

BOARD OF ZONING ADJUSTMENT AGENDA

DATE: 6/4/02 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 June 24, 2002 for approval of recommended actions that have not been appealed. The City Council meeting will be held in the Dover Shores Community Center, 1400 Gaston Foster Road, at 7 p.m. 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 June 11, 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**

Call to Order by Presiding Officer and Pledge of Allegiance

Introduction of Members

I. FIRST ITEM OF BUSINESS: Approval of the May 7, 2002, Board of Zoning Adjustment minutes.

II. SECOND ITEM OF BUSINESS: CONSENT AGENDA

1. **VAR2002-00056, FRANCIS CUNEO**, variance to the minimum required side yard setback to permit a second story addition in line with the existing structure at 1615 Dormont Lane **(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. **VAR2002-00062, NICOLE GUILLET & STEWART DARY**, variance to the minimum required side yard setback to permit an addition to be constructed at 812 Delaney Drive **(DISTRICT 4)**.

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

3. **VAR2002-00063, AL SEVERINO**, variance to the minimum required rear yard setback to permit an addition to be constructed at 18 South Thornton Avenue **(DISTRICT 4)**.

STAFF RECOMMENDATION: Approval of the request based on the finding that the proposed variance meets the six standards for zoning variance approval subject to the condition that no 2nd story windows be located on the rear façade.

4. **VAR2002-00064, MICHAEL & MARIANNE WRIGHT**, variance to the minimum required rear yard setback to permit a two story garage at 525 E. Gore Street **(DISTRICT 4)**.

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

5. **VAR2002-00068, JANET WALKER**, variances to the rear yard setback requirement to allow an accessory structure and the side yard setback to permit an air conditioning unit at 645 Ridgewood Street **(DISTRICT 4)**.

STAFF RECOMMENDATION: Staff finds that the applicant's request is consistent with the Board of Zoning Adjustment's recommendations and recommends approval of the applicant's request for a variance extension.

6. **VAR2002-00067, ELENA PUIG, D.M.D., P.A.**, variance to the Traditional City requirement that parking be located behind the building and outside of the street side yard setback at 621 N. Fern Creek Avenue **(DISTRICT 4)**.

STAFF RECOMMENDATION: Staff recommends deferral at the request of the applicant.

7. **VAR2002-00059, ANTHONY H. JOHNSON**, variances to the minimum distance separation between multi-family buildings, maximum allowed wall height on reverse corner lots, and minimum required side yard setback to permit additions at 309 E. Amelia Street **(DISTRICT 4)**.

STAFF RECOMMENDATION: Approval of variances to the minimum distance separation between multi-family buildings and maximum allowed wall height on reverse corner lots based on the finding that the proposed variances meet the six standards for zoning variance approval, and denial of the variance to the minimum required side yard setback (applicant concurs with staff recommendation).

III. THIRD ITEM OF BUSINESS: REGULAR AGENDA

- 8. VAR2002-00052, DAVID & JANET COLE**, variances to the Traditional City requirements to permit a garage to project in front of the principal structure and to the minimum required front yard setback to permit expansion of an existing garage at 1700 Pepperidge Drive (**DISTRICT 1**).
- 9. VAR2002-00058, HELEN MCRIGHT**, variance to the requirement that garages cannot project in front of the principal structure in the Traditional City and front yard setback requirement to allow the existing carport to remain, and variance to the front yard setback to allow the required parking space at 1436 Stetson Street (**DISTRICT 3**).
- 10. VAR2002-00060, EDMUNDO & ELSA QUINONES**, variance to the maximum allowed fence height requirement in the street side yard setback at 6383 Inca Street (**DISTRICT 2**).
- 11. VAR2002-00057, RICHARD SOBEL/LE DO**, variances to the side and rear yard setbacks to permit the existing air conditioning units to remain at 1626 E. Concord Street (**DISTRICT 4**).
- 12. VAR2002-00061, THOMAS M. COTTON**, variances to the minimum required rear yard setback for structures above 12 ft. in height and to permit a two-story garage to replace an existing detached carport at 1107 Aruba Drive (**DISTRICT 1**).
- 13. VAR2002-00065, WILLIAM MURPHY (ALTHEA NEE, TRUSTEE)**, variances to the street side and rear yard setback requirements to allow the construction of an open porch at 2411 Formosa Avenue (**DISTRICT 3**).
- 14. VAR2002-00066, WILLIAM BISHOP**, variance to the maximum number of parking spaces at 1800 – 1810 Hillcrest Street (**DISTRICT 4**).

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.