

BOARD OF ADJUSTMENTS
CITY OF WINTER PARK, FLORIDA

Regular Meeting

November 18, 2014

Commission Chambers

5:00 P.M.

PRESENT

Phil Kean, Chair, John Simpson, Vice Chair, Ann Higbie, Jeff Jontz, Patrice Shirer, Robert Trompke, and Cynthia Stollo. George Wiggins, Director of Building and Carla Bahlmann, Recording Secretary.

MINUTES

Patrice Shirer made a motion, seconded by Jeff Jontz, to approve the minutes from the October 21, 2014 meeting. The minutes were approved by a vote of, 6-0.

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

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; 1 foot east side setback to chimney in lieu of 4.5 feet; excessive gross floor area by 914 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

Revised request at last meeting with items removed shown by strikeout text:

The applicant is requesting 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; 1

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foot east side setback to chimney in lieu of 4.5 feet; ~~west side setback of 4 feet in lieu of 12.5 feet for parapet wall; west side setback of 5' to laundry room in lieu of 7.5 feet;~~ excessive gross floor area by 1,000 square feet; excessive impervious coverage of 400 square feet in lieu of 50% of lot area.

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

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.

From previous hearing 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.

Forest Michaels, the applicant, stated he reduced several of his previous requests such as the 35 foot height being reduced to a 30 foot height as well as the second floor square footage. Mr. Michaels also stated he reduced the walkway coverages and patio space to create a greener space. Mr. Michaels stated he also provided better graphics for more clarity as the board had previously requested. Mr. Michaels stated his hardship is that it is a one of a kind lot in the city, and because it runs contiguous with the railway and receives sounds other lots are not subjected to. The applicant also stated that a power pole and the wires in the front setback create a hardship by restricting vehicular access.

FINDINGS

One Board Member questioned the validity of the hardships, and other Board Members stated the plans were still very difficult to understand. Most Board members felt it was not clear what the applicant was asking for, and the lack of clear architectural drawings

hindered their ability to make a positive decision. Mr. Simpson felt that there is hardship criteria related to this property as present by the applicant.

ACTION

Based on these findings, Cynthia Strollo made a motion, seconded by Patrice Shirer to approve the request for the variances. The motion failed in a vote of 6-1 and the request was denied with Mr. Simpson voting in favor of the motion.

NEW BUSINESS

1. Request of Brian and Sarah Grandstaff for a variance to allow the construction of an 8 foot high masonry wall and gate in a front yard setback area in lieu of the maximum permitted height of 3 feet.

Located at 921 Osceola Avenue

Zoned: R-1AA

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

A new home is under construction and the owners are asking for this extra height wall for safety, privacy, and to allow a play area for their children on this busy street. Over the years several variances have been granted for extra fence or wall height along Aloma Avenue with the most recent granted in 10/18/2011 for an 8 foot high wood fence located 10 feet from the property line at the adjacent property to the north (138 Detmar Dr). In addition, the following wall variances were granted:

330 Alberta Dr - 5' wall, 10 ft from Aloma Av lot line with landscaping (1992)

1017 Aloma Av – 3' wall plus 2' metal fence with 5.5' columns (2007)

1051 Aloma Av - 5.5' wall, 10 ft from Aloma Av with landscaping (1998),

1800 Aloma Av – 6' fence next to Aloma Av lot line (required for swimming pool).

361 Sylvan Blvd – 6' wall, 8' from Aloma Av with landscaping (1981)

Others wall or fences along Aloma and Osceola Avenues exist and either had earlier variances or were grandfathered in when the road was widened in the 1960's.

I have asked the applicant to consider lowering the wall height as it approaches the west lot line so that the wall and gate height might be closer to 6 feet in height when the grade has leveled off at the lower south end of the lot and when it reaches the west lot line.

The subject property is an unusual corner lot and the front setback was determined for the placement of the home, and I understand from the applicant that there was some misunderstanding on how this setback applied to a wall in front of the home. The wall height under the zoning code is limited to a maximum of 3 feet measured from the sidewalk/curb elevation. However, if the grade on the property rises from the sidewalk then the wall height can be measured from the natural grade resulting in a height more than 3 feet from the sidewalk, but still giving the appearance of a 3 foot high wall.

Brian Grandstaff, the applicant, stated that due to the difficult constraints of accessibility to the property a driveway was designed to give the best and safest route of entering and exiting. This design laid the groundwork for the layout of the home, leaving an area in the side yard behind this proposed wall for his 5 children to play. For the safety of his children as well as the general public he feels the wall is a necessity.

Tripp Cheek, attorney representing an adjacent property owner, came forward to express a concern that if the 8 foot wall would be allowed by the Board, it will obstruct the view of the lake for the nearby property owner.

After extensive discussion by the Board expressing concern of the height of the wall, one Board Member asked if the applicant will consider a lesser height since a majority of the Board was opposed to the 8 foot high wall. Mr. Grandstaff stated that a six foot wall would be acceptable

FINDINGS

The Board Members had concerns with both visibility and aesthetics with regard to an 8 foot wall fronting on Osceola Avenue. Also the intrusion of the neighboring property was stated as a concern. The Board Members felt a six foot wall would better serve the purposes intended for this request. One Board Member also expressed a concern if this was something the Florida Department of Transportation would need to see, since this road is controlled by the State. However, they will not have jurisdiction to review unless it causes a major visibility obstruction for the road.

ACTION

Based on the findings a motion for a modified recommendation was made by Jeffrey Jontz and seconded by John Simpson to approve a six foot wall with the condition that landscaping be provided in front of the wall and subject to the approval of the City Traffic Manager as applying the State ASHTO traffic visibility guidelines. The motion

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passed 4 to 3, and the amended variance was approved with Patrice Shirer, Cythia Strollo and Ann Higby voting in opposition.

2. Request of Alexandra Pillat for variances to allow the enclosure of a carport into living area by removing a required parking space, adding a parking space within the front yard, constructing a new side wall at a setback of 6.9 feet in lieu of the required 9 foot setback and without required articulation.

Located at 2830 Mulford Avenue

Zoned: R-1A

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

The applicant is seeking variances to allow the enclosure of a carport into living area by removing a required parking space, adding a parking space within the front yard setback, constructing a new side wall at a setback of 6.9 feet whereas the required setback is 9 feet setback and without providing required side wall articulation.

The applicant is proposing an addition onto the existing home and the enclosure of the carport in order to increase the living area of the home with the least impact on the property and existing structure. However, removing the one existing parking space in the carport behind the front setback and forcing all vehicles have no option but to park in front of the home is discouraged by the zoning code, even though other homes in this area have done this when this section of the city was in unincorporated Orange County. Converting carports or garages to living area often results in a decrease in property values and at some point we have future owners of these converted carports come in and ask about applying for a variance to build a new carport or garage in front of the home. The Board has dealt with these over the years and has never approved converting a garage or carport to living area due to reason stated here.

Without enclosing the carport, the applicant can still add up to 24 feet of new wall area at the nonconforming 6.9 foot side setback with a letter of approval from the adjacent property owner. This might accomplish the applicant's desire to increase the living area for a new master bedroom on this one story home.

The proposed addition does not exceed the allowable floor area or impervious coverage for this property.

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Todd Hector, representative for the homeowner, presented a rendering stating the house was previously in deplorable condition, and the improvements will enhance both the home and the area considerably. He further stated that due to a gas line and septic system in the rear of the home it is not possible for an addition to be built further into the rear of the property. He expressed that the applicant have looked at all alternatives and felt that this approach is the most feasible.

FINDINGS

The Board Members stated concerns in allowing a carport conversion, leaving vehicles exposed in the front setback area without in option to reduce parking in front of the home. Board Members stated they did not recognize a zoning hardship, due to having 75 feet in the rear of the house to build an addition.

ACTION

Based on these findings, a motion was made by Robert Trompke to approve the variance as stated, seconded by Patrice Shirer. The motion was failed by a vote of 6-1, the request was denied, with Mr. Simpson voting in favor. A second motion was made by Jeff Jontz to waive the 3 year waiting period with regard to the side setback request. The request was seconded by Robert Trompke and the motion was approved 7-0.

3. Request of Joe Knight for a variance to allow the construction of 5 foot high open metal fencing with 6.5 feet high columns, 5.5 feet high gates within the required front and street side setback areas in lieu of the maximum height of 4 feet for fencing and columns; and to allow opaque fencing or a wall extending along the south side yard lot line to a point 20 feet from the lake's edge in lieu of providing open fencing within the required 50 foot setback.

Located at 420 Interlachen Avenue

Zoned: R-1AAA

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

The applicant is seeking variances to allow the construction of 5 foot high open metal fencing with 6.5 feet high columns, 5.5 feet high gates within the required front and street side setback areas whereas the maximum height allowed is 4 feet for fencing and columns; and to allow opaque fencing or a wall extending along the south side yard lot line to a point 20 feet from the lake's edge in lieu of providing open fencing within the required 50 foot setback.

The 6.5 foot high columns in the front yard are existing and were permitted by a previous variance granted 10 to 15 years ago. [I can't locate the exact date]. The

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previous variance was to allow similar metal fencing 5 or 6 feet in height in the front yard area and the owner asked for compromise by just allowing the columns. Open metal fencing up to 4 feet in height is now permitted in the front yard area as long as it is set back from the front lot line sufficient distance to allow landscaping to soften the look of the fencing. This distance varies from 2 to 5 feet depending of the scale of the property.

In this request, the applicant is achieving the intent of the fencing requirements in the Code except for one additional foot of height in the front yard. In the street side yard along Canton Avenue, a 5 foot high fence is allowed if it is set in 10 feet from the lot line; however, the proposed location for the street side yard fencing and gate is at 6 feet from the lot line. In addition, gates on the front and at the side entrance are mostly 5 feet in height with a decorative feature that is 6 to 8 inches higher at the midpoint of the gates.

With regard to the fencing near the lake, the applicant seeks to allow 6 foot high opaque fencing closer to the lake than normally permitted due to security and privacy concerns at this dead end of Canton Avenue at the lakefront.

Connie Neville, the applicant stated the request for gates is to create a complete picture in preserving the architecture and style of the home. She stated they have taken great measures to match everything in the home back to the original 1930's design.

Joe Knight, landscape architect and representative for the Nevilles displayed photographs showing original ironworks of the house and how the variance would allow the homeowner to achieve preserving the architectural integrity of the property.

Carlos Posada, contractor for the home remodel, echoed similar comments as Mr. Knight in the homeowners desire to preserve the beauty and integrity of the home.

FINDINGS

Some Board Members found it difficult to find a hardship in the request. Other Board Members while agreeing that the hardship was a gray area felt that to not grant the request would make the home incomplete since this fencing further complements the exterior architectural integrity of the home. In addition, much of the fencing height is below 5 feet and is screened with dense landscaping material.

ACTION

Based on these findings, Patrice Shirer made a motion, second by Jeff Jontz to approve the variance. The motion passed by a vote of 5-2, with Patrice Shirer and Ann Higbie voting in opposition, and the variance was approved.

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4. Request of Ellen Hamilton for a variance to allow an open carport to remain 1 to 2 feet from the side lot line in lieu of the required setback of 5 feet.

Located at 1550 Grove Terrace

Zoned: R-1A

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

The applicant is seeking a variance to allow an open carport to remain 1 to 2 feet from the side lot line whereas the required setback is 5 feet.

This is an after-the-fact variance request that resulted from a complaint from a person who was asked to remove two large fabric covered temporary carport structures recently placed on a property in the area.

The applicant hired a handy man some time ago (2 or 3 years) to build this wood framed carport structure on the side of the existing home.

Ellen Hamilton, the applicant stated she hired a person to construct the structure who claimed she would not have to worry about getting a permit. No objections were received from surrounding property owners.

FINDINGS

The Board Members for the most part were in agreement that the structure was a nice addition to the property and there had been no complaints from neighbors, and that the encroachment is minimal.

ACTION

Patrice made a motion to approve the variance seconded by John Simpson. The motion passed 7-0, and the variance was approved.

The meeting was adjourned at 7:40 pm

Carla Bahlmann
Recording Secretary