



**Interoffice Memorandum**

**DATE:** March 30, 2021

**TO:** Katie Smith, Deputy Clerk  
Board of County Commissioners

**THROUGH:** Agenda Development BCC

**FROM:** Jennifer Moreau, AICP  
Manager, Zoning Division

**CONTACT PERSON:** **Ted Kozak, AICP**  
**Chief Planner, Zoning Division**  
**(407) 836-5337 or [Ted.Kozak@ocfl.net](mailto:Ted.Kozak@ocfl.net)**

**SUBJECT:** Request for Public Hearing to consider an appeal of the March 4, 2021 Board of Zoning Adjustment Recommendation for Special Exception Application (SE-20-11-105) New Hope Road Holdings (Anna Long) located at 6713 New Hope Rd., Orlando, FL 32824, Parcel ID # 34-24-30-6368-00-130, District 4

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**APPLICANT:** Anna Long for New Hope Road Holdings, LLC

**APPELLANT:** **Alison Yurko for Giles Ashe and Tetyana Rai**

**CASE INFORMATION:** Case # SE-20-11-105 – March 4, 2021

**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;

**ADVERTISING** Special Exceptions and Variance in the A-2 zoning district as follows:

March 30, 2021

Request for Public Hearing – New Hope Road Holdings (Anna Long)

Special Exception Application

Page 2

- 1) Special Exception to allow a landscaping and irrigation business
  - 2) Special Exception to allow 4,173 sq. ft. of detached accessory structures in lieu of 3,000 sq. ft.
  - 3) Variance to allow detached accessory structures (an existing pole barn and shed) in front of the primary structure
- This is a result of Code Enforcement

**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 1,500 feet of the property.

**ESTIMATED TIME REQUIRED:**

Two (2) minutes

**MUNICIPALITY OR OTHER PUBLIC AGENCY TO BE NOTIFIED:**

N/A

**HEARING CONTROVERSIAL:**

Yes

**DISTRICT #:**

4

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

1. Names and known addresses of property owners within 1,500 feet of the property (via email from Fiscal and Operational Support Division); and
2. Location map (to be mailed to property owners).

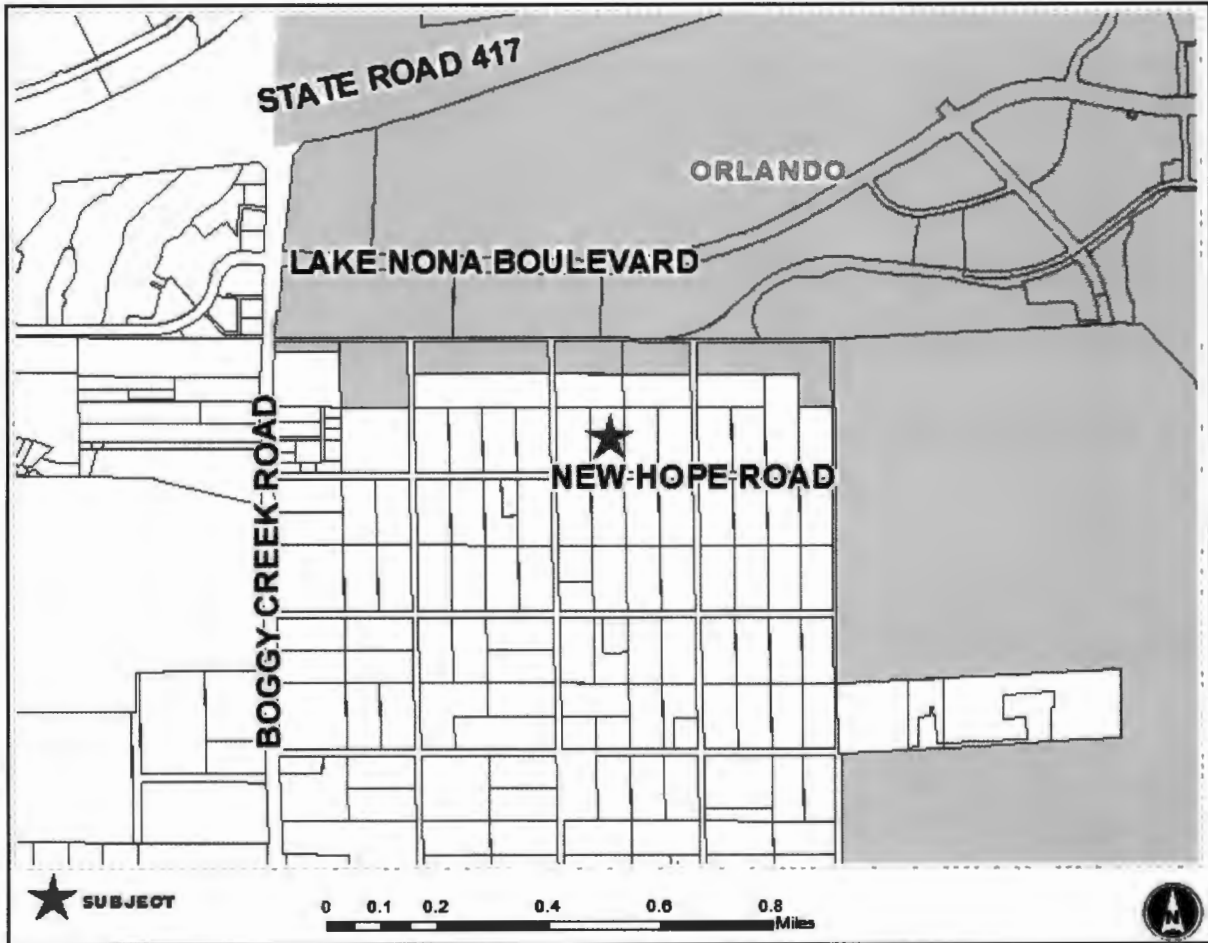
**SPECIAL INSTRUCTIONS TO CLERK:**

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 of the date of BCC hearing that was held on March 23, 2021, or as soon thereafter as the BCC's calendar reasonably permits.

Attachment (Location map)

c: Chris Testerman, AICP, Deputy County Administrator  
Jon Weiss, P.E., Director, Planning, Environmental, and Development Services  
Department

### Location Map



**If you have any questions  
regarding this map, please call  
Ted Kozak  
at 407.836.5337**

**ALISON M. YURKO, P.A.**  
Attorneys at Law

**Alison M. Yurko, Esq.**  
P.O. Box 2286  
Winter Park, FL 32790

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**Re: Appeal of Special Exception/Variations for BZA SE-20-11-105 on behalf of Giles Ashe and Tetyana Rai; New Hope Holdings, LLC/Anna Long**

March 11, 2012

Dear Nick -

Attached please find a check in the amount of \$691.00 for an appeal of the above referenced BZA matter. Per your direction, I have included an appeal form with my signature and letters of authorization from clients Giles Ashe and Tetyana Rai. Note: I have also included an appeal form previously executed by Ms. Rai for inclusion in our filing, (though I understand it may not be necessary).

The subject BZA application seeks to legitimize an illegal use that is currently the subject of code enforcement proceedings (see attached Exh. A). The highly intense commercial nature of the proposed use as a landscaping and irrigation business is profoundly inconsistent and incompatible with the longstanding rural residential character of the residential neighborhood where it is located, and meets none of the criteria for special exceptions per section 38-78 of the Code. In addition, there is no basis to grant the special exception and variations requested in connection with the buildings considering that they do not meet the requisite code criteria and especially considering that several were built without permits.

Thank you -



Alison Yurko  
Alison Yurko PA

CC: Tetyana Rai  
Giles Ashe

**RECEIVED**  
**MAR 12 2012**  
**ORANGE COUNTY**  
**ZONING DIVISION**



Board of Zoning Adjustment (BZA) Appeal Application

Appellant Information

Name: Alison Yurko; Alison Yurko PA (attorney for Giles Ashe, Tetyana Rai per attached authorizations)
Address: 926 Delaney Ave. Orlando, FL 32806
Email: ayurkolaw@gmail.com Phone #: (407) 340-7043
BZA Case # and Applicant: SE 20-11-105; Applicant New Hope Road Holdings (Anna Long)
Date of BZA Hearing: 3/4/21

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

Application does not meet criteria for special exception (per 38-78 of code); or variance criteria per section 30-43(3) of Code.

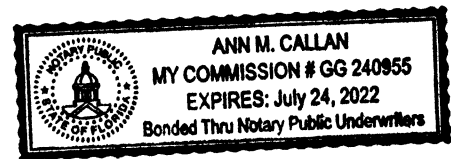
\* Signature of Appellant: Alison Yurko Date: 3/11/21

STATE OF Florida \* Attorney for Giles Ashe and Tetyana Rai
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 11th day of March, 2021, by Alison Yurko who is personally known to me or who has produced identification and who did/did not take an oath.

[Handwritten Signature]
Notary Public Signature

Notary Stamp:



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.



# AGENT AUTHORIZATION FORM

FOR PROJECTS LOCATED IN ORANGE COUNTY, FLORIDA

I/WE, (PRINT PROPERTY OWNER NAME) Tetyana Rai, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 6813 New Hope Road, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Alison Yurko, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Appeal of BZA Case SE-20-1175, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 3/7/21  
Tetyana Rai  
Signature of Property Owner

Tetyana Rai  
Print Name Property Owner

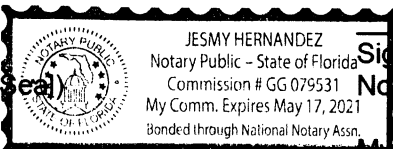
Date: 3/7  
\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Print Name Property Owner

STATE OF FLORIDA :  
COUNTY OF Orange :

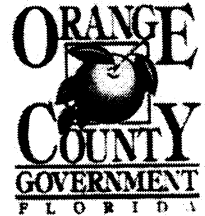
I certify that the foregoing instrument was acknowledged before me this 7 day of March, 2021 by Tetyana Rai. He/she is personally known to me or has produced Driver License as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 7 day of March, in the year 2021.

(Notary Seal)  Jesmy Hernandez  
Signature of Notary Public  
Notary Public for the State of Florida  
My Commission Expires: May 17, 2021

Legal Description(s) or Parcel Identification Number(s) are required:	
PARCEL ID #:	<u>34-24-30-6368-00-130</u>
LEGAL DESCRIPTION:	<u>North side of New Hope Rd, east of Buggy Creek Rd, south of SR 417</u>

# AGENT AUTHORIZATION FORM



FOR PROJECTS LOCATED IN ORANGE COUNTY, FLORIDA

I/WE, (PRINT PROPERTY OWNER NAME) Giles Ashe, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 6960 New Hope Rd., DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME), Alison Yurko, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Appeal of BZA Case SE-20-11-105, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: \_\_\_\_\_  
Signature of Property Owner

GILES ASHE  
Print Name Property Owner

Date: \_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Print Name Property Owner

STATE OF FLORIDA  
COUNTY OF ORANGE

I certify that the foregoing instrument was acknowledged before me this 11<sup>th</sup> day of March 2021 by Giles Ashe. He/she is personally known to me or has produced \_\_\_\_\_ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 11<sup>th</sup> day of March, in the year 2021.

Tracie Schuppner  
Signature of Notary Public  
Notary Public for the State of Florida

My Commission Expires: July 23, 2021



Legal Description: \_\_\_\_\_ Number(s) are required: \_\_\_\_\_

PARCEL ID #: 34-24-30-6368-00-130

LEGAL DESCRIPTION: North side of New Hope Rd, east of Boggy Creek Rd, south of SR 417



ORANGE COUNTY ZONING DIVISION  
 201 South Rosalind Avenue, 1<sup>st</sup> Floor, Orlando, Florida 32801  
 Phone: (407) 836-3111 Email: [Zoning@ocfl.net](mailto:Zoning@ocfl.net)  
[www.orangecountyfl.net](http://www.orangecountyfl.net)

Board of Zoning Adjustment (BZA) Appeal Application

**Appellant Information**

Name: Tetyana Rai

Address: 6813 New Hope Rd.

Email: trignt001@yahoo.com Phone #: (407) 364-7787

BZA Case # and Applicant: SE 20-11-105; Applicant - New Hope Road Holdings (Anna Long)

Date of BZA Hearing: 3/17/21

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

Applications do not meet criteria for special exception per section 38-78 of the Code, nor do they meet variance criteria per section 30-43 (3) of Code. Tetyana Rai is a resident at 6813 New Hope Road and is adversely affected by the BZA determination.

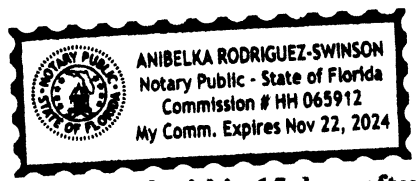
Signature of Appellant: Tetyana Rai Date: March 10/2021

STATE OF Florida  
 COUNTY OF Orange

The foregoing instrument was acknowledged before me this 10 day of March 2021 by Tetyana Rai who is personally known to me or who has produced FL Drivers License as identification and who did/did not take an oath.

[Signature]  
 Notary Public Signature

Notary Stamp:



**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 Code Enforcement Division**

2450 W 33rd Street, 2nd floor  
Orlando FL 32839  
Phone (407) 836-3111  
Fax (407) 836-4240

January 08, 2020

6713 NEW HOPE ROAD HOLDINGS LLC  
6713 NEW HOPE RD  
ORLANDO, FL 32824

Subject: Code Violation Notice  
Tax ID: 34-24-30-6368-00-130

To Whom it may concern,

A violation of the Orange County Code was observed on your property located at 6713 NEW HOPE ROAD.

Please read the attached Code Violation Compliance Schedule for a description of the violation and the attached compliance schedule which describes the required corrective action and compliance date.

Failure to comply may result in this matter being referred to the Orange County Code Enforcement Board/Special Magistrate and a possible fine of up to \$1000.00 per day as long as the violation continues.

If you have any questions please contact the Code Enforcement Division as soon as possible at (407) 836-3111.

Sincerely,

A handwritten signature in black ink, appearing to read "Wilbert Ventura", written over a horizontal line.

Wilbert Ventura  
CODE ENFORCEMENT OFFICER

cc: ce\_nov\_gen

ref: 561660

**Si no le es posible leer esta notificacion favor de llamar a nuestras oficinas al (407) 836-3111.**

**Orange County Code Enforcement Division  
Code Violation Compliance Schedule**

**Exhibit "A"  
Ref: 561660**

Property Address: 6713 NEW HOPE ROAD

Owner/Agent: 6713 NEW HOPE ROAD HOLDINGS LLC 6713 NEW HOPE RD ORLANDO, FL 32824

First Inspection Date: January 7, 2020

Last Inspection Date:    Lot                      Occupied    Zoned A-2

<u>Section and Violation</u>	<u>Corrective Action Required</u>	<u>Compliance Date</u>
38... 3, 38-74, 38-77 Land scape company on an A-2 without a special exception.	Obtain a Special Exception or cease land scape operations.	01-FEB-2020
38... 3,38-74,38-77,38-1426 Accessory structures with no principle structure.	Build a Single Family Home or remove accessory structures.	01-FEB-2020

\* Major Violations

Dated: January 08, 2020

Code Enforcement Officer: WILBERT VENTURA

Dept/Section: Code Enforcement

cc: ce\_comp\_schedz

ref: 561660