

BOARD OF ADJUSTMENTS
CITY OF WINTER PARK, FLORIDA

Regular Meeting

May 19, 2014

Commission Chambers

5:00 P.M.

PRESENT

Lucy Morse, Chair, Vice Chair, Robert Trompke, Jeff Jontz, Ann Higbie, Bruce Becker and Alternate member Patrice Shirer. George Wiggins, Director of Building. Kimchi Tran, Recording Secretary. John Simpson and Phil Kean were absent. Jeff Jontz recused himself from hearings #2 due to a conflict of interest.

MINUTES

Ann Higbie made a motion, seconded by Jeff Jontz to approve the minutes with the correction from the April 15, 2014 meeting. The minutes were approved as amended, 6-0.

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

1. Request of Daniel Cochran for a variance to allow the construction of a pool cabana with a 14 foot wide open breezeway connection to a home in lieu of the required maximum 8 foot wide breezeway.

Located at 2208 Via Luna

Zoned: R-1AA

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

Update for May Meeting:

The architect for the applicant, Tom Lamar, has provided a revised plan and explains this in an email printed out in the information packet provided to the Board.

He has prepared a plan that meets the Code by connecting the cabana to the home with an 8 foot wide open roofed connection, creating the required 5 foot separation from the home. This satisfies the definition of a "detached accessory building" and allows the 10 foot rear setback requested last month. As you can see from the plan, this creates an unusual 4 foot by 6 foot long roof opening between the home and the cabana. Therefore, the request this month has been revised to seek a variance allowing the 8 foot wide breezeway to be 14 feet in width. The net result will be to fill in that 4' by 6' opening, and the rationale is that filling in this opening has no impact on any neighboring property & does not create more mass on this property due to the openness of the cabana.

Tom Lamar, the designer, stated the kitchen has been redesigned to open in both directions North and South. This home is not a tear down, and most of it still remains. The lot is extremely difficult to work with due to the narrow width. This is not a new house and the north portion of the house was a wall, and they are taking it down to lift the structure a little bit higher elevation. The entire right side of the house has not been touched in terms of the footprint and the left side of the house has been added toward the front of the building. They are using 70-80% plus of existing footprint. This is a split level home with the right side being two stories, and the left side is one story.

Larry Rostkowski, the contractor for the applicant, stated that the owner wants to keep the original structure instead of demolishing the entire house. They did not start with a vacant lot. The owner would like to fill in a small roof opening in the house to cabana connection that is not visible and has no impact on any neighboring properties.

FINDINGS

The Board Members expressed some concern about the design not substantially changed from the original request; however, some felt that they found a legal way to do this layout. The design meets the code requirement except applicants desires to fill in the 4 feet x 5 feet open roof area. In addition, four letters were received from surrounding property owners expressing no objection.

ACTION

Based on these findings, Jeff Jontz made a motion and second by Bruce Becker to approve the variance. The motion passed by a vote of 4-2, with Ann Higbie and Patrice Shirer voting in opposition, and the request was approved.

NEW BUSINESS

1. Request of Ingaborg Ellzey for a variance to allow the construction of a pool screen enclosure with a lot coverage of 11.7 % (2,200 sf) whereas the maximum allowed coverage is 8 % (1,503 sf).

Located at 1340 Grove Terrace

Zoned: R-1A

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

The request to exceed screen enclosure coverage is due to extensive tree canopy which has significantly grown since the pool was originally constructed in 2004. The owner is reluctant to lose some of their tree canopy, and some of the trees are on a neighboring property.

The proposed enclosure is dome shaped with a maximum height of 14 feet in the middle and dropping down to 9 feet on each side with dimensions of 64 feet in length and 33 feet in width. This results in an overall area of 2,200 square feet, which exceeds the allowable coverage by approximately 700 square feet.

In preparing more detailed plans for the meeting, the applicant has altered the original screen enclosure to a smaller version by moving in the east side of the enclosure by approximately 10 feet resulting in a much smaller size at 1,880 square feet versus the original size of 2,200 square feet. This cuts the request to 10% of the lot area instead of nearly 12%. In meeting at the home with a representative of the owner, it appears to be a realistic alternative because the east side screen wall is now proposed to be placed at a step down break on the pool deck.

Also, the new engineered screen enclosure plans show that the width of the enclosure has been reduced to approximately 54 feet instead of the original width of 64 feet.

The applicant has received two letters expressing no objection from surrounding property owners and has stated an additional letter of non-objection was secured and presented at the meeting.

Mr. Stuart Buchanan, the representative of the homeowner, stated that from the screen enclosure at the overhang of the eve is over the allowed amount by 1.2% rather than 1.8%. The homeowner does not want to cut down the large healthy tree and cannot cut down the trees on her neighbor's property. However the tree leaves are ruining the pool equipment and the best alternative is put up a screen enclosure.

FINDINGS

Most Board Members expressed that they did not see adequate hardship to exceed the allowable coverage. They felt that leaves falling have a very short season and not all the time. The Board discussed the possibility of tabling the request with the applicant to reduce the enclosure further.

ACTION

Based on these findings, Patrice Shirer 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. Mr. Jontz recused himself from voting on this matter.

2. Request of Hannibal Square Community Land Trust for variances to allow the construction of a new home with rear setbacks of 12.7 feet to the first floor and 31 feet to the second floor of the home whereas the required setbacks are 25 feet and 35 feet respectively, and to allow a pergola located 3 feet from the rear lot line, 8 feet from street side lot line and 2 feet from the home & porch whereas the required setbacks are 5 feet to the rear lot line, 10 feet to the street side lot line and 5 feet of separation to the home and porch.

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

This subject corner property is only 84 feet in depth with an area of 5,250 square feet making it very difficult to meet some of our R-1A Zoning setback requirements for a new home, particularly in the rear yard area. As proposed, the home has been situated to meet the front, interior side and street side setbacks but encroaches the rear setbacks. At one time the rear setback was only 10 feet. Special 10 foot rear yard setbacks were adopted into the code several years ago for shallow lots on Douglas Avenue between Denning and Hannibal Square West. This lot and the adjacent lot on Virginia Avenue are both very shallow in depth, and the home next door has a smaller rear setback of between 10 and 15 feet similar to what is being requested here.

Board of Adjustments Minutes

May 19, 2014

Page 5

Another issue that arises on these smaller lots is where to provide parking space. The Land Trust is attempting to create an attractive pergola parking structure to contain two off street parking spaces at the rear of the home to be accessed from Comstock Avenue. However, some minor encroachment variances are needed to allow this to be built.

The plan before the Board is a revision from the original application. My recommendation is provide a 6 foot wide porch on the front by moving the building back one foot, leaving a 14 foot first floor setback and a 32 foot second floor setback. In addition, the pergola should be turned to be situated 90 degrees (perpendicular) to the side street and widened to 18 feet to accommodate two required parking spaces. This should eliminate the 8 foot street side variance also. The net result will leave the 1st and 2nd floor and pergola rear setback encroachments and the 5 foot separation variance for the pergola.

The proposed home meets the maximum allowed floor area and impervious coverage for this small lot.

Denise Weathers, executive director of Hannibal Square Community Land Trust, stated that this is a non-conforming lot and the family requires the size of the house to accommodate the whole household. She also stated that she did not have a letter from the property, lot 7, across the street as that property is in probate. The prospective owner desires a very modest size home on this small corner lot and needs these minor encroachments to achieve a colonial architectural style.

Carl Curtis Hodges, a nearby property owner, stated that this is a beautiful plan and it is always nice to see how much the HSCLT does for the family and for the community.

Dan Bellows, the owner of Sydgan Corporation, stated that 461 S Virginia is not a non-conforming lot. The property across the street, lot 7, is under contract and it is not in probate. He met with the owner of lot 7 today. He hopes we can all operate on same rules, and that the hardship needs very much to be specified.

George Wiggins, Director of Building, stated that based on these shallow lot depth situations, he will prepare an ordinance to address these special rear setbacks and take it before the Planning & Zoning Board.

FINDINGS

The Board Members expressed some concern about finding a hardship on a vacant lot. The Board Members expressed that they felt there are so many numbers changing on

Board of Adjustments Minutes

May 19, 2014

Page 6

the setbacks, it is hard to know what is happening and the applicant should come back with some numbers that provide a clearer request. The Board discussed various options with the applicant including dealing with the pergola carport.

ACTION

Based on these findings, Lucy Morse made a motion and second by Jeff Jontz to table the request. The motion passed by a vote of 6-0 and the request was tabled.

Meeting was adjourned at 6:48 p.m.