

lot line and 2 feet from the side lot line, in lieu of the required setbacks of 10 feet and 5 feet respectively. In addition, to allow five parking spaces that back into a public right of way, and to allow a parking lot landscape buffer that varies from 0 feet to 8 feet in lieu of 8 feet.

Located at: 2161 N. Park Avenue

Zoned: O-1

5. Request of Hal Kantor, on behalf of Jeanne Atkinson, for a reinstatement of a variance granted January 15, 2019. The request is to allow the construction of a room addition and a garage conversion into a cabana with a minor addition on a property, which currently has a nonconforming side setback of 9.9 feet, in lieu of the required setback of 13 feet to the south-side lot line.

Located at: 900 N. Park Avenue

Zoned: R-1AA

Adjourn

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.”



401 South Park Avenue • Winter Park, Florida 32789

407-599-3237 • 407-599-3499 fax
cityofwinterpark.org

**Building &
Permitting
Services**

TO: BOARD OF ADJUSTMENTS MEMBERS
FROM: GEORGE WIGGINS, DIRECTOR OF BLDG/LEGISLATIVE AFFAIRS
DATE: February 18, 2020
SUBJECT: Carr VARIANCE REQUEST, 2532 Fifeshire Ave

This request was tabled last month and the applicant was advised to provide an additional study that includes the option of utilizing a one story addition.

Staff Report from January meeting:

The applicant is requesting a variance to allow the construction of a two story building addition located 7.9 feet from the east side lot line whereas the required side setbacks are 9 feet to the first floor and 12 feet to the second floor based on the lot width and proposed gross floor area.

In order to increase living area on this home and maintain the current side and rear wall line and setback, the applicant is enlarging the first floor bonus room and adding an additional second floor bonus room at the same side setback.

The designer preparing the plans points out that taking this approach for expanding the living area results in balancing out the architecture of the building since the home also has a two story wall on the west side of the home which has a similar side setback as this request.

This home was built in 1961. At that point, in time the Zoning Code required side setback for a two-story home was five feet or 10% of the lot width whichever was greater. The lot width is 70 feet, which allowed a side setback of 7 feet to both floors. The existing west side two story wall appears to have a setback of 7.8 feet to both floors which was compliant with the Code at that time, and the east side one story portion with a side setback of 7.9 feet was also compliant.

With regard to impervious coverage (50%) based on the lot size, the proposed addition of will be within the allowable coverage at 3,606 square feet. The total proposed new area of the home at 2,699 square feet results in a floor area ratio of 35%, which is under the allowable area of 2,924 square feet.

The applicant has provided five letters of non-objection from the adjacent property owner and other nearby property owners

Carr Variance Request

February 18, 2020

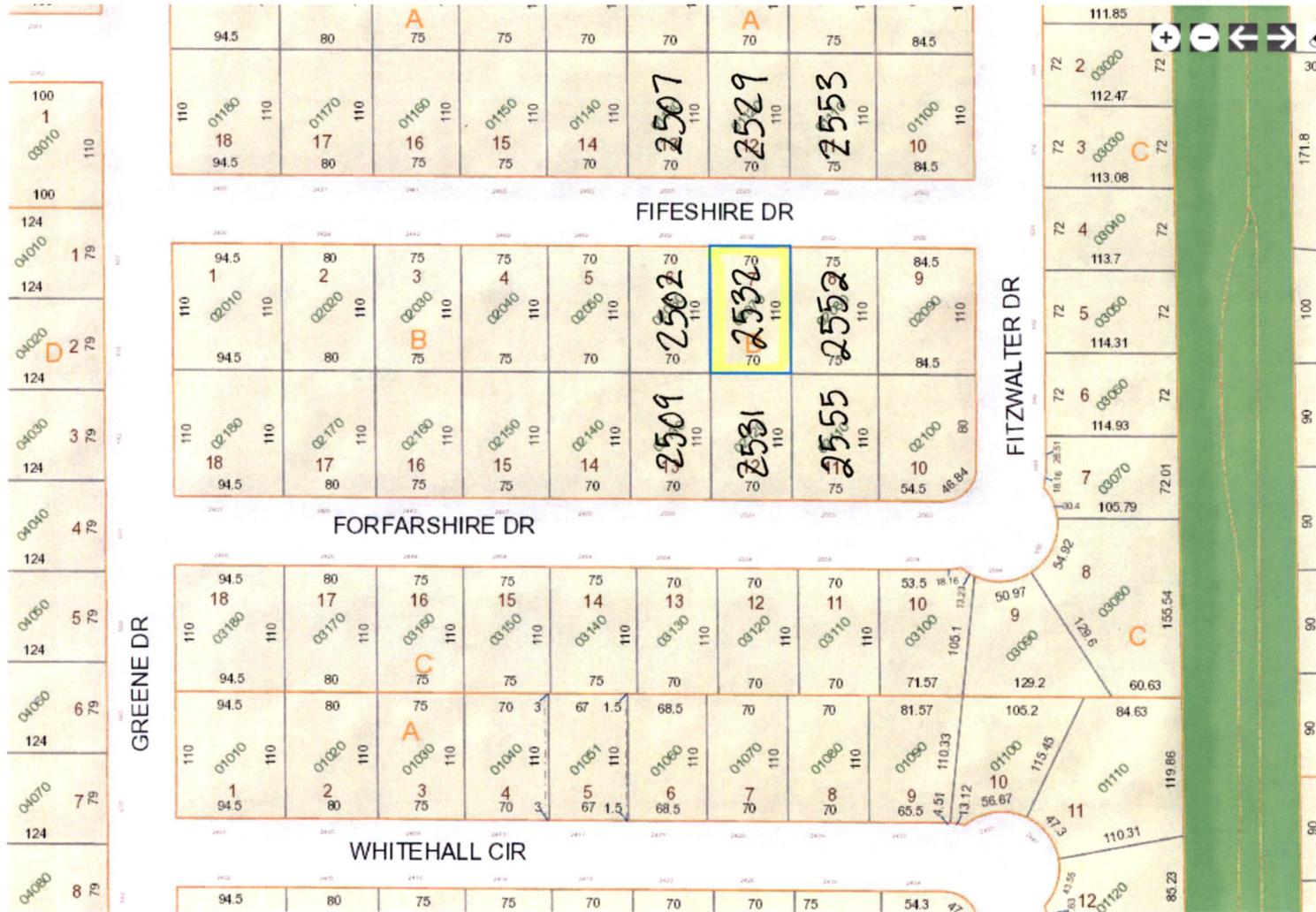
Page 2

Update for February Meeting:

The applicant's designer has provided a one story addition study along with plans and has listed several concerns in utilizing that option including also needing a variance for the additional wall length and substantially increasing the impervious coverage on this property. In addition this option will create a side wall that is 47 feet in length without articulation at the nonconforming side setback of 7.9 feet.

Since last month's meeting the applicant has provide 15 additional letters of support for the original variance request from nearby property owners.

2532 Fifeshire Drive

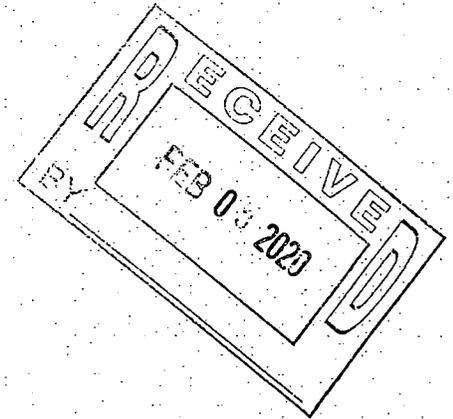


KLC Designs Inc.
2929 Alamo Dr
Orlando FL

January 28, 2020

Board of Adjustments
City of Winter Park, FL

Narrative for 2532 Fifeshire Dr
One-story addition Study

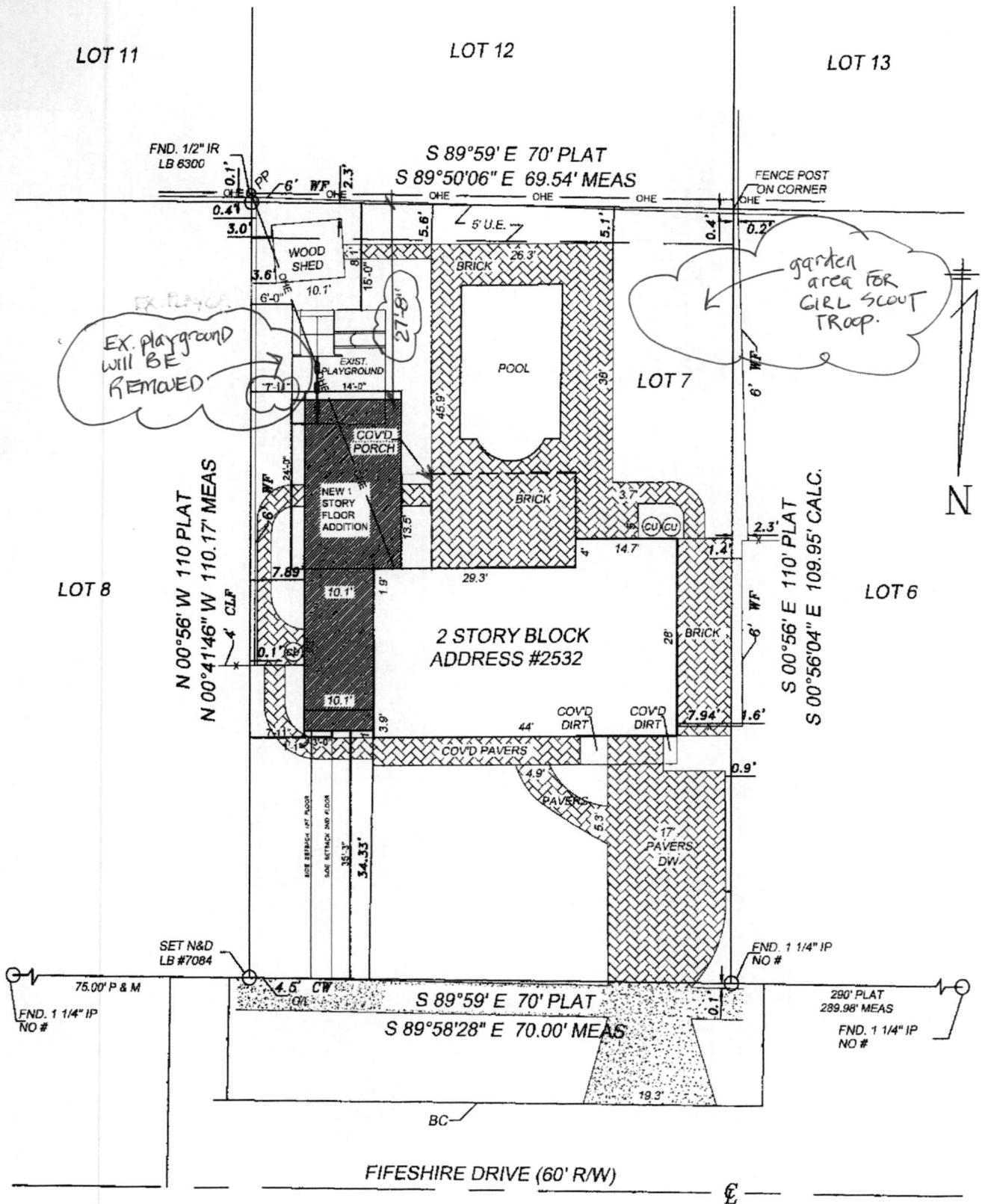


Per Boards request an additional study for designing a 1-story addition versus a two-story has been done.

- The 1st floor design moves the master bedroom to the first floor to eliminate the need to put an unsupervised child in a bedroom alone on the first floor while all other bedrooms are located on the 2nd floor. The homeowner has 5 children.
- In the 2 story design, the new children's bedroom and bath is above the current footprint of the existing construction, and less obtrusive to the neighbors. (see pictures) Also, the 2-story addition is only a minor increase in impervious coverage vs the 1 story option which would be a substantial amount of new impervious coverage.
- The neighbors (including side affected) have already approved the 2-story addition.
- The two-story addition is more in keeping with the architecture of the existing home.
- The 1-story addition is unbalanced and out of character with the existing residence.
- The 1st floor design would require a larger footprint in the rear yard. (the swing set will have to be removed) With 5 children the rear yard is of great importance to the family.
- Another disadvantage to the 1st floor design is the room dedicated to storage would have to be a transition area for the bedroom and the bedroom closet would have to be moved in that space as well. The clients lose valuable storage for bikes, strollers and outdoor toys that would normally be stored in a garage. (the house does not have a garage.)
- To proceed with this option an additional variance would be required to keep the addition in a straight line. (code requires an inset or offset of 2' by 6' per 24' of building.

Thank you for allowing us to continue this process and we hope this satisfies your interest in seeing the additional 1-story design concept.

Regards,
Kelly L Carr
KLC Designs INC.



1-STORY
EXISTING SURVEY W/ PROPOSED ADDITION

SCALE: 1" = 20'-0"



SETBACKS (complete boxes A and B first)

	Minimum Allowable Dimensions		Existing ¹³	Proposed	
FRONT	Average of 2 adjacent homes on each side. If corner lot, use 3 adjacent homes.		38 FT		
SIDES ^{1,2} (see other side setback options on pg 4)	1st Floor	See pages 3&4	A	9 FT	
	2nd Floor		B	12 FT	
REAR ^{1,3,4}	1st Floor	25 ft.	51'-8"	27'-0"	
	2nd Floor	35 ft ⁵			
	Lakefront	see note 6			
CORNER LOT	1st Floor	Lot width ≤ 65 ft.	15 ft.		
		Lot width > 65 ft ⁷	20 ft.		
	2nd Floor	Lot width ≤ 65 ft.	15 ft.		
		Lot width > 65 ft ⁷	22.5 ft.		
BUILDING HEIGHT ^{8,9,10,11,12}	30 ft. - 35 ft. plus 2 ft. or 40 ft. (see notes 11 & 12)				

Notes:

1. Any building wall that exceeds 12 ft. in height measured from natural grade to top of wall plate or truss kneewall must meet the setbacks for the 2nd floor.
2. Accessory buildings' maximum side wall height (natural grade to roof sheathing) shall not exceed 10.5 ft. and interior side setback is 5 ft. minimum (no gable end allowed) for garages up to 600 sf, pool cabana up to 500 sf and all other accessory buildings up to 320 sf. Other accessory buildings used for habitation shall meet setbacks of the main residence.
3. Rear setbacks for properties abutting non-residential zoned, R-3/R-4, or a permanent stormwater retention area over 25 ft. in width may be 10 ft. For lots that are 75ft deep or less a first floor setback of 10ft and a second floor setback of 25ft is allowed. For lots which are 105ft deep or less a first floor setback of 15ft and a second floor setback of 30ft is allowed.
4. Accessory buildings: garage/carport up to 820 sf, pool cabana up to 500 sf and storage bldg up to 320 sf - minimum rear setback shall be 10 ft. . Other accessory buildings used for habitation shall meet setbacks of the main residence.
5. The rear setback may be reduced to 25 ft. for two-story components when those consist of a second story loft or mezzanine that is within the normal scale and 18-ft max height of a typical one-story structure.
6. Require Planning & Zoning commission approval. Lakefront setback is based on the average setback establish by the adjacent residences within 200 ft. or 50 ft., whichever is greater, measured from ordinary high water line.
7. Setbacks given are measured on the side yard adjacent to the street & lots over 75 ft. with 1st and 2nd floor setbacks of 25 ft. may reduce the rear setback by 5 ft. on each floor.
8. Building height is the vertical distance measured from the average elevation of the existing lot grade measured directly adjacent to the front of the building or proposed building.
9. No building or portion thereof shall exceed 30 ft. in height except for homes with a roof slope of 8:12 or greater may be permitted to have 2 ft. additional building height.
10. Accessory building that exceeds 18 ft. in height shall meet the same setbacks as the principal building on the property.
11. Properties or lots with at least 80 ft. of width at the building line are permitted to have a building height of 35 ft. if the side setbacks are increased to 20 ft. at 30 ft. above the side lot line. Exception: homes with a roof slope of 8:12 or greater are permitted 2 ft. of additional building height.
12. Properties or lots exceeding 50,000 sq.ft. in size with at least 100ft width at the building line may be permitted building heights of 40 ft. if side setbacks are increased to 35 ft. to the portion of the roof over 30 ft. in height.
13. This column only applies to existing homes.



SETBACK / COVERAGE WORKSHEET

For Single Family Zoning Districts (R-1A, R-1AA & R-1AAA)¹

Address: 2532 FIFESHIRE DR. WINTER PARK, FL

32792

Lot width²: 70 FT

Submitted by: KELLY CARR

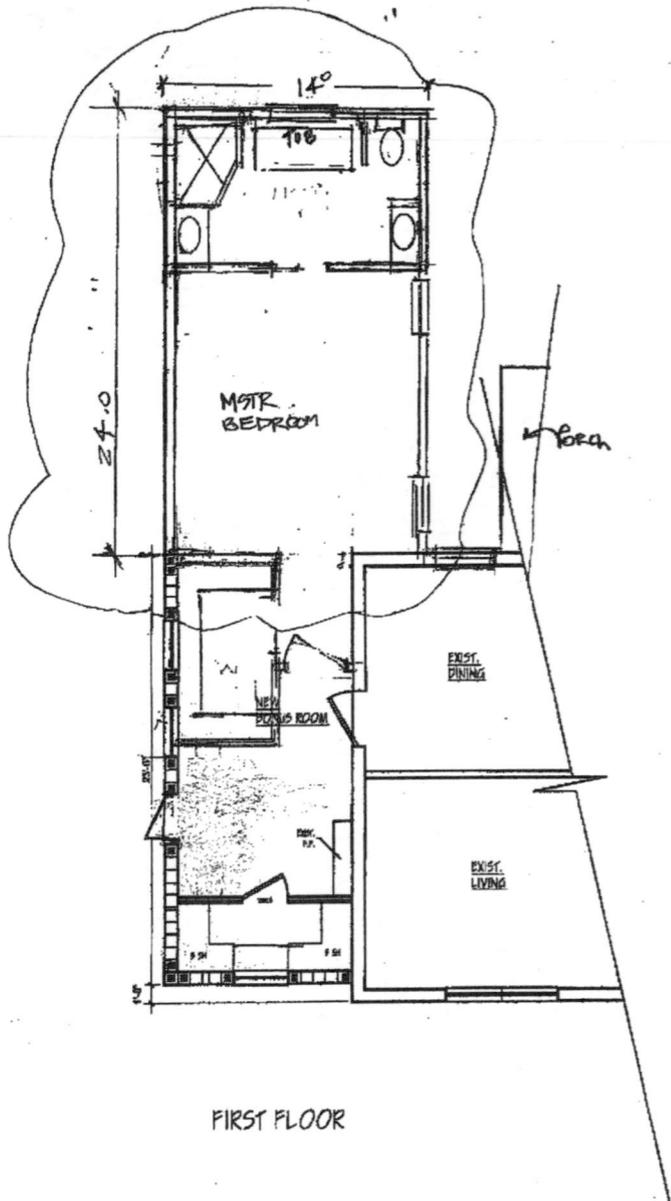
Lot area³: 7694 SQFT

	Maximum % Allowed ⁴	Existing Area ¹¹	Additional Proposed Area ¹¹	New Total Area	Maximum Allowed Area
IMPERVIOUS LOT COVERAGE Include bldg footprint, driveways, sidewalks, patios, swimming pools, A/C pads, artificial turf, etc.	2 story - 50%	3687.8	49	3736.8	3847
	1 story - 60%	3687.8	386	4073.8	4616.4
FLOOR AREA RATIO (F.A.R.)^{5,6,7} For one and two story bldgs (include 1st & 2nd floors, garages/carports, stair areas on both floors, areas on 2nd floors which are open to the 1st floor ⁸ , and accessory bldgs. EXCLUDE - pool screen enclosure areas and certain open front, side & rear porches ⁹ .	Lots < 11,600 sf: Use 38% Base FAR or w/ increased side setbacks: 43% Max FAR	2418 SQFT	49 SQFT (1ST FLR) 232 SQFT (2ND FLR)	2699 SQFT	3308 SQFT
	Lots 11,600 sf to 13,600 sf Use 4,500 sf Base area & 5,200 sf Maximum area				
	Lots > 13,600 sf Use 33% Base FAR or w/ increased side setbacks: 38% Max FAR				
SCREEN POOL ENCLOSURE	8% ¹⁰				

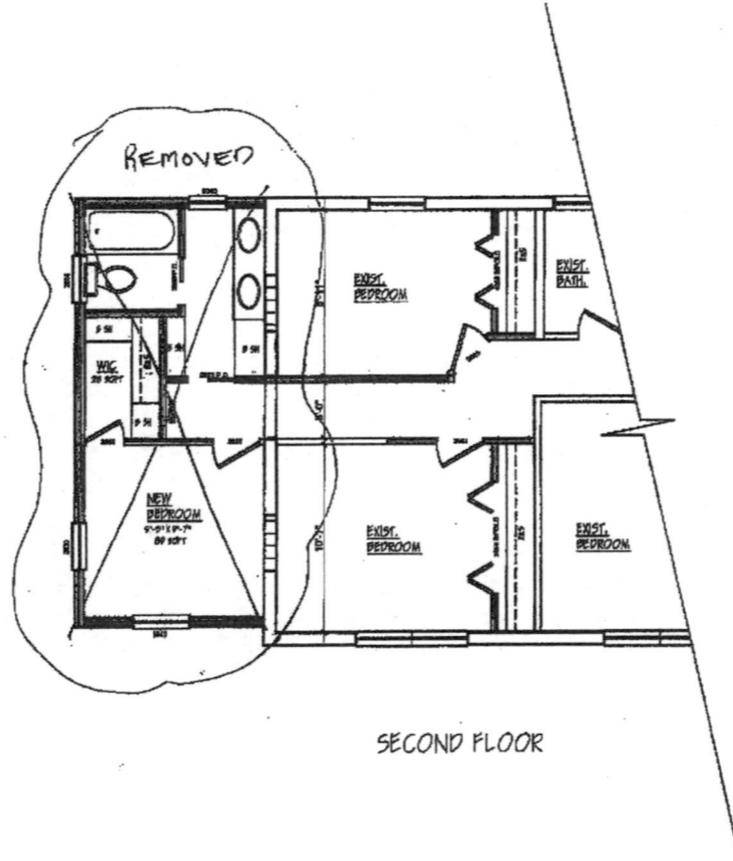
	Minimum % Required	Existing Area ¹¹	Landscape Area Reduced ¹¹	New Total Area	Minimum Required Area
FRONT YARD LANDSCAPE COVERAGE Count all landscaped green areas - exclude hard surfaces and all driveway surfaces (pervious & impervious). Front Lot Area:	50%				

NOTES:

1. Windsong & Waterbridge may use these standards, except lot types A, B, & C in Windsong. Provisions on side articulations & accessory bldgs are mandatory.
2. Lot width measured at the front bldg line across lot. The bldg line is located at the required front setback for vacant lots or front bldg wall closest to the street of existing homes. For unusual (pie) shaped lots, an average lot width may be utilized as measured between the front setback line and the required rear setback line or shall be determined by the Building Director. For a proposed home, determine the front setback as described on page 2.
3. Submerged lands or land across the street shall not be included.
4. Percentage based on the lot area.
5. One story homes with a sloping roof, 12:12 or less, may utilize the maximum F.A.R. and may provide roof dormers, 8 ft. maximum width and 2.5 ft. back from the required setback, occupying 45% of roof area within the same roof plane.
6. Area forming a room behind 2nd floor walls shall be included in the gross floor area.
7. See page 3 on how to achieve maximum F.A.R.
8. Vaulted and cathedral ceiling areas count twice if the height from the floor to the ceiling is 17.5 feet or greater.
9. The area of open front porches and entries may be excluded from the gross floor area subject to a maximum area of 400 square feet. The area within an open or screened rear and/or side porches, lanai, porte cochere or other covered areas may be excluded from the gross floor area up to 500 sf of floor area. On 2nd floor, rear and/or side porches shall have an exterior sides that are 75% open in order to utilized up to 300 sf of the total 500 sf excludable gross floor area.
10. Any area not already used in the permitted floor area ratio (FAR) may be added to this 8% for additional screened pool enclosure area.
11. These columns only apply to existing homes.



FIRST FLOOR



SECOND FLOOR

WALL LEGEND

- NEW INT. STUD WALL.
- NEW CMU WALL
- EXIST. STUD WALL INT.
- EXIST. CMU WALL EXT.

SPACE ANALYSIS

- LIVING ADDED 1ST FLOOR -232 S.Q.F.T.
- LIVING ADDED 2ND FLOOR -232 S.Q.F.T.

1-STORY ADDITION STUDY

PARTIAL FLOOR PLANS



Scale/Signature

Consultants
alba
 ENGINEERING
 04.0000
 DAVIS, HOUTER, PCL
 1001 WIND
 PALM BEACH GARDENS
 PALM BEACH, FL 33410
 PHONE 561-997-0000

Project Title: **ARMSTRONG RESIDENCE**
 2000 PINEHURST DR. WINTER PARK, FL
 Client Title: **FLOOR PLANS**

Revisions:

No.	Date	Issued For

Date: Dec. 18, 2019
 Scale: 1/8" = 1'-0"
 Sheet: 1/1



KCC Designs, Inc.
 2089 Orr
 311.546.7877
 kccdesigns@gmail.com

Seal/Signature

Consultants

alba
ENGINEERING

404 SOUTH
 WINDY HOLLOW RD.
 FORT LAUDERDALE, FL 33304
 PHONE 954-487-4800

ARMSTRONG RESIDENCE
 2882 PIPESBARE DR. WINTER PARK, FL

Project Title

Sheet Title
 EXTERIOR ELEVATIONS

Revisions:

By: Date: Drawn For:

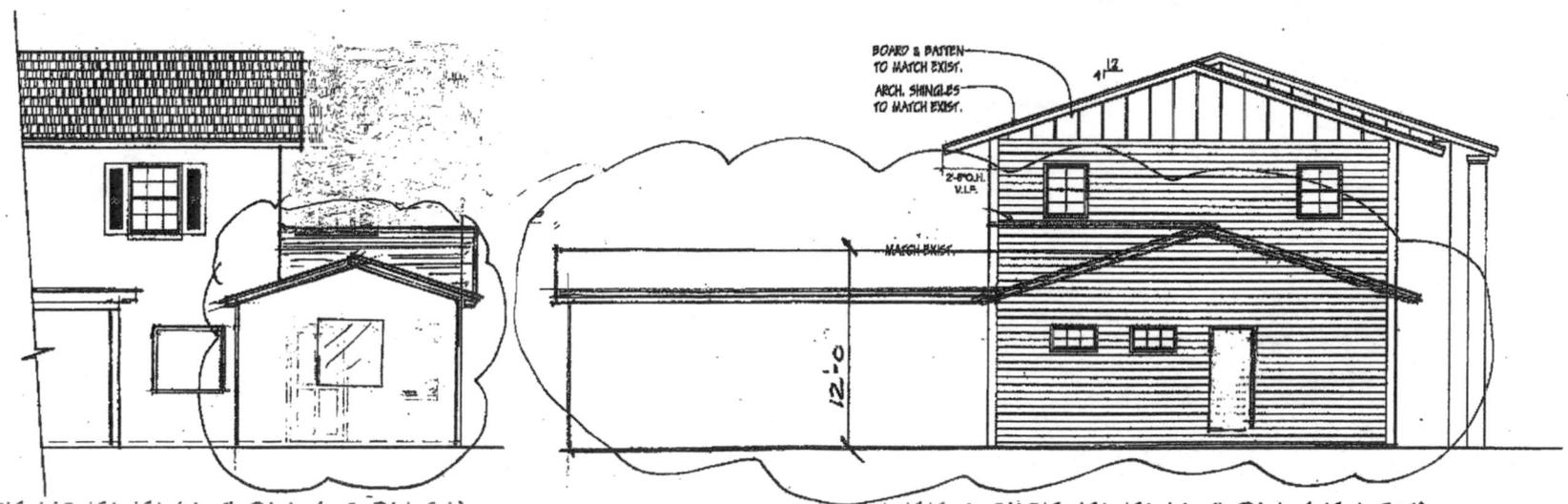
DATE
 Dec. 18, 2018
 DRAWN BY
 KCC



1-STORY ADDITION STUDY

PARTIAL FRONT ELEVATION (NORTH)

SCALE: 1/4" = 1'-0"
 CONTRACTOR VERIFY ALL DIMENSIONS AT JOB SITE.





REAR ELEVATION



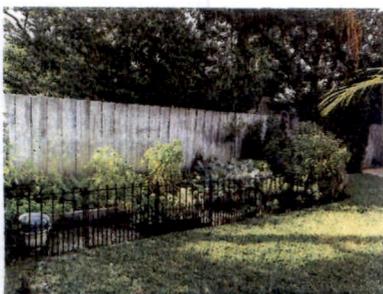
VIEW FROM SECOND FLOOR EXIST.



SWING SET THAT WOULD BE



VIEW FROM EXIST. SECOND F.



GIRLS LOT GROUP GARDEN AREA



From: [Christine Armstrong](#)
To: [George Wiggins](#); [Theresa Dunkle](#); [Kelly carr](#); [Diana Ariza](#)
Subject: [External] 2532 Fifeshire Drive - Letters of Support - Variance Application -
Date: Friday, February 7, 2020 12:20:15 PM
Attachments: [Letters of SupportApproval 2532 Fifeshire Drive.pdf](#)

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks contained in the email, verify the real address by hovering over the link with your mouse. Do not open attachments from unknown or unverified sources.]

Hello,

I am attaching a PDF which compiles 15 more letters of support from surrounding neighbors who fully support our plans and a request to be granted a variance to build our addition. There are 16 more signatures from neighbors. Including the letters of support previously submitted, I received signatures from almost every house and neighbor on **both sides** of Fifeshire Drive—the **only** neighbor I am waiting to hear from is 2441 Fifeshire Drive, which has been a rental property for many years. The owner listed on property information includes an out-of-state address (100 Marina Drive Apt #601, Quincy, MA 02171-1566). I am expecting to hear back from them but as of the sending of this email, their official support has not been collected as of yet. I have also included signatures from some house on Fitzwalter, the closet adjacent street to my home, from neighbors with a slight view of my home and addition.

I hope I have provided sufficient evidence that the surround neighbors and owners within this area of Winter Park, are supportive of my plans and desire to receive a variance for my addition.

I thank you for your time and help. I look forward to answering any questions. Please let me know if anything else is needed.

Sincerely,
Christine Armstrong

Dear Board of Adjustments

I, Leslie Kuczynski, residing at 2424 Ffeshire Dr., grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,


(signature)

Address: 2424 Ffeshire Dr.
Winter Park, FL 32792

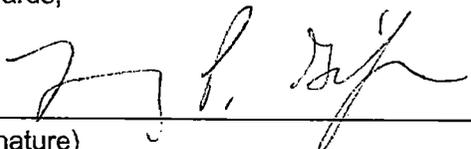
Date: 2/2/2020

Dear Board of Adjustments

I, Tim Gifford, residing at 2406 Fitzeshire Drive, grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,



(signature)

Address: 2406 Fitzeshire Drive
Winter Park

Date: 2/3/2020

Dear Board of Adjustments

I, Lawrence A Brashee, residing at 2462 Fireship Dr, grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,

Lawrence A. Brashee
(signature)

Address: 2462 Fireship Dr
Winter Park, FL 32792

Date: 2-4-2020

ANN E. REISCH
581 Chico Court
Incline Village, NV 89451

Phone: 775-832-4049
E-mail: areisch@earthlink.net

February 4, 2020

Paul and Christine Armstrong
2532 Fifeshire Drive
Winter Park, FL 32792

Re: Property Addition – 2532 Fifeshire Drive, Winter Park, FL

Dear Mr. & Mrs. Armstrong:

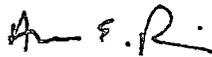
I am in receipt of your photo and architectural drawings dated September 30, 2019 regarding your proposed addition to the east side of your home. I appreciate the opportunity to review your proposed plans in advance of your project. Thank you for forwarding your package to my attention.

As the representative of the owner of 2502 Fifeshire Drive, the property next door to the west of your property, I do not have any objections to your proposed plans as outlined on the drawings you have provided. Your plans do not appear to have any impact on our property as long as your work is in keeping with the nature and character of the neighborhood and built in accordance with applicable codes and/or approved variances.

We would encourage the Board of Adjustments to grant your variance if the plans and specifications meet with their approval.

If you need any additional information, please let me know.

Sincerely,



Ann E. Reisch, CRE, CCIM, CPM, RPA
Trustee
Lawrence W. Reisch Family Trust

Dear Board of Directors,

I, PAMELA POSS, residing at 2483 FIFESHIRE DR., grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,



(signature)

Address: 2483 FIFESHIRE DR
WINTER PARK, FL 32792

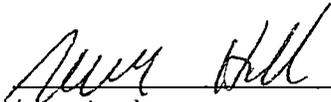
Date: 02/02/2020

Dear Board of Adjustments

I, Tiffany Hall, residing at 2427 F. Feshire Drive WP, grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,


(signature)

Address: 2427 F. Feshire Dr.
Winter Park, FL

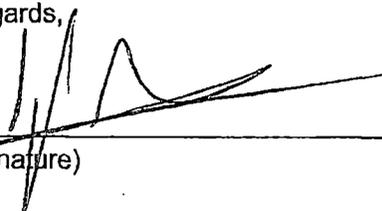
Date: 2/3/20

Dear Board of Adjustments

I, Tyler Strickland, residing at 2405 Fifeshire Drive, grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,



(Signature)

Address: 2405 Fifeshire Drive
Winter Park, FL 32792

Date: 2/5/20

Dear Board of Adjustments,

I, Robert Hoppenfeld, the owner of 2442 Fifeshire Dr. Winter Park, FL 32792, grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,



(signature)

Address: Robert Hoppenfeld
13608 Lake Mary Jane Rd.
Orlando FL, 32832

Date: February 5, 2020

Dear Board of Adjustments

I, Patty Sturgen, residing at 2465 Ffeshire Dr WP, grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,



(signature)

Address:

2465 Ffeshire Dr
WP FL 32792

Date:

2-7-20

Dear Board of Directors,

I, Mitchell Allen, residing at 2507 Fifeshire Dr., grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,



(signature)

Address: 2507 Fifeshire Dr.
Winter Park, FL 32792

Date: 1/28/2020

Dear Board of Adjustments

I, Summer Lee, residing at 2482 Fifehire Dr, grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,

Summer Lee
(signature)

Address: 2482 Fifehire Dr
W. Park, FL 32792

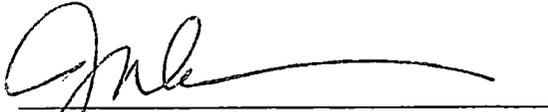
Date: 2-3-2020

Dear Board of Adjustments

I, Julienne Guidera, residing at 656 Fitzwalter Dr., grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,


(signature)

Address: 656 Fitzwalter Dr.
Winter Park FL
32792

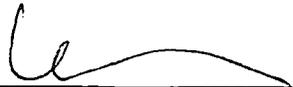
Date: 02/02/20

Dear Board of Adjustments

I, Lisa Banes, residing at 624 Fitzwaller Dr., grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,



(signature)

Address: 624 Fitzwaller Dr
Winter Park FL 32792

Date: 2/3/2020

Dear Board of Adjustments

I, Chris McNally, residing at 632 Fitzwalter Dr., grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,


(signature)

Address: 632 Fitzwalter Dr.
WP-32792

Date: 2/3/20

Dear Board of Adjustments

I, Jo Ann Calano, residing at 616 Fitzwalter Dr. Winter Park, FL, grant 32792 permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,

Jo Ann Calano
(signature)

Address: 616 Fitzwalter Dr
Winter Park, FL 32792

Date: 2-7-2020



1 South Park Avenue • Winter Park, Florida 32789

407-599-3237 • 407-599-3499 fax
cityofwinterpark.org

**Building &
Permitting
Services**

TO: BOARD OF ADJUSTMENTS MEMBERS
FROM: GEORGE WIGGINS, DIRECTOR OF BLDG/LEGISLATIVE AFFAIRS
DATE: January 21, 2020
SUBJECT: Carr VARIANCE REQUEST, 2532 Fifeshire Drive

The applicant is requesting a variance to allow the construction of a two story building addition located 7.9 feet from the east side lot line whereas the required side setbacks are 9 feet to the first floor and 12 feet to the second floor based on the lot width and proposed gross floor area.

In order to increase living area on this home and maintain the current side and rear wall line and setback, the applicant is enlarging the first floor bonus room and adding an additional second floor bonus room at the same side setback.

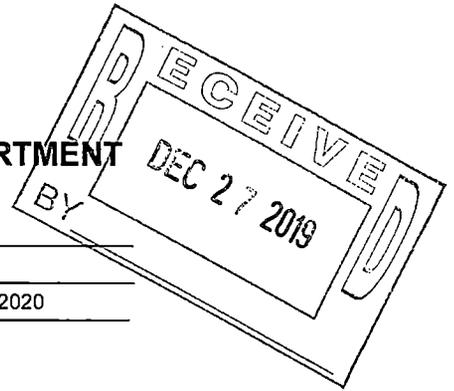
The designer preparing the plans points out that taking this approach for expanding the living area results in balancing out the architecture of the building since the home also has a two story wall on the west side of the home which has a similar side setback as this request.

This home was built in 1961. At that point in time the Zoning Code required side setback for a two story home was five feet or 10% of the lot width whichever was greater. The lot width is 70 feet which allowed a side setback of 7 feet to both floors. The existing west side two story wall appears to have a setback of 7.8 feet to both floors which was compliant with the Code at that time, and the east side one story portion with a side setback of 7.9 feet was also compliant.

With regard to impervious coverage (50%) based on the lot size, the proposed addition of will be within the allowable coverage at 3,606 square feet. The total proposed new area of the home at 2,699 square feet results in a floor area ratio of 35% which is under the allowable area of 2,924 square feet.

The applicant has provided five letters of non-objection from the adjacent property owner and other nearby property owners

**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 _____
Assigned _____
Date of Hearing 01/21/2020

Applicant: KELLY CARR

Owner: CHRISTINE ARMSTRONG

2929 ALAMO DR.
(Address)
2532 FIFESHIRE DR. WINTER PARK, FL 32792
(City, State) (Zip)

2532 FIFESHIRE DR
(Address)
WINTER PARK, FL 32792
(City, State) (Zip)

(Phone – Home)
321-946-5957

(Phone – Home)
4079219827

(Phone – Work or Cell)
kkskir@gmail.com

(Phone – Work or Cell)
cmdarmstrong@gmail.com

(Email Address)

(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 _____, Subsection _____, Zoning R-1A.

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 2532 FIFESHIRE DR WINTER PARK, FL 32792

Legal description of property BROOKSHIRE HEIGHTS 2ND ADDITION Y/85 LOT 7 BLK B SEE 2321/24

Describe variance request SEEKING A VAIRANCE TO ALLOW A 1'-11" ENCROACHMENT INTO THE EAST SIDE SET BACK ON THE FIRS
AND A 4'-1" ENCROACHMENT ON THE EAST SIDE SET BACK ON THE SECOND FLOOR TO REBUILD THE EXISTING BC
ROOM ON THE FIRST FLOOR AND ADD AN ADDITIONAL BEDROOM AND BATHROOM ON THE SECOND FLOOR.

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

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

The house is very balanced, if we added to the main front facade, it would not be balanced and it would not blend with the character of the home. Because of the existing pool and rear porch placements, an addition off the rear would not be usable with the existing floor plan. Adding the structure to the side of home gives the side neighbors more privacy - if addition was to the rear it would look directly into their backyard

How long have you owned the property? since March 29, 2015

How long have you occupied the property? 4 years & 8 months

2. 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?

Other homes in the same zoning district have been granted approval for side variances

3. 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.

The existing house is already non-conforming, the addition will not encroach any further than the existing setback.

As stated earlier, because of the pool and porch placements, an addition in the rear would be awkward and not usable because of existing floor plan layout. The need for the addition is for an extra bathroom and bedroom for their growing family, the home owners have 5 children and the house is currently a 4 bedroom 2 bathroom home with no garage.

4. 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?

Yes, the front of the addition could be recessed back 2' instead of 1'


Signature of Applicant

12-20-19
Date

Kelly Carr, KLC Designs
Name of Applicant (PRINT)



SETBACK / COVERAGE WORKSHEET

For Single Family Zoning Districts (R-1A, R-1AA & R-1AAA)¹

Address: 2532 FIFESHIRE DR. WINTER PARK, FL

32792

Lot width²: 70 FT

Submitted by: KELLY CARR

Lot area³: 7694 SQFT

	Maximum % Allowed ⁴	Existing Area ¹¹	Additional Proposed Area ¹¹	New Total Area	Maximum Allowed Area
IMPERVIOUS LOT COVERAGE Include bldg footprint, driveways, sidewalks, patios, swimming pools, A/C pads, artificial turf, etc.	2 story - 50%	3557.4	49	3606.4	3847
	1 story - 60%				
FLOOR AREA RATIO (F.A.R.)^{5,6,7} For one and two story bldgs (include 1st & 2nd floors, garages/carpools, stair areas on both floors, areas on 2nd floors which are open to the 1st floor ⁸ , and accessory bldgs. EXCLUDE - pool screen enclosure areas and certain open front, side & rear porches ⁹ .	Lots < 11,600 sf: Use 38% Base FAR or w/ increased side setbacks: 43% Max FAR	2418 SQFT	49 SQFT (1ST FLR) 232 SQFT (2ND FLR)	2699 SQFT	3308 SQFT 2699 2924
	Lots 11,600 sf to 13,600 sf Use 4,500 sf Base area & 5,200 sf Maximum area				
	Lots > 13,600 sf Use 33% Base FAR or w/ increased side setbacks: 38% Max FAR				
SCREEN POOL ENCLOSURE	8% ¹⁰				
	Minimum % Required	Existing Area ¹¹	Landscape Area Reduced ¹¹	New Total Area	Minimum Required Area
FRONT YARD LANDSCAPE COVERAGE Count all landscaped green areas - exclude hard surfaces and all driveway surfaces (pervious & impervious). Front Lot Area:	50%				

NOTES:

1. Windsong & Waterbridge may use these standards, except lot types A, B, & C in Windsong. Provisions on side articulations & accessory bldgs are mandatory.
2. Lot width measured at the front bldg line across lot. The bldg line is located at the required front setback for vacant lots or front bldg wall closest to the street of existing homes. For unusual (pie) shaped lots, an average lot width may be utilized as measured between the front setback line and the required rear setback line or shall be determined by the Building Director. For a proposed home, determine the front setback as described on page 2.
3. Submerged lands or land across the street shall not be included.
4. Percentage based on the lot area.
5. One story homes with a sloping roof, 12:12 or less, may utilize the maximum F.A.R. and may provide roof dormers, 8 ft. maximum width and 2.5 ft. back from the required setback, occupying 45% of roof area within the same roof plane.
6. Area forming a room behind 2nd floor walls shall be included in the gross floor area.
7. See page 3 on how to achieve maximum F.A.R.
8. Vaulted and cathedral ceiling areas count twice if the height from the floor to the ceiling is 17.5 feet or greater.
9. The area of open front porches and entries may be excluded from the gross floor area subject to a maximum area of 400 square feet. The area within an open or screened rear and/or side porches, lanai, porte cochere or other covered areas may be excluded from the gross floor area up to 500 sf of floor area. On 2nd floor, rear and/or side porches shall have an exterior sides that are 75% open in order to utilized up to 300 sf of the total 500.sf excludable gross floor area.
10. Any area not already used in the permitted floor area ratio (FAR) may be added to this 8% for additional screened pool enclosure area.
11. These columns only apply to existing homes.

SETBACKS (complete boxes A and B first)

	Minimum Allowable Dimensions		Existing ¹³	Proposed
FRONT	Average of 2 adjacent homes on each side. If corner lot, use 3 adjacent homes.		38 FT	
SIDES ^{1,2} (see other side setback options on pg 4)	1st Floor	See pages 3&4	A	9 FT
	2nd Floor		B	12FT
REAR ^{1,3,4}	1st Floor	25 ft.		
	2nd Floor	35 ft ⁵		
	Lakefront	see note 6		
CORNER LOT	1st Floor	Lot width ≤ 65 ft.	15 ft.	
		Lot width > 65 ft ⁷	20 ft.	
	2nd Floor	Lot width ≤ 65 ft.	15 ft.	
		Lot width > 65 ft ⁷	22.5 ft.	
BUILDING HEIGHT ^{8,9,10,11,12}	30 ft. - 35 ft. plus 2 ft. or 40 ft. (see notes 11 & 12)			

Notes:

1. Any building wall that exceeds 12 ft. in height measured from natural grade to top of wall plate or truss kneewall must meet the setbacks for the 2nd floor.
2. Accessory buildings' maximum side wall height (natural grade to roof sheathing) shall not exceed 10.5 ft. and interior side setback is 5 ft. minimum (no gable end allowed) for garages up to 600 sf, pool cabana up to 500 sf and all other accessory buildings up to 320 sf. Other accessory buildings used for habitation shall meet setbacks of the main residence.
3. Rear setbacks for properties abutting non-residential zoned, R-3/R-4, or a permanent stormwater retention area over 25 ft. in width may be 10 ft. For lots that are 75ft deep or less a first floor setback of 10ft and a second floor setback of 25ft is allowed. For lots which are 105ft deep or less a first floor setback of 15ft and a second floor setback of 30ft is allowed.
4. Accessory buildings: garage/carport up to 820 sf, pool cabana up to 500 sf and storage bldg up to 320 sf - minimum rear setback shall be 10 ft. . Other accessory buildings used for habitation shall meet setbacks of the main residence.
5. The rear setback may be reduced to 25 ft. for two-story components when those consist of a second story loft or mezzanine that is within the normal scale and 18-ft max height of a typical one-story structure.
6. Require Planning & Zoning commission approval. Lakefront setback is based on the average setback establish by the adjacent residences within 200 ft. or 50 ft., whichever is greater, measured from ordinary high water line.
7. Setbacks given are measured on the side yard adjacent to the street & lots over 75 ft. with 1st and 2nd floor setbacks of 25 ft. may reduce the rear setback by 5 ft. on each floor.
8. Building height is the vertical distance measured from the average elevation of the existing lot grade measured directly adjacent to the front of the building or proposed building.
9. No building or portion thereof shall exceed 30 ft. in height except for homes with a roof slope of 8:12 or greater may be permitted to have 2 ft. additional building height.
10. Accessory building that exceeds 18 ft. in height shall meet the same setbacks as the principal building on the property.
11. Properties or lots with at least 80 ft. of width at the building line are permitted to have a building height of 35 ft. if the side setbacks are increased to 20 ft. at 30 ft. above the side lot line. Exception: homes with a roof slope of 8:12 or greater are permitted 2 ft. of additional building height.
12. Properties or lots exceeding 50,000 sq.ft. in size with at least 100ft width at the building line may be permitted building heights of 40 ft. if side setbacks are increased to 35 ft. to the portion of the roof over 30 ft. in height.
13. This column only applies to existing homes.

Letter of Authorization

December 20, 2019

City of Winter Park
1210 Oaks Blvd.
Winter Park, FL 32789

Attention: Building and Permitting Services

To Whom It May Concern:

Christine and Paul Armstrong hereby authorize KLC Designs, Inc. to act on behalf, as agent, in all matters relating to requests for a variance at 2532 Fifeshire Drive, Winter Park, Florida 32792. Property Parcel ID# 09-22-30-0942-02-070 in the public records of Orange County, Florida.

Sincerely,

A handwritten signature in cursive script that reads "Christine Armstrong" followed by a horizontal flourish.

Christine and Paul Armstrong
Owners
2532 Fifeshire Drive
Winter Park, FL 32792

Dear Board of Commissioners,

I, JoAnn Beck, owner of the property located at 2552 Fifeshire Dr., Winter Park FL 32792 have no objection to Paul and Christine Armstrong re-building the existing first floor addition on the east side of their house and to add a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback, and I consent to the variance..

Regards,

A handwritten signature in black ink, appearing to read "JoAnn Beck", is written over a horizontal line.

JoAnn Beck (owner 2552 Fifeshire Dr. Winter Park)
1100 S. Orlando Av. #107
Maitland FL 32751
407 256 6369

Date: 12.18 19



FRONT ELEVATION (NORTH) 2532 FIFESHIRE DR

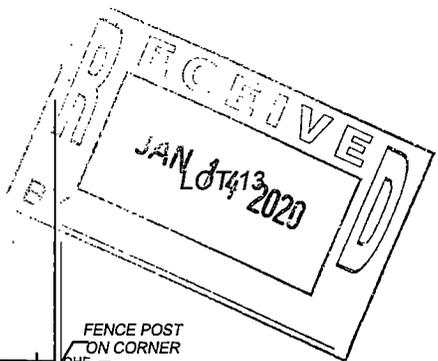
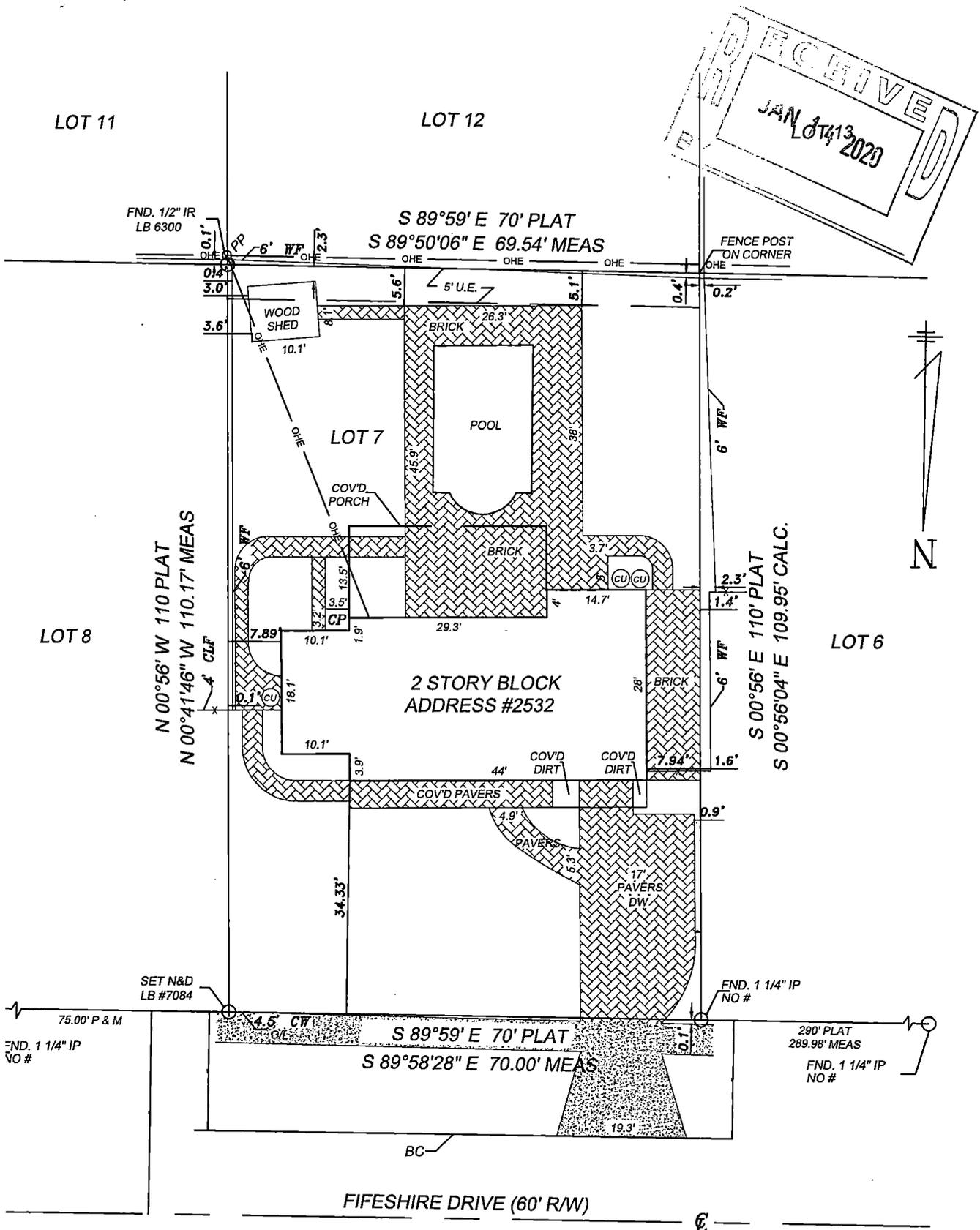


REAR ELEVATION (SOUTH 2532 FIFESHIRE DR

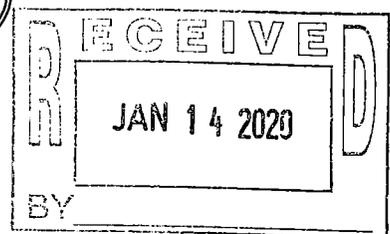


SIDE ELEVATION (EAST) 2532 FIFESHIRE DR

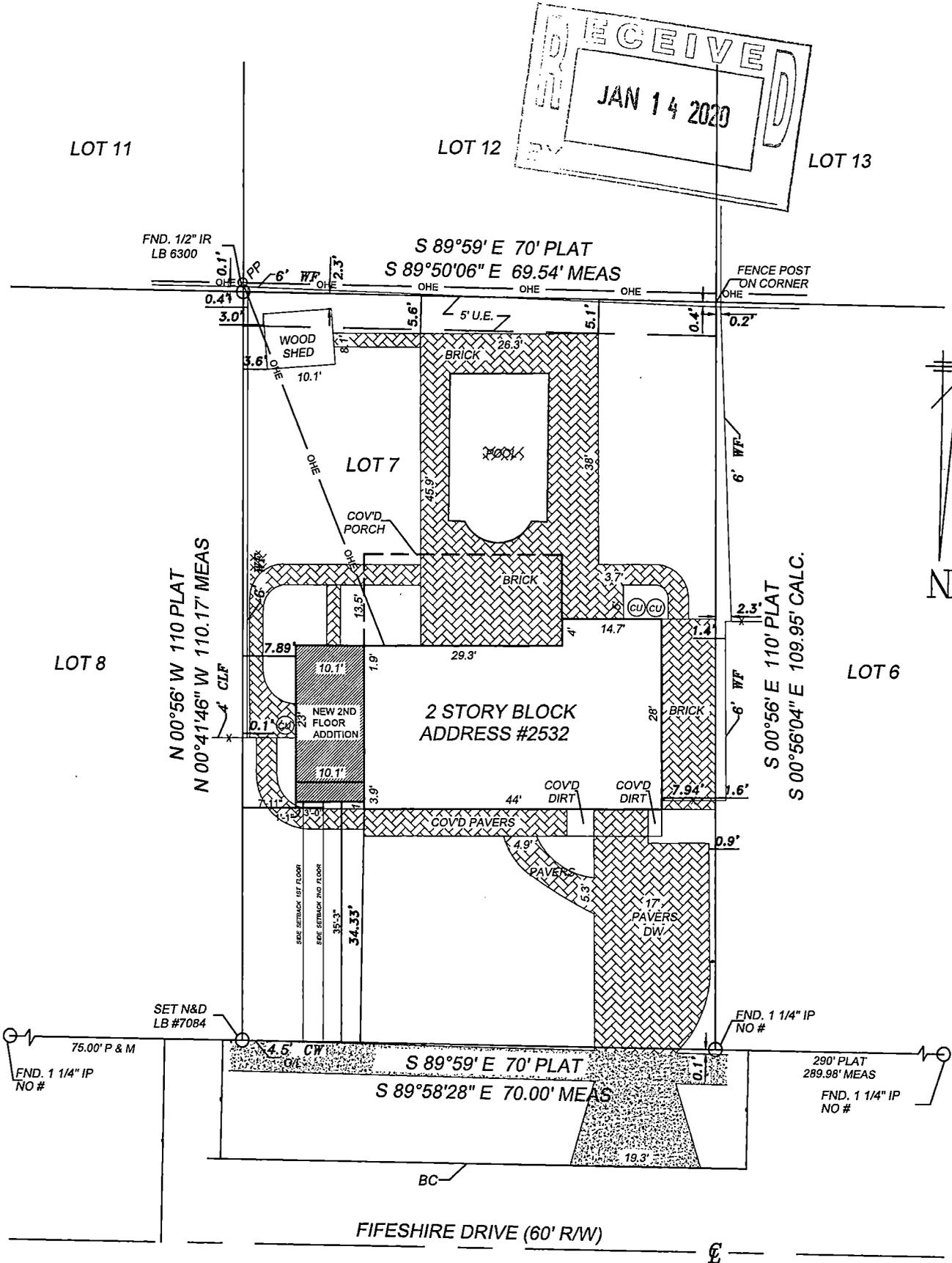
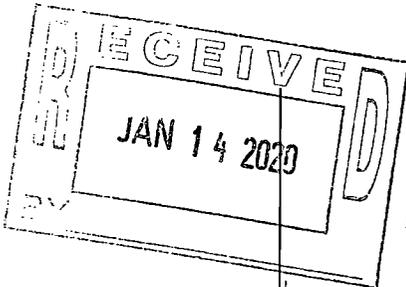




EXISTING SURVEY
 SCALE: 1" = 20'-0"

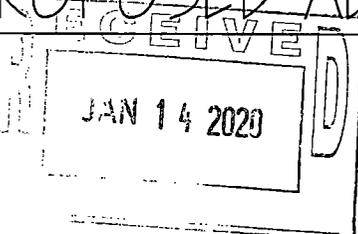


2532 FIFESHIRE



EXISTING SURVEY W/ PROPOSED ADDITION

SCALE: 1" = 20'-0"



2532 FIFESHIRE



Seal/Signature

Consultants
alba
 ENGINEERING
 CA 90009
 DANIEL BOYTER, P.E.
 P.E.# 40800
 P.O. BOX 947774
 ORLANDO, FL 32894
 PHONE (407) 457-8800

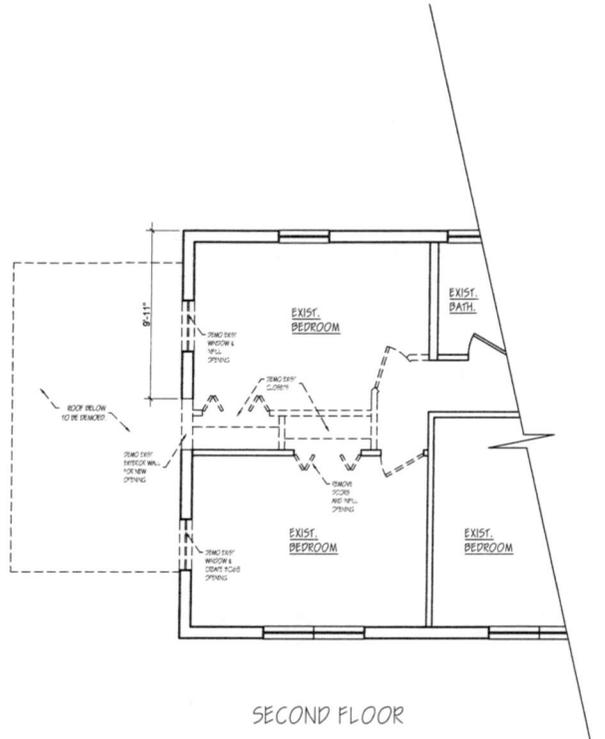
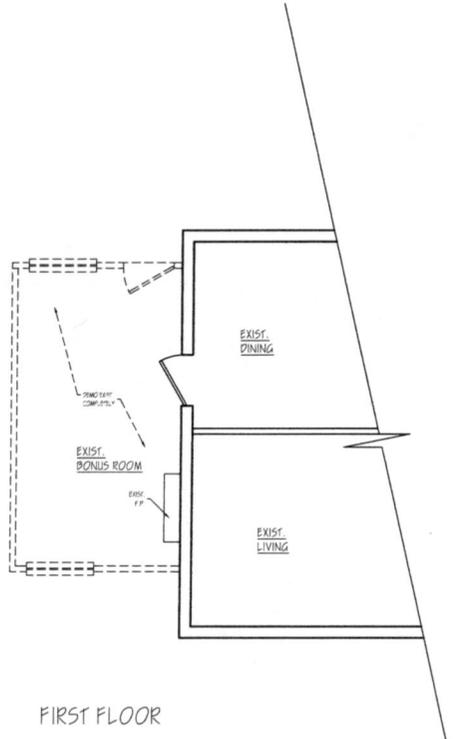
Project Title:
ARMSTRONG RESIDENCE
 2532 FRESHIRE DR. WINTER PARK, FL

Sheet Title:
 AS-BUILT/DEMO PLANS

Revisions:

No.	Date	Issued For

DATE	Dec. 19, 2019
DRAWN BY:	KLC
SCALE	AS NOTED
A-2	



PARTIAL AS-BUILT/ DEMO PLANS 
 SCALE: 1/4" = 1'-0"
 CONTRACTOR VERIFY ALL
 DIMENSIONS AT JOB SITE.

Plot Date: Dec 26, 2019 - 4:30pm - Armstrong Residence_12-17.dwg

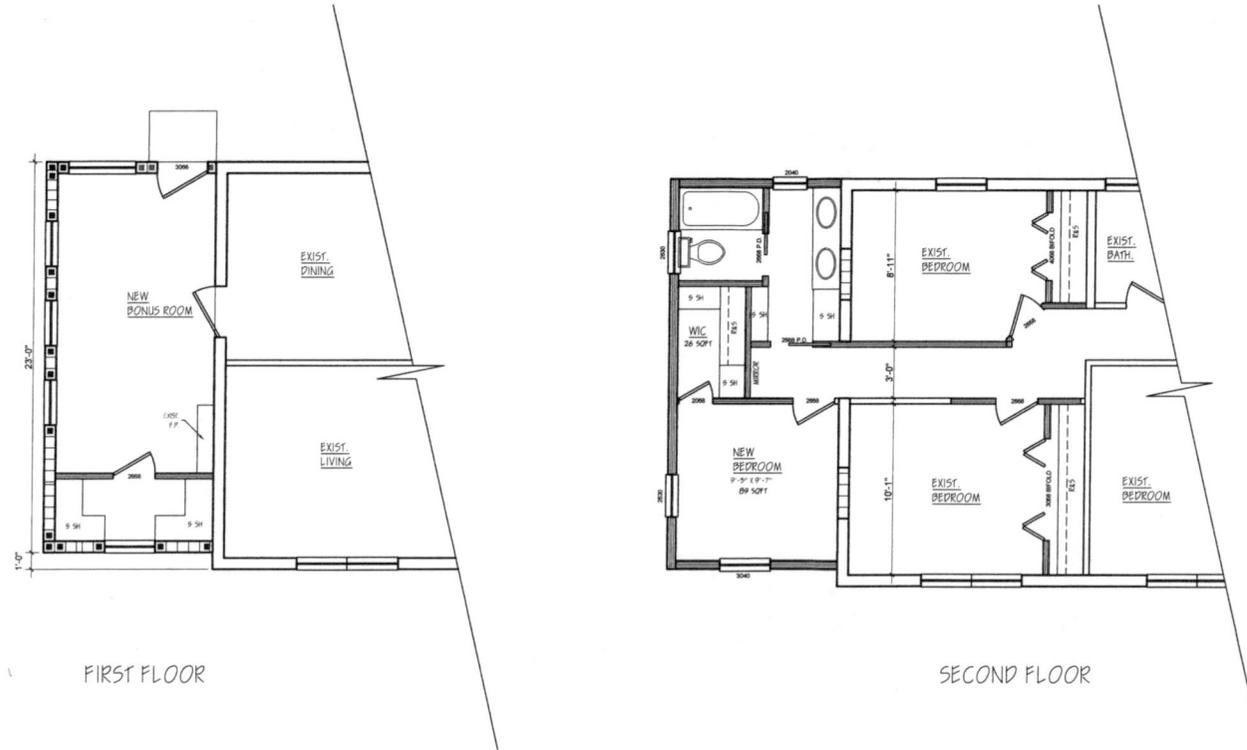


WALL LEGEND

- NEW INT. STUD WALL.
- NEW CMU WALL
- EXIST. STUD WALL INT.
- EXIST. CMU WALL EXT.

SPACE ANALYSIS

- LIVING ADDED 1ST FLOOR -232 S.Q.F.T.
- LIVING ADDED 2ND FLOOR -232 S.Q.F.T.



FIRST FLOOR

SECOND FLOOR

PARTIAL FLOOR PLANS

SCALE: 1/4" = 1'-0"
 CONTRACTOR VERIFY ALL
 DIMENSIONS AT JOB SITE.



Seal/Signature

Consultants
alba
 ENGINEERING
 CA 95009
 DANIEL BOOTHE P.E.
 P.O. BOX 68801
 P.O. BOX 64776
 ORLANDO, FL 32864
 PH (407) 487-4885

Project Title:
ARMSTRONG RESIDENCE
 2602 FRESHIRE DR. WINTER PARK, FL

Sheet Title:
 FLOOR PLANS

Revisions:

No.	Date	Issued For

DATE
 Dec. 16, 2019
 CHECKED BY:
 KLC
 DRAWN BY:
 JCA
 SCALE
 AS NOTED
 SHEET

A-3



KLC Designs, Inc.
 Kelly Carr
 321.946.1957
 kfcjr@gmail.com

Seal/Signature

Consultants

alba
ENGINEERING
 C.A. 00099
 DANIEL SCOTER, P.E.
 P.E. 00001
 P.O. BOX 56774
 ORLANDO, FL 32856
 PHONE (407) 457-4900

ARMSTRONG RESIDENCE
 2532 FRESHIRE DR. WINTER PARK, FL

Project Title:

Revisions:

No.	Date	Issued For

Sheet Title:
 EXTERIOR ELEVATIONS

DATE

Dec. 19, 2019

CHECKED BY:

KLC

DRAWN BY:

SCA

AS NOTED

SHEET

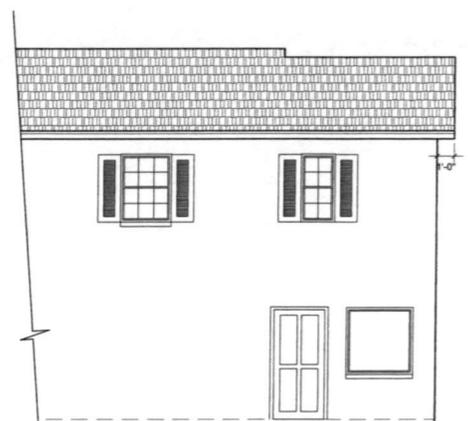
A-3



PARTIAL FRONT ELEVATION (NORTH)

SCALE: 1/4" = 1'-0"

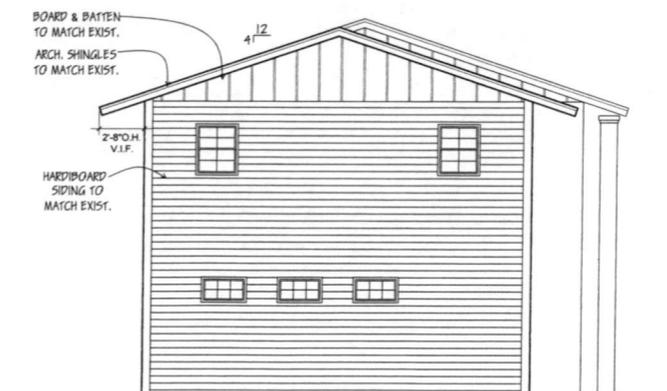
CONTRACTOR VERIFY ALL DIMENSIONS AT JOB SITE.



REAR ELEVATION (SOUTH)

SCALE: 1/4" = 1'-0"

CONTRACTOR VERIFY ALL DIMENSIONS AT JOB SITE.



LEFT SIDE ELEVATION (EAST)

SCALE: 1/4" = 1'-0"

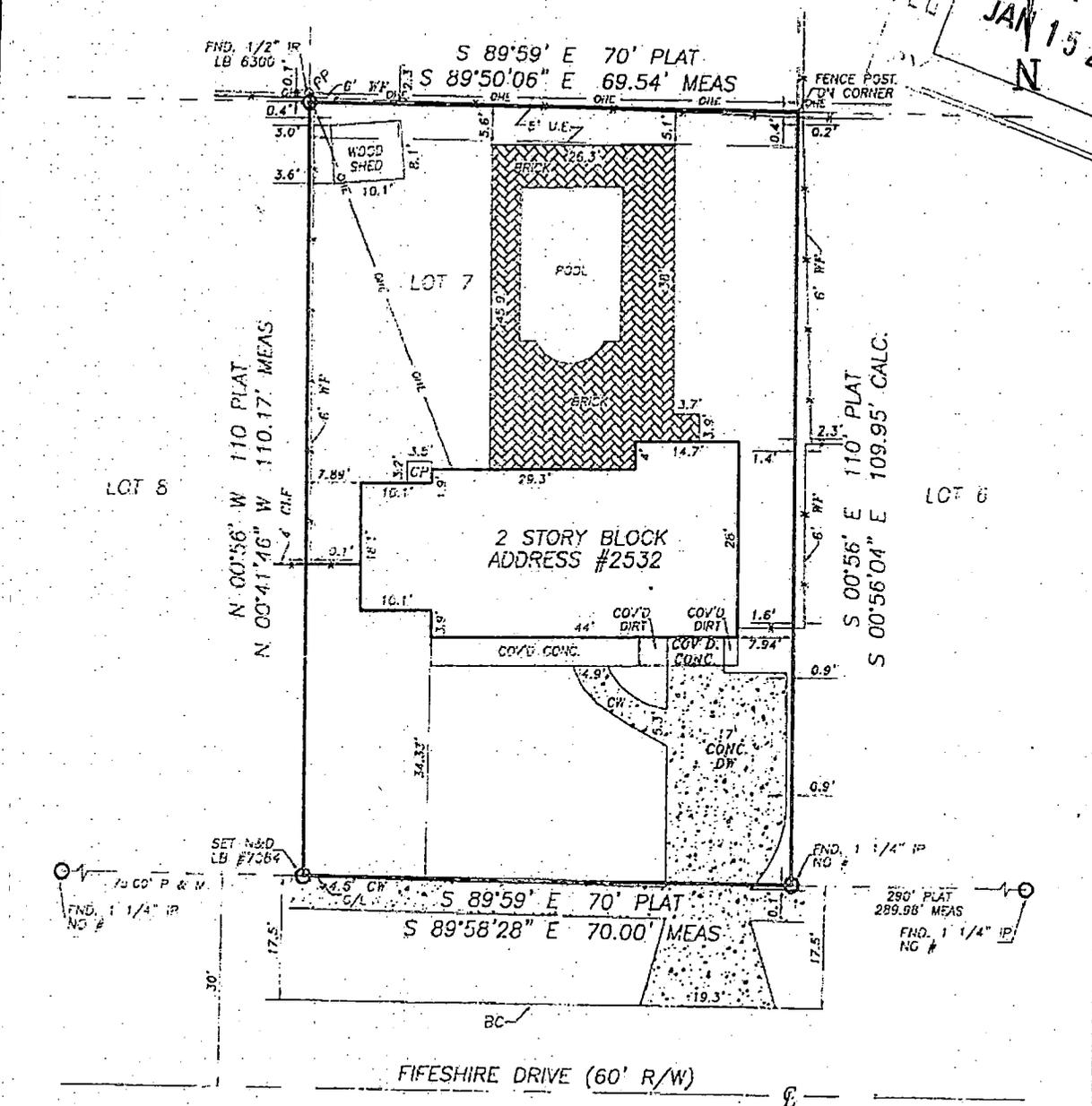
CONTRACTOR VERIFY ALL DIMENSIONS AT JOB SITE.

RECEIVED
JAN 15 2020

RECEIVED
JAN 15 2020

MAP OF SURVEY DESCRIPTION

LOT 7, BLOCK B, BROOKSHIRE HEIGHTS 2ND ADDITION, AS RECORDED IN PLAT BOOK Y, PAGE 85, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



DP# OCY-85-BLK8-1077

NOTE: UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.

BOUNDARY SURVEY CERTIFIED TO: CHRISTINE ARMSTRONG AND MICHAEL ARMSTRONG; MOVEMENT MORTGAGE CORPORATION; W. E. WINDERWEDDE, JR., LLC; G.D. REPUBLIC NATIONAL TITLE INSURANCE COMPANY.

FIELD DATE: MAR. 19, 2015

SCALE: 1"=20' DRAWN BY: A. R.

THIS BUILDING/LOT IS IN FLOOD ZONE X, BASED ON FLOOD INSURANCE RATE MAP, NO. 120188 0255 F, CITY OF WINTER PARK, FLORIDA.

BEARING STRUCTURE BASED ON THE SOUTH RIGHT OF WAY LINE OF FIFESHIRE DRIVE.

LEGEND	
BC	BACK OF CURB
CALC	CALCULATED
E	CENTRAL ANGLE
CA	CENTRAL ANGLE
CLF	CHAIN LINK FENCE
CONC	CONCRETE
CSW	CONCRETE SLOTTED WALL
CM	CONCRETE MONUMENT
CP	CONCRETE PAD
CW	CONCRETE WALKWAY
COVD	COVERED
DESC	DESCRIPTION
DR	DRIVEWAY
EA	EASEMENT
ESMT	EASEMENT
E/P	EDGE OF PAVEMENT
FPE	FINISHED FLOOR ELEVATION
FNS	FOUND
IP	IRON PIPE
IR	IRON ROD
LB	ARC LENGTH
LB	LICENSE BUSINESS
MEAS	MEASURED
MS	METAL SHED
NAL & O/SK	NAL & O/SK
NUM	NUMBER
O/E	OVERHEAD ELECTRICAL
OL	ON LINE
POB	POINT OF BEGINNING
POC	POINT OF COMMENCEMENT
POC	POINT OF CURVATURE
PP	FOAER POLE
P&M	PLAT & MEASURED
R	RADIUS
R/W	RIGHT OF WAY
TYF	TYPICAL
UE	UTILITY EASEMENT
UB	UTILITY BOX
WF	WOOD FENCE
WA	GUY WIRE ANCHOR

M.A.P.
Land Surveying, Inc.

4515 Curry Ford Rd.
Suite C
Orlando FL 32812
PH. 407 896 4557
FAX 407 277 3778

E-Mail: Maplandsurvey@cfl.rr.com LB #7084

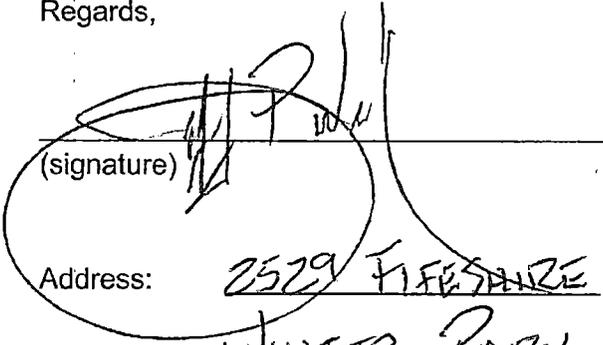
Andrew Perry
Andrew Perry, P.S.M.
Professional Surveyor & Mapper #6124
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL PRESSED SEAL OF THE ELECTRONIC SIGNATURE AND SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.

Dear Board of Directors,

I, VERVEY J WEBER, residing at 2529 FIRESHIRE DR., grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

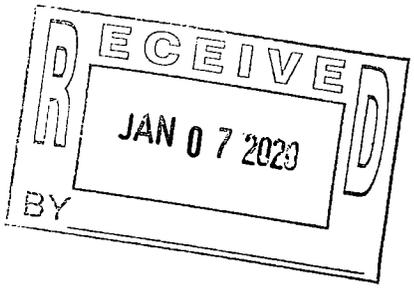
I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,


(signature)

Address: 2529 FIRESHIRE DR.
WINTER PARK, FL
32792

Date: 12-20-19.



Dear Board of Directors,

I, ROBERT GREEN, residing at 2563 FIFESHIRE DR, grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,



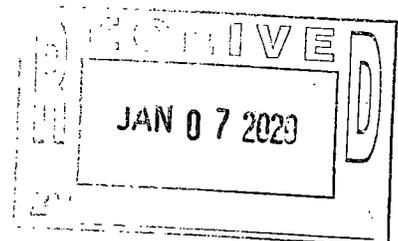
(signature)

Address:

2563 FIFESHIRE DR
WINTER PARK FL 32792

Date:

12/20/19



Dear Board of Directors,

I, Coreen Naugle, residing at 2572 Fifehire Dr, grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

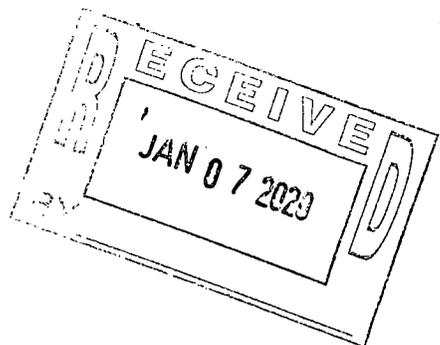
I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,

Coreen Naugle
(signature)

Address: 2572 Fifehire Dr
Winter Park, FL 32792

Date: 12/26/19



Dear Board of Directors,

I, Sheryl Abelman, residing at 2553 Fifeshire Dr, grant permission to Paul and Christine Armstrong to re-build the existing first floor addition on the east side of their house and to build a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

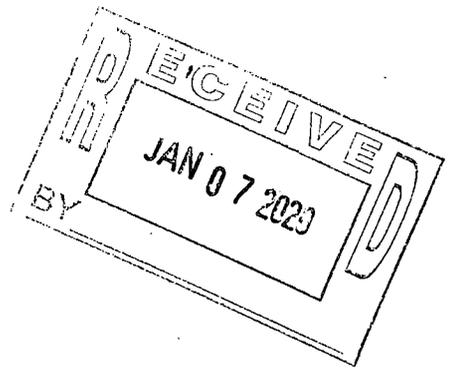
I/we understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback.

Regards,

Sheryl Abelman
(signature)

Address: 2553 Fifeshire Dr
Winter Park, FL 32792

Date: 12/18/19

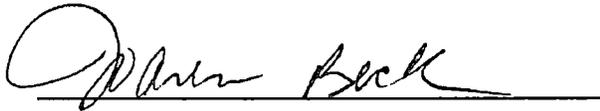


Dear Board of Commissioners,

I, JoAnn Beck, owner of the property located at 2552 Fifeshire Dr., Winter Park FL 32792 have no objection to Paul and Christine Armstrong re-building the existing first floor addition on the east side of their house and to add a second-floor addition on top of this addition. The current side setback allowances are 9' for the first floor and 12' for the second floor. The Armstrong's proposal is seeking a variance for a side setback allowance of 7'-11", for both the first and second floor addition.

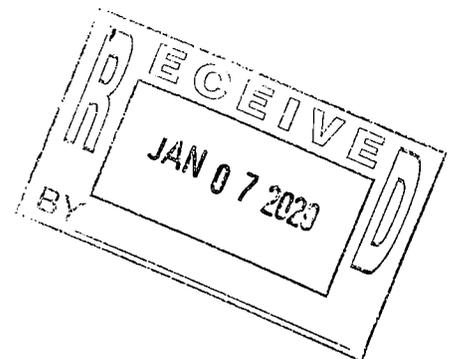
I understand that this will require a variance to the current code that will allow a 1'-1" encroachment into the east, side setback of the property for the first floor and a 4'-1" encroachment for the second floor, side setback, and I consent to the variance..

Regards,

A handwritten signature in cursive script, appearing to read "JoAnn Beck", written over a horizontal line.

JoAnn Beck (owner 2552 Fifeshire Dr. Winter Park)
1100 S. Orlando Av. #107
Maitland FL 32751
407 256 6369

Date: 12.18 19





401 South Park Avenue • Winter Park, Florida 32789

407-599-3237 • 407-599-3499 fax
cityofwinterpark.org

**Building &
Permitting
Services**

BOARD OF ADJUSTMENTS

January 22, 2020

Kelly Carr
2929 Alamo Drive
Orlando, FL 32805

Christine Armstrong
2532 Fifeshire Drive
Winter Park, FL 32792

Dear Ms. Carr and Ms. Armstrong,

Your request for a variance to allow the construction of a two story building addition located 7.9 feet from the east side lot line, in lieu of the required side setbacks of 9 feet to the first floor and 12 feet to the second floor, was tabled by the Board of Adjustments on January 21, 2020 for up to 90 days.

The subject property described as Parcel ID # 09-22-30-0942-02-070 as recorded in the Public Records of Orange County, Florida.

Located at 2532 Fifeshire Drive

Zoned R-1A

A revised application and revised plans, to be reviewed by the Board, must be provided by the following dates;

- January 29, for the February 18th meeting
- February 21st, for the March 17th meeting
- March 27th, for the April 21st meeting

If I can be of further assistance please feel free to contact me.

Respectfully,

George J. Wiggins, CBO
Director of Building/Legislative Affairs
407-599-3426



401 South Park Avenue • Winter Park, Florida 32789

407-599-3237 • 407-599-3499 fax
cityofwinterpark.org

**Building &
Permitting
Services**

TO: BOARD OF ADJUSTMENTS MEMBERS
FROM: GEORGE WIGGINS, DIRECTOR OF BLDG/LEGISLATIVE AFFAIRS
DATE: February 18, 2020
SUBJECT: McCoy VARIANCE REQUEST, 1830 Bryan Ave

The applicant converted a carport into living space for his house without a building permit or construction inspections. He is currently in violation of the City's off-street parking ordinance by not having a required parking space behind the required front setback of his house.

He is requesting a variance that would have the same effect as one he requested on December 15, 2015, disapproved of by the Board of Adjustment. The current request would: (1) allow a parking pad or driveway encroachment of 2 feet into the side setback in lieu of the required setback of 2 feet or, alternatively; (2) permit a reduced required front setback to 18 feet, which would leave sufficient space for a car to park in the front driveway. The latter option, if granted, would theoretically replace the required parking space lost when he removed the carport and built enclosed living area.

In 2015, the City informed the applicant that converting his carport into living space would violate the City's off-street parking ordinance, which requires two parking spaces behind the required front yard setback of a dwelling. In situations where only one parking space is provided in a carport or garage, which is the case here, we considered this as having only one space grandfathered in.

Having been informed of these Zoning Code parking requirement, the applicant nonetheless began converting the carport into living space for his house without obtaining a building permit. The City issued a "Stop Work" Order and Notice of Code Violation.

The applicant then said he wanted to pursue a zoning variance before the Board of Adjustment. The Code Compliance Board voted to table the matter while he pursued the variance.

The applicant applied for a variance to allow the enclosure of the existing carport and the removal of a required parking space for the dwelling which was heard on December 15, 2015. In that hearing, the applicant stated he needed the variance so that he would have a "quiet workspace," which he described as an accommodation under the Americans with Disabilities Act for his ADHD.

The minutes further state, "An addition to the rear of the home was suggested as a viable solution to providing a private workspace." According to the minutes, he claimed, "an addition at another location would prove too costly."

The Board of Adjustment's vice chair stated he was "not aware of a disability exemption for building without a permit."

The Board unanimously found that the requisite hardship for a zoning variance did not exist. The minutes state, "The Board did not find a hardship without alternatives, stating privacy could be provided within the existing home or in the rear yard." Construction of an addition to the house in the rear yard, properly permitted, would avoid violating the City's off-street parking ordinance. The Board of Adjustment gave the applicant 30 days in which to return the construction "to its original condition."

The applicant never appealed the Board of Adjustment's decision.

On April 12, 2016, the City received plans and a Building Permit Application from applicant with his signature to "Demo front block on carport and install new garage door." He signed an "Owner Building Affidavit" stating that he would supervise construction of the garage.

On May 3, 2016, the City issued a permit to build the garage with a functioning garage door.

After receiving the permit, the City received no request from the applicant for an inspection of work approved under the permit.

After several months, the City discovered that the applicant proceeded with work without any inspections and had completed conversion of the former carport area into enclosed living space. The approved building plans only included converting the former carport into a garage with a garage door. The applicant ignored the Building Department's request to remove the non-permitted work, reinstate the then-expired permit, and complete the work under the approved plans for a garage.

For a second time, the matter was turned over to code compliance, which issued a Notice of Violation to the applicant for proceeding with unauthorized construction in violation of the approved plans. After failing to take corrective action, the applicant was summoned to appear before the Code Compliance Board, but he did not appear. At the hearing, on February 2, 2017, the Board found violations of:

1. City Code sections 22-27 and 22-28, which incorporate Florida Building Code sections 110.1 (failing to obtain a permit and thereby precluding "inspection by the building official") and 105.7 (commencing work before issuance of permits, which "must be kept at the work site until completion"); and

2. City Code sections 58-86(b)(20) & (c)(2)(B), which require two off-street parking spaces "per dwelling unit" but which "shall not be located within any required front yard...."

The Code Compliance Board voted unanimously to fine the applicant up to \$250.00 per day. The applicant received Findings of Fact, Conclusions of Law, and Order of Affirmation signed on February 6, 2017, ordering applicant to contact the building department to reinstate the permit and complete work under the approved plans, which must include providing inspection and certification of all work done to verify code compliance, removal of all work not permitted in plans where the carport opening has been enclosed and meet the building inspector at the site to verify compliance with building and zoning code provisions for all work.

On March 2, 2017, the applicant appealed the Code Compliance Board Order to Orange County Circuit Court. The applicant asked the Circuit Court to "quash the [February 2] Order and direct the City to allow a variance in compliance with the ADA [Americans with Disabilities Act] and Section 504."

The City responded that the applicant had failed to preserve his arguments before the Code Compliance Board by not appearing, that the Code Compliance Board lacked statutory authority to grant zoning variances, and that he was attempting to re-litigate a matter previously decided by the Board of Adjustments in 2015. A legal principle called collateral estoppel bars the same parties from re-litigating issues previously adjudicated, including those before quasi-judicial entities like the Board of Adjustment.

After two and half years, on August 13, 2019, the Circuit Court affirmed the Code Compliance Board's February 6, 2017 Order without comment.

The City then brought this matter back to our Code Board, which issued an order on November 7, 2019, upholding a continuing fine of \$100.00 a day until the property is brought into compliance.

On November 5, 2019, the applicant submitted the application for the variance before you, which was tabled at the December 17, 2019 at the request of the applicant, and then tabled again at the January 21, 2020 meeting due to the failure of the applicant to properly post his property for 15 days prior to the hearing.

In the Building Department's view, off-street parking requirements are a fundamental aspect of the Winter Park zoning code. The code provisions at issue, which establish and require off-street parking behind the required front setback, promote aesthetics in the City's residential neighborhoods by not forcing all vehicles to be parking in front of the residence or in the street. Our code reflects a legislative prerogative that parked motor vehicles should not have an overbearing presence on residential streets and front yards. At the 2015 hearing before the Board of Adjustment, the Building Department stated that removing the covered

parking and converting this space into living area “forced more parking to occur in front of the home or out into the street, and results in the devaluation of the property [values].”

The Building Department is not aware of a right to an exemption under the Americans with Disabilities Act from zoning rules that create general inconvenience or expense.

Further, failing to obtain building inspections and constructing without building permits poses a threat to public health and safety.

The two options under consideration present the following challenges:

- (1) Allow a parking pad or driveway encroachment of 2 feet into the side setback in lieu of the required setback of 2 feet. The setback between the east sidewall of the former carport has a setback of only 7.7 feet. The required minimum parking space size is 9’ by 18’. The required setback to a driveway is 2’ from the side lot line. A compliant parking space cannot fit into this area, and creating a driveway to the rear yard will be very difficult. In addition, an existing air conditioning pad is shown on the survey as being located within this same side yard location. In either case, none of these options will likely ever be realistically used.
- (2) Permit a reduced required front setback to 18 feet. The code required front setback is located at the front wall of the home at 30 feet. Moving the required front setback line 18 feet closer to the street would be an extreme setback encroachment. In addition, it would set a pattern for other applicants to try obtain a similar front setback variance to enclosing garages or carports for additional living space.

1830 Bryan Ave





CITY OF WINTER PARK
Board of Adjustments

Previous Variance
Hearing & related
Information

Regular Meeting
City Hall, Commission Chambers

December 15, 2015
5:00 p.m.

MINUTES

PRESENT

Chair John Simpson, Vice Chair Jeff Jontz, Ann Higbie, Patrice Wenz, Brian Mills, Alternate Laura Turner, and Director of Building, George Wiggins and Recording Clerk Theresa Dunkle. Robert Trompke arrived after approval of the minutes at 5:10 PM. Absent: Cynthia Strollo

APPROVAL OF MINUTES

Ann Higbie made a motion, seconded by Jeff Jontz, to approve the minutes from the November 17, 2015 meeting. The minutes were approved by a vote of 6-0.

OPENING STATEMENT AND PUBLIC COMMENTS

Mr. Simpson explained the rules of procedure for variance cases and opened the floor for any public comments or questions.

Jeff Jontz and John Simpson disclosed they spoke with the applicant, Mr. Holland, regarding the variance request at 877 Brock St. In addition, Mr. Jontz received a call from Steven Apple who spoke in favor of the 877 Brock St application.

OLD BUSINESS

1. Tabled from the November 17, 2015 hearing, request of Benjamin McCoy for a variance to allow the enclosure of an existing carport and the removal of a required parking space for the dwelling.

Located at 1830 Bryan Avenue

Zoned: R-1A

George Wiggins, Director of Building, re-stated the request and gave the following staff report:

The existing home is at the required setback for this location and has a grandfathered in one-car carport. Under the Zoning Code, two parking spaces are required behind the front setback. Since only one parking space exists behind the front setback line for this property, this one required space must remain as a viable parking option. In order to enclose the carport for additional living area, the applicant must show a hardship that requires it to be enclosed. Enclosing the carport will result in the elimination of this required parking space which is the subject of this variance request.

Board of Adjustments Minutes

December 15, 2015

Page 2

Traditionally, the Board has denied all of these types of requests because it forces more parking to occur in front of the homes and out into the street, and results in the devaluation of the property due to removing the possibility of having covered parking.

Earlier this year, extensive calls and emails with this applicant were exchanged regarding his options. It was thoroughly explained that the Zoning Code does not allow the enclosure of a carport or a garage that contains a required parking space; specific provisions outlining this requirement in the Code were included. At some point the applicant started blocking up the carport and we received a complaint. Our building inspector posted a "Stop Work" order at this home, and the code violation was referred to the City's Code Compliance Office, and notice to appear before the City's Code Enforcement Board was sent to this property owner/applicant. This matter was tabled from the agenda to appear before the Code Enforcement Board to allow this applicant to come forward with a variance application before the Board of Adjustments.

Enclosed photos show that a substantial portion of the work has already been completed.

No letters were received regarding this application.

Mr. Wiggins responded to Board and answered questions regarding other possible locations for parking. Mr. Wiggins stated a 9' wide x 18' deep parking space, behind the front of the home, would need to be provided to allow the enclosure of the existing carport.

The applicant, Benjamin McCoy, presented an email dated 02/10/2015, from Winter Park's plans examiner Kristopher Stenger. The email stated two required parking spaces within the front setback are required, due to the enclosure of the carport. The applicant stated that one parking space is provided.

Responding to board questions, Mr. McCoy said the carport enclosure would provide a quiet workspace, which is necessary for medical reasons related to his disability and that an addition at another location would prove too costly.

Board members questioned the applicant and asked why the proposed parking spaces were not shown on the plan for their consideration. An addition to the rear of the home was suggested as a viable solution to providing a private workspace.

Board of Adjustments Minutes

December 15, 2015

Page 3

Mr. Wiggins confirmed that Florida's Accessibility Code only addresses accessible entry into a bathroom for single family residences and does not require any other accessibility feature for a dwelling. However, more extensive accessibility requirements are required for public accommodations and multi-family housing.

Mr. Jontz stated he is not aware of a disability exemption for building without a permit.

FINDINGS

The Board did not find a hardship without alternatives, stating privacy could be provided within the existing home or in the rear yard. Robert Trompke noted he will abstain from voting, due to a business relation with the applicant's designer, Lynn Engineering, and will complete the required state Form regarding the conflict of interest.

ACTION

Based on these findings, Jeff Jontz made a motion, seconded by Patrice Wenz, to approve the request. **The motion failed by a vote of 0-6, and the variance was denied.** The applicant was given thirty days to return the carport to its original condition.

NEW BUSINESS

1. Request of TLJ Holdings, LLC for a variance to allow the construction of a warehouse building to be located 8.5 feet from the rear lot line, in lieu of the required setback of 30 feet.

Located at 710 Harold Ave

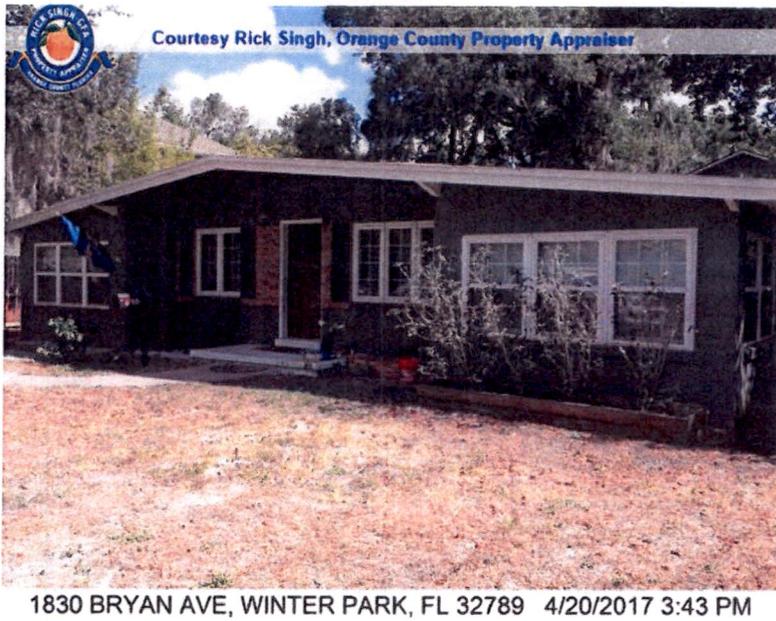
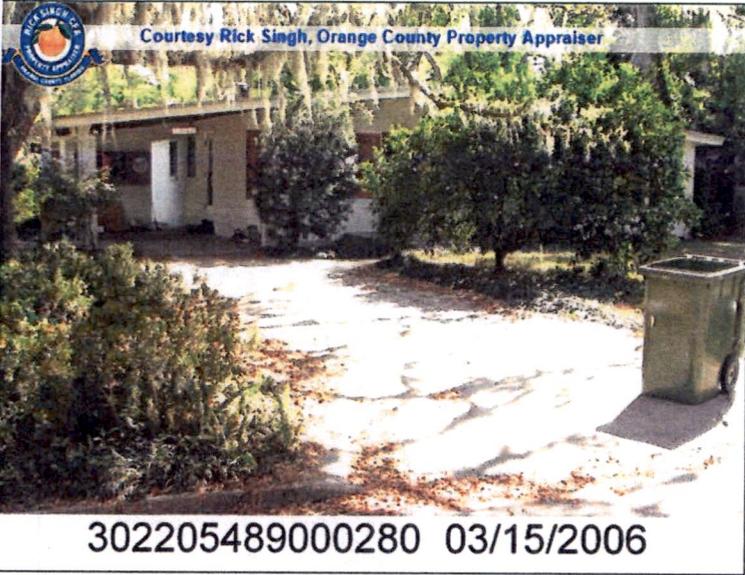
Zoned: C-3

George Wiggins, Director of Building re-stated the request and gave the following staff report:

The subject property is a lot with dimensions of 50 feet by 135.5 feet (6,775 square feet) and is zoned C-3, General Commercial. In this zoning district, the required rear setback is 30 feet. In the C-1, Shopping Center commercial zoning district, the rear setback is allowed to be reduced to 5 feet when abutting another C-1 zoned property; and our C-2, Commercial District permits a rear setback of 10 feet and no required side yard setback; the zoning for the Central Business District allows building sides to abut each other. I point this out because the similarities within this block, bounded by Jackson, Fairbanks, Minnesota and Harold Avenues, have similarities to a C-1 zoned property which allow the smaller rear setback of 5 feet.

Generally, C-3 zoning properties in areas such as, Orlando Avenue, Fairbanks Avenue and the south side of Aloma Avenue, are much larger properties and have retail stores or restaurants that need the larger rear setback area for service areas. Having one small narrow commercially zoned lot backing up to other commercially







BOARD OF ADJUSTMENTS

December 16, 2015

Benjamin McCoy
1830 Bryan Ave.
Winter Park, FL 32789

CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

Dear Mr. McCoy,

Your request for a variance to allow the enclosure of an existing carport and the removal of a required parking space for the dwelling was denied by the Board of Adjustments on December 15, 2015.

The subject property described as Parcel ID # 05-22-30-4890-00-280 as recorded in the Public Records of Orange County, Florida.

Located at 1830 Bryan Avenue Zoned R-1A

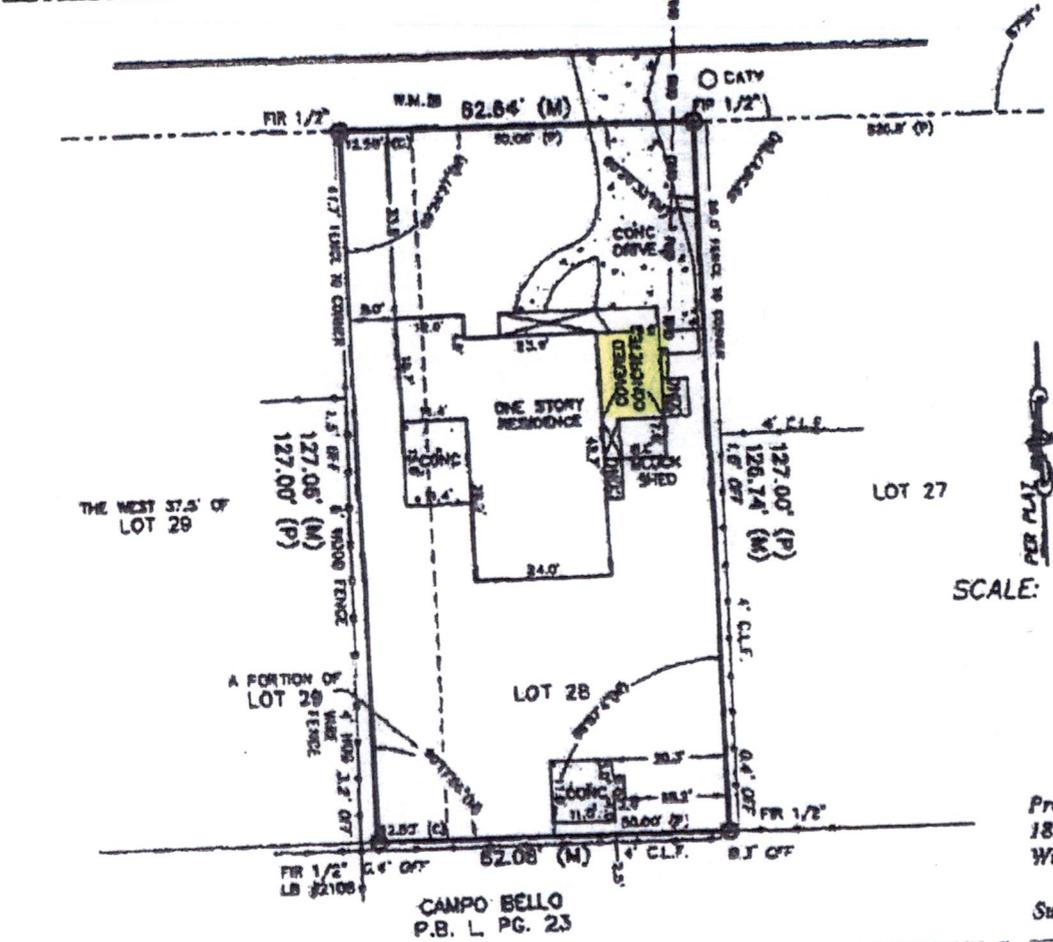
Please proceed with necessary actions to remove all newly constructed materials used to enclose your carport and return the area to a viable parking area within 30 days.

If I can be of further assistance please feel free to contact me.

Respectfully,

George J. Wiggins, CBO
Director of Building/Legislative Affairs
407-599-3426

BRYAN AVENUE
 PLATTED AS
 HOLLYWOOD AVENUE
 50' R/W (IMPROVED)



BENJAMIN & HEATHER MCCOY
 1830 BRYAN AVE
 WINTER PARK, FL 32789

FLORIDA
 ORANGE COUNTY

Prop.
 1830
 Wint.
 Surv.

DATE
 6/15
 PROJECT NO.
 1830-15-100
 SHEET NUMBER
CS

CAMPO BELLO
 P.B. L. PG. 23

GENERAL NOTES

Legend: Wood Fence, Wire Fence, Telephone, etc.
 N.T.C. - Not To Scale
 U.S. - United States
 1. All dimensions provided by owner
 2. The owner shall be responsible for all

RK

N

Google Maps 1823 Bryan Ave

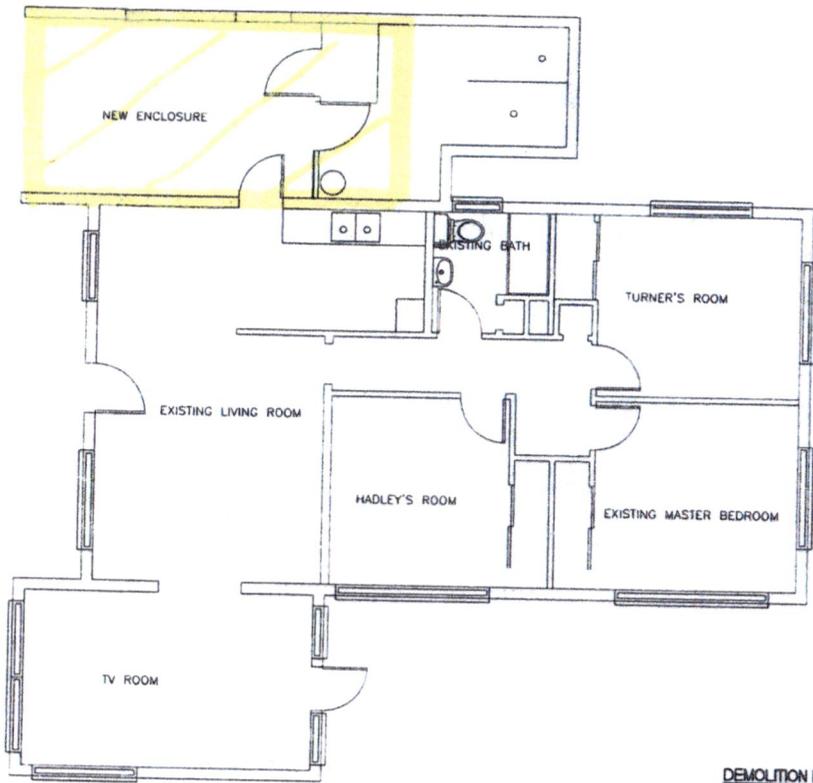


Image capture: Apr 2015 © 2015 Google

Winter Park, Florida

Street View - Apr 2015

Drawing name: C:\Users\jason\Desktop\Bm Notes\Bm Notes\1830 1ryon.sve.dwg A1 FLOOR PLAN Dec 08, 2015 10:08pm by user



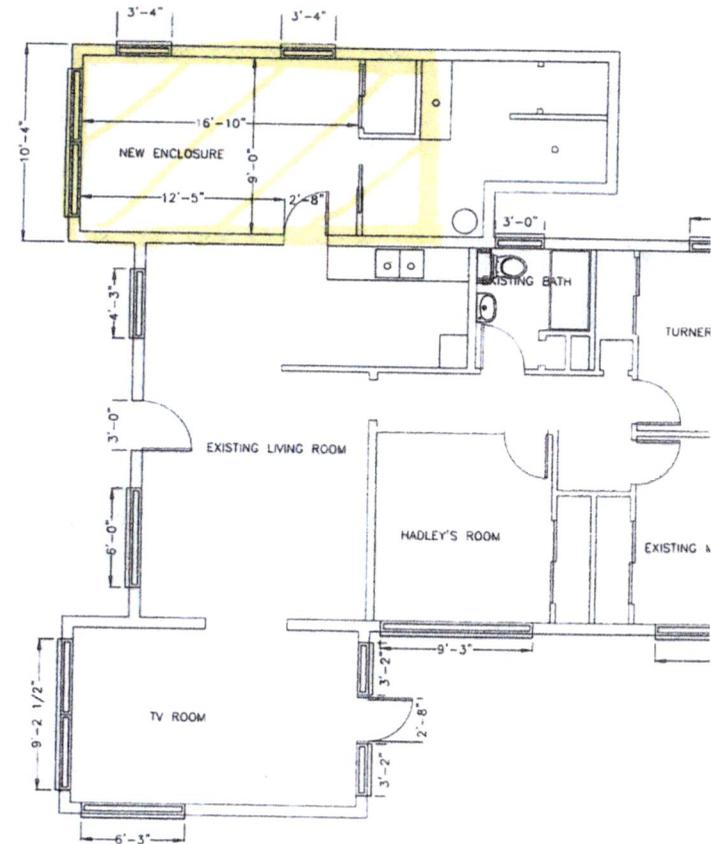
EXISTING CONDITIONS
1/4"=1'-0"

DEMOLITION NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL EXISTING CONDITIONS.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR COORDINATING ARCHITECTURAL, STRUCTURAL, MECHANICAL, AND ELECTRICAL DETAILS AND DIMENSIONS. ANY DISCREPANCIES BETWEEN SUCH DETAILS AND DIMENSIONS SHALL BE REPORTED TO THE ENGINEER PRIOR TO PROCEEDING WITH THE WORK.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ERECTION PROCEDURE AND SEQUENCE TO INSURE THE INTEGRITY OF THE BUILDING AND ITS COMPONENT PARTS DURING CONSTRUCTION.
4. THESE PLANS HAVE BEEN PREPARED PER THE REGULATIONS OF THE FLORIDA BUILDING CODE. THE WORK OF ALL CONTRACTORS SHALL COMPLY WITH THE REQUIREMENTS SET FORTH IN THE AFOREMENTIONED CODE. NO DEVIATIONS FROM WORK SHOWN OR REASONABLY IMPLIED SHALL BE UNDERTAKEN WITHOUT THE ENGINEER'S WRITTEN CONSENT - A COPY OF WHICH WILL BE FILED WITH THE CONSTRUCTION OFFICIAL.
5. ANY CHANGES TO OR DEVIATIONS FROM THESE DRAWINGS SHALL NOT BE MADE WITHOUT WRITTEN CONSENT FROM THE ENGINEER.
6. THESE DRAWINGS ARE THE PROPERTY OF THE ENGINEER AND SHALL NOT BE USED WITHOUT HIS CONSENT. DRAWINGS SHALL NOT BE USED FOR ISSUE OF A BUILDING PERMIT UNLESS SIGNED AND SEALED BY THE ENGINEER.
7. THE OWNER AND THE CONTRACTOR SHALL HOLD HARMLESS THE ENGINEER FROM AND AGAINST ALL LIABILITY CLAIMS, DAMAGES, LOSSES AND EXPENSES INCLUDING LEGAL FEES ARISING OUT OF OR RESULTING FROM ERRORS OR OMISSIONS IN THE ENGINEER'S DRAWINGS AND THE PERFORMANCE OF THE WORK BY THE CONTRACTOR. THE DRAWINGS SHOW THE GENERAL ARRANGEMENTS AND EXTENT OF THE WORK, AS THE WORK PROGRESSES, THE OWNER AND THE CONTRACTOR, AT NO EXTRA COSTS, SHALL MAKE MODIFICATIONS TO MAKE THE PARTS ALIGN.
8. ALL WORK AND MATERIALS SHALL MEET THE REQUIREMENTS OF LOCAL AND STATE CODES AND THE SPEC OF THE NATIONAL BOARD OF FIRE UNDERWRITERS CONTRACTORS SHALL CHECK AND VERIFY ALL PLAN DIMENSIONS AND CONDITIONS BEFORE PROCEEDING CONSTRUCTION. THE CONTRACTOR SHALL REPORT ANY DISCREPANCIES TO THE ENGINEER FOR CORRECTION PRIOR TO BEGINNING ANY WORK. THE DISCOVERY OF DISCREPANCIES AFTER THE BEGINNING OF WORK WILL BE EVIDENCE OF FAULTY WORK AND SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR. DO NOT SCALE DRAWINGS. ALL WRITTEN DIMENSIONS GOVERN.
9. THE CONTRACTOR FOR THIS JOB PROJECT SHALL INCLUDE ALL MATERIALS AND LABOR REQUIRED TO COMPLETE THE TOTAL PROJECT. THE CONTRACTOR SHALL FURNISH AND PAY FOR ALL MATERIALS, TOOLS, EQUIPMENT, LABOR, MACHINERY, TRANSPORTATION, HEAT, WATER, UTILITIES AND ALL OTHER FACILITIES AND SERVICES REQUIRED FOR THE SAFE AND PROPER EXECUTION AND COMPLETION OF THE WORK.
10. THE ENGINEER SHALL BE THE INTERPRETER OF THE CONTRACT DOCUMENTS. THE DOCUMENTS SHOW AN OVERVIEW OF THE WORK REQUIRED UNDER THIS CONTRACT AND RELATED REQUIREMENTS AND CONDITIONS THAT WILL IMPACT THE PROJECT. ALL DRAWINGS ARE COMPLEMENTARY. THE DRAWING GENERALLY SHOW THE INTENT OF THE OVERALL COMPLEXITY AND CONCEPTS OF THE PROJECTS, AND DO NOT NECESSARILY SHOW ALL DETAILS AND CONDITIONS.

LEGEND

- EXISTING EXTERNAL WALLS
- EXISTING INTERNAL WALLS TO REMAIN
- EXISTING WALLS AND DOORS TO BE REMOVED
- NEW WALLS

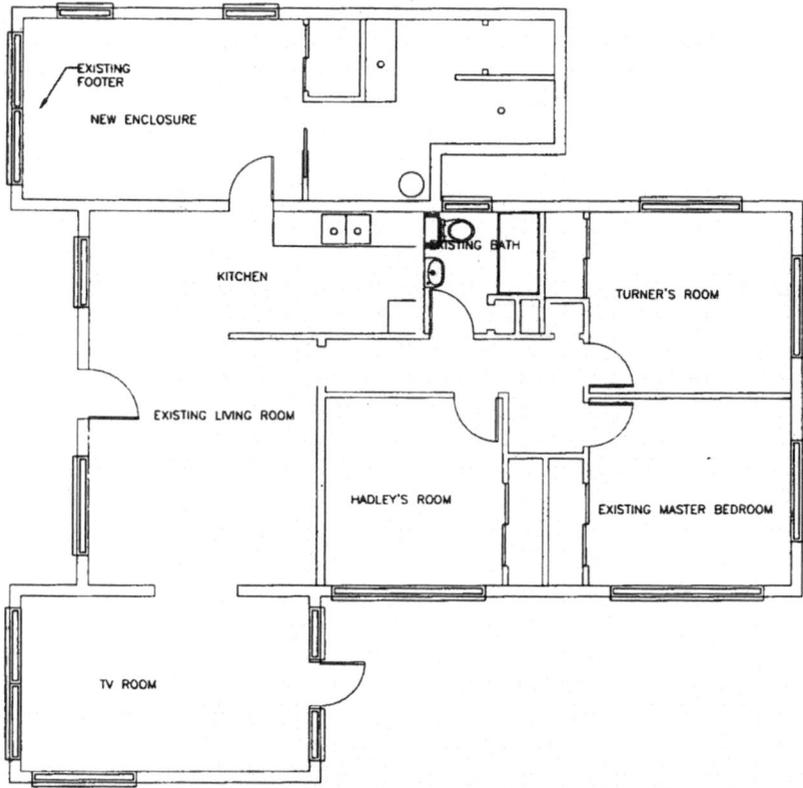


FLOOR PLAN
1/4"=1'-0"

11. ALL NEW INTERIOR CONCRETE SLABS AND FOUNDATION WALLS AND FOOTINGS SHALL HAVE A SOIL POISONING UNDER NEW WORK AND SHALL BE INSTALLED BY A LICENSED CONTRACTOR. ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH ALL STATE AND DEPARTMENT OF AGRICULTURE, STRUCTURAL PEST CONTROL DIVISION REGULATIONS, RULES, DEFINITIONS AND REQUIREMENTS.
12. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND MAINTAINING ALL EXISTING SETBACKS, EASEMENTS, AND ANY DEED RESTRICTIONS.
13. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR FINAL CLEANUP AND SHALL INCLUDE THE SITE, AND THE BUILDING, THE ENTIRE PROJECT SHALL BE LEFT IN A NEW, CLEAN CONDITION.
14. CONDUCT DEMOLITION OPERATIONS TO ENSURE MINIMUM INTERFERENCE WITH EXISTING BEARING WALLS AND COLUMNS OTHER FACILITIES TO REMAIN.
15. PROVIDE PROTECTION NECESSARY TO PREVENT DAMAGE TO EXISTING IMPROVEMENTS INDICATED ON PLAN "EXISTING TO REMAIN."

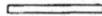
CITY OF WINTER
DEC 08 2015
BUILDING DIVISI

Drawing name: C:\Users\user\Desktop\user\Notes\user\House\1830 Brian's.dwg A2 FLOOR PLAN Dec 06, 2015 10:09am By: user

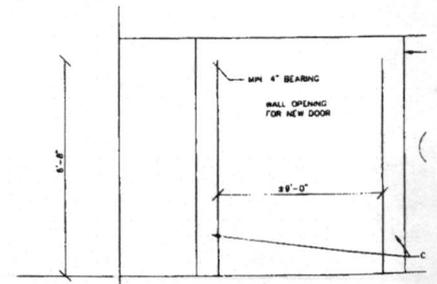


FOUNDATION
1/4"-1'-0"

LEGEND

- EXISTING EXTERNAL WALLS 
- EXISTING INTERNAL WALLS TO REMAIN 
- EXISTING WALLS AND DOORS TO BE REMOVED 
- NEW WALLS 

CITY OF
DE
BUILT



ELEVATION DETAIL OF WALL OPENING
IN EXISTING CMU WALL FOR SECOND FLOOR

#1 - 10000 12/15/2015 FROM APPLICANT AT MTB

Ben McCoy

From: Ben McCoy <b.mccoy8383@gmail.com>
Sent: Tuesday, December 15, 2015 11:41 AM
To: Ben McCoy
Subject: Fwd: RE: RE: Fwd:

Sent from my iPhone

Begin forwarded message:

From: Kristopher Stenger <kstenger@cityofwinterpark.org>
Date: February 10, 2015 at 4:46:12 PM EST
To: 'Ben McCoy' <b.mccoy8383@gmail.com>
Subject: RE: RE: Fwd:

As per my initial comment the required parking must be behind the front setback which is 46ft from the curb for your property. A variance would be required for the required parking within the setback.

2)due to the enclosure of the carport indicate on the site
plan the location of two required parking spaces within the
front setback which is 46ft from the curb per land
development code 58-86(c)(2)(b)

- b. *Single-family, duplex, cottage dwelling, garage apartment and similar uses.* Parking spaces established to meet the minimum requirements of this section shall not be located within any required front yard or required street side yard for the zoning district in which the parking spaces are located. Additionally, motorized vehicles shall not be parked on the grass, lawn, landscaped or unlandscaped areas (excluding approved driveway surfaces) along any street frontage and visible from the street. Parking must be provided within an area whose surface is specifically prepared for parking and surfaced with concrete, asphalt, brick or similar approved material delineating such parking space and must comply with the allowable impervious area for the property.

	<p>Kristopher Stenger <i>Architect, LEED AP</i> Building & Sustainability Manager Building & Permitting Services</p>
<p>City of Winter Park 401 Park Ave. South Winter Park, FL. 32789 cityofwinterpark.org</p>	<p>p: 407.643.1660 f: 407.599.3499</p>



CODE COMPLIANCE BOARD OF THE
CITY OF WINTER PARK, FLORIDA
Case No: 16-1754



Certified tracking # 9171-9690-0935-0171-1183-10

CITY OF WINTER PARK
Petitioner,

Vs.

McCoy, Benjamin D and Heather F.
1830 Bryan Avenue
Winter Park, FL 32792

Respondents,

Recent Order
by Code Board
Imposing Fine

FINDING OF FACT, CONCLUSIONS OF LAW, ORDER OF AFFIRMATION

THIS CASE was heard at a public hearing before the City of Winter Park Florida, Code Compliance Board, on the **7th day of November 2019**, after due notice to the Respondents, and the Board having heard testimony under oath, received evidence, and heard argument, thereupon issued its Findings of Fact, Conclusions of Law and Order as follows:

I. FINDINGS OF FACT

- A. The property is located at 1830 Bryan Ave., Winter Park, FL 32789.
- B. Legal Description: LAKEVIEW TERRACE K/109 LOTS 28 & 29 (LESS W 37.5 FT OF LOT 29).
- C. Parcel I.D. #: 05-22-30-4890-00-280.
- D. The Respondents are the owners of Record.
- E. Testimony and evidence were taken and considered by the Board.
- F. Proper notice of this hearing was given to the owner of record.
- G. Description of violation: Residential alternation permit to convert a carport into a garage has expired without inspections. Without the required garage the property is in violation of not having the required two parking spaces per dwelling. The one parking space which was located within the carport area was required parking space under the zoning code and cannot be eliminated by closing in the space as it was determined in the denial of the Board of Adjustment' decision in 2015.
- H. Based on the testimony and evidence of record, the Board finds that the Respondents Benjamin D. & Heather F. McCoy, property owners of 1830 Bryan Ave., Winter Park, Florida 32789, Code Compliance Board Case# 16-1754 was in Non-Compliance with the Code Compliance Board Order dated February 2, 2017. The Respondents were ordered to contact the Building Department to re-instate the permit and complete the work under the approved plans, which must include providing inspection and certification of all work done to verify code compliance, removal of all work not permitted in plans where the carport opening has been

enclosed, and meet the building inspector at the site to verify compliance with building and zoning code provisions for all work within 30 days of the February 2, 2017 Code Compliance Board hearing date.

II. CONCLUSIONS OF LAW

The Code Enforcement Procedures and notice required pursuant to Sections 2-105 and 2-110, respectively, of the Winter Park Code of Ordinances have been properly followed and provided.

III. ORDER:

From the evidence presented today, a motion was made by Clay Roesch that this Board issue a ruling finding the Respondents, Benjamin D. & Heather F. McCoy, property owners of 1830 Bryan Ave., Winter Park, Florida 32789, Code Compliance Board Case # 16-1754, were in Non-Compliance with the Code Compliance Board Order dated February 2, 2017, in which Order the Respondents were ordered to contact the Building Department within 30 days of the February 2, 2017 Code Compliance Board hearing to re-instate the permit and complete the work under the approved plans, which must include providing inspections and certifications of all work done to verify code compliance, removal of all work not permitted in plans where the carport opening has been enclosed, and meet the building inspector at the site to verify compliance with building and zoning code provisions for all work.. The Respondents are ordered to pay a fine in the amount of \$100.00 per day for each day the property remains in non-compliance from August 13th, 2019 to November 7th, 2019, a total of 57 days.

The City Attorney stated that the total number of days needs to be corrected to 88 days.

Paul Mandelkern moved to amend the motion to impose the fine, but hold it in abeyance until the Respondents appear before the Board of Adjustment and its decision is final, including any appeal period. Clay Roesch did not accept the amendment and the motion failed without a second.

Dan McIntosh amended the motion that the Respondents be ordered to pay a fine in the amount of \$100.00 per day for each day the property remains in non-compliance from August 13th, 2019. Clay Roesch accepted the amendment and Kyle Sanders seconded.

Motion passed 5-0.

NOTICE OF RIGHT TO APPEAL

Respondents are hereby notified that he/she, including the City, who may be aggrieved by this Order, have the right to appeal it to the Circuit Court in and for Orange County within thirty (30) calendar days of the rendition of this Order as set forth in Section 162.11, F.S.

DONE AND ORDERED this 7th day of November 2019, at Winter Park, Florida

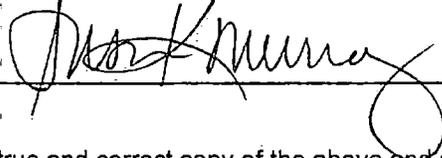
**CITY OF WINTER PARK, FLORIDA
CODE COMPLIANCE BOARD**


Daniel McIntosh (Chairperson)

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 14 day of November 2019 by Daniel McIntosh (Chairperson) who is personally known to me.

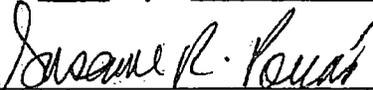
Notary Public:





SUSAN K. MURRAY
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF945255
Expires 1/3/2020

A true and correct copy of the above and aforementioned Findings of Fact, Conclusions of Law and Order has been furnished by **hand delivery, regular and certified mail** to Benjamin D. & Heather F. McCoy on this 20th day of November 2019.

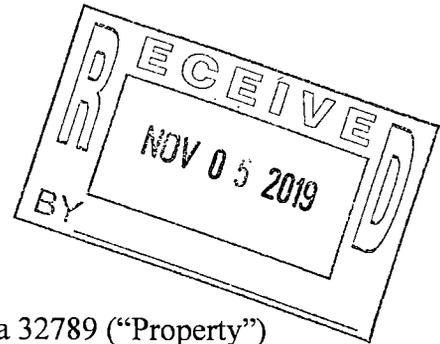


Notary Public



Certified tracking # 9171-9690-0935-0171-1183-10

November 5, 2019

Via Hand DeliveryBuilding & Permitting Department
401 South Park Avenue
Winter Park, Florida 32789Re: Variance Application
Applicant: Benjamin McCoy
Property: 1830 Bryan Avenue, Winter Park, Florida 32789 (“Property”)

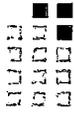
To Whom It May Concern:

Please see attached the following documents relating to the variance requested by Benjamin McCoy:

1. Application with Exhibits (8 originals);
2. Check for \$400 for application fee;
3. 2019 survey (8 copies);
4. The F.A.R. and Side Setbacks Calculator (8 copies));
5. The 2009 vesting deed reflecting Mr. McCoy as the owner of the Property (8 recorded copies);
6. August 4, 2017 ADA letter from Orlando Behavioral Healthcare (8 copies);
7. ADA records for Mr. McCoy (8 copies);

Mr. McCoy and his wife, Heather McCoy, acquired the Property from the estate of Ms. McCoy’s father, who lived at the Property for years prior. The Property has a living area of approximately 1577 square feet and is a single story residence with three (3) bedrooms and one (1) bathroom. Mr. McCoy and his wife have two children and two dogs.

Mr. McCoy was diagnosed with a written language disorder and Attention Deficit Hyperactivity Disorder (ADHD) when he was in the 4th grade. In 2016, Mr. McCoy went back to school to obtain a degree which would in turn help him provide further for his family. In order to deal with



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his disability, Mr. McCoy needed special accommodations, specifically, he needed a quiet place where he can study without distractions. Of note, while pursuing to further his education, Mr. McCoy has continued working full time and would need to study at his home.

As the house is small, there is no room for Mr. McCoy to dedicate to a study space free of noise and distractions which would help him accomplish his goals while dealing with his disability. However, there was an unused carport that could be modified at a reasonable cost to convert into a study room. The carport went unused since Mr. McCoy and his wife regularly park in the driveway and on a concrete pad on the side of the Property. The parking area in front of the property can and has been used for up to three cars at the same time. Converting the carport to a study area had no material effect on where Mr. McCoy and his guests parked on the Property.

The house situated on the Property was built in 1956, and has been zoned so that only one parking space was required. Current City Ordinances require a front setback of 46 feet from the curb and a side setback of 8 feet. We have been unable to determine the front and side setbacks (if any) that were in use in 1956. However, it appears that even if the carport was used for the sole parking space it is grandfathered to have the Property would be in violation of the current front setback of 46 feet as the distance from the curb (33.5 feet) plus the 9 feet needed for the parking space only totals 42.5 feet for the setback instead of 46 feet.

Mr. McCoy chose to enclose his carport since he was not able to afford the excessively expensive cost of adding an additional room to the rear of his house. The enclosure of the Carport was the least expensive alternative available for him to be able to keep living at his home and have the required space needed for his disability. Additionally, Mr. McCoy has a rear concrete pad that meets current City Code requirements for a parking space.

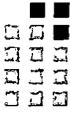
Mr. McCoy therefore requests that one of three variances be made to allow him to continue using his property in a manner that allows him full use and enjoyment while dealing with his disability:

A) Either a side setback variance so he can use the parking pad on the side of the Property or

B) In the alternative, a side setback variance to allow for a driveway through to the rear of the Property so he can use the concrete pad in the rear to meet the current City parking requirements.

C) If neither of the above alternatives are acceptable to the City, Mr. McCoy requests a front setback variance so he can use the driveway area to meet the parking requirement.

None of the above possible solutions deviate from or otherwise diminish surrounding property values. There are many houses on Bryan Avenue where people routinely park their cars in their



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driveways and do not use the 46 foot front setback for parking spaces, rather the "parking spaces" are used for storage or other uses. Moreover, allowing Mr. McCoy to park on the side of his Property or in the rear of the Property also should have no effect on property values and any of the above options would have a reasonable cost for Mr. McCoy to incur instead of having to seek to relocate his family from their home due to his need for additional space due to his disability.

Considering the specific facts in this case, Mr. McCoy's ADA needs and the fact that the 46 foot front setback and side set backs are not aesthetically different whether Mr. McCoy has a carport to an ADA accommodation, we request the City grant a variance to accommodate Mr. McCoy's ADA needs.

Very truly yours,


Suzanne Paulus Miller, Esq.
Sirote & Permutt, P.C.

Enclosures

cc: Benjamin McCoy (via e-mail)

Birmingham Huntsville Mobile Fort Lauderdale Orlando

DOCSFLA19457262

sirote.com

**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 _____
Assigned _____
Date of Hearing _____

Applicant: Benjamin McCoy

Owner: Benjamin McCoy

1830 Bryan Ave
(Address)
Winter Park, Florida 32789
(City, State) (Zip)

1830 Bryan Ave
(Address)
Winter Park, Florida 32789
(City, State) (Zip)

(Phone – Home)
205-283-7865
(Phone – Work or Cell)
bmccoyfl@gmail.com
(Email Address)

(Phone – Home)
205-283-7865
(Phone – Work or Cell)
bmccoyfl@gmail.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 58-86, Paragraph B(20); C(2)(b), Zoning R-1A.

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 1830 Bryan Ave, Winter Park, Florida 32789

Legal description of
property Lot 28 and the East 12 1/2 feet of Lot 29, Lakeview Terrace, according to the plat thereof as recorded in Plat Book "K", Page 109,

Public Records of Orange County, Florida

Describe variance
request Please see attached Exhibit A

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?

See attached Exhibit B

How long have you owned the property? 8 Years

How long have you occupied the property? 8 Years

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?

See attached Exhibit C

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.

See attached Exhibit D

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?

See attached Exhibit E


Signature of Applicant

11-5-19
Date

Benjamin McCoy
Name of Applicant (PRINT)

**EXHIBITS TO
CITY OF WINTER PARK
VARIANCE APPLICATION
APPLICANT: BENJAMIN MCCOY
PROPERTY ADDRESS: 1830 BRYAN AVENUE, WINTER PARK, FLORIDA 32789**

Exhibit A

Description of variance request:

Applicant requests variance from the side setback so that it may use existing parking area to comply with Zoning Code Sec 58-86(B(20) and C (2)(b)

Alternatively, Applicant requests variance from the front setback so that it may use existing parking area to comply with Zoning Code Sec 58-86(B(20) and C (2)(b).

Alternatively, Applicant requests variance from the side set back so that it may be used as a driveway in order to construct a parking pad for two vehicles in the rear of the property which would conform to current zoning ordinances requiring 2 parking spaces of 180 square feet (either 9' x 20' or 10' x 18').

A current survey of the property is attached to this application for your review and in order to show that any of the three (3) variance requests are feasible under the circumstances provided herein.

Exhibit B

The property, built in 1956, was designed and constructed with a single-car carport and an additional concrete parking pad on the side of the carport. The zoning ordinances at the time only required one parking space on this lot. Current zoning ordinances require 2 parking spaces of 180 square feet (either 9' x 20' or 10' x 18'). The City has confirmed that this property is "grandfathered" in to only require one parking space. This is important to note as the City has recognized the peculiar nature of design and construction of lots in this time period and allowed for standing variances such as the reduction of one parking space from the current requirement of two.

The lot size and design allow for this one parking spot in front of the residence. However, as common with and peculiar to lot construction and design in the 1950's, the house is situated closer to the road than most modern constructions.

This reduces the current setback from the road to 33.5 feet. Though there is enough space to easily fit a parked vehicle, the current required setback of 46 feet for parking cannot be accomplished without a variance. This reduced setback is based solely on the age of the construction and design of the lot and is peculiar to this property. The requested variance will allow for the desired off-street parking without impacting any functionality of the lot.

Alternatively, should the City disapprove of a variance for parking in the front of the house on the now constructed driveway either in the front or on the side of said driveway, the City should allow

a variance for the extension of the driveway on the 7.7 feet of land on the side of the lot, which abuts the driveway, which allows sufficient space for an automobile to traverse to the rear of the property, where same would lead to a parking pad for two vehicles which will be constructed at a reasonable cost. The requested variance will allow for the desired off-street parking without impacting any functionality of the lot.

Exhibit C

Other properties in this zoning district were developed at various times, which necessarily include differences in structure placement on lots. Additions to and enclosures of homes in this zoning district have been regularly allowed. Denial of this variance application will deprive the applicant of the same rights and privileges enjoyed by his neighbors to renovate the home to fit their needs.

Exhibit D

Mr. McCoy has a documented disability covered under the Americans with Disabilities Act (“ADA”)¹. The requested variance is to allow the enclosure of a carport to provide a quiet, separate location within the home for Mr. McCoy whose learning disability substantially limits his learning, reading, concentrating, thinking and communicating activities and such impairment has been of record since he was in the fourth grade. The design of the house does not allow room for an addition on any other part of the structure, which is why the enclosure of the carport is necessary.

Denial of the variance, described above, relating to the parking space would create an undue hardship on Mr. McCoy. Essentially, the City would be asking Mr. McCoy to sell the home and relocate over the matter of a few feet to allow for the placement of a parking pad. This type of variance request is certainly contemplated by the legislature when drafting and revising the provisions of the ADA as all too often citizens are required to go to extraordinary efforts to have simple accommodations afforded to them.

The language of the ADA and of the Title II implementing regulation clearly state that public entities are, indeed, required to make reasonable modifications to their usual policies, practices, and procedures where necessary to avoid discrimination on the basis of disability. Section 202 of the ADA prohibits discrimination against any “qualified individual with a disability.” 42 U.S.C. § 12132 (Supp. III 1992). Section 201(2) defines “qualified individual with a disability” as

“any individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.”

¹ The term “disability” with respect to an individual means: “(a) a physical or *mental impairment* that substantially limits one or more of the major life activities of such individual; (b) a record of such impairment; or (c) being regarded as having such an impairment.” 42 U.S.C. §12102(1) (emphasis added). If an individual meets any one of these three tests, he or she is considered to be an individual with a disability for purposes of coverage under the ADA.

42 U.S.C. § 12131(2) (Supp. III 1992).

The Title II regulation states the obligation even more pointedly. Section 35.130(b)(7) says that a public entity

shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity.

28 C.F.R. § 35.130(b)(7) (1993).

The United States Department of Justice explains this requirement as follows:

[Localities] are required to make reasonable modifications to policies, practices, or procedures to prevent discrimination on the basis of disability. Reasonable modifications can include modifications to local laws, ordinances, and regulations that adversely impact people with disabilities. For example, it may be a reasonable modification to grant a variance for zoning requirements and setbacks. In addition, [localities] may consider granting exceptions to the enforcement of certain laws as a form of reasonable modification. For example, a municipal ordinance banning animals from city health clinics may need to be modified to allow a blind individual who uses a service animal to bring the animal to a mental health counseling session.

The ADA and City Governments: Common Problems, U.S. Department of Justice, Civil Rights Division, Disability Rights Section.

Both the ADA and the Fair Housing Act (FHA) apply to municipal zoning decisions.²

In order to qualify for a reasonable modification of the zoning ordinance under the ADA, an applicant need not meet the requirements for a variance. Rather, the applicable test is:

- Whether the person to be accommodated has a disability.
- Whether the modification requested is reasonably necessary to accommodate that disability.

² See Fair Housing Act, §§ 801 et seq., 42 U.S.C.A. §§ 3601 et seq.; Americans with Disabilities Act of 1990, §§ 2 et seq., 42 U.S.C.A. §§ 12101 et seq.; Palm Partners, LLC v. City of Oakland Park, 2015 WL 1968799 (S.D. Fla. 2015); Innovative Health Systems, Inc. v. City of White Plains, 117 F.3d 37, 44 (2nd Cir. 1997) (holding that “[b]oth the ADA and the Rehabilitation Act clearly encompass zoning decisions by the City because making such decisions is a normal function of a governmental entity”); Bledsoe v. Palm Beach County Soil & Water Conservation Dist., 133 F.3d 816, 822 (11th Cir. 1998) (citing Innovative Health with approval for the proposition that Title II’s antidiscrimination provision

- Whether the modification would fundamentally and unreasonably alter the nature or purposes of the zoning ordinance. The burden is on the municipality to prove this would occur.
- See U.S. v. City of Chicago Heights, 161 F.Supp.2d 819 (N.D.Ill. 2001).

Whether a requested accommodation is reasonable or not for purposes of the ADA is a highly fact-specific inquiry and requires balancing the needs of the parties. See State ex rel. Bruskevitz v. City of Madison, 2001 WI App 233, 248 Wis. 2d 297, 635 N.W.2d 797, 12 A.D. Cas. (BNA) 952 (Ct. App. 2001) (duty to accommodate shaped by the nature of the particular handicap). A “reasonable accommodation” is both efficacious and proportional to the costs to implement it whereas an “unreasonable accommodation” imposes undue financial or administrative burdens or requires a fundamental alteration in the nature of the program. Oconomowoc Residential Programs v. City of Milwaukee, 300 F.3d 775, 13 A.D. Cas. (BNA) 681 (7th Cir. 2002) (stating that a zoning waiver is an unreasonable accommodation if it is so at odds with the purposes behind the rule that it would be a fundamental and unreasonable change). Whether a requested accommodation is necessary for purposes of the ADA requires a showing that the desired accommodation will affirmatively enhance a disabled plaintiff’s quality of life by ameliorating the effects of the disability. See Oconomowoc Residential Programs v. City of Milwaukee, 300 F.3d 775, 13 A.D. Cas. (BNA) 681 (7th Cir. 2002).

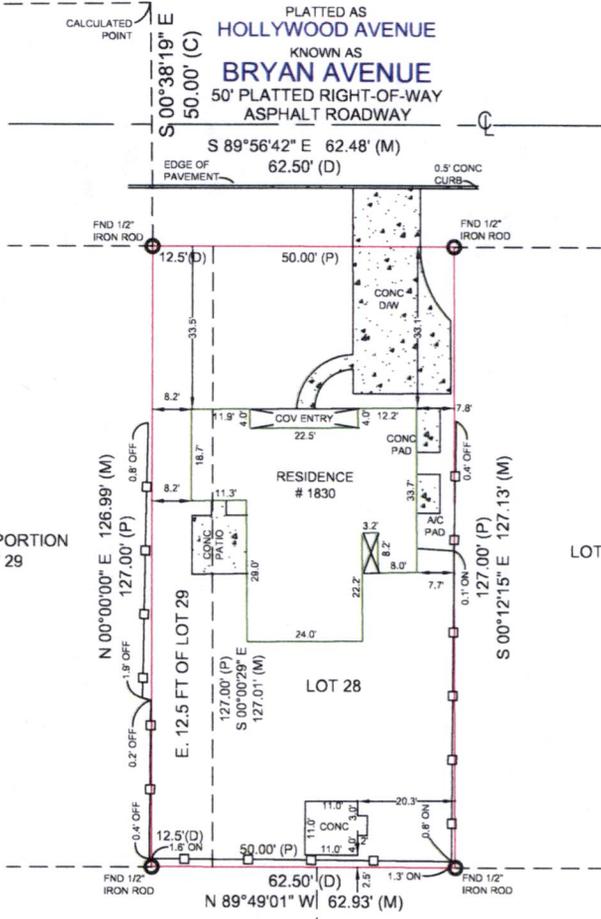
An accommodation is reasonable in the context of the ADA if it neither imposes undue financial and administrative burdens nor requires a fundamental alteration in the nature of the program. First Step, Inc. v. City of New London, 247 F. Supp. 2d 135 (D. Conn. 2003). Compare Tsombanidis v. West Haven Fire Dept., 352 F.3d 565, 15 A.D. Cas. (BNA) 32 (2d Cir. 2003) (finding evidence that residents of group home for recovering alcoholics and drug addicts needed to live in group environment in a single-family area, and, from a municipal services standpoint, city would bear minimal financial cost from the proposed accommodation). Thus, reasonable accommodation is essentially a balancing test that looks at both the benefit to the disabled individual and the cost to the municipality. It is without question that the City must make such an inquiry, and when done, this variance should be allowed under the ADA and FHA as it does not fundamentally and unreasonably alter the nature or purpose of the zoning ordinance, which is the standard that the City must prove to disallow same. There is no material difference whether the car is parked in the driveway or in a carport. Further, the cost of new construction would be greatly more of a burden to the Appellant than allowing a variance in the parking setback of the zoning code.

Exhibit E

The variance requested by Mr. McCoy is already in such limited nature that any further limitation would render the request moot, violate Mr. McCoy’s rights and protections under the ADA, and constitute a constructive eviction of Mr. McCoy from the property.

Boundary Survey

N 89°21'41" E 575.40'
 FND 1/2" IRON ROD



REMAINING PORTION OF LOT 29

LOT 27

CAMP BELLO
 PB L, PG 23

ADDRESS
 1830 BRYAN AVENUE
 WINTER PARK, FLORIDA 32789

LEGAL DESCRIPTION: (AS FURNISHED)
 LOT 28 AND THE EAST 12 1/2 FEET OF LOT 29, LAKEVIEW TERRACE, ACCORDING TO THE PLAT THEREOF,
 AS RECORDED IN PLAT BOOK K, PAGE(S) 109, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF LOT 20, BLOCK D, BEING S 00°46'08" W, PER PLAT

LIST OF POSSIBLE ENCROACHMENTS: FENCE LINE AS SHOWN.

DLS #: 19-10-0119
 CLIENT #: 1830 BRYAN AVENUE
 FIELD DATE: 10/22/19
 DRAFTER: FA
 APPROVED: BHH
 CERTIFIED TO: (AS FURNISHED)
 BEN MCCOY

LEGEND	
A/C	- Air Conditioner
C	- Calculated
⊕	- Centerline
CB	- Concrete Block
CM	- Concrete Monument
CONC	- Concrete
COV	- Covered
D	- Description
DE	- Drainage Easement
DUE	- Drainage & Utility Esmt
DW	- Driveway
ESMT	- Easement
FFE	- Finished Floor Elevation
FND	- Found
IP	- Iron Pipe
L	- Length (Arc)
M	- Measured
N&D	- Nail & Disk
NR	- Non-Radial
OHU	- Overhead Utility Line
ORB	- Official Records Book
P	- Plat
PB	- Plat Book
PC	- Point of Curvature
PI	- Point of Intersection
POB	- Point of Beginning
PCC	- Point of Commencement
PP	- Power Pole
PRC	- Point of Reverse Curvature
PRM	- Permanent Reference Monument
R	- Radius
RAD	- Radial
R&C	- Rebar & Cap
RFD	- Roofed
UE	- Utility Easement
WM	- Water Meter
Δ	- Delta (Central Angle)
⊕	- Wood/PVC Fence
-o-	- Chain Link Fence

FLOOD ZONE INFORMATION
 (FOR INFORMATIONAL PURPOSES ONLY)
 SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE X, AREA OUTSIDE OF THE 100 YEAR FLOODPLAIN, PER F.I.R.M. PANEL NUMBER 12095C 0255F. LAST REVISION DATE 09/25/09

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER SJ-17 FLORIDA ADMINISTRATIVE CODE. FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AND CHAPTER SJ-17 OF THE FLORIDA ADMINISTRATIVE CODE.

DATE OF FIELD WORK: 10/22/19
 DATE SIGNED: 10/25/19



SURVEYOR'S NAME: BILL H. HYATT LS4636
 DEAL LAND SURVEYING, LLC LB 8121

NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL

DATE	REVISION	DATE	REVISION

NOTES
 1. Abutting properties have not been researched for gas, overpass, and/or utility.
 2. In compliance with F.A.C. §1G17-4.0031-4.04, if location of easements or rights-of-way of record, other than those on recorded plats, is required, this information must be furnished to the surveyor and mapper.
 3. Fence ownership is not determined.
 4. No underground improvements or structures were located by this survey, unless otherwise noted.
 5. This survey should not be used for construction purposes.
 6. Any septic tank or cesspit locations (if found) are approximate.
 7. Property lines and/or improvements shown were physically located by field survey.
 8. Monuments found or set are shown. Calculated lines and information are noted by (C).
 9. Computations of lines and/or data not found are shown as (C).
 10. Accuracies obtained in this survey are greater than (urban) 1" in 5000', (suburban) 1" in 7500', (commercial) 1" in 10,000'.
 11. Prior to survey, information obtained was legal description provided by client or from publicly published county tax collector site, recorded plats and/or section corner records, if applicable.
 12. If only a digital survey copy is required, a survey report will be placed in file. The digital survey is not full and complete without the survey report file.

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE AND BENEFIT OF THE PARTIES LISTED HEREON. LIABILITY TO THIRD PARTIES MAY NOT BE TRANSFERRED OR ASSIGNED.



FOR ALL INQUIRIES CONTACT:
 Deal Land Surveying, LLC
 804 S. French Avenue
 Sanford, FL 32771
 407-478-3796
 INFO@deallandsurveying.com

F.A.R. and Side Setbacks Calculator for Single Family Residence

(fill out **BLUE** cell only)



Lot Width (ft)	62.5	Lot width measured at bldg line across lot at front wall of home or at the front setback.
No. of Story	2	Max 2 story
Lot Area (sq.ft.)	7926	Submerged lands or land across the street shall not be included.
Base F.A.R. (sq.ft.)	3012	
Front Setback	46 curb	All setbacks shall be verified by a registered surveyor.
1st Flr Side Setbacks (ft)	8	For lots 60 ft or less in width, side setback may be 7.5 ft minimum.
2nd Flr Side Setbacks (ft)	11	

F.A.R. and Side Setback Adjustments

Percentage Increase	5.0%	5% maximum increase.
Max. F.A.R. (sq.ft.)	3408	
New 1st Flr Side Setbacks (ft)	9	For lots 50 ft or less in width, side setbacks may be 7.5 ft minimum for 5% increase.
New 2nd Flr Side Setbacks (ft)	13	For lots 60 ft or less in width, side setback may be 12.5 ft minimum for 5% increase.

This Instrument Prepared by & return to:
Name: Sandy Davis,
Summit Title, LLC
Address: 1560 N. Orange Avenue, #220
Winter Park, FL 32789
OUT-09-382
Parcel I.D. #: 05-22-30-4890-00280

DOC # 20090594313 B: 9944 P: 5802
10/06/2009 02:54:52 PM Page 1 of 5
Rec Fee: \$44.00 Doc Type: D
Deed Doc Tax: \$1,316.00
Intangible Tax: \$0.00
Mortgage Stamp: \$0.00
Martha O. Haynie, Comptroller
Orange County, FL
MB - Ret To: SUMMIT TITLE LLC



SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED Made the 30th day of September, A.D. 2009, by **ROBERT K. FLEMING**, individually and as **PERSONAL REPRESENTATIVE OF THE ESTATE OF ROBERT D. FLEMING, III**, whose address is 1691 Oneco Avenue, Winter Park, FL 32789, and **KAREN JEAN FLEMING FAY**, whose address is 28 Pine Street, Windermere, FL 34786, and **KIRK S. DEVINE**, whose address is 206 W 2nd Street, Edenton, SC 27932, and **JARRET L. DEVINE**, whose address is 1539 Rosemond Drive, Greenville, SC 27834, hereinafter called the grantors, to **BENJAMIN D. McCOY and HEATHER F. McCOY, husband and wife**, whose post office address is 1830 Bryan Avenue, Winter Park, FL 32789, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument, singular and plural, the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee all that certain land situate in Orange County, State of Florida, viz:

Lot 28 and the East 12 ½ feet of Lot 29, LAKEVIEW TERRACE, according to the plat thereof as recorded in Plat Book "K", Page 109, Public Records of Orange County, Florida.

The Grantors herein certify that this property is not their homestead property.

SUBJECT TO TAXES FOR THE YEAR 2008 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

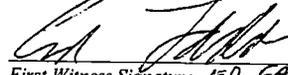
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold the same in fee simple forever.

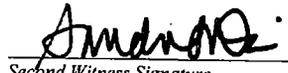
And the grantor hereby covenants with said grantee that she is lawfully seized of said land in fee simple; that she has good right and lawful authority to sell and convey said land, and hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances.

In Witness Whereof, the said grantor has signed and sealed these presents, the day and year first above written.

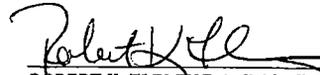
Signed, sealed and delivered in the presence of:

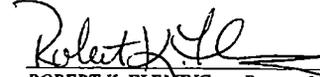

First Witness Signature ED FADDEN

Printed Name


Second Witness Signature

SANDRA L. DAVIS
Printed Name

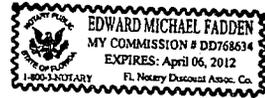
 L.S.
ROBERT K. FLEMING, individually
Address: 1691 Oneco Avenue, Winter Park, FL
32789

 L.S.
ROBERT K. FLEMING, as Personal Representative
of the Estate of ROBERT D. FLEMING, III
Address: 1691 Oneco Avenue, Winter Park, FL
32789

State of FLORIDA
County of ORANGE

The foregoing instrument was acknowledged before me this 30th day of September, 2009, by ROBERT K. FLEMING, individually and as PERSONAL REPRESENTATIVE OF THE ESTATE OF ROBERT D. FLEMING, III, who is known to me or who has produced DRIVERS LICENSE as identification and who did (did not) take an oath.


Signature of Acknowledger
My commission expires _____



In Witness Whereof, the said grantor has signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:

[Handwritten Signature]

First Witness Signature
Murray M. Saunders III

Printed Name

[Handwritten Signature]
_____ L.S.
KAREN JEAN FLEMING FAY, whose address is 28
Pine Street, Windermere, FL 34786

Cathleen E. Mull

Second Witness Signature
Cathleen Mull

Printed Name



State of FLORIDA
County of Orange

The foregoing instrument was acknowledged before me this 30TH day of September, 2009, by KAREN JEAN FLEMING FAY, who is known to me or who has produced _____ as identification and who did (did not) take an oath.

Tammi Thompson
Signature of Acknowledger
My commission expires 12/18/2011

In Witness Whereof, the said grantor has signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:

[Handwritten Signature]

First Witness Signature

Heather Francis

Printed Name

[Handwritten Signature]

Second Witness Signature

Tiffany Coheld

Printed Name

[Handwritten Signature]

KIRK S. DEVINE, whose address is 206 W 2nd Street, Edenton, SC 27932

State of ~~SOUTH CAROLINA~~ North Carolina
County of Camden

The foregoing instrument was acknowledged before me this 30TH day of September, 2009, by KIRK S. DEVINE, who is known to me or who has produced N.C.D.L. as identification and who did (did not) take an oath.



[Handwritten Signature]

Signature of Acknowledger

My commission expires 3/23/14

In Witness Whereof, the said grantor has signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:

Judith L. Blackwell
First Witness Signature
Judith L. Blackwell
Printed Name

JARRET L. DEVINE L.S.
JARRET L. DEVINE, whose address is 1539
Rosemond Drive, Greenville, SC 27834

Michael R. Adams
Second Witness Signature
MICHAEL R. ADAMS
Printed Name

North
State of ~~SOUTH~~ CAROLINA
County of Lenoir

The foregoing instrument was acknowledged before me this 30TH day of September, 2009, by JARRET L. DEVINE, who is known to me or who has produced NCDL 7206881 as identification and who did (did not) take an oath.

Judith L. Blackwell
Signature of Acknowledger
My commission expires ~~My Commission Expires~~ December 20, 2012



Orlando
Behavioral
Healthcare

August 4, 2017

RE: Benjamin McCoy
DOB: 8/3/1983

To Whom It May Concern:

Mr. Benjamin McCoy remains under the care of this psychiatrist for treatment of Attention Deficit Hyperactivity Disorder. ADA disability accommodations are current and still needed.

Thank you,



Juan Balaguer, M.D., FAPA

mj

JB/mj



Don Siegelman
GOVERNOR

Alabama Department of
REHABILITATION SERVICES



Steve Shivers
COMMISSIONER

ACCOMMODATIONS WORKSHEET

Mark Williams, Ph.D., diagnosed Benjamin with a written language disorder on 7/16/02.

During his intake interview Benjamin's mother stated that Benjamin was diagnosed with ADD in the 4th grade. (Benjamin participated in LD classes in middle school and received student support services through high school.)

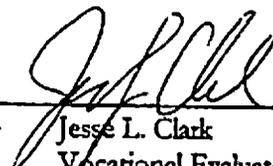
Accommodations are strategies recommended for implementation by the educational institution. However, students need to advocate for themselves in order to receive accommodations. For assistance in arranging for these, contact the support services office for students with disabilities on the college campus. (Please note that these are primarily for college, further accommodations may be needed for the work environment)

Suggested academic accommodations:

- Allow utilization of assistive technology when producing written work (for both in-class and outside assignments)
 - . spelling, misspeller's, or standard dictionary.
- Focus on content for in-class writing assignments.
- Allow extended time for test completion.
- Provide a notetaking support.
- Allow use of a tape recorder.

Note: The above list of suggested accommodations should be used as a reference point. Additional accommodations may be needed as difficulties arise as Benjamin advances in his college career.

Worksheet compiled by: _____

 8/12/02
Jesse L. Clark Date
Vocational Evaluator
Lakeshore Rehabilitation Facility



Don Siegelman
GOVERNOR

Alabama Department of
REHABILITATION SERVICES



Steve Shivers
COMMISSIONER

COMPENSATORY STRATEGIES HANDOUT

Compensatory strategies are recommended for implementation by the student. These are strategies which can be accomplished by students themselves.

Suggested compensatory strategies for Benjamin include:

- One-on-one tutoring in subjects in which Benjamin encounters difficulty.
- Ask instructors for the class syllabus early.
- Schedule classes with a break in between to facilitate the ability to maintain focus of attention.
- Seek out professors to obtain class syllabus early to get a head start on reading and/or planning.
- Utilize a calculator to decrease computational errors.
- Utilize assistive technology when producing written work.
 - computer with word processor capabilities to include grammar/spell checker.
 - Franklin speller with voice output.
 - laptop computer.
 - standard, spelling, or misspeller's dictionary.
- Have someone proofread and/or edit written work.
- Utilize flashcards for memorization of material such as concepts, vocabulary, formulas, etc.
- Organize material for study into flow charts, time lines, diagrams, graphs, charts, graphic organizers, etc.
- Highlight content when reading then go back and make a content outline.
- Join a study group, attend class study sessions, etc., to reinforce learning and to allow for clarification.
- Have professors hook you up with other students in the class who have good study skills.
- Utilize books on tape.
- Tape record lectures using a tape recorder with a counter.
 - Take notes while in class and whenever you know you missed something or are confused over something, write down the counter number in the margin of your notes. Then, you may go back and listen only to those sections of the taped lecture. This should be done as soon after the lecture as possible. Do not rely on the tape as a substitute for lecture notes
 - Listen to the tape as you ride in your car.
- Tape record your notes for later playback.
- Have professors check your notes to ensure that you are recording the appropriate lecture material.

IAN 11 2002

clark

2

VOCATIONAL EVALUATION/TERMINATION REPORT

Client: Benjamin McCoy

Case Manager: Jesse L. Clark

5. TEST DATES: 7/8/02-7/12/02

6. TESTS ADMINISTERED:

Woodcock-Johnson Psycho-Educational Battery III (WJ-III)
Stanford Diagnostic Reading Test (SDRT)
Stanford Diagnostic Math Test (SDMT)
Differential Aptitude Test (DAT)
Watson-Glaser Critical Thinking Appraisal (WG)
Orleans-Hannah (OH)
Strong Interest Inventory
Myers-Briggs Type Indicator (MBTI)
Sample Job Application
Learning Styles Inventory (LSI)
Written Language Sample (WLS)
Learning and Study Strategies Inventory (LASSI)

7. RECOMMENDATIONS:

1. It is recommended that Benjamin utilize strategies that are based on his best learning style to enhance his learning. Based on this functional evaluation, Benjamin appears to be a visual learner. According to the Woodcock Johnson-III, Benjamin scored at the 25th percentile in visual learning processes and at the 75th percentile in auditory learning processes. This indicates that he will learn best by utilizing a combination of visual strategies.

Auditory learning strategies include:

- Attending lectures and participating in class discussions.
- Rote oral practicing of theories and terminology.
- Reading out loud to self-written instructions and material.
- Tape-recording lectures and oral instructions.
- Participating in study groups.

2. It is recommended that Benjamin follow through with his plans to attend Southern Union State Community College (SUSCC). Benjamin has already been accepted to SUSCC and will enter in the fall semester. Benjamin is planning on transferring to Auburn once he has completed all of his required courses at SUSCC.

3. It is the recommendation of the Diagnostic Staffing Committee (DSC) that Benjamin participate in Career Exploration and Job Shadowing. During testing, Benjamin expressed his interest in becoming an accountant or a stockbroker. A career in accounting would require very focused attention for long periods of time. The DSC feels that because of Benjamin's ADD, a career in accounting might be challenging. The DSC feels that Benjamin could benefit from further career exploration and job shadowing.

During his Vocational Evaluation, Benjamin took the Strong Interest Inventory, Differential Aptitude Test and the Meyers-Briggs Type Indicator. The following are some of the results of these tests.

Benjamin completed the Strong Interest Inventory and his profile indicates the following: Six General Occupational Themes indicates high interest in Realistic (Building, repairing) and Conventional (Accounting, processing data); average interest in Enterprising (Selling, managing) and Investigative (Research, analyzing) and very little interest in Social (Helping, instructing) and Artistic (Creating or enjoying art).

Personal Style Scales indicate the following:

- Working Style:** Prefers to work alone, likes to work with ideas, data, or things; accomplishes tasks by independent action or thought.
- Learning Environment:** Prefers practical learning environment; learns by doing; prefers short-term training; seeks training to achieve a specific goal or skill.
- Leadership Style:** Comfortable taking charge and motivating others; enjoys initiating action; expresses opinions easily.
- Risk Taking Adventure:** Likes adventure and risk taking; appreciates original ideas; enjoys thrilling activities; takes chances.

Benjamin's DAT results indicate the following strengths:

Benjamin demonstrated the above average ability to perform mathematical reasoning tasks; numerical reasoning. It is important for success in such courses as mathematics and chemistry.

Benjamin demonstrated the above average ability to understand basic mechanical principles of machinery, tools, and motion; mechanical reasoning. (e.g., carpenter, mechanic, engineer, electrician, and machine operator.)

Benjamin demonstrated the above average ability to visualize a three-dimensional object from a two-dimensional pattern and to visualize how this object would look if rotated in space; **space relations**. (e.g., occupations in which an individual is required to imagine how an object would look if made from a given pattern, including drafting, architecture, art, clothing designer, carpentry, and dentistry.)

Benjamin's Meyers-Briggs Type Indicator profile indicates that frequent vocational choices for people with this profile include (ESFP- Extroversion Sensing Feeling Perceiving):

Frequent Vocational Choices (College/Technical Education)

Teachers	Salespersons: Tangible
Real Estate Sales	Designers
Mining Engineers	Religious Educators
Respiratory Therapists	Computer Operators
Insurance Agents	Editors/Reporters
Dental Hygienists	Interior Decorators

Occupational options:

Based on the above test results, some occupations that Benjamin might consider are:

- Drafter, Architectural.
- Credit manager.
- Computer programmer.
- Electrical inspector.
- Broker

4. It is recommended that Benjamin participate in a college prep program such as one offered at the Lakeshore Rehabilitation Facility. The college prep program is designed for persons with specific learning disabilities, attention difficulties and other cognitive impairments. Topics covered include memory strategies, study strategies, classroom strategies, and "college" strategies. Accessing disabled student services, learning to self-advocate and learning about one's disability, etc., are also covered in the program.

5. It is recommended that Benjamin contact Gary Branch, Director of Counseling, SUSCC, to arrange for accommodations in his classes. Benjamin demonstrated low broad written language skills and has been diagnosed with a disorder of written expression. He will require Mr. Branch's assistance in obtaining accommodations in his classes at SUSCC. Benjamin will also have to talk with Mr. Branch regarding the academic labs available at SUSCC. Benjamin can make an appointment to see Gary Branch by calling (334) 745-6437.

6. It is recommended that Benjamin get an updated diagnosis of Attention Deficit Disorder (ADD) and consider a trial of stimulant medication to determine its effectiveness of controlling symptoms and behaviors associated with ADD. During his intake interview Benjamin's mother stated that Benjamin was diagnosed with ADD in the 4th grade. In order to get accommodations for

ADD Benjamin will require an updated diagnosis of ADD. Benjamin participated in LD classes in middle school and received student support services through high school.

Benjamin reports that he has tried a few ADD medications in the past and he has experienced some side effects. Benjamin should make sure that he is followed closely by his physician to get a dose that causes the least amount of side effects. Throughout this functional assessment, Benjamin demonstrated behaviors consistent with his diagnosis of ADD. For example, he was distracted by visual and auditory stimuli. It is the consensus of the Diagnostic Staffing Committee, (DSC) that Benjamin will benefit from a trial of stimulant medication.

7. It is recommended that Benjamin use the following accommodations:

Mark Williams, Ph.D., diagnosed Benjamin with a disorder of written expression on 7/16/02.

During his intake interview, Benjamin's mother stated that Benjamin was diagnosed with ADD in the 4th grade. In order to get accommodations for ADD Benjamin will require an updated diagnosis of ADD. (Benjamin participated in LD classes in middle school and received student support services through high school)

Based on this functional assessment, the following accommodations are recommended for Benjamin. Each should be utilized as needed. However, as specific problems arise, additional accommodations may need to be developed and implemented.

Suggested academic accommodations:

- Allow utilization of assistive technology when producing written work (for both in-class and outside assignments)
 - . spelling, misspeller's, or standard dictionary.
- Focus on content for in-class writing assignments.
- Allow extended time for test completion.
- Allow use of a tape recorder.
- Provide a notetaking support.

Accommodations are strategies recommended for implementation by the educational institution or employer. However, he needs to advocate for himself in order to receive accommodations.

8. INTERESTS:

Expressed - Accounting and Stock Broker.

Tested - The results of Benjamin's Strong Interest Inventory indicate that he has high interest in Realistic (Building, repairing) and Conventional (Accounting, processing data)

9. STRENGTHS:

1. Demonstrated the average mathematical ability.

2. Demonstrated excellent ability to apply algebraic principles to solve algebra problems. (OH)

3. Reading skills sufficient for college-level textbooks and journals. (SDRT)

4. Demonstrated the average ability to store information and fluently retrieve it later through association; **long-term retrieval**. (e.g., indicating the average ability to learn unfamiliar symbols, vocabulary, forming strategies, and making association.) (WJ-III)

5. Demonstrated the average ability to hold information in immediate awareness and then use it within a few seconds; **short-term memory**. (e.g., indicating the average ability to learn new things for job training and following oral directions.) (WJ-III)

6. Demonstrated the average ability to automatically perform cognitive tasks, especially when under pressure to maintain focused attention; **processing speed**. (e.g., indicating the average ability to meet most time constraints imposed in school and on the job.) (WJ-III) i.e., has the average ability to automatically perform simple cognitive tasks (matching numbers and shapes) when under pressure to maintain focused attention. e.g., copying notes quickly, adequate reading speed, etc.

7. Demonstrated the average ability to analyze and synthesize auditory stimuli; **auditory processing**. (e.g., indicating the average ability to develop articulation/language skills and to understand/interpret social cues.) (WJ-III)

8. Demonstrated the high average ability to analyze and synthesize visual stimuli; **visual processing**. (e.g., indicating the high average ability to read maps, diagrams, etc.) (WJ-III)

9. Demonstrated the average ability to reason using previously learned procedures and communicating especially verbally; **crystallized intelligence**. (e.g., indicating the average ability to learn new concepts and writing essays.) (WJ-III)

10. Demonstrated the average ability to reason, form concept, and solve problems using unfamiliar information or novel procedures; **fluid reasoning**. (e.g., indicating the average ability to learn higher mathematics, sciences, logic, etc.) (WJ-III)

11. Demonstrated the above average ability to perform mathematical reasoning tasks; **numerical reasoning**. It is important for success in such courses as mathematics and chemistry. (DAT)

12. Demonstrated the average ability to see relationships between objects in terms of their size, shape, position, quantity, etc.; **abstract reasoning**. (e.g., mathematics, computer programming, drafting, and automobile repair, etc.) (DAT) i.e., has the ability to reason with geometric figures or designs.

13. Demonstrated the above average ability to understand basic mechanical principles of machinery, tools, and motion; **mechanical reasoning**. (e.g., carpenter, mechanic, engineer, electrician, and machine operator.) (DAT)

14. Demonstrated the above average ability to visualize a three-dimensional object from a two-dimensional pattern and to visualize how this object would look if rotated in space; **space relations**. (e.g., occupations in which an individual is required to imagine how an object would look if made from a given pattern, including drafting, architecture, art, clothing designer, carpentry, and dentistry.) (DAT)

15. Demonstrated the average ability to learn from books and teachers and to master school subjects; **scholastic aptitude**. (DAT)

16. High School Diploma

17. Has passed the Alabama High School Exit Exam

18. Demonstrated good work habits:

Very polite, friendly, and helpful

Good grooming/hygiene

Appropriate punctuality

Patience

Hard working

Appeared to have put forth his best effort

Good interpersonal skills

10. CHALLENGES:

✓ 1. Demonstrated the low average ability to express himself in **writing** using correct grammar, punctuation, and spelling (WJ-R, WLS)

✓ 2. Demonstrated the low average ability to detect errors in grammar, punctuation, and capitalization; **language usage**. (e.g., professions that require language usage skills are: secretaries, writers, librarians, editors, etc.) (DAT)

✓ 3. Demonstrated the low average ability to see the relationships among words; **verbal reasoning**. It is important for success in academic courses as well as many occupational fields. (DAT)

✓ 4. Demonstrated the below average ability to compare and mark written lists quickly and accurately; **perceptual speed and accuracy**. (e.g., filing, coding, processing technical and scientific data.) (DAT)

5. Demonstrated **critical thinking skills** sufficient for college level training (WG). i.e., has the ability to glean essential from nonessential information, reason from the general to the specific case, evaluate the truth and falsity of arguments, and draw logical conclusions.

6. Please see attached *Assessment of Functional Limitations* (completed by Michael Quinn)

7. Benjamin has been diagnosed with the following learning disabilities:

Mark Williams, Ph.D., diagnosed Benjamin with a written language disorder on 7/16/02.

During his intake interview Benjamin's mother stated that Benjamin was diagnosed with ADD in the 4th grade. (Benjamin participated in LD classes in middle school and received student support services through high school.)

11. ADDITIONAL COMMENTS AND OBSERVATIONS:

a. TEST MODIFICATIONS: None

If you require additional information, please feel free to contact the staff at Lakeshore Rehabilitation Facility.

Report compiled by: Jesse L. Clark 8/12/02
Jesse L. Clark Date
Vocational Evaluator

Michael Quinn Date
Program Specialist

Report reviewed by: _____
Doris C. Gregory Date
Program Coordinator

- Attachments:
- Accommodations Worksheet
 - Test Results
 - Written Language Sample
 - Assessment of Functional Limitations
 - Strong Interest Inventory
 - Myers-Briggs profile
 - Intake Interview
 - Diagnostic Summary Sheet

TEST RESULTS ATTACHMENT**STANFORD DIAGNOSTIC READING TEST (SDRT) - BLUE LEVEL**

Norms: Spring of 12th grade

Note: "PHS" stands for "post high school"

Modification: None

	<u>Grade Equivalent</u>	<u>Percentile</u>	<u>Range</u>
Comprehension	8.8	30	Low Average
Vocabulary	PHS	93	Above Average
Scanning	11.3	45	Average
SDRT Total	PHS	50	Average

STANFORD DIAGNOSTIC MATHEMATICS TEST (SDMT) - BLUE LEVEL

Norms: Spring of 12th grade student norms

Note: An asterisk (*) denotes score with test modification. "PHS" stands for "post high school"

Modification: None

	<u>Grade Equivalent</u>	<u>Percentile</u>	<u>Range</u>
Concepts and Applications	PHS	57	Average
Computation	PHS	67	High Average
SDMT Total	PHS	59	Average

The **Differential Aptitude Tests (DAT)** was utilized to further measure Benjamin's abilities to learn or to succeed in a number of different areas. The results of the DAT gives us a better understanding of an individual's potential for developing academic and/ or career success.

	<u>Scaled Score</u>	<u>Percentile</u>	<u>Range</u>
Verbal Reasoning	248	31	Low Average
Numerical Reasoning	285	84	Above Average
Abstract Reasoning	255	54	Average
Perceptual Speed and Accuracy	---	11	Below Average
Mechanical Reasoning	284	89	Above Average
Space Relations	283	90	Above Average
Spelling	219	5	Below Average
Language Usage	255	37	Low Average
Scholastic Aptitude (VR+NR)	264	53	Average

The **Orleans-Hanna Algebra Prognosis Test** is designed to assess one's requisite abilities to benefit greatly from the subjects as it is commonly taught. It is a predictor of student success in first-year algebra (at the high school level). Benjamin performance suggests that he possesses the ability to apply algebraic principles to solve algebra problems.

The **Watson-Glaser Critical Thinking Appraisal** measures some of the important abilities involved in careful, analytical thinking: the ability to define a problem, the ability to select pertinent information for the solution of a problem, the ability to recognize stated and unstated assumptions, the ability to formulate and select relevant and promising hypotheses, as well as the ability to draw valid conclusions and judge the validity of inferences. The ability to think critically is generally recognized as an important and pervasive educational objective. Compared to Jr. College norms, his score is at the 3rd percentile, which is considered below average. Compared to 4-year College norms, his score is at the 1st percentile, which is considered below average.

The **Learning and Study Strategies Inventory (LASSI)** is designed to measure a student's use of learning and study strategies and methods. The focus is on both covert and overt thoughts and behaviors that relate to successful learning and that can be altered through educational interventions. Thus, both student thought processes on behaviors are assessed, which contribute significantly to success in post-secondary educational and training. There are ten scales measured with this instrument. The scale scores are converted to percentile score equivalents. The common cut-off score used by many college campuses is the 75th percentile. An asterisk denotes those scales that were below the 75th percentile. The ten scales are as follows:

- ATT** (*Attitude*) Does school fit in with your own goals? Is being successful in school important to you?*
- MOT** (*Motivation*) Are you willing to work hard and keep up with assignments? Do you easily lose interest in class?*
- TMT** (*Time Management*) Do you organize your time well? Do you set aside enough time for homework, projects, or tests?
- ANX** (*Anxiety*) Do you worry about grades? Does worrying about getting a low grade sometimes make it hard for you to study or answer questions on a test?*
- CON** (*Concentration*) Are you able to pay attention in class? Can you concentrate while you are reading and studying?*
- INP** (*Information Processing*) Do you remember what you have studied? Can you draw conclusions or make inferences?*
- SMI** (*Selecting Main Ideas*) Can you identify key points in a class discussion? Can you decide what to underline or take notes on from your textbook?*
- STA** (*Study Aids*) Do you create outlines, summary sheets, or diagrams to help you study? Do you use study guides, review questions, or class notes to help you study?*
- SFT** (*Self-testing*) Do you review before a test? Do you stop sometimes while you are reading your textbook to see if you really understand them?*
- TST** (*Test Strategies*) Do you know how to study effectively for a test? Do you know how to answer different types of test questions?*

The Myers-Briggs Type Indicator (MBTI) is a self-report questionnaire designed to make Jung's theory of psychological types understandable and useful in everyday life. The MBTI describes valuable differences between normal, healthy people—differences that can be the source of much misunderstanding and communication. It is useful to help individuals identify and understand their strengths and unique gifts. The information assists them to better understand themselves, their motivations, strengths and potential areas for growth. Understanding one's MBTI type is self-affirming and can enhance cooperation and productivity. Benjamin's profile is "ESFP."

The two middle traits reported in an MBTI Type profile (Sensing vs. Intuition and Thinking vs. Feeling) are indicative of the way individuals manage and process information to make decisions. Therefore they are descriptive of learning style and appropriate learning or work environments. Benjamin's MBTI profile is that of an S-F; the related learning style is described below:

SENSING-FEELERS (S-F) Overview

The Sensing-Feeling learner can be characterized as sociable, friendly and interpersonally oriented. This type of learner is very sensitive to people's feelings; his own and others. He values loyalty, friendship and personal closeness. He prefers to learn about things that directly affect people's lives rather than impersonal facts or theories. His preferred learning environment is warm, friendly, cooperative and caring, rather than competitive and independent.

Approach to Learning

The S-F's approach to learning is a personal one. He has a strong need to make personal connections with what he is learning. He works best when he is emotionally involved in what he is being asked to learn, and when he has good relationships with his peers. The S-F often makes decisions based on likes and dislikes and what "feels right." He is interested in people and likes to listen to and talk about their experiences. He likes working in cooperative groupings and needs to be recognized for his efforts.

The S-F learner searches for a strong emotional attachment to the content, and a collegial and warm association with classmates and teachers. He is particularly sensitive to the likes and dislikes of others. He needs reassurance for his efforts and supportive and continual feedback on his work and involvement.

The S-F learner views content mastery as secondary to developing good relationships with others. He is motivated by concern for others and comfortably demonstrates caring/reaching out behavior. He relies on his own personal interaction with others to make sense of the world. The S-F most enjoys learning through sharing, group work, helping others, coaching, friendly discussion, personal friendships and tender – if not loving – attention.

The S-F student needs to participate in group activities to develop his powers of empathy. He needs to have time and resources to learn about himself. He needs to

have an opportunity to explore, change and develop attitudes and values in reference to others.

ESFP Vocational Profile

ESFPs are described as outgoing, easygoing, accepting, friendly individuals who enjoy everything and make things more fun for others by their enjoyment. They like sports and making things happen. ESFPs know what is going on and join in eagerly. They find remembering facts is easier than mastering theories. ESFPs are best in situations that need sound common sense and practical ability with people as well as things. (Excerpted from *Introduction to Type* by Isabel Briggs Myers.)

Many of the occupations attractive to ESFPs are in service fields, where the combination of outgoing nature and attention to detail are assets. Over 15% of the top 50 most attractive occupations are in health care. Other positions include teaching, coaching, childcare worker, and jobs in the skilled trades. (Excerpted from *Introduction to Type and Careers* by Allen L. Hammer.)

According to the *Career Development Profile*, developed by John S. Muller, Ph.D., 1988, an "ESFP" vocational profile might include:

Personality Traits

Enthusiastic
Sociable
Easygoing
Tolerant
Playful
Cooperative

Interpersonal Style

Warm and charming with a real zeal for meeting and building relationships
Energized by social interaction and dealing with people
Flexible in thought and behavior, can adapt to most any situation
Slow to judge others as well as showing appreciation for different life attitudes
Likes sports, having a good time, and "play" activities
Excellent "joiners" who bring harmony and a sense of cooperation to a group

Preferred Vocational Climate

- Must have plenty of opportunity to for social interaction with other energetic people
- Appreciate an attractive, "plush" environment
- Variety of tasks allowing spontaneous attention versus systematic completion
- Do poorly where morale or attitude problems are present; likes team work
- Comfortable in an "associate" climate where title and tasks are undefined

Vocational Parameters

- Like the opportunity for being "on stage" such as public speaking or relations
- Excellent persuasive abilities, often doing well in sales
- Enjoy "fun" jobs such as entertainers or any place people congregate to have fun
- Knack for handling tools and machinery, often reflected in artistic endeavors
- Like helping people such as in a medical, educational, or social service setting

ESFP Vocational Profile Continued

Page 2

Potential Weaknesses

- Pursuit of having fun can cause perception of laziness or "flightiness"
- Can be impulsive, especially with humor or ideas in situations calling for reserve
- High need for socialization can cause disregard for work demands
- Can prioritize projects which are "fun" versus those which are urgent
- Can become too subjective in decision-making

Frequent Vocational Choices (High School Education)

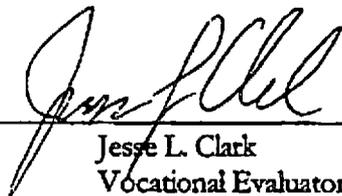
Child Care Workers	Factory Supervisors
Musicians	Cashiers
Special Events Coordinators	Clerical Supervisors
Electricians	Carpenters
Caterers/Waiters/Waitresses/Food Service Workers	Receptionists/Typists/Clerical Workers

Frequent Vocational Choices (College/Technical Education)

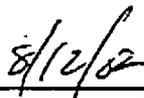
Teachers	Salespersons: Tangible
Real Estate Sales	Designers
Mining Engineers	Religious Educators
Respiratory Therapists	Computer Operators
Insurance Agents	Editors/Reporters
Dental Hygienists	Interior Decorators

- Compare your notes with a student in class who is good at notetaking and fill in gaps and/or make corrections.
- Utilize the Cornell notetaking method.
- Sit on the front row in class to minimize distractions (you may have to request this if professor utilizes a seating chart.)
- Keep a calendar of tests, due dates for assignments, and due dates for specific steps in a sequential process (dry-erase wall charts work well.)
- Participate in academic assistance labs for writing, reading, and math (if available).
- Participate in career counseling.
- Participate in an LD support group.
- "Teach" someone else.
- Use a daily/weekly/monthly planner.
- Color and/or numerical code information.
- Use a things-to-do list and mark things off the list when completed.
- Prioritize activities.
- Use file folders, binders, and/or tabs to separate and organize notes.
- Allot specific times for specific activities (e.g. English homework 7-8 P.M. Monday, Wednesday, and Friday).
- Break large tasks into small (more easily attainable) units and designate when each step is to be accomplished.
- Keep all notes, quizzes, and tests in one three-ring binder. Use tabs to separate classes. In each section, put all papers and notes on top. Take your binder to all classes and home every day. Do not store papers in your textbooks.
- Get a two-pocket folder, and keep it in your binder. Use this for Homework. Label one side "Work To Be Done", and label the other "Work To Be Turned In".

Handout compiled by: _____



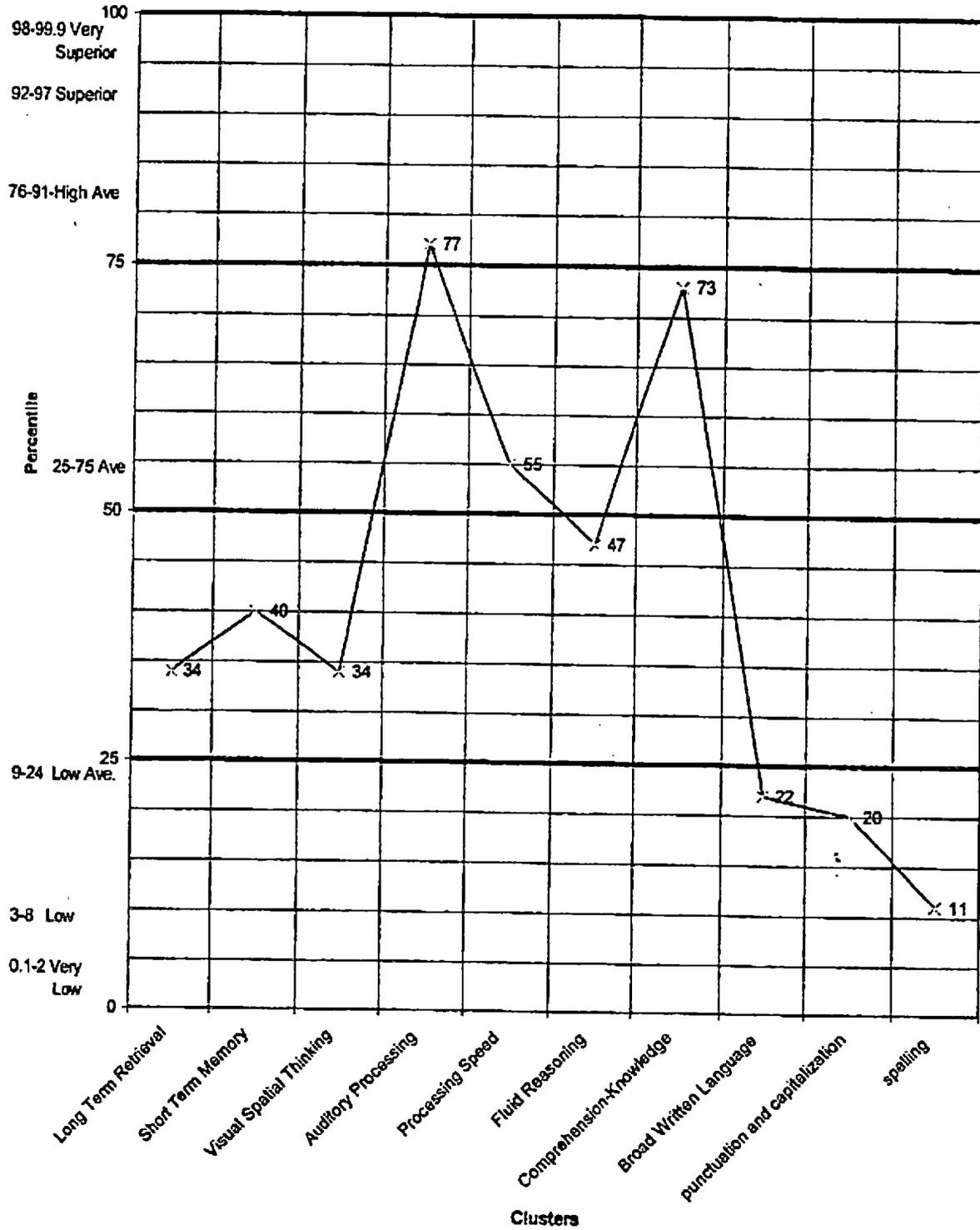
Jesse L. Clark
Vocational Evaluator
Lakeshore Rehabilitation Facility



Date

WJ-III Scores

Benjamin McCoy





Permit Tracking & Inspection Scheduling

Required Inspection

Parcel ID: 05-22-30-4890-00280 Address: 1830 BRYAN AVE
Application Date: 04/12/16 Owner: MCCOY BENJAMIN D & HEATHER F
Application #: 16 - 1388 Application Type: RESIDENTIAL ALTERATIONS

Required Inspections for Permit Number: 000 000 RR 00 - RESIDENTIAL RENOVATIONS

Inspection Description	Result Code	Result Description
No required inspections found		





CITY OF WINTER PARK - COVERAGE/SETBACK WORKSHEET

DRIVEWAY PERMIT REQUIREMENTS

Gravel

For Single Family Zoning Districts (R-1A, R-1AA & R-1AAA)¹

Address: 1830 Bryan Ave Lot area²: 7969

Work on the public right-of-way included? (Y/N) _____

	Maximum % Allowed ³	Existing Area	Additional Proposed Area	New Total Area	Maximum Allowed Area
IMPERVIOUS LOT COVERAGE Include bldg footprint, driveways, sidewalks, patios, pools, A/C pads, artificial turf, etc. (show area tabulations)	2 story - 50%				
	1 story - 60%	2696	216	2912	37%

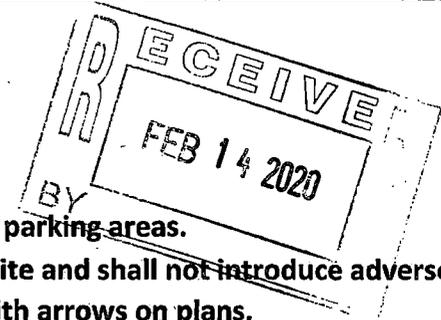
	Minimum % Required	Existing Area	Landscape Area Reduced	New Total Area	Minimum Required Area
FRONT YARD LANDSCAPE COVERAGE Count all landscaped green areas - exclude hard surfaces and all driveway surfaces (pervious & impervious). Front Lot Area: 2347	50%	1482	∅	∅	

NOTES:

1. Windsong & Waterbridge may use these standards, except where those subdivisions have stricter provisions.
2. Submerged lands or land across the street shall not be included.
3. Percentage based on the lot area.

ADDITIONAL REQUIREMENTS:

- * **PLANS SUBMITTAL:** Submit a recent survey to show an accurate location of new driveways and parking areas.
- * **DRAINAGE:** All stormwater runoff generated from the proposed driveway shall be retained on site and shall not introduce adverse impacts to the existing drainage on the surrounding properties. Indicate direction of drainage flow with arrows on plans.
- * **SETBACKS:** All driveways on private property shall meet the 2-ft minimum side and rear setbacks.
- * **RIGHT-OF-WAY:** New or replaced curb and/or sidewalk in the public right-of-way requires a separate permit from the Engineering Division (call 407-599-3329 for more information). The public right-of-way includes the area between the street and the property line - sidewalks, curbs and driveway approaches.
- * **INSPECTION:** After forming new driveways and parking areas, call 407-599-3350 24 hours prior to pouring concrete or placing asphalt or pavers. Contractor/Owner shall be available onsite with plans and permit for the inspector.





CITY OF WINTER PARK - COVERAGE/SETBACK WORKSHEET

DRIVEWAY PERMIT REQUIREMENTS

Pavers

For Single Family Zoning Districts (R-1A, R-1AA & R-1AAA)¹

Address: 1830 Bryan Ave Lot area²: 7969

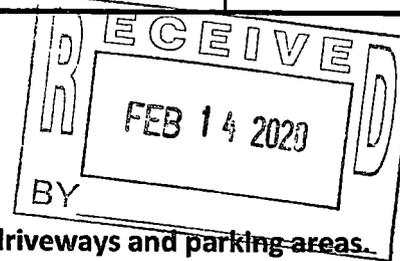
Work on the public right-of-way included? (Y/N) _____

	Maximum % Allowed ³	Existing Area	Additional Proposed Area	New Total Area	Maximum Allowed Area
IMPERVIOUS LOT COVERAGE Include bldg footprint, driveways, sidewalks, patios, pools, A/C pads, artificial turf, etc. (show area tabulations)	2 story - 50%				
	1 story - 60%	2696	1303	3999	50%

	Minimum % Required	Existing Area	Landscape Area Reduced	New Total Area	Minimum Required Area
FRONT YARD LANDSCAPE COVERAGE Count all landscaped green areas - exclude hard surfaces and all driveway surfaces (pervious & impervious). Front Lot Area: 20 2347	50%	1482	333	1149	49%

NOTES:

1. Windsong & Waterbridge may use these standards, except where those subdivisions have stricter provisions.
2. Submerged lands or land across the street shall not be included.
3. Percentage based on the lot area.



ADDITIONAL REQUIREMENTS:

- * **PLANS SUBMITTAL:** Submit a recent survey to show an accurate location of new driveways and parking areas.
- * **DRAINAGE:** All stormwater runoff generated from the proposed driveway shall be retained on site and shall not introduce adverse impacts to the existing drainage on the surrounding properties. Indicate direction of drainage flow with arrows on plans.
- * **SETBACKS:** All driveways on private property shall meet the 2-ft minimum side and rear setbacks.
- * **RIGHT-OF-WAY:** New or replaced curb and/or sidewalk in the public right-of-way requires a separate permit from the Engineering Division (call 407-599-3329 for more information). The public right-of-way includes the area between the street and the property line - sidewalks, curbs and driveway approaches.
- * **INSPECTION:** After forming new driveways and parking areas, call 407-599-3350 24 hours prior to pouring concrete or placing asphalt or pavers. Contractor/Owner shall be available onsite with plans and permit for the inspector.

FISHBACK DOMINICK

ATTORNEYS AT LAW

1947 LEE ROAD

WINTER PARK, FLORIDA 32789-1834

G. BEN FISHBACK (1893-1983)
JULIAN K. DOMINICK (1924-2003)

MARK F. AHLERS
* A. KURT ARDAMAN
CHRISTOPHER R. CONLEY
KURT H. GARBER
RICHARD S. GELLER
ERIC B. JONTZ
LANCE D. KING
* DANIEL W. LANGLEY
MICHAEL D. TEMPKINS

TEL (407) 262-8400
FAX (407) 262-8402
WWW.FISHBACKLAW.COM

FLORIDA BAR BOARD CERTIFIED IN
* CITY, COUNTY AND LOCAL GOVERNMENT

OF COUNSEL

JOHN F. BENNETT
JEFFRY R. JONTZ
DAVID H. POPPER
CHARLES R. STEPTER, JR.

February 17, 2010

VIA EMAIL (Gwiggins@cityofwinterpark.org)

Mr. George Wiggins
Director of Building and Legislative Affairs
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

Dear George:

You requested a legal analysis of the variance application submitted by Benjamin McCoy, 1830 Bryan Avenue, based on the Americans with Disabilities Act (the "ADA"). Mr. McCoy converted a carport into living space for his house without obtaining a building permit or construction inspections. By eliminating the one parking space behind the Property's required front setback, his property violates the City's off-street parking ordinance. He is incurring \$100.00 code violation fines daily. In an attempt to eliminate the basis for the code violation, Mr. McCoy is requesting a variance from the City's off-street parking ordinance. He is requesting a "reasonable accommodation" under the ADA based on his ADHD disability.¹

The first request would allow a parking pad or driveway encroachment of 2 feet into the side setback in lieu of the required 2 foot setback from the side property line. This would allow the driveway or parking pad to abut the property line. The second request would reduce the "required front setback" of his property by the length of a parking space, 18 feet, from 46 feet to 28 feet. Under either scenario, a variance would have the same effect as the one rejected by the Board of Adjustment on December 15, 2015, also sought to allow him to convert his carport into home living space. Mr. McCoy never appealed that decision, which became a final adjudication between the parties. Issues considered and decided by the Board of Adjustment in 2015 are binding on the parties today.

For the reasons explained below, the Americans with Disabilities Act does not create entitlement to a zoning variance at odds with a fundamental zoning scheme, which the law would

¹ The City does not question the veracity of his claimed ADHD disability, which appears to be a longstanding diagnosis according to documentation submitted with the variance application.

consider unreasonable. The Board of Adjustment should determine whether Mr. McCoy's requested variance is incompatible with the surrounding properties, causing a fundamental alteration in the neighborhood's zoning scheme.

The City's Off-Street Parking Ordinance

The McCoy Property is zoned R-1A, a zoning district "for single family dwellings and necessary accessory dwellings." City Code, Sec. 58-66(a).

The City's off-street parking ordinance, section 58-86(20), requires "[t]wo spaces per dwelling unit for any residential project of two units or less." However, for purposes of this analysis, consistent with the Building Department's interpretation of the Code, we are assuming that the McCoy property (built in 1956 according to the Orange County Property Appraiser) retains its grandfathered status as requiring only one off-street parking space, instead of two.

Section 58-86(c)(2)b. states, with respect to single family uses, "Parking spaces established to meet the minimum requirements of this section shall not be located within any required front yard...for the zoning district in which the parking spaces are located." This facially neutral ordinance does not discriminate against persons with disabilities. It effectively requires restoration of the carport or garage Mr. McCoy eliminated.

The front setback in R-1A districts is "the average of the adjacent two homes on each side of the subject property located on the same side of street." City Code sec. 58-66(f)(5). The McCoy house and the two homes adjacent to it all appear situated the same distance from the curb and right-of-way—46 feet from the curb and about 33 feet from the City's right-of-way.² That establishes the required front setback.

Mr. McCoy claims in his application:

[E]ven if the carport was used for the sole parking space it is grandfathered to have[,] the Property would be in violation of the current front setback of 46 feet as the distance from the curb (33.5 feet) plus the 9 feet needed for the parking space only totals 42.5 feet for the setback instead of 46 feet.

This is confusing and incorrect. A carport or garage restored in the house, 46 feet from the curb and about 33 feet from the right-of-way, would comply with the City Code. Section 58-66(5)d., governing R-1A districts, states, "Notwithstanding the required or established front setback for a residence, no garage or carport shall be located so as to provide a front setback or street-side yard

² GoogleEarth measurement shows the front plane of the house at 46 feet from the curb. Although not clear, the survey submitted by McCoy appears to show that the distance from the house's front plane to the right-of-way is at least 33 feet.

setback of less than 20 feet to the garage or carport opening.” The garage or carport would obviously exceed the 20 foot requirement and would be consistent with the setback established with the adjacent properties.

A. Collateral Estoppel and Res Judicata

Collateral estoppel bars “the parties from litigating in the second suit issues—that is to say points and questions—common to both causes of action and which were actually adjudicated in the prior litigation.”³ The law considers quasi-judicial tribunals, such as the City’s Board of Adjustment, as “courts of competent jurisdiction” for the purposes of collateral estoppel.⁴ Collateral estoppel promotes finality in litigation.⁵

In this case, the same parties—McCoy and the City of Winter Park—are appearing before the Board of Adjustment and litigating the same issue McCoy raised in 2015—whether his ADHD disability warrants a zoning variance allowing him to convert his carport into living space to create a private room in his house. McCoy received a full and fair opportunity to present his case in 2015. “The parties have the right to appeal any matter by which they may be aggrieved and their failure to do so acts as an acceptance of the propriety of the matter.”⁵ By not appealing, McCoy accepted the Board of Adjustment’s finding of fact that he could obtain privacy within his house or by building an addition on the rear of his house.⁶ An addition on the rear of the house would not have removed the required parking space behind the required front setback.

Another legal principal—res judicata—precludes the same parties from re-litigating the same claim, and any claims that could have been raised in the prior action. Insofar as McCoy is

³ *Stogniew v. McQueen*, 656 So. 2d 917, 919 (Fla. 1995).

⁴ See *Paresky v. Miami-Dade Bd. of County Comm'rs*, 893 So. 2d 664, 666 (Fla. 3d DCA 2005); *City of Tampa v. Lewis*, 488 So. 2d 860, 862 (Fla. 2d DCA 1986); *U.S. Fid. & Guar. Co. v. Odoms*, 444 So. 2d 78, 80 (Fla. 5th DCA 1984); *Atlantic Shores Resort, LLC v. 507 South Street Corp.*, 937 So. 2d 1239, 1244 (Fla. 3d DCA 2006) (circuit court erred by re-litigating municipal zoning code height restriction litigated previously by the parties before municipal historic preservation board, whose decision was never appealed); *United States Fidelity & Guaranty Co. v. Odoms*, 444 So. 2d 78, 80 (Fla. 5th DCA 1984) (“Where an administrative agency is acting in a judicial capacity and resolves disputed issues of fact properly before it, as to which the parties have had an adequate opportunity to litigate, the court will apply res judicata or collateral estoppel to enforce repose.”)

⁵ See *Dept. of Health & Rehabilitative Servs. v. B.J.M.*, 656 So. 2d 906, 910 (Fla. 1995) (function of doctrine of collateral estoppel is to prevent re-litigating issues that have already been decided in “a contest which results in a final decision of a court of competent jurisdiction”).

⁶ *Marine Midland Bank Central v. Cote*, 384 So. 2d 658, 659 (Fla. 5th DCA 1980).

⁷ Minutes, Board of Adjustment, December 15, 2015.

bringing the same claim, or a claim he could have brought in 2015, the doctrine of res judicata would also bar his claim.⁷

Section 58-91(h) of the City Code states in pertinent part:

(h) Whenever the board of adjustment has denied a variance request, it shall not reconsider that variance request nor shall it consider a request for any variance greater than or equal to that already denied, except as provided for below. The prohibition contained in this section against the board of adjustment's considering, reconsidering, or rehearing variance requests shall not apply:

(1) Where a period of three years has run since the date of the board's prior action on the variance request; or

(2) Where the relevant circumstances surrounding the variance request have materially changed since the board of adjustment's earlier decision.

(i) The right to reapply for a variance request after the passage of three years shall not prevent the board from applying the doctrine of administrative res judicata.

Mr. McCoy's application does not contend that any material change in circumstances has occurred since the 2015 hearing.

B. Fundamental Changes to Zoning Schemes Are Not "Reasonable"

Title II of the Americans with Disabilities Act covers local governments. The general prohibition on discrimination against the disabled, at 42 U.S.C. 12132 states, "Subject to the provisions of this subchapter, no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." A "public entity" includes "any...local government" such as the City of Winter Park. 42 U.S.C. § 12131. A city's zoning decisions are considered within a city's "programs, services, or activities" under the ADA. The Board of Adjustment cannot and should not deny McCoy a variance due to his disability.

⁷ "There is little question that administrative proceedings are subject to the doctrine of res judicata, and the courts of this state have similarly so concluded." *Rubin v. Sanford*, 168 So. 2d 774, 775 (Fla. 3d DCA 1964) (municipal personnel board decision subject to res judicata in later proceeding).

An accommodation under the ADA, or related Federal statutes such as Section 504 of the Rehabilitation Act, “is not reasonable if it...requires a fundamental alteration in the nature of the program,” such as a zoning scheme. In *Schwartz v. City of Treasure Island*,⁸ the United States Court of Appeal for the Eleventh Circuit upheld the denial of group home for the disabled in a “RU-75” residential zoning district, holding:

Whether a particular rule is ‘essential’ to a zoning scheme will, of course, turn on the facts of each case but a few general principles guide us. [O]rdering a municipality to waive a zoning rule ordinarily would cause a ‘fundamental alteration’ of its zoning scheme if the proposed use was incompatible with the surrounding land uses.”

In *Bryant Woods Inn, Inc. v. Howard Country*,⁹ the local zoning board denied a variance allowing a group home for elderly residents suffering from Alzheimer’s and dementia to expand because the facility would worsen parking availability on streets near the facility. The Fourth Circuit considered this a reasonable justification for denying the requested variance. *See also Forest City Daly Housing, Inc. v. Town of North Hempstead*, 175 F. 3d 144 (2d Cir. 1999) (city not required to grant special use permit to construct assisted living facility for disabled persons where it would not do so for residences for persons without disabilities).

In *Woodward v. City of Paris*,¹⁰ Multiple Sclerosis confined the plaintiff to a motorized chair. She began building a carport that extended to within 1 foot of her property line, in violation of a 15 foot side setback. The carport would allow her to get to and from her motor home and van without getting wet in the rain. The United States District Court granted a summary judgment, holding, “Allowing Plaintiffs to build a carport in violation of the zoning [setback] requirements would be at odds with the fundamental nature of the zoning scheme, and therefore, unreasonable.”¹¹

In *Robinson v. City of Friendswood*,¹² a similar case, the city denied Robinson's request for a variance to a zoning ordinance to enable him to keep an unlawfully constructed carport, which was intended to keep him from slipping and falling on wet ground in the rain. Robinson claimed a disability due to his artificial hip, secondary limp, hypertension, and colon cancer surgery. The carport extended to within five feet of the front property line, violating the City’s 25 foot setback.

⁸ 544 F.3d 1201, 1220 (11th Cir. 2008).

⁹ 124 F.3d 597, 604 (4th Cir. 1997).

¹⁰ 520 F. Supp. 2d 911, 916 (W.D. Tenn. 2007).

¹¹ *Id.* at 916-17.

¹² 890 F. Supp. 616 (S.D. Tex. 1995).

When the city ordered the carport's removal, Robinson applied for and was denied a variance. Robinson then sued, alleging a violation of the ADA. The Court granted the city's motion for summary judgment, holding that the ordinance at issue was neither facially discriminatory nor discriminatory as applied to Robinson.

Off-street parking requirements are part of the fundamental zoning scheme for Winter Park's single-family residential neighborhoods. The staff report for the McCoy application states:

In the Building Department's view, off-street parking requirements are a fundamental aspect of the Winter Park zoning code. The code provisions at issue, which establish and require off-street parking behind the required front setback, promote aesthetics in the City's residential neighborhoods by not forcing all vehicles to be parking in front of the residence or in the street. Our code reflects a legislative prerogative that parked motor vehicles should not have an overbearing presence on residential streets and front yards. At the 2015 hearing before the Board of Adjustment, the Building Department stated that removing the covered parking and converting this space into living area "force[s] more parking to occur in front of the home or out into the street, and results in the devaluation of the property [values]."

The most recent photograph of the McCoy Property on the Orange County Property Appraiser's website, dated August 7, 2019, shows two motor vehicles parked in tandem in front of the house, blocking views and creating a significant presence, in relation to the size of the house:



1830 BRYAN AVE, WINTER PARK, FL 32789 8/7/2019 9:26 AM

Motor vehicles parked in front yards and on the street can hide children playing and create safety hazards. Staff has expressed concern that a variance here could set a precedent and change the character of single-family neighborhoods in the City on a larger scale.

When granting a variance, “The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this article, and not be injurious to the neighborhood, or otherwise detrimental to the public welfare.” Section 58-91(c)(7). The Board of Adjustment cannot make this finding if it determines that the requested variance would alter the fundamental zoning scheme.

C. Variations Are Not Intended for Correcting Self-Created Conditions

Section 58-91 of the City Code states:

(c) A variance from the terms of this article shall not be granted by the board of adjustment unless and until:

- (1) A written application for a variance is submitted demonstrating:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district;
 - b. That literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this article;
 - c. That the special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this article to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

In the present case, Mr. McCoy created “special conditions and circumstances” by eliminating the carport in his house without a building permit and inspections. The fact that his property violates the City’s off-street parking requirement and creates a non-conformity is a self-inflicted harm. As the Board of Adjustment’s vice chair stated in 2015, there is no ADA exception to the requirement to obtain a building permit. The City Code does not contemplate variances to correct “actions of the applicant.”

Mr. George Wiggins
February 17, 2020
Page 8

Please advise if we can answer any specific questions or clarify anything in this analysis.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Richard S. Geller", with a large, stylized flourish extending to the right.

Richard S. Geller



401 South Park Avenue • Winter Park, Florida 32789

407-599-3237 • 407-599-3499 fax
cityofwinterpark.org

**Building &
Permitting
Services**

TO: BOARD OF ADJUSTMENTS MEMBERS
FROM: GEORGE WIGGINS, DIRECTOR OF BLDG/LEGISLATIVE AFFAIRS
DATE: February 18, 2020
SUBJECT: Patel VARIANCE REQUEST, 963 Orange Ave

The applicant is requesting a variance to allow the construction of building additions at or near the side property lines with approximate setbacks of 6 inches from the east and west side lot lines to accommodate space for building footings.

This former office building is being converted into a cigar bar with space for 24 seats at tables and at a bar which is permitted under the general commercial (C-3) zoning district. However, alcohol sales of beer and wine is limited to no more than 25% of the food and retail sales for this use in order to qualify for a beer and wine license.

One of the proposed additions will occupy space which has been used for an entry drive to access parking at the rear of the building. However, this property has an existing entry driveway into the parking lot from Denning Drive which has been in use for many years. Therefore, the front entry drive is no longer needed. The rear parking lot provides 8 parking spaces which is one more than the minimum required for the proposed 24 seats in this type of business. For a food related establishment on Orange Avenue, the parking requirement is one space for each four seats. A total of 24 seats is shown on the plans, which include table and bar seating areas.

The area of the lot is 8,183 square feet with 6,321 square feet of proposed impervious coverage, which is 78% of the lot area. Up to 85% of impervious coverage is permitted on commercial properties.

This proposed building with additions will have a total area of 2,211 square feet with spaces providing storage, a seating and bar area, a humidor and restroom space.

The proposed side walls are void of any windows or openings due to the fact that the building close to the property line requires providing a fire rated wall with no openings under the Florida Building Code. If the west side wall is set back 5 feet then a limited number of windows or other openings is permitted. The original plan from the applicant did show openings along this side, however, were removed in order to comply with the Building Code.

No letters have been received regarding this variance request.

**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 _____
Assigned _____
Date of Hearing _____

Applicant: HIREN Patel
9700 W. Lake Ruby Dr.
(Address) Winter Haven FL 33884
(City, State) (Zip)
407-375-9249
(Phone - Home)
407-375-9249
(Phone - Work or Cell)
Donpatel23@yahoo.com
(Email Address)

Owner: HIREN Patel
9700 W. Lake Ruby Dr.
(Address) Winter Haven FL 33884
(City, State) (Zip)
407-375-9249
(Phone - Home)
407-375-9249
(Phone - Work or Cell)
Donpatel23@yahoo.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 _____, Subsection _____, Zoning C-3.

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 963 Orange Ave
Legal description of property REXARDEN H/13S LOT 6 BLK A (LESS STRD)

Describe variance request REDUCTION OF SIDE YARD SETBACK to 0'
AS WILL POTENTIALLY BE ALLOWED VIA
NEW ORANGE AVE. OVERLAY DISTRICT.

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.

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

EXISTING BUILDING IS NON-CONFORMING (0' SETBACK) ON EAST SIDE. EXPANSION AT REAR OF BUILDING WOULD FOLLOW. DUE TO GRADING OF PARKING, PUBLIC SIDEWALK ELEVATION ACCESS TO BUILDING IS NOT ADA COMPLIANT.

How long have you owned the property? —

How long have you occupied the property? —

2. 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?

LOTS 3, 7, 8, 9, + 10 (THIS IS LOT 6) ALL ADJACENT CURRENTLY HAVE 0' SETBACK STRUCTURES.

3. 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.

EXPANSION TO NORTH WOULD FOLLOW EXISTING BUILDING WALL - WHICH IS EXISTING WITHIN SETBACK CREATING A "NOTCH" AT NE CORNER OF BUILDING WOULD CREATE AN UNDESIRABLE/POTENTIALLY UNSAFE CONDITION. REMOVAL OF DRIVE AND EXTENSION OF CONT'D.

4. 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?

POSSIBLY - DIMENSIONAL ASK IS MINIMAL @ 5'-0"

[Signature]
Signature of Applicant

1/10/20
Date

Hiron Patel
Name of Applicant (PRINT)

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

EXISTING BUILDING IS NON-CONFORMING (0' SETBACK) ON EAST SIDE. EXPANSION AT REAR OF BUILDING WOULD FOLLOW. DUE TO GRADING OF PARKING, PUBLIC SIDEWALK ELEVATION ACCESS TO BUILDING IS NOT ADA COMPLIANT.

How long have you owned the property? —

How long have you occupied the property? —

2. 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?

LOTS 3, 7, 8, 9, + 10 (THIS IS LOT 6) ALL ADJACENT CURRENTLY HAVE 0' SETBACK STRUCTURES.

3. Describe fully the hardship (from zoning requirements specific in describing the hardship and give all reasons for the hardship. Note: Financial reasons are not a hardship under the Zoning Code requirements.

EXPANSION TO NORTH WALL BUILDING WALL - WHICH IS CREATING A "NOTCH" AT WOULD CREATE AN UNDESIRABLE CONDITION. REMOVAL OF D

Only lots 3 & 10 have 0' ea. side
7, 8 & 9 have stbk on other sides
E. Wiggins

4. 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?

POSSIBLY - DIMENSIONAL ASK IS MINIMAL @ 5'-0"

[Signature]
Signature of Applicant

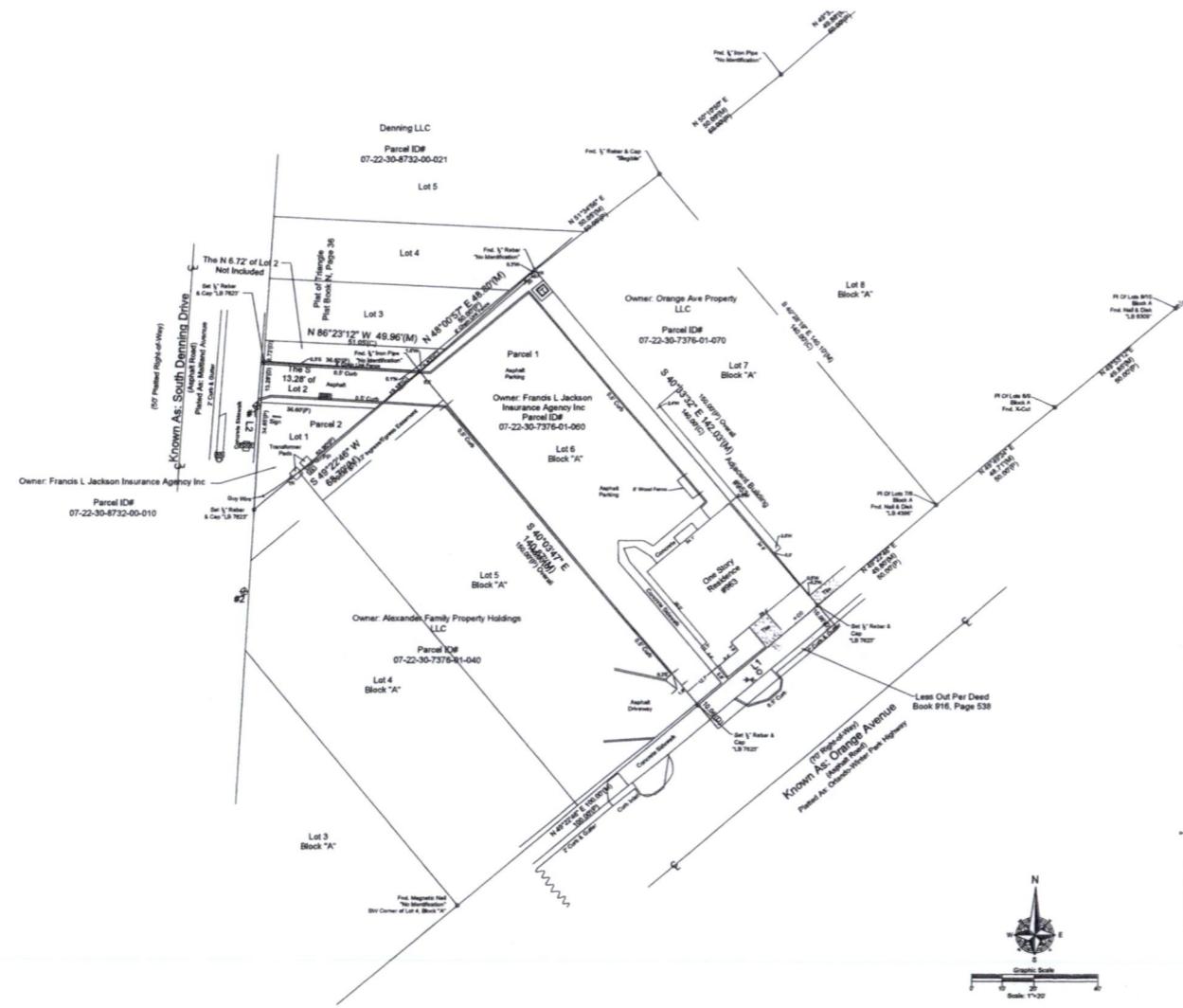
1/10/20
Date

Hiram Patel
Name of Applicant (PRINT)

CONT'D ...

BUILDING WILL ALLOW FOR GRADE/RAMPING TO BE PROVIDED, PROVIDING BETTER ACCESSIBILITY INTO THE BUILDING.

RECEIVED
JAN 13 2020
BY
963 Orange Ave



LEGAL DESCRIPTION:

PARCEL 1:
LOT 6, BLOCK "A" OF REXARDEN, AS PER PLAT THEREOF RECORDED IN PLAT BOOK "N", PAGE 135, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA;
LESS THAT PART DEEDED TO THE STATE OF FLORIDA FOR ROAD PURPOSES AS SET OUT IN DEED BOOK #16, PAGE 538, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA;
TOGETHER WITH AN EASEMENT 12 FEET IN WIDTH ALONG THE REAR OF LOTS 4 AND 5, BLOCK "A", OF REXARDEN FOR THE PURPOSE OF INGRESS AND EGRESS;
AND
PARCEL 2:
LOTS 1 AND 2 OF TRIANGLE SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "N", PAGE 38, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS THE NORTH 6.72 FEET OF SAID LOT 2.

CONSULTANT:

Issued For

Revisions

Description	Date

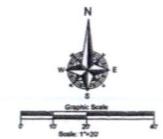


Project No: 18001
Drawn By: Author
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SURVEY

A004

1 SURVEY
1" = 20'-0"



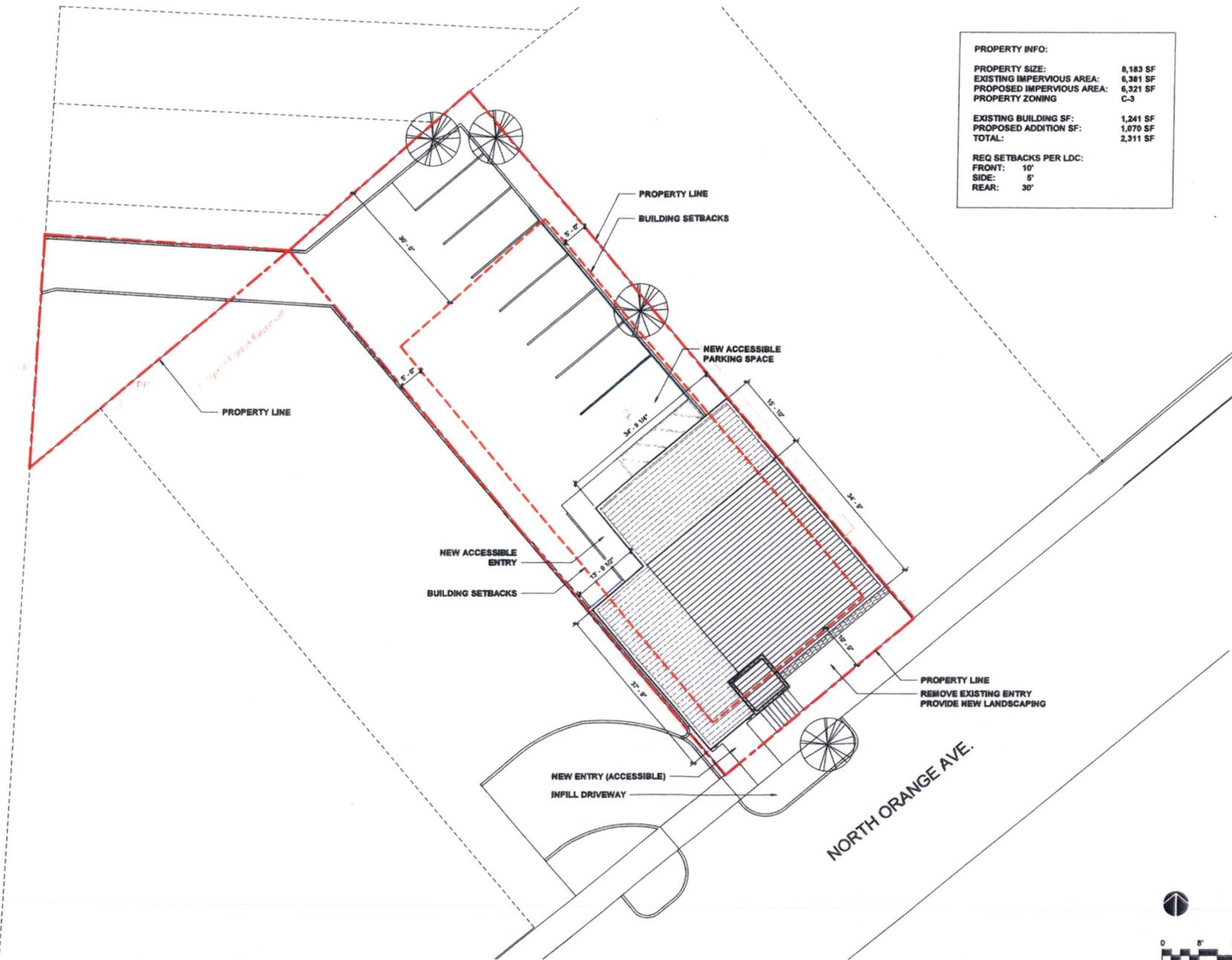
1/11/2020 11:48:35 AM

Studio 407 LLC
 7680 Universal Boulevard Suite 300
 Orlando, FL 32819
 (407) 342-5995
 jeff@407studio.com | www.407studio.com

963 Orange Ave



PROPERTY INFO:	
PROPERTY SIZE:	8,183 SF
EXISTING IMPERVIOUS AREA:	6,381 SF
PROPOSED IMPERVIOUS AREA:	6,321 SF
PROPERTY ZONING:	C-3
EXISTING BUILDING SF: 1,241 SF	
PROPOSED ADDITION SF: 1,070 SF	
TOTAL: 2,311 SF	
REQ SETBACKS PER LDC:	
FRONT:	10'
SIDE:	5'
REAR:	30'



CONSULTANT:

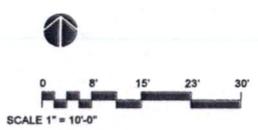
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1 SITE PLAN
 1" = 10'-0"

SITE PLAN

A100

1/10/2020 11:48:37 AM



963 Orange Ave



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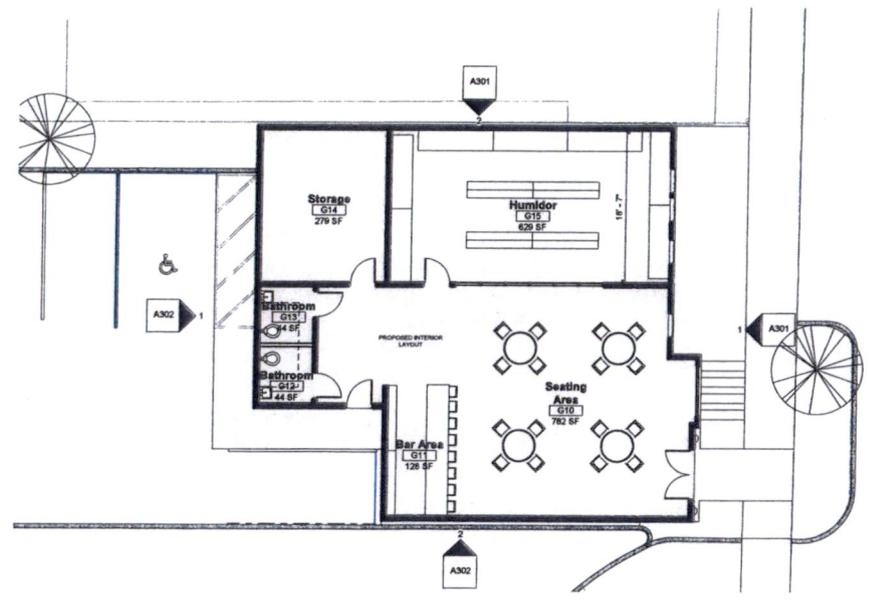
Seal



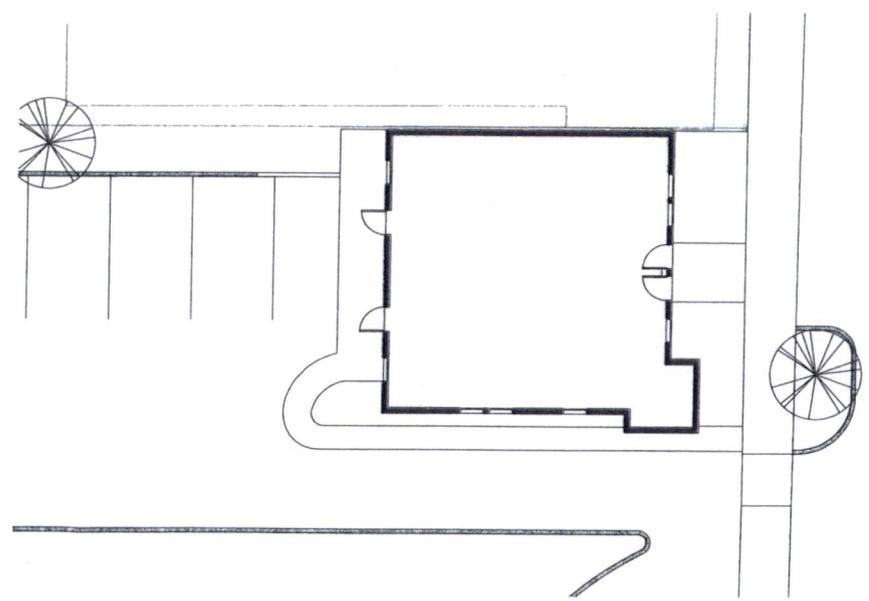
Project No: 18001
 Drawn By: Author
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 Sheet Title: _____

FLOOR PLANS

A200



2 PROPOSED FLOOR PLAN
 1/8" = 1'-0"



1 EXISTING GROUND FLOOR PLAN
 1/8" = 1'-0"



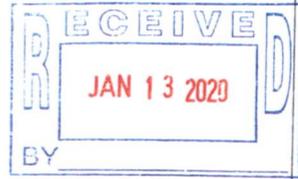
SCALE 1/8" = 1'-0"

_BUILDING MATERIAL KEYNOTE SCHEDULE	
TAG	NOTE

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7680 Universal Boulevard Suite 300
Orlando, FL 32819
(407) 342-5995
jeff@407studio.com | www.407studio.com

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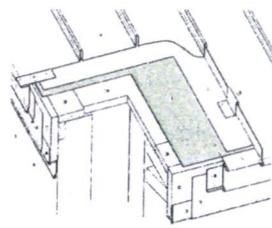
Description	Date



Project No: 18001 Jeff Gaither, AIA
Drawn By: Author AR33665
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Sheet Title

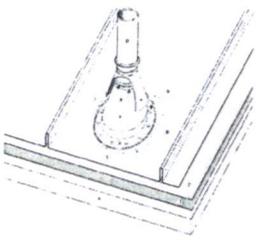
ROOF PLAN

A210



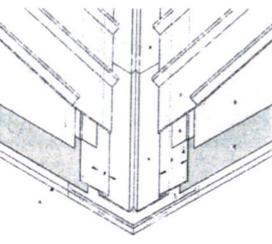
- (1) Ice Dam Protection: Accepted self-adhered modified bituminous membrane.
 - (2) Slip Sheet: Recommended over asphaltic underlays and / or as required by metal panel manufacturer.
 - (3) Metal Panel Clip: Installed to metal roof panel manufacturer's printed instructions.
 - (4) Architectural Metal Roof Panel
 - (5) Continuous Metal Cleat
 - (6) Metal Fascade Flashing
 - (7) Continuous Edge Metal Flashing
- SUPPORT MEMBERS:
(A) 5/8" Plywood Decking
(B) Wood Nailer
(C) Facets Board

2 EAVE DETAIL
3/4" = 1'-0"



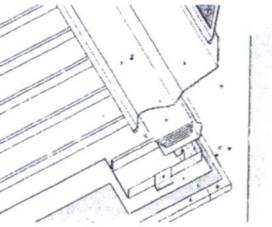
- (1) Underlayment: The type of underlay required is determined by roof slope PER MANUFACTURER'S PRINTED INSTRUCTIONS.
 - (2) Slip Sheet: Recommended over asphaltic underlays and / or as required by metal roof panel manufacturer.
 - (3) Architectural Metal Roof Panel
 - (4) Flange: Set in two continuous beads of accepted caulking.
 - (5) Preformed Penetration Collar
 - (6) High Dome, Gasketed, Cladding Type Screw: Flange fastened to manufacturer's specifications.
 - (7) Seal Between Pipe And Flashing: Continuous tool-d bead of accepted caulking.
 - (8) Stainless Steel Drawband
 - (9) Water Tight Back Up Storm Collar: Installed where practical.
- SUPPORT MEMBERS:
(A) 5/8" Plywood Decking
(B) Location Of Penetrations - must not interfere with standing seams or trapezoidal and intermediate ribs.
(C) Opening In Roof Deck - must be large enough to allow for thermal movement of metal roof panels.
(D) Pipe Or Support Stand

3 ROOF PENETRATION DETAIL
3/4" = 1'-0"



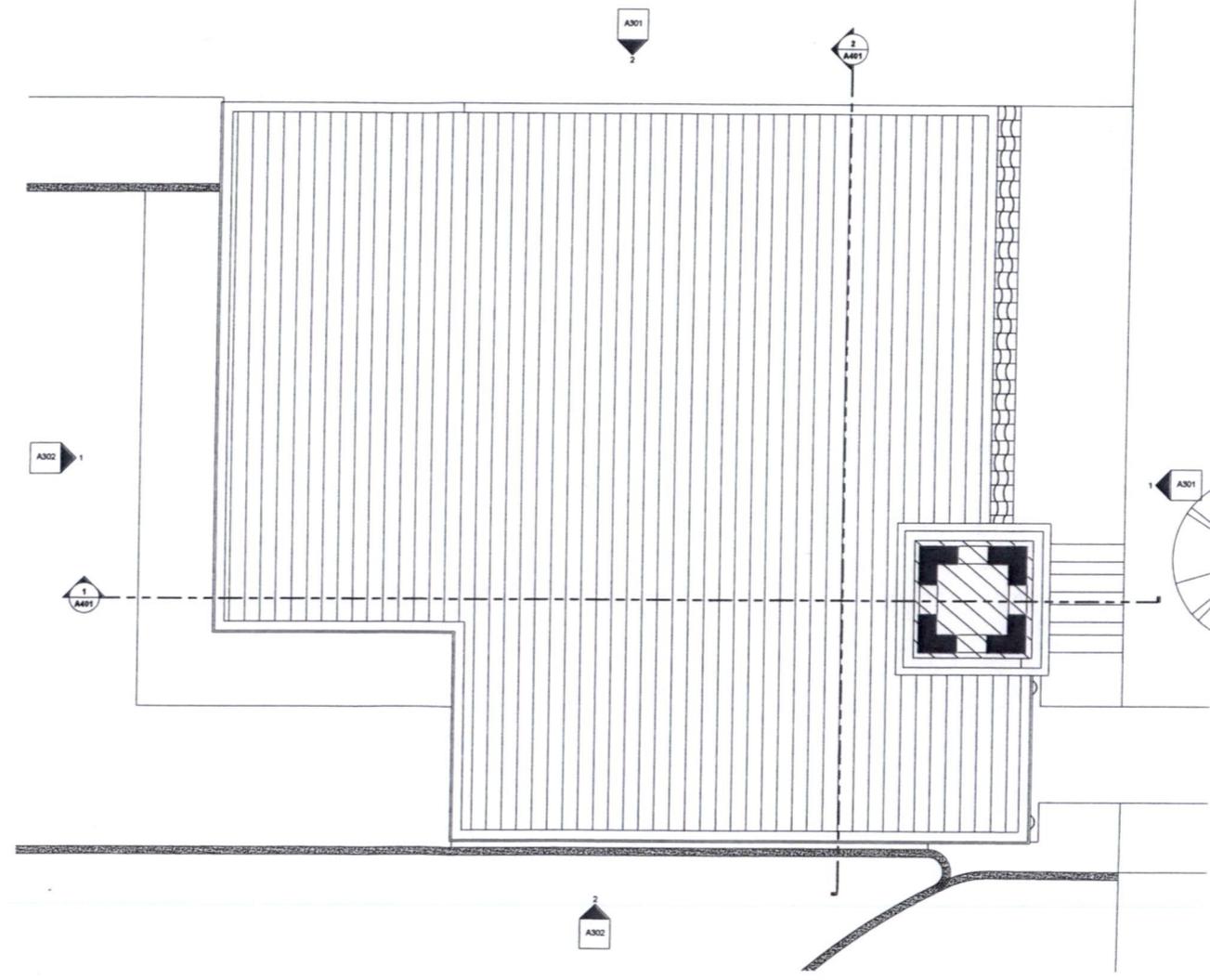
- (1) Valley Protection Membrane: Accepted self-adhered modified bituminous eave protection membrane.
 - (2) Underlayment: The type of underlay required is determined by roof slope (see Section 8.1.4.1 and Section 8.1.4.2).
 - (3) Slip Sheet: Recommended over asphaltic underlays and / or as required by metal roof panel manufacturer.
 - (4) Valley Metal Panel: Preformed with centre rib and built-in continuous lock.
 - (5) Fastening: Metal valley panels to be secured with compatible, non-corrosive. Set head fasteners 200 mm (8") c/c. Metal roof panel to metal valley panel overlap must be a minimum of 125 mm (5").
 - (6) Membrane Slip-bar: Accepted self-adhered modified bituminous eave protection membrane.
 - (7) Architectural Metal Roof Panel
 - (8) Continuous Built-In Hook Strip
 - (9) Valley Panel Overlap: Set in two continuous rows of accepted caulking or sealant tape.
- SUPPORT MEMBERS:
(A) 5/8" Plywood Decking

4 VALLEY DETAIL
3/4" = 1'-0"



- (1) Underlayment: The type of underlay required is determined by roof slope
 - (2) Slip Sheet: Recommended over asphaltic underlays and / or as required by metal roof panel manufacturer.
 - (3) Architectural Metal Roof Panel: Turned up (broad panes) at termination.
 - (4) Metal Roof Panel Clip: Installed to metal roof manufacturer's printed instructions.
 - (5) Closure: set in accepted caulking and secured with compatible, non-corrosive flat head fasteners.
 - (6) Manufactured plastic batten:
 - (7) Exposed Fastener: High dome, gasketed cladding type screw compatible with metal roof panel.
 - (8) Metal Base Flashing: Must extend 200 mm (8") over metal roof panel. Lap joints must be sealed with two rows of accepted caulking. Exposed edges to be taped under.
- SUPPORT MEMBERS:
(A) 5/8" Plywood Decking
(B) Wood Nailer
(C) Free Vent Area
(D) Wall
(E) Building Paper

5 WALL TO ROOF FLASHING
3/4" = 1'-0"



1 ROOF
1/4" = 1'-0"

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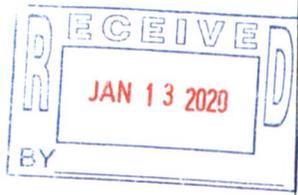
_BUILDING MATERIAL KEYNOTE SCHEDULE

TAG	NOTE
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STUDIO 407

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 7680 Universal Boulevard Suite 300
 Orlando, FL 32819
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 jeff@407studio.com | www.407studio.com

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CONSULTANT: _____

Issued For _____

Revisions

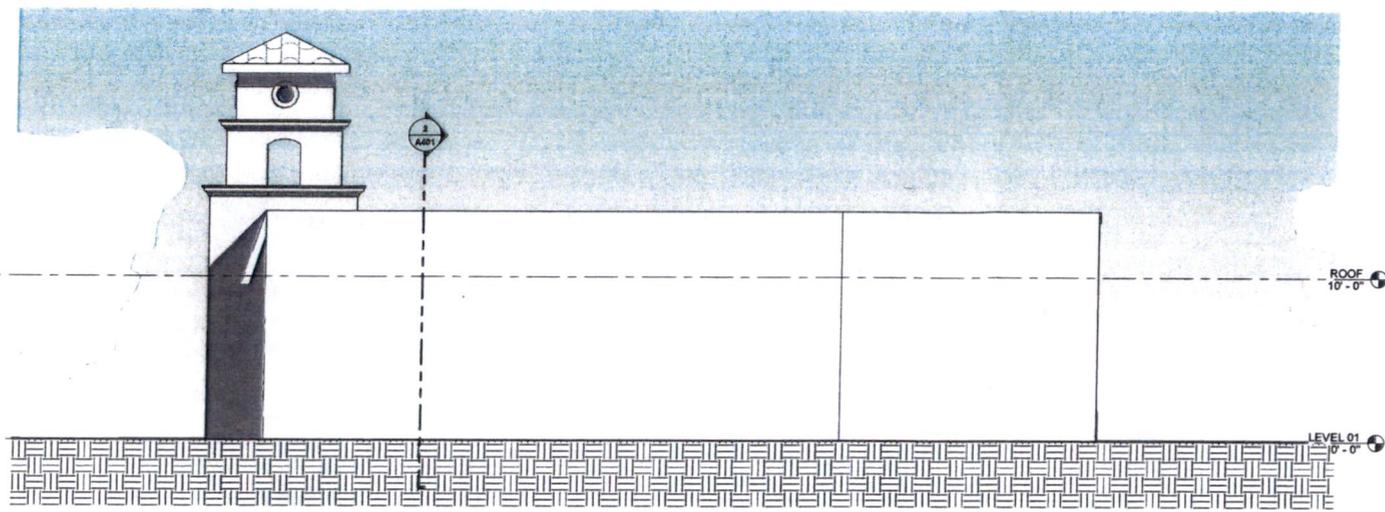
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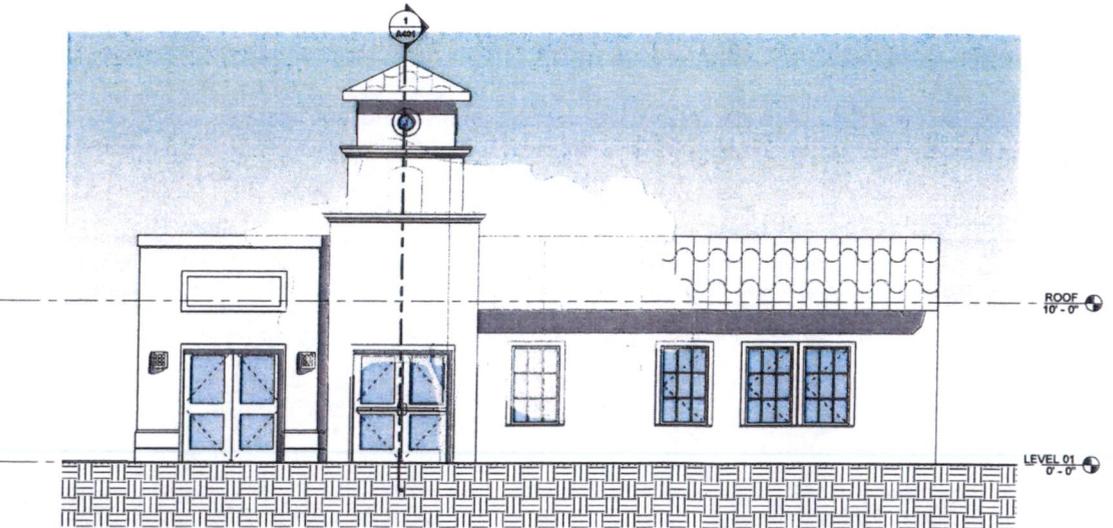
Project No: 18001
 Drawn By: Author
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 Sheet Title

EXTERIOR ELEVATIONS

A301



2 NORTH ELEVATION
 1/4" = 1'-0"



1 EAST ELEVATION
 1/4" = 1'-0"

FLASHING NOTES:

Exterior walls shall provide the building with a weather-resistant exterior wall envelope. The exterior wall envelope shall include flashing as described below.

One layer of No. 15 asphalt felt, free from holes and breaks, complying with **ASTM D 226** for Type 1 felt or other approved water-resistant barrier shall be applied over studs or sheathing of all exterior walls. Such felt or material shall be applied horizontally, with the upper layer lapped over the lower layer not less than 2 inches (51 mm). Where joints occur, felt shall be lapped not less than 6 inches (152 mm). The felt or other approved material shall be continuous to the top of walls and terminated at penetrations and building appendages in a manner to meet the requirements of the exterior wall envelope.

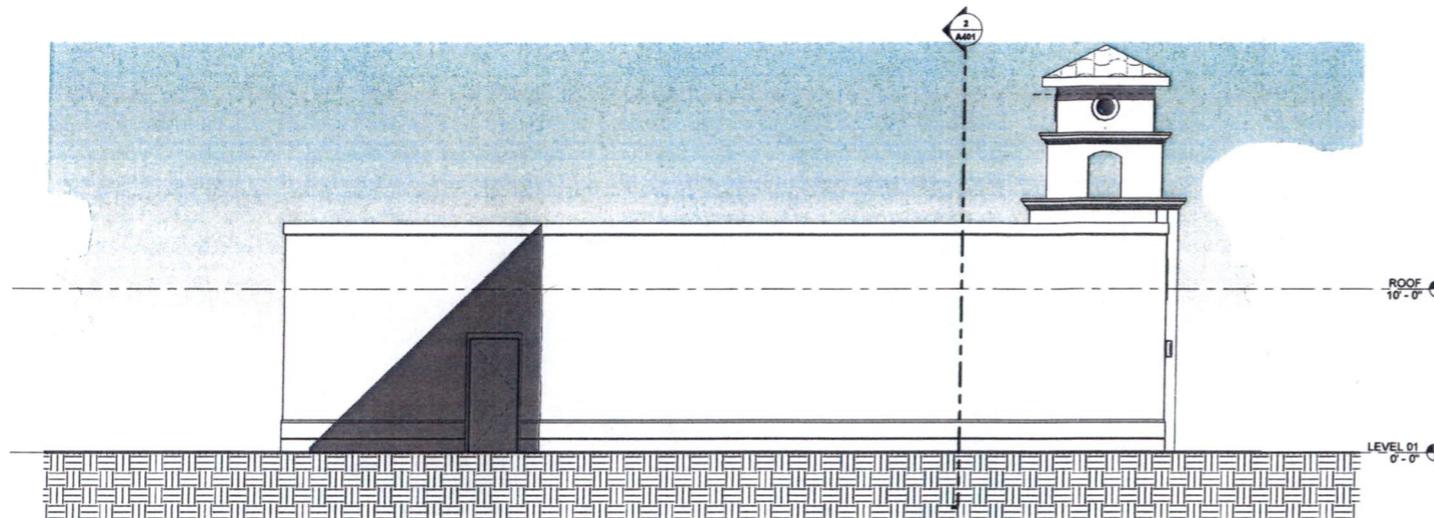
Approved corrosion-resistant flashing shall be applied shingle-fashion in a manner to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. Self-adhered membranes used as flashing shall comply with **AAMA 711**. The flashing shall extend to the surface of the exterior wall finish. Approved corrosion-resistant flashings shall be installed at all of the following locations:

- Exterior window and door openings. Flashing at exterior window and door openings shall extend to the surface of the exterior wall finish or to the water-resistant barrier for subsequent drainage. Flashing at exterior window and door openings shall be installed in accordance with one or more of the following or other approved method:
 - 1.1 In accordance with **FMA/AAMA 100**, **FMA/AAMA 200**, or **FMA/NDMA 250**.
 - 1.2 In accordance with the flashing details provided herein.
- At the intersection of chimneys or other masonry construction with frame or stucco walls, with projecting lips on both sides under stucco copings.
- Where exterior porches, decks or stairs attach to a wall or floor assembly of wood-frame construction.

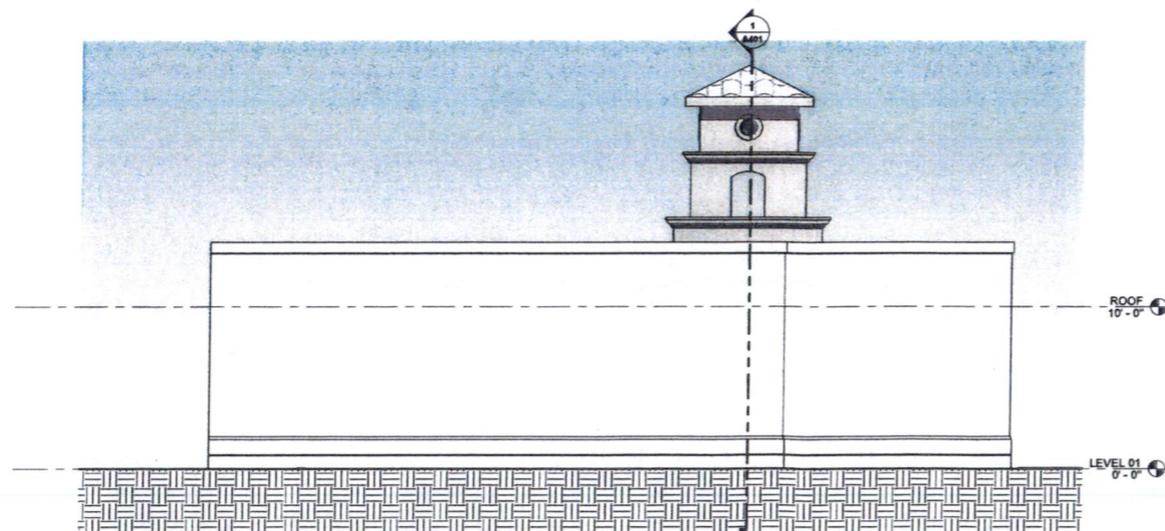
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963 Orange Ave

_BUILDING MATERIAL KEYNOTE SCHEDULE	
TAG	NOTE



2 SOUTH ELEVATION
1/4" = 1'-0"



1 WEST ELEVATION
1/4" = 1'-0"

FLASHING NOTES:

Exterior walls shall provide the building with a weather-resistant exterior wall envelope. The exterior wall envelope shall include flashing as described below.

One layer of No. 15 asphalt felt, free from holes and breaks, complying with ASTM D 226 for Type 1 felt or other approved water-resistant barrier shall be applied over studs or sheathing of all exterior walls. Such felt or material shall be applied horizontally, with the upper layer lapped over the lower layer not less than 2 inches (51 mm). Where joints occur, felt shall be lapped not less than 6 inches (152 mm). The felt or other approved material shall be continuous to the top of walls and terminated at penetrations and building appendages in a manner to meet the requirements of the exterior wall envelope.

Approved corrosion-resistant flashing shall be applied shingle-fashion in a manner to prevent entry of water into the wall cavity or penetration of water to the building structural framing components. Self-adhered membranes used as flashing shall comply with AAMA 711. The flashing shall extend to the surface of the exterior wall finish. Approved corrosion-resistant flashings shall be installed at all of the following locations:

1. Exterior window and door openings. Flashing at exterior window and door openings shall extend to the surface of the exterior wall finish or to the water-resistant barrier for subsequent drainage. Flashing at exterior window and door openings shall be installed in accordance with one or more of the following or other approved method:
 - 1.1 In accordance with FMA/AAMA 100, FMA/AAMA 200, or FMA/WDMA 250.
 - 1.2 In accordance with the flashing details provided herein.
2. At the intersection of chimneys or other masonry construction with frame or stucco walls, with projecting lips on both sides under stucco copings.
3. Where exterior porches, decks or stairs attach to a wall or floor assembly of wood-frame construction.



CONSULTANT: _____

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Concept Package 12/13/18

Revisions

Description	Date
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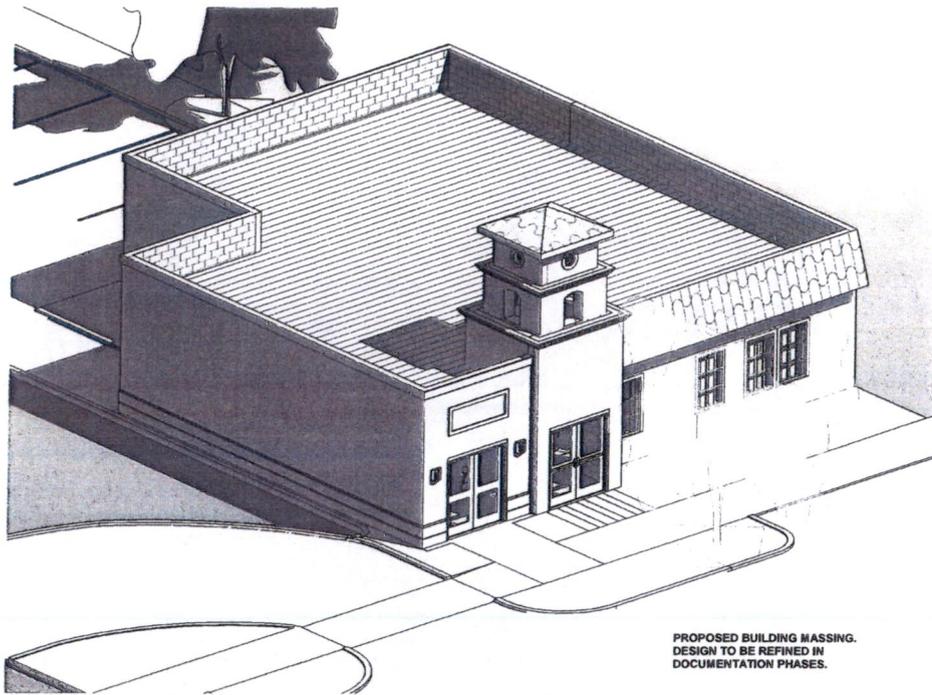


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EXTERIOR ELEVATIONS

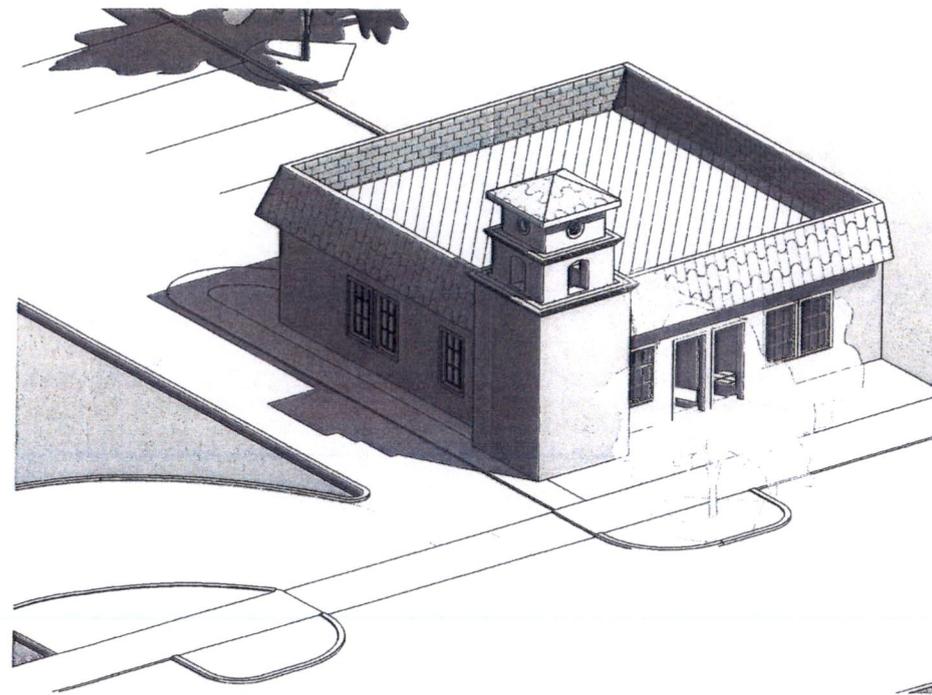
A302

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 BY _____
 963 Orange Ave



PROPOSED BUILDING MASSING.
 DESIGN TO BE REFINED IN
 DOCUMENTATION PHASES.

2 PROPOSED BUILDING MASSING



1 EXISTING BUILDING

CONSULTANT: _____

Issued For _____

Revisions

Description	Date



Project No: 19001
 Drawn By: Author
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 Sheet Title

3D VIEWS

A701



401 South Park Avenue • Winter Park, Florida 32789

407-599-3237 • 407-599-3499 fax
cityofwinterpark.org

**Building &
Permitting
Services**

TO: BOARD OF ADJUSTMENTS MEMBERS
FROM: GEORGE WIGGINS, DIRECTOR OF BLDG/LEGISLATIVE AFFAIRS
DATE: February 18, 2020
SUBJECT: Marsh VARIANCE REQUEST, 261 Rippling Lane

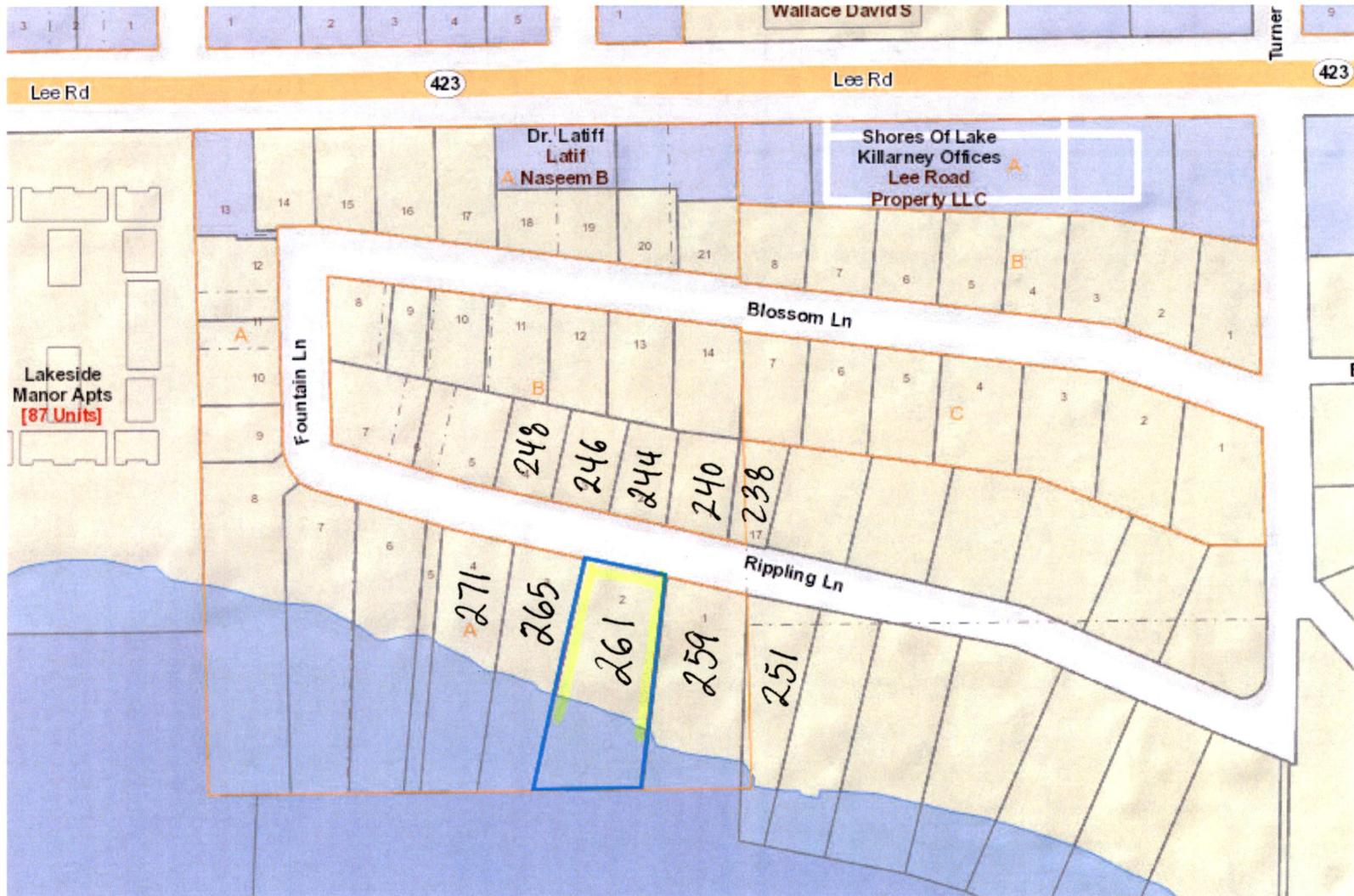
The applicant is requesting a variance to allow the extension of existing 6-foot (opaque) vinyl fencing to the water's edge of Lake Killarney whereas the provision of substantially open fencing within 50 feet of the lake is required.

Along the east side lot line of this lakefront property, an existing 6 foot high vinyl fence was previously erected to a point approximately 50 feet back from the water's edge of Lake Killarney. The remainder of the fencing along this lot line consists of green chain link and open wrought iron fencing. The applicant wishes to provide consistent vinyl fencing along this side lot line instead of having three different types of fencing. Currently, this proposed location of new fencing already has a visual barrier consisting of dense landscaping.

The applicant points out that the adjacent home on the east side is built as close as 20 feet to the lakes edge, is elevated substantially and therefore the code reason to require open fencing near the shoreline does not exist in this situation. The adjacent home was built in 1978 prior to annexation into the city, when lakefront setbacks were allowed to be less than 50 feet.

No letters have been received regarding this request.

261 Rippling Lane



**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 1/23/2020
Assigned _____
Date of Hearing FEB 18

Applicant: Laura Marsh

Owner: Lawrence & Laura Marsh

261 Rippling Ln
(Address)
Winter Park, FL 32789
(City, State) (Zip)
321-356-8300
(Phone - Home)

261 Rippling Lane
(Address)
Winter Park, FL 32789
(City, State) (Zip)
321-356-8300
(Phone - Home)

(Phone - Work or Cell)
lauramarsh35@yahoo.com
(Email Address)

(Phone - Work or Cell)
lauramarsh35@yahoo.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 _____, Subsection _____, 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 261 Rippling Lane Winter Park, FL 32789
Legal description of property 02-22-29-8008-01020

Shores of Lake Killarney Sec 2 T/91
Lot 2 BIK A e An Undivided Int In L0
Describe variance request To remove chain link & wrought iron fencing and replace and extend existing vinyl fence to make it uniform.

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

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

Because the neighbor's house is 20ft from the lake high waterline and the house is elevated above ground built on pilings, this will provide a more uniform & appealing boundary that will not affect or take away from their current view.

How long have you owned the property? 22 years

How long have you occupied the property? 22 years

2. 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? Since the

neighbor's home is 20ft from the shoreline & elevated the applicant never had the rights or privileges commonly enjoyed by other properties in the same zoning district. On the neighbor's side, their view will continue to be uncompromised, their windows are high above the top of the fence line.

3. 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.

Granting variance will eliminate having three different types of fences along the same side.

This will improve the existing fence and provide a more aesthetic view for both side.

It will also improve the property value for all concerned.

4. 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? Yes, as any variance, even if limited, would

be an improvement to the existing fencing.

Laura J Marsh

Signature of Applicant

1/23/2020

Date

Laura J. Marsh

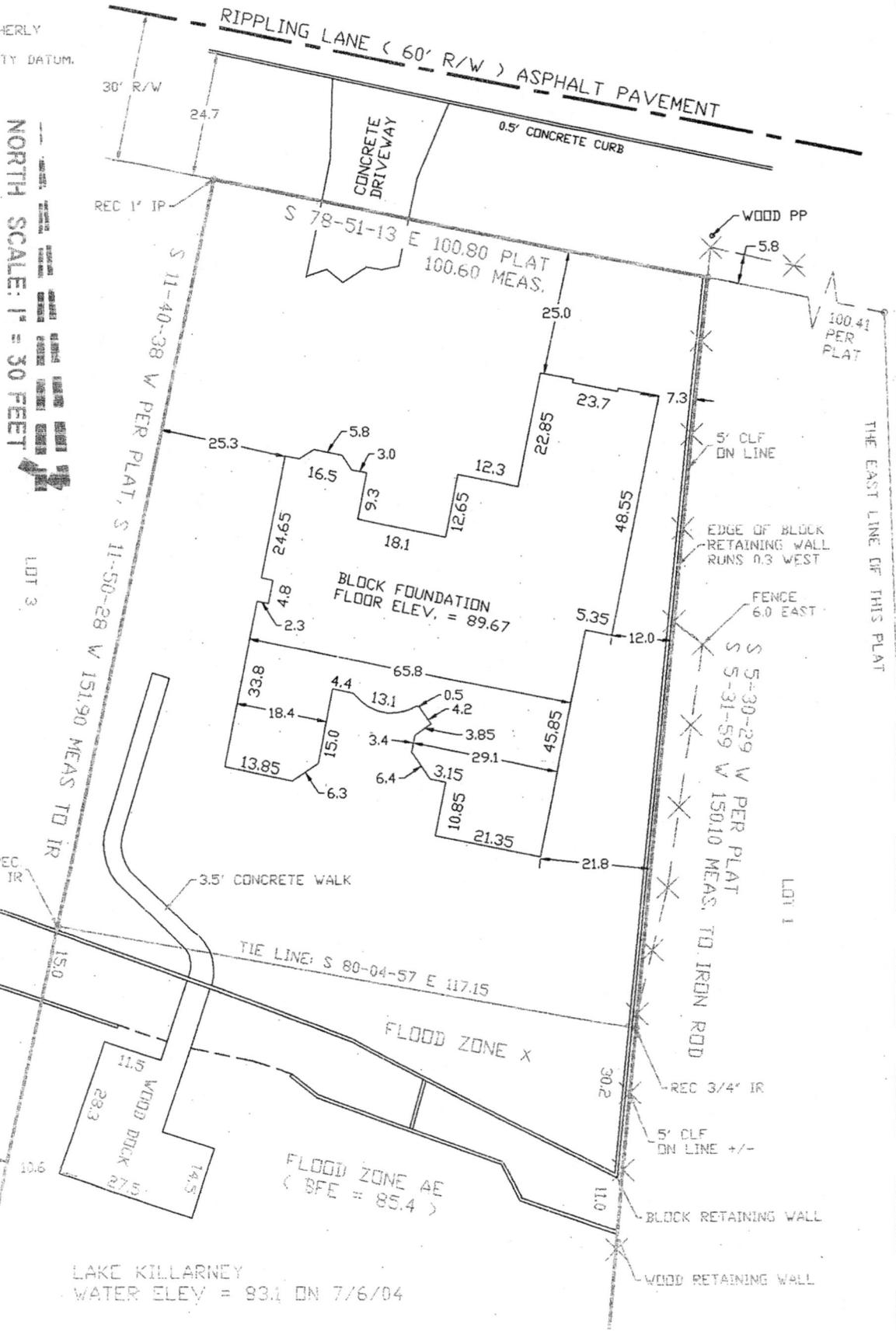
Name of Applicant (PRINT)

BOUNDARY SURVEY

LEGAL DESCRIPTION: LOT 2, BLOCK A, THE SHORES OF LAKE KILLARNEY, SECTION 2, according to the Plat thereof as recorded in Plat Book T, Page 91, Public Records of Orange County, Florida.

CERTIFIED TO:
DUKE MARSH
CHASE MANHATTAN MORTGAGE CORPORATION
FIRST AMERICAN TITLE CROWN AND COMPANY

SPECIFIC SURVEY NOTES:
BEARINGS ARE BASED ON THE SOUTHERLY R/W OF RIPPLING LANE PER PLAT.
ELEVATIONS ARE PER ORANGE COUNTY DATUM.



NORTH SCALE: 1" = 30 FEET

SURVEYOR'S NOTES:

- 1) PROPERTY DESCRIPTION PROVIDED BY CLIENT. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL EASEMENTS, RESTRICTIONS, AND/OR RIGHTS-OF-WAY FOR WHICH LEGAL DESCRIPTION WAS NOT PROVIDED. NO ABSTRACT OF TITLE IS IMPLIED WITHIN THIS SURVEY.
- 2) ALL LINEAR MEASUREMENTS ARE SHOWN IN DECIMAL FEET.
- 3) SIZE DIMENSIONS ARE IN FEET UNLESS SHOWN WITH INCH SYMBOL (" ").
- 4) ALL ANGLES AND/OR BEARINGS ARE DENOTED IN DEGREES-MINUTES-SECONDS.
- 5) UNDERGROUND IMPROVEMENTS AND/OR IMPROVEMENTS OUTSIDE OF PROPERTY LINES ARE NOT LOCATED UNLESS NOTED.
- 6) REPRODUCTIONS OF THIS DRAWING ARE NOT VALID UNLESS EMBOSSED WITH A RAISED SEAL.

ABBREVIATION LEGEND:
REC = RECOVERED
MEAS. = MEASURED
CLF = CHAIN-LINK-FENCE
PP = POWER POLE
R/W = RIGHT-OF-WAY
= BROKEN LINE (DISTANCE IS NOT SHOWN TO SCALE)

CALC. = CALCULATED
DESC. = PER DESCRIPTION
IR = IRON ROD
CONC. = CONCRETE
C/L = CENTERLINE
WM = WATER METER

SET = SET # 5154 1/2" IRON ROD
PLAT = PER PLAT (ALL DISTANCES IN FEET)
CM = CONCRETE MONUMENT
COR. = CORNER
CONC. = CONCRETE
ASPH. = ASPHALT PAVEMENT
WM = WATER METER

PATRICK K. VANDERWYDEN, PLS
LAND SURVEYING SERVICES
6419 VINELAND ROAD
ORLANDO, FLORIDA 32819

SURVEY DATE 7/6/04 BY PKV

LAKE KILLARNEY
WATER ELEV. = 93.1 ON 7/6/04

FLOOD ZONE: X/AE FEMA PANEL # 12095C020E DATED: 12/6/00







CITY OF WINTER PARK
FEB 11 2020
BUILDING DIVISION



401 South Park Avenue • Winter Park, Florida 32789

407-599-3237 • 407-599-3499 fax
cityofwinterpark.org

**Building &
Permitting
Services**

TO: BOARD OF ADJUSTMENTS MEMBERS
FROM: GEORGE WIGGINS, DIRECTOR OF BLDG/LEGISLATIVE AFFAIRS
DATE: February 18, 2020
SUBJECT: Winter Park Real Estate VARIANCE REQUEST, 2161 N. Park Avenue

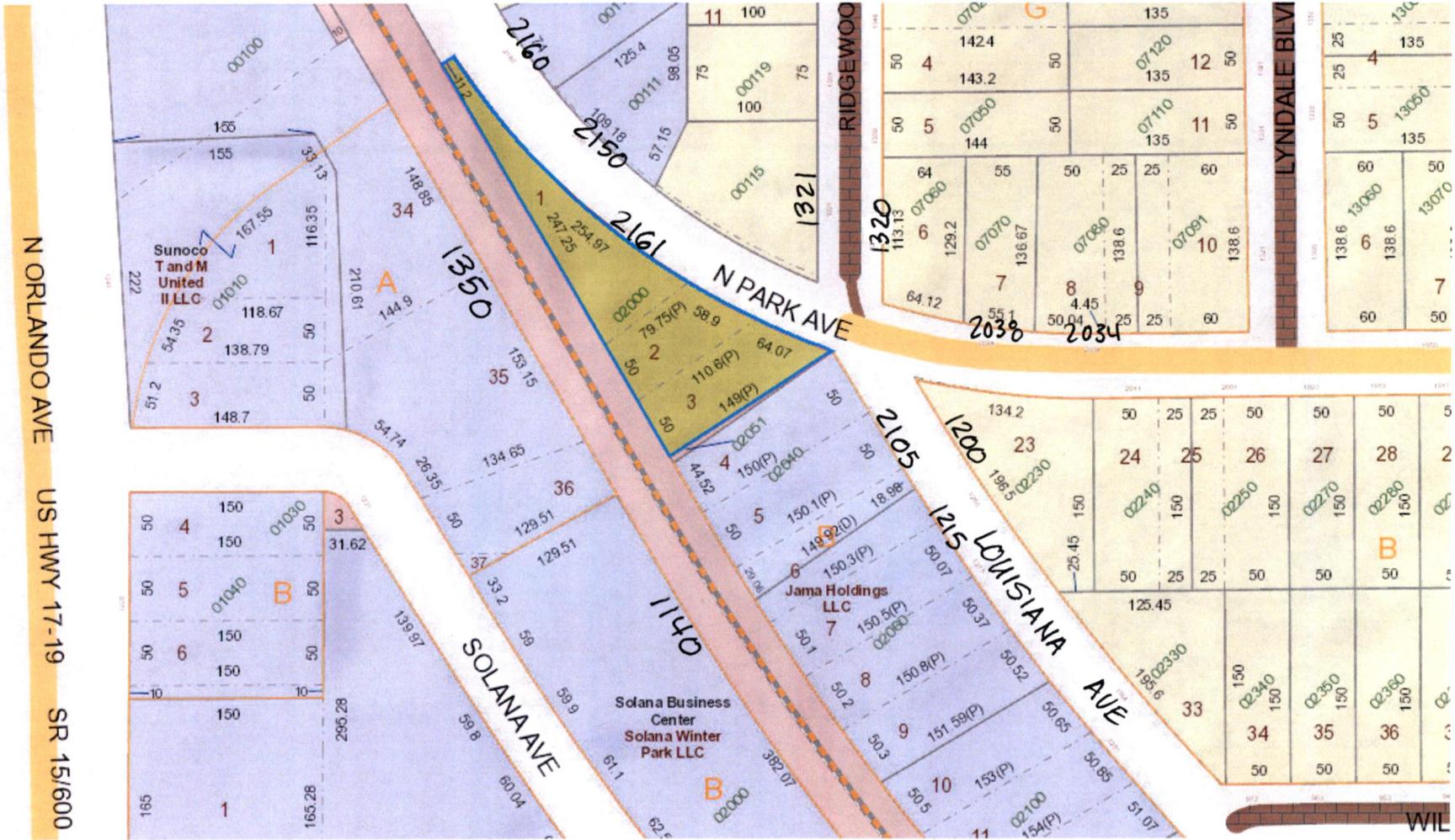
The applicant is requesting a reinstatement of variances granted September 15, 2015, to allow the construction of a two-story office building to be located 5 feet from the front lot line and 2 feet from the side lot line, whereas the required setbacks are 10 feet and 5 feet respectively and to allow a parking lot landscape buffer that varies from 0 feet to 8 feet in lieu of 8 feet due to the unique shape of the front landscape buffer matching the triangular lot shape.

Although this request came before the Board in 2015, no major Zoning Code changes have taken place which will further impact this development or impose any additional or different criteria on this office zoned property.

The minutes of the September 15, 2015 Board meeting are included for your review, along with plans a summary sheet by the project architect, Randall Slocum is provided recounting the variances, special conditions and circumstances and rights or privileges commonly enjoyed by the adjoining properties as they relate to this request.

No additional letters have been received concerning this reinstatement request.

2161 N Park 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 1/21/2020
Assigned _____
Date of Hearing FEB 18

Applicant: OWNER

Owner: WINTER PARK REAL

(Address)

ESTATE ADVISORS, INC

3200 S. HAWKESSEE RD
SUITE # 205

(City, State)

(Zip)

ORLANDO, FL 32835

(City, State)

(Zip)

(Phone - Home)

(Phone - Home)

407 - 523-2323

(Phone - Work or Cell)

(Phone Work or Cell)

narossman@newrossman.com

(Email Address)

(Email Address)

PAUL BRYAN 321-460-0707
paul@groverbryan.com

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

2161 NORTH PARK AVE., WINTER PARK, FL 32789

Legal description of property

PARCEL ID # 01-22-29-8804-02-000, AS

RECORDED IN THE PUBLIC RECORDS OF ORANGE COUNTY, FL

Describe variance request

RENEWAL OF BOARD OF ADJUSTMENTS

VARIANCE PREVIOUSLY GRANTED, PER ATTACHED

LETTER FROM GEORGE WIGGINS, DATED SEPT. 16, 2015

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.

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

SEE ATTACHED DESCRIPTION
(SLOWM PUTTS ARCHITECTS) AS
PREVIOUSLY APPROVED

How long have you owned the property? _____

How long have you occupied the property? _____

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?

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.

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?

Whitehall Real Estate Advisors, Inc.


Signature of Applicant

1/24/2020
Date

Nancy A. Robinson, Assoc.
Name of Applicant (PRINT) Whitehall Real Estate Advisors, Inc.
Klemon, W.V.



BOARD OF ADJUSTMENTS

September 16, 2015

Winter Park Real Estate Advisors Inc.
3200 S. Hiawassee Rd. #205
Orlando, FL 32835

To whom it may concern,

CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

Your request for variances to allow the construction of a two story office building to be located 5 feet from the front lot line and 2 feet from the side lot line, in lieu of the required setbacks of 10 feet and 5 feet respectively; and to allow a parking lot landscape buffer that varies from 0 feet to 8 feet, in lieu of 8 feet, was approved by the Board of Adjustments on September 15, 2015.

The subject property is described as: Parcel ID # 01-22-29-8804-02-000, as recorded in the Public Records of Orange County, Florida.

Located at 2161 N. Park Avenue

Zoned 0-1

Please have your contractor bring a copy of this approval notice when applying for the construction permit for this variance.

If I can be of further assistance please feel free to contact me.

Respectfully,

George J. Wiggins, CBO
Director of Building/Legislative Affairs
407-599-3426

The party/parties receiving this variance shall obtain a permit for the same within a period of ONE (1) YEAR from the Board of Adjustment public hearing date.

ANY VARIANCE GRANTED AND NOT EXERCISED WITHIN ONE (1) YEAR SHALL EXPIRE AND BE OF NO FURTHER FORCE AND EFFECT UNLESS EXTENDED BY THE BOARD OF ADJUSTMENTS. REQUESTS FOR VARIANCE EXTENSIONS MUST BE HEARD BY THE BOARD PRIOR TO THE EXPIRATION DATE OF THE VARIANCE. REINSTATEMENT OF AN EXPIRED VARIANCE WILL REQUIRE RE-PUBLICATION OF THE APPLICATION AND A REHEARING OF THE REQUEST.

Board of Adjustments Minutes

September 15, 2015

Page 3

ACTION

Based on the findings, Jeff Jontz made a motion, seconded by Robert Trompke to approve the request. The request was approved 5-1, with Patrice Wenz voting in opposition.

2. Request of Winter Park Real Estate for variances to allow the construction of a two story office building to be located 5 feet from the front lot line and 2 feet from the side lot line, in lieu of the required setbacks of 10 feet and 5 feet respectively; and to allow a parking lot landscape buffer that varies from 0 feet to 8 feet, in lieu of 8 feet.

Located 2161 N. Park Avenue

Zoned: O-1

George Wiggins, Director of Building re-stated the request and gave the following staff report:

This site is a very unusually shaped property on north Park Avenue, which has been grandfathered in convenience store for many years on this office zoned property. The owner will be demolishing the existing building and is proposing to construct a two story office building. Another unique feature is that this property backs up to the railroad where historically, we have allowed smaller setbacks.

As seen from the plan, the building intrusions into the front setback are corners of the building which has a progressively smaller width along with the length of the property as it proceeds to the north. In the color "Building Setback Diagram" plan, you will see that the corner building areas encroaching into the setback seem to be offset by building area that compensates for these areas back into the site where there is allowable building area out of the setback.

The project is designed to meet the maximum allowable floor area ratio of 45% with a total building area of 8,596 square feet. The allowable impervious coverage for this office zoning is 85% of the lot area. This is achieved with the proposed impervious coverage of 16,884 square feet, is 76.6% of the property. Other development standards such as storm water retention, landscaping details and electric and water utility matters must also be met when preparing the construction plans.

Mr. Wiggins answered questions from the board, stating the ten foot setback for office buildings is typical throughout the city. The Board asked if the Department of Transportation has reviewed the proposal. Mr. Wiggins responded that the City of Public Works Department will review and coordinate roadway requirements. The Board asked

Board of Adjustments Minutes

September 15, 2015

Page 4

if the exterior wall could curve to run parallel with the lot line; and Mr. Wiggins concurred that this could be a possibility.

Rebecca Wilson, land use attorney and representative for the owner, both spoke and presented a PowerPoint presentation. She stated the building will be a vast improvement over the existing building. Ms. Wilson said the existing building provides no rear setback, has no landscaping, no curb and a disturbing looking pole sign. Ms. Wilson said the proposed building, with its stepped front elevation will provide a far better architectural experience than the existing building. Rebecca Wilson summarized the hardships are the irregularly shaped lot, the concave right of way and the railroad right of way.

The Board highlighted the strange shape of the lot and the need for more office space. They concurred the requested variances were minimal and that the front elevation step backs provide the average ten foot setback required. The Board agreed the new building would be a vast improvement.

FINDINGS

The Board stated the hardships are the difficulty of designing a functional office building on this irregular shaped lot and being adjacent to the railroad.

ACTION

Based on the findings, Patrice Wenz made a motion, seconded by Robert Trompke to approve the request. The request was approved 5-1, with Cynthia Strollo voting in opposition.

The meeting was adjourned at 6:09 pm

Theresa Dunkle
Recording Clerk



Variations needed for Park Pointe Office Building:

1. Front Yard Setback from 10' to 5'.
2. Side Yard Setback (adjacent to the Railroad R.O.W.) from 5' to 2'.
3. Landscape Buffer to Parking at the Street from 8' to varies.

Special Conditions and Circumstances:

1. The Lot is exceeding irregular and very narrow at the North West end, with a concave property line which exacerbates the irregularity. *Therefore, the Building design steps back from and protrudes into the 10' setback and recedes from the 10' setback with each step.*
2. The Property backs up to the Railroad R.O.W. *With respect to the depth of the lot, the existing building and neighboring building do not respect the current 30' Rear Yard Setback.*
3. The existing and neighboring properties do not respect the latest Landscape Buffers and Landscape Islands as part of the current parking lot code. *We have attempted to get the largest landscape areas as possible, minimizing the variance item.*
4. The Site Currently has 11 perpendicular parking spaces with signage and landscaping clearly indicating the use. *Therefore, we are asking to keep five (5) of those spaces to meet the required parking for the Office Use as required by the current code.*

Rights or privileges commonly enjoyed by the adjoin properties include:

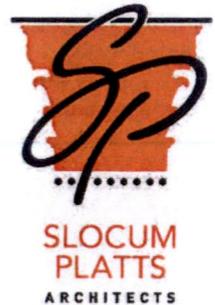
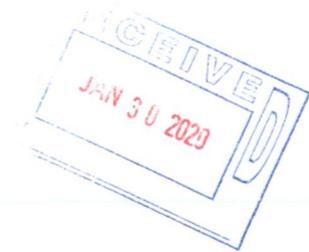
1. The Buildings don't respect the current building setbacks due to the depth of the properties with respect to the Rear Yard Setback of 30' to the Railroad R.O.W.
2. The adjoining properties don't respect the current Parking Lot Landscape Code, as they have very minimal Landscape at the Street and virtually none in the Parking Lots.
3. The Current Perpendicular Parking condition on the immediate property to the North West has 13 parking spaces with reserved signage.

The applicant with consider limited variances or alterations to the proposed design, as long as it doesn't reduce the size of the Building, since we are currently under the allowable maximum Floor Area Ratio, due to the fact that we are reducing the parking on the North West end to only 5 spaces.



2016 COPYRIGHT, ALL RIGHTS RESERVED, SLOCUM PLATTS ARCHITECTS

STREET VIEW
PARK POINTE OFFICE BLDG.
15-012 8.9.16

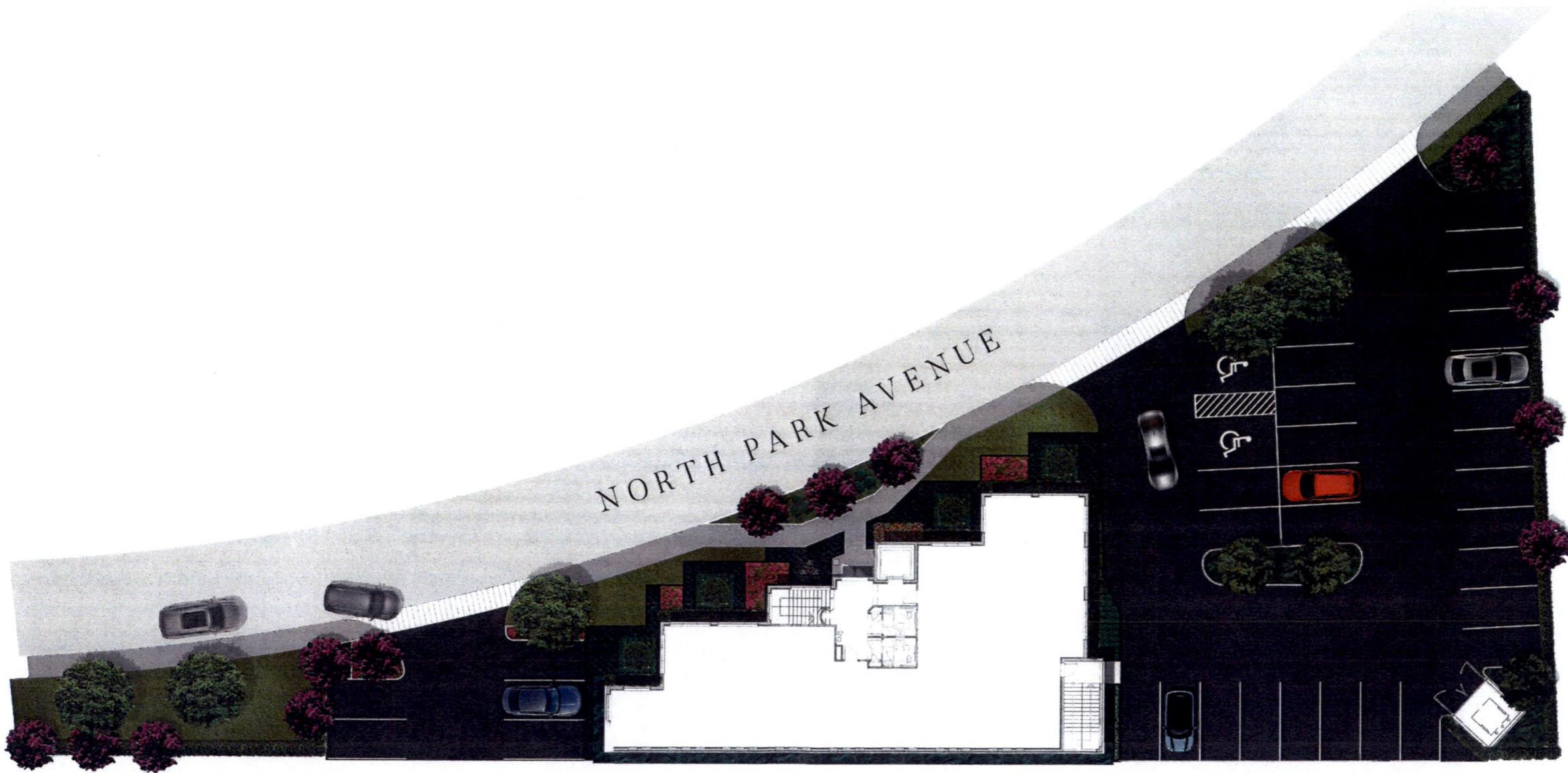




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STREET VIEW ELEVATION
PARK POINTE OFFICE BLDG.
15-012 8.9.16



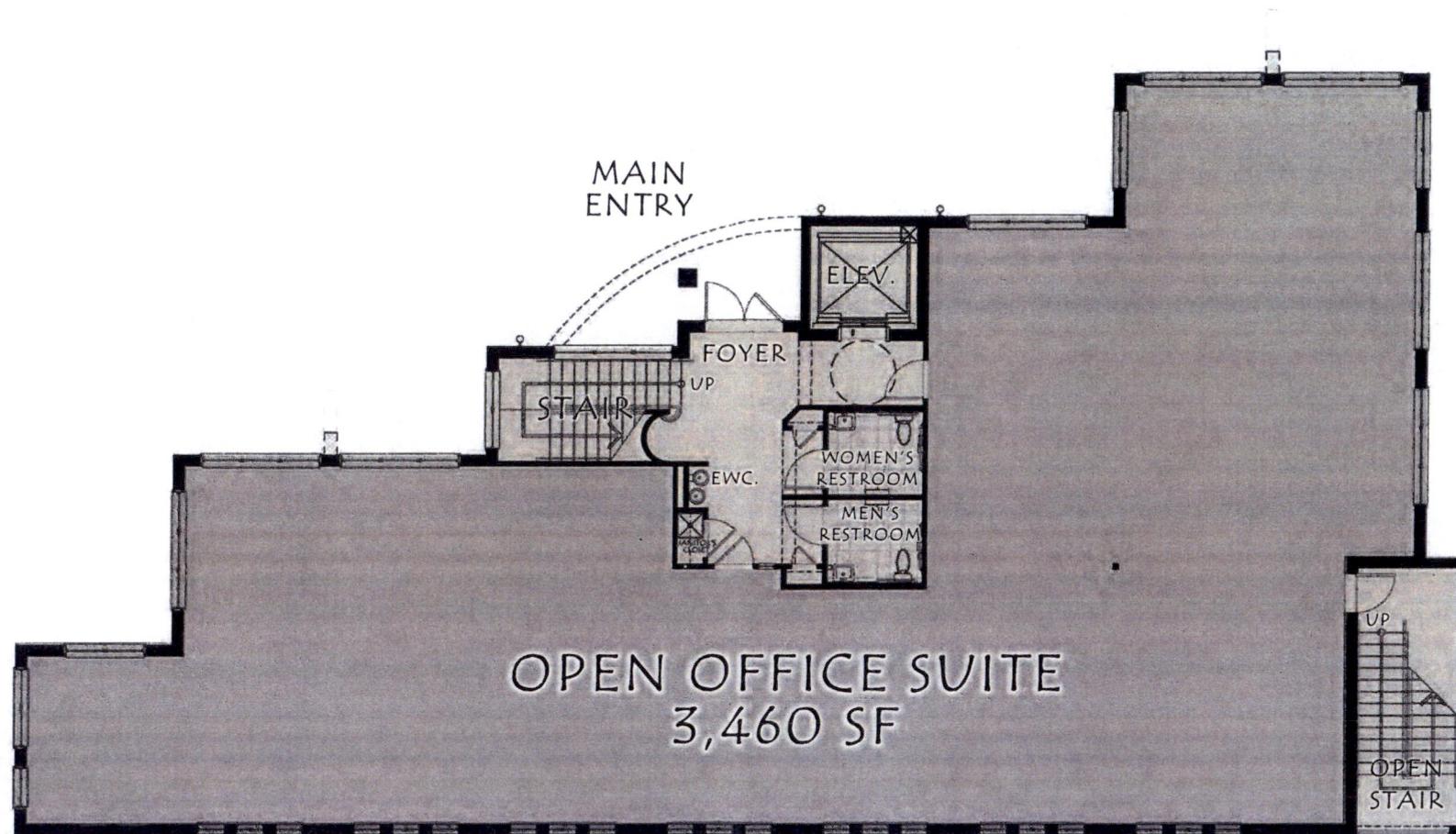


NORTH PARK AVENUE

35 PARKING SPACES TOTAL



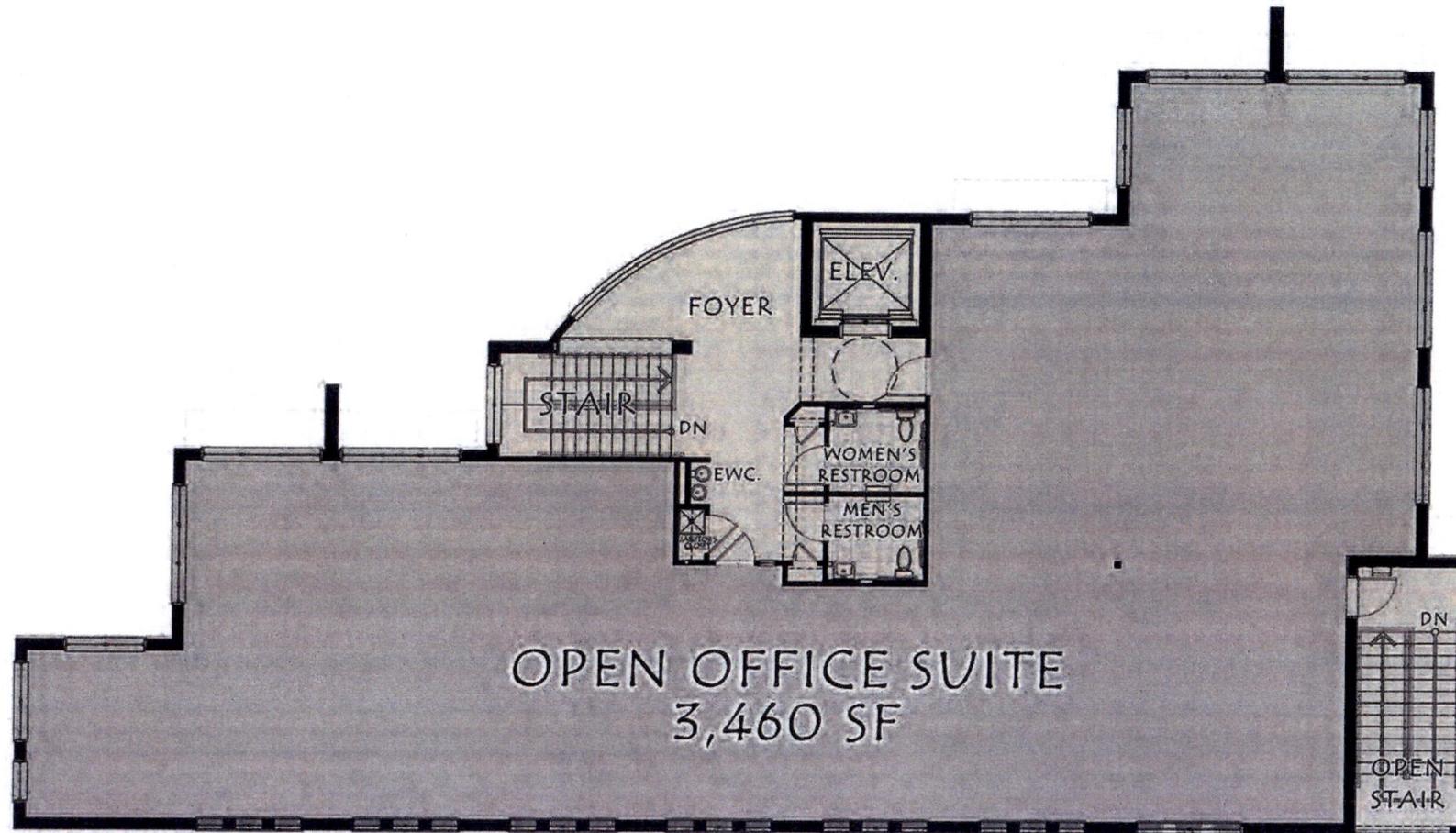
August 10, 2016 ■ Landscape Plan View
Park Pointe Office Bldg.



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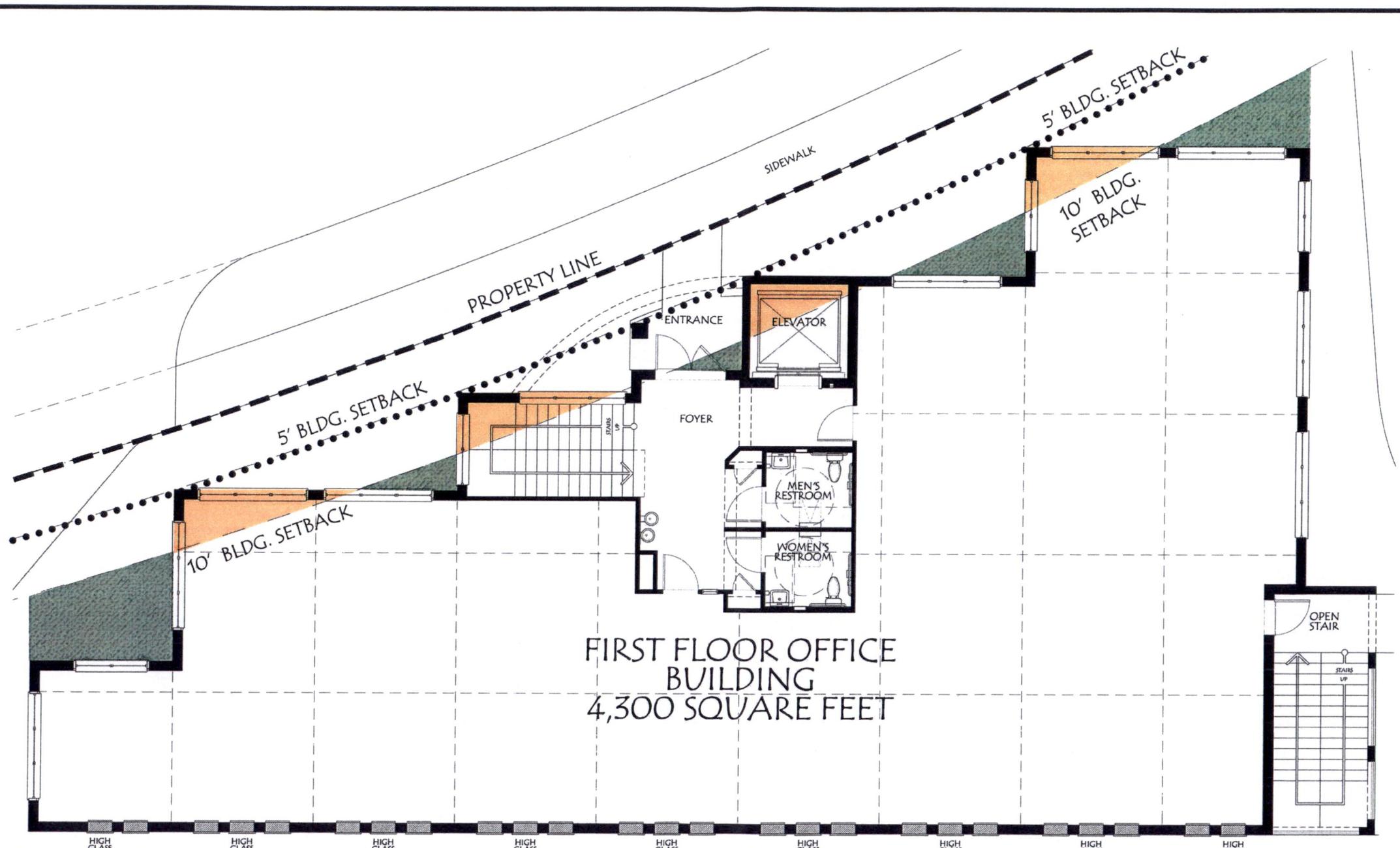
FIRST FLOOR PLAN
PARK POINTE OFFICE BLDG.
 15-012 8.9.16





SECOND FLOOR PLAN
PARK POINTE OFFICE BLDG.
 15-012 8.9.16





REVISIONS	

SLOCUM PLATTS ARCHITECTS, P.A.

RANDALL J. SLOCUM AR 13350 WILLIAM P. PLATTS AR 13242
 679 NORTH ORLANDO AVENUE, SUITE 1001 MAITLAND, FL 32751
 TEL: 407-881-2011 FAX: 407-881-2771
 WWW.SLOCUMPLATTS.COM

WILLIAM P. PLATTS AR13282

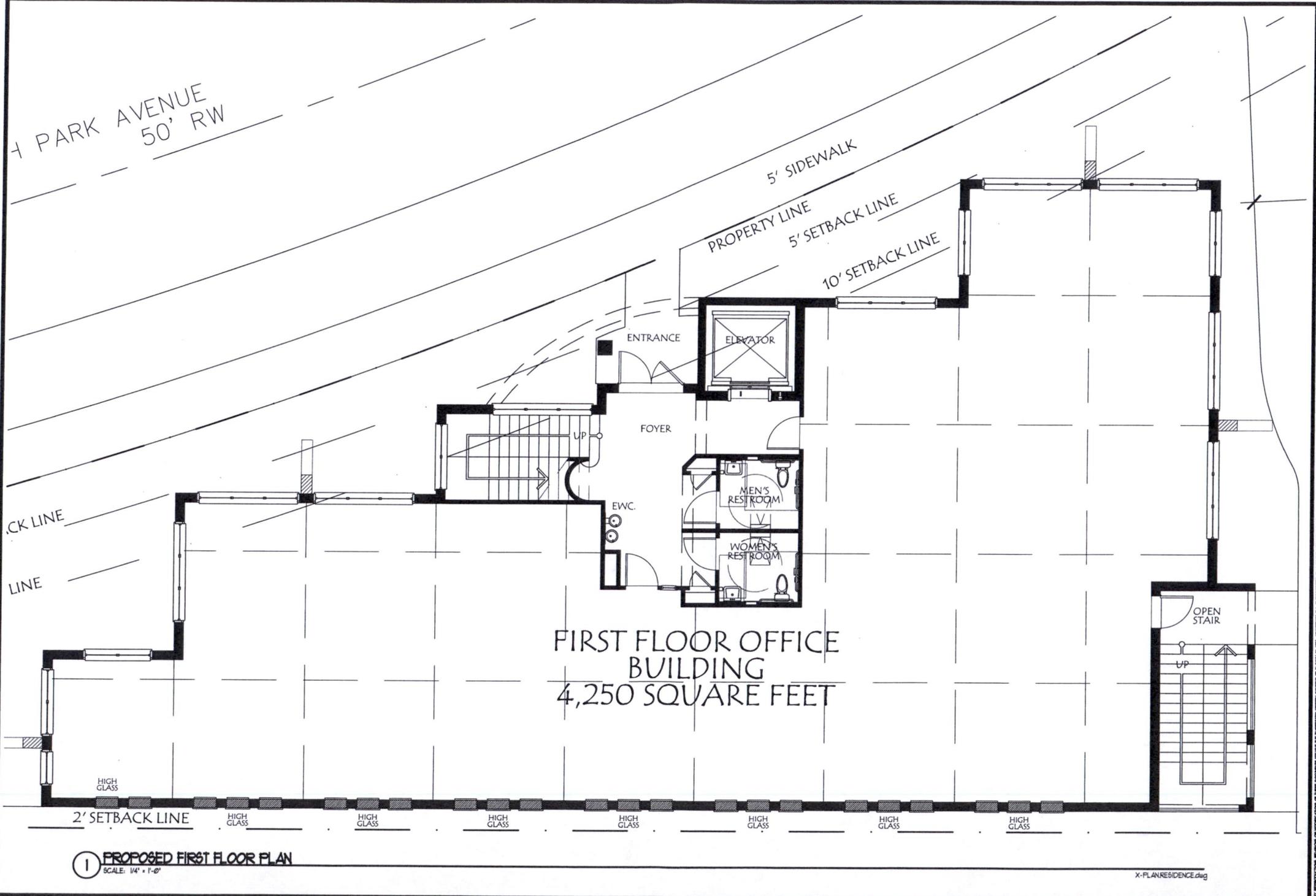
PROPOSED FIRST FLOOR PLAN
PARK POINTE OFFICE BUILDING
 WINTER PARK, FLORIDA

DRAWN	WIB
CHECKED	WPP
DATE	06-24-2015
SCALE	AS NOTED
JOB NO.	15-012
SHEET	A0.2

1 BUILDING SETBACK DIAGRAM
 SCALE: 1/4" = 1'-0"

1. PLAN RESOLVE SW7

1/4 PARK AVENUE
50' RW



FIRST FLOOR OFFICE
BUILDING
4,250 SQUARE FEET

REVISIONS	

SLOCUM PLATTS
ARCHITECTS, P.A.
RANDALL J. SLOCUM AR 13350 WILLIAM P. PLATTS AR 13342
670 NORTH DELAWARE AVENUE, SUITE 11001 MILWAUKEE, FL 32781
TEL: (407) 444-3000 FAX: (407) 444-3077
WWW.SLOCUMPLATTS.COM



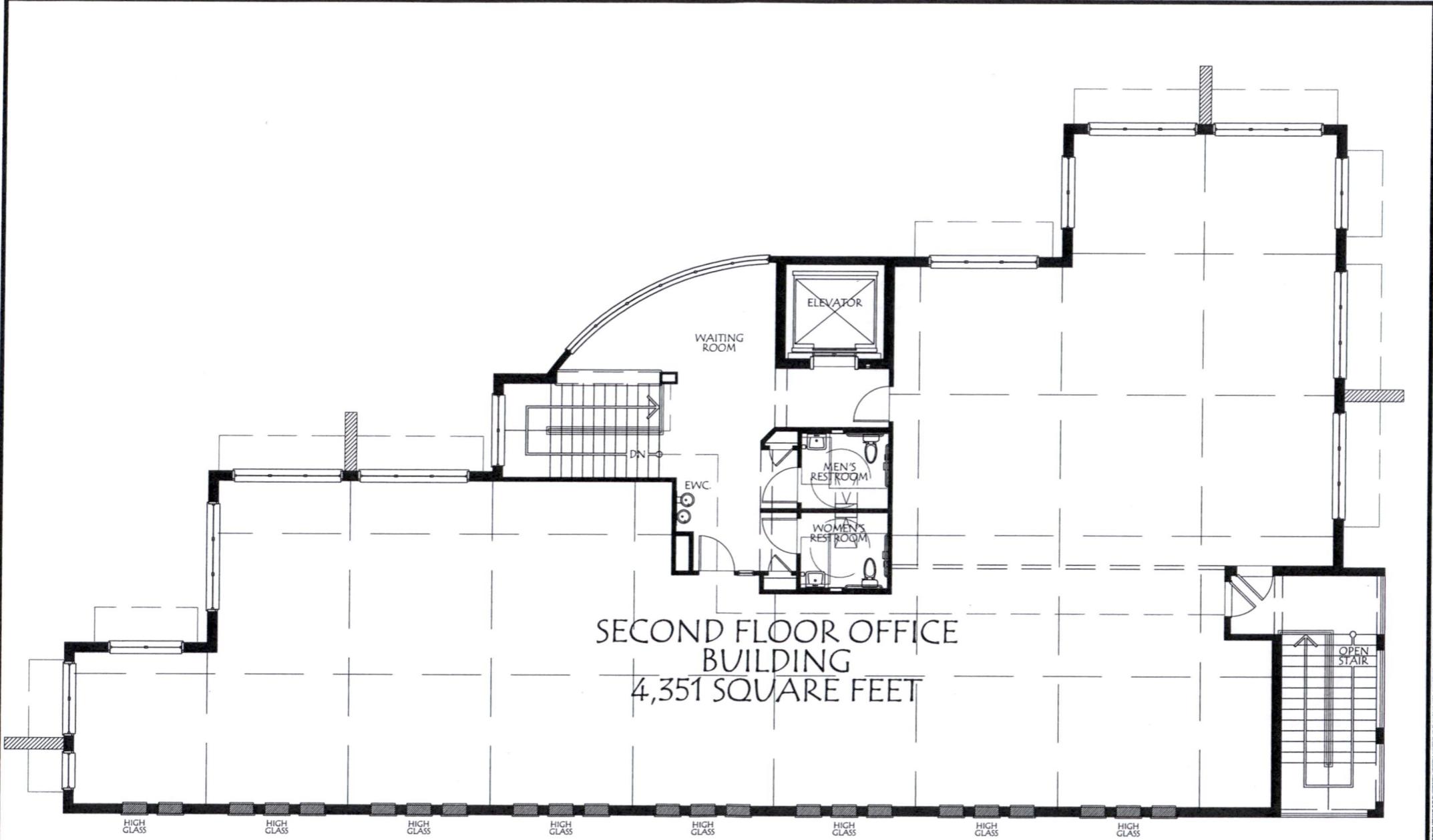
WILLIAM P. PLATTS, ARCHITECT

PROPOSED FIRST FLOOR PLAN
PARK POINTE
OFFICE BUILDING
FLORIDA
WINTER PARK

DRAWN	UTB
CHECKED	UTB
DATE	07-29-2015
SCALE	AS NOTED
JOB NO.	15-002
SHEET	

A2.1

1 PROPOSED FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



NO.	REVISIONS

SLOCUM PLATT ARCHITECTS, P.A.

RANDALL J. SLOCUM AR 13359 WILLIAM F. PLATT AR 13262
 670 NORTH ORLANDO AVENUE, SUITE 1001 MAULAND, FL 32751
 TEL: WWW.SLOCUMPLATT.COM

WILLIAM F. PLATT ARCHITECTS

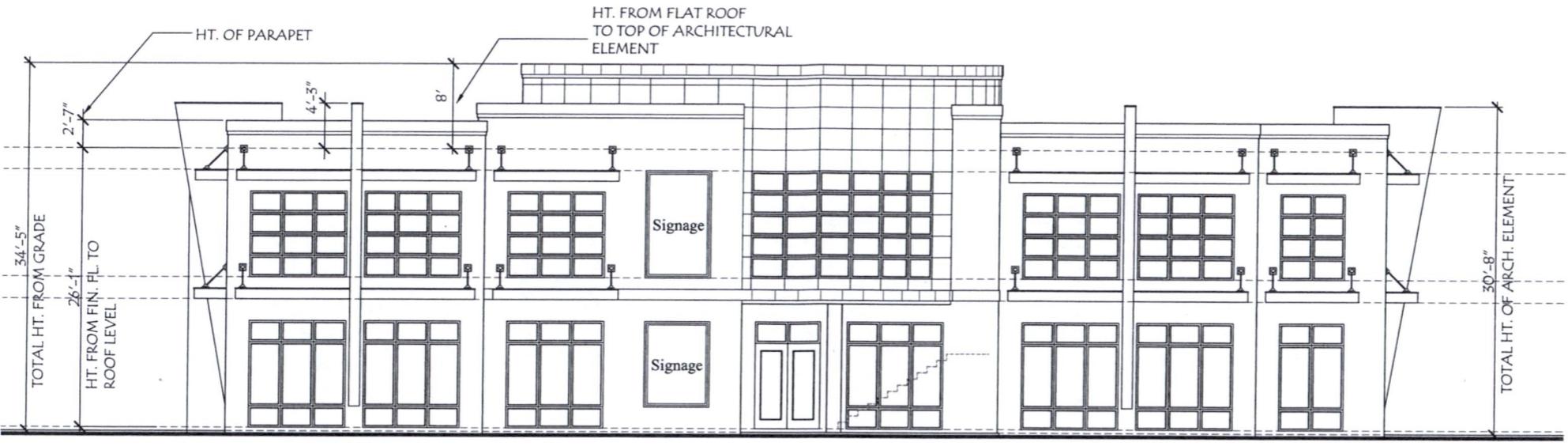
PROPOSED SECOND FLOOR PLAN
PARK POINTE
OFFICE BUILDING
 WINTER PARK FLORIDA

DRAWN	WFB
CHECKED	WFP
DATE	07-23-2015
SCALE	AS NOTED
JOB NO.	B-02
SHEET	

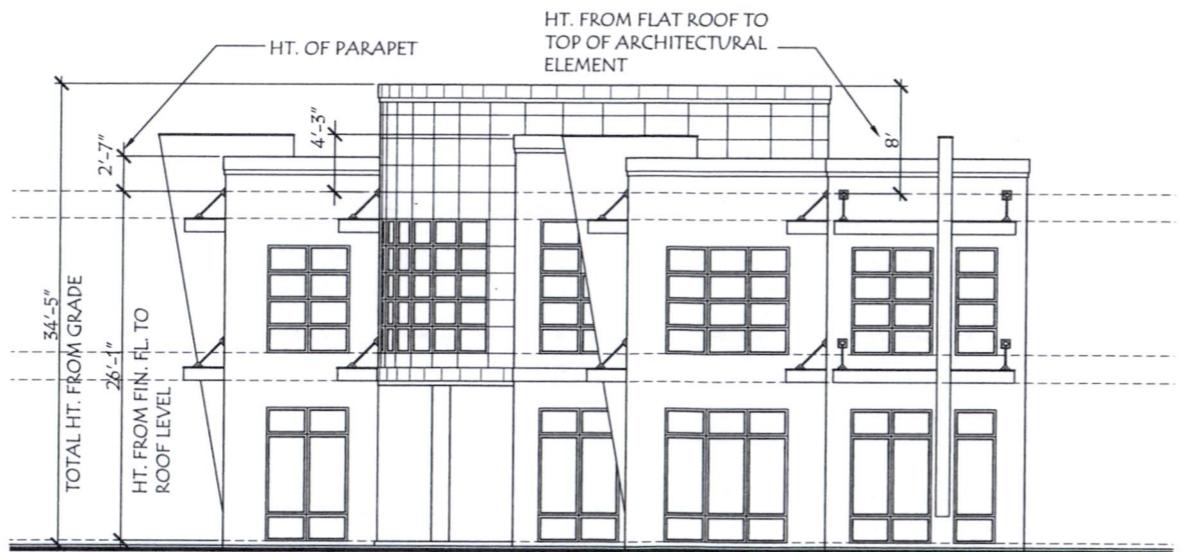
A2.2

1 PROPOSED SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

X-PLANRESIDENCE.dwg



1 PROPOSED FRONT ELEVATION
SCALE: 3/16" = 1'-0"



2 PROPOSED RIGHT ELEVATION
SCALE: 3/16" = 1'-0"

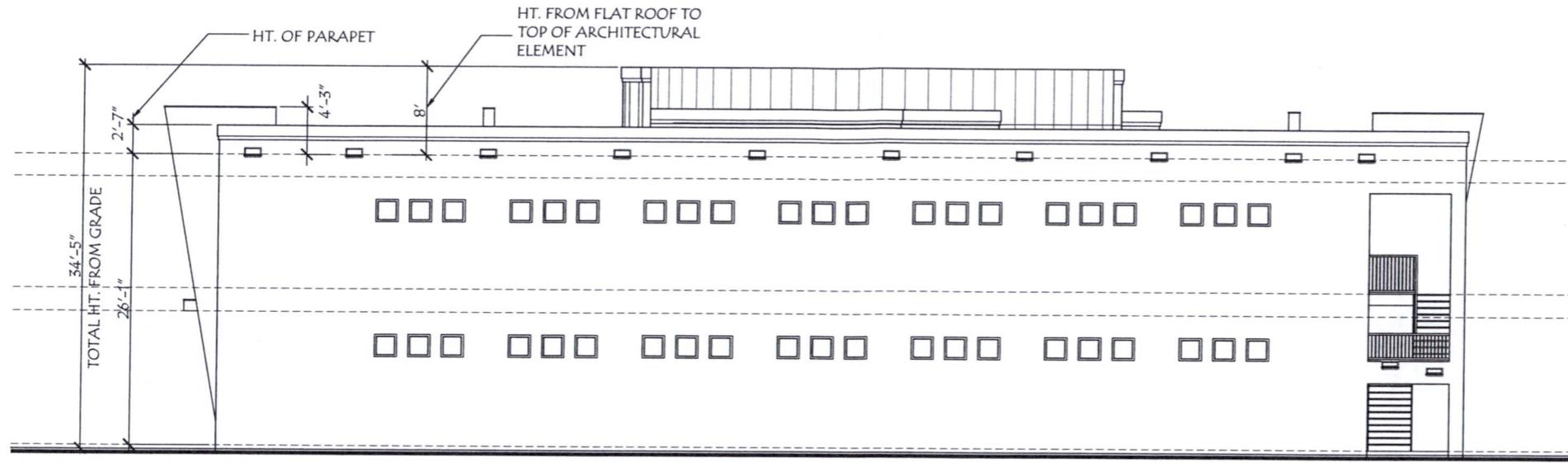
REVISIONS	

SLOCUM PLATTS ARCHITECTS, P.A.
 RANDALL J. SLOCUM & SONS, WILLIAM P. PLATTS AS DESIGNERS
 470 NORTH ORLANDO AVENUE, SUITE 1001 MAITLAND, FL 32751
 TEL: (407) 465-2019 FAX: (407) 465-2771
 WWW.SLOCUMPLATTS.COM

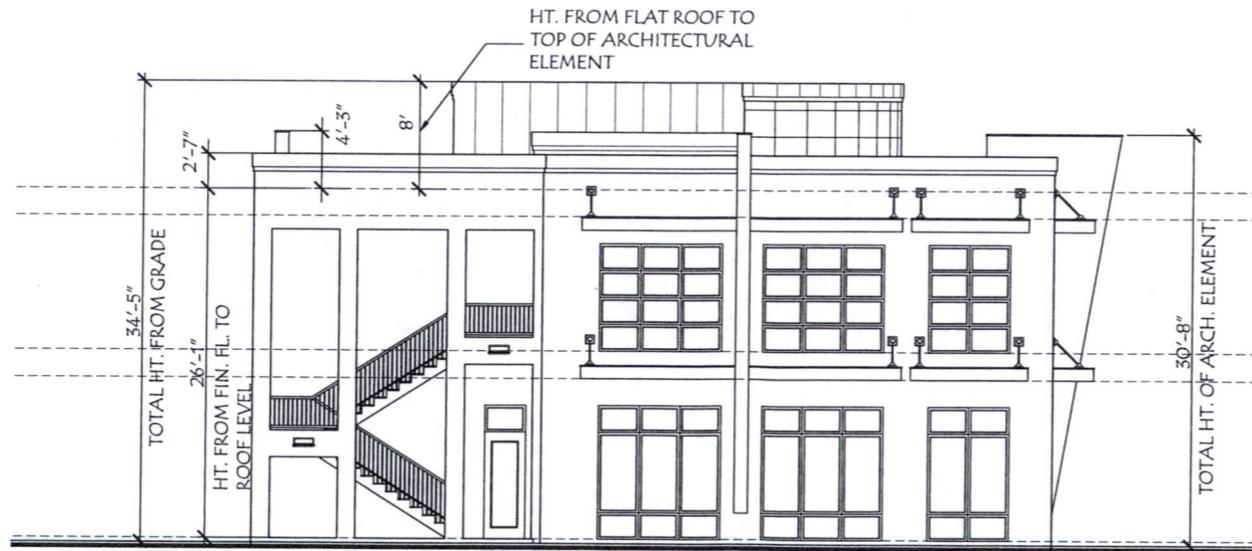
PROPOSED FRONT + RIGHT ELEVATIONS
PARK POINTE OFFICE BUILDING
 WINTER PARK, FLORIDA

WILLIAM P. PLATTS ARCHITECT

DRAWN: UTB
 CHECKED: LUPP
 DATE: 07-01-2005
 SCALE: AS NOTED
 JOB NO.: 15-012
 SHEET: A6.1



1 PROPOSED REAR ELEVATION
SCALE: 3/16" = 1'-0"



2 PROPOSED LEFT ELEVATION
SCALE: 3/16" = 1'-0"

REVISIONS	

SLOCUM PLATTS
ARCHITECTS, P.A.

RANDALL J. SLOCUM AR 13389 WILLIAM P. PLATTS AR 13242
678 NORTH WINTER PARK AVENUE, SUITE 200 WINTER PARK, FL 32781
TEL: (407) 946-2015 FAX: (407) 946-2771
WWW.SLOCUMPLATTS.COM

WILLIAM P. PLATTS ARCHD02

PROPOSED REAR + LEFT ELEVATIONS
PARK POINTE
OFFICE BUILDING
WINTER PARK FLORIDA

DRAWN	WTB
CHECKED	
LIFT	
DATE	07-07-2015
SCALE	AS NOTED
JOB NO.	S-012
SHEET	

A6.2



401 South Park Avenue • Winter Park, Florida 32789

407-599-3237 • 407-599-3499 fax
cityofwinterpark.org

**Building &
Permitting
Services**

TO: BOARD OF ADJUSTMENTS MEMBERS
FROM: GEORGE WIGGINS, DIRECTOR OF BLDG/LEGISLATIVE AFFAIRS
DATE: February 18, 2020
SUBJECT: Kantor/Atkinson VARIANCE REQUEST, 900 N. Park Ave

The applicant is requesting a reinstatement of a variance granted January 15, 2019, which has expired after one year. The request previously granted allowed the construction of a room addition and a garage conversion into a cabana with a minor addition, whereas currently a nonconforming side setback of 9.9 feet exists, and the required setback is 13 feet to the south-side lot line.

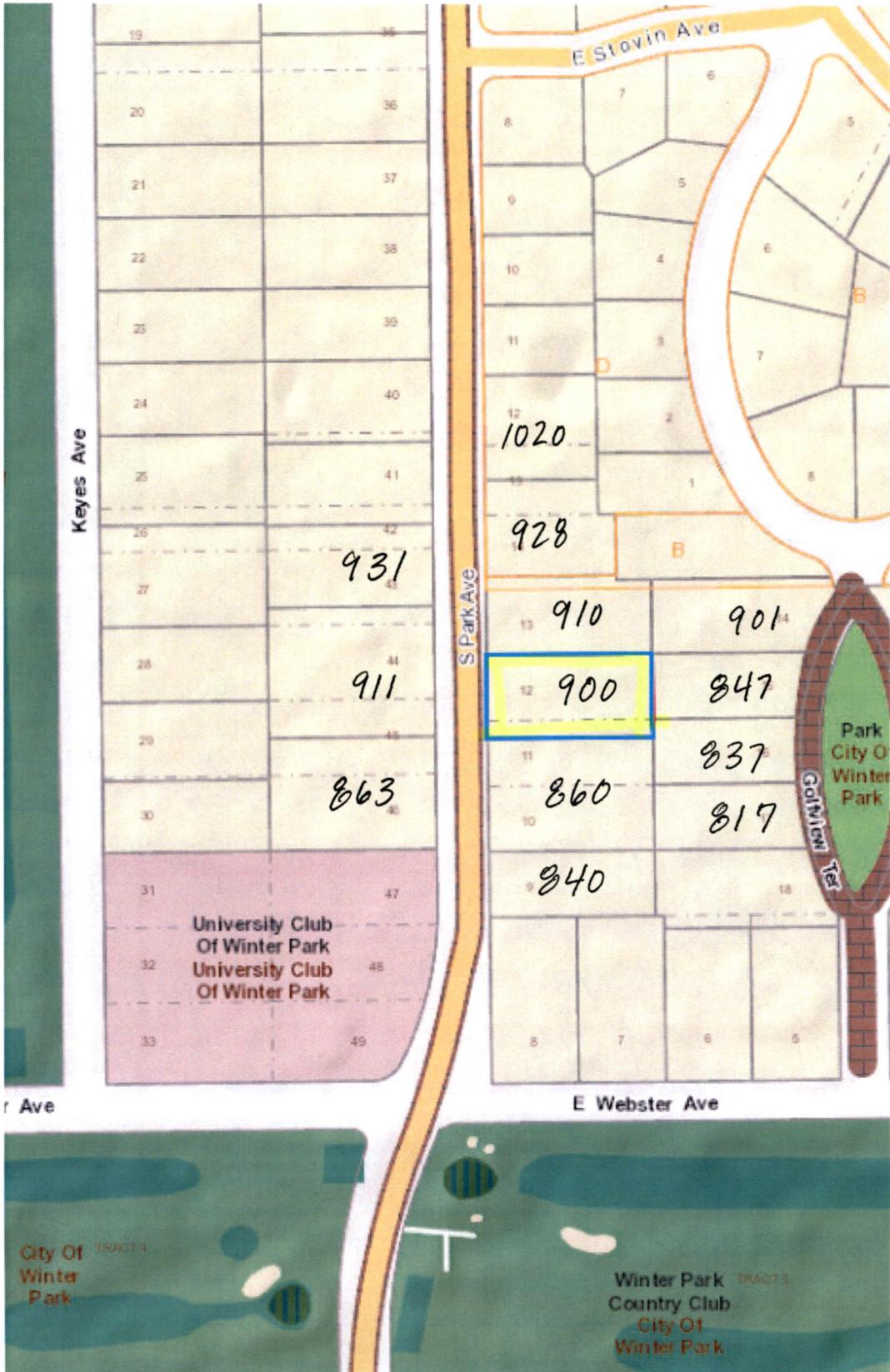
The minutes of that meeting are included for your review.

No Zoning Code changes have occurred in the last year that would impact this request.

Typically in these cases the Board has granted a reinstatement for one year.

No opposition or letters were received for this request.

900 North Park Ave



Board of Adjustments Minutes

January 15, 2019

Page 3

2. Request of Jeanne Atkinson for variances to allow the construction of a room addition and a garage conversion into a cabana with a minor addition on a property which currently has a nonconforming side setback of 9.9 feet in lieu the required setback of 13 feet to the south side lot line.

Located at 900 North Park Avenue

Zoned R-1AA

George Wiggins, Director of Building, gave the following summary:

The request includes increasing the height of an existing 7 foot high masonry wall and roofing this area as a bathroom and closet area of with 143 square feet of space. In addition, the applicant proposes to enclose with a glazed opening an existing open area under roof line on a rear single car garage. The remainder of the garage will also be converted into a pool cabana.

Overall, the request is unusual in that there's no exterior additions to the existing home and rear garage building but only enclosures that exceed the floor area ratio based on having an existing nonconforming 9.9 foot side setback to a portion of the home. The nonconforming side setback limits the floor area ratio to 33% which for this lot size (18,050 sf) is a limit of 5,956 square feet. The total new area is 239 square feet.

One factor that minimizes this request is that the portion of the home which has the 9.9 foot side setback is only 20 feet in length on the south side of the property representing a small portion of the entire home. The remainder of the home is within inches of meeting the required setbacks.

Three letters of non-objection were received the day of this meeting.

Mr. Wiggins displayed a photograph of the rear of the home at the garage and provided a copy to each Board member. The photograph identified the area where the applicant wants to convert the garage into a cabana, which would include enclosing the garage's arched covered walkway.

Mr. Wiggins noted Winter Park's comprehensive plan prohibits an increase in FAR. Ms. Atkinson's setbacks are limited to 33%; whereas, 34.3% is requested. However, in this case, no exterior addition is proposed outside of existing rooflines. Additional wall height approval is requested.

Board of Adjustments Minutes

January 15, 2019

Page 4

In response to Board questions, Mr. Wiggins confirmed a survey is typically required and in fact, one was requested. Mr. Wiggins also confirmed that the setbacks were compliant when the home and garage were originally constructed.

Hal Cantor with Kantor & Reed Law, and the home's prospective purchaser, stated the front courtyard enclosure area will be used for a mother-in-law suite at grade. He noted, the current owner, Jeanne Atkinson is in the audience.

Phil Kean suggested adding a street facing window to "soften the street" façade. Other Board members noted the proposed pool on the plot plan received is not a reflection of current conditions. They felt it imperative that a current survey be provided at permit issuance. It should accurately reflect existing setbacks within 4 inches.

FINDINGS

The Board found this to be a modest request given the small front addition will be within an existing walled area and the rear addition will be under existing roofing.

ACTION

Based on these findings, Michael Clary made a motion, seconded by Tom Sacha, to approve the request with the condition that a survey be provided when applying for the permit, with a dimension tolerance of 4 inches. The amended request was approved by a vote of 7-0.

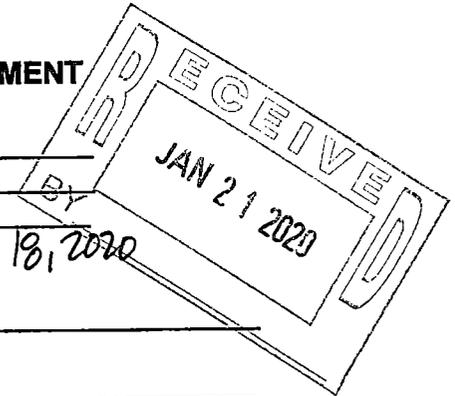
The meeting was adjourned at 5:43 pm.

Theresa Dunkle
Recording Clerk

**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 _____
Assigned _____
Date of Hearing 9⁵⁸



Applicant: Hal Kantor

Owner: 18,050

215 N. Eola Drive
(Address)
900 N. Park Avenue
(City, State) (Zip)

900 N. Park Avenue
(Address)
Winter Park, FL 3877
(City, State) (Zip)

(Phone – Home)
407-418-6326

(Phone – Home)
407-748-3877

(Phone – Work or Cell)
Hal.Kantor@lowndes-law.com

(Phone – Work or Cell)
Atkinson.Jeanne@gmail.com

(Email Address)

(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 58-66, Subsection F, Zoning CR2012-1000001 .4

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 900 N. Park Avenue
Legal description of property Golf View Terrace F/42 Lot 12 + N 20 Ft of Lot 11

Describe variance request This request is to extend the expiration date of the variance that was approved on January 15, 2019.

A copy of the minutes from the BOA meeting is enclosed.

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

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

***See attached justification statement from the original filing.**

How long have you owned the property? Since 3/23/2018

How long have you occupied the property? Since 3/23/2018

2. 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?

3. 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.

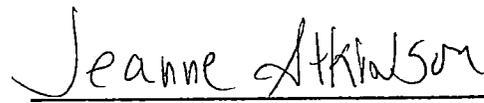
4. Will applicant accept a limited variance? For example: Height, lengths, position, etc. of signs, fences, shrubbery, enclosures of structures or carports, parking spaces, etc? If so, to what extent?



Signature of Applicant

1/21/20

Date



Name of Applicant (PRINT)

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

Applicant's Response: Applicant wishes to create a "mother in law" suite on the first floor of the house for an elderly parent (95 yrs. old) that has mobility challenges. The house is constructed in such a manner that there are no other locations on the ground floor for an additional living space save for a front room which needs a small expansion to provide adequate accommodation. The room would be expanded northerly to construct a bathroom and closet area. The expansion would occur totally within the existing wall locations on the north end of the house. The walls presently exist with a small roof overhang as shown in the picture attached to this application. The small overhang would be replaced by a roof to be aesthetically consistent with the rest of the house.

The other modification would be to glass in the front of a small walkway that accesses a free standing single car garage which will be converted into a cabana and a seating area where the walkway presently exists. This would allow the aging parent to spend time in the pool area within a climate controlled environment.

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?

Granting the request will not confer on the applicant a privilege that is denied by the zoning code to other lands. Indeed, granting the request will be in harmony with the general purpose and intent of the zoning code. Additionally, the granting of a variance must not be injurious to the neighborhood, or otherwise detrimental to the public welfare. The variance provides little to no visual impact from the outside of the property.

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

It is applicant's understanding that the maximum gross square footage allowed on the subject property has been allocated to the structure as designed. Part of the structure that existed at purchase are the walls and small overhang located on the front of the residence. Applicant will be able to enclose the area that now exists and to provide a proper roof if a variance is granted to a side set back line. The Winter Park Code would allow applicant to build slightly more gross floor area and would allow the enclosure of the room as set forth above. A review of the pictures submitted with this application shows the minor nature of the improvement and the consistence with the existing architecture.

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

Yes, applicant will accept all reasonable conditions.

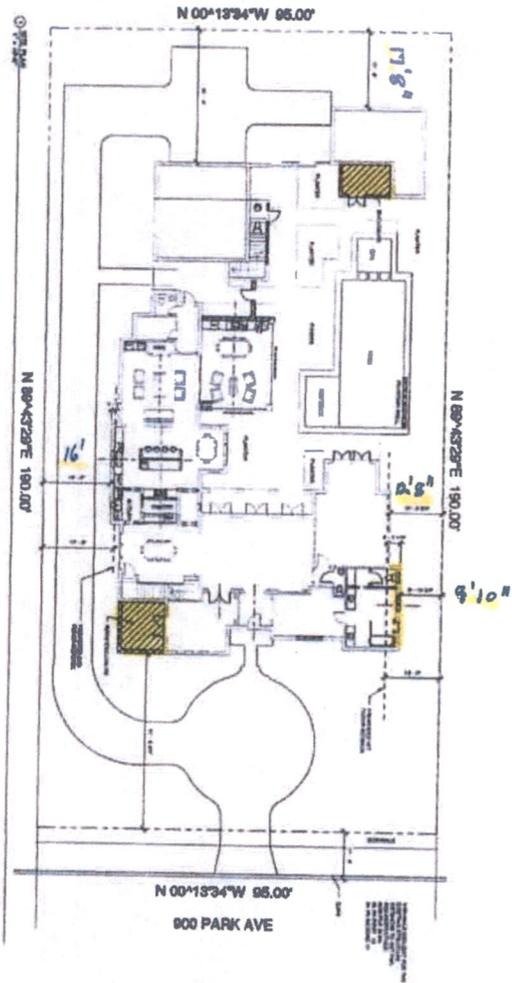


PROPOSED



EXISTING

900 PARK AVE



<p>A101</p>	<p>WINTER PARK SITE PLAN</p>	<p>SCALE</p>	<p>DATE</p>	<p>900 N PARK AVE WINTER PARK, FLORIDA</p>	<p>Green Apple Architecture</p> <p>ARCHITECTS WINTER PARK, FLORIDA 32789 PHONE: 407-947-1000 FAX: 407-947-1001</p>
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SETBACK / COVERAGE WORKSHEET

For Single Family Zoning Districts (R-1A, R-1AA & R-1AAA)¹

Address: **900 N. Park Avenue**

Lot width²: **95'**

Submitted by: _____

Lot area³: **18,050**

	Maximum % Allowed ⁴	Existing Area ¹¹	Additional Proposed Area ¹¹	New Total Area	Maximum Allowed Area
IMPERVIOUS LOT COVERAGE Include bldg footprint, driveways, sidewalks, patios, swimming pools, A/C pads, artificial turf, etc.	2 story - 50%	8,998		8,998	9,025
	1 story - 60%				
FLOOR AREA RATIO (F.A.R.)^{5,6,7} For one and two story bldgs (include 1st & 2nd floors, garages/carports, stair areas on both floors, areas on 2nd floors which are open to the 1st floor ⁸ , and accessory bldgs. EXCLUDE - pool screen enclosure areas and certain open front, side & rear porches ⁹ .	Lots < 11,600 sf: Use 38% Base FAR or w/ increased side setbacks: 43% Max FAR				
	Lots 11,600 sf to 13,600 sf Use 4,500 sf Base area & 5,200 sf Maximum area				
	Lots > 13,600 sf Use 33% Base FAR or w/ increased side setbacks: 38% Max FAR	5,956	239	FAR 34.3%	5,956
SCREEN POOL ENCLOSURE	8% ¹⁰				
	Minimum % Required	Existing Area ¹¹	Landscape Area Reduced ¹¹	New Total Area	Minimum Required Area
FRONT YARD LANDSCAPE COVERAGE Count all landscaped green areas - exclude hard surfaces and all driveway surfaces (pervious & impervious). Front Lot Area:	50%				

NOTES:

1. Windsong & Waterbridge may use these standards, except lot types A, B, & C in Windsong. Provisions on side articulations & accessory bldgs are mandatory.
2. Lot width measured at the front bldg line across lot. The bldg line is located at the required front setback for vacant lots or front bldg wall closest to the street of existing homes. For unusual (pie) shaped lots, an average lot width may be utilized as measured between the front setback line and the required rear setback line or shall be determined by the Building Director. For a proposed home, determine the front setback as described on page 2.
3. Submerged lands or land across the street shall not be included.
4. Percentage based on the lot area.
5. One story homes with a sloping roof, 12:12 or less, may utilize the maximum F.A.R. and may provide roof domers, 8 ft. maximum width and 2.5 ft. back from the required setback, occupying 45% of roof area within the same roof plane.
6. Area forming a room behind 2nd floor walls shall be included in the gross floor area.
7. See page 3 on how to achieve maximum F.A.R.
8. Vaulted and cathedral ceiling areas count twice if the height from the floor to the ceiling is 17.5 feet or greater.
9. The area of open front porches and entries may be excluded from the gross floor area subject to a maximum area of 400 square feet. The area within an open or screened rear and/or side porches, lanai, porte cochere or other covered areas may be excluded from the gross floor area up to 500 sf of floor area. On 2nd floor, rear and/or side porches shall have an exterior sides that are 75% open in order to utilized up to 300 sf of the total 500 sf excludable gross floor area.
10. Any area not already used in the permitted floor area ratio (FAR) may be added to this 8% for additional screened pool enclosure area.
11. These columns only apply to existing homes.

SETBACKS (complete boxes A and B first)

	Minimum Allowable Dimensions			Existing ¹³		Proposed	
FRONT	Average of 2 adjacent homes on each side. If corner lot, use 3 adjacent homes.			55'		55'	
SIDES^{1,2} (see other side setback options on pg 4)	1st Floor	See pages 3&4	A³	10'	16'	13'	16'
	2nd Floor		B	23'	16'	23'	17'
REAR^{1,3,4}	1st Floor		25 ft.	31'-4'			
	2nd Floor		35 ft ⁵	73'			
	Lakefront		see note 6				
CORNER LOT	1st Floor	Lot width ≤ 65 ft.	15 ft.				
		Lot width > 65 ft ⁷	20 ft.				
	2nd Floor	Lot width ≤ 65 ft.	15 ft.				
		Lot width > 65 ft ⁷	22.5 ft.				
BUILDING HEIGHT^{8,9,10,11,12}	30 ft. - 35 ft. plus 2 ft. or 40 ft. (see notes 11 & 12)			27'-8'		27'-8"	

Notes:

1. Any building wall that exceeds 12 ft. in height measured from natural grade to top of wall plate or truss kneewall must meet the setbacks for the 2nd floor.
2. Accessory buildings' maximum side wall height (natural grade to roof sheathing) shall not exceed 10.5 ft. and interior side setback is 5 ft. minimum (no gable end allowed) for garages up to 600 sf, pool cabana up to 500 sf and all other accessory buildings up to 320 sf. Other accessory buildings used for habitation shall meet setbacks of the main residence.
3. Rear setbacks for properties abutting non-residential zoned, R-3/R-4, or a permanent stormwater retention area over 25 ft. in width may be 10 ft. For lots that are 75ft deep or less a first floor setback of 10ft and a second floor setback of 25ft is allowed. For lots which are 105ft deep or less a first floor setback of 15ft and a second floor setback of 30ft is allowed.
4. Accessory buildings: garage/carport up to 820 sf, pool cabana up to 500 sf and storage bldg up to 320 sf - minimum rear setback shall be 10 ft. . Other accessory buildings used for habitation shall meet setbacks of the main residence.
5. The rear setback may be reduced to 25 ft. for two-story components when those consist of a second story loft or mezzanine that is within the normal scale and 18-ft max height of a typical one-story structure.
6. Require Planning & Zoning commission approval. Lakefront setback is based on the average setback establish by the adjacent residences within 200 ft. or 50 ft., whichever is greater, measured from ordinary high water line.
7. Setbacks given are measured on the side yard adjacent to the street & lots over 75 ft. with 1st and 2nd floor setbacks of 25 ft. may reduce the rear setback by 5 ft. on each floor.
8. Building height is the vertical distance measured from the average elevation of the existing lot grade measured directly adjacent to the front of the building or proposed building.
9. No building or portion thereof shall exceed 30 ft. in height except for homes with a roof slope of 8:12 or greater may be permitted to have 2 ft. additional building height.
10. Accessory building that exceeds 18 ft. in height shall meet the same setbacks as the principal building on the property.
11. Properties or lots with at least 80 ft. of width at the building line are permitted to have a building height of 35 ft. if the side setbacks are increased to 20 ft. at 30 ft. above the side lot line. Exception: homes with a roof slope of 8:12 or greater are permitted 2 ft. of additional building height.
12. Properties or lots exceeding 50,000 sq.ft. in size with at least 100ft width at the building line may be permitted building heights of 40 ft. if side setbacks are increased to 35 ft. to the portion of the roof over 30 ft. in height.
13. This column only applies to existing homes.



BOARD OF ADJUSTMENTS

January 16, 2019

Jeanne Atkinson
900 N Park Ave.
Winter Park, FL 32789

Dear Ms. Atkinson,

Your request for variances to allow the construction of a room addition and a garage conversion into a cabana with a minor addition on a property which currently has a nonconforming side setback of 9.9 feet, in lieu the required setback of 13 feet to the south side lot line, was approved by the Board of Adjustments on January 15, 2019. Approval includes the condition that a survey be provided at permitting; the maximum dimension tolerance is 4 inches. The addition of a front window was suggested.

The subject property described Parcel ID #06-22-30-3068-00-120 as recorded in the Public Records of Orange County, Florida.

Located at 900 N. Park Ave

Zoned R-1AA

Please have your contractor bring a copy of this approval notice when applying for the construction permit for this variance.

If I can be of further assistance please feel free to contact me.

Respectfully,

George J. Wiggins, CBO
Director of Building/Legislative Affairs
407-599-3426

All variance(s) expire in one year from date of approval by the Board of Adjustments. Any extension requests must be received and heard prior to the expiration date. Requests to reinstate an expired variance are subject to any changes that have occurred in the Code. Requests to extend or reinstate a variance will require payment of fee and re-publication & re-hearing of the variance request.

CITY OF WINTER PARK

401 South Park Avenue

Winter Park, Florida

32789-4386

Building & Permitting
Services Department
407-599-3237

cityofwinterpark.org