



# BOARD OF ZONING ADJUSTMENT

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## 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  
Andrew Powell  
Carol Phifer  
Jed Prest  
Craig Ustler  
Picton Warlow

## AGENDA ■ FEBRUARY 25, 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, MARCH 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, MARCH 4, 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 February 4, 2003 Minutes

## CONSENT AGENDA

### 1. VAR2003-00015 714 CLAYTON STREET

Applicant/Owner: Russell Brek Dalrymple, 714 Clayton Street, Orlando, FL 32804

District: 3

Request for approval of the following variances to allow an addition to the rear of the home:

- a. Variance to allow the required parking space to be provided within the front yard setback
- b. Variance of 0.3 feet to the minimum required side yard setback of 6 feet to permit an addition in-line with the western wall of the existing building, 5.7 feet from the side property line.

*Staff Recommendation: Approval of the variance requests based on the finding that they meet the six standards for variance approval.*

### 2. VAR2003-00012 34 EAST PRESTON STREET

Applicant: Don Diony-Kallow, 2543 Industrial Boulevard, Orlando, FL 32804

Owner: Maria Valente, 4 E. Preston Avenue, Orlando, FL 32810

District: 3

Request for approval of the following variances to allow an existing carport to be enclosed:

- a. Variance to the requirement that garages and carports be located flush with or behind the living area of a home to allow an existing carport that projects 11 feet in front of the existing house to be enclosed into a garage (Section 62.600, LDC).
- b. Variance of 0.8 feet to the minimum required front yard setback of 25 feet to allow the garage to be located 24.2 feet from the front property line (Chapter 58, Figure 1, LDC).
- c. Variance of 0.9 feet to the minimum required side yard setback of 6 feet to allow the garage to be located 5.1 feet from the side property line (Chapter 58, Figure 1, LDC).

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

### 3. VAR2003-00013 101 NORTH IVANHOE BOULEVARD EAST

Applicant/Owner: Donna Hedrick, 5368 Hawford Circle, Orlando, FL 32812

District: 3

Request for approval of the following variances to allow the conversion of an existing carport into living space:

**3. VAR2003-00013 101 NORTH IVANHOE BOULEVARD EAST - CONTINUED**

- a. Variance of 10.7 feet to the minimum required rear yard setback of 25 feet to allow the existing carport to be enclosed 14.3 feet from the north property line (Chapter 58, Figure 1, LDC).
- b. Variance of 1.2 feet to the minimum required street side yard setback of 15 feet to allow the carport to be enclosed 13.8 feet from the west property line (Chapter 58, Figure 1, LDC).

*Staff Recommendation: Approval of the variance requests based on the finding that they meet the six standards for variance approval subject to the condition that no garage or carport shall be built over the new parking space on the north side of the property.*

**4. VAR2003-00016 428 HIGHLAND AVENUE**

Applicant/Owner: Michael & Nancy Schulte, 428 Highland Avenue, Orlando, FL 32801

District: 4

Request for approval of 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 new 2-story garage apartment 5 feet from the west property line (Section 58.901, LDC).

*Staff Recommendation: Approval of the variance request based on the finding that it meets the six standards for variance approval subject to the conditions of the staff report.*

**REGULAR AGENDA**

**5. VAR2003-00006 1220 EAST LIVINGSTON STREET**

Applicant/Owner: Jordan Miller, 2030 Springs Landing Boulevard, Longwood, FL 32779

District: 4

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

- a. Variance of 14 feet to the minimum required driveway width of 24 feet for non-residential development to permit a 10-foot wide driveway along the west property line to access the rear parking lot (Section 61.240, LDC).
- b. Variance of 6.5 feet to the minimum required bufferyard width of 7 feet to permit a 0.5 foot wide bufferyard along the east property line (Section 60.262, LDC).
- c. Variance of 5 feet to the minimum required landscaping width of 5 feet between vehicular use area and adjacent properties to permit a 6 ft. fence in lieu of landscaping along the driveway along the west property line (Section 60.253, LDC)
- d. Variance to the maximum allowable copy area in the O-1 district to allow a pole sign containing ±5.8 square feet of copy area in lieu of a nameplate or directory sign containing a maximum of 4 square feet of copy area (Section 64.226, LDC).

*Staff Recommendation: Approval of variances a, b and c based on the finding that they meet the six standards for variance approval subject to the conditions of the staff report. Denial of variance D because it does not meet the six standards for variance approval.*

**6. VAR2003-00017 4126 BOOKER STREET**

Applicant/Owner: David P. Noon, 218 Burning Tree Drive, Kissimmee, FL 34743

District: 6

Request for approval of a variance to allow the required parking space to be provided within the front yard setback (Section 61.302, LDC)

*Staff Recommendation: Approval of the variance request based on the finding that the request meets the six standards for variance approval subject to the conditions of the staff report.*