



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, Chairman
Picton Warlow, Vice Chairman
Marc Black
Myra Monreal
Andrew Powell
Jed Prest
Craig Ustler

AGENDA ■ DECEMBER 18, 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, JANUARY 12, 2004** 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., MONDAY, DECEMBER 29, 2003**. There is a **\$250** fee for this appeal. The BZA Recording Secretary is located in the City Planning Division on the sixth 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

- Determination of a quorum
- Call to Order at 2:00 p.m. or as soon thereafter as possible
- Pledge of Allegiance
- Introduction of members
- Consideration of November 25, 2003 minutes

CONSENT AGENDA

1. VAR2003-00140 2408 NORFOLK ROAD

Applicant/Owner: Roger L. Dunnavan, Jr., 2408 Norfolk Road, Orlando, FL 32803
District: 3
Project Planner: Anita McNamara

- A. Extension of a variance to the requirement that garages and carports be located flush with or behind the living area of a home to allow a new garage that projects 19.33 feet in front of the living space (bedroom addition) and 30.33 feet in front of the main façade of the home (Section 62.600, LDC).

Recommended Action: Approval of the variance extension.

- B. Extension of a variance of 6.5 feet to the minimum required front yard setback of 30 feet to allow construction of a garage addition 23.5 feet from the front property line (Chapter 58, Figure 1, LDC).

Recommended Action: Approval of the variance extension.

2. VAR2003-00149 2110 E. COLONIAL DRIVE

Applicant/Owner: Chau Nguyen, 468 W. Highway 436, Altamonte Springs, FL 32714
District: 4
Project Planner: Linda Painter

- A. Variance of 20.5 feet to the maximum allowed side yard setback of 25 feet to permit construction of a new restaurant building approximately 45.5 feet from the west property line (Chapter 58, Figure 1).

Recommended Action: Approval of the variance request based on the finding that the request meets the six standards for variance approval, subject to the condition that the applicant work with the Parks Bureau to limb-up the tree in a manner which preserves its integrity prior to issuance of building permits for the house addition.

- B. Variance of 21 feet to the maximum allowed side yard setback of 25 feet to permit construction of a new restaurant building approximately 46 feet from the east property line (Chapter 58, Figure 1).

Recommended Action: Approval of the variance request based on the finding that the request meets the six standards for variance approval.

REGULAR AGENDA

3. VAR2003-00139 1306 OAKLEY STREET

Applicant/Owner: Richard McCarey, 3007 Huntington Street, Orlando, FL 32803

District: 1

Project Planner: Anita McNamara

- A. Variance of 2.8 feet to the minimum required side yard setback of 6 feet for principal structures to allow construction of a porte-cochere 3.2 feet from the west lot line (Section 58.110, LDC).

Recommended Action: Denial of the variance requested based on the finding that the request meets only one of the six standards for variance approval.

4. VAR2003-00141 1122 YATES STREET

Applicant/Owner: Carl Hodges, 1122 Yates Street, Orlando, FL 32804

District: 3

Project Planner: Heather Middleton

- A. Variance of ± 10 ft. to the minimum required rear yard setback, for accessory structures more than 12 feet in height, of 15 ft. to allow the construction of a two-story, two-car detached garage/exercise room ± 5 ft. from the rear property line (Chapter 58, Figure 1, LDC).

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

5. VAR2003-00142 1622 S. MILLS AVENUE

Applicant/Owner: Joel & Kari Roberts, 1622 S. Mills Avenue, Orlando, FL 32806

District: 1

Project Planner: Shaun Ferguson

- A. Variance of 12.0 feet to the minimum required 25-foot front yard setback to allow a proposed two story addition to be constructed 13.0 feet from the south property line, in-line with the existing principal structure (Chapter 58, Figure 1).

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

- B. Variance of 2.52 feet to the minimum required 7.5-foot side yard setback to allow a proposed two story addition to be constructed 4.98 feet from the west property line, in-line with the existing principal structure (Chapter 58, Figure 1).

Recommended Action: Approval of the variance request based on the finding that the request meets the six standards for variance approval.

- C. Variance of 0.75 feet to the minimum required 15-foot street side yard setback to allow a proposed two story addition to be constructed 14.25 feet from the east property line, in-line with the existing principal structure.

Recommended Action: Approval of the variance request based on the finding that the request meets the six standards for variance approval.

- D. 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.

6. VAR2003-00143 1301 PORTLAND AVENUE

Applicant/Owner: Ila Napier, 101 S. Lawsona Boulevard, Orlando, FL 32801

District: 4

Project Planner: Shaun Ferguson

- A. Variance of 8 ft. to the minimum required 15 ft. street side yard setback to allow a proposed two-story, open air porch to be constructed 7 ft. from the south property line (Chapter 58, Figure 1).

Recommended Action: Denial of a variance request (a) based on the finding that it does not meet the six standards for variance approval. Approval of a lesser variance of 3 ft. to the minimum required 15 ft. street side yard setback to allow a proposed two-story, open-air porch to be constructed 12 ft. from the south property line, subject to the following conditions:

- 1. Appearance Review of the proposed development shall be required prior to issuance of a building permit.*
- 2. An unscreened open-air porch on the first floor may be permitted along the entire building façade facing Montana Street.*
- 3. An unscreened open-air porch or a balcony may be permitted on the second floor up to 2/3 of the front building façade.*
- 4. The second story porch shall have a separate roofline from the main body roof.*

7. VAR2003-00144 151 E. WASHINGTON STREET

Applicant/Owner: The Metropolitan at Lake Eola, LLC, 3455 Peachtree Road, 5th Floor, Atlanta, GA 30326
District: 5
Project Planner: Mike Haynes

A. Variance to the minimum parking requirement for multifamily development.

Recommended Action: Denial of the variance of 12 parking spaces to the minimum parking requirement of 183 parking spaces (203 spaces required by code less 10 percent reduction granted through a Modification of Development Standards) to allow 171 on-site parking spaces to be provided at the proposed Metropolitan at Lake Eola Condominiums (Section 61.309, LDC).

Approval of the following alternative lesser variance: Variance to allow one assigned automobile parking space per one-bedroom unit and two assigned automobile parking spaces per two-bedroom unit with the number of residential units limited by the number of on-site parking spaces provided (as determined and approved by Transportation Engineering).

OTHER BUSINESS

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ADJOURNMENT