

BOARD OF ZONING ADJUSTMENT AGENDA

DATE: 8/7/01 TIME: 1:00 PM
LOCATION: CITY OF ORLANDO
ONE CITY COMMONS
CITY COUNCIL CHAMBERS
SECOND FLOOR
400 SOUTH ORANGE AVENUE

WELCOME! The Board of Zoning Adjustment is an advisory board to City Council composed of citizen members who, voluntarily and without compensation, devote their time and talents to a variety of zoning and land development issues in the community. As an advisory board, all recommendations are subject to final action by City Council, and are also subject to compliance with regulations of other appropriate City Departments. The minutes of today's meeting will be presented at the City Council meeting of **September 10, 2001** for approval of recommended actions that have not been appealed. Any person desiring to appeal a recommended action of the Board must observe the NOTICE below and file an appeal with the recording secretary prior to 5 p.m. on **August 14, 2001** in order to schedule an appearance before a Hearing Officer in accordance with the provisions of Article XXXII of the City Code. **CAUTION:** Untimely filing of an appeal shall result in an automatic denial of the appeal. All Board approvals are also subject to the approval of all appropriate City Departments. [Persons with disabilities needing assistance to participate in any of these proceedings should contact the recording secretary 24 hours in advance of the meeting.]

GENERAL RULES OF ORDER: The Board is pleased to hear all non-repetitive relevant comments. However, since a general time limit of 5 minutes is allotted to the proponents/opponents of an issue, large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request/Lobbyist Registration form and give it to the recording secretary. When you are recognized, state your name and address, and speak directly into the microphone. **ROBERTS RULES OF ORDER** govern the conduct of the meeting.

Thank you for participating in your City Government and making Orlando truly "The City Beautiful."

NOTICE: All appeals are subject to SNYDER requirements and are entitled to a de novo (new) hearing before an independent Hearing Officer. There is a \$250 fee for this appeal. Any person who desires to appeal any decision at this meeting would need a record of the proceedings and for this purpose may need to ensure that verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is made.

Please note that applicants must comply with all other applicable requirements of the Land Development Code, including any additional review requirements and shall receive all necessary permits before initiating development.

BOARD MEMBERS: **Carol Phifer - Vice-Chairman** **Pastor Billy Newton** **James Lussier** **Martha Hartley**
Lindsay Stevens **Picton Warlow** **Jed Prest** **Marc Black**

Call to Order by Presiding Officer and Pledge of Allegiance

Introduction of Members

I. FIRST ITEM OF BUSINESS: APPROVAL OF THE JULY 3, 2001, MINUTES AND ANY CORRECTIONS TO THE AGENDA.

II. SECOND ITEM OF BUSINESS: CONSENT AGENDA

- 1. VAR2001-0009, MURIEL UTTAL (DISTRICT 3),** variance to the minimum lot width requirement at 2618 N. Westmoreland Drive.

STAFF RECOMMENDATIONS: Staff recommends withdrawal of the request based upon the fact that the applicant was given a 30-day deadline to meet the submittal requirements for the August 7th Board meeting, and has not submitted a correct survey.

- 2. VAR2001-00029, PATRICK CLOSE (DISTRICT 1),** variances to the rear, side, lot depth and accessory structure requirements at 1918 S. Fern Creek Avenue.

STAFF RECOMMENDATIONS: Staff recommends withdrawal based upon the fact that the applicant would replat the property according to the tandem requirements.

- 3. VAR2001-00051, JAMES RICHARD HOOPER (DISTRICT 3),** variance to the front yard setback to allow an existing structure to remain at 815 N. Garland Avenue.

STAFF RECOMMENDATIONS: Staff finds that the requests meet the six standards for zoning variance approval and recommends that the variance be approved.

- 4. VAR2001-00058, MATTHEW LEIBERT (DISTRICT 3),** variance to the front yard setback at 825 S. Lake Formosa Drive.

STAFF RECOMMENDATIONS: Staff recommends withdrawal based upon a request by the applicant.

- 5. VAR2001-00057, BILL SHUMAKER (DISTRICT 3),** variance to the lot depth requirement to allow the property to be replatted at 2600 N. Rio Grande Avenue.

STAFF RECOMMENDATIONS: Staff recommends withdrawal based upon the fact that the variance request is not required because of the Code Amendment regarding the tandem development requirements.

- 6. VAR2001-00060, JAMES DAUST (DISTRICT 4),** variance to the rear yard setback to allow the construction of a two-story garage apartment 5 ft. from the rear property line at 1412 E. Jefferson Street.

STAFF RECOMMENDATIONS: Withdrawal at the request of the applicant.

III. THIRD ITEM OF BUSINESS: REGULAR AGENDA

- 7. VAR2001-00053, FRANK BONUGLI (DISTRICT 3)**, variance to Section 61.302 of the Land Development Code to allow the conversion of a temporary canvas carport into an enclosed garage located in the required front yard at 923 Garden Plaza.
- 8. VAR2001-00055, THOMAS HUNGERFORD (DISTRICT 4)**, variance to the required side yard setback to allow an addition to be located to the principal structure at 1603 E. Jefferson.
- 9. VAR2001-00059, MOTEL 6 (DISTRICT 6)**, design variance to allow the building to exceed the maximum front yard setback and variance to the driveway spacing requirements to install two curb cuts at 5909 American Way.

STANDARDS FOR ZONING VARIANCE APPROVAL

Section 65.383 of the Land Development Code, stipulates specific standards for the approval of variances which read as follows: No application for a Zoning Variance shall be approved unless the Board of Zoning Adjustment finds that all of the following standards are met:

1. Special Conditions and Circumstances - Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of any proposed Zoning Variance.
2. Not Self-Created - The special conditions and circumstances do not result from the actions of the applicant. A self-created hardship shall not justify a Zoning Variance; i. e., when the applicant himself by his own conduct creates the hardship, which he alleges to exist, he is not entitled to relief.
3. No Special Privilege Conferred - Approval of the Zoning Variance requested will not confer on the applicant any special privilege that is denied by this Chapter to other lands, buildings, or structures in the same zoning district.
4. Deprivation of Rights - Literal interpretation of the provisions contained in the Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition shall not constitute grounds for approval of any variance. Purchase of property with intent to develop in violation of the restrictions of this Chapter shall not constitute grounds for approval.
5. Minimum Possible Variance - The Zoning Variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
6. Purpose and Intent - Approval of the Zoning Variance will be in harmony with the purpose and intent of this Chapter and such Zoning Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

SECTION 65.386. STANDARDS FOR DESIGN VARIANCE APPROVAL

In considering requests for variances from the architectural design standards of Chapter 62 or the standards for signage within the Traditional City as contained in Chapter 64, the Board of Zoning Adjustment may use the following factors and characteristics relating to the request in its review:

- a. Conformance to the Code and the GMP;**
- b. Logic of design;**
- c. Exterior space utilization;**
- d. Attractiveness;**
- e. Materials selection;**
- f. Compatibility with surrounding properties;**
- g. Circulation and Parking – vehicular and pedestrian;**
- h. Accepted architectural principles;**
- i. Protection of property values; and**
- j. Revitalization of depressed areas.**

PENDING CASES:

- **VAR2001-00009, MURIEL UTTAL/FRANK ANDERSON (DISTRICT 3)**, variance to the minimum lot width to allow the property to be sub-divided into three lots at 2618 N. Westmoreland Drive.
- **STAFF RECOMMENDATIONS:** Staff recommends deferral of the variance at the request of the applicant.
- **VAR2001-000017, Z. D. DARWISH (DISTRICT 5)**, request to exceed the fence height requirement at 26 Halbe Avenue.
- **STAFF RECOMMENDATIONS:** Deferral of the request because staff finds that the applicant is eligible for a modification of standards and the request will be withdrawn if the modification is approved.
- **VAR2001-00019, ROBERT CONNERS (DISTRICT 4)**, request to exceed the fence height requirement at 2110 Gale Street.
- **STAFF RECOMMENDATIONS:** Deferral of the request because staff finds that the applicant is eligible for a modification of standards and the request will be withdrawn if the modification is approved.