

BOARD OF ZONING ADJUSTMENT AGENDA

DATE: 8/6/02 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 on August 19, 2002 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 13, 2002 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 to the microphone. ROBERTS RULES OF ORDER govern the conduct of the meeting. Thank you for participating in your in 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: **James Lussier – Chairman** **Carol Phifer - Vice-Chairman** **Pastor Billy Newton**
Martha Hartley **Picton Warlow** **Jed Prest** **Marc Black** **Craig Ustler** **Myra Monreal**

Call to Order by Presiding Officer and Pledge of Allegiance

Introduction of Members

- I. FIRST ITEM OF BUSINESS:** Approval of the July 2, 2002, Board of Zoning Adjustment minutes with the exception to the following:
- Page 2 – The second variance for Case # VAR2002-00073 should reflect the following change to the numbering: b) 2) Variance of 50.7 feet to the maximum required side yard setback of 25 feet to

permit construction of a new building 75.7 feet from the side property line (Chapter 58, Figure 1, LDC).

II. SECOND ITEM OF BUSINESS: CONSENT AGENDA

1. **VAR2002-00083, JEFFREY STRASSER**, variance to the minimum required side yard setback to permit an addition to be in line with the existing structure at 3702 Virginia Drive (**DISTRICT 3**).

STAFF RECOMMENDATION: Approval of the request based on the finding that the proposed variance meets the six standards for zoning variance approval.

2. **VAR2002-00085, FRED & DONNA SAWYER**, variance to the minimum required front yard setback to permit an existing addition to remain at 103 W. Princeton Street (**DISTRICT 3**).

STAFF RECOMMENDATION: Approval of the request based on the finding that the proposed variance meets the six standards for zoning variance approval.

3. **VAR2002-00089, J. E. BOYD, JR.**, variance to the minimum required rear yard setback to permit a garage addition and variance to the requirement that carports cannot project in front of the principal structure in the Traditional City to allow an existing carport to remain at 415 North Hampton (**DISTRICT 4**).

STAFF RECOMMENDATION: Approval of the request based on the finding that the proposed variance meets the six standards for zoning variance approval.

III. THIRD ITEM OF BUSINESS: REGULAR AGENDA

4. **VAR2002-00080, DOUG MILLER**, variance to the minimum required rear yard setback to permit the construction of a detached two-story garage which will be connected to the principal structure by a screened pool enclosure at 3112 Ardsley Drive (**DISTRICT 3**).
5. **VAR2002-00084, CASEY FRONCZEK**, variance to the minimum required front yard setback and Traditional City design requirements to permit an existing canopy (carport) to remain at 1216 Mercedes Place (**DISTRICT 3**).

IV. OTHER BUSINESS

6. Presentation on Design Variances

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 would 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.