



**Interoffice Memorandum**

September 19, 2022

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

**FROM:** Jon V. Weiss, P.E., Director  
Planning, Environmental, and Development Services  
Department

**CONTACT PERSON:** Ted Kozak, AICP, Chief Planner  
Zoning Division  
(407) 836-5537

**SUBJECT:** October 11, 2022 –Appeal Public Hearing  
Applicant/ Appellant: Angela Hamlett  
BZA Case #VA-22-08-067, August 4, 2022; District 6

Board of Zoning Adjustment (BZA) Case # VA-22-08-067, located at 4527 San Sebastian Cir., Orlando, Florida, 32808, in the R-1A Single-Family Residential district, in District 6, is an appeal to the Board. The applicant is requesting a variance to allow a separation distance of 528 ft. between a residence that meets the definition of a community residential home and another such home, in lieu of 1,000 ft.

The subject property is located on the west side of San Sebastian Cir., south of Silver Star Rd., east of N. Pine Hills Rd.

At the August 4, 2022 BZA hearing, staff recommended denial of the variance and the BZA recommended denial of the variance. The applicant subsequently appealed the BZA decision.

The application for this request is subject to the requirements of Article X, Chapter 2, Orange County Code, as may be amended from time to time, which mandates the disclosure of expenditures related to the presentation of items or lobbying of items before the Board. A copy is available upon request in the Zoning Division.

If you have any questions regarding this matter, please contact Ted Kozak, AICP at (407) 836-5537.

**ACTION REQUESTED:** Deny the applicant's requests; or approve the applicant's requests with conditions. District 6

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT  
ZONING DIVISION PUBLIC HEARING REPORT**

**October 11, 2022**

The following is a public hearing on an appeal before the Board of County Commissioners on October 11, 2022 at 2:00 p.m.

**APPLICANT/ APPELLANT:** ANGELA HAMLETT

**REQUEST:** Variance in the R-1A zoning district to allow a separation distance of 528 ft. between a residence that meets the definition of a community residential home and another such home, in lieu of 1,000 ft.

**LOCATION:** 4527 San Sebastian Circle, Orlando, Florida, 32808, west side of San Sebastian Cir., south of Silver Star Rd., east of N. Pine Hills Rd.

**TRACT SIZE:** +/- 0.17 acres (7,555 sq. ft.)

**ZONING:** R-1A

**DISTRICT:** #6

**PROPERTIES NOTIFIED:** 258

**BOARD OF ZONING ADJUSTMENT (BZA) HEARING SYNOPSIS ON REQUEST:**

Staff described the proposal, including the location of the property, the site plan, and photos of the site. Staff provided an analysis of the six (6) criteria and the reasons for a recommendation for denial. Staff noted that three (3) comments were received in support, and no comments were received in opposition.

The applicant made a presentation on the request and the need for a location in Pine Hills. The applicant expressed the great need for this service in the area and stated that only a small percentage of those who need a bed can find one available. She also stated that people with developmental disabilities do not create a danger to the neighborhood and do not negatively affect property values or safety. The applicant also discussed in detail the timeline of the zoning letter and business tax receipts for the requested operation and the nearest operation subject to the distance separation and noted that the other home is in a different subdivision and is 2,640 feet away by road.

Three spoke in favor of the request, stating that the proposal would be an asset to the community and will not bring crime or violence to the area. A representative of the Pine Hills Community Council spoke against the request, stating that they want to preserve the character of the area and that they feel that approval could result in many more such uses moving into the area.

The BZA discussed previous verification letters, compared the current request with previous other such requests, and noted concerns about the operation proposed to be located in a home not owned by the operator since the licensed home could be relocated in the future. The BZA also stated concerns with the number of group homes in the area, stated that each of the six (6) criteria has not been met and recommended denial of the Variance by a 4-1 vote, with two absent.

**BZA HEARING DECISION:**

motion was made by Roberta Walton Johnson, seconded by John Drago and carried to recommend DENIAL of the Variance request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have not been met; (4 in favor, 1 opposed, and 2 absent):

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **AUG 04, 2022**

Commission District: **#6**

Case #: **VA-22-08-067**

Case Planner: **Nick Balevich (407) 836-0092**

**Nick. Balevich @ocfl.net**

## GENERAL INFORMATION

APPLICANT(s): ANGELA HAMLETT FOR SEBI SOCIAL SERVICES INC.

OWNER(s): TANISHA RENEE SWABY

REQUEST: Variance in the R-1A zoning district to allow a separation distance of 528 ft. between a residence that meets the definition of a community residential home and another such home, in lieu of 1,000 ft.

PROPERTY LOCATION: 4527 San Sebastian Cir., Orlando, FL 32808, west side of San Sebastian Cir., south of Silver Star Rd., east of N. Pine Hills Rd.

PARCEL ID: 17-22-29-7802-01-070

LOT SIZE: +/- 0.17 acres (7,555 sq. ft.)

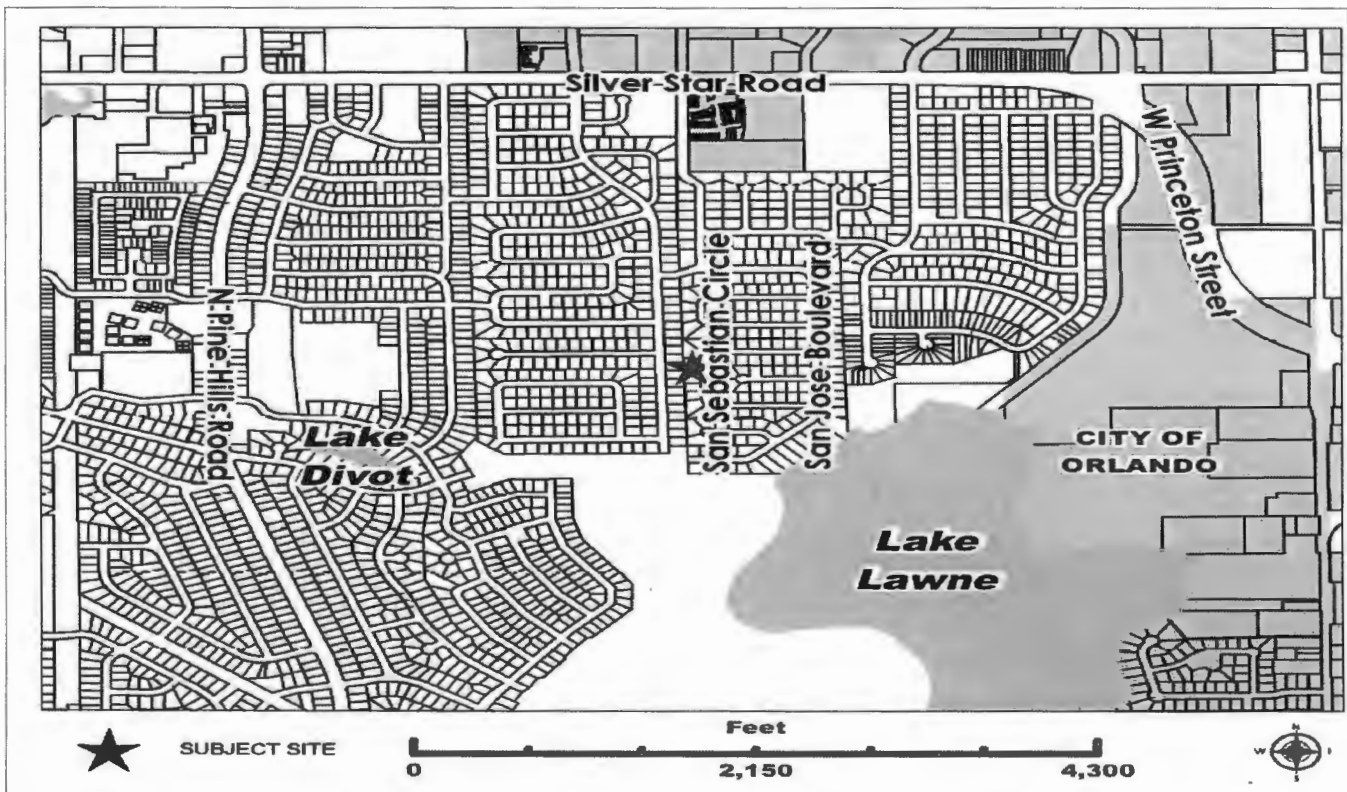
NOTICE AREA: 700 ft.

NUMBER OF NOTICES: 258

## STAFF RECOMMENDATIONS

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

**BACKGROUND AND ANALYSIS**

**DESCRIPTION AND CONTEXT**

The subject property is located in the R-1A, Single-Family Dwelling District, which allows single-family homes and associated accessory structures on a minimum of 7,500 square foot lots. The future land use is LDR, which is consistent with the R-1A zoning district.

The subject property is a 7,555 sq. ft. lot located in the San Jose Shores Plat, which was platted in 1972, and is considered to be a conforming lot of record. There is an existing 2,545 gross sq. ft. single-family home on the lot, constructed in 1979. The current owner purchased the property in 2020.

The applicant is proposing to establish a residence that meets the definition of community residential home, but contains six (6) or fewer residents. Section 38-1 defines a Community Residential Home 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.*

Further, Section 38-79(12) of the 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.

These homes provide supervision and care by support staff as may be necessary to meet the physical, emotional, and social needs of the residents. They are licensed and regulated by the State of Florida, which permits local governments to enforce zoning regulations, and typically requires approval by local governments, before issuing a State license. The type of home proposed by the applicant is considered by the State as equivalent to a single-family home.

In June 2022, the applicant submitted a request for a Business Tax Receipt (BTR) to use the residence as an equivalent use to a community residential home, but containing six (6) or fewer residents. The applicant was

advised that due to the presence of a similar operation at 2204 Ashland Blvd., located approximately 528 ft. away, the subject property does not meet the 1,000 ft. separation distance, prompting the request for the variance. A summary outlining the history of actions indicating the intent for the subject site to become a community residential home are as follows:

- **July 2020:** A zoning verification letter was requested/sent to the applicant verifying that the location criteria of the Orange County Code appeared to be met (at that time) for a Community Residential Home.
- **November 2020:** A Business Tax Receipt (BTR) was for a residential group home at the subject site.
- **October 2021:** A use permit for Group Home/Foster Home Five or fewer persons only was issued and obtained a Certificate of Occupancy was obtained in November 2021.
- **November 2021:** Request for a BTR for a group home submitted; deficiency required a new zoning verification letter as more than 6 months had passed.
- **November/December 2021:** A zoning verification letter was requested to verify that a residential group home was permitted. The letter indicated that the location criteria of the Orange County Code was no longer being met as there was a facility at 2204 Ashland Boulevard which was closer than the 1,000 ft. required.

Since the 2204 Ashland Blvd. operation received State approval first, prior to the applicant submitting for a new/renewed BTR, the subject request could not be approved, which is why the variance is being requested.

The applicant has submitted 2 letters of no objection from property owners in the area, including the owner of the Community Residential Home at 2204 Ashland Blvd. As of the date of this report, no comments have been received in opposition to this request.

On July 25, 2022, a community meeting was held at Evans High School to allow for input. The meeting was attended by the applicant, the District Commissioner and her Aide, County staff and approximately 9 residents. The residents in attendance spoke against the case, with concerns about overconcentration of such homes in Pine Hills and increased crime.

---

## STAFF FINDINGS

---

### VARIANCE CRITERIA

#### **Special Conditions and Circumstances**

The purpose of the separation distance is to avoid an over-concentration of this type of use in neighborhoods. There is a similar such home at 2204 Ashland Blvd., located to the northwest. There are no special conditions and circumstances peculiar to the land, structure or building.

#### **Not Self-Created**

The need for the variance is self-created and does result from the applicant's request. The applicant could have completed the permitting process in a timely manner and ensured that the required BTR and other licenses had been obtained and renewed as required. The applicant can acquire a residence for this use that meets the 1,000 ft. separation distance.

**No Special Privilege Conferred**

Approval of the variance will confer special privilege that is denied to other properties in the same area and zoning district, since the owner has the ability to purchase a residence that meets the requirements of the County Code.

**Deprivation of Rights**

The owner is not being deprived of rights since the property can be used as a single-family residence.

**Minimum Possible Variance**

The request is not the minimum possible variance, as the applicant could use the residence as a single-family home, or find a property outside the 1,000 ft. separation, and negate the need for a variance.

**Purpose and Intent**

As previously stated, the purpose of the code required separation distance is to avoid an over concentration of this type of such residences. The proposed location violates the distance separation requirement.

---

**CONDITIONS OF APPROVAL**

---

1. Development shall be in accordance with the plan received June 21, 2022, 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 variance shall become null and void with any change of ownership.

C: Angela Hamlett  
8027 Beechdale Drive  
Orlando, Florida, 32818

C: Tanisha Renee Swaby  
8027 Beechdale Drive  
Orlando, Florida, 32808



---

## COVER LETTER

---

To: Orange County Zoning Division / Board of Zoning Adjustment

I am submitting this application to ask for a variance to the code that states an APD licensed home should not be within 1,000 feet of another such licensed home. I am requesting this variance because after completing everything up to fire inspection and approval, I was informed, while attempting to get my business tax receipt, that another home was established exactly 528.10 ft away from my proposed home.

From my knowledge we were able to build out our businesses unbeknownst to each other because of a gap in time where the second renewal of my zoning permit had lapsed. I began my project with an approved zoning permit in July, 2020. I contracted with ADT to install the required fire alarm and fire sprinkler, which was the final phase for me to complete the setup of the group home before APD approval. I renewed with zoning twice while waiting for ADT to complete the project. Unfortunately, the project took an exorbitant amount of time (until November 2021) giving the other group home owner time to obtain approval from zoning before I could renew for a third time.

The unfortunate zoning mistakes notwithstanding, it is still my assertion that a variance would be appropriate for the reasons I outline in this application. The special circumstance is that we are in two different subdivisions, with access from one home to the other being 2,870 feet (see survey map). Again, when building out my home, I was given an estimated completion time for installation of fire sprinkler and fire alarm of December 2020 to January 2021. The challenges that occurred with ADT completing their work in a timely manner was not a self-imposed hardship on my part and possible was not under the control of ADT as well.

As to my knowledge, there has been no other such request / denial in this area and therefore, no special privilege would be conferred by approving this application. Literal interpretation of the provisions in this chapter would create undue hardship as I have fully completed the project (all but this zoning road block) and would have to sell and begin from scratch. That would not be a financial loss, just an unnecessary hardship to redo everything a second time. I did not purchase with the intent to develop in violation of the restrictions of this chapter. I was in fact building out my business in the area since July 2020 with approved permits (I successfully renewed my permit twice) that shows I was not in competition with anyone else.

I implore you to consider approving this variance request as it is the only step needed for me to begin my business. Your approval is the minimum possible variance I need to move forward with my purpose and intent of running an APD residential group home for developmentally disabled adults ages eighteen and above.

This zoning would absolutely not be injurious to the neighborhood or otherwise be detrimental to the public welfare. In fact, it would be a well needed service to the community. There are no other homes within a mile of my group home and the other home in question here. Both my proposed home and the other home in question are, or will be, APD (Agency for Persons with Disabilities) approved Community Residential Group Homes to serve five or fewer developmentally disabled persons aged eighteen and above. According to the APD website, the services we will provide are critical needs in the APD community.

---

COVER LETTER

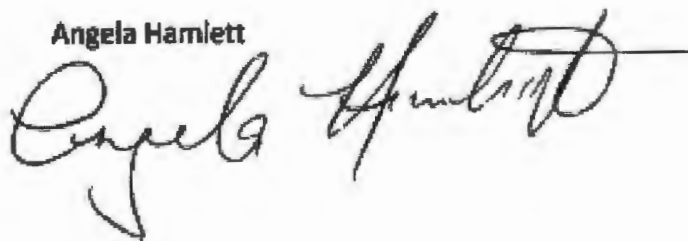
---

I have spoken to the provider at the Ashland Blvd. address and she has signed a letter in support of my efforts to get a variance. I also have spoken to other neighbors who are also in support of my establishing a home in the community (see attached letters of support).

This project has been a labor of love for me. I began the process of developing such a home almost seven years ago. My goal has been since then to know that my own son would have a place to live when I can no longer care for him. To better ensure the quality of care, I decided to establish that place myself. The same quality of care I want for him is what I think other families would want for their loved ones and I know they could get that with Sebl Social Services. The house was carefully selected and setup to be a place where anyone would want to place their family member. It is in a quiet neighborhood, spacious, warm, comfortable. The staff are and will be just as meticulously selected. Our motto is 'Where your family members are healthy, happy and loved'. Our sole intent in this business is to make this a reality for mine and other families. I urge you to approve this petition so we can do just that.

Thank You,

Angela Hamlett



6/21/2012

---

## COVER LETTER

---

### BZA application for Variance 4527 San Sebastian Circle Orland Fl. 32808

#### 1. Special Conditions and Circumstances-

The special circumstance in this situation is that my property, 4527 San Sebastian Circle is in a separate subdivision where the houses in question happen to be situated in such a way that they are within the zoning limit of 1,000 feet because of where the two subdivisions are situated. The other home at 2204 Ashland Blvd. is directly through my rear neighbors' house, across the street and a block and a half up the street. However, to get from one property to the other by foot or car, the distance is about .5 miles or 2,640 feet if we measure in commuting distance and not straight line. My house 4527 San Sebastian is within a community where there is only one way in and no other outlet that would lead to Ashland Blvd.

#### 2. Not Self-Created-

I began setting up my house for my group home business in June of 2020 with an approved zoning letter, when I contracted with ADT to install the fire alarm and fire sprinkler system. The completion was expected by December of 2020 or latest January 2021. Due to many delays on the part of ADT the systems were not completed and approved by fire marshal's office until November 2021. At that point I proceeded to the final step to request a Business Tax Receipt. At which point I learned that I had to renew my zoning request. At that point zoning could not renew my zoning letter or give me a Business Tax Receipt because there is now a licensed home within the 1000 feet requirement. So due to the exorbitant amount of time it took the contractors to complete the project, another person was able to come into the space and set up a home unbeknownst to each other.

#### 3. No Special Privileges Conferred-

Approval of this application will not confer to me any special privileges. To my knowledge there has not been any application for variance denied in this area within 1000 feet or 1200 feet of 2204 Ashland Blvd.

#### 4. Deprivation of Rights-

Considering the circumstances in this situation, where I commenced setting up my group home in good faith and with no intention to obstruct another person from doing the same, I believe literal interpretation of the law would deprive me of the right to complete the project for the purpose intended. I could purchase another house and set up my business in another location. However, I chose this house because it is the perfect layout, in a perfect neighborhood, and is perfectly suited for the type of services I envision my home being able to deliver to special needs clients. The hardship here would be finding a house just like this one.

---

COVER LETTER

---

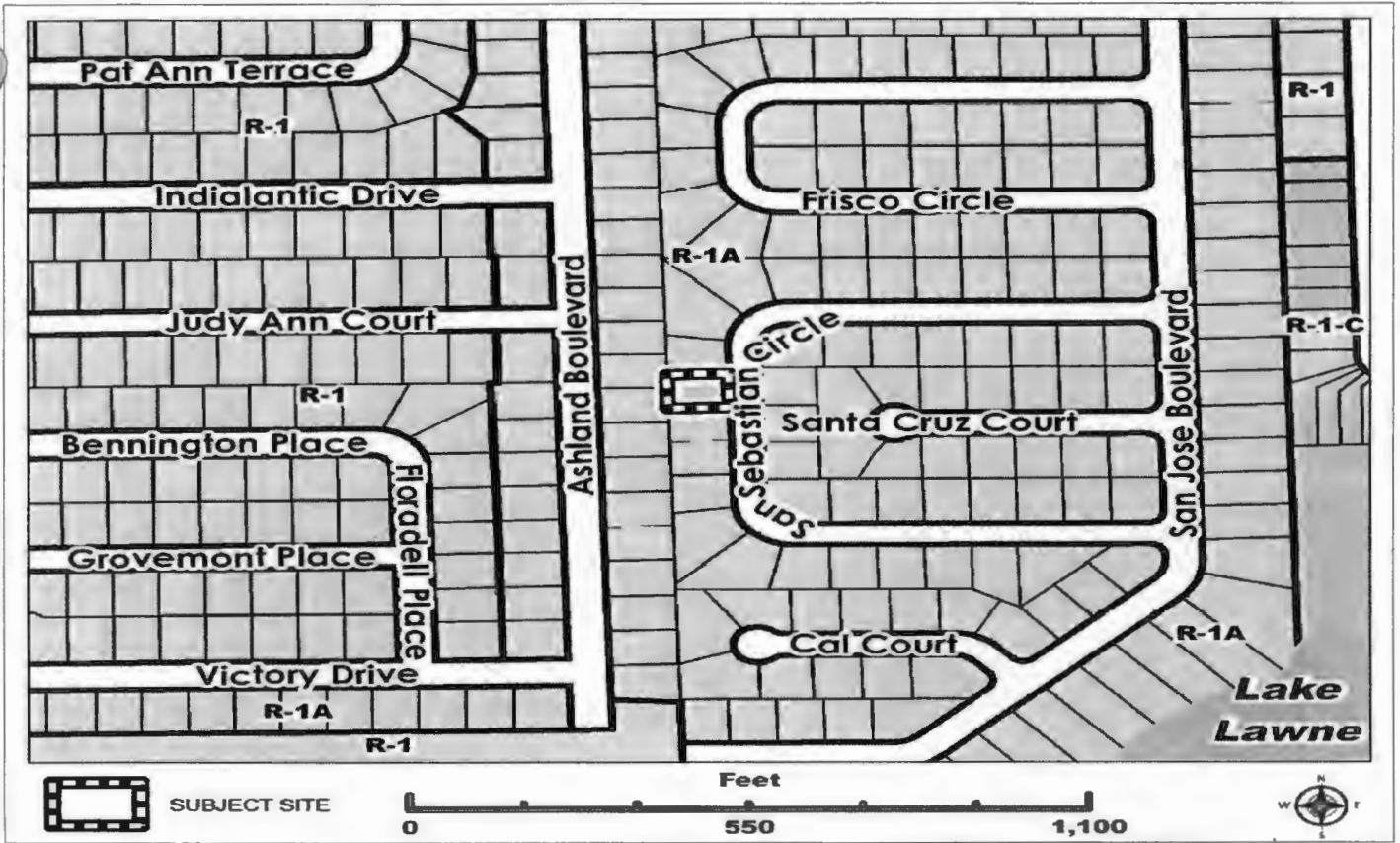
**5. Minimum Possible Variance-**

Approval of this variance is the minimum and only variance needed to proceed to set up my group home.

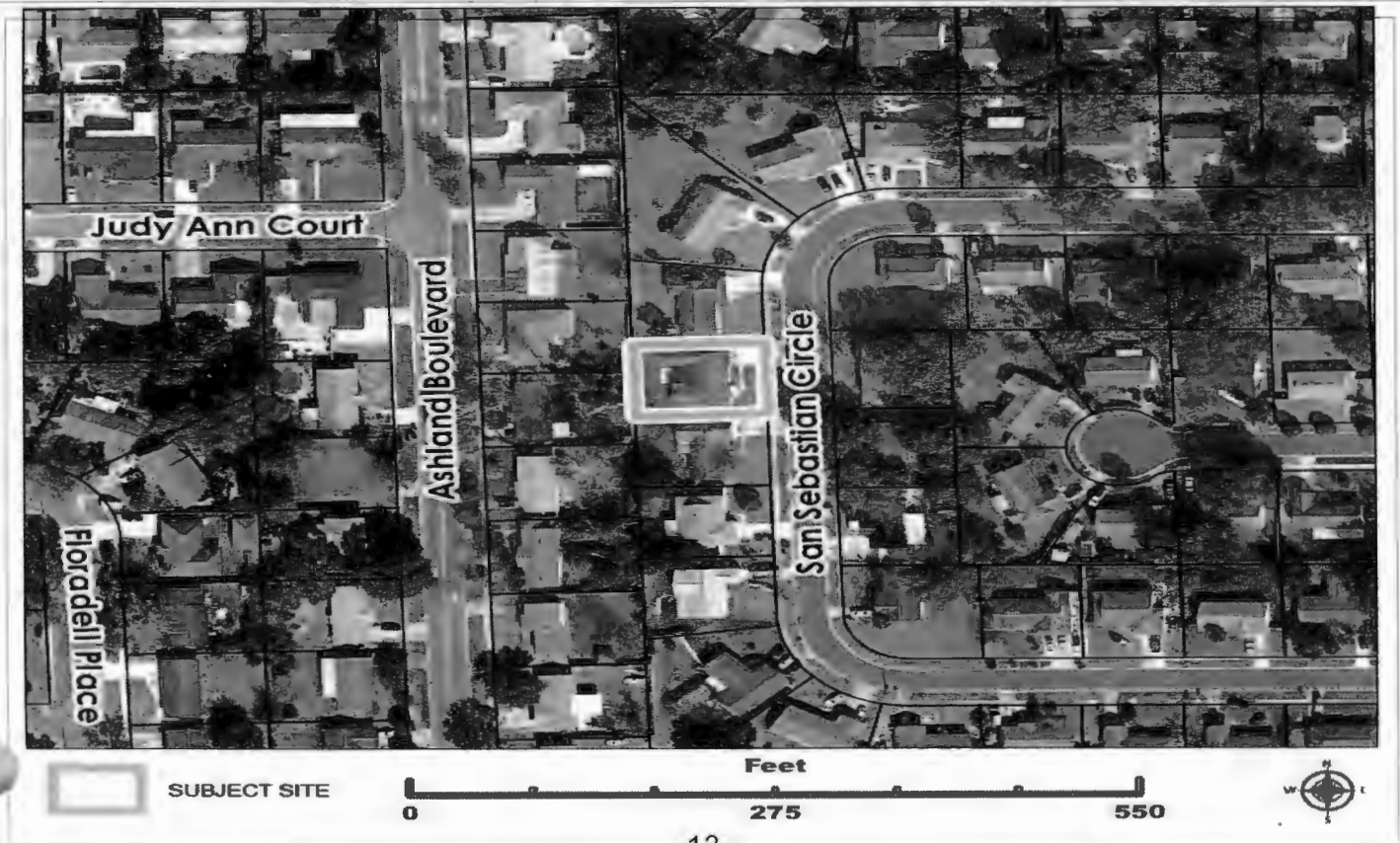
**6. Purpose and intent-**

Approval of this variance will allow me to operate an APD approved Residential Group Home, serving developmentally disabled persons aged eighteen and above. This is in harmony with the zoning regulations. The variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Aside from the distance requirements (the purpose of this variance request), this property is fully within regulations for the purpose of operating such a group home.

ZONING MAP



AERIAL MAP

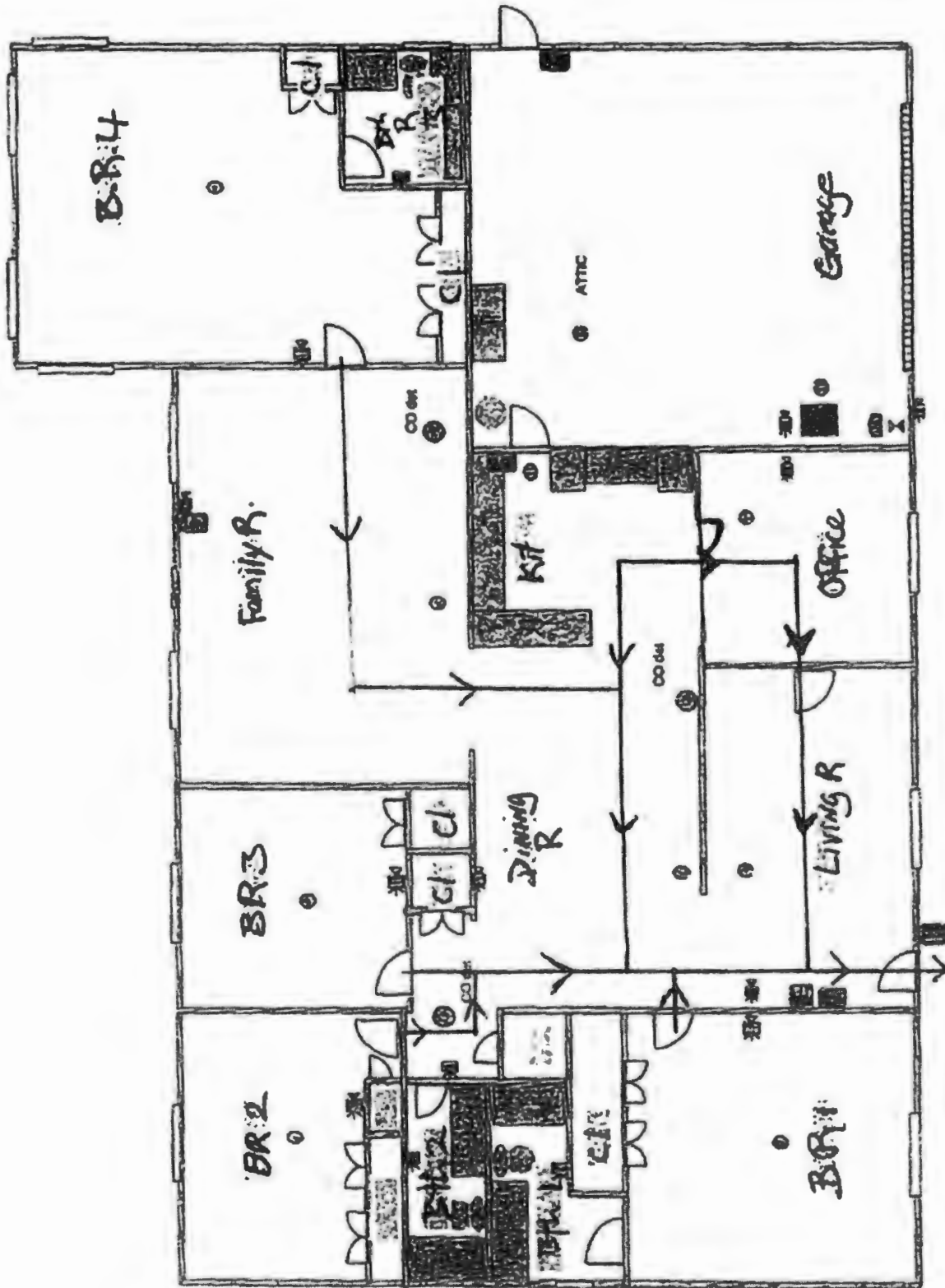


REQUESTED 528 FOOT DISTANCE SEPARATION





FLOOR PLAN





**SITE PHOTOS**



**Subject Property from San Sebastian Cir. facing west**



**Nearest Residential Home at 2204 Ashland Blvd., 528 ft. separation to the northwest**



Board of Zoning Adjustment (BZA) Appeal Application

Appellant Information

Name: Angela Hamlett for Sebi Social Services Inc.

Address: 8027 Beechdale Dr. Orlando FL 32818

Email: ssslifecconnect@gmail.com Phone #: 718-986-5409

BZA Case # and Applicant: VA-22-08-067

Date of BZA Hearing: August 4, 2022

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

Please see attached

Signature of Appellant: [Handwritten Signature] Date: 8/19/2022

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 19th day of August, 2022, by Angela M. Swope-Hamlett who is personally known to me or who has produced Florida drivers license as 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.

Angela Hamlett for Sebi Social Services Inc.

VA-22-08-067

Appeal Application

**Reason For Appeal:**

I am appealing the committee's decision to deny my variance request on two points. First is the question of ownership. I did not understand the concern when the question first came up by the commissioners (p.8 and p.12-13 of transcript) because approval of a home that is rented is allowed by APD. I also did not have the opportunity to explain further because it was discussed more in depth after the public hearing was closed. I do, in fact, have ownership rights because the property was bought by a relative for the specific purpose of me doing a group home there. To satisfy that concern, I will provide the lease (attached) as it currently is, and we will be adjusting the lease to more clearly reflect my ownership rights. There is no intent, by the owner, to sell the property if I have a group home established there. If I am not approved for the variance, then the owner may have reason to sell because her intent on purchasing the house was not live in it or rent it out.

Secondly, I will address the fact that the reason for my having to ask for a variance in the first place, is because of a flaw in the very system that is supposed to assist agencies to establish these homes. These issues came up in the August 4<sup>th</sup> hearing with concerns of the timing of the issuance of the Zoning Verification Letters and who is keeping track of the applicants being allowed to build out a business (p.8,12,17,24,29-32 of transcript). In addition, the reasoning for my denial sites an issue of the board not wanting to establish precedence. That negates the whole purpose of the variance process that is in place.

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

Nick Balevich:

You did find a letter on everyone's desk, prior to the meeting starting. That was the one that was turned in about 4:00 yesterday, and that was from the Pine Hills Neighborhood Association regarding this case. So if there's any questions about that, we certainly can discuss that at any point through the hearing. The other ones were sent to you yesterday in form of an email, just this one was past the time. So that being said, first, this case is Variance 22-08-067, the applicant is Angela Hamlett. Zoning is R-1A, future land use is low density residential, address is 4527 San Sebastian Circle, tract size is .17 of an acre, located in District number six, requesting a variance in said R-1A zoning district to allow a separation distance of 528 feet between a residence that meets the definition of a community residential home and another such home, in lieu of 1,000 feet. That is the location, uh, R-1A and R-1, so basically it's all residential around it. A Aerial map, and zoomed in a little bit more on the aerial.

Nick Balevich:

This is the distance separation from the subject property to the other existing use at 2204 Ashland Boulevard. This is just a survey of the existing proposed use in this house. That is the floor plan of the house, and this is a shot of the subject property from the front facing west, and this is the other nearest residential home at 2204 Ashland Boulevard, with a 528 foot separation to the northwest. The subject property as we mentioned, is zoned R-1A, that's a single family zoning district, which allows single family homes and accessory structures on a lot 7,500 square feet or larger. The property is a 7,555 square foot lot in the San Jose Shores Plat, platted in '72, uh, considered to be a for... A conforming lot of record, existing 2,545 gross square foot single-family home is on the site. The current owner purchased the property in 2020. The applicant's proposing to establish a residence that meets as we mentioned, the definition of a community residential home, but contains six or fewer residences. The code defines it as a home, a dwelling unit that is licensed to serve clients of the State of Florida per Florida statutes, which inquires... Provides a living environment for residents, and operates as a functional equivalent of a family, including supervision by support staff necessary to meet the physical, emotional needs of the residents.

Nick Balevich:

Further, the... Our code section, uh, states that a home with six or fewer residents, which otherwise meets the definition of a community residential home, shall be deemed a single family unit, noncommercial, and then to be a residential use. Such home is allowed in a single family or multifamily zoning district without approval by the county, provided that the home is not located within a radius of 1,000 feet of another such existing home. Uh, these homes provide supervision and care by support staff as may be necessary to meet the physical, emotional and social needs of the residents. They are licensed and regulated by the state of Florida, which permits local governments to enforce zoning regulations, and typically requires approval by local governments before issuing a state license. The type of home proposed by the applicant is considered by the state to be as... As equivalent to a single family home. However, due to the presence of a similar operation at 2204 Ashland Boulevard, located approximately 528 feet way, the subject property does not meet the 1,000 foot distance separation. Since the 2204 Ashland Boulevard operation received state approval first, prior to the applicant submitting for a new or renewed BTR, business tax BTR, the subject request could not be approved, which is why the variance is being requested.

Nick Balevich:

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

The applicant did submit two letters of no objection from property owners in the area, including the owner of that exact Community Residential Home at 2204 Ashland Boulevard. As of the date of this report, no comments have been received in opposition to the request. On July 25, 2022, a community meeting was held at Evans High School to allow for input. This meeting was attended by the applicant, the District Commissioner and their Aide, as well as County staff and approximately nine residents. The residents in attendance spoke against the case, with concerns about the over-concentration of such homes in Pine Hills, and increased crime. Staff mailed 258 notices to adjacent property owners within a 700 foot radius, uh, up until the day before the meeting. Uh, an additional, uh, correspondence came in, which put the total number at three correspondences in favor of the request, and we did not receive any correspondences in opposition to the request. Regarding the variance criteria regarding special conditions and circumstances, the purpose of the separation distance is to avoid an over-concentration of this type of use in neighborhoods.

Nick Balevich:

There is a similar such home as we mentioned at 2204 Ashland Boulevard, located to the northwest, and there are no special conditions and circumstances peculiar to the land, structure, or building. Regarding being self-created, the need for the variance is self-created, and does result from the applicant's request. The applicant could have completed the permitting process in a timely manner, and ensured that the required BTR and other licenses had been obtained and renewed as required. The applicant can acquire a residence for this use that... That meets the thousand foot separation there. Regarding special privilege conferred, approval of the variance would confer special privilege that is denied to other properties in the same area and zoning district, since the owner has the ability to purchase a residence that meets the requirements of Orange County. Regarding deprivation of rights, the owner is not being deprived of rights, since the property can be used as a single family residence. Regarding minimum possible variance, the request is not the minimum possible variance, as the applicant could use the residence as a single family home, or find a property out... Outside the thousand foot separation, and negate the need for a variance.

Nick Balevich:

Regarding purpose and intent, as previously stated, the purpose of the code required separation distance is to avoid an over-concentration of this type of such residences. The proposed location violates the distance separation requirements. With that, staff is recommending denial. However, if the BZA should find that the applicant has satisfied the criteria necessary for granting of a variance, staff recommends that the approval be subject to the conditions in this staff report, which are the three standard conditions, and that the variance would become null and void if there was a change of ownership. And that concludes staff's presentation.

Deborah Moskowitz:

Any questions for staff? This is in District Six. Commissioner Walton Johnson, would you mind taking this one for us?

Roberta Walton Johnson:

Absolutely. Is the applicant present? Do you mind coming to the microphone if you'd like to supplement the staff report, provide your name and address for the record?

Speaker 1:

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

[inaudible 00:07:13]

Roberta Walton Johnson:

We're waiting for the [inaudible 00:08:47]

Speaker 2:

I think she's... That's all.

Angela Hamlett:

Okay. My PowerPoint presentation cannot be opened, so I'll just continue without it. Um, so my name is Angela Hamlett. The... My... My address for business is 8027 Beechdale Drive, Orlando, Florida 32818. Please indulge me to try to explain, you know, my point, um, because this is very um... It's already been I guess, denied. So I just really want to address those issues. And I want to talk about why I am doing this, and hope, you know, you all could see my point at the end. Um, so why am I doing this, um, and I'll just read my presentation here. So-

Speaker 1:

I think he had it fixed.

Roberta Walton Johnson:

Oh, it looks like they got you up and running.

Angela Hamlett:

Okay, this... Okay, thank you. Am I pressing the right one?

Speaker 3:

No, this.

Angela Hamlett:

Oh, this one, okay. Thank you. Why am I doing this? (laughs). Okay, so my family moved from New Jersey to the Pine Hills area over 35 years ago, and my parents still live there, okay? I returned to Orlando in 2010, so I can be close to my mother and my family to get the assistance I needed in raising my son, who's autistic. And I want to start by saying this. I've been looking for a future home for my son for the past seven years. Um, I learned of a friend's group home, and, you know, which got me to think a lot more about what would happen to my son when I came... When I can't care for him anymore. Um, but instead of thinking of whose group home to put him in, I decided I would, you know, because I have experience and I have a family with that specific experience, so that would create that group home for him. That way he'll... He'll be sure to, you know, to continue to get the best care.

Angela Hamlett:

Knowing that I and my family members have decades of working with the developmentally delayed population, I knew this would be the best thing for my son, and to help others at the same time while we're at it. Okay. I created, um, my business in 2015, but it was not til 2020 that I was able to overcome some of the financial challenges to establish this group home. My son is now 21, and it won't be very

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

long before he will need a home and a setting where he has peers. He's used to being in a home now with his siblings, and, um, you know, they are his peers at this time. They're all starting to go off to college, and their own, you know, into their own independent lives. Um, he will need companionship and specialized care. He has autism, and epilepsy. He's non-verbal, and he's pretty much is a gentle soul. Now, this is not just my story. This is a story from my research, of about 700 mothers in the Pine Hills area. And I'm focusing on that area, because that's where I want to put the home.

Angela Hamlett:

There are mothers like me out there with some concern of who can care for my child when I no longer can, in an environment that loves and culturally reflects them. One of the concerns I heard in the community meeting was about so many of these houses coming into the community. But the fact is, that this is a need that is not currently being met in that community. The state of Florida recognizes residential habilitation group homes as a critically needed community service. Based on publicly available information, I estimated that for every 10 family needing a bed for their child, only one is available in that area, in the Pine Hills area, in the, um, 32808 area. They may have to go to neighborhoods that they're not familiar with, but what's more likely is that that 90% will not have an option to stay in the community that they grew up in. Another thing is I know the... These homes can create jobs for people in the community. The people I have chosen to hire so far, are people that actually live in that community, and they're well qualified people. These are people with decades of experience with this population.

Angela Hamlett:

That will always be my criteria, community people first. My logic is that they will care more for the people that they know. Finally, I want to address the concern from the community meeting about criminal activity with a developmentally disabled group. Having a developmental disability does not make you automatically a violent or... Or a criminal. Them living next door does not create any danger to neighbors. The fact is, they already live next door with their families, the same ones who will need these housing in the future. Do we send them to institutions in some remote location away from our neighbors? Okay. There's a long list of research documentation showing that the presence of group homes in neighborhoods does not negatively affect property value or safety. Also, the residents of the group homes are referred by APD, the Agency for Persons with Disability, who undertake an extensive evaluation process before placing these people that... People in the homes. They do not refer people with violent criminal records to the group homes. The concern also about other social services in the area, I believe is also a misunderstanding.

Angela Hamlett:

So I did the research. Aside from the 18 APD approved residential habilitation group homes in... In the 32808 area, Florida Home Finder website shows three assistive living facilities, and one nursing home within a mile of the address. These homes are for elderly, not developmentally disabled. All the other listed service providers are not residential services. Okay. So just to, you know, thank you for listening to me for that. So the timeline for my project, um, I think is important to look at, because of how all this... How I came to be here. Okay. When I started building out the business in this location, I had all my documents with APD and Medicaid, then I went to Zoning. I kind of found this... This part a very complex process, but I managed to navigate through it. I made lots of calls and emails during this time, and to Zoning to try to keep myself on track with the various permits and other requirements. This became

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

very challenging when my fire alarm contractors were delaying the installation, and I now have to keep up with constantly renewing permits and documents from Zoning, APD, Medicaid, and the like. Okay.

Angela Hamlett:

So the timeline, July 2020, I obtained a Zoning Verification Letter, and started up in the house, setting up the house. July 2020 I contracted with ADT, um, to install a fire alarm and a fire sprinkler system. I was told the job would be completed December 2020, between December 2020 and 2021 the latest, January. So November 2020, I requested and received the Business Tax Receipt. That was in anticipation of the installation being finished soon. From that point, from November 2020 to October November the following year, I dealt with... Dealt with the continuous delays with the installation of the fire alarm and fire sprinkler system. I'm not sure at what point the other group home owner was issued a zoning letter, but we were completely unaware of each other setting up our homes. And I even tried to work with the contractors and maybe change contractors, but that was... Would have taken a lot more time of me. Okay. October 21, 2021, I requested the... A use permit. I had no trouble with that, so I proceeded to the next step. I received a Certificate of Occupancy, because all the fire equipment at this point was installed, finally, and now, um, the complete inspections were plat... Were passed.

Angela Hamlett:

November 2021 I attempted to submit all my application packet, including the zoning documents to APD, only to be told now I needed to up... An updated business tax receipt. When I requested it, I was told I needed an updated zoning letter first. I attempted to get zoning verification letter, and this is when I was... Was informed that there's another person in the... Um, the 1,000 feet vicinity. Okay. So to... I want to address the variance, the variance, um, criteria. So special conditions and circumstances. Understanding that the purpose of the separation distance is to avoid over-concentration of this type of use in neighborhoods, I have elected to ask for a variance because after doing some research, I know there is not an over-concentration of this type of home in this particular neighborhood. Currently as of 8/3/2020, according to the Florida Home Finder website, an A... APD list of approved homes in the area, there's only one home within a thousand feet, which is the house in question, and just say one within a quarter mile, two or more within a mile distance, within a mile and a half there's four more homes, and in all of the 32808 zip code, which is about a 13 mile, um, eight square mile vicinity, there are 12 more homes. So there are a total of 18 APD approved residential homes in that 32808 area.

Angela Hamlett:

So in addition, I want to point out that although the... The two homes in question are point to point within the thousand feet distance access from... From one home to the other is a straight line. Okay. The homes are in adjacent subdiv... Excuse, me subdivisions, and to get from one property to the other, the distance is 2,640 feet, by way of a street that is the only outlet to get to Ashland Boulevard as it is presented up there. Okay. Not Self Created. As explained above, I was not in control of the exorbitant amount of time it took the contractors to complete the installation of the equipment. I even inquired, you know, like I said before, I inquired about getting a new contractor, but that would have taken a lot more time. Therefore, I do not think my situation was self created. The assumption, um, as was stated that I could just start ov...

PART 1 OF 4 ENDS [00:21:04]

Angela Hamlett:



This transcript was exported on Aug 18, 2022 - view latest version [here](#).

... um, as was stated, that I could just start ov-, start over, is not correct. Although the owner of the house is a family member, I am still a renter and cannot assume what will happen with the house, I'm not responsible for that, if I cannot do the group home there, as was our agreement initially.

Angela Hamlett:

So number three, no special privileges conferred. Um, to my knowledge, there are no other persons seeking to get a variance or have sought to get a variance in this, for distance in the same zone and district.

Angela Hamlett:

I'm seeking this variance because it is an option in the zoning process, and if my argument for why I should be granted a privilege are sound and valid, I do not see it as a special privilege, but as an option that I chose to pursue. And again, my ability to purchase another home is not a given.

Angela Hamlett:

Number four, a deprivation of rights. So, considering the circumstances in this situation, where I commenced setting up my group home, in good faith and with no intention to obstruct or compete with another person trying to do the same, I believe the literal interpretation of the rule would deprive me of the right to complete the project for the purpose intended. And again, being able to use this house for other purpose is not, um, a given.

Angela Hamlett:

Minimum possible variance. This request is the only variance needed to proceed to the final step of opening this group home. All other requirements are in place. If I do not do the group home here, I cannot use the home for something else, as that would put me, um, that would put me back to where I started in 2020. Or more likely, more precisely, it would put me back from where I started in 2015.

Angela Hamlett:

Um, number six, purpose and intent. The purpose of the code is to prevent an over concentration of this type of residence. Equally important, the purpose of the variance process is to present an argument as to why I should be offered this privilege of a variance to the code.

Angela Hamlett:

I fully understand that the purpose ... I fully understand the purpose and need for the code, and I fully understand the purpose of a variance request. But again, as shown above, I am proposing that this area is not anywhere near over concentrated, and as such, I hope you will grant me this variance. Thank you.

Deborah Moskowitz:

All right. Anybody have any questions for the applicant?

Commissioner Walton Johnson:

I- I do have one, because I was a-

Speaker 4:

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

I've got a ... Yeah, oh.

Commissioner Walton Johnson:

Oh, okay.

Speaker 4:

Yeah, the question, y- you, you mentioned that you got an approval from AD ... uh, DAP, I believe.

Angela Hamlett:

APD.

Speaker 4:

APD? So, in the process, did you realize that your house is gonna be that, in that, within less than a thousand feet from the next house? Because that's part of, uh, the approval-

Angela Hamlett:

It-

Speaker 4:

... I believe.

Angela Hamlett:

No, no. I didn't get approval from APD. I got a zoning appr-, um, zoning verification letter first. Is that what you're asking?

Speaker 4:

Yeah, I was trying to figure w- what comes first. Okay.

Angela Hamlett:

Okay.

Speaker 4:

Thank you.

Angela Hamlett:

Yeah, me too.

Commissioner Walton Johnson:

I believe this, you must acquire zoning's approval before you can get approval from APD.

Deborah Moskowitz:

Yes. [inaudible 00:24:36].

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

you just get to choose the person. Um, ADP refers, um, the clients to you, and you can say ... It's an interview process. They say, "Yes, we, we want to live in this home," uh, or we say, "I'm sorry, you don't meet the qualification that, you know, fit with the other members of the household."

Angela Hamlett:

Because they're, they're coming, and this is what I wanted to say, um, in regard to, you know, in rebuttal s- um, she was saying that they are not families. This is what we're trying to create for them, we're trying to create a family. Because when, um, when someone, you know, like my son is 22, move out of the house, will, you know, when he moves out, he'll probably get a roommate. They're a family. So this is what we're creating for these people, instead of, you know, them going somewhere in a institution somewhere, they go and sit- and get situated into a- an adult family, you know, instead of staying home with mom all the time, or some of them will choose, or their family will say, you know, "It's, I can't care for you," or, the, the client, if they're, you know, able, will say, "I want to live on my own," and my- on my own really needs I need supervision, I need to be in a group home, but it's still, I'm an adult and I'm out the house. So they are a family. That's essentially what they are when they, when they're in the group home.

Angela Hamlett:

And they will do the same thing that the rest of the families in the area do. The only thing is they have somebody s- watching and caring for them 24/7.

Commissioner Walton Johnson:

[inaudible.00:57:47]-

Speaker 14:

Thank you.

Commissioner Walton Johnson:

Thank you, Angela. All right, is there anybody else here to speak in opposition? Seeing none, madam chair, I would like to close the public hearing.

Deborah Moskowitz:

Public hearing is closed.

Speaker 13:

I, can I say something?

Deborah Moskowitz:

Please.

Commissioner Walton Johnson:

Sure.

Speaker 13:

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

Uh, Nick, um, we approved something similar, um, probably a year ago. It was, you don't recall the ...

Speaker 5:

No, we denied, uh, at least three about-

Speaker 13:

Yes.

Speaker 5:

... two years ago is the last time. So-

Deborah Moskowitz:

Did we, I think the Ashland Boulevard c- actually came before us?

Commissioner Walton Johnson:

It did. I believe it did.

Deborah Moskowitz:

I, 'cause I remember the, the address.

Commissioner Walton Johnson:

Well, let me, let me just say, um, and my concern, and it's, it in- and it is in this particular area in Pine Hills, and also over in the Holden Heights area, which is unincorporated, those seem to be the two areas that always become a populace for the agencies interested in group or treatment homes. Um, Devereux, Aspire, and the individual applicants, um, who receive licenses through APD. It just seems to be, and I don't know if it's because they are older neighborhoods or if they can acquire the homes at a, um, you know, at a lower, lower price, but, um, I d- I do feel like that's the reason why we have this language (laughs) so that we are not saturating certain communities and, and we ... I do agree. Full transparency, I have a 14 year old who is autistic. I think everybody knows that. (laughs)

Commissioner Walton Johnson:

Um, I live in Pine Hills, and down the street there is a APD-licensed group home. Um, never really, you know, they walk around the community, which any family member will walk around the community. My son walks around our community. (laughs) Um, but I j- I, I am a little sensitive, um, to the fact that just in 32808 alone there are 18. That's a lot.

Deborah Moskowitz:

And, and I am very sensitive to that too, and I fully understand, and I appreciate the good work that the council does in trying to defend one of the oldest established neighborhoods in-

Commissioner Walton Johnson:

[inaudible 01:00:32]-

Deborah Moskowitz:

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

... Orange County. And you should be commended for the time that you put into that. Here's my concern in this specific case.

Commissioner Walton Johnson:

Mm-hmm.

[REDACTED]

And it's not ... In April of 2020, um, the Ashland Boulevard folks got a letter from the county saying, "There's nobody in 1000 feet, you're, you're good to go, make your applications," and then in July, uh, July 14th of the same year, these folks-

Commissioner Walton Johnson:

In what? Give me the Ashland ...

Deborah Moskowitz:

Ashland letter that was put up here was April 20th of 2020. And then this property's first, uh, appr- uh, approval that it meets the criteria letter was-

Commissioner Walton Johnson:

Was June-

Deborah Moskowitz:

... July 14th of 2020.

● Speaker 14:

Um, I didn't read that in the letter. Either one. What I read in the letter was that in order to meet the criteria, here's, here's your, here's the rules that you have to follow.

● Deborah Moskowitz:

As of right- what the letter says to me is that as of right now, there's nobody else in the area that would, that, that you, you meet the criteria as of right now.

Commissioner Walton Johnson:

And that letter gives you an opportunity to then go get a business tax receipts, right?

● Speaker 5:

And, and if we read those letters, it's covered in disclaimers, because it's based on the information provided to us that the state is the holder of all the information. So this is why we, we are trying to prevent people coming in two days after each other, um, then we would get entire neighborhoods covered in APD licenses. But the state has the final approval, and then as soon as it shows up in their website, n- now that thousand foot radius is, is prevented from getting another license. So that's why, unfortunately, our zoning letter is a snapshot in time based on the information provided, which it says in that letter.

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

Commissioner Walton Johnson:

But what does your zoning letter provide? Does your zoning letter, can I now go down to the second floor and get a BTR?

Speaker 5:

The zoning letter is a first step. The, you're, you're basically now having to approach the state and work with their requirements, so ...

PART 3 OF 4 ENDS [01:03:04]

Speaker 5:

... approach the state and work with their requirements. So, you potentially, uh, you'll have a BTR that you cannot use. Uh, you need a state license to ... So the state license is your finish line. None of, none of the county processes are absolute informational, um, guidances that as of today, we- we have assessed the information you gave us, and that information does not list anyone within 1000 feet. Um, at the final finish line, if they wish to get a BTR, because the state is now requiring a valid BTR, we're going to say, "Wait a second. There's someone else within 1000 feet."

Okay. So, well but why are we, uh, did we not tell these folks that somebody else had already made an application?

We- we don't keep track of applications. That- that is all, uh, up and down this state, unfortunately it's a finish line process. It's not an application. Uh, I've had time and again, discussions with both the APD and ACA that keeping track of applications is- is- is very difficult, if not impossible.

So, I guess my question is, does your letter indicate at all, this is not your final step? This does not mean that your zoning is approved?

Speaker 5:

W- what is it exactly saying?

Speaker 15:

I can't-

Speaker 5:

Oh.

Commissioner Walton Johnson:

I mean ... Uh, yes.

Speaker 16:

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

The letter says, "As per the documentation submitted." And they have to get an actual screen shot, uh, from the state that there are no other ones within the area. So, they provide us that information as part of their application package, and that's what we base our determination on. At that time, they provided us information that there's no other facilities within 1000 square feet, so therefore if it's in compliant with all of our other codes, then we'll issue the letter saying, "Yes, at this time, it is, it is permitted per the documentation you've provided."

Deborah Moskowitz:

But isn't the county in the better position than the applicant to have the information as to whether or not someone else is trying to do the exact same thing within this geographic place?

Speaker 5:

We- we, unless we actually received a- a information directly from ACA or APD that there is an application in process, which many times they won't answer that call, uh, w- ours is a guidance in this case. We- we cannot guarantee the information that you've provided until such time, uh, it is, it is re-run and that re-run information shows an- an actual license issue.

Deborah Moskowitz:

But I mean, the people that got the letter on April 20th, I mean, they had to apply, they were applying for whatever is necessary for zoning for a group home. Correct?

Speaker 5:

So, the, at that time, they received also the same letter saying, "You're eligible at this time, based on the information you gave." But these people apparently finished their improvements and received their state license before the- the subject property. And that's why here we are.

Commissioner Walton Johnson:

\* So in order to obtain a state license, is there some awareness that the state has, that they have two people compete with competing interest?

The- the state even would take two applications, but whoever's first gets the license. The other one says, "Sorry." It's- it's- it might not seem fair. That's the how this, when the state a, two applications, they may receive 10 applications. One of them will receive it. The others will be out. And I'm not sure if there's any obligation to the state, but that would be a state conversation, whether or not they're telling other people who've submitted at the same time.

Speaker 15:

I-I-

Commissioner Walton Johnson:

W- go ahead.

Speaker 15:

This transcript was exported on Aug 18, 2022 - view latest version [here](#).



When- when you, when you look at the letters, one dated <sup>?</sup>2020, one dated 2021, the 2020 letter spells out the fact as, you know, that it looks like your facility could- could meet the criteria, and it lays out the criteria, radius within 1000 feet, et cetera, et cetera. Now, unless we can see a better timeline relative to the other application being submitted and getting approved, the letter in 2021 basically says, "Oh, um, the zoning classification requires this." And then on the bottom, it says, and this is the Sas- this is the Sas- San Sebastian Circle. This is what we're talking about, right?

Deborah Moskowitz:

Correct.

Speaker 15:

On the bottom, it says, "Therefore, the subject property does not meet the criteria of being at least 1000 feet from another such facility." And the other facility is the Ashland Road one.

Deborah Moskowitz:

So, uh, uh, let me make sure that we have our timeline straight.

Commissioner Walton Johnson:

That's the December ... What's that, December?

Speaker 15:

That's December 1st, 2021.

Deborah Moskowitz:

1st of 2021. So-

Speaker 15:

Therefore, excuse me, Madam Chair. Therefore, there is an option to apply for a variance from the distance requirement to be considered by the Board of Zoning Adjustment. So in the first letter, I'm not an attorney, but I've been around a few blocks, it appears that the other application of Ashley Road wasn't, uh, given to the county for, to determine it being legitimate. So, the- the way the letter is crafted, it gave the applicant, it appears the go ahead. Now if the applicant, for some reason, was, uh, bogged down, whatever, and the other applicant got ahead of it, it's like the liquor license, whoever got there first wins. Um, the second letter clarifies, the fact is, you don't meet the requirements. Now-

Deborah Moskowitz:

The-

Speaker 15:

... uh, we've had these cases in the past. And I can remember two, vividly, by the way. In the first one, and all the cases that were heard before this board had the same frame of reference relative to it's good for the community. I'm not disputing that one- one bit. The issue ha- has always been the issue, and even the state recognized it, it's the distance requirement.



This transcript was exported on Aug 18, 2022 - view latest version [here](#).

Speaker 15:

Now the first one that came before us that I remember asked for a variance of 89 feet, and it was denied because it didn't meet the determination of within a radius of 1000 feet. The optimum word is within. And when R- Roberto Alphonso was the general counsel to the board, I questioned her, in order to meet the requirement, it has to be 1001 feet. Her answer was yes, not 1000. Doesn't meet the requirements. The radius, I questioned, how is the radius measured? And the radius is measured giving the property owner the benefit of the doubt. So they pick the corner of the property, not the middle of the property or on the other side. They pick the corner closest to, well whatever. They draw a circle, and if it's in, if it's above is a, if it's beyond the 1000 feet, you get it. If it isn't, you don't get it.

Speaker 15:

The second one that came before us was almost identical distance requirements. It had the same problems. There was too many group homes in the area. Um, the lady did have letters of support. She listed almost identical reasonings as this applicant. The board, to its credit, denied it, simply because of the distance. Uh, my concern at the time was setting a precedent because, from my experience, if for some reason this was approved, then the maximum distance, uh, for future approvals is 528 feet. Anything that comes before this board less than 528, you're gonna have a hard time saying no.

Speaker 15:

Um, and you're gonna have a hard time just to make the justification between one applicant and the other if they give you the same reasonings for why they want the group home. And I asked that question of Roberta at the time, and the analogy I used was splitting the hair. If you split the hair, are there two distinct hairs? And the answer was no. The board would have a hard time distinguishing between one part of the hair and the other.

Speaker 15:

And the state put these, now the state, this is a home rule state. So, the state, to its credit, said, "Okay, county, you can adjust or you can put in criteria to control how these group homes are put in there." If there was a dire need for these homes to exist, I can assure you the state would amend chapter 419 and take any local government rules and regulations away. Therefore, if they did that, you could have group homes next to one another and across the street from one another. But the state has the model. And as the lady said, the state can control, to a certain extent, who goes in, who goes out if they need the room. They can transfer patients if they need the room. I've seen it done. I've managed cities where this came up. State decides, you know what, you're 22. We're gonna move you over to Tampa. And here's another person. And I know the person said you can interview them, but to a certain extent, you know, the, if she wants the funding, she's gonna more or less cooperate.

Speaker 15:

Uh, the other problem I have with this one is, if I, my- my, if my memory serves me correctly, the owners of the properties approached the board for the variance. They were not renters. So I have an issue with that, simply because I asked the applicant, if the owner decides to sell the property, new one comes in, you're out. No ifs, ands or butts, lease agreement or no lease agreement. Um, now that's it for now, Madam Chair.

Commissioner Walton Johnson:

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

All right. Thank you.

Deborah Moskowitz:

That's, uh, I- I- I definitely agree with you on the ownership situation. That is a concern for me, a huge concern for me.

Speaker 15:

Do you want these letters?

Deborah Moskowitz:

Nope, because I have all the dates that I need from the letters. My concern is, very frankly, um, the 220- uh, 2204 Ashland Boulevard, uh, group home that eventually got approved applied to the county on April 20th. Got- got the approval letter- letter on April 20th of 2020. So they were in the active process of getting their, uh, things going before these folks applied and got the letter, which is concerning. And I understand that there are lots of steps and lots of approvals that have to be, but I- I just, I- I have problems with that.

Deborah Moskowitz:

Um, I, but I, but I also am very concerned about an- an- an entity that doesn't own the property getting approval to run a group home when there's nothing keeping them on this parcel. And that to me, I believe is going to be the swing in my ... I mean, I ha- I have some serious agita about how we advise people that you're about to go spend a whole crapload of money, and surprise, you can't have your business that you thought was okay, but I'm not in a position to change those rules. But I- I have serious concerns of this being in a residential area and the people who are going to be tasked with running it are not owners.

Speaker 15:

Yeah. W- w- one other point, um, Madam Chair, I would surmise that the reason why the Ashley Road, Ashland Boulevard, um, got approved, because there was no impediment relative to the 1000 foot requirements of distance. And therefore, without the impediment, the county can authorize the approval. It doesn't have to come before us, because under the code, it gives them the permission to do it, or the authority to do it. It only comes in conflict when the county sees another request comes in. I guess they look at something that determines ... They- they first then determine the radius, as I pointed out, and issued with a letter back on the 21st that says, "You don't meet the criteria. You've got to come and get a variance." I think that's what happened.

Speaker 15:

And it's like I said before, first in wins.

Commissioner Walton Johnson:

Anybody else? Yes.

Speaker 17:

I wholly agree with the, uh, the problematic issue of, uh, ownership not being involved with, in any of this other than the lease agreement, which we haven't seen. But also we have to- to establish, um,

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

criteria here, we'd have to prove that, uh, Ashland Boulevard, in the applicant's case, or, it's extraordinary that they applied within a few months of each other. Maybe that's not so extraordinary. It could happen. Like that said, it could, we could have 10. There's two in this case. We can have 10 within four months. So, it's not as flawed a system as it may be on the state level, whatever. That's a matter of opinion. I don't think it's very extraordinary that a couple folks, a couple applicants within a few months applied, and it's a, it's a race to state- state approval. So, I don't, I don't think we have anything to- to establish criteria to approve this.

Commissioner Walton Johnson:

All right. Commissioner Valez?

Commissioner Valez:

Yeah. If I understood the, um, she's renting by the person who living in the property is gonna stay there and is gonna help with the kids as well. So, you've got some ownership right there. And, um, after spending \$50,000 on this property, I think that she deserve, um, the approval. That's my opinion. She went ahead, try. Uh, somebody came first, but to the- the whole team to get this approval. And it's an exception to, it's an exceptional case that when it took, looked different, I think.

Commissioner Walton Johnson:

Okay. All right. Are we done with deliberation?

Deborah Moskowitz:

I think so. We've-

Commissioner Walton Johnson:

All right.

Deborah Moskowitz:

... we've beat it to death, I think (laughs).

Commissioner Walton Johnson:

I- I (laughs). All right. Um, uh, you know, as- as I stated, I'm- I'm having a little heartburn with the number of homes saturated in this one particular area. Um, I did ask the question about ownership, uh, when I heard those key words, um, when the applicant spoke because that was equally a concern. Um, I- I don't see the linkage.

Commissioner Walton Johnson:

And so, um, I'm prepared to move, denial of case VA-2208067, in harmony with the staff's recommendation.

Speaker 15:

Second.

Deborah Moskowitz:

BZA080422N (Completed 08/18/22)  
Transcript by [Rev.com](#)

Page 35 of 36

This transcript was exported on Aug 18, 2022 - view latest version [here](#).

All right. We have a motion for denial of the variance by Commissioner Walton Johnson. Second by Vice Chair Drago. All those in favor of denial, please vote aye.

Group:

Aye.

Deborah Moskowitz:

Any opposed?

Speaker 17:

W- opposed.

Deborah Moskowitz:

All right. Motion for variance is denied. All right. Is there any other business to be taken up before the board this afternoon?

Speaker 5:

So upcoming, we have six committee meetings this month scheduled so far for BZA cases coming up in September, which, of which about over 20, but we also have a- a- a, uh, appeal hearing for solar panels on Tuesday, uh, of the BCC. And then about three cases scheduled for September 13th for a BCC hearing, including Massey Street, which is, continues, um, to be scheduled, as well as two other cases that were pulled from July, and right now the names escape me. But, um, the- they were both pulled from district three. So, um, we will s- see you at the BCC.

Deborah Moskowitz:

So, we have 16 for next month?

Speaker 5:

20.

Deborah Moskowitz:

20. Okay.

Speaker 5:

Thanks, Ted. Thank you.

Deborah Moskowitz:

We are adjourned.

PART 4 OF 4 ENDS [01:20:39]

## LEASE AGREEMENT

**THE LEASE AGREEMENT IMPOSES IMPORTANT LEGAL OBLIGATIONS. MANY RIGHTS AND RESPONSIBILITIES OF THE PARTIES ARE GOVERNED BY CHAPTER 83, PART II, RESIDENTIAL LANDLORD AND TENANT ACT, FLORIDA STATUTES.**

**1. PARTIES.**

This is a lease ("the Lease Agreement") between Tanisha R. Swaby, with an address of 8027 Beechdale Dr. Orlando FL 32818 "Landlord" and Sebi Social Services, LLC, a Florida limited liability company, with an address at 8027 Beechdale Drive Orlando FL 32818 "Tenant".

Landlord's E-mail address:	Tanisha.Swaby@gmail.com
Landlord's Telephone Number:	407-860-9643
Tenant's E-mail address:	SSSlifeconnect@gmail.com
Tenant's Telephone Number:	718-986-5409

**2. PROPERTY RENTED.**

Landlord leases to Tenant the land and buildings located at: 4527 San Sebastian Circle Orlando, Florida 32808

In this Lease Agreement, the property leased, is called ("the Premises"). Legal and Actual possession of the Premises will be delivered on August 1<sup>st</sup> 2020 ("Date of Delivery").

Tenant shall use and occupy the Premises for a residential group home business as qualified under the Florida Status Chapter 393 and Chapter 65 G-2 Licensure for Residential Facilities, and for no other purpose without Landlord's prior written consent.

### 3. LEASE TERM AND RENEWAL.

1. This Lease Agreement shall be effective July 1<sup>st</sup> 2020 (Effective Date") and shall continue, unless otherwise earlier terminated, until December 31<sup>st</sup> 2025, a term of (65) months ("Initial Lease Term").
2. **Renewal/Extension.** Provided Tenant is continuously open and operating its business and has not been in default under the Lease Agreement, Tenant may, at Tenant's option, renew the term of the Lease Agreement ("Option to Renew"). The Lease Agreement can be renewed only by a written agreement signed by both Landlord and Tenant for an additional five (5) year term beginning January 1<sup>st</sup> 2026 ("Renewal Effective Date") and shall continue, unless otherwise earlier terminated, until December 31<sup>st</sup> 2030 ("Renewal Lease Term"). Tenant may exercise the Option to Renew, by giving written notice to Landlord at least one hundred and eighty (180) days prior to the last day of the Initial Lease Term.

### 4. RENT PAYMENTS.

1. Rent shall be payable by tenant in advance monthly installments on the first day of each month to commence on March 1<sup>st</sup> 2021 in the amount of one thousand three hundred seventy-four dollars and ninety-five cents per installment (\$1,374.95).
2. All rent payments shall be payable to Landlord at Landlord's address by check or via bank money transfer.

### 5. TERMINATION.

This Lease Agreement shall be effective as of the date first set forth above, and shall continue unless otherwise earlier terminated by Tenant as set forth herein. Tenant may terminate, at any time and without cause by providing to Landlord at least two (2) months prior written notice thereof.

Upon expiration or earlier termination of this Lease Agreement Tenant shall surrender the Premises to Landlord in the same condition as existed on the date Tenant first occupied the Premises, (whether pursuant to this Lease Agreement or an earlier lease), subject to reasonable wear and tear. All alterations shall become a part of the Premises and shall become the property of Landlord upon the expiration or earlier termination of this Lease Agreement, unless Landlord shall, by written notice given to Tenant, require Tenant to remove some or all of Tenant's Alterations, in which event Tenant shall promptly remove the designated alterations and shall promptly repair any resulting damage, all at Tenant's sole expense. All business and trade fixtures, machinery and equipment, furniture, movable partitions and items of personal property owned by Tenant or installed by Tenant at its expense in the Premises shall be and remain the property of Tenant; upon the expiration or earlier termination of this Lease, Tenant shall, at its sole expense, remove all such items and repair any damage to the Premises or the Building caused by such removal. If Tenant fails to remove any such items ("Abandoned Items") or repair such damage promptly after the expiration or earlier termination of the Lease Agreement, Landlord may, but need not, do so with no liability to Tenant, and Tenant shall pay Landlord the cost thereof upon demand.

**6. NOTICES.**

Mavis Barrett is Landlord's Agent. All notices must be sent to the Landlord and the Landlord's Agent. Landlord's Agent at 8027 Beechdale Drive, Orlando, Florida 32818 unless Landlord gives Tenant written notice of a change. All notices of such names and addresses or changes thereto shall be delivered to the Tenant's residence or, if specified in writing by the Tenant, to any other address. All notices to the Landlord or the Landlord's Agent (whichever is specified above) shall be given by U.S. mail, electronic mail or by hand delivery. Any notice to Tenant shall be given by U.S. mail or delivered to Tenant at the Premises. If Tenant is absent from the Premises, a notice to Tenant may be given by leaving a copy of the notice at Premises.

**7. UTILITIES.**

Tenant shall pay for all utility services during the Initial Lease Term (and the potential Renewal Lease Term) and connection charges and deposit for activating existing utility connections to the Premises.

**8. MAINTENANCE.**

Landlord shall be responsible for compliance with Section 83.51, Florida Statutes, and shall be responsible for maintenance and repair of the Premises, unless otherwise stated below: (Fill in each blank space with "L" for Landlord or "T" for Tenant, if left blank, Landlord will be responsible for the item):

L	Roof
T	Doors
L	Foundations
L	Hot Water
L	Cooling
T	Lawn/Shrubbery
T	Steps
L	Electrical System
T	Windows
T	Floors
L	Plumbing
L	Exterior walls
T	AC Filters
T	Interior walls
T	Screens
L	Structural Components
T	Locks and Keys
L	Heating
L	Ceilings
T	Smoke Detection devices
T	Other - Fire Sprinkler, Fire Alarm system and Fire Extinguisher
L	Extermination of wood destroying organisms
T	Extermination of rats, mice, roaches, ants, and bedbugs
T	Garbage Removal / outside receptacles

Tenant shall notify the Landlord Agent at 8027 Beechdale Dr. Orlando Fl. 32818 and 407-860-9643 of maintenance and repair requests.

**9. ASSIGNMENT.**

Tenant may assign the Lease Agreement or sublease all or any part of the Premises without first obtaining the Landlord's written approval and consent to the assignment or sublease when conducting business on the Premises by Tenant.

**10. LEAD-BASED PAINT:**

Check and complete if the dwelling was built before January 1, 1978. Lead Warning Statement (when used in this article, the term Lessor refers to Landlord and the term Lessee refers to Tenant).

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, Lessors must disclose the presence of known lead-based paint and/or lead-based paint hazards in the dwelling. Lessees must also receive a federally approved pamphlet on lead poisoning prevention.

**Lessor's Disclosure (initial)**

Presence of lead-based paint or lead-based paint hazards (check (i) or (ii) below).

(i.)  Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

\_\_\_\_\_

(ii.)  Lessor has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

Records and reports available to the Lessor (check (i) or (ii) below):

(i.)  Lessor has provided the lessee with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

\_\_\_\_\_  
\_\_\_\_\_

(ii.)  Lessor has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

**Lessee's Acknowledgment (initial)**

Lessee has received copies of all information listed above.

Lessee has received the pamphlet Protect Your Family From Lead in Your Home.

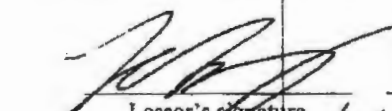
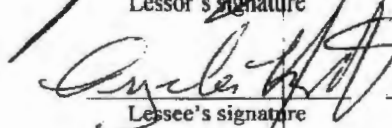
**Agent's Acknowledgment (initial)**

Agent has informed the Lessor of the Lessor's obligations under 42 U.S.C. 4852d and is aware of his/her responsibility to ensure compliance.



**Certification of Accuracy**

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information provided by the signatory is true and accurate.

 _____ Lessor's signature	<u>3/13/2021</u> _____ Date	_____ Lessor's signature	_____ Date
 _____ Lessee's signature	<u>3/13/2021</u> _____ Date	_____ Lessee's signature	_____ Date
_____ Agent's signature	_____ Date	_____ Agent's signature	_____ Date

**11. LANDLORD'S ACCESS TO THE PREMISES.** Landlord's Agent may enter the Premises in the following circumstances:

1. At any time for the protection or preservation of the Premises.
2. After reasonable notice to Tenant between the hours of 8:00AM to 6:00PM for the purpose of repairing the Premises.
3. To inspect the Premises; make necessary or agreed-upon repairs, decorations, alterations, or improvements; supply agreed services:
  - a. with Tenant's consent;
  - b. in case of emergency;
  - c. when Tenant unreasonably withholds consent; or
  - d. if Tenant is absent from the Premises for a period of at least one-fifth of the Initial Lease Term. (If the rent is current and Tenant notifies Landlord of an intended absence, then Landlord may enter only with Tenant's consent or for the protection or preservation of the Premises.)

**12. CONDUCT OF BUSINESS BY TENANT.**

The Premises shall be used for the permitted use of conducting business. Tenant agrees to occupy and operate in the Premises and commence its business and operations upon the Effective Date of this Lease Agreement and thereafter continuously conduct business fully staffed to maximize revenue from the Premises.

**13. RISK OF LOSS/INSURANCE.**

Landlord and Tenant shall each be responsible for loss, damage, or injury caused by its own negligence or willful conduct.

Tenant should carry insurance as follows:

1. General Business Liability
2. Renters Insurance

**14. PROHIBITED ACTS BY LANDLORD.**

Landlord is prohibited from taking certain actions as described in Section 83.67, Florida Statutes.

**15. CASUALTY DAMAGE.**

If the Premises are damaged or destroyed other than by wrongful or negligent acts of Tenant or persons on the Premises with Tenant's consent, so that the use of the Premises is substantially impaired, Tenant may terminate the Lease Agreement within 30 days after the damage or destruction and Tenant will immediately vacate the Premises. If Tenant vacates, Tenant is not liable for rent that would have been due after the date of termination. Tenant may vacate the part of the Premises rendered unusable by the damage or destruction, in which case Tenant's liability for rent shall be reduced by the fair rental value of the part of the Premises that was damaged or destroyed.

**16. DEFAULTS/REMEDIES.**

Should a party to the Lease Agreement fail to fulfill their responsibilities under the Lease Agreement or need to determine whether there has been a default of the Lease Agreement, refer to Part II, Chapter 83, entitled Florida Residential Landlord and Tenant Act which contains information on defaults and remedies.

**17. SUBORDINATION.**

The Lease Agreement is automatically subordinate to the lien of any mortgage encumbering the fee title to the Premises from time to time.

**18. LIENS.**

**THE INTEREST OF THE LANDLORD SHALL NOT BE SUBJECT TO LIENS FOR IMPROVEMENTS MADE BY THE TENANT AS PROVIDED IN SECTION 713.10, FLORIDA STATUTES.** Tenant shall notify all parties performing work on the Premises at Tenant's request that the Lease Agreement does not allow any liens to attach to Landlord's interest.

**19. RENEWAL/EXTENSION.**

The Lease Agreement can be renewed or extended only by a written agreement signed by both Landlord and Tenant.

**20. ATTORNEYS' FEES.**

In any lawsuit brought to enforce the Lease or under applicable law, the party in whose favor a judgment or decree has been rendered may recover reasonable court costs, including attorneys' fees, from the non-prevailing party.

**21. MISCELLANEOUS.**

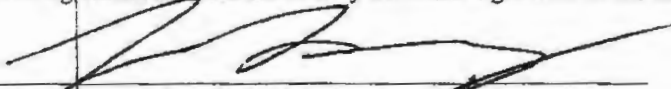
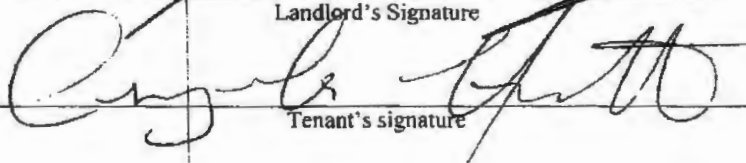
1. Time is of the essence of the performance of each party's obligations under the Lease Agreement.
2. The agreements contained in the Lease Agreement set forth the complete understanding of the parties and may not be changed or terminated orally.
3. No agreement to accept surrender of the Premises from Tenant will be valid unless in writing and signed by Landlord.
4. All questions concerning the meaning, execution, construction, effect, validity, and enforcement of the Lease Agreement shall be determined pursuant to the laws of Florida.
5. A facsimile or digital copy of the Lease Agreement and any signatures hereon shall be considered for all purposes originals.
6. As required by law, Landlord makes the following disclosure: "RADON GAS." Radon is a naturally occurring radioactive gas that, when it has accumulated in a building in sufficient quantities, may present health risks to persons who are exposed to it over time. Levels of radon that exceed federal and state guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your county health department.

**22. TENANT'S PERSONAL PROPERTY.**

TENANT MUST INITIAL IN THIS BOX FOR THE FOLLOWING PROVISION TO APPLY. BY SIGNING THIS RENTAL AGREEMENT, THE TENANT AGREES THAT UPON SURRENDER, ABANDONMENT, OR RECOVERY OF POSSESSION OF THE DWELLING UNIT DUE TO THE DEATH OF THE LAST REMAINING TENANT, AS PROVIDED BY CHAPTER 83, FLORIDA STATUTES, THE LANDLORD SHALL NOT BE LIABLE OR RESPONSIBLE FOR STORAGE OR DISPOSITION OF THE TENANT'S PERSONAL PROPERTY.

**[SIGNATURE BLOCK FOLLOWS]**

The Lease Agreement has been executed by authorized signatories on the dates indicated below.

	<u>3/13/2021</u>
Landlord's Signature	Date
	<u>3/13/2021</u>
Tenant's signature	Date

**EARLY TERMINATION FEE ADDENDUM**

As a penalty for early termination for no cause of the Lease Agreement, Tenant agrees to pay a one-time final payment of two thousand seven hundred forty-nine U.S. dollars and ninety cents (\$2,749.90) to Landlord.

_____	Landlord's Signature	_____	Date
_____	Tenant's signature	_____	Date



July 14, 2020

Angela Hamlett  
Sebi Social Services  
8027 Beechdale Drive  
Orlando, FL 32818

RE: Zoning Verification Letter (Z20002919)  
Address: 4527 San Sebastian Circle (as per submitted documentation)  
Parcel ID: 17-22-29-7802-01-070 (as per submitted documentation)

Dear Angela Hamlett:

This letter is in response to your request for verification of zoning relating to the property located at 4527 San Sebastian Circle, Orlando, Florida 32808 (Parcel ID# 17-22-29-7802-01-070). Verification of zoning pertains only to uses permitted on the property and does not imply fulfillment of any development standard required for improvement of the property. Your application requested verification that a residential group home would be permitted on the property, and you also checked the box next to "APD-Community Residential Home" on the application, and your affidavit of compliance indicates that there would be six residents at the facility.

This letter serves to verify that the subject property is located in an R-1A (Single Family Residential) Zoning District. The R-1A zoning district is intended to allow uses that are residential in nature with some uses/structures allowed by Special Exception. Uses within the R-1A zoning district are governed by Section 38-77, Orange County Code ("Use Table"), unless an express or implied preemption under Florida law applies. Pursuant to Section 38-77, a community residential home (CRH) serving six (6) or fewer residents is a permissible use subject to the conditions stated in Section 38-79(12), which has a restriction consistent with State law which provides that such homes shall not be located within a radius of 1,000 feet of another existing such home with six or fewer residents, or within a radius of 1,200 feet of an existing CRH (See Section 419.001(2), Florida Statutes). The information submitted with your application demonstrates that no such facilities or providers were found within 1,000 feet or 1,200 feet of 4527 San Sebastian Circle. Therefore the location criteria for this proposed facility appears to be met.

Based on the above, the proposed use of the property located at 4527 San Sebastian Circle (Parcel ID# 17-22-29-7802-01-070) as a six-resident APD-Licensed Community Residential Home is governed and permitted by Section 419.001, Florida Statutes (2019), and is not governed by Orange County Code, provided it satisfies the requirements of Section 419.001, Florida Statutes (2019).

**ZONING DIVISION**

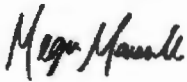
201 South Rosalind Avenue, 1st Floor ■ Reply To: Post Office Box 2687 ■ Orlando, FL 32802-2687  
Telephone 407-836-3111 ■ FAX 407-836-9611 ■ [orangecountyfl.net](http://orangecountyfl.net)

Ms. Angela Hamlett  
7/14/2020  
Page 2

The Orange County Zoning regulations are available on the internet at [www.municode.com](http://www.municode.com). To access our Code online, click on *Library*, then click on *Florida* and select *Orange County*.

We appreciate the opportunity to provide this information and should you require further assistance, please contact me at (407)836-5549 or [Megan.Marshall@ocfl.net](mailto:Megan.Marshall@ocfl.net).

Respectfully,



Megan Marshall  
Zoning Coordinator III

ZONING DIVISION

201 South Rosalind Avenue, 1st Floor ■ Reply To: Post Office Box 2687 ■ Orlando, FL 32802-2687  
Telephone 407-836-3111 ■ FAX 407-836-9611 ■ [orangecountyfl.net](http://orangecountyfl.net)