



### MINUTES – MAY 23, 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 [7/0]  
*(Chairperson)*  
Carol Hendren [7/0]  
*(Vice Chairperson)*  
Anie Delgado [7/0]  
Marc Ispass [7/0]  
Carmen Rasnick [3/1]  
Cooper Reece [5/2]  
Steve Simpson [7/0]  
Jay Small [7/0]

**Members Absent**  
None.

### OPENING SESSION

- Chairperson MacPhee called the meeting to order at 2:02 pm, after determination of a Quorum.
- Consideration of Minutes for Meeting of March 28, 2023.
  - **Board member Simpson MOVED to waive the reading of the Board of Zoning Adjustment meeting minutes of March 28, 2023, and to approve as written. Board member Small SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote (8-0).**

### 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. VAR2023-10005     310 RICHARD PL.

Applicant:                      Mark Nasrallah, Nasrallah Architectural Group, 3920 Edgewater Dr., Orlando, FL 32804

Owner:                              Michael Rausch, 310 Richard Pl., Orlando, FL 32806

Location:                          310 Richard Pl. (± 1.9 acres)

District:                              3

Project Planner: Michele Gibbs (407.246.3355, michele.gibbs@orlando.gov)

Requested variance:

- A. Variance of 8 ft. to allow a new single family home to be 22 ft. from the front lot line, where 30 ft. is required; and
- B. Variance of 22 ft. to allow said home to be 28 ft. from the mean high-water mark line, where 50 ft. is required.

Recommended action:

*Approval of the requested variances, subject to the conditions in the staff report.*

#### Land Development

1. The new proposed home must be consistent with the architecture of the existing home. Details including material, trim, color and finish must be the same across both sections of the home. The home may not encroach into the allowed setbacks per the variance requests.
2. The new proposed home must meet an ISR of 55% and a max building height of 35ft.
3. Mechanical equipment/ AC units must not be viewed from the ROW. This must meet Se 58.984 of the LDC.
4. If the aforementioned substantial improvement/enlargement is triggered, then a minimum of 3 canopy trees must be located on the subject property in accordance with LDC Sec. 60.233. The street tree does not count towards this requirement, all 3 trees must be located on the subject property.
5. If the AC unit will need to be added or improved as part of the garage/ADU addition, the unit must be relocated to the interior or rear yard and screened as no mechanical equipment is allowed facing the street.

#### Urban Design

6. The applicant must reach out to the Parks Division at trees@orlando.gov to obtain a Tree Encroachment/Removal Permit before applying for building permits. The permit must be uploaded to the documents folder with the Building Permit files. If no permits are required by the Parks Division, the applicant must upload confirmation.

#### Transportation

7. Parking space and driveway must be on an impervious surface such as asphalt, concrete, brick, or engineered turf pavers. Gravel or stone may not be used for any part of a driveway or parking space in a residential property including as filler between the ribbons of a driveway.
8. Maximum driveway width at the property line is 18 ft, it can be widened within the front setback by tapering at a 45-degree angle.

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

## **2. VAR2023-10006 1416 ORIOLE AVE.**

Applicant: Donn Sharpe, Gold Standard Builder Services, 2700 Westhall Ln., Ste. 148, Maitland, FL 32751

Owner: Lui Marcela, 1416 Oriole Ave., Orlando, FL 32803

Location: 1416 Oriole Ave. (± 0.5 acres)

District: 3

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

Requested variances:

- A. Variance of 0.14 ft. to allow an in-line addition to be 24.86 ft. from the front lot line, where 25 ft. is required; and
- B. Variance of 3 ft. to allow said addition to be 4.5 ft. from the east side lot line, where 7.5 ft. is required.

Recommended action:

*Approval of the requested variances, subject to the conditions in the staff report.*

1. Appearance Review is required at time of permitting to ensure compliance with the below conditions.
2. The home additions must be consistent with the architecture of the existing building. Details including material, trim, color and finish must be the same across both sections of the building.
3. Gutters must be installed along the east side of the home, to keep water from draining onto the adjacent property to the east.
4. All mechanical equipment must be screened from view at ground level as viewed from the public rights-of-way and abutting properties. Screening can be via opaque fencing, screen walls, and/or shrubs and other vegetation, maintained at a minimum one (1) ft distance from the mechanical equipment.

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

**Board member Simpson moved APPROVAL of the CONSENT AGENDA. Board member Rasnick 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

- Executive Secretary Cechman noted that there would be more cases on the agenda for the next month, after several months of small agendas and quick meetings.
- Recording Secretary Petersen announced that he would be appearing on the TV show *Jeopardy!* on the following day, May 24.

## ADJOURNMENT

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

## STAFF PRESENT

Tim McClendon, City Planning  
Karl Wielecki, City Planning  
Jim Burnett, City Planning  
Rosemary Culhane, City Planning  
Michele Gibbs, City Planning  
Fernanda Paronetto, City Planning

Jacob Ballard, City Planning  
Sean Elordi, City Planning  
Chris DeLoatche, City Planning  
Dalia Sidrak, Permitting Services  
Johamer Hernandez, Permitting Services  
Stacy Fallon, City Attorney's Office



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Mark Cechman  
Executive Secretary



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Ed Petersen  
Recording Secretary