

Board of Adjustments



February 27, 2019 at 5 p.m.

Commission Chambers • City Hall Second Floor
401 South Park Avenue • Winter Park, Florida

1 Opening comments

2 Approval

Minutes for the January 15, 2019 meeting.

3 New Business

1. Request of Welbourne Avenue Nursery/Kindergarten for a variance to allow the construction of a six foot high open aluminum fence located 22 inches from the public sidewalk along the front lot line, in lieu of the required setback of 25 feet.

*Rescheduled
from
02-19-2019*

Located at 450 West Welbourne Avenue Zoned R-3

appeals & assistance

If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. F.S. 286.0105
Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office 407-599-3277 at least 48 hours in advance of the meeting.



TO: BOARD OF ADJUSTMENTS MEMBERS

FROM: GEORGE WIGGINS, DIRECTOR OF BLDG/LEGISLATIVE AFFAIRS

DATE: FEBRUARY 19, 2019

SUBJ: WELBOURNE NURSERY/KINDERGARTEN VARIANCE REQUEST, 450 WEST WELBOURNE AVENUE

CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

The applicant is requesting a variance to allow the construction of a six foot high open aluminum fence located 22 inches from the public sidewalk along the front lot line, whereas the required setback is 25 feet to allow a six foot high fence.

The Welbourne Nursery childcare facility currently has a four foot high metal fence across the front of their property enclosing their playground area and placed 22 inches back from the sidewalk. The fence was properly permitted when it was installed several years ago and the Zoning Code allowed an open metal or wrought iron fence to be located near the front lot line.

Since that time, the fence regulations were modified to require new four foot metal fencing to be set back further from the front lot line on residentially zoned properties and requires that landscaping be installed in front of the fence as a buffer.

The applicant states that they need to replace this existing fence with a 6 foot high metal fence to enhance the safety of children in their playground area.

If the Board is inclined to grant any variance for the required front setback, then at a minimum, I recommend that the Board require at least a 5 foot front setback and that a landscape buffer such as a three foot high hedge be planted in front of the fencing along with permanent in ground irrigation to soften the impact of a taller metal fence.

No letters has been provided for this request at this point in time.

450 W Welbourne Ave



**CITY OF WINTER PARK
VARIANCE APPLICATION
BUILDING and PERMITTING SERVICES DEPARTMENT**

Building & Permitting Department
401 South Park Avenue
Winter Park, FL 32789
Ph: 407-599-3237

Date Received 1/15/2019
Assigned 1
Date of Hearing Feb 19, 2019

Applicant: Welbourne Ave Nursery/Kindergarten, Inc.

Owner: Welbourne Ave Nursery/Kindergarten, Inc.

450 West Welbourne Ave
(Address)
Winter Park, FL 32789
(City, State) (Zip)
(407) 644-5885
(Phone – Home)
(407) 644-5885
(Phone – Work or Cell)
welbank@embarqmail.com
(Email Address)

450 West Welbourne Ave
(Address)
Winter Park, FL 32789
(City, State) (Zip)
(407) 644-5885
(Phone – Home)
(407) 644-5885
(Phone – Work or Cell)
welbank@embarqmail.com
(Email Address)

If the applicant is not the owner, attach a copy of the purchase contract, or option on the property, or a letter signed by the owner of record authorizing the applicant to act as an agent for the owner.

*This request is for a variance from requirements of Article III, Zoning of the Land Development Code of Winter Park, Section _____, Paragraph _____, Zoning _____.

State briefly (Clearly Printed or Word Processed) answers to all questions.

Note: Submit E-Mail address to have application forwarded to you for word processing.

Street address of
property 450 West Welbourne Avenue

Legal description of
property Lots 5, 6, and 7, Block 41, Town of Winter Park and the North 1/2 of vacated alley south of Lots, according to the map or plat

thereof, as recorded in Plat Book A, pages 67 to 72, of the Public Records of Orange County, Florida

Describe variance
request Locate new 6-foot high aluminum open fence along North property line (22-inches from City sidewalk where current fence is

located.) The twenty-foot setback requirement for 6-foot high fences would reduce our existing playground area by 50% severely minimizing

children's activity space. The new higher fence is needed to enhance the safety of children at our facility.

This section may be left blank for completion by city staff

Residential Fee-\$200.00 /Commercial, Multi-Family Fee-\$400.00 payable upon submission of application.(The fee is doubled for after-the-fact requests.) Applicants tabled at the request of the applicant, within 10 days of the Planning and Zoning meeting or Board of Adjustment meeting will be charged for addition advertising and notification costs, plus \$100.00.

Variance Application
Page 2 of 2

What are the special conditions and circumstances, peculiar to the land, structures or buildings involved?

We have served the needs of low-income families since 1927. Our playground area is located on the front of our property next to the street. The new higher fence, which will increase the safety of our children, if located at a 20-foot setback, would reduce our playground area by half eliminating the space needed to ensure our children have adequate space to exercise. We have no other space on our property to expand or replace the lost playground area.

How long have you owned the property? 1931

How long have you occupied the property? 1931

What rights or privileges commonly enjoyed by other properties in the same zoning district will the applicant be deprived of because of enforcement of the Zoning Ordinance?

Childcare facilities must provide for the health and wellness of their students as well as their safety. Without this waiver, we would incur extreme limitations on providing our children the benefits of sufficient space to exercise and play as well as improving their safety. Fences directly across the street from our school are 6-feet high yet not setback 20 feet.

Describe fully the hardship (from zoning requirements) upon which this request is based, be specific in describing the hardship and give all reasons explaining why you need to vary from the Zoning Code requirements. Note: Financial reasons are not considered a hardship.

To improve the safety of our children when using the playground, request permission to install 6-foot high open aluminum fence in place of existing 4-foot high aluminum fence. Existing fence is on North property line approximately 22 inches from City sidewalk.

A 20-foot setback for the new fence would reduce our existing playground area in half creating an extreme hardship due to restriction of space where our children play/exercise. Our existing flagpole would be located outside the fenced area if this request is not granted.

Our current fences along the east, west, and south property lines are 6 feet high.

Will applicant accept a limited variance? For example: Height, lengths, position, etc. of signs, fences, shrubbery, enclosures of structures or carports, parking spaces, etc? If so, to what extent?


Signature of Applicant

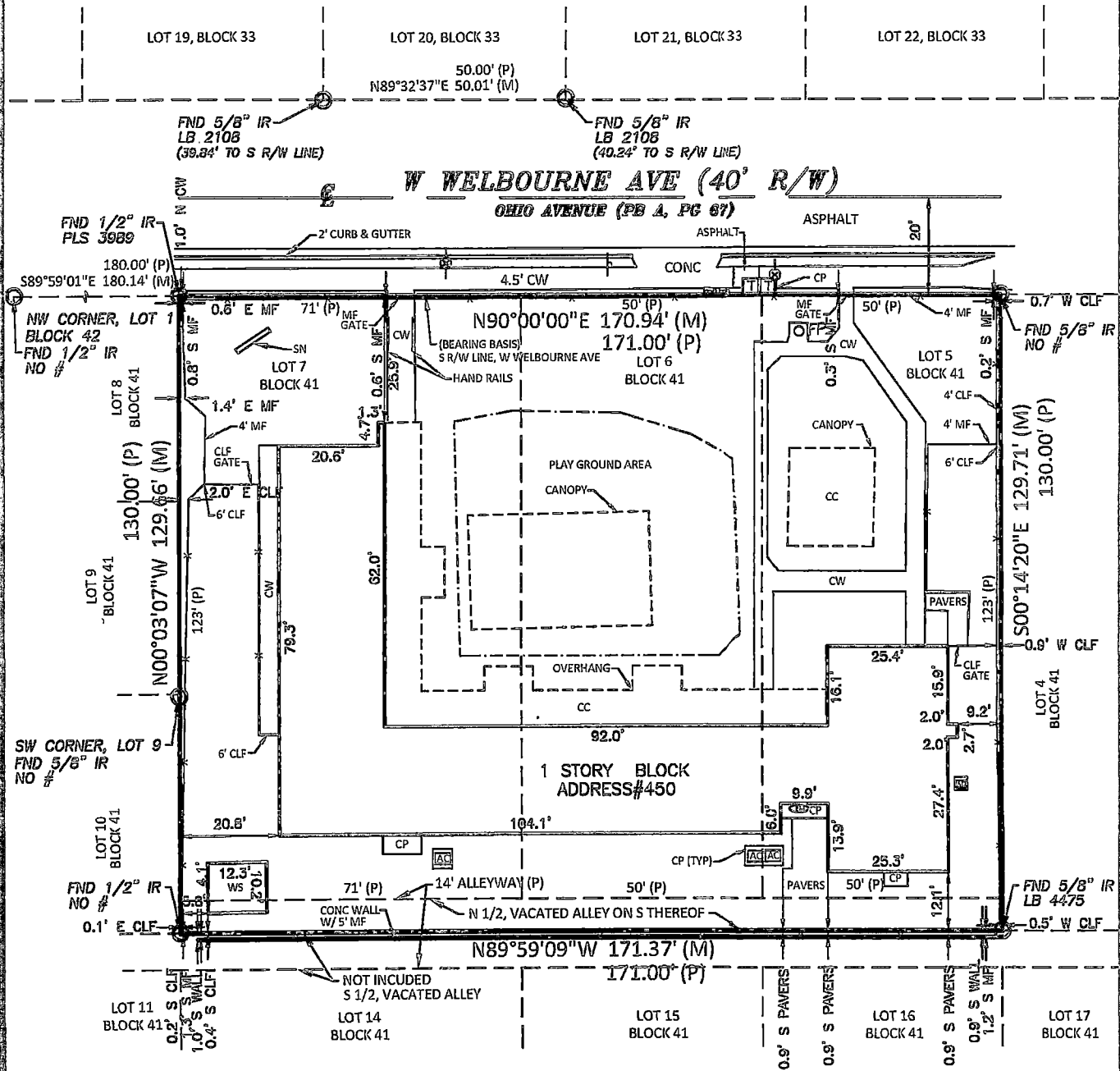
1/24/19
Date

M. Robynn Demar
Name of Applicant (PRINT)

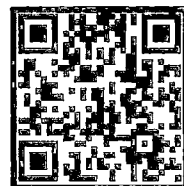
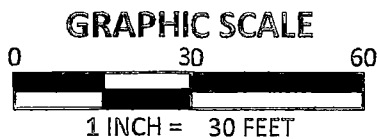
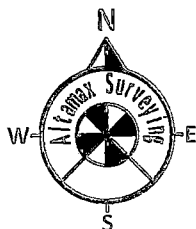
Variance app 12/00 - Instructions, and setback sheet - attached.

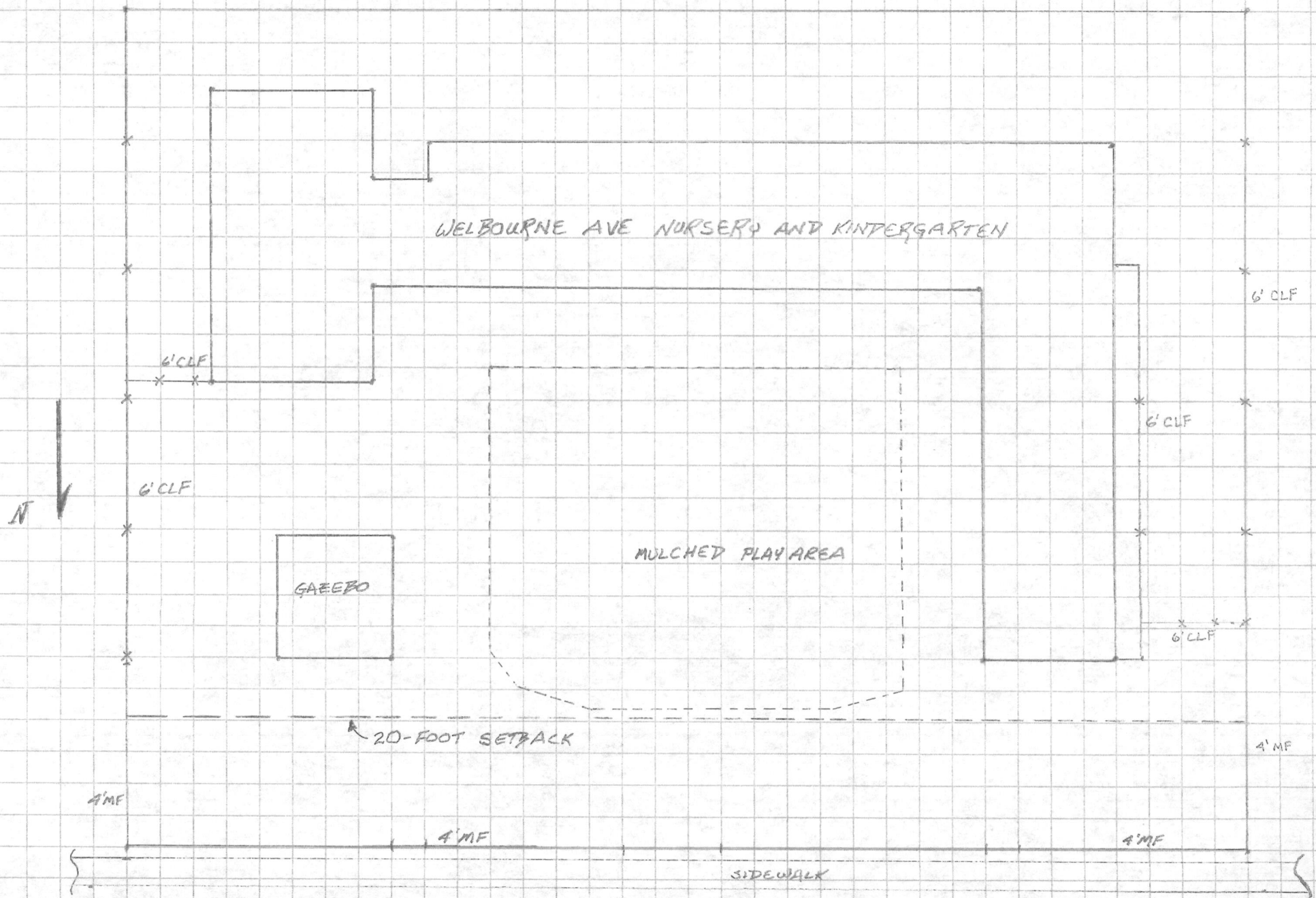
BOUNDARY SURVEY

SHEET 2 OF 2



Altamax Surveying
 910 Belle Avenue, Suite 1140
 Casselberry, FL 32708
 Phone: 407-677-0200
 Licensed Business No. 7833
 www.altamaxsurveying.com





WELBOURNE AVE NURSERY AND KINDERGARTEN

MULCHED PLAY AREA

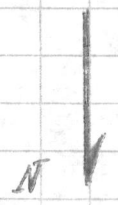
GAZEBO

20-FOOT SETBACK

SIDEWALK

SITE PLAN

WELBOURNE AVE



6' CLF

6' CLF

6' CLF

6' CLF

6' CLF

4' MF

4' MF

4' MF

4' MF

View Looking East Along Welbourne Ave



View Looking West Along Welbourne Ave

Existing 4-foot high metal fence.

Existing chain-link fence



Inside Fence Looking East

Setback
location:



Inside the Fence View (looking west)



Approximate location of fence if setback 20 feet.

Welbourne Ave

Across Street From Our Main Gate

6-foot high fence



Building Next Door to the East

