



BOARD OF ZONING ADJUSTMENT

MINUTES – MARCH 22, 2016

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 [6/0]

Chris Carmody [2/1]

Byron Lastrapes [4/2]

Desiree Sanchez [4/2]

Elizabeth Tuura [5/1]

William Wilson [6/0]

MEMBERS ABSENT

Elena Pathak,
Vice Chairperson [5/1]

Robert High [4/2]

Laura Hodges [4/2]

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 February 23, 2016 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. VAR2016-00013	MAJESTIC LIFE CHURCH MODULAR BUILDINGS
Applicant/Owner:	Rena Jones, Majestic Life Ministries Inc., 821 S. Kirkman Rd., Orlando, FL 32811
Location:	5600 Westgate Blvd. (±12.87 acres)
District:	5
Project Planner:	Jacques Coulon (407.246.3427 – jacques.coulon@cityoforlando.net)

Requested variance:

- Variance of ±84 ft. to permit the placement of a modular building ±15.83 ft. from the property line, where a 100 ft. setback is required from a residential district.

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. Sidewalks shall be provided from the parking lot to each of the modular buildings access ramps.
4. Hours – The modular building (MOD 2) shall not open to the public prior to 7 am and shall not close any later than 10 pm.
5. Skirting – Existing skirting shall be maintained free from broken or missing sections, pieces or cross members. Skirting shall be securely attached and sized from the ground to the lower outside perimeter of the structure. Replacement or new skirting shall be constructed of materials intended for exterior use and properly sized and mounted to prevent free access to the crawl space of the structure. (LDC Sec. 30A.28.)
6. Add evergreen foundation/hedge plants in a continuous row along the base of the south, east, and west of Mod 3. Plants must be at least 3 gallon size, 30" in height, at time of installation.
7. Screening – Add evergreen understory trees and landscape with hedging as shown in the attached Landscape Plan. The suggested understory tree is yaupon holly (see attached photo on p. 9).

2. VAR2016-00016

25 W. ROSEVEAR ST.

Applicant/Owner: Austin Satterthwaite, 25 W. Rosevear St., Orlando, FL 32804

Location: 25 W. Rosevear St. (±0.16 acres)

District: 3

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

Requested variance:

- Variance to allow required parking in the front yard setback, where it is required to be behind the front yard setback and behind the front building façade 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 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. Remove 3 ft. of the driveway pavement that abuts the home at the end of the driveway, and replace with landscaping as de-scribed in condition #4.
4. Within the landscape strip provide low growing plantings and or shrubs, including, dwarf podocarpus, African iris, or dwarf yaupon holly.
5. Additional landscaping meeting the requirements in Condition #4 shall be provided along both sides of the driveway from the home to the street's sidewalk.
6. Where the driveway is encroaching over the property line along the east side of the property, a section of concrete shall be removed to provide a minimum 2 ft. buffer between the concrete and the adjacent property line. Sod or landscaping shall be placed where the concrete was removed.
7. The mulch on the east side of the driveway shall be replaced with sod.

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 shall then be filled in with soil and covered with sod or other plantings.
10. In lieu of sidewalk construction the applicant shall pay into Sidewalk Construction Fund.
11. The parking space along the house shall transition down to the drive apron. This is to prevent driving over the grass. A 5 ft. Landscape strip shall be maintained adjacent to the property to the east.
12. The portions of the retaining walls that encroach into the Right of Way shall be removed or a permit shall be pulled requesting use of the public ROW and installation of the retaining walls.
13. At time of permitting the addition proposed to the rear of the house will trigger the need for a Landscape and Irrigation Plan consistent with LDC 60.223.

3. VAR2016-00017 931 MAXWELL ST.

Applicant/Owner: Terry Stohs, 931 Maxwell St., Orlando, FL 32804

Location: 931 Maxwell St. (±0.15 acres)

District: 3

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

Requested variances:

- A. Variance of to allow a projecting garage, where a 5 ft. recess from the principal façade is required;
- B. Variance of 1.3 ft. to allow a 6.2 ft. east side setback for an inline addition, where a minimum 7.5 ft. side setback is required; and
- C. Variance of 1.8 ft. to allow a 5.7 ft. west side setback for an inline addition, where a minimum 7.5 ft. side setback is required.

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 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 sidewalk along Maxwell St. shall be extended along the front of the property line.
4. A street tree shall be required within established front yard. The projected canopy spread of the tree at maturity shall not be closer to the electric transmission line than ten feet.
www.cityoforlando.net/trees can assist with the selection on a tree.
5. Proposed garage door and its materials shall be authentic to the style of architecture and character of the home. Transparency in the garage door is not required but strongly encouraged.

4. VAR2016-00023 RLMG TATTOOS LLC PARKING

This item has been moved to the Regular Agenda.

5. VAR2016-00024 MAUDLIN INTERNATIONAL ROOF SIGN

Applicant: William Poston, Lamm & Company Partners, 968 Lake Baldwin Ln., Orlando, FL 32814

Owner: Tide Real Estate Holdings 1 LLC, 2300 S. Division Ave., Orlando, FL 32805

Location: 2200 S. Division Ave. (±8.8 acres)

District: 4

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

Requested variance:

- Variance to allow a 54-ft. tall, two-sided 80 sq. ft. roof sign, where roof signs are generally prohibited in the City.

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 during permitting to ensure compliance with the variance conditions.
4. Total sign area for the property shall not exceed 1,098 sq. ft., unless determined otherwise at time of permitting (based on building frontage facing S. Division Ave.).
5. All wall signs on the proposed building shall not extend higher than the building parapet or be taller than 30 ft. on the building façade (lest they be considered high-rise signs, which would effectively reduce the total overall sign area by half).
6. Ground/monument sign shall not exceed 18 ft. in height, per LDC Section 64.228.
7. Signage for the corner outparcel (@ W. Kaley St. and S. Division Ave.) shall be determined at time of Administrative Master Plan or Final Site Plan determination.
8. International portion of roof sign (against colored logo) shall glow white at night.
9. The tower signs must be limited to the "International" logo.
10. No displays may be placed within the open cubes. No moving or animated parts are permitted.
11. Plastic panel box (or "cabinet") signs are prohibited. Internally lit signs must have metal panels on all sides. Acceptable sign designs include metal front-lit channel letters (which may have polycarbonate letter faces); halo-lit channel letters (also known as reverse-lit channel letters), and must have metal faces; front and back-lit channel letters (which have polycarbonate faces and open backs); open lit channel letters; metal panel faces with push-through acrylic letters; raised metal or acrylic letters; pin-mounted metal letters; neon tubes; or sign options of similar quality, considered with an appearance review. Externally lit signs are allowed. Light-emitting diode (LED) lamps are preferred.

6. VAR2016-00025 CITY FLEET WALL

Applicant: James Peters, City of Orlando Facilities Management, 1010 S. Westmoreland Dr., Orlando, FL 32805

Owner: City of Orlando, 400 S. Orange Ave., Orlando, FL 32801

Location: 1000 W. Gore St. (±3.3 acres of a larger 12-acre site)

District: 6

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

Requested variance:

- Variance of 5 ft. to allow an 11-ft. (average) tall front buffer wall, where a maximum 6 ft. tall wall is allowed for industrial/commercial uses.

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 during permitting to ensure compliance with the variance conditions.
4. All required permits shall be obtained prior to installation of the wall and/or any corresponding signage.

7. VAR2016-00027 515 WOODLAND ST.

Applicant/Owner: William Herlong III, 515 Woodland St., Orlando, FL 32806

Location: 515 Woodland St. (±0.18 acres)

District: 4

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

Requested variances:

- A. Variance of 0.6 ft. for an in-line carport addition 5.4 ft. from the east side lot line, where a minimum 6 ft. side setback is required;
- B. Variance of 0.6 ft. for a rear yard detached garage 5.4 ft. from the east side lot line, where a minimum 6 ft. setback is required; and
- C. Variance to keep the existing carport as is, 5.4 ft. from the east side property line, where 6 ft. is required.

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 City, County, State or Federal permits must be obtained before commencing development.
3. Add one understory tree between the accessory structure and the east property line. The tree shall be at least 10' in height at time of installation.

8. VAR2016-00028 1219 FORMOSA AVE.

Applicant/Owner: Samuel Stover, 1219 Formosa Ave., Winter Park, FL 32789
 Location: 1219 Formosa Ave. (±0.17 acres)
 District: 3
 Project Planner: Michaëlle Petion (407.246.3837 – michaelle.petion@cityoforlando.net)

Requested variance:

- Variance of 2 ft. to allow 0 ft. of landscaping adjacent to a driveway and the property line, where a minimum 2 ft. buffer strip 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 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 6 inch landscape strip shall be provided adjacent to building. The landscape strip shall extend the entire length of the building.
4. A understory street tree shall be required within established front yard. Tree shall be planted away from power lines and shall be 10-12 ft. in overall height with a minimum caliper of 2.5 inches. Tree shall be installed in accordance with City Code.
5. A ribbon driveway beginning from the southeast corner of the building to the north eastern corner is encouraged. It's a "green" solution, less material used and it allows rainwater to be directly absorbed into the ground. Plantings such as vinca minor, ajuga, or creeping phlox can be in planted in the center.
6. ROW belongs to the City of Winter Park, thus a permit from this is required.

9. VAR2016-00029 1401 LANCASTER DR.

Applicant: John Hackler, Synergy Architecture, 28 W. Central Blvd., Ste. 200, Orlando, FL 32801

Owner: Jeffrey Wood & Elena LaFrance, 1401 Lancaster Dr., Orlando, FL 32806

Location: 1401 Lancaster Dr. (±0.30 acres)
 District: 4
 Project Planner: Katy Magruder (407.246.3355 – kathleen.magruder@cityoforlando.net)

Requested variance:

- Variance of 2.7 ft. to allow a garage extension/addition 4.8 ft. from the west lot line, 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 City, County, State or Federal permits must be obtained before commencing development.
3. An Urban Design Appearance Review shall be required prior to building permits being issued. At this time there are no Urban Design comments. Adhere to all other city code standards.

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

REGULAR AGENDA

4. VAR2016-00023 RLMG TATTOOS LLC PARKING

Applicant: Phil Morgan, RLMG Tattoos LLC, 113 N. Hyer Ave., Orlando, FL 32801
 Owner: John Krauklis, 113 N. Hyer Ave., Orlando, FL 32801
 Location: 113 N. Hyer Ave. (±0.09 acres)
 District: 4
 Project Planner: Jacques Coulon (407.246.3427 – jacques.coulon@cityoforlando.net)

Requested variance:

- Variance of 1 parking space to allow 2 on-site spaces, where a minimum 3 spaces are required.

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 the staff report. He also responded to the Board's questions. He noted that staff simply wanted to clarify the case and the conditions involved.

Board discussion ensued. Executive Secretary Cechman indicated that the parking solution would create a space that did not meet current code, but that the situation would be better than before. He also pointed out that this

would be the last body art shop allowed in Downtown Orlando until more development comes in, due to limitations on the number of such shops in the code.

Board member Carmody 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. Low growing evergreen shrubs shall be installed along the rear property line, the plants shall be Dwarf Walter's Viburnum or similar low growing plants.
4. Additional gravel shall be installed on the northern parking space and shall be maintained per City Engineering standards. Coarse aggregate, such as gravel, smaller than standard size #4 (in accordance with the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, Section 901) shall not be permitted. (Sec 61.303)
5. The business shall be limited to one customer and one worker on the site at any time, appointments only, in order to reduce the parking demands for the proposed personal service (tattoo parlor).
6. The relief granted through the variance is restricted to the subject property, RLMG Tattoo Inc. and business plan as noted in this report. All changes to ownership, tenant, or business plan shall necessitate the need for a new variance review and approval prior to permits being issued.
7. No review required from urban design for this parking variance; however, future improvements to the building (including signage) must be reviewed with the Historic Preservation Officer. Contact Richard Forbes at 407.246.3350 or Richard.Forbes@cityoforlando.net for the needed certificates of appropriateness for the site for any exterior improvements.

Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (6-0).

OTHER BUSINESS

- Executive Secretary Cechman notified the Board that an appeal had been received for case VAR2015-00144, 1416 & 1420 E. Robinson St., which had come before the BZA in February 2016.

ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 2:22 p.m.

STAFF PRESENT

Mark Cechman, City Planning
Jacques Coulon, City Planning
Michaëlle Petion, City Planning
Jim Burnett, City Planning
Katy Magruder, City Planning
Richard Forbes, City Planning

Ken Pelham, City Planning
Shannan Stegman, City Planning
Colandra Jones, City Planning
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
Alison Brackins, City Attorney's Office



Mark Cechman, AICP, Executive Secretary



Ed Petersen, BZA Recording Secretary