



BOARD OF ZONING ADJUSTMENT

MINUTES – JANUARY 24, 2017

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
[4/0]

Elena Pathak,
Vice Chairperson [4/0]

Chris Carmody [3/1]

Roberta Fennessy [4/0]

Thomas Jensen [4/0]

Byron Lastrapes [3/1]

Guy Sanchez [4/0]

One vacancy.

MEMBERS ABSENT

Avery Donaudy [3/1]

OPENING SESSION

- Determination of a quorum.
- William Wilson, Chairperson, called the meeting to order at 2:05 p.m.
- Pledge of Allegiance.
- Board member Sanchez moved APPROVAL of the December 2016 minutes. Board member Fennessy SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (6-0).

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

Location:

3910 Corrine Dr. (±0.19 acres)

District:

3

Project Planner:

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

Requested variance:

- Variance of 15 ft. to allow the parking width to be 39 ft. wide, where a maximum 24 ft. is 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 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. The Impervious Surface Area Ratio (ISR) cannot exceed 0.55 for the property.
7. Install tall-growing groundcover plants (at least 18" height at maturity) dwarf to medium evergreen along both sides of the proposed driveway. Suggested plants are dwarf yaupon holly, Indian hawthorn, and African iris.
8. Install an understory tree, such as yaupon holly or crepe myrtle, between the west property line and the proposed driveway. Clear site lines must be maintained.
9. Provide a landscape area at the base of the house, at least 1.5 ft. feet in width, and landscape with shrubs or groundcover plants.
10. While the curbcut may shift east or west on the property it is restricted to a maximum of 18 ft. in width at the property line must have two 3-ft. flares; the outer edge of the flare must be a minimum of 3 ft. from any adjacent property line.
11. The parking area in the front yard must be at least 3 ft. from the side property line and the parking pad behind the fence must be a minimum of 2 ft. from the side property line.
12. The parking pad behind the fence must be of solid concrete or full pavers, due to tight turning radiuses paving strips will not be permitted as a parking surface.

2. 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 variance:

- Variance of 2.5 ft. to the required 7.5 ft. side setback for a detached 2-car garage.

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. Maintain the existing Confederate jasmine trained on the fence; OR install columnar evergreen plants that will grow at least 8 feet in height and fit within the space between the proposed garage and the north and east property lines. Suggested plants are clumping bamboo varieties, Italian cypress, tea olive, Florida anise, firebush, and dracena.
4. In the site plan submitted for the building permit application, show the proposed location of the detached garage and the dimensions from the rear property line, the side property line, and the existing structures onsite.
5. The proposed detached garage must be located no closer than 5 ft. from the rear and east side property lines.
6. A remaining 485 sq. ft. of impervious surface is allowed onsite to extend the driveway towards the proposed garage. This driveway must be an approved hard surface from the City Engineer.
7. The maximum width of the driveway is 18 ft., per Sec. 61.240 of the Land Development Code.

3. VAR2016-00144**SOMMERVILLE OFFICE SIGN**

Applicant: Vanessa Morales, Sign & Vehicle Wraps, 1011 W. Lancaster Rd., Ste. 7, Orlando, FL 32809

Owner: Law Offices of Thomas D. Sommerville, 820 N. Thornton Ave., Orlando, FL 32803

Location: 820 N. Thornton Ave. (±0.15 acres)

District: 3

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

Requested variances:

- A. Design Variance to allow a post & panel sign in the Traditional City overlay;
- B. Variance of 4.85 sq. ft. to allow a 13 sq. ft. sign, where a maximum 8.15 sq. ft. sign area is allowed; and
- C. Variance of 6.2 ft. to allow a 48.8 ft. wide lot, where a minimum 55 ft. wide lot is required for an office use in O-1/T zoning.

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 proposed post and panel sign must not exceed 13 sq. ft. in area and must not exceed 4 ft. in height.
5. The proposed sign must be setback at least 12.5 ft. from the front lot line and no closer than 15 ft. from adjacent properties to the north and south.
6. A minimum 6 ft. wide landscape bed with flowering perennial plants must be installed around the base of the sign, extending beyond each end of the sign at least 4 ft. Annual bedding plants shall not be used in the landscape bed, except as part of a landscape bed larger than the minimum dimensions specified herein.
7. The sign materials and finishes must be durable, consistent with those shown in the application. Painted plywood signs are not acceptable. Approval of this variance does not extend to any future signs on the property.
8. Orlando strives for dark-skies compliant lighting. While lighting of this sign is not required, any lighting to be installed must incorporate small-scale downlighting or upward-directed spotlighting, using LED lamps, provided the lighting is specifically designed with hooded/shielded fixtures to direct uplighting only onto the sign face.
9. Staff recommends (not required) that the sign face be perpendicular (not parallel) to the street.
10. The gravel placed in the front yard by the previous owner must be removed and the front yard resodded and landscaped.

Informational (tied to Variance C) - At some point, the site must go through the building permit process of converting the home to an office. This will likely entail provision of Code compliant rear parking for the office use and provision of a handicapped parking space and ramp to access the building. The interior of the building will also likely need to be retrofitted for handicap accessibility.

4. VAR2016-00148

2522 ELIZABETH AVE.

Applicant: Joseph Hennessy, J. D. Hennessy Construction, Inc., 110 W. Lisbon Pkwy., Deland, FL 32720

Owner: Derek & Heather Fisk, 2522 Elizabeth Ave., Orlando, FL 32804

Location: 2522 Elizabeth Ave. (±0.94 acres)

District: 3

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

Requested variance:

- Variance of 10 ft. to allow an inline addition to be 5 ft. from the (north) street side lot line, where a minimum street side setback of 15 ft. is 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 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 is required at time of permitting to ensure compliance with the (below) condition.

4. To differentiate the original home from the addition, a vertical trim board must be added where the gable meets the eave. Otherwise, details, trims, materials, and finishes are subject to appearance review and must be similar to the existing details and materials.

Informational - The addition will be a substantial improvement and will trigger the need to extend the sidewalk on Bryn Mawr St. Because the sidewalk is in place adjacent to the property, payment into the City sidewalk fund is NOT an option (sidewalk must be constructed).

5. VAR2016-00149 929 N. HYER AVE.

Applicant/Owner: Christopher Kaba, 929 N. Hyer Ave., Orlando, FL 32803

Location: 929 N. Hyer Ave. (±0.21 acres)

District: 3

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

Requested variances:

- A. Variance to allow a 5 ft. (north) side setback, where 7.5 ft. is required in the R-1A/T zoning district; and
- B. Design Variance to allow a projecting garage, where a 5 ft. recessed garage is required on a non-conforming lot.

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 applicable City, County, State or Federal permits must be obtained before commencing development.
3. The applicant must provide transparency in garage door.
4. The design and character of the garage door must match the character and style of the primary structure.
5. A sidewalk will be required along the property line, if the proposed addition is a Substantial Enlargement.

6. VAR2016-00150 TANGO NAIL SALON

Applicant: Richard Wilson, PRW Group LLC, 1891 Lake Spier Dr., Winter Park, FL 32789

Owner: Pham Mydung, 7815 Puritan Rd., Orlando, FL 32807

Location: 777 Bennett Rd. (±0.13 acres)

District: 3

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

Requested variances:

- A. Variance of 2.5 ft. to permit a 5 ft. landscape buffer on the western edge of the parking lot where 7.5 ft. is required;
- B. Variance of 7.5 ft. to permit a 0 ft. landscape buffer on the southern edge of the parking lot where 7.5 ft. is required; and
- C. Variance of 7.5 ft. to permit a 0 ft. landscape buffer on the eastern edge of the parking lot where 7.5 ft. is 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 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. The bushes along Bennett Rd. must consist of evergreen plantings.
7. Where vehicles will overhang the landscaping the plantings must be a low growing variety which will allow the car overhangs to occur.
8. All A/C and mechanical units shall meet the screening requirements of the LDC.
9. The new or relocated fence will require a fence permit.
10. The wheel stops must be removed to allow vehicles to overhang the first foot or two of the landscape buffer.
11. The parking stalls can also be reduced to 16.5 ft. in depth allowing for an additional foot of landscaping between the parking area and sidewalk.
12. Remove as many pavers as able north of the handicap accessibility route from the sidewalk to the building while still providing a clear pedestrian path to the building and maintaining handicap accessibility.

NOTE: Board member Carmody arrived at 2:11 p.m.

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).

REGULAR AGENDA

- No items.

OTHER BUSINESS

- No items.

ADJOURNMENT

Chairperson Wilson adjourned the meeting at 2:14 p.m.

STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
Jacques Coulon, City Planning
TeNeika Neasman, City Planning
Jim Burnett, City Planning
Terrence Miller, City Planning



Mark Cechman, AICP, Executive Secretary

Katy Magruder, City Planning
Richard Forbes, City Planning
Chris DeLoatche, City Planning
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
Alison Brackins, City Attorney's Office



Ed Petersen, BZA Recording Secretary