

**CITY OF ORLANDO QUASI-JUDICIAL HEARING**

**CASE NO. QJ 2015-007 (VAR 2015-00114)**

**DAVID MALLEN,**

Petitioner,

v.

**ECONOMIC DEVELOPMENT DEPARTMENT,  
CITY OF ORLANDO, FLORIDA,**

Respondent.

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ON APPEAL FROM THE BOARD OF ZONING ADJUSTMENTS OF THE  
CITY OF ORLANDO, LOWER CASE NO.: VAR2015-00114

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**STIPULATED SETTLEMENT ORDER**

**COMES NOW** the Economic Development Department of the City of Orlando, Florida (hereinafter referred to as "City-Respondent"), and Petitioner (as defined herein), by and through their undersigned counsel, and pursuant to Article XXXII, Code of the City of Orlando, Florida (hereinafter referred to as the "Orlando City Code"), files this Stipulated Settlement Order on May 11, 2016, and states as follows:

**PROCEDURAL BACKGROUND**

1. This case arises from an application for a variance approval filed with the City of Orlando on October 22, 2015. The application was made pursuant to the regulatory procedures set forth in the Orlando City Code.
2. The application was filed by David Mallen, as the Owner/Applicant and Manager of SLM2, I.L.C, the fee simple owner ("Petitioner") of the subject property located at 1412 E. Robinson Street in Orlando, Florida (the "Property").

3. Petitioner sought variances for several parking-related variances as a result of a code enforcement violation relating to the front parking spaces located on 1412 E. Robinson Street, Orlando, Florida. In accordance with the Orlando City Code, the zoning variance application was heard and reviewed by the Board of Zoning Adjustment ("BZA") on November 24, 2015. The BZA voted by a 6-1 vote to recommend approval of the zoning variances subject to the conditions in the Staff Report, which included the decision to limit parking in the front of Petitioner's property to one parking space.

4. Mr. David Mallen timely filed a request for quasi-judicial hearing of the BZA recommendation pursuant to Article XXIV, Orlando City Code.

5. On December 20, 2015, the Attorney for Petitioner filed the Petition in Opposition requesting that his request for two front parking spaces be approved and relief by the Hearing Officer.

6. The City and Petitioner agree to the relief requested by Petitioner as set forth herein.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Orlando City Council hereby finds that:

7. There are no disputed issues of material fact.

8. Based on the conditions of approval contained in the staff report on the zoning variance application to the BZA (entitled 1412 E. Robinson Street VAR2015-00114 and hereinafter referred to as the "Staff Report" and attached to this Order as Exhibit "A"); the Board of Zoning Adjustment Minutes of November 24, 2015 (Item number 10, Regular Agenda and hereafter referred to as the "BZA Minutes" and attached to this Order as Exhibit "B") and the Conditions of Approval provided in this Order (the "Conditions of Approval"), that the zoning variance application may be determined to be consistent with the City of Orlando Land Development Code.

#### **ORDER**

Zoning Variance Application VAR2015-00114 is hereby approved, subject to the following Conditions of Approval:

9. All applicable City, County, State or Federal permits must be obtained before commencing development.

10. Appearance Review by the City of Orlando shall be required during permitting for the sole purpose of ensuring compliance with the terms of this Order.

11. No vehicles shall back onto East Robinson Street. All turning movements shall be within the Property.

12. The Property shall be developed as set forth on Conceptual Parking Layout 9 (the "Plan") dated 04/14/2006, attached hereto as Exhibit "C" and incorporated herein by this reference. In the event of a conflict between the Conditions of Approval and the Plan, the Plan shall prevail.

13. One (1) parking space in front of the building on the Property (the "Front Parking Space") as shown on the Plan shall be permitted.

14. A minimum five (5) foot deep landscape area is required between the Property boundary along East Robinson Street and the Front Parking Space and shall be screened with low growing plants and or shrubs, including, by way of example, African Iris (*Diets iridioides*), Dwarf Yaupon Holly) *Ilex Vomitoria* "Nana") or Indian Hawthorn (*Rhaphiolepis Indica*).

15. A direct pedestrian access concrete or paver walkway shall be provided from the front entrance steps of the principal building to the existing concrete driveway and to the front public sidewalk.

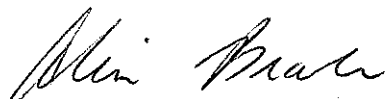
16. Additional landscaping shall be placed around the base of the sign and along the eastern end of the Front Parking Space. Plant types shall be similar to those as provided in Condition # 14 herein.

17. A permit for all site improvements, including an after-the-fact permit for the existing post and panel sign (the "Permit"), shall be obtained prior to installation and final inspections shall be requested to close out said permits. Said Permit shall be issued without delay or modification of the terms of this Order.

18. Pre and post construction calculations of the impervious surface area shall be provided at the time of permitting to illustrate how the increased stormwater from adding pavers to the front yard will be addressed.

19. Upon the approval of this Stipulated Settlement Order by the Orlando City Council and the City's compliance with the terms and conditions herein, the Petitioner agrees that no appeal of the Orlando City Council's action shall be filed in Circuit Court.

**WHEREFORE**, having stated the above, City Respondent and Petitioner, by and through their undersigned counsel, request that the Orlando City Council adopt this Stipulated Settlement Order as its Final Order in this matter; so filed May 4, 2016.



**Alison C. Brackins, Esquire**

Fla. Bar No. 0828661

Assistant City Attorney

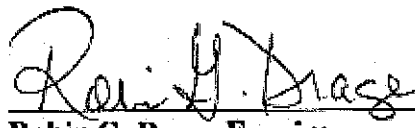
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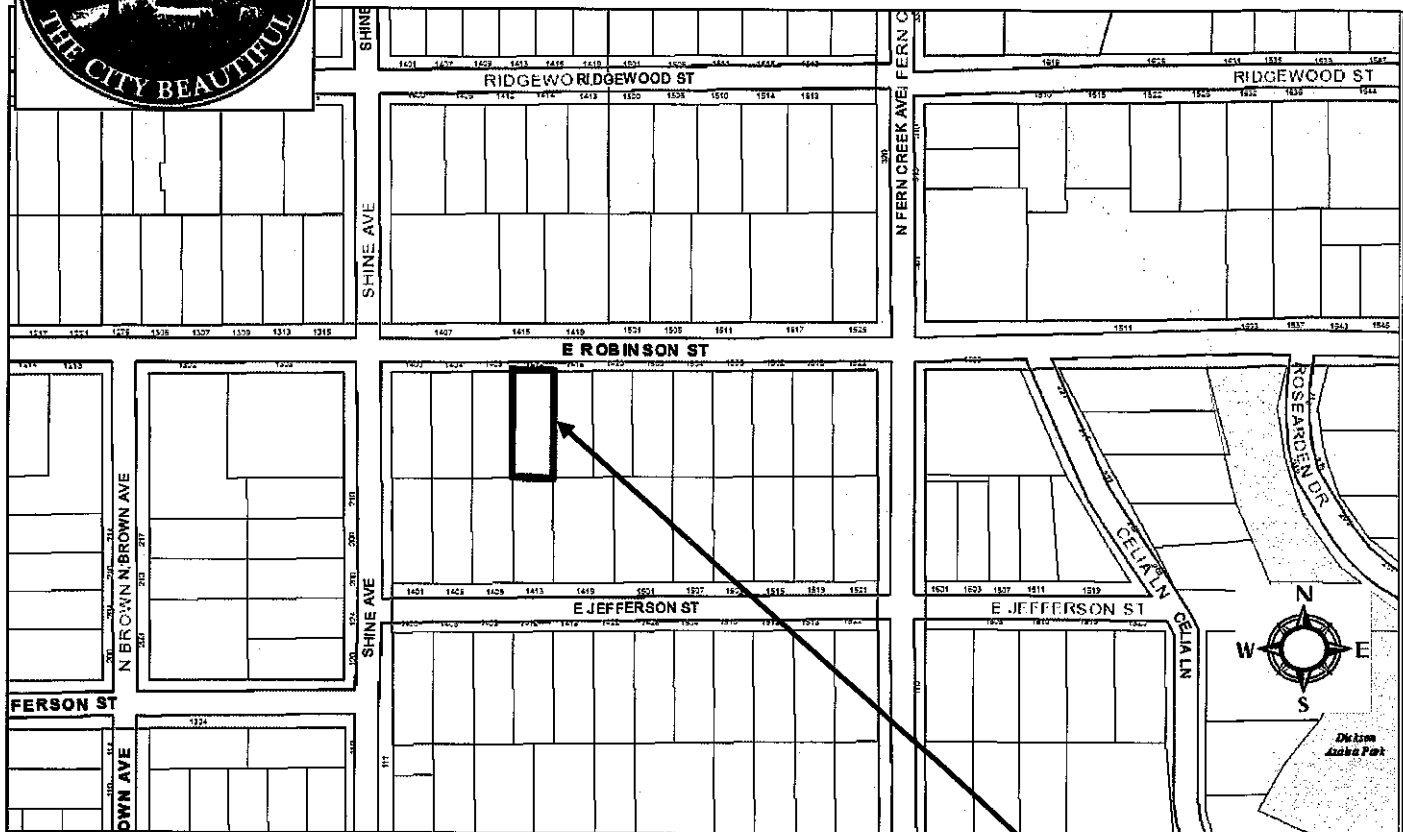
Secondary: [Robindrage@gmail.com](mailto:Robindrage@gmail.com)

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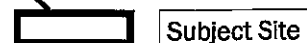
Attorney For Petitioner



## 1412 E. ROBINSON ST. MALLEN OFFICE FRONT PARKING



### Location Map



Subject Site

### SUMMARY

#### Applicant/Owner

David Mallen  
SLM2, LLC

#### Project Planner

Jim Burnett, AICP

**Property Location:** 1412 E. Robinson St.  
(Parcel ID #25-22-29-1012-01-090, on the south  
side of E. Robinson St., between Shine and N.  
Fern Creek Aves.)(±0.15 acres, District 4).

**Applicant's Request:** The applicant is request-  
ing several parking-related variances as a result  
of a code enforcement complaint on an existing  
professional office in the O-1/T zoning district,  
as follows:

- A. Design Variance to allow accessory parking  
between the front lot line and the principal  
building facade;
- B. Variance to allow pavers as an alternative  
durable all-weather surface for the two (2)  
requested front parking spaces;
- C. Variance to allow 52% front yard impervious

surface coverage, where limited to 40%; and  
D. Design Variance to allow a post & panel sign  
in the Traditional City Overlay.

**Staff's Recommendation:** Approval of Design  
Variances A and D and Variances B and C, per  
the conditions in the staff report.

#### Public Comment

Courtesy notices were mailed to property owners  
within 300 ft. of the subject property the week of  
November 9, 2015. As of the published date of  
this report, staff has not received any comments  
from the public concerning the variance requests.  
The applicant/owner has provided three (3) letters  
of support from adjacent neighbors.

Updated: November 17, 2015

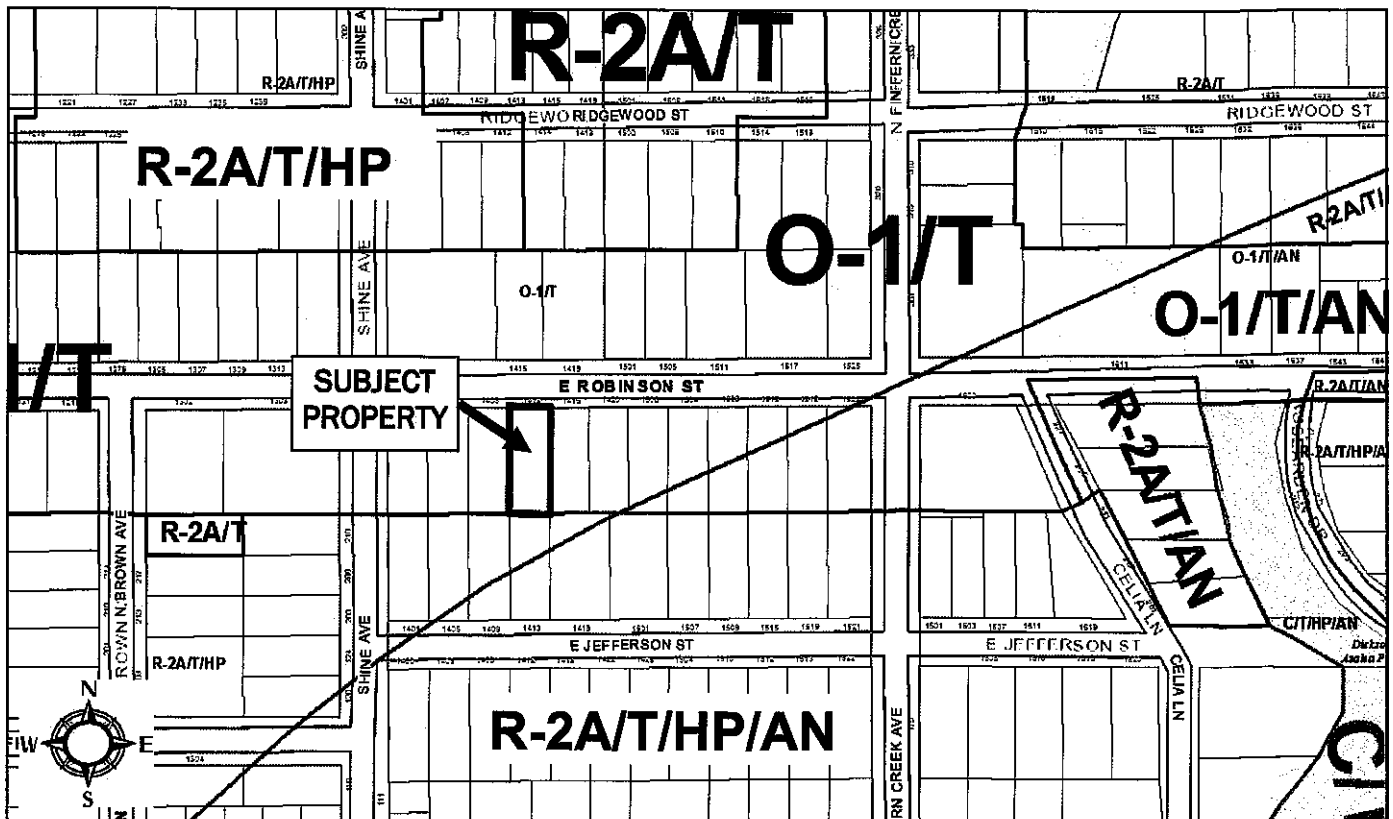
EXHIBIT

11A11

# FUTURE LAND USE MAP



# ZONING MAP



# PROJECT ANALYSIS

## Project Description

The applicant/owner occupies an existing single-story office on E. Robinson St. and was recently cited by Code Enforcement for parking on an un-improved surface in front of the office building, which is prohibited in the Traditional City Overlay. The owner desires to retain the two (2) front parking spaces, requiring the following variances:

- A. Design Variance to allow accessory parking between the front lot line and principal building facade, where parking is required to be located behind the principal building facade or behind the front setback in the Traditional City Overlay;
- B. Variance to allow pavers as an alternative to a durable all-weather surface for the two (2) proposed front yard spaces;
- C. Variance of 12% to allow the front yard impervious surface coverage to not exceed 52%, where currently limited to 40%; and
- D. Design Variance to allow a post and panel sign in the Traditional City Overlay, where currently prohibited.

The property is zoned O-1/T (Low Intensity Office - Residential, Traditional City (T) Overlay) and is designated as Office Low Intensity on the City's Future Land Use Map. Adjacent uses, zoning and future land use designations are per Table 1 below.

Table 1 - Project Context			
	<i>Future Land Use</i>	<i>Zoning</i>	<i>Adjacent Use</i>
North	(Across E. Robinson St.) Office Low Intensity/Residential (OFFICE-LOW)	O-1/T (Low Intensity Office - Residential, Traditional City Overlay)	Professional Offices
East	OFFICE-LOW	O-1/T	Professional & Medical Offices
South	Residential Low Intensity (RES-LOW)	R-2A/T/HP (One- and Two-Family Residential, Traditional City Overlay, Lake Eola Heights Historic Preservation District)	Single-Family Home
West	OFFICE-LOW	O-1/T	Professional Offices

## Previous Actions:

1921: Property platted as a part of the Buena Vista Subdivision.

1939: 954 sq. ft. single-family home constructed.

1985: Property rezoned to O-1 (made nonconforming relative to lot dimensions and setbacks).

2009: Home converted for office use.

2013: Current owner purchased the property.

2014: Post & panel sign placed in the front yard (no variance granted or permit issued).

6/2015: Property cited for parking on dirt in front of the office (CE #410955).

## Conformance with the LDC

As previously noted, the property is zoned O-1 and is located in the Traditional City (T) overlay, which denotes those areas located in the older areas of the city platted or developed prior to WW2. With lot dimensions of 50 ft. wide x 130.75 ft. deep (6,537.5 sq. ft.), the 0.15-acre lot was made legally non-conforming when the property was rezoned to O-1/T (required a wider side yard setback).

Table 2 Development Standards (O-1/T)					
<i>Principal Setbacks</i>	<i>Front</i>	<i>Sides</i>	<i>Rear</i>	<i>ISR</i>	<i>FAR</i>
Max. Allowed	25 ft.	10 ft.	25 ft.	70%	0.40
Existing	28.9 ft.	4.1 ft. W 13.8 ft. E	66 ft.	±63%	0.14

## Analysis

**Design Variance A** - Per Land Development Code (LDC) Section 62.604, "parking shall not be permitted between the principal building and the street or within the required front yard setback." At some point within the past 10 years, the front driveway and a 10-ft. wide portion of the front yard was paved, with the rear parking area a mixture of gravel and dirt. When the adjoining properties to the east, at 1416-1420 E. Robinson St., were redeveloped into office uses (2005 or prior), the subject parcel was part of the overall traffic circulation pattern (the adjacent property owner owned the subject property prior to selling to the applicant in 2013). The single-vehicle wide driveway has an entry arrow pointing south, while the subject driveway (at 1412 E. Robinson St.) has an exit arrow pointing north towards E. Robinson St.

A 2010 Google aerial photo provided by the applicant/owner shows no parking in the front yard, but does show the paved front driveway and 10 ft. wide front parking space adjacent to the driveway. A 2011 Orange Co. Property Appraiser aerial photo and a 2012 Google aerial both show two (2) vehicles parked in the front yard. From other site photos, vehicles in front of the building park on dirt and not on a durable all-weather surface.

Per LDC Section 61.322 Figure 27, the 954 sq. ft. professional office is required to have a minimum 2 (maximum 4) parking

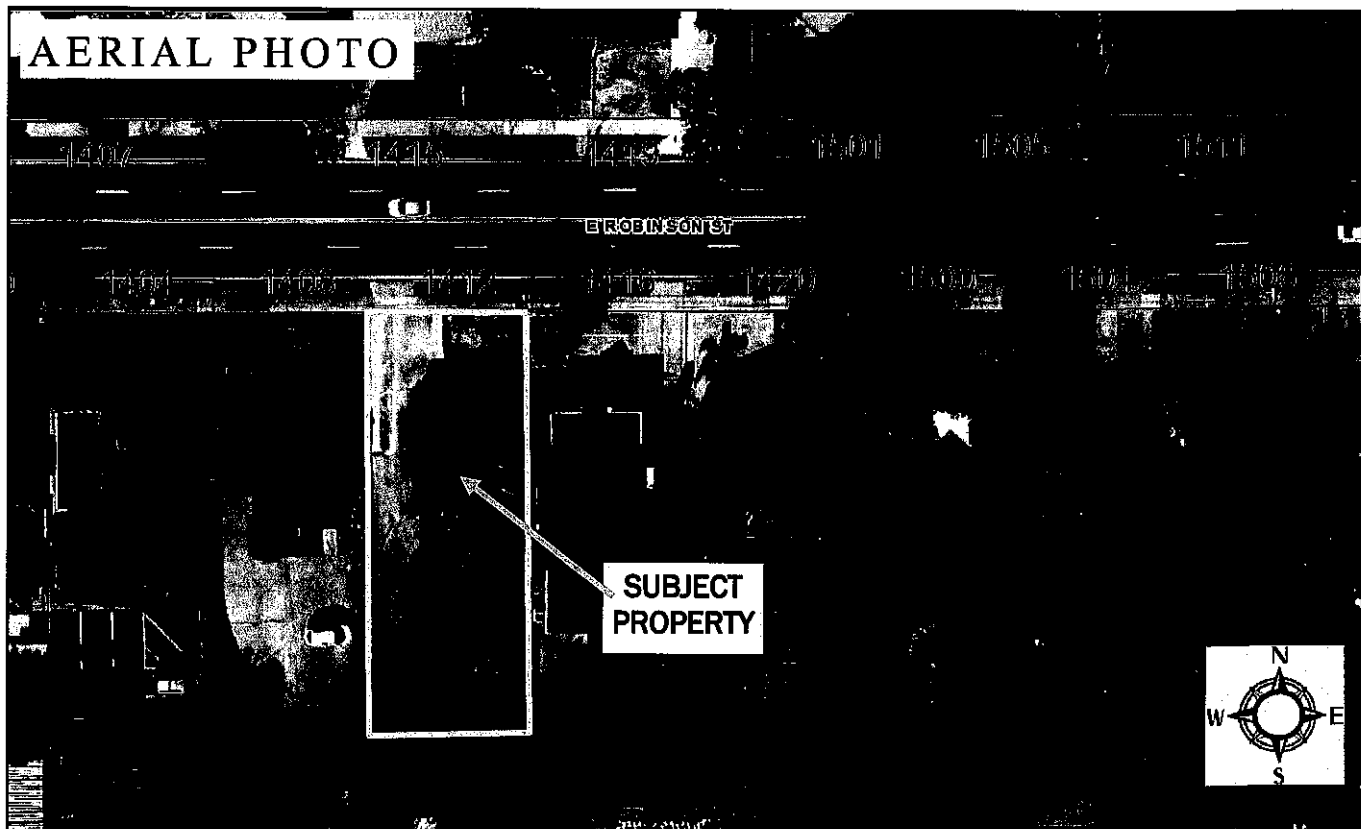
spaces, all to be located in the rear, and not in the front yard. Prior to 2005, the rear portions of the subject and adjacent properties were heavily wooded but have been heavily cleared out and partially redeveloped since the 2004 hurricanes, much of it without permits or variances. The applicant has noted that a portion of the rear parking area (adjacent to the property to the east) floods during rain events, creating a hardship when the applicant/owner has closings or other meetings requiring additional client parking. While a ramp is located behind the office, the site currently has no handicapped parking space (see survey on the next page).

The applicant has provided a site plan, with the intent of placing pavers across much of the front yard to continue having two (2) 10 ft. wide by 20 ft. deep parking spaces (Code minimum parking space dimensions are 9 ft. wide by 18.5 ft. deep). The Board fielded a similar variance request in June 2015, when the owner of a nearby law office (@ 1500 E. Robinson St.) needed variances to retain two (2) existing front yard parking spaces that had also not been previously approved. In that instance, staff recommended approval of only 1 front parking space with a front buffer, but the Board recommended approval of both front spaces and a minimal 2-ft. wide buffer, and City Council approved the variance in July 2015. Those improvements are in the process of being implemented.

The area between the front lot line and the front steps of the office is only 21 ft. deep (by 50 ft. lot width), which *could* allow for two (2) nine (9) ft. wide by 18.5 ft. deep parking spaces and a 3 ft. front buffer next to the sidewalk. However, LDC Section 61.302(f2) allows a maximum 40% impervious surface coverage within the front yard setback (see Table 3 above). Rather than trying to cram extra parking (above the maximum 4 spaces) into this tight space, staff recommends approval of the design variance but for only one (1) front parking space, to afford additional space for ingress and egress into the office building and out of the site onto E. Robinson St. Staff also recommends that cross-access be located along the east and west lot lines behind the office building to legally afford continued access to the office use to the east and future access to the office lot to the west. This recommendation will provide four (4) parking spaces (Code maximum) with sufficient maneuver space and the all-important cross-accesses to facilitate continued site circulation and existing and future parking lot connectivity for offices on the south side of E. Robinson St.

**Variance B** - Per LDC Section 61.303(a), "all parking lots, loading areas and vehicular use areas shall have a durable all-weather surface with drainage and surface water control as required by the City Engineer, and shall be continually maintained in satisfac-

Table 3 Front Parking Impervious Surface		
Existing Front Yard Area	1,250 sq. ft.	Front IS Coverage
Max. impervious surface (IS) coverage	500 sq. ft.	(40%)
Existing Front Yard Impervious Area	630 sq. ft.	(50.4%)
With decreased driveway width and front steps (& no front parking)	480 sq. ft.	(38.4%)
+ one front parking space (9 x 18.5)	646.5 sq. ft.	(51.7%)
+ two front parking spaces (18 x 18.5)	813 sq. ft.	(65%)





tory condition so as to be safe, attractive and free of hazard, nuisance or other unsafe conditions. For purposes of this Section, a durable all-weather surface shall mean an improved surface of concrete, brick, asphalt, open weave paver blocks (for one- or two-family dwellings only), or other permanent dust-free surfaces, but shall not include wood chips, mulch or other material subject to decay. Stone may be used as an alternative parking surface on commercial, office, or public benefit use properties, on a limited basis to achieve the tree protection requirements of Chapter 60, or for the continuance of legal, non-conforming stone parking lots." At some point, possibly dating to when the site was a residential use, a portion of the front yard next to the front driveway was paved to create a 2nd parking space (parallel to the driveway). At some point, tenants began to park in the front yard, parallel to E. Robinson St. The applicant/owner now wishes to retain the two (2) front parking spaces but is willing to place semi-pervious pavers that, even if installed to manufacturers specs, might not actually be pervious. Again, there is no paved handicapped space on the property.

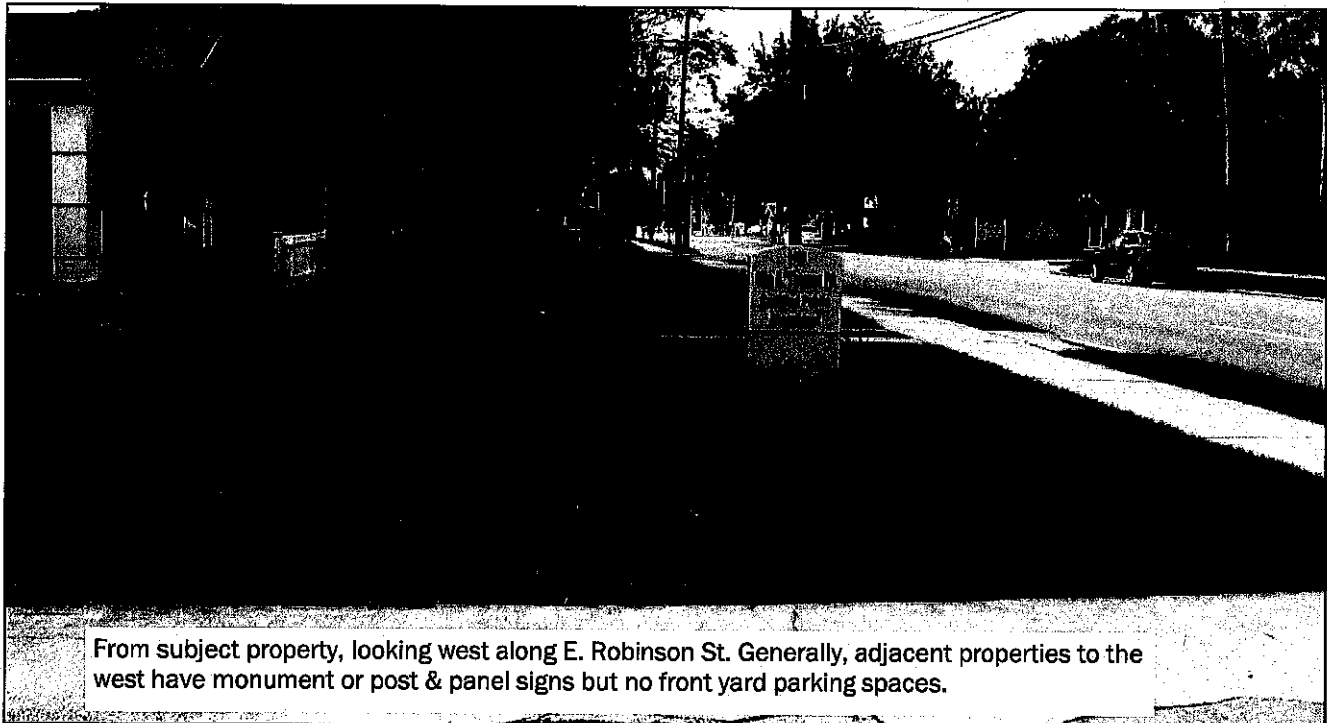
Staff recommends approval of Variance B for one (1) front parking space to be constructed of pervious pavers. The one (1) front parking space shall be landscaped on the north and east sides to shield view of the parking space from the front sidewalk and street and from the adjacent office use to the east (see landscaping conditions on page 11 of this report).

Variance C - As noted on Table 3 on the preceding page, a maximum 40% of the front yard can be covered with impervious surface (concrete, asphalt, pavers). If the front parking surface is ultimately considered to be impervious (when reviewed at time of permitting), then a variance is needed to increase the front yard impervious surface coverage to  $\pm 52\%$  (for the one recommended front parking space), where currently limited to 40%. Staff supports this variance, but only for the one front parking space, not for two (2) parking spaces as requested by the applicant (two (2) front parking spaces would push the front yard impervious surface coverage to 65%).

Design Variance D - As noted under previous actions and identified in one of the site photos on page 7 of this report, the property has an existing post and panel sign in the front yard that was not previously permitted or allowed under a previous variance. Per LDC Section 64.228, only wall-mounted, marquee, window, projecting (blade) and awning signs are allowed when the building has less than a 35-ft. front setback (the subject site has a building setback of 28.9 ft.). A building permit was previously requested in Jan. 2014 (BLD2014-00220) for a 7.5 sq. ft. post and panel sign, but that permit was never issued.

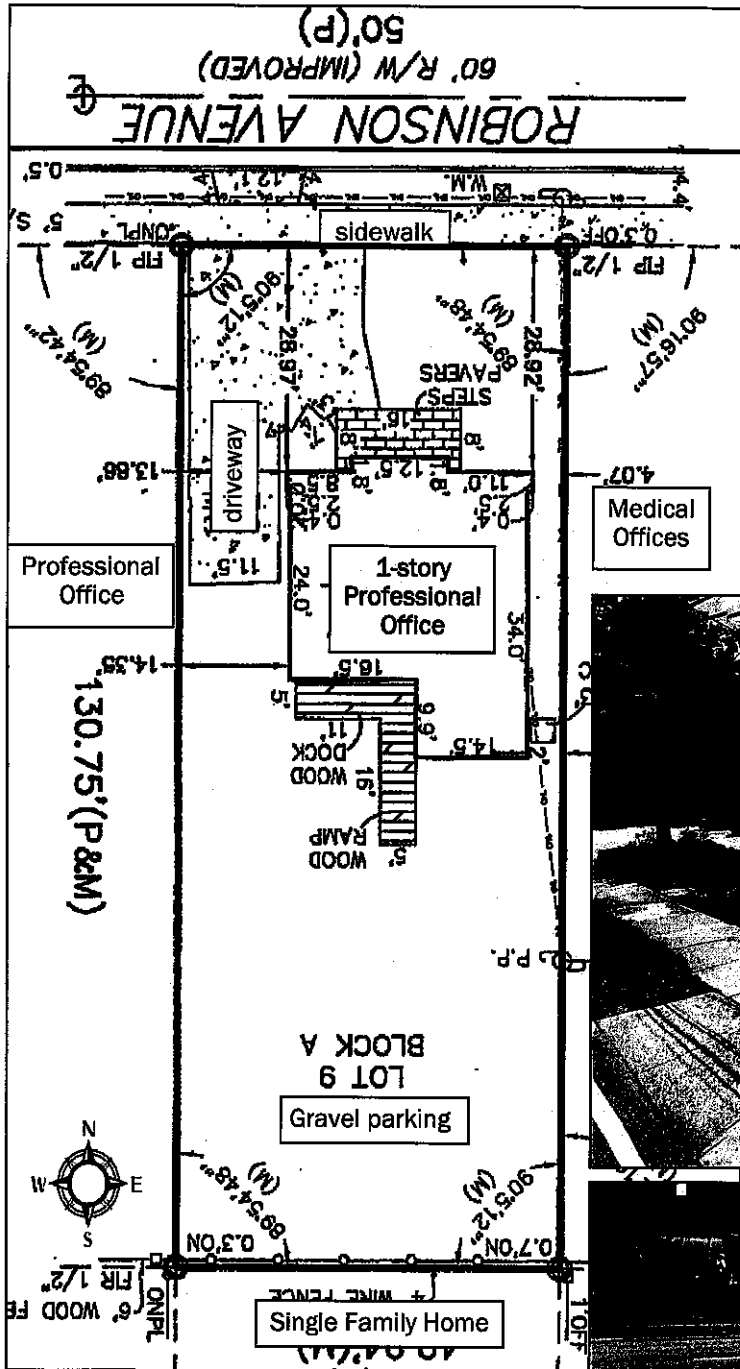
Per LDC Section 64.226, sign area within the O-1 district is limited to 1 sq. ft. per 4 linear ft. of building frontage facing E. Robinson St. The office building has 31 linear ft. of building frontage, which equates to 7.75 sq. ft. of sign area. A ground or pole sign cannot exceed 6 ft. in height, cannot be located in the front 12.5 ft. of the lot and can be no closer than 15 ft. from the adjacent lot line. The existing sign is 6 ft. tall and appears to be 7.5 sq. ft. in area. The sign also appears to be at least 15 ft. from the east lot line. Placement of one (1) paved front parking space (using the staff-preferred site plan) will not interfere with the existing sign location, but will serve to allow patrons to better see the sign, which is currently blocked from view by parked vehicles.

Staff recommends approval of the design variance to allow retention of the existing post and panel sign in the O-1/T zoning district, subject to securing an after-the-fact permit for said sign and placing landscaping around the base of the sign.

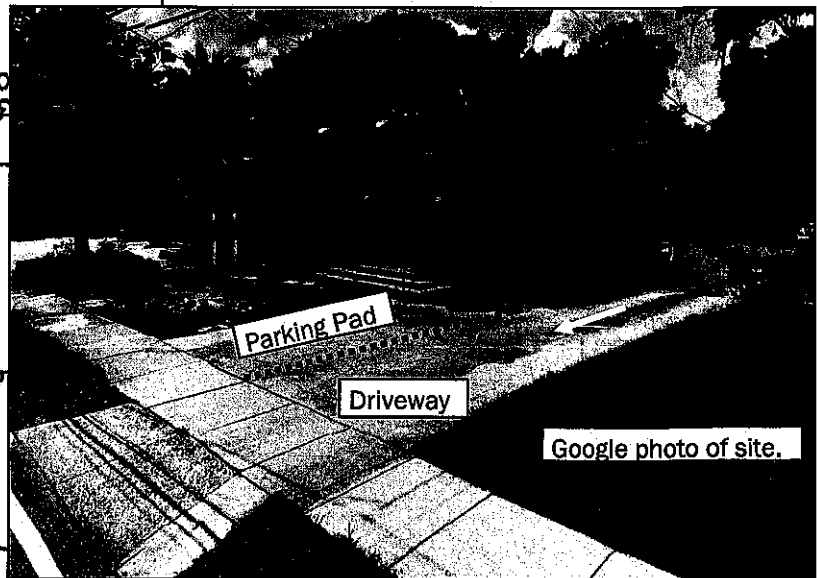


From subject property, looking west along E. Robinson St. Generally, adjacent properties to the west have monument or post & panel signs but no front yard parking spaces.

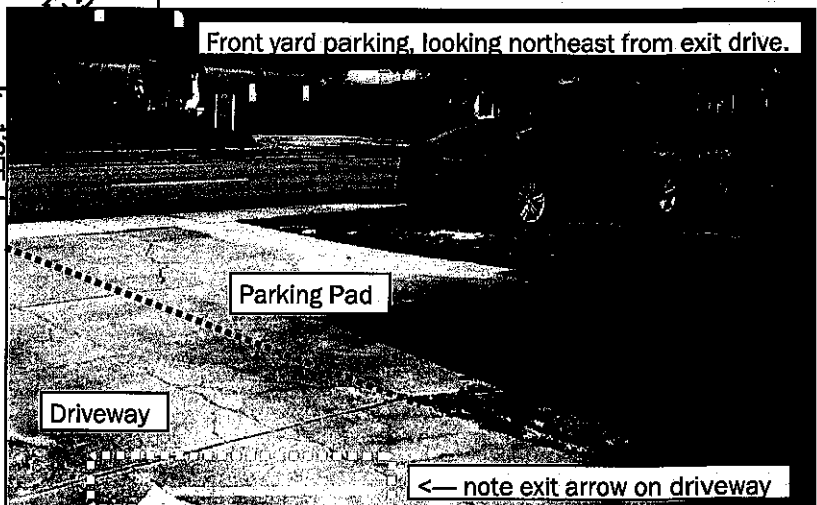
# 2013 SURVEY



## SITE PHOTOS



Google photo of site.



Front yard parking, looking northeast from exit drive.

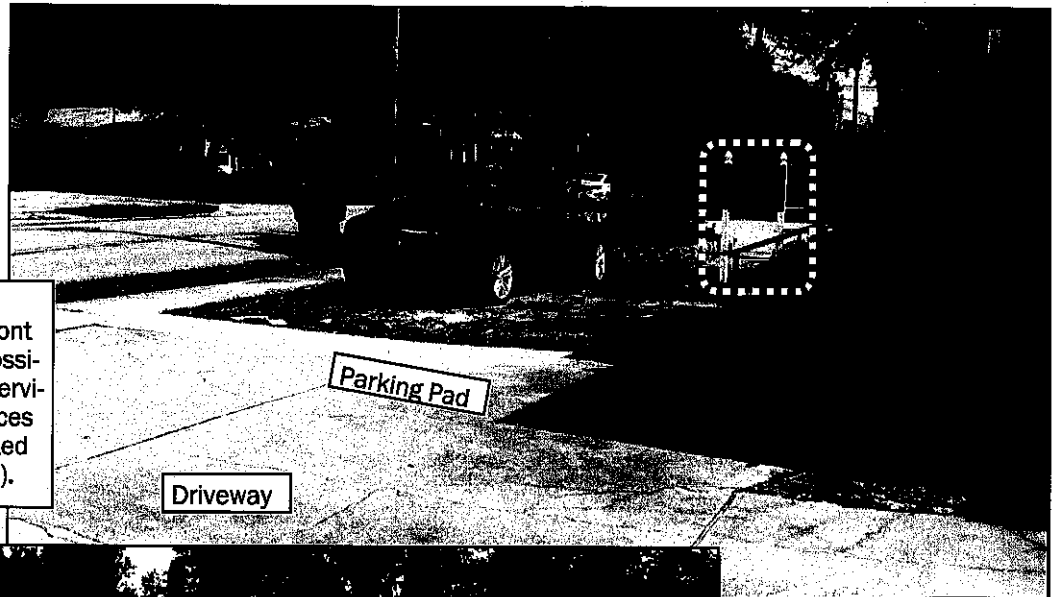
Parking Pad

Driveway

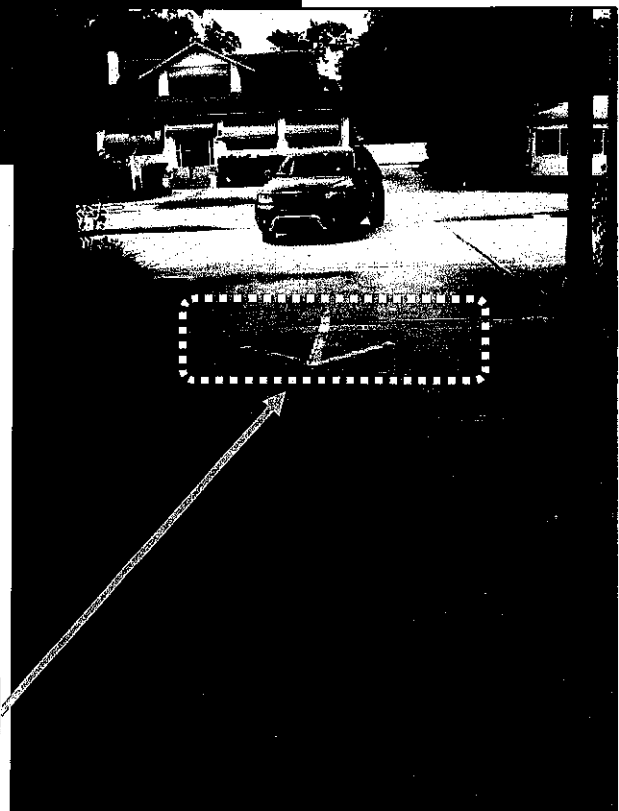
← note exit arrow on driveway

# SITE PHOTOS

Front parking and drive aisle. Variances needed to retain front parking, use of pavers and possible increase in front yard impervious surface coverage (Variances A, B & C). Also note unpermitted post & panel sign (Variance D).



View of rear gravel and grass parking area for subject property, with access from adjacent offices to the east.

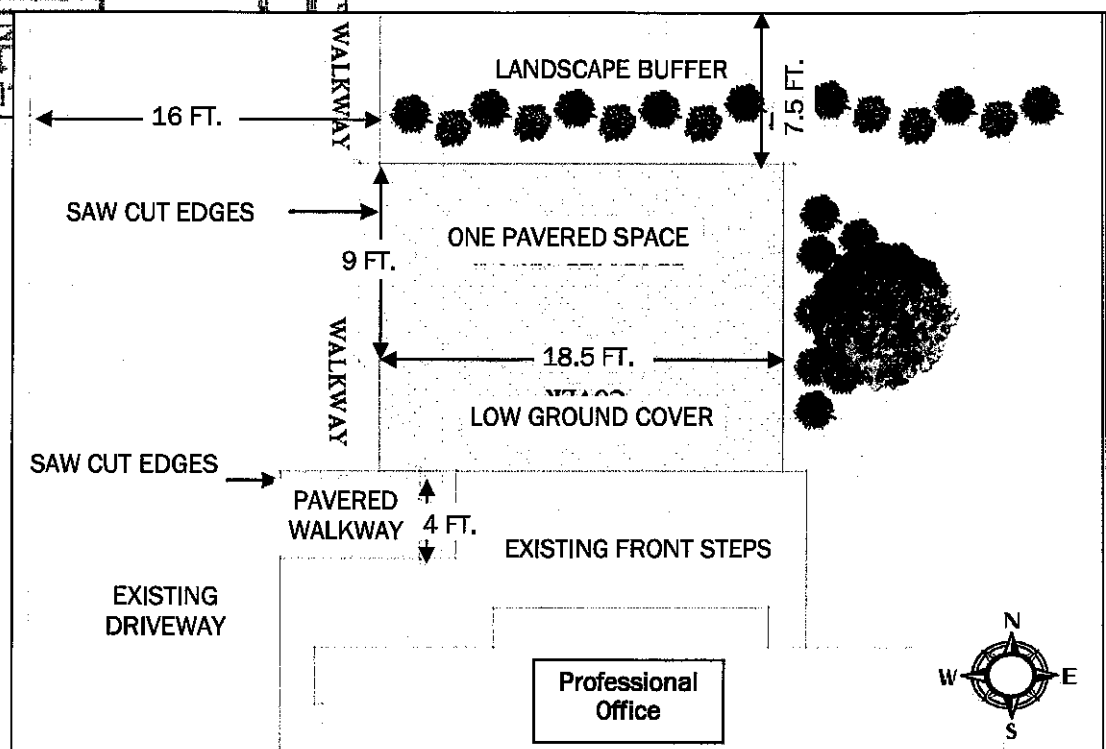


Driveway for office to the east (1416-1420 E. Robinson St.), with arrow pointing inward (south), with exiting driveway to the west on subject property (1412 E. Robinson St.).

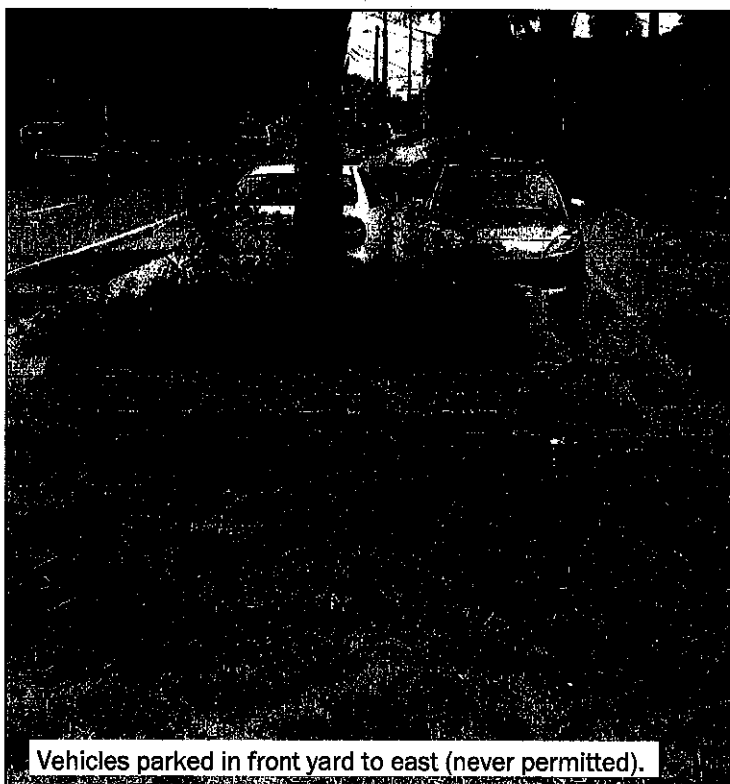
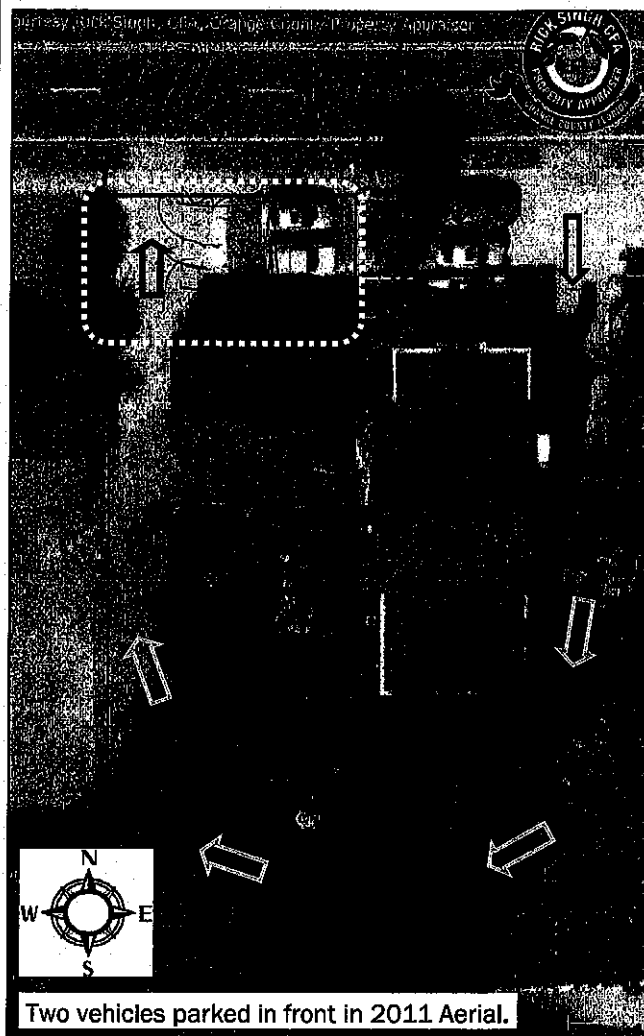
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(3rd variance needed for front yard impervious surface coverage if front space is impervious).

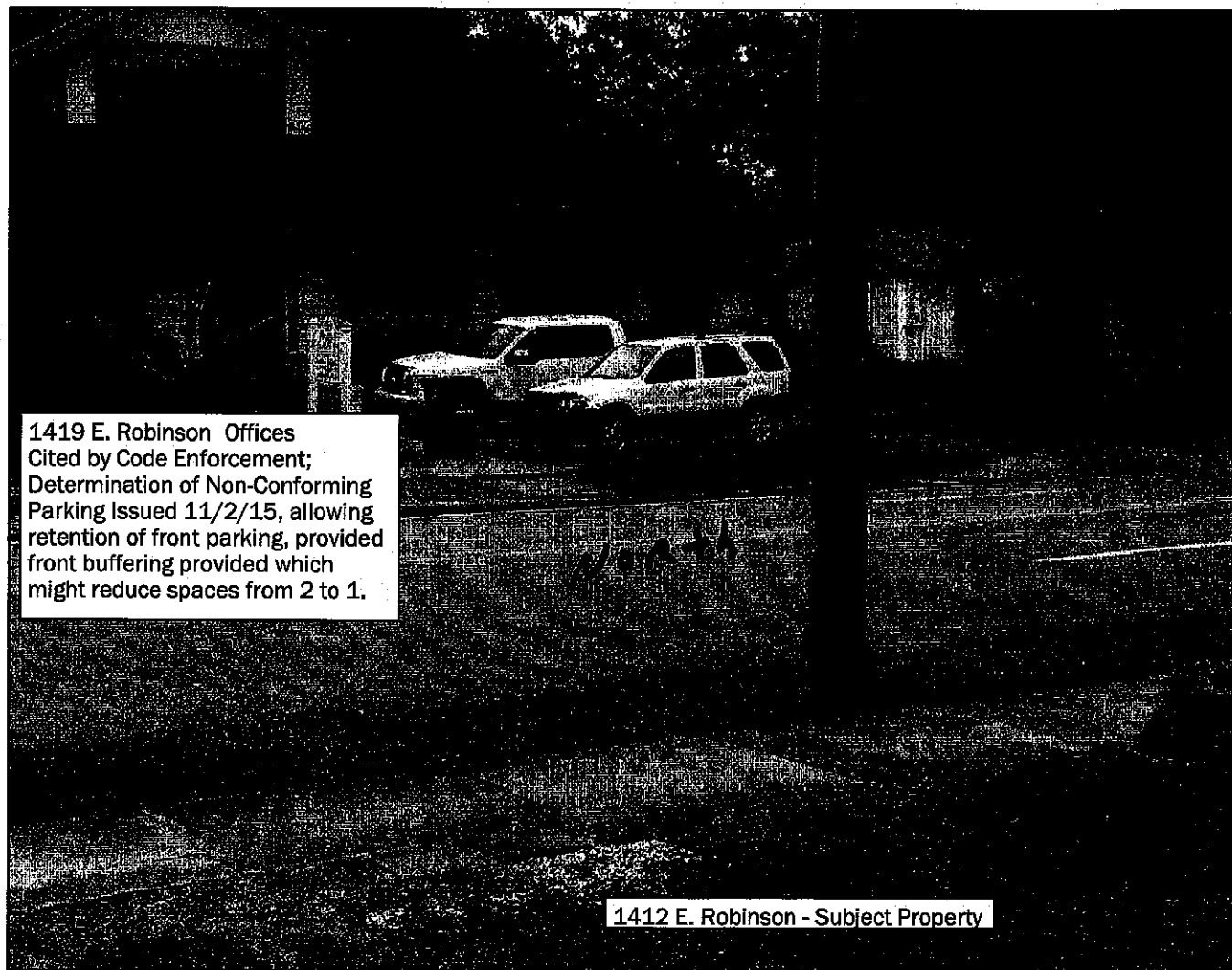
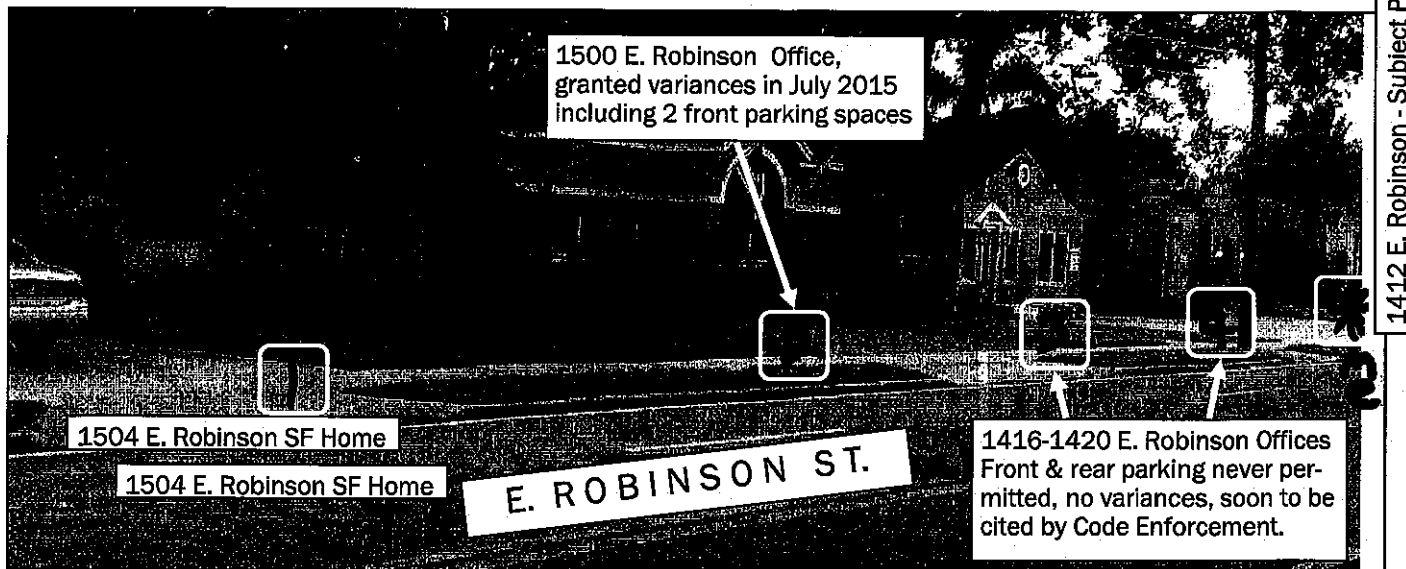
## STAFF-PREFERRED SITE PLAN



## OWNER-PROVIDED SITE PHOTOS



# OWNER-PROVIDED SITE PHOTOS



## FINDINGS AND RECOMMENDATIONS

### VARIANCES FOR PARKING & A SIGN IN FRONT OF A PROFESSIONAL OFFICE

- A. Design Variance to allow parking in the front yard setback, where parking is required to be behind the principal building facade or front setback (per LDC Section 62.604);
- B. Variance to allow semi-pervious pavers as an alternative to a durable all-weather parking surface (per LDC Section 61.303(a));
- C. Variance of 12% to allow the front yard impervious surface coverage to not exceed 52%, where currently limited to 40% (per LDC Section 61.302(f2)); and
- D. Design Variance to allow a post and panel sign in the Traditional City Overlay, where currently prohibited (per LDC Section 64.228).

**Staff Recommendation:** Approval of Design Variances A & D, based on the finding that said design variances meet at least 51% of the applicable standards for approval of a design variance; and approval of Variances B & C, based on the finding that said variances meet all six (6) standards for approval of a variance, per the conditions below:

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. No vehicles shall back onto E. Robinson St. All turning movements shall be within the property.
5. A minimum 7.5-ft. deep landscape area is required between the property boundary along E. Robinson St. and the proposed front parking space. This landscape area shall be screened with low growing plantings and or shrubs, including African Iris (*Dietes iridioides*), Dwarf Yaupon Holly (*Illex vomitoria* 'Nana'), or Indian Hawthorn (*Raphiolepis indica*).
6. In an effort not to block sight lines, a palm or understory tree shall be installed east of the parking stall away from power lines. Said tree shall be 10-12 ft. in overall height with a minimum caliper of 2.5 inches and shall be installed in accordance with City Code.
7. A direct pedestrian access walkway shall be provided from the front entrance steps of the principal building to the existing concrete driveway and out to the front public sidewalk. Proper application and detailing of materials shall be applied at the locations where the concrete and pavers meet. All concrete cuts shall be precise.
8. The existing driveway at the front lot line shall not exceed 16 ft. in width where shown on the site plan within this report.
9. A minimum 10-ft. wide cross-access easement shall be recorded along the east and west sides of the property to facilitate existing and future connectivity to other rear parking lots on the south side of E. Robinson St.
10. Additional landscaping shall be placed around the base of the sign and along the eastern end of the parking stall. Plant types shall be similar to those provided under condition #5.
11. All site improvements, including an after-the-fact permit for the existing post & panel sign, shall be permitted prior to installation, and final inspections shall be requested in order to close out said permits.
12. Pre- and post-construction calculations of the impervious surface area shall be provided at time of permitting to illustrate how the increased stormwater (from adding pavers to the front yard) will be addressed.

**Note to Applicant:** The proposed variance only addresses the Land Development Code standards expressly represented in this staff report and any relief to such standards as approved. The relief granted through the variance is restricted to the subject property as noted in the staff report and is not transferable to other parcels of land.

The next step in this variance request is City Council consideration of the Board of Zoning Adjustment's recommended action (provided it is not appealed) at an upcoming City Council meeting. Possible City Council approval of this variance request does not constitute final approval to carry out the development proposed in this application. The applicant shall comply with all other applicable requirements of the Land Development Code, including any additional review requirements, and shall receive all necessary permits before initiating development. Please contact the Permitting Services Division of the City of Orlando to inquire about your next steps toward receiving a building permit. Also, please provide a copy of the Variance approval letter with conditions of approval with any permits requested for said project.

STANDARDS FOR DESIGN VARIANCE APPROVAL	DESIGN VARIANCES A & D: ALLOW FRONT PARKING & A POST & PANEL SIGN IN THE TRADITIONAL CITY OVERLAY
<i>Conformance to the Code and the GMP</i>	<p><b>Meets Standard</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Pedestrian-, not vehicle-, oriented design is consistent with the Growth Management Plan and Land Development Code.</p>
<i>Logic of Design</i>	<p><b>Meets Standard</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Maximum allowed parking (4 spaces) is easily accommodated within the rear gravel parking lot. Additional parking spaces in the front yard is a luxury for this parcel. The post &amp; panel sign is currently blocked from view by vehicles in the front yard.</p>
<i>Exterior Space Utilization</i>	<p><b>Meets Standard</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Placement of one (1) parking space in the front yard, along with retention of the existing sign, would be a beneficial use of exterior space for the office use.</p>
<i>Attractiveness</i>	<p><b>Meets Standard</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Allowing one (1) paved or pavered front parking space, and the existing sign, with appropriate landscaping, would greatly enhance the attractiveness of this property.</p>
<i>Materials Selection</i>	<p><b>Meets Standard</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Use of pavers or stamped or colored concrete would be much better than parking on gravel or dirt. Via the materials used, the sign blends with the office building.</p>
<i>Compatibility with Surrounding Properties</i>	<p><b>Meets Standard</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Six (6) other office uses along this portion of E. Robinson St. have front parking spaces but only two (2) of those site have received variances, determinations or permits allowing parking in the front yard. Many properties have detached front signs.</p>
<i>Circulation &amp; Parking, Vehicular &amp; Pedestrian</i>	<p><b>Meets Standard</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>One (1) front parking space, between the office building and the front lot line, will assist with vehicle circulation within the office site. The sign has no impact.</p>
<i>Accepted Architectural Principles</i>	<p><b>Meets Standard</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>If paved or pavered, said front parking space would adhere to accepted architectural principles. The existing sign appears to adhere to architectural principles.</p>
<i>Protection of Property Values</i>	<p><b>Meets Standard</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Placement/retention of one (1) improved front parking space, with retention of the existing post and panel sign, will serve to protect property values.</p>
<i>Revitalization of Depressed Areas</i>	<p><b>Meets Standard</b> Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Not applicable - not a depressed area.</p>



STANDARDS FOR VARIANCE APPROVAL	VARIANCES B & C: USE OF SEMI-PERVI- OUS PAVERS FOR FRONT PARKING SPACE & INCREASED FRONT IMPERVIOUS COVERAGE
<p><i>Special Conditions and Circumstances</i></p> <p>Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district. Zoning violations or nonconformities on neighboring properties shall not constitute grounds for approval of any proposed Zoning Variance.</p>	<p><i>Meets Standard</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>The property consists of a parking-constrained O-1/T zoned lot on E. Robinson St. in the Lawsona/Fern Creek neighborhood. The owner/applicant is currently parking on dirt/grass in front of the office use. The overall site is below the maximum ISR but improvements to the front of the site will increase the front yard impervious surface coverage.</p>
<p><i>Not Self-Created</i></p> <p>The special conditions and circumstances do not result from actions of the applicant. A self-created hardship shall not justify a Zoning Variance; i.e., when the applicant himself by his own conduct creates the hardship which he alleges to exist, he is not entitled to relief.</p>	<p><i>Meets Standard</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>The owner purchased the property in 2013 "as is", not realizing that pre-existing front parking on a non-improved surface was not allowed by City Code (despite other nearby uses having similar situations). Placement of pavers to bring the front parking space up to Code will increase the front yard impervious surface coverage so as to no longer meet Code, hence, the variance request.</p>
<p><i>No Special Privilege Conferred</i></p> <p>Approval of the Zoning Variance requested shall not confer on the applicant any special privilege that is denied by this Chapter to other lands, buildings, or structures in the same zoning district.</p>	<p><i>Meets Standard</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Approval of the variances should not confer a special privilege, based on the special conditions and circumstances of the property, and provided that vehicles are parked on semi-pervious pavers or more durable surfaces on other nearby properties (some approved, some not).</p>
<p><i>Deprivation of Rights</i></p> <p>Literal interpretation of the provisions contained in this Chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter and would work unnecessary and undue hardship on the applicant. Financial loss or business competition shall not constitute grounds for approval of any variance. Purchase of property with intent to develop in violation of the restrictions of this Chapter shall also not constitute grounds for approval.</p>	<p><i>Meets Standard</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Denial of the variances would require that the owner pave the front parking space(s), at additional cost to himself. Other property owners in the area and in a similar situation have been allowed to use semi-pervious pavers for the front parking spaces.</p> <p>As for the sign, denial of the variance would require removal of the existing sign, at additional cost to the owner/applicant, and less visibility to patrons using the services of the owner/applicant.</p>
<p><i>Minimum Possible Variance</i></p> <p>The Zoning Variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.</p>	<p><i>Meets Standard</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>The variances requested are the minimum possible variances to allow the continued use of one front parking space on semi-pervious pavers and use of the existing post &amp; panel sign in front of the office.</p>
<p><i>Purpose and Intent</i></p> <p>Approval of the Zoning Variance will be in harmony with the purpose and intent of this Chapter and such Zoning Variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.</p>	<p><i>Meets Standard</i> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Approval of the variances would be viewed as being harmonious with the purpose and intent of the Code. Continued use of the property within Code requirements will promote the appearance and character of the immediate neighborhood. Granting the variances would not be detrimental to the public welfare.</p>

## APPLICANT'S RESPONSES TO DESIGN VARIANCE REQUEST

Thank you for considering my design variance application. I am seeking to maintain front parking as it existed for years before I purchased the building in 2013. The existing parking pattern is safer for sidewalk pedestrians and vehicle traffic than any alternative. I will gladly supply any further information needed.

### **CONFORMANCE TO THE CODE AND THE GMP MAP**

This proposed design meets the of the Code and the Growth management plan as it helps to promote the public health, safety, comfort, appearance and general welfare. The plan increases pedestrian and car safety. The proposed design perpetuates and enhances the positive design character within the traditional city. The design is very simple, conservative, and is in harmony with the other business on Robinson St.

### **LOGIC OF DESIGN**

Parking is at a premium for this professional office parcel. The 4 spaces in the rear are routinely not useable as they flood with rainwater from multiple neighboring paved properties, some fully paved front to rear, while I am the only unpaved property, only about 35% impervious surface. Continued use of front parking is not a luxury, but is necessary to do business.

### **EXTERIOR SPACE UTILIZATION**

The proposed plan is efficient exterior space utilization which also increases pedestrian safety and car safety. Any other plan eliminates all maneuverability and requires cars drive straight in then back out across the pedestrian sidewalk onto Robinson St.

### **ATTRACTIVENESS**

Paver blocks will match the existing brick stairway and materials. Keeping existing 2 front parking spaces increases the attractiveness of the property rather than driveway parking, matches the neighboring properties with front, and eliminates potential hazards of driveway parked vehicles with the rear end near the pedestrian sidewalk, vehicles backing out across the pedestrian sidewalk onto Robinson St. This more attractive, safer plan increases the value of this and neighboring properties.

### **MATERIALS SELECTION**

Paver blocks will allow draining and also match the existing brick stairway and building materials.

## APPLICANT'S RESPONSES TO DESIGN VARIANCE (CONT'D)

### COMPATIBILITY WITH SURROUNDING PROPERTIES

The proposal is completely consistent with surrounding offices on Robinson St. that already offer clients front parking. The 4 properties to the east and the 2 properties directly across the street all have front parking as the multiple photos demonstrate, as do many others in the area. (Neighboring front parking photos attached).

The requested parking has existed for years, before I bought this building in 2013, as shown by the attached 2010, 2011 and 2012 Orange County photos and overheads.

Surrounding property owners do not object and have signed affidavits. (attached).

### CIRCULATION AND PARKING - VEHICULAR AND PEDESTRIAN

The proposed design considers vehicle and pedestrian traffic, which are significant factors to this request. The proposal is consistent with existing neighborhood parking and traffic flow, and there would be no adverse effect nor any change from current patterns if granted. Denial of the variance will require cars to back out across the pedestrian sidewalk on to Robinson St. from a spot directly in front of the building's former garage, increasing risk of hazard to both sidewalk pedestrians and to vehicles. (Picture Attached)

### PROTECTION OF PROPERTY VALUES

The proposed variance maintains the value of the property, a professional office. Neighboring businesses are doctors, accountants, lawyers, and chiropractors.

I can not operate my law or mediation practice with parking only for the 4 employees, but none for clients, a court reporter and opposing attorneys. Nor could my neighboring businesses operate on this parcel if the application were denied. The plan increases the value of this and all neighboring professional properties by increasing safety and allowing professional use.

## APPLICANT'S RESPONSES TO VARIANCE REQUESTS

### NO SPECIAL PRIVILEGE CONFERRED:

Approval of this design variance does not confer any special privilege nor allow me to do something different than other similar owners for many reasons.

1. Neighboring professional offices already have similar front parking. The 4 lots to my East each have 3 front spaces, 4 front spaces, 2 front spaces and 1 front space (Attached EAST photos). The 2 lots across from me also have 1 front and 2 front parking spaces (attached NORTH photos). There is also front parking on countless other lots down Robinson St.

2. Just 4 months ago the City approved a variance at 1500 E. Robinson, 3 doors away on my block, to allow 2 front parking spaces with brick pavers. I am seeking to keep similar parking, which existed before I purchased, and at the same time eliminate an awkward front parking space to decrease public hazard and avoid backing out across the pedestrian sidewalk and onto Robinson St.

3. The attached 2010, 2011 and 2012 Orange County photos and overheads show front parking existed before I purchased the building in 2013. Only recently was I made aware the City would require this design application process for the parking which existed before I purchased. Attached is an affidavit from prior owner Mrs. Barrett that front parking existed years before I purchased the building.

### DEPRIVATION OF RIGHTS:

Denial would deprive me of rights now enjoyed by other similarly situated owners on Robinson St., for many reasons:

1. Denial would cause extreme undue hardship. If it rains I lose 2 - 3 rear parking spaces due to water from neighboring owners draining to my land, as the attached photos show. The rear lots of my 6 nearest neighbors are all 100% paved. I am ZERO% rear paved. Water from the 6 neighboring fully paved rear lots, East and West, drain to me making 2-3 spaces wet and unusable, therefore the existing front parking is critical to doing business. My impervious ratio is very low, about 35%, far lower than any neighbor. I would be punished for not paving like my neighbors.

2. Denial would deprive me of the same rights as other owners. The City 4 months ago approved 1500 E. Robinson for a similar variance to allow 2 front parking spaces with brick pavers. I wish to keep the existing parking, using pavers as just approved.

3. Front parking existed before I bought the building, and front parking is needed to use this building as a professional office. The attached 2010, 2011 and 2012 Orange County photos and overheads, and attached affidavit from the prior owner, all show front parking existed before I purchased, as needed to do business.

4. My neighboring professional businesses on Robinson St. offer clients front parking necessary to do business, which I also need to do business.

## APPLICANT'S RESPONSES TO VARIANCE REQUESTS (CONT'D)

Denial would preclude me from conducting business here. I have a busy law practice, including a mediation practice. I have a 4 employees here daily. Plus on any day I have depositions I also require parking for a court reporter, an opposing attorney and at least 1 client or witness, and clients also stop here throughout the day to deliver or sign medical or legal documents. For a mediation I must also have 2 attorneys, and clients, and clients also come in daily. Again 4 spots for only my employees would precludes conducting business at this location. If the front parking which existed before I purchased is denied it would create an undue hardship that would eliminate my business, or any other business here.

5. Denial requires reverting to a more dangerous condition by requiring the frontgarage spot to back out across a pedestrian sidewalk onto Robinson Street. This is an undue hardship which increases liability, and deprives me from being able to mitigate any danger.

### PURPOSE AND INTENT:

Approval would not be injurious to the neighborhood and there is no adverse effect to adjacent properties or neighborhood. This is completely consistent with the professional use of the neighborhood. New medical practices next door and near me are far busier, and these neighboring owners already enjoy the privilege of front parking. This application is in harmony with them.

This proposed parking plan is safer for both traffic control and pedestrians on the sidewalk. To instead use the 1 front space to the left of the driveway, in front of the former garage, the vehicle rear is up to the pedestrian sidewalk, and must back out onto Robinson St. Denial would deprive me of my intent to reduce the danger and avoid forcing cars to back across the pedestrian sidewalk and onto Robinson Street.

The proposed parking plan is intended to greatly improve safety and aesthetics as follows:

1. Eliminate cars backing out across a pedestrian sidewalk;
2. Eliminate cars backing out onto Robinson Street;
3. Eliminate a car rear end near the pedestrian sidewalk;
4. Improve aesthetics.
5. Increase value of all neighboring properties

Under this design, I eliminate 1 awkward front garage space on left side of the driveway, and use only the 2 parallel spaces which were already there years before purchasing the building in 2013. This is just 1 net new space. This design is safer, and harmonious with neighboring properties, and keeps the parking in use for years before I purchased and is the same parking used by my neighbors.

## AFFIDAVIT FROM FORMER OWNER

## AFFIDAVIT

COMES NOW affiant, Roberta H. Barrett, who swears or affirms as follows:

- 1) That I am Manager of Orange/Robinson, LLC as stated in the State of Florida's public records.

That my company, Orange Legal, operated out of three (3) contiguous buildings on Robinson Street spanning three (3) separate decades, before moving to our larger location in Orlando. These buildings are:

1420 E. Robinson

1416 E. Robinson

1412 E. Robinson

- 2) I purchased 1416 E. Robinson in April 1998. There was parking in the front along E. Robinson St. the entire time since 1998, with no objection of any kind from the City or neighbors. In addition to the 5 rear spaces, front parking already existed at 1416 E. Robinson under prior owners before I purchased it, dating back many years.
- 3) I purchased 1420 E. Robinson in April 1998. There was parking in the front along E. Robinson St. the entire time since 1998, with no objection of any kind from the City or neighbors. In addition to the 7 rear spaces, front parking already existed at 1420 E. Robinson under prior owners before I purchased it, dating back many years.
- 4) As my business grew, we bought a third building at 1412 E. Robinson St. in 2009. There was a parking in the front along E. Robinson St. the entire time with no objection of any kind from the City or neighbors. In addition to the rear parking, front parking also existed at 1412 E. Robinson under prior owners and before I purchased it, dating back many years, including the decade that I owned the two neighboring buildings at 1416 and 1420.
- 5) During this time, there was also front parking on E. Robinson at the two (2) properties directly east of my three (3) buildings, 1450 E. Robinson and 1504 E. Robinson, which both remain with front parking today.
- 6) At this same time there was also front parking on Robinson St. directly across from my buildings at both 1419 E. Robinson and also at 1415 E. Robinson, both of which remain today with front parking, as do many other parcels along Robinson St.
- 7) During three (3) separate decades, since 1998, there was no complaint from the City or any neighbor regarding front parking along Robinson St.
- 8) The palm tree was added after the parking already existed.

STATE OF FLORIDA, COUNTY OF ORANGE

Before me the undersigned authority authorized to administer oaths and take acknowledgments personally appears Roberta H. Barrett who is personally known to me and who did take an oath, on this 31<sup>st</sup> day of July, 2015, who upon being duly sworn certifies that the information furnished by her as incorporated in the foregoing Affidavit is true.

*Roberta H. Barrett*

Affiant

*Malena Stewart*  
Signature of Notary Public  
My Commission Expires March 4, 2018



## SUPPORT LETTERS

I have reviewed the proposed variances which have been requested by David E. Mallen, owner of the property located at 1412 E. Robinson Street, Orlando, Florida 32801 :

1. Two parking spaces in front of subject property.
2. Waiving the required buffer between the front property line and sidewalk
3. Installation of pervious eco-friendly pavers.

I hereby state that I have no objections to any proposed changes with respect to the property located at: 1412 E. Robinson Street, Orlando, Florida 32801

STATE OF FLORIDA

COUNTY OF ORANGE

### WEST NEIGHBOR

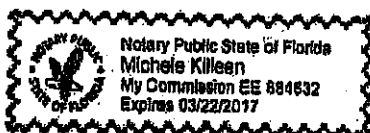
Before me the undersigned personally appeared Mia A. Thomas, who resides at or owns the property located at 1408 E. Robinson Street, Orlando, FL 32801

And after being duly sworn says

Sworn to and subscribed before me this -- day of October 20, 2015

Michele Killeen

Notary Public



STATE OF FLORIDA

COUNTY OF ORANGE

### EAST NEIGHBOR

Before me the undersigned personally appeared [Signature], who resides at or owns the property located at 1412 E. Robinson Street Orlando, FL 32801

And after being duly sworn says

Sworn to and subscribed before me this 21 day of October, 2015

Michele Killeen

Notary Public



STATE OF FLORIDA

COUNTY OF ORANGE

### NORTH NEIGHBOR

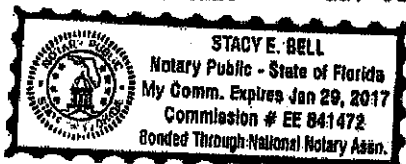
Before me the undersigned personally appeared Charles Thomas, who resides at or owns the property located at 1412 E. Robinson St

And after being duly sworn says

Sworn to and subscribed before me this 20 day of October, 2015

Stacy E. Bell

Notary Public





# BOARD OF ZONING ADJUSTMENT

MINUTES  NOVEMBER 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  
[2/2]

Elena Pathak, Vice Chairperson  
[2/2]

Robert High [2/2]

Laura Hodges [2/2]

Byron Lastrapes [1/2]

Beth Tuura [2/2]

Billy Willson [2/2]

One vacancy.

### Members Absent

Desiree Sanchez [1/2]

## OPENING SESSION

- Determination of a quorum.
- Avery Donaudy, Chairperson, called the meeting to order at 2:02 p.m.
- Pledge of Allegiance.
- The Board ACCEPTED the Minutes of the October 27, 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. VAR2015-00109 CROWNPOINTE TRAILER PARKING

Applicant: Jackson Taunton IV, Colliers, 4830 W. Kennedy Blvd., Ste. 300, Tampa, FL 33609

Owner: TR Crownpointe Corp., 13155 Noel Rd., Ste. 500, Dallas, TX 75240

Location: 7469 Kingspointe Pkwy. (±11.4 acres)

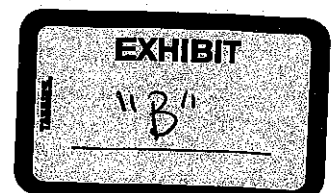
District: 6

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

#### Requested variance:

- Variance of 4% to allow an 84% impervious surface coverage for additional trailer parking, where 80% is the maximum allowed in the I-P zoning district.

Recommended action: Withdrawal of the requested variance by the applicant.





**2. VAR2015-00110 1911 STANLEY ST.**

Applicant/Owner: Tuan Ma, 1911 Stanley St., Orlando, FL 32803

Location: 1911 Stanley St. (±0.15 acres)

District: 4

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

Requested variance:

- A. Variance of 12 ft. to allow a rear yard setback of 13 ft., where 25 ft. is required for an existing principal structure, and
- B. Variance of 1 ft. to allow a side yard setback of 6.5 ft., where 7.5 ft. is required for an existing principal structure.

*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. The applicant shall install foundation plantings of tall ground cover plants (such as African iris) or small shrubs (such as dwarf yaupon holly or Indian hawthorn) along the east and west facades of the addition and the portion of the house that was originally the accessory structure. Plants shall be at least 12" in height at time of planting.

**3. VAR2015-00112 641 HEMPSTEAD AVE.**

Applicant/Owner: Steven Haugrud, 641 Hempstead Ave., Orlando, FL 32803

Location: 641 Hempstead Ave. (±0.21 acres)

District: 4

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

Requested variance:

- Variance of 14 ft. to allow a rear yard setback of 11 ft. where 25 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 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 other applicable state or federal permits must be obtained before commencing development.

**4. This item was moved to the Regular Agenda.**

**5. VAR2015-00115 2000 N. MILLS AVE.**

Applicant: Geoff Summitt, G. L. Summitt Engineering Inc., 3667 Simonton Pl., Lake Mary, FL 32746  
Owner: 1900 North Mills Avenue LLC, 234 Harbour Gardens Ct., Orlando, FL 32806  
Location: 2000 N. Mills Ave. (±0.23 acres)  
District: 3  
Project Planner: Jacques Coulon (407.246.3427 – jacques.coulon@cityoforlando.net)  
Requested variance:

- Variance to permit parking on the side of an adjoining building, where parking is only permitted in the rear.

*Recommended action: Deferral of the variance at the applicant's request.*

**6. VAR2015-00116 619 RUGBY ST.**

Applicant/Owner: Erica & Christopher Glisson, 619 Rugby St., Orlando, FL 32804  
Location: 619 Rugby St. (±0.14 acres)  
District: 3  
Project Planner: Katy Magruder (407.246.3355 – kathleen.magruder@cityoforlando.net)

Requested variances:

- A. Variance of 0.8 ft. to the required 6 ft. side setback on the east of the existing home;
- B. Variance of 1.2 ft. to the required 6 ft. side setback on the west of the existing home;
- C. Variance of 3 ft. to allow an open-air front porch within the Traditional City overlay; and
- D. Variance to allow the garage to be flush with existing house, as a result of the substantial enlargement.

*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 City, County, State or Federal permits must be obtained before commencing development.
3. An Urban Design Appearance Review shall be required prior to building permits being issued.
4. Trim shall be added to the columns for the mansard roof structure at the capital, the base, and water table level. (3 ft.)
5. Gutters will be required with downspouts directed to the street.

**7. VAR2015-00117 THE PARKING SPOT SIGNAGE**

Applicant: Diana Grunderman, Don Bell Industries Inc., 365 Oak Pl., Port Orange, FL 32127  
Owner: TPS Parking Orlando LLC, 100 N. Tampa St., Ste. 1850, Tampa, FL 33602  
Location: 5500 Hazeltine National Dr. (±15.76 acres)  
District: 1  
Project Planner: Jim Burnett (407.246.3609 – james.burnett@cityoforlando.net)

Requested variance:

- Variance of 94 sq. ft. to allow 266 sq. ft. of total sign area, where only 172 sq. ft. of total sign area is allowed for the site.

*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 shall be obtained before commencing development.
3. Appearance Review shall be required at time of permitting to ensure compliance with these conditions.
4. The pylon or pole shall be appropriately proportioned in width and depth.
5. Plastic sign cabinet boxes shall be prohibited.
6. Uplighting shall also be prohibited.
7. The base of the sign pylon shall be landscaped in a bed at least 10 ft. wide and at least 66% of the length of the sign face.
8. An after-the-fact permit shall be secured for the existing wall/roof sign on the parking entry/exit booth/building.

**8. VAR2015-00118 1620 CURRY FORD RD.**

Applicant/Owner: Alejandro Perez, 1620 Curry Ford Rd., Orlando, FL 32806

Location: 1620 Curry Ford Rd. (±0.17 acres)

District: 4

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

Requested variance:

- Variance of 5 ft. for a semi-circular driveway with openings set 37 ft. apart, where 42 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 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. Remove the 5 ft. furthest west of the existing driveway to alleviate imperious surface for the circular driveway; and alter the existing curb cut to meet the new dimensions.
4. Submit a landscaping plan for appearance review by Urban Design during the permitting process that shows the front yard in conformance with the current landscaping code for single family residences (see Sec. 60.223 of the landscaping code). This includes limits on the amount of sod in the pervious areas to a maximum of 60%. Additionally, shrubs or hedges maintained at a minimum of 3-ft height shall be added along or in front of the circular driveway to effectively screen vehicles parked there, and to lessen the aesthetic impacts of the driveway.

**9. VAR2015-00119 610 W. KING ST.**

Applicant/Owner: Kyle Earley, 610 W. King St., Orlando, FL 32804

Location: 610 W. King St. (±0.16 acres)

District: 3

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

Requested variances:

- A. Variance of 0.4 ft. to allow 5.6 ft. west side setbacks where 6 ft. is the minimum required;
- B. Variance of 0.3 ft. to allow 5.7 ft. east side setbacks where 6 ft. is the minimum required; and
- C. Variance of 5 ft. to allow required parking at a 20 ft. front setback where 25 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 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.

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

## REGULAR AGENDA

### 4. VAR2015-00113 THE MARKS LAW FIRM SIGNAGE

Applicant: Kathy Mitchell, The Marks Law Firm, 733 N. Magnolia Ave., Orlando, FL 32803

Owner: T & L Magnolia LLC, 733 N. Magnolia Ave., Orlando, FL 32803

Location: 733 N. Magnolia Ave. (±0.25 acres)

District: 3

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

Requested variance:

- Design Variance to allow a post-and-panel sign (existing) between the principal structure and the street for a building that is setback 8 ft. from the front property line, where a 15 ft. setback is required for such a sign in the Traditional City Overlay District.

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

TeNeika Neasman, Planner I, City Planning Division, gave a brief overview of the case using PowerPoint. She noted that the sign had been constructed without permits and the site was under Code Enforcement. Board member Tuura confirmed that the sign currently blocked the view of a car pulling out. Board member Lastrapes confirmed that the sign was properly engineered, despite the lack of permits.

Kathy Mitchell, 753 Mellowood Ave., Orlando, FL 32825, spoke as the applicant. She said she was grateful for staff's approval of the variance request, but was hoping to get an additional two feet on the variance to allow the sign to remain in its current position. She said the sign only blocked the carport, and the only person who used that parking spot was the business owner. Using the overhead projector, she provided a hand-marked site plan showing the distances in question, and claimed there was no visibility problem on the one-way street (Magnolia Ave.). Board member High asked if she had spoken with City staff about her additional request. Executive Secretary Cechman noted that staff's position hadn't changed despite the applicant's claims about visibility. He then explained the rules governing the Traditional City overlay, and then stated that the compromise was to move the sign back to the location proposed in the variance.

Several Board members agreed that moving the sign back to be closer to meeting code was not a hardship, and that the City staff's compromise was fair. No additional feet would need to be added to the variance.

**Vice Chairperson Pathak moved APPROVAL of the VARIANCES, 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. The existing sign shall not interfere with pedestrian and vehicle visibility (esp. for vehicles exiting the carport).
4. The existing sign shall be moved to be flush with the carport approximately 8.61 feet east of the front (N. Magnolia Avenue) property line.

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

## 10. VAR2015-00114 MALLEN OFFICE PARKING

Applicant/Owner: David Mallen, SLM2 LLC, 1412 E. Robinson St., Orlando, FL 32801

Location: 1412 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 accessory parking in front of the building, where all parking spaces are required to be behind the building façade;
- B. Variance to allow pavers as an alternative durable all-weather surface for the two (2) requested front parking spaces;
- C. Variance of 12% to allow an increased 52% front yard impervious surface coverage (for only one front parking space), where the front yard impervious surface coverage is limited to a maximum of 40%; and
- D. Design Variance to allow a post & panel sign in the Traditional City overlay.

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

Jim Burnett, Planner III, City Planning Division, gave an overview of the case using PowerPoint. He provided the history of the site and offered some context of the neighboring parking issues. He showed the applicant's proposed parking arrangement with two spaces in the front, but then stated that wouldn't work under the code requirements. Staff had come up with an alternative plan with only one parking space in the front that would meet code. Mr. Burnett then used a chart to compare this request with similar requests at 1500 and 1419 E. Robinson St. The first property had been resolved through a variance in June 2015 (VAR2015-00054) and the second had been resolved through a Zoning Official Determination issued in November 2015 (LDC2015-00411).

Executive Secretary Cechman explained that staff was trying to maintain the historical context of the area, where houses had been converted to offices after the switch to the O-1 district. He noted that too much sideways parking would cause the area to lose the "residential" feel. Mr. Burnett claimed there was ample parking for area office uses if shared parking agreements were used. Board member Lastrapes expressed concern about the "one property at a time" approach as each site came in before the Board. He said consistency was important and hoped there was an overall plan for the area.

David Taylor, 3309 Touraine Ave., Orlando, FL 32812, spoke as the applicant's civil engineer. He provided a revised site plan showing a slightly different arrangement of the two front parking spaces. He claimed that precedent was set by the next door neighbors, who all parked in the front. He described his history of working with City staff and said if a handicap space was to be required, then the second parking spot as they were requesting was needed even more. As to Mr. Burnett's chart, he pointed out that a smaller-sized office didn't necessarily mean there were fewer employees.

David Mallen, 1412 E. Robinson St., Orlando, FL 32801, spoke as the applicant in support of the request for two front spaces. He stated he had multiple clients and attorneys at his office for cases and depositions, and the small number of parking spaces meant that they often had to park elsewhere in the neighborhood. He then cited the previous variance case at 1500 E. Robinson St., saying that he deserved the same consideration as that case. Finally, he explained that anytime there was heavy

rain, the water flooded the backyard because of the paved lot to the east. This caused several of his parking spots to be unusable. Vice Chairperson Pathak asked if Mr. Mallen would be willing to put in the front landscape buffer as required, and he said yes. Executive Secretary Cechman noted that, with all these cases on this stretch of road, City staff tried to maintain as much of the required 7.5 ft. landscape buffer as possible.

Thomas Feiter, 1015 E. Harwood St., Orlando, FL 32803, spoke in support of the request for two front spaces. He reminded the Board of his appearance before them in June 2015, and stated that he felt partly responsible for the string of citations on Robinson St., as he was the first. He said they were all trying to keep the property values high and maintain the "quaint" feel of the street.

Board discussion then ensued at length about all the issues listed above. Board member High claimed that City staff had made a good compromise with the circumstances, and that one parking spot in the front was enough.

**Board member High moved APPROVAL of the VARIANCES, subject to the following conditions:**

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. No vehicles shall back onto E. Robinson St. All turning movements shall be within the property.
5. A minimum 7.5-ft. deep landscape area is required between the property boundary along E. Robinson St. and the proposed front parking space. This landscape area shall be screened with low growing plantings and or shrubs, including African Iris (*Diets iridioides*), Dwarf Yaupon Holly (*Illex vomitoria 'Nana'*), or Indian Hawthorn (*Raphiolepis indica*).
6. In an effort not to block sight lines, a palm or understory tree shall be installed east of the parking stall away from power lines. Said tree shall be 10-12 ft. in overall height with a minimum caliper of 2.5 inches and shall be installed in accordance with City Code.
7. A direct pedestrian access walkway shall be provided from the front entrance steps of the principal building to the existing concrete driveway and out to the front public sidewalk. Proper application and detailing of materials shall be applied at the locations where the concrete and pavers meet. All concrete cuts shall be precise.
8. The existing driveway at the front lot line shall not exceed 16 ft. in width where shown on the site plan within this report.
9. A minimum 10-ft. wide cross-access easement shall be recorded along the east and west sides of the property to facilitate existing and future connectivity to other rear parking lots on the south side of E. Robinson St.
10. Additional landscaping shall be placed around the base of the sign and along the eastern end of the parking stall. Plant types shall be similar to those provided under condition #5.
11. All site improvements, including an after-the-fact permit for the existing post & panel sign, shall be permitted prior to installation, and final inspections shall be requested in order to close out said permits.
12. Pre- and post-construction calculations of the impervious surface area shall be provided at time of permitting to illustrate how the increased stormwater (from adding pavers to the front yard) will be addressed.

**Vice Chairperson Pathak SECONDED the MOTION, which was VOTED upon and PASSED by a 6-1 voice vote (Board member Lastrapes opposed).**

## OTHER BUSINESS

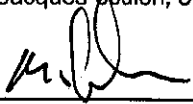
- Recording Secretary Ed Petersen reminded the Board that the date of the December 2015 BZA hearing was being moved up a week to December 15, 2015 to accommodate the Christmas holiday. This would be later in the same day as the Municipal Planning Board hearing in the same room. Mr. Petersen said he had secured a secondary room in the event that the MPB hearing ran long.
- Executive Secretary Cechman noted that City staff would be making the transition to digital plan submission in late December.

## ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 3:40 p.m.

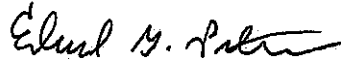
## STAFF PRESENT

Mark Cechman, City Planning  
Karl Wielecki, City Planning  
TeNeika Neasman, City Planning  
Jim Burnett, City Planning  
Katy Magruder, City Planning  
Jacques Coulon, City Planning

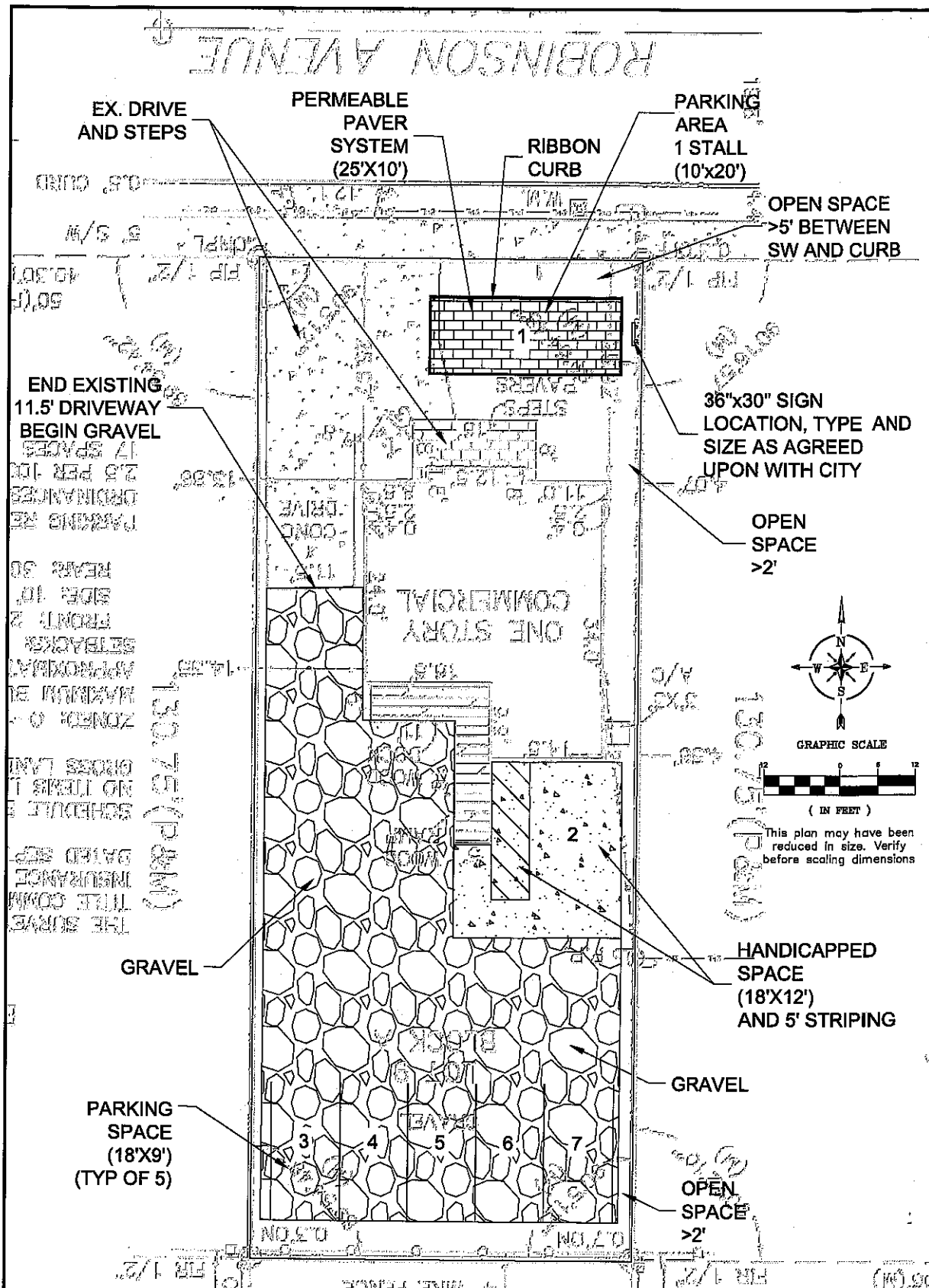


Mark Cechman, AICP, Executive Secretary

Michaëlle Petion, City Planning  
Ken Pelham, City Planning  
Richard Forbes, City Planning  
John Groenendaal, Permitting Services  
Alison Brackins, City Attorney's Office



Ed Petersen, BZA Recording Secretary



Revisions:

No.	Date	Description
1		
2		
3		
4		
5		
6		
7		
8		

**LAW OFFICES OF  
DAVID MALLEN**

1412 East Robinson Street  
Orlando, Florida, 32801  
c/o Mr. David Mallen  
p: 407 846 5611  
e: dmallen@bellsouth.net

**CONCEPTUAL PARKING  
LAYOUT 9**

Scale: 1" = 10'  
Date: 04/14/2016  
Project No: 101000

Drawn: DWT  
Checked: DWT

**DAVID W.  
TAYLOR, PE**

FL LICENSE NO. 60128

