



BOARD OF ZONING ADJUSTMENT

AGENDA □ October 27, 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 7, 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., **November 3, 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 September 22, 2009 minutes

NEW BUSINESS

- Awards and Presentations – Presentation of Resolutions to Darrell Murray and Tara Salmieri extending thanks for their commitment and service to the board

CONSENT AGENDA

1. VAR2009-00060 PATEL RESIDENCE, 5 Hill Avenue

Applicant: Dean Bolaris, Architect, 116 Cove Colony Road, Maitland, FL 32751
Owner: Minesh Patel, 5843 Caymus Loop, Windermere, FL 34786
District: 4
Project Planner: Jim Burnett, AICP (407.246.3609, james.burnett@cityoforlando.net)

- A. Variance of 10 ft. to allow a new 2-story garage apartment to be located 5 ft. from the rear lot line, where a 15-ft. rear setback is required; and
- B. Design variance to allow a new 2-story garage-apartment to project one (1) ft. into the street side yard, where said structure must be flush with or recessed from the primary structure.

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

2. VAR2009-00062 LEVEY RESIDENCE, 611 Avalon Boulevard

Applicant: Karen Levey, 611 Avalon Boulevard, Orlando, FL 32806
Owner: Richard & Karen Levey, 611 Avalon Boulevard, Orlando, FL 32806
District: 1
Project Planner: Jim Burnett, AICP (407.246.3609, james.burnett@cityoforlando.net)

- A. Variance of 18 ft. to allow a new 1-story garage addition to be located 7 ft. from the rear lot line, in line with a previously granted variance, where a 25-ft. rear setback is required; and

- B. Variance of 4.4 ft. to allow a 1st floor open porch addition to be located 3.1 ft. from the north side lot line, in line with a previously granted variance, where a 7.5 ft. side yard setback is required.

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

3. VAR2009-00063 MERRILL GARAGE, 1218 Shorewood Drive

Applicant/Owner: Woodrow Merrill, Jr. & Kym Boney, 1218 Shorewood Drive, Orlando, FL 32806

District: 1

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

- A. Variance of 15.8 ft. to allow a new 1-story attached garage to be located 9.2 ft. from the rear lot line, where a 25-ft. rear setback is required;
- B. Variance of 0.7 ft. to allow a new 1-story attached garage be located 6.8 ft. from the west side lot line, where a 7.5 ft. side setback is required; and
- C. Variance of 4.7 ft. to allow a new 1-story attached garage to be located 10.3 ft. from the street side lot line, where a 15 ft. setback is required.

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

4. VAR2009-00064 PALMER CANNELLA RESIDENCE, 448 E. Gore Street

Applicant: Shannon Musgrave, 500 Richmond Street, Orlando, FL 32806

Owner: David Cannella & Rebecca Palmer, 448 E. Gore Street, Orlando, FL 32806

District: 1

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

Variance of 10 ft. to allow a new 2-story garage-apartment to be located 5 ft. from the rear lot line, where a 15-ft. rear setback is required.

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

5. VAR2009-00065 ZIZMER RESIDENCE, 1232 Alexandra Court

Applicant: Karen Kassik, Lucia Designs, Inc., 1650 Lee Road, Winter Park, FL 32789

Owner: Michael & Kelly Zizmer, 1232 Alexandra Court, Orlando, FL 32804

District: 3

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

- A. Variance of 2.5 ft. to allow a new roofed, open-air porch addition to be located 5 ft. from the west side lot line, where a 7.5-ft. side setback is required; and
- B. Variance of 14 ft. to allow a new roofed, open-air porch addition to be located 36 ft. from the mean high water mark of Lake Silver, where a minimum 50-ft. setback is required.

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

6. VAR2009-00067 TAYLOR RESIDENCE, 1401 Lancaster Drive

Applicant: Jonathan Taylor, 1401 Lancaster Drive, Orlando, FL 32806

Owner: Jonathan Taylor & Nicole Sheppard, 1401 Lancaster Drive, Orlando, FL 32806

District: 1

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

Variance of 2.7 ft. to allow a new attached garage/house addition to be located 4.8 ft. from the side lot line, where a 7.5-ft. side setback is required.

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

REGULAR AGENDA

7. VAR2009-00061 RALSTON RESIDENCE, 3414 Backspin Lane

Applicant: Samuel Ralston, 3414 Backspin Lane, Orlando, FL 32804

Owner: Samuel Ralston Life Estate & Rem: Avalon M. Jameson, 3414 Backspin Lane, Orlando, FL 32804

District: 3

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

- A. Variance of 4.1 ft. to allow an existing attached garage addition already located 20.9 ft. from the front lot line, where a 25-ft. front setback is required; and
- B. Variance of 6.3 ft. to allow an existing attached garage addition already located 1.2 ft. from the north side lot line, where a 7.5 ft. side setback is required.

Recommended Action: *Denial of the requested variances.*

OTHER BUSINESS

ADJOURNMENT