



**Interoffice Memorandum**

May 1, 2023

TO: Mayor Jerry L. Demings  
-AND-  
County Commissioners



FROM: Timothy L. Boldig, Interim Director  
Planning, Environmental and Development  
Services Department

**CONTACT PERSON: Joseph C. Kunkel, P.E., DRC Chairman  
Development Review Committee  
Public Works Department  
(407) 836-7971**

SUBJECT: May 23, 2023 – Public Hearing  
Appellant: Alison M. Yurko, Esq., Alison M. Yurko, P.A.  
Kendell Keith Lot Split – DRC Appeal  
Case # DRCA-23-02-066 / District 1

This public hearing is to consider an appeal of the Development Review Committee's (DRC) decision of March 22, 2023, to uphold the Zoning Manager's decision to deny a lot split request.

County policy allows for a maximum of 3 lots to be created from a parent parcel through the lot split process. Greater than 3 lots constitute a subdivision and must comply with Chapter 34 Subdivision Regulations. The request is to split the property and create 7 new lots from the parent parcel. Each lot will meet the development standards for the R-CE Zoning District.

The required Specific Project Expenditure Report and Relationship Disclosure Forms have been completed in accordance with the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, and copies of these and the DP may be found in the Planning Division for further reference.

**ACTION REQUESTED: Uphold the DRC action of March 22, 2023 and deny the lot split. District 1**

TLB/JK/nt  
Attachments

**CASE # DRCA-23-02-066**  
Commission District # 1

**1. REQUEST**

This public hearing is to consider an appeal of the Development Review Committee’s (DRC) decision of March 22, 2023, to uphold the Zoning Manager’s decision to deny a lot split request.

**2. PROJECT ANALYSIS**

- A. Location: North of McKinnon Road / West of Windermere Road
- B. Parcel ID: 01-23-27-0000-00-008 (Homestead)  
01-23-27-0000-00-062 (Ag Portion)
- C. Total Acres: 11.956 gross acres  
9.89 net developable acres
- D. Water Supply: Orange C
- E. Sewer System: Orange County Utilities
- F. Schools: N/A
- G. School Population: N/A
- H. Parks: N/A
- I. Proposed Use: 7 new lots
- J. Site Data: Maximum Building Height: 35’  
Building Setbacks:  
40’ Front  
10’ Side  
10’ Side Street
- K. Fire Station: 58 –
- L. Transportation: Unless the

**3. COMPREHENSIVE PLAN**

The subject property has an underlying Future Land Use Map (FLUM) designation of Rural Settlement 1/1 (RS 1/1). The subject property is located within the West Windermere Rural Settlement. The subject property is designated R-CE on the zoning map, which is consistent with the FLUM designation. The underlying FLU yields a density of 1 dwelling unit per acres.

**4. ZONING**

R-CE (Country Estate District)

**5. RURAL SETTLEMENT**

The subject property is located within the West Windermere Rural Settlement.

**6. OVERVIEW**

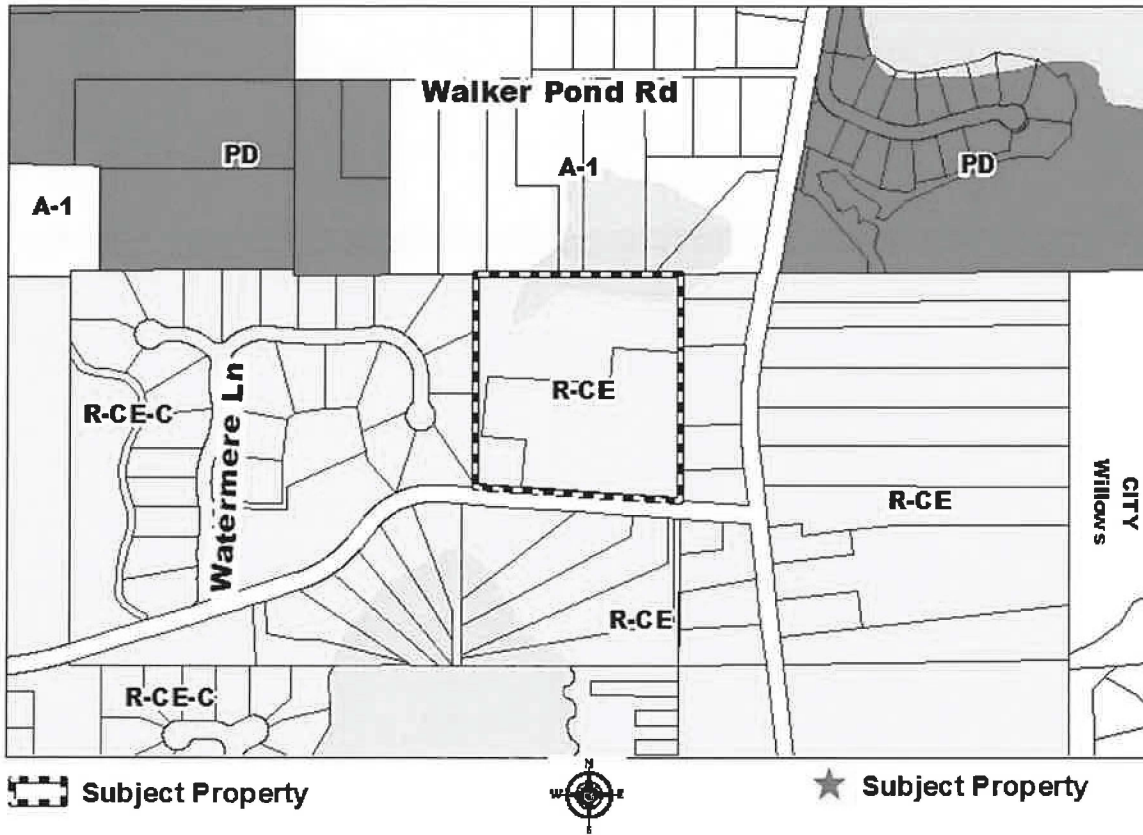
The parent parcel is an 11.956 gross, and 9.89 upland developable acres. Parcel - 008 is homesteaded with a single-family residence. The property owner wishes to remain in the existing home and split the remainder of the property into 6 lots, creating 7 from the original parcel. County policy allows for a maximum of 3 lots to be created from a parent parcel through the lot split process. Greater than 3 lots constitute a subdivision and must comply with Chapter 34 Subdivision Regulations. Each lot meets the development standards for the R-CE Zoning District and provided the required minimum 20' fee simple access to a County Roadway.

**7. REQUESTED ACTION:**

Uphold the DRC action of March 22, 2023, to uphold the Zoning Manager's decision to deny a lot split request.

# Zoning Map

DRCA-23-02-066



**Zoning Map**

ZONING: PD (Planned Development)

APPLICANT: Alison M. Yurko, PA

LOCATION: North of McKinnon Road /  
West of Windermere Road

TRACT SIZE: 9.89 gross acres

DISTRICT: # 1

S/T/R: 01/23/27

1 inch = 500 feet





**Aerial**



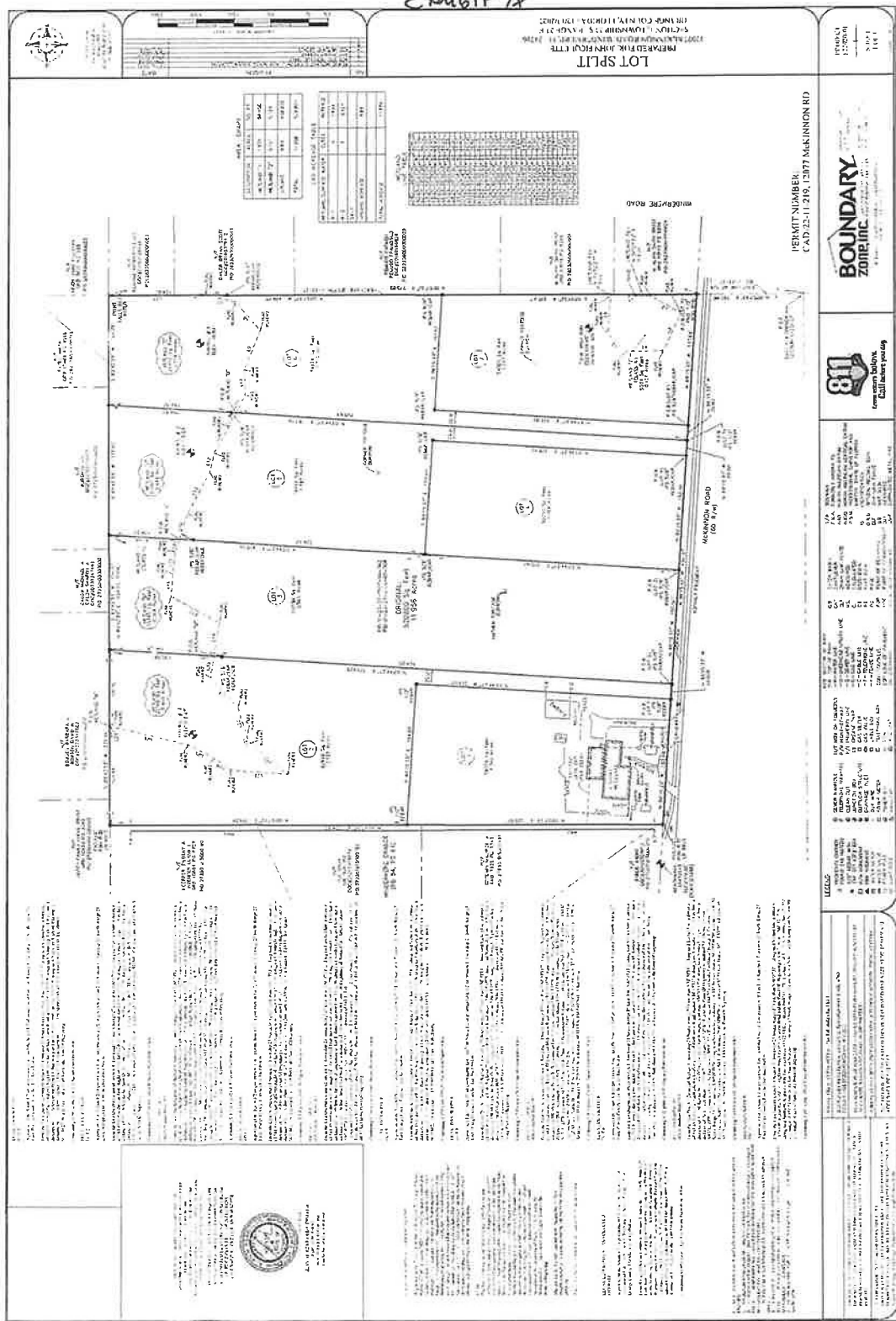
 Subject Property



1 inch = 400 feet

Proposed Lots

Exhibit A





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## Appeal Letter

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

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

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April 7, 2023

Joe Kunkel  
c/o DRC Office  
Lisette Egipciano  
201 S. Rosalind Ave  
Orlando, Fla. 32801

RE: Appeal of March 22, 2023 DRC  
Denial of Lot Split Request LS-23-01-000  
Location: 12077 McKinnon Rd.  
Parcel ID#: 01-23-27-0000-00-008 & 01-23-27-0000-00-062 (the "Site")

Via Hand Delivery

Dear Mr. Kunkel :

This letter is provided to you as a formal appeal to the Board of County Commissioners of the DRC's decision to deny the lot split request on the above-referenced property. I represent the owners, Lowell and Jacqueline Teal ("Owners"). The subject property consists of two properties. The Teals have owned both properties since 1962. During the past 60 years, the Teals have lived on the homesteaded property on Parcel 008, while maintaining citrus on Parcel 062.

On November 3, 2022, Owner's Planner met with Orange County Engineering to discuss the options for dividing the property into residential lots. At this meeting, it is my understanding that staff suggested that lot split application for the seven proposed lots could be submitted, with the understanding that the application would be denied by Zoning and could be appealed to the Development Review Committee. The appeal was heard by the DRC at its meeting of March 22, 2023, who denied the request.

This request is based on a very unique and compelling set of facts and circumstances, and is justified for the following reasons:

- 1.) The Owners desire to stay in the home where they have lived and raised their family for the past 60 years. The proposed lot split configuration (attached as Exhibit A) would allow them to remain in their home for their remaining years, and sell off the remainder of the Site as 6 additional lots
- 2.) A portion of the Site was an orange grove with an agricultural tax exemption until 2017, when it was abandoned in accordance with state law due to "citrus greening". The sale of 6 additional lots, over time, will fund the Owner's increasing property tax burden and the ever escalating costs associated with "aging in place".
- 3.) A conservation area determination ("CAD") was completed for the Site on March 7, 2023 (see attached Exhibit B). There are no wetland impacts associated with this

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## Appeal Letter

- request.
- 4.) The proposed lots all meet or exceed the required one acre minimum of uplands required under the current zoning of RCE and RS 1 to 1 in the Windermere Rural Settlement. NO waivers are requested. In fact, a review of the proposed lot split plan superimposed over an aerial of the area reflects that the proposed density is less than some of the surrounding lots (See Attached Exhibit C).
- 5.) The lot split request will have considerably less impact on the community and environment than a small subdivision. Specifically, granting the Owner's request will result in less density and less impact to the environment than the alternative of rezoning the Site, which would allow for 9-10 lots on a short cul-de-sac as an R-CE-Cluster Plan. The Cluster Plan would then need to go through PSP review for compliance with Chapter 34 followed by permitting, construction and platting. There will be less earthwork less impervious surface and less impacts to the public infrastructure.
- 6.) The request will create a very limited precedent given the Owner's unique situation. It is particularly fair and equitable considering that the much shorter approval time, and lower costs will afford them the opportunity to continue to live in their home on a newly created lot.
- 7.) The less impactful nature of this request to the neighborhood and environment is also more in keeping with the rural settlement policies and is supported by the surrounding homeowners. A petition of support will be provided.

We hope that staff and the BCC will weigh the unique facts and circumstances in this case and grant the Owner's request to be allowed to stay in their home and split the balance of the Site into six additional lots. Thank you –

Alison Yurko  
  
Alison Yurko PA

Cc: Roberta Alfonso

Kendall Keith

John Ficquette