



### MINUTES – JUNE 28, 2022

MEETING INFORMATION
<p><b><u>Location</u></b></p> <p>City Council Chambers Orlando City Hall, 2<sup>nd</sup> Floor One City Commons 400 South Orange Avenue</p> <p>Virtually via Zoom: <a href="https://us02web.zoom.us/j/85198088494">https://us02web.zoom.us/j/85198088494</a></p> <p>Or by phone: 312.626.6799 929.205.6099 253.215.8782 301.715.8592 346.248.7799 or 669.900.6833</p> <p>Webinar ID: 851 9808 8494</p> <p><b><u>Time</u></b></p> <p>2:00 p.m.</p> <p><b><u>Members Present</u></b> Andrew MacPhee [8/1] <i>(Chairperson)</i> Carol Hendren [8/1] <i>(Vice Chairperson)</i> Marc Ispass [9/0] Cooper Reece [7/2] Steve Simpson [8/1] Jay Small [8/1] Tyler Winik [8/0]</p> <p><b><u>Members Absent</u></b> Anie Delgado [8/1] Heather Isaacs [6/3]</p>

### OPENING SESSION

- Chairperson MacPhee called the meeting to order at 2:00 pm, after determination of a Quorum.
- Consideration of Minutes for Meeting of May 24, 2022.
  - **Board member Winik MOVED to waive the reading of the Board of Zoning Adjustment meeting minutes of May 24, 2022, and to approve as written. Board member 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. VAR2022-10021      705 ESSEX PL.

Applicant/Owner:      Sean McEntee, 705 Essex Pl., Orlando, FL 32803

Location:                      705 Essex Pl. (± 0.18 acres)

District:                              4

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

## Requested variances:

- A. Variance of 1.9 ft. to allow a side yard setback of 5.6 ft. from the side property line, where 7.5 ft. is required;
- B. Variance of 0.8 ft. to allow a street side yard setback of 14.2 ft., where 15 ft. is required;
- C. Variance of 1 ft. to allow a driveway to be  $\pm 21$  ft. through the front yard setback, where 20 ft. is the maximum allowed; and
- D. Variance of 3.6 ft. to allow a setback of 1.4 ft. for the required parking space, where a 5 ft. setback is required from the principal façade on non-conforming lots (Sec. 58.1153 (c)).

## Recommended action:

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

1. 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.
2. When 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.
3. If the aforementioned substantial improvement/enlargement is triggered, then a minimum of 3 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 3 trees must be located on the subject property.
4. If the AC unit needs to be improved as part of the home addition, the unit must be relocated to the interior or rear yard as no mechanical equipment is allowed facing the street.

Urban Design

5. 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.
6. The proposed improvements are a substantial enlargement; you must provide a landscape plan that shows compliance with Sec. 60.223 of City Code. Add landscaping as needed to comply with code.

Transportation

7. An updated site plan/survey showing the existing site conditions and driveway must be provided. The apron must be included.
8. The driveway must be narrowed at the property line (back of sidewalk) to match the width of the apron at the sidewalk.

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

## 2. **VAR2022-10024 4206 EASTGATE DR.**

Applicant: Greg Baumann, BLD Group, 1500 Cordova Rd., Ste. 300, Fort Lauderdale, FL 33316

Owner: Millenia Multi Family LLC, 1500 Cordova Rd., Ste. 300, Fort Lauderdale, FL 33316

Location: 4206 Eastgate Dr. ( $\pm$  6.8 acres)

District: 4

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

Requested variance:

- Variance of ±19 sq. ft. per tenant space to allow a maximum 38 sq. ft. of signage per tenant space (total of 152 sq. ft.), where the maximum sign area is limited to 48 sq. ft. in the O-2 zoning district.

Recommended action:

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

1. Appearance Review is required at time of permitting to ensure compliance with conditions in this staff report.
2. Signage is limited to awning, canopy, marquee, projecting, wall and window. Foldable signs are also allowed but must not block or hinder pedestrian movements in the plaza area in front of the tenant spaces. Ground and pole signs, digital signs and wind-operated banners, pennants and streamers are prohibited. All signs must be permitted prior to fabrication and erection.
3. Previous conditions of approval of DET2021-10222 and CUP2021-10018 still apply relative to the allowed personal service uses under O-2 zoning.

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

**3. VAR2022-10025 1511 ROCK LAKE DR.**

Applicant/Owner: Steven Carlson, 1511 Rock Lake Dr., Orlando, FL 32805

Location: 1511 Rock Lake Dr. (± 0.22 acres)

District: 5

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

Requested variance:

- Variance request to allow an accessory dwelling unit (ADU) on a substandard lot.

Recommended action:

*Withdrawn by request of the applicant.*

**4. VAR2022-10028 430 SUNRISE CT.**

Applicant: Isabel Sarmiento, 930 S. Mills Ave., Orlando, FL 32806

Owner: James Gerace, 1400 Oak Knoll Dr., Cincinnati, OH 45224

Location: 430 Sunrise Ct. (± 0.19 acres)

District: 4

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

Requested variance:

- Variance of 10 ft. to allow a 15 ft. rear yard setback, where a 25 ft. rear yard setback is required.

Recommended action:

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

1. 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. Elevation and details must be provided at time of permitting.
2. Proposed addition is deemed a substantial enlargement of the home, the applicant will be required to provide a landscape plan that shows compliance with Sec. 60.223 of City Code.
3. With the aforementioned substantial improvement/enlargement, a minimum of 3 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 3 trees must be located on the subject property.

Urban Design

4. The proposed addition is a substantial enlargement. The entire property must be brought up to code for landscaping. A landscape plan showing compliance with Sec. 60.223 must be provided at the time of permitting.
5. Addition must match the existing home and be made of the same materials as that of the existing home.

Transportation

6. Since the proposed scope of work is classified substantial enlargement all site conditions must be brought up to current code compliance including but not limited to: driveway, sidewalk, apron, curb and/or gutter, etc.

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

**5. VAR2022-10029 1820 HARRISON AVE.**

Applicant/Owner: Nathan Labar, 1820 Harrison Ave., Orlando, FL 32804

Location: 1820 Harrison Ave. (± 0.17 acres)

District: 3

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

Requested variances:

- A. Variance of 21 ft. (in certain locations along the rear yard) for a vertical addition to be no closer than 4 ft. from the rear/west lot line, where a minimum 25 ft. rear setback is required; and
- B. Variance of less than 1 ft. to allow a front addition to be 24.3 ft. from the front lot line, where a minimum 25 ft. front setback is required in the R-1/T/W/RP zoning district.

Recommended action:

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

1. Appearance Review is required at time of permitting to ensure compliance with conditions in this staff report.

2. The home additions must be consistent with the residential architecture of the existing home. Details including material, trim, color and finish must be the same across both existing and new sections of the home.
3. The new front porch 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.
4. 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 City Code Sec. 60.223 (as well as any potential replatting requirements).
5. Also, if the aforementioned substantial improvement/enlargement is triggered, then a minimum of 3 (three) canopy trees must be located on the subject property in accordance with LDC Sec. 60.223. Existing trees to remain will count towards this requirement. The street tree (in the front R-O-W) does not count towards this requirement, as all trees must be located within the subject property.

Informational

6. Future rear pool and associated deck can be no closer than 5 ft. from the north side and rear lot lines.
7. If the intent is to roof over the existing rear patio/deck located on the southern rear portion of the house, the roof eaves can extend no more than 3 ft. into the established/reduced rear setback.
8. The variance to the rear yard setback and minor reduction in the front yard setback allows the proposed vertical improvements for the house only, not for other accessory structures (pools, patios, decks).

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

**6. VAR2022-10031 6275 HAZELTINE NATIONAL DR.**

Applicant: Zengkun "Quinn" Yang, MEI Partners, LLC, 1035 S. Semoran Blvd., Ste. 1029, Winter Park, FL 32792

Owner: Nice & Square LLC, 6275 Hazeltine National Dr., Orlando, FL 32822

Location: 6275 Hazeltine National Dr. (± 3.59 acres)

District: 1

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

Requested variance:

- Variance of 20 additional spaces for a 60-space parking lot, where the maximum parking limit is 40 spaces for a general office use in the I-P/AN zoning district.

Recommended action:

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

1. Appearance Review is required at time of permitting to ensure compliance with conditions in this staff report.
2. The parking lot perimeter must be landscaped in accordance with LDC Sec. 61.312.a to include at least one canopy tree for every 50 lineal feet or fraction thereof. Where site conditions render the use of canopy trees impractical, three understory trees or palms may be used in lieu of each canopy tree.

3. A copy of the landscape plan meeting the requirements of LDC Chapter 60 must be provided for the engineering permit (ENG2022-10844). The landscape plan must include a Minimum Required Landscape Score (MRLS) spreadsheet (available at <http://www.cityoforlando.net/city-planning/landscape-code/>) showing Code compliance.
  4. A sidewalk and crosswalk must be inserted to connect the new parking lot to the existing parking lot and office building.
  5. Parking stalls must be a minimum 9 ft. wide x 18.5 ft deep. For two-way traffic flow, the minimum aisle width must be 23 ft.
  6. Minimum non-parking lot sidewalk width must be 5 ft.
  7. Traffic control devices must be provided at applicable conflict points.
- For additional conditions on this case, please see the end of these minutes.*

**7. VAR2022-10032 431 N. SUMMERLIN AVE.**

Applicant/Owner: Kler Do-Miller, 431 N. Summerlin Ave., Orlando, FL 32801

Location: 431 N. Summerlin Ave. (± 0.16 acres)

District: 4

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

Requested variance:

- Variance of 5 ft. to allow a reduced building separation of 5 ft., where 10 ft. is required for a two-story (above 12 ft.) accessory structure from the principal building.

Recommended action:

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

1. Subject to HPB review and approval.
2. At Building Permit, Plans Reviewers will be looking for building materials with appropriate fire rating as there are two structures within 5 ft. where 10 ft. is required.

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

**8. VAR2022-10034 238 W. ILLIANA ST.**

Applicant: Edward Dowling Jr., 238 W. Illiana St., Orlando, FL 32806

Owner: Dowling/McWade Family Trust, 238 W. Illiana St., Orlando, FL 32806

Location: 238 W. Illiana St. (± 2.47 acres)

District: 4

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

Requested variance:

- Variance of 9.2 ft. on the rear (south) yard to allow a 15.8 ft. setback for an addition, where 25 ft. is required.

Recommended action:

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

1. 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.
2. 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.

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

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

## REGULAR AGENDA

### 9. VAR2022-10033 625 ALBA DR.

Applicant: Kyle Sheppard, 1700 Triangle Ave., Orlando, FL 32806

Owner: Robert & Diana Luna, 625 Alba Dr., Orlando, FL 32804

Location: 625 Alba Dr. (± 0.19 acres)

District: 4

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

Requested variance:

- Variance to allow an in-ground pool to be located in the street side/front yard of a corner lot, between the house and the street.

Recommended action:

*Denial of the requested variance.*

Manny Ospina, Planner I, used PowerPoint to describe the requested variance. He explained staff's recommendation of denial. He noted the existing house was built recessed back on the lot, making for a larger front and street side yard, but that the house was compliant with current codes. He also referenced LDC2021-10013, a Zoning Official interpretation regarding the placement of pools in areas in front of the principal façades of the primary structure, which stated that the more restrictive setback line would dictate the placement of accessory structures. Finally, he said staff didn't see any hardship for the variance, and that there were other code-compliant areas that the pool could fit.

In response to Board questions, Mr. Ospina explained that staff decisions have to be considered on a City-wide basis, and that this proposed pool would be a prominent feature on a major road. Regarding the applicant's hedges to screen the proposed pool, he said that didn't exempt them from the code requirements. He also noted that the property to the west shared driveway access with the subject lot, but he wasn't aware of a formal joint use agreement.

Kyle Sheppard, 1700 Triangle Ave., Orlando, FL 32806, spoke as the applicant in support of the request. He said the homeowners were looking for entertainment space for their large family and neighborhood friends. While he acknowledged the City's statement about how the pool could fit in the rear yard, he claimed that would not be large enough to work, as it couldn't even fit a porch. Executive Secretary Cechman asked about screening. Mr. Sheppard said he wouldn't use a pool cage in the proposed area, only hedges up to 5 ft. tall. He was saddened to learn that the porch didn't count towards the front façade, but did point out that they were in the process of building an addition to the southwest corner of the existing house, which would potentially change the setback calculations.

Board discussion ensued. Board member Winik proposed deferring the case one month to give the applicant additional time to work with City staff on revised plans. Since the applicant was in the process of adding to the footprint, there was the potential that a variance might not be needed, or a different request could be granted.

**Board member Winik moved DEFERRAL of the VARIANCE to the July 26, 2022 BZA hearing. Board member Simpson SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).**

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

- Recording Secretary Ed Petersen reminded Board members to turn in their financial disclosure forms to the State of Florida before the end of the month.

## ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson MacPhee adjourned the meeting at 2:50 pm.

## STAFF PRESENT

Karl Wielecki, City Planning  
Rosemary Culhane, City Planning  
Manny Ospina, City Planning  
Michele Gibbs, City Planning  
Jim Burnett, City Planning  
Chris DeLoatche, City Planning  
Fernanda Paronetto, City Planning  
Maxwell Spann, City Planning

Richard Forbes, City Planning  
Doug Metzger, City Planning  
Shayna Eaton, City Planning  
Yesenia Martinez, Economic Development  
Keith Grayson, Permitting Services  
John Groenendaal, Permitting Services  
Vince Gramaglia, Permitting Services  
Sarah Taitt, City Attorney's Office



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Mark Cechman  
Executive Secretary



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Ed Petersen  
Recording Secretary