



# BOARD OF ZONING ADJUSTMENT

MINUTES



SEPTEMBER 22, 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  
[8/11]

Elena Pathak, Vice Chairperson  
[10/11]

Byron Lastrapes [10/11]

Desiree Sanchez [8/11]

Beth Tuura [6/6]

Billy Wilson [8/11]

*One vacancy.*

### Members Absent

Robert High [8/11]

Laura Hodges [8/11]

## OPENING SESSION

- Determination of a quorum.
- Avery Donaudy, Chairperson, called the meeting to order at 2:08 p.m.
- Pledge of Allegiance.
- The Board ACCEPTED the Minutes of the August 25, 2015 BZA Meeting as presented.

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

- Item 4 (VAR2015-00094, 425 E. Gore St.)

## 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. VAR2015-00063 THE LOFT**

Applicant: Mike Carson, Temple Management, 505 N. Park Ave., Ste. 201,  
Winter Park, FL 32789

Owner: Charles Schelmy, Sr., 7020 W. Livingston St., Orlando, FL 32835

Location: 2011 S. Orange Ave. (±0.11 acres)

District: 4

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

### Requested variances:

- Variance of 13 ft. to allow an 7 ft. streetscape width/front setback where 20 ft. is the minimum required;
- Variance of 1 parking space to allow 6 spaces where 7 is the minimum required;
- Variance of 7.5 ft. to allow 0 ft. of perimeter parking lot landscaping where 7.5 ft. is the minimum required; and
- Variance of 15% to allow an impervious surface ratio of 100% where 85% is the maximum allowed.

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

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. Set back the planter area in the front courtyard area a minimum of 8-ft from the back of curb.
4. Align the columns of the loggia with the end of the loggia portico; adjust the column spacing to create proportional harmony between the columns.
5. Reconsider the rear stair tower and entry area design so that it is more in harmony with the roof structure of the body of the second floor as seen from the rear elevation.
6. Future phases for additional lofts shown on the plan require separate variances in the future to consider the additional parking requirements of the total uses on the site.

## 2. VAR2015-00091 CRESCENT CENTRAL STATION

Applicant/Owner: Jim Berardinelli, Crescent Communities LLC, 227 W. Trade St., Ste. 100, Charlotte, NC 28202

Location: 480 N. Orange Ave. (±2.07 acres)

District: 5

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

Requested variance:

- Variance to allow a 3rd high-rise sign, where the maximum number of high-rise signs is limited to two (2) per building 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 the variance conditions.
4. All site signage shall comply with conditions of approval under ARB2014-00065.

## 3. **\*NOTE: this item moved to Regular Agenda.**

## 4. VAR2015-00094 425 E. GORE ST

Applicant/Owner: Nylavae Raphael & Joseph Westlake, 3736 Manteo Cir., Orlando, FL 32837

Location: 425 E. Gore St. (±0.18 acres)

District: 4

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

## Requested variances:

- A. Variance of 1 ft. to allow a 5 ft. east side setback, where 6 ft. side setbacks are the minimum required for a new single family home; and
- B. Variance of 1 ft. to allow a 5 ft. west side setback, where 6 ft. side setbacks are 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 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.

## 5. VAR2015-00095 FIRST HAITIAN FREE CHURCH

Applicant: Quang Lam, Lam Civil Engineering Inc., 1320 W. Pine St., Orlando, FL 32805

Owner: First Haitian Free Church, 3020 Barrios Ave., Orlando, FL 32811

Location: 220 S. Orange Blossom Trl. (±1.63 acres)

District: 5

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

## Requested variances:

- A. Variance of 1 ft. to allow a one-way 15 ft. wide drive aisle, where a minimum 16 ft. one-way drive aisle width is required;
- B. Variance of 3 ft. to allow no (zero) landscape buffer between the one-way drive aisle and an adjacent building, where a minimum 3 ft. buffer is required; and
- C. Variance of 2% to allow a 90% overall impervious surface coverage, where a maximum 88% impervious surface coverage was previously granted via a 2008 variance.

*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. There shall continue to be at least 90 parking spaces on the property or via shared parking agreements within 600 ft. of the property.

### Urban Design

4. Appearance review will be required at time of permitting to ensure compliance with these conditions.
5. Any existing landscape islands or areas in the parking lot which do not meet current landscape and parking lot landscape code, or do not meet conditions from the previously approved VAR2008-00103, must be brought up to code to provide Code-required trees and ground cover plantings (see photo of page 6 of this report for an example of an under-landscaped island).
6. The east elevation of the new fellowship hall shall have at least 30% transparency in the first 10 ft. above the exterior grade. This transparency must be provided between 2.5 ft. and 8 ft. above adjacent grade.
7. Exterior finishes and details must match or complement those of the existing church buildings.
8. The final design(s) must show and comply with the Florida Department of Transportation required sight visibility triangles at the intersection of the exiting driveway and S. Orange Blossom Trail.
9. The building must be set back far enough from S. Orange Blossom Trail (not more than maximum allowed 15 ft.) to accommodate additional palm or understory trees, without interfering with driver sight lines.

**6. VAR2015-00096 ORLANDO EPILEPSY CENTER SIGNS**

Applicant: Sign Crafters of Florida, 1134 E. North Blvd., Leesburg, FL 34748

Owner: Epilepsy Monitoring Centers Holding, 9738 English Pine Ct., Windermere, FL 34786

Location: 226 W. Michigan St. (±0.52 acres)

District: 4

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

## Requested variances:

- A. Variance of 35 sq. ft. to allow a maximum sign area of 57 sq. ft., where a maximum 22 sq. ft. of sign area is allowed for an existing medical office use; and
- B. Variance of 2.5 ft. to allow a new monument sign 10 ft. from the front lot line, where a minimum 12.5 ft. front setback is allowed for a ground sign in the O-1 zoning district.

*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 shall be obtained before commencing development.
3. Appearance Review shall be required at time of permitting to ensure compliance with these conditions.
4. A landscape bed shall be installed around the base of the sign, to be a minimum width of 6 ft., and extending beyond each end of the sign at least 4 ft. The landscape bed shall include native and flowering perennial plants. Annual bedding plants shall not be used, except as part of a landscape bed larger than the minimum dimensions specified herein.
5. As a site visibility and crime prevention measure, existing trees shall be trimmed up (lower branches removed) to afford better visibility of the site and new sign. Check with the Parks Dept. to determine if a tree trimming permit will be required.

**Vice Chairperson Pathak moved APPROVAL of the CONSENT AGENDA. Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by a 5-0 voice vote (Board member Wilson abstained).**

**REGULAR AGENDA****7. VAR2015-00090 2017 CORNELL AVE.**

Applicant/Owner: Pamela Musgrove-Lee, 2017 Cornell Ave., Orlando, FL 32789

Location: 2017 Cornell Ave. (±0.16 acres)

District: 3

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

## Requested variance:

- Variance of 5 ft. to allow a front porch at a 12 ft. setback, where 17 ft. is the minimum required front setback.

*Recommended action: Denial of the variance and approval of a lesser variance of 1 ft.*

Michaëlle Petion, Planner III, City Planning Division, gave an overview of the case using PowerPoint. She explained staff's reasons for denial of the applicant's request, noting that the façades along the block face in this neighborhood were already

pretty much aligned. Adding a large porch like the applicant was asking for would not be consistent with the area. Furthermore, code restrictions were in place limiting the size of front porches, and staff wanted the proposed addition to be as close to that restriction as possible. Board member Lastrapes asked how staff came up with the lesser variance of 1 foot. Ms. Petion explained that according to code, 6 feet is the minimum depth a front porch is allowed to encroach into the front setback.

Pam Musgrove-Lee, 2017 Cornell Ave., Orlando, FL 32789, spoke as the applicant in support of the request. She acknowledged staff's concern about the façade consistency, but stated that her house was plain, and other neighbors might like to do improvements to their houses after seeing her new addition. Using the overhead projector, she showed photos she had taken on her iPad of some surrounding houses. She claimed the porch space would help with the many guests she had when family came over, and that because the porch would be open air, it would not block her neighbors' view down the street. Board member Lastrapes confirmed with the applicant that she would be reroofing the house to make the porch architecturally consistent.

Ms. Musgrove-Lee explained further that it wouldn't make sense to do the lesser variance as staff suggested. She wanted to get the most out of her money, and stated that porch furniture wouldn't fit as well on a smaller porch. Board member Tuura said that, according to the applicant's statements, she was essentially proposing an extra room on the front of the house. Ms. Musgrove-Lee agreed, though stopped short of calling it a "room".

Chairperson Donaudy expressed concern about setting a precedent on the block face, noting that many of the neighbors might start wanting their own porches of similar depth. Board member Sanchez stated that a porch shouldn't serve the purpose of another room—it would be better for such a structure to be on the back of the house. Board member Lastrapes asked where the required parking was located. Executive Secretary Cechman said that because the proposal was not a substantial improvement, it would remain as a legally non-conforming situation and the parking was not an issue at this time. He did, however, ask Ms. Musgrove-Lee where the pickup truck in the pictures would park once the front yard was shrunk by the porch addition. She said that they had cleaned out the garage in preparation to use it for their various vehicles. Board discussion then commenced on the feasibility of the proposal and to determine which way the Board was leaning.

**Board member Tuura moved DENIAL of the VARIANCE and approval of a LESSER VARIANCE of 1 ft., 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 front and sides of the porch shall be planted with a bed of tall evergreen ground cover plants or low shrubs.
4. The deck's railings, posts, and fascias shall be painted to match the trims of the house. An appearance review at the time of permitting will be conducted for appropriate compliance.

**Board member Pathak SECONDED the MOTION, which was VOTED upon and PASSED by a 5-1 voice vote (Board member Lastrapes opposed).**

**3. VAR2015-00093 1735 FLAMINGO DR.**

Applicant/Owner: Margaret & Michael Quilty, 1735 Flamingo Dr., Orlando, FL 32803

Location: 1735 Flamingo Dr. (±0.21 acres)

District: 3

Project Planner: Katy Magruder (407.246.3355 – kathleen.magruder@cityoforlando.net)

Requested variance:

- Variance of ±11 ft. to allow an addition to encroach ±14 ft. into the rear setback, where a 25 ft. rear setback is required.

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

Katy Magruder, Planner I, City Planning Division, gave a brief summary of the case by displaying the site plan on the overhead projector. Executive Secretary Cechman explained that, most of the time, screen room additions were usually handled

administratively via the Modification of Standards process. However, because the proposed project included acrylic windows, it was closer to a standard addition, even though it wasn't proposed to be heated or air conditioned.

Margaret Quilty, 1735 Flamingo Dr., Orlando, FL 32803, spoke as the applicant in support of the request. She explained that the proposed room was intended for her son who was autistic with cerebral palsy. Up to this point, all his therapy sessions took place in the main house, but he had requested having a separate area to do them. She also noted that the pool screen enclosure in the back yard had fallen into disrepair and they had removed it. For the proposed addition, she said they would not heat or air condition it at this time; the acrylic windows could be opened and a fan would be installed. Vice Chairperson Pathak expressed concern that the room would turn into a greenhouse or sauna in the summer, but Ms. Quilty said that A/C was not part of the initial discussion. Ms. Quilty noted that A/C could be an option in the future.

Greg Wilson, 1720 Gay Dr., Orlando, FL 32803, spoke as the neighbor to the southeast in opposition to the request. His main objection was that the proposed addition would be encroaching into the required setbacks, which the City had established for a reason. He also was opposed to any noise an air conditioning unit would cause. He wondered what would happen if a new neighbor moved in later on and wanted to fully heat and air condition the room, and stated that eventually, this would become a living room.

Board member Lastrapes stated that the use of the addition was not the BZA's responsibility to determine. Vice Chairperson Pathak said the addition was more of a room than a porch because of the acrylic windows. Board member Sanchez noted that portable A/C units were commercially available and could be used to cool the room. Board discussion then ensued about the viability of such a suggestion, and also whether an actual fully enclosed addition would be preferred rather than what was proposed. Some concerns were raised about the acrylic windows yellowing over time due to weathering.

Board member Tuura made a motion to deny the variance, which was seconded by Vice Chairperson Pathak, but the vote failed by a 2-4 vote.

**Chairperson Donaudy 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 City, County, State or Federal permits must be obtained before commencing development.
3. Understory trees shall be installed between the addition and the nearest side property line and the rear property line.

**Board member Wilson SECONDED the MOTION, which was VOTED upon and PASSED by a 4-2 voice vote (Vice Chairperson Pathak and Board member Tuura opposed).**

## OTHER BUSINESS

- Recording Secretary Ed Petersen notified the Board that member Griff Ariko had resigned, and that there would be a new member within the next few months.

## ADJOURNMENT

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

## STAFF PRESENT

Mark Cechman, City Planning  
Karl Wielecki, City Planning  
Michaëlle Petion, City Planning  
Katy Magruder, City Planning  
Jim Burnett, City Planning  
TeNeika Neasman, City Planning



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Mark Cechman, AICP, Executive Secretary

Ken Pelham, City Planning  
Doug Metzger, City Planning  
Richard Forbes, City Planning  
Keith Grayson, Permitting Services  
John Groenendaal, Permitting Services  
Alison Brackins, City Attorney's Office



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Ed Petersen, BZA Recording Secretary