

**Opposition to Variance and  
Special Exception Applications for  
6713 New Hope Rd. ; deny Special  
Exception for landscape and irrigation  
business (per staff recommendation in  
BZA staff report)**

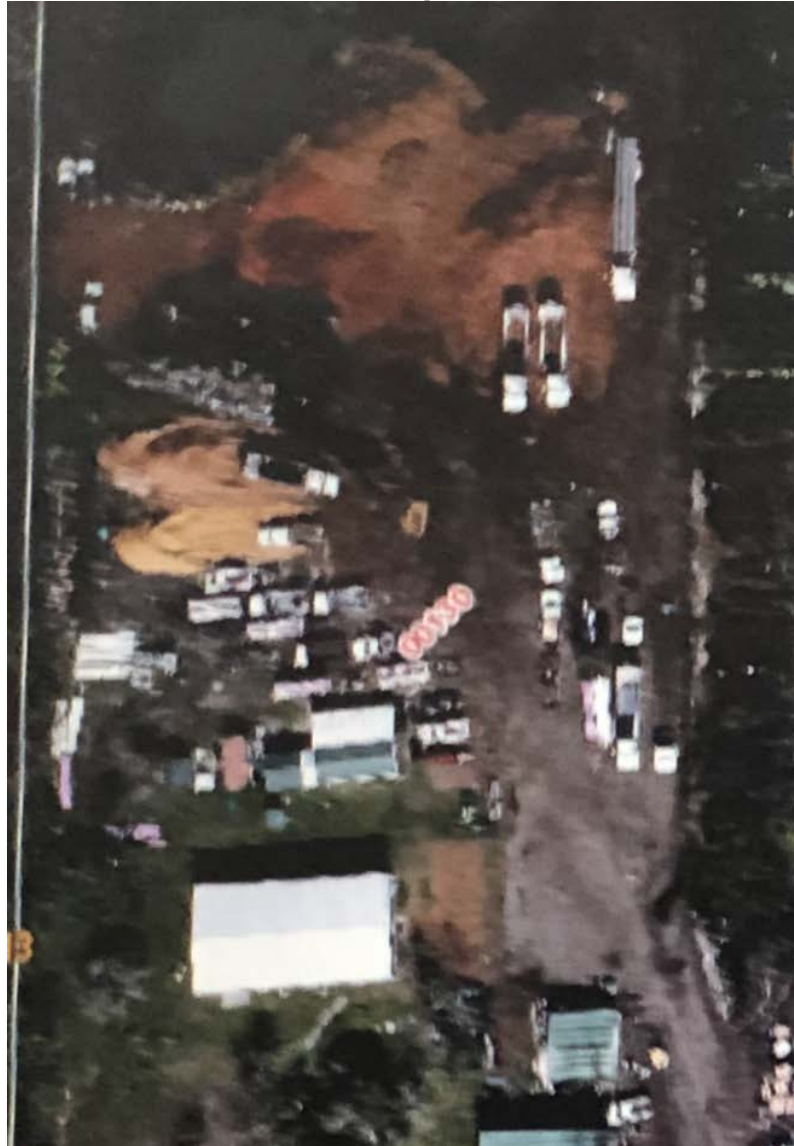
**By: Alison M. Yurko, counsel for Giles Ashe, Tetyana Rai**  
Attorney, Owner Alison Yurko, P.A.  
Board Certified in City, County and Local Government Law

# BURDEN OF PROOF ON APPLICANT TO PROVE COMPLIANCE WITH SPECIAL EXCEPTION CRITERIA

## (1) Use must be similar and compatible with surrounding area

Estate homes on New Hope Road

6713 New Hope Road

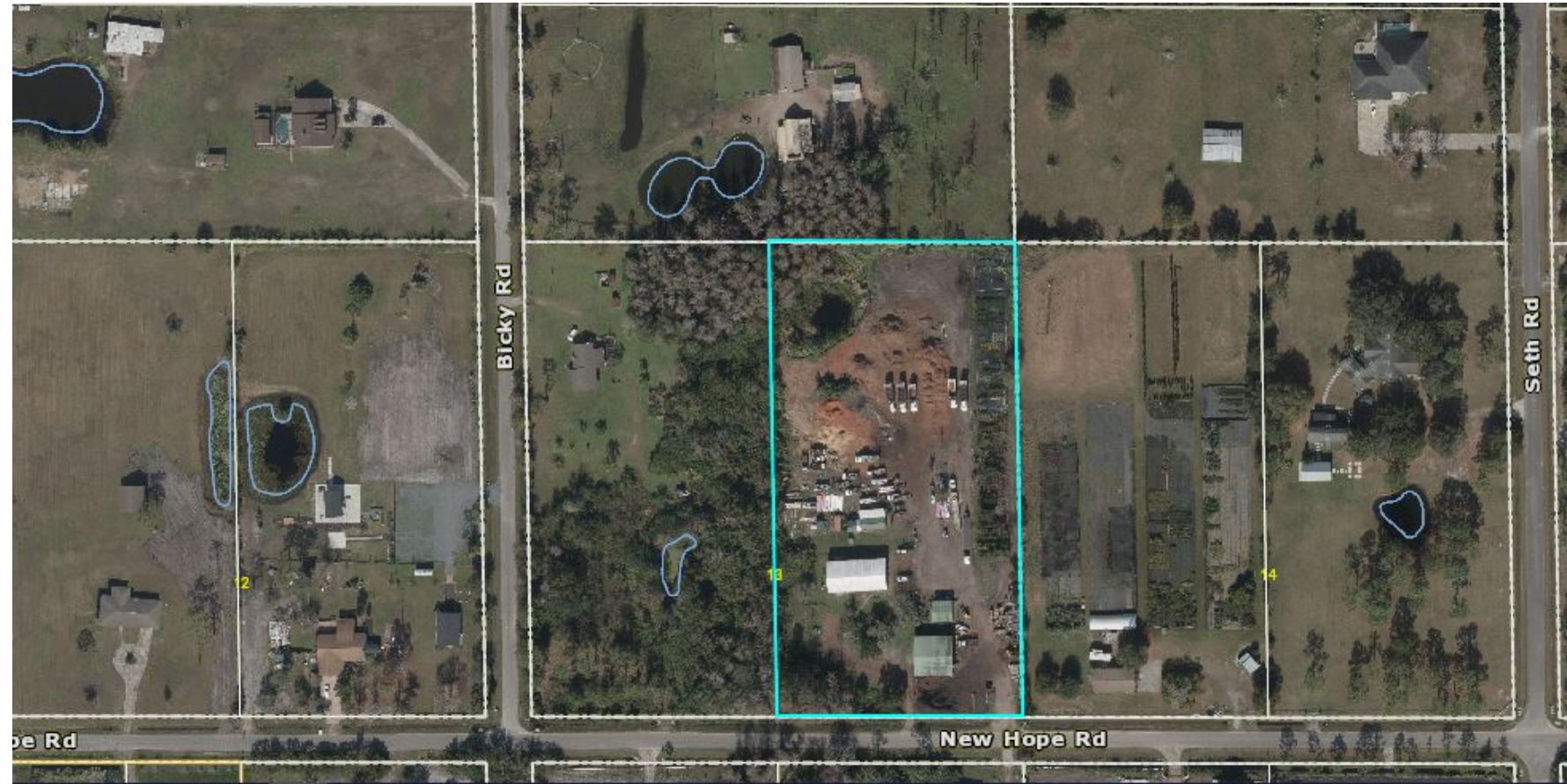




## Area has become increasingly urban and residential

- Numerous PD's permitted
- Proximity to VA Hospital, Airport creates estate home development

Platted subdivision that is predominantly residential





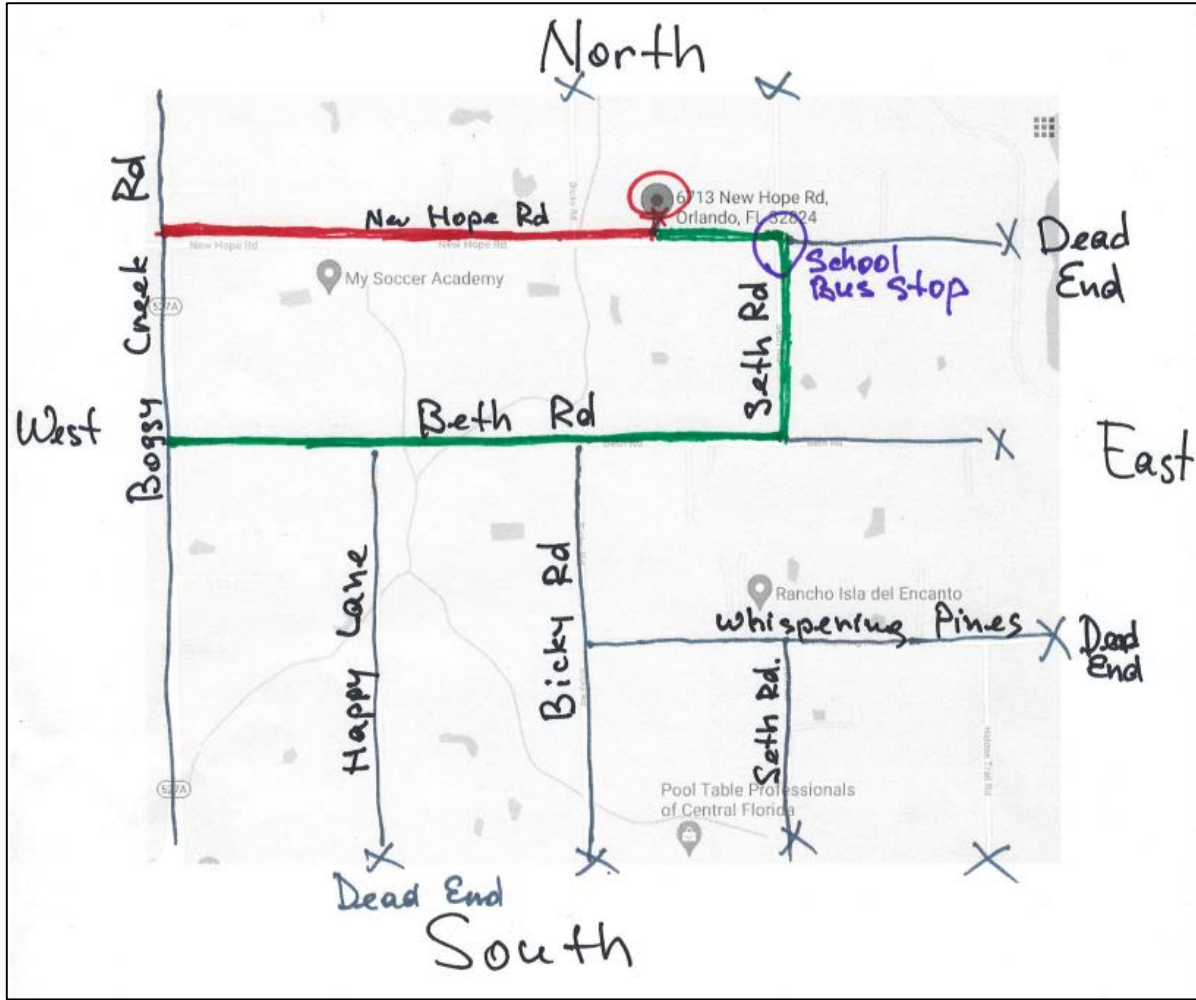
## (2) THE USE IS A DETRIMENTAL INTRUSION INTO THE SURROUNDING AREA

- Trucks routed throughout neighborhood due to substandard road design and lack of adequate turn capacity onto Boggy Creek
- Bus stop located on New Hope
- No sidewalks on New Hope Road
- Trucks destroying already substandard roads
- Not a neighborhood center - rather a mulch, irrigation and sod distribution facility with significant outdoor truck storage and outdoor storage of product
- Dead end, quiet Oak Hammock St. cannot accommodate large trucks

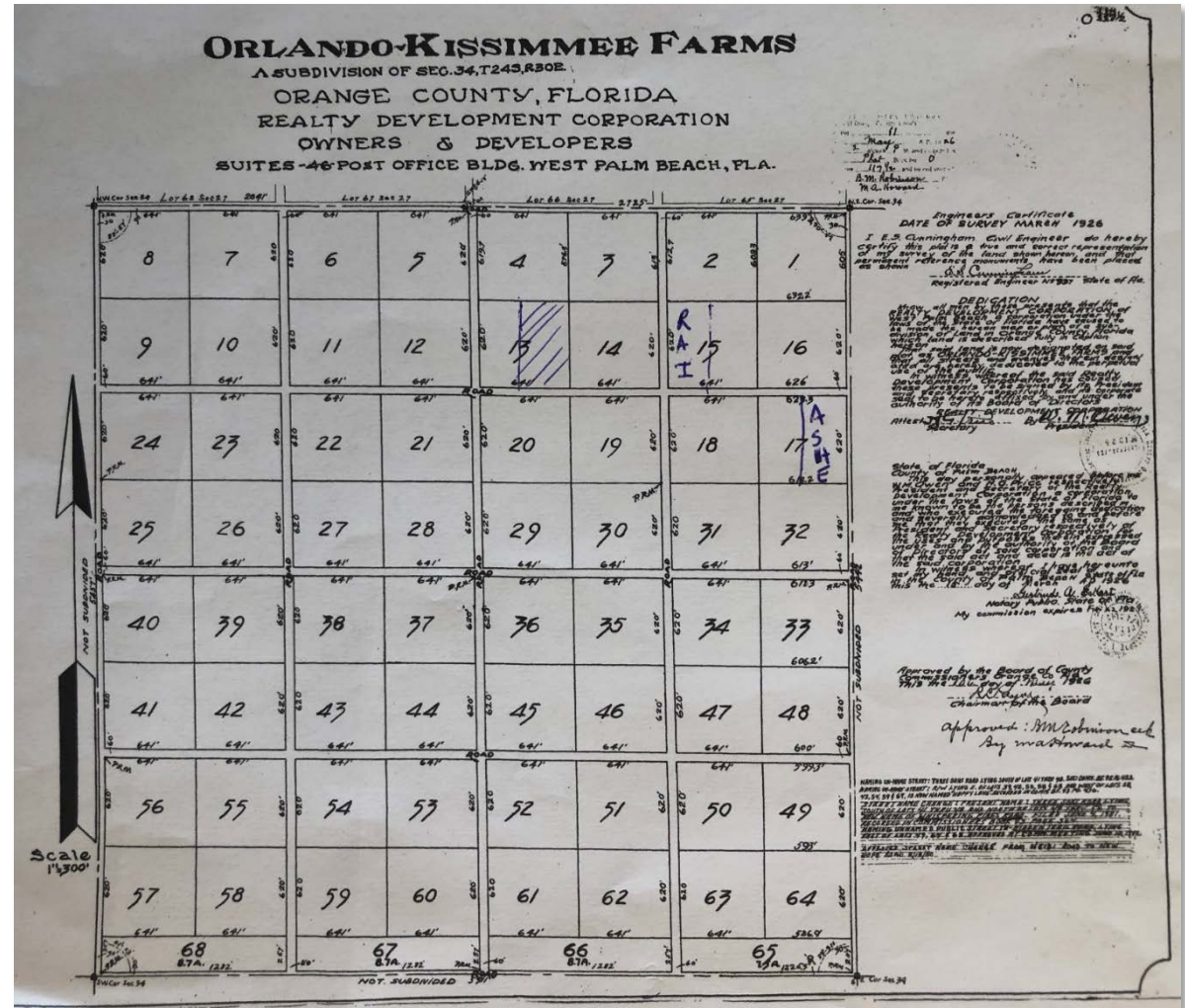




# TRUCK ROUTE AFFECTS MULTIPLE STREETS



# 1926 Residential Plat





Surrounding Residential Homes – significantly impacted due to routing of truck traffic







- Road being torn up



- Sod constantly torn up



- Trucks cannot make turn



- On school bus route





- Per ITE Manual:

- Section 210 – trip generation of single family home is 9.44
- Their own traffic study says this business will have 132 trips per day – 14 times typical single-family home

- ITE “Truck Factor”

- 2.5 - trips added for tractor trailer trucks at intersections without lights (as is here)

- 1.7 – other trucks



### **(3) THE USE CANNOT MEET THE PERFORMANCE STANDARDS IN THE DISTRICT WHERE IT IS PERMITTED**

- Request for variance to allow accessory structure in front of principal structure shows that performance standards not met.
- How can a 3,000 SF warehouse/office constructed in a residential neighborhood with no permits even be considered a principal structure?

### **(4) REQUEST IS NOT CONSISTENT THE WITH THE COMPREHENSIVE PLAN**

- OBJN.1.1 – Ensure that land use changes do not adversely impact existing neighborhoods
- OBJN.3.1 – The integrity of neighborhoods shall be protected ... through the enforcement of county codes
- FLU 6.4.12 – Protect potable water well
- OBJ FLU 8.2 – Compatibility will continue to be the fundamental consideration in all land use and zoning decisions.
- FLU 8.2.1 – Land use changes shall be required to be compatible with existing development and development trend in the area
  - 8.2.11 – In considering compatibility, look at “design attributes of project, its urban form, physical integration of project” – this fails all 3 tests



**(5) USE IS NOT SIMILAR IN NOISE, DUST, ODOR, HEAT PRODUCING OR OTHER CHARACTERISTICS ASSOCIATED WITH A MAJORITY OF THE USES CURRENTLY PERMITTED IN THE DISTRICT**

- Employee Parking on Street
- How can they accommodate 50 employees and 25 registered business vehicles not including forklifts, front end loaders, etc., if parking lot has 37 spaces?
- Will they expand more?
- Vapor Producing Mulch
- Combustion hazard
- Soil leaching
- Area is not on central water
- Neighbors rely on wells





- “Majority of the uses currently permitted in the District” are single-family residential
- Single-family homes don’t have 25 trucks per lot – they might have one or two – and certainly don’t have loud front end loaders or semi trucks
- Residences generate 9.4 trips per day, not 132 trips
- Residences don’t have over 1/3 acres of they property covered by a mulch mountain – (dust, odor, heat producing?)
- Residences don’t have tractor/trailers starting delivery by 7:00 am
- Residences don’t have 50 employees coming and going, dumping trash on the street when done with their shift
- Residences don’t have gas tanks on site, truck repair on site, mulch mountains



- **New Hope Road Operation**
  - High impact, industrial type use





# SAMPLE PHOTOS OF TRUCK INVENTORY

Attachment J of Application indicates 25 trucks (not including bobcats, front end loaders, etc.)



1997 Freightliner – qty. 1



2008 International 4200 & 2013 Prostar 113 – qty. 2



2016 & 2017 Kenworth T800 – qty. 2



2018, 2019 Peterbilt 567 – qty. 3



2003 Isuzu NPR & 2014 Isuzu NPR HD – qty. 4



Ford F250, F350, F550 various years pick up truck – qty. 12



# Additional Industrial Vehicles on Site



Kubota Front Loader



Kubota Front Loader



JCB Front Loader Tractors



JCB Front Loader Tractors



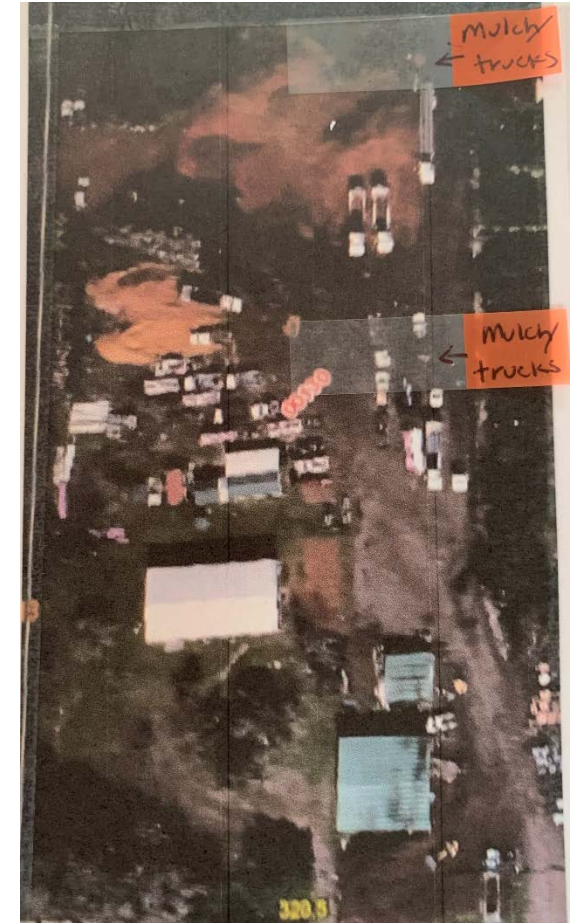
# Operation has continuously and incrementally expanded without any permits or land use authorization since 2014



2014



2018



2019



# Comparison of Applicant's Illegal Operation to Adjacent Permitted Nursery



**6713 New Hope Road  
(Subject Site)**

**6745 Nursery**



- Where are other similar operations in the area located?

**Sunrise Landscape Supply, Inc.**  
**6670 E. Colonial Dr. (commercial corridor -4 lane arterial road)**



**Florida Mulch Pros**  
**4831 Old Winter Garden Rd./commercial corridor**



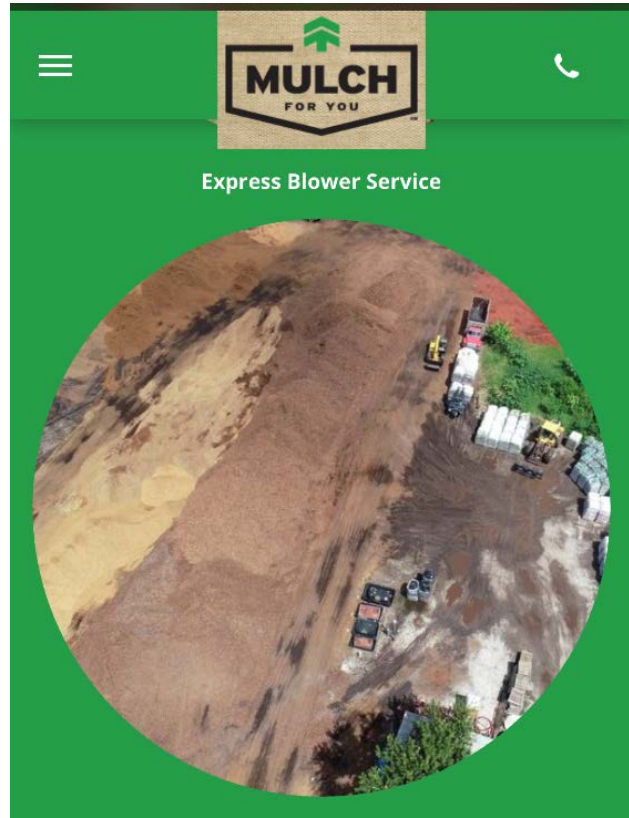
**Sod Depot**  
**4929 N. Orange Blossom Trail/Commercial corridor**





# MULCH FOR YOU (W. MITCHELL HAMMOCK RD.)

- Located on 4 lane arterial road
- Near 417
- Adjacent to auto uses, across from auto, high intensity commercial





- What is this Business?
- Regional facility-supplier to “major home builders”



Sunbiz CORPORATIONS  
an official State of Florida website

Department of State / Division of Corporations / Search Records / Search By Street Address /

6713 new hope ro  
Search

Entity Name List

Corporate Name	Document Number	Status	Street Address
6713 NEW HOPE ROAD HOLDINGS, LLC	L19000135117	Active	6713 NEW HOPE ROAD
LANDSCAPE SYSTEMS, INC.	V00724	Active	6713 NEW HOPE ROAD
LANDSCAPE SYSTEMS HOLDINGS, LLC	L19000135136	Active	6713 NEW HOPE ROAD

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResults?inquiryType=Address&SearchTerm=6713%20new%20hope%20road>

Businesses registered by Martin White:

WHITE, MARTIN B		
WHITE, MARTIN B	TREE STAKE SOLUTIONS, LLC	L17000225564
WHITE, MARTIN B	6713 NEW HOPE ROAD HOLDINGS, LLC	L19000135117
WHITE, MARTIN B	LANDSCAPE SYSTEMS HOLDINGS, LLC	L19000135136
WHITE, MARTIN B	WHITE FAMILY INVESTMENTS, LLC	L19000135153
WHITE, MARTIN B	WHITE BEACH HOLDINGS, LLC	L19000135157
WHITE, MARTIN B	QUALITY WATER WORKS, INC.	P95000051605
WHITE, MARTIN B	LANDSCAPE SYSTEMS, INC.	V00724

- Sophisticated business owner “in the business of 30 years” before teaming up with son-in-law to “come up with a solution to better serve Central Florida with mulching; blower services” (LSI website)
- Sunbiz shows at least 9 businesses for Martin B. White
- “Since 1985, LSI has provided the Central Florida area with Landscape Installation, Irrigation Services, Sod Installation and Landscape Lighting” (LSI website)
- “We are a design build firm providing landscape, irrigation, sod and land scape lighting to major home builders in Central Florida” (LSI website)
- Regional commercial facility who relocated to be closer to their homebuilder and other commercial clients - not a neighborhood landscape center!



- Website touts that LMI in landscape business in Central Florida “since 1985”
- LMI has 30 years experience in landscape business in Central Florida before relocating to this site in 2014 – they know the rules
- Wasn’t previous operation for LMI (at Florida Ave and Van Arsdale Ave in Oviedo) prior to relocating to New Hope Road permitted?
- **Operation added Mulch, Inc. recently – greatly expanded impact of operation**
- **Mulch operation (sale and delivery/blower operation) is highly intense, requires outdoor storage of product and trucks – needs Commercial rezoning**
- May 2019 – 2 deeds create 2 layers of title; final title in New Hope Road Holdings, LLC with indemnification in articles of incorporation
- Incremental expansion of sites illegal operation has emboldened others to ignore the code – 12 violations!
- Approval will set precedent for more non-residential intrusion into the area, could encourage further expansion of this illegal business



# BUSINESS MODEL CALLS FOR OUTDOOR STORAGE OF PRODUCT AND DELIVERY TRUCK STORAGE

- “Over 10,000 landscapes performed and still counting”
- “partners with top irrigation manufacturers ... to bring you best products available for your irrigation systems”
- “Looking to purchase by the pallet or in bulk” (website)
- Not a neighborhood center

## MULCH DELIVERY SERVICES

We provide trailer load delivery services of either bulk (loose) or bagged (pallet quantities only) products throughout Central Florida. Please call for full trailer load deliveries. Water conservation, helping to protect against erosion, and adding to the aesthetic of your outdoor space are all great benefits of mulch. Let us help you add to your space through delivery to your doorstep. Sold by the bag or pallet. Delivery rates are based on your location.

GET QUOTE



## MULCH BLOWING SERVICES

Our state-of-the-art mulch blowing service allows our team to cover your space quickly and efficiently saving you time, energy, and money. Select the mulch of your choosing from our products offered, and allow us to use the latest technology on the market to install your mulch. This exceptional mulch, bark and soil blowing system allows us to spread large quantities of organic material quickly and efficiently, saving you valuable time and effort. And don't worry about us blowing around the most fragile of flowers - we can adjust the volume of product to accommodate your space. *We got you covered.*

CALCULATE







- Site is effectively a storage area for distribution of mulch, sod, irrigation, etc.
- Piles are mulch mountains
- 3,000 SF warehouse is frame of reference – largest pile is over 4 times that + 15,000 SF = 1/3 acre of mulch!
- Multitude of trucks stored on site to accomplish delivery/distribution/installation services
- Hurricane hazard; fire hazard; onsite fuel pumps in area relying on well water creates contamination risk



## Conclusion – Deny requests and resume and Code Enforcement Process

- Special Exception Request is not consistent with numerous provisions of Comprehensive Plan
- Applicant must meet all Special Exception criteria, but cannot meet their burden to show they meet 5 of the 6 of the Special Exception Criteria
- Competent and substantial evidence supports denial
- Approval will create precedent for other illegal uses in the area “waiting in the wings”
- No basis to grant approval as “economic development”/jobs – creates unfair playing field for businesses who follow the rules
- Variance and Special Exception requests for buildings don’t even make sense
- Not likely they can even get “After the fact” building permits
- Applicant is a sophisticated business operator who has been in landscape business since 1985 per his website – over 9 businesses
- No basis to reward applicant for past and present code violations to the significant detriment of neighborhood



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1. Neighborhood Photos demonstrating landscape/mulch distribution company incompatibility with surrounding area
2. 2014 and 2018 aerial photos showing progression and expansion of unpermitted business after 2014 purchased by Applicant's business
3. 2019 aerial photo showing expansion of unpermitted operation (approximately 1/3 acre of mulch) with addition of mulch piles and tractor-trailer trucks to accommodate Mulch Inc.
4. Annotated site plan showing buildings – four (4) unpermitted structures in Orange County (largest unpermitted building “C” constructed by applicant around 2018)
5. Map showing streets being denigrated by truck/tractor-trailer overuse
6. Staff report recommending denial for failure to comply with special exception criteria – *competent and substantial evidence supporting denial of request*
7. Report by planning expert, John Smogor – *competent and substantial evidence supporting denial of request*
8. Applicant's Traffic Study confirming that use will create 132 trips – *competent and substantial evidence to support denial of request*
9. 10/13/2020 consolidated and revised cover letter from applicant (includes site plan and data on application)
10. Sunbiz record on applicant's businesses and documentation evidencing Applicant's ownership of Mulch Inc.
11. Deeds showing transfer into Landscape Systems Holdings LLC and New Hope Road LLC along with Articles of Incorporation, including Indemnification section – all drafted by Broad & Cassel Law Firm



12. Petition from neighbors opposing Request for Special Exemption with 25 signatures
13. Martin White's January 6, 2020, letter of no objection to "verify there is no problem with our conducting business during our regular business hours: 7 a.m.-7 p.m." and subsequent documentation indicating consent withdrawn
14. Statement by appellant, Tetyana Rai
15. Attachment J of application with added representative photos showing vehicle located at landscaping/mulching company's property
16. Aerial comparison of illegal operation to adjacent permitted nursery
17. Photos of similar landscaping/mulching businesses located on appropriate roadways in Orange County, Florida

# (1) USE IS NOT SIMILAR AND COMPATIBLE WITH SURROUNDING AREA

- Area of Single-Family Residential Homes on estate sized lots

## New Hope Road Homes







# Orange County Property Appraiser Florida

Base map Layers Home Foreclosure Rules Parcel Search Legend Identify

OCPA Tools Custom Print Trending Parcel Themes



2014 - Year of Purchase by  
Martin White's Company







# Orange County Property Appraiser Florida



help

Base map Layers Home Measure File Parcel Search Legend Identify

OCPA Tools Custom Settings Printing Parcel History



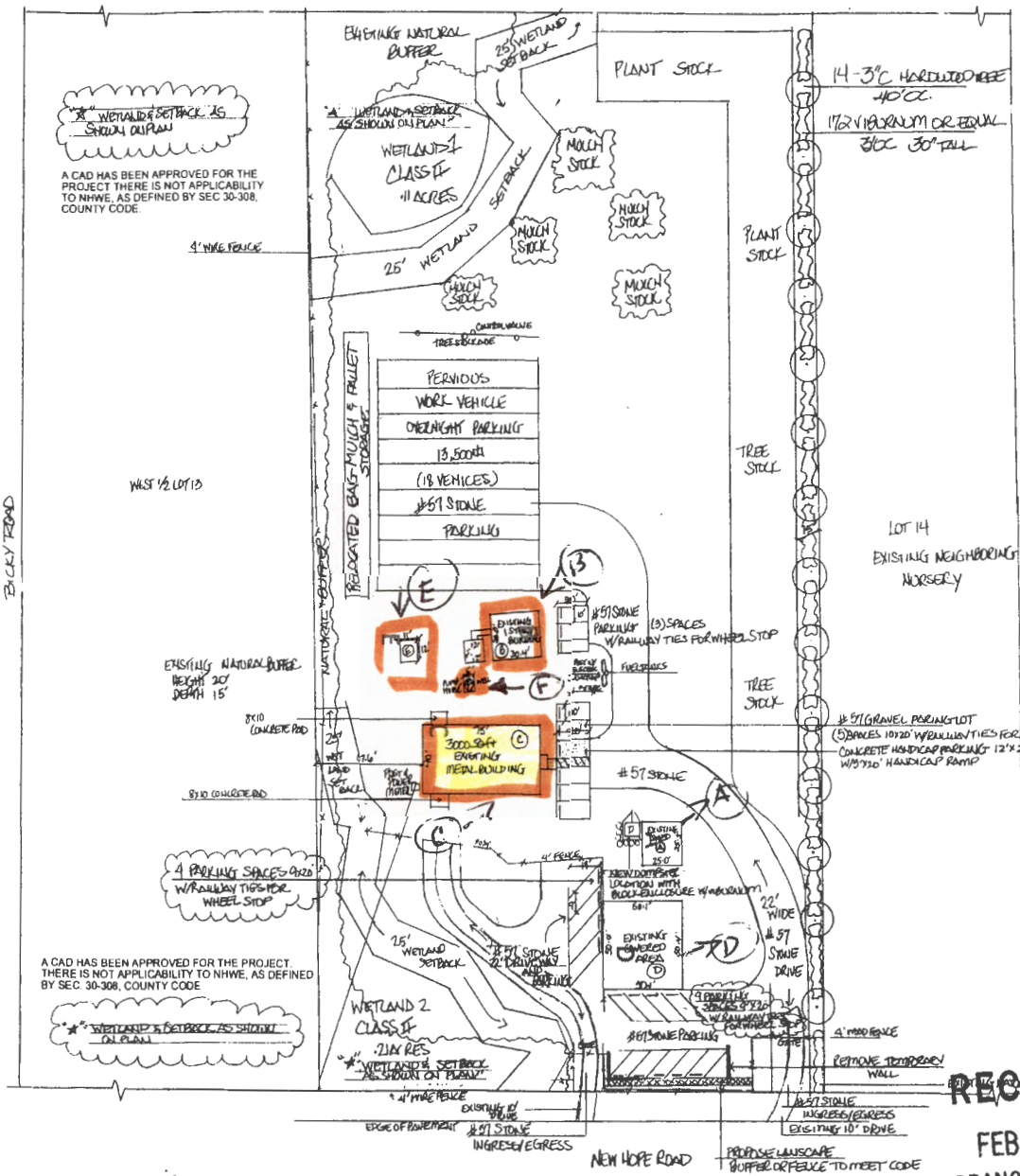
\* 2018







2019



WETLAND SETBACK AS SHOWN ON PLAN

A CAD HAS BEEN APPROVED FOR THE PROJECT THERE IS NOT APPLICABILITY TO NHWE, AS DEFINED BY SEC 30-308, COUNTY CODE

WEST 1/2 LOT 13

EXISTING NATURAL BUFFER HEIGHT 20' DEPTH 15'

4 PARKING SPACES 9'x20' W/RAILWAY TIES FOR WHEEL STOP

A CAD HAS BEEN APPROVED FOR THE PROJECT THERE IS NOT APPLICABILITY TO NHWE, AS DEFINED BY SEC 30-308, COUNTY CODE

WETLAND 2 CLASS II 21 ACRES

no permits

3,000 SF Building constructed by Applicant in 2017 with no permit

SITE PLAN  
6713 NEW HOPE ROAD  
ORLANDO, FLORIDA

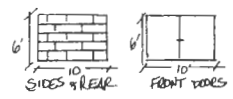
LEGAL DESCRIPTION  
EAST 1/2 OF LOT 13, ORLANDO KISSIMEE PATRS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK NO. PAGE III 1/4 PUBLIC RECORDS OF ORANGE COUNTY, FL

SCALE 1"=40'  
DATE REVISED 1/29/21



HOURS OF OPERATION MONDAY-FRIDAY 7AM-7PM

DUMPSTER BLOCK ENCLUSER DETAIL SCALE 1"=10'



NOTE: RELOCATE PALLETS TO BACK HALF OF PROPERTY  
RELOCATE BAG MOUNT TO BACK HALF OF PROPERTY

USE	REQUIREMENTS	SQ FT	REQUIRED SPACES
STORAGE (A)	1/1000 SF	2816 SF	1
STORAGE (A)	1/1000 SF	10384 SF	1
OFFICE (C)	1/600 SF	1400 SF	2
WAREHOUSE (C)	1/1000 SF	1400 SF	2
POLE BARN (D)	1/1000 SF	2925 SF	3
WAREHOUSE (E)	1 SPACE / BAY	2 BAYS	2
WELLHOUSE (E)	1/1000 SF	132 SF	1
PUMP HOUSE (F)	1/1000 SF	35 SF	1

TOTAL SPACES REQUIRED 19  
PARKING SPACES PROVIDED 21  
HANDICAP PARKING 1

RECEIVED

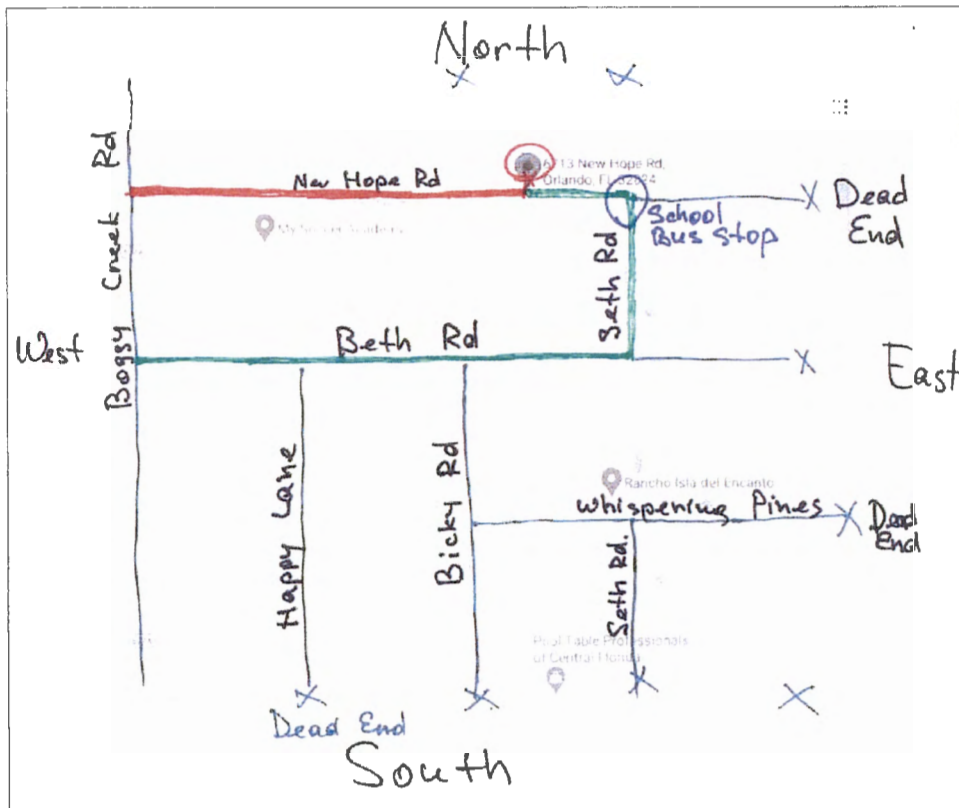
FEB 01 2021  
ORANGE COUNTY  
ZONING DIVISION

SITE PLAN

(H)



## TRUCK ROUTE AFFECTS MULTIPLE STREETS



- ITE Manual
- Residential Use = 9.44 trips
- Per Staff Report – this use is 132 trips
- Creates turning stall, hazard
  - ITE Manual
  - Tractor trailer truck at signaled intersection = 2.5 trips

# BZA STAFF REPORT

Planning, Environmental & Development Services/ Zoning Division

Meeting Date: **MAR 04, 2021**

Case Planner: **Nick Balevich**

Case #: **SE-20-11-105**

Commission District: **#4**

## GENERAL INFORMATION

APPLICANT(s): **NEW HOPE ROAD HOLDINGS (ANNA LONG)**

OWNER(s): **6713 NEW HOPE ROAD HOLDINGS LLC**

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

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

PROPERTY LOCATION: **6713 New Hope Rd., Orlando, Florida 32824, north side of New Hope Rd., east of Boggy Creek Rd., south of SR 417**

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

LOT SIZE: **320 ft. x 620 ft. +/- 4.55 acres**

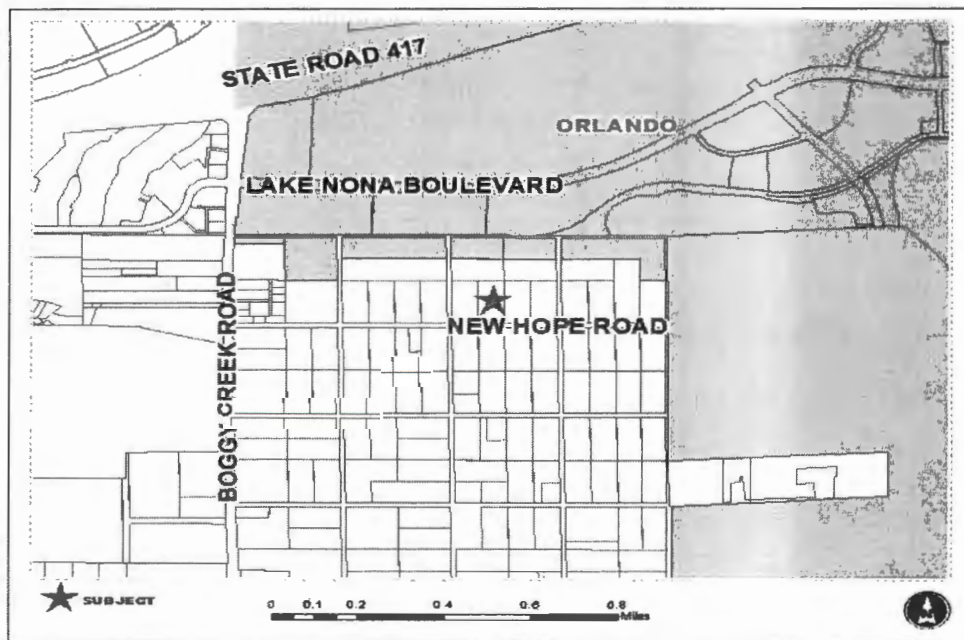
NOTICE AREA: **1,500 ft.**

NUMBER OF NOTICES: **53**

## STAFF RECOMMENDATIONS

Denial of Special Exception #1, and approval of Special Exception #2 and Variance #3 subject to the conditions in this report. However, if the BZA finds that the applicant has satisfied the criteria for the granting of both Special Exceptions and Variances, staff recommends that the approval be subject to the conditions in this report.

## LOCATION MAP





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**SITE & SURROUNDING DATA**

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	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	Landscaping Business	Single-family residential	Vacant	Single-family residential, nursery	Single-family residential

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**BACKGROUND AND ANALYSIS**

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**DESCRIPTION AND CONTEXT**

The property is located in the A-2 Farmland Rural zoning district, which allows agricultural uses including nurseries, mobile homes, and single-family homes with accessory structures on larger lots. In addition, uses associated with nurseries, such as landscaping businesses and irrigation contractors are permitted through the Special Exception process.

The area consists of vacant land, single family homes, citrus groves and nurseries. The subject property was created by a lot split in 1979 from the original Orlando-Kissimmee Farms Plat, which was recorded in 1926, and is considered to be a conforming lot of record. The applicant purchased the property in 2014.

The site is developed with: a 633 sq. ft. storage building, labeled on the site plan as Building A, constructed in 2006 under permit #B06016099; a 846 sq. ft. storage building, constructed without a permit, labeled on the site plan as Building B; a 3,000 sq. ft. warehouse/office building, constructed without a permit, which is labeled on the Site Plan as Building C; a 2,525 sq. ft. pole barn, labeled as Building D constructed in 2006 under permit #B06016098; a 132 sq. ft. wellhouse, labeled as Building E was constructed in 2008 under permit #B08010924; a 35 sq. ft. pumphouse labeled as Building F constructed without a permit. The unpermitted structures appear to have been installed between 2005 and 2006 based on aerials. The code requirements for the location of accessory structures was the same at the time the buildings were constructed, as it is now. Therefore, it is unclear how permits were issued based on this code.

Code Enforcement cited the owner in January of 2020 for operating a landscape operation without a Special Exception, and for accessory structures with no principle structure. (Incident 561660). Upon review of the site, it was determined that Building C is considered to be the principle structure and all others are considered accessory.

Staff observed that the property contained mulch piles in front by the road, pallets along the side entryway, parking and vehicular access on unimproved surfaces, and a small portion of the property being used for a nursery, and a wetlands area at the rear of the site.

The applicant is requesting approval of Special Exceptions to allow a landscaping and irrigation business on the property, and to allow 4,173 sq. ft. of detached accessory structures in lieu of 3,000 sq. ft. The applicant is also

requesting approval of a variance to allow detached accessory structures (an existing pole barn-Building D and shed-Building A) to be located in front of the primary structure.

The applicant is not proposing to add any structures and is proposing modifications to the parking area and the addition of landscaping, to meet code. The applicant has stated that they will move their mulch stocks from the front of the property to the rear. Approximately 50 people are employed by the company. The applicant states that the days and hours of operation will be Monday through Saturday, 7 a.m. to 7 p.m.

The parking requirements for the property are as follows:

Office: 1,600 sq. ft. @ 1 parking space per 200 sq. ft., requiring 8 spaces

Warehouse: 1,400 sq. ft. @ 1 parking space per 1,000 sq. ft., requiring 2 spaces, and 1 parking space per bay, requiring 2 spaces

Storage: 4,004 sq. ft. @ 1 parking space per 1,000 sq. ft., requiring 5 spaces

The total parking spaces required is 17 spaces. The site plan shows 21 parking spaces, and 1 accessible parking spaces for a total of 22 spaces, thus meeting the parking code requirement. The applicant is proposing to use 57 stone for parking and drive aisles.

The applicant submitted letters of support from the most impacted property owners located to the north, south, east and west of the subject property. At the time of the drafting of this staff report, staff has received 16 correspondences from neighbors in the area who are against the project.

On December 31, 2020, a Conservation Area Determination (CAD-20-10-210) was completed for the property, to delineate wetlands on the northwest and southwest portions of the property. The site plan has been updated to reflect these areas.

The Orange County Transportation Planning Division provided the following comments: This project will generate 132 daily trips and 60 P.M. peak hour trips. Therefore, the project will have a minimal impact on the roadway segments within the impact area. Based on this information, all roadway segments are currently operating within their adopted capacity except for the segment of Boggy Creek Road which is currently operating at a Level of Service F. Prior to permit approval, the developer/applicant will have to submit a traffic study and participate in the cost of improving the deficient roadway segments to secure concurrency. The participation will be on a proportionate share basis.

On Thursday, February 18, 2021, a virtual Community Meeting was held to allow for input. The meeting was attended by the applicant, County staff, and nine residents. The majority of the residents in attendance spoke against the case. They were concerned with parking on the adjacent road, the high number and speed of truck traffic on the area, and the trucks causing damage to the road and noise impacts due to the operations. They were also concerned with the impacts of mulch piles on the groundwater and felt that it is an incompatible use for the neighborhood and will set precedent for other prohibited uses in the area.



**District Development Standards**

	Code Requirement	Proposed
Max Height:	35 ft.	20 ft
Min. Lot Width:	100 ft.	320 ft.
Min. Lot Size:	0.5 ac.	4.56 ac.

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

	Code Requirement	Proposed
Front:	35 ft.	60 ft. (South)
Rear:	50 ft.	350 ft. (North)
Side:	10 ft.	68 ft. (West), 88 ft. (East)

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**STAFF FINDINGS**

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**SPECIAL EXCEPTION CRITERIA**

**Consistent with the Comprehensive Plan**

The provision of landscape, irrigation and lawncare businesses as conditioned through the Special Exception process is consistent with the Comprehensive Plan since such a use provides a service to the surrounding residential areas.

The provision of accessory structure square footage above 3,000 sq. ft., is permitted in the A-2 zoning district through the Special Exception process if performance standards such as setbacks are met, and is consistent with the Comprehensive Plan since the proposal is compatible with the surrounding uses.

**Similar and compatible with the surrounding area**

**Special Exception #1:** The landscaping and irrigation business is not compatible with other existing nearby uses such as plant nurseries and single-family acreages due to truck traffic, noise, safety, odor, intensity, and appearance.

**Special Exception #2:** The provision of additional accessory structure square footage is compatible with the surrounding area, since the primary structure setbacks from the property lines are met and since the property is large and screened by perimeter landscaping.

**Shall not act as a detrimental intrusion into a surrounding area**

**Special Exception #1:** The landscaping and irrigation business on the subject property has and will continue to negatively impact the surrounding area due to the intensity of the use, noise and truck traffic caused by the operations.

**Special Exception #2:** The provision of additional accessory structure square footage is compatible with the surrounding area, and will not act as a detrimental intrusion into the area due to the size of the property and the visual screening of the structures.

**Meet the performance standards of the district**

The landscaping and irrigation business meets setbacks, height limits, parking requirements, and other performance standards of the district (except for the building locations for which a variance is being requested). The provision of additional accessory structure square footage will meet the performance standards of the district, upon the granting of the Special Exception for square footage, and the variance for the building locations.

**Similar in noise, vibration, dust, odor, glare, heat producing**

**Special Exception #1:** The landscaping and irrigation business does and would continue to generate noise, vibration, dust, and odor, due to truck traffic, intensity of the use and onsite material storage that is not similar to the adjacent and nearby nurseries and adjacent residences.

**Special Exception #2:** The provision of additional accessory structure square footage will not generate any more noise, vibration, dust, odor glare or heat that is dissimilar to existing conditions by a majority of properties in the area. Further the property is vegetated and will be buffered, which will offset any potential impacts.

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

The owner has provided a plan which indicates hedge materials at the perimeter and the addition of trees installed with a separation of 40 ft. on center, around the site.

**VARIANCE CRITERIA**

**Special Conditions and Circumstances**

The existing location of the accessory structures is a consideration of special conditions and circumstances. Removal or relocation of these structures that were permitted and constructed in 2006 would be necessary to meet code requirements.

**Not Self-Created**

The accessory structures were constructed after receiving approval of permits and the placement of those structures in front of the primary structure is not due to actions on the part of the current owner.

**No Special Privilege Conferred**

Granting the variance will not be conferring any special privilege. The accessory structures will remain in the location that they were permitted and constructed in 2006.

**Deprivation of Rights**

The orientation and location of the accessory structures were as permitted and constructed in 2006. Denying the variance will deprive the applicant the ability to continue the use of these structures.



**Minimum Possible Variance**

The accessory structures in the current locations as permitted is the minimum possible variance.

**Purpose and Intent**

Since the existing situation has existed since these structures were permitted in 2006, approval of the request will be in harmony with the purpose and intent of the Zoning Regulations and will not be detrimental to the surrounding area. The location of the existing buildings will not be out of character with the overall area, which includes other non-residential uses such as nurseries.

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## CONDITIONS OF APPROVAL

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1. Development shall be in accordance with the site plan and elevations dated February 1, 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. Days and hours of operation shall be limited to Monday through Saturday, 7 a.m. to 7 p.m.
5. Permits shall be obtained within 2 years for buildings, as applicable, or the approval of Special Exception # 2 and the variance shall be null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.
6. Permits for the site work and landscaping and any other permits required shall be obtained within 1 year, or the approval of Special Exception # 1 shall be null and void. The zoning manager may extend the time limit if proper justification is provided for such an extension.

C: Anna Long  
420 S Orange Ave. Suite 700  
Orlando, FL 32801





**John Smogor**  
President

Smogor Consulting Services



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johnsmogor@gmail.com  
619 E. Concord St.  
Orlando, FL 32803

7

May 10, 2021

To: Orange County Mayor

Orange County Board of County Commissioners

Subject: May 11, 2021 Public Hearing; Case #SE-20-11-105

Appellant: Alison Yurko on behalf of Giles Ashe and Teytana Rai

Applicant: Anna Long for New Hope Road Holdings, LLC

This is request for approval of two special exceptions and variance to allow an unpermitted and unapproved landscaping and irrigation business along with various buildings constructed without a building permits to remain in operation at 6713 New Hope Road. The following outlines the reasons why this request does not comply with the criteria for a special exception to allow a landscape and irrigation business.

The Orange County code requires that Applicant must meet the following six criteria in order to obtain a special exception to operate a landscape and irrigation business at the site:

**First, consistency with the Comprehensive Plan is required. This request is clearly inconsistent with the Comprehensive Plan.** The Orlando Kissimmee Farms (OK Farms) area is a unique area. It is an isolated Rural Service Area surrounded by urban development. To the west is the development that is occurring along Boggy Creek Road. To the north and east is the Lake Nona development. This adjacent development has transitioned OK Farms from a rural area to a residential area on large lots. The approval of a landscaping and irrigation business is detrimental to this evolving residential area. The Comprehensive Plan was developed to protect residential areas from the intrusion from nonresidential uses.

In addition, the access to this site is by local residential streets without sidewalks. New Hope Road is a dead end street, so the truck traffic is required to make an internal circuit through the subdivision, impacting local streets within the subdivision in addition to New Hope Road. This route is also the location of an OCPS school bus route. The Applicant has stated that there will here will be 50 employees at the site and Exhibit J of the Application says there will be 25 trucks associated with the site, including 7 tractor trailer trucks. These heavy trucks and employee traffic, as well as eventual customers coming to the site will create significant traffic impacts (132 trips per Applicant's own traffic study, with no additional road capacity per staff report). This impact and deficiencies, and the impact and deficiencies outlined below will compound the incompatibility and detrimental commercial intrusion into the surrounding area, especially considering that the use is located right in the middle of a predominately



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and increasingly residential subdivision. The request is therefore inconsistent with numerous provisions of the comprehensive policy plan as follows:

**Obj N 1,1 – ensure that land use changes do not adversely impact existing neighborhoods;**

**Obj N 3.1 – The integrity of neighborhoods shall be protected ...through the enforcement of county codes;**

**Obj FLU 8.2 – Compatibility will continue to be the fundamental consideration in all land use and zoning decisions**

**FLUY 8.2.1 – Land use changes shall be compatible with existing development and development trend in the area;**

**FLU 8.2.11 – In considering compatibility, look at “design attributes of project, its urban form, physical integration of project” – this fails all three**

**The second criteria is the use must be similar and compatible with the surrounding area.** As was pointed out above, this area has transitioned over the years due to development in the area. The neighborhood has become largely residential. The Landscaping and irrigation business is not compatible with this viable residential neighborhood. **The existence of non conforming uses or existing uses that are unpermitted or otherwise in violation of the code, whether they are on the site or in the surrounding area, is not justification for granting the requested approvals. At the time of the BZA public hearing, it was stated that there are currently 12 properties under code enforcement in the area. These do not justify granting a special exception that would be detrimental to the area. See Obj N1.1: THE INTEGRITY OF NEIGHBORHOODS SHALL BE PROTECTED THROUGH THE ENFORCEMENT OF COUNTY CODES.**

**The third criteria states that the proposed use shall not act as a detriment to the surrounding area.** A landscape and irrigation business with 50 employees in the middle of a residential area is by definition a detrimental intrusion that will disrupt this residential neighborhood.

**The fourth criteria requires that the performance standards of the district be met.** The performance standards are not met as evidenced by the fact that the Applicant is requesting a variance to allow a detached accessory structure to be in front of a primary structure. In addition, it is noted that the building that has been identified as a primary structure is not a permitted building. The single family residence that was previously on the property would have been the primary structure, but it has been demolished.

**The fifth criteria states it shall be similar in noise, vibration, dust, odor, glare, and heat producing.** The staff report correctly pointed out that the landscaping and irrigation business does and would continue





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to generate noise, vibration, dust, and odor due to truck traffic, intensity of the use and onsite material storage that is not similar to the adjacent and nearby residences.

**The final criteria states that the buffer yards shall be in accordance with Section 24-5 of the Orange County Code.** This site can meet this criteria.

### CONCLUSION

In review of the special exception criteria, the proposal fails to meet 5 of the 6 criteria required. Based on this analysis, this request does not meet the criteria for the special exception and should be denied and this matter should be returned for processing through the County's Code enforcement Board.

  
John Smogor

Smogor Consulting Services

**John Smogor**

**Smogor Consulting Services**

**619 E. Concord Street**

**Orlando, Florida 32803**

**407.456.2718**

**Education:**

**1975-1979 College of Steubenville, Steubenville, Ohio 43952**

- **B.A. Major in Political Science**

**1980-1982 University of Akron, Akron Ohio 44325**

- **M.A. Major in Urban Studies**

**Work Experience:**

**August 1982 July 1983, Planner I, Orange County Zoning Division**

**August 1983- February 2001, Planner II & Planner III, Orange County Planning Division**

**February 2001-October 2005, Assistant Manager, Orange County Planning Division**

**October 2005-October 2018, Planning Administrator, Orange County Planning Division**

**January 2011-October 2018, Development Review Committee (DRC) Chairman, Orange County**

**January 2019-Present, Smogor Consulting Services**

**I worked for Orange County Florida from 1982 to 2018. Work responsibilities included site plan review, conservation area determination, landscaping inspections, review of rezoning applications, conducting community meetings, preparing staff reports for the DRC, staff support for the Planning and Zoning Commission, Board of Zoning Adjustment, and County Commissioners. As DRC Chairman, responsible for setting the agenda, meeting with applicants, briefing the Mayor and Commissioners, running the DRC meetings, and coordinating various County divisions to build a consensus on projects. After retiring from Orange County, started Smogor Consulting Services. This entails helping clients through the development review process on various development projects.**





MEMORANDUM

DATE: July 16, 2020
TO: Orange County Zoning Division
Orange County Transportation Planning
FROM: Turgut Dervish, P.E.
RE: 6713 New Hope Road Traffic Analysis
TPD No. 5341

This traffic analysis was conducted for the property located at 6713 New Hope Road property (Parcel ID No. 342430636800130) in Orange County, Florida. The analysis was prepared in support of a Special Exception Application for the subject property. The property site is located on the north side of New Hope Road, approximately 0.6 miles east of its intersection with Boggy Creek Road. Figure 1 depicts the site location and the area roadways.

1. Proposed Development

The site is currently occupied by an existing landscape contracting company occupying the 4.562-acre property. Access to the site is provided via a driveway on New Hope Road.

2. Trip Generation

ITE does not have an appropriate Land Use Code for the type of business currently occupying the site. As landscape contractors, the employees go to job sites to complete their work and no sales of plants or materials occur on the site. Therefore, the trip generation of the existing business was collected based upon its operational characteristics as follows:

- Number of Employees at the business- 40 Employees arrive to work and they drive company cars to job sites. At the end of the workday, they come back to the office and take their cars to go home.
40 Employees at two (2) trips/employee = 80 trips. Although a number of employees carpool to work, it was assumed in this analysis there would be no carpooling.

6713 New Hope Road  
TPD № 5341  
July 16, 2020  
Page 2

- Number of Company Cars – 20

20 company cars at 2 trips/car = 40 trips

Depending upon the nature of work at job sites, there may be 1-3 employees going to job sites in each company car.

- Visitor, Delivery, Other – 6  
6 x 2=12 trips (arriving/leaving)

Total Estimated Daily Trips

$80+40+12=132$  trips

P.M. Peak Hour Trips = 60 (20 Entering/40 Exiting)



### 3. Impact Area

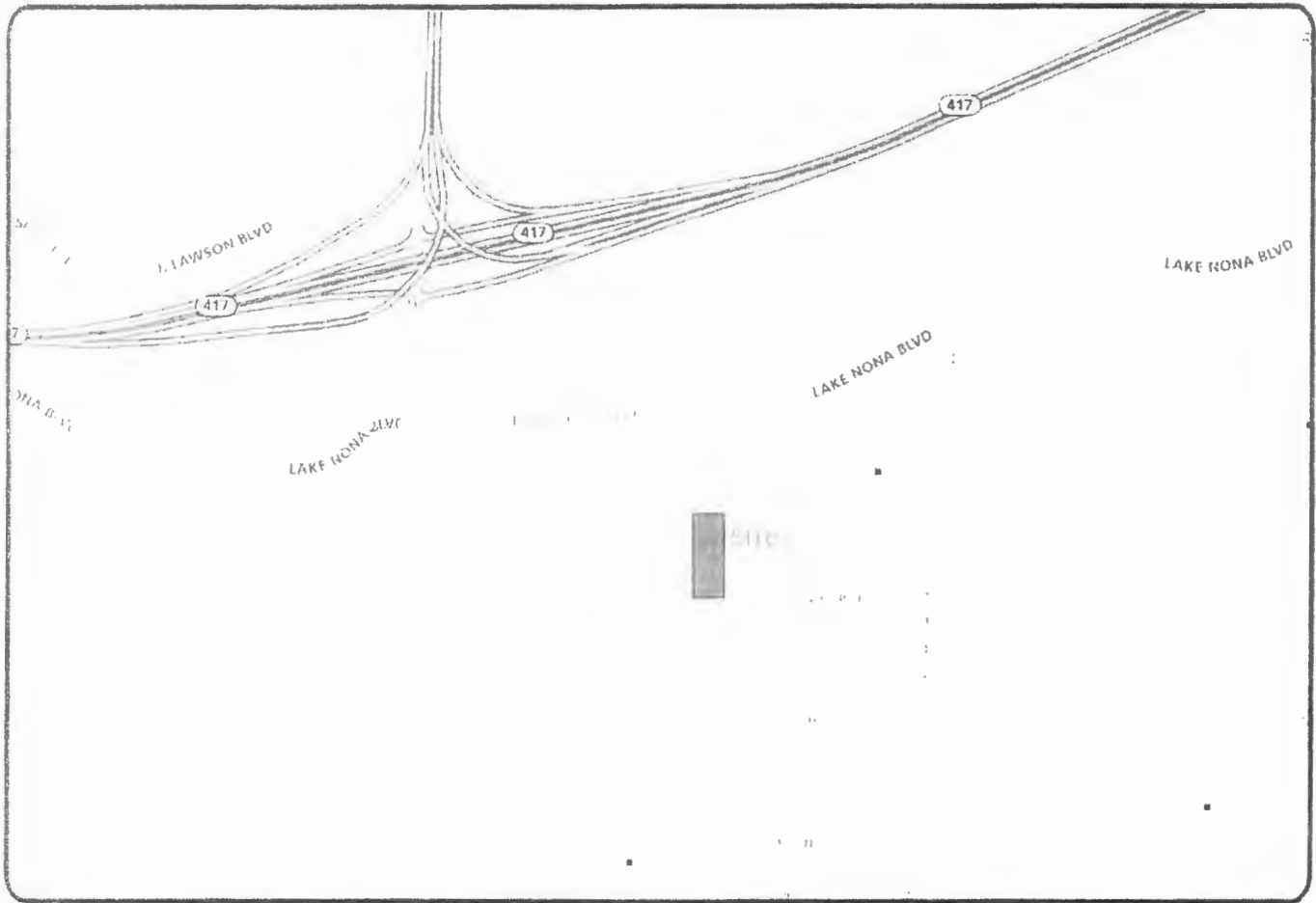
The project's 2.5-mile area includes the segments specified by the Concurrency Link Information provided by Orange County Transportation Planning Division. The traffic concurrency link information for these study roadways provided by Orange County is included in the **Attachment A**. This included existing daily and P.M. peak hour directional traffic volumes, committed trips and available trip capacity for each road segment.

Based on this information, all roadway segments are currently operating within their adopted capacity except for the segment of Boggy Creek Road from S. Access Road to Central Florida Greenway. This segment is currently operating at Level of Service "F" and will continue to do so upon the addition of project trips.

The Developer/Applicant will participate in the cost of improving the deficient roadway segments to secure concurrency. The participation will be on a proportionate share basis.

### 4. Conclusion

The project will generate 132 daily trips and 60 P.M. peak hour trips (20 entering, 40 exiting). Therefore, the project will have a minimal impact on the roadway segments within the 2.5-mile impact area.



6713 New Hope Road  
 Project No 5241  
 Figure 1

**Project Site Location**





**DEAN  
MEAD**

ATTORNEYS AT LAW

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Orlando  
Fort Pierce  
Tallahassee  
Viera/Melbourne

**ANNA LONG**  
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along@deanmead.com

October 13, 2020

**VIA E-MAIL: (Nick.balevich@ocfl.net)**  
**and FEDERAL EXPRESS**

Orange County Zoning Division  
Orange County Administration Center  
201 S. Rosalind Avenue, #1  
Orlando, FL 32801

Re: **CONSOLIDATED/REVISED COVER LETTER**  
Special Exceptions and Variance Application  
6713 New Hope Road, Orlando, Florida  
Parcel ID No. 342430636800130

Dear Sir or Madam:

This letter is being transmitted, as requested, to consolidate correspondence and revise, previous cover letters dated September 2, September 25 and September 30, 2020, respectively, for the subject application/property. Supporting documentation for the requested special exceptions and variance has been previously provided unless referenced and attached hereto. The application fees have previously been submitted and received by the County as well.

Landscape Systems, Inc., is a related entity to the current property owner, 6713 New Hope Road Holdings, LLC. 6713 New Hope Road Holdings, LLC purchased the subject property in 2014. While the current use denoted on the Orange County Property Appraiser's website provides that the property's use was/is a single family residence, at the time of the purchase in 2014, the property was vacant. Landscape Systems, Inc. conveyed the property to Landscape Systems Holdings, LLC on May 22, 2019. On that same date, Landscape Systems Holdings, LLC, conveyed the property to the current owner. Landscape Systems Holdings, LLC is a related party to the current owner, 6713 New Hope Road Holdings, LLC. At no time, from the time of the related entity purchase in 2014 through present date, was a single family residence located or intended to be constructed on the property. A copy of a 2014 aerial submitted on September 2, 2020 shows what appears to have been a sidewalk leading to what likely was a house. The other structures were not/are not residential in nature.

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Orange County Zoning Division  
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Landscape Systems Holdings, LLC, the landscape operating entity, employs 40 employees. These individuals are dependent upon their employment with Landscape Systems Holdings, LLC for their livelihoods. ]\*

The requested Special Exceptions and Variance are consistent with Orange County's Comprehensive Policy Plan.

**Special Exceptions:**

The property owner is also requesting two special exceptions. The first is to allow for a landscaping, irrigation and sod business with NO on-site processing of raw materials. The second is to allow for the existing detached accessory structures in excess of 3,000 square feet (the size of the principal structure) to remain.

**Special Exception for Use:**

The request for the first special exception is to allow for the operation of a landscaping, irrigation and sod company (no on-site processing of raw materials) (Chapter 38, Article V, Section 38-137, Orange County Code of Ordinances). The operations at this site have been on-going for a number of years, as the owner was unaware, due in part to the like businesses around the property, that the same required a Special Exception. Upon notification from Orange County for the need of a Special Exception for the business, the Owner moved quickly to bring the property into compliance and had intended to submit the subject application for review and approval in March. At the direction of zoning staff, the applicant hired a traffic engineer to complete a traffic analysis to accompany the Special Exception application. When Governor DeSantis issued the Safe at Home Order in response to COVID-19, the ability to complete the traffic analysis was delayed; that in turn, delayed the subject submittal as well. The traffic analysis has now been completed. The efforts to obtain the required approvals can proceed as well. ]\*

The criteria set forth under Section 38-78, Orange County Code are met, as explained in detail below:

1. The use shall be consistent with the Comprehensive Policy Plan: The continued use of this rural property as a landscaping, irrigation and sod company is consistent with the Comprehensive Policy Plan. The requested use is a permissible use provided a special exception is approved. The underlying land use of the subject property and surrounding properties is rural. The examples provided in our previous submittals noted above of like business operations in the area are also zoned A-2 and have an underlying land use designation as rural. ]\*

2. The use is similar to and compatible with the surrounding area and the use is consistent with the pattern of surrounding development: There are existing like and similar operations in close proximity to the subject site. One such business is adjacent to the subject site.

3. The use shall not act as a detrimental intrusion into a surrounding area: As previously noted, the operations has been located without issue on the subject property since 2014. No complaints have been issued against the operations as to noise, dust, disruption, traffic, etc. In

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Orange County Zoning Division  
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Page 3

addition, none of the adjacent neighbors have objected to the operations nor are they objecting to the requested special exception. Letters of no objection were included with September 2, 2020 submittal.

4. The use has met the performance standards of the district in which the use is permitted: As previously noted, the applicant was unaware that a special exception was required to operate the business which has been on-going without issue since 2014. If performance standards were an issue, the same would have been so noted by neighbors/the County over the past 6 years. Performance standards have been met and will continue to be met.

5. 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 previously noted, the business for which the special exception is being requested has operated without issue or incident at the subject site since 2014. The property adjacent and east of the subject property operates a landscaping business. The property directly to the west of the subject property is a single family residence, is buffered from the subject site with natural vegetation. Additionally, this property owner has provided a letter of no objection for the requested special exception. The property directly to the north of the subject property is also a single family residence, partially buffered from the subject site with natural vegetation. Additionally, this property owner has provided a letter of no objection as well for the requested special exception. New Hope Road abuts the subject property to the south and across from New Hope Road to the south is a vacant residential 4.56 acre lot. As noted above, confirmation of no objection from neighbors were previously provided.

6. Landscape buffer yards shall be in accordance with Section 24-5 of the Orange County Code. Buffer yard types shall track the zoning district in which the use is permitted: The landscape buffer yards on the property are in accordance with Section 24-5 of the Orange County Code. Buffer yard types track the A-2 zoning district.

It is understood that the Orange County Building Division must review and approve building plans for all existing structures located on the property. Two of the existing buildings were permitted through the Orange County Building Division. Building drawings for the third existing building was previously provided.

The subject site is 4.56 acres. The business offers installation of landscape, irrigation and sod, for new construction around Central Florida. Work trucks leave the site for most of the business day, returning around 6:00-7:00 p.m. The workday begins at 7:00 a.m. and concludes around 6:00-7:00 p.m., Monday through Friday and occasionally on Saturdays within the same time parameters. A list of all the trucks and trailers associated with the business, stored on site nights and weekends was previously provided. Parking for the employees is provided on the site. The business has a stock inventory of plants, trees, irrigation supplies and pre-processed mulch, nothing more.

**Special Exception for Square Footage of Existing Detached Accessory Structures:**

The second special exception request is to allow for the existing detached accessory structures to remain. The total square footage of the detached accessory structures, including the

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Orange County Zoning Division  
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Page 4

pump house and the well house (depicted on the revised site plan as amended and provided as a PDF and on the photographs, both previously provided) is 4173 square feet. (Chapter 38, Article IX, Section 38-1426, Orange County Code of Ordinances).

The criteria required per Section 38-78 Orange County Code is met. This special exception for the existing detached accessory structures will not change any of the "use" criteria previously detailed in our earlier submittals.

Section 38-1426(a)(3)(b)6 allows for detached accessory structures with a cumulative square footage of greater than 3,000 square feet, if the property is within an agriculturally zoned parcel with greater than 2 developable acres, provided that a special exception is obtained and that all of the following conditions are met:

- i. No detached accessory structure shall exceed five thousand (5,000) square feet in gross floor area and thirty-five (35) feet in overall height; and
- ii. These detached accessory structures shall be set back as follows:
  - I. Front — Fifty (50) feet.
  - II. Side/side street — Twenty-five (25) feet.
  - III. Rear — Thirty-five (35) feet.
  - IV. Normal high water elevation — Fifty (50) feet

Each of the detached accessory structures meets the conditions set forth above. Each is depicted on the previously submitted site plan with their respective square footages noted, as well as the distances of each from the property lines/setbacks. None of the detached accessory structures are below the normal high water elevation of 50'.

The Special Exception criteria set forth in Section 38-78, Orange County Code are met:

1. The use of the additional detached accessory structures is consistent with the Comprehensive Policy Plan.
2. The use of the additional detached accessory structures is similar and compatible with the surrounding area and is consistent with the pattern of surrounding development. The surrounding area is rural in nature. The structures on the property, with the exception of the principal structure, have been on site, in some instances for decades. All of the structures, except for the principal structure were existing at the time the property owner acquired the property.
3. The use of the additional detached accessory structures will not act as a detrimental intrusion into a surrounding area. As previously noted, the detached accessory structures on the property have been on site, in some instances for decades. All of the structures, except for the principal structure were existing at the time the property owner acquired the property.



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4. The use of the additional detached accessory structures meets the performance standards of the district in which the use is permitted, i.e. agricultural.

5. The use of the additional detached accessory structures is similar in noise, vibration, dust, odor, glare, heat producing and other characteristics that are associated with the majority of uses currently permitted in the agricultural zoning district.

6. Landscape buffer yards shall be in accordance with section 24-5 of the Orange County Code. Buffer yard types shall track the agricultural zoning district in which the use is permitted. The landscape buffers are depicted on the revised site plan.

**Variance request:**

The request for the variance is to allow for the existing detached accessory structures to remain in their current locations, which includes the location of the overflow warehouse/pole barn/storage structure and an existing shed, in front of the principal structure. Both are depicted on the revised site plan, with dimensions provided for each. Elevations were provided on the photographs submitted on September 30, 2020.

Section 38-1426(a)(3)b.3., Orange County Code of Ordinances, provides that a detached accessory structure shall not be located in front of the principal structure unless the principal structure is located in the rear half ( $\frac{1}{2}$ ) of the lot/parcel, or when located on an agriculturally zoned lot/parcel with ten (10) or more developable acres. In these situations, the detached accessory structure shall comply with all principal structure setbacks.

The subject property has an agriculturally zoning designation, however the property is not 10 acres in size. Therefore a variance from this provision of the County Code is requested for these existing detached accessory structures.

The criteria set forth under Section 30-43(3), Orange County Code are met, as explained in detail below:

1. Special Conditions and Circumstances: All of the detached accessory structures located on the property, including those located in front of the principal structure, have been on the property for a number of years, prior to the current property owner's purchase of the property. Given the rural nature of the property providing a variance to allow the two detached accessory structures to remain in their current location will address the special circumstances that resulted from previous owners' construction of the same. Additionally, as noted in the September 2, 2020 application submittal to the County, a portion of the property has on-site wetlands. The location of the on-site wetlands, limits the property owners' ability to relocate the detached accessory structures, while still maintaining the required wetland buffers, landscape buffers, drive aisle and parking spaces.

2. Not Self-Created: As noted above, all of the detached accessory structures located on the property, including those located in front of the principal structure, have been on the property for a number of years, prior to the current property owner's purchase of the property.

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3. No Special Privilege Conferred: Approving a variance on the subject property to allow for the two detached accessory structures to remain in their current location (in front of the principal structure) does not confer a special privilege, but rather allows for the operation of a compatible business on the property, while taking into consideration the fact that these buildings were built prior to the property owner acquiring the property. It allows for continued use of existing structures that serve a purpose and have been serving that same purpose for a number of years. Additionally, as noted in the September 2, 2020 application submittal to the County, a portion of the property has on-site wetlands. The location of the on-site wetlands, limits the property owners' ability to relocate the detached accessory structures, while still maintaining the required wetland buffers, landscape buffers, drive aisle and parking spaces.

4. Deprivation of Rights: Denying the requested variance would deprive the property owner of rights commonly enjoyed by others in the same zoning district that do not have to contend with issues that have resulted from previous owners constructing the detached accessory structures in their respective locations. Additionally, as noted in the September 2, 2020 application submittal to the County, a portion of the property has on-site wetlands. The location of the on-site wetlands, limits the property owners' ability to relocate the detached accessory structures, while still maintaining the required wetland buffers, landscape buffers, drive aisle and parking spaces.

5. Minimum Possible Variance: The variance that is being requested is for existing detached accessory structures. Their respective locations are depicted on the revised site plan. The areas for which the variance is being requested are not excessive.

6. Purpose and Harmony: Approval of the variance as requested, allowing for the existing detached accessory structures to remain in their current locations, which includes the location of the overflow warehouse/pole barn/storage structure and an existing shed, in front of the principal structure, will be in harmony with the purpose and intent of the Zoning Regulations and such zoning variance will not be injurious to the neighborhood or otherwise detrimental to public welfare.

The requested Special Exceptions and Variance meet the criteria set forth in the applicable County code provisions.

The applicant on behalf of the property owner respectfully submits this consolidated revised cover letter to support approval for the Special Exceptions and Variance application and supporting documents previously submitted on September 2, September 25 and September 30, 2020. Please note, the Environmental Protection Division, Orange County, has requested that the property owner complete and submit a Conservation Area Determination (CAD). The same is in the process of being completed. It is expected that the CAD will be submitted to EPD within the next two weeks. As a result of the need for an approved CAD, we have requested and you have agreed to move this item to the December BZA meeting date. I will advise when the CAD has been approved so that you can schedule the required Community Meeting.

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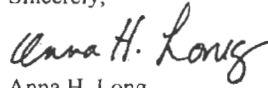
COVER LETTER PAGE 7

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Orange County Zoning Division  
October 13, 2020  
Page 7

Should you have any questions regarding the same, please do not hesitate to call me at (407) 428-5120.

Sincerely,



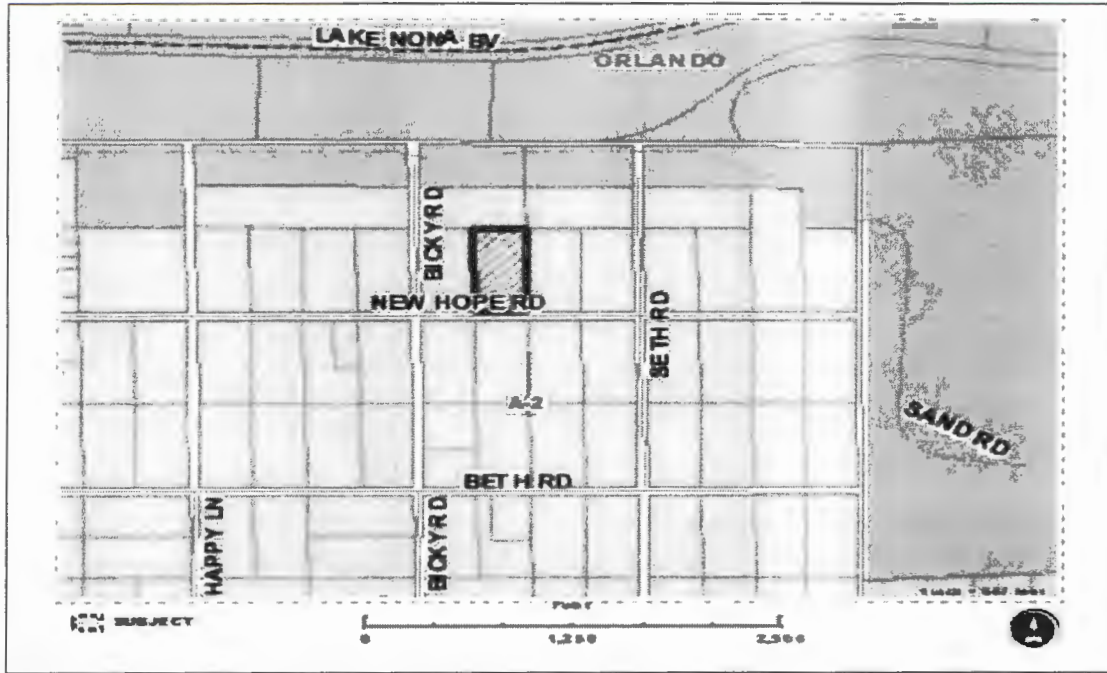
Anna H. Long

AHL:ph

c: Megan Marshall (via email: [Megan.Marshall@ocfl.net](mailto:Megan.Marshall@ocfl.net)) w/o Attachments  
Wilbert Ventura (via email: [Wilbert.Ventura@ocfl.net](mailto:Wilbert.Ventura@ocfl.net)) w/o Attachments  
Martin B. White (via email: [martin@landscapesystems.net](mailto:martin@landscapesystems.net))

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ZONING MAP

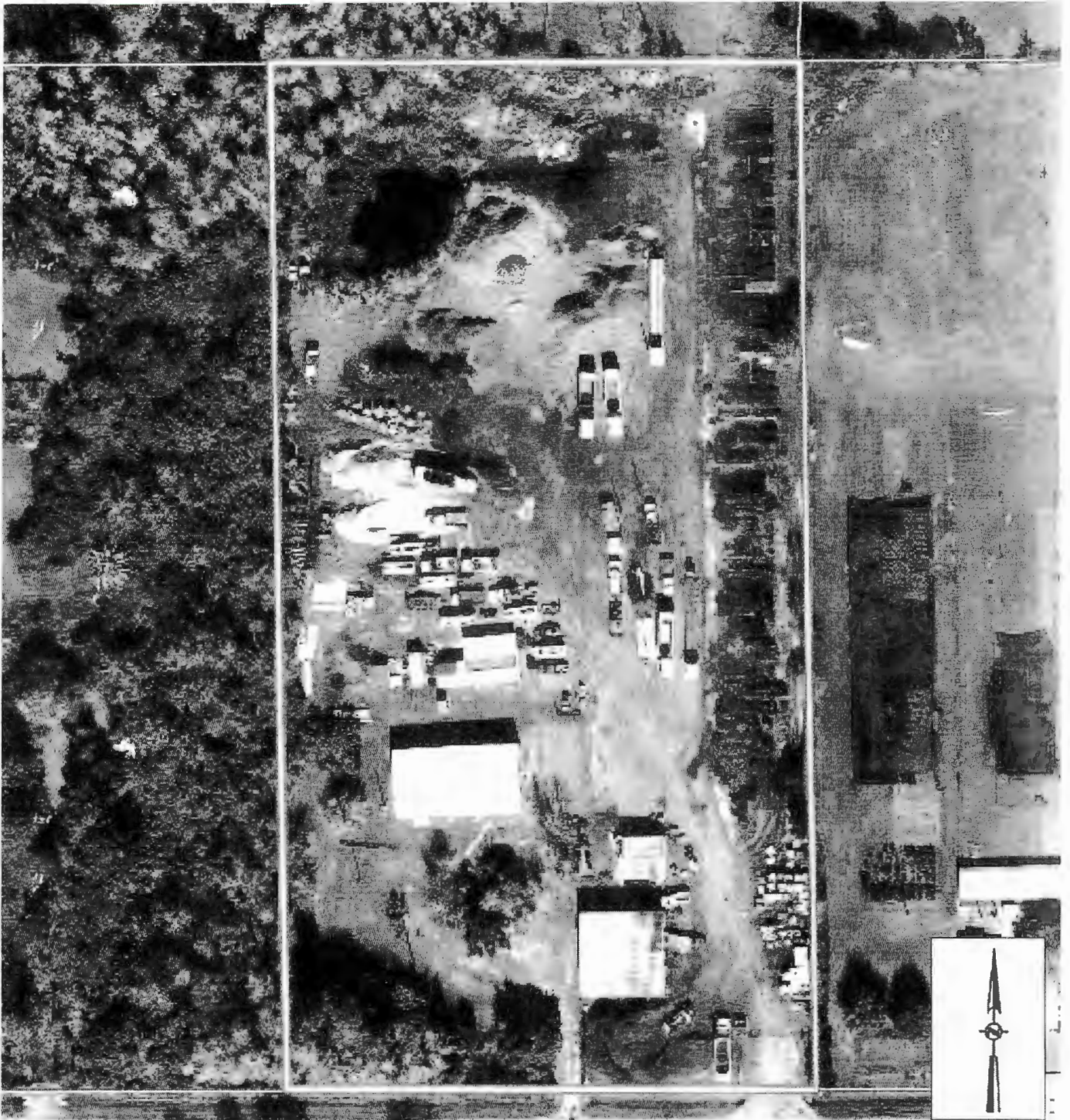


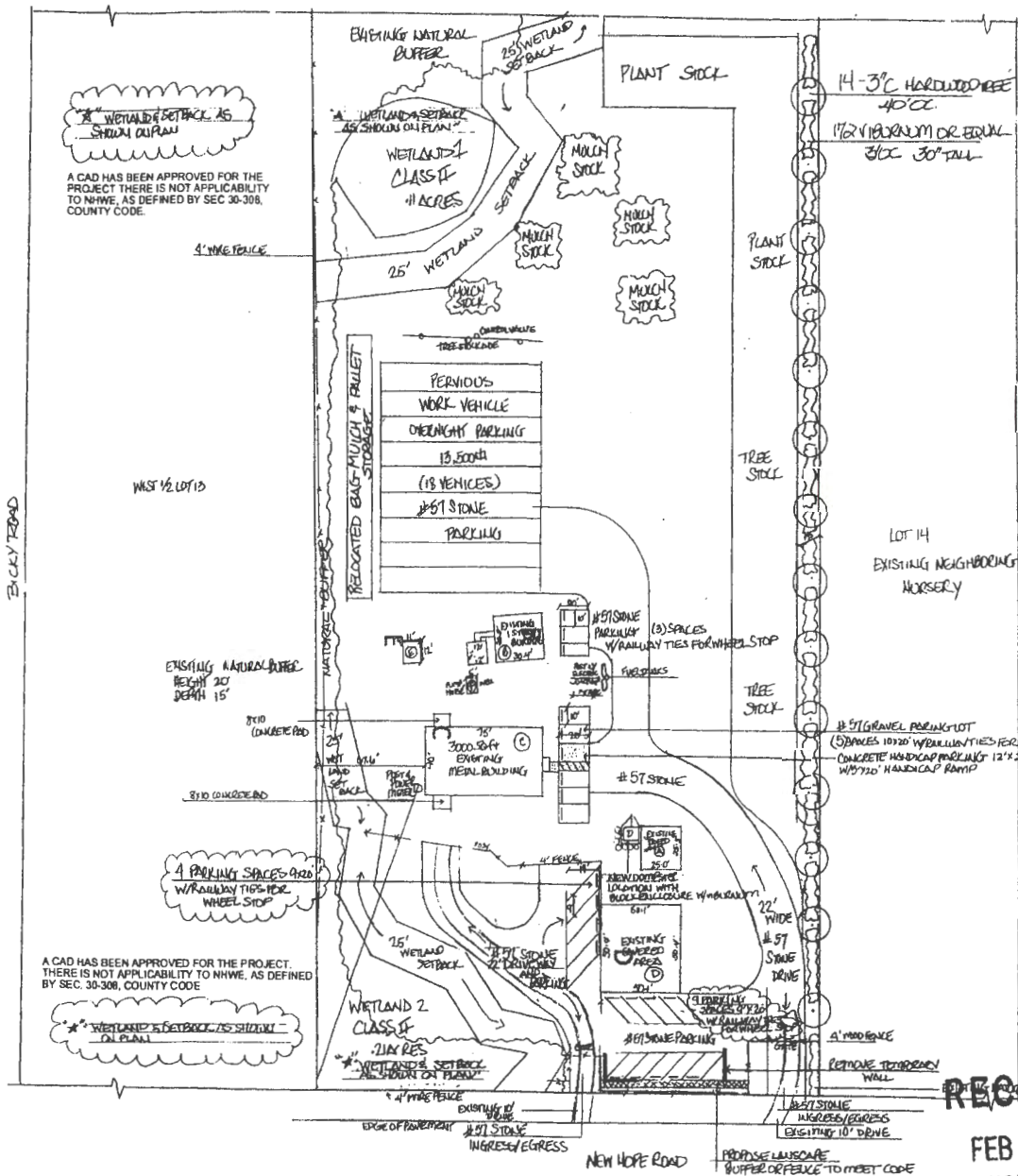
AERIAL MAP





CLOSE UP AERIAL MAP





WETLAND 1 SETBACK AS SHOWN ON PLAN

A CAD HAS BEEN APPROVED FOR THE PROJECT THERE IS NOT APPLICABILITY TO NNWE, AS DEFINED BY SEC 30-309, COUNTY CODE.

A CAD HAS BEEN APPROVED FOR THE PROJECT THERE IS NOT APPLICABILITY TO NNWE, AS DEFINED BY SEC 30-308, COUNTY CODE.

WETLAND 1 SETBACK AS SHOWN ON PLAN

**SITE PLAN**  
 6073 NEW HOPE ROAD  
 ORLANDO, FLORIDA

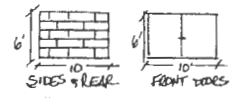
**LEGAL DESCRIPTION**  
 EAST 1/2 OF LOT 13, ORLANDO KISSIMEE PATS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK D, PAGE 11116 PUBLIC RECORDS OF ORANGE COUNTY, FL

**SCALE:** 1"=40'  
**DATE:** REVISED 1/28/21



HOURS OF OPERATION MONDAY-FRIDAY 7AM-7PM

DUMPSTER BLOCK ENCLUSER DETAIL  
 SCALE 1"=10'



NOTE: RELOCATE PALLETS TO BACK HALF OF PROPERTY/  
 RELOCATE BAG-MULCH TO BACK HALF OF PROPERTY

**PARKING CALCULATIONS**

USE	REQUIREMENTS	BLDG SQFT	REQUIRED SPACES
STORAGE (A)	1/1000 SF	2414 SF	1
STORAGE (A)	1/1000 SF	16324 SF	1
OFFICE (C)	1/1000 SF	1680 SF	2
WAREHOUSE (C)	1/1000 SF	1400 SF	2
POLE BARN (D)	1/1000 SF	2825 SF	3
WAREHOUSE (C)	1 SPACE / BAY	2 BAYS	2
WELLHOUSE (E)	1/1000 SF	132 SF	1
POMPHOUSE (F)	1/1000 SF	35 SF	1

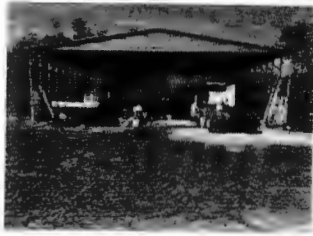
TOTAL SPACES REQUIRED 19  
 PARKING SPACES PROVIDED 21  
 HANDICAP PARKING 1

**RECEIVED**  
 FEB 01 2021  
 ORANGE COUNTY  
 ZONING DIVISION

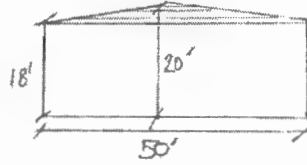


ELEVATIONS

EXISTING BUILDINGS & LAND PURCHASE



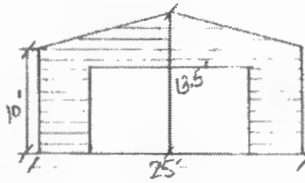
POLE BARN "D" STORAGE  
2525 ft



SCALE 1"=20'



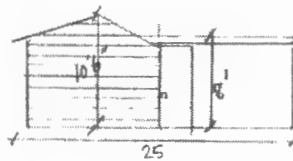
STORAGE "A" 625 ft



SCALE 1"=10'



STORAGE "B" FRONT ELEVATION  
246 ft



SCALE 1"=10'





---

## ELEVATIONS

---

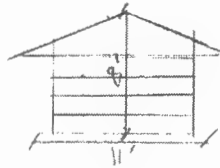
\* Note: Building Elevations  
for Bldg. E and F not  
included in BCC version of  
Submittal - see attached  
added and annotated p. 24  
which also includes Building C

Number: SE-20-11-105  
Name: NEW HOPE ROAD HOLDINGS (ANNA LONG)  
Planner: Nick Balevich

ELEVATIONS



WELL HOUSE "E" 132A



SCALE 1"=10'



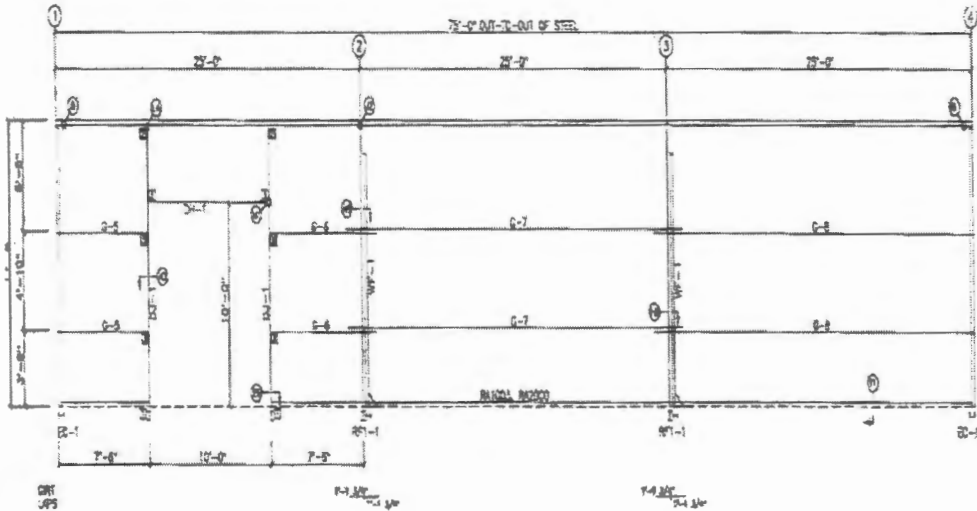
← BLDG "E"



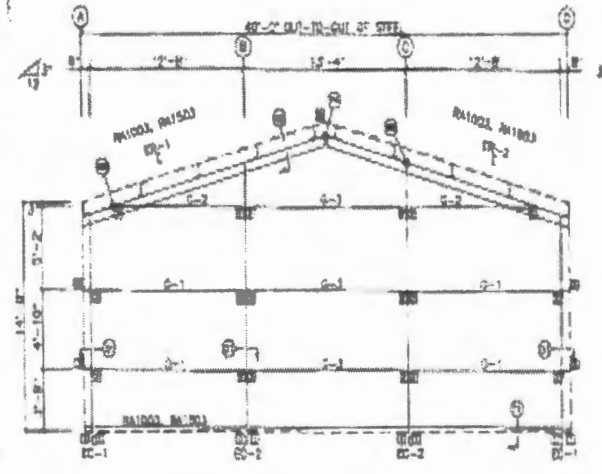
← PUMP HOUSE "F" 35A



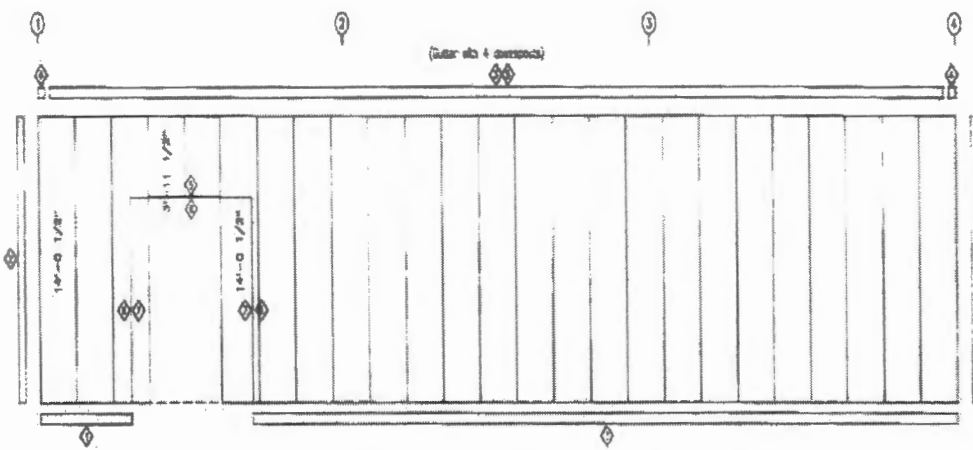
BLDG "C" (3,000 SF) -  
Built without a building  
permit by Applicant



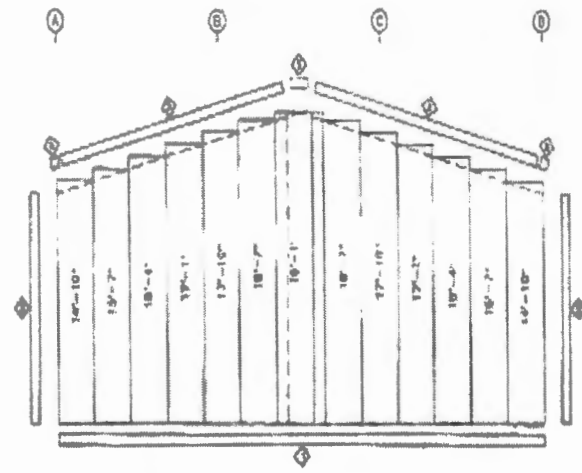
FRONT SIDEWALL FRAMING: LINE D



ENDWALL FRAMING: LINE 1



FRONT SIDEWALL SHEETING & TRIM: LINE D

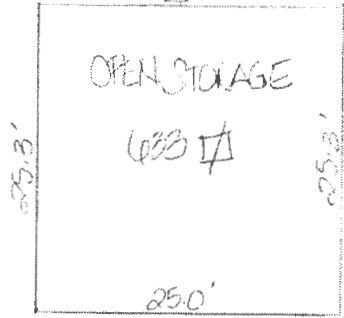


ENDWALL SHEETING & TRIM: LINE 1

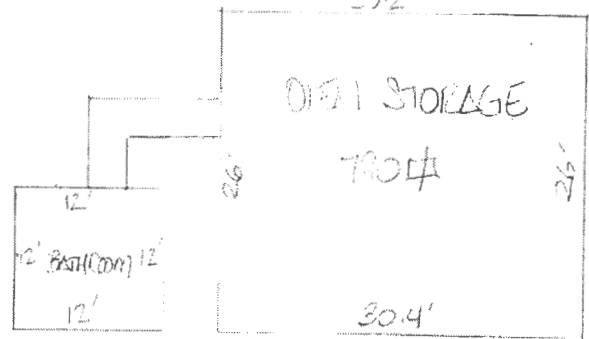


FLOOR PLANS

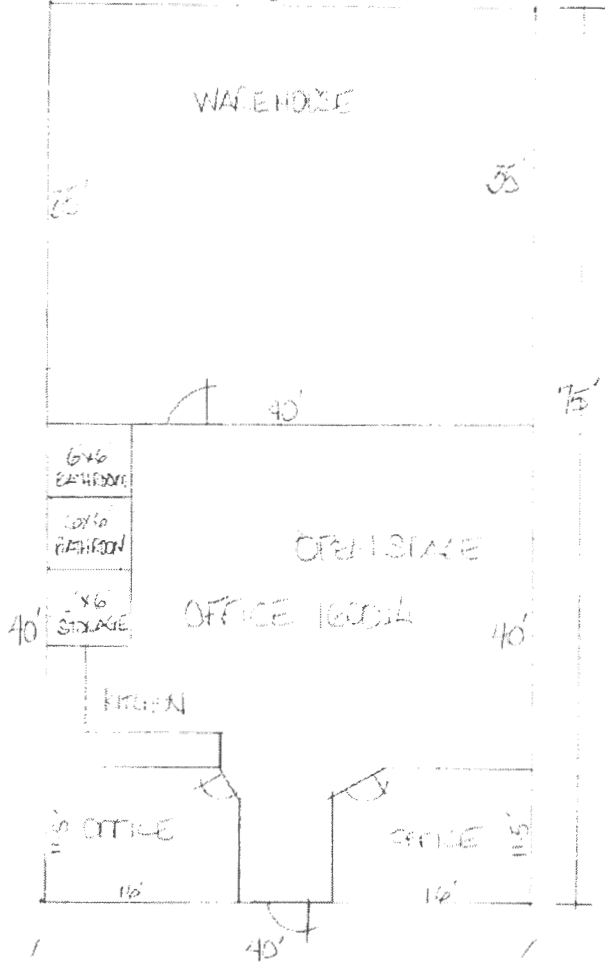
(A) EXISTING SHED  
25'



(B) EXISTING BODY BUILDING  
39.2'



(C) EXISTING METAL BUILDING  
40'



SCALE 1" = 10'

SITE PHOTOS



Front from New Hope Rd. looking north



East entrance from New Hope Rd. looking north

**SITE PHOTOS**



**West entrance from New Hope Rd. looking northeast**



**Bldg. D-2, 525 sq. ft. pole barn, looking west**



**SITE PHOTOS**



**Bldg A-633 sq. ft. shed, and Bldg C-3,000 sq. ft. Office-Warehouse, looking west**



**Facing north, along east property line**

**SITE PHOTOS**



**Mulch piles at rear, facing north**



**Bldg B-846 sq. ft. storage bldg., and Bldg C-3,000 sq. ft. Office-Warehouse, looking south**

**SITE PHOTOS**



**Proposed parking area facing east**



10



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search By Street Address](#) /

6713 new hope road  
Search

**Entity Name List**

Corporate Name	Document Number	Status	Street Address
<a href="#">6713 NEW HOPE ROAD HOLDINGS, LLC</a>	L19000135117	Active	6713 NEW HOPE ROAD
<a href="#">LANDSCAPE SYSTEMS, INC.</a>	V00724	Active	6713 NEW HOPE ROAD
<a href="#">LANDSCAPE SYSTEMS HOLDINGS, LLC</a>	L19000135136	Active	6713 NEW HOPE ROAD

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResults?inquiryType=Address&searchTerm=6713%20new%20hope%20road>

**Businesses registered by Martin White:**

<a href="#">WHITE, MARTIN B</a>	TREE STAKE SOLUTIONS LLC	L17000225564
<a href="#">WHITE, MARTIN B</a>	6713 NEW HOPE ROAD HOLDINGS, LLC	L19000135117
<a href="#">WHITE, MARTIN B</a>	LANDSCAPE SYSTEMS HOLDINGS, LLC	L19000135136
<a href="#">WHITE, MARTIN B</a>	WHITE FAMILY INVESTMENTS, LLC	L19000135153
<a href="#">WHITE, MARTIN B</a>	WHITE BEACH HOLDINGS, LLC	L19000135157
<a href="#">WHITE, MARTIN B</a>	QUALITY WATER WORKS, INC.	P95000051605
<a href="#">WHITE, MARTIN B</a>	LANDSCAPE SYSTEMS, INC.	V00724

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResults?InquiryType=RegisteredAgentName&inquiryDirectionType=PreviousList&searchNameOrder=WHITEMARTINB%20V007240&SearchTerm=white%20martin&entityId=V00724&listNameOrder=WHITEMARTINB%20V007240>

**APPLICATION FOR REGISTRATION OF FICTITIOUS NAME**

REGISTRATION# G16000005654

Fictitious Name to be Registered: MULCH INC.

Mailing Address of Business: 6713 NEW HOPE RD  
ORLANDO, FL 32824

Florida County of Principal Place of Business: MULTIPLE

FEI Number: 59-3099068

**FILED**  
**Jan 14, 2016**  
**Secretary of State**

**Owner(s) of Fictitious Name:**

LANDSCAPE SYSTEMS, INC  
6713 NEW HOPE RD  
ORLANDO, FL 32824 US  
Florida Document Number: V00724  
FEI Number: 59-3099062

I the undersigned, being an owner in the above fictitious name, certify that the information indicated on this form is true and accurate. I further certify that the fictitious name to be registered has been advertised at least once in a newspaper as defined in Chapter 50, Florida Statutes, in the county where the principal place of business is located. I understand that the electronic signature below shall have the same legal effect as if made under oath and I am aware that false information submitted in a document to the Department of State constitutes a third degree felony as provided for in s. 817.155, Florida Statutes.

MARTIN WHITE 01/14/2016  
\_\_\_\_\_  
Electronic Signature(s) Date

Certificate of Status Requested ( ) Certified Copy Requested ( )

11

Prepared by and Return to:

Regina Rabitaille, Esquire  
Nelson Mullins Broad and Cassel  
390 North Orange Avenue, Suite 1400  
Orlando, Florida 32801

Parcel ID No. 34-24-30-6368-00-130

DOC # 20190361216

06/12/2019 13:13 PM Page 1 of 4

Rec Fee: \$35.50

Deed Doc Tax: \$0.70

Mortgage Doc Tax: \$0.00

Intangible Tax: \$0.00

Phil Diamond, Comptroller

Orange County, FL

Ret To: SIMPLIFILE LC

For Recording Purposes Only

### SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made and executed this 22<sup>nd</sup> day of May, 2019, by LANDSCAPE SYSTEMS, INC., a Florida corporation hereinafter called the "Grantor," to LANDSCAPE SYSTEMS HOLDINGS, LLC, a Florida limited liability company whose address is 6713 New Hope Road, Orlando, Florida 32824, hereinafter called the "Grantee":

[Wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.]

#### WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee that certain land situate in Orange County, Florida, to-wit:

See attached Exhibit "A"

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever claiming by, through, or under the Grantor; and that said land is free of all encumbrances, except:

- 1) Zoning, restrictions, prohibitions, and other requirements imposed by governmental authority;
- 2) Taxes accruing subsequent to December 31, 2018;
- 3) Easements, restrictions, and rights-of-way of record, but reference thereto shall not serve to reimpose same; and
- 4) All mortgages of record, if any.



NOTE that this Deed is being prepared at the Grantor's request without the benefit of a title search or title examination. No title opinion, title insurance, or title assurances have been requested or given in connection with the preparation of this Deed.

**(SIGNATURES ON FOLLOWING PAGE)**

IN WITNESS WHEREOF, the Grantor has executed this Deed as of the day and year set forth above.

Signed, sealed and delivered in our presence:

Regina Rabitaille  
Print Name: Regina Rabitaille

LANDSCAPE SYSTEMS, INC.

C. Perez  
Print Name: Chris Perez

By: [Signature]  
MARTIN BRIAN WHITE, President

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of May, 2019, by MARTIN BRIAN WHITE, as President of LANDSCAPE SYSTEMS, INC., who is personally known to me or produced N/A as identification.

Regina Rabitaille  
NOTARY PUBLIC  
State of Florida  
My Commission expires:  
[Print, type or stamp name of Notary]

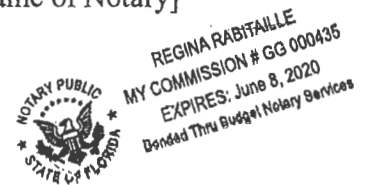


Exhibit "A"

The East Half of Lot 13, Orlando-Kissimmee Farms, as per plat thereof, recorded in Plat Book "O" Page 117 1/2, of the Public Records of Orange County, Florida.



*Prepared by and Return to:*

Regina Rabitaille, Esquire  
Nelson Mullins Broad and Cassel  
390 North Orange Avenue, Suite 1400  
Orlando, Florida 32801

Parcel ID No. 34-24-30-6368-00-130

For Recording Purposes Only

### SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made and executed this 22<sup>nd</sup> day of May, 2019, by LANDSCAPE SYSTEMS HOLDINGS, LLC, a Florida limited liability company hereinafter called the "Grantor," to 6713 NEW HOPE ROAD HOLDINGS, LLC, a Florida limited liability company whose address is 6713 New Hope Road, Orlando, Florida 32824, hereinafter called the "Grantee":

[Wherever used herein, the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.]

#### WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee that certain land situate in Orange County, Florida, to-wit:

See attached Exhibit "A"

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever claiming by, through, or under the Grantor; and that said land is free of all encumbrances, except:

- 1) Zoning, restrictions, prohibitions, and other requirements imposed by governmental authority;
- 2) Taxes accruing subsequent to December 31, 2018;
- 3) Easements, restrictions, and rights-of-way of record, but reference thereto shall not serve to reimpose same; and
- 4) All mortgages of record, if any.

NOTE that this Deed is being prepared at the Grantor's request without the benefit of a title search or title examination. No title opinion, title insurance, or title assurances have been requested or given in connection with the preparation of this Deed.

**(SIGNATURES ON FOLLOWING PAGE)**

IN WITNESS WHEREOF, the Grantor has executed this Deed as of the day and year set forth above.

Signed, sealed and delivered in our presence:

Regina Rabitaille  
Print Name: Regina Rabitaille

LANDSCAPE SYSTEMS HOLDINGS, LLC

C. Perez  
Print Name: Chris Perez

By: [Signature]  
MARTIN BRIAN WHITE, Manager

STATE OF FLORIDA  
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 22<sup>nd</sup> day of May, 2019, by MARTIN BRIAN WHITE, as Manager of LANDSCAPE SYSTEMS HOLDINGS, INC., who is personally known to me or produced N/A as identification.

Regina Rabitaille  
NOTARY PUBLIC  
State of Florida  
My Commission expires:  
[Print, type or stamp name of Notary]

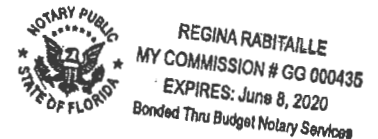




Exhibit "A"

The East Half of Lot 13, Orlando-Kissimmee Farms, as per plat thereof, recorded in Plat Book "O" Page 117 1/2, of the Public Records of Orange County, Florida.

19 MAY 30 11:24 AM '19  
DIVISION OF CORPORATE REGISTRATION  
(H1900017124 AM 3)

**ARTICLES OF ORGANIZATION**

**OF**

**6713 NEW HOPE ROAD HOLDINGS, LLC**

The undersigned acting as the organizer of 6713 NEW HOPE ROAD HOLDINGS, LLC, under the Florida Limited Liability Company Act, Chapter 605, Fla. Stat., adopt the following Articles of Organization:

**ARTICLE I - Name:**

The name of the limited liability company is 6713 NEW HOPE ROAD HOLDINGS, LLC (the "Company").

**ARTICLE II - Address:**

The mailing address and the principal office of the limited liability company is 6713 New Hope Road, Orlando, FL 32824.

**ARTICLE III - Duration:**

The period of duration for the Company shall be perpetual, unless dissolved in accordance with the terms of the Operating Agreement of the Company.

**ARTICLE IV - Management:**

The limited liability company is to be managed by a manager and the name and address of the individual to serve as the initial manager until the first annual meeting of members or until its successor is elected and qualified is:

<u>Name</u>	<u>Address</u>
BRIAN MARTIN WHITE	6713 New Hope Road Orlando, Florida 32824

**ARTICLE V - Admission of Additional Members:**

The Company shall admit new Members in accordance with the Company's Operating Agreement.

(H19000171246 3)

19 MAY 30 2019 8:54  
DIVISION 1712963  
(4170001712963)

**ARTICLE VI - Adoption of Operating Agreement:**

The Company shall adopt an Operating Agreement for the Company, which Operating Agreement may contain any provisions for the regulation and management of the affairs of the Company not inconsistent with these Articles of Organization, or Chapter 605, Fla. Stat.

**ARTICLE VII - Initial Registered Agent and Office:**

The initial registered agent for the Company shall be MARTIN BRIAN WHITE, 2550 Venetian Way, Winter Park, Florida 32789.

**ARTICLE VIII - Amendments:**

The Company reserves the right to amend any provision of these Articles of Organization, which amendment shall only be effectuated by the majority written approval of all voting Members of the Company.

**ARTICLE IX - Indemnification:**

Each individual or entity who is or was a manager of the Company (and the heirs, executor, personal representatives, administrators, successors or assigns of such individual or entity) who was or is made a party to, or is involved in any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that such person is or was a manager of the Company ("Indemnitee"), shall be indemnified and held harmless by the Company to the fullest extent permitted by applicable law, as the same exists or may hereafter be amended. In addition to the indemnification conferred in this Article, the Indemnitee shall also be entitled to have paid directly by the Company the expenses reasonably incurred in defending any such proceeding against such Indemnitee in advance of its final disposition, to the fullest extent authorized by applicable law, as the same exists or may hereafter be amended. The rights and authority conferred in this Article shall not be exclusive of any other right which any person may have or hereafter acquire under any statute, provision of the Articles of Organization or Operating Agreement of the Company, agreement, vote of Members or otherwise. Any repeal or amendment of this Article by the Members of the Company shall not adversely affect any right or protection of a manager or officer existing at the time of such repeal or amendment.



The effective date of this Articles of Organization shall be May 22, 2019.

(4170001712963)



RECEIVED  
DIVISION OF REVENUE  
19 MAY 30 AM 8:56  
(H190001712963)

**ARTICLE X - Member Interests:**

The Company is authorized to issue both voting and nonvoting membership interests. All membership interests shall be identical in all respects except the nonvoting membership interests shall carry no right to vote on any matter except as the State of Florida requires that voting rights be granted nonvoting membership interests.

IN WITNESS WHEREOF, the undersigned executes the Articles of Organization as of this 22<sup>nd</sup> day of May, 2019.



MARTIN BRIAN WHITE

(H190001712963)

Division of Corporations  
19 MAY 30 2019 AM 8:56  
(H19000130)

ACCEPTANCE OF APPOINTMENT OF REGISTERED AGENT

PURSUANT TO THE PROVISIONS OF SECTION 605.415, FLORIDA STATUTES, THE UNDERSIGNED REGISTERED AGENT SUBMITS THE FOLLOWING STATEMENT IN DESIGNATING THE REGISTERED OFFICE/REGISTERED AGENT, IN THE STATE OF FLORIDA.

1. The name of the limited liability company is **6713 NEW HOPE ROAD HOLDINGS, LLC**

2. The name and address of the registered agent and its office is:

MARTIN BRIAN WHITE  
2550 Venetian Way  
Winter Park, Florida 32789

Having been named as registered agent and to accept service of process for the above stated limited liability company at the place designated in this certificate, the undersigned hereby accepts the appointment as registered agent and agree to act in this capacity. The undersigned further agrees to comply with the provisions of all statutes relating to the proper and complete performance of its duties, and is familiar with and accepts the obligations of its position as registered agent.

  
MARTIN BRIAN WHITE

Dated this 29<sup>th</sup> day of May, 2019.

(H190001712963)

**NEIGHBORHOOD PETITION TO REJECT APPLICATION FOR SPECIAL EXCEPTION  
CASE NUMBER SE-20-11-105  
6713 NEW HOPE ROAD, ORLANDO FL 32824**

**TO: BOARD OF ZONING ADJUSTMENT ORANGE COUNTY, FLORIDA**

We, the undersigned residents, hereby petition the Board of Zoning Adjustment to reject the Application of Landscape Systems (case number SE-20-11-105) to permit a landscaping/irrigation business to be constructed and operated on 4.56 acre parcel located at 6713 New Hope Road, Orlando FL 32824. The special Exception does not meet the requirements set forth in Orange County Code Section 38-78 for such a Special Exception to be granted. The proposed business is detrimental to our predominantly residential neighborhood and residents.

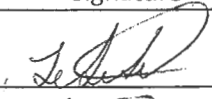
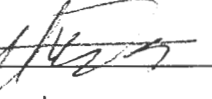
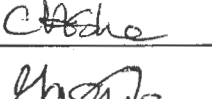
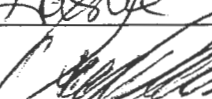
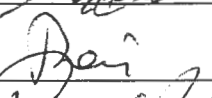
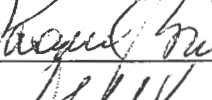

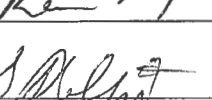
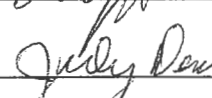


Name	Address	Signature	Date
CHARLES RUTHERFORD	6967 NEW HOPE RD ORLANDO FL <sup>32824</sup>	<i>Charles Rutherford</i>	12/5/2020
Kathe Hypes	14077 Seth Rd Orlando, FL <sup>32824</sup>	<i>Kathe Hypes</i>	12/5/2020
<del>Kathe Hypes</del>	14077 Seth Rd Orlando FL 32824	<del>Kathe Hypes</del>	12/5/20
Heidi TRAN	14078 Seth Rd. Orlando, FL 32824	<i>Heidi Tran</i>	12/5/20
Chela M Triguera	6606 New Hope Rd Or. FL <sup>32824</sup>	<i>Chela M Triguera</i>	12/5/2020
<del>Chela M Triguera</del>	6606 New Hope Rd OR FL 32824	<del>Chela M Triguera</del>	12/5/20
Simone Kearsy	6464 New Hope Rd FL 32824	<i>Simone Kearsy</i>	12/5/20
Tyria Kearsy	6464 New Hope Rd FL 32824	<i>Tyria Kearsy</i>	12/5/20
Raymond Phelan	6407 New Hope Rd Orlando, FL 32824	<i>Raymond Phelan</i>	12/5/20
Jesmy Hernandez	6053 New Hope Rd Orlando FL	<i>Jesmy Hernandez</i>	12/5/20
Jesus Hernandez	6053 New Hope Rd Orlando	<i>Jesus Hernandez</i>	12/5/20



**NEIGHBORHOOD PETITION TO REJECT APPLICATION FOR SPECIAL EXCEPTION**  
**CASE NUMBER SE-20-11-105**  
**6713 NEW HOPE ROAD, ORLANDO FL 32824**

**TO: BOARD OF ZONING ADJUSTMENT ORANGE COUNTY, FLORIDA**

We, the undersigned residents, hereby petition the Board of Zoning Adjustment to reject the Application of Landscape Systems (case number SE-20-11-105) to permit a landscaping/irrigation business to be constructed and operated on 4.56 acre parcel located at 6713 New Hope Road, Orlando FL 32824. The special Exception does not meet the requirements set forth in Orange County Code Section 38-78 for such a Special Exception to be granted. The proposed business is detrimental to our predominantly residential neighborhood and residents.

Name	Address	Signature	Date
Jesus Hernandez Jr	6053 Newhope Rd		12/5/20
Manuel Murguza	6806 New Hope, Orlando		12/05/2020
Cherie Ashe	6940 New Hope, Orlando		12/06/2020
Giles Ashe	6940 New Hope, Orlando		12/06/2020
Oscar Casas	6855 Bethuel Orlando, FL		12/06/2020
Frederica Rai	6813 New Hope Rd, Orlando		12/06/2020
Rasquel Bracero	14890 Bicky Road Orlando		12/6/2020
JEFF KARAS	14894 Seth Rd		12/6/2020
L. Reece Philpot	1480 3 Seth Rd Orlando		12/6/2020
Ousie Philpot	1480 3 Seth Rd Orlando		12/6/2020
Judy Devlin	6945 Whispering Pines Rd.		12-6-20

**NEIGHBORHOOD PETITION TO REJECT APPLICATION FOR SPECIAL EXCEPTION PERMIT  
CASE NUMBER SE-20-11-105  
6713 NEW HOPE ROAD, ORLANDO FL 32824**

**TO: BOARD OF ZONING ADJUSTMENT ORANGE COUNTY, FLORIDA**

We, the undersigned residents, hereby petition the Board of Zoning Adjustment to reject the Application of Landscape Systems (case number SE-20-11-105) to permit a landscaping/irrigation business to be constructed and operated on 4.56 acre parcel located at 6713 New Hope Road, Orlando FL 32824. The special Exception does not meet the requirements set forth in Orange County Code Section 38-78 for such a Special Exception to be granted. The proposed business is detrimental to our predominantly residential neighborhood and residents.

Name	Address	Signature	Date
Danny Devlin	6945 Whispering Pine Rd.	Danny Devlin	12-6-20
Evelyn Rodriguez	14140 Seton Rd	Evelyn Rodriguez	12-6-20
Diane Rutherford	6967 New Hope Rd	Diane Rutherford	12/7/2020

January 6, 2020

Dear Neighbors

We are in the process of confirming our Special Exception Permit, with Orange County. We are asking that you verify there is no problem with our conducting business, during our regular business hours: 7 am-7pm.

Your signature confirms you have no objections to our business operation here at 6713 New Hope Road.



Sincerely,

Martin White  
Landscape Systems, Inc.  
Mulch Inc.  
President

Name: Shaun Trump Address: 14055 Bickel Rd

Signature: SHARON TRUMP

Name: TEJASH DUNGARANI Address: 6607 New Hope Rd

Signature: [Signature]

Name: [Signature] Address: 6712 <sup>th</sup> ~~6677~~ New Hope Rd, <sup>no count</sup>

Signature: [Signature]

Name: Pedro Ordeh Address: 6795 New Hope Rd, <sup>no count</sup>

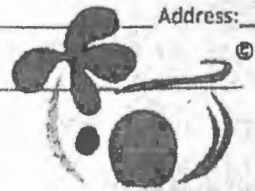
Signature: [Signature]

Name: Carlos M. Figueira Address: 6606 New Hope Rd, <sup>no count</sup>

Signature: [Signature]

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Signature: \_\_\_\_\_



LANDSCAPE SYSTEMS INC.





Search mail

# Fwd: Withdrawal of consent from Dr. Dungarani

Inbox x

**Alison Yurko** <ayurkolaw@gmail.com>

to me

**From:** Tejash Dungarani <tdungarani@gmail.com>

**Date:** May 7, 2021 at 12:26:03 PM EDT

**To:** Alison Yurko <ayurkolaw@gmail.com>

**Cc:** [Nick.Balevich@ocfl.net](mailto:Nick.Balevich@ocfl.net), Tetyana Rai <tright001@yahoo.com>, [giles@wingsaviation.aero](mailto:giles@wingsaviation.aero), [re:](#)

**Subject:** Re: Withdrawal of consent

Yes, I would to withdraw previous support and would like to oppose zoning changes.

Thanks

Tejash

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Reply

Forward



No

cl

Star



re: Sharon Trump letter

November 18, 2020

Subject: Variance for 6713 New Hope Road, Orlando/Kissimmee Farms, Orlando 32824

Quite awhile ago my neighbor at 6713 New Hope Rd., Orlando, asked if I would sign a paper for him that I had no objection to him continuing running his landscaping business on his property. I had no objections at that time. He and his staff had been great neighbors and actually helped me numerous times. I told him my only objection then was the speeding trucks. Recently someone had struck & killed another neighbor's dog. Mike immediately said he would take care of it...being a dog lover himself...he would not tolerate such actions. I told him I didn't know if it was his people, but there was a lot of speeding on the road and trash being thrown into the ditches.

As I said, Mike and his office staff & some of his employees have been very helpful to me. I considered them very good neighbors. I understand at this point, he has to obtain a zoning variance to continue doing business in our residential development. **I cannot agree to a variance for his business** so I have to withdraw my former consent.

That would leave the door open to another landscaping company down the street that is a horrible neighbor to also getting a variance, and would allow others in the neighborhood that are operating illegal businesses to also get variances. They are ruining our residential neighborhood and making it unsafe for those of that live here. To say nothing of what they are doing to our property values.

We have huge trucks speeding up & down our roads, rude drivers, parking on the side of the roads, where there is no shoulder to park on. Speed limits are flouted, trash is thrown into our drainage ditches plugging them up, ponds are being drained into our drainage ditches.

This subdivision is zoned A2 (agricultural/residential) properties. I moved here 36 years ago to have my horses and dogs on our 5 acres. It was a quiet & safe rural neighborhood that had almost no outside traffic. The entire neighborhood has only 2 roads in which both dead end. These are actual old country roads that will not sustain high traffic. They were blacktopped so that the school buses would not get stuck in the mud that we previously called our roads. The roads were not widened and do not have curbs or sidewalks. New Hope Rd. is only 20 feet wide and is a crowned road. We all tend to drive on the crown of the road because it is narrow and drops off on both sides. Two 8-foot wide pickup trucks barely fit safely on the road. Meeting up with huge speeding huge dump trucks full of mulch or a tractor trailer is intimidating and not that safe.

I can no longer safely ride a horse nor even walk a dog down the street without taking my life in my hands. Neighbors have children getting on & off their school bus while numerous large trucks speed down the road endangering their lives. This is a residential neighborhood first and foremost!

Sincerely,

Sharon Trump  
14055 Bicky Rd.  
Orlando, FL 32824  
321-663-8612




NEIGHBORHOOD PETITION TO REJECT APPLICATION FOR SPECIAL EXCEPTION

CASE NUMBER SE-20-11-105

6713 NEW HOPE ROAD, ORLANDO FL 32824

TO: BOARD OF ZONING ADJUSTMENT ORANGE COUNTY, FLORIDA

We, the undersigned residents, hereby petition the Board of Zoning Adjustment to reject the Application of Landscape Systems (case number SE-20-11-105) to permit a landscaping/irrigation business to be constructed and operated on 4.56 acre parcel located at 6713 New Hope Road, Orlando FL 32824. The special Exception does not meet the requirements set forth in Orange County Code Section 38-78 for such a Special Exception to be granted. The proposed business is detrimental to our predominantly residential neighborhood and residents.

Name	Address	Signature	Date
CHARLES RUTHERFORD	6967 NEW HOPE RD ORLANDO FL <sup>32824</sup>	<i>Charles Rutherford</i>	12/5/2020
Kathe Hypes	14077 Seth Rd Orlando, FL <sup>32824</sup>	<i>Kathe Hypes</i>	12/5/2020
<del>Kathe Hypes</del>	14077 Seth Rd Orlando FL 32824	<del><i>Kathe Hypes</i></del>	12/5/20
Heidi TRAN	14078 Seth Rd, Orlando, FL 32824	<i>Heidi Tran</i>	12/5/20
 Chela M. Nguyen	6606 New Hope Rd OR FL 32824	<i>Chela M. Nguyen</i>	12/5/2020
<del>Chela M. Nguyen</del>	6606 New Hope Rd OR FL 32824	<del><i>Chela M. Nguyen</i></del>	12/5/20
Simone Kersey	6464 NEW HOPE RD FL 32824	<i>Simone Kersey</i>	12/5/20
Tyria Kersey	6464 new hope rd FL 32824	<i>Tyria Kersey</i>	12/5/20
Raymond Phoeni	6407 New Hope Rd Orlando, FL 32824	<i>Raymond Phoeni</i>	12/5/20
Jesmy Hernandez	6053 New Hope Rd Orlando FL	<i>Jesmy Hernandez</i>	12/5/20
Jesus Hernandez	6053 New Hope Rd Orlando	<i>Jesus Hernandez</i>	12/5/20

6713 NEW HOPE ROAD – NEW HOPE HOLDINGS (ANNA LONG and MARTIN WHITE)

SPECIAL EXCEPTION (SE-20-11-105)

BOARD OF ZONNING ADJUSTMENT (BZA)

MARCH 04/2021

The existing commercial businesses (Landscape Systems, Inc. and Mulch, Inc.) are operating from 6713 New Hope Road, the heart of the existing residential community, A-2 zoned. The community called Orlando-Kissimmee Farms and consists of single family houses, nurseries, and some properties with domestic animals, like horses, cows, goats, etc...

- On February 18/2021 was virtual Community Meeting and everyone objected the proposed SE, except 6647 Beth Rd and Elle Anderson from 6847 New Hope Rd, who is running similar Landscaping business despite all violation notes given by the Orange County Code Enforcement.
- The applicant is not entirely honest about the nature of the businesses, operated from 6713 New Hope Road. Only landscaping and irrigation is mentioned, but nothing about Mulch, Inc. Several 53' commercial trucks would deliver mulch to the above mentioned property and unload it directly on the ground in different locations throughout the property in tall mounts of 15' or higher. Shortly after this mulch will be loaded back to the smaller Mulch, Inc. trucks and taken to the various customers. There trucks were spotted throughout Central Florida, not only on new constructions as was stated by the applicant.
- In addition, the site plan submitted to the Orange County Zoning Division on Feb. 01/2021 does not reflect the actual site operation. For instance, the entrance from New Hope Road on the map there is a Wetland Class II with setback; however, in reality it is a parking lot for employees. Again, from New Hope Road on plan is stone parking, but in the real life its used for one of the mulch loading and unloading locations. The site plan is only for 18+21 parking spaces and 1 handicap parking. As per SE application, this business already has 25 registered business vehicles, not to mention forklifts and other small accessories. Also, as per applicant statement on Feb. 18/2021, this business have almost 50 employees who, obviously, driving to/from work in personal vehicles. There is no provision for all of them to park, and eventually most of them will park on New Hope Road, as some of them are already doing so daily. Just reminder, New Hope Road is 2 way narrow road without sidewalks and any parking will obstruct the traffic flow. Also, as per site plan, hours of operation are 7-7, in real life they started at 6 am till whatever time.

Concerns related to Landscaping/Mulch business operation from 6713 New Hope Road:

- Public safety on the road:
  - a) Pedestrians (especially children walking to/from school bus stop on the road, due to absence of sidewalks), animals (horses) as road have to be shared with large number of commercial vehicles, which are often speeding and disregarding stop signs;
  - b) To avoid collision, often residents in vehicles have to pull over the narrow road to allow big trucks pass by safely.
  - c) Parking on the road by employees from the existing business leads to obstruction of the traffic flow and potential automotive accidents. As was mentioned by the applicant on Feb. 18/2021 Community Meeting, he has about 50 employees.
- Public health: truckloads of mulch unloaded directly on the ground daily, open to the air and rain in community that receives drinking water from private wells. During rainy season, the substances from composting mulch are washed out into the ground and into the water table used by the residents as a source of drinking water. We did not hear statement from the Environmental Protection Agency that this kind of business is safe in the area with drinking water supplied by private wells.
- Dust and mess from handling of mulch is evident on the New Hope Road and beyond.
- New Hope Road is messy with eroded edges, especially around 6713 New Hope entry. This is all due to increased presence of heavy commercial trucks on the road that is not designed to handle such wear and tear. As a result, shortly costly repairs are inevitable.
- Taxes paid by the 6713 New Hope is way lower than an average single family household pays in this community; for instance, on the same street some single family houses pay almost 14K vs. little bit over 4K by 6713 New Hope Road.
- Noise from all day long loading/unloading mulch and other landscaping supplies can be heard 3-4 properties away. This is a big contrast to a typically quiet neighborhood. Before we use to wake up to the roosters and other animals sounds.
- Aesthetic of 6713 New Hope does not blend with the rest of the community where single family residences are well kept family houses. It is well known fact that house is the biggest investment for everyone and the present condition of 6713 New Hope Road misrepresents our community and brings down our properties value.
- 6713 New Hope is Landscaping business, not nursery like the ones we have in our neighborhood. Nursery is a Bona Fide agricultural use of the land, where plants are planted and grown to certain stage. To the contrast of the landscaping business, where mature plants are bought as an inventory for the landscaping projects.
-



In conclusion:

The applicant does not meet Special Exemption Criteria (Section 38-78, Orange County Code) for the use of land, as there is nothing similar in this community, except business from 6748 New Hope Road, which is illegally operated. The landscaping and mulch business operation from 6713 New Hope Road esthetically an eye sore and act as a detrimental intrusion into a surrounding area. The dust from endless mulch loading, unloading, the noise from the commercial vehicles, and countless traffic obstruction are results of the existing business operated from 6713 New Hope Road.

Subsequently, the applicant does not meet Variance Criteria (Section 30-43), the entire operation from 6713 New Hope Road not in harmony with surroundings and poses serious safety and health risk to the public in Orlando-Kissimmee Farms community.

The applicant probably is a good person, but his business is in wrong place. Here is nothing personal; this is business vs. my home and safety of my family.

**6713 NEW HOPE ROAD – NEW HOPE HOLDINGS (ANNA LONG and MARTIN WHITE)  
SPECIAL EXCEPTION (SE-20-11-105)  
BOARD OF ZONING ADJUSTMENT (BZA)  
MARCH 04, 2021**

**SUPPLEMENT TO NEIGHBORHOOD OPPOSITION STATEMENT  
ADDITIONAL POINTS**

1. At the Community Meeting, the applicant stated that its business is conducted at customer sites outside the neighborhood and no business is done at 6713 New Hope Road. Therefore, there is no business reason the applicant's business to be conducted on New Hope Road.
2. At the Community Meeting, the applicant stated that there are other landscaping businesses in the area. All such businesses are illegal. At the December 5, 2019 BZA Hearing on the Special Exception application of Elle Anderson to permit a landscaping business on vacant land on Bicky Road, that applicant also argued that there were other "businesses" in the area. When it was disclosed that these "businesses" were illegal, the BZA Members told that applicant that illegal businesses could not be used to support Ms. Anderson's application for a Special Exception. Since this determination of the BZA applied to a business that was seeking a Special Exception before buying the property on Bicky Road, it would certainly apply to 6713 New Hope Road where the applicant, itself, has been operating an illegal business since 2015.
3. To grant a Special Exception to allow this illegal business to operate in Orlando-Kissimmee Farms would open the door for other illegal businesses to apply for Special Exceptions. This would be at the same time that Code Enforcement has been trying to shut those businesses. It would also open the door for other illegal businesses to open without first seeking a Special Exception and then seek to obtain one by arguing that this worked for other illegal businesses.
4. At the Community Meeting, the applicant stated that the reason that he opened his illegal business at 6713 New Hope Road is that he saw other business in the area and concluded that it was legal to operate his business, and therefore he should now be granted a Special Exception. This contention fails for several reasons.
  - (a) The presence of many homes in the area, especially those occupied by families with children, should have caused the applicant to question his incorrect conclusion.
  - (b) The Orange County Code is a public document and the applicant could easily have determined that his business could not be conducted in this area.
  - (c) As shown by the Florida Department of State's records, the applicant's company, Landscaping Systems, Inc., was formed in 1991 with a Winter Park address and Martin White has been its President since that time. Thus, when it acquired 6713 New Hope Road in 2014, the applicant had been in the landscaping business in Orange County for over 20 years. Surely, the applicant had the knowledge that it needed to determine if it was legal to operate its business at 6713 New Hope Road.

- (d) The Public Records show that the applicant was represented by the prestigious Orlando law firm of Broad And Cassel and thus had access to legal advice about the requirements for operating its business at 6713 New Hope Road. Specifically:

On May 22, 2019, Landscaping Systems, Inc. deeded 6713 New Hope Road to an affiliated company, Landscape Systems Holdings, LLC, by means of a Special Warranty Deed and for no consideration and on that same day, Landscape Holdings, LLC deeded 6713 New Hope Road to another affiliated company named 6713 New Hope Road, LLC (the current owner) by means of a Special Warranty Deed and for no consideration. Both Deeds show that they were prepared by Broad And Cassel.

The Florida Department of State's records show that the Articles of Organization for both of these LLC's which name Martin White as the Manager were prepared and filed by Broad And Cassel.

- (e) Applicant's argument is equivalent to a speeding motorists arguing that not only should he not get a ticket because some other motorists speed, but he should also be allowed to speed from now on.
- (f) Applicant has compounded his bad faith by opening and operating another illegal business called Mulch, Inc., which was not incorporated but is claiming to be a corporation conducting the mulch business at 6713 New Hope Road on its website and on the sides of its trucks. The Florida Department of State's records do not show that "Mulch, Inc." was incorporated, but the Mulch, Inc. website shows a huge pile of mulch being stored at 6713 New Hope Road which is a neighborhood eyesore. (The fact that the applicant is using a complex structure with 4 separate business entities at 6713 New Hope Road raises the question of what the applicant is actually doing on the premises that requires it to have such an elaborate shield from liability.)
5. Finally, there are lots of sites nearby that are available and properly zoned for applicant's businesses. There is no reason for applicant to be allowed to adversely affect the lives and safety of the families who live in Orlando-Kissimmee Farms.





2018, 2019 Peterbuilt 567 - qty. 3



2016 & 2017 Kenworth T800 - qty.2



2008 International 4200 & 2013 Prostar 113 - qty. 2

2003 Isuzu NPR & 2014 Isuzu NPR HD - qty. 4



1997 Freightliner - qty. 1



Ford F250, F350 & F550 various years pickup truck - qty. 12







6713 New Hope Rd  
Landscaping / Mulch Dist.  
Operation

Adjacent Nursery

Extremely High Impact

vs

Moderate Impact

Comparison of

Non-permitted  
Non-approved  
Landscaping/  
Mulch distribution business

vs.

Permitted Nursery



# Similar Landscape/Mulching businesses located on appropriate road ways

**Sunrise Landscape Supply, Inc.**  
6670 E. Colonial Dr. (commercial corridor -4 lane arterial road)



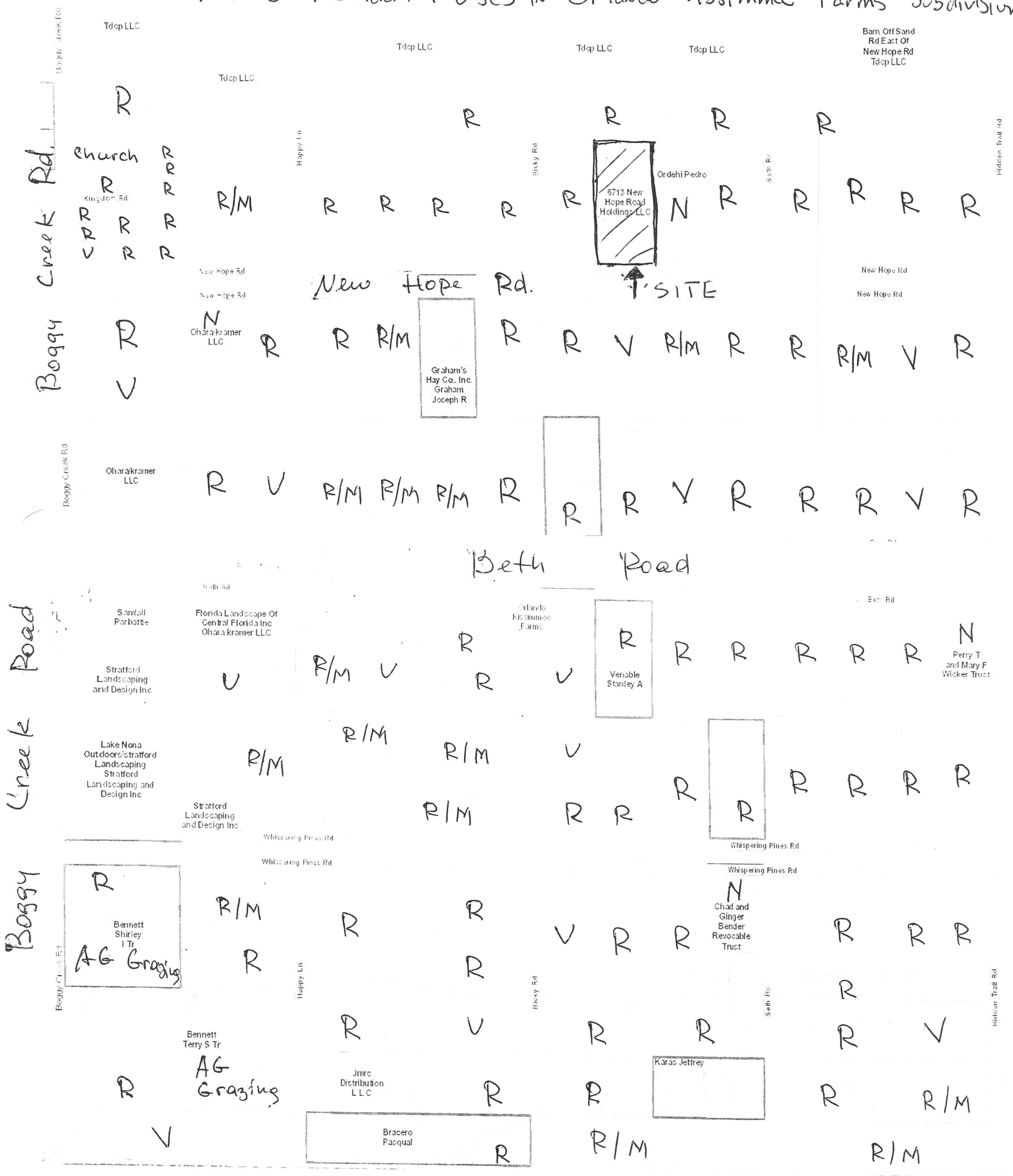
**Florida Mulch Pros**  
4831 Old Winter Garden Rd./commercial corridor



**Sod Depot**  
4929 N. Orange Blossom Trail/opmmercial corridor



# 79% Residential Uses in Orlando Kissimmee Farms Subdivision



R: 95 - Residential Single Family (also includes R/M; manufactured home)

V: 13 - Vacant Residential

AG: Container / Field Nursery  
 N: Land use 6930/6910

12 non-residential (container, field nursery, grazing, etc)

95 of 120 =  
 79%