



### MINUTES – JANUARY 24, 2023

#### MEETING INFORMATION

##### Location

City Council Chambers  
Orlando City Hall, 2<sup>nd</sup> Floor  
One City Commons  
400 South Orange Avenue

Virtually via Zoom:

<https://us02web.zoom.us/j/85198088494>

Or by phone:

312.626.6799

929.205.6099

253.215.8782

301.715.8592

346.248.7799

or 669.900.6833

Webinar ID:

851 9808 8494

##### Time

2:00 p.m.

##### Members Present

Andrew MacPhee [4/0]

(Chairperson)

Carol Hendren [4/0]

(Vice Chairperson)

Anie Delgado [4/0]

Marc Ispass [4/0]

Carmen Rasnick [1/0]

Cooper Reece [3/1]

Steve Simpson [4/0]

Jay Small [4/0]

##### Members Absent

Tyler Winik [3/1]

#### OPENING SESSION

- Chairperson MacPhee called the meeting to order at 2:04 pm, after determination of a Quorum.
- Consideration of Minutes for Meeting of December 20, 2022.
  - Board member Small MOVED to waive the reading of the Board of Zoning Adjustment meeting minutes of December 20, 2022, and to approve as written. Board member Simpson SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote (8-0).**
- New member Carmen Rasnick introduced herself.

#### PUBLIC COMMENTS

- No speakers spoke at the meeting.

#### CONFLICT DECLARATIONS

- No Board members declared any conflicts.

#### AGENDA REVIEW

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

#### CONSENT AGENDA

##### 1. VAR2022-10059 1010 GARDEN PLZ.

Applicant: Katy Magruder, Domain Homes, 400 S. Winter Park Ave., Winter Park, FL 32879

Owner: Tommy Polloj, 1010 Garden Plz., Orlando, FL 32803

Location: 1010 Garden Plz. (± 0.2 acres)

District: 4

Project Planner: Rosemary Culhane (407.246.3422, rosemary.culhane@orlando.gov)

Requested variance:

- Variance of 13 ft. to allow the front porch to have a 12 ft. front yard setback, where 25 ft. is required.

Recommended action:

*Deferral of the variance to the February 2023 BZA hearing, by staff request.*

## **2. VAR2022-10060 5071 SIGNAL HILL RD.**

Applicant: Rebecca Phillip, Devine Renovations, LLC, 14848 Tanja King Blvd., Orlando, FL 32828

Owner: Jared Carver, 5071 Signal Hill Rd., Orlando, FL 32808

Location: 5071 Signal Hill Rd. (± 0.3 acres)

District: 3

Project Planner: Jim Burnett (407.246.3609, james.burnett@orlando.gov)

Requested variance:

- Variance of 10 ft. to locate the 6 ft. tall wall 5 ft. from the street side lot line of a reverse corner lot, where said wall is required to be at least 15 ft. from the street side lot line.

Recommended action:

*Approval of the requested variance, subject to the conditions in the staff report and addendum.*

### Land Development

1. Appearance Review is required at time of permitting to ensure compliance with conditions in this report.
2. A low hedge or groundcover must be planted in the 5 ft. space between the wall and the sidewalk.
3. Since the pine tree in the street side yard was previously removed (prior to applying for the variance), a canopy tree (per the list of canopy trees provided in LDC Chapter 60 Part 2F and Figure 12 Native Plant List) must be planted onsite, on either the Pilgrim or Signal Hill frontage, to replace the former pine tree. A pecan tree is an approved canopy tree.
4. 6 ft. tall retaining wall that will abut the neighbor's property to the southeast must be set back 10 ft from the Pilgrims Way R-O-W line to provide the required sight triangle for the neighboring driveway.
5. Maximum 6 ft. tall masonry block walls must have weep holes at the base, to allow water to flow from the adjacent property into the existing drainage easements along the east and south lot lines (as originally intended). This may also require the construction of French drains within the drainage easements.
6. The new rear driveway can be no closer than 6 ft. from the rear lot line, to be outside of the drainage and utility easement.

7. The new rear shed can be no closer than 7.5 ft. from the south side lot line and must be 12 ft. or less in height (to the mid-point of the roof, between the eave and roof peak).
8. All vehicles and equipment must be parked on an all-weather surface (not grass, mulch or dirt).

Informational

9. A detailed, scalable, fully dimensioned site plan of the location must be submitted, to include the site legal description, buildings, streets, sidewalks and property lines, and the location of the proposed work. Site plans should clarify what is existing and what proposed.
10. A signed and sealed existing topographic survey with datum and official benchmark in the NAVD88 vertical datum must also be provided. Per the City's ESM Section 7.01.A.1, survey data must be gathered to at least 25 feet beyond the property line or as far offsite as required to ensure offsite drainage patterns are maintained. A hard copy signed and sealed survey must be submitted to City Hall 8th floor addressed to Richard Allen, City Surveyor.
11. Proposed plan sheets and cross sections must be signed and sealed by an engineer or architect.
12. Any construction or grading is not permitted to alter the existing flow patterns, nor is grading or filling allowed to permit existing drainage from flowing toward the property in its existing natural state.

*For additional conditions on this case, please see the end of these minutes.*

**Board member Simpson moved APPROVAL of the CONSENT AGENDA. Vice Chairperson Hendren SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).**

## REGULAR AGENDA

- No items.

NOTE: All of the approved 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(6), Florida Statutes, Issuance of a development permit or development order by a municipality does not 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. A municipality shall attach such a disclaimer to the issuance of development permits and shall include a permit condition 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

- No items.

## ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson MacPhee adjourned the meeting at 2:13 pm.

## STAFF PRESENT

Karl Wielecki, City Planning  
Jim Burnett, City Planning  
Manny Ospina, City Planning  
Rosemary Culhane, City Planning  
Michele Gibbs, City Planning  
Jacob Ballard, City Planning  
Chris DeLoatche, City Planning

Fernanda Paronetto, City Planning  
Johnny Berry, City Planning  
Keith Grayson, Permitting Services  
John Groenendaal, Permitting Services  
Haider al Salihi, Permitting Services  
Sarah Taitt, City Attorney's Office



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Mark Cechman  
Executive Secretary



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Ed Petersen  
Recording Secretary