

**BOARD OF ADJUSTMENTS**  
**CITY OF WINTER PARK, FLORIDA**

**Regular Meeting**

**March 17, 2014**

**Commission Chambers**

**4:00 P.M.**

**PRESENT**

Lucy Morse, Chair, Phil Kean, Vice Chair, John Simpson, Jeff Jontz, and Ann Higbie. George Wiggins, Director of Building. Kimchi Tran, Recording Secretary. Robert Trompke, Bruce Becker and Alternate member Patrice Shirer were absent.

**MINUTES**

Lucy Morse made a motion, seconded by Jeff Jontz, to defer the minutes with amendments from the February 18, 2014 meeting. They approval of minutes were tabled by a vote of, 5-0.

**OPENING STATEMENT AND PUBLIC COMMENTS**

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

**NEW BUSINESS**

1. Request of Robert Vega a variance to allow the construction of a room addition with a rear setback of 19 feet whereas the required setback is 25 feet.

Located at 2065 Lynwood Lane

Zoned: R-1A

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

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Currently, a nonconforming metal roofed screen room exists at the rear of the home at this property, and the applicant desires to remove this structure and replace it with a master bedroom and bath that will fit into the design and position of the home. In order, to properly square off the corners of the addition, one corner will be located within the required rear setback at 19 feet; however, the current screen room is at 20.8 feet. The other corner of the proposed addition will not encroach into the required side setback of 14 feet.

The replacement bedroom addition will have an area of 529 square feet resulting in a total area of 2,690 square feet, which is well less than the maximum area permitted of 4,500 square feet. The new impervious coverage on the lot will be 3,504 square feet which is well under the allowable coverage of 7,590 square feet.

The property is a corner lot, and the home is not positioned square on the lot but instead is placed in a diagonal location making it difficult to add the proposed addition without encroaching into a required setback with a corner of the new structure.

We have received two letters expressing no objections to this variance from the most impacted abutting property owners at 1871 Barker Drive and 2059 Lynwood Avenue.

The Board understood the request and did not need to hear from the applicant.

### **FINDINGS**

The Board stated the hardship is the diagonal orientation of the house on the lot and existing conforming setback that existed when the property was annexed into the City.

### **ACTION**

Based on these findings, Phil Kean made a motion, second by Ann Higbie to approve the variance. The motion passed by a vote of 5-0 and the request was approved.

2. Request of Regina O'Brien for a variance to allow the construction of a room addition with a street side yard setback of 15.1 feet in lieu of the required setback of 20 feet.

Located at 1271 Palmer Avenue.

Zoned: R-1AA

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

The purpose of this variance is to allow constructing a master bedroom suite in a location that generally lines up with one existing wing of the home with the wall of this addition recessed an additional 6 inches beyond the current wall along the Temple Drive frontage.

The property is a corner lot with an area of 15,000 square feet with an existing one story home having a gross area of 2,757 square feet with a maximum allowable area of 4,950 square feet. The proposed addition has an area of 464 square feet which will be well under the allowable building area for this lot. In addition, the increased impervious coverage on the property will be 111 square feet which is much less than allowed by nearly 2,300 square feet.

When the home was built in 1948, the setback along Temple Drive of nearly 15 feet was permitted and continued to be an allowable street side setback until sometime in the 1980's when larger corner lots over 65 feet in width were required to provide a 20 foot street side setback.

Four letters expressing no objection to this request have been received.

Two are the adjacent properties and two are from residents located remotely from this property.

Regina O'Brien, the applicant, stated the house needs extra width to accommodate the master bedroom and bath and this is the most logical place to locate the addition based on the current layout of the home.

### **FINDINGS**

The Board asked questions of the applicant to verify that this is the most appropriate location for the addition with the least encroachment.

The Board Members felt the hardship is allowing the addition nearly in line with the existing street side wall of the home without further encroachment into the setback.

### **ACTION**

Based on these findings, Jeff Jontz made a motion, seconded by John Simpson to approve the variance. The motion passed by vote of 5-0, and the request was approved.

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3. Request of Michelle Kermes for a variance to allow the construction of a swimming pool and deck which exceeds the allowable impervious coverage by 680 square feet or 56.7% of lot area in lieu of 50%.

Located at 1761 Walnut Avenue

Zoned: R-1A

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

A new home was recently built on this property, and the new owner is requesting permission to exceed the allowable impervious coverage by 678 square feet in order to allow a larger pool deck area. As part of the special conditions and circumstances that relate to this variance request, the applicant is citing the location of the home as being further back than needed which created more impervious area for the driveway and less impervious area available for the pool area. However, the driveway can be converted to gravel with flush concrete curbing, and the area of the gravel surface could be allocated toward the pool and deck area. The area of the driveway surface is approximately 660 square feet, which is nearly the amount of additional impervious surface being requested for this variance.

The applicant has received three letters expressing no objection from three of the four surrounding property owners and has attempted to contact the fourth owner (adjacent property at 1773 Walnut Avenue) by sending a Federal Express letter and plans to the owner in Goldenrod but has apparently not heard back from that owner.

Due to the fact that this is a newly redeveloped property with a new home built just last year, it may be difficult for the owner to establish that she has met the criteria under our Zoning Code to grant a variance. In addition, there has been no attempt to offset some or all of the excessive impervious coverage by converting existing impervious areas back to pervious surfaces.

Bobby Wanas, the builder of Paradise Pools by Design, stated the footprint of the house is the same regarding the story of the house and building the pool will improve the value of the house.

Michelle Kermes, the applicant, spoke to Board regarding allowable impervious coverage and she agreed for this be tabled to try to find a solution.

The Board discussed that the request with the applicant and pool builder.

**FINDINGS**

The Board Members felt the variance amount was excessive the pool and deck needs to be redesigned as a much smaller pool with a revised request and try to get closer to the 50 percent impervious ratio limitation.

**ACTION**

Based on these findings, Jeff Jontz made a motion and second by Ann Higbie to table the request. The motion passed by a vote of 5-0 and the request was tabled.

4. Request of David Stone for a variance to allow the construction of a cabana/gym accessory building with side wall heights of 12.5 feet in lieu of the maximum allowed height of 10.5 feet.

Located at 1750 Via Tuscany          Zoned: R-1AA

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

Under the accessory building regulations in the Zoning Code, the maximum allowed wall height at the 10 foot side and rear setback location is 10.5 feet and buildings with higher side wall or flat roof heights must be located at the same setback as the principal building (main residence). The required side setback for this home is 21 feet (due to large lot width) and the required rear setback is 25 feet.

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

(i) Accessory buildings, structures, air-conditioning equipment and other accessory uses in residential zones.

d. Accessory buildings in rear yards. The exterior walls of accessory buildings shall not exceed 10.5 feet in height measured from natural grade to the roof sheathing surface unless placed at the same setback as required for the principal building.

If this accessory building had a sloped roof and met the 10.5 foot side wall height, and the roof height at the ridge was 18 feet or less, then this type of structure would be permitted. Having the flat roof at the 12.5 foot height which

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extends all the way to the side and rear setback lines results in an accessory structure that does not meet the Zoning Code criteria.

Therefore, there are two ways to consider this variance:

- 1) An accessory building with 2 feet of additional roof height than allowed; Or
- 2) An accessory building which does not meet the required setbacks of the principal building (21 feet on the side and 25 feet in the rear).

The Board might consider if the flat roof feature of this building adequately compensates for an allowed structure that has a sloped roof up to 18 feet in height.

One letter was received expressing objection to this request.

### **FINDINGS**

The Board and applicant discussed whether there were design changes that could avoid needing a variance. The applicant agreed and requested that this be tabled in order to explore other options.

### **ACTION**

Based on these findings, Jeff Jontz made a motion, seconded by Ann Higbie to table the request. The motion passed by a vote of 4-0 as Mr. Kean recused himself for this request and the request was tabled.

Meeting was adjourned at 5:00 p.m.