



# BOARD OF ZONING ADJUSTMENT

MINUTES  SEPTEMBER 23, 2014

## 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  
[9/12]

Asima Azam [6/8]

Laura Hodges [11/12]

Elena Pathak [11/12]

Billy Wilson [8/8]

### Members Absent

Griff Ariko, Vice Chairperson  
[10/12]

Robert High [9/12]

Byron Lastrapes [10/12]

## OPENING SESSION

- Determination of a quorum.
- Avery Donaudy, Chairperson, called the meeting to order at 2:01 p.m.
- Pledge of Allegiance.
- The Board ACCEPTED the Minutes of the August 26, 2014 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. VAR2014-00092      1511 LAWSONA CT. – \*Moved to Regular Agenda
2. VAR2014-00094      714 E. AMELIA ST. – \*Moved to Regular Agenda
3. VAR2014-00096      2811 ARDSLEY AVE.

Applicant:                      Michael Wenrich, Architect, 865 Nottingham St., Orlando, FL 32803

Owner:                              Samuel & Heidi Jaffe, 2811 Ardsley Ave., Orlando, FL 32804

Location:                        2811 Ardsley Ave. (±1.17 acres)

District:                            3

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

Requested variance:

- Variance of 12% to allow 52% front yard impervious surface coverage, where a maximum 40% front yard impervious surface coverage is allowed in the R-1AA/W zoning district.

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

1. Development shall be in strict conformance with all conditions and the 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 other applicable state or federal permits must be obtained before commencing development.

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

## REGULAR AGENDA

### 1. VAR2014-00092 1511 LAWSONA CT.

Applicant/Owner: Chad Forsyth, 1511 Lawsona Ct., Orlando, FL 32801

Location: 1511 Lawsona Ct. (±0.17 acres)

District: 4

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

Requested variances:

- A. Variance of 22 ft. to allow a 20 ft. driveway separation, where 42 ft. is required.
- B. Variance to allow the required parking space to be located within the 25 ft. front setback

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

TeNeika Neasman, Planner I, City Planning Division, introduced the case using PowerPoint. She said staff was recommending approval based on the six variance criteria being met.

Chad Forsyth, 1511 Lawsona Ct., Orlando FL 32801, spoke as the applicant in support of the request. He admitted that a previous addition to his duplex may have been unpermitted years ago, but the City was open to accepting that. As currently constructed, the single driveway caused difficulty in maneuvering vehicles. He said two separate driveways was the best and safest option, especially for his children. He also claimed his proposal would be better for the smaller scale of the neighborhood, rather than a larger circular driveway. As to the complaint of his neighbor to the west, Mr. Forsyth said he was confused because his neighbor actually had more room and two street frontages to choose from for his driveways.

Allen Angus, 936 N. Hampton Ave., Orlando, FL 32803, spoke as the neighbor to the west in opposition to the request. He expressed confusion as the different codes regarding driveway separation, specifically the 42 ft. vs. 10 ft. Jeremy Crowe, Civil Engineer IV, Transportation Engineering Division, addressed the differences between the Engineering Standards Manual and the Land Development Code. He explained that driveways are required to be at least 10 ft. apart on adjacent properties, while the 42 ft. separation requirement is only for circular driveways internal to one property. Mr. Angus said he was still against the proposed variance, as it would disrupt his plans to improve his own site. Discussion between Mr. Forsyth and Mr. Angus ensued at length after Mr. Angus showed the Board how he would change the proposed variance.

Board discussion ensued. Board member Hodges commented on the difference between lot sizes, and the fact that Mr. Angus had a wider frontage than Mr. Forsyth. The Board discussed at length how to best address the problems at hand, and whether a lesser variance might be appropriate to split the difference. Consensus was built around giving each property owner equal distance of 5 ft. from either side of the property line, which would mean a lesser variance of 19.5 ft. for Variance A.

**Board member Pathak moved APPROVAL of a LESSER VARIANCE of 22.5 ft. to allow a driveway separation of 19.5 ft., subject to the following conditions:**

1. Development shall be in strict conformance with all conditions and the site plans and elevations found in this report, subject to any modification by the Board of Zoning Adjustment (BZA) and/or City Council. Minor modifications to the approved variance may be approved by the Zoning Official. Major modifications, as determined by the Zoning Official, shall require additional review by the BZA.
2. All applicable City, County, State or Federal permits must be obtained before commencing development.

3. Appearance review will be required during permitting to ensure compliance with the variance conditions.
4. Property shall not exceed the maximum ISR of 55%.
5. Both driveways shall be constructed with concrete.
6. The property shall be brought into compliance with the Section Sec. 60.223. One-Family and Two-Family Residential Development Standards.

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

## 2. VAR2014-00094 714 E. AMELIA ST.

Applicant: Richard Barrette, Architect, 924 Brentwood Dr., Apopka, FL 32712

Owner: Joshua Wald, 905 Lake Lily Dr., Apt. C337, Maitland, FL 32751

Location: 714 E. Amelia St. (±0.17 acres)

District: 4

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

Requested variance:

- Variance of 10 ft. to allow a new 2-story detached garage/apartment 5 ft. from the rear lot line, where a minimum 15 ft. setback is required in the R-2B/T/HP zoning district.

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

Jim Burnett, Planner III, City Planning Division, introduced the case using the staff report on the overhead projector. He stated that staff was recommending approval, but because two letters from nearby property owners were received in opposition, the Board decided to pull the case for discussion. He said the two messages (one physical letter and one e-mail) cited their preferred distance separation from the rear lot line. Rather than the 5 ft. as proposed, they would want between 7 and 10 ft. like a previous variance to the southeast on Harwood St. He also pointed out that if the garage were to be pulled forward, it might be harder to get in and out.

Richard Barrette, 924 Brentwood Dr., Apopka, FL 32712, spoke as the applicant in support of the request. He explained that his proposal was done to be as closely aligned to the historic pattern as possible. He noted that he had kept the garage mostly out of the easement running north-to-south along the eastern property line. Finally, he pointed out that one of the opponents who submitted written objections doesn't live directly behind the subject property. Board member Azam asked if the extra 5 ft. really made that much of a difference, and Mr. Barrette said they were essential for ease of entry and exit. Board member Pathak asked if a car could still make the turn with a shorter distance. Mr. Barrette said only smaller compact cars could do so. Board member Hodges asked if a lesser variance would be acceptable, but Mr. Barrette said no.

Josh Wald, 150 E. Robinson St., Apt. 1207, Orlando, FL 32801, spoke in support of the request. He claimed that both letters of opposition should be less significant, because both people lived outside the 300 ft. radius of concern. Board member Azam agreed that the Board should probably not weigh them as heavily in their decision-making process.

**Board member Azam moved APPROVAL of the VARIANCE, 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 other applicable state or federal permits must be obtained before commencing development.
3. Conditions of HPB2014-00141 shall be met, including review of exterior building materials and finishes by HPB Minor Review Committee prior to securing permits.
4. 2nd-story windows on the east- and rear-facing sides of the apartment shall be clerestory or frosted glass.
5. AC equipment or other mechanical equipment shall be placed on the west side of the garage/apartment in compliance with LDC Section 58.984.

### Urban Design Conditions

6. Appearance Review shall be required at time of permitting to confirm compliance with these variance conditions.

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

**4. VAR2014-00091 1314 EASTIN AVE.**

Applicant/Owner: Daniel Martin, 1314 Eastin Ave., Orlando, FL 32804

Location: 1314 Eastin Ave. (±0.15 acres)

District: 3

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

Requested variances:

- A. Variance of 8 ft. to allow a 17 ft. front setback, where 25 ft. is the minimum required.
- B. Variance of 1 ft. to allow an inline addition at a 5 ft. north side setback, where 6 ft. is the minimum required.

*Recommended action: Denial of Variance A and approval of Variance B, subject to the conditions in the staff report.*

Michaëlle Petion, Planner II, City Planning Division, introduced the case using PowerPoint. Chairperson Donaudy asked if the vegetation in front of the house would need to be replaced, but Mrs. Petion said it was not substantial.

Dan Martin, 1314 Eastin Ave., Orlando, FL 32804, spoke as the applicant in support of the request. He said that he needed more room for his growing family, and that they had already expanded in the rear as much as they could. Remodeling was challenging because this was an old house, and he wanted to keep the unique character intact while still expanding the living space. He claimed a neighborhood was more than just six houses in a line, and that even if his house jutted out a little after the addition, it would not be noticeable because many lines of sight were blocked by shrubs. He noted that he would be transplanting the bougainvillea to a new area. As for the overall encroachment, he explained that he had already redesigned the plans to lessen it from 10 ft. to 8 ft., and that he had limited room to expand without almost rebuilding the whole house. He also stated that an addition to the side of the house would be a problem for his neighbor, and that it would disrupt the historic aspects of the building. Board member Pathak noted that the revised plans looked better, and that she liked having a downtown that was more eclectic. Mr. Martin also agreed to delete the courtyard, but pointed out the proposed addition would line up his house with the neighbor's courtyard.

At the suggestion of Assistant City Attorney David Bass, Mrs. Petion reiterated which of the six variance criteria the project did not meet. Board member Azam noted that she didn't like that all six criteria weren't being met; however, she also pointed out that most historic-style houses were smaller with nowhere to grow, and the City should consider changing the code to address the needs of modern families who choose to live there. Board member Pathak wondered if the Board's responsibility was to meet halfway with the applicant. Board member Hodges said that since this was a dead-end street, as long as the courtyard was removed from the plans, the project would be acceptable. Board member Wilson agreed.

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

1. Development shall be in strict conformance with all conditions and the survey and site plans found in this report, subject to any modification by the Board of Zoning Adjustment (BZA) and/or City Council. Minor modifications to the approved variance may be approved by the Zoning Official. Major modifications, as determined by the Zoning Official, shall require additional review by the BZA.
2. All other applicable state or federal permits must be obtained before commencing development.
3. Existing architectural features that are to be removed for the addition shall be incorporated into the existing house or the new construction, or made available to architectural salvage companies or historic preservation organizations for purchase or donation.
4. The slope of the new tile roof portions shall match as nearly as practical those of the existing tile roof. Colors and design shall match the existing.
5. In order to minimize the front encroachment, the courtyard wall shall be deleted from the project.
6. The project must receive an appearance review at time of permitting. Appearance Review will involve the City Historic Preservation Officer for appropriateness of detailing and construction to the original house.
7. The front yard shall be landscaped in accordance with the rules of Section 60.233 of the City Code.

**Board member Pathak SECONDED the motion, which was VOTED upon and PASSED by a 4-1 voice vote (Board member Azam opposed).**

## OTHER BUSINESS

- Executive Secretary Cechman updated the Board on the status of case VAR2014-00077, 119 N. Hyer Ave. The Planning Official had appealed the BZA's recommendation, and the case would be going before a hearing officer.
- Recording Secretary Ed Petersen noted that no cases had been received to hold an October meeting; however, rather than let the time go unused, staff discussed the possibility of holding a training/refresher session on how to make the best decisions while serving on the BZA.

## ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 3:44 p.m.

## STAFF PRESENT

Mark Cechman, City Planning  
Karl Wielecki, City Planning  
TeNeika Neasman, City Planning  
Jim Burnett, City Planning  
Michaëlle Petion, City Planning  
Paul Lewis, City Planning



Mark Cechman, AICP, Executive Secretary

Richard Forbes, City Planning  
Doug Metzger, City Planning  
Jeremy Crowe, Transportation Engineering  
Keith Grayson, Permitting Services  
John Groenendaal, Permitting Services  
David Bass, City Attorney's Office



Ed Petersen, BZA Recording Secretary