

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 [8/2]  
(Chairperson)

Elena Pathak [9/1]  
(Vice Chairperson)

Chris Carmody [8/2]

Avery Donaudy [8/2]

Roberta Fennessy [8/2]

Steven Heller [5/0]

Thomas Jensen [7/3]

Byron Lastrapes [8/2]

Guy Sanchez [8/2]

Members Absent

None.

## MINUTES ★★★

JULY 25, 2017

## OPENING SESSION

- Chairperson Wilson called the meeting to order at 2:00 pm, after determination of a Quorum.
- The meeting was opened with the Pledge of Allegiance.
- Consideration of Minutes for Meeting of June 27, 2017.
  - **Board member Sanchez MOVED approval of the Board of Zoning Adjustment Meeting Minutes of June 27, 2017, as written. Vice Chairperson Pathak SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.**

## PUBLIC COMMENTS

- Three speaker requests were received.

## CONFLICT DECLARATIONS

- No Board members declared any conflicts.

## AGENDA REVIEW

- Mark Cechman, Executive Secretary, reviewed the Consent Agenda.

## CONSENT AGENDA

- |                         |   |
|-------------------------|---|
| <b>1. VAR2017-00050</b> | <b>800 W. YALE ST.</b>  |
| Applicant/Owner:        | Kristy Kottwitz, 800 W. Yale St., Orlando, FL 32804                 |
| Location:               | 800 W. Yale St. (± 0.11 acres)                                      |
| District:               | 3   |
| Project Planner:        | Michaëlle Petion (407-246-3837, michaelle.petion@cityoforlando.net) |

Requested variances:

- A. Variance of +10 ft. to allow a +15 ft. rear setback where 25 ft. is the minimum required; and
- B. Variance of +1 ft. to allow a +5 ft. 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 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 deck must not be enclosed and is subject to LDC section 58.970.
5. The proposed architecture of the addition must match and relate to the overall architectural design of the existing principal design.
  - The existing structure has textured pattern stucco. This treatment must continue and be applied to the addition.
  - All proposed windows must be similar in appearance to the existing windows. Existing windows have trim surrounding the perimeter of the window and all proposed windows must include a window sill.

## 2. **VAR2017-00060 JOYLAND BREWING CO.**

Applicant: Glenn Closson, 1300 Alden Rd., Orlando, FL 32803

Owner: Virginia/408 LLC, 3333 S. Orange Ave., Ste. 200, Orlando, FL 32806

Location: 1300 Alden Rd. (± 0.45 acres)

District: 3

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

Requested variance:

- Variance to allow a micro-brewery and tasting room bar within 500 ft. of a church and school.

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. Appearance Review is required at time of permitting to ensure compliance with the (below) conditions.

5. MU-2/T zoning requires that the front facade have at least 15% transparency (i.e., clear glass in window or doors). The floor plan indicates two new storefronts, but no building facade elevations were provided. Please provide elevations showing the required transparency. Entrances must be architecturally highlighted by materials, colors, canopies, awnings, wall sconces, window sills, trims, mullions, and muntins, or similar treatments.
6. Per Chapters 60 and 61 of Orlando City Code, trees and landscaping must be provided at parking row ends. A landscape area at least 3-ft. wide must be provided at the base of the east building facade. Additional landscaping may be required to meet the Minimum Required Landscape Score (MRLS), as set in the Orlando Non-Residential and Multifamily Landscape Scoresheet (LDC Section 60.288). Any substandard or broken sidewalks on the Alden Rd frontage must be repaired, with approval from the City Public Works Department. The front knee walls must have a decorative appearance and finishes, including a capstone or coping. Any chain link fencing on the property must be removed, and replaced with an open, CPTED-approved fencing, such as aluminum, wrought-iron, or welded wire picket fencing.
7. Sanitary sewer connection must be coordinated with the Water Reclamation Division. The sewer lateral that passes through the existing storm structure must NOT be used to serve this property. Contact the Water Reclamation Division to assess an acceptable means of connection to sanitary sewer.
8. The Business Tax Receipt must be issued for the bar (tasting room) as the principal use, with the microbrewery as the accessory use.
9. For solely Floor-Area-Ratio (FAR) purposes, a binding lot agreement tying the City Beautiful Church parcel to the Tasting room/microbrewery must be provided and recorded at time of permitting.

### 3. **VAR2017-00061      1207 EDWARDS LN.**

Applicant: James W. Rahman, PO Box 783032, Winter Garden, FL 34787

Owner: Audra Klimas, 1207 Edwards Ln., Orlando, FL 32804

Location: 1207 Edwards Ln. (± 0.14 acres)

District: 3

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

#### Requested variances:

- A. Variance of ±10 ft. to the required 25 ft. rear setback to build an addition to the house on a nonconforming lot;
- B. Variance to the 5 ft. recession of the garage from the principal façade for a nonconforming lot; and
- C. Variance of 1.5 ft. for the existing home to remain 4.5 ft. from the northern side property 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 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. Install a gutter on new addition.
5. An Appearance Review is required at time of permitting to ensure the comments below are addressed.
  - a. Garage construction (gable) must mimic the adjacent gable. The garage gable must share similar architectural features such as:

- i. Siding
    - ii. Gable vent
    - iii. Exposed end rafters
  - b. Transparency must be provided in the garage door upper panel. The proposed garage door must be in keeping with the overall architectural design on the home.
    - i. The garage door must be at a minimum of 9ft wide
    - ii. The garage must be at a minimum of 11ft wide.
    - iii. The front porch columns should be arranged to be symmetrical in appearance

**4. VAR2017-00066 1125 COUNTRY CLUB DR.**

Applicant/Owner: David T. Roberts, 1125 Country Club Dr., Orlando, FL 32804

Location: 1125 Country Club Dr. (± 0.35 acres)

District: 3

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

Requested variance:

- Variance of 2 ft. to allow a 6 ft. high wall along the front yard property line, where 4 ft. is the maximum height allowed on a residential lot.

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. 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 6 ft. tall wall and associated pillars must be constructed at least 5 ft. setback from the front and side property lines.
5. Maintain the existing landscaping along the front and side property line or install evergreen tall groundcover plants or compact shrubs between the property line and wall.
6. Gates must be at least 20 feet from the street travel lanes. Gates must be open, CPTED-approved design, such as aluminum pickets or wrought-iron pickets.
7. The wall panels and pilasters must match or complement the exterior finishes of the house.

**5. VAR2017-00067 3301 PALMER ST.**

Applicant/Owner: Andrew & Rebecca Ontko, 3301 Palmer St., Orlando, FL 32803

Location: 3301 Palmer St. (± 0.20 acres)

District: 2

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

Requested variance:

- Variance of  $\pm 15$  ft. to the required 25 ft. rear setback to build an addition to the house on a nonconforming lot.

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. 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. A gutter may be required for the new addition.
5. New curbcut must be designed to ESM standards.

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

## REGULAR AGENDA

### 6. VAR2017-00052 1900 CURRY FORD RD.

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

Location: 1900 Curry Ford Rd. ( $\pm 0.90$  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 PowerPoint. He provided a brief history of the site and then explained why staff recommended approval of the request, then reminded the Board that this case had been heard the previous month and deferred because of the applicant's absence. The applicant, Peter Duke, was present at the meeting this month.

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 reiterated her concerns from the previous month, claiming that allowing the garage as proposed would cause a "domino effect" of other problems relating to the lot.

Peter Duke, 1900 Curry Ford Rd., Orlando, FL 32806, spoke as the applicant/owner in support of the request. He indicated the support of three of the other neighbors immediately west and north of his property. Then he claimed a different kind of "domino effect" would take place if he were required to move the proposed construction to accommodate

the objector's wishes.

Board discussion ensued. The Board members reiterated that the issue before the Board was a variance for the garage, and didn't have anything to do with the cottage or easement. Since the applicant had been able to make his case, most of the members felt better about making a motion to approve the request as recommended.

**Board member Heller moved APPROVAL of the VARIANCE, 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. 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. Appearance Review is required at time of permitting to ensure compliance with the site plan and building elevations provided with this application.

**Board member Donaudy SECONDED the MOTION, which was VOTED upon and PASSED by a 7-2 voice vote (Vice Chairperson Pathak and Board member Sanchez opposed).**

**7. VAR2017-00051 523 E. HARDING ST.**

Applicant/Owner: Scott Paxton & Paula J. Smith, 523 E. Harding St., Orlando, FL 32806

Location: 523 E. Harding St. (± 0.16 acres)

District: 4

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

Requested variance:

- Variance to allow a vertically expanded garage to remain 3 ft. from the rear lot line, where said garage is required to be at least 15 ft. from the rear lot line in the R-1/T zoning district.

Recommended action: Denial of the requested variance.

Jim Burnett, Planner III, presented the requested variance using PowerPoint. He provided a brief history of the site and then explained why staff recommended denial of the request, noting that the conditions for a minimal variance and deprivation of rights weren't met. However, Board members showed support for the request, discussing the density of the area and the fact that the space above the garage would only be used for storage.

Rick Sconyers, 2008 Hamilton Ln., Orlando, FL 32806, spoke in support of the request. He was the applicants' architect. As for the proposed variance, he stated the owners' intent was to repair the wood rot damage to the structure and use the added space for storage only.

**Board member Sanchez moved APPROVAL of the VARIANCE, 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. 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. Appearance Review is required at time of permitting to ensure compliance with the (below) conditions.
5. No transparent windows will be permitted in the 2nd story of the west and north facades, although glass block, faux windows, spandrel glass, or similar non-transparent features may be installed there. (Response: Owners intend to have only south-facing windows for the 2nd floor storage room.)
6. Install the staircase either interior to the structure or on the east side of the structure. (Response: Pull-down staircase in the existing garage is being replaced with a permanent staircase on the north inside wall of the expanded garage.)
7. The garage addition must have exterior finishes, colors, materials, and style to match or complement the principal house. (Response: The garage addition has been designed to mimic or match the existing style of the house.)
8. Install narrow-growing understory trees or large shrubs between the west wall of the garage and the property line. Suggested plants are yaupon holly, clumping Graceful Bamboo, Florida anise, and camellias.
9. 2nd story of garage cannot be converted to an additional living unit or apartment. Plumbing lines cannot be extended to the 2nd story addition.

Informational

10. Gutters are required for any building with less than 10 ft. between said building and the adjacent lot line.

**Board member Donaudy SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (9-0).**

**8. VAR2017-00065 1117 CHICHESTER ST.**

Applicant/Owner: Rita MacNaughton, 1117 Chichester St., Orlando, FL 32803

Location: 1117 Chichester St. (± 0.24 acres)

District: 3

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

Requested variances:

- A. Variance of 2 ft. to allow an 8 ft. high fence to be set back 10 ft. from Mills Ave., where 6 ft. is the maximum height permitted; and
- B. Variance of 2 ft. to allow an 8 ft. high fence along the rear property line, where 6 ft. is the maximum height permitted.

Recommended action: Approval of Variance A, subject to the conditions of the staff report, and denial of Variance B.

Jacques Coulon, Planner I, presented the requested variance using PowerPoint. He provided a brief history of the site and then explained why staff recommended approval of part A and denial of part B. The neighbor to the north had not communicated with staff, and staff was concerned that having that much higher of a fence along the rear property line would be a detriment to that neighbor. This case's applicant was unable to make it to the meeting, but Mr. Coulon indicated that she herself had spoken to her northern neighbor, and that neighbor had expressed support for the request. Board discussion then ensued, including the topics of noise abatement and the height of the fence.

**Vice Chairperson Pathak 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. 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. A hedge must be installed in-between the street side fence and N. Mills Ave.
7. No existing or proposed landscaping may encroach onto the sidewalk.

**Board member Donaudy SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (9-0).**

## OLD/NEW BUSINESS & ANNOUNCEMENTS

- Recording Secretary Ed Petersen thanked Board members Donaudy, Lastrapes, and Pathak for their many years of service, and presented them with Resolutions from Mayor Dyer.
- Mr. Petersen also reminded the Board that elections for both Chair and Vice Chair would need to take place at the August meeting.

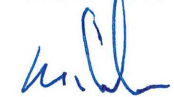
## ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson Wilson adjourned the meeting at 3:04 pm.

## STAFF PRESENT

Mark Cechman, City Planning  
Paul Lewis, City Planning  
Karl Wielecki, City Planning  
Jim Burnett, City Planning  
Michaëlle Petion, City Planning  
Jacques Coulon, City Planning  
TeNeika Measman, City Planning

Katy Magruder, City Planning  
Terrence Miller, City Planning  
Richard Forbes, City Planning  
Keith Grayson, Permitting Services  
John Groenendaal, Permitting Services  
Sarah Taitt, Office of Legal Affairs  
Melissa Clarke, Office of Legal Affairs



Mark Cechman, Executive Secretary



Ed Petersen, Recording Secretary