



MINUTES – SEPTEMBER 28, 2021

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

Andrew MacPhee [11/1]

(Chairperson)

Carol Hendren [12/0]

(Vice Chairperson)

Anie Delgado [7/1]

Heather Isaacs [10/2]

Cooper Reece [10/2]

Steve Simpson [9/1]

Jay Small [11/1]

Members Absent

Marc Ispass [10/2]

One current vacancy.

OPENING SESSION

- Chairperson MacPhee called the meeting to order at 2:00 pm, after determination of a Quorum.
- Consideration of Minutes for Meeting of August 24, 2021.
 - Board member Isaacs MOVED to waive the reading of the Board of Zoning Adjustment meeting minutes of August 24, 2021, 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

- 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. VAR2021-10033 1608 HACKNEY AVE.

Applicant/Owner: Justin Drahl, 1608 Hackney Ave.,
Orlando, FL 32806

Location: 1608 Hackney Ave. (± 0.25 acres)

District: 4

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

Requested variances:

- A. Variance of 1.3 ft. to allow a reduced side yard setback of 6.2 ft., where 7.5 ft. is required in the R-1A/T zoning district, for a carport enclosure conversion to garage; and
- B. Design Variance to allow a projecting garage in the Traditional City overlay district for said conversion.

Recommended action:

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

1. The garage shall be constructed with materials similar to that of the principal façade.
2. The north side setback shall be no less than 6.2 ft. from the side property line.
3. The carport enclosure design must be consistent with the architectural style of the principal structure as determined by the Appearance Review Officer in accordance with generally accepted architectural standards.
4. An approval letter from the homeowner association for the proposed 0 ft. setback must be provide at time of permitting.

Urban Design

5. All architectural details of the addition must match the existing structure. These details include materials, trim, columns, paint, and roofline.
6. The garage door may be a double garage door provided the top ¼ panel is transparent and the double door must include a level of detail that compliments the architectural style of the principal structure.

Permitting

7. A gutter will be required at time of building permit review.

Transportation

8. Except as where noted in this staff report, all aspects of the site plan are required to conform to all applicable mini-mum standards set forth in the editions of the City Code and the City Engineering Standards Manual that are in force at the time of any construction of this project.
9. Support of this submittal by the Transportation Dept. does not constitute final engineering approval of this concept for development. Materials and designs for transportation related elements of the project must meet or exceed standards in the versions of the City Code and Engineering Standards Manual in effect at the time of submittal to Permitting Services.

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

2. **VAR2021-10035 115 N. HYER AVE.**

Applicant:	Tony Maihan, Maihan Construction Services, LLC, 1611 Indian Dance Ct., Maitland, FL 32751
Owner:	John Michael Manson, 115 N. Hyer Ave., Orlando, FL 32801
Location:	115 N. Hyer Ave. (± 0.12 acres)
District:	4
Project Planner:	TeNeika Neasman (407.246.4257, teneika.neasman@orlando.gov)

Requested variance:

- Variance of 2.5 ft. to allow a 2.5 ft. setback for an in-line addition, where 5 ft. is required in the R-2B zoning district.

Recommended action:

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

1. All conditions of approval for HPB2021-10154 must be addressed before applying for building permits, as follows:
 - a. The new deck shall meet the required 5ft side yard setback, per Sec. 58.970.
 - b. New roof material shall match existing roof material.
 - c. New single window on the south façade shall have similar design, inset, trim and exterior mullions to match existing windows on the south façade.
 - d. All new siding shall be painted wood siding to match the existing wood siding.

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

3. VAR2021-10036 2810 HARRISON AVE.

Applicant/Owner: Wesley Chad Gillyard, 2810 Harrison Ave., Orlando, FL 32804

Location: 2810 Harrison Ave. (± 0.16 acres)

District: 3

Project Planner: Rosemary Culhane (407.246.3422, rosemary.culhane@orlando.gov)

Requested variance:

- Variance of 12% to allow a front yard impervious surface ratio of 52%, where a maximum 40% is allowed.

Recommended action:

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

1. Driveway and paver area cannot be located closer to the property line and must be maintained as shown on plans submitted for this request and as conditioned on this report.

Urban Design

2. A street tree must be installed. Street tree must be a canopy tree.
3. The current hedges must remain along the front and side yard setbacks.
4. The front yard must be landscaped with shrubs and groundcovers, or a combination thereof; all mulch is not permitted.

Development Review

5. As a condition of approval, a street tree will be required. The mulched area in the front yard will need a plant material.

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

4. VAR2021-10038 13185 SALK WAY

Applicant: Alexander Montoya, Gruit Pool Contractors, 4855 Distribution Ct., Orlando, FL 32822

Owner: Jeffrey Fairchild, 13185 Salk Way, Orlando, FL 32827

Location: 13185 Salk Way (± 0.16 acres)

District: 1

Project Planner: Rosemary Culhane (407.246.3422, rosemary.culhane@orlando.gov)

Requested variance:

- Variance of 9 ft. to allow a 15 ft. street side setback for a proposed pool, where a 24 ft. street side setback is required.

Recommended action:

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

1. New pool cannot be located closer to the property line and must be developed as shown on plans submitted for this request and as conditioned on this report.

Urban Design

2. Fence. Should a new fence be installed, the standards must be in accordance with LDC2016-00398. Fences from 3 to 6 feet in height must be installed with a minimum 3-foot setback from the street side property line. Fences must be metal (chain link not accepted), wood open picket parallel fence, or open metal picket. Privacy fences are not permitted.
3. Mechanical Equipment. The mechanical equipment location must be in accordance with LDC2011-00238. No equipment is permitted between the building and the street. The equipment shall only be located on the interior side of the property, and screened with a vegetative buffer of sufficient height and density to hide views of the equipment from the street.
 - a. A/C condensers must not be located less than five (5) feet from a side lot line, unless the system is rated at least 15 SEER and 12.5 EER, then it may be located no closer than 2 (two) feet from the side property line with no two units located side by side on adjacent lots.
 - b. The pool equipment can be placed 1 (one) foot from the side property line if dual or variable-speed pump, and not part of a spa system, otherwise it should be placed 5 (five) feet from the side property line.

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

5. VAR2021-10040 405 S. HYER AVE.

Applicant/Owner: Nicholas Comis, 405 S. Hyer Ave., Orlando, FL 32801

Location: 405 S. Hyer Ave. (± 0.08 acres)

District: 1

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

Requested variances:

- A. Variance of 20 ft. to allow a 5 ft. rear yard setback for a home addition and garage structure, where 25 ft. is required;
- B. Variance of 1 ft. to allow 4ft. between structures, where 5 ft. is required; and
- C. Variance of 5 ft. to allow the garage to be even with the façade of the house, where it is required to be set back 5 ft. on nonconforming lots.

Recommended action:

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

1. Proposed addition cannot be located closer to the property lines and must be developed as shown in plans submitted for this request and as condition on this report.
2. Front yard canopy tree cannot be removed or negatively affected by the proposed improvements. Care must be taken in order to preserve the tree.

Urban Design

3. The addition 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.
4. To meet the Traditional City design standards, a minimum of 15% of transparent materials must be provided on the western facade, facing S. Hyer Ave. Currently, the western elevation is providing about 38 sq. ft. of glass (10.6%), where a minimum of 54.6 sq. ft. of glass is required.
5. The porches can encroach up to 8 feet into the front yard setback, provided that the minimum porch depth is 6 (six) feet and that the porch is unscreened and open on 3 sides.
6. The design of both porches must cohesive, matching in style and proportions.
 - a. The eaves of the porch covering the new French door must be adjusted to match the principal porch eaves.
 - b. If the front door cannot be positioned in a relatively centralized location, the principal porch must be expanded, to accommodate the front door between the porch columns.
7. If a substantial improvement or enlargement is triggered as part of this project, the applicant will be required to provide a landscape plan that shows compliance with Sec. 60.223 of City Code as well as any platting requirements.
8. If the aforementioned substantial improvement/enlargement is triggered then a minimum of 2 (two) 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 2 (two) trees must be located on the subject property.
9. Mechanical equipment location must be included in the site plan. The mechanical equipment may not be closer than 15 ft. from the rear lot line or 5 ft. from the side line unless the mechanical equipment is 15 SEER or greater. If 15 SEER or greater, it may be placed 5 ft. from the rear lot line and 1 ft. from the side lot line. All mechanical equipment must be screened from view at ground level as viewed from any public or private right-of-way, common areas, lakes and abutting property. Screening can be achieved with opaque fencing, screenwalls, and/or shrubs and other vegetation, maintained at a minimum one (1) foot distance from the mechanical equipment.

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

6. VAR2021-10041 1421 E. AMELIA ST.

Applicant/Owner: Michael Palvisak, 1421 E. Amelia St., Orlando, FL 32803

Location: 1421 E. Amelia St. (± 0.16 acres)

District: 4

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

Requested variances:

- A. Variance of 3 ft. to allow a detached pergola to be 2 ft. from the west side lot line, where a minimum 5 ft. side setback is required; and
- B. Variance of ± 4 ft. to allow said pergola to be ± 1 ft. from the principal structure, where a minimum 5 ft. building separation is required.

Recommended action:

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

1. Pergola must always have an open lattice-style roof that allows rainwater to pass through (no solid roof).
2. Western 2-ft. of driveway from front lot line to where the pergola is proposed must be removed (needs to be shown on the building permit).
3. The proposed pergola will require another Certificate of Appropriateness issued by the Historic Preservation Board (contact Heather Bonds, Historic Preservation Official, at heather.bonds@orlando.gov).
4. Appearance Review is required at time of permitting to ensure compliance with the (above) conditions.

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

Board member Reece moved APPROVAL of the CONSENT AGENDA. Board member Isaacs 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(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 Petersen reminded the Board that, due to the timing of holidays, the meetings in November and December were both moved up one week to fall on the third Tuesday of the month.

ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson MacPhee adjourned the meeting at 2:12 pm.

STAFF PRESENT

Karl Wielecki, City Planning
Jason Burton, City Planning
TeNeika Neasman, City Planning
Jim Burnett, City Planning
Rosemary Culhane, City Planning
Manny Ospina, City Planning
Fernanda Paronetto, City Planning

Richard Forbes, City Planning
Chris DeLoatche, City Planning
Yolanda Ortiz, City Planning
Johnny Berry, City Planning
Keith Grayson, Permitting Services
Sarah Taitt, City Attorney's Office



Mark Cechman
Executive Secretary



Ed Petersen
Recording Secretary