



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
Pastor Billy Newton
Carol Phifer
Jed Prest
Craig Ustler
Picton Warlow

AGENDA ■ FEBRUARY 4, 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, FEBRUARY 17, 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, FEBRUARY 11, 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 January 7, 2003 Minutes

CONSENT AGENDA

1. VAR2002-00156 1306 LANCASTER DRIVE

Applicant/Owner: J. Brock McClane, 1306 Lancaster Drive, Orlando, FL 32806

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 a second story addition in-line with the west wall of the existing detached garage, 5 feet from the west 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 subject to the following conditions:

1. *The living space over the garage can never be converted into a dwelling unit.*
2. *Landscaping shall be installed along the southern property line to help screen the structure from Sherwood Drive.*

2. VAR2003-00002 1519 EAST JEFFERSON STREET

Applicants/Owners: Nancy and Jon Harju, 1519 E. Jefferson Street, Orlando, FL 32801

District: 4

Request for approval of the following variances to the required side and rear yard setbacks for pools and screen enclosures to permit an existing waterfall feature to remain and construction of a new screen enclosure.

- a. Variance of 0.7 feet to the minimum required rear yard setback of 5 feet to permit a pool 4.3 feet from the north property line (Section 58.958, LDC).
- b. Variance of 1.4 feet to the minimum required side yard setback of 5 feet to permit a pool 3.6 feet from the west property line (Section 58.958, LDC).
- c. Variance of 1.4 feet to the minimum required rear yard setback of 5 feet to permit a screen enclosure 3.6 feet from the north property line (Section 58.963, LDC).
- d. Variance of 1.4 feet to the minimum required side yard setback of 5 feet to permit a screen enclosure 3.6 feet from the west property line (Section 58.963, LDC).

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

1. *The total height of the screen enclosure shall not exceed the height of the lower rear elevation gable end.*
2. *The screen enclosure may be attached to the principal structure and garages as approved by the Zoning Official on November 18, 2002. Conditions of that approval remain effective.*

REGULAR AGENDA

3. VAR2002-00154 1610 DAUPHIN LANE

Applicant/Owner: Richard E. Merritt

District: 3

Request for approval of the following variances to allow two existing decks to remain encroaching into the front and side yard setbacks:

- a. Variance to the requirement that accessory structures cannot be located between the principal structure and the street to allow a deck attached to the front of the house to remain (Section 58.901, LDC).
- b. Variance of 3 feet to the minimum required front yard setback of 25 feet to permit a deck 22 feet from the east property line (Chapter 58, Figure 1, LDC).
- c. Variance of 4.6 feet to the minimum required side yard setback of 5 feet for decks to permit a deck 0.4 feet from the south property line (Section 58.970, LDC).

Staff Recommendation: Denial of the requested variances based on the finding that they do not meet the six standards for zoning variance approval.

4. VAR2003-00007 1425 S. SUMMERLIN AVENUE

Applicant: Karen Kassik, Lucia Custom Home Designers, 1650 Lee Road, Winter Park, FL 32789

Owner: Father Art Dasher & Francis Demetree, 1425 S. Summerlin Avenue, Orlando, FL 32806

District: 1

Request for approval of a variance to the requirement that garages in the Traditional City be set back a distance equal to or greater than the living area of the house to allow construction of a new garage projecting ± 24 feet in front of the living area of the existing house (Section 62.600, LDC).

Staff Recommendation: Denial of the variance request based on the finding that it does not meet the six standards for zoning variance approval nor the standards for design variance approval.

5. VAR2003-00005 223 EAST CONCORD STREET

Applicant/Owner: Jon Marsa

District: 4

Request for approval of the following variances to permit construction of a new residential structure with three dwelling units to the rear of the existing building:

- a. Variance to the requirement that a 7-foot wide landscape bufferyard/5 foot wide vehicular use landscape area with trees and shrubs be provided along the east property line to allow the applicant to install a 6-foot masonry wall along the east property line in a 1-foot wide landscape area (Chapter 60, Parts 2E and 2F).
- b. Variance of 12 feet to the minimum required driveway width of 24 feet to allow a 12 foot wide driveway along the east side of the existing building (Section 61.240, LDC).

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

REGULAR AGENDA

5. VAR2003-00005 223 E. CONCORD STREET (CONTINUED)

1. *The new building shall be moved closer to the western property line to a distance of 7 ft. from the western side property line to allow for the driveway width.*
2. *The proposed patio areas on the east and west sides of the new building shall be removed.*
3. *Once the driveway is past the existing building, the bufferyard shall be widened to 7 feet.*
4. *Once the driveway is past the existing building, the driveway shall be widened to 16 feet. The driveway leading into the eastern garage shall be at least 24 feet deep to provide turning radius; however, this depth may be reduced by 1 to 2 feet if landscaping is staggered to allow the trunk of the vehicle to pass over the landscape area.*
5. *The required plantings (trees, shrubs, etc.) that cannot be provided in the one-foot wide area shall be provided elsewhere on the subject property.*
6. *A 6-foot tall wall shall be provided along the eastern property line, beginning 37.94 feet from the front property line.*
7. *If the Historic Preservation Board recommendation is inconsistent with the Board of Zoning Adjustment recommendation, the project shall be forwarded to the Municipal Planning Board to resolve any inconsistencies.*

6. VAR2002-00153 22 EAST HAZEL STREET/2915 MUSSLEWHITE AVENUE

Applicant/Owner: William Murphy, 840 Kenilworth Terrace, Orlando, FL 32803

District: 3

Appeal of the Zoning Official's Determination denying a Modification of Development Standards to allow a wrap-around porch and stairs to encroach into the street side yard setback.

Staff Recommendation: Uphold the Zoning Official's Determination.