



BOARD OF ZONING ADJUSTMENT

MINUTES – MAY 24, 2016

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 [8/0]

Elena Pathak,
Vice Chairperson [7/1]

Roberta Fennessy [1/0]

Robert High [6/2]

Byron Lastrapes [5/3]

Elizabeth Tuura [6/2]

William Wilson [8/0]

MEMBERS ABSENT*

Chris Carmody [3/2]

Desiree Sanchez [5/3]

OPENING SESSION

- Determination of a quorum.
- Avery Donaudy, Chairperson, called the meeting to order at 2:03 p.m.
- Pledge of Allegiance.
- New Board member Roberta Fennessy introduced herself.
- The Board ACCEPTED the Minutes of the April 26, 2016 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. VAR2016-00021 | 1586 EASTIN AVE |
| Applicant/Owner: | Zach Sonberg, 729 Nottingham St., Orlando, FL 32803 |
| Location: | 1586 Eastin Ave. (±0.27 acres) |
| District: | 3 |
| Project Planner: | TeNeika Neasman (407.246.4257 – teneika.neasman@cityoforlando.net) |

Requested variance:

- Variance of 4 ft. to allow a 10 ft. high fence to buffer a single family residence from post office uses, where 6 ft. is the maximum height allowed in the rear yard of a residential lot.

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

1. Development shall be in strict conformance with all conditions and the survey and photographs found in this report, subject to any modification by the Board of Zoning Adjustment (BZA) and/or City Council.

Minor modifications to the approved variance may be approved by the Zoning Official. Major modifications, as determined by the Zoning Official, shall require additional review by the BZA.

2. All applicable City, county, state or federal permits must be obtained before commencing development.
3. A starter landscaping package shall be required. The starter package shall include: turf grass, shrubbery, at least one street tree, and a front yard tree. The projected canopy spread of the tree at maturity shall not be closer to the electric transmission line than ten feet. Review the website listed to assist with tree selection (<http://www.cityoforlando.net/trees/>)
4. Fence was approved based on information submitted for variance. Installed fence shall be consistent of image provided.

2. VAR2016-00043

1216 GUNNISON AVE.

Applicant: Gardner Lloyd, Cardell Construction LLC, 1115 E. Livingston St., Orlando, FL 32803

Owner: Brian Gill, 1216 Gunnison Ave., Orlando, FL 32804

Location: 1216 Gunnison Ave. (±0.16 acres)

District: 3

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

Requested variances:

- A. Variance of 5 ft. to allow the carport to remain as is, 1 ft. from the property line, where the side yard setback is 6 ft.;
- B. Variance of 0.4 ft. to allow the second story addition to be located 5.6 ft. from the side property line, where the side yard setback is 6 ft.; and
- C. Design Variance to allow the existing carport to remain extending in front of the principal façade, where it is required to be recessed 5 ft.

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 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. Remove the existing lattice structure on the north side of home and replace with a knee wall on the east side of the home to match the existing principal structure. Design of the knee wall is to be identical to the existing knee wall at front entry.
4. Replace the front façade second floor single style windows with paired windows to match the paired windows below.
5. Adjust the proportions of the bathroom window to match the scale of the bedroom windows.

3. VAR2016-00055 530-538 N. BUMBY AVE.

Applicant: Matthew T. Brown Construction, 123 Variety Tree Cir., Altamonte Springs, FL 32714

Owner: PFP Holdings Inc., 1002 W. 23rd St., Ste. 400, Panama City, FL 32405

Location: 530-538 N. Bumby Ave. (±0.32 acres)

District: 4

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

Requested variances:

- A. Design Variance to allow retention of an existing pole sign in the Traditional City Overlay;
- B. Variance of 9% to allow impervious surface ratio (ISR) of 94%, where a maximum 85% ISR is allowed in the MU-1/T zoning district;
- C. Variance of 1 parking space to allow 12 parking spaces, where a minimum 13 spaces are required for an 8,096 sq. ft. mixed use (furniture store and retail/office) building;
- D. Variance to waive required landscaped buffers between drive aisles and adjacent rights-of-way;
- E. Design Variance to allow parking and drive aisles to remain in the front and street side yards, where required to be located behind the building facades;
- F. Design Variance of 19 ft. to allow an existing front (building) setback of 34 ft., where a maximum 15 ft. front setback is required in the MU-1/T zoning district; and
- G. Variance to allow drive aisles and parking in front (Mt. Vernon St. and N. Bumby Ave.) of the building, where currently required to be behind the building.

Recommended action: *Approval of all 3 design variances and all 4 regular 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.

Urban Design & Landscaping (to be implemented via corrections to the site plan prior to securing Building permits)

2. Signs - Extra, non-conforming pole sign at the southeast corner of the site shall be removed, with retention of the existing pole/pylon sign at the northeast corner of the site.
3. Roof Equipment - Mechanical equipment mounted on the roof shall be screened from view at ground level as viewed from the public right-of-way or from any abutting property, by means of parapets, louvers, or architectural treatments. Compliance with this subsection shall be determined by the Appearance Review Officer.
4. Street Trees - A minimum of two street trees shall be planted in the parkway strip adjacent to Mt. Vernon St. Public Works or Transportation Engineering approval will be required at time of permitting. The overhead powerlines prevent the installation of canopy trees; therefore, the installed trees shall be approved understory trees which will grow to a maximum height of 20-ft. such as Star Magnolia, Eagleston Holly or Chickasaw Plum (per LDC Section 60.231). Crape Myrtles shall not be utilized.

5. Parking Lot Screening - A fast-growing hedge, such as Podocarpus, shall be planted along the Mt. Vernon St. edge to reduce the visual impact of the parking area. Public Works or Transportation Engineering approval will be required at time of permitting. The hedge should be a minimum 30 inches in height at installation and shall be maintained to a minimum height of 36 inches in height after the first year. Individual shrubs in a hedge shall be installed at a minimum spacing of 30 inches between plants along the entire length of the Mt. Vernon St. frontage.
6. Street Tree Trust Fund - In lieu of landscape and parking lot screening along N. Bumby Ave., the applicant shall contribute to the Street Tree Trust Fund at time of permitting, with the City installing the trees. The amount of payment to the Trust Fund shall be determined by the City's average cost for purchase and installation per type of tree, canopy or understory. The Families, Parks and Recreation Director or designee shall determine the average cost and list of approved street trees after input from the City Planning Division.
7. Landscape Islands - Any new landscape islands on the site shall include irrigation, shrubs and groundcover plantings and a minimum of one canopy or understory tree in each island (where possible).

4. VAR2016-00057**STYLES OF LIFE II ALCOHOL SEPARATION**

Applicant: Devon Quinland, 536 W. Church St., Orlando, FL 32805

Owner: Trevor Myers, 86 Shipyard Ct., Ocoee, FL 34761

Location: 536 W. Church St. (±0.22 acres)

District: 5

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

Requested variance:

- Variance to allow on-site consumption of alcohol within 1,000 ft. of a church.

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 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 sale and/or consumption of alcohol shall be limited to noon-9pm Sunday through Thursday and noon –11pm Friday and Saturday.
4. Variance is specifically limited to suite B of the building.

5. VAR2016-00058**MEDICAL VILLAGE MERCY DR.**

Applicant: Dale Parsons, Parsons Architects, 2106 N. Orange Ave., Ste. 200, Orlando, FL 32804

Owner: 2000 North Orange LLC, 2106 N. Orange Ave., Ste. 200, Orlando, FL 32804

Location: 800 Mercy Dr. (±2.56 acres)

District: 5

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

Requested variances:

- A. Variance of 10 ft. to allow an existing building to be located on the west lot line, where a minimum 10 ft. rear setback is required in the I-G/W zoning district;
- B. Variance to allow reduced perimeter landscape buffers on the south and east portions of the site; and
- C. Variance of 10 parking spaces to allow 107 spaces for a proposed medical office/clinic & warehouse use, where a minimum 117 spaces are 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.
3. The 1.33-acre parcel to the north (parking lot, under the same ownership) shall continue to be annexed into the City. Once annexed, any substantial improvement to this portion of the site may require a separate variance.
Urban Design
4. Trees shall be added to each of the new parking lot landscape areas, as well as to the existing parking lot landscape areas which do not have existing trees.
5. Complete the Mercy Drive street tree planting along the site frontage to comply with LDC Chapter 60, Part 3. The perimeter landscape material requirements of Section 61.312(c) must be provided on all sides of the property where a building wall does not exist on said lot lines.
6. The dumpster enclosure shall have durable, opaque, locking doors; the exterior walls of the enclosure shall be finished to match or complement the principal buildings.
7. Fencing is not required. However, any new fencing adjacent to and within 50-ft. of Mercy Drive shall be of either welded-wire picket, aluminum or wrought-iron style pickets. Elsewhere, fencing may be vinyl-clad black chain link, minimum 9-gauge mesh (6-gauge is recommended for strength and durability), with top and bottom rails.
8. All site lighting shall comply with LDC Chapter 63, Part 2M. Site lighting generally shall not be placed within the expected mature canopy of any given tree.
9. Appearance review will be required at time of permitting to ensure compliance with these conditions.
10. All on-site signage shall meet Code and shall be permitted prior to fabrication and erection. Roof-top or other signs that extend past the parapet of the roof are prohibited. Digital signs are also prohibited.

11. Exterior glazing in the south, east and north facades shall be clear glass (minimum 80% light transmittance), or low-E glass with a minimum of 60% light transmittance. Darkly tinted, reflective, or translucent glass is prohibited.

Vice Chairperson Pathak moved APPROVAL of the CONSENT AGENDA. Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).

**Board member Carmody arrived at 2:25 p.m. For purposes of tracking attendance and as required pursuant to City Code Section 2.121, Board Member Carmody is deemed absent for this meeting; however, Board Member Carmody was present during the presentation, discussion and vote on Regular Agenda Item No. 6 and thus his vote is accounted for in the record.*

**Board member Sanchez arrived at 2:27 p.m. For purposes of tracking attendance and as required pursuant to City Code Section 2.121, Board Member Sanchez is deemed absent for this meeting; however, Board Member Sanchez was present during the presentation, discussion and vote on Regular Agenda Item No. 6 and thus her vote is accounted for in the record.*

REGULAR AGENDA

6. VAR2016-00052

1615 DELANEY AVE.

Applicant: Keith Ori, Parhelion Homes, 1640 Delaney Ave., Orlando, FL 32806

Owner: Linda Wilnau, 1611 Delaney Ave., Orlando, FL 32806

Location: 1615 Delaney Ave. (±0.58 acres)

District: 4

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

Requested variance:

- Variance of 6 ft. to allow 0 ft. south side yard setback for an existing house, where a minimum 6 ft. side setback is required.

Recommended action: *Denial of the requested variance.*

Jim Burnett, Planner III, City Planning Division, presented the requested variance, and explained staff's recommendation of denial to the Board using a PowerPoint presentation. He also responded to the Board's questions. Discussion included alternative proposals, various platting procedures, and whether an easement could be added for rear access.

Keith Ori, 1640 Delaney Ave., Orlando, FL 32806, spoke as the applicant in support of the request. He showed revised plans and addressed City staff's concerns regarding those and plans and potential easements. He stated he didn't want to tear the existing house down, as there was nothing wrong with it and it added to the variety of architecture in the neighborhood. He acknowledged that the large lot size was an outlier for residential properties in the City. The revised drawings showed the proposed house on the proposed subdivided lot to the south would

be closer to the street, but Mr. Ori said the design was flexible. He also was against chopping 6 feet off the southern portion of the existing house and then replatting.

Linda Meade, 415 Woodland St., Orlando, FL 32806, spoke as the neighbor to the rear (east). She spoke positively about the applicant wanting to keep the existing house but expressed a desire to maintain the concrete wall on the south and east sides.

Peter Duke, 809 Floral Dr., Orlando, FL 32803, spoke as a friend of the applicant in support of the request. He explained the concept behind the show *Zombie House Flipping*. He then noted the existing house had a lot of promise if it was saved, and spoke out against demolition. He emphasized the diversity of the neighborhood and advocated the use of an easement.

Board discussion ensued. Several members expressed lingering concern that the applicant still had other options. Executive Secretary Cechman said that the variance process was the most "surgical" option available. He then explained the revert-to-plat process, which neighbors don't always support in public hearings. He also reiterated that staff would not be supportive of a "jog" in a replatted property line.

At the Board's request, Mr. Burnett detailed the backup conditions staff had generated in case the Board decided to approve the request. Board member Carmody asked if the motion should be tabled until more plans were ready, but the rest of the Board did not support that idea.

Vice Chairperson Pathak moved DENIAL of the VARIANCE. Board member Sanchez SECONDED the MOTION, which was VOTED upon and PASSED by a 6-3 voice vote (Chairperson Donaudy and Board members Carmody and Wilson opposed).

OTHER BUSINESS

- Recording Secretary Petersen noted that this would be Board member Tuura's last meeting with the BZA and thanked her for her service.

ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 3:25 p.m.

STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
Jim Burnett, City Planning
TeNeika Neasman, City Planning

Ken Pelham, City Planning
Shannan Stegman, City Planning
John Groenendaal, Permitting Services
Alison Brackins, City Attorney's Office



Mark Cechman, AICP, Executive Secretary



Ed Petersen, BZA Recording Secretary