

# BOARD OF ZONING ADJUSTMENT AGENDA

**DATE: 4/2/02    TIME: 1:00 PM**  
**LOCATION: CITY OF ORLANDO**  
**ONE CITY COMMONS**  
**CITY COUNCIL CHAMBERS**  
**SECOND FLOOR**  
**400 SOUTH ORANGE AVENUE**

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**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 April 22, 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 April 9, 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 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.

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<b>BOARD MEMBERS:</b>	<b>James Lussier – Chairman</b>	<b>Carol Phifer - Vice-Chairman</b>	<b>Pastor Billy Newton</b>
<b>Martha Hartley</b>	<b>Picton Warlow</b>	<b>Jed Prest</b>	<b>Marc Black    Craig Ustler</b>

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Call to Order by Presiding Officer and Pledge of Allegiance  
Introduction of Members

**I. FIRST ITEM OF BUSINESS:** Approval of the March 5, 2002, Board of Zoning Adjustment minutes.

**II. SECOND ITEM OF BUSINESS: CONSENT AGENDA**

- 1. VAR2002-00028, LURLIE JEAN MAHAFFEY,** variance to the minimum required side yard setback to permit the construction of an accessory structure at 1015 Shady Lane Drive (DISTRICT 3).

**STAFF RECOMMENDATION:** Staff finds that the request meets the six standards for zoning variance approval and recommends approval.

2. **VAR2002-00032, YOLAINE MESADIEU**, variance to allow parking in the required front yard setback of a single-family residential dwelling at 4812 Willow Run West (**DISTRICT 5**).

**STAFF RECOMMENDATION:** Staff finds that the request meets the six standards for zoning variance approval and recommends approval.

3. **VAR2002-00033, SHEILA HILL**, variances to the requirement that accessory structures not be located between the principal structure and the front property line and the requirement that garages shall not project in front of the living area of a home in the Traditional City district at 1601 S. Summerlin Avenue (**DISTRICT 1**).

**STAFF RECOMMENDATION:** Staff finds that both variances meet the six standards for zoning variance approval and recommends approval with the following conditions:

- a. The garage doors shall not be oriented toward Summerlin Avenue.
  - b. Heavy landscape screening shall be provided between the garage and the street.
  - c. The design of the structure shall match the design of the principal structure.
4. **VAR2002-00038, JAMES SANDIDGE**, variances to the side yard setback and requirement that garages and carports shall not project in front of the living area of a home in the Traditional City district at 830 Wilkinson Street (**DISTRICT 4**).

**STAFF RECOMMENDATION:** Staff finds that the request meets the six standards for zoning variance approval and recommends approval.

5. **VAR2002-00035, ELIZABETH DEVLIN & DAVID CHRISTIAN HAYES**, variances to the front yard setback to allow the expansion of an existing non-conforming open-air porch and conversion of an existing carport into a garage, and to the side yard setback to allow an air-conditioning unit to remain at 415 E. Miller Street (**DISTRICT 1**).

**STAFF RECOMMENDATION:** Staff finds that the request meets the six standards for zoning variance approval and recommends approval.

### **III. THIRD ITEM OF BUSINESS: REGULAR AGENDA**

6. **VAR2002-00030, BRENDA & STEPHEN CHOQUETTE**, variance to the side yard setback to allow a trellis to remain at 35 E. Evans Street (**DISTRICT 3**).
7. **VAR2002-00031, MARK KRASELSKY**, variance to the side yard setback to allow an addition to remain at 2603 Harrison Street (**DISTRICT 3**).

## **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.