



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 ■ JULY 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, August 23, 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., August 3, 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 June 22, 2004

CONSENT AGENDA

1. VAR2003-00157 1216 EASTIN AVENUE-(EXTENSIONS)

Applicant: Joseph Guernsey, 1216 Eastin Avenue, Orlando, Florida 32804

District: 3

Project Planner: Shaun Ferguson

A. Variance of 145 square ft. to the maximum required size for an accessory cottage dwelling unit (max. 40% of the living quarters of the principal structure = 855 square ft.) to allow an ± 621 square foot addition to an existing 379 square foot accessory cottage dwelling (a total of $\pm 1,000$ square feet) located in the rear yard.

B. Variance of 6.0 feet from the required 6.0-foot side yard setback to allow an existing one-story garage to remain 0 ft. from the side property line.

Recommended Action: *Approval of the extensions.*

2. VAR2004-00063 1003 S. KIRKMAN ROAD

Applicant/Owner: Southwest United Communities, 1003 S. Kirkman Road, Ste 202, Orlando, Florida 32811

District: 5

Project Planner: Anita McNamara

A. Variance of ± 14 square ft to the maximum allowable sign area of 10 square ft. when O-1 zoning district property share a block-face with a residential district to allow ± 24 square ft. of sign area.

B. Variance to allow a ground-mounted sign in lieu of a directory and/or wall sign for property sharing a block-face with a residential district.

Recommended Action: *Approval of the variances requested based on the finding that they meet the six standards for variance approval with conditions contained in the staff report.*

3. VAR2004-00066 117 E. AMELIA STREET

Applicant/Owner: Daniel Garcia, 8534 Black Mesa Drive, Orlando, Florida 32829

District: 4

Project Planner: Anita McNamara

Variance to permit 4 parking spaces in lieu of 8 parking spaces for an office building.

CONSENT AGENDA (CONTINUED)

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.*

4. VAR2004-00069 915 E. WASHINGTON STREET

Applicant: Kimberly Bewley, P.O. Box 560846, Orlando, Florida 32856-0846

Owner: George Gramatikas, 911 E. Washington Street, Orlando, Florida 32801

District: 4

Project Planner: Lillian Scott

A. Variance of ± 4 ft. to the minimum required 15 ft. street side yard setback to permit the construction of an in-line addition ± 11 ft. from the street side (east) lot line.

B. Variance of 10 ft. to the minimum required 15 ft. rear yard setback for accessory structures over 12 ft. in height to allow the construction a detached garage apartment 5 ft. from the rear property line.

Recommended Action: *Approval of the variances requested based on the findings that they meet the six standards for variance approval subject to the conditions contained in the staff report.*

5. VAR2004-00070 1021 E. AMELIA STREET

Applicant/Owner: Robert Cascio, 400 Hillcrest Street, Orlando, Florida 32803

District: 4

Project Planner: Lillian Scott

Variance of 10 ft. to the minimum required 15 ft. rear yard setback for detached accessory structures to permit the construction of a two-story addition to the existing structure.

Recommended Action: *Approval of the variance requested based on the findings that it meets the six standards for variance approval subject to the conditions contained in the staff report.*

6. VAR2004-00072 1411 CHICHESTER STREET

Applicant/Owner: Glenn Gullikson, 1411 Chichester Street, Orlando, Florida 32803

District: 3

Project Planner: Shaun Ferguson

Variance of 2.6 ft. to the minimum required 7.5-foot side yard setback to allow a proposed 2,338 square foot addition to the principal structure (in-line addition).

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

CONSENT AGENDA (CONTINUED)

7. VAR2004-00073 206 SHINE AVENUE

Applicant/Owner: Troy & Maureen Russ, 206 N. Shine Avenue, Orlando, Florida 32801

District: 4

Project Planner: Lillian Scott

Variance of ±8 ft. to the minimum required 25 ft. rear yard setback to permit the construction of an addition ±17 ft. from the rear lot line.

Recommended Action: *Approval of the variances requested based on the findings that it meets the six standards for variance approval subject to the conditions contained in the staff report.*

8. VAR2004-00074 512 OXFORD COURT

Applicant/Owner: Matt & Carrie Hovland, 512 Oxford Court, Orlando, Florida 32803

District: 4

Project Planner: Lillian Scott

Variance of 13.4 ft to the minimum required 25 ft. front yard setback to permit a front porch 11.6 ft. from the front property line.

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

REGULAR AGENDA

9. VAR2004-00068 5730 S. SEMORAN BOULEVARD

Applicant: Art-Draft Sign Company, 2675 NE Kirby Circle, Palm Bay, Florida 32905

Owner: OABC LTD, 1350 E. Newport Center #206, Deerfield Beach, Florida 33442

District: 1

Project Planner: F.J. Flynn

Variance to the maximum allowable copy area to allow an additional on-site sign within a commerce center.

Recommended Action: *Denial of the requested variance base upon the findings that the request does not meet the six standards for variance approval.*

10. VAR2004-00071 916 MAXWELL STREET

Applicant: George R. Crimmings, Jr., 3746 Rose of Sharon Drive, Orlando, Florida 32808

Owner: Roger Paladino, 916 Maxwell Street, Orlando, Florida 32804

REGULAR AGENDA (CONTINUED)

District: 3

Project Planner: Shaun Ferguson

A. Variance to the requirement that garages not project in front of the living area of the principal structure to allow living space to be constructed on the top of an existing garage that projects in front of the principal structure (Traditional City Garage Projection).

B. Variance of 2.7 ft. to the minimum required 7.5 foot side yard setback to allow a proposed 1,056 square foot addition to the principal structure (in-line addition).

Recommended Action: Denial of variance (a) based on the findings that it does not meet the six standards for variance approval; Approval of variance (b) based on the findings that it meets the six standards for variance approval.

11. VAR2004-00076 3622 IBIS DRIVE

Applicant/Owner: Pamela K. Parris, 3622 Ibis Drive, Orlando, Florida 32803

District: 3

Project Planner: Anita McNamara

A. Variance of ±2.5 ft. to the minimum required separation distance of 5 ft. to allow an existing accessory structure (greenhouse to remain ±2.5 ft. from another accessory structure (shed).

B. Variance of ±6.5 ft. to the minimum required side yard setback for accessory structures (greenhouse) of 7.5 ft. to allow an accessory structure to remain ±1 foot from the east side yard property line.

C. Variance of ±2.5 ft. to the minimum required rear yard setback of 5 ft. for accessory structures 100 square ft. or greater in area to allow an accessory structure to remain ±1 foot from the rear yard property line.

Recommended Action: Denial of the variances requested, based on the findings that the requests do not meet the six standards for variance approval.

12. LDC2004-00226 541 & 545 FERNCREEK

Applicant: Stephen Cold for Ferncreek Development LLC, 115 E. Marks Street, Orlando, Florida 32803

Owner: Ferncreek Development, LLC, 1770 Livingston Drive, Orlando, Florida 32804

District: 4

Project Planner: Mike Haynes

Appeal of the Zoning Official and Appearance Review Officer Determinations related to the orientation, parking and compatibility of the proposed 3-story, 8-unit mixed use office and residential project.

Recommended Action: Uphold the Zoning Official and Appearance Review Officer Determinations.

ADJOURNMENT