



# Planning and Zoning Board Minutes

April 6, 2021 at 6:00 p.m.

721 W. New England Avenue | Virtual | Winter Park, Florida

## 1. Present

Chairman Ross Johnston called the meeting to order at 6:01 p.m. Present: Jim Fitch, Owen Beitsch, Ross Johnston, Richard James and David Bornstein. Absent: Laura Turner and Michael Spencer. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Bronce Stephenson, Principal Planner Jeff Briggs, Senior Planner Allison McGillis, Transportation Manager Sarah Walter, and Recording Secretary Mary Bush.

## 2. Approval of minutes

**Motion made by Ross Johnston, seconded by David Bornstein, to approve the March 2, 2021 meeting minutes.**

**Motion carried unanimously with a 5-0 vote. (Laura Turner and Michael Spencer were not present for the meeting.)**

## 3. Public Hearing:

- SPR #21-04. Request of Native Homes, Inc. for: Approval to construct a new, two-story, 4,022 square foot, single-family home located at 622 Country Club Drive on Lake Killarney, zoned R-2.

Mrs. McGillis provided the Board an overview of the SPR #21-04 request. She noted that the property is zoned R-2 and is the last lakefront lot of the Lake Killarney Shores replat going before the Board for a lakefront approval. Mrs. McGillis also noted that no trees would be removed, the pool and pool deck were proposed at lower than the three-foot height maximum, and a swale near the lake front would be added for stormwater retention. Staff determined that the average lakefront setback is 72.3-ft and the applicant proposed a 70-ft setback for the home and a 50-ft setback for the pool. The proposed setback is consistent with the setbacks of the homes located to the north and south of the applicant's lot, so no views would be blocked. Mrs. McGillis added that the applicant was proposing a side entry garage and, due to the width of the lot, asked for a five-foot variance to the front to provide more room for vehicles to back out of the side entry driveway. Letters of approval for the front setback from both northside and southside neighbors were provided to the Board.

Staff recommendation was for approval.

Dr. James asked if there was a request for a variance to the side setback. Mrs. McGillis confirmed that no side setback variance had been requested.

No one from the public wished to speak. The public hearing was closed.

**Motion made by Owen Beitsch, seconded by David Bornstein, for approval to construct a new, two-story, 4,022 square foot, single-family home located at 622 Country Club Drive on Lake Killarney, zoned R-2.**

**Motion carried unanimously with a 5-0 vote. (Laura Turner and Michael Spencer were not present for the meeting.)**

- SPR #21-05. Request of Dap Design for: Approval to construct a new, two-story, 9,469 square-foot, single-family home located at 1400 Green Cove Road on Lake Maitland, zoned R-1AAA.

Mrs. McGillis provided a brief summary of the SPR #21-05 request to the Board. She noted that the applicant proposed a storm water swale near the lakefront and removal of two magnolia trees in declining condition on the front side of the lot. The applicant will match the average lakefront setback

of 95-ft for the home and the minimum 50-ft setback for the pool. Mrs. McGillis also noted that the applicant proposed a variance in height for the pool deck at seven and a half feet above existing grade in lieu of the three-foot maximum per code. Staff is in approval of the variance due to the lakefront elevation tapering downward with an extensive landscape buffer, the applicant proposing to install terrace landscape planters to minimize the impact of the deck height on the lake views, and the variances of the pool decks of the neighboring properties being similar.

Staff recommendation was for approval with the following condition:

- The applicant is required to maintain the existing landscape privacy buffer along the side property lines.

Chairman Johnston inquired about contact with the neighbors of the property and any issues they may have regarding the project. Mrs. McGillis confirmed that the neighbors had been noticed and that no issues had been raised by the neighbors.

The Board heard public comment from the following resident:

Mitch Levin of 1402 Green Cove Road, Winter Park, FL 32789 addressed the Board. Mr. Levin spoke on concerns regarding the outhouse landscape maintenance and an additional structure being built near it. He also requested to see a site map of the project.

No one else from the public wished to speak. The public hearing was closed.

**Motion made by David Bornstein, seconded by Richard James, for approval to construct a new, two-story, 9,469 square-foot, single-family home located at 1400 Green Cove Road on Lake Maitland, zoned R-1AAA with the following condition:**

- **The applicant is required to maintain the existing landscape privacy buffer along the side property lines.**

**Motion carried unanimously with a 5-0 vote. (Laura Turner and Michael Spencer were not present for the meeting.)**

- SPR #21-06. Request of Jonathan Cole for: Approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA.

Mr. Briggs provided a brief summary of the SPR #21-06 request to the Board. Mr. Briggs noted that the lot is currently vacant, has no trees, and there are no excessive retaining walls on the lake side. The lot is about a foot lower than its neighboring properties, so they will not be impacted by water runoff. He also noted that the applicant added steps within the house plans and on the exterior to the pool deck to transition the house with the grade of the lot. Mr. Briggs reviewed the site plan with the Board to explain possible blocks to neighbor views of the lake. He indicated that the back side of the proposed home ends at the same point parallel to where the pool of the neighbor to the east ends. Staff determined the average setback to be 112-ft. The proposed setback from the house to the lake is 81-ft and the setback from the pool to the lake is 50-ft. Mr. Briggs explained that the allowance of a smaller than average setback is at the discretion of the Planning and Zoning Board's determination of whether or not the home unduly impairs the lakefront views of neighbors. Per code, the Board is not subject to preserving lakefront views.

Mr. Briggs reviewed various photos and aerial views of the lot with the Board. He noted that the placement of the proposed home will block 19% of the total lakefront view of the neighbor to the east. Mr. Briggs pointed out that the applicant has the right to plant landscape such as bamboo along the property line down to the edge of the lake, which would completely block the northwest view of the neighbors to the east, but the applicant has agreed not to do so. Mr. Briggs mentioned that there is opportunity for the applicant to move the proposed home closer to the front property line to decrease the blockage of the lakefront views of the neighbors.

Staff recommendation was for approval with the following condition:

- Applicant is prohibited from installing any landscaping that may grow and block the existing views of neighboring homes.

The Board discussed the item and inquired about the following:

- the current effects from the topography of the shoreline on the overall lake views of the neighbors,
- the option of a front setback variance,
- discussion between the neighbors and the applicant regarding reducing the front setback,
- how the average setback is calculated,
- the impact on the average setback with each approved reduction of the average setback,
- the possible appreciation of home values over time as setbacks are reduced,
- any property value concerns brought up in the letters from neighbors received by staff,
- and quantifying the meaning of significant loss of view.

Mr. Briggs and Mr. Stephenson addressed the Board's inquiries. Mr. Briggs noted that the Board could impose a front setback variance but suggested the Board checks first to see if the applicant is already willing to reduce the setback.

The Board heard public comment from the following residents:

Attorney Alison Yurko of 1911 Summerland Avenue, Winter Park, FL 32789 addressed the Board. Ms. Yurko noted that she was representing the neighbors to the east of the applicant's property, Dr. John and Michelle Randolph. Ms. Yurko gave a brief presentation of objections to the applicant's site plan and lakefront setback deviations. Ms. Yurko discussed various concerns that included increasing the nonconformity of the lot, the proposed house size exceeding house sizes on other lots, the required lakefront setback, percentage of deviation from the lakefront setback, and the standards for determining whether to grant a code deviation.

Mr. Stephenson noted that the criteria discussed by Ms. Yurko is for a variance that would go before the Board of Adjustments and not before the Planning and Zoning Board.

Robin Swann of 281 Salvador Square, Winter Park, FL 32789 addressed the Board. Ms. Swann noted that she was representing her mother who lives at 761 Virginia Drive, Winter Park, FL 32789. She spoke on concerns regarding the lake views that would be blocked and setting precedence.

Michelle Randolph of 741 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mrs. Randolph spoke on concerns regarding the square footage of the proposed home compared to neighboring homes and the environmental and visual effects on the lakes.

Christian Swann of 281 Salvador Square, Winter Park, FL 32789 addressed the Board. Mr. Swann spoke on concerns regarding the allowed lakefront setbacks and how they are calculated.

Jeffrey Mottram of 241 Rippling Lane, Winter Park, FL 32789 addressed the Board. Mr. Mottram indicated that he was the builder for the applicant. He noted that most of the arguments being presented were Floor Area Ratio (FAR) related and the applicant is permitted to have a FAR much greater than what had been applied for. Mr. Mottram also noted that the balcony of the second floor of the proposed home will be open and able to be seen through by the neighbors. He added that the first-floor patio of the neighbor to the east already has a wall that is blocking a portion of the view that will be impeded.

Dr. John Randolph of 741 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mr. Randolph spoke on concerns regarding impacts to the lakefront views and adjustments to the position of the house and boat dock.

Chairman Johnston inquired with Dr. Randolph about his previous contact with the applicant. Dr. Randolph informed the Board that brief discussion had occurred with the applicant several months ago, but there had not been any discussion about the intended size for the house at that time. He noted that a second brief discussion occurred a few weeks ago about possibly repositioning the house and the boat dock but nothing was agreed to.

No one else from the public wished to speak. The public hearing was closed.

The applicant, Jonathan Cole of 721 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mr. Cole expressed that his intentions from the start of the project were not to detrimentally impact any

neighbors. He understood that he was within FAR and City code for the requests of the project and would not be unduly impacting any views of the neighbors. Mr. Cole added, though, that he is willing to try and work something out that is reasonable to the neighbors.

Mr. Stephenson reviewed with the Board the purpose and intent of lakefront reviews per City code. He noted that if the Board feels that there is undue blockage or a massing size issue, the Board has the ability to modify the bulk standards or make requirements to meet the purpose and intent of the code.

Mr. Bornstein noted that the unofficial role of the Planning and Zoning Board is to encourage good will and communication between neighbors. He inquired with the applicant about whether or not he would consider moving the house 15 to 20 feet forward to the front property line. The applicant expressed that he would be willing to reduce the front setback to move the house forward.

Chairman Johnston recommended a 30-day stay in order for the neighbors to discuss the issues and come to an agreement between each other. The applicant must inform staff of any agreement and adjustments made to the project plans.

**Motion made by Owen Beitsch, seconded by Richard James, to table the item until the next Planning and Zoning Board public hearing on May 6, 2021 to allow the applicant and neighbors to discuss and come to an agreement on the issues regarding the project.**

**Motion carried unanimously with a 5-0 vote. (Laura Turner and Michael Spencer were not present for the meeting.)**

- SPR #21-07. Request of Norma Desmond Properties LLC for: Approval to construct a new, two-story, 16,531 square foot, single-family home located at 570 Seminole Drive on Lake Virginia, zoned R-1AAA.

Mr. Briggs provided a brief summary of the SPR #21-07 request to the Board. Mr. Briggs noted that the property spans nearly two acres with several trees aligning the edges of the property. All but one of the trees will be preserved. Mr. Briggs also noted that there is a slight grade drop and plenty of room for lakefront runoff with 25-ft to 30-ft setbacks around the home. The north side of the property is open so staff recommended requiring a landscape privacy buffer.

Staff recommendation was for approval.

The Board inquired about neighbors having any concerns or sending in any letters regarding the project. Mr. Briggs confirmed that neither had occurred.

No one from the public wished to speak. The public hearing was closed.

**Motion made by Jim Fitch, seconded by David Bornstein, for approval to construct a new, two-story, 16,531 square foot, single-family home located at 570 Seminole Drive on Lake Virginia, zoned R-1AAA.**

**Motion carried unanimously with a 5-0 vote. (Laura Turner and Michael Spencer were not present for the meeting.)**

#### **4. New Business:**

Mr. Stephenson expressed congratulations for the newly elected Mayor Anderson. He explained that there may soon be new appointments made to the Board by the Mayor. Mr. Stephenson also expressed how greatly staff has enjoyed working with the current Board and appreciates their service.

Mr. Stephenson briefly introduced Aaron Hull to the Board. Mr. Hull is the new Planning Specialist for the Planning and Transportation Department.

#### **5. Planning Director's Report:**

No planning report.

## 6. Board Update and Comments:

Chairman Johnston recommended cancelling the next scheduled work session.

Dr. James expressed his appreciation for Chairman Johnston, Dr. Beitsch, and Vice Chair Turner who were appointed by the prior Mayor Steve Leary. Dr. James noted their valued mentorship during their Board service.

Brief discussion continued about the Planning and Zoning Board and its role within the City. Dr. Beitsch noted that he felt the current Board members have been one of the most effective group of Board members he has ever dealt with.

Mr. Bornstein mentioned that he had recently spoken with the new Mayor. He asked that the Mayor speak to each Board member to possibly maintain some continuity and history on the Planning and Zoning Board. Mr. Bornstein feels that a Board entirely made up of members with only one year or less of Board experience will be problematic. He also disclosed that he recently sent an email to all of the Board members requesting that they meet with the City Commission to discuss the Orange Avenue Overlay District. He noted that he did not receive any responses to this email. Mr. Bornstein expressed that the Planning and Zoning Board's input regarding the Orange Avenue Overlay District should be heard by the City Commission and hoped it would be added to one of their future meeting agendas.

## 7. Upcoming Meeting Schedule:

The next regular meeting will be held on May 4, 2021 and the next work session has been cancelled.

### Adjourn

Meeting adjourned at 7:55 p.m.

Respectfully Submitted,

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Mary Bush

Recording Secretary

Approved by Board on May 4, 2021.