OPENING SESSION

- Vice Chairperson Pathak called the meeting to order at 2:01 pm, after determination of a Quorum.
- The meeting was opened with the Pledge of Allegiance.
- Consideration of Minutes for Meeting of March 28, 2017.
  - Board member Donaudy MOVED approval of the Board of Zoning Adjustment Meeting Minutes of March 28, 2017, as written. Board member Heller SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.

PUBLIC COMMENTS

- Three speaker requests were received.

CONFLICT DECLARATIONS

- No Board members declared any conflicts.

AGENDA REVIEW

- Mark Cechman, Executive Secretary, reviewed the Consent Agenda.

CONSENT AGENDA

1. VAR2017-00022  1307 NOTTINGHAM ST.
   Applicant/Owner:  Mark Batia, 1307 Nottingham St., Orlando, FL 32803
   Location:  1307 Nottingham St. (± 0.22 acres)
   District:  3
   Project Planner:  Katy Magruder (407-246-3355, kathleen.magruder@cityoforlando.net)
Requested variances:

A. Variance of 2.5 ft. to the required 7.5 ft. side setback for an in-line addition to the existing attached garage sitting 5 ft. from the property line;
B. Variance of 2.5 ft. to the required 7.5 ft. side setback for an addition to the rear;
C. Variance of 2.5 ft. to the required 7.5 ft. side setback for the existing home to remain 5 ft. from the east side property line;
D. Variance of 5 ft. for the requirement that the garage must be recessed from the principal building façade on a non-conforming lot; and
E. Variance of 4.6 ft. to the required 25 ft. rear setback to allow the addition to be located 20.4 ft. from the rear property line.

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 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. Delete the center column of the front porch.
4. Match the roof pitch of the gable above the garage to the roof pitches of the other front gables.
5. 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.

2. VAR2017-00023 441 E. HARDING ST.

Applicant: Yolanda Harrell-Jones, Central Florida Investors, 5300 S. Orange Ave., Orlando, FL 32809
Owner: Juanita D. Mott, 441 E. Harding St., Orlando, FL 32806
Location: 441 E. Harding St. (± 0.23 acres)
District: 4
Project Planner: Jim Burnett (407-246-3609, james.burnett@cityoforlando.net)

Requested variance:

- Variance of 3.1 ft. to allow an existing home to remain 2.9 ft. from the (west) interior side lot line, where a minimum 6 ft. interior side setback is required in the R-1/T zoning district. (This is being requested to allow a new home to be constructed on the interior lot to the west.)

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. Appearance Review is required at time of permitting to ensure compliance with the (below) conditions.
4. To offset the existing home being only 2.9 ft. from the re-established interior lot line, the east side setback for the proposed new home on the west lot must be not less than 9.1 ft. (a 14 ft. east side setback is proposed by the applicant).
5. Any exterior HVAC equipment or other mechanical equipment on the western lot cannot be placed between the proposed residence and the west property line. Said equipment may be placed north or east of the new house (on the western lot). Similarly, existing or proposed exterior mechanical equipment for the 2-story residence on the eastern lot must be relocated to the north of the existing structure, per City Code (cannot be in the street side yard where currently located).

6. The proposed location of the shared driveway (that would provide enough parking for the two lots) must be compliant with the LDC and City of Orlando ESM. Only one driveway is allowed on S. Osceola Ave.

7. A gutter, consistent with the building architecture, must be placed along the west eave of the existing home.

8. 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.

Informational: Additional conditions of SUB2017-00017 (Revert to Plat) applicable to the proposed new home on the west lot must also be satisfied.

3. **VAR2017-00026 STRAUBCOS OFFICE**

Applicant: Paul Straubinger, Straubos LLC, 2875 S. Orange Ave., Ste. 500-700, Orlando, FL 32806

Owner: Jeffrey E. Stiles, 4530 Lake Holden Hills Dr., Orlando, FL 32839

Location: 2214 Lucerne Ter. (± 0.16 acres)

District: 4

Project Planner: Michaëlle Petion (407-246-3837, michaelle.petion@cityoforlando.net)

Requested variances:

A. Variance of 3.75 ft. to reduce the required north side parking lot landscaping to 3.75 ft. where 7.5 ft. is the minimum required;
B. Variance of 3.75 ft. to reduce the required south side parking lot landscaping to 3.75 ft. where 7.5 ft. is the minimum required;
C. Variance of 50 ft. to allow a 50 ft. wide lot where 100 ft. is the minimum required; and
D. Variance of +/-3,000 sq. ft. to allow +/-7,000 sq. ft. in lot area where 10,000 sq. ft. is the minimum 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 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. An additional 2 ft. of landscaping must be added to the northern perimeter parking lot landscaping. This vehicular encroachment area may be counted as part of the required parking stall depth consistent with 61.304g(3).

5. 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 ft. 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.

6. The landscape plan must meet the minimum required landscape score as prescribed in City Code Chapter 60.
7. Provide a code-compliant street tree.
8. Provide curbing to protect the landscape areas.

4. **VAR2017-00027  1800 REPPARD RD.**

Applicant/Owner: Robert Godwin, 2613 Park Place Dr., Winter Park, FL 32789

Location: 1800 Reppard Rd. (± 1.7 acres)

District: 3

Project Planner: Michaëlle Petion (407-246-3837, michaelle.petion@cityoforlando.net)

Requested variances:

A. Variance to allow an accessory structure (garage) in front of the principal structure.
B. Variance to allow an accessory structure (garden garage) in front of the principal structure.

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 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 garden garage and garage lack the same level of detail as the residence. The same level of detail must be applied on the the garden garage and garage building. Exposed roof rafters, window trim and eave bracket details must be applied to both structures.
5. The landscape code, Chapter 60 Part 2 of the LDC, must be met. Specifically, a minimum of 12 canopy trees for each acre for lots greater than 1 acre is required.
6. On-site trees shall not be removed below the above minimum standards to establish vegetable gardens, landscape improvements, or site improvements, unless otherwise replaced.
7. A layer of organic mulch to a minimum depth of 2” shall be specified on the landscape plans in plant beds and around newly installed individual trees. Cypress mulch shall not be used.

5. **VAR2017-00028  722 N. LAKE FORMOSA DR.**

Applicant/Owner: John Paul Geurts, 327 Broadway Ave., Orlando, FL 32803

Location: 722 N. Lake Formosa Dr. (± 0.56 acres)

District: 3

Project Planner: Jacques Coulon (407-246-3427, jacques.coulon@cityoforlando.net)

Requested variances:

A. Design Variance to allow a garage to protrude in front of the principal facade;
B. Variance of 1.5 ft. to allow a 6 ft. west side setback where 7.5 ft. is required; and
C. Variance of 0.3 ft. to allow a 7.2 ft. east side setback where a 7.5 ft. 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 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. Appearance review will be required at time of permitting to ensure that the plans match up with the proposal shown including review of window transparency and all other Traditional City design requirements.

5. 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 said building permit(s) are not received within a year the zoning variance is no longer valid and a new variance must be applied for. If the building permit for the work requiring the zoning variance expires before a certificate of occupancy or certificate of completion is issued for the work requiring the zoning variance, then the zoning variance is no longer valid and a new zoning variance must be applied for.

6. An appearance review is required at time of permitting.

7. The widest the driveway may be at the property line is 18 ft.. The driveway must be redesigned to meet the City's ESM standards with regard to flares and width.

8. Sec. 60.233 of the landscape code must be met; a landscape plan is required at time of permitting.

9. On-site trees shall not be removed below the above minimum standards to establish vegetable gardens, landscape improvements, or site improvements, unless otherwise replaced.

10. A layer of organic mulch to a minimum depth of 2 in. shall be specified on the landscape plans in plant beds and around newly installed individual trees. Cypress mulch shall not be used.

11. The front exterior walls must each contain a minimum of 15% of transparent or translucent materials on each story below the roof line. Provide transparency calculations on drawing sheets.

12. Garage doors must remain separated as two single doors. Doors must remain translucent in material.

6. VAR2017-00009 826 N. WESTMORELAND DR.

Applicant/Owner: Mark Massey, 826 N. Westmoreland Dr., Orlando, FL 32804

Location: 826 N. Westmoreland Dr. (± 0.17 acres)

District: 3

Project Planner: Katy Magruder (407-246-3355, kathleen.magruder@cityoforlando.net)

Requested variances:

A. Variance of 10 ft. to the required 15 ft. street side setback for an addition to the existing home that will sit no closer than 5 ft. from the street side property line;
B. Variance of 1 ft. for a 5 ft. high wall along the street side property line, where the maximum height allowed is 4 ft.;
C. Variance of 6 in. to keep the existing detached, rear-loaded garage 14.6 ft. from the street side property line with a substantial improvement of the existing home, where the requirement is 15 ft.; and
D. Variance of 1.4 ft. to the required 5 ft. side setback for the existing home to remain 3.6 ft. from the northern side property line.

Recommended action: Deferral of the variances to May 2017, by request of the applicant.
Board member Donaudy moved APPROVAL of the CONSENT AGENDA, subject to the conditions in the staff reports. Board member Fennessy SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

REGULAR AGENDA

7. VAR2017-00029 LEXUS OF ORLANDO SIGNS

Applicant: Mark Brenchley, 3790 Beacon Ridge Way, Clermont, FL 34711
Owner: James B. Bryan IV Revocable Trust, 245 Driggs Dr., Winter Park, FL 32792
Location: 5725 Major Blvd. (± 23.9 acres)
District: 6
Project Planner: TeNeika Neasman (407-246-4257, teneika.neasman@cityoforlando.net)

Requested variance:
- Variance of 11 ft. to allow four (4) wall signs to be constructed at 41 ft. height on a stair tower, where 30 ft. is the height limitation for wall signs.

Recommended action: Denial of the requested variance.

TeNeika Neasman, Planner II, City Planning Division, presented the requested variance using PowerPoint. She provided a brief history of the site and then explained why staff recommended denial, noting that the applicant failed to meet 5 of the 6 variance criteria. Executive Secretary Cechman explained the difference between low-rise and high-rise signs and how the code regulated them separately. The Board asked for clarification on the following topics: sign height limitations, the raising of the height of Interstate 4, and sign materials.

Mark Brenchley, 3790 Beacon Ridge Way, Clermont, FL 34711, spoke as the applicant in support of the request. He pointed out the massive scale of the building, stating the stair tower that would bear the Lexus logos captured both the southern and eastern brand visibility from Interstate 4 and the Florida Turnpike. He also indicated that Lexus was using less than one-third of the total signage that the site was allocated. Finally, he noted the City’s Land Development Code for signage did not account for properties on interstates and major highways.

John Gorham, 611 W. Winter Park St., Orlando, FL 32804, spoke in support of the request. He noted the additional two Lexus logos facing back toward Major Blvd. provided some additional brand visibility. While acknowledging the existing signage already on the building, he pointed out that the proposed signs would be 300 feet away from that first area. He also described all the signage as “tastefully done”.

David Froelich, 6109 Masters Blvd., Orlando, FL 32819, spoke in support of the request. He described the request as “reasonable” and complimented the architecture and design of the site.

Paul Lewis, Chief Planner, City of Orlando, addressed the Board to explain in greater detail the code’s 30 foot height maximum for low-rise signs. He also noted that the minimum possible variance the applicant could ask for was simply one additional sign.

Board discussion ensued. Topics included the “tastefulness” of the design, and the fact that the signs were symbols, not text. Some members expressed procedural concerns, such as setting a precedent for other car dealerships in the area to request additional signage. Consensus was built to allow two of the four signs—only the logos on the façades facing south and east on the two major highways.
Board member Lastrapes moved DENIAL of the request and APPROVAL of a LESSER VARIANCE of two (2) wall signs, 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. Plastic panel box (or "cabinet") signs are prohibited.
4. Acceptable sign designs include metal or polycarbonate front-lit; halo-lit (or reverse-lit) figures with metal or polycarbonate faces; front and back-lit (which have polycarbonate faces and open backs); open lit metal; metal panel faces with push-through acrylic letters; raised metal or acrylic letters; pin-mounted metal letters; neon tubes; or sign options of similar quality, evaluated with an appearance review.
5. Externally lit signs are allowed.
6. Light-emitting diode (LED) lamps are preferred.
7. Uplit signs will not be allowed.
8. For text signs, any part of which is more than 30 feet above the exterior grade, if lit, must illuminate white at night.
9. 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.
10. The only two signs allowed under this variance request are the ones on the south and east façades of the stair tower.
11. The bottom of the signs must be no higher than 41 ft.
12. The stair tower must not exceed 51 ft. in height, subject to further review by City staff.

Board member Donaudy SECONDED the MOTION, which was VOTED upon and PASSED by 4-1 voice vote (Board member Fennessy voted against).

OLD/NEW BUSINESS & ANNOUNCEMENTS

- No items.

ADJOURNMENT

- Having no other matters to bring before the Board, Vice Chairperson Pathak adjourned the meeting at 3:28 pm.
STAFF PRESENT

Mark Cechman, City Planning
Paul Lewis, City Planning
Karl Wielecki, City Planning
TeNeika Neasman, City Planning
Jim Burnett, City Planning
Michaëlle Petion, City Planning
Jacques Coulon, City Planning
Katy Magruder, City Planning

Shannan Stegman, City Planning
Ken Pelham, City Planning
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
Alison Brackins, Office of Legal Affairs
Sarah Taitt, Office of Legal Affairs
Stephanie Herdocia, City Clerk’s Office

Mark Cechman, Executive Secretary

Ed Petersen, Recording Secretary