



BOARD OF ZONING ADJUSTMENT

MINUTES – JANUARY 26, 2016

MEETING INFORMATION
<u>LOCATION</u> City Council Chambers 2 nd Floor, City Hall One City Commons 400 South Orange Avenue
<u>TIME</u> 2:00 p.m.
<u>MEMBERS PRESENT</u> Avery Donaudy, Chairperson [4/0] Elena Pathak, Vice Chairperson [4/0] Chris Carmody [1/0] Laura Hodges [4/0] Byron Lastrapes [3/1] Desiree Sanchez [3/1] William Wilson [4/0]
<u>MEMBERS ABSENT</u> Robert High [3/1] Elizabeth Tuura [3/1]

OPENING SESSION

- Determination of a quorum.
- Avery Donaudy, Chairperson, called the meeting to order at 2:02 p.m.
- Pledge of Allegiance.
- The Board ACCEPTED the Minutes of the December 15, 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. **VAR2015-00135** **724 LAKE DAVIS DR.**

This item has been moved to the Regular Agenda.

2. **VAR2015-00137** **521 S. CRYSTAL LAKE DR.**

Applicant/Owner: Joshua Barzey, 3200 Anderson Pl., Orlando,
FL 32803

Location: 521 S. Crystal Lake Dr. (±0.17 acres)

District: 2

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

Requested variance:

- Variance of 2.4 ft. to reduce the side yard setback for a carport enclosure to 5.1 ft., where a minimum 7.5 ft. 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 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 proposed garage enclosure shall not be within 5.1 ft. of the south side yard setback.
4. The proposed garage enclosure shall not protrude in front of the principal façade of the single-family home.
5. Provide landscaping per code requirements.
6. Ensure that the garage is deep enough for a car (18 ft. 6 in.) by extending the garage façade to meet the principal building façade.
7. Driveway should be widened towards the home, meeting code requirements in Sec. 61.302 for a maximum mean parking width of 20 ft. for the 64 ft. wide property.
8. Per Sec. 61.240 the driveway width should not exceed 12 ft. and the curb cuts shall include two, three-foot wide (minimum) flares, or transitions, on each side of the driveway as shown on Figure 6-A. A hammerhead design could be incorporated for safety exiting onto Crystal Lake Dr., but not for a parking space.

3. VAR2015-00140 3634 GRANT BLVD.

Applicant/Owner: Mark Bokhart, 1210 Audobon Pl., Orlando, FL 32804

Location: 3634 Grant Blvd. (±0.22 acres)

District: 3

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

Requested variance:

- Variance of 24 ft. to allow a rear setback of +1 ft., where a 25 ft. rear setback is the minimum 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 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 applicant shall add a 36-inch tall hedge along the rear property line for the entire length of the house, if the fencing were to be removed.

4. VAR2015-00142 1515 N. FOREST AVE.

Applicant/Owner: Joy Cox, 1515 N. Forest Ave., Orlando, FL 32803

Location: 1515 N. Forest Ave. (±0.18 acres)

District: 4

Project Planner: Katy Magruder (407. 246.3355 – kathleen.magruder@cityoforlando.net)

Requested variance:

- Clarify previously issued variance VAR2015-00065; Variance of 4 ft. to the maximum allowed 18 ft. driveway width for a single-family home, to allow a 22 ft. wide driveway.

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 proposed driveway addition shall not exceed 22 ft. at the property line/throat.
4. The proposed driveway shall have a code compliant curb cut.
5. Per the plans submitted in permit BLD2015-04681, the new roof should match the existing roof's form and materials. Only hip and gable roofs are acceptable; no flat roofs.
6. The size, shape, details, and colors of any new columns or walls shall match those on the existing home and carport.
7. Plant a row of dwarf to medium shrubs along the east edge of the carport, 2' on center. Such shrubs may be (but are not limited to) dwarf Walter's Viburnum, firecracker plant, Indian Hawthorne, blueberry, dwarf firebush, or boxwood. Evergreen perennial edible plants of similar heights, such as rosemary, and ornamental grasses such as muhly grass and Fakahatchee grass, are also acceptable.

5. VAR2015-00144 1416 & 1420 E. ROBINSON ST.

Applicant: C. J. Deverell, 229 Emory Pl., Orlando, FL 32804

Owner: Jose & Geraldine Cardenas, 1824 Harland Park Dr., Winter Park, FL 32789

Location: 1416 E. Robinson St. (±0.15 acres)

District: 4

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

Requested variances:

- A. Design Variance to allow accessory parking between the front lot line and the principal building facades; and
- B. Variance of 7% to allow 47% front yard impervious surface coverage, where limited to 40% for each lot or both lots combined.

Recommended action: *Deferral of the variances, by request of the applicant.*

6. VAR2015-00145 732 N. THORNTON AVE.

Applicant: Chi Yee Lau, Lau's Consulting Services, 732 N. Thornton Ave., Orlando, FL 32803

Owner: Elite Salon, 5376 Watervista Dr., Orlando, FL 32821

Location: 732 N. Thornton Ave. (±0.15 acres)

District: 3

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

Requested variance:

- Design variance to allow a post-and-panel sign in the Traditional City (T) 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 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. A landscape bed shall be installed around the base of the sign, to be the full width of the green space between the parking curb and the south property line, and extending beyond each end of the sign at least 3-ft. The landscape bed shall include native and flowering perennial plants. Existing retained vegetation may be incorporated into the design to meet the landscape requirements.
5. The new sign shall not be internally illuminated.
6. As an alternate, the sign may be designed as a hanging sign, with similar details.
7. Trims and posts shall be bright glossy white, to match the fence.
8. An after-the-fact permit shall be secured for the existing door sign (if not previously permitted).

Board member Hodges moved APPROVAL of the CONSENT AGENDA. Vice Chairperson Pathak SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (6-0).

Note: Board member Carmody arrived at the meeting at 2:10 p.m.

REGULAR AGENDA

1. VAR2015-00135 724 LAKE DAVIS DR.

Applicant/Owner: Brian Ray, 4908 Lindsay Ct., Orlando, FL 32821

Location: 724 Lake Davis Dr. (±0.20 acres)

District: 4

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

Requested variances:

- A. Variance of ±2.5 ft. to allow a 2nd-story east side setback of ±5 ft. where 7.5 ft. is the minimum required.
- B. Variance of ±2 ft. to allow a 2nd-story west side setback of ±5.5 ft. where 7.5 ft. is the minimum required.

Recommended action: *Approval of the Variance A, and denial of Variance B and approval of a lesser variance of 0.5 ft. to allow a +7 ft. west side yard setback, subject to the conditions in the staff report.*

Michaëlle Petion, Planner III, City Planning Division, presented to the Board the requested variance, staff's conditions, and recommendation, all using PowerPoint. She also responded to the Board's questions.

Bryan Ray, 724 Lake Davis Dr., Orlando, FL 32806, spoke as the applicant in support of the request and responded to the Board's questions. He insisted he had made attempts to scale back his plans to stay sensitive to neighbors' concerns and felt the design met the aesthetic of the area.

Craig Kosuta, 200 N. Denning Dr., Ste. 2, Winter Park, FL 32789, spoke as the representative of the owner to the east (730 Lake Davis Dr.), in opposition of the request, and responded to the Board's questions. He emphasized no hardship was present and that no one would want to build next to such a large proposed house. Discussion took place regarding the difference between the terms "conforming" and "legal non-conforming" as described in the City Code.

Gary Baron, 718 Lake Davis Dr., Orlando, FL 32806, spoke as the neighbor to the west in support of the request.

Board discussion ensued. Consensus was built on the facts that the lot was already non-conforming and the applicant had worked with the neighbors to lessen the overall impact of the construction.

Vice Chairperson Pathak moved APPROVAL of Variance A, and DENIAL of Variance B and APPROVAL of a LESSER VARIANCE of 0.5 ft., 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. A maximum encroachment of 4 inches into the required setback shall be permissible for exterior material changes.

4. The easternmost balcony shall remain open and not be enclosed.
5. Special architectural features, such as decorative roofs and miscellaneous entry features may project up to 3 feet into front setbacks and public right-of-ways, provided that they are not less than 9 feet above the sidewalk.
6. Materials shall be properly applied and correctly detailed, especially at the base of the building, along cornices, eaves, parapets or ridge tops, and around entries and windows.

Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).

7. VAR2015-00115 2000 N. MILLS AVE.

Applicant: Geoff Summitt, G. L. Summitt Engineering Inc., 3667 Simonton Pl., Lake Mary, FL 32746

Owner: 1900 N. Mills Avenue LLC, 234 Harbour Gardens Ct., Orlando, FL 32806

Location: 2000 N. Mills Ave. (±0.23 acres)

District: 3

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

Requested variance:

- Variance to permit parking on the side of an adjoining building, where parking is only permitted in the rear.

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

Jacques Coulon, Planner I, City Planning Division, presented to the Board the requested variance, staff's conditions, and recommendation, all using PowerPoint. He also responded to the Board's questions.

Dr. Pradip Jamnadas, 234 Harbour Gardens Ct., Orlando, FL 32803, spoke in support of the request and responded to the Board's questions. Dr. Jamnadas' cardiology practice occupied the biggest space in the building. Discussion took place regarding the placement of both the main sign on the large lot and the secondary sign on the smaller lot, and the merits and drawbacks of each.

Geoff Summitt, 3667 Simonton Pl., Lake Mary, FL 32746, spoke as the applicant and engineer on the project in support of the request. He pointed out that if the former veterinary clinic hadn't been demolished, the secondary sign could stay.

Board discussion ensued. Executive Secretary Cechman noted that everyone always wanted more signage, but it was the City Staff's job to determine which cases were truly deserving based on hardship. He said the narrow width of the large building facing the street might act as a hardship.

Vice Chairperson Pathak moved APPROVAL of the VARIANCE, subject to the following conditions and modifications:

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.
4. The kneewall along N. Mills shall be 36-in. in height to meet streetwall requirements set forth in LDC Sec. 62.611.
5. The farthest eastern and western parking spaces shall be between 16.5 ft. and 18.5 ft. in depth and 9 ft. in width; each space in the center two parking rows shall be 18.5 ft. in depth and 9 ft. in width; each of the two drive aisles shall be 22 ft. wide. (LDC Sec. 61.309)
6. A curb shall be provided along the exterior perimeter of the parking lot and also along the edges of the far western and eastern parking rows.
7. While proposed as temporary, the parking surface shall meet all requirements set forth in LDC Sec. 61.303.a.
- ~~8. The existing, empty sign and pillar along N. Mills Ave. directly north of the vehicular entrance into the lot shall be removed.~~
9. Install one canopy tree in each of the three areas at the ends of parking rows as indicated in this report. Tree species shall be selected from those which will not grow into overhead electric lines, and shall be offset at least 15' from any overhead electric lines. Minimum size of trees at time of installation shall be 12', with a 3" caliper.
10. At building permit a drainage plan consistent with Chapter 7 will be required along with appropriate traffic control devices.
11. The dumpster which is being moved shall be enclosed by a solid structure with stucco finish on three sides with a solid gate on the front. The enclosure shall be surrounded with podocarpus.
12. All utilities in new parking lot, including light poles, shall be kept out of the pedestrian path and all conduit shall be placed underground.

Board member Wilson SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).

8. VAR2015-00148 5130 LANETTE ST.

Applicant: Dennis Smith, Premier Restoration, 102 Santa Gertrudis, Apopka, FL 32712

Owner: JTRE Holdings LLC, 9129 Mid Pines Ct., Orlando, FL 32819

Location: 5130 Lanette St. (±0.16 acres)

District: 6

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

Requested variance:

- Variance to allow required parking in front yard setback.

Recommended action: *Denial of the requested variance.*

Jacques Coulon, Planner I, City Planning Division, presented to the Board the requested variance, staff's conditions, and recommendation, all using PowerPoint. He also responded to the Board's questions along with Mr. Ken Pelham, Urban Design, City Planning.

Lloyd Warren, 10302 Down Lakeview Cir., Windermere, FL 34286, spoke in support of the request. He was part of the company that did work on the house. He identified which conditions he would like removed should the variance be approved. He also explained that work was done without permits due to an urgent mold problem.

Tiny Myers, 9129 Mid Pines Ct., Orlando, FL 32819, spoke as a representative of the owner in support of the request. She said she felt punished with all the additional landscaping improvement conditions put in place by City Staff, which were not required for any other properties in the area.

Board discussion ensued. Consensus was built to approve the variance but some members expressed concerns about setting precedents with all the additional conditions.

Vice Chairperson Pathak moved APPROVAL of the VARIANCE, subject to the following conditions:

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. Cut out space for and install a window that matches in size and style either the single or double windows of the existing front facade.
4. A sidewalk must be provided from the front porch to either the driveway or the existing sidewalk. This can be constructed of concrete, bricks, or pavers, and must be at least 3 ft. in width.
5. Remove 3 ft.-5 ft. of the driveway pavement at the former garage area, and replace with landscaping as described below.
6. Landscaping shall be provided from the front porch to the right end of the house, and wrapped around the corner 5 ft. Plantings should include tall-growing (2 ft. max) ground cover plants or small shrubs, placed 2 ft. on center from each other.
7. Additional landscaping meeting the requirements in Condition #6 shall be provided along both sides of the driveway from the home to the street's sidewalk.
8. One (1) canopy tree or three (3) understory trees or palms shall be provided in the front yard. Canopy and understory trees must be 10 ft.-12 ft. in height, and 3 in. in caliper, at time of planting. Palm trees must have 8 ft. clear trunk at time of planting. All shrubs and trees shall be Florida Grade #1 or better.
9. The existing tree stump in the front yard shall be ground down so that any remaining stump and roots are below grade. The hole will then be filled in with soil and covered with sod.

Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).

OTHER BUSINESS

- Executive Secretary Mark Cechman provided an update on the quasi-judicial appeal for case VAR2015-00060, 608 E. Concord St. At the January 25, 2016 Orlando City Council meeting, the City Council approved the Hearing Officer's Recommended Order denying the variance. Discussion ensued on the implications of this decision on future requests of a similar nature.

ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 4:08 p.m.

STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
Michaëlle Petion, City Planning
Jacques Coulon, City Planning
Jim Burnett, City Planning
Katy Magruder, City Planning

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



Mark Cechman, AICP, Executive Secretary



Ed Petersen, BZA Recording Secretary