MEETING INFORMATION

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

Time
2:00 p.m.

Members Present
William Wilson [10/2] (Chairperson)
Roberta Fennessy [10/2] (Vice Chairperson)
Thomas Jensen [9/3]
Brian Pieters [2/0]
Guy Sanchez [10/2]

Members Absent
Chris Carmody [9/3]
Dawn Evans-Hall [1/1]
Steven Heller [6/1]
Scott Lloyd [1/1]

MINUTES – SEPTEMBER 26, 2017

OPENING SESSION

- Chairperson Wilson called the meeting to order at 2:04 pm, after determination of a Quorum.
- The meeting was opened with the Pledge of Allegiance.
- Consideration of Minutes for Meeting of August 22, 2017.
  - Board member Sanchez MOVED approval of the Board of Zoning Adjustment Meeting Minutes of August 22, 2017, as written. Vice Chairperson Fennessy SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.

PUBLIC COMMENTS

- No speaker requests were received.

CONFLICT DECLARATIONS

- No Board members declared any conflicts.

AGENDA REVIEW

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

CONSENSUS AGENDA

1. VAR2017-10004  2614 N. WESTMORELAND DR.

   Applicant/Owner: Charles Price, 2614 N. Westmoreland Dr., Orlando, FL 32804
   Location: 2614 N. Westmoreland Dr. (± 0.34 acres)
   District: 3
   Project Planner: Jim Burnett (407.246.3609, james.burnett@cityoforlando.net)
Variance of 2.5 ft. to allow a boat dock 2.5 ft. from the northeast and west side lot lines, where a minimum 5 ft. setback is required for boat docks on irregular pie-shaped lots.

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 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(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. 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.

6. The lake edge must have littoral zone plantings along the entire length of the lake edge not occupied by the dock structure, in a band at least 10 ft. in width/depth. Plants must be grouped and planted to the appropriate submerged depths for the species. Plants must be native to Central Florida and must include species selected for aesthetic and wildlife value. Recommended species include pickerelweed, spatterdock lily, fragrant water-lily, soft rush, and giant bulrush. At least one native wetland canopy tree (such as bald cypress or red maple) must also be planted, with an installed height of at least 8 ft.

7. All disturbed wetland areas must be vegetated; turfgrass cannot be installed between the rear retention swale and the lake.

8. Any lighting incorporated into the dock must use only LED bulbs/lamps, and must be designed for “dark sky” principles, so that the lighting faces downward and does not project below the opaque fixture or eave of the structure.

9. (THIS CONDITION IS MET AS LONG AS THE STAFF OPTION DESIGN IS USED) The boat dock must have the terminal platform/dock on the east side, closest to the eastern lot line and putting the (boat) mooring area & boathouse farthest away from both the eastern neighboring lot line projected into Lake Silver.

2. VAR2017-1009 121 ROSEARDEN DR.

Applicant/Owner: Billy Hattaway, 121 Rosearden St., Orlando, FL 32803

Location: 121 Rosearden Dr. (± 0.19 acres)

District: 4

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

Requested variance:

- Variance of 5 ft. to allow an accessory structure, greater than 12 ft. in height, to be located 5 ft. from the principal structure, where 10 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 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(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. 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.

6. Approval is subject to HPB approval.

3. VAR2017-10010 2501 READING DR.

Applicant/Owner: Jonathan Girnys, 2501 Reading Dr., Orlando, FL 32804

Location: 2501 Reading Dr. (± 0.14 acres)

District: 3

Project Planner: Jacques Coulon (407.246.3427, jacques.coulon@cityoforlando.net)

Requested variances:

A. Variance of 1.4 ft. to allow an inline addition to be set back 4.6 ft. from the side property line, where 6 ft. is required;
B. Variance of 1.4 ft. to allow the garage to be set back 4.6 ft. from the side property line, where 6 ft. is required; and
C. Variance of 5 ft. to allow the garage to be even with the principal façade, where it is required to be recessed 5 ft.

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. 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. 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.

6. Architectural elevations are required for an Appearance Review prior to submitting to Permitting. All Urban Design conditions of approval must be addressed in permitting drawings.

7. A consistent architectural style must be present. All architectural details, features and finishes on the exterior of
the building must be compatible with the architectural style.

8. The proposed roof over the garage is problematic. Like the design of the house, the roof must be designed to fit the design of the house.

9. Concrete window sills must be installed at all upper floor windows to match the existing window sills on the ground floor and all windows on the new addition must be recessed at least 2-3 inches.

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

4. VAR2017-10011 701 S. HYER AVE.

Applicant/Owner: Charles Wood, 701 S. Hyer Ave., Orlando, FL 32801

Location: 701 S. Hyer Ave. (± 0.29 acres)

District: 3

Project Planner: Jacques Coulon (407.246.3427, jacques.coulon@cityoforlando.net)

Requested variances:

A. Variance of 14.4 ft. to allow an inline addition to be 10.6 ft. from the rear property line, where a minimum 25 ft. setback is required; and

B. Design Variance to allow the attached garage to project in front of the principal façade, where it is required to be recessed.

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. 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. 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.

6. As the subject property did not come into its current configuration until 2016 the property is required to plat in accordance with LDC Sec. 65.272 prior to the issuance of any building permits for substantial improvements or enlargements.

7. No part of any porch proposed to be located in any required setbacks may be enclosed through any addition of screening or windows.

8. Attention must be paid to the details for the final design.

9. All windows must match the selected architectural style and should all relate to each other across the new and old portions of the building.

10. As proposed the porch and portions of the second floor contain exposed rafters. All rafters should receive a similar treatment across the home.

11. Staff suggests that the applicant choose a more appropriate material to face the chimney and base of the columns.

12. Appearance review is required at the time of permitting.
5. **VAR2017-10012 1421 PHILADELPHIA AVE.**

Applicant/Owner: Connie Chowaniec, 1421 Philadelphia Ave., Orlando, FL 32803

Location: 1421 Philadelphia Ave. (± 0.08 acres)

District: 3

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

Requested variance:

A. Variance of 6 ft. to allow an 18 ft. wide driveway, where 12 ft. is the maximum allowed; and
B. Variance of 0.14 to allow an increased Impervious Surface Ratio of 0.54 within the front yard, where 0.40 is the maximum allowed.

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 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(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. 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.

6. The ISR must not exceed 0.58 in the front yard setback and 0.70 for the entire site.

7. The proposed driveway must not encroach into the walkway path.

8. The driveway must be limited to 16 ft. at the throat and 18 ft. (4 ft. setback from the throat of the driveway).

6. **VAR2017-10013 NATIONAL GUARD ARMORY FENCE**

Applicant: Diana Weems, Cobb Site Development, Inc., 401 S. 6th Ave., Wauchula, FL 33873

Owner: Florida Army National Guard, 2305 SR 207, St. Augustine, FL 32086

Location: 8385 Daetwyler Dr. (± 12.35 acres)

District: 1

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

Requested variance:

- Variance to allow a 6 ft. tall security fence with barbed wire in the AC-3/AN 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 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.

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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.

6. The new iron fence must be extended 50 ft. eastward from the corners.

7. The applicant must provide an image of the proposed 4 ft. and 6 ft. tall fence elevations, prior to permitting for staff review.

7. VAR2017-10014 CARVANA WALL SIGNS

Applicant/Owner: Vanessa MacDonald, Carvana LLC, 1930 W. Rio Salado Pkwy., Tempe, AZ 85281

Location: 3511 Rio Vista Ave. (± 2.84 acres)

District: 6

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

Requested variance:

- Variance to allow two (2) wall signs and two (2) logo signs to be mounted higher than 30 ft. on building walls than Code allows, without said signs being considered high-rise signs.

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 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.

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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.

6. Appearance Review is required at time of permitting to ensure compliance with these conditions.
7. The raised wall and logo signs cannot extend above the adjacent parapet, lest they be considered roof signs, which are prohibited.
8. (Informational) The two raised wall signs (not logo signs) mounted above 30 ft. elevation must glow white at night.

Board member Sanchez moved APPROVAL of the CONSENT AGENDA, subject to the conditions in the staff reports. Vice Chairperson Fennessy SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.

REGULAR AGENDA

- No items.

OLD/NEW BUSINESS & ANNOUNCEMENTS

- Recording Secretary Ed Petersen updated the Board on VAR2017-10008, 642 E. Church St., which had received an appeal immediately following the August 22, 2017 BZA hearing. However, the appellant did not provide a timely filing, which led to the appeal being automatically denied. It would be moving forward on its normal trajectory and would be heard by City Council on October 9, 2017.

ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson Wilson adjourned the meeting at 2:14 pm.

STAFF PRESENT

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

Ken Pelham, City Planning
Richard Forbes, City Planning
John Groenendaal, Permitting Services
Sarah Taitt, City Attorney’s Office

Mark Cechman, Executive Secretary

Ed Petersen, Recording Secretary