MEETING INFORMATION

**Location**
City Council Chambers  
2nd Floor, City Hall  
One City Commons  
400 South Orange Avenue

**Time**
2:00 p.m.

**Members Present**
Griff Ariko, Vice Chairperson [4/6]  
Laura Hodges [5/6]  
Byron Lastrapes [5/6]  
Elena Pathak [5/6]  
Desiree Sanchez [3/6]  
Beth Tuura [1/1]  
Billy Wilson [4/6]

**Members Absent**
Avery Donaudy, Chairperson [5/6]  
Robert High [4/6]

OPENING SESSION

- Determination of a quorum.  
- Griff Ariko, Vice Chairperson, called the meeting to order at 2:02 p.m.  
- Pledge of Allegiance.  
- The Board ACCEPTED the Minutes of the March 24, 2015 BZA Meeting as presented.  
- The Board welcomed new member Beth Tuura, and she gave a brief introduction.

PUBLIC COMMENT

Vice Chairperson Ariko pointed out that any member of the public could be heard on any matter before the board; if an item was listed on the consent agenda, any member of the public could ask that the item be pulled and placed on the regular agenda.

AGENDA REVIEW

Executive Secretary Cechman reviewed the items on the consent agenda.

CONSENT AGENDA

1. **VAR2015-00023  2707 JAMIE CIR.**
   
   **Applicant:** Robert Oliphant, 1581 Riverside Dr., Melbourne, FL 32935  
   **Owner:** Peter Marriott & Carey Sue Oliphant, 2707 Jamie Cir., Orlando, FL 32803  
   **Location:** 2707 Jamie Cir. (±0.16 acres)  
   **District:** 4  
   **Project Planner:** TeNeika Neasman (407.246.4257 - teneika.neasman@cityoforlando.net)

   Requested variances:
   
   A. Variance of 3.6 feet to allow a 21.4 ft. front setback, where 25 ft. is required.  
   B. Variance of 1.8 ft. to allow a 5.7 ft. side (north) setback, where 7.5 ft. is required.

   **Recommended action:** Approval of the requested variances, subject to the conditions in the staff report:
   
   1. Development shall be in strict conformance with all conditions and the site plans and elevations 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. The proposed carport shall not be within 21.4 ft. of the front yard setback.

4. The proposed carport shall not be within 5.7 ft. of the north side setback.

5. The proposed carport shall be constructed with similar materials to complement the existing principal structure.

6. To help screen the carport, install evergreen plants which will naturally reach a height of 24" to 60" along the north edge of the new carport. Suggested typical plants are African iris, Indian hawthorne, or dwarf Walter's viburnum. Plants must be at least 12" in height at time of planting, and spaced appropriately to the species. A trellis structure with climbing vines is also acceptable.

2. **VAR2015-00024  731 S. MILLS AVE. DUPLEX**

   Applicant/Owner: David Case, Sacred Fire LLC, 5221 Phillips Oaks Ln., Orlando, FL 32812

   Location: 731 S. Mills Ave. (±0.17 acres)

   District: 4

   Project Planner: Jim Burnett (407.246.3609 – james.burnett@cityoforlando.net)

   Requested variance:

   - Variance of 0.56 ft. to allow an existing 49.44 ft. wide lot, where a minimum 50 ft. lot width is required for a 2-family/duplex lot.

   **Recommended action:** Approval of the requested variance, subject to the conditions in the staff report:

   1. Development shall be in strict conformance with all conditions and the survey and photographs found in this report, subject to any modification by the Board of Zoning Adjustment (BZA) and/or City Council. Major modifications to the approved variance may be approved by the Zoning Official. Minor modifications to the approved variance may be approved 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. Floor Area Ratio (FAR) for the proposed duplex shall not exceed 0.50 (3,704.5 sq. ft., to be split between the two (2) units).

   4. Impervious Surface Ratio (ISR) shall not exceed 60%.

   5. The revised site plan and building elevations shall be reviewed prior to submittal for permits, to ensure compliance with the conditions of this variance and to ensure compliance with Traditional City Overlay requirements.

   6. Informational: The sidewalk in the S. Mills R-O-W shall be designed / installed to be handicapped accessible. A City Services sidewalk easement may be required at time of permitting to move sidewalk away from the surface roots to provide a gentler slope for ADA purposes.

3. **VAR2015-00025  1401 E. WASHINGTON ST.**

   Applicant/Owner: David McClure, 124 N. Shine Ave., Orlando, FL 32801

   Location: 1401 E. Washington St. (±0.12 acres)

   District: 4

   Project Planner: TeNeika Neasman (407.246.4257 – teneika.neasman@cityoforlando.net)

   Requested variance:

   - Variance of 5.1 ft. to allow a 14.9 ft. street side setback for an enclosed carport, where 20 ft. is required.

   **Recommended action:** Approval of the requested variance, subject to the conditions in the staff report:
1. Development shall be in strict conformance with all conditions and the site plans and elevations 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. The garage shall not be within or lesser than 14.9 ft. from the street side property line.

4. The proposed carport shall be constructed with similar materials to complement the existing principal structure.

5. The applicant shall plant a tree in the street side or front yard.

4. **VAR2015-00026 1815 GERDA TERR.**

   **Applicant:** James Shoenberger, 3642 Gatlin Place Cir., Orlando, FL 32812

   **Owner:** Jane Chapman, 1815 Gerda Terr., Orlando, FL 32804

   **Location:** 1815 Gerda Terr. (±0.20 acres)

   **District:** 3

   **Project Planner:** Jim Burnett (407.246.3609 – james.burnett@cityoforlando.net)

   **Requested variance:**

   - Variance of 5.7 ft. to allow a new detached garage with 2nd floor living space 9.3 ft. from the rear lot line, where a minimum 15 ft. rear setback is required in the R-1/T zoning district.

   **Recommended action:** Approval of the requested variance, subject to the conditions in the staff report:

1. Development shall be in strict conformance with all conditions and the survey 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. Code requires a minimum 5 ft. separation between structures (eave to eave, wall to wall or wall to eave).

4. Second floor living space shall not have 220V electrical service, nor shall it have an independent cooking facility/kitchen or anything that would infer it to be a 2nd dwelling unit, which is not allowed for this property.

5. The 2nd-floor windows in the north and west elevations, and also in the 45-degree angled wall in the northeast corner, shall be frosted, glass block, or similar translucent glass. Transparent glass is not acceptable for these locations.

6. Columnar evergreen plants suitable to narrow spaces, such as Italian cypress, clumping bamboo, or torulosa juniper, shall be planted between the proposed garage and the north and west property lines. These plants shall be at least 5 ft. in height at time of planting. Plant selection will be reviewed for appropriateness at time of permitting.

7. The west side of the driveway shall be landscaped with at least ground cover plants or dwarf shrubs which naturally reach at least 18" in height, from a point in line with the south facade of the existing house. Take precaution to not block drivers' sight lines.

5. **VAR2015-00027 1010 LAKE ADAIR BLVD.**

   **Applicant:** David Runnels, 233 W. Park Ave., Winter Park, FL 32789

   **Owner:** Martha Jane Bishop, 1010 Lake Adair Blvd., Orlando, FL 32804

   **Location:** 1010 Lake Adair Blvd. (±0.38 acres)

   **District:** 3

   **Project Planner:** Michaëlle Petion (407.246.3837 – michaelle.petion@cityoforlando.net)
Requested variance:

- Variance of 9.5 ft. to allow an inline addition at a 15.5 ft. rear setback, where 25 ft. is the minimum required.

**Recommended action:** Approval of the requested variance, subject to the conditions in the staff report:

1. Development shall be in strict conformance with all conditions and the survey and site plans 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 other applicable state or federal permits must be obtained before commencing development.
3. Westernmost curb-cut and driveway to Country Club Dr. shall be removed since garage is being converted to living space.

6. **VAR2015-00033**  **ORLANDO CENTRAL**

Applicant:  
James Johnston, Shutts & Bowen LLP, 300 S. Orange Ave., Ste. 1000, Orlando, FL 32801

Owner:  
HHH Reilly Fund LLC, PO Box 273760, Boca Raton, FL 33427

Location:  
110 W. Jefferson St. (±1.39 acres)

District:  
5

Project Planner:  
TeNeika Neasman (407.246.4257 – teneika.neasman@cityoforlando.net)

Requested variance:

- Variance for a thirty-one percent (31%) parking reduction to allow 480 parking spaces, where 698 parking spaces are required, for proposed 31-story, 420 unit residential and 14,002 sq. ft. commercial mixed-use tower detached garage.

**Recommended action:** Deferral of the request to the May 2015 BZA hearing, by request of the applicant.

*Board member Hodges moved APPROVAL of the CONSENT AGENDA. Board member Pathak SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.*

**REGULAR AGENDA**

7. **VAR2015-00001**  **742 EDGEWATER DR.**

Applicant/Owner:  
Jamal Lutfi, 742 Edgewater Dr., Orlando, FL 32804

Location:  
742 Edgewater Dr. (±0.21 acres)

District:  
3

Project Planner:  
TeNeika Neasman (407.246.4257 – teneika.neasman@cityoforlando.net)

Requested variances:

A. Variance of 2 ft. to allow an existing 6 ft. high fence in the front and street side setbacks, where a maximum of 4 ft. high fence is allowed;
B. Variance of 1 ft. to allow existing ±6 ft. high pillars in the front and street side setbacks, where maximum 5 ft. high pillars are allowed;
TeNeika Neasman, Planner I, City Planning Division, gave an overview of the case using PowerPoint. She reminded the Board that this case had been heard the previous month (March 2015) with the recommendation that the applicant should work with staff on coming up with a compromise. Since that time, the applicant agreed to remove the wing wall jutting out from the garage and reduce the driveway width, with the amount depending on the Board’s decision. She then reiterated staff’s recommendations of denial, citing sections of code for each part of the variance.

Executive Secretary Cechman clarified Variance A, regarding the fence: staff was willing to recommend approval with certain conditions. The open-air fence currently in place was preferable to a closed wooden privacy fence. He also acknowledged this property had some mitigating circumstances being along a well-traveled route (Edgewater Dr.). Finally, he confirmed with Mrs. Neasman the requirements for the driveway reduction in order to allow for a lesser variance of 10 feet.

Vice Chairperson Ariko noted the analysis on page 4 of the staff report and asked if those were conditions of approval. Mrs. Neasman said yes, those were staff recommendations. Board member Lastrapes asked for further clarification of the City’s driveway code. Executive Secretary Cechman admitted that the driveway section of the code is challenging to interpret, but nowhere in the City would a driveway be allowed as wide as the applicant had done at this property. Vice Chairperson Ariko briefly reviewed the permitting, inspection, and Code Enforcement timeline with staff.

Stuart Buchanan, 1031 W. Morse Blvd., Ste. 350, Winter Park, FL 32789, spoke as the applicant’s legal representative in support of the request. He noted that the applicant had originally asked for 20 ft. of driveway width, but was willing to go down to 18 ft. Also, he reiterated that the applicant had decided to remove the wing wall. Then he described how dissatisfied the Lutfi family had been with the City’s permitting and inspection process during the history of this case, citing delays in notifications that eventually resulted in failed inspections. He provided a brief history of the renovations of the property and explained how the City required a separate fence permit after several inspections had already been performed. Regarding the neighborhood, Mr. Buchanan used Orlando Police Department statistics to identify it as a high-crime area, with a convenience store, Colonial Drive, and a homeless shelter all nearby. A home invasion had recently occurred across the street, which was why the lighting atop the fence was so important to the Lutfi family.

Board member Tuura asked about the breakdown of crime by type—specifically how many home invasions had taken place—but Mr. Buchanan didn’t know. Board member Pathak asked if the lights could be made lower on the pillars. Mr. Buchanan said the pillars were already built with electricity wired through them, so cutting them down would not be feasible. Vice Chairperson Ariko asked if lights could be installed on the house instead of the fence. Mr. Buchanan explained that people had been found sleeping on the low wall in front of the fence, which was why lighting was installed where it was and not just on the house. Executive Secretary Cechman confirmed with Mr. Buchanan that the applicant was willing to install the hedges as staff recommended between the fence and right-of-way. Mr. Cechman pointed out that the addition of a sidewalk was crucial to the discussion of the driveway.

Board member Lastrapes asked if 6 or 8 ft. for the fence height was indicated on the plans. Mr. Buchanan claimed that City staff had ample opportunity to point out any inconsistencies but never asked for clarification until much later in the review process. Mr. Lastrapes then asked if the main issue with the fence was the height or light pollution. Ensuing Board discussion concluded the height was more of an issue than light pollution, though that was a concern for some of the members too. Mrs. Neasman noted lighting code requirements on foot-candles as a unit of distance measurement.

Said Lutfi, 742 Edgewater Dr., Orlando, FL 32804 spoke as a resident of the property in support of the request. He claimed that before his family bought the property, it functioned as a kind of homeless shelter, and those people had to be chased away. He then stated he had done nothing illegal and was not trying to get in any kind of work behind the City’s back. His family members were longtime residents of the City, and resented some of the unfair treatment and incorrect accusations that had come along with this project. He stated if the sidewalks were installed, he would have nowhere to park his three vehicles. As for the neighborhood, he claimed that the crime in this part of College Park was relatively unknown because of the reputation of the rest of the area. The lights he installed on the fence were intended for the safety of the neighborhood. Board member Sanchez asked if the vehicles could be parked in the existing garage, but Mr. Lutfi claimed he needed the additional space because there were several vehicles.

Vice Chairperson Ariko opened the case up to Board discussion. He wanted clarification on condition #9 in the staff report, primarily regarding the maximum driveway width. Mr. Lutfi pointed out that the driveway would be unusable if it were too narrow to accommodate his vehicles. Board member Pathak was OK with the extra feet on the driveway, but had a problem with the height of the fence, which was exacerbated by the slight elevation of the property from ground level. Board member Sanchez
said she had no problem with the fence and the lights on the front of the property, but expressed concern over the lights on the south side directly facing the neighbor. Board discussion ensued about reducing the height of the pillars; Mr. Buchanan interjected that once the landscaping is done, the measurement will be easier and the pillars won't seem as big.

Board member Hodges asked if the gate behind the driveway would have two hinges. She also wondered if a “sconce” would be a better look than the globe or bulb-like structures already atop the pillars, and if the lights could point downward to the street rather than outward. Board discussion ensued about reducing the height of the pillars; Mr. Buchanan interjected that once the landscaping is done, the measurement will be easier and the pillars won't seem as big.

Board member Lastrapes asked if the gate behind the driveway would have two hinges. She also wondered if a “sconce” would be a better look than the globe or bulb-like structures already atop the pillars, and if the lights could point downward to the street rather than outward. Board discussion ensued about reducing the height of the pillars; Mr. Buchanan interjected that once the landscaping is done, the measurement will be easier and the pillars won't seem as big.

Board member Lastrapes moved APPROVAL of Variance A, subject to conditions 3 & 5. Board member Sanchez SECONDED the MOTION, which was VOTED upon and PASSED by a 6-1 voice vote (Board member Pathak opposed).

Board member Pathak moved APPROVAL of Variance B, subject to a maximum of 6 inches for light fixture height to be confirmed and approved upon staff review. Board member Wilson SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

Board member Pathak moved APPROVAL of a LESSER VARIANCE of 14 ft. to allow for a 32 foot wide driveway for Variance C, subject to conditions 4, 6, 7, & 9. Board member Hodges SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

1. Development shall be in strict conformance with all conditions, the surveys, and the 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 other applicable state or federal permits must be obtained before commencing development.
3. The fence shall be a transparent/open black wrought iron or aluminum pickets.
4. A 5 ft. sidewalk shall be constructed 2 ft. from the pillars along Boardman Street.
5. Hedges shall be planted in the 2 ft. buffer yard along the proposed sidewalk and fence area (between the pillars).
6. The wing wall on the garage shall be removed.
7. The existing wall will be removed on the street side and replaced with fencing and pillars.
8. All necessary permits shall be acquired prior to installation of the fence.
9. The driveway and curb cut shall be reconstructed and reduced to comply with the LDC and EMS 18 ft. maximum for a single family residence with 3 ft. flares.

OTHER BUSINESS

• No items.

ADJOURNMENT

Vice Chairperson Ariko adjourned the meeting at 3:50 p.m.

STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
TeNeika Neasman, City Planning
Jim Burnett, City Planning
Michaëlle Petion, City Planning
Richard Forbes, City Planning

Ken Pelham, City Planning
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
David Bass, City Attorney's Office
Alison Brackins, City Attorney's Office
Eddie Crespo, Code Enforcement

Mark Cechman, AICP, Executive Secretary

Ed Petersen, BZA Recording Secretary