



Board of Adjustments Minutes

May 18, 2021 at 5:00 p.m.

Hybrid Meeting

Present

In person: Robert Trompke (Chair), Michael Clary (Vice-Chair), Ann Higbie, Charles Steinberg, Jason Johnson & Cathy Sawruk; Director of Building, George Wiggins & Recording Clerk, Theresa Dunkle. Absent: Tom Sims Jr.

Call to Order

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

Consent Agenda

Ann Higbie made a motion to elect Robert Trompke as the new Board of Adjustments Chair; the motion was seconded by Jason Johnson. The motion was approved by a vote of 6-0.

Ann Higbie made a motion to elect Michael Clary as the Board of Adjustments Vice-Chair; the motion was seconded by Charles Steinberg. The motion was approved by a vote of 6-0.

Motion made by Michael Clary to approve the April 20, 2021 minutes. Ann Higbie seconded the motion. The minutes received approval by a vote of 6-0.

Staff Updates

No action items brought forward.

Citizen Comments

No public comments or questions.

Action Items

No action items brought forward.

Public Hearings

- 1. Request of Julie Riggs for a variance to allow the construction of a garage addition to be located 29.3 feet from the front lot line, in lieu of the required front setback of 38 feet.**

Located at 1420 Leith Ave., Zoned: R-1A

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

Further evaluation of the front setbacks of the adjacent three homes results in the average front setback to be closer to 35 feet.

The existing face of the garage is located 39.6 feet from the front lot line and the applicant desires to lengthen the existing garage toward the front by 10 feet in order to be usable to park a vehicle inside. The current garage length is only 11 feet and may have been partially enclosed at some point after the home was originally built in 1950.

Expanding the garage by 10 feet will result in an encroachment of 5.7 feet into the front setback leaving nearly 30 feet to the lot line. In addition, a side setback encroachment is needed to build this addition due to the existing nonconforming side setback of 6.5 feet. However, that setback can be approved administratively by providing a letter of approval from the abutting property owner in accordance with guidelines set forth in the Zoning Code allowing an extension of a nonconforming sidewall, which will not

be closer than 5 feet to the side lot line. A letter of approval has been obtained from the adjacent property owner, therefore, no variance is need for that portion of this request.

Overall, this home sits on a large lot with an area of 19,499 square feet, a lot depth of 150 feet and a width of 135' across the front and 130 feet across the rear lot line.

This proposed addition to the home will be under the allowable gross floor area (38%) and well below the maximum allowable impervious area of 60%.

Three letters in support were received for this request from the adjacent property owners on the west side of this applicant.

Mr. Wiggins noted the average front setback is based on the front setbacks of the three homes to the west of this property and all three of these property owners approve of the request. He explained that front setbacks used to be calculated using the average front setbacks for all of the homes on a block or subdivision. Approximately ten years ago, the formula changed to include only the nearby homes.

Mr. Wiggins displayed a photo of the shrubbery along the street side corner of the lot and noted that a new driveway approach near this corner near Orlando Avenue would be difficult. He noted that placing a new garage on the east side of the home would require a major driveway reconfiguration.

Mr. Wiggins also noted the floor plan from the property appraiser's website does not match the eleven-foot existing car depth presented by the applicant. In response to Ms. Higbie's question, Mr. Wiggins assumed an interior alteration of the garage must have taken place prior to this applicant's ownership of the home.

Ms. Julie Riggs, the applicant who resides at 1420 Leith Ave stated she has lived in the home for the past thirty-five years. She stated the eleven-foot garage depth presented was existing when she purchased the home and she has never been able to park her car inside of the garage. Ms. Riggs confirmed the width of the garage is fourteen feet. She wants to fit one sedan-sized car in the garage to provide a sheltered approach for her aging husband when assisting him with entry and exit from the vehicle.

Ms. Riggs said truck traffic is typical along U.S 17/92 and the natural landscaping and trees that buffer the home from the street took a long time to build up and would be maintained. Whereas, positioning a new garage on the east side of the lot would require tree removal, A/C relocation and chimney issues. She highlighted the proposed garage extension would still provide a large front setback of approximately thirty feet, which is a far distance from the sidewalk. She hopes to have an enclosed usable garage similar to other homes. In response to board questions, Ms. Riggs said she needs the additional ten foot depth to accommodate a sixteen-foot long car.

Barbara Webster, who resides at 1470 Leith Ave., spoke in support of the request. She confirmed that the applicant's husband needs assistance to safely access their car from within an enlarged garage. The added garage length will create the ability for her husband to safely access their car under rainy conditions.

In closed session, each of the board members expressed approval due to the location of the existing garage with insufficient length to be useable and the special circumstances that require a safe access to a vehicle.

Findings

The Board found the hardship is the unique location of this shallow garage on this property situated on the corner of busy U.S. 17/92. They identified this specific corner experiences heavy traffic back up. They felt building a new driveway approach closer to the intersection would not be as safe as using the existing driveway.

Action

Based on these findings, Jason Johnson made a motion, seconded by Ann Higbie to approve the request. The request passed by a vote of 6-0.

2. Request of Julie & Thomas Eastwood for a variance to allow the construction of a residential addition located 29' from the stream and joining a previously Board approved pool cabana located 10' to 19' from the stream, in lieu of meeting the required stream front setback of 50'.

Located at 1631 Barcelona Way, Zoned: R-1AA

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

The staff report concerning the previously granted variance was included in this submittal for reference.

This request does not reflect any greater encroachment into the stream front setback; however, it was not addressed in the previous approved variance. Apparently, the applicants decided to add this bedroom addition after the October 20, 2020 variance was granted. Due to the fact that the addition is within the 50 foot stream setback and the Board did not see this current plan, we asked that the applicants to return to the Board to obtain approval as a slightly expanded request. The area of the addition is 201 square feet and does not result in exceeding the floor area ratio or permitted impervious coverage for this property.

In addition, the size of the cabana approved in the variance granted has been further reduced in size to 65 square feet.

We received one email from an adjacent neighbor on the north side expressing support of this request. We received two emails in support of the previously granted variance from adjacent neighbors on both side of the applicant's property in the April meeting.

Mr. Wiggins, noted the proposed bedroom addition will front Howell Creek and that Winter Park's minimum stream-front setbacks have increased over time. He stated this two-story home is in Sevilla Subdivision and that most side setbacks in this subdivision encroach into today's minimum side setbacks. Variances for the pool and cabana were previously granted. The reduction of the cabana size under this request will accommodate a rear bedroom addition. In addition, the Architect has proposed a plan that lower the cabana roofline resulting in less appearance of encroachment of the stream front setback than the previously approved plan.

In response to Board questions, Mr. Wiggins confirmed the setbacks have not changed from the previous board approval of the pool and cabana.

The Board noted they had enough information to render a decision. Therefore, the applicants elected not to speak.

Findings

The Board found the hardship was established on October 20, 2021 when they approved the setbacks of the existing swimming pool and its accessory cabana. They felt it reasonable to allow a repair/replacement of the pool in the same existing location and that the bedroom addition does not add to the stream front setback encroachment but is within the previously approved footprint of these improvements.

Action

Based on these findings, Michael Clary made a motion, seconded by Charles Steinberg to approve the request. The request passed by a vote of 6-0.

The meeting adjourned at 6:00 pm.

Theresa Dunkle

Theresa Dunkle, Recording Clerk

June 15, 2021

Date of Board Approval