



BOARD OF ZONING ADJUSTMENT

MEETING INFORMATION
<i>Location</i>
City Council Chambers 2nd Floor, City Hall One City Commons
<i>Time</i>
2:00 p.m.
<i>Board Members Present</i>
Darrell Murray, Chairman [4/0] Tara Salmieri, Vice Chairman [4/1] Kelly Blume [4/1] Dena Wild [4/1] Andrew Powell [4/0] Jason Searl [4/0] Edward Bergman [4/0]
<i>Board Members Absent</i>
Nick Nguyen [4/3]

MINUTES ■ JANUARY 22, 2008

OPENING SESSION

- Darrell Murray, Chairman, called the meeting to order at 2:05 p.m.
- Pledge of Allegiance
- Introduction of members
- The Board accepted the minutes of the December 26, 2007 BZA Meeting as written.

CONSENT AGENDA

Mark Cechman, Executive Secretary, reviewed the Consent Agenda.

1. RECOMMENDED APPROVAL OF VAR2007-00167, BASED UPON STAFF'S RECOMMENDATION—918 Shine Avenue

Applicant/Owner: Richard Lane, 1410 Baltimore Dr., Orlando FL 32810
 District: 4
 Project Planner: Erin Hartigan

A) Design variance for a side entrance in the Traditional City Overlay District.

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 to reduce the 25 ft. minimum front yard setback by 1.8 ft. to allow the principal structure 23.2 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, subject to the conditions contained in the staff report.*

C) Variance to reduce the 5 ft. minimum side yard setback by 2.6 ft. to allow the principal structure 2.4 ft. from the north side property line at its closest point.

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.*

Dena Wild made a motion to APPROVE the Consent Agenda, as recommended by staff. Tara Salmieri SECONDED the motion, which was voted upon and passed by a unanimous voice vote.

CONSENT AGENDA (CONTINUED)

REGULAR AGENDA

2. RECOMMENDED DENIAL OF VAR2007-00142, BASED UPON STAFF'S RECOMMENDATION—625 S. Mills Avenue

Applicant/Owner: Desmond Reilly, 136 Ledbury Dr., Orlando, FL 32779

District: 4

Project Planner: Leo Cruz

Variance to allow for an in-line addition to the house to encroach an additional 7 ft. into the required vehicular space for a tandem lot street side yard.

Leo Cruz gave an overview of the project using overhead visuals. The subject property is located within the Greenwood neighborhood and the zoning is R-2B/T. The lot is approximately 58 ft. wide and ±82 ft. deep. The property was originally platted in 1922 and in 1923 the single-family dwelling was constructed. In 2004 a lot split was approved to split a single lot into two lots for a tandem development. In February of 2005 the current owners purchased the property and in April 2005 a variance was granted to allow a shed along the north property line. The requested variance is to allow an in-line addition to the house to encroach an additional 7 ft. in depth and 10 ft. wide into the required vehicular space for a tandem lot street side yard. As required by the Land Development Code, the street side yard requirements are 15 ft. for the living quarters and 20 ft. for vehicular space. If the variance was granted it would only allow a space of 6 ft. for a vehicular space after the addition. Therefore, staff is recommending denial because the requested variance does not meet the intent of the Land Development Code to allow for a vehicular space setback beyond the primary façade on the street side yard.

Kelly Blume asked what is the current condition for parking. Leo Cruz replied that the lot is currently non-conforming and has 13 ft. for a vehicular space.

Eric Tichi, 625 S. Mills Avenue, the owner, stated that he currently has two vehicles and one is parked on the street and the other in the driveway at the edge of the pergola. The area of the proposed addition is the only unused space on the lot. The proposed addition would alleviate the family's living condition of having laundry in the dining room and kitchen.

As a Board discussion, design alternatives were discussed and it was determined that there were no other alternative designs that would not need a variance. It was also confirmed that the lot does not meet minimum lot standards and is a non-conforming tandem lot that should be given consideration for the parking space not being standard.

Andrew Powell made a motion to APPROVE this item with the condition that the pergola is removed and the parking space never be covered. Tara Salmieri SECONDED the motion, which was voted upon and passed by a vote of 6 in favor and 1 opposed (Edward Bergman).

3. RECOMMENDED DENIAL OF VAR2007-00151, BASED UPON STAFF'S RECOMMENDATION —24 Sturtevant Street

Applicant/Owner: Don Ammerman, 1112 Sweetbriar Rd., Orlando, FL 32806

District: 4

Project Planner: Jim Burnett

Variance to increase the 30 ft. maximum side yard setback by 17.4 ft. to allow construction of a new building 47.4 ft. from the west side yard property line.

REGULAR AGENDA (CONTINUED)

Jim Burnett gave an overview of the project using overhead visuals. The requested variance is to increase the maximum west side yard setback from 30 ft. to 47.4 ft. and the zoning is AC-2/T. The property is located just south of the Orlando Regional Medical Center and currently has a one-story structure that is skewed to the east side of the property. The applicant proposes to demolish the existing structure and build a new two-story structure with parking on the ground floor and offices above. After a review, Mr. Burnett stated that staff is recommending denial based on the finding that there are other alternatives that meet the Code and that the request is a self-created hardship.

Don Ammerman, the applicant, speaking on behalf of Dr. Bill Scott the owner of the building, noted that the current building was built in 1962 and has had a physician practice at the location for 47 years. The owner wishes to expand his practice and needs more space. There are currently 13 surface level parking spaces with a single floor building that is 3100 square feet. Mr. Ammerman submitted for the record 8 potential site layouts for the property. The plans offer a ground floor office, as staff suggested. The plan that is being requested has 6,500 square feet with 26 parking spaces. Mr. Ammerman noted that the other plans submitted did not meet the square footage or parking that is needed for a physicians office.

After a Board discussion, Kelly Blume made a motion to DENY the request, as recommended by staff. Edward Bergman SECONDED the motion, which was voted upon and passed by a unanimous voice vote.

4. RECOMMENDED DENIAL OF VAR2007-00159, BASED UPON STAFF'S RECOMMENDATION—415 N. Ivanhoe Blvd. W.

Applicant/Owner: Bruce Berger, 415 N. Ivanhoe Blvd. W., Orlando, FL 32804

District: 3

Project Planner: Jim Burnett

A) Variance to reduce the 15 ft. minimum street side yard setback by 2.1 ft. to allow a 2nd-story addition and new in-line side entry porch 12.9 ft. from the street side yard property line.

B) Variance to reduce the 25 ft. minimum rear yard setback by 9.5 ft. to allow the existing garage and 2nd-story addition 15.5 ft. from the rear yard setback.

Jim Burnett gave an overview of the project using overhead visuals. The property is located on the north-east corner of N.W. Ivanhoe Boulevard and University Drive and the zoning is R-1/T/W. The applicant was approved for a similar variance in August 2004 to allow a second story addition over the garage. In 2005, the applicant applied for a six month extension on the variance and that variance has expired. The applicant's current request is to add a vertical addition above the garage which extends an additional 2 ft. in front of the façade of the garage and also extends toward the rear. Staff is recommending denial of both requests with the approval of a lesser variance to keep the second story addition flush with the original footprint, which is also consistent with the 2004 variance that was previously granted.

Tom Zedick, 311 E. Harvard St., speaking on behalf of the applicant, stated that there are several elements which make the lot unique. The front of the house sits approximately 35 ft. from the street, where 25 ft. is required, the yard slopes uphill and in the backyard there is a pool with a large Oak tree off to the west. Another element is that the lot is a corner lot with a side entry garage. Mr. Zedick noted that an alternative design of a detached garage was looked at, however the Oak tree would need to be removed. Mr. Zedick further stated that the requested design was developed because of structural and economic reasons and for saving the tree. Mr. Zedick provided for the record, a letter of support from the neighbor to the north.

Darrell Murray asked the applicant if the proposed plans for the second story had windows facing the neighbor to the north. Mr. Zedick confirmed that there were no windows planned for that location, that it would be a closet.

Dena Wild confirmed with the project planner that the existing rear yard setback is 19.6 ft. and the lot is already non-conforming.

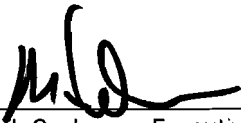
REGULAR AGENDA (CONTINUED)

After a Board discussion, Andrew Powell made a motion to DEFER this item. Tara Salmieri SECONDED the motion, which was voted upon and passed by a unanimous voice vote.

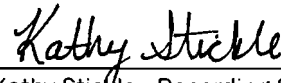
The Board requested the following additional information for the next meeting: 1) that the applicant work with staff regarding other options; 2) photographs and elevations of the rear of the home and also showing perspective from the neighbors point of view; and 3) sketch of the rear elevation and elevation overlooking the pool.

Staff In Attendance:

Mark Cechman, AICP, Chief Planner/Zoning Official
Karl Wielecki, Planning Manager
Erin Hartigan, Planner II
Jim Burnett, Planner III
Leo Cruz, Planner II
Ken Pelham, Planner III
Richard Forbes, Historic Preservation Officer
Lakisha Hull, Planner III
Holly Stenger, Project Manager I
Kyle Shephard, Asst. City Attorney II
Linda Rhinesmith, Chief Planner, arrived at 2:17 p.m.
Susan Natoli, Planner I, arrived at 3:30 p.m.



Mark Cechman, Executive Secretary



Kathy Stickle, Recording Secretary

ADJOURNMENT: 4:05 P.M.