MINUTES – OCTOBER 23, 2018

OPENING SESSION

- Chairperson Fennessy called the meeting to order at 2:03 pm, after determination of a Quorum.
- Pledge of Allegiance.
- Consideration of Minutes for Meeting of September 25, 2018.
  - Board member Lloyd MOVED approval of the Board of Zoning Adjustment Meeting Minutes of September 25, 2018, as written. Vice Chairperson Heller SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote (6-0).

PUBLIC COMMENTS

- Six (6) 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. VAR2018-10039  1135 STETSON ST.

   Applicant/Owner:  Brooke & Ryan Minton, 1135 Stetson St., Orlando, FL 32804
   Location:  1135 Stetson St. (± 0.23 acres)
   District:  3
   Project Planner:  Chris DeLoatche (407.246.3624, chris.delotache@cityoforlando.net)
Requested variance:

- Variance of 1.1 ft. to allow a 4.9 ft. side yard setback, where 6 ft. is the minimum required.

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

1. The column details that are located on the front porch to the right of the front door must be carried to the garage side of the house. The sides of the garage door and center divider should each have the same base treatment as the columns on the other side of the house and must be raised form the face of the garage a minimum of 2 in. The beam/trim running across the top of the garage doors must also protrude from the face of the garage a minimum of 3 in.

2. The current driveway was constructed and expanded upon over time without any permits. As a condition of approval the driveway must be reconstructed to meet code and to be a consistent material (i.e. bricks, pavers, concrete, etc.). The driveway apron is required to be aligned with the driveway, the driveway can be no more than 18 ft. in width at the property line, and the apron flares are required to be 3 ft. in width. Due to an existing street, it is not feasible to adjust the driveway apron thus staff is comfortable leaving the driveway as-is. However, the driveway must re-align with the existing driveway apron. To get as close to Code as possible, a corner clip must be removed beginning 5 ft. from the property line and carried through to the throat of the apron. For a visual clarification, please see page 6 of this report. All necessary permits for driveway construction must secured.

3. The existing street and front yard trees may not be removed as part of the proposed addition and must be protected during the course of construction.

4. Landscaping: A street tree is required to be planted in accordance with LDC Sec. 60.216 and the remaining property must be landscaped in accordance with LDC Sec. 60.223.

5. For additional conditions, please see the end of these minutes.

2. VAR2018-10040 REDLIGHT REDLIGHT

NOTE: this item moved to the Regular Agenda.

3. VAR2018-10041 1818 E. ROBINSON ST.

Applicant: Joseph Neal, M. E. Construction, Inc., 7607 Coral Dr., Melbourne, FL 32904

Owner: 1818 East Robinson LLC, 2810 Middlesex Rd., Orlando, FL 32803

Location: 1818 E. Robinson St. (± 0.22 acres)

District: 4

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

Requested variances:

A. Variance of 1 ft. to reduce the front yard setback to 24 ft., where a 25 ft. front setback is required;
B. Variance of 5 ft. to reduce the 2-way drive aisle width from to 11 ft., where a minimum 16 ft. drive-aisle width is required;
C. Variance of 2.5 and 4.5 ft., respectively, to reduce the landscape buffer width to 5 ft. (south) and 3 ft. (east), respectively, where a minimum 7.5 ft. wide buffer is required;
D. Variance to allow turfblock as a driving and parking surface (and to keep the overall ISR below 70%), where a durable all-weather surface is required; and
E. Design variance to allow a monument sign in the Traditional City Overlay.

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

1. Overall site impervious surface coverage cannot exceed 70%, per the corresponding O-1/T/AN zoning.
2. Appearance Review is required during permitting to ensure compliance with the variance conditions. Greater detail on architectural elevations is needed.
3. Medical/doctors offices and medical labs are prohibited.
4. 2nd floor living unit is limited to one (1) dwelling unit (cannot be further divided into additional units).
5. If the A/C units exceed the dimension shown on the site plan, they will need to be relocated to the rear peninsula, or placed under the stairs. The driveway may not be reduced to less than 11 ft wide.
6. At time of permitting, the material and thickness for the portion of the driveway between the back of sidewalk and the front yard setback line must be specified.
7. The sidewalk cross slope may not exceed 2%, including the section traversing the driveway. This area must be a minimum 6-in. thick per City Code.
8. A horizontal member matching the appearance of the proposed architecture must be provided on the front façade above the front balcony.
9. Decorative elements must be provided in the gable ends of the front façade only.
10. Materials on the west elevation must match those on the other elevations.
11. Railing must be provided on the first floor matching the railing used on the second floor facade.
12. Cricket detailing must be provided on the 1st gable end on the front facade.
13. Minimum 1-ft. thick 6-ft. tall buffer wall to be located along the south lot line must be extended north (not further than the front façade of the live/work unit) along the east property line. Wall materials must match materials used in the live/work unit. A 6 ft. tall fence must be placed on the west lot line (see #18 below). NOTE: If the applicant/owner provides a letter or statement from the adjacent neighbor to the east, agreeing to a 6 ft. tall fence (instead of a wall), then that change can be done at time of permitting.
14. No fewer than three (3) canopy trees must be provided on the property, with two (2) in the front yard and one in the rear yard.
15. The west and east edges of the driveway within the front yard must be lined with tall groundcovers (such as African iris) or dwarf shrubs (such as Indian hawthorn).
16. Site landscaping must meet the minimum City Code requirements not covered by this variance. A bufferyard 'B' is required on the south and east lot lines, and a bufferyard 'A' along the west lot line. In addition to the wall requirement as noted above (condition #15), the south and east buffers must also include trees and vegetation. The west bufferyard may be continuous hedge plants and trees, without a wall and in favor of a 6-ft. tall fence; however, the stormwater management pond/swale cannot occupy more than 50% of the west bufferyard width.
17. For additional conditions, please see the end of these minutes.

4. VAR2018-10042 WAFFLE HOUSE SIGN

Applicant: Erik Haeffs, Waffle House, 5986 Financial Dr., Norcross, GA 30071
Owner: Waffle House, 5054 Latrobe Dr., Windermere, FL 34786
Location: 5350 S. Kirkman Rd. (± 0.37 acres)
District: 6
Project Planner: Michaëlle Petion (407.246.3837, michaelle.petion@cityoforlando.net)

Requested variance:

- Variance of 87.2 sq. ft. to allow 134.8 sq. ft. of signage, where 47.6 sq. ft. is the maximum allowed sign area.

Recommended action: Denial of the requested variance and approval of a lesser variance of 58.8 sq. ft. to allow 106 sq. ft. of signage, subject to the conditions in the staff report.

1. The site is permitted a maximum signage copy area of 106 sq. ft. The monument sign is limited to a height of 8 ft.
2. For additional conditions, please see the end of these minutes.

NOTE: the agenda mistakenly identified this variance request as 56.5 sq. ft. Ms. Petion noted the error prior to the Consent Agenda being approved.
5. **VAR2018-10043  PARAMOUNT SIGN**

Applicant: Ross Shearouse, 2510 Washington St., Newton, MA 02462

Owner: Northland Paramount LLC, 2150 Washington St., Newton Lower Falls, MA 02462

Location: 15 Lake Ave. (± 1.95 acres)

District: 4

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

Requested variance:

- Variance to allow the Paramount blade/finial sign to extend higher than 30 ft. above grade, without being considered a high-rise sign.

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

1. The midpoint of the proposed sign must not exceed 42 ft. in height as measured at grade.
2. The sign must meet the ARB Conditions of Approval.
3. For additional conditions, please see the end of these minutes.

6. **VAR2018-10044  1349 N. MILLS AVE.**

Applicant: John Riordan, Harris Civil Engineers LLC, 1200 E. Hillcrest St., Ste. 200, Orlando, FL 32803

Owner: AIDS Healthcare Foundation Inc., 6255 W. Sunset Blvd., Floor 21, Los Angeles, CA 90028

Location: 1349 N. Mills Ave. (± 0.57 acres)

District: 4

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

Requested variance:

- Variance of 23 ft. to allow a 48 ft. side yard setback, where 25 ft. is the maximum allowed.

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

1. A landscape island must be provided adjacent to the dumpster.
2. Dumpster enclosure/gates: Service areas and dumpster enclosures shall incorporate architectural materials and design details similar to the principal buildings. Service areas shall have gates or screens that shield the areas from view when not in use. Design of gates shall be solid and have architectural interest to complement the building. Landscape screen including low hedge and ground-cover shall be provided to soften the view from the public ROW if stand-alone structures.
3. 6 ft. tall wall must be articulated every 20-30 ft. with vertical elements (such as pilasters / columns)
4. Enhanced landscape screening to the south and east property lines must be provided.
5. Existing vegetation to the south of the property must remain.
6. Sidewalk to the east of the building is substandard in size. Minimum size of sidewalk is 4 ft. internal only.
7. Sidewalk along N Mills and Virginia 6 ft. minimum in width.
8. For additional conditions, please see the end of these minutes.

*Note: one e-mail of support was received for this case.*
7. VAR2018-10045  917 S. SEMORAN BLVD.

Applicant/Owner: Nicole Jay, 917 S. Semoran LLC, 121 S. Orange Ave., Ste. 940, Orlando, FL 32801

Location: 917 S. Semoran Blvd. (± 2.11 acres)

District: 2

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

Requested variance:

- Lesser variance of 30 additional spaces to allow 108 parking spaces, where the site is limited to a maximum 78 spaces for a 14,775 sq. ft. medical office, per the approved 2017 administrative master plan.

Recommended action: Approval of the requested lesser variance of 30 additional spaces, 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. Site must continue to satisfy Semoran Blvd. Special Plan requirements, per the approved administrative master plan (MPL2017-10002), and all other applicable LDC requirements, including required parking lot landscaping and impervious surface limits.
3. For additional conditions, please see the end of these minutes.

Informational

4. The existing junior billboard (near the south lot line) cannot be used for on-site signage.
5. Maximum overall impervious surface coverage under MU-1/AN/SP zoning is 85%.
6. Maximum Floor Area Ratio (FAR) is 0.5 (45,956 sq. ft.).

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

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.
REGULAR AGENDA

2. VAR2018-10040 REDLIGHT REDLIGHT

Applicant: Brent Hernandez, Redlight Redlight, 2810 Corrine Dr., Orlando, FL 32803
Owner: 2810 Corrine LLC, 1806 Hammerlin Ave., Winter Park, FL 32789
Location: 2810 Corrine Dr. (± 0.18 acres)
District: 3
Project Planner: Katy Magruder (407.246.3355, kathleen.magruder@cityoforlando.net)

Requested variance:

- Variance request to expand the operating hours of Redlight Redlight from those approved under VAR2011-00116.

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

Katy Magruder, Planner II, presented the requested variance using PowerPoint. She described the conditions of the previous variance from 2011 and noted that the current request was to expand the operating hours from those approved before. None of the other conditions, such as parking, were changing. The City had recently approved a Temporary Use Permit to “test the waters” of expanded operating hours, and until the day before this meeting, no complaints had been received. Finally, she pointed out that City staff had received a letter of “non-opposition” from the school district regarding this variance request, along with quite a few e-mails and dozens of signatures in support, with only a small number opposing or wanting restrictions.

Brent Hernandez, 1020 Vassar St., Orlando, FL 32804, spoke as the applicant in support of the request. He explained that Redlight Relight had recently converted from a bar to a brewery, to meet the needs of the changing neighborhood. He also listed the company’s charitable actions in the community. The intention with this variance request was to better serve their patrons during more daylight hours, and not later at night.

Wendy Wallenberg, 1718 Christy Ave., Orlando, FL 32803, spoke in opposition to the request. Though she commended the bar for its community involvement, she claimed that several residents didn’t like the business. She cited parking problems, loud music, and outside tables blocking the walkway in front of the bar. She also took issue with some of the e-mails of support for the variance, because they called her out specifically by name and made defamatory remarks.

Erica Abalos-Hernandez, 1020 Vassar St., Orlando, FL 32804, spoke in support of the request. As the wife of the applicant, she said she was very happy with the growth of Redlight Redlight through the years, and was proud of what they had accomplished. She was saddened to hear about the complaints.

Jennifer Marvel, 1514 Cole Rd., Orlando, FL 32803, spoke in support of the request. As a representative from the Orlando Main Street program, she cited the positive impact Redlight Redlight has had on the community, including increased property values.

Bob Lorenz, 3417 Ibis Dr., Orlando, FL 32803, spoke in support of the request. He was a longtime resident of the community and praised Redlight Redlight as an anchor and a catalyst. Regarding the complaints stated earlier, he said the bar is generally calm and quiet, and disputed the noise and table problems.

John Brantley, 1819 Hammerlin Ave., Winter Park, FL 32789, spoke as the General Manager of Redlight Redlight in support of the request. He reiterated that the bar was actually closing earlier in the evenings most of the week, for the benefit of the neighborhood. He also stated that the complaints had been addressed previously, and were seemingly based on outdated information.

Board discussion ensued. In response to a question from Board member Isaacs, Executive Secretary Cechman pointed out that hours of operation were not always part of the consideration for alcohol separation variances, but
business hours had been set for other cases. Chairperson Fennessy said recent academic literature had shown bars and similar uses were becoming more compatible with neighborhoods.

Board member Isaacs said she was willing to approve the variance with no restriction on the hours of operation (Condition #4 in the staff report). Assistant City Attorney Taitt cautioned the Board that the variance request was published with the business hour restrictions, and the school district’s “non-opposition” letter and other public comment were all based on that information.

**Board member Isaacs moved APPROVAL of the VARIANCE with no restriction on hours of operation, subject to the conditions in the staff report, with the following alterations:**

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. Redlight Redlight may open no earlier than 4 p.m. Monday-Friday, may open at desired hours on weekends, and may open on days when the OCPS schools are closed including holidays and summer break. City Code is still in effect for how late they can sell alcohol at 2 a.m.

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

**OLD/NEW BUSINESS & ANNOUNCEMENTS**

- Recording Secretary Ed Petersen updated the Board on VAR2018-10035, 47 E. Robinson St., which had received an appeal following the September 25, 2018 BZA hearing.

- Mr. Petersen also checked with the Board members on meeting attendance for the upcoming two months, which fell near holiday dates. Due to the Nominating Board’s delay in finding new members for the two vacant BZA seats, quorum would be more challenging to obtain over the holidays. Mr. Petersen said that if anything came up, they should call or e-mail with the conflict.

**ADJOURNMENT**

- Having no other matters to bring before the Board, Chairperson Fennessy adjourned the meeting at 2:58 pm.
STAFF PRESENT

Mark Cechman, City Planning
Karl Wielecki, City Planning
Katy Magruder, City Planning
TeNeika Nesaman, City Planning
Jim Burnett, City Planning
Chris DeLoatche, City Planning
Michaëlle Petion, City Planning

Shannan Stegman, City Planning
Terrence Miller, City Planning
Manuel Ospina, City Planning
Keith Grayson, Permitting Services
Akil Toussaint, Transportation Engineering
Yameli Herschelman, Transportation Engineering
Sarah Taitt, City Attorney's Office

Mark Cechman, Executive Secretary

Ed Petersen, Recording Secretary