



BOARD OF ZONING ADJUSTMENT

MINUTES



JANUARY 27, 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
[3/3]

Griff Ariko, Vice Chairperson
[2/3]

Asima Azam [3/3]

Byron Lastrapes [3/3]

Elena Pathak [2/3]

Desiree Sanchez [2/3]

Billy Wilson [2/3]

Members Absent

Robert High [2/3]

Laura Hodges [2/3]

OPENING SESSION

- Determination of a quorum.
- Avery Donaudy, Chairperson, called the meeting to order at 2:03 p.m.
- Pledge of Allegiance.
- The Board ACCEPTED the Minutes of the December 16, 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. VAR2014-00118 724 PALMER ST.

Applicant/Owner: Michael Dudley, 724 Palmer St., Orlando, FL 32801

Location: 724 Palmer St. (±0.18 acres)

District: 4

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

Requested variance:

- Variance of 5.1 ft. to allow a residential addition to be 9.9 ft. from the street side lot line, where a minimum 15 ft. street side 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. Appearance Review will be required during permitting to ensure compliance with the variance conditions.

4. Details, construction methods, roofing, and finishes shall be consistent with those shown and compatible with the existing house.

Urban Design conditions

5. Clerestory windows or other window treatment shall be provided on the southern facade of the proposed expansion, in order to prevent a "sheer wall" visible to the side street along the master bedroom expansion.
6. A hedge shall be installed along the street-side edge of the fence line.
7. Understory street trees shall also be installed along the street side.

2. VAR2014-00119 1017 S. MILLS AVE.

Applicant/Owner: Jack Elkins, 1017 S. Mills Ave., Orlando, FL 32806

Location: 1017 S. Mills Ave. (±0.24 acres)

District: 4

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

Requested variance:

- Variance of 20 ft. to allow a semi-circular driveway with 22 ft. between curb cuts, where a minimum 42 ft. is required between driveway openings.

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. Appearance Review will be required during permitting to ensure compliance with the variance conditions.
4. Details shall be consistent with those shown and compatible with the existing driveway.
5. Install one native canopy tree within the center of the circle formed by the new driveway. The tree shall be at least 10-12 ft. in overall height, with minimum 2-inch caliper.
6. Because the lot is on a lake, it is recommended (not required) that the new driveway be constructed of pervious pavement, in order to mitigate stormwater runoff into the lake.

3. VAR2014-00120 2120 VIVADA ST.

Applicant/Owner: Matthew & Denise Seibel, 5250 Carter Rd., Lake Mary, FL 32746

Location: 2120 Vivada St. (±0.18 acres)

District: 4

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

Requested variance:

- Variance of 2.4 ft. to allow a one-story master suite addition to be 5.1 ft. from the west side lot line, where a 7.5 ft. 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 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 maximum impervious surface ratio shall be 0.41 with the addition.
4. The master suite addition shall be constructed with materials similar to that of the principal façade.
5. The existing vinyl fencing shall be reconstructed to reflect the design of the fence on the west side of the property architecturally.
6. The brick treatment on the driveway shall be tapered and bricks removed on the east side of the driveway.
7. The master suite 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.

4. VAR2014-00121 608 MADISON AVE.

Applicant/Owner: Stephanie & Carey Stone, 608 Madison Ave., Orlando, FL 32805

Location: 608 Madison Ave. (±0.31 acres)

District: 5

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

Requested variance:

- Design Variance to allow a projecting garage in the Traditional City overlay.

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 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. The garage and front doors shall be designed/selected to maintain the mid-century modern style consistent with the residence and overall neighborhood.

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

REGULAR AGENDA

5. VAR2014-00122 PHANTOM LOUNGE

Applicant: Fady Nessim, 1021 E. Colonial Dr., Orlando, FL 32803

Owner: Asian/Florida Investment Co. Inc., 816 N. Mills Ave., Orlando, FL 32803

Location: 1021 E. Colonial Dr. (±0.09 acres)

District: 3

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

Requested variance:

- Variance to allow on-site consumption of alcohol within 1,000 ft. of a school or church for the renovation and change of use to a hookah lounge.

Action: Deferred at the applicant's request.

Executive Secretary Cechman noted that staff had received an e-mail from the applicant requesting deferral of this case, stating that there were still some issues to be resolved. The Board subsequently proceeded to the next agenda item.

6. VAR2014-00123 KOYFMAN DENTAL

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

Owner: Tatatoothy, LLC

Location: 1243 W. Colonial Dr. (±0.34 acres)

District: 3

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

Requested variances:

- Variance of 3 ft. to allow a front setback of ±22 ft. where 25 ft. is the minimum required.
- Variance of 10 ft. to allow a street side setback of ±15 ft. where 25 ft. is the minimum required.
- Design variance to allow a ground sign in the Traditional City overlay district.
- Variance of +15 sq. ft. of sign copy area to allow +19 sq. ft. of signage where 4 sq. ft. is the maximum permitted.

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

Michaëlle Petion, Planner II, City Planning Division, gave an overview of the case with a PowerPoint presentation. She noted how the project was compatible with the office zoning district, and how West Colonial Drive had few other O-1 districts. Board member Azam asked what concerns were in the e-mail sent to the applicant by neighbors, but Mrs. Petion hadn't been made aware of the contents. Board member Ariko asked why cross-access was necessary with the lot to the east. Mrs. Petion stated it was a requirement on major thoroughfares and was mainly for informational purposes.

Tomas Dordevic, 119 N. Hyer Ave., Orlando, FL 32801 spoke as the applicant in support of the request. He pointed out that he had tried to keep the project in scale with the residential area behind it, including choosing building materials that would fit in. Using a scale model he brought with him, he showed the Board members how it would look from all sides. He noted he was setting the building back further from Springdale Road than the existing two-story house. Board member Sanchez asked where the entrance to the parking lot would be. Mr. Dordevic said it would be off Springdale Road.

Ken Rousseau, 710 Springdale Rd., Orlando, FL 32804, spoke as a neighbor to the northwest across Springdale. He expressed concerns about the following: setbacks from the street; landscape buffering; obtrusive signage; and the combined traffic effect from the Wawa gas station across Colonial Drive and the proposed dental office. He also wondered if 14 parking spaces would be enough for the office in question. Finally, he wondered if the historic character of the existing house would be retained. Board member Pathak asked if he would prefer if the dental office were two stories instead. Mr. Rousseau said he wanted to keep the proposal one story, and that he would add additional landscaping buffers.

Lynne Veerman, 1241 Golden Ln., Orlando, FL 32804, spoke as a neighbor to the north across Golden Lane. She expressed concerns about the visual impact of the new structure. She said the current 6 ft. high fence was insufficient to block out the lights and sounds from the Wawa station, and she was picking up trash from it already. Also, she hoped to get more “no parking” signs installed along the residential streets. Finally, she pointed out that the existing old oak trees would be removed in favor of new trees that would take years to grow, and wanted to get “wraparound” shrubbery to the entrance of the residential area. She did emphasize that she was not against the proposal in general, just some of the details.

Mr. Dordevic readdressed the Board in order to answer the concerns brought up. He understood the concept of “compression” was a factor in driving down the street, but he explained that by placing the building further from Springdale Road than the existing house, he was mitigating that concern. As for the historic nature of the existing house, he said that it had been through so many renovations over the years that there wasn’t much left in it that was historic. Regarding parking, he explained that the office staff had agreed to carpool to minimize the number of staff vehicles in the lot, and the neighbor to the east had offered several spots via a shared parking agreement. He also noted that while there were 9 separate rooms in the dental office, not all would be filled simultaneously with patients: one patient might go from one room to the next for different parts of a procedure. Finally, he pledged that the developer would adhere to the landscaping plan in the proposal and plant all trees indicated.

Board discussion ensued. Board member Azam was concerned about the placement of the sign, as it might cause a sight issue. Mrs. Petion pointed out the sign was 4 ft. high from grade, and outside of the corner line-of-sight triangle. Board member Sanchez noted that she lived in the Springdale neighborhood, and was concerned that Springdale Road leading into the neighborhood was already narrow, and that this would make it appear more so. Executive Secretary Cechman explained that this Board had no purview over whether additional “no parking” signs could be put in place. Board member Pathak said she was glad the dentist office wasn’t two stories. Mr. Cechman noted that any of the neighbors could apply for a Modification of Standards to request a higher fence to block their view of the building.

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 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. No less than 14 parking spaces shall be provided.
4. The ground sign shall be setback no less than 12.5 ft. from W. Colonial Dr. and 15 ft. from Spring Lake Rd. The sign height shall not exceed 4 ft. in height, as measured from grade at the front property line.
5. The sign shall incorporate architectural details to match or complement the office building.
6. Cross access shall be provided to the east.

Board member Pathak SECONDED the motion, which was VOTED upon and PASSED by a 6-1 voice vote (Board member Sanchez opposed).

OTHER BUSINESS

- No items.

ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 3:00 p.m.

STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
Michaëlle Petion, City Planning
TeNeika Neasman, City Planning
Jim Burnett, City Planning
Doug Metzger, City Planning



Mark Cechman, AICP, Executive Secretary

Richard Forbes, City Planning
Ken Pelham, City Planning
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
David Bass, City Attorney's Office



Ed Petersen, BZA Recording Secretary