

Interoffice Memorandum

DATE: October 14, 2025

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A



FROM: Tanya Wilson, AICP, Director Planning, Environmental, and Development Services Department

CONTACT: Nicolas Thalmueller, AICP, DRC Chairman

PHONE: (407) 836-5523

DIVISION: Development Review Committee

ACTION REQUESTED:

Uphold the DRC action of September 24, 2025, to uphold the Zoning Manager's decision regarding the Notice of Violation (NOV) issued under FIR-25-08-0508. District 2.

PROJECT: Wekiva Springs Road – Tree Removal and Land Clearing Violation DRC Appeal (DRCA-25-09-226)

PURPOSE: Development Review Committee (DRC) Appeal Case # DRCA-25-09-226 located at Huanier Court, Apopka, FL 32712, generally located east of N. Wekiwa Springs Rd. and north of Votaw Rd. in District 2, is an appeal to the Board of County Commissioners (BCC).

The Wekiva Springs Road Preliminary Subdivision Plan (PSP) was originally approved in April of 2018. The PSP was subsequently amended and approved by the DRC in April of 2024. The site has been under construction since early 2021 under a Subdivision Construction Permit. On August 8, 2025, the Orange County Zoning Division conducted a field inspection requested by the owner and noted 20 protected trees were removed despite being shown for preservation on the approved plans. In total, the 20 trees removed measured 233 inches in diameter at breast height (DBH).

A formal violation (FIR-25-08-0508) was issued in August 2025. Per Sec.15-284 of the Orange County Code, the penalty for a violation requires that any inches removed be replaced at a 3:1 ratio. Therefore, the penalty for this violation requires payment of \$74,094, tree replacement/replanting of 699 inches on site, or a combination of both. An appeal of the Zoning Manager's decision regarding the Notice of Violation (NOV) and the associated penalty was submitted to the DRC. The appellant asserted that the tree

protection ordinance in effect prior to March 15, 2024, should apply since the removal of trees occurred in 2021, prior to the effective date of the new ordinance. Additionally, the applicant requested the excess tree preservation and mitigation credits under the approved PSP be applied to the penalty for the violation. Since the trees removed were not originally contemplated in the original PSP or the amended PSP, they must be mitigated under the current code. The DRC concluded that there were no grounds to overturn the Zoning Manager's decision and made a motion to uphold the Zoning Manager's decision regarding the enforcement action.

BUDGET: N/A