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 [7/10]
Robert High [8/10]
Laura Hodges [8/10]
Byron Lastrapes [9/10]
Elena Pathak [9/10]
Desiree Sanchez [7/10]
Beth Tuura [5/5]
Billy Wilson [7/10]

Members Absent
Avery Donaudy, Chairperson [7/10]

OPENING SESSION
- Determination of a quorum.
- Griff Ariko, Vice Chairperson, called the meeting to order at 2:04 p.m.
- Pledge of Allegiance.
- The Board ACCEPTED the Minutes of the July 28, 2015 BZA Meeting as presented.

Vice Chairperson Ariko and Board member Pathak noted a conflict on the following item and turned in the necessary forms:
- Item 7 (VAR2014-00122, Phantom Lounge)

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. VAR2015-00065    1515 N. FOREST AVE.

Applicant/Owner: Joy Cox, 1515 N. Forest Ave., Orlando, FL 32803
Location: 1515 N. Forest Ave. (±0.18 acres)
District: 4
Project Planner: TeNeika Neasman (407.246.4257 – teneika.neasman@cityoforlando.net)

Requested variances:
A. Variance of 5 ft. to allow a 15 ft. street side setback for a carport addition, where a 20 ft. side setback is required; and
B. Variance of 3 ft. to allow a 22 ft. rear yard setback for a carport addition, where a 25 ft. rear setback 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 addition shall not be within 22 ft. of the rear setback.

4. The proposed carport addition shall not be within 15 ft. of the street side setback.

5. The proposed driveway addition shall not exceed 18 ft. at the property line/throat.

6. The proposed driveway shall have a code compliant curb cut.

7. The proposed carport shall be constructed with similar materials to complement the existing carport.

8. The proposed carport shall be constructed with three open sides.

9. If granted the throat of the driveway (the width at the property line) shall be widened to 20-22 feet wide with the driveway flaring out to 30' for the garage.

2. VAR2015-00072 2208 HILLCREST ST.

Applicant/Owner: Gary Fleming, Whirly Properties LLC, 2208 Hillcrest St., Orlando, FL 32803

Location: 2208 Hillcrest St. (±0.69 acres)

District: 4

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

Requested variances:

A. Design Variance to allow post and panel signs in the Traditional City Overlay;
B. Variance to allow three (3) signs, where the site is limited to one (1) sign per street frontage; and
C. Variance of 10.5 ft. to allow said signs to be 2 ft. from the front lot line, where a minimum 12.5 ft. sign setback is required in the O-1/T zoning district.

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 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. Appearance Review will be required during permitting to ensure compliance with the variance conditions.

4. Each post and panel sign shall be no larger than 8 sq. ft. and no taller than 6 ft. above adjacent grade.

5. The sign materials and finishes shall match or complement those of the principal buildings.

6. Landscaping around the signs shall be consistent with existing groundcovers, except any aspect that conflicts with City Code.

3. *NOTE: this item moved to Regular Agenda.

4. VAR2015-00078 7667 TOSCANA BLVD.

Applicant/Owner: Jose Chavez, Park Square Homes, 5200 Vineland Rd., Orlando, FL 32811

Location: 7667 Toscana Blvd. (±0.17 acres)

District: 6

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

- Variance of 6 ft. to allow a new 3-story single-family home 14 ft. from the rear/street lot line, where a minimum 20 ft. rear setback is required in the Toscana Lake Villas PD 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. The site plan and building elevations shall be reviewed at time of permitting, to ensure compliance with the conditions of this variance and to ensure compliance with PD requirements.

5. VAR2015-00080 WAHL SIGN

Applicant/Owner: Henry Wahl, 417 S. Summerlin Ave., Orlando, FL 32801
Location: 417 S. Summerlin Ave. (±0.17 acres)
District: 4
Project Planner: Jim Burnett (407.246.3609 – james.burnett@cityoforlando.net)

Requested variances:

A. Design variance to allow a monument sign in the Traditional City Overlay;
B. Variance of 8.25 sq. ft. to allow a sign area of 17 sq. ft., where a maximum 8.75 sq. ft. of sign area is allowed for the existing office use; and
C. Variance of 6 ft. to allow an existing monument sign 6.5 ft. from the front lot line, where a minimum 12.5 ft. front setback is allowed in the O-1/T/AN zoning district.

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 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. Appearance Review shall be required at time of permitting to ensure compliance with these conditions.
4. The lettering and graphics shall be removed from the awnings and after-the-fact permits shall be secured for all pre-existing signs and awnings.

6. VAR2015-00082 2136 W. GORE ST.

Applicant: Jessie Windom, 2435 Piedmont St., Orlando, FL 32805
Owner: Cheryl Zackery-Dancy, 2136 W. Gore St., Orlando, FL 32805
Location: 2136 W. Gore St. (±0.23 acres)
District: 5
Project Planner: TeNeika Neasman (407.246.4257 – teneika.neasman@cityoforlando.net)
Requested variances:

A. Variance of 2.9 ft. to allow a 27.1 ft. front setback, where 30 ft. is required;
B. Variance of 1 ft. to allow a 6.5 ft. west side setback, where 7.5 ft. is required; and
C. Variance of 29 ft. to allow a garage to project into the front setback 24 ft., where a 5 ft. setback from the principal structure façade is required on a non-conforming lot.

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 garage shall be constructed with similar materials to complement the existing principal structure.
4. The garage shall be constructed with double doors and natural lighting/windows in the garage door.

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

REGULAR AGENDA

3. VAR2015-00077 1100 W. YALE ST.

Applicant/Owner: James & Monica Byrne, 1100 W. Yale St., Orlando, FL 32750
Location: 1100 W. Yale St. (±0.16 acres)
District: 3
Project Planner: TeNeika Neasman (407.246.4257 – teneika.neasman@cityoforlando.net)

Requested variances:

A. Variance of 1.1 ft. to allow a principal structure setback of 4.9 ft. from the east lot line, where 6 ft is the minimum allowed side setback;
B. Variance of 0.9 ft. to allow a principal structure setback of 5.1 ft. from the west lot line, where 6 ft is the minimum allowed side setback; and
C. Variance of 0.02 ISR to allow for a 0.57 ISR, where 0.55 ISR is the maximum allowed.

Recommended action: Approval of Variances A & B, subject to the conditions in the staff report, and Denial of Variance C.

TeNeika Neasman, Planner I, City Planning Division, gave an overview of the case using PowerPoint. She explained that staff was recommending denial of Variance C because the applicant could have found a different design to reduce the impervious surface ratio. Board member Lastrapes confirmed that the garage would be totally detached. Executive Secretary Cechman noted that it would have to be detached and separated by at least five feet in order to meet code, otherwise it would be treated as part of the main structure. Vice Chairperson Ariko asked if the calculations in the report were done by the applicant or by staff. Ms. Neasman said staff confirmed the applicant’s numbers.

Monica Byrne, 1828 Barton St., Longwood, FL 32750, spoke as the applicant in support of the request. She explained that the renovations taking place were for her children and grandchildren to visit, who all lived in the area. The onset of her husband’s illness required handicap-accessible areas throughout the house. Further, she stated that asking for an additional 2% ISR was not a big request. She then went through each of the six standards that staff said she didn’t meet and refuted the staff’s claims.
Vice Chairperson Ariko asked if the three conditions of approval were acceptable. Ms. Byrne said yes, and that her neighbors had all expressed approval for her project. Board member High asked if she had considered any alternative designs to meet all the code requirements. She said there were only certain things that could be done due to the nature of her husband’s illness. Board member Pathak asked if the carport could be eliminated to reduce the ISR. Ms. Byrne said she didn’t think so because it would be the only shelter for the car parked there. A second, older car would be parked in the detached garage and used less frequently. Board member Lastrapes pointed out that the width of each ribbon strip could be reduced by about six inches all the way down, which would then meet the ISR requirements.

**Board member Pathak moved APPROVAL of Variances A & B and DENIAL of Variance C, subject to the following conditions:**

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 walkway from the detached garage to the principal structure rear shall not be covered or connected by way of roofing.

**Board member High SECONDED the MOTION, which was VOTED upon and PASSED by a unanimous voice vote.**

7. **VAR2014-00122 PHANTOM LOUNGE**

Applicant: Fady Nessim, Phantom Lounge, 1021 E. Colonial Dr., Orlando, FL 32803
Owner: Asian/Florida Investment Co., Inc., 816 N. Mills Ave., Orlando, FL 32803
Location: 1021 E. Colonial Dr. (±0.09 acres)
District: 3
Project Planner: TeNeika Neasman (407.246.4257 – teneika.neasman@cityoforlando.net)

Requested variance:
- Variance to allow on-site consumption of alcohol within 1,000 ft. of a school or church for the renovation and change of use to a hookah lounge.

**Recommended action:** Denial of the requested variance.

TeNeika Neasman, Planner I, City Planning Division, gave an overview of the case using PowerPoint. She explained that staff could not support the request because the combination of the hookah/smoking lounge and the consumption of alcohol would have a cumulative effect on safety, and would have an overall negative impact on the neighborhood. Executive Secretary Cechman asked if the nearby school (Lake Highland Preparatory) had concerns. Ms. Neasman said they had very recently come to an agreement with the applicant, which they would discuss in turn. She also stated that Phantom Lounge could still sell hookah without alcoholic beverages.

Becky Vose, 106 W. McCormick Rd., Apopka, FL 32703, spoke as the applicant’s legal representative in support of the request. She noted that the school had initially opposed the variance, especially the aspect of hookah being sold. However, her client had decided he would be willing to give up the hookah sales if it meant the variance could go through without the school’s opposition. As for the Mills 50 Neighborhood Association, Ms. Neasman said their concerns were with the parking situation and the sale of hookah, and not the alcoholic beverage sales. Board member High asked if the BZA could restrict the use. Assistant City Attorney Brackins noted that it would be a change of use, and Executive Secretary Cechman said the Board could impose a binding condition. Vice Chairperson Ariko asked if the sale of alcohol could be limited to after 5:00 p.m. Ms. Vose said her client would rather not have that restriction, but would accept it if it meant the variance would be approved.

Scott Baker, 315 E. Robinson St., Ste. 600, Orlando, FL 32801, spoke as Lake Highland Prep’s legal representative. He stated the school was initially against the variance when it included the conversion to a hookah lounge, citing Ms. Neasman’s usage of the “cumulative effect” on the community. He also referenced the Florida Clean Indoor Air Act, saying that bars were among the few places still allowed to have smoking inside. He then confirmed that the applicant had become willing to remove the hookah part of the operation in order to compromise, and that the school had withdrawn its objection. Board member Pathak asked if the school had any concerns about time restrictions on the bar’s operation; Mr. Baker said no.
Board discussion ensued. Ms. Neasman provided the Board with a brief explanation of what “hookah” meant, as there was still some confusion. Executive Secretary Cechman pointed out that the section of City Code regulating alcoholic beverage sales was complex and occasionally difficult to maneuver through. Board member Wilson expressed opposition to the variance, but Board member High stated that he didn’t have a problem with it because the school had decided not to oppose the request.

**Board member High moved APPROVAL of the VARIANCE, subject to the following conditions, including the addition of Condition #10:**

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. Appearance Review shall be required during permitting to ensure compliance with the variance conditions.
4. Signage promoting the sale of alcohol is prohibited.
5. Sale of alcohol is prohibited outside the front 768.9 sq. ft. lobby room.
6. The storefront system along Colonial Drive shall be repaired, the fenestration by returning the windows from where they were previously removed.
7. The circulation shall include access through the corner storefront doors, to ensure the project/building conforms to Traditional City requirements as along the main entrance.
8. Applicant shall review proposed outdoor enhancements, such as murals, outdoor café, and/or wall treatments, along Colonial Drive and Thornton Avenue with Urban Design staff prior to permitting.
9. A joint parking agreement for a minimum of 17 parking spaces shall be signed and completed prior to permitting.
10. No hookah pipes shall be sold or consumed on the property.

**Board member Sanchez SECONDED the MOTION, which was VOTED upon and PASSED by 5-1 voice vote (Board member Wilson opposed; Board members Ariko and Pathak abstained).**

**8. VAR2015-00074 1909 E. MARKS ST.**

Applicant: Janet Morales, 1911 E. Marks St., Orlando, FL 32803

Owner: Dawn Mallard, 2110 Weber St., Orlando, FL 32803

Location: 1909 E. Marks St. (±0.17 acres)

District: 4

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

Requested variance:
- Variance of 12% to allow an ISR of 67% where 55% is the maximum permitted, to cover an existing patio area at the rear of the duplex property.

**Recommended action:** Denial of the variance and approval of a lesser variance of 6%, subject to the conditions in the staff report.

Michaëlle Petion, Planner III, City Planning Division, gave an overview of the case using PowerPoint. She explained that staff had worked out a compromise with the applicant to provide additional parking while still having the use of the rear yard. Executive Secretary Cechman noted that the aerial view showed an “eclectic” property and structure with many different designs. Board members noted the lack of on-street parking and the presence of speed bumps.

Janet Morales, 1911 E. Marks St., Orlando, FL 32803, spoke as the applicant in support of the request. She said that as the tenant in the rear unit, a single driveway would make “tandem parking” impossible because everyone would be getting in everyone else’s way. The gravel setup currently in place had been there for quite some time. She claimed to have hired a civil engineer who would be doing a study of the water runoff. She also noted that without sufficient parking, it would be impossible for the property owner to rent out the units. She confirmed that no on-street parking was available and that this part of Marks St. was very narrow. Finally, she admitted that she would be willing to accept 63% ISR, allowing for two parking spaces in the front, rather than the 67% originally requested.
Dawn Mallard, 2110 Weber St., Orlando, FL 32803, spoke in support of the request. As the owner of the property, she agreed that parking was crucial to her ability to rent out the units. She claimed that each renter usually had his or her own car since they tended to be individuals and not family groups. Ms. Petion explained staff’s reasoning on the parking issue. She said that even conventional single-family houses have “tandem parking”. As a suggestion, she said the tenants of the larger duplex unit could park in the driveway while the tenant of the smaller unit could utilize the front space.

James Pierce, 1909 E. Marks St., Orlando, FL 32803, spoke in support of the request. He was the tenant in the front unit and agreed that only one parking space in the front would be an extreme hardship. Executive Secretary Cechman asked how many cars total could fit on the driveway alone. Mr. Pierce said probably three or four, but it would require a monumental effort among the residents to coordinate when someone needed to leave and they happened to be parked in the back.

Board discussion ensued. Concerns included parking on the grass, the number of vehicles in front of residential buildings, and the fact that impervious surface issues were already present and would remain regardless of what the Board did.

**Board member Pathak moved APPROVAL of a LESSER VARIANCE of 8%, subject to the following conditions:**

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. **One Two** parking spaces, 9 ft. by 18.5 ft., shall be permitted in the front yard, adjacent to the planters. The remaining gravel area in the front yard shall be re-landscaped with the entire front yard being a maximum of 60% turf, and the remainder landscaped with shrubs, annuals, and perennials.
4. Parking shall be limited to improved surfaces consistent with section 61.303 of the code.
5. A hedge shall be provided between the front and east side property lines and the parking space. This hedge shall be a minimum of 24 inches in height at the time of planting.
6. Two (2) understory trees or three (3) palms trees shall be provided. These trees may be provided in the front or rear yard.
7. Maintain stormwater runoff to maximum ISR runoff conditions (for a 25-yr, 24hr storm).

*Board member Wilson SECONDED the MOTION, which was VOTED upon and PASSED by a unanimous voice vote.*

9. **VAR2015-00075 935 ALTALOMA AVE.**

   Applicant/Owner: Michaela Coogan, 935 Altaloma Ave., Orlando, FL 32803
   Location: 935 Altaloma Ave. (±0.08 acres)
   District: 4
   Project Planner: Michaëlle Petion (407.246.3837 – michaelle.petion@cityoforlando.net)

   Requested variances:
   
   A. Variance of ±22.5 ft. to allow a front deck at a 2.5 ft. front setback, where 25 ft. is the minimum required;
   B. Variance of ±3 ft. to allow side setbacks of 2 ft., where 5 ft. is the minimum required; and
   C. Variance of 9% to allow a wooden deck to cover 59% of the required rear yard, where 50% is the maximum permitted.

   *Recommended action:* Approval of Variance A, subject to the conditions of the staff report; Denial of Variance B; and Denial of Variance C and approval of a lesser variance of 4% rear yard coverage.

Michaëlle Petion, Planner III, City Planning Division, gave an overview of the case using PowerPoint. She pointed out how the deck had been installed without permits and encroached into all the setbacks. One neighbor had called to complain about the deck but did not wish to be identified. Board member Pathak asked if the boards could be trimmed down on the east side. Ms. Petion stated that staff’s goal was to preserve the privacy of the neighbors’ rear yard. The subject property was oriented in such a way that all the neighbors’ rear yards were facing this house. Board member Tuura wondered how such trimming or removal would be accomplished, since the structure was already in place.
Michaela Coogan, 935 Altaloma Ave., Orlando, FL 32803, spoke as the applicant in support of the request. She said that she had lived there just over a year, as this was her first house purchase. Before she had bought the property, it was unkempt and unusable. Though she admitted to building the deck without proper permits, she had started a “Save the Deck” petition among her neighbors. Almost all had agreed the deck improved the property, with the exception of one neighbor. She claimed the wooden fence she installed with proper permits did provide privacy. Board member Pathak wondered that, because the deck was several feet high, couldn’t the applicant see over to her neighbors’ properties? Ms. Coogan said that the lots in question had a number of sheds and other buildings that further blocked the view. She also noted that she would be willing to plant barrier shrubs of some kind. Board member Pathak asked about future residents that might someday remove the sheds only to be confronted by the deck in question. Ms. Coogan stated that she believed she raised the property value with the deck, both now and for the future.

Phil Coogan, 9501 Castleford Pt., Orlando, FL 32836, spoke in support of the request. As the father of the applicant, he appreciated what his daughter had done to improve the property. He claimed the “house itself” was a variance and agreed that the neighbors have lots of structures blocking the view. In addition, a six-foot gate at the front of the house prevented the deck from being seen from the street. He also agreed the back yard was unusable in its previous condition because of all the trees. Using the overhead projector, he showed photographs of the area before and after the deck’s installation.

Board discussion ensued. Concerns included how much of an issue privacy actually was, the lack of a proper building permit, and the fact that not all six standards for a variance were met—this would be conferring special privileges. Executive Secretary Cechman said the code was silent on the maximum height of decking. The Board agreed to split up the variances for easier decision making.

Board member Tuura moved APPROVAL of a Variance A, subject to the following conditions:

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. All decking shall remain open to the sky.

Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by a unanimous voice vote.

Board member High moved APPROVAL of Variances B & C, subject to the same conditions as above. Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by a 5-3 voice vote (Board members Tuura, Sanchez, and Pathak opposed).

10. VAR2015-00079 1127 ARTHUR ST.

Applicant: Justina Bauknight, Kent Custom Homes Inc., PO Box 700355, St. Cloud, FL 34770
Owner: EIB Properties LLC, 6536 Pinecastle Blvd., Ste. A, Orlando, FL 32809
Location: 1127 Arthur St. (±0.23 acres)
District: 3
Project Planner: Jim Burnett (407.246.3609 – james.burnett@cityoforlando.net)

Requested variances:

A. Variance of 4.8 ft. to allow a covered front porch on a new home to be 25.2 ft. from the front lot line, where a minimum 30 ft. front setback is required in the R-1AA/W zoning district;
B. Variance of 9.8 ft. to allow a new attached garage to be 25.2 ft. from the front lot line, where said garage is required to be recessed at least 5 ft. behind the principal façade for a house on a legally non-conforming lot; and
C. Variance of 3.4 ft. to allow an existing pool deck to be 1.6 ft. from the east side lot line, where a minimum 5 ft. setback is required for accessory structures.
Recommended action: Approval of Variances A & C, subject to the conditions in the staff report, and Denial of Variance B.

Jim Burnett, Planner III, pointed out that neither the applicant nor the owner were present for the case, and no members of the public had declared a desire to speak on it. As a result, the Board decided not to discuss the case.

Board member Wilson moved APPROVAL of Variances A & C and DENIAL of Variance B, subject to the following conditions:

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. If the pre-existing pool or pool deck is removed, Variance C shall be considered null and void, and the new pool and pool deck shall be required to meet Code required setbacks.
4. Appearance Review shall be required at time of permitting to ensure compliance with these conditions.
5. Informational (not a condition of the variance but has been added as a condition of the permit for the new house): As a substantial improvement and given that the property consists of a platted parcel and a portion of another platted parcel, the property will need to be replatted, per LDC Section 65.252.

Board member Pathak SECONDED the MOTION, which was VOTED upon and PASSED by a unanimous voice vote.

OTHER BUSINESS

- Recording Secretary Ed Petersen notified the Board that case VAR2015-00060, 608 E. Concord St., had been appealed.
- Mr. Petersen then stated that elections needed to take place at this meeting. He noted which Board members would be technically ineligible to be nominated for Chairperson and Vice Chairperson, but reminded the members that it was their discretion who they could nominate. Also, he said he had been in contact with current Chairperson Avery Donaudy, and she had stated that she was OK with being nominated in absentia to remain Chairperson.
  - Vice Chairperson Ariko MOVED to nominate Avery Donaudy as Chairperson. Board member Hodges SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.
  - Board member Hodges MOVED to nominate Elena Pathak as Vice Chairperson. Board member Sanchez SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

ADJOURNMENT

Vice Chairperson Ariko adjourned the meeting at 4:25 p.m.

STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
TeNeika Neasman, City Planning
Michaëlle Petion, City Planning
Jim Burnett, City Planning
Katy Magruder, City Planning

Ken Pelham, City Planning
Doug Metzger, City Planning
Richard Forbes, City Planning
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
Alison Brackins, City Attorney’s Office

Mark Cechman, AICP, Executive Secretary
Ed Petersen, BZA Recording Secretary