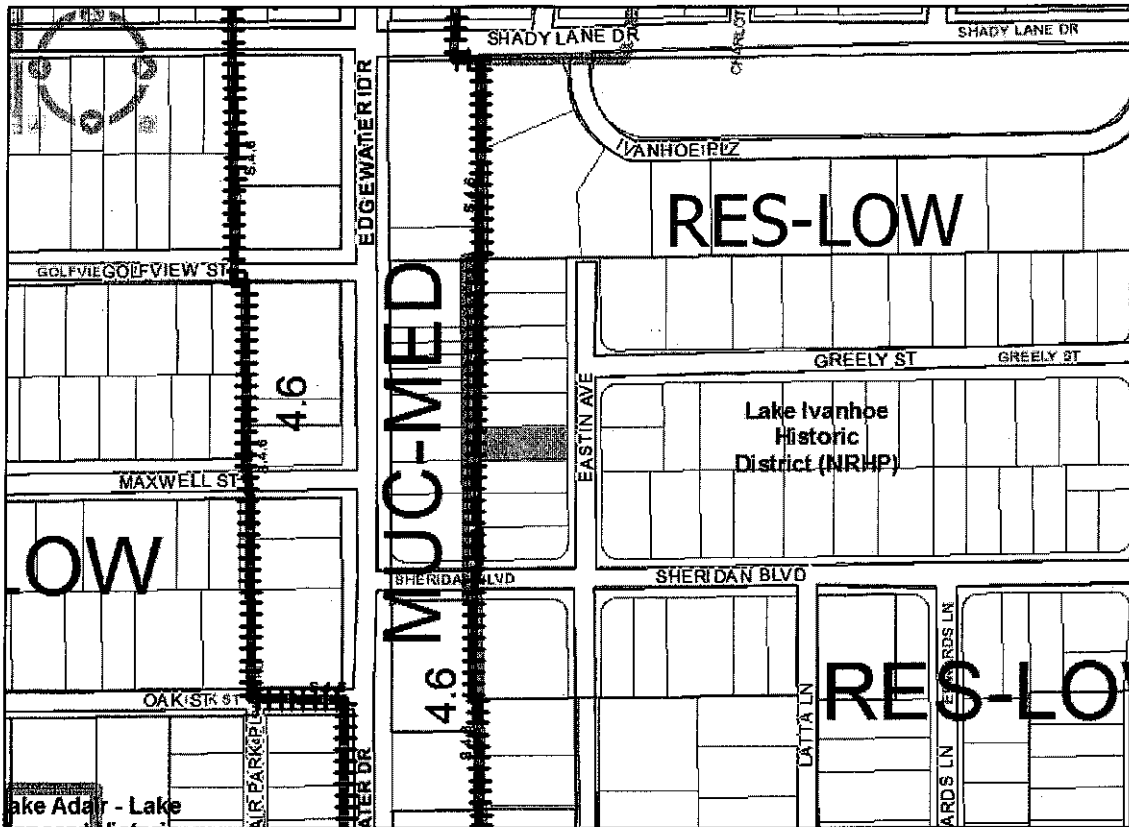
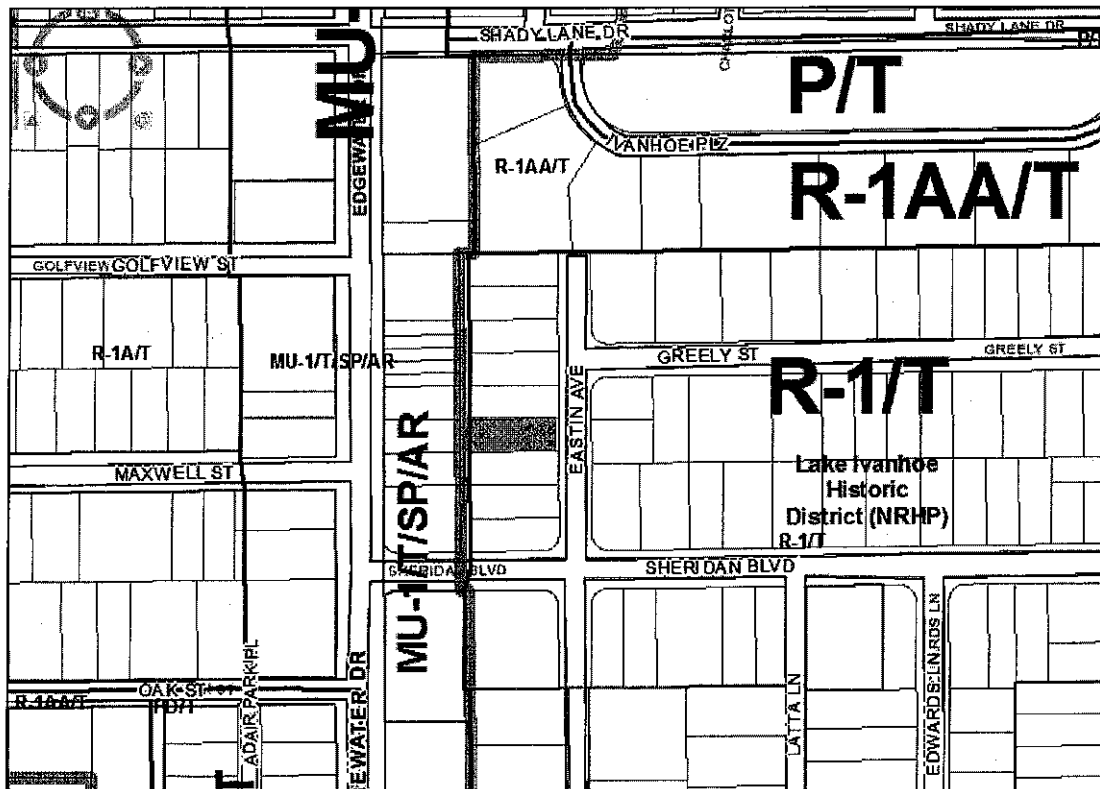


FUTURE LAND USE



ZONING MAP



PROJECT ANALYSIS

Project Description

The subject property consists of a rectangular-shaped lot with a single-family residence in the College Park neighborhood. The property is zoned R-1/T and is designated as Residential Low on the City's Future Land Use Map. Adjacent uses consist of single-family residences to the north, south and east. Office uses and associated surface parking, are located to the west.

The residence is approximately ±2,200 gross square feet. The applicant proposes a ±378 sq. ft. addition (18' deep by 21' wide) to the front of the principal structure and is requesting a variance of 8 ft. to allow the eastern facade to be 17 ft. from the front property line where 25 ft. is the minimum required. The applicant also proposes the addition of an enclosed ±78 sq. ft. entry. This addition is inline with the existing northern façade of the residence with a 5 ft. side yard setback where 6 ft. is the minimum required and is therefore requesting a variance of 1 ft.

Background:

- 1925: Property platted as part of the Adair Park Subdivision
- 1927: Residence constructed on property
- 2006: Property acquired by current owner

Intent of District

The R-1 district is intended "to conserve the general character of established one family neighborhoods, and to provide for new areas of low and moderate density one family development." The property is located in the Traditional City (T) overlay, which denotes those areas generally platted or developed prior to World War II.

Analysis

Chapter 58 of the LDC requires a front yard setback of 25 ft. for the R-1/T zoning district. The applicant proposes a front setback of 17 ft., resulting in a variance request of 8 ft. The front yard is seen as a semi-public zone allowing for the transition from the public realm (sidewalk) to the private realm (residence). The proposed encroachment would reduce this transition area resulting in a commercial or multi-family feel rather than single-family residential. Also, the subject property is located within the Lake Ivanhoe National Registry Historic District. Though not a local historic district which local restrictions, staff believes that the proposed front yard projection would result in a historical pattern not consistent with the national registry and is therefore non-supportable. See Diagram 1, which provides an aerial of the consistent primary façade line of the neighborhood. Staff recommends denial of this request.

Built in 1927, the northern portion of the site has a side setback of 5 ft., where 6 ft. is the minimum required by current code. An inline addition is proposed along the northern façade, resulting in a variance request of 1 ft. Staff recommends approval of this request.

Current code requires a minimum lot dimension of 55 ft. in width and 110 ft. in depth for the R-1 zoning district. The subject lot is legally nonconforming at 50 ft. in width and actually has a lot area of 6,750 sq. ft. which is 700 sq. ft. larger than the minimum requires 6,050 sq. ft.

	Minimum Required	Existing/Proposed
Front- Eastin Ave	25ft.	28 ft./17 ft.
Side- north	6 ft.	5 ft.*
Side- south	6 ft.	8 ft.
Rear- west	25 ft.	65 ft.
*Deemed conforming since built prior to 1959		

It should be noted that the lot is subject to LDC section 58.1152, which states:

Non-conforming Residential Lots. When a platted residential lot or Lot of Record is non-conforming in lot area, lot width, or lot depth, the following regulations shall apply:

- (a) Height. The maximum building height shall be two-stories.
- (b) FAR. The maximum floor area ratio shall be 0.50.
- (c) Location of Required Parking. All required parking spaces and garage door elevations shall be set back a minimum of five (5) feet from the principle facade of the principle building. For each lot, the combined width of all garage door(s) facing a street shall not exceed fifty percent (50%) of the combined width of all building elevations facing the

PROJECT ANALYSIS

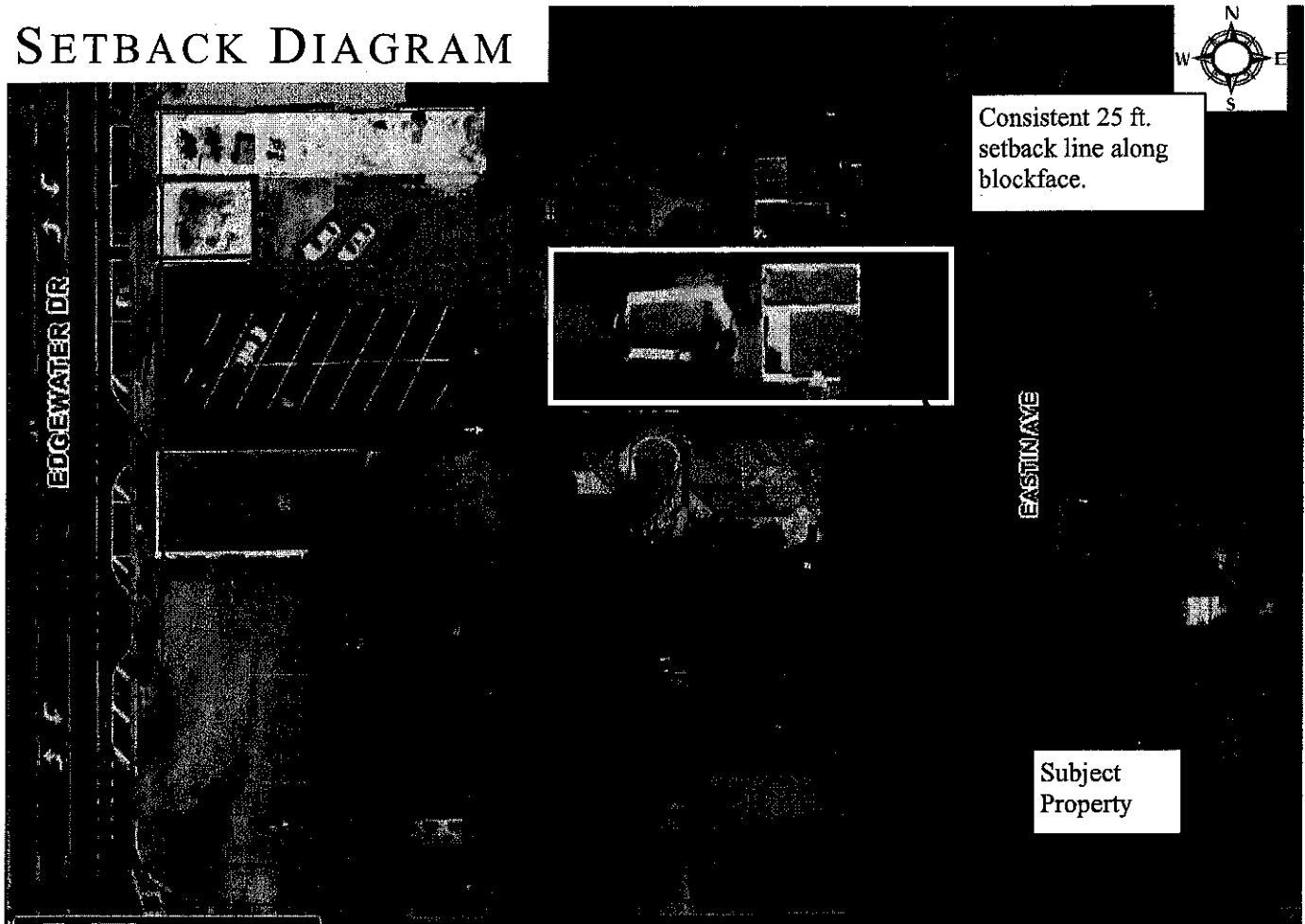
same street. Garage accessory structures in the rear half of the lot shall not be included in this calculation, except when the garage accessory structure is located on a corner lot and faces a side street. When a garage accessory structure is located on a corner lot and faces a side street, the garage accessory structure shall be set back a minimum of twenty (20) feet from the street side property line and the combined width of all garage door(s) facing a street shall not exceed thirty-five percent (35%) of the combined width of all building elevations facing a street, including the garage accessory structure.

(d) *Appearance Review Required.* Appearance Review shall be required pursuant to the requirements and procedures provided in section 62.300

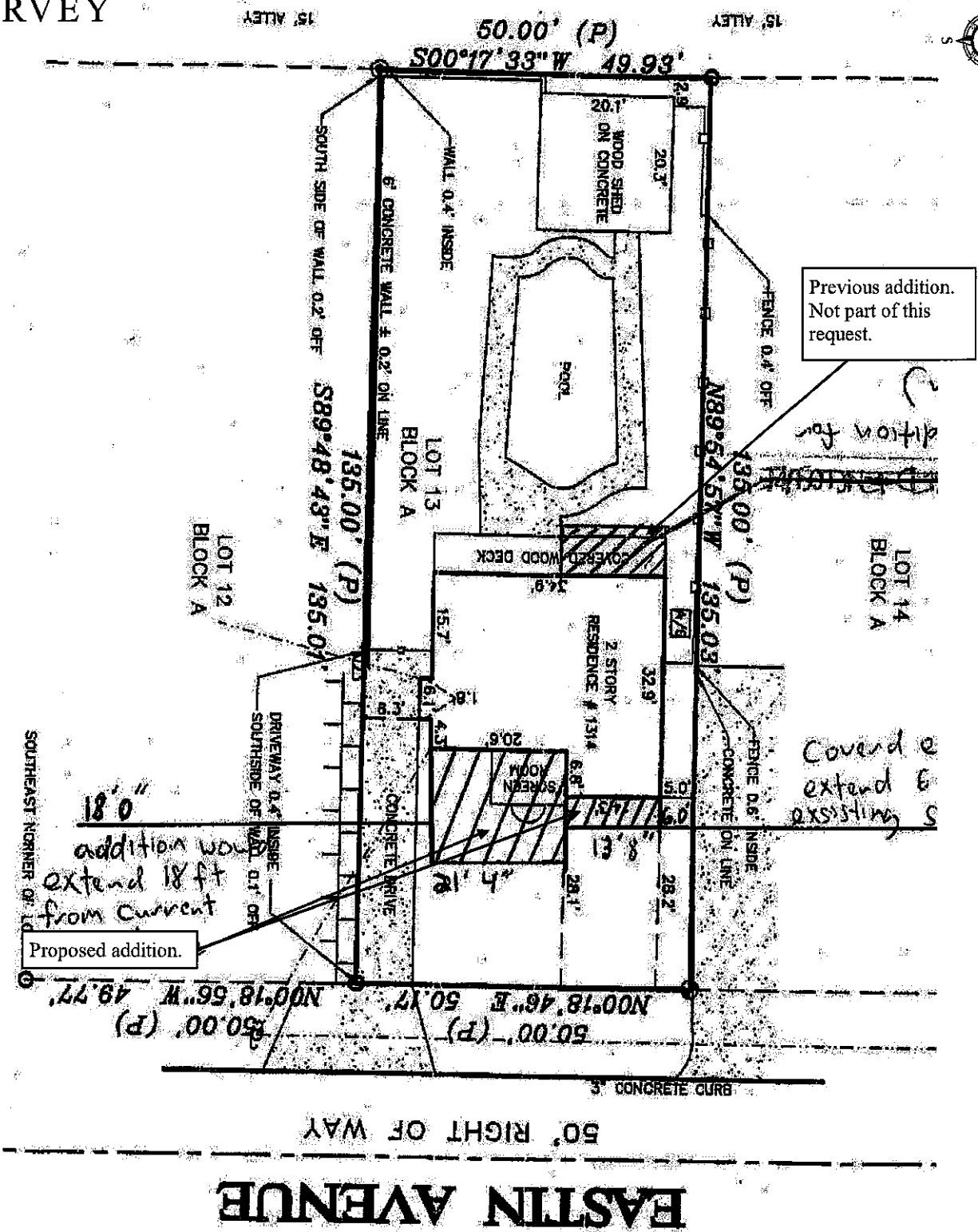
(e) *Modification of Standards Prohibited.* Modifications to development standards on nonconforming residential lots under Chapter 65 of this Code are prohibited. A variance approved by the Board of Zoning Adjustment shall be required.

In conclusion, staff recommends denial of requested variance A for the proposed front yard setback encroachment and approval of requested variance B for the side yard inline addition.

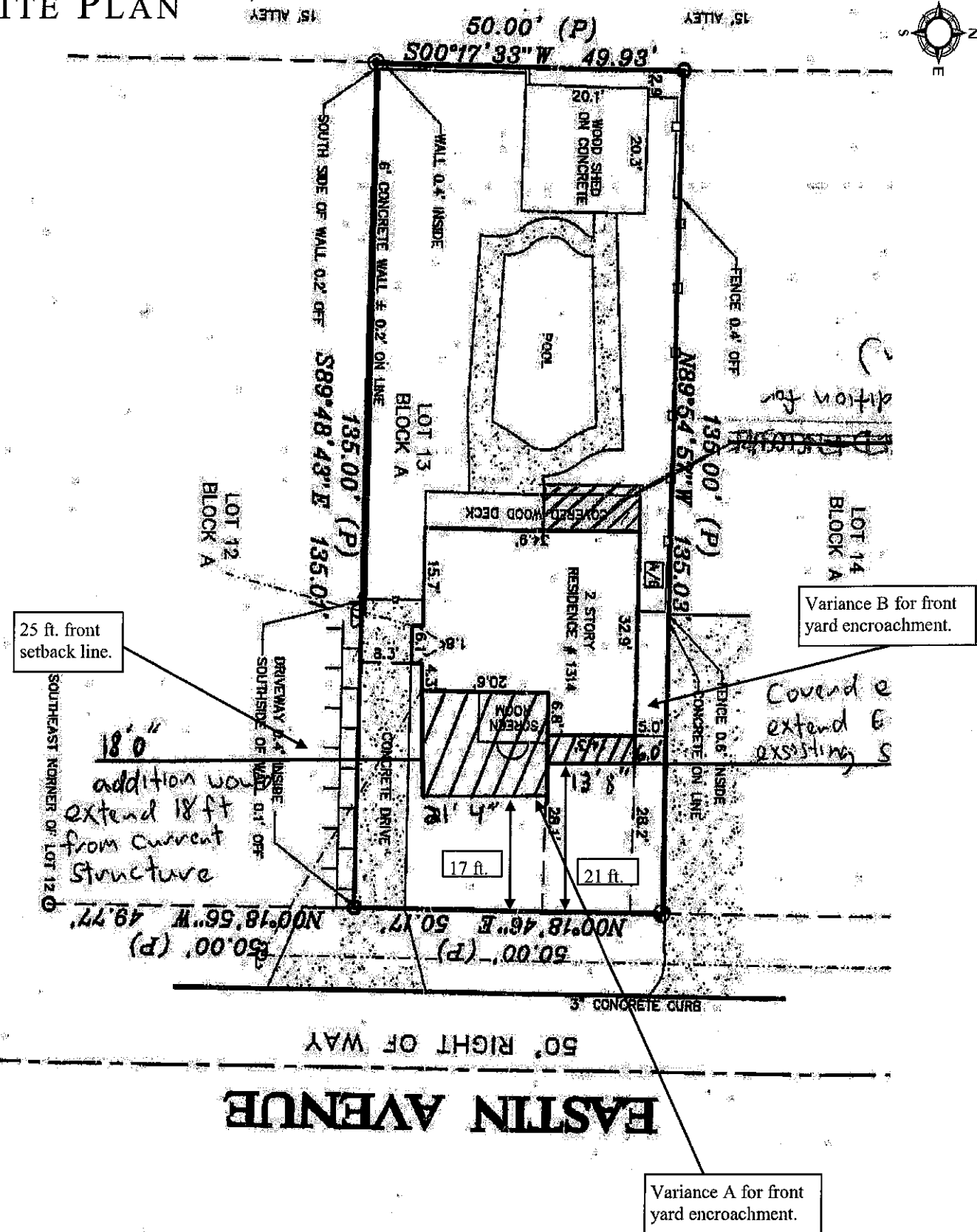
SETBACK DIAGRAM



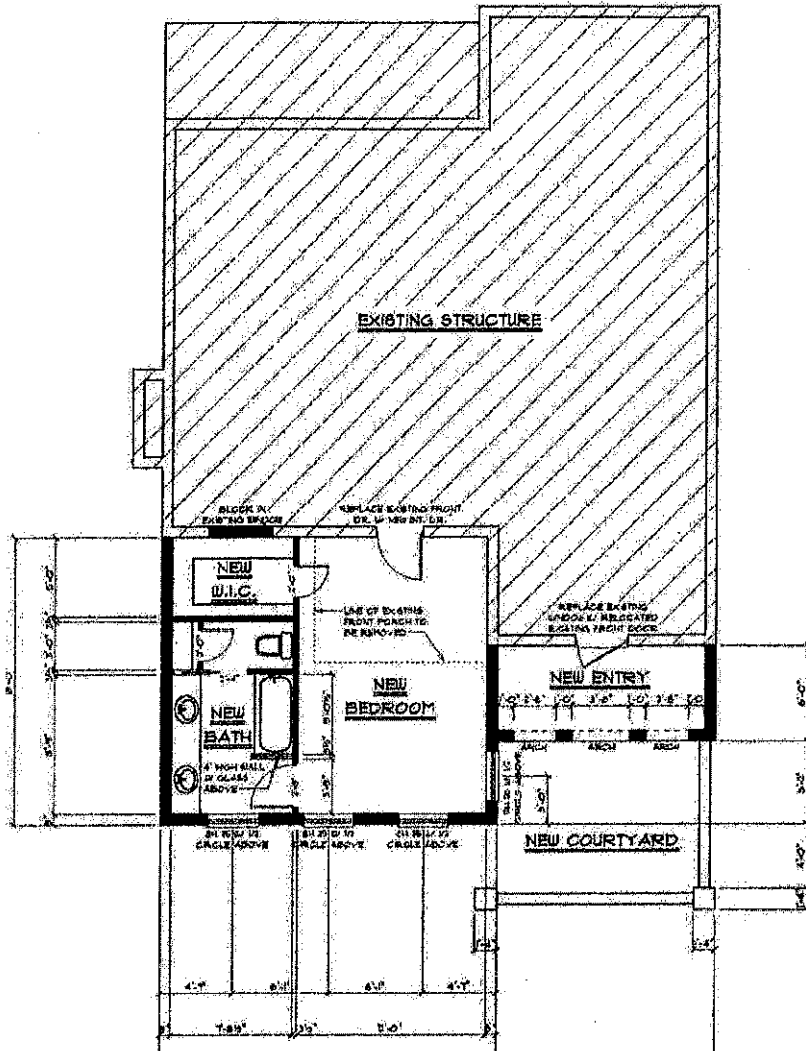
SURVEY



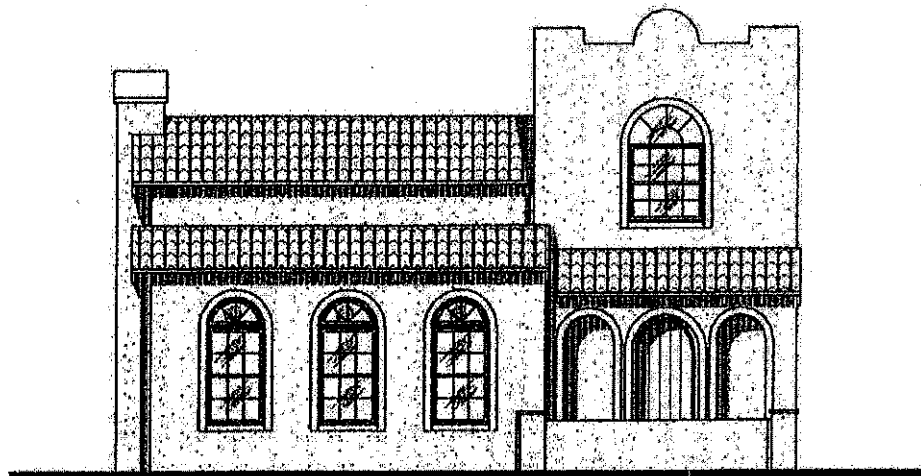
SITE PLAN



SITE PLAN(CONT.)



ELEVATIONS



SITE PHOTOS



Subject property from Eastin Ave.



Front yard to be projected into.



Northern façade with existing 5 ft. setback.

FINDINGS AND RECOMMENDATIONS

Setback Variances

- A) Variance of 8 ft. to allow a 17 ft. front setback where 25 ft. is the minimum required. (Chapter 58)
- B) Variance of 1 ft. to allow an inline addition at a 5 ft. north side setback where 6 ft. is the minimum required. (Chapter 58)

Staff recommends denial of requested variance A based on the finding that the variance fails to meet all six (6) standards for approval and approval of variance B, based on the finding that the variance B meet all six (6) standards for approval, subject to the following conditions:

1. Development shall be in strict conformance with all conditions and the survey and site plans found in this report, subject to any modification by the Board of Zoning Adjustment (BZA) and/or City Council. Minor modifications to the approved variance may be approved by the Zoning Official. Major modifications, as determined by the Zoning Official, shall require additional review by the BZA.
2. All other applicable state or federal permits must be obtained before commencing development.
3. Existing architectural features that are to be removed for the addition shall be incorporated into the existing house or the new construction, or made available to architectural salvage companies or historic preservation organizations for purchase or donation.
4. The slope of the new tile roof portions shall match as nearly as practical those of the existing tile roof. Colors and design shall match the existing.
5. In order to minimize the front encroachment, the courtyard wall shall be deleted from the project.
6. The project must receive an appearance review at time of permitting. Appearance Review will involve the City Historic Preservation Officer for appropriateness of detailing and construction to the original house.
7. The front yard shall be landscaped in accordance with the rules of Section 60.233 of the City Code.

Note to Applicant: The proposed variance only addresses the Land Development Code standards expressly represented in this staff report and any relief to such standards as approved. The relief granted through the variance(s) is restricted to the subject property as noted in the staff report and is not transferable to other parcels of land.

The next step in this variance request is City Council consideration of the Board of Zoning Adjustment's recommended action (provided it is not appealed) at an upcoming City Council meeting. Possible City Council approval of this variance request does not constitute final approval to carry out the development proposed in this application. The applicant shall comply with all other applicable requirements of the Land Development Code, including any additional review requirements, and shall receive all necessary permits before initiating development. Please contact the Permitting Services Division of the City of Orlando to inquire about your next steps toward receiving a building permit.

Issuance of this variance does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the City for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

<p>STANDARDS FOR VARIANCE APPROVAL</p>	<p>A) VARIANCE OF 8 FT. TO ALLOW A 17 FT. FRONT SETBACK WHERE 25 FT. IS THE MINIMUM REQUIRED.</p>
<p><i>Special Conditions and Circumstances</i> Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of any proposed Zoning Variance.</p>	<p><i>Meets Standard</i> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No peculiarity specific to the land or structure exist.</p>
<p><i>Not Self-Created</i> The special conditions and circumstances do not result from actions of the applicant. A self-created hardship shall not justify a Zoning Variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.</p>	<p><i>Meets Standard</i> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> There is no special condition.</p>
<p><i>No Special Privilege Conferred</i> Approval of the Zoning Variance requested shall not confer on the applicant any special privilege that is denied by this Chapter to other lands, buildings, or structures in the same zoning district.</p>	<p><i>Meets Standard</i> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Approval of this variance would confer a special privilege to the applicant due to the lack of a special circumstance of the lot. Finances are not grounds for approval of a variance.</p>
<p><i>Deprivation of Rights</i> Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition shall not constitute grounds for approval of any variance. Purchase of property with intent to develop in violation of the restrictions of this Chapter shall also not constitute grounds for approval.</p>	<p><i>Meets Standard</i> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Literal interpretation of the LDC would not deprive the applicant of rights commonly enjoyed on other properties. Other options, such as a second story addition, are available.</p>
<p><i>Minimum Possible Variance</i> The Zoning Variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.</p>	<p><i>Meets Standard</i> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> The requested variance is not the minimum variance possible.</p>
<p><i>Purpose and Intent</i> Approval of the Zoning Variance will be in harmony with the purpose and intent of this Chapter and such Zoning Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.</p>	<p><i>Meets Standard</i> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Approval of the variance would be injurious to the public welfare or the neighborhood. The property is located within the Lake Ivanhoe National Registry Historic District. Though not a local historic district, staff believes that the proposed front yard projection would result in a historical pattern not consistent with the national registry.</p>

<p>STANDARDS FOR VARIANCE APPROVAL</p>	<p>B) VARIANCE OF 1 FT. TO ALLOW AN INLINE ADDITION AT A 5 FT. NORTH SIDE SETBACK WHERE 6 FT. IS THE MINIMUM REQUIRED.</p>
<p><i>Special Conditions and Circumstances</i> Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of any proposed Zoning Variance.</p>	<p><i>Meets Standard</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> The subject property was built in 1926 with an existing north side setback of 5 ft.</p>
<p><i>Not Self-Created</i> The special conditions and circumstances do not result from actions of the applicant. A self-created hardship shall not justify a Zoning Variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.</p>	<p><i>Meets Standard</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> The residence was built in 1926, prior to the current owner.</p>
<p><i>No Special Privilege Conferred</i> Approval of the Zoning Variance requested shall not confer on the applicant any special privilege that is denied by this Chapter to other lands, buildings, or structures in the same zoning district.</p>	<p><i>Meets Standard</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Approval of this variance would not confer a special privilege to the applicant due to the special circumstance of the lot.</p>
<p><i>Deprivation of Rights</i> Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition shall not constitute grounds for approval of any variance. Purchase of property with intent to develop in violation of the restrictions of this Chapter shall also not constitute grounds for approval.</p>	<p><i>Meets Standard</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Literal interpretation of the LDC would deprive the applicant of rights commonly enjoyed on other properties. Also, section 65.303 of the LDC deems modifications of less than 1 ft. as non-substantial and the Zoning Official may sign off on it.</p>
<p><i>Minimum Possible Variance</i> The Zoning Variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.</p>	<p><i>Meets Standard</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> The requested variance is inline with the existing northern façade.</p>
<p><i>Purpose and Intent</i> Approval of the Zoning Variance will be in harmony with the purpose and intent of this Chapter and such Zoning Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.</p>	<p><i>Meets Standard</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Approval of the variance would not be injurious to the public welfare or the neighborhood.</p>

APPLICANT RESPONSES

VARIANCE JUSTIFICATION for 1314 Eastin Ave:

Special conditions and/or circumstances: The proposed addition to the front of our property is the only financially attainable option to add the usable space we need for our growing family. Adding outward on the rear of the property (not up), would greatly increase cost because the pool would need to be filled in to create proper buildable space. Cost would also increase because there isn't direct access to crawl space, therefore the living room would also have to be rebuilt to create access which would further increase construction costs.

Not self created: We are trying to create a usable space without altering the homes existing unique characteristics. Our home was built in 1927 and has been pieced together in unique ways through many previous owners....

Minimum possible variance: We do not believe we can accomplish our objective another way. As mentioned above, (a) expanding outward on the rear of the property is not affordable. (b) Expanding on the south side of property would reduce the driveway parking area by half and add to the street parking problem in our neighborhood. We know street parking promotes vehicle break-ins and makes it harder for larger vehicles such as ambulances and fire trucks to access our streets. (c) Expanding into our driveway would also affect our direct neighbor and impose on their direct driveway space. (d) Adding to the south side of our property also makes it harder to see and gain entry to the back of our property in case of an emergency. (e) Expanding on the back/west side of house would involve going up, which would greatly increase cost and direct water runoff against a structure that is over 85 years old. This would most likely lead to water intrusion.

No special privilege conferred: Approval of this variance would not allow us to do something that other property owners in our area wouldn't be allowed to do. If a neighbor took the steps for a similar home improvement and completed all necessary tasks we believe they should be permitted to do so. Home improvements for the advancement of personal use should be approved if regulations are adhered to.

Deprivation of rights: Yes, denial of this variance would deprive us of rights commonly enjoyed by other nearby homeowners. It seems that people are improving upon the college park homes they love constantly instead of moving. We have lived in our home for over 8 years and love College park just as much as these people. We plan to raise our family with our many friends who have also recently had children or are expecting. Moving to a larger, move-in ready, home in our area isn't an affordable option for us. We would have years of updating expenses in a new home in the area that needs work, which we have already invested in the home we would like to expand upon. We love our street and our neighbors and would like to stay where we are for as long as possible, but our home needs to grow and change with us.

Purpose and intent: Effects of the approval of this variance as requested would be very limited. Accessibility to our next door neighbors driveway and property overall will not be altered at all. Pedestrian safety isn't altered - With the proposed addition there would be about 30' from structure to curb. Even with the possibility of adding a sidewalk in the future, we would still have around 15' to the structure from the sidewalk (based on a sidewalk 8' from curb and with a 5' width). We feel a sidewalk

APPLICANT RESPONSES

7

Isn't needed on our block because we live on a very quiet, non-through street and none of our direct neighbors have them either.

Compatibility of surrounding area - The proposed addition won't detract from the surrounding look of the area. Many homes in our immediate neighborhood seem to have around 25' to the curb, but with our proposed addition we would still have about 30'.

PETITION OF SUPPORT

1314 Eastin Ave Property Improvement Petition

Petition Summary and background: Dan and Christina Martin are requesting an 8 ft. variance on the front of their property and a 1 ft variance on the North side for a residential addition.
Approved for: We, the undersigned, have reviewed the proposed residential addition for 1314 Eastin Ave and are in support of the requested variances.

Printed Name	Signature	Address	Comment	Date
David Johnson		614 Greely		8/19/14
Steve Flynn-Kramer		600 Greely	This could enhance the property	8/19/14
Kevin Finn		1306 Eastin	Better Value for area	8/19/14
Mary Beth Campbell		1332 Eastin Ave		8/19/14
Austin Spikes		Orlando, FL 32804 1311 Eastin Ave 32804		8/19/14
RITA DUNEA		1318 EASTIN AVE. ORLANDO, FL 32804		8/20/14
Amy Johnson		1019 Greely St		8/20/14
Susan Hendrix Alvar		605 Greely St	Nice addition	8/20/14
Emilee Fern Edeburn		1206 Eastin Ave	Will be great!	8/20/14
Deog KRAMERS		1010 GREELY ST		8/20/14
Brett Moss		1310 Eastin Ave		8/20/14
Randy Sherry		621 Stearns Blvd		8/20/14
Marek Sztyg		621 Stearns Blvd		8/20/14