

MEETING
INFORMATIONLocation

City Council Chambers
2nd Floor, City Hall
One City Commons
400 South Orange Avenue

Time

2:00 p.m.

Members Present

William Wilson [6/2]
(Chairperson)

Elena Pathak [7/1]
(Vice Chairperson)

Chris Carmody [6/2]

Steven Heller [3/0]

Thomas Jensen [6/2]

Byron Lastrapes [6/2]

Members Absent

Avery Donaudy [6/2]

Roberta Fennessy [6/2]

Guy Sanchez [6/2]

MINUTES ★★★

MAY 23, 2017

OPENING SESSION

- Chairperson Wilson called the meeting to order at 2:04 pm, after determination of a Quorum.
- The meeting was opened with the Pledge of Allegiance.
- Consideration of Minutes for Meeting of April 25, 2017.
 - **Board member Lastrapes MOVED approval of the Board of Zoning Adjustment Meeting Minutes of April 25, 2017, as written. Vice Chairperson Pathak SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.**

PUBLIC COMMENTS

- One speaker request was received.

CONFLICT DECLARATIONS

- Vice Chairperson Pathak declared a conflict on item #1, VAR2017-00031, and filed the appropriate form.

AGENDA REVIEW

- Mark Cechman, Executive Secretary, reviewed the Consent Agenda. Jim Burnett, Planner III, noted that there were a few errors for item #3, VAR2017-00037. The first two variances should have read: (A) Variance of 10 ft. to allow a 424 sq. ft. house addition to be 15 ft. from the rear lot line, where a 25 ft. rear setback is required; (B) Variance of 10 ft. to allow a new 2-story garage apartment to be 5 ft. from the rear lot line, where a minimum 15 ft. setback is required.

CONSENT AGENDA

1. VAR2017-00031 1152 E. LANDSTREET RD.

Applicant:

Nicole Darling, Ware Malcomb, 8181 N. Via de
Negocio, Scottsdale, AZ 85258

Owner:

Benton Film Forwarding Co. Inc., 3752
Dumbarton Rd. NW, Atlanta, GA 30327

Location: 1152 E. Landstreet Rd. (± 12.86 acres)
 District: 1
 Project Planner: Katy Magruder (407-246-3355,
 kathleen.magruder@cityoforlando.net)

Requested variance:

- Variance request to locate outdoor storage within the required 300 ft. buffer of a residential zoning district.

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

Land Development

1. Development shall be in strict conformance with all conditions and the site plan 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.

Transportation Engineering

3. At all project entrances, clear sight distances for drivers and pedestrians shall not be blocked by signs, buildings, building columns, landscaping, or other visual impediments. No structure, fence, wall, or other visual impediment shall obstruct vision between 3 feet and 8 feet in height above street level. The street corner/ driveway visibility area shall be shown and noted on construction plans and any future site plan submittals. The applicant shall design the site plan as necessary to comply with the Florida Greenbook requirements for sight distance at intersections. Sight lines shall be shown on both the site plan and landscape plan. Landscaping located within intersection triangles as defined by the Florida Greenbook shall be trimmed or spaced according to FDOT Design Index 546.

Urban Design

4. A consistent architectural style must be present. All architectural details, features and finishes on the exterior of the building must be compatible with the architectural style.
5. In order to provide transparency along the street frontage, the applicant must relocate the existing fence to allow the office portion of the building to protrude the fence line. This is reflected in the plans on page 8.
6. Existing vegetation at the southern property line shall be maintained. If this vegetation is removed for any reason, the applicant will be responsible to create significant buffering to prevent views from the residential property owners to the south to the proposed outdoor storage. This must be in the form of Bufferyard C.

Development Review

7. The use of gravel has been approved, but must be maintained and contained.
8. New construction of gravel staging area will require permitting.
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.

2. VAR2017-00032 SLOAN'S AUTOMOTIVE

Applicant: Duane Booth, 902 N. Sinclair Ave., Tavares, FL 32778
 Owner: Sloan Family LLC, 3617 Conway Gardens Rd., Orlando, FL 32806
 Location: 1703 & 1707 E. Michigan St. (± 0.26 acres)
 District: 4
 Project Planner: Katy Magruder (407-246-3355, kathleen.magruder@cityoforlando.net)

Requested variances:

- A. Variance to the 15 ft. maximum setback from Dickson for the existing building;
- B. Variance for the dumpster to be located between the building and the street; and
- C. Variance of ± 27.5 ft. to the required 42 ft. distance separation between two curb-cuts.

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. Bufferyard B must be provided along the entire length of the northern property line.
4. The dumpster will require a separate building permit and is subject to further conditions by Urban Design relating to landscape palette, materials of the enclosure, decorative caps, and may include a trellis for additional screening. This can be included in a final site plan determination prior to permitting.
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.

Informational: Additional conditions of LDC2017-00156 (Administrative Master Plan) must also be satisfied.

3. **VAR2017-00037 1616 TULANE ST.**

Applicant/Owner: Mark Begley, 1616 Tulane St., Orlando, FL 32804

Location: 1616 Tulane St. (± 0.17 acres)

District: 3

Project Planner: Jim Burnett (407-246-3609, james.burnett@cityoforlando.net)

Requested variances:

- A. Variance of 10 ft. to allow a 424 sq. ft. house addition to be 15 ft. from the rear lot line, where a 25 ft. rear setback is required;
- B. Variance of 10 ft. to allow a new 2-story garage apartment to be 5 ft. from the rear lot line, where a minimum 15 ft. setback is required; and
- C. Variance to allow a 0 (zero) ft. west driveway buffer at the point closest to the west lot line, where a minimum 2 ft. side buffer 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 is required at time of permitting to ensure compliance with the (below) conditions.
4. For Variance C, the reduced buffer is only valid 10 ft. north and south of the pinch point where the separation between the existing house/garage and the west lot line is less than 9 ft. (as shown on the site plan on page 6 of this report).
5. Both the addition and the new garage/apartment must incorporate the same architectural style and details as the existing residence, including exterior finishes, colors, trims, roofing, roof pitches, and so forth.
6. Evergreen shrubs or tall ground cover plants (such as African Iris) must be added along the west side of the

driveway.

7. The east facade of the residential addition must have at least two (2) windows of similar size and style as the existing residence.
8. The existing front driveway must be shifted east to allow for the required 2 ft. buffer adjacent to the west lot line (see #4 & #6 above).

Informational

9. Gutters are required for any building with less than 10 ft. between said building and the adjacent lot line.
10. A paved driveway apron is required to be constructed in the front R-O-W between the existing street pavement and the front lot line.
11. 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. **VAR2017-00038 6143 JIBWAY CT.**

Applicant/Owner: Rafael Herrada Castillo, 6143 Jibway Ct., Orlando, FL 32807

Location: 6143 Jibway Ct. (± 0.19 acres)

District: 2

Project Planner: TeNeika Neasman (407-246-4257, teneika.neasman@cityoforlando.net)

Requested variance:

- Variance of 6.6 ft. to allow a carport to be located 0.9 ft. from the west side property line, where 7.5 ft. is the minimum required 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. The carport must maintain three open sides.
4. The side setbacks (west) of the principal structure shall not be less than 0.9 ft.
5. Add evergreen shrubs or tall ground cover plants (such as African Iris) between the west edge of the driveway and the west property line.
6. Where shown, saw-cut and remove an area of concrete to be at least 3 feet in depth by 9 feet in length at the base of the wall where it touches the driveway; this area must be converted to a planter and planted with ground cover plants or shrubs.
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.

5. **VAR2017-00039 1001 ARUBA DR.**

Applicant/Owner: Omar Hasan, 1001 Aruba Dr., Orlando, FL 32806

Location: 1001 Aruba Dr. (± 0.22 acres)

District: 4

Project Planner: Jacques Coulon (407-246-3427, jacques.coulon@cityoforlando.net)

Requested variances:

- A. Variance to allow the garage to protrude in front of principal structure, where it is required to be even with or recessed from the principal structure in the Traditional City;
- B. Variance of 3 ft. to allow a 17 ft. street side setback for the garage, where a 20 ft. setback is required;
- C. Variance to allow the required parking space to be located within the required street side setback, where it is required to be located completely out of the setback; and
- D. Variance of 1 ft. to allow a 4 ft. separation between the house and the detached garage, where a 5 ft. separation 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. An appearance review is required at time of permitting.
7. Gutters must be installed on the eastern and western sides of the garage to discharge water away from structures and adjacent properties but rather towards the street.
8. Any hedge located within the Right of Way (ROW) requires a ROW encroachment agreement; the use of pavers in the ROW requires a Pavers Agreement. Both agreements will be required prior to final inspection of the garage.

6. VAR2017-00040 2932 HELEN AVE.

Applicant/Owner: Haley & Destin Wells, 2932 Helen Ave., Orlando, FL 32804

Location: 2932 Helen Ave. (± 0.19 acres)

District: 3

Project Planner: Michaëlle Petion (407-246-3837, michaelle.petion@cityoforlando.net)

Requested variances:

- A. Design Variance to allow a garage to project in front of the principal façade in the Traditional City Overlay;
- B. Variance of ±1 ft. to allow a ±5 ft. north side setback, where 6 ft. is the minimum required; and

C. Variance of ± 1 ft. to allow a ± 5 ft. south side setback, where 6 ft. is the minimum 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 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. Construction of the addition will require a tree encroachment permit from the Orlando Parks Division. Unless relieved of additional design and construction considerations for protecting the tree, the addition must be constructed on piers with beams above grade, in order to minimize impact to the root zone. The Parks Division may waive this requirement if they determine the tree to be of minimal value or failing health upon inspection.

7. **VAR2017-00041 3422 WILDER LN.**

Applicant: Lucie Ghioto, 918 N. Hyer Ave., Orlando, FL 32803

Owner: Gary Paul Erlich, 1324 Poinsettia Ave., Orlando, FL 32804

Location: 3422 Wilder Ln. (± 0.64 acres)

District: 3

Project Planner: Michaëlle Petion (407-246-3837, michaelle.petion@cityoforlando.net)

Requested variances:

- A. Variance to allow a garage to project in front of the principal façade, on a nonconforming lot, where a 5 ft. recess is required;
- B. Variance of ± 6 ft. to allow a ± 24 ft. front setback, where 30 ft. is the minimum required; and
- C. Variance of ± 1.5 ft. to allow a ± 6 ft. north side setback, where 7.5 ft. is the minimum 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 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. Metal shed in the north side yard setback is prohibited.
5. One canopy tree must be installed within the front yard. Understory trees shall be used when overhead power lines conflict with tree locations, but increase to twice the amount of trees.
6. All architectural details of the proposed construction (fascia, trim and gable materials) must match to the existing structure.

8. VAR2017-00042 SPRINGHILL SUITES SIGNAGE

Applicant: Tim Lemons, L2 Studios Inc., 109 E. Church St., Ste. 150, Orlando, FL 32801

Owner: AREP III-SSC-IHP Orlando LLC, c/o Prisa Group, 120 Rd. 693, Dorado, PR 00646

Location: 5403 Millenia Lakes Blvd. (± 4.04 acres)

District: 4

Project Planner: Jim Burnett (407-246-3609, james.burnett@cityoforlando.net)

Requested variance:

- Variance to allow a hotel wall sign to be mounted higher on the building wall than Code currently allows (without it being deemed a high-rise sign).

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 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. Appearance Review shall be required at time of permitting to ensure compliance with these conditions.
4. The high-rise sign and sign allowed to be higher (per this variance) cannot extend above the adjacent parapet, lest they be considered roof signs, which are prohibited.
5. (Informational) All signs mounted above 30 ft. elevation must glow white at night.
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.

Vice Chairperson Pathak moved APPROVAL of the CONSENT AGENDA, subject to the conditions in the staff reports. Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

REGULAR AGENDA**9. VAR2017-00034 420 W. PAR ST.**

Applicant/Owner: Van Rice, 420 W. Par St., Orlando, FL 32804

Location: 420 W. Par St. (± 0.28 acres)

District: 3

Project Planner: Jacques Coulon (407-246-3427, jacques.coulon@cityoforlando.net)

Requested variances:

- A. Variance of 1 ft. to allow the western curbcut flare to begin 1 ft. from the property line, where a minimum 2 ft. separation from the property line is required;

- B. Variance of 2 ft. to allow the eastern curbcut flare to begin at the eastern property line, where a minimum 2 ft. separation from the property line is required;
- C. Variance of 5 ft. to allow the western side of the driveway to be 17 ft. at the property, line where 12 ft. is the maximum permitted;
- D. Variance of 4 ft. to allow the eastern side of the driveway to be 16 ft. at the property, line where 12 ft. is the maximum permitted;
- E. Variance of 4 ft. to allow portions of the curvilinear driveway to be up to 16 ft. in depth, where 12 ft. is required;
- F. Variance of 5 ft. to allow two curbcuts on the same property to be spaced at 37 ft., where 42 ft. minimum separation is required;
- G. Variance of 12 ft. to allow a Maximum Mean Parking Width of 36 ft., where 24 ft. is the maximum permitted;
- H. Variance of 0.22 ISR in the front yard to allow an ISR of 0.62, where 0.40 ISR is the maximum permitted.

Recommended action: Denial of the requested variances and approval of two lesser variances for F (Variance of 1 ft.) and H (Variance of 0.06 ISR).

Jacques Coulon, Planner I, City Planning Division, presented the requested variance using PowerPoint. He provided a brief history of the site and then explained why staff recommended denial of all the requests and approval of only a couple of lesser variances, based on a driveway design by City staff. He said the rationale was to have the applicant meet code in the closest way possible. Board members debated whether the existing driveway configuration or the staff-proposed driveway configuration would be usable. They also discussed how long the driveway had been in place in its current design.

Van Rice, 420 W. Par St., Orlando, FL 32804, spoke as the applicant in support of the requests. He provided the history of his ownership and improvements he made to the property. Then, using photographs on the overhead projector, he pointed out a number of lots in the College Park neighborhood that had a great deal of paving in the front yard. For his own lot, he said he needed as much curvature as possible to get onto Par St., as drivers tended to go very fast on that road. He stated the staff's proposal would eliminate about four feet of landscaping from in front of his house in favor of the landscape strip; he also claimed that future sidewalk installation was highly unlikely, based on the sidewalk patterns already established in the neighborhood.

Discussion commenced at great length among the applicant, Board members, and City staff. Topics included the small grass median, whether the Board should be redesigning the driveway, if the driveway should be one- or two-way, where the property lines were, and what the Permitting procedures would entail. The Board heard from Vibhuti Patel and Keith Grayson of Permitting Services and Paul Lewis of Planning. Some Board members wished to defer the case until the applicant came back with a more defined plan, rather than just replacing the driveway in the same location; other members, however, wanted a decision to be made with this meeting.

Vice Chairperson Pathak moved APPROVAL of the Variances A – D, Variance F, and Variance H, 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 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 dimensioned plans match up with the proposal shown including review of all other Traditional City design requirements.
4. Expiration of the Zoning Variance. A building/engineering permit for the work requiring the zoning variance must be received within one year of the zoning variance approval. If said 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 total Impervious Surface Ratio (ISR) for the entire building site may not exceed 0.55. In a telephone conversation with Vice Chairperson Pathak on May 25, 2017, she confirmed that her motion was intended to convey a 0.62 *front yard* ISR only, not for the entire building site.
7. New sod or other groundcover plantings must be placed wherever the current driveway is removed and not being replaced.
8. Except as specifically stated within this staff report construction of the new driveway must meet LDC Chapter 61 as well as the Orlando Engineering Standards Manual.
9. The proposed driveway must include a 2 foot buffer between the north edge of pavement and the north property line.
10. All angles within the proposed driveway must be rounded off to complete the curvature of the driveway.
11. The proposed driveway may be no wider than 13 feet through the curve of the circular portion of the driveway.

Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

OLD/NEW BUSINESS & ANNOUNCEMENTS

- City Attorney Alison Brackins introduced Sarah Taitt as the new Board legal counsel, starting June 2017. She also complimented the Board for its attention to detail and empathy for each case during her two years serving the BZA.
- Recording Secretary Ed Petersen noted that most of the Board members hadn't yet received their forms for Financial Disclosure. As a result, he said he would send the members an e-mail with a link to the forms so they could meet the July 1 deadline.
- Mr. Petersen also passed out contact update forms from the City Clerk's Office, requesting that the Board members return the completed form to him within a week.

ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson Wilson adjourned the meeting at 3:44 pm.

STAFF PRESENT

Mark Cechman, City Planning
Paul Lewis, City Planning
Karl Wielecki, City Planning
Jacques Coulon, City Planning
TeNeika Neasman, City Planning
Jim Burnett, City Planning
Michaelle Petion, City Planning



Mark Cechman, Executive Secretary

Katy Magruder, City Planning
Ken Pelham, City Planning
Keith Grayson, Permitting Services
Vibhuti Patel, Permitting Services
John Groenendaal, Permitting Services
Alison Brackins, Office of Legal Affairs
Sarah Taitt, Office of Legal Affairs



Ed Petersen, Recording Secretary

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME PATHAK-ELENA-RAYA		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE BZA-BOARD OF ZONING ADJUSTMENT	
MAILING ADDRESS 411 AVALON BLVD		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY ORLANDO	COUNTY ORANGE	<input checked="" type="checkbox"/> CITY	<input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED 5/23/17		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

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ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

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APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, ELENA PATHAK, hereby disclose that on 23rd of May, 20 17:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

ON ITEM # 1, VAR 2017-00031, APPLICANT NICOLE DARLING THAT WORKS AT WAKE ^① MALCOMB ARCHITECTS, IS A LONG TIME FRIEND THAT I HAVE KNOWN SINCE COLLEGE. NO FINANCIAL GAIN TO BE MADE.

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

23 May 2017
Date Filed

E. Pathak
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.