



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

James Lussier, Chairman
Picton Warlow, Vice Chair-
man
Marc Black
June Farrell
Myra Monreal
Andrew Powell
Jed Prest
Wayne Sorrell
Craig Ustler

AGENDA ■ APRIL 27, 2004

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, May 17, 2004** 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., TUESDAY, May 4, 2004**. 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 March 23, 2004 minutes.

CONSENT AGENDA

1. VAR2004-00019 123 N HYER AVENUE

Owner/Applicant: John Smith, 4108 Pecan Lane, Orlando, Florida 32812

District: 4

Project Planner: Anita McNamara

A. Variance of ± 6 ft. to the minimum required rear yard setback of 15 ft. to allow an existing accessory structure to remain ± 9 ft. from the rear property line.

B. Variance of ± 3 ft. to the minimum required side yard setback of 5 ft. to allow an existing accessory structure to remain ± 2 ft. from the south side yard property line.

Recommended Action: *Approval of the variance requests based on the finding that the requests meet the six standards for variance approval, subject to the following condition: The applicant shall obtain building permits for the accessory structures. The building permit plans shall be signed and sealed by a licensed engineer who can attest to the structural integrity of the structures as required by the Office of Permitting Services.*

2. VAR2004-00024 817 GREENWOOD STREET

Applicant: John G. Pierce, 800 N. Ferncreek Avenue, Orlando, Florida 32803

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

District: 4

Project Planner: F.J. Flynn

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 garage 7 ft. from the rear property line (north property line).

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

CONSENT AGENDA (CONTINUED)

3. VAR2004-00025 1001 SEVILLE PLACE

Owner/Applicant: Greg Bryla, 1001 Seville Place, Orlando, Florida 32804

District: 3

Project Planner: Lillian Scott

A. Variance of 3.5 ft. to the minimum required 30 ft. front yard setback to allow the proposed addition 26.5 ft. from the front property line.

B. Variance of 20 ft. to the minimum required 25 ft. rear yard setback to allow the principal structure to remain 5 ft. from the rear property line.

C. Variance of 2.5 ft. to the minimum required 7.5 ft. side yard setback to allow the proposed addition 5 ft. from the side property line.

Recommended Action: *Approval of the variances requested based on the finding that they meet the six standards for variance approval subject to the following condition: 1) The existing nonconforming shed at the northwest corner of the rear lot must be removed or moved to a conforming location on the property.*

4. VAR2004-00027 800 YATES STREET

Owner/Applicant: Ralph Stone, 800 Yates Street, Orlando, Florida 32804

District: 3

Project Planner: Heather Middleton

Variance of ± 6 ft. to the minimum required side yard setback of 7.5 ft. to allow an existing trellis/structure to remain ± 1.5 ft. from the side property line.

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

5. VAR2004-00028 1911 & 1913 ORANGE AVENUE

Applicant: George Butler, 10 N. Summerlin Avenue, #27, Orlando, Florida 32801

Owner: HGH Properties, Inc., 3624 NW 97th Boulevard, Gainesville, Florida 32606

District: 3

Project Planner: Lillian Scott

Variance to allow an eating and drinking establishment with 0 off-street parking spaces from the minimum required 14 parking spaces.

Recommended Action: *Approval of the variance request based on the finding that it meets the six standards for variance approval, subject to the following conditions: 1) Approval of this variance is based on the site plan submitted and only applies to 1911 and 1913 N. Orange Avenue, Savoy Bar; 2) The applicant must limit the hours of operation for the eating and drinking establishment from 5 p.m. to 2 a.m.*

CONSENT AGENDA (CONTINUED)

6. VAR2004-00029 309 & 311 EAST NEW HMPSHIRE

Applicant: George L. Powell, 303 Par Street, Orlando, Florida 32804

Owner: Wellesley Oaks Apartments, LLC., 63 Interlachen Road, Orlando, Florida 32804

District: 3

Project Planner: Shaun Ferguson

A. Variance of 11.5 ft. to the minimum required 20-foot side yard setback to allow a 6-unit attached apartment/townhome building to be constructed 8.5 ft. from the west property line.

B. Variance of 13.3 ft. to the minimum required 35-foot rear yard setback to allow a 6-unit attached apartment/townhome building to be constructed 21.7 ft. from the north property line.

Recommended Action: *Denial of variance requests (a) and (b) based on the finding that they do not meet the six standards for variance approval. Approval of a lesser variance of 10 feet to the minimum required 20-foot side yard setback and a lesser variance of 10 ft. to the minimum required 35-foot rear yard setback to allow a proposed 6-unit attached apartment/townhome building to be constructed 10 feet from the west property line and 25 feet from the north property line, subject to the following conditions:*

1. *There is a discrepancy between the floor plan and the side elevation pertaining to the partition of the main entry stoop. The floor plan shows the partition extending to the walkway with a wall between the columns. The elevation shows openings between the partition and the columns. If there is a wall between the columns, the wall shall be removed, as it is not compatible with the Colonial style.*

2. *The ground floor windows have a lintel with a keystone. This architectural treatment shall continue on all the second floor windows.*

3. *The proposed development shall meet the residential design standards of Sec. 62.600 of the LDC. In particular, the front elevation facing New Hampshire Street shall contain a minimum 15% transparency of each story below the roofline, and the parking lot shall be at least equal distance to that of the principal structure.*

REGULAR AGENDA

7. VAR2004-00023 1427 MOUNT VERNON STREET

Owner/Applicant: Steve Jaffe, 1427 Mount Vernon Street, Orlando, Florida 32803

District: 4

Project Planner: Anita McNamara

A. Variance of ± 10.6 ft. to the minimum required rear yard setback of 15 ft. to allow a second-story addition to an existing accessory structure (studio) ± 4.4 ft. from the rear property line.

Recommended Action: *Approval of the variance request because it meets the six standards for variance approval, subject to the following condition: 1) The balcony on the proposed second floor of the studio shall be removed from the plans.*

B. Variance to the maximum fence height of 6 ft. in the required side yard and rear yard setback for residential districts to allow an existing ± 7 ft. fence to remain.

REGULAR AGENDA (CONTINUED)

Recommended Action: *Approval of the variance request because it meets the six standards for variance approval.*

C. Variance of ± 5 ft. to the minimum required side yard setback of 5 ft. to allow an existing accessory structure (shed) to remain ± 0 ft. from the east side yard property line.

Recommended Action: *Denial of the variance request because it does not meet the six standards for variance approval.*

D. Variance of ± 5 ft. to the minimum required side yard setback of 5 ft. to allow an existing accessory structure (pergola) to remain ± 0 ft. from the west side yard property line.

Recommended Action: *Approval of the variance request because it meets the six standards for variance approval, subject to the following condition: 1) The applicant shall obtain a permit for the pergola.*

8. VAR2004-00026 1353 ROOSEVELT STREET

Owner/Applicant: James & Kathy Blau, 1353 Roosevelt Street, Orlando, Florida 32804

District: 3

Project Planner: Lillian Scott

A. Variance of 11 ft. to the minimum required 30 ft. front yard setback to allow the principal structure to remain 19 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 to allow parking within the required 30 ft. front yard setback.

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

C. Variance of 5.5 ft. to the minimum required 7.5 ft. side yard setback to allow a proposed ± 510 square ft. in-line addition 2 ft. from the 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 based on the following condition: 1) The applicant shall use an exterior building material that is consistent with the principal structure.*

D. Variance of 7.5 ft. to the required 7.5 ft. side yard setback to allow an existing A.C. unit to remain on the side 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 following conditions: 1) The nonconforming shed which is partially located on the neighbors property must be moved to a conforming location on the subject property.*

E. Variance of 6.5 ft. to the required 7.5 ft. side yard setback to allow an existing pool pump to remain in the required side yard.

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

ADJOURNMENT