OPENING SESSION

- Chairperson Wilson called the meeting to order at 2:06 pm, after determination of a Quorum.
- The meeting was opened with the Pledge of Allegiance.
  - Vice Chairperson Fennessy MOVED approval of the Board of Zoning Adjustment Meeting Minutes of January 23, 2018, as written. Board member Pieters SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote.

PUBLIC COMMENTS

- Four 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. VAR2018-10000 2645 S. ORANGE AVE.
   - Applicant: Brooks Stickler, Kimley Horn, 3660 Maguire Blvd., Ste. 200, Orlando, FL 32803
   - Owner: Om Retail Development LLC, 3662 Avalon Park E. Blvd., Ste. 201, Orlando, FL 32828
   - Location: 2645 S. Orange Ave. (± 0.34 acres)
   - District: 4
   - Project Planner: Michaëlle Petion (407.246.3837, michaelle.petion@cityoforlando.net)
Requested variances:

A. Variance of ±18 ft. to allow a ±48 ft. side setback, where 30 ft. is the maximum permitted;
B. Variance of ±4.5 ft. to reduce the required north side parking lot landscaping to ±3 ft., where 7.5 ft. is the minimum required;
C. Variance of ±3.5 ft. to reduce the required north side parking lot landscaping to ±4 ft., where 7.5 ft. is the minimum required;
D. Variance of ±3 ft. to allow 0 ft. of perimeter building landscaping, where 3 ft. is the minimum required; and
E. Variance of ±1 ft. to allow parking stalls depth of 16 ft., where 18.5 ft. is the minimum required.

Recommended action: Deferral of the project, by request of the applicant.

2. **VAR2018-10001 1453 WALD RD.**

Applicant/Owner: Glenn Dunkelberger, 1453 Wald Rd., Orlando FL 32806

Location: 1453 Wald Rd. (± 0.43 acres)

District: 4

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

Requested variance:

- Variance of 3.2 ft. to allow a new detached single-story garage/shed to be 4.3 ft. from the east street side lot line, where a minimum 7.5 ft. setback is required under R-1AA zoning.

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. A new evergreen hedge, to be 8 ft. tall within 1 year of placement of the new shed, must be planted between the new garage/shed and the buffer wall that matches the existing hedge next to the buffer wall on the east side of the property. This will mitigate the massing of the garage along the property line. The new hedge plantings must be shown on plans submitted for building permits.
3. **VAR2018-10002 ORLANDO CROSSING SIGNAGE**

Applicant/Owner: James Pena, AC Signs, 11100 Astronaut Blvd., Orlando, FL 32837

Owner: Orlacross LLC, 5161 International Dr., Orlando, FL 32819

Location: 5525 International Dr. (± 4.44 acres)

District: 6

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

Requested variances:

A. Variance of 39 sq. ft. to allow a 89 sq. ft. shopping center sign, where 50 sq. ft. is the maximum allowed; and

B. Variance of 7 ft. to allow a 15 ft. tall shopping center sign, where 8 ft. is the maximum allowed.

Recommended action: Approval of Variance A, subject to the conditions in the staff report; denial of Variance B and approval of a lesser variance of 4 ft. to allow a 12 ft. tall shopping center sign, where 8 ft. is the maximum allowed.

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 shopping center sign must be limited to 12 ft. in height with 89 sq. ft. of copy area space.

7. The sign must be constructed with materials and architectural style similar to the existing primary commercial build-ing. The sign shall not be reflective of the heliport or tourist buildings.

4. **VAR2018-10003 1910 GADSEN BLVD.**

Applicant: Daniel Fis, 1605 Fredrica Dr., Orlando, FL 32807

Owner: Abigail Pullum, 4709 Indian Gap Dr., Orlando, FL 32812

Location: 1910 Gadsen Blvd. (± 0.18 acres)

District: 1

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

- Variance of 7.5 ft. to the required 15 ft. street side setback from the south side property line for new construction of a single-family home.

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. No portion of the single-family home shall be closer than 7.5 ft. to the south side property line.

7. A landscape and irrigation plan will be required for a building permit.

8. Since this is a substantial enlargement, the installation of sidewalk along Gadsen Blvd would be required.

5. **VAR2018-10004** 811 E. WASHINGTON ST.

Applicant: Bob Dietz, Veneto Builders, 478 E. Altamonte Dr., Ste. 108, Altamonte Springs, FL 32701

Owner: David Parrish, 840 E. Washington St., Orlando, FL 32801

Location: 811 E. Washington St. (± 0.14 acres)

District: 4

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

Requested variances:

- A. Variance of 4.5 ft. to allow a 3 ft. vehicular use bufferyard, where 7.5 ft. is the minimum required;
- B. Variance of 14 ft. to allow a 10 ft. driveway (2-way), where 24 ft. is the minimum required;
- C. Variance of 17% to allow a 92% ISR, where 75% is the maximum allowed in the AC-N zoning district; and
- D. Variance of 5 ft. to allow a 40 ft. building height, where 35 ft. is the maximum allowed in the AC-N 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 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 easternmost parking stall must be striped and signed as "No Parking" to allow this space to be used as a turnaround point for vehicles that cannot park.

7. Cross access easements to the benefit of the parcels to the east and west must be executed and recorded by the owner. These may be written so as to only go into effect when the owners of those adjacent properties provide reciprocal easements.

8. The driveway width must be expanded to the extent possible at the north side of the sidewalk and tapered back to 10 ft. as necessary. Full 3 ft. wide flares must be included between the sidewalk and the curb and the sidewalk must be constructed to Engineering Standards Manual thickness and reinforcement requirements for the entire width of the driveway.

9. The driveway must be equipped with a gate arm or illuminated “Do Not Enter” sign that is activated when a vehicle is exiting or preparing to exit the parking lot. Video or other detection means may be used to activate the gate arm or sign. The sign or gate arm must be fully visible from Washington St so that drivers do not begin their entering maneuver until the driveway is clear. The intention of this requirement is that vehicles are not forced to back out into the Washington St right-of-way due to an opposing vehicle.

10. Eating and drinking uses are prohibited in the ground floor commercial use space.

Note: one e-mail was received in opposition this request.

6. VAR2018-10005 1229 DORCHESTER ST.

   Applicant/Owner: Julie Lamar, 1370 Gene St., Winter Park, FL 32789

   Location: 1229 Dorchester St. (± 0.29 acres)

   District: 3

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

   Requested variance:

   • Variance of 2.3 ft. to permit an addition to be located 5.2 ft. from the side property line, where 7.5 ft. is required.

   Recommended action: Approval of the requested variance, subject to the conditions in the staff report and addendum.

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 proposed addition must be consistent with the architectural style and detail of the principal structure.

7. An appearance review is required at the time of permitting to ensure the conditions stated above have been fulfilled.

**Note:** one e-mail was received in opposition to this request.

_Vice Chairperson Fennessy moved APPROVAL of the CONSENT AGENDA, subject to the conditions in the staff reports. Board member Heller SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (6-0)._  

**REGULAR AGENDA**

7. **VAR2017-10037** 1212 W. NEW HAMPSHIRE ST.  
   Applicant/Owner: Loi Head, 1212 W. New Hampshire St., Orlando, FL 32804  
   Location: 1212 W. New Hampshire St. (± 0.23 acres)  
   District: 3  
   Project Planner: Jim Burnett (407.246.3609, james.burnett@cityoforlando.net)  
   Requested variance:
   - Variance to allow the one required parking space in front of the house, where said parking space is required to be located behind the principal façade.
   
   Recommended action: Denial of the requested variance.

Jim Burnett, Planner III, presented the requested variance using PowerPoint. He noted that the previous owners of the house converted the existing garage into living space with no permits. Staff recommended denial of the variance request because it did not meet all six standards of approval, and because it would set a bad precedent in the area.

Loi Head, 1212 W. New Hampshire St., Orlando, FL 32804, spoke as the applicant in support of the request. She stated that she would be willing to get permits for the work that had been previously done. For parking their vehicle, there were no other options. George Head (same address, spouse) also spoke in support of the request. He indicated that under their proposed plan, the garage would no longer be a feature of the home, and that he hoped for a widened driveway to accommodate easier parking in front of the home. Mr. Head also provided four letters of approval from nearby neighbors.

Board discussion ensued. It was established that the current use of the garage area was a small bedroom and utility space. Mr. Burnett went over the backup conditions should the Board choose to approve the variance request. Parking on the street was limited to one side due to the narrow nature of the street. Further topics of discussion included making Orlando less car-centric, the larger size of modern cars versus the smaller size of older garages, and the parking limitations.
Vice Chairperson Fennessy moved APPROVAL of the 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. Appearance Review is required at time of permitting (relative to removal of the garage door and replacement with new building façade) to ensure compliance with the (below) conditions.

7. Two (2) ft. of driveway in front of the former garage must be removed and landscaped to create a transition between the parking area and the house. All plant materials must be of good quality and meet City of Orlando landscape code.

Informational conditions

8. Additional Vehicle Parking – Any additional vehicles parked on the property will need to be parked on a durable all-weather surface (per LDC Section 61.303(a)).

9. Future Driveway Expansion – To accommodate a possible 2nd vehicle in the driveway, a permit will be needed to provide an expanded driveway no wider than 18 ft. (per LDC Section 61.240).

10. Impervious surface coverage within the front yard cannot exceed 40%. Pavers are considered impervious.

Board member Pieters SECONDED the MOTION, which was VOTED upon and PASSED by a 5-1 voice vote (Board member Heller opposed).

8. **VAR2018-10006 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 9 ft. 5 in. to the required 15 ft. street side setback for a new single family home that will sit no closer than 5 ft. 7 in. from the street side property line; and

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.

Recommended action: Denial of the requested variances, and approval of two lesser variances: (A) Variance of 5 ft. to the required 15 ft. street-side setback for the single family home to be built 10 ft. from the street-side property line; (B) Variance of 1 ft. for a 5 ft. high wall set back 10 ft. from the street-side property line, at the rear of the proposed single family home, where the maximum height allowed is 4 ft.
Katy Magruder, Planner II, presented the requested variance using PowerPoint. She noted the request was to demolish the existing house and replace it with a new one. She provided the history of the site but also noted the differences in the characteristics of the surrounding lots and houses, explaining the reasons this project was to be reviewed differently. She then detailed why staff was recommending lesser variances for both requests, since neither one met all six standards of approval. In response to Board questions, she identified exactly the location of the existing picket fence, which was currently in the right-of-way on Atkins Place. Executive Secretary Cechman noted the right-of-way issue and compared Atkins Place to an alley, as the street is very narrow.

*Note: Vice Chairperson Fennessy left the meeting at 3:11 pm. A quorum was still maintained.*

Mark Massey, 826 N. Westmoreland Dr., Orlando, FL 32804, spoke as the applicant in support of the request. He used PowerPoint to summarize his request and also to show different perspectives on his property and those surrounding him in the neighborhood. He also provided a ledger-sized copy of his proposed site plan to the Board members. He agreed that Atkins Place was very much like an alley. He informed the Board that he withdrew a previous variance request in 2017 and chose instead to design a new home, in order to square up the house to be in line with the property lines. He insisted that the City’s regulations and proposed lesser variances would make the house narrower and unusable for his growing family. His current house was already small and he stated that other nearby houses were not. He also took issue with some of the items in the report and said the term “massing” was not a neutral word.

Ms. Magruder provided further explanations of the history of the variance requests, and explained the difference in how the two proposals were reviewed by staff. The applicant’s earlier proposal was for an addition to his existing house, while the current proposal was for a brand new house. By demolishing the old house, the applicant would be losing any “grandfathered in” rights for the location.

Michael Jones, 777 Mardun Ln., Winter Springs, FL 32708, attorney for the applicant, spoke in support of the request. His main points were complaints about the stringency of the City code, notably the requirement for FAR limits.

Board discussion of the project details ensued at great length. Board members agreed that the applicant could work with the City’s lesser variances, as he was still getting a variance from what code would normally allow. Board member Evans-Hall noted that the wall as proposed would be too hard to see around, causing safety hazards for pedestrians; she proposed a wrought-iron material that could be seen through.

**Board member Evans-Hall moved DENIAL of VARIANCE A, and approval of a LESSER VARIANCE (Variance of 5 ft to the required 15 ft street-side setback for the single family home to be built 10 ft. from the street-side property line), and DENIAL of VARIANCE B, and approval of a MODIFIED VARIANCE (Variance of 1 ft. for a 5 ft. high fence along the Atkins Place property line, where the maximum height allowed is 4 ft.), subject to the following conditions in the staff report and modifications:**

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 and final site plan required via determination application, prior to submitting for building permits.

7. The maximum FAR must be no greater than 0.40 FAR.

8. The street-side setback for the newly constructed single family home must be no closer than 10 ft. to the property line.

9. The 5 ft. fence may be placed at the property line on Atkins, but must go through appearance review to determine a style-appropriate fence, including all angles and height modifications to satisfy engineering requirements.

10. The maximum height is 2 stories.

Board member Pieters SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (5-0).

OLD/NEW BUSINESS & ANNOUNCEMENTS

- Board member Pieters indicated that this would be his last meeting, as he would be moving out of Orlando city limits soon and would have to resign.
- Recording Secretary Petersen thanked the Board members for their patience with the new Council Chambers arrangement and microphone issues. He informed everyone that the sound should be improved by the next meeting, as City staff had ordered new equipment.

ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson Wilson adjourned the meeting at 4:02 pm.

STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
TeNeika Neasman, City Planning
Jim Burnett, City Planning
Jacques Coulon, City Planning
Katy Magruder, City Planning

Michaëlle Petion, City Planning
Richard Forbes, City Planning
Keith Grayson, Permitting Services
John Groenendaal, Permitting Services
Olivia Boykin, Permitting Services
Sarah Taitt, City Attorney's Office

Mark Cechman, Executive Secretary

Ed Petersen, Recording Secretary