



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**June 16, 2015
5:00 p.m.**

MINUTES

PRESENT

Chair John Simpson, Vice Chair Jeff Jontz, Patrice Wenz, Ann Higbie, Cynthia Strollo, Brian Mills, Alternate Laura Turner, Director of Building George Wiggins and Recording Clerk Theresa Dunkle. Absent: Robert Trompke

APPROVAL OF MINUTES

Jeff Jontz made a motion, seconded by Ann Higbie, to approve the minutes from the May 19, 2015 meeting, with the minutes reflecting Patrice's married name, Patrice Wenz. 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 Fred Curley for an extension of a variance originally granted June 18, 2013 as follows: Variances requested to allow the construction of a duplex dwelling with a floor area ratio of 48.7%, in lieu of the maximum permitted FAR of 45%, and to allow a second floor side setback of 7 feet, in lieu of the required setback of 10'.

Located at 910 Mead Avenue

Zoned R-2

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

Mr. Curley is requesting an extension of a variance originally granted June 18, 2013 which allows the construction of a duplex dwelling with a floor area ratio of 48.7% whereas the maximum permitted FAR is 45% and to allows a second floor side setback of 7 feet whereas the required setback 10'.

Information on the variance granted was included in the board members packets.

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A letter explaining the applicant's reason for not exercising this variance within the past year was included as well as the minutes of the previous meetings covering the original request and the extension request last year. The applicant states that financial hardships have resulted in the delay in construction.

Since the time when the variance was originally granted, there have been no changes in the Zoning Code that would impact the original request and approval.

We have not received any letters regarding this extension request although notices were sent to surrounding property owners and the property has been posted with the required notice.

The applicant, Fred Curley, stated that he will build the duplex this year and feels it will be an asset to the neighborhood. Mr. Curley stated he intends to move into one unit and rent the other.

FINDINGS

Several board members expressed concern that this was the applicant's second extension request. Most were in agreement that a third extension request would be denied. In response to board member questioning, George Wiggins confirmed that notices were sent to the current surrounding property owners and that no letters of objection were received.

ACTION

Based on the findings, Patrice Wenz made a motion, seconded by Jeff Jontz to approve the extension for the variance originally granted June 18, 2013. The motion passed 7-0, and the variance extension was granted.

2. Request of Arthur and Kathryn Boule to allow the construction of a 6 foot high wood fence to be located 10 feet from the Burning Tree Lane side lot line in lieu of the maximum permitted height of 5 feet.

Located at 1200 Golfside Drive

Zoned: R-1A

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

The applicants are requesting a variance to allow the construction of a 6 foot high wood fence to be located 10 feet from the Burning Tree Lane side lot line; whereas the maximum permitted height is 5 feet.

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The property is a corner lot which has a curved street side yard along Burning Tree Lane with a front on Golfside Drive. In order to allow a 6 foot high fence the Zoning Code requires that the fence be set in the same distance as a street side setback for a home which is 20 feet. Because the applicants are planning to construct a pool in the rear yard, they desire to have the typical 6 foot privacy fence although a 5 foot fence can be constructed at this location with a 10 foot street side setback.

The applicant had provided a survey/site plan showing a generalized location of the fence at the 10 foot setback which is not accurate. Therefore, I have drawn on the plan the two locations of the fence. The red line is the approximate location of the fence with a 10 foot setback and the purple line is the location of the fence with a 20 foot setback. The black line was drawn by the applicant and does not accurately show the location of a fence with a 10 foot setback.

The applicants have submitted a photo of the proposed wood fencing which is more attractive than the typical wood panel fencing material sold at the nearest home improvement store.

At this point in time, we have not received any letters regarding this request although notices were sent to surrounding property owners and the property has been posted with the required notice.

Arthur Boule, the applicant, stated he is only asking for an additional 1ft of height to his proposed pool barrier fence. He stated a step down in height will not be aesthetically pleasing. Mr. Boule noted that he will landscape in front of the wood fence.

Mr. Boule was unable to answer board member questions regarding the exact location of the proposed swimming pool in relation to the proposed fencing. He stated the pool was currently in the design stage; but he would submit the pool for permitting within the next couple of weeks.

FINDINGS

A board member felt the corner lot, requiring a 20 foot setback for a six foot high fence, presented a hardship. However, the majority of the board members expressed that they would be unable to determine a hardship with the information available at this time. Therefore, the applicants expressed a desire to table their request until the next board meeting, to afford them time to finalize their pool design and obtain letters from the affected neighbors.

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ACTION

Based on the findings, Patrice Wenz made a motion, seconded by Ann Higbie to table the variance request, for up to 90 days. The motion passed by a vote of 7-0, and the variance request was tabled.

3. Request of William Ockenden for a variance to allow the construction of a swimming pool and deck located 5 feet and 4 feet respectively from the rear line in lieu of the required setbacks of 10 feet and 5 feet respectively.

Located at 1420 Palmer Avenue

Zoned: R-1A

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

The applicant is requesting a variance to allow the construction of a swimming pool and deck located 5 feet and 4 feet respectively from the rear line; whereas, the required setbacks are 10 feet and 5 feet respectively.

The property has dimensions of 95 feet in width by 120 feet in depth; which is a relatively shallow lot depth and is a corner lot situated at the corner of Elizabeth Drive and Palmer Avenue, with the rear yard of this property abutting the side yard of the home to the south. The home has a covered patio in the rear which is proposed to remain and leaves a rear setback of 26 feet. The pool width is only 13 feet, and there appears to be room to move the pool closer to the rear porch a few feet to reduce the amount of variance requested.

To lessen the impact of the encroachment, the applicant plans to plant a podocarpus hedge along the rear lot line.

The propose pool and deck does not exceed the allowable impervious coverage for this lot, and the deck area of the pool is proposed to be eliminated across the rear to minimize the deck encroachment.

At this point in time, we have not received any letters regarding this request although notices were sent to surrounding property owners and the property has been posted with the required notice.

William Ockenden, the contractor for the owner, Sheila Mollica, stated that his client's mother needs the seven foot clearance between the rear porch posts and the pool for accessible maneuvering. When questioned by a board member about the possibility of shifting the pool to the Northwest corner of the backyard, he stated that his client would like the pool to be located as shown, near the center of the home. Mr. Ockenden stated the hardship is the depth of the backyard versus the desired pool size.

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The adjacent neighbor, Jean Sprimont, at 1440 Palmer Ave, voiced her opposition to the variance request. She stated that her home is presently under construction with an addition and she abided by the City's zoning regulations. She is also concerned that the neighbors who live behind Ms. Mollica may not comprehend how close the pool will be to their lot.

FINDINGS

The adjacent neighbor opposes the request. Some board members stated that there appears to be room in the rear yard to accommodate a usable pool within the current zoning regulations, with some shifting and resizing. One board member noted that the lot size was reduced in 2006 and rear pool setbacks have not changed since that date.

ACTION

Based on the findings, Cynthia Strollo made a motion to approve the variance request, seconded by Patrice Wenz. The motion failed by a vote was 7-0, and the variance was denied.

The meeting was adjourned at 6:00 pm

Theresa Dunkle
Recording Clerk