



Planning, Environmental &
Development Services
Department



Orange County Board of Zoning Adjustment

Staff Booklet

Hearing Date:

September 5, 2025

Zoning Division

**ORANGE COUNTY GOVERNMENT
BOARD OF ZONING ADJUSTMENT (BZA)**

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

BZA Staff

Laekin O'Hara	Chief Planner
Catherine Glase	Planner II
Bryan Salamanca	Planner II
Michelle Corretjer-Colon	Planner II
Adriana Morales Pizarro	Planner I

The notated public hearing is quasi-judicial in nature. As such, any verbal or written communication with a member of the Board of Zoning Adjustment prior to today's quasi-judicial hearing should be disclosed on the record or made a part of the record during the public hearing by or on behalf of the party who communicated with the Board member to allow any interested party an opportunity to inquire about or respond to such communication. Failure to disclose any such communication may place the party who ultimately prevails at the quasi-judicial hearing at risk of having the Board's decision overturned in a court of law due to prejudice against the party who was not privy to the ex parte communication.

MEETING AGENDA

September 5, 2025

TIME	HEARING #	APPLICANT	DISTRICT	PAGE #
9:00 AM	VA-25-09-040	Joseph Forte	4	1
	VA-25-09-035	Clarel St Fort	2	15
9:30 AM	VA-25-09-041	Paul Joachim	5	29
	VA-25-09-037	Marvin Weeks	5	39
	VA-25-09-043	David M. Smith	4	54
10:00 AM	VA-25-08-034	Rachelle Dunneback	1	66
	SE-25-02-136	Alejandro Bosch for First Baptist Church Mont. Garizim Inc.	6	80

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 Sept. 30, 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	25	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	

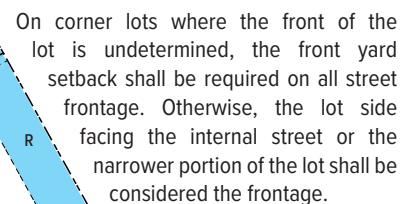
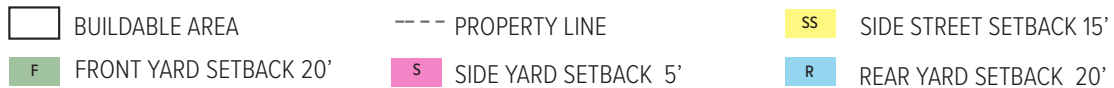
NOTE: These requirements pertain to zoning regulations only. The lot areas and lot widths noted are based on connection to central water and wastewater. If septic tanks and/or wells are used, greater lot areas may be required. Contact the Health Department at 407-836-2600 for lot size and area requirements 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: **SEPT 05, 2025**

Commission District: **#4**

Case #: **VA-25-09-040**

Case Planner: **Adriana Morales (407) 836-9643**
Adriana.Moralespizarro@ocfl.net

GENERAL INFORMATION

APPLICANT(s): JOSEPH FORTE

OWNER(s): CLYDE MARLER, DEBORAH MARLER

REQUEST: Variances in the PD zoning district as follows:

- 1) To allow an existing pool deck with a 3 ft. setback in lieu of 5 ft.
- 2) To allow a screen enclosure with a 3 ft. side setback in lieu of 5 ft.

PROPERTY LOCATION: 3452 Burlington Dr., Orlando, FL 32837, west side of Burlington Dr., north of Whisper Lakes Blvd., east of S. John Young Pkwy., south of Central Florida Pkwy., west of S. Orange Blossom Trail.

PARCEL ID: 16-24-29-8167-00-350

LOT SIZE: +/- 8,148 sq. ft.

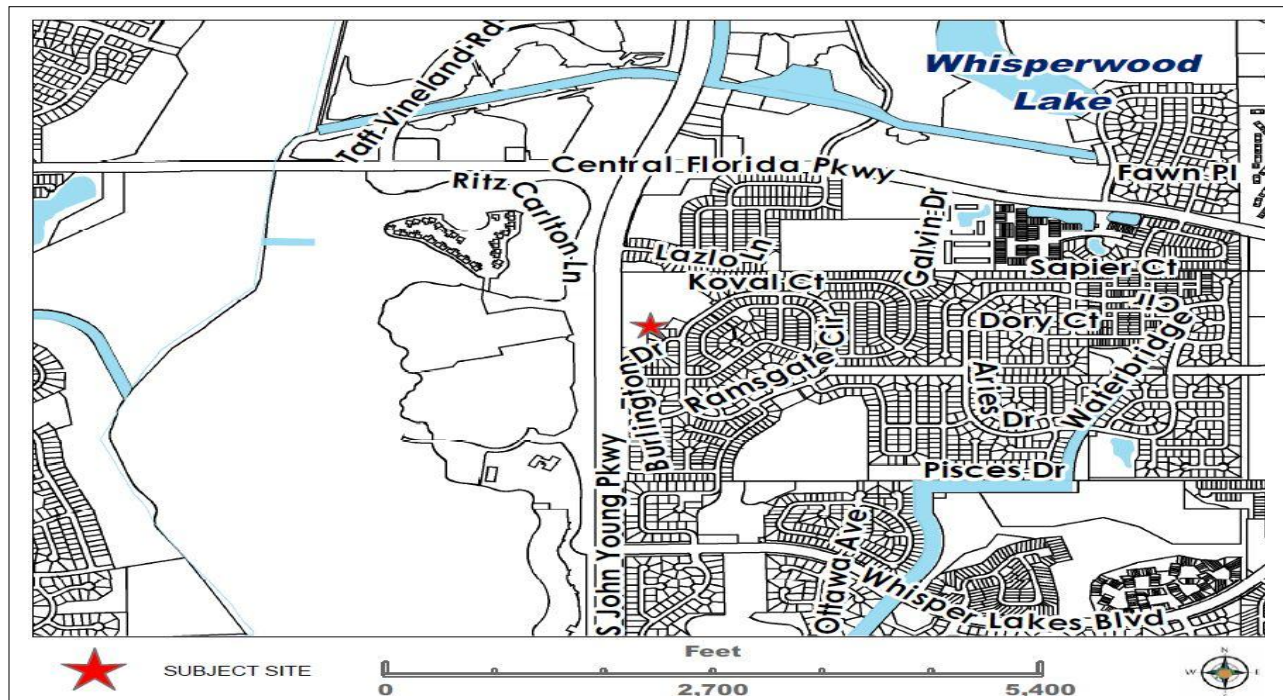
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 113

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	Sky Lake South PD	Sky Lake South PD	Sky Lake South PD	Sky Lake South PD	Sky Lake South PD
Future Land Use	LDR	LDR	LDR	LDR	LMDR
Current Use	Single-family residence	Single-family residence	Single-family residence	Single-family residence	HOA Tract Open Space

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned Planned Development (PD), and is located within the Sky Lake South PD, which allows for single-family development and accessory uses. The Future Land Use is Low Density Residential (LDR), which is consistent with the PD zoning.

The subject property is a +/- 8,148 sq. ft. lot which abuts a retention pond to the rear, as do the neighboring single-family homes on the block. The property is located on lot 35 in the Sky Lake South Units 6 & 7 Phase 2 Plat recorded in 1987 and is currently developed with a 2,421 gross sq. ft. single-family home constructed in 1987, with a screen room, a screen enclosure with a pool and deck (B92022817), and a 6 ft. tall wood fence (F19010083). The pool, deck, and screen enclosure were constructed in 1992. The current owners purchased the property in 1993.

The existing residence is developed with a 3 ft. side setback. Residences within the Sky Lake South, Units 6 & 7 Phase 2 Preliminary Subdivision Plan (PSP) require 10-foot building separation between structures. The existing home is constructed with a 3 ft. setback from the south property line, meeting the required building separation. The applicant is proposing to remove and replace the existing screen room, which is in line with the home. As proposed, the replacement screen room will utilize the existing screen room's footprint and be located 3 ft. from the south side property line. Sec. 38-79(18)d. states that the side yard setback for a screen room shall be the same as the principal structure therefore, no Variance is being requested for the proposed screen room.

The applicant is also proposing to remove and replace the existing 22.15 ft. by 39.5 ft. pool screen enclosure with a new screen enclosure in line with the house. The proposed screen enclosure is 12 ft. tall at the highest point and 1,200 sq. ft. The replacement screen enclosure will utilize the existing enclosure's location and dimensions. The existing screen enclosure was permitted in 1992. The approved plans showed the structure maintaining a 5 ft. setback; however, the enclosure was constructed 3 ft. from the south side property line. Sec. 38-79(10)d. and 38-79(84)c. state the screen enclosure must maintain a minimum side setback of 5 ft. Due to the placement of the existing pool/pool deck, to preserve adequate walkway width around the pool, the screen enclosure is proposed to be located 3 ft. from the west side property line, requiring Variance request #2.

Upon review of the Variance application, it was identified that the existing pool deck is located 3 ft. from the side property line. The pool and deck were permitted in 1992. The approved plans showed the structure maintaining a 5 ft. setback; however, the deck was constructed 3 ft. from the south side property line. Sec. 38-79(10)d. states the pool and deck must maintain a minimum side setback of 5 ft., requiring Variance #1.

No construction is proposed for the pool deck; Variance #1 has been added to address the existing site conditions.

Development Standards (Screen Enclosure)

	Code Requirement	Proposed
Max. Height:	35 ft.	12 ft.

Building Setbacks (Screen Enclosure)

	Code Requirement	Proposed
Front Yard (Screen Enclosure):	Not located within the front yard	n/a
Side Yard:	5 ft.	3 ft. (South side yard – Variance #2)
Rear Yard:	5 ft.	10 ft.

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. One letter of support was provided by the applicant from the neighboring property owner to the west of the subject site.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Staff has determined that the Variances meet all the criteria. Based on staff analysis, the proposal is to utilize the existing structure's footprint which has been in its current location since 1992. Therefore, staff is recommending approval of the Variance requests.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

All Variances MET - The special conditions and circumstances particular to the subject property are the existing orientation of the home and pool constructed on the lot. Approval would recognize the existing location of the pool deck and allow the owner to construct improvements within the existing deck area.

Not Self-Created

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

No Special Privilege Conferred

All Variances MET- Due to the location of the existing structures, granting the requested Variances will not confer any special privilege conferred to others under the same circumstances as the requests are to maintain the structures in their existing locations.

Deprivation of Rights

All Variances MET- If the Variances are not granted, the owners would be deprived of the ability to install a screen enclosure over the existing pool and maintain the pool deck as is, which have been existing in their current location for 32 years.

Minimum Possible Variance

All Variances MET- The requests are the minimum possible to allow the deck to remain in its current location and to replace the existing screen enclosure while maintaining adequate clearance around the edge of the pool.

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 deck and screen closure will not be intrusive to the surrounding properties as the structures are existing and the proposed enclosure will utilize the location of the existing enclosure, both of which have been in their current location since 1992.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations date stamped July 28, 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: Clyde and Deborah Marler
3452 Burlington Dr.
Orlando, FL 32837

Joseph Forte
PO Box 521136
Longwood, FL 32752

1400 South Ronald Reagan Blvd, Longwood FL 32750

(O) 407-260-2800 (F) 407-260-6411

www.FloridaPoolEnclosures.com

E-Mail: joe@floridapoolenclosures



Florida Pool Enclosures, Inc

Committed to Your Satisfaction

ORANGE COUNTY BZA

3452 Burlington Dr, Orlando FL 32837

Proposal to replace the Pool Enclosure/ Patio Cover combo (1200 Sq Ft) with a structure that is up to the latest Florida building code. The original Pool Enclosure/Patio cover was constructed in 1992. Due to the guidelines and setbacks on the property now, the Pool Enclosure would be encroaching the side yard setback by 2 Ft, and the Patio Cover would be encroaching the side yard setback by 7 Ft.

The Structure will consist of Screen Meshing, Composite Panel Roof, and Aluminum. The foundation is pre-existing. The height of the enclosure will range from 8' - 12'.

Developer built the residence 3' off of the side yard setback.

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

Located in the Sky Lake South community, many other properties have Screen structures encroaching the 5' and 10' side yard setbacks.

The previously approved pool deck / Pool Enclosure have been in its position for 33 years. Homeowners are not looking to increase the SQ ft of the structure, but to replace what they had with a structure that is built to the latest Florida building Code in the same location.

Due to how the pool has been constructed, the option of reducing the size of the enclosure to meet current setbacks is not an option as the structure would be too close to the pools edge and would eliminate the walkway around the pool.

VARIANCE CRITERIA

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

Developer Built residence 3 Ft off of side yard setback

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.

Pool Deck, Residence, and existing Pool enclosure/Patio Cover have all been built since 1992. Homeowners purchased property in 1993.

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

Located in Sky Lake South, Many other properties in the community have Pool Enclosures and patio covers less than 5' from the side yard setbacks.

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

The previously approved Pool Enclosure / Patio Cover have been in its current position for 33 Years. Homeowners are not Looking to increase SQ FT of the structure, but to replace what they have had for many years with a structure that is built to the latest Florida building code.

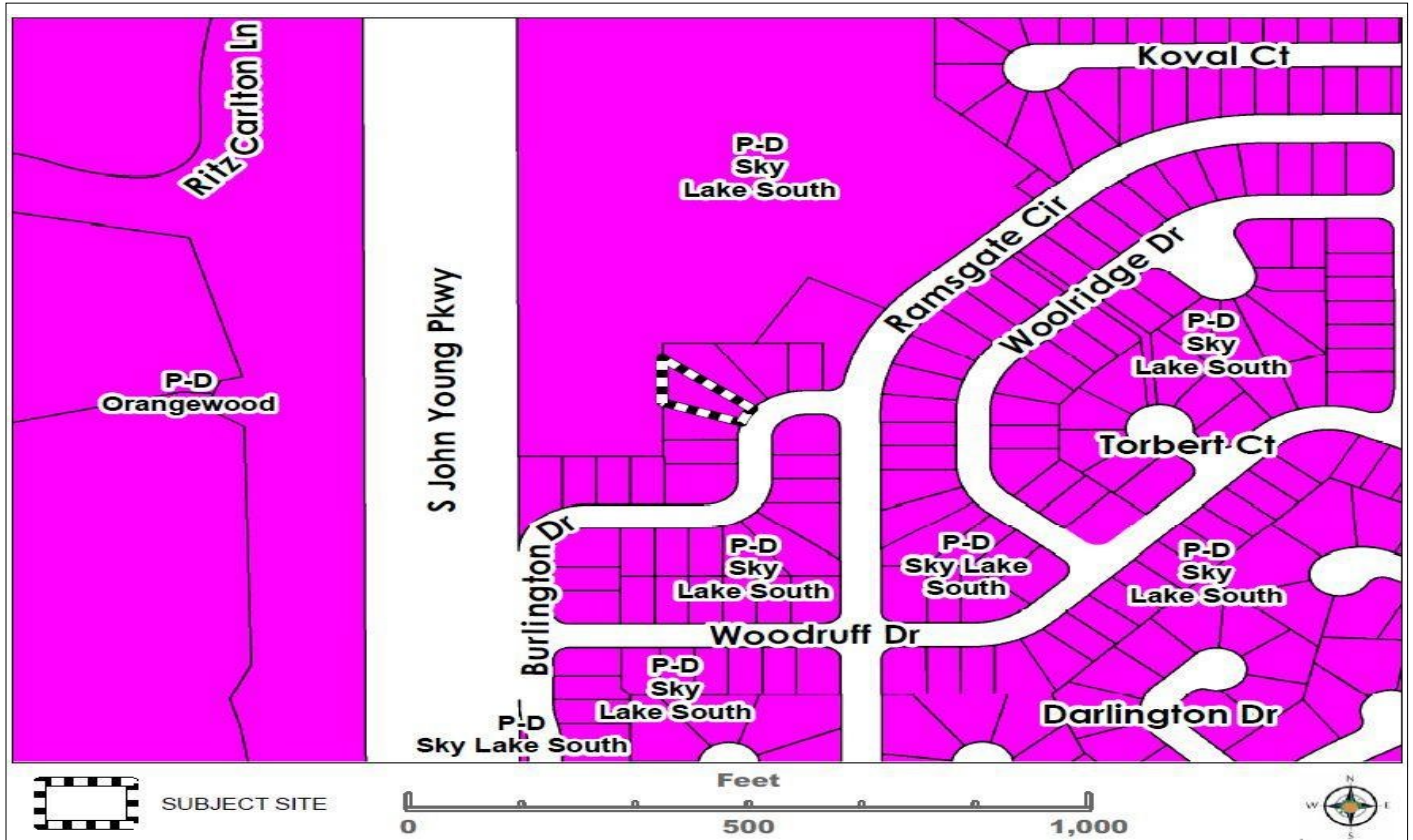
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Due to the edge of the pool, and the proximity of the residence itself, having the enclosure at the 5' required setback would restrict access to clearance around the pools waters edge. The patio cover would not be going any futher into the side yard setback, than the residence itself.

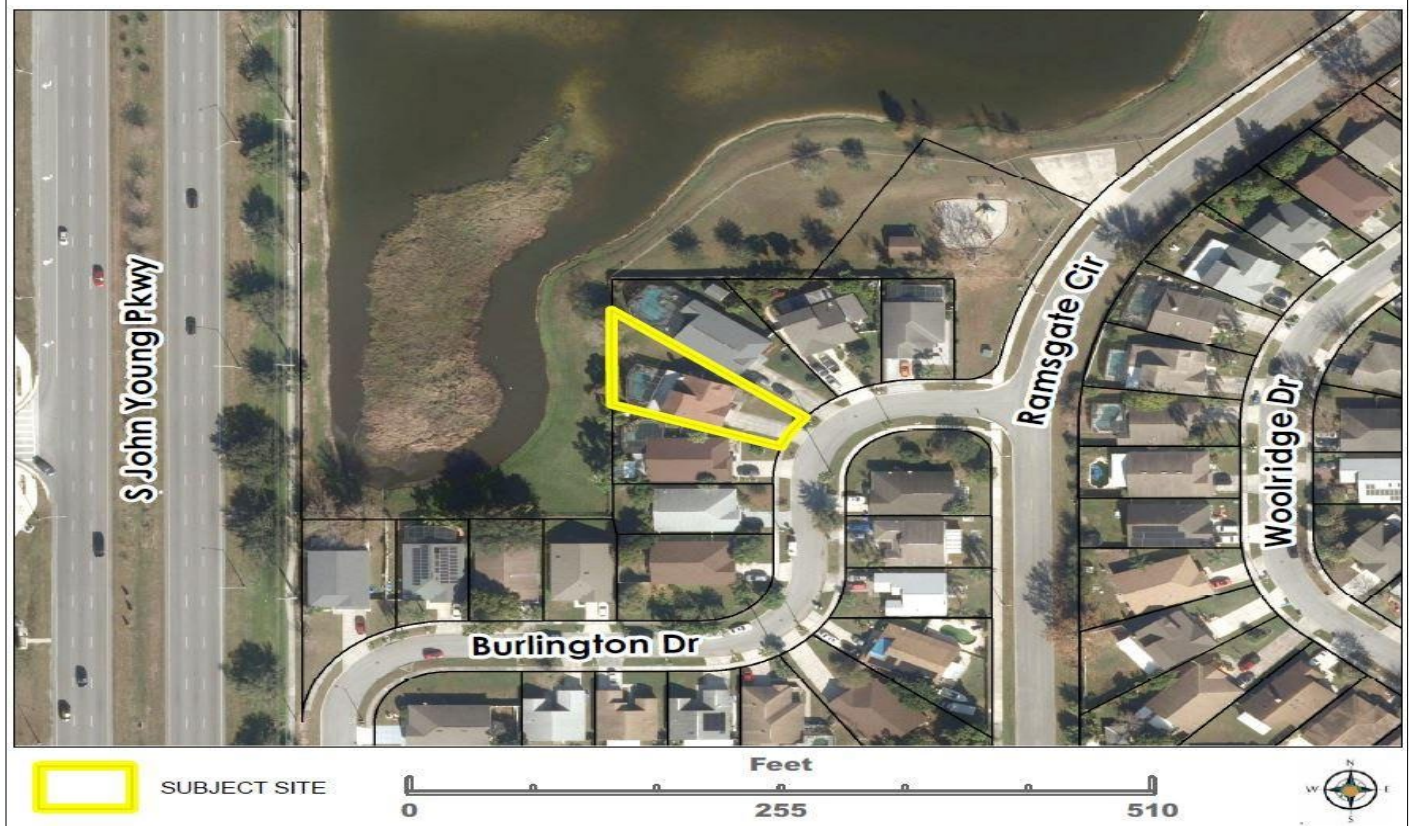
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Multiple properties within this development have similar approved structures. Neighbors have been accustomed to seeing this Structure for many years, proposing to replace the structure Like for Like SQ FT.

ZONING MAP



AERIAL MAP



ENHANCED BIRDSEYE MAP



SITE PLAN (PROPOSED)



Legal Description: LOT 33 SKY LAKE SOUTH, PHASE 2
Recorded in Plat Book 19 Page 83 of the Public Records of Orange County, Florida

6-9-2025



This does not constitute for a survey
and is to be used for all enclosure
dimensions and setbacks for permitting
Michael A. Delaney SOC 000000

Screen enclosure

Screen room

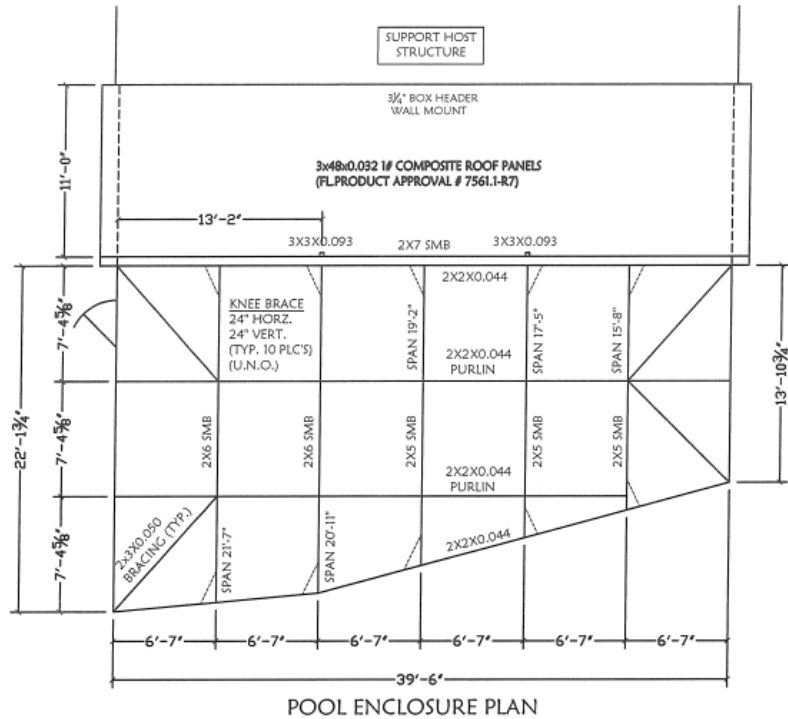
Composing
Roof Panel
FL # 75G1.1-R7

ORANGE COUNTY ZONING DEPARTMENT
APPROVED BY: [Signature]
DATE: 12-61010

Scale
1" = 20'
0' 10' 20'

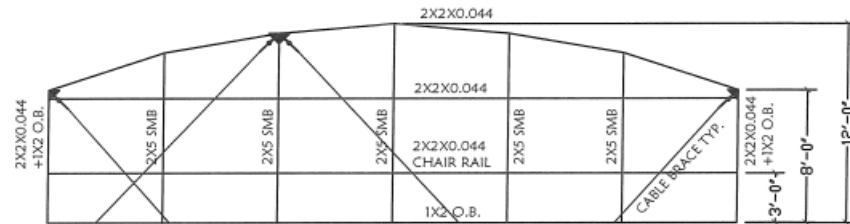
Plot Plan		Date: June 1, 1987		 3001 WELLS AVENUE, SUITE 100 PERRY PARK, FLORIDA 33750 CERT. NO. LB-2100
Certified to	Job No.:	Scale:	1" = 20'	
	LEGEND * = Iron Rod o = Iron Pipe □ = Conc. Monument ⊙ = Nail & Disc x = Cross Cul			
	Revised:			

Page | 10 Board of Zoning Adjustment [BZA]

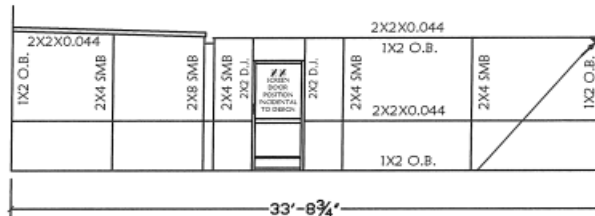


SCREEN AREA 1200 SQ.FT.

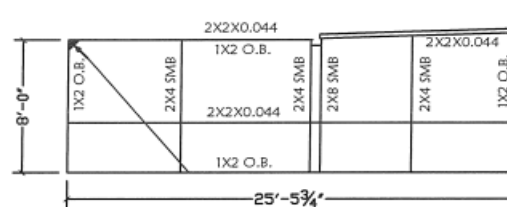
EXISTING FOUNDATION
4" NOMINAL CONCRETE SLAB
(2500 PSI, MIN.) 10X10 W.W.
8x12 THICKENED EDGE
W/ 2-#5 REBAR



FRONT FRAMING ELEVATION



LEFT FRAMING ELEVATION



RIGHT FRAMING ELEVATION

SITE PHOTOS



From Burlington Dr., facing northwest towards existing home



South side yard, facing west along the southern property line

SITE PHOTOS



South side yard, facing east along the southern property line



Rear yard, facing north along the western property line

SITE PHOTOS



Rear yard facing east, towards existing pool, deck, and screen enclosure



Rear yard, facing southeast toward the existing structures

SITE PHOTOS



Rear yard, facing southwest toward the existing structures

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEPT 05, 2025**

Commission District: **#2**

Case #: **VA-25-09-035**

Case Planner: **Bryan Salamanca; 407-836-9616**

Bryan.Salamanca@ocfl.net

GENERAL INFORMATION

APPLICANT(s): CLAREL ST FORT

OWNER(s): CLAREL ST FORT

REQUEST: Variances in the Restricted R-1A zoning district to allow a Community Residential Home as follows:

- 1) To be located 360 ft. from another Community Residential Home in lieu of 1,000 ft.
- 2) To be located 450 ft. from another Community Residential Home in lieu of 1,000 ft.
- 3) To be located 740 ft. from another Community Residential Home in lieu of 1,000 ft.

PROPERTY LOCATION: 5957 Groveline Dr., Orlando, FL 32810, southeast corner of Groveline Dr. and Crescent Ridge Rd., east of N. Hiawassee Rd., south of Beggs Rd., north of Clarcona Ocoee Rd., west of N. Pine Hills Rd.

PARCEL ID: 36-21-28-9324-00-670

LOT SIZE: +/- 10,978 sq. ft. (+/- 0.25 acres)

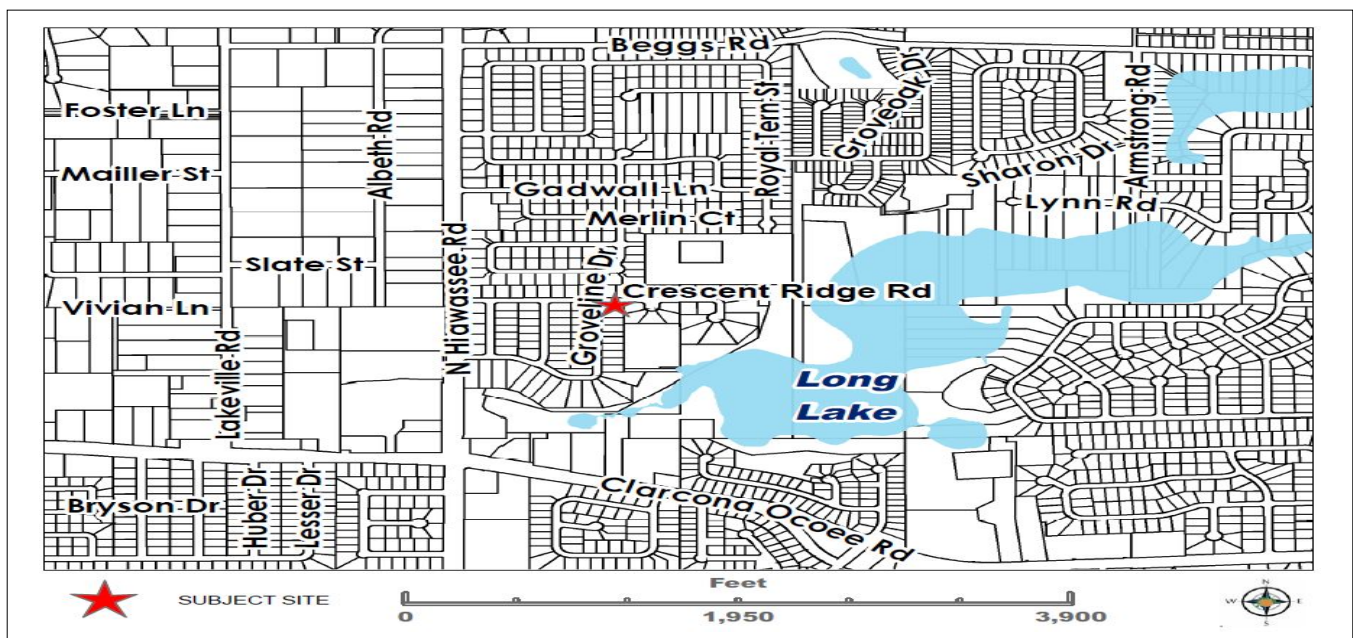
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 116

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	Restricted R-1A	Restricted R-1A	Restricted R-1A	Restricted R-1A	Restricted 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 Restricted R-1A, Single-Family Dwelling district, which primarily allows residential uses and accessory structures. This property, along with the area surrounding the property (a 69.4 acre tract), was rezoned in December of 1983 from A-1 to Restricted R-1A, specifically restricting the development to 1.9 homes per gross acre and required a 20-foot landscaped buffer on the west side of the subdivision. The buffer does not apply to this individual parcel. The Future Land Use is Low Density Residential (LDR) which is consistent with the Restricted R-1A zoning district.

The area around the subject site consists of single-family homes. The subject property is approximately 10,978 sq. ft. in size, was platted in 1985 as lot 67 of the Willow Creek Phase I Plat and is a conforming lot of record. The property is a corner lot with right-of-way along Groveline Dr. to the west, and Crescent Ridge Rd. to the north. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, Groveline Dr. is considered the front and Crescent Ridge Rd. is considered the side street. The property is developed with a 1-story, 2,573 gross sq. ft. single-family home (B85012962), constructed in 1985, with a pool, screen enclosure, shed and 6 ft. tall fence. There is no record of a permit for the fence and shed. The property was purchased by the current owner in October of 2023.

The applicant is proposing to establish a residence that meets the definition of a community residential home (CRH), containing six (6) or fewer residents. Section 38-1 of Orange County Code defines a CRH, mirrored by state law, as follows:

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

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

point of the existing such home with six (6) or fewer residents or existing community residential home to the nearest point of the proposed home.”

As part of the licensing process for a community residential home, a person seeking to establish this type of facility must provide local zoning officials with information to ensure compliance with State law. For Orange County, this is done via the Zoning Verification Letter (ZVL) process, and the applicant provides the Zoning Division with the most recently published data compiled by the licensing agencies, and a notarized affidavit certifying the distance separation has been met. The ZVL is then utilized to demonstrate compliance with Florida Statutes when applying for licensing.

The ZVL does not serve as a guarantee that the subject property may be used for a specific purpose and states that it “does not imply fulfillment of any development standard(s), issuance of any necessary permits, or any other approvals required for improvement of the subject property or for use or occupation of the subject property (including any structures that may be on the property) for any proposed use.” The ZVL is informational only and, as such, should not be relied upon as a substitute for appropriate due diligence.

Part of the application process for the ZVL is submitting the Community Residential Home Affidavit of Compliance with Chapter 419, Florida Statutes. This affidavit requires the applicant to certify that the local zoning authority has been provided with the most recent state-published data identifying community residential homes in the area, and that notice of intent to establish the facility has been submitted. Once the home is occupied, the applicant will notify local government that the facility is licensed. The applicant also acknowledges that the Agency for Persons with Disabilities bears no financial or legal liability if errors occur in verifying compliance with Chapter 419. Finally, for facilities with six or fewer beds, the applicant must certify that the home is not within 1,000 feet of another community residential home unless a variance has been approved by the local zoning authority.

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

1. **Zoning Verification Letter:** Submit the ZVL application along with the Community Residential Home Affidavit of Compliance form and lists of other community residential homes obtained from the State of Florida’s Agency for Persons with Disabilities (APD), Department of Children and Families (DCF), and Agency for Health Care Administration (AHCA).
2. **Business Tax Receipt (BTR) – Zoning Approval:** After the ZVL is issued, the applicant applies for BTR Zoning Approval. A copy of the approved ZVL must be attached to the BTR Zoning Approval application within 45 days of the issuance of the ZVL. Zoning staff will review the documentation and, if complete, issue the Zoning Approval subject to the submission and completion of a Use Permit.
3. **State License** – Applicant applies for & obtains the relevant State facility license. The license is issued once all State requirements are met and a copy of the ZVL is provided.
4. **Use Permit:** Submit the Use Permit to the Building Division. Depending on the use, additional Building and Fire permits/inspections may be required. Upon completion, the applicant receives both the BTR Zoning Approval Letter from Zoning and a Certificate of Occupancy from the Building Division.
5. **Final BTR Issuance:** Once all approvals and inspections are complete, including obtaining the State license, the applicant submits copies of the approvals to the Orange County Tax Collector to obtain the official Orange County Business Tax Receipt.

A summary outlining the history of actions indicating the intent for the subject site to become a CRH are as follows:

- **October / November 2023:** A ZVL was requested with all appropriate documentation including the signed and notarized statement from the applicant stating “I certify that the proposed facility is not located within a 1,000 foot radius of another community residential home or has an approved variance from the local zoning authority”, and the ZVL was sent to the applicant verifying that the location criteria of the Orange County Code appeared to be met (at that time) for a CRH. The letter explicitly stated that the letter does not constitute approval for use or occupancy of the property.
- **October 2024 – April 2025:** The applicant applied for and received several permits for various fire systems and an electrical permit.
- **April 2025:** Request for a BTR Zoning Approval was submitted. Staff reviewed the request and advised the applicant that a new ZVL was required to demonstrate the distance requirement was met, as the previous ZVL obtained in 2023 was outdated.
- **April / May 2025:** A ZVL was requested with all appropriate documentation including the signed and notarized statement from the applicant stating, “I certify that the proposed facility is not located within a 1,000-foot radius of another community residential home or has an approved variance from the local zoning authority.” The letter indicated that the subject property did not meet the 1,000 ft. separation distance code requirement due to the presence of another State licensed facility* at 6025 Groveline Dr., located approximately 458 ft. away, thus prompting the request for Variance #2.

*Zoning staff confirmed with APD that the existing CRH at 6025 Groveline Dr. has maintained an active state license since at least 2013. However, APD staff could not verify whether the CRH had ever received required zoning approval. A review of County records found no evidence of zoning or use permit approval for a CRH at this location. Additionally, Zoning staff contacted the Orange County Tax Collector’s Office and found no record of any business tax receipts issued for this address. Neighborhood Services Code Compliance has been notified of the operation of this business without proper County approvals.

Since the submittal of the Variance application, staff identified two other existing CRHs located less than 1,000 ft. from the subject property. Zoning staff also confirmed that the CRHs at 5927 Groveline Dr. and 6953 Crescent Ridge Rd. have been in operation with all required State and County approvals since 2023 and 2018, respectively.

Community Residential Home Separation

Address	Separation Requirement	Proposed Separation
5927 Groveline Dr.	1,000 ft.	360 ft. (Variance #1)
6025 Groveline Dr.	1,000 ft.	450 ft. (Variance #2)
6953 Crescent Ridge Rd.	1,000 ft.	740 ft. (Variance #3)

On Tuesday, August 19, 2025, a community meeting was held at Wekiva High School. The citizens raised concerns about oversaturation since three similar facilities already exist nearby, as well as fears of declining property values, traffic and speeding issues, noise, frequent police calls, and safety risks. Some questioned whether the applicant lived in the neighborhood and noted that the property was not well maintained. In response, the applicant mentioned he travels frequently for work, but the home would be staffed 24/7 by at least 3 employees. Staff clarified the zoning and permitting process for verification letters as they related to

community residential homes. Despite this, residents expressed strong opposition, citing quality-of-life impacts and urging protection of the neighborhood's character. The overall tone of the meeting was negative.

The request was routed to all reviewing divisions, and no objections were provided. As of the date of this report, no comments were received in favor, and three (3) comments were received in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Staff has determined that none of the Variance requests meet all the criteria. Based on staff analysis, the requests fail to satisfy the requirements related to special conditions and circumstances, self-created hardship, no special privilege conferred, and consistency with the purpose and intent of the code, as they would result in the clustering of community residential homes within the required separation distance. Therefore, staff is recommending denial.

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variances #1, #2, & #3 NOT MET - There are no special conditions or circumstances peculiar to this property, as the structure exists and was developed according to the zoning regulations. The presence of other community residential homes within the required radius is a condition common to the proposed use rather than a peculiarity of the subject site.

Not Self-Created

Variances #1, #2, & #3 NOT MET - The need for the Variances is self-created, as the request arises from the applicant's decision to locate a community residential home at this site despite existing community residential homes within the applicable separation distance.

No Special Privilege Conferred

Variances #1, #2, & #3 NOT MET – Approval of the Variances would confer a special privilege not enjoyed by other properties in the district, as it would allow a community residential home to operate within the required separation distance from other such homes. This reduction in separation would grant the applicant a unique allowance beyond what is permitted for other properties that must comply with the established distance requirements.

Deprivation of Rights

Variances #1, #2, & #3 NOT MET – Denial of the Variances would not deprive the owner of reasonable use of the property, as the dwelling can continue as a single-family residence.

Minimum Possible Variance

Variances #1, #2, & #3 MET - The Variance requests are the minimum possible as the distances of 360 feet, 450 feet, and 740 feet reflect the minimum possible variance needed for this applicant to qualify as a six-or-fewer community residential home.

Purpose and Intent

Variances #1, #2, & #3 NOT MET - Approval of the requested Variances would not be in harmony with the purpose and intent of the zoning regulations as the separation standard is intended to avoid the clustering of community residential homes within single-family neighborhoods. Allowing three separation reductions on this site would place four community residential homes within a 1,000 ft. radius.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan, date stamped July 28, 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: Clarel St Fort
 5957 Groveline Dr.
 Orlando, Florida 32810

COVER LETTER

Clarel St Fort
Home Family Solutions LLC
5957 Groveline Drive
Orlando, FL 32810
pharel240@gmail.com

Date: June 27, 2025

To:
Bryan Salamanca
Planner I
Orange County Zoning Division
201 S. Rosalind Ave., 1st Floor
Orlando, FL 32801

**RE: Variance Request Justification for 5957 Groveline Drive
(Parcel ID#: 36-21-28-9324-00-670)**

Dear Mr. Salamanca,

I am writing on behalf of **Home Family Solutions LLC** to formally request a zoning variance for the proposed establishment of a **Community Residential Home** at **5957 Groveline Drive**, Orlando, FL 32810.

Our organization is committed to serving adults aged 18 and above who are living with **mental illness**. We aim to provide safe, supportive housing that promotes independence, recovery, and dignity. The home will be licensed and professionally operated, adhering to all local and state guidelines for care.

We understand from your verification letter (Ref: Z25003570) that there is an existing community residential home located within 1,000 feet of our proposed site. While this poses a zoning limitation under Sec. 38-79(12), we respectfully request a variance based on the following considerations:

1. Community Need

There is a growing demand for mental health supportive housing in Orange County. Our facility will help reduce institutionalization and offer a neighborhood-based alternative

for individuals who are otherwise at risk of homelessness, hospitalization, or incarceration.

2. Public Benefit

Our program is designed to stabilize individuals with chronic mental illness in a structured, home-like setting. We believe this contributes positively to public health and safety, while reducing the strain on emergency services.

3. Minimal Impact on the Neighborhood

The home will accommodate only six (6) residents and will operate with trained staff around the clock. There will be no signage, traffic disruptions, or noticeable activity beyond what is typical for a residential property.

4. Site Suitability

5957 Groveline Dr. is ideally suited due to its accessibility, quiet surroundings, and residential feel—factors that greatly benefit the well-being of our residents. It also meets safety and building requirements.

We are currently working to gather community feedback and welcome the opportunity to participate in any hearings or provide additional documentation upon request.

We respectfully ask the Zoning Division to consider this variance so that we may provide vital mental health housing in a community-based setting.

Thank you for your time and consideration.

Sincerely,

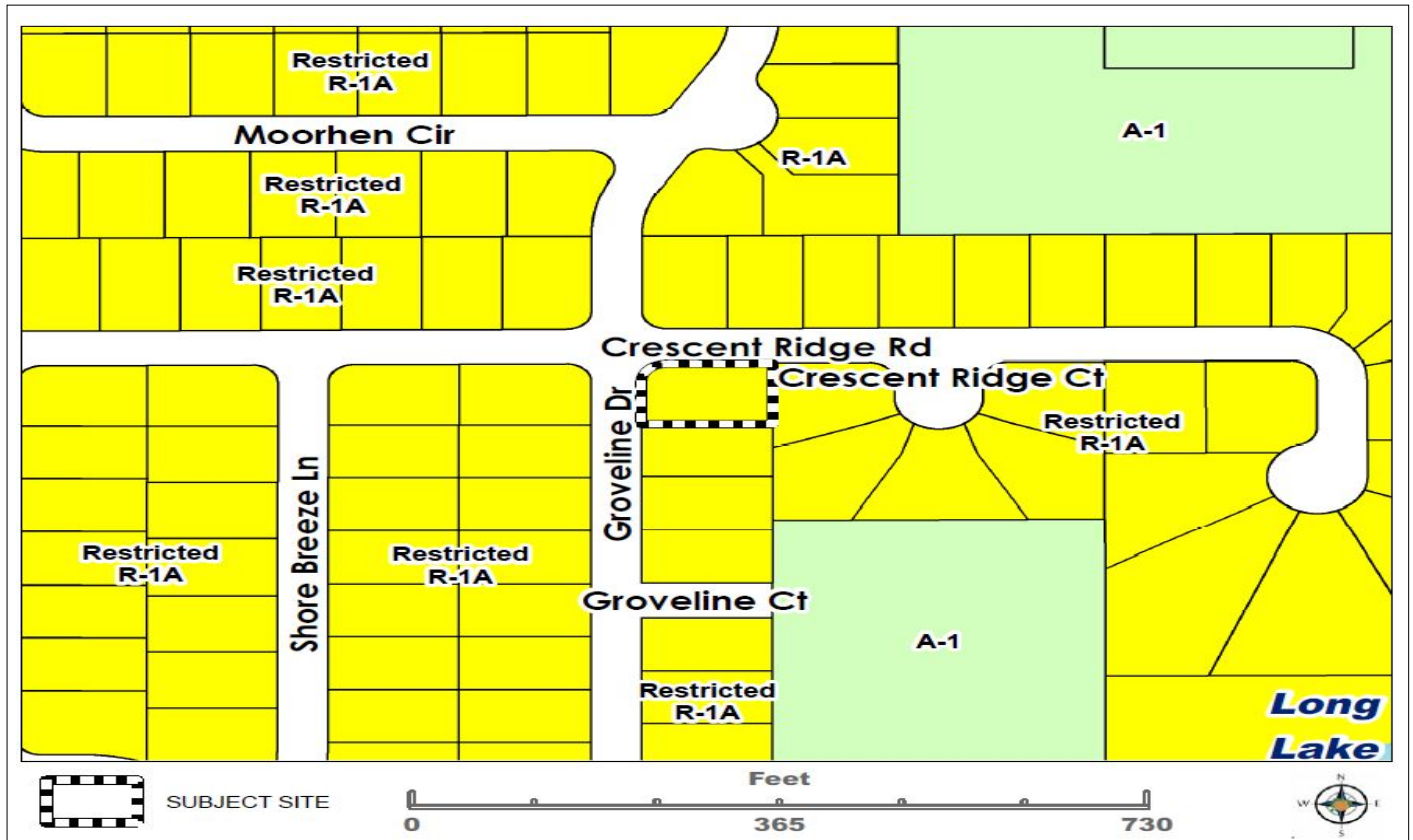
Clarel St Fort

Director, Home Family Solutions LLC

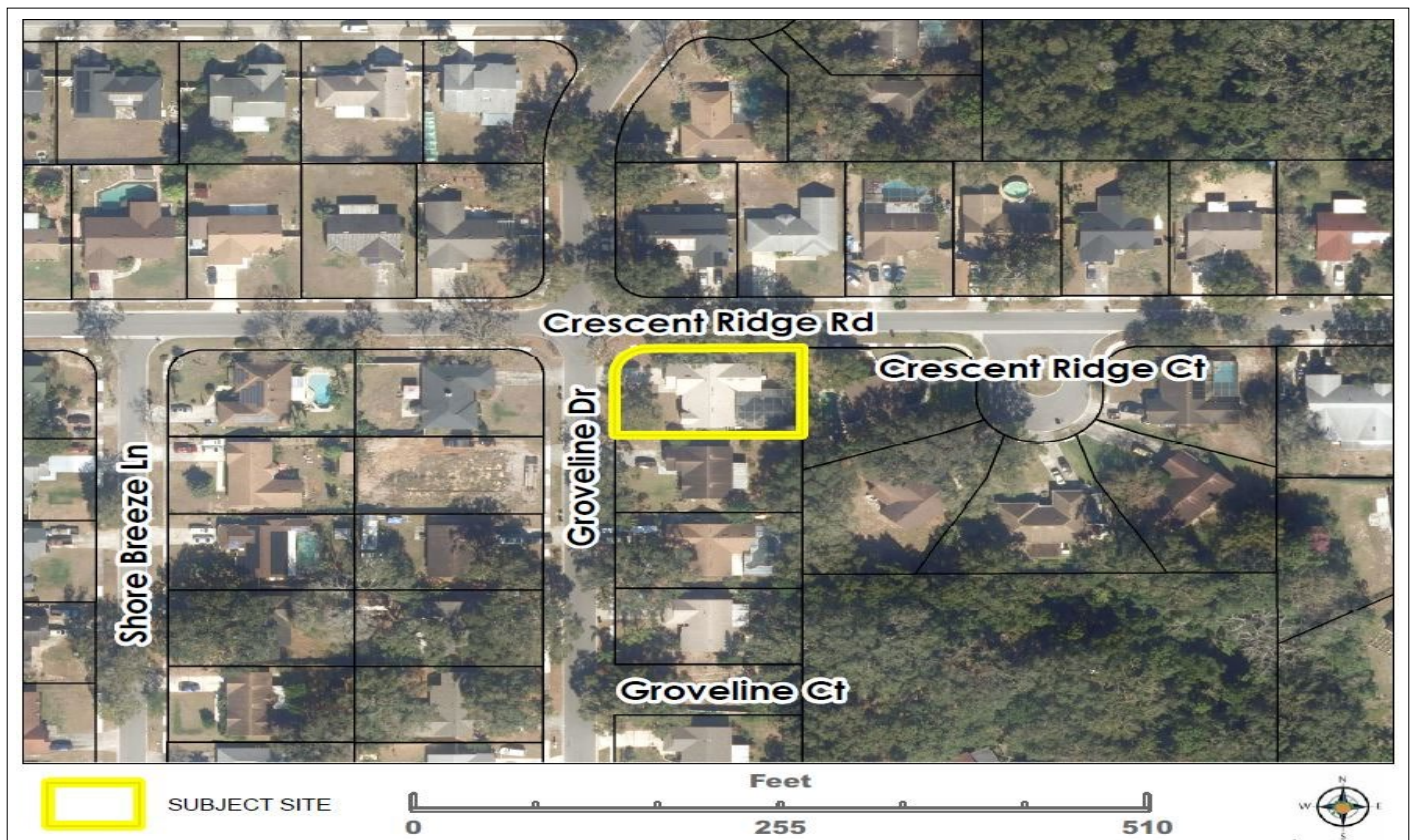
Email: pharel240@gmail.com

Phone: (321) 442-5680

ZONING MAP



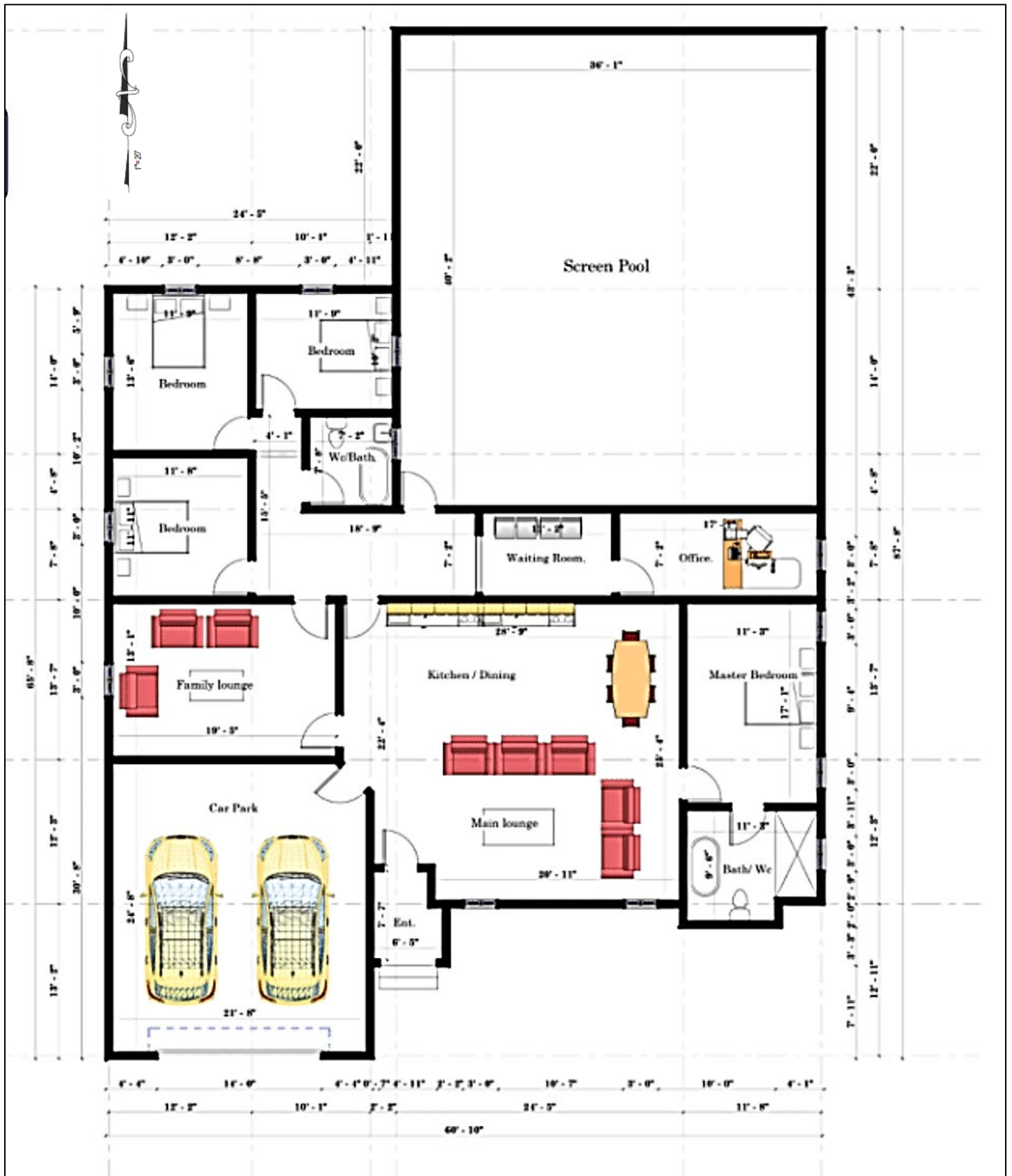
AERIAL MAP



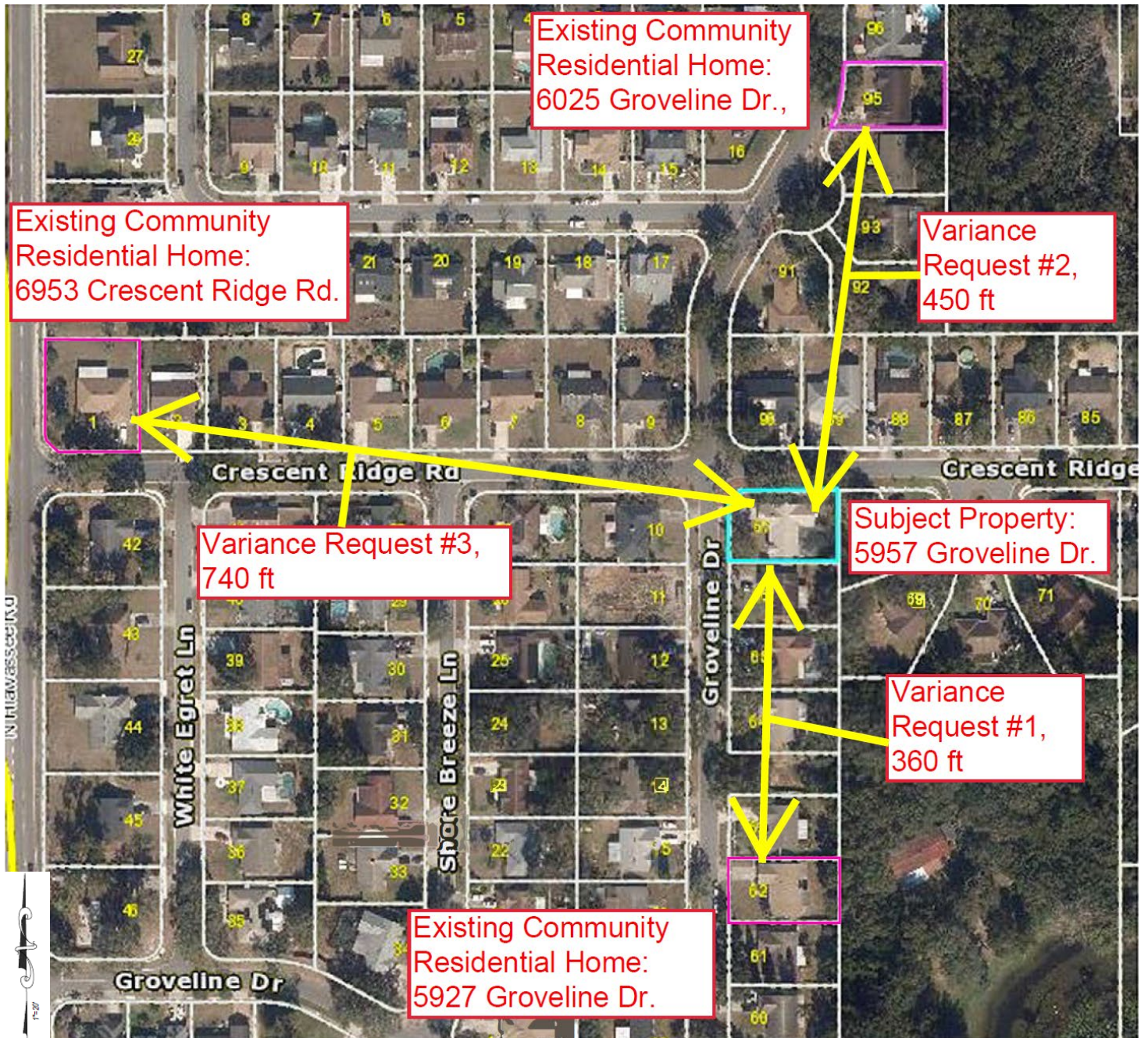
1" = 30' PER PLAT



FLOOR PLAN



DISTANCE SEPARATION PLAN



SITE PHOTOS



Front yard, facing east towards front of subject property



Front yard, facing east towards 5927 Groveline Dr. (Variance #1)

SITE PHOTOS



Front yard, facing east towards 6025 Groveline Dr. (Variance #2)



Front yard, facing north towards 6953 Crescent Ridge Rd. (Variance #3)

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEPT 05, 2025**

Commission District: **#5**

Case #: **VA-25-09-041**

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

GENERAL INFORMATION

APPLICANT(s): PAUL JOACHIM

OWNER(s): PAUL JOACHIM, SOURAYA SARIEDDINE

REQUEST: Variance in the R-1A zoning district to allow a 6 ft. tall fence in the front yard setback in lieu of a maximum height of 4 ft.

PROPERTY LOCATION: 9997 Lake Georgia Dr., Orlando, FL 32817, north side of Lake Georgia Dr., south side of Lake Georgia, west of N. Dean Rd., east of Central Florida Greenway, north of University Blvd.

PARCEL ID: 06-22-31-0000-00-033

LOT SIZE: +/- 1.97 acres

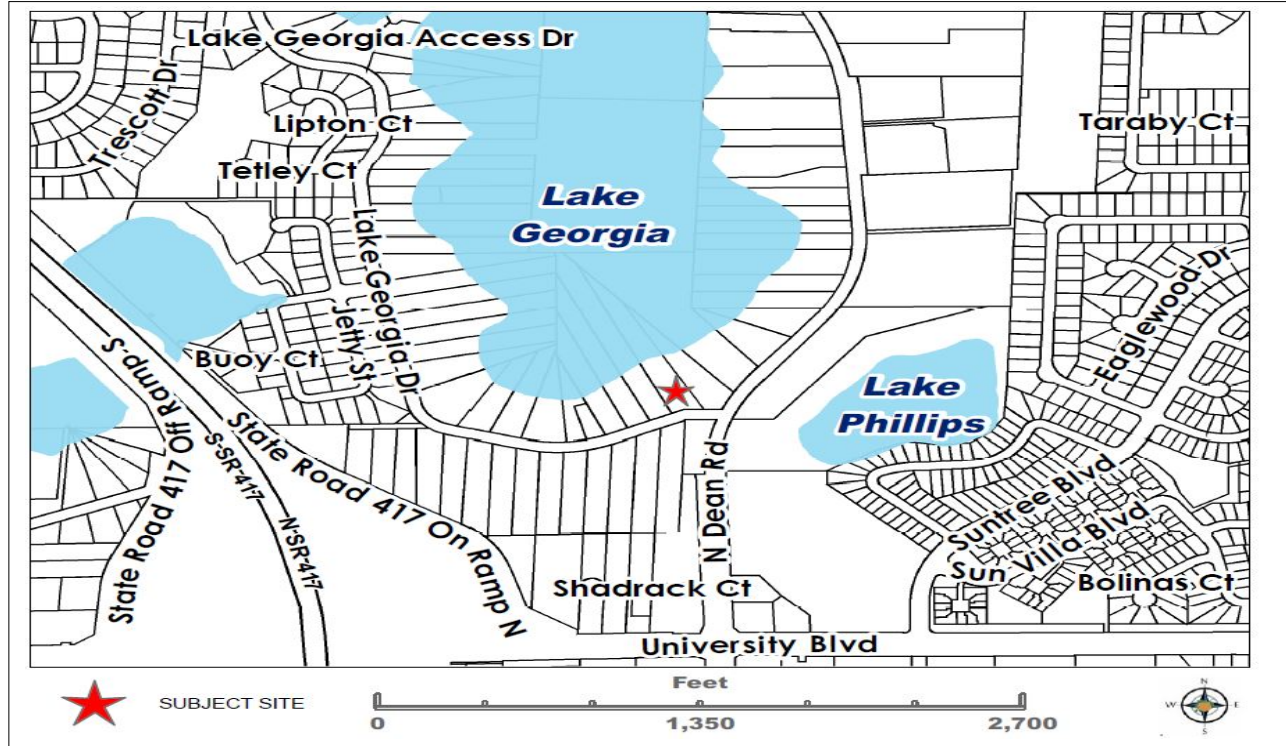
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 67

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-1A	R-1A	R-1A	R-1	R-1A
Future Land Use	LDR	LDR	LDR	LDR	LDR
Current Use	Single-family residential	Single-family residential	Single-family residential, Vacant 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 and requires a minimum lot area of 7,500 sq. ft. The Future Land Use is Low Density Residential (LDR), which is consistent with the R-1A zoning district.

The area around the subject site is comprised of single-family homes, and a vacant residential property to the south. The subject property is an +/- 1.97 acre lot, unplatted, and is a conforming lot of record. The owner purchased the property in 2022. The site is developed with a 4,994 gross sq. ft. single-family residence, built in 2023 (B23001645). The property also has an issued permit for a pool (B25014188), a expired building permit (B24024988) for a aluminum picket fence with block columns with deficiencies for unclear scope of work, and a fence permit (F24024032) that was denied due to unclear scope of work .

Per Sec. 38-1408 (g) of the Orange County Code, fences in residential districts, such as the R-1A district, are limited to maximum height of 4 ft. in the front yard setback, unless abutting a collector or arterial right-of-way. Lake Georgia Drive is a local street and therefore the fence is limited to 4 ft. in height. Proposed is the installation of a 186.4 linear feet, 6 ft. high aluminum fence along the front property line adjacent to Lake Georgia Drive, in lieu of 4 ft. high, requiring a Variance.

The request was routed to all reviewing Divisions. There were no objections noted. As of the date of this report, eight (8) comments have been received in favor or and no comments have been received in opposition to this request.

Section 30-43 (3) of the Orange County Code stipulates a recommendation of approval can only be made if all six (6) Variance criteria are met. Staff has reviewed the request and is recommending denial since the fence could be reduced in height or relocated out of the front yard setback to meet code, thereby eliminating the need for the Variance. Further, there have not been similar approved fence Variances in the surrounding area.

STAFF FINDINGS

VARIANCE CRITERIA**Special Conditions and Circumstances**

There are no special conditions and circumstances, as the proposed fence height or location could be modified to comply with the requirements of the Code.

Not Self-Created

The need for the Variance is self-created since there are alternatives to meet code.

No Special Privilege Conferred

Granting the Variance as requested will confer special privilege since there are no other residential properties in the area with a similar fence height in the front yard.

Deprivation of Rights

There is no deprivation of rights as a fence could be installed without the need for the request in a manner compliant with code.

Minimum Possible Variance

The requested Variance is not the minimum possible, as the applicant could relocate or modify the height of the fence to eliminate the need for the Variance.

Purpose and Intent

Approval of the Variance will not be in harmony with the purpose and intent of the zoning regulations since no other similar requests have been granted within the immediate area and there are options to eliminate the need for the Variance.

CONDITIONS OF APPROVAL

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

C: Paul Joachim
355 S. Ronald Reagan Boulevard
Longwood, FL 32750

Souraya Saredidine
355 S. Ronald Reagan Boulevard
Longwood, FL 32750

COVER LETTER

Paul Joachim & Souraya Sarriedine
9997 Lake Georgia Drive
Orlando, FL 32817

Zoning Adjustment Board , Orange County FL

Subject: Request for Variance - Fence Height from 4 feet to 6 feet for Critical Security Enhancement located in the front of the property at 9997 Lake Georgia Drive Orlando, FL 32817 - Addressing Orange County Code Section 30-43(3)

Dear Members of the Zoning Adjustment Board,

We are writing to respectfully request an urgent variance from the existing zoning ordinance regarding the fence height at the front of our property located at 9997 Lake Georgia Drive Orlando, FL 32817. The current ordinance limits the fence height to a maximum of 4 feet, and we are requesting permission to install a 6-foot-tall Aluminum Picket fence to address critical and escalating security concerns. We believe this request fully complies with the variance criteria outlined in Section 30-43(3) of the Orange County Code.

Addressing the Variance Criteria:

- **Special Conditions and Circumstances:**
 - Our property is unique due to its location at the intersection of Dean and University Blvd, a high-traffic area, and its status as the largest residential property in the immediate vicinity.
 - Prior to construction, the lot showed signs of loitering and homeless activity, indicating pre-existing security vulnerabilities.
 - We have experienced two security breaches: a homeless individual found sleeping inside our home and a theft
- **Not Self-Created:**
 - The security vulnerabilities we face are not self-created. The location of our property, the high visibility of our 2-story home, the prior history of loitering, and the criminal incidents are circumstances beyond our control
- **No Special Privilege Conferred:**
 - Granting this variance will not confer a special privilege. Our request is solely to address the unique security challenges posed by our property's location and history. A 4-foot fence is inadequate to deter someone from scaling it... the 6 foot fence (an increase by 2 feet) will make anyone think twice before attempting to climb over.
- **Deprivation of Rights:**
 - A literal interpretation of the current fence height ordinance would deprive us of the right to reasonable security measures commonly enjoyed by other properties. The documented security breaches and ongoing vulnerabilities constitute undue hardship.
- **Minimum Possible Variance:**
 - The requested 6-foot fence is the minimum variance necessary to provide adequate security. A 4-foot fence is demonstrably insufficient, as evidenced by the security incidents we have experienced.
- **Purpose and Intent:**
 - Granting this variance will be in harmony with the purpose and intent of the Zoning Regulations by ensuring the safety and well-being of residents. The enhanced security measures will not be injurious to the neighborhood or detrimental to the public welfare. We are committed to using aesthetically pleasing materials that will maintain the neighborhood's visual appeal. See attached images of Aluminum Picket fence material we intend to install.

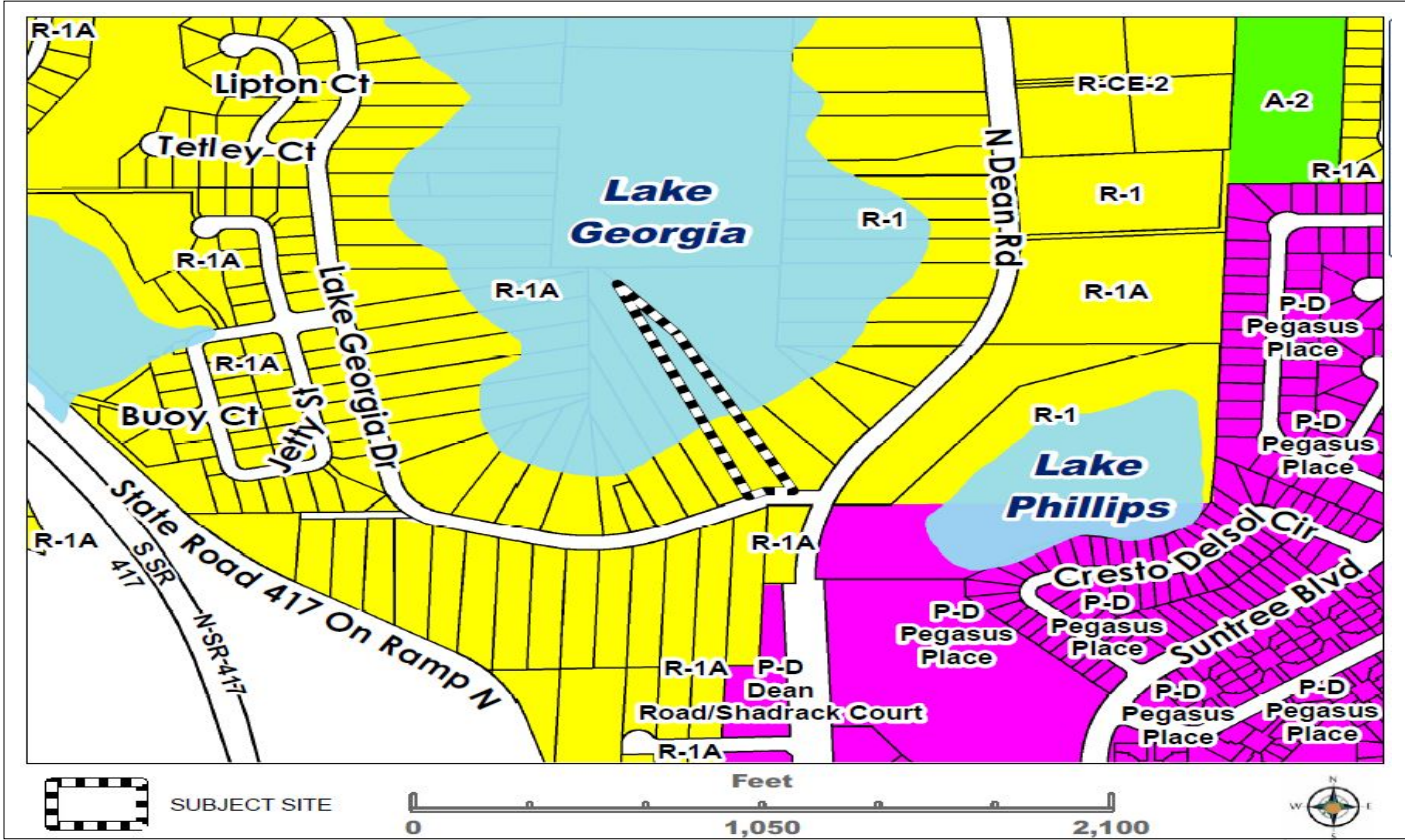
Supporting Details:

- We have experienced two alarming security breaches: first, we found a homeless individual sleeping inside our home; second, we had an incident where an unauthorized person broke into our residence.
- Prior to constructing the lot, it showed signs of loitering and homelessness.
- Our residence is situated near the intersection of Dean and University Blvd, a heavily trafficked area with increased panhandling activity
- As the largest and newest home in the immediate vicinity, our property presents a potentially more attractive target for criminal activity. Almost every day vehicles slow down or even stop and occupants of the vehicle take both pictures and video.... Some have even asked to come look inside the house.

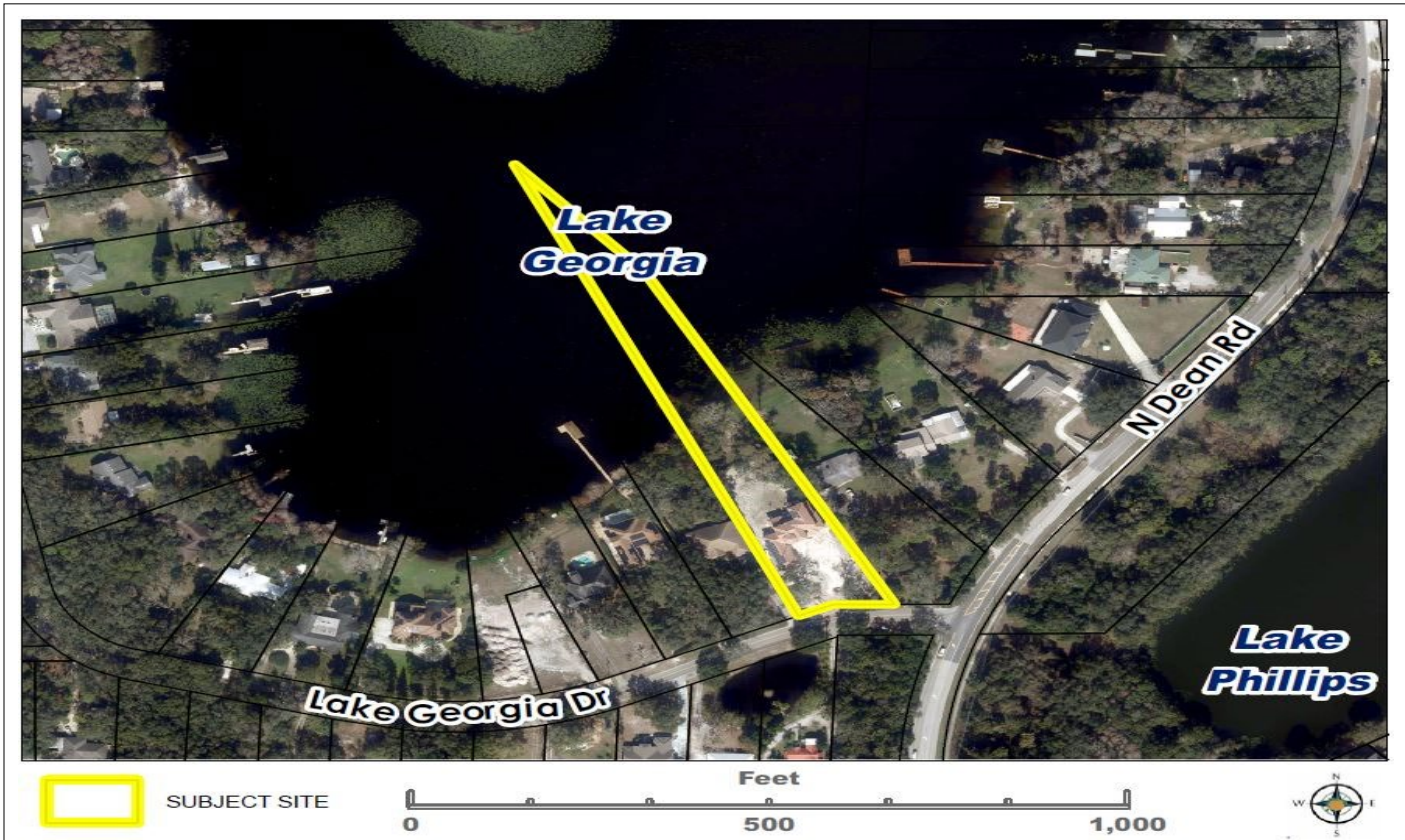
We respectfully request that the Zoning Adjustment Board grant our variance request as a matter of securing our security with urgency. We are available to attend the next meeting scheduled to discuss our security concerns and proposed plans in detail.
Thank you for your immediate and careful consideration.

Sincerely,
Paul Joachim & Souraya Sarriedine

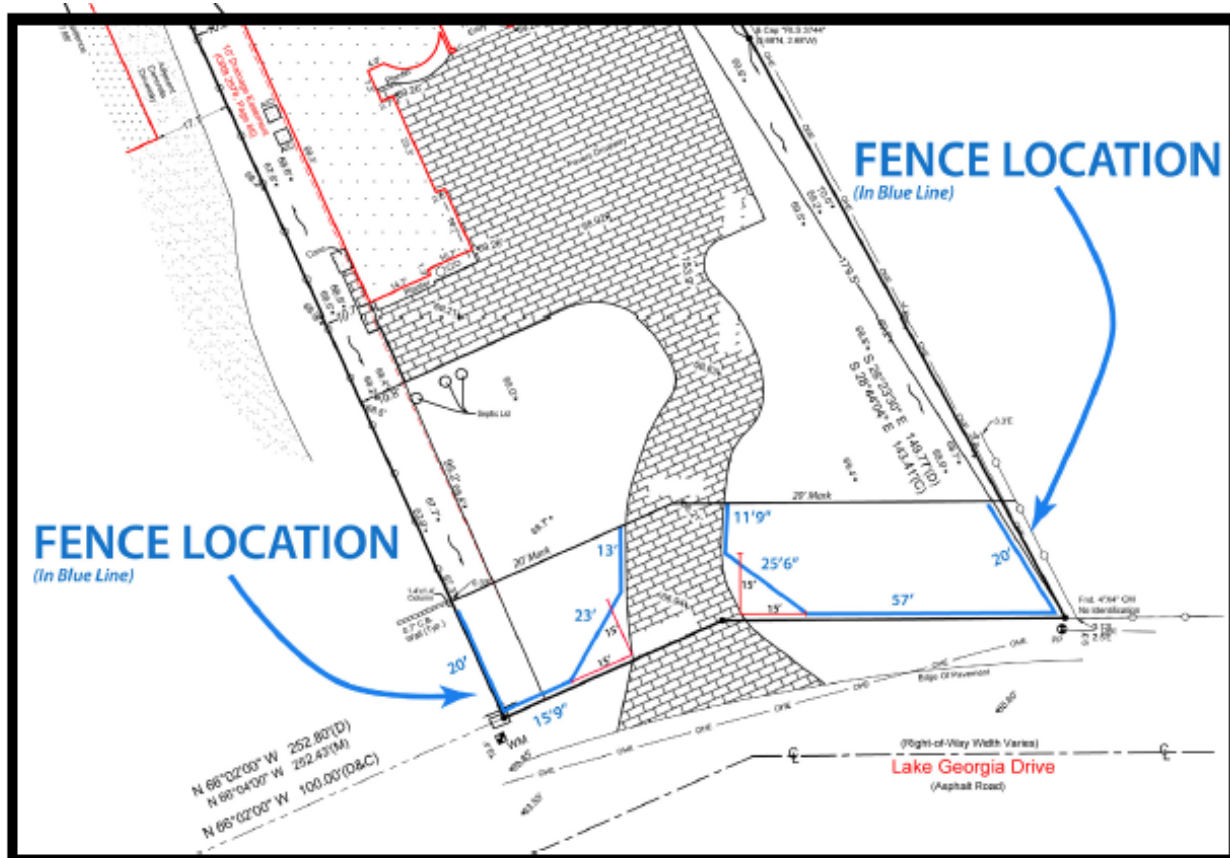
ZONING MAP



AERIAL MAP



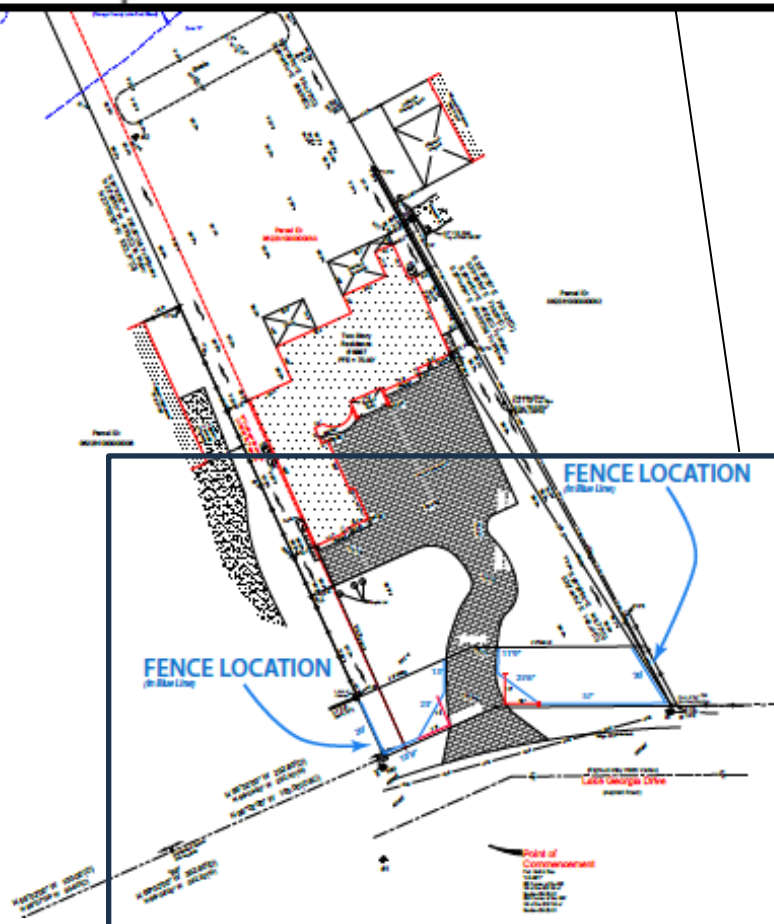
SITE PLAN



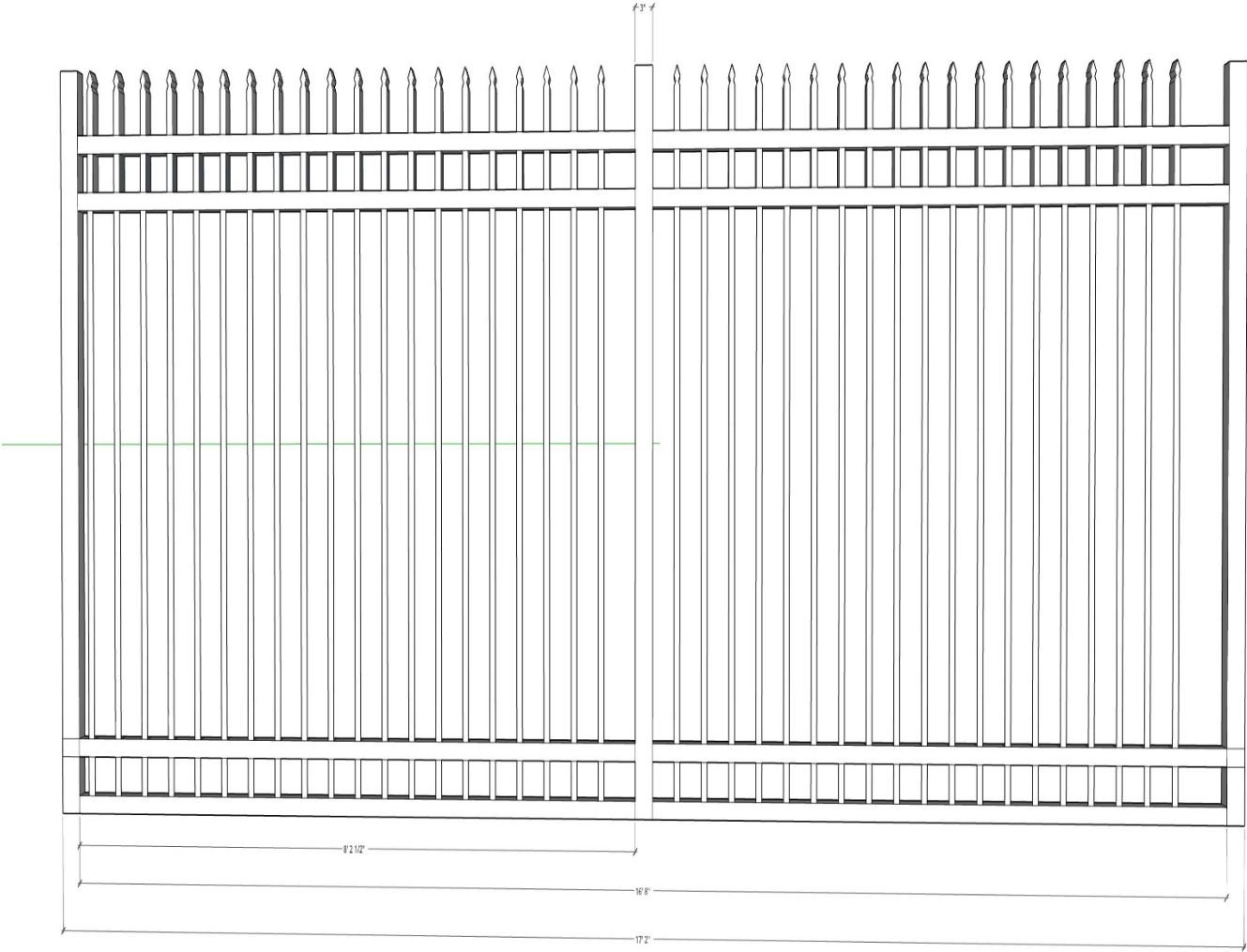
Name(s):
JOACHIM PAUL
SARIEDDINE SOURAYA A

Physical Street Address:
9997 Lake Georgia Dr
Orlando, FL 32817

Parcel Number
06-22-31-0000-00-033



FENCE DETAIL



SITE PHOTOS



Facing northwest from Lake Georgia Drive towards front of subject property



Front yard, facing northeast towards proposed fence location within the front yard setback

SITE PHOTOS



Front yard, facing northwest towards front of the property and adjacent property to the west

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEPT 05, 2025**

Commission District: **#5**

Case #: **VA-25-09-037**

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

GENERAL INFORMATION

APPLICANT(s): MARVIN WEEKS

OWNER(s): KIMBERLY PICARD, STEPHEN PICARD

REQUEST: Variances in the A-2 zoning district as follows:

- 1) To allow an Accessory Dwelling Unit (ADU) in front of the primary dwelling unit in lieu of the side or rear
- 2) To allow ground mounted mechanical equipment (A/C pad) in the front yard in lieu of the side or rear of the principal structure

PROPERTY LOCATION: 6125 Dolphin Cir., Orlando, FL 32833, southeast corner of Dolphin Cir. and Edgerton Ave., north of S.R. 528, west of Dallas Blvd., south of Hal Scott Preserve, east of Innovation Way

PARCEL ID: 27-23-32-1181-10-500

LOT SIZE: +/-1.03 acres

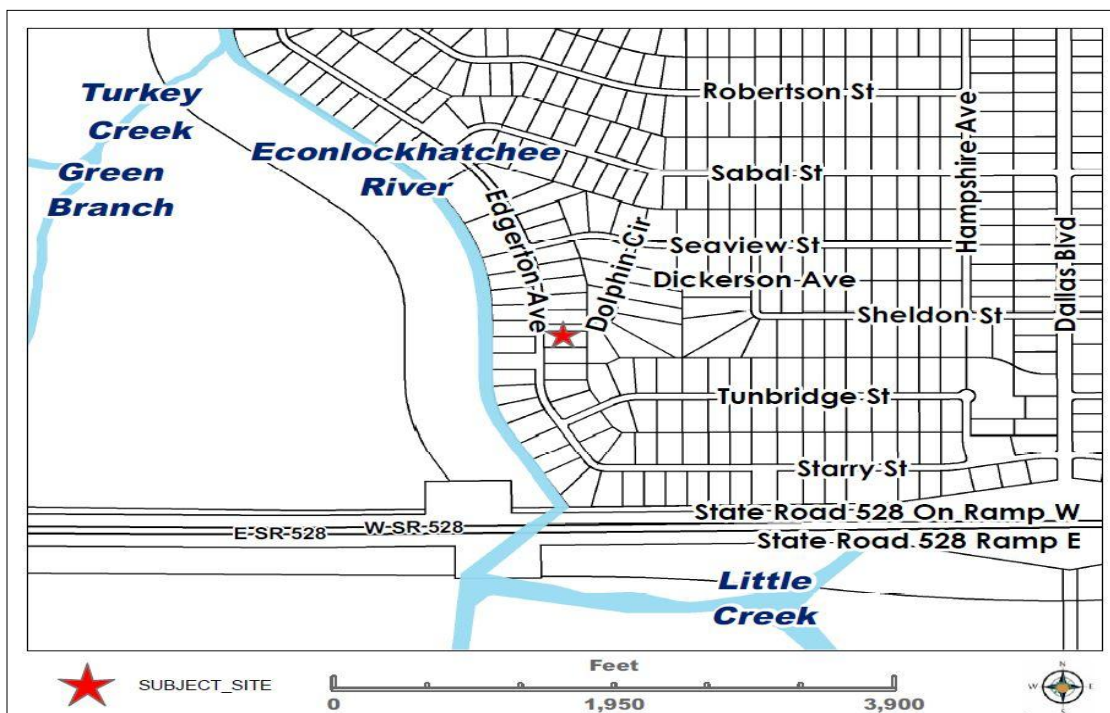
NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 31

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	A-2	A-2	A-2	A-2	A-2
Future Land Use	R	R	R	R	R
Current Use	Single-family residential	Vacant	Single-family residential	Vacant	Vacant

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-2, Farmland Rural district, which primarily allows agricultural uses, as well as mobile homes and single-family homes on larger lots. The Future Land Use is Rural (R) which is consistent with the A-2 zoning district.

The area around the subject site consists of single-family homes, vacant lots and the Hal Scott Regional Preserve and Park to the west. The subject property is 1.03 acres in size, was platted in 1971 as lot 50 of the Cape Orlando Estates Unit 11 A Plat and is a conforming lot of record. The property is a corner lot with right-of-way along Edgerton Ave. to the west, and Dolphin Cir. to the north. For residential properties, Code states the narrow width of a lot abutting a street right-of-way is the front; as such, Edgerton Ave. is considered the front and Dolphin Cir. is considered the side street. The property is developed with a 1-story, 5,520 gross sq. ft. single-family home (B11005808), constructed in 2012, a screen enclosure, and 6 ft. tall fence. The property was purchased by the current owner in February of 2025.

The proposal is to construct a 725 gross sq. ft., 15.83 ft. tall, accessory dwelling unit (ADU). The proposed floor plan shows 600 sq. ft. of living space with one bedroom, one bathroom, a kitchen, and living room. The remaining 125 sq. ft. of the structure is a covered front porch. The ADU is proposed to be located between the primary structure and Edgerton Avenue. Sec. 38-1426(2)c.6.(ii) of the Orange County Code states, *“a detached accessory dwelling unit may not be located in front of the primary dwelling unit unless the primary dwelling unit is located entirely in the rear half of the lot...”* The primary residence is located approximately 17.5 ft. beyond the midpoint of the subject property, prompting Variance request #1. The ADU is proposed to include a ground mounted A/C pad on the north side of the structure along Dolphin Circle. Sec. 38-79(16)b. of the Orange County Code states mechanical equipment *“shall not be located in the front yard, side street yard or between any portion of the principal structure and public or private right-of-way.”* The entire scope of work is located between the principal structure and the public right-of-way, requiring Variance request #2.

During the site visit, a utility trailer and a recreational vehicle (RV) were located adjacent to the driveway along Dolphin Circle. 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 condition of approval (COA) #6. RV storage is regulated by Orange County Code Section 38-79(45). The owner of such a recreational vehicle shall obtain a permit from the Zoning Division in order to park, store or keep the recreational vehicle at the parcel, as reflected in COA #7.

The request was routed to all reviewing divisions, and no objections were provided. This property is within Orange County Utilities water, wastewater, and reclaimed water service areas. There are no watermains in the vicinity of this property, development on this property will be reliant on wells for potable water.

Wastewater is considered not available, development on this property will be reliant on septic tanks for wastewater disposal.

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

Accessory Dwelling Unit Development Standards

	Code Requirement	Proposed
Location:	Not located in front of the primary dwelling unit unless the primary dwelling unit is located entirely in the rear half of the lot	Located in front of the primary dwelling unit (Variance #1)
Max. Height:	35 ft.	15.83 ft.
Max. Living Area:	1,000 sq. ft.	600 sq. ft.

Building Setbacks (Accessory Dwelling Unit)

	Code Requirement	Proposed
Front: (Edgerton Ave.)	35 ft. when applicable	79.25 ft. (West)
Side:	10 ft.	87.97 ft. (South)
Side Street: (Dolphin Cir.)	35 ft.	37 ft. (North)
Rear:	5 ft.	+/- 191.75 ft. (East)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

Variances #1 and #2 MET - There are special conditions or circumstances peculiar to this property, as the existing home was constructed to utilize Dolphin Cir. as the front yard while code classifies Edgerton Ave as the front regardless of the orientation of the home, therefore creating a large front yard that cannot be utilized for accessory structures.

Not Self-Created

Variances #1 and #2 NOT MET - The need for the Variances are self-created, as the structure could be placed in the rear yard to the east of the existing residence eliminating the need for the Variances.

No Special Privilege Conferred

Variance #1 NOT MET - Granting the requested Variance will confer special privilege not conferred to others under the same circumstances since an accessory structure could be constructed in a way which would meet code.

Variance #2 MET - Granting the requested Variance will not confer special privilege not conferred to others under the same circumstances as the code is specific to the location of mechanical equipment and the primary structure and does not address mechanical equipment used in association with an accessory structure.

Deprivation of Rights

Variances #1 and #2 NOT MET - Without approval of the requested Variances, the owner will not be deprived of the ability to build a compliant ADU on the site.

Minimum Possible Variance

Variances #1 and #2 NOT MET - The requests are not the minimum possible, as a code compliant ADU could be installed.

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 code encourages infill development, and the ADU is compatible with surrounding development patterns.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan, dated June 16, 2025, and elevations, dated August 4, 2025, as modified, 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 structure shall be rotated such that the front façade of the structure (currently labeled as the east elevation) is facing either Dolphin Circle or Edgerton Avenue.
5. The mechanical equipment shall be relocated to the east or south façade of the ADU structure.
6. Prior to the issuance of the permit for the Accessory Dwelling Unit, the utility trailer shall be relocated to a code compliant location or removed from the property.
7. Prior to the issuance of the permit for the Accessory Dwelling Unit, a permit for the RV shall be obtained, or the RV shall be removed from the property.

C: Marvin Weeks
8226 Baywood Vista Drive
Orlando, FL 32810

Wes Robbins
2973 Old Dixie Highway
Kissimmee, FL 34744

COVER LETTER

Marvin Weeks, AIA NCARB
weeksarchitectureanddesign@gmail.com

June 16, 2025

Dear Board of Zoning Adjustment,

The property owners of 6125 Dolphin Circle would like to build a new 725 square foot Accessory Dwelling Unit (ADU), measuring roughly 25 feet by 29 feet. The ADU is an approved designed affiliated with the Orange County Ready Set Orange Housing Program. The owner has a large existing property fully equipped to absorb a new structure such as this in the front yard of the existing property, but due to zoning regulations, is not being allowed to utilize almost half an acre of the existing property. The architecture for this structure is simple, efficient and fairly straight forward. The construction is concrete slab on grade, with CMU exterior walls, and a simple wood framed roof. Exterior finishes include stucco and composition shingles. All exterior finishes are Florida Product approvals numbers as required. The new proposed ADU structure would meet all setback requirements if allowed to utilize a variance. A copy of the site plan and floor plan is attached for reference.

During the latest review of Permit No. B25005569, a comment was made that Per Orange County Code section 38-1426(2)(c)(6), a detached accessory dwelling unit may not be located in front of the primary dwelling unit unless the primary dwelling unit is located entirely in the rear half of the lot. For reference per the attached site plan, the front yard of the property is facing Edgerton Ave, Dolphin Circle is the side street. We are requesting a variance to allow the owners to place the ADU in the front yard per the code section previously stated.


We were unable to locate the ADU because relocating the ADU to the back yard creates an unnecessary financial burden on the property owner requiring a new septic tank installation in lieu of using the existing approved septic tank. Please allow the new proposed ADU to be located per the attached site plan so the existing approved septic tank can be connected to the new ADU.

We were unable to connect the new ADU to the existing home using a breezeway due to existing underground utilities, the added price a breezeway, and having no access to a hallway and/or semi-private room on the west side of the existing primary home. The west side of the primary home is where most of the existing bedrooms are located.

Please see attached exhibit A for the variance request application and 6 Standards of Variance Justification.

Professional Regards,
Marvin Weeks, AIA, NCARB
Registered Architect
WEEKSARCHITECTUREANDDESIGN@GMAIL.COM

Architect Request


: _____

Marvin Weeks

EXHIBIT A

❖ Description of Scope of Work that is triggering a variance.

- The owner would like build a new Accessory Dwelling Unit (ADU) on the west side of the existing homes driveway entry.

❖ Requested Variances

- Variance of 20 feet which would allow the primary dwelling unit to be considered located entirely in the rear half of the lot Per Orange County Code section 38-1426(2)(c)(6). By allowing this variance a detached accessory dwelling unit would be allowed to be located in front of the primary dwelling unit if the primary.
- The front yard of the property is facing Edgerton Ave, Dolphin Circle is the side street. The variance would allow placement of an ADU west of the existing primary home and the ability to connected to an existing septic.

❖ 6 Standards of Variance Justification

- Section 65.383 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Board of Zoning Adjustment (BZA) finds that all of the following standards are met. Please answer each bold-text question in a separate typed document and upload it with the rest of the required items.

❖ Special Conditions and Circumstances

- The applicant must prove that special conditions and/or 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 non-conformities on neighboring properties shall not constitute grounds for approval of any proposed zoning variance. WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY?
- **Response: Due to the placement of the existing home and per section 38-1 of Orange County code lot frontage defining "Lot frontage" in residential zoning districts to be located at the narrow width of a lot abutting a street right-of-way, the entire west side of the existing property is not being allowed to be development. This is appropriately close to half of an acre of land that cannot be built on due to this definition. We are asking to allow us to utilize this portion of his lot.**

❖ Not Self-Created

- The applicant must prove that the special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a variance; i.e. when the applicant himself by his own conduct creates the hardship he alleges to exist,

he is not entitled to relief. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?

- **Response: The home is existing. A ten foot variance will allow the homeowner to utilize a small portion of half an acre the owner should be able to utilize.**

❖ Minimum Possible Variance

- The applicant must prove that the zoning variance is the minimum variance that will make possible the reasonable use of the land, building or structure. **CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.**
- **Response: We have considered asking if the yard along Dolphin Circle to be considered a front yard. This would cause a rear yard setback issue as we do not have space for the 50'-0" rear yard setback that would be required.**
- **Response: There is 3 times more space in the front yard than in the rear yard. Placing the ADU in the rear yard would not give us access to the existing septic. The new ADU will be tying in to the existing septic tank and will need access to the existing septic tank. Placing the ADU in the rear yard will not allow access to the existing septic tank.**

❖ No Special Privilege Conferred

- The applicant must prove that approval of the zoning variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings, or structures in the same zoning district. WOULD APPROVAL OF THIS VARIANCE ALLOW YOU TO DO SOMETHING THAT OTHER PROPERTY OWNERS IN THE SAME SITUATION WOULD NOT BE ALLOWED TO DO?
- **Response: We are not asking for special privilege. Due to the sizes of the lots in this area many other homes have the same option to place an ADU in the front yard. The existing lots in this area are fairly large (roughly 1 acre) and provide many different options to place accessory structures in many different locations.**

❖ Deprivation of Rights

- The applicant must prove that 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 the Chapter shall not constitute grounds for approval. WOULD DENIAL OF THIS VARIANCE DEPRIVE YOU OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTY OWNERS IN SIMILAR SITUATIONS?
- **Response: As of right now the only two options we have is to place the ADU is rear of the home or try to connect the ADU with a breezeway. Both options created unnecessary and undue hardship on the client. Placing the ADU in the rear yard will**

not allow access to the existing septic tank and will require a second unnecessary septic tank to be installed. Attaching to the existing tank is the better economic choice.

❖ Purpose and Intent

- The applicant must prove that 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 and otherwise detrimental to public welfare. WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE: ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC)
- Response: Allowing this project as designed does not negatively affect adjacent properties in any way (adequate light, air, access, use of adjacent property, density, compatibility with surrounding land uses, traffic control, pedestrian safety, etc.)

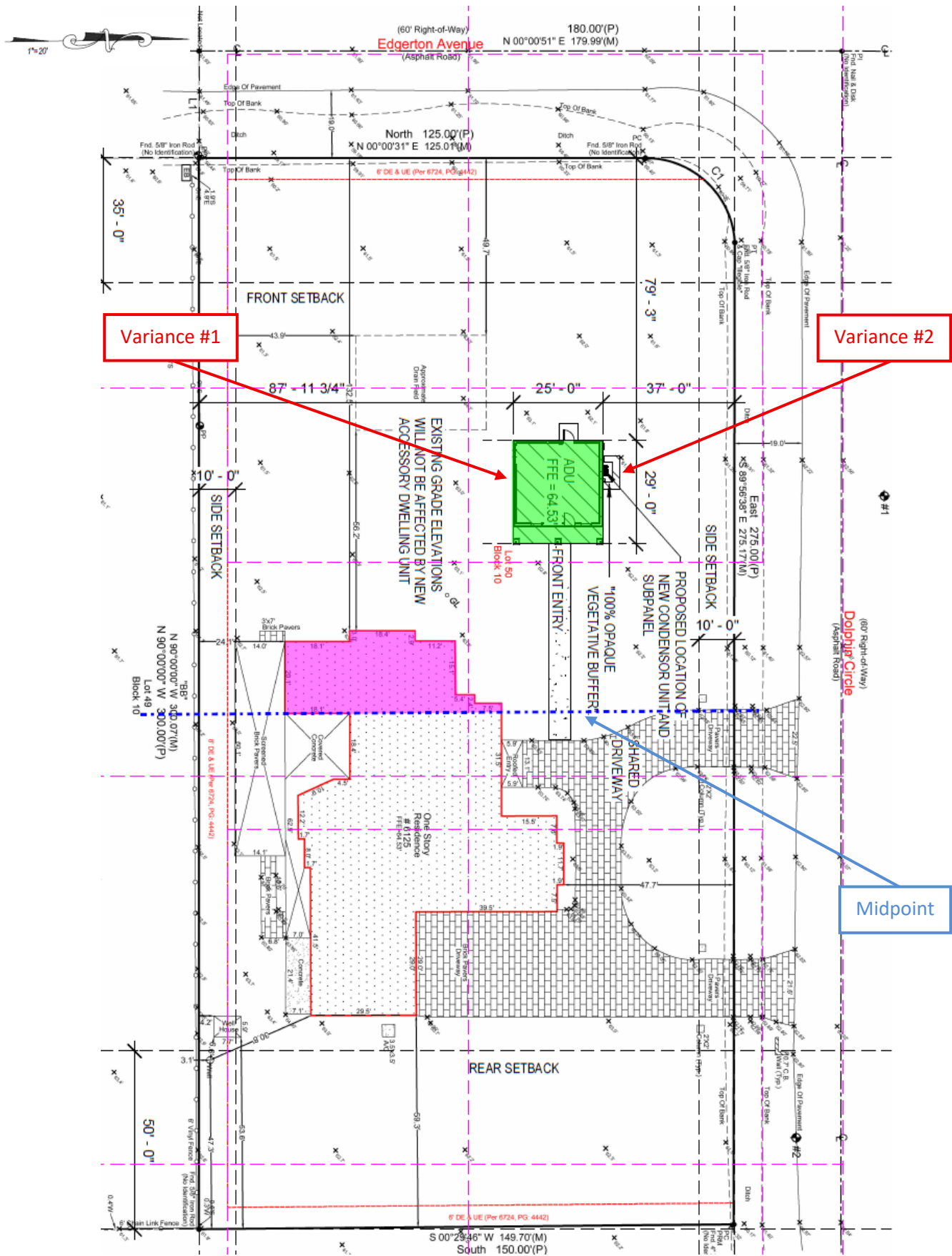
ZONING MAP



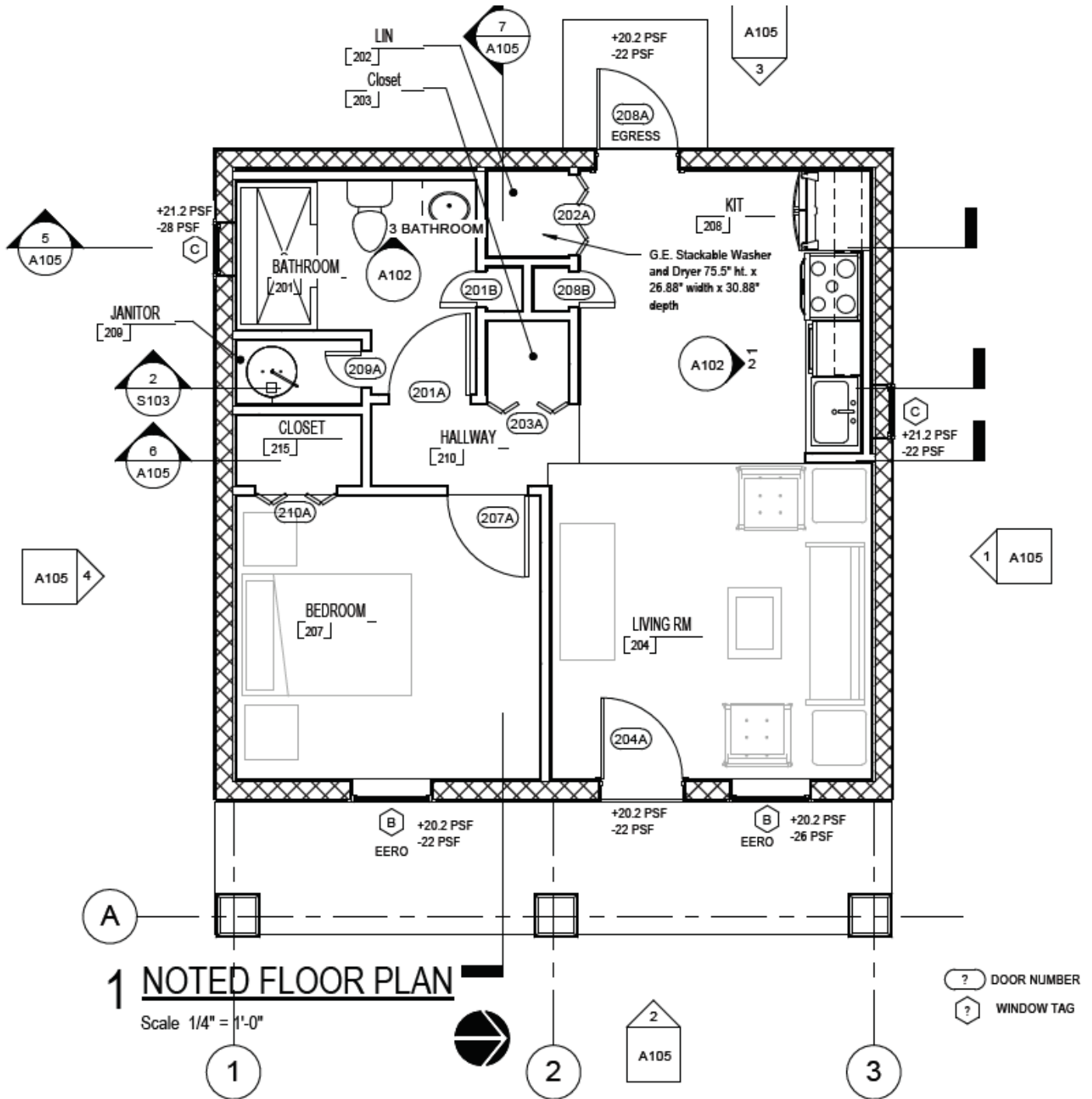
AERIAL MAP



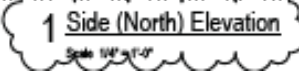
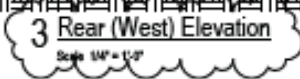
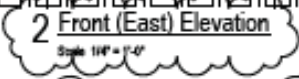
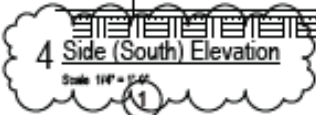
OVERALL SITE PLAN



FLOOR PLAN



ELEVATIONS



SITE PHOTOS



Front yard, facing south towards front of subject property



From the intersection of Edgerton Ave. and Dolphin Circle facing southeast

SITE PHOTOS



Front yard, facing east towards the house and proposed ADU



Rear yard, facing south

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEPT 05, 2025**

Commission District: **#4**

Case #: **VA-25-09-043**

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

Catherine.Glase@ocfl.net

GENERAL INFORMATION

APPLICANT(s): DAVID M. SMITH

OWNER(s): SOUTHCHASE SHOPPING CENTER LLC

REQUEST: Variance in the PD zoning district to allow a 3PS package sale vendor located 4,726 ft. from a package sale vendor in lieu of 5,000 ft.

PROPERTY LOCATION: 12201 S. Orange Blossom Trl., Orlando, FL 32837, east side of S. Orange Blossom Trl., north of W. Wetherbee Rd., south of Taft Vineland Rd., west of the Florida Turnpike

PARCEL ID: 22-24-29-8226-03-000

LOT SIZE: +/- 17.13 acres

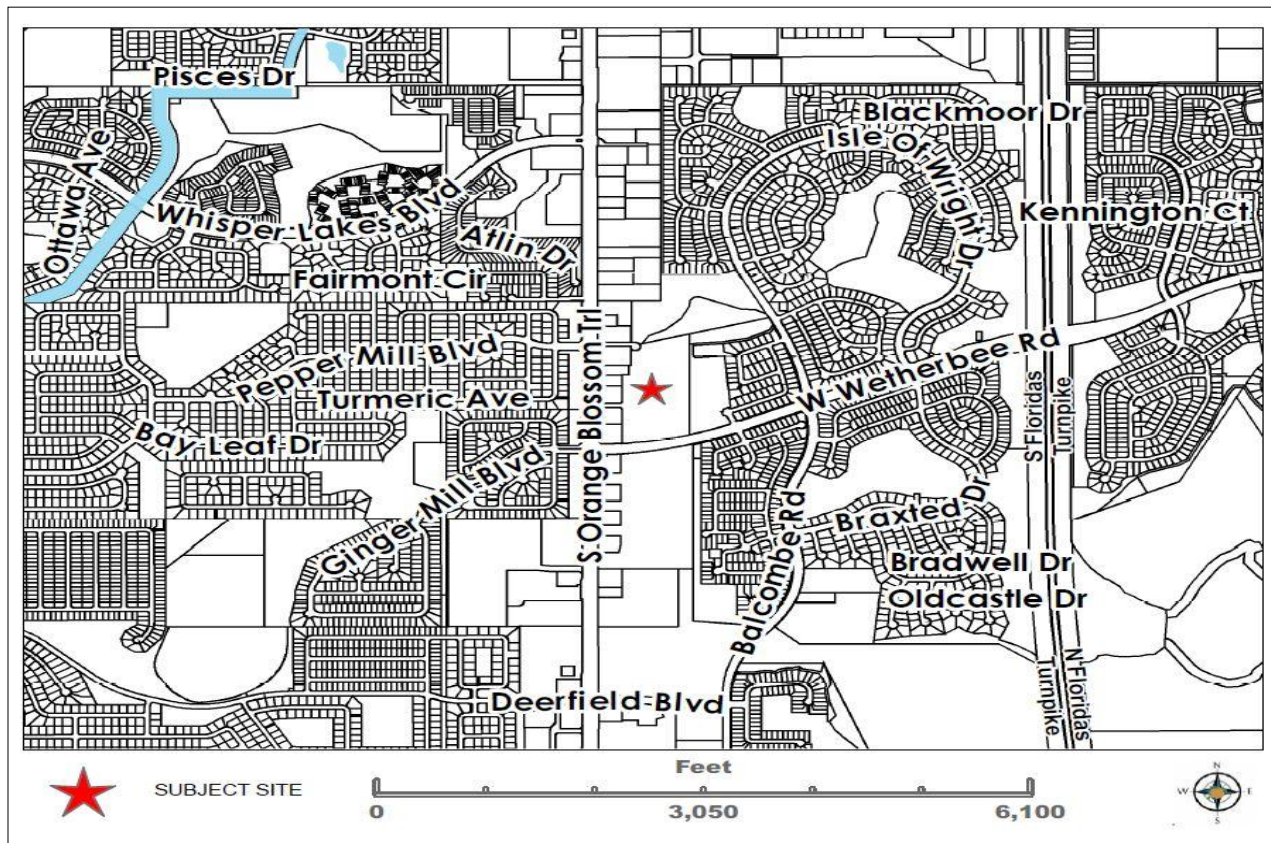
NOTICE AREA: 1 mile

NUMBER OF NOTICES: 5,692

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	South Chase PD	South Chase PD	South Chase PD	South Chase PD	South Chase PD
Future Land Use	MDR	LDR	LDR	MDR	C
Current Use	Multi-Tenant Retail	Conservation Area	Multi-Tenant Retail	United States Post Office	Commercial

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is zoned Planned Development (PD), and is located within Parcel 3 of the South Chase PD. The overall PD allows a mix of single family residential, multi-family, commercial and industrial uses. This section of the PD allows for commercial retail uses. The property's Future Land Use designation is Medium Density Residential (MDR). As the Planned Development was approved prior to the Future Land Use Map being adopted in 1991, the PD is considered consistent with the Future Land Use Map per Comprehensive Plan Policy 8.1.5. Therefore, the request is considered to be consistent with the Comprehensive Plan.

The area surrounding the subject property is mostly commercial development directly along S. Orange Blossom Trail and single-family residential homes to the east. The subject property is 17.13 acres in size and is developed with a 76,620 sq. ft. commercial strip shopping center that was constructed in 1998. The subject property contains a variety of commercial businesses including a Publix Super Market and the subject tenant space.

The proposal is to operate a Publix Liquor Store in the 1,400 sq. ft. tenant space adjacent to the Publix Super Market. The property owner submitted a request (ABA-25-04-0100) to obtain zoning approval for an Alcoholic Beverage License (ABL) to operate a package sale vendor in the subject tenant space. The distance requirements for an ABL are set forth in Sections 38-1414 of Orange County Code. Per Section 38-1414(b) *“a package sale vendor may be permitted to operate its business of package sales at a location no closer than five thousand (5,000) feet of any preexisting package sale vendor's place of business within the unincorporated area of the county.”* The distance is measured by following the shortest route of ordinary pedestrian travel along the public thoroughfare from the proposed main entrance of a package sale vendor who proposes to operate the place of business to the main entrance of any other package sale vendor who is operating such a business. A distance measurement was conducted to verify that the 5,000 ft. separation requirement from the nearest package sale vendor can be met. The result of this measurement showed that the nearest subject package sale vendor (Knighly Spirits Liquor, located at 12975 S. Orange Blossom Trl., Orlando, FL 32837) is 4,726 ft. away, prompting the Variance request.

The request was routed to all 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. While the request meets some of the criteria it does not meet all the criteria. Therefore, staff is recommending denial.

VARIANCE CRITERIA**Special Conditions and Circumstances**

NOT MET – There are no special conditions or circumstances peculiar to this property as the presence of other package sale vendors in the area is not uncommon or unique.

Not Self-Created

NOT MET - The need for the Variance is self-created, as it is the applicant's decision to locate a package sale vendor within this tenant space despite the existing package sale vendor within the applicable separation distance.

No Special Privilege Conferred

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

Deprivation of Rights

NOT MET - Denial of the Variances would not deprive the owner of reasonable use of the property as the space could be utilized for other commercial retail uses.

Minimum Possible Variance

MET - The request is the minimum possible to operate a package sale vendor from the subject location.

Purpose and Intent

NOT MET - Approval of the requested Variances would not be in harmony with the purpose and intent of the zoning regulations as the code is primarily focused on the separation of similar businesses and the separation standard is intended to avoid the clustering of package sale vendors.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the location plan date stamped August 15, 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. This approval is limited to a 3PS license for package sale vendor only. Any change in ownership or license type shall require new approval for a change and/or transfer of the license.

C: David Smith
P.O. Box 3299
Tampa, FL 33601

**PUBLIX SUPER MARKETS, INC.
SOUTHCHASE LIQUOR STORE #0654
12201 S. Orange Blossom Trail
Orlando, Florida**

Variance Application No. _____

WRITTEN STATEMENT

This Variance Application is for a proposed 1,400 square foot Publix liquor store (3-PS liquor, beer and wine package sales) to be constructed in the Southchase Shopping Center in the tenant space located at 12201 S. Orange Blossom Trail, Orlando, Florida. The Parcel Identification Number for the subject property is 22-24-29-8226-03-000 and consists of 19.07 acres. The subject property is located in the South Chase Planned Development (PD) zoning district and is located in the Medium Density Residential (MDR) Future Land Use category.

The proposed liquor store requires a variance to the distance separation requirements set forth in Sections 38-1414. Specifically, Section 38-1414(b) states:

Package sale vendor; distance separation requirements. Subject to section 38-865.d(10) of the Orange County Code relating to the I-Drive District Overlay Zone, within the unincorporated area of the county a package sale vendor may be permitted to operate its business of package sales at a location no closer than five thousand (5,000) feet of any preexisting package sale vendor's place of business within the unincorporated area of the county, and no closer than seven hundred and fifty (750) feet of any preexisting package sale vendor's place of business within a municipality in the county.

On April 21, 2025, the Orange County Zoning Division conducted a distance verification review to verify that the Five Thousand-Foot (5000') separation requirement from the nearest package sale vendor, religious institutions and schools could be met. The result of this verification indicated that the nearest package sale vendor (Knightly Spirits Liquor located at 12975 S. Orange Blossom Trail, Orlando, Florida 32837) is located within 4,726 feet from the proposed liquor store location therefore requiring a variance and that the distance separation from religious institutions and schools were met.

The variance request is to the distance separation requirement of 5,000 feet due to the Knightly Spirits Liquor store is located 4,726 feet from the proposed liquor store as measured by staff requiring a variance of 274 feet. The attached distance survey prepared by SurvTech Solutions Inc., dated July 22, 2025 found the Knightly Spirits Liquor store to be within 4981

feet. Since the measurements by County staff and SurvTech are not significantly different, **a variance of 274 feet is requested.**

Section 30-43 (3) of the Orange County Code stipulates specific standards for the approval of variances. No application for a zoning variance will be approved unless the Board of Zoning Adjustment finds that 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 a proposed zoning variance.

The special conditions and circumstances do not result from the actions of the applicant. The "special conditions and circumstances" that have attracted the applicant to this site. A high volume corner property like this one is essential to the success of a supermarket as well as a liquor store. The applicant would not be seeking a variance to locate a liquor store at this location if it was not for the market phenomenon that are present and the location of the supermarket.. There is also a high amount of new residential growth occurring in the immediate area as well. The Southchase Planned Development encourages commercial uses to locate on the subject site which is currently developed with a shopping center containing a Publix grocery store..

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 special conditions and circumstances do not result from the actions of the applicant, or other actions reflective of a self-imposed hardship. The Planned Development zoning encourages commercial at the subject location and allows the requested use.

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

The granting of the requested variance will not confer on the applicant any special privilege that is denied by the Orange County Code to other lands, structures, or buildings in the same district. Not only has the Zoning Board of Adjustment approved alcohol distance variances for liquor stores since the adoption of the Orange County Code, but several of them have been approved within shopping plazas. Therefore, this request is a privilege that has been enjoyed by others under similar circumstances. The applicant would suffer an undue hardship that is unnecessary.

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

Literal interpretation of the provisions contained in Orange County Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Orange County Code and would result in unnecessary and undue hardship on the applicant.

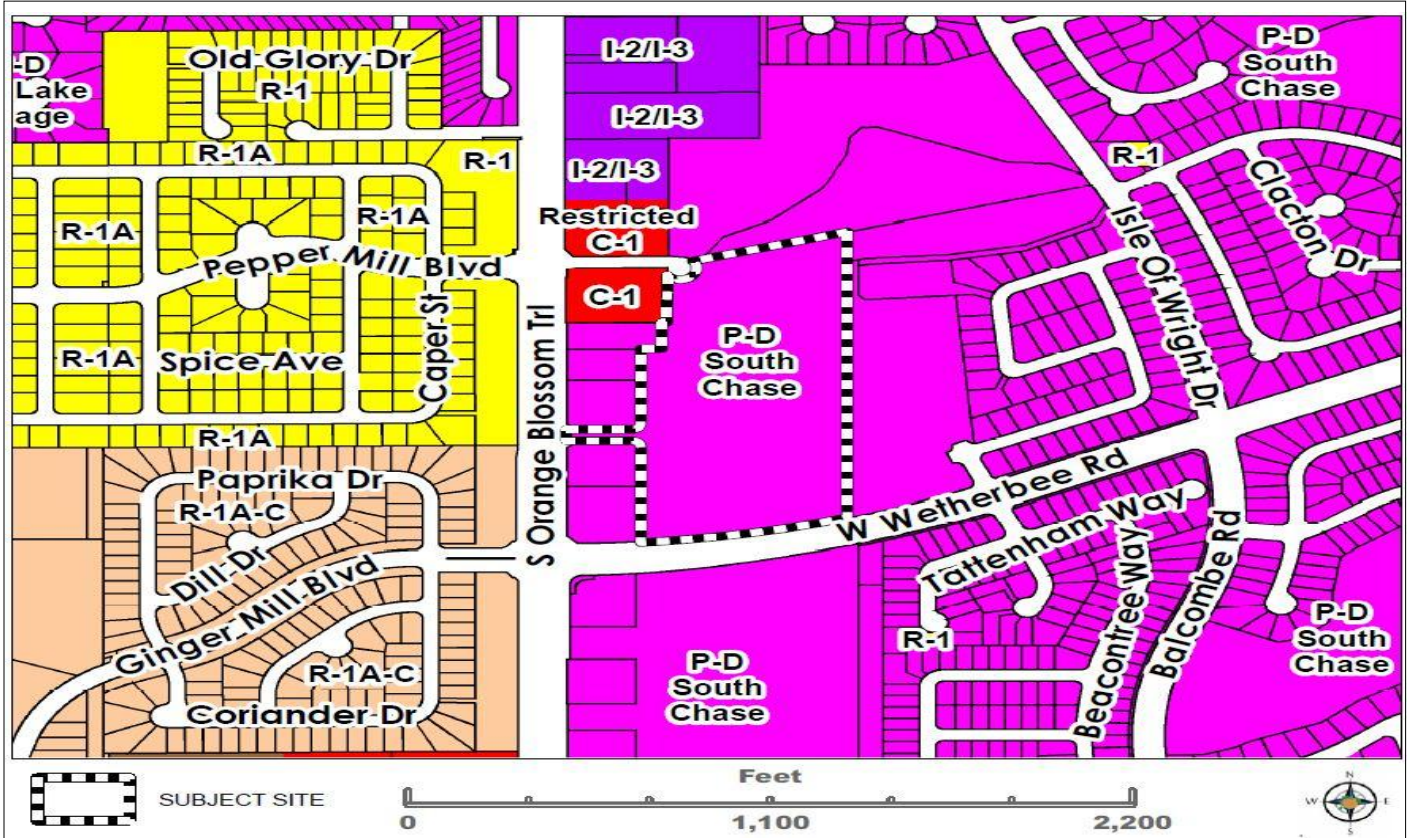
5. Minimum Possible Variance - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The requested variance is the minimum variance that will make possible the reasonable use of the land, building, or structure. The requested variance is the minimum required for compliance from the identified use.

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

This application is to request a variance to the 5,000-foot distance separation requirement between package stores with a 3-PS license. The applicant is seeking to add a 1,400 square foot liquor store in the existing Southchase Shopping Center. The proposed liquor store will be in a tenant space adjacent to the existing Publix supermarket. The proposed liquor store will serve the local residents and travelers in the area. The requested variance is in accordance with the general intent and purpose of the Orange County Code, and will not be injurious to the area involved or otherwise detrimental to the public welfare. The operational characteristics of a liquor store are not any more impactful than other commercial uses permitted by the property's zoning and therefore will not be injurious to the area or detrimental to the public welfare.

ZONING MAP



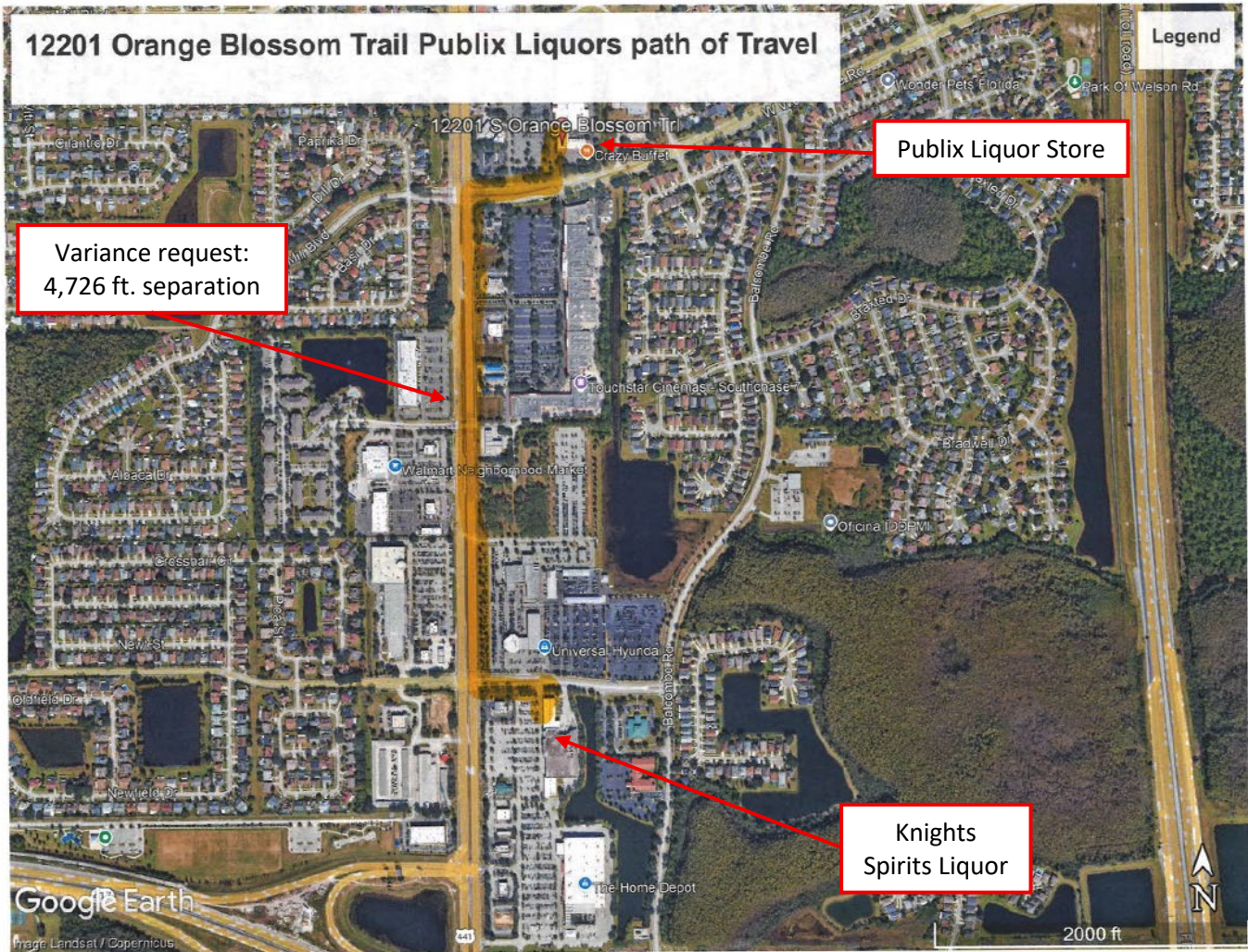
AERIAL MAP



LOCATION PLAN



DISTANCE SEPARATION MAP



SITE PHOTOS



Facing east towards front of subject tenant space



Facing northeast towards subject tenant space

SITE PHOTOS



Facing east towards existing package sale vendor



Facing southeast towards existing package sale vendor

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEPT 05, 2025**

Commission District: **#1**

Case #: **VA-25-08-034**

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

GENERAL INFORMATION

APPLICANT(s): RACHELLE DUNNEBACK

OWNER(s): RACHELLE DUNNEBACK, JOSEPH SIMON

REQUEST: Variance in the A-1 zoning district to allow an Accessory Dwelling Unit (ADU) in front of the primary dwelling unit in lieu of the side or rear

PROPERTY LOCATION: 9009 Lake Hickory Nut Dr., Winter Garden, FL 34787, east side of Lake Hickory Nut Dr., west of Hickory Nut Lake, east of the Lake County line, west of S.R. 429, south of Scholfield Rd.

PARCEL ID: 06-24-27-3548-00-400

LOT SIZE: +/- 1.42 acres (+/- 1.28 upland acres)

NOTICE AREA: 500 ft.

NUMBER OF NOTICES: 33

STAFF RECOMMENDATIONS

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

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-1	A-1	A-1	A-1	A-1
Future Land Use	Village, Water Body	Village	Village, Water Body	Village, Water Body	Village, Water Body
Current Use	Single-family residential	Vacant	Single-family residential, Hickory Nut Lake	Single-family residential, Hickory Nut Lake	Single-family residential, Hickory Nut Lake

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the A-1, Farmland Rural district, which primarily allows agricultural uses, as well as mobile homes and single-family homes on larger lots. The Future Land Use is Village (V) which is inconsistent with the A-1 zoning district. However, the property is vested for a single-family home, therefore single-family residential construction, expansions, and ancillary uses are permitted.

The area around the subject site consists of single-family homes. The subject property is 1.42 acres in size with approximately 1.28 upland acres, was platted in 1956 as lot 40 of the Hickory Lake Estates Plat. The subject lot is a lakefront lot located on Hickory Nut Lake with right-of-way along Lake Hickory Nut Dr. to the west. The property is developed with a 2-story, 4,283 gross sq. ft. single-family home (B22014042), constructed in 2024, a shed, and a boat dock. The property was purchased by the current owner in 2015.

The proposal is to construct a 1,490 gross sq. ft., 16.33 ft. tall, accessory dwelling unit (ADU). The proposed floor plan shows 794 sq ft. of living space with one bedroom, one bathroom, a kitchen, and living room. The remaining 696 sq. ft. of the structure is a covered front porch and a carport. The ADU is proposed to be located between the primary structure and Lake Hickory Nut Drive. Sec. 38-1426(2)c.6.(ii) of the Orange County Code states, *“a detached accessory dwelling unit may not be located in front of the primary dwelling unit unless the primary dwelling unit is located entirely in the rear half of the lot.”* The primary residence is located beyond the midpoint of the subject property, prompting the Variance request. The proposed structure complies with all other zoning development standards.

Upon review of the Variance application, it was identified that the existing shed on the property was constructed without a permit. It is unclear when the shed was constructed due to the existing tree canopy in the rear yard. The shed is located 4.44 ft. from the side property line where 5 ft. is required. The detached accessory structure (shed) shall be relocated to a code compliant location, and a permit shall be obtained, or the structure shall be removed from the property, as reflected in condition of approval (COA) #4. No additional Variance is being requested for the shed.

During the site visit, two commercial vehicles and a recreational vehicle (RV) were located in the side and rear yards of the subject site. Per Sec. 38-77 of Orange County Code the storage yards for operable automobiles, trucks, boats, and commercial vehicles is prohibited in the A-1 zoning. Therefore, the vehicles shall be removed from the property, as reflected in COA #5. RV storage is regulated by Orange County Code Section 38-79(45). The owner of such a recreational vehicle shall obtain a permit from the zoning division in order to park, store or keep the recreational vehicle at the parcel, as reflected in COA #6.

The request was routed to all reviewing divisions, and no objections were provided. This property is within Orange County Utilities Water, Wastewater, and Reclaimed Water Service Areas. There are no watermains in the vicinity of this property, development on this property will be reliant on wells for potable water. Wastewater is considered not available, development on this property will be reliant on septic tanks for wastewater disposal.

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. While the request meets some of the criteria, it does not meet all the criteria. Based on staff's analysis, there are no special conditions or circumstances that would prevent the structure from being located in the rear yard, eliminating the need for the Variance request. Therefore, staff is recommending denial of the Variance request.

Accessory Dwelling Unit Development Standards

	Code Requirement	Proposed
Location:	Not located in front of the primary dwelling unit unless the primary dwelling unit is located entirely in the rear half of the lot	Located in front of the primary dwelling unit (Variance Request)
Max. Height:	35 ft.	16.33 ft.
Max. Living Area:	1,000 sq. ft.	794 sq. ft.

Building Setbacks (Accessory Dwelling Unit)

	Code Requirement	Proposed
Front:	35 ft. when applicable	+/-84 ft. (West)
Side:	10 ft.	10 ft. (North) +/- 80 ft. (South)
NHWE line:	50 ft.	+/- 225 ft. (East)

STAFF FINDINGS

VARIANCE CRITERIA

Special Conditions and Circumstances

NOT MET - There are no special conditions or circumstances peculiar to this property, as the property meets the development standards for the zoning district and contains adequate space to construct the ADU in the rear yard.

Not Self-Created

NOT MET - The need for the Variance is self-created, as there is adequate space to place the structure in the rear yard.

No Special Privilege Conferred

NOT MET - Granting the Variance as requested will confer special privilege not conferred to others under the same circumstances since an ADU could be constructed in a way which would meet code.

Deprivation of Rights

NOT MET - Without approval of the requested Variance, the owner will not be deprived of the ability to construct an ADU on the property.

Minimum Possible Variance

NOT MET - The request is not the minimum possible to construct an ADU on the property.

Purpose and Intent

MET – Approval of the requested Variance would be in harmony with the purpose and intent of the zoning regulations as the code is primarily focused on the size and appearance of accessory structures as subordinate to the primary residence. The ADU is designed to match the existing home with the same exterior finish material and similar architectural details.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations, date stamped August 20, 2025, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Prior to the issuance of the permit for the accessory dwelling unit, a permit for the shed shall be obtained and relocated to a code compliant location, and, or the structure shall be removed from the property.
5. Prior to the issuance of the permit for the accessory dwelling unit, the commercial vehicle(s) shall be removed from the property.
6. Prior to the issuance of the permit for the accessory dwelling unit, a permit for the RV shall be obtained, or the RV shall be removed from the property.

C: Rachel Dunneback
 9009 Lake Hickory Nut Dr.
 Winter Garden, FL 34787

COVER LETTER

To: Orange County Zoning Division
Catherine Glase, Planner I

From: Rachelle Dunneback, Homeowner

Project: 9009 Lake Hickory Nut Drive
Winter Garden, FL 34787
Permit # B24021767

Date: Wednesday, June 11, 2025

Please accept this cover letter, enclosed application and corresponding documents for a variance request from Orange County Zoning code. We are requesting that the proposed Accessory Dwelling Unit be permitted to be in front of the primary residence structure.

The proposed ADU is of concrete stucco construction with 794 square feet of living space and overall dimensions of 28'6" X 51', located at least 10' from all property lines. All building materials used for the proposed ADU will match the primary structure.

Due to extenuating circumstances within the lot including well water and septic tank location, building requirements for the primary residence and overall shape of lot, we implore your agreement in the proposed variance.

Sincerely,

Rachelle Dunneback
407-748-1354
r.simon724@yahoo.com

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 lot is quite deep, allowing the proposed ADU to be 140 feet from the front property line. The lot is a pie shape, decreasing the allowable square footage behind the primary residence for the ADU. With an ADU behind the primary residence, an additional septic tank would be required, which would be within the 75 feet allowed to well water source.

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 primary residence could not be constructed on the back half of the lot, as it was built while the owners continued residence in the previous home immediately behind the now-primary structure. The lot's current septic tank is located in front of the primary residence, in prime location to service proposed ADU.

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 approval of the proposed ADU would not confer any special privilege but would allow the applicants the ability to construct an ADU on a unique lot when other locations would not be possible.

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.

A literal interpretation would deprive the applicants of full use of the property without the ability to add an ADU on the lot. With ample space, the applicants wish to construct the ADU for their aging, veteran father to live with them.

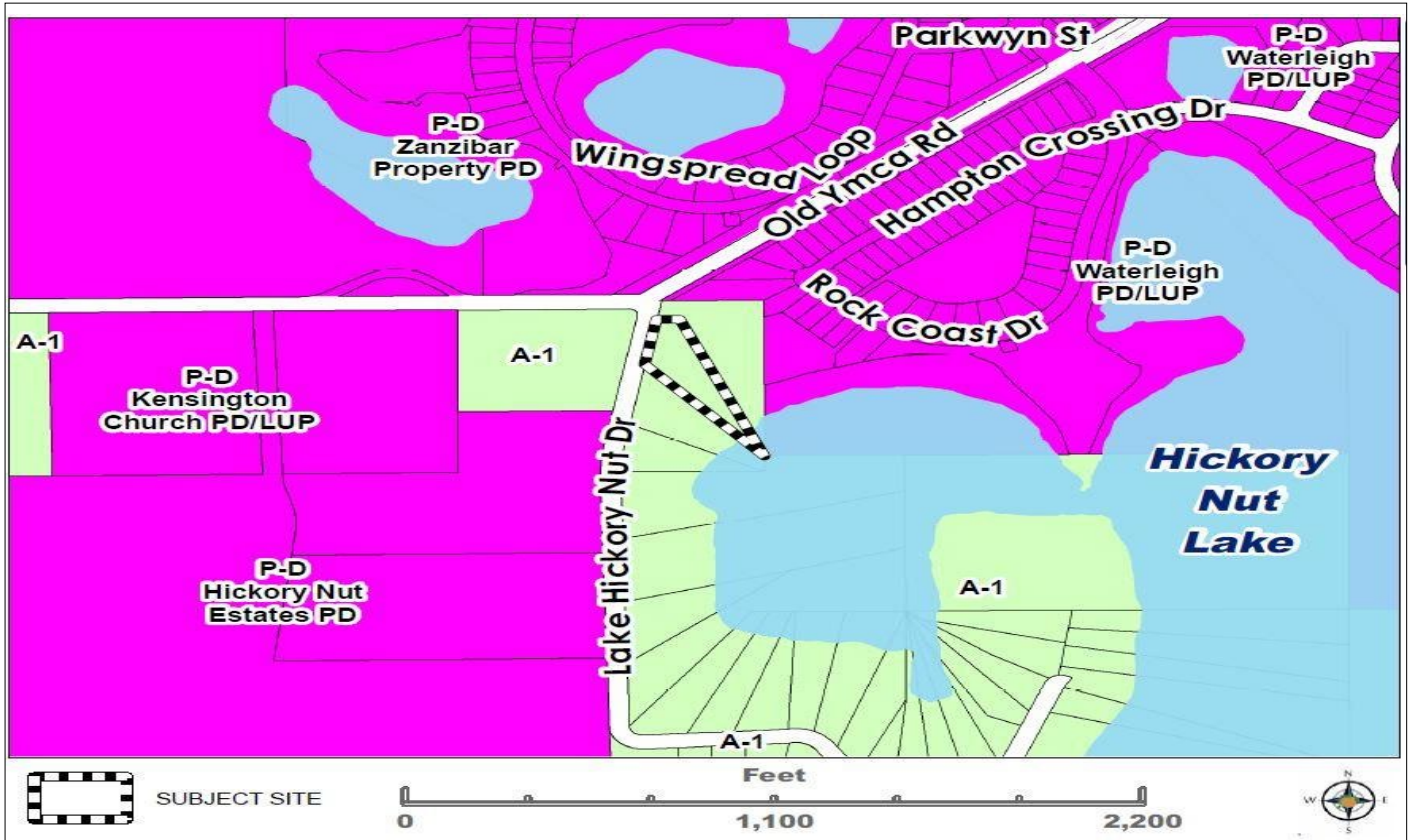
5. **Minimum Possible Variance** - The zoning variance approved is the minimum variance that will make possible the reasonable use of the land, building, or structure.

The proposed ADU is located quite close to the primary structure, resulting in the look of one home from the road. Approval of the variance will allow applicants the right to build an ADU without disrupting the overall enjoyment or full use of others within the neighborhood.

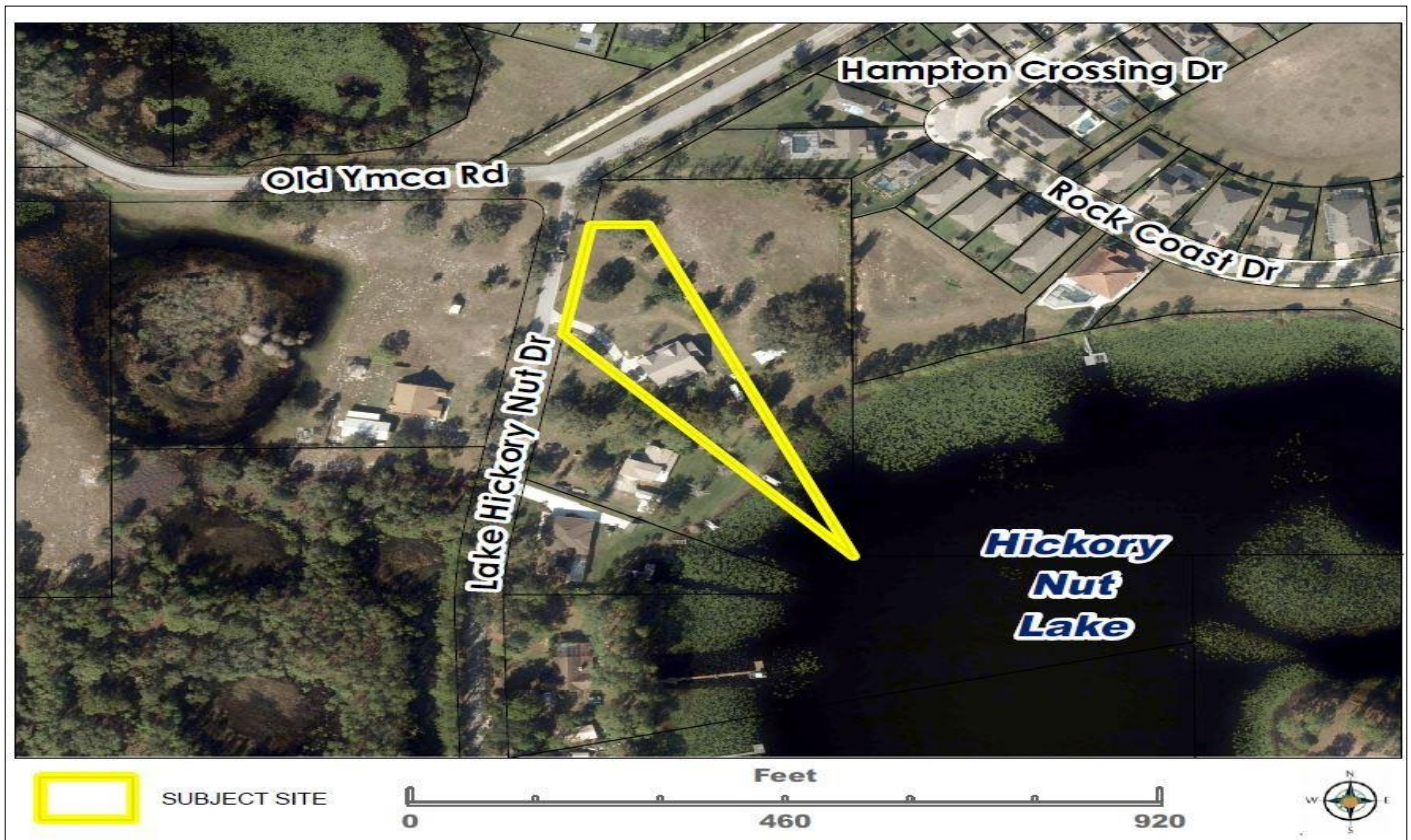
6. **Purpose and Intent** - Approval of the zoning variance will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Approval of the variance will remain in harmony with the purpose of zoning regulations as the ADU construction will maintain the aesthetic and materials of the primary residence, resulting in an estate-style home placed well back from the front property line.

ZONING MAP



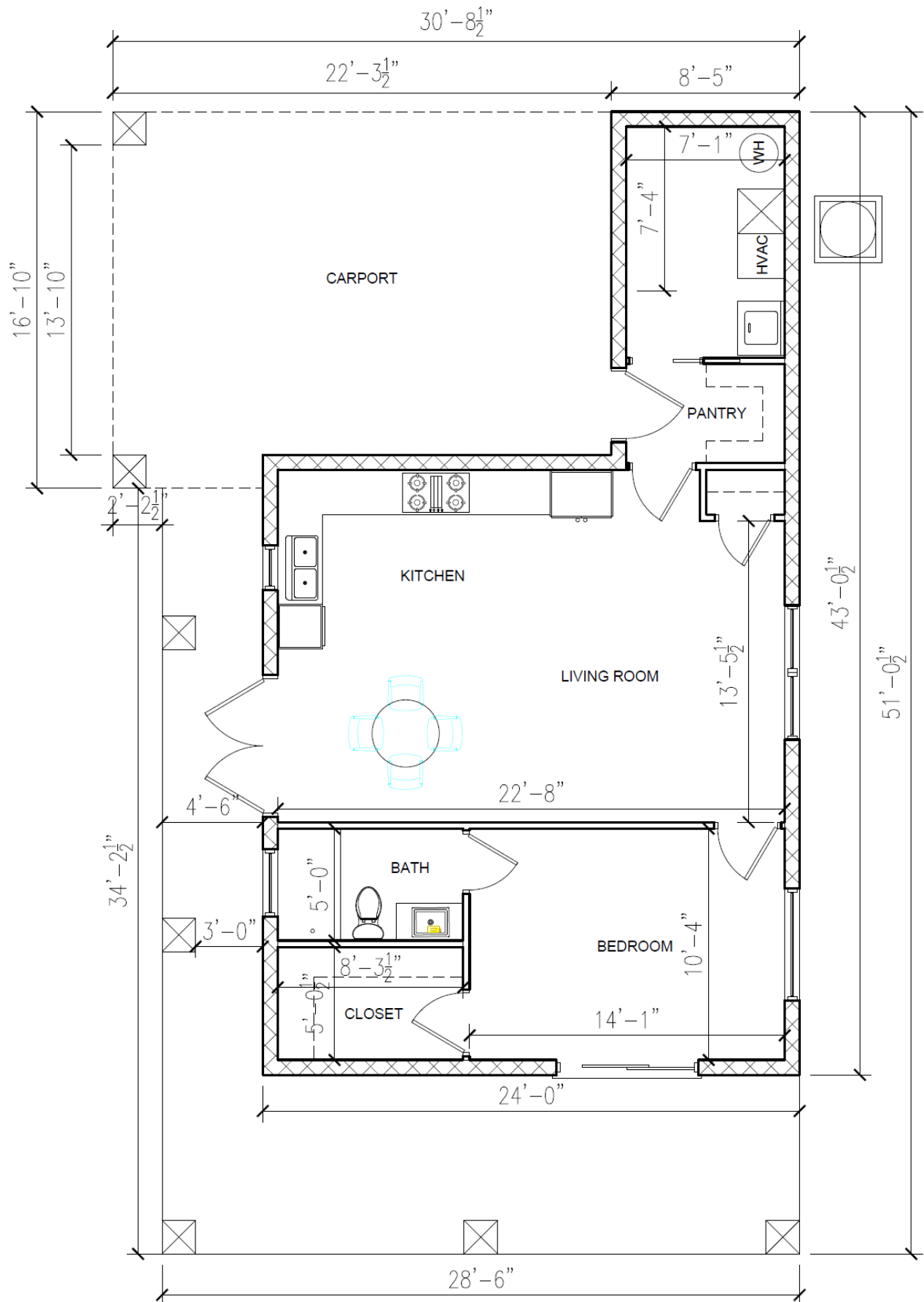
AERIAL MAP



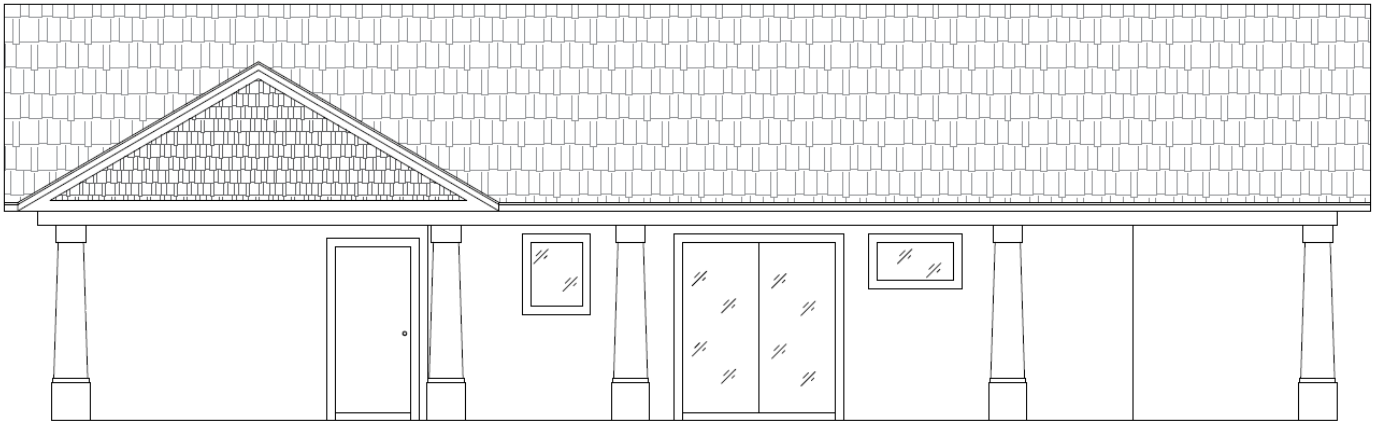
SITE PLAN



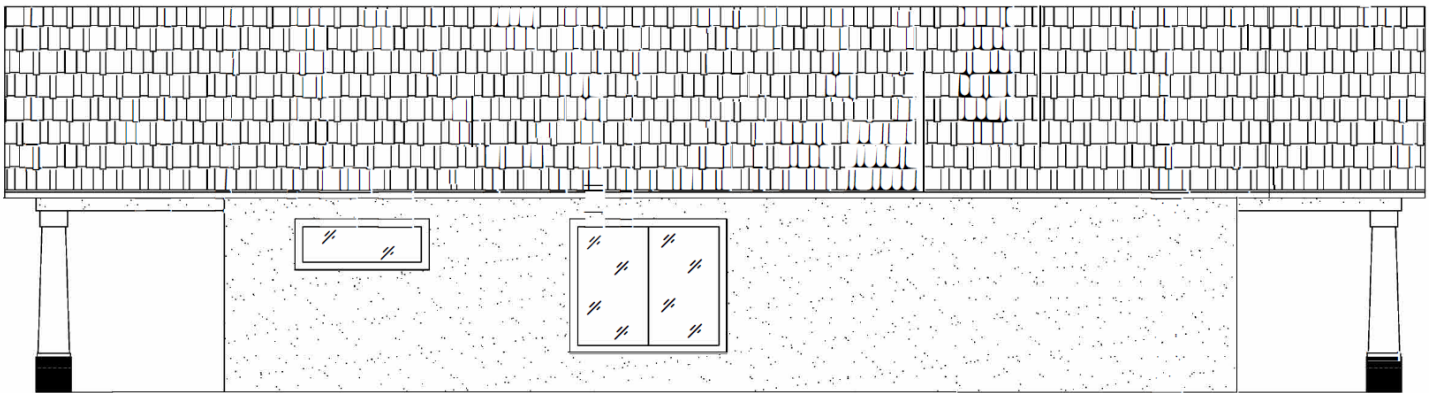
FLOOR PLAN



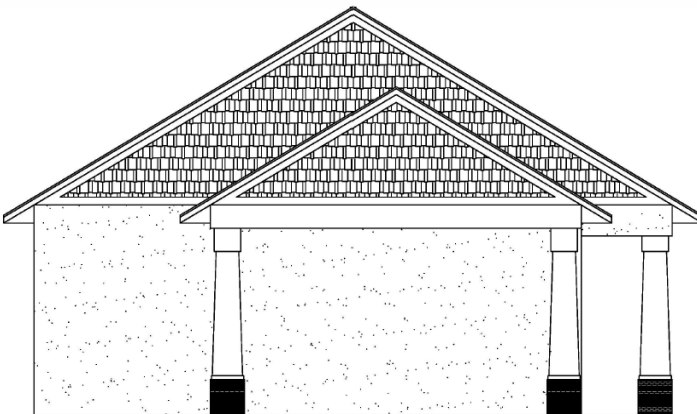
ELEVATIONS



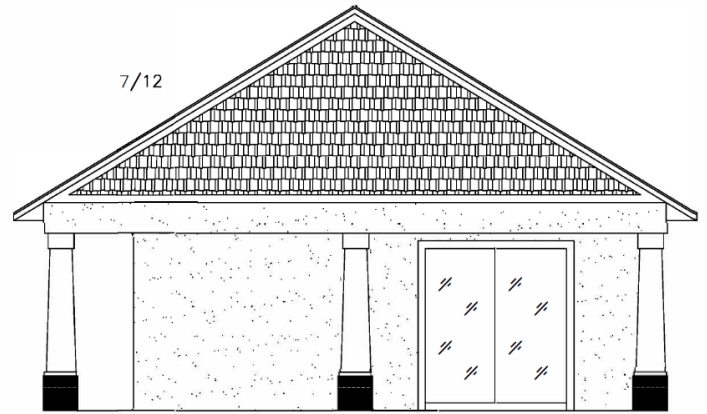
South Elevation



North Elevation



West Elevation



East Elevation

SITE PHOTOS



Front yard, facing southeast towards front of subject property



Front yard, facing southeast towards front of subject property

SITE PHOTOS



Front yard, facing northeast towards the house and proposed ADU location



Front yard, facing east towards the proposed ADU location

SITE PHOTOS



Rear yard, facing northwest towards the home and shed



Rear yard, facing southeast towards Hickory Nut Lake

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **SEPT 05, 2025**

Commission District: **#6**

Case #: **SE-25-02-136**

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

Laekin.O'Hara@ocfl.net

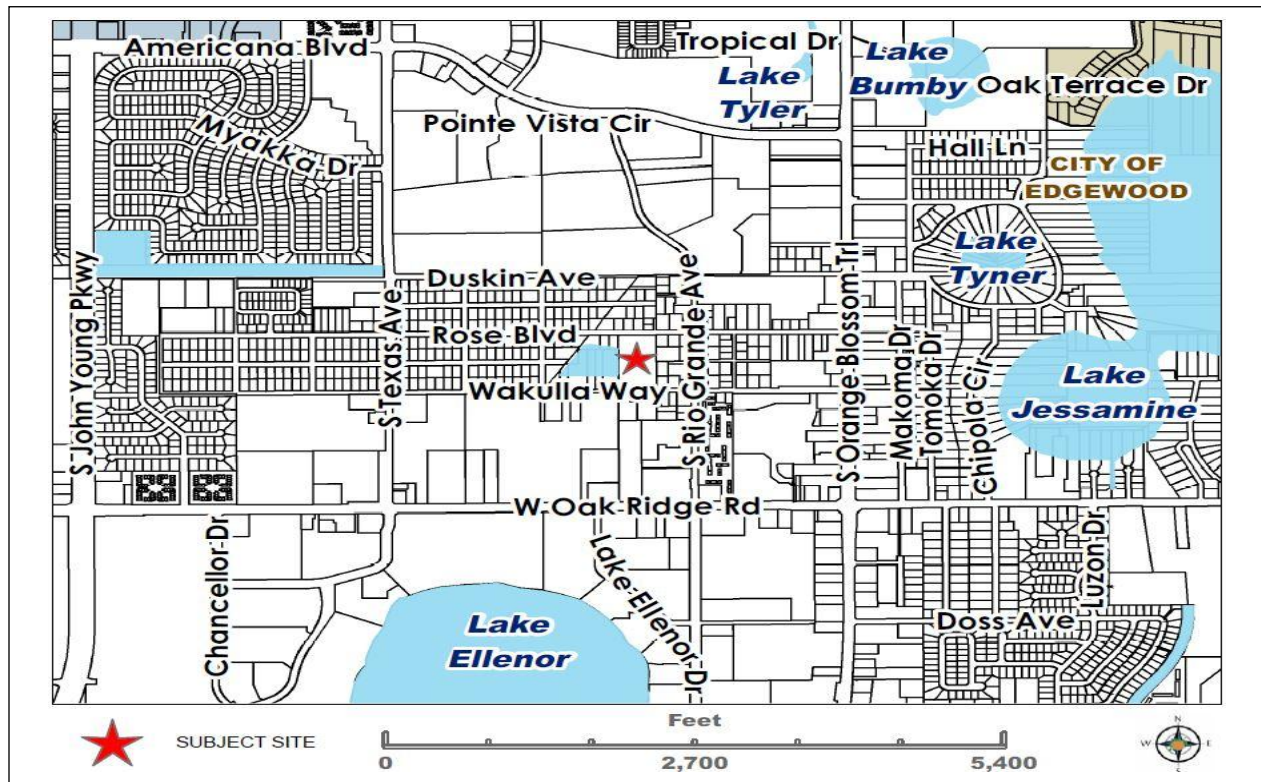
GENERAL INFORMATION

APPLICANT(s): ALEJANDRO BOSCH FOR FIRST BAPTIST CHURCH MONT. GARIZIM INC
OWNER(s): FIRST BAPTIST CHURCH MONT GARIZIM INC
REQUEST: Special Exception in the R-3 zoning district for the construction of a two-phased religious institution.
PROPERTY LOCATION: 1731 Wakulla Way, Orlando, FL 32839, north side of Wakulla Way, south side of Rose Blvd., east side of Lake Waukulla, south of Americana Blvd., east of S. Texas Ave., north of W. Oak Ridge Rd., west of S. Orange Blossom Trl.
PARCEL ID: 22-23-29-7268-26-001
LOT SIZE: +/- 4.68 acres (+/- 4.38 upland acres)
NOTICE AREA: 800 ft.
NUMBER OF NOTICES: 443

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	R-3	R-3	R-3	R-3	R-3
Future Land Use	Low Density Residential	Low Density Residential	Low Density Residential	Low Density Residential	Low Density Residential
Current Use	Vacant	Single-Family Residential	Single-Family Residential	Single-Family Residential	Single-Family Residential, Lake Waukulla

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The subject property is located in the R-3 zoning district, which allows single-family homes, apartments, and institutional uses such as religious institutions by right. The Future Land Use designation is Low Density Residential (LDR), which is inconsistent with the R-3 Zoning District, however Policy 8.2.5.1 of the County's Comprehensive Plan allows for the inconsistency without a rezoning being necessary due to the fact that the zoning districts which are consistent with the LDR future land use allow the use as a Special Exception. As such, a Special Exception is required in order to be consistent with the Comprehensive Plan.

The area around the subject site consists of single-family homes, apartments, churches, and Lake Waukulla directly to the west. The subject property is a 4.69 acre platted lot, with 4.38 acres of upland. The property is a through lot with frontage on both Wakulla Way and Rose Blvd. The property was purchased by the current owner in 2018, and is currently vacant.

The proposal is to construct a two-story 16,300 sq. ft. religious institution with a surface parking lot containing 168 spaces in Phase I, and a one-story 6,000 sq. ft. cafeteria, and a balcony expansion in the sanctuary in Phase II. The religious institution will contain 431 fixed seats, classrooms and offices, a visitor's center, and a children and youth area. The proposed buildings and parking area comply with all site development standards. The parking lot is designed with two access points, one to the north to Rose Blvd. and one to the south to Wakulla Way.

Development Standards

	Code Requirement	Proposed
Max. Height:	35 ft.	35 ft.* <i>*the cover letter incorrectly identifies 43 ft.</i>
Min. Lot Width:	85 ft.	333 ft.
Min. Lot Size	15,000 sq. ft.	4.69 acres

Building Setbacks

	Code Requirement	Proposed
Front: (Wakulla Way & Rose Blvd.)	25 ft.	+/- 200 ft. (Wakulla Way – Church) +/- 113 ft. (Rose Blvd. – Cafeteria)
Side:	5 ft.	15 ft. (East) +/- 202 ft. (West)
NHWE:	50 ft.	+/- 135 ft. (West)

A wetland determination (WD-25-01-000) was obtained on March 20, 2025, which identified a total of 0.27 acres of wetland on the subject property and 0.03 acres of surface water. The site layout includes impacts to 0.18 acres of wetlands. The impacts were evaluated by the Environmental Protection Division (EPD) (NGP-25-03-011) and required a mitigation plan. The mitigation plan has been submitted and approved by EPD and the proposed site plan is consistent with that plan.

Section 38-1476 of Orange County Code does not specifically identify religious institutions as a use, and therefore the calculation is based off of the quantity of off-street parking spaces required for places of assembly. The required number of parking spaces for the use is 1 space for each 3 fixed seats provided for patron use plus 1 space per employee. This use would require 150 spaces, and the applicant is proposing to provide 161 standard parking spaces and 7 ADA spaces.

Parking Standards

	# of Fixed Seats	# of Employee	Required # of Spaces	Proposed # of Spaces
1 space per every 3 patrons plus 1 space per employee	431	6	150	168

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

On Thursday, July 17, 2025, a community meeting was held at Orange County Library South Trail Branch to allow for input from the surrounding residents. The meeting was attended by the applicant team, County staff, and 1 citizen. Staff presented an overview of the BZA process and upcoming meetings, the proposed project, and the context of the proposal within the surrounding area. The resident had general questions about zoning.

The request was routed to all reviewing divisions and no objections were noted. Orange County Utilities indicated the property is serviced by OUC for water and Orange County Utilities for wastewater. Transportation Planning performed a Transportation Concurrency Analysis and provided no objections at this time, however, the applicant may be required to submit a traffic study prior to obtaining an approved capacity encumbrance letter and building permit.

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

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

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

MET – The Comprehensive Plan provides that certain uses, such as religious institutions, as conditioned, may be considered and permitted through the Special Exception process. The Planning Division confirmed that Policy FLU8.2.5.1(2) would allow the inconsistent zoning and Future Land Use subject to obtaining a Special Exception for the religious institution.

Similar and Compatible with the Surrounding Area

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

Shall Not Act as a Detrimental Intrusion into a Surrounding Area

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

Meet the performance standards of the district

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

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

MET – The proposed development will be similar in noise, vibration, dust, odor, glare, heat production to the majority of uses permitted in the R-3 zoning district. The use of the site will be indoors within the proposed buildings. Additionally, noise and lighting, as conditioned, will comply with all Orange County Code requirements.

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

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

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan date stamped July 9, 2025, and elevations dated October 9, 2024, subject to the conditions of approval, and all applicable laws, ordinances, and regulations. Any proposed non-substantial deviations, changes, or modifications will be subject to the Zoning Manager's review and approval. Any proposed substantial deviations, changes, or modifications will be subject to a public hearing before the Board of Zoning Adjustment (BZA) where the BZA makes a recommendation to the Board of County Commissioners (BCC).
2. Pursuant to Section 125.022, Florida Statutes, issuance of this development permit by the County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. Pursuant to Section 125.022, the applicant shall obtain all other applicable state or federal permits before commencement of development.
3. Any deviation from a Code standard not specifically identified and reviewed/addressed by the Board of County Commissioners shall be resubmitted for the Board's review or the plans revised to comply with the standard.
4. Permits shall be obtained for Phase I within 3 years of the final action on this application by Orange County or this approval is null and void. Permits shall be obtained for Phase II within 5 years of the final action on this application by Orange County or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
5. Hours of operation shall be from 9:00 a.m. to 9:00 p.m. daily.
6. No more than four (4) advertised outdoor special events open to the public per calendar year, and the hours of such events shall be limited from 9:00 a.m. to 9:00 p.m. The use of outdoor amplified sound and music is prohibited. All outdoor special events shall be reviewed and approved by the Orange County Fire Marshal's Office. The applicant shall submit applications/plans to the Fire Marshal's Office a minimum of 30 days prior to the date of each event.
7. An exterior lighting photometric plan compliant with the county's exterior lighting ordinance, shall be submitted and approved by Orange County staff prior to the issuance of a Building Permit. A color temperature of 3,500 K maximum is permitted, and glare visors shall be installed, and field-adjusted to prohibit off-site light spill.
8. The use of outdoor amplified sound and music is prohibited.

C: Alejandro Bosch
Civil Design Engineering LLC
6973 SW 161st Place
Miami, FL 33193

Civil Design Engineering LLC.
Telf: 786-439-9837

8973 SW 161st Place
Miami, FL 33193



Special Exemption Cover Letter for Mt. Garizim Church

This cover letter is to support a Special Exemption request to build a new 16,300 church and 6,000 sf future cafeteria to serve the church on the property located at 1731 Wakulla Way, Orlando, FL. The property folio number is: 22-23-29-7268-26-001. This property is currently empty. The future church capacity will have a capacity of 431 people with 43 ft height.

The request complies with the special exception criteria per section 38-78:

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

The proposed use is consistent with the Comprehensive Policy Plan.

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

The proposed use is similar and compatible with the surrounding areas. Our client owns an existing church just south of the property.

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

The proposed use is not detrimental intrusion into surrounding areas.

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

The proposed use meets the performance standards of the current zoning R-3.

Civil Design Engineering LLC.
Telf: 786-439-9837

6973 SW 161st Place
Miami, FL 33193



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

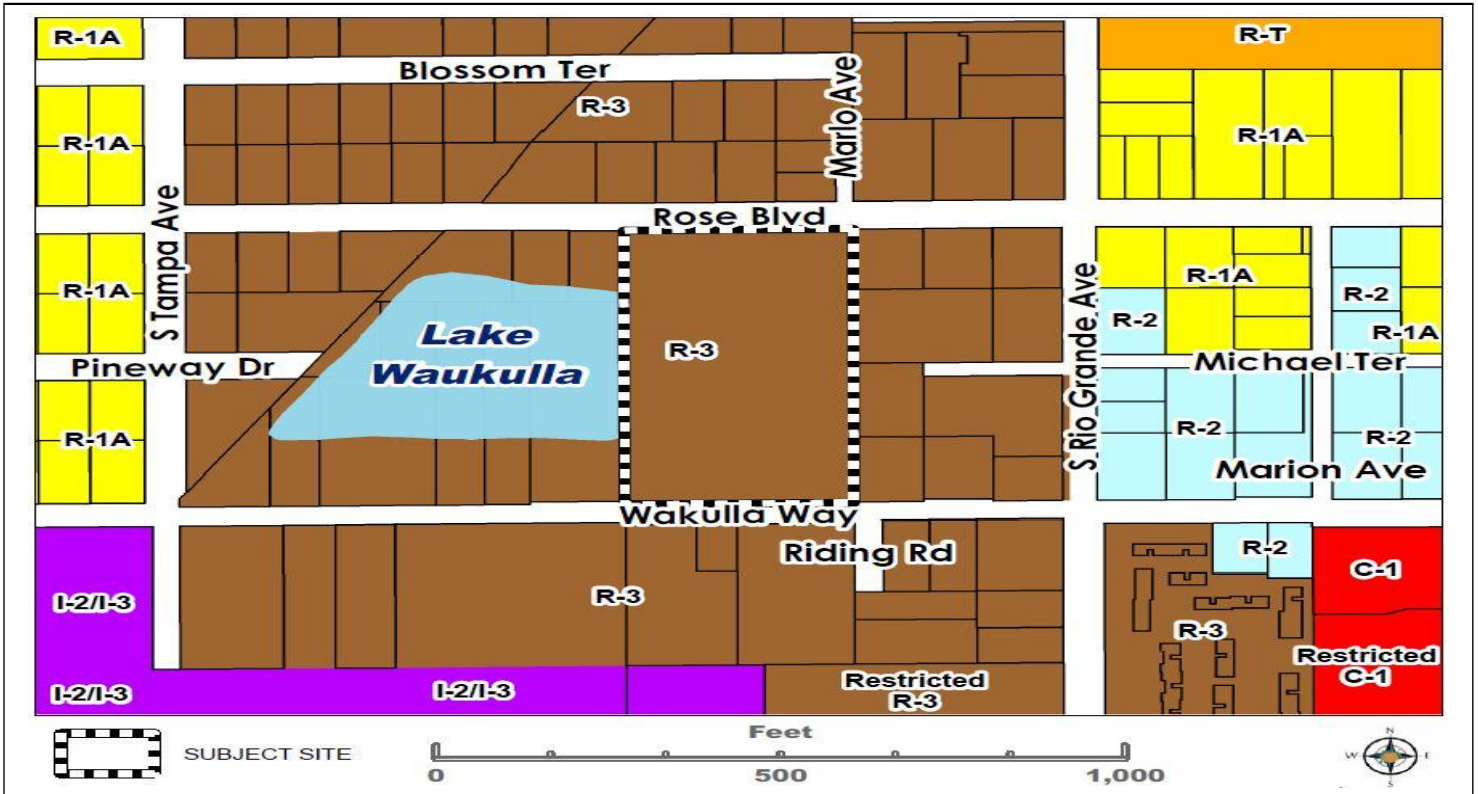
The proposed use is similar in noise, vibration, dust, odor, glare, heat producing associated with the majority of uses permitted in the zoning district

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

We comply with the buffer requirements set on section 24-5 of the Orange County Code

Alejandro Bosch, P.E., VMA
President
Civil Design Engineering, LLC

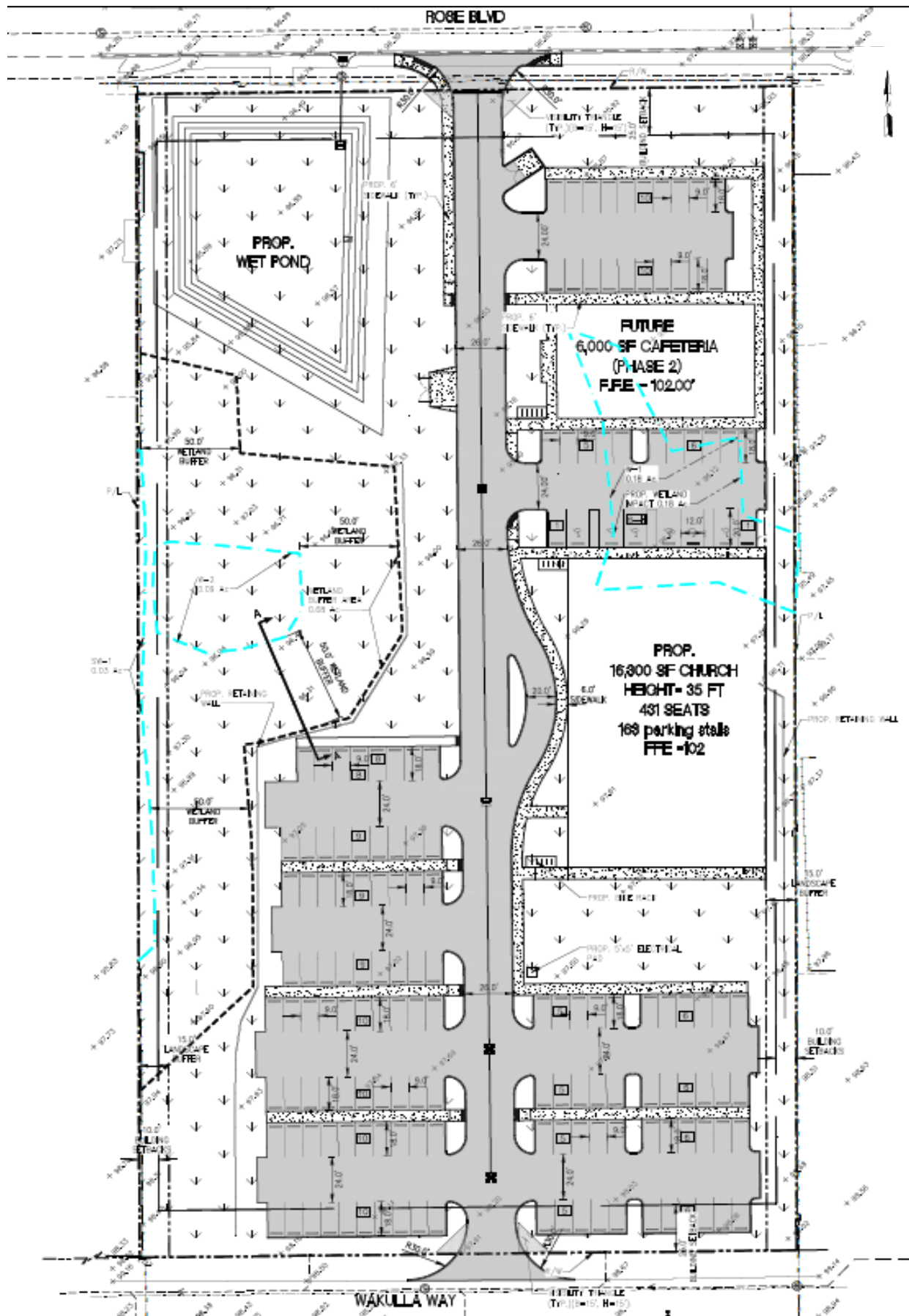
ZONING MAP



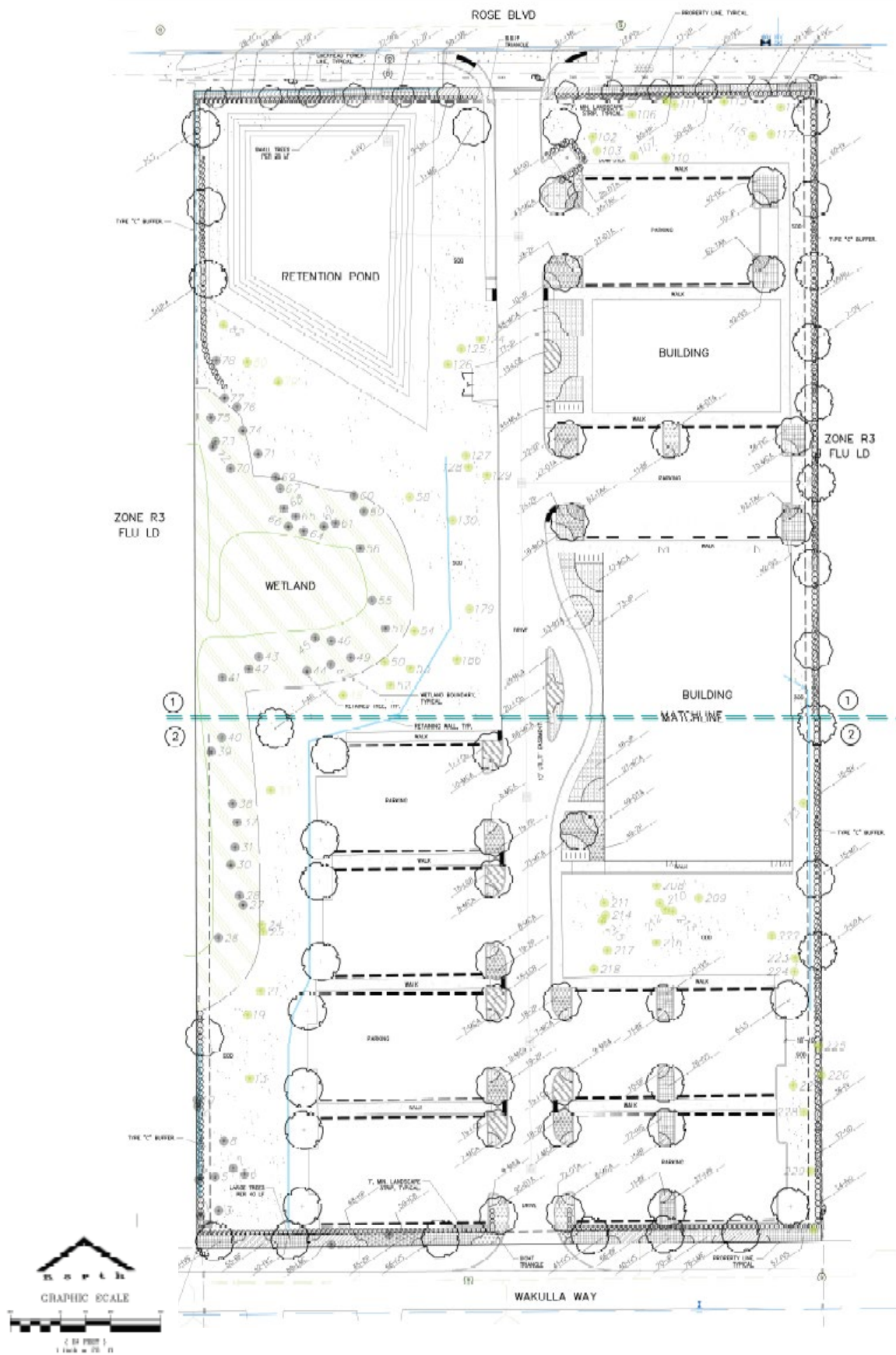
AERIAL MAP



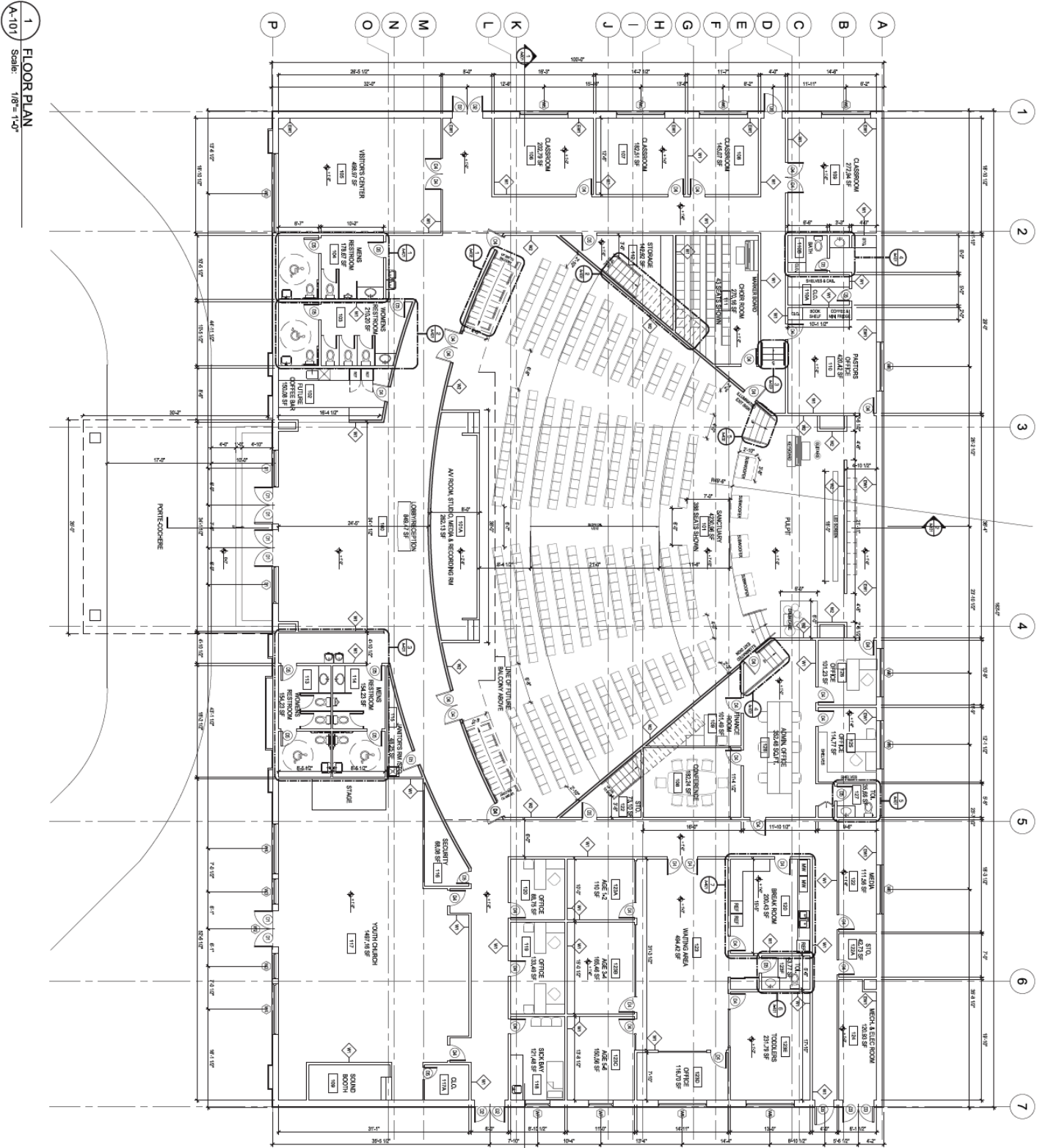
SITE PLAN



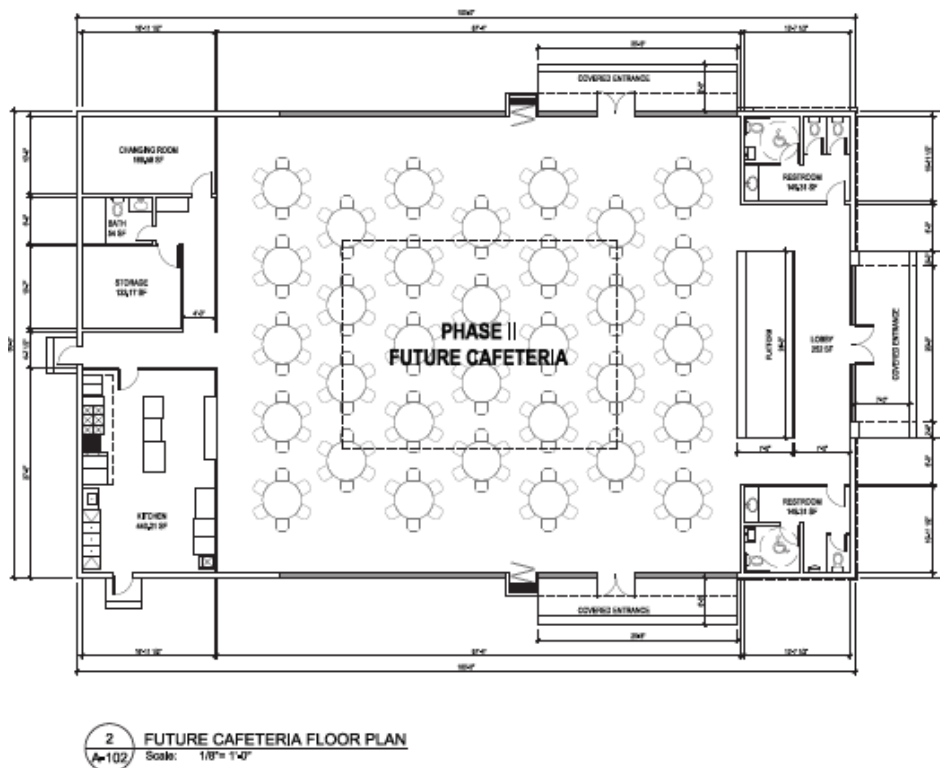
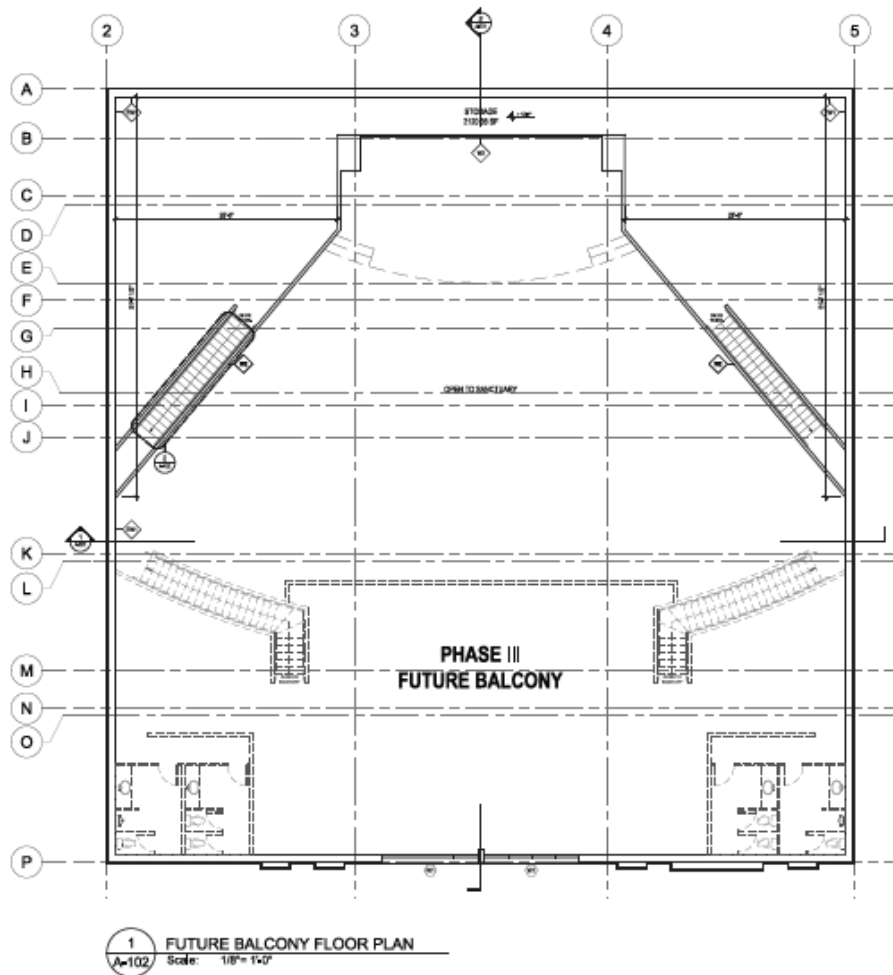
LANDSCAPE PLAN



PHASE I FLOOR PLAN

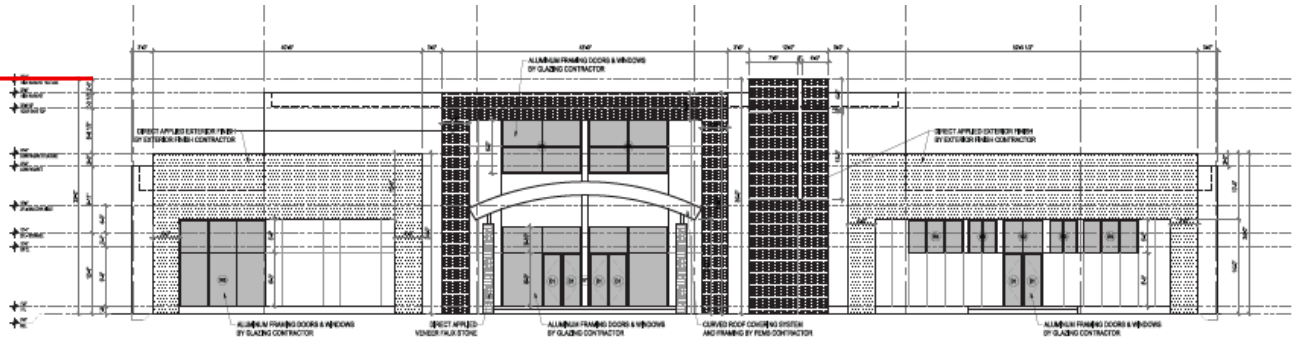


PHASE II FLOOR PLANS

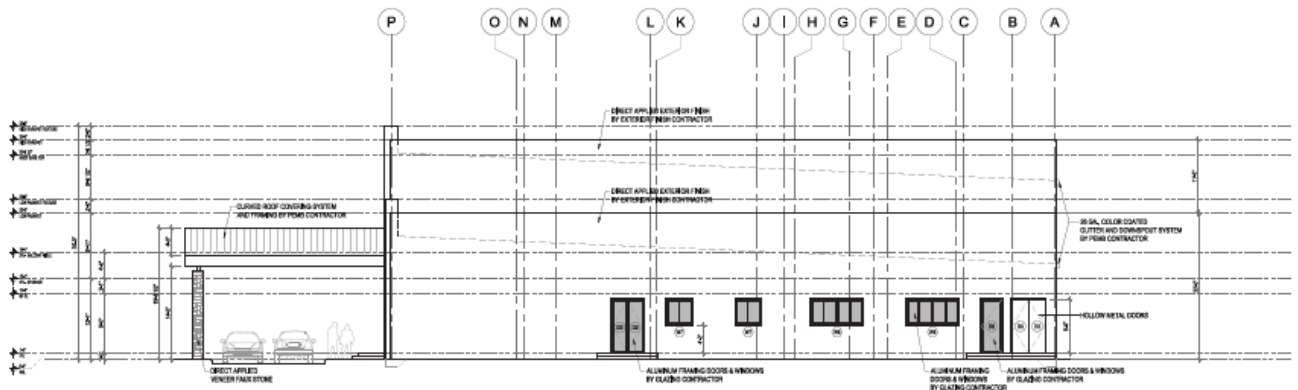


ELEVATIONS

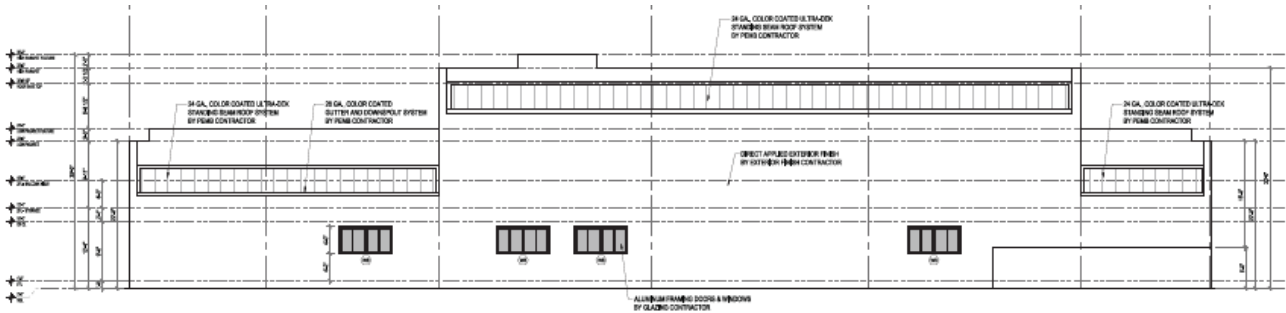
35'



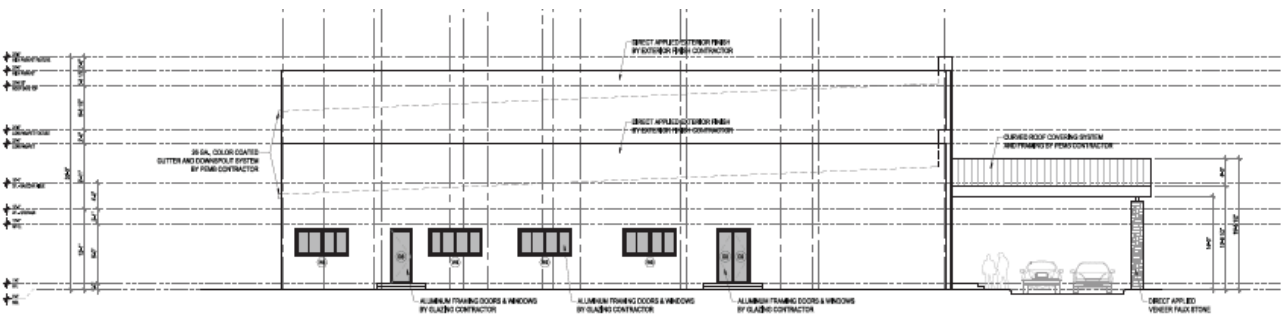
1 FRONT (WEST) ELEVATION
Scale: 1/8" = 1'-0"



2 RIGHT SIDE (SOUTH) ELEVATION
Scale: 1/8" = 1'-0"



1 REAR (EAST) ELEVATION
Scale: 1/8" = 1'-0"



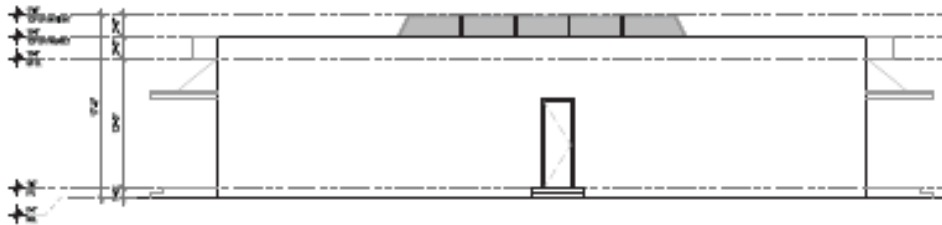
2 LEFT SIDE (NORTH) ELEVATION
Scale: 1/8" = 1'-0"

PHASE II ELEVATIONS

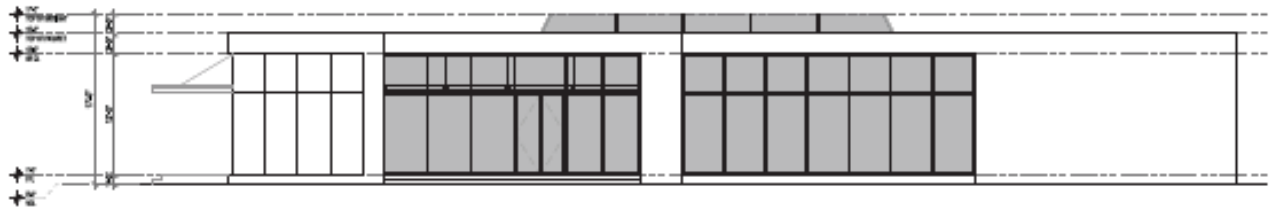
17'



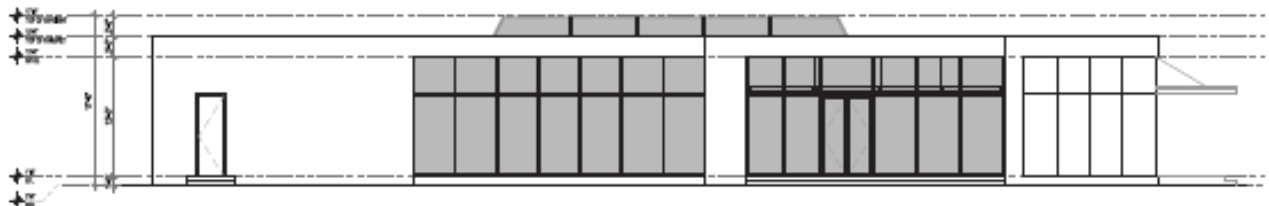
1 FUTURE FRONT (WEST) ELEVATION
Scale: 1/8" = 1'-0"



3 FUTURE REAR (EAST) ELEVATION
Scale: 1/8" = 1'-0"



2 FUTURE RIGHT SIDE (SOUTH) ELEVATION
Scale: 1/8" = 1'-0"



4 FUTURE LEFT SIDE (NORTH) ELEVATION
Scale: 1/8" = 1'-0"

SITE PHOTOS



Facing north from Wakulla Way towards subject property



Facing west on Wakulla Way towards adjacent properties

SITE PHOTOS



Facing east on Rose Blvd., subject property to right



Facing west towards adjacent properties from Rose Blvd.



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