

# BOARD OF ZONING ADJUSTMENT AGENDA

**DATE: 2/5/02    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 **February 25, 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 **February 12, 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 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.

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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>Lindsay Stevens</b>	<b>Picton Warlow</b>	<b>Jed Prest</b>
			<b>Marc Black</b>
			<b>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 JANUARY 8, 2002 BOARD OF ZONING ADJUSTMENT MINUTES, AND ANY CORRECTIONS TO THE AGENDA. The following correction should be made to Item 4, Kenneth & Dawn Herron of the December 4, 2001 Minutes – *The case number should be changed from VAR2001-00096 TO VAR2001-00106.***

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

- 1. VAR2001-00095, WAYNE M. RUBEN (DISTRICT 6)**, withdrawal of the request because variances may not be granted to the high-rise signs standards for the property located at 5605 Major Boulevard.

**STAFF RECOMMENDATION:** Staff recommended withdrawal of the request because variances may not be granted to the standards, which regulate the placement of a high-rise sign.

- 2. VAR2001-00117, EUGENE GRIBBLE/JOHN STEVENS (DISTRICT 3)**, variances to the vehicular use landscape area width and parking requirements at 1822 Edgewater Drive.

**STAFF RECOMMENDATION:** Withdrawal of the request by the applicant based upon the fact that staff has determined that the site was eligible for a Modification of Development Standards to the parking lot landscaping requirement. In addition, in situations where a building site is eligible to use alternative minimum requirements for parking, no variance can be granted to the number of parking spaces in lieu of the alternative minimum requirement.

- 3. VAR2002-00005, E. SCIENCES, INC. (DISTRICT 5)**, withdrawal of the variance because the proposed site plan meets the requirements of the Land Development Code at 228 S. Hughey Avenue.

**STAFF RECOMMENDATION:** Withdrawal of the variance because the proposed site plan meets the requirements of the Land Development Code.

- 4. VAR2001-00120, KEN & KRISTI KUPP (DISTRICT 3)**, variance to the minimum required rear yard setback to allow the construction of an addition in line with the existing principal structure at 821 Oak Street.

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

- 5. VAR2001-00121, TERRENCE L. OLSEN (DISTRICT 3)**, variance to the minimum required rear yard setback to allow an accessory structure to be constructed at 911 N. Shine Street.

**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. VAR2001-00118, JON MARSA (DISTRICT 4)**, variances to the minimum required bufferyard/landscape width and driveway width at 223 E. Concord Street.

7. **VAR2001-00119, MPR MANANGEMENT, LLC/PHIL RAMPY (DISTRICT 4)**, variance to the minimum required front yard setback to permit an addition at 11 N. Summerlin Avenue.

### **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.