



Board of Adjustments Minutes

June 15, 2021 at 5:00 p.m.

Hybrid Meeting

Present

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

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

Motion made by Michael Clary to approve the May 18, 2021 minutes. Cathy Sawruk 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 Matthew Hurst & Melissa Morse for variances to allow the construction of a 6' feet high brick wall, swimming pool and pool deck, located zero feet from the Beloit Avenue lot line for the wall, one foot setback to the pool deck, and 2 foot setback to the pool's edge; in lieu of the required street side setback of 10 feet.
Located at 801 Hamilton Place Ct., Zoned: R-2**

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

Although the zoning for the Hamilton Place subdivision is R-2 where typically townhomes or duplexes are built, this development opted to create lots for single-family homes utilizing the zoning parameters permitted for one family dwellings which in most cases, more generous setbacks and area coverages are permitted than for duplex or townhome dwellings.

On this property, when the home was constructed on this site, due to the unusual corner lot configuration, a special 10 feet street side setback was determined to be adequate along the Beloit Avenue frontage. Therefore, that same 10-foot setback is applied to this applicant's request for the proposed improvements. The Zoning Code limits wall heights to three feet within street side yards unless set back the required setback of the home, where they are permitted to be 6 feet. In addition, on other typical rectangular residential corner lots walls are permitted to have a height of 5 feet at a street side setback of 10 feet.

The home constructed has two corners located on the street side at setbacks of 10 feet and 12 feet, which meet the special street side setback given to this property. Although the water's edge of a swimming pool is required to be at the same 10 foot setback as the home, the deck of the pool is permitted to be set back at one half of that distance which is 5 feet.

The applicant points out the difficulty in providing a location for a small swimming pool in any other area on the lot in light of its configuration and the location of the existing dwelling.

With these proposed improvements including pool and decking, the allowable impervious coverage for this zoning district (65%) is not exceeded for this property.

We received 13 letters of support for this request from nearby property owners.

Mr. Wiggins pointed out the lot backs Pennsylvania Place Subdivision. He also highlighted that the property line is five feet from the sidewalk. Therefore, the proposed wall will set just inside the property line, with a zero setback distance.

In response to a Board question, Mr. Wiggins confirmed the request includes three setback requests. One is for the wall; the other two setback requests are for the pool and pool decking.

The applicant, Matthew Hurst, who resides at 801 Hamilton Place Ct., stated he updated the approval letter sent to his neighbors; clearly identifying the wall request is for a zero setback from the property line and five feet to the sidewalk. Mr. Hurst said he needs the pool to assist in the rehabilitation of his two hip replacements. He believes the proposed wall will add value to the community, enclosing Hamilton Place. Mr. Hurst noted his hardship is the irregularly shaped corner lot. Mr. Hurst responded to a Board question, noting the CMU wall will replace the existing fence to deaden sound, provide greater privacy and blend in more harmoniously with the neighborhood.

Terrance Barter, of 811 Hamilton Place Court, Troy Weyman of 808 Hamilton Place Court, and William Caldwell of 1169 Oaks Blvd., all spoke in favor of the wall.

In closed session, the board offered different opinions. Ann Higbie had difficulty finding a hardship. On the other hand, both Ms. Higbie and Ms. Sawruk acknowledged the significance of the neighbors' support. Tom Sims Jr. and Mike Clary favored the pool setback request only. Robert Trompke and Charles Steinberg found the hardship is the shape of the lot and favored all of the applicant's requests.

As an alternative to the masonry or brick wall request, Mr. Wiggins suggested utilizing metal fencing that looks open but is opaque to provide a less massive appearance along this street frontage.

The applicant, Matthew Hurst said he is flexible regarding the wall material. He noted there are walls on Park Avenue one-foot away from the sidewalk. His proposed wall will be five feet from the sidewalk. He also agrees to a hedge in front of the wall. Mr. Hurst's wife, Melissa Morse felt a hedge inside the property line would not allow the pool to sit as close to the property line.

Board member Michael Clary felt there was opportunity to design an irregularly shaped pool and a smaller spa. He suggested a reduced request, allowing the pool with the requested five-foot setback; and allowing a six-foot high black opaque fence along the property line. Matthew Hurst responded he would accept black metal opaque fencing, in lieu of the proposed wall. Mr. Wiggins noted the amendment should include community association approval that the landscaping buffer will be provided and maintained on the outside of the fence. Matthew Hurst responded he would maintain the hedge in the right of way. He also hoped the board would reconsider a two-foot pool setback.

Findings

The Board found the hardship is the unusual corner lot configuration.

Action

Based on these findings, Michael Clary made a motion to approve as presented; Tom Sims Jr. seconded the motion. The request failed by a vote of 0-6. Michael Clary made an amended motion to allow the construction of a 6' feet high metal black opaque fence, located zero feet from the Beloit Avenue lot line and a swimming pool located 5' from the street-side lot line to the pool's water edge. The amendment included a community association approved landscaping buffer will be provided and maintained on the outside of the fence. Tom Sims Jr. seconded the amended motion which passed by a vote of 6-0. Robert made a final motion to allow the applicant to come back with modifications before the three-year waiting period. Cathy Sawruk seconded the final motion which passed by a vote of 6-0.

2. Request of Melissa & James Vaughan for a variance to allow the construction of a swimming pool located 6 feet from the rear lot line, in lieu of the required setback of 10 feet.

Located at 1509 Wilbar Circle, Zoned: R-1A

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

Due to a relatively shallow rear yard area the applicants are requesting relief from the required rear setback of 10 feet to the water's edge of a proposed swimming pool which has dimensions of 36 feet in length and 14 feet in width.

In order to locate the pool at the most desirable location behind the back porch of the home, the pool will need to encroach 4 feet into the rear setback to achieve the requested 14 feet of width.

Due to the size of this property (15,662 square feet), the proposed impervious area of the pool and deck (998 square feet) will be well under the allowable maximum 50% coverage permitted by the Zoning Code for a two-story home.

Another option the applicants may consider that will allow reducing the amount of rear setback encroachment is to move the proposed pool further north on the property just beyond the porch where the rear yard setback widens to 31 feet. From the enclosed aerial view there appears to be 50 feet of open yard area available unless the enclosed google aerial view does not accurately show any mature trees that would preclude that option. See photo on next page and distance available according Google aerial distance measurement tool.

We received no letters regarding this request from surrounding property owners.

An aerial photograph from the rear of the home showed the proposed location of the swimming pool.

Mr. Wiggins noted the applicants' email included in the Board's packet details their reasons explaining why the pool cannot be located on the north side of the lot due to shrubbery and trees.

The applicant and homeowner, Mr. James Vaughan spoke. He noted the ideal place for the pool is in the rear of this corner lot. The aerial picture presented to the board is not current; the trees on the north side of the lot are much larger now. The location of the pool requested would provide greater privacy from the street in the neighbor's best interests. Melissa Vaughan noted trees would need to be removed if the pool is positioned within the City's setback requirements. Ms. Vaugh said that without the four feet variance they are limited to a ten-foot-wide pool. The fourteen-foot-wide pool would accommodate their needs.

In response to a board question, Mr. Vaugh noted the thirty-six-foot length encompasses both the spa and pool. Ms. Vaughan added that she plans to landscape the side along Spruce Ave and the neighbors will be unaffected due to the existence of a swale on that side of their home.

The Board noted they had enough information to render a decision.

Findings

The board could not find a hardship, noting reduction of the pool's width would bring it into compliance.

Action

Based on these findings, Cathy Sawruk made a motion, seconded by Tom Sims Jr. to approve the request. The request failed by a vote of 0-6.

3. Request of Emily & Samuel Hillman for a variance to allow the construction of a 6' foot high PVC fence located on the Arjay Way property line, in lieu of the required setback of 20 feet, or in lieu of an allowed 5 feet high fence located 10 feet from the property line.

Located at 1881 Blue Ridge Road, Zoned: R-1AA

George Wiggins, Director of Building, stated that prior to the meeting, the applicant requested tabling this item until next month.

No one from the public spoke.

Action

Based on these findings, Ann Higbie made a motion, seconded by Charles Steinberg to approve the request. The request to table until next month passed by a vote of 6-0.

- 4. Request of Kenneth & Julie Champion for a variance to allow the construction of a new home-located 7.5 feet from the Oak Street lot line, in lieu of the required side setback of 15 feet. Located at 2080 St George Avenue, Zoned: R-1A**

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

The applicants are proposing to build a home on this lakefront corner lot property, which only has a lot width of 50 feet and requires a street side setback of 15 feet and an interior side setback of 7.5 feet to the first floor and 10 feet to the second floor. The existing two story home has a street side setback of 17 feet and varies in width from 22 to 24 feet. Under the required setbacks, the first floor is limited to width 27.5 feet and the second floor is limited to a width of 25.5 feet.

The homes across the street on narrow lots that vary from 54 to 45 feet in width have homes, which are 35 to 43 feet in width, although they are located within Baldwin Park (City of Orlando).

In reviewing the lot widths of all other properties around Lake Spier or the non-lakefront lots south of Lake Spier to the city limits, there does not appear to be any other corner lots, which are only 50 feet in width.

When a new subdivision is proposed or when previously platted properties are re-divided into buildable lots the City's Subdivision Code requires that newly created corner lots must have at least 10 feet of additional width due the special Zoning setback provisions placed on a corner lot.

Due to the extreme length of this lot (over 300 feet), the lot area is over 15,000 square feet allowing a home with a gross area in excess of 5,700 square feet. However, the applicants are not designing a home that maximizes the maximum allowable gross building area. In addition, the proposed design of the new home substantially reduces the wide expanse of concrete driveway and parking area along the south side of the existing home that fronts on Oak Street.

All other zoning parameters including allowing impervious coverage, lakefront setbacks, minimum front yard landscaping size and building height will be met with this proposed new home.

We received 10 letters of support for this request from the adjacent and nearby property owners.

The Building Official, Mr. Wiggins, highlighted the plan for this new home offers plenty of articulation on the street front elevation. He noted the properties across the street in Baldwin Park have very narrow setbacks ranging from five to seven feet. Mr. Wiggins stated this property is the single narrow lot along Lake Spier.

In response to a Board question, Mr. Wiggins confirmed the driveway approach will be relocated to the Oak Street side. Mr. Wiggins identified previous variances granted on Lake George. There was a side setback approved in 2015 and a rear setback approval for a two-story home on Barker Drive in 2013.

The applicant, Julie Champion, spoke. She said her neighbors' lots are much wider throughout the Lake Spier neighborhood. Whereas this property is a fifty-foot-wide corner lot; which places her at a disadvantage in designing a code compliant home on this narrow lot. Ms. Champion noted her neighbors are in support of the request and are happy the existing home will be demolished.

Catherine Mays of 1805 Barker Drive spoke in support of the request. She said the current rented home does not fit the profile of a Winter Park home.

Mr. Wiggins explained that this property and others around Lake Spier were annexed into Winter Park approximately 15 years ago. Typically, new subdivisions platted in Winter Park are provided an additional ten feet of lot width on the corner lots.

The Board noted they had enough information to render a decision.

Findings

The Board found the hardship was the unique narrow width of this corner lot along Lake Spier. They considered the design of the relocated driveway at the front of the lot as a safer approach at this intersection and the strong support of the neighboring property owners.

Action

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

The meeting adjourned at 6:30 pm.

Theresa Dunkle

Theresa Dunkle, Recording Clerk

July 15, 2021

Date of Board Approval