



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

## AGENDA ■ OCTOBER 28, 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, December 8, 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, November 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 September 23, 2003 Minutes

## CONSENT AGENDA

### 1. VAR2003-00125 832 ALAMEDA STREET

Applicant/Owner: Lindsay & Richard Bryan, 832 Alameda Street, Orlando, FL 32804

District: 3

- A. Variance of  $\pm 3.5$  ft. to the minimum required side yard setback of 7.5 ft. to allow the construction of an in-line addition  $\pm 4$  ft. from the side property line (Chapter 58, Figure 1, LDC).

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

- B. Variance of  $\pm 5$  ft. to the minimum required rear yard setback of 25 ft. to allow the construction of an addition  $\pm 20$  ft. from the rear property line (Chapter 58, Figure 1, LDC).

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

### 2. VAR2003-00126 705 DANIELS AVENUE

Owner: Kristine S. Pollard, 705 Daniels Avenue, Orlando, FL 32804

Applicant: Burns & Maureen Hovey, 1327 W. Harvard Street, Orlando, FL 32804

District: 4

The applicant is requesting withdrawal of a variance to the street side yard setback to allow replacement of an existing detached garage and construction of an open-air porch and kitchen.

*Recommended Action: Withdrawal at the request of the applicant.*

## REGULAR AGENDA

### 3. VAR2003-00128 1431 BALTIMORE AVENUE

Owner: Rick Boling, 205 Tranquility Cove, Altamonte Springs, FL 32701

Applicant: Joe Nichols, P. O. Box 536725, Orlando, FL 32853

District: 3

**3. VAR2003-00128 1431 BALTIMORE AVENUE—CONTINUED**

- A. Variance of 12.0 feet to the minimum required rear yard setback requirement of 15.0 feet for accessory structures over 12 feet in height to allow an existing ±610 square foot accessory cottage dwelling to be renovated at its current location 3.0 feet from the rear property line (Chapter 58, Section 901).

*Recommended Action:* Approval of variance request (a) based on the finding that it meets the six standards for variance approval subject to the following conditions:

1. Appearance Review is required for accessory cottage dwellings, wherein these structures shall have the same exterior finish as the principal structure located on the same lot and shall incorporate at least two similar architectural details found on such principal structure into their design. Examples of similar architectural details include, but are not limited to, windows, doors, roof style, cornice detailing, vents and dormers.
2. In order to provide parking for the accessory cottage dwelling, one (1) parking space with an improved surface shall be added beside the existing parking space and the driveway shall be expanded in order to accommodate this additional parking space.
3. The pre-existing ribbon driveway found on the southern portion of the subject property shall be removed and restored to open space area within the front yard.

- B. Variance of 20.4 feet from the required 110 foot minimum mean lot depth in the R-2A/T zoning district to allow two dwelling units on an 89.6 feet deep lot (Chapter 58, Figure 1; Chapter 58, Section 1152).

*Recommended action:* Approval of variance request (b) based on the finding that it meets the six standards for variance approval.

- C. Variance of 7.0 feet from the required 25 foot front yard setback to allow a required parking space 10 feet from the front property line (Chapter 61, Section 302).

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

- D. Variance of 2.5 feet from the required distance of 6.0 feet for which no development may encroach upon any existing 4 inch or larger in caliper tree to allow an addition to encroach up to 3.5 feet from an existing mature tree in the side yard (Chapter 60, Section 211).

*Staff Recommendation:* Denial of variance request (d) based on the finding that it does not meet the six standards for variance approval. This addition shall be removed or reduced in size to comply with the required setback from the tree.

**3. VAR2003-00128 1431 BALTIMORE AVENUE—CONTINUED**

- E. Variance of 2.0 feet from the required maximum 6 foot fence height to allow an 8 foot fence in the side and rear yards (Chapter 58, Section 929).

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

**4. VAR2003-00123 900 SOUTH ORANGE AVENUE**

Owner: S & M Enterprises, Inc., 900 S. Orange Avenue, Orlando, FL 32806

Applicant: Chip Bolchoz, P. E., 3700 34th Street, Orlando, FL 32805

District: 4

- A. Design Variance to the maximum front yard setback requirement of 15 feet to allow a principal structure to be located  $\pm 64$  feet from the front property line (Section 62.608, LDC).
- B. Design Variance to the maximum street side yard setback requirement of 15 feet to allow a principal structure to be located  $\pm 83$  feet from the street side yard property line (Section 62.608, LDC).

*Recommended Action: Denial of the requested variances based upon the finding that they do not meet the six standards for variance approval and approval of the following alternative variances subject to the eight conditions stated below:*

- A. Design Variance to the maximum front yard setback requirement of 15 feet to allow a principal structure to be located  $\pm 63.5$  feet from the front property line (Section 62.608, LDC).
- B. Design Variance to the maximum street side yard setback requirement of 15 feet to allow a principal structure to be located  $\pm 64$  feet from the street side yard property line (Section 62.608, LDC).
1. *The principal structure maximum setbacks shall be no greater than the previously existing setbacks:  $\pm 63.47$  feet from front property line (East Gore Street),  $\pm 63.91$  feet from street side yard property line (South Orange Avenue).*
  2. *A streetwall, subject to approval by the Appearance Review Officer and Transportation Engineering (for clear-sight distance), with a minimum height of 2.5 feet shall be provided along both East Gore Street and South Orange Avenue.*
  3. *The front entrance of the convenience center building must face South Orange Avenue, and a minimum of 15% transparency shall be provided below the roof-line of the structure.*
  4. *The dumpster shall be located at the southwest corner of the property, accessed from the north, and shall be enclosed and screened, meeting the requirements of Chapter 58, Part 5B(10).*
  5. *The existing non-conforming pole sign shall be removed and replaced with a conforming monument sign no greater than 8 feet in height that meets the requirements of Chapter 64.*

**4. VAR2003-00123 900 SOUTH ORANGE AVENUE—CONTINUED**

6. *A landscaped island shall be installed in the southeast corner of the subject site to eliminate the possibility of vehicles parking any further east in that row of 4 parking spaces shown on the site plan. The driveway location on S. Orange Avenue recommended by staff minimizes the potential for vehicle stacking in the intersection given the use of the site as a gas station/convenience store. Any other design scenario that would show only 1 curbcut for each thoroughfare located the maximum distance from the intersection may be acceptable and supported by Transportation Engineering after review of that new design.*
  7. *The existing curb cuts widths shall be narrowed down to 30 feet on West Gore Street and 35 feet on South Orange Avenue.*
  8. *Should the canopies be replaced at any time in the future, the new canopy or canopies must be at a maximum 5 ft. setback from the property lines on S. Orange Avenue and E. Gore Street for a minimum length of 60 percent of the frontage to create an "urban edge" consistent with Traditional City standards (subject to meeting all mandated safety and clear-sight distance standards).*
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