



BOARD OF ZONING ADJUSTMENT

MEETING INFORMATION

Location

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

Time

2:00 p.m.

Board Members

James Lussier, Chair
Martha Hartley, Vice Chair
Marc Black
Myra Monreal
Carol Phifer
Jed Prest
Craig Ustler
Picton Warlow
Andrew Powell

AGENDA ■ APRIL 22, 2003

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, MAY 19, 2003** 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, APRIL 29, 2003**. 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 2:00 p.m. or as soon thereafter as possible
- Pledge of Allegiance
- Introduction of Members
- Consideration of March 25, 2003 Minutes

CONSENT AGENDA

1. VAR2003-00046 525 E. GORE STREET

Applicants/Owners: Michael & Marianne Wright, 525 E. Gore Street, Orlando, FL 32806

District: 4

- A. Variance of 10 feet to the minimum required rear yard setback of 15 feet for accessory structures over 12 feet in height to allow construction of a two-story accessory structure 5 feet from the north property line (Section 58.901).

Recommended Action: Approval of the variance request based on the finding that it meets the six standards for variance approval subject to the following conditions:

- 1. *The property owner shall record a restrictive covenant that limits the use of the second story accessory structure. The purpose of the restriction is to advise future owners that the accessory structure cannot be used as a dwelling unit unless the zoning allows for it in the future.*

2. VAR2003-00050 1017 GARDEN PLAZA

Applicant: Walter R. Goodson, Jr., 5868 Lakeville Road, Orlando, FL 32818

Owner: Graziella Gelardini, 1017 Garden Plaza, Orlando, FL 32803

District: 4

- A. Variance of 1.7 feet to the minimum required side yard setback of 7.5 feet to allow construction of an addition at 5.8 feet from the north property line in-line with the existing principal structure (Chapter 58, Figure 1, LDC).

Recommended Action: Approval of the variance request based on the finding that the request meets the six standards for variance approval, subject to conditions that the northern driveway be removed, parkway restored, and legal parking space be installed on an improved surface behind the front yard setback or behind the living space, whichever is greater. Additionally, the applicant shall obtain permits for the enclosure of the garage into living space.

3. VAR2003-00052 1020 DELANEY AVENUE

Applicant: David Runnels

Owner: Daniel Scollan

District: 4

- A. Variance of 2 feet to the minimum required side yard setback of 6 feet for principal structures to permit a porte cochere 4 feet from the south lot line (Section 58.110, LDC).

Recommended Action: Approval of the variance request based on the finding that it meets the six standards for variance approval subject to the following conditions:

3. VAR2003-00052 1020 DELANEY AVENUE - CONTINUED

B. Variance of 7 feet to the minimum required rear yard setback of 25 feet for the principal structures to permit an addition to the principal structure 18 feet from the rear property line (Section 58.110, LDC).

Recommended Action: Approval of the variance request based on the finding that it meets the six standards for variance approval subject to the following conditions:

4. VAR2003-00038 5160 NEPONSET AVENUE

Applicant/Owner: Betty & Orville Culpepper, 5160 Neponset Avenue, Orlando, FL 32808

District: 3

A. Variance to the rear yard setback requirement to allow the construction of an addition.

Recommended Action: Withdrawal of the variance request as the request could be granted through a modification of standards.

5. VAR2003-00048 1321 N. WESTMORELAND DRIVE

Applicant/Owner: Deanne Davis, 1321 N. Westmoreland Drive, Orlando, FL 32804

District: 3

A. Variance to the street side yard setback requirement to allow the construction of a bathroom addition.

Recommended Action: Withdrawal of the variance request as the request could be granted through a modification of development standards.

6. VAR2003-00051 2952 CUMLER COURT

Applicant/Owner: Emma Lou Scott, 2952 Cumler Street, Orlando, FL 32811

District: 6

Recommended Action: Deferral at the request of the applicant.

REGULAR AGENDA

7. VAR2003-00049 1022 BROCKWAY AVENUE

Applicant/Owner: Brenda Richardson, 1022 Brockway Avenue, Orlando, FL 2807

District: 2

A. Variance of 6.5 feet to the minimum required side yard setback of 7.5 feet to allow an existing carport to remain ±1 foot from the north side yard property line (Section 58.901, LDC).

Recommended Action: Denial of the variance request based on the finding that the request does not meet the six standards for variance approval.

7. VAR2003-00049 1022 BROCKWAY AVENUE (CONTINUED)

- B. Variance of 4 feet to the minimum required side yard setback for recreational vehicle parking of 5 feet to allow boat parking ± 1 foot from the north side yard property line (Section 58.926, LDC).

Recommended Action: *Approval of the variance request based on the finding that the request meets the six standards for variance approval subject to condition that the shed located in the side yard setback between the principal structure and the south side yard property line shall be located behind the setback.*

Other Business