



# BOARD OF ZONING ADJUSTMENT

MINUTES



MAY 26, 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  
[6/7]

Griff Ariko, Vice Chairperson  
[5/7]

Robert High [5/7]

Byron Lastrapes [6/7]

Elena Pathak [6/7]

Desiree Sanchez [4/7]

Beth Tuura [2/2]

Billy Wilson [5/7]

### Members Absent

Laura Hodges [5/7]

## 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 April 28, 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. VAR2015-00033 ORLANDO CENTRAL**

NOTE: this item was moved to the Regular Agenda.

### **2. VAR2015-00042 1828 WOODWARD ST.**

Applicant: Stephen Cold, 1341 S. Grant St., Longwood, FL 32750

Owner: Jian Feng Zhang & Mei Lan Zhang, 121 Golden Ave., Unit 51, Calamvale, Queensland, Australia 4116

Location: 1828 Woodward St. (±0.16 acres)

District: 4

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

Requested variance:

- Variance of 5 ft. to allow a 5 ft. side setback, where 10 ft. is 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 west and east side setbacks shall not be less than 5 ft. from the property line.

### 3. VAR2015-00043 9445 VENEZIA PLANTATION DR.

Applicant/Owner: Carolina Mejia, 9445 Venezia Plantation Dr., Orlando, FL 32829

Location: 9445 Venezia Plantation Dr. (±0.14 acres)

District: 1

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

Requested variance:

- Variance of 10 ft. to allow a sunroom at a 10 ft. rear setback, where 20 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.

### 4. VAR2015-00044 724 W. NEW HAMPSHIRE ST.

Applicant/Owner: Nate Shuck, Nu Design Builders, 431 E. Horatio Ave., Ste. 230, Maitland, FL 32751

Owner: Michael Eugene & Lisa Selski, 724 W. New Hampshire St., Orlando, FL 32804

Location: 724 W. New Hampshire St. (±0.15 acres)

District: 3

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

Requested variances:

- A. Variance of 3.7 ft. to allow an in-line carport addition 3.8 ft. from the west side lot line, where a minimum 7.5 ft. side setback is required; and
- B. Variance to allow a new attached carport to be flush with the principal façade of the house, where said carport is required to be recessed at least 5 ft. behind the principal façade for an existing house on a legally non-conforming lot.

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

3. Gutters shall be placed on both sides of the carport to ensure stormwater is retained on the subject property.
4. The new carport shall neither be converted to an enclosed garage or to living space.
5. Appearance Review shall be required at time of permitting to ensure compliance with these conditions.

## 5. VAR2015-00039 1621 BALTIMORE AVE.

Applicant: Tony Ewen, EDesign Management LLC, 205 E. Central Blvd., Ste. 500, Orlando, FL 32801

Owner: Mary Margaret Ashe, 1621 Baltimore Ave., Orlando, FL 32803

Location: 1621 Baltimore Ave. (±0.15 acres)

District: 1

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

Requested variances:

- A. Variance of 8.5 ft. to allow a principal structure rear setback of 16.5 ft., where 25 ft. is the minimum required.
- B. Variance of 1.5 ft. to allow an accessory structure rear setback of 3.5 ft., where 5 ft. is the minimum required.
- C. Variance of 3 ft. to allow a building separation of 2 ft., where 5 ft. is the minimum required.

*Recommended action: Approval of Variances A & B, subject to the conditions in the staff report, and denial of Variance C.*

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 addition height shall be limited to one-story.
4. The size and species of the large tree in the northeast corner are not shown. A Tree Encroachment Permit is required from the City Parks Division. If the Parks Division representative determines that the tree is of sufficient quality and type, the foundational piers within the Undisturbed Area (see Code Sections 60.211 through 60.214) must be designed for minimal impact, without continuous footings.
5. At least 3 understory trees or 1 understory tree and 1 canopy tree shall be planted between the addition and the east property line. Trees shall be at least 12' in height with 2" caliper at time of planting. An evergreen hedge or privacy fence must be provided and maintained between the addition and the east property line.

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

## REGULAR AGENDA

### 1. VAR2015-00033 ORLANDO CENTRAL

Applicant: James Johnston, Shutts & Bowen LLP, 300 S. Orange Ave., Ste. 1000, Orlando, FL 32801

Owner: HHH Reilly Fund LLC, PO Box 273760, Boca Raton, FL 33427

Location: 110 W. Jefferson St. (±1.39 acres)

District: 5

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

Requested variance:

- Variance for a thirty-six percent (36%) parking reduction to allow 478 parking spaces, where 735 parking spaces are required, for proposed 31-story, 450 unit residential and 13,464 sq. ft. commercial mixed-use tower detached garage.

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

TeNeika Neasman, Planner I, City Planning Division, gave an overview of the case using PowerPoint. She explained the process by which staff calculated the minimum parking requirements and how that compared with the reduced amount that the applicant was proposing. She also pointed out the nearby public transit options, like the SunRail station, the Lymmo system, and the Lynx central terminal. Executive Secretary Cechman noted that the project would need master plan approval from the Municipal Planning Board at their upcoming June 2015 meeting. He also explained that the variance process allowed up to a 40% reduction in the number of parking spaces, and that the applicant had turned in parking studies showing that what they were proposing was feasible.

Board member Tuura stated that typically more parking is needed, not less, and asked how all the residents in the proposed building would be accommodated without causing a traffic nightmare. Mr. Cechman said that since the City cannot widen Orange Avenue, the future lies in transit options. Board member High asked what the applicant's hardship was in asking for the variance. Mr. Cechman pointed out that because this project was in downtown, many of the transit options were in the "pedestrian shed", and that these types of arrangements were common in downtown. City staff also did not rely on the traditional six standards of variance approval due to the unique nature of the project. Board member Sanchez posited that if the developer had proposed fewer units, the parking requirements would be met without a variance. Ian Sikonia, City Transportation Planning, pointed out that there were nearby garages across the railroad tracks that could possibly be used for overflow parking. He also noted easy access to the Orlando Urban Trail and additional bicycle parking.

James Johnston, Shutts & Bowen, 616 Langholm Dr., Winter Park, FL 32789, spoke as the applicant in support of the request. He reiterated that the variance is required by code, and also that several alternative transit options existed. His firm had commissioned the parking studies to prove that the units would be rentable, and he felt comfortable with the calculations as described in Mrs. Neasman's presentation. Board member High agreed with staff that finding the right balance between parking and transit was a major challenge. Doug Metzger, Planner III, echoed many of the sentiments already expressed about alternative transit options, stating that this property was at "Main and Main" street connectors in Orlando and was "transit hub zero" in the City's view. Board member Sanchez asked if there would be a fee for parking. Mr. Johnston said that the residents would have assigned spots, with a fee for additional parking for a unit. There would be some "access parking" for patrons, with a valet option.

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

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 applicant shall supply 478 parking spaces in the detached parking garage for the Orlando Central development.
4. The property manager shall manage and control the parking via assigned spaces for residence.
5. The applicant shall maintain a parking ratio of 1.06 parking spaces per dwelling unit on-site.

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

**6. VAR2015-00037 531 VIRGINIA DR.**

Applicant/Owner: J & T Food & Beverage Inc., 7341 S. Orange Ave., Orlando, FL 32809

Location: 531 Virginia Dr. (±0.18 acres)

District: 3

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

## Requested variances:

- A. Variance to allow a bar to be  $\pm 365$  ft. from the Lake Highland Prep. ball fields, where a minimum 1000 ft. separation is required;
- B. Variance to allow a bar with a 2nd story apartment to have 9 parking spaces, where a minimum 12 spaces are required;
- C. Variance to allow reduced landscape buffers, where a minimum 7.5 ft. buffer is required;
- D. Variance to allow an 87% impervious surface ratio (ISR), where a maximum 85% ISR is allowed; and
- E. Design Variance to allow vehicles to be parked in front of the principal structure in the Traditional City Overlay.

*Recommended action: Approval of Variances A, C, D, & E, subject to the conditions in the staff report, and denial of Variance B.*

Jim Burnett, Planner III, City Planning Division, gave an overview of the case using PowerPoint. He explained that parking is at a premium along Virginia Dr., and that there are similar parking issues at all the nearby eating and drinking establishments. He also added a seventh condition of approval, relating to a 6 ft. tall wall along the back (north side) of the property. Executive Secretary Cechman pointed out that if the space was an office or retail, Variances A and B would no longer be required. Vice Chairperson Ariko asked how many parking spots were required due to the existing upstairs apartment. Mr. Burnett said two. He also noted that the City had erroneously issued an engineering permit for the paving of the former dirt lot without requiring the requisite landscaping. Mr. Cechman explained that the variance request was partially an attempt to clean up these mistakes.

Board discussion ensued about the requirements of the “pedestrian shed”, and how it related to the deficiency of the three (3) parking spaces noted in Variance B. Board member Sanchez asked if there had been complaints about the parking. Mr. Burnett said there were several speakers present in the audience who could address that. Executive Secretary Cechman explained that an administrative Modification of Standards was possible to reduce the parking requirements at this location, but he preferred that such requests in this area should through the public hearing process.

Joseph Morris, 1426 E. Gore St., Orlando, FL 32806, spoke as the applicant in support of the request. He described his concept for the Gnarly Barley Bar, that it would be primarily a retail beer and wine shop with a “small amount of on-site consumption” for tasting purposes at a few seats and large tables. The building in question had been vacant for two years, and the applicant wanted to be a part of the neighborhood. Assistant City Attorney David Bass asked if Mr. Morris had come up with hours of operation yet, to which he replied that they would be open from noon to 10:00 pm, not later as other bars in the area. Board member High asked if they had been working on finding shared parking. Mr. Morris said he had had no luck in that endeavor.

Board member Sanchez asked if the Board could add a condition on the specific type of use, so that it could not become a full-service bar later on. Mr. Bass said that kind of power was not granted to the Board, as the State of Florida regulated what types of liquor licenses were granted. Mr. Cechman further noted that any restrictions of that type would be very difficult to police. Mr. Morris stated that the second-story apartment had a separate entrance, and that the tenant living there was not part of the lease for the bar.

Zach Scray, 1426 E. Gore St., Orlando, FL 32806, spoke in support of the request. He touched on the growing number of transit options near the subject site.

Gordon Spears, 1626 Baltimore Ave., Orlando, FL 32803, spoke as the Vice President of the Lake Formosa Neighborhood Association. He expressed concerns about parking, and the way the density of the neighborhood was rapidly increasing. Despite the coming improvements to transit options, he stated that people would continue to park on the street while waiting for the parking situation to get better.

Michael Rizzo, 1425 Philadelphia Ave., Orlando, FL 32803, spoke as the President of the Lake Formosa Neighborhood Association. In similar comments to those above, he addressed the imbalance of commercial to residential uses in what he called a “destination” neighborhood. He noted the increase in trash in the area, which could possibly lead to more crime. He then offered several solutions to these problems.

Debbie Oliver, 1611 New York Ave., Orlando, FL 32803, spoke as a nearby resident. She expressed concerns about the potential bar use. She worked nights, and stated it was hard enough to find parking when she got home; another new bar would only add to the challenge, and parking further away from her home at night was not a good option for her.

Debbie Baker, 1710 Ferris Ave., Orlando, FL 32803, spoke as a nearby resident. She referred to The Yard and other commercial developments as progress for the City. She proposed that the City build a parking garage nearby to accommodate all of the growth.

Board discussion ensued. Board member High lauded the applicant's effort to put something useful in the building, but insisted on the three additional parking spaces somewhere off-site through some sort of shared parking agreement. Board member Tuura agreed.

**Board member High moved APPROVAL of Variances A, C, D, & E, subject to the following conditions, including a new Condition #7, and DENIAL of Variance B:**

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. Appearance Review shall be required during permitting to ensure compliance with the variance conditions.
4. The landscape area at the north end of the east parking row is too small for a live oak. A smaller canopy tree, such as a winged elm or Little Gem magnolia, shall be installed at the north end of the east parking row/area (closest to the building).
5. A 3-ft. tall kneewall shall be constructed on the west and south ends of the western 3-space parking lot, from building to driveway opening (on New York Ave.) and from driveway opening to the north lot line; and also in front of the eastern 6 parking spaces, from the building to the driveway cut on Virginia Dr. The kneewall finishes shall match the building exterior.
6. A welded wire mesh fence, grid or rectangle fabric pattern, 3-4 ft. in height, shall be installed within the narrow landscape area between the eastern parking lot and the east property line. The fence line shall be planted with climbing vines such as Confederate jasmine or passion flower, 1 gallon containers, 3' on center. If limited spacing allows it, a similar fence planted with climbing vines shall be placed on the north end of the eastern parking row abutting the single-family home to the north.
7. West of the pinch point, extending west along the property line to a point 15 ft. from the New York Ave. R-O-W/property line, a minimum 6-ft. tall wall shall be installed adjacent to the single-family home to the north, and shall be planted in accordance with Bufferyard B requirements of LDC Chapter 60.

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

## OTHER BUSINESS

- No items.

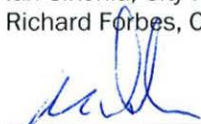
## ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 3:15 p.m.

## STAFF PRESENT

Mark Cechman, City Planning  
 Karl Wielecki, City Planning  
 TeNeika Neasman, City Planning  
 Jim Burnett, City Planning  
 Michaëlle Petion, City Planning  
 Doug Metzger, City Planning  
 Ian Sikonia, City Planning  
 Richard Forbes, City Planning

Ken Pelham, City Planning  
 Matt Broffman, Economic Development  
 Keith Grayson, Permitting Services  
 John Groenendaal, Permitting Services  
 David Bass, City Attorney's Office  
 Alison Brackins, City Attorney's Office



Mark Cechman, AICP, Executive Secretary



Ed Petersen, BZA Recording Secretary