

BOARD OF ADJUSTMENTS
CITY OF WINTER PARK, FLORIDA

Regular Meeting

October 21, 2014

Commission Chambers

5:00 P.M.

PRESENT

Phil Kean, Chair, Jeff Jontz, Patrice Shirer, Robert Trompke, Cynthia Stollo, Ann Higbie and alternate member Brian Mills. George Wiggins, Director of Building and Kimchi Tran, Recording Secretary. John Simpson, Vice Chair, was absent.

MINUTES

Robert Trompke made a motion, seconded by Cynthia Stollo, to approve the minutes from the September 16, 2014 meeting. The minutes were approved by a vote of, 6-0.

Patrice Shirer joined the meeting at 5:16pm.

OPENING STATEMENT AND PUBLIC COMMENTS

Mr. Kean explained the rules of procedure for variance cases and opened the floor for any public comments or questions.

OLD BUSINESS

The applicant, Forest Michael, requested to move this old business item to the end of the meeting.

ACTION

Based on this request, Ann Higbie made a motion, seconded by Robert Trompke to approve the request. The motion passed by a vote of 6-0 as Patrice was absent at that time and the request was approved.

NEW BUSINESS

1. Request of Alex and Julia Wallace for a variance to allow a second story addition to an existing residence to be located 7.9 feet from the side lot line in lieu of the required setback of 10 feet.

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Located at 339 Beloit Avenue

Zoned: R-1A

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

The purpose of the addition is to add an upstairs master bedroom addition above the garage and the exterior side wall will line up with the first floor wall. However, the required second floor setback on this 52 foot wide lot is 10 feet, and this one story home was built at the permitted setback of 7.9 feet. The addition consists of 733 square feet of new floor area bringing the total area to 3,670 squares, whereas 4,291 square feet of floor area is allowed for this lot.

The property is accessed through a common driveway which extends along the rear of all the residential properties on Beloit Avenue from New York Avenue to Pennsylvania Avenue. All of the properties share a common drive easement so that they may enter their garages from the rear yard easement driveway.

The proposed addition will be built directly above the current home and does not exceed the allowable impervious cover or maximum allowed floor area. The building height for this mansard roofed dwelling will be well within the allowable height of 30 feet with a proposed height of 23.3 feet.

The applicant has submitted letters of non-objection from the two abutting property owners at 335 and 345 Beloit Avenue.

Alex and Julia Wallace, the applicants, stated that this is a narrow lot and they are unable to add more space on the ground level and there are several other similar two story homes on the narrow lots along Beloit Avenue. In addition, it is important that the second floor line up with the first floor side wall for structural continuity.

FINDINGS

The Board Members understood this is an attractive functional addition, and will be in keeping with other existing homes. However, one member did not find a unique hardship for this request.

ACTION

Based on these findings, Robert Trompke made a motion, seconded by Jeff Jontz to approve the variance. The motion passed by a vote of 6-1, with Patrice Shirer voting in opposition, and the request was approved.

2. Request of Savage Partners for variances to allow the construction of an open awning structure located 6.5 feet from the front lot line and 2.3 feet from the Lewis Drive lot line in lieu of the required setback of 10 feet.

Located at 1449 Lee Road

Zoned: C-3

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

In the process of the development of streets and sidewalks for the Ravaudage development, the applicant experienced some difficulties related to removal of parking spaces formerly located along the east side of the building and other issues as explained by Heidi Savage in the application.

The intent of the request is to enhance the dining experience for the restaurant patrons by covering most of the elevated deck in the front and provide a covered walkway along the side of the building with a fabric awning structure. The awning structure will be open and will extend to a point that encroaches 3.5 feet into the front setback on the Lee Road side and encroaches 7.7 feet into the setback on the Lewis Drive side. However, due to the extra wide right of way and sidewalk areas, and openness of the awning, this new structure will not appear to be a major encroachment into the setback. The Lewis Drive right of way is 70 feet wide, and Lee Road right of way is 100 feet.

The restaurant owner plans to place landscaping across the front in order to soften the appearance from Lee Road.

We have received no letters regarding this request.

James Lucia, a property owner at 1218 Alabama Dr., spoke in favor of the request.

FINDINGS

The Board Members understood the restaurant has suffered from losing parking and overall construction of the adjacent road and could see that this open structure is only a minor encroachment into the setbacks along these wide road rights of way.

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ACTION

Based on these findings, Patrice Shirer made a motion, second by Brian Mills to approve the request. The motion passed by a vote of 7-0, and the request was approved.

3. Request of Adam Lawson for a variance to allow the construction of an open flat roof extension on the second floor of an existing residence to be located 8.7 feet from the side lot line in lieu of the required setback of 14 feet.

Located at 1486 Alabama Drive

Zoned: R-1AA

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

In order to enhance the usage of a rear second floor open deck, the applicant desires to cover the deck with an open roof structure in order to provide shade in a more permanent manner than currently provided by a pull out shade structure.

This three story home was built in the 1980's prior to placement of a two story limit which was enacted around 1990 to help prevent overly massive new homes. Even though the home has maxed out the allowable gross floor area, this proposed open covered area can be excluded to the extent of up to 300 square feet.

Letters of non-objection have been provided by the two adjacent property owners at 1500 and 1466 Alabama Drive.

Adam Lawson, the applicant stated that the temperature outside is very high during much of the year on this outside deck. Also, he does not have anything to cover the area from the rain.

FINDINGS

The Board understood this home already has a non-conforming side setback and a canvas does not provide shade similar to a solid roof. However, the Board felt that this area with a roof over it must not become an enclosed living space.

ACTION

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Based on these findings, Patrice Shirer made a motion, seconded by Jeff Jontz to approve the variance with the condition that the area cannot be enclosed in the future. The motion passed by a vote of 7-0, and the request was approved.

OLD BUSINESS

1. Request of Forest Michael for variances to allow additions and major modification to an existing residence with the following variances: Front setback of 6' to a 12 foot high garage with a 5 foot parapet in lieu of 20 foot setback, and typical 12 foot wall height; a side/rear setback of 1 foot in lieu of 7.5 feet to first floor and 12.5 feet to second floor; overall 35 foot building height in lieu of 30 feet; 1 foot east side setback to chimney in lieu of 4.5 feet; excessive gross floor area by 1,000 square feet; excessive impervious coverage of 400 square feet in lieu of 50% of lot area.

Located at 358 W Comstock Ave

Zoned: R-1A

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

The items above which changed include:

- 1) Moving chimney to the east side with a 1 foot setback.
- 2) Moving a second floor parapet wall to a complying 12.5 foot side setback from the west side lot line;
- 3) Removing the laundry room (96 square feet) and its setback encroachments on the west and east side lot lines.
- 4) Reduction of floor area by 96 square feet.

Although the applicant has made some revisions, understanding and visualizing the combined building cross sections/elevations and site plan is still very difficult from the information provided which are generalized and lack clarity. The only survey provided is dated 6/29/98 which is over 16 years old.

Although there exists unique limitations on this property due to its small size and triangular shape, the vast amount of variances requested still appear to be excessive and without justification or do not meet the variance criteria described in the Zoning Code. The existing modest size one story home does fit within the scale of this small lot and its setbacks on the east and west sides are nonconforming, but are grandfathered in since the home was either built prior to city setback requirements or the railroad property may have been enlarged many years ago.

For last month's request, I received an email message from the abutting property owner, John Scholfield, expressing no objection to the requested variances. No new letters or emails have been received regarding this request.

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Forest Michael, the applicant, stated the home was built in 1940 and that this is a high crime area. Also, the home is in an area with commercial near his house across the railroad tracks. He stated that the down stairs bedroom needs to be located upstairs to avoid the noise from the 80 feet wide railroad and the radiation from the city power pole. As many houses in the neighborhood, a need exists to have a garage and laundry room.

Due to the tiered floor plan, the 2nd bedroom ceiling height needs to be improved to 14ft.

The applicant summarized his hardship as relating to the triangular shape of the lot, existence of the adjacent railroad, location of power pole and overhead lines making it difficult to improve this property.

FINDINGS

The Board expressed difficulty in finding a hardship on the 2nd bedroom ceiling height (14ft), the increase in floor area to 70% floor area ratio and other extensive variances.

However, most Board Members understood that this is a unique property size, and location in trying to develop this as a useable lot. They suggested that the applicant provide more information with clarity and to explore more options by reducing the extent of variances requested.

ACTION

Based on these findings, Patrice Shirer made a motion, seconded by Ann Higbie to table the request to give the applicant 2 months to present before the board again with the condition to reduce the variances, providing more clarity on the plans and a limit of 15 minute presentation.

The motion passed by a vote of 5-2, with Jeff Jontz and Cynthia Strollo voting in opposition, and the motion was approved to table this request.

Meeting was adjourned at 6:50 p.m.

Kimchi Tran
Recording Secretary