



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Recommendations Booklet

Hearing Date:

August 7, 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
Johnny Stanley	5
Sonya Shakespeare	6
Roberta Walton Johnson	At Large

BZA Staff

Laekin O'Hara	Chief Planner
Catherine Glase	Planner I

**ORANGE COUNTY BOARD OF ZONING ADJUSTMENT
RECOMMENDATIONS
AUGUST 7, 2025**

Case #	Applicant	Commission District	Staff Recommendation	BZA	Page #
VA-25-08-033	Jose Martinez	4	Denial	Continued to 11/6/25	1
VA-25-08-030	Lynn Mentzer	3	Request #1, Approval w/Conditions Request #2, Denial	Approval w/Conditions	16
VA-25-08-031	Diego Mosquera	2	Approval w/Conditions	Approval w/Conditions	32
VA-25-08-032	Veronica Decker	5	Denial	Approval w/Conditions	46
VA-25-07-028	Applicant	3	Denial	Requests #1,3,4, & 5 Approval w/Conditions Request #2, Withdrawn	61
VA-25-08-029	Robert Whatley	5	Approval w/Conditions	Approval w/Conditions	80

~~7. Discussion of BZA Procedure Cancelled~~

8. BZA Member Information Session (Development Engineering)

~~9. SUNSHINE MEETING: Orange Code & Vision 2050 BZA Member Training Cancelled~~

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 Aug. 26, 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	

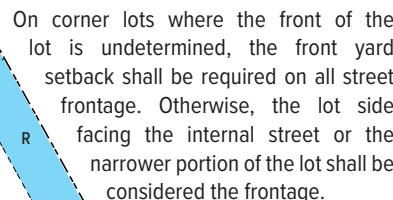
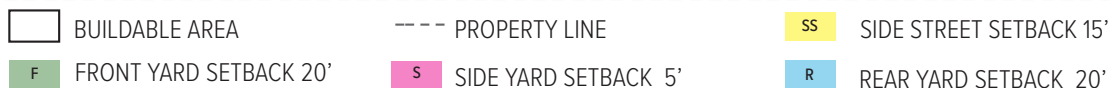
NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements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

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



VARIANCE CRITERIA:

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

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

SPECIAL EXCEPTION CRITERIA:

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

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

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

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **AUG 07, 2025**

Commission District: **#4**

Case #: **VA-25-08-033**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JOSE MARTINEZ

OWNER(s): JOSE MARTINEZ

REQUEST: Variances in the PD Zoning District to allow an existing pool deck as follows:

- 1) A rear setback of 0.5 ft. in lieu of 5 ft.
- 2) A north side setback of 0.5 ft. in lieu of 5 ft.
- 3) A south side setback of 0.5 ft. in lieu of 5 ft.

NOTE: This is a result of Code Enforcement.

PROPERTY LOCATION: 13277 Alderley Dr., Orlando, FL 32832, east side of Alderley Dr., east of Narcoossee Rd., north of the Osceola County Line, southwest of Lake Hart

PARCEL ID: 32-24-31-2304-02-810

LOT SIZE: +/- 9,262 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 47

DECISION: Recommended to **CONTINUE** the case to the 11/6/25 BZA Meeting (Motion by Glenn Rubinstein, Second by Juan Velez; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Sonya Shakespeare, Johnny Stanley; 0 opposed; 1 absent: Roberta Walton Johnson)

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

The applicant and their attorney were present. The applicant presented their justifications for requesting the three Variances noting that the pavers were installed to address drainage issues on the property. They went on to state the paver area was necessary for an elderly family member to navigate on the site and they have received support letters from surrounding property owners and the HOA.

The BZA discussed the existing code compliance violation, permitted work vs the area that was unpermitted, site conditions, open space requirements, and drainage. Within discussion between the applicant and the BZA, the applicant requested a continuance.

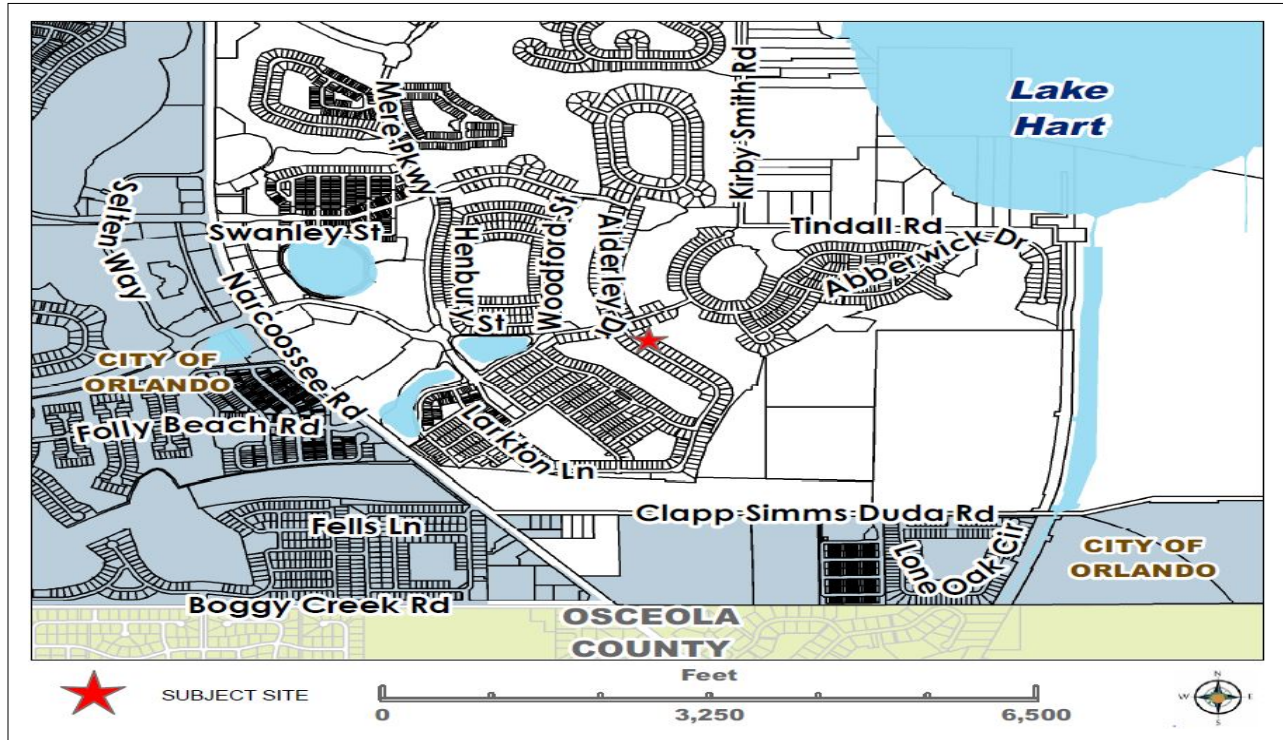
There was no one in attendance to speak in favor and one individual spoke in opposition to the request. The individual stated that he is the neighbor directly next to the subject property, and the HOA has a 2 ft. setback which is not being met by the applicant. He also stated that there are flooding issues between their two houses.

The BZA voted to continue the case until the November 6, 2025, BZA hearing by a 6-0 vote with one (1) absent.

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of all 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	Eagle Creek PD	Eagle Creek PD	Eagle Creek PD	Eagle Creek PD	Eagle Creek PD
Future Land Use	PD-LDR/LMDR/MDR/C/INST/PR-OS/CON	PD-LDR/LMDR/MDR/C/INST/PR-OS/CON	PD-LDR/LMDR/MDR/C/INST/PR-OS/CON	PD-LDR/LMDR/MDR/C/INST/PR-OS/CON	PD-LDR/LMDR/MDR/C/INST/PR-OS/CON
Current Use	Single-family residential	Single-family residential	Single-family residential	Golf Course	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned Planned Development (PD) district, and is located within Parcel J of the Eagle Creek PD. This section of the PD allows for single-family uses and associated accessory structures. The Future Land Use is Planned Development-Low Density Residential/Low Medium Density Residential/ Medium Density Residential/Commercial/Institutional/Parks and Recreation - Open Space/ Conservation) (PD-LDR/LMDR/MDR/C/INST/PR-OS/CON) which is consistent with the PD zoning district.

The subject property is 9,262 sq. ft. in size, was platted in 2019 as Lot 281 of the Eagle Creek Village K Phase 2A Plat, and is a conforming lot of record. The area around the property consists of single-family homes, and a golf course to the north. The property was purchased by the current owner in 2021, and is developed with a 2-story, 8,089 gross sq. ft. single-family home, constructed in 2021, a pool and marble paver deck (B22001379), stone paver walkways on either side of the home, and a 4 ft. tall 2 rail aluminum fence (F22013293).

In January of 2022, a permit (B22001379) was obtained for the installation of a pool and deck located in the rear yard of the property. The approved plans show the deck 5 ft. from both sides and rear property lines. Sometime after the pool and deck permit was finalized additional pavers were installed within the required 5 ft. setbacks. Code enforcement cited the property owner on September 13, 2023, (CE: #628767) for pavers installed without a permit. A permit (Z23009482) was submitted in October of 2023 to extend the marble pavers around the existing pool deck and to add stone paver walkways on either side of the home connecting to the driveway. The permit was reviewed and denied by the zoning reviewer, as the plans provided were not legible. This permit is now expired due to inactivity. A second permit was submitted in October of 2024 for artificial turf around the pool deck and along the side of the home and to add stone paver walkways on either side of the home connecting to the driveway. This permit was reviewed and denied by the zoning reviewer requesting additional information regarding the artificial turf. This permit has also expired due to inactivity.

The proposal is to keep the existing unpermitted pool deck expansion in its current configuration. Per Orange County Code 38-79(10)d., a pool, including the pool deck area, *“shall maintain a minimum side and rear yard setback of 5 ft.”* As proposed, the pool deck is located 0.5 ft. from both sides and the rear property lines, requiring the three Variance requests.

The request was routed to all relevant reviewing Divisions. There were no objections noted. A Code Compliance Officer reviewed the Variance request and noted case #628767 was heard before the Code Enforcement Board on July 17, 2024, and is still in violation and running a \$500 daily fine. To satisfy the code violation, the unpermitted improvements must be removed, or permits must be obtained.

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 requests do not meet all the criteria, therefore staff is recommending denial of all the Variances.

Building Setbacks (Pool and Pool Deck)

	Code Requirement	Proposed
Front:	Not located in the Front yard	N/A
Side:	5 ft.	0.5 ft. (North – Variance #2) 0.5 ft. (South – Variance #3)
Rear:	5 ft.	0.5 ft. (East – Variance #1)

VARIANCE CRITERIA

Special Conditions and Circumstances

All Variances NOT MET – There are no special conditions and circumstances unique to the subject site as the property contains adequate space for a pool and deck within the setback area. Additionally, a permit was obtained demonstrating compliance with the 5 ft. side and rear setbacks.

Not Self-Created

All Variances NOT MET – The need for the Variances is self-created, as the pool and deck were to be installed 5 ft. from the property lines and were constructed beyond the scope of the permit approval.

No Special Privilege Conferred

All Variances NOT MET – Granting the variance as requested would confer special privilege as other properties are subject to the same setback requirements, have received similar Code Enforcement violations, and removed the pavers to comply with the code requirements.

Deprivation of Rights

All Variances NOT MET – Denial of the Variances would not deprive the rights of the owner as a pool and pool deck were permitted in accordance with the setback requirements, and pavers could be removed to comply with the original approval.

Minimum Possible Variance

All Variances NOT MET – The request is not the minimum possible as the pool deck could have been installed in a code compliant manner, and pavers could be removed to comply with the original approval.

Purpose and Intent

All Variances NOT MET – Approval of the requested Variance would not be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused minimizing the impact that structures and uses have on surrounding properties by maintaining an appropriate separation between them.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped July 9, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. A permit for the pavers shall be obtained within 180 days of final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

C: Jose Martinez
13277 Alderley Drive
Orlando, FL 32832

Omar Ramos
6 Randia Drive
Orlando, FL 32807

Cover Letter

Jose Luis Martinez
13277 Alderley Dr
Orlando, FL 32832
(646) 801-4556
martinezjl.mba@gmail.com

June, 10th, 2025

ELECTRONIC MAIL

Orange Orange Board of Zoning Adjustment
201 South Rosalind Avenue, 1st Floor,
Orlando, Florida 32801

Re: 13277 Alderley Dr Application for Variance

To whom it May Concern,

I, Jose Luis Martinez, represent myself as a homeowner of approximately 9,262 square feet of land located at 13277 Alderley in unincorporated Orange County (Parcel Identification number 32-24-31-2304-02-810) ("Property"). Enclosed is an Orange County Board of Zoning Adjustment Application, requesting the approval of a variance to:

1. To allow pavers at rear of an existing residence with a setback of 0.5 feet in lieu of 5 ft.
2. To allow pavers at the side north of an existing residence with a setback of 0.5 feet in lieu of 5 ft.
3. To allow pavers at the side south of an existing residence with a setback of 0.5 feet in lieu of 5 ft.

We believe that the approval of this variance will allow my family to continue enjoying our small backyard space. As you know, outdoor areas, however modest, can significantly contribute to the quality of life within a residential setting. Approving this variance would enable us to maintain the usability of our limited outdoor area for relaxation and other personal enjoyment.

Thank you for taking the time to consider this request and the positive impact its approval would have.

Best regards,

Jose Luis Martinez
Homeowner

COVER LETTER

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 special conditions and circumstances particular to the subject property are its size and location of the house, which renders any pavers addition difficult without a variance.

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

The request is not self-created since the owner is not responsible for the configuration and location of the home in relation to the property lines. Any improvements to the residence is difficult without the need for a variance.

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.

Granting the requested variance will not confer any special privilege conferred to others under the same circumstances since meeting the literal interpretation of the code would prohibit any new construction along the rear of the house beyond a small unusable expansion in the rear.

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.

Without the requested variance, improvement to the home of a reasonable size would be difficult.

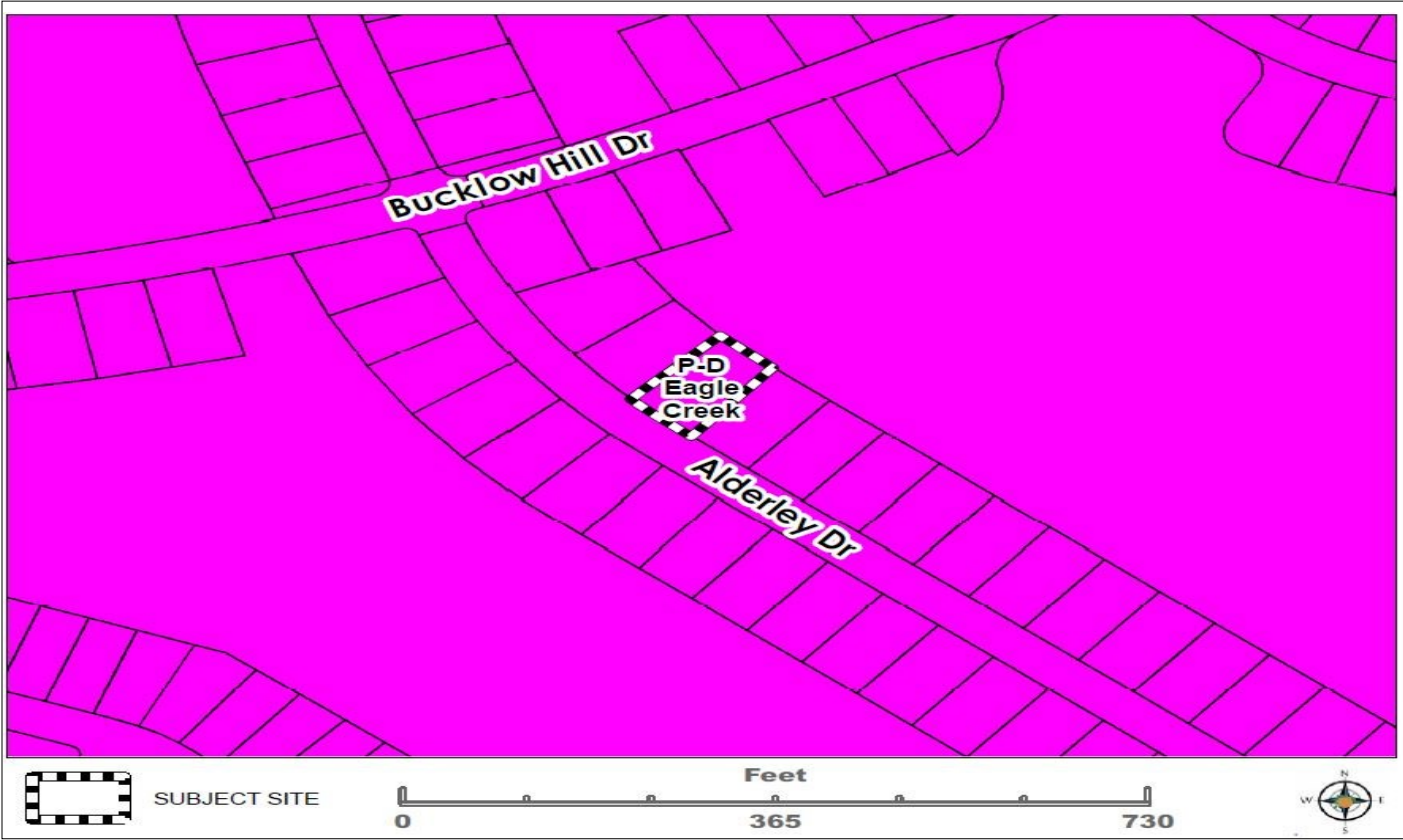
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The requested variance is the minimum necessary to construct any improvements at the rear of the property, due to the lot size, shape and location of the house.

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

Approval of the requested variance will allow improvements to the site which will be in harmony with the purpose the zoning regulations. While not being detrimental to adjacent properties.

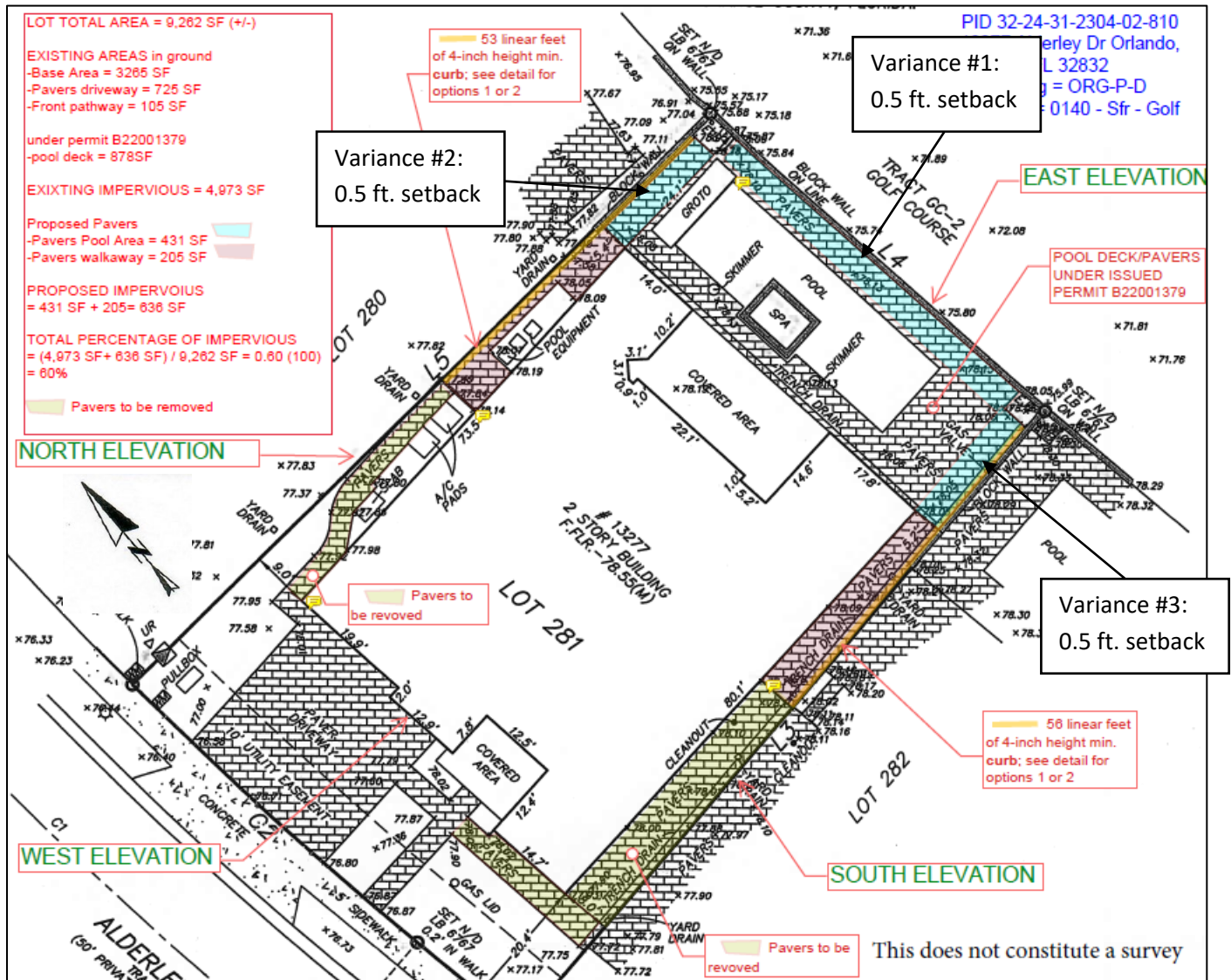
ZONING MAP

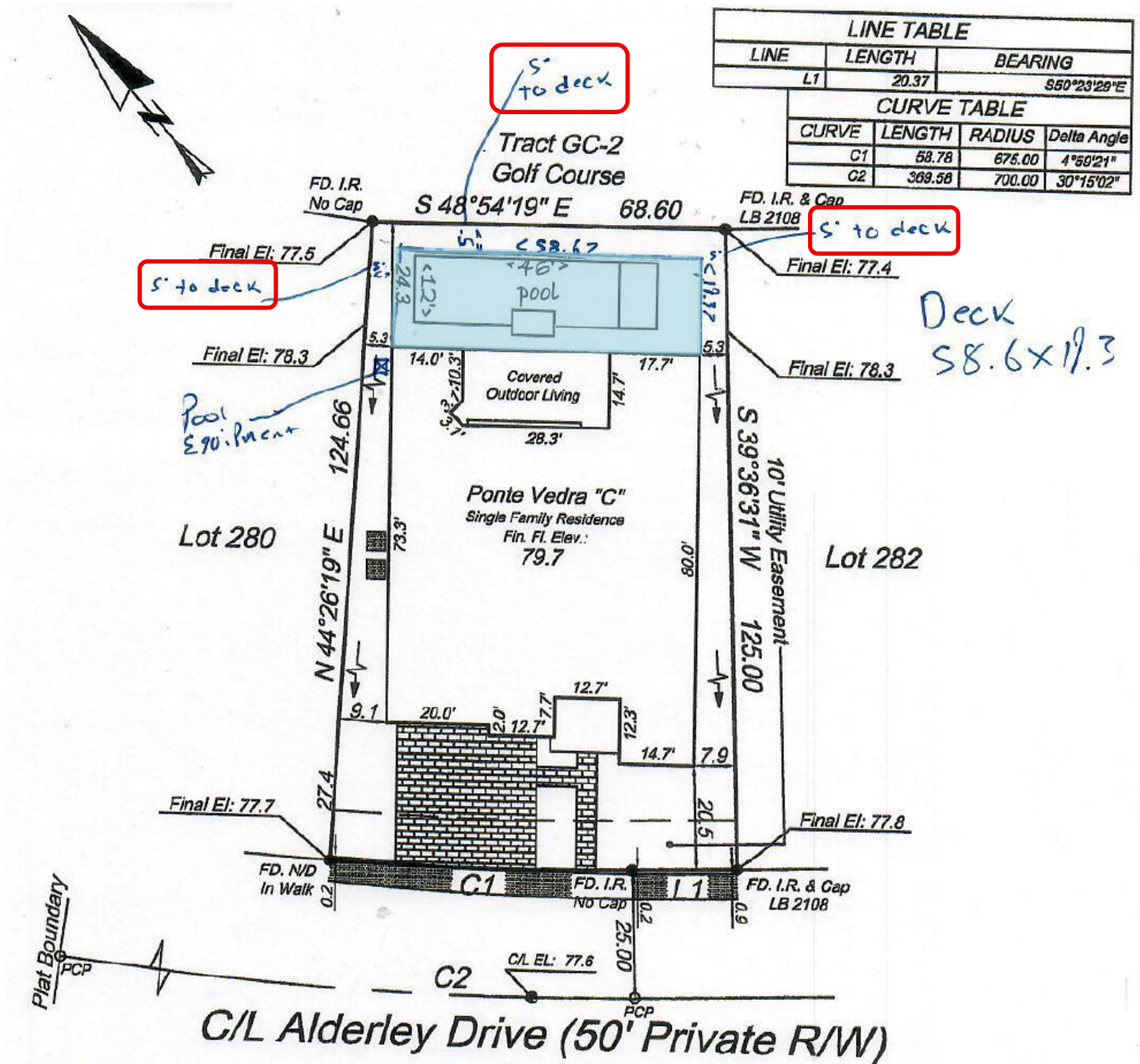


AERIAL MAP



SITE PLAN





SITE PHOTOS



Facing east towards front of subject property



Side yard, facing west towards stone paver walkway along the north side of the home

SITE PHOTOS



Side yard, facing east towards marble paver walkway and pool deck along the north side of the home

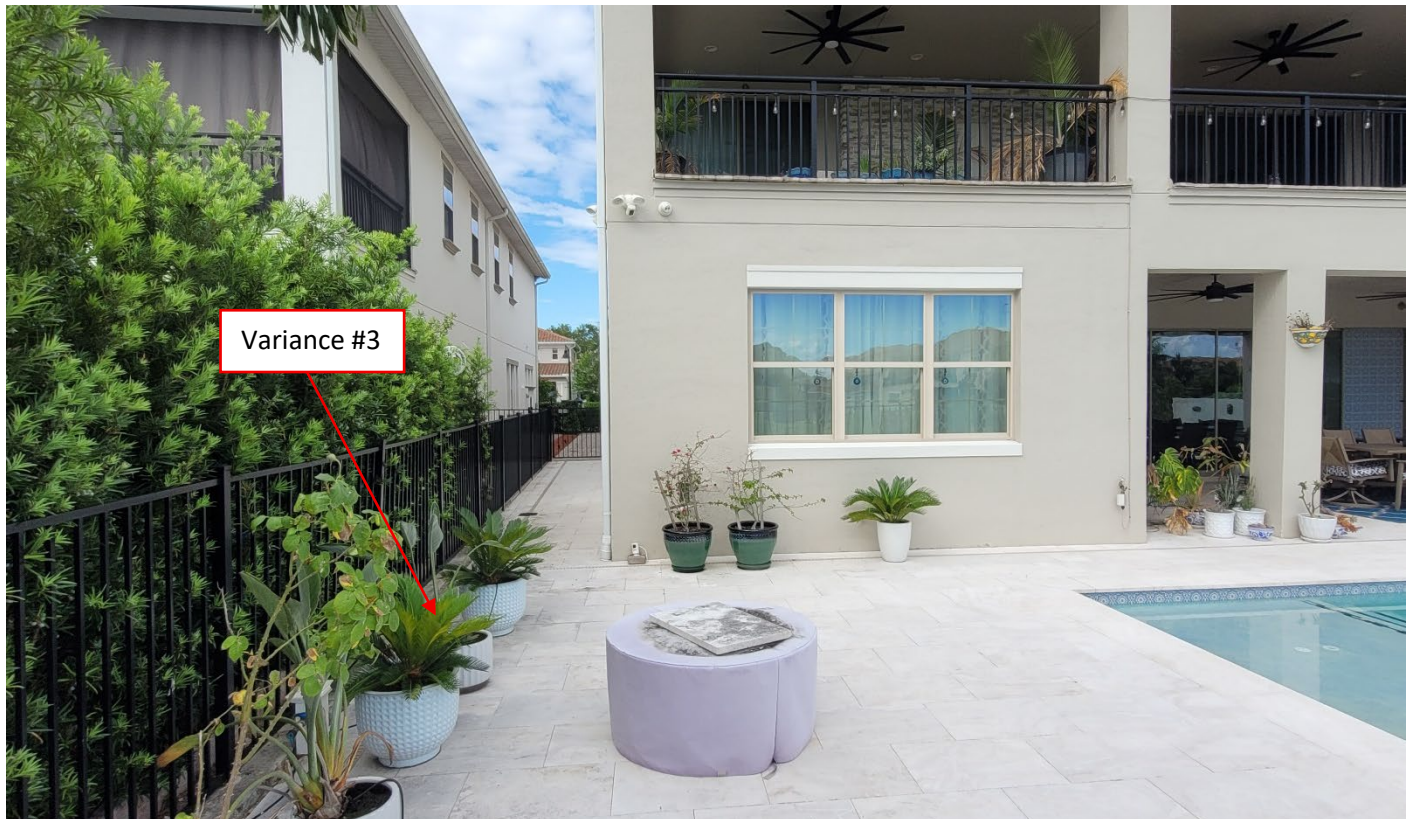


Rear yard, facing southeast pool and deck on north side of the home

SITE PHOTOS



Rear yard, facing north towards the pool and marble pool deck



Rear yard, facing west towards paver walkway along the south side of the home

SITE PHOTOS



Side yard, facing west towards paver walkway along the south side of the home



Rear yard, facing east towards the golf course

SITE PHOTOS



From the golf course sidewalk, facing towards the rear of the home

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **AUG 07, 2025**

Commission District: **#3**

Case #: **VA-25-08-030**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): LYNN MENTZER

OWNER(s): JAMES MENTZER JR, LYNN MENTZER

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

- 1) To allow a 6 ft. tall fence within the Normal High Water Elevation (NHWE) setback in lieu of a maximum height of 4 ft.
- 2) To allow an existing shed with a north side street setback of 4.76 ft. in lieu of 15 ft.

PROPERTY LOCATION: 5405 Lake Jessamine Dr., Orlando, FL 32839, east side of Lake Jessamine Dr., west of Lake Jessamine, east of S. Orange Blossom Trl., north of W. Oak Ridge Rd., south of Holden Ave.

PARCEL ID: 14-23-29-5944-02-010

LOT SIZE: +/- 2.25 acres

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 87

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Juan Velez, Second by Glenn Rubinstein; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Sonya Shakespeare, Johnny Stanley; 0 opposed; 1 absent: Roberta Walton Johnson):

1. Development shall be in accordance with the site plan date stamped June 4, 2025, as modified to show the end of the fence a minimum of 5 ft. landward of the normal high water elevation line, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

4. Prior to the issuance of the permit for the fence, a permit for the detached accessory structure (shed) shall be obtained, or the structure shall be removed from the property.
5. The 6 ft. tall fence shall end 5 ft. landward of the normal high water elevation line.

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 of approval of Variance request #1 and denial of Variance request #2. Staff noted that 14 comments were received in favor and no comments were received in opposition to the request.

The applicant was present and described their justifications for requesting the Variances noting that they are replacing an old fence and wish to place a 6 ft. tall fence along the shared property line between the boat ramp and their property due to the inappropriate activities happening at the boat ramp. She went on to state that the shed is actively used and does not provide any visual obstruction to the boat ramp or lake.

BZA discussed that the shed has been in its current location since 2006 and moving the structure would not be feasible, and without the Variance it would have to be demolished. They went on to state the proposed fence location would have no negative effect on neighbors due to it being adjacent to a right-of-way rather than another property owner.

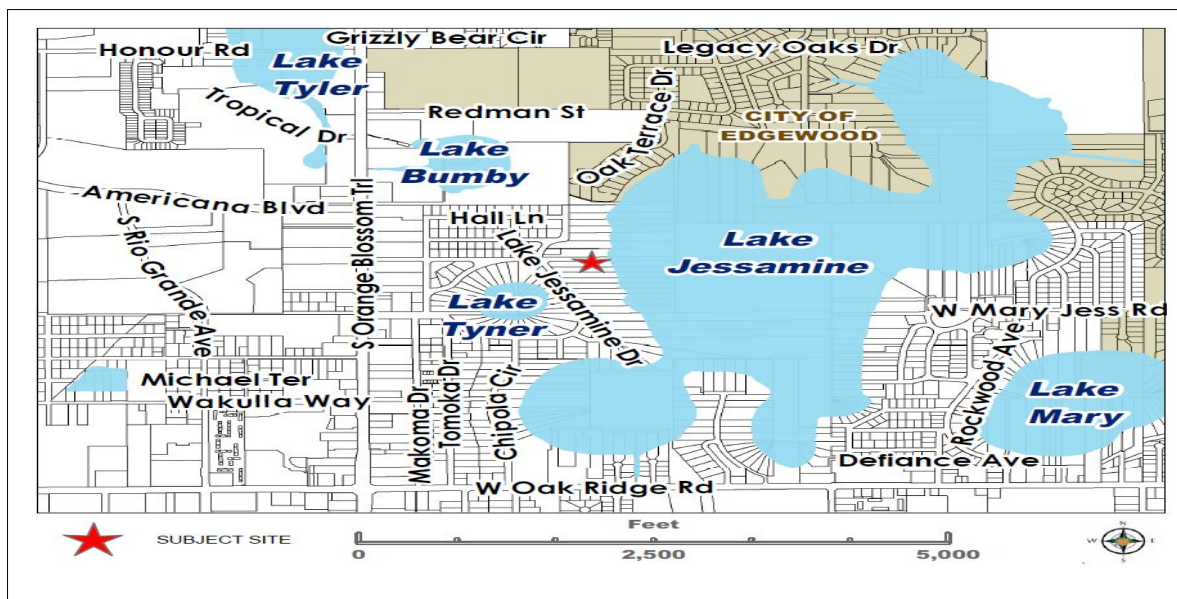
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of both Variances as requested by a 6-0 vote with one (1) absent, subject to the five (5) conditions found in the staff report.

STAFF RECOMMENDATIONS

Approval of Variance request #1 and denial of Variance request #2, subject to the conditions in this report. However, if the BZA should find that the applicant has satisfied the criteria for the granting of all the Variances, staff recommends that the approval be subject to the modified conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1AA	R-1AA	R-1AA	R-1AA	R-1AA
Future Land Use	LDR	LDR	LDR	Water Body	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Lake Jessamine	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The subject property is 2.25 acres, in size, was platted in 1950 as Lot 1 in Block B of the North Florida Shores Plat, and is a conforming lot of record. The property is a lakefront corner lot with right-of-way along Lake Jessamine Dr. to the west, Woodsmere Ave. to the north, and Lake Jessamine to the east. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, Lake Jessamine Dr. is considered the front and Woodsmere Ave. is considered the side street. The property was purchased by the current owner in 2009, and is developed with a 1-story, 3,456 sq. ft. single-family home, constructed in 1947, as well as a shed, a boat dock, and a 6 ft. tall fence along the north property line.

The existing home is located 5.31 ft. from the north side street property line. The R-1AA zoning district requires a minimum side street setback of 15 ft. The home was constructed in 1947 prior to the adoption of the Zoning Code in 1957, therefore the structure is considered legal, non-conforming and does not require a Variance.

The proposal is to extend the existing fence line and install 50 linear feet of 6 ft. tall white vinyl fence along the north property line. The property owner submitted a permit (F25005936) to install 228 ft. of 6 ft. tall vinyl fence along the north property line. The 6 ft. fence currently on the north property line ends 50 ft. landward of the normal high water elevation (NHWE) in compliance with Section 38-1408(j) of Orange County Code which states, *on a lakefront lot, a fence or wall within the normal high water elevation (NHWE) setback shall be limited to a maximum height of 4 ft.* The proposed 6 ft. tall fence would extend approximately from the existing white vinyl fence and end just before the boat dock walkway, within the 50 ft. NHWE setback, requiring Variance request #1. Unique circumstances exist as the portion of Woodsmere Ave., directly north of the subject property, is only utilized for the operation of the Orange County Woodsmere Boat Ramp. The area is enclosed with a 4 ft. tall chain-link fence and gate. While it is public right-of-way, it does not act as a functional roadway as it fenced in and the boat ramp dead-ends into Lake Jessamine.

Upon review of the Variance application, it was identified that the existing shed on the property was constructed in 2006 without a permit. The existing shed in the rear yard is 15.1 ft. by 12.3 ft. in size and approximately 12 ft. in height. The shed is located 4.76 ft. from the north side street property line. Per Orange County Code Sec. 38-1426(1)c.2.(ii) a detached accessory structure shall be set back a minimum of 15 ft. from the side street property line, requiring Variance request #2. While the NHWE setback for the R-1AA zoning district is 50 ft., Sec. 38-1501 Footnote A establishes accessory structures and uses shall be the same distance as the setbacks which are used per the respective zoning district requirements as measured from the NHWE

contour. The rear setback for the R-1AA zoning district is 35 ft., therefore the structure must be a minimum of 35 ft. from the NHWE line. The structure complies with the NHWE setback. No construction is proposed with this request as it is to recognize the structure in its existing location. A permit for the shed must be obtained prior to the issuance of the permit for the fence, as reflected in Condition of Approval (COA) #4.

The request was routed to all relevant reviewing Divisions. There were no objections noted. The Environmental Protection Division noted the fence line must end at least 5 ft. landward of the NHWE, reflected in COA #5. 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 Variance request #1 meets all the criteria for a recommendation of approval. While Variance request #2 meets some of the criteria, it does not meet all the criteria. Therefore, staff is recommending approval of Variance request #1 and denial of Variance request #2.

Building Setbacks (Accessory Structure - Shed)

	Code Requirement	Proposed
Front: (Lake Jessamine Dr.)	Not located in front yard	N/A
Side Street: (Woodsmere Ave.)	15 ft.	4.76 ft. (North – Variance #2)
Side:	5 ft.	+/- 70 ft. (South)
Rear:	5 ft.	+/- 582 ft. (East)
NHWE:	35 ft.* <i>*per Sec. 38-1501 A.</i>	55 ft. (East)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variance #1 MET - Special conditions and circumstances exist as the use of the neighboring right-of-way as an access road only for the public boat ramp has greater impact on the subject property than a typical neighborhood roadway necessitating a taller fence to buffer the property from the neighboring use.

Variance #2 NOT MET – There are no special conditions or circumstances peculiar to this property, as the structure was erected without a permit and the shed could have been installed in a code compliant manner.

Not Self-Created

Variance #1 MET - The need for the Variance is not self-created, as the unique use of the neighboring right-of-way as access to a public boat ramp requires additional buffering along the north property boundary.

Variance #2 MET – The requested Variance is not self-created since the owner is not responsible for the placement of the existing shed in relation to the side property line.

No Special Privilege Conferred

Variance #1 MET - Granting the requested Variance will not confer any special privilege conferred to others under the same circumstances.

Variance #2 MET – The property abuts the public right-of-way and requires a side street setback along the northern property line; however, it does not act as a functional roadway as it fenced in and only serves as access to the boat ramp then dead-ends into Lake Jessamine. Granting the requested Variance will not confer any special privilege conferred to others under the same circumstances.

Deprivation of Rights

Variance #1 MET - Without the requested Variance, the ability to install 6 ft. tall fencing for security due to the adjacent use would be eliminated, and the allowed 4 ft. tall fencing would not provide the same level of security.

Variance #2 NOT MET – Denial of the Variance would not deprive the owner of the ability to have accessory structures on the property. The subject lot contains adequate space for an accessory structure to be built in compliance with all setback requirements.

Minimum Possible Variance

Variance #1 MET - The request is the minimum possible to locate a 6 ft. tall fence within the normal high water elevation setback.

Variance #2 MET – The requested Variance is the minimum possible to allow the existing shed to remain in its current location. No new construction is proposed with the requested Variance.

Purpose and Intent

All Variances MET - Approval of the requested Variances would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The fence will not be significantly visible from any of the surrounding properties due to the property bordering a county road used as a public boat ramp rather than a residential property, thereby limiting any quantifiable negative impact to surrounding property owners. The shed has been in this location since approximately 2006 and is not significantly visible from any of the surrounding properties due to the existing 6 ft. tall opaque fence along the side street property line, thereby limiting any quantifiable negative impact on surrounding property owners.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped June 4, 2025, as modified to show the end of the fence a minimum of 5 ft. landward of the normal high water elevation line, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of the permit for the fence, a permit for the detached accessory structure (shed) shall be obtained, or the structure shall be removed from the property.
5. The 6 ft. tall fence shall end 5 ft. landward of the normal high water elevation line.

C: Lynn Mentzer
5405 Lake Jessamine Drive
Orlando, FL 32839

April 8, 2025

I am requesting a variance to extend my 6' vinyl fence (in lieu of 4' fence) 50 feet to the water line on my property line. (total fence being replaced is 278' - my contractor has already submitted for a permit for 228' of 6' fence set back 50 from water line).

We are replacing an **eight (8) ft** fence damaged by hurricanes that has been in place prior to 2009. New fence would not act as a detrimental intrusion to surrounding area.

I live next to a public boat ramp (Woodsmere) where constant drug deals, prostitutes, pot smokers, fights and bad language occur daily.

As well as the partying, drinking and congregating on weekends. I do not want to expose my grandchildren(or myself) to any of that in our back yard.

Thank you,



Lynn Mentzer

5405 Lake Jessamine Dr

Orlando, FL 32839

407-353-2220

COVER LETTER

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.

My property is next to a public boat ramp with constant drug deals, prostitutes, pot smokers, fights & bad language. As well as partying on weekends. I don't want my grandchildren exposed to that.

We currently have an 8 (eight) ft fence-to water line - but damaged from hurricanes.

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.

A no trespassing sign does nothing to keep people off our shore line and dock.

A 6' fence visually blocks the unwanted behaviors at the ramp.

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.

The property on the other side of the ramp has a fence to the water line. An 8' fence has been there prior to 2009 and the fence keeps the public off our property and docks.

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 fence allows us to enjoy our property without having to watch drug deals, sex in cars, people urinating at the waters edge and blocks SOME loud music and bad language that occurs at the ramp.

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

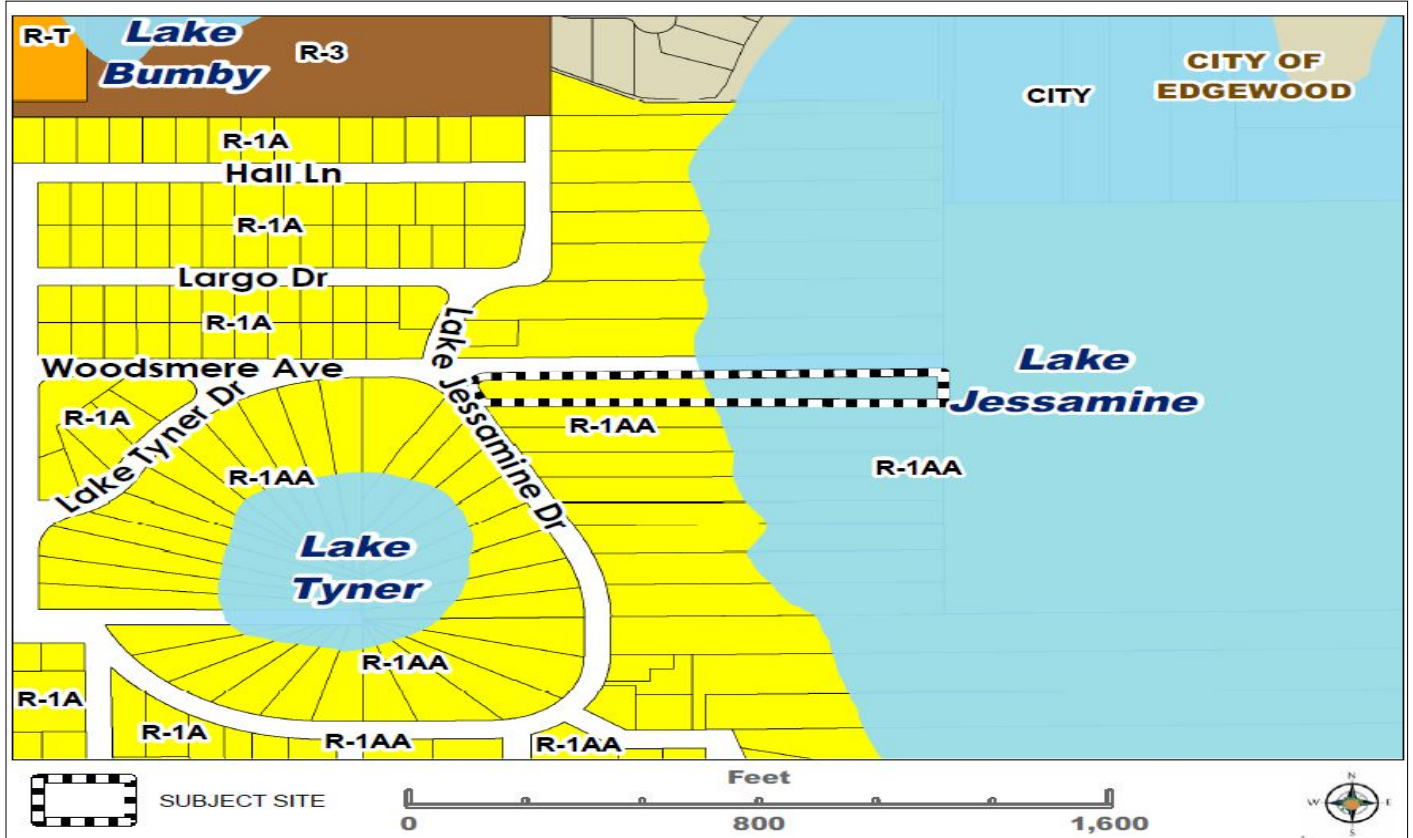
A 6' fence at waters edge in lieu of a 4' fence keeps the public from jumping over the fence.

People congregate - even though there is a sign NO CONGREGATING - at the waters edge and drink & party.

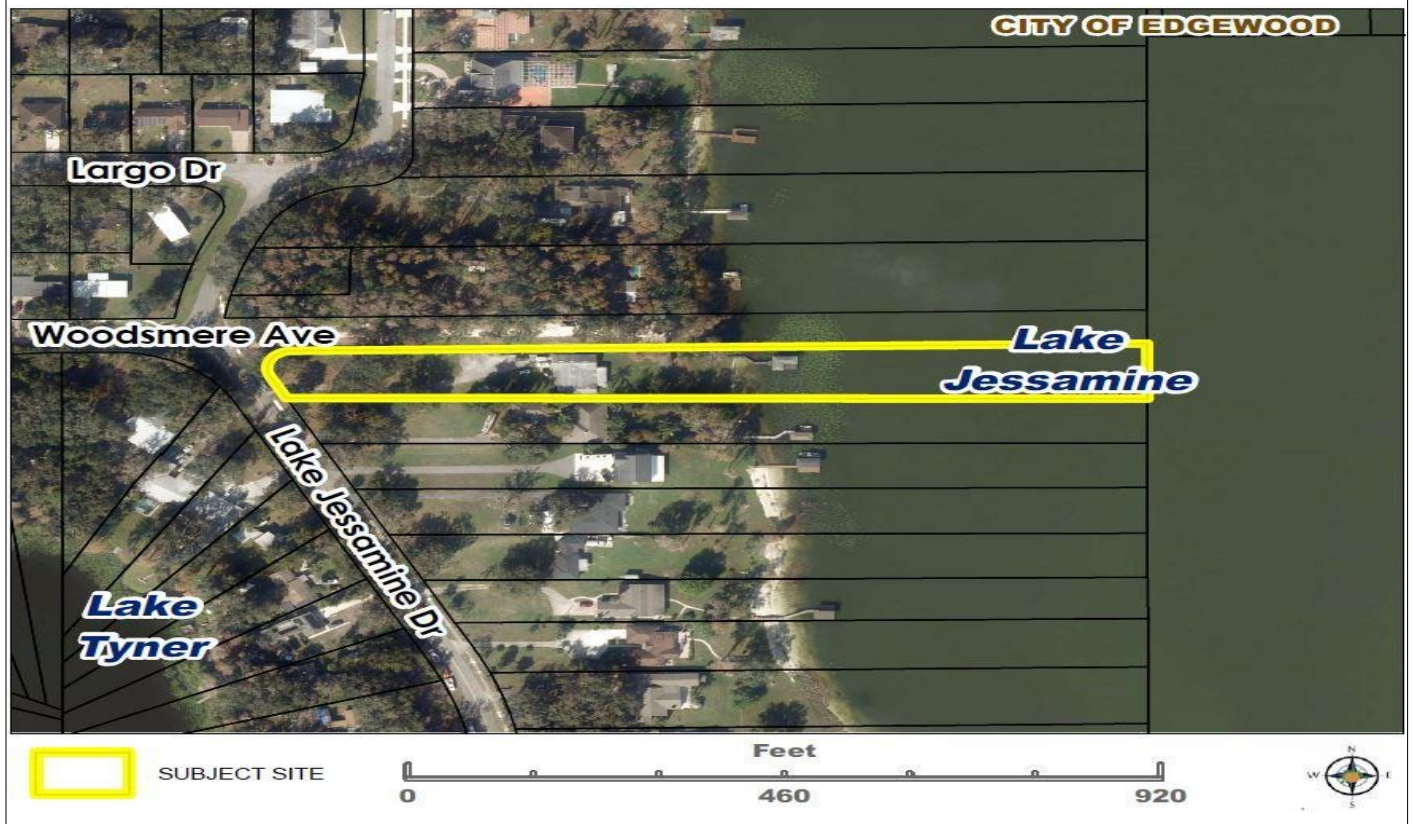
- . **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

A 6' fence would keep people at the ramp and not give access to neighboring property.

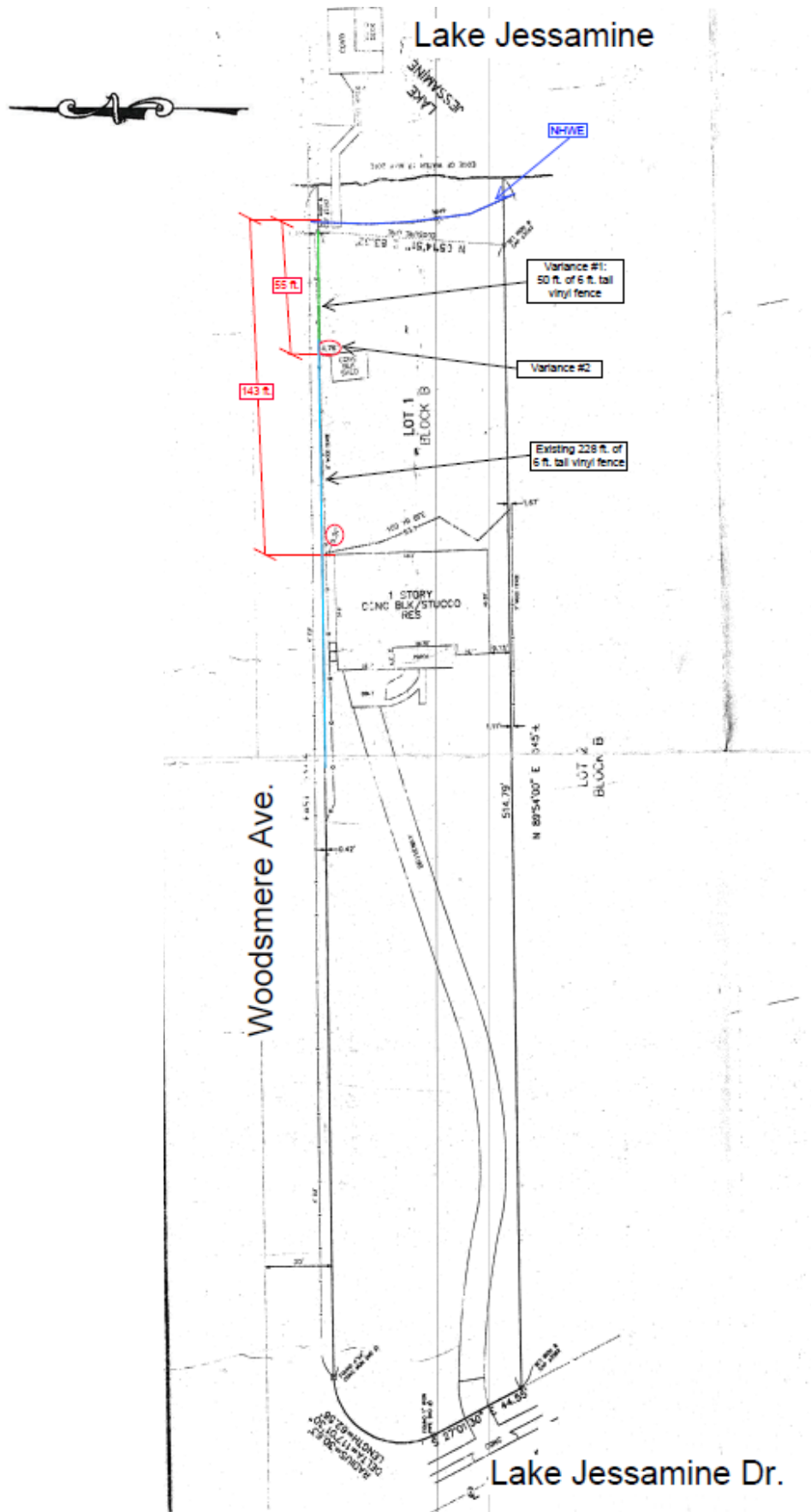
ZONING MAP

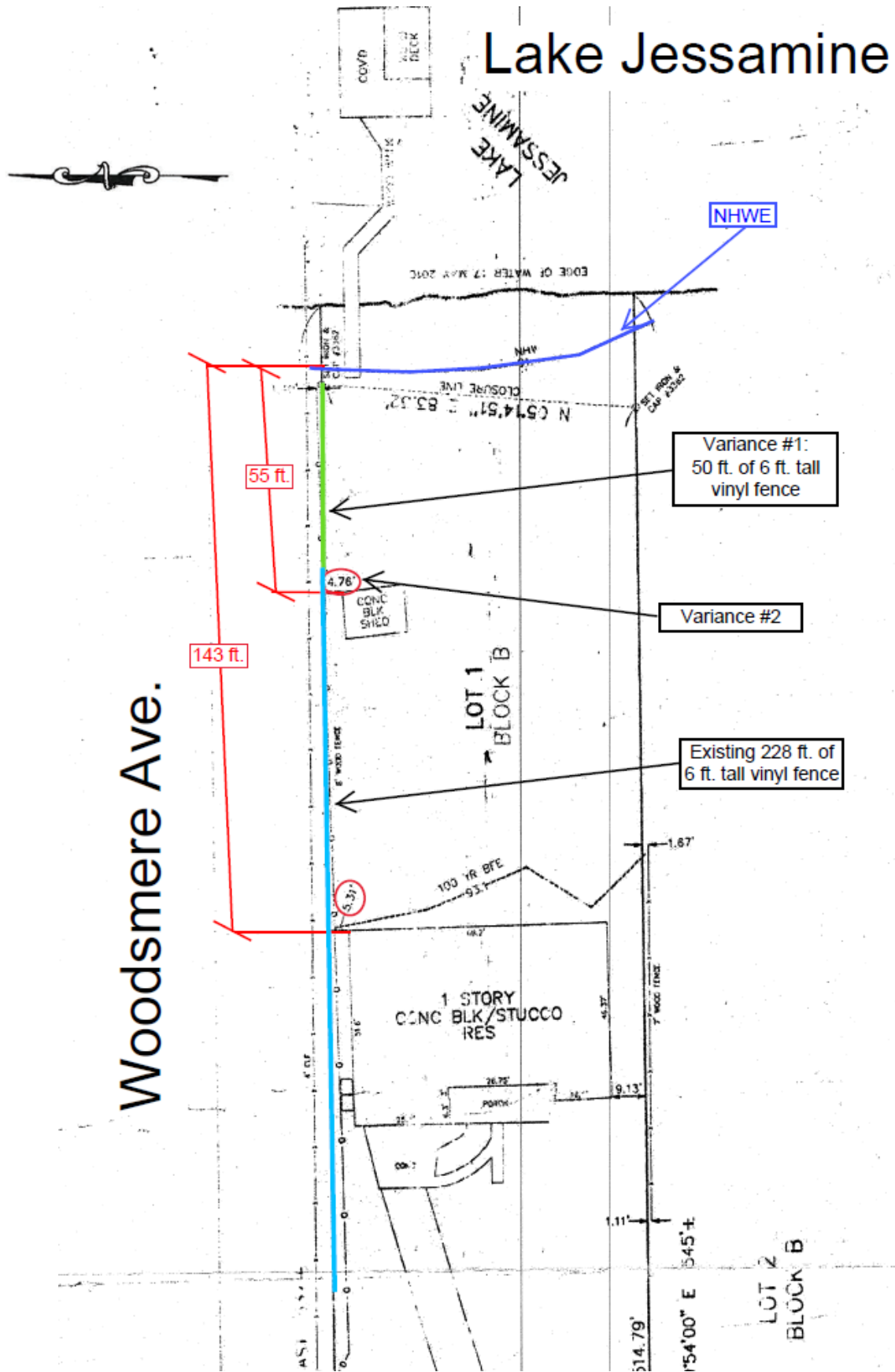


AERIAL MAP



SITE PLAN





SITE PHOTOS



Facing east towards front of subject property



Rear yard, facing east towards Lake Jessamine

SITE PHOTOS



Rear yard, facing north towards existing 6 ft. tall fence



Rear yard, facing northwest towards proposed location of the fence

SITE PHOTOS



Side street yard, facing west towards existing shed



Rear yard, facing north towards proposed location of the fence and public boat ramp

SITE PHOTOS



Facing east from Woodmere Ave.



Woodsmere Ave., facing southeast towards Lake Jessamine

SITE PHOTOS



Woodsmere Ave., facing southwest towards existing 6 ft. tall fence



Woodsmere Ave., facing southeast towards proposed location of the fence

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **AUG 07, 2025**

Commission District: **#2**

Case #: **VA-25-08-031**

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

GENERAL INFORMATION

APPLICANT(s): DIEGO MOSQUERA

OWNER(s): DIAIRMOS LLC

REQUEST: Variances in the R-T-1 zoning district to allow a mobile home as follows:

- 1) A side street setback of 11.7 ft. in lieu of 15 ft.
- 2) A west side setback of 3.7 ft. in lieu of 5 ft.

PROPERTY LOCATION: 2887 Grace St., Apopka, FL 32703, northwest intersection of Grace St. and Merritt Rd., south of S.R. 414, west of N. Orange Blossom Trl., north of Beggs Rd., east of N. Hiawassee Rd.

PARCEL ID: 30-21-29-1832-03-280

LOT SIZE: +/- 7,500 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 108

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by John Drago, Second by Juan Velez; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Sonya Shakespeare, Johnny Stanley; 0 opposed; 1 absent: Roberta Walton Johnson):

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

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 of approval of the

Variances. Staff noted that no comments were received in favor, and one comment was received in opposition to the request.

The applicant was present and described their justifications for requesting the Variances noting that he is assisting his father with the process. He also stated they had hired a contractor to install the mobile home and obtain the correct permits, but they had abandoned the job. The applicant went on the state that they were unable to shift the mobile home to comply with the setbacks due to the width of the mobile home.

BZA discussed that the mobile home is currently placed on the property but will still need to obtain all the required permits. They went on to state that the width of the mobile home and lot do not allow stairs to be placed in a code compliant location.

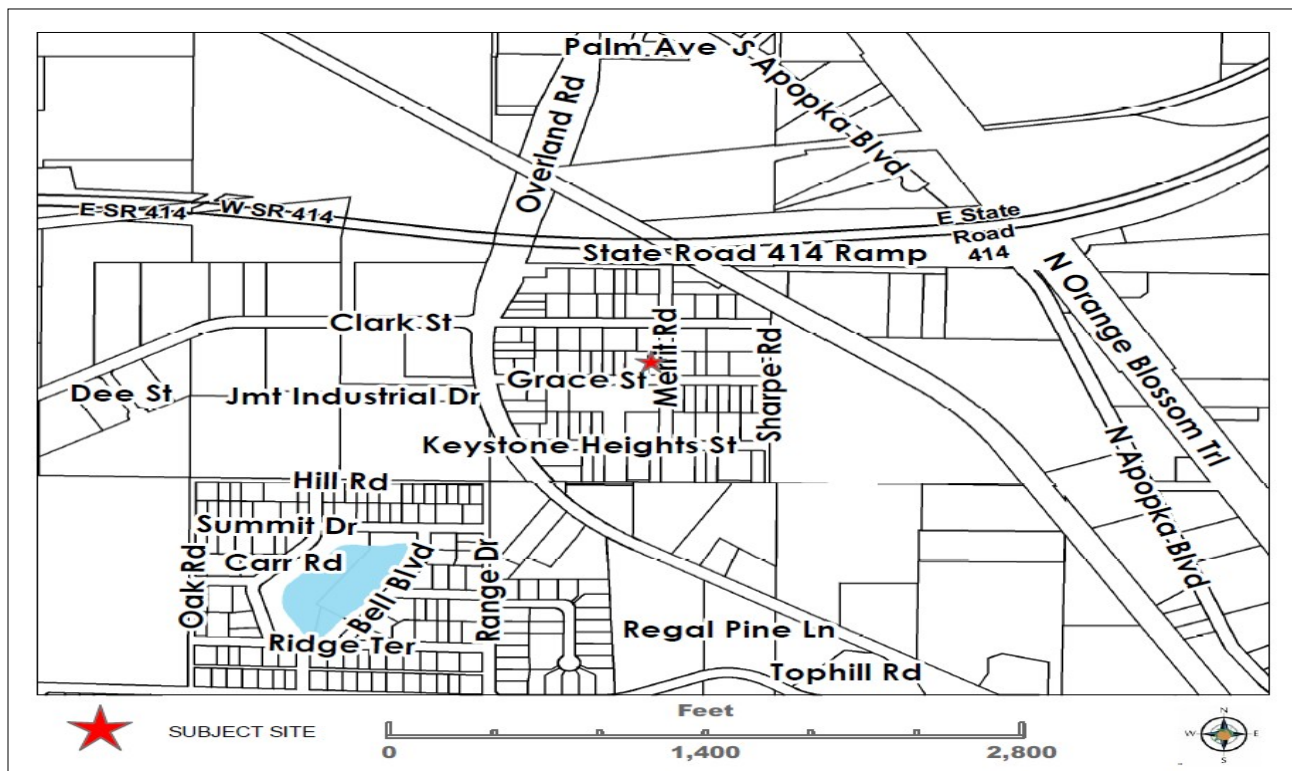
There was no one in attendance to speak in favor and one individual spoke in opposition to the request. The individual stated that he is the neighbor directly next to the subject property, that the stairs are too close to his property, and the Variance request was inaccurate because it was 3 ft. from his fence. The applicant explained that the fence may not be directly on the property line due to movement over time. The BZA discussed that the setback would be measured upon installation of the mobile home at the final inspection.

The BZA recommended approval of the Variance as requested by a 6-0 vote with one (1) absent, 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-1	R-T-1	R-T-1	R-T-1	R-T-1
Future Land Use	LMDR	LMDR	LMDR	LMDR	LMDR
Current Use	Vacant	Single-family residential	Religious Institution	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-T-1, Mobile Home Subdivision district, which allows a mix of mobile homes and single-family homes on single lots under individual ownership and associated accessory structures. The Future Land Use is Low-Medium Density Residential (LMDR), which is consistent with the R-T-1 zoning district.

The area surrounding the subject site is comprised of mobile homes and single-family homes. The subject property is 7,500 sq. ft. in size, was platted in 1946 as Lot 28 in Block C of the Cross Roads Subdivision Plat and is a conforming lot of record. The property is a corner lot with right-of-way along Grace St. to the south, and Merrit Rd. to the east. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, Grace St. is considered the front and Merrit Rd. is considered the side street.

The property was previously developed with a single-wide mobile home which was demolished in 2020. The property was purchased by the current owner in 2023. The mobile home subject to this Variance request has been placed on the lot but is not tied down and three concrete staircases have already been constructed, all without permits.

The proposal is to install a 27 ft. by 60 ft., 1,620 sq. ft., mobile home on the subject property. The finished floor elevation of the home is approximately 3.5 ft. above the grade of the lot. The plans include three concrete staircases to enter the home: one on either side of the home and one on the rear. In the R-T-1 zoning district, the interior side setback is 5 ft. and the side street setback is 15 ft. The primary mobile home structure is complying with the setbacks, however, the 3.4 ft. by 12.6 ft. stairs on the east side are 11.7 ft. from the side street property line, requiring Variance request #1, and the 4.2 ft. by 15.6 ft. stairs on the west side of the home are 3.7 ft. from the property line, requiring Variance request #2. The mobile home complies with the front and rear setback requirements. A permit (B25005455) was submitted in March of 2025 for the installation of the mobile home and staircases, but is on hold pending the outcome of this case.

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

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Based on staff's analysis, the finished floor elevation of the home requires stairs to enter the structure. The mobile home is located 15 ft. from the east side street property line and 8 ft. from the west side property line. The encroachment is limited to the stairs on either side of the home. Staff has determined that this request meets all the criteria, therefore staff is recommending approval.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	15 ft.
Min. Lot Width:	45 ft.	50 ft.
Min. Lot Size:	4,500 sq. ft.	7,500 sq. ft.

Building Setbacks (Mobile Home)

	Code Requirement	Proposed
Front: (Grace St.)	20 ft.	29.3 ft. (South)
Side Street: (Meritt Rd.)	15 ft.	11.7 ft. (East – Variance #1)
Side:	5 ft.	3.7 ft. (West – Variance #2)
Rear:	20 ft.	57 ft. (North)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

All Variances MET – There are special conditions and circumstances unique to the proposed structure as the finished floor elevation requires stairs to enter the structure, and the width of the structure prevents it from being moved to a location that would meet code.

Not Self-Created

All Variances MET – The need for the Variance is not self-created as mobile homes have a higher finished floor elevation than a site-built home and requires stairs in compliance with Florida Building Code.

No Special Privilege Conferred

All Variances MET – Granting the Variances as requested would not confer special privilege as several other properties in the area appear to have side and side street setbacks similar to the requests.

Deprivation of Rights

All Variances MET – Without approval of the requested Variances, the owner will be deprived of the ability to place the mobile home on the property.

Minimum Possible Variance

All Variances MET - The requests are the minimum possible to allow adequate ingress and egress to the mobile home.

Purpose and Intent

All Variances MET - Approval of the requested Variances would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The mobile home structure complies with all development standards and setbacks. The stairs are the only portion of the home encroaching into the setbacks and have a maximum height of 3.5 ft. The stairs will not be significantly visible from any of the surrounding properties, thereby limiting any quantifiable negative impact to surrounding property owners.

CONDITIONS OF APPROVAL

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

C: Diego Mosquera
6806 Gibraltar Road
Orlando, FL 32822

Cover Letter – Variance Request for Stair Encroachments

To Board of Zoning Adjustment (BZA),

This letter is submitted in support of a variance request for the east and west side stair structures attached to a 60' wide × 27' deep × 15' tall mobile home. The mobile home will be the primary residence for the owner and the owner's son, who is the authorized agent. The owner's son is a 100% disabled veteran with medical conditions that may worsen over time. Safe, accessible, and code-compliant ingress and egress is a vital necessity for this household.

The following setback variances are requested:

- East side: 11.7 feet in lieu of the required 15 feet (a 3.4-foot variance)
- West side: 3.7 feet in lieu of the required 5 feet (a 1.3-foot variance)

Both structures are concrete staircases with the following dimensions:

- East side: 42" high × 12.6' long × 40" wide
- West side: 42" high × 15.6' long × 50.4" wide

Variance Criteria Justification

1. Special Conditions and Circumstances

The mobile home is elevated at 42" and requires permanent, concrete, code-compliant staircases for safe access. The elevation and structure layout create a unique condition not applicable to typical ground-level structures in the zoning district.

2. Not Self-Created

The hardship is not self-created but stems from Florida Building Code requirements related to elevation and safety. The applicants have no control over the dimensional or safety requirements that dictate the length and slope of the stairs.

3. No Special Privilege Conferred

The requested variances do not grant any special privilege that is not available to others in the same zoning district. These structures are essential for access and not intended for recreational or expanded use.

4. Deprivation of Rights

Without the requested variances, the applicant would be deprived of the right to safely and reasonably access the home, a right enjoyed by other property owners. The mobile home is the intended residence of a 100% disabled veteran whose mobility and medical needs may increase over time. The staircases are located as close as possible to the adjacent parking space to minimize travel distance and physical strain. Denying the variance would result in an undue and unnecessary hardship not in line with the intent of the zoning code.

5. Minimum Possible Variance

The requested setbacks represent the minimum possible encroachments while still meeting building and safety standards for staircase construction. No additional relief is sought.

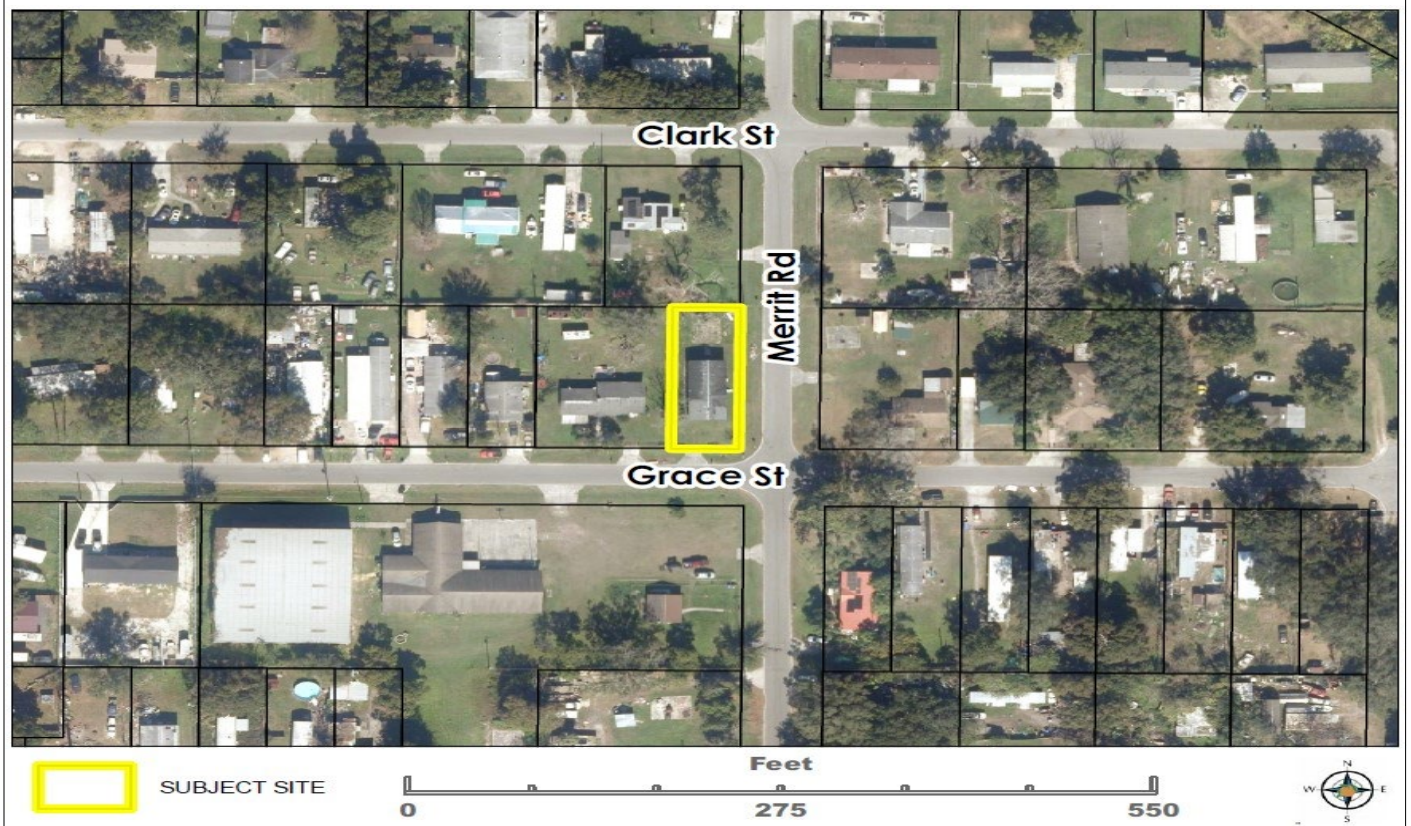
6. Purpose and Intent

The proposal is consistent with the purpose and intent of zoning regulations. The requested variances will not be injurious to the neighborhood or detrimental to public welfare. The staircases are low-profile, fixed, and will not interfere with adjacent properties or rights-of-way.

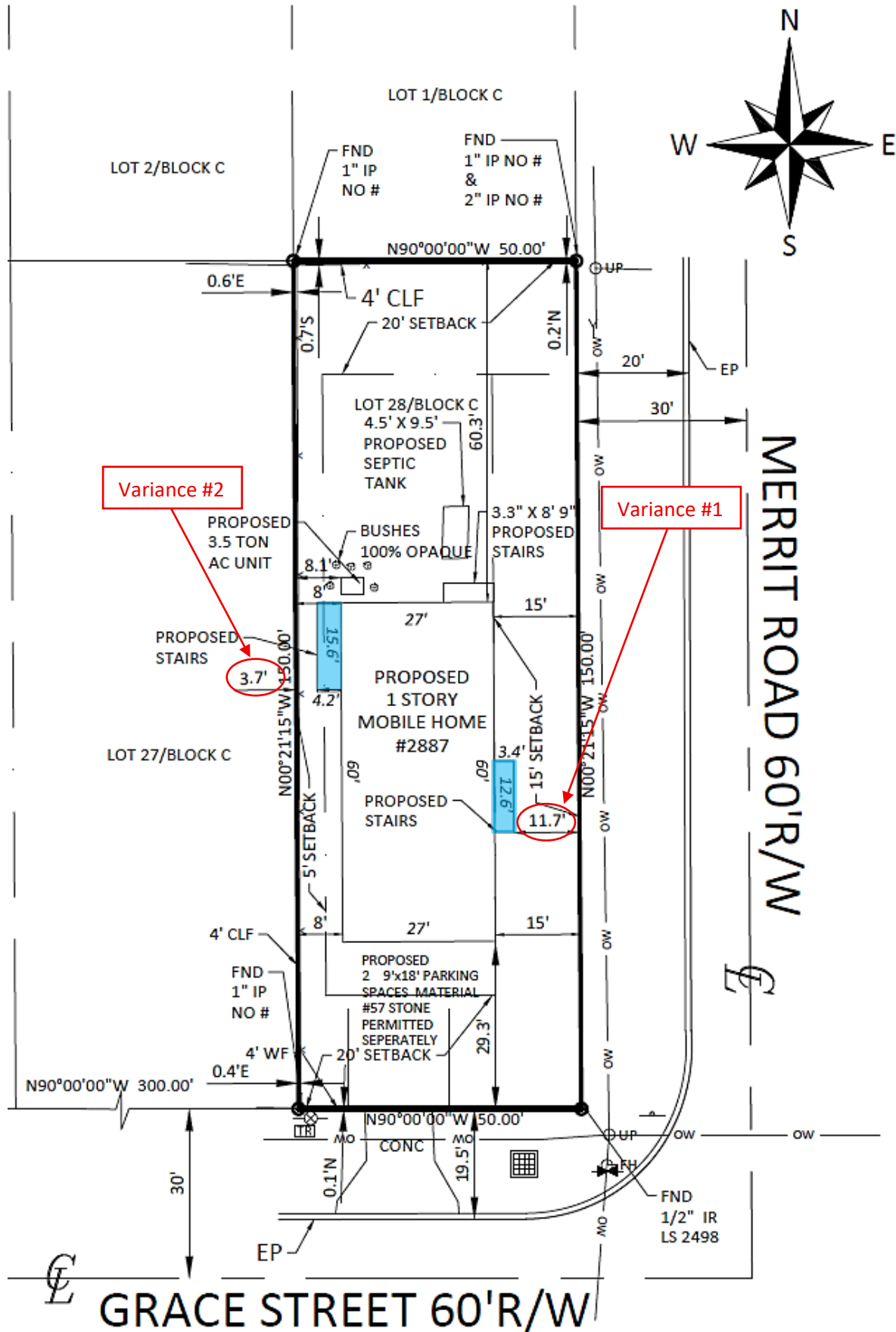
ZONING MAP



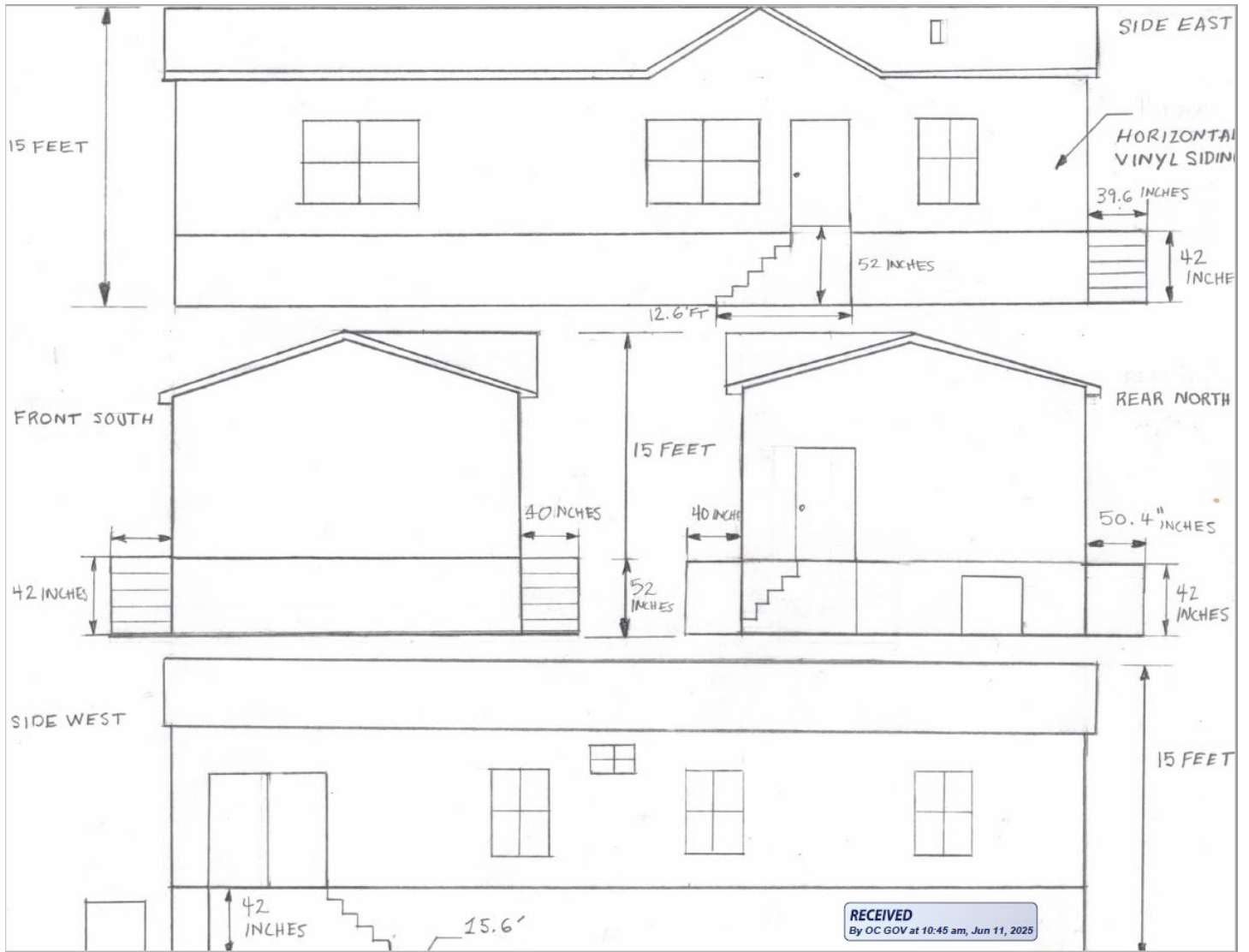
AERIAL MAP



SITE PLAN



ELEVATIONS



SITE PHOTOS



Facing north towards front of subject property from Grace St.



Facing northwest from the intersection of Grace St. and Merrit Rd.

SITE PHOTOS



Side street yard, facing west towards mobile home



Side street yard, facing south towards mobile home

SITE PHOTOS



Rear yard, facing south towards mobile home



Rear yard, facing south towards the west stairs



Side yard, facing north towards the stairs on the west side of the mobile home

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **AUG 07, 2025**

Commission District: **#5**

Case #: **VA-25-08-032**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): VERONICA DECKER

OWNER(s): VERONICA DECKER, DAVID DECKER

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

- 1) To allow an addition (garage) with a rear setback of 20.78 ft. in lieu of 30 ft.
- 2) To allow an addition with a rear setback of 14.07 ft. in lieu of 30 ft.
- 3) To allow an addition (lanai) with a rear setback of 12.92 ft. in lieu of 30

PROPERTY LOCATION: 2731 Lion Heart Rd., Winter Park, Florida 32792, north side of Lion Heart Rd., east of S. Lakemont Ave., south of Aloma Ave., west of N. Semoran Blvd.

PARCEL ID: 09-22-30-9424-01-030

LOT SIZE: +/- 8,802 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 584

DECISION: Recommended **APPROVAL** of the Variance requests in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions (Motion by Johnny Stanley, Second by Glenn Rubinstein; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Sonya Shakespeare, Johnny Stanley; 0 opposed; 1 absent: Roberta Walton Johnson):

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

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 of denial of the Variances. Staff noted that no comments were received in favor or in opposition to the requests.

The applicant and their contractor were present. The applicant described their justifications for requesting the Variances stating that the additions are designed to meet their long-term needs, including accessibility. The contractor explained the justifications for the proposed locations and layouts of the additions and other future plans for the property, including new landscaping and a small pool.

BZA discussed the additions in relation to the needs of the owners. They also noted that the Variances are required due to the unique lot configuration and placement of the existing home. Also, the additions are designed to match the existing home.

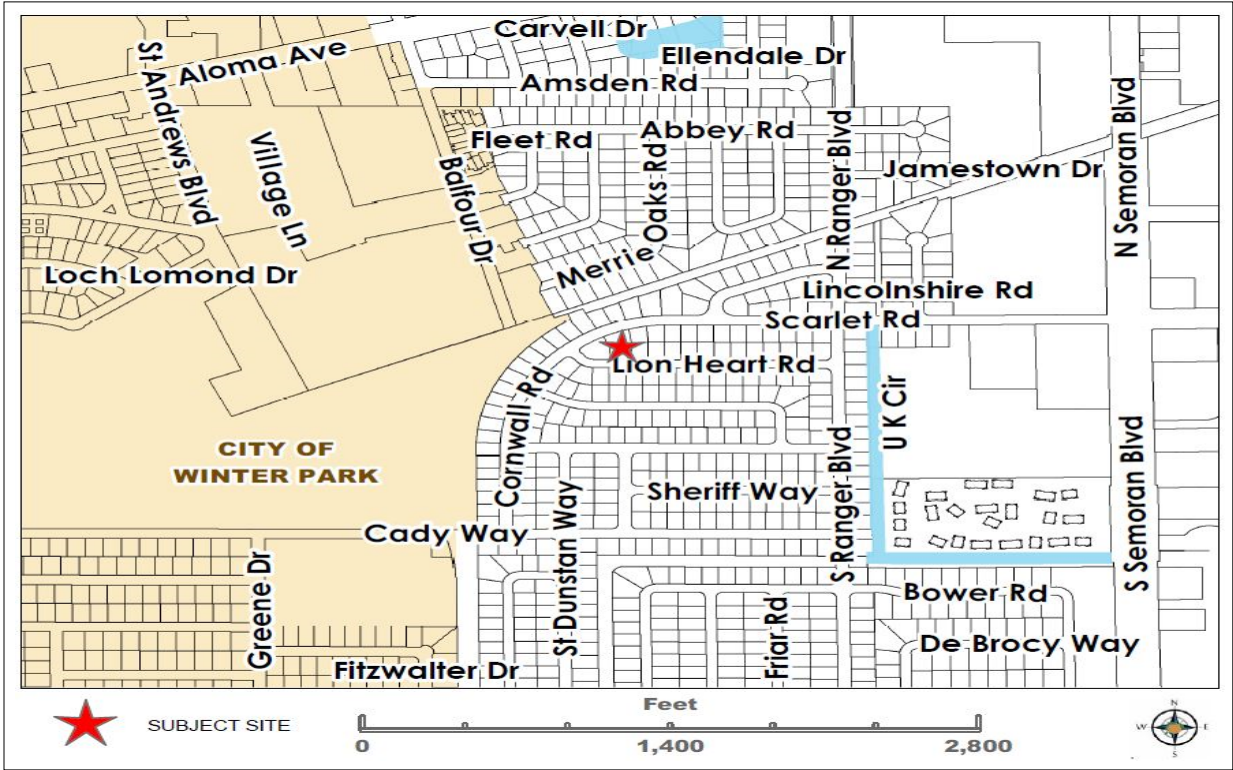
There was no one in attendance to speak in favor or in opposition to the request.

The BZA recommended approval of the Variance as requested by a 6-0 vote with one (1) absent, subject to the three (3) conditions found in the staff report.

STAFF RECOMMENDATIONS

Denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for the granting of the 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-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area surrounding the subject site consists of single-family homes. The subject property is 8,802 sq. ft. in size, was platted in 1962 as Lot 3 of Block A of the Winter Park Pines Unit One Replat and is a conforming lot of record. The property is an interior lot with right-of-way along Lion Heart Rd. to the south. There is a 6 ft. utility easement along the rear and side property lines.

The property was purchased by the current owners in May of 2025. The property is developed with a one-story, 1,983 gross sq. ft. home, constructed in 1962, screen porch, 1-car garage, and a chain link fence enclosing the rear and side yards. The existing home is developed with an east side setback of 7.31 ft. where 7.5 ft. is required. Section 38-1508(a) of Orange County Code states, *“the zoning manager shall have the authority to grant administrative waivers from the minimum yard requirements, provided that no such administrative waiver shall exceed six (6) percent of the applicable requirement for the yard.”* The existing 7.31 ft. setback does not exceed 6% of the required 7.5 ft. side setback and has been granted an administrative waiver.

The proposal is to remove the screen porch and construct two additions to the existing residence. The first addition is a 31 ft. by 12.67 ft. garage and workshop area on the west side of the home. The 12 ft. by 8.67 ft. workshop is proposed at the rear of the garage addition. The second addition is comprised of a 20 ft. by 23.67 ft. living space addition and a 20.67 ft. by 10 ft. lanai with a summer kitchen on the rear of the existing home. The required rear yard setback is 30 ft. in the R-1A zoning district. As proposed, the garage/workshop addition will be 20.78 ft. from the rear property line, requiring Variance #1. The living space addition is proposed to be located 14.07 ft. from the rear property line, requiring Variance #2, and the lanai addition is proposed to be 12.92 ft. from the rear property line, requiring Variance #3. The additions comply with the side setback requirements and do not impact the utility easements located along the rear and side property lines.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. While the requests meet some of the criteria, they do not meet all the criteria. Therefore, staff is recommending denial of all three Variance requests.

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.	16.08 ft.
Min. Lot Width:	75 ft.	100 ft.
Min. Lot Size:	7,500 sq. ft.	8,802 sq. ft.

Building Setbacks

	Code Requirement	Proposed
Front:	25 ft.	25 ft. (South)
Side:	7.5 ft.	13.07 ft. (West) 7.31 ft. (East- Administrative Waiver)
Rear:	30 ft.	20.78 ft. (Garage – Variance #1) 14.07 ft. (Living Space – Variance #2) 12.92 ft. (Lanai – Variance #3)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

All Variances MET – There are special conditions or circumstances peculiar to this property, as placement of the existing home and unique shape of the lot limits the area a usable addition could be constructed to comply with setback requirements.

Not Self-Created

All Variances MET – The need for the Variances is not self-created, as usable additions to the existing home would require Variances based on the placement of the home and the unique shape of the lot.

No Special Privilege Conferred

Variance #1 MET - Granting the variance as requested would not confer special privilege as there are other properties in the area that appear to have rear setbacks similar to the request.

Variances #2 and #3 NOT MET – Granting the variances as requested would confer special privilege. While there are other properties in the area that appear to have reduced rear setbacks, the requested Variances are larger than those granted to other property owners.

Deprivation of Rights

All Variances MET – Denial of the Variances would deprive the rights of the owner to construct improvements on the property as the existing home encroaches into the rear setback.

Minimum Possible Variance

All Variances NOT MET – The requests are not the minimum possible Variance needed as the additions could be redesigned to lessen the Variance requests.

Purpose and Intent

All Variances MET - Approval of the requested Variances would be in harmony with the purpose and intent of the Zoning Regulations as the code is primarily focused on minimizing the impact that structures have on surrounding properties. The garage addition is in line with the rear of the existing home and complies with the side setback requirement. The three additions will not be significantly visible from any of the surrounding properties due to the 6 ft. tall fence along the rear and side property lines, thereby limiting any quantifiable negative impact to surrounding property owners

CONDITIONS OF APPROVAL

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

C: Veronica Decker
2731 Lion Heart Rd.
Winter Park, FL 32792

Veronica & David Decker
2731 Lion Heart Road
Winter Park, FL 32792

June 10, 2025

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

Dear Zoning Division,

We are writing to respectfully request a variance for our property located at 2731 Lion Heart Road, Winter Park, FL 32792. We purchased this home to be across the street from our daughter, her husband, and their three young daughters (ages 7 to 11), with the intention of creating a multigenerational living environment. As part of our renovation plans, we are designing the home to meet our long-term needs, including ensuring full accessibility so that we can age in place.

Due to the irregular shape of our lot, the proposed addition will encroach into the rear setback. The primary bedroom addition will be 12.92 feet from the rear property line on the northwest corner. The addition will be constructed to match the existing home in both height and architectural style, maintaining the residential character and aesthetic of the neighborhood.

In accordance with Orange County's variance requirements, we respectfully submit the following justifications based on the six standards for approval:

1. Special Conditions and Circumstances

- The irregular shape of our lot creates a unique constraint that limits the buildable area. This condition is not common to other properties in the neighborhood and significantly impacts our ability to make reasonable improvements.

2. Not Self-Created

- The need for this variance arises from the existing lot configuration, which we did not create. We are simply seeking to make necessary modifications to accommodate accessibility and family needs.

3. No Special Privilege Conferred

- Granting this variance would not confer any special privilege not enjoyed by other properties in the same zoning district. The proposed addition is consistent with the scale and use of surrounding homes.

4. Deprivation of Rights

- Denial of this variance would deprive us of the ability to make reasonable and necessary improvements to our home, particularly those that support accessibility and aging in place.

5. Minimum Possible Variance

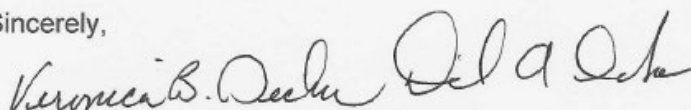
- The requested variance is the minimum necessary to allow for the proposed addition. We have carefully designed the renovation to minimize the encroachment while still meeting our needs.

6. Purpose and Intent

- The proposed addition aligns with the purpose and intent of the zoning regulations by maintaining the residential character of the neighborhood and ensuring compatibility with surrounding properties.

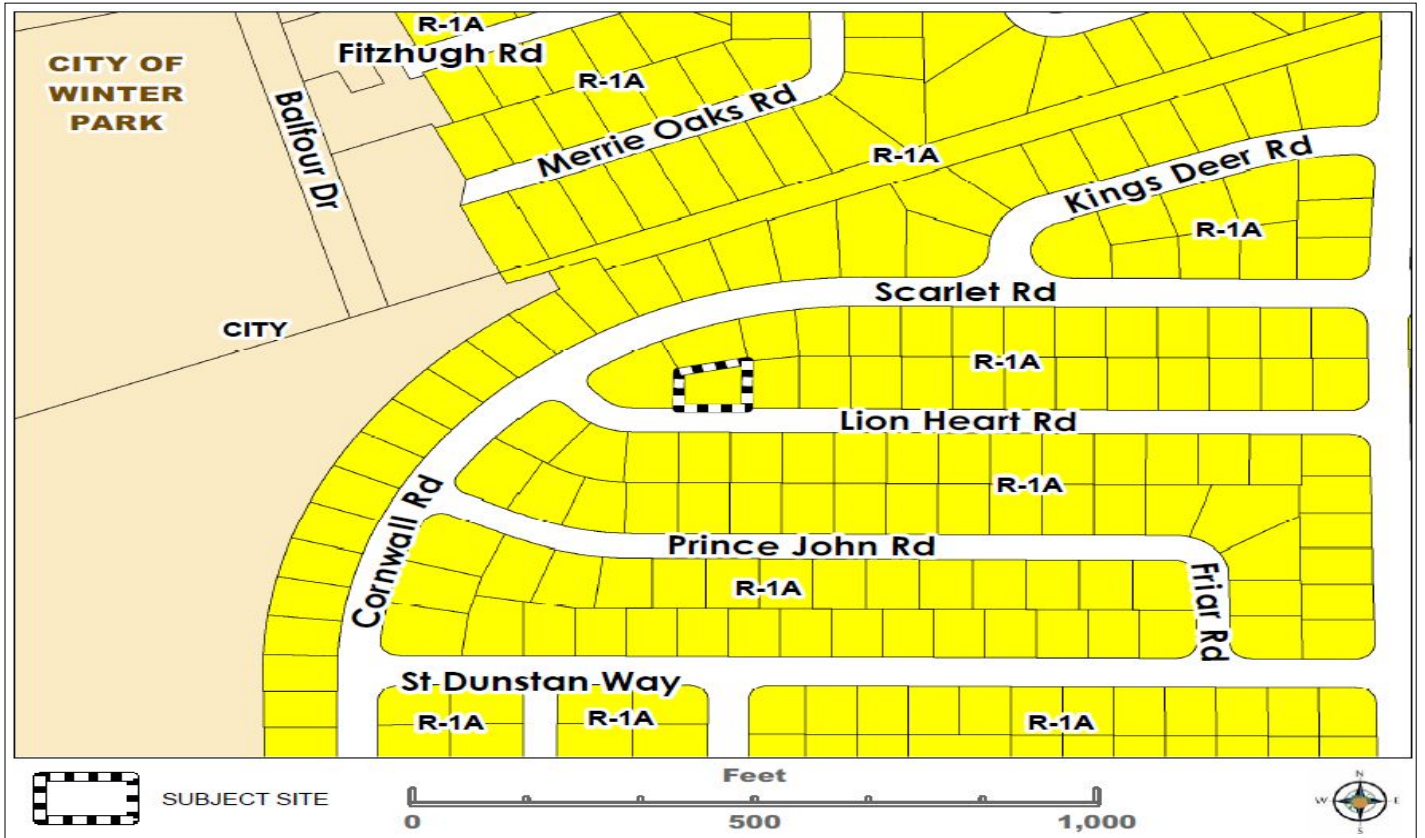
We appreciate your consideration of our request and are happy to provide any additional information or documentation needed.

Sincerely,

A handwritten signature in cursive script, appearing to read "Veronica B. Decker".

Veronica & David Decker

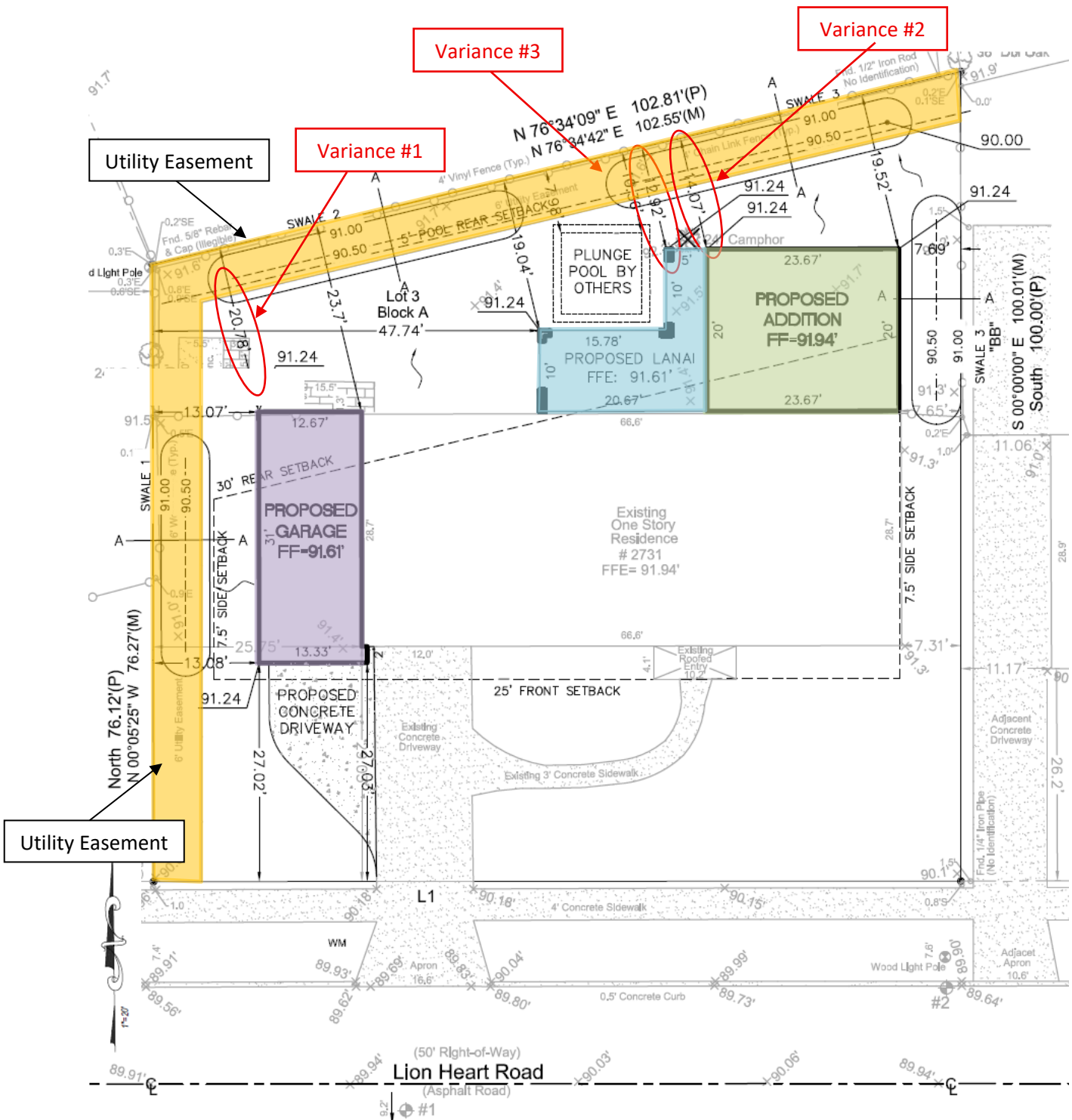
ZONING MAP



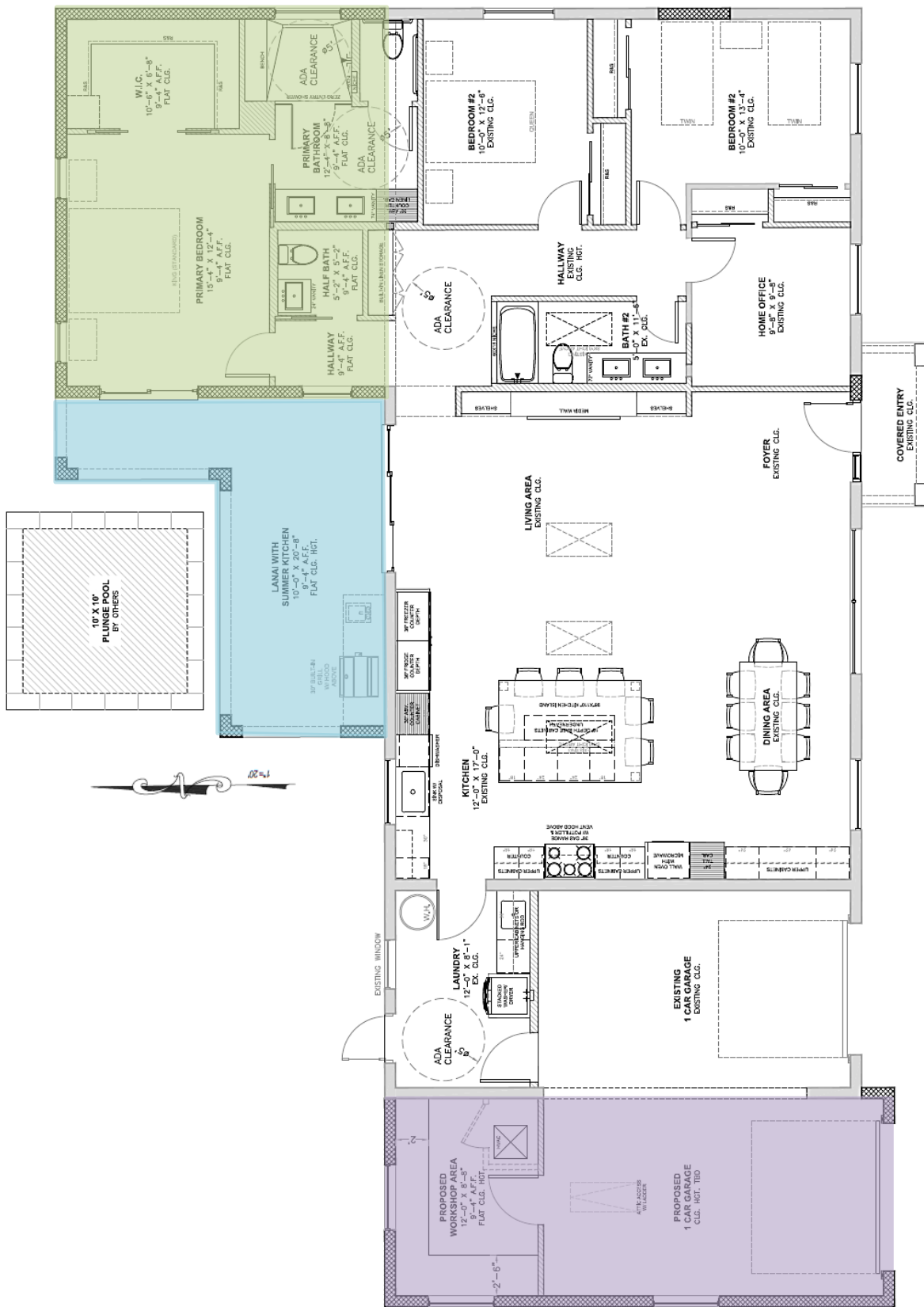
AERIAL MAP



SITE PLAN



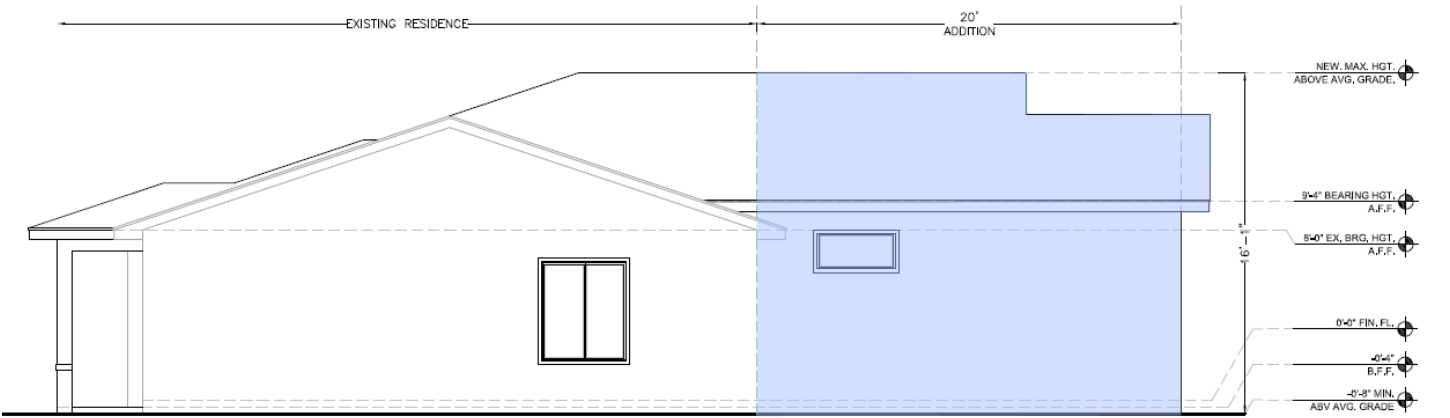
FLOOR PLAN



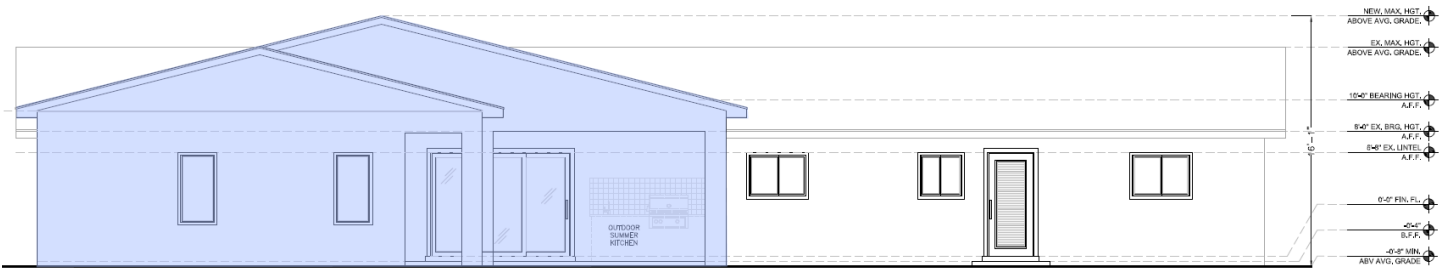
ELEVATIONS



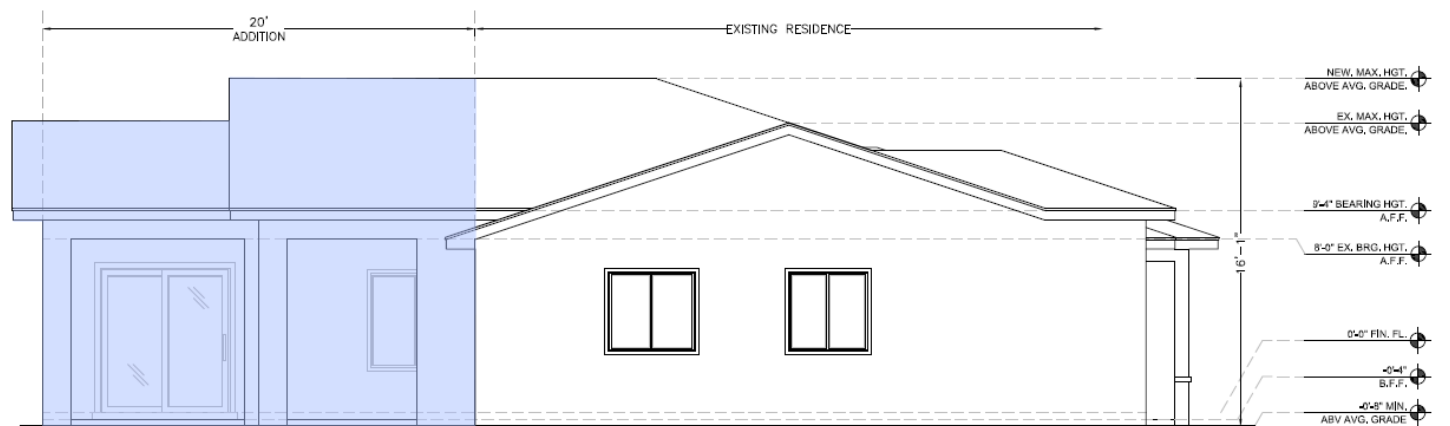
Front Elevation



Right Elevation



Rear Elevation



Left Elevation

SITE PHOTOS



From Lion Heart Rd., facing north towards front of subject property



West side yard, facing northeast towards proposed garage addition

SITE PHOTOS



Rear yard, facing southwest towards proposed garage addition location



Rear yard, facing southeast towards proposed garage addition location

SITE PHOTOS



June 25, 2025 10:10 AM

Rear yard, facing southeast towards existing screen room



June 25, 2025 10:11 AM

Rear yard, facing southwest towards proposed living space and lanai addition location

SITE PHOTOS



Rear yard, facing south towards proposed living space and lanai addition location



Facing east, towards the rear yard

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **AUG 07, 2025**

Commission District: **#3**

Case #: **VA-25-07-028**

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

GENERAL INFORMATION

APPLICANT(s): APPLICANT

OWNER(s): CONFIDENTIAL

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

- 1) To allow a cumulative square footage for a detached accessory structure of 1,873 sq. ft. in lieu of 925.6 sq. ft.
- 2) To allow an Accessory Dwelling Unit (ADU) with living space of 748 sq. ft. in lieu of 723 sq. ft.
- 3) To allow an ADU with a rear setback of 5.74 ft. in lieu of 15 ft.
- 4) To allow an ADU with a south side setback of 6.25 ft. in lieu of 7.5 ft.
- 5) To allow an addition (carport and porch) with a front setback of 14.66 ft. in lieu of 25 ft.

PROPERTY LOCATION: 6 Randia Dr., Orlando, FL 32807, west side of Randia Dr., north of S.R. 408, east of S. Semoran Blvd., south of E. Colonial Dr., and west of N. Goldenrod Rd.

PARCEL ID: 27-22-30-0390-03-270

LOT SIZE: +/- 9,256 sq. ft.

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 134

DECISION: Recommended **MODIFIED APPROVAL** of Variance request **#1**, to allow a cumulative square footage for a detached accessory structure of 1,848 sq. ft. in lieu of 925.6 sq. ft., and **APPROVAL** of Variance requests **#3**, **#4**, and **#5**, in that the Board finds they meet the requirements of Orange County Code, Section 30-43(3); further, said approval is subject to the following conditions as modified; and Variance request **#2**, was **WITHDRAWN** (Motion by Juan Velez, Second by Thomas Moses; unanimous; 6 in favor: John Drago, Juan Velez, Glenn Rubinstein, Thomas Moses, Sonya Shakespeare, Johnny Stanley; 0 opposed; 1 absent: Roberta Walton Johnson):

1. With the exception of reduction of the square footage of the living space of the Accessory Dwelling Unit to no more than 723 sq. ft., development shall be in accordance with the site plan and elevations date stamped July 17, 2025, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the

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

3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The Accessory Dwelling Unit shall be designed to be similar and compatible with the primary dwelling unit, with the same exterior finish material or with vinyl siding with similar architectural details.
5. Prior to the issuance of permits, the utility trailer shall be relocated to a code compliant location or removed from the property.

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

The applicant was present and described their justifications for requesting the Variances and how the project met all the Variance criteria. The applicant submitted five (5) feedback forms in support of the requests from surrounding property owners. The applicant also presented alternate plans that modified the elevation and reduced the living space square footage of the ADU to comply with code, therefore Variance #2 was no longer necessary and was withdrawn.

BZA discussed that Variances #3 and #4 were for the existing walls of the structure and could not be moved. They also discussed in regard to Variance #5, that the house does not have a covered entry, and other properties have similar encroachments.

There was one individual in attendance to speak in favor and no one in attendance to speak in opposition to the requests. The individual who spoke in favor of the requests was the applicant's son and stated he is moving back to Florida and would live in the ADU.

The BZA recommended a modified approval of Variance #1 as follows:

- 1) To allow a cumulative square footage for a detached accessory structure of 1,848 sq. ft. in lieu of 925.6 sq. ft.

The BZA recommended approval of Variances #3 - #5 as requested by a 6-0 vote with one (1) absent, subject to the five (5) conditions found in the staff report with the following modifications:

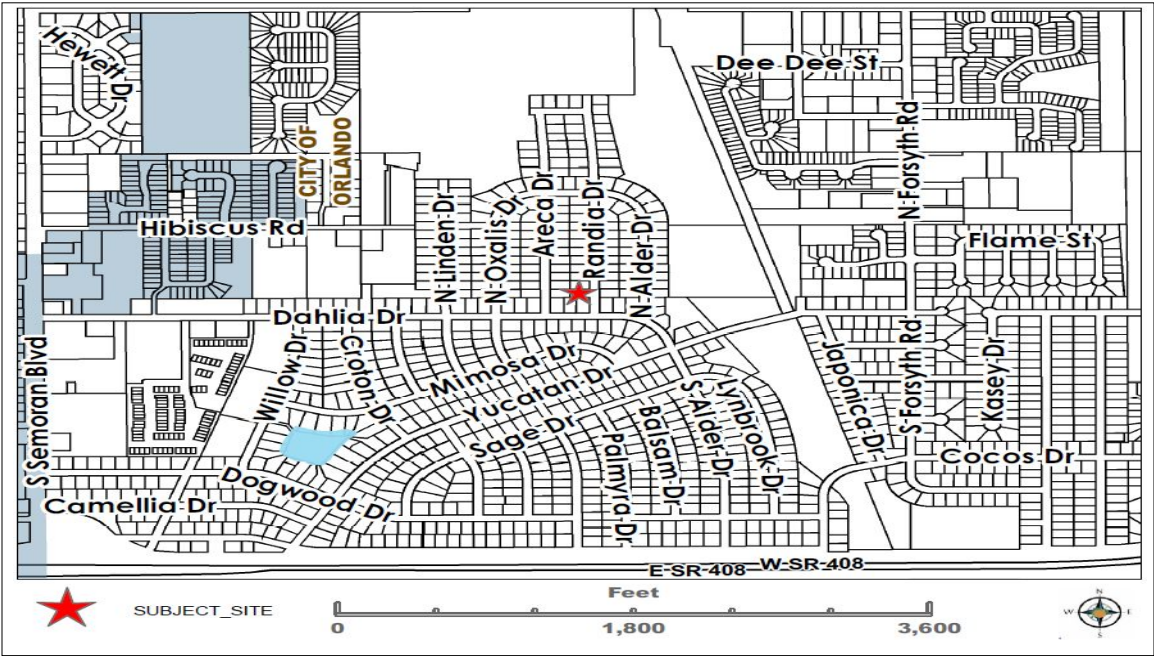
1. With the exception of reduction of the square footage of the living space of the Accessory Dwelling Unit to no more than 723 sq. ft., development shall be in accordance with the site plan and elevations date stamped July 17, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).

4. The Accessory Dwelling Unit shall be designed to be similar and compatible with the primary dwelling unit, with the same exterior finish material or with vinyl siding with similar architectural details.

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-1A	R-1A	R-1A	R-1A	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential	Single-family residential	Single-family residential

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

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

The area surrounding the subject site consists of mostly single-family homes. The subject property is 9,256 sq. ft. in size and was platted in 1954 as Lot 27 of Block C of the Azalea Park Section Seven Plat and is a conforming lot of record. The property is an interior lot with right-of-way along Randia Dr., and has a 5 ft. utility easement along the rear property line. The property is developed with a 1-story, 1,446 sq. ft. single-family home, constructed in 1954, rear covered porch, 500 sq. ft. detached garage, pool and deck with a screen enclosure, and a 6 ft. tall wood fence enclosing the side and rear yards.

The proposal is to convert the existing 500 sq. ft., one-story, detached garage into a two-story structure with an Accessory Dwelling Unit (ADU) on the second floor and a two-car garage and porch on the ground floor. The proposal also includes adding a front porch and carport addition to the front of the existing home. The proposed ADU floor plan shows two bedrooms, one bathroom, a kitchen, and a covered balcony. Per Section 38-1426(1)c.2.(vi)A., *"For parcels less than one (1) acre all detached accessory structures shall be limited to 10% of the net land area, or five hundred (500) square feet, whichever is greater, and the cumulative total may not exceed three thousand (3,000) square feet."* The subject property is 9,256 sq. ft. in size therefore the total cumulative square footage allowed for detached accessory structures is 925.6 sq. ft. As proposed, the structure will be 1,873 sq. ft., requiring Variance #1.

Per Section 38-1426(2)(c)4., *"the maximum living area of an accessory dwelling unit shall not exceed fifty percent (50%) of the primary dwelling unit living area or one thousand (1,000) square feet, whichever is less..."* The primary residence contains approximately 1,446 sq. ft. of living area; therefore, the maximum size allowed for an ADU on the subject site is 723 sq. ft. of living area. As proposed, the living area of the ADU will be 748 sq. ft., requiring Variance request #2.

The existing garage was developed with a south side setback of 6.25 ft. and a rear setback of 5.74 ft., in compliance with the 5 ft. minimum side and rear setback requirements for a detached accessory structure less than 15 ft. in height. The ADU will utilize the footprint of the existing garage and expand the structure forward creating a covered porch in front of the existing structure and living area on the second floor. Per Section 38-1426(2)(c)(6)(ii) of Orange County Code, a two-story detached ADU shall meet the minimum rear setback of 15 ft., prompting Variance request #3. Additionally, Code requires detached ADUs, regardless of height, to meet the minimum side setback for a principal structure in the zoning district, which is 7.5 ft. for the R-1A zoning district, prompting Variance request #4. The ADU shall be designed to be similar and compatible with the primary dwelling unit, with the same exterior finish material and similar architectural details, as reflected in Condition of Approval (COA) #4.

The applicant is also proposing to construct a 320 sq. ft. addition at the front of the existing residence consisting of a 7 ft. by 20 ft. porch and a 15 ft. by 12 ft. carport. As proposed, the addition will be 14.66 ft. from the front property line where 25 ft. is required, prompting Variance request #5. The addition complies with the side setback requirements.

During the site visit, a utility trailer was located in the front yard of the property. Per Orange County Code Section 38-79(141)c. parking, storing, or keeping a utility trailer in a front yard or side street yard shall be prohibited. The utility trailer shall be relocated to a code compliant location or removed from the property, as reflected in COA #5.

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 while the Variance requests meet some of the criteria, they do not meet all the criteria. Based on staff analysis, as proposed, the size, height, and location of the ADU would be intrusive to the surrounding properties and alternative options exist to redesign the structure to lessen Variance requests #1-4 and alternative options exist for the covered patio and carport addition to either lessen or eliminate the need for Variance #5. Therefore, staff is recommending denial of all the Variance requests.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft.	19.91 ft. (Existing Residence) 8 ft. (Front Addition) 24.75 ft. (ADU)
Min. Lot Width:	75 ft.	77.14 ft.
Min. Lot Size:	7,500 sq. ft.	+/- 9,256 sq. ft.

Building Setbacks (Primary Residence)

	Code Requirement	Proposed
Front:	25	29.86 ft. Existing Residence (East) 14.66 ft. Proposed Addition (East – Variance #5)
Side:	7.5 ft.	8.75 ft. (North) 13.02 ft. (South)
Rear:	30 ft.	+/- 54 ft. (West)

Building Setbacks (Accessory Dwelling Unit)

	Code Requirement	Proposed
Front:	Not located in the front yard	N/A (East)
Side:	7.5 ft.	+/- 45 ft. (North) 6.25 ft. (South – Variance #4)
Rear:	15 ft.	5.74 ft. (West – Variance #3)

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

Variance #1 and #2 NOT MET - There are no special conditions or circumstances peculiar to this property, as the addition of the second floor ADU is new construction and could be redesigned to comply with the maximum square footage and living area requirements.

Variances #3 and #4 MET - There are special conditions or circumstances peculiar to this property, as the structure is existing and was developed to comply with accessory structure setbacks. Converting the structure to an ADU increases the required side setback and adding a second floor increases the required rear setbacks.

Variance #5 MET - There are special conditions or circumstances peculiar to this property, as placement of the existing home limits the area a usable front addition could be constructed to comply with setback requirements.

Not Self-Created

Variance #1 and #2 NOT MET - The need for the Variance is self-created, as the additions to the existing structure could be redesigned to comply with the maximum square footage and living area requirements.

Variances #3 NOT MET - The need for the Variance is self-created, as the structure could remain as is or be converted into a one-story ADU, eliminating the need for the Variance request.

Variance #4 MET - The need for the Variance is not self-created, as the garage structure is existing in its current location and the proposal is to utilize the existing footprint of the legally constructed accessory structure.

Variance #5 NOT MET - The need for the Variance is self-created, as the home could continue to be enjoyed as constructed and there are adequate parking areas in the driveway and existing garage in the rear yard.

No Special Privilege Conferred

Variance #1 NOT MET – Granting the Variance as requested will confer special privilege, as the structure is permitted by right in the R-1A zoning district and the proposed size of the structure is consistent with the typical size of ADUs.

Variance #2 MET - Granting the Variance as requested will not confer special privilege, as the structure is permitted by right in the R-1A zoning district and the proposed size of the structure is consistent with the typical size of ADUs.

Variances #3 and #4 NOT MET - Granting the Variance as requested will confer special privilege, as any two-story ADU in the R-1A must maintain the required rear and side yard setbacks.

Variance #5 MET - Granting the Variance as requested will not confer special privilege, as other properties in the area appear to have front setbacks similar to the request.

Deprivation of Rights

Variance #1 NOT MET - Without approval of the requested Variance, the owner will not be deprived of the ability to have an accessory structure, as the existing garage could be enjoyed as originally constructed or the alteration and addition could be redesigned to comply with the maximum square footage requirements.

Variance #2 NOT MET - Without approval of the requested Variance, the owner will not be deprived of the ability to have an ADU, as the second floor ADU is new construction and could be redesigned to comply with the maximum living area requirements.

Variance #3 NOT MET - Without approval of the requested Variance, the owner will not be deprived of the ability to have an ADU, as the scope of work could be redesigned to be a one-story ADU, eliminating the need for the Variance.

Variance #4 MET - Without approval of the requested Variance, the owner will be deprived of the ability to utilize the existing space as an ADU.

Variance #5 NOT MET - There is no deprivation of rights as the home could continue to be enjoyed as constructed.

Minimum Possible Variance

Variances #1 and #2 NOT MET - The request is not the minimum possible to construct an ADU as the addition is new construction and could be redesigned to comply with the maximum square footage requirements.

Variance #3 NOT MET – The request is not the minimum possible as the scope of work could be redesigned to be a one-story ADU, eliminating the need for the Variance.

Variance #4 MET - The request is the minimum possible to convert the structure into an ADU and remain in its current location.

Variance #5 NOT MET - The request is not the minimum possible to construct an addition, as it could be redesigned to lessen or eliminate the request.

Purpose and Intent

Variances #1 and #2 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 the size and appearance of accessory structures as subordinate to the primary residence. As proposed, the structure will be larger than the primary residence in height and square footage.

Variances #3, #4, and #5 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. Granting these Variances would be intrusive to the neighboring properties and inconsistent and incompatible with the surrounding area.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped July 17, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. The Accessory Dwelling Unit shall be designed to be similar and compatible with the primary dwelling unit, with the same exterior finish material and similar architectural details.
5. Prior to the issuance of permits, the utility trailer shall be relocated to a code compliant location or removed from the property.

C: Confidential
6 Randia Dr.
Orlando, FL 32807

19th April 2025

Orange County Board of Zoning Adjustment

201 South Rosalind Avenue, 1st Floor,
Orlando, Florida 32801

Re: 6 Randia Dr (SFR) Application for Variance

To whom it May Concern,

I, [REDACTED], represent myself as a homeowner of approximately 9,256 square feet of land located at 6 Randia dr. in unincorporated Orange County (Parcel Identification number 27-22-30-0390-03-270). Requesting the approval of a variance to:

1. To allow an addition of a new Accessory Dwelling Unit (ADU) on the second floor of an existing detached garage with rear setback of 5.74 ft. in lieu of 10 ft and side setback of 6.25 ft. in lieu of 7.5 ft.
2. To allow the ADU living area of 748 SF that is 52% of the primary dwelling unit living area of 1446 sf in lieu of 723 SF.
3. To allow a carport cover over an existing driveway with front setback of 14.66 ft. in lieu of 25 ft.
4. To allow a porch entry cover with front setback of 22.25 ft. in lieu of 25 ft.
5. To allow cumulative square feet of all detached accessory structures of 1,873 sq. ft. in lieu of 925.6 sq.

Approving this variance would significantly improve my ability to provide financial support to my young adult sons. The additional space is essential to accommodate my 23-year-old son, who is currently experiencing homelessness in California. Despite working overtime at an airline, he cannot afford housing due to the rising rental costs in both California and our community.

This additional space will enable me, as the sole head of household, to better support my entire family and meet their essential needs during these challenging times.

Thank you for considering my request,

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 unique characteristics of the property, specifically the size and location of the house, complicate any potential Accessory Dwelling Unit (ADU) additions without requiring a variance.

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

The need for a variance is not self-created because the homeowner aren't responsible for the home's configuration and location relative to the rear property line. This situation makes any modifications or improvements to the residence challenging without a variance.

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.

Granting the requested variance will not confer any special privilege, as meeting the literal interpretation of the code would prohibit any new construction along the rear of the house beyond a small, unusable expansion. Additionally, the proposed ADU will be located on top of an existing detached garage.

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.

Without the requested variance, making reasonably sized improvements to the home will be impossible.

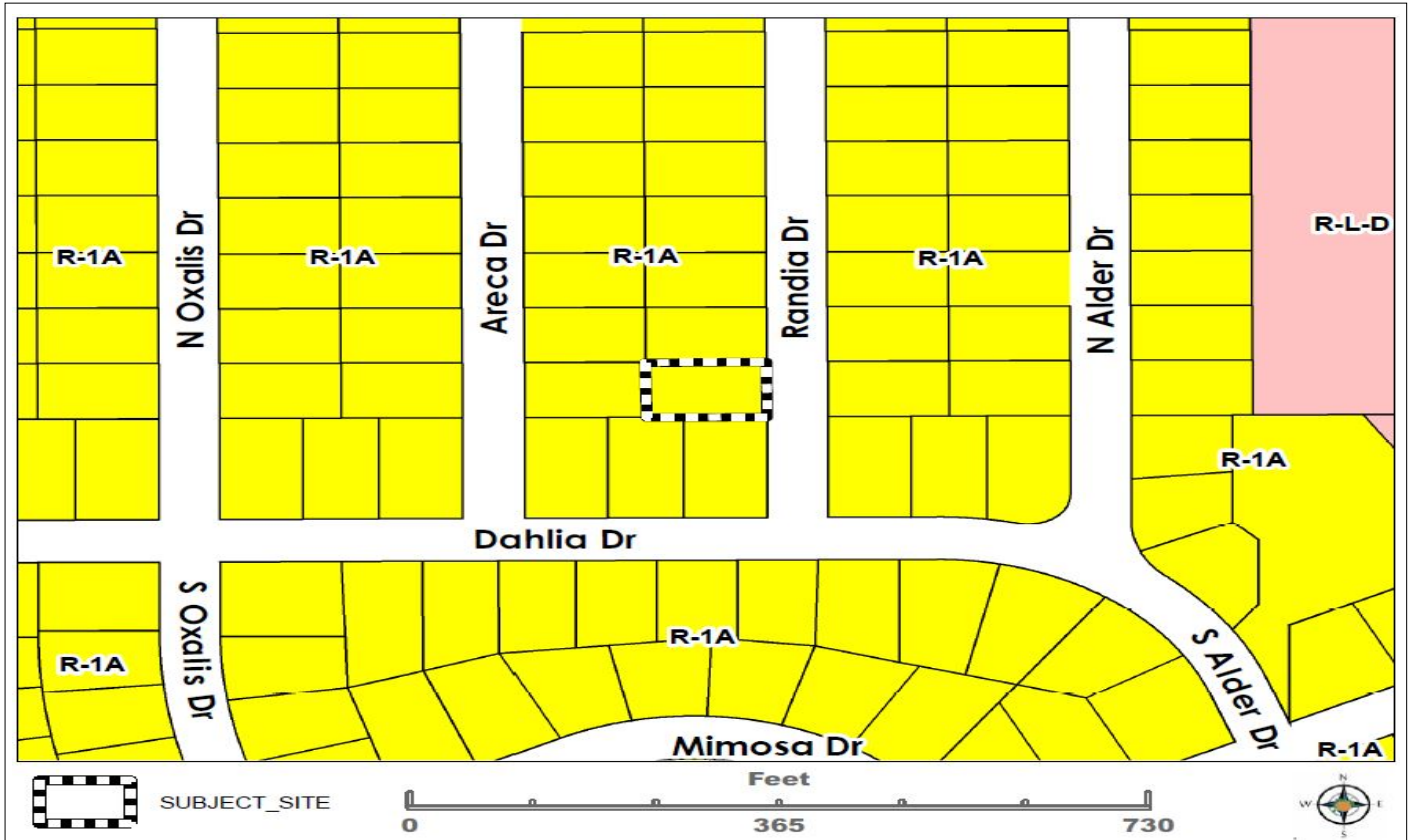
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The variance requested is the minimum necessary to allow for any construction or improvements to the rear of the property. This need arises because of the property's lot size and the existing location of the house on the lot.

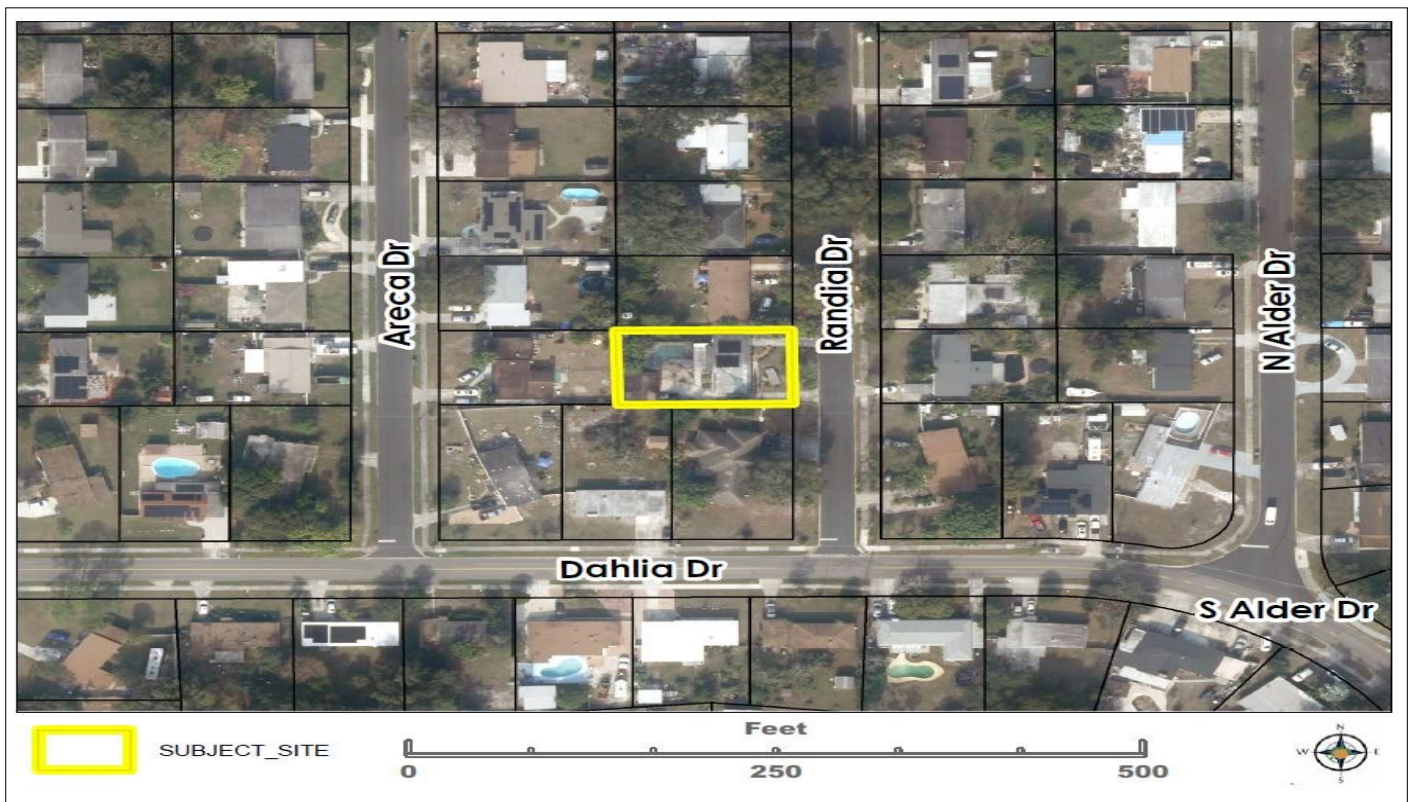
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Granting the requested variance will enable site improvements that align with the Zoning Regulation's intent and purpose, without negatively impacting neighboring properties

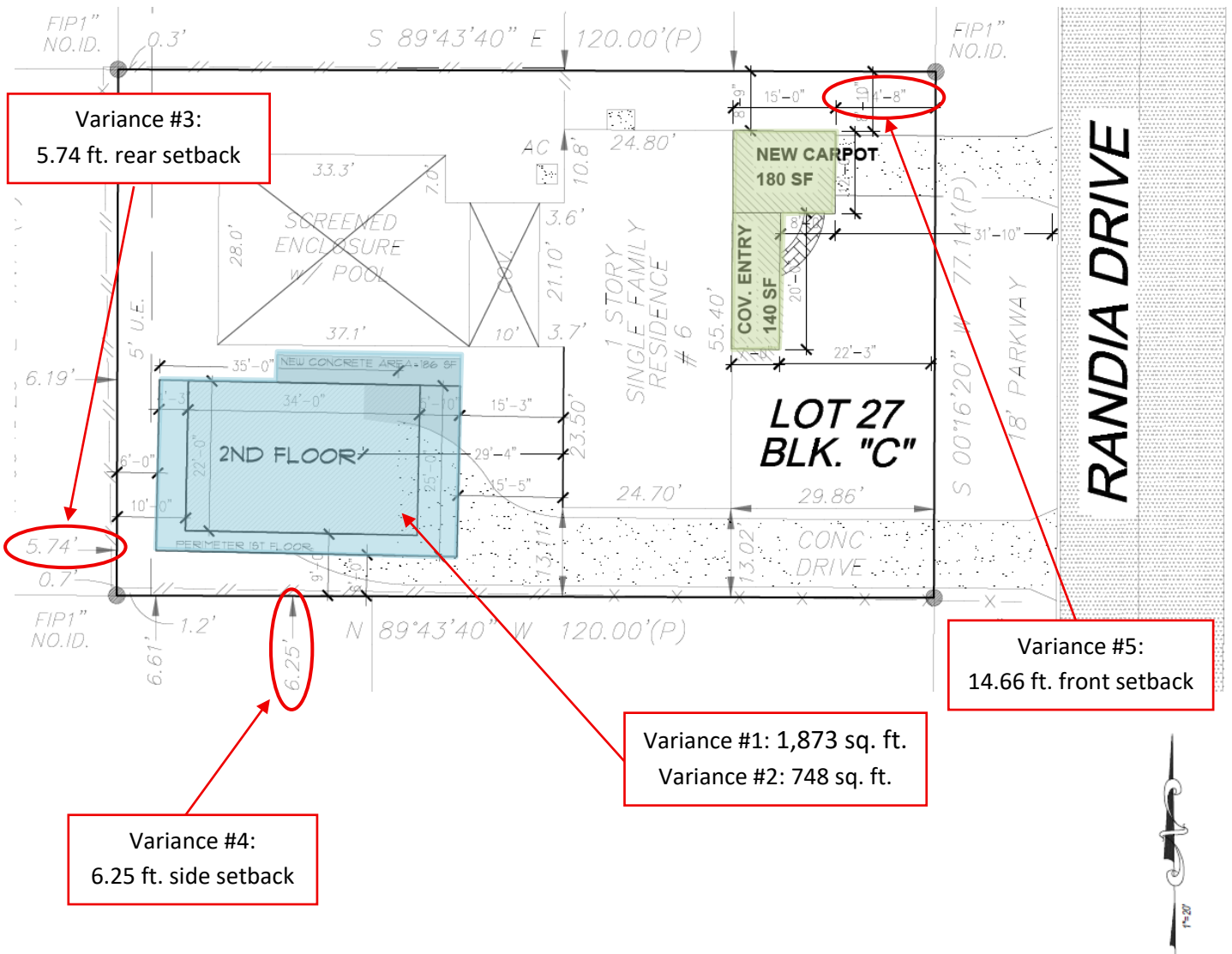
ZONING MAP



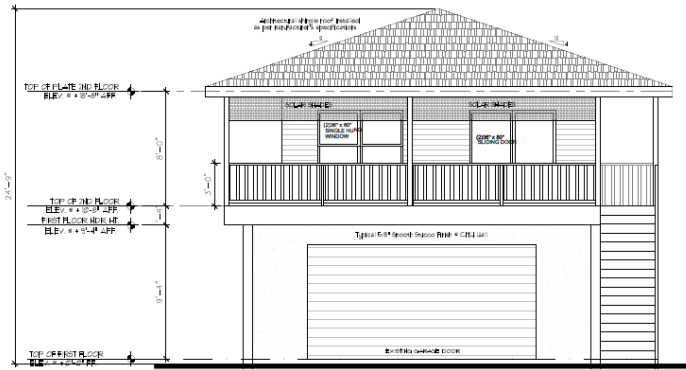
AERIAL MAP



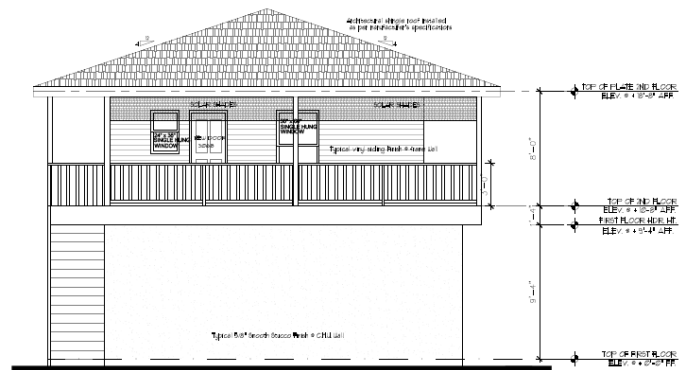
SITE PLAN



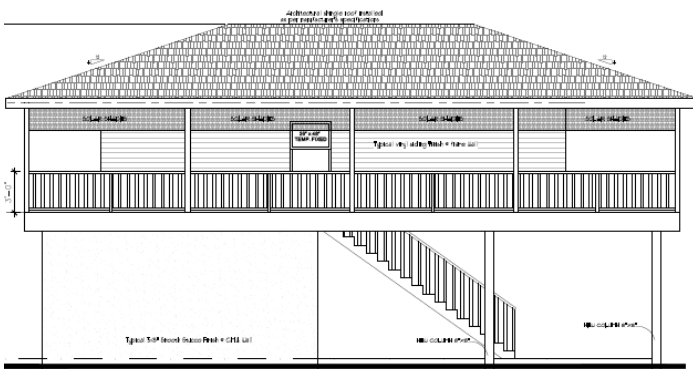
ADU ELEVATIONS



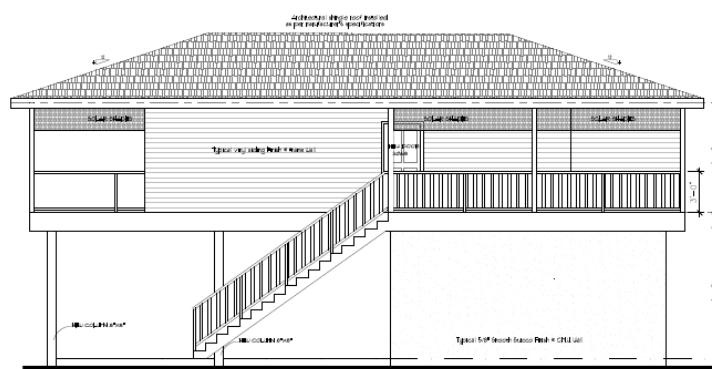
3 PROPOSED FRONT EAST ELEVATION
A3 SCALE 1/4" = 1'



4 PROPOSED REAR WEST ELEVATION
A3 SCALE 1/4" = 1'

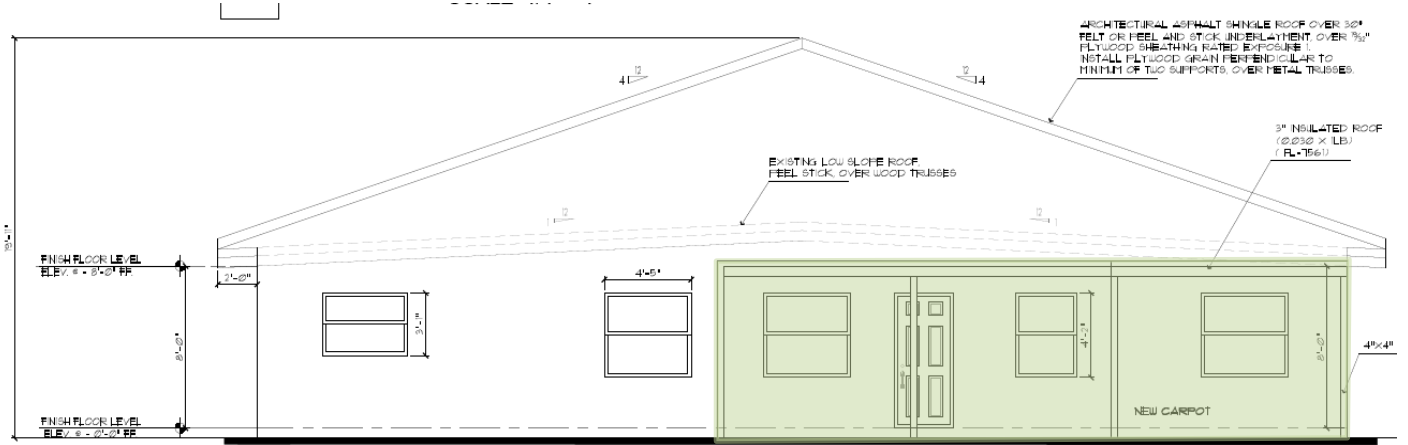


1 PROPOSED LEFT SOUTH ELEVATION
A3 SCALE 1/4" = 1'

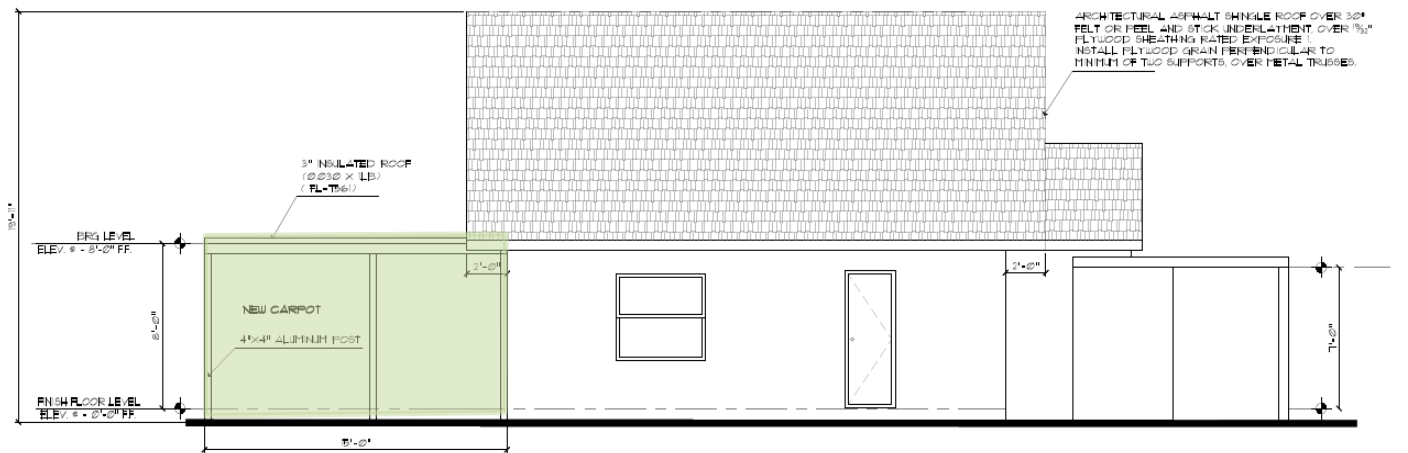


2 PROPOSED RIGHT NORTH ELEVATION
A3 SCALE 1/4" = 1'

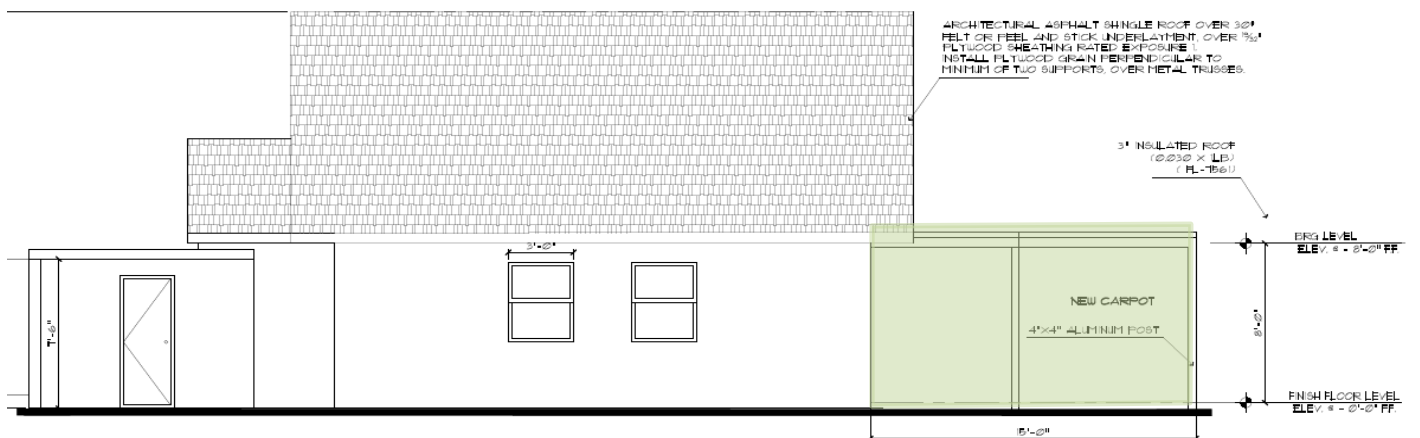
PRIMARY RESIDENCE ELEVATIONS



8 PROPOSED FRONT ELEV.(EAST)
A3 SCALE 1/4" = 1'



6 PROPOSED RIGHT ELEV.(NORTH)
A3 SCALE 1/4" = 1'



4 PROPOSED LEFT ELEV.(SOUTH)
A3 SCALE 1/4" = 1'

SITE PHOTOS



Front yard, facing west towards front of subject property



Front yard, facing west towards the subject structure and proposed location of the front addition

SITE PHOTOS



Front yard, facing south towards the proposed location of the front addition



Front yard, facing northeast towards Randia Dr.

SITE PHOTOS



Variance Request #4

Rear yard, facing west towards the existing garage and proposed location of ADU



Variance Request #4

May 28, 2025 9:17 AM

Rear yard, facing east along the south property line

SITE PHOTOS



Rear yard, facing northeast



Rear yard, facing north along the west property line

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **AUG 07, 2025**

Commission District: **#5**

Case #: **VA-25-08-029**

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

Laekin.O'Hara@ocfl.net

GENERAL INFORMATION

APPLICANT(s): ROBERT WHATLEY

OWNER(s): CHRISTMAS CIVIC ASSOC INC

REQUEST: Variances in the A-2 zoning district to allow a ground sign:

- 1) To be located 1 ft. from the north property line in lieu of 10 ft.
- 2) To allow the clearance of the bottom of the sign face to be 3 ft. from finished grade in lieu of 2 ft.

PROPERTY LOCATION: 23760 E. Colonial Drive Christmas, Florida 32709, south side of E. Colonial Dr., west of Taylor Creek Rd., east of S.R. 520, north of S.R. 528

PARCEL ID: 33-22-33-0000-00-027

LOT SIZE: +/- 0.52 acres (+/- 22,490 sq. ft.)

NOTICE AREA: 1,000 ft.

NUMBER OF NOTICES: 31

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

1. Development shall be in accordance with the site plan date stamped June 11, 2025, and the sign details dated October 3, 2024, subject to the conditions of approval and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

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

The applicant was present and noted the poor condition of the existing sign, and stated the need to replace the sign. The applicant indicated that the sign will be illuminated.

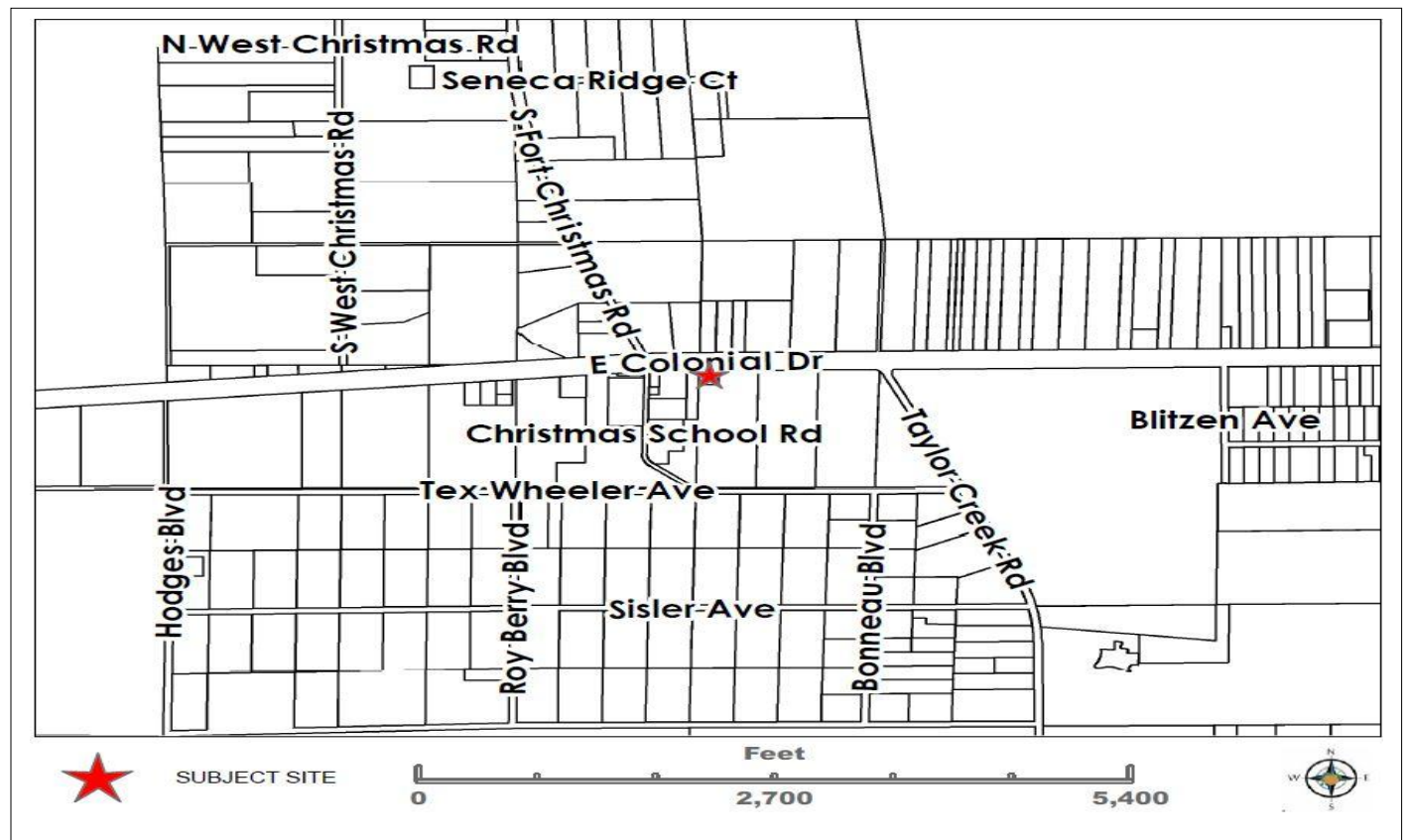
There was no one in attendance to speak in favor or in opposition to the request.

The BZA agreed with the staff recommendation and recommended approval of the Variance as requested by a 5-0 vote, with two absence, 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-2	A-2	A-2	A-2	C-1
Future Land Use	R	R	R	R	R
Current Use	Civic Center	Vacant	Vacant	Vacant	Office

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-2, Farmland Rural District, which allows single-family homes, agricultural uses, and institutional uses. The Future Land Use is Rural (R), which is consistent with the A-2 zoning district.

The subject property is a +/- 0.52 acre parcel with 150 ft. of frontage along E. Colonial Dr. The parcel conforms with the zoning regulations for size and width. It is developed with a 3,254 gross sq. ft. building, constructed in 1970, used as a civic center, a flagpole, a ground sign, and a paved ADA parking space. The existing ground sign is non-conforming, as it is located 1 ft. from the front property line. At the time of installation, the ground sign was in compliance with the setback. However, additional property was acquired for the E. Colonial Dr. right-of-way, with the front property line moving to only 1 ft. from the ground sign. There is approximately 63 ft. of grassed area between the subject site's property line and the paved right-of-way.

The request is to replace the existing ground sign with a 7 ft. high monument ground sign with 32 sq. ft. of copy area, 1 ft. from the north front property line. The applicant is required to replace the existing sign in order to meet the requirements of an Orange County Polling location. Per Code Sec. 31.5-67(g), ground signs must be set back 10 ft. from property lines. Due to the existing location of the ADA compliant parking stall and the access drive location, there are limited areas where the ground sign could be relocated to a code compliant location. Additionally, the distance from the property line to the edge of pavement of the E. Colonial Dr. right-of-way further limits visibility of any proposed signage on the site. The request for a 1 ft. setback requires Variance #1. Per Code Sec. 31.5-67(d), the maximum clearance of the bottom of the sign face of any ground sign shall be 2 ft. from the finished grade level. The proposed sign is designed with 3 ft. of clearance between the bottom of the sign face and the finished grade, requiring Variance #2.

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

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Staff has determined that the requests meet all the criteria, therefore staff is recommending approval.

VARIANCE CRITERIA**Special Conditions and Circumstances**

Variances #1 and #2 MET - The special condition and circumstance particular to the subject property is the distance from the paved right-of-way to the property line of the subject site, limiting visibility of the sign for traffic along the right-of-way. Additionally, the location of the paved ADA space limits the ability to move the sign further back.

Not Self-Created

Variance #1 MET - The Variance request is not self-created as the existing sign was built in compliance with the zoning code and was made non-conforming by acquisition of additional right-of-way for E. Colonial Dr., and any replacement of the existing ground sign would require a Variance.

Variance #2 MET – The request is not self-created as the additional clearance is required to reasonably accommodate height and visibility for the message board style sign set so far back from the road.

No Special Privilege Conferred

Variances #1 and #2 MET - Granting the Variances as requested would not confer special privilege as the sign code gives property owners the right to reasonably identify their location, which is limited on this site based on the large distance between the edge of pavement of the E. Colonial Dr. right-of-way and the property line of the subject site.

Deprivation of Rights

Variances #1 and #2 MET - Denial of the Variances would deprive the rights of the owner to replace the existing sign in the same location with reasonable visibility.

Minimum Possible Variance

Variance #1 MET - The Variance request is the minimum possible to replace the sign in the same location.

Variance #2 MET – The Variance request is the minimum possible to allow the sign as designed.

Purpose and Intent

Variances #1 and #2 MET - Approval of the requested Variances would be in harmony with the purpose and intent of the Zoning Regulations as the sign code regulates the number, location, size, type, and use of signs within the county while giving businesses the right to reasonably identify and advertise their location.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped June 11, 2025, and the sign details dated October 3, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.

C: Robert Whatley
Christmas Civic Association, Inc.
23488 Llewellyn Rd.
Christmas, FL 32709

Christmas Civic Association Variance Criteria Cover Letter

This variance request is for the replacement of a 35 year old existing sign, which has deteriorated. The details of the request will show the need to keep the sign in the same location to preserve the CCA as a polling location for rural East Orange County.

The sign will be constructed with steel and plexiglass. The 32 square foot sign will measure 4 ft tall by 8ft wide and 8in thick, standing 7ft in height. The sign is located 1ft from the North property line, 50ft from the East property line, 100ft from the West property line and 140ft from the South property line.

1. Special Conditions and Circumstances - The Special conditions and circumstances relate to the placement and distance of the sign to the handicap parking space for the building. This parking space is required for the CCA to be an approved polling location in the State of Florida. Sign placement in any other approved location would negate the visibility of the sign.

2. Not Self-Created - The original sign was located in accordance with the permitting approval which was granted in 1990. Therefore, the special conditions and circumstances required are the result of changes in permit approvals by Orange County in 2025.

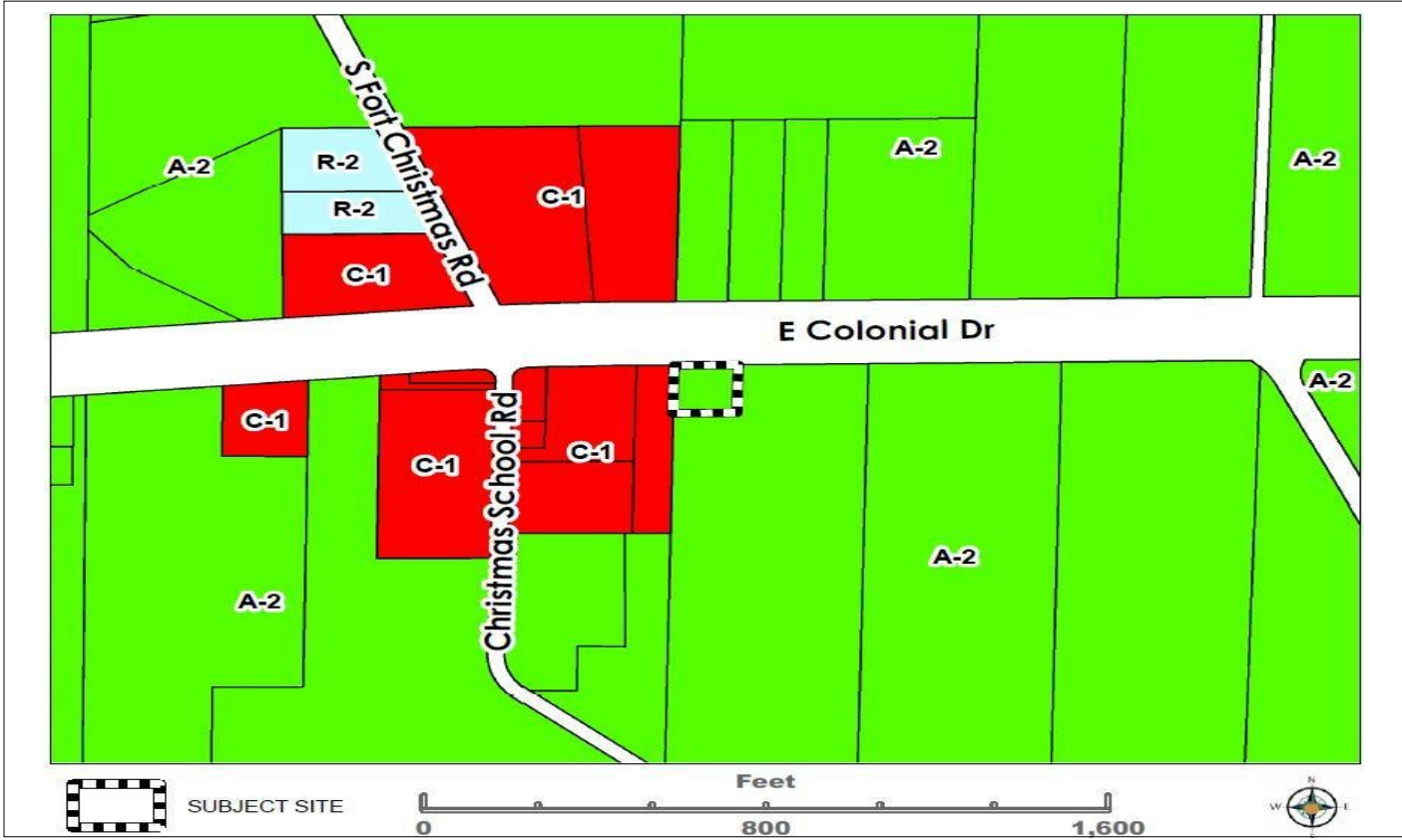
3. No Special Privilege Conferred - By placing the new sign in the same location as the old, no special privilege is created.

4. Deprivation of Rights - A denial of this request would deprive the applicant of rights and present an undue hardship on the applicant and the community by rendering the CCA useless as a polling location.

5. Minimum Possible Variance - The zoning variance requested is to keep the sign in it's current location.

6. Purpose and Intent - The approval of the zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare, as it intends to replace the existing sign with a new sign, which retains the dimensions.

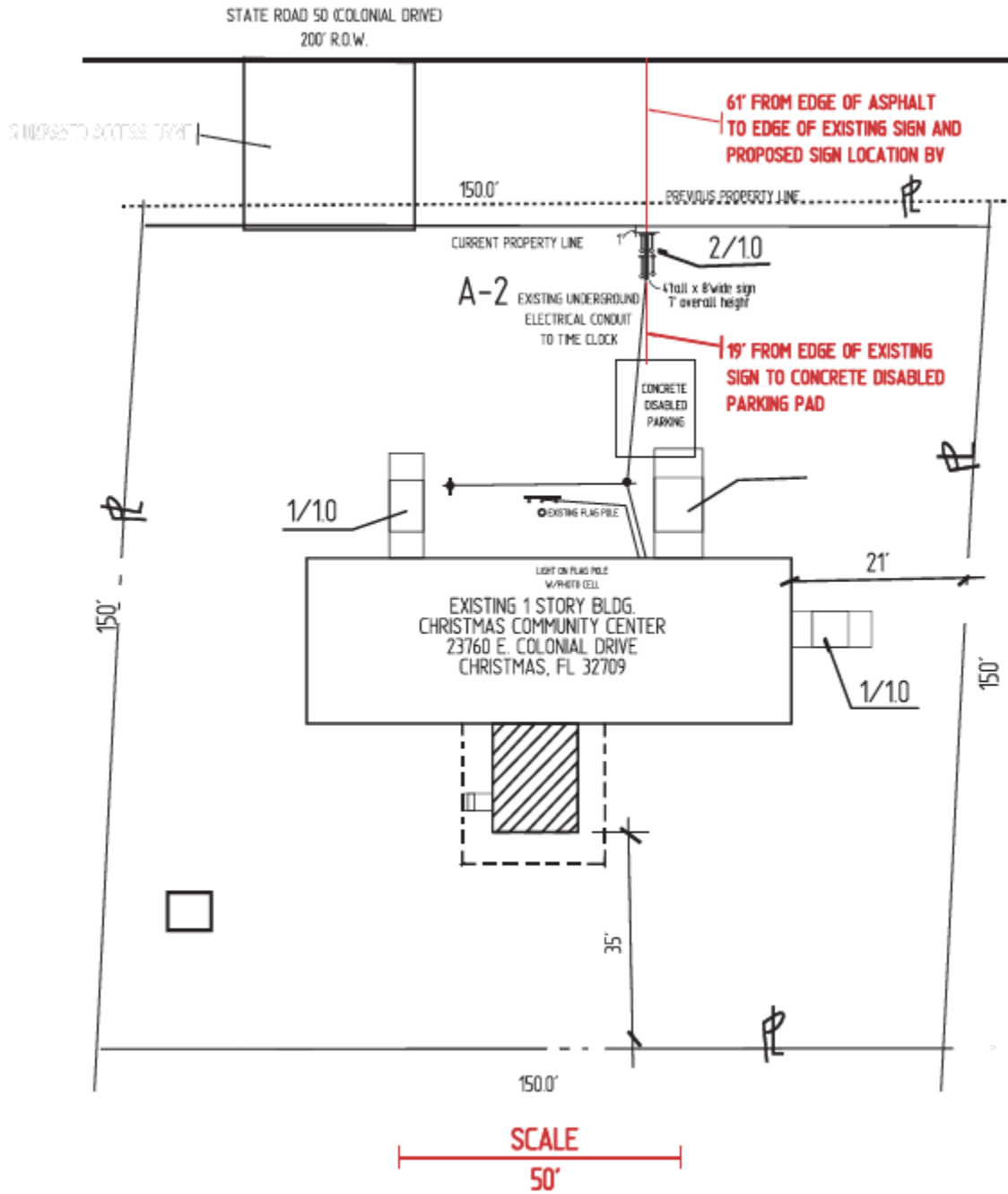
ZONING MAP



AERIAL MAP



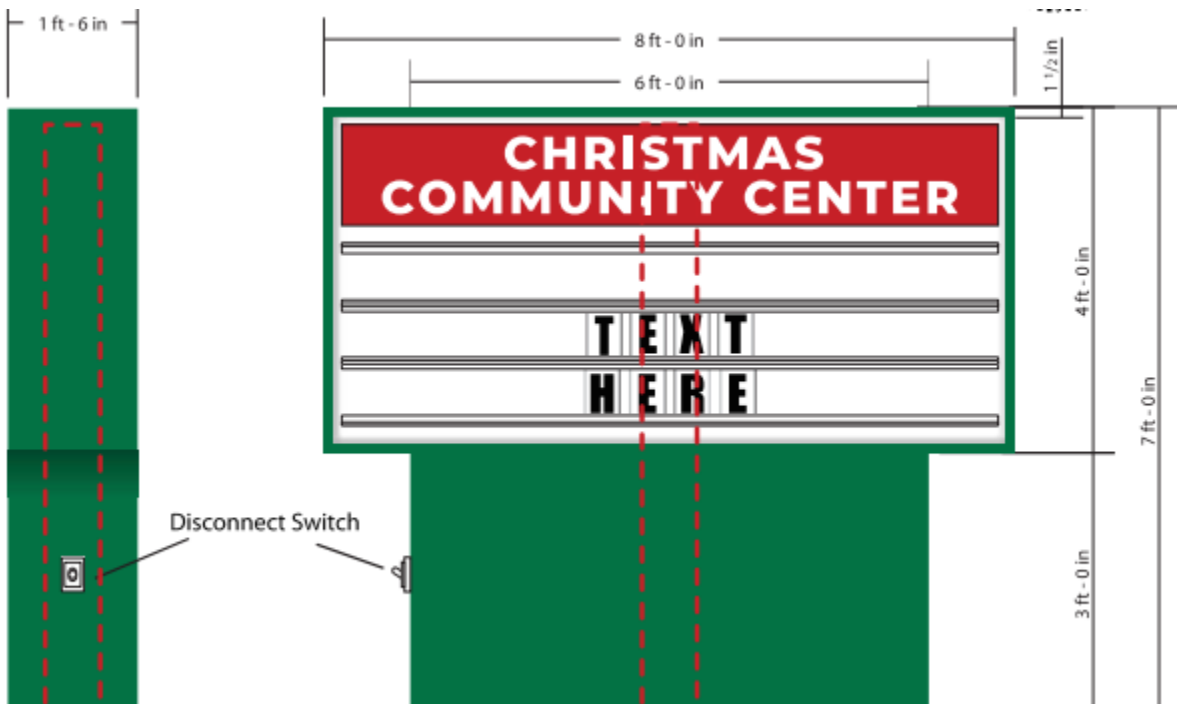
SITE PLAN



ZOOMED IN AERIAL



SIGN DETAILS



SITE PHOTOS



Facing south towards subject property



From adjacent property facing east along E. Colonial Dr.

SITE PHOTOS



Existing sign location, from subject property



From across E. Colonial Drive, facing southeast



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