



BOARD OF ZONING ADJUSTMENT

MINUTES – OCTOBER 25, 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

William Wilson, Chairperson
[1/0]

Elena Pathak,
Vice Chairperson [1/0]

Chris Carmody [1/0]

Avery Donaudy [1/0]

Roberta Fennessy [1/0]

Robert High [1/0]

Thomas Jensen [1/0]

Guy Sanchez [1/0]

MEMBERS ABSENT

Byron Lastrapes [1/1]

OPENING SESSION

- Determination of a quorum.
- William Wilson, Chairperson, called the meeting to order at 2:05 p.m.
- Pledge of Allegiance.
- New Board member Thomas Jensen introduced himself.
- Board member Sanchez moved APPROVAL of the September 2016 minutes. Board member Carmody SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).

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. VAR2016-00109

PIO PIO RESTAURANT

Applicant:

George Stylianou, CDS Contractors Inc.,
7436 Narcoossee Rd., Orlando, FL 32822

Owner:

Paulas 3 LLC, 3808 Gatlin Place Cir.,
Orlando, FL 32812

Location: 2259 S. Semoran Blvd. (±0.84 acres)

District: 2

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

Requested variances:

- A. Variance to allow an expanded restaurant building 22.5 ft. from the front lot line, where the maximum setback cannot exceed 15 ft. in the Semoran Special Plan Overlay; and
- B. Variance to waive the minimum required 7.5 ft. landscape buffer for an existing parking section/row along the north lot line.

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. Appearance Review is required at time of permitting to ensure compliance with the conditions and site plans provided in this report.
3. Total sign area for the property cannot exceed 120 sq. ft.
4. The street tree requirements of the S. Semoran Blvd. Special Plan must be applied to the landscape plan.
5. Exterior glazing in the front façade (facing S. Semoran Blvd.) must be clear glass.

2. VAR2016-00110 ESQ HOLDINGS OFFICE SIGN

Applicant: Tushaar Desai, Desai Law P.A., 1914 E. Robinson St., Orlando, FL 32803

Owner: ESQ Holdings Inc., 1916 E. Robinson St., Orlando, FL 32803

Location: 1914 E. Robinson St. (±0.19 acres)

District: 4

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

Requested variances:

- A. Design Variance to allow a post and panel sign in the Traditional City Overlay; and
- B. Variance of 4 sq. ft. to allow an 8 sq. ft. post and panel sign, where said sign is limited to 4 sq. ft. in the O-1/T/AN 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 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.
4. The sign must not exceed 4 ft. in height.
5. A landscape bed must be installed around the base of the sign, to be a minimum 6 ft. wide and extending beyond each end of the sign at least 4 ft. The landscape bed must include flowering perennial plants.

Annual bedding plants may be used if the landscape bed is larger than the minimum dimensions required above.

6. The sign may be externally lit.

3. VAR2016-00111 TUBBS BREWING

Applicant/Owner: Cathleen Springman, W. Central LLC, 25 Wall St., Orlando, FL 32801

Location: 613 W. Central Blvd. (±0.37 acres)

District: 5

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

Requested variance:

- Variance to permit the sale of alcoholic beverages for on-site consumption within 500 ft. of a church.

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

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. A permit shall be required for any outdoor amplified devices and all such devices and practices must meet all section of Chapter 42 of Orlando City Code.
4. If the development of the site proposed in phases 1 through three meet the definition of a substantial improvement per Chapter 66 of the Land Development Code then the property must be replatted per LDC Sec. 65.272 prior to the issuance of any building permits once the threshold of substantial improvement has been met.
5. A separate Appearance Review Board review is required. Submission shall include the actual design of tables, landscaping, fencing, architecture, signage and bars proposed for this space.
- ~~6. All vendors or tents must receive approval from the zoning official prior to a permit being issued and in no event shall tents be permitted longer than seven consecutive days or a maximum of seven days in any six (6) month period unless otherwise waived by the Zoning Official per LDC Sec. 58.833.~~
7. 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.
8. 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. VAR2016-00114 6318 ROCKAWAY ST.

Applicant/Owner: Bethany Hoover, 6318 Rockaway St., Orlando, FL 32807

Location: 6318 Rockaway St. (±0.19 acres)

District: 2

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

Requested variance:

- Variance of 6 ft. to allow a shed to be constructed 1.5 ft. from the west side property line, where 7.5 ft. is required in the R-1A/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 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.

5. VAR2016-00115 1031 EDGEWATER DR.

Applicant: Michael Wenrich, Architect, 865 Nottingham St., Orlando, FL 32803

Owner: Theo Lotz & Catherine Imbesi, 1031 Edgewater Dr., Orlando, FL 32804

Location: 1031 Edgewater Dr. (±0.52 acres)

District: 3

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

Requested variances:

- A. Variance to allow an accessory structure to be located in front of the principal structure; and
- B. Design Variance to allow the garage to be in front of the 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 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.

6. This item has been moved to Regular Agenda.

Board member Sanchez moved APPROVAL of the CONSENT AGENDA. Board member Fennesy SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).

REGULAR AGENDA

6. VAR2016-00117 44 S. GRAHAM AVE.

Applicant: Eric Meyers, Orlando Pool & Patio by Design, 3444 Parkway Center Ct.,
Orlando, FL 32808

Owner: Thomas Chully, 44 S. Graham Ave., Orlando, FL 32803

Location: 44 S. Graham Ave. (±0.08 acres)

District: 4

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

Requested variances:

- A. Variance to allow for an accessory structure in front of the principal façade; and
- B. Variance of 10 ft. to allow a 5 ft. street-side yard setback, where 15 ft. is the minimum required.

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

Michaëlle Petion, Planner III, City Planning Division, presented the requested variances using a PDF of the staff report projected onto the screen. She said staff was supportive of the request because the accessory structure was similar to a porch, and served to soften the appearance the utility boxes on the side of the townhome.

Eric Meyers spoke as the applicant in support of the request. He pointed out the difference between a rafter and a picket as described in the staff report. He also noted that Condition #4 would cause too great of a separation between the slats to provide effective sun shading, which was one of the main purposes of the accessory structure. He hoped to get a reduced distance between the pickets from the Board. Ken Pelham, Planner III, City Planning Division, explained to the Board that the term “pickets” was intended in the staff report and that is what the discussion should focus on.

Board member Sanchez moved APPROVAL of the VARIANCES, subject to the following conditions and modifications:

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 structure shall be maintained at a color consistent with and complimentary to the exterior walls or existing fence.
4. ~~Rafters~~ Pickets shall be no closer than ~~12~~ 5 inches on center.
5. Install or maintain the understory tree, minimum 8' height at time of planting, in the yard area just east of the new structure.
6. The owner is encouraged to discuss, with the relevant utility company, approval for installing a box or screen to enclose the utility panels and features mounted on the wall.

Vice Chairperson Pathak SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).

7. VAR2016-00112

1407 PINECREST PL.

Applicant/Owner: Pao Ling Chang, 1407 Pinecrest Pl., Orlando, FL 32803

Location: 1407 Pinecrest Pl. (±0.07 acres)

District: 4

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

Requested variances:

- A. Variance of 1.5 ft. to allow a shed to encroach into the side yard setback, where 6 ft. is required;
- B. Variance to allow three trellises to encroach into the front yard setback by 3 ft.;
- C. Variance to allow a trellis to be set on the western property line with a 0 ft. setback; and
- D. Variance to allow a trellis to be set on the eastern property line with a 0 ft. setback.

Recommended action: *Denial of the requested variances.*

Jacques Coulon, Planner I, City Planning Division, presented the requested variances using PowerPoint. The property in question was the southern half of a duplex. He explained that staff was recommending denial because the requests did not meet the six standards for variance approval. Board members asked for the official definition of a trellis and then discussed the trellis' material. Mr. Coulon confirmed that none of the structures in question had received permits.

Pao Ling Chang, 1407 Pinecrest Pl., Orlando, FL 32803, spoke as the applicant in support of the requests. She noted that the trellis supports several plants and in some areas block the heat of the sun. She also pointed out that many people enjoy the various flowers that grow in her small garden. Finally, she apologized for not getting permits. Board members expressed concern that because of the lack of review, the structures may not have been built correctly or to be structurally sound. Executive Secretary Cechman reminded the Board that the variance was regarding setbacks and not the structural integrity of the items in question, which would be reviewed by Permitting Services.

Board discussion ensued. Executive Secretary Cechman confirmed that if the Board was to go along with staff recommendation of denial of all variances, then the structures would have to be torn down and removed. Other topics included how the Board should compare the trellises in this case to the one in the previous case before the

Board (VAR2016-00117), and whether the trellises on the side of the house should be considered differently from the ones in front. Consensus was built that the trellises in the front were too obtrusive and should be removed.

Board member High moved APPROVAL of Variances A, C, & D, subject to the following conditions, and DENIAL of Variance B:

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.

Vice Chairperson Pathak SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).

8. VAR2016-00113 1406 PARK LAKE ST.

Applicant: Pao Ling Chang, 1407 Pinecrest Pl., Orlando, FL 32803

Owner: Dung & Marco Parra, 7310 Grace Rd., Orlando, FL 32819

Location: 1406 Park Lake St. (±0.07 acres)

District: 4

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

Requested variances:

- A. Variance of 1.5 ft. to allow a shed to encroach into the side yard setback, where 6 ft. is required; and
- B. Variance to allow three trellises to encroach into the front yard setback by 3 ft.

Recommended action: *Denial of the requested variances.*

Jacques Coulon, Planner I, City Planning Division, presented the requested variances using PowerPoint. The property in question was the northern half of a duplex, and that there were a number of similarities to the case previously heard by the Board (VAR2016-00112). He explained that staff was recommending denial here as well because the requests did not meet the six standards for variance approval.

Pao Ling Chang, 1407 Pinecrest Pl., Orlando, FL 32803, spoke as the applicant in support of the requests. She noted that this parcel was owned by another person but that there was only one trellis in the front at this location.

Board member High moved APPROVAL of Variance A, subject to the following conditions, and DENIAL of Variance B:

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.

Vice Chairperson Pathak SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).

9. VAR2016-00116**3012 CHELSEA ST.**

Applicant/Owner: Chantal "Sam" Baker, 3012 Chelsea St., Orlando, FL 32803

Location: 3012 Chelsea St. (±0.19 acres)

District: 3

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

Requested variances:

- A. Variance of 10.5 ft. to allow the required parking space to encroach into the front yard setback, where the required parking space is required to be behind said setback.
- B. Variance of 1.4 ft. to allow a reduced side yard setback of 6.1 ft., where 7.5 ft. is required in the R-1A zoning district.

Recommended action: *Denial of the requested variances.*

TeNeika Neasman, Planner II, City Planning Division, presented the requested variances using PowerPoint. She explained that staff was recommending denial for both requests because they did not meet the six standards for variance approval. There was room in the back of the property for a proposed addition that could meet code.

Heather Isaacs, 3415 Chelsea St., Orlando, FL 32803, spoke as the applicant's representative and a neighbor in support of the request. She described the usage of the proposed carport enclosure. She noted that the driveway extends past the front lot line, meaning less room to work with—she estimated an additional 18 feet from the property line to the back of the curb. Then she refuted staff's explanation about how the project did not meet the six standards for variance approval. Finally, she turned in photographs of the area and a list of signatures from the neighbors approving of the proposal.

Chantal "Sam" Baker, 3012 Chelsea St., Orlando, FL 32803, spoke as the applicant in support of the request. She pointed out that the blank spaces on the list of signatures were only there because the people who lived in those houses were absent when she went door-to-door to get the signatures.

Allen Arthur, 19 Interlaken Rd., Orlando, FL 32805, spoke as the architect in support of the request. Regarding the comments about an addition being built in the rear, he explained that it would have to be a completely new structure with a hole cut into the great room. Everything was already oriented towards the street in this case.

Executive Secretary Cechman noted that City staff generally was not supportive of these types of requests. Ms. Neasman showed a set of backup conditions on the screen, should the Board wish to approve the requests. Ms. Isaacs said the owner was in agreement with these conditions. Board discussion ensued. Many members felt that the proposal was in line with the rest of the neighborhood and that it was actually adding value to the property.

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 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 proposed garage enclosure must be constructed with similar materials to complement the existing principal structure.
4. The garage enclosure must be constructed with natural lighting/windows that matches the one on the left of the front façade elevation.
5. The addition must not be less than 6.1 ft. setback from the western property line.
6. A portion of the existing driveway must be saw-cut and removed from the west property line to be in line with the west façade of the house, from the new façade to the driveway flare, and converted into a landscape area. This landscape area must be planted with a row of evergreen dwarf or compact shrubs from the house to a point ten feet from the right-of-way line.
7. Remove a portion of the driveway at the base of the house, at least 2 feet in width, and install shrubs or ground cover plants.
8. An appearance review will be held during the permitting process to ensure compliance with these conditions.

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

OTHER BUSINESS

- Recording Secretary Petersen noted that the holiday season was approaching, and that any Board member who would be absent during the next two BZA cycles should inform him as soon as possible so that quorum could be maintained. He reminded the Board that the December BZA hearing would be held on the third Tuesday (Dec. 20, 2016) instead of the usual fourth Tuesday.
- Mr. Petersen also noted that Planning staff on the 6th floor would be undergoing a move in early December to accommodate renovations on that floor.

ADJOURNMENT

Chairperson Wilson adjourned the meeting at 3:45 p.m.

STAFF PRESENT

Mark Cechman, City Planning
 Karl Wielecki, City Planning
 Michaëlle Petion, City Planning
 Jacques Coulon, City Planning
 TeNeika Neasman, City Planning
 Ken Pelham, City Planning



Mark Cechman, AICP, Executive Secretary

Jim Burnett, City Planning
 Katy Magruder, City Planning
 Keith Grayson, Permitting Services
 John Groenendaal, Permitting Services
 Alison Brackins, City Attorney's Office



Ed Petersen, BZA Recording Secretary