



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 ■ NOVEMBER 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, December 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., December 1, 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 October 25, 2005 minutes.

CONSENT AGENDA

1. VAR2005-00109 2110 East Colonial Drive

Applicant/Owner: Roland Abouchacra , 468 W. State Rd., Altamonte Springs, FL 32714-4147

District: 4

Project Planner: Karl Wielecki

Variance of 55.7 ft. to the maximum side yard setback of 25 ft. to allow the principal structure 80.7 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. VAR2005-00137 1 West Par Street

Applicant/Owner: James C. Hartman, 3905 El Rey Rd., Orlando, FL 32808

District: 3

Project Planner: Anita McNamara

Variance of 20 ft. to the minimum required lot width of 70 ft. in the R-1A zoning district to allow a 100-ft. wide building site to be separated into two 50-ft. wide lots as originally platted (minimum lot width).

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

3. VAR2005-00141 3120 Albert Street

Applicant/Owner: Lee Pontes, 3120 Albert St., Orlando, FL 32806

District: 4

Project Planner: Mike Haynes

A: Variance of 10 ft. to the minimum side yard setback for a boat dock of 10 ft. to allow a freestanding hydraulic boat lift 0 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.*

B: Variance of 5 ft. to the minimum side yard setback for a boat dock of 10 ft. to allow a freestanding hydraulic boat lift 5 ft from the north property line.

 CONSENT AGENDA (CONTINUED)

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

4. VAR2005-00144 1415 S. Osceola Avenue

Applicant/Owner: Mara Karpel, 1415 S. Osceola Ave., Orlando, FL 32806

District: 1

Project Planner: Anita McNamara

Variance of 8 ft. to the minimum front yard setback of 17 ft. for a front porch (25 ft. less 8 ft.) to allow an 11 ft. deep open-air front porch to be located 9 ft. from the front property line.

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

5. VAR2005-00150 714 Tam O'Shanter Drive.

Applicant/Owner: Samuel Seely, 714 Tam O'Shanter Dr., Orlando, FL 32803

District: 4

Project Planner: Karl Wielecki

Variance of 2.1 ft. to the minimum required side yard of 7.5 ft. to allow the principal structure 5.4 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.*

6. VAR2005-00153 2911 Middlesex Road

Applicant/Owner: Jeff & Avery Marlett, 2911 Middlesex Rd., Orlando, FL 32803-1126

District: 3

Project Planner: Karl Wielecki

A: Variance of 3.2 ft. to the minimum 7.5 ft. required side yard to allow a principal structure to remain 4.3 ft. from the (south) side property line; Variance of 1.1 ft. to the minimum 7.5 ft. required side yard to allow the principal structure to remain 6.4 ft. from the (north) side property line.

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

B: Variance of 3.2 ft. to the minimum 7.5 ft. required side yard to allow a principal structure to remain 4.3 ft. from the (south) side property line; Variance of 1.1 ft. to the minimum 7.5 ft. required side yard to allow the principal structure to remain 6.4 ft. from the (north) side property line.

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

C: Design variance to allow a projecting garage within the Traditional City.

CONSENT AGENDA (CONTINUED)

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

7. VAR2005-00155 3125 Herbert Lane

Applicant/Owner: William Corio, 4372 LB McLeod Rd., Orlando, FL 32811

District: 6

Project Planner: Anita McNamara

Variance of 12.91 ft. to the minimum lot width of 55 ft. in the R-1 district to allow an existing non-conforming 42.09 lot to be developed.

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

8. VAR2005-00158 390 N. Orange Avenue

Applicant/Owner: Robert Atteberry

District: 5

Project Planner: Karl Wielecki

Variance for side yard setback for principal structure. Requires a variance of 5.4 ft. to the minimum 10 ft. side yard to allow the building (that will enclose the generator) 4.6 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.*

REGULAR AGENDA

9. VAR2005-00088 6632 Crenshaw Drive

Applicant/Owner: Larry Mills, 6632 Crenshaw Dr. Orlando, FL 32835-5748

District: 6

Project Planner: Mike Haynes

Appeal of a denial of a modification of development standards. The requested modification of development standards is for a 5 ft. variance to the minimum required 25 ft. rear yard setback to allow an addition to a principal structure to be constructed 20 ft. from the rear property line.

Recommended Action: *Uphold the denial of the Modification of Development Standard*

REGULAR AGENDA (CONTINUED)

10. VAR2005-00142 1632 S. Osceola Avenue

Applicant/Owner: Steven & Linda Wade, 1632 S. Osceola Ave., Orlando, FL 32806

District: 1

Project Planner: Anita McNamara

A. Variance of 10 ft. to the minimum required rear yard setback of 15 ft. to allow construction of a two-story garage 5 ft. from the rear property line (Section 58.901, LDC).

Recommended Action: Denial of the variance request based on the finding that it meets none of the six standards for variance approval.

B. Variance of 3 ft. to the minimum required street side yard setback of 15 ft. to allow construction of a two-story garage 12 ft. from the street side property line (Chapter 59, Figure 1, LDC).

Recommended Action: Denial of the variance request based on the finding that it meets none of the six standards for variance approval.

C. Variance of 4 ft. to the minimum required side yard setback of 5 feet for swimming pools, spas and decking to allow swimming pool decking 1 ft. from the side property line (Section 58.901, LDC).

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.

D. Variance to the maximum accessory structure rear yard coverage area of 35% to allow accessory structures (detached garage and pool decking) to cover 58% of the rear yard (Section 58.901, LDC).

Recommended Action: Denial of the variance request based on the finding that it meets none of the six standards for variance approval.

E. Variance to the maximum impervious surface ratio of 0.55 to allow an impervious surface ratio of 0.56 (Chapter 58, Figure 1, LDC).

Recommended Action: Denial of the variance request based on the finding that it meets none of the six standards for variance approval.

F. Variance to the minimum required separation of 5 ft. for accessory structures to allow a 3 ft. separation between the proposed garage and swimming pool deck (Section 58.901, LDC).

Recommended Action: Denial of the variance request based on the finding that it meets none of the six standards for variance approval.

G. Variance of 3 feet to the minimum required side yard setback of 6 feet to allow the existing air conditioning unit to remain 3 feet from the side property line (Section 58.1207, LDC).

Recommended Action: Denial of the variance request based on the finding that it meets none of the six standards for variance approval.

11. VAR2005-00145 1326 Spokane Avenue

Applicant/Owner: William Murphy, 940 Highland Ave., Orlando, FL 32803

District: 4

REGULAR AGENDA (CONTINUED)

Project Planner: Anita McNamara

Variance of 10 ft. to the minimum required rear yard setback of 15 ft. to allow a 16 ft. tall (mid-point of the peak of the roof) accessory structure (detached two-car garages with storage space) 5 ft. from the rear property line (Sec. 58.901, LDC).

Recommended Action: *Denial of the variance request based on the finding that it meets none of the six standards for variance approval.*

12. VAR2005-00146 328 East Kaley Street

Applicant/Owner: William Murphy, 940 Highland Ave., Orlando, FL 32803

District: 1

Project Planner: Anita McNamara

Variance of 10 ft. to the minimum required rear yard setback of 15 ft. to allow a 16 ft. tall (mid-point of the peak of the roof) accessory structure (detached two-car garages with storage space) 5 ft. from the rear property line (Sec. 58.901, LDC).

Recommended Action: *Denial of the variance request based on the finding that it meets none of the six standards for variance approval.*

13. VAR2005-00147 409 West Hazel Street

Applicant/Owner: Chris Zorn, 409 West Hazel Street

District: 3

Project Planner: Karl Wielecki

A: Variance for 6.2 ft. to the minimum required front yard of 25 ft. to allow the existing structure to remain 18.8 ft. from the front property line.

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

B: Variance of 2 ft. to the minimum required side yard of 6 ft. to allow the principal structure 4 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.*

C: Variance of 4.8 ft. to the minimum required side yard of 6 ft. for accessory structures to allow the existing accessory structure 1.2 ft. from the side property line.

Recommended Action: *Denial of the variance request based on the finding that it meets none of the six standards for variance approval.*

D: Variance of .07 ft. to the minimum required 5 ft. rear yard for accessory structures to allow the existing accessory structure 4.3 ft. from the rear property line.

Recommended Action: *Denial of the variance request based on the finding that it meets none of the six standards for variance approval.*

REGULAR AGENDA (CONTINUED)

14. VAR2005-00148 608 South Oxalis Avenue

Applicant/Owner: Frank P. Leathery, 608 South Oxalis Avenue

District: 2

Project Planner: Karl Wielecki

Variance for side yard setback of 5.1 ft. to the minimum 7.5 ft. to allow the carport to remain 2.4 ft. from the side lot line.

Recommended Action: Denial of the variance request based on the finding that it meets none of the six standards for variance approval.**15. VAR2005-00156 747 Clifford Drive**

Applicant/Owner: Steven Hepner, P.O. Box 540344, Orlando, FL 32854

District: 5

Project Planner: Anita McNamara

Variance of 5 ft. to the maximum wall height of 4 ft. to allow a 9 ft. high wall.

Recommended Action: Denial of the variance requested based on the finding that it meets none of the six standards for variance approval. Approval of a lesser variance subject to the conditions contained in the staff report.**16. VAR2005-00157 603 West Smith Street**

Applicant/Owner: Adam Flader, 603 West Smith Street

District: 3

Project Planner: Karl Wielecki

A: Variance of 5.9 ft. to the minimum required front yard of 25 ft. to allow the existing principal structure to remain 19.1 ft. from the front property line.

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

B: Variance of 5 ft. to the minimum required for street-side yard setback of 15 ft. to allow the expanded principal structure 10 ft. from the street-side property line.

Recommended Action: Denial of the variance requested based on the finding that it meets none of the six standards for variance approval. Approval of a lesser variance subject to the conditions contained in the staff report.

C: Variance of 5 ft. to the minimum required rear yard of 25 ft. to allow the expanded principal structure 20 ft. from the rear property line.

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