



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

## AGENDA ■ SEPTEMBER 28, 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, October 25, 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., October 5, 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 August 24, 2004 minutes.

## CONSENT AGENDA

**1. VAR2004-00097 21 N. THORNTON AVENUE**

Applicant: Thomas A. Dickey, 21 N. Thornton Avenue, Orlando, Florida 32801

District: 4

Project Planner: Lillian Scott

Variance of 3 ft. to the minimum required 5 ft. side yard setback to allow the expansion of an existing carport to be located 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.*

**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 (Traditional City Garage Projection).

B. Variance of 0.8 foot to the minimum required 25-foot front yard setback to allow an existing carport to be converted into a garage.

C. Variance of 2.33 ft. to the minimum required 6-foot side yard setback to allow an existing carport to be converted into a garage.

D. Variance of 0.8 foot to the minimum required 25-foot front yard setback to allow the required parking space to be 24.2 feet from the front property line (Front Yard Parking).

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

**3. VAR2004-00099 1014 RIDGEWOOD STREET**

Applicant/Owner Paul Skomsky , 1014 E. Ridgewood Street, Orlando, Florida 32803

District: 4

CONSENT AGENDA (CONTINUED)

Project Planner: Lillian Scott

A. 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.*

**4. VAR2004-00101 1216 ALEXANDRA COURT**

Applicant: Skolfield Homes, LLC 118 W. Comstock Ave., Winter Park, Florida 32789

Owner: John Gemmer, 1905 Russet Avenue, Goshem, IN 46528

District: 3

Project Planner: Anita McNamara

Design Variance to the requirement that garages not project in front of the living area of the principal structure to allow living space to be constructed on top of an existing side entry garage that projects in front of the principal structure.

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

**5. VAR2004-00103 3008 SURFSIDE WAY**

Applicant/Owner: William Corio, 7550 Hinson St, Suite 9A, Orlando, Florida 32819

District: 6

Project Planner: Shaun Ferguson

A. Variance of 47 ft. to the minimum mean lot depth of 110 ft. to allow a single-family residence to be developed on a lot with a mean lot depth of 63 ft.

B. Variance of 767 square ft. to the minimum required lot area of 7,700 square ft. to allow a proposed 6,933 square foot property to be developed with a single-family residence.

C. Variance of 17.5 ft. to the minimum rear yard setback of 25 ft. to allow a single-family residence to be developed 7.5 ft. from the rear property line.

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

**6. VAR2004-00105 1607 E. WASHINGTON STREET**

Applicant/Owner: Richard A. Higgins, 1809 Bimini Drive, Orlando, Florida 32806

District: 4

Project Planner: Anita McNamara

CONSENT AGENDA (CONTINUED)

A. Variance of 7.8 ft. to the minimum required rear yard setback of 15 ft. for accessory structures to permit the construction of tow-story two-bay garage apartment.

**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.*

B. Variance of 1.7 ft. to the maximum allowed setback encroachment of 2 ft. for outside staircases to allow an outside staircase to encroach 3.7 ft. into the required side yard setback.

**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.*

7. VAR2004-00102 628 E. MARKS STREET

Applicant/Owner: Brad Fess, 628 E. Marks Street, Orlando, Florida 32803

District: 3

Project Planner: Anita McNamara

Variance to the minimum street side yard setback to allow a retaining wall/privacy wall and cabana to encroach into the side yard setback.

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

REGULAR AGENDA

8. VAR2004-00068 5730 S. SEMORAN BOULEVARD

Applicant: Art-Draft Sign Company, 2675 NE Kirby Circle, Palm Bay, Florida 32905

Owner: OABC LTD, 1350 E. Newport Center #206, Deerfield Beach, Florida 33442

District: 1

Project Planner: F.J. Flynn

Variance of 108 sf to the maximum allowable copy area of 153 sf for a Commerce Center Identification Sign to allow the total identification sign copy area along the site's S. Semoran Boulevard frontage of 261 sf.

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

9. VAR2004-00100 822 MONTANA STREET

Applicant/Owner: Chris Scala, 822 Montana Street, Orlando, Florida 32803

District: 3

Project Planner: F. J. Flynn

A. Variance of 23% to the maximum Impervious Surface Ratio (ISR) permitted in the R-2A/T zoning district of 55% to allow additional on-site paved parking pad that would increase the ISR on the property to 78%.

REGULAR AGENDA (CONTINUED)

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

B. Variance to allow expansion of parking between the principal structure and the street in the Traditional City.

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

## OTHER BUSINESS

- Election of Chairman and Vice Chairman

## ADJOURNMENT