



# BOARD OF ZONING ADJUSTMENT

MINUTES



MARCH 25, 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, Chairperson  
[5/6]

Griff Ariko, Vice Chairperson  
[5/6]

Asima Azam [2/2]

Robert High [6/6]

Byron Lastrapes [5/6]

Billy Wilson [2/2]

### Members Absent

Laura Hodges [5/6]

Elena Pathak [5/6]

Michael Weinberg [4/6]

## OPENING SESSION

- Determination of a quorum.
- Avery Donaudy, Chairperson, called the meeting to order at 2:00 p.m.
- Pledge of Allegiance.
- The Board ACCEPTED the Minutes of the February 25, 2014 BZA Meeting as presented.

## PUBLIC COMMENT

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.

## AGENDA REVIEW

Executive Secretary Cechman reviewed the items on the consent agenda.

## CONSENT AGENDA

### 1. VAR2013-00118 909 PINEGROVE AVE.

*This item was moved to Regular Agenda.*

### 2. VAR2014-00016 534 LAKEVIEW ST.

Applicant: Geoffrey Mouen, Architect, 1114 Croton Pl., Celebration, FL 34747

Owner: Michelle Delaney Kechriotis, 2001 Edgewater Dr., Mount Dora, FL 32757

Location: 534 Lakeview St. (±2.25 acres)

District: 3

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

Requested variance:

- Design Variance to allow a projecting garage, where a garage is required to be located flush with or behind the building's principal façade in the Traditional City Overlay.

*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 site plans and elevations 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. Air conditioning units on the east side of the house shall be screened per the requirements of LDC Section 58.982 - 58.985.
4. Appearance Review will be required during permitting to ensure compliance with the variance conditions.
5. The exterior glazing in the proposed garage shall be clear glass. The total transparency on the north facade shall be at least 15% of the facade area.
6. At least one canopy tree or two understory trees shall be installed between the house and the street. Minimum tree size shall be 10-ft. height, 3-inch caliper.

### 3. VAR2014-00017 PIG FLOYD'S

Applicant: Thomas H. Ward, 5085 Latrobe Rd., Windermere, FL 34786

Owner: Tinh Duy Nguyen & Bach Dang Bui, 5026 Natalie St., Orlando, FL 32807

Location: 1326 N. Mills Ave. (±0.32 acres)

District: 3

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

Requested variances:

Variances resulting from substantial improvements to an existing development site:

- A. Variance of 11% to allow an Impervious Surface Ratio of 86% for the lot, where 75% is the maximum permitted;
- B. Variance of 22 ft. to allow a west side building setback of ±47 ft., where 25 ft. is the minimum required;
- C. Variance of ±5.5 ft. to allow ±2 ft. of perimeter parking lot landscaping along the north and south, where 7.5 ft. is the minimum required;
- D. Variance of ±6.5 ft. to allow ±1 ft. of perimeter parking lot landscaping along the west, where 7.5 ft. is the minimum required; and
- E. Design variance to allow no public entrance to be oriented towards the main street.

*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 other applicable state or federal permits must be obtained before commencing development.
3. Pole sign shall be removed.
4. Sidewalk on Lang Ave must meet current City Code and Federal ADA requirements, currently from available aerials, sidewalk will require repair.
5. All new exterior glazing shall be clear glass.
6. The south and north property lines shall have open, transparent fences, 4' in height, in landscape areas less than 2.5' in width, with climbing evergreen vines trained on the fences. If chain link is used, it shall be minimum 6-gage wire fabric, vinyl-clad black, with top and bottom rails. Plants selected for narrow, compact growth habit will be considered in lieu of the fencing.
7. The landscape area (approx. 9' X 7') at the southeast corner of the building shall be enlarged to approximately 9' X 15'. A tree shall be installed (min. 10' ht., 3" caliper).
8. The landscape area at the southwest corner, containing the 48" oak, shall be enlarged to approximately 9' X 15'. Install tall ground cover plants along base of building.
9. Along the northwest base of the building, remove a portion of pavement at least 3' in width from the northwest building corner to the west edge of the proposed patio dining area, and plant with groundcover plants or small shrubs.

**4. VAR2014-00020 1018 WILKINSON ST.**

Applicant/Owner: Donna Moore, 1018 Wilkinson St., Orlando, FL 32803

Location: 1018 Wilkinson St. (±0.16 acres)

District: 3

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

Requested variance:

- A. Variance of 2.5 ft. to allow an inline addition to the principal structure at a 5 ft. side setback, 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 other applicable state or federal permits must be obtained before commencing development.
3. The final design elevations shall be consistent with the elevations proposed.
4. If any existing trees are removed for this work, an equal number of replacement trees shall be installed (min. 10 ht., 3" caliper), or as directed by the City Arborist.
5. In order to reduce runoff from the adjacent properties gutters and downspouts shall be incorporated in the design of the addition. These downspouts should direct the water away from the building and adjacent lots. Connection of roof drains directly to the storm sewer may be required.

**Board member Ariko moved APPROVAL of the CONSENT AGENDA. Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.**

**REGULAR AGENDA****1. 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: Denial of the requested variances and approval of a lesser variance of 6% for Variance B and of 15 ft. for Variance C, 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 on the overhead projector, noting that no permits had been pulled for paving the front yard. Executive Secretary Cechman confirmed that the property was a duplex and that 2 parking spaces were required. Mrs. Petion noted that staff's recommendation was for reasonable use of the land versus what might be most convenient for the owner.

Steven Shea, Civil Site Engineer, spoke as a representative of the owner Nancy Gossett. He provided copies of 19 letters of support for the project from neighbors in the area. He explained that the owner was out of town when the changes were made to her front yard; she thought that permits had been acquired, until she received notice from the City. Mr. Shea showed an aerial photo with several properties in the region highlighted, noting they had a similar pavement arrangement. He said a wrecker service existed behind the subject property, parking on the street. Regarding parking on the property, he pointed out that since the building was a duplex, if the City's recommendation was followed, different families would have to ask each other to move their cars out of the way in order to leave. Also, because of the prevalence of street parking in the neighborhood, it was difficult to back out without beginning to turn before exiting the lot. Finally, he stated that the applicant was willing to install the landscaping that the City required, but that he wanted to have a 49.9% front yard impervious surface ratio.

Executive Secretary Cechman noted that in previous aerial photos, a smaller driveway existed for many years. He asked Mr. Shea why that would no longer be sufficient. He answered that the number of required parking spaces had increased through the years, which Mr. Cechman disputed. Board member Azam asked for a sketch of the 49.9% request. Mrs. Petion noted staff had been working with the applicant for 3 months on getting the measurements right. Discussion ensued about what the layout would be, and Mrs. Petion and Mr. Shea agreed that the computer program SketchUp had somewhat distorted the measurements on the final submission.

Chairperson Donaudy closed the public portion of the hearing. Board discussion ensued on how to word the variances, and how each member might lean. Board member Azam asked staff about the purpose of the impervious surface ratio. Executive Secretary Cechman responded that it was a mixture of different issues, including drainage requirements, aesthetics, and code compliance. Kim Fischer, City Permitting Services, explained some drainage requirements to the Board, including how compaction and sealing affects the perviousness of pavers over time. She noted that streets were designed in a way to handle a certain amount of water runoff. After some further discussion, it was agreed that the Board would split up the variances and vote on each one separately, subject to the conditions below.

**Board member High moved DENIAL of Variance A. Chairperson Donaudy SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.**

**Board member High moved APPROVAL of a lesser variance of 9.9% for Variance B, thereby allowing for a maximum front yard ISR of 49.9%. Board member Lastrapes SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.**

**Board member High moved APPROVAL of a lesser variance of 15 ft. for Variance C, thereby allowing for a maximum mean parking width of 31 ft. Board member Wilson SECONDED the motion, which was VOTED upon and passed by unanimous voice vote.**

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. Areas of removed pavement shall be either completely sodded or landscaped with groundcovers or shrubs.
4. Add at least 1 understory or canopy tree to the northwest quadrant of the front yard, minimum height of 8'.
5. Add drought-tolerant small to medium shrubs (such as Indian hawthorne) along the south edge of the driveway, to within 10 feet of the right-of-way; and to the west edge of the north pavement spur. Add tall groundcover plants or dwarf shrubs along the northernmost edge of the pavement spur, adjacent to the property line.

## **5. VAR2014-00012 1450 W. NEW HAMPSHIRE ST.**

Applicant/Owner: Melissa Harris, 1450 W. New Hampshire St., Orlando, FL 32804

Location: 1450 W. New Hampshire St. (±0.28 acres)

District: 3

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

Requested variance:

- Variance of 2 ft. to allow 6 ft. tall fences in portions of the east side, rear, and street-side yards of a triple-frontage lot, where fences in those locations are limited to 4 ft. in height.

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

Jim Burnett, Planner III, City Planning Division, provided a brief introduction to the case using PowerPoint. He noted the adjacent train yard and how the subject property was a triple-frontage lot. In some portions of the property, code allowed a solid 6 ft. fence and in other areas, only allowed a 4 ft. tall fence. As an alternative, staff recommended a 4 ft. high fence with a 2 ft. lattice (total 6 ft. in height) in other areas of the lot where normally maximum fence height was 4 ft. Board member High confirmed that the sight lines were acceptable in the proposal. Board member Lastrapes asked for clarification on setbacks and fence height. Board member Azam asked if there was a rear entrance to the property on Dann St., and Mr. Burnett said there was only a curb cut. Executive Secretary Cechman explained that he could have granted a Modification of Standards for the added fence height, but preferred to have the public hearing to allow neighbors to have a chance to comment.

Melissa Harris, 1450 W. New Hampshire St., Orlando, FL 32804, spoke as the applicant. She explained how the trains change cars in the middle of the night and that the proposed solid fence would help block the noise. In response to Board inquiry, she stated that she was opposed to staff's recommendation for two different types of fences. Board member High pointed out that her neighbors' letters didn't actually state that they approved of the project, but Ms. Harris said they verbally agreed to her proposal.

Chairperson Donaudy closed the public portion of the hearing. Board discussion ensued. Board member Azam cited the unique layout of the lot in stating her support for the solid 6 ft. fence. She also noted how the through-lot properties to the east "flip-flop" their front yards from New Hampshire St. to Dann St. Board member High agreed with the applicant about the change in height and appearance. As consensus was being reached about the solid 6 ft. fence, the Board decided that Condition #5 should be removed.

**Board member Azam moved APPROVAL of the VARIANCE, subject to the following conditions:**

1. Development shall be in strict conformance with all conditions and the survey and photographs 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. No structure, fence, wall, or other visual impediment shall obstruct vision between 3 and 8 feet in height above street level. The street corner / driveway visibility area shall be shown and noted on construction plans and any future site plan submittals. The applicant shall design the site plan as necessary to comply with the Florida Greenbook requirements for sight distance at intersections. Corner clips may also be required at time of permitting.
4. Appearance Review will be required during permitting to ensure compliance with the variance conditions.
5. ~~The 6 ft. height solid fence and the 4 ft. height solid w/ 2 ft. lattice fences shall both be of the same style (i.e., if one is a board on board fence with cap rail, the other shall also be board on board with cap rail; and so forth for board and batten, shadow box, PVC, picket fence, etc.).~~

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

**6. VAR2014-00015 WARNER QUINLAN OFFICE EXPANSION**

Applicant: Mark Pagdin, Warner Quinlan, 3216 Corrine Dr., Orlando, FL 32803

Owner: 3216 Corrine Drive Land Trust, 3216 Corrine Dr., Orlando, FL 32803

Location: 3216 Corrine Dr. (±0.25 acres)

District: 3

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

Requested variances:

- A. Variance of 17 ft. to allow a front building setback of  $\pm 8$  ft., where 25 ft. is the minimum required;
- B. Variance of 5 ft. to allow a west side building setback of  $\pm 5$  ft., where 10 ft. is the minimum required; and
- C. Variance of  $\pm 4$  ft. to allow  $\pm 3.5$  ft. of perimeter parking lot landscaping, where 7.5 ft. is the minimum required.

*Recommended Action: Denial of Variance A and approval of a lesser variance of 11 ft., and approval of Variances B and C, 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 on the overhead projector. She explained that staff's recommendation to limit the expansion of the front façade was to keep the building in line with adjacent buildings and maintain the character of the block face.

Mark Pagdin, 3216 Corrine Dr., Orlando, FL 32803, spoke as the applicant. He noted that he was actually OK with staff's recommendations, but his architect had designed the building in the hope of getting additional space in the front. He claimed that the intention was to bring the building in line with the eastern neighbor, but that he'd like an additional 2 to 3 ft. to make the interior space more useful. Board member High stated he thought the City's recommendation was already generous. Board member Lastrapes asked if the narrower area would be functional, and Mr. Pagdin said not as much as they would like.

Brian Quilty, 3217 Raven Rd., Orlando, FL 32803, spoke as the neighbor to the rear, in order to get more information about how the improvements would affect the area near his house. He inquired about buffering, tree requirements, fencing, and stormwater drainage. Mrs. Petion and Mr. Pagdin addressed his concerns, and Mr. Quilty acknowledged the responses.

Chairperson Donaudy closed the public portion of the hearing. Board discussion ensued. Board member Ariko asked to see the landscaping plan for the front yard. Board member Azam said she agreed with staff's recommendations. Board member Lastrapes stated the narrow layout would cause functional challenges for the office staff. Mrs. Petion noted that the interior layout could still be changed or shifted to make better use of some open spaces.

**Board member Azam moved DENIAL of Variance A and APPROVAL of a lesser variance of 11 ft., and APPROVAL of Variances B & C, 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. A 5 ft. wall or fence, or a durable landscape screen at least 4 ft. in height when planted, to grow to 5 ft. within 1 year shall be provided along the south property line.
4. Please provide a copy of the joint use driveway agreement with the adjacent property owner to the east at the time of permitting.
5. The a/c condensing units shall be screen from adjacent view.
6. The sanitary sewer connection shall be up graded to a minimum 6" PVC pipe service lateral.

**Board member High SECONDED the MOTION, which was VOTED upon and PASSED by 4-2 voice vote (Chairperson Donaudy and Board member Lastrapes opposed).**

## OTHER BUSINESS

- None.

## ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 3:29 p.m.

## STAFF PRESENT

Mark Cechman, City Planning  
Karl Wielecki, City Planning  
Michaëlle Petion, City Planning  
Jim Burnett, City Planning  
Ken Pelham, City Planning  
Olivia Boykin, Permitting Services



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Mark Cechman, AICP, Executive Secretary

Keith Grayson, Permitting Services  
Kim Fischer, Permitting Services  
Lauren Torres, Permitting Services  
Kim King, Economic Development  
David Bass, City Attorney's Office



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Ed Petersen, BZA Recording Secretary