



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

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

AGENDA ■ NOVEMBER 23, 2004

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 13, 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 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., December 1, 2004**. 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 2:00 p.m. or as soon thereafter as possible
- Pledge of Allegiance
- Introduction of members
- Consideration of October 26, 2004 minutes.

CONSENT AGENDA

1. VAR2004-00023 1427 MOUNT VERNON STREET—EXTENSION

Applicant/Owner: Stephen Jaffe, 1427 Mount Vernon St., Orlando, Florida 32803

District: 4

Project Planner: Anita McNamara

A. Variance of ± 10.6 ft. to the minimum required rear yard setback of 15 ft. for accessory structures over 12 feet in height to allow a second-story addition to an existing accessory structure (studio) ± 4.4 ft. from the rear property line.

Recommended Action: *Approval of the variance extension.*

B. Variance to the maximum fence height of 6 ft. in the required side yard and rear yard setback for residential districts to allow an existing ± 7 ft. fence to remain.

Recommended Action: *Approval of the variance extension.*

C. Variance of ± 5 ft. to the minimum required side yard setback of 5 ft. to allow an existing accessory structure (pergola) to remain ± 0 ft. from the west side yard property line.

Recommended Action: *Approval of the variance extension.*

2. VAR2004-00128 1510 WOODLAND STREET

Applicant/Owner: John & Alex Friend, 1510 Woodland Street, Orlando, Florida 32806

District: 1

Project Planner: Anita McNamara

Variance of ± 17.5 ft to the minimum required rear yard setback of 25 ft. to allow construction of a two-story addition ± 7.5 ft. from the rear property line.

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

CONSENT AGENDA (CONTINUED)

3. VAR2004-00130 3303 MIDDLESEX ROAD

Applicant/Owner: Michael S. Cuda, 760 Wilkinson Street, Orlando, Florida 32803

District: 3

Project Planner: Heather Middleton

Variance of ± 2.8 ft. to the minimum required side yard setback of 7.5 ft. to allow an in-line addition to be constructed ± 4.7 ft. from the side yard property line.

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

4. VAR2004-00134 2106 HARRISON AVENUE

Applicant/Owner: Leisa C. Corbett, 2106 Harrison Avenue, Orlando, Florida 32804

District: 3

Project Planner: Heather Middleton

A. Variance of ± 1.27 ft. to the minimum required side yard setback of 6 ft. to allow an in-line addition to be constructed ± 4.73 ft. from the north side yard property line.

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

B. Variance of ± 5 ft. to the minimum required rear yard setback of 25 ft. to allow an in-line addition to be constructed at ± 20 ft. from the rear yard property line.

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

C. Variance of ± 3 ft. to the minimum required side yard setback of 6 ft. for accessory structure to allow the existing detached garage to remain in its current location of ± 3 ft. from the south side yard property line.

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

5. VAR2004-00129 517 SHADY LANE DRIVE

Applicant/Owner: Matthew & Kennedy Lonam, 517 Shady Lane Drive, Orlando, Florida 32804

District: 3

Project Planner: Shaun Ferguson

A. Variance of 0.7-foot to the minimum required 6-foot side yard setback to allow a proposed 1,489 square foot addition to be located 5.3 ft. from the side property line.

B. Variance of 5 ft. to the minimum required 25-foot rear yard setback to allow a proposed 1,489 square foot addition to be located 20 ft. from the rear property line.

CONSENT AGENDA (CONTINUED)

C. Variance of 4.5 ft. and 4.0 ft. to the minimum required 5-foot separation between accessory structure to allow a pool to be located up to 0.5 ft. from a shed and 1.0 foot from a carport in the rear yard.

D. Variance to allow an A/C unit to be located within the front yard.

Recommended Action: *Approval of the variance requests (a) and (b) based on the finding that they meets six standards for variance approval. Denial of variance (c) and (d) based on the finding that they do not meet the six standards for variance approval.*

REGULAR AGENDA

6. VAR2004-00127 6654 LAKE PEMBROKE PLACE

Applicant: Awards Pool, LLC, 2101 S. Bay Street, Eustis, Florida 32726

District: 1

Project Planner: Lillian Scott

A. Variance of 2 ft. to the minimum required 5 ft. side yard setback for accessory structures to permit the a/c compressor to remain 3 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.*

B. Variance of 2 ft. to the minimum required 5 ft. side yard setback for accessory structures to permit the pool pumps to remain 3 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.*

7. LDC2004-00371 541 & 545 N. FERNCREEK AVENUE

Applicant: Michael Halpin for Ferncreek Development LLC, 115 E. Marks Street, Orlando, Florida 32803

Owner: Ferncreek Development, LLC, 1770 Livingston Drive, Orlando, Florida 32804

District: 4

Chief Planner: Mike Haynes

Appeal of the Zoning Official and Appearance Review Officer's Determinations related to the orientation, parking and compatibility of the proposed 3-story, 8-unit mixed use office and residential project.

Recommended Action: *Uphold the Zoning Official and Appearance Review Officer Determination.*

ADJOURNMENT