

**CITY OF ORLANDO QUASI-JUDICIAL HEARING**  
**CASE NO. QJ2014-3**

**DEAN GRANDIN, JR. ON BEHALF OF  
THE CITY OF ORLANDO, FLORIDA,**  
Petitioner,

v.

**DANIEL MARTIN,**  
Respondent and Applicant.

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On Appeal from the Board of Zoning Adjustment of the City of Orlando

Lower Case No. VAR 2014-00091

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**STIPULATED LAND DEVELOPMENT ORDER**

**COMES NOW** DEAN GRANDIN, JR., Planning Official, on behalf of the City of Orlando (hereafter "Petitioner"), by and through its undersigned counsel, and pursuant to Article XXXII, Code of the City of Orlando, Florida (hereinafter referred to as the "Orlando City Code"), files this Stipulated Land Development Order on January 26th, 2015, and states as follows:

**FACTUAL AND PROCEDURAL BACKGROUND**

1. The subject property is located at 1314 Eastin Avenue, Orlando, Florida 32804, and is developed with an approximate 2,200 (gross) square-foot residential structure, with a zoning designation of R-1A/T and a Future Land Use designation of Residential Low.

2. The subject property is currently owned by Mr. Daniel Martin, the Applicant for a Zoning Variance (hereinafter "Applicant"), who purchased the subject property in 2006.

3. The Applicant proposed an expansion to the residential structure on the property which necessitated the request for two zoning variances: (A) a variance of 8 feet to allow a 17 foot front yard setback, where 25 feet is the minimum

required, and (B) a variance of 1 foot to allow an inline addition at a 5 foot side yard setback where 6 feet is the minimum required.

4. City Staff reviewed the application and recommended denial of Variance A and approval of Variance B, as documented in their Staff Report to the Board of Zoning Adjustment (VAR2014-00091), attached hereto as Exhibit A.

5. The City's BZA took this matter under consideration at the September 23, 2014 BZA meeting, and, upon hearing presentations from both City Staff and the Applicant, voted 4-1 to approve both variances.

6. Petitioner timely filed an appeal ("Petition") with the City's Hearing Administrator with respect to Variance A. Since City Staff recommended approval of Variance B, Petitioner will not contest approval of that variance.

7. Petitioner had legal authority to file the Petition, as Title II, Chapter 2, Article XXXII; § 2.205 (1) of the Orlando City Code states that "Any decision or recommendation rendered by a board in a quasi-judicial matter may be considered by a Hearing Officer when a hearing request is filed with the board recording secretary by an applicant, the *Director [of Planning] on behalf of the City*, or an adversely-affected person, within five (5) working days of the public announcement of the board's decision..." (emphasis added).

8. Since this action was commenced, the parties and their representatives and advisors have met and discussed the proposed Variance A on numerous occasions in an effort to accommodate each other's concerns and settle their dispute amicably. This Stipulated Land Development Order is the result of the good-faith efforts by each party to compromise.

## ORDER

The Applicant's request for the two variances is hereby approved, subject to the approval for Variance B contained in the Staff Report, and the following additional conditions of approval for Variance A. In the event of a conflict between the text of this order and the attached Staff Report (Exhibit A), the text of this order shall control.

9. **Front Yard Setback.** The front yard setback variance shall be no more than five (5) feet, as compared the eight (8) feet requested.

10. **Courtyard Area.** The Courtyard Area shall be a maximum of 7' 2" deep, as compared to the 10' 6" requested.

11. **Architectural Conditions.** The following architectural conditions are required as part of this Stipulated Land Development Order ("Order"), and are shown on the attached Exhibit B, which is incorporated into and made part of this Order.

- a. An arched opening shall be added to the right (south) side of the porch addition.
- b. A new window shall be added to the left (north) elevation above the commode in the new bathroom. The width of this window shall match the existing narrow window on the right (south) side of the structure.
- c. A parapet shall be added to the left (north) side of the front facade above the new barrel tile addition that is designed to match the existing roof parapet on the right (south) side of the front elevation.

**WHEREFORE**, having stated the above, City-Petitioner, by and through its undersigned counsel, requests that the Orlando City Council adopt this Stipulated Land Development Order as its Final Order in this matter; so filed this 26<sup>th</sup> day of January, 2015.

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**David J. Bass, Esq.**

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**IT IS SO ORDERED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the Mayor and City Clerk or Mayor Pro Tempore and City Clerk of the City of Orlando, Florida.

BY THE MAYOR/MAYOR PRO  
TEMPORE OF THE CITY OF  
ORLANDO, FLORIDA:

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**Mayor / Mayor Pro Tempore**

ATTEST, BY THE CLERK OF THE  
CITY COUNCIL OF THE CITY OF  
ORLANDO, FLORIDA:

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**City Clerk**

APPROVED AS TO FORM AND  
LEGALITY FOR THE USE AND  
RELIANCE OF THE CITY OF  
ORLANDO, FLORIDA:

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**City Attorney**