



# BOARD OF ZONING ADJUSTMENT

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## MEETING INFORMATION

### *Location*

**Agenda Conference Room**  
2nd Floor, City Hall  
One City Commons  
400 South Orange Avenue

### *Time*

2:00 p.m.

### *Board Members*

James Lussier, Chair  
Picton Warlow, Vice Chair  
Marc Black  
Myra Monreal  
Jed Prest  
Craig Ustler  
Andrew Powell  
Stephanie Gallagher

## AGENDA ■ AUGUST 26, 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, SEPTEMBER 15, 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., WEDNESDAY, SEPTEMBER 3, 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
- Presentation of a Resolution to Carol Phifer
- Consideration of July 22, 2003 Minutes

## CONSENT AGENDA

### 1. VAR2003-00091 1723 SPRING LAKE DRIVE

Applicant/Owner: James P. Caruso, 738 Hardman Drive, Orlando, FL 32806

District: 3

A. Variance to allow a garage to be constructed in front of the principal structure (Section 62.600, LDC).

*Recommended Action: Approval of the variance request, subject to the conditions that an opaque landscape buffer, at least 3 ft. high, be planted in the southern corner of the front yard setback to screen the view of the garage from the south.*

### 2. VAR2003-00092 640 SOUTH LAKE FORMOSA DRIVE

Applicant/Owner: Louis Buttice, 232 W. Sabal Palm Place, Long wood FL 32779

District: 3

A. Variance of 0.4 feet to the minimum required 5 foot side yard setback to allow a proposed second story, garage and porch addition to be constructed in-line with the existing principal structure, 4.6 feet from the west property line (Chapter 58, Figure 1).

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

1. *The applicant, or respective property owner(s), shall formally request the subdivision of the subject property and the property located immediately to the east of the subject property, represented as Lot 1 in the Wissahickon subdivision, prior to the issuance of any building permits for the remaining property (Lot 1).*

### 3. VAR2003-00093 526 LAKEVIEW STREET

Applicant/Owner: Keith Reed, 526 Lakeview Street, Orlando, FL 32804

District: 3

A. Variance to the requirement that accessory structures not be located between the principal building and the street to allow construction of a four bay detached garage in front of the main house approximately 130 feet from the front property line (Section 58.901, LDC).

B. Variance to the requirement that garages not project in front of the living area of a house to allow construction of a four bay detached garage in front of the main house approximately 130 feet from the front property line (Section 62.600, LDC).

**3. VAR2003-00093, 526 LAKEVIEW STREET – CONTINUED**

*Recommended Action:* Approval based upon the finding that the requests meet the six standards for variance approval based upon the following conditions:

1. The Parks Bureau shall determine the location of the garage, so that it will not have a negative impact on the large canopy tree just north of the proposed location, which will screen the garage from the street.
2. The proposed garage shall not contain a garage apartment, as the site already consists of two single-family dwellings. The zoning district (R-1AA/T) only allows two dwelling units, where the building site area is at least two times the minimum lot area.
3. The garage shall be side entry only.
4. Appearance Review shall be required prior to issuance of a building permit to ensure that the design of the garage is consistent with the architecture style of the principal structure.
5. No surface access is shown to the garage entrances from the asphalt driveway. The plans submitted for permit review shall show access to the garage entrances by either contained gravel, contiguous pavement, or paved wheel strips for each bay.
6. The skateboard ramp shall be removed, as this is not an appropriate use in a residential district, as determined by the Zoning Official.

**4. VAR2003-00098 6 WEST PRESTON STREET**

Owner: John Kaiser, 1670 Herron Trail, Maitland, FL 32751

Applicant: Leslie Burke, 3104 Harrison Avenue, D28, Orlando FL 32804

District: 3

- A. Variance of 20 feet to the 110-foot minimum lot depth requirement to allow two single-family residences on two reconfigured lots (Chapter 58, Figure 1).
- B. Variance of 5.33 ft. to the 25 ft. rear yard minimum rear yard setback to allow a single-family residence to have a 19.67 foot rear yard setback in a R-1/T zoning district (Chapter 58, Figure 1).

*Recommended Action:* Approval of the applicant's request to reduce the lot depth from 110 feet to 90 feet based upon the fact that the minimum lot area for the R-1/T zoning district is exceeded and the development will meet all other requirements of the LDC.

*Approval of the variance request is subject to the conditions listed below:*

1. The proposed residence on the north shall be redesigned to front onto West Preston Street including: a minimum 25 foot front yard setback from the north property line which abuts the West Preston Street right-of-way, a minimum 15-foot street side yard setback from the property line with abuts the Depauw Avenue right-of-way, and a minimum 6-foot side yard setback from the property line which abuts the lot located to the west.

**4. VAR2003-00098, 6 WEST PRESTON STREET—CONTINUED**

- 2. *Walls and fences for the proposed residence on the north shall not exceed a maximum of 4-feet in height in the required front and street side yards.*

**5. VAR2003-00102 1745 WYCLIFF DRIVE**

Applicants/Owners: Michael & Marnie Waldrop, 1745 Wycliff Drive, Orlando, FL 32803

District: 3

- A. Variance to the requirement that garages and carports be located flush with or behind the living area of a home to allow the conversion of a side-entry carport into a garage that projects 14 feet in front of the front façade of the home (Section 62.600, LDC).
- B. Variance of 5 feet to the minimum required front yard setback of 30 feet to allow the conversion of a carport into a garage 25 feet from the front property line (Chapter 58, Figure 1, LDC).
- C. Variance of 2 feet to the minimum required street side yard setback of 15 feet to allow the conversion of a carport into a garage 13 feet from the street side property line (Chapter 58, Figure 1, LDC).

*Recommended Action: Approval of the requested variances based on the finding that they meet the six standards for variance approval.*

**6. VAR2003-00095 400 SOUTH ORANGE BLOSSOM TRAIL**

Applicant/Owner: Mohammad Lutfi, 720 South Orange Blossom Trail

District: 5

The applicant was proposing to install additional signage, and has withdrawn his request in order to conform to the Code requirements.

*Recommended Action: Approval of the withdrawal of the application.*

**7. VAR2003-00097 3812 APPLETON WAY**

Applicant/Owner: Thomas G. & Sharon S. Coons, 3812 Appleton Way, Orlando, FL 32806

District: 1

- A. Variance of 9 feet to the minimum required street side yard setback of 15 feet to allow construction of a screened enclosure, attached to the principal structure at a 6 foot street side yard setback on the north property line (Chapter 58, Figure 1).
- B. Variance of 3 feet to the minimum required street side yard setback of 15 feet to allow an existing pool to remain at a 12 foot street side yard setback on the north property line (Chapter 58, Figure 1).
- C. Variance of 2 feet to the maximum fence height on a reverse corner lot to allow the existing 6 foot high fence to remain on the north rear property line (Section 58.929).

*Recommended Action: Denial of variances a and c based on the finding that the requests meet three of the six standards for variance approval. However, staff recommends approval of variance a if the screened enclosure is located at a 9 foot street side yard setback, and approval of variance c, if the fence is moved from the property line to a 2 foot street side yard setback. Approval of variance b based on the finding that the request meets six of the six standards for variance approval.*

## REGULAR AGENDA

**8. VAR2003-00090 1611 SOUTH MILLS AVENUE**

Applicant/Owner: Brian Smith, 1611 S. Mills Avenue, Orlando, FL 32806

District: 1

- A. Variance of 2.2 feet to the minimum required 7.5 foot side yard setback to allow a proposed 180 square foot addition to be constructed 5.3 feet from the north property line (Chapter 58, Figure 1).

*Recommended Action: Approval of variance request (a) based on the finding that it meets the six standards for variance approval, subject to the following condition:*

1. *Use an exterior building material that is consistent with the principal structure (e.g. wood frame on block).*

- B. Variance of 6.0 feet to the minimum required 7.5-foot side yard setback to allow an air conditioning unit to remain 1.5 feet from the side property line (Chapter 58, Section 1207).

*Recommended Action: Denial of the variance request based on the finding that the request meets none of the six standards for variance approval.*

**9. VAR2003-00096 816 CLAYTON STREET**

Applicant/Owner: Kellie & William Battillo, 816 Clayton Street, Orlando, FL 32804

District: 1

- A. Variance to allow a garage that projects in front of the living space in the Traditional City (Section 62.600, LDC).

*Staff Recommendation: Denial of the variance request based on the finding that the request meets none of the six standards for variance approval.*

- B. Variance to the minimum required side yard setback of 7.5 feet to allow an addition in-line with the western wall of the existing principal structure 5.14 feet from the side property line (Chapter 58, Figure 1, LDC).

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

- C. Variance to the minimum required side yard setback of 7.5 feet to allow an air conditioning unit to remain 2 feet from the west side yard property line (Section 58.1207, LDC).

*Staff Recommendation: Denial of the variance request based on the finding that the request meets none of the six standards for variance approval.*

- D. Variance of 2 feet to the maximum parking area width of 18 feet to allow a 20-foot wide driveway (Section 61.302, LDC).

*Recommended Action: Denial of the variance request based on the finding that the request meets none of the six standards for variance approval.*

**10. VAR2003-00099 7120 FERRIER COURT**

Applicant/Owner: Angel Gamble, 7120 Ferrier Court, Orlando, FL 32835

District: 6

- A. Variance of 15.0 feet to the minimum required rear yard setback of 25.0 feet to allow a proposed ±450 square foot sunroom addition to be constructed 10.0 feet from the south property line (Chapter 58, Figure 1).

*Recommended Action: Denial of the variance request based on the finding that it does not meet the six standards for variance approval. Approval of an alternative variance of 5 feet to allow the applicant to construct the addition up to 5 feet within the required 25-foot rear yard setback, 20 feet from the rear property line.*

**11. VAR2003-00103 810 NORTH HYER AVENUE**

Applicant/Owner: Victor Cooper, 810 N. Hyer Avenue, Orlando, FL 32803

District: 3

- A. Variance of 3 feet to the minimum required side yard setback of 5 feet for principal structures to allow construction of a carport 2 feet from the south lot line (Section 58.110, LDC).

*Recommended Action: Denial of the variance requested based on the finding that the request does not meet the six standards for variance approval. Approval of an alternative lesser variance of 3 feet to allow a carport that is no deeper than 19 feet, attached to the house at the front porch and has materials, roof shape and design that match the house to be located at a minimum of 2 feet from the side property line based on the finding that the lesser variance meets the six standards for variance approval. Or approval of an alternate lesser variance of 2 feet to allow a carport that is no deeper than 22 feet and attached to the front of the garage to be located a minimum of 3 feet from the side property line based on the finding that the lesser variance meets the six standards for variance approval. In any circumstance, the new carport shall maintain the drainage on the site as required by the City.*

**12. VAR2003-00101 804 GUERNSEY STREET**

Applicants/Owners: Karla & James Ryan, Jr., 804 Guernsey Street, Orlando, FL 32804

District: 3

- A. Variance of 11.5 feet to the minimum required 25-foot front yard setback to allow a proposed 196 square foot addition to be constructed 13.5 feet from the north property line (Chapter 58, Figure 1).

*Recommended Action: Denial of the variance request based on the finding that it does not meet the standards for variance approval. Approval of an alternative lesser variance of 10 feet to the minimum required front yard setback of 25 feet to allow an addition to be constructed 15 feet from the south property line subject to the following conditions:*

1. *Use exterior building materials (e. g. wood frame) and window treatments that are consistent with the principal structure.*

**12. VAR2003-00101, 804 GUERNSEY STREET—CONTINUED**

2. *Redesign the proposed addition to meet the Traditional City Design Standards including: placing a front entry door and at least one window on the south side of the proposed structure, providing a pedestrian walkway via an improved surface from the front entry door to the Langston Street right-of-way and providing 15% transparency on the south side of the existing and proposed structures. Appearance Review is required prior to the issuance of building permits.*
  
3. *Relocate hedge and fence to the subject property and reduce both to a maximum height of 4 feet in the required 25-foot front yard setback.*

Other Business

