



### MINUTES – OCTOBER 27, 2020

#### MEETING INFORMATION

##### Virtual Meeting

Webinar link:

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

You can also call into the meeting by dialing any of the following numbers:

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

Heather Isaacs [1/0]  
(Chairperson)

Andrew MacPhee [1/0]  
(Vice Chairperson)

Jennifer Dzenis [1/0]

Carol Hendren [1/0]

Marc Ispass [1/0]

Jay Small [1/0]

##### Members Absent

Cooper Reece [0/1]

#### OPENING SESSION

- Chairperson Isaacs called the meeting to order at 2:00 pm, after determination of a Quorum.
- Consideration of Minutes for Meeting of September 22, 2020.
  - **Board member Small MOVED to waive the reading of the Board of Zoning Adjustment meeting minutes of September 22, 2020, and to approve as written. Board member Hendren SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote (6-0).**

#### PUBLIC COMMENTS

- Ten 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. **NOTE: this item is moved to the Regular Agenda.**  
**VAR2020-10043 1114 DORCHESTER ST.**

#### 2. VAR2020-10044 2600 E. ROBINSON ST.

Applicant: Gary Hoenig Sr., Signs & Wonders US, 1317 Edgewater Dr., Ste. 1008, Orlando, FL 32804

Owner: TD Property Group LLC, 2600 E. Robinson St., Orlando, FL 32803

Location: 2600 E. Robinson St. (± 0.31 acres)

District: 4

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

Requested variance:

- Design variance to allow no higher than a 6 ft. tall ground sign in the Traditional City (T) Overlay, where ground signs are not allowed when the building is less than 35 ft. from the front property line.

Recommended action:

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

1. No more than 192.2 sq. ft. of total signage is allowed for this property. Digital, wind-operated and pennant signs are prohibited. The proposed monument sign cannot exceed 6 ft. in height.
2. Appearance Review is required at time of permitting to ensure compliance with these conditions.
3. The base of the monument sign must be landscaped through the use of groundcovers, shrubs, annuals, or a combination thereof, consistent with existing landscaping located along the base of the office building. The landscape bed must be shown on the plans submitted with the building permit.
4. Sign cannot create any sight visibility issues for motorists exiting the site or from pedestrians crossing in front of the office use.

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

**Vice Chairperson MacPhee moved APPROVAL of the CONSENT AGENDA. Board member Small SECONDED the MOTION, which was VOTED upon and PASSED by a unanimous voice vote (6-0).**

## REGULAR AGENDA

### 1. VAR2020-10043 1114 DORCHESTER ST.

Applicant: Judith Armstrong, Brite Electric Air Conditioning & Heating, 2036 Sprint Blvd., Apopka, FL 32703

Owner: Charles & Carolyn Newman, 1114 Dorchester St., Orlando, FL 32804

Location: 1114 Dorchester St. (± 0.53 acres)

District: 3

Project Planner: TeNeika Neasman (407.246.4257, teneika.neasman@orlando.gov)

Requested variances:

- A. Variance request of 5 ft. to allow a proposed generator (mechanical equipment) to be located 5 ft. from the principal structure front façade, where 10 ft. is required; and

- B. Variance request of 1 ft. to allow said generator to be located 4 ft. from the side property line, where a 5 ft. side yard setback is required.

Recommended action:

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

TeNeika Neasman, Planner II, used PowerPoint to describe the requested variances, and gave a brief explanation of staff's reasoning behind the recommendation of approval.

Kay Redlich, 1122 Dorchester St., Orlando, FL 32803, spoke as the neighbor directly to the east. She thought the subject property was being overbuilt, and was initially concerned about the placement of the generator in question. However, after staff's presentation, she realized the generator was not on her side of the lot. Since no opposition had come from the most affected neighbor to the west, she did not oppose the variance.

**Chairperson Isaacs moved APPROVAL of the Variances, subject to the conditions in the staff report:**

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

**Board member Ispass SECONDED the MOTION, which was VOTED upon and PASSED by a unanimous voice vote (6-0).**

### **3. VAR2020-10042 2438 E. ROBINSON ST.**

Applicant: Heather Ramos, Gray-Robinson, PO Box 3068, Orlando, FL 32802

Owner: A & D Harris Properties LLC, 8901 Badger Ct., Orlando, FL 32829

Location: 2438 E. Robinson St. (± 0.32 acres)

District: 4

Project Planner: Katy Magruder (407.246.3355, kathleen.magruder@orlando.gov)

Requested variance:

- Variance request to revise the parking reduction variance from a previous case (VAR2016-00130).

Recommended action:

*Denial of the requested variance.*

Katy Magruder, Planner II, used PowerPoint to describe the requested variance, and explained staff's reasoning behind the recommendation of denial. She gave a thorough analysis which included the history of the site, listing the various alterations through the years, the previous variance, and Code Enforcement incidents. She also described how the current occupant is using the site simultaneously as both an eating and drinking establishment and a nightclub, uses which have different parking requirements. Furthermore, she pointed out that although on-street parking existed nearby, those spots could not be included in the required parking minimums, as they were available to patrons of all surrounding businesses. Board member Small noted that many of the details discussed weren't necessarily germane to the six standards of variances, which were the only things the Board should be focused on.

Heather Ramos, 301 E. Pine St., Ste. 1400, Orlando, FL 32801, spoke as the applicant, and legal counsel representing the owner, in support of the request. Using PowerPoint, she responded to the points made by staff, refuting several of them.

Matthew Harris, 2438 E. Robinson St., Orlando, FL 32803, spoke as the owner in support of the request. He explained that the fence in the rear had recently been damaged by a storm, and was in the process of being replaced in the same location when staff came to take pictures. He also expressed a desire for the City to allow the nearby Festival Park to count towards additional parking spaces for the Milk District businesses.

Kory Keith, Code Enforcement Division Manager, agreed with Planning staff to deny the variance request. He listed numerous Code Enforcement complaints and Orlando Police Department reports that had been filed in recent years against Iron Cow. Code Enforcement staff was also at that time working on developing a compliance schedule for a new set of violations on the site.

Zac Alfson, PO Box 536395, Orlando, FL, spoke as the chairperson of the Milk District. He emphasized the lack of parking in general for Milk District businesses, but that those businesses also try to encourage their patrons to use ride-sharing and biking as alternatives to bringing their own vehicles.

Angie Berio, spoke as the business owner next door to Iron Cow. She explained it was her business which originally had the parking agreement with Iron Cow, but after several towing incidents had occurred, she decided to withdraw the agreement.

Susan Buttery, 2413 E. South St., Orlando, FL 32803, spoke in support of the request. She identified herself as a former partner of Mr. Harris, and had helped open Iron Cow in 2016. She stated that the onus for increased parking requirements should be on the property owner, and not individual tenants.

Ms. Magruder responded to several of the claims made by the various speakers, listing parts of the code that had changed since 2016 relating to parking requirements. She also said staff was still open to a parking agreement being produced for the site, since the original agreement had lapsed. Ms. Ramos noted that Mr. Harris would be willing to reduce operating hours to limit the impact to the parking lots of other businesses. She also disputed whether one of the parking spaces was in the right of way, as defined by staff.

Board discussion ensued at length. Board members wanted to ensure that they were separating the matters of parking versus use considerations. They discussed how to determine the number of parking spaces, and whether Code Enforcement incidents should even been part of the deliberation.

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

**Vice Chairperson MacPhee moved DENIAL of the variance. Board member Small SECONDED the MOTION, which was VOTED upon and PASSED by a unanimous voice vote (6-0).**

#### **4. VAR2020-10045 3212 WESTCHESTER AVE.**

Applicant:	Madison Buckley, 2924 Westchester Ave., Orlando, FL 32803
Owner:	Martin & Ann Buckley, 3212 Westchester Ave., Orlando, FL 32803
Location:	3212 Westchester Ave. (± 0.28 acres)

District: 3

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

Requested variance:

- Variance of 4 ft. to allow a treehouse to stay in its existing location 11 ft. from rear property line, where 15 ft. is required in the R-1A/T zoning district.

Recommended action:

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

Manny Ospina, Planner I, used PowerPoint to describe the requested variance, and explained staff's reasoning behind the recommendation of approval with several conditions.

Marty Buckley, 2924 Westchester Ave., Orlando, FL 32803, spoke as the son of the owner in support of the request. He explained that the treehouse in question had been in place for 15 years, and the neighbor most opposed to it had only been living next door for two years. He also noted the sentimental reasons for wanting to keep the treehouse, and pledged to increase the plant screening.

Kevin Fritz, 851 Chichester St., Orlando, FL 32803, spoke as a nearby neighbor in support of the request. He had no problem with the treehouse as it was, since it couldn't be seen from the street.

James Dougherty, 708 E. Colonial Dr., Ste. 103, Orlando, FL 32803, spoke as a legal representative of the neighboring property owner in opposition to the request. He asked that the Board set aside any sentiment regarding the treehouse, and look only at the six variance standards. He said it definitely was a self-created hardship and would provide a special privilege, and Mr. Buckley only used it to look at his neighbors. Mr. Daugherty also confirmed that, so far, no law enforcement had been involved in this dispute, as his clients were not wanting to escalate the situation to that kind of punishment.

Brent Boyette, 837 Wilkinson St., Orlando, FL 32803, spoke as the immediate neighbor in opposition to the request. He stated his opposition was not against the character of Mr. Buckley, rather an invasion of his own family's privacy. He also claimed the tree on which the treehouse was built was not safe, as electrical wires were tangled up in the tree's branches. Finally, he said the treehouse was no longer being used by children, only by adults.

Board discussion ensued. Some members claimed more information was needed prior to approval, including a possible tree survey, and more photos from inside the Buckleys' backyard. Discussion leaned toward a one-month deferral to allow staff additional time to acquire this information.

**Chairperson Isaacs moved DEFERRAL of the variance to the November 24, 2020 BZA meeting. Board member Ispass SECONDED the MOTION, which was VOTED upon and PASSED by a 5-1 voice vote (Vice Chairperson MacPhee opposed).**

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(5), Florida Statutes, issuance of a development permit by a municipality does not in any way 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. In accordance with subsection 166.033(5), Florida Statutes, it is hereby made a condition of this permit 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**

- Recording Secretary Ed Petersen updated the Board on the status of VAR2020-10040, 2500 Elizabeth Ave., which had been appealed after the September 22, 2020 BZA hearing.
- Mr. Petersen informed the Board that the November 2020 BZA hearing would be held virtually. He also noted it would fall two days before Thanksgiving, and asked the Board members to let him know as soon as possible if they would be absent.

## **ADJOURNMENT**

- Having no other matters to bring before the Board, Chairperson Isaacs adjourned the meeting at 5:09 pm.

## STAFF PRESENT

Karl Wielecki, City Planning  
TeNeika Neasman, City Planning  
Katy Magruder, City Planning  
Manny Ospina, City Planning  
Jim Burnett, City Planning  
Elisabeth Dang, City Planning  
Richard Forbes, City Planning  
Heather Bonds, City Planning  
Terrence Miller, City Planning  
Chris DeLoatche, City Planning  
Megan Barrow, City Planning



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Mark Cechman  
Executive Secretary

Kory Keith, Code Enforcement  
Michelle Bach, Code Enforcement  
Keith Grayson, Permitting Services  
Sarah Taitt, City Attorney's Office  
Brooke Bonnett, Economic Development  
Sherry Gutch, Economic Development  
Kim King-Maysonet, Economic Development  
Lisa Rain, Economic Development  
Kyle Reynolds, Economic Development  
Carmen Oliveros, Economic Development



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Ed Petersen  
Recording Secretary