



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 ■ MAY 25, 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, June 21, 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., Wednesday June 2, 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 April 27, 2004 minutes.

CONSENT AGENDA

1. VAR2004-00039 1220 W. YALE STREET

Applicant/Owner: Shawn & Jennifer Diederich, 1220 W. Yale Street, Orlando, Florida 32804

District: 3

Project Planner: Heather Middleton

A. Variance to the requirement that garages and carports be flush with or behind the living space of a home to allow an existing garage to project ± 3 ft. in front of the living space.

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

B. Variance of ± 1 foot to the minimum required side yard setback of 6 ft. to allow an in-line addition to be constructed ± 5 ft. from the east and west property lines.

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

C. Variance of ± 3 ft. to the minimum required side yard setback of 6 ft to allow an existing air condition unit to remain ± 3 ft. from the west property line.

Recommended Action: *Denial of the variance requested based on the finding that it does not meet all of the six standards for variance approval. Note: The applicant has agreed to relocate the A/C unit to a conforming location.*

2. VAR2004-00040 507 W. YALE STREET

Applicant/Owner: Keith Tanner, 507 W. Yale Street, Orlando, Florida 32804

District: 3

Project Planner: Lillian Scott

Variance of 3 ft. to the minimum required 6 ft. side yard setback to allow the principal structure to be constructed 3 ft. from the side property line.

Recommended Action: *Approval of the variance request based on the finding that the request meets the six standards for variance approval subject to the following conditions: The proposed front porch must be a minimum of 6 ft. deep; The applicant must provide pedestrian access from the public sidewalk to the front doorway of the principal structure with an improved surface.*

CONSENT AGENDA (CONTINUED)

3. VAR2004-00042 1126 VASSAR STREET

Owner/Applicant: Chance Schlesman, 1126 Vassar Street, Orlando, Florida 32804

District: 3

Project Planner: Anita McNamara

Variance of ± 1.1 ft. to the minimum required side yard setback of 6 ft. for principal structures to allow the enclosure of an existing side entry porch into living space and to allow an open-air front porch addition ± 4.9 ft. from the west lot line.

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 condition: The driveway shall be extended to at least 18.5 ft. behind the front wall of the home (excluding the porch) to create a legal parking space.*

4. VAR2004-00043 2821 W. AMELIA STREET

Applicant/Owner: Sarah N. Wadley, 2821 W. Amelia Street, Orlando, Florida 32805

District: 5

Project Planner: Heather Middleton

Variance to the required front yard setback to allow an existing carport converted into living space to remain 10 ft. from the front yard property line.

Recommended Action: *Withdrawn. No action necessary. Staff determined that the site does not need a variance. The non-conforming structure shown on the survey is no longer on the site.*

5. VAR2004-00045 918 CENTRAL BOULEVARD

Applicant/Owner: Paul Williamson, 918 E. Central Boulevard, Orlando, Florida 32801

District: 4

Project Planner: Anita McNamara

A. Variance of 3.75 ft. to the minimum required side yard setback of 5 ft. for principal structures to allow the replacement of an existing carport (currently located less than one-foot from the side property line) with a porte-cochere and a second-story addition ± 1.25 ft. from the west side lot line.

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 condition: 1) The existing laurel oak proposed for removal shall be replaced with a comparable tree to be planted in the rear yard in a suitable location. A tree removal permit is required. Contact the Parks Division at (407) 246-2287.*

B. Variance of ± 1.5 ft. to the minimum required rear yard setback of 5 ft for accessory structures under 12 ft. height to allow an existing accessory structure (shed/garage) to remain ± 3.5 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.*

REGULAR AGENDA

6. VAR2004-00041 933 SEVILLE PLACE

Applicant/Owner: Kancor Construction, 2316 Rio Grande Ave, Orlando, Florida 32804

District: 3

Project Planner: Lillian Scott

Variance of 10 ft. to the minimum required 15 ft. rear yard setback to allow the detached garage above 12 ft. in height to be constructed 5 ft. from the rear property line.

Recommended Action: Denial of the requested variance based on the finding that it does not meet the six standards for variance approval but approval of a lesser variance of 5 ft. to the minimum required 15 ft. rear yard setback to allow the detached garage above 12 ft. in height to be constructed 10 ft. from the rear property line. Approval of the lesser variance subject to the following conditions:

- 1. The site plan must be revised to meet the requirement that accessory structures not occupy more than 35% of the area between the rear property line and the principal structure.***
- 2. The two-story garage may not exceed the 30 ft. height limit for structures in the R-1AA/T district.***
- 3. The ISR on the subject property may not exceed the 55% maximum permitted by Code.***
- 4. The windows on the second story of the garage facing the rear property line must be removed.***
- 5. The living space above the garage may never be converted into a second dwelling unit.***

ADJOURNMENT