



BOARD OF ZONING ADJUSTMENT

MINUTES – JULY 26, 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 [10/0]

Elena Pathak,
Vice Chairperson [9/1]

Robert High [7/3]

Byron Lastrapes [7/3]

William Wilson [10/0]

MEMBERS ABSENT

Chris Carmody [4/3]

Roberta Fennessy [2/1]

Two vacancies.

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 June 28, 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. VAR2016-00071 | 1800 LAKE SHORE DR. |
| Applicant/Owner: | Mark Mitchell, 1800 Lake Shore Dr.,
Orlando, FL 32803 |
| Location: | 1800 Lake Shore Dr. (±0.26 acres) |
| District: | 3 |
| Project Planner: | Jim Burnett (407.246.3609 –
james.burnett@cityoforlando.net) |

Requested variance:

- Variance of 6.1 ft. to allow a new dock and boathouse 1.4 ft. from the west side lot line extended into Lake Rowena, 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 must 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. As provided by subsection 166.033(5), Florida Statutes, issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a condition of this permit that all other applicable state or federal permits be obtained before commencement of the development.
3. The structure and details of the new dock/boathouse structure must be of neutral colors such as gray, tan, or beige; and must be appropriate to the existing structure. Bright colors must be avoided. An appearance review will be conducted during permit application review.
4. Fish scaling and cleaning may be only on the existing portion of the structure and not on the new portion.
5. Lights are limited to the existing structure.
6. A pollution control swale must be installed upland within 10 ft. of the normal high water elevation. The swale must be at least 8 inches deep and 4 ft. wide, and planted with native aquatic and littoral zone vegetation such as cordgrass, blue flag iris, and golden canna. Turfgrass must be at least 10 ft. from the normal high water line.

2. This item has been moved to the Regular Agenda.

3. VAR2016-00076 LAW OFFICE PARKING

Applicant: Jean Abi-Aoun, Florida Engineering Group, 5127 S. Orange Ave., Ste. 200, Orlando, FL 32809

Owner: Williams Investments Ltd., 2301 Silver Star Rd., Orlando, FL 32804

Location: 2820 & 2900 E. Robinson St. (±0.96 acres)

District: 2

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

Requested variances:

- A. Design Variance to allow 10 additional parking spaces on the west side of the building, where parking is required to be behind the principle structure in the MU-1/T zoning district.
- B. Variance of 42 ft. to all an increased side setback of 67 ft., where 25 ft. is the maximum allowed side setback in the MU-1/T zoning district.

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

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. As provided by subsection 166.033(5), Florida Statutes, issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a condition of this permit that all other applicable state or federal permits be obtained before commencement of the development.
4. Should any trees need to be removed or encroached upon, please contact Justin Garber with the Bureau of Parks at (407) 246-4047 or (321) 229-6367 for a Tree Encroachment or Tree Removal Permit prior to encroaching within 6 ft. of any existing 4 inch caliper or larger tree as per Orlando Land Development Code, Section 60.211.
5. The landscape requirements for parking lots, as described in Chapter 61 of City Code, must be met. Existing trees to be pre-served may count towards meeting those requirements. An evergreen hedge between the parking and the western property line is required. A tree is also required between the northernmost parking space and the Robinson Street right-of-way.
6. A new facade must be constructed between the northernmost new parking space and the Robinson Street right-of-way, from a point approximately 4 ft. from the edge of the driveway westward approximately 24 ft.
7. The facade must be in line with the norther facade of the existing building
8. The facade must have a solid, opaque knee wall 3.5 ft. to 5 ft. in height, and with a window opening above that to a beam.
9. The knee wall must extend to the west property line and then have a return of at least 20 ft. along the property line.
10. The window opening does not require glass but must incorporate muntins to mimic the style and proportions of the windows in the existing north building facade.
11. The new structure must approximate the height of the existing building facade, with similar detailing and finishes to that of the existing building, and be at least the same thickness as the existing parapet wall.
12. The connecting beam over the opening must be of the height that would architecturally complement of the existing para-pet and of vertical proportions to match the existing parapet.
13. Minor changes from the above mentioned conditions may be considered during design review
14. Final design must receive appearance review approval prior to application for building permits to ensure compliance with the variance conditions.

4. VAR2016-00077**EXCELLENCE A.L.F. SIGNAGE**

Applicant:	Sam Sebaali, Florida Engineering Group, 5127 S. Orange Ave., Ste. 200, Orlando, FL 32809
Owner:	Excellence Assisted Living Facility, 5950 Lakehurst Dr., Ste. 182, Orlando, FL 32819
Location:	2250 S. Semoran Blvd. (±2.25 acres)
District:	2
Project Planner:	Jim Burnett (407.246.3609 – james.burnett@cityoforlando.net)

Requested variances:

- A. Variance to allow ground and wall signs to be taller than 6 ft. in elevation; and
- B. Variance to allow total sign area in excess of 48 sq. ft. for a multi-family use in the AC-2/AN/SP zoning district.

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. As provided by subsection 166.033(5), Florida Statutes, issuance of a variance by a municipality does not in any way create a right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of said permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a condition of this variance that all applicable state or federal permits be obtained before commencement of any new development.
3. Appearance Review shall be required during permitting to ensure compliance with the conditions below.
4. The text signs, if illuminated, must be illuminated only with white light. The logo may be illuminated with colored light. Signs must be constructed of durable materials. Channel or pin-mounted letters, halo- or externally lit, or metal faces with push-through acrylic letters are preferred. Channel letters must be individually mounted and not attached to a raceway. Sign options of similar quality will be considered if proposed. Plastic cabinet and pole signs are prohibited. External lighting (if used) must be accomplished through downlighting. Light-Enhancing Diode (LED) lamps are preferred.

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

REGULAR AGENDA

2. VAR2016-00075 1829 MONTEREY AVE.

Applicant: Chris Schafer, Terry L. Irwin Architects P.A., 11741 Lake Butler Blvd., Windermere, FL 34786

Owner: Terry & Linda Young, 5115 Crane's Point Ct., Edgewood, FL 32839

Location: 1829 Monterey Ave. (±0.34 acres)

District: 3

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

Requested variances:

- A. Variance to allow a garage in front of the principal façade of the home in the Traditional City Overlay.
- B. Variance to the 15% transparency requirement for the second story.

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

Jacques Coulon, Planner I, City Planning Division, presented the requested variance using the overhead projector. (He did so due to the absence of Katy Magruder, the Project Planner.) Mr. Coulon explained staff's recommendation of approval of both Variances to the Board. Ken Pelham, Planner III, addressed the tree situation on the lot. Discussion then commenced about the location and style of windows as described in the staff report.

Terry Irwin, 11741 Lake Butler Blvd., Windermere, FL 34786, spoke as the architect in support of the request. He explained that the windows used in the design would help add diversity to the various facades of the house.

Terry Young, 5115 Cranes Point Ct., Orlando, FL 32839, spoke as the applicant in support of the request. He noted his concerns with the two conditions in the staff report regarding windows (#3 and #5), stating that having such large windows would not be architecturally sound. He hoped the Board would either eliminate the conditions or reduce their specificity so the project could remain as close to the architect's design as possible.

Board discussion ensued about how to handle the two conditions in question and how to factor in transparency requirements from City Code. Ultimately, the Board decided to eliminate condition #3 and keep condition #5 intact.

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 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. ~~Increase the size of the two garage right side windows to match the two by four pane windows along the living area of the elevation.~~
4. Redesign the courtyard wall with transparent features to provide a more welcoming entrance from the street.
5. Add a second window, matching the other along this wall, or increase the size of the existing window to increase transparency along this wall.
6. Create a more substantial tree canopy to screen the projecting garage by placing two 4" caliper live oak trees in the front yard at least 50 feet apart from each other.
7. Per code 58.982, provide screening of A/C units from neighbor and street views with a fence, wall, or landscaping.

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

5. VAR2016-00073

500 RICHMOND ST.

Applicant: Kelly Carr, 2929 Alamo Dr., Orlando, FL 32805

Owner: Thomas & Sybil McCloskey, 500 Richmond St., Orlando, FL 32806

Location: 500 Richmond St. (±0.12 acres)

District: 4

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

Requested variances:

- A. Variance of 20 ft. to permit garage to be set back 5 ft. from the rear property line where a 25 ft. setback is required.
- B. Variance of 1 ft. to permit garage to be set back 5 ft. from the side property line where a 6 ft. setback is required.

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

Jacques Coulon, Planner I, City Planning Division, presented the requested variance using PowerPoint. He explained staff's recommendation of approval of Variance A and denial of Variance B to the Board.

Kelly Carr, 2929 Alamo Dr., Orlando, FL 32805, spoke as the applicant in support of the request. She pointed out that the lot already had a tight backyard space already, and that the additional one foot from Variance B would make a difference for her client. She noted the owner's intent to eventually build a gate in front of the driveway, which would make the space even tighter. She also pointed out neighbor support.

Board member High moved APPROVAL of the VARIANCES, 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. Proposed garage door and its materials shall be authentic to the style of architecture and character of the home. The garage door shall be a wood-like paneled garage door of Mediterranean style. Transparency in the garage door shall occur at the upper panel.
4. Gutters directed to the side street will be required.
5. The driveway shall provide a minimum separation of two feet between vehicular use area and the rear property line.
6. The total Impervious Surface Area Ratio (ISR) shall not exceed 0.55.
7. As provided by subsection 166.033(5), Florida Statutes, issuance of a development permit by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a condition of this permit that all other applicable state or federal permits be obtained before commencement of the development.

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

OTHER BUSINESS

- Recording Secretary Petersen reminded the Board members that elections for Chair and Vice Chair will take place at the August 2016 meeting. Board discussion ensued about who would be the next Chair, as term limits would prevent Chairperson Donaudy from continuing in that role. Members built consensus for Board member Wilson to become the next Chair.

ADJOURNMENT

Chairperson Donaudy adjourned the meeting at 3:01 p.m.

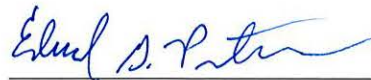
STAFF PRESENT

Mark Cechman, City Planning
Jim Burnett, City Planning
TeNeika Neasman, City Planning
Jacques Coulon, City Planning
Ken Pelham, City Planning
Brian Ford, City Planning

Shannan Stegman, City Planning
Adyson Clark, City Planning
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
David Bass, City Attorney's Office



Mark Cechman, AICP, Executive Secretary



Ed Petersen, BZA Recording Secretary