



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 ■ MARCH 22, 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 April 11, 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 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., March 29, 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 February 22, 2005 minutes.

CONSENT AGENDA

1. VAR2004-00088 415 N IVANHOE BOULEVARD WEST

Applicant/Owner: Bruce & Patricia Berger, 415 North Ivanhoe Blvd. W., Orlando, Florida 32804

District: 3

Project Planner: Anita McNamara

A. Variance extension of a previously approved variance of ± 6 ft. to the minimum required 25 ft. rear yard setback to permit the construction of a second-story addition ± 19 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.*

B. Variance extension of a previously approved variance of ± 0.1 ft. to the minimum required 15 ft. street side yard setback to permit the construction of a second-story addition ± 14.9 ft. from the street side property line.

Recommended Action: *Approval of the variance extension request subject to the conditions contained in the attached August 2004 Board of Zoning Adjustment Minutes.*

2. VAR2005-00011 625 PALMER STREET

Applicant/Owner: Scott Kemper-Lynch, 230 Lake Destiny Trail, Altamonte Springs, FL 32714

District: 4

Project Planner: Lillian Scott

Variance of 3 ft. to the minimum required 5 ft. side yard setback to permit the construction of a two-story detached garage apartment 2 ft. from the side property line.

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

3. VAR2005-00015 817 GREENWOOD STREET

Applicant/Owner: Larry & Susan Beal, 817 Greenwood Street, Orlando, Florida 32801

District: 3

Project Planner: Anita McNamara

CONSENT AGENDA (CONTINUED)

Variance of 8 ft. to the minimum required rear yard setback of 15 ft. for accessory structures over 12 ft. in height to allow construction of a 14 ft. tall (mid-point of the peak of the roof) detached one-story garage 7 ft. from the rear yard (north) property line.

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

4. VAR2005-00016 22 N. MILLS AVENUE

Applicant: Robert Clark/B.C Clark Construction, 200 Grace Blvd., Altamonte Springs, FL 32714

Owner: Mr. & Mrs. Driscoll, 31 N. Mills Avenue, Orlando, FL 32801

District: 4

Project Planner: Lillian Scott

A. Variance of 2 ft. to the maximum permitted 8 ft. front porch encroachment to allow an open air front porch to encroach 10 ft. in to the required front yard setback.

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

B. Variance of 10 ft. to the minimum required 15 ft. rear yard setback for detached accessory structures to allow the construction of a 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. VAR2005-00017 2410 DELANEY AVENUE

Applicant/Owner: Brandt Wegner, 2410 Delaney Avenue, Orlando, Florida 32806

District: 1

Project Planner: Heather Middleton

A. Variance of 4 ft. to the minimum required side yard setback of 6 ft. to allow an in-line addition to be constructed no closer than 2 ft. from the northern side yard property line.

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 18 ft. to the minimum required front yard setback of 25 ft. to allow existing living space to be converted into an open-air porch no closer than 7 ft. from the front yard property line.

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

CONSENT AGENDA (CONTINUED)

6. VAR2005-00020 812 W. NEW HAMPSHIRE STREET

Applicant/Owner: Carolyn Reis, 812 W. New Hampshire Street, Orlando, Florida 32804

District: 3

Project Planner: Heather Middleton

Variance of no more than 8 ft. to the minimum required rear yard setback of 25 ft. to allow an existing detached garage to be attached to the principal structure by a covered breezeway no less than 17 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.*

REGULAR AGENDA

7. VAR2005-00013 3609 MIDIRON DRIVE

Applicant/Owner: Harry Whittaker, 3609 Midiron Drive, Orlando, Florida 32789

District: 1

Project Planner: Heather Middleton

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 separate 50-foot wide lots.

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

8. VAR2005-00014 301 HILLCREST STREET

Applicant/Owner: Anthony J. Caggiano, 301 Hillcrest Street, Orlando, FL 32801

District: 4

Project Planner: Anita McNamara

A. Variance of 8 sq. ft. to maximum allowable sign area of 4 sq. ft. in an MXD district to allow 12 sq. ft. of sign area.

Recommended Action: *Denial of the requested variance based on the finding that it does not meet the six standards for variance approval. Approval of a lesser variance subject to the conditions contained in the staff report.*

B. Variance to allow a ground-mounted sign in lieu of a directory or nameplate sign in an MXD district.

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

9. VAR2005-00022 300 EAST COLONIAL DRIVE

Applicant: Dr. Bret Scheuplien, 300 East Colonial Drive, Orlando, FL 32801

Owner: John W. Rogers, 304 E. Colonial Drive, Orlando, FL 32801

District: 4

Project Planner: Anita McNamara

REGULAR AGENDA (CONTINUED)

Variance of 28 sq. ft. to the maximum allowable sign area of 4 sq. ft. in an MXD district to allow two 116 square ft. signs (32 sq. ft. of sign area).

Recommended Action: Denial of the requested variance based on the findings that it does not meet the six standards for variance approval. Approval of a lesser variance, subject to the conditions contained in the staff report.

ADJOURNMENT