



# Board of Adjustments Minutes

August 20, 2019 at 5:00 p.m.

City Hall | Commission Chambers  
401 S. Park Ave. | Winter Park, Florida

## Present

Patrice Wenz (Chair), Phil Kean (Vice Chair), Michael Clary, Charles Steinberg, Aimee Hitchner, Ann Higbie and Steve Heller. Director of Building, George Wiggins and Recording Clerk, Theresa Dunkle.

Absent: Tom Sacha

## Meeting called to order

## Approval of minutes

Motion made by Patrice Wenz to approve the July 16, 2019 minutes. Aimee Hitchner seconded the motion. The minutes were approved by a vote of 7-0.

## Opening statement and public comments

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

## Old business

1. Request of Gabriela Juncos for variances to allow the construction of a 2 story addition projecting 2 feet into the front setback, and with a side setback of 8.9 feet, in lieu of the required 9 feet.

Located at 1371 Oneco Ave, Zoned: R-1A

George Wiggins Director of Building, gave a recap summary from the July meeting and an updated summary for this meeting:

**REVIEW OF THE JULY MEETING:** In order to provide additional second floor living area for functional bedrooms while causing the least interruption to the remainder of the home, the applicant requested a small front setback encroachment to maintain sufficient parking area in the garage.

On the first floor, a new pantry area and space for the stairs created the need to push the garage further into the front setback. A very minor first floor side encroachment was included as part of the variance request; the second floor addition meets the required second floor setback of 13 feet.

With the additions the gross area of the home will be 3,871 square feet which is under the allowable 38% floor area ratio and the impervious coverage will be 4,522 square feet, which is under the allowable 50% coverage.

Four letters were received expressing no objection to the variance request and one letter expressing opposition was received.

**UPDATE FOR THIS MEETING:** The Board felt that no clear hardship was established that would justify granting the original variance request. However, a decision was made to table the request and allow the applicant up to 3 months to return with a modified request.

The applicant met with her designer and prepared a new plan, which re-arranged the stairway to the second floor and reduced the amount of front setback encroachment to 2 feet for this two story addition. The reduced garage depth is still sufficient in length to functionally serve as a two car garage. In addition,

locating the front of the garage at two feet out from the main front wall of the home fulfills the Code requirement for articulation on the front of the home.

With regard to other homes along Oneco Avenue on the same side of the street, although they do not count in the calculation of the required front setback for this home, there are a few homes at setbacks of 28 and 29 feet in the next block to the east.

The applicant expresses that the hardship relates to the ability to structurally remodel and add a second floor onto the existing home with the least impact on the home versus adding living area in the rear yard which has limited space and will result in creating more impervious coverage of the property.

Four letters of non-objection were provided last month from nearby property owners, including an adjacent property owner on the west side and three property owners directly across the street. In addition, one letter objecting to the variance was received last month from the adjacent property owner on the east side.

Mr. Wiggins noted the 2<sup>nd</sup> floor balcony was removed from the proposal this month.

Mr. Wiggins reviewed examples of previous front setback encroachments that received Board approval and briefly explained their determined hardships. Examples included 210 Trismen Terrace, 446 Melrose Ave, 2031 Temple Drive, 208 Brewer Ave and 1731 Via Genoa.

In response to Board questioning, Mr. Wiggins noted the hardship is described in the application and the average front setback for this short block is 30 feet.

The applicant, Ms. Gabriela Juncos, who resides at 1371 Oneco Ave, stated the plans have been revised to address the Board's concerns. The 4 foot front setback encroachment requested last month was reduced to a 2 foot encroachment and the 2<sup>nd</sup> floor balcony was removed from the plans. She noted that half of the homes on the next block have 27 feet front setbacks, which is less than her request. Her desire is to keep as much green area in her yard as possible so as to soften the impact of the encroachment.

In response to Board questions, Ms. Juncos acknowledged the elevations were not revised to reflect the changes made to the floor plans. She confirmed the garage door will be centered to match the floor plan.

No one from the public wished to speak.

## Findings

The majority of the Board members felt the request was minimal and the hardship was that the existing structure limits the area to which they can add extra living area, without reducing the green-pervious area on this property.

## Actions

Based on these findings, Michael Clary made a motion, seconded by Phil Kean, to approve the request. The requested variance was approved by a vote of 7-0.

## New business

1. Request of Diesta Gundacker for variances to allow the construction of a 5 foot high masonry wall and 6 foot high wood fence within the front yard, in lieu of a permitted 3 foot high wall and fence.

Located at 271 Cortland Ave, Zoned: R-1AA

George Wiggins Director of Building, gave the following summary:

This property is on the corner of Aloma and Cortland Avenues, and by definition in the Zoning Code has its front yard on Aloma Avenue even though it has a Cortland address. The nearest wall of the home is 23 feet from the Aloma Avenue lot line. Within this 23 feet at 10 feet back from the north side lot line along Aloma, the applicant proposes to construct a 5 foot high wall with landscaping in front of it in order to help buffer traffic noise from this busy road and to act as a barrier to protect against vehicles entering the property (which has occurred in the past). The proposed wall would then be joined with a 6 foot high

wood fence along the side of the property and connect back to the front of the home parallel to Cortland Avenue.

Currently, a substantial layered landscape buffer exists along the Aloma frontage which includes a 6 to 7 foot high hedge. The applicant states that this hedge will be removed due to age but will be replaced by another substantial hedge to serve as a visual buffer for the wall.

Over the years there have been other wall or fence variances granted along Aloma Avenue. Directly across the street wall height variances were approved for two properties located at 330 Alberta Drive and 1051 Aloma Avenue. The property at 330 Alberta Drive (also fronting on Aloma) was granted a variance (6/16/1992) to allow a wall with a height of 5.5 feet and the adjacent property was granted a variance (2/17/98) to allow a 5 foot high wall. Both of these variance included conditions to provide landscaping in front of the walls. See enclosed minutes of those meetings and enclosed photos of the walls.

More recently the wall and fence combination at 1017 Aloma Avenue with tall columns and metal fencing infill was granted a 5 foot height variance on 5/15/2007 and 6 foot wall at 921 Osceola Avenue (bottom of Brewer Avenue on the curve) also received a height variance on 11/18/2014 within the last 3 years. See enclosed photos.

Seven letters from neighboring property owners expressing no objection to this request were provided by the applicant.

Mr. Wiggins displayed a map locating the adjacent and nearby properties where the owners are in approval of the request. He noted the masonry wall will be finished with stucco. The Board had no further questions for Mr. Wiggins.

The applicant, Ms. Diesta Gundacker, who resides at 271 Cortland Ave, stated she has lived in the home for 32 years. She described how four years ago a truck drove through the hedges and into the side of her home. As a result, she does not feel it is safe to allow her grandchildren and guide dogs to use the portions of her yard along Aloma Avenue and having a wall will be a safety barrier. Ms. Gundacker said every neighbor she has spoken with approves of her request. She also noted the landscaping proposed will be professionally done, as indicated in her submittal.

The Board had no questions for the applicant.

## Findings

The Board members felt the hardship was the need for safety on the north side of this corner lot, which abuts heavily traveled Aloma Avenue.

## Actions

Based on these findings, Michael Clary made a motion, seconded by Phil Kean to approve the request as presented. The requested variance was approved by a vote of 7-0.

The meeting was adjourned at 5:43 pm.

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Theresa Dunkle, Recording Clerk