



Interoffice Memorandum

DATE: December 18, 2024

TO: Jennifer Lara-Klimetz, Assistant Manager,
Clerk of the Board of County Commissioners,
County Comptroller's Office

THROUGH: Agenda Development

FROM: Laekin O'Hara
Chief Planner, Zoning Division

CONTACT PERSON: **Laekin O'Hara**
Chief Planner, Zoning Division
(407) 836-5943 or Laekin.O'Hara@ocfl.net

SUBJECT: Request for Public Hearing to consider an Appeal
of the December 5, 2024 Board of Zoning
Adjustment Recommendation for a Special
Exception, SE-24-08-067 Logan Opsahl for
Satellite Blvd IOS, located at 10002 Satellite
Boulevard, Orlando, Florida, 32837, Parcel ID # 10-
24-29-5133-00-052, District 3

APPLICANT/APPELLANT: LOGAN OPSAHL FOR SATELLITE BLVD IOS

CASE INFORMATION: SE-24-08-067 – December 5, 2024

TYPE OF HEARING: Board of Zoning Adjustment Appeal

**HEARING REQUIRED BY
FL STATUTE OR CODE:** Chapter 30, Orange County Code

**ADVERTISING
REQUIREMENTS:** Publish once in a newspaper of general circulation
in Orange County at least (15) fifteen days prior to
public hearing.

**ADVERTISING
TIMEFRAMES:** At least fifteen (15) days prior to the BCC public
hearing date, publish an advertisement in the legal
notice section of The Orlando Sentinel describing
the particular request, the general location of the
subject property, and the date, time, and place
when the BCC public hearing will be held;

December 18, 2024

Request for Public Hearing –Logan Opsahl– Case SE-24-08-067

Special Exception Application

Page 2

ADVERTISING	Special Exception in the I-4 zoning district to allow a septage management facility.
NOTIFICATION REQUIREMENTS:	At least 10 days before the BCC hearing date, send notices of the public hearing by U.S. mail to owners of property within 1 mile of the property.
ESTIMATED TIME REQUIRED:	Two (2) minutes
MUNICIPALITY OR OTHER PUBLIC AGENCY TO BE NOTIFIED:	N/A
HEARING CONTROVERSIAL:	Yes
DISTRICT #:	3

The following materials will be submitted as backup for this public hearing request:

1. Names and known addresses of property owners within 1 mile of the property (via email from Fiscal and Operational Support Division); and
2. Location map (to be mailed to property owners).

SPECIAL INSTRUCTIONS TO CLERK:

1. Notify abutters of the public hearing at least two (2) weeks prior to the hearing and copy staff.
2. Public hearing should be scheduled within 45 days after the filing of the notice of appeal received on December 10, 2024, or as soon thereafter, as the BCC's calendar reasonably permits.
3. Staff is requesting that the public hearing be scheduled for February 25, 2025, to accommodate the applicant/appellant's availability.

Attachment: Location Map and Appeal Application

cc via email: Jennifer Moreau, AICP, Manager, Zoning Division
Brandy Driggers, Assistant Manager, Zoning Division
Laekin O'Hara, Chief Planner, Zoning Division

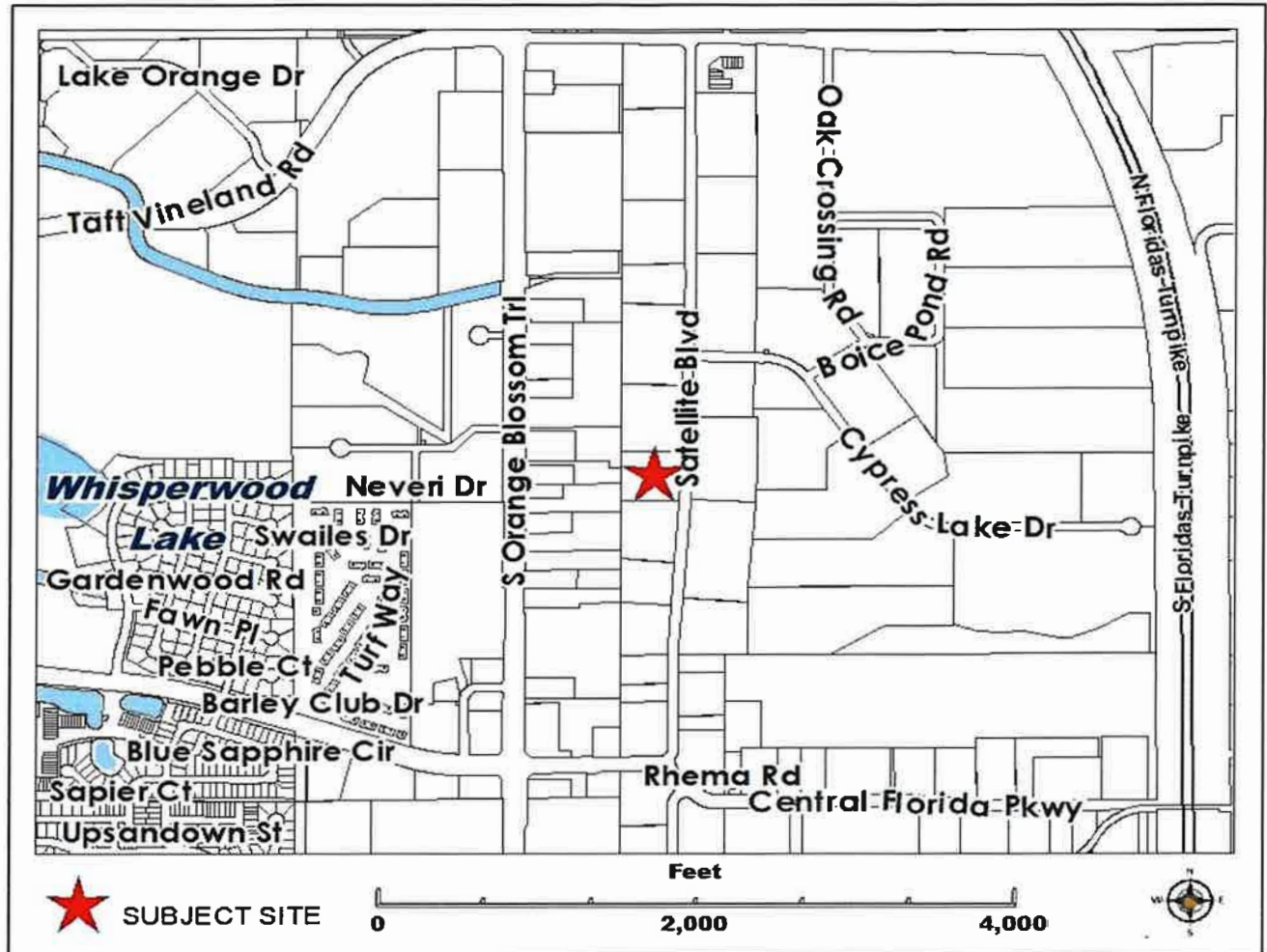
December 18, 2024

Request for Public Hearing –Logan Opsahl– Case SE-24-08-067

Special Exception Application

Page 3

Location Map



December 18, 2024
Request for Public Hearing –Logan Opsahl– Case SE-24-08-067
Special Exception Application
Page 4



ORANGE COUNTY ZONING DIVISION
201 South Rosalind Avenue, 1st Floor, Orlando, Florida
32801 Phone: (407) 836-3111 Email: BZA@ocfl.net
www.orangecountyfl.net

Board of Zoning Adjustment (BZA) Appeal Application

Appellant Information

Name: Logan Opsahl
Address: 215 N. Eola Drive, Orlando, FL 32801
Email: logan.opsahl@lowndes-law.com Phone #: (407) 427-6237
BZA Case # and Applicant: SE-24-08-067; Logan Opsahl (as authorized agent)
Date of BZA Hearing: 12/05/2024

Reason for the Appeal (provide a brief summary or attach additional pages of necessary):
(PLEASE SEE ATTACHED)

Signature of Appellant: 

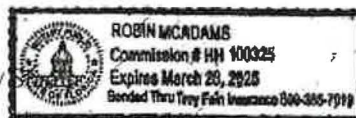
Date: 12/16/24

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 10th day of December, 2024 by Logan J. Opsahl who is personally known to me or who has produced identification and who did/did not take an oath.


Notary Public Signature

Notary



NOTICE: Per Orange County Code Section 30-45, this form must be submitted within 15 days after the Board of Zoning Adjustment meeting that the application decision was made.

Fee: \$691.00 (payable to the Orange County Board of County Commissioners)

Note: Orange County will notify you of the hearing date of the appeal. If you have any questions, please contact the Zoning Division at (407) 836-3111.

See Page 2 of application for the Appeal Submittal Process.



ORANGE COUNTY ZONING DIVISION
200 South Ross Road, Suite 100, Orlando, Florida 32801
Phone: (407) 836-3211 | email: Zoning@ocfl.net
www.orangecountyfl.net

Board of Zoning Adjustment (BZA) Appeal Application

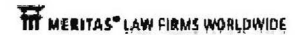
Appeal Submittal Process

1. Within 15 calendar days of the decision by the Board of Adjustment, the appellant shall submit the Board of Zoning Adjustment (BZA) Appeal Application to the Zoning Division in person. The application will be processed and payment of \$691.00 shall be due upon submittal. All justification for the appeal shall be submitted with the Appeal Application.
2. Zoning Division staff will request a public hearing for the subject BZA application with the Board of County Commissioners (BCC). The BCC hearing will be scheduled within forty-five (45) days after the filing of the appeal application, or as soon thereafter as the Board's calendar reasonably permits. Once the date of the appeal hearing has been set, County staff will notify the applicant and appellant.
3. The BCC Clerk's Office will provide a mailed public hearing notice of the hearing to property owners at a minimum of 500 feet from the subject property. Area Home Owner Associations (HOA) and neighborhood groups may also be notified. This notice will provide a map of the subject property, as well as a copy of the submitted appeal application.
4. Approximately one week prior to the public hearing, the memo and staff report of the request and appeal will be available for review by the applicant, appellant, and the public.
5. The decision of the BCC is final, unless further appealed to the Circuit Court. That process is detailed in Section 30-46 of the Orange County Code.



LOGAN J. OPSAHL

Logan.opsahl@lowndes-law.com
215 North Eola Drive, Orlando, Florida 32801-2028
T: (407) 418-6237 | F: 407-843-4444
MAIN NUMBER: 407-843-4600



December 10, 2024

Jennifer Moreau, AICP
Manager, Zoning Division
Planning, Environmental and Development
Services Department
201 S. Rosalind Avenue, First Floor
Orlando, FL 32801

Re: Appeal of Board of Zoning Adjustment Denial – SE-24-08-067

Dear Jennifer:

This law firm, as authorized agent on behalf of the Applicant of the above-referenced special exception application (the "Application"), requests approval of a special exception in the I-4 zoning district to allow a septage management facility at the property located at 10002 Satellite Boulevard, Orlando, Florida, 32837 (the "Property"). At the December 5, 2024, meeting of the Board of Zoning Adjustment ("BZA" or "Board"), the BZA approved a motion to deny the Application by a vote of four (4) to three (3) (the "BZA Denial").

At the hearing, and within the written materials provided to the BZA in connection with the Application, the Applicant presented competent substantial evidence to demonstrate that the Applications met all criteria for approval under the Land Development Code (the "LDC"). Additionally, County Staff provided oral and written testimony, along with a thorough staff report, which concluded, based on competent substantial evidence, that the Applicant met all criteria for approval under the LDC.

In response, no countervailing competent substantial evidence was presented to demonstrate that the special exception application did not meet the requirements for approval under the LDC. Instead, the Board based the BZA Denial on speculation, and general objections – neither of which rise to the level of competent substantial evidence. As a result, the BZA Denial was not supported by competent substantial evidence and, therefore, was improper under Florida law:

"In the case of a special exception, where the applicant has otherwise complied with those conditions set forth in the zoning code, the burden is upon the zoning authority to demonstrate by competent substantial evidence that the special exception is adverse to the public interest. A special exception is a permitted use to which the applicant is entitled unless the zoning authority determines



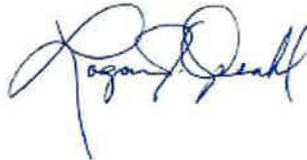
December 10, 2024
Page 2

according to the standards of the zoning ordinance that such use would adversely affect the public interest.” *Rural New Town, Inc. v. Palm Beach County*, 315 So.2d 478, 480 (Fla. 4th DCA 1975).

“[o]nce the applicant met the initial burden of showing that his application met the criteria of the city zoning for granting such permit, the burden was on the zoning authority to demonstrate, by substantial, competent evidence . . . that the application did not meet the requirements and the requested permit was adverse to the public interest. Objections of local residents to the conditional use permit based on fears...do not constitute such substantial, competent evidence.” *Flowers Baking Co. v. City of Melbourne*, 537 So. 2d 1040 (5th DCA 1989)

This letter constitutes the Applicant’s formal appeal of the BZA Denial. The Applicant requests a *de novo* hearing before the Board of County Commissioners on its Application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Logan J. Opsahl", with a stylized flourish at the end.

Logan J. Opsahl

cc: Taylor Jones
Laekin O'Hara