

BOARD OF ZONING ADJUSTMENT AGENDA

DATE: 9/10/02 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 September 23, 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 September 17, 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 August 6, 2002, Board of Zoning Adjustment minutes with the exception to the following:

Page 2 – VAR2002-00080, Doug Miller – the variance should be changed to reflect that the applicant requested a variance of ~~7.5~~ 17.5 ft. to the minimum required rear yard setback of 25 ft. to permit the construction of a detached two-story garage 7.5 ft. from the rear property line.

II. SECOND ITEM OF BUSINESS: CONSENT AGENDA

1. **VAR2002-00088, MARY SCOTT**, withdrawal of the variance request for the property located at 1901 E. Livingston Street (**DISTRICT 4**).

STAFF RECOMMENDATION: Withdrawal of the variance request based upon staff's analysis that the variance is not required.

2. **VAR2002-00094, DON SAUNDERS**, design variance to allow a garage to project in front of the principal structure at 1723 Spring Lake 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 subject to the following conditions:

1. The driveway shall be constructed to meander around the trees and ensure that no negative impact is caused to any of the historic trees on the property.
2. The normal high water elevation of Spring Lake is 88.3 feet. Per Footnote 10, Chapter 58, LDC, the house shall be constructed a minimum of 50 feet from the normal high water elevation of Spring Lake.

3. **VAR2002-00096, TERRENCE OLSON**, extension of a variance to the minimum required rear yard setback to allow an accessory structure (over 12 ft. in height) at 911 N. Shine Avenue.

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

4. **VAR2002-00097, MARION HATCHER**, extension of a variance to the minimum required side yard setback to permit an addition to the principal structure at 1203 Bryn Mawr Street.

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

5. **VAR2002-00100, ALFREDO RATON**, variance to the minimum required side yard setback to permit an existing accessory structure (shed) to remain at 4008 Lake Sarah 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.

III. THIRD ITEM OF BUSINESS: REGULAR AGENDA

- 6. VAR2002-00099, DOUGLAS MERLIN**, variances to allow the construction of a pool in the front yard setback; to allow an existing carport to remain in the front yard setback and project in front of the principal structure; and allow no on-site parking space at 1521 W. Ivanhoe Boulevard **(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 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.