

**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 [7/3]
(Chairperson)

Roberta Fennessy [9/1]
(Vice Chairperson)

Chris Carmody [7/3]**

Steven Heller [9/1]

Heather Isaacs [4/1]

Thomas Jensen [7/3]

Scott Lloyd [9/1]

Lindsey Perez [4/1]

Members Absent

Dawn Evans-Hall [8/2]

****NOTE:** Board member
Carmody was present by
phone.

MINUTES – JULY 24, 2018

OPENING SESSION

- Chairperson Wilson called the meeting to order at 2:00 pm, after determination of a Quorum.
- Pledge of Allegiance.
- Consideration of Minutes for Meeting of June 26, 2018.
 - **Vice Chairperson Fennessy MOVED approval of the Board of Zoning Adjustment Meeting Minutes of June 26, 2018, as written. Board member Isaacs SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote (8-0).**

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**1. VAR2018-10022 812 E. LIVINGSTON ST.**

Applicant/Owner: Douglas Guy, 812 E. Livingston St., Orlando, FL 32803

Location: 812 E. Livingston St. (± 0.16 acres)

District: 4

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

Requested variance:

- Variance of ± 5 ft. to allow a new 2-story detached garage/apartment ± 5 ft. from an existing 1-story house in a historic overlay district, where a minimum 10 ft. building separation is required.

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

1. All exterior improvements to the home and new garage/bonus room must receive a Certificate of Appropriateness via the City's Historic Preservation Board prior to securing permits for any improvements to the site.
2. Driveway - The driveway (as shown on the survey/site plan) must be corrected at time of permitting to provide a full 15-ft. width near the front lot line/street right-of-way, then proceed to ribbon strips.
3. For additional conditions, please see the end of these minutes.

Informational:

The bonus room above the garage will be considered a second dwelling unit, based on the provision of a full kitchen in said unit (additional impact fees will be due at time of permitting).

Maximum overall impervious surface coverage in R-2B/T/HP is 60%. Maximum rear accessory structure coverage is 35% (888.65 sq. ft.).

2. VAR2018-10024 714 N. HYER AVE.

Applicant: Troy Filley, Hawk Construction, 1516 Pine Bluff Ave., Orlando, FL 32806

Owner: Mark Barker, 714 N. Hyer Ave., Orlando, FL 32803

Location: 714 N. Hyer Ave. (± 0.15 acres)

District: 3

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

Requested variances:

- A. Variance of ± 5.1 ft. to allow an existing two-story detached garage to maintain a 14.9 ft. street side, where 20 ft. is the minimum required street side setback.
- B. Variance of ± 10.2 ft. to allow an existing two-story detached garage to maintain a 4.8 ft. rear yard setback, where 15 ft. is the minimum required rear setback.
- C. Variance of 5 ft. to allow a new single family home to have a 10 ft. street side setback, where 15 ft. is the minimum required for the principal structure.

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

1. An access agreement or cross access easement must be established with property to the South for access to the carport.
2. Restore curb along N. Hyer where there is currently access to existing garage.
3. Since this this will be new construction, sidewalks should be installed within R-O-W for length of property along N. Hyer Ave and Woodward St. N. Hyer has a tree and a communication cabinet that may be an obstacle to sidewalk installation. They may be granted payment into sidewalk fund. That will need to be approved by the city engineer.
4. For additional conditions, please see the end of these minutes.

3. VAR2018-10025 6005 INTERNATIONAL DR.

Applicant: Harkley Thornton, Outlook Media, 2295 S. Hiawassee Rd., Ste. 203, Orlando, FL 32835

Owner: 6005 International Drive LLC, 810 Saturn St., Ste. 16, Jupiter, FL 33477

Location: 6005 International Dr. (\pm 0.81 acres)

District: 6

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

Requested variance:

- Variance of \pm 189 ft. to allow a new digital billboard \pm 811 ft. west of an existing static billboard, where a minimum 1,000 linear ft. separation is required for digital billboard conversions.

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

1. All other conditions of DET2018-10038, including all operational requirements of LDC Section 64.277B (2 and 3, as recently revised by City Council on 1/18/2018).
2. For additional conditions, please see the end of these minutes.

4. VAR2018-10026 800 E. CHURCH ST.

Applicant/Owner: Bronson Vlahotis, 800 E. Church St., Orlando, FL 32801

Location: 800 E. Church St. (\pm 0.22 acres)

District: 4

Project Planner: Chris DeLoatche (407.246.3624, chris.deloatche@cityoforlando.net)

Requested variances:

- A. Variance of \pm 9.3 ft. to allow a first floor, inline addition to be \pm 40.7 ft. from the normal high water mark, where 50 ft. is required.
- B. Variance of \pm 13 ft. to allow a second floor, in-line addition to be \pm 37 ft. from the normal high water mark, where 50 ft. is required.
- C. Variance of \pm 4 ft. to allow an in-line second floor addition to be set back \pm 21 ft. from the front property line where 25 ft. is required; and
- D. Variance of \pm 4 ft. to allow for a garage to be set back \pm 21 ft. from the front property line, where 25 ft. is required.

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

1. A separate appearance review determination for the proposed architecture is required prior to permits being applied for. The appearance review application must include detailed elevations of all four sides of the proposed residential building as well as an updated site plan and landscape plan.
2. Architecture: The architecture as proposed appears to be of a modern style. The final elevations must include details of modern architecture including trim, material differentiation across the façade, window openings, doors, and garage door. The building must present a clear base, middle and top, expressed through materials or form which must be finished and wrapped on all facades. It is anticipated that gutters may be required or desired, these must be shown on the elevations as well.
3. Landscaping: A street tree is required to be planted in accordance with LDC Sec. 60.216 and the remaining property must be landscaped in accordance with LDC Sec. 60.223.
4. For additional conditions, please see the end of these minutes.

5. VAR2018-10027 1255 WILKINSON ST.

Applicant: Joseph Sirilla, 945 S. Orange Blossom Tr., Apopka, FL 32703

Owner: Laura Webster & Julie Alberding, 1255 Wilkinson St., Orlando, FL 32803

Location: 1255 Wilkinson St. (± 0.34 acres)

District: 3

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

Requested variance:

- Design Variance to allow the conversion of an existing street-side projecting carport to part-living space and part-garage.

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

1. Appearance review will be required at the time of permitting to ensure consistency with the plans as proposed in this application and as conditioned by staff and the Board of Zoning Adjustment
2. As the proposed driveway work is located within the drip line of two substantial canopy trees, caution must be taken when working within the dripline of both trees. A tree encroachment permit will be required to conduct the proposed site work as indicated in this application.
3. There is an existing brick base along the Wilkinson and street-side elevations of the carport. If the brick remains along the front post-renovation, then the brick must carry along the Sherwood Rd. elevation and then wrap to end at the proposed garage door.
4. All new windows must match the existing style and proportion of the existing windows on the house. Where shutters are used they must be consistent with the existing shutters on the home.
5. At time of permitting please submit the following:
 - a. City of Orlando Standard detail for residential driveway apron. found at <http://www.cityoforlando.net/publicworks/wp-content/uploads/sites/38/2014/03/ESMDetails.pdf> (Sheet #2)
 - b. Because the new apron will require construction within the City of Orlando R-O-W please refer to the copy of general notes addressing maintenance of traffic provided to the applicant via email.
6. For additional conditions, please see the end of these minutes.

6. VAR2018-10029 315 N. FERN CREEK AVE.

NOTE: this item has been moved to Regular Agenda.

7. VAR2018-10030 116 JAMES AVE.

Applicant: Rafael Damas, Damas Construction Co. Inc., 473 Citrus Ln., Maitland, FL 32751

Owner: Georgina Roman, 116 James Ave., Orlando, FL 32801

Location: 116 James Ave. (± 0.16 acres)

District: 4

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

Requested variance:

- Variance of ±2 ft. to allow an accessory structure, greater than 12 ft. in height, to be located ±8 ft. from the principal structure, where 10 ft. is the minimum required.

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

1. The 8 ft. of separation between the two buildings must be clear to the sky. The 2nd floor encroachment

- must be removed.
- 2. Approval is subject to HPB approval.
- 3. For additional conditions, please see the end of these minutes.

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

Vice Chairperson Fennessy moved APPROVAL of the CONSENT AGENDA, subject to the conditions in the staff reports. Board member Isaacs SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).

REGULAR AGENDA

6. (this item moved from Consent Agenda) VAR2018-10029 315 N. FERN CREEK AVE.

Applicant: Daniel Dixon, 1419 Lake Baldwin Ln., Ste. A, Orlando, FL 32814

Owner: DMR Orlando Holdings LLC, 315 N. Fern Creek Ave., Orlando, FL 32803

Location: 315 N. Fern Creek Ave. (± 0.14 acres)

District: 4

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

Requested variances:

- A. Variance to allow parking in the front yard;
- B. Variances to allow reduced front, north, and south lot line buffers; and
- C. Variance to allow a reduced rear lot line buffer adjacent to a single family residence.

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

Jim Burnett, Planner III, presented the requested variances using the staff report. He explained that the site had been granted several variances in 2002, but many had never been effectuated by the issuance of permits. When the current owner began renovating the building, the substantial improvement threshold was triggered, requiring the variances to be re-addressed. Staff was recommending approval of the requests, but the applicant wanted the Board to consider modifying some of the conditions of approval. Mr. Burnett noted that the lot had too much gravel coverage, a material no longer permitted to be the main element of the landscaping.

Dan Dixon, 2222 Osprey Ave., Orlando, FL 32814, spoke as the applicant in support of the requests. He reiterated the point that his clients were only doing internal building improvements, but because of the relatively low value of the structure, the substantial improvement requirement came into effect. He said a hedge would be preferred over a fence in the rear. Terrence Miller, Planner II, spoke on the City's position about the use of gravel. Mr. Dixon stated that all of the efforts he was making were to reduce improvement costs, for when his client had more funds to take care of everything.

Board discussion ensued. Topics included the percentage of gravel allowed, and whether a hedge or shrub could be used in place of a fence, or whether a wooden fence could be used. Mr. Burnett pointed out that staff would prefer a vinyl fence because wood eventually would rot.

Board member Isaacs moved APPROVAL of the VARIANCES, subject to the conditions in the staff report, and as modified below:

- 1. Appearance Review is required at time of permitting to ensure compliance with the conditions (below).
- 2. ~~All gravel must be removed from the former rear parking area and made pervious with sod or groundcovers~~ All gravel that creates an Impervious Surface Ratio greater than 70% shall be removed and

replaced with sod or ground cover (gravel is no longer an approved parking surface nor is it an acceptable ground cover).

3. Podocarpus hedge along front north lot line must be continued in the rear yard (along the north lot line). A minimum 6 ft. tall vinyl pvc fence must be placed along the reduced width rear setback next to the east residential lot line.

Informational:

4. All landscape plans must achieve the Minimum Required Landscape Score (MRLS) required for the proposed type and intensity of development, per City Code Chapters 60 and 61. A spreadsheet showing compliance with the Minimum Required Landscape Score must be included with the plans when submitted for permits. A digital spreadsheet form is available at <http://www.cityoforlando.net/cityplanning/landscape-code/>.
5. If the office use has 4 or less total spaces, the handicapped parking stall has to be striped per the diagram below, but blue pavement markings, symbols and signs are not required. The access aisle is normally striped white to provide certain organization to the actual parking. Anyone can park in this space with or without a handicapped parking placard.
6. For additional conditions, please see the end of these minutes.

Board member Perez SECONDED the MOTION, which was VOTED upon and PASSED by a unanimous voice vote (8-0).

8. VAR2018-10023 1918 S. FERN CREEK AVE.

Applicant: Jonathan Virgilio & Kristen Pavlic, 1918 S. Fern Creek Ave., Orlando, FL 32806

Location: 1918 S. Fern Creek Ave. (± 0.13 acres)

District: 4

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

Requested variances:

- A. Variance to allow an accessory structure in the front half of the lot.
- B. Variance to allow the required parking space within the front yard setback.

Recommended action: Denial of the requested variances.

Michaëlle Petion, Planner III, presented the requested variances using PowerPoint. She gave the history of the site and staff's alternatives to the requests. In 2001, the lot was replatted to make it non-conforming in terms of lot depth, leaving a narrow back yard. However, the site currently meets the parking code, and variances were not prohibited by the 2001 plat case. With regards to the request to place a shed in the front yard, Executive Secretary Cechman pointed out that not all properties were necessarily "entitled" to have a shed. Ms. Petion explained not only was an accessory structure normally not permitted to be in front of the primary structure, such a structure normally would be excluded from the front 50% of the property in general. This request went against both aspects of the code.

Kristen Pavlic, 1918 S. Fern Creek Ave., Orlando, FL 32806, spoke as the applicant in support of the requests. Using a scale model of the property drawn on whiteboard, she indicated the limitations of the site due to the non-conforming depth. She also offered to put a fence in front of the shed to mitigate the appearance.

Board discussion ensued. Topics included other options than using a shed; possible alternate locations for the shed; and how a pre-fabricated structure could be delivered through a narrow space, and whether a custom-built smaller structure might be a better choice. Ultimately, the Board determined that there were other alternatives to placing an accessory structure in front of the house.

Board member Isaacs moved DENIAL of the VARIANCES. Vice Chairperson Fennessy SECONDED the MOTION, which was VOTED upon and PASSED by a unanimous voice vote (8-0).

9. VAR2018-10028 3721 PELICAN LN.

Applicant: Trevor Freeman, 500 E. Princeton St., Orlando, FL 32803

Owner: Daniel Crum, 3721 Pelican Ln., Orlando, FL 32803

Location: 3721 Pelican Ln. (± 0.19 acres)

District: 3

Project Planner: Chris DeLoatche (407.246.3624, chris.deloatche@cityoforlando.net)

Requested variances:

- A. Variance of 8.2 ft. to allow a garage to encroach 16.8 ft. into the rear yard setback, on a nonconforming lot, where a 25 ft. setback is required.
- B. Variance to allow two curbcuts, where only one curbcut is permitted on corner lots.
- C. Variance of 25% to allow 65% impervious surface ratio in the street side yard, where 40% is the maximum allowed.
- D. Variance of 28 ft. to allow a ±40 ft. wide driveway where the max allowed for curvilinear driveways is 12 ft.; and
- E. Variance of 30 ft. to allow ±12 ft. separation between curbcuts, where a minimum of 42 ft. between curbcuts is required.

Recommended action: Approval of Variance A, subject to the conditions in the staff report; denial of Variances B through E, with approval of three alternative variances as described in the staff report, subject to the conditions in the staff report.

Chris DeLoatche, Planner I, presented the requested variances using PowerPoint. He pointed out that the driveway was the biggest issue; it had gradually expanded over time and no permits were ever pulled for it. He described the alternative variances proposed by staff to get the property somewhat closer to code compliance.

Daniel Crum, 3721 Pelican Ln., Orlando, FL 32803, spoke as the homeowner in support of the request. He stated the driveway had been in place for a long time, well prior to his purchasing the property from his relatives. Due to his medical conditions, he needed the widened driveway for easier access.

Board discussion ensued. Topics included the issue of line of sight; whether the street was busy or not; and whether the health of the owner could be factored into the Board's decision. Members noted that even staff's recommended alternatives still didn't meet code. Ultimately, the Board was willing to approve the applicant's request, with none of the alterations as described in the staff report. Condition 7 from the report is shown below as Condition 2.

Board member Isaacs moved APPROVAL of the VARIANCES as requested by the applicant, subject to the conditions in the staff report:

1. The garage must recessed an additional 5 feet from the principle façade to ensure that the new garage is 20 feet from the property line.
2. ~~The curbcut to the south, the concrete between the street tree and the property line, and the driveway near the south east corner of the home must be removed as shown on Page 7.~~
3. The street tree must remain at its current location and must be evident on the building permits submitted to the City.
4. For additional conditions, please see the end of these minutes.

Board member Perez SECONDED the MOTION, which was VOTED upon and PASSED by a unanimous voice vote (8-0).

NOTE: All of the above cases are subject to the additional following conditions:

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.

OLD/NEW BUSINESS & ANNOUNCEMENTS

- Recording Secretary Ed Petersen notified the members that the BZA election of officers will take place in August.

ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson Wilson adjourned the meeting at 3:19 pm.

STAFF PRESENT

Mark Cechman, City Planning
Jim Burnett, City Planning
Michaëlle Petion, City Planning
Chris DeLoatche, City Planning
Terrence Miller, City Planning
Katy Magruder, City Planning
TeNeika Nesaman, City Planning



Mark Cechman, Executive Secretary

Jacques Coulon, City Planning
Manuel Ospina, City Planning
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
John Rhoades, Transportation Planning
Sarah Taitt, City Attorney's Office



Ed Petersen, Recording Secretary