



BOARD OF ZONING ADJUSTMENT

MINUTES – DECEMBER 20, 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
[3/0]

Elena Pathak,
Vice Chairperson [3/0]

Avery Donaudy [3/0]

Roberta Fennessy [3/0]

Thomas Jensen [3/0]

Byron Lastrapes [2/1]

Guy Sanchez [3/0]

One vacancy.

MEMBERS ABSENT*

Chris Carmody [2/1]

OPENING SESSION

- Determination of a quorum.
- William Wilson, Chairperson, called the meeting to order at 2:01 p.m.
- Pledge of Allegiance.
- Board member Sanchez moved APPROVAL of the November 2016 minutes. Board member Fennessy SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).

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. VAR2016-00125

3910 CORRINE DR.

Applicant/Owner:

Monique Carreras-Amadeo, 3910 Corrine Dr., Orlando, FL 32803

Location:

3910 Corrine Dr. (±0.19 acres)

District:

3

Project Planner:

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

Requested variance:

- Variance to allow a driveway curbcut to be 24 ft. wide, where 18 ft. is the maximum allowed.

Recommended action: *Deferral of the variance to January 24, 2017, by request of the applicant.*

2. VAR2016-00136**2204 MOUNT VERNON ST.**

Applicant: Liz Salazar, Beacon Bay Construction, 931 S. Semoran Blvd., Ste. 216, Winter Park, FL 32792

Owner: Maria Alvey, 1619 Bimini Dr., Orlando, FL 32806

Location: 2204 Mount Vernon St. (±0.12 acres)

District: 4

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

Requested variance:

- Variance to allow the required parking space to be in the front yard setback, where required parking is not permitted in the front yard setback.

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. 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.
4. 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.
5. 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.
6. Reshape existing curved planter near front door to a square and saw cut a 3ft wide planter in front of the proposed family room. New planter must be 3ft wide and the length must span the length of the wall.
7. Concrete window sills must be installed to match the existing window sills and all windows must be recessed at the same depth of the existing front windows (at least 2-3 inches).

3. VAR2016-00137 3041 WESTCHESTER AVE.

Applicant: Stephen Feller, Architect, 126 Park Ave S., Ste. B, Winter Park, FL 32789

Owner: Samuel E. Murell III Trust, 3946 Grandview Ave., Memphis, TN 38111

Location: 3041 Westchester Ave. (±0.31 acres)

District: 3

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

Requested variances:

- A. Variance of 15 ft. to the rear setback for a vertical in-line addition of an existing home set approximately 10 ft. from the rear property line; and
- B. Variance of 4.8 ft. to the front setback requirement of 30 ft. for the same vertical in-line addition.

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. The western half of the existing driveway must be restored to front yard landscaping to meet the driveway requirements of the LDC. The curb-cut must be altered to match the new driveway.
4. Infill texture of wall surface must match existing where 2nd floor windows are removed.
5. Proposed windows are to match the style and design of the existing windows on the first floor.
6. Proposed window sills are to match existing sills.
7. The selected garage door must have design characteristics that match the style of the home. Strap hinges and handles are examples of treatments that can give the impression of a double-swing door.

4. VAR2016-00138 2511 E. GORE ST.

Applicant/Owner: Josephy & Nancy Peterpaul, 2511 E. Gore St., Orlando, FL 32806

Location: 2511 E. Gore St. (±0.25 acres)

District: 4

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

Requested variances:

- A. Variance of 2.5 ft. to the required 7.5 ft. side setback for an accessory structure; and
- B. Variance to the maximum ISR requirement of 55% in order to accommodate a garage onsite.

Recommended action: *Deferral of the variances to January 24, 2017, by request of the applicant.*

5. VAR2016-00139**812 W. YALE ST.**

Applicant: Emily O'Toole, 812 W. Yale St., Orlando, FL 32804

Owner: Connor O'Toole, 812 W. Yale St., Orlando, FL 32804

Location: 812 W. Yale St. (±0.11 acres)

District: 3

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

Requested variance:

- Variance of 6 ft. to allow a two-story home addition to be setback 19 ft. from the rear yard property line, 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 applicable City, County, State or Federal permits must be obtained before commencing development.
3. Architectural elevations for all buildings shall require Appearance Review prior to submitting to Permitting. All Urban Design conditions of approval shall be address in permitting drawings.
4. A minimum of 15% transparency for 2 floor front façade. Show calculation on drawing.
5. Add shutters to outer windows on front façade.
6. The proposed second floor windows on the front façade appear to be out of proportion with wall and gable roof. Adjust the front façade windows on the second floor to be in proportion with the design.
7. Concrete window sills must be installed at all upper floor windows to match the existing window sills on the ground floor and all windows on the new addition must be recessed at least 2-3 inches.
8. A front yard tree and street tree must be installed.
9. 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.

6. VAR2016-00140**311 E. JERSEY ST.**

Applicant/Owner: Shawn Hoskins, 311 E. Jersey St., Orlando, FL 32806

Location: 311 E. Jersey St. (±0.19 acres)

District: 4

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

Requested variances:

- A. Variance of ± 1.2 ft. to allow an inline addition at a west side setback of ± 4.8 ft., where 6 ft. is the minimum required; and
- B. Design Variance to allow a projecting garage.

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. Add a window to the left side (west) elevation of the proposed garage. The trim details must match those of the other windows.
4. Provide shrubs or groundcover plants along the base of the west elevation.

Board member Sanchez moved APPROVAL of the CONSENT AGENDA. Vice Chairperson Pathak SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).

*Board member Carmody arrived at 2:15 p.m. For purposes of tracking attendance and as required pursuant to City Code Section 2.121, Board member Carmody is deemed absent for this meeting; however, Board member Carmody was present during the presentation, discussion and vote on Regular Agenda Item No. 7 and thus his vote is accounted for in the record.

REGULAR AGENDA

7. VAR2016-00124 605 W. YALE ST.

Applicant/Owner: Matthew Calabrese, 605 W. Yale St., Orlando, FL 32804

Location: 605 W. Yale St. (± 0.14 acres)

District: 3

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

Requested variances:

- A. Variance of 2 ft. to allow 0 ft. of landscaping adjacent to a driveway and the property line, where 2 ft. is the minimum required; and
- B. Variance of 5.5 ft. to allow a front setback of ± 19.5 ft., where 25 ft. is the minimum required.

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

Michaëlle Petion, Planner III, City Planning Division, presented the requested variances using PowerPoint. Staff was recommending denial of Variance A because the applicant had other options to meet code. Discussion took place regarding alternative designs for the driveway, such as keeping the existing curbcut and then having the driveway “jog” over to the side around the proposed addition.

Executive Secretary Cechman explained the difference between the requirements in the Engineering Standards Manual and the Zoning Code, stating that this board only had purview in the Zoning Code aspects and couldn't grant variances to driveway issues outside the property lines. Further discussion ensued, including the note that Publix was unlikely to leave that location in favor of more residential development.

Matthew Calabrese, 605 W. Yale St., Orlando, FL 32804, spoke as the applicant in support of the request. He acknowledged that he would be OK with keeping the current driveway layout and adding a “jog” to the side. As for landscaping, there was already a large area of landscaping and a wall from the Publix side. He noted that the garage would be in the backyard and the driveway would extend back toward it.

Board discussion ensued. Vice Chairperson Pathak stated that she had a similar format with her current driveway and that it was hard to keep anything alive with such a “jog”—the vehicles kept driving over it. There were also concerns about the throat-to-throat driveway setup that would be created by the applicant's proposal. Board members indicated they supported both variance requests but expressed a desire that the applicant should work with City staff to ensure that he was meeting the Engineering Standards Manual requirements as well.

Board member Fennesy moved APPROVAL of both 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. Any windows proposed on the front facade must be identical to the existing front façade windows in style.
4. Proposed windows must match current recessed depth in wall.

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

OTHER BUSINESS

- Recording Secretary Ed Petersen noted that Board member Robert High had resigned, and that a replacement member would be found as soon as possible.

ADJOURNMENT

Chairperson Wilson adjourned the meeting at 2:32 p.m.

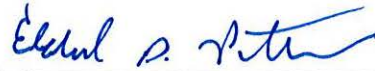
STAFF PRESENT

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



Mark Cechman, AICP, Executive Secretary

Ken Pelham, City Planning
Katy Magruder, City Planning
Stephanie Herdocia, City Clerk's Office
Alison Brackins, City Attorney's Office



Ed Petersen, BZA Recording Secretary