

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

**Regular Meeting**

**March 19, 2015**

**Commission Chambers**

**5:00 P.M.**

**PRESENT**

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

**MINUTES**

Robert Trompke made a motion, seconded by Cynthia Stollo, to approve the minutes from the February 17, 2015 meeting. The minutes were approved by a vote of, 7-0.

**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 David and Julie Sutphin for variances to allow the construction of a building addition located 5 feet from the side lot line in lieu of the required setback of 13 feet and to allow a swimming pool to be located 5 feet from the side lot line and the pool deck to be located 8 inches from the side lot line in lieu of the required setbacks of 10 feet and 5 feet respectively.

Located at 350 Lake Killarney Dr.

Zoned R-1A

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

The applicants are seeking variances to allow the construction of a building addition located 5 feet from the side lot line whereas the required setback is 13 feet and to allow a swimming pool to be located 5 feet from the side lot line and the pool deck to be

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located 8 inches from the side lot line whereas the required setbacks are 10 feet and 5 feet respectively.

This property is unique in that it is bounded by three streets, has a front yard across the street from Lake Killarney and the interior property lines are considered side yards instead of having a typical rear yard with larger setbacks. The existing home has one part of the home (garage) built in close proximity to the Broadview Avenue interior lot line with a setback at one point to be 8.3 feet. This setback was probably compliant with the code when the home was built in 1952. This lot line abuts the side yard of the adjacent home on Broadview. Similarly, the interior lot line on Shoreview Avenue abuts the side yard of the adjacent home.

The applicant would like to add a one story addition master or mother-in-law suite onto the home in a manner that will also allow adequate room to construct a swimming pool adjacent to the new addition. Both of these improvements will encroach into the required side setbacks with the addition having a setback varying from 8.7 feet at the southwest end and 5 feet at southeast corner of the addition. Although no dimension of the pool is given on the site plan, according to the scale, it appears to be approximately 30 feet by 20 feet and has a triangular shape and will encroach 5 feet into the setback. The pool deck is proposed to extend to the existing masonry wall leaving a setback of 8 inches, the width of the wall. A cabana is planned also next to the pool, however, the proposed placement meets the required setbacks for this detached accessory structure.

There seems to be some flexibility to reduce the size of the pool in a manner that reduces or eliminates the need for the pool setback encroachment. Also, building more of the addition into the proposed pool location could reduce the amount of setback encroachment for the bedroom addition.

At this point in time, I am awaiting verification from the architect that the proposed improvements will not exceed the allowable impervious coverage which is allowed to be 60% of the lot with a one story home.

The applicant Julie Sutphin stated the house has been expanded over the years, however because it is believed the home is a Gamble Rogers design they have tried to keep the original integrity of the home. Mrs. Sutphin was asked if she would consider tabling the items and bring back her architect to rebut some concerns. The applicant stated she is primarily looking for more decking around the pool. Mrs. Sutphin stated she does not desire to table the decking however she is willing to table the mother -in-law suite as well as the cabana.

## **FINDINGS**

Some Board Members stated they could not find a hardship with regard to the decking to the pool, as well as with the mother-in-law suite. Other Members saw a hardship in the odd shape of the lot, however did not feel they had enough information to make a decision for approval. It was suggested that the items be tabled for 60 days, giving the applicant an opportunity to bring in more information.

## **ACTION**

Based on the findings Jeff Jontz made a motion, seconded by Ann Higbie to table the request for the variances for up to 60 days. The motion passed by a vote of 7-0, and the variances were tabled.

2. Request of Skolfield Homes for variances from Section 58-71 "General provisions for residential zoning districts" subsection (j) and Section 58-87 "Lakefront lots,...and docks" subsection (d)(8) to allow the construction of a swimming pool and deck located 39 feet and 36 respectively from the ordinary high water line of Lake Berry in lieu of the required setback of 50 feet and to allow a pool deck height of 3.5 feet above the existing grade in lieu of the maximum permitted height of 3 feet and 3 feet of open railing on top of the deck. The pool and deck replaces an existing deck in the same location.

Located at 1793 Lake Berry Drive

Zoned: PURD

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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 a swimming pool and deck located 39 feet and 36 feet respectively from the ordinary high water line of Lake Berry whereas the required setback is 50 feet and to allow a pool deck with a height of 3.5 feet above the existing grade in lieu of the maximum permitted height of 3 feet, and 3 feet of open railing on top of the deck. The pool and deck replaces an existing deck in the same location.

The existing wood deck on this lakefront property was built when the deck setbacks for lakefront properties was only 30 to 40 feet from the normal high water line in the 1980's and 90's. A change was made to require both the water's edge of a pool and the pool deck to have a minimum lakefront setback of 50 feet. This home at its closest point was built 50 feet from the normal high water line. In addition, maximum deck height was set at 3 feet above the natural grade so that the appearance of high deck retaining is not seen when viewed from the lake. On steep lakefront properties this results in requiring that designs for decks and pools that are terraced as you move further from the lake toward the home.

The existing deck on the east side of the home will remain and has a lakefront setback of approximately 30 feet, and the proposed new pool deck will be 6 feet further back from the lake. The swimming pool will be an additional 3 feet further away also. In addition, the existing deck has a height of 6.5 feet above the grade. The new pool deck and pool will be much lower at 3.5 feet above the grade, and terraced up with steps to the existing east side deck.

As documented with photos from the applicant, there are several neighboring properties that have similar nonconforming deck and pool setbacks and heights above the grade exceeding the current allowance of the 3 feet. The net result of this request is a lessening of a nonconforming deck lakefront setback and a significant lowering of much the existing higher deck on this property. The location of the home makes it very difficult to move the deck or pool back further from the lake. The open railing on the pool deck is needed for safety, and required to meet the Building Code pool barrier provisions.

The homeowner Kevin Judd stated he felt the water levels on Lake Berry have stayed fairly consistent and thanked Mr. Wiggins for presenting his case so well. The applicant John Skolfield showed pictures with examples of the extreme grade, and restated some of the reasons for the request.

**FINDINGS**

The Board Members found this to be a perfect example of why the Variance Hearings are important and were all in agreement that the request was not only in the footprint, but the hardship was well presented.

**ACTION**

Based on the findings, Patrice Shirer made a motion, seconded by Robert Trompke to approve the variance. The motion passed 7-0.

The meeting was adjourned at 5:52 pm

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Carla Bahlmann  
Recording Secretary