

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 [7/2]
(Chairperson)

Elena Pathak [8/1]
(Vice Chairperson)

Chris Carmody [7/2]

Avery Donaudy [7/2]

Roberta Fennessy [7/2]

Steven Heller [4/0]

Byron Lastrapes [7/2]

Guy Sanchez [7/2]

Members Absent

Thomas Jensen [6/3]

MINUTES ★★★ JUNE 27, 2017

OPENING SESSION

- Chairperson Wilson called the meeting to order at 2:02 pm, after determination of a Quorum.
- The meeting was opened with the Pledge of Allegiance.
- Consideration of Minutes for Meeting of May 23, 2017.
 - **Board member Lastrapes MOVED approval of the Board of Zoning Adjustment Meeting Minutes of May 23, 2017, as written. Board member Sanchez SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.**

PUBLIC COMMENTS

- One speaker request was received.

CONFLICT DECLARATIONS

- No Board members declared any conflicts.

AGENDA REVIEW

- Mark Cechman, Executive Secretary, reviewed the Consent Agenda. He noted that item #6, VAR2017-00053, had been moved from the Regular Agenda to the Consent Agenda. Also, item #3, VAR2017-00052, was being moved to the Regular Agenda because a speaker request had been received.

CONSENT AGENDA

- | | | |
|----|----------------------|---|
| 1. | VAR2017-00048 | 1923 E. WASHINGTON ST. |
| | Applicant/Owner: | Matthew Bailey, 1923 E. Washington St., Orlando, FL 32803 |
| | Location: | 1923 E. Washington St. (± 0.19 acres) |
| | District: | 4 |
| | Project Planner: | TeNeika Neasman (407-246-4257, teneika.neasman@cityoforlando.net) |

Requested variance:

- Variance of 10 ft. to allow a pool and deck to be constructed 5 ft. from the street side property line, where 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 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.
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. The pool and deck must not be enclosed at any time. A request for an enclosure for the proposed pool and deck must not be permitted.

2. VAR2017-00049 1028 W. SMITH ST.

Applicant/Owner: Franklin Holloway, 1028 W. Smith St., Orlando, FL 32804

Location: 1028 W. Smith St. (± 0.15 acres)

District: 3

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

Requested variance:

- Design Variance to allow a garage to project in front of the principal façade, where it is required to be flush for a carport enclosure.

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. 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. Informational Comment: At the time of permitting existing driveway must be brought to current City Of Orlando's Municode/ESM Requirements.
5. Add a window in the front 1/3rd of the east wall of the garage enclosure. The window must match windows (including shutters and trim) of the existing house exterior.
6. The base of the garage enclosure must be landscaped with large ground cover plants (such as African iris) or dwarf shrubs (such as Indian hawthorne).
7. The new garage walls must be concrete block and finished to match or complement the walls of the existing

house walls.

3. This item has been moved to the Regular Agenda.

4. VAR2017-00054 705 ESSEX PL.

Applicant/Owner: Sean McEntee, 705 Essex Pl., Orlando, FL 32803

Location: 705 Essex Pl. (± 0.18 acres)

District: 4

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

Requested variances:

- A. Variance of 1.9 ft. to allow a side yard setback of 5.6 ft., where 7.5 ft. is required; and
- B. Variance of 0.9 ft. to allow a street side yard setback of 14.1 ft., where 15 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. 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. 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 the building permit is not received within the year, then the zoning variance is no longer valid a new variance must be applied for.
5. Administrative Extension of the Zoning Variance. The zoning official may extend a zoning variance by up to six months. The holder of the zoning variance must request such an extension by application for a zoning official determination at least 30 days, but not more than 90 days, before the expiration of the zoning variance.
6. The air conditioner must be completely screened from view by a hedge or small fence in accordance with LDC Sec. 58.982.
7. The porch roof must be lowered so that the peak of the roof matches the height of the remainder of the roof of the home.
8. The stairs leading to the porch cannot be wood.
9. Common architectural features of craftsman/bungalow homes are: low-pitched roof lines, gabled or hipped roof, exposed rafters or decorative brackets under eaves. Front porches are typically beneath an extension of main roof and tapered, square columns are supporting the roof.
10. Some of the mentioned elements are proposed however, the scale and appearance of these features are not as appealing in particular the porch roof and columns. Given the finished floor elevation does not begin at the ground, raise the height of the base of the column, adjust the taper of the columns or replace the tapered columns with square columns and it is recommended a gable roof is used for the porch roof.
11. Additional architectural details must be used such as trim around windows on the front and street facades.
12. Appearance review will be required at time of permitting

5. VAR2017-00055 441 PURDUE ST.

Applicant/Owner: Steven Trigilio, 441 Purdue St., Orlando, FL 32806

Location: 441 Purdue St. (± 0.25 acres)

District: 4

Project Planner: Katy Magruder (407-246-3355, kathleen.magruder@cityoforlando.net)

Requested variances:

- A. Variance of 8 ft. to convert an existing carport to a garage projecting in front of the principal façade on a nonconforming lot.
- B. Variance of 3 in. to the required 25 ft. front setback for the existing 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 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. An appearance review will be required at time of permitting.
4. 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. VAR2017-00053 2807 E. MARKS ST.

Applicant: Robert Carelli, Rob Carelli Construction LLC, 1109 Saxon Blvd., Orange City, FL 32763

Owner: Ross Williams, 2807 E. Marks St., Orlando, FL 32803

Location: 2807 E. Marks St. (± 0.17 acres)

District: 4

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

Requested variances:

- A. Variance of 7.8 ft. to allow an open porch to be set back 17.2 ft. from the front property line, where 25 ft. is required; and
- B. Variance of 5 ft. to allow the rear of the home to be set back 20 ft. from the rear property line, where 25 ft. is required.

Recommended action: Approval of Variance A, subject to the conditions in the staff report, and denial of Variance B and approval of a lesser variance of 2.5 ft., 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. 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 the building permit is not received within the year, then the zoning variance is no longer valid a new variance must be applied for.
5. Administrative Extension of the Zoning Variance. The zoning official may extend a zoning variance by up to six months. The holder of the zoning variance must request such an extension by application for a zoning official determination at least 30 days, but not more than 90 days, before the expiration of the zoning variance.
6. The porch must only be one-story in height, the new roof over the porch must match or be complimentary to the other proposed roofs on the house.
7. The first and second floor must contain a minimum of 15% transparency.
8. The total Impervious Surface Area Ratio for the building site cannot exceed 0.55.
9. Appearance review will be required at time of permitting.
10. 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.
11. To reduce the apparent size of building and create visual interest, building facades and roofs must include architectural elements that vary the appearance of a large building mass including:
 - a. create variation along the façade, potentially stepping volumes forwards or backwards, to create visual rhythm and interest
 - b. design elements can be given if the roof massing can be articulated through oversized overhangs,
 - c. overhangs at gables can be exaggerated with wood brackets and eave overhangs be kept to a minimum or gable end roof overhangs can be kept minimal while eave overhangs can be exaggerated through the use of exposed hand framed rafters and rafter tails.

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

REGULAR AGENDA

3. VAR2017-00052 1900 CURRY FORD RD.

Applicant/Owner: Peter Duke, 809 Floral Dr., Orlando, FL 32803

Location: 1900 Curry Ford Rd. (± 0.90 acres)

District: 4

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

Requested variance:

- Variance to allow a new attached side-loaded garage to project in front of a new 4000 sq. ft. home, where said garage is required to be flush with or recessed from the principal façade in the R-1/T zoning district.

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

Jim Burnett, Planner III, presented the requested variance using the staff report. He provided a brief history of the site and then explained why staff recommended approval of the request. All the proposed construction met code except for the garage, which normally was supposed to be flush with, or recessed from, the principal structure. He also noted that the applicant, Peter Duke, was not present at the meeting due to a work conflict.

Antoinette Braga, 1616 Cloverlawn Ave., Orlando, FL 32806, spoke in opposition to the request. Her property was to the southeast of the subject lot. She explained that there was a pending legal issue with Mr. Duke regarding the easement that ran along the eastern side of the subject property. She also expressed concern about the cottage portion of the proposed house on the eastern side, which would block their view of Lake Hourglass. Then she suggested alternatives to the variance request, so that he would be in compliance with the code.

Board discussion ensued. Several Board members remarked that the issue before the Board was a variance for the garage, and didn't have anything to do with the cottage. Board members were also concerned that the applicant wasn't present, and therefore was unable to rebut any of the arguments being made. Ultimately, the concensus was to defer the case to the July 2017 BZA hearing.

Vice Chairperson Pathak moved DEFERRAL of the VARIANCE to the July 2017 BZA hearing. Board member Fennessy SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

OLD/NEW BUSINESS & ANNOUNCEMENTS

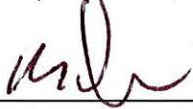
- Recording Secretary Ed Petersen provided an update on the City's permit processing system conversion, and how Board members may be able to access it. Board members expressed interest in having access to all files in advance of the meetings.
- Mr. Petersen also noted the upcoming end of the tenure of Board members Donaudy, Lastrapes, and Pathak, indicating that the BZA would need to consider a new Vice Chairperson at the August 2017 meeting.

ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson Wilson adjourned the meeting at 2:40 pm.


STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
Jim Burnett, City Planning
Michaëlle Petion, City Planning
Jacques Coulon, City Planning



Mark Cechman, Executive Secretary

TeNeika Neasman, City Planning
Katy Magruder, City Planning
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
Sarah Taitt, Office of Legal Affairs



Ed Petersen, Recording Secretary