



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**January 15, 2019
5:00 p.m.**

MINUTES

PRESENT

Robert Trompke (Chair), Phil Kean (Vice Chair), Michael Clary, Aimee Hitchner, Patrice Wenz, Tom Sacha, and Charles Steinberg. Director of Building, George Wiggins and Recording Clerk, Theresa Dunkle. Former member, Zachary Seybold, resigned from the Board in December. Charles Steinberg (former Alternate Member) is now automatically moved to regular member in accordance with City Code provisions regulating City Boards.

APPROVAL OF MINUTES

Tom Sacha made a motion, seconded by Michael Clary, to approve the minutes from the December 18, 2019 meeting. The minutes were approved by a vote of 7-0.

OPENING STATEMENT AND PUBLIC COMMENTS

Robert Trompke explained the rules of procedure for variance cases and opened the floor for any disclosures, public comments or questions.

Patrice Wenz disclosed she communicated with Hal Kantor regarding agenda item number two. Aimee Hitchner disclosed she is friends with Mr. & Mrs. Gould, who reside behind the applicants of agenda item number one.

NEW BUSINESS

1. Request of David Robison for a variance to allow the construction of a swimming pool enclosure located 6 feet from the rear lot line, in lieu of the required rear setback of 10 feet.

Located at 1491 Summerland Ave

Zoned R-1AA

George Wiggins, Director of Building, gave the following summary:

The swimming pool on this property was originally built in 1988 and complied with the required setbacks for a pool without an enclosure: 5' to rear lot line to deck and 10' to rear lot line to the water's edge of the pool. The applicants state that they have lived there 19 years and need to have the pool enclosed due to extreme sensitivity to mosquito bites. In addition the placement of a portion of the pool closer to the rear lot line requires that a screen enclosure come within inches of the spa

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portion of the pool leaving inadequate distance to walk around this pool at this one location.

The high point of the proposed dome shaped enclosure (14.5 feet) is at the furthest distance away for the rear lot line with it sloping downward at the rear to a height of 10.5 feet at the 6 foot setback. At the rear of this property, the applicants have a dense hedge which they estimate to be 8 feet in height to act as a buffer to the neighbor to the rear.

With respect to allowable area for the new pool enclosure, the new total area will be 1,378 square feet with an allowable area of 1,431 square feet after adding unused floor area of the home (341 square feet). No new impervious coverage is being added.

A letter of non-objection was provided from the abutting neighbor at the rear from residents of 1500 Cardinal Court.

The applicant, Mr. David Robison, stated the pool was built in 1988, and he acquired the home in 1999. Mr. Robison stated he wants to maintain egress from all sides of the spa. He stressed the most affected neighbor approves of the request and that the existing hedges between their properties will ensure a visual barrier. Mr. Robison stated his lot has many trees and falling leaves; he feels the proposed screen enclosure is vital to protect his family because they suffer from a hyper-sensitivity to mosquito bites causing a severe skin reaction.

One Board member did not see a hardship and felt the proposed screen walls were too high considering the close proximity to the property line. Another member noted mosquito protection is not a hardship. However, the remaining Board members agreed that the hardship was the existing location of the pool.

FINDINGS

The Board found this to be a modest request. They noted the affected neighbor approves and stated the hardship is the pre-existing pool location.

ACTION

Based on these findings, Phil Kean made a motion, seconded by Tom Sacha to approve the request. The request was approved by a vote of 5-2 with Patrice Wenz and Michael Clary voting in opposition.

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2. Request of Jeanne Atkinson for variances to allow the construction of a room addition and a garage conversion into a cabana with a minor addition on a property which currently has a nonconforming side setback of 9.9 feet in lieu the required setback of 13 feet to the south side lot line.

Located at 900 North Park Avenue

Zoned R-1AA

George Wiggins, Director of Building, gave the following summary:

The request includes increasing the height of an existing 7 foot high masonry wall and roofing this area as a bathroom and closet area of with 143 square feet of space. In addition, the applicant proposes to enclose with a glazed opening an existing open area under roof line on a rear single car garage. The remainder of the garage will also be converted into a pool cabana.

Overall, the request is unusual in that there's no exterior additions to the existing home and rear garage building but only enclosures that exceed the floor area ratio based on having an existing nonconforming 9.9 foot side setback to a portion of the home. The nonconforming side setback limits the floor area ratio to 33% which for this lot size (18,050 sf) is a limit of 5,956 square feet. The total new area is 239 square feet.

One factor that minimizes this request is that the portion of the home which has the 9.9 foot side setback is only 20 feet in length on the south side of the property representing a small portion of the entire home. The remainder of the home is within inches of meeting the required setbacks.

Three letters of non-objection were received the day of this meeting.

Mr. Wiggins displayed a photograph of the rear of the home at the garage and provided a copy to each Board member. The photograph identified the area where the applicant wants to convert the garage into a cabana, which would include enclosing the garage's arched covered walkway.

Mr. Wiggins noted Winter Park's comprehensive plan prohibits an increase in FAR. Ms. Atkinson's setbacks are limited to 33%; whereas, 34.3% is requested. However, in this case, no exterior addition is proposed outside of existing rooflines. Additional wall height approval is requested.

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In response to Board questions, Mr. Wiggins confirmed a survey is typically required and in fact, one was requested. Mr. Wiggins also confirmed that the setbacks were compliant when the home and garage were originally constructed.

Hal Cantor with Kantor & Reed Law, and the home's prospective purchaser, stated the front courtyard enclosure area will be used for a mother-in-law suite at grade. He noted, the current owner, Jeanne Atkinson is in the audience.

Phil Kean suggested adding a street facing window to "soften the street" façade. Other Board members noted the proposed pool on the plot plan received is not a reflection of current conditions. They felt it imperative that a current survey be provided at permit issuance. It should accurately reflect existing setbacks within 4 inches.

FINDINGS

The Board found this to be a modest request given the small front addition will be within an existing walled area and the rear addition will be under existing roofing.

ACTION

Based on these findings, Michael Clary made a motion, seconded by Tom Sacha, to approve the request with the condition that a survey be provided when applying for the permit, with a dimension tolerance of 4 inches. The amended request was approved by a vote of 7-0.

The meeting was adjourned at 5:43 pm.

Theresa Dunkle
Recording Clerk