



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
Kelly Blume
June Farrell
Andrew Powell
Darrell Murray
Meredith Pickens
Juan Lynum
Tara Salmieri

AGENDA ■ AUGUST 23, 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 September 12, 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 pleased 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. ROBERT'S 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

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., August 30, 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 2:00 p.m. or as soon thereafter as possible
- Pledge of Allegiance
- Introduction of members
- Consideration of July 26, 2005 minutes.

CONSENT AGENDA

1. VAR2003-00157 1216 EASTIN AVENUE—EXTENSION

Applicant/Owner: Joseph Guernsey, 1216 Eastin Avenue, Orlando, FL 32804

District: 3

Project Planner: Karl Wielecki

A. Variance extension to a previously approved variance of 145 square ft. to the maximum permitted size for an accessory cottage dwelling unit (max. 40% of the living quarters of the principal structure = 855 square feet) to allow an ± 621 square foot addition to an existing 379 square foot accessory cottage dwelling (a total of $\pm 1,000$ square feet).

Recommended Action: *Approval of the variance extension requested, subject to the conditions in the original report.*

B. Variance extension to a previously approved variance of 6.0 ft. from the required 6.0 ft. side yard setback to allow an existing one-story garage to remain 0 ft. from the side property line.

Recommended Action: *Approval of the variance extension requested.*

2. VAR2004-00137 111 ZELMA STREET—EXTENSION

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

District: 3

Project Planner: Lillian Scott

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

Recommended Action: *Approval of the variance extension requested.*

B. Variance extension of a previously approved 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 extension requested.*

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

Recommended Action: *Approval of the variance extension requested.*

D. Variance extension of a previously approved variance to the minimum required 5 ft. wide landscape area for vehicular use areas adjacent to contiguous properties.

Recommended Action: *Approval of the variance extension requested.*

CONSENT AGENDA (CONTUNUED)

D. Variance extension to a previously approved 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 extension requested.*

3. VAR2004-00152 501 HARWOOD STREET—EXTENSION

Applicant: Nancy S. Hinkeldey, 501 Harwood Street, Orlando, FL 32803

District: 4

Project Planner: Karl Wielecki

A. Variance extension to a previously approved 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 extension requested, subject to the conditions in the original report.*

B. Variance extension to a previously approved 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: *Approval of the variance extension requested*

C. Variance extension to a previously approved 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: *Approval of the variance extension requested.*

4. VAR2005-00081 1511 MOUNT VERNON STREET

Applicant/Owner: George DeJesus/Mezzani Properties, LLC, P.O. Box 574855, Orlando, FL 32857

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

5. VAR2005-00092 817 E. LIVINGSTON STREET

Applicant/Owner: Bryan & Greta Rucks, 817 E. Livingston Street, Orlando, FL 32803

District: 4

Project Planner: Lillian Scott

CONSENT AGENDA (CONTINUED)

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 requested based on the finding that it meet the six standards for variance approval, subject to the conditions contained in the staff report.*

6. VAR2005-00093 2023 ELIZABETH AVENUE

Applicant/Owner: Robert & Jean Edmonds, 2023 Elizabeth Avenue, Orlando, FL 32804

District: 3

Project Planner: Karl Wielecki

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

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.*

7. VAR2005-00094 1505 PINECREST PLACE

Applicant/Owner: David & Tracey Gray, 1424 Pinecrest Place, Orlando, FL 32803

District: 4

Project Planner: Anita McNamara

A. Variance of 20 ft. to the minimum required rear yard setback of 25 ft. to allow construction of a new accessory structure on a through lot (detached garage apartment).

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.*

B. Variance of 10 ft. to the maximum allowed residential driveway width of 24 ft. to allow a 34 ft. wide driveway.

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.*

C. Variance of 5 ft. to the minimum required front yard setback of 25 ft. to allow a second story addition in-line with the existing structure, 20 ft. from the front property line.

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

D. Variance to the Traditional City front porch encroachment allowance to allow a two-story front porch attached to the front of the house (house is ± 20 ft. setback) ± 13.6 ft. from the front property line.

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

CONSENT AGENDA (CONTINUED)

8. VAR2005-00095 21 SOUTH ORANGE AVENUE

Applicant: Khaled Maatoug, 226 Lochmond Drive, Fern Park, FL 32730
Owner: Kyung & Bang Park, 1714 Bridgewater Drive, Heathrow, FL 32746
District: 5
Project Planner: Karl Wielecki

Variance of 4.3 ft. to the minimum required rear yard setback requirement of 10 ft. to allow an accessory fire escape stairway 5.7 ft. from the rear property line.

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

9. VAR2005-00098 3930–3934 LENOX STREET

Applicant Alan D. Jewell, 1925 Traylor Blvd, Orlando, FL 32804
Owner: Habitat for Humanity of Greater Orlando, 1925 Traylor Blvd., Orlando, FL 32804
District: 6
Project Planner: Anita McNamara

Variance of ±5 ft. to the minimum required lot width of 55 ft. in the R-1 zoning district to allow a ±150-ft. wide building site to be separated into three ±50-ft. wide lots as originally platted.

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

REGULAR AGENDA

10. VAR2005-00085 500 FLORIDA STREET

Applicant: Adam Coyman, 6250 Edgewater Drive, #700, Orlando, FL 32810
Owner: Todd & Beth Pittenger, 500 Florida Street, Orlando, FL 32806
District: 1
Project Planner: Heather Middleton

A. Variance of 13.8 ft. to the minimum required street side yard setback of 15 ft. to allow construction of a swimming pool, hot tube, and the associated decking 1.2 ft. from the western street side property line.

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

B. Variance of 4.6 ft. to the minimum required rear yard setback for accessory structures of 5 ft. to allow construction of a swimming pool, hot tube, and the associated decking 0.4 ft. from the rear property line.

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

REGULAR AGENDA (CONTINUED)

C. Variance of 2 ft. to the minimum required side yard setback of 5 ft. required for swimming pools, hot tubs and hydrosplas to allow construction of a swimming pool, hot tub, and associated decking 3 ft. from the eastern side property line.

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

11. VAR2005-00091 1501 N. WESTMORELAND DRIVE

Applicant/Owner: Richard Madrigal, 1501 N. Westmoreland Drive, Orlando, FL 32804

District: 3

Project Planner: Heather Middleton

A. Variance of 11.7 ft. to the minimum required street side yard setback of 15 ft. to allow expansion of an existing open air porch 3.3 ft. from the southern street side property line.

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

B. Variance of 16 ft. to the minimum required front yard setback of 25 ft. to allow expansion of an existing open air porch 9 ft. from the western front 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 12.9 ft. to the minimum required rear yard setback of 15 ft. for accessory structures more than 12 ft. in height to allow renovation of the existing garage and the addition of an office on the second story 2.1 ft. from the eastern rear property line.

Recommended Action: *Denial of the variance requested based on the finding that it does not meet any of the six standards for variance approval. Approval of a lesser variance of 2.9 ft. to allow construction of a one-story garage addition with office space and a laundry room (less than 12 ft. in height) 2.1 ft. from the eastern rear property line (keeping the same rear yard setback as proposed two-story garage with office space above), subject to conditions contained in the staff report.*

12. VAR2005-00096 327 BROADWAY AVENUE

Applicant: PSG Construction, Inc., 809 South Orlando Ave., Ste. D, Winter Park, FL 32789

Owner: Carmen Dominguez, 840 North Highland Street, Orlando, FL 32803

District: 4

Project Planner: Anita McNamara

A. Variance of 5 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 requested based on the finding that it meets the six standards for variance approval, subject to conditions contained in the staff report.*

B. Variance to the requirement that accessory structures may not occupy more than 35% of the area between the rear property line and the principal structure.

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

REGULAR AGENDA (CONTINUED)

C. Variance of 2 ft. to the minimum side yard setback of 5 ft. for air conditioner units to allow an air conditioner unit 3 ft. from the side yard property line.

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

13 VAR2005-00065 15 WEST NEW HAMPSHIRE STREET

Applicant: First City Realty & Development, Inc./Frank N. Anderson, Jr., 425 W. Colonial Drive, Orlando, FL 32804

Owner: Jean C. Hall, 15 W. New Hampshire Street, Orlando, FL 32804

District: 3

Project Planner: Anita McNamara

A. Variance of 2.2 ft. to the minimum required lot width of 55 ft. in the R-1/T zoning district to allow a 105.6-foot wide building site to be separated into two 52.8-foot wide lots as originally platted.

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

ADJOURNMENT