



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**February 16, 2016
5:00 p.m.**

MINUTES

PRESENT

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

APPROVAL OF MINUTES

John Simpson made a motion, seconded by Jeff Jontz, to approve the minutes from the January 19, 2016 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.

The third item on the agenda, #6 Isle of Sicily, was withdrawn by the applicants on February 10, 2016.

NEW BUSINESS

1. Request of Richard Moore for a variance to allow the construction of a 7-foot vinyl fence to be located along the rear lot line in lieu of the maximum allowed height of 6 feet.

Located at 1035 N. Kentucky Avenue

Zoned: R-2

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

A new two story single family home is being constructed on this property by the applicant, and this lot backs up to an alley that provides rear access to several commercial businesses which front onto Fairbanks Avenue. This public alley extends from Denning to Ward Avenue and is 14 feet in width. In order to secure a greater sense of privacy from the businesses across the alley, the applicant is requesting an additional foot of fence height.

Throughout the city, there are very few locations where single family homes back up to commercially zoned properties. Some of these do occur along Fairbanks Avenue

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in this block and in the blocks between Denning and the railroad on the north side. The Zoning Code does require that a minimum 6 foot high wall or fence (other than wood) be constructed on commercially zoned properties when abutting residentially zoned properties. However, in this case, the commercially zoned properties have lot lines that abut the alley and not the residentially zoned properties. Therefore, in this block the owner of the residential property must construct a wall, fence or other visual barrier for privacy.

A fence height of up to eight feet can be permitted administratively when a sloping grade condition exists.

The applicant has brought letters of approval from other property owners in the area to this meeting.

The Board questioned Mr. Wiggins about other commercial fence heights approved within the City of Winter Park. Mr. Wiggins recalled that Whole Foods may have received approval for additional fence height.

The applicant, Richard Moore, stated the added fence height would provide a greater buffer from commercial traffic behind his home. He responded to board questions stating the hardship is his rare situation of a rear yard fronting a commercial use alleyway.

The Board discussed this transitional area and the burden placed on the resident required to install a fence to buffer a residential lot from commercial use. It was highlighted that no neighbors objected. One board member expressed concern that this was new construction and other designer's adhere to the City Code as is. Another member felt that a single family residence on a lot zoned for a duplex is a welcome change to the area.

FINDINGS

The majority of Board members agreed the hardship was the busy commercial alley abutting the rear of the applicant's residential lot.

ACTION

Based on the findings, Patrice Wenz made a motion, seconded by Jeff Jontz, to approve the request. The request was approved by a vote of 6 to 1, with Cynthia voting in the negative.

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2. Request of Tom Acomb, for Railroad Studios, LLC for a variance to allow the remodeling of a warehouse space into a mix of office and warehouse use with the provision of 10 parking spaces, in lieu of 27 required parking spaces.

Located at 906 Railroad Avenue

Zoned: I-1

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

Under the Zoning Code, the parking criteria for an office type use is one space for each 250 square feet of gross building area and one space for each 1,000 square feet of gross building area for warehouse type uses. The applicant has expressed that their operation has unique characteristics that reduce the parking demand for this business.

Based on the uses outlined in the applicant's plans and after discussion of the occupancy of the various areas with the applicant, the required parking for plans use of this facility is 27 spaces.

The applicant has given extensive description of the planned use of this space and states that "on a normal work day, we typically have (3) to (5) employees working in the office space."

If the Board accepts description of occupancy by the applicant and allows the 10 parking spaces to serve as the only required parking for the remodeled facility, then, I recommend that a condition be placed on the variance as follows:

Applicant must execute a legal agreement recorded in Orange County Property records and on file with the certificate of occupancy of this project stating that the parking variance granted by the Board applies to this current occupant, Acomb and Ostendorf & Associates, Railroad Studios, LLC and upon termination or vacation of this property by this occupant, this parking variance shall expire and no longer be in effect.

We have received a letter from the abutting business owner expressing no objection to this variance request.

The Board asked Mr. Wiggins if the property qualifies for a lease agreement and requested the use of adjacent buildings. Mr. Wiggins responded that most buildings in the area are storage or warehouses and a lease agreement is a possible solution.

A neighbor, Sheila, who resides with her mom at 780 Commerce Street, expressed concern about possible street congestion.

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Tom Acomb, the applicant, with AOA Railroad Studios, explained the building will rarely be at the calculated capacity. The building is meant to function as an office trailer with a typical actual occupant load of eight employees maximum. He explained the mock-up space is for video projection. The board asked the applicant about commercial delivery trucks and possible tandem parking in the expansive front area. The applicant responded that there are very limited large deliveries and tandem parking could be utilized for infrequent team meetings.

FINDINGS

Board members and Mr. Wiggins expressed concerns with the number of desks shown on the plans. They felt the plans, as shown, conflicted with the actual number of employees. Some Board members did not view tandem parking as a solution for occasional team meetings as acceptable.

ACTION

Based on the findings, Jeff Jontz made a motion, seconded by Brian Mills, to table the request. The request was tabled by a vote of 5 to 2, with Cynthia Strolla and Patrice Wenz voting in the negative.

The meeting was adjourned at 6:28 pm

Theresa Dunkle
Recording Clerk