



MINUTES – SEPTEMBER 24, 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 [11/0]
(Chairperson)
Marc Ispass [9/2]
(Vice Chairperson)
Hannah Hollinger [7/1]
Chad Linn [2/0]
Andrew MacPhee [10/1]
Jay Small [10/1]
Shawn Straight [2/0]

Members Absent
Cooper Reece [9/2]
Robert Slavens [9/2]

OPENING SESSION

- Chairperson Hendren called the meeting to order at 2:00 pm, after determination of a Quorum.
- Consideration of Minutes for Meeting of August 27, 2024.
 - **Board member MacPhee MOVED to waive the reading of the Board of Zoning Adjustment meeting minutes of August 27, 2024, and to approve as written. Vice Chairperson Ispass SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote (7-0).**

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. VAR2024-10017 2422 ROAT DR.

Applicant: Reinaldo Cintron, 6616 Merryvale Ln.,
Port Orange, FL 32128

Owner: Julio Gil De LaMadrid, 2420 Roat Dr.,
Orlando, FL 32835

Location: 2422 Roat Dr. (± 0.3 acres)

District: 6

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

Requested variance:

- Variance from the tandem single family development standards to allow a 1,000 sq. ft. accessory dwelling unit.

Recommended action:

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

Urban Design

1. As the proposed Accessory Dwelling Unit is seen from the street, the accessory structure must be finished with durable, high-quality materials that are authentic to the style of architecture of the existing principal structure.
2. All facades must be finished with the same materials and architectural details. Side facades that are visible from a public street shall contain same level of architectural detail in appearance and complexity as the front façade.
3. If ground mounted or rooftop 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 3-foot in height evergreen shrub around 3 sides of the ground mounted mechanical equipment.
4. At the time of permitting, a landscape plan that adheres to Chapter 60.223 of the Land Development Code will be required.
5. If any trees are proposed to be removed, a Tree Removal Permit is required. Please contact Parks & Recreation at trees@orlando.gov for an application.

Public Works

6. Provide a topographic survey up to 25 feet from the boundary of the property per the City of Orlando Engineering Standards Manual (ESM) Section 7.01. The topographic survey must be signed and sealed by a surveyor and include the survey datum (NAVD 88) and official benchmarks.
7. The existing drainage pattern shall not be modified by new constructions. The proposed elevations should not adversely impact adjacent properties with future increment of run-off as well.
8. Provide a grading plan that is signed and sealed by a Professional Engineer or Registered Architect, which demonstrates that the proposed grading is not directed toward adjacent properties. Please demonstrate the runoff will be directed toward the street.
9. Due to issues with flooding in established neighborhoods, please provide some form of Low Impact Development (LID) for this site (i.e. bioretention facilities, rain barrels, storage swales, or other approved method). Demonstrate that the stormwater runoff from the impervious area shall be captured through the LID prior to discharge onto the Public ROW or continuing its natural flow pattern. LID should capture 1.25" x the impervious surface area if located within the SJRWMD or 50% of 2.5" x the impervious surface area if located within the SFWMD.
10. Depending on the information submitted during the ENG review, the reviewer or the City Engineer may have additional requirements.
11. Sidewalk construction shall be required at the time of this substantial improvement per Sec. 54.39 of the City of Orlando's Muni Code. Proposed sidewalks must be constructed along the entire length of the property and shall be located against the public right-of-way.
12. A City Service Agreement is required by the Owner if portion of sidewalk is within private property. The easement would protect the Owner from maintaining the sidewalk and from other potential issues. Otherwise, the Owner would be responsible to maintain and be liable for potential litigation if someone is injured on a failing sidewalk that is in disrepair.
13. Clarify whether the sidewalk will be paver. Please note that if pavers are to be constructed beyond the property line and out into the City's Right of Way the owner is required submit a

signed and recorded a Right-of-Way Pavers Agreement. Sidewalk portion of driveway must still be composed of 3,000 psi concrete. Refer to the Right of Way Pavers Agreement under Engineering Permit Forms <https://www.orlando.gov/Building-Development/Permits-Inspections/Get-a-Permit/Forms-Documents>

14. Submit a detailed, scalable, fully dimensioned site plan of the location. The site plan should include but not be limited to the site legal description, the building, streets, sidewalks and property lines, and the location of the proposed work. Site plans should clarify what is existing and what proposed.

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

2. VAR2024-10025 18 N. MILLS AVE.

Applicant/Owner: Scott Dunkle, 22 N. Mills Ave., Orlando, FL 32801

Location: 18 N. Mills Ave. (± 0.1 acres)

District: 4

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

Requested variances:

- A. Variance to allow a 453 sq. ft. ADU on a nonconforming R-2A/T/HP/AN lot;
- B. Variance of 255 sq. ft. (17%) to allow a rear yard accessory structure coverage of 52%, where the maximum allowed rear yard accessory coverage is limited to 526 sq. ft. (35%); and
- C. Variance of 3 ft. to allow a wall-to-wall separation of 7 ft. between the house and the garage/ADU, where a minimum 10 ft. separation is required.

Recommended action:

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

1. 2nd story ADU cannot be sold off or condo'ed to be owned fee simple.

Historic Preservation conditions from HPB2024-10125

2. All changes to the previously approved submittal must be reviewed and approved by HPB Minor Review Committee prior to permitting. Major modifications may require additional HPB approvals.
3. HPB approval does not grant permission to commence construction activity. All necessary permits must be obtained prior to commencement of construction activity.
4. HPB Construction Observation. Prior to the commencement of vertical construction the general contractor, developer and architect must schedule a coordination meeting with HPB Staff to review the HPB conditions of approval and the HPB review process for any proposed changes that may occur during construction. The general contractor must schedule periodic meetings with the HPB staff as needed to update staff on the project progress and potential issues complying with the HPB conditions of approval.
5. All windows shall have dimensional exterior and interior muntins to simulate historic wood, double hung, divided light windows.
6. Windows shall be inset to be similar to historic wood windows in the district and be consistent on both first and second floors.
7. Window and door trim details shall be similar between the house and garage.
8. All window and door specifications shall be submitted to staff for minor review. Vinyl windows are typically not appropriate for use in the historic districts where visible to the street.

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

3. VAR2024-10026 722 SPRINGDALE RD.

Applicant/Owner: Dave Shawgo, 722 Springdale Rd., Orlando, FL 32804

Location: 722 Springdale Rd. (± 0.2 acres)

District: 3

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

Requested variances:

- A. Variance to allow a new roofed addition that does not meet breezeway regulations (Sec. 58.901);
- B. Variance to allow a reduced side setback of 6.5 ft., where 7.5 ft. is required for said structure; and
- C. Variance of 16.2 ft. to allow a reduced rear yard setback for the 2-story accessory structure as now it needs a 25 ft. rear yard setback requirement for a principal structure.

Recommended action:

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

Note: one e-mail of opposition was received for this case.

Land Development

1. No part of the new roofed structure may encroach closer than ±6.5 ft. on the side of the property.

Development Review

2. Must meet the House sharing rules for one unit.

Public Works

The following will need to be addressed and met during the Building (BLD)/Engineering (ENG) permit review process:

3. Per Section 7.01.A.4, roof drainage must be collected and conveyed to gutters on lots for which the side yard setback is less than 10'. Site plan must show where the roof downspouts are located. These downspouts should direct the water away from the building and adjacent lots. Please mark arrows for the downspouts direction. Please add a note on the Plot Plan with the following statement "Gutters and downspouts will be added to the building structure. Downspouts shall be directed away from adjacent properties and towards the road/alley.
4. Please provide some form of Low Impact Development (LID) for this site (i.e. bioretention facilities, rain barrels, storage swales, or other approved method). Demonstrate that the stormwater runoff from the impervious area shall be captured through the LID prior to discharge onto the Public ROW or continuing its natural flow pattern. LID should capture 1.25" x the impervious surface area if located within the SJRWMD or 50% of 2.5" x the impervious surface area if located within the SFWMD.
5. Please provide a topographic survey up to 25 feet from the boundary of the property per the City of Orlando Engineering Standards Manual (ESM) Section 7.01. The topographic survey must be signed and sealed by a surveyor and include the survey datum (NAVD 88) and official benchmarks.
6. Please submit a detailed, scalable, fully dimensioned site plan of the location. The site plan should include but not be limited to the site legal description, the building, streets, sidewalks, setbacks and property lines, and the location of the proposed work. Site plan should clarify what is existing and what is proposed. Additional comments are possible upon submittal of the site plan.

7. The existing drainage pattern should not be excessively modified by new constructions. The proposed elevations should not adversely impact adjacent properties with future increment of run-off as well.
8. Please be advised addition comments may apply during the submittal of the BLD/ENG.
For additional conditions on this case, please see the end of these minutes.

4. VAR2024-10028 2508 NORFOLK RD.

Applicant/Owner: Andrew Katzman, 2508 Norfolk Rd., Orlando, FL 32804

Location: 2508 Norfolk Rd. (± 0.8 acres)

District: 3

Project Planner: Sean Elordi (407.246.4257, sean.elordi@orlando.gov)

Requested variance:

- Design Variance to allow a garage to be located in front of the principal structure, in the Traditional City overlay.

Recommended action:

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

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

5. VAR2024-10029 1701 GARVIN ST.

Applicant: Brittany Huff, Dulando Screen & Awning, Inc., 835 Sunshine Ln., Altamonte Springs, FL 32714

Owner: Sean Efird, 1701 Garvin St., Orlando, FL 32803

Location: 1701 Garvin St. (± 0.1 acres)

District: 4

Project Planner: Sean Elordi (407.246.4257, sean.elordi@orlando.gov)

Requested variance:

- Variance of ±9.9 ft. to allow an enclosed front porch to be ±15.1 ft. from the front yard property line, where 25 ft. is the minimum required.

Recommended action:

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

1. The proposed Screen Room shall never be heated/cooled, nor shall the porch shall ever be enclosed in glass/window or other material to allow Air Conditioning or Heating.

2. The screen must be kept in a clean and maintained condition, never allowing the screen to become unclean and/or opaque over time.

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

6. VAR2024-10030 625 TAM O'SHANTER DR.

Applicant/Owner: Vito Badalamenti, 625 Tam O'Shanter Dr., Orlando, FL 32803

Location: 625 Tam O'Shanter Dr. (± 0.2 acres)

District: 4

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

Requested variance:

- Variance to allow the one required parking space to encroach ±10 ft. into the 25 ft. front yard setback.

Recommended action:

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

Land Development

1. The parking space must meet the 9 ft. (width) x 18.5 ft. (depth) requirement and must be located in the existing driveway only.

Public Works

The following will need to be addressed and met during the Engineering (ENG) permit review process:

2. Provide a topographic survey up to 25 feet from the boundary of the property per the City of Orlando Engineering Standards Manual (ESM) Section 7.01. The topographic survey must be signed and sealed by a surveyor and include the survey datum (NAVD 88) and official benchmarks.
3. The existing drainage pattern shall not be modified by new constructions. The proposed elevations should not adversely impact adjacent properties with future increment of run-off as well.
4. Provide a grading plan that is signed and sealed by a Professional Engineer or Registered Architect, which demonstrates that the proposed grading is not directed toward adjacent properties. Please demonstrate the runoff will be directed toward the street.
5. A swale or some form of stormwater management system may be required depending upon the elevations from the topographic survey and the proposed elevations provided.
6. Please provide a minimum setback of 2 ft from impervious surface to adjacent property lines.
7. Depending on the information submitted during the ENG review, the reviewer or the City Engineer may have additional requirements.
8. Submit a detailed, scalable, fully dimensioned site plan of the location. The site plan should include but not be limited to the site legal description, the building, streets, sidewalks and property lines, and the location of the pro-posed work. Site plans should clarify what is existing and what proposed. For questions regarding Engineering Site issues contact Owen Blakely at owen.blakely@cityoforlando.net

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

Board member MacPhee moved APPROVAL of the CONSENT AGENDA. Board member Small SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).

REGULAR AGENDA

7. VAR2024-10027 2748 FRIGATE DR.

Applicant/Owner: Steven Berens & Constance Carlise, 2748 Frigate Dr., Orlando, FL 32812

Location: 2748 Frigate Dr. (± 0.2 acres)

District: 2

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

Requested variance:

- Variance of 5 ft. to allow an accessory structure/ pergola to be located 0 ft. from the side property line, where 5 ft. is required in the PD/AN zoning district.

Recommended action:

Denial of the variance request.

Note: six e-mails of support were received for this case.

Manny Ospina, Planner III, provided an overview of the variance request using PowerPoint. He noted that Code Enforcement was involved due to work without permits on the pergola. The Mariners Village Planned Development stated that no variances were allowed for side yard setback reductions, as the side yard setback requirement had already been reduced from the regular R-1 standards upon the PD's establishment. Mr. Ospina also mentioned the drainage easement on the rear of the property, and some issues with the pipe underneath, and problems with runoff going onto a neighbor's property. The PD specifically prohibited construction within the easement. Staff recommended denial of the variance, since the hardship was self-created.

Note: Board member Slavens arrived at 2:21 pm.

After some Board discussion about the potential rear yard setback issue, Assistant City Attorney Fallon pointed out that the only variance up for debate was the side yard setback. However, the rear setback would not be in compliance, even if the variance were to be granted for the side yard setback. Mr. Ospina noted that staff could issue a Modification of Standards for the rear yard setback if necessary. He also pointed out that the pavers already in the drainage easement had been permitted back in 2005.

Steven Berens, 2748 Frigate Dr., Orlando, FL 32812, spoke as the applicant in support of the request. He provided a timeline of the improvements he had made since buying the property. He admitted that the work he did this year did not have a permit, but disputed staff's assertions about problems with runoff, and said the structure had not impacted his neighbors in anyway.

Board discussion ensued. Several board members expressed a clear desire for denial, since the PD was clear that no variances could be granted for side yard setback reductions.

Board member MacPhee moved DENIAL of the variance. Board member Hollinger SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).

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

- No items.

ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson Hendren adjourned the meeting at 2:37 pm.

STAFF PRESENT

Tim McClendon, City Planning
Karl Wielecki, City Planning
Manny Ospina, City Planning
Jim Burnett, City Planning
Michele Gibbs, City Planning
Sean Elordi, City Planning
Nicole Palacios, City Planning
Jacob Ballard, City Planning

Deidre Oge, City Planning
Doug Metzger, City Planning
Shannan Stegman, City Planning
Kim Maysonet-King, Economic Development
Yesenia Martinez, Economic Development
Owen Blakely, Public Works
Stacy Fallon, City Attorney's Office



Mark Cechman
Executive Secretary



Ed Petersen
Recording Secretary