



# BOARD OF ZONING ADJUSTMENT

MINUTES



MARCH 24, 2015

## 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  
[5/5]

Robert High [4/5]

Laura Hodges [4/5]

Elena Pathak [4/5]

Billy Wilson [3/5]

### Members Absent

Griff Ariko, Vice Chairperson  
[3/5]

Asima Azam [4/5]

Byron Lastrapes [4/5]

Desiree Sanchez [2/5]

## OPENING SESSION

- Determination of a quorum.
- Avery Donaudy, Chairperson, called the meeting to order at 2:01 p.m.
- Pledge of Allegiance.
- The Board ACCEPTED the Minutes of the February 24, 2015 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. VAR2015-00012 917 GOLFWIEW ST.

Applicant:	Jeffrey Hitt, 318 W. Sweetwater Creek Dr., Longwood, FL 32779
Owner:	Justin & Victoria Luna, 2628 Coolidge Ave., Orlando, FL 32804
Location:	917 Golfview St. (±0.17 acres)
District:	3
Project Planner:	Jim Burnett (407.246.3609 – james.burnett@cityoforlando.net)

Requested variance:

- Variance of 1.1 ft. to allow an existing detached garage to be ±4.9 ft. from the east side lot line, where a minimum 6 ft. setback is required (per an approved 2014 Modification of Standards).

*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 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. A gutter shall be placed on the eastern side of the garage to ensure stormwater is retained on the subject property.

## 2. VAR2015-00013 WAWA AT LA COSTA & SEMORAN

Applicant: Joe Kolb, VHB Miller Sellen, 225 E. Robinson St., Ste. 300, Orlando, FL 32801

Owner: LG Semoran Lacosta LLC, 2311 Cedar Springs Rd., Ste. 100, Dallas, TX 75201

Location: 5705 La Costa Dr. (±1.88 acres)

District: 2

Project Planner: Jim Burnett (407.246.3609 – james.burnett@cityoforlando.net)

Requested variances:

- A. Design Variance to allow the gas pump canopy of a new Wawa store to satisfy the 15-ft. build-to line of the Semoran Special Plan Overlay, where said Special Plan requires new principal structures to meet the build-to line requirement (per LDC Section 62.408(f2)); and
- B. Variance of 3.3 ft. (north), 1.4 ft. (east) and 1.7 ft. (south) to allow 4.2 ft., 6.1 and 5.8 ft. (respectively) landscape buffers for the proposed Wawa, where a minimum 7.5 ft. buffer is required (per LDC Section 61.312(a7)).

*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 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 other applicable state or federal permits must be obtained before commencing development.
3. Site shall meet all applicable landscape requirements of the S. Semoran Special Plan Overlay.

### Urban Design Conditions

4. Appearance Review shall be required at time of permitting to confirm compliance with these variance conditions.
5. Site landscaping and irrigation shall fully comply with all aspects of LDC Chapter 60 (landscaping) and LDC Chapter 61 (parking) that are not granted relief by this variance.
6. The street wall shall be designed and constructed according to the specifications of the Semoran Blvd. Special Plan Design and Technical Specifications Manual. The width of the street wall and paver strip shall be 5 ft. total, as required in said Manual.
7. The crosswalk through the driveway shall be constructed of a material other than asphalt. Finished concrete or unit pavers are acceptable materials.
8. Per LDC Chapter 61, parking rows adjacent to the building shall have landscape areas at all four corners of the building.
9. Landscape areas 3 ft. wide are required between parking spaces and the building, and shall be added where vehicular or accessibility paths are not impeded.
10. Landscape areas at the ends of parking rows are required to be at least 10-ft. wide (LDC Chapter 61).
11. The retention pond shall be landscaped with rain garden or wetland plants endemic to Central Florida.
12. The front (west-facing) fascia of the canopy shall be constructed at the 15-ft. "build-to" line (15 ft. between the canopy face and the S. Semoran Blvd. R-O-W line).

### Permitting Conditions

13. An analysis of overhead utilities in the LaCosta Dr. R-O-W and within proximity of the canopy shall occur prior to permitting.
14. A determination will be made at time of permitting as to whether the property needs to be replatted.

**3. VAR2015-00014 424 AVALON BLVD.**

Applicant/Owner: William Chris Pixley, 424 Avalon Blvd., Orlando, FL 32806

Location: 424 Avalon Blvd. (±0.16 acres)

District: 4

Project Planner: Michaëlle Petion (407.246.3837 – michaelle.petion@cityoforlando.net)

Requested variance:

- Variance of 13.5 ft. to allow a carport to project in front of the principal façade, where a 5 ft. recess is required.

*Recommended action: Denial of the requested variance but approval of a lesser variance of 7 ft., 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 carport shall remain open on three sides.

**4. VAR2015-00015 923 YATES ST.**

Applicant/Owner: Michael Lahr, Lahr Construction LLC, PO Box 547103, Orlando, FL 32854

Location: 923 Yates St. (±0.15 acres)

District: 3

Project Planner: TeNeika Neasman (407.246.4257 – teneika.neasman@cityoforlando.net)

Requested variances:

- Variance of 1.5 ft. to allow for a 6.0 ft. side yard setback, where a 7.5 ft. setback is required; and
- Design variance of 1% to allow a garage to be 51% of the front façade, where 50% is the maximum allowed.

*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 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. The maximum impervious surface ratio shall be 0.55 with the addition.
4. The height of the new single family residence shall not exceed two-stories.
5. The garage shall not exceed 19 ft. width for the proposed new single family residence.
6. The side setbacks (east and west) of the principal structure shall not be less than 6.0 ft.
7. The FAR shall not exceed the maximum 0.50.
8. The garage shall not exceed the maximum 51% extension granted by this variance.

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

## REGULAR AGENDA

### 5. VAR2015-00001 742 EDGEWATER DR.

Applicant/Owner: Jamal Lutfi, 742 Edgewater Dr., Orlando, FL 32804

Location: 742 Edgewater Dr. (±0.21 acres)

District: 3

Project Planner: TeNeika Neasman (407.246.4257 – teneika.neasman@cityoforlando.net)

Requested variances:

- A. Variance of 2 ft. to allow an existing 6 ft. high fence in the front and street side setbacks, where a maximum of 4 ft. high fence is allowed;
- B. Variance of 3 ft. to allow existing ±8 ft. high pillars in the front and street side setbacks, where maximum 5 ft. high pillars are allowed;
- C. Variance of 4 ft. to allow an existing ±8 ft. wall in the street side setback on a reverse corner lot, where a maximum of 4 ft. high wall is required; and
- D. Variance of 16 ft to allow a 34 ft. wide existing driveway, where a maximum 18 ft. is allowed.

*Recommended action: Denial of the requested variances.*

TeNeika Neasman, Planner I, City Planning Division, gave an overview of the case using PowerPoint. She explained the four variance requests, saying staff was recommending denial on each of them because none of the six standards of approval were met. She noted revisions had been turned in to the plans in Permitting that made the fence higher, but it had caused the fence to become non-code-compliant. Executive Secretary Cechman pointed out that the owner was under Code Enforcement for alterations to the property without proper permits, including expanding the driveway width. He also stated the original building permits were for more than just the fence; they were for alterations to the house in general. Ms. Neasman identified hedges as a possible alternative to the higher fence.

George Monico, 355 Mashie Ln., Orlando, FL 32804, spoke in support of the request, identifying himself as the general contractor on the job. He began by disagreeing with staff's assessment that the fence would not fit with the character of the neighborhood—there were several other tall fences along Edgewater Drive. He also disputed the assertion that changes had been made after the fence permit was approved.

Regarding the work that had already been done, he said it would be very expensive to cut down the existing columns, as they had already been wired with electricity for the lights atop them. He also pointed out that the gate had been reworked to allow it to close. The fence along Boardman Street had previously encroached into the City right-of-way, and he had to remove it in order to move forward with the project. As for the excessive driveway width, Mr. Monico admitted it was wrong, but that the owner had done it on his own without consulting him.

Several Board members asked what the actual plans showed versus what was previously on the property and what had been built on-site. Using the overhead projector, Ms. Neasman displayed a copy of the building plans (BLD2013-03214). Board member High wondered if Permitting staff missed the proposed fence height on the plans, which led to further Board discussion. He offered Mr. Monico the possibility of Board approval if Mr. Monico would be willing to meet “halfway” with staff, but Mr. Monico reiterated the high cost of modifying the fence and posts. Board member High stated that even if Permitting had accidentally approved a higher fence, Mr. Monico would still be obligated to meet code.

Executive Secretary Cechman said he would be willing to attempt to come to a compromise with the applicant, if that's what the BZA recommended. However, staff typically looked for as much code compliance as possible. Board discussion ensued at length on how to handle the driveway width issue. It became clear through the discussions that a solution might not be immediately forthcoming, and that the applicant should continue to work with staff and return to the BZA with a proposal on how to come closer to meeting code.

**Chairperson Donaudy moved DEFERRAL of the VARIANCES to the April 2015 BZA hearing. Board member High SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.**

## OTHER BUSINESS

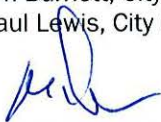
- No items.

## ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 3:01 p.m.

## STAFF PRESENT

Mark Cechman, City Planning  
Karl Wielecki, City Planning  
TeNeika Neasman, City Planning  
Michaëlle Petion, City Planning  
Jim Burnett, City Planning  
Paul Lewis, City Planning



---

Mark Cechman, AICP, Executive Secretary

Richard Forbes, City Planning  
Ken Pelham, City Planning  
John Groenendaal, Permitting Services  
Eddie Crespo, Code Enforcement  
David Bass, City Attorney's Office



---

Ed Petersen, BZA Recording Secretary