



BOARD OF ZONING ADJUSTMENT

MINUTES  NOVEMBER 24, 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
[2/2]
Elena Pathak, Vice Chairperson
[2/2]
Robert High [2/2]
Laura Hodges [2/2]
Byron Lastrapes [1/2]
Beth Tuura [2/2]
Billy Wilson [2/2]
One vacancy.

Members Absent

Desiree Sanchez [1/2]

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 October 27, 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. VAR2015-00109 CROWNPOINTE TRAILER PARKING

Applicant: Jackson Taunton IV, Colliers, 4830 W. Kennedy Blvd., Ste. 300, Tampa, FL 33609

Owner: TR Crownpointe Corp., 13155 Noel Rd., Ste. 500, Dallas, TX 75240

Location: 7469 Kingspointe Pkwy. (±11.4 acres)

District: 6

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

Requested variance:

- Variance of 4% to allow an 84% impervious surface coverage for additional trailer parking, where 80% is the maximum allowed in the I-P zoning district.

Recommended action: Withdrawal of the requested variance by the applicant.

2. VAR2015-00110 1911 STANLEY ST.

Applicant/Owner: Tuan Ma, 1911 Stanley St., Orlando, FL 32803

Location: 1911 Stanley St. (±0.15 acres)

District: 4

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

Requested variance:

- A. Variance of 12 ft. to allow a rear yard setback of 13 ft., where 25 ft. is required for an existing principal structure, and
- B. Variance of 1 ft. to allow a side yard setback of 6.5 ft., where 7.5 ft. is required for an existing principal structure.

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 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. The applicant shall install foundation plantings of tall ground cover plants (such as African iris) or small shrubs (such as dwarf yaupon holly or Indian hawthorn) along the east and west facades of the addition and the portion of the house that was originally the accessory structure. Plants shall be at least 12" in height at time of planting.

3. VAR2015-00112 641 HEMPSTEAD AVE.

Applicant/Owner: Steven Haugrud, 641 Hempstead Ave., Orlando, FL 32803

Location: 641 Hempstead Ave. (±0.21 acres)

District: 4

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

Requested variance:

- Variance of 14 ft. to allow a rear yard setback of 11 ft. where 25 ft. 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 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.

4. This item was moved to the Regular Agenda.

5. VAR2015-00115 2000 N. MILLS AVE.

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

Owner: 1900 North 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: Deferral of the variance at the applicant's request.

6. VAR2015-00116 619 RUGBY ST.

Applicant/Owner: Erica & Christopher Glisson, 619 Rugby St., Orlando, FL 32804

Location: 619 Rugby St. (±0.14 acres)

District: 3

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

Requested variances:

- A. Variance of 0.8 ft. to the required 6 ft. side setback on the east of the existing home;
- B. Variance of 1.2 ft. to the required 6 ft. side setback on the west of the existing home;
- C. Variance of 3 ft. to allow an open-air front porch within the Traditional City overlay; and
- D. Variance to allow the garage to be flush with existing house, as a result of the substantial enlargement.

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. An Urban Design Appearance Review shall be required prior to building permits being issued.
4. Trim shall be added to the columns for the mansard roof structure at the capital, the base, and water table level. (3 ft.)
5. Gutters will be required with downspouts directed to the street.

7. VAR2015-00117 THE PARKING SPOT SIGNAGE

Applicant: Diana Grunderman, Don Bell Industries Inc., 365 Oak Pl., Port Orange, FL 32127

Owner: TPS Parking Orlando LLC, 100 N. Tampa St., Ste. 1850, Tampa, FL 33602

Location: 5500 Hazeltine National Dr. (±15.76 acres)

District: 1

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

Requested variance:

- Variance of 94 sq. ft. to allow 266 sq. ft. of total sign area, where only 172 sq. ft. of total sign area is allowed for the site.

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 shall be obtained before commencing development.
3. Appearance Review shall be required at time of permitting to ensure compliance with these conditions.
4. The pylon or pole shall be appropriately proportioned in width and depth.
5. Plastic sign cabinet boxes shall be prohibited.
6. Uplighting shall also be prohibited.
7. The base of the sign pylon shall be landscaped in a bed at least 10 ft. wide and at least 66% of the length of the sign face.
8. An after-the-fact permit shall be secured for the existing wall/roof sign on the parking entry/exit booth/building.

8. VAR2015-00118 1620 CURRY FORD RD.

Applicant/Owner: Alejandro Perez, 1620 Curry Ford Rd., Orlando, FL 32806

Location: 1620 Curry Ford Rd. (±0.17 acres)

District: 4

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

Requested variance:

- Variance of 5 ft. for a semi-circular driveway with openings set 37 ft. apart, where 42 ft. 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. Remove the 5 ft. furthest west of the existing driveway to alleviate imperious surface for the circular driveway; and alter the existing curb cut to meet the new dimensions.
4. Submit a landscaping plan for appearance review by Urban Design during the permitting process that shows the front yard in conformance with the current landscaping code for single family residences (see Sec. 60.223 of the landscaping code). This includes limits on the amount of sod in the pervious areas to a maximum of 60%. Additionally, shrubs or hedges maintained at a minimum of 3-ft height shall be added along or in front of the circular driveway to effectively screen vehicles parked there, and to lessen the aesthetic impacts of the driveway.

9. VAR2015-00119 610 W. KING ST.

Applicant/Owner: Kyle Earley, 610 W. King St., Orlando, FL 32804

Location: 610 W. King St. (±0.16 acres)

District: 3

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

Requested variances:

- A. Variance of 0.4 ft. to allow 5.6 ft. west side setbacks where 6 ft. is the minimum required;
- B. Variance of 0.3 ft. to allow 5.7 ft. east side setbacks where 6 ft. is the minimum required; and
- C. Variance of 5 ft. to allow required parking at a 20 ft. front setback where 25 ft. is the minimum 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.

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

REGULAR AGENDA

4. VAR2015-00113 THE MARKS LAW FIRM SIGNAGE

Applicant: Kathy Mitchell, The Marks Law Firm, 733 N. Magnolia Ave., Orlando, FL 32803

Owner: T & L Magnolia LLC, 733 N. Magnolia Ave., Orlando, FL 32803

Location: 733 N. Magnolia Ave. (±0.25 acres)

District: 3

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

Requested variance:

- Design Variance to allow a post-and-panel sign (existing) between the principal structure and the street for a building that is setback 8 ft. from the front property line, where a 15 ft. setback is required for such a sign in the Traditional City Overlay District.

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

TeNeika Neasman, Planner I, City Planning Division, gave a brief overview of the case using PowerPoint. She noted that the sign had been constructed without permits and the site was under Code Enforcement. Board member Tuura confirmed that the sign currently blocked the view of a car pulling out. Board member Lastrapes confirmed that the sign was properly engineered, despite the lack of permits.

Kathy Mitchell, 753 Mellowood Ave., Orlando, FL 32825, spoke as the applicant. She said she was grateful for staff's approval of the variance request, but was hoping to get an additional two feet on the variance to allow the sign to remain in its current position. She said the sign only blocked the carport, and the only person who used that parking spot was the business owner. Using the overhead projector, she provided a hand-marked site plan showing the distances in question, and claimed there was no visibility problem on the one-way street (Magnolia Ave.). Board member High asked if she had spoken with City staff about her additional request. Executive Secretary Cechman noted that staff's position hadn't changed despite the applicant's claims about visibility. He then explained the rules governing the Traditional City overlay, and then stated that the compromise was to move the sign back to the location proposed in the variance.

Several Board members agreed that moving the sign back to be closer to meeting code was not a hardship, and that the City staff's compromise was fair. No additional feet would need to be added to the variance.

Vice Chairperson Pathak 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. The existing sign shall not interfere with pedestrian and vehicle visibility (esp. for vehicles exiting the carport).
4. The existing sign shall be moved to be flush with the carport approximately 8.61 feet east of the front (N. Magnolia Avenue) property line.

Board member Tuura SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.**10. VAR2015-00114 MALLEN OFFICE PARKING**

Applicant/Owner: David Mallen, SLM2 LLC, 1412 E. Robinson St., Orlando, FL 32801

Location: 1412 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 in front of the building, where all parking spaces are required to be behind the building façade;
- B. Variance to allow pavers as an alternative durable all-weather surface for the two (2) requested front parking spaces;
- C. Variance of 12% to allow an increased 52% front yard impervious surface coverage (for only one front parking space), where the front yard impervious surface coverage is limited to a maximum of 40%; and
- D. Design Variance to allow a post & panel sign in the Traditional City overlay.

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

Jim Burnett, Planner III, City Planning Division, gave an overview of the case using PowerPoint. He provided the history of the site and offered some context of the neighboring parking issues. He showed the applicant's proposed parking arrangement with two spaces in the front, but then stated that wouldn't work under the code requirements. Staff had come up with an alternative plan with only one parking space in the front that would meet code. Mr. Burnett then used a chart to compare this request with similar requests at 1500 and 1419 E. Robinson St. The first property had been resolved through a variance in June 2015 (VAR2015-00054) and the second had been resolved through a Zoning Official Determination issued in November 2015 (LDC2015-00411).

Executive Secretary Cechman explained that staff was trying to maintain the historical context of the area, where houses had been converted to offices after the switch to the O-1 district. He noted that too much sideways parking would cause the area to lose the "residential" feel. Mr. Burnett claimed there was ample parking for area office uses if shared parking agreements were used. Board member Lastrapes expressed concern about the "one property at a time" approach as each site came in before the Board. He said consistency was important and hoped there was an overall plan for the area.

David Taylor, 3309 Touraine Ave., Orlando, FL 32812, spoke as the applicant's civil engineer. He provided a revised site plan showing a slightly different arrangement of the two front parking spaces. He claimed that precedent was set by the next door neighbors, who all parked in the front. He described his history of working with City staff and said if a handicap space was to be required, then the second parking spot as they were requesting was needed even more. As to Mr. Burnett's chart, he pointed out that a smaller-sized office didn't necessarily mean there were fewer employees.

David Mallen, 1412 E. Robinson St., Orlando, FL 32801, spoke as the applicant in support of the request for two front spaces. He stated he had multiple clients and attorneys at his office for cases and depositions, and the small number of parking spaces meant that they often had to park elsewhere in the neighborhood. He then cited the previous variance case at 1500 E. Robinson St., saying that he deserved the same consideration as that case. Finally, he explained that anytime there was heavy

rain, the water flooded the backyard because of the paved lot to the east. This caused several of his parking spots to be unusable. Vice Chairperson Pathak asked if Mr. Mallen would be willing to put in the front landscape buffer as required, and he said yes. Executive Secretary Cechman noted that, with all these cases on this stretch of road, City staff tried to maintain as much of the required 7.5 ft. landscape buffer as possible.

Thomas Feiter, 1015 E. Harwood St., Orlando, FL 32803, spoke in support of the request for two front spaces. He reminded the Board of his appearance before them in June 2015, and stated that he felt partly responsible for the string of citations on Robinson St., as he was the first. He said they were all trying to keep the property values high and maintain the “quaint” feel of the street.

Board discussion then ensued at length about all the issues listed above. Board member High claimed that City staff had made a good compromise with the circumstances, and that one parking spot in the front was enough.

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 site plan 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. No vehicles shall back onto E. Robinson St. All turning movements shall be within the property.
5. A minimum 7.5-ft. deep landscape area is required between the property boundary along E. Robinson St. and the proposed front parking space. This landscape area shall be screened with low growing plantings and or shrubs, including African Iris (*Diets iridioides*), Dwarf Yaupon Holly (*Illex vomitoria 'Nana'*), or Indian Hawthorn (*Rhaphiolepis indica*).
6. In an effort not to block sight lines, a palm or understory tree shall be installed east of the parking stall away from power lines. Said tree shall be 10-12 ft. in overall height with a minimum caliper of 2.5 inches and shall be installed in accordance with City Code.
7. A direct pedestrian access walkway shall be provided from the front entrance steps of the principal building to the existing concrete driveway and out to the front public sidewalk. Proper application and detailing of materials shall be applied at the locations where the concrete and pavers meet. All concrete cuts shall be precise.
8. The existing driveway at the front lot line shall not exceed 16 ft. in width where shown on the site plan within this report.
9. 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.
10. Additional landscaping shall be placed around the base of the sign and along the eastern end of the parking stall. Plant types shall be similar to those provided under condition #5.
11. All site improvements, including an after-the-fact permit for the existing post & panel sign, shall be permitted prior to installation, and final inspections shall be requested in order to close out said permits.
12. 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 front yard) will be addressed.

Vice Chairperson Pathak SECONDED the MOTION, which was VOTED upon and PASSED by a 6-1 voice vote (Board member Lastrapes opposed).

OTHER BUSINESS

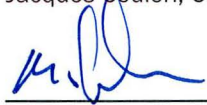
- Recording Secretary Ed Petersen reminded the Board that the date of the December 2015 BZA hearing was being moved up a week to December 15, 2015 to accommodate the Christmas holiday. This would be later in the same day as the Municipal Planning Board hearing in the same room. Mr. Petersen said he had secured a secondary room in the event that the MPB hearing ran long.
- Executive Secretary Cechman noted that City staff would be making the transition to digital plan submission in late December.

ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 3:40 p.m.

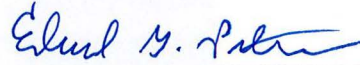
STAFF PRESENT

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



Mark Cechman, AICP, Executive Secretary

Michaëlle Petion, City Planning
Ken Pelham, City Planning
Richard Forbes, City Planning
John Groenendaal, Permitting Services
Alison Brackins, City Attorney's Office



Ed Petersen, BZA Recording Secretary