



MINUTES – MARCH 26, 2024

MEETING INFORMATION

Location

City Council Chambers
Orlando City Hall, 2nd 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

Carol Hendren [6/0]

(Chairperson)

Marc Ispass [5/1]

(Vice Chairperson)

Hannah Hollinger [2/1]

Andrew MacPhee [5/1]

Carmen Rasnick [6/0]

Cooper Reece [6/0]

Steve Simpson [5/1]*

Robert Slavens [5/1]

Jay Small [6/0]

*Note: Board member Simpson was
present via Zoom.

Members Absent

None.

OPENING SESSION

- Chairperson Hendren called the meeting to order at 2:00 pm, after determination of a Quorum.
- Consideration of Minutes for Meeting of February 27, 2024.
 - Board member Reece MOVED to waive the reading of the Board of Zoning Adjustment meeting minutes of February 27, 2024, and to approve as written. Board member Simpson SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote (8-0).**

PUBLIC COMMENTS

- One speaker 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. VAR2023-10042 1012 W. PAR ST.

Applicant: Eric Gray, Designer Trade Services, 669
Harold Ave., Winter Park, FL 32789

Owner: John & Deen Wash, 1224 W. Harvard
St., Orlando, FL 32804

Location: 1012 W. Par St. (± 1.9 acres)

District: 3

Project Planner: Manny Ospina (407.246.3235, manuel.ospina@orlando.gov)

Requested variances:

- A. Variance to allow a two-story accessory structure in the front yard, where accessory structures are not allowed; and
- B. Variance to allow a sports court in the front yard, where accessory structures are not allowed.

Recommended action:

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

Land Development

1. Land Use and Zoning - Except as provided herein, development of the property shall be consistent with the development standards of the R-1AA/W zoning district.
2. Setbacks - No part of the new sports court or accessory structure may encroach closer than +7.5 ft. on the side of the property.
3. Driveway - A new driveway to the garage of the accessory structure/ADU is required. Must show on plans at time of permitting.
4. Impervious surface area is limited to 55% for the entire lot. This calculation must be shown on the site plan submitted for permitting.
5. Lighting - Lights used to illuminate any court must be arranged and shaded so as to reflect light away from adjoining properties and the street.
6. Fencing - The fence height shall not exceed 8 feet when the tennis court is located within the required side and/or rear yard setbacks.

Urban Design

7. If the accessory structure is seen from the street, it will need to match the architecture of the principal structure.
8. If ground mounted mechanical equipment is seen from the street, it needs to meet the screen conditions of the Land Development Code (Ch. 58 Sec. 5B(18)), including a 4 foot in height evergreen shrub around 3 sides of the ground mounted mechanical equipment.
9. Tree encroachment or removal permit(s) (requested and issued through the Parks Division) is/are required prior to any trees being removed from the overall project site. The Parks Division may be contacted via phone at 407-246-2283 or via email at trees@orlando.gov. The permit must be provided with the building permit documents.

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

2. VAR2024-10001 1417 CARDINAL RD.

Applicant/Owner: Deborah & William Watson, 1417 Cardinal Rd., Orlando, FL 32803

Location: 1417 Cardinal Rd. (± 0.7 acres)

District: 3

Project Planner: Nicole Palacios (407.246.3422, nicole.palacios@orlando.gov)

Requested variance:

- Variance of 2.2. ft. to allow a 5.3 ft. side yard setback for a second-story accessory structure, where a 7.5 ft. side yard setback is required.

Recommended action:

Deferral of the variance to the April 2024 BZA hearing, by request of staff.

3. VAR2024-10004 7202 SUMMER IVY ALY.

Applicant/Owner: Sean Bailey, Pulte Home Company LLC, 4901 Vineland Rd., Ste. 500, Orlando, FL 32811

Location: 7202 Summer Ivy Aly. (± 0.1 acres)

District: 1

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

Requested variances:

- A. Variance of 0.13 (591 sq. ft.) to allow a Floor Area Ratio (FAR) of 0.63, where FAR on the nonconforming lot is limited to 0.50; and
- B. Variance of 1 ft. to allow a front building setback of 15 ft., where a minimum 16 ft. setback is required in the Everbe Phase 1C development.

Recommended action:

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

Land Development

- 1. Proposed house and site improvements must be as depicted within this (March 2024) variance report.
- 2. Maximum impervious surface coverage for the property is 70%.

Urban Design

- 3. An additional tree and a continuous hedge must be added by the current owner within the mews along the front of the lot.

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

4. VAR2024-10005 7109 SIENNA OAK ALY.

Applicant/Owner: Sean Bailey, Pulte Home Company LLC, 4901 Vineland Rd., Ste. 500, Orlando, FL 32811

Location: 7109 Sienna Oak Aly. (± 0.1 acres)

District: 1

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

Requested variances:

- A. Variance of 0.19 (864 sq. ft.) to allow a Floor Area Ratio (FAR) of 0.69, where FAR on the nonconforming lot is limited to 0.50; and
- B. Variance of 1 ft. to allow a front building setback of 15 ft., where a minimum 16 ft. setback is required in the Everbe Phase 1C development.

Recommended action:

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

Land Development

1. Proposed house and site improvements must be as depicted within this (March 2024) variance report.
2. Maximum impervious surface coverage for the property is 70%.

Urban Design

3. An additional tree and a continuous hedge must be added by the current owner within the mews along the front of the lot.

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

5. VAR2024-10008 1918 HILLCREST ST.

Applicant: David Sandburg, 2983 St. Helens Way, Melbourne, FL 32935

Owner: Guy E. Sandburg Revocable Trust, 2983 St. Helens Way, Melbourne, FL 32935

Location: 1918 Hillcrest St. (± 0.4 acres)

District: 4

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

Requested variance:

- Variance of 4% to retain an office site with ±74% impervious surface coverage, where the maximum allowed under the O-1/T/AN portion is 70% and 55% under a small R-1A/T/AN portion to the south.

Recommended action:

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

Land Development

1. Driveway and parking areas for western lot (1918 Hillcrest St.) must basically remain as depicted within this variance report.

Transportation Engineering

2. Any curbing or gutters disturbed must be restored to City of Orlando standards and specifications.

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

Board member MacPhee moved APPROVAL of the CONSENT AGENDA. Board member Rasnick SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).

Note: Board member Slavens arrived at 2:07 pm.

REGULAR AGENDA

6. VAR2024-10007 1408 OSPREY AVE.

Applicant/Owner: Jose Danner, 1408 Osprey Ave., Orlando, FL 32803

Location: 1408 Osprey Ave. (± 0.2 acres)

District: 3

Project Planner: Manny Ospina (407.246.3235, manuel.ospina@orlando.gov)

Requested variances:

- A. Variance of 15 ft. to allow a 5 ft. front yard setback for a patio, where 20 ft. is required; and
- B. Variance to allow the driveway to be 100% gravel.

Recommended action:

Approval of Variance A, subject to the conditions in the staff report, and Denial of Variance B.

Manny Ospina, Planner II, presented a summary of the request using PowerPoint, providing photos and maps. He noted the property grade sloped down towards the front (east) end of the property. Under that consideration, the patio as constructed was fine, but would be subject to additional conditions of approval. As for the driveway, which was partly in the right-of-way, gravel was not approved, as there would be long-term drainage issues due to the particulates washing down. Board members expressed concern about setting precedents with any potential approval of the gravel driveway. Mr. Ospina said that once gravel is installed, the applicant can't revert back to the dirt composite like it was before. Discussion ensued about what types of gravel might be legal. Mr. Ospina noted that alternative options had been presented to the applicant, but he had decided to go for the full variance instead.

Jose Danner, 1408 Osprey Ave., Orlando, FL 32803, spoke as the applicant in support of the request. He thanked staff for being helpful during this process. He then said he had spent lots of time and effort through the years to improve the site with meager means. He noted the close-knit community, where a lot of DIY-style work was done, and did not think to acquire permits for the work. Regarding the gravel driveway, he said it had been gravel prior to his improvements, and that no gravel had yet fallen out. Even during heavy rain events, there had been no flooding. He also pointed out that he had placed a permeable barrier under the new driveway prior to pouring the gravel.

Board discussion ensued. Topics included: the benefits of the permeable barrier; the volume of unpermitted gravel driveways in the area; setting this precedent would eventually cause widespread drainage issues; the driveway looked good but it simply didn't meet code; the unfair burden of a deep right-of-way, which the applicant would have to keep up; and the timeline of Code Enforcement action. Board members were prepared to approve Variance A, but were split on where they stood for Variance B. Assistant City Attorney Fallon acknowledged that part B could be deferred to a future time to allow staff to work with the applicant on solutions to the driveway issue.

Board member Small moved APPROVAL of Variance A, subject to the following conditions, and deferral of Variance B to allow staff to work further with applicant on the driveway issue:

Land Development

1. Development must be consistent with the architecture and details as provided as part of this application.
2. Existing trees cannot be removed or be negatively affected by the proposed development. Care must be taken in order to preserve the trees.
3. Permits: Driveway and patio improvements require a building permit, type of materials and dimension of areas must be provided at time of permitting.

Development Review

4. An engineering permit will be required to implement the outcome of the VAR, it shall address the driveway, the patio, garden not pictured but proposed.
5. The garden is not permitted in the ROW. 60.223(j)4. If the garden in the front yard falls into disuse it needs to be converted back.
6. Cultivation. If a front or street side yard vegetable garden is fallow or not actively cultivated for a period of three months, it shall be landscaped with permanent plantings from the Approved Plant List, other annual plantings or turfgrass, or a combination thereof.
7. Edge Treatment Required for Vegetable Gardens. Vegetable gardens in the front or street side yards must incorporate one of the following edge treatments along public rights-of-way:
 - a. A fence, 3 to 4 ft. in height.
 - b. A planter box enclosed on all sides, setback minimum of 18 in. from rights-of-way.
 - c. A 3 ft. permanently planted buffer (no annuals or tender perennials).
 - d. Other landscape feature approved by the Zoning Official (swale, rain garden, etc.) that contains soil and water on the building site.

Urban Design

8. Must meet the landscaping standards for one single-family development as described in Sec. 60.223 of the Land Development, including the Front Yard pervious calculations not exceeding 40% for groundcover and 60% for grass.
9. Any structures located in the front yard must not exceed 4 ft. in height.
10. No ground mounted mechanical equipment is allowed in the front yard.
11. Tree encroachment or removal permit(s) (requested and issued through the Parks Division) is/are required prior to any trees being removed from the overall project site. The Parks Division may be contacted via phone at 407-246-2283 or via email at trees@orlando.gov. The permit must be provided with the building permit documents.

Board member MacPhee SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (9-0).

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

- Board member Rasnick noted that this would be her last meeting, as she was moving out of state at the end of the week.
- Board member MacPhee asked if there was a way for the BZA to make a joint statement regarding all of the impervious surface-related matters that had come before the board in recent years, noting that the City code was very outdated and not in line with current thinking on the topic. Staff replied that changing the City code was a slow process, but they would welcome any input the BZA decided to provide.

ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson Hendren adjourned the meeting at 3:08 pm.

STAFF PRESENT

Tim McClendon, City Planning
Karl Wielecki, City Planning
Nicole Palacios, City Planning
Manny Ospina, City Planning
Jim Burnett, City Planning

Jacob Ballard, City Planning
Yesenia Martinez, Economic Development
Mounib Moussa, Economic Development
Vince Gramaglia, Permitting Services
Stacy Fallon, City Attorney's Office



Mark Cechman
Executive Secretary



Ed Petersen
Recording Secretary

#6



Appearance Request

(Anyone addressing the Orlando City Council or a City Board must complete this form)

**NOTE: If you have any information which you wish to present to City Council for its consideration in formats such as PowerPoint, video, or DVD, the presentation must be submitted to the City Clerk's office no later than the Wednesday immediately prior to the Council meeting in order to have the presentation facilitated for Council viewing and broadcast. If presentations are submitted after that deadline, it may not be possible for them to be played or displayed during the meeting, although hard copies can be submitted to the City Clerk for distribution to Council. Documents and presentations displayed during the City Council meeting shall become a public record and must be submitted to the City Clerk for retention.*

Please follow these procedures when addressing the Council/Board: (City Code Section 2.44)

- At the microphone, give your name and address.
- Direct all remarks to the Council/Board, not to any one member.
- All discussions and questions must be directed to the presiding officer or request permission from the presiding officer to address a member of the Council/Board
- Limit address to (3) three minutes

Please print:

Name: <u>Jose Danner</u>	Telephone: <u>407-274-3828</u>	
Resident address: <u>1408 Osprey Ave.</u>		
City: <u>Orlando</u>	ZIP code: <u>32803</u>	
Council/Board meeting date: <u>3/26/24</u>	Agenda date: <u>3/26/24</u>	
Regarding: <u>Driveway Variance</u>		
As a Proponent <input checked="" type="checkbox"/>	As an Opponent <input type="checkbox"/>	For information <input type="checkbox"/>
Check one: <input checked="" type="checkbox"/> I will be speaking on my own behalf <input type="checkbox"/> I will be speaking as a representative of another individual, firm, associate, or business. (Orlando City Code 2.191 requires full disclosure.)		
Name of Person, business or association: _____		
Address: _____		Telephone: _____
Signature: <u>[Signature]</u>		Date: <u>3/26/24</u>