



BOARD OF ZONING ADJUSTMENT

MEETING INFORMATION

Location

City Council Chambers
2nd Floor, City Hall
One City Commons
400 South Orange Avenue

Time

1:00 p.m.

Board Members

James Lussier, Chair
Martha Hartley, Vice Chair
Marc Black
Myra Monreal
Pastor Billy Newton
Carol Phifer
Jed Prest
Craig Ustler
Picton Warlow

AGENDA ■ DECEMBER 3, 2002

WELCOME!

We are very glad you have joined us for today's meeting. The Board of Zoning Adjustment (BZA) 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. All BZA recommendations are subject to final action by City Council. The minutes of today's meeting will be presented at the City Council meeting on **MONDAY, DECEMBER 16, 2002** for approval of recommended actions. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. **CAUTION:** Untimely filing by any appellant shall result in an automatic denial of the appeal.

GENERAL RULES OF ORDER

The Board is pleased to hear all non-repetitive comments. However, since a general time limit of five (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 by the Chairman, state your name and address and speak directly into the microphone. ROBERTS RULES OF ORDER govern the conduct of the meeting. Persons with disabilities needing assistance to participate in any of these proceedings should contact the BZA Recording Secretary at (407) 246-3416 at least 24 hours in advance of the meeting.

APPEALS

Variations are quasi-judicial matters (implementing actions) and hearings are to be conducted subject to the Florida Supreme Court ruling in Board of County Commissioners of Brevard County v. Snyder. The Board's decision must be supported by "competent substantial evidence." Persons dissatisfied with a board recommendation in such matters may be entitled to a de novo (new) hearing before an independent Hearing Officer in accordance with the provisions of Chapter 2, Article XXXII, of the City Code. A request for a new hearing (appeal) must be filed with the Board of Zoning Adjustment Recording Secretary by **5:00 p. m., TUESDAY, DECEMBER 10, 2002**. There is a **\$250** fee for this appeal. The BZA Recording Secretary is located in the Land Development Division on the first floor of City Hall.

Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made that includes the testimony and evidence upon which the appeal is made.

Thank you for participating in your government and making Orlando truly "**The City Beautiful.**"

OPENING SESSION

- Call to Order at 1:00 p.m. or as soon thereafter as possible
- Pledge of Allegiance
- Introduction of Members
- Consideration of November 5, 2002 Minutes

CONSENT AGENDA

1. VAR2002-00126 1615 PINE BLUFF AVENUE

Applicant/Owner: Paul Kish, Kish Builders, Inc./Diane Kirk, 1616 Bennet Road, Orlando, FL 32803

District: 1

Request for approval of a variance of 2.5 feet to the minimum required side yard setback of 7.5 feet to allow an addition in-line with the northern wall of the existing building, 5 feet from the side property line (Chapter 58, Figure 1, LDC).

Staff Recommendation: Approval of the variance request based on the finding that it meets the six standards for variance approval.

2. VAR2002-00132 1311 LANCASTER DRIVE

Applicant/Owner: William & Sandra Mateer, 1311 Lancaster Drive, Orlando, FL 32806

District: 1

Request for approval of a variance of 2.6 feet to the minimum required side yard setback of 7.5 feet to allow an addition in-line with the east wall of the existing house, 4.9 feet from the south property line (Chapter 58, Figure 1, and Section 58.970, LDC).

Staff Recommendation: Approval of the variance request based on the finding that it meets the six standards for variance approval.

3. VAR2002-00133 1910 EAST ROBINSON STREET

Applicant/Owner: Ron & Julie York, 1910 E. Robinson Street, Orlando, FL 32803

District: 4

Request for approval of the following variances to permit conversion of an existing house into an office:

- a. Variance of ± 5.03 feet to the minimum required side yard setback of 10 feet to allow an existing principal structure to remain ± 4.97 feet from the side property line (Chapter 58, Figure 1, LDC).
- b. Variance of 12 feet to the minimum required driveway width of 24 feet for non-residential uses to permit a 12-foot wide driveway along the side (east) property line to access the rear parking lot (Section 61.240, LDC).
- c. Variance to the requirements for parking lot landscaping adjacent to contiguous properties to reduce the landscape areas from 5 feet to 0.9 feet along the east property line and waive requirement for canopy trees on the east property line (Chapter 61, Part 2E, LDC).
- d. Variance to the requirement that a 10-foot wide landscape bufferyard with a 5-foot masonry wall or durable landscape screen, trees and shrubs be provided along the south property line to allow the applicant to install an 8-foot wide landscape buffer area and durable landscape screen along the south property line (Chapter 60, Part 2F).

Staff Recommendation: Approval of the variance requests based on the finding that they meet the six standards for variance approval subject to the following conditions:

1. The parking lot landscaping adjacent to contiguous properties shall be a minimum of 0.9 ft., but shall be as wide as can be to accommodate wherever sufficient space is provided.
2. The existing driveway and curb cut near the western property line shall be removed.
3. The required parking spaces (except for the handicapped parking space, which must be a minimum of 12.0 ft. in width) shall be 8.5 ft. in width to accommodate an 8 ft. bufferyard and durable landscape screen.

4. VAR2002-00135 4000 SHADER ROAD

Applicant/Owner: Vince Smith, Trammel Crow Company, 1900 Tower Place Boulevard, Suite 750, Orlando, FL 32810; Principal Development Investors, LLC, 801 Grand Avenue, Des Moines, Iowa, 50392-1360

District: 2

Request for withdrawal of a variance

Staff Recommendation: Withdrawal.

5. VAR2002-000134 112 PASADENA PLACE

Applicant/Owner: We Care Crisis Center, Inc., C/O Life Line of Central Florida, P. O. Box 149083, Orlando, FL 32814

District: 3

Request for approval of a variance to the requirement that parking not be located within the front yard setback to permit a handicapped accessible parking space 3 feet from the north (front) property line.

Staff Recommendation: Deferral at the applicant's request.

REGULAR AGENDA

6. VAR2002-00128 1207 SPRING LAKE DRIVE

Applicant/Owner: Harriot E. Roberts, President, Spring Lake Neighborhood Association, 1720 Espanola Drive, Orlando, FL 32804

District: 3

Request for approval of a variance of 4 feet to the maximum allowed wall height of 6 feet in the required street side yard setback to allow the construction of a 10-foot wall along the west side of North Orange Blossom Trail, north and south of Spring Lake Drive (Section 58.929(b), LDC).

Staff Recommendation: Denial of the variance request based on the finding that it does not meet four of the six standards for approval and approval of a variance of 2 feet to the maximum allowed wall height to permit the construction of an 8-foot tall wall on the west side of North Orange Blossom Trail, north and south of Spring Lake Drive subject to the following conditions:

1. The neighborhood shall obtain permission from the City's Park Bureau to construct the wall on the Park property and an easement shall be recorded on the property.
2. The neighborhood shall obtain a right-of-way encroachment agreement from the City Engineer to allow construction of the wall over the City right-of-way. This agreement

shall be drafted by the Office of Legal Affairs, and approved by City Council prior to construction of the wall.

- 3. *The wall shall be limited to a maximum height of 8 feet.*
- 4. *Staff recommends that the wall be designed to match the existing wall on the property to the north. Final design of the wall shall require approval by the Appearance Review Officer, Dena Wild.*
- 5. *A minimum 5 foot wide landscaped bufferyard shall be installed on the east side of the wall.*

7. VAR2002-00129 1060 PALADIN COURT

Applicant/Owner: Michael and Connie Butcher, 1060 Paladin Court, Orlando, Florida 32857

District: 2

Request for approval of the following variances to permit construction of a new gazebo and to allow an air conditioning unit to remain in its current location:

- a. Variance of 4.5 feet to the required rear yard setback of 5 feet for accessory structures under 12 feet in height, to allow a partially-constructed gazebo to be completed 0.5 feet from the west property line (Section 58.901, LDC).
- b. Variance of 4.5 feet to the minimum required side yard setback of 7.5 feet for air conditioning units to allow an air conditioning unit to be located 3 feet from the north property line (Section 58.1207, LDC)

Staff Recommendation: Approval of variance a based on the finding that it meets the six standards for zoning variance approval subject to the conditions that the gazebo not be enclosed and that gutters be installed that do not overhang the adjacent property.

Denial of variance b based on the finding that it does not meet one of the six standards for variance approval.

OTHER BUSINESS

- General Appearance by Mr. William Murphy
- Presentation from Seth King, Assistant City Attorney, on Lobbying Ordinance