MINUTES – DECEMBER 19, 2017

IMPORTANT NOTE

- Part 1 of 2 of the December 19, 2017 minutes will be presented to City Council on January 8, 2018 (only containing Item #6 – Maudlin Roof Sign).
- Part 2 of 2 of the December 19, 2017 minutes will be presented to City Council on January 22, 2018 (containing the remainder of the items).

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.
- Board member Pieters arrived at 2:03 pm.
- Consideration of Minutes for Meeting of November 28, 2017.
  - Board member Sanchez MOVED approval of the Board of Zoning Adjustment Meeting Minutes of November 28, 2017, as written. Vice Chairperson Fennessy SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote (6-0).
  - Board member Lloyd arrived at 2:05 pm. Board member Carmody arrived at 2:06 pm.

PUBLIC COMMENTS

- One speaker request was received for VAR2017-10027.

CONFLICT DECLARATIONS

- No Board members declared any conflicts.

AGENDA REVIEW

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

1. **VAR2017-10023  5412 CURRY FORD RD.**

   Applicant/Owner: Iris Torres, Andrades Medical Building Corp., 5412 Curry Ford Rd., Orlando, FL 32812

   Location: 5412 Curry Ford Rd. (± 0.33 acres)

   District: 1

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

   Requested variance:
   
   - Variance of 5 parking spaces to allow 12 total spaces, where no more than 7 spaces are 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 handicap space must be located on the southern side of the parking lot, with the 5 ft. access aisle located directly adjacent to the building.

7. The final 3 parking spaces must be located on the north side of the parking lot.

8. A small hammerhead must be provided at the end of the access aisle to assist vehicles parked at the end of the row to turn out of their parking spaces.

9. 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. Any shrubs missing within the existing hedges must be replaced.

10. Two canopy Trees must be added along Curry Ford Rd. The trees must be added to the where indicated. Must be 10'-12' height at time of installation, with minimum 3” caliper.

11. Trees must be added to each of the parking row ends, the trees must be 10'-12' height at time of installation, with minimum 3” caliper.

12. A minimum of 3 trees must be added to the southern and western edges of the dry retention pond. The trees must be 10'-12' height at time of installation, with minimum 3” caliper. It is recommended that the trees selected include species such as bald cypress that can thrive in the varied moister conditions that the retention pond will provide.

13. Add fences to separate the rear yard from the parking area, providing pedestrian walk gate only, maximum of four feet in width. The fence and gate may be of vinyl, wood, wrought-iron or aluminum pickets, welded wire, or chain link. If chain link fencing is used, it must be vinyl-clad black with top and bottom rails.

*Note: one letter was received in support of this request.*
2. **VAR2017-10025  1410 CARDINAL RD.**

   **Applicant/Owner:** Erica Diltz, 1410 Cardinal Rd., Orlando, FL 32803  
   **Location:** 1410 Cardinal Rd. (± 0.23 acres)  
   **District:** 3  
   **Project Planner:** Katy Magruder (407.246.3355, kathleen.magruder@cityoforlando.net)

   **Requested variance:**
   - Variance of 14.5 ft. allow a 10.5 ft. rear yard setback, where a minimum 25 ft. setback is required, in order to convert an existing carport to living space.

   **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 existing driveways to the northeast and northwest must be restored to vegetation and landscaping.

7. The curbcuts for the above mentioned driveways must be removed and restored.

8. An Appearance Review is required prior to permitting. Elevations submitted must include all sides of the building.

   **Note:** one letter was received in support of this request.

3. **VAR2017-10028  OASIS LIQUORS**

   **Applicant:** Nidal Alqabalan, 5800 N. Orange Blossom Tl., Orlando, FL 32812  
   **Owner:** Rosemont Plaza PW LP, 14565 NW 26th Ave., Opa Locka, FL 33054  
   **Location:** 5800 N. Orange Blossom Tl. (± 10.29 acres)  
   **District:** 3  
   **Project Planner:** Jacques Coulon (407.246.3427, jacques.coulon@cityoforlando.net)

   **Requested variance:**
   - Variance to allow package sales of beer, wine, and liquor within 500 ft. of a church or school.
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.

Note: one letter was received in support of this request, and one e-mail was received in opposition.

4. **VAR2017-10029** 205 W. PRINCETON ST.

Applicant/Owner: John Burzee, 1860 Palm Ln., Orlando, FL 32803

Location: 205 W. Princeton St. (± 0.20 acres)

District: 3

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

Requested variance:

- Variance of 5 ft. to allow a street side setback of 10 ft. for a required parking space, where 15 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. Construct a sidewalk leading to the front door from the sidewalk along W. Princeton St.
7. The existing and proposed new tandem lots must provide street trees in the front (Princeton St. existing and Oberlin Ave. proposed lot) and street side (Oberlin Ave. existing lot).
8. Remove the existing Princeton St. curbcut.
9. A direct path must be provided from the sidewalk along Princeton St. to the single family home.

5. VAR2017-10030 12100 ULETA LN.

Applicant/Owner: Narendra Patel, 12100 Uleta Ln., Orlando, FL 32827
Location: 12100 Uleta Ln. (± 0.18 acres)
District: 1
Project Planner: Michaëlle Petion (407.246.3837, michaelle.petion@cityoforlando.net)

Requested variance:

- Variance of 1.7 ft. to allow a 17.7 ft. wide driveway, where 16 ft. is the maximum allowed driveway width.

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. Provide low covering landscaping immediately adjacent to the proposed driveway extension, along the north and west sides.
7. The driveway addition must use pavers, similar to the existing driveway.

6. VAR2017-10031 MAUDLIN ROOF SIGN (Separate minutes submitted for this item)

- This item was scheduled to go before City Council on January 8, 2018 as BZA December 19, 2017 Minutes Part 1 of 2.

Board member Sanchez moved APPROVAL of the CONSENT AGENDA, subject to the conditions in the staff reports. Board member Pieters SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).
REGULAR AGENDA

7. VAR2017-10027  1202 CHELSEA PL.

Applicant/Owner:  Michael Kreiter, 1202 Chelsea Pl., Orlando, FL 32803
Location:  1202 Chelsea Pl. (± 0.23 acres)
District:  3
Project Planner:  Jim Burnett (407.246.3609, james.burnett@cityoforlando.net)

Requested variances:

A. Variance of 12 ft. to allow an existing pergola to be 3 ft. from the street side lot line, where a minimum 15 ft. setback is required in the R-1A zoning district;
B. Variance of 2 ft. to allow said pergola to be 3 ft. from the rear lot line, where a minimum 5 ft. setback is required; and
C. Variance to allow said pergola to extend in front of the street side façade of the primary structure, where it is required to be flush with, or recessed from, said façade.

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

Jim Burnett, Planner III, presented the requested variances using the PowerPoint. He provided a brief history of the site, noting that the pergola in question had been built without a permit. Code Enforcement was involved in the matter (see incident #457344). He also pointed out that all the adjacent neighbors supported the variances and had provided letters, and that staff had received no objections. Nevertheless, staff was recommending denial of parts A and B because not all six variance criteria were met.

Michael Kreiter, 1202 Chelsea Pl., Orlando, FL 32803, spoke in support of the request as the owner/applicant. He explained that the reason for the location of the pergola was due to the existing pool and the narrowness of the backyard. He claimed they had hired a contractor with the understanding that permits would be pulled, but they weren’t pulled. He then apologized for not pulling the required permits.

Board discussion ensued. Topics included the proper procedure for making a motion on all three parts; what approval or denial of any or all of the parts would entail; and that the structure as built didn’t seem to be imposing on neighboring properties in any way.

**Board member Carmody moved APPROVAL of all three VARIANCES, subject to the following conditions:**

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) conditions.

7. Plant material must be placed intermittently against the long expanse of east and south lot line fences to create a softening effect and to further screen views of the pergola rising above the fence.

8. All planting materials must be of good quality and must meet City of Orlando landscape code.

9. The scale and nature of landscape materials must be appropriate to the size of the site and related structures.

10. Any new trees (in street-side R-O-W) must not exceed a natural mature height of 25 ft underneath overhead power lines (see LDC Sec 60.225 figure 11).

Informational

11. Sidewalk – A sidewalk may be required on the north side of Chelsea St. west of Chelsea Place (to be determined at time of permitting for the pergola and pavers or future semi-circular driveway).

12. Impervious surface coverage for the entire lot is capped at 55%. Pavers count as impervious surface but pool area (water) does not count against overall impervious coverage. Some amount of existing pavers may need to be removed to achieve the maximum 55% coverage.

Vice Chairperson Fennessy SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (8-0).

OTHER BUSINESS

- Recording Secretary Petersen reminded the Board that this would be the last meeting in Council Chambers until about halfway through 2018, due to scheduled renovations on the second floor of City Hall.
- Board member Sanchez announced that he would be resigning from the Board due to his upcoming move out of Orlando city limits.

ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson Wilson adjourned the meeting at 2:36 pm.

STAFF PRESENT

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

Katy Magruder, City Planning
Jason Burton, City Planning
Ken Pelham, City Planning
Terrence Miller, City Planning
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
Sarah Taitt, City Attorney’s Office

Mark Cechman, Executive Secretary
Ed Petersen, Recording Secretary