



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

AGENDA ■ NOVEMBER 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, 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., THURSDAY, December 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
- Election of Chairman and Vice-Chairman
- Consideration of October 28, 2003 Minutes

CONSENT AGENDA

1. VAR2003-00137 1432 KNOLLWOOD STREET

Owner/Applicant: John S. Ferris, Jr., 1432 Knollwood Street, Orlando, FL 32804

District: 3

- A. Variance of 2.3 feet to the minimum required 7.5 foot side yard setback to allow a proposed 907 square foot addition to the principal structure to be constructed 5.2 feet from the west property line (Chapter 58, Figure 1).

Staff Recommendation: 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. concrete block). However, the eaves beneath the roof of the proposed addition may be constructed with alternative exterior building materials, so long as the color and texture is consistent with the principal structure.*

2. VAR2003-00134 1002 E. PINE STREET

Applicant/Owner: Jorge F. Sanchez & Nora I Sanchez, 2425 Stoneview Road, Orlando, FL 32806

District: 4

- A. Variance of 16 feet to the minimum required rear yard setback of 25 feet for principal structures to permit the construction of a new house with a covered rear terrace 9 ft. from the rear lot line. In addition, a spiral stair case is proposed to be 16 feet from the rear lot line and a second story balcony is proposed to be 20 feet from rear lot line (Section 58.110, LDC).

Staff Recommendation: Approval of the variance based upon the finding that it meets the six standards for variance approval.

REGULAR AGENDA

3. VAR2003-00135 1524 BRIERCLIFF DRIVE

Owner: Al & Rick Frith, 1524 Briercliff Drive, Orlando, FL 32806

Applicant: Shawn A. Casey, 4305 Vineland Road, G-16, Orlando, FL 32811

District: 1

- A. Variance to the requirement that garages and carports be flush with or behind the living space of a home to allow a garage addition to project ± 10 feet in front of the living space.

Staff Recommendation: Denial of the variance as requested based on the finding that the request does not meet the six standards for variance approval.

Approval of the following alternative lesser variance. Variance to the requirement that garages and carports be flush with or behind the living space of a home to allow a garage addition to project in front of the living space by ± 6 feet to allow a one-story garage to be flush with the existing front porch.

- B. Variance of 2.5 feet to the minimum required side yard setback of 7.5 feet to permit an addition in-line with the west wall of the existing structure, 5 feet from the west 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.

- C. Variance of 2.5 feet to the minimum required side yard setback of 7.5 feet to permit an addition in-line with the eastern wall of the existing structure, 5 feet from the east 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.

- D. Variance of 3.5 feet to the minimum required side yard setback of 7.5 feet for accessory structures to allow an existing accessory structure (shed) to remain 4 feet from the east side property line.

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

3. VAR2003-00135 1524 BRIERCLIFF DRIVE—CONTINUED

- E. Variance of 3.5 feet to the minimum required side yard setback of 7.5 feet to allow an existing A/C unit to remain 4 feet from the east side property line.

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

- F. Variance of 25 feet to the minimum setback for normal high water elevation of 50 feet to allow an existing principal structure to remain 25 feet from the normal high water elevation of Lake Lancaster.

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

The property shall enter into an agreement with the City holding the City harmless for any water damage that may occur as a result of a flood. This agreement shall be recorded in the Public Records of Orange and shall be binding to all successors and assigns.

4. VAR2003-00136 1632 S. OSCEOLA AVENUE

Owner: Steve Wade, 1632 South Osceola Avenue, Orlando, FL 32806

Applicant: Shawn A. Casey, 4305 Vineland Road, G-16, Orlando, FL 32811

District: 1

- A. Variance of ± 5 ft. to the minimum required street side yard setback of 15 ft. to allow the construction of a two-story garage game room (attached to the principal structure by a breezeway) ± 10 ft. to the street side property line (Chapter 58, Figure 1, LDC).

Staff Recommendation: Denial of the variance as requested based on the finding that the request does not meet the six standards for variance approval.

- B. Variance of ± 20 feet to the minimum required rear yard setback of 25 feet for accessory structures, attached to the principal structure by a breezeway to allow construction of a two-story garage/game room ± 5 feet from the rear property line (Section 58.901, LDC).

Staff Recommendation: Denial of the variance as requested based on the finding that the request does not meet the six standards for variance approval.

- C. Variance of ± 3 ft. to the minimum required side yard setback of 6 feet to allow the existing air conditioning unit to remain ± 3 ft. from the side property line (Chapter 58, Figure 1, LDC).

Staff Recommendation: Denial of the variance as requested based on the finding that the request does not meet the six standards for variance approval.

- D. Variance of ± 5 feet to the minimum required side yard setback of 6 ft. to allow the construction of a swimming pool/deck ± 1 ft. from the rear property line (Chapter 58, Figure LDC).

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