



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 ■ JULY 26, 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 August 15, 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 2, 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 June 28, 2005 minutes.

CONSENT AGENDA

1. VAR2004-00143 3523 EAGLE DRIVE—EXTENSION

Applicant/Owner: Justin Page, 2174 Tortoise Shell Drive, Maitland, FL 32751

District: 3

Project Planner: Karl Wielecki

Variance of 5.0 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: *Approval of the variance extension requested.*

2. VAR2005-00052 1510 EAST JEFFERSON STREET

Applicant/Owner: Thomas A. Dickey, 1510 East Jefferson Street, Orlando, Florida

District: 4

Project Planner: Anita McNamara

A. Variance of 12.49 ft. to the minimum required rear yard setback of 15 ft. for accessory structures over 12 ft. in height to allow an existing two-story cottage to remain 2.51 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.*

B. Variance of 4.6 ft. to the minimum required side yard setback of 5 ft. for accessory structures to allow an existing two-story cottage to remain 0.40 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.*

C. Variance to the requirement that accessory cottage dwellings cannot exceed 40% of living space of the principal structure of 1,200 sq. ft. (whichever is less) to allow an existing 1,727 sq. ft. accessory cottage/structure to remain.

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.*

CONSENT AGENDA (CONTINUED)

3. VAR2005-00066 12 WEST VANDERBILT STREET

Applicant: Frank N. Anderson, Jr., First City Realty and Development, Inc., 425 W. Colonial Drive, #301, Orlando, FL 32804

Owner: Philbrook F. & Nancy H. Sargent, 12 W. Vanderbilt Avenue, Orlando, FL 32804

District: 3

Project Planner: Anita McNamara

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

4. VAR2005-00068 25 STYMIE PLACE

Applicant/Owner: Leza S. Tellam, 803 Stetson Street, Orlando, FL 32804

District: 3

Project Planner: Anita McNamara

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 as originally platted.

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

5. VAR2005-00071 615 EAST KALEY STREET

Applicant/Owner: Cecil Moore, Jr., 5329 Isleworth Country Club Drive, Orlando, FL 34786

District: 1

Project Planner: Anita McNamara

Variance of 14 ft. to the minimum required lot width of 70 ft. in the R-1A/T zoning district to allow the eastern lot of a 112-foot wide building site to be separated into two 56-foot wide 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 conditions contained in the staff report.*

6. VAR2005-00075 4413 PARK LAKE STREET

Applicant/Owner: KSW Home Builders, Inc, 3216 Raven Road, Orlando, FL 32803

District: 2

Project Planner: F.J. Flynn

Variance of 6.4 ft. to the minimum required lot width of 70 ft. in the R-1A/T zoning district to allow a 64.6-foot wide building site.

CONSENT AGENDA (CONTINUED)

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

REGULAR AGENDA

7. VAR2005-00064 505 RUGBY STREET

Applicant/Owner: Dawn M. Gentry, 505 Rugby Street, Orlando, FL 32804

District: 3

Project Planner: Heather Middleton

A. Variance of 4.5 ft. to the minimum required side yard setback of 6 ft. to allow a pantry addition to remain 1.5 ft. from the western side property line.

Recommended Action: *Denial of the variance requested based on the finding that the request does not meet the six standards for variance approval. Approval of a lesser variance of 1.7 ft. to allow the pantry to be reconstructed 4.3 ft. from the western side property line, subject to the conditions contained in the staff report.*

B. Variance of 1.7 ft. to the minimum required side yard setback of 6 ft. to allow two (2) in-line additions to be constructed 4.3 ft. from the western side 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.*

8. VAR2005-00065 15 W. NEW HAMPSHIRE STREET

Applicant: Frank N. Anderson, Jr., First City Realty and Development, Inc., 425 W. Colonial Drive, #301, Orlando, FL 32804

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

District: 3

Project Planner: Anita McNamara

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 request based on the finding that the request does not meet the six standards for variance approval.*

9. VAR2005-00067 1004 DELANEY PARK DRIVE

Applicant/Owner: William T. Morgan, 1004 Delaney Park Drive, Orlando, FL 32806

District: 4

Project Planner: Karl Wielecki

Variance of 2.5 ft. to the minimum required side yard setback requirement of 7.5 ft. to allow an accessory structure 5 ft. from the side property line.

REGULAR AGENDA (CONTINUED)

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

10. VAR2005-00069 2109 STANLEY STREET

Applicant/Owner: Scott Butts, 534 Daniels Street, Orlando, FL 32801

District: 4

Project Planner: Karl Wielecki

A. Variance of 7 ft. to the minimum required front yard setback requirement of 25 ft. to allow a principal structure (after the addition of an attached garage) 18 ft. from the front property line.

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

B. Variance to the requirement that garages and carports be flush with, or recessed from, the ground floor principal façade of 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.*

11. VAR2005-00070 523 LAKE AVENUE

Applicant/Owner: Mark Bagozzi, 523 Lake Avenue, Orlando, FL 32801

District: 4

Project Planner: Heather Middleton

Variance of 9 ft. to the minimum required rear yard setback of 15 ft. to allow construction of a garage apartment addition 6 ft. from the rear property line.

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

12. VAR2005-00072 2611 EAST JEFFERSON STREET

Applicant/Owner: Henry H. Wahl, 2611 E. Jefferson Street, Orlando, FL 32803

District: 4

Project Planner: Heather Middleton

A. Variance of 3.6 ft. to the minimum required side yard setback of 10 ft. to allow duplex development 6.4 ft. from the eastern side property line.

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)

B. Variance of 3.6 ft. to the minimum required side yard setback of 10 ft. to allow duplex development 6.4 ft from the western side 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 VAR2005-00074 LAKE FREDRICA CONDOMINIUMS

Applicant/Owner: Demetree Builders, Inc., 3348 Edgewater Drive, Orlando, FL 32804

District: 2

Project Planner: F. J. Flynn

A. Variance of 10 ft. to the minimum required front yard setback of 20 ft. to allow new multifamily principal structures to be constructed 10 ft. from the front property line.

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

B. Variance of 15 ft. to the minimum required rear yard setback of 25 ft. to allow new multifamily principal structures to be constructed 10 ft. from the rear property line.

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

C. Variance of 8 ft. to the minimum required side yard setback of 20 ft. to allow new multifamily principal structures to be constructed 12 ft. from the side property line.

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

ADJOURNMENT