MINUTES – JUNE 26, 2018

OPENING SESSION

- Mark Cechman, Executive Secretary, called the meeting to order at 2:05 pm, after determination of a Quorum.
- Due to the absence of both the Chairperson and Vice Chairperson, a special election was held to nominate an Acting Chairperson. Board member Lloyd MOVED to nominate Chris Carmody as Acting Chairperson. Board member Isaacs SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).
- Pledge of Allegiance.
- Consideration of Minutes for Meeting of May 22, 2018.
  - Board member Heller MOVED approval of the Board of Zoning Adjustment Meeting Minutes of May 22, 2018, as written. Board member Isaacs SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote (7-0).

PUBLIC COMMENTS

- One speaker request was received.

CONFLICT DECLARATIONS

- No Board members declared any conflicts.

AGENDA REVIEW

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

CONSENT AGENDA

1. VAR2018-10019 612 SHERIDAN BLVD.

   Applicant: Andrew Katzman, Rare Builders, 217 N. Westmonte Dr., Ste. 1005, Altamonte Springs, FL 32714
   Owner: Mary Taylor, 612 Sheridan Blvd., Orlando, FL 32804
   Location: 612 Sheridan Blvd. (± 0.34 acres)
   District: 3
Requested variance:

- Variance of ±3 ft. to allow retention of an existing single-family home ±3 ft. from the east side (interior) lot line, where a minimum 6 ft. side yard setback is required in the R-1/T zoning district.

Recommended action: Approval of the requested variance, solely if the existing house is retained, subject to the conditions in the staff report.

1. Appearance Review is required at time of permitting to ensure compliance with the (below) conditions.
2. "Solely if the existing house is retained and preserved": To offset the existing home being only 3 ft. from the re-established east (interior) lot line, the west side setback for the new home on the east lot must be not less than 9 ft.
3. Any exterior HVAC equipment or other mechanical equipment on the west lot (retained house) cannot be placed between the proposed residence and the east (interior) lot line. Said equipment should be placed on the south side of the existing house (on the western lot). Similarly, proposed exterior mechanical equipment for the future 1.5-story residence on the eastern lot must be located south of the new principal structure.
4. The proposed location of new driveways for both lots should be on the west sides of each lot compliant with the LDC and City of Orlando ESM.
5. A gutter, consistent with the building architecture, must be placed along the east eave of the existing home (on the western lot).
6. For additional conditions, please see the end of these minutes.

Informational: Additional conditions of SUB2018-10027 (Revert to Plat) (as recommended for approval by MPB on 6/19/2018) must also be satisfied.

Note: a speaker request form was received from Craig Alig, 616 Sheridan Blvd., Orlando, FL 32804. He and his wife Beverly were opposed to the case on the grounds of potential solar panel blockage (by the proposed new structure) and overall site development concerns. However, they opted not to speak on the case before the Board of Zoning Adjustment, so to pursue their concerns through other means.

2. **VAR2018-10020 DEEPLY COFFEE**

Applicant: Ryan Holden, Deeply Coffee, 111 N. Magnolia Ave., Ste. 50, Orlando, FL 32801

Owner: Lincoln Orlando Holdings LLC, 300 S. Orange Ave., Ste. 1575, Orlando, FL 32801

Location: 111 N. Magnolia Ave. (± 0.68 acres)

District: 5

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

Requested variance:

- Variance to allow alcoholic beverage sales within 200 ft. of an established church.

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

1. Appearance Review shall be required during permitting to ensure compliance with variance conditions.
2. Sales of alcoholic beverages is limited to on-site consumption at 111 N. Magnolia Avenue, Suite 50 and thus is prohibited outside the 1,620 sq. ft. space.
3. No outdoor advertising or signs visible to the outdoors shall be allowed to advertise the sale of alcohol.
4. The establishment shall not charge a cover charge at any time.
5. For additional conditions, please see the end of these minutes.

3. **VAR2018-10021 2035 W. WASHINGTON ST.**

   **Applicant:** Mary Sims, 6201 Mission Dr., Orlando, FL 32801  
   **Owner:** Martha Gray, 212 N. Lakeland Ave., Orlando, FL 32805  
   **Location:** 2035 W. Washington St. (± 0.23 acres)  
   **District:** 5  
   **Project Planner:** Katy Magruder (407.246.3355, kathleen.magruder@cityoforlando.net)

   **Requested variances:**
   
   A. Variance of 25 ft. to the required 125 ft. lot depth for multifamily development.  
   B. Variance of 2.5 ft. to the required 7.5 ft. for the required vehicular use area buffer to the west, to allow 5 ft. landscape area.  
   C. Variance of 4 ft. to the required 7 ft. of Bufferyard A to the north, to allow a 3 ft. landscape area.  
   D. Variance of 2 ft. to the required 20 ft. building separation for multifamily, to allow 18 ft. between the structures.

   **Recommended action:** Approval of the requested variances, subject to the conditions in the staff report.

   1. Architecture must be consistent with what is shown in the enclosed elevation and rendering.  
   2. Please provide the 3 ft. flares on each side of the proposed driveway.  
   3. Please provide traffic control devices such as: 24 ft. stop bar and a 30 in. x30 in. stop sign.  
   4. A MOT plan must be approved by Scott Walker with the Transportation department. Please coordinate with him directly at (407)246-2372.  
   5. At all project entrances, clear sight distances for drivers and pedestrians shall not be blocked by signs, buildings, building columns, landscaping, or other visual impediments. No structure, fence, wall, or other visual impediment shall obstruct vision between 3 feet and 8 feet in height above street level. The street corner/driveway visibility area shall be shown and noted on construction plans and any future site plan submittals. The applicant shall design the site plan as necessary to comply with the Florida Greenbook requirements for sight distance at intersections. Sight lines shall be shown on both the site plan and landscape plan. Landscaping located within intersection triangles as defined by the Florida Greenbook shall be trimmed or spaced according to FDOT Design Index 546.  
   6. Documentation shall be provided from the City's Solid Waste Division indicating curb pick-up or other approved arrangement.  
   7. Existing sidewalk and ramps must be ADA compliant.  
   8. For additional conditions, please see the end of these minutes.

*Board member Isaacs moved APPROVAL of the CONSENT AGENDA, subject to the conditions in the staff reports. Board member Perez SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (7-0).*

**REGULAR AGENDA**

4. **VAR2018-10017 3904 VIRGINIA DR.**

   **Applicant/Owner:** Kimberly Hosley, 3904 Virginia Dr., Orlando, FL 32803  
   **Location:** 3904 Virginia Dr. (± 0.21 acres)  
   **District:** 3
Project Planner: Jim Burnett (407.246.3609, james.burnett@cityoforlando.net)

Requested variance:

- Variance to retroactively allow the one required parking space to be in front of the house, within the front setback, where said parking space is required to be located behind the 25-ft. front setback.

Recommended action: Denial of the requested variance.

Jim Burnett, Planner III, presented the requested variance using PowerPoint. He noted that the current owner had enclosed the garage without permits back in 2006, but the issue was only recently cited by Code Enforcement 11.5 years after the fact. Staff was recommending a “soft denial” because they couldn’t get around the “self-imposed hardship” requirement of the six variance standards. Mr. Burnett said that staff had done research on similar variance requests since 2016. In that time, nearly all the cases regarding carport and garage enclosures where the hardship was self-created had been recommended for denial by staff, but the Board had eventually approved them. He also pointed out that staff was not permitted to consider what other homes in the area had relative to enclosed carports or garages when reviewing a case of this type. Executive Secretary Cechman briefly explained the reasoning behind the code requiring parking spaces to be located behind the front yard setback.

Kim Hosley, 3904 Virginia Dr., Orlando, FL 32803, spoke as the applicant in support of the request. She apologized for the improper enclosure from 2006, then noted that she had since submitted new drawings to Permitting Services and was just waiting on the issuance of the variance. She said she was OK with all of the conditions in the report prepared by staff.

Board discussion ensued briefly, leaning toward approval of the case. Mr. Burnett provided additional explanation about the 2 ft. landscape buffer requirement in the conditions.

**Board member Isaacs moved APPROVAL of the VARIANCE, subject to the conditions in the staff report:**

1. Appearance Review is required at time of after-the-fact permitting of the enclosed carport.
2. Two (2) ft. of driveway in front of the former carport 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 must meet City of Orlando landscape code.
3. To deter parking of vehicles in the grass, in the R-O-W or blocking the sidewalk, the existing driveway must be widened to accommodate at least 2 vehicles, parked side by side.
4. 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.
5. For additional conditions, please see the end of these minutes.

**Board member Perez SECONDED the MOTION, which was VOTED upon and PASSED by a unanimous voice vote (7-0).**

**NOTE:** All of the above cases are subject to the additional 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.

OLD/NEW BUSINESS & ANNOUNCEMENTS

- Recording Secretary Ed Petersen reminded the Board that their financial disclosure forms are due to the State of Florida by July 1.
- Executive Secretary Mark Cechman discussed variances for enclosed garages, as based on the recent Zoning Official Interpretation LDC2018-10008.
- Mr. Petersen congratulated several of the Board members for their recent reappointments.

ADJOURNMENT

- Having no other matters to bring before the Board, Acting Chairperson Carmody adjourned the meeting at 2:40 pm.

STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
Jim Burnett, City Planning
TeNeika Nesaman, City Planning
Jacques Coulon, City Planning

Chris DeLoatche, City Planning
Olivia Boykin, Permitting Services
Keith Grayson, Permitting Services
Sarah Taitt, City Attorney’s Office

Mark Cechman, Executive Secretary

Ed Petersen, Recording Secretary