



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**November 21, 2017
5:00 p.m.**

MINUTES

PRESENT

Lucy Morse-Chair, Michael Clary, Robert Trompke, Patrice Wenz and Tom Sacha; Director of Building, George Wiggins and Recording Clerk, Theresa Dunkle. Aimee Hitchner arrived after approval of minutes. Absent: Phil Kean, Vice Chair & Zachary Seybold

APPROVAL OF MINUTES

Michael Clary, made a motion, seconded by Tom Sacha to approve the minutes from the October 17, 2017 meeting. The minutes were approved by a vote of 5-0.

OPENING STATEMENT AND PUBLIC COMMENTS

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

OLD BUSINESS

1. Re-consideration of the condition requiring “face lighting only”, placed on the sign variance approved at the October 17, 2017 Board hearing for Elite Images and Winter Park Village Apartment Homes, limiting the replacement signs shall not exceed the existing sign height and area limits: maximum height of 5’8” and maximum size of 32 square feet

Located at 2000 Village Lane

Zoned: R-3

George Wiggins, Director of Building gave the following summary:

With the exception of Patrice Wenz, all of the board members were at last month’s meeting during in which the Board approved a limited sign variance at the Winter Park Village Apartments. The sign company representative for the applicant was substantially delayed in reaching the meeting due to an unavoidable delay coming from the Tampa area and tried to call at 5PM; however, staff was already in the meeting and did not receive their message until after the meeting. Our Board Chair gave permission to place this on the agenda at the applicant’s request, to address the condition concerning limiting the lighting of the sign to an external source.

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The new sign, which will be limited in area to the existing sign size, is proposed to have individual back lit letters and not be an interior illuminated sign. We have implemented this requirement for new lighted signs in the Central Business District and a future change in the Sign Ordinance city wide may be proposed. The choice for lighting new signs will be limited to using an external lighting source or using individual back lit sign letters, and interior lighted signs will be prohibited.

The applicant requests that the condition requiring face lighting only be changed to allowing back lit sign lettering. From a staff perspective, this will be in line with the proposed sign ordinance changes that will be going to the City Commission for approval early next year.

All of the Board members present agreed to revisit the back lighting condition placed on the approval last month.

Jenni Connolly, the applicant with Oakhurst Signs, noted that Halo LED backlit letters will help the elderly locate the entrance into their apartment complex. She stated the dull lights will be behind black letters and that "Apt. Homes" will not be backlit.

In response to Board questions Ms. Connolly confirmed the new signs will not exceed the existing sign sizes.

FINDINGS

The Board members agreed changing the "face lighting only" condition to approve for the back-lighting of the "Winter Park Village" lettering is consistent with Winter Park's signage goals. The existing grandfathered conditions will remain. Existing conditions include; 5'-8" maximum height, 32 maximum square footage each, 2 signs at angled locations near the entry drive and back-lit letters.

ACTION

Based on the findings, Michael Clary made a motion, seconded by Tom Sacha, to approve the amended request with the clarification that only the "Winter Park Village" lettering will be backlit. The request was approved by a vote of 6-0.

NEW BUSINESS

1. Request of Sheila Cichra on behalf of William Dingman for a variance to allow rebuilding an existing boathouse extending 44.5 feet into Lake Maitland in lieu of 30 feet, with a side setback of 6 feet in lieu of 10 feet and with an area of 724 square feet in lieu of the maximum of 600 square feet.

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Located at 1621 Via Tuscany

Zoned: R-1AAA

George Wiggins, Director of Building gave the following staff report:

Currently, the applicant has an older deteriorating boathouse with two roof covered sections with a total area of approximately 880 square feet and extending 45 feet into Lake Maitland as shown on the existing boathouse plan, although the applicant indicates in the application that boathouse extends 43.5 feet into the lake.

This existing boathouse appears to extend into the lake to a point slightly less than the adjacent boathouse on the neighboring property on the north side. The adjacent property on the north side also extends out further into the lake by approximately 10 feet as seen in one of the photos included with the application. A seawall exists which extends out parallel to the walkway of the applicant's existing boathouse and is on the neighbor's property.

On November 14, 2017, the Lakes Board reviewed and conditionally approved this proposed boathouse subject to variance approval and certain aquatic planting required along the shoreline. In addition, Amy Giannotti, our new Lakes person, has reviewed the new boathouse and she has no problems with what is proposed since it is not further out than the adjacent boathouse and other environmental issues are being addressed. She is replacing Tim Egan, who now has the position of Environmental Resources Manager.

A letter has been received from the abutting property most impacted by this request expressing no objection to this request including the request to allow the 6 foot side setback. Therefore with this letter of approval from the adjacent property owner, no variance is needed from the Board for the setback variance. The variance request is now only for the extension into the water.

Mr. Wiggins responded to Board questioning, confirming the proposed boathouse will be no further out and no larger than the boathouse it replaces. He clarified the current 600 square foot maximum size was adopted in the 1980's and no letters of objection were received.

Sheila Cichra with Streamline Permitting noted the minimum desired size is proposed. She stated if approval is not received the owner intends to repair the existing structure.

Cliff Shepard with Shepard, Smith and Cassady PA, stated his concern on behalf of adjacent property owner Diane Almodovar at 1641 Via Tuscany. Mr. Shepard spoke at length about ways to ensure his client continues to have assurance that access is provided for the repair of an irrigation pump that exist in the close vicinity of the boathouse, particularly during construction of a new boathouse. The Board understood his concerns but expressed that they do not specifically pertain to the variance requested.

FINDINGS

The Board agreed that the proposed boathouse is an improvement over a repair of the existing boathouse, is no larger in size, and extends no further into the water than the existing boathouse. The majority of Board members felt the hardship was the depth of the shoreline.

ACTION

Based on the findings, Michael Clary made a motion, seconded by Patrice Wenz, to approve the request. The request was approved by a vote of 6-0.

2. Request of Kenneth Schultz for a variance to allow converting a detached accessory building into living quarters with the existing nonconforming rear setback of 4.75 feet and side setback of 4.8 feet in lieu of the required rear setback of 25 feet and required side setback of 10 feet.

Located at 1415 Westchester Avenue

Zoned: R-1A

George Wiggins, Director of Building gave the following staff report:

The applicant would like to convert this existing one story building near the rear of the property to accommodate guests and, from time to time, it would be used as guest space for an elder father rather than having to negotiate stairs in the main residence. The survey of the property does indicate this building as a guest house although there is no bathroom in the building. Typically a detached building is considered to become a guest house when a full bathroom is provided such as in this case. This then constitutes a use change from non-living quarters to living quarters.

Rather than build an additional bedroom onto the existing home, the applicant prefers to utilize this existing building, which has been designed to match the main residence architecturally and will be substantial savings as well.

Four letters of non-objection to this request from nearby neighbors have been provided by the applicant.

Mr. Wiggins noted the existing detached structure does not meet the required setbacks for an occupied-livable structure.

In response to Board questions, Mr. Wiggins confirmed that prohibition of any 220 volt outlets for cooking equipment could be added as a condition to prevent installation of a future kitchen.

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The applicant, Ken Schultz, stated his hardship is that he only has 1 bedroom on the first floor. Stairs are difficult to navigate as we age; therefore two first floor sleeping rooms are desired and this detached building on the property is the logical location to provide one story accessible living quarters.

FINDINGS

The Board members agreed the hardship is having only one bedroom at ground level and the use of this existing building is a logical solution with no objection from any neighbor. They determined that prohibiting 220 volt outlets will deter non-permitted renting and cooking in the detached guest room.

ACTION

Based on the findings, Michael Clary made a motion, seconded by Tom Sacha, to approve the request with the stipulation that no kitchen be installed in the future with the prohibition of installing 220 volts outlets for cooking appliances to ensure compliance. The request with these stipulations was approved by a vote of 6-0.

The meeting was adjourned at 5:55pm.

Theresa Dunkle
Recording Clerk