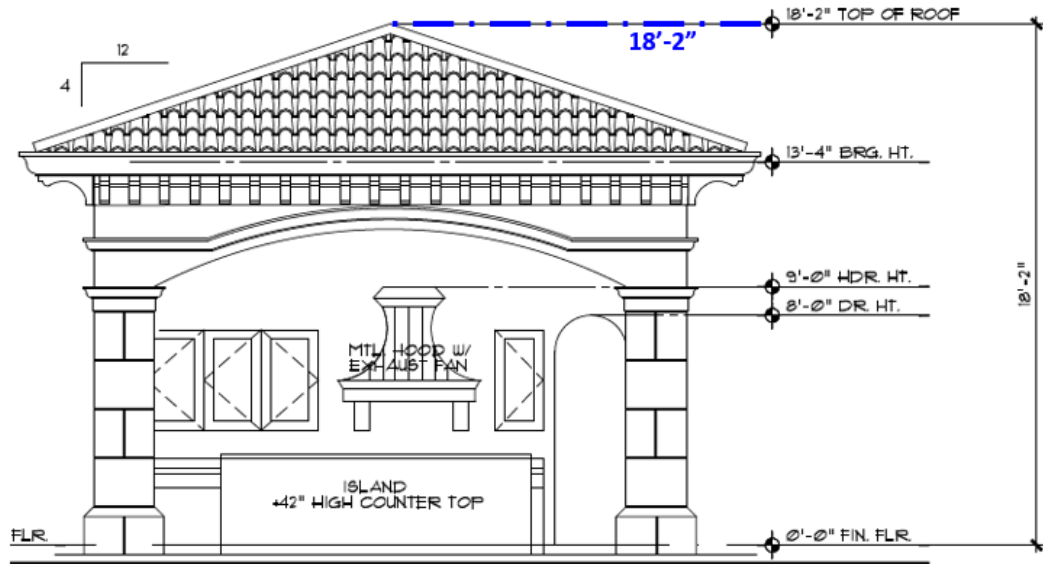


West Elevation - Right

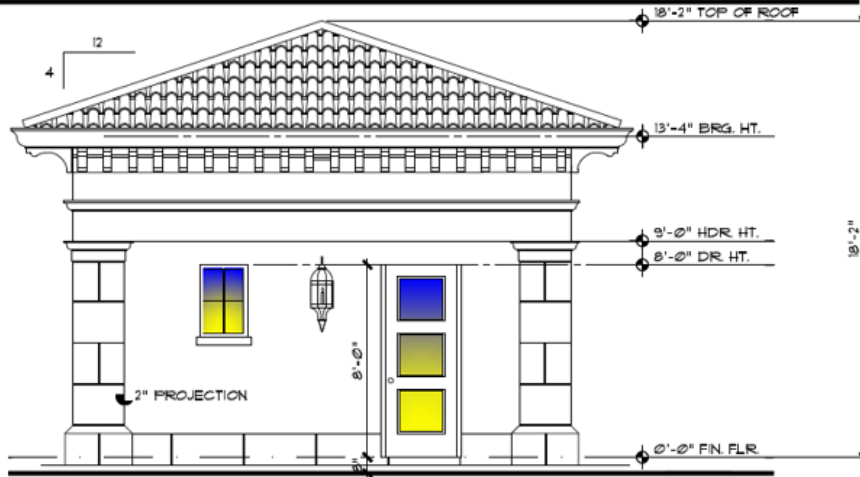


ELEVATIONS FOR PROPOSED GAZEBO

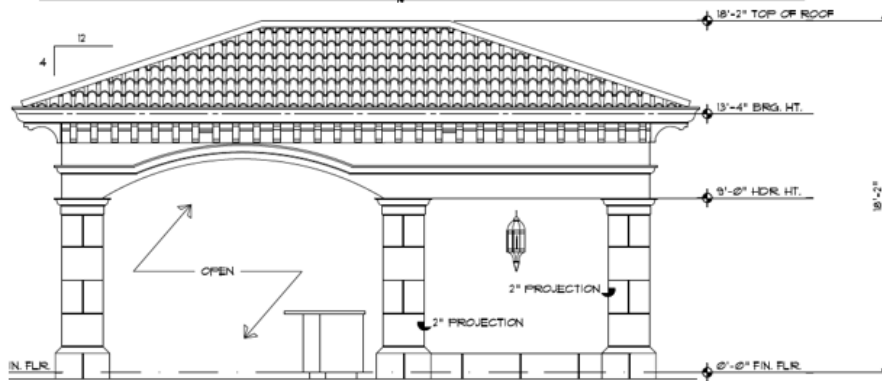
South Elevation



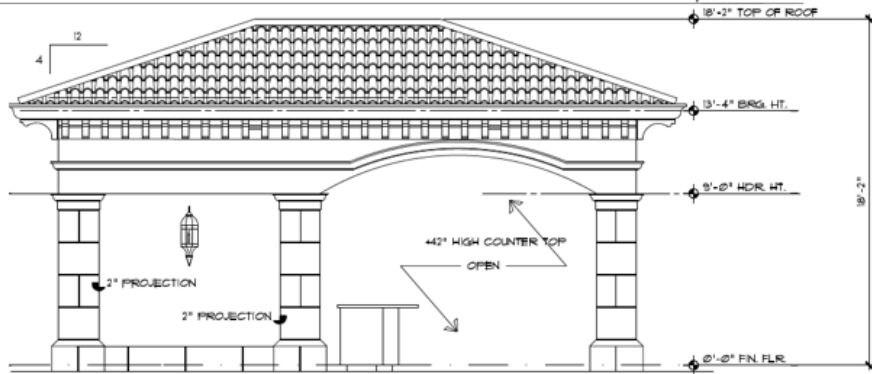
North Elevation



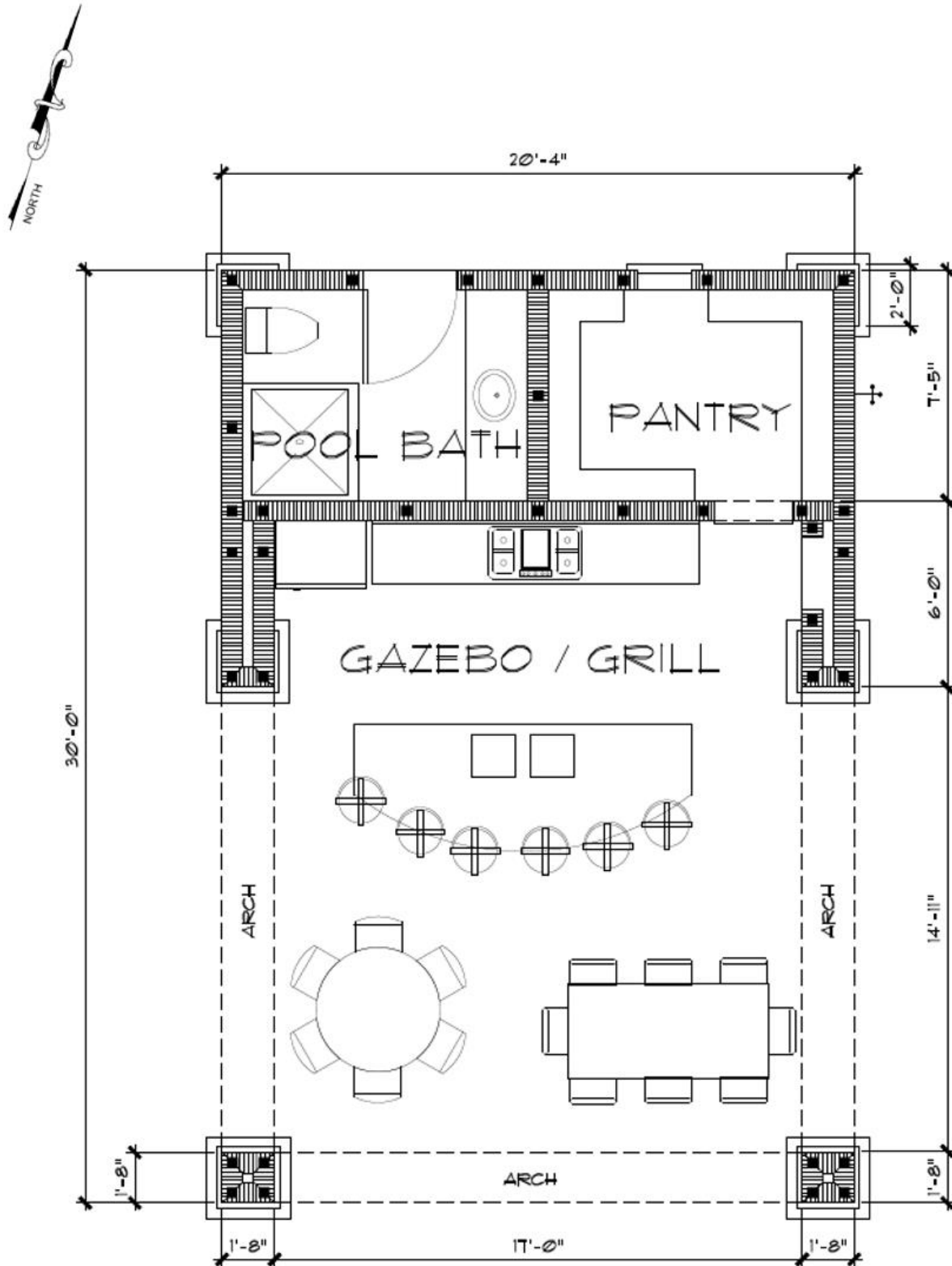
East Elevation



West Elevation



FLOOR PLAN FOR PROPOSED GAZEBO



SITE PHOTOS



Facing southeast from Dora Dr. towards subject property



Adjacent property, facing south across Dora Dr. towards proposed gate house location

SITE PHOTOS



Existing utility building
to be Demolished

Existing house to
be Demolished

Driveway, facing south towards existng utility building and residence



Driveway, facing northwest towards existing shed to be demolished

SITE PHOTOS



Rear yard, facing northeast towards existing rear of residence



Rear yard, facing south from rear of existing residence towards Lake Ola

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 06, 2025**

Commission District: **#2**

Case #: **VA-25-03-002**

Case Planner: **Catherine Glase (407) 836-9615**
Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): BRENDA MARTINEZ

OWNER(s): MMB FRAMING LLC

REQUEST: Variance in the A-1 zoning district to allow a lot width of 88.1 ft. in lieu of a minimum of 100 ft. in width.

PROPERTY LOCATION: 1614 Jeanette St., Apopka, FL 32712, south side of Jeanette St., north of E. Votaw Rd., east of N. Thompson Rd., south of E. Welch Rd., west of N. Wekiwa Springs Rd.

PARCEL ID: 02-21-28-9116-02-220

LOT SIZE: +/- 0.6 acres (+/- 26,435 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 102

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

1. Development shall be in accordance with the lot width dimensions shown on the site plan date stamped February 11, 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 provide any additional information.

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

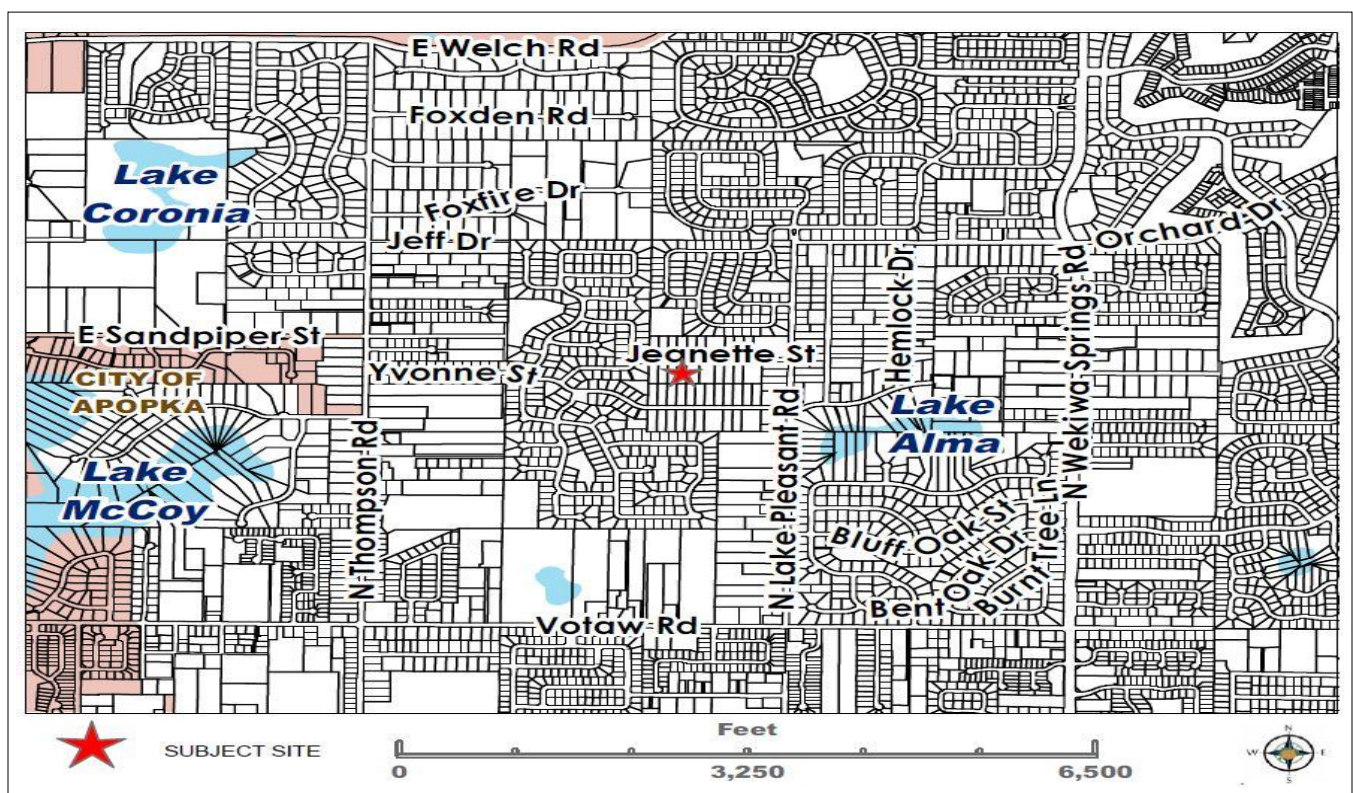
The BZA discussed that the property cannot be developed without the request and there are properties with similar lot widths that were previously granted Variances by the BZA.

The BZA recommended approval of Variance request by a 7-0 vote, subject to the three (3) conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

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

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-1, Citrus Rural district, which primarily allows agricultural uses, nurseries and greenhouses, 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-1 zoning district. Per Comprehensive Plan Policy FLU8.2.5.1, single-family is allowed on a property with inconsistent zoning and Future Land Use Map designations when both designations are residential, the proposed use is single-family detached residential and the property is a Lot of record or a lot created prior to July 1, 1991, through a plat or lot split as recognized by Orange County. The proposal meets the criteria of this Comprehensive Plan Policy, therefore a rezoning is not required.

The area around the subject site consists of single-family homes. The subject property is 26,435 sq. ft. in size, was platted in 1957 as lot 22 in Block B of the Wekiwa Hills Second Addition Plat and is considered to be a substandard lot due to the width of the lot. Per Orange County Code Sec. 38-1401, if two or more adjoining lots were under single ownership on or after October 7, 1957, and one of the lots has a frontage or lot area less than what is required by the zoning district, such substandard lot or lots shall be aggregated to create one conforming lot. The subject lot was in contiguous ownership with lot 21 to the west between 1957 and 1964. As such, the subject lot is not considered a substandard lot of record. The current owners purchased the property in 2020 and demolished the existing single-family home (B24019604) in 2024. The lot is now vacant.

The applicant is proposing to construct a 4,497 gross sq. ft. one-story residence with a covered front entry and a rear covered patio. The A-1 zoning district requires a minimum lot width of 100 ft., the existing lot width is 88.1 ft., 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.	27 ft.
Min. Lot Width:	100 ft.	88.1 ft. (Variance)
Min. Lot Size:	21,780 sq. ft.	+/- 26,435 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	35 ft.	35 ft. (North)
Rear:	50 ft.	+/- 173.5 ft. (South)
Side:	10 ft.	10 ft. (East) 12.48 ft. (West)

STAFF FINDINGS

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 width.

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.

No Special Privilege Conferred

MET – Granting the Variance would not confer special privilege since the surrounding developed properties in the area contain homes on the same or similar sized lot.

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 width will not be detrimental to the neighborhood as the proposed width will be consistent with the majority of the lots in the area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the lot width dimensions shown on the site plan date stamped February 11, 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: Brenda Martinez
635 Burch Ave.
Winter Garden, Florida 34787

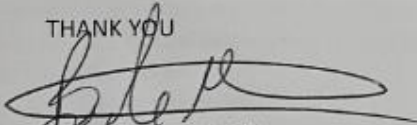
COVER LETTER

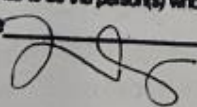
December 11, 2024

TO WHOM IT MAY CONCERN:

I BRENDA MARTINEZ IM SOLIDIFING THE APPROVAL OF THIS VARIANT PROPERTY ADDRESS 1614 JEANETTE ST APOPKA FL 32712. I HAVE INVESTED TIME AND MONEY ON PLANS AND PERMITS TO GET THIS HOME CONSTRUCTED TO START THIS YEAR. I ALSO WANT TO COMMENT THAT WHEN I FIRST BOUGHT PROPERTY THE PREVIOUS OWNER WHO SOLD IT TO ME DID NOT MAKE ME AWARE THAT WE COULD NOT BUILD A NEW HOME INTO THE PROPERTY. IT DID HAVE A HOUSE ALREADY IN THE PROPERTY THAT WE DID DEMOLISH THE HOME SO THAT WE CAN RECONSTRUCT A NEW ONE AND UP TO DATE. WHICH TO WERE I WAS NOT AWARE THAT I WOULD NOT HAVE BEEN ABLE TO CONSTRUCT A NEW HOME IN THE PROPERTY. NOW THAT WE ARE AWARE ON HOW MUCH BIGGER THE PROPERTY IS WE ARE CERTAINING THAT WE CAN CONSTRUCT A BIGGER HOME FOR MY FAMILY. IT WOULD ALSO BRING VALUE AND IT WOULD MAKE THE PROPERTIES AROUND LOOK NICER. IN THIS CASE I HAVE PAID ALREADY GENERAL CONTRACTOR ENGINEER DEPOSITS FOR THE TRUSS COMPANY. THE BUILDING DEPARTMENT HAS ALREADY APPROVED OF FLOOR PLANS. WE ARE AT AHULT BECAUSE OF THE VARIANT. IF YOU CAN PLEASE TAKE INCOSIDERATION AND THANK YOU FOR YOUR TIME. IF YOU HAVE ANY QUESTIONS OR CONCERNS, PLEASE FEEL FREE TO CALL ME AT 321-201-5940.

THANK YOU


BRENDA MARTINEZ

State of FL County of Orange
Subscribed and sworn to (or affirmed) before me on this
11th day of December, 2024 by
Brenda Martinez proved to me on the basis
of satisfactory evidence to be the person(s) who appeared before me.
Notary Signature 



JESSICA GONZALEZ
Commission # HH 382544
Expires February 14, 2027

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.

Our land is around 90' wide and does not reach the 100' width requirement to build a house

Special Conditions and Circumstances exist for this property as the owner will not be able to construct a single family home.

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

No when I bought the property and demolished the old home I wasn't aware I didn't know the square feet had to be 100' in the front

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.

No I would not have special privilege I'm just wanting to build a single family home it would be similar to the homes in the area

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

NA without the approval of the requested variance we the owners will be deprived the ability to construct a single family residence on the parcel

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.

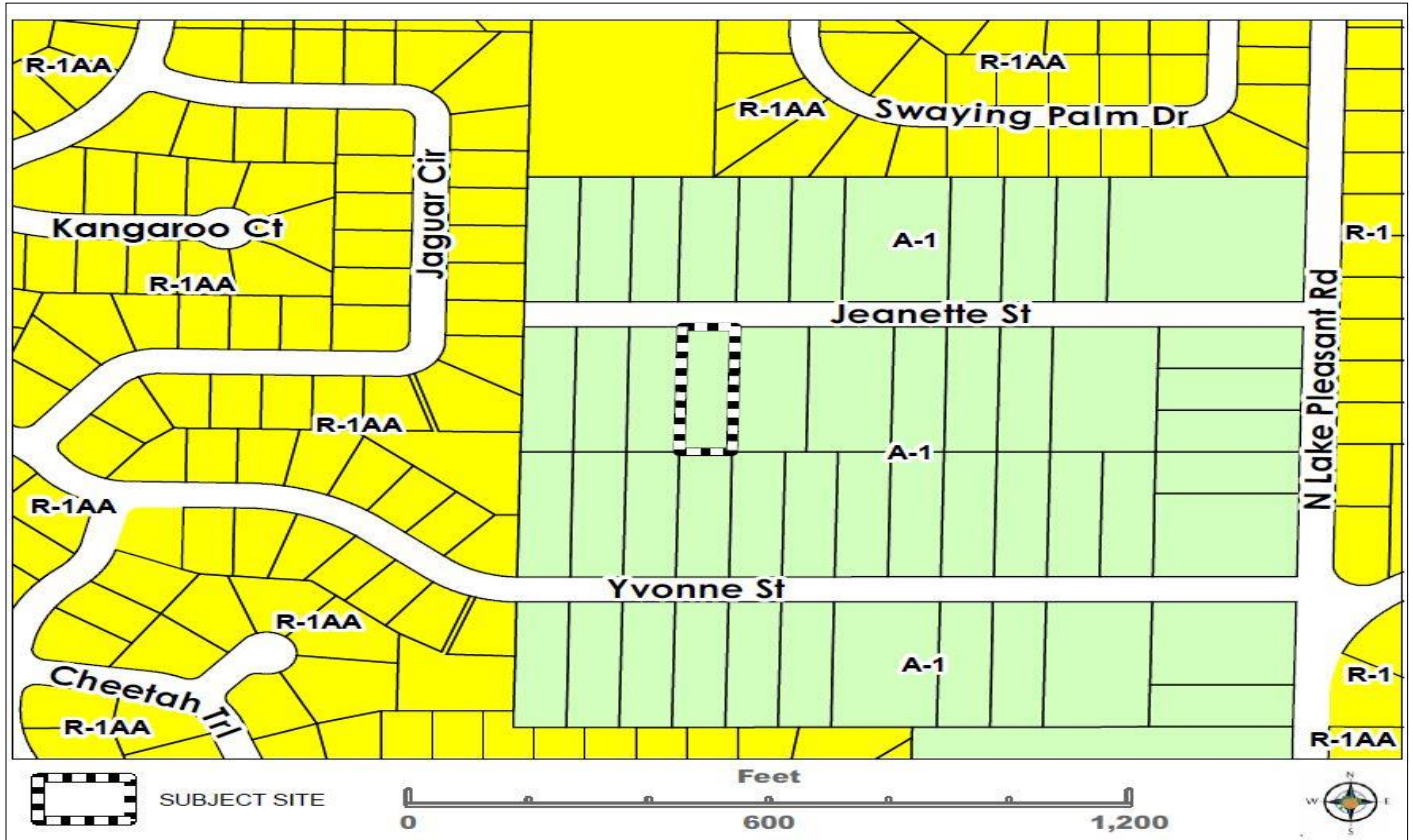
Yes requested variance is the minimum necessary to construct a single family home will meet the setback requirement

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.

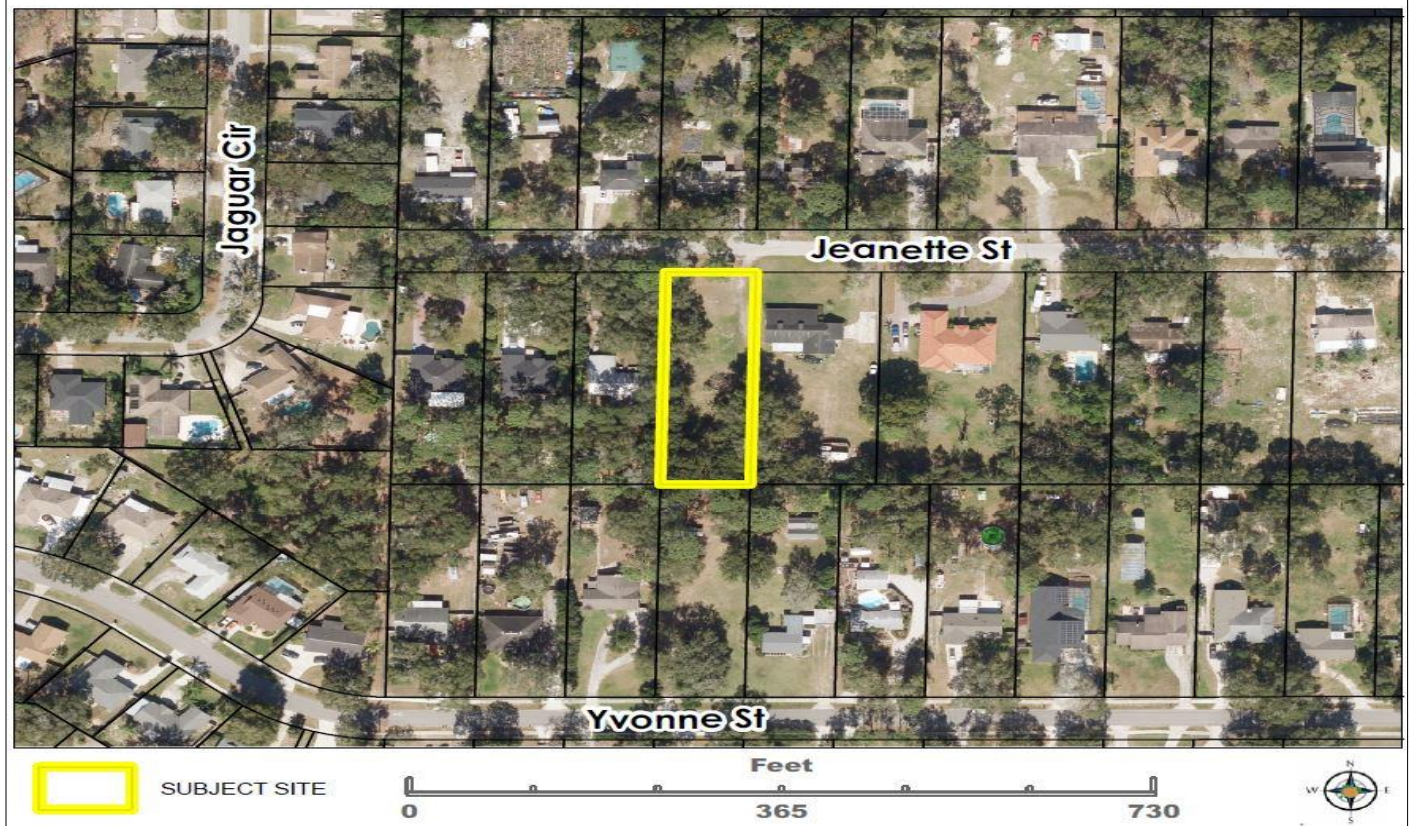
No the approval of this request will be in harmony with the purpose and intent of the which allow to fill development of lawfully constructed residence the lot size as proposed will not be detrimental to the neighborhood as the proposed residence will be consistent with the lots in the area meet all of the code requirement

Revised 10/2024

ZONING MAP

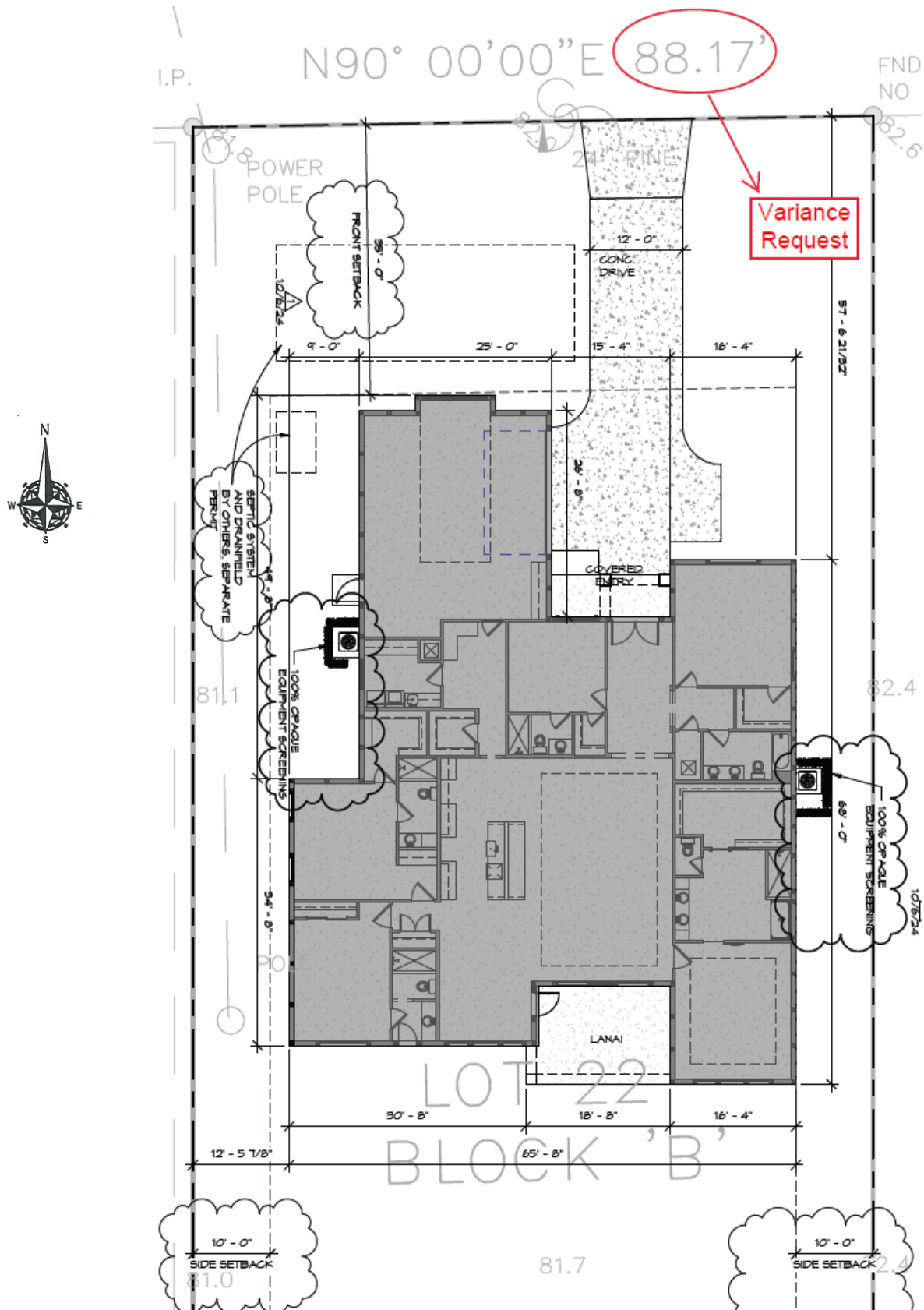


AERIAL MAP





PARTIAL SITE PLAN



SITE PHOTOS



Facing south towards front of subject property from Jeanette St.



Facing southwest towards the neighboring property to the west

SITE PHOTOS



Facing northeast towards the neighboring property to the east



Facing north from the subject lot towards Jeanette St.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 06, 2025**

Commission District: **#1**

Case #: **VA-25-02-145**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): BERNABE VARGAS

OWNER(s): BERNABE VARGAS, LISMARYS CABRERA-VARGAS

REQUEST: Variance in the PD zoning district to allow a pool and deck in the side street yard in lieu of the side or rear yards.

PROPERTY LOCATION: 5261 Lemon Twist Ln., Windermere, FL, 34786, intersection of Lemon Twist Ln. and Citrus Tree Dr., east of Tiny Rd., south of West Lake Butler Rd., west of Winter Garden Vineland Rd., north of Lake Cawood

PARCEL ID: 14-23-27-8393-02-330

LOT SIZE: +/- 0.21 acres (+/- 9,453 sq. ft.)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 142

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 Thomas Moses, Second by Roberta Walton Johnson; unanimous; 7 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Roberta Walton Johnson, Sonya Shakespeare, Chris Dowdy; 0 opposed):

1. Development shall be in accordance with the site plan date stamped February 12, 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 one comment was received in favor and no comments were received in opposition to the request.

The applicant was present and agreed with staff's recommendation adding that had they submitted the application prior to the 2024 code update the pool and deck would have been permitted without the need for the Variance.

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

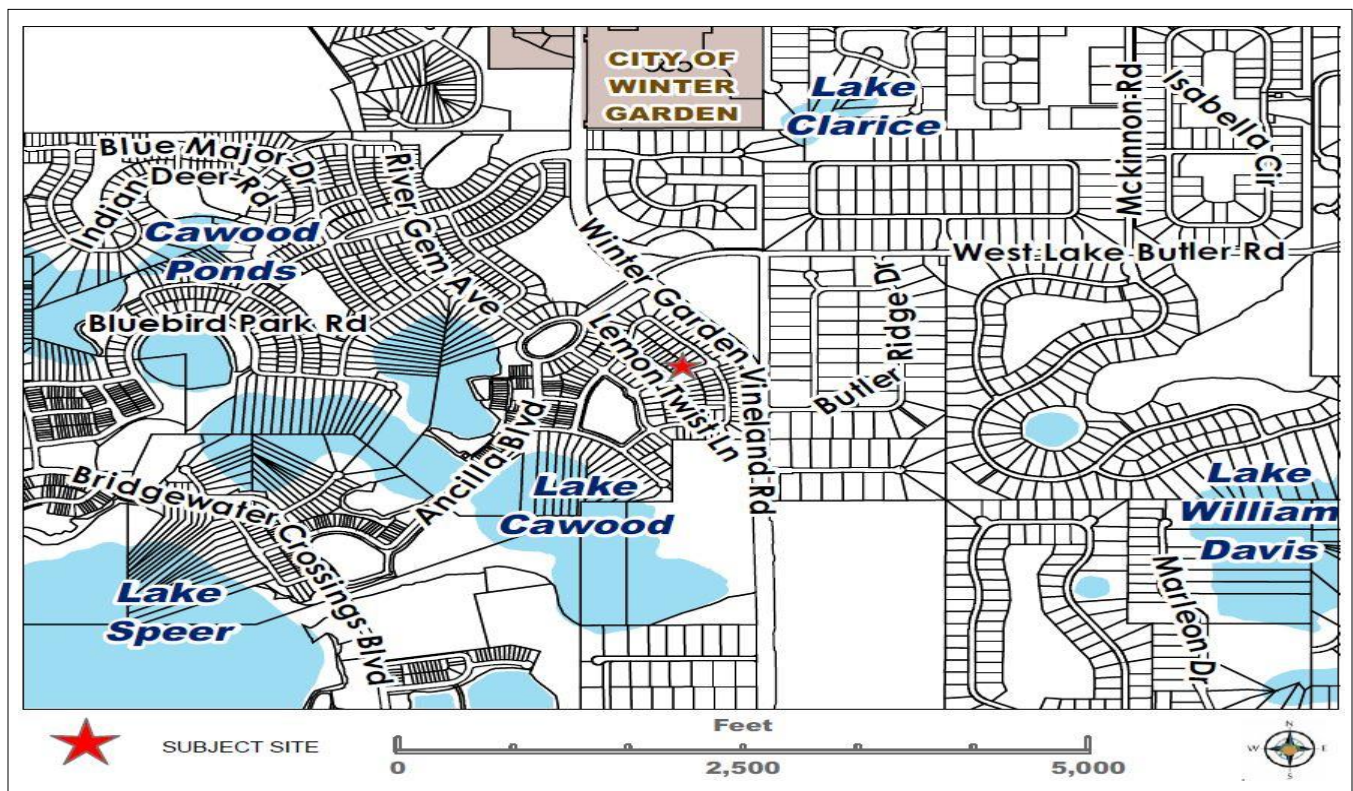
The BZA discussed that the property right-of-way frontage restricts the buildable area for the pool and deck. Additionally, the request is consistent with other properties in the area as there are similar pool and decks in the area that were previously permitted by code.

The BZA recommended approval of Variance request by a 7-0 vote, subject to the three (3) conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Stillwater Crossings and Center Bridge PD	Stillwater Crossings and Center Bridge PD	Stillwater Crossings and Center Bridge PD	Stillwater Crossings and Center Bridge PD	Stillwater Crossings and Center Bridge PD
Future Land Use	Village	Village	Village	Village	Village
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned Planned Development (PD) district, and is located within the CB-1 Garden Home District of the Stillwater Crossings and Center Bridge PD. This section of the PD allows for single-family uses and associated accessory structures. The Future Land Use is Village (V), which is consistent with the PD zoning district.

The area around the subject site consists of single-family homes. The subject property is 9,453 sq. ft., in size, was platted in 2004 as Lot 233 in the Summerport Phase 3 Plat, and is a conforming lot of record. A 10 ft. wide utility easement runs parallel to the front and side street property lines and a 9 ft. wide access, drainage, and utility easement runs parallel to the rear property line. The property is a corner lot with right-of-way along Lemon Twist Ln. to the west, and Citrus Tree Dr. to the south. For residential properties, Code considers the narrow portion of the lot to be the front; as such, Lemon Twist Ln. is considered the front and Citrus Tree Dr. is considered the side street.

The property was purchased by the current owner in 2018, and is developed with a 2-story, 3,554sq. ft. single-family home (B04017977), constructed in 2006. There is a 6 ft. tall fence (F18019341) along the side street property line enclosing a portion of the side street and rear yards.

The applicant is proposing to construct a 1,178 sq. ft. pool and deck within the fenced yard. Section 38-79(10) b. of Orange County Code states that a pool and deck shall not be located in the front yard or side street yard. A portion of the pool and deck are located behind the house in the rear yard which is a code compliant location. The other portion of the pool and deck are proposed to be located between the principal structure and the street right-of-way line, in the side street yard, requiring the Variance request. The proposed structure will comply with all setback requirements and does not encroach into the 10 ft. easement along the front and side street property lines or the 9 ft. easement along the rear property line. The plans provided show an extension of the patio roof which will also comply with all setback requirements and does not require a Variance.

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.

VARIANCE CRITERIA

Special Conditions and Circumstances

MET – The configuration 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 and is of sufficient size.

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.

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 pool and decks 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 of sufficient size.

Minimum Possible Variance

MET – The request is the minimum possible to construct a pool and deck of sufficient size. Additionally, the proposed pool and deck comply with all setback requirements.

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 significantly visible from any of the surrounding properties due to the 6 ft. tall opaque fence surrounding the property, thereby limiting any quantifiable negative impact to the surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped February 12, 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: Bernabe Vargas
5261 Lemon Twist Ln.
Windermere, Florida 34786

My name is Bernabe Vargas, I am writing to you, requesting your help with a Variance application for a Pool project at 5261 Lemon Twist LN, Windermere, FL 34786. I am asking the BZA panel to please take into consideration a pool design that would be built on a setback that is on said property, within my property line. The pool project build on my property if allowed, does not encroach on anyone's property. It is a corner property.

I moved here with My wife and four children in June of 2018 after serving 21 years with the NYC Police department as a Detective. We purchased this home with the vision of being able to Build a pool for the family. After working and saving we were finally ready to make this dream come true. We were told by the Pool Company that the Inspector assigned in Orange County could not pass the plans because of a new rule in the building code that states a pool cannot be built within the set back. We were directed to file a variance for this project with the BZA.

We ask that we would be Grandfathered in as we moved into this home before the change in code. We also are understanding that the landscape would not be changed as past pool projects on homes in the Summerport community have had them built on setbacks. When built on corner properties. Examples provided. The alternative left for new placement after the code change is not feasible for a pool. We humbly ask that you allow us the same allotment as past builds.

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 backyard is the side yard on this property and is already fenced in. Other neighboring properties have

Pools extending into the side yard.

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.

On this property the front, side and rear yard are all in one; the backyard is designated with the fence surrounding it.

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.

Other lands/properties are utilizing their side yard as a backyard with pools built in it.

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.

This property can Not use backyard like other properties located in this neighborhood at:

13628 Ancilla Blvd Windermere, FL 34786, 13608 Ancilla Blvd, Windermere, FL 34786

13674 Ancilla Blvd, Windermere, FL 34786

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 pool location utilizes the minimum space required to safely have a screen roof cover and adequate pool width

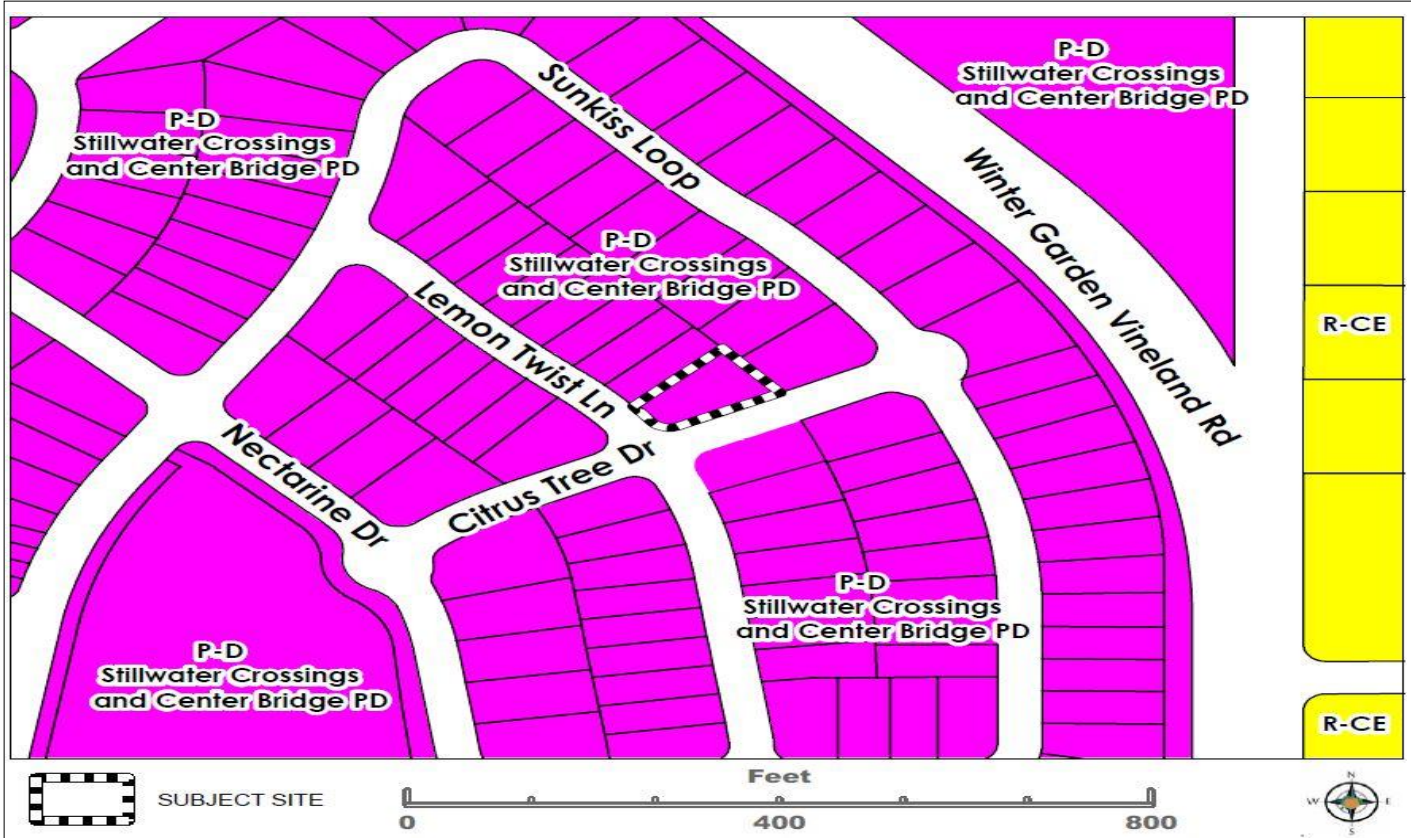
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Pool and elite roof will only use and portion of backyard, Pool location will NOT encroach into any easements

Pool will NOT be visible to any neighboring properties.

*See attached Boundary Survey for reference

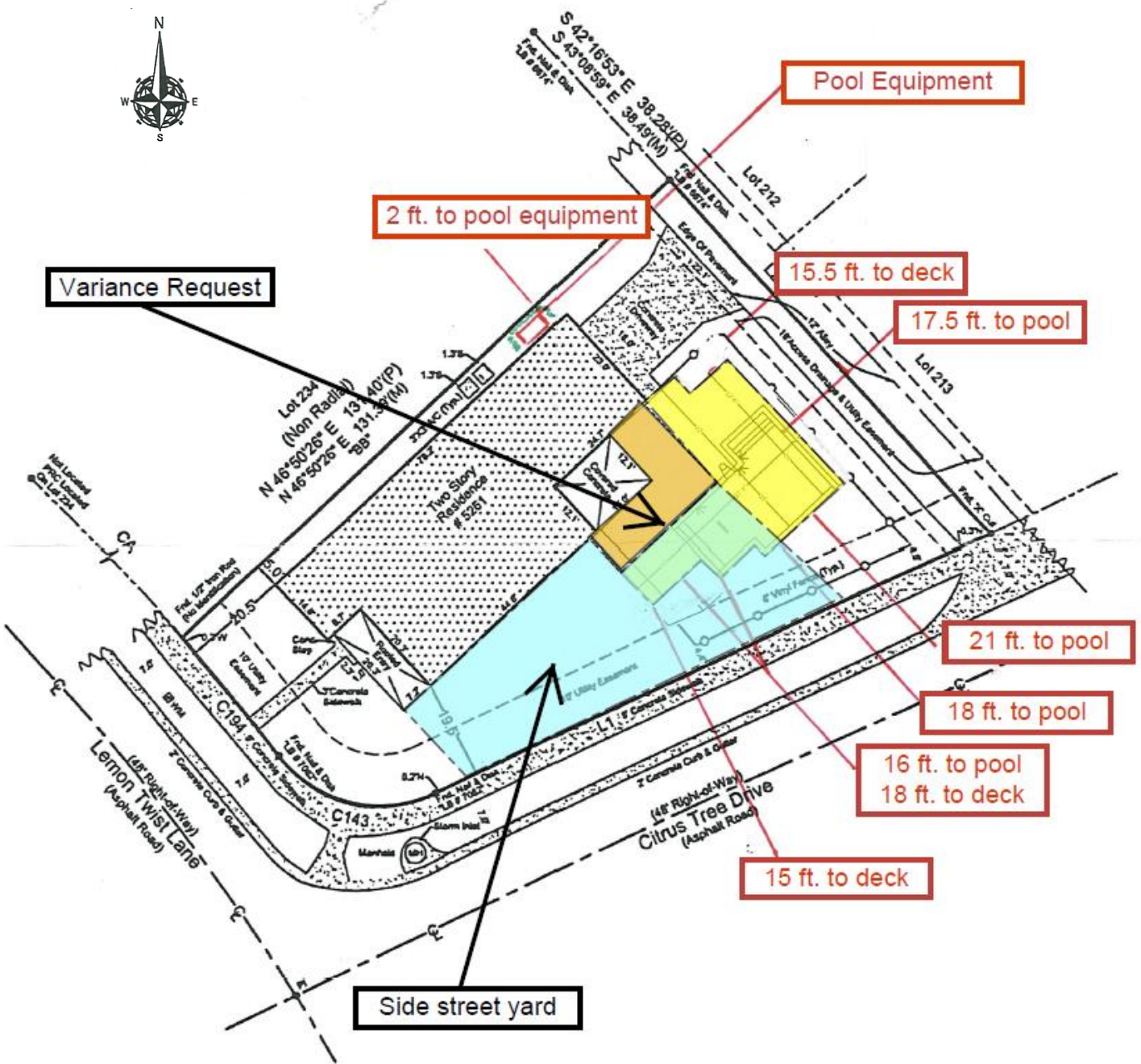
ZONING MAP



AERIAL MAP



SITE PLAN



SITE PHOTOS



Facing east towards front of subject property



January 27, 2025 2:11 PM

Facing northwest towards the side street yard from Citrus Tree Dr.

SITE PHOTOS



Facing south towards the rear of the subject lot from the alley



January 27, 2025 2:09 PM

Facing southeast towards the side street yard

SITE PHOTOS



Facing northwest towards the home from the side street yard



Facing east towards the rear yard and alley

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 06, 2025**

Commission District: **#2**

Case #: **SE-25-02-144**

Case Planner: **Laekin O'Hara (407) 836-5943**
Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MARY SOLIK FOR GULFSTREAM TOWERS LLC

OWNER(s): DEBORAH GOFF, JAMES GOFF

REQUEST: Special Exception and Variance in the A-1 zoning district as follows:

- 1) Special Exception to allow the construction of a 140 ft. high camouflaged monopine communication tower.
- 2) Variance to allow a distance separation of 145 ft. from a single- family residential unit in lieu of 700 ft.

PROPERTY LOCATION: 3820 Yothers Rd., Apopka, Florida 32712, south side of Yothers Rd., west of S.R. 429, east of W. Orange Blossom Trl., north of Windward Hills Blvd.

PARCEL ID: 36-20-27-0000-00-065

LOT SIZE: +/- 1.92 acres

NOTICE AREA: 800 ft.

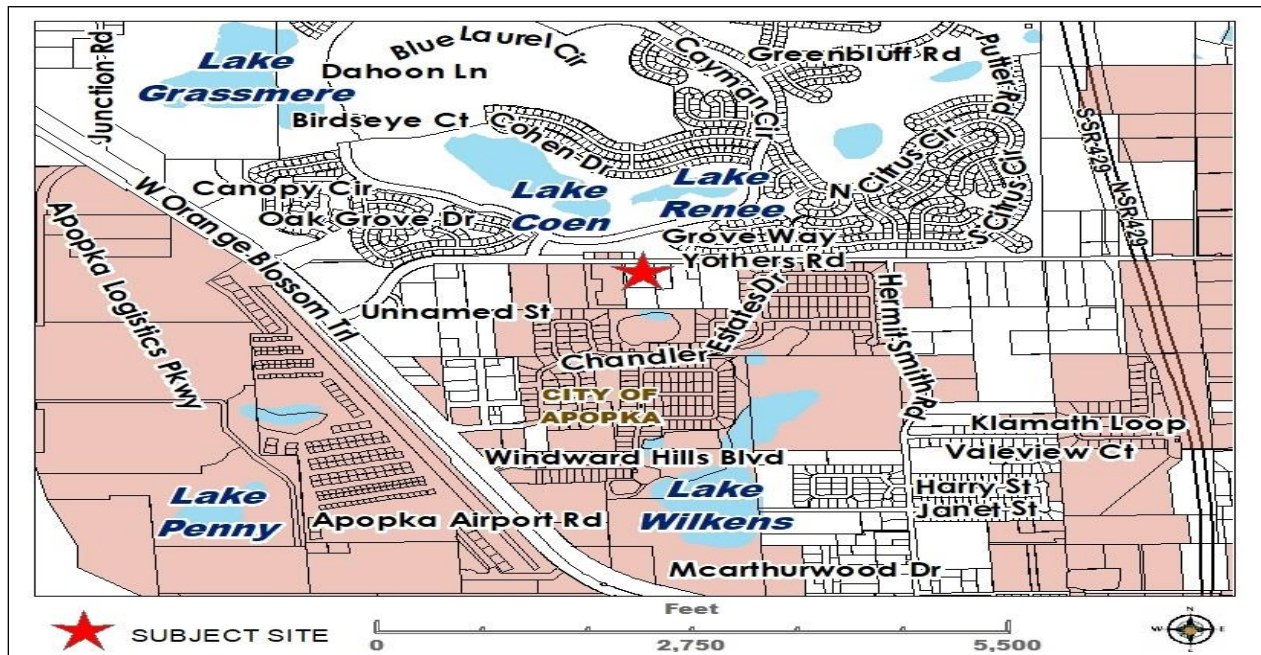
NUMBER OF NOTICES: 109

DECISION: Recommended to **CONTINUE** to the April 3, 2025, BZA Meeting (Motion by John Drago, Second by Chris Dowdy; 7 in favor: Thomas Moses, Juan Velez, Roberta Walton Johnson, Glenn Rubinstein, Sonya Shakespeare, Chris Dowdy, John Drago):

STAFF RECOMMENDATIONS

CONTINUED TO APRIL 3, 2025, BZA MEETING

LOCATION MAP



BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 06, 2025**

Commission District: **#4**

Case #: **SE-25-02-142**

Case Planner: **Laekin O'Hara (407) 836-5943**
Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): MARY SOLIK FOR GULFSTREAM TOWERS LLC
OWNER(s): TANYA NICHOLLS, ANDREW NICHOLLS
REQUEST: Special Exception and Variance in the A-2 zoning district as follows:
1) Special Exception to allow the construction of a 180 ft. high camouflaged monopine communication tower.
2) Variance to allow a distance separation of 464.3 ft. from a single-family residential unit in lieu of 1,260 ft.
PROPERTY LOCATION: S. Lake Mary Jane Rd., Orlando, Florida 32832, east side of S. Lake Mary Jane Rd., west of S. County Road 13, south of TM Ranch Rd., east of Moss Park Rd., north of the Osceola County line
PARCEL ID: 24-24-31-0000-00-019
LOT SIZE: +/- 8.86 acres
NOTICE AREA: 1,500 ft.
NUMBER OF NOTICES: 44

DECISION: Recommended **APPROVAL** of the Special Exception request in that the Board finds it meets the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and, **APPROVAL** of the Variance request in that the Board finds it meets that the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Glenn Rubinstein, Second by Roberta Walton Johnson; 6 in favor: Thomas Moses, Juan Velez, Roberta Walton Johnson, Glenn Rubinstein, Sonya Shakespeare, Chris Dowdy; 1 opposed: John Drago):

1. Development shall be in accordance with the site plan and tower specifications date stamped December 11, 2024, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit for the communication tower shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. The new communication tower shall be designed and constructed to accommodate at least one (1) other service provider.
6. The applicant for a new communication tower shall provide a notarized letter prior to permitting acknowledging that the communication tower is designed and will be constructed to accommodate at least one (1) other service provider.
7. All service providers shall cooperate in good faith with other service providers to accomplish co-location of additional antennas on communication towers which are existing, permitted, or otherwise authorized by Orange County, where feasible.

SYNOPSIS: Staff described the proposal, including the location of the property, the site plan, elevations, landscape plan, and photos of the site. Staff provided an analysis of the eight (8) Special Exception and six (6) Variance criteria and the reasons for a recommendation for approval. Staff noted that no comments were received in favor or in opposition to the application.

The applicant agreed with the staff recommendation.

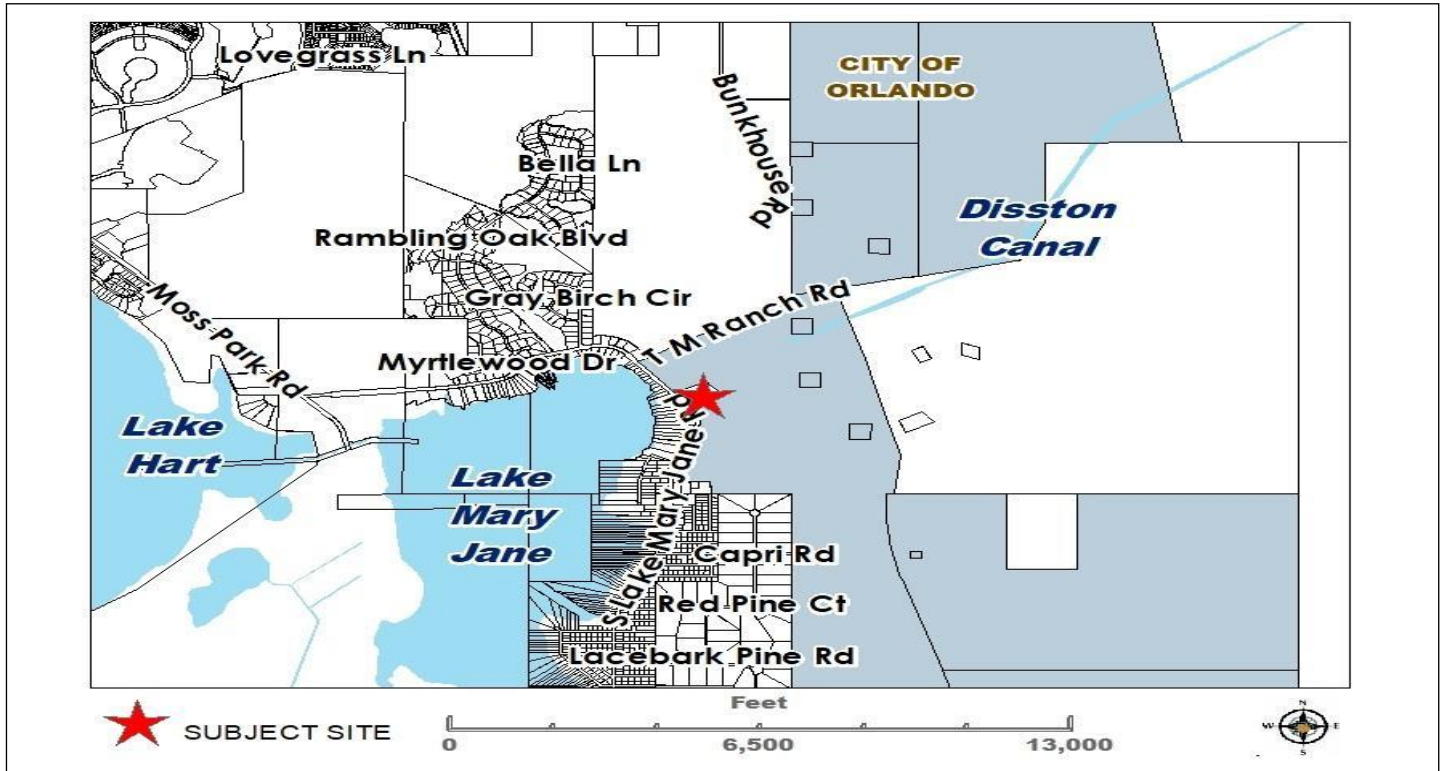
There was no one in attendance to speak about the request.

The BZA discussed the distance separation requirements to the closest residences and the tower's compatibility with the surrounding area. The BZA discussed the code requirements related to camouflaging, and that a letter was provided from the homeowner of the residence with the smallest separation. The appropriateness of the camouflaging was discussed, and ultimately the BZA recommended approval of the Special Exception with a 6-1 vote, subject to the seven (7) conditions in the staff report. Following additional discussion related to the separation and other available processes, the BZA recommended approval of the Variance by a 6-1 vote.

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	City of Orlando	City of Orlando	City of Orlando	A-2
Future Land Use	R	City of Orlando	City of Orlando	City of Orlando	Lake Mary Jane Rural Settlement RS 1/1
Current Use	Single-family Residential, Farm	Vacant	Vacant	Vacant	Single-family Residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-2, Farmland Rural district, which primarily allows agricultural uses, nurseries and greenhouses, as well as mobile homes and single-family homes on larger lots. A monopole communications tower is permitted by right or by Special Exception in the A-2 zoning district, depending on whether or not it meets a variety of requirements. The Future Land Use is Rural (R), which is consistent with the A-2 zoning district.

The subject property is 8.86 acres in size and is a conforming lot. The property consists of several buildings and accessory structures utilized for the existing farm operation which were constructed under the agricultural exemption. The property is bounded on the north, south, and east sides by vacant land which was annexed into the City of Orlando in May of 2024. There is no City Zoning (NCZ) assigned to that property. To the west of the site there are single-family residences across S. Lake Mary Jane Rd which are located within the Lake Mary Jane Rural Settlement.

The subject request is to erect a 180 ft. high camouflaged monopine communication tower, designed for multiple carriers and colocation opportunities, located 464.3 ft. from the nearest single-family residential unit. The existing chicken coop is proposed to be removed or relocated prior to the installation of the communication tower.

Orange County Code Section 38-1427 provides performances standards for communication towers, including but not limited to, separation from off-site uses and distance separation between communication towers. Additional conditions related to permitted towers and those requiring a Special Exception are found in Section 38-79, under Conditions 32 and 143. Condition 32 allows a communication tower by-right in agriculturally and residentially zoned lands not located within a Rural Settlement. Condition 143 allows a monopole up to 170 ft. in height by right if there is co-location and distance separations are met, otherwise a Special Exception is required. As the proposed tower is greater than 170 ft. in height, a Special Exception is required. In addition to this, the off-site distance separation requirements are not met, which would also require a Special Exception. Although it is being designed for colocation opportunities, the proposed tower will have no colocation at the time of installation.

The proposed monopole tower complies with the required performance standards pertaining to setbacks, landscaping for the tower and the distance separation from the nearest tower. It is 4.35 miles (22,968 ft.) from the nearest existing monopole communication tower where a minimum of 3,500 ft. is required. However, the tower is proposed to be located 464.3 ft. from the nearest off-site single-family residential unit, where a minimum separation of 1,260 ft. is required, resulting in the request for Variance #2. In addition to this residence, which is owned by the same owners of the subject site, there are four (4) other residences located along Lake Mary Jane Rd. that the proposed tower would not meet the distance separation from.

Proposed off-site Distance Separation

Address	Use	Required Distance	Proposed Distance
12408 S. Lake Mary Jane Rd.	Single-family residential	1,260 ft.	1,007.83 ft.
12422 S. Lake Mary Jane Rd.	Single-family residential	1,260 ft.	1,113.5 ft.
12454 S. Lake Mary Jane Rd.	Single-family residential	1,260 ft.	1,128.75 ft.
12510 S. Lake Mary Jane Rd.	Single-family residential	1,260 ft.	1,092 ft.

Section 38-1427(d)(2)(c) allows the Zoning Manager to reduce the distance separations when notarized written consent is obtained from those affected property owners within the applicable separation distance. The owners of the single-family residence located at 12421 S. Lake Mary Jane Rd. provided a letter of consent for the proposed communication tower to be located within 468 ft. of their residence. This distance of 468 ft. is also noted in the applicant's cover letter, however, the plans identify a closer distance of 464.3 ft. which is what was advertised.

Letters of consent from the owners of the other four (4) properties have not been received, therefore, the Variance request would be required for the distance separation.

Section 38-1427(n)(6) allows for the distance separation to be reduced by half by the BZA when it is determined that the camouflaging agent is compatible with the surrounding area. The BZA's support of the proposed camouflaging agent would reduce the required residential distance separation from 1,260 ft. to 630 ft., thereby eliminating the need for the request for all but one residence, which submitted the letter of consent.

On Tuesday, February 18, 2025, a Community Meeting was held at Moss Park Elementary School to allow for input. The meeting was attended by the applicant, County staff, and 5 citizens. The citizens asked questions about maintenance and access of the site, and about which providers would be on the tower. The applicant provided context for the environmental factors and the chosen camouflaging agent. The residents agreed that the tower blends in and were supportive of the request. The meeting tone was generally positive.

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

Communication Tower Development Standards

	Code Requirement	Proposed
Max Height:	170 ft. by right, greater via Special Exception	180 ft. (Special Exception)
Front: S. Lake Mary Jane Rd.	35 ft.	656.16 ft.
Rear:	50 ft.	70 ft.
Side:	10 ft.	370.83 ft (North) 223.33 (South)

Communication Tower Distance Separation Standards

	Code Requirement	Proposed
Tower Separation:	3,500 ft.	4.35 miles (22,968 ft.)
Residential Use Separation:	1,260 ft.	464.3 ft. (Variance)

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. The request meets all the criteria. Therefore, staff is recommending approval of the Special Exception 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.

SPECIAL EXCEPTION CRITERIA FOR COMMUNICATION TOWERS

This request has been assessed based upon the six Special Exception criteria as set forth in Section 30-43(2) as well as the two additional criteria as set forth in Section 38-1427(n)(7) and as such staff recommends approval of the request.

Consistent with the Comprehensive Plan

MET - The provision of telecommunication towers as conditioned through the Special Exception process is consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

MET - The new communication tower will be located at the rear portion of the property farthest from the adjacent residential uses, over 464.3 feet from the nearest residential use, and over 4.35 miles from the nearest communication tower. It will be similar and compatible with the surrounding uses in the area since the proposed tower location is on a portion of the site that will minimize adjacent visual impacts.

Shall not act as a detrimental intrusion into a surrounding area

MET - The proposed communication tower will be completely surrounded by the existing agricultural uses and will not negatively impact the surrounding area since the closest residences are the home of the subject site's owners and the other homes are located across the 100 ft. wide Lake Mary Jane right-of-way, and therefore should be located at an adequate distance to minimize visual impacts and as such will not be a detrimental intrusion to the surrounding area.

Meet the performance standards of the district

MET - With the approval of the requested Variance, the proposed communication tower will meet the performance standards of the district.

Similar in noise, vibration, dust, odor, glare, heat production

MET - The proposed monopole tower will not generate noise, vibration, dust, odor, glare, or heat that is not similar to the existing agricultural uses in the surrounding area.

Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code

MET - The proposal will comply with the required landscape buffer yards.

Aesthetic Impact. View of a tower that is not camouflaged. Aesthetic impact shall take into consideration, but not be limited to, the amount of the tower that can be viewed from surrounding residential zones in conjunction with its proximity (distance) to the residential zone, mitigation landscaping, existing character of surrounding area, or other visual options proposed.

MET - The tower is proposed to be located over 656 ft. from the nearest public right-of-way. The area surrounding the proposed tower location has an existing vegetative buffer that will limit the visibility from adjacent properties, further impacted by the camouflaging provided. Furthermore, as affirmed by the visuals

provided by the photo simulation, the tower location relative to the proximity of the closest residences, will have a limited aesthetic impact.

Compatibility. The degree to which the proposed tower is designed and located is compatible with the nature and character of other land uses and/or with the environment within which the tower proposes to locate.

MET - The proposed tower will be placed and designed to assist with mitigating the overall aesthetic impact of a tower and will be camouflaged to provide compatibility with the surrounding vegetation.

VARIANCE CRITERIA

Special Conditions and Circumstances

MET - The special condition and circumstances are the lack of other opportunities to locate a tower on the proposed property without the need for a Variance. Further, the closest residence is owned by the subject site's property owners, and the next closest are homes located across the 100 ft. wide public right-of-way, minimizing any potential visual impacts.

Not Self-Created

MET - The request is not self-created since the applicant is not responsible for the location, size and configuration of adjacent residences.

No Special Privilege Conferred

MET - Granting the Variance as requested will not confer special privilege, as communication towers are permitted in the zoning district, and the applicant is not responsible for the location, size and configuration of adjacent residences.

Deprivation of Rights

MET - Without the requested Variance, the owner would be deprived of the ability to erect a communication tower on the site in an appropriate location to minimize adjacent visual impacts.

Minimum Possible Variance

MET - The requested Variance is the minimum possible to allow the installation of a maximum 180 ft. high tower while meeting all other performance standards for the district.

Purpose and Intent

MET - Approval of the requested Variance will 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 tower will not be detrimental to the area, as affirmed in the visuals provided by the photo simulation.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and tower specifications date stamped December 11, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit for the communication tower shall be obtained within 3 years of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. The new communication tower shall be designed and constructed to accommodate at least one (1) other service provider.
6. The applicant for a new communication tower shall provide a notarized letter prior to permitting acknowledging that the communication tower is designed and will be constructed to accommodate at least one (1) other service provider.
7. All service providers shall cooperate in good faith with other service providers to accomplish co-location of additional antennas on communication towers which are existing, permitted, or otherwise authorized by Orange County, where feasible.

C: Mary D. Solik, Esq.
121 S. Orange Ave., Suite 1500
Orlando, Florida 32801

GULFSTREAM TOWERS, LLC: FL151 SUNBRIDGE PARKWAY

Project Narrative

Gulfstream Towers, LLC proposes the construction of a 180' Monopine Telecommunications Facility (175' Monopine Tower with a 5' Lightning Rod) on property located on S Lake Mary Jane Road, Orlando, FL 32832. The 8.86 acre parent parcel is owned by Andrew & Tanya Nicholls. The parent tract is improved of various outbuildings supporting a horse farm. Mr. & Mrs. Nicholls also own the 1.14 acre outparcel associated with the parent tract which has been carved out by the Property Appraiser as the Nicholls' homestead. The subject property has a FLU designation of Rural/Agricultural and is zoned A-2. Telecommunications Towers are permitted as a Special Exception use in A-2 zoning.

The Site plan submitted with the applications demonstrates that the Proposed Telecommunications Tower meets all performance criteria for telecommunications towers set forth in Section 38-1427, Orange County LDC. More specifically the following criteria are met:

- The Proposed Tower meets the Zoning District setbacks.
- The Proposed Tower meets the tower to tower separation requirements. The closest offsite tower is located more than 4 miles from the Proposed Tower.
- The standard setback from residential structures for a 180' tower is 1260'. The Proposed Tower has been designed as camouflage structure, a Monopine, which qualifies it for a 50% setback reduction from any offsite residential structure. The Proposed Tower is 468' from the closest residential structure which is the Nicholls' homestead to the southeast. The Nicholls have signed a Notarized Consent to the Reduced Separation requirement.
- No tower lighting is proposed.
- Code compliant landscaping is proposed for the base of the Proposed Tower.
- The Proposed Tower will be designed to accommodate 4 users.

SPECIAL EXCEPTION CRITERIA

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

The Proposed Tower, if approved as a special exception, is 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.

The surrounding development is primarily vacant, heavily forested land. The location of the Proposed Camouflage Tower is consistent with the existing pattern of development.

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

The Proposed Camouflaged Tower is located in the rear of an 8.84 acre parcel, minimizing the view from Lake Mary Jane Road and residential development on the west side of Lake Mary Jane Road. The Proposed Tower will provide expanded wireless service and enhance E911 coverage to the area.

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

The Proposed Tower meets all of the performance standards for towers set forth in Section 38-1427.

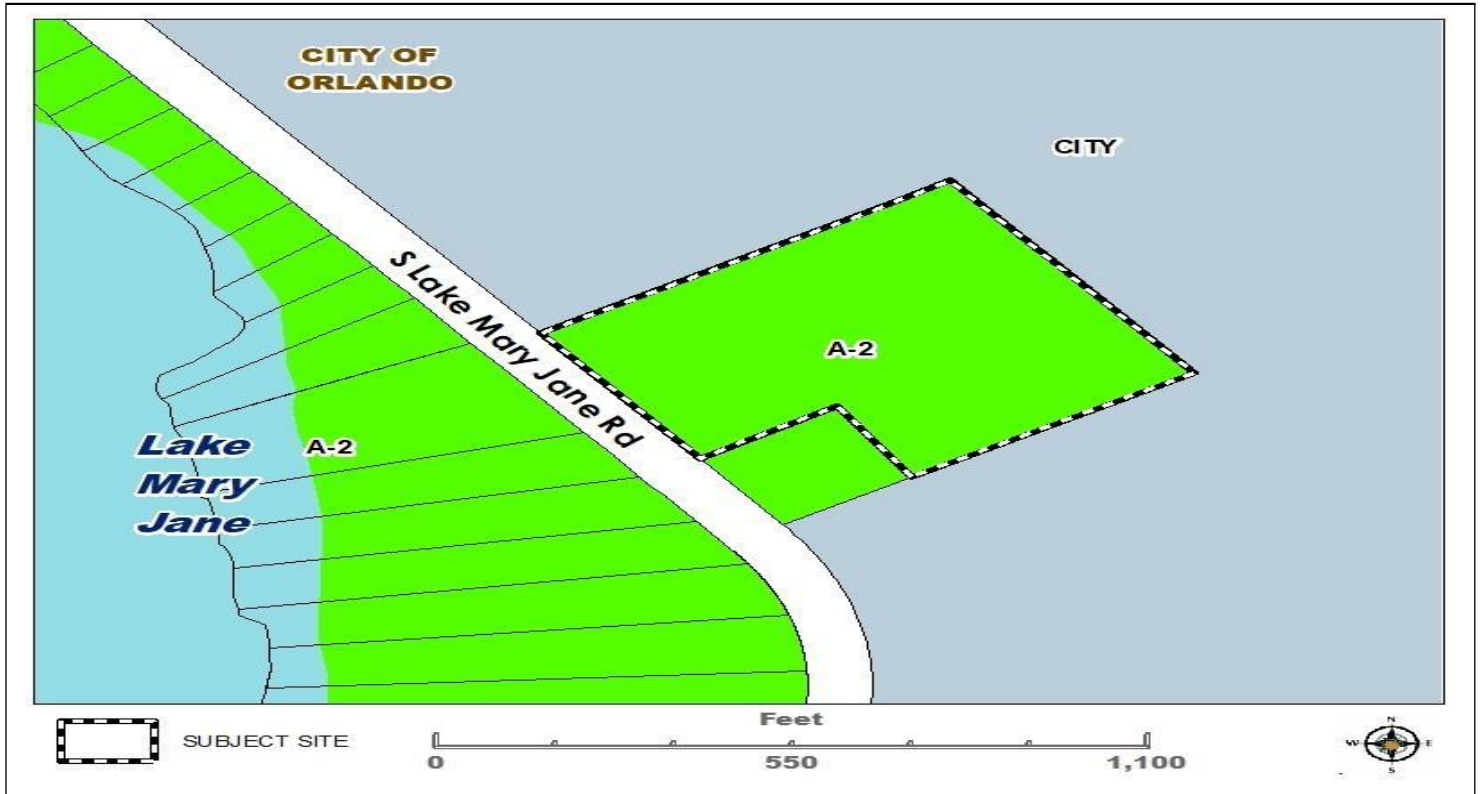
5. The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district.

The Proposed Tower does not produce noise, vibration, dust, odor, glare, or heat.

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.

All code required landscaping has been included in the Site Plan.

ZONING MAP

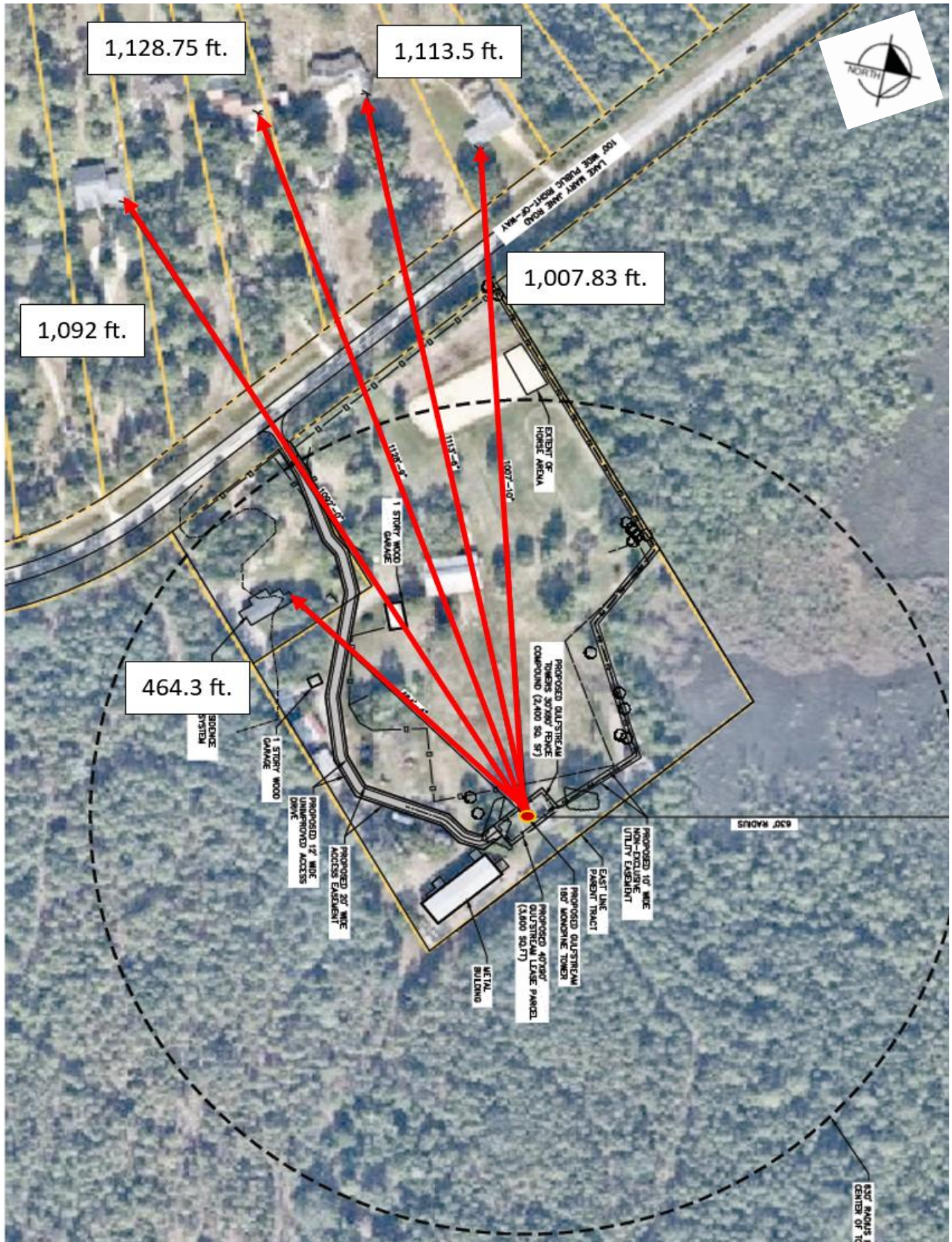


AERIAL MAP

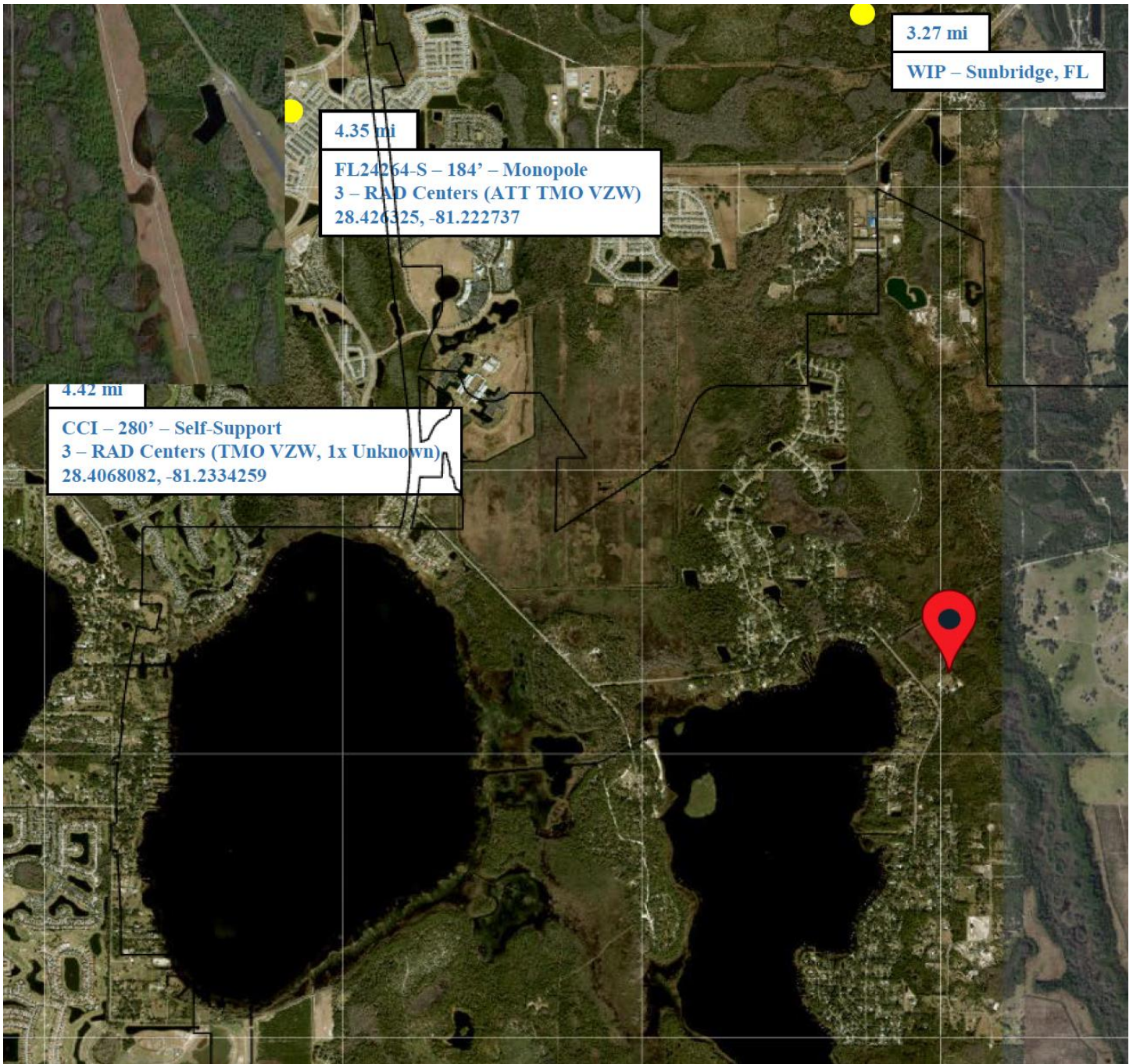


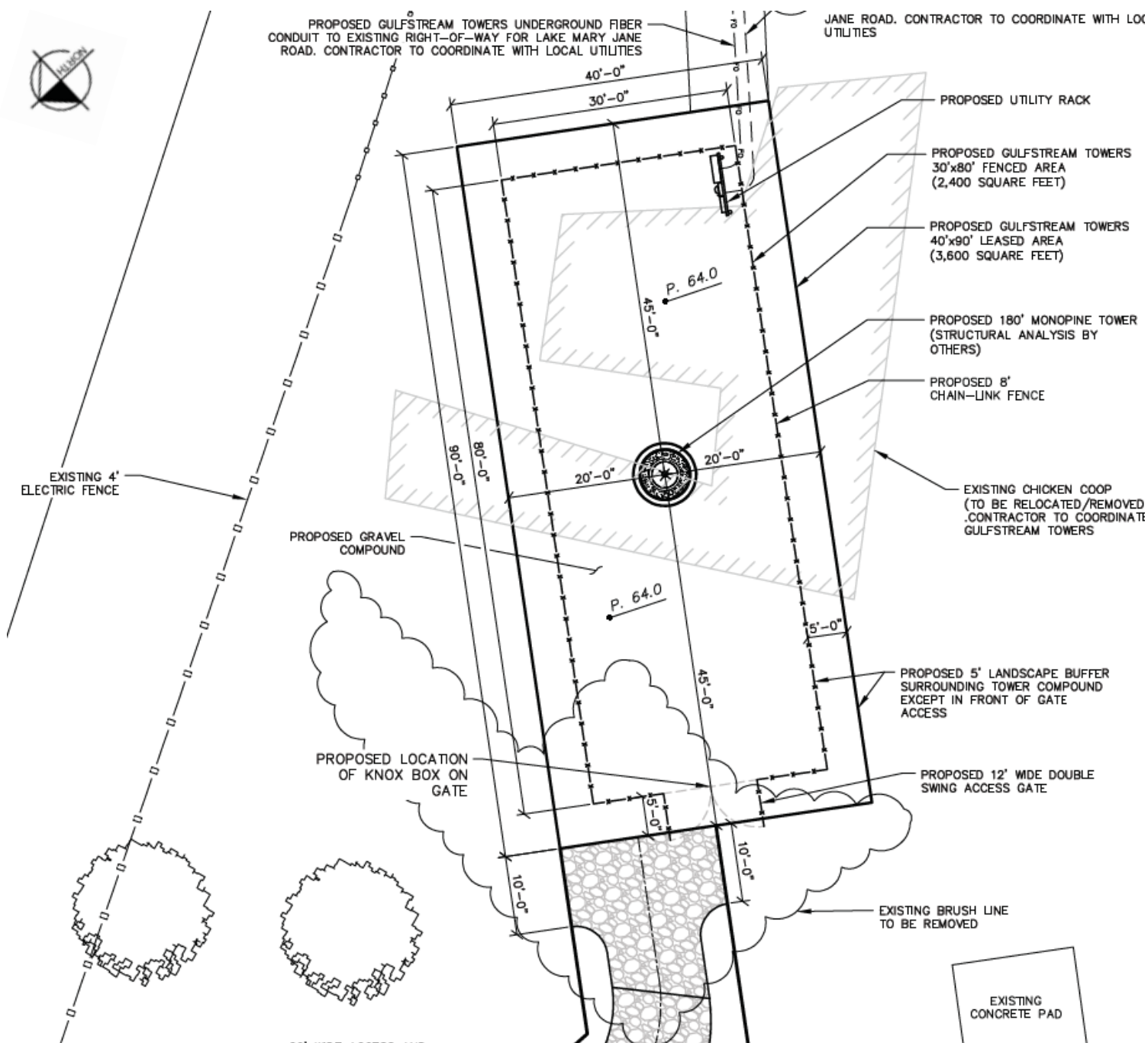
Recommendations Booklet Page | 83

OVERALL RESIDENTIAL DISTANCE SEPARATION

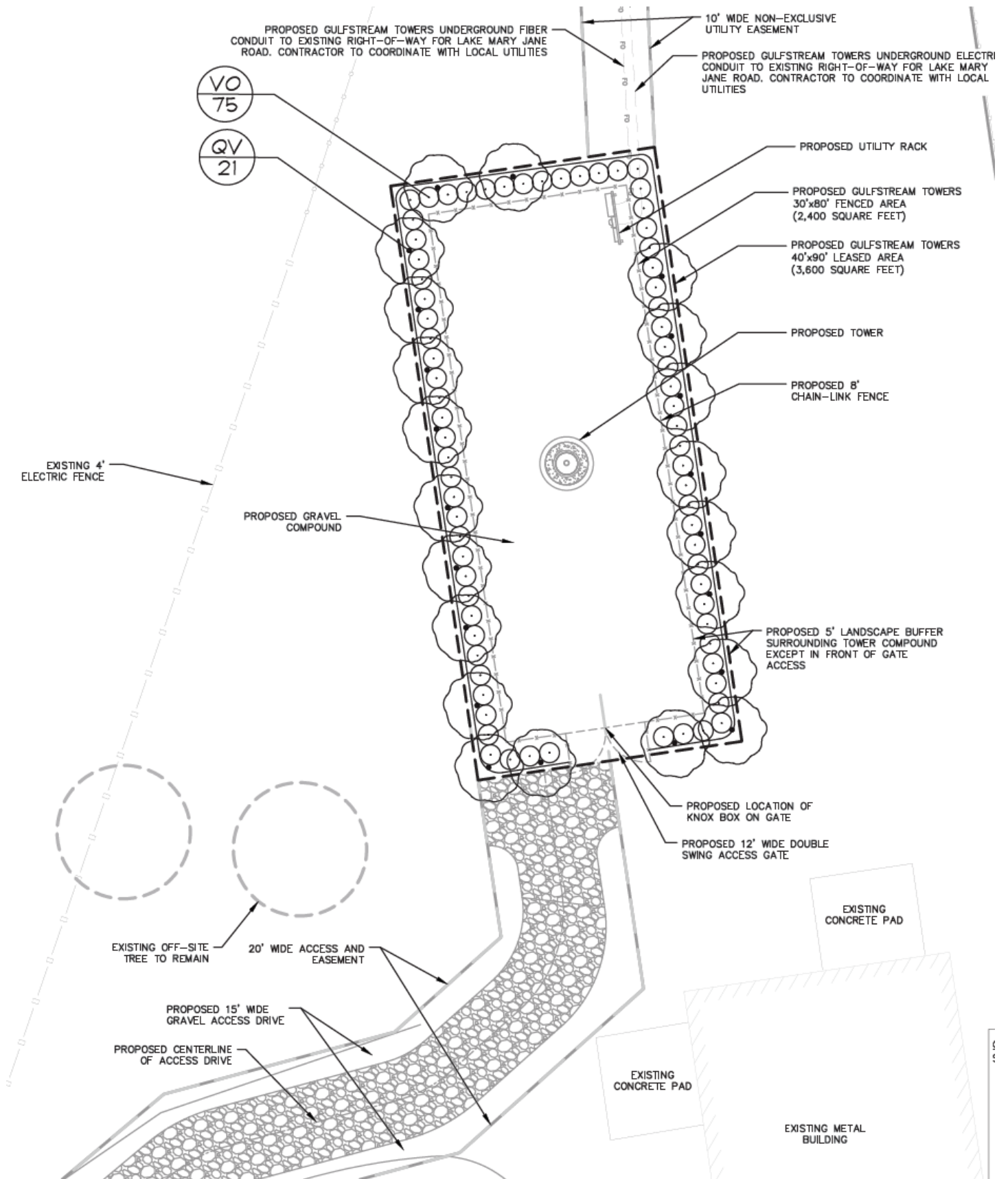


DISTANCE SEPARATION TO NEAREST TOWER

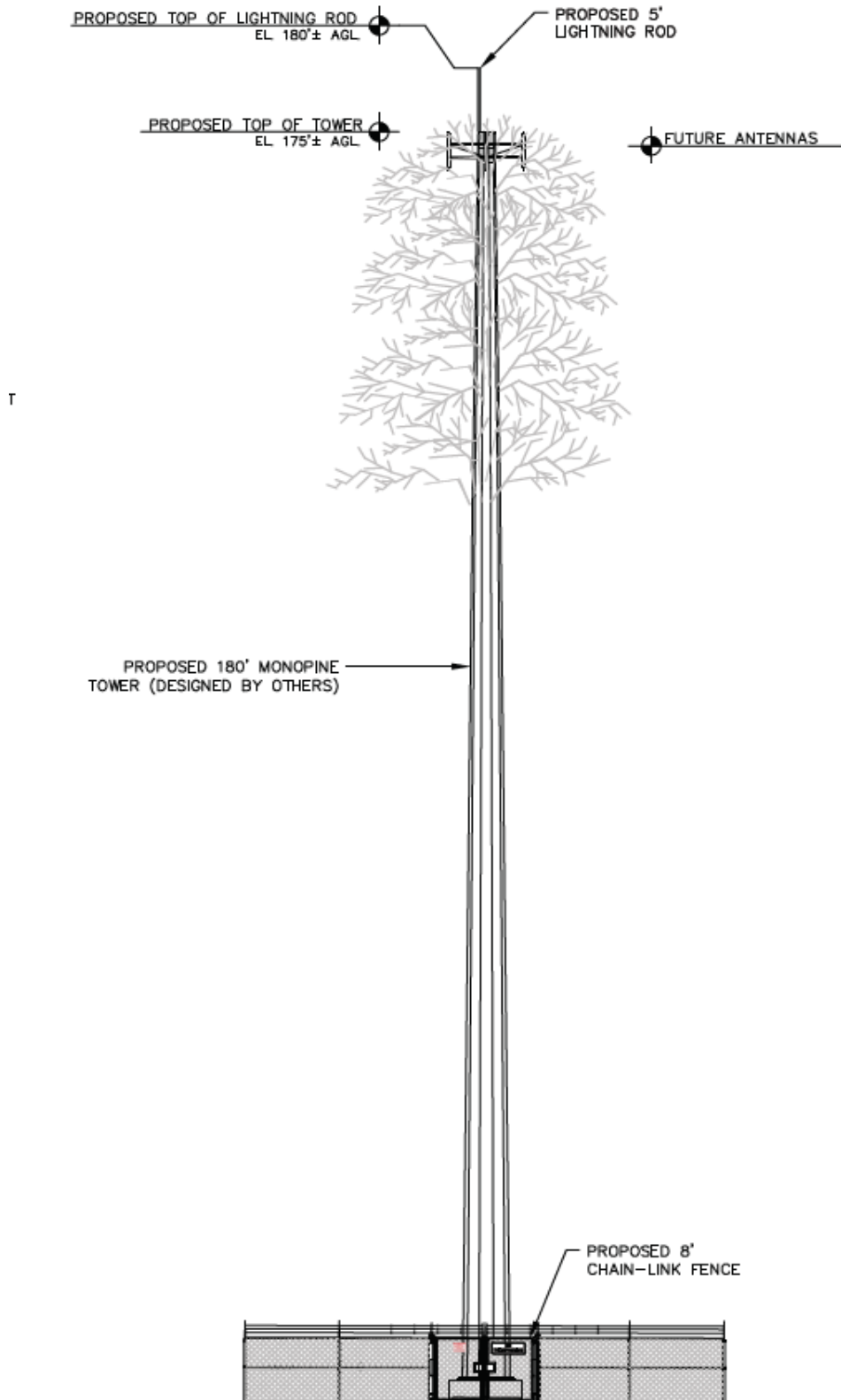




TOWER LEASE AREA LANDSCAPE PLAN



TOWER ELEVATION



TOWER ELEVATION
N.T.S.



Looking east from S. Lake Mary Jane Rd.



Looking northeast from the intersection of Lake Mary Jane Rd. and Penney Way

SITE PHOTOS



Front of property facing east from S. Lake Mary Jane Rd.



From internal drive facing northeast towards proposed tower location

SITE PHOTOS



Facing north towards proposed tower location; adjacent to metal building



Facing west towards S. Lake Mary Jane Rd.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 06, 2025**

Commission District: **#3**

Case #: **SE-25-02-151**

Case Planner: **Laekin O'Hara (407) 836-5943**

Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): ALEXIS ALTIER FOR CAMP ORANGE

OWNER(s): 4201 ORLANDO INC

REQUEST: Special Exception in the C-1 zoning district to allow a residential care center.

PROPERTY LOCATION: 4201 S. Orange Blossom Trl., Orlando, Florida 32839, east side of S. Orange Blossom Trl., west side of Lake Holden, south of I-4, west of S. Orange Ave., north of Holden Ave.

PARCEL ID: 10-23-29-0298-00-010

LOT SIZE: +/- 3.08 acres

NOTICE AREA: 1,200 ft.

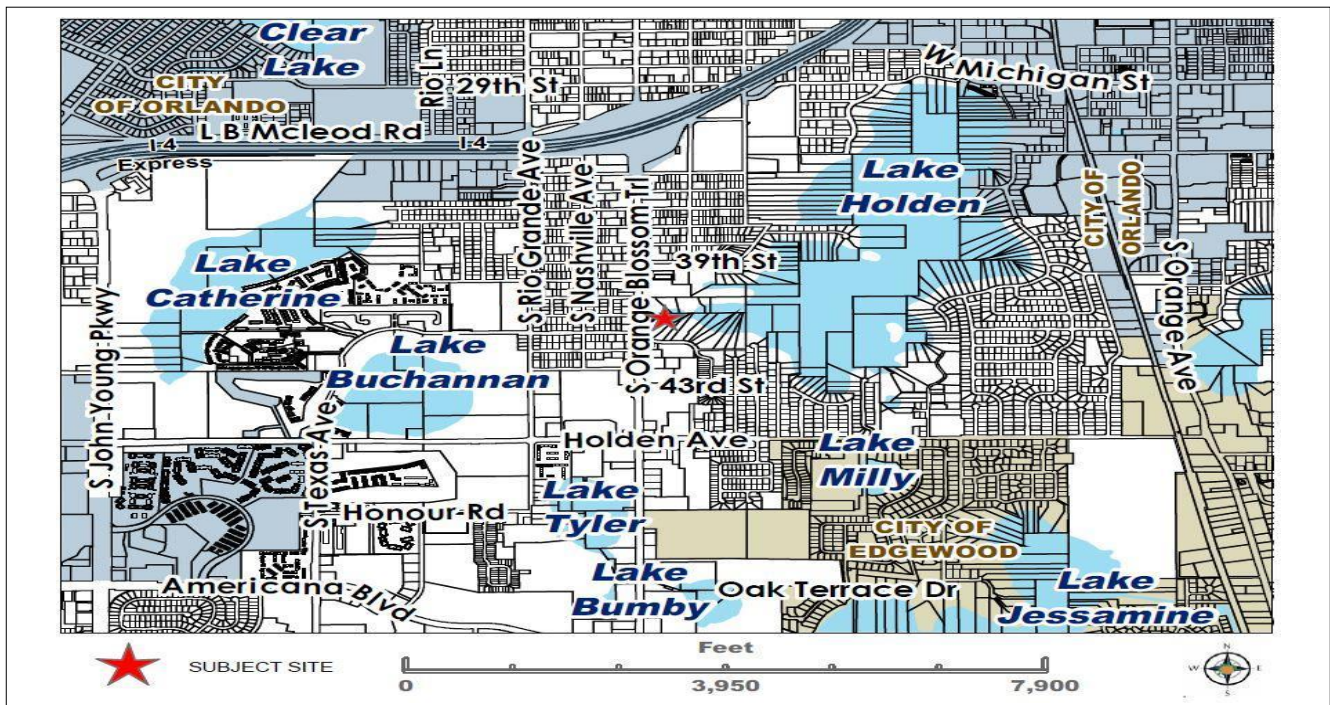
NUMBER OF NOTICES: 387

THIS ITEM WAS CONTINUED AT THE REQUEST OF THE APPLICANT

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	C-1 / R-1AA (Lake Holden)	C-1	RSTD C-2 / C-1	R-1AA (Lake Holden)	C-1
Future Land Use	C / LDR (Lake Holden)	C	C	WB/LDR (Lake Holden)	C
Current Use	Vacant Buildings	Retail	Auto Repair / ATM	Vacant retention / Lake Holden	Retail / Gas Station

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned C-1, Retail Commercial District, on the upland portion of property, and R-1AA Single Family Dwelling district on the Lake Holden submerged portion of property. The C-1 Zoning District allows for restaurants, retail stores, offices and various other commercial businesses. The use of the property for a residential care center is permitted in the C-1 Zoning district through the Special Exception process. The upland portion of property has a Future Land Use of Commercial (C), which is consistent with the C-1 zoning district.

The subject property is an existing 3.08 acre lakefront lot with frontage along S. Orange Blossom Trl. and 43rd St., and abuts another lot with frontage along S. Orange Blossom Trl. The rear portion of the property is submerged under Lake Holden. The lot is adjacent to a County owned parcel along 43rd St. to the east and is otherwise surrounded by commercial development along S. Orange Blossom Trl. and some single-family residential along Lake Holden.

The site is currently developed with four (4) commercial buildings, which were previously used for hotel use and are currently vacant, and associated surface parking areas. Buildings #2, #3, and #4, as identified on the site plan are all two-stories, and Building #1 is three-stories. The Orange County Property Appraiser site identifies the buildings as having been constructed in 1960. For any building permits that have been issued by Orange County, with subsequent inspections and Certificates of Occupancy for existing improvements, it is assumed said improvements met applicable minimum development requirements at the time said permits were issued. No new improvements are proposed to the existing structures or parking area, therefore the site is considered to be in compliance with Code.

The request is to utilize the existing buildings for providing services to the community that would fall under the Residential Care classification. The intent is to have the services offered in three phases, beginning with providing housing for the homeless, then providing on-site clinical services, and then finally community-style housing with integrated clinical services. Establishments primarily engaged in the provision of residential social and personal care, including alcohol and drug rehabilitation centers, halfway homes, and homes for the destitute, all fall under the Standard Industrial Classification of 8361: Residential Care. In the C-1 Zoning district, Residential Care is permitted via Special Exception. The other uses in support of the residential care, including the outpatient therapy and administrative offices, are all outright permitted uses in the C-1 zoning district, and therefore do not require any action by the Board of Zoning Adjustment.

The use of the existing buildings is proposed as follows:

- Building #1: 15 apartments with a maximum of 30 residents (2 beds per apartment) and up to 6 members of staff split between two shifts.
- Buildings #2 & #4: Additional housing with outpatient care for up to 48 residents and 8 staff members split between two shifts. The proposed use is 24/7.
- Building #3: Apartment style housing with clinical services – residential service consisting of 12 rooms with a maximum of 24 beds and 4 staff members split between 2 shifts.

There will also be space for administrative offices, and clinical services that will operate Monday through Friday from 9am-5pm with 2-3 staff members per day.

The request does not include any expansion or site improvements and therefore will utilize the off-street parking spaces that exist on the site.

A community meeting was held on Wednesday, February 26, 2025, at Memorial Middle School. Residents asked questions about the zoning on the property versus the lake, the types of residents that will be housed, and the program oversight and funding. Residents expressed concerns related to the existing environment along S. Orange Blossom Trl. and the potential for this to act as a magnet for similar unfavorable activities and people. The applicant noted that they are working to revitalize a distressed property and to provide needed services within the County. There were also concerns raised related to the potential traffic in the area and the trip generation from the City of Edgewood. The overall tone of the Meeting was negative.

The request was routed to all relevant reviewing Divisions and no objections were noted from other reviewing staff. As of the date of this report, no comments have been received in favor of this request, and no 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 request meets the 6 criteria, and therefore, is recommending approval of the Special Exception request.

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

MET – The use of properties for residential care, as conditioned through the Special Exception process, is consistent with the Comprehensive Plan. There are several objectives outlined within the Comprehensive Plan that address residential care, including Objective UD4.3.2 which encourages a variety of residential development by permitting the development of housing types within the Orange County Urban Service Area that include residential care homes and facilities. Objective H1.7 is for the County to continue to promote and facilitate housing production, to serve the population with special needs including senior citizens, the homeless, and physically or developmentally disabled persons. H1.7.12 The County shall continue to support programs, such as the Supporting Housing Program (SHP), that will enable homeless people to live as independently as possible. ICE1.10.4 The County shall continue to cooperate with and provide technical assistance to all housing assistance programs that are designed to provide housing opportunities for low income households in rural areas, homeless people, and the population with special needs.

Similar and Compatible with the Surrounding Area

MET - The area surrounding this site is primarily other commercial uses, with an auto sales and repair business to the direct south, and a strip shopping center to the north. There is a mixture of residential development in the area, with single-family residential to the east adjacent to Lake Holden, and multi-family residential along S. Orange Blossom Trl. The proposed use is utilizing the existing infrastructure and proposes no new construction or development on site. The operation will be contained to the subject property. Other commercial properties and Lake Holden provide a buffer between this property and the nearest single-family residential property.

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

MET - The proposed residential care facility utilizes the existing infrastructure and is not anticipated to have any detrimental intrusion into the surrounding area. The facilities and services provided on-site are to be used only by residents, and the site is secured with limited access.

Meet the performance standards of the district

MET - No new site development is proposed, and all structures and improvements on the site were permitted previously. There are no specific performance standards related to this use.

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

MET – There are not any activities on the property that would generate noise, vibration, dust, odor, glare or heat that are not similar to the majority of other uses permitted within the zoning district.

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

MET – The proposal will be located entirely within the existing developed site and no additional buffer yards are required.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the uses and improvements outlined in the cover letter, 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. A Business Tax Receipt shall be obtained within 5 years of final action on this application by Orange County or this approval is null and void. The Zoning Manager may extend the time limit if proper justification is provided for such an extension.

C: Alexis Altier
4201 S. Orange Blossom Trail
Orlando, Florida 32839

COVER LETTER

Nov 26, 2024

To Whom It May Concern,

I am writing to you regarding our proposed plan for developing a series of housing programs aimed at addressing the critical needs of individuals affected by substance abuse and mental health challenges in Orange County. Our organization is committed to providing comprehensive services tailored to the unique needs of those who are either homeless or at high risk of homelessness, and we seek to ensure that our programs are aligned with zoning regulations while adhering to the best practices in community-based care.

Our plan is structured in three phases, with each phase designed to address different levels of need in the community. The first service we aim to provide involves housing for individuals who are in immediate need, particularly those who are homeless or at risk of becoming homeless. This housing will be structured and provided on a daily fee schedule, with a model more similar to apartment accommodations, as many of these individuals do not require intensive clinical or peer services at this stage. This housing component is designed to ensure that individuals are given a stable place to stay while they work towards self-sufficiency, and maintaining sobriety.

The second phase of our plan will involve housing with clinical services available on-site, within the administrative building, including outpatient therapy, peer support, and case management. This level of support is aimed at individuals who may need some assistance in getting back on track but do not require constant or intensive care. These individuals may initially need some clinical services to help them settle into their new living environment but will ultimately transition to a more independent lifestyle with continued access to housing and occasional support services.

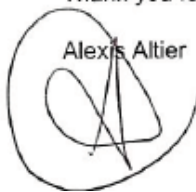
Finally, as per the county's request, we plan to develop a low clinical intensity service model, under the Florida Department of Children and Families Residential level 4 service. This will be community-style, apartment housing with integrated clinical services, such as therapy, case management, and peer support. This service will provide a supportive environment for individuals who need assistance to reintegrate into society but do not require inpatient care. The goal of this phase is to help individuals gain the skills and support necessary to become productive, employed members of the community, with clinical services offered on an as-needed basis.

Each of these phases will be implemented thoughtfully, ensuring that they meet the needs of the individuals we serve while adhering to the zoning requirements and regulations for Orange County. We are committed to providing a safe, supportive environment that fosters long-term recovery and stability for individuals experiencing substance abuse and mental health challenges.

We are excited about the potential to collaborate with the county to bring these critical services to those who need them most and look forward to your feedback as we move forward with this initiative.

Thank you for your time and consideration.

Alexis Altier

A handwritten signature in black ink, appearing to be 'Alexis Altier', enclosed within a circular scribble.

Plan for individual building use

The structure of the existing buildings are not being altered, or expanded, in any way. The landscaping will also remain as is. The interior of buildings are being cleaned up to beautify the campus. Below you will find a brief description of use for buildings on property located at **4201 S Orange Blossom Trail, Orlando, FL 32839**.

Building #1:

2 Story building with 15 apartments for clientele/residents, two beds in each apartment, Bathroom with shower, and small hotel style kitchenette. Staff will be on site 24/7 to monitor clientele and property. The first service we are seeking to begin providing is housing for those in critical need; whether they are currently homeless or at high risk of homelessness. The housing is structured and paid on a daily rate fee schedule. Many of these people do not need clinical or peer services.

For phase one, there will be a maximum of 30 residents, 3 staff members per shift, totaling in 6 staff members per day.

Building hours: 24 hours a day, 7 days a week.

Admin Building:

Second, housing with available clinical services, such as outpatient therapy, peer support, and case management in order to help individuals get back into being productive members of society with employment. These are people that may sporadically need assistance or need initial assistance to get settled and organized and then only require the housing component.

Building hours: 9am-5pm, Monday-Friday.

Number of administrative staff per day - 2-3

Building #3:

Third, the county has requested a low clinical intensity service of residential level 4, which is community or 'apartment' style housing with clinical services. That will be the last service to come online. These individuals will be offered therapy, peer services, case management etc. However, it is not considered an 'inpatient' level. Residents can come and go throughout the day, seek employment, attend medical appointments, etc.

Building hours: 24 hours a day, 7 days a week.

12 Rooms, maximum of 24 beds, 2 staff members per shift, totaling 4 staff members per day.

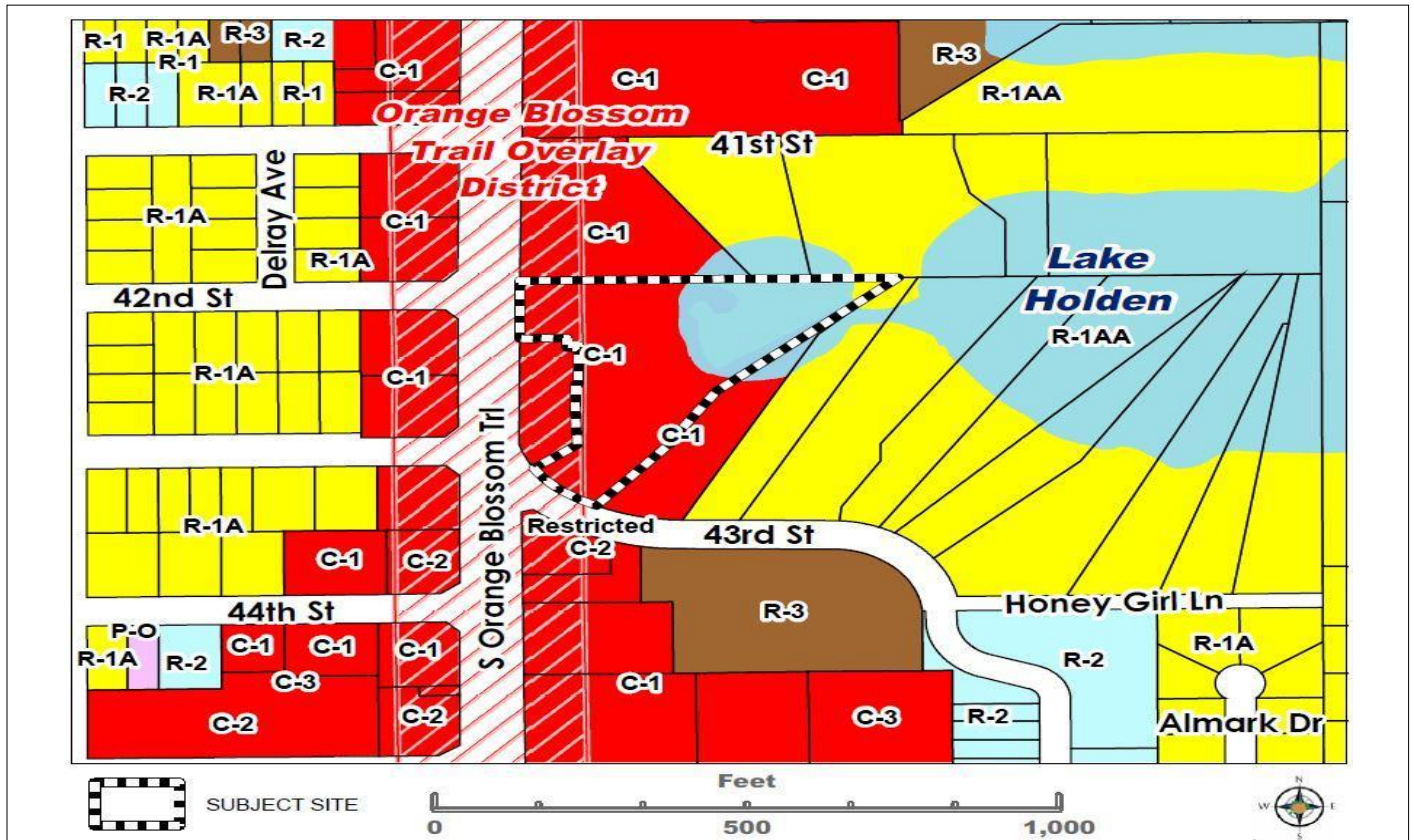
Building #2 and #4:

Buildings 2 and 4 would be utilized for additional housing for clientele served in either Intensive Outpatient, and Outpatient levels of care. Those in this level of care, will be receiving clinical services, peer services, case management etc. This is structured supportive housing meant to accommodate approximately 48 residents.

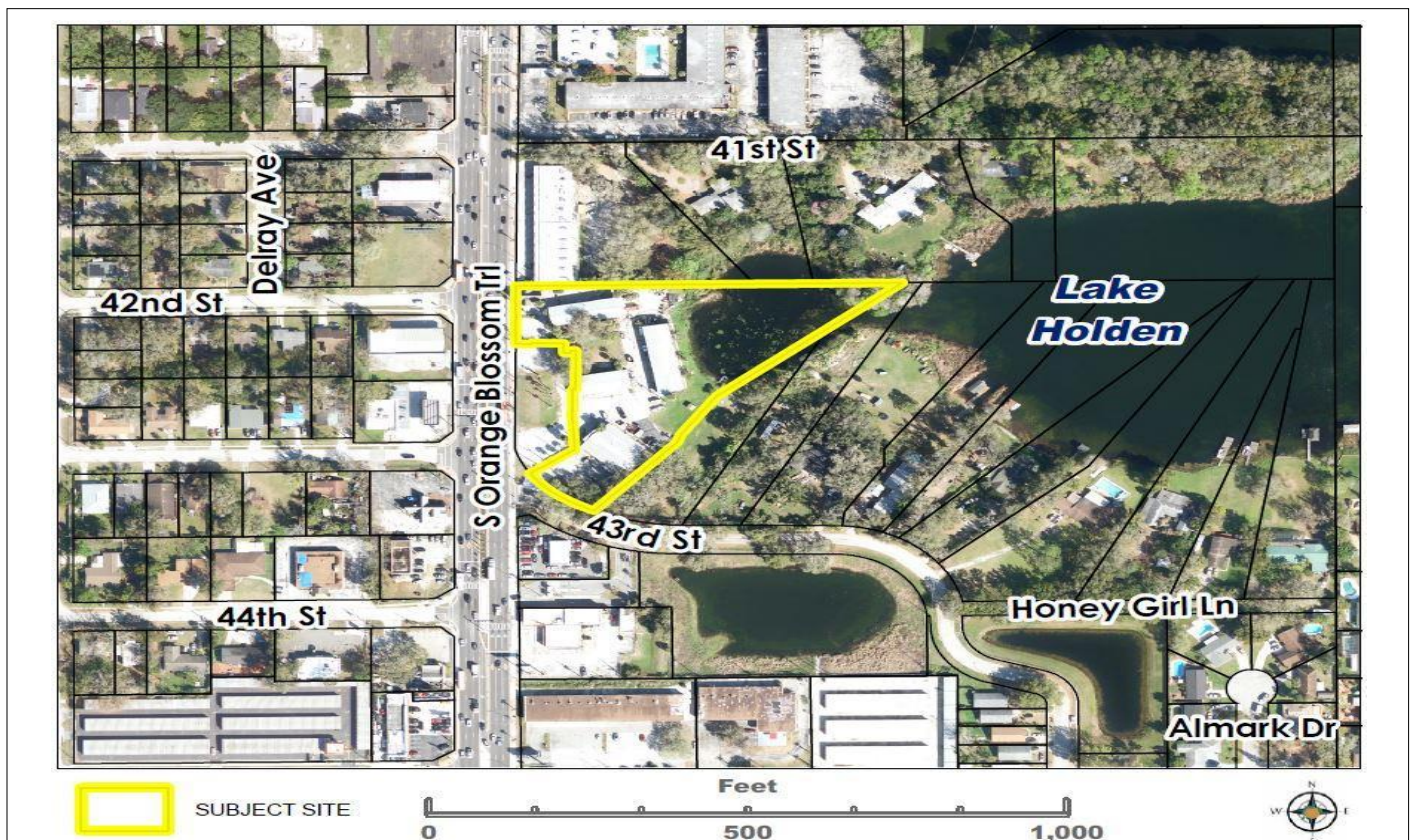
Building hours: 24 hours a day, 7 days a week.

4 staff members per shift, totaling in 8 staff members per day.

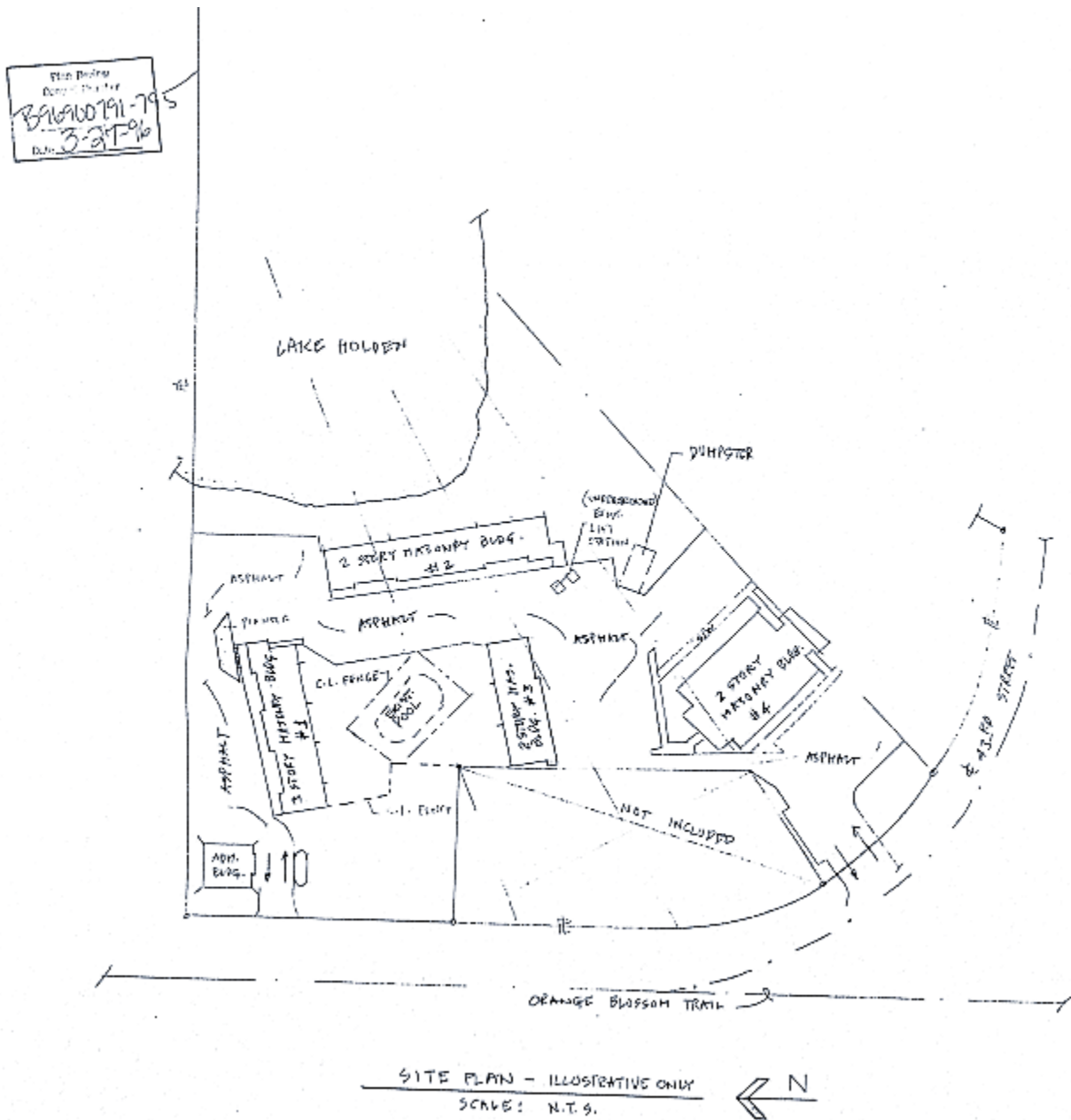
ZONING MAP



AERIAL MAP



EXISTING CONDITIONS



SITE PHOTOS



View of property from access along 43rd St.



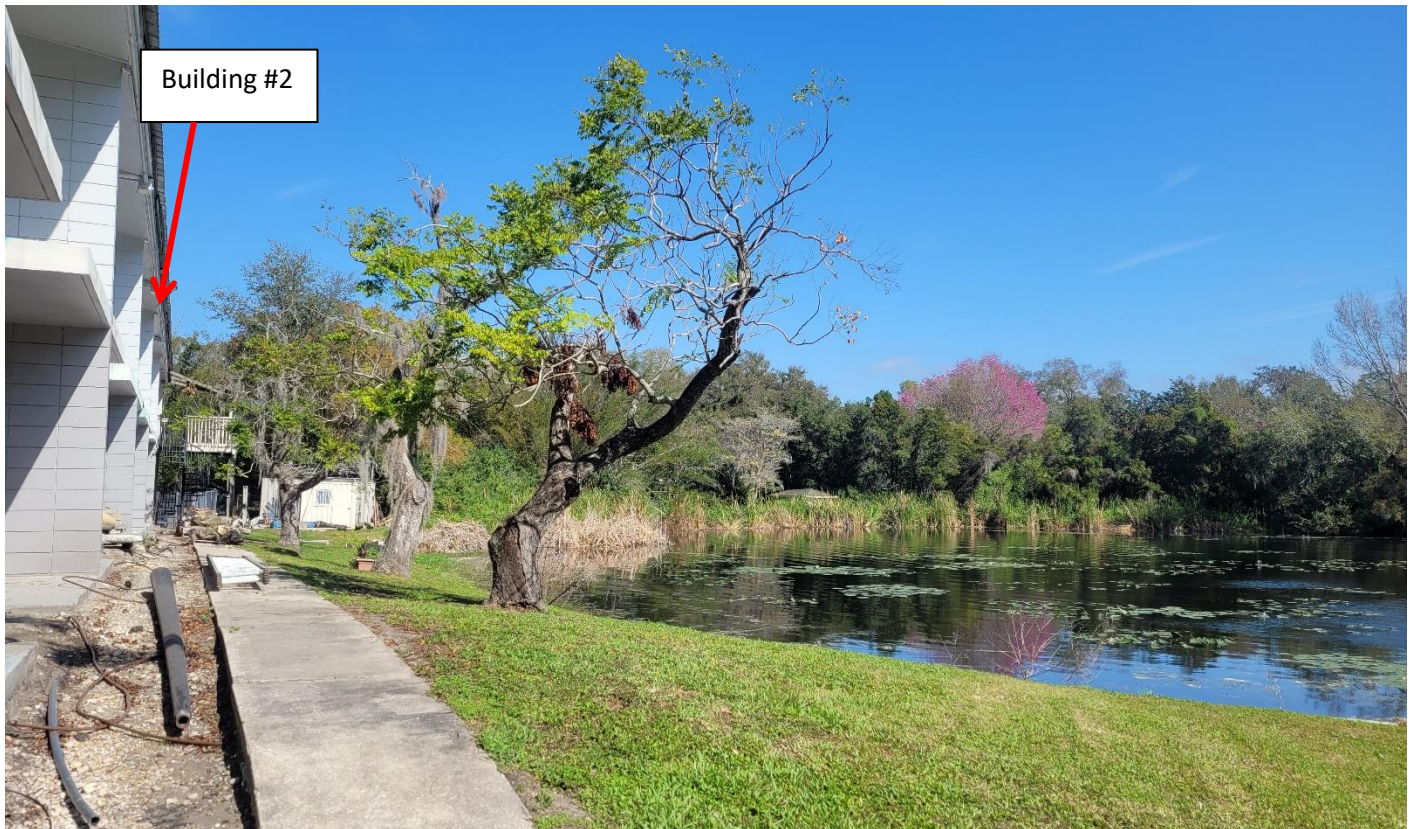
February 14, 2025 10:45 AM

From 43rd St. facing S. Orange Blossom Trl., subject property to right

SITE PHOTOS



Existing buildings and parking lot facing east



Existing easterly side yard

SITE PHOTOS



From subject property facing S. Orange Blossom Trl.



From northwestern corner of site, facing west towards S. Orange Blossom Trl.



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