



BOARD OF ZONING ADJUSTMENT

MINUTES



DECEMBER 15, 2015

MEETING INFORMATION

Location

Sustainability Conference

Room

2nd Floor, City Hall

One City Commons

400 South Orange Avenue

Time

2:00 p.m.

Members Present

Avery Donaudy, Chairperson
[3/3]

Elena Pathak, Vice Chairperson
[3/3]

Robert High [3/3]

Laura Hodges [3/3]

Byron Lastrapes [2/3]

Desiree Sanchez [2/3]

Beth Tuura [3/3]

Billy Wilson [3/3]

One vacancy.

Members Absent

None.

OPENING SESSION

- Determination of a quorum.
- Avery Donaudy, Chairperson, called the meeting to order at 2:00 p.m.
- Pledge of Allegiance.
- The Board ACCEPTED the Minutes of the November 24, 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. VAR2015-00127 2420 NORFOLK RD.

Applicant: Robert Riddle, 508 Barclay Ave., Altamonte Springs, FL 32701

Owner: Joseph & Eugenia Sefcik, 2420 Norfolk Rd., Orlando, FL 32803

Location: 2420 Norfolk Rd. (±0.82 acres)

District: 3

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

Requested variance:

- Variance of 2.5 ft. to allow a side setback of 5 ft. where 7.5 ft. is the minimum required for an open covered deck.

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. Construct a storm water management swale along the lot frontage, upland of the normal high water line. The swale shall be at least 12 inches deep, with slopes not steeper than 20%, and shall be planted with native littoral zone or wetland plant species. Turfgrass shall not be permitted within ten feet of the normal high water line.

2. VAR2015-00130 623 TERRACE BLVD.

Applicant/Owner: Raymond Lam, 860 N. Orange Ave., Ste. 135, Orlando, FL 32801

Location: 623 Terrace Blvd. (±0.86 acres)

District: 3

Project Planner: Jacques Coulon (407.246.3427 – jacques.coulon@cityoforlando.net)

Requested variance:

- Variance to build a three-story house on a non-conforming lot, where the house would be limited to two stories.

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. Appearance Review will be required during permitting to ensure compliance with the variance conditions and traditional city design elements.
4. The home appears to be based off of the Mid-Century Modern architectural style but lacks many of the common elements indicative of that style. Prior to appearance review the applicant is encouraged to update the architectural design to include general common design elements for Mid-Century Modern including those listed below (items 5 through 10):
 5. Shapes are based on linked boxes. Vertical forms are juxtaposed against horizontal elements for dramatic effect. The geometric lines are regular and rigorous. Flat roofs are common, though modern ranch-style houses had gable roofs.
 6. Windows are large expanses of floor to ceiling glass providing dramatic views. Use of large expanses of glass in effect brings the building's site and natural light into the interior of homes.
 7. Decorative moldings and elaborate trim are eliminated or greatly simplified, giving way to clean aesthetic. Steel columns are used in exposed applications, concrete block is used as a finished material, concrete floors are stained and exposed.
 8. Materials such as wood, brick and stone are used in simplified ways reflecting a modern aesthetic. Traditional clapboard siding are replaced with simple vertical board cladding used in large, smooth planes. Brick and stonework are simple, unornamented, and used in rectilinear masses and planes.
 9. Living spaces are no longer defined by walls, doors and hallways. Living, dining and kitchen spaces tend to flow together as part of a contiguous interior space.
 10. Entries are covered or sheltered and cater to both, people and automobiles. Often times, an entrance may serve as a connection between two structural elements.
11. Mid-Century Modern architectural style residences are typically single story structures. The applicant is encouraged to consider other architectural styles that more naturally accommodate additional stories and are more indicative of the traditional city design standards. Examples of these styles and common design elements of each can be found in Section 2 of the Baldwin Park Residential Design Guidelines. <http://www.cityoforlando.net/city-planning/wp-content/uploads/sites/27/2014/05/BaldwinPark-ResidentialGuidelines.pdf>
12. The applicant will include additional landscaping to obscure the exposed foundation of the ground level floor on the front elevation.
13. A pollution control swale, a minimum of 12" in depth, must be provided along the entire width of the lot, upland of the normal high water elevation. Slopes cannot exceed 20%. The swale must be planted with native littoral zone or wetland plant species. No turfgrass may be within 10 feet of the normal high water line. The swale location and depth may be adjusted to preserve existing native trees.

14. While the pool is indicated on site plans submitted by the applicant it is not part of this review or approval as the applicant indicated that the pool will be part of a later application submittal.

3. VAR2015-00131 1218 VASSAR ST.

Applicant/Owner: Julie Vecchio, 1218 Vassar St., Orlando, FL 32804

Location: 1218 Vassar St. (±0.19 acres)

District: 3

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

Requested variance:

- Variance to allow covered parking encroaching in front of principal structure.

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. In order to make the living area of a house visually more dominant than its parking facilities the carport/garage shall be flush with, or recessed from, the ground floor principal facade of the principal structure. With current plans the proposed porte cochere acts as a carport.
4. Open-air porches shall not be considered part of the front facade of the principal structure. Extend the front porch west to the end of the front façade or reduce the projection the porte cochere to a maximum depth of (8) feet from the face of the garage. Either option
 - a. The porch has a minimum depth of six (6) feet;
 - b. The porch is constructed of materials similar to that of the principal facade; and
 - c. 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. A base, middle, and top shall be expressed, with materials finished on the front porch. The base shall be constructed out of durable materials, such as brick, stone, precast, or similar.
6. The roof line of the front porch shall continue to be separate from the main massing of the house.

4. VAR2015-00133 1744 FLAMINGO DR.

Applicant/Owner: Reed Gaede, 1744 Flamingo Dr., Orlando, FL 32803

Location: 1744 Flamingo Dr. (±0.23 acres)

District: 3

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

Requested variance:

- A. Design variance for a projecting garage, where the garage is required to be 5 ft. setback from the front façade (non-conforming);
- B. Variance to allow a 25 ft. front yard setback, where 30 ft. is required in the R-1AA/T zoning district; and
- C. Variance to allow a 20 ft. rear yard setback, where 25 ft. is required in the R-1AA/T zoning district.

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 applicable City, County, State or Federal permits must be obtained before commencing development.
3. Provide 15% transparency in the front facade width (excluding the garage). The transparency minimum shall be calculated for the facade from ground level to the eave, and the minimum required transparency area shall be provided within a zone between 2.5' above grade to 8' above grade.
4. Construct the required sidewalk in the street frontage.
5. The applicant shall provide a new survey and title search information regarding the utility easement on the northwest portion of the site.

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

5. VAR2015-00126 500 E. AMELIA ST.

Applicant/Owner: Mariano Cardozo, 500 E. Amelia St., Orlando, FL 32803

Location: 500 E. Amelia St. (±0.16 acres)

District: 4

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

Requested variance:

- Variance of 5.6 ft. and 4.1 ft. to allow a 2nd floor landing and associated staircase on an existing 2-story garage with a 2 floor storage space to be 5.4 ft. and 10.9 ft. from the rear yard property line, where a maximum 2 ft. encroachment is allowed within a minimum 15 ft. rear yard setback for a 2-story accessory structure.

Recommended action: Denial of the requested variance.

TeNeika Neasman, Planner I, City Planning Division, gave an overview of the case using PowerPoint. She emphasized that the variance request was only dealing with the relocation of the external staircase from the side of the existing building to the rear. Executive Secretary Cechman asked if the structure in its current state met code. Mrs. Neasman said yes, and the reason staff was recommending denial was that it was difficult to determine the hardship. Board member High asked why the staircase needed to be moved. Mrs. Neasman deferred to the applicant but did mention window placement and safety concerns. Richard Forbes, Historic Preservation Officer, noted that this project had gone through the minor review process. The Historic Preservation Board Minor Review Committee approved the concept because it would have little impact on the historic character of the neighborhood.

Mariano Cardozo, 500 E. Amelia St., Orlando, FL 32803, spoke as the applicant in support of the request. He explained that the stairs were currently blocking windows. They were also rickety and he disallowed his children to use them. He wanted to bring the building up to code. He said his neighbors expressed support, showing the signatures he had received. Board member Tuura asked what material would constitute the replacement stairs. Mr. Cardozo said iron, not wood. He hoped he would have a nicer backyard with the relocation of the staircase. He intended to use the building as a guest room. Board member High suggested the applicant could add a new window on the back of the structure and leave the staircase where it was to meet code. Mr. Cardozo said that side of the building wouldn't be suitable for a new window, given the layout of the floor plan.

Aloysius Van Etten, 420 E. Amelia St., Orlando, FL 32803, spoke as the neighbor immediately to the west in support of the request. He simply stated he had no objections to the project.

Board discussion ensued. Board member High expressed concern that the applicant was taking something that was code compliant and making it non-compliant. Mr. Forbes noted that as per the Historic Preservation Board recommendation, there

were limits on moving and resizing the windows and other openings on the existing structure. He also stated there were some houses in the historic district with a similar situation of stairs in the rear, but many simply didn't have the room for such an arrangement. Chairperson Donaudy expressed opposition, saying it didn't seem to be necessary to move the stairs to accomplish the applicant's goals. Board member Sanchez asked if the City's position would be different if privacy and security were a major concern. Executive Secretary Cechman said it might make a difference, but in the end the zoning laws would still trump everything.

Board member Pathak 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. Because metal staircases are noisier than wood or concrete, the staircase shall be constructed of wood or recycled plastic (or similar approved material). The staircase shall be detailed in the style of the accessory building and the principal building.
4. Any second story windows or glazing in the rear facade of the accessory building shall be either clerestory, frosted, or glass block glazing, or similar treatment (as approved in appearance review).
5. At least one understory tree or three palms shall be installed between the rear facade of the accessory structure and the rear property line. The height of the trees shall be at least 10'-12' at time of planting. Existing retained vegetation may be used to satisfy this requirement, as approved by the Appearance Review Official (submit photos upon completion of the structure to demonstrate compliance).

Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by a 6-2 voice vote (Chairperson Donaudy and Board member High opposed).

6. VAR2015-00129 1511 ORIOLE AVE.

Applicant/Owner: Charles Braziel, 1511 Oriole Ave., Orlando, FL 32803

Location: 1511 Oriole Ave. (±0.17 acres)

District: 3

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

Requested variances:

- A. Variance of 2.8 ft. to allow a 4.7 ft. side setback where 7.5 ft. is the minimum required for an inline addition; and
- B. Variance of 12.2 ft. to allow 12.8 ft. rear setback where 25 ft. is the minimum required for an inline addition.

Recommended action: Approval of the Variance A, and denial of Variance B and approval of a lesser variance of 4.2 ft. to allow a 20.8 ft. rear yard setback.

Katy Magruder, Planner I, City Planning Division, gave an overview of the case using PowerPoint. She stated that the proposed addition would be used as a bathroom. Executive Secretary Cechman asked how staff came up with the smaller number for the lesser variance recommendation. Ms. Magruder cited the adequacies of standard bathroom sizes and used that as the basis.

Charles Braziel, 1511 Oriole Ave., Orlando, FL 32803, spoke as the applicant in support of the request. He said he understood code requirements, but felt that staff made the recommendation "blindly" before actually coming to do a site visit. Using pictures on the overhead projector, he showed that an oak tree will hide the proposed addition. He also noted that he could move his fence back a few feet to mitigate the problem with the setback and make room for the addition. The house was built in the 1950s, which meant the closet space was minimal for current needs. He said he was unaware of the setback situation until his contractor informed him. Board member Lastrapes asked if the applicant was willing to compromise between his original request of a 12.2 ft. variance and staff's recommendation of a 4.2 ft. variance. Mr. Braziel said yes. He pointed out no other designs or shapes of the addition were feasible because of the location of a window in the master bedroom that he did not want to remove or block.

Board discussion ensued. Board member High said that the lot size was restrictive. City staff had worked with the applicant on the request, but it was still a very large request, and compromise was probably for the best. Executive Secretary Cechman

agreed that the narrow lot was a hardship. Detailed discussion ensued on what was proper for the Board to recommend, and whether they could select an arbitrary number or base it on the applicant's needs. Mr. Braziel stated he would be happy with half his original request.

Board member High moved APPROVAL of Variance A, and DENIAL of Variance B and APPROVAL of a LESSER VARIANCE of 8.2 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 City, County, State or Federal permits must be obtained before commencing development.
3. The roof type and shape shall be compatible with the existing roof. Shingle style and color shall match the existing. As proposed, the roof of the addition will create a flat trough with the roof of the storage/carport roof, as well as with the wall of the existing house. This will create serious drainage problems. The new roof should be either gabled or hipped in a manner that eliminates the troughs.
4. Gutters shall be incorporated to express water away from the southwest property line.
5. Exterior finishes and details of the addition shall be visually compatible with the existing house.

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

7. VAR2015-00132 2917 ELIZABETH AVE.

Applicant/Owner: Julie Holmes, 2917 Elizabeth Ave., Orlando, FL 32804

Location: 2917 Elizabeth Ave. (±0.19 acres)

District: 3

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

Requested variances:

- A. Variance of 2 ft. to allow an attached 4 ft. wide staircase 11 ft. from the rear lot line, where said staircase is allowed to encroach not more than 2 ft. into the 15 ft. rear yard setback for a 2-story detached accessory structure; and
- B. Variance of 0.4 ft. to allow an extended driveway 1.6 ft. from the south side lot line, where a minimum 2 ft. vehicular use buffer is required.

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

Jim Burnett, Planner III, City Planning Division, gave an overview of the case using PowerPoint. He described the project as a combination of an addition to the main house and a separate, new detached garage in the back. Staff supported Variance B but couldn't justify a hardship for placement of an exterior staircase behind the new garage for Variance A. In the current proposal, an external staircase would encroach into the rear setback, but could be redesigned to meet code.

Julie Holmes, 2917 Elizabeth Dr., Orlando, FL 32804, spoke as the applicant in support of the request. She explained there were several options she considered for this property when she bought it. Other older houses in the neighborhood had been demolished in favor of new construction, but she wanted to keep the bungalow feel while still reaching for her ideal "dream home". She wanted to use the proposed space above the garage as a home office outside of the house. As for the encroachment, she said the only part of the new garage that would be encroaching was the staircase, and not a solid wall. Board member High asked what other options she had considered for the design. Ms. Holmes reiterated that she didn't want to knock down the existing house, and that she had already "given up" several other aspects of her dream home to come to the current proposal. Vice Chairperson Pathak asked how vehicular maneuverability would be affected with alternate layouts. Ms. Holmes stated that she had studied other layouts with her architect, but they all reduced maneuverability in the rear yard. Executive Secretary Cechman pointed out that at nearly 3,000 square feet, the home as currently proposed would be in the upper limit (in terms of size) within the College Park area.

Board discussion ensued. Chairperson Donaudy said the 2 ft. variance request was minimal, especially considering some of the other cases heard before the Board that day. Board member Hodges stated it wouldn't make sense to flip the design around.

Vice Chairperson Pathak disagreed, noting that because this was new construction, there was no reason it couldn't be redesigned to meet code.

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 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 shall be required at time of permitting to ensure compliance with these conditions.
4. Any second story windows or glazing on the rear and north facade of the accessory garage/building shall be either clerestory, frosted, or glass block glazing, or similar treatment (to be verified during appearance review).
5. At least one (1) understory tree or three (3) palms shall be installed between the rear facade of the accessory garage structure and the rear property line. The height of the trees shall be at least 10-12 ft. at time of planting. Existing retained vegetation may be used to satisfy this requirement, as approved by the Appearance Review Official (submit photos upon completion of the structure to demonstrate compliance).
6. Dishwasher and washer/dryer on 2nd floor shall not be installed, and sink shall be modified so that 2nd floor living space functions strictly as additional living space and not as a possible second dwelling unit, which is prohibited for this property (based on lot size).
7. Metal staircases are noisier than wood or concrete, so the exterior staircase shall be constructed of wood or recycled plastic (or similar approved material) and detailed in the style of the accessory building and the principal residence.

Informational comments:

1. Maximum site impervious surface coverage shall not exceed 55%. Areas with semi-pervious pavers and the proposed rear deck shall be constructed per manufacturer's specifications to ensure that the site will not exceed the maximum ISR.
2. Air conditioning units and compressors shall be screened per LDC Section 58.984-.985.
3. 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 rear yard) will be addressed.

Board member Sanchez SECONDED the MOTION, which was VOTED upon and PASSED by a 6-2 voice vote (Vice Chairperson Pathak and Board member Tuura opposed).

OTHER BUSINESS

- Executive Secretary Cechman provided an update on case VAR2015-00060, 608 E. Concord St. The BZA had recommended approval of the case in July 2015, but the case had been appealed by a neighbor. Staff received the recommendation from the independent hearing officer, recommending denial of the case. The final step would be for the case to go before the City Council.
- Recording Secretary Petersen noted that City staff would be making the transition to digital plan submission very soon. He stated that while the details were still being worked out, staff was discussing giving the Board members access, possibly in a view-only format, to the digital plans that were being uploaded.
- Executive Secretary Cechman noted that for case VAR2015-00114, 1412 E. Robinson St., the applicant had appealed the BZA's recommendation of approval, stating that the applicant still wanted the additional parking space in the front yard.
- Vice Chairperson Pathak voiced concerns about the quality of the plans for VAR2015-00129, 1511 Oriole Ave., previously heard before the Board. Staff noted the short turnaround time, but also pledged to do a better job with the new digital plans submission system in asking for better plans prior to the meeting, and also to take better on-site photos. Recording Secretary Petersen also noted that Google Street View was readily available during the meeting, but none of the staff members elected to use for their cases.

ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 3:37 p.m.


STAFF PRESENT

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



Mark Cechman, AICP, Executive Secretary

Michaëlle Petion, City Planning
Ken Pelham, City Planning
Richard Forbes, City Planning
Terrence Miller, City Planning
Brian Ford, City Planning
Alison Brackins, City Attorney's Office



Ed Petersen, BZA Recording Secretary