MINUTES – DECEMBER 18, 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 November 27, 2018.
  - Vice Chairperson Heller MOVED approval of the Board of Zoning Adjustment Meeting Minutes of November 27, 2018, as written. Board member Isaacs SECONDED the motion, which was VOTED upon and PASSED by unanimous voice vote (5-0).

PUBLIC COMMENTS

- No speaker requests were received.

CONFLICT DECLARATIONS

- Vice Chairperson Heller declared a conflict pursuant to FS 286.012 on item #5, VAR2018-10061, 721 Golfview St.

AGENDA REVIEW

- Karl Wielecki, Interim Executive Secretary, reviewed the Consent Agenda.

CONSENT AGENDA

1. VAR2018-10055  1601 ANCHOR CT.

   Applicant/Owner: Sheila Cichra, Streamline Permitting Inc., 2154 Oak Beach Blvd., Sebring, FL 33875
   Owner: Martin & Sharon Hall, 1601 Anchor Ct., Orlando, FL 32804
   Location: 1601 Anchor Ct. (± 1.43 acres)
   District: 3
Project Planner: Jim Burnett (407.246.3609, james.burnett@cityoforlando.net)

Requested variance:

- Variance to place a new boat dock and terminal platform on Lake Fairview, where the property is currently limited to one dock per lake frontage (the canal does not count as a 2nd lake frontage).

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

1. Any disturbed areas north of the lake wall (bulkhead) must be vegetated with litoral zone plantings. For additional conditions, please see the end of these minutes.

Note: three letters of support were received for this case.

2. **VAR2018-10056  MERCEDES-BENZ SIGNAGE**

Applicant: Garth Ritter, Donald W. McIntosh Assoc. Inc., 2200 Park Ave. N., Winter Park, FL 32789

Owner: BPMP FS LLC 42.5% INT, 606 SE 117TH Ave., Ste. 100, Vancouver, WA 98683

Location: 4811 Millenia Blvd. (± 5.95 acres)

District: 4

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

Requested variance:

- Variance to allow two (2) signs to be considered wall signs and be mounted higher up on an architectural finial, where any signs mounted above a roof parapet are prohibited.

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

1. The sign must be mounted flush with the building or if halo lit, minimally separated from the building to allow proper illumination. Mounting hardware must be hidden.
2. If illuminated at night, the sign must can be internally or externally lit to be white at night; colored lighting is not permitted.
For conditions, please see the end of these minutes.

3. **VAR2018-10057  SAY TACO**

Applicant: William Harmening, Adair Development LLC, 83 Interlaken Rd., Orlando, FL 32804

Owner: Anderson Holdings LLC, 63 W. Underwood St., Orlando, FL 32806

Location: 1214 Kuhl Ave. & 63 W. Underwood St. (± 0.67 acres)

District: 4

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

- Variance to allow a 58 ft. side setback, where 30 ft. is the maximum permitted in the Traditional City Overlay, for a proposed restaurant.

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

1. It is unclear how tall the wood deck will rise above the ground. The deck may not be higher than 1 ft. above grade. In order to qualify as pervious area the deck may not rest directly on the ground and there must be room in-between the slats for water to sun between to the ground.
2. Appearance review is required for the southern elevation of the dining room to better understand the type of openings that are proposed.
3. Per the site plan an entry door is proposed to be located along the western side of the dining room building in line with the steps from the sidewalk along Underwood St. A public entrance must be provided in this location to meet the requirements of LDC Sec. 62.619 "Building Orientation".
4. The western and southern facades must each contain a minimum of 15% transparency, located between 3 and 7 feet measured from ground level. The western façade, including both the principal building and the bar, is approximately 40 ft. in length, requiring 24 sq. ft. of transparency. You are proposing ±24.5 sq. ft. transparent materials, all within the bar. Staff recommends that the door required on the western façade of the dining room contain transparent materials to further increase the transparency on this façade. The southern façade, including the principal building, bar, and restroom is approximately 56 ft. in length, requiring 33.6 sq. ft. of transparency. Staff anticipates that the openings on the southern side of the bar will either be open air or doors/windows with a very large amount of transparency. As shown you are proposing ±144 sq. ft. transparent materials, all within the dining room.
5. The awning posts must be constructed out of a durable material such as aluminum or another metal. Untreated wood posts are not permitted. The awning fabric must be kept in good repair with any tears, rips or holes repaired quickly.
6. Additional details on how the exterior or the shipping containers will be finished is required at the time of permitting. This additional detail must include but not be limited to: Elevations of all 4 sides of each container, color elevations showing the paint colors, window/door trim material and color, window/door schedules, how the connection points of the containers used for the dining room will be handled (will there be a trim running the length of the roof or covering the connection points?). All four sides of all containers must be treated to the same standard of finish as the street-facing sides of the containers.
7. All signage must follow Chapter 64 of City Code. Any writing on any of the shipping containers, including from the previous use as a shipping vessel, will count towards the total signage for the site.
8. Parking may not occur in front of the principal facade of the building. The area on the eastern side of the southern parking lot entrance, while not a striped parking spot, could easily be used as a parking spot in the current condition/configuration. In lieu of removing the pavement in this area or adding planters to keep vehicular parking from occurring here staff recommends that one or two bike racks be placed in this area to both keep motor vehicles from parking in this area as well as to promote cycling to this location by provide an easy accessible and visible bicycle parking area. The final location and type of bike rack must be coordinated with transportation staff to ensure proper placement.
9. A full landscape plan for the site will be required a time of permitting.
10. No mechanical equipment is shown on the plans but it is anticipated that exhaust points, air conditioner units and other mechanical equipment will be required. All mechanical equipment must be screened from view from the ROW in accordance with LDC Sec. 58.982. Roof mounted equipment must be screened from view at ground level as viewed from any public or private right-of-way or from any abutting property. This condition is applicable to all mechanical equipment on all 3 buildings.
11. Street trees are required along the right-of-way in accordance with Chapter 60 of the LDC.

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

4. NOTE: this item moved to Regular Agenda.
5. **VAR2018-10061  721 GOLFWEST ST.**

Applicant: David Montalto, Lahr Construction LLC, 2548 N. Orange Blossom Tl., Orlando, FL 32804

Owner: Ferris Group LLC, 1406 Edgewater Dr., Orlando, FL 32804

Location: 721 Golfview St. (± 0.34 acres)

District: 3

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

Requested variance:

- Variance of 1.5 ft. to allow a 6 ft. side setback, where 7.5 ft. is required, for the construction of two new single-family homes on each of two proposed lots.

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

1. The detached garages of both lots must have a side setback of 7.5 ft., as required of the R-1A/T zoning district.

2. An Appearance Review shall be required prior to building permits being issues. For questions regarding Urban De-sign plan review, contact Terrence Miller at 407.246.3292 or terrence.miller@cityoforlando.net. The proposed architecture should be authentic to the style employed for both Lots 16 and 17. The architecture for each lot must NOT be identical. Each lot must have its own architecture aesthetic and details. To create a traditional neighborhood and to provide natural surveillance and visual prominence along the streets, the proposed single-family homes shall be elevated a minimum of 18 inches from the ground level.

3. A minimum of 15% transparency is required for the front façade of both lots. Please show calculations on permit drawings when submitted.

4. A landscape plan was not submitted. One front yard tree is required for each lot. A street tree is required for each lot. It appears the lots have some existing trees. The design of the lots must protect environmental features of significant ecological or amenity value as recognized by this Chapter or the adopted. Landscape plan must indicate which trees will be saved.

5. The walkway leading from the front porch to the sidewalk along Golfview St. should be rerouted as needed to avoid any root damage to the exiting tree.

6. Each preserved tree will enhance the value and aesthetic vitality of the project area. Please contact the City Arborist, Andy Kittsley. He can be reached at 407.246.2701 or Andy.Kittsley@cityoforlando.net. Permit drawings must indicate a survey with existing trees to be saved and removed.

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

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*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 (5-0; Heller abstained on Item #5).*
REGULAR AGENDA

4. VAR2018-10058 8372 LOWER PERSE CIR.

Applicant: Richard Carrion, Beyond 2 Dimensions, 421 E. SR 434, Ste. 1015, Longwood, FL 32750

Owner: Rene Gonzalez, Jr., 8372 Lower Perse Cir., Orlando, FL 32827

Location: 8372 Lower Perse Cir. (± 0.21 acres)

District: 1

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

Requested variance:

- Variance of 117 sq. ft. to allow a proposed ±697 sq. ft. accessory dwelling unit, where 580 sq. ft. is the maximum allowed in Phase 1A of the Laureate Park Development.

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

Board member Isaacs declared a conflict pursuant to FS 286.012.

TeNeika Neasman, Planner II, used the overhead projector to present the case. She noted that originally, the applicant had requested a 69 sq. ft. variance to allow a 649 sq. ft. accessory dwelling unit. However, the applicant had just indicated that he needed a larger variance than first stated. Mrs. Neasman showed where the additional square footage would be going, and listed the revised numbers as a variance of 117 sq. ft. to allow a proposed 697 sq. ft. accessory dwelling unit. In response to Board questioning, Mrs. Neasman said staff still recommended approval of the revised request. Terrence Miller, Planner II, confirmed that staff did not want to make any changes to the conditions of approval as outlined in the staff report.

Board member Evans-Hall moved APPROVAL of the Variance of 117 sq. ft. to allow a proposed ±697 sq. ft. accessory dwelling unit, subject to the conditions in the staff report:

1. Development standards provided in LDC Chapter 68 for the Residential Neighborhood designation will apply, including building heights, ground floor elevation, façade and roof form, visual character, etc., unless otherwise approved by the Appearance Review Officer or Planning Official.
2. When requesting building permit review by the City, the applicant shall submit a letter from the master developer’s Architectural Review Board (ARB) confirming approval of the proposed building elevations.
3. The front door must face one of the two muses adjacent to the home.
4. The front door must have direct access to the sidewalk front the muse.
5. Remove or relocate the gate facing the front door to allow for accessible access.

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

Vice Chairperson Heller SECONDED the MOTION, which was VOTED upon and PASSED by unanimous voice vote (4-0; Isaacs abstained).

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 notified the Board that future agendas would be posted via Novus, a different format than that currently used.
- He also noted that the City's Nominating Board had yet to fill the two vacancies on the BZA. He hoped to have the situation rectified in the new year.

ADJOURNMENT

- Having no other matters to bring before the Board, Chairperson Fennessy adjourned the meeting at 2:18 pm.

STAFF PRESENT

TeNeika Neasman, City Planning
Terrence Miller, City Planning
Katy Magruder, City Planning
Jim Burnett, City Planning
Chris DeLoatche, City Planning
Paul Lewis, City Planning

Jacques Coulon, City Planning
Manny Ospina, City Planning
Yameli Herschelman, Transportation Permitting
Akil Toussant, Transportation Permitting
Victor Mercado, Transportation Permitting
Sarah Taitt, City Attorney's Office

Karl Wielecki, Interim Executive Secretary

Ed Petersen, Recording Secretary