



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**February 27, 2019
5:00 p.m.**

MINUTES

PRESENT

Phil Kean (Vice Chair), Michael Clary, Patrice Wenz, Tom Sacha, Aimee Hitchner and Charles Steinberg. Director of Building, George Wiggins and Recording Clerk, Theresa Dunkle. Absent: Robert Trompke (Chair).

APPROVAL OF MINUTES

Patrice Wenz made a motion, seconded by Tom Sacha, to approve the minutes from the January 15, 2019 meeting. The minutes were approved by a vote of 6-0.

OPENING STATEMENT AND PUBLIC COMMENTS

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

Aimee Hitchner recused herself from voting. She was provided with Form 8B to complete and submit.

NEW BUSINESS

1. Request of Welbourne Avenue Nursery/Kindergarten for a variance to allow the construction of a six foot high open aluminum fence located 22 inches from the public sidewalk along the front lot line, in lieu of the required setback of 25 feet.

Located at 450 West Welbourne Avenue

Zoned R-3

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

The Welbourne Nursery childcare facility currently has a four foot high metal fence across the front of their property enclosing their playground area and placed 22 inches back from the sidewalk. The fence was properly permitted when it was installed several years ago and the Zoning Code allowed an open metal or wrought iron fence to be located near the front lot line.

Board of Adjustments Minutes

February 27, 2019

Page 2

Since that time, the fence regulations were modified to require new four foot metal fencing to be set back further from the front lot line on residentially zoned properties and requires that landscaping be installed in front of the fence as a buffer.

The applicant states that they need to replace this existing fence with a 6 foot high metal fence to enhance the safety of children in their playground area.

If the Board is inclined to grant any variance for the required front setback, then at a minimum, I recommend that the Board require at least a 5 foot front setback and that a landscape buffer such as a three foot high hedge be planted in front of the fencing along with permanent in ground irrigation to soften the impact of a taller metal fence.

Two letters of support have been received at this meeting.

Mr. Wiggins showed a photograph of the fence installed on the lot located diagonally across the street. He noted this fence, at Mary Depugh Nursing Home, was apparently installed when a garden was planted.

Patrice Wenz inquired about six foot high wall at the corner of Pennsylvania and Symonds Avenue owned by Z-Properties. Mr. Wiggins responded that the Pennsylvania property is zoned C3, which only requires a ten foot setback, as opposed to the 25ft setback required in R3 zoning and the Board had granted a variance on that property for the wall.

Charles Steinberg stated the area appears to be more commercial than residential in nature and that the property almost abuts a restaurant. Mr. Wiggins noted that the commercial setting is due to the two of churches and their parking lots on the street, which are allowed in this R-3 Zoning District.

The presiding Director of the Nursery, Mr. Rick Baldwin, stated the business started in 1927 as a neighborhood walk-up service. They currently care for children from 6 weeks through 5 years of age from 7AM to 6PM and are concerned for the children's protection. Their security experts recommend the higher fencing for safety reasons.

Patrice Wenz asked Dick James with Welbourne Nursery if their board would accept approval with the condition that the fence be setback 5 feet from the property line with landscaping in front. Robyn Demar, the executive director with Welbourne Nursery said she could accept a 4ft setback and a landscape hedge requirement.

FINDINGS

Board of Adjustments Minutes

February 27, 2019

Page 3

The Board found the hardship is retaining room for the existing play area while providing safety for a large group of children. They felt the proposed fencing is visually consistent with the surrounding settings.

ACTION

Based on these findings, Patrice Wenz made a motion, seconded by Tom Sacha to approve the request. The request was approved by a vote of 5-0 with the condition that the fence be set back four feet from the street side property line and include landscape hedges in front.

The meeting was adjourned at 5:24 pm.

Theresa Dunkle
Recording Clerk