



BOARD OF ZONING ADJUSTMENT

MINUTES – APRIL 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 [7/0] Elena Pathak, Vice Chairperson [6/1] Chris Carmody [3/1] Robert High [5/2] Desiree Sanchez [5/2] William Wilson [7/0]
<u>MEMBERS ABSENT</u> Byron Lastrapes [4/3] Elizabeth Tuura [5/2]

OPENING SESSION

- Determination of a quorum.
- Avery Donaudy, Chairperson, called the meeting to order at 2:05 p.m.
- Pledge of Allegiance.
- The Board ACCEPTED the Minutes of the March 22, 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. For Item 8, case VAR2016-00040, he said that staff was striking out condition #13. He then noted that the applicant for Item 10, case VAR2016-00034, had agreed to move the item from the Regular Agenda to the Consent Agenda.

CONSENT AGENDA

1. VAR2016-00026	KYLE'S BIKE SHOP SIGNAGE
Applicant:	Darren Gray, Orlando Elite Cycling Service, 203 N. Primrose Dr., Orlando, FL 32803
Owner:	C & T Investment LLC, P.O. Box 1827, Palm City, FL 34991
Location:	203 & 207 N. Primrose Dr. (±0.16 acres)
District:	2
Project Planner:	Jim Burnett (407.246.3609 – james.burnett@cityoforlando.net)

Requested variance:

- Variance of 31 sq. ft. to allow 55 sq. ft. of total sign area, where the site is limited to a maximum 24 sq. ft. of total sign area in the O-1/T/AN zoning 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 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 and general Code requirements, including adherence to Traditional City Overlay requirements.
4. Transparency shall be maintained for existing windows at a minimum 15% between 3 and 7 ft. elevation.
5. The proposed bike shop signs, plus the previously permitted sign for 7 Bites, shall not exceed the proposed 55 sq. ft. sign area for the overall building and property. Window signs affixed to the glass of both tenant spaces also count against the maximum 55 sq. ft. sign area for the overall building. Neon signs and/or tubing inside the windows do not count against the total sign area.

2. VAR2016-00030 1909 FERN CIR.

Applicant: Allen Arthur, 301 N. Fern Creek Ave., Orlando, FL 32803

Owner: Mr. Courtney Propst, 1909 Fern Cir., Orlando, FL 32803

Location: 1909 Fern Cir. (±0.21 acres)

District: 4

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

Requested variances:

- A. Variance of 3.5 ft. to allow the north side yard setback to be 4 ft.
- B. Variance of 12 ft. to allow the east rear setback to be 13 ft.

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 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. Tree Removal Permits must be obtained prior to any trees being removed from the property (Sec. 60.209).
4. This property may require improvement (sidewalks) if the addition is a substantial improvement (cost of improvements equals or exceeds 50% of the present replacement value of the structure as determined by the Orange County Property Appraiser).
5. Indicate how this proposed driveway will interact with the trees in the area of the property.
6. Appearance review will be required at time of permitting to ensure that the plans match up with the proposal shown including review of window transparency and all other Traditional City design requirements.

3. VAR2016-00032 LEXUS DEALERSHIP SIGNS

Applicant: Randy Appel, Architectural Graphics Inc., 2655 International Pkwy., Virginia Beach, VA 23452

Owner: Dealer Property Holdings LLC, 245 Driggs Dr., Winter Park, FL 32792

Location: 5275 Major Blvd. (±25.2 acres)

District: 6

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

Requested variance:

- Variance for two double-sided, high-rise architectural fin signs and one additional monument sign.

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. Architectural fin (high-rise) signs may not exceed 155 sq. ft. in copy area and may not extend above 50 ft. 8 in. as shown in the application. (NO1, NO2, NO3, & NO4)
4. No more than three pylon/ground signs shall be constructed and none shall extend above 30 ft. (NO6, NO7, & NO8)
5. Directional signs must maintain a sign copy area of 3 sq. ft. or less and be similar to the design submitted with the application and included in this report, (NO9 & NO10)
6. Signage must comply with Chapter 64 of the LDC unless specifically addressed in this variance report.

4. VAR2016-00035 1316 LAKE SHORE DR.

Applicant/Owner: Lance Wall, 1782 Killarney Dr., Winter Park, FL 32789

Location: 1316 Lake Shore Dr. (±1.40 acres)

District: 3

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

Requested variance:

- Design Variance to permit garage to extend in front of the principal façade where it is required to be flush or recessed.

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. Urban Design staff supports the proposed variance, as side load garages are acceptable generally on lots 90-ft and over. However, an appearance review will occur at the permitting stage to ensure windows proposed in the design are kept in the design (and are therefore required).
4. This is a lakefront lot and will require a swale along the lake to assist with water quality into the lake, see SEC.60.223.g for details. Final review of the landscape plan will be conducted at Building permit.

5. VAR2016-00037 1910 GADSEN BLVD.

Applicant/Owner: Steven Pullum, 4709 Indian Gap Dr., Orlando, FL 32812

Location: 1910 Gadsen Blvd. (±0.18 acres)

District: 1

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

Requested variance:

- Variance of 7.5 ft. to the required 15 ft. street side setback from the south side property line for new construction of a single-family home.

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. No portion of the single-family home shall be closer than 7.5 ft. to the south side property line.
4. A landscape and irrigation plan will be required for a building permit.
5. Since this is a substantial enlargement, the installation of sidewalk would be required.

6. VAR2016-00038 833 N. THORNTON AVE.

Applicant: Claudia Arbelaez, CEA Builders Corp., 2151 Consulate Dr., Ste. 9, Orlando, FL 32837

Owner: Orcun Tagtekin, 833 N. Thornton Ave., Orlando, FL 32803

Location: 833 N. Thornton Ave. (±0.15 acres)

District: 3

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

Requested variances:

- A. Variance of 1.5 ft. to allow an inline addition at a south side setback of 8.5 ft. where 10 ft. is the minimum required.
- B. Variance of 5 ft. to allow an inline addition at a north side setback of 5 ft. where 10 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 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 driveway width adjacent to the proposed addition needs to be maintained at a minimum width of 7.5 ft. The city transportation Engineer suggests providing a hammerhead at the back near the garage for better maneuverability.

7. VAR2016-00039 514 LAKEVIEW ST.

Applicant: Katina Gutierrez, Bluescape Pools & Spas, P.O. Box 422612, Kissimmee, FL 34742

Owner: Ipanema Administradora, Avenida Rio Branco 156 Sala 21, CEP 20040-003, Rio de Janeiro, Brazil

Location: 514 Lakeview St. (±2.37 acres)

District: 3

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

Requested variance:

- Variance to allow an accessory structure (a pool) between the street and the principal structure.

Recommended action: *Withdrawal of the variance by request of the applicant.*

8. VAR2016-00040 728 N. THORNTON AVE. OFFICES

Applicant: Wes Featherston, Process Architecture LLC, 1800 N. Orange Ave., Orlando, FL 32804

Owner: 1013 Colonial Ventures LLC, 635 E. Amelia St., Orlando, FL 32803

Location: 728 N. Thornton Ave. (±0.53 acres)

District: 3

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

Requested variances:

- A. Variance to allow the south side yard setback to be greater than 30 ft.
- B. Variance to allow 30 parking spaces where 19 spaces are permitted.

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 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 the code required 3 ft. of landscaping along the southern drive aisle next to the building (where cross access easement is located).
4. Move the building 2 ft. further east to gain 2 additional ft. of sidewalk to the rear of the building to accommodate parking and aisles in the rear of the building.
5. Parking next to sidewalk at rear of building shall have wheel stops or side walk shall be 6 ft. wide.
6. Suggest pursuing encroachment agreement with the city to allow solar canopy over the sidewalk area (UD supports).
7. A Durable material such as brick or stone shall be added to the buildings "water table" (no stucco).
8. Landscaping must be of a type and character to ensure shrubs will survive in lieu of the code required 7.5-ft perimeter landscaping around the parking/vehicular areas.
9. Curbing shall be installed around the entire perimeter of the parking lot, a total of two feet maximum of overhang may be allowed over the curbing into the landscaped area. Where no curbing is provided parking stalls shall be 18.5 ft. in depth.
10. Need landscaping island at end of western parking row, on the south end.
11. Mechanical equipment on roof will need to be properly screened on roof, shown at time of permitting.
12. City Transportation Engineers request to leave the bike parking as it is or provide a plan where on street sight lines will be clear per FDOT Design Index 17346.
- ~~13. Doors (and any pedestrian entrances) that lead directly from the sidewalk shall be recessed so the doors do not swing open into the sidewalk area.~~

9. VAR2016-00041 EJ SMALL BUSINESS ACCOUNTING

Applicant: Michelle Tanner, CPH Inc., 1117 E. Robinson Ave., Orlando, FL 32801

Owner: Eric Roldan Cortes, 10566 Cabbage Tree Loop, Orlando, FL 32825

Location: 5408 & 5410 Curry Ford Rd. (±0.26 acres)

District: 1

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

Requested variance:

- Variance of 3 parking spaces to allow a maximum of 7 spaces, where 4 is the maximum allowed.

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. Parking space #7 shall be redesigned to provide adequate maneuvering without impacting required landscaping.

10. VAR2016-00034

CROSSMAN PROPERTY PARKING

Applicant: Garrett Moise, Crossman & Co., 1300 Alden Rd., Orlando, FL 32803

Owner: Virginia/408 LLC, 3333 S. Orange Ave., Ste. 200, Orlando, FL 32806

Location: 1300 Alden Rd. (±0.45 acres)

District: 3

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

Requested variance:

- Design Variance to allow new parking spaces to be located in front of an existing mixed use building, where said parking spaces are required to be located behind the principal structure in the MU-2/T zoning 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.

Urban Design

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.

Transportation Engineering

4. There shall be no adjustments to the existing curb cuts.

Board member Pathak moved APPROVAL of the CONSENT AGENDA, noting the removal of condition #13 from Item 8 (VAR2016-00040). Board member Wilson SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (6-0).

REGULAR AGENDA

11. VAR2016-00036

PAINTMIX ART STUDIO

Applicant: Robert Carney, Paintmix LLC, 38 N. Hyer Ave., Orlando, FL 32801

Owner: Frances Hauser, 6 Fairview Ave., Bayville, NY 11709

Location: 817 E. Washington St. (±0.14 acres)

District: 4

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

Requested variance:

- Variance to allow a painters studio with on-site consumption of beer and wine within 500 ft. of Howard Middle School, where said use is currently prohibited.

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

Jim Burnett, Planner III, City Planning Division, presented the requested variance, staff's conditions, and recommendation to the Board using a PowerPoint presentation. He also responded to the Board's questions. He noted that the Thornton Park Main Street had offered its support of the request, and that a nearby neighbor had voiced objections to the proposed hours of operation.

Robert Carney, 38 N. Hyer Ave., Orlando, FL 32801, spoke as the applicant in support of the request. He clarified his business model, explaining that he intended the space to be an art studio and "bottle club", where patrons would bring their own beverage of choice. Alcohol sales were not part of his profit structure and he had no intention for the space to become a bar. He wanted the weekend and special event business hours expanded to 2:00 a.m. Board members expressed concern about the lateness and feasibility of late-night art classes.

Charles Craigle, 888 E. Washington St., Orlando, FL 32801, spoke as a neighbor in opposition to the request, specifically the end hours of operation. As a longtime resident of the Thornton Park neighborhood, he expressed concern about the mixed use nature of the space. He cited possible noise, pollution, and parking issues. He also noted that the neighboring space, Falcon Bar, had originally claimed to open as an art gallery, but soon converted to a bar. Executive Secretary Cechman asked if Mr. Craigle would agree to staff's recommended hours of operation, but Mr. Craigle said he preferred the business to close at 11:00 p.m.

Board discussion ensued. Topics included the type of insurance needed by the applicant, and business hours versus actual alcohol consumption times.

Board member Wilson 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. Hours for the proposed paint studio with on-site consumption of beer and wine shall be 12 noon to no later than midnight Monday through Saturday, and 11:00 a.m. to no later than midnight on Sundays.

3. No signage shall be displayed that advertises the on-site consumption of beer and wine as part of the paint studio business.
4. No beer and wine shall be dispensed for non-paint studio patrons or staff.
5. Not more than one (1) outdoor speaker may be placed near the entry door or window.

Urban Design/Historic Preservation

6. Any exterior signage or building alterations shall require a Certificate of Appropriateness through the Historic Preservation Board. Size of the sign and/or scope of the exterior work will determine if a minor or major review is warranted.

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

12. VAR2016-00042

BUSTAMANTE OFFICE SIGNAGE

Applicant: Morgan Voke, International Signs & Lighting, 714 Commerce Cir., Longwood, FL 32750

Owner: 400 N Mills LLC, 2840 Paige Dr., Kissimmee, FL 34741

Location: 400 N. Mills Ave. (±0.40 acres)

District: 4

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

Requested variances:

- A. Design Variance to allow a ground sign in the Traditional City Overlay; and
- B. Variance of 46 sq. ft. to allow 70 sq. ft. of total sign area, where a maximum 24 sq. ft. is allowed.

Recommended action: *Approval of Design Variance A, subject to the conditions in the staff report, and denial of Variance B.*

Jim Burnett, Planner III, City Planning Division, presented the requested variance, staff's conditions, and recommendation to the Board using a PowerPoint presentation. He also responded to the Board's questions. Executive Secretary Cechman pointed out that the O-1 zoning district was very restrictive and included special signage rules.

Andrey Bustamante, 2840 Paige Dr., Kissimmee, FL 34741, spoke as the business owner in support of the requested Design Variance. He explained his involvement in purchasing and restoring the building to a usable condition. He understood that staff was against the window sign (Variance B) and was willing to remove it from his plans. Given that statement from Mr. Bustamante, the Board decided no further discussion was needed since the variance could now be passed as recommended by staff. Vice Chairperson Pathak asked to add a condition that the monument sign could only be externally lit, in keeping with other signs in the area.

Board member Pathak moved APPROVAL of Design Variance A and DENIAL of Variance B, 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. Appearance Review shall be required at time of permitting to ensure compliance with the conditions and sign elevations provided in this report.
3. A landscape bed of shrubs and/or ground cover plants shall be installed around the base of the sign. The bed shall be at least 4-ft. in width from all points of the sign base.
4. Ground sign shall be no less than 12.5 ft. from west N. Mills Ave. R-O-W line and north of the front building façade on E. Livingston St.
5. Vehicles shall not be parked in front of the building and cannot be used for signage purposes.
6. The monument sign shall be externally lit.

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

OTHER BUSINESS

- No items.

ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 3:19 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

Paul Lewis, City Planning
Brian Ford, City Planning
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
Yameli Herschelman, Permitting Services
Lauren Torres, Transportation Engineering
Yaminel Reyes, Transportation Engineering
Alison Brackins, City Attorney's Office



Mark Cechman, AICP, Executive Secretary



Ed Petersen, BZA Recording Secretary