



**Interoffice Memorandum
Zoning Division**

4-28-17A09:16 RCVD

DATE: April 24, 2017

TO: Katie A. Smith, Deputy Clerk of the
Board of County Commissioners,
County Comptroller's Office

THROUGH: Cheryl Gillespie, Supervisor,
Agenda Development Office

FROM: Carol Knox, Manager, Zoning Division

CONTACT PERSON: **Rocco Relvini, Chief Planner**
Zoning Division 407-836-5386
Rocco.Relvini@ocfl.net

SUBJECT: Request for Public Hearing before Board of
County Commissioners (BCC) to Consider Appeal
of April 6, 2017 Board of Zoning Adjustment (BZA)
Recommendation on BZA Case # VA-17-04-022

Applicant(s): Ariel Malagon

Commission District: 3

General Location: West side of S. Chickasaw Trail, approximately
1,000 ft. south of El Prado, and approximately .8
mi. north of Curry Ford Rd.

**BCC Public Hearing
Required by:** Ch. 30, Orange County Code

**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 appeal, the general location of the
subject property, and the date, time, and place
when the BCC public hearing will be held;

and

LEGISLATIVE FILE # 17-571

June 20, 2017
@ 2pm

- (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.

Advertising Language:

Applicant is requesting a Variance to allow a cumulative amount of 5,169 sq. ft. of accessory use floor area in lieu of 2,000 sq. ft.

Material Provided:

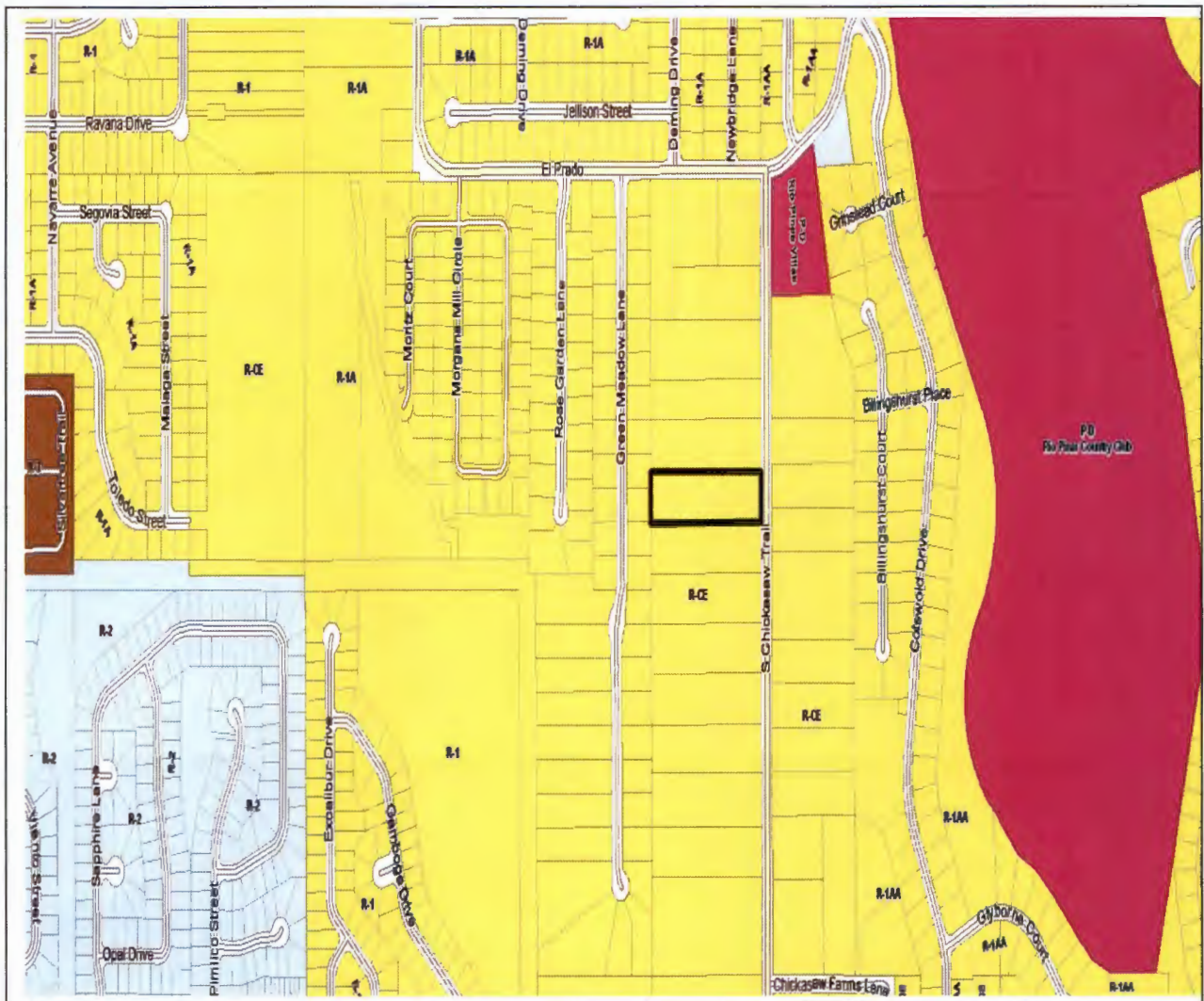
- (1) Names and last known addresses of property owners within 300 feet and beyond (*via email from Fiscal and Operational Support Division*);
- (2) Location map (*to be mailed to property owners*); and
- (3) Copy of appellant's notice of appeal (*to be mailed to property owners*).

Special Instructions to the Clerk:

- (1) The BCC public hearing must be held within 45 days after April 21, 2017, which was the date the notice of appeal was filed, or as soon thereafter as the BCC's calendar reasonably permits.
- (2) 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.

Attachments (location map and notice of appeal)

c: Chris R. Testerman, AICP, Assistant County Administrator
Jon V. Weiss, Director, Community Environmental Development Services Department



Applicant: Ariel Malagon

BZA Number: VA-17-04-022

BZA Date: 04/06/2017

District: 3

Sec/Twn/Rge: 01-23-30-NW-B

Tract Size: 163 ft. x 634 ft.

Address: 1616 S. Chickasaw Trail, Orlando FL 32825

Location: West side of S. Chickasaw Trail, approximately 1,000 ft. south of El Prado, and approximately .8 mi. north of Curry Ford Rd.

**If you have any questions
regarding this map, please call
Rocco Relvini
at 407.836.5386.**



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

Name of Applicant: Ariel Malagon
Address of Applicant: 1616 S Chickasaw Trail City: Orlando State: FL Zip: 32825
Telephone: 321-946-5742 Email Address: maywheelchair@gmail.com

I respectfully request an Appeal of the decision regarding the public hearing of (Applicant Name)
Ariel Malagon, (Hearing Number) VA-17-04-022 rendered by
the Board of Zoning Adjustment on (date) April 6, 2017

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

See attached letter.

RECEIVED

APR 21 2017

ORANGE COUNTY
ZONING DIVISION

Juh Ruv
Signature of Appellant

April 21, 2017
Date

Fee: \$691.00 (make check payable to Orange County Zoning Division)

Note: The Clerk of the Board will notify you of the date of your appeal. Should you have any questions, please contact the Zoning Division at 407-836-3111.

Friday, April 21, 2017

**VIA CERTIFIED U.S. MAIL
RETURN RECEIPT REQUESTED
AND FIRST CLASS U.S. MAIL**

Orange County Zoning Division
201 South Rosalind Avenue
P.O. Box 2687
Orlando, FL 32802-2687

RECEIVED

APR 21 2017

**ORANGE COUNTY
ZONING DIVISION**

**RE: Public Hearing Appeal #VA-17-04-022, April 6, 2017 – Ariel Malagon
Parcel ID: 01-23-30-0000-00-044**

To Whom It May Concern:

Please be advised this firm has the distinct pleasure of representing Mr. Ariel Malagon. This letter is being sent to you in relation to the abovementioned property's permitting and zoning variance public meeting which occurred on April 6, 2017. My client would like to appeal the decision approved and stated in the April 10, 2017 letter from the Zoning Division. There were numerous issues brought up which my client has already attempted to resolve some and has completed others. My client purchased the above property on October 21, 2016 with the additional structures on the property. He was encumbered when he was notified these structures were not permitted and at the hearing when they were still not approved.

Per the zoning manager's determination letter the existing structures are to be removed, and an accessory structure floor area of 2,667 square feet is approved. The existing structures have been listed as buildings per the Orange County Property Appraisers website since 1980 and 1990. There was a wood shed, with a size of 200 square feet, also listed from 2006 but has been removed since my client's purchase. In addition, there were objections from neighbors as well as against Orange County's municipal code from my client operating his business from this residence. My client has moved his business location and will not operate from this location anymore.

We kindly ask you to reevaluate this decision and take into consideration of the longevity of the structures. Our client would like an approval of additional square footage to allow these existing structures to remain, or alternatively keep the recently approved 2,667 square feet. Please feel free to contact me at the below information for any additional documentation needed for this request.

Sincerely,

Tushaar Desai

Tushaar Desai

Florida Bar No.: 0058501



DESAI LAW

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1916 East Robinson Street
Orlando, FL 32803
Office 407.895.8707
Fax 866.514.9933

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APR 21 2017

ORANGE COUNTY
ZONING DIVISION