

BOARD OF ADJUSTMENTS
CITY OF WINTER PARK, FLORIDA

Regular Meeting

December 17, 2013

Commission Chambers

5:00 P.M.

PRESENT

Lucy Morse, Chair, Phil Kean, Vice Chair, Robert Trompke, John Simpson, Jeff Jontz, Ann Higbie, and Bruce Becker. George Wiggins, Director of Building. Carla Bahlmann and Kimchi Tran, Recording Secretaries.

MINUTES

Ann Higbie made a motion, seconded by John Simpson, to approve the minutes with amendments from the November 19, 2013 meeting. The minutes were approved as amended, 7-0.

OPENING STATEMENT AND PUBLIC COMMENTS

Ms. Morse explained the rules of procedure for variance cases and opened the floor for any public comments.

OLD BUSINESS

Request of Ron Tetenbaum for a variance to allow the construction of a boathouse with a total area of 656 square feet and extending 34 feet into the Lake Osceola whereas the maximum allowed area is 600 square feet and the maximum distance permitted into a lake is 30 feet.

Located at 600 Seminole Drive. Zoned: R-1AAA

George Wiggins, Director of Building, stated that the applicant is requesting a variance to allow the construction of a boathouse with a total area of 656 square feet and extending 34 feet into the Lake Osceola whereas the maximum allowed area is 600 square feet, and the maximum distance permitted into a lake is 30 feet.

Mr. Wiggins presented the following staff report:

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In order to build a more functional boathouse with a different configuration, the applicant is requesting two variances to build a new boathouse with three boat slip areas while retaining the same area as the existing boathouse and the same distance out into the lake. In addition, to accommodate the objective of not further encroaching into the lake view of the neighboring property owner, the new boathouse is being moved further away from the side property line to a setback of 18 feet. Currently, the boathouse is 10.8 feet from the side lot line.

The new boathouse will have exterior dimensions of 28 feet by 22 feet with a roof structure covering this entire area. Although no typical storage area is shown on the plan, the applicant requests the allowance to have a small 64 square foot storage area similar to the existing boathouse should the owner desire to include this. This area would be placed closest to the shoreline within the boathouse and will not impact any lake views for the neighbor.

The purpose of having the extra four feet of boathouse extension is to retain enough water depth for two of the boat slips near the shoreline which is similar to the boat slip location in the existing boathouse. The second small boat slip is being provided as a space for a jet ski.

The property owner on the north side of this proposed boathouse location is most impacted by this request, and he has submitted a letter of support for the new boathouse request that includes the two variances.

Our Lakes Division has reviewed the request and has no objections.

Mark Estrin, agent of the owner, stated that the existing boat dock does not meet the new homeowner's desired configuration for providing adequate boat slips and he did not realize this prior to this purchase of the property. He thought that they could replace the boat dock with the new one as long as it maintained the current size. The homeowner is unable to dock his jet ski under cover if the entry dock doesn't have the extra length.

FINDINGS

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The Board Members expressed that having a cove is not necessarily a hardship and the boat dock can be configured in different way to accommodate the three boat slips and still meet the Zoning Code criteria.

ACTION

Based on these findings, Jeff Jontz made a motion, second by Robert Trompke to approve the variance. The motion failed by a vote of 1-6, with John Simpson voting in favor, and the request was denied.

NEW BUSINESS

1. Request of Rob Smith a variance to allow the construction of a new home with greater side setbacks (averaging 4.5 feet greater on the first floor and 5 feet greater on the second floor in order to compensate for an 8.5 foot encroachment into the rear setback by a portion of home (21 foot wide) and to allow a rear one story component to have a height of 18.5 feet whereas the permitted height is 12 feet at a rear setback the required rear setback of 25 feet. The proposed one story setback is 30.5 feet. To protect against future expansion of the mass of the home into the side setbacks, applicant proposes creating a permanent deed restriction to limit any future expansion in the side yards.

Located at 1350 Lake Knowles Circle

Zoned: R-1A

George Wiggins, Director of Building, re-stated and summarized the request as stated above.

Mr. Wiggins presented the following staff report:

This is not the usual request that involves an existing home; however, the applicant and his architect have submitted a request that is intended to accomplish the goals of our Zoning Ordinance. This proposal requiring the Board's approval involves allowing an architectural style that limits the mass of a new home built within an existing neighborhood by granting a variance at the rear of the home while compensation for this mass is provided having larger side setbacks than required in the side yard area. This creates a street view of less overall bulk and size than a structure that is built to the allowed side setbacks.

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This property has dimensions of 100 feet in width and averages 122 feet in depth, which is less deep than most lots which typically have between 125 to 150 feet of lot depth averaging over 130 feet. If the lot was 130 feet deep then no variance would be needed for the second floor, and if the lot was 126.5 feet deep then no variance would be needed for the taller one story component which is 18.5 feet in height.

The proposed home is under the allowable gross floor area by 67 square feet, under the allowable impervious coverage by 785 square feet and is under the allowable 35 foot building height by 11.5 feet.

The applicant has provided various views of the project showing how the actual building size is dwarfed by the allowable side setbacks and that the new home will be much smaller in width than allowed by the Code.

The following code provision applies to this request:

Sec. 58-71. General provisions for residential zoning districts

(ee) Required two-story setback applies. The required two-story setback shall apply to walls which extend 12 feet in height or more above the existing pre-construction grade for buildings in residential zoning districts.

This provision was intended to basically apply to side yard setback situations and with the establishment of our larger rear setbacks of 25 feet to the first floor and 35 feet to the second floor several years ago, it was not envisioned that your rear wall height would have the same 12 foot height limit when the two story side setback is met as is the case here. A code modification will be proposed to allow more height for rear one story walls to a more realistic height of 18 to 20 feet since the two story wall height at the 35 foot setback can be as high as 30 to 35 feet. However, making this ordinance change could take several months in going through the Planning Board and City Commission.

The applicant has received letters of support from seven neighboring property owners.

Rob Smith, applicant, stated that the front and rear setbacks create a very limited shallow buildable home area, which has reduced the amount of space we have to work with for a new home. He expressed that this design helps to meet the intent of our zoning rules of city. The house has wider side setbacks than allowed which creates more openness along the sides of the home and reduces the appearance of mass for the contemporary style of architecture.

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Michael Henrich, architect for the project, stated that the design does allow the creation of a modest 3 bedroom home which is critical for the needs of the homeowner and his family, while capturing the desired architectural style. Emphasis was also placed on the owner's willingness to actually place a deed restriction on the property to limit expansion into the side setbacks.

FINDINGS

The Board Members expressed some concern about finding a hardship on a vacant lot, however, some felt that actually giving up future expansion into the side setback accomplishes the goal of reduce mass of the home. In addition, several of the surrounding property owners had reviewed and approved of the home configuration with the larger side setbacks.

ACTION

Based on these findings, Jeff Jontz made a motion, second by Ann Higbie to approve the variance with condition of the deed restriction. The motion passed by a vote of 4-3, with Phil Kean, Ann Higbie and Robert Trompke voting in opposition, and the request was approved.

2. Request of Lundequam Development LLC for a variance to allow the reduction of a side yard setback to 9.78 feet whereas the required side setback is 16 feet. The purpose of the side yard decrease is to create a buildable single family lot with the required lot width of 75 feet. In order to meet the 75 foot width requirement for this R-1A Zoning District, the newly created side lot line will be closer to the existing home than required under the Zoning Code.

Located at 520 Shepherd Avenue Zoned: R-1A

George Wiggins, Director of Building re-stated and summarized the request as stated above.

Mr. Wiggins gave the following staff report:

Currently, the home sits on a property with a total lot width of 200 feet, and the owner desires to split off the southern portion of his property, leaving the existing home on a lot that is still large for this area leaving 125 feet of lot width. The portion of this home closest to the proposed relocated side lot line is a one story garage. The side setback requirement of 16 feet is large because of overall width of the property. This lot in the R-1A Zoning requires a side setback which is

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12.5% on each side of the lot for a total setback of 25% of the lot width. 12.5% of 125 feet results in a side setback requirement of 16 feet after rounding up to the nearest whole number.

The buildable lot being created through this lot split is comparable in size with many of the properties throughout this neighborhood, particularly along the west side of Shepherd Avenue.

One mitigating factor with regard to the required side setback is that under our Zoning Code a 10 foot side setback is permitted to a side wall of a home with a maximum wall height of 11 feet. The side wall of the garage is 11.5 feet to the roof surface and then another 3.5 feet to the top of the parapet wall. The Code is not clear on how to deal with side walls with parapets; however, if the roof height was 6 inches less than the required side setback would only be 10 feet.

No letters of opposition or non-objection were received regarding this request.

Brett Lundequam, the applicant, stated that in mid-1980 there was a separate lot sharing the same lot line and 2 homes previously existed on this property. Mr. Lundequam also stated it is hard to generate the value of the house when doing comparable sales with the neighborhood which has lots more in keeping with the 75 foot wide lot being created through this side setback variance request. Even with the creation of a new lot, the remaining lot on which the home is located at 125 feet in width is much larger than the average size in the neighborhood.

FINDINGS

The Board Members felt the hardship is the house being built before the code changed and that the lot size created is comparable and compatible with other lots in the area.

ACTION

Based on these findings, Robert Trompke made a motion and second by Phil Kean to approve the variance. The motion passed by vote of 6-0, and the request was approved.

Meeting was adjourned at 6:37p.m.