



Board of Adjustments regular meeting

April 20, 2021 at 5:00p.m.

City Hall | Commission Chambers
401 S. Park Ave. | Winter Park, Florida

Hybrid Meeting

Register Online: <https://cityofwinterpark.org/bpm>

Agenda Items

Call to Order

Consent Agenda

Minutes for the March 16, 2021 Meeting

Staff Updates

Citizen Comments

Action Items

Public Hearings

1. Request of Thomas Ladyman, on behalf of Idelisa Torres, for a variance to allow an existing screen enclosure to remain located 9.1 feet from the rear lot line, in lieu of the required rear setback of 10 feet and to allow 169 square feet of screen enclosure beyond the allowable area.

Located at: 1737 Magnolia Ave

Zoned: R-1A

2. Request of Emiel McNish, on behalf of Ketan Pandya, for variances to allow the construction of a boathouse to extend approximately 70 feet into Lake Berry in lieu of the maximum permitted distance of 30 feet and allow an area of 960 square feet, in lieu of the maximum allowed area of 600 square feet.

Located at: 1661 Chase Landing Way

Zoned: PURD

3. Request of Jessica Kendrick for a variance to allow; construction of a second story addition to be located 7.3 feet from the side lot line, in lieu of the required setback of 12.5 feet, and without a minimum setback of 2 feet behind or in front of the garage opening.

Located at: 1610 Chestnut Ave

Zoned: R-1A

4. Requests of Brad Caldwell for a variance to allow a 5 feet high masonry wall located 5 feet from the front lot line in lieu of the maximum permitted height of 3 feet; and to allow an open roof connection 22 feet wide between the existing home and garage (with an existing rear setback of 10 feet), in lieu of the maximum permitted open walkway width of 8 feet and in lieu of meeting the current rear setback of 25 feet when connecting the garage directly to the home.

Located at: 241 E Rockwood Way

Zoned: R-1AA

Board Comments

Adjournment

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.”



Board of Adjustments regular meeting

April 20, 2021 at 5:00p.m.

Agenda Items

Public Hearings

Tabled from March 16, 2021

1. Request of Thomas Ladyman, on behalf of Idelisa Torres, for a variance to allow an existing screen enclosure to remain located 9.1 feet from the rear lot line, in lieu of the required rear setback of 10 feet and to allow 169 square feet of screen enclosure beyond the allowable area.

Located at 1737 Magnolia Ave

Zoned: R-1A



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: April 20, 2021
SUBJECT: VARIANCE REQUEST by Thomas Ladyman, on behalf of Idelisa Torres, 1737 Magnolia Ave

The applicants are requesting two after the fact variances; one, allow an existing screen enclosure to remain, located 9.1 or 9.4 feet (based on 2 different surveys) from the rear lot line, whereas the required rear setback is 10 feet. Two, allow 168 square feet of screen enclosure beyond the allowable area.

The pool screen enclosure was constructed over an existing pool prior to final permit approval or issuance and after receiving complaints from the adjacent property owner located to the rear of this applicant's property who expressed concern that the enclosure appeared to encroach into the rear setback.

The property owner to the rear of this property had registered complaints concerning the height of the enclosure as well, and the size of the enclosure across the width of the property. However, the allowable height at the required 10 foot rear setback is permitted to be 13 feet at the apex of the enclosure as part of this dome shaped enclosure. The enclosure as constructed complies with this permitted height.

The rear setback to the enclosure is shown as 9.1 feet on one survey and 9.4 feet on another survey with each prepared by different state registered surveyors. When the original plans were submitted for a permit the indicated setback was 9 feet at the rear and the request for a permit was rejected.

The pool enclosure contractor proceeded with constructing the enclosure even though it was not compliant with the 10 foot rear setback or allowable area. With regard to remedial action that can be taken by the applicant if the Board is inclined to grant the setback variance, the placement of a tall landscape buffer across the rear of the enclosure with a material such as bamboo may be one solution to consider, however, modifications will need to be made to reduce the area of the enclosure by 168 square feet unless a variance is granted for this additional area.

Variance Request for 1737 Magnolia Avenue
April 12, 2021
Page 2

The property owner abutting this owner's property had submitted several email complaints concerning this enclosure over the last several months while surveys were conducted. After delay a delay in acting on corrections to the enclosure the owner decided to file for this variance.

We have received 2 letters in support of this request and emails from the owner to the rear of this property expressing opposition to this request.

1737 Magnolia Ave





PLAN SNAPSHOT REPORT BOA-2021-0035 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 02/19/2021
Work Class: Board of Adjustments/Variance Application	District: Winter Park	Exp Date: NOT AVAILABLE
Status: Fees Due	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Wiggins, George	Approval Expire Date:

Description: We are requesting a variance for slight deviations from required setback standards in relation to the construction of a pool screen enclosure.

Parcel: 302132276602030	Main	Address: 1737 Magnolia Ave Winter Park, FL 32789-1629	Main	Zone:
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Applicant Thomas M Ladyman 617 E Colonial DR Orlando, FL 32803	Owner IDELISA TORRES Home: (407) 341-9964
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Plan Custom Fields

Zoning	Section	Subsection	(J)(3)a.
Is the property on waterfront? No	Is this property on historic registry or district? No	Describe variance	We request a variance to the setback requirements as they relate to the construction of my screen enclosure which covers the pool and patio area to the rear of my property. After inspection by the City of Winter Park, my screen enclosure was found to be outside the construction tolerance by a mere two (2) inches. This variation from the requirements of applicable setback requirements was unintended and caused by no fault of my own.
How long have you owned the property? Since 10/14/2015. Over 5 years	How long have you occupied the property? Since 10/14/2015. Over 5 years	Special Condition	When I purchased the property, the patio area surrounding the pool and spa was already constructed. The screen enclosure simply follows the outline of the patio area. In addition, the contractor I hired to erect the screen enclosure noted that he followed the exact footers placed in the ground and approved by the city during former construction of the pool and patio area. Unfortunately, I was unaware that following the conditions of the land/patio area as I inherited them from the previous owner would violate any ordinances or setback requirements of the land.
Rights/Priv	Many of my other neighbors enjoy screen enclosures of similar size. The minor deviation from the zoning ordinance requirements will deprive	me of the same protection from the elements enjoyed by neighboring properties.	Hardship My daughter suffers from a severe bee allergy and other allergens that naturally occur outside. Any instances of bee sting can and have resulted in

PLAN SNAPSHOT REPORT (BOA-2021-0035)

life threatening events for my daughter. The screen enclosure was intended to protect my daughter from her medical condition and depriving her of such protection would impair my rights to quietly enjoy my property.

Limited Variance

Yes. I am willing to accept a limited variance or such other mutually agreeable modifications as the City may deem proper.

Attachment File Name	Added On	Added By	Attachment Group	Notes
2020 survey .pdf	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Authorization Executed.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Back View Picture 3.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Back View Picture 4.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Back View Picture 5.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Owner Statement.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Patio View Picture 11.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Pool View Picture 10.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
setback worksheet_v1.pdf	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Side View Picture 1.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Side View Picture 2.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Side View Picture 6.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Side View Picture 7.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Side View Picture 8.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Spa View Picture 9.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS
Signature_Thomas_Ladyman_2/19/2021.jpg	02/19/2021 13:04	Ladyman, Thomas		Uploaded via CSS

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00007654	Residential Variance Application Fee	\$200.00	\$0.00
Total for Invoice INV-00007654		\$200.00	\$0.00
Grand Total for Plan		\$200.00	\$0.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	In Review	02/19/2021	02/22/2021		No	No

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Building Official Review	Building & Permitting Services	Wiggins, George	In Review	02/19/2021	02/22/2021	

Workflow Step / Action Name	Action Type	Start Date	End Date
Application Completeness Check v.1			02/19/2021 13:23
Confirm Application Complete v.1	Generic Action		02/19/2021 13:23
Review v.1			
Board of Adjustments Review v.1	Receive Submittal	02/19/2021 0:00	
Issue Invoice v.1	Generic Action		02/22/2021 16:26
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

NISHAD || KHAN P.L.
REAL ESTATE AND BUSINESS LAW

617 E. Colonial Dr., Orlando, FL 32803
P: (407) 228-9711 | F: (407) 228-9713
www.NishadKhanLaw.com

THIRD PARTY AUTHORIZATION

Owner Name(s): IDELISA TORRES

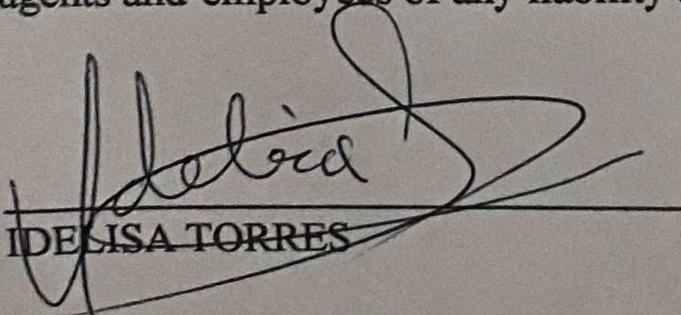
Property Address: 1737 Magnolia Ave. Winter Park, Florida 32789

Recipient: City of Winter Park, Building and Permitting Services

Purpose: Variance Application

I, IDELISA TORRES, the above-named owner of the property at address 1737 Magnolia Ave., Winter Park, Florida authorize Nishad Khan, P.L., its employees, agents, and representatives including but not limited to Nishad Khan, Esq., T. Matthew Ladyman, Esq., Michelle Hinden, Esq., and Rocio Bruni to act on my behalf in every regard in relation to the filing of the variance application with the City of Winter Park and any related activities for my property referenced herein from the filing of the application to the conclusion of the matter. This authorization shall be remain in full force and effect until revoked in writing. I further authorize the firm and its employees to represent me and act on my behalf at any public hearings involving my Variance Application.

In giving my authorization, I also release the Law Office of Nishad Khan, P.L., its officers, agents and employees of any liability arising as a result of this authorization.


IDELISA TORRES

2/19/21
Date

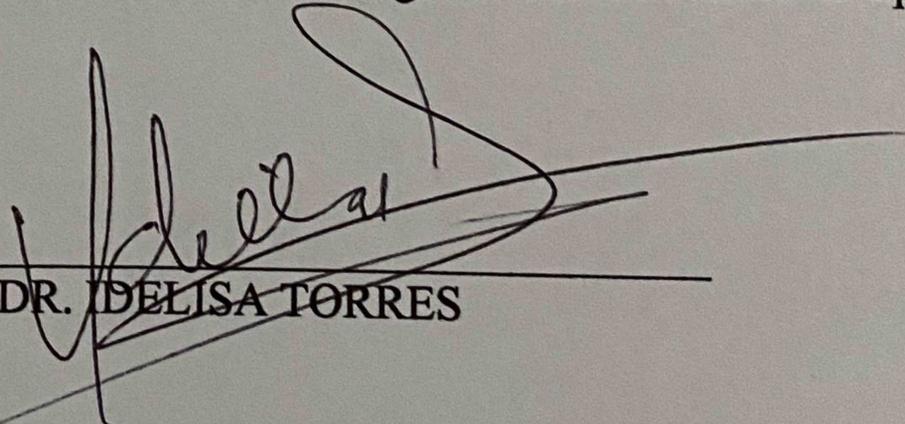
STATEMENT OF OWNER: DR. IDELISA TORRES

1. My name is DR. IDELISA TORRES. I am the owner of that certain property situated in Orange County, Florida legally described as follows:

LOT 3, Block B, FLORA PARK 2ND ADD., according to the map or plat thereof as recorded in Plat Book T, Page 47, Public Records of Orange County, Florida.

a/k/a: 1737 Magnolia Ave. Winter Park, Florida 32789 (the "Property")

2. I am applying for a variance from the City of Winter Park in relation to a slight deviation of approximately two (2) inches outside of the construction tolerance for the setback requirements for my Property and a pool screen enclosure recently constructed thereon ("Variance Application").
3. I am actively gathering neighbor approval letters in relation to the Variance Application from my neighbors to the East and West of my Property and will submit them to the City of Winter Park upon receipt.
4. On several occasions, I attempted contact with the neighbor to the North of my Property to resolve any grievances that such neighbor may have regarding my Property's setback requirements. Despite my attempts, I have been consistently rebuffed. I remain cooperative, amicable, and open to discussion if such neighbor should choose to open a dialogue.


DR. IDELISA TORRES

superseded

BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 3, BLOCK B, FLORA PARK 2ND ADDITION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK T, PAGE 47, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN TOWN OF LADY LAKE, COMMUNITY NUMBER 120613, DATED 12/18/2012.

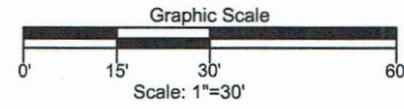
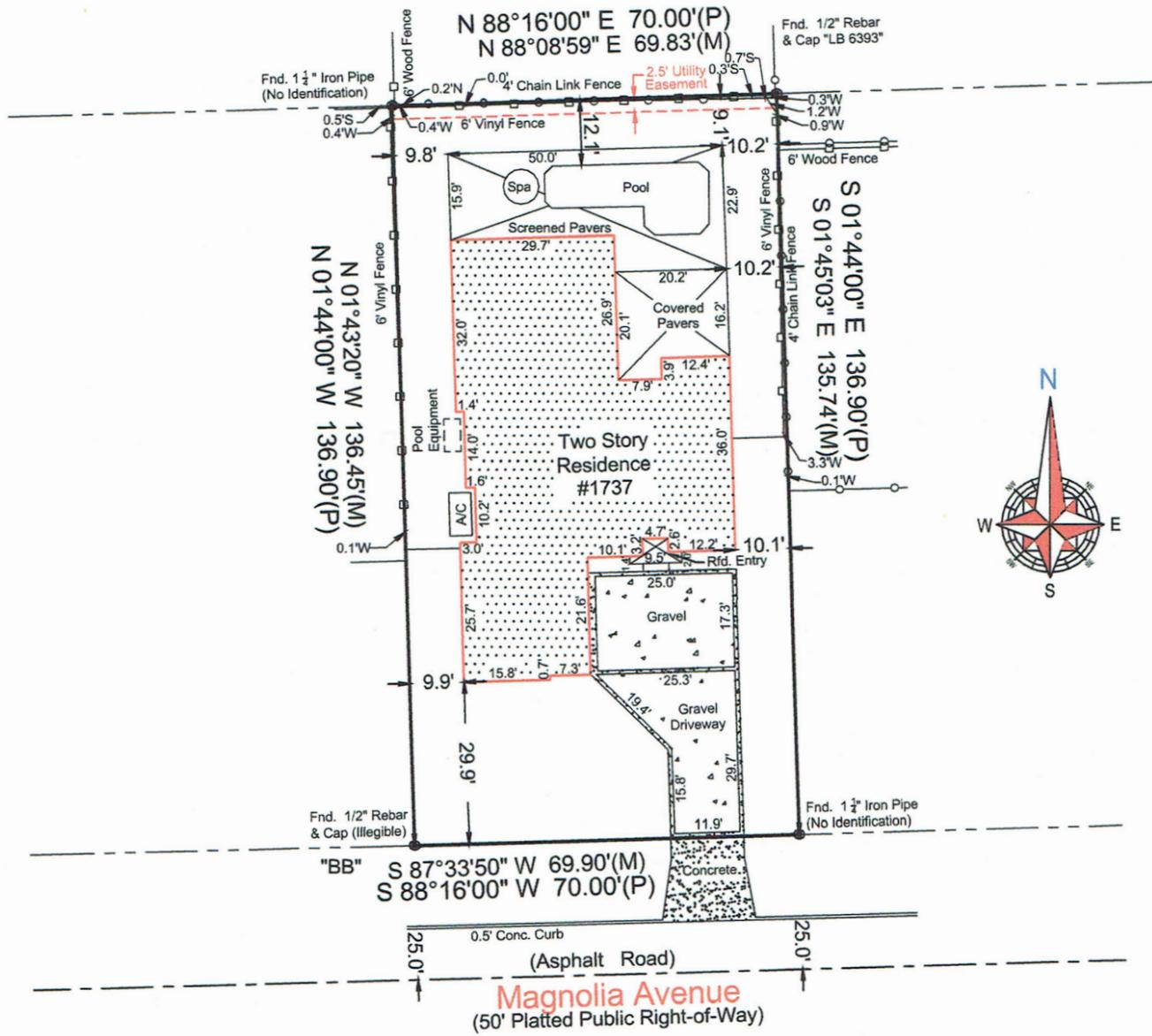
CERTIFIED TO:

KIM RYNEARSON; BLUE SKYE SCREENING



1737 MAGNOLIA AVENUE, WINTER PARK, FLORIDA 32789

Flora Park 1st. Add.
(Plat Book S, Page 79)



Revision: Updated Survey - 11/16/20 - AMC

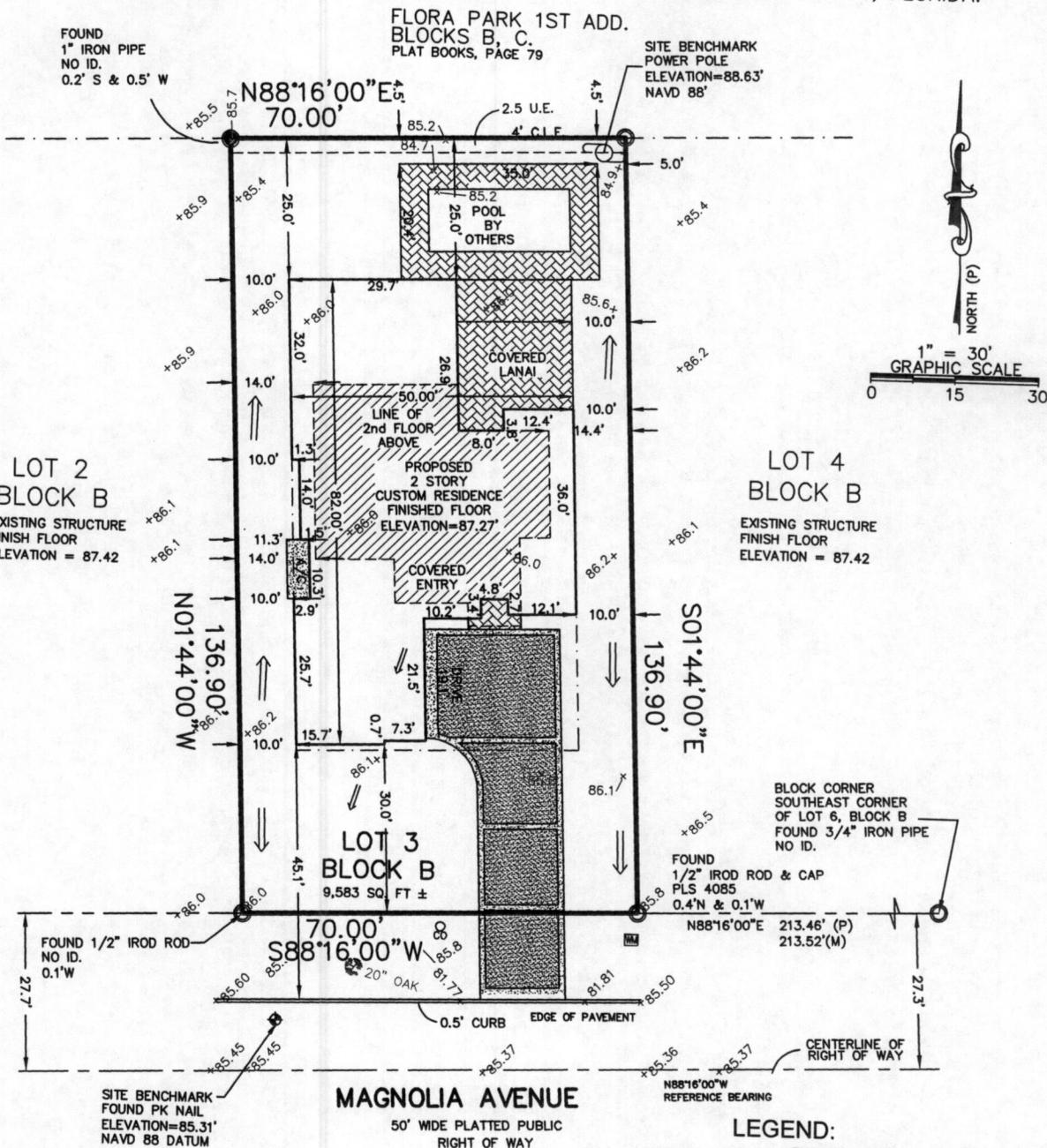
Field Date: 11/16/2020	Date Completed: 11/23/20	-NOTES-	
Drawn By: C.W.	File Number: JS-16327 U	>Survey is Based upon the Legal Description Supplied by Client. >Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus. >Subject to any Easements and/or Restrictions of Record. >Bearing basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB". >Building Ties are NOT to be used to reconstruct Property Lines. >Fence Ownership is NOT determined. >Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted. >Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies. >Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be construed to give ANY Rights or Benefits to Anyone Other than those Certified.	
-Legend- C - Calculated CL - Centerline CB - Concrete Block CM - Concrete Monument Conc. - Concrete D - Description DE - Drainage Easement Esmt. - Easement F.E.M.A. - Federal Emergency Management Agency FFE - Finished Floor Elevation Fnd. - Found IP - Iron Pipe L - Length (Arc) M - Measured N&D - Nail & Disk N.R. - Non-Radial ORB - Official Records Book P - Plat P.B. - Plat Book □ - Wood Fence		PC - Point of Curvature Pg. - Page PI - Point of Intersection P.O.B. - Point of Beginning P.O.L. - Point on Line PP - Power Pole PRM - Permanent Reference Monument PT - Point of Tangency R - Radius Rad. - Radial R&C - Rebar & Cap Rec - Recovered Rfd. - Roofed Set - Set 1/2" Rebar & Cap "LB 7623" Rebar - Rebar Typ. - Typical UE - Utility Easement WM - Water Meter Δ - Delta (Central Angle) -O- - Chain Link Fence	
		-POINTS OF INTEREST-	
		NONE VISIBLE	
		I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.  Patrick K. Ireland, P.S.M. 6637, LB 7623 This Survey is intended ONLY for the use of Said Certified Parties. This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.	
		Ireland & Associates Surveying, Inc. 800 Currency Circle Suite 1020 Lake Mary, Florida 32746 www.irelandsurveying.com Office-407.678.3366 Fax-407.320.8165	

PLOT PLAN

DESCRIPTION:(AS FURNISHED)

LOT 3, BLOCK B, FLORA PARK 2ND ADD., ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK T, PAGE 47, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FLORA PARK 1ST ADD.
BLOCKS B, C.
PLAT BOOKS, PAGE 79



ADDRESS:

1737 MAGNOLIA AVENUE
WINTER PARK, FLORIDA

PREPARED FOR:

PATHFINDER DEVELOPMENT GROUP

BUILDING SETBACKS

FRONT 1st FLOOR: 29' (44' FROM BACK OF CURB)
REAR 1st FLOOR: 25'
SIDE 1st FLOOR: 10'
SIDE 2nd FLOOR: 14'

NOTES:

- EXISTING ELEVATIONS SHOWN ARE BASED ON ORANGE COUNTY BENCHMARK TP-187 NAVD 88 DATUM.

THIS PLOT PLAN IS INTENDED FOR PERMITTING PURPOSES ONLY. THIS IS NOT INTENDED FOR THE CONSTRUCTION OF THE PROPOSED HOUSE. REFER TO HOUSE PLAN AND OPTION LIST FOR CONSTRUCTION. ALL BUILDING SET BACK LINES SHOWN HEREON IS PER DATA FURNISHED BY CLIENT AND IS FOR INFORMATIONAL PURPOSES ONLY.

**THIS IS NOT A SURVEY
THIS IS A PLOT PLAN ONLY**

FLOOD NOTE:

I HAVE EXAMINED THE F.I.R.M. COMMUNITY PANEL NO. 120188 0255 F, DATED SEPTEMBER 25, 2009, AND FOUND THE SUBJECT PROPERTY APPEARS TO LIE IN ZONE X, AREA OUTSIDE THE 100 YEAR FLOOD PLAIN. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ABOVE INFORMATION. PLEASE CONTACT THE LOCAL F.E.M.A. AGENT FOR VERIFICATION.

BEARING BASIS:

BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF MAGNOLIA AVENUE BEING N88°16'00"W, PER PLAT.

(FIELD DATE: _____)
SCALE: 1" = 30 FEET
APPROVED BY: JB
JOB NO. 4090402 LOT 3, BLK B
DRAWN BY: NMK

REVISED: _____
REVISED: _____
REVISED: _____
REVISE PER NEW PLANS AND FLIP HOUSE 10-27-14 JMH
PLOT PLAN 09-11-14 JMH

ON LOT CALCULATIONS

LOT	= 9,583	SQ. FT.
LIVING AREA	= 2,378	SQ. FT.
GARAGE	= 520	SQ. FT.
ENTRY	= 29	SQ. FT.
LANAI	= 345	SQ. FT.
POOL PAVERS	= 856	SQ. FT.
DRIVEWAY	= 237	SQ. FT.
A/C PAD	= 41	SQ. FT.
WALKWAY	= 0	SQ. FT.
IMPERVIOUS	= 46%	
SOD	= 4406	SQ. FT.
SOD	= 5,177	SQ. FT.

OFF LOT CALCULATIONS

RIGHT OF WAY	= 1063	SQ. FT.
DRIVE APRON	= 50	SQ. FT.
PUBLIC S/W	= 0	SQ. FT.
SOD	= 1,013	SQ. FT.

TOTALS

AREA	= 10,646	SQ. FT.
DRIVEWAY	= 287	SQ. FT.
SIDEWALK	= 0	SQ. FT.
SOD	= 6,190	SQ. FT.

- LEGEND:**
- BUILDING SETBACK LINE
 - CENTERLINE
 - RIGHT OF WAY LINE
 - x xx.xx EXISTING ELEVATION
 - PROPOSED DRAINAGE FLOW
 - [Pattern] CONCRETE
 - [Pattern] GRAVEL
 - A/C AIR CONDITIONER
 - S/W SIDEWALK
 - UP UTILITY PAD
 - PI POINT OF INTERSECTION
 - PC POINT OF CURVATURE
 - PT POINT OF TANGENCY
 - RP RADIUS POINT
 - PRC POINT OF REVERSE CURVATURE
 - PCC POINT OF COMPOUND CURVATURE
 - TYP TYPICAL
 - CS CONCRETE SLAB
 - (P) PER PLAT
 - (C) CALCULATED
 - PB PLAT BOOK
 - PGS PAGES
 - SQ. FT. SQUARE FEET
 - F.E.M.A. FEDERAL EMERGENCY MANAGEMENT AGENCY
 - F.I.R.M. FLOOD INSURANCE RATE MAP
 - D&UE DRAINAGE & UTILITY EASEMENT
 - DE DRAINAGE EASEMENT
 - WV WATER VALVE
 - HYD HYDRANT
 - CO SANITARY SEWER CLEANOUT
 - TR TELEPHONE RISER
 - TRANS TRANSFORMER
 - UB UTILITY BOX
 - UP UTILITY PAD
 - C.L.F. CHAIN LINK FENCE

- SURVEYOR NOTES:**
- THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
 - NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
 - NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

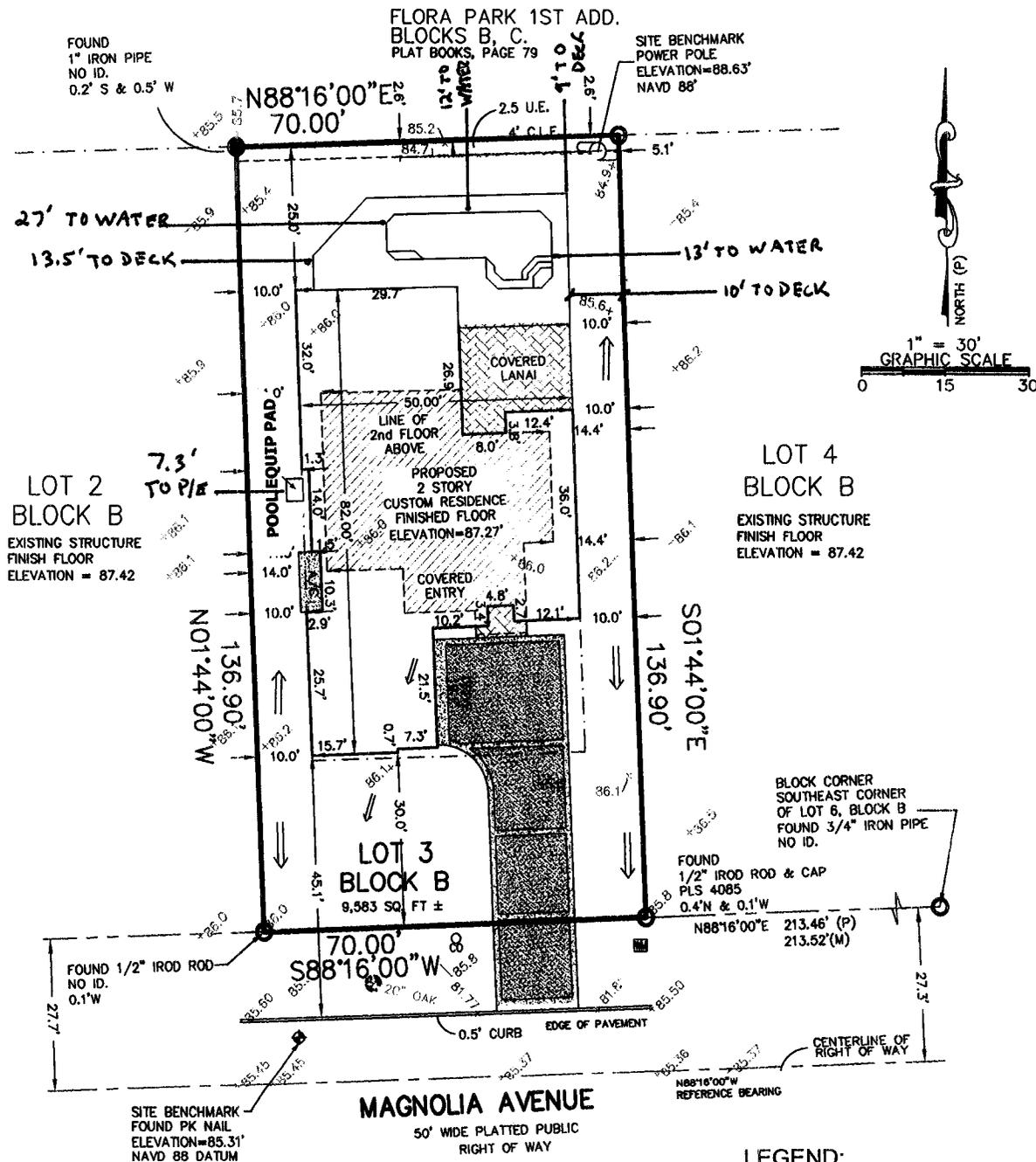
AS&M
AMERICAN SURVEYING & MAPPING INC.
CERTIFICATION OF AUTHORIZATION NUMBER LB#6393
3191 MAGUIRE BOULEVARD, SUITE 200
ORLANDO, FLORIDA 32803
(407) 426-7979
WWW.AMERICANSURVEYINGANDMAPPING.COM

James W. Boleman
10/28/14
FOR THE FIRM
JAMES W. BOLEMAN PSM# 6485 DATE

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PREPARED FOR:
PATHFINDER DEVELOPMENT GROUP

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REAR 1st FLOOR: 25'
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FLUP HOUSE 10-27-14 JMH
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ON LOT CALCULATIONS		
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GARAGE	= 520	SQ. FT.
ENTRY	= 29	SQ. FT.
LANAI	= 358	SQ. FT.
POOL PAVERS	= 836	SQ. FT.
DRIVEWAY	= 424	SQ. FT.
A/C PAD	= 41	SQ. FT.
WALKWAY	= 0	SQ. FT.
IMPERVIOUS	= 48%	
SOD	= 4586	SQ. FT.
OFF LOT CALCULATIONS	= 4,997	SQ. FT.
RIGHT OF WAY	= 1063	SQ. FT.
DRIVE APRON	= 50	SQ. FT.
PUBLIC S/W	= 0	SQ. FT.
SOD	= 1,013	SQ. FT.
TOTALS		
AREA	= 10,646	SQ. FT.
DRIVEWAY	= 474	SQ. FT.
SIDEWALK	= 0	SQ. FT.
SOD	= 6,010	SQ. FT.

LEGEND:

---	BUILDING SETBACK LINE
---	CENTERLINE
---	RIGHT OF WAY LINE
XX XX	PROPOSED ELEVATION
→	PROPOSED DRAINAGE FLOW
▒	CONCRETE
▤	PAVERS
A/C	AIR CONDITIONER
S/W	SIDEWALK
UP	UTILITY PAD
PI	POINT OF INTERSECTION
PC	POINT OF CURVATURE
PT	POINT OF TANGENCY
RP	RADIUS POINT
PRC	POINT OF REVERSE CURVATURE
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(P)	PER PLAT
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SQ. FT.	SQUARE FEET
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F.I.R.M.	FLOOD INSURANCE RATE MAP
D&UE	DRAINAGE & UTILITY EASEMENT
DE	DRAINAGE EASEMENT
WV	WATER VALVE
HYD	HYDRANT
CO	SANITARY SEWER CLEANOUT
TR	TELEPHONE RISER
TRANS	TRANSFORMER
UB	UTILITY BOX
UP	UTILITY PAD
C.L.F.	CHAIN LINK FENCE

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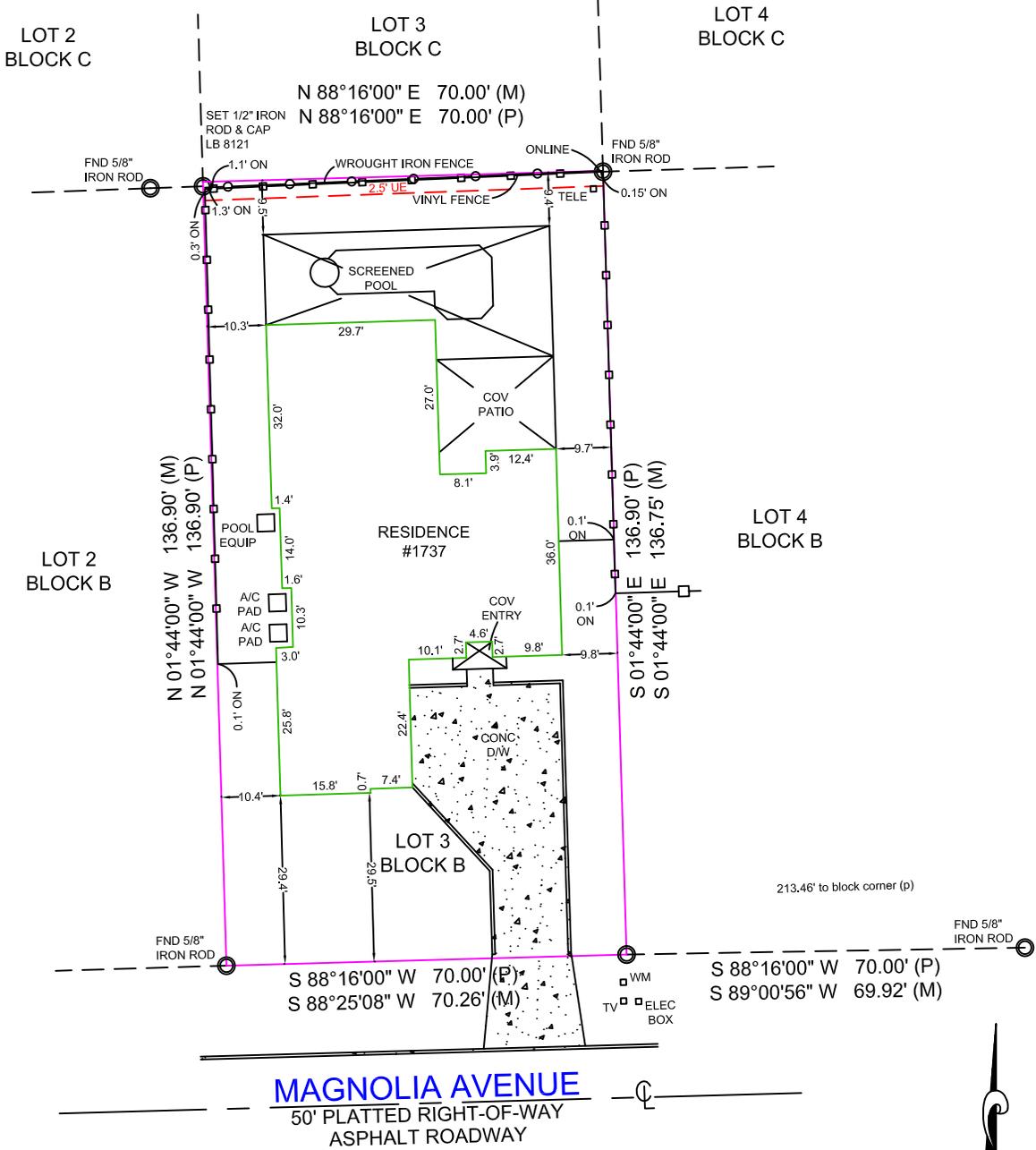
PRELIMINARY

JAMES W. BOLEMAN PSM# 6485

FOR THE FIRM
DATE

Boundary Survey

**FLORA PARK FIRST ADDITION
PB S, PAGE 79**



MAGNOLIA AVENUE
50' PLATTED RIGHT-OF-WAY
ASPHALT ROADWAY

ADDRESS
1737 MAGNOLIA AVENUE
WINTER PARK, FLORIDA 32789

LEGAL DESCRIPTION: (AS FURNISHED)
LOT 3, BLOCK B, FLORA PARK 2ND ADD., ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK T, PAGE(S) 47, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF LOT 3, BLOCK B, BEING S 01°44'00" E, PER PLAT

LIST OF POSSIBLE ENCROACHMENTS: NONE VISIBLE

DLS #: 21-01-0134
CLIENT #: 1737 MAGNOLIA AVENUE
FIELD DATE: 01/22/21
DRAFTER: FA
APPROVED: BHH

CERTIFIED TO: (AS FURNISHED)
TORRES IDELISA

- NOTES**
1. Abutting properties have not been researched for gaps, overlaps, and/or hiatus
 2. In compliance with F.A.C. 61G17-6.0031-4-E, 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 drainfield 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
 9. Calculated lines and information are noted by (C)
 10. Computations of lines and/or data not found are shown as (C)
 11. Accuracies obtained in this survey are greater than (rural) 1" in 5000', (suburban) 1" in 7500', (commercial) 1" in 10,000'
 12. 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
 13. 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.

LEGEND	
A/C	- Air Conditioner
C	- Calculated
CL	- Centerline
CB	- Concrete Block
CM	- Concrete Monument
CONC	- Concrete
COV	- Covered
D	- Description
DE	- Drainage Easement
DUE	- Drainage & Utility Esmt
D/W	- 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
POC	- Point of Commencement
PP	- Power Pole
PRC	- Point of Reverse Curvature
PRM	- Permanent Reference Monument
R	- Radius
RA	- Radial
R&C	- Rebar & Cap
RFD	- Roofed
UE	- Utility Easement
WM	- Water Meter
Δ	- Delta (Central Angle)
-	- Wood/PVC Fence
-	- Chain Link Fence



FOR ALL INQUIRIES CONTACT:
Deal Land Surveying, LLC
804 S. French Avenue
Sanford, FL 32771
407-878-3796
INFO@deallandsurveying.com

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 5J-17 FLORIDA ADMINISTRATIVE CODE. FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND SEALED PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.

DATE OF FIELD WORK: 01/22/21
DATE SIGNED: 01/26/21



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

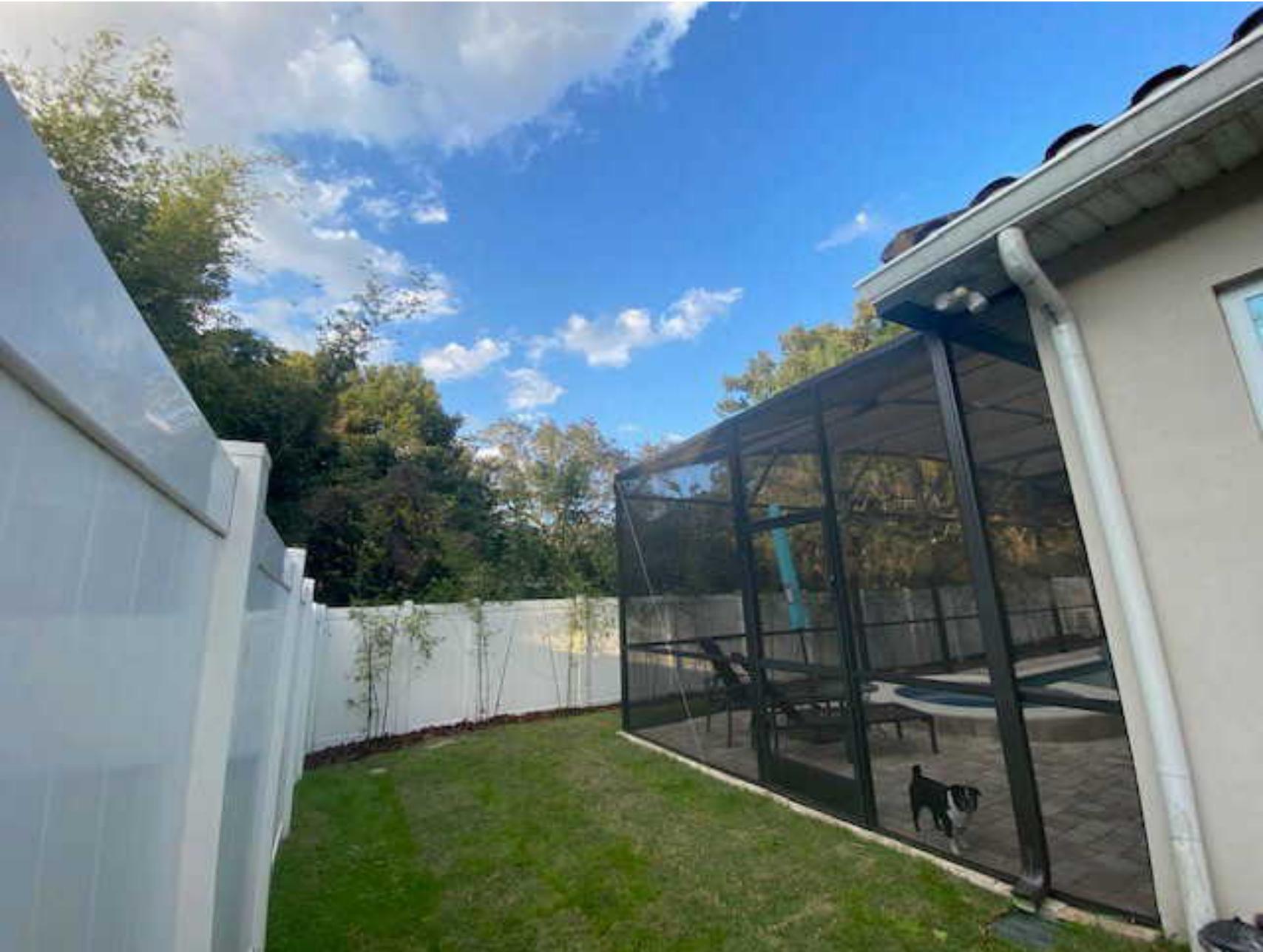
























City of Winter Park
Building & Permitting Services Department

401 S. Park Ave., Winter Park FL 32789 cityofwinterpark.org/bps
 Phone: 407-599-3237 Fax: 407-599-3499 Email: perms@cityofwinterpark.org

NOTICE! RESIDENTIAL PLANS WILL NOT BE ROUTED WITHOUT WP SETBACK/COVERAGE WORKSHEET COMPLETED & A RECENT SURVEY!

BUILDING PERMIT APPLICATION **FBC EDITION** _____ **DATE REC'D:** _____

PERMIT # _____ New Construction Addition/Alteration Site Work Interior Demolition

PLEASE PRINT APPLICATION INFORMATION: **CONSTRUCTION VALUATION \$** ^{8000.00} _____

PROJECT NAME ^{IDELISA TORRES} IDELEISA TORRES

PROJECT ADDRESS 1737 MAGNOLIA WINTER PARK 32789 SUITE/UNIT # _____

TAX / PARCEL I.D. NUMBER ³²⁻²¹⁻³⁰⁻²⁷⁶⁶⁻⁰²⁻⁰³⁰ 32-21-30-2766-02-030 **CITY LOCATION ID #** _____

OCCUPANT NAME _____

PROPERTY OWNER ^{IDELISA TORRES} IDELEISA TORRES **PHONE** ⁴⁰⁷⁻³⁴¹⁻⁹⁰⁶⁴ 407-341-9964

PROPERTY OWNER'S ADDRESS ^{SAME AS PROJECT} SAME AS PROJECT

CONTRACTOR NAME ^{BLUE SKYE SCREENING} BLUESKY SCREENING **PHONE** ⁴⁰⁷⁻⁹³⁷⁻⁹⁰⁷⁸ 407-857-5079

CONTRACTOR'S ADDRESS 5025 WILLETTEK AVE DICKLIDOR FL 32802

CONTRACTOR ST.REG./CERT.# ^{CRC1329012} CRC1329012 **EXPIRATION DATE** ^{AUG 2022} Aug 22

CONTACT PERSON _____ **PHONE/FAX** _____ **EMAIL** _____

BONDING COMPANY NAME & ADDRESS _____

ARCHITECT/ENGINEER'S NAME _____ **LICENSE #** _____ **PHONE** _____

ARCHITECT/ENGINEER'S ADDRESS _____

MORTGAGE LENDER'S NAME _____

MORTGAGE LENDER'S ADDRESS _____

DESCRIPTION OF PROPOSED IMPROVEMENTS ^{ERECT POOL SCREEN ENCLOSURE} ERECT POOL ENCL

BUSINESS TYPE ^{RESIDENTIAL} _____ **DEMOLITION PERMIT #** _____

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL, PLUMBING, MECHANICAL, FUEL GAS and ROOFING.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOU PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

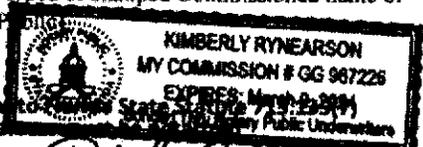
Signature [Signature]
Owner or Agent (including contractor)

Sworn to and subscribed before me by means of physical presence or online notarization, this 6 day of July 2020.

Personally known _____ OR Produced identification FLDL

Notary Public - State of FL
 My commission expires 3/9/24

(Printed typed or stamped Commissioned name of Notary Public)



Pursuant to Florida Statute 409.01, I am a Notary Public Under Seal
 All signed [Signature]

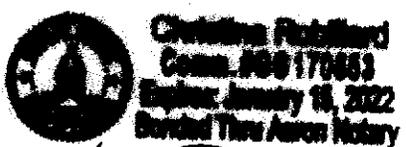
Signature [Signature]
Contractor

Sworn to and subscribed before me by means of physical presence or online notarization, this 6 day of July 2020.

Personally known _____ OR Produced identification _____

Notary Public - State of _____
 My commission expires 1-15-22

(Printed typed or stamped Commissioned name of Notary Public)



[Signature]

BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 2, BLOCK B, FLORA PARK 2ND ADDITION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK T, PAGE 47, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN TOWN OF LADY LAKE, COMMUNITY NUMBER 120613, DATED 12/18/2012.

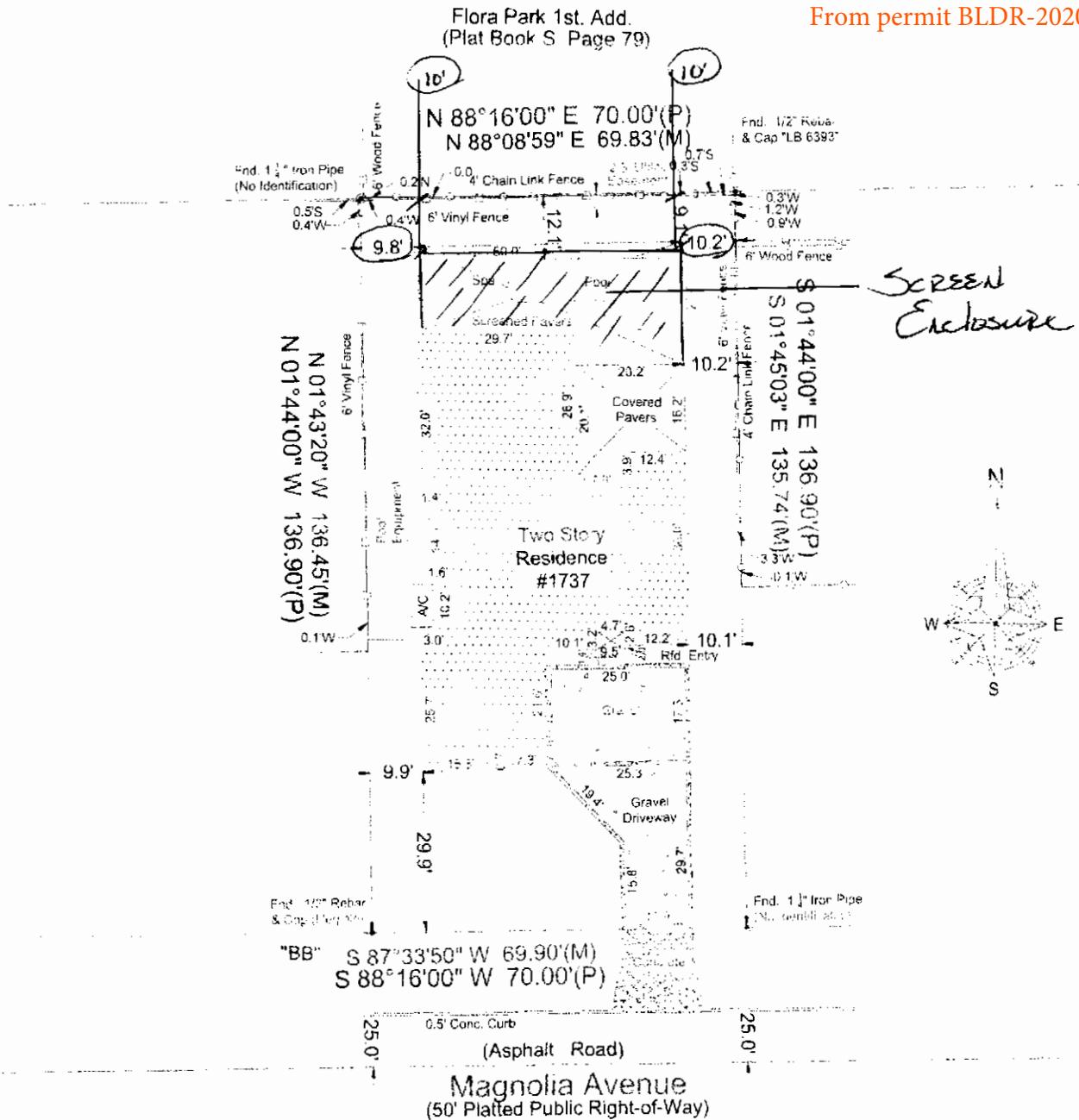
CERTIFIED TO:

KIM RYNEARSON, BLUE SKYE SCREENING



1737 MAGNOLIA AVENUE, WINTER PARK, FLORIDA 32769

From permit BLDR-2020-0186

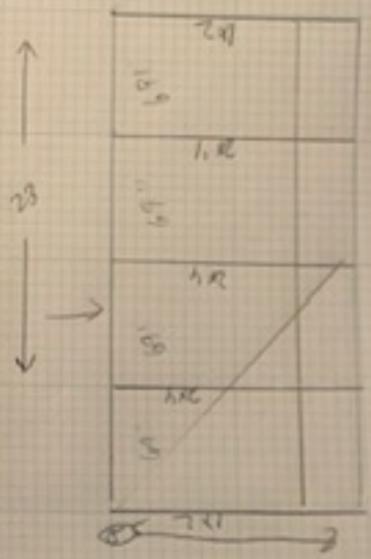
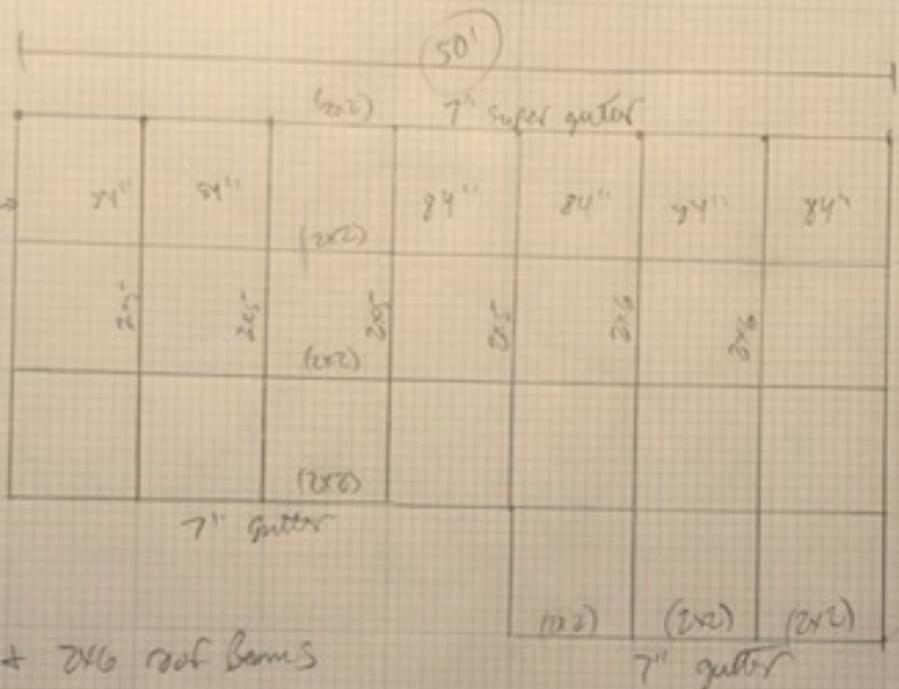
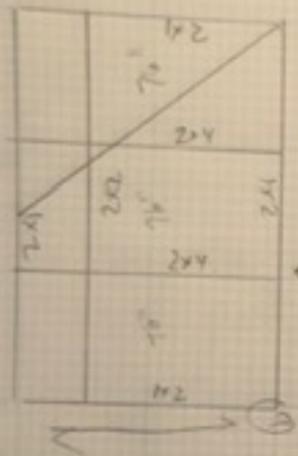


Revision: Updated Survey - 11/16/20 - AMC

Field Date: 11/16/20	Date Completed: 11/16/20
Drawn By: C.W.	File Number: IS-16327 U
Legend: C - Calculated CB - Concrete Block CM - Concrete Monument Conc - Concrete D - Description DL - Drainage Easement E - Easement F - Fenced F.A. - Florida Agency M - Measured N&D - Nail & Disk N.R. - Non-Radius ORB - Official Records Book P - Plat P.B. - Plat Book W - Wood	
PC - Point of Curvature Pg - Page PI - Point of Intersection P.O.B. - Point of Beginning P.O.L. - Point on Line PP - Power Pole PRM - Permanent Reference Monument R - Radius R.C. - Radius & Chord R.C. - Radius & Chord S - Set S.R. - Set in Rebar & Cap "LB 7623" T - Typical UL - Utility Easement WM - Water Meter Δ - Delta (Central Angle) -O- - Chain Link Fence	

*Survey is Based upon the Legal Description Supplied by Client.
 *Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Horus.
 *Subject to any Easements and/or Restrictions of Record.
 *Bearing basis shown hereon is Assumed and Based upon the Line Denoted with a "BB".
 *Building Ties are NOT to be used to reconstruct Property Lines.
 *Fence Ownership is NOT determined.
 *Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
 *Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
 *Use of This Survey for Purposes other than Intended, Without Written Confirmation, Will be at User's Own Risk and is NOT warranted, guaranteed, or otherwise authorized.
 *NOT TO BE GIVEN ANY RIGHTS OR INTERESTS TO ANYONE OTHER THAN THOSE CREATED THEREIN.

Patrick K. Ireland, P.S. 6637, LB 7623
 Ireland & Associates Surveying, Inc.
 800 Currency Circle | Suite 1020
 Lake Mary, Florida 32746
 www.irelandsurveying.com
 Office-407.678.3366 Fax-407.320.8165



- 2x5 + 2x6 roof beams
- 2x4 side wall uprights
- 2x2 purlins
- 2x2 chair rails
- 1x4x4 screens
- 7" Spf gutters

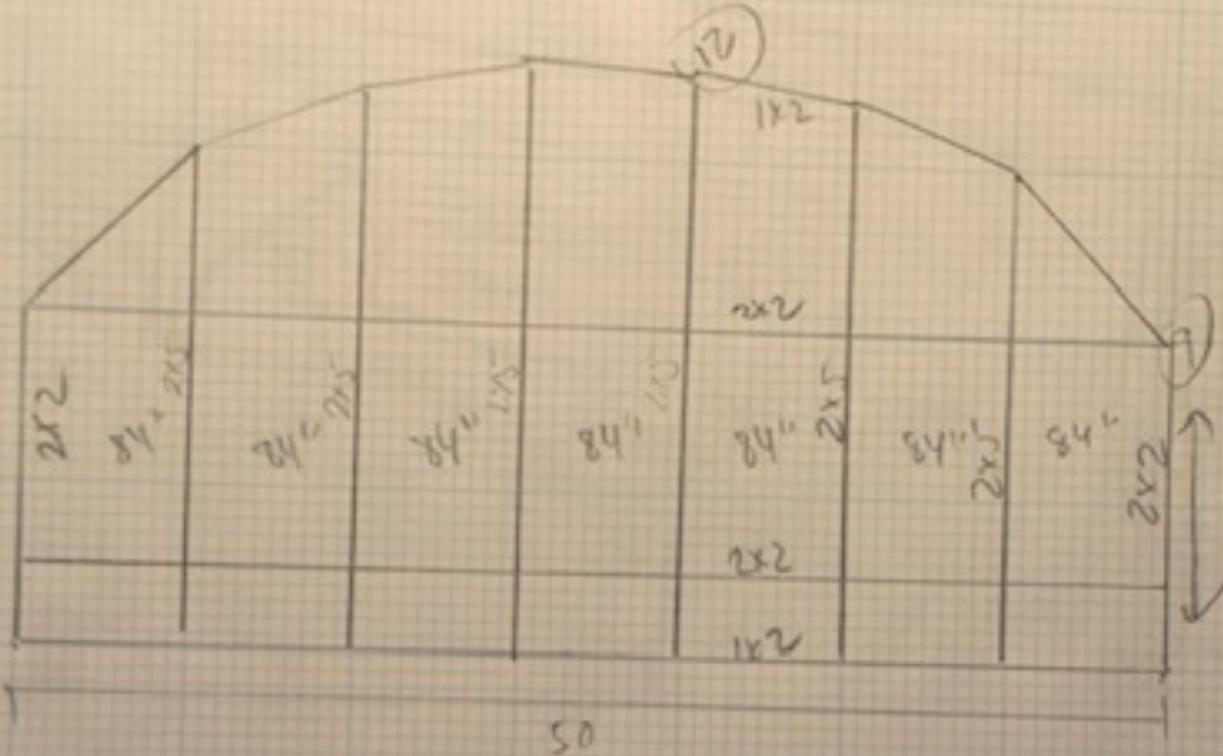
TORRES

In the event of a conflict in member sizes shown on the plans and the general notes, the contractor must utilize the more stringent member size requirements.
 Engineer: Michael Thompson, P.E. 47509/CA30930

2x5 Front wall
uprights

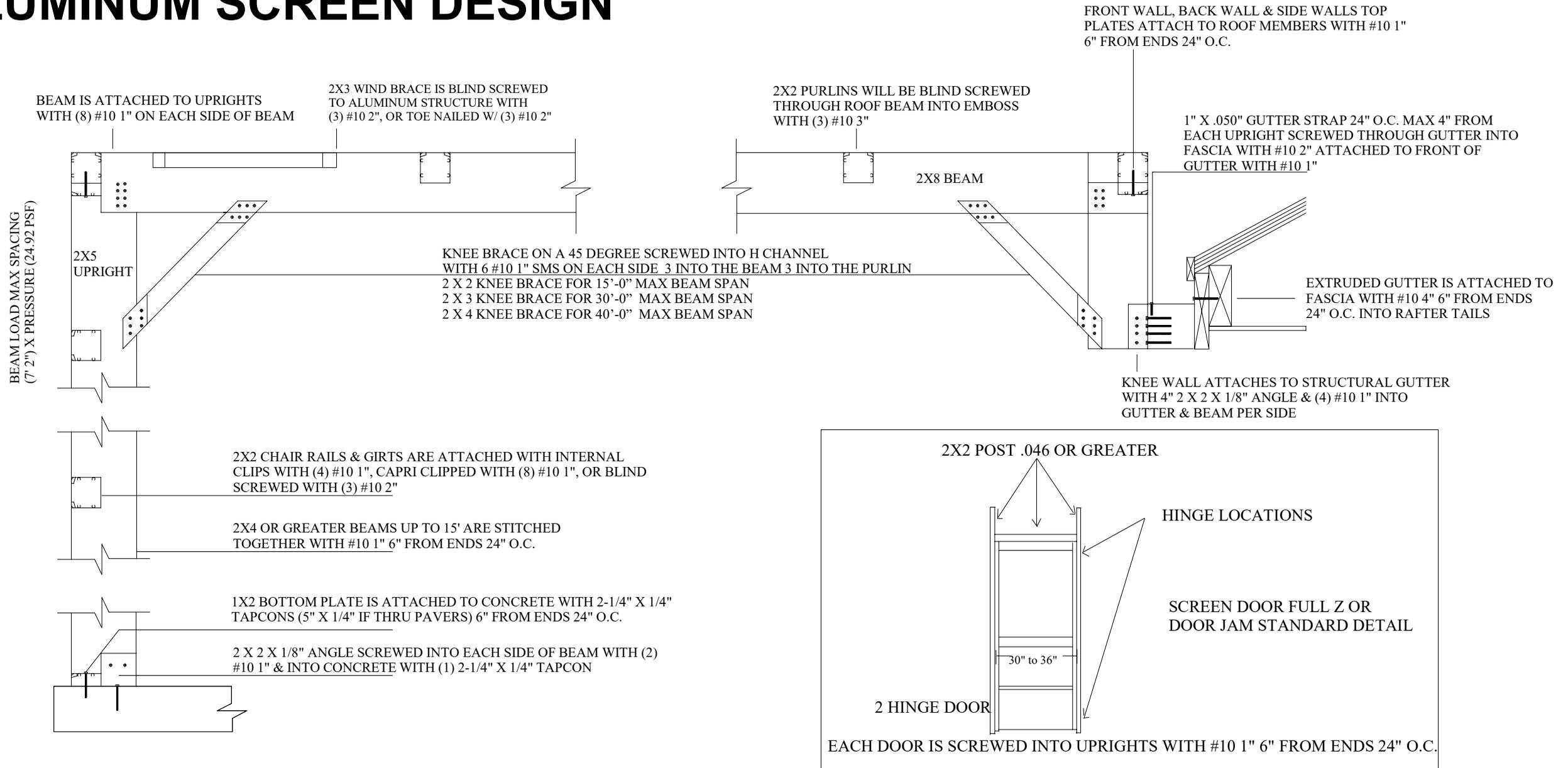
2x2 chord rals

2x2 purlins



In the event of a conflict in member sizes shown on the plans and the general notes, the contractor must utilize the more stringent member size requirements.
Engineer: Michael Thompson, P.E. 47509/CA30930

ALUMINUM SCREEN DESIGN



ALUMINUMSCREENDESIGN.COM
 ALUMINUMSCREENDESIGN
 @YAHOO.COM
 PHONE: 407-734-1470
 FAX: 407-734-1790

DESIGN STATEMENT

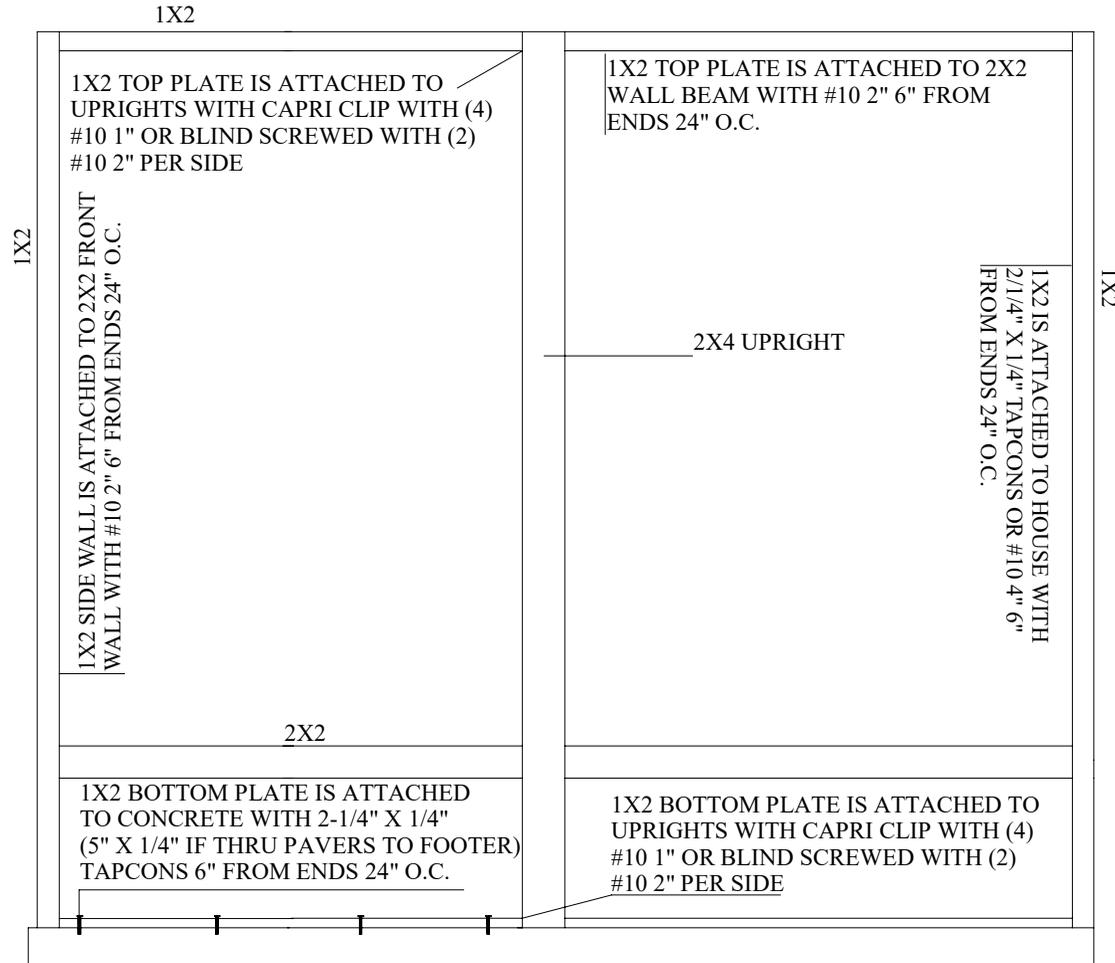
METAL IS .046 THICKNESS OR GREATER, ALLOY IS 6005-T5
 ALL TAPCONS SHALL PROVIDE MINIMUM OF 1 1/8" CONCRETE EMBEDMENT DEPTH

THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE TO MEET THE REQUIREMENTS OF THE 2017 (6TH EDITION) FLORIDA BUILDING CODE FOR OPEN AND SEMI-OPEN STRUCTURES AND SHALL WITH STAND ULTIMATE WIND SPEEDS OF 130 MPH (FOR 3 SECOND GUSTS) NOMINAL SPEED 101.4 MPH UP TO A 15FT ROOF HEIGHT, FACTOR OF 1.0, AND EXPOSURE C, RISK CATEGORY 1. CONTRACTOR SHALL FIELD VERIFY ALL PLANS DIMENSIONS PRIOR TO MATERIAL PURCHASE, FABRICATION AND CONSTRUCTION CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY SHOULD SITE CONDITIONS DIFFER FROM CONSTRUCTION PLANS

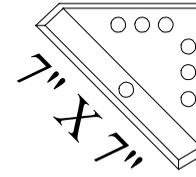
MICHAEL THOMPSON
 4401 VINELAND ROAD
 SUITE A6
 ORLANDO, FL 32811
 P.E. # 47509
 CA#30930

ALUMINUM SCREEN DESIGN

SIDE WALL DETAIL

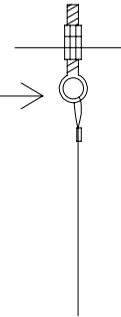


CABLE DETAIL

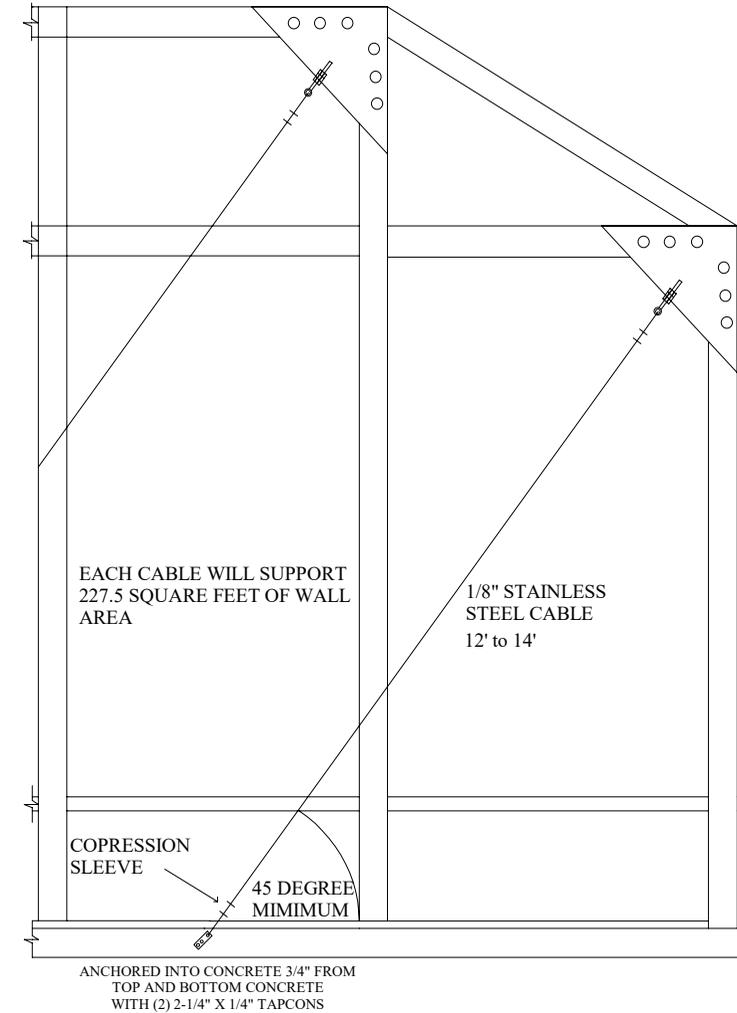
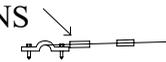


1/8" THICK ANGLE BRACKET ATTACHED TO UPRITE AND GIRT WITH (6) #10 1"

5/16" EYE BOLT WELDED CLOSED WITH DOUBLE NUTS COMPRESSION SLEEVE



SIDE VIEW
COMPRESSION SLEEVE
3" A.S.T.M. A-36 STEEL CLIP
WITH (2) 2-1/4" X 1/4" TAPCONS



IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO INFORM THE HOMEOWNER THAT THE CABLES AND CABLE ATTACHMENT MUST BE INSPECTED BY THE HOMEOWNER AT LEAST TWICE A YEAR TO ELIMINATE ANY DEFICIENCIES ASSOCIATED WITH TENSION SLACK AND/OR CORROSION AND IF NECESSARY TO MAKE CORRECTIVE REPAIRS TO MAINTAIN THE CABLE FULL TENSION (NO SLACK) DESIGNED FOR STRUCTURAL LATERAL STABILITY

ALUMINUMSCREENDESIGN.COM
ALUMINUMSCREENDESIGN
@YAHOO.COM
PHONE: 407-734-1470
FAX: 407-734-1790

DESIGN STATEMENT

METAL IS .046 THICKNESS OR GREATER, ALLOY IS 6005-T5
ALL TAPCONS SHALL PROVIDE MINIMUM OF 1 1/8" CONCRETE EMBEDMENT DEPTH

THIS STRUCTURE HAS BEEN DESIGNED IN ACCORDANCE TO MEET THE REQUIREMENTS OF THE 2017 FLORIDA BUILDING CODE FOR OPEN AND SEMI-OPEN STRUCTURES AND SHALL WITH STAND ULTIMATE WIND SPEEDS OF 130 MPH (FOR 3 SECOND GUSTS) NOMINAL SPEED 101.4 MPH UP TO A 15FT ROOF HEIGHT, FACTOR OF 1.0, AND EXPOSURE C, RISK CATEGORY 1. CONTRACTOR SHALL FIELD VERIFY ALL PLANS DIMENSIONS PRIOR TO MATERIAL PURCHASE, FABRICATION AND CONSTRUCTION CONTRACTOR SHALL NOTIFY THE ENGINEER IMMEDIATELY SHOULD SITE CONDITIONS DIFFER FROM CONSTRUCTION PLANS

MICHAEL THOMPSON
4401 VINELAND ROAD
SUITE A6
ORLANDO, FL 32811
P.E. # 47509
CA#30930



SETBACK / COVERAGE WORKSHEET

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

Address:

1737 Magnolia Ave

Lot width²:

70'

Submitted by:

Blue skye screening

Lot area³:

9598

	Maximum % Allowed⁴	Existing Area¹⁰	Additional Proposed Area¹⁰	New Total Area	Maximum Allowed Area
IMPERVIOUS LOT COVERAGE <small>IMPERVIOUS LOT COVERAGE</small>	Include bldg footprint, driveways, sidewalks, patios, swimming pools, A/C pads, artificial turf, etc.				
	2 story - 50%				
	1 story - 60%				

FLOOR AREA RATIO (F.A.R.)^{5,6} <small>FLOOR AREA RATIO (F.A.R.)</small> <small>FLOOR AREA RATIO (F.A.R.)</small>	For one and two story bldgs (include 1st & 2nd floors, garages/carpports, stair areas on both floors, areas on 2nd floors which are open to the 1st floor ⁷ , and accessory bldgs. EXCLUDE - pool screen enclosure areas and certain open front, side & rear porches ⁸ .				
	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				

SCREEN POOL ENCLOSURE	8%⁹	9598	767		
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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.
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. See page 3 on how to achieve maximum F.A.R.
7. Vaulted and cathedral ceiling areas count twice if the height from the floor to the ceiling is 17.5 feet or greater.
8. 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.
9. Any area not already used in the permitted floor area ratio (FAR) may be added to this 8% for additional screened pool enclosure area.
10. These columns only apply to existing homes.
11. Vertical walled in areas created above the 1st floor must be including in the gross floor area

SETBACKS (complete boxes A and B first)

	Minimum Allowable Dimensions			Existing		Proposed		
FRONT	Average of 2 adjacent homes on each side. If corner lot, use 3 adjacent homes.							
SIDES^{1,2} <small>(see other side setback options on pg 4) SIDES</small>	1st Floor	See pages 3&4 <small>SEE PAGES 3&4</small>		Left	Right	Left	Right	
	2nd Floor							
REAR^{1,3,4} <small>REAR REAR</small>	1st Floor	25 ft.						
	2nd Floor	35 ft⁵						
	Lakefront	see note 6						
CORNER LOT <small>CORNER LOT CORNER LOT CORNER LOT</small>	1st Floor <small>1ST FLOOR</small>	Lot width ≤ 65 ft.	15 ft.					
		Lot width > 65 ft⁷	20 ft.					
	2nd Floor <small>2ND FLOOR</small>	Lot width ≤ 65 ft.	15 ft.					
		Lot width > 65 ft⁷	22.5 ft.					
BUILDING HEIGHT <small>8,9,10,11,12</small>	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.

From: [George Wiggins](#)
To: [Theresa Dunkle](#)
Subject: FW: [External] RE: [External] 1737 Magnolia Ave screen structure received a "passed" review on Dec. 3 with only a 9.1 foot setback from rear property line
Date: Wednesday, March 10, 2021 4:45:45 PM

From: mattiecharlie <mattiecharlie@earthlink.net>
Sent: Monday, January 11, 2021 8:13 AM
To: George Wiggins <Gwiggins@cityofwinterpark.org>; Kristopher Stenger <kstenger@cityofwinterpark.org>
Cc: Renata Minoga <rminoga@cityofwinterpark.org>; suzan@pruterlaw.com
Subject: [External] RE: [External] 1737 Magnolia Ave screen structure received a "passed" review on Dec. 3 with only a 9.1 foot setback from rear property line

Dear All -

The owner of 1737 Magnolia, Ms. Torres, asked us yesterday to agree to a variance on her property.

We said no for the following reasons:

- 1) There is no hardship on this property. It is not an irregular shaped or corner lot. Ms. Torres bought the house as new construction and she knew at that time what the configuration of the pool and patio were.
- 2) There is plenty of room in the allowable screen area of 792 sq. ft.
- 3) The screened area runs 50 feet along the back of our property which is 71% of the length of our backyard - in the center. We are greatly impacted. The screen structure is too large and too close.

Ms. Torres said that she would schedule the contractor to make the changes to screen structure so that it conforms.

Lance is a disabled veteran and Sharon is a cancer survivor. We are retiring this year and after raising our family here in Winter Park, we would like to enjoy the remainder of our years in our house and backyard.

Please enforce the city of Winter Park building code.

Sincerely,

Lance and Sharon Sanders

-----Original Message-----

From: George Wiggins
Sent: Dec 4, 2020 7:48 AM
To: 'mattiecharlie', Kristopher Stenger
Cc: Renata Minoga, "suzan@pruterlaw.com"
Subject: RE: [External] 1737 Magnolia Ave screen structure received a "passed" review on Dec. 3 with only a 9.1 foot setback from rear property line

M/M Sanders,

I understand from Ms. Minoga that the enclosure was constructed without a permit and in

violation of the rear setback requirement of 10 feet. No plan for a 9' rear setback was approved. The contractor submitted a revised plan with a conforming 10' rear setback and it has now been approved. The contractor must now correct the rear setback encroachment of the enclosure to comply with the 10 foot rear setback. Failure to do this within a timely manner will result in sending this code violation to the City's Code Compliance Board which has authority to impose a \$250/day fine until it is brought into compliance. In addition, the revised plan with the conforming rear setback does not exceed the allowable screen enclosure coverage.

We will be following up to ensure that the enclosure complies with the City Zoning Code setback requirement.

Please feel free to call me if I can assist further.

George Wiggins

Director of Bldg/Legis
Affairs



Building & Permitting
Services

City of Winter Park
401 Park Ave. SouthWinter Park, FL.
32789
cityofwinterpark.org

407.599.3426



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

-----Original Message-----

From: mattiecharlie <mattiecharlie@earthlink.net>
Sent: Friday, December 4, 2020 12:05 AM
To: George Wiggins <Gwiggins@cityofwinterpark.org>; Kristopher Stenger <kstenger@cityofwinterpark.org>
Cc: Renata Minoga <rminoga@cityofwinterpark.org>; suzan@pruterlaw.com
Subject: [External] 1737 Magnolia Ave screen structure received a "passed" review on Dec. 3 with only a 9.1 foot setback from rear property line

[Caution: This email originated from outside the City of Winter Park email system. Before



February 28, 2021

VIA ELECTRONIC SUBMISSION

City of Winter Park
Building & Permitting Services
Ms. Theresa Dunkle &
Mr. George Wiggins

RE: Application for Variance for Property Address: 1737 Magnolia Dr. Winter Park,
Florida 32789 (the "Magnolia Property")

To Whom It May Concern:

I live directly next door to the Magnolia Property. I have been informed by my neighbor, Dr. Idelisa Torres, that she has applied for a variance requesting relief from certain setback requirements related to the placement of her screen enclosure covering her pool and patio area in the rear of the Magnolia Property. I am further informed that the discrepancy in relation to the setback requirements amounts to a mere few inches.

Therefore, as a neighbor and one most impacted by any such variance grant, the purpose of this correspondence is to inform you that I do approve and support a grant of variance in this case. Please contact me if you have any questions.

Sincerely,

Heather Durkin

Print Name: Heather Durkin
Property Address: 1719 Magnolia Ave., Winter Park, FL 32789
Telephone Number: 440-479-4948

February 28, 2021

VIA ELECTRONIC SUBMISSION

City of Winter Park
Building & Permitting Services
Ms. Theresa Dunkle &
Mr. George Wiggins

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Therefore, as a neighbor and one most impacted by any such variance grant, the purpose of this correspondence is to inform you that I do approve and support a grant of variance in this case. Please contact me if you have any questions.

Sincerely,



Print Name: Aura Valencia
Property Address: 1755 Magnolia Ave. WP
Telephone Number: (407) 376-7502



Board of Adjustments regular meeting

April 20, 2021 at 5:00p.m.

Agenda Items

Public Hearings

2. Request of Emiel McNish, on behalf of Ketan Pandya, for variances to allow the construction of a boathouse to extend approximately 70 feet into Lake Berry in lieu of the maximum permitted distance of 30 feet and allow an area of 960 square feet, in lieu of the maximum allowed area of 600 square feet.

Located at 1661 Chase Landing Way

Zoned: PURD



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: April 20, 2021
SUBJECT: VARIANCE REQUEST by Emiel McNish on behalf of Ketan Pandya, 1661 Chase Landing Way

The applicant is requesting variances to allow a new boathouse to remain as partially built extending approximately 70 feet into Lake Berry from the ordinary high water line, whereas the maximum permitted distance is 30 feet. In addition, the request is to allow an overall area of 960 square feet, whereas the maximum allowed area is 600 square feet.

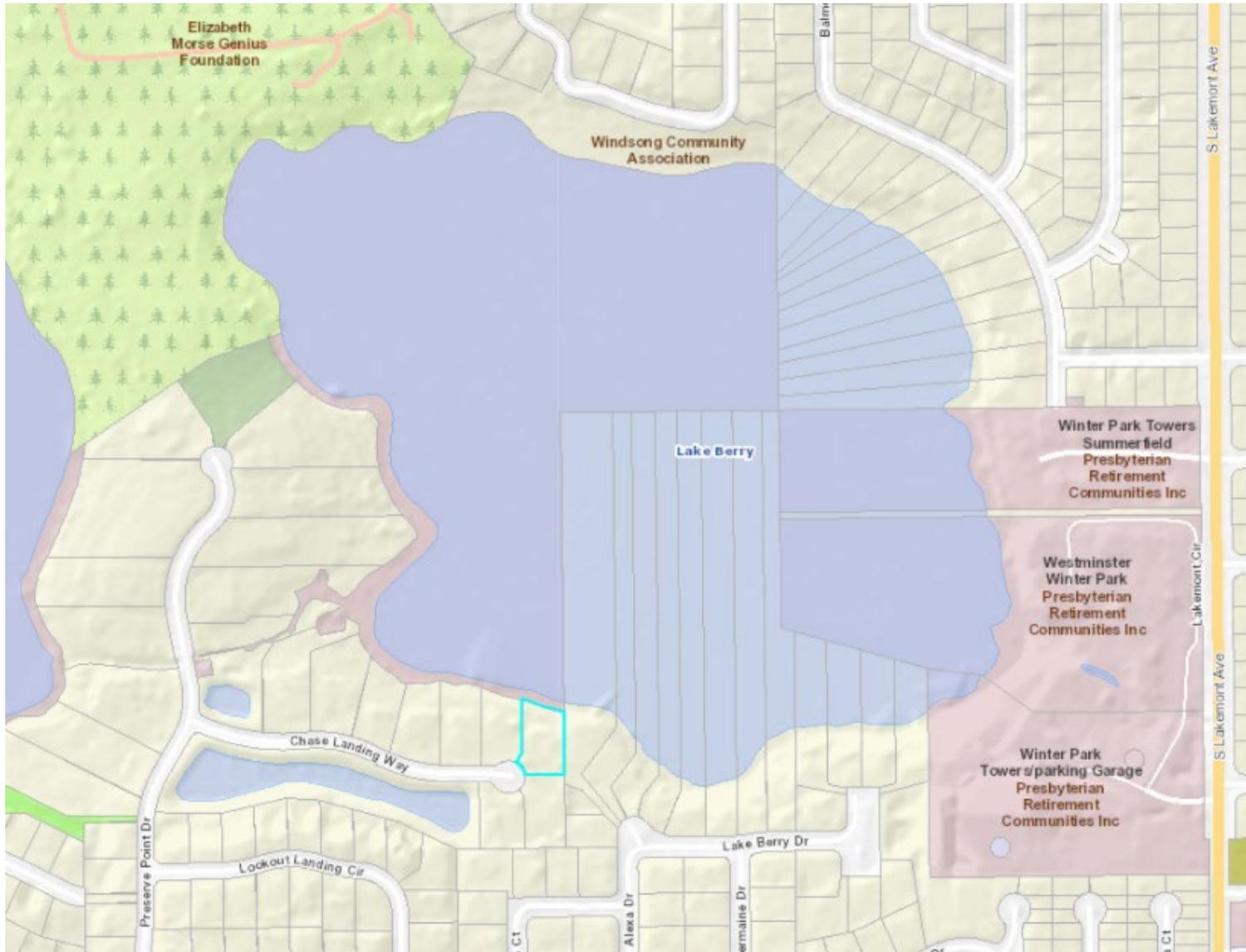
This boathouse received a building permit after revising the original plan that did not meet our typical boathouse criteria limiting the area to 600 square feet and 30 feet into a lake beyond the ordinary high water line. Construction proceeded and was later stopped due to a complaint from the neighboring property owner when it became apparent that the boathouse was not complying with the area and distance into the lake indicated on the approved plan. In addition, the neighbor pointed out that the boathouse will block his lake view and that it was his understanding that this boathouse was to be built on the opposite side of the lot rather than near the west side lot line.

With regard to having a definitive City Commission condition that all boathouses along the southwesterly shoreline of Lake Berry must be grouped next to each other along common lot lines with no side setback, I have not conclusively found a record of a boathouse grouping condition in the minutes of the Commission meeting in 1999 when the plat of the Windsong- Preserve Point Subdivision was approved for all lots along the south or western shore of Lake Berry. However, there was a condition approved that "the boathouses for Lot 8 & 9 be constructed immediately adjacent to each other (zero lot line)". An excerpt of those minutes is included in this report.

With regard to hardship criteria, at this point although we have asked for water depth information, however, the information provided on a marked up survey appears to indicate that the boathouse can be closer to shore with a water depth indication of 6 feet in the middle of the boathouse. Therefore, we have not received sufficient information from the applicant to justify granting extending the boathouse over 30 feet into the lake or for adding significant additional area to the boathouse.

No letters have been received expressing non-objection to this request, however, we have heard from the attorney representing the property owner adjacent to this property on the west side expressing objection to this request.

1661 Chase Landing





PLAN SNAPSHOT REPORT BOA-2021-0037 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 03/21/2021
Work Class: Board of Adjustments/Variance Application	District: Winter Park	Exp Date: NOT AVAILABLE
Status: Submitted - Online	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Wiggins, George	Approval Expire Date:

Description: Boat dock

Parcel: 302208936700200	Main	Address: 1661 Chase Landing Way Winter Park, FL 32789-5940	Main	Zone:
--------------------------------	------	--	------	--------------

Alternate Contact McNish outdoor living- MAIN Emiel R McNish 3501 Chandler Estates Drive Apopka, FL 32712 Business: (407) 489-1351	Applicant McNish outdoor living- MAIN Emiel R McNish 3501 Chandler Estates Drive Apopka, FL 32712 Business: (407) 489-1351	Owner pandya family r trust 1661 chase landing WAY
--	--	---

Plan Custom Fields

Zoning	Section	Subsection
Is the property on waterfront? Yes	Is this property on historic registry or district? No	Describe variance we require a variance in order to build our dock beyond 30feet of the normal water high.
How long have you owned the property? 2 years	How long have you occupied the property? 1year	Special Condition we would like to access deeper waters in order to dock a boat and be able to fully utilize the waterfront.
Rights/Priv We notice that adjoining neighbors have longer docks which enables them to access deeper waters, we would like the same privileges.	Hardship 1.At 30ft from the normal water high, we only have a 3ft water depth. 2. Neighbors have longer docks which give them access to deeper waters even in times of drought. 3. We were permitted by the city to build the dock, but by some glitch in the system, we were mistakenly approved by the board of the lake.	Limited Variance yes. we would at least like to access a 6ft water depth at the end of our dock.

Attachment File Name	Added On	Added By	Attachment Group	Notes
McNISH - PANDY, KETAN BOAT DOCK_v1 (1).pdf	03/21/2021 22:27	McNish, Emiel		Uploaded via CSS
s3X6EL_77318_survey_r1.pdf	03/21/2021 22:27	McNish, Emiel		Uploaded via CSS
Signature_Emiel_McNish_3/22/2021.jpg	03/21/2021 22:27	McNish, Emiel		Uploaded via CSS

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	In Review	03/22/2021	03/24/2021		No	No

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Building Official Review	Building & Permitting Services	Wiggins, George	In Review	03/22/2021	03/24/2021	

Workflow Step / Action Name	Action Type	Start Date	End Date
Application Completeness Check v.1			03/22/2021 8:23
Confirm Application Complete v.1	Generic Action		03/22/2021 8:23
Review v.1			
Board of Adjustments Review v.1	Receive Submittal	03/22/2021	0:00
Issue Invoice v.1	Generic Action		

25' Beyond N.H.W.E.

515 sqft Beyond N.H.W.E.

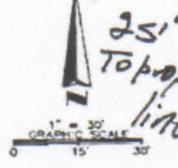
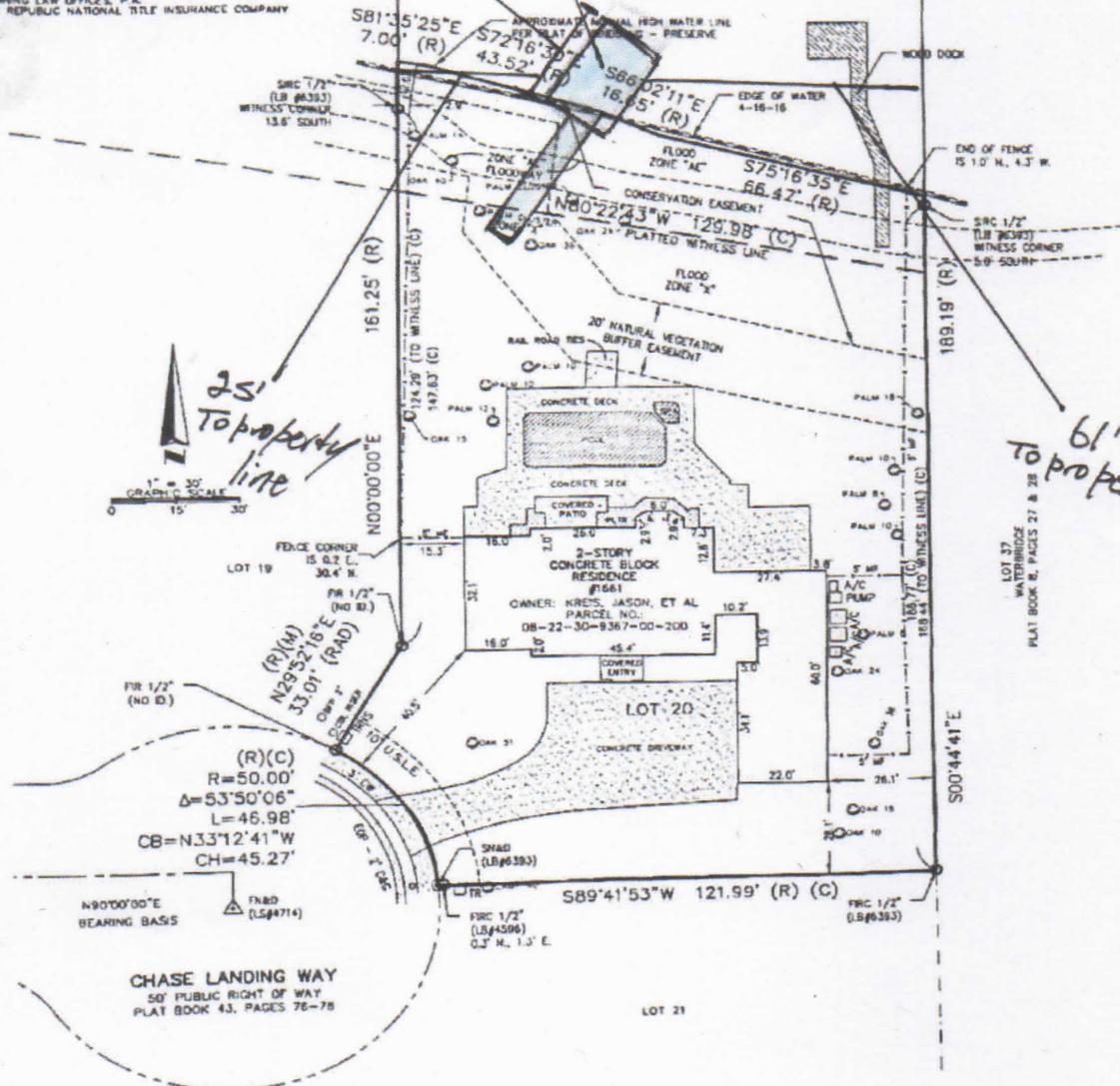
Approved with bldg permit

BOUNDARY SURVEY DESCRIPTION: (AS FURNISHED)

LOT 20, WINDSONG - PRESENT POINT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 43, PAGES 76 THROUGH 78, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

CERTIFIED TO:
KETAN PANDYA AND NISHA PANDYA, AS CO-TRUSTEES OF THE PANDYA FAMILY REVOCABLE TRUST
PNC BANK, N.A.
DOWNING LAW OFFICES, P.A.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

LAKE BERRY
NORMAL HIGH WATER LINE
ELEVATION=70.0'
PER CITY OF WINTER PARK



NOTES:

1. THE SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHT OF WAY, RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
2. NO UNDERGROUND IMPROVEMENTS HAVE BEEN LOCATED EXCEPT AS SHOWN.
3. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. I HAVE EXAMINED THE F.I.R.M. COMMUNITY PANEL NO 120188 0255 F. MAP NUMBER 1201880255F, DATED 08-25-2008, AND FOUND THE SUBJECT PROPERTY APPEARS TO BE IN THREE ZONES: ZONE 'X' AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL FLOOD PLAIN, ZONE 'AE', SPECIAL FLOOD HAZARD AREAS SUBJECT TO FLOODING BY 1% ANNUAL CHANCE FLOOD WITH BASE FLOOD DETERMINED, AND ZONE 'AL' FLOODWAY IS THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.
5. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF CHASE LANDING WAY AS BEING N90°00'00"E, PER PLAT BOOK 43, PAGES 76-78.
6. TREES SHOWN HEREON ARE BY SPECIES AND DIAMETER IN INCHES AT BREAST HEIGHT.

LEGEND:

- R RADIUS
- A CENTRAL ANGLE
- L ARC LENGTH
- CB CHORD BEARING
- CH CHORD DISTANCE
- U.S.L.E. UTILITY, SIDEWALK AND LANDSCAPE EASEMENT
- TR TRAFFIC RISER
- FNAD FOUND NAIL AND DISK
- SNAD SET NAIL AND DISK
- FRC FOUND IRON ROD AND CAP
- SRC SET IRON ROD AND CAP
- ID IDENTIFICATION
- LB LICENSED BUSINESS
- L.S. LICENSED SURVEYOR
- F.I.R.M. FLOOD INSURANCE RATE MAP
- A/C AIR CONDITIONER
- MP METAL FENCE
- CBL CABLE
- BFP BACK FLOW PREVENTER

- EQP EDGE OF PAVEMENT
- C&G CURB AND GUTTER
- TRANS TRANSFORMER
- RAD RADIAL
- RR RAIL ROAD RES
- CC(C) CALCULATED DATA
- CD(C) FIELD MEASURED DATA
- EW CONCRETE WALK
- PLTR PLANTER
- LP LIGHT POLE

(FIELD DATE) 4-18-18
 SCALE 1" = 30 FEET
 APPROVED BY: JDF
 JOB NO. 1803714
 DRAWN BY: GDF

REVISED
 ADDED TREES 8-18-18
 UPDATE 8-1-18

ASAM
 AMERICAN SURVEYING & MAPPING INC.
 CERTIFICATION OF AUTHORIZATION NUMBER 1801283
 2101 WINDSONG BULEVARD, SUITE 200
 ORANGE, FLORIDA 32833
 (407) 428-7070
 WWW.AMERICANSURVINGANDMAPPING.COM

I HEREBY CERTIFY THAT THIS SURVEY, SUBJECT TO THE SURVEYOR'S NOTES CONTAINED HEREON, MEETS THE APPLICABLE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA STATUTES ON PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 471, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. 471

NO. 3842
 STATE OF FLORIDA
 E. GLENN TURNER, SURVEYOR #5643
 DATE 8/1/19

Dock As-Built Survey

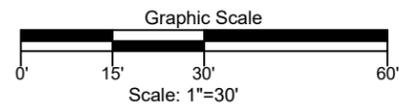
Legal Description:

Lot 20, Windsong Preserve Point, according to the Plat thereof as recorded in Plat Book 43, Page(s) 76 through 78, Public Records of Orange County, Florida.

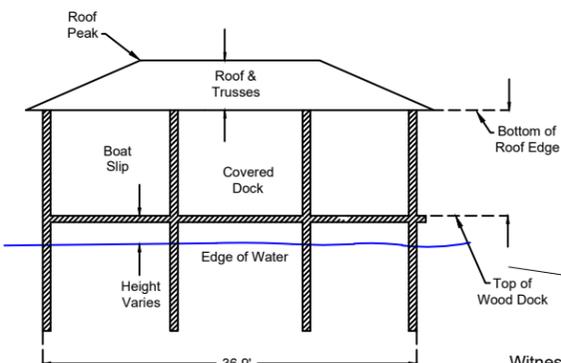
Flood Disclaimer :

By performing a search with the local governing municipality or www.fema.gov, the property appears to be located in zone X/AE. This Property was found in City of Winter Park, community number 1201888, dated 9/25/2009.

CERTIFIED TO : KETAN PANDYA; MCNISH OUTDOOR LIVING, LLC



Roofed Dock Detail Side View



Elevation Information for Dock:

Water Elevation: 68.4'
 Electrical Outlet: N/A (Under Construction)
 Finished Floor Elevation of Roofed Dock: 70.20'
 Highest Point of Dock: 70.23'
 Lowest Elevation of Dock: 70.17'
 Highest Elevation of Roof: 80.31'

-Benchmark Information-

Florida Department of Transportation Datum

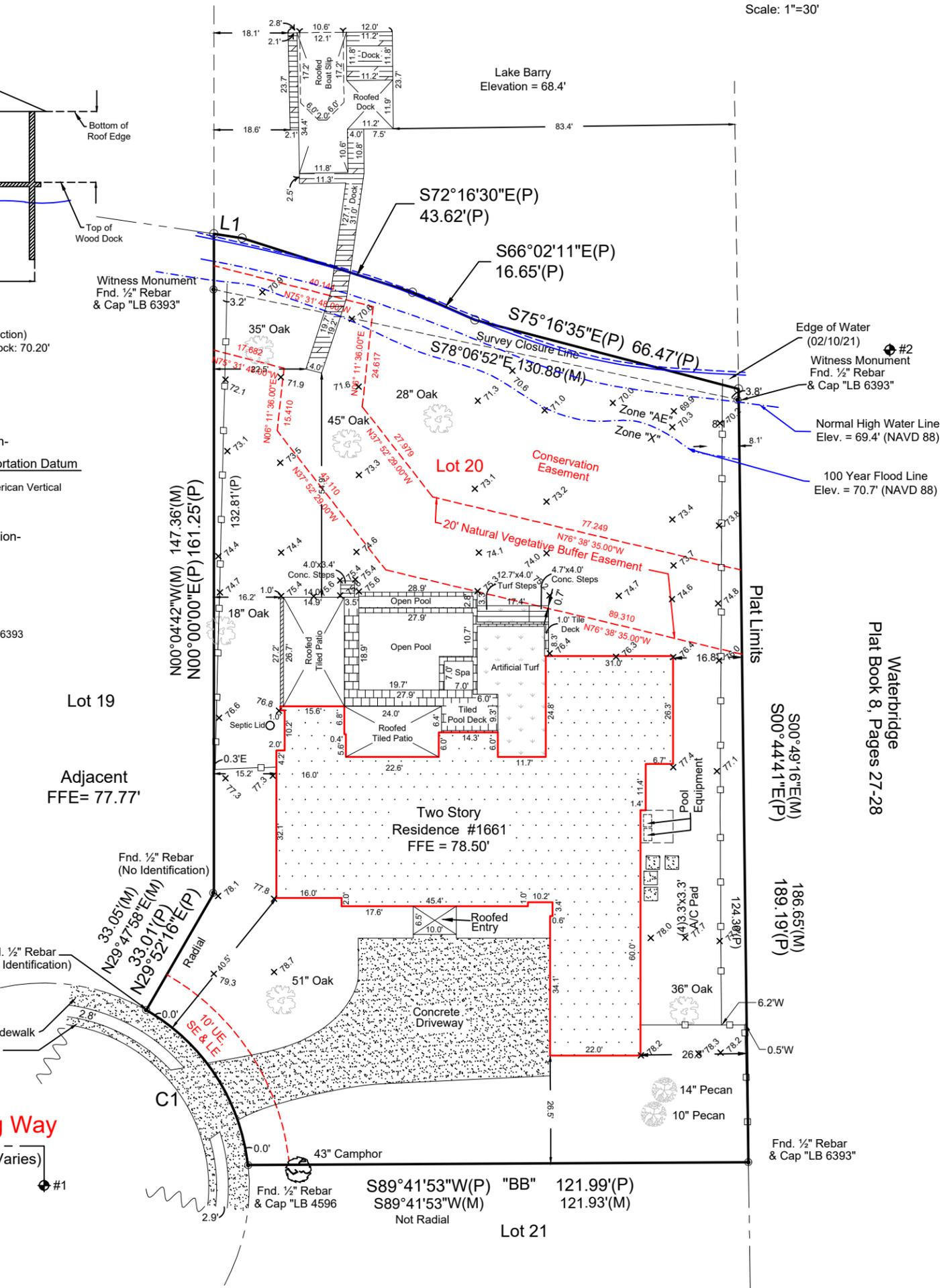
(Elevations are based upon North American Vertical Datum 1988)

-Site Benchmark Information-

#1
 Fnd. Nail & Disk (LS 4714)
 Elevation: 78.84'

#2
 Fnd. 1/2" Iron Rod & Cap LB# 6393
 Elevation: 100.94'

Cul-de-Sac
Chase Landing Way
 (Right-of-Way, Width Varies)
 (Asphalt Road)



Revision: Dock As-Built Survey - 02/10/21 - TCD
 Revision: Final Survey - 12/14/20 - TCD
 Revision: Foundation Survey - 03/26/20 - TCD

UE, SE & LE : Utility, Sidewalk, and Landscape Easment

L1
 S81°35'25"E(P)
 7.00'(P)

C1
 R = 50.00'(P)
 Δ = 53°50'06"(P)
 C = 45.27'(P) 45.49'(M)
 L = 46.98'(P)
 CB = N33°12'41"W(P)
 N33°01'40"W(M)

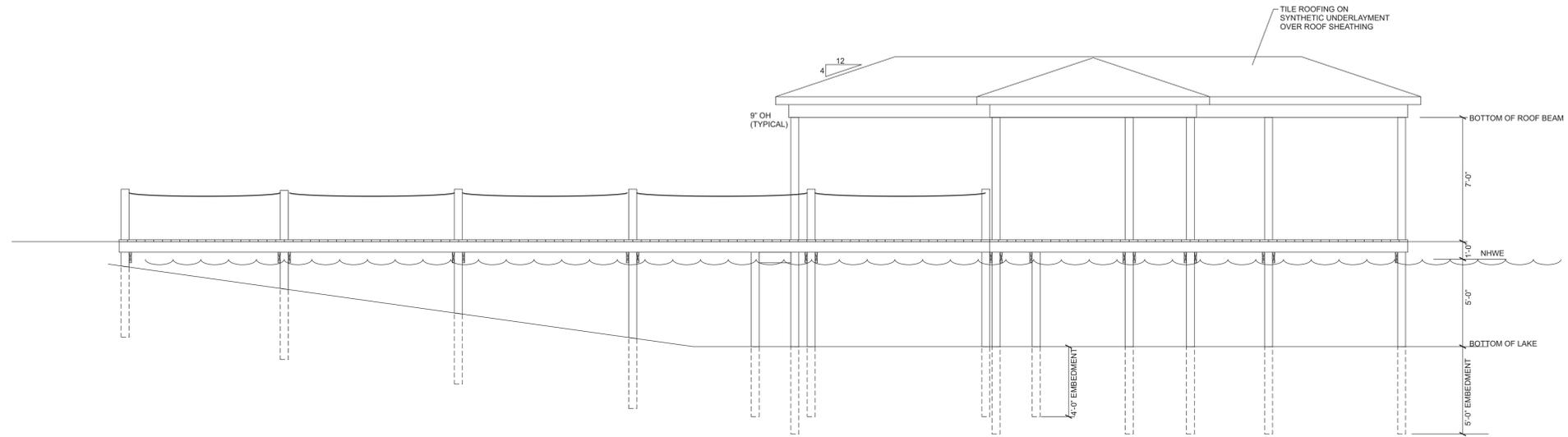
Field Date: 02/13/20	Date Completed: 02/14/20
Drawn By: BK	File Number: IS-70325
-Legend-	
C - Calculated	PC - Point of Curvature
CB - Centerline	Pg. - Page
CM - Concrete Monument	PI - Point of Intersection
Conc. - Concrete	P.O.B. - Point of Beginning
D - Description	P.O.L. - Point on Line
DE - Drainage Easement	PP - Power Pole
Esmt. - Easement	PRM - Permanent Reference Monument
F.E.M.A. - Federal Emergency Management Agency	PT - Point of Tangency
FFE - Finished Floor Elevation	R - Radius
Fnd. - Found	Rad. - Radial
IP - Iron Pipe	R&C - Rebar & Cap
L - Length (Arc)	Rcd. - Recovered
M - Measured	Rd. - Roofed
N&D - Nail & Disk	Set - Set 1/2" Rebar & Rebar Cap "LB 7623"
N.R. - Non-Radial	Typ. - Typical
ORB - Official Records Book	UE - Utility Easement
P - Plat	WM - Water Meter
P.B. - Plat Book	Δ - Delta (Central Angle)
□ - Metal Fence	○ - Chain Link Fence

-Notes-
 >Survey is Based upon the Legal Description Supplied by Client.
 >Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.
 >Subject to any Easements and/or Restrictions of Record.
 >Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
 >Building Ties are NOT to be used to reconstruct Property Lines.
 >Fence Ownership is NOT determined.
 >Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
 >Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
 >Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be construed to give ANY Rights or Benefits to Anyone Other than those Certified.
 >Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to This Surveying Company at the time of This Endeavor. Ireland & Associates Surveying Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.

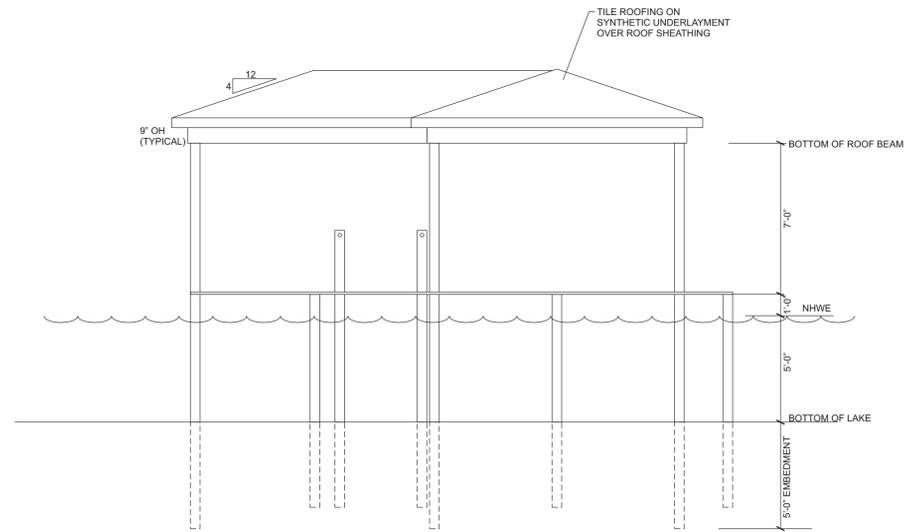
I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standard of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17, 052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

Patrick K. Ireland, P.S.M. 6637, LB 7623
 This Survey is intended ONLY for the use of Said Certified Parties.
 This Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
 1301 S. International Parkway Suite 2001
 Lake Mary, Florida 32746
 www.irelandssurveying.com
 Office-407.678.3366 Fax-407.320.8165



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



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

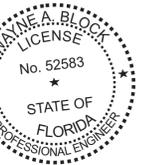
ENGINEERING NOTES:

1. ENGINEERING MEETS OR EXCEEDS 2017 FLORIDA BUILDING CODE, 6th EDITION, USING ASCE 7-10, RISK CATEGORY II
Vult = 140 mph BASIC WIND SPEED
Vasd = 108 mph, Exp. D.
2. ALL STRUCTURAL WOOD FRAME MEMBERS ARE TO BE NO. 2 PT SYP UNLESS NOTED OTHERWISE. COLUMNS ARE TO BE 0.40 TREATED, ALL OTHER MEMBERS ARE TO BE 0.25 TREATED OR BETTER
3. ALL CONNECTORS SHALL BE STAINLESS STEEL OR HOT DIPPED GALVANIZED.

CUSTOM DOCK FOR:

KETAN PANDYA
1661 CHASE LANDING
WINTER PARK, FL 32789

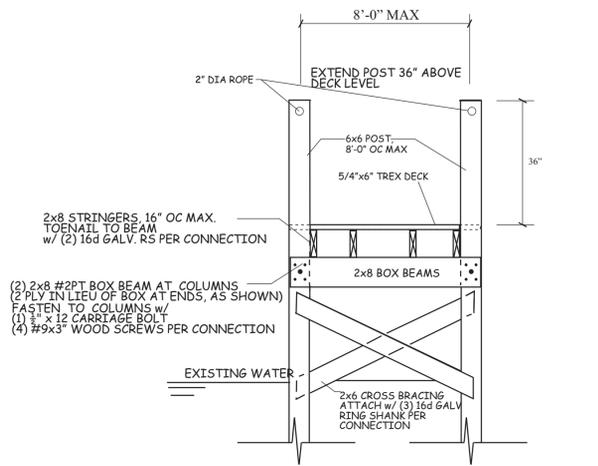
Lidon Engineering Company, Inc.
920 Sunset Shores Dr.
Minneola, Florida 34715
(352) 394-2590 Ph & FAX
Cert. Auth. #2898



This item has been electronically signed and sealed by Wayne A. Block, PE #52583. Printed copies of this item are not official copies. Signature must be verified on electronic copies.

April 14, 2020
Wayne A. Block, PE#52583

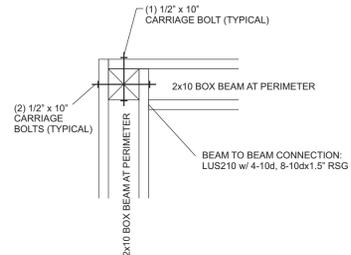
SHEET: 1
OF: 2



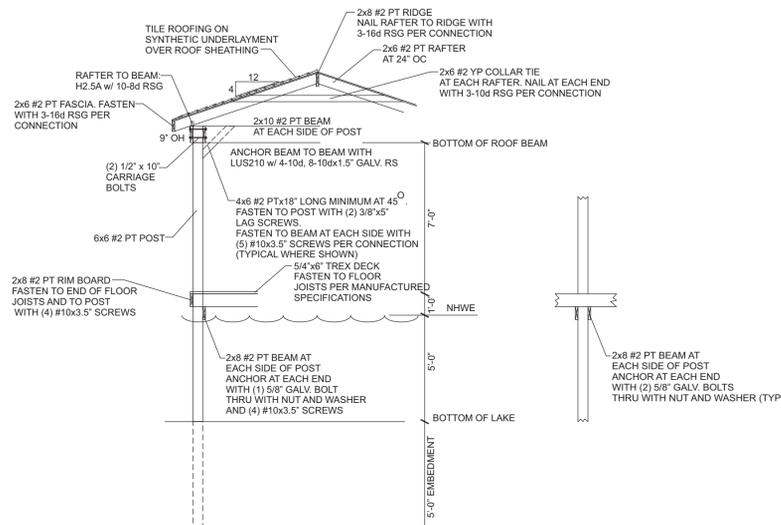
TYPICAL DECK/WALKWAY SECTION

N.T.S.
*CROSS BRACING AT DECK REQUIRED ONLY WHEN TOP OF DECK IS 5'-0" OR HIGHER ABOVE LAKE BOTTOM

GUARDRAIL SHALL BE INSTALLED ALONG THE WALKWAY LANDWARD OF THE NHWE WHERE THE ELEVATION FROM TOP OF DECK TO TOP OF GRADE EXCEEDS 30"

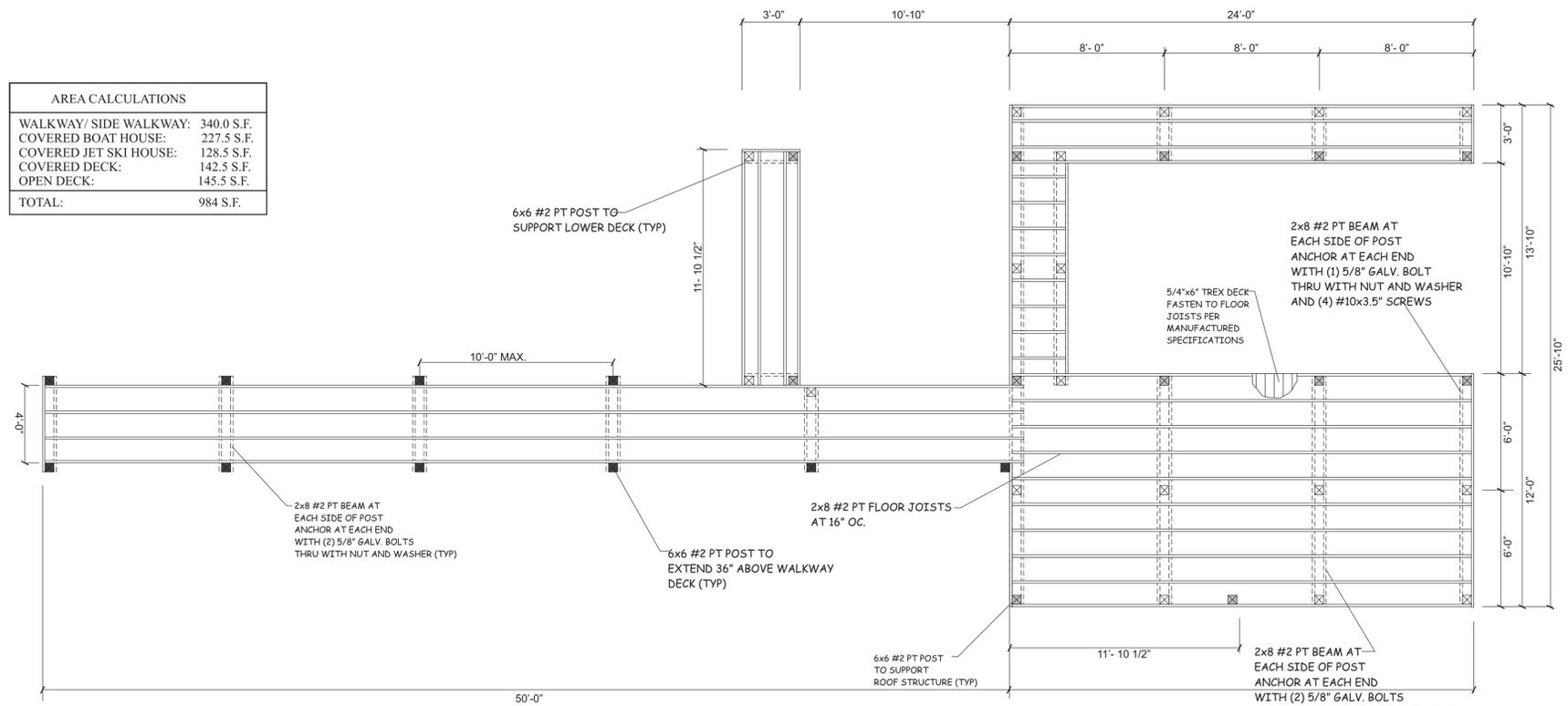


BEAM TO POST AT CORNER (TOP VIEW)



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

AREA CALCULATIONS	
WALKWAY/ SIDE WALKWAY:	340.0 S.F.
COVERED BOAT HOUSE:	227.5 S.F.
COVERED JET SKI HOUSE:	128.5 S.F.
COVERED DECK:	142.5 S.F.
OPEN DECK:	145.5 S.F.
TOTAL:	984 S.F.

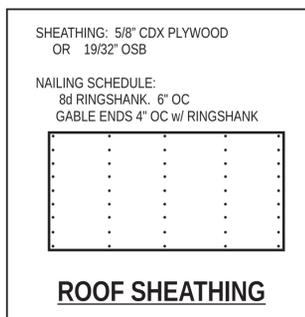


FLOOR FRAMING PLAN

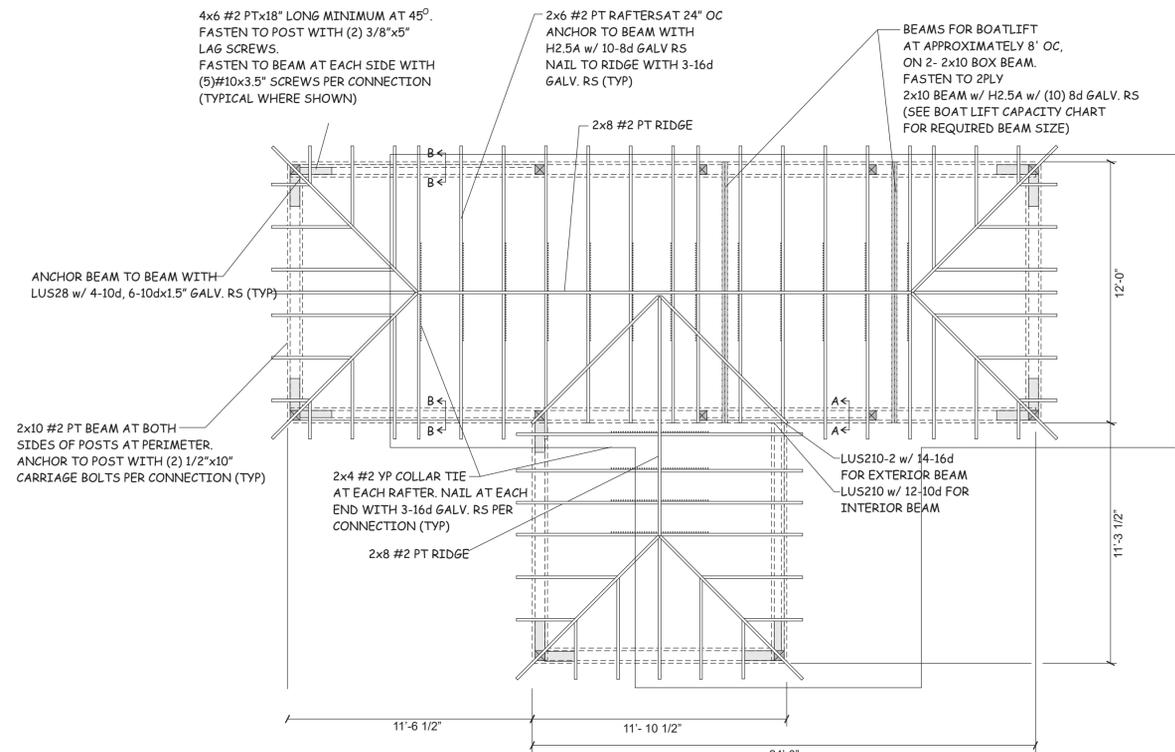
SCALE: 1/4" = 1'-0"

ROOF LOAD	FLOOR LOAD
TOP CHORD LIVE: 20.0	LIVE: 40 PSF
TOP CHORD DEAD: 15.0	DEAD: 10 PSF
BOTTOM CHORD DEAD: 10.0	TOTAL: 50 PSF
TOTAL LOAD (PSF): 45.0	

LIVE LOAD FOR:
GUARDRAILS AND HANDRAILS: 200 LBS (POINT LOAD)
GUARDRAILS IN-FILL COMPONENTS: 50 LBS (POINT LOAD)
STAIRS: 40 PSF

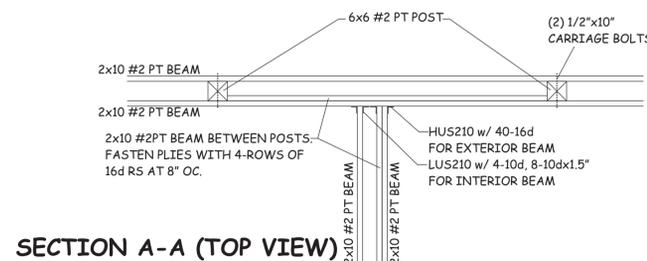


ROOF SHEATHING

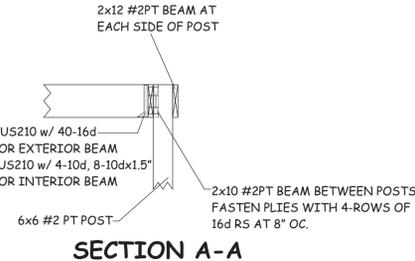


ROOF FRAMING PLAN

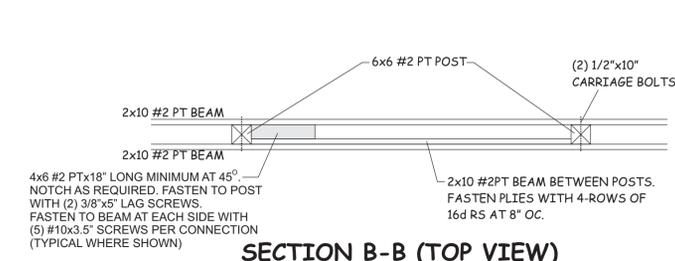
SCALE: 1/4" = 1'-0"



SECTION A-A (TOP VIEW)



SECTION A-A



SECTION B-B (TOP VIEW)

CUSTOM DOCK FOR:
KETAN PANDYA
1661 CHASE LANDING
WINTER PARK, FL 32789

Lidon Engineering Company, Inc.
920 Sunset Shores Dr.
Minneola, Florida 34715
(352) 394-2590 Ph. & FAX
Cert. Auth. #2898



This form has been electronically signed and sealed by Wayne A. Block, PE #52583. Printed copies of this form are not official copies. Signature must be verified on electronic copies.

April 14, 2020
Wayne A. Block, PE#52583



"The Backyard Pros"

3501 Chandler Estates Drive

Apopka, FL 32712

Board of adjustments:

The dock built at 1661 Chase landing way permit# BLDR-2020-0345, was built exactly the same as the approved engineered plans stamped by the city but not the same area as what was on the approved survey. We went beyond the 30ft from the NHWE and now we are at 65ft beyond the NHWE.

The engineered drawings approved by the city would not fit in the area permitted on the approved survey without the jet ski area and a portion of the boat slip being on dry land.

Our intensions with the original dock are to have an average size boat slip 12'x24' area a double jet ski parking area 10'x12' and a 12' x 24' activity plat form.

Thanks

Emiel McNish

Dock As-Built Survey

Legal Description:

Lot 20, Windsong Preserve Point, according to the Plat thereof as recorded in Plat Book 43, Page(s) 76 through 78, Public Records of Orange County, Florida.

Flood Disclaimer:

By performing a search with the local governing municipality or www.fema.gov, the property appears to be located in zone X/AE. This Property was found in City of Winter Park, community number 1201888, dated 9/25/2009.

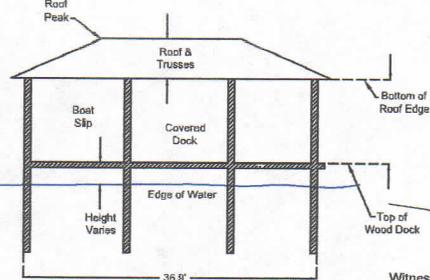
CERTIFIED TO : KETAN PANDYA; MCNISH OUTDOOR LIVING, LLC

Current Survey



Graphic Scale
Scale: 1"=30'

Roofed Dock Detail Side View



Elevation Information for Dock:

- Water Elevation: 69.4'
- Electrical Outlet: N/A (Under Construction)
- Finished Floor Elevation of Roofed Dock: 70.20'
- Highest Point of Dock: 70.23'
- Lowest Elevation of Dock: 70.17'
- Highest Elevation of Roof: 80.31'

Benchmark Information-

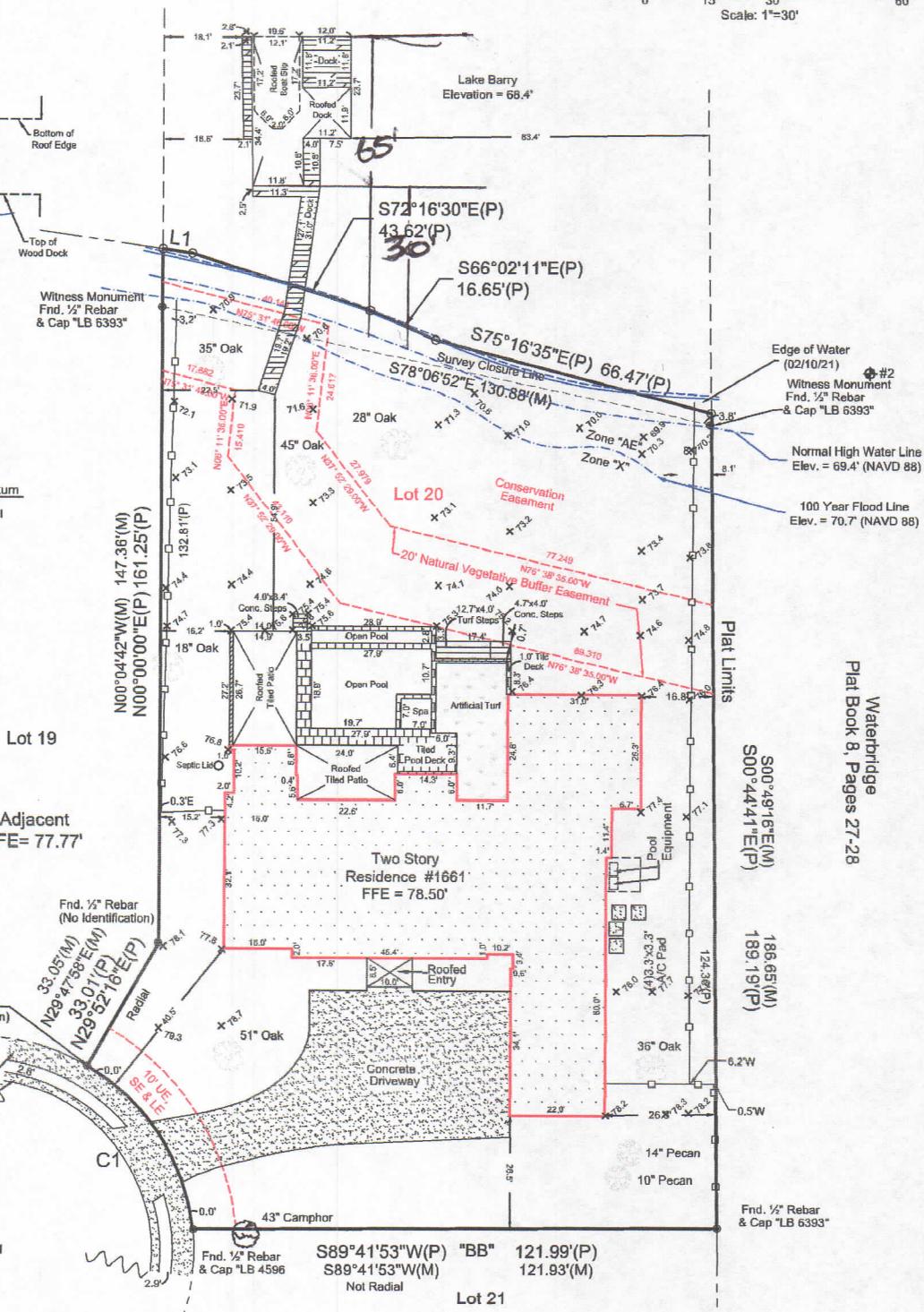
Florida Department of Transportation Datum

(Elevations are based upon North American Vertical Datum 1988)

Site Benchmark Information-

#1
Fnd. Nail & Disk (LS 4714)
Elevation: 78.84'

#2
Fnd. 1/2" Iron Rod & Cap LB# 6393
Elevation: 100.84'



Revision: Dock As-Built Survey - 02/10/21 - TCD
Revision: Final Survey - 12/14/20 - TCD
Revision: Foundation Survey - 03/26/20 - TCD

UE, SE & LE : Utility, Sidewalk, and Landscape Easment

L1
S81°35'25"E(P)
7.00'(P)

C1
R = 50.00'(P)
Δ = 53°50'06"(P)
C = 45.27'(P) 45.49'(M)
L = 46.98'(P)
CB = N33°12'41"W(P)
N33°01'40"W(M)

Field Data: 02/13/20	Date Completed: 02/14/20	Notes
Drawn By: BK	File Number: IS-70325	Survey is Based upon the Legal Description Supplied by Client.
Legend		Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.
C - Calculated	PC - Point of Curvature	Subject to any Easements and/or Restrictions of Record.
CB - Concrete Block	Pb - Page	Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
CM - Concrete Monument	P.O.B. - Point of Beginning	Building Ties are NOT to be used to reconstruct Property Lines.
Conc. - Concrete	P.D.L. - Point on Line	Fence Ownership is NOT determined.
D - Description	PP - Power Pole	Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
DE - Drainage Easement	PRM - Permanent Reference	Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
Esmt. - Easement	PT - Monument	Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Constructed to give ANY Rights or Benefits to Anyone Other than those Certified.
F.E.M.A. - Federal Emergency Management Agency	PT - Point of Tangency	Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this Endeavor. Ireland & Associates Surveying Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.
FFE - Finished Floor Elevation	R - Radius	
Fnd. - Found	Rad. - Radial	
Iron Pipe - Iron Pipe	R&C - Rebar & Cap	
L - Length (Arc)	Rec. - Recovered	
N&D - Non-Radial	Rfd. - Roofed	
N.R. - Official Records Book	Set 1/2" Rebar & Cap "LB 7623"	
P.B. - Plat Book	Typ. - Typical	
□ - Metal Fence	UE - Utility Easement	
	WM - Water Meter	
	Δ - Delta (Central Angle)	
	○ - Chain Link Fence	

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as a duly Licensed Professional Surveyor in the State of Florida. This Survey is intended only for the use of Said Certified Parties. This Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal.

Patrick K. Ireland
FOR THE FIRM

Patrick K. Ireland, P.S. 6637, L.B. 7623
Ireland & Associates Surveying, Inc.
1301 S. International Parkway Suite 2001
Lake Mary, Florida 32746
www.Irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165

Dock As-Built Survey

Legal Description:

Lot 20, Windsong Preserve Point, according to the Plat thereof as recorded in Plat Book 43, Page(s) 76 through 78, Public Records of Orange County, Florida.

Flood Disclaimer:

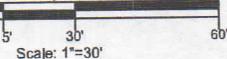
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CERTIFIED TO: KETAN PANDYA; MCNISH OUTDOOR LIVING, LLC

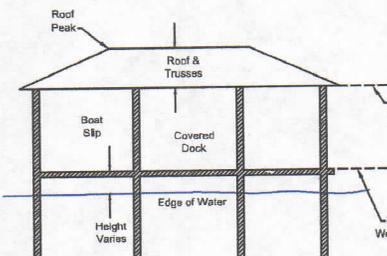
Current Survey



Graphic Scale



Roofed Dock Detail Side View



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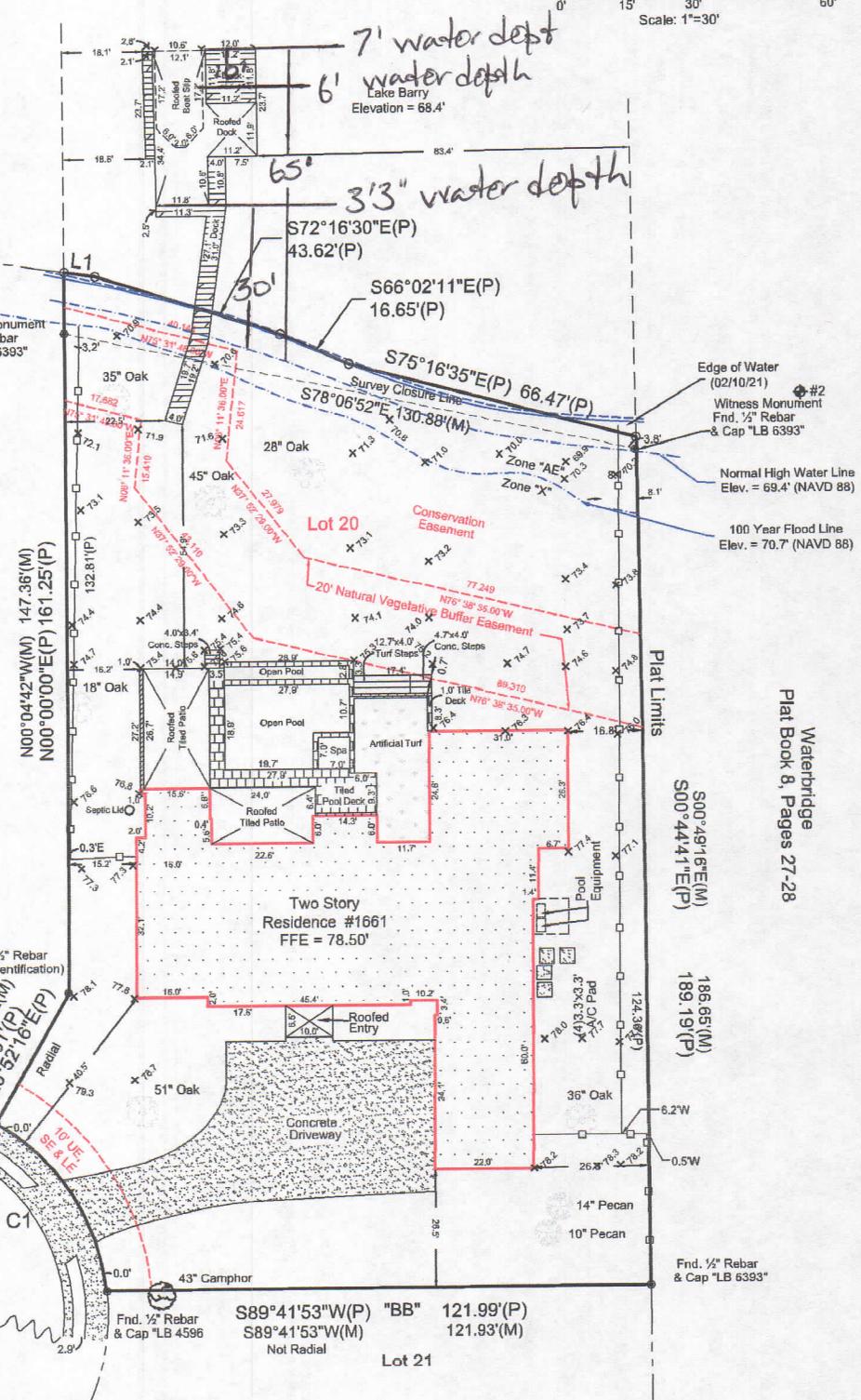
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UE, SE & LE : Utility, Sidewalk, and Landscape Easement

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 7.00'(P)

C1
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 L = 46.98'(P)
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Field Date: 02/13/20 Date Completed: 02/14/20

Drawn By: BK File Number: IS-70325

Legend	
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F.E.M.A.	- Federal Emergency Management Agency
FFE	- Finished Floor Elevation
Fnd.	- Found
IP	- Iron Pipe
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M	- Measured
NAD	- Nail & Disk
N.R.	- Non-Radial
ORB	- Official Records Book
P	- Plat
P.B.	- Plat Book
PF	- Metal Fence
PC	- Point of Curvature
Pg.	- Page
PI	- Point of Intersection
P.O.B.	- Point of Beginning
P.O.L.	- Point on Line
PP	- Power Pole
PRM	- Permanent Reference Monument
PT	- Point of Tangency
R	- Radius
Rad.	- Radial
R&C	- Rebar & Cap
Rec.	- Recovered
Rfd.	- Roofed
Set	- Set 1/2" Rebar & Cap "LB 7623"
Typ.	- Typical
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WM	- Water Meter
Δ	- Delta (Central Angle)
CL	- Chain Link Fence

Notes:
 - Survey is Based upon the Legal Description Supplied by Client.
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I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Data Shown, Based on Information Furnished to me as Notes and Conforms to the Standard of Practice for Land Surveying in the State of Florida in accordance with Chapter 5-17,052 Florida Administrative Codes, Pursuant to Section 472.007 Florida Statutes.

Patrick K. Ireland, P.S. 6637 LB 7623
 This Survey is intended ONLY for the use of Said Certified Parties. This Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
 1301 S. International Parkway Suite 2001
 Lake Mary, Florida 32746
 www.Irelandsurveying.com
 Office-407.678.3366 Fax-407.320.8165

I have the pleasure of representing Michael and Paige Cooper, the owners of the property located at 1653 Chase Landing Way, Winter Park, FL 32789. This statement is in response to Ketan Pandya's Variance Application received by the City of Winter Park on March 21, 2021, wherein Mr. Pandya has requested a variance from Section 58-87 of the City of Winter Park's Land Development Code (the "Code") to allow construction of a dock and boathouse at his property located at 1661 Chase Landing Way, Winter Park, FL 32789. If permitted, Mr. Pandya's dock and boathouse would be approximately 960 square feet (in lieu of the maximum allowed area of 600 square feet) and would extend approximately 70 feet into Lake Berry (in lieu of the maximum permitted distance of 30 feet).

The stated purpose of Section 58-87 of the Code is as follows:

Purpose and intent. It is the intent of this section to insure that buildings and structures on canalfront lots, lakefront lots and streamfront lots are not constructed or placed such that boating hazards will be created, that construction shall be compatible with the natural grade of the property, that water pollution from stormwater runoff and other sources will be minimized, **that views of water from adjoining properties will not be unduly impaired**, that existing trees shall be preserved to the degree reasonably possible and the appearance of the property and the shore when viewed from the water will be kept as natural as reasonably possible. **The city's lakes, canals and streams are among the city's greatest assets, and it is in the public interest to require that their aesthetic appeal and water quality be maintained and enhanced when possible.**

Furthermore, Section 58-87(d)(3) provides that structures on lakefront, canalfront or streamfront lots shall, to the extent reasonably possible, be designed and located to minimize their obstruction or degradation of traditional views to and through the property to the water.

Given the City's stated purposes of the Code provisions regarding waterfront parcels and Mr. Pandya's stated purpose for requesting a variance, it is clear that the Variance Application should be denied. Variances are not to be given as a matter of course upon a homeowner's request. Rather, section 58-92 of the Code provides for the power of the Board of Adjustments to consider variance requests. Specifically, the Board of Adjustments shall have the authority to authorize, upon appeal in specific cases, variances from the sections of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article would result in **unnecessary hardship**.

As a threshold matter, granting Mr. Pandya's request for a variance would unduly impair my clients' view of the water. This is clearly evidenced by the attached photographs which show the view to the water from my clients' property both before and after the non-conforming dock and boathouse were built. Therefore, even if Mr. Pandya can prove a hardship (which it is our contention that he cannot), the Board must review his request in conjunction with the stated purpose of Section 58-87 and deny his request.

Turning to Mr. Pandya's substantive argument in favor of his variance request, Mr. Pandya suggests that other neighboring properties have boathouses which extend more than 30 feet past the normal high water line. In response, please find attached the plans and permit information

for the Cooper's boathouse (located at 1653 Chase Landing Way) and the permit information for 1645 Chase Landing Way, both clearly showing boathouses which extend no more than 30 feet past the normal high water line.

Additionally, there has been no documentation provided which shows the depth of the water at various points along Mr. Pandya's property (especially on the east side of the property where the homeowner's original boat dock is located and where a replacement boathouse should have been built). It is quite possible and probable that a conforming dock could be built at an alternate location along the lakefront. In fact, the construction of a boathouse on the east side of Mr. Pandya's property should be required for the following reasons-

1. The attached Boathouse Location Plan requires the boathouse for Mr. Pandya's property to be built at the eastern corner of his property (presumably, this Boathouse Location Plan was developed in order to maximize the views for all Lake Berry and Lake Virginia waterfront parcels in Windsong);
2. The permit application for my clients' boathouse at 1653 Chase Landing Way was initially disapproved by Jeff Briggs as the location was not consistent with the Boathouse Location Plan. Therefore, allowing Mr. Pandya's boathouse to be built on the west side of the Property would confer a benefit on Mr. Pandya that has not been made available to the neighboring homeowners; and
3. The construction of the boathouse on the east side of the Property, where Mr. Pandya's original dock is currently located in compliance with the Boathouse Location Plan, would not unduly impair my clients' view of the water from their property.

Furthermore, Mr. Pandya has not provided any rationale for his variance request as it relates to the size of the boathouse. The actual boathouse (not taking into account that portion of the dock leading to the boathouse) appears to be approximately 700 square feet, which is already 100 square feet larger than allowed pursuant to Code. Assuming the Board agrees that Mr. Pandya needs the extra length of the dock to reach a satisfactory depth of water, the size of the boathouse should then be proportionally reduced. Mr. Pandya has not provided any information or documentation showing that it would be a hardship if the City does not grant a variance to allow for enough square footage for a boat slip, double jet ski parking area and a separate activity platform. The size of the boathouse in conjunction with its current location unduly impairs my clients' view of the water from their property.

To the extent Mr. Pandya is claiming that the variance should be granted due to the City's inadvertence in initially issuing the building permit without Lakes Board approval and without requiring a variance, this argument must fail. It does appear that the City issued a building permit for a new dock which, according to the plans submitted, exceeded the maximum square footage allowed under City Code. Additionally, the City issued the permit without approval of the Lakes and Waterways Board, also in contravention of City Code. However, it is well settled that if a municipality or other governmental entity authorizes an act contrary to its own ordinances, such an approval is void. Furthermore, where there is no authority to grant a building permit, the governmental entity cannot be estopped from revoking the permit. *Town of Lauderdale-By-The-Sea v. Meretsky*, 773 So.2d 1245 (Fla 4th DCA 2000). Therefore, even

though the City may have initially issued the permit, the City is not without authority at this time to revoke the permit and require the homeowner to seek the necessary approvals for construction.

In conclusion, Mr. Pandya's request for a variance should be denied due to the following:

1. Mr. Pandya has not shown an unnecessary hardship;
2. Allowing Mr. Pandya's dock and boathouse to remain in its current location unduly impairs my clients' view of the water;
3. My clients and my clients' westerly neighbor both built their docks in compliance with City Code;
4. The Boathouse Location Plan requires the dock and boathouse to be built at the eastern boundary of Mr. Pandya's property; and
5. The fact that the City incorrectly issued the initial building permit should have no bearing on Mr. Pandya's request for a variance.



Sandi J. Kracht, Esq.

Attorney for Michael and Paige Cooper



**CITY OF WINTER PARK
PLANNING AND COMMUNITY DEVELOPMENT
CODE ENFORCEMENT DEPARTMENT
ROUTING REPORT**

PERMIT# <u>03-185</u>		DATE <u>1-23-03</u>
ADDRESS/ or SUBJECT: <u>1653 Chase Landing Way</u>		
DEPARTMENT		COMMENTS
BUILDING DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with condition <input type="checkbox"/>	
FIRE DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	FEB - 4 2003
ENGINEERING DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	
SEWER LAKES DATE: <u>1/29/03</u> BY: <u>[Signature]</u>	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input checked="" type="checkbox"/>	Approved by Lakes Board Location may not be consistent with development order - must be approved by JEFF Briggs in planning
UTILITIES DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	
FORESTRY/ LANDSCAPING DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	FILE COPY
POLICE DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	
PLANNING DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	
TOWN DESIGNER DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	
CRA MANAGER DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	

*Tim
gan*



**CITY OF WINTER PARK
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ENGINEERING DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	FILE COPY
STORMWATER/ LAKES DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	
UTILITIES DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	
FORESTRY/ LANDSCAPING DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	
POLICE DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	
PLANNING DATE: <u>1/23/03</u> BY: <u>JB</u>	Approved <input type="checkbox"/> Disapproved <input checked="" type="checkbox"/> Approved with conditions <input type="checkbox"/>	<i>Boat House in wrong location See approved location plan attached.</i>
TOWN DESIGNER DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	
CRA MANAGER DATE: BY:	Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Approved with conditions <input type="checkbox"/>	

*Jeff
Briggs*



Building Permit # 03-185
Code in Effect

PLANNING & COMMUNITY DEVELOPMENT
BUILDING & CODE ENFORCEMENT DIVISION
CITY OF WINTER PARK, FLORIDA
www.ci.winter-park.fl.us
BUILDING/SITE PERMIT APPLICATION

Tax ID # 08-22-30-9367-00-190

Number of copies of plans	
Routed To	Returned
Fire	
Engr./Util.	
Stormwater	1-23-03
Lakes	1-23-03
Police	
Parks	
Planning	J.B. 1-23-03
Town Designer	
CRA	
✓ 2/1/06 1-23-03	

Date Received 1-22-03 Job Address 11653 Chase Sanding Way

Legal Description Lot 19, Windsong-Preserve Point, PB 43, PB 76

Owner Mike Mickelson Telephone # _____

Owner's Address 310 W. Central Pkwy Ste 7000/Altamonte Springs, FL 32714

Fee Simple Titleholder's name..(if other than owner) _____

Fee Simple Titleholder's Address _____

Contractor Hodgskin Outdoor Living

Telephone # 407-656-1470 Fax # 407-656-1452 E-Mail Address permits@hodgskin.com

Address P.O. Box 843 / Ocoee, FL 32716

Comp. Card# _____ St. Reg./Cert.# CBC0571654 Expires _____

Architect/Engineer Robert White Telephone# 407-322-6630

Architect/Engineer Address 1048 Elgrove Dr / Deltona, FL 32725

Mortgage Lender's Name _____

Mortgage Lender's Address _____

Bonding Company _____ Address _____

Type of work: () New Building () Addition () Interior Alteration () New Roof () Re-Roof () Fence/Wall () Driveway

() Repair/ Rehab () Demolition () Partial or Interior Demolition () Fire Alarm () Fire Suppression () Fire Sprinkler

() Swimming Pool () Pool Enclosure (X) Other Dock

Type of construction: () Masonry (X) Wood-Frame () Reinforced Concrete () Tilt Up () Other _____

No. of Dwelling Units _____ No. of Stories _____ Building Height _____ Parking Spaces _____

Gross Sq.Ft. _____ Net Living Area _____ Garage/Patio Area _____

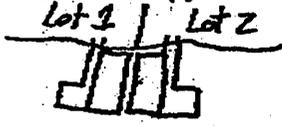
Zoning R-1AAA Type of Use _____ Name of Occupant _____

Plans Submitted: (X) 4 sets of plans and survey for New Residential or Residential Addition
() 6 sets with architect or engineer's seal for new commercial building or major alteration
() 3 sets of Landscape plans
() 3 sets for Minor Commercial or Residential Interior Alterations

Valuation \$ 20,000 Application Approved by: _____

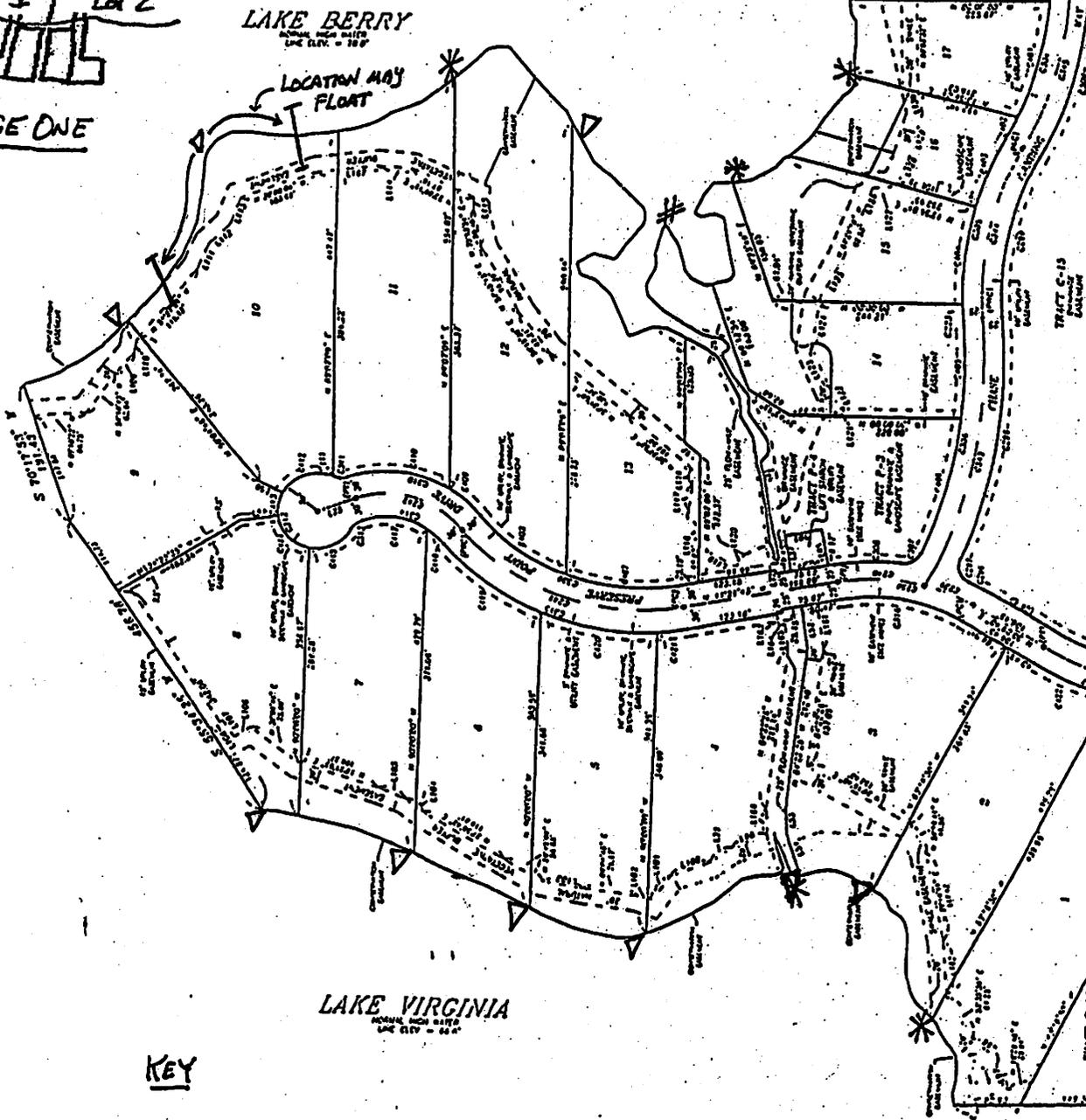
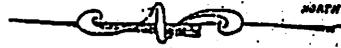
Boathouse Location Plan

Eliminate 10' side setbacks so that the new boathouses will be built on the property lines (back to back)



PAGE ONE

WINDSONG-PRESERVE POINT



KEY

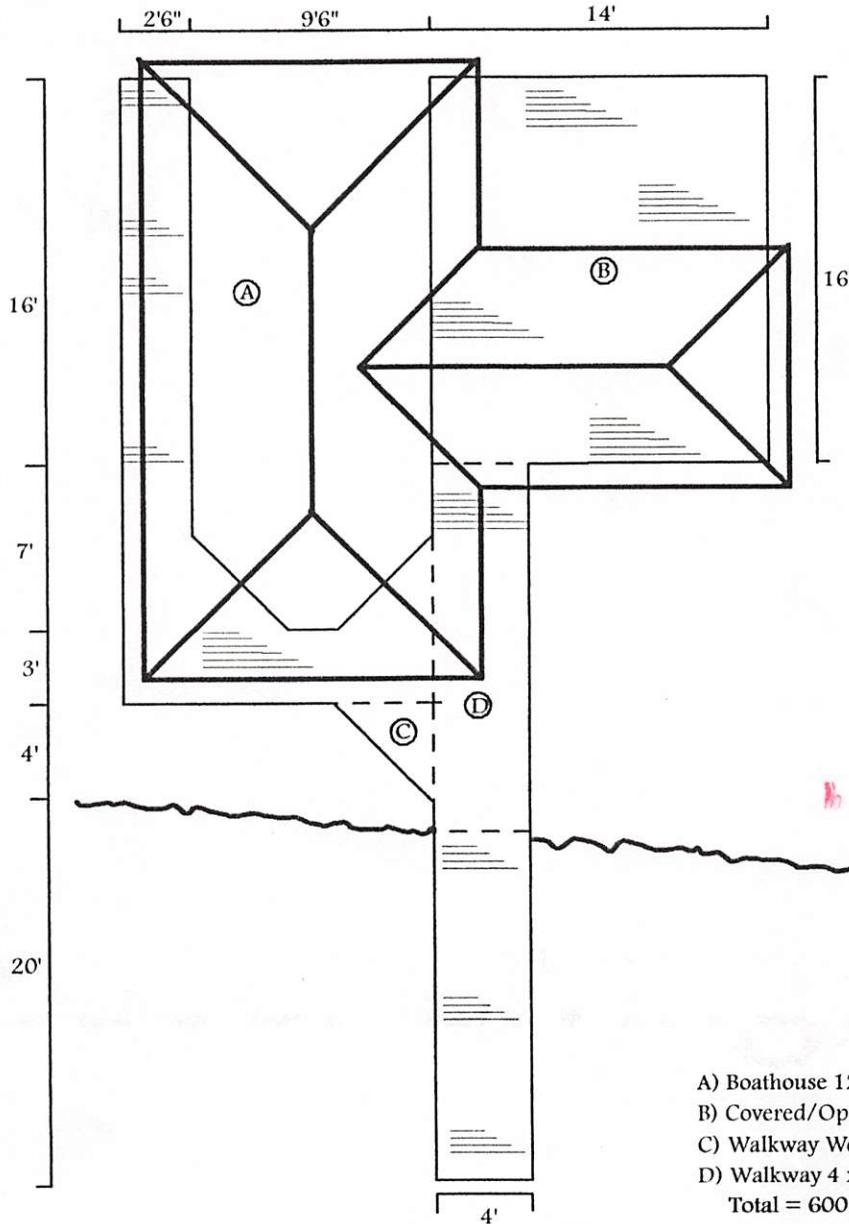
- * - 2 BOATHOUSES BACK TO BACK.
- Δ - SINGLE BOATHOUSE
- # - COMMON GAZEBO



HODGSKIN

Outdoor Living, Inc.
• Florida's Finest Custom Built •

Post Office Box 843 • Ocoee, Florida 34761
Phone: (407) 656-1470 • Fax: (407) 656-1452 • www.hodgskin.com



Plan View

FEB -4 2003

03-0185

Calculations

- A) Boathouse 12 x 26 = 312 sq. ft.
- B) Covered/Open Decks 14 x 16 = 224 sq. ft.
- C) Walkway Wedge $4 \times 4 \div 2 = 8$ sq. ft.
- D) Walkway 4 x 14 = 56 sq. ft.
- Total = 600 sq. ft.

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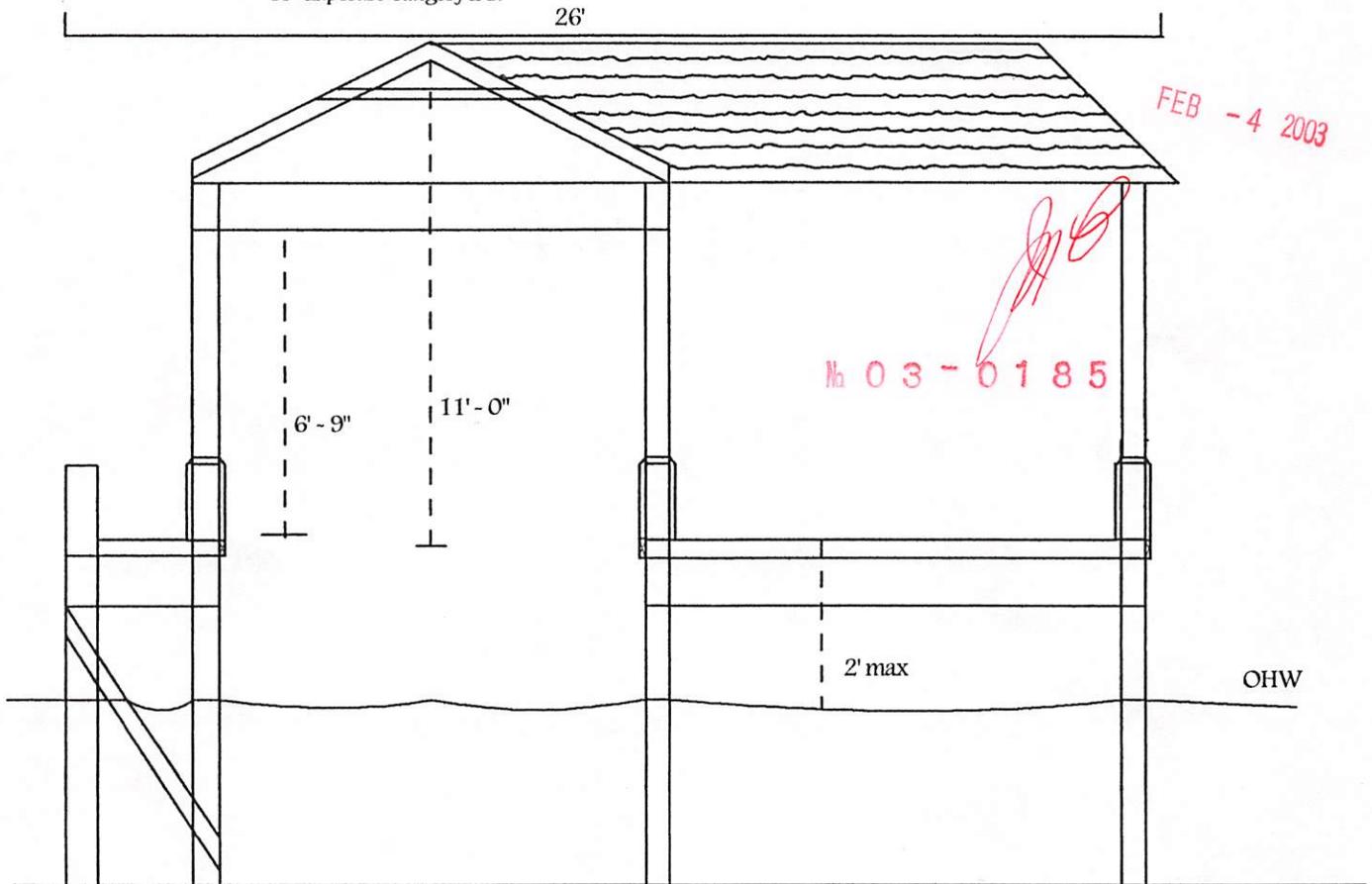
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TYPICAL DOCK SECTION

Scale N.T.S.

- 1 - (2) 2" x 10" Headers nailed and bolted with 1/2" bolt to roof piles
- 2 - 6" x 6" CCA .80 Boathouse roof piles
- 3 - Pre-Engineered Truss 1' overhang
- 4 - All poles to be trimmed out with 2" x 6" signature blocks
- 5 - Roof decking 5/8 CDX
- 6 - Roof pitch 4/12
- 7 - Joist for activity deck & walkway 2" x 8" @ 2' O.C.
- 8 - Crossies for activity deck 2" x 10", for walkway 2" x 8"
- 9 - Knee-bracing on each set of poles alternating
- 10 - The connection of the roof rafters to the 2" x 10" headers is by means of a H2.5 hurricane clip nailed with (4) 10d galv nails on each end of the clip.
- 11 - Structure to be constructed to meet all F.B.C. 2001 110 MPH wind codes and a minimum live load of 60 lbs. per sq. ft.
- 12 - All framing materials are pressure treated pine #2
- 13 - Optional ceiling: 1 x 6 vinyl with continuous soffit vent
- 14 - Wind importance factor is 1.0
- 15 - Exposure Category is B.



Name	Mr. Mike Mikkelson
Address	Lot 19, Windsong / 1653 Chase Landing Way

Robert Y. White
Professional Civil Engineer
FL Cert # 13191
1048 Elgrove Drive
Deltona, FL 32725

1/15/03

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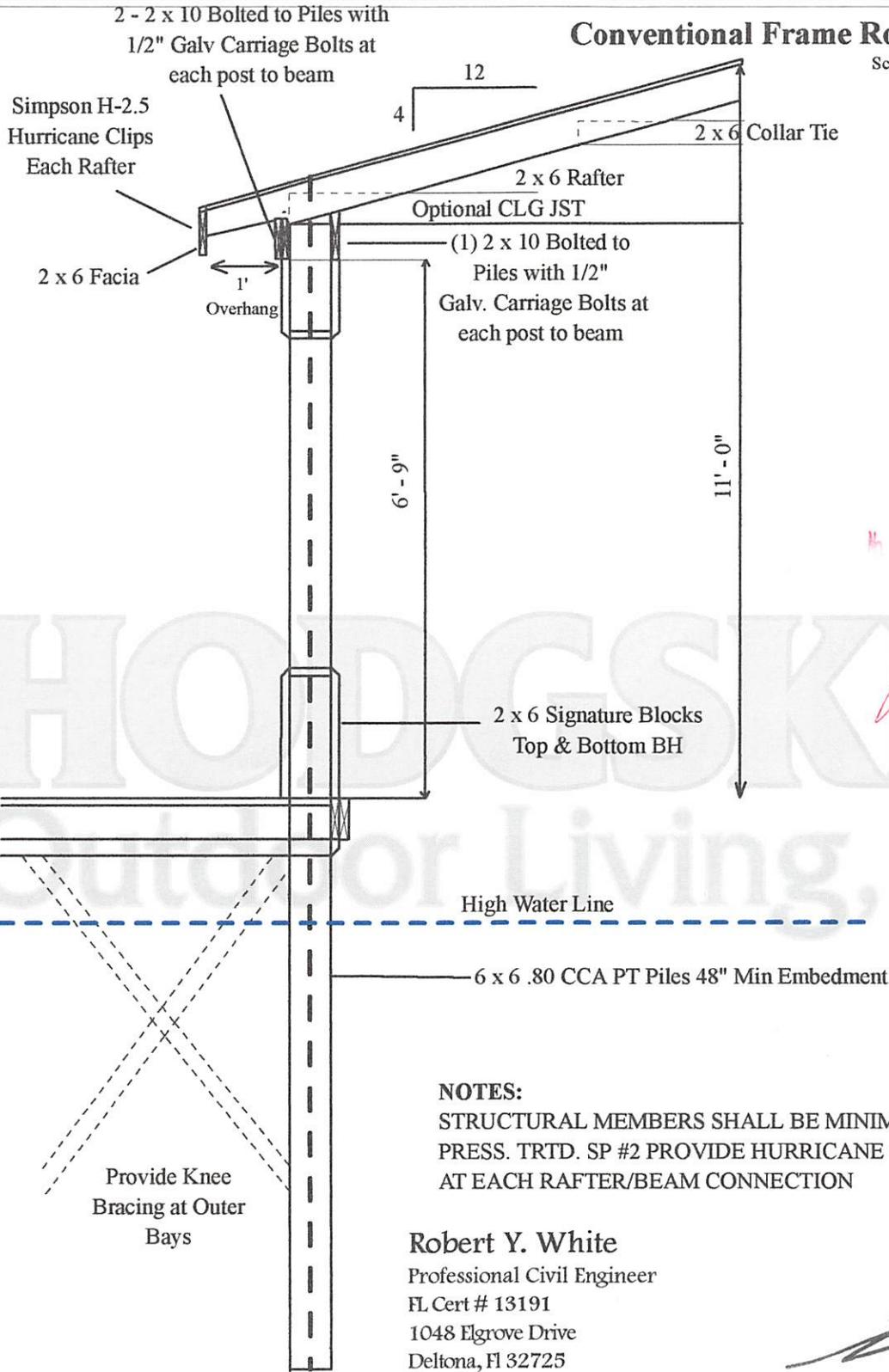


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FEB - 4 2003

H 0 3 - 0 1 8 5

NOTES:

STRUCTURAL MEMBERS SHALL BE MINIMUM PRESS. TRTD. SP #2 PROVIDE HURRICANE CLIPS AT EACH RAFTER/BREAM CONNECTION

Robert Y. White

Professional Civil Engineer

FL Cert # 13191

1048 Elgrove Drive

Deltona, FL 32725

Contractor shall comply with all applicable codes including F.B.C. 2001

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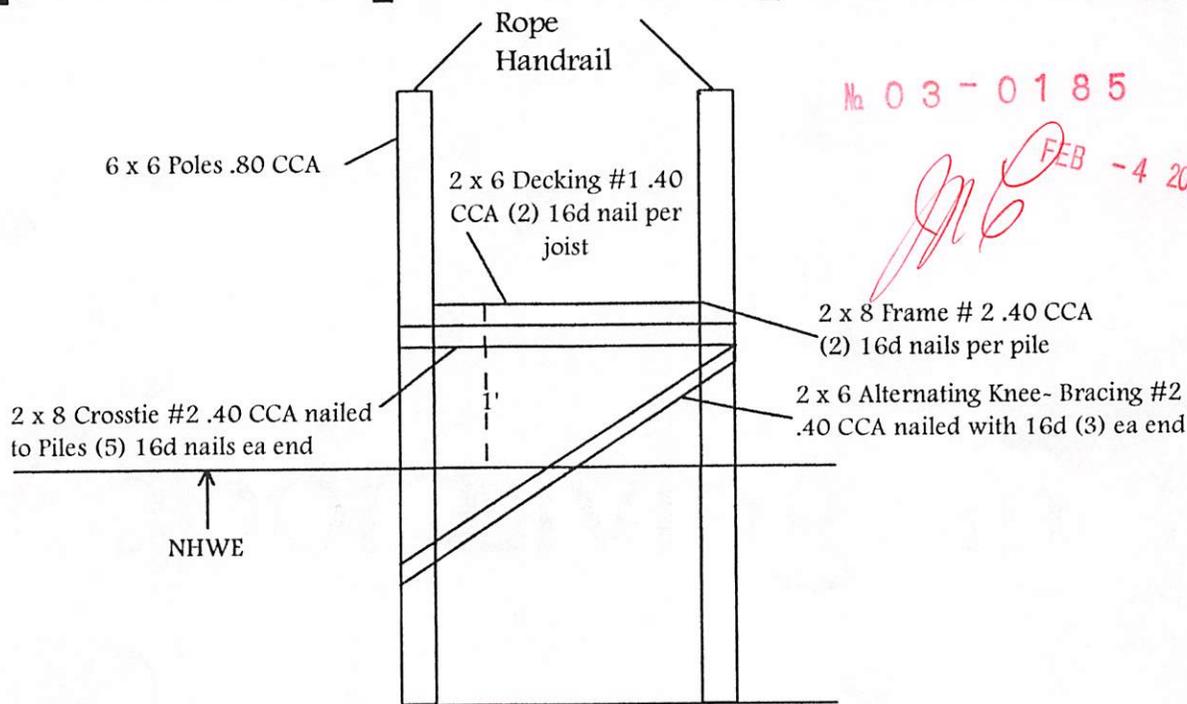
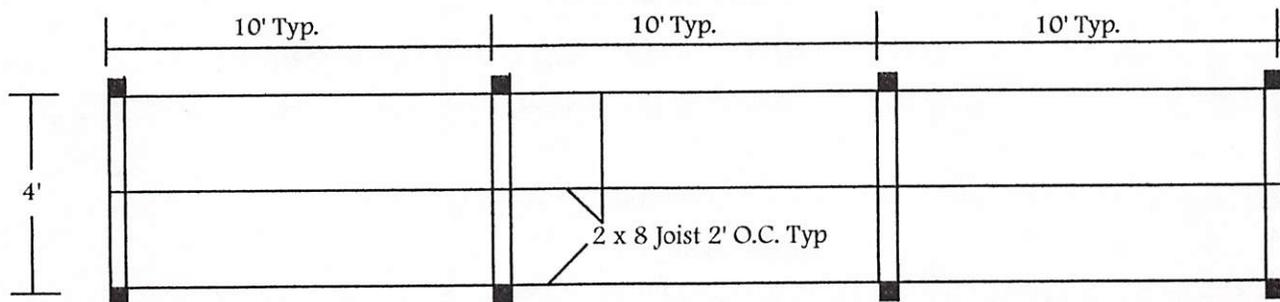
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Walkway Specs



No 03-0185

[Handwritten Signature]
FEB -4 2003

Note: All framing, decking, crossties and knee-bracing to be nailed with 16 penny ringshank

Note: All poles to be emb. min. 48" into ground

Note: Decking nail pattern to be 2 - 16 penny galvanized ringshank per board and per joist.

Note: All fasteners and connectors shall be corrosion resistant.

Name	Mr. Mike Mikkelson
Address:	Lot 19, Windsong / 1653 Chase Landing Way

Robert Y. White

Professional Civil Engineer

FL Cert # 13191

1048 Elgrove Drive

Deltona, FL 32725

[Handwritten Signature]
1/15/03

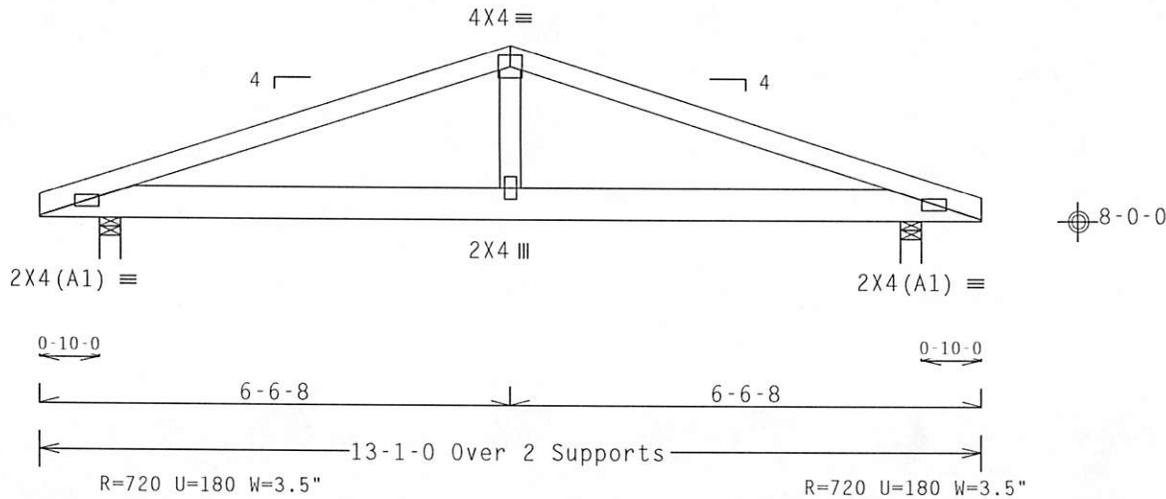
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TOP CHORD 2x4 SP #2
BOT CHORD 2x6 SP #1 Dense
WEBS 2x4 SP #3

110 MPH WIND, 9.42 FT MEAN HGT, ASCE 7-98, CLOSED BLDG, LOCATED ANYWHERE IN ROOF, CAT II, EXP B, WIND TCDL=7.5 PSF, WIND BCDL=5.0 PSF.

DEFLECTION MEETS L/240 LIVE AND L/180 TOTAL LOAD.

FEB - 4 2003
No 03-0185



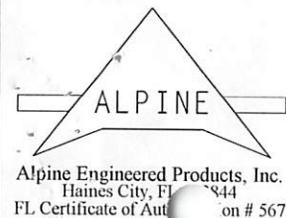
PLT TYP. Wave TPI-95\R

Design Criteria: TPI(STD)

19.5a

FL/-/25/-/-/R/-

Scale = .375"/Ft.



****WARNING**** TRUSSES REQUIRE EXTREME CARE IN FABRICATION, HANDLING, SHIPPING, INSTALLING AND BRACING. REFER TO HIB-91 (HANDLING INSTALLING AND BRACING), PUBLISHED BY TPI (TRUSS PLATE INSTITUTE, 583 D'ONOFRIO DR., SUITE 200, MADISON, WI 53719), FOR SAFETY PRACTICES PRIOR TO PERFORMING THESE FUNCTIONS. UNLESS OTHERWISE INDICATED, TOP CHORD SHALL HAVE PROPERLY ATTACHED STRUCTURAL PANELS. BOTTOM CHORD SHALL HAVE A PROPERLY ATTACHED RIGID CEILING.

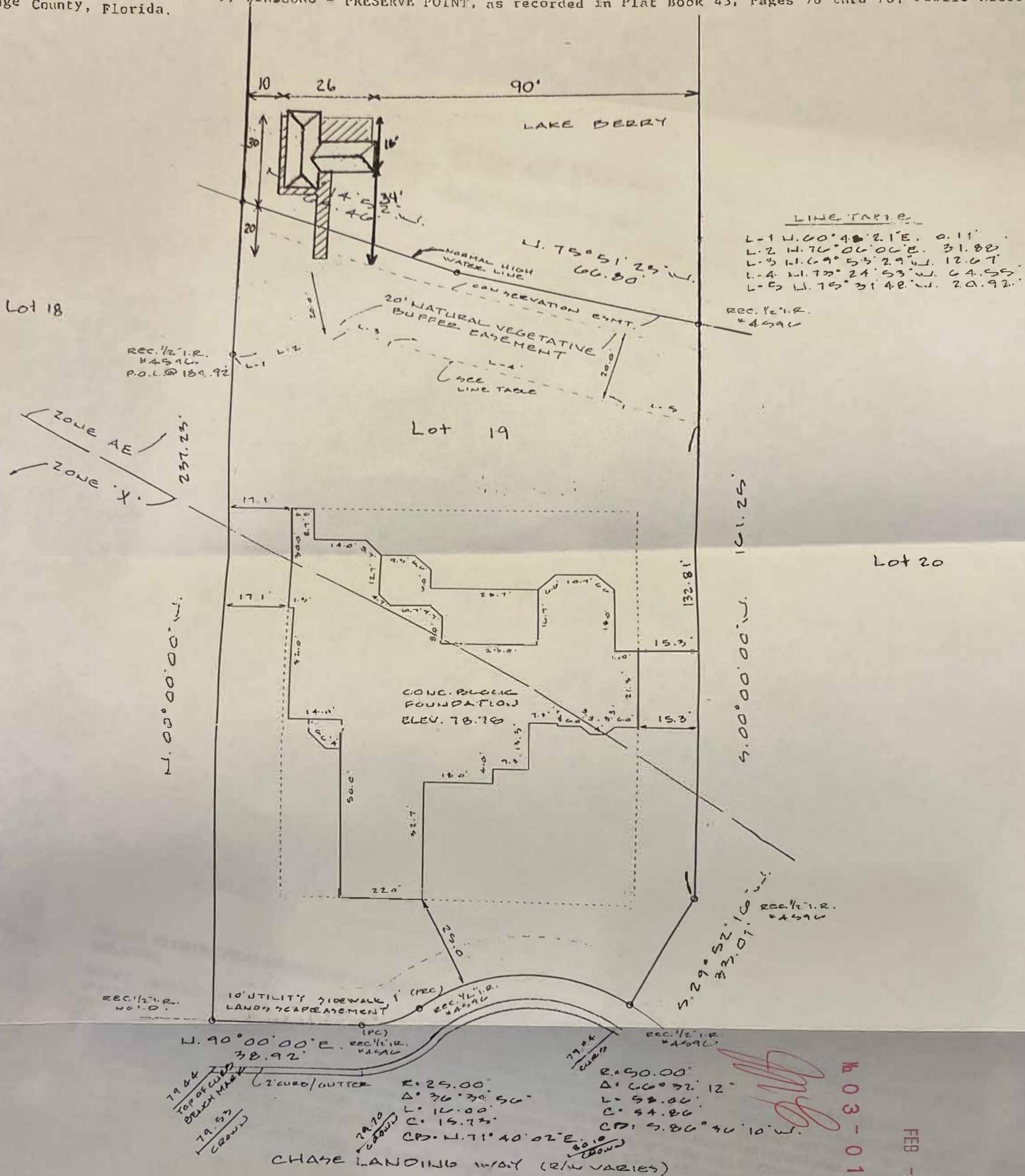
****IMPORTANT**** FURNISH A COPY OF THIS DESIGN TO THE INSTALLATION CONTRACTOR. ALPINE ENGINEERED PRODUCTS, INC. SHALL NOT BE RESPONSIBLE FOR ANY DEVIATION FROM THIS DESIGN; ANY FAILURE TO BUILD THE TRUSSES IN CONFORMANCE WITH TPI; OR FABRICATING, HANDLING, SHIPPING, INSTALLING AND BRACING OF TRUSSES. THIS DESIGN CONFORMS WITH APPLICABLE PROVISIONS OF NDS (NATIONAL DESIGN SPECIFICATION PUBLISHED BY THE AMERICAN FOREST AND PAPER ASSOCIATION) AND TPI. ALL-TYPE CONNECTORS ARE MADE OF 20GA ASTM A653 GR40 GALV. STEEL, EXCEPT AS NOTED. APPLY CONNECTORS TO EACH FACE OF TRUSS, AND UNLESS OTHERWISE LOCATED ON THIS DESIGN, POSITION CONNECTORS PER DRAWINGS 160 A-2. THE SEAL ON THIS DRAWING INDICATES ACCEPTANCE OF PROFESSIONAL ENGINEERING RESPONSIBILITY SOLELY FOR THE TRUSS COMPONENT DESIGN SHOWN. THE SUITABILITY AND USE OF THIS COMPONENT FOR ANY PARTICULAR BUILDING IS THE RESPONSIBILITY OF THE BUILDING DESIGNER. ANSI/TPI 1-1995 SECTION 2.



TC LL	30.0 PSF	REF R6704-47750
TC DL	15.0 PSF	DATE 10/29/02
BC DL	10.0 PSF	DRW HCUSR6704 02302061
BC LL	0.0 PSF	HC-ENG SL/MMA
TOT.LD.	55.0 PSF	SEQN - 46844
DUR.FAC.	1.33	FROM PC
SPACING	24.0"	

BOUNDARY SURVEY FOR/CERTIFIED TO: Mike and Melissa Mikkelsen
Parkland Homes; K.E.L. Title Insurance Agency, Inc.; Southern Community Bank

DESCRIPTION AS FURNISHED: Lot 19, WINDSONG - PRESERVE POINT, as recorded in Plat Book 43, Pages 76 thru 78, Public Records of Orange County, Florida.



#03-0185
FEB - 4 2003

GRUSENMEYER-SCOTT & ASSOC., INC. - LAND SURVEYORS

5400 E. COLONIAL DR. ORLANDO, FL. 32807 (407)-277-3232 FAX (407)-658-1436

- NOTES:
1. THE UNDERSIGNED HAS HEREBY CERTIFIED THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61C11-6 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.007, FLORIDA STATUTES.
 2. UNLESS CROSSNOTED WITH SURVEYOR'S SEAL, THIS SURVEY IS NOT VALID AND IS LIMITED TO INFORMATION CONTAINED THEREIN ONLY.
 3. THIS SURVEY WAS PREPARED FROM THE INFORMATION FURNISHED TO THE SURVEYOR, THERE MAY BE OTHER INFORMATION OR FACTORS THAT AFFECT THIS PROPERTY.
 4. NO UNRECORDED ENCUMBRANCES HAVE BEEN LOCATED WITHIN THE BOUNDARIES SHOWN.
 5. THIS SURVEY IS PREPARED FOR THE SOLE BENEFIT OF THOSE CITIES, TOWNS OR VILLAGES TO WHOM IT IS REFERRED BY ANY OTHER PARTY.
 6. DIMENSIONS SHOWN FOR THE LOCATION OF IMPROVEMENTS HEREON SHOULD NOT BE USED TO RECONSTRUCT BOUNDARY LINES.
 7. BEARINGS ARE BASED ASSUMED DATUM AND ON THE LINE SHOWN AS BEARING (N.H.).
 8. ELEVATIONS IF SHOWN ARE BASED ON NATIONAL GEODETIC VERICAL DATUM OF 1929, UNLESS OTHERWISE NOTED.
 9. CERTIFICATE OF AUTHORIZATION No. 4596.
- STAKE NOT FOUND / HOUSE / FF 5.30.02

- LEGEND
- PLAT
 - FIELD
 - BOUNDARY
 - EASEMENT
 - CONSERVATION EASEMENT
 - 1/2" = 100'
 - UNRECORDED
 - POINT OF BEGINNING
 - POINT OF COMMENCEMENT
 - ENCUMBRANCE
 - MARK & BENCH
 - HOUSE
 - DRIVE
 - DISTANCE
 - UTILITY
 - CIVIL ENGINEER
 - WORD LINE
 - CORNER BLOCK
 - POINT OF BEGINNING
 - POINT OF COMMENCEMENT
 - ENCUMBRANCE



Material rec'd 4-12-2021 in opposition of the request.

at Windsong

CITY OF WINTER PARK

WINTER PARK FLORIDA 32789-4386

SHORELINE ALTERATION PLAN REVIEW NOTIFICATION
BOATHOUSE AND/OR DOCK

TO: Michael & Melissa Mikkelson DATE: January 3, 2001
310 W. Central Pkwy, Ste. 7000
Altamonte Springs, FL 32714

This is to notify you that a neighboring property located at: **1645 Chase Landing Way in Windsong** has submitted plans for a new boathouse and dock.

These plans will be reviewed by the Lakes and Waterways Advisory Board at their regular meeting on Wednesday, January 16, 2001, beginning at 12:00p.m. (noon) at the Winter Park County Club, 761 Old England Avenue, Winter Park, FL 32789.

If you have any questions about this matter, please call Tim Egan in the Lake Division at 407-623-3326 or attend the meeting on the referenced date.

NOTE: If a person decides to appeal any decision made by the Board with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings, and that, for such purpose, he may need 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.



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Phone: (407) 857-1600 • (800) 957-3625 • Fax: (407) 857-0907



HODGSKIN
Outdoor Living, Inc.

Name	Cahill Construction Co.
Address	1645 Chase Landing Way

Robert Y. White
Professional Civil Engineer
FL Cert # 13191
2233 Barr Circle
Orlando, FL 32807

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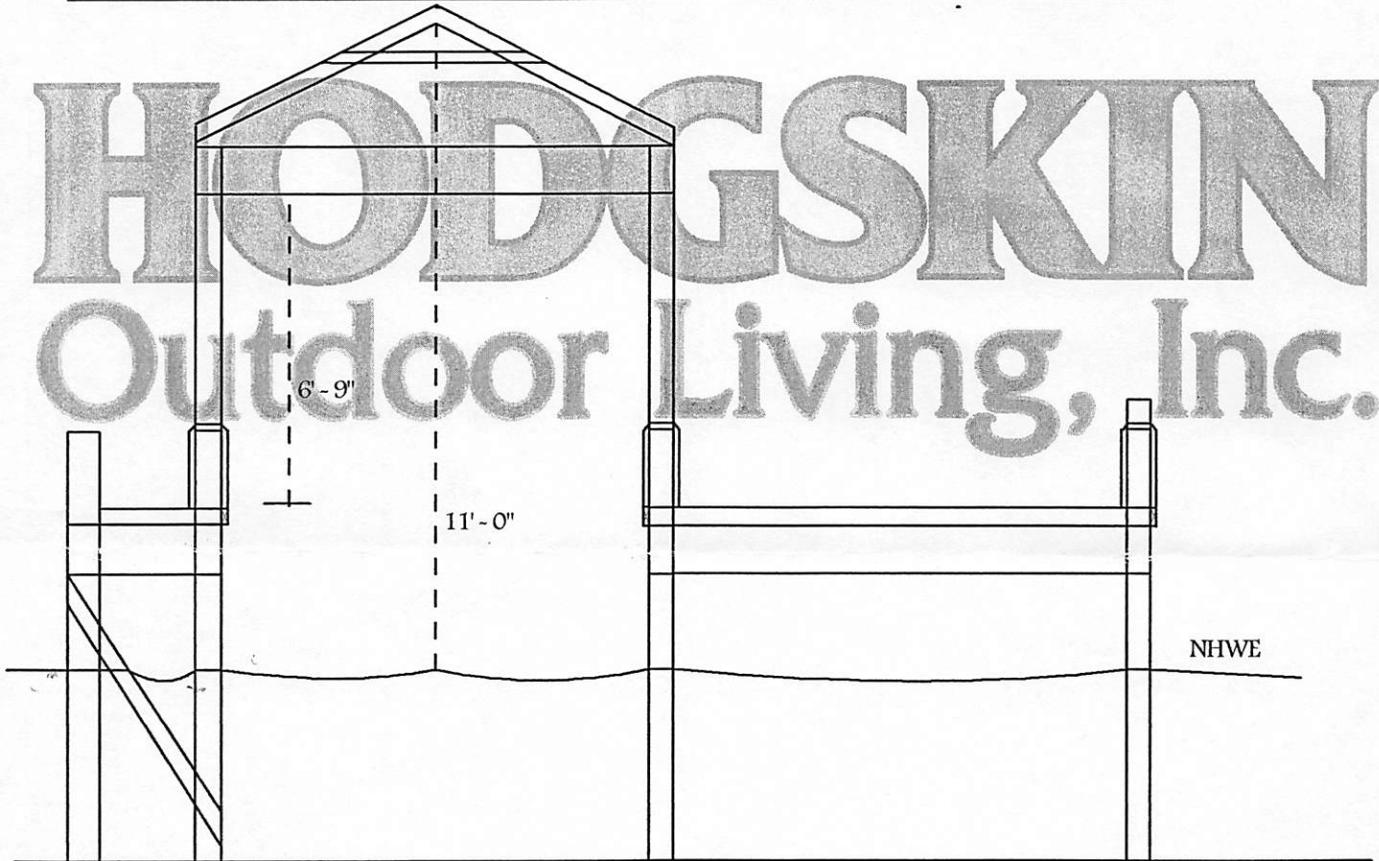
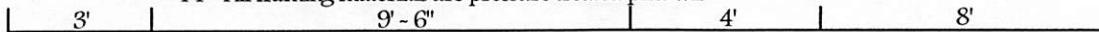
6125 Hansel Avenue • Orlando, Florida 32809

Phone: (407) 857-1600 • (800) 957-3625 • Fax: (407) 857-0907

TYPICAL DOCK SECTION

Scale 1/4" = 1'

- 1 - (2) 2" x 10" Headers nailed and bolted with 1/2" bolts to roof piles
- 2 - 6" x 6" CCA .80 Boathouse roof piles
- 3 - 2" x 6" Rafter @ 2' O.C. Connected to a 2" x 8" Ridge
- 4 - 2" x 6" Collartie @ 4' O.C.
- 5 - 2" x 6" Triple Tier Fascia
- 6 - All poles to be trimmed out with 2" x 6" signature blocks
- 7 - Roof decking 5/8 T1-11 with extra layer of 1/2 CDX
- 8 - Roof pitch 4/12
- 9 - Joist for activity deck & walkway 2" x 8" @ 2' O.C.
- 10 - Crossies for activity deck 2" x 10", for walkway 2" x 6"
- 11 - Knee-bracing on each set of poles alternating
- 12 - The connection of the roof rafters to the 2" x 10" headers is by means of a H2.5 hurricane clip nailed with (4) 10d galv nails on each end of the clip.
- 13 - Structure to be constructed to meet all 100 MPH wind codes.
- 14 - All framing materials are pressure treated pine #2



Name	Cahill Construction Co.
Address	1645 Chase Landing Way

Robert Y. White

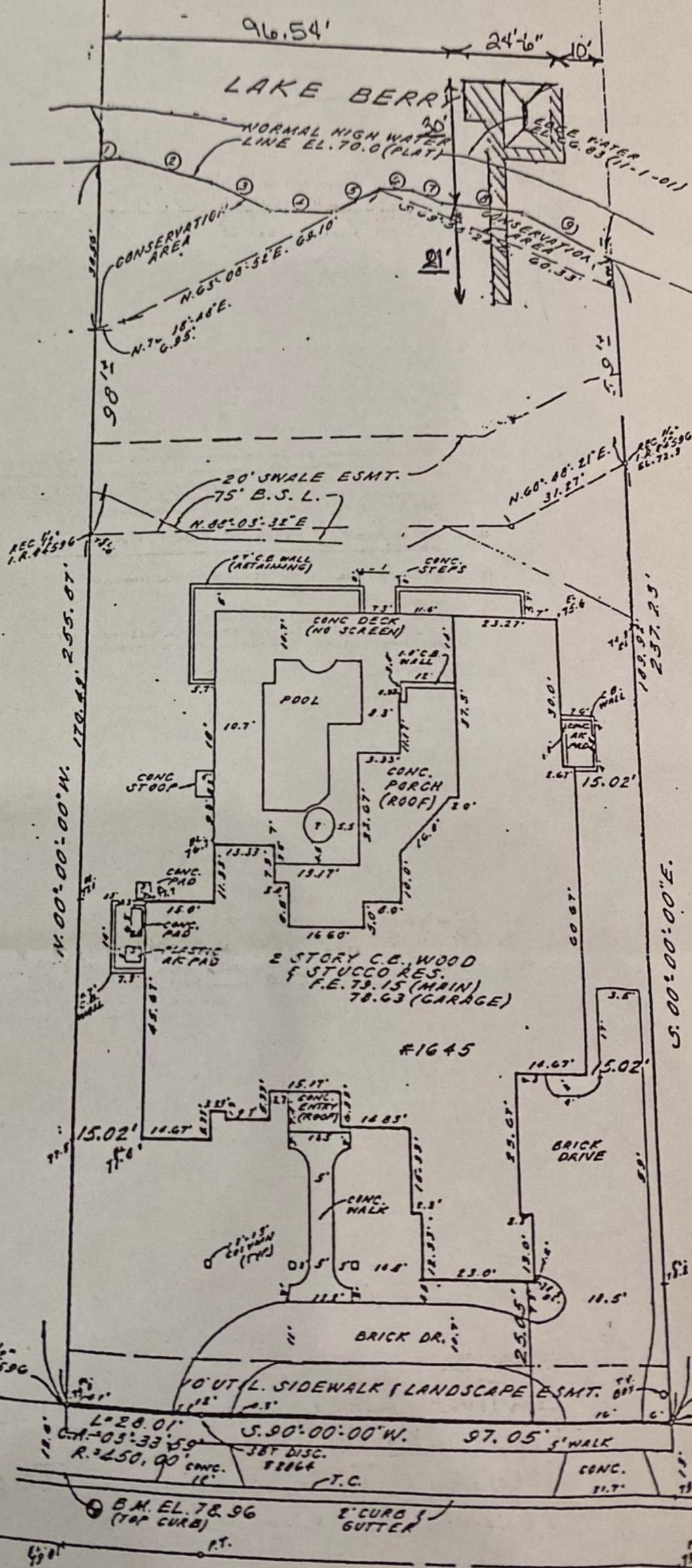
Professional Civil Engineer
FL Cert # 13191
2233 Barr Circle
Orlando, FL 32807

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DESCRIPTION
LOT 18 WINDSONG - PRESERVE PLANT
AS RECORDED IN PLAT BOOK 44 PAGES
76 THRU 78, PUBLIC RECORDS OF ORANGE
COUNTY, FLORIDA.

NORTH PROPERTY LINE CALLS

N 82° 40' 06" E	5.03'
S 76° 13' 45" E	23.50'
S 65° 38' 45" E	15.34'
S 87° 39' 50" E	15.06'
N 62° 25' 15" E	13.26'
S 89° 03' 55" E	8.33'
S 69° 06' 40" E	7.76'
S 85° 46' 21" E	16.72'
S 66° 57' 58" E	24.34'



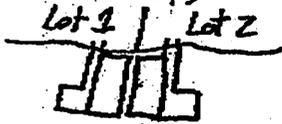
BEATING BASIS: & OF CHASE LANDING WAY BEING N. 90° 00' 00" E. (PER PLAT)

SCALE: 1" = 20'
DATE OF FIELD SURVEY:
BOUNDARY: 10-24-00
FOUND: 12-19-00
FINAL: 11-1-01
TO PO:
HOUSE STAKE: 11-29-00
RE-SURVEY:
ROOF HEIGHT: 5-11-01

CHASE LANDING WAY

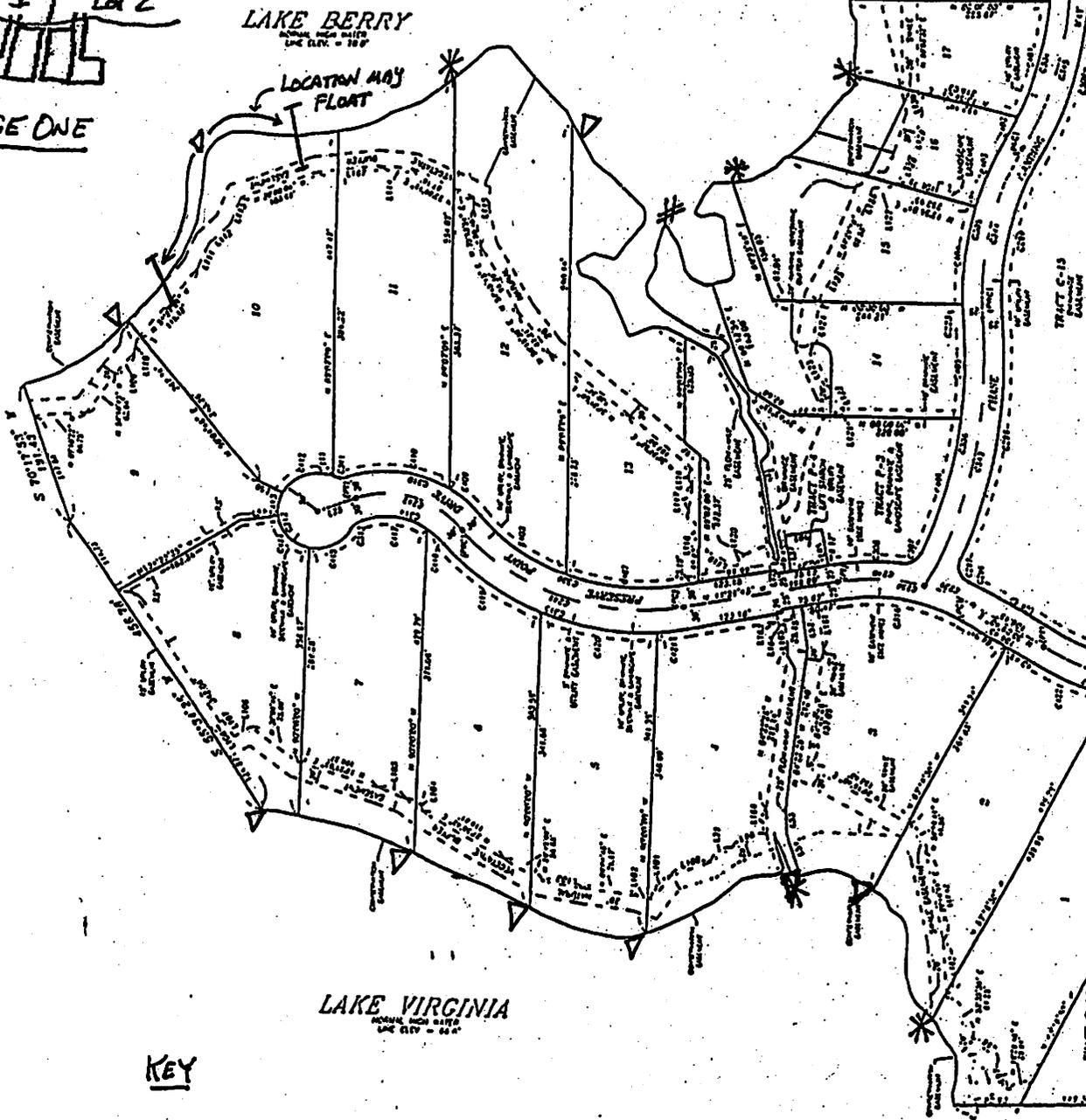
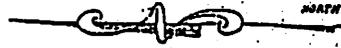
Boathouse Location Plan

Eliminate 10' side setbacks so that the new boathouses will be built on the property lines (back to back)



PAGE ONE

WINDSONG-PRESERVE POINT



KEY

- * - 2 BOATHOUSES BACK TO BACK.
- Δ - SINGLE BOATHOUSE
- # - COMMON GAZEBO



Photo from Original Real Estate Listing







773 So.2d 1245

**TOWN OF LAUDERDALE-BY-THE-SEA,
Florida, a Florida municipal corporation,
Appellant,**

v.

**Warren MERETSKY and Anne Meretsky,
his wife, Appellees.**

No. 4D99-4194.

**District Court of Appeal of Florida, Fourth
District.**

December 13, 2000.

Rehearing Denied January 17, 2001.

[773 So.2d 1246]

James A. Cherof, Town Attorney, and Michael D. Cirullo, Jr., Assistant Town Attorney, of Josias, Goren, Cherof, Doody & Ezrol, P.A., Fort Lauderdale, for appellant.

Robert A. Eisen of Law Office of Robert A. Eisen, Boca Raton, for appellees.

HAZOURI, J.

This is an appeal from a final summary judgment rendered by the trial court holding that the appellant, Town of Lauderdale-by-the-Sea (Town), did not abandon, vacate or otherwise convey any portion of a public right-of-way to the appellees, Warren and Anne Meretsky, but also holding that the Town granted the Meretskys a "permissive use" of a portion of the Town's public right-of-way. The Town also appeals from the denial of its motion for summary judgment on its counterclaim. We affirm in part and reverse in part.

The Meretskys own their residence at 4560 Tradewinds Avenue in the Town. It is on a corner lot and the cross street along the side of their house is Lombardy Avenue. Prior to February 1998, Anne Meretsky consulted with Town Code

Officer Daniel Stallone regarding how the Town's zoning regulations would affect the placement of a swimming pool and wall enclosure they wished to build. Based upon these consultations, Anne Meretsky filed an Application for Zoning Variance which was reviewed by Stallone and corrected by him. The application requested permission "[t]o construct an enclosure around a pool on the south side of property 35 feet into south side set back [sic] and 10 feet into front set back [sic] west side."¹ In the application, the Meretskys only make reference to wanting to reduce the setback requirement so that they can build the wall and leave some room around the pool. There is no mention in the application that the Meretskys want to intrude into the public right-of-way; however, the survey map of the property attached to the application shows that the requested wall enclosure on the south side of the lot encroaches 10 feet into the Lombardy Avenue right-of-way.

Anne Meretsky submitted the application. On February 17, 1998, the Town Board of Adjustment held a hearing on the application and recommended denying the variance. On February 24, 1998, the Town Commission considered the Meretsky's application. The records of that meeting indicate that the discussion was limited to setbacks and *not* rights-of-ways. The Town Commission approved the variance request. The Meretskys contend that the Town Commission understood that the wall would be constructed outside of the property line of the residence and on the Lombardy Avenue swale. A building permit was issued to the Meretskys for the wall's construction and it was built on the grassy swale on the Town's right-of-way five feet from the pavement on Lombardy Avenue. As constructed, it presented a sight hazard at the intersection of Lombardy and Tradewind Avenues.

On September 9, 1998, the Town Commission directed the Town administration to take action to prevent further construction of the wall. The Town Municipal Services Director hand delivered a cease and desist order to the Meretsky's residence ordering work to stop on the wall immediately. At that point, all the cement block portions of the wall had been completed.

Despite the issuance of the cease and desist order, the wall was completed.

[773 So.2d 1247]

The Meretskys' amended complaint sought a declaratory judgment finding their building permit valid and that the portion of Lombardy Avenue inside their wall was vacated and abandoned by the Town to the Meretskys. The Town answered the Meretskys' amended complaint and included a number of affirmative defenses and a counterclaim seeking injunctive relief and declaratory relief in order to have the wall removed from the Town's right-of-way.

The Town filed a motion for summary judgment as to Meretskys' amended complaint and the Town's counterclaim. At the summary judgment hearing, the Meretskys admitted that the property was not vacated or abandoned; however, in an affidavit Anne Meretsky stated that she relied on the variance and the building permit to build the pool and wall. She further stated that she would not have built the pool if she was not permitted to build the wall ten feet from the edge of the pool. She and her husband spent \$39,662.80 on the wall and \$74,662.80 on the entire project.

At the summary judgment hearing, the trial judge determined that the Town had granted the Meretskys a "permissive use" of the property. The amended final summary judgment states that there was no genuine issue of material fact. The trial court denied the Town's motion for summary judgment on its counterclaim, but granted final summary judgment on the amended complaint to the extent that it found that the Town did not abandon or vacate the right-of-way or grant a fee interest to the Meretskys. The trial court then concluded:

4. A request for Summary Judgment permits the Court to grant Summary Judgment to either party should the facts and law so dictate.²

Accordingly, Summary Judgment is granted to Meretsky on Meretsky's Amended Complaint to the extent only that Meretsky is granted a permissive use of the Lombardy Avenue Right-of-way upon which the Wall sits and which is enclosed by the Wall. The Town, by virtue of the granting of the variance and the subsequent granting of building permits, did in fact grant to Meretsky a permissive use of that portion of the Lombardy Avenue Right-of-way upon which the Wall was constructed and which is enclosed by the Wall.

The Town argues that the Town Commission was without authority to grant the Meretsky's application to build the wall on the public right-of-way as its construction violates the Town's Code of Ordinances and state law. The Town also disagrees with the trial court's finding that the permission to build, i.e., the variance granted, is equivalent to an ordinance. The Meretskys respond that the Town Commission did have the authority to grant a permissive use of the grassy swale within its right-of-way and the town code does not prohibit the granting of it.

"[T]he general rule [is] that a 'building permit issued in violation of law or under mistake of fact' may be rescinded although construction may have been commenced." *Godson v. Town of Surfside*, 150 Fla. 614, 8 So.2d 497, 498 (1942). The issuance of a building permit will not estop the government authority from enforcing its ordinances and revoking a permit which has been obtained in violation of its ordinance. *See Corona Properties of Florida, Inc. v. Monroe County*, 485 So.2d 1314 (Fla. 3d DCA 1986); *Dade County v. Gayer*, 388 So.2d 1292 (Fla. 3d DCA 1980). The Town asserts that *Gayer* is dispositive. We agree.

[773 So.2d 1248]

The Gayers began to construct a coral rock wall around their home without a building permit from the Dade County Building and Zoning Department. Someone made a complaint and the Gayers then applied for a permit to build a wall containing a setback of ten feet inside the property line and the sketch submitted confirmed this. A permit was issued but when construction resumed, the wall was erected into the public right-of-way. Construction was halted due to the violation.

The Gayers then applied to the Zoning Appeals Board for a "non-use variance of zoning regulations, set-back requirements and variance of subdivision regulations with requirements that no structures shall be permitted in a mapped street." The Zoning Board approved the application but required a flashing light be put up to maintain safety. The Gayers said they were advised of the setback requirements but thought the ten-foot setback meant ten feet from the pavement. This approval was appealed to the Board of County Commissioners who, by resolution, rejected the Zoning Boards's approval and ordered the wall be removed.

The Gayers petitioned for certiorari to the circuit court which set aside the Board of County Commissioner's resolution. Dade County then filed a petition for common law certiorari. Dade County contended that the doctrine of estoppel is not applicable to sanctioned acts which are prohibited by law. Under the Dade County code, "[n]o building or any other type of structure shall be permitted on, or in, a mapped street, except required and approved underground installations." In quashing the circuit court's order, thereby reinstating the denial of the variance, the third district stated:

While at first blush it seems that the application of the rule may be harsh, it would be inconceivable that public officials could issue a permit, either inadvertently, through error, or intentionally, by design, which would sanction a violation of an ordinance adopted by the legislative

branch of the government. Only the duly constituted members of the Metropolitan Dade County Commission enjoy that prerogative and then *only in accordance with established procedure*.

Gayer, 388 So.2d at 1294 (emphasis added).

In the instant case, the Town asserts that its Code of Ordinances prohibits construction of the wall on the public right-of-way. Section 17-1, Town of Lauderdale-By-The-Sea Code of Ordinances provides:

Sec. 17-1. Obstructions prohibited.

It shall be unlawful to erect, build, construct, deposit or place, or to procure or cause to be erected, built, constructed, deposited or placed upon or in any street, or any place where the public has a right of passage, any house, cellar, stable, shed, fence enclosure, wall, foundation, or any other structure or any lot or part thereof abutting on a street, to permit any obstruction to remain upon the sidewalk in front of such lot, or part thereof; or permit any sidewalk in front of such lot or part thereof to remain in such condition as to prevent convenient and safe use thereof by the public.

The Meretskys argue that this ordinance applies only to obstructions to streets and sidewalks where the public has a right of passage and their wall does not obstruct a street or sidewalk. Although "right of passage" is not specifically defined, it is a place in addition to the "street" and includes the property owned by the Town alongside the street whether or not it has a sidewalk where the public can travel. Under section 861.01, Florida Statutes (1997), "[w]hoever obstructs any public road or established highway by fencing across or into same ... shall be guilty of a misdemeanor...."

Public roads include city street systems. § 335.01, Fla. Stat. (1997). Section 334.03(23), Florida Statutes (1997), defines "road" as:

[773 So.2d 1249]

[A] way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.

Section 334.03(22), Florida Statutes (1997), defines "right-of-way" as "land in which the state, the department, a county, or a municipality owns the fee or has an easement devoted to or required for use as a transportation facility."

It thus appears that whether through mistake on the part of the parties or through misrepresentation by the Meretskys, which the Town suggests, the Town Commission authorized an act contrary to its own ordinances and, therefore, its approval was ultra vires and void.

The trial court opined that the permissive use was on "the same level of an ordinance" but under section 166.041, Florida Statutes (1997), there are certain procedures to follow and requirements to be met in order to adopt an ordinance, none of which were followed here. Therefore, the Meretskys should not have been granted a permissive use of the right of way.

Based upon the foregoing, the trial court erred in its application of the law to this case. Summary judgment should not have been granted in favor of the Meretskys on the amended complaint.

The question remains as to whether the Town should or could be equitably estopped from

requiring that the wall be removed, as sought in its counterclaim. A zoning authority may be equitably estopped to enforce a change in zoning regulations against one who has substantially altered his or her position in reliance on the original regulation and a building permit issued thereunder. *See, e.g., City of Margate v. Amoco Oil Co.*, 546 So.2d 1091 (Fla. 4th DCA 1989). However, when there is no authority to grant the building permit, the governmental entity cannot be estopped from revoking the permit. *Ammons v. Okeechobee County*, 710 So.2d 641 (Fla. 4th DCA 1998); *Metropolitan Dade County v. Fontainebleau Gas & Wash, Inc.*, 570 So.2d 1006 (Fla. 3d DCA 1990); *Dade County v. Gayer*, 388 So.2d 1292 (Fla. 3d DCA 1980); *City of Miami Beach v. Meiselman*, 216 So.2d 774 (Fla. 3d DCA 1968). The Meretskys were on constructive notice of the contents of the ordinance and are presumed to have constructive knowledge of the nature and extent of the powers of governmental agents who issue permits. *See Ammons*, 710 So.2d at 644. Therefore, the Town is not estopped from requiring that the wall be removed.

Based upon the foregoing, the trial court erred in not granting final summary judgment in favor of the Town on the counterclaim.

Accordingly, the final summary judgment on the amended complaint granting the Meretskys a permissive use of the right-of-way is reversed with directions to enter final judgment for the Town. The denial of the Town's motion for summary judgment on its counterclaim is reversed and the trial court is directed to enter final judgment on the Town's counterclaim requiring the Meretskys to remove the wall from the right-of-way. We affirm that portion of the final summary judgment that found that the Town did not abandon, vacate or otherwise convey any portion of the right-of-way to the Meretskys.

WARNER, C.J., and SHAHOOD, J., concur.

Notes:

1. The minimum setback for the south side is 25 feet under the Town Code.

2. The trial court granted a summary judgment for the Meretskys even though they did not file a motion for summary judgment. While the court is not wholly without authority to do that, the better practice is to require a timely motion. See *First Union Nat'l Bank of Florida v. Maurer*, 597 So.2d 429 (Fla. 2nd DCA, 1992); *City of Pinellas Park v. Cross-State Utils. Co.*, 176 So.2d 384 (Fla. 2nd DCA 1965). We need not decide if this was appropriate here because we reverse the summary judgment for the Meretskys on other grounds.

Page 1292

388 So.2d 1292
DADE COUNTY, Appellant,
v.
Mark GAYER and Arlene Gayer, his wife,
Appellees.
No. 80-751.
District Court of Appeal of Florida, Third
District.
Sept. 30, 1980.
Rehearing Denied Nov. 4, 1980.

Page 1293

Robert A. Ginsburg, County Atty., and Robert L. Krawcheck, Asst. County Atty., for appellant.

Guy Spiegelman, Miami Beach, for appellees.

Before HUBBART, NESBITT and DANIEL S. PEARSON, JJ.

NESBITT, Judge.

By petition for common law certiorari, Dade County seeks to quash an order entered by the Appellate Division of the Circuit Court of the Eleventh Judicial Circuit, which had entertained the Gayers' petition for common law certiorari and quashed a resolution adopted by the Board of County Commissioners, which unanimously denied the Gayers a non-use variance of zoning regulations, set-back requirements, and subdivision regulations.

Since the final judgment, entered by the trial court on review of the administrative action, has not otherwise been made directly appealable to the Supreme Court, it is, under plain construction of Article V, Section 4(b)(1) of the Florida Constitution, reviewable here by way of appeal. *Allapattah Community Association, Inc. of Florida v. City of Miami*, 379 So.2d 387, 392 (Fla. 3d DCA 1980); *United Teachers of Dade v. Save Brickell Avenue, Inc.*, 378 So.2d 296 (Fla. 3d DCA 1979). Consequently, we treat the instant application for certiorari as a plenary appeal.

The Gayers commenced construction of a coral rock wall surrounding their residence. They had neglected to secure a building permit from the Dade County Building and Zoning Department for this project. After a complaint was lodged against the unauthorized construction, they applied to the Building and Zoning Department for a building permit. The application was for a permit to build a wall containing a set-back of ten feet inside the property line. The sketch submitted by the Gayers was confirmatory of their request. The permit was issued in March, 1978, following which the Gayers resumed construction of their wall, which was ultimately erected into the public right-of-way. Construction was again halted in July of 1978 when the Gayers were cited for violations consisting of constructing a wall into the publicly owned right-of-way and not in accordance with the building permit.

The Gayers then applied to the Zoning Appeals Board for a "non-use variance of zoning regulations, set-back requirements and variance of subdivision regulations with requirements that no structures shall be permitted in a mapped street" The Zoning Appeals Board approved the application for this variance but recognized that some safety hazards were presented and recommended that either a flashing light be put up or that some other safety measures be taken to maintain safety in the area. At the hearing before the Zoning Appeals Board, the Gayers admitted to being advised of the set-back requirements and stated that they thought the ten-foot set-back requirement simply meant ten feet from the pavement.

The approval of the application for the variance was then appealed to the Board of County Commissioners who, by resolution, rejected the recommendation of the Zoning Appeals Board, denied the application for the variance, and ordered that the coral rock wall be removed.

The Gayers then filed a petition for common law certiorari which was heard by the Appellate Division of the Circuit Court. The Circuit Court, in

turn, vacated and set aside the resolution of the Board of County Commissioners upon finding that a permit had been "issued in error" and the Gayers had acted in reliance thereon at their considerable expense and that the county was therefore estopped from ordering the removal of the wall.

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Dade County now brings this petition for writ of certiorari seeking to quash the Circuit Court's "Order of Reversal." As stated, the Circuit Court's order was premised on a finding that the permit had been "issued in error." Exactly what the "error" was, if any, is somewhat confusing. The planning director initially testified that the permit had been issued in error but later corrected his statement by indicating that it had not been so issued. Perhaps the "error" arose from the finding of the Zoning Appeals Board that both parties knew where the wall was to be constructed and that construction ensued for four months from the issuance of the permit until the citation for the violations. In light of the favorable finding on behalf of the Gayers before the Zoning Appeals Board, this matter is not of critical importance. We do, however, point out that neither this court nor the Appellate Division of the Circuit Court is permitted to re-weigh conflicting evidence and is primarily relegated to assaying the record to determine whether the applicable law was applied in accordance with established procedure. *Metropolitan Dade County v. Mingo*, 339 So.2d 302 (Fla. 3d DCA 1976).

The county contends that estoppel is not applicable to sanction acts which are prohibited by law. To indicate that the building of the wall in its present location is such a prohibited act, the county relies upon Section 28-18 of the Code of Metropolitan Dade County which provides:

No building or any other type of structure shall be permitted on, or in, a mapped street, except required and approved underground installations.

For the proposition that estoppel will not lie for prohibited acts, the county cites *Dade County v. Bengis Associates, Inc.*, 257 So.2d 291, 292 (Fla. 3d DCA), cert. denied, 261 So.2d 839 (Fla.1972), where this court held:

The state, or its political subdivision is not ordinarily estopped by the unauthorized acts of its officers. *Greenhut Construction Company v. Henry A. Knott, Inc.*, (247 So.2d 517 (Fla. 1st DCA 1971)).

The rule has also been applied by this court in *City of Miami Beach v. Meiselman*, 216 So.2d 774 (Fla. 3d DCA 1968), cert. denied, 225 So.2d 533 (Fla.1969), where it was held that the city was not estopped to revoke a building permit for a "roof sign," which was in violation of a city ordinance.

The Circuit Court, in its order, and the Gayers, in this appeal, rely upon the case of *Hollywood Beach Hotel Company v. City of Hollywood*, 329 So.2d 10 (Fla.1976) as support for estopping the county from requiring removal of the wall. On close examination, however, that case buttresses the position which the county asserts. In *Hollywood Beach Hotel Company v. City of Hollywood*, supra, at 15 our Supreme Court held that "(t)he doctrine of equitable estoppel may be invoked against a municipality as if it were an individual" Prior to that decision, our Supreme Court recognized, in *Montsdoca v. Highlands Bank & Trust Co.*, 85 Fla. 158, 163, 95 So. 666, 668 (1923), that: "(t)he doctrines of estoppel and waiver do not in general apply in transactions that are forbidden by statute or that are contrary to public policy." Accord, *Sherba Bros., Inc. v. Campbell*, 361 So.2d 814 (Fla. 4th DCA 1978); *State ex rel. Schwartz v. City of Hialeah*, 156 So.2d 675 (Fla. 3d DCA 1963). *Hollywood Beach Hotel Company* allows one to invoke the doctrine of estoppel against a municipality in the same manner as it applies to private parties. In *Montsdoca*, it was held estoppel could not be asserted against private parties for acts prohibited by law.

While at first blush it seems that the application of the rule may be harsh, it would be

inconceivable that public officials could issue a permit, either inadvertently, through error, or intentionally, by design, which would sanction a violation of an ordinance adopted by the legislative branch of the government. Only the duly constituted members of the Metropolitan Dade County Commission enjoy that prerogative and then only in accordance with established procedure.

Hollywood Beach Hotel Company v. City of Hollywood, *supra*, and Sakolsky v. City of Coral Gables, 151 So.2d 433 (Fla.1963),

Page 1295

cited therein, relied upon by the Circuit Court in its order, did not involve estoppel for some act unauthorized or prohibited by law. Those cases, along with Town of Largo v. Imperial Homes Corporation, 309 So.2d 571 (Fla. 2d DCA 1975), are classic examples of an act that was legal when the government sanctioned it (by issuing a permit), but purportedly became illegal by virtue of a change in the political climate or by the governmental sanction later being withdrawn after a permittee had relied upon it to his financial detriment.

For the foregoing reasons, we find that the Appellate Division of the Circuit Court failed to apply the correct principle of law in resolving the doctrine of equitable estoppel which was presented to it.

Our disposition of the matter makes it unnecessary to consider the question of whether equitable estoppel could be invoked, where to do so would create a hazard or a public nuisance, or result in the annexation of public lands. We also do not address the question of whether there was a wrongful act committed by the Gayers which would prevent them from relying upon the doctrine of equitable estoppel.

The order of the Appellate Division of the Circuit Court of the Eleventh Judicial Circuit, quashing Resolution Z-184-79, Board of County Commissioners of Dade County, is reversed.



Board of Adjustments regular meeting

April 20, 2021 at 5:00p.m.

Agenda Items

Public Hearings

3. Request of Jessica Kendrick for a variance to allow; construction of a second story addition to be located 7.3 feet from the side lot line, in lieu of the required setback of 12.5 feet, and without a minimum setback of 2 feet behind or in front of the garage opening.

Located at 1610 Chestnut Ave

Zoned: R-1A



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: April 20, 2021
SUBJECT: VARIANCE REQUEST by Jessica Kendrick, 1610 Chestnut Avenue

The applicant is requesting variances to allow construction of a second story addition to be located 7.3 feet from the side lot line, whereas the required setback is 12.5 feet, and without the required two feet of setback for a garage opening.

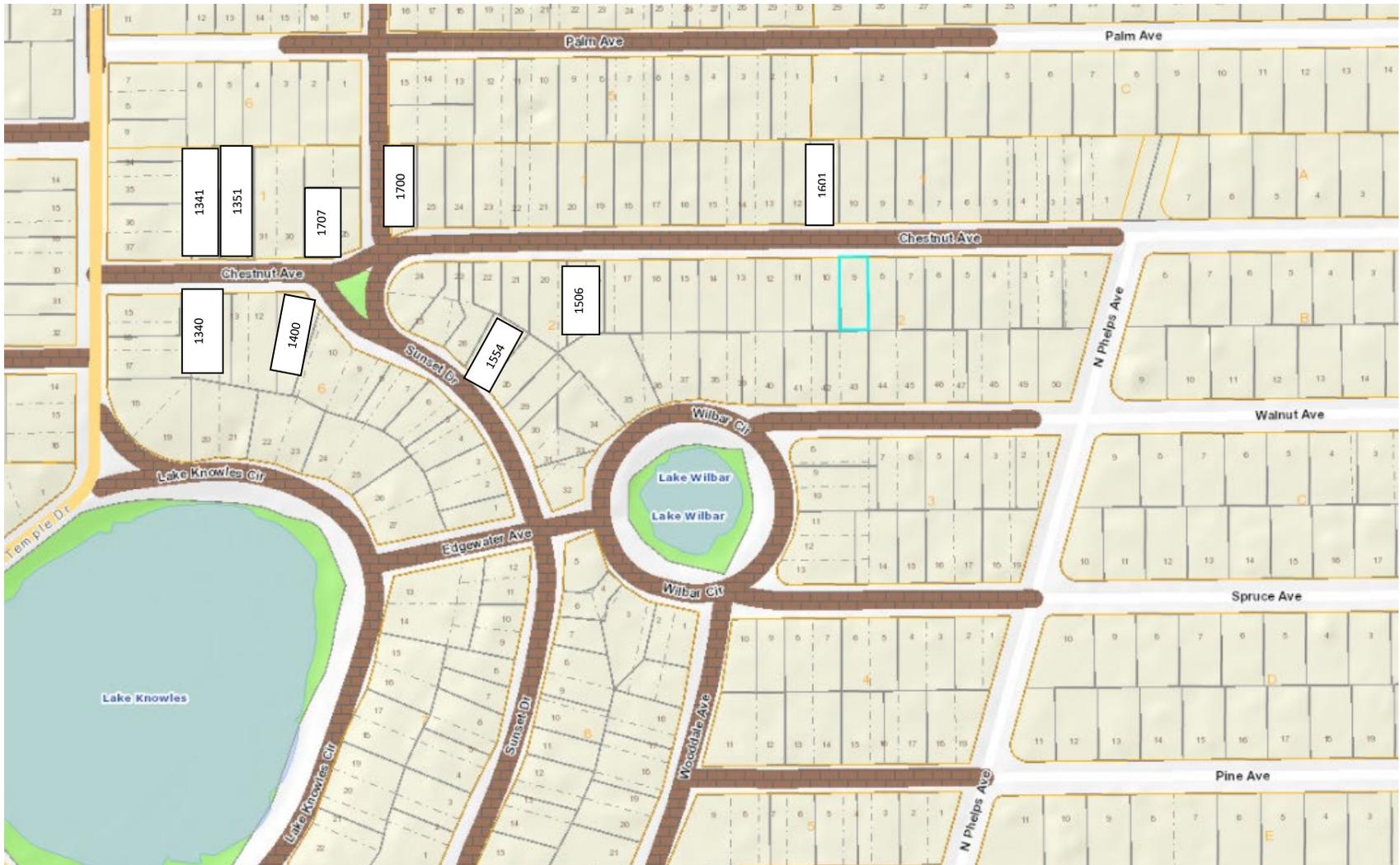
In order create usable living space (child's playroom) on the second floor of a two-story home in a location that is currently a second-floor balcony, the applicant seeks two variances from the larger second floor setback of 12.5 feet and from having a front facing garage articulation which is normally achieved with the garage opening stepped back behind the front wall of the home or projected out in ahead of the main front wall of the home.

The proposed design of this second-floor area includes a much larger glazed opening at the second-floor level and a new glass garage door on the lower level to match the architecture of the home.

The area of this new space is 171 square feet bringing the gross area of the home to 2,745 square feet, which is just under the maximum permitted area of 2,803 square feet. With this addition, there is no impact on impervious coverage for this property. The overall height of the home and addition will remain at approximately 25 feet which is 7 feet below the permitted height of 32 feet which is allowed with this steeper roof slope of 8 in 12. The additional wall above the first floor is approximately 8.5 feet with a total sidewall height of 18 feet that matches the existing sidewall.

We have received letters expressing no objection or support for this request from letters that include signatures of nine nearby property owners.

1610 Chestnut Avenue





PLAN SNAPSHOT REPORT BOA-2021-0038 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 03/22/2021
Work Class: Board of Adjustments/Variance Application	District: Winter Park	Exp Date: NOT AVAILABLE
Status: Submitted - Online	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Wiggins, George	Approval Expire Date:

Description: Small addition to property that does not change position of house and simply close in porch

Parcel: 302132453602090	Main	Address: 1610 Chestnut Ave Winter Park, FL 32789-2321	Main	Zone:
--------------------------------	------	---	------	--------------

Owner Jessica Kendrick 1610 Chestnut Ave Winter Park, FL 32789	Applicant Jessica Kendrick 1610 Chestnut Ave Winter Park, FL 32789
--	--

Plan Custom Fields

Zoning	Section	Subsection
Is the property on waterfront? No	Is this property on historic registry or district? No	Describe variance: Addition to property to close in porch that is dangerous to children living at the property and not changing the position of house to street and simply adding closed in value for purposes of family living and safety.
How long have you owned the property? 6 months	How long have you occupied the property? 6 months	Special Condition: Special condition is rotted porch that is dangerous to the homeowners and children, this would be enhancing the safety to all and the look to the property and street front. It would not change the position of the house or alter the street positioning.
Rights/Priv: Completely deprived of my right to better an older wood house with a rotted porch while every other home around me is being ripped down and entire new construction involved. The street is almost entirely tear downs and this addition is small to maintain the safety of the house and provide a home for young children without affecting a tear down.	Hardship: The house is unsafe for children as the porch is wood and rotting. This needs to be corrected to allow for proper usage of a small wood house as well as the aesthetics to the street. It bring value to the property and neighbors as well as allows the property to be safe for all living in the house.	Limited Variance: Yes, depending on variance as the area to enclose is small and limited to change due to small squares footage.

Attachment File Name	Added On	Added By	Attachment Group	Notes
Signature_Jessica_Kendrick_3/22/2021.jpg	03/22/2021 14:25	Kendrick, Jessica		Uploaded via CSS

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	In Review	03/22/2021	03/24/2021		No	No

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Building Official Review	Building & Permitting Services	Wiggins, George	In Review	03/22/2021	03/24/2021	

Workflow Step / Action Name	Action Type	Start Date	End Date
Application Completeness Check v.1			03/22/2021 14:39

Kendrick Residence
1610 Chestnut Ave
Winter Park, FL 32789

Amendment to Kendrick residence variance application:

Conditions peculiar to the structure:

The 2nd floor sits directly above the garage on the bearing walls. Architecturally, the upper walls would have to line up with the lower bearing walls in plane with one another. Owner would be open to potentially building an eyebrow that would be proud of the front elevation at the first floor level.

Describe fully the hardship:

The hardship becomes in extending the 2nd floor garage. There is no aesthetic way to meet the setback requirements, we are only extending 5'. If we had to meet the required setback, the design would not allow an aesthetically pleasing elevation to match the rest of the remaining neighborhood.



SETBACK / COVERAGE WORKSHEET

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

Address: 1610 Chestnut Avenue

Lot width²: 50'

Submitted by: _____

Lot area³: ± 6,519 #

	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%	N/A	NONE	NONE	
	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	2,574	171	2,745	2,903
	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.				36.7'	
SIDES ^{1,2} <small>(see other side setback options on pg 4)</small>	<small>SIDES</small>	1st Floor <small>see pages 3 & 4</small>	See pages 3&4	A 7.5'	7.3'	7.2'	7.3'
		2nd Floor		12.5'	7.3'	N/A	7.3'
REAR ^{1,3,4}	<small>REAR</small>	1st Floor		25 ft.	± 41'		N/A
	<small>REAR</small>	2nd Floor		35 ft ⁵	± 41'		N/A
		Lakefront		see note 6			
CORNER LOT <small>CORNER LOT CORNER LOT CORNER LOT</small>	<small>1ST FLOOR</small>	Lot width ≤ 65 ft.		15 ft.			
		Lot width > 65 ft ⁷		20 ft.			
	<small>2ND FLOOR</small>	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.

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

(fill out BLUE cell only)



Lot Width (ft)	50	Lot width measured at bldg line across lot at front wall of home or at the front setback.
Lot Depth (ft)	130	The long side of the lot.
No. of Story	2	Max 2 story
Lot Area (sq.ft.)	6,500	Submerged lands or land across the street shall not be included.
Base F.A.R. (sq.ft.)	2470	
Front Setback	No change	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)	10	
1st Flr Rear Setback (ft)	25	
2nd Flr Rear Setback (ft)	35	

F.A.R. and Side Setback Adjustments

Percentage Increase	5.0%	5% maximum increase.
Max. F.A.R. (sq.ft.)	2795	
New 1st Flr Side Setbacks (ft)	8	For lots 60 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.

View 2020 Property Record Card

Property Features

Values, Exemptions and Taxes

Sales Analysis

Location Info

Market Stats

Update Information

2021 values will be available in August of 2021.

Property Description

[View Plan](#)

LAKE KNOWLES TERRACE K/4 LOT 9 BLK 2

Total Land Area 6,519 sqft (+/-) | 0.15 acres (+/-) [GIS Calculated](#) [Notice](#)

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0100 - Single Family	R-1A	1 LOT(S)	working...	working...	working...	working...

Page 1 of 1 (1 total records)

Buildings

Important Information		Structure				
	Model Code:	01 - Single Fam Residence	Actual Year Built:	1974	Gross Area:	2574 sqft
	Type Code:	0103 - Single Fam Class III	Beds:	3	Living Area:	1914 sqft
	Building Value:	working...	Baths:	2.5	Exterior Wall:	Wood On Sheathing
	Estimated New Cost:	working...	Floors:	2	Interior Wall:	Drywall

Page 1 of 1 (1 total records)

Extra Features

Description	Date Built	Units	XFOB Value
FPL3 - Fireplace 3	01/01/1986	1 Unit(s)	working...
PL2 - Pool 2	01/01/1990	1 Unit(s)	working...
PT2 - Patio 2	01/01/1991	1 Unit(s)	working...

Page 1 of 1 (3 total records)

ADDRESS
1610 CHESTNUT AVENUE
WINTER PARK, FL 32789

LEGAL DESCRIPTION
LOT 9 BLOCK 2 LAKE KNOLWES TERRACE
PLAT BOOK K, PAGE 4 PUBLIC RECORDS OF
ORANGE COUNTY, FLORIDA

DANIEL SCOUTER, P.E.
P.L.# 6390
P.O. BOX 547774
ORLANDO, FL 32854
PHONE: (407) 421-8866

alba
ENGINEERING
C.A. #00566

WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS.
CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR DIMENSIONS AND CONDITIONS
AT THE JOB SITE AND WELDON DESIGN, INC. MUST BE NOTIFIED OF ANY CHANGES IN THE
DIMENSIONS, CONDITIONS AND SPECIFICATIONS APPEARING ON THESE PLANS.

COPYRIGHT NOTICE: THESE PLANS, DESIGNS, AND IDEAS ARE THE EXCLUSIVE
INTELLECTUAL PROPERTY OF WELDON DESIGN, INC., ALL RIGHTS RESERVED.

ARCHITECTURAL NOTES

COORDINATE ALL FLOORING
WALL, SOFFITS AND CEILING
FINISHES W/INTERIOR DESIGNER.

ROOF AND HEIGHT BEARINGS ARE
REFERENCED FROM TOP OF SLAB.

EXT. FRAME WALL ASSEMBLY AT
GABLE END, SOFFITS & FRAME
DETAILS.

DATE:
1/20/2021

REVISIONS:

AREA CALCULATIONS

EXISTING A/C TOTAL	1914 SQ. FT.
PROPOSED A/C (2ND FLOOR PLAYROOM)	171 SQ. FT.
NEW A/C TOTAL	2085 SQ. FT.

INDEX OF DRAWINGS

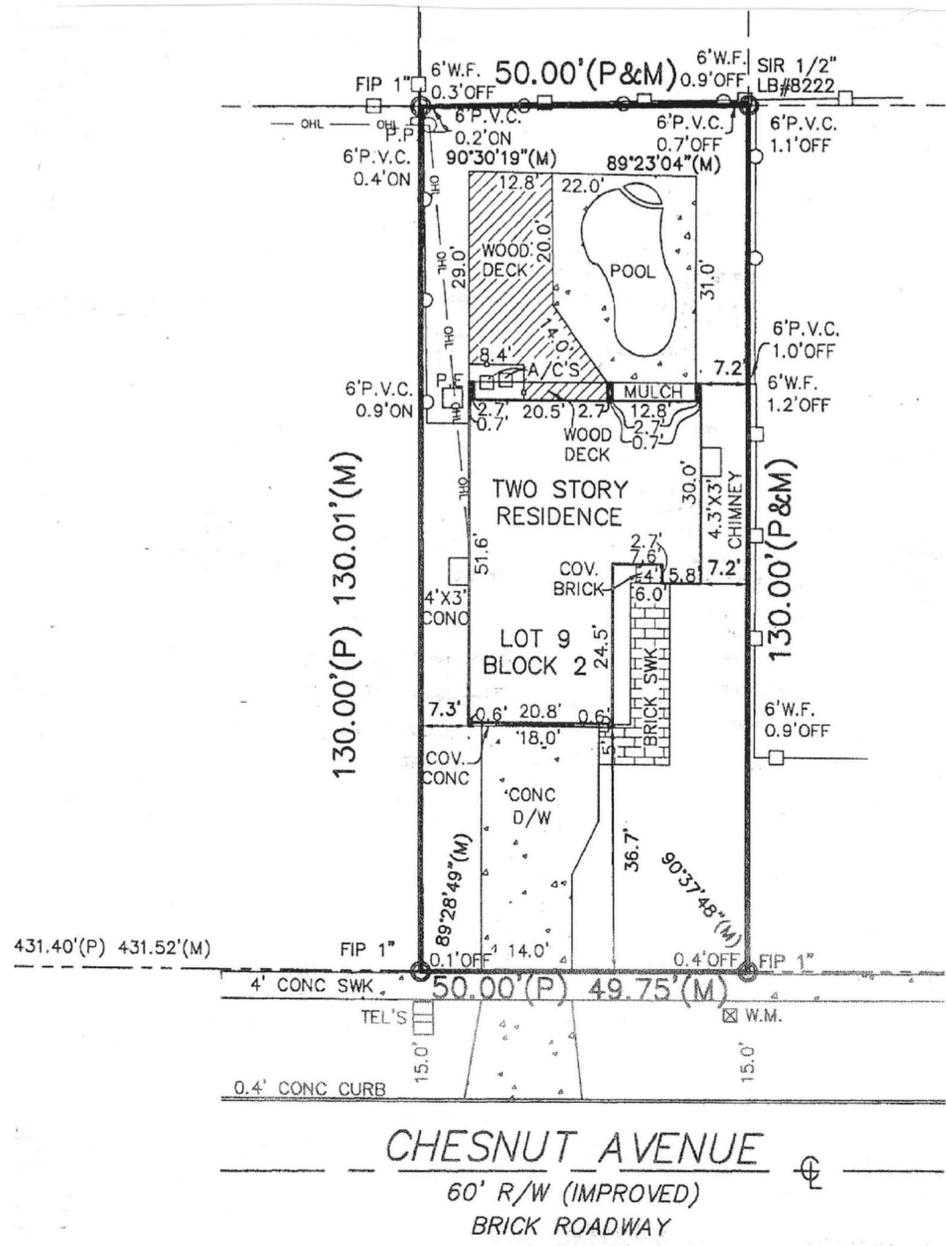
ARCHITECTURAL	
A1.1	SITE PLAN / LEGAL DESCRIPTION / AREA CALCULATIONS
A2.1	PLANS
A3.1	ELEVATIONS / SECTIONS

SITE PLANS

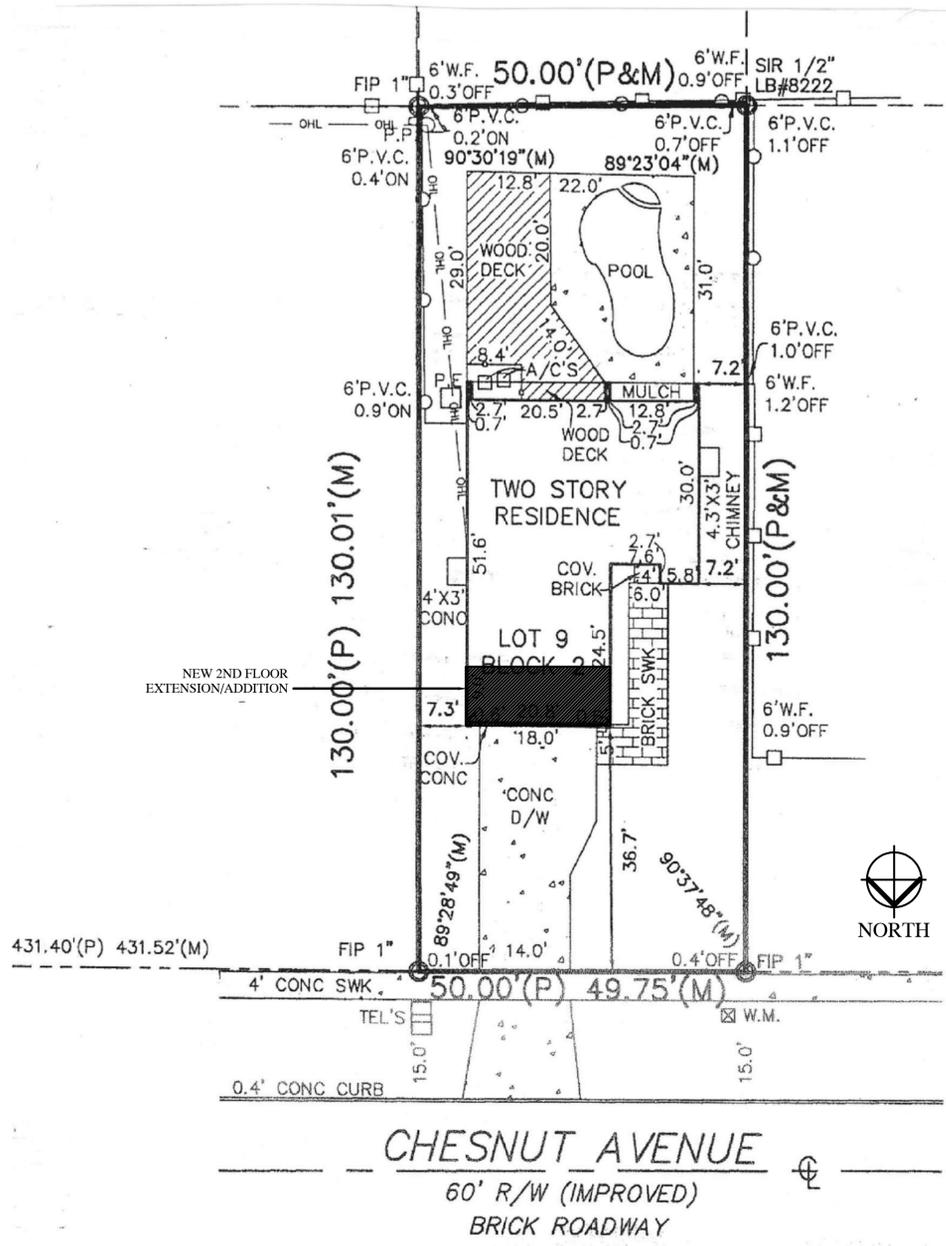
KENDRICK RESIDENCE
1610 CHESTNUT AV. WINTER PARK, FL

W
WELDON DESIGN INC
WINTER PARK FL
407-619-3134

A1.1



1 EXISTING SITE PLAN
A1.1



2 PROPOSED SITE PLAN
A1.1



Parcel Photos - 1610 Chestnut Ave



1610 CHESTNUT AVE, WINTER PARK, FL 32789 12/2/2020 10:19 AM

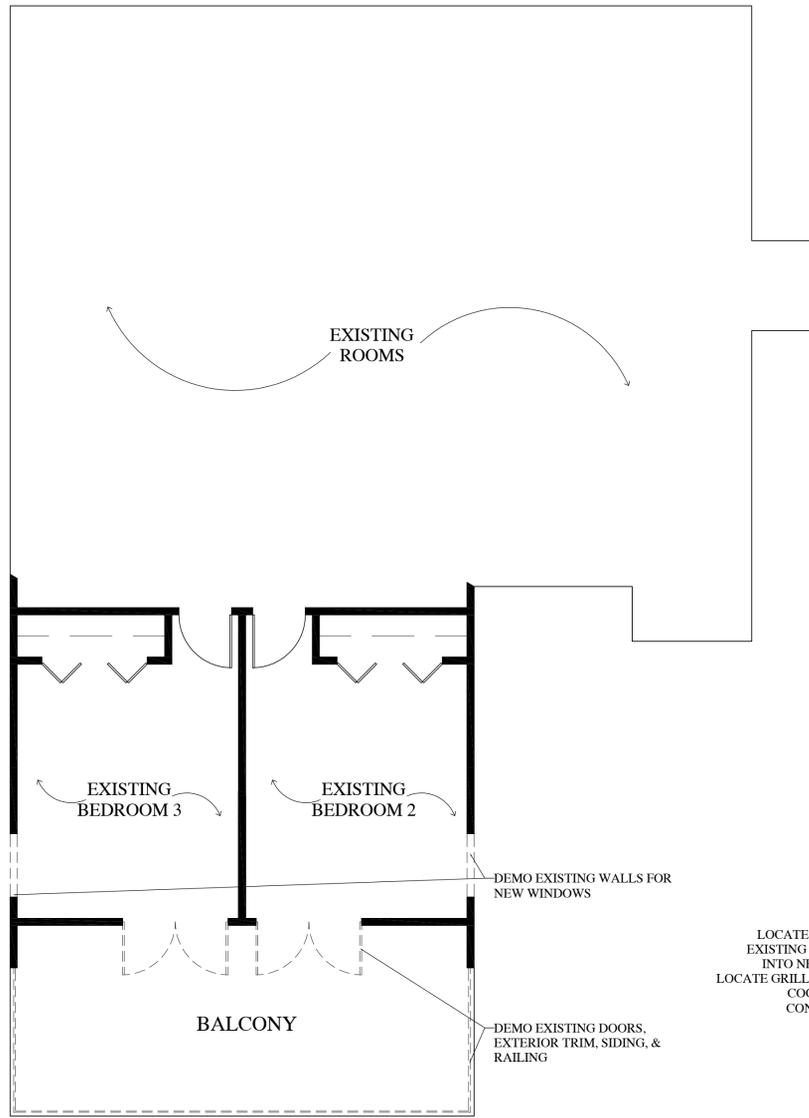
Parcel Report for 302132453602090



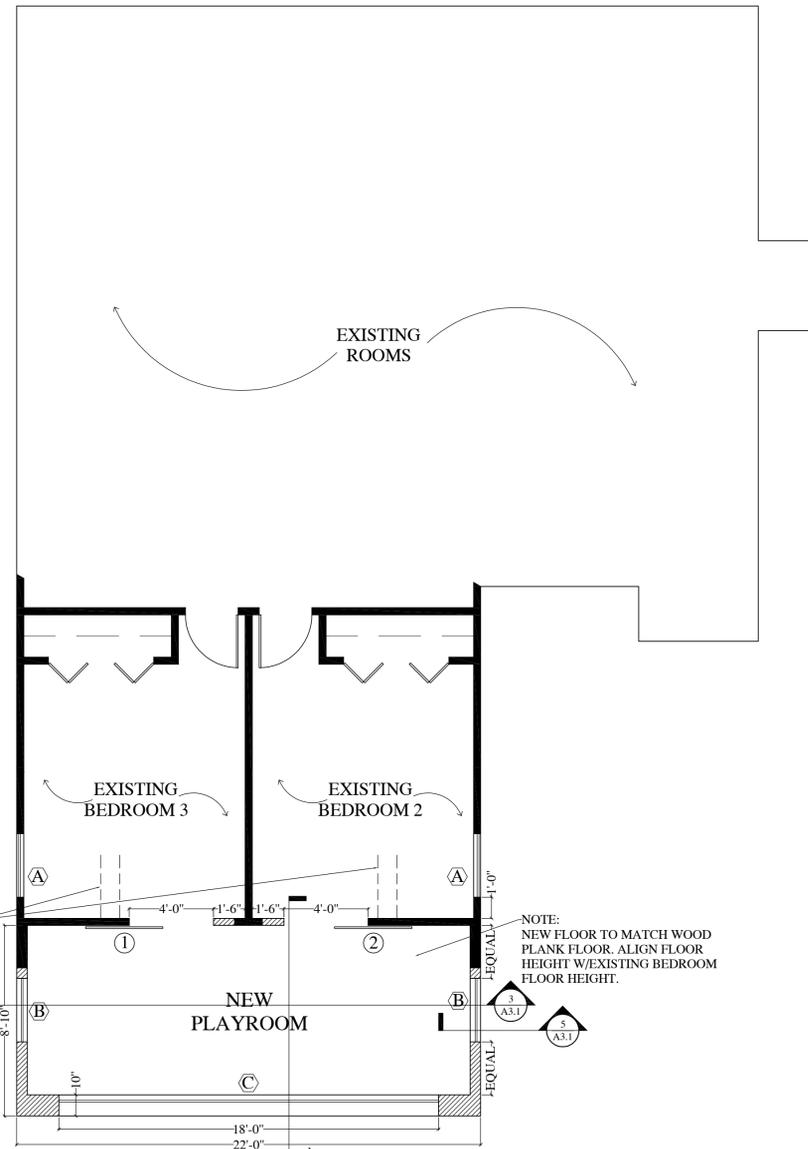
Courtesy Orange County Property Appraiser



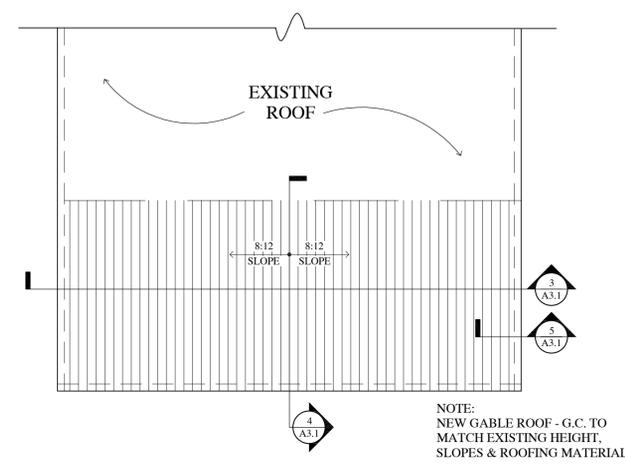
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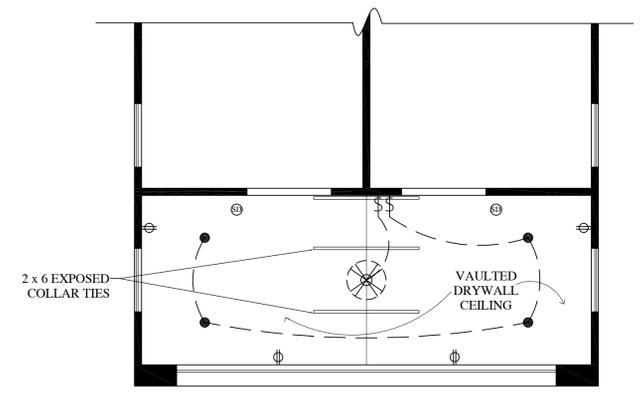
1 DEMO/EXISTING FLOOR PLAN
A2.1 2ND FLOOR SCALE: 1/4" = 1'-0"



2 NEW CONSTRUCTION FLOOR PLAN
A2.1 2ND FLOOR SCALE: 1/4" = 1'-0"



3 ROOF PLAN
A2.1 SCALE: 1/4" = 1'-0"



4 NEW ELECTRICAL REFLECTED CEILING PLAN
A2.1 2ND FLOOR SCALE: 1/4" = 1'-0"

alba
ENGINEERING
CA. #30586

DANIEL SOUTER, P.E.
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ORLANDO, FL 32854
PHONE: (407) 421-4866

WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR DIMENSIONS AND CONDITIONS AT THE JOB SITE AND WELDON DESIGN, INC. MUST BE NOTIFIED OF ANY CHANGES IN THE DIMENSIONS, CONDITIONS AND SPECIFICATIONS APPEARING ON THESE PLANS.

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DATE:	1/20/2021
REVISIONS:	

DEMOLITION NOTES

- TEMPORARY SHORING SHOULD BE IN PLACE BEFORE ANY CONSTRUCTION TAKES PLACE.
- BOTH DESIGN AND INSTALLATION OF TEMPORARY SHORING IS THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL DEMOLITION SHOULD BE PERFORMED WITH EXTREME CAUTION AS TO NOT DISTURB EXISTING STRUCTURE TO REMAIN
- ANY DAMAGE TO EXISTING STRUCTURE SHOULD BE BROUGHT TO THE ATTENTION OF THE ENGINEER OF RECORD IN WRITING.
- EXISTING CONDITIONS MAY VARY FROM THIS DESIGN. CONTRACTOR TO LAY OUT NEW WALLS, OPENINGS, EQUIPMENT AND FIXTURES PRIOR TO ORDERING PRODUCTS OR ANY DEMOLITION OF EXISTING.
- ANY CHANGE REQUIRED TO DESIGN SHOULD BE BROUGHT TO THE ATTENTION OF THE ENGINEER OF RECORD IN WRITING.

NOTES

VERIFY ALL DIMENSIONS IN FIELD PRIOR TO CONSTRUCTION. BUILDER TO CONTACT DESIGNER IF ANY DISCREPANCIES.

ALL DIMENSIONS PROVIDED ARE FINISHED DIMENSIONS UNLESS NOTED OTHERWISE.

WALL LEGEND

	DEMO WALLS
	NEW CONSTR WALLS
	EXISTING WALLS

WINDOW SCHEDULE

NO.	LOCATION	SIZE	STYLE	FINISH	NOTES
A	BEDROOMS	3'-0"W x 4'-8"H	SINGLE HUNG	MATCH EXISTING	EGRESS
B	PLAYROOM	3'-0"W x 4'-8"H	SINGLE HUNG	MATCH EXISTING	EGRESS
C	PLAYROOM	18'-0" W x	FIXED (10) PANEL	MATCH EXISTING	TOP SLOPE SAME AS ROOF SLOPE

DOOR SCHEDULE

NO.	LOCATION	SIZE	STYLE	FINISH	NOTES
1	BEDROOM 2	4'-0"W x 6'-8"H	SLAB	WOOD	SLIDING
2	BEDROOM 3	4'-0"W x 6'-8"H	SLAB	WOOD	SLIDING

ELECTRICAL LEGEND

	RECESSED CAN LIGHT
	CEILING FAN - PROVIDE J BOX
	110V OUTLET
	SMOKE DETECTOR

ELECTRICAL NOTES

LOCATION OF FIXTURES AND/OR OUTLETS ARE SUGGESTED AND MAY BE ADJUSTED BY OWNER/DESIGNER BUT MUST REMAIN WITHIN ALL LOCAL & STATE GUIDELINES.

THIS ELECTRICAL PLAN IS INTENDED TO INDICATE THE REQUIREMENTS OF THE OWNER. THE DETAILS OF THE ELECTRICAL SYSTEM SHALL BE DETERMINED BY AN ELECTRICAL CONTRACTOR LICENSED ACCORDING TO CURRENT FLORIDA STATUTES AND BY THE LOCAL BUILDING DEPARTMENT.

ALL ELECTRICAL SHALL BE IN ACCORDANCE WITH THE 2017 NATIONAL ELECTRIC CODE.

ALL OUTLETS SHALL BE ARC FAULT CIRCUIT INTERRUPTERS.

ALL 125 VOLT, 15 AND 20 AMPERE RECEPTACLES SHALL BE LISTED TAMPER-RESISTANT RECEPTACLES, NEC 2017.

EXISTING HOME HAZARD DETECTION UPGRADES:

PROVIDE SMOKE DETECTORS IN ALL SLEEPING ROOMS AND WITHIN THE IMMEDIATE VICINITY OF SLEEPING ROOMS & CARBON MONOXIDE DETECTORS WITHIN 10' OF ALL SLEEPING ROOMS IF NOT EXISTING.

ALL SMOKE DETECTORS ARE TO HAVE BATTERY BACK-UP AND BE HARDWIRED AND INTERCONNECTED SO THAT IN THE EVENT ONE IS ACTIVATED, ALL ARE ACTIVATED (IF NOT EXISTING) UNLESS SAID INTERCONNECTING AND HARDWIRING WOULD REQUIRE REMOVAL OF INTERIOR WALL OR CEILING FINISHES WHICH EXPOSE THE STRUCTURE.

ALL SMOKE DETECTORS ARE TO BE LOCATED NO LESS THAN 36" FROM CEILING FAN BLADES.

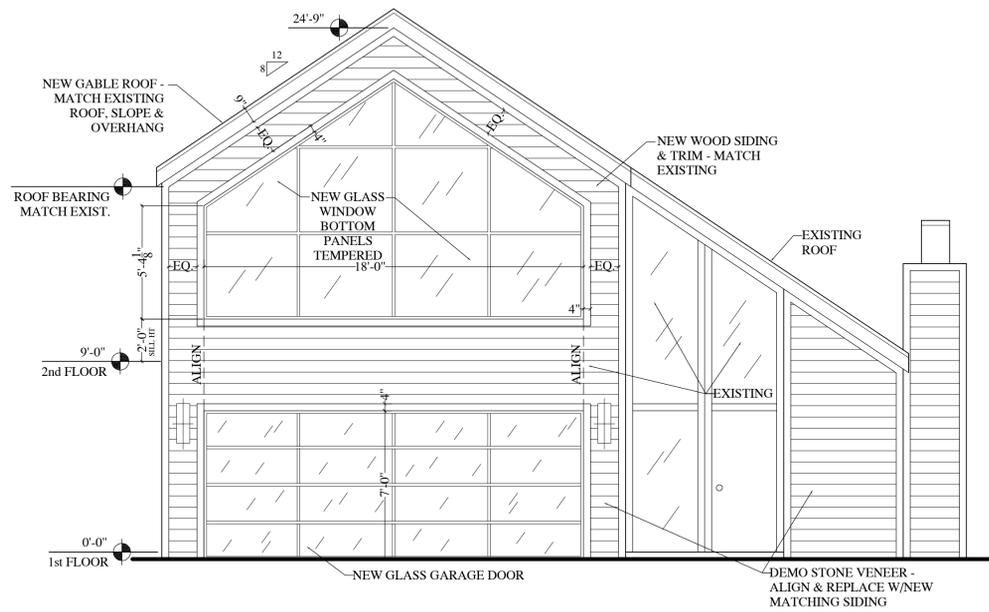
DEMO/ EXISTING, NEW CONSTR., ROOF & NEW RCP PLANS

KENDRICK RESIDENCE

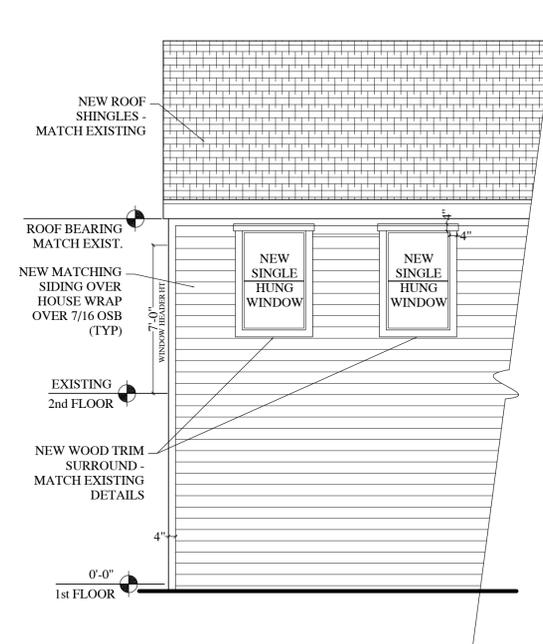
1610 CHESTNUT AV. WINTER PARK, FL

W
WELDON DESIGN INC
WINTER PARK, FL
407-619-3134

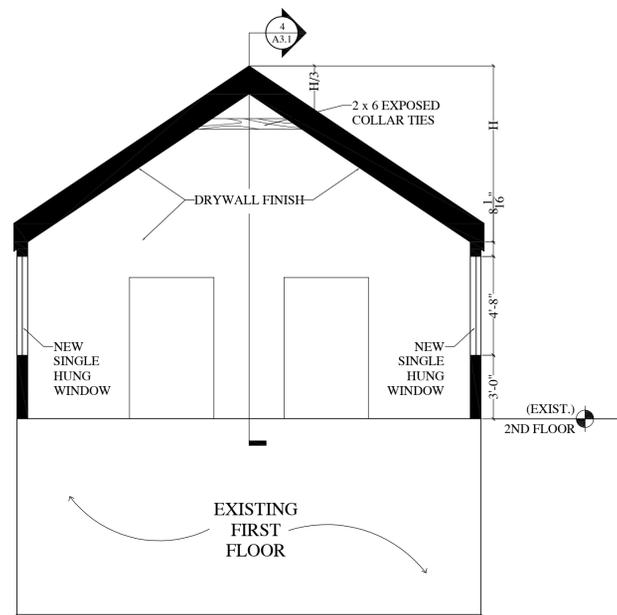
A2.1



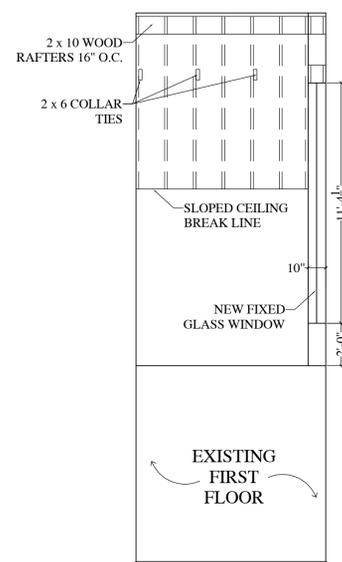
1 NEW FRONT ELEVATION (NORTH)
A3.1 SCALE: 1/4" = 1'-0"



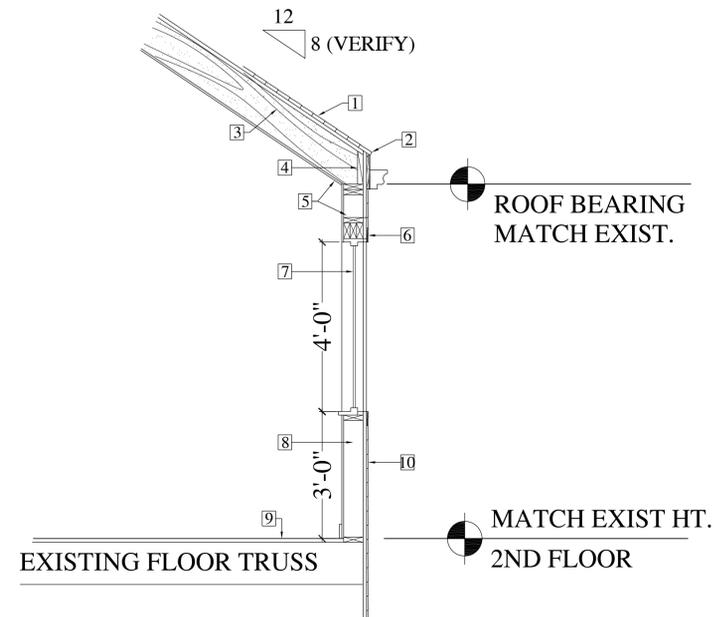
2 PARTIAL RIGHT ELEVATION (WEST)
A3.1 (OPPOSITE SIDE (EAST) SIMILAR)



3 CROSS SECTION
A3.1 SCALE: 1/4" = 1'-0"



4 SECTION
A3.1 SCALE: 1/4" = 1'-0"



5 WALL SECTION
A3.1 SCALE: 1/2" = 1'-0"

- WALL SECTION NOTES**
- 1 NEW BUILT UP ASPHALT SHINGLE ROOFING SYSTEM - MATCH EXISTING STYLE & COLOR.
 - 2 GALVANIZED DRIP EDGE OVER 1x WOOD FACIA BOARD - MATCH EXISTING.
 - 3 2 x 10 WOOD RAFTERS
 - 4 16" O.C. W/R-19 INSULATION (MIN).
 - 5 2x WOOD BLOCKING BETWEEN EACH RAFTER (TYP).
 - 6 1/2" DRYWALL FINISH - MATCH EXISTING TEXTURE.
 - 7 NEW WOOD WINDOW TRIM SURROUND - MATCH EXISTING.
 - 8 NEW SINGLE HUNG WINDOW SYSTEM - SEE WINDOW SCHEDULE.
 - 9 2 x 6 WOOD STUD WALL @ 16" O.C. W/R19 INSULATION.
 - 10 NEW WOOD PLANK FINISH FLOOR - MATCH W/EXISTING BEDROOMS.
 - 11 NEW 1x WOOD LAP SIDING - MATCH EXISTING SIZE, TYPE & FINISH.

alboa
ENGINEERING
 CA. #05586
 DANIEL SCUTER, P.E.
 P.E.# 63901
 P.O. BOX 547774
 ORLANDO, FL 32854
 PHONE (407) 461-4666

WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR DIMENSIONS AND CONDITIONS AT THE JOB SITE AND WELDON DESIGN, INC. MUST BE NOTIFIED OF ANY CHANGES IN THE DIMENSIONS, CONDITIONS AND SPECIFICATIONS APPEARING ON THESE PLANS.
 COPYRIGHT NOTICE: THESE PLANS, DESIGNS, AND IDEAS ARE THE EXCLUSIVE INTELLECTUAL PROPERTY OF WELDON DESIGN, INC., ALL RIGHTS RESERVED.

DATE:	1/20/2021
REVISIONS:	

ELEVATIONS & SECTIONS
KENDRICK RESIDENCE
 1610 CHESTNUT AV. WINTER PARK, FL

W
 WELDON DESIGN INC
 WINTER PARK FL
 407-619-3134

A3.1

1. BUILDING CODES

- A. ALL CONSTRUCTION SHALL CONFORM WITH THE 2020 (7th EDITION) FLORIDA BUILDING CODE - RESIDENTIAL.
- B. IN ADDITION, ALL CONSTRUCTION SHALL CONFORM WITH THE GOVERNING LOCAL BUILDING CODE OR LOCAL JURISDICTIONAL REQUIREMENTS.

2. DESIGN LOADS

- A. THE DESIGN DEAD LOADING FOR ALL FRAMING IS BASED ON THE CONSTRUCTION MATERIALS SHOWN ON THE DRAWINGS AND INDICATED IN THE SPECIFICATIONS. ALL FRAMING IS DESIGNED FOR THE FOLLOWING UNIFORM DEAD LOADS APPLIED IN ADDITION TO STRUCTURE SELF WEIGHT:

MECH., ELECT., PLUMBING, CEILING, ETC.....15PSF
 ROOFING.....5PSF

- B. THE MINIMUM DESIGN UNIFORMLY DISTRIBUTED LIVE LOADING FOR ALL NEW FRAMING SHALL BE AS FOLLOWS:

FLOOR LIVE LOADS
 UNINHABITABLE ATTICS WITHOUT STORAGE.....10PSF
 UNINHABITABLE ATTICS W/ STORAGE.....20PSF
 SLEEPING AREAS.....30PSF
 ALL OTHER AREAS INCL. STAIRS.....40PSF
 ROOF LIVE LOAD.....20PSF

3. MISCELLANEOUS

- A. SHOP DRAWINGS FOR ALL STRUCTURAL ELEMENTS SHOWN ON THE CONTRACT DOCUMENTS MUST BE SUBMITTED BY THE CONTRACTOR OR OWNER FOR REVIEW BY THE ENGINEER.
- B. THE CONTRACTOR SHALL REVIEW THE ARCHITECTURAL, MECHANICAL, ELECTRICAL PLUMBING AND STRUCTURAL DRAWINGS FOR LOCATION AND DIMENSION OF CHASES, INSERTS, OPENINGS, SLEEVES, DEPRESSIONS AND OTHER PROJECT REQUIREMENTS.
- C. THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS SHOWN ON THE CONTRACT DRAWINGS BEFORE PROCEEDING WITH CONSTRUCTION. ALL DISCREPANCIES AND OMISSIONS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN PROFESSIONALS.
- D. SCALES SHOWN ON THE CONSTRUCTION DOCUMENTS ARE FOR GENERAL INFORMATION ONLY. DIMENSIONAL INFORMATION SHALL NOT BE OBTAINED BY SCALING THE DRAWINGS.

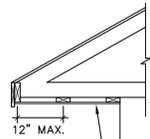
4. WOOD

- A. ALL STRUCTURAL SHEATHING SHALL CONFORM TO THE DESIGN SPECIFICATIONS OF THE AMERICAN PLYWOOD ASSOCIATION. APA PS 1. PLYWOOD SHALL HAVE A MINIMUM OF THREE CONTINUOUS SPANS WITH FACE GRAIN PERPENDICULAR TO SUPPORTS. ALL SHEATHING SHALL BE SPAN RATED FOR THE LOADS AND FRAMING SPACING AS INDICATED ON THE DRAWINGS.
- B. FLOOR SHEATHING:
 USE 25/32" PLYWOOD (MIN.) FOR FLOOR SHEATHING. FASTEN PLYWOOD TO FLOOR TRUSSES W/ #8 SCREWS AT 6" O.C. AND GLUE.
- C. ROOF SHEATHING:
 USE 19/32" (5/8") CDX OR OSB OR ZIP (MIN.) FOR ROOF SHEATHING. FASTEN TO ROOF FRAMING W/ 8d RING SHANK NAILS (ASTM F1667 RSRS-03) AT 4" O.C. AT ALL PANEL EDGE SUPPORTS AND 6" O.C. AT ALL INTERIOR SUPPORTS. REDUCE NAIL SPACING TO 4" O.C. WITHIN 4'-0" OF ALL ROOF EDGES PER DIAGRAM SHOWN BELOW (ZONES 2 AND 3). IN EXPOSURE B AREAS CONTRACTOR PERMITTED TO SUBSTITUTE 15/16" (1/2") CDX/OSB/ZIP IF USING PLYWOOD SHEATHING CLIPS AND WITH OWNER'S APPROVAL. ROOF SHEATHING SHALL NOT CANTILEVER MORE THAN 9" BEYOND A GABLE END WALL UNLESS SUPPORTED BY GABLE OVERHANG FRAMING.
- D. VERTICAL WALL SHEATHING (INC. GABLES, TRUSS HEELS ETC.):
 USE 15/32" CDX OR 7/16" OSB OR ZIP (MIN.) FOR WALL SHEATHING. FASTEN SHEATHING TO STUDS W/ 8d NAILS @ 6" O.C. AT ALL EDGE SUPPORTS AND 6" O.C. AT ALL INTERIOR SUPPORTS. (MIN. PENETRATION 1-1/2")
- E. WOOD GRADE SHALL BE REGULAR SOUTHERN PINE NO. 2, 19% MOISTURE CONTENT MAX., Fb = 1400psi MIN. 2x4 STUDS MAY BE SPRUCE, PINE OR FIR.
- F. ALL MANUFACTURED/GLULAM/POWERBEAM/LVL MEMBERS TO HAVE A MINIMUM BENDING STRESS OF Fb = 2250psi AND COMPLY WITH FBCR 802.1.2.
- G. ALL DOUBLE BEAMS TO BE CONNECTED WITH 12d NAILS AT 16" O.C. STAGGERED, MIN. ALL TRIPLE AND QUADRUPLE BEAMS TO BE CONNECTED WITH 1/2" DIA. LAG SCREWS AT 16" O.C. ON BOTH FACES OF BEAM.
- H. ALL SIMPSON CONNECTORS TO BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS, INCLUDING NUMBER, LENGTH AND DIAMETER OF FASTENER. WHERE CONNECTOR HAS MULTIPLE OPTIONS FOR NUMBER OF NAIL HOLES TO BE FILLED, THE MAX. NUMBER OF NAIL HOLES SHOULD BE FILLED U.N.O.
- I. ALL WOOD IN CONTACT WITH THE GROUND AND THAT SUPPORTS PERMANENT STRUCTURES INTENDED FOR HUMAN OCCUPANCY SHALL BE APPROVED PRESERVATIVE TREATED WOOD (FBC R317.1.2). FASTENERS IN CONTACT WITH PRESERVATIVE TREATED WOOD TO COMPLY WITH FBC R317.3.1.
- J. INTERIOR NON-LOAD BEARING STUD WALLS TO BE 2x4 STUDS SPACED AT 24" ON CENTER.

5. EPOXY

- A. ALL EPOXY CALLED FOR IN PLANS TO BE SIMPSON SET (CONCRETE OR MASONRY), SIMPSON HP-ET, (CONCRETE OR MASONRY), HILTI HIT-RE 500 V3 (CONCRETE), OR HILTI HIT-HY 270 (MASONRY).

6. SOFFITS



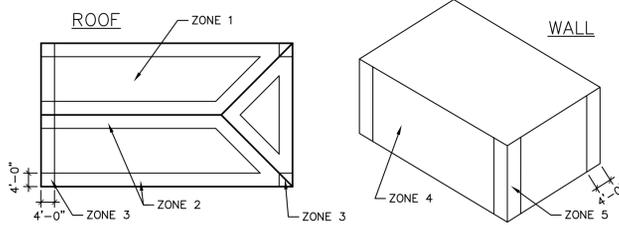
ALL EXTERIOR SOFFITS TO BE SUPPORTED AT 12" O.C. MAX. PER FBC-R704.

7. WIND LOADING

DESIGN WIND SPEED Vult = 139 MPH (Vasd = 108 MPH)
 BUILDING RISK CATEGORY = II
 WIND EXPOSURE CATEGORY = B
 INTERNAL PRESSURE COEFF. (ASCE ENCLOSED BLDG) = ± 0.18

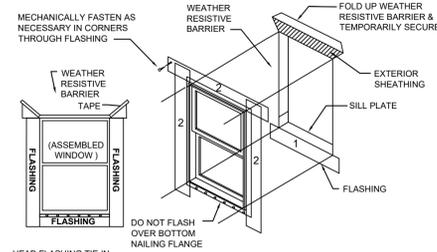
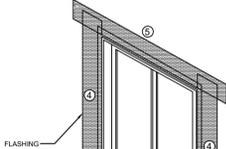
COMPONENTS AND CLADDING WIND PRESSURE SCHEDULE (ROOF ANGLE 27° - 45°)				
ZONE	TRIBUTARY AREA	PRESSURE		
HIP-ROOF	1	10	+15.1, -17.3	
		20	+13.1, -26.7	
		50	+10.5, -22.2	
	2	10	+15.1, -35.9	
		20	+13.1, -28.3	
		50	+10.5, -17.6	
	3	10	+15.1, -48.4	
		20	+13.1, -36.4	
		50	+10.5, -21.2	
GABLE-ROOF	1	10	+19.4, -35.5	
		20	+17.2, -30.1	
		50	+14.3, -22.9	
	2	10	+19.4, -39.1	
		20	+17.2, -34.9	
		50	+14.3, -29.4	
	3	10	+19.4, -48.0	
		20	+17.2, -42.7	
		50	+14.3, -35.5	
1ST STORY WALL	4	10	+21.2, -22.9	
		20	+20.2, -22.0	
		50	+19.0, -20.7	
	5	10	+21.2, -28.3	
		20	+20.2, -26.4	
		50	+19.0, -23.9	
	2ND STORY WALL	4	10	+27.3, -29.5
			20	+26.1, -28.4
			50	+24.5, -26.7
5		10	+27.3, -36.5	
		20	+26.1, -34.1	
		50	+24.5, -30.8	
100			+23.2, -28.4	

ALL WINDOWS AND DOORS TO BE SELECTED FROM WALL PRESSURE TABLES. ZONES 2, 3 & 5 WITHIN 4'-0" OF CORNERS/EDGES.



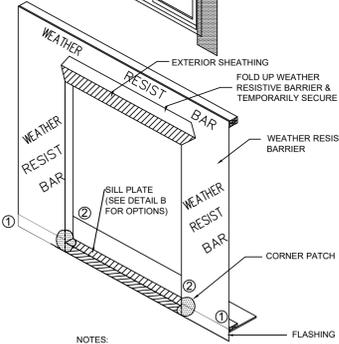
1 STRUCTURAL GENERAL NOTES
 SCALE: N.T.S.

- TIE-IN WITH WEATHER RESISTIVE BARRIER:
1. INTEGRATE INSTALLATION OF WEATHER RESISTIVE BARRIER WITH FLASHING TO FORM WATER SHEDDING LAPS
 2. SCORE & FOLD WEATHER RESISTIVE BARRIER ABOVE HEADER TO ALLOW FOR FLASHING INSTALLATION
 4. INSTALL HEAD FLASHING UNDER WEATHER RESISTIVE BARRIER
 5. FOLD WEATHER RESISTIVE BARRIER BACK OVER HEAD FLASHING AND SEAL WITH WEATHER RESISTIVE BARRIER TAPE



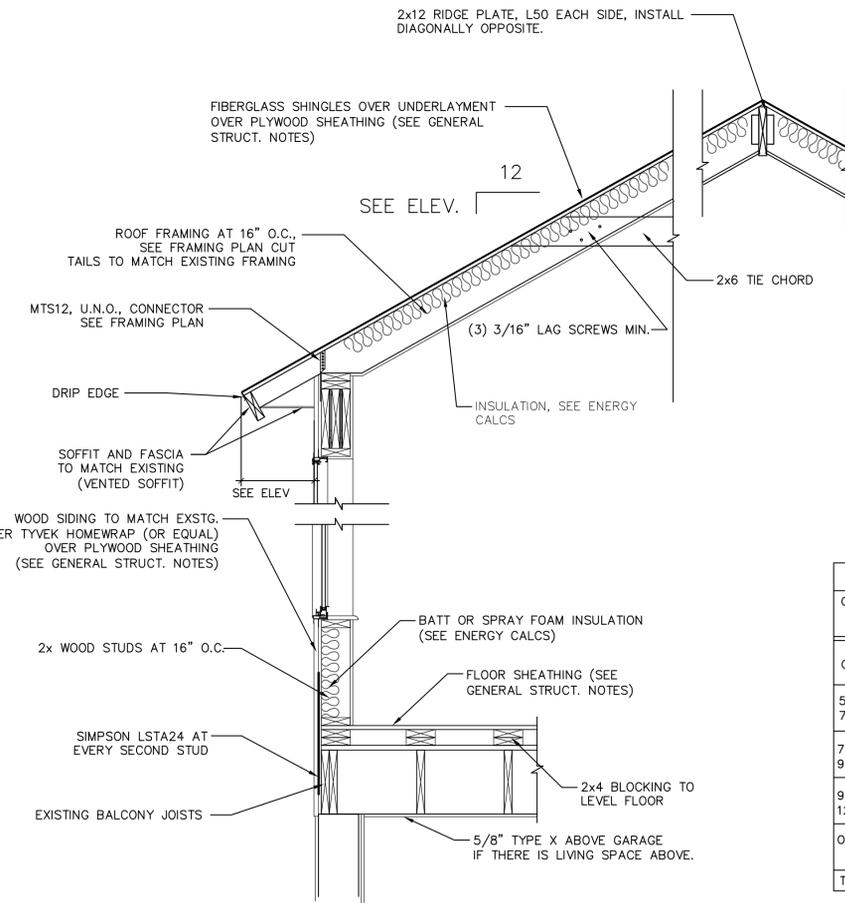
HEAD FLASHING TIE-IN INSTRUCTIONS:

1. CUT, FOLD UP & TEMPORARILY SECURE WEATHER RESISTIVE BARRIER ABOVE HEADER TO ALLOW FOR FLASHING INSTALLATION
 2. INSTALL HEAD FLASHING UNDER WEATHER RESISTIVE BARRIER
 3. FOLD WEATHER RESISTIVE BARRIER BACK OVER HEAD FLASHING AND SEAL WITH TAPE
- NOTES:
1. FLASHING TO BE FLEXIBLE SELF-ADHESIVE TYPE (MIN. 6" WIDE)
 2. REMOVE WEATHER RESISTIVE BARRIER FROM TOP OF WINDOW SILL PLATE
 3. INSTALL FLASHING IN ORDER AS SHOWN BY NUMBERS
 4. INSTALL FLASHING AND WEATHER RESISTIVE BARRIER TO FORM WATER SHEDDING LAPS



- NOTES:
1. FLASHING TO BE FLEXIBLE SELF-ADHESIVE TYPE (MIN. 6" WIDE)
 2. INSTALL FLASHING IN ORDER AS SHOWN BY NUMBERS
 3. MECHANICALLY FASTEN AS NECESSARY

2 WINDOW INSTALLATION IN WOOD FRAME
 SCALE: N.T.S.



WOOD HEADER SCHEDULE			
OPENING WIDTH	MIN. REQ HEADERS	UPLIFT CONNECTIONS AT HEADER TO JACK STUD	# KING STUDS
OPNG < 5'-0"	(3) 2X6	LSTA12	1
5'-1" < OPNG < 7'-0"	(3) 2X8	(2) LSTA12	2
7'-1" < OPNG < 9'-0"	(3) 2X10	(2) LSTA24	2
9'-1" < OPNG < 12'-0"	(3) 2X12	(2) MSTA24	2
OPNG > 12'-0"	SPECIAL CONDITION - SEE FRAMING PLAN SHEETS		
TRIPLE 2x12s MAY BE USED FOR ALL OPENINGS UP TO 12'-0"			

3 EXTERIOR WALL SECTION
 SCALE: N.T.S.

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DATE:
 1/20/2021
 REVISIONS:

GENERAL STRUCTURAL NOTES

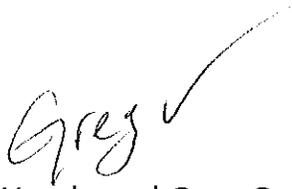
KENDRICK RESIDENCE
 1610 CHESTNUT AV. WINTER PARK, FL

DANIEL SOUTER, P.E.
 P.E. # 63801
 P.O. BOX 547774
 ORLANDO, FL 32854
 PHONE (407) 421-4866

alba
 ENGINEERING
 C.A. #00556

City of Winter Park,

Please approve the addition to 1610 chestnut Ave as the house is one not modern and actually needs improvement. We love the plans to modernize and close in the horrible front porch.

A handwritten signature in cursive script that reads "Greg". The signature is written in black ink and includes a long, sweeping flourish that extends upwards and to the right.

Wendy and Greg Grauer
1601 Chestnut Ave

City of Winter Park,

To whom it may concern,

We strongly believe that the addition to 1610 Chestnut Ave. would be architecturally beneficial for the neighborhood and our street. Enclosing the porch would modernize the front of the house add to the curb appeal.

Thank you,



Claudia Mean 1400 Chestnut Ave



Jennifer Black 1706 Sunset Drive



Sunshine Newsome 1341 Chestnut Ave



Meredith Gardner 1554 Lake Knowles Circle

City of Winter Park,

Large vote of yes for the addition at 1610 Chestnut Ave and Jessica Kendrick.

Full support and will improve the neighborhood.

Thank you,

*Nathalie
Bates*

Nathalie Bates
1351 Chestnut Ave

Thanks!

CITY OF WINTER PARK,

WE AGREE WITH THE ADDITION AND PLANS OF A FLAT FRONT FOR 1610
CHESTNUT AVE.

THIS WOULD ENHANCE THE ENTIRE NEIGHBORHOOD AND IT IS NEEDING
IMPROVEMENT AS THE HOUSE IS DATED, OLD AND NEEDS SOME UPLIFTING.

THANK YOU,

Laura Reeves
1700 Sunset Drive

A handwritten signature in black ink, appearing to read 'Laura Reeves', written over the printed name and address.

To whom it may concern,

We strongly believe that the addition to 1610 Chestnut Ave. would be architecturally beneficial for the neighborhood and our street. Enclosing the porch would modernize the front of the house and add to the curb appeal.

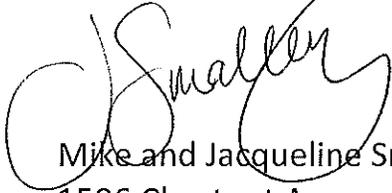
We live on chestnut and drive up and down the road daily and are so happy with all the improvements there have been made to the neighborhood houses over the past few years. Enclosing the porch to make it a flat front house would greatly improve the architectural appeal and continue to improve the appeal of our street.



Thank you for your time,
Walter & Nikki Basso
1340 Chestnut Ave

City of Winter Park,

We are building on Chestnut and cannot wait for all houses to be updated to continue the improvement of the street. The plans Jessica Kendrick presented are reasonable, modern and enhance the curb appeal. We love the flat front with windows!

A handwritten signature in black ink, appearing to read "Smalley". The signature is stylized and cursive, with a large initial "S" and "M". A long, thin line extends from the end of the signature, curving upwards and to the right, crossing over the text of the paragraph above.

Mike and Jacqueline Smalley
1506 Chestnut Ave



Board of Adjustments regular meeting

April 20, 2021 at 5:00p.m.

Agenda Items

Public Hearings

4. Requests of Brad Caldwell for a variance to allow a 5 feet high masonry wall located 5 feet from the front lot line, in lieu of the maximum permitted height of 3 feet; and to allow an open roof connection 22 feet wide between the existing home and garage (with an existing rear setback of 10 feet), in lieu of the maximum permitted open walkway width of 8 feet, and in lieu of meeting the current rear setback of 25 feet when connecting the garage directly to the home.

Located at 241 E Rockwood Way

Zoned: R-1AA



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: April 20, 2021
SUBJECT: VARIANCE REQUEST by Brad Caldwell, 241 E Rockwood Way

The applicant is requesting the following variances: (1) allow a 5 feet high masonry wall located 5 feet from the front lot line, whereas the maximum permitted height is 3 feet. (2) allow an open roof connection 22 feet wide from the residence to the garage, whereas the maximum permitted open walkway width is 8 feet and also allow a nonconforming rear setback of 10 feet which will be created by connecting the main residence to the existing garage.

The Board may recall that at February meeting, a 5 foot high wall variance was granted at the corner property across the street at 240 East Rockwood Way, along the property fronting along Winter Park Road subject to maintaining the existing dense hedge as a buffer. This applicant is seeking a similar variance, however, in this case the proposed wall will be in the front yard. However, a dense hedge also exists on this property and the applicant notes that he is seeking a safe and protected children's play area and the 5 foot high wall will help provide a barrier from traffic along Winter Park Road.

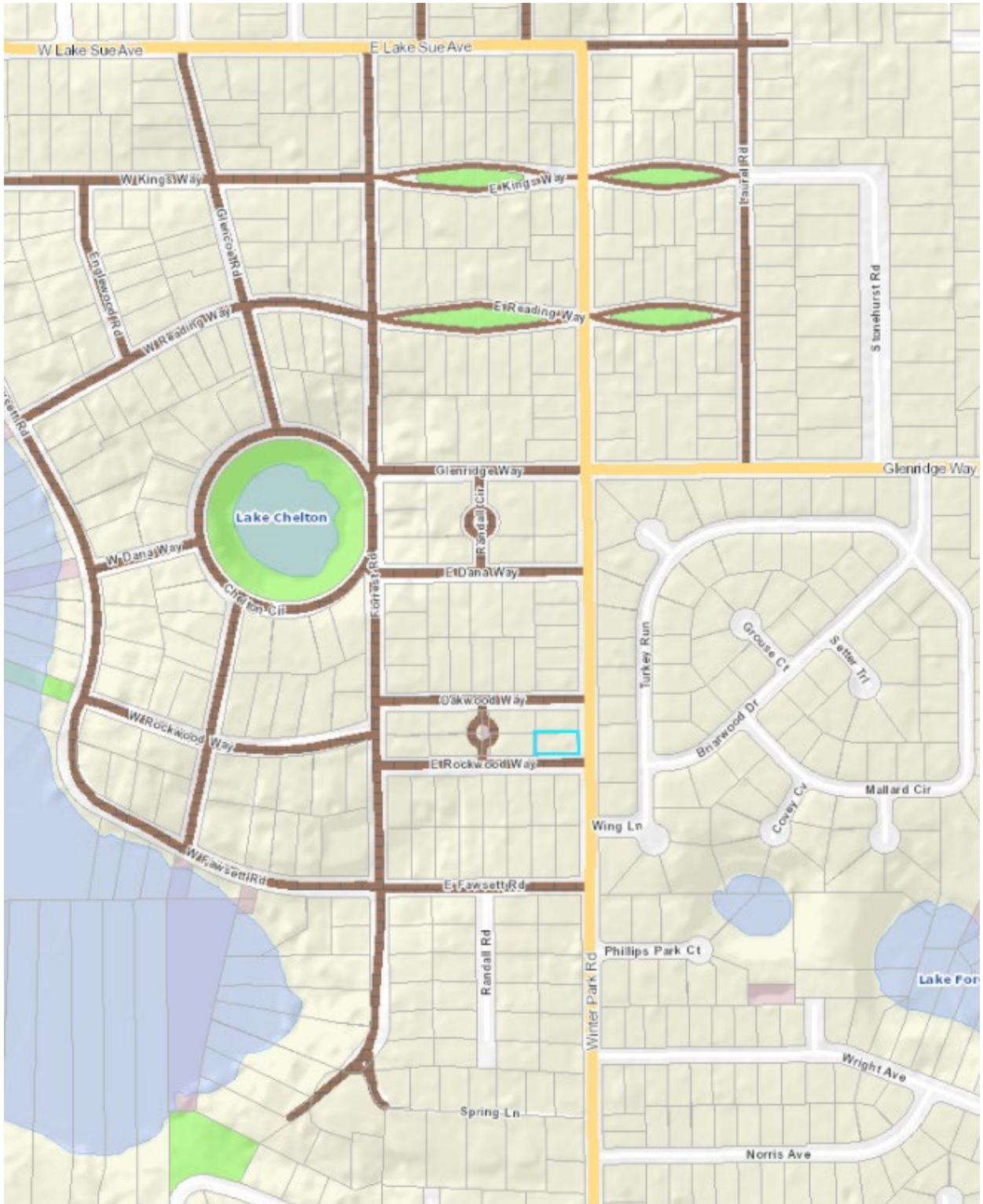
With regard to the extended roof covered area onto the rear of the home, the main purpose of the 8 foot wide limit to this connecting roof was to provide protection from weather from a detached garage or other accessory building while still allowing the more lenient 10 foot rear setback to the garage. In this case however, the home was built in 1950 and not in recent years when the 8 foot rule was put in place. I understand that this wider covered area will also serve as a cabana for the pool due to lack ability place another structure in the rear yard.

The applicant has provided several photos and renderings in order to show that this proposed wider roofed connection will be open when viewed from the street and not will be any more imposing than the typical permitted 8 foot wide covered walkway connection to the garage.

With this proposed roofed connection none of our coverage requirements is exceeded.

Applicant included a petition signed by 20 nearby property owners expressing support of the variance requests in this application.

241 E Rockwood Way



241 E Rockwood Way





PLAN SNAPSHOT REPORT BOA-2021-0039 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 03/25/2021
Work Class: Board of Adjustments/Variance Application	District: Winter Park	Exp Date: NOT AVAILABLE
Status: Submitted - Online	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Wiggins, George	Approval Expire Date:

Description:

Parcel: 302207125222050	Main	Address: 241 E Rockwood Way Winter Park, FL 32789-6012	Main	Zone:
--------------------------------	------	--	------	--------------

Applicant Brad Caldwell 241 E Rockwood WAY Winter Park, FL 32789 Home: (407) 429-9162	Owner Brad Caldwell 241 E Rockwood WAY Winter Park, FL 32789 Home: (407) 429-9162
--	--

Plan Custom Fields

Zoning	Section	Subsection
Is the property on waterfront? No	Is this property on historic registry or district? No	Describe variance Request to construct a 5' high masonry wall setback 5' from the East street-side lot line and a 5' high masonry wall along the North lot line in lieu of the maximum 3' height. Request to construct a 22' x 17' open roof connection extending from existing principal residence to an existing detached garage with a 10' rear setback in lieu of the minimum 25' rear setback.
How long have you owned the property? 6 Months	How long have you occupied the property? 6 Months	Special Condition In regards to the wall variance, the existing residence is oriented with the front of the house (front door, front porch, driveway, walkways, mailbox, etc) facing E Rockwood Way. However, due to the lot orientation, the technical "front yard" faces Winter Park Road, which limits the height & location of the proposed wall. The property is located directly across the street from Quail Hollow, which has a 6' tall masonry wall that is not landscaped. In regards to the roof connection variance, The principal residence (built in 1999) was constructed with a 45' rear setback and a detached accessory structure (garage) constructed with a 10' rear setback. The connection of a roof structure (wider than 8') from the principal residence to the accessory building requires the accessory

PLAN SNAPSHOT REPORT (BOA-2021-0039)

building to meet the principal residence setback of 25'. An existing brick patio spans the opening between the principal residence and garage, which lends itself to be the most functional location for a covered rear porch. The residence currently lacks a covered rear porch.

Rights/Priv

Similar properties have been granted privacy wall exceptions to the height and location of the wall, particularly along busy, heavily-trafficked roads with wider than average right-of-ways and appropriate landscape screening. Lastly, the proposed wall will provide a private lawn with adequate play area for the owner's children to play safely shielded from adjacent streets.

Many properties in Winter Park commonly enjoy the functionality of a rear porch and/or detached pool cabana. The zoning ordinance would significantly limit the rear porch area to an 8' width, thus depriving the applicant of the use and functionality of a properly sized covered rear porch with adequate seating area and adjacency to the pool.

Hardship

Wall: Winter Park Road is a heavily trafficked road with cars averaging 45mph. Generally, road noise travels horizontally for the first 15-30 feet. The 6' tall Quail Hollow masonry wall directly reflects the road noise into the subject residence, practically doubling the amount of road noise the property experiences. Additionally, the subdivision wall lacks proper landscaping, so there is virtually no sound deadening or aesthetic appeal. A 5' tall masonry wall located 5' from the lot line will be tall enough, dense enough, and close enough to the road to properly deaden as much road noise as possible. An existing 4-5' tall viburnum hedge lines the entire length of the East street side lot line, so an existing landscape configuration exists to accommodate the proposed wall at a 5' setback. A mature Ligustrum and Tabebuia tree sit directly on the 10' setback line, presenting a challenge to accommodate a wall setback at 10'. The distance from the street side property line to the edge of Winter Park Road is 21.5', so a wall setback 5' will be similar distance to the road as other conforming walls located in average right-of-ways.

Roof Connection: Due to the existing principal residence and detached garage locations, creating a functional rear porch space is difficult without some relief from the 8' breezeway width limitation or relief from the resulting 25' principal residence setback triggered by connecting the roof structures. The area under the roof connection will remain open, as a rear porch. Due to zoning requirements, existing lot configuration, and pool location all alternate locations for a functional a rear porch would require a variance. An existing brick patio spans between the residence and garage, which would be covered and utilized by the proposed roof connection.

PLAN SNAPSHOT REPORT (BOA-2021-0039)

Aesthetically, the roof-line of the proposed open roof covering will look exactly the same as a conforming 8' deep breezeway from the street.

Limited Variance

If necessary, applicant is willing to install mature 6'-7' tall Podocarpus at 3' on center on the street-facing-side to promptly shield the proposed wall and further attenuate the road noise. Due to the critical need for optimal noise reduction, applicant is not willing to accept a limited variance with reduced wall height or alternate wall material. If necessary, the applicant is willing to sign a restrictive deed covenant preventing the open roof connection from ever being enclosed as conditioned interior living space.

Attachment File Name	Added On	Added By	Attachment Group	Notes
0. Variance Application - 241 E Rockwood Way.pdf	03/25/2021 12:05	Caldwell, Brad		Uploaded via CSS
1. Survey - 241 E Rockwood Way.pdf	03/25/2021 12:05	Caldwell, Brad		Uploaded via CSS
2. Site Plan - 241 E Rockwood Way.pdf	03/25/2021 12:05	Caldwell, Brad		Uploaded via CSS
3. Setback Coverage Worksheet.pdf	03/25/2021 12:05	Caldwell, Brad		Uploaded via CSS
5A. Plan View.pdf	03/25/2021 12:05	Caldwell, Brad		Uploaded via CSS
5B. South Elevation.pdf	03/25/2021 12:05	Caldwell, Brad		Uploaded via CSS
5C. Northwest Perspective.pdf	03/25/2021 12:05	Caldwell, Brad		Uploaded via CSS
6A. Existing vs Proposed Renderings.pdf	03/25/2021 12:05	Caldwell, Brad		Uploaded via CSS
Signature_Brad_Caldwell_3/25/2021.jpg	03/25/2021 12:05	Caldwell, Brad		Uploaded via CSS

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	In Review	03/26/2021	03/29/2021		No	No

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Building Official Review	Building & Permitting Services	Wiggins, George	In Review	03/26/2021	03/29/2021	

Workflow Step / Action Name	Action Type	Start Date	End Date
Application Completeness Check v.1			03/26/2021 9:32
Confirm Application Complete v.1	Generic Action		03/26/2021 9:32
Review v.1			
Board of Adjustments Review v.1	Receive Submittal	03/26/2021 0:00	
Issue Invoice v.1	Generic Action		
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

**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: _____

Owner: _____

(Address)

(Address)

(City, State) (Zip)

(City, State) (Zip)

(Phone – Home)

(Phone – Home)

(Phone – Work or Cell)

(Phone – Work or Cell)

(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 _____, 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 _____

Legal description of property _____

Describe variance request _____

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?

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?

Brad Caldwell

Signature of Applicant

Date

Name of Applicant (PRINT)

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

BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 5, BLOCK AA, CHARMONT, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK L, PAGE 93, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FLOOD INFORMATION:

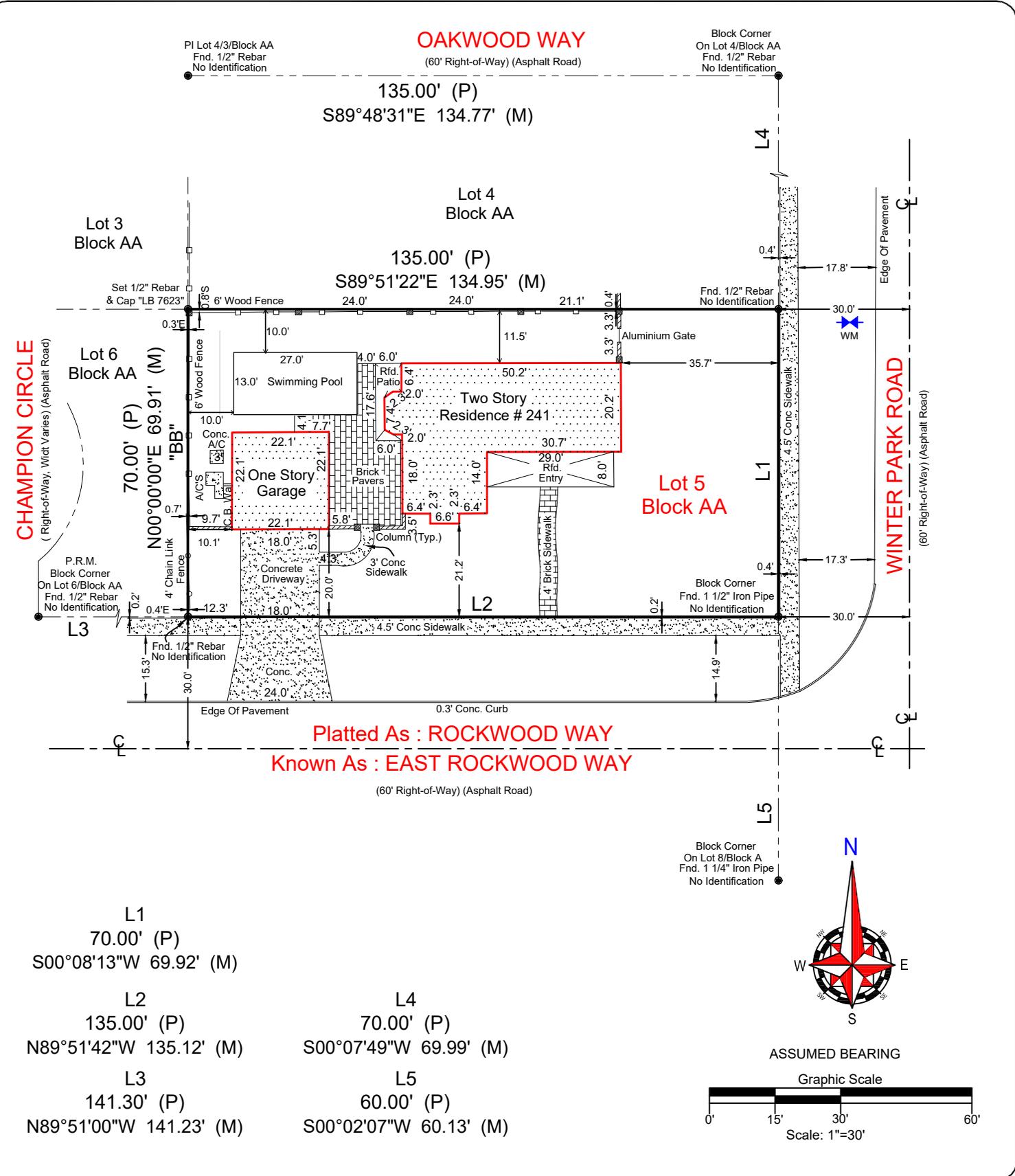
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF WINTER PARK, COMMUNITY NUMBER 120188, DATED 9/25/2009.

CERTIFIED TO:

JOHN BRADLEY CALDWELL AND CASEY LYNN CALDWELL; WINDERWEEDLE, HAINES, WARD & WOODMAN, P.A.; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; COGENT BANK, A STATE CHARTERED BANK



241 EAST ROCKWOOD WAY, WINTER PARK, FLORIDA 32789



Field Date: 11/3/2020	Date Completed: 11/04/20																																																																																
Drawn By: V.T.	File Number: S-80741																																																																																
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- >Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.
- >Subject to any Easements and/or Restrictions of Record.
- >Bearing basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
- >Fence Ownership is NOT determined.
- >Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
- >Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
- >Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to give ANY Rights or Benefits to Anyone Other than those Certified.

POINTS OF INTEREST

NONE VISIBLE

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

Patrick K. Ireland
Patrick K. Ireland, P.S.M. #6637, LB 7623
This Survey is intended ONLY for the use of Said Certified Parties.
This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
800 Currency Circle | Suite 1020
Lake Mary, Florida 32746
www.irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165

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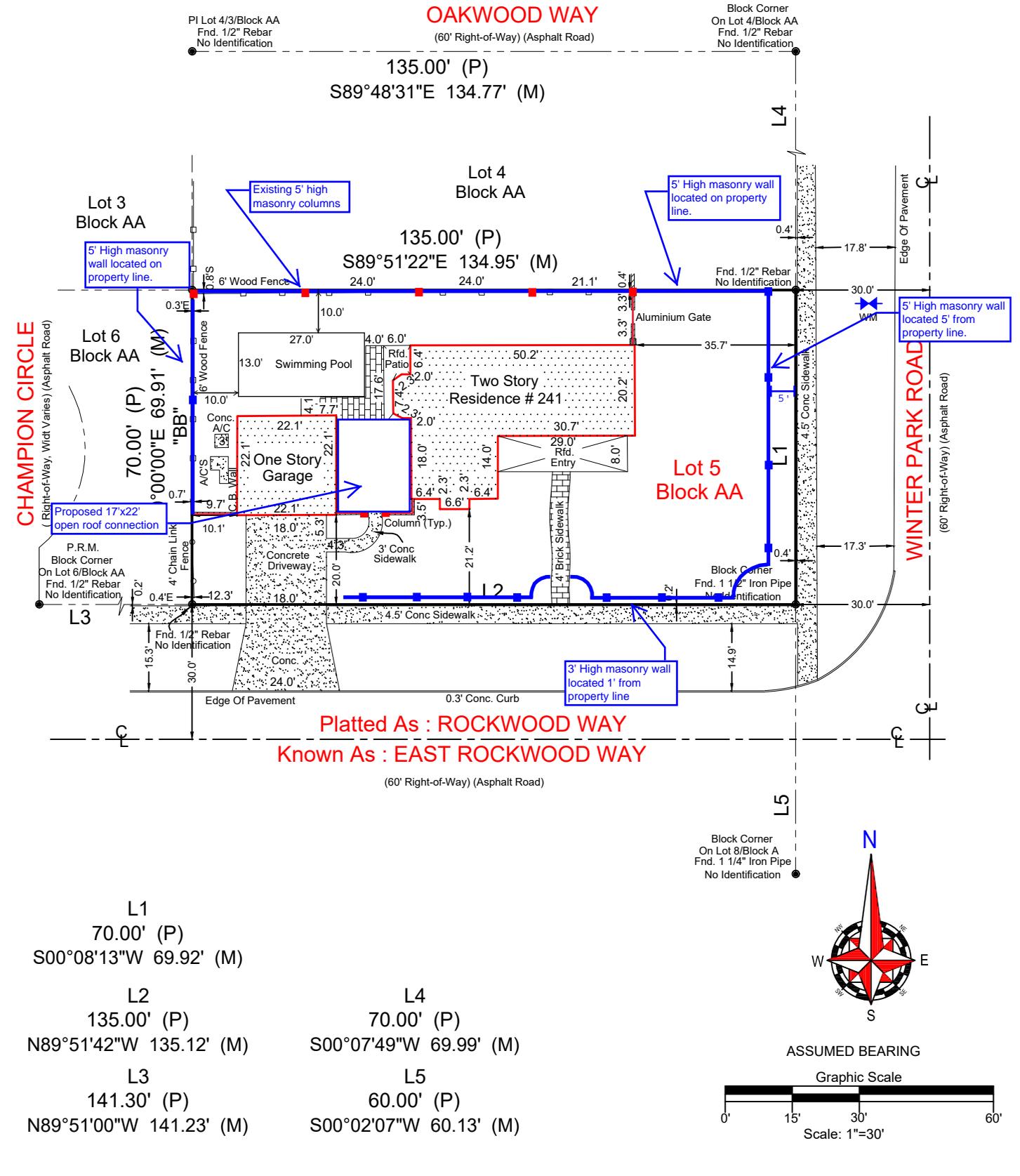
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241 EAST ROCKWOOD WAY, WINTER PARK, FLORIDA 32789



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SETBACK / COVERAGE WORKSHEET

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

Address: _____

Lot width²: _____

Submitted by: _____

Lot area³: _____

	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%				
	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				
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)

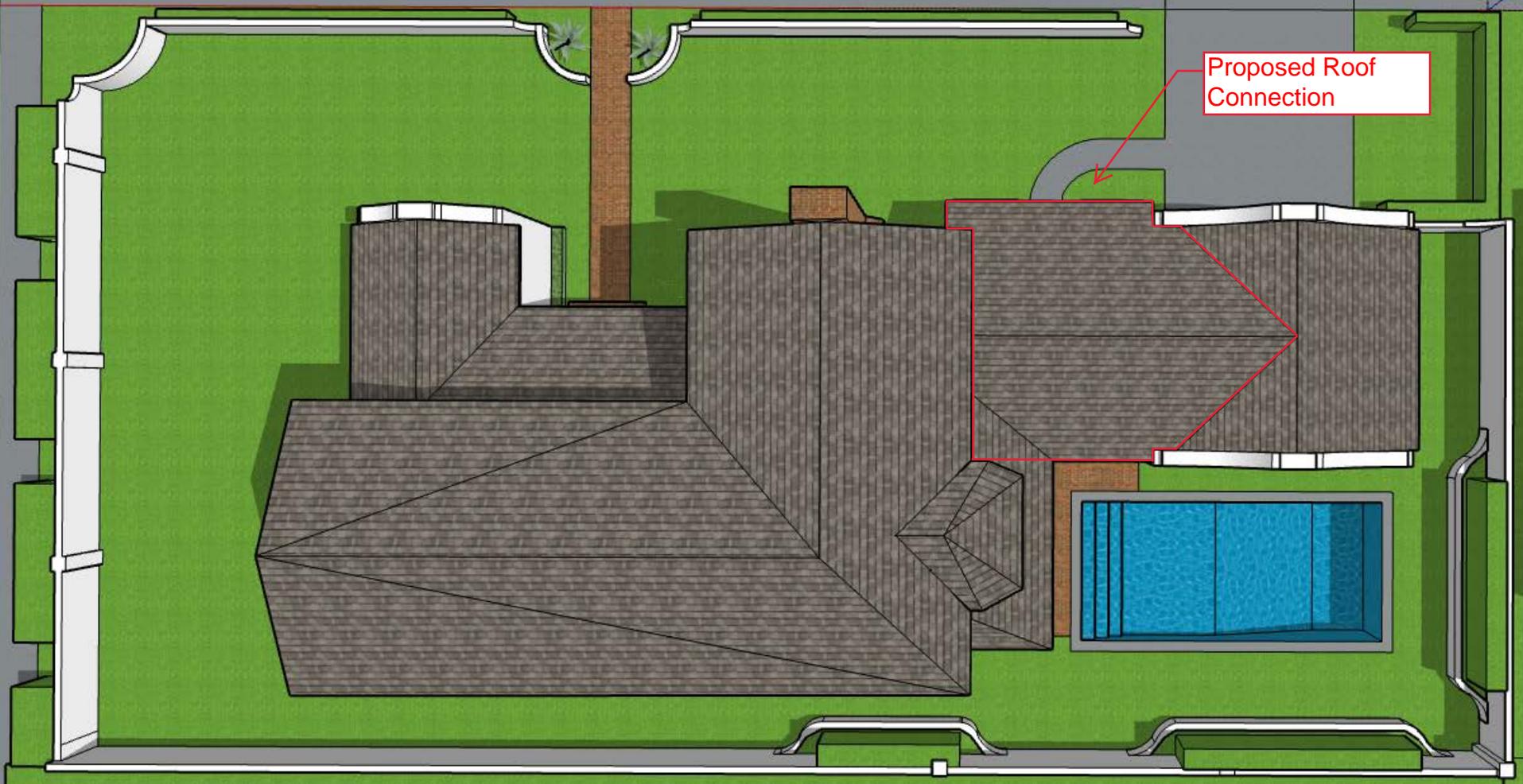
	Minimum Allowable Dimensions			Existing ¹³	Proposed
FRONT	Average of 2 adjacent homes on each side. If corner lot, use 3 adjacent homes.				
SIDES ^{1,2} <small>(see other side setback options on pg 4)</small>	1st Floor <small>see pages 3 & 4</small>	See pages 3&4	A	Left	Right
	2nd Floor		B		
REAR ^{1,3,4}	1st Floor	25 ft.			
	2nd Floor	35 ft ⁵			
	Lakefront	see note 6			
CORNER LOT <small>CORNER LOT CORNER LOT CORNER LOT</small>	1st Floor <small>1ST FLOOR</small>	Lot width ≤ 65 ft.	15 ft.		
		Lot width > 65 ft ⁷	20 ft.		
	2nd Floor <small>2ND FLOOR</small>	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.

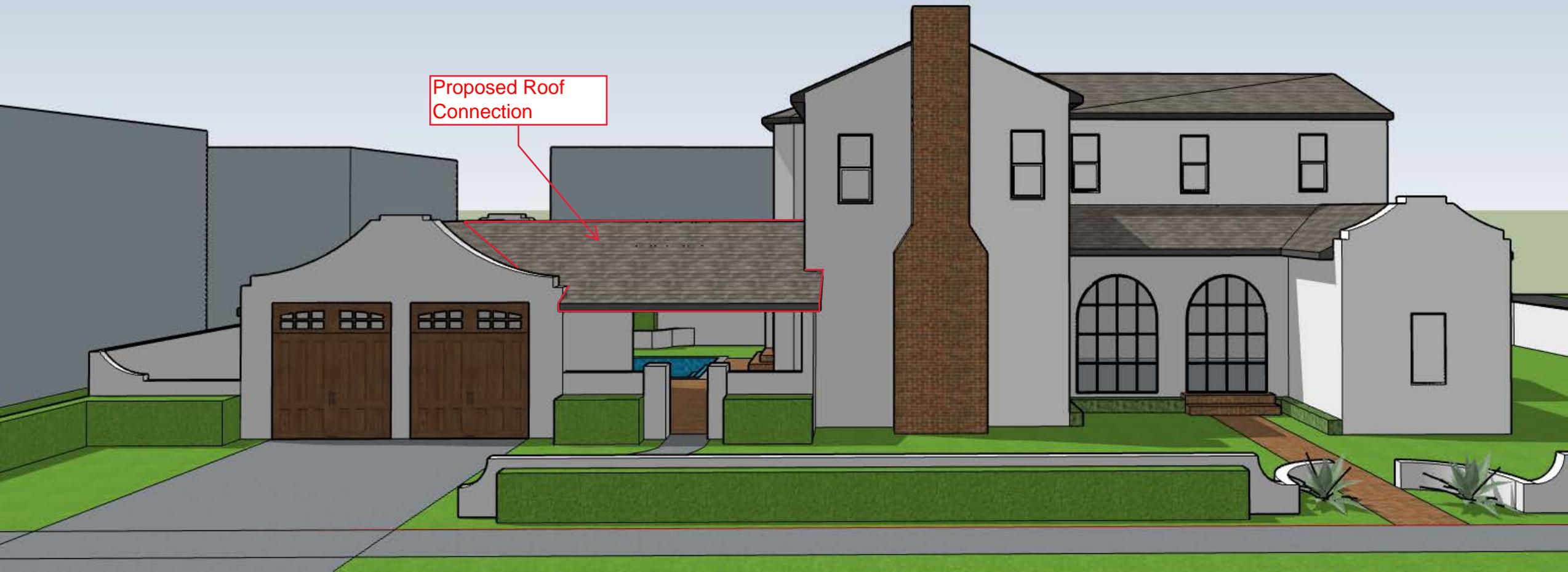
PLAN VIEW

Proposed Roof Connection

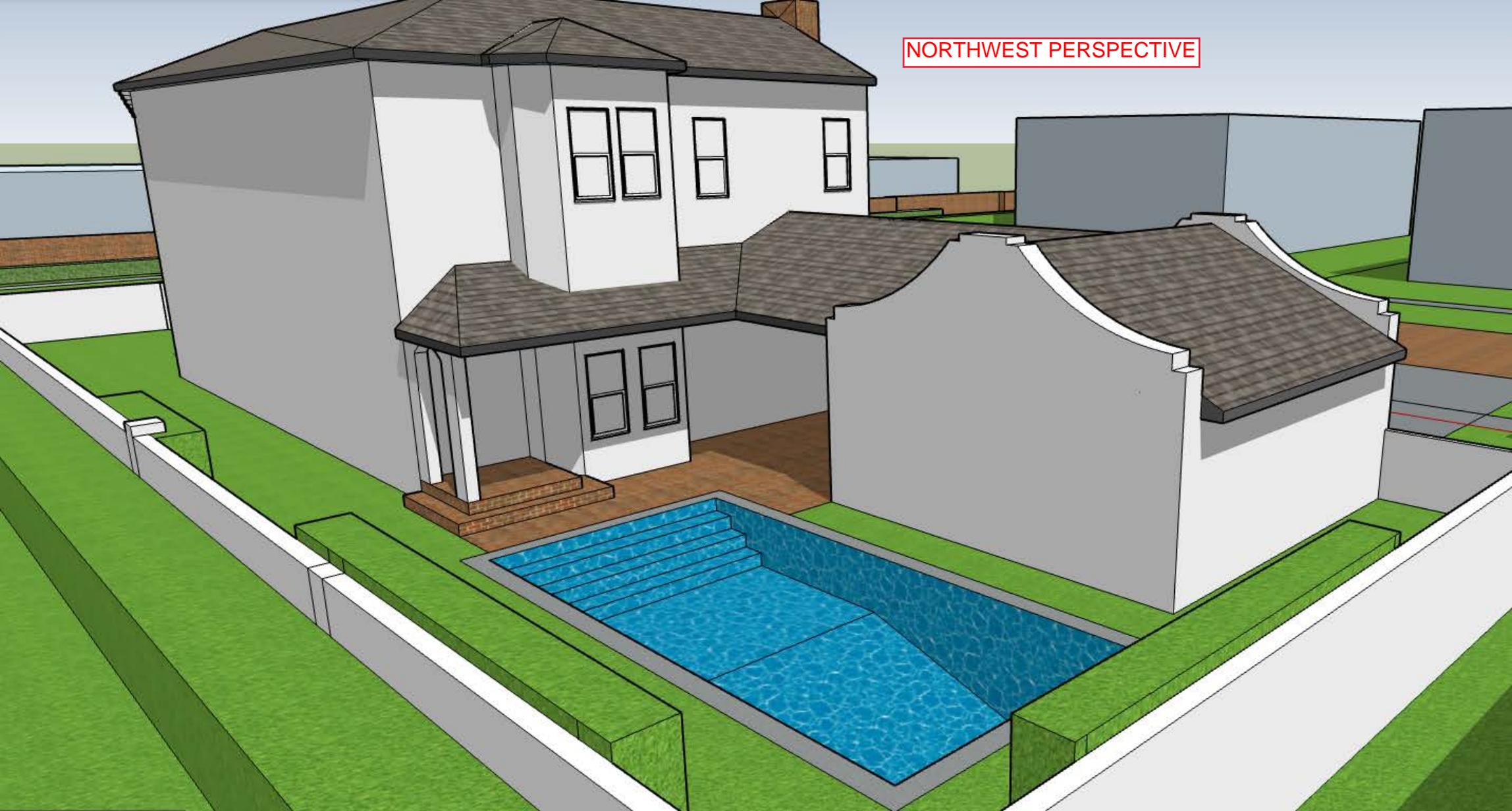


SOUTH ELEVATION

Proposed Roof Connection

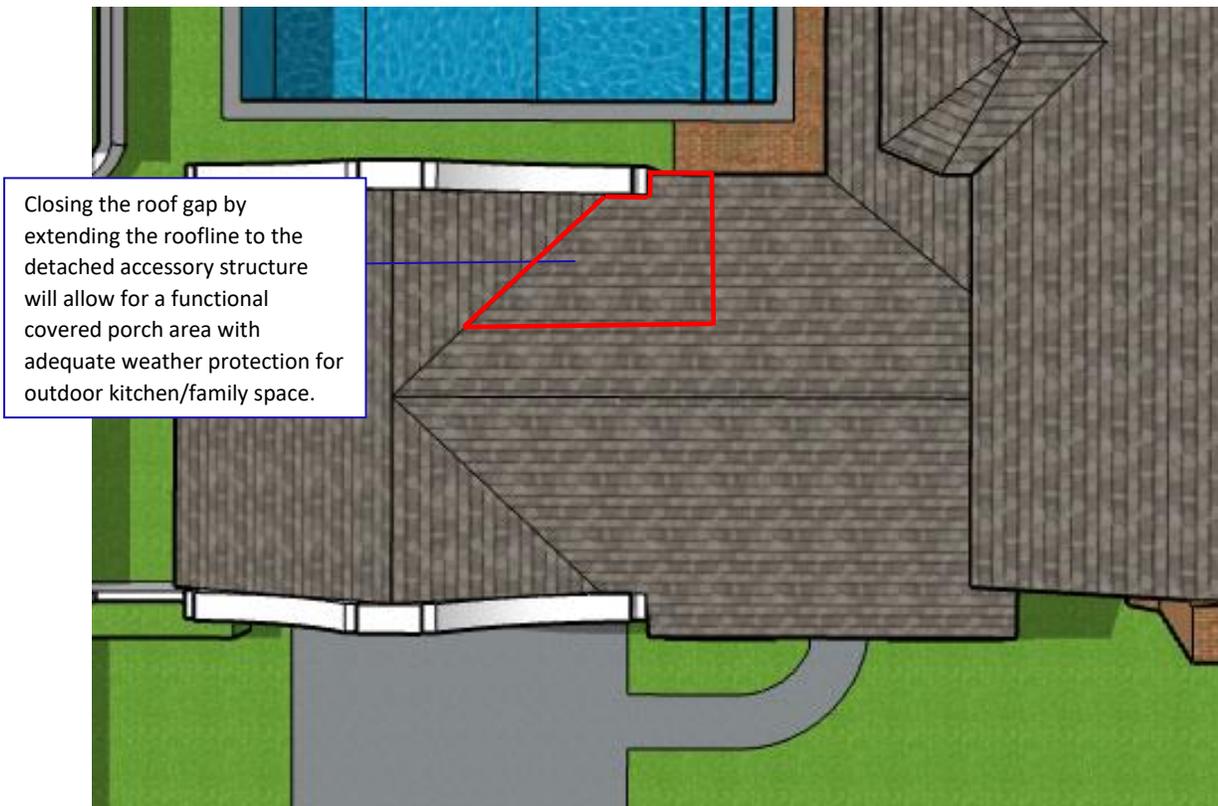
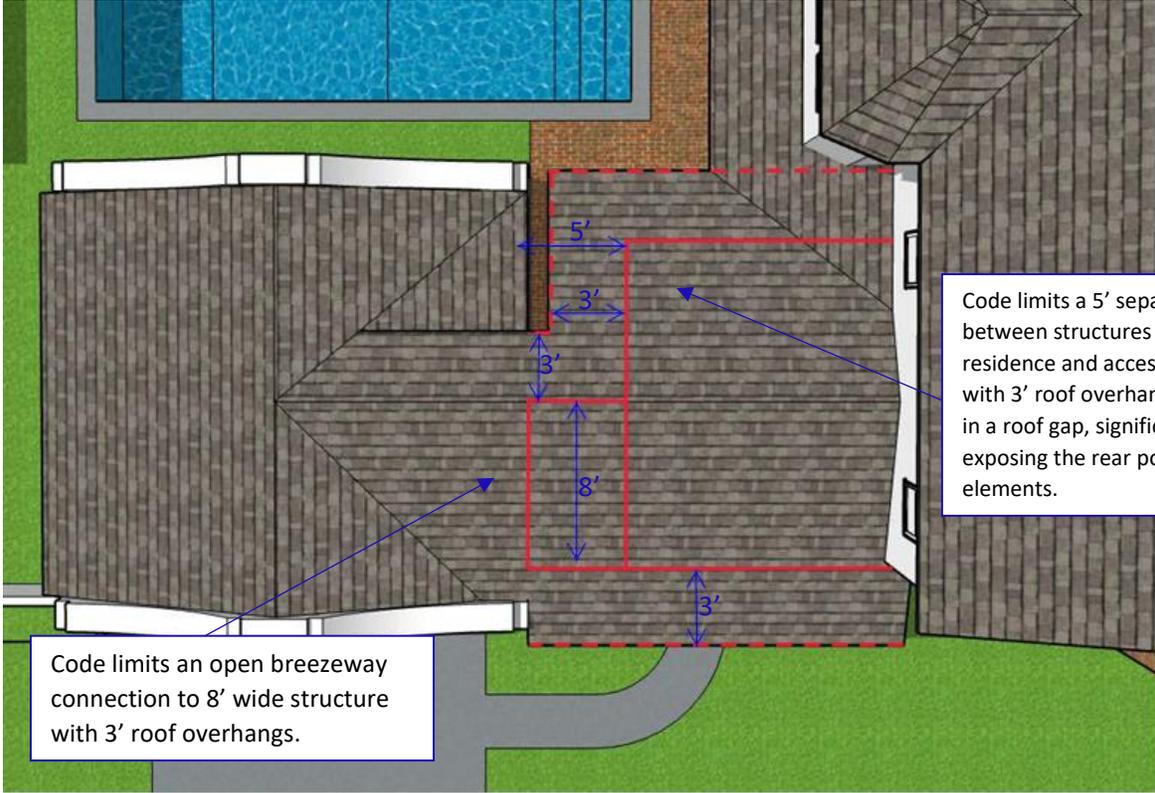


NORTHWEST PERSPECTIVE



OPEN ROOF CONNECTION CASE STUDY

Variance Request vs. Code Limitation



From the street, the roof line will look the same whether it is an 8' width breezeway, or a full-width roof connection.



Furthermore, the roof line will be shielded from street view by an existing mature camphor tree and proposed palm trees located immediately in front of the roofline.



Roof Gap



WALL VARIANCE: EXISTING vs PROPOSED

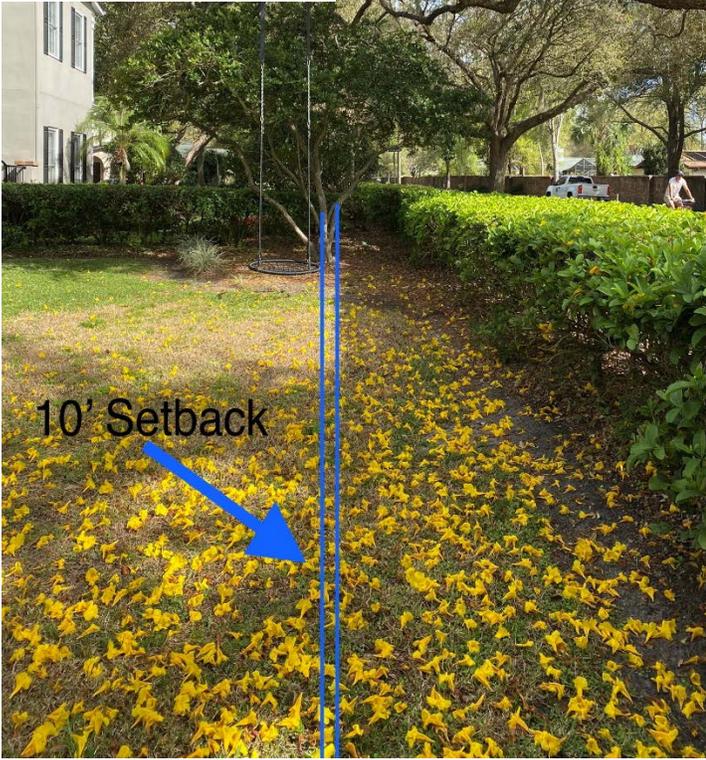
EXISTING



PROPOSED



EXISTING



PROPOSED



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EXISTING



PROPOSED



ROOF CONNECTION VARIANCE: EXISTING vs PROPOSED

EXISTING



PROPOSED



EXISTING



PROPOSED



EXISTING

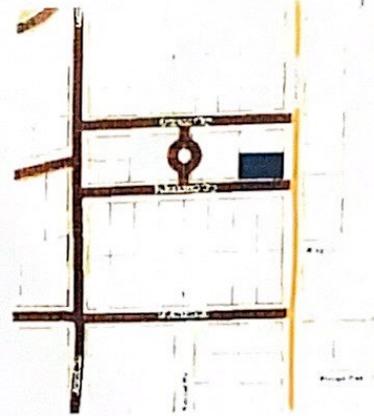


PROPOSED



Neighbor Support for Variance Request

Brad & Casey Caldwell
241 E Rockwood Way
Winter Park, FL 32789



The undersigned individuals are in support of the following zoning variance:

Request of Brad & Casey Caldwell for a variance to allow the construction of a 5' high masonry wall setback 5' from the East street-side lot line and a 5' high masonry wall along the North lot line in lieu of the maximum 3' height.

Additionally, a request to construct a 22' x 17' open roof connection extending from existing principal residence to an existing detached garage with a 10' rear setback in lieu of the minimum 25' rear setback.

	ADDRESS	OWNER NAME	SIGNATURE	DATE
1	150 E Rockwood Way	MARINA NICE	<i>[Signature]</i>	03/28/21
2	150 E Rockwood Way	CRANG CARTER	<i>[Signature]</i>	03/28/21
3	130 E Rockwood Way	THOMAS + CHRISTINE BOZAK	<i>[Signature]</i>	3/28/21
4	100 W. Rockwood Way	MICHELLE LINDA SMITH	<i>[Signature]</i>	3/28/21
5	211 Oakwood Way	Carol Malaketa	<i>[Signature]</i>	3/28/21
6	150 Oakwood Way	Shutchen Crosby	<i>[Signature]</i>	3/28/21
7	150 Oakwood Way	William Crosby	<i>[Signature]</i>	3/28/21
8	251 OAKWOOD WAY	SAL CURTO	<i>[Signature]</i>	3/28/21
9	2050 Forrest Rd	Steve Gurity	<i>[Signature]</i>	3/28/21
10	151 E. Rockwood Way	Lauren Brewer	<i>[Signature]</i>	3/28/21
11	250 Oakwood Way	Nancy Pastore	<i>[Signature]</i>	3/28/21
12	140 E Rockwood Way	Bill Crannick	<i>[Signature]</i>	3/28/21
13	140 E. Rockwood Way	Lucy Crannick	<i>[Signature]</i>	3/28/21
14	240 E. Rockwood Way	Ben + Christine Lakas	<i>[Signature]</i>	3/29/21
15	100 E Rockwood Way	Andrew Kravus	<i>[Signature]</i>	3/29/21
16	205 E Rockwood Way	Andrew Kravus	<i>[Signature]</i>	3/29/21
17	200 Oakwood Way	Andrew Kravus	<i>[Signature]</i>	3/29/21
18	230 E Rockwood Way	Amy Rosales	<i>[Signature]</i>	4/3/21
19	230 E Rockwood Way	Oscar Rosales	<i>[Signature]</i>	4/3/21
20	200 E. Rockwood Way	Mike Lahr	<i>[Signature]</i>	04/07/21