



**Interoffice Memorandum**

Received on April 20, 2023  
Deadline: April 25, 2023  
Publish: April 30, 2023

**DATE:** April 19, 2023

**TO:** Jennifer Lara Klimetz, Assistant Manager,  
Clerk of the Board of County Commissioners,  
County Comptroller's Office

**THROUGH:** Cheryl Gillespie, Supervisor,  
Agenda Development Office

**FROM:** Lisette M. Egipciaco *LME*  
Senior Development Coordinator  
Planning Division

**CONTACT PERSON(S):** **Lisette M. Egipciaco**  
**Senior Development Coordinator**  
**Planning Division 407-836-5684**  
**[lisette.egipciaco@ocfl.net](mailto:lisette.egipciaco@ocfl.net)**

**SUBJECT:** Request for Board of County Commissioners  
Public Hearing

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**Project Name:** Kendell Keith  
Case #DRCA-23-02-066

**Type of Hearing:** Development Review Committee (DRC) Appeal

**Appellant:** Alison M. Yurko, Esq.  
Alison M. Yurko, P.A.  
P. O. Box 2286  
Winter Park, Florida 32790

**Commission District:** 1

**General Location:** North of McKinnon Road / West of  
Windermere Road

**Parcel ID #(s)** 01-23-27-0000-00-008, 01-23-27-0000-00-062

**# of Posters:** 0

**Use:** 6 Single-Family Lots

Size / Acreage: 9.89

BCC Public Hearing  
Required by: Orange County Code, Section 38-1203

Clerk's Advertising  
Requirements: (1) At least 15 days before the BCC public hearing date, publish an advertisement in the Legal Notices section of *The Orlando Sentinel* describing the particular request, the general location of the subject property, and the date, time, and place when the BCC public hearing will be held;

and

(2) At least 10 days before the BCC public hearing date, send notices of BCC public hearing by U.S. mail to owners of property within 300 feet of the subject property and beyond.

Spanish Contact Person: Para más información referente a esta vista pública, favor de comunicarse con la División de Planificación (Planning Division) al número 407-836-8181.

**Advertising Language:**

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

**Material(s) Provided:**

- (1) Appeal Letter
- (2) Development Review Committee (DRC) approved meeting minutes dated March 22, 2023
- (3) Location Map
- (4) Site Plan Sheet

**Special Instructions to Clerk (if any):**

Unless stated otherwise, the public hearing should be advertised to begin at 2:00 p.m., or as soon thereafter as the matter may be heard.

Please notify Lisette Egipciano of the scheduled date and time. The Planning Division will notify the applicant / appellant.

Attachments (appeal letter, meeting minutes, location map, and site plan sheet)



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

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

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April 7, 2023

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

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

Via Hand Delivery

Dear Mr. Kunkel :

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

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

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

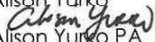
- 1.) The Owners desire to stay in the home where they have lived and raised their family for the past 60 years. The proposed lot split configuration (attached as Exhibit A) would allow them to remain in their home for their remaining years, and sell off the remainder of the Site as 6 additional lots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

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request.

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

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

Alison Yurko  
  
Alison Yurko PA

Cc: Roberta Alfonso

Kendall Keith

John Ficquette

APPROVED MEETING MINUTES  
MARCH 22, 2023

4. **DRCA-23-02-066 – DISTRICT 1**  
**KENDELL KEITH (LOT SPLIT APPEAL)**

Present for discussion was Kendell Keith. Taylor Jones presented this case to the DRC.

This request is an appeal of the Zoning Manager's decision to deny a lot split (LS-23-01-000).

This lot split proposes to create seven (7) new lots (each greater than 1 acre) from a 9.89 upland acre parent parcel (11.956 gross acres). Each lot created is a minimum of 1 acre upland.

The Zoning and Development Engineering Divisions have denied this lot split, determining that this constitutes a subdivision. Zoning Division Lot Split Policy allows for a maximum of three (3) lots to be created from a parent parcel through the lot split process. Greater than three (3) lots constitutes a subdivision and must comply with Chapter 34.

The parent parcel is an 11.95 gross acre parcel, with 9.89 upland acres. The parent parcel is zoned R-CE (Country Estate District), which is a residential district requiring a minimum of 1 acre lots that are at least 130 ft. wide. The request is to create 7 new lots from the parent parcel. One of the lots created will contain the existing house. Each lot is at least 1 acre upland, and meeting lot width, as well as meeting the requirement for 20 ft. of fee simple access to a ROW.

Discussion ensued regarding the request to split the lots in lieu of constructing a subdivision. The appellant stated that splitting the lots would be less intrusive to the community and take less time than constructing a subdivision. The applicant proposed providing three (3) shared access points; however, staff suggested reducing access points to two (2) with shared driveways; one for Lots 1 – 3 and another for Lots 4 – 7.

If the lot split is denied, the appellant stated that they may rezone to R-CE Cluster.

Utilities stated that this property is in a Rural Settlement and per the Comp Plan Policy, they may not be able to connect to water and sewer if a lot split was approved even if mains are available.

DRC determined that seven (7) lots is excessive and would set a precedent.

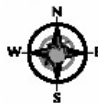
***MOTION by Jennifer Moreau, seconded by Matthew Kalus, TO UPHOLD THE ZONING MANAGER'S DECISION AND DENY THE LOT SPLIT.***

***MOTION CARRIED.***

**(DRCA-23-02-066)**



 Subject Property



1 inch = 400 feet

