

BOARD OF ADJUSTMENTS
CITY OF WINTER PARK, FLORIDA

Regular Meeting

January 20, 2015

Commission Chambers

5:00 P.M.

PRESENT

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

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, 5-0.

OPENING STATEMENT AND PUBLIC COMMENTS

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

NEW BUSINESS

1. Request of Michael and Heidi Halpin for variances from Section 58-71 "General provisions for residential districts" subsection (h)(4) to allow a garage located 14.1 feet from the Elm Avenue lot line in lieu of the required setback of 20 feet.

Located at 1620 Pine Avenue

Zoned: R-1A

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

The applicants are seeking a variance to allow construction of a garage located 14.1 feet from the Elm Avenue lot line whereas the required setback is 20 feet.

Currently, a carport exists on this home fronting Woodale and Elm Avenues with entry from Elm Avenue. The applicant is planning to split this large property

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(31,190 square feet) into two separate lots and will be removing the existing garage on the Pine Avenue frontage of the property in order to allow creation of a new buildable lot fully complying with the Zoning criteria for size and width. The new lot location will also provide sufficient distance from the existing home and pool so as to not create any setback encroachments for those structures. Splitting off a part of this property to create the new lot is an administrative approval that will be approved at staff level and is not impacted by this variance request.

In order to provide a new enclosed garage to serve the existing home, the applicant desires to build a garage in the general location of the existing carport, but requires an increase in size in order to be fully functional and to place it in a manner that blends in with the architecture of the home. Since the front of the home is considered to be on Woodale, the Elm Avenue side becomes a street side yard, which requires the 20 foot street side setback. However, the remainder of the lots along the north side of Elm Avenue have rear yards on this street allowing a 10 foot rear setback to a detached garage, however, the proposed garage is attached to the home. Under the Zoning Code this type of lot is considered be a corner lot or a through lot.

Because of the orientation of the existing home, placing a new garage on other areas on this property will not work without creating setback encroachments in those areas. The proposed new garage does not exceed any of our zoning limitations with regard to floor area or impervious coverage with a new lot line drawn so as to meet the minimum setback on the east side of the home which is a minimum requirement necessary to allow the lot split.

The applicant Michael Halpin stated the hardship for wanting an attached garage, was based on safety issues as well as having a garage that will be accessible for vehicles, functional and still retain with the architectural integrity of the existing home.

The applicant pointed out a nearby property that also has a similar setback on Elm Avenue, and Mr. Wiggins explained that the property across street at Woodale and Elm has a compliant street side setback of 15 feet which will come close to matching this request. The applicant thought that a prior variance had been granted on that property.

FINDINGS

Most Board Members felt the applicant did have a challenge with the both the shape of the lot as well as the placement of the existing home.

ACTION

Based on the findings Robert Trompke made a motion, seconded by Jeff Jontz to approve the request for the variance. The motion passed by a vote of 4-1, with Patrice Shirer voting in opposition, and the variance was approved.

2. Request of Kamron Khosravani a variance from Section 58-87 "Lakefront lots,..." subsection (d)(5) to allow the construction of a cabana to be located 33 feet from the Ordinary High Water Line of Lake Maitland in lieu of the required setback of 50 feet.

Located at #3 Isle of Sicily

Zoned: R-1AAA

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

The applicants are seeking a variance to allow the construction of a cabana to be located 33 feet from the Ordinary High Water Line of Lake Maitland, whereas the required setback is 50 feet.

A proposed summer kitchen/cabana is proposed to be constructed with side yard setback of 10 feet, however, a 5 foot side setback is allowed if the gable portion of the south wall is changed to have a hip roof. The applicant is accommodating a request from the adjacent neighbor to move the structure further away from the side lot line in order to allow plenty of room to maintain a substantial landscape buffer between this cabana and the side lot line.

A variance was granted on July 25, 1991 to allow a swimming pool to be constructed 15 feet from the Lake Maitland water line in lieu of 50 feet. The reasons listed to allow this variance were: (1) Unstable soil conditions require that the pool be placed away from the home, (2) this lot is very shallow in depth, (3) other lots on the Isle of Sicily have swimming pools. The swimming pool was not built and the variance expired. However, it is not unusual for an applicant to come back and have an older variance re-instated in order to complete the original proposed project. In most of those cases, the length of time from the variance expiration is usually much shorter, perhaps less than a year.

The proposed cabana has an area of 496 square feet and an overall height just under 18 feet. The plan shows 17' 6" from the floor, however this will need to be

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lowered slightly to a total height of 18 feet or less to existing grade. The structure is located 8 feet from the home and 10 feet away from two underground propane tanks which is required by Code.

The area of the lot is 66,000 square feet and the addition of the cabana does not come close to the allowable floor area (11,828 sf). The gross floor area with this addition will be 10,438 square feet.

The biggest concern expressed by the adjacent neighbor is maintaining a visual block from this new structure which is currently afforded by substantial dense vegetation along the south lot line of this property on the neighbor's property.

The applicant Kamran Khosravani spoke briefly and concurred with the summary that Mr. Wiggins had previously stated, and said he was available for any questions however he felt Mr. Wiggins had covered both the history of the house and the request very well. He also emphasized that this is the only realistic location to place this cabana on due the location of the home.

FINDINGS

While the board stated they did not see having a summer kitchen as totally a hardship, they felt that the Isle of Sicily is a unique area and because of lot depth & location of the home and the fact that this would not impact the surrounding neighbors, granting the request is permissible.

ACTION

Based on these findings, Patrice Shirer made a motion, seconded by Brian Mills to approve the variance. The motion passed 5-0.

The meeting was adjourned at 5:52 pm

Carla Bahlmann
Recording Secretary