OPENING SESSION

- Determination of a quorum.
- Elena Pathak, Vice Chairperson, called the meeting to order at 2:01 p.m.
- Pledge of Allegiance.
- Board member Sanchez moved APPROVAL of the July 2016 minutes. Board member Wilson SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).
- New member Guy Sanchez introduced himself.
- Recording Secretary Petersen noted that Board member Carmody was present by phone.

PUBLIC COMMENT

Vice Chairperson Pathak 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. **VAR2016-00066**

   **SE MORAN OFFICE COMPLEX SIGNS**

   Applicant/Owner: Brittney James, Crossman & Co., 3333 S. Orange Ave., Ste. 201, Orlando, FL 32806

   Owner: Jonosh Properties LLC, 609 Stonefield Loop, Lake Mary, FL 32746

   Location: 1130-1170 S. Semoran Blvd. (±3.62 acres)

   District: 2

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

A. Design Variance to allow ground signs to exceed 6 ft. in height; and
B. Variance of 66 sq. ft. to allow 116 sq. ft. of total sign area, where a maximum sign area of 50 sq. ft. is allowed in the O-2/AN/SP 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. Appearance Review shall be required at time of permitting to ensure compliance with the conditions and sign elevations provided in this report.

3. Each of the two (2) monument signs must be approximately centered in front of the two front building facades, per the Semoran Blvd. Special Plan.

4. Special Plan-mandated landscape and tree upgrades must be implemented within the front 35 ft. of the property concurrent with the installation of the new signs (credit to be given for existing and proposed landscaping).

5. The new signs must be consistent with those proposed in this report and per other requirements of the Semoran Blvd. Special Plan design guidebook. Each tenant panel may include corporate logos, fonts, and colors, but the overall sign must comply with the required Special Plan colors and materials.

6. Existing air-conditioning equipment located between the two front buildings and S. Semoran Blvd. is a noncompliant zoning condition, which must be remedied via screening said units with fencing, wall, or landscaping to block from front and side views. Another option would be to relocate the equipment to a portion of the site behind the plane of the front facades.

7. Sight Distance: At all project entrances, clear sight distances for drivers and pedestrians shall not be blocked by signs, buildings, building columns, landscaping, or other visual impediments. No structure, fence, wall, or other visual impediment shall obstruct vision between 3- and 8-ft. in height above street level. The street corner/driveway visibility area shall be shown and noted on construction plans and any future site plan submittals. The applicant shall design the site plan as necessary to comply with the Florida Greenbook requirements for sight distance at intersections. Sight lines shall be shown on both the site and landscape plans. Landscaping located within intersection triangles as defined by the Florida Greenbook shall be trimmed or spaced according to FDOT Design Index 546.

2. VAR2016-00084 ARBY’S RENOVATION

Applicant: Robert Ziegenfuss, Z Development Services, 708 E. Colonial Dr., Ste. 100, Orlando, FL 32803

Owner: Spirit Master Funding LLC, 16767 N. Perimeter Dr., Ste. 210, Scottsdale, AZ 85260

Location: 2600 S. Orange Ave. (±0.52 acres)

District: 4
Requested variances:

A. Six (6) design variances related to retention of the existing building and general site layout; and
B. Three (3) regular variances tied to south and rear buffers, and retention of the existing drive aisle in front of the restaurant.

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 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.

Urban Design & Landscaping

1. S. Orange Ave. - The S. Orange/Michigan Special Plan requires a 6-ft. park strip along the S. Orange Ave. curb with an abutting 7-ft. wide sidewalk. A courtyard is required west of the 7-ft. wide sidewalk. A combined 20 ft. (all three (3) combined features) must be provided between the curb and the street wall (design provided has the courtyard (outdoor eating area) inward of the streetwall and front drive aisle. The courtyard and outdoor eating area need to be two (2) different areas.
2. The Dumpster Enclosure must have opaque, decorative doors; the exterior wall finishes must match or complement the exterior finishes of the principal restaurant building.
3. Architecture
   a. The base of the building facade must be of durable materials, such as cast-in-place concrete, concrete masonry units, brick, stone, or tile. Coated foam products and stucco will not be considered durable materials.
   b. Height variations must be created in the parapet to provide visual interest in the facades.
   c. Exterior glazing must be clear glass, or low-e glass with at least 60% light transmittance.
4. Landscaping
   a. LDC Section 61.312(a6) requires a landscape area at least 3-ft. wide between the building and vehicular use areas, except where such landscape would interfere with operations such as loading or drive-through movement. It appears that there are areas to achieve this requirement between the building and adjacent paved areas.
   b. Street trees and parking row end trees are required.

Permitting
1. Driveways must be reduced to not exceed 24-ft. in width.
2. Landscape islands must be expanded to meet Code, where possible.

3. **VAR2016-00087**  
   **435 PURDUE ST.**

   Applicant: Deborah Brittain, 435 Purdue St., Orlando, FL 32806

   Owner: Wilda Carver, 435 Purdue St., Orlando, FL 32806

   Location: 435 Purdue St. (±0.15 acres)

   District: 4
Requested variance:

- Variance to enclose a projecting carport in the Traditional City Overlay 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 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 City, County, State or Federal permits must be obtained before commencing development.
3. Transparency shall be provided in upper panel of proposed garage door.
4. The proposed window and sliding door shall match the color and style of the windows on the principal front façade of the home.
5. A concrete window sill must be installed to match the existing window sills and the window must be recessed at least 2-3 inches.
6. The proposed window width must match the existing window width on the west side of the garage.
7. Two 30 gallon crepe myrtles must be installed as street trees. The projected canopy spread of the tree at maturity (as indicated in the Approved Plant List per the LDC) shall not be closer to the electric transmission line than ten feet.

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

REGULAR AGENDA

4. VAR2016-00081 918 FLORAL DR.

   Applicant/Owner: Steven Tedrow, 918 Floral Dr., Orlando, FL 32803

   Location: 918 Floral Dr. (±0.24 acres)

   District: 4

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

   Requested variance:

   - Variance of 6.7 ft. to allow for the required parking space to encroach into the front yard setback, where the required parking space is required to be behind said setback.

   Recommended action: Denial of the requested variance.

TeNeika Neasman, Planner II, City Planning Division, presented the requested variance using PowerPoint. She explained that staff recommended denial because the request did not meet five of six variance standards.
Steven Tedrow, 918 Floral Dr., Orlando, FL 32803, spoke as the applicant in support of the request. He stated that his garage was unusable in its current state, as it was too small for most modern cars. Therefore, he wanted to turn the space into living space, primarily for storage. He proposed a large picture window on the enclosure.

Board discussion ensued. Members wondered whether air conditioned area counted as living space, and then pointed out that the parking situation currently on site wouldn’t change regardless of which way the Board ruled on the variance.

As it became apparent that the Board was leaning toward approving the variance, Mrs. Neasman presented the Board with conditions of approval. Keith Grayson, Chief Zoning Plans Examiner, explained the necessity of a paver agreement. Mr. Tedrow noted that he may have already acquired such a document and would check his records.

Board member Sanchez moved APPROVAL of the VARIANCE, 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. 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. The proposed garage enclosure must be constructed with similar materials to complement the existing principal structure.
5. The garage enclosure must be constructed with natural lighting/windows that matches the one on the left of the front façade elevation.
6. The owner must secure an Encroachment Agreement for the pavers in the right of way.
7. Landscaping code for single family development must be followed.

Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).

5. VAR2016-00088 1100 W. NEW HAMPSHIRE ST.

Applicant: Dawn Michele Evans-Hall, The Evans Group, 3025 Edgewater Dr., Orlando, FL 32804
Owner: Kevin & Kelly Burroughs, 1100 W. New Hampshire St., Orlando, FL 32804
Location: 1100 W. New Hampshire St. (±0.20 acres)
District: 3
Project Planner: Jim Burnett (407.246.3609 – james.burnett@cityoforlando.net)
Requested variances:
A. Variance of ±5.5 ft. to allow the posts of an attached pergola ±0.5 ft. from the west side lot line, where a minimum 6 ft. side setback is allowed;

B. Variance to retain an existing driveway and apron, where a reduced width driveway and apron are required; and

C. Variance of ±0.5 ft. to allow retention of an existing front house encroachment, where a minimum of 25 ft. front setback is required.

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

Jim Burnett, Planner II, City Planning Division, presented the requested variance using PowerPoint. He explained that staff recommended approval of Variances A & C. Variance B did not meet all six standards and therefore was recommended for denial.

Dawn Michele Evans-Hall, 904 W. New Hampshire St., Orlando, FL 32804, spoke as the applicant in support of the request. She pointed out that she lived down the street from the subject property. She stated that these variances were about the law of the code versus the actual intent, and that the proposed project would be an improvement and was supported by many of the neighbors. Executive Secretary Cechman noted that Variance B was a minor alteration from code.

Board discussion ensued. Regarding Variance B, the Board members agreed that having a bare patch of grass rather than the existing cement on the driveway would cause the appearance to worsen. They built consensus to approve all three variances.

Board member Fennessy moved APPROVAL of all the VARIANCES, 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. Appearance Review is required at time of permitting (for the ENG permit) to ensure compliance with these conditions.

4. The proposed trellis feature over the side parking space must be in keeping with the style and architecture of the home. To that end, appropriately scaled columns and decorative brackets must be used.

5. Lattice shall not be used to screen the roof of the trellis.

Driveway/Front Parking Area

6. The apron must be installed according to the City’s Engineering Standard Manual, minus the small piece of driveway located in the R-O-W (which was allowed to remain via Variance B).

7. Driveway taper must begin no less than 5 ft. from the edge of the sidewalk/property line at an angle of no less than 45 degrees in relation to sidewalk (expect for what was allowed via Variance B).

8. The driveway flare must be two (2) feet away from the property line and the driveway flare must be 3 ft. wide (except for what was allowed via Variance B).

9. Driveway width at the throat must not exceed 16 ft. and mean/maximum driveway width shall not exceed 20 ft (except for what was allowed via Variance B).

Board member Sanchez SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).
OTHER BUSINESS

- Election of officers:
  - Vice Chairperson Pathak MOVED to nominate William Wilson as Chairperson. Board member Sanchez SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.
  - Board member Sanchez MOVED to nominate Elena Pathak as Vice Chairperson. Board member Lastrapes SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

ADJOURNMENT

Vice Chairperson Pathak adjourned the meeting at 3:05 p.m.

STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
TeNelka Neasman, City Planning
Jim Burnett, City Planning
Jacques Coulon, City Planning
Michaëlle Petion, City Planning
Ken Pelham, City Planning

Mark Cechman, AICP, Executive Secretary

Brian Ford, City Planning
Shannan Stegman, City Planning
Terrence Miller, City Planning
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
Alison Brackins, City Attorney’s Office

Ed Petersen, BZA Recording Secretary