




Interoffice Memorandum

DATE: January 23, 2024

TO: Jennifer Lara-Klimetz, Deputy Clerk
Board of County Commissioners

THROUGH: Agenda Development

FROM: Jennifer Moreau, AICP 
Manager, Zoning Division

CONTACT PERSON: **Ted Kozak, AICP**
Chief Planner, Zoning Division
(407) 836-5537 or Ted.Kozak@ocfl.net

SUBJECT: Request for Public Hearing to consider an appeal of the January 4, 2024 Board of Zoning Adjustment Recommendation for Variances, VA-23-12-119, Herbert Betancourt, located at 4715 Shorecrest Dr., Orlando, FL 32817, Parcel ID # 01-22-30-4848-02-040, District 5

APPLICANT/ APPELLANT: Herbert Betancourt

CASE INFORMATION: VA-23-12-119 – January 4, 2024

TYPE OF HEARING: Board of Zoning Adjustment Appeal

HEARING REQUIRED BY FL STATUTE OR CODE: Chapter 30, Orange County Code

ADVERTISING REQUIREMENTS: Publish once in a newspaper of general circulation in Orange County at least (15) fifteen days prior to public hearing.

ADVERTISING TIMEFRAMES: At least fifteen (15) days prior to the BCC public hearing date, publish an advertisement in the legal notice 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;

ADVERTISING

Variances in the R-1AA zoning district as follows:

- 1) To allow for an existing detached accessory structure dwelling unit* (treehouse) 11 ft. from the Normal High Water Elevation (NHWE) in lieu of 35 ft.
- 2) To allow an existing detached accessory structure (gazebo) 3.8 ft. from the Normal High Water Elevation (NHWE) in lieu of 35 ft.
- 3) To allow an existing detached accessory structure (outdoor shower) 12.9 ft. from the Normal High Water Elevation (NHWE) in lieu of 35 ft.
- 4) To allow an existing detached accessory structure (pergola) 15.1 ft. from the Normal High Water Elevation (NHWE) in lieu of 35 ft.
- 5) To allow an existing pool/deck with a south side setback of 3.5 ft. in lieu of 5 ft.

Note: This is a result of Code Enforcement

*Accessory dwelling unit was advertised, but not applicable.

**NOTIFICATION
REQUIREMENTS:**

At least 10 days before the BCC hearing date, send notices of the public hearing by U.S. mail to owners of property within 500 feet of the property.

**ESTIMATED TIME
REQUIRED:**

Two (2) minutes

**MUNICIPALITY OR
OTHER PUBLIC
AGENCY TO BE
NOTIFIED:**

N/A

**HEARING
CONTROVERSIAL:**

No

DISTRICT #:

5

The following materials will be submitted as backup for this public hearing request:

1. Names and known addresses of property owners within 500 feet of the property (via email from Fiscal and Operational Support Division); and
2. Location map (to be mailed to property owners).

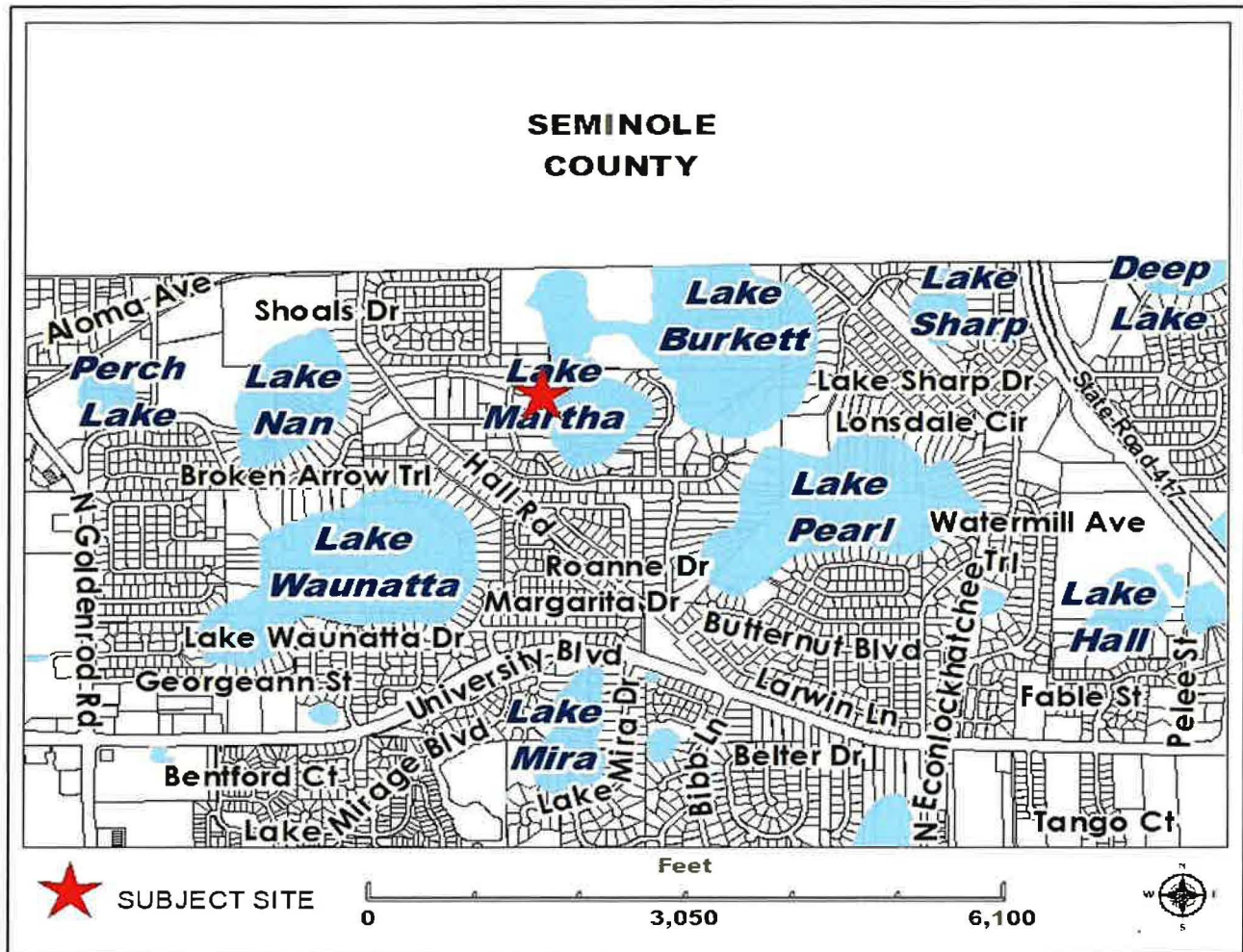
SPECIAL INSTRUCTIONS TO CLERK:

1. Notify abutters of the public hearing at least two (2) weeks prior to the hearing and copy staff.
2. Public hearing should be scheduled within 45 days after the filing of the notice of appeal received on January 19, 2024, or as soon thereafter, as the BCC's calendar reasonably permits.

Attachment (Location map)

cc via email: Jon Weiss, P.E., Deputy County Administrator
Tanya Wilson, AICP, Director, Planning, Environmental, and
Development Services Department

Location Map





ORANGE COUNTY ZONING DIVISION
201 South Rosalind Avenue, 1st Floor, Orlando, Florida
32804 Phone: (407) 836-3111 Email: BZA@ocfl.net
www.orangecountyfl.net

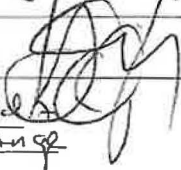
Board of Zoning Adjustment (BZA) Appeal Application

Appellant Information

Name: Herbert Betancourt
Address: 4112 Finewater Ct
Email: Lamad724@gmail.com Phone #: 407-617-8271
BZA Case # and Applicant: VA-23-12-119
Date of BZA Hearing: 1/4/24

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

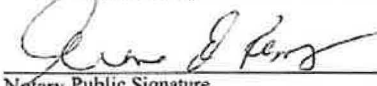
OWNER seeks permission to keep the treehouse decks (elevels) which were improvements to a previously permitted deck and wood slide as recorded on 7/11/08 and approved by the Orange County Environmental Protection Division.

Signature of Appellant: 

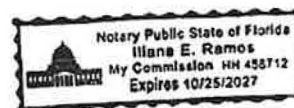
Date: 1/12/24

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 17 day of JANUARY, 2024, by Herbert Betancourt who is personally known to me or who has produced DL as identification and who did/did not take an oath.


Notary Public Signature

Notary Stamp:



NOTICE: Per Orange County Code Section 30-45, this form must be submitted within 15 days after the Board of Zoning Adjustment meeting that the application decision was made.

Fee: \$691.00 (payable to the Orange County Board of County Commissioners)

Note: Orange County will notify you of the hearing date of the appeal. If you have any questions, please contact the Zoning Division at (407) 836-3111.

See Page 2 of application for the Appeal Submittal Process.

Herbert Betancourt
4715 Shorecrest
Dr Orlando, Florida
1/19/2024

Board of Zoning Adjustment
Orange County Government
201 South Rosalind Avenue, 1st Floor
Orlando, FL 32801

Subject: Appeal for Board of Zoning Adjustment Hearing

To Whom It May Concerns

I am writing to respectfully request a reconsideration of the Variance request VA-23-12-119 related to 4715 Shorecrest Dr Orlando FL, which involves the existing structures on my property, specifically a treehouse.

During the initial hearing, a question was raised regarding the county's approval of these structures any in the past. At the time, I was unable to provide a definitive response. However, I would like to present a site plan that was approved by the Orange County Environmental Protection Division in 2008. This document clearly illustrates the presence of both the deck and the water slide, affirming their compliance with regulations at that time.

Furthermore, I wish to address a point raised by the Chairwoman concerning community support. It was noted that there were four emails opposing the variances, with none in favor. I would like to clarify that on September 8, prior to the hearing, I submitted 11 letters from neighboring residents who support the requested variances. I believe these letters were not considered in the initial decision, and I request an opportunity to present them again for the Board's consideration.

The goal of this appeal is not only to seek approval for the existing structures but also to express my willingness to work collaboratively with Orange County to ensure that all necessary permits and approvals are secured. I am committed to adhering to the county's regulations and maintaining a harmonious relationship with both the county and my neighbors.

I believe that the additional information and neighbor support I can provide will be beneficial for a comprehensive review of my case. Therefore, I respectfully request the opportunity to present this information at a forthcoming BZA hearing.

Thank you for considering my request. I look forward to the opportunity to work together towards a resolution that is satisfactory for all parties involved.

Sincerely,

Herbert Betancourt
Applicant

BOUNDARY AND TOPOGRAPHIC SURVEY



"We adhere to public regulations which Group's family believes to be sound and that there may be other reasons apart from an off-year business which will offset a possibility to prove this otherwise. There are no cause for concern about the company's financial health."

DEMOLITION PLAN & PREEXISTING SURVEY

LEGEND

1. EXISTING BUILDING	2. EXISTING DRIVE	3. EXISTING LOT	4. EXISTING ROAD
5. EXISTING FENCE	6. EXISTING WALL	7. EXISTING CURB	8. EXISTING SIDEWALK
9. EXISTING UTILITY	10. EXISTING TREE	11. EXISTING SHrub	12. EXISTING GRASS
13. EXISTING PAVEMENT	14. EXISTING ASPHALT	15. EXISTING CONCRETE	16. EXISTING BRICK
17. EXISTING STONE	18. EXISTING MASONRY	19. EXISTING METAL	20. EXISTING WOOD

TABLE

NO.	DESCRIPTION	AREA (SQ. FT.)	VOLUME (CU. YD.)
1	EXISTING BUILDING	10,000	100
2	EXISTING DRIVE	5,000	50
3	EXISTING LOT	20,000	200
4	EXISTING ROAD	10,000	100
5	EXISTING FENCE	1,000	10
6	EXISTING WALL	500	5
7	EXISTING CURB	100	1
8	EXISTING SIDEWALK	50	0.5
9	EXISTING UTILITY	10	0.1
10	EXISTING TREE	5	0.05
11	EXISTING SHrub	2	0.02
12	EXISTING GRASS	1	0.01
13	EXISTING PAVEMENT	100	1
14	EXISTING ASPHALT	50	0.5
15	EXISTING CONCRETE	20	0.2
16	EXISTING BRICK	10	0.1
17	EXISTING STONE	5	0.05
18	EXISTING MASONRY	2	0.02
19	EXISTING METAL	1	0.01
20	EXISTING WOOD	0.5	0.005