



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

AGENDA ■ OCTOBER 26, 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, November 15, 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., November 2, 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 September 24, 2004 minutes.

CONSENT AGENDA

1. VAR2004-00025 1001 SEVILLE PLACE

Applicant: Greg Bryla, 1001 Seville Place, Orlando, Florida

District: 3

Project Planner: Lillian Scott

A. Extension of a variance 3.5 ft. to the minimum required 30 ft. front yard setback to allow the principal structure to remain 26.5 ft. from the front property line.

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

B. Extension of a variance 20 ft. to the minimum required 25 ft. rear yard setback to allow the principal structure to remain 5 ft. from the rear property line.

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

C. Extension of a variance of 2.5 ft. to the minimum required 7.5 ft. side yard setback to allow the addition to be constructed 5 ft. from the side property line.

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

2. VAR2004-00098 1415 W. NEW HAMPSHIRE STREET

Applicant: Ralph Rankin 1415 W. New Hampshire, Orlando, Florida 32804

Owner: Annabelle Rankin, 1415 W. New Hampshire Drive, Orlando, Florida 32804

District: 3

Project Planner: Shaun Ferguson

A. Variance to the requirement that garages not project in front of the living area of the principal structure to allow an existing carport to be converted into a garage.

B. Variance of 2.0 ft. to the minimum required 6-foot side yard setback to allow an existing carport to be converted to a garage.

Recommended Action: *Approval of variance request (a) and (b) based on the finding that they meet the six standards for variance approval subject to the condition contained in the staff report.*

CONSENT AGENDA (CONTINUED)

3. VAR2004-00108 4951 OAKBROOK PLACE

Applicant/Owner Patrick J. Moran, 4951 Oakbrook Place, Orlando, Florida 32812

District: 4

Project Planner: Lillian Scott

Variance of 10 ft. to the minimum required rear yard setback of 25 ft. to allow the construction of screen porch ±15 ft. from the rear property line.

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

4. VAR2004-00113 524 LAKE AVENUE

Applicant/Owner: William Primo, P.O. Box 1063, Winter Park, Florida 32790

District: 4

Project Planner: Lillian Scott

Variance of 10 ft. to the minimum required 15 ft. rear yard setback for detached accessory structures to permit the construction of a two-story detached garage apartment 5 ft. from the rear 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.*

5. VAR2004-00117 417 SOUTH SUMMERLIN AVENUE

Applicant/Owner: Henry H. Wahl, 417 S. Summerlin Avenue, Orlando, Florida 32801

District: 4

Project Planner: Anita McNamara

A. Variance of 4.9 ft to minimum required side yard setback of 10 ft. to allow an existing structure to remain 5.1 ft. from the north property line.

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

B. Variance of 4.9 ft. to the minimum required side yard setback of 10 ft. to allow an existing structure to remain 5.1 ft. from the south property line.

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

C. Variance of 4.9 ft. to the minimum required bufferyard width of 10 ft. to allow a 5.1 ft. wide bufferyard along the north property line.

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

D. Variance of 6.1 ft. to the minimum required rear yard setback of 15 ft. for accessory structures over 12 ft. in height to allow an existing garage apartment to remain 8.9 ft. from the rear yard property line.

CONSENT AGENDA (CONTINUED)

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

6. VAR2004-00125 2211 SOUTH ORANGE AVENUE

Applicant: Anthony Sizemore, 5555 E. Michigan Street, Orlando, Florida 32822

Owner: Daryl M. Carter, P.O Box 568821, Orlando, Florida 32856

District: 1

Project Planner: Shaun Ferguson

A. Variance of ±70 feet to the maximum side yard setback requirement of ±25 to allow the restaurant building ±95 feet from the north property line.

B. Variance of ±5 feet to the maximum front yard setback requirement of ±15 feet to allow the restaurant building ±20 feet from the west property line.

C. Variance to the requirement in the MU-1/T zoning district that parking facilities shall be permitted only to the rear of the principal structure to allow a parking area to be located at the side of the proposed easting and drinking facility.

Recommended Action: *Approval of variance requests (a), (b) and (c) based on the finding that they meet the six standards for variance approval subject to the conditions contained in the staff report.*

7. VAR2004-00126 1721 N. MILLS AVENUE

Applicant: Adam Wyden-The Stellar Group, 2900 Hartley Rd, Jacksonville, Florida 32257

Owner: North Mills Medical Plaza, LLC, 251 Maitland Avenue, Ste. 215, Altamonte Springs Florida 32701

District: 3

Project Planner: F. J. Flynn

A. Variance of ±51 ft. to the maximum side yard setback requirement of ±25 to allow the building ±76 ft. from the south property line.

B. Variance to the requirement in the MU-1/T zoning district that parking facilities shall be permitted only to the rear of the principal structure to allow a parking area to be located at the side of the proposed medical office facility.

Recommended Action: *Approval of the variances requests (a) and (b) based on the finding that they meet the six standards for variance approval subject to the conditions contained in the staff report.*

REGULAR AGENDA

8. VAR2004-00114 319 EAST JERSEY STREET

Applicant/Owner: Frank Cone & Don Warder, 319 E. Jersey Street, Orlando, Florida 32806

District: 1

REGULAR AGENDA (CONTINUED)

Project Planner: Shaun Ferguson

A. Variance to the requirement that the required parking space for a single-family dwelling shall be provided behind the required front yard to allow a garage to be converted into living space.

B. Variance of 0.5-foot to allow an existing shed to remain 5.5 ft. from the side property line.

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

9. VAR2004-00115 336 EAST KALEY STREET

Applicant: William Murphy, 940 Highland Avenue, Orlando, Florida 32803

Owner: Eric & Michelle Mead, 346 E. Kaley Street, Orlando, Florida 32806

District: 1

Project Planner: Heather Middleton

Variance of ± 7 percent to the maximum permitted floor area ratio for duplexes of 50% to permit construction of duplex on Lot 3 at 57% floor area ratio.

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

10. VAR2004-00121 628 EAST MARKS STREET

Applicant/Owner: Brad Fess, 328 E. Marks Street, Orlando, Florida 32803

District: 3

Project Planner: Anita McNamara

A. Variance of 8 ft. to the minimum required street side yard setback of 15 ft. to allow an accessory structure (cabana) to be located 7 ft. from the street side yard property line, in-line with the western wall of the existing building.

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

B. Variance of 15 ft. to the minimum required street side yard setback of 15 ft. on a reverse corner lots to allow construction of a new privacy wall 0 ft. from the street side yard property line.

Recommended Action: *Denial of the variance as requested. Approval of a lesser variance (Modification of Development Standards) based on the finding that the lesser variance meets the six standards for variance approval subject to the conditions contained in the staff report.*

11. VAR2004-00124 835 MCFALL AVENUE

Applicant/Owner: Suncoast Contractors, Inc., 835 McFall Avenue, Orlando, Florida 32805

District: 5

REGULAR AGENDA (CONTINUED)

Project Planner: Shaun Ferguson

Variance to the requirement that garages not project in front of the living area of the principal structure to allow a single-family residence to be constructed with a projecting garage.

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

ADJOURNMENT