



Interoffice Memorandum

June 18, 2021

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: July 13, 2021 –Appeal Public Hearing
Applicant: Blueberry Heaven Ranch (Michaela Fazecas)
Appellants: Debra Barbour, Donnell Barbour, Patricia
Buchanan, Larry Murray, Mary Murray
BZA Case #SE-21-05-024, May 6, 2021; District 5

Board of Zoning Adjustment (BZA) Case # SE-21-05-024, located at 19325 Lake Pickett Road, Orlando, Florida, 32820, in the A-2 Farmland Rural district, in District 5, is an appeal to the Board. The applicant is requesting a special exception to allow boarding of horses for commercial purposes; a variance to allow an existing detached accessory structure to be located in front of the principal structure in lieu of behind or along side; a variance to allow an existing 1,200 sq. ft. metal barn with a south side setback of 9 ft. in lieu of 15 ft.; a variance to allow grass parking in lieu of improved parking; and a variance to allow grass drive aisles in lieu of improved drive aisles.

The subject property is located approximately 1,130 ft. north of Lake Pickett Rd., west of N. Fort Christmas Rd.

At the May 6, 2021 BZA hearing, staff recommended approval of the special exception and the variances. The BZA unanimously recommended approval of the requested special exception and variances with seven conditions of approval and with the addition of a new condition #8, which states "recreational riding of the boarded horses shall be limited to the subject property."

The appellants, Debra Barbour, Donnell Barbour, Patricia Buchanan, Larry Murray, and Mary Murray, object to the requests primarily because access to the site is provided via a private right-of-way parcel under shared ownership and the appellants are not in support of that right-of-way being utilized for commercial purposes.

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July 13, 2021 – Appeal Public Hearing
Blueberry Heaven Ranch (Michaela Fazecas)
BZA Case #SE-21-05-024, May 6, 2021; District 5

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 BCC. 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 5



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

Board of Zoning Adjustment (BZA) Appeal Application

Appellant Information

Name: Debra and Donnell Barbour, Patricia Buchanan, Larry and Mary Murray

Address: 19309 Lake Pickett Road, 19315 Lake Pickett Road, 19311 Lake Pickett Road

Email: bndb03@aol.com Phone #: 4079486273

BZA Case # and Applicant: SE-21-05-024 (Blueberry Heaven Ranch)

Date of BZA Hearing: March 6, 2021

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

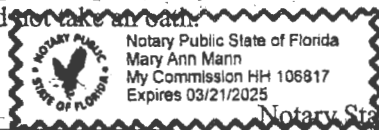
See attached

Debra Barbour, Donnell Barbour, Patricia Buchanan, Larry Murray, Mary B. Murray
Signature of Appellant: ↑ ABOVE Date: 5/19/21

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 19 day of May, 2021, by the family listed above who is personally known to me or who has produced FLID as identification and who did/did not take an oath.

Mary Ann Mann
Notary Public Signature



Notary Stamp:

D. Barbour B616 173 80 0980
D. Barbour B616 162 79 9210
Patricia Buchanan B 255 683 53 7940
Larry Murray M 600 533 76 3420
Mary Murray M 600 582 76 9470

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.

Case # SE-21-05-024 (Blueberry Heaven Ranch)

Orange County Zoning Board Members,

Thank you so much for your consideration of our appeal for the special variance/exemption for Blueberry Heaven Ranch to become a commercial business. During the meeting, board members acknowledged that the additional shared parcel was an area of concern for all shared owners as well as the board members. It was noted that there was question as to the legality and it was stated more than once that the board didn't want any unintended consequences for the other owners. However, concerns were dismissed due to adding a stipulation that horses would not be able to be ridden on the shared parcel.

Upon completion of the board meeting, the following information was gathered as to the unintended consequences that would result in the approval of Blueberry Heaven Ranch becoming a commercial business:

- We contacted our homeowner's insurance companies. Each company stated that they do not wish to take on liability for a commercial business regardless of the size of the business. The companies stated that one of two scenarios will occur:
 1. Our homeowners insurance will be increased significantly due to added liability that will be required due to a commercial business utilizing the shared parcel, thus all parties are liable.
 2. Our homeowners insurance will be canceled due to the company not wishing to take on additional liability.
- We retained an attorney specializing in land/joint ownership. The following are the findings of our lawyer:
 1. All parties are joint owners and thus joint liability is placed on all parties.
 2. Any person utilizing the joint owned parcel for commercial purposes is able to hold liable any/all joint owners if any circumstance deems necessary.
 - For example, if a horse trailer tips over while attempting to avoid another oncoming vehicle due to the shared parcel being a single lane, the owner and/or operator of the vehicle can hold all joint owners liable for damage to trailer or other items (such as a horse). Thus, merely stating that "horses may not use shared parcel" is not enough to satisfy limited responsibility.
 3. Due to the shared parcel not specifying ingress/egress rights and responsibilities, the rights of joint owners must be litigated and determined by a judge or jury upon acceptance of this special commercial exemption.
 4. Representation for pursuit of litigation as well as a "cease and desist" to our neighbors and thus the Orange County Zoning Board would be the next actionable items.

While we understand that Blueberry Heaven Ranch notes that there is only an average of 1.2 visitors per day, our homeowners insurance companies do not distinguish between just a few and hundreds of visitors daily. It is essential to note that this shared parcel does not follow the standard regulations as other rural areas that may request a special variance/exemption to become commercial. This shared parcel, and thus shared responsibility, is unique to our situation. Based on this appeal, we would also request to go on record that if approved, pursuit of liability resulting from said commercial business, Orange County could be deemed negligent, a claim can be filed against the government body, and these claims may be covered by Orange County's liability insurance.

Letters from the insurance companies, as well as the retained attorney are available upon request.

**PLANNING, ENVIRONMENTAL, AND DEVELOPMENT SERVICES DEPARTMENT
ZONING DIVISION PUBLIC HEARING REPORT
July 13, 2021**

The following is a public hearing on an appeal before the Board of County Commissioners on July 13, 2021 at 2:00 p.m.

APPLICANT: BLUEBERRY HEAVEN RANCH (MICHAELA FAZECAS)

APPELLANTS: DEBRA BARBOUR, DONNEL BARBOUR, PATRICIA BUCHANAN, LARRY MURRAY, MARY MURRAY

REQUEST: Special Exception and Variances in the A-2 zoning district as follows:
1) Special Exception to allow boarding of horses for commercial purposes.
2) Variance to allow an existing detached accessory structure to be located in front of the principal structure in lieu of behind or along side.
3) Variance to allow an existing 1,200 sq. ft. metal barn with a south side setback of 9 ft. in lieu of 15 ft.
4) Variance to allow grass parking in lieu of improved parking.
5) Variance to allow grass drive aisles in lieu of improved drive aisles.

LOCATION: 19325 Lake Pickett Road, Orlando, Florida, 32820, approximately 1,130 ft. north of Lake Pickett Rd., west of N. Fort Christmas Rd.

TRACT SIZE: 330 ft. x 1,320 ft./ 10 acres

ZONING: A-2

DISTRICT: #5

PROPERTIES NOTIFIED: 54

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

Staff briefly described the proposal, including the location of the property, the site plan, the existing improvements, and photos of the site. Staff provided an analysis of the six (6) special exception and the six (6) variance criteria and the reasons for a recommendation of approval since the proposed use of the property is consistent with adjacent agricultural properties. Staff explained the history of the property, including the Code Enforcement history. Staff noted that one comment was received in support and one comment was received in opposition.

The owner described the operations, including the number of horses to be boarded, noted the age of the horses and the infrequency of the visitation of the owners of the horses. She emphasized that riding lessons or classes are not provided and has asked that any riding of horses be contained onsite.

No one was present to speak in favor of the application. Eight persons spoke in opposition to the requests, discussing issues such as the riding of horses across private property lines, and the parking and traffic along the access drive.

The BZA discussed the access to the site, the use of the commonly owned access parcel by riders and discussed the addition of a condition to prohibit boarders from riding offsite. The BZA unanimously recommended approval of the special exception and the variances, subject to the seven (7) conditions in the staff report and the addition of condition #8, which states "recreational riding of the boarded horses shall be limited to the subject property."

BZA HEARING DECISION:

A motion was made by Wes Hodge, seconded by Juan Velez and unanimously carried to recommend APPROVAL of the Special Exception request in that the Board finds it met the requirements governing Special Exceptions as spelled out in Orange County Code, Section 38-78, and that the granting of the Special Exception does not adversely affect general public interest; and to recommend APPROVAL of the Variances request in that the Board made the finding that the requirements of Orange County Code, Section 30-43(3) have been met; further, said approval is subject to the following conditions (unanimous; 7 in favor and none opposed):

1. Development shall be in accordance with the site plan and elevations dated March 10, 2021, 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 site shall be limited to boarding no more than a total of ten (10) horses at any one time, including the owners' horses.

5. Permits for all unpermitted accessory structures shall be obtained within 2 years of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
6. Provide one (1) handicap parking space adjacent to the existing residence with a stabilized access trail to the main paddock located behind the residence.
7. Hours of operation shall be limited to 8 a.m. to 6 p.m. daily.
8. Recreational riding of boarded horses shall be limited to the subject property.

BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAY 06, 2021**

Case Planner: **David Nearing, AICP**

Case #: **SE-21-05-024**

Commission District: **#5**

GENERAL INFORMATION

APPLICANT(s): **BLUEBERRY HEAVEN RANCH (MICHAELA FAZECAS)**

OWNER(s): **MICHAELA FAZECAS, HANS PEDER HAGGLUND**

REQUEST: **Special Exception and Variances in the A-2 zoning district as follows:**

- 1) Special Exception to allow boarding of horses for commercial purposes.
- 2) Variance to allow an existing detached accessory structure to be located in front of the principal structure in lieu of behind or alongside.
- 3) Variance to allow an existing 1,200 sq. ft. metal barn with a south side setback of 9 ft. in lieu of 15 ft.
- 4) Variance to allow grass parking in lieu of improved parking.
- 5) Variance to allow grass drive aisles in lieu of improved drive aisles.

This is the result of Code Enforcement action.

PROPERTY LOCATION: **19325 Lake Pickett Road, Orlando, Florida, 32820, approximately 1,130 ft. north of Lake Pickett Rd., west of N. Fort Christmas Rd.**

PARCEL ID: **02-22-32-0000-00-035**

LOT SIZE: **330 ft. x 1,320 ft./+/-10 acres**

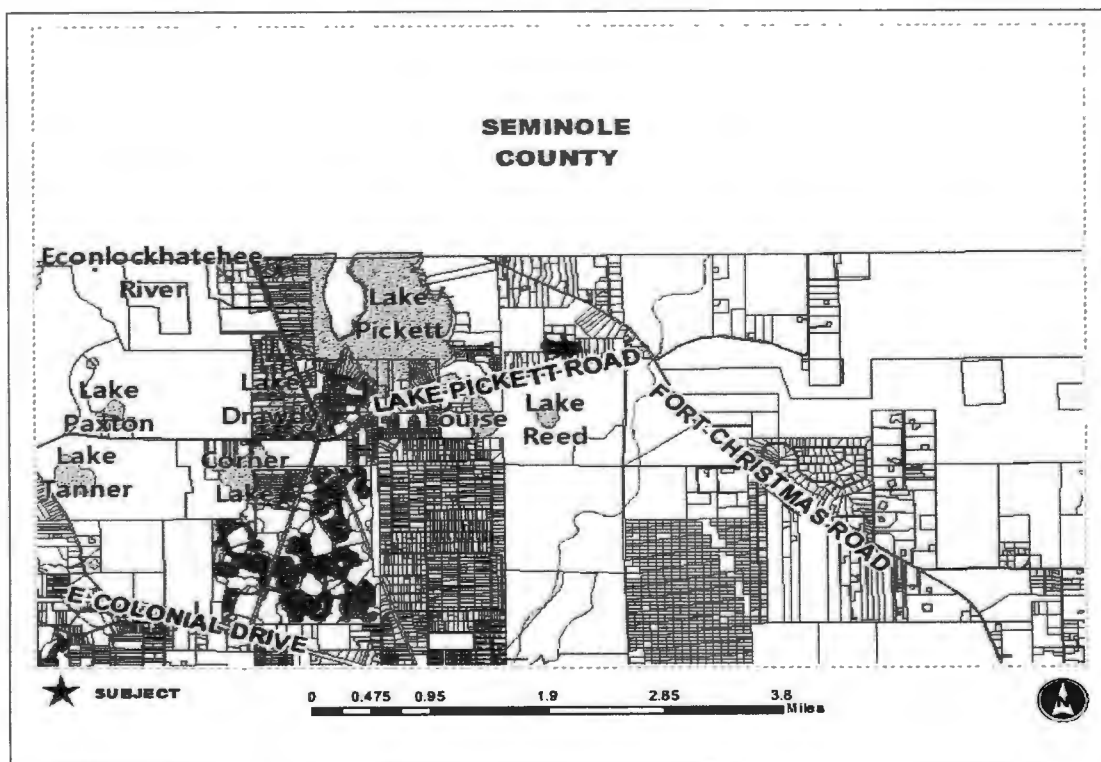
NOTICE AREA: **1,500 ft.**

NUMBER OF NOTICES: **54**

STAFF RECOMMENDATIONS

Approval, subject to the conditions in this report.

LOCATION MAP



SITE & SURROUNDING DATA

	Property	North	South	East	West
Current Zoning	A-2	A-2	A-2	A-2	A-2
Future Land Use	R	R	R	R	R
Current Use	Single-family residence w/horse barn and outbuildings	Single-family residence w/horse barn	Agricultural, single-family, & mobile home	Mobile home	Communication tower & associated support structures

BACKGROUND AND ANALYSIS

DESCRIPTION AND CONTEXT

The property is located in the A-2 Farmland Rural zoning district, which allows agricultural uses, mobile homes, and single-family homes with accessory structures on larger lots. Certain agriculturally based non-residential uses, such as the boarding of horses, are permitted through the Special Exception process.

The subject property is an approximately 10 acre unplatted parcel of land improved with a 3,470 sq. ft. two-story home and a 770 sq. ft. garage attached by a covered breezeway. The home was constructed in 1976. In addition to the residence and garage, there are five (5) detached accessory structures located on the property. The current owners purchased the property in May 2019.

The applicants are requesting a Special Exception to permit them to legally board horses on the property. The horses are free-grazed, which limits the number that can be kept on the property (personal and/or boarded) to 10 horses. During a site visit the owners indicated that they do not intend to have any more than a total of eight (8) horses on the property at any one time. The existing barn which was constructed in 2020 (B20019920) will ultimately contain two (2) stalls which will be used to house horses which need to be out of the elements, or isolated due to illness. Some of the existing accessory structures are vacant, and act as shelters should the horses wish to get out of the sun or the rain.

Access to the subject property is via a privately owned separate parcel of land which extends from the south property line of the subject property south to Lake Pickett Rd. This parcel is owned jointly by the owners of the subject property, and all property owners to the north of them. There is an access easements across the west 30 ft. of the subject property providing ingress and egress to the properties to the north.

Building #1 is a 21 ft. x 12 ft. shed located in front of principal structure, requiring Variance #2. Building #2 is a 4.5 ft. x 6 ft. pump house located northeast of the residence. Building #3 is a 19.5 ft. x 16 ft. shed located to the east of the residence. Building #4 is a 28 ft. x 24 ft. detached garage located south of the shed. Building #5 is a 30 ft. x 40 ft. metal barn located nine (9) ft. from the south property line, requiring Variance #3, for a total of 2,463 sq. ft. of detached accessory structure floor area. The maximum floor area permitted in the A-2 zoning district is 3,000 sq. ft. The square footage is compliant with the code.

the accessory structures, only the barn was built (B20019920). The rest of the accessory structures were installed without permits prior to the current ownership.

The request is to allow Building #1, an existing shed, to remain in front of the principal structure, which is over 240 ft. from the front property line, and over 210 ft. to the 30 ft. cross access easement. Based on a review of historical aerial photos, the shed was installed prior to 1995.

When the barn was constructed, it met the five (5) ft. side setback standards for an accessory structure. However, per code, any structure, paddock, or exercise area associated with the boarding of horses is to be located 15 ft. from any side or rear property line. Once the barn was used for the boarding of horses, setback requirements changed. The barn is nine (9) ft. from the south side property line, requiring Variance #3.

Variances #4 and #5 are requested to allow the owners to utilize grass parking and drive aisles in an attempt to retain the rural character of the area. According to the owners, visits by boarders are infrequent and sporadic. Even though the Special Exception will allow for a commercial use, the infrequent visiting patterns do not warrant the provision of formal surface parking facilities. Even use of 57 stone would be out of character in a rural setting. The grass parking and drive aisle allow the property to appear as a typical horse farm.

The parking area is able to accommodate up to eight vehicles. Boarders wishing to take their horse from the site will pull into the main pasture area to the south and east of the house with their truck and trailer to load the horses. No special parking facilities are needed for trailers, which are not stored on the property, with the exception of the owner's personal trailer. Per the parking regulations, a commercial venture shall have no less than three (3) parking spaces. According to the applicant there have never been more than two (2) boarders visiting at any one time and their activity log shows an average of 1.2 visitors per day, including veterinarians and trainers. Most of the boarded horses are older, and older retired horses are seldom ridden. Therefore, the eight (8) spaces provided will be sufficient to accommodate not only visiting boarders, but also veterinarian and trainers who must also have an appointment to gain access. There are no employees other than the owners, so no additional parking is needed, as the owners' park in the garage attached to the home. They have no events such as riding competitions or shows.

In 2020, the owners began commercially boarding horses without Special Exception approval. They were cited by a code enforcement officer in February 2021 (Incident #585505) for operating a commercial horse boarding business without a Special Exception. Approval of the requested special exception will allow the owners to continue legally operating boarding of up to 10 horses.

The boarding operation will allow visits by appointment only between the hours of 8a.m. and 6 p.m. The owners control access, so the ranch is not open to the public. The horses graze, which limits the number of horses allowed to be kept on the property to one (1) per acre, or 10 for the subject site.

The owners compost some of the manure to be used as fertilizer for the pasture and their garden. The piles are required to be a minimum of 30 ft. from any side or rear property line. However, the owners are proposing 40 ft. from the south side property line. The rear property line is over 600 ft. to the east.

Due to how the business operates, with visitation by appointment only, and access controlled by the owners, a handicap parking space, which is required, does not need to be located in the parking area at the entrance. The space would be more convenient if located up at the residence, which is in close proximity to the main paddock located behind the residence.

The Orange County Transportation Planning Division and Environmental Planning Division have reviewed the report and have no comments.

As of the preparation of this report, the owners had provided a letter of support from the abutting neighbor immediately north of the subject property, and from one of the boarders.

District Development Standards

	Code Requirement	Proposed
Max Height:	35 ft. Residence/15 ft. Accessory structures	25 ft. Residence/14 ft. Barn
Min. Lot Width:	100 ft.	330 ft.
Min. Lot Size:	0.5 acres (21,780 sq. ft.)	9.95 acres

Building Setbacks (that apply to structure in question) (Measurements in feet)

	Code Requirement	Proposed
Front:	35 ft.	Building #1, 242 ft. (Variance #2)
Rear:	Accessory structures in conjunction with boarding operations 15 ft.	Building #3, 740 ft.
Side:	5 ft. Accessory structures up to 15 ft. in height	Building #1, 65 ft. North/226 ft. South (Variance #2) Building #2, 101 ft. North/228 ft. South Building #3, 148 ft. North/165 ft. South Building #4, 65 ft. North/62 ft. South 291 ft. North (Variance #3)/ Building, #5 9 ft. South

STAFF FINDINGS

SPECIAL EXCEPTION CRITERIA

Consistent with the Comprehensive Plan

The commercial boarding of horses is permitted in the A-2 district through the Special Exception process. As such, with the approval of the Special Exception, the proposed use will be consistent with the Comprehensive Plan.

Similar and compatible with the surrounding area

The proposed use will be compatible with the surrounding properties since there is a mix of agricultural uses, including horse operations and residential homes.

Shall not act as a detrimental intrusion into a surrounding area

The proposed location of the operation on the subject property will not negatively impact the surrounding area. All improvements with the approval of the proposed variances, will meet code.

Meet the performance standards of the district

With approval of the variances, the proposal will meet the performance standards for the commercial boarding of horses per the zoning code.

Similar in noise, vibration, dust, odor, glare, heat production

The use will not generate any more noise, vibration, dust, odor, glare, or heat than any other typical agricultural uses in the area.

Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code

No supplemental landscaping will be required for the proposal since the operations are agricultural, consistent with the surrounding uses in the area.

VARIANCE CRITERIA**Special Conditions and Circumstances**

Pertaining to Building #1 (Variance #2), the structure has been in the same location for over 25 years and is located over 240 ft. from the front property line, which is a special condition and circumstance. Also, the subject property's frontage is not a road but a cross access easement so the building is not visible from a street.

Further, the special circumstance pertaining to the location of the metal barn, Building #5 (Variance #3) is that although the conversion of the operation of property for boarding requires an increased setback the nearest residential structure is located over 900 ft. from the south side property line.

Variances #4 and #5

The proposed infrequency of the use of the area for parking and the rural character of the area is the special circumstance.

Not Self-Created

Building #1 has been in its current location for over 25 years prior to the owners purchasing the property. This is not self-created.

The building was permitted to meet code, however, the conversion of the property to a commercial boarding operation results in the need for increased side setbacks. Further, the highly infrequent use of the area for parking, and the desire to maintain the property in a rural setting, this is not a self-created hardship.

No Special Privilege Conferred

Allowing Building #1 to remain in front of the principal structure will not confer a special privilege, but rather allow a condition which has existed for over 25 years to remain. Given the size of the subject property, and that the adjacent agricultural parcel (11 acres), allowing the barn to remain over nine (9) ft. from the south side property will not be conferring a special privilege, and would be imperceptible. It is common to allow unpaved parking for uses that have less frequent use pattern. The property will be used for pasture and agricultural operation when not used otherwise. Allowing for the parking and drive aisles to remain grassed is not conferring a special privilege because of the infrequent use.

Deprivation of Rights

Without the approval of the variances the owners will be required to demolish or relocate the structure which has been in its current location for over 25 years, and without the setback variance for Building #5 would require the owners to essentially reconstruct the metal barn for a setback difference of six (6) ft., considering the nearest residence is over 900 ft. to the south.

Without the variances for grassed parking and drive aisles, the owner would be required to pave improvements that will be very infrequently used and negatively impact the surrounding area.

Minimum Possible Variance

Allowing Building #1 (Variance #2) to remain in the same location in front of the principal structure for the last 25 years, and allowing the metal Building #5 (Variance #3) to remain in its current location with a separation distance of over 900 ft. to the nearest residential structure to the south would be the minimum variances necessary.

taining to Variances #4 and #5, allowing the parking area to remain natural in appearance with grassed parking and drive aisles would be the minimum variances need to meet the required needs.

Purpose and Intent

Granting of the requested variances will be in harmony with the purpose and intent of the code by preserving the character of the area and the agricultural nature of the subject property and neighborhood.

CONDITIONS OF APPROVAL

1. Development shall be in accordance with the site plan and elevations dated March 10, 2021, 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 site shall be limited to boarding no more than a total of ten (10) horses at any one time, including the owners' horses.
5. Permits for all unpermitted accessory structures shall be obtained within 2 years of final action on this application by Orange County, or this approval is null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
6. Provide one (1) handicap parking space adjacent to the existing residence with a stabilized access trail to the main paddock located behind the residence.
7. Hours of operation shall be limited to 8 a.m. to 6 p.m. daily.

C: Michaela Fazecas
19325 Lake Pickett Rd.
Orlando, FL 32820

COVER LETTER

Application for Special Exception with Orange County

Applicants and owners:

Michaela Fazecas
Hans Peder Hagglund
19325 Lake Pickett Road
Orlando, FL 32820
407-687-9086
Michaela.fazecas@gmail.com

Parcel ID: 02-22-32-0000-00-035

Proposed Project:

We (Michaela Fazecas and Peder Hagglund) are two homeowners – full time professors at University of Central Florida – who moved to the address above after purchasing the property in May 2019. We left Oviedo, Seminole County, with the intention of leaving a suburban life in exchange for peaceful and quiet country living, with convenient access to work. Our dream to own horses was realized with the adoption of Merlin, a 15-year-old thoroughbred (who actually came with the property), and later added Skye, a 12-year-old mini, as well as Frosty, a 24 year old Tennessee Walker. These equines are all rescues. We set up an LLC – Blueberry Heaven Ranch – in order to put the 10-acre property to use and decided to take in a few boarders. We currently have 4 boarders living at our hobby farm:

Storm, 27 years old
Penny, 21 years old
Chance, 16 years old
Bella, 11 years old

The owners' age ranges from 30 to early 70s. Two are retirees, one is a schoolteacher, and another one is a nurse who travels frequently.

Our barn, which was recently built (permit # B20019920) serves as housing for both our boarders' horses as well as our own horses. This addition to the property was an improvement, along with painted white fences and some landscaping and upgraded and painted pasture shelters for the horses.

Our small, family run facility caters to retired horses. None of our horses are competitive, there is no significant training at our farm, other than the expected periodic exercise of horses for the sake of keeping them healthy and fit. Traffic to our facility consists of occasional visits (as required) by the veterinary (Dr. McCallister), as well as monthly farrier service and a horse trainer. The owners visit their horses on average once or twice per week, and with the exception of the occasional trailering by the two retirees – who take their horses for trailer rides at the Orlando Wetlands around the corner from our house – there is very little traffic associated with our business. Our visitor log indicates that our boarders visit on average 1.5 times/day and spend on average 45 minutes – 1 hour on the property tending to their horses.

The hobby farm is limited to maximum of 7 large horses, including our own, so there will never be more than this amount of boarders/owner horses residing at the property at any given time now or in the future. This is done on purpose (even though based on OC code, we are allowed up to 10 horses on the 10 acre property) because we want to ensure that the management of the pastures, including the quality of the grazing remains high quality.

When we moved here, we found that country living is not always as quiet and peaceful as some might expect. What we found is that even with only a handful of neighbors, the property down the street from us has "hunting" dogs, who are housed in a kennel – sadly, these dogs have never been seen outside the kennel since we have lived here; while they are fed and have shelter and water, they will cry and bark for many hours, both day and night. As a side note, it is very sad and unethical that this is allowed by law. Additionally, one of the neighbors' dogs who is not a "hunting" dog but who is allowed to live inside their house, is never on a leash, and frequently will be running across the next-door neighbor's pasture and then into our pasture. Furthermore, one of the neighbors also owns several donkeys. Our vet informed us that one of the donkeys had been infected with EEE last fall since they never vaccinate their animals, and she had to be euthanized. Whether or not the dogs are vaccinated, we have not asked. We were never told by the neighbor why the donkey died, even though they know we have horses and must be aware that EEE is a very contagious disease, carried by mosquitoes.

The neighbors' children have frequently used the road in front of our property as a racetrack riding their 4-wheelers, sometimes for several hours, and stir up dust, make noise and force our horses to the back of the property. Additionally, we teach at UCF and are currently only teaching online, so it is very disruptive. I say this because – as per Special Exception Criteria, Section 38 -78, #5 – I want to point out that none of our boarders, nor our friends and family who come to visit our property, engage in any of that level of noise, nuisance, dust or disturbance. Since the BCC is asking us to obtain a Special Exception due to, among other items, ensure that our business does not contribute negatively in any way to the surrounding area and residence, it is important that I point this out. The noise, nuisance and disturbance are already in existence - not from our business, but rather from the surrounding residents. I guarantee that none of the activities associated with our boarding business has contributed, or will contribute to any further dust, disturbance or noise than is already produced by neighbors.

During the process of obtaining the permit for our barn, I also attempted to find an answer to whether or not any other special permits/exceptions are needed to run our facility. Unfortunately, I was given conflicting information over the course of 8 months, and my 2 emails to the county Zoning Division (from last month) went unanswered. When I finally was able to reach someone at the Zoning Division via phone (Ms. Mary Parker), I was told that we do not need any special permit or exception – I was very clear about our boarding facility, but she assured me that as long as we do not have more than 10 horses on our 10-acre property we are fine and don't need this special exception. After much internet searching, and a phone call to Code Enforcement, we finally were able to obtain the proper forms even though we were still unsure if this special exception is required for our small hobby farm. I am only making this known so that the BCC understands that our intention was never to avoid fulfilling our legal obligations, however, it was just an unfortunate miscommunication that has now been resolved.

Per Orange County Special Exception Criteria:

The use shall be consistent with the Comprehensive Policy Plan

This is A1/A2 zones and while some of the surrounding areas are becoming somewhat developed, the properties in the immediate vicinity which border our parcel are not developed and are occupied by cows. Additionally, the horses on our property are not the only ones in this area; our neighbor has 2 horses, who are competitive barrel racers and who leave the property much more frequently than any of our horses. Another neighbor has 3 horses, and yet another neighbor has 3 donkeys. Beyond this, I am not sure what the "comprehensive policy plan" means.

The use shall be similar and compatible with the surrounding area and shall be consistent with the pattern of surrounding development

As per statement above, the surrounding area is wooded/wetland/pastoral. There are 6 neighbors on our private road, one of which has 2 horses, another which has 3 donkeys and a kennel of hunting dogs, and several other dogs. Another neighbor has 3 horses. Therefore, the use of our property by boarders, who visit occasionally, is not in any way different or incompatible with the use and/or traffic of any of the other properties on the road. In fact, our property is the first one the visitors will encounter, therefore, none of our visitors, boarders, delivery etc., pass any of our neighbor's property.

The small hobby farm contributes to the local economy through veterinary fees, farrier service, trainers, feed, hay and other maintenance and equipment associated with the general operation of a horse farm. While the operation is not large and does not generate significant income, it does generate a good amount of economic activity to the local community such as the Tractor Supply Store, the local veterinary clinic and other stores and suppliers. As the surrounding area is developing, our farm offers suburban horse owners a safe and convenient place to board their horse, which additionally contributes to the local economy. There are several other horse boarding facilities in the neighboring area, both in the town of Christmas as well as on Lake Pickett Road, so our facility is not an anomaly or an intrusion to the already existing landscape and is compatible with the local services already provided by other boarding facilities.

It should also be noted that there is a great need and interest in small, hobby farm boarding facilities in this area, and our wait list is growing; part of the attraction of our property is the location, as well as the fact that we only accept mares and geldings who are older, and the fact that there is very little traffic or disturbance associated with our business. Our farm is a place for our customers to come and enjoy their horses in peace and quiet.

The use shall not act as a detrimental intrusion to the surrounding area

Since the property is the first one on the private road, and closest to the main road (Lake Pickett), no traffic passes any of the other properties located in the surrounding area. Additionally, we do not allow any unaccompanied children/teens on to the property, and no children/teens are allowed to ride any of the horses. Furthermore, none of the horses are used for giving lessons – not our own horses, and not our boarders' horses. It is simply not that kind of boarding facility.

Lake Pickett Road is becoming busy due to the increased housing development, so our small hobby farm is by no means a detrimental intrusion to the surrounding area considering the fact that hundreds of new homes are being built, increasing traffic and noise significantly. None of that traffic, intrusion or activity is associated with our hobby farm, but rather it comes from the new sub-divisions in the area.

The use shall meet the performance standards of the district in which the use is permitted

The property consist of the following:

The main residence

The horse barn (see permit # above)

A workshop/storage for farm equipment including lawn mowers

2 run in shelters for horses – one in the front pasture, one in the back pasture

One small horse trailer is parked on the property, not visible from the street

The property is fenced with traditional wooden fence as well as electric fencing for the safety of the horses

This farm was built in the 1970s and there have always been horses on the property.

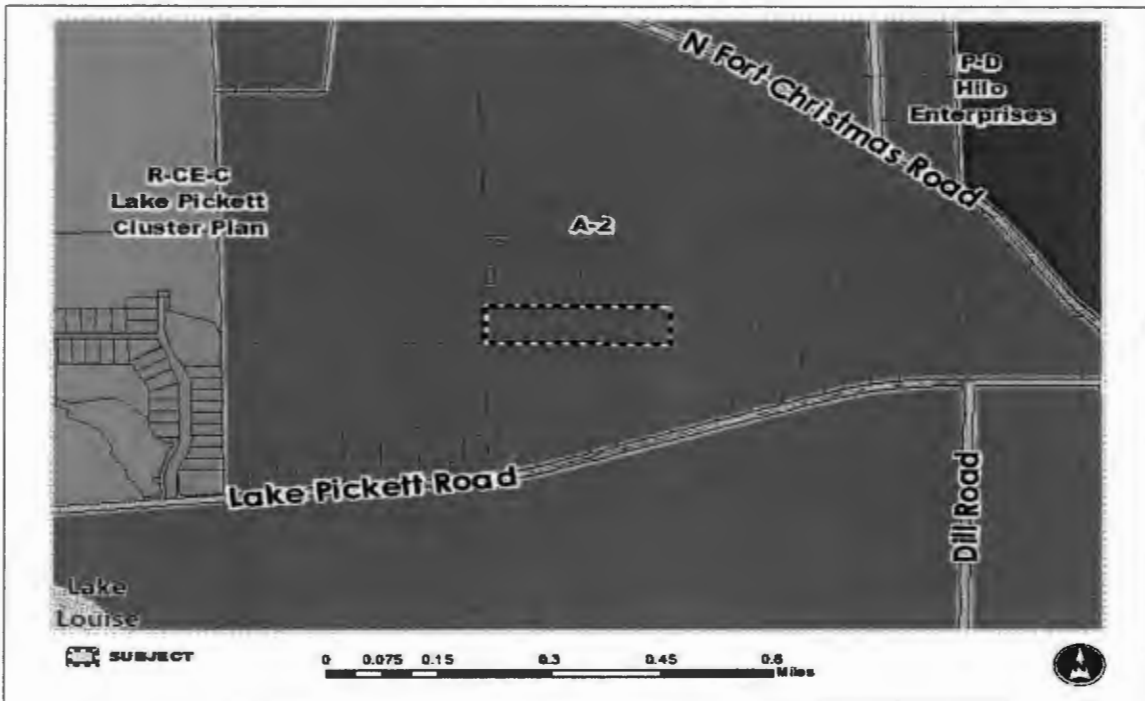
The use shall be similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the zoning district

As mentioned previously, the only visitors associated with the care of our horses are the farrier, the veterinarian, the trainer and the boarders. While our hours of operation are generally 8 – 7 daily, the only boarders who come to visit their horses more regularly are the two retirees, who come 3 – 4/week; all boarders park inside of our property – since our property is the first house when entering the private dirt road, none of the traffic passes any of our neighbors. Finally, the horse manure is discreetly placed in a compost pile in the back of our property, away from the fence line by at least 30 feet and away from homes or structures by at least 30 feet. As the property is surrounded by other small farms and several cow pastures, our horse farm contributes no more to “noise, vibration, dust, odor, glare...etc.” than any of the surrounding farms/pastures or properties.

Landscape buffer yards shall be in accordance with section 24 -5 of the Orange County Code.
Buffer yard types shall track the district in which the use is permitted.

The existing landscape is in-tact as it has been since the property was developed in mid-1970s. the upgrades to the fence of the property include replacement of old fencing with new, white picket fence to enhance the overall aesthetic appearance of the entrance and the property as a whole; the previously overgrown wooded area has been cleared of weeds and landscaping has enhanced the visual aesthetics as well as enabled the use of the land by both horses and residents; an old haphazardly built pond in the front pasture has been filled, eliminating 90% of mosquito activity in the summer months. The pasture shelters as well as the new barn are placed in such a manner as to ensure the landscaping and flow of movement of horses does not disturb the surrounding properties.

ZONING MAP

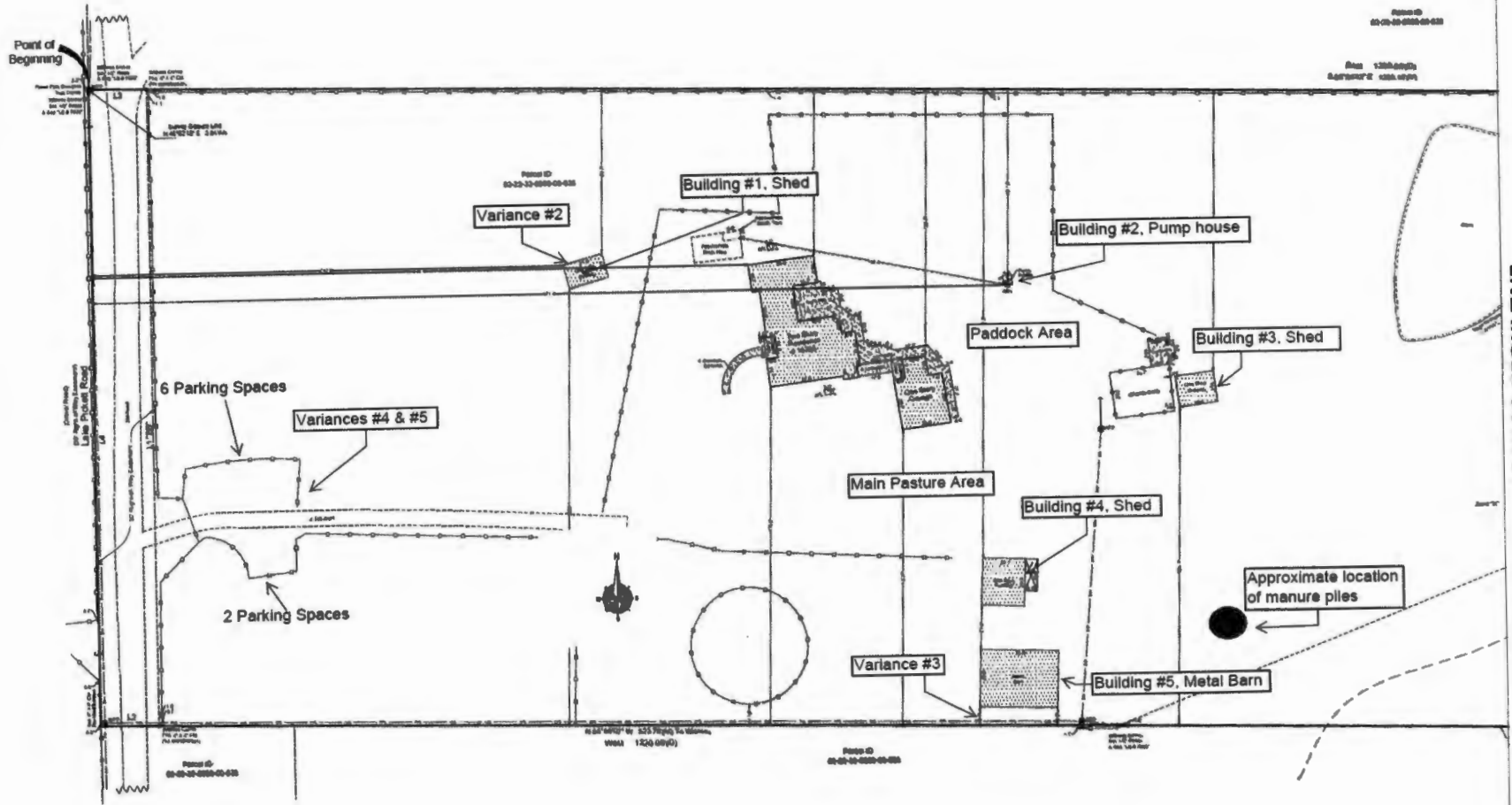


AERIAL MAP

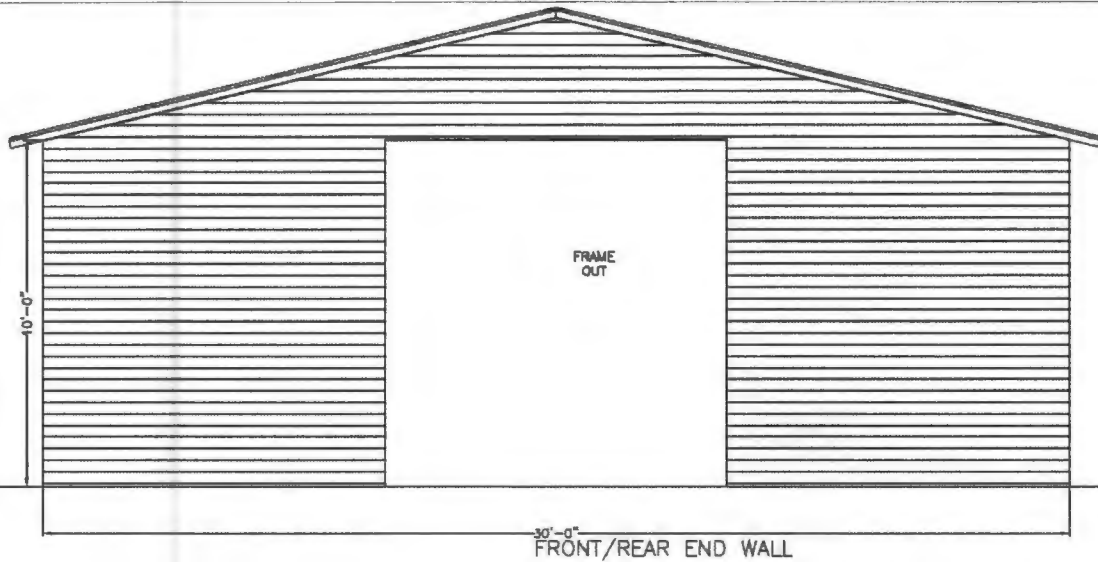


SURVEY

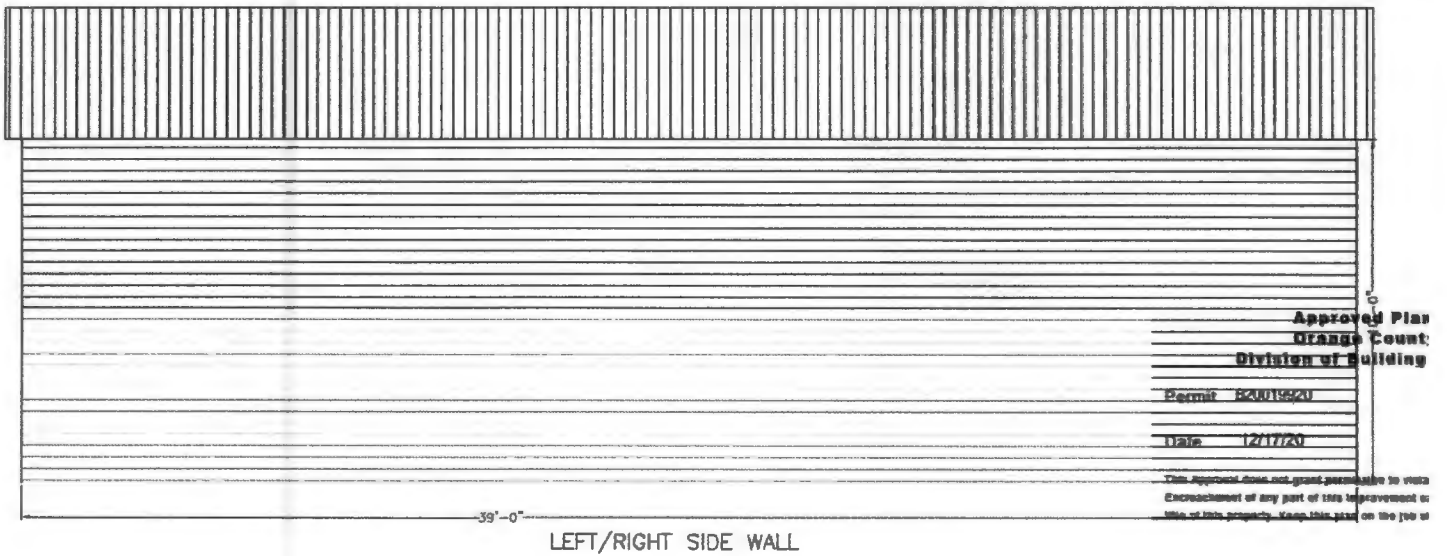




BARN ELEVATIONS



PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEAL
THE SHA AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPY



SITE PHOTOS



Subject property looking northeast



Barn subject of Variance #3 looking southeast

SITE PHOTOS



Proposed south parking area (2 spaces) looking southwest



Proposed north parking area (6 spaces) looking northwest