



BOARD OF ZONING ADJUSTMENT

MINUTES



JUNE 23, 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

Griff Ariko, Vice Chairperson
[6/8]

Robert High [6/8]

Laura Hodges [6/8]

Byron Lastrapes [7/8]

Elena Pathak [7/8]

Desiree Sanchez [5/8]

Beth Tuura [3/3]

Members Absent

Avery Donaudy, Chairperson
[6/8]

Billy Wilson [5/8]

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 May 26, 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. VAR2015-00047 VENUE 578 ROOFTOP SIGN

Applicant: Morgan Voke, International Signs & Lighting, 714 Commerce Cir., Longwood, FL 32750

Owner: Harrold Productions, Inc., 1451 Falcon Dr., Orlando, FL 32803

Location: 578 N. Orange Ave. (±0.28 acres)

District: 5

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

Requested variance:

- Amendment to a previously approved variance (VAR2013-00120) to allow an existing roof sign with a digital message center to be 4 ft. higher than currently exists within the AC-3A/T zoning district (Downtown Orlando Central Business 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 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. Digital messages shall change no faster than every 10 seconds.

2. VAR2015-00050 631 COMMONWEALTH AVE.

Applicant/Owner: Jose Arvelo, 9582 Cypress Pine St., Orlando, FL 32827

Location: 631 Commonwealth Ave. (±0.19 acres)

District: 2

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

Requested variances:

- A. Variance of 7.5 ft. to reduce the required north side parking lot landscaping to 0 ft., where 7.5 ft. is the minimum required, and
- B. Variance of 3 ft. to reduce the required south side parking lot landscaping to 4.5 ft., where 7.5 ft. is the minimum 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. A minimum 3 ft. tall landscaping hedge shall be provided on the western property line adjacent to the parking.
3. A Master Sign Plan shall be required to ensure sign consistency between the different tenants. The signage plan shall comply with the sign regulations of Chapter 64.
4. Ground floor glass in the west facade shall be clear (minimum of 80% light transmittance) or low-e glass with a minimum 66% light transmittance. Tinted or reflective glass shall be prohibited.
5. Parking spaces shall be reduced to a depth of 17 ft., increasing the southern perimeter landscaping to a width of 6 ft., consistent with section 61.304(f).
6. Retain/provide at least one tree in the front landscape island.

3. VAR2015-00051 644 W. WINTER PARK ST.

Applicant/Owner: Bryan Nichols, 644 W. Winter Park St., Orlando, FL 32804

Location: 644 W. Winter Park St. (±0.28 acres)

District: 3

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

Requested variances:

- A. Variance of +10 ft. to allow a driveway separation of 32 ft. where 42 ft. is the minimum required.
- B. Variance of +1 ft. to allow the vehicular use area to be 1 ft. from the property line where 2 ft. is the minimum required.
- C. Variance of +0.2 ft. to allow a side yard setback of 4.8 ft. where 5 ft. is the minimum required.
- D. Variance of 18% to allow a front yard ISR of 58% where 40% is the maximum permitted.

Recommended action: Denial of the requested Variance A and approval of a lesser variance of 6 ft., and approval of requested Variances B, C, & D, 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. Pervious pavers shall be used within the front yard to help reduce the front yard ISR. The westernmost driveway and curvilinear extension shall be limited to pervious pavers. The eastern most driveway may be standard pavers or asphalt, provided the front ISR is reduced to as close as possible to a code compliant ratio with the application of the pervious "credit", subject to review by the City Engineer.
4. A hedge shall be installed between the two canopy trees in the front yard, minimum of 3-ft in height of podocarpus or similar landscaping material accepted by the Appearance Review Officer at the time of permitting, in order to screen the semi-circular driveway from the street.
5. The driveways shall be offset at least 3 ft. from the property line up to 5 ft. from the right of way.
6. The minimum separation between the driveway throats (as measured at the property line) shall be 42 ft.
7. The maximum driveway width shall be 12 ft.
8. The minimum corner radius on site shall be 5ft. to aid maneuverability.
9. The two new driveway aprons shall comply with the Engineering Standards Manual.

4. VAR2015-00058 THE SHISHA BOWL

Applicant: Nicholas Galotifiore, 7457 Blue Jacket Pl. E., Winter Park, FL 32792

Owner: Lincoln Orlando Holdings, LLC, 300 S. Orange Ave., Ste. 1575, Orlando, FL 32801

Location: 111 E. Washington St., Ste. 175. (±0.68 acres)

District: 5

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

Requested variance:

- Variance to allow on-site sales of alcohol at a hookah lounge within 177 ft. of an established church property (condemned building), where 200 ft. alcoholic beverage sales separation is required in the AC-3A/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 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 variance conditions.
4. The bar/lounge shall not exceed or be less than the 177 ft. distance separation granted by this variance.
5. Sales of alcoholic beverages is limited to on-site consumption at 111 E. Washington Street, Suite 175 and thus is prohibited outside the 1,836 sq. ft space.

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

REGULAR AGENDA

5. VAR2015-00052 DOLLAR GENERAL

Applicant: Hans Pistor, Hanlex Civil LLC, 1825 S. Orange Blossom Tl., Orlando, FL 32703

Owner: Synovus Bank, 12450 Roosevelt Blvd. N., Ste. 400, St. Petersburg, FL 33716

Location: 1001 S. Orange Blossom Tl. (±0.69 acres)

District: 6

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

Requested variances:

- A. Variance of 30 ft. to allow a south side building setback of 60 ft., where a maximum 30 ft. side setback is allowed in the AC-1/T zoning district;
- B. Variance of 3 ft. to allow a front building setback of 18 ft., where a maximum 15 ft. setback is required in the AC-1/T zoning district;
- C. Variance of 0.5 ft. to allow a 2.5 ft. deep landscape buffer adjacent to the new store building along the front and south side, where a minimum 3 ft. buffer is required between the building and adjacent walkway or parking area;
- D. Variance of 2.5 ft. to allow 5 ft. deep landscape buffers on the south side and rear lot lines, where a minimum 7.5 ft. deep vehicular landscape buffer is required; and
- E. Design Variance to allow an 8.5 ft. tall 32 sq. ft. monument sign in the Traditional City Overlay, where such signs are prohibited.

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

Jim Burnett, Planner III, City Planning Division, gave an overview of the case using PowerPoint. He explained staff's support of the first four variance requests, but then noted that for part E, there was no need for additional signage on Orange Blossom Trail (OBT). Signs on the building itself (wall signs) would be easier to see. Board member Lastrapes asked where the entry point was for the store. Mr. Burnett said the main entrance was facing OBT, and there was also rear access for deliveries.

Jeremy Anderson, 1825 S. Orange Blossom Tl., Apopka, FL 32703, gave a PowerPoint presentation and spoke as the applicant's representative in support of the request. He claimed that this was an exciting project to work on, as the Dollar General store in question was a new prototype. Referring to the zoning, he pointed out that the Traditional City overlay split this area of OBT down the middle; all the properties on the east were in Traditional City, while those on the west were not. As a result, signage rules would be different. He then emphasized the superior design of the building and materials used. Regarding existing signage in the Traditional City, he stated there were a variety of signs and types, including monument signs like what he was asking for. Finally, he didn't want to have signage all over the building, and preferred the monument setup.

Mr. Burnett noted that some of the other pole and monument signs Mr. Anderson referred to were "grandfathered in" when the Traditional City overlay was adopted in 1991. Current code only allowed for such signs when the building was set sufficiently back from the property line, which the proposed store would not be. Board member Lastrapes stated that since the applicant had worked diligently with City staff on all other aspects of the project, could staff then give any concessions or leeway on the signage requirement? Mr. Burnett replied that the site was still well under its maximum square footage of signage allowed, and that the applicant had other options if he wanted to increase the presence of signs.

Board member High arrived at the meeting at 2:33 p.m.

Board member Pathak pointed out that if the building to the south were to rebuild under current code, they too would need to meet the "urban edge" requirement and bring the building forward. That would effectively block the proposed monument sign for the Dollar General store. Board member Sanchez said she didn't feel a hardship was present. Board member Lastrapes agreed with staff that the applicant had other options to increase signage.

Board member Tuura moved APPROVAL of Variances A, B, C, & D, and DENIAL of Variance E, 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. Cross-access to adjacent properties to the north and south shall be provided as shown on the site plan.
4. For the reduced 0.25 FAR, payment shall be made prior to permit issuance into the City's Trust Fund for Alternative Transportation in the Traditional City for 1% of construction cost for every 5% of FAR reduction (10% reduction = 2% of construction costs).
5. At time of building permit submittal, flares for the proposed driveway shall be set on a 25-ft. radius, with a maximum allowed driveway width from/to S. Orange Blossom Trl. at 36-ft. The internal driveway/maneuver area can be as shown (50 ft. width).
6. At time of building permit submittal, provide (again) the autoturn analyses for the delivery and solid waste trucks.

Urban Design

7. Appearance review will be required at time of permitting to ensure compliance with these conditions.
8. Add clerestory or true windows to the rear elevation. Delete the metal panels in the rear elevation.
9. Add a small security window to each of the doors in the rear (east) and north side elevations.
10. Add true or faux windows to the north elevation, similar to the 3 proposed windows on the south elevation.
11. The front vestibule windows shall be clear glass (minimum 80% light transmittance).
12. The south elevation base shall be landscaped with shrubs or tall ground cover plants. Sod is not acceptable in this location.
13. The dumpster enclosure finishes shall match those of the building. The enclosure shall have opaque, decorative gates, and shall be landscaped on the north, east, and south with evergreen plants, and at least one tall-growing upright plant on each side.
14. Sufficient room within the right-of-way is not available, so required street trees shall be planted adjacent to the right-of-way on the site.
15. A 3-ft. tall streetwall shall be installed as shown on the site plan within this report, including a short segment on the northwest corner of the lot. The streetwall finishes shall match those of the principal building.
16. Landscaping along the north facade shall include tall, narrow-growing evergreen plants such as clumping bamboo, Italian cypress, or camellias, formally spaced to visually break up the long facade.
17. Wall signs shall be individual channel letters, solid metal panels with push-through letters, halo-lit letters or signs of similar quality. Box cabinets with changeable plastic letter panels are prohibited.

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

6. VAR2015-00054 FIGHTER LAW FIRM RENOVATIONS

Applicant/Owner: Thomas Feiter, Fighter Law Firm P.A., 1500 E. Robinson St., Orlando, FL 32801

Location: 1500 E. Robinson St. (±0.15 acres)

District: 4

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

Requested variances:

- A. Design Variance to allow required parking in the front setback, where parking is required to be on the side or in the rear;
- B. Variance to allow impervious surface to exceed 70%;
- C. Variance to allow pavers and Turf-block as an alternative durable all-weather surface for parking and drive lanes;
- D. Design Variance to allow an existing post & panel sign within the Traditional City Overlay;
- E. Variance of 4.5 ft. to allow an existing post & panel sign to be 8 ft. from the front lot line, where required to be no closer than 12.5 ft. from the front lot line in the O-1/T zoning district;

- F. Variance of 8 ft. to allow an existing post and panel sign to be 7 ft. from the west side lot line, where a minimum 15 ft. setback is required; and
- G. Variance of 5.5 ft. to reduce the rear buffer to 3 ft., where previously approved at 8.5 ft. via a 1990 variance.

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

Jim Burnett, Planner III, City Planning Division, gave an overview of the case using PowerPoint. He provided a history of ownership and past variance activity for context to the current request. Of special note was a variance from 1990 (case 90-061). The City Council upheld the BZA's recommendation of denial for parking in the front yard, but in 1991, permits were pulled for installation of front yard parking spaces—against the City Council denial. Mr. Burnett then described staff's recommendation for altering the requested variances, including capping the impervious surface ratio (ISR) at 75%, and requiring a cross-access driveway in the rear with the lot to the west, which also had parking in the rear.

Vice Chairperson Ariko indicated that he would be taking the lead on the Board for this case as Chairperson Donaudy needed to leave prior to the completion of the discussion.

Board member Sanchez asked how this whole process was started. Mr. Burnett said when the applicant came in to pull a permit for replacing the turf-block on the property with pavers, Permitting staff became aware of a number of aspects of the site that might need additional zoning review.

Thomas Feiter, 1015 E. Harwood St., Orlando, FL 32803, spoke as the applicant in support of the request. He explained that he originally wanted to replace the turf-block in the parking areas because of potential tripping hazards, but soon realized all the different problems he would have to deal with. Currently, he had 6 parking spots, but City staff's recommendation would reduce that number by one, which would not even be enough for him and his employees. He also stated that his neighbors were all on board with his request (copies of the letters were included in the staff report).

Chairperson Donaudy left the meeting at 3:11 p.m. A quorum was still maintained.

Mr. Feiter further noted that a low wall or bush in front of the parking space as suggested by staff would impede backing out and turning for larger vehicles. He simply wanted to put safer semi-permeable pavers where the turf-block was currently. The Board discussed at length with Mr. Feiter how the permeability of pavers would be determined. Mr. Burnett explained that there were different standards for residential and commercial properties in terms of what percentage of the pavers would be considered permeable. Executive Secretary Cechman further explained that Planning staff had reached an agreement with Public Works staff to look at each permeable paver case individually. Such pavers were not 100% permeable, and location restrictions were in place. Finally, even with heavy usage of permeable pavers, Mr. Cechman said that grass and trees were still required to be in place on the property. Board member Lastrapes asked if the applicant could just fix the existing turf-block and do nothing else, but Mr. Feiter stated that would only be a temporary measure and the same problem would likely recur later.

Francis Johnson, 10221 Leeds Ct., Orlando, FL 32836, spoke as the project engineer in support of the request. He provided a handout to the Board in conjunction with a PowerPoint presentation. He spoke at length about the nature of the pavers he was planning to use, and emphasized that he didn't want to lose a parking space. Board member Lastrapes asked if the whole lot could be paved with concrete. Mr. Cechman said the City Engineer would be greatly concerned about that. Board member High pointed out the BZA had no authority over permeability (confirmed by Assistant City Attorney David Bass). Mr. Johnson claimed he was confident he could convince City Engineering staff that he could stay below the 75% threshold.

Board discussion ensued. Board member Pathak stated that parking in the front was not ideal, but since the property was no longer residential, the effect would not be so bad. She said the low buffer staff had recommended would be helpful. She also expressed concern about the condition restricting medical use, since that use would normally be allowed in the zoning district. City Attorney Bass agreed and said the condition should probably be modified to allow medical use if adequate parking could be provided, or the condition should be eliminated altogether. Board members Lastrapes and Sanchez agreed that the two front parking spaces would be important to keep.

Board member Pathak moved APPROVAL of ALL VARIANCES, subject to the following modifications and conditions:

Variance A should read: "Design Variance to allow ~~required parking~~ the two parking spaces to be in the front setback, where parking is required to be on the side or in the rear

1. Development shall be in strict conformance with all conditions and the site plan 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. Appearance Review will be required during permitting to ensure compliance with the variance conditions.
4. Overall site impervious surface coverage shall not exceed 75% (Variance B).
5. No vehicles shall back onto E. Robinson St. All turning movements shall be within the property.
6. A minimum 10-ft. wide cross-access easement shall be recorded along the western side of the property in the general location shown within this report to facilitate future connectivity to other rear parking lots on the south side of E. Robinson St.
7. ~~Medical/doctor's offices and medical labs are prohibited (due to higher parking ratios).~~
8. ~~The four (4) regular parking spaces and a walkway to the west side entrance can be converted to pavers, with the handicapped space to be paved, per ADA specs. Staff further recommends retention of Turf block for all other driving surfaces, except for the front 30 ft. of the driveway (minus an area around a tree located on the east side of the front driveway, to protect the exposed roots).~~
9. A 7-ft. ~~to 8-ft.~~ tall PVC fence shall be constructed along the rear (south) property line within the reduced 3-ft. rear buffer. The landscape buffer in this area shall include the tree canopy necessary to meet the requirements of Bufferyard 'B', as described in LDC Chapter 60, Part 2E.
10. ~~A street wall 3 ft. in height, or an open slatted white picket fence 3 ft. in height shall be constructed along the front edge of the one (1) front parking space. If chosen, the picket fence may be commercial grade PVC or painted wood.~~
11. A row of tall groundcover plants approximately 24 inches, such as African iris, shall be planted between the front edge of the front parking space and the north property line. ~~The white picket fence (from #9 above) may be extended in the western portion of the front yard in lieu of plantings.~~
12. Due to the limited storm water management facilities on the site, rainwater harvesting rainbarrels or cisterns are recommended.
13. The site landscaping shall meet the minimum requirements of the City Code not covered by this variance. A bufferyard 'B' is required on the south lot line, and a bufferyard 'A' on the west property line at least 5 ft. in width, may be continuous hedge plants and trees.

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

Board member Hodges left the meeting at 4:05 p.m.

OTHER BUSINESS


- Board Secretary Ed Petersen reminded the Board that the members' annual financial disclosure forms were due in July, and that the elections of officers would be taking place at the August 2015 meeting.
- Mr. Petersen provided an update on case VAR2015-00033, Orlando Central, which was deferred by City Council on June 15, 2015.
- Assistant City Attorney David Bass announced that this would be his last BZA hearing as Board attorney. Alison Brackins would be taking over for him in July 2015.

ADJOURNMENT

Vice Chairperson Ariko adjourned the meeting at 4:10 p.m.

STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
Jim Burnett, City Planning
TeNeika Neasman, City Planning
Michaëlle Petion, City Planning
Ken Pelham, City Planning



Mark Cechman, AICP, Executive Secretary

Doug Metzger, City Planning
Richard Forbes, City Planning
Keith Grayson, Permitting Services
Olivia Boykin, Permitting Services
David Bass, City Attorney's Office
Alison Brackins, City Attorney's Office



Ed Petersen, BZA Recording Secretary