

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 [9/2]
(Chairperson)

Chris Carmody [9/2]

Dawn Evans-Hall [1/0]

Roberta Fennessy [9/2]

Steven Heller [6/0]

Thomas Jensen [8/3]

Scott Lloyd [1/0]

Brian Pieters [1/0]

Guy Sanchez [9/2]

Members Absent

None.

MINUTES *** AUGUST 22, 2017

OPENING SESSION

- Chairperson Wilson called the meeting to order at 2:01 pm, after determination of a Quorum.
- The meeting was opened with the Pledge of Allegiance.
- New Board members Dawn Evans-Hall, Scott Lloyd, and Brian Pieters introduced themselves.
- Consideration of Minutes for Meeting of July 25, 2017.
 - **Board member Sanchez MOVED approval of the Board of Zoning Adjustment Meeting Minutes of July 25, 2017, as written. Board member Heller 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.

CONSENT AGENDA

- | | | |
|----|----------------------|---|
| 1. | VAR2017-10003 | 1805 OREGON ST. |
| | Applicant/Owner: | Andy Prieto, 1805 Oregon St., Orlando, FL 32803 |
| | Location: | 1805 Oregon St. (± 0.20 acres) |
| | District: | 4 |
| | Project Planner: | Jacques Coulon (407.246.3427, jacques.coulon@cityoforlando.net) |

Requested variance:

- Variance of 2 ft. to allow a 27 ft. long RV to be parked in the rear yard of the subject property, where 25 ft. in length is the maximum permitted.

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. 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. While the RV on the subject property may be up to 25 ft. in length all other sections of LDC Sec. 58.926 must be met.
7. The RV may not be occupied overnight while on the subject property and may not be used as an accessory dwelling unit on the subject property.
8. A concrete pad is required to park the RV; the concrete pad dimensions must be 9' wide x 27' deep.

2. VAR2017-10004 2614 N. WESTMORELAND DR.

This item was pulled for discussion.

3. VAR2017-10005 1216 RIDGEWOOD ST.

Applicant/Owner: Joseph Neal, 1216 Ridgewood St., Orlando, FL 32803

Location: 1216 Ridgewood St. (± 0.16 acres)

District: 4

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

Requested variance:

- Variance to allow windows on the second story of an accessory dwelling unit facing the rear property line to be clear with only a 15 ft. rear 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. 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. All conditions of approval stemming from the Historic Preservation Case HPB2016-00181 must be met.

Staff received one letter in support of this request.

4. VAR2017-10006 ANDY'S CUSTARD SIGN

Applicant: Kimball Hales, 3612 Karnes Blvd., Kansas City, MO 64111

Owner: S & S Investment Property, LLC, 11893 Highway V, Mount Vernon, MO 65712

Location: 5381 International Dr. (± 0.84 acres)

District: 6

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

Requested variance:

- Variance to allow a roof 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 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 applicant must meet LDC 63.400 requirements.
5. Sign movement is not permitted.
6. Appearance review is required at time of permitting.

5. VAR2017-10007 514 HILLCREST ST.

Applicant: Tricia Hage, 2027 W. Washington St., Orlando, FL 32805

Owner: Brandon Palant, 514 Hillcrest St., Orlando, FL 32803

Location: 514 Hillcrest St. (\pm 0.15 acres)

District: 4

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

Requested variance:

- Variance for the required buffer for a vehicular landscape area along the east property line.

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. Provide a copy of the cross access/ joint driveway agreement with the ENG permit.
5. 2 rows of shrubs must line the north kneewall between the wall and the northern property line.
 - a. The first row (closest to the wall) must be 36 in. at the time of planting.
 - b. The second row (further north towards the property line) can be Liriope or a similar smaller species.
6. Front yard landscaping shall be in accordance Sec. 60.223 with the single family residential regulations.
 - a. Landscape Plan. Provide landscaping plan at the time of permitting.
 - b. Building Site. Turfgrass shall not exceed 60% of the total pervious area of a building site. The remaining area shall be landscaped with shrubs, groundcovers and annuals, or a combination thereof.
 - c. Front Yard. At least 40% of the pervious area of the front and street sideyards shall be landscaped with shrubs and groundcovers, or a combination thereof. The remainder may be planted with turfgrass, annuals and vege-table gardens, up to a maximum of 60%.
 - d. Street Trees. Street trees shall be required in accordance with Chapter 60, Part 2D. Street trees shall not be counted toward meeting the on-site tree requirement.
 - e. On-Site Trees. Each one-family or two-family lot shall have canopy trees (with a minimum 2-inch caliper each) planted or retained as follows:
 - i. A minimum of 3 canopy trees for lots between 6,001 and 10,000 square feet.

6. **VAR2017-10008 642 W. CHURCH ST. ALCOHOL SALES**

Applicant: Randy Bumbalough, Arc Design Lab, 1681 Boyer St., Longwood, FL 32750

Owner: Richard Faulkner, 504 Lisa Ln., Maitland, FL 32751

Location: 642 W. Church St. (\pm 0.21 acres)

District: 5

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

Requested variances:

- A. Variance to allow the sale of alcohol for onsite consumption within 1,000 ft. of a church.
- B. Variance of 7.5 ft. to allow 0 ft. of parking lot landscaping along the west property line, where 7.5 ft. is required.

- C. Variance of 7.5 ft. to allow 0 ft. of parking lot landscaping along the east property line, 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. 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. Should the tree be removed, the required 7.5 ft. of landscaping must be provided along the eastern boundary of the parking lot.
5. Shift the northernmost parking aisle 3 ft. to the east and provide landscaping adjacent to the ROW. Landscaping, a minimum width of 7.5 ft., must also be provided in the southwest corner of the lot, between the property line and the parking.
6. The required kneewall is prohibited on the western property line. It must be set back a minimum of 1.5 ft. from the property line with low ground cover adjacent to the ROW.
7. The easternmost parking space along the south is problematic for maneuverability. It must be diagonally striped out to discourage use during normal parking conditions. Provide landscaping along its eastern boundary.

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

REGULAR AGENDA

2. VAR2017-10004 2614 N. WESTMORELAND DR.

Applicant/Owner: Charles Price, 2614 N. Westmoreland Dr., Orlando, FL 32804

Location: 2614 N. Westmoreland Dr. (± 0.34 acres)

District: 3

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

Requested variances:

- A. Variance of 2.5 ft. to allow a boat dock 2.5 ft. from the northeast side lot line, where a minimum 5 ft. setback is required for boat docks on irregular pie-shaped lots; and
- B. Variance of ±9.5 ft. to allow a ±14.5 ft. access walkway adjacent to the dock, where a maximum 5 ft. walkway is allowed.

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

Jim Burnett, Planner III, presented the requested variance using the staff report on the overhead projector. He provided a brief history of the site, noting that a variance had been approved for the same thing in 2012. He also stated that the applicant was not present at the meeting.

Mike Brennan, 2616 N. Westmoreland Dr., Orlando, FL 32804, spoke in opposition to the request. He was the neighbor immediately to the northeast, and pointed out that both his boathouse and his view of the lake would be affected by the proposed construction. Mr. Burnett noted that the unique shape of the lot allowed the applicant to request the variance. Board attorney Taitt responded to a question from Executive Secretary Cechman about riparian rights.

Board discussion ensued. Topics included shape of the lot, design and orientation of the proposed boathouse, and maneuverability of a given boat into the proposed mooring area of the dock. Since the applicant was not present, the Board members opted to defer the case.

Board member Lloyd moved DEFERRAL of the VARIANCE to September 2017. Board member Sanchez SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

OLD/NEW BUSINESS & ANNOUNCEMENTS

- Election of officers:
 - Board member Carmody MOVED to nominate William Wilson as Chairperson. Board member Sanchez SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.
 - Board member Sanchez MOVED to nominate Roberta Fennessy as Vice Chairperson. Board member Jensen SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

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
Paul Lewis, City Planning
Karl Wielecki, City Planning
Jim Burnett, City Planning
Michaëlle Petion, City Planning
Jacques Coulon, City Planning

Katy Magruder, City Planning
Terrence Miller, City Planning
Yameli Herschelman, Transportation Permitting
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
Sarah Taitt, City Attorney's Office



Mark Cechman, Executive Secretary



Ed Petersen, Recording Secretary