



# BOARD OF ZONING ADJUSTMENT

MINUTES – SEPTEMBER 27, 2016

MEETING INFORMATION
<u>LOCATION</u> <b>City Council Chambers</b> 2 <sup>nd</sup> Floor, City Hall One City Commons 400 South Orange Avenue
<u>TIME</u> 2:00 p.m.
<u>MEMBERS PRESENT</u> William Wilson, Chairperson [12/0]  Elena Pathak, Vice Chairperson [11/1]  Chris Carmody [6/3]  Avery Donaudy [11/1]  Roberta Fennessy [4/1]  Robert High* [9/3]  Byron Lastrapes [9/3]  Guy Sanchez [2/0]  <i>*Present by phone.</i>  <u>MEMBERS ABSENT</u> None.  <i>One vacancy.</i>

## OPENING SESSION

- Determination of a quorum.
- William Wilson, Chairperson, called the meeting to order at 2:00 p.m.
- Pledge of Allegiance.
- Board member Lastrapes moved APPROVAL of the August 2016 minutes. Vice Chairperson Pathak SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).
- Recording Secretary Petersen noted that Board member High was present by phone.

## PUBLIC COMMENT

Chairperson Wilson 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. **NOTE: This item has been moved to the Regular Agenda.**

### 2. VAR2016-00097

### 2512 MUSSELWHITE AVE.

Applicant/Owner:

Kevin Hutchison, 2512 Musselwhite Ave., Orlando, FL 32804

Location:

2512 Musselwhite Ave. (±0.15 acres)

District:

3

Project Planner:

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

Requested variance:

- Design Variance to permit parking in front of the principal façade, where it is required to be even with or set back from the principal façade in the Traditional City.

Recommended action: *Withdrawal of the requested variance by staff.*

### 3. VAR2016-00103

#### 720 MAYFAIR CIR.

Applicant: Ruby Davis, Primrose Construction Co., 3525 Raeford Rd., Orlando, FL 32806

Owner: Shelly Laberge, 720 Mayfair Cir., Orlando, FL 32803

Location: 720 Mayfair Cir. (±0.15 acres)

District: 4

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

Requested variance:

- Variance to permit an addition to be located 5 ft. from the east side property line, where it is required to be a minimum of 7.5 ft. from the property line.

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. The carport shall be removed from the house and the house must be repainted and repaired where the structure was attached to the home.
4. 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.
5. Expiration of the Zoning Variance. A building permit for the work requiring the zoning variance must be received within one year of the zoning variance approval. If said building permit(s) are not received within a year the zoning variance is no longer valid and a new variance must be applied for. If the building permit for the work requiring the zoning variance expires before a certificate of occupancy or certificate of completion is issued for the work requiring the zoning variance, then the zoning variance is no longer valid and a new zoning variance must be applied for.
6. 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. VAR2016-00104****7 N. IVANHOE BLVD. E.**

Applicant: Andrew Sechler, Elite Universal LLC, 1336 Hawthorne Cove Dr., Ocoee, FL 34761

Owner: Thomas & Jana Landreth, 7 N. Ivanhoe Blvd. E., Orlando, FL 32804

Location: 7 N. Ivanhoe Blvd. E. (±0.30 acres)

District: 3

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

Requested variance:

- Variance of 12.5 ft. to allow a home addition to be 12.5 ft. from the rear (north) lot line, where a minimum 25 ft. rear setback is required in the R-1/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.
2. All applicable City, county, state or federal permits must be obtained before commencing development.

Urban Design

3. Appearance Review is required at time of permitting to ensure compliance with these conditions.
4. All traditional City standards in Sec. 62.600 of the Land Development Code must be met.
5. The new addition must complement the architectural style and materials of the existing structure. This includes matching windows, exterior colors, and lighting with that of the existing residence.
6. The windows on all facades must be recessed 1 to 3 inches from the façade to provide additional design texture and shadow lines on the façades.
7. LDC Sec. 60.223 requires a minimum of four canopy trees for lots between 10,001 square feet to 14,000 sq. ft. Two canopy trees must be added on the lot to meet this requirement.
8. Per LDC Sec. 60.223, ensure that turfgrass does not exceed 60% of the total pervious area of a building site. The remaining area must be landscaped with shrubs, groundcovers and annuals, or a combination thereof.

Permitting

9. The addition is considered a substantial enlargement (LDC Section 66.200), which requires a landscape and irrigation plan consistent with LDC Sec. 60.223 - 229.
10. The substantial enlargement requires satisfaction of the platting requirement (LDC Sect. 65.272). Documentation must be provided at time of permitting that demonstrates that the lot was in its current configuration prior to Feb. 4, 1959 (when the City initially adopted zoning regulations).
11. Ensure that the existing (new) attached garage was constructed to be 20 ft. from the street side (Depauw Ave.) lot line, per LDC Sect. 58 Figure 1.

12. A tree removal/encroachment permit is required for any trees whose caliper is equal to or greater than four (4) inches in diameter.

**5. VAR2016-00106****3801 IBIS DR.**

Applicant/Owner: Beth Hoover, 3801 Ibis Dr., Orlando, FL 32803

Location: 3801 Ibis Dr. (±0.20 acres)

District: 3

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

Requested variance:

- Variance of 6.5 ft. to allow a home addition 18.5 ft. from the rear property line, where a minimum 25 ft. rear setback is required in the R-1AA 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 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. The chain link fence on the Tanager street side yard shall be planted with a hedge to shield the view of the addition from the street. The Applicant may choose between podocarpus, sweet viburnum, or confederate jasmine, planted every 10 ft. along the chain link fence.
4. The Applicant must plant a tree in the front yard to meet the landscaping code in Chapter 60 Part 2 of the Land Development Code.

**Vice Chairperson Pathak moved APPROVAL of the CONSENT AGENDA. Board member Donaudy SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).**

## REGULAR AGENDA

**1. VAR2016-00078****1231 E. CONCORD ST.**

Applicant: Solange Dao, Dao Consultants, Inc., 1110 E. Marks St., Orlando, FL 32803

Owner: Goodheart Building LLC, PO Box 547082, Orlando, FL 32854-7082

Location: 1231 E. Concord St. (±0.16 acres)

District: 4

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

Requested variances:

- A. Variance to allow a 2 ft. landscape vehicular bufferyard, where 7.5 ft. is required; and
- B. Design Variance to allow a standalone sign in the O-1/T zoning district.

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

TeNeika Neasman, Planner II, City Planning Division, presented the requested variance using the overhead projector. Staff was recommending approval, but the case was being pulled because the applicant wished to modify one of the conditions. She also pointed out that there was an error in the staff report. The proposed sign was actually 7.3 sq. ft., which met code, and not 9 sq. ft. as indicated.

Solange Dao, 1110 E. Marks St., Orlando, FL 32803, spoke as the applicant in support of the request. She said she had an issue with Condition #9 as indicated in the staff report, pointing out that there were already quite a few trees on the site already. She wanted the City Arborist to sign off on any additional trees. Discussion ensued on the potential locations of new trees, especially in relation to the proposed new sign.

Lauren Ilvento, 1231 E. Concord St., Orlando, FL 32803, spoke in support of the request. She noted that the rear parking lot would be improved with pavers. She also pointed out that existing power lines would create challenges for any new trees in the rear.

Board discussion ensued. Members expressed no objection to altering the condition as requested.

**Vice Chairperson Pathak moved APPROVAL of the VARIANCES, subject to the following conditions and modifications:**

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. At Engineering Permit an analysis of the ISR will be required.
6. In lieu of the Code requirement of 7.5 ft. width landscape area between parking and property lines, install either an opaque fence 6 ft. in height or a 4 ft. minimum height fence with evergreen climbing vines (such as Confederate jasmine) in the areas shown. The 4 ft. high fence may be opaque, but picket and chain link fencing will also be acceptable. If chain link fencing is used, it must be vinyl-clad black, minimum 6-gage mesh, with top and bottom rails, and all hardware and posts painted black.

7. Parking bumpers must be installed and anchored as proposed in order to protect the fence and landscape.
8. Aerial photos indicate the existence of large trees in the vicinity of the work. Contact the City Parks Division prior to commencement of any site work for inspection of the condition of the trees, and for tree encroachment or removal permits as required. The Parks Division may require alteration of the plans, possibly to include elimination of curbing and excavation within the tree protection zones.
9. City Code typically would require at least ~~3 trees~~ 1 tree for this ~~parking lot~~ site. Because there is inadequate space for trees within this plan, the required trees must be planted elsewhere on the site. Location is subject to the approval of the Parks Division.
10. Appearance review of the fence and landscape will be performed during the permitting process to ensure a high quality of design and materials.
11. The sign must be consistent with the sign proposed in this staff report.

**Board member Donaudy SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).**

## 6. VAR2016-00105

## HONEST1 AUTO CARE SIGN

Applicant: Raymond Webb, Kenco LED Partners, 1539 Garden Ave., Holly Hill, FL 32117

Owner: 4797 Holdings LLC, 2827 Nela Ave., Belle Isle, FL 32809

Location: 4797 S. Semoran Blvd. (±0.80 acres)

District: 2

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

Requested variance:

- Variance of 89 sq. ft. of sign area to allow 181 sq. ft. of total sign area, including a digital sign, for an automotive service facility, where a maximum 92 sq. ft. of total sign area is allowed in the AC-1/AN/SP zoning district and where digital signs are prohibited.

Recommended action: *Denial of the requested variance.*

Jim Burnett, Planner III, City Planning Division, presented the requested variance using PowerPoint. Staff was recommending denial because the request did not meet five of six variance standards. He explained that the previously existing signs met code. The proposed LED sign was prohibited; Mr. Burnett listed two other Honest-1 locations in Florida that did not have LED signage.

Raymond Webb, 4735 Dixie Dr., Ponce Inlet, FL 32127, spoke as the applicant in support of the request. He said Mr. Burnett's list of other Honest-1 locations was not complete, and gave several additional locations where LED signs were already present or in the process of getting approved. He acknowledged that Orlando had different rules but said that the proposed LED sign would be static, with the message changing once every 24 hours. He also cited obstructions to viewing the signs from the road as justification for needing more signage. Using a large-size printout, he showed the Board an alternative proposal for a monument sign without any LED components. He said the lettering couldn't be made any smaller because the speed of drivers on South Semoran Boulevard necessitated larger text.

Board discussion ensued at great length about how much additional signage could be allowed. Vice Chairperson Pathak calculated how much signage would be available to the applicant if the building were rotated so that the broader side faced the road. In the end, Board members agreed that a roughly 30% increase in signage seemed appropriate, without allowing an “undersized” sign. Keith Grayson, Chief Zoning Plans Examiner in Permitting Services, stated that when the building was first constructed, the owners refused to build a monument sign despite staff suggestions.

**Vice Chairperson Pathak moved APPROVAL of a LESSER VARIANCE of 28 sq. ft., plus 16 sq. ft. of “directional” signage, subject to the following conditions and modifications:**

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. Appearance Review is required at time of permitting to ensure compliance with the conditions and sign elevations provided in this report.
3. Digital signs and electronically controlled message centers are prohibited. Pennants and banners are also prohibited.
4. New replacement signs must receive permits prior to fabrication and erection.
5. ~~Eliminate one wall sign (49.5 sq. ft.) OR reduce the wall signs to be smaller (lesser variance) and reduce the backing/lighting panel proportionately.~~
6. A maximum of 16 sq. ft. of additional directional signage is permitted.
7. Replace the existing pole sign with a ground-mounted monument sign similar to what was presented by the applicant.

**Board member Sanchez SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).**

## OTHER BUSINESS

- None.

## ADJOURNMENT

Chairperson Wilson adjourned the meeting at 3:11 p.m.

## STAFF PRESENT

Mark Cechman, City Planning  
Karl Wielecki, City Planning  
TeNeika Neasman, City Planning  
Jim Burnett, City Planning  
Doug Metzger, City Planning  
Jacques Coulon, City Planning  
Paul Lewis, City Planning

Katy Magruder, City Planning  
Brian Ford, City Planning  
Kim King, Economic Development  
Keith Grayson, Permitting Services  
John Groenendaal, Permitting Services  
Alison Brackins, City Attorney's Office



Mark Cechman, AICP, Executive Secretary



Ed Petersen, BZA Recording Secretary