MINUTES – NOVEMBER 28, 2017

OPENING SESSION

- Chairperson Wilson called the meeting to order at 2:00 pm, after determination of a Quorum.
- The meeting was opened with the Pledge of Allegiance.
- Consideration of Minutes for Meeting of October 24, 2017.
  - Board member Sanchez MOVED approval of the Board of Zoning Adjustment Meeting Minutes of October 24, 2017, as written. Board member Lloyd SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.

PUBLIC COMMENTS

- One speaker request was received for VAR2017-10019.

CONFLICT DECLARATIONS

- No Board members declared any conflicts.

AGENDA REVIEW

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

CONSENT AGENDA

1. VAR2017-10018 811 MAYFAIR CIR.

   Applicant/Owner: John Cooker, 811 Mayfair Cir., Orlando, FL 32803

   Location: 811 Mayfair Cir. (± 0.19 acres)

   District: 4

   Project Planner: Katy Magruder (407.246.3355, kathleen.magruder@cityoforlando.net)
Requested variance:

- Variance of 2 ft. to allow a 6 ft. fence to extend into the required street side setback, where 4 ft. is the maximum height 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. Install 3 canopy or understory trees between the fence and the property line.

7. Install a continuous bed of evergreen plants at the base of the fence. The plants may be large groundcover plants such as 'evergreen giant' liriope and African iris, or dwarf shrubs such as Indian hawthorne and dwarf yaupon holly.

2. VAR2017-10019   This item has been moved to Regular Agenda.

3. VAR2017-10020   913 S. MILLS AVE.

   Applicant/Owner: Grey Wilson, 913 S. Mills Ave., Orlando, FL 32806

   Location: 913 S. Mills Ave. (± 0.51 acres)

   District: 4

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

   Requested variance:

   - Variance to allow the accessory structure to be between the principal façade of the principal building and the street.

   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 driveway must be constructed of decorative pavers as shown.

7. Landscape the front facade base of the garage with evergreen plants, and include at least one tree in the
front yard between the garage and the street.

8. The north facade of the garage must be landscaped, and must include windows on the 2nd-story
windows. Said windows in the north facade must be non-transparent; glass block, translucent glass, and
similar treatments, are acceptable. All garage windows must be consistent with the style of windows used
in the house. The entire lengths of the north and south facades of the garage must incorporate the
finishes and details (including the base) of the west facade of the garage and of the main house overall.

9. The garage doors must be two separate doors as proposed, and must include glass panels. The glass
panels may be clear or translucent.

10. Include a planted pollution-control swale along the lake edge. Turfgrass will not be permitted within 10
feet of the lake edge. The City fertilizer ordinance must be followed. Additionally, the lake edge must be
planted with native littoral zone plants, such as picker-elweed and bulrush. Littoral zone plants must be
professionally installed, and planted at depths appropriate to the species (see City Code Chapter 60, Part
2, for approved plant list recommendations and planting depths).

11. An appearance review will be required PRIOR to application for building or site work permits.

Informational comments

1. The parcel will need to go through the Minor Subdivision platting process prior to issuance of a building
permit.

2. An existing 36" oak is within the footprint of the main house; a tree removal or encroachment permit must
be obtained from the City Parks Division.

3. Per City Code Section 60.223, at least 6 canopy trees are required for this lot (with allowable substitutions
per that section). Not more than 60% of the lot landscape may be turfgrass.

4. Provide street trees per City Code Chapter 60. Canopy trees within 10 feet of the sidewalk, curb, or
underground utilities will re-quire special design and construction treatment to protect the infrastructure.
Such treatments may include structural soils and root barriers.

4. VAR2017-10021 27 N. SUMMERLIN AVE.

Applicant: Roger Soderstrom, Stirling International Real Estate, 27 N. Summerlin Ave.,
Orlando, FL 32801

Owner: Vijay Luthra, Luthra Enterprises LLC, 27 N. Summerlin Ave., Orlando, FL 32801

Location: 27 N. Summerlin Ave. (± 0.16 acres)

District: 4

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

Requested variances:

A. Design Variance to allow a 6-ft. tall 7.5 sq. ft. pylon sign in the Traditional City (T) Overlay, where
such a sign is prohibited; and

B. Variance of 6 ft. to allow said pylon sign to be 6.5 ft. from the front lot line, where a minimum 12.5
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 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. Appearance Review is required at time of permitting to ensure compliance with the (below) condition.

7. Minor Historic Preservation Certificate of Appropriateness is needed for the proposed sign (prior to applying for permits).

Note: one letter was received in opposition to this request.

5. **VAR2017-10022** 951 WOODCOCK RD.

   Applicant: Cas Suvongse, SK Consortium Inc., 1053 N. Orlando Ave., Ste. 3., Maitland, FL 32751

   Owner: G & C OC Investors LLC, 2335 E. Atlantic Blvd., Ste. 300, Pompano Beach, FL 33062

   Location: 951 Woodcock Rd. (± 1.29 acres)

   District: 3

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

   Requested variance:

   - Variance of 120 spaces to allow 926 parking spaces, where 806 spaces is the maximum permitted by code.

   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.

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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. Parking lot perimeter landscape areas must be at least 7.5’ in width, per City Code Section 61.312, and must include a continuous bed of evergreen landscape shrubs and groundcovers, plus at least 1 tree every 50 feet.

7. Each parking row end must have a landscape area with a tree.

8. A low-volume irrigation system is required. All trees and landscape should be drought-tolerant, but irrigation, with at least 2 bubblers at each new tree, are required to ensure establishment. Irrigation controls must comply with Chap-ter 60 requirements. If the irrigation system is to be connected to an existing irrigation system, the existing controller must comply with the current City Code or be replaced with a compliant one.

9. The parking lot is required to be lighted; the outdoor lighting must comply with Chapter 63, Part 2M, of City Code.

10. Impervious Surface Ratio (ISR)—The ISR may not exceed 0.85.

11. The sidewalk must lead to the intersection of Woodcock Rd. and McCrory Pl. and a striped crosswalk must be provided across Woodcock.

12. Contact City Parks Division to evaluate all existing trees and to apply for any tree removal and encroachment permits. It may be necessary to alter the paving and grading design to preserve any trees deemed desirable for preservation.

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

2. VAR2017-10019 3421 BACKSPIN LN.

Applicant/Owner: Eric Steinberg, 3421 Backspin Ln., Orlando, FL 32804

Location: 3421 Backspin Ln. (± 0.17 acres)

District: 3

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

Requested variance:

- Variance of 2 ft. to allow a 6 ft. tall fence in the front yard setback, where 4 ft. is the maximum height permitted.

Recommended action: Denial of the request, and approval of a lesser variance to allow the fence to be 6 ft. tall for the first 6 ft.-long panel from the front façade of the house, and 4 ft. tall for the remaining panels to the front property line (estimated 12 ft.).

Note: two e-mails were received in support of this request, and two in opposition.

TeNeika Neasman, Planner II, presented the requested variance using the staff report on the overhead projector. She provided a brief history of the site, noting that the fence in question had been built without a permit. Code Enforcement was involved in the matter (see incident #461690). She also stated that the applicant was not
present at the meeting, though he had been provided with all the necessary notifications.

Howard Johnston, Jr., 3415 Backspin Ln., Orlando, FL 32804, spoke as the neighbor to the south in opposition to the variance. He opposed the fence because it did not fit with the character of the neighborhood, and it made backing out of his driveway much more difficult because it was hard to see oncoming traffic. He mentioned he had difficulty opening his vehicle's door as a result of the location of the fence right on the property line. Finally, he noted he had not had any dialogue with the applicant.

Board discussion ensued. Assistant City Attorney Taitt clarified the Board's purview in the matter. Executive Secretary Cechman noted the location of the fence would be verified through the Permitting process, to ensure that it was entirely on the applicant's property. He also remarked that if the fence were reduced in height to four feet along its entire length, it would meet code and would not need a variance.

Some Board members were willing to grant the lesser variance as recommended by staff. Board member Sanchez pointed out that the original variance request did not meet any of the six standards as mandated by code, and wondered if even the lesser variance would be an improvement. As discussion continued, the members agreed that the variance should be denied altogether because the applicant had constructed the higher fence without permits, the lesser variance did not meet the six standards, and the applicant had not shown up to explain or defend his actions.

*Board member Lloyd moved DENIAL of the VARIANCE. Board member Sanchez SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote.*

**OLD/NEW BUSINESS & ANNOUNCEMENTS**

- Recording Secretary Ed Petersen reminded the Board members that the December BZA will take place on December 19, 2017 (the third Tuesday of the month).

**ADJOURNMENT**

- Having no other matters to bring before the Board, Chairperson Wilson adjourned the meeting at 2:49 pm.

**STAFF PRESENT**

Mark Cechman, City Planning
Karl Wielecki, City Planning
Paul Lewis, City Planning
TeNeika Neasman, City Planning
Jim Burnett, City Planning

Michaëlle Petion, City Planning
Jacques Coulon, City Planning
Katy Magruder, City Planning
Sarah Taitt, City Attorney's Office

Mark Cechman, Executive Secretary

Ed Petersen, Recording Secretary