



**CITY OF WINTER PARK  
Board of Adjustments**

**Regular Meeting  
City Hall, Commission Chambers**

**June 21, 2016  
5:00 p.m.**

**MINUTES**

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**PRESENT**

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

**APPROVAL OF MINUTES**

Jeff Jontz made a motion, seconded by Ann Higbie, to approve the minutes from the May 17, 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. Mr. Simpson asked the applicants if they wished to defer their case until next month, due to the absence of two board members. Both applicants chose to proceed at this meeting.

**NEW BUSINESS**

1. Request of Germania Miller for a variance to allow the construction of a garage to be located 22 feet from the front lot line and 6.4 feet from the east side lot line, in lieu of the required setbacks of 29 feet and 9 feet respectively.

Located at 1430 Aloma Avenue

Zoned: R-1A

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

This home was originally built in 1953 and a one-car open carport was either built at that time or later added. The applicant expressed that for security concerns she would like to add an enclosed and slightly oversized one car garage due to proximity to busy Aloma Avenue. She states that they have had several burglaries in the short time that she has lived there.

Originally, the applicant had designed a larger two-car garage, however, I suggested that it be reduced to the minimum necessary to accomplish their purpose, and due to the fact that the larger garage would encroach much more into the front setback. After examining possibilities, the request submitted was found to be the minimum

## Board of Adjustments Minutes

June 21, 2016

Page 2

needed to accomplish having an enclosed parking area and to afford room for enclosed storage space.

The setback along the side is a continuation of the existing nonconforming side setback of 6.4 feet, and since the proposed garage extends less than 24 feet, this portion of the request could be approved without a variance with a letter of approval from the adjacent property owner, but the front encroachment still needs to be handled by the Board.

With this addition none of our area limitations are exceeded for floor area, impervious coverage or for the required amount of front yard landscape coverage.

We have received a letter expressing no objection to this request from the abutting resident at 1458 Aloma Avenue; however, the letter did not specifically address approving the nonconforming side setback of 6.4 feet. Therefore, the Board should consider that portion of the variance request as well.

The designer, Dana with Dana's Design and Drafting, stated the enclosed garage will provide the occupants greater vehicle security. She noted the proposed garage location is due to the steep terrain and that the existing carport does not provide sufficient vehicle back-up maneuvering.

The designer responded to board questions and confirmed the existing home did not have a converted garage and FDOT would not allow for an alternate curb cut.

The owner, Germania Miller, responded to the Board's idea to enclose the existing carport, stating that extending the carport to accommodate a vehicle would prevent a vehicle from backing up on the property.

### **FINDINGS**

The board members noted the affected neighbors' approval and felt the addition would not be obvious from the street, as a result of the severe downward slope. They felt the hardship was the unusually steep lot, fronting a heavily travelled road; thus making it difficult to locate an enclosed single car garage at any other location.

### **ACTION**

Based on the findings, Patrice Wenz made a motion, seconded by Ann Higbie to approve the request. The request was approved by a vote of 5-0.

2. Request of Kimberly Lafferty and Randolph Pinna for a variance to allow the construction of a swimming pool and deck to be located 35 feet from the ordinary high water line of Lake Killarney, in lieu of the required setback of 50 feet.

## Board of Adjustments Minutes

June 21, 2016

Page 3

Located at 2088 Lake Drive

Zoned: R-1A

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

The corrected agenda notes the proposed deck encroaches into the lakefront setback by 33 feet at the north end (initially listed as 35 feet) and approximately 45 feet at the south end with the water's edge of the pool 3 feet inside the deck.

This property and others along the north side of Lake Killarney were annexed into the City approximately 12 years ago. The lakefront setback in the County is generally 35 feet.

Variances were granted for an addition, pool and deck on the north side of Lake Killarney at 2118 Lake Drive on April 19, 2011 located 6 lots southwest this property. Minutes of that meeting are provided below:

#4 Request of Tim Majors for a variance from Sec 58-87 "Lakefront lots,... paragraph (d) to allow the construction of a to allow the construction of a second floor addition and swimming pool and deck to be located 35 feet and 25 feet respectively from the ordinary high water line of Lake Killarney (existing seawall) in lieu of the required setback of 50 feet.

Located at 2118 Lake Drive.

Zoned: R-1A

George Wiggins, Director of Building, stated the applicants are requesting a variance to allow the construction of a second floor addition and swimming pool with deck to be located 37 feet and 25 feet respectively from the ordinary high water line of Lake Killarney (existing sea wall) whereas the required setback is 50 feet.

The applicant is proposing to remodel the existing home with a second story addition, removal of an existing swimming pool and enclosure, removal of a nonconforming large concrete patio on the lake's edge, removal of an existing shed and removal of a substantial amount of brick drive area also within the 50 foot lakefront setback. Three of these items are currently within the 50 foot lakefront setback at distances of zero feet for the concrete deck and 25 feet for the tennis court and brick drive area. The second story addition will be added above the existing home without protruding closer to the lake.

Tim Majors, owner, stated that the home sits on an irregular shaped lot as the property jets out to towards Lake Killarney and the home, which is boxed shaped and is impossible to work with. The home does not meet current code, he would like to build a master suite and guest suite.

The new pool request is due to the current pool location, which is very close to the neighbors' fence line. He requests to move the pool for two reasons; one is to be better neighbors to reduce noise for them and the other to have a pool in the rear of the home which is the logical location for a family.

The Board discussed the request, stating there are several hardships: irregular lot shape, and dealing with the existing property and non-conforming structures on the property. The Board stated the second floor addition

# Board of Adjustments Minutes

June 21, 2016

Page 4

is inside the fifty foot setback and feels it is noble that the applicants are removing other structures on the property to reduce the amount of the impervious coverage and non-conformities that already exist on the site.

### **Findings:**

The Board stated the hardship is the irregular lot shape and the difficulty of remodeling with the existing property shape and non-conforming structures on the lot.

### **Action:**

Mr. Simpson made a motion, seconded by Mr. Trompke to approve the request. The request was approved 4-0, with the condition that the structures as the impervious surface areas be removed as shown on the application site plan. And, if at any point the structure is demolished and re-built, it be built within the setbacks and requiring coming back to the Board for any new variances and nullifying variances granted at this meeting.

The applicant has indicated that adjustment of impervious coverage on the property will be made so as to not exceed the maximum allowable impervious coverage of 50%.

No letters have been received regarding this request, prior to this meeting. A call was received and a return call was placed with no response.

The applicant will ensure that impervious coverage will comply by removing existing patio areas.

The applicant, Randolph Pinna, provided seven neighbor approval letters, 2 of which are on either side of his lot and 2 are directly across the street. He responded to board questions, confirming that the maximum impervious coverage will not be exceeded and the pool size is conservative. Mr. Pinna stated the deck size is the minimum required to accommodate his family's outdoor lifestyle.

Pat Metcalf with Mid Florida Pools stated the pool cannot be moved closer to the home due to a minimum landing size required from the existing raised lanai. He added that in lieu of the fifty foot minimum rear setback, the proposed maximum 30 inch high retaining wall will protect the waterfront.

## **FINDINGS**

The board members recognized the affected neighbor approvals. Most board members felt the hardship was the irregular shoreline that significantly reduces the east corner of the lot, making it difficult to install a standard size pool.

## **ACTION**

Based on the findings, Jeff Jontz made a motion, seconded by Patrice Wenz to approve the request. The request was approved by a vote of 4-1, with Ann Higbie voting in opposition.

The meeting was adjourned at 6:00 pm.

Board of Adjustments Minutes

June 21, 2016

Page 5

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Theresa Dunkle  
Recording Clerk