



BOARD OF ZONING ADJUSTMENT

MEETING INFORMATION

Location

City Council Chambers
2nd Floor, City Hall
One City Commons
400 South Orange Avenue

Time

1:00 p.m.

Board Members

Picton Warlow, Chairman
Myra Monreal, Vice Chair
James Lussier
Marc Black
June Farrell
Andrew Powell
Jed Prest
Craig Ustler
Juan Lynum

AGENDA ■ JANUARY 25, 2005

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 7, 2005**, 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 please to hear all non-repetitive comments. However, since a general time limit of (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) 246-3365 at least 24 hours in advance of the meeting.

APPEALS

Variances 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., February 1, 2005**. There is a **\$250** fee for this appeal. The BZA Recording Secretary is located in the City Planning Division on the sixth 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

- Determination of a quorum
- Call to Order 1:00 p.m. or as soon thereafter as possible
- Pledge of Allegiance
- Introduction of members
- Consideration of November 23, 2004 minutes.

CONSENT AGENDA– December 2004

December 2004 Cases (due to meeting cancellation): Items 1-8

1. VAR2004-00059 514 HILLCREST STREET–EXTENSION

Applicant/Owner: Dean Asher, 52 E. South Street, Orlando, Florida 32801

District: 4

Project Planner: Lillian Scott

Variance extension to allow the required parking to remain in the area between the principal structure and the street.

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

2. VAR2004-00135 1127 SHOREWOOD DRIVE

Applicant/Owner: J.W. & Ellis H. Searl, 1127 Shorewood Drive, Orlando, Florida 32806

District: 1

Project Planner: Anita McNamara

Variance of ± 2.54 ft. to the minimum required side yard of 7.5 ft. for principal structures to allow an in-line, open-air rear porch addition ± 4.96 ft. from the west side property line.

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

3. VAR2004-00137 111 ZELMA STREET

Applicant/Owner: Kevin & Leslie Cosgrove, 620 E. Marks Street, Orlando, Florida 32803

District: 3

Project Planner: Lillian Scott

A. Variance of ± 8 ft. to the minimum required side yard setback of 10 ft. to allow a handicap ramp to be constructed ± 2 ft. from the side property line.

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

CONSENT AGENDA—DECEMBER 2004 (CONTINUED)

B. Variance of ±1.8 ft. to the minimum required side yard setback of 10 ft. to allow the principal structure to remain ±8.2 ft. from the side property line.

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

C. Variance to the minimum required 0.75 FAR to permit the development of a 1,450 sq. ft. building (0.29FAR) in the AC-3A/T zoning district.

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

D. Variance of 5.0 ft. to the minimum required 5 ft. wide landscape area for vehicular use areas adjacent to contiguous properties.

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

E. Variance of ±2.7 ft. to the minimum required 5 ft. wide landscape area for vehicular use areas adjacent to contiguous properties.

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

4. VAR2004-00140 3732 W. NEW HAMPSHIRE STREET

Applicant: Franco Lugo, Nextel, 851 Trafalgar Court, Ste. 300E., Maitland, Florida 32751

Owner: AT & T, 2515 24th Avenue South, Minneapolis MN 55406

District: 5

Project Planner: Heather Middleton

Variance of ±21.5 ft to the minimum required front yard setback of 35 ft. to allow an equipment building to be constructed ±13.5 ft. from the front yard property line.

Recommended Action: *Approval of the variance request based on the finding that it meets the six standards for variance approval, subject to the conditions contained in the staff report.*

5. VAR2004-00141 1405 EAST AMELIA STREET

Applicant/Owner: Larry Hingle, 33 South Lawsona Blvd., Orlando, Florida 32801

District: 4

Project Planner: Lillian Scott

Variance of 10 ft. to the minimum required 15 ft. rear yard setback for detached accessory structures greater than 12 ft. in height to permit the construction of a two-story detached garage apartment 5 ft. from the rear property line.

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

CONSENT AGENDA—DECEMBER 2004 (CONTINUED)

6. VAR2004-00142 710 EAST MICHIGAN STREET

Applicant: Prospect Brava LLC, 710 Michigan Ave., Orlando, Florida

District: 1

Project Planner: Anita McNamara

Variance of ±18 ft. to the maximum multifamily identification sign height of 6 ft. to allow a ±24 ft. tall archway entrance feature.

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

7. VAR2004-00144 1400 LAKE WELDONA DRIVE

Applicant: Charles E. Lynch, 5415 Satel Drive, Orlando, Florida 32810

Owner: Mr. & Mrs. Owen Meidema, 1400 Lake Weldon Drive, Orlando, Florida 32806

District: 1

Project Planner: Shaun Ferguson

A. Variance of 9.05 ft. to the minimum required rear yard setback to allow a proposed addition and open-air rear porch to encroach up to 15.95 ft. into the minimum required 25-foot rear yard setback in the R-1A/T zoning district.

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

B. Variance of 5 ft. to the minimum required distance between the principal structure and accessory structures to allow a proposed open-air rear porch to encroach up to 0 ft. from an existing pool in the rear yard.

Recommended Action: *Approval of the variance request based on the finding that it meets the six standards for variance approval, subject to the conditions contained in the staff report.*

8. VAR2004-00145 10048 MOORSHIRE CIRCLE

Applicant: Douglas S. Maise, Pres., Westover Development, Inc., 1180 Spring Center South Blvd, Ste. 340, Altamonte Springs, Florida 32714

District: 1

Project Planner: Anita McNamara

A. Variance of 5 ft. to the minimum required street side yard setback of 15 ft. to allow a cabana to be constructed 10 ft. from the street yard (north) property line.

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

B. Variance of 5 ft. to the minimum required side yard setback of 5 ft. to allow pool decking 0 ft. from the south side property line adjacent to a retention pond.

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

January 2005 Cases: Items 9-14

9. VAR2003-00157 1216 EASTIN AVENUE—EXTENSION

Applicant/Owner: Joseph Guernsey, 1216 Eastin Avenue, Orlando, Florida

District: 3

Project Planner: Shaun Ferguson

Variance extension to the maximum size requirement for accessory cottage dwelling units and side yard setback for accessory structure (garage).

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

10. VAR2004-00053 819 MENENDEZ COURT—EXTENSION

Applicant/Owner: Erick Hassen, 891 Menendez Ct, Orlando, Florida

District: 4

Project Planner: Heather Middleton

Variance extension to the minimum required rear and side yard setbacks for change in use.

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

11. VAR2004-00073 206 SHINE AVENUE— EXTENSION

Applicant/Owner: Troy & Maureen Russ, 206 Shine Avenue, Orlando, Florida 32801

District: 4

Project Planner: Lillian Scott

Variance extension to a previously approved variance of 8 ft. to the minimum required 25 ft. rear yard setback to permit the construction of an addition 17 ft. from the rear lot line.

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

12. VAR2004-00139 9375 BOGGY CREEK ROAD

Applicant/Owner: Paul Straubinger, Taft Holdings, Inc., 2200 Lucien Way #350, Maitland, Florida
32751

District: 1

Project Planner: Shaun Ferguson

A. Variance to the requirement for all storage facilities to be in completely enclosed buildings when located within 300 ft. of an Office zoning district to allow proposed outdoor storage 200 ft. from an existing O-1/RP zoning district.

Recommended Action: *Approval of the variance request based on the find that it meets the six standards for variance approval, subject to the conditions contained in the staff report.*

CONSENT AGENDA—JANUARY 2005—(CONTINUED)

B. Variance to the requirement for a minimum 6-foot solid wall or wood fence to screen proposed outdoor storage.

Recommended Action: *Approval of the variance request based on the finding it meets the six standards for variance approval, subject to the conditions contained in the staff report.*

13. VAR2004-00152 501 HARWOOD STREET

Applicant/Owner: Nancy Hinkeldey, 501 E. Harwood Street, Orlando, Florida 32803

District: 4

Project Planner: Shaun Ferguson

A. Variance of 10 ft. to the minimum required rear yard setback of 15 ft. for accessory structures over 12 ft. in height to permit the construction of a two-story garage apartment with a two-car garage on the ground floor.

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

B. Variance of 5 ft. to the minimum required side yard setback of 5 ft. in the R-2B/T/HP zoning district to allow the stairway and entry porch for the garage apartment to be located 0 ft. from the side property line.

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

C. Variance to the requirement that no accessory structure second story windows may face the rear property line to allow second story windows on the rear façade of the proposed garage apartment.

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

14. VAR2004-00153 718 EAST CONCORD STREET

Applicant/Owner: Philip & Yolanda Spence, 718 E. Concord Street, Orlando, Florida 32803

District: 4

Project Planner: Anita McNamara

A. Variance of 5 ft. to the minimum required rear yard setback of 15 feet for accessory structures over 12 ft. in height to permit the construction of a two-story garage apartment with a three-car garage on the ground floor.

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

B. Variance to the requirement that no accessory structure second story windows may face the rear property line.

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

REGULAR AGENDA—(Cases from December 2004) Items 15 & 16

15. VAR2004-00138 1247 GOLDEN LANE

Applicant: David Brown, 1247 Golden Lane, Orlando, Florida 32804

Owner: David & Nicole Brown, 1208 W. Yates Street, Orlando, Florida 32804

District: 3

Project Planner: Lillian Scott

A. Variance of ± 19 ft. to the minimum required 25 ft. rear yard setback to allow an addition to the existing garage ± 6 ft. from the rear property line.

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

B. Variance of ± 8.4 ft. to the minimum required 25 ft. rear yard setback to allow a family-room addition to the principal structure ± 16.6 ft. from the rear property line.

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

16. VAR2004-00143 3523 EAGLE DRIVE

Applicant/Owner: Sam Arterburn, 1551 Norfolk Avenue, Winter Park, Florida 32789

District: 3

Project Planner: Shaun Ferguson

Variance of 5 ft. to the minimum required lot width of 55 ft. in the R-1/T zoning district to allow a 100-foot wide building site to be separated into two 50-foot wide lots.

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

ADJOURNMENT