



BOARD OF ZONING ADJUSTMENT

AGENDA □ November 24, 2009

MEETING INFORMATION

Location

City Council Chambers

2nd Floor, City Hall
One City Commons
400 South Orange Avenue

Time

2:00 P.M.

Board Members

Jason Searl, Chairman

Jon Walls, Vice Chairman

Jose Ayala

Scott Batterson

Edward Bergman

Joaquin Martinez

Laura Minns

Lillian Ramos

Dena Wild

WELCOME!

We are 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. We anticipate that the minutes of today's meeting will be presented at the City Council meeting on **Monday, December 14, 2009**, 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 Chairperson, 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) 246-3813 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., **December 1, 2009**. 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 at 2:00 PM or as soon thereafter as possible
- Pledge of Allegiance
- Introduction of members
- Consideration of October 27, 2009 minutes

NEW BUSINESS

CONSENT AGENDA

1. VAR2009-00070 AQUA AT MILLENNIA SIGN, 5451 Millennia Lakes Blvd.

Applicant: James G. Willard, Shutts & Bowen, 300 S. Orange Ave., Suite 1000, Orlando, FL 32801

Owner: Millenia Park, Ltd., 600 E. Colonial Drive, Suite 100, Orlando, FL 32803

District: 4

Project Planner: Jim Burnett, AICP (407.246.3609, james.burnett@cityoforlando.net)

- A. Variance to allow a high-rise sign for a multi-family project where a high-rise sign is not permitted;
- B. Variance of 29 ft. to allow a sign higher than 6 ft.. above grade; and
- C. Variance of 7 ft. to allow 39 sq. ft. of total on-site signage, where a maximum of 32 sq. ft. is allowed.

Recommended Action: *Approval of the requested variances, subject to the conditions contained in the staff report.*

2. VAR2009-00072 BUCKLEY RESIDENCE, 2924 Westchester Ave.

Applicant: Jim McNail, Akerman Senterfitt, 420 S. Orange Ave, Suite 1200, Orlando, FL, 32801

Owners: Martin and Pamela Buckley, 2924 Westchester Ave., Orlando, FL 32803

District: 3

Project Planner: Leo Cruz (407.246.3292, leo.cruz@cityoforlando.net)

Design Variance for the massing of the primary residence inside the Traditional City.

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

3. VAR2009-00076 MAUNG PATIO, 2108 Vivada St.

Applicant: Marcos D'Avila, 5528 Force Four Parkway, Orlando, FL 32839

Owner: Myint Khin Maung, 2108 Vivada St, Orlando, FL 32803

District: 4

Project Planner: Leo Cruz (407.246.3292, leo.cruz@cityoforlando.net)

Variance of 2.9 ft. to allow a new attached rear patio to be located 4.6 ft. from the side lot line, where a 7.5 ft. side yard setback is required.

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

4. VAR2009-00073 ORLANDO INFINITI SIGNAGE, 4225 Millennia Blvd.

Applicant: Patricia Ortiz, Ortiz Planning Solutions, LLC, 5048 Gato Del Sol Circle, Wesley Chapel, FL 33544

Owner: TT of Millennia, Inc., 515 N. Flagler Drive, W. Palm Beach, FL 33401

District: 4

Project Planner: Jim Burnett, AICP (407.246.3609, james.burnett@cityoforlando.net)

Variance of 63.14 sq. ft. to allow 393.14 sq. ft. of total on-site signage, where a maximum of 330 sq. ft. of signage is allowed.

Recommended Action: *Approval of a lesser variance, subject to the conditions contained in the staff report.*

5. VAR2009-00074 FIVE OAKS CONDO, 1640, 1642, & 1644 E. Concord St. and 546 Altaloma Ave.

Applicant: Alynne Cordray, 2644 Conway Gardens Road, Orlando, FL 32806

Owner: Vincent Ortiz, Trustee (1640 & 1642 E. Concord St.) and Echelon Holdings Gp, LLC (546 Altaloma Ave) and Chad and Gail Martin, (1644 E. Concord St).

District: 4

Project Planner: Jim Burnett, AICP (407.246.3609, james.burnett@cityoforlando.net)

- A. 1640-1642 E. Concord – Variance of 4 ft. to the rear setback for an existing duplex where a 25-ft. rear setback is required;
- B1. 1644 E. Concord – Variance of 17 ft. to the rear setback for an existing single-family house, where a 25-ft. rear setback is required; and
- B2. Variance of 50.8% to the rear yard ISR for existing rear yard structures, where a maximum 35% is allowed.
- C1. 546 Altaloma – Variance of 9.66 ft. to the front setback for an existing detached garage/apartment, where a 25-ft. front setback is required; and
- C2. Variance of 4.36 ft. to the side setback for an existing detached garage/apartment, where a 5 ft. side setback is required.

Recommended Action: *Deferral at the recommendation of the City Attorney's Office.*

REGULAR AGENDA**6. VAR2009-00077 CATER PROPERTY, 851 Wessex Place**

Applicant/Owner: Alfred J. Cater, Jr., 851 Wessex Place, Orlando, FL 32803

District: 4

Project Planner: Jim Burnett, AICP (407.246.3609, jim.burnett@cityoforlando.net)

- A. Variance of 10 ft. to allow an existing principal structure to be 15 ft. from the rear yard lot line where a 25-ft. setback is required; and
- B. Variance of 5 ft. to allow an existing principal structure (carport) to be 2.5 ft. from the south side lot line where a 7.5 ft. side setback is required.

Recommended Action: *Denial of the requested variances.*

7. VAR2009-00075 THE TICKET CLINIC, 1333 W. Colonial Drive

Applicant: Bobby Azcano, 1333 W. Colonial Drive, Orlando, FL 32804

Owner: TC ORL, LLC, 1333 W. Colonial Drive, Orlando, FL 32804

District: 3

Project Planner: Jim Burnett, AICP (407.246.3609, james.burnett@cityoforlando.net)

- A. Sign Variance of 33 sq. ft. to allow a new 5.5 ft. tall, 48 sq. ft. V-shaped monument sign, where a maximum 15 sq. ft. pole or monument sign is allowed.
- B. Variance of 4.5 ft. to allow a V-shaped monument sign to be installed 8 ft. from the front lot line, where a minimum 12.5 ft. setback is required.

Recommended Action: *Denial of the requested variances.*

8. VAR2009-00078 ANDRE PROPERTY, 1222 Newcastle Drive

Applicant/Owner: Steve Andre, 1222 Newcastle Drive, Orlando, FL 32806

District: 4

Project Planner: Leo Cruz (407.246.3292, leo.cruz@cityoforlando.net)

Variance of 4 ft. to allow a shed to be located 3.5 ft. from the side yard lot line, where a 7.5 ft. side yard setback is required.

Recommended Action: *Denial of the requested variance.*

OTHER BUSINESS**ADJOURNMENT**