



# BOARD OF ZONING ADJUSTMENT

MINUTES



JANUARY 28, 2014

## MEETING INFORMATION

### Location

#### **City Council Chambers**

2nd Floor, City Hall

One City Commons

400 South Orange Avenue

### Time

2:00 p.m.

### Members Present

Avery Donaudy, Vice Chairperson  
[3/4]

Griff Ariko [3/4]

Robert High [4/4]

Laura Hodges [4/4]

Byron Lastrapes [3/4]

Elena Pathak [4/4]

Michael Weinberg [3/4]

### Members Absent

None.

## OPENING SESSION

- Determination of a quorum.
- Avery Donaudy, Vice Chairperson, called the meeting to order at 2:00 p.m.
- Pledge of Allegiance.
- The Board ACCEPTED the Minutes of the December 17, 2013 BZA Meeting as presented.

Board member Hodges noted a conflict on the following item and turned in the necessary forms:

- Item 3 (VAR2013-00114, Taps from Scratch)

## PUBLIC COMMENT

Vice Chairperson Donaudy pointed out that any member of the public could be heard on any matter before the board; if an item was listed on the consent agenda, any member of the public could ask that the item be pulled and placed on the regular agenda.

At the conclusion of the Consent Agenda review, but before the vote, a member of the public, John Skolfield, 1307 E. Esther St., Orlando, FL 32806 (also the applicant on Item #2, VAR2013-00113), requested to speak before the Board on his case under the "Public Comment" banner. Using the overhead projector, he made the homeowner's position clear that even with the staff's recommendation of a lesser variance, the subject property would have the largest setback on the street, which is why they felt their original request was appropriate. Board discussion ensued on proper procedure, with the conclusion that it would be best to pull this item off the Consent Agenda and place it on Regular Agenda for proper discussion.

## AGENDA REVIEW

Executive Secretary Cechman reviewed the items on the consent agenda.

## CONSENT AGENDA

### 1. VAR2013-00110

### 560 IVANHOE PLZ.

Applicant:

Roger Chapin, 1600 W. Ivanhoe Blvd., Orlando, FL 32804

Owner:

Vincent & Jacqueline Hughes, 560 Ivanhoe Plz., Orlando, FL 32804

Location:

560 Ivanhoe Plz. (±0.62 acres)

District:

3

Project Planner: Jim Burnett (407-246-3609; james.burnett@cityoforlando.net)

Requested variance:

- Variance of 3 ft. to allow an existing 4.5 ft. east side building setback, where a minimum 7.5 ft. side setback is required in the R-1AA/T zoning district.

*Recommended Action: Approval of the requested variance, subject to the conditions in the staff report:*

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 applicable City, county, state or federal permits must be obtained before commencing development.

**2. Item #2 moved to Regular Agenda.**

**3. VAR2013-00114 TAPS FROM SCRATCH**

Applicant: David Brunson, Taps from Scratch, 2710 Winter Park Rd., Winter Park, FL 32789

Owner: John Pokorny, Oakwood LLC, 1809 East Winter Park Rd., Orlando, FL 32803

Location: 1809 East Winter Park Rd. (±0.16 acres)

District: 3

Project Planner: Michaëlle Petion (407-246-3837; michaëlle.petion@cityoforlando.net)

Requested variance:

- Variance to allow the sale of alcohol within 1000 ft. of a school or church.

*Recommended Action: Approval of the requested variance, subject to the conditions in the staff report.*

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. Signage promoting the sale of alcohol is prohibited.
4. Consumption of alcohol is prohibited outside the front 256 sq. ft. room.
5. The parallel parking spaces shown shall be removed because there is insufficient area for maneuverability of the proposed spaces and restricts the maneuverability of existing spaces.
6. Staff suggests the installation of an ADA accessible parking space in order to meet state and federal requirements.

**4. VAR2013-00117 HAYES VARGA SIGN**

Applicant/Owner: Rosemary Hayes, HAE Investments LLC, 115 W. Gore St., Orlando, FL32806

Location: 115 W. Gore St. (±0.07 acres)

District: 4

Project Planner: Jim Burnett (407-246-3609; james.burnett@cityoforlando.net)

Requested variances:

- A. Design variance to allow a pole sign in the Traditional City Overlay;
- B. Variance of 3.5 ft. to allow a new sign to be 4 ft. from the front lot line, where a minimum 7.5 ft. front setback is required in the O-2/T zoning district; and
- C. Variance of 12 ft. to allow the new sign to be 3 ft. from the east lot line, where a minimum 15 ft. setback is required.

*Recommended Action: Approval of the requested variances, subject to the conditions in the staff report.*

- 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 applicable City, county, state or federal permits must be obtained before commencing development.
- 3. The new sign shall not interfere with pedestrian and vehicle visibility (esp. for vehicles exiting the shared parking lot).
- 4. Existing V-shaped sign at corner of Menendez Ct. and W. Gore St. shall be removed as part of the permit process for placement of the new sign.
- 5. If the new sign is illuminated, only exterior illumination shall be allowed.

**5. VAR2013-00118 909 PINEGROVE AVE.**

Applicant/Owner: Nancy J. Gray Gossett, 7917 Canyon Lake Cir., Orlando, FL 32835

Location: 909/911 Pinegrove Ave. (±0.17 acres)

District: 4

Project Planner: Michaëlle Petion (407-246-3837; michaelle.petion@cityoforlando.net)

Requested variances:

- A. Variance of 2% to allow an Impervious Surface Ratio of 57% for the lot where 55% is the maximum permitted;
- B. Variance of 35% to allow an Impervious Surface Ratio of 75% for the required front yard where 40% is the maximum permitted; and
- C. Variance of 17 ft to allow a Mean Parking Width of 33 ft where 16 ft. is the maximum permitted.

*Recommended Action: Deferral of the request to March 2014, per the applicant.*

**6. VAR2013-00121 MAGNOLIA DENTAL CENTER**

Applicant/Owner: Ali Behzadi, Nazak Holdings LLC, 515 State Road 436, Ste. 1010, Casselberry, FL 32707

Location: 611 N. Magnolia Ave. (±0.22 acres)

District: 4

Project Planner: Jim Burnett (407-246-3609; james.burnett@cityoforlando.net)

Requested variances:

- A. Allow an existing building setback of ±14.7 ft., where a maximum 10 ft. front setback is allowed;
- B. Allow an existing 70 ft. lot width, where a minimum 75 ft. lot width is required in the O-3/T zoning district;
- C. Allow an existing 10 ft. wide driveway, where a minimum 24 ft. wide commercial driveway is required; and
- D. Allow an existing 0.5 ft. wide landscape buffer on the south and rear lot lines, where a minimum 7.5 ft. wide buffer is required.

*Recommended Action: Approval of the requested variances, subject to the conditions in the staff report.*

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 applicable City, county, state or federal permits must be obtained before commencing development.
3. Minor Appearance Review Board (ARB) review shall be required for all building, landscaping and signs for the redeveloped site. This review shall occur prior to permit issuance.

**7. VAR2013-00122 514 BAKER ST.**

Applicant/Owner: Joseph Collins, 514 Baker St., Orlando, FL 32806

Location: 514 Baker St. (±0.18 acres)

District: 4

Project Planner: Michaëlle Petion (407-246-3837; michaelle.petion@cityoforlando.net)

Requested variance:

- Variance of 2.5 ft. to allow the conversion of a carport into a garage to be 5 ft. from the side property line where 7.5 ft. is the minimum required.

*Recommended Action: Approval of the requested variance, subject to the conditions in the staff report.*

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 applicable City, county, state or federal permits must be obtained before commencing development.

**8. VAR2013-00123 1318 W. HARVARD ST.**

Applicant: John Watkins, 3500 Aloma Ave., Unit C-11, Winter Park, FL

Owner: Katherine S. Webb, 1318 W. Harvard St., Orlando, FL 32804

Location: 1318 W. Harvard St. (±0.22 acres)

District: 3

Project Planner: Jim Burnett (407-246-3609; james.burnett@cityoforlando.net)

Requested variance:

- Variance to allow the one required parking space to be located partially in the front building setback, where said parking space is required to be located wholly behind the front setback.

*Recommended Action: Approval of the requested variance, subject to the conditions in the staff report.*

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 applicable City, county, state or federal permits must be obtained before commencing development.

3. To visually mitigate the one parking space extending into the front yard setback, the applicant/owner shall provide a row of small to medium size evergreen shrubs (maximum mature size, 4-ft. height) along the west edge of the driveway. Also, one (1) new tree shall be planted between the driveway and the front walkway; and a street tree shall be installed within the Harvard St. right-of-way (contact Parks Division at 407-246-4047 to request the street tree).

**Board member Weinberg moved APPROVAL of the CONSENT AGENDA. Board member Pathak SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote, noting the conflict listed above.**

## REGULAR AGENDA

### 2. VAR2013-00113 1307 E. ESTHER ST.

Applicant: John Skolfield, Skolfield Homes LLC, 118 W. Comstock Ave., Winter Park, FL 32789

Owner: Ronald A. MacDonald, 1307 E. Esther St., Orlando, FL 32806

Location: 1307 E. Esther St. (±0.32 acres)

District: 4

Project Planner: Michaëlle Petion (407-246-3837; michaelle.petion@cityoforlando.net)

Requested variance:

- Design variance to allow a projecting garage.

*Recommended Action: Denial of the requested variance and approval of a lesser variance, subject to the conditions in the staff report.*

Michaëlle Petion, Planner II, City Planning Division, provided a brief introduction to the case using the staff report. She addressed the applicant's earlier comments by citing that current code did not allow projecting garages within the Traditional City overlay. Board member High confirmed that the issue was the projection of the garage in the Traditional City overlay, not the building setback. Board member Lastrapes asked if any other houses in the neighborhood had projections like the subject property. Mrs. Petion said yes, but many were grandfathered in. She noted that staff attempted to recommend what was "reasonable" for parking a vehicle; Executive Secretary Cechman added that staff focused on providing the most minimal variance possible. Board member Pathak confirmed the proposed depth, then commented that 26 ft. seemed generous, and recommended 24 ft. instead, which would mean an 8 ft. projection from the house's front façade. Mr. Skolfield declined to readdress the Board on this matter.

**Board member Pathak moved APPROVAL of a lesser VARIANCE of 8 ft. projection, subject to the following conditions.**

**Modifications are in italics:**

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 applicable City, county, state or federal permits must be obtained before commencing development.
3. *The garage may project no further than 8 ft. from the front façade of the house.*

**Board member Ariko SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.**

### 9. VAR2013-00119 2805 E. CENTRAL BLVD.

Applicant: Vernon Thompson, VJT Design, 2263 Kings Crest Cir., Apopka, FL 32712

Owner: Jennifer Kha, 12702 Stoneybrook West Pkwy., Winter Garden, FL 34787

Location: 2805 E. Central Blvd. (±0.16 acres)

District: 2

Project Planner: Jim Burnett (407-246-3609; james.burnett@cityoforlando.net)

Requested variance:

- Variance to allow two (2) required parking spaces to be located in front of a duplex, where both spaces are required to be located behind the front setback in the R-2A/T/AN zoning district.

*Recommended Action: Denial of the requested variance and approval of an alternate plan.*

Jim Burnett, Planner III, City Planning Division, identified the subject property and the requested variance using PowerPoint. He explained staff's recommendation of denial and how the request didn't meet all six variance criteria. Staff did come up with an alternative design that would solve the on-site problems for the subject and adjacent property to the east, and Mr. Burnett presented the kind of improvements that would need to be made.

Board member Ariko asked about the property to the east (2809 E. Central Blvd.), where the entire front yard had been covered with pavers. Mr. Burnett noted that that property was under Code Enforcement, but was not part of the requested variance. Board member Lastrapes asked if the power pole would need to be removed to accommodate the City's alternative design. Mr. Burnett said that would be determined as part of the engineering review process, but the pole could possibly be kept. He further reiterated that two parking spaces were required behind the front setback in response to Board member Lastrapes' question. Board member Donaudy confirmed that the Code Enforcement violation was still in effect on the subject property. Board member Hodges asked if any responses had been received from any surrounding properties as a result of the public notices; Mr. Burnett said staff had received no calls or e-mails. Board member High wondered if it was typical for staff to offer design solutions, and Mr. Burnett pointed out that staff did so for every case when possible.

Vernon Thompson, 2263 Kings Crest Cir., Apopka, FL 32712, spoke as the applicant in support of the request. He provided a brief history of the site and ownership, noting that the current owner had gone to considerable expense to bring the property up to code. In his statement, he cited that the house had been built in 1945 under different code requirements. He thanked City staff for working with him and his client on design solutions, but said everything hinged on what the Board had to say. The owner also was willing to implement the changes to the property to the east, which she also owned.

Board member High asked if the owner was willing to do staff's recommendation of a shared driveway. Mr. Thompson said she might be, but he would have to find out what effect it would have on the future resale value. Assistant City Attorney David Bass explained that documents would be drawn up to ensure the legality of such efforts. Board member Weinberg tried to establish if Mr. Thompson had any objections to staff's conditions; Mr. Thompson said he had none, but repeated he would have to check with his client. Board member Lastrapes confirmed that both properties started as single family residences but were later converted to duplexes. Board member Hodges confirmed that both duplexes were currently occupied. She also expressed concerns about the property's valuation and whether it had been acquired via short sale with conditions "as is."

Board discussion then commenced about the nature of staff's alternative solution. Board member Hodges praised it as "exceptional" and stated it would only increase property values in the area. Board member Pathak agreed, adding that shared driveways were common in downtown Orlando, as lots were typically smaller. Board member Weinberg also commended the alternative solution, and noted that aerials of the neighborhood showed that driveways, not parking pads, were located in the nearby front yards. Board member Lastrapes also liked the solution; he said it reminded him of his time on the Code Enforcement Board, where homeowners who didn't understand code requirements were assisted by staff members to reach code compliance.

Board member Pathak began a motion to go along with staff's recommendation to deny the variance in favor of staff's alternate variance plan. Before the vote, discussion ensued about the orientation of the front door. Mr. Burnett noted that this issue would require a design variance. Board discussion moved in the direction of removing that condition from staff's recommended action. Further discussion focused on how best to handle that condition's removal from the list. After Board member Pathak restated her motion, it died for lack of a second.

**Board member Hodges moved DENIAL of the VARIANCE and APPROVAL of staff's alternative recommendations, subject to the following conditions.**

1. The shared driveway easement shall be recorded in favor of both properties (2805 & 2809 E. Central Blvd.). This is needed in case the owner decides to sell either property to different entities.
2. Variances to a) eliminate the need for the 2 ft. buffer strip between the driveway and the adjacent property, and b) to allow less than the required width for a 2-directional shared residential driveway, shall be approved.

3. The applicant/owner shall secure an engineering permit to install the new driveway and rear parking spaces for the two (2) properties, and to remove much of the front concrete and pavers, including removing curb cuts for both properties and installing a shared driveway cut onto E. Central Blvd. to serve both properties.
  4. All pavement in the front yard, aside from the public sidewalk, a single 11.2-ft. wide driveway and shared driveway and a walkway to the building entrance, shall be removed, and the area re-sodded or landscaped, including the planting of trees, shrubs and street trees in the E. Central Blvd. R-O-W.
  5. ~~The front porch for 2805 E. Central Blvd. shall be modified to provide a front facing entry for both duplex units.~~
  6. 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.
  7. All applicable City, county, state or federal permits must be obtained before commencing development.
- Board member Ariko SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.**

## OTHER BUSINESS

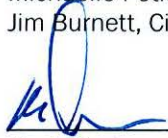
- The Board approved Avery Donaudy as new Chairperson and Griff Ariko as new Vice Chairperson.

## ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 3:06 p.m.

## STAFF PRESENT

Mark Cechman, City Planning  
Karl Wielecki, City Planning  
Michaëlle Petion, City Planning  
Jim Burnett, City Planning



Mark Cechman, AICP, Executive Secretary

Ken Pelham, City Planning  
Doug Metzger, City Planning  
Olivia Boykin, Permitting Services  
David Bass, City Attorney's Office



Ed Petersen, BZA Recording Secretary