



# 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 ■ JUNE 22, 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, July 19, 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 June 29, 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 May 25, 2004 minutes.

## CONSENT AGENDA

**1. VAR2003-00149 2110 EAST COLONIAL DRIVE—(EXTENSION)**

Applicant: Chau Nguyen, 468 W. Hwy 436, Altamonte Springs, Florida 32714

Owner: TP & CN, Inc., 2110 E. Colonial Drive, Orlando, Florida 32803

District: 4

Project Planner: Lillian Scott

A. Variance of 20.5 feet to the maximum allowed side yard setback of 25 ft. to permit construction of a new restaurant building approximately 45.5 ft. from the west property line.

B. Variance of 21 feet to the maximum allowed side yard setback of 25 ft. to permit construction of a new restaurant building approximately 46 ft. from the east property line.

**Recommended Action:** *Approval of the extensions.*

**2. VAR2004-00051 2000 VIRGINIA DRIVE**

Applicant/Owner: Carolyn West, 2000 Virginia Drive, Orlando, Florida 32803

District: 4

Project Planner: F. J. Flynn

Variance of 10 ft. to the minimum required front yard setback of 25 ft. to permit a front porch addition to the principal structure to be located 15 ft. from the front property line in an R-1A/T/SP zoning district.

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

**3. VAR2004-00052 631 SHADY LANE DRIVE**

Applicant/Owner: Edward G. Urmey, 631 Shady Lane Drive, Orlando, Florida 32804

District: 3

Project Planner: Shaun Ferguson

A. Variance of 3.3 feet to the minimum required rear yard setback of 25 ft. to permit a principal structure to be located 21.7 ft. from the rear property line in an R-1/T zoning district.

CONSENT AGENDA (CONTINUED)

B. Variance of 0.4 foot to the minimum required front yard setback of 25 ft. to permit a principal structure 24.6 ft from the front property line in an R-1/T zoning district.

**Recommended Action:** *Approval of the variance requests based on the finding that they meet the six standards for variance approval.*

4. VAR2004-00053 819 MENENDEZ COURT

Owner/Applicant: Eric Hassen, 813 Menendez Court

District: 4

Project Planner: Heather Middleton

A. Variance of ±0.4 ft. to the minimum required side yard setback (north property line of 5 ft. to allow the existing building to remain ±4.6 ft. from the north side property line).

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

B. Variance of ±19 ft. to the minimum required rear yard setback of 20 ft. to allow the existing building to remain ±1 ft. from the rear property line.

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

C. Variance to the minimum required parking spaces of 4 spaces to permit the change of use and allow 1 handicapped parking space.

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

*1) Sufficient Right-of-Way does not exist for Menendez Court. The existing Right-Of-Way is 15.5 feet from street centerline. The required Right-of-Way for a commercial street per LDC Section 61.221 is 70 feet or 35' from street centerline. Given the building location and lot dimensions, at a minimum, the Owner/Applicant shall dedicate 10' of Right-of-Way measured from street centerline (2 feet curb and gutter, 3' landscape/parkway and a 5' public sidewalk). The existing 5' sidewalk adjacent to the building may be utilized for the public sidewalk and the Owner/Applicant must construct the remaining 2' curb and gutter, and 3' landscape/parkway per ESM standards. This dedication may be done through deed or through the platting process. These improvements must be shown on the site plan.*

*2) The required handicap space shall be located on the site. There is no location available to construct the required 17' wide by 18.5' deep parking space meeting City of Orlando ESM/LDC handicap parking space standards. A 12 foot driveway shall be constructed on lot 4B and 6B and the site designed to utilize the existing 3' walk adjacent to the south side of the building as a handicap access way and a 12' wide parking stall shall be installed adjacent to the 3' access way located behind the building front.*

5. VAR2004-00054 317 WEST CONCORD STREET

Applicant: Leticia Marques Ginther, 933 Lee Road, Suite 400B, Orlando, Florida 32810

Owner: Margin LLC, 933 Lee Road, Suite 400B, Orlando, Florida 32810

District: 5

Project Planner: Heather Middleton

CONSENT AGENDA (CONTINUED)

A. Variance of ±7 ft. to the minimum required side yard setback of 10 ft. to allow the construction of a handicapp ramp ±3 ft. from the ease side property line.

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

B. Variance of ±8 ft. to the minimum required side yard setback of 10 ft. to allow an air conditioning unit to be placed ±2 ft. from the east side property line.

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

C. Variance to the miscellaneous yard requirement of air conditioning units that prohibits central system air conditioning units from being placed in the front yard.

**Recommended Action:** *Approval of the variance requested based on the finding that the request meets the six standards for variance approval subject to the following conditions:*

- 1. The applicant shall install 36" high shrubs (to be irrigated) around the front & side of the air conditioning unit so as to screen the unit from view from the street.*
- 2. The applicant shall install 36" high lattice fencing along the front of the air conditioning unit so as to provide additional screening from the street.*
- 3. These revised landscape plans shall be subject to approval by the City's Appearance Review Officer.*

D. Variance of 1 parking space to the minimum number of parking spaces required to allow the change in use to function with 3 parking spaces.

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

E. Variance of 5 ft. to the minimum required landscape area adjacent to vehicular use areas of 5 ft. to allow the existing concrete drive to remain in its current configuration with no landscape buffers.

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

6.        VAR2004-00056            628 LAKE DOT CIRCLE

Applicant:                        Harry Brumley, P.E., 301 S. Orlando Avenue, Winter Park, Florida 32789

Owner:                             Kiwanis Club of Orlando Foundation, Inc. 450 S. Orange Avenue, Suite 500, Orlando, Florida 32801

District:                            5

Project Planner:                 Anita McNamara

Variance of ±51 ft. to maximum required side yard setback of 25 ft. in the MU-1/T zoning district to allow a side yard setback of ±76 ft. to permit the installation of the required parking area outside the front yard setback.

**Recommended Action:** *Approval of the variance requested based on the finding that the request meets the six standards for variance approval, subject to the following conditions:*

- 1. The proposed 8-foot fence along Putnam Avenue shall meet the Crime Prevention Through Environmental Design criteria of Sec. 58.929, LDC.*
- 2. Development requires approval by the Appearance Review Officer (transparency, orientation, streetwalls, etc).*
- 3. A City Service/Sidewalk Easement shall be provided as necessary adjacent to the public road right-of-way. The easement areas shall be recorded prior to permit application submittal and the easement recording data shall be noted on all future Site Plans, Plats and Permit/Construction plans.*

CONSENT AGENDA (CONTINUTED)

4. Remove the southeastern-most parking space adjacent to Lake Dot Drive. There is insufficient room for backing/maneuvering safely in the proximity of the driveway entrance and public sidewalk.

5. Establish a one-way driving aisle through the proposed drop off area. There is insufficient room for two-way travel in this aisle. It is recommended that an east to west traffic flow be created. Install 2 "Do Not Enter" signs per MUTCD standards on either side of the drop off exit facing oncoming traffic to control flow. Show on submitted site plan.

7. VAR2004-00058 80 SOUTH SEMORAN BOULEVARD

Applicant/Owner: Lourdes Lopez, 2 N. Semoran Boulevard, Orlando, Florida 32807

District: 2

Project Planner: F. J. Flynn

A. Variance of one parking space to the minimum number of parking spaces of four spaces to three spaces.

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

B. Variance of 12 ft. to the minimum driveway width of 24 ft. to twelve feet.

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

C. Variance of 10 ft. to the minimum bufferyard requirement of ten feet to 0 ft. on the southern property line; Variance of 8 ft. to the minimum required bufferyard of 10 ft. to 2 ft.

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

8. VAR2004-00059 514 HILLCREST STREET

Applicant/Owner: Dean Asher, 52 E. South Street, Orlando, Florida 32801

District: 4

Project Planner: Lillian Scott

Variance to expand the required parking in the area between the principal structure and the street.

**Recommended Action:** Approval of the variance requested based on the finding that it meets the standards for variance approval subject to the following conditions:

1. The driveway shall be widened to 20 ft. and constructed per City ESM standards.
2. The driving aisle shall be a minimum of 22 ft. to allow 90 degree parking backup space. The driving aisle shall be gravel.
3. The standard parking spaces shall be created as 8.5 ft. wide by 18.5 ft. long and must be on gravel.
4. One handicap space shall be provided and shall be 12 ft. wide by 18.5 ft. long with a minimum 5 ft. wide adjacent pedestrian access way and paved.
5. A 7 ft. wide landscape buffer shall be provided between the proposed parking area and the western property line as required in Chapter 60 Part 2F of the Land Development Code.
6. A 3 ft. high hedge is required on the north side of the proposed vehicular use area between the northernmost parking space and the street.

## CONSENT AGENDA (CONTINUED)

## 9. VAR2004-00060 3414 CHELSEA STREET

Applicant/Owner: Jose R. Matos, 3414 Chelsea Street, Orlando, Florida 32803

District: 3

Project Planner: Anita McNamara

Variance of  $\pm 4.4$  ft. to the minimum required side yard setback of 7.5 ft. to allow a carport addition  $\pm 3.1$  feet from the side property line.

**Recommended Action:** *Approval of the requested variance based on the finding that the request meets the six standards for variance approval, subject to the following condition:*

1. *The appearance of the carport addition shall be consistent with the appearance of the principal structure.*

## 10. VAR2004-00061 2606-2612 EAST JEFFERSON STREET

Applicant/Owner: Bruce Hossfield, P.O. Box 2975, Orlando, Florida 32802

District: 4

Project Planner: Anita McNamara

A. Variance of  $\pm 2$  ft. to the minimum required side yard setback of 5 ft. to allow an existing principal structure to remain  $\pm 3$  ft. from the west side yard property line.

**Recommended Action:** *Approval of the requested variance based on the finding that the request meets the six standards for variance approval, subject to the following conditions:*

1. *Any future development on Lot 10 shall be constructed at a 7 foot side-yard setback from the common lot line between Lot 9 and Lot 10 to allow for a minimum of 10-foot separation between structures and for the cross-access easement/joint-use driveway easement.*
2. *A joint-use cross-access easement shall be recorded in the Public Records of Orange County. A copy of the recorded instrument creating the joint use cross-access easement shall be delivered to the City of Orlando (John Pence-Transportation Plans Examiner 407.246.3187).*

B. Variance of  $\pm 4$  ft. to the minimum required side yard setback of 5 ft. to allow an existing accessory structure (shed) to remain  $\pm 1$  ft. from the east side yard property line.

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

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

**Recommended Action:** *Approval of the requested variance based on the finding that the request meets the six standards for variance approval, subject to the following condition:*

1. *If the existing structure is removed or demolished, any future development of a principal structure on Lot 10 shall meet the minimum required rear yard setback of Chapter 58, Figure 1, LDC. If the structure is retained as an accessory structure to future development of a principal structure, the new principal structure (as it relates in size, mass, and scale to the accessory structure) is subject to the size and locational requirements related to the accessory cottage dwelling standards of Chapter 58, Figure 1, Footnote 22,LDC.*

## REGULAR AGENDA

11. VAR2004-00057 1000 EAST LIVINGSTON STREET

Applicant/Owner: Robert F. Carmichael, 1000 E. Livingston Street, Orlando, Florida 32803

District: 4

Project Planner: Lillian Scott

Variance to the prohibition that accessory structures not be located in the street side yard setback or between the principal building and the street to allow a swimming pool to be constructed 5 ft. from the western property line.

**Recommended Action:** Denial of the requested variance based on the finding that it does not meet the six standards for variance approval. Approval of a lesser variance to permit the swimming pool and deck to be located 10 ft. from the street side property line subject to the following conditions:

1. A fence will be required around the proposed pool. Do not construct closer than 15' from the side of the driveway or the street corner intersection. The Driver's and Pedestrian's Clear Sight Distance shall not be blocked by fences, signs, buildings, building columns, landscaping, etc. at street intersections and driveways. No structure, fence, wall, etc. shall obstruct vision between two (2) feet and eight (8) feet in height above street level. The street corner/driveway visibility area shall be shown & noted on construction plans and any future site plans.
2. Intersection sight Distance—Design the site plan as necessary to comply with Land Development Code Chapter 60.1C-STREET CORNER VISIBILITY Section 60.141 through 60.143.
3. Driveway Sight Distance –Design the site plan as necessary to comply with LDC Chapter 61.1A—DRIVEWAYS AND CURBCUTS-Section 61.101 through 60.107.
4. A screen enclosure shall not be constructed for the swimming pool.
5. A solid fence shall be used to conceal the swimming pool from view of the right of way. The solid fence shall be located 2 ft. 6 inches from the west lot line. (As required by the Historic Preservation Board in March 2003)

12. LDC2004-00066 1510 WOODLAND STREET

Applicant: Stephen B. Clack, Architect, 1422 Oakley Street, Orlando, Florida 32806

Owner: John Friend & Alix Casler-Friend, 1510 Woodland Street, Orlando, Florida 32806

District: 1

Project Planner: Mike Haynes

Appeal of the Zoning Official's Determination that the wide dimension of the corner lot (Woodland Street) not be considered the front for the purpose of establishing setbacks.

**Recommended Action:** Uphold the Zoning Official Determination.

## ADJOURNMENT