

**MEETING  
INFORMATION**Location

City Council Chambers  
1st Floor, City Hall  
One City Commons  
400 South Orange Avenue

Time

2:00 p.m.

Members Present

William Wilson [6/1]  
(Chairperson)

Roberta Fennessy [7/0]  
(Vice Chairperson)

Chris Carmody [5/2]

Dawn Evans-Hall [7/0]

Steven Heller [6/1]

Scott Lloyd [6/1]

Lindsey Perez [1/1]

Members Absent

Heather Isaacs [1/1]

Thomas Jensen [5/2]

## MINUTES – APRIL 24, 2018

**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.
- Consideration of Minutes for Meeting of March 27, 2018.
  - **Vice Chairperson Fennessy MOVED approval of the Board of Zoning Adjustment Meeting Minutes of March 27, 2018, as written. Board member Heller SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote (7-0).**
- New member Lindsey Perez introduced herself.

**PUBLIC COMMENTS**

- Two speaker requests were received.

**CONFLICT DECLARATIONS**

- No Board members declared any conflicts.

**BOARD REVIEW COMMITTEE**

- Elena Pathak, a member of the Board Review Committee and former Board of Zoning Adjustment member, provided information to the BZA regarding this new committee, which is overseeing all City of Orlando boards. She encouraged current BZA members to take this opportunity to suggest any changes to policies and procedures.

**AGENDA REVIEW**

- Mark Cechman, Executive Secretary, reviewed the Consent Agenda, noting that item #2 featured an addendum and item #7 had been moved from the Regular Agenda, with Variance F removed from the request.

## CONSENT AGENDA

### 1. VAR2017-10026 MCDONALD'S S. ORANGE AVE. REBUILD

Applicant: Reidel Gardon, CPH Inc., 500 W. Fulton St., Sanford, FL 32701

Owner: McDonald's Corp., 6220 S. Orange Blossom Trl., Ste. 400A, Orlando, FL 32809

Location: 2504 S. Orange Ave. (± 1.02 acres)

District: 4

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

Requested variances:

- A. Variance of 20 ft. to allow a side setback of 50 ft., where 30 ft. is the maximum allowed;
- B. Variance of 193 ft. to allow a street side setback of 208 ft., where 15 ft. is the maximum allowed;
- C. Design variance to allow for 15% transparency on the east elevation of the proposed building, where 30% is required;
- D. Design variance to allow for 2% transparency on the north elevation of the proposed building, where 30% is required; and
- E. Design variance to allow for 9% transparency on the west elevation of the proposed building, where 30% 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. Compliance with the conditions of approval of MPL2017-10027.

### 2. VAR2018-10000 ORANGE & MICHIGAN RETAIL

Applicant: Brooks Stickler, Kimley-Horn & Associates Inc., 3660 Maguire Blvd., Ste. 200, Orlando, FL 32803

Owner: Om Retail Development LLC, 3662 Avalon Park East Blvd., Ste. 201, Orlando, FL 32828

Location: 2645 S. Orange Ave. (± 0.34 acres)

District: 4

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

Requested variances:

- A. Variance of 4.5 ft. to allow 3 ft. of perimeter parking lot landscaping along the east, where 7.5 ft. is the minimum width required;
- B. Variance of 4.5 ft. to allow 3 ft. of perimeter parking lot landscaping along the north, where 7.5 ft. is the minimum width required;
- C. Variance of 21 ft. to allow a side setback of 51 ft., where 30 ft. is the maximum permitted;
- D. Variance of 1 ft. to allow 2 ft. of eastern perimeter building landscaping, where 3 ft. is the minimum required; and
- E. Variance of 1 ft. to allow 2 ft. of northern perimeter building landscaping, where 3 ft. is the minimum required.

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

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. Provide a 3 ft. tall kneewall to screen the parking areas from the ROWs.
7. Parking must not project beyond the principal facades of the building, as is shown along Michigan St.
8. Per the special plan, a 13 ft. wide streetscape is required along Orange Ave and Michigan Ave., designed as follows- 6 ft wide landscape strip adjacent to the curb, followed by a 7ft wide sidewalk.
9. Architectural elevations will require Appearance Review via a Planning Official determination prior to submitting to Permitting. Provide color renderings and perspective drawings. Elevations, landscape plan and site plan must all be consistent in design.
10. Architecture should be authentic to the style employed and respect the urban character of the district, and utilize a mix of building materials. Primary pedestrian entries must be clearly expressed and highlighted. All entrances must be visible from the streets and internal drives. Building must provide a base, middle, and top expressed, with materials finished and wrapped on all facades. The base must be constructed out of materials, such as brick, stone, pre-cast, or similar.
11. All parapets must have a 3-d appearance. Wrap parapets to a minimum of 4-5ft.
12. Buildings should be articulated approximately every 60 linear ft.
13. Public entrances must be directly accessible from the street-level. Elevated public entrances shall be discouraged. Pedestrian sidewalks must lead from the front door of each tenant to the sidewalk.
14. Where site grading is required, the resulting finished floor elevation must be sensitively integrated into the design of the site using appropriate landscaping, building design, or active uses that can be appropriately elevated 1 to 3 steps above the sidewalk grade such as outdoor dining spaces. No steps or railings shall be permitted to encroach within a sidewalk, public right-of-way, or city services easement.

15. A 25-foot corner clip must be provided at the corner of the Orange Avenue/Michigan Street intersection, to provide additional pedestrian space and to encourage opportunities for focal entrance features to the City and the district. a minimum of 30 percent of the ground floor facade must be transparent. Clear glass is required on the ground floor (minimum 80 percent transmittance for clear glass or 60 percent transmittance for low-e glass). Mirrored, tinted, or spandrel glass is not permitted on the ground floor.
16. ~~The east elevation must provide green screen to help soften the blank walls. Green screens must compliment the architecture of the building. The screens must be evenly spaced and must act as a feature on the wall.~~ Provide and/or expand the hardscape in lieu of providing the 2 ft. of perimeter building landscaping along the northern and eastern facades. The eastern façade must be treated architecturally with pedestrian details & materials. This means awnings must be provided on the east elevation, at the awning location the walls shall be recessed approx. 2-4 inches to provide the illusion of storefronts. The recessed area shall have a metal trim to help provide the illusion of storefront.

### 3. **VAR2018-10011 1808 BAYLARIAN BLVD.**

Applicant/Owner: Michael Koenig, 1808 Baylarian Blvd., Orlando, FL 32806

Location: 1808 Baylarian Blvd. (± 0.62 acres)

District: 4

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

Requested variance:

- Variance of 30 ft. to allow a wooden deck to be set back 20 ft. from the Mean High Water Mark, where 50 ft. is the minimum 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. 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. Screening must be added along the length of the base of the deck. The screening may consist of an evergreen hedge or landscaping tall enough to reach level of the bottom of the deck at mature height, a lattice skit, or other similar screening material. The screening must allow for storm water flow underneath and out of the area the deck will occupy.

*Note: one e-mail was received in support of request.*

**4. VAR2018-10012 430 N. MILLS AVE.**

Applicant: Brigette Becker, International Signs & Lighting, 714 Commerce Cir., Longwood, FL 32750

Owner: Hutchinson Golub & Lefkowitz, 430 N. Mills Ave., Ste. 2, Orlando, FL 32803

Location: 430 N. Mills Ave. (± 0.63 acres)

District: 4

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

Requested variances:

- A. Design variance to allow a pylon sign in the Traditional City Overlay;
- B. Variance of 2 ft. to allow a sign ±8 ft. tall, where sign height is capped at 6 ft. in the O-1/T zoning district;
- C. Variance of 1.5 ft. to allow said sign to be 11 ft. from the front lot line, where a minimum 12.5 ft. setback is required in the O-1/T zoning district; and
- D. Variance to allow a pylon sign in lieu of nameplates (the property shares a block face with residentially zoned properties to the west).

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 base of the monument sign must be landscaped through the use of groundcovers, shrubs, annuals, or a combination thereof, consistent with existing landscaping located elsewhere on the office site. The landscape bed must be shown on the plans submitted with the building permit.

**5. VAR2018-10013 635 BRYN MAWR ST.**

Applicant/Owner: Micah Kropp, 635 Bryn Mawr St., Orlando, FL 32804

Location: 635 Bryn Mawr St. (± 0.14 acres)

District: 3

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

Requested variance:

- Variance of 3 ft. to allow a 14 ft. front yard setback for an open air porch, where 17 ft. is the minimum 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. Add window trim around the perimeter of the front façade windows. Trim style should be that of a craftsman style architecture
7. Informational Recommendation: its encouraged the porch be reduced to 4 ft. in depth. Porch width, as proposed is not useable with inadequate space for furniture.
8. The materials and details of the addition must match the exiting style and architecture.

**7. (this item moved from Regular Agenda)  
VAR2018-10010 JERNIGAN GARDENS APARTMENTS**

Applicant: Matt Solomon, Millenia Housing Management, Ltd., 4000 Key Tower, 127 Public Square, Cleveland, OH 44114

Owner: GMF-Windsor LLC, 65 Germantown Ct., Ste. 409, Cordova, TN 38018

Location: 1488 Mercy Dr. (± 16.85 acres)

District: 5

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

Requested variances:

- A. Variance of 94 spaces to allow 394 spaces, where a minimum 488 spaces are required;
- B. Waive planting of trees under adjacent power lines;
- C. Reduce buffer on the north lot line (within a 2 ft. strip);
- D & E. Waive landscaping along east lot line next to vacant lot and convenience store;
- ~~F. Waive automatic irrigation requirement;~~
- G. Reduce parking row island widths;
- H. Waive requirement for parking row islands every 10 spaces; and
- I. Waive required buffer landscaping along west and south lot lines (next to drainage ditches).

Recommended action: Approval of Variances A, B, C, D, E, G, H, and I, subject to the conditions in the staff report.

Applies to all nine (9) variances:

1. Development shall be in strict conformance with all conditions and the survey 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 the (below) conditions and all other conditions from the Administrative Master Plan (MPL2017-10033).

Variance A Parking Reduction

7. The renovated parking lots must conform to City Code and to the City's Engineering Standards Manual relative to dimensions, configuration, pavement markings, surfaces, and access unless specific modifications are approved via the Variance process.

Variance B Waiver of Trees under Power Lines along North Lot Line

8. Landscaping must be installed in the  $\pm 11$  ft. buffer consisting of a combination of single trunk crape myrtles, activity-deterrent holly trees/bushes (nellie stevens) and low ground cover such as Jasmine.

Variance C Reduced Buffer further West along North Lot Line

9. (same as above) Landscaping must be installed in the  $\pm 2$  ft. buffer consisting of a combination of single trunk crape myrtles, holly trees/bushes (nellie stevens) and low groundcover such as Jasmine.

Variances D & E Reduced Buffers along East Lot Line

10. Adequate buffer space is not viable, therefore, additional landscape plantings need to be placed in front of the apartment buildings on the west of the eastern driveway. Said plantings must not extend (at mature growth) higher than the lowest windows on the building façade. There appears to be room between the southern exit drive and the convenience store for a Code-compliant (or reduced) buffer.

Variance G Reduced Parking Lot Island Width

11. A canopy tree must be placed in each parking lot island, unless precluded by the width of the island.

Variance H Waiver of Max No. of Spaces in a Row without a Parking Lot Island  
(no conditions)

Variance I Reduced Buffers adjacent to Drainage Ditches (West and South Sides)

12. Adequate buffer space is not viable along the west edge of the western driveway, therefore, additional landscape plantings must be placed in front of the apartment buildings on the east side of the western driveway. Said plantings must not extend (at mature growth) higher than the lowest windows on the building façade.
13. Landscaping is required along the southern edge of the southern driveway, including species to deter unwanted activity, such as bougainvillea, crown of thorns and nellie stevens holly bushes.

**Board Member Lloyd moved APPROVAL of the CONSENT AGENDA, subject to the conditions in the staff reports. Vice Chairperson Fennessy SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).**

## REGULAR AGENDA

### 6. VAR2018-10007 1636 OAKMONT LN.

Applicant/Owner: Brian Powers, 1636 Oakmont Ln., Orlando, FL 32804

Location: 1636 Oakmont Ln. (± 0.20 acres)

District: 3

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

Requested variances:

- A. Variance to allow an accessory dwelling unit on a lot 1.4 times the minimum lot size, where R-1/T requires the lot to be 2 times the minimum lot size;
- B. Variance of 7 ft. to allow a rear yard setback of 8 ft., where 15 ft. is required; and
- C. Variance of 2 ft. to allow 2 curbcuts with a 40 ft. separation where 42 ft. is required.

Recommended action: Approval of Variances A and C, subject to the conditions in the staff report, and denial of Variance B and approval of a lesser variance of 3 ft.

Jacques Coulon, Planner II, presented the requested variance using PowerPoint. First, he reminded the Board of the discussion from the previous month, when the case had been deferred. Then he explained again that parts A and C were reasonable requests that staff was willing to support, but part B was too big of a variance for staff to support. The applicant had wanted to push back the accessory structure to help with vehicular flow, but Mr. Coulon noted that a vehicle movement analysis showed there would be enough room to maneuver a vehicle given staff's recommended site plan layout.

Brian Powers, 1636 Oakmont Ln., Orlando, FL 32804, spoke as the applicant in support of the request. He disagreed with staff's assessment that the lesser variance could suitably accommodate his vehicles. He also did not feel that rotating the orientation of the garage would help, as some Board members suggested.

Board discussion ensued. Members appreciated that Mr. Powers had gotten the neighbor's signature immediately to the west of the property, but they remained concerned that not all neighbors had been heard from, particularly to the southwest. Mr. Powers said he hadn't been able to reach that neighbor and only saw his truck in the driveway as he was coming to this Board meeting. Board members remained convinced that it would be best to know if the two neighbors most impacted by the variance had no issue with the request, and that Mr. Powers should make every effort to get in touch with the neighbor to the southwest as soon as possible to confirm their approval in writing. Consensus was built to defer the case another month in order to give the owner another chance to speak to his neighbors and get the necessary support letters.

Elena Pathak, 800 Euclid Ave., Orlando, FL 32801, spoke in support of the request. She stated that it was unfair to the homeowner to defer his request another month and hold up his project further. Board members appreciated the input, but remained steadfast in their desire to defer the case.

**Board member Lloyd moved DEFERRAL of the VARIANCES to the May 22, 2018 BZA hearing (2:00 pm). Vice Chairperson Fennessy SECONDED the MOTION, which was VOTED upon and PASSED by a 7-0 voice vote.**

## OLD/NEW BUSINESS & ANNOUNCEMENTS

- No items.



## ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson Wilson adjourned the meeting at 2:51 pm.

## STAFF PRESENT

Mark Cechman, City Planning  
Karl Wielecki, City Planning  
Jacques Coulon, City Planning  
Jim Burnett, City Planning  
TeNeika Neasman, City Planning



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Mark Cechman, Executive Secretary

Michaëlle Petion, City Planning  
Keith Grayson, Permitting Services  
John Groenendaal, Permitting Services  
Sarah Taitt, City Attorney's Office  
Denise Aldridge, City Clerk



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Ed Petersen, Recording Secretary