



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
Andrew Powell
Carol Phifer
Jed Prest
Craig Ustler
Picton Warlow

AGENDA ■ MARCH 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, APRIL 14, 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 1, 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 25, 2003 Minutes

CONSENT AGENDA

1. VAR2003-00030 207 PHILLIPS PLACE

Applicants/Owners: David A. Schuler, 207 Phillips Place, Orlando, FL 32806

District: 4

Request for approval of a variance of 14.2 feet to the minimum required rear yard setback of 25 feet to allow construction of a garage 10.8 feet from the rear property line, connected to the principal structure by a breezeway (Section 58.901 LDC and Chapter 58, Figure 1, LDC).

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

2. VAR2003-00031 446 EAST GRANT STREET

Applicant/Owner: Mary A. Doty, 446 E. Grant Street, Orlando, FL 32806

District: 1

Request for approval of a variance of 9.8 feet to the minimum required rear yard setback of 15 feet for accessory structures over 12 feet in height to allow construction of a 13.83-foot tall garage 5.2 feet from the south property line.

Recommended Action: Approval subject to the following conditions:

1. *The maximum driveway width at the property line shall not exceed 18 feet.*
2. *The driveway shall be redesigned to flare out to the entrance to the garage, rather than pave the entire rear yard.*
3. *The proposed brick and concrete piers located on both sides of the new driveway shall be removed so that clear sight distance is not obstructed.*

3. VAR2003-00044 1000 EAST LIVINGSTON STREET

Applicant/Owner: Robert & Kristina Carmichael, 1000 E. Livingston Street, Orlando, FL 32803

District: 4

Request for approval of the following variances to allow construction of a two-story garage apartment and new swimming pool:

- A. Variance of 10 feet to the minimum required rear yard setback of 15 feet for accessory structures over 12 feet in height to permit a 2-story garage apartment structure 5 feet from the south property line (Section 58.901, LDC).

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

3. VAR2003-00044 1000 EAST LIVINGSTON STREET (CONTINUED)

- B. Variance to the requirement that accessory structures not be located between the principal building and the street to allow a swimming pool and deck to project ±5 feet beyond the edge of the house, into the street side yard (Section 58.901, 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:

1. A solid fence shall be used to conceal the swimming pool from view from the right-of-way.
2. A screen enclosure shall not be constructed for the swimming pool.

REGULAR AGENDA

4. VAR2003-00033 1010 EDGEWATER COURT

Applicant/Owner: Julieana F. Mann, 1010 Edgewater Court, Orlando, Florida 32804

District: 3

Request for approval of the following variances to allow the construction of a second story addition and a rear addition in-line with the existing north and south walls of the home and to allow an existing paved area in the front yard to remain.

- A. Variance of 2.38 feet to the minimum required side yard setback of 7.5 feet to permit a second story addition in-line with the north wall of the existing structure, 5.12 feet from the north 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.

- B. Variance of 2.66 feet to the minimum required side yard setback of 7.5 feet to permit a second story addition and one-story rear addition in-line with the south wall of the existing structure, 4.84 feet from the south property line.

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

- C. Variance of 31 feet to the maximum allowed parking area width of 16 feet to permit a 47 foot wide parking area (Section 61.302, LDC).

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

- D. Variance of 0.54 to the maximum allowed front yard Impervious Surface Ratio of 0.40 to permit a front yard ISR of 0.94 (Section 61.302, LDC).

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

5. VAR2003-00028 1927 MONTEREY AVENUE

Applicant/Owner: John Landon, 1721 Alameda Avenue, Orlando, FL 32804

District: 3

Request for approval of the following variances to permit the addition of a garage to an existing single-family home:

- A. Variance of 13.3 feet to the minimum required street side yard setback of 15 feet to allow a 2-stall garage addition to be located 1.7 feet from the western property line (Chapter 58, Figure 1, LDC).

Recommended Action: Denial of the variance as requested based on the finding that the request does not meet all of the six standard for variance approval. Approval of an alternate lesser variance of 3 feet to the minimum required street side yard setback to allow construction of one-car garage, storage and laundry room 12 feet from the west property line based on the finding that it meets the six standards for variance approval.

- B. Variance to the maximum number of curb-cuts permitted on a corner lot to allow a circular driveway on Monterey Avenue and a driveway on Country Lane to remain (Section 61.240, LDC).

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

6. VAR2003-00035 2408 NORFOLK ROAD

Applicant/Owner: Roger L. Dunnavan, Jr., 2408 Norfolk Road, Orlando, Florida 32803

District: 3

Request for approval of the following variances to permit the addition of a garage to an existing single-family home:

- 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 in front of the living space (Section 62.600, LDC).

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

- B. Variance of 9.2 feet to the minimum required front yard setback of 30 feet to allow construction of a garage addition 20.8 feet from the front property line (Chapter 58, Figure 1, LDC).

Recommended Action: Denial of the variance as requested based on a finding that it does not meet the six standards for variance approval. Approval of an alternate lesser variance of 5 feet to the minimum required front yard setback of 30 feet to allow construction of a garage addition 25 feet from the front property line based on the finding that the lesser variance meets the six standards for variance approval.

7. VAR2003-00032 1317 BELLEAIRE CIRCLE

Applicant: John B. Shoemaker, 1104 Stetson Street, Orlando, FL 32804

Owner: Edward & Colleen Monarchick, 1317 Belleaire Circle, Orlando, FL 32804

District: 3

Request for approval of the following variances to allow construction of additions to the north and south sides of the existing home:

- A. Variance of 3.25 feet to the minimum required side yard setback of 7.5 feet to allow construction of a one-story addition in-line with the north wall of the existing home, 4.25 feet from the north property line (Chapter 58, Figure 1).

7. VAR2003-00032 1317 BELLEAIRE CIRCLE

Recommended Action: Denial of the variance as requested based on a finding that it does not meet the six standards for variance approval. Approval of an alternate lesser variance of 2.5 feet to the minimum required side yard setback of 7.5 feet to allow construction of a one-story garage addition to the existing house, 5 feet from the north property line subject to the following conditions:

1. The covered area located in front of the proposed garage shall not be constructed.
2. The variance applies only to the construction of a one-story attached garage. The remainder of the house addition shall maintain a minimum side yard setback of 7.5 feet.
3. The air conditioning units shall be located outside the required 7.5 foot side yard setback.
4. The pool and screen enclosure may be located at a 5 foot setback as allowed by the LDC.

B. Variance of 2.6 feet to the minimum required side yard setback of 7.5 feet to allow construction of a two-story addition in-line with the south wall of the existing home, 4.9 feet from the south property line (Chapter 58, Figure 1).

Staff Recommendation: Approval of the variance request based on the finding that it meets the six standards for variance approval subject to the following condition:

1. The variance applies only to the construction of a second story over the existing one-story portion of the house. The remainder of the house addition shall maintain a minimum side yard setback of 7.5 feet.

OTHER BUSINESS