





**Interoffice Memorandum
Zoning Division**

02-10907-93903-ARNV

DATE: February 14, 2018 02-21-18P04:58 RCVD 

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 L. Knox, Manager, Zoning Division

CONTACT PERSON: **Sean Bailey, Chief Planner**
Zoning Division 407-836-5806
Sean.Bailey@ocfl.net

SUBJECT: Request for Public Hearing before Board of
County Commissioners (BCC) to Consider Appeal
of February 1, 2018 Board of Zoning Adjustment
(BZA) Recommendation on BZA Case # SE-17-
12-134

Appellant/Applicant(s): Jamal A. Hassouneh

Commission District: 4

General Location: East side of Hancock Lone Palm Rd., ½ mile
south of East Colonial Dr.

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 # 18-270

April 10, 2018
@ 2 PM

(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: Special Exception in the A-2 zoning district as follows:

To allow a religious use facility with ancillary uses (worshipping, social services, boys and girls youth group, Monday evening gatherings, Sunday workshop, SAT program and family night).

Material Provided:

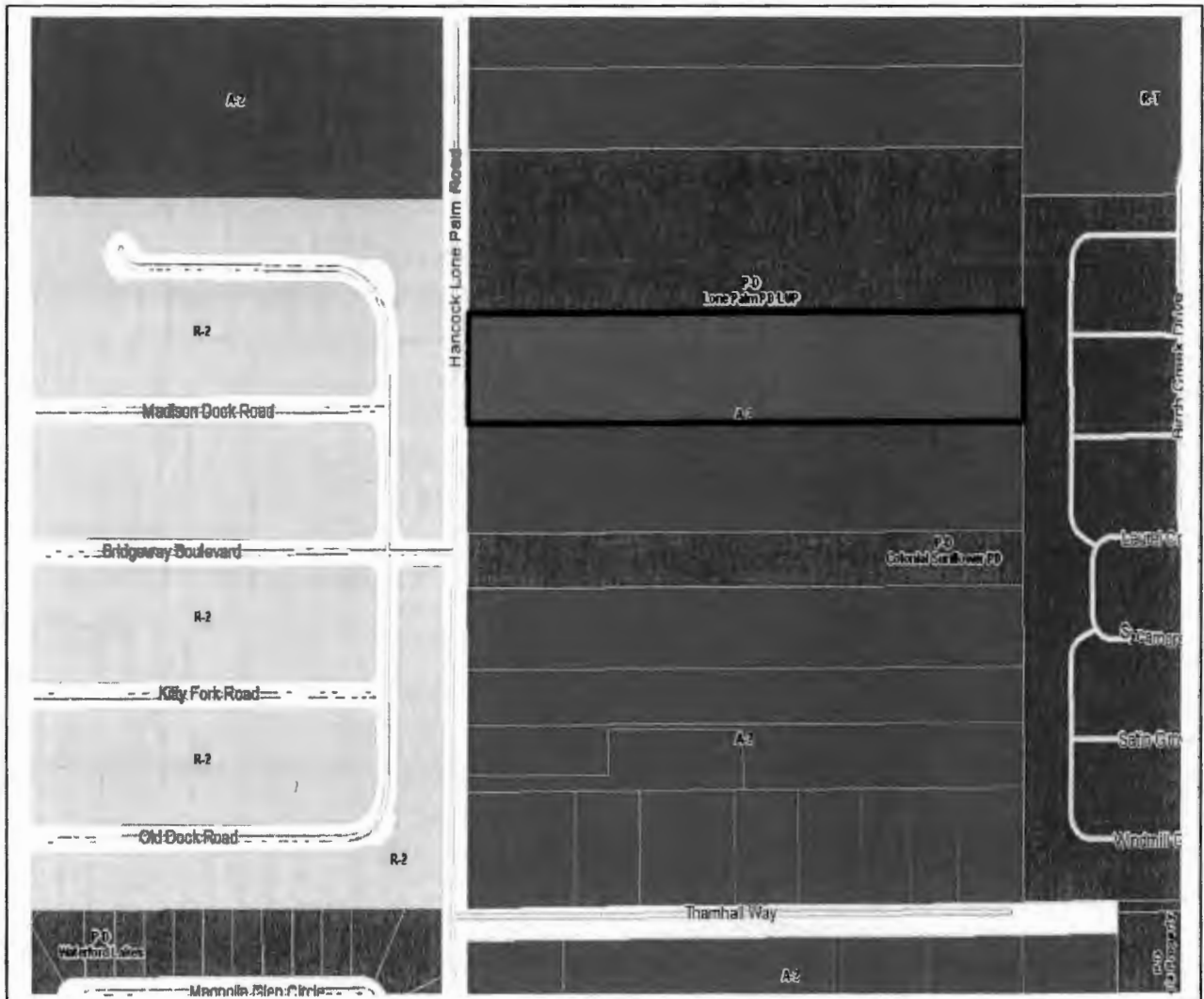
- (1) Names and last known addresses of property owners within 300 feet and beyond (*via email from Fiscal and Operational Support Division*);
- (2) Location map (*to be mailed to property owners*); and
- (3) Copy of appellant's notice of appeal (*to be mailed to property owners*).

Special Instructions to the Clerk:

- (1) The BCC public hearing must be held within 45 days after February 13, 2018, 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: Jamal A. Hassounch

BZA Number: SE-17-12-134

BZA Date: 02/01/2018

District: 4

Sec/Twn/Rge: 24-22-31-SW-C

Tract Size: 6 acres

Address: 1311 Hancock Lone Palm Road, Orlando FL 32828

Location: East side of Hancock Lone Palm Rd., 1/2 mile south of East Colonial Dr.

If you have any questions
regarding this map, please call
Sean Bailey
at 407.836.5806.

DEBBIE CECCHETTI

Legal Secretary/Paralegal
debbie.cecchetti@lowndes-law.com
215 North Eola Drive, Orlando, Florida 32801-2028
T: 407-418-6333 | F: 407-843-4444
MAIN NUMBER: 407-843-4600

 **MERITAS LAW FIRMS WORLDWIDE**

February 13, 2018

VIA HAND DELIVERY

Sean Bailey
Orange County Zoning Division
201 S. Rosalind Avenue
Orlando, Florida 32801

Re: Appeal of BZA Denial # SE-17-12-134

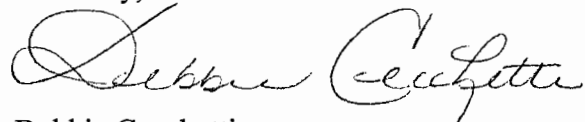
Dear Sean:

Enclosed please find the Appellant Application, Narrative and this firm's Operating Account check payable to Zoning Department, Orange County in the amount of \$691.00.

If you have any questions regarding the enclosed, please contact me directly at 407-418-6333.

Thank you.

Sincerely,



Debbie Cecchetti
Legal Assistant to Tara L. Tedrow, Esquire

dec/dec
Enclosures

c: Tara L. Tedrow, Esquire (w/encl. via e-mail)



Appellant Information

Appellant: Tara L. Tedrow
Address: 215 N Edla Drive, Orlando, FL 32801
Email: tara.tedrow@LDDKR.com Phone #: 407-418-6361

BZA Case # and Applicant: SE-17-12-134

Date of BZA Hearing: 2/1/18

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

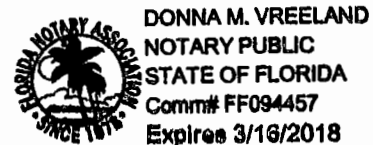
See attached

Date: 2/7/18 Signature of Appellant: [Signature]

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 7th day of February, 2018, by Tara L. Tedrow who is personally known to me or who has produced _____ as identification and who did/did not take an oath.

[Signature] Notary Stamp:
Notary Public Signature



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

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

APPEAL OF BZA DENIAL # SE-17-12-134

Jamal Hassounah (the "Applicant") submitted a request for a special exception for a religious institution and variance for unpaved parking (together, the "Request") for a proposed house of faith (the "Project") on 1311 Hancock Lone Palm Road, Orlando FL 32828 (the "Subject Property"). This application shall evidence a formal request to appeal the Orange County Board of Zoning Adjustment's (the "BZA") denial of the Request on February 1, 2018 (the "Hearing").

BACKGROUND

The Request was submitted to the BZA in order to allow an existing building for landscaping and warehousing to be converted into a house of faith on the Subject Property. Such Project was intended to provide a place for worship and activities for the local faith based community such as: (1) weekly girls and boys youth group sessions; (2) SAT tutoring programs; (3) Monday evening educational gatherings over dinner; (4) Saturday evening family bonding and pizza night; (5) Sunday community building workshops; and (6) social services for families. The Project would not be open during regular business hours, but would rather be operated during the times that volunteers were available to run the programs.

Such Request was necessary because although the zoning designation of the Subject Property would allow for a religious institution by right, the Subject Property has an inconsistent Comprehensive Plan designation and therefore a special exception was required. Moreover, similar to many religious institutions, the Request entailed a variance for unpaved parking. Though the Applicant's plans complied with Orange County Code's ("Code") requirements for paved parking on site, the Applicant requested approval for unpaved parking spots in case additional patrons wanted to utilize the House of Worship. The Applicant is withdrawing its request for the unpaved parking variance, as such variance is not necessary given the intended use of the Subject Property.

The Applicant has complied with all applicable rules, procedures, and protocols set forth by the County and the requisite notices regarding the Project were distributed and publicized in accordance with Code. When the Applicant held a community meeting on January 10, 2018, in compliance with Code, no opposition was present to object to or ask any questions about the Project. No objections or questions were received prior to or during that meeting. Rather, petitions of opposition were thereafter collected by individuals who do not reside near the Subject Property.

The BZA hearing was held on February 1, 2018. Orange County staff recommended approval of the Project, finding that there were no noise, light, detrimental intrusion or other concerns arising from the Project. The Orange County Transportation Department even confirmed that de minimis traffic would be generated by the Project. Staff additionally found that the Request complied with all applicable criteria under Code Section 38-78 and therefore should be approved. A copy of the staff report is attached hereto. The applicable criteria under Code were all met by the Applicant, warranting an approval from the BZA.

The BZA denied the Request even though - just 400 linear feet down the road - there is a "Soul Quest Ayahuasca Church of Mother Earth" which the BZA approved a little over a year ago. That church requested and received approval for a variance for unpaved parking and a special

exception for a religious institution (the exact approvals requested by the Applicant). Though two churches have been approved in recent years near the Subject Property, the Request was denied in large part due to the letters of opposition submitted to the BZA.

Because the Project complied with applicable Code, the Applicant is requesting an appeal of the BZA's denial of the Request to the Board of County Commissioners. Thank you for your time and consideration.