

SEE MINUTES  
FOR MOTION  
NOV 03 2015 NPBS



To: Mayor Teresa Jacobs  
From: Commissioner Ted Edwards, District 5  
Date: October 21, 2015  
Re: Waiver of Application Fee for Variance

A handwritten signature in black ink, appearing to read "Ted", located to the right of the header information.

I would like to discuss a request from one of my constituents, Margarita Fleites, to waive an application fee for a Variance during the November 3, 2015 Board of County Commissioners meeting. Ms. Fleites purchased the property in June of this year and has been attempting to rectify a pre-existing, but unknown to her when she purchased the property, open permit for an addition prior to her acquisition that has been discovered to violate a setback incorrectly approved by staff. A permit pulled by a previous owner was never closed before the sale of the home and the work has been completed. However, the need for a variance to approve a setback for the permit previously issued has prevented her from completing the final inspection. Ms. Fleites has approached my office at staff's recommendation to seek a waiver of application fees for a Variance due to a financial hardship and the prior approval of the permit by Orange County. When Ms. Fleites attempted to finalize the inspection, it was discovered the original permit was issued in error due to a minor setback violation for which she now must receive a variance. The variance would address the two foot, five inch difference between current setbacks and requirements set forth in county code.

Ms. Fleites is willing to go through the Variance process but does not think it is appropriate to pay the application fee to correct a mistake she believes was made by prior staff. As you know, I am generally not supportive of waiving fees. However, I believe the extenuating circumstances in this situation warrant a discussion by our Board. Ms. Fleites met with my staff personally on several occasions and appears to be suffering financial hardships due to her fixed income. After consulting with staff, I believe it would be in the best interests of both Ms. Fleites and Orange County to resolve this matter by waiving the fee for the Variance application.

Thank you for your consideration of this request.

Cc: Board of County Commissioners  
Ajit M. Lalchandani, County Administrator  
Chris Testerman, Assistant County Administrator  
Jon Weiss, Manager, Community, Environmental, and Development Services

Enclosures

COMMISSIONER TED B. EDWARDS, DISTRICT 5  
201 South Rosalind Avenue, 5th Floor · Reply To: Post Office Box 1393 · Orlando, Florida 32802-1393  
407-836-7350 · Fax 407-836-5976

Monday, September 28, 2015

To: Orange County Commissioner  
Ted Edwards, District 5

From: Margarita Fleites  
Property Owner  
2907 Slippery Rock Ave,  
Orlando, FL 32826

Subject: Zoning Variance Fee Waiver

I, Margarita Fleites, am writing you asking for your understanding about a problem that I'm having with The Department of Zoning Division and my property . I will explain what is happening in my best way. In the year 2008 was submitted a set of plans for an addition at my property to The Orange County Building Division and Zoning, where they reviewed and approve the set of plans and the permits were granted. The construction began, after a period of time, some issues appeared and the construction had to be stopped.

Now at this time, everything is ready to be finished, the addition only is pending from 3 final inspection, the permits need to be renewed and was submitted, so in this moment the zoning department realize that there were some measurements in the plans that were incorrect from the time that they were first approved, (there are a difference of 2'5" on the set back), the first officer approved a set back of no minimum of 20' set back, the construction has 22'6" set back. Now the actual officer said need to be a minimum of 25' set back.

How you can appreciate The Department of Zoning Division, make a mistake, the construction is almost done, the solution is make a "Variance", I understand that and I'm agree that it is necessary, but this "Variance" has a FEE of \$638.00 USD, where I feel that it's not fair because we did not make the mistake, the addition was built as it was approved by The Department of Zoning Division.

Today I am calling to your understanding and I'm asking you to help me with the Variance Fee waiver. I will appreciate if you could assist us with this situation, so we can move forward with the project. If you have any question please you can call me at 407-375-5433.

Best Regards

Margarita Fleites  
Property Owner  
2907 Slippery Rock Ave,  
Orlando, FL 32826