



### MINUTES – JULY 23, 2024

#### 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

Carol Hendren [9/0]

(Chairperson)

Marc Ispass [8/1]

(Vice Chairperson)

Hannah Hollinger [5/1]\*

Andrew MacPhee [8/1]

Cooper Reece [8/1]

Robert Slavens [8/1]

Jay Small [8/1]

Shawn Straight [1/0]

\*NOTE: Board member Hollinger  
was present via Zoom.

##### Members Absent

Steve Simpson [7/2]

#### OPENING SESSION

- Chairperson Hendren called the meeting to order at 2:00 pm, after determination of a Quorum.
- Consideration of Minutes for Meeting of May 28, 2024.
  - **Board member Reece MOVED to waive the reading of the Board of Zoning Adjustment meeting minutes of May 28, 2024, and to approve as written. Vice Chairperson Ispass 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, noted the lack of a Consent Agenda.

#### CONSENT AGENDA

- No items.

## REGULAR AGENDA

### 1. VAR2024-10003 2226 PASEO AVE.

Applicant: Stasia Brewer, Guy Wingo Signs Inc., 2682 Pemberton Dr., Apopka, FL 32703

Owner: HHS Paseo LLC, 2226 Paseo Ave., Orlando, FL 32805

Location: 2226 Paseo Ave. (± 2.1 acres)

District: 4

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

Requested variances:

- A. Variance of 19 ft. to allow a 49 ft. tall pole sign with a digital/electronic message center, where pole signs are limited to 30 ft. in height; and
- B. Variance of 140 sq. ft. to allow 240 sq. ft. of sign area on the pole sign, where limited to not more than 100 sq. ft. of sign area.

Recommended action:

*Denial of the variance requests.*

Jim Burnett, Planner III, provided an overview of the variances using PowerPoint. He described the history of the site, and listed the code requirements for signage for this property. He noted that the City generally preferred building signs instead of pole signs. He pointed out that the City's permitting records did not show all the changes to the sign through the years, and that an increase in copy area may have been done without permits. Related to the changes in Interstate 4 height, he briefly explained the grievance process that the Florida Department of Transportation (FDOT) offered to business owners whose signage visibility was impacted, and noted that the applicant had not gone through that process. Finally, he clarified that the applicant had reduced their original requests, but staff could still not support even these smaller variances, since they did not meet all six criteria. Board members asked about the difference between billboard and sign code, and more details about the FDOT process. Mr. Burnett provided responses and noted that there was no I-4 exit to access Michigan St.

Jo Thacker, 390 N. Orange Ave., Ste. 1400, Orlando, FL 32801, spoke on behalf of the applicant in support of the requests. She explained the history of the original "Boat Tree" sign, and how the signage changed through different owners. Before the interstate was raised, drivers had a full view of the boat inventory from the highway, in addition to seeing the changeable copy area of the sign. She disagreed with staff on the unmet variance criteria, and also said there was no requirement to go through the FDOT process first. The letter size of the proposed sign was based on travel speed along the highway. She also pointed out that the sign was more of a reminder that the business exists, rather than an enticement to go there right as a potential client was seeing the sign.

Board discussion ensued at length. Topics included setting a precedent if the variances were to be approved, and if precedent had in fact already been set by past BZA actions on similar signage cases along I-4. Concerns were also raised about the graphical element of the sign, but the Board was reminded that only the height and size of the sign were under consideration, not the content. Some members expressed support insofar as approval of the height increase, but no more sign area than the

business currently had, especially since there was evidence of work done to increase the sign area without permits.

Board member MacPhee moved approval of Variance A, subject to the conditions in the staff report, and denial of Variance B. Board member Reece seconded the motion. The motion failed by a 4-4 vote (members Hendren, MacPhee, Reece, and Straight were in support, other members opposed). Assistant City Attorney Fallon pointed out that a tie vote was effectively a denial of both variances. Further discussion ensued to reach a more definitive solution.

Board member MacPhee moved approval of Variance A only, subject to the conditions in the staff report. Board member Straight seconded the motion. After further discussion of parliamentary procedure, and the intrinsically linked nature of the two parts of the request, Board member MacPhee withdrew this motion, and no vote was held.

Chairperson Hendren reopened the public portion of the hearing. Ms. Thacker stated that it would be problematic to reduce the signage to code-required limitations, and that she would prefer to defer the case to August, to take this information back to her client for further discussion and clarification of options.

Board member Small moved to defer the case one month to the August 27, 2024 BZA hearing. Vice Chairperson Ispass seconded the motion. The motion failed by a 3-5 vote (members Ispass, Reece, and Small were in support, other members opposed). Some of the members in opposition noted that they did not need additional information in this situation, as they were ready to take definitive action today and not wait another month.

**Board member Slavens moved APPROVAL of Variance A, subject to the following conditions, and DENIAL of Variance B.**

- The proposed electronic/digital sign would need to function per the standards of LDC Section 64.251.
- Board member MacPhee SECONDED the MOTION, which was VOTED upon and PASSED by a 7-1 voice vote (Board member Small opposed).**

## **OLD/NEW BUSINESS & ANNOUNCEMENTS**

- Recording Secretary Ed Petersen explained to the Board about the withdrawal of case VAR2024-10010 (741 N. Mills Ave.).
- Mr. Petersen also reminded the Board that elections for Chair and Vice Chair positions would be taking place at the end of the August 2024 meeting.

## **ADJOURNMENT**

- Having no other matters to bring before the Board, Chairperson Hendren adjourned the meeting at 3:30 pm.

## STAFF PRESENT

Tim McClendon, City Planning  
Karl Wielecki, City Planning  
Manny Ospina, City Planning



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Mark Cechman  
Executive Secretary

Jim Burnett, City Planning  
Yesenia Martinez, Economic Development  
Stacy Fallon, City Attorney's Office



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Ed Petersen  
Recording Secretary





#1

## 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>Jo Thacker</u>	Telephone: <u>407 669 4230</u>	
Resident address: <u>390 N. Orange Ave Suite 1400</u>		
City: <u>Orlando</u>	ZIP code: <u>32801</u>	
Council/Board meeting date: <u>7-23-24</u>	Agenda date:	
Regarding: <u>Sign variance</u>		
As a <b>Proponent</b> <input checked="" type="checkbox"/>	As an <b>Opponent</b> <input type="checkbox"/>	For information <input type="checkbox"/>
Check one: <input type="checkbox"/> I will be speaking on my own behalf <input checked="" 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: <u>Applicant</u>		
Address: _____		Telephone: _____
Signature: <u>Jo Thacker</u>		Date: <u>7-23-24</u>