

**MEETING  
INFORMATION**Location

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

Time

2:00 p.m.

Members Present

William Wilson [3/1]  
(Chairperson)

Roberta Fennessy [4/0]  
(Vice Chairperson)

Dawn Evans-Hall [4/0]

Steven Heller [3/1]

Thomas Jensen [3/1]

Scott Lloyd [4/0]

Brian Pieters [4/0]

One vacancy.

Members Absent

Chris Carmody [3/1]

## MINUTES – JANUARY 23, 2018

**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 December 19, 2017.
  - **Board member Lloyd MOVED approval of the Board of Zoning Adjustment Meeting Minutes of December 19, 2017, as written. Vice Chairperson Fennessy SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.**

**PUBLIC COMMENTS**

- No speaker requests were received.

**CONFLICT DECLARATIONS**

- Board member Evans-Hall declared a conflict on item #1, VAR2017-10032, and filed the appropriate form.

**AGENDA REVIEW**

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

**CONSENT AGENDA**

- |                         |   |
|-------------------------|---|
| <b>1. VAR2017-10032</b> | <b>1245 POINSETTIA AVE.</b>   |
| Applicant:              | Dawn Michelle Evans-Hall, The Evans Group Inc., 3025 Edgewater Dr., Orlando, FL 32804 |
| Owner:                  | John Elliott, 1245 Poinsettia Ave., Orlando, FL 32804                                 |
| Location:               | 1245 Poinsettia Ave. (± 0.45 acres)   |
| District:               | 3   |

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

Requested variances:

- A. Variance of 8 ft. to allow a 7 ft. rear yard setback for a second-story garage apartment, where 15 ft. is required;
- B. Variance of 2 ft. to allow the reconstruction of an existing 6 ft. tall wall, where 4 ft. is the maximum fence height allowed; and
- C. Variance of 5 ft. to allow a 20 ft. front yard setback for reconstruction of an existing deck, where 25 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 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 and a new variance must be requested.
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 proposed pool must remain open. Pool enclosures and/or screening is prohibited.
7. May need to ensure that canopy trees are not harmed as part of the proposal to mitigate for maximum rear lot coverage.
8. In relation to the cabana, a full bath may trigger a accessory cottage (2nd dwelling unit) and the required impact fees.
9. The proposed knee wall will remain as long as a right-of-way encroachment agreement is approved by Public Works.

*Note: two letters were received in support of this request.*

## **2. VAR2017-10033 1316 E. WASHINGTON ST.**

Applicant/Owner: Jeffrey Wood, 1316 E. Washington St., Orlando, FL 32801

Location: 1316 E. Washington St. (± 0.17 acres)

District: 4

Project Planner: Katy Magruder (407.246.3355, kathleen.magruder @cityoforlando.net)

Requested variances:

- A. Variance of 2 ft. to allow pavers to be located 3 ft. from the west side property line, where a 5 ft. side yard setback is required; and
- B. Variance of 10 ft. to allow pavers to be located 5 ft. from the east side property line, where a 15 ft. street side yard setback 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 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 and a new variance must be requested.
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. Site plan showing the impervious surface ratio must be submitted for building permits.

### 3. **VAR2017-10034 1518 CLOUSER AVE.**

Applicant/Owner: Matthew Sand, 1518 Clouser Ave., Orlando, FL 32804

Location: 1518 Clouser Ave. (± 0.21 acres)

District: 3

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

Requested variance:

- Variance to allow a 6 ft. tall fence along the street side property line on a reverse-corner lot, where the maximum height permitted is 4 ft.

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 and a new variance must be requested.
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.

**4. VAR2017-10035 1515 FALCON CT.**

Applicant/Owner: Kimberly Wilson, 1515 Falcon Ct., Orlando, FL 32803

Location: 1515 Falcon Ct. (± 1.01 acres)

District: 3

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

Requested variances:

- A. Variance of 6 ft. to the required 50 ft. setback from the Mean High Water Mark (MHW) for a screen porch to be located 44 ft. from the MHW; and
- B. Variance of 18 ft. to the required 50 ft. setback from the Mean High Water Mark (MHW) for a garage addition to be located 32 ft. from the MHW.

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. 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 and a new variance must be requested.
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 located to the rear of the music room may not be fully enclosed and may not be made Air Conditioned/Heated space. Screening is permitted.
7. Appearance review is required at the time of permitting.
8. The applicant is required to coordinate all new construction with City of Orlando Site Engineering to ensure that the proposed construction does not impact the storage capacity of the adjacent lake basin. If the project is found to diminish the storage capacity then remediation through alternate building techniques or compensating storage may be required.

**5. VAR2017-10036 2614 N. WESTMORELAND DR.**

Applicant: Emily Brown, Maury L. Carter & Associates, 3333 S. Orange Ave., Ste. 200, Orlando, FL 32806

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 variance:

- Variance of 14 ft. to allow a 19 ft. access walkway in front of the dock, where a maximum 5 ft. wide walkway is allowed.

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

1. Development shall be in strict conformance with all conditions 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 and a new variance must be requested.
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 lake edge must have littoral zone plantings along the entire length of the lake edge not occupied by the dock structure, in a band at least 10 ft. in width/depth. Plants must be grouped and planted to the appropriate submerged depths for the species. Plants must be native to Central Florida and must include species selected for aesthetic and wildlife value. Recommended species include pickerelweed, spatterdock lily, fragrant water-lily, soft rush, and giant bulrush. At least one native wetland canopy tree (such as bald cypress or red maple) must also be planted, with an installed height of at least 8 ft.
7. All disturbed areas must be vegetated, but turfgrass cannot be installed between the rear retention swale and the lake.

## 6. **VAR2017-10038 ORLANDO HEALTH SIGNAGE**

Applicant: Andrew McCown, GAI Consultants, 618 E. South St., Ste. 700, Orlando, FL 32801

Owner: Orlando Health Inc., 1414 Kuhl Ave., Orlando, FL 32806

Location: 1400 S. Orange Ave. (± 10.75 acres)

District: 4

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

Requested variances:

- A. Variance to consider the vertical Orlando Health "Emergency" sign (on the southeast building corner) as a wall sign that extends above 30 ft.; and
- B. Variance to allow two (2) high-rise signs with slightly different text orientations on different building walls, where both signs are required to be the same general orientation on different parapet walls.

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. 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 and a new variance must be requested.
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. Appearance Review is required at time of permitting to ensure compliance with these conditions.
7. The proposed high-rise signs cannot extend above the adjacent parapet, lest they be considered roof signs, which are prohibited.
8. The Sign Plan of the Orlando Health PD must be amended to reflect the changes resultant from these variances.
9. (Informational) The two high-rise signs must glow white at night.

**Board member Heller moved APPROVAL of the CONSENT AGENDA, subject to the conditions in the staff reports. Board member Pieters SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0; Evans-Hall abstained on Item #1).**

## REGULAR AGENDA

- No items.

## OLD/NEW BUSINESS & ANNOUNCEMENTS

- Recording Secretary Ed Petersen reminded the Board members that the next several BZA meetings would be taking place on the ground floor in the modified art gallery, which will serve as a temporary staging for all board meetings.

## ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson Wilson adjourned the meeting at 2:10 pm.

## STAFF PRESENT

Mark Cechman, City Planning  
TeNeika Neasman, City Planning  
Jim Burnett, City Planning  
Jacques Goulon, City Planning



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Mark Cechman, Executive Secretary

Katy Magruder, City Planning  
Keith Grayson, Permitting Services  
John Groenendaal, Permitting Services  
Sarah Taitt, City Attorney's Office



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Ed Petersen, Recording Secretary



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

LAST NAME—FIRST NAME—MIDDLE NAME <i>Evans-Hell Dawn Michael</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>City of Orlando BZA</i>	
MAILING ADDRESS <i>904 W. New Hampshire St.</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>Orlando</i>	COUNTY <i>Orange</i>	<input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>January 23, 2018</i>		NAME OF POLITICAL SUBDIVISION:	
		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTEE	

## 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).

### 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.

### 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, Dawn Michele Evans-Hall, hereby disclose that on January 4, 20 18.

(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:

I am the applicant and my client is the homeowner on a variance application before the BZA. My role is as the architect of the design of the home and therefore the applicant.

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.

1/4/18  
Date Filed

[Signature]  
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.