



Quasi-Judicial Boards (includes Public Hearings)

Agenda

August 17, 2021 @ 5:00 pm

401 South Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/bpm and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"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).

please note

Times are projected and subject to change.

-
1. **Call to Order**
 2. **Consent Agenda**
 - a. [Approval of July 15, 2021 Meeting Minutes](#) 10
 3. **Staff Updates**
 4. **Citizen Comments (for items not on the agenda): Three minutes allowed for each speaker**
 5. **Action Items**
 6. **Public Hearings**
 - a. [Tabled from July 15, 2021: Requests of Momtaz Barq & Terra-Max Engineering on behalf of George Loutfi, for variances to allow the construction of a rear addition to be located 10 feet from the rear property line and 9.8 feet on the north side & 8.4 feet on the south side, in lieu of the required setbacks of 25 feet and 10 feet respectively, and without articulation on each side.](#) 20

[Located at: 633 Dunraven Drive Zoned: R-1A](#)
 - b. [Requests of Matthew Hurst & Melissa Morse requesting a revision to variances heard on June 16, 2021 to allow the construction of a swimming pool located zero feet from the lot line to the pool deck and 2 feet from the lot line to the water's edge of a swimming pool, in lieu of the required street-side setbacks of 5 feet and 10 feet respectively.](#) 25

[Located at: 801 Hamilton Place Ct Zoned: R-2](#)
 7. **Board Comments**
 8. **Adjournment**



Board of Adjustment

agenda item

item type	Consent Agenda	meeting date	August 17, 2021
prepared by	Theresa Dunkle	approved by	
board approval			
strategic objective			

subject

Approval of July 15, 2021 Meeting Minutes

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[July Meeting Minutes \(Draft\).pdf](#)



Board of Adjustments Minutes

July 15, 2021 at 5:00 p.m.

Hybrid Meeting

Present

In person: Robert Trompke (Chair), Michael Clary (Vice-Chair), Jason Johnson, Charles Steinberg, Cathy Sawruk & Tom Sims Jr.; Director of Building, George Wiggins & Recording Clerk, Theresa Dunkle. Absent: Ann Higbie

Call to Order

Robert Trompke explained the rules of procedure for variance cases and opened the floor for any disclosures, public comments or questions.

Consent Agenda

Motion made by Cathy Sawruk to approve the June 15, 2021 minutes. Tom Sims Jr. seconded the motion. The minutes received approval by a vote of 6-0.

Staff Updates

No action items brought forward.

Citizen Comments

No public comments or questions.

Action Items

No action items brought forward.

Public Hearings

1. **Request of Emily & Samuel Hillman for a variance to allow the construction of a 6' foot high PVC fence located on the Arjay Way property line, in lieu of the required setback of 20 feet, or in lieu of an allowed 5 feet high fence located 10 feet from the property line.**

Located at 1881 Blue Ridge Road, Zoned: R-1AA

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

The request was tabled from the June 15, 2021 meeting. This corner lot fence height variance request has similarities to two recent other wall height variance requests at 240 and 241 East Rockwood Way which were granted at the February and April Board of Adjustments meetings respectively; except, in this case, the applicants are requesting to construct a PVC fence and not a wall.

The minutes of those two cases are as follows:

February 2021 Meeting Minutes for 240 E Rockwood Way

Request of Matthew Anderson on behalf of Benjamin & Christina Lalikos, for a variance to allow the construction of a 5 feet high wall setback 5 feet from the east street-side lot line, in lieu of the minimum setback of 10 feet.

Located at: 240 E Rockwood Way, Zoned: R-1AA

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

The applicants are preparing to build a new home on this property and have stated that the extra wide right of way (60') along Winter Park Road should be taken into consideration to allow a wall setback of only 5 feet due to this condition. An existing 4 to 5 foot high dense hedge also exists along the east side lot line next to the sidewalk acting as a visual buffer.

Our city arborist has noted that an oak tree or other trees are located in the rear of the property at or near the 5' setback from the street side lot line. If the Board is inclined to grant the request then I recommend that it be designed to jog around the tree(s) at a sufficient distance into the property with additional setback to prevent harming the health of the tree(s) as determined by our arborist prior to construction of the wall.

We received a letter with seven signatures of approval from nearby neighbors regarding this request.

Mr. Wiggins noted that if approved the oak tree requires protection due to the proposed proximity of the wall near the tree.

The owner, Benjamin Lalikos said the existing hedges would remain. Should they die, they will be replaced.

The Board discussed the hardship noting the lot is on a busy road and is a corner lot with an extra large right of way. Tom Sims commented that the neighbor is following the setback and height rules. Michael Clary pointed out that the 6 foot Quail Hollow wall across the street is located very close to property line along Winter Park Road.

Mike Lahr, the builder for 240 E Rockwood Way, said the shrubs are about 6 feet high and that he can cantilever the wall foundation if needed to protect the Oak tree.

Mr. Wiggins noted there are a number of corner lots where the board considered the large right of way as a hardship or mitigating condition. In this case, the right of way from the street is twenty feet. Approval of similar requests exist for some Aloma Avenue properties.

The adjacent property owner, Bruce Rodgers of 241 E Fawsett Road spoke. He requested the board approve a wall six feet in height in the proposed location, instead of the requested five feet height. He noted the wall is needed for the pool, is on a street with heavy traffic and the hedges are 2ft thick.

In closed session, Tom Sims expressed there is no hardship. He stated a new single-family residence is proposed here and the design of the pool and pool protection are achievable within the rules. The remaining board members did see a unique situation, noting the extra-large right of way and the visual buffer that the existing hedge provides.

Findings

The board members found the hardships are the extra-large right of way, which limits the placement of the swimming pool and subsequent fencing, the busy road and existence of a dense hedge which will shield the view of the wall. Mr. Sims expressed that sufficient hardship is not present.

Action

Based on these findings, Steven Heller made a motion, seconded by Aimee Hitchner to approve the request with conditions. The condition stipulates maintenance of the hedge in front of the wall is required and that replanting hedge with a similar species and height, should the current hedge not survive and thrive. The request with conditions was approved by a vote of 6-1, with Tom Sims voting in opposition.

April 2021 Meeting Minutes for 241 E Rockwood

Request 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

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

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 are exceeded.

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

The owner and applicant, Brad Caldwell, stated his hardship is the reduced usable area, coupled with corner lot conditions. The greater street side setbacks this corner lot limit the functional porch area required for weather protection. He noted the surrounding neighbors are in support of the request. In regards to his wall request, Mr. Caldwell said he desires the increased height to buffer road noise and provide safety. The existing hedges in front of the proposed walls will remain. New hedges be will installed, should the wall construction affect their growth.

In response to a board question, Mr. Wiggins stated the purpose of limiting breezeways to eight foot in width, is to restrict having large wide covered walkways when they extend a long distance to a detached accessory building such as a garage when their main purpose is to provide protection from weather.

In closed session, the board felt the hardships presented by the applicant were clear. They considered the neighbors approval of the widened walkway which will have only a limited visual impact from the street. They discussed landscape buffering the same height of the wall be placed as a condition of approval on the wall.

Findings

The board members found the hardships for the wall are the extra-large right of way on the abutting street, the busy heavily traveled road and the existence of a large dense hedge which will shield the view of the wall. They felt the widened covered walkway will have little negative visual impact from the street.

Action

Based on these findings, Tom Sims Jr. made a motion, seconded by Ann Higbie to approve the request with a condition. The condition includes requiring the installation or maintenance of landscaping in front of the wall to provide a dense visual barrier with a minimum height of five feet. The request with the condition passed by a vote of 7-0.

The day of the meeting the applicant provided letters of approval from the neighbors on all sides, which include 1861 Blue Ridge Road, 1880 Shiloh Lane, 760 Arjay Way and 780 Arjay Way. The approval letters were included in the presentation at the meeting.

Mr. Wiggins noted this request differs from the 5 feet high walls approved at 240 and 241 East Rockwood Way that were setback 5 feet from property lines; this request is for 6ft high PVC fencing with no setback.

Board members asked if the rear yard fencing, shown in green in the visual presentation, will extend to the proposed location of the street side fencing and if the height of the fencing is six feet. Mr. Wiggins confirmed the six feet high fencing along the rear property line would join the six feet high PVC fencing proposed along the street-side property line.

The applicant, Sam Hillman, who resides at 1881 Blue Ridge Road, responded to a board question, noting the existing landscaping will be removed and replaced. Although not finalized, he intends to use plants such as Zoysia Grass, Jasmine, Podocarpus and Japanese Blueberry. He stated his hardship is that he needs a usable back yard. In response to Board member Charles Steinberg, Mr. Hillman said the existing street-side fencing shown in the presentation is approximately at least five feet from the property line and more than twenty feet from the roadway. Mr. Hillman said he has owned the property over two years. He expects the landscaping will completely obscure the fencing, once mature.

Joseph Griffin, the abutting neighbor to the rear, at 1880 Shiloh Lane, spoke in favor of the request. He said his property currently has four feet high fencing inset ten feet from the street-side property line. He may request a similar variance. Mr. Griffin feels this 110-house subdivision, built in 1958, is similar to other subdivisions, such as, Windsong to the east and Stonehurst to the west. Mr. Griffin noted the four lots along Arjay Way, form a unique condition in that the twenty-foot side setbacks are greater than the front setbacks of the homes directly across the street. Mr. Griffin stated that approval of six feet high fencing along the property line would create consistency. All of the neighbors that he spoke with were in support of the request.

Mr. Wiggins responded to a board question stating when the homes were constructed the street side setback for the home was fifteen feet; whereas now, the street side setback is twenty feet to the home. Mike Clary questioned the street side setbacks on East Lake Sue Ave, which appear to utilize front setback requirements. Mr. Wiggins said the applicant has a young family and may want to consider board suggested modifications to the request.

In closed session, Tom Sims Jr. could not see the hardship. He stated the applicant was aware of the situation with the home purchase and he disliked seeing PVC at this corner, stating landscaping takes time to mature. Mike Clary also was not in favor of white PVC fencing and suggested alternative five feet high black or aluminum fencing. Cathy Sawruk was not in favor a white PVC and was concerned of a visual tunnel effect, if all four neighbors followed suit.

Jason Johnson said the four corner lots do form a unique a hardship; the applicant is unable to utilize the width of his property with the same privacy enjoyed by others. He felt the large twenty-foot right of way should be a consideration. Mr. Johnson agreed with other board members regarding the modifying the white PVC fence material but felt the proposed six feet height was appropriate. Charles Steinberg agreed with Mr. Johnson's opinions. Robert Trompke favored approval of the request if setback five feet.

Findings

The majority of the board felt the proposed white PVC was not in harmony with the neighborhood and favored a five-foot high open metal fence inset five feet with landscaping. They felt a substantial street-side setback for the fencing was unwarranted for a lot with such a large right of way. The hardship was the position of the lot does not allow the applicant to utilize the width of his property to obtain the same privacy enjoyed by others.

Action

Based on these findings, Michael Clary made a motion to approve as presented; Tom Sims Jr. seconded the motion. The request failed by a vote of 0-6. Michael Clary made another motion to allow a five-foot high open black or bronze metal fence within the street side setback, if five feet from the street side property line and with a three-foot minimum hedge in front. Cathy Sawruk seconded the motion, which passed by a vote of 6-0.

2. Requests of Momtaz Barq & Terra-Max Engineering on behalf of George Loutfi, for variances to allow the construction of a rear addition to be located 10 feet from the rear property line and 9.8 feet on the north side & 8.4 feet on the south side, in lieu of the required setbacks of 25 feet and 10 feet respectively, and without articulation on each side.

Located at 633 Dunraven Drive, Zoned: R-1A

George Wiggins, Director of Building, stated that prior to the meeting, the applicant requested tabling this item until next month.

No one from the public spoke.

Action

Based on these findings, Jason Johnson made a motion, seconded by Tom Sims Jr. to table the request. The request to table until next month passed by a vote of 6-0.

The meeting adjourned at 5:47 pm.

Theresa Dunkle, Recording Clerk

August 17, 2021

Date of Board Approval



Board of Adjustment

agenda item

item type	Public Hearings	meeting date	August 17, 2021
prepared by	Theresa Dunkle	approved by	
board approval			
strategic objective			

subject

Tabled from July 15, 2021: Requests of Momtaz Barq & Terra-Max Engineering on behalf of George Loutfi, for variances to allow the construction of a rear addition to be located 10 feet from the rear property line and 9.8 feet on the north side & 8.4 feet on the south side, in lieu of the required setbacks of 25 feet and 10 feet respectively, and without articulation on each side.

Located at: 633 Dunraven Drive Zoned: R-1A

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[COMBINED 633 Dunraven.pdf](#)



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: August 17, 2021
SUBJECT: VARIANCE REQUEST by Momtaz Barq & Terra-Max Engineering on behalf of George Loutfi: 633 Dunraven Drive

This application was tabled at the July 15, 2021 meeting.

The applicant is requesting variances to allow the construction of two rear additions to be located 10 feet from the rear property line and setbacks of 9.8 feet and 8.4 feet on the north and south sides respectively, whereas the required setbacks are 25 feet in the rear and 10 feet on each side, and without articulation on each side.

With regard to required articulation along each side of the home, under the Zoning Code an existing wall without articulation can be extended a distance of 12 feet along the side lot line before articulation must be provided. In this case, the existing north side wall of the home 54.8 feet in length and the south side wall is 28 feet in length without any articulation. Therefore, since both proposed additions extend 19 feet a variance must be granted to allow these additions. On the north side the new wall without articulation will be nearly 74 feet long.

This property is 114 feet in depth which is typical throughout most of the residential area east of Lakemont Avenue and continuing to the east to the city limits except there are some lots only 110 feet in depth and some increase to 132 feet near Winter Park High School. Prior to major changes in the Zoning Code enacted within the last 15 years, the required rear setback was 10 feet. However, the City did further modify the rear setback requirements approximately 3 years ago to allow lots with a depth of 105 feet to utilize a rear setback of 15 feet and lots with a depth of 75 feet or less to have a rear setback of 10 feet to the first floor and 25 feet to a second floor.

Related variance in the area:

Board of Adjustments Minutes: July 17, 2018

Request of Request of Elton & Elizabeth Sylvia for a variance to allow the construction of an addition located 15 feet from the rear lot line, in lieu of the required rear setback of 25 feet.

Located at 681 Dunraven Dr.

Zoned R-1A

George Wiggins, Director of Building gave the following summary:

A building addition is proposed on the rear of the existing home to accommodate accessibility features for the owners. The existing home has a front setback to the garage of 30 feet and then a setback of approximately 51 feet to the remainder of the home resulting in the home being placed 34.6 feet from the rear lot line.

In order to achieve a master suite with sufficient area, the applicant proposes to add 19.3 feet of building area onto the rear of the home leaving a rear setback of 15 feet encroaching 10 feet into the rear setback.

The lot depth for this property is very shallow at 114 feet. Therefore, in order to minimize the amount of variance requested, the applicant seeks relief from the normal 25 foot rear setback.

A variance is also needed from the north side of this addition to allow it to be built at 8.5 feet from side lot line. However, this variance can be granted administratively with a letter of approval from the adjacent property owner. This was achieved through that process and therefore does not require granting a variance by the Board. The conditions of the administrative variance include the allowance to extend a nonconforming one story wall up to 24 feet in length with an approval letter from the adjacent property owner as long as the setback 5 feet or greater.

We received eight letters of approval after the Board packages were delivered.

Mr. Wiggins reiterated that the side setback is compliant. This request is only for the ten foot rear setback encroachment.

The applicant, Elizabeth Sylvia provided two additional letters of approvals to the Board. She stated the accessible design would allow her to stay in her home as she ages. Mr. Elton Sylvia stated he is a longtime resident of Winter Park and feels he and his wife should enjoy the same ten foot rear setback that some of his neighbors have.

FINDINGS

The Board members agreed [observed] that other homes in the area have a ten foot rear setback; therefore, this request would not be out of character for the street. They agreed the hardship is the limited area available to accommodate accessible facilitation.

ACTION

Based on the findings, Patrice Wenz made a motion, seconded by Charles Steinberg, to approve the request. The request was approved by a vote of 7-0.

The applicant makes reference to the property above which obtained a rear setback variance and also 697 and 665 Dunraven Drive as homes with reduced rear setbacks. However, those two homes were built in 1963 and were with compliant with the required rear setback at the time were built. In addition, the home at 697 was able to utilize a 15 foot rear setback due to this lot having a short depth of 102 feet. Lots which are only 105 feet deep or less are permitted a smaller rear setback. In addition that same lot is a corner lot which allow the 15 foot setback along the north side of the home resulting

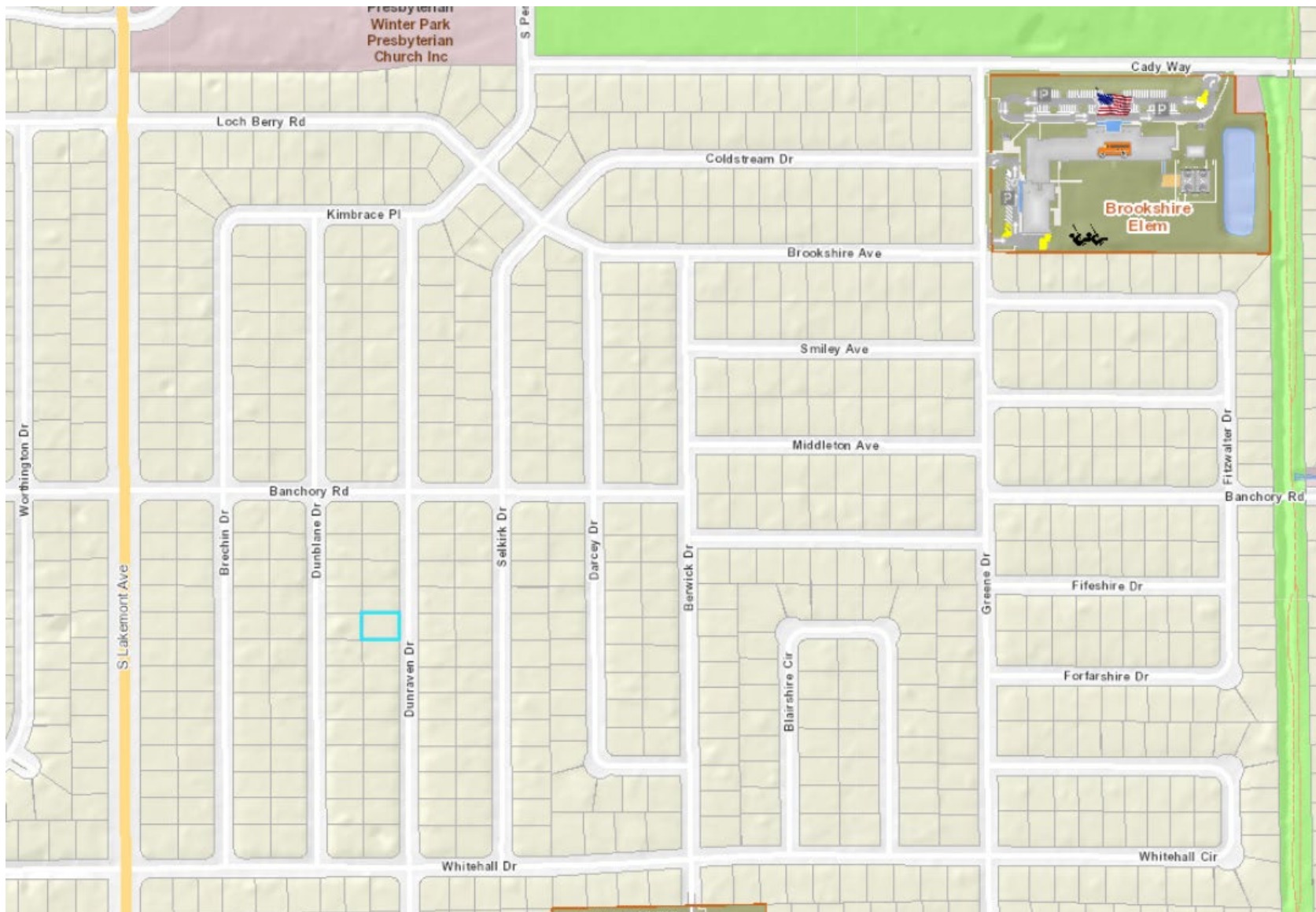
in allowing a 10 foot setback on the west side of the home as a side yard setback.

The proposed area of the two rear additions proposed by the applicant is 732 square feet and not 1,411sf as shown on the Setback/Coverage Worksheet submitted by the applicant. However, this proposed additional area is within the allowable gross floor area and the additional impervious area is also within the permitted 60% maximum impervious coverage.

If the applicant had obtained letters of approval from the abutting property owners on the north and south sides of this home then the side setback encroachments would not need variances for not meeting the required 10 foot setbacks. The Zoning Code allows the addition of a nonconforming one story side wall of a home to be extended a maximum distance of 24 feet along a side lot line with a letter of approval from the abutting property owner as long as the side wall is not closer than 5 feet to the lot line.

One email message has been received from the abutting property owner directly to the rear of this applicant home with an expression of concern for these encroachments and requesting clearer elevations of the additions.

633 Dunraven Drive





PLAN SNAPSHOT REPORT BOA-2021-0048 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 06/11/2021
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: 302209413201050	Main	Address: 633 Dunraven Dr Winter Park, FL 32792-4626	Main	Zone:
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Owner Momtaz Barq 1507 S Hiawassee RD Suite 211 Orlando, FL 32835 Business: (140) 757-8276 x3 Mobile: (140) 775-8401 x2	Applicant Momtaz Barq 1507 S Hiawassee RD Suite 211 Orlando, FL 32835 Business: (140) 757-8276 x3 Mobile: (140) 775-8401 x2
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Plan Custom Fields

Zoning	R-1A	Section	Sec. 58-65	Subsection	4 a&b
Is the property on waterfront?	No	Is this property on historic registry or district?	No	Describe variance	We are renovating and we would like to setback from 25' to 10' from the rear lot line to match the other properties on the same street.
How long have you owned the property?	2 weeks	How long have you occupied the property?	0 days	Special Condition	No special conditions
Rights/Priv	Several properties have advanced their blueprints. We are asking what has already been approved by the city. It has appeared that 3 of the properties around our property have reduced their setback: 697 + 681 + 665 Dunraven Dr	Hardship	Expanding the sqft tp modernize the layout issues and correct some of the interior, as well as, providing an ADA compliant bathroom(s)	Limited Variance	No

Attachment File Name	Added On	Added By	Attachment Group	Notes
Signature_Momtaz_Barq_6/11/2021.jpg	06/11/2021 12:35	Solh, Samia		Uploaded via CSS

Workflow Step / Action Name	Action Type	Start Date	End Date
Application Completeness Check v.1			
Confirm Application Complete v.1	Generic Action		
Review v.1			
Board of Adjustments Review v.1	Receive Submittal		
Issue Invoice v.1	Generic Action		
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

To Whom It May Concern:

I, George Loutfi, as the owner of the property described below, give permission to Momtaz Barq/Terra-Max Engineering to act as my authorized agent for the purpose of obtaining zoning and building waivers and to submit building plans for permitting.

Legal Description: Kenilworth Shores Section 5Y/135 Lot 5 BLK A

Parcel ID: 09-22-30-4132-01-050

Address: 633 Dunraven Drive
Winter Park, FL. 32792

George Loutfi 6/18/21



OUR PROPERTY



SETBACK / COVERAGE WORKSHEET

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

Address:	633 Dunraven Dr	Lot width²:	82'
Submitted by:	Terra Max Engineering	Lot area³:	9,332 sf

	Maximum % Allowed ⁴	Existing Area ¹⁰	Additional Proposed Area ¹⁰	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%	NA	NA	NA	NA
	1 story - 60%	3,351.64	1,411.61	4,763.25	5599
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/carports, 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	2,370 sf	1,411.61	3,811.61	4,013 sf
	Lots 11,600 sf to 13,600 sf Use 4,500 sf Base area & 5,200 sf Maximum area	NA	NA	NA	NA
	Lots > 13,600 sf Use 33% Base FAR or w/ increased side setbacks: 38% Max FAR	NA	NA	NA	NA

SCREEN POOL ENCLOSURE	8%⁹	NA	NA	NA	NA
FRONT YARD LANDSCAPE COVERAGE	Count all landscaped green areas. EXCL - hard surfaces and all driveway surfaces (pervious & impervious).				
FRONT LOT AREA	50%	NA	NA	NA	NA


- NOTES:**
- Windsong & Waterbridge may use these standards, except lot types A, B, & C in Windsong. Provisions on side articulations & accessory bldgs are mandatory.
 - 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.
 - Submerged lands or land across the street shall not be included.
 - Percentage based on the lot area.
 - 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.
 - See page 3 on how to achieve maximum F.A.R.
 - 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 side 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.

Certified WCAG 2.1 Level AA compliant and usable with JAWS and NVDA by SWH

(Dec. 2019) **PAGE 1**

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.			Existing		NA	
SIDES ^{1,2} (See other side setback SIDES options on pg 4)	1st Floor	See pages. 3&4 <small>SEE PAGES 3&4</small>	10ft	Left 8.4'	Right 9.8'	Left 8.4'	Right 9.8'
	2nd Floor						
REAR ^{1,3,4} <small>REAR REAR</small>	1st Floor	25 ft.		25 ft		10 ft	
	2nd Floor	35 ft ⁵		NA		NA	
	Lakefront	see note 6		NA		NA	
CORNER LOT <small>CORNER LOT CORNER LOT CORNER LOT</small>	1st Floor <small>1ST FLOOR</small>	Lot width ≤ 65 ft.	15 ft.	NA		NA	
		Lot width > 65 ft ⁷	20 ft.	NA		NA	
	2nd Floor <small>2ND FLOOR</small>	Lot width ≤ 65 ft.	15 ft.	NA		NA	
		Lot width > 65 ft ⁷	22.5 ft.	NA		NA	
BUILDING HEIGHT <small>8,9,10,11,12</small>	30 ft. - 35 ft. plus 2 ft. or 40 ft. (See notes 11 & 12)			NA		NA	

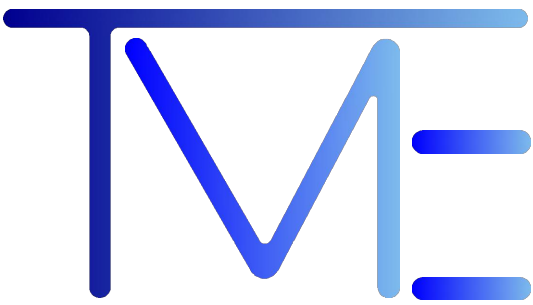
Notes:

1. Any building wall that exceeds 12 ft. in height measured from natural grade to top of wall plate or truss knee wall 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.

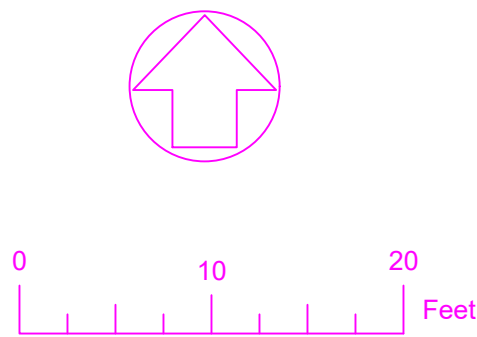
3. Rear setbacks for properties abutting non-residential zoned, R-3/R-4, or a permanent stormwater retention area over 25 ft. in width may be 10 ft. For lots that are 75ft deep or less a first-floor setback of 10ft and a second-floor setback of 25ft is allowed. For lots which are 105ft deep or less a 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.

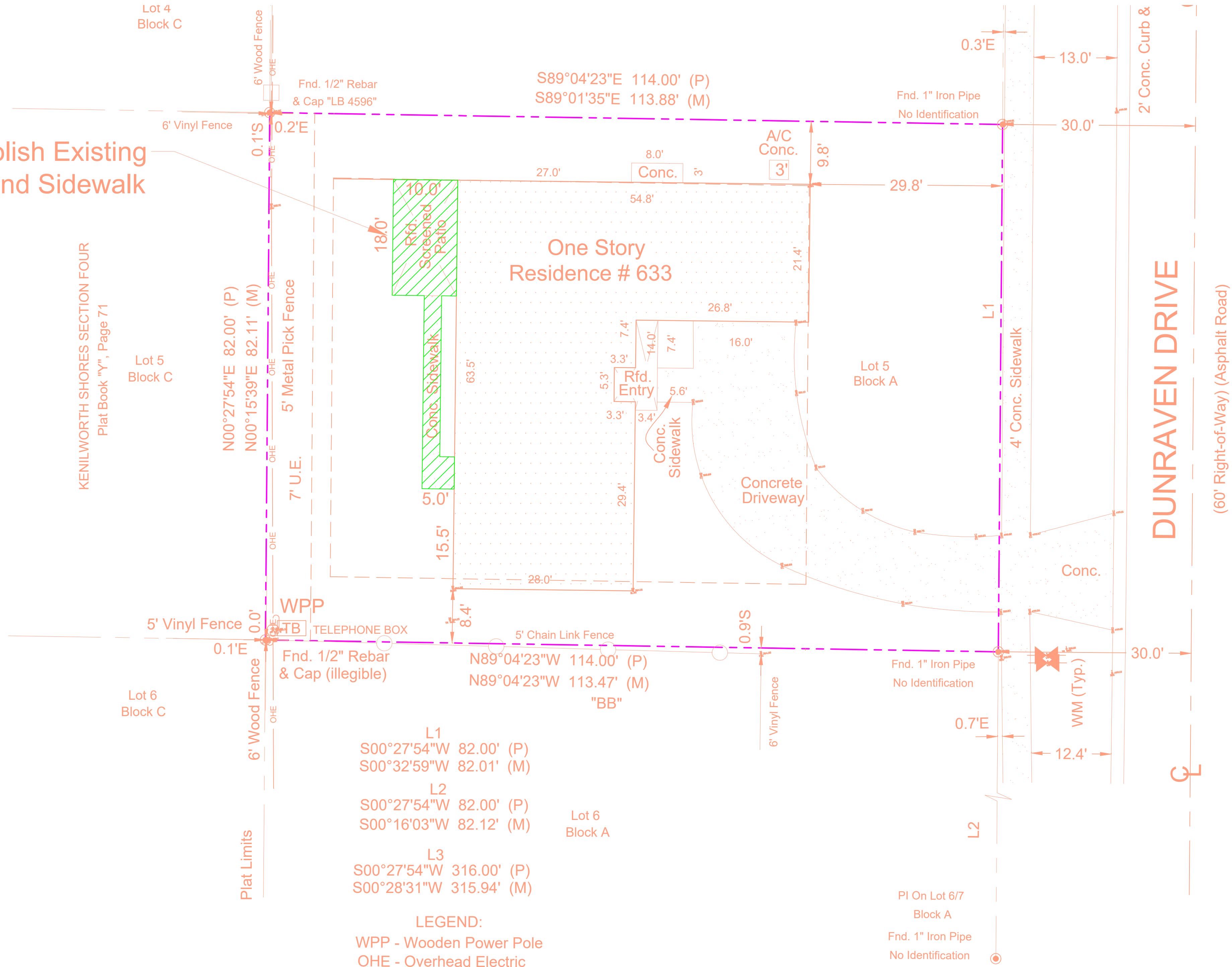


TERRA-MAX ENGINEERING, INC.

1507 S. HIAWASSEE ROAD, SUITE 211
ORLANDO FLORIDA 32835
TEL: (407) 578-2763 FAX: (407) 578-2953



Demolish Existing
Patio and Sidewalk



L1
S00°27'54"W 82.00' (P)
S00°32'59"W 82.01' (M)

L2
S00°27'54"W 82.00' (P)
S00°16'03"W 82.12' (M)

L3
S00°27'54"W 316.00' (P)
S00°28'31"W 315.94' (M)

LEGEND:
WPP - Wooden Power Pole
OHE - Overhead Electric

PI On Lot 6/7
Block A
Fnd. 1" Iron Pipe
No Identification

No.	REVISIONS	DATE	BY

DRAWN A.H.S.	CHECKED M.M.B.	DATE 06/16/2021
JOB NO. DUN-01	SCALE AS SHOWN	

PROJECT TITLE
**633 DUNRAVEN DR.
PROPERTY**

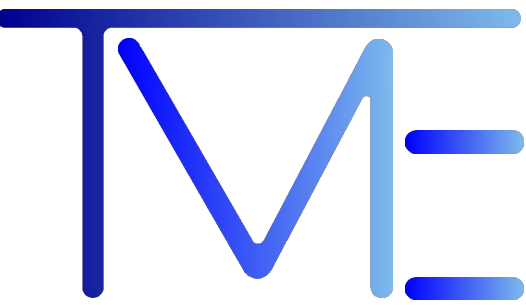
633 DUNRAVEN DR.
WINTER PARK, FL
ORANGE COUNTY, FLORIDA

SEAL
MOMTAZ BARQ, P.E.

PE #49024
Terra-Max Engineering COA #26002

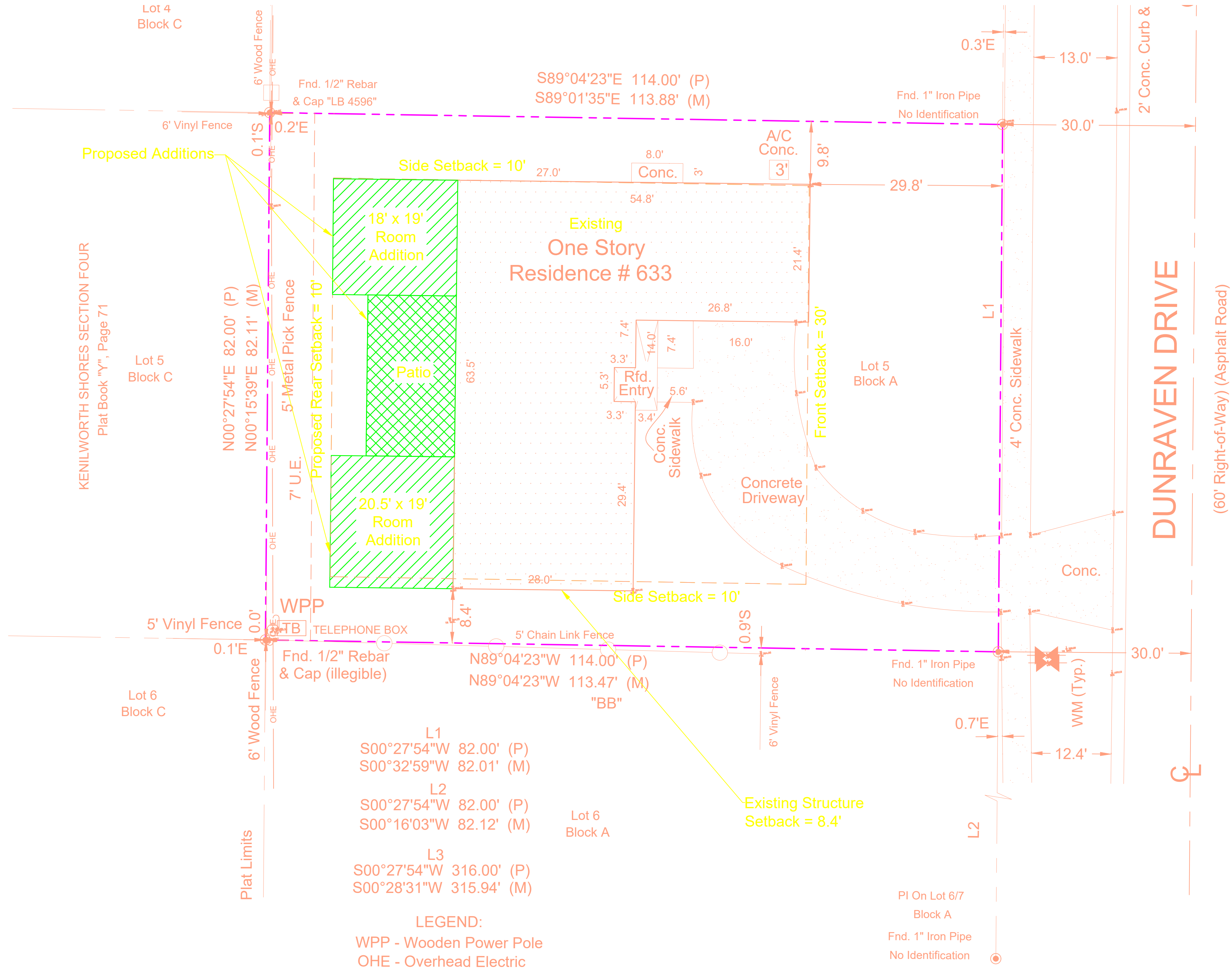
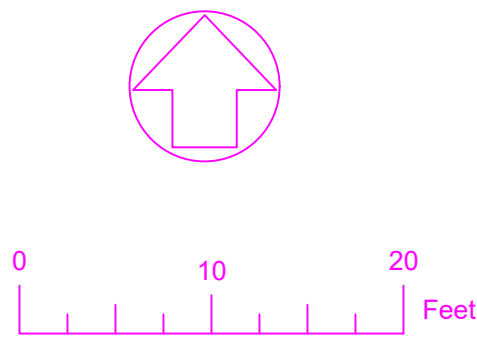
DRAWING TITLE PROPOSED DEMOLITION PLAN	DRAWING NO. C2.0
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ORLANDO FLORIDA 32835
TEL: (407) 578-2763 FAX: (407) 578-2953



	Gross Area	Living Area
Existing Residential Structure:	2,370.00 S.F.*	1,896.00 S.F.
Structural Additions:		
Additional Rooms:	885.86 S.F.	885.86 S.F.
New Patio Area:	555.75 S.F.	-
Total Structure with Additions:	3,811.61 S.F.	3,811.61 S.F.

*Does not include an existing 180 SF patio. This patio shall be demolished.

No.	REVISIONS	DATE	BY

DRAWN A.H.S.	CHECKED M.M.B.	DATE 06/16/2021
JOB NO. DUN-01	SCALE AS SHOWN	

PROJECT TITLE
**633 DUNRAVEN DR.
PROPERTY**

633 DUNRAVEN DR.
WINTER PARK, FL
ORANGE COUNTY, FLORIDA

SEAL
MOMTAZ BARQ, P.E.

PE #49024
Terra-Max Engineering COA #26002

DRAWING TITLE PROPOSED HOUSE ADDITIONS	DRAWING NO. C1.0
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BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 5, BLOCK A, KENILWORTH SHORES SECTION FIVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Y, PAGE 135, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FLOOD INFORMATION:

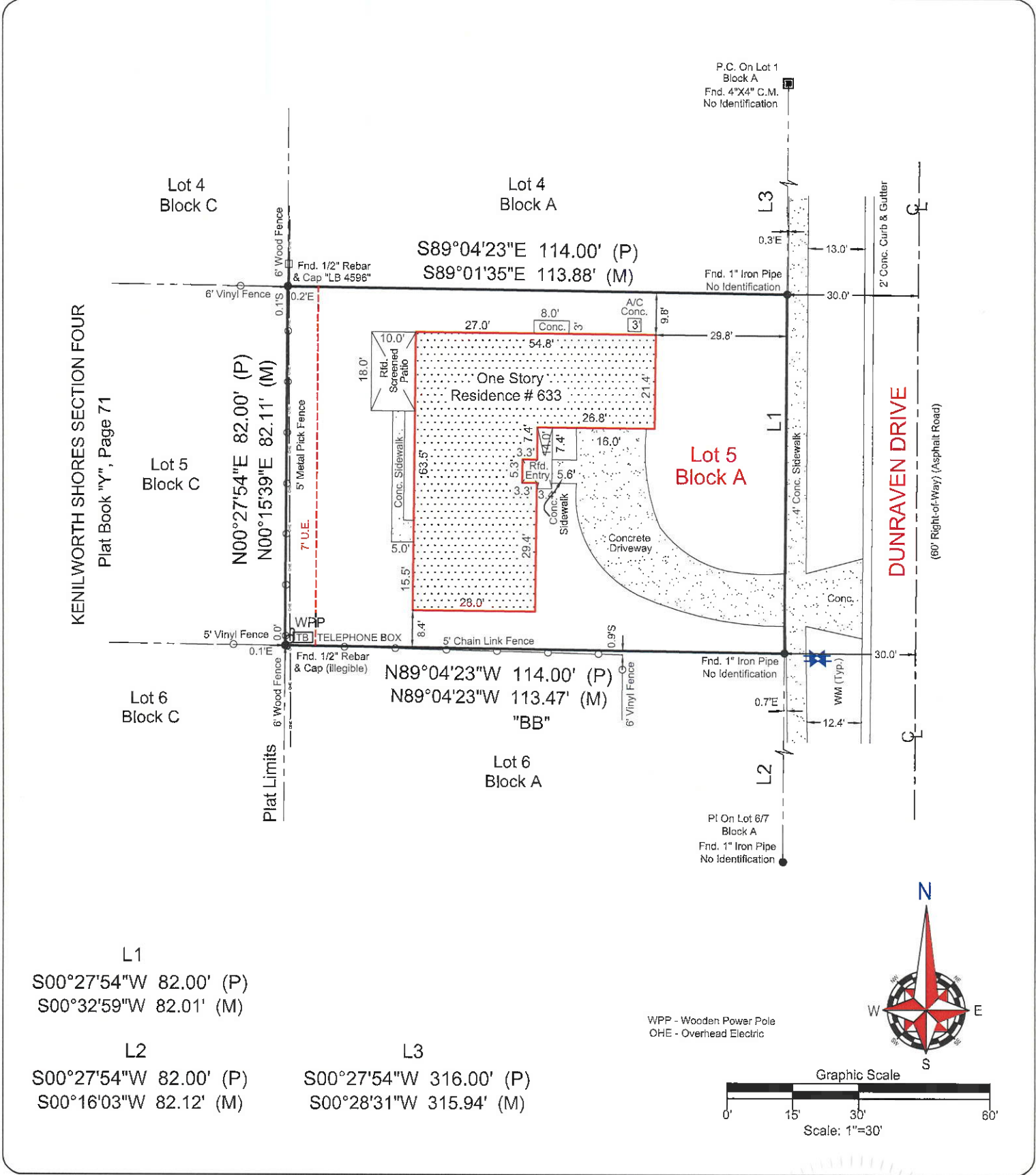
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF WINTER PARK, COMMUNITY NUMBER 120188, DATED 9/25/2009.

CERTIFIED TO:

GEORGE LOUTFI; HOMETOWN TITLE GROUP, INC.; STEWART TITLE GUARANTY COMPANY; BANKERS MORTGAGE LENDING, INC., ISAOA/ATIMA



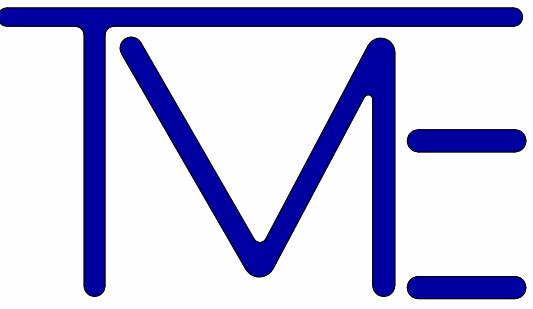
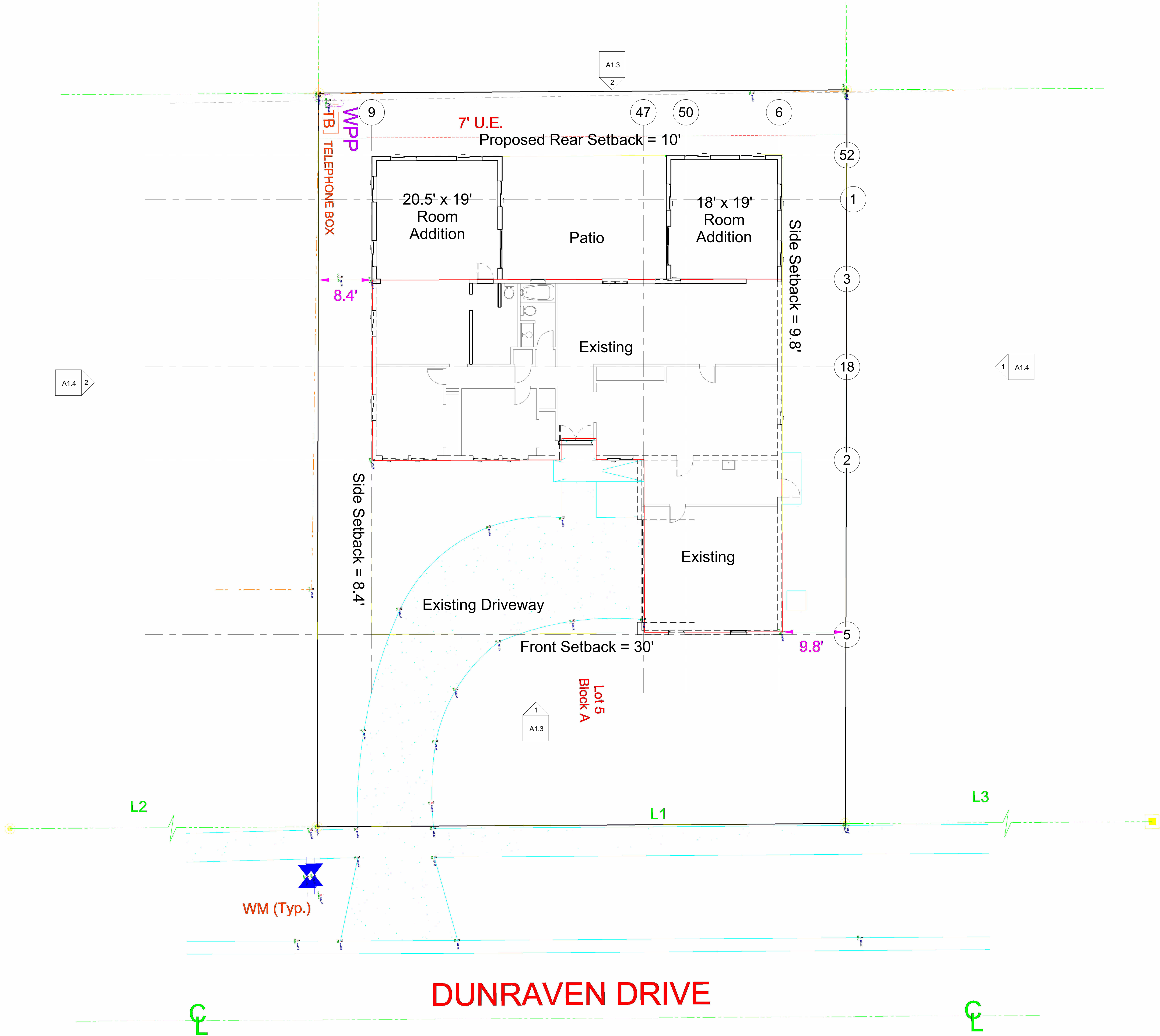
633 DUNRAVEN DRIVE, WINTER PARK, FLORIDA 32792



Field Date: 5/7/2021	Date Completed: 05/10/21	-NOTES-	
Drawn By: V.T.	File Number: IS-88653	>Survey is Based upon the Legal Description Supplied by Client.	
-Legend-		>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.	
		>Subject to any Easements and/or Restrictions of Record.	
C - Calculated		>Bearing basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".	
CB - Concrete Block	PC - Point of Curvature	>Building Ties are NOT to be used to reconstruct Property Lines.	
CM - Concrete Monument	Pg. - Page	>Fence Ownership is NOT determined.	
Conc. - Concrete	P.I. - Point of Intersection	>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.	
D - Description	P.O.B. - Point of Beginning	>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.	
DE - Drainage Easement	P.O.L. - Point on Line	>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.	
Esmt. - Easement	PP - Power Pole	-POINTS OF INTEREST-	
F.E.M.A. - Federal Emergency Management Agency	PRM - Permanent Reference Monument		
FFE - Finished Floor Elevation	PT - Point of Tangency	NONE VISIBLE	
Fnd. - Found	R - Radius	Ireland & Associates Surveying, Inc.	
IP - Iron Pipe	Rad. - Radial		
L - Length (Arc)	R&C - Rebar & Cap	800 Currency Circle Suite 1020	
M - Measured	Rec. - Recovered	Lake Mary, Florida 32746	
N&D - Nail & Disk	Rfd. - Roofed	www.irelandsurveying.com	
N.R. - Non-Radial	Set - Set 1/2" Rebar & Cap "LB 7623"	Office-407.678.3366 Fax-407.320.8165	
ORB - Official Records Book	Typ. - Typical	22	
P - Plat	UE - Utility Easement		
P.B. - Plat Book	WM - Water Meter		
W - Wood Fence	Δ - Delta (Central Angle)		
	○ - Chain Link Fence		

M:\X-Pending Projects\633 Dunraven\Revit\633 Dunraven-Remodel.rvt

1 Level 1
1/8" = 1'-0"



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1507 S. HIAWASSEE ROAD, SUITE 211
ORLANDO, FLORIDA 32835
TEL: (407) 578-2763 FAX: (407) 578-2953

No.	REVISIONS	DATE	BY

DRAWN R.M.K.	CHECKED M.M.B	DATE 4-17-21
JOB NO. ROMAL-01	SCALE AS SHOWN	

**633 Dunraven
Remodel**

633 Dunraven Dr,
Winter Park, Fl

SEAL
MOMTAZ BARQ, P.E.

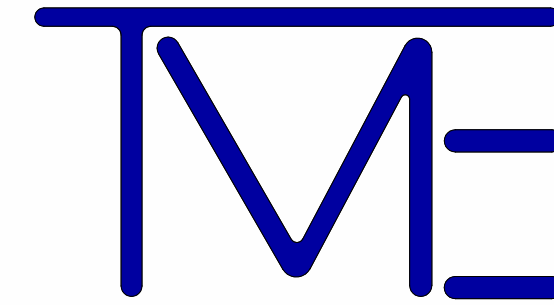
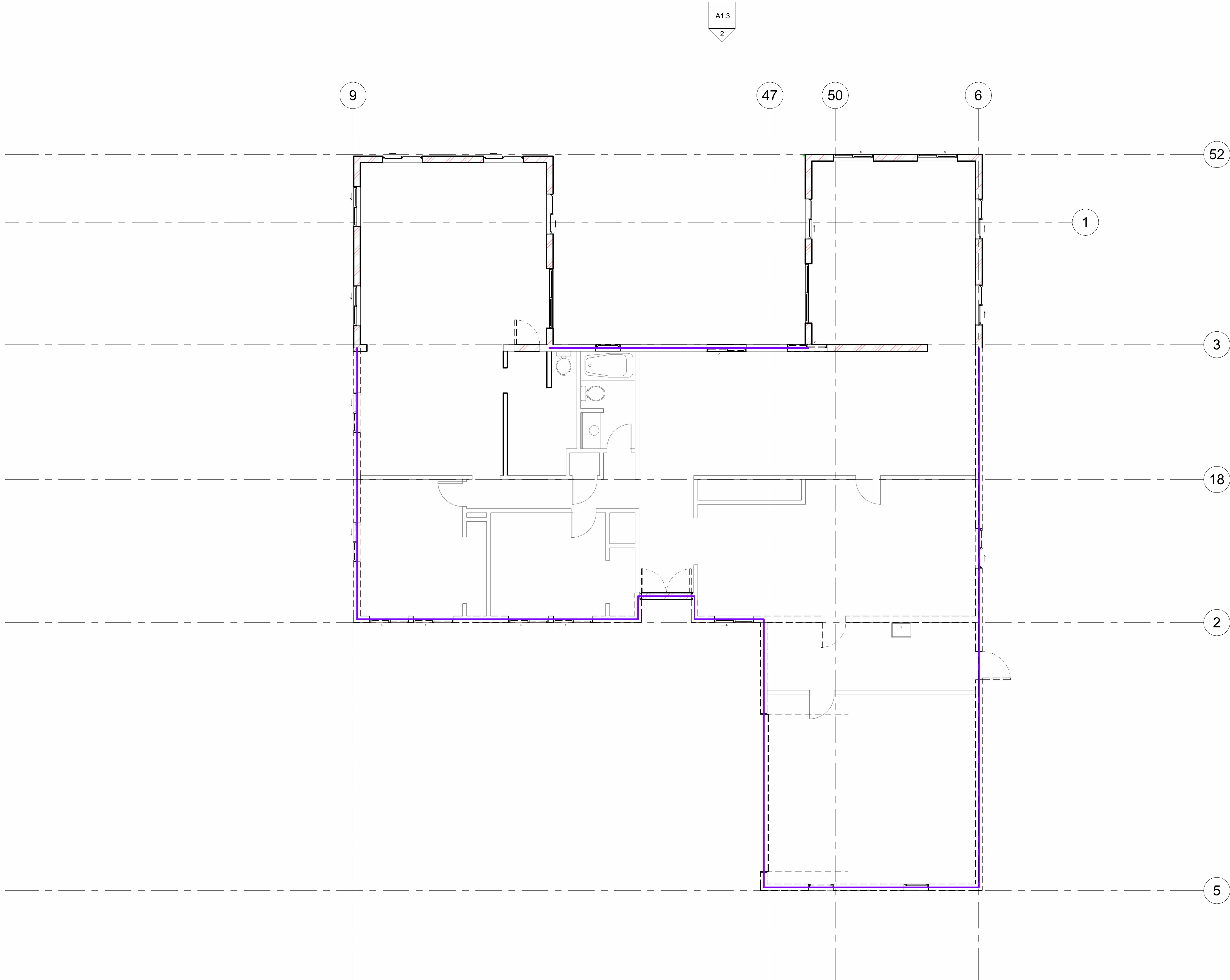
PE #49024
Terra-Max Engineering COA #26002

DRAWING TITLE Site Plan	DRAWING NO. A1.0
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1 Level 1
3/16" = 1'-0"



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No.	REVISIONS	DATE	BY

DRAWN R.M.K.	CHECKED M.M.B	DATE 4-17-21
JOB NO. ROMAL-01	SCALE AS SHOWN	

633 Dunraven
Remodel

633 Dunraven Dr,
Winter Park, Fl

SEAL
MOMTAZ BARQ, P.E.

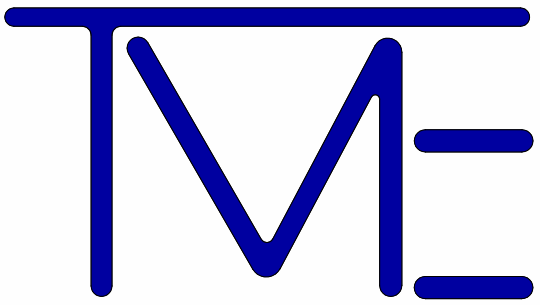
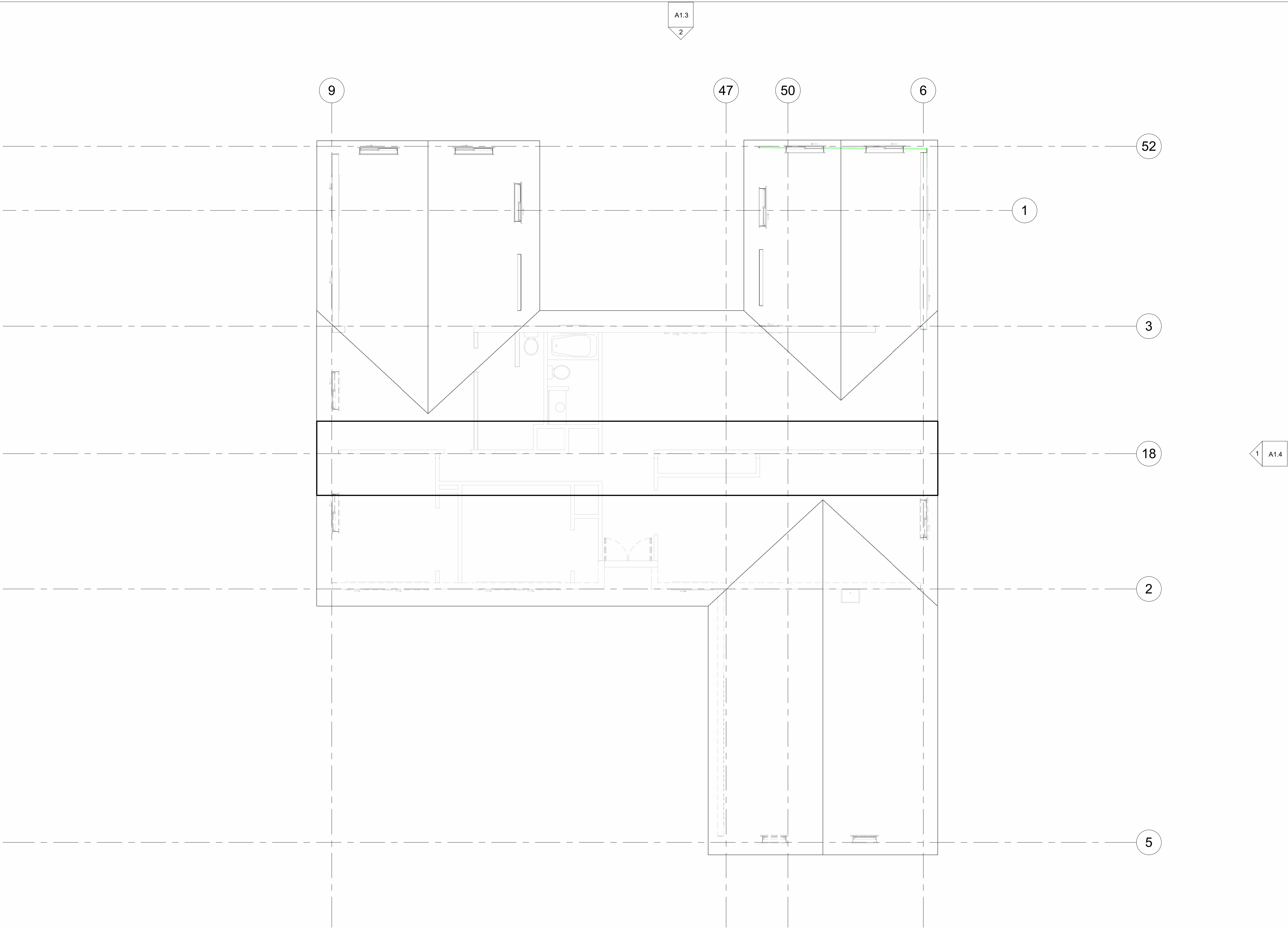
PE #49024
Terra-Max Engineering COA #26002

DRAWING TITLE Floor Plan	DRAWING NO. A1.1
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1 Level 2
3/16" = 1'-0"



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No.	REVISIONS	DATE	BY

DRAWN R.M.K.	CHECKED M.M.B	DATE 4-17-21
JOB NO. ROMAL-01	SCALE AS SHOWN	

633 Dunraven
Remodel

633 Dunraven Dr,
Winter Park, FL

SEAL
MOMTAZ BARQ, P.E.

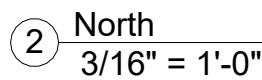
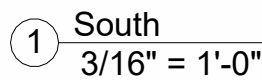
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DRAWING TITLE Roof Plan	DRAWING NO. A1.2
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DRAWN	CHECKED	DATE
R.M.K.	M.M.B	4-17-21
JOB NO.	SCALE	
ROMAL-01	AS SHOWN	

633 Dunraven Remodel

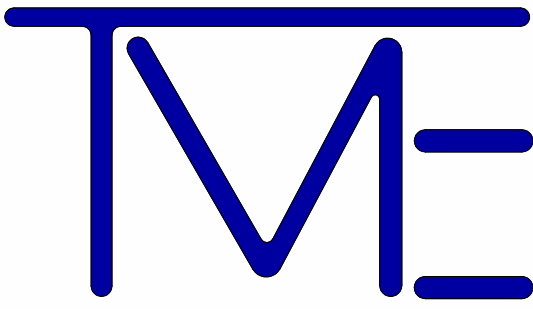
633 Dunraven Dr,
Winter Park, FL

SEAL
MOMTAZ BARQ, P.E.

PE #49024
Terra-Max Engineering COA #26002

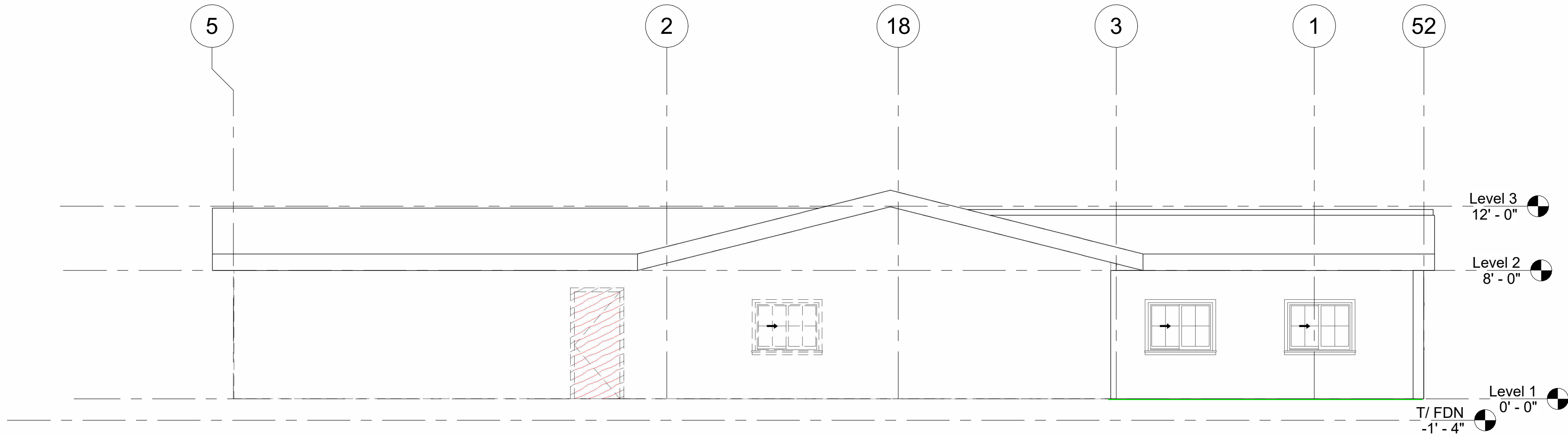
DRAWING TITLE	DRAWING NO.
North & South Elevations	A1.3

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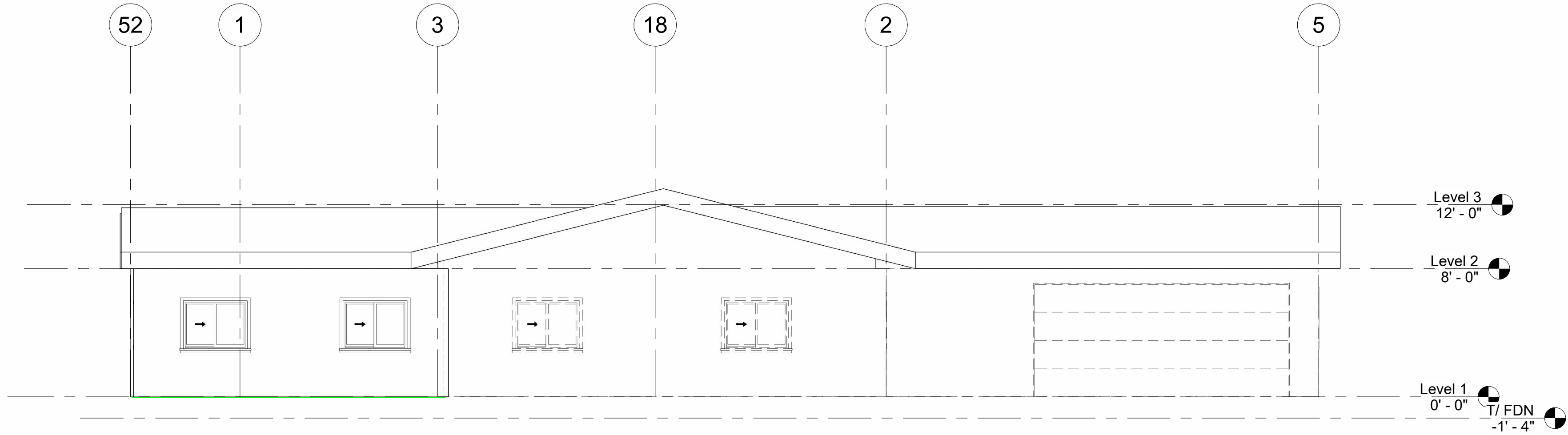


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ORLANDO, FLORIDA 32835
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① East
3/16" = 1'-0"



② West
3/16" = 1'-0"

No.	REVISIONS	DATE	BY

DRAWN R.M.K.	CHECKED M.M.B	DATE 4-17-21
JOB NO. ROMAL-01	SCALE AS SHOWN	

633 Dunraven Remodel

633 Dunraven Dr,
Winter Park, Fl

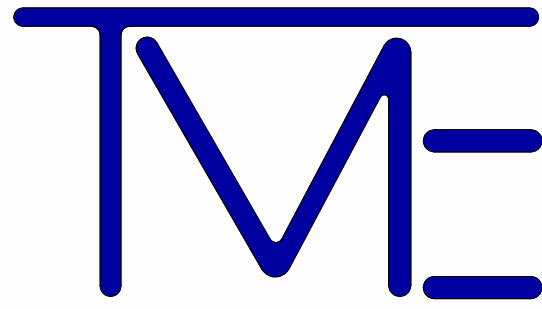
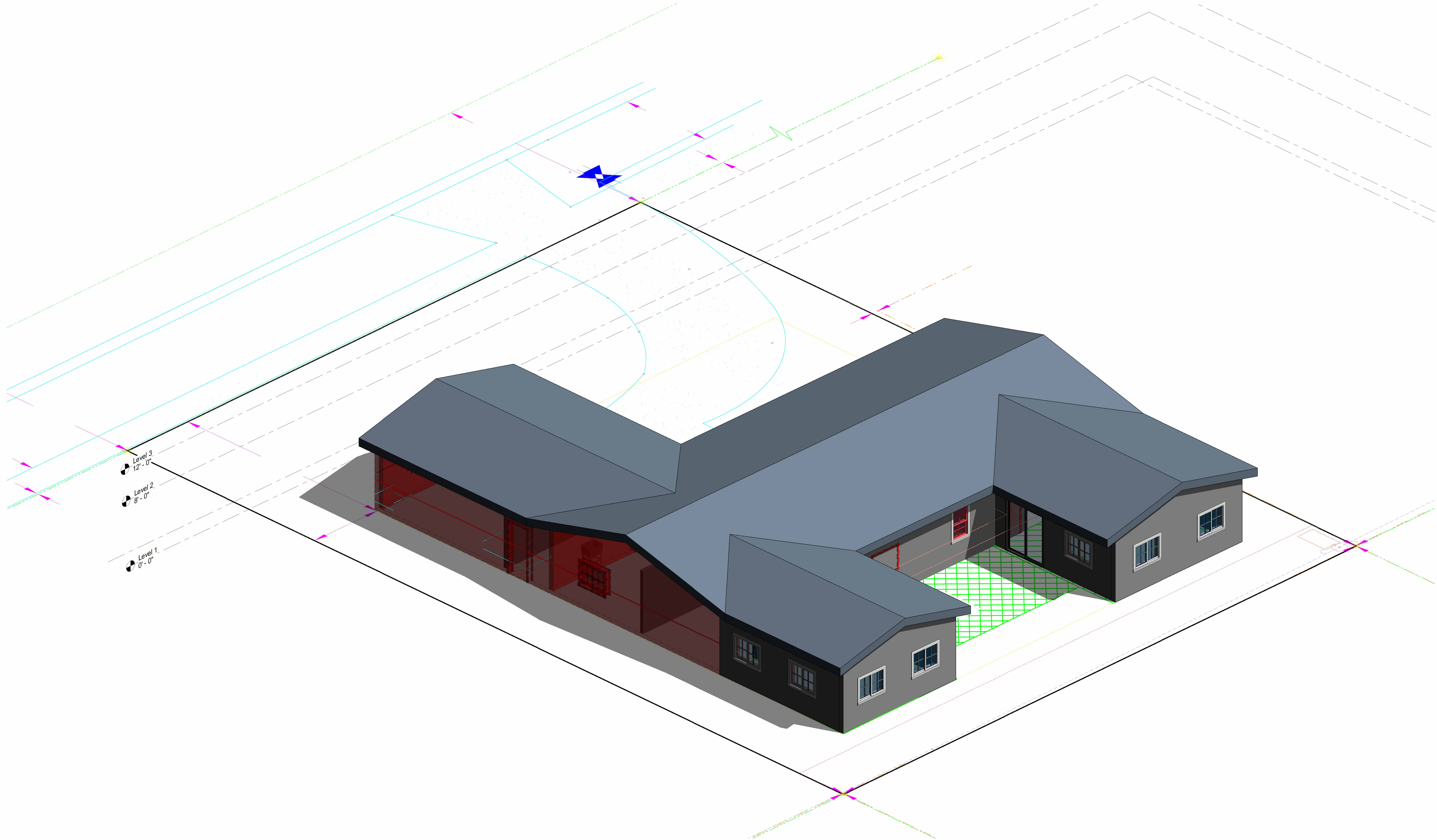
SEAL
MOMTAZ BARQ, P.E.

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Terra-Max Engineering COA #26002

DRAWING TITLE	DRAWING NO.
East & West Elevations	A1.4

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No.	REVISIONS	DATE	BY

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**633 Dunraven
Remodel**

633 Dunraven Dr,
Winter Park, Fl

SEAL
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DRAWING TITLE	DRAWING NO.
Rendering - Additions	A1.5

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

From: Laurie Ullberg <laurieu@campdavid.com>

Sent: Thursday, July 8, 2021 10:34 AM

To: George Wiggins <Gwiggins@cityofwinterpark.org>

Subject: [External] Parcel ID 09-22-30-4132-01-050

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

Hello,

I stopped in last week and spoke with Theresa Dunkle who provided me with information on the above parcel renovation that is proposed.

We live directly behind the property (636 Dunblane Drive)

My concerns would be:

2 story house - which I'm told this will not be Gabled or high roof - which I'm told this will not be

Backing up right to our fence - apparently elevation was not provided yet.

I believe the setback is 25' and new structure will be 10'

This particular house sits already farther back so we were mostly concerned with a wall and roofline backing right up to our fence

Hopefully walls will match existing structure and roof will follow roofline of existing structure.

These are my concerns. We have had no contact from the potential owner and I have not seen anyone around when I walk so just wanted to make note.

thank you,

Laurie Ullberg

Lullberg@earthlink.net

407-619-0429



Board of Adjustment

agenda item

item type Public Hearings	meeting date August 17, 2021
prepared by Theresa Dunkle	approved by
board approval	
strategic objective	

subject

Requests of Matthew Hurst & Melissa Morse requesting a revision to variances heard on June 16, 2021 to allow the construction of a swimming pool located zero feet from the lot line to the pool deck and 2 feet from the lot line to the water's edge of a swimming pool, in lieu of the required street-side setbacks of 5 feet and 10 feet respectively.

Located at: 801 Hamilton Place Ct Zoned: R-2

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[COMBINED Hamilton Place Ct.pdf](#)



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: August 17, 2021

SUBJECT: VARIANCE REQUEST by Matthew Hurst & Melissa Morse,
801 Hamilton Place Ct.

The applicant is requesting a revision to variances heard on June 16, 2021 to allow the construction of a swimming pool located zero feet from the lot line to the pool deck and 2 feet from the lot line to the water's edge of a swimming pool, in lieu of the required street-side setbacks of 5 feet and 10 feet respectively.

At the June meeting the board ruled the applicant could come back with modifications prior to the three year waiting period. Thus, the applicant hopes they will allow the pool deck to be set at the lot line, instead of at the approved a setback of five feet. The applicant would also like to place the pool's water edge at two feet from the street side property line, instead of at the approved 5 feet setback.

Under the Zoning Code there's a special allowance for a pool deck to extend from the water's edge and come closer than 5 feet to the side lot line if the owner provides a six foot high masonry wall:

Sec 58-71(j)(2) Pool decks shall be located no closer to the side and rear lot line than 50 percent of the required setback for swimming pools. Pool decks may be permitted in the remaining area of the required side and rear setbacks only if screened from the adjacent property by a six-foot masonry wall."

The intent of this provision is to help accomplish having a sound barrier and to avoid having to provide a very small green landscape space. For lots 60 feet wide or less the deck setback is only 3.75 feet which is one half of the required 7.5 foot side setback.

In this case if the Board is agreeable to a smaller setback to the water's edge of the pool then it would logical to allow the remaining area to be pool decking even though the approved barrier is black metal opaque fence and

not a masonry wall. In addition, there is no adjacent property owner next to this pool, deck and fence location.

The June 15, 2021, meeting minutes are as follows:

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

Although the zoning for the Hamilton Place subdivision is R-2 where typically townhomes or duplexes are built, this development opted to create lots for single-family homes utilizing the zoning parameters permitted for one family dwellings which in most cases, more generous setbacks and area coverages are permitted than for duplex or townhome dwellings.

On this property, when the home was constructed on this site, due to the unusual corner lot configuration, a special 10 feet street side setback was determined to be adequate along the Beloit Avenue frontage. Therefore, that same 10-foot setback is applied to this applicant's request for the proposed improvements. The Zoning Code limits wall heights to three feet within street side yards unless set back the required setback of the home, where they are permitted to be 6 feet. In addition, on other typical rectangular residential corner lots walls are permitted to have a height of 5 feet at a street side setback of 10 feet.

The home constructed has two corners located on the street side at setbacks of 10 feet and 12 feet, which meet the special street side setback given to this property. Although the water's edge of a swimming pool is required to be at the same 10 foot setback as the home, the deck of the pool is permitted to be set back at one half of that distance which is 5 feet.

The applicant points out the difficulty in providing a location for a small swimming pool in any other area on the lot in light of its configuration and the location of the existing dwelling.

With these proposed improvements including pool and decking, the allowable impervious coverage for this zoning district (65%) is not exceeded for this property.

We received 13 letters of support for this request from nearby property owners.

Mr. Wiggins pointed out the lot backs Pennsylvania Place Subdivision. He also highlighted that the property line is five feet from the sidewalk. Therefore, the proposed wall will set just inside the property line, with a zero setback distance.

In response to a Board question, Mr. Wiggins confirmed the request includes three setback requests. One is for the wall; the other two setback requests are for the pool and pool decking.

The applicant, Matthew Hurst, who resides at 801 Hamilton Place Ct., stated he updated the approval letter sent to his neighbors; clearly identifying the wall request is for a zero setback from the property line and five feet to the sidewalk. Mr. Hurst said he needs the pool to assist in the rehabilitation of his two hip replacements. He believes the proposed wall will add value to the community, enclosing Hamilton Place. Mr Hurst noted his hardship is the irregularly shaped corner lot. Mr. Hurst responded to a Board question, noting the CMU wall will replace the existing fence to deaden sound, provide greater privacy and blend in more harmoniously with the neighborhood.

Terrance Barter, of 811 Hamilton Place Court, Troy Weyman of 808 Hamilton Place Court, and William Caldwell of 1169 Oaks Blvd., all spoke in favor of the wall.

In closed session, the board offered different opinions. Ann Higbie had difficulty finding a hardship. On the other hand, both Ms. Higbie and Ms. Sawruk acknowledged the significance of the neighbors' support. Tom Sims Jr. and Mike Clary favored the pool setback request only. Robert Trompke and Charles Steinberg found the hardship is the shape of the lot and favored all of the applicant's requests.

As an alternative to the masonry or brick wall request, Mr. Wiggins suggested utilizing metal fencing that looks open but is opaque to provide a less massive appearance along this street frontage.

The applicant, Matthew Hurst said he is flexible regarding the wall material. He noted there are walls on Park Avenue one-foot away from the sidewalk. His proposed wall will be five feet from the

sidewalk. He also agrees to a hedge in front of the wall. Mr. Hurst's wife, Melissa Morse felt a hedge inside the property line would not allow the pool to sit as close to the property line.

Board member Michael Clary felt there was opportunity to design an irregularly shaped pool and a smaller spa. He suggested a reduced request, allowing the pool with the requested five-foot setback; and allowing a six-foot high black opaque fence along the property line. Matthew Hurst responded he would accept black metal opaque fencing, in lieu of the proposed wall. Mr. Wiggins noted the amendment should include community association approval that the landscaping buffer will be provided and maintained on the outside of the fence. Matthew Hurst responded he would maintain the hedge in the right of way. He also hoped the board would reconsider a two-foot pool setback.

Findings

The Board found the hardship is the unusual corner lot configuration.

Action

Based on these findings, Michael Clary made a motion to approve as presented; Tom Sims Jr. seconded the motion. The request failed by a vote of 0-6. Michael Clary made an amended motion to allow the construction of a 6' feet high metal black opaque fence, located zero feet from the Beloit Avenue lot line and a swimming pool located 5' from the street-side lot line to the pool's water edge. The amendment included a community association approved landscaping buffer will be provided and maintained on the outside of the fence. Tom Sims Jr. seconded the amended motion which passed by a vote of 6-0. Robert made a final motion to allow the applicant to come back with modifications before the three-year waiting period. Cathy Sawruk seconded the final motion which passed by a vote of 6-0.

No additional approval letters have been received.



PLAN SNAPSHOT REPORT BOA-2021-0049 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 07/19/2021
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
Description: Seeking an adjustment to a previously approved variance for a pool from 5' to 2'.		Expire Date:

Parcel: 302206330800010	Main	Address: 801 Hamilton Place Ct Winter Park, FL 32789-2446	Main	Zone:
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Applicant	Owner
Matthew Hurst	Matthew Hurst
801 Hamilton Place CT	801 Hamilton Place CT
Winter Par, FL 32789	Winter Par, FL 32789

Plan Custom Fields

Zoning	Setbacks	Section	Section 58	Subsection	67 & 71
Is the property on waterfront?	No	Is this property on historic registry or district?	No	Describe variance	We currently have been approved for a side setback (corner lot) for 5'. Even with the additional room, it makes our backyard very tight to fit a 10' wide pool. We are seeking a setback of 2' with a pool deck allowed to be setback .5' from the property line. At the June 2021 meeting we received approval for a 6' opaque black metal fence to be located at the property line. Therefore, what happens behind the fence will be unseen by any neighbors.
How long have you owned the property?	9 years	How long have you occupied the property?	9 Years	Special Condition	Irregular lot shape and change in impervious coverage allowances in 2016.
Rights/Priv	Privacy & use consistent and equal to that of other residents in R-2.	Hardship	Do to the irregular shape of our lot, much of our property is unusable. As an example, when attempting to bury a propane tank, we found out that it must be 10' from the house and 10' from the property line. There are very few places where this fits on a triangular lot. With the current 5' setback, and 2.5' pool deck, it makes the area between the pool and fence basically unusable for either landscaping or sitting.		10' wide pool, the corners of the pool are very close to the 5' required distance from the sides of the house. We would like to be able to have a small usable pool without wasting deck space that could be used for other activities.
			Additionally, even with a		

PLAN SNAPSHOT REPORT (BOA-2021-0049)

Limited Variance No

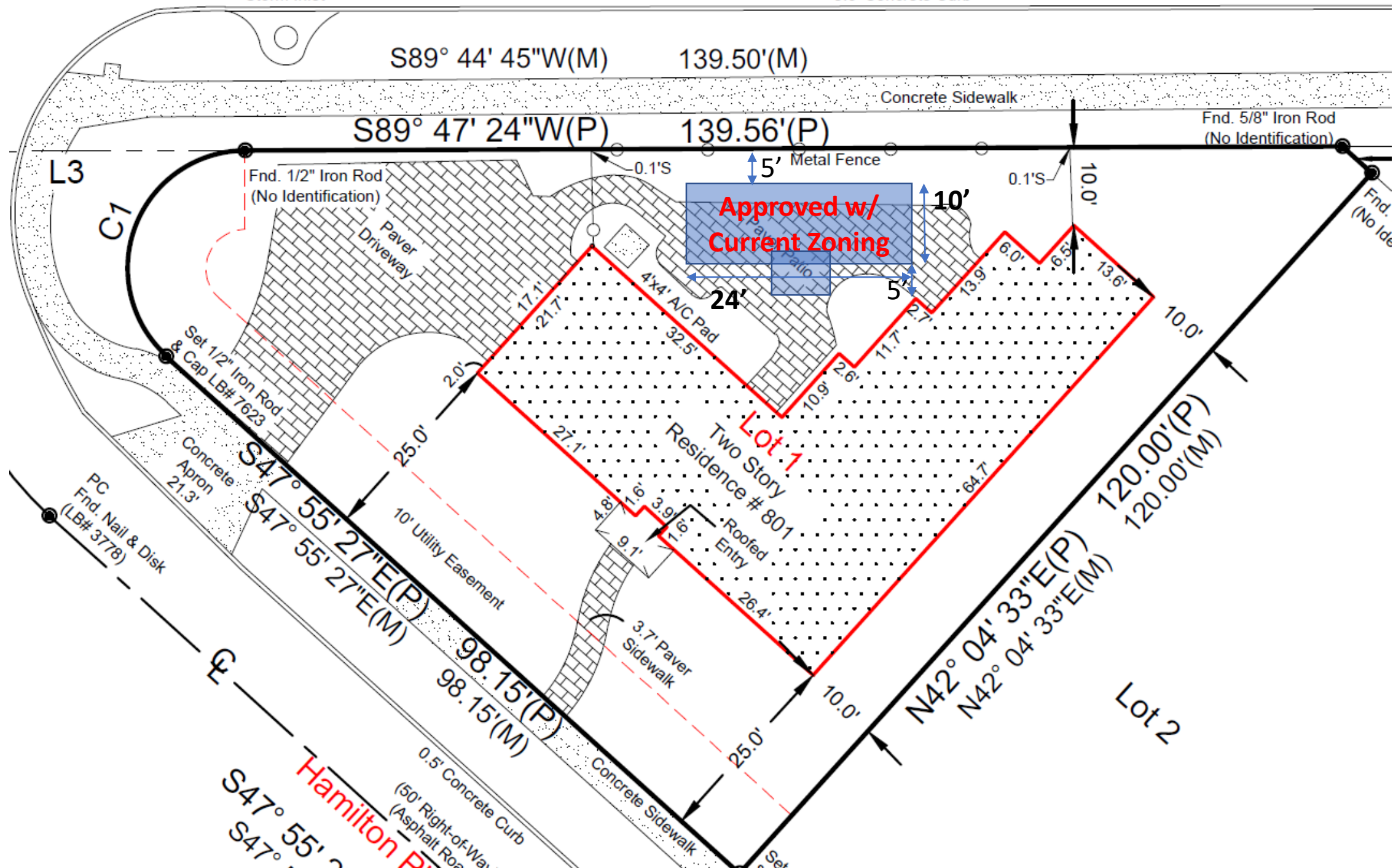
Attachment File Name	Added On	Added By	Attachment Group	Notes
Hurst R2 - Setbacks.pdf	07/19/2021 16:57	Hurst, Matthew		Uploaded via CSS
Hurst swimming-pools-spas-decks.pdf	07/19/2021 16:57	Hurst, Matthew		Uploaded via CSS
Hurst Variance New.pdf	07/19/2021 16:57	Hurst, Matthew		Uploaded via CSS
Neighbor Support.pdf	07/19/2021 16:57	Hurst, Matthew		Uploaded via CSS
Survey 2021.pdf	07/19/2021 16:57	Hurst, Matthew		Uploaded via CSS
Signature_Matthew_Hurst_7/19/2021.jpg	07/19/2021 16:57	Hurst, Matthew		Uploaded via CSS

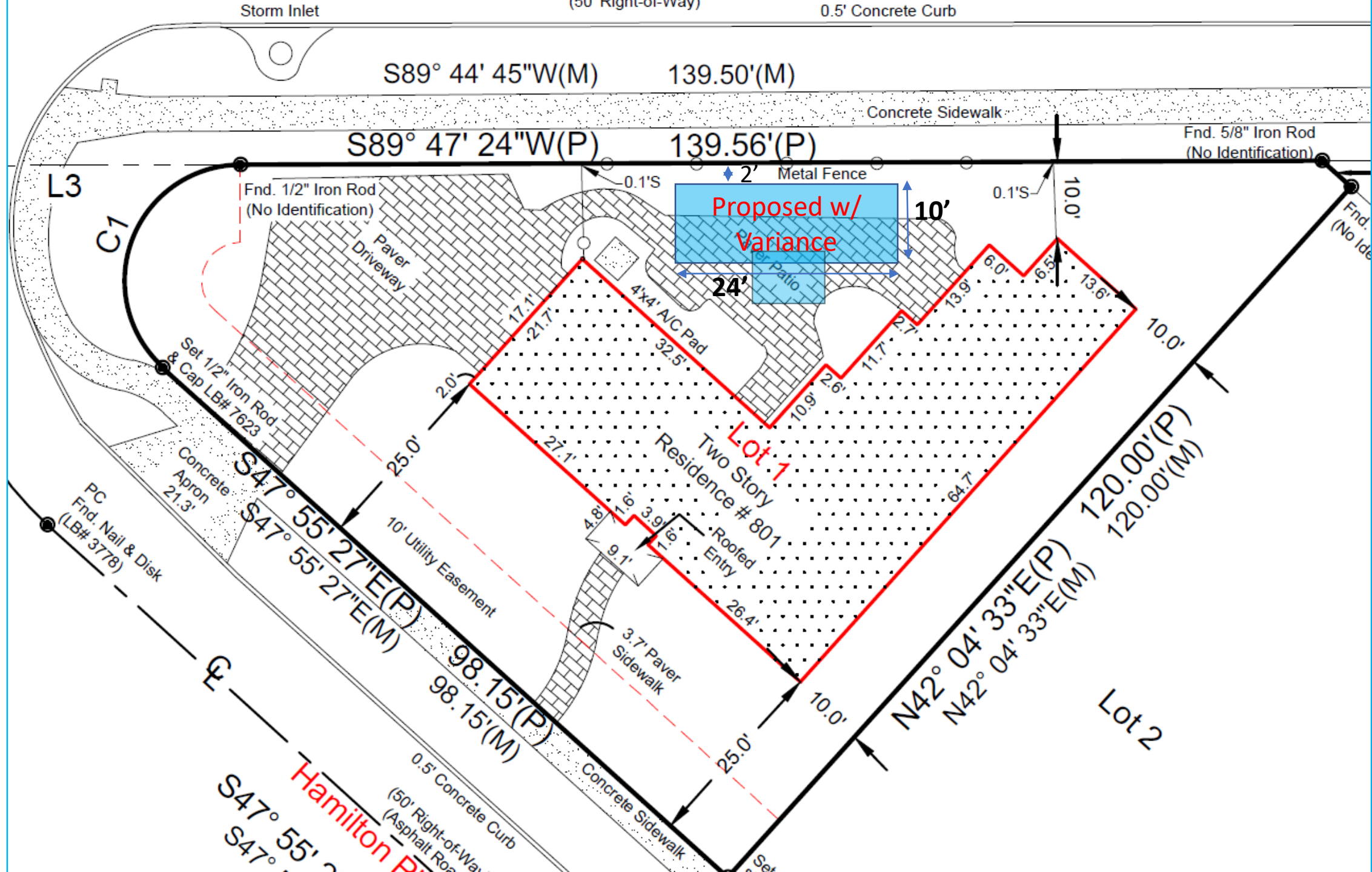
Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	In Review	07/20/2021	07/22/2021		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Building Official Review	Building & Permitting Services	Wiggins, George	In Review	07/20/2021	07/22/2021	

Workflow Step / Action Name	Action Type	Start Date	End Date
Application Completeness Check v.1			07/20/2021 9:02
Confirm Application Complete v.1	Generic Action		07/20/2021 9:02
Review v.1			
Board of Adjustments Review v.1	Receive Submittal	07/20/2021 0:00	
Issue Invoice v.1	Generic Action		
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

801 Hamilton Place Ct







Yellow arrows indicate the proposed shift in the pool setback from 5' to 2'



Example of
previously approved
opaque black metal
fence with .5' deck
setback



Boundary Survey

Legal Description:

LOT 1, HAMILTON PLACE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 58, PAGES 21 THROUGH 22 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

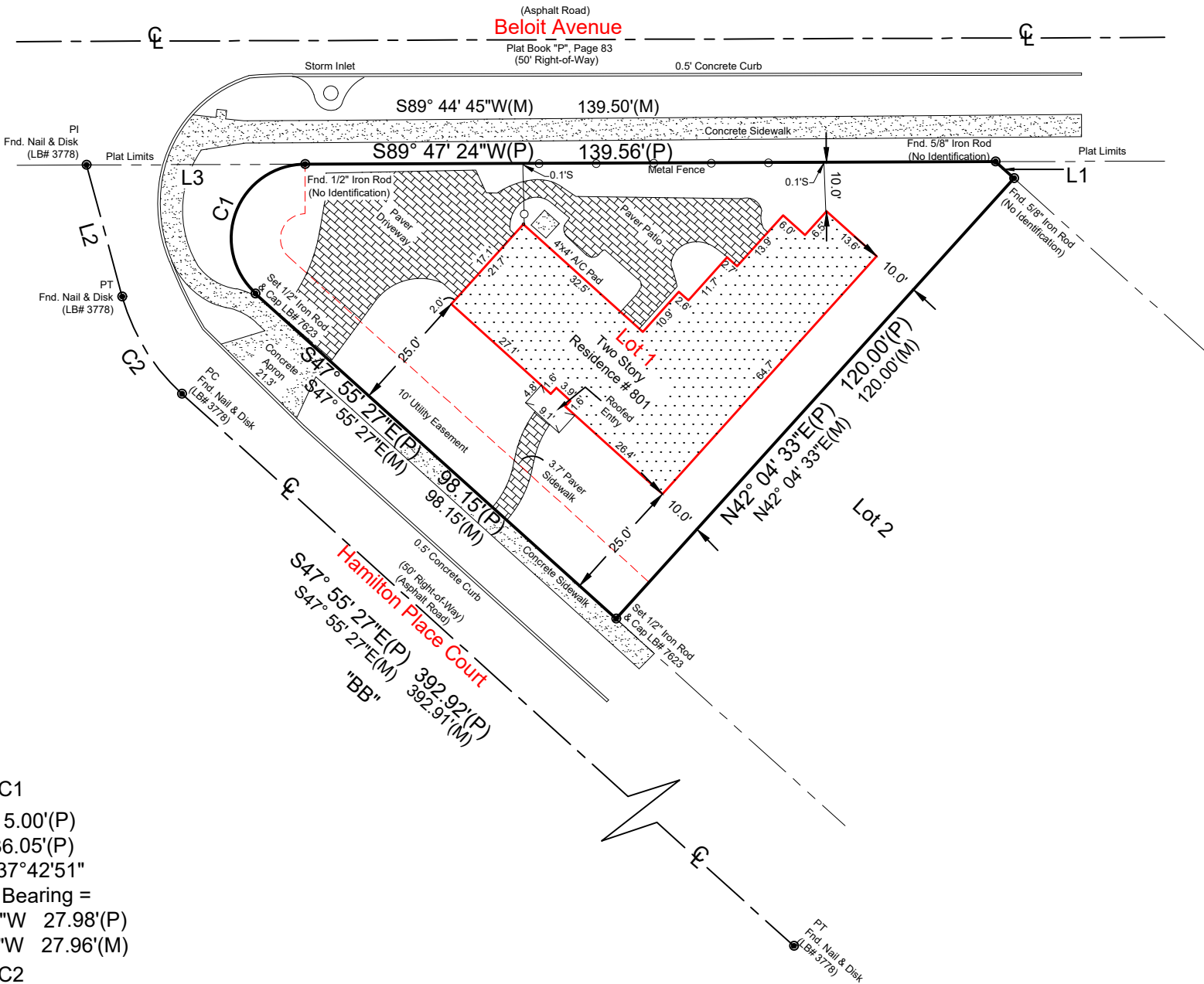
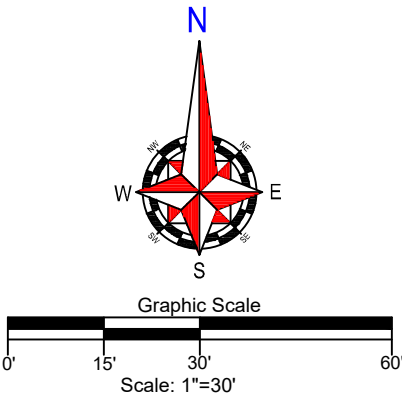
Flood Disclaimer:

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

CERTIFIED TO:

MATTHEW HURST

- L1
N47° 55' 27"W(P) 5.00'(P)
N47° 33' 08"W(P) 5.07'(M)
- L2
S15° 12' 36"E(P) 27.55'(P)
S15° 08' 39"E(M) 27.56'(M)
- L3
S89° 47' 24"W(P) 44.15'(P)
S89° 51' 17"W(M) 44.16'(M)



- C1
R = 15.00'(P)
L = 36.05'(P)
Δ = 137°42'51"
Chord Bearing =
S20°55'59"W 27.98'(P)
S21°01'12"W 27.96'(M)
- C2
R = 41.00'(P)
L = 23.41'(P)
Δ = 32°42'51"
Chord Bearing =
S31°34'01"E 23.09'(P)
S31°34'08"E 23.08'(M)

Field Date: 06/29/21	Date Completed: 06/29/21	-Notes-	
Drawn By: TCD	File Number: IS-84546	>Survey is Based upon the Legal Description Supplied by Client.	
-Legend-		>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.	
		>Subject to any Easements and/or Restrictions of Record.	
C - Calculated	PC - Point of Curvature	>Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".	
CB - Centerline	Pg. - Page	>Building Ties are NOT to be used to reconstruct Property Lines.	
CM - Concrete Block	PI - Point of Intersection	>Fence Ownership is NOT determined.	
Conc. - Concrete Monument	P.O.B. - Point of Beginning	>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.	
D - Description	P.O.L. - Point on Line	>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.	
DE - Drainage Easement	PP - Power Pole	>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.	
Esmt. - Easement	PRM - Permanent Reference Monument	>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.	
F.E.M.A. - Federal Emergency Management Agency	PT - Point of Tangency	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		
IP - Iron Pipe	R&C - Rebar & Cap		
L - Length (Arc)	Rec. - Recovered		
M - Measured	Rfd. - Roofed		
N&D - Nail & Disk	Set - Set 1/2" Rebar & Cap "LB 7623"		
N.R. - Non-Radial	Rebar - Rebar		
ORB - Official Records Book	Typ. - Typical		
P - Plat	UE - Utility Easement		
P.B. - Plat Book	WM - Water Meter		
□ - Wood Fence	Δ - Delta (Central Angle)		
	-O- - Chain Link Fence		
		Revisions:	
		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, PSM 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	

Setback/Coverage Worksheet – R-2 Zoning

(Lots over 65' in width)

Single Family Detached//Duplex/Cluster housing (R-2) Zoning District

Address: 801 Hamilton Place Ct Lot Width: 98.16

Submitted by: Matthew E. Hurst Lot Area: 8205

Single Family Residence Yes Duplex _____ Cluster Housing _____

	Existing Area	+	Proposed Area	=	Total Area	#	Permitted Area
<u>Building Coverage *</u> {Bldg footprint including any cantilevered floor areas, garages, carports, accessory bldgs and screen enclosures} Single Family 40% Duplex 35% Cluster 35%	<u>2124</u>		<u> </u>		<u>2124</u>		<u>3282</u>

Impervious Lot Coverage

{include all areas from above at grade
level plus all driveways, sidewalks,
patios, pools, artificial turf, etc}
Single Family - 65%
Duplex - 65%
Cluster - 65%

<u>3500</u>	<u>1000</u>	<u>4500</u>	<u>5332</u>
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Floor Area Ratio (FAR)**

For 2-Story Buildings only
{include 1st & 2nd floors,
garage, carports, porches,
accessory bldgs, & EXCLUDE
pool screen enclosure}

MAXIMUM PERMITTED: 55%	<u>3184</u>	<u>0</u>	<u>3184</u>	<u>4512</u>
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Building Height Maximum Permitted: 30' Proposed Height: As Is (From Existing Grade)

Maximum Building Stories: 2

Two parking spaces per unit required behind front setback line.

Provision of 1" Stormwater retention required for duplex and cluster housing.

**Applies to two-story building only; FAR is the total gross building area divided by the total lot area.

*Up to 300 sq.ft. Of area may be excluded from building coverage and from FAR area for open front porches or side and rear porches. Screen pool enclosures may also be permitted in addition to the permitted building coverage an additional eight (8%) percent of the lot area. Common driveways are permitted between two adjoining lots.

Setbacks R-2

	EXISTING	PROPOSED
<u>FRONT SETBACKS</u>		
1 st Floor – 25'	<u>25</u>	<u>NA</u>
2 nd Floor – 30'	<u>25</u>	<u>NA</u>
<u>SIDE SETBACKS</u>		
Minimum Setback is: 10'	<u>10.1</u>	<u>NA</u>
<u>REAR SETBACKS</u>		
One Story Building - 10'	<u>NA</u>	<u>NA</u>
Two Story Building - 25'	<u>NA</u>	<u>NA</u>
<u>Corner Lot Setbacks*</u>		
One Story Building - 20'	<u>10.1</u>	<u>NA</u>
Two Story Building - 20'	<u>26.4</u>	<u>NA</u>

All setbacks given are minimum permitted.

*Corner lot setbacks are measured on the side yard adjacent to the street, where the street side having the least frontage is determined to be the front.

See Ordinance for additional development standards in the R-2 District.

Attachments to R-2 Setback/Coverage Worksheets

Other provisions and allowances for R-2 District Developments: (Excerpts from Ordinance)

(3) Additional Development standards (lots 65 feet or less in width):

1. Parking shall be provided behind the front dwelling with only one driveway entering the property.
2. The driveway and parking surface setback is permitted to be one foot from the rear or side lot line subject to providing a design which will not cause additional drainage onto a neighboring property.
3. The required off-street parking shall be two spaces for the principal building, one space for the cottage dwelling, and two spaces per unit for a duplex.
4. Circular driveways and parking in front shall be prohibited.
5. No front entry garages are permitted, except when provided in the rear half of the lot or on a corner lot.
6. Open front porches or covered entryways must be provided or a similar alternate front entryway must be provided.
7. The principal dwelling may be placed in either the front or the rear of the lot.
8. For corner lots the street side setback shall be 14 feet and the interior side setback shall be 7 feet to the first floor wall only. Other site development requirements remain the same as established for lots 65 feet or less in width.
9. The area between the building and the street shall be landscaped with grass, plantings or both, and any unusual designs shall be subject to the approval of the Parks Director.
10. Screen pool enclosures may also be permitted an additional eight (8%) percent of the lot area in addition to the permitted building area.
11. Minor deviations of the floor area ratio for a principal dwelling and a cottage dwelling may be considered up to plus or minus one percent (1%).
12. When utilizing one common driveway between two properties, the required side setback of eleven (11) feet may be reduced to seven (7) feet to the first floor wall and ten (10) feet to the second floor wall.

(4) Additional Development standards for development of a single-family residence only:

1. Front entry garages are permitted if set back at least 35 feet from the front property line, and placed behind the front building line of the dwelling by at least four (4) feet.
2. The eleven (11) foot side setback shall be required if the garage is at the rear of the lot. If no driveway around the home is provided, then a seven (7) foot side setback shall be observed to the first floor wall, and the second floor setback shall be ten (10) feet to the second floor wall from the side lot line.
3. All other provisions of the development standards for lots 65 feet in width or less shall apply where applicable.

(5) Development Standards for all properties in the R-2 District:

1. A minimum distance of 22 feet shall be provided in front of garages and carports for parking turn around space, except on corner lots a minimum distance of twenty (20) feet may be permitted in front of a garage.
2. One common drive may serve two abutting properties without meeting the driveway setback requirement.

3. The architecture of the front of the building shall not included two story high features such as entry areas, porches or columns unless set back at least thirty (30) feet from the front lot line.
4. Open front porches or covered entryways may encroach up to seven (7) feet into the required front setback. A porch depth of eight (8) feet or more is requested for functionality.
5. Minimum living area. The minimum living area of any single-family residence shall be on thousand (1,000) square feet. The minimum living area of duplex or cluster residential units shall average seven hundred fifty (750) square feet but no individual unit shall be less than four hundred (400) square feet.
6. Properties or lots exceeding 10,000 square feet are permitted building heights of thirty-five (35) feet if the side setback is increased to twenty (20) feet measured to the roof component of the building over thirty (30) feet in height.

(6) Additional Development standards for R-2 lots which abut single family zoned properties:

1. The rear yard setback shall be 25 feet to the first floor wall and 35 feet to the second floor wall, except where the abutting single family zoned property is not used for residential purposes, such as churches, parks, community centers, etc.
 2. The maximum floor area ratio shall be 45%, except a single-family dwelling may utilize a floor area ratio of 55%.
 3. All building plans for duplexes shall require appearance review approval by the Town Designer or Planning Department designee in accordance with criteria listed under (e)(2) of this Section. Appeals of the appearance review determination of the Town Designer may be made by the applicant and shall be heard by the Planning and Zoning Commission within 40 days of receipt of the appeal request. The applicant or city staff may appeal the decision of the Planning and Zoning Commission to the City Commission within 15 days from the date of that decision. The matter shall be heard by the City Commission within 30 days for final determination.
- (b) Stormwater control. Duplex and cluster housing shall provide onsite stormwater retention as provided by the land development code.

SECTION 2. Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is here by amended and modified by adding to SECTION 58-82 "General Provisions" subsections (kk) and (ll) to read as follows:

- (kk) First or second floor walls of buildings in residential zoning districts shall not extend above the top plate of the first floor for one story buildings or above the second floor top plate of two story buildings so as to create additional wall height or the appearance of an additional story unless such area is part of the allowable floor area and meets the required setbacks. This limitation does not prevent the provision of a parapet wall for flat roof buildings.
- (ll) The required two-story setback shall apply to walls, which extend twelve (12) feet in height or more above the existing pre-construction grad for buildings in residential zoning districts.

November 12, 2007



CITY OF WINTER PARK - COVERAGE/SETBACK WORKSHEET

SWIMMING POOLS, SPAS AND DECKS

Land Development Code Sec . 58-71(j). General Provisions for Residential Zoning Districts

Address: _____ Lot area¹: _____

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

	MINIMUM ALLOWABLE SETBACK			PROPOSED
SWIMMING POOL/SPA ²	Interior Side	Lot width ≤ 60 ft.	7.5 ft.	
		Lot width > 60 ft.	10 ft.	
	Rear	All lots	10 ft.	
	Street Side ³	Lot width ≤ 65 ft.	15 ft.	
		Lot width > 65 ft. to 75 ft.	20 ft.	
		Lot width > 75 ft.	25 ft.	
	Lakefront ^{3,4,5}	same as the main building		
DECK	Interior Side	50% of the swimming pool/spa setback		
	Rear			
	Street Side ³			
	Lakefront ^{3,4,5}	50 ft. from ordinary high water elev.		

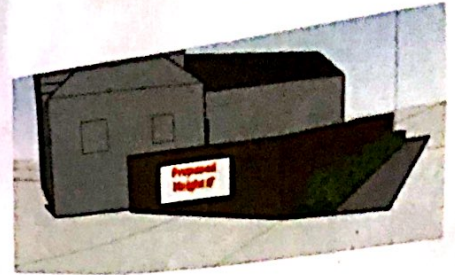
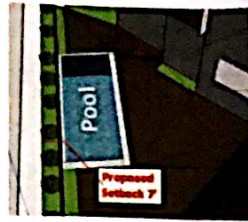
Note:

1. Submerged lands or lakefront land across streets shall not be included.
2. Setback measured from the property line to the ordinary high water line.
3. See LCD Section 58-71(n) for walls and fences regulations.
4. Retaining walls and the edge of pool decks on the lake side are limited to 3ft.
5. Streamfront or canalfront may be 20 ft. from the bulkhead if approved by the Planning and Zoning Board.

Neighbor Support For Variance Request

Matt Hurst & Melissa Morse
801 Hamilton Place Ct
Winter Park, FL 32789

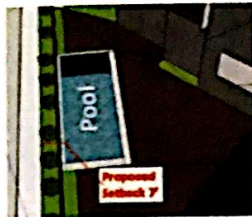
©



The undersigned individuals are in support of the following variance:
A variance for the setback requirements for a pool from 25 feet (corner lot greater than 75'), to a variance of 7 feet to be more in line with the requirements for side setbacks for small lots in the R-2 zoning areas. Additionally, and jointly, we are seeking a variance in building a solid, masonry style (or brick) wall from the zoning required 3 feet, to a height of 6 feet at a setback distance of 5 feet from the property line. There is currently an existing decorative fence at a height of 4 feet at this current location and a 6 foot podocarpus hedge.

	Address	Owner Name	Signature	Date
1	811 Hamilton Place Ct	Terrance Burt	Terrance Burt	5/13/21
2	808 Hamilton Place Ct	Amanda Weyman	[Signature]	5/13/21
3	804 HAMILTON PLACE	CHRIS POTER	[Signature]	5-13-21
4	800 Hamilton Place	Kenny Steinbach	[Signature]	5-13
5	1080 Kenwood Ave	[Signature]	[Signature]	
6	1090 Kenwood Ave	Kelly Faulen	[Signature]	5-13
7	1150 Kenwood Ave	Deborah Schultz	[Signature]	5/13/21
8	1127 Kenwood Ave	Steve Katchur	[Signature]	5/13/21
9	1120 Kenwood Ave	ANILEY FRAZIER	[Signature]	5/13/21
10	1157 KENWOOD AVE	DOUG MORRISON	[Signature]	5/14/21
11	1081 Kenwood Ave	Stacie Beckendorf	[Signature]	5/15/21
12	802 Hamilton Pl Ct.	Jill Theisen	[Signature]	5/15/21
13	1157 Kenwood Ave	Ganetha Mason	[Signature]	5/14/21
14				
15				
16				
17				
18				
19				
20				

Neighbor Support For Variance Request



To the Winter Park Board of Adjustments,

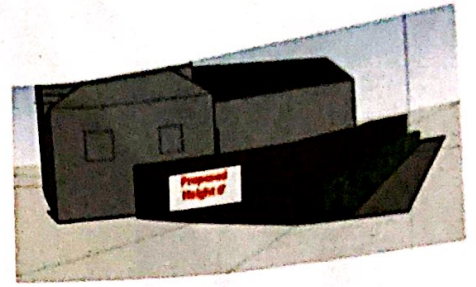
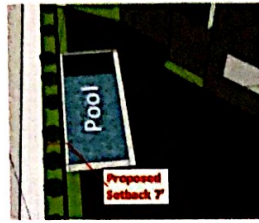
I, Gregory G. Gribble the owner and occupant of 1071 Oaks (address), live directly across from Matt Hurst and Melissa Morse on Beloit Ave. As their direct neighbors, I have seen their proposed plan to build a 6-foot brick or solid stucco style wall to enclose their side yard in order to put in a pool. I support this plan and believe it adds value to the neighborhood.

Signed: _____

Gregory G. Gribble

Date: 5/15/2021

Neighbor Support For Variance Request



To the Winter Park Board of Adjustments,

I, Nicole Yeman, the owner and occupant of 1070 Kenwood Ave (address), live directly across from Matt Hurst and Melissa Morse on Beloit Ave. As their direct neighbors, I have seen their proposed plan to build a 6-foot brick or solid stucco style wall to enclose their side yard in order to put in a pool. I support this plan and believe it adds value to the neighborhood.

Signed: Nicole Yeman

Date: 05/13/2021



401 South Park Avenue • Winter Park, Florida 32789

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

**Building &
Permitting
Services**

BOARD OF ADJUSTMENTS

June 16, 2021

Matthew Hurst & Melissa Morse
801 Hamilton Place Ct
Winter Park, FL 32789

Dear Matthew Hurst & Melissa Morse,

Your request for variances to allow the construction of a 6' feet high brick wall, swimming pool and pool deck, located zero feet from the Beloit Avenue lot line for the wall, one foot setback to the pool deck, and 2 foot setback to the pool's edge; in lieu of the required street side setback of 10 feet, was denied by the Board of Adjustments on June 15, 2021.

However, the Board of Adjustments approved an amended motion to allow the construction of a 6' feet high metal black opaque fence, located zero feet from the Beloit Avenue lot line and a swimming pool located 5' from the street-side lot line to the pool's water edge with the understanding that a community association approved landscaping buffer will be provided and maintained on the outside of the fence.

The Board of Adjustments approved a third motion allowing you to return with a revised design if desired, prior to the three-year waiting period.

The subject property described as Parcel ID #06-22-30-3308-00-010 as recorded in the Public Records of Orange County, Florida.

Located at 801 Hamilton Place Ct

Zoned: R-2

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

Respectfully,

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

YOU HAVE THE RIGHT TO REAPPLY BEFORE THE TYPICAL THREE (3) YEAR WAITING PERIOD, AFTER THE DATE OF THE BOARD'S ACTION ON THE VARIANCE REQUEST.