



BOARD OF ZONING ADJUSTMENT

MINUTES  AUGUST 26, 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

Griff Ariko, Vice Chairperson
[10/11]

Robert High [9/11]

Laura Hodges [10/11]

Byron Lastrapes [10/11]

Elena Pathak [10/11]

Billy Wilson [7/7]

Members Absent

Avery Donaudy, Chairperson
[8/11]

Asima Azam [5/7]

OPENING SESSION

- Determination of a quorum.
- Griff Ariko, Vice Chairperson, called the meeting to order at 2:00 p.m.
- Pledge of Allegiance.
- The Board ACCEPTED the Minutes of the July 22, 2014 BZA Meeting as presented.

PUBLIC COMMENT

Vice Chairperson Ariko 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. VAR2014-00078 2810 MIDDLESEX RD.

Applicant/Owner: Jason Black, 2810 Middlesex Rd., Orlando, FL 32803

Location: 2810 Middlesex Rd. (±0.86 acres)

District: 3

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

Requested variance:

- Variance of 23 ft. to allow a rear deck to encroach 27 ft. into the 50 ft. waterfront setback.

Recommended Action: Approval of the requested variance, subject to the conditions in the staff report:

1. Development shall be in strict conformance with all conditions and the site plans and elevations found in this report, subject to any modification by the Board of Zoning Adjustment (BZA) and/or City Council. Minor modifications to the approved variance may be approved by the Zoning Official. Major modifications, as determined by the Zoning Official, shall require additional review by the BZA.
2. All applicable City, County, State or Federal permits must be obtained before commencing development.
3. Appearance review will be required during permitting to ensure compliance with the variance conditions.
4. Property shall not exceed the maximum ISR of 0.55.

5. Applicant shall maintain the 2011 aquatic landscape plan, which was approved by the Florida Fish and Wildlife Commission.

2. VAR2014-00079 9780 OLD PATINA WAY

Applicant/Owner: Rona Bilbro, 9780 Old Patina Way, Orlando, FL 32832
 Location: 9780 Old Patina Way (±0.13 acres)
 District: 1
 Project Planner: Jim Burnett (407.246.3609 – james.burnett@cityoforlando.net)
 Requested variance:

- Variance of 6 ft. to allow a screen porch addition 8 ft. from the rear lot line, where a minimum 14 ft. rear setback 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 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. Overall site impervious surface coverage shall not exceed 60%, per the corresponding Eastpark PD, Neighborhood 5 regulations.
4. Appearance Review will be required during permitting to ensure compliance with the variance conditions.
5. Screen room shall not be heated or air-conditioned and screens shall not be replaced with solid windows or walls.
6. Air conditioning compressor shall remain in current location behind the house, northwest of proposed screen room addition.
7. The screened patio shall comply with the requirements of the East Park Neighborhood 5 HOA Architectural Review Board letter of July 1, 2014. This letter should be attached to the permit application.

3. VAR2014-00080 404 SHERIDAN BLVD.

Applicant: Edward Valley, Fortis Enterprises LLC, P.O. Box 2341, Winter Park, FL 32789
 Owner: Scott Richbourg, 9105 Bay Point Dr., Orlando, FL 32819
 Location: 404 Sheridan Blvd. (±0.20 acres)
 District: 3
 Project Planner: TeNeika Walker Neasman (407.246.4257 – teneika.walker@cityoforlando.net)
 Requested variance:

- Variance of 8 ft. to allow for a 7 ft. street side setback where a 15 ft. setback is required, for an open porch.

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

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

3. The porch is constructed of materials similar to that of the principal façade
4. The porch design is consistent with the architectural style of the principal structure as determined by the Appearance Review Officer in accordance with generally accepted architectural standards.
5. Appearance review will be required during permitting to ensure compliance with the variance conditions.

4. *Moved to Regular Agenda

5. VAR2014-00084 1419 S. EOLA DR.

Applicant/Owner: Tracy Callaway, 1419 S. Eola Dr., Orlando, FL 32806

Location: 1419 S. Eola Dr. (±0.09 acres)

District: 4

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

Requested variance:

- Variance of 15 ft. to allow for a 10 ft. rear yard setback where a 25 ft. setback is required, for a bathroom addition.

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

1. Development shall be in strict conformance with all conditions and the site plans and elevations found in this report, subject to any modification by the Board of Zoning Adjustment (BZA) and/or City Council. Minor modifications to the approved variance may be approved by the Zoning Official. Major modifications, as determined by the Zoning official, shall require additional review by the BZA.
2. All applicable City, County, State or Federal permits must be obtained before commencing development.
3. Appearance Review shall be required pursuant to the requirements and procedures provided in section 62.300.
4. The maximum floor area ratio shall be 0.50, F.A.R. is .24 without the addition.
5. The bathroom shall be constructed with materials similar to that of the principal façade
6. The bathroom addition design shall be consistent with the architectural style of the principal structure as determined by the Appearance Review Officer in accordance with generally accepted architectural standards.

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

REGULAR AGENDA

4. VAR2014-00082 1818 E. ROBINSON ST.

Applicant/Owner: Jason Black, 1818 East Robinson LLC, 401 Main St., Ste. B, Windermere, FL 34786

Location: 1818 E. Robinson St. (±0.22 acres)

District: 4

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

Requested variances:

- A. Variance of 1 ft. to reduce the front yard setback from 25 ft. to 24 ft.;
- B. Variance of 5 ft. to reduce the drive aisle width from 16 ft. to 11 ft.;

- C. Variance of 2 ft. to reduce the 2-way parking aisle width from 24 ft. to 22 ft.;
- D. Variance of 2.5 ft. and 4 ft. to reduce the landscape buffer widths from 7.5 ft. to 5 ft. (south), and from 7.5 ft. to 3 ft. (east);
- E. Variance to allow turfblock for the driveway and parking surface (to reduce overall ISR); and
- F. Design variance to allow a monument 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, introduced the case using PowerPoint. He explained that staff was recommending approval of the project based upon the fact that the six variance standards were being met.

Donna Barron, 213 Rosearden Dr., Orlando, FL 32803, spoke as the neighbor immediately southwest of the subject property. She expressed concerns about the building height, the impact on parking and traffic, the presence of a potential dumpster, the reduction of setbacks, and the type of office that might be located there. She did admit that a live-work unit would be a better use than a regular office. Mr. Burnett said there were 7 parking spaces, which was sufficient per code; the buffers on the west and south side would remain; and a medical office would be prohibited. He referred to the staff report to answer the rest of her questions.

Jason Black, 2810 Middlesex Rd., Orlando, FL 32803, spoke as the applicant and developer in support of the request. He said the building would either be rented out, or they would attempt to sell it. Mr. Burnett went through the conditions of approval for the benefit of Ms. Barron. No Board discussion followed.

Board member High 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 applicable City, county, state or federal permits must be obtained before commencing development.
3. Overall site impervious surface coverage shall not exceed 70%, per the corresponding O-1/T/AN zoning.
4. Appearance Review will be required during permitting to ensure compliance with the variance conditions.
5. Medical/doctors offices and medical labs are prohibited.
6. Proposed rear carport shall be removed.
7. 2nd floor living unit shall be limited to one (1) dwelling unit (and not be further divided into additional dwelling units).
8. Live/work unit to be architecturally re-designed (or roof style changed) to provide more of a residential character, consistent with adjacent residential uses.
9. Finished appearance of required 6-ft. tall buffer walls shall match materials used in live/work unit.
10. No fewer than three (3) canopy trees shall be provided on the property, with two (2) in front and one in the rear yard.
11. The west and east edges of the driveway within the front yard shall be lined with tall groundcovers (such as African iris) or dwarf shrubs (such as Indian hawthorn).
12. The street sidewalk shall be a continuous smooth grade across the driveway.
13. The site landscaping must meet the minimum requirements of the City Code not covered by this variance. A bufferyard 'B' is required on the south and southwest lot lines, and a bufferyard 'A' on the west property line; the south buffer must include a 6-ft. high wall, in addition to trees and vegetation. The west bufferyard, when at least 10 ft. in width, may be continuous hedge plants and trees, without a wall; however, the stormwater management pond cannot occupy more than 50% of the width of the west bufferyard. Underground stormwater management may occupy the entire width of the west bufferyard, as long as the required trees, shrubs, and 6 ft. tall wall are provided.

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

6. VAR2014-00075 14838 FELLS LN.

Applicant/Owner: Jorge Soto, 14838 Fells Ln., Orlando, FL 32827

Location: 14838 Fells Ln. (±0.35 acres)

District: 1

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

Requested variances:

- A. Variance of 6 ft. to allow a 24 ft. wide driveway, where a maximum 18 ft. wide driveway is allowed for single-family residential homes.
- B. Variance of 5% to allow a 45% front yard impervious surface coverage, where a maximum 40% coverage is allowed.

Recommended action: Denial of the requested variances.

Jim Burnett, Planner III, City Planning Division, introduced the case using PowerPoint. He explained why the applicant was requesting the variance, but that staff was unable to support the request due to the six standards not being met. Vice Chairperson Ariko asked if any other lots in the neighborhood had driveways larger than 18 ft. wide. Mr. Burnett said there were three other lots with three-vehicle wide garages with 18 ft.-wide drives. Mr. Burnett also note that there was sufficient room to maneuver vehicles, and clarified that the 18 ft. width already existed at this lot.

Jorge Soto, 14838 Fells Ln., Orlando, FL 32827, spoke as the applicant in support of the request. He submitted 35 letters of support from around the neighborhood. Using his own PowerPoint presentation, he referred to the City Code and showed that there were no regulations for three-vehicle wide driveways. He said his proposal would be a more "natural" look, and that other areas of the City already had such a look. Three cars would not be able to fit on the driveway as currently constructed. He also explained that his son had a medical condition that required him to use a wheelchair, which was difficult to operate on the smaller, existing driveway.

Executive Secretary Cechman asked if Mr. Soto was able to make the turn into the driveway, and further asked about extending the flare down to the street. Mr. Cechman pointed out that speeding was a potential problem, as a wider driveway could lead to people pulling in faster. Board discussion ensued about how to pave the driveway, how to measure the pavement, and the type of flare to be used.

Board member Lastrapes arrived at 2:40 p.m. Board member High left the meeting at 2:48 p.m. A quorum was still maintained.

Board member Pathak wondered if a taper could be added on the left (west) side of the driveway. She reasoned that modifications would still have to be made even if the variance were to be granted outright, but her suggestion came closer to code compliance. Further Board discussion ensued on whether the Board would be setting a precedent by approving such a variance. They also mentioned that it was difficult to overlook the planning that went into this new neighborhood in favor of this type of variance. Assistant City Attorney David Bass reminded the Board to stick with the six criteria for variance approval. Paul Lewis, Chief Planning Manager, stated that one of the reasons the City limits driveway widths is to ensure there is adequate on-street parking. Board member Hodges wondered if the Board could split the difference as they had done on previous driveway width cases, but further Board discussion revealed that no members were in support of that course of action.

Board member Wilson moved DENIAL of the variance. Board member Pathak SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

7. VAR2014-00076 14775 FELLS LN.

Applicant/Owner: Nafeesa Mahmood, 14775 Fells Ln., Orlando, FL 32827

Location: 14775 Fells Ln. (±0.20 acres)

District: 1

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

Requested variance:

- Variance of 6 ft. to allow a 24 ft. wide driveway, where a maximum 18 ft. wide driveway is allowed for single-family residential homes.

Recommended action: Denial of the requested variance.

Jim Burnett, Planner III, City Planning Division, introduced the case using PowerPoint. He stated that most of the details were the same as the previous case (VAR2014-00075) further west on Fells Ln., with the exception that the front yard Impervious Surface Ratio would meet code with or without the variance. Staff was unable to support the variance due to the six standards not being met.

Nafeesa Mahmood, 14775 Fells Ln., Orlando, FL 32827, spoke as the applicant in support of the request. As the caregiver to several elderly people, she said the driveway, as currently constructed, did not provide enough room for wheelchair-bound passengers to safely enter and leave vehicles. She claimed that Florida and national guidelines were less restrictive to people with disabilities, and appealed to the common sense of the Board members to approve the variance. The current layout of the driveway meant that drivers would have to keep driving over the grass and sprinklers. She also stated that she was offended by Executive Secretary Cechman's previous comments about potential speeding, as the neighborhood was made up of professionals.

Board member Lastrapes asked if she was using all three parking spaces. Ms. Mahmood said no, because only two cars could fit in the current configuration. She said she had to give up one of her family's cars when she moved from Chicago because of the driveway situation. She also blamed the inspector for approving the driveway layout, though she was unable to specify whether the fault lay with the City's or the developer's inspector. Ms. Mahmood explained this was a custom-built home, with handicap accessibility inside and out. Vice Chairperson Ariko asked if a lesser variance would be acceptable, but Ms. Mahmood said no, because even a few more feet would still require too many vehicular maneuvers. She was also against parking in the street to load or unload her family members.

Jorge Soto, 14838 Fells Ln., Orlando, FL 32827, spoke as a neighbor and colleague of Ms. Mahmood in support of the request. He asked what would be the problem if the Board set a precedent on these types of variances. Assistant City Attorney David Bass explained that the role of the BZA was to uphold the City Code unless there were unusual hardships present.

Board discussion ensued. Members were generally sympathetic to the applicant's situation, and understood about the fault of the developer. Some took care of elderly relatives themselves. However, there still would be design alternatives to granting such a large variance. Board member Lastrapes reiterated the inherent design problems in the original layout. Executive Secretary Cechman asked if a handicap space would be required. Keith Grayson, Chief Zoning Plans Examiner, suggested widening the area behind the utility easement to ease the process of getting people out of vehicles. The Board asked if such design discussions could take place between the applicant and staff outside of the meeting.

Board member Hodges moved DENIAL of the variance. Board member Pathak SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

8. VAR2014-00077 119 N. HYER AVE.

Applicant/Owner: Tomas Dordevic, 119 N. Hyer Ave., Orlando, FL 32801

Location: 119 N. Hyer Ave. (±0.14 acres)

District: 4

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

Requested variance:

- Variance to allow the connection of an accessory structure and principal structure, without the maintenance of the yard requirements of the principal building.

Recommended action: Denial of the requested variance.

Michaëlle Petion, Planner II, City Planning Division, introduced the case using PowerPoint. She gave a description of the two existing buildings, what the applicant was requesting, and why staff was recommending denial. Executive Secretary Cechman provided a brief history of the City's accessory structure setbacks and the reasoning behind them, and how the code defined "connection". Board member Lastrapes confirmed that there would normally be an overhang (eave) separation requirement as well. Richard Forbes, Historic Preservation Officer, stated the 5 ft. accessory structure setback was consistent with the historic pattern of development in this neighborhood.

Tomas Dordevic, 119 N. Hyer Ave., Orlando, FL 32801, spoke as the applicant in support of the request. He provided a scale model of the house with the proposed connection piece, and also distributed a handout while he presented his own PowerPoint slides. He pointed out the small scale of his proposal in the scope of the neighborhood. The connection bridge would add 48 sq. ft. of air-conditioned space to the house. His slides showed a series of addresses with photographs showing a number of other houses in the area with similar connections or breezeways.

Mrs. Petion pointed out that several of the houses from the presentation were corner lots and conforming to setback requirements, excluding one which had a unique lot configuration. She stated that therefore, the City had been consistent in enforcing the connection requirements. Board member Lastrapes asked whether the City would subsequently look at this project as one big structure, and Mrs. Petion said yes. Mr. Cechman said that a 20 ft. rear yard reduction is a large magnitude for a variance.

Board discussion ensued. Board member Pathak liked that the structure would be connected only on the second level. Vice Chairperson Ariko noted that the proposed connection was secluded. Assistant City Attorney David Bass pointed out that each situation is unique, and the board should consider the six variance criteria with respect to this particular case. He also reminded them that, as the code explicitly states, non-conformities on neighboring properties do constitute grounds for approval of a variance. Board member Hodges said she thought the project was tastefully done, but if the BZA was supposed to uphold the City code, it might not be good to approve the project.

Board member Wilson moved APPROVAL of the VARIANCE, 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. Connection shall be limited to 48 sq. ft.

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

OTHER BUSINESS

Recording Secretary Ed Petersen stated that elections needed to take place at this meeting. He noted which Board members would be technically ineligible to be nominated for Chairperson and Vice Chairperson, but reminded the members that it was up to their discretion who they could nominate. Also, he said he had been in contact with current Chairperson Avery Donaudy, and she had stated via e-mail that she was OK with being nominated *in absentia* to remain Chairperson.

- Vice Chairperson Ariko MOVED to nominate Avery Donaudy as Chairperson. Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.
- Board member Wilson MOVED to nominate Griff Ariko as Vice Chairperson. Board member Pathak SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

ADJOURNMENT

Vice Chairperson Ariko adjourned the meeting at 4:14 p.m.

STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
Jim Burnett, City Planning
Michaëlle Petion, City Planning
Paul Lewis, City Planning
Ken Pelham, City Planning



Mark Cechman, AICP, Executive Secretary

Richard Forbes, City Planning
Doug Metzger, City Planning
Lillian Scott-Payne, Economic Development
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
David Bass, City Attorney's Office



Ed Petersen, BZA Recording Secretary