



Board of Adjustments Minutes

November 17, 2020 at 5:00 p.m.

Virtual Meeting

Present

In person: Robert Trompke (Chair), Michael Clary (Vice-Chair), Aimee Hitchner, Tom Sims Jr., Director of Building, George Wiggins and Recording Clerk, Theresa Dunkle.

Virtual: Charles Steinberg, Ann Higbie and Steven Heller.

Meeting called to order

Approval of minutes

Motion made by Michael Clary to approve the October 20, 2020 minutes. Tom Sims Jr. seconded the motion. The minutes received approval 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. No disclosures or public comments made.

New business

1. Request of Lizette Martinez for variances to allow the construction of a swimming pool, located 15' from the street-side lot line, in lieu of the required setback of 20'. Also, to allow the construction of a 6' high fence located 10' from the street-side lot line, in lieu of the maximum height of 5', and to allow adding a new gable roof and addition to a non-conforming structure with a street side setback of 15' in lieu of the required setback of 20'.

Located at 531 Dunblane Dr., Zoned: R-1A

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

In discussing this request with the applicant, they would like to provide an outdoor kitchen/cabana type structure as part of an extended new higher garage roof to the rear over the pool deck. This revision will result in having a new roof ridge at a height of 14 feet with sidewalls at 11.5 feet and will rise above the lower slope roof of the main home.

At one time in the past when this home was constructed prior to 1990's the street side setback was only 15 feet for all new homes regardless of lot size or width.

It appears that the pool could be located further to the east behind the home; however, the applicants do not feel that the pool should be moved further and cover the Florida Room on the rear of the home.

All other features relating to impervious coverage and floor area ratio are met with the proposed improvements.

With the proposed new 6' fence extending out toward the front of the garage wall to the front yard, the applicant has provided an aerial plan indicating that the fence coming to the front will not obstruct the sight line for traffic.

Two letters of non-objection were received regarding this request.

Mr. Wiggins noted the existing permitted fencing along Banchory Rd was removed. He recapped this request stating there are three parts, pool street side encroachment by 5 feet without a pool deck at the street side, fencing encroachment of 10 feet, and an addition at the existing street side setback for an outdoor kitchen.

Mr. Wiggins stated the floor area ratio (FAR) would not increase because the open lanai is exempt from FAR inclusion.

Mr. Wiggins noted that the exterior wall height increases substantially with the new roof structure over the garage.

The applicant and homeowner, Lizette Martinez, stated she purchased the home in 2018. Ideally, she would like to reuse and relocate the existing privacy fence for increased street appeal; the new location will allow room for the large trash containers to go behind the fence. Ms. Martinez stated she is a licensed P.E and has clearly illustrated the fencing will not obstruct important traffic views at the intersection. Ms. Martinez became hesitant to place the pool elsewhere after a neighbor expressed concern with the materials used to infill the existing pool. Ms. Martinez noted the utility easement on the west side of the property limits viable decking area and pointed out the two most affected neighbors are in favor of her request.

In response to Board questions, Lizette Martinez said she prefers the pool location shown because it provides the best views of the pool from the proposed new cabana addition. Her pool contractor did not determine the prior pool limits. Mr. Wiggins confirmed the street side setback increased approximately 15 years ago from 15 feet to 20 feet.

In closed session, board member Michael Clary noted that the Board of Adjustments approved an addition similar to this one about three years ago. His concern was for the fence request. If most were in favor of the proposed fence location, Mr. Clary suggested landscaping in front of the fence. Although many did not see an obvious hardship, they felt approval of the prior case set a precedence. Some members felt that the hardship was that the code changed and this property has an increased right of way width.

No one from the public spoke concerning this request.

Findings

The board members agreed that considering action taken on a previously granted approval of a similar request in this neighborhood is important to note. They did not feel they could deny the applicant the same right granted to their neighbor. The Board members found the following hardships; this is an existing home with a fixed location, the corner lot has an increased street side setback since original construction of the home, and the extra wide street right of way area will lessen the visual impact of the fence.

Action

Based on these findings, Michael Clary made a motion, seconded by Thomas Sims, Jr. to approve the request with the stipulation three distributed 8' minimum long planting areas be installed and maintained on the street side of the fencing. The request as amended, and passed by a vote of 7-0.

The meeting adjourned at 5:45 pm.

Theresa Dunkle, Recording Clerk