



### MINUTES – NOVEMBER 15, 2022

#### 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

Andrew MacPhee [2/0]

(Chairperson)

Carol Hendren [2/0]

(Vice Chairperson)

Anie Delgado [2/0]

Marc Ispass [2/0]

Steve Simpson [2/0]

Jay Small [2/0]

Tyler Winik [2/0]

One vacancy.

##### Members Absent

Cooper Reece [1/1]

#### OPENING SESSION

- Chairperson MacPhee called the meeting to order at 2:00 pm, after determination of a Quorum.
- Consideration of Minutes for Meeting of October 25, 2022.
  - Board member Small MOVED to waive the reading of the Board of Zoning Adjustment meeting minutes of October 25, 2022, and to approve as written. Board member Simpson SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote (7-0).**

#### 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. VAR2022-10045 1054 N. BUMBY AVE.

Applicant/Owner: Letitia Pence, 1054 N. Bumby Ave.,  
Orlando, FL 32203

Location: 1054 N. Bumby Ave. (± 0.3 acres)

District: 4

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

Requested variances:

- A. Variance of 14 ft. to allow a garage and second-story accessory dwelling unit (ADU) in front of the primary structure, and
- B. Variance of 7 ft. to allow an 8 ft. rear (west) setback for said ADU, where 15 ft. is required.

Recommended action:

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

#### Land Development

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 all sections of the new addition.
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.

#### Urban Design

1. Architectural elevations will require Appearance Review at the time of permitting, to ensure all conditions are met. Additional comments may follow after reviewing the final elevations.
2. The accessory structure 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.
3. The northern facade (Vivada St) must be treated with real windows on both levels, as to meet the 15% of transparency on each level required within the Traditional City overlay.
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 Sec. 60.223 of City Code as well as any platting requirements.
5. If trees are being removed, a tree removal permit is required (issued through the Parks Division, at 407-246-2283 or via email at trees@orlando.gov) prior to any trees being removed from the project site.

#### Transportation

1. Sidewalk section across the new driveway must be replaced with 6 inches concrete (3000 PSI).
2. Apron must be constructed per Engineering Standard Manual ESM Sheet #2.

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

## **2. VAR2022-10048 3250 SHADER RD.**

Applicant:	Andrew Bustamante, The Haskell Company, 111 Riverside Ave., Jacksonville, FL 32202
Owner:	Cardinal System Holding Company LLC, 10117 Princess Palm Ave., Ste. 400, Tampa, FL 33610
Location:	3250 Shader Rd. (± 18.8 acres)
District:	3
Project Planner:	Manny Ospina (407.246.3235, manuel.ospina@orlando.gov)

Requested variances:

- A. Variance of 230 ft. to allow outdoor storage 70 ft. from a residentially zoned district, where a 300 ft. separation is required; and
- B. Variance to waive the solid wall or wood fence for outside storage requirement.

Recommended action:

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

Land Development

- 1. Impervious Surface—ISR cannot exceed 90% per the I-G/W zoning.

Urban Design

- 1. Any fencing along Shader Road and Eunice Ave must be replaced with a 6 to 8 ft decorative open picket metal fence.
- 2. Chain link may be permitted along Eastern and Southern property lines when not visible from the street. Newly installed chain link fence must be black vinyl coated.
- 3. Shader Road. A variety of a vertical hedge/landscape and ground plantings must be provided along the exterior portion of the proposed fence along Shader Road, to soften and screen the storage area.
  - i. Due to existing power lines, understory trees will be accepted in lieu of canopy trees. Drake Elms are preferred, planted every 30 feet.
  - ii. The landscaping in the area must create a visual enhancement This can be achieved via an alternating hedge of Viburnum, Podocarpus, Loropetalum and Schefflera. At installation, the hedge must be at least 36-inches (3 ft.) tall. Individual shrubs must be installed at a minimum spacing of 30-inches between plants along the entire length of the fence. The ground cover treatment should be akin to flax lily and liriopoe.
- 4. Eunice Ave. Ground cover, hedges and shrubs must be installed on the external side the fence, as to help soften and screen the existing parking spaces.
- 5. Stormwater Pond. To bring the superior design element to the site, the pond must act like a site amenity. This must be accomplished by:
  - i. Planting at least 15% of the length of the pond's edge in planting area, at least 2 feet in width above and below the mean water elevation, along at least 30% of the pond's edge.
  - ii. Provide at minimum a 6ft wide concrete/asphalt path around the retention pond.
  - iii. In the retention pond, one waterjet must be provided at minimum.
  - iv. The storm water ponds can act as a source for landscape irrigation water. This is encouraged.
- 6. There are mature trees on this site that are significant in size and beauty. Effective tree preservation must be integrated with the project design and land development process. Identify trees suitable for preservation. Only trees that have a strong potential for sustained long-term growth must be selected.
- 7. A tree encroachment or removal permit (requested and issued through the Parks Division) is required prior to any trees being removed from the overall project site. The Parks Division may be contacted via phone at 407-246-2283 or via email at trees@orlando.gov. The permit must be provided with the building permit documents.
- 8. A landscape plan must be provided with permits to illustrate the above conditions.

*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

### 3. VAR2022-10047 1614 TULANE ST.

Applicant/Owner: Jason Storey, 1614 Tulane St., Orlando, FL 32804

Location: 1614 Tulane St. (± 0.2 acres)

District: 3

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

Requested variance:

- Variance of ±3.5% to allow a maximum impervious surface ratio (ISR) of ±63.5%, where a maximum 60% ISR is allowed in the R-3A/W/RP zoning district.

Recommended action:  
*Denial of the requested variance.*

Jim Burnett, Planner III, briefly addressed the Board regarding the addendum to the staff report. He reminded the Board about the discussion from the October 25, 2022 meeting on this case, and said that since he sent Mr. Storey the updated report, he had not heard back. Mr. Storey was not present at the meeting. Mr. Burnett explained the pros and cons of artificial turf, and provided a summary of the new analysis from the addendum, some of which stemmed directly from Board member questions. Upon review of the sketch provided by staff, Chairperson MacPhee emphasized that the onus should not be on the staff to do calculations, and that a design professional should be turning in material to vet and review.

Since the applicant was not present, Board discussion ensued. Members agreed that the impervious surface ratio was still over the limit, and even if it could be reduced, there would still be too much artificial turf, and it would create a heat sink.

**Board member Winik moved DENIAL of the request. Board member Delgado SECONDED the MOTION, which was VOTED upon and PASSED by 6-1 voice vote (Board member Simpson 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(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 Petersen reminded the Board that the December BZA meeting would be taking place on the third Tuesday of the month instead of the fourth Tuesday, due to the timing of holidays.

## ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson MacPhee adjourned the meeting at 2:15 pm.

## STAFF PRESENT

Karl Wielecki, City Planning  
Jim Burnett, City Planning  
Manny Ospina, City Planning  
Chris DeLoatche, City Planning  
Richard Forbes, City Planning  
Maxwell Spann, City Planning

Fernanda Paronetto, City Planning  
Doug Metzger, City Planning  
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