MINUTES – SEPTEMBER 25, 2018

OPENING SESSION

- Chairperson Fennessy called the meeting to order at 2:00 pm, after determination of a Quorum.
- Pledge of Allegiance.
- Consideration of Minutes for Meeting of August 28, 2018.
  - Board member Isaacs MOVED approval of the Board of Zoning Adjustment Meeting Minutes of August 28, 2018, as written. Board member Lloyd SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote (6-0).

PUBLIC COMMENTS

- No speaker requests were received.

CONFLICT DECLARATIONS

- Board members Lloyd declared a conflict on item #2, VAR2018-10035, Craft & Common, and filed the appropriate form.

AGENDA REVIEW

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

CONSENT AGENDA

1. VAR2018-10034  1770 FAIRVIEW SHORES DR.

   Applicant/Owner:  Audrey Klingeman, 1770 Fairview Shores Dr., Orlando, FL 32804
   Location:  1770 Fairview Shores Dr. (± 0.99 acres)
   District:  3
   Project Planner:  Jim Burnett (407.246.3609, james.burnett@cityoforlando.net)
Requested variance:

- Variance to place a roof over an attached rear deck, located in the rear 50 ft. lakefront setback.

Recommended action: Approval of the requested variance, 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. The materials for the attached arbor (over the rear deck) must match those as presented in the illustration within this report.
3. The wood on the arbor and posts must be treated for outdoor use.
4. The roof may be either a wood pergola, open air between the cross members, or covered with a clear material. A solid, opaque roof is not permitted.
5. For additional conditions, please see the end of these minutes.

2. **VAR2018-10035  CRAFT & COMMON**

Applicant: Brandon Duensing, Craft & Common, 47 E. Robinson St., Ste. 100, Orlando, FL 32801

Owner: 47 Robinson Realty LLC, PO Box 268, Bronx, NY 10471-0268

Location: 47 E. Robinson St. (± 0.80 acres)

District: 5

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

Requested variance:

- Variance to allow alcoholic beverage sales (beer and wine) within 117 ft. of an existing church.

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

1. Sales of alcoholic beverages is limited to on-site consumption at 47 E Robinson St. and thus is prohibited outside.
2. No outdoor advertising or signs visible to the outdoors shall be allowed to advertise the sale of alcohol.
3. The establishment shall not charge a cover charge at any time.
4. The hours of operation are limited to the proposed 7am to 8pm Sunday-Thursday and 7am-10pm Friday-Saturday.
5. For additional conditions, please see the end of these minutes.

*Note: two letters were received in support of the request.*

3. **VAR2018-10037  2737 VINE ST.**

Applicant/Owner: Robert Taylor, 2737 Vine St., Orlando, FL 32806

Location: 2737 Vine St. (± 0.24 acres)

District: 4

Project Planner: Chris DeLoatche (407.246.3624, chris.deloatche@cityoforlando.net)
Requested variance:

- Variance of 4.5 ft. to allow a shed 3 ft. from the east side property line, where 7.5 ft. is the minimum required.

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

1. The new shed must be opaquely screened from view from the eastern neighbor and the street. This can be achieved through utilizing the existing fence or constructing a similar fence. If a hedge is going to be planted, it must be 36 inches tall the time of planting with a mature height of 4-5 feet.
2. If any ramps are used to provide access into and out of the shed the ramps must be designed in a way to minimize the appearance of any untreated plywood. The ramp must be treated/stained, or coated in a paint or material to provide a durable surface that will not degrade quickly when exposed to sun and water.
3. Appearance review will be required at the time of permitting to ensure consistency with the plans as submitted in this application and as further conditioned in the final staff report/approval.
4. For additional conditions, please see the end of these minutes.

4. **VAR2018-10038** 3306 PELHAM RD.

Applicant/Owner: Jeff Matz, 3306 Pelham Rd., Orlando, FL 32803

Location: 3306 Pelham Rd. (± 0.16 acres)

District: 3

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

Requested variances:

A. Variance of 17.5 ft. to allow a 7.5 ft. rear setback for an attached garage, where 25 ft. is required, and
B. Variance of 1.5 ft. to allow a 6 ft. side setback for the garage, where 7.5 ft. is required.

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

1. All materials and details for the enclosed garage addition must match those used on the principal structure and as presented in the plans provided in the application.
2. For additional conditions, please see the end of these minutes.

Note: one letter was received in support of the request.

Board member Isaacs moved APPROVAL of the CONSENT AGENDA, subject to the conditions in the staff reports. Board member Evans-Hall SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (6-0; Lloyd abstained on Item #2).

**REGULAR AGENDA**

- No items.

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

- No items.

ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson Fennessy adjourned the meeting at 2:07 pm.

STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
TeNeika Nesaman, City Planning
Jim Burnett, City Planning
Katy Magrud r, City Planning
Chris DeLoache, City Planning

Jacques Coulon, City Planning
Manuel Ospina, City Planning
Olivia Boykin, Permitting Services
Margie Hutto, Permitting Services
Sarah Taitt, City Attorney's Office
Alexis Walker, City Clerk's Office

Mark Cechman, Executive Secretary

Ed Petersen, Recording Secretary
WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would injure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would injure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained), to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, co-owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; and

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

* You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)
APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER’S INTEREST

I, WILLIAM LLOYD, hereby disclose that on SEPTEMBER 25, 2018:

(a) A measure came or will come before my agency which (check one or more)

X incurred to my special private gain or loss;

___ incurred to the special gain or loss of my business associate;

___ incurred to the special gain or loss of my relative;

___ incurred to the special gain or loss of ____________________________________________ by

___ whom I am retained; or

___ incurred to the special gain or loss of ____________________________________________, which

is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

MY COMMERCIAL REAL ESTATE BROKERAGE REPRESENTED CRAFT COMMON IN THE LEASE NEGOTIATIONS OF THEIR CURRENT LOCATION.

VAR 2018 - 10035

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed: 9/25/18

Signature: [Signature]

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.