



BOARD OF ZONING ADJUSTMENT

MINUTES – FEBRUARY 23, 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 [5/0] Elena Pathak, Vice Chairperson [5/0] Robert High [4/1] Elizabeth Tuura [4/1] William Wilson [5/0]
<u>MEMBERS ABSENT</u> Chris Carmody [1/1] Laura Hodges [4/1] Byron Lastrapes [3/2] Desiree Sanchez [3/2]

OPENING SESSION

- Determination of a quorum.
- Elena Pathak, Vice Chairperson, called the meeting to order at 2:37 p.m.
- Pledge of Allegiance.
- The Board ACCEPTED the Minutes of the January 26, 2016 BZA Meeting as presented.

PUBLIC COMMENT

Vice Chairperson Pathak 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. **VAR2015-00144** **1416 & 1420 E. ROBINSON ST.**

This item has been moved to the Regular Agenda.

2. **VAR2016-00003** **HARRY WARREN OFFICE WAREHOUSE**

Applicant: David Runnels, P.A., 233 W. Park Ave.,
Winter Park, FL 32789

Owner: Robert & Leigh Mycoff, 1400 N. Orange
Blossom Tl., Orlando, FL 32804

Location: 1400 N. Orange Blossom Tl. (±1.33 acres)

District: 3

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

Requested variance:

- Variance to permit the construction of a second story addition to an existing building on the rear property line, where a 10 ft. rear setback is the minimum required.

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

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. A Right of Way Encroachment Agreement is required for any items constructed in the right of way (Golfview Street). There is a storage area and fencing on the south side of the building within the right of way for Golfview Street. Either provide a copy of an existing Encroachment Agreement or coordinate one with the City of Orlando's Real Estate Division or Public Works Department.

3. VAR2016-00004 JARED JEWELRY STORE PARKING

Applicant: Michael Rubino, GPD Group, 520 S. Main St., Ste. 2531, Akron, OH 44311

Owner: Cameron Group Associates, LLP, 600 E. Colonial Dr., Ste. 100, Orlando, FL 32803

Location: 4095 Millenia Blvd. (±1.2 acres)

District: 4

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

Requested variance:

- Variance of 7 parking spaces to allow a new jewelry store to have 31 spaces, where a maximum 24 spaces are allowed for the proposed retail use.

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. Appearance Review shall be performed at time of permitting to ensure compliance with the conditions of this report.
3. The landscape requirements of LDC Chapters 60 and 61 shall be met. Landscape areas at parking row ends shall be at least 10 ft. in width.
4. Revise the site plan to show not more than 31 spaces.
ADDITIONAL CONDITIONS (tied to change of use from a bank to a retail use)
5. A trip assignment letter shall be provided by the property owner, accounting for the increased building area between the former bank and proposed retail use, detailing the assigned trips and

associated use square footage, consistent with the Millenia DRI trip methodology. That trip assignment letter shall be provided at time of permitting and a copy shall be provided to the Planning Dept., Attn: Mary-Stewart Droege.

6. Provide detailed ISR calculations at time of permitting.
7. The final building elevations shall be generally consistent with the submitted rendering (above). Significant deviation will require a Planning Official Determination.

4. VAR2016-00008 METROPOLITAN DESSERT BAR

Applicant: Anthony Manicone, Dessert & Wine Bar, 101 Sun Harbor Dr., Liverpool, NY 13090

Owner: Susan Carver, Metropolitan Dog Spa, 151 E. Washington St., Orlando, FL 32801

Location: 151 E. Washington St. (±1.92 acres)

District: 5

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

Requested variance:

- Variance to allow on-site consumption of alcohol within 200 ft. of a church for a dessert and wine bar.

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 other applicable state or federal permits must be obtained before commencing development.
3. Hours of operation for the sale of alcohol shall be limited to 3-11pm Monday through Sunday.
4. A separate Appearance Review Board review is required. Submission shall include the actual design of tables, desert case and bar proposed for this space.

Board member Tuura moved APPROVAL of the CONSENT AGENDA. Board member Wilson SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (5-0).

REGULAR AGENDA

1. 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 & 1420 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: *Approval of the requested variances, subject to the conditions in the staff report.*

Jim Burnett, Planner III, 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. He noted that the cross access easement was the condition being questioned by the applicant, then passed out a staff-created mockup of how the cross access could possibly work.

Marcos Marchena, 976 Lake Baldwin Ln., Ste. 101, Orlando, FL 32814, spoke as the owner's legal representative. He was in favor of the variance but stated the owner did nothing wrong by wanting to improve the site. After describing the project, he said the cross access condition didn't relate to the variances at hand and would create a problem for his client, making a private parking area into a publicly accessible parking area.

Christopher "C. J." Deverell, 229 Emory Pl., Orlando, FL 32804, spoke as the applicant in support of the request. He described in greater detail the design and layout of the proposed improvements.

John Rhoades, Systems Analyst from the City's Transportation Planning Division, addressed the mockup provided earlier. He noted it was just one possibility and that the cross access was part of the long-term plan for the area, provided various agreements were reached among the property owners.

Board discussion ensued. Members expressed support of staff's efforts to provide long-term planning for the parking situation and came to a consensus that the cross access easement condition should remain.

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 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 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. Not more than two (2) front parking spaces shall be allowed per office building, for a maximum front impervious coverage of 47%.
5. No vehicles shall back onto E. Robinson St. All turning movements shall be within the property.
6. A minimum 7.5-ft. deep landscape area is required between the property boundary along E. Robinson St. and the proposed front parking spaces for both offices (1416 & 1420 E. Robinson St.). This landscape area shall be screened with low growing plantings and or shrubs, including African Iris (*Dietes iridioides*), Dwarf Yaupon Holly (*Illex vomitoria 'Nana'*), or Indian Hawthorn (*Rhaphiolepis indica*).

7. A Bufferyard B with a minimum 8 ft. deep buffer is required along the rear yard; under Option A, said buffer shall be planted with 80% tree coverage, and a continuous 6-ft. high fence, or (under Option B) a 10 ft. deep buffer with 80% tree coverage, evergreen shrubs and vegetative cover over the remainder of the bufferyard.
8. A direct pedestrian access walkway shall be provided from the front entrance steps of the principal buildings to the existing driveway and out to the front public sidewalk.
9. The existing driveway at the front lot line shall not exceed 16 ft. in width where shown on the site plan within this report.
10. A minimum 10-ft. wide cross-access easement shall be recorded along the east and west sides of the property to facilitate existing and future connectivity to other rear parking lots on the south side of E. Robinson St.
11. A building permit shall be obtained for all site improvements prior to installation, and final inspections shall be requested in order to close out said permits and any open Code Enforcement cases.
12. Pre- and post-construction calculations of the impervious surface area shall be provided at time of permitting to illustrate how existing stormwater will be addressed.

Chairperson Donaudy SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (5-0).

5. VAR2016-00002 121 KENNISON DR.

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

Owner: Vanessa Siefcak, 121 Kennison Dr., Orlando, FL 32801

Location: 121 Kennison Dr. (±0.14 acres)

District: 4

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

Requested variance:

- A. Variance of 10 ft. to allow for the development of a two-story detached garage and apartment 5 ft. from the rear property line, where a 15 ft. rear setback is the minimum required, and
- B. Variance of 3 ft. to the required 10 ft. separation between the principal structure and accessory structure.

Recommended action: *Denial of Variance A and approval of a lesser variance of 5 ft.; and Denial of Variance B and approval of a lesser variance of 1.8 ft.*

Katy Magruder, Planner I, 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.

Richard Barrette, 924 Brentwood Dr., Apopka, FL 32712, spoke as the applicant in support of the request. He stated that he had spoken with staff before the hearing, and was in agreement with the lesser variance that staff had recommended.

Richard Forbes, Historic Preservation Officer, made some brief comments about the Lake Lawsona Historic District and how the ordinance affected the cases in the area.

Board member High moved DENIAL of Variance A and APPROVAL of a lesser variance of 5 ft., and DENIAL of Variance B and APPROVAL of a lesser variance of 1.8 ft., 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.

Urban Design

3. Install 3 understory trees or palms between the rear of the garage and the rear property line. These trees shall be a minimum of 10 feet in height at the time of planting, and shall be Florida No. 1 grade or better. Examples of acceptable trees are Florida yaupon, crepe myrtle 'Natchez', and cabbage palms.
4. If rear and side yard solid fences are not existing, new, or are ever removed, landscaping shall also include an evergreen hedge along the rear and side yards, beginning at the front facade of the new garage and extending to a line even with the southeast corner of the house.
5. Building finishes and details must comply with any approvals of the Historic Preservation Board.

Transportation Permitting

6. Since this is a substantial enlargement, the installation of sidewalks, gutters and the residential driveway apron are required to meet the City Engineering Standards and Land Development Code.

Engineering/Zoning

7. This will be a substantial enlargement and will trigger many non-conformities to the City Code to be addressed, this includes landscaping and irrigation, AC screens, sidewalks but there be others.
8. The installation of gutters will be required. The living spaces will need to meet finish floor elevation requirements with relation to the base flood elevation.
9. Tree protection will be paramount and meeting with Parks Department to ensure proper care and consideration for existing trees will be required.
10. The new driveway and apron will be designed to meet the City Engineering Standards Manual.

Board member Wilson SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (5-0).

6. VAR2016-00006 722 E. AMELIA ST.

Applicant: Sean Lackey Architecture LLC, 1110 E. Marks St., Orlando, FL 32803

Owner: Gabriel Rodriguez & Roger Veon, 722 E. Amelia St., Orlando, FL 32803

Location: 722 E. Amelia St. (±0.24 acres)

District: 4

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

Requested variance:

- Variance of ± 9.9 ft. to allow the development of a two-story detached garage and apartment to be ± 5.1 ft. from the rear property line, where a 15 ft. rear setback is the minimum required.

Recommended action: *Denial of the requested variance and approval of a lesser variance 5 ft.*

Katy Magruder, Planner I, 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. She noted that this case was similar to the previous case, VAR2016-00002, in that it had gone before the Historic Preservation Board already. She also provided an updated site plan the applicant had sent in to come further into compliance with current code.

Sean Lackey, 1624 Illinois St., Orlando, FL 32803, spoke as the applicant in support of the request. He described the design process and his efforts to work with staff on the conditions of approval. Executive Secretary Cechman and Ken Pelham, Urban Design, addressed code requirements and some of the conditions of approval. Discussion ensued about adding a possible second variance, but Assistant City Attorney Brackins pointed out that such a request would not have been legally noticed and would have to come in under a separate request at a later meeting.

Stephanie Rodriguez, 722 E. Amelia St., Orlando, FL 32803, spoke as the homeowner in support of the request. She lamented the long process involved with various boards, and stated she was willing to do the work to clean up the property because she had been assured that all the changes would work. Then she had been surprised that staff would be recommending a lesser variance.

Board discussion ensued. Topics included personal anecdotes about similar situations with garages, and how future code changes might impact the homeowner's timeline for the renovations. The Board built consensus that the original request could be approved based on the revised site plan turned in by the applicant.

Board member High moved APPROVAL of the original variance request of the applicant, subject to the following conditions and modifications:

1. Development shall be in ~~strict~~ general 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. Exterior elevations of the garage shall be generally consistent with those in the application, except as directed otherwise herein.
4. All recommendations for this project by the Historic Preservation Board (HPB2016-00001) and subsequently approved by City Council shall be followed.
5. The exterior HVAC equipment shall be located in accordance with Sec.58.984 of the Land Development Code.
6. The 2nd-story windows in the south and west facades of the garage shall be frosted or translucent.
7. The existing board privacy fence shall be replaced or repaired. A new privacy fence, 6' in height, shall be installed along the west property line for the length of the back yard, unless written approval from the neighbor requests other treatment. If no privacy fence is requested by the neighbor, the chain link fence shall be maintained, and an evergreen hedge, at least 48" in height at time of installation, shall be planted for the length of the back yard, plus at least three understory trees or palms between

the garage wall and the west property line, and at least one understory tree or palm between the garage wall and the south property line. Trees and palms must be at least 10' in height at time of installation, and shall be Florida No. 1 grade or better.

- 8. If this is a substantial improvement, the installation of sidewalks, driveway, apron, platting etc. are required to meet the City Engineering Standards and Land Development Code.

Board member Wilson SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (5-0).

OTHER BUSINESS

- Executive Secretary Cechman updated the Board on the appeal for case VAR2015-00114, 1412 E. Robinson St., which had come before the BZA in December 2015. He noted staff was working with the appellant to come to a compromise regarding the parking situation for that property.

ADJOURNMENT

Vice Chairperson Pathak adjourned the meeting at 4:34 p.m.

STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
Katy Magruder, City Planning
Jim Burnett, City Planning
Richard Forbes, City Planning
Michaëlle Petion, City Planning

Jacques Coulon, City Planning
Ken Pelham, City Planning
Shannan Stegman, City Planning
Brian Ford, City Planning
John Rhoades, Transportation Planning
Alison Brackins, City Attorney's Office



Mark Cechman, AICP, Executive Secretary



Ed Petersen, BZA Recording Secretary