

# BOARD OF ZONING ADJUSTMENT AGENDA

**DATE: 3/5/02    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 March 5, 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 March 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 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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**BOARD MEMBERS:**    **James Lussier – Chairman**                      **Carol Phifer - Vice-Chairman**                      **Pastor Billy Newton**  
**Martha Hartley**                      **Lindsay Stevens**                      **Picton Warlow**                      **Jed Prest**                      **Marc Black**                      **Craig Ustler**

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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 Zoning Adjustment Minutes. Approval of the February 5, 2002, minutes with the following correction: The last two roman numeral numbers listed on the February 5, 2002, minutes should be changed to reflect the correct order, i. e. ~~III~~ should be IV, and ~~IV~~, should be V. On page 3, the first bullet point under the Board's discussion should reflect the following: ~~The~~ Whether special conditions *were* created because the existing structure was centered on the property and protected from demolition. On Page 4, the fourth bullet point under the basis for the first motion should be stricken from the record to reflect the discussion and

basis for Ms. Hartley's motion. 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. VAR2002-00006, JAMES & BETTY SMEENGE (DISTRICT 4)**, variance to the side yard setback requirement to allow an addition to be constructed in line with the principal structure at 1210 Wilkinson Street.

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

- 2. VAR2002-00010, EDWARD URMY (DISTRICT 3)**, variances to the rear and front yard setback requirements to permit a principal structure to remain at 631 Shady Lane after a lot split.

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

- 3. VAR2002-00020, CRAIG BOWER (DISTRICT 4)**, extension of a variance that allows the construction of a garage that projects in front of the principal structure at 17 Celia Lane.

**STAFF RECOMMENDATION:** Staff finds that the extension has been requested thirty days prior to the expiration date of the approved variance. Staff recommends approval of the extension per Section 65.382, Land Development Code conditioned upon the fact that this request does not extend beyond the six month time period.

- 4. VAR2002-00026, ORLANDO FEDERAL CREDIT UNIT/JOHN NEUSAENGER (DISTRICT 5)**, variance to the sign area and to the requirement that only name plates and directory signs are permitted in the O-1 zoning district when the O-1 district shares a block face with a residential zoning district and/or where the opposite block face contains a residential zoning district at 4500 South John Young Parkway.

**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**

- 5. VAR2002-00008, JOHN PERCY (DISTRICT 4)**, variances to the side yard setback and the requirement that garages cannot project in front of the principal structure to allow the construction of an addition and garage at 1214 Wilkinson Street.

6. **VAR2002-00009, MARION HATCHER (DISTRICT 3)**, variances to the side yard setback and impervious surface ratio requirements to allow the construction of an addition and circular driveway at 1203 Bryn Mawr Street.
7. **VAR2002-00013, GREG WHITE (DISTRICT 3)**, variance to the required rear yard setback to allow the enclosure of an existing screen room at 1412 Manchester Street.
8. **VAR2002-00014, SALLY BRYAN (DISTRICT 3)**, variances to the rear and side yard setback requirements to allow an existing accessory structure (garage) to remain at 726 Stetson Street.
9. **VAR2002-00015, EVELYN ROCHE/JOHN LANDON (DISTRICT 3)**, variance to the street side yard setback to allow the construction of an addition comprised of a garage attached to the existing principal structure at 1927 Monterey Avenue.
10. **VAR2002-00021, PAVOL & TATIANA STANKY (DISTRICT 3)**, variance to the side yard setback requirement to allow an air conditioning unit at 778 Country Lane.
11. **VAR2002-00001, CHUCK COLTER (DISTRICT 3)**, appeal of the Zoning Official's Determination denying the applicants request for a Modification of Standards to the fence height requirement to allow the construction of an 8 ft. high fence at 1321 Maury Road.

#### **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.