

**CITY OF WINTER PARK
PLANNING AND ZONING BOARD**

**Staff Report
August 5, 2014**

REQUEST OF FATIGATI ENTERPRISES FOR: SUBDIVISION
APPROVAL TO SPLIT THE PROPERTY AT 2525 TEMPLE DRIVE, ZONED
R-1AA INTO TWO LOTS.

Fatigati Enterprises has a contract to purchase the property at 2525 Temple Drive and is requesting subdivision or lot split approval to divide the property into two lots. No variances are requested since the proposed lot dimensions meet the R-1AA zoning standards, subdivision code requirements and comprehensive plan policies.

This is a 2.25 acre property on the west side of Temple Drive, just north of the Via Siena subdivision and across Lake Temple from the Tuscany Place subdivision. It is also the first property just south of the commercial properties at Temple and Howell Branch Road. (See attached maps)

Proposed Lots: The two proposed lots will be approximately 1.12 acres in size with 160 feet of lot width or frontage. They far exceed the R-1AA lot minimums of 100 feet of frontage and 10,000 square feet of lot area, and importantly meet the Comprehensive Plan estate lot criteria, which is the limiting factor for this property.

Comprehensive Plan policy criteria: The Comprehensive Plan defines any residential property over one acre as an "estate". That definition is shown below:

Estate – A single family residential property under single ownership, regardless of divisions that may be shown by the Orange County Property Appraiser, that is one acre or larger.

Due to the Comprehensive Plan policies outlined below, this 2.25 acre "estate" property can only be divided into "estate" lots of one acre or greater. That is what is requested.

Policy 1-3.6.7: Subdivision of Lot Splits of Single Family Estate Properties. Historically, Winter Park is a distinct residential community in part because of the existence of large estate properties. These existing estates, many with historical or architectural significance, provide a character that in turn creates value throughout the surrounding neighborhoods and the community. Thus, their preservation maintains the attractive character of Winter Park that helps to set it apart from other cities in Florida. The existence of large estate properties dispersed throughout Winter Park adds great attractiveness, appeal and value to residents and potential buyers as contrasted with newer more uniform homogenous subdivisions. In order to protect these features and values and preserve neighborhood character, the City shall not consider or approve any

subdivisions or lot splits of estate lots (one acre or greater) within areas designated single family residential.

Policy 1-3.7.1: Preserve Lakefront Estates *It is a policy of the City and of this Comprehensive Plan to maintain the diversity of sizes of lakefront properties and estates and to prohibit the subdivision or split such properties. The City shall preserve low densities along the City's lakefront property, including larger lakefront estates in order to perpetuate the unique character of Winter Park that sets it apart from other cities throughout Florida.*

Subdivision Code criteria: There are similar criteria for the split of estate properties within the subdivision code. We have the same size dimension of one acre, as shown below. Again by dividing this "estate" property into lots which also qualify as "estate" lots, there is conformance to these regulations:

Sec. 58-371. Definitions.

Estate lot means any single-family residential lot that is one acre or greater in size.

Lakefront lot means any lot or property which is bounded by Lakes Maitland, Osceola, Virginia, Mizell, Sue, Sylvan, Berry, Forrest, Killarney, Temple, Tuscany, Spier and Bell.

Sec. 58-377. Conformance to the comprehensive plan.

(f) Pursuant to the policies of the comprehensive plan, in the consideration of lot splits, plats, replats or subdivisions of lakefront estate lots, it is the city's policy to maintain the diversity of sizes of lakefront properties and lakefront estate lots and to strongly discourage the subdivision or split of such properties. The city shall preserve low densities along the city's lakefront property, including larger lakefront estate lots in order to perpetuate the unique character of Winter Park that sets it apart from other cities throughout Florida.

Proposed development plans: The applicant has not submitted development plans (house plans) but due to the lakefront location, the Planning Board will see those plans on a future agenda pursuant to the lakefront review authority in the zoning code. There are some very large live oak trees on this property. By dividing this property into just two lots there will be opportunities to design the homes to preserve the live oak trees that are a major selling point for this property.

Summary: The request meets all the Comprehensive Plan, Subdivision Code and Zoning Code requirements for lot sizes and no variances are requested. Unlike our other rezoning and conditional use requests where there is often some discretion by the City based on context and compatibility, the case law with subdivision requests is that when a property meets the Code, they are entitled to an approval. That is the case with this request, in the staff's opinion.

Staff Recommendation is for Approval

2525 Temple Drive

P.O.C. - PROPOSED PARCEL "B"

5 89°55'02" W
11.1' OF
N 1/4 OF
S 1/4 OF
SEC. 25, T. 21S, R. 11E

NOTE: THIS PARCEL (CALLED PARCEL "B")
ON TAX MAP 5, 5.00 ACRES FOR INSTRUMENTAL
UNRECORDED RECONSTRUCTION AUTHORITY TO
THE SURVEYOR AS A COMMENT.

NOT PLATTED

S 89°55'02" E (F) S 90°00'00" E (DESC.)
386.09 (F)

P.O.B. - PROPOSED PARCEL "A"

SEC. 1/2" U.S.
(P.O.B. ALIGNED
P.O.B. 1/4" DIST.)

Lot #1

PROPOSED PARCEL "A"
1.35 ACRES

PROPOSED PARCEL "B"
1.35 ACRES

PROPOSED PARCEL "B"
1.35 ACRES

PROPOSED PARCEL "B"
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PROPOSED PARCEL "B"
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PROPOSED PARCEL "B"
1.35 ACRES

PROPOSED PARCEL "B"
1.35 ACRES

TEMPLE DRIVE
(B.B.) S 00°00'00" E
376.19 (F) 372.20 (DESC.)

NOTE: POTENTIAL AREA DESIGNATED AS RIGHT OF
WAY PER THE ORANGE COUNTY PROPERTY
APPRAISER'S WEB SITE. THIS POTENTIAL RIGHT OF
WAY AREA IS INCLUDED WITH THE SQUARE
FOOTAGE FIGURES SHOWN HEREON.

Lot #2

N 67°42'10" W (F) N 67°25'10" W (DESC.)
383.71 (F) 358.00 (DESC.)

CHANNING SHORES
P. 2, 10, P. 16

LOT 1

LOT 11

LOT 1
TUSSAWY PLACE FIRST ADDITION
P.B. 7, P.C. 117

N 32°40'55" W
174.96 (F)

N 32°40'55" W
193.08 (F)

N 32°40'55" W
193.08 (F)

N 32°40'55" W
193.08 (F)

N 32°40'55" W
193.08 (F)

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193.08 (F)

N 32°40'55" W
193.08 (F)

N 32°40'55" W
193.08 (F)

N 32°40'55" W
193.08 (F)

SKETCH OF DESCRIPTION ONLY
THIS IS NOT A CONTRACT

OCPA Web Map

Florida Turnpike	Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Interstate 4	Public Roads	Brick Road	Lot Line	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Toll Road	Gated Roads	Rail Road	Residential	Commercial/Industrial/Vacant Land	County Boundary	Building
Road Under Construction	Proposed SunRail	Agriculture	Agricultural Corridor	Park	Hospital	

Courtesy Rick Singh, CFA, Orange County Property Appraiser



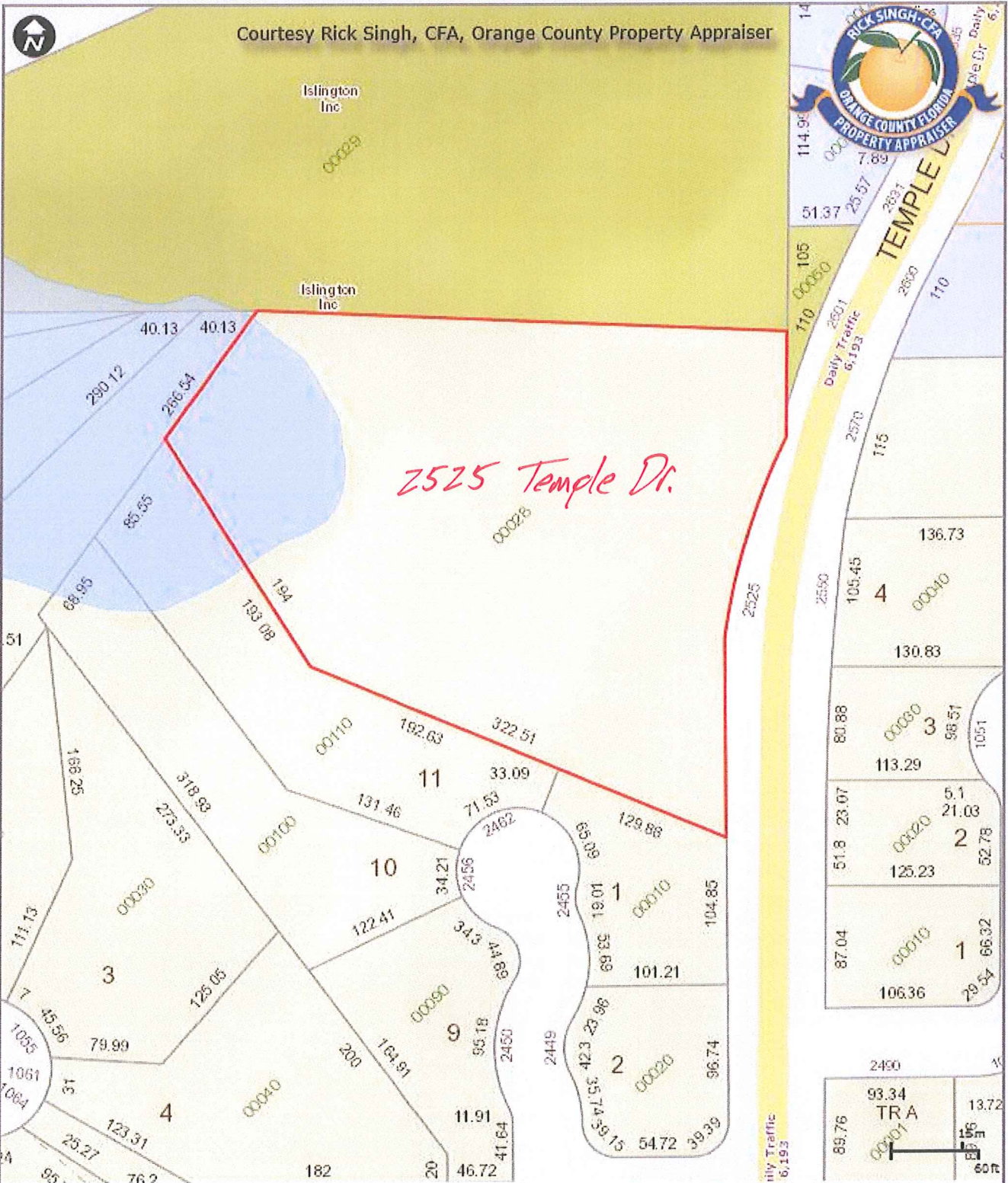
Created: 7/7/2014

This map is for reference only and is not a survey.

OCPA Web Map

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|--|------------------|--|-------------------------|--|-------------|--|-----------------------------------|--|------------------|--------------|------------------|
| | Major Roads | | Proposed Road | | Residential | | Commercial/Industrial/Vacant Land | | Park | 6 | Lot Number |
| | Florida Turnpike | | Public Roads | | Agriculture | | Agricultural Curtilage | | Lakes and Rivers | 06060 | Parcel Number |
| | Interstate 4 | | Gated Roads | | Block Line | | Commercial/Institutional | | Building | 3106 | Parcel Address |
| | Toll Road | | Road Under Construction | | Lot Line | | Governmental/Institutional/Misc | | Waste Land | E | Block Number |
| | | | | | | | | | | 111.9 | Parcel Dimension |

Courtesy Rick Singh, CFA, Orange County Property Appraiser

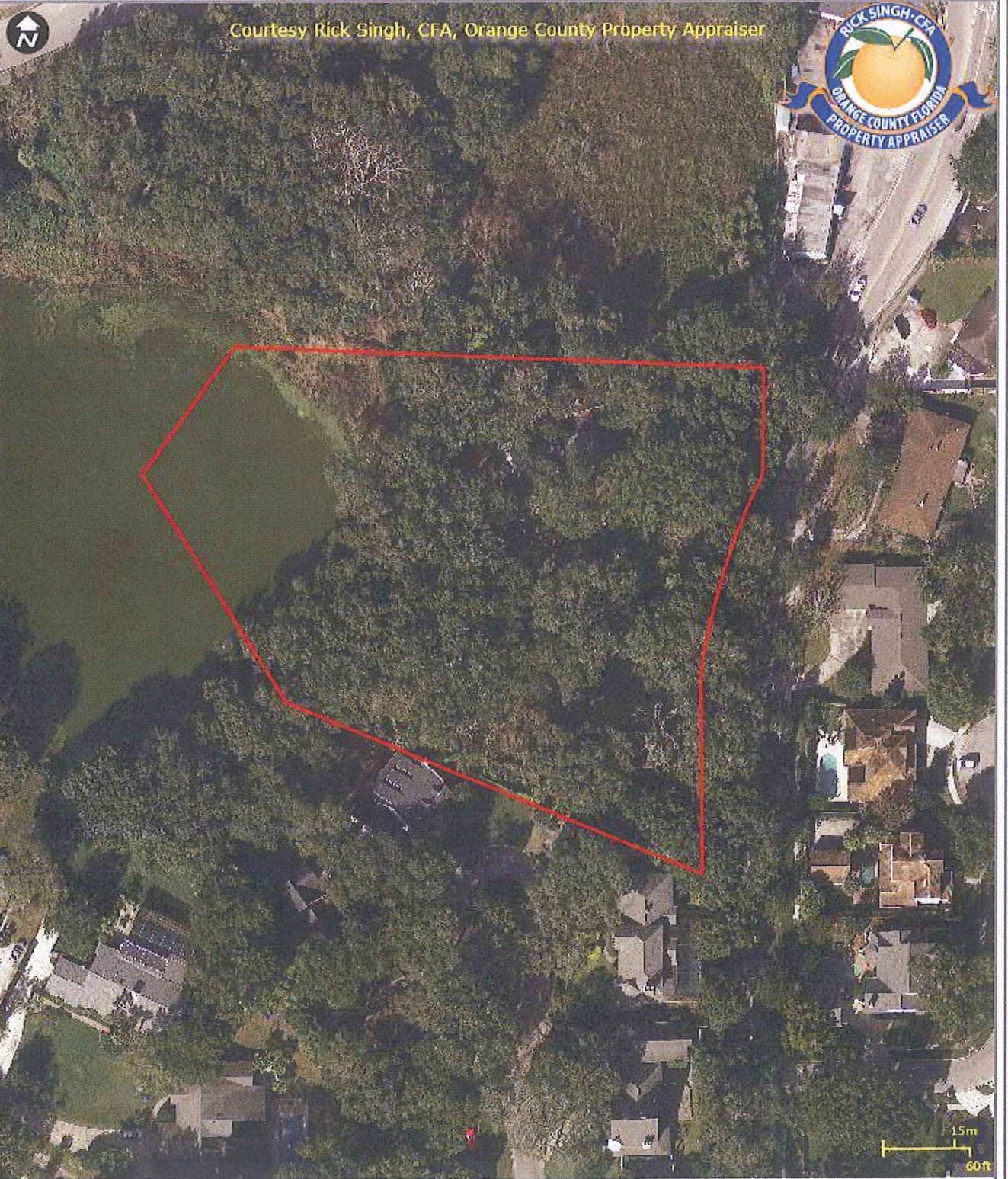


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OCPA Web Map

Major Roads	Proposed Road	Residential	Commercial/Industrial/Vacant Land	Parks	6 Lot Number
Florida Turnpike	Brick Road	Agriculture	Agricultural Curtilage	Lakes and Rivers	06060 Parcel Number
Interstate 4	Gated Roads	Commercial/Institutional	Hydro	Building	3106 Parcel Address
Toll Road	Road Under Construction	Governmental/Institutional/Misc.	Waste Land	Block Number	111.9 Parcel Dimension
	Lot Line				



Courtesy Rick Singh, CFA, Orange County Property Appraiser



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**CITY OF WINTER PARK
PLANNING AND ZONING BOARD**

**Staff Report
August 5, 2014**

REQUEST OF THE CITY OF WINTER PARK FOR: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AMENDING SECTION 58-71 "GENERAL PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS SO AS TO ESTABLISH REAR SETBACKS FOR SINGLE FAMILY RESIDENTIAL PROPERTIES WITH SHALLOW LOT DEPTHS, SECTION 58-67 "LOW DENSITY RESIDENTIAL (R-2) DISTRICT" TO CORRECT A SINGLE FAMILY DWELLING COVERAGE ERROR AND MODIFY CERTAIN MISCELLANEOUS RESIDENTIAL PROVISIONS IN SECTION 58-66.

The proposed ordinance provides appropriate rear and front setbacks to single family residential lots that are unusually shallow in lot depth. In addition, three other minor items are addressed to clarify and refine single family zoning rules for garages and articulation, elimination of an unneeded deed restriction requirement and correction of an error in the R-2 Zoning District.

The shallow lot depth setback issue recently came to the attention of our Board of Adjustments over a variance request asking for relief from the rear setback and front setback for a home which has a lot depth of 84 feet. Implementing our required rear setbacks of 25 feet to the first floor and 35 feet to the second floor plus meeting the required established front setback feet left a very small buildable area for a modest two story home with very little opportunity to provide any architectural design flexibility.

Smaller rear setbacks are already allowed in the Zoning Code for single family zoned lots located in 5 blocks bounded by Denning Drive, New England Avenue, Lyman Avenue and Pennsylvania Avenue where lot depths are only 70 feet. In this area, a 10 foot rear setback is permitted for one story and a 25 foot setback is permitted for a two story building. The proposed code change will address the need for special reduced rear setbacks globally for all single family zoned lots citywide instead of only allowing these setbacks in the 5 blocks delineated above. This should have been done previously, however, I believe we wanted to see how the reduced rear setbacks would work in this one area of the City before implementing the changes in all single family districts.

In viewing properties in single family neighborhoods throughout the City it appears that it makes sense to have allow the smaller setback at the two different lot depths: 75 feet and 105 feet. There are approximately 100 lots that have 75 foot lot depths or less mostly in the west side area, and there are approximately 150 lots that have lot depths of 105 feet or less located on the area east of Winter Park Road near Corrine Drive (annexed into the City around 15 years ago), several in the west side area and in a few other locations as well. Both of these lot sizes deserve special consideration,

particularly since, the City originally only required a rear setback of 10 feet to both floors of a new home until approximately early 1990's when we implemented stricter floor area ratio requirements and other provisions directed toward limiting the mass and scale of homes being built in established neighborhoods.

For lots which have a lot depth of 75 feet or less, the Ordinance proposes allowing a first floor rear setback of 10 feet, a second floor setback of 25 feet. For lots which have a lot depth of 105 feet or less, the Ordinance proposes allowing a first floor rear setback of 15 feet and second floor setback of 30 feet. As already established in the Code, the front setback is determined by averaging the two adjacent homes on each side of a residential property undergoing redevelopment.

Other items addressed:

- 1) **Removal of deed restriction requirement when excluding the areas of open front porches, or screened rear and side porches:** This was originally required to prevent the enclosure of porches on new homes that had excluding those floor area from the overall gross floor area of the home. After having this in place for over ten years, we have found this to be a meaningless tool because anyone that proposes to enclose a porch must submit plans and obtain a building permit. Realizing that these enclosures can occur without obtaining a building permit, in most cases we find this out through a report of building activity without a permit. When the permit request comes in then the applicant must prove they can still meet our floor area ratio requirement in order to enclose the porch and our plan reviewer will also verify code compliance on each request. We have never had a case where an unauthorized porch enclosure was identified through the use of the recorded deed restriction.
- 2) **Adding allowance for a third garage bay under certain conditions:** This came to our attention recently with a plan submitted for permitting in which a third garage bay that was significantly stepped back appears to not be offensive architectural and does not line up directly with the other two garage doors. For new homes, in order to have a front facing garage the doors must be no wider than 9 feet, which helps to break up the mass of the home. Having a third stepped back door with a similar size limitation seems to accomplish breaking up the mass also.
- 3) **Side wall articulation clarification:** The code language allowing use of chimneys, imitation chimney or bay windows to accomplish articulation needed to be made clear that these are the only features that can be used which project into the side setback.
- 4) **Correction of error in R-2 Zoning District:** When these provisions were adopted the impervious coverage requirement for a detached dwelling was intended to be 65% which is the same as for duplexes and cluster housing because of the greater density allowed in this District versus a single family zoned district. It does not make sense to penalize someone wanting to construct a single family dwelling in this District by requiring stricter impervious coverage than the duplex or cluster housing units that can be built next door.

STAFF RECOMMENDATION IS FOR APPROVAL.

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE, ARTICLE III, "ZONING" AMENDING SECTION 58-71 "GENERAL PROVISIONS FOR RESIDENTIAL ZONING DISTRICTS SO AS TO ESTABLISH REAR SETBACKS FOR SINGLE FAMILY RESIDENTIAL PROPERTIES WITH SHALLOW LOT DEPTHS, SECTION 58-67 "LOW DENSITY RESIDENTIAL (R-2) DISTRICT" TO CORRECT A SINGLE FAMILY DWELLING COVERAGE ERROR AND MODIFY CERTAIN MISCELLANEOUS RESIDENTIAL PROVISIONS IN SECTIONS 58-65 & 58-66; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:

SECTION 1. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances Section 58-65 "R-1AAA Lakefront district" subsection (f)(1)(h) and Section 58-66 "R-IA & R-1AA district" subsection (f)(1)(h) is amended to read as follows:

(f)Site and building improvement regulations.

(1)Floor area ratio.

h. The area within an open street front porch and entry may be excluded from the "gross floor area," subject to the limitations in this paragraph. This exclusion shall be limited to a maximum area of 400 square feet. The area on the first floor within an open or screened rear or open side porch, lanai, porte cochere or other covered area shall not be included within the "gross floor area." This exclusion shall be limited to a maximum area of 500 square feet. On the second floor, rear or side porches must have exterior sides that are 75 percent open in order to utilize up to 300 square feet of the total allowable 500 square feet of excludable gross floor area. ~~Properties utilizing this exemption shall record a deed covenant outlining the restrictions precluding the screening or enclosing of such porch or entry.~~ An open front porch, entry area or porte cochere utilizing this exemption shall also comply with the provisions in subsection 58-65(f)(5)c.

SECTION 2 . That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances Section 58-66 "R-IA & R-1AA district" subsection (f)(1)(h) is amended to read as follows:

(f)(7) [See Section 58-66(f)(9) for special reduced rear and front setbacks on certain lots with shallow depths of 105 feet or less.]

(f)(9) a. Lots with shallow lot depth. Lots with average depth of 75 feet or less may utilize a ten (10) foot rear setback to a one-story structure and a 25 foot rear setback to the two-story portion of any building. Properties with an average lot depth of 105 feet or less may utilize a fifteen (15) foot rear setback to a one-story structure and a thirty (30) foot rear setback to the two-story portion of any building. Any front facing garage opening must be set back at least 20 feet.

[Note: Existing Paragraphs "a" through "c" remain and shall be re-lettered "b" through "d".

SECTION 3. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances Section 58-65 "R-1AAA Lakefront district" subsection (f)(8) and Section 58-66 "R-IA & R-1AA district" subsection (f)(8) is amended by to read as follows:

(8) Side wall articulation. Each side wall shall provide architectural articulation by stepping the wall plane in or out by at least two feet when the side wall plane and side roof line extend more than 36 feet along the side lot line. The articulation must be provided on one-story walls, on both floors for two-story-high walls, and on the first floor of two-story homes where the second floor is set back from the first floor by at least two feet and includes roof articulation unless the omission of roof line articulation is critical to maintain the architectural style of the home. The inset or projection must extend a distance of at least six feet along the side property line and may continue for another 36 feet of wall length before repeating the articulation. Projections designed to accomplish this articulation requirement must meet the required side setback. The minimum inset or projection is two feet. ~~Other architectural features that project, such as Bay windows, chimneys or imitation chimneys up to eight feet wide may be utilized to accomplish articulation and may extend up to two feet into the required side setback except where the permitted side setback is six feet. See subsection 58-71(g) for additional chimney setback allowance.~~

SECTION 4. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances is hereby amended and modified by adding to Sections 58-67 "Low density residential (R-2) district" a new subsection (f)(1) to read as follows:

Section 58- 67. Low density residential (R-2) district.

(f) *General development standards:*

(1) *Part 1, for properties over 65 feet in width:*

	Single Family detached
Max. impervious coverage	50% 65%

[Note to Municode: The only change in the table is to increase the max. impervious coverage for single family detached dwellings from 50% to 65%.]

SECTION 5. That Chapter 58 "Land Development Code", Article III "Zoning" of the Code of Ordinances Section 58-71 "General provisions for residential zoning districts" Subsections (i)(3) and (w) is hereby amended and modified as follows including deleting the text of subsection (w) and re-lettering remaining subsections within Section 58-7 to (w) through (jj):

Section 58-71. General provisions for residential zoning districts.

(3)Garages and carports for single-family dwellings on any lot and two-family dwellings on lots over 65 feet wide:

a.Front-facing garages must meet one of the following design standards:

1.The front wall of the garage must be located at least two feet behind or at least two feet in front of the main wall of the home with a maximum of two doors no greater than 9 feet, wide with the garage door face recessed at least six inches from the plane of garage wall. For an existing home undergoing a remodel or enclosing a carport, one garage door may be permitted up to 18 feet wide with architectural design features such as glazing, hardware and raised panels integrated into the door or other finish matching primary structure.

2.The garage wall face must be set back at least four feet behind the front building wall.

3.The garage must have a side entry or be located at the rear of the property behind the main dwelling.

4. A third front facing garage bay with a maximum door width of 9 feet if recessed back at least 4 feet from the adjacent front wall is permitted under #2 or #3 above.

~~(w) Lots with shallow depth. The platted lots within blocks 46 through 53 of the Town of Winter Park subdivision or any other lot with an average a lot depth of 70 feet or less shall be enabled to utilize a ten (10) foot in lieu of the 25-foot rear setback given the unusual shallow depth of these platted lots, provided the overall building height does not exceed one story within the typical 25-foot rear setback area.~~

SECTION 6. All ordinances or portions or ordinances in conflict herewith are hereby repealed, any part of this ordinance declared to be unlawful by any court shall not constitute repeal of the remainder of the ordinance.

SECTION 7. This ordinance shall become effective immediately upon adoption.

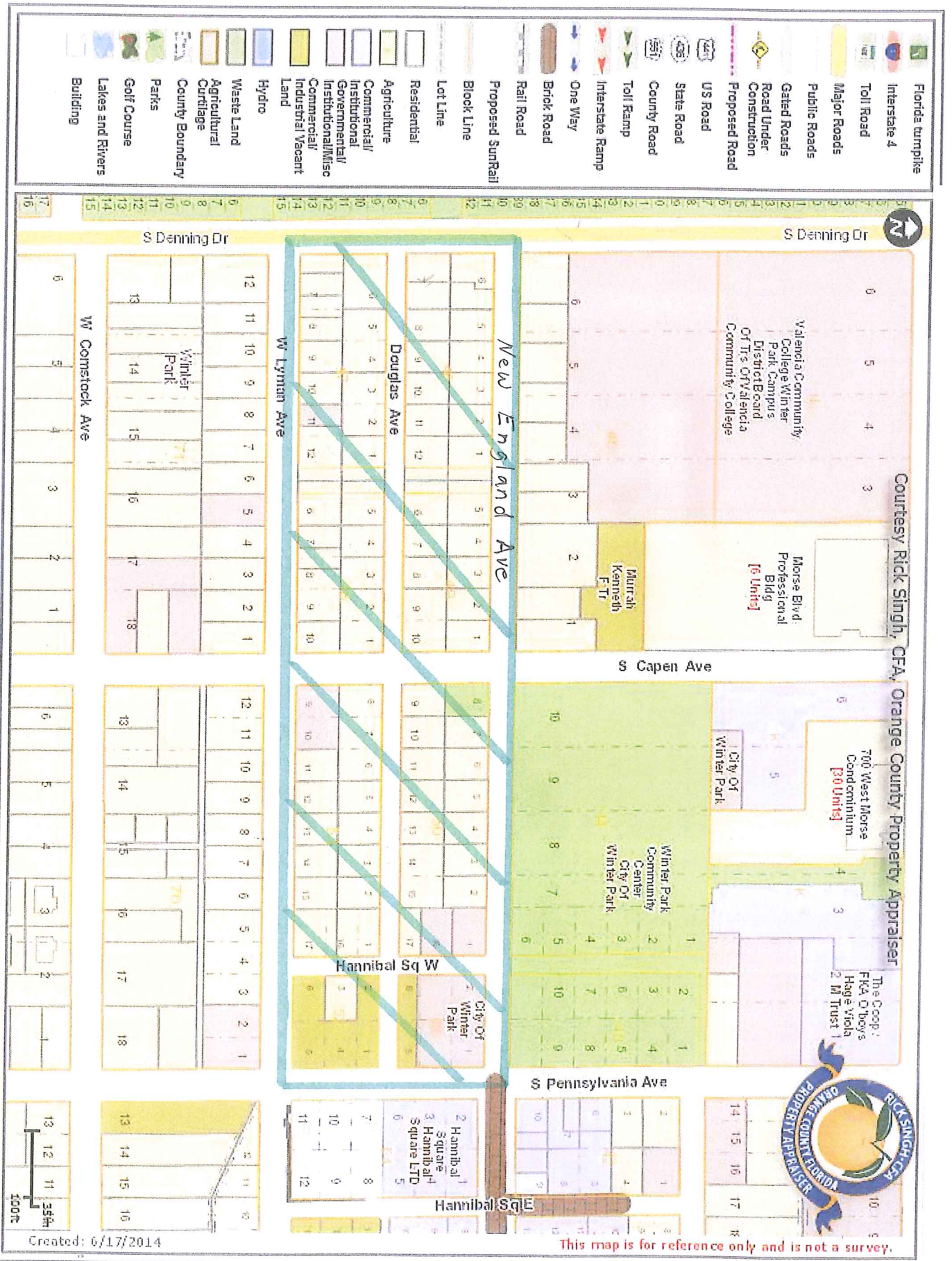
ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ___ day of _____, 2014.

Mayor Kenneth W. Bradley

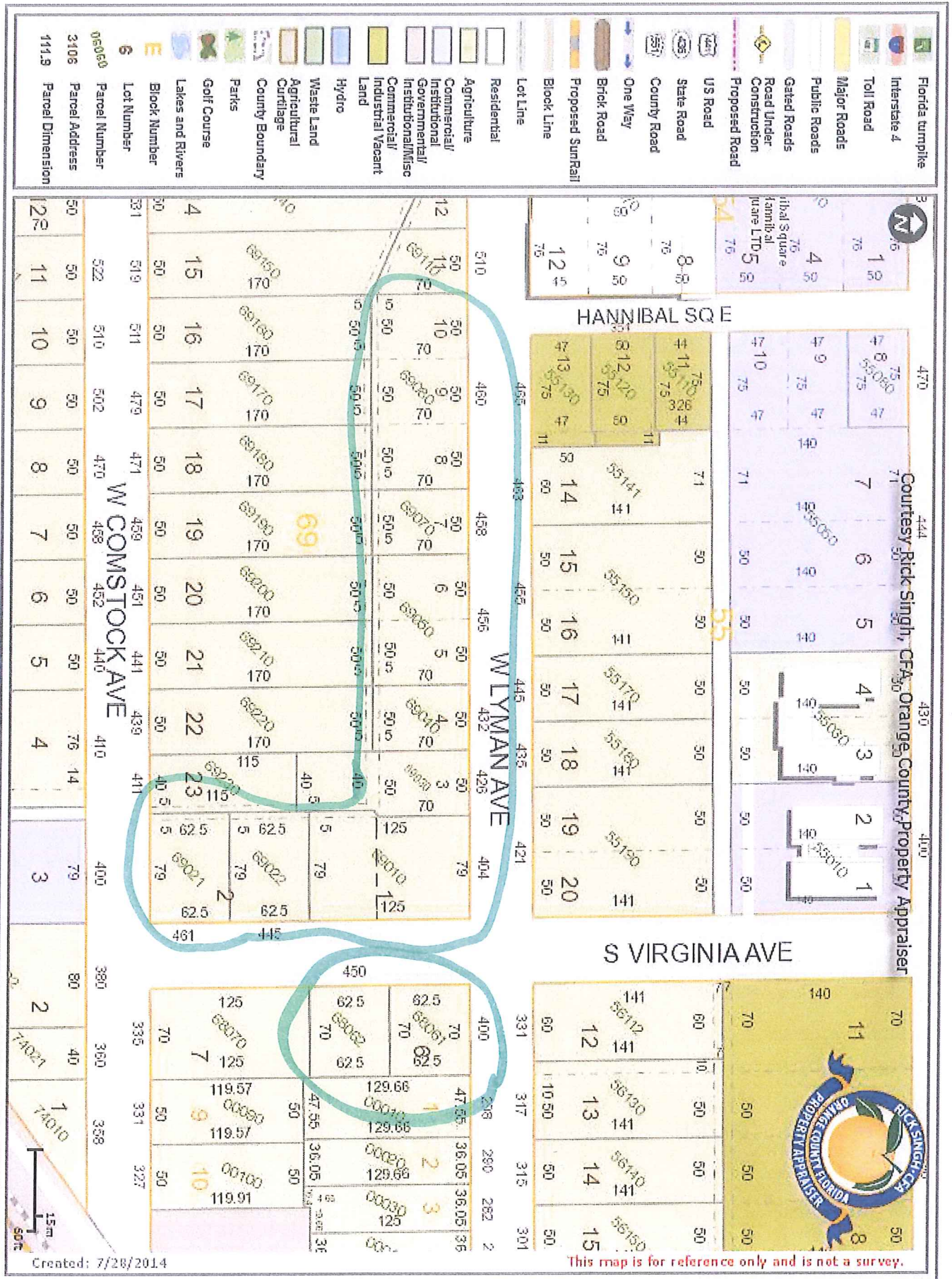
ATTEST:

City Clerk Cynthia S. Bonham

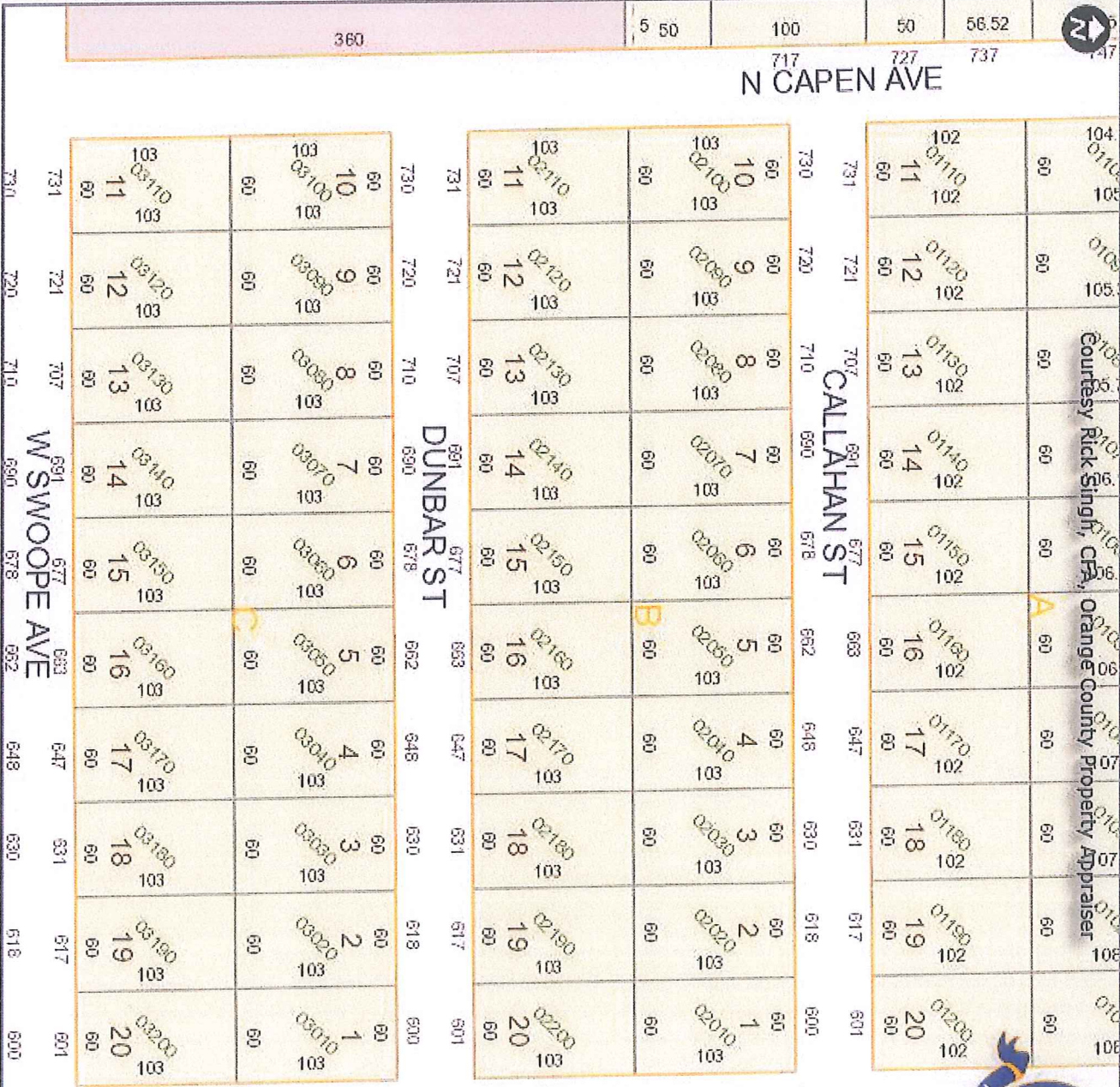
CURRENT AREA WITH SPECIAL REAR SETBACKS



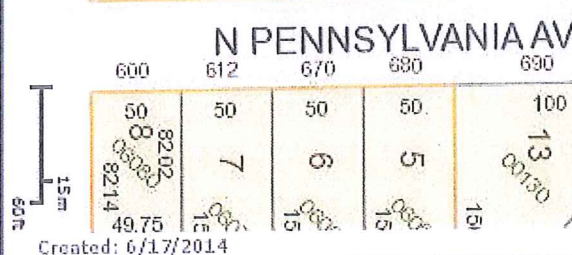
Examples of areas with shallow lot depths



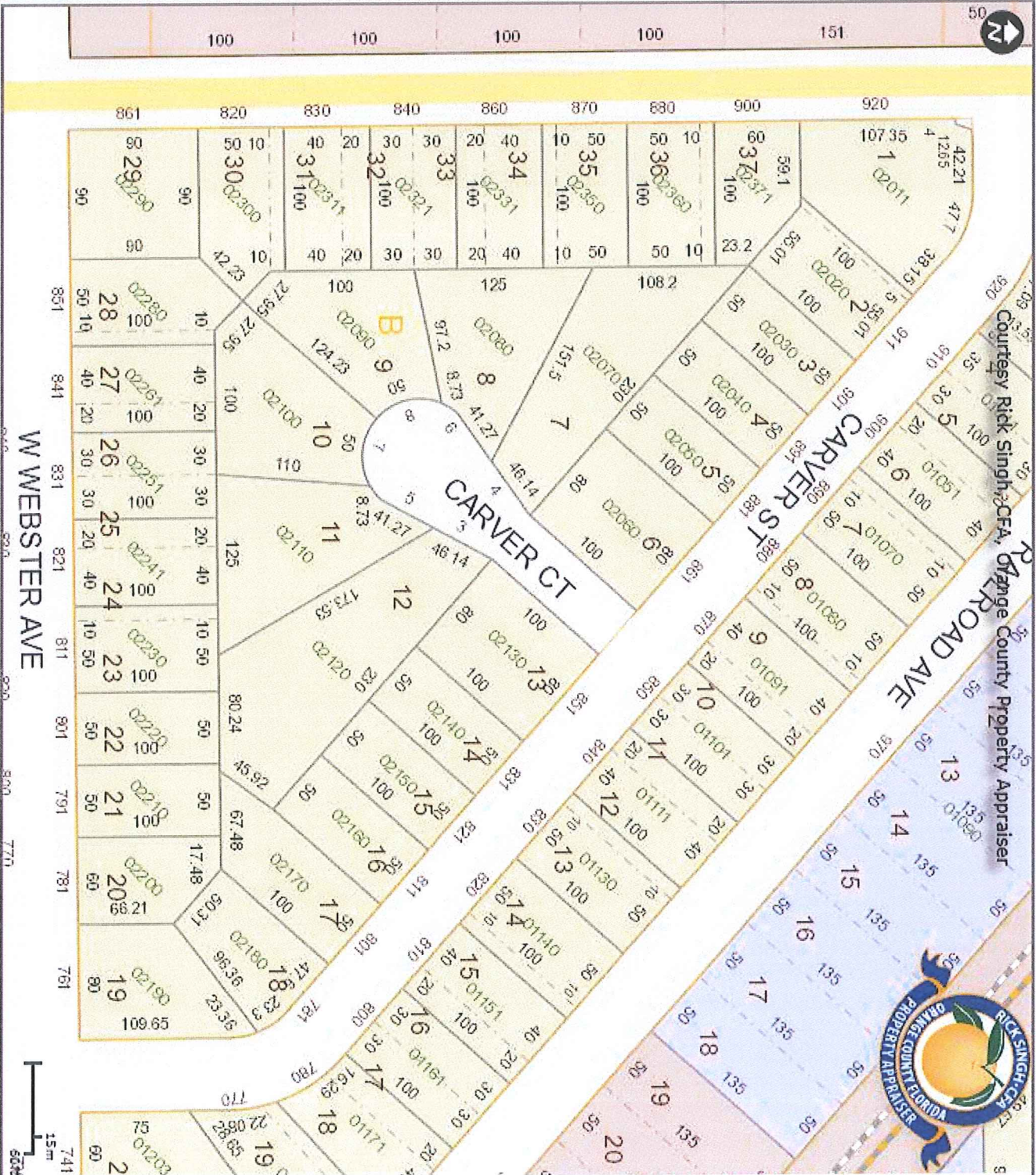
- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- One Way
- Brick Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Institutional/Misc
- Commercial/Industrial/Vacant Land
- Hydro
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- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Block Number
- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimension



This map is for reference only and is not a survey.



- Florida Turnpike
- Interstate 4
- Toll Road
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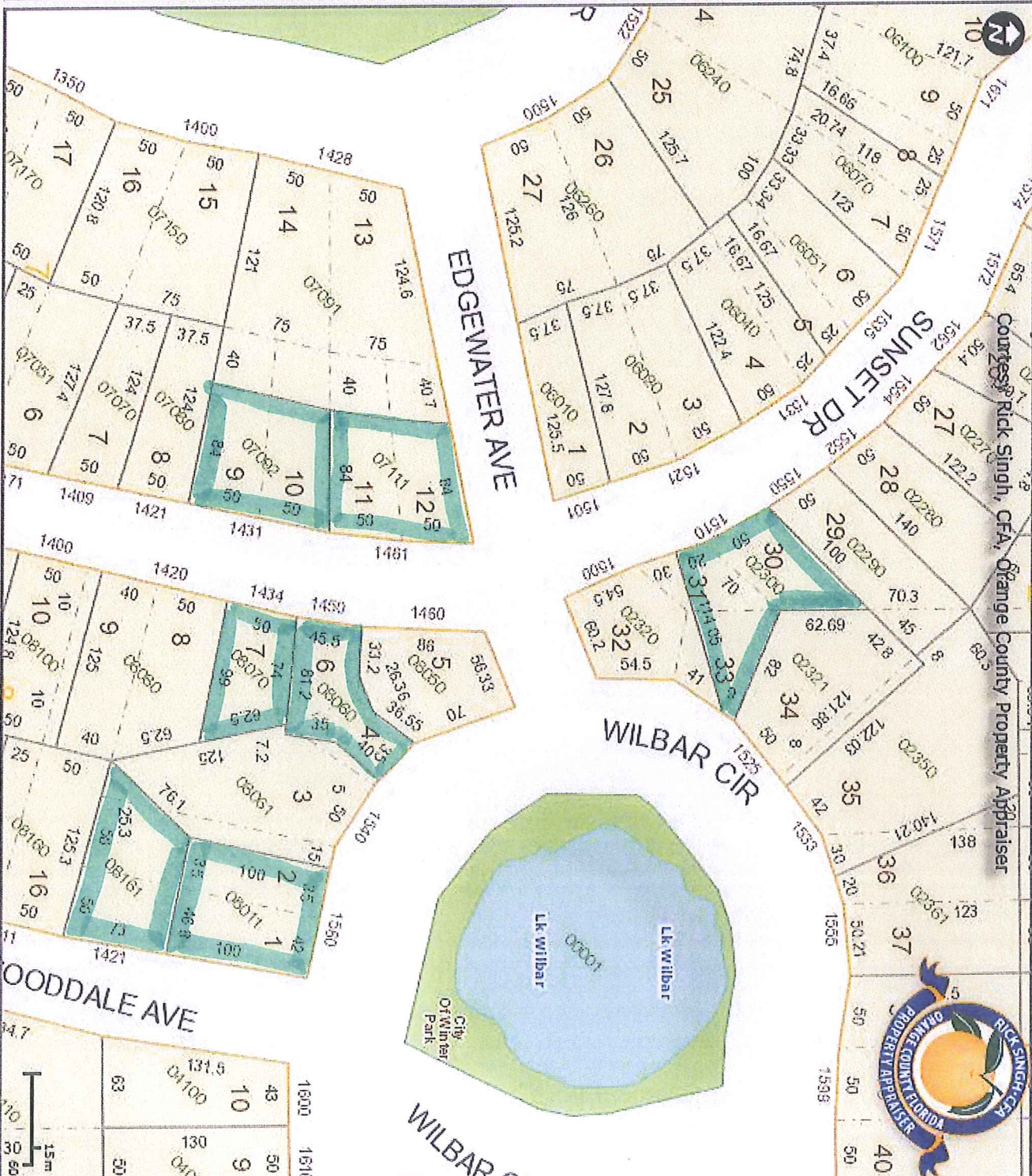
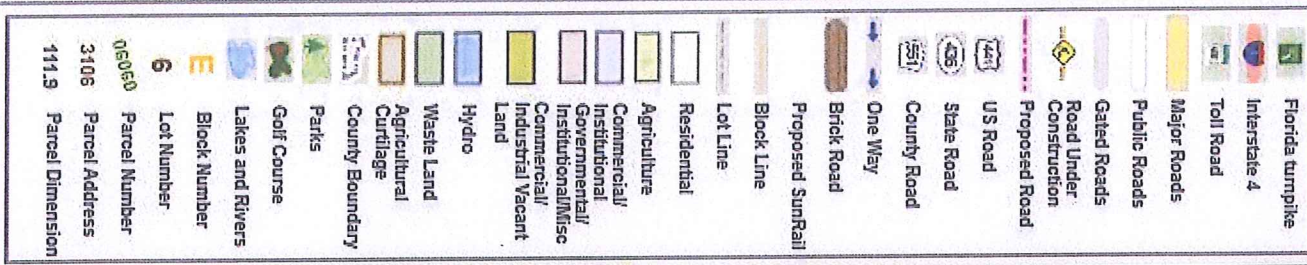


Courtesy Rick Singh, CFA, Orange County Property Appraiser



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Created: 6/17/2014

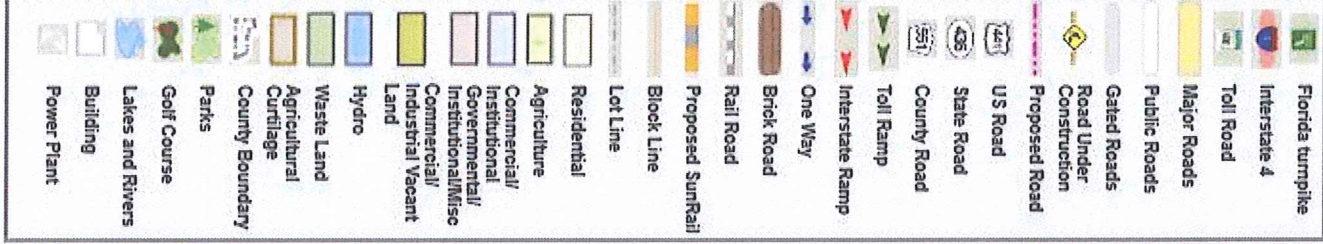


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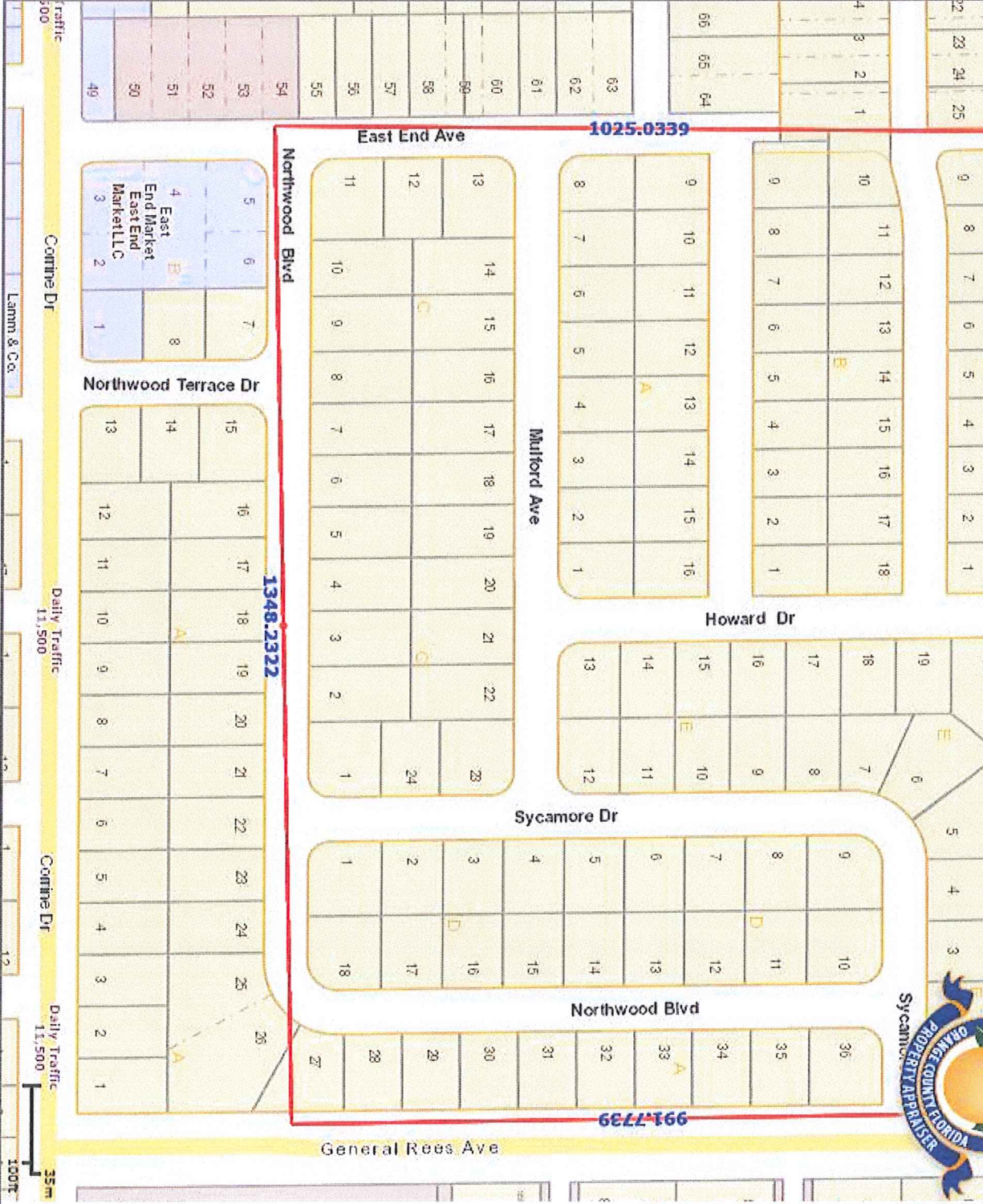
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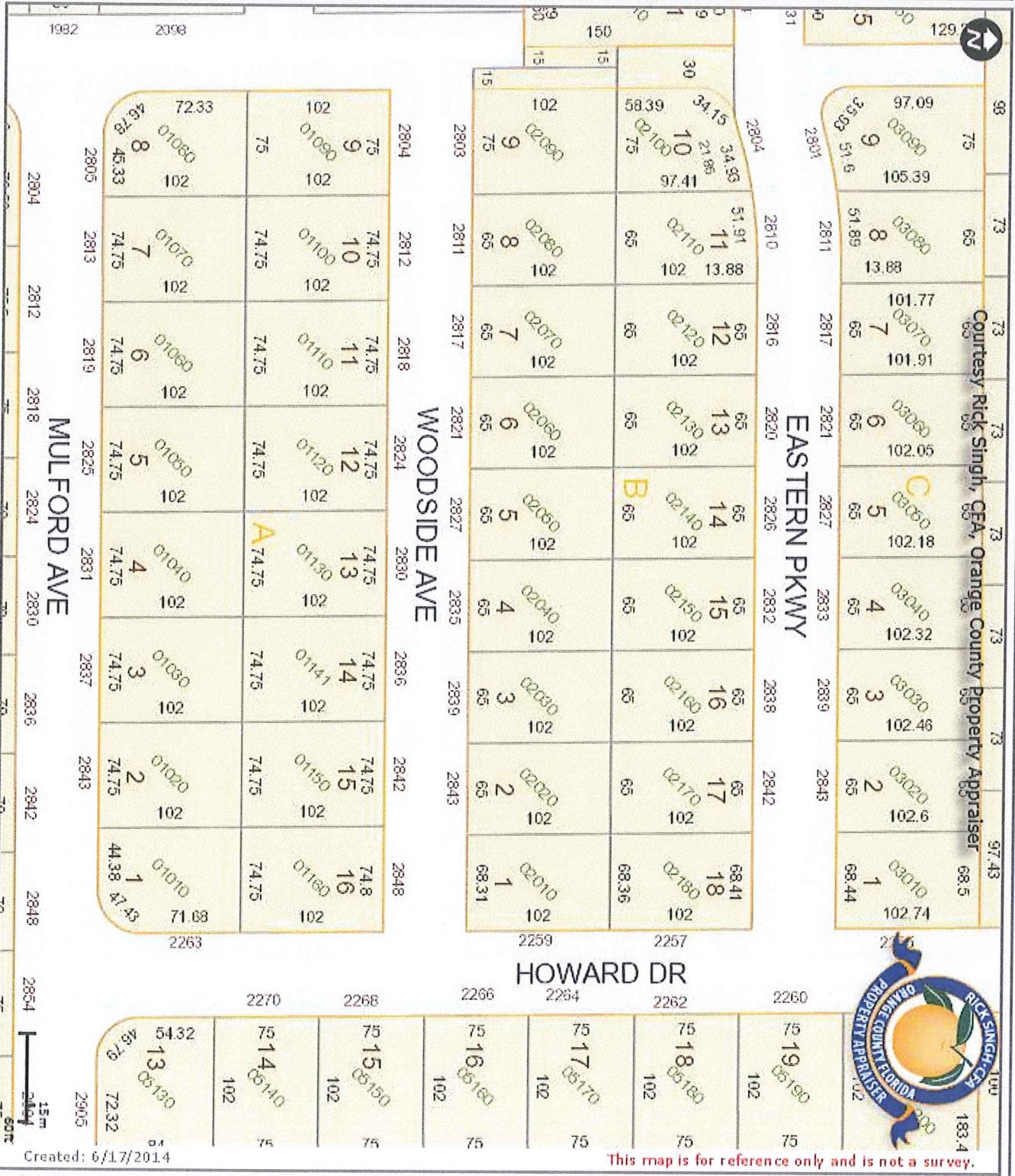


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Courtesy Rick Singh, CEA, Orange County Property Appraiser
 1327.085



	Florida Turnpike
	Interstate 4
	Toll Road
	Major Roads
	Public Roads
	Gated Roads
	Road Under Construction
	Proposed Road
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	Parcel Dimension



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**CITY OF WINTER PARK
PLANNING AND ZONING BOARD**

**Staff Report
August 5, 2014**

SPR 3:14 Request of Mr./Mrs. Bill Bryan for approval of a new two-story single-family home located at 53 Palmer Avenue on Lake Maitland.

Mr./Mrs. Bill Bryan via Gary Hancock, Architect - Winter Park Design and Paul Verlander, Landscape Architect are requesting approval for a new two-story single-family home at 53 Palmer Avenue on Lake Maitland. This 37,527 sq. ft. lot had an existing home which has been removed for this new project.

The new proposed two-story home will be 8,080 sq. ft. which on this lot is a FAR of 21.5% within the allotted base 33% FAR. This new home will have impervious lot coverage of 15,230 sq. ft. or 40.5% within the maximum 50%.

TREE PRESERVATION: One of the duties of the Planning Board under the lakefront review code is to keep lakefront "as natural as reasonable possible". As a result, tree preservation on lakefront lots has always been one of the major considerations of these lakefront reviews to the extent reasonably possible.

There are three big (50+ inch) oak trees, two large (32 & 42 inch) cypress trees and also a big 36 inch pine tree on-site. Aside from the impacts of the storm water retention, all of these trees are outside of the buildable area of the lot except for one of the 50+ inch oaks. Minimizing construction impacts on these trees is one of the major accomplishments of this application. There is a large camphor tree in the front yard that is being removed for the new driveway but camphors are not protected trees under the City's tree code.

In order to minimize impact on that 50+ inch oak tree, the house was designed with a "cut-out" in this area to preserve the tree, so that house perimeter location is to be equally offset from the tree. To do that they moved the house 2'-10' closer to street from the required 53'-8" front setback measured from the curb which the applicant may do within the authority of P&Z to grant setback variances to assist in tree preservation. This variance is minimal and no one will even notice the 2-3 feet but it helps center the tree furthest away from the new home.

The plan contains the notes of "manually removing the patio to protect tree roots" which has already been done. The plan also indicates "no cut and fill in the tree protection area. This home has been specifically designed with the preservation of that 50+ inch oak tree in mind and staff applauds the efforts that have been made in that regard.

VIEW FROM THE LAKE AND VIEW OF NEIGHBORS: This lot has a significant grade drop of about ten (10) feet from front of the house to the lakeside of the swimming pool. So managing that grade drop through the project and on the side yards takes careful planning.

In order to save the 50+ inch oak tree the existing grade has been kept intact on that west side. So the first floor level in the area where the tree exists is 6 feet above that natural grade. Due to this, the house (on both sides) is built entirely at the second floor setbacks (even the first floor) due to the differential in grade from the finished floor elevation (80.30) and the existing natural grade on the sides of the home. Since there is no "walk-out" of the house on the side with the oak tree, the walk-out and access to the parking and garage is on the east side. Again we have a grade issue so the solution is to add fill to maintain the level of the driveway which creates a new "hillside" of grade transition. So rainfall water will cascade down that new slope toward the neighbor's property. Thus, the plans show a new 6 foot concrete block wall on the property. The purpose of the wall is to stop the runoff and direct it further down the property where it will then runoff onto the neighbor's lot. The plan shows the proposed grades at the end of the wall higher than the existing grade on the adjacent property. So either the wall needs to be extended or grading changed.

SWIMMING POOL DECK VARIANCE: The major design issue is the conflict or variance to the Zoning Code requirement as to the height of the swimming pool deck. The Zoning Code excerpt below indicates that the City has a 3 foot high maximum rule for any swimming pool deck elevation with respect to the existing grade on the lakeside of the deck. This application has the swimming pool deck that is 9 to 10 feet above existing grade. So the swimming pool deck is 9-10 feet higher than the lakefront yard and 9-10 feet higher than the yards of the adjacent properties.

(8) Swimming pool and spa decks, patios and terraces shall not be constructed more than three feet in height above the average existing grade elevation on the lakeside edge of that deck, patio or terrace. In addition, the facade of these retaining walls facing the lake shall be screened with landscape plantings across the length of the retaining wall except for any sections involving stairs down to the lakefront. On lots with severe grade drops of over seven feet throughout the length of the house, the planning and zoning commission may approve swimming pool and spa decks, patios and terraces higher than three feet above existing grade on the lakeside if approved by four members of the planning commission.

There are two reasons for this rule. One is for privacy between properties. It is a nuisance to have your neighbors standing on their pool deck up in the air elevated 10 feet above you, looking down into your yard. Similarly there is no privacy for the users of the swimming pool to always be "on parade" for their neighbors elevated up as if on a performance stage. The other reason is the view from the lake. Basically this Code is trying to prevent subdivision walls, such as the ones on Howell Branch Road from being the view from the lakefront. Just like the 10 foot tall walls along Howell Branch Road, this similar wall height faces the lake. They are trying to break it up into two walls and put some landscaping at the bottom but the visual effect is basically the same.

The Planning Board instituted this 3 foot rule in the mid-1980's after complaints from neighbors on Green Cove Road and in Waterbridge about both the loss of privacy and the appearance from the lake. The Planning Board realized there might be special circumstances in certain scenarios where the Board of Adjustment (variance board) is not familiar with these lakefront issues. So there is an "out clause" that allows P&Z to grant relief. It was intended to be difficult to achieve. That is why it was adopted needing 4 P&Z members to approve. That was back when the P&Z Board consisted of 5 members.

In the years since this Code was adopted in the late 1980's there has never been an exception this large (10 feet) that has been granted. Four or five feet has been the maximum. There have been many lakefront lots with similar grade drops. There is an expectation that the home designers/architects or home owners will work with the rule and develop some interior steps or steps down to the swimming pool terrace so that some of the grade drop can be accomplished by interior design and the rest can be done externally via screening with landscaping and other design elements. It can easily be done and is routinely done on all lakefront homes. The architects know how to do it. However, in this case, the homeowners refuse to comply with the City Codes. They do not want to compromise or comply with the Code in any respect. They want a completely level home from front to rear patio. They cite mobility issues as they age. It is a two story home.

What the home owners do not appreciate is that everyone in this City knows what everyone else does and every decision becomes a precedent because I want to get what the Bryan's received from P&Z. So once the design community learns that this 3 foot rule is meaningless and all you have to do is ask for an exception, then we can expect this repeatedly. As it is now, the previous P&Z Boards have enforced this rule with some minimal relief and as a result the City rarely sees such variance requests and has never seen one this large in the past 30+years.

STORM WATER RETENTION: Due to the existing cypress trees and pine tree along the lakefront, the plan must be modified to eliminate the new storm water retention swales as shown in the lakefront area. The plan would substitute a berm system, as P&Z has approved in the past, to provide water quality protection. With the cypress trees and the pine tree, an excavated retention area would be a problem because of the tree root systems. When this situation occurs, the staff direction and the custom of the Planning Board and best practices for tree preservation is to accomplish water quality retention via a small berm (which acts like a small dam to hold back the runoff) versus an excavated swale/retention area. On lakefront lots, the primary interest is in water quality (keeping the sheet flow of rain runoff with freshly applied fertilizer or pesticides from entering the lake) versus water quantity (percolation of one inch). In both cases one can achieve percolation of the runoff down thru the soil versus sheet flow running down to the lake. Not as much with the berm versus the retention area but the benefit to keep the cypress trees from dying is well worth the alternative.

A storm water swales is also shown on the plan in the area in the front yard and there is still ample land to accommodate the driveway runoff.

SUMMARY: We have letters of approval from the neighbors but staff has not talked to those neighbors to see if they understand the nature of the Code variances requested. As you have read, the variance for the swimming pool deck, 10 feet above grade is far too large a variance for the staff to support and staff believes that it will be precedent setting. Every other future property owner can cite the same rationale, "I have a steep grade and I don't want steps", so it will be unfair to deny others.

STAFF RECOMMENDATION IS FOR DENIAL but if approved you will need to add the condition below:

- 1. Revisions to the storm water retention plan per staff's comments deemed sufficient by the City to minimize damage to the lakefront cypress trees and pine tree.**

ALTERNATE RECOMMENDATION IS FOR APPROVAL subject to:

- 1. Revisions to the storm water retention plan per staff's comments deemed sufficient by the City to minimize damage to the lakefront cypress trees and pine tree, and**
- 2. Revision to reduce the lakefront terrace/swimming pool deck to elevation 76 feet. (six feet above existing grade)**

- Florida turnpike
- Interstate 4
- Toll Road
- Major Roads
- Public Roads
- Gated Roads
- Road Under Construction
- Proposed Road
- US Road
- State Road
- County Road
- One Way
- Brick Road
- Proposed SunRail
- Block Line
- Lot Line
- Residential
- Agriculture
- Commercial/Institutional
- Governmental/Misc
- Commercial/Industrial/Vacant Land
- Hydro
- Waste Land
- Agricultural Curtilage
- County Boundary
- Parks
- Golf Course
- Lakes and Rivers
- Block Number
- Lot Number
- Parcel Number
- Parcel Address
- Parcel Dimension

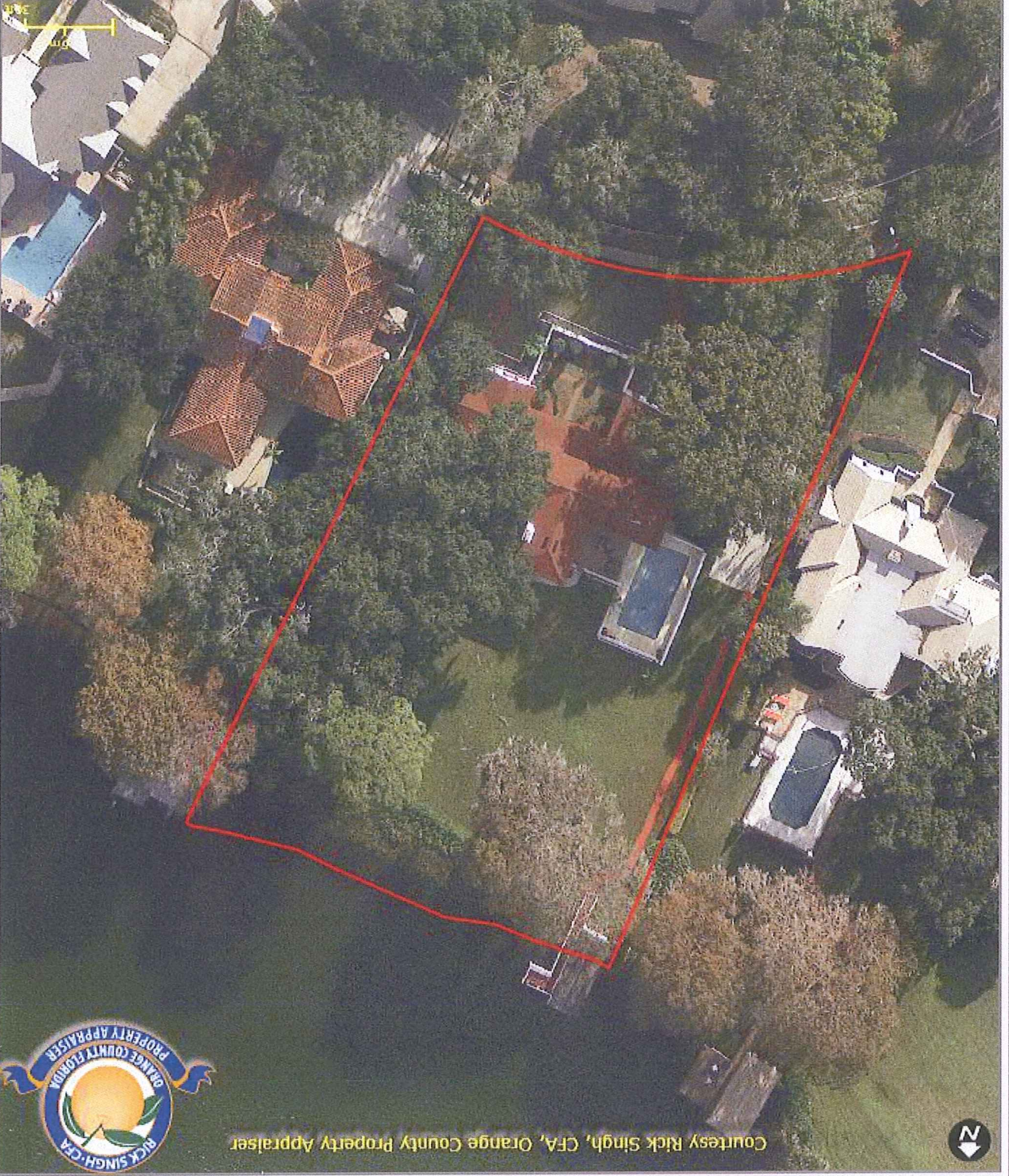


Created: 6/19/2014

This map is for reference only and is not a survey.

Courtesy Rick Singh, CFA, Orange County Property Appraiser





Courtesy Rick Singh, CFA, Orange County Property Appraiser



	Toll Road		Road Under Construction		Lot Line		Institutional Misc		Parcel Dimens
	Interstate 4		Gated Roads		Block Line		Institutional Commercial		Parcel Address
	Florida Turnpike		Public Roads		Brick Road		Agriculture		Parcel Numbe
	Major Road		Proposed Road		Residential		Commercial Industrial		Lot Number
	Parks		Vacant Land		Commercial		Agricultural		Block Number
	Lakes and Rivers		Curlitage		Hydro		Waste Land		Building
	Parcel Address		Parcel Numbe		Parcel Dimens		Parcel Address		Parcel Dimens

VERLANDER

Landscape Architecture, LLC

706 Turnbull Avenue, Suite 201, Altamonte Springs, FL 32701
Phone: 407.834.4104 • Fax: 407.834.2919 • Email: paul@paulverlander.com
Website: www.paulverlander.com

Date: 18 July 2014

Project: Bryan Residence
63 Palmer Avenue
Winter Park, Florida

Re: Variance Application – Lakefront Terrace Walls

The following letter and attached site plan documents are provided for the variance request for the lakefront terrace walls for the Bryan Residence. We appreciate your consideration of this application based on the findings and responses provided.

CRITERIA FOR HARDSHIP

The special conditions and circumstances that exist on this property relates to the aggressive nature of the slope of the property, existing specimen oak tree and storm water management. The undisputable fact is that there is a 10' elevation change between the sidewalk and the back of the rear pool terrace. Based on meeting the existing grades at the sidewalks at the two drive approaches (78.7 at the east approach and 79.6 at the west approach) and the ability to properly move the water away from and along the front of the residence, established a finish floor elevation of 80.30, based on a single step up at the entry. Also, the ability to move the house closer to the lake and subsequently lower the finish floor elevation is not possible due to the setback/offset needs for the specimen live oak (60"+ caliper) that resides on the back right side of the property.

The new semi-circular driveway generally runs at the existing grade on the site and the water from this driveway is collected in a shallow retention area between the drive and sidewalk. The natural grade at the rear of the new residence runs between 74.0 and 75.0, a 5'-6' drop, and at the edge of the pool deck on the lakeside, the natural grade drops another 4' to elevation 70.0, approximately 9'-10' below the proposed finish floor elevation.

The desire of the Owner is to be able to move freely through the home and pool terrace without extensive amount of steps, so keeping the maximum wall height of 3' on the lakeside terrace provides a significant hardship as it relates to the use and enjoyment of the home. Apart from having 6'-7' of elevation change within the house and pool terrace to adhere to the 3' wall rule, requires transitional walls to get down to natural grade.

There is significant existing vegetation on the property to the east of the site that buffers the pool terrace and the proposed plantings along the western boundary and at the terrace walls, along with a screen wall, will provide complete privacy between the properties.

An important element to consider is the pool terraces are setback extensively from the side yard property lines which allows for transitional terraces and grades and landscape buffers to screen the elevated

Variance Application
BRYAN RESIDENCE
Winter Park, Florida

terraces from views. From the west/left property line to the lower pool terrace is 17' and from the east property line, the pool terrace is 38', which was driven by the desire to save a specimen live oak on the property.

The attached variance application will address the concerns above along with the site plans and grading profiles for the property. We appreciate the Board's consideration of this application.

Respectfully,

Paul L. Verlander, RLA/ASLA
Landscape Architect
Lic. No.: LA0000546

July 18, 2014

RE: New Residence
53 Palmer Avenue
Winter Park, FL 32789

TO: City of Winter Park
Application for Variance

I am the homeowner of the adjoining property and have viewed the proposed plans for the new residence located at 53 Palmer Avenue, Winter Park.

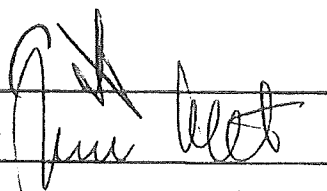
After reviewing the Front, Side and Lakeside Rear Elevations, new Topography and Pool Deck height with stepped, layered terraces and planters I have no objections to the proposed plans.

Therefore I have no objections to the variance applied for.

Sincerely,

DR. JOBST

MWA JOBST


1150 N. PARK AVE
WINTER PARK, FL 32789

July 10, 2014

RE: New Residence
53 Palmer Avenue
Winter Park, FL 32789

TO: City of Winter Park
Application for Variance

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After reviewing the Front, Side and Lakeside Rear Elevations, new Topography and Pool Deck height with stepped, layered terraces and planters I have no objections to the proposed plans.

Therefore I have no objections to the variance applied for.

Sincerely,

Susan B. Finnegan

7/28/2014

SUSAN FINNEGAN

75 PALMER AVE
WINTER PARK, FL.

VERLANDER

Landscape Architecture, LLC

706 Turnbull Avenue, Suite 201, Altamonte Springs, FL 32701
Phone: 407.834.4104 • Fax: 407.834.2919 • Email: paul@paulverlander.com
Website: www.paulverlander.com

Date: 18 July 2014

Project: Bryan Residence
63 Palmer Avenue
Winter Park, Florida

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Variance Application
BRYAN RESIDENCE
Winter Park, Florida

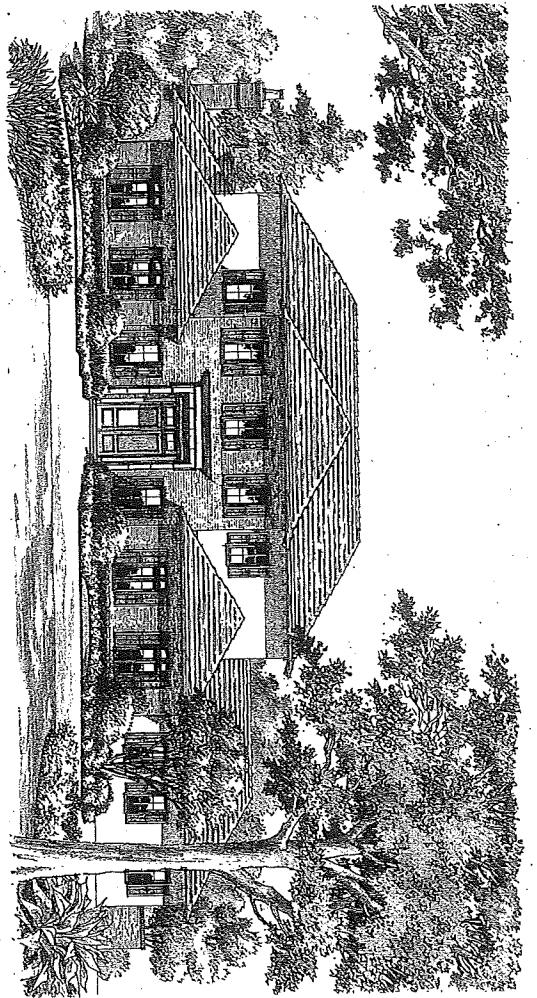
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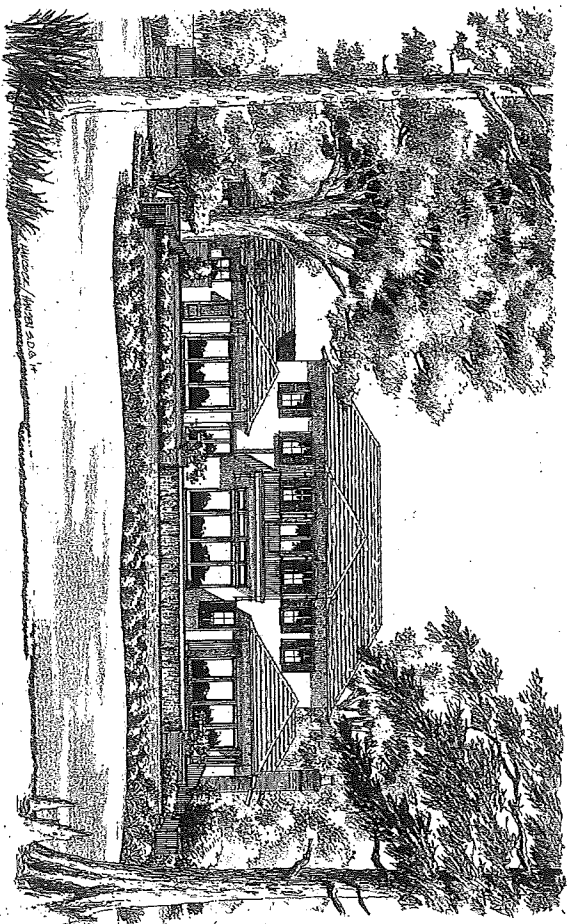
Respectfully,

Paul L. Verlander, RLA/ASLA
Landscape Architect
Lic. No.: LA0000546

BRYAN RESIDENCE ON LAKE MAITLAND



PALMER AVENUE VIEW



LAKE MAITLAND VIEW

WINTER PARK,
FLORIDA



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CS	NO. 1010	DATE 10/10/04	BRYAN RESIDENCE	WINTER PARK, FLORIDA	 WINTER PARK DESIGN 1010 W. WINTER PARK BLVD. WINTER PARK, FLORIDA 32087 PHONE: 407.844.1232 FAX: 407.844.1233
	NO. 1010	DATE 10/10/04			

22'
3'4"16" W
00'
02'
3'48"

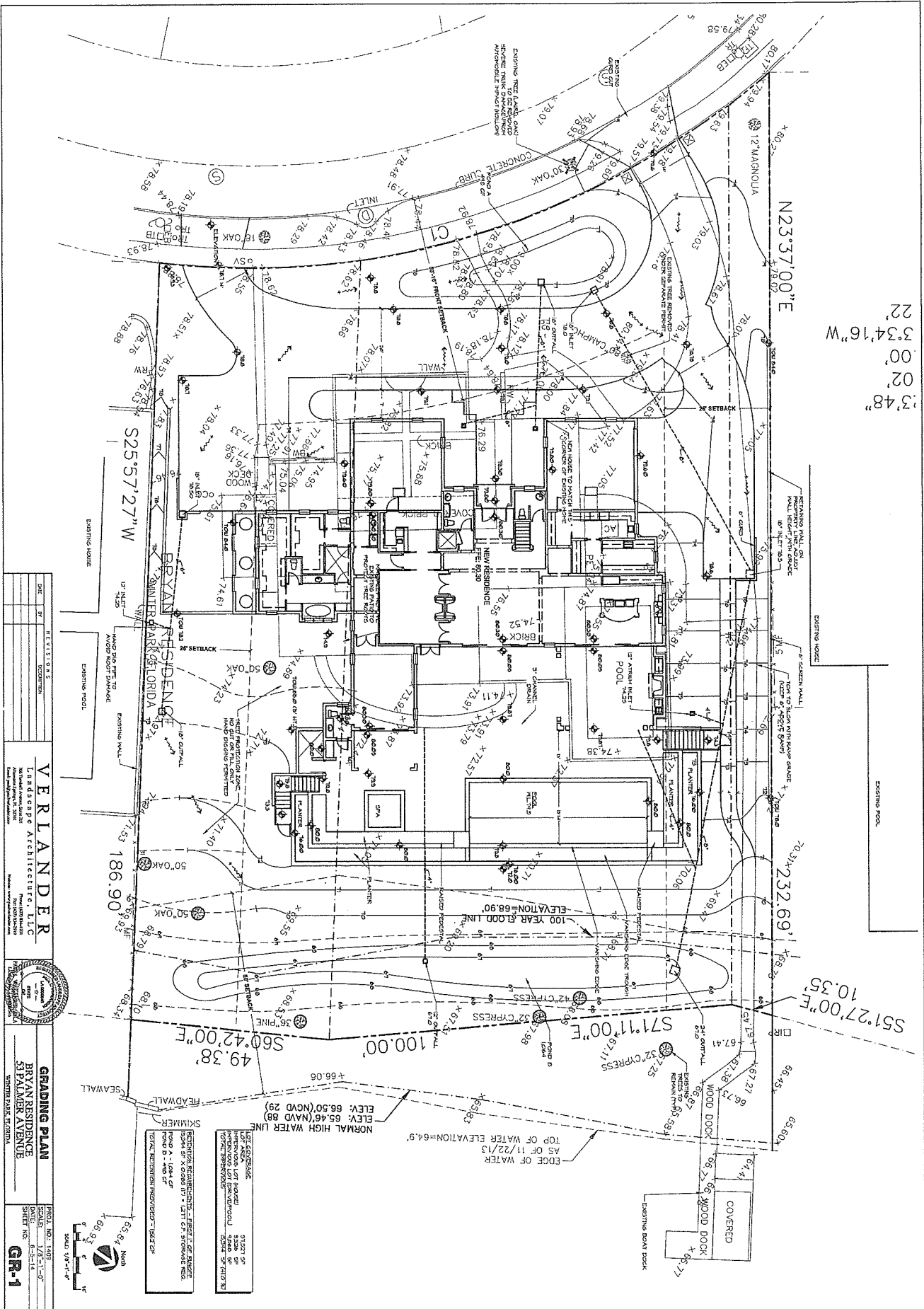
N23°37'00"E

70.31x232.69'

S51°27'00"E
10.35'

S25°57'27"W

49.38'
S60°42'00"E
100.00'

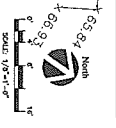


DATE	BY	REVISIONS

VERLANDER
Landscape Architecture, LLC
10000 N. W. 11th St., Suite 100
Miami, Florida 33150
Phone: (305) 555-1111
www.verlander.com

GRADING PLAN
BRYAN RESIDENCE
33 VERLANDER AVENUE
SERVICES: LANDSCAPE ARCHITECTURE

PROJECT NO. 1409
DATE: 1/2/14
SHEET NO. **GR-1**

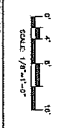
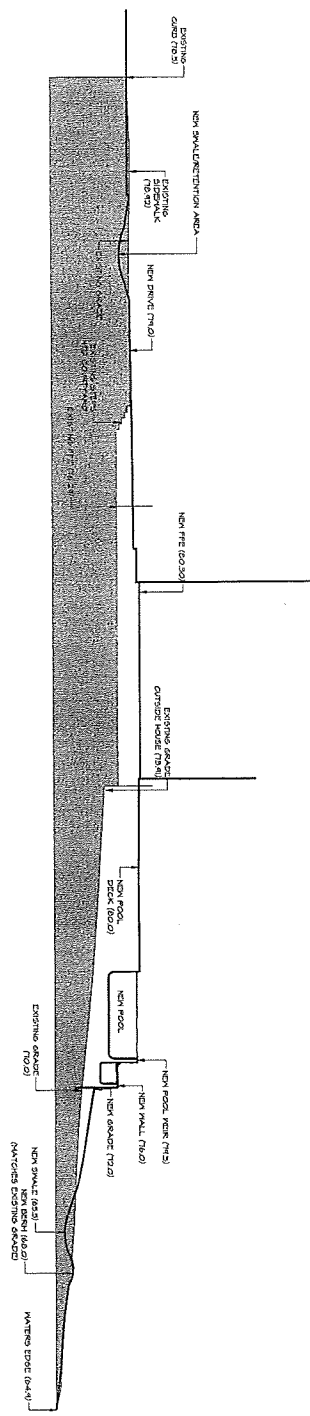


NOTES:
1. SEE GRADING PLAN FOR PROPOSED ELEVATIONS AND FINISH GRADES.
2. ALL ELEVATIONS ARE IN FEET AND DECIMALS THEREOF.
3. EXISTING ELEVATIONS ARE SHOWN IN CIRCLES.
4. FINISH GRADES ARE SHOWN IN SQUARES.
5. PROPOSED ELEVATIONS ARE SHOWN IN TRIANGLES.
6. FINISH GRADES ARE SHOWN IN CIRCLES.
7. PROPOSED ELEVATIONS ARE SHOWN IN TRIANGLES.
8. FINISH GRADES ARE SHOWN IN CIRCLES.
9. PROPOSED ELEVATIONS ARE SHOWN IN TRIANGLES.
10. FINISH GRADES ARE SHOWN IN CIRCLES.

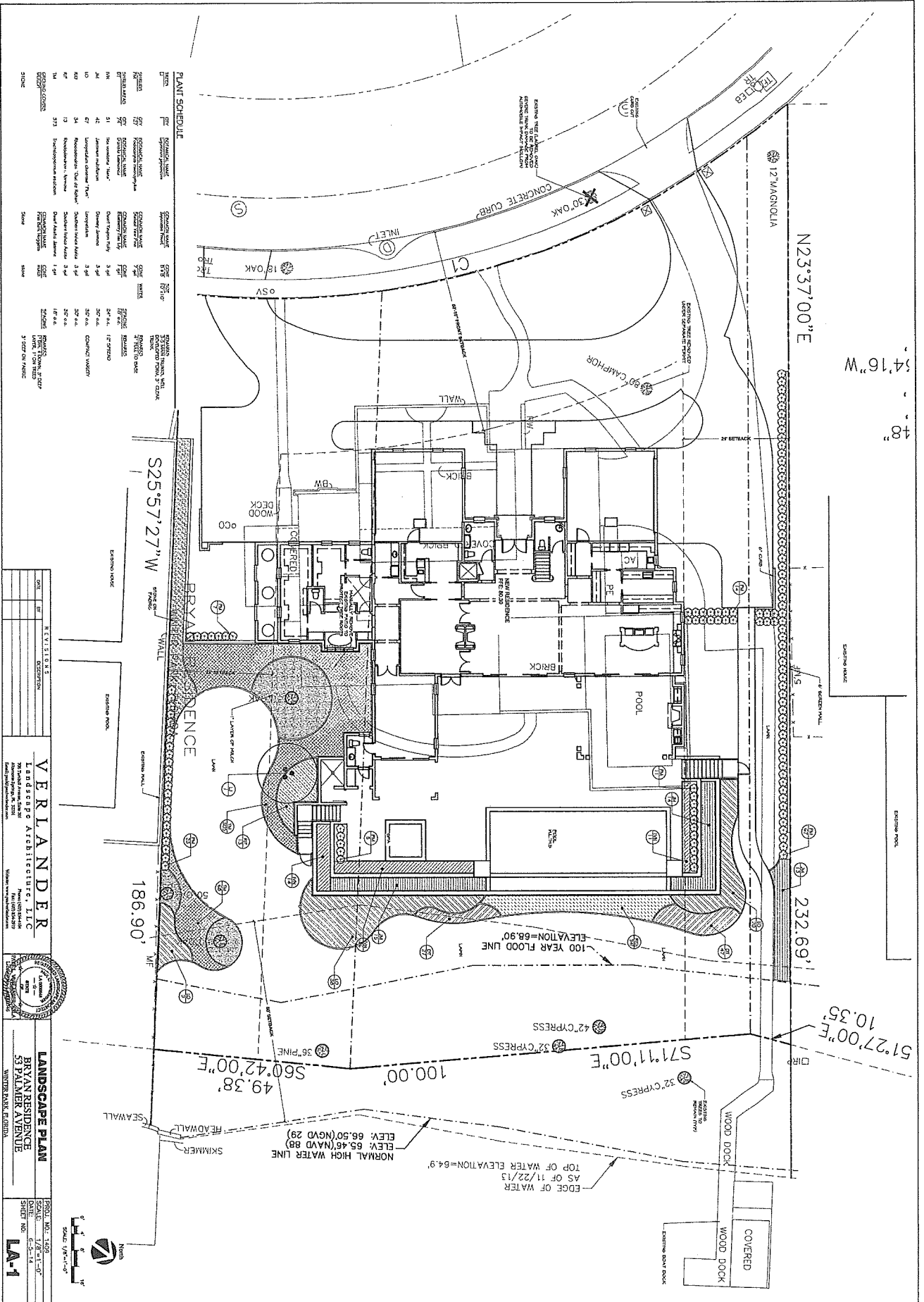
RESTRICTIONS:
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESOLUTIONS AND SPECIFICATIONS FOR THE CONSTRUCTION OF SEWERAGE AND SANITATION SYSTEMS.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESOLUTIONS AND SPECIFICATIONS FOR THE CONSTRUCTION OF SEWERAGE AND SANITATION SYSTEMS.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESOLUTIONS AND SPECIFICATIONS FOR THE CONSTRUCTION OF SEWERAGE AND SANITATION SYSTEMS.

EDGE OF WATER
AS OF 11/22/13
TOP OF WATER ELEVATION=64.9'

NORMAL HIGH WATER LINE
ELEV: 65.46'(NAVD 88)
ELEV: 66.50'(NAVD 29)



DATE	11/11/2011	REVISION	
BY		DESCRIPTION	
VERLANDER Landscape Architecture, LLC 700 South Woodland Avenue, Suite 200 West Palm Beach, Florida 33411 Phone: (561) 833-4444 Fax: (561) 833-4444 www.verlander.com			
			
SITE SECTION BRYAN RESIDENCE 53 PALMER AVENUE WINTER PARK, FLORIDA			
PROJ. NO.	1102	SCALE	1/8"=1'-0"
DATE	6-5-11	SHEET NO.	GR-2



54'16" W
 18"

N23°37'00"E

12" MAGNOLIA

WOOD DOCK
 COVERED
 WOOD DOCK

51°27'00"E
 10.35'

232.69'

57°11'00"E

32" CYPRESS

32" CYPRESS

42" CYPRESS

100.00'

NORMAL HIGH WATER LINE
 ELEV. 65.46 (NAVD 88)
 ELEV. 66.50 (NGVD 29)

EDGE OF WATER
 AS OF 11/22/13
 TOP OF WATER ELEVATION=64.9'

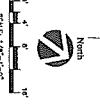
100 YEAR FLOOD LINE
 ELEVATION=68.90'

560°42'00"E
 49.38'

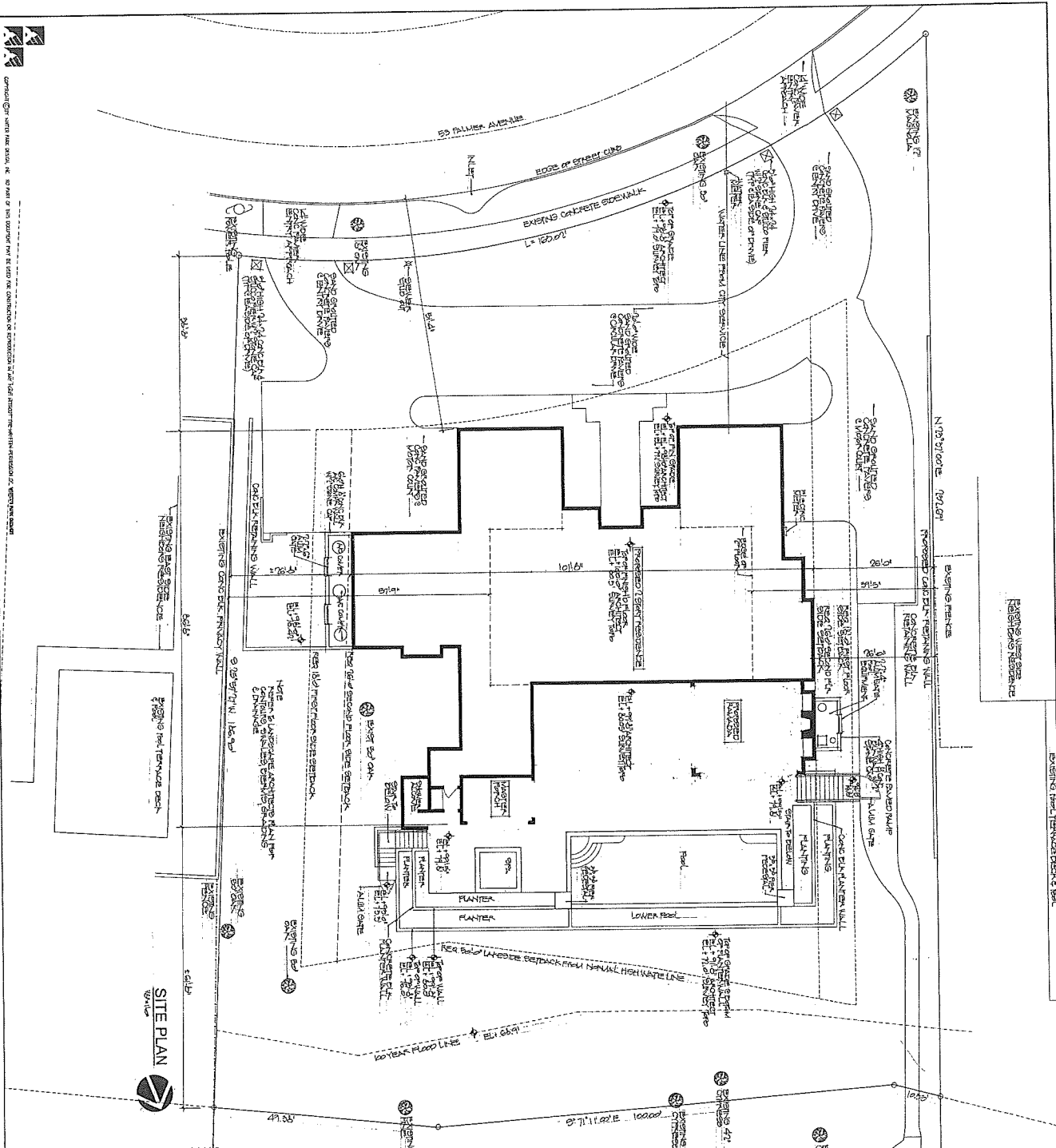
36" PINE

186.90'

S25°57'27"W



NO.	REV.	DESCRIPTION
1	1	ISSUED FOR PERMITS



SITE PLAN

EQUIPMENT CALCULATIONS

PROPERTY ADDRESS	50 PALMER AVENUE
LOT AREA (SQUARE FEET)	12,345 SF
MINIMUM REQUIRED	15,000 SF
ALTERNATIVE CONSIDER	18,000 SF
DRIVEWAY VALUE AND PAV.	15,000 SF
TOTAL IMPROVEMENTS	33,000 SF

LEGAL REQUIREMENTS

LOT 5 IN THE WEST 1/4 AND THE EAST 1/4 OF LOT 1, BLOCK 4, ROBERT PAUL MCDONALD PARK, AS RECORDED IN PLAN 10000, AND 5071 NORTH, THE WEST 1/4 SECTION 28, TOWNSHIP 12N, RANGE 32E, FLORIDA.

DATE	12/10/2010
BY	[Signature]
SCALE	AS SHOWN

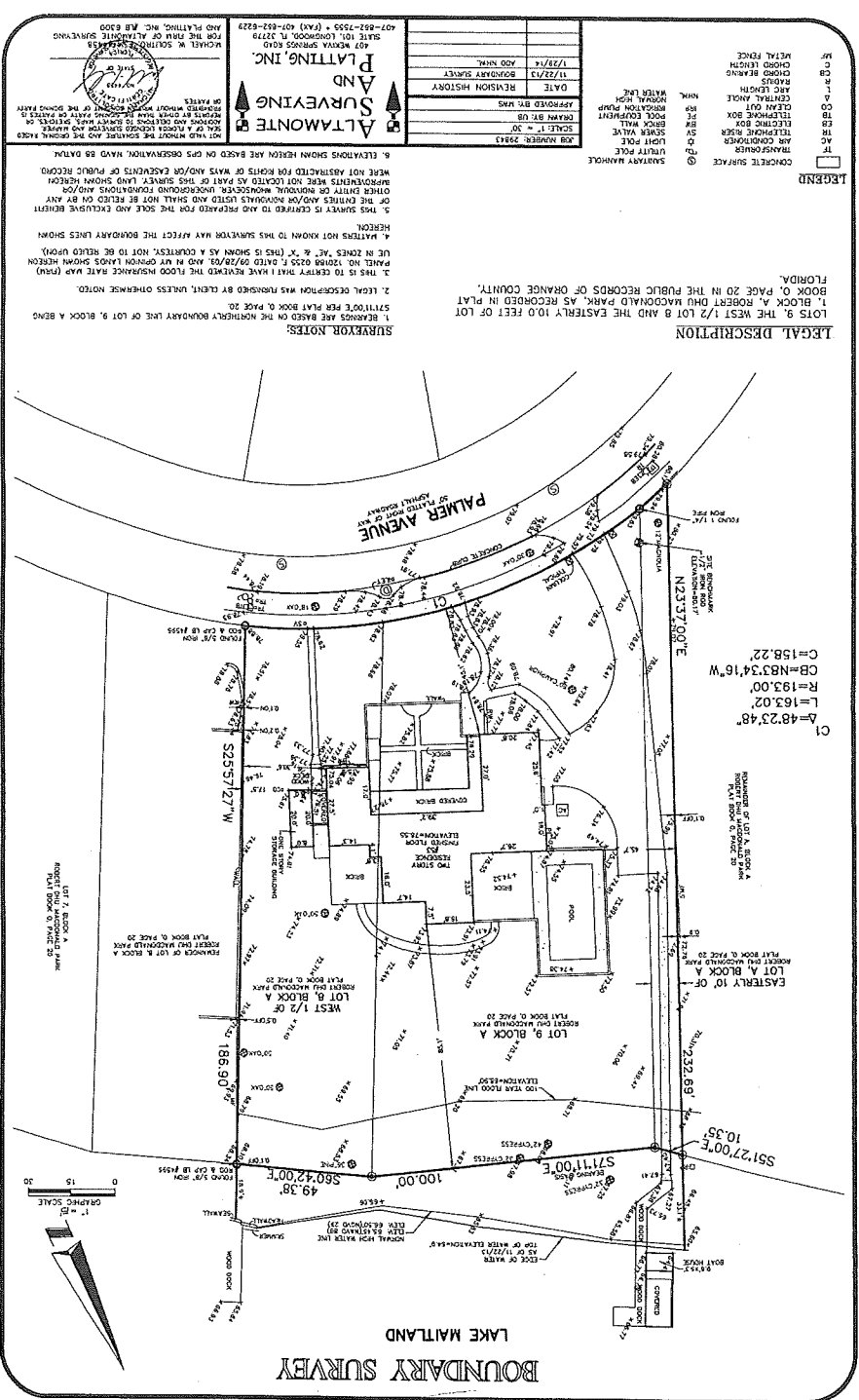
BRYAN RESIDENCE
WINTER PARK, FLORIDA

WINTER PARK DESIGN
LESLIE KAYE ALBERT

1000 W. WINTER PARK AVENUE
WINTER PARK, FLORIDA 32789
TEL: 407.938.1234
WWW.WINTERPARKDESIGN.COM

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LEGAL DESCRIPTION

LOT 9, THE WEST 1/2 LOT 8 AND THE EASTERN 100 FEET OF LOT 1, BLOCK A, ROBERT DNU MACDONALD PARK, AS RECORDED IN PLAT BOOK O, PAGE 20 IN THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

SUBREVISION NOTES:

1. BEARINGS ARE BASED ON THE NORTHERLY BOUNDARY LINE OF LOT 9, BLOCK A BEING 57111.00' PER PLAT BOOK O, PAGE 20.
2. LEGAL DESCRIPTION WAS PROVIDED BY CLIENT, UNLESS OTHERWISE NOTED.
3. THIS IS CERTAIN THAT I HAVE REVIEWED THE FLOOD INSURANCE RATE MAP (FIRM) PANEL NO. 12049 0251 DATED 09/28/03 AND MY DESIGN LINES SHOWN HEREON ARE IN ZONES A, B, & X. THIS IS SHOWN AS A CORRECTION, NOT TO BE HELD UPON.
4. MATTERS NOT KNOWN TO THIS SURVEYOR MAY AFFECT THE BOUNDARY LINES SHOWN HEREON.
5. THIS SURVEY IS CERTIFIED TO AND PREPARED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTRER AND NO GUARANTY SHALL BE MADE BY ANY OTHER PARTY.
6. ELEVATIONS SHOWN HEREON ARE BASED ON GPS OBSERVATION, HAD NO DATA.

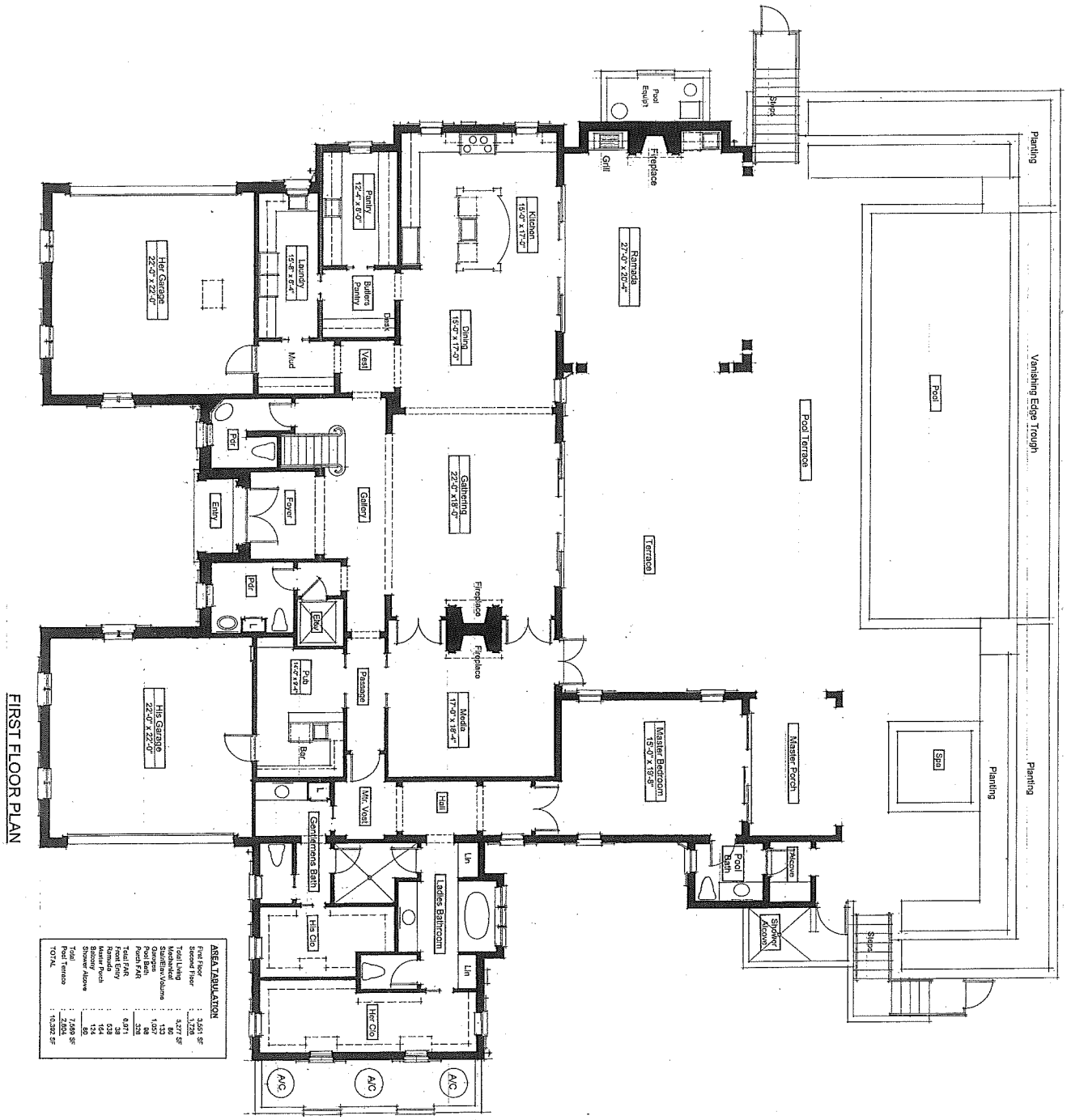
LEGEND

- CONCRETE SURFACE
- TRANSFORMER
- IRON CONDUIT
- TELEPHONE POLE
- TELEPHONE BOX
- ELECTRIC POLE
- CEMENT COT
- APR. LEAKING
- WATER LINE
- SEWER LINE
- PROXIMITY POINT
- COASTAL BR. WMS
- APPROVED BY WMS
- DATE
- REVISION HISTORY
- 1/22/14 ADD NML

ALTAMONTE SURVEYING AND PLATTING, INC.
 407-882-7559 • FAX 407-822-8229
 607 WINTER SPRINGS ROAD
 SUITE 100, LONGWOOD, FL 32779
 MICHAEL W. SCHEIDT, SURVEYOR
 FOR THE STATE OF FLORIDA
 AND PLATTING, INC. AB 8300

BOUNDARY SURVEY

2	DATE July 21, 2014	BY ALT	BRYAN RESIDENCE WINTER PARK, FLORIDA	
	REVISIONS	NO.		

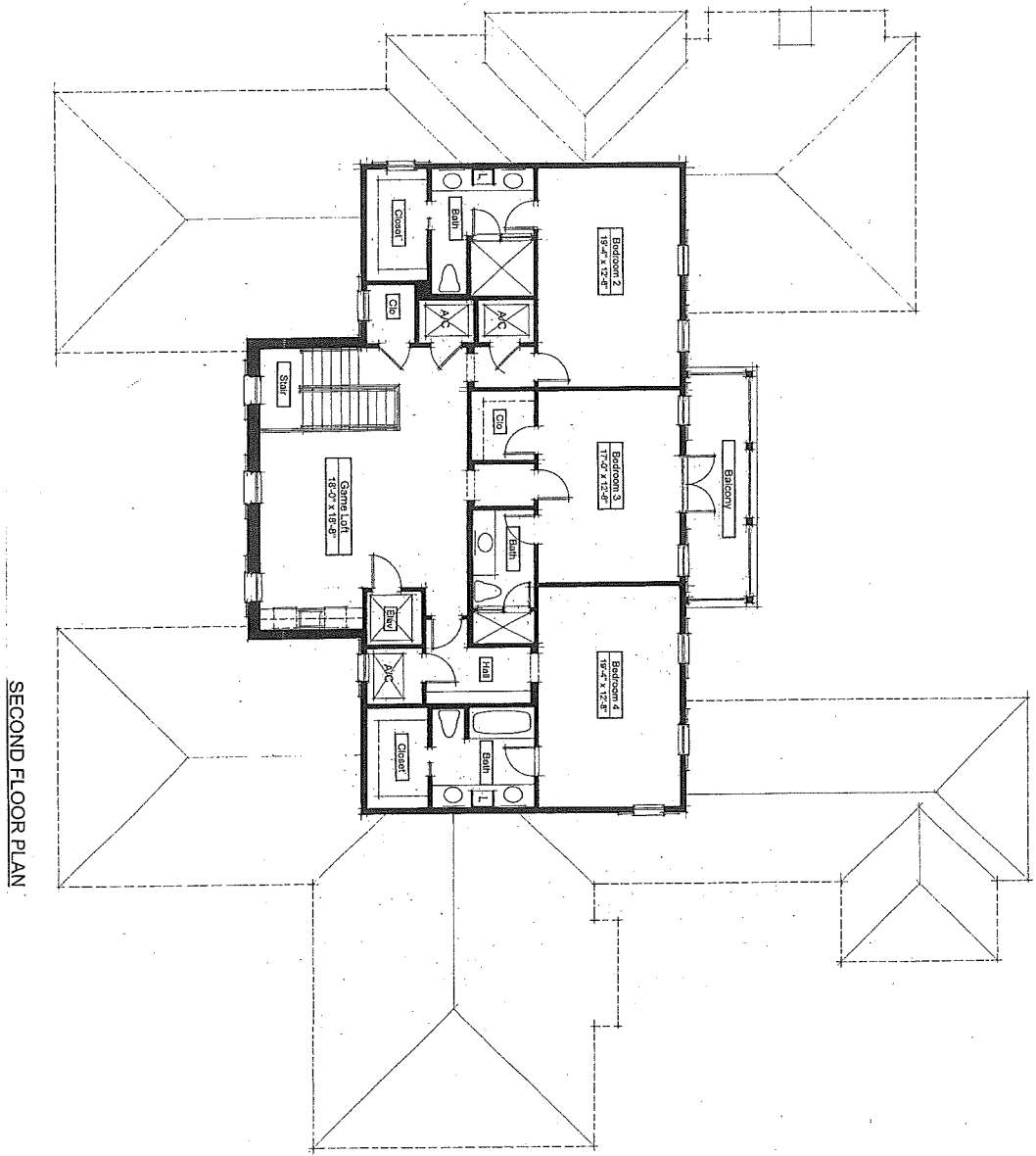


FIRST FLOOR PLAN

AREA TABULATION

First Floor	3,651 SF
Second Floor	1,728 SF
Total Living	5,379 SF
Shed/Storage	133 SF
Garage	1,657 SF
Pool Deck	288 SF
Total P.A.R.	8,015 SF
Total P.A.R. (Net)	6,811 SF
Master Pouch	63 SF
Master Pouch	154 SF
Shower Alone	50 SF
Total	7,098 SF
Pool Terrace	2,004 SF
TOTAL	10,322 SF

3	DATE: 12/24/14 DRAWN BY: HEN CHECKED BY: HEN	<h2 style="margin: 0;">BRYAN RESIDENCE</h2> <h3 style="margin: 0;">WINTER PARK, FLORIDA</h3>	 WINTER PARK DESIGN <small>ARCHITECTS</small>
---	--	--	---



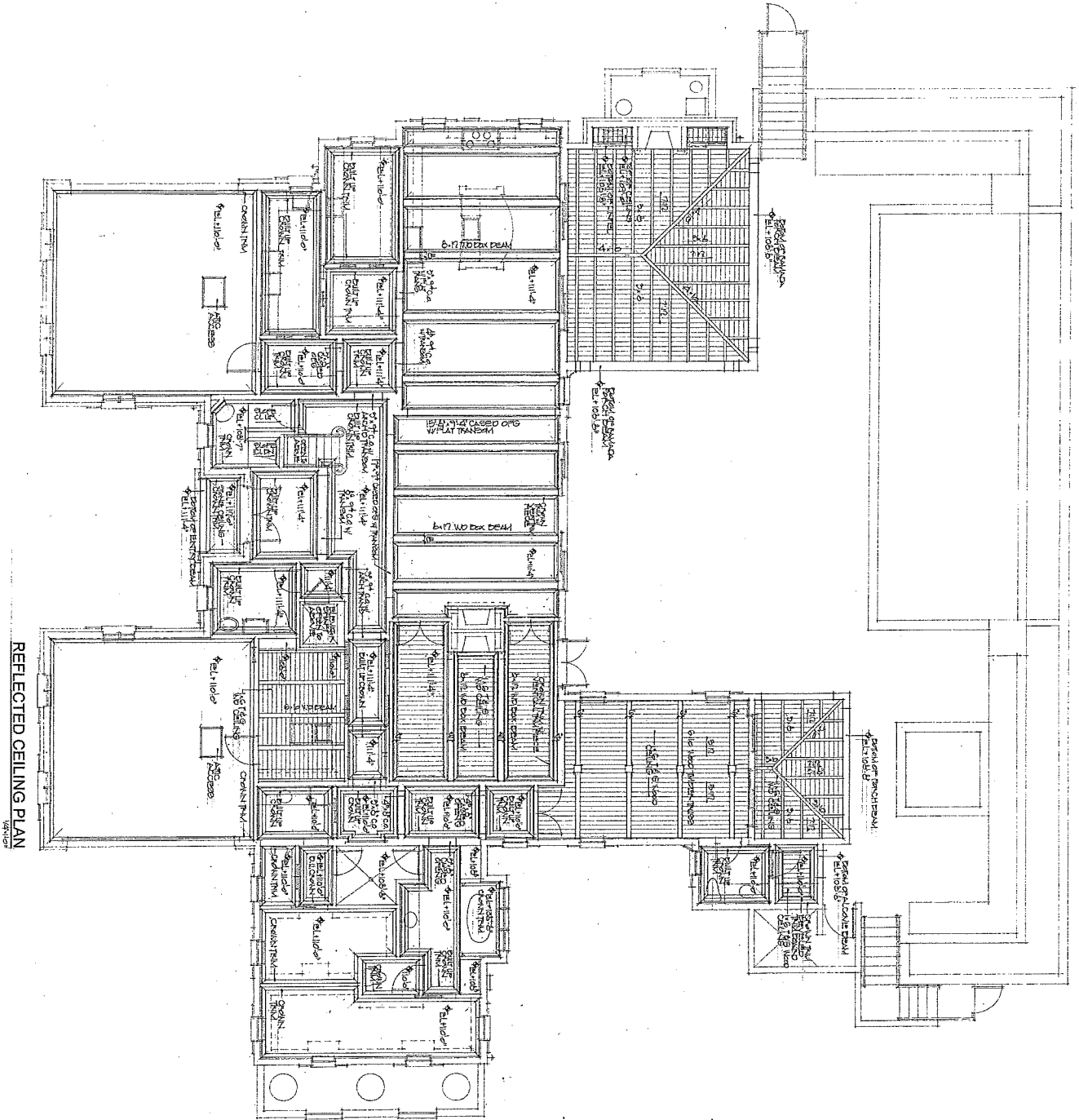
SECOND FLOOR PLAN

4	DATE	05/21/2014
	SCALE	AS SHOWN
	DESIGNER	TCH
	CLIENT	WPD

BRYAN RESIDENCE
WINTER PARK, FLORIDA

WINTER PARK DESIGN
LEWIS RAYNE ARCHITECTS

200 CIRCLE ONE
 WINTER PARK, FLORIDA 32789
 PHONE: 407.441.5555
 FAX: 407.441.5554



REFLECTED CEILING PLAN
DATE: 11/11/11

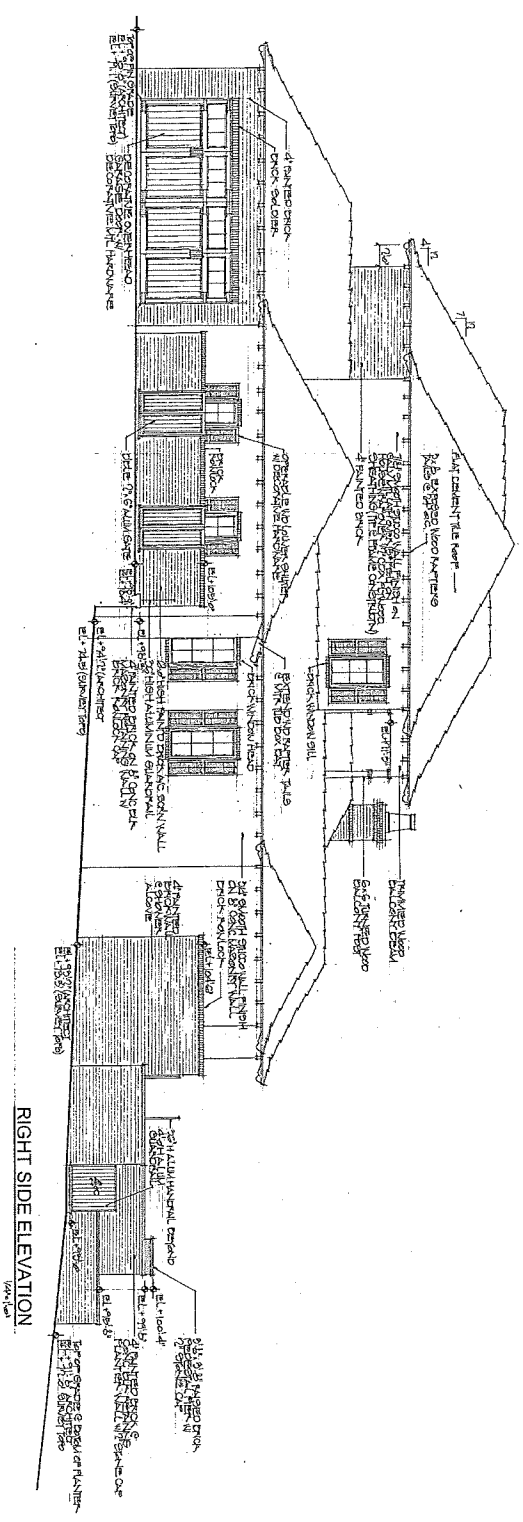
5

DATE: 11/11/11	BY: [Signature]
SCALE: 1/8" = 1'-0"	PROJECT: BRYAN RESIDENCE

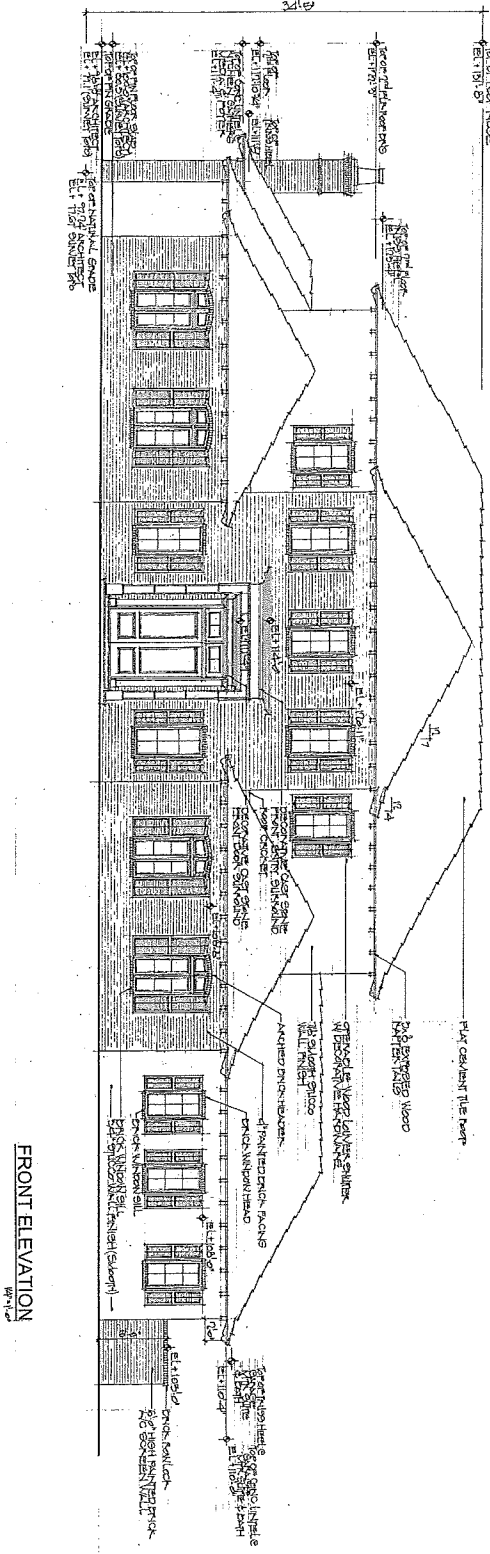
BRYAN RESIDENCE
WINTER PARK, FLORIDA

WINTER PARK DESIGN

AN OFFICE OF
WINTER PARK DESIGN
1000 W. WINTER PARK BLVD.
WINTER PARK, FLORIDA 32789
PHONE: 407.871.1111
FAX: 407.871.1110



RIGHT SIDE ELEVATION



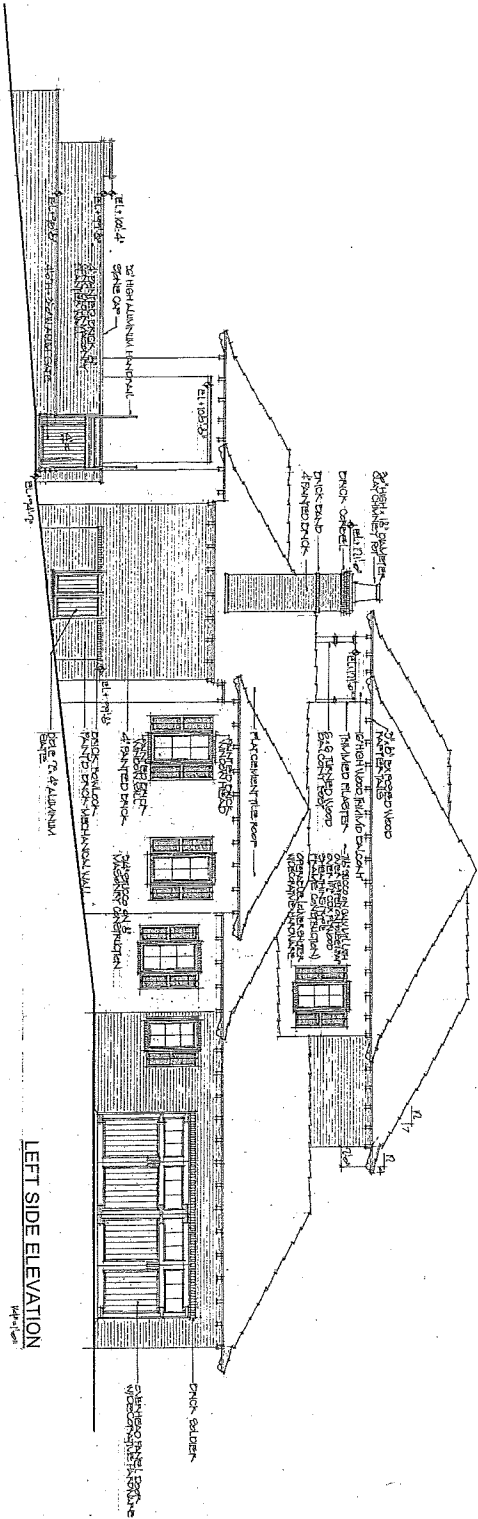
FRONT ELEVATION

6	DATE	BY	CHKD
	11/19/24	WPD	WPD
NO. OF SHEETS	TOTAL SHEETS		
1	1		

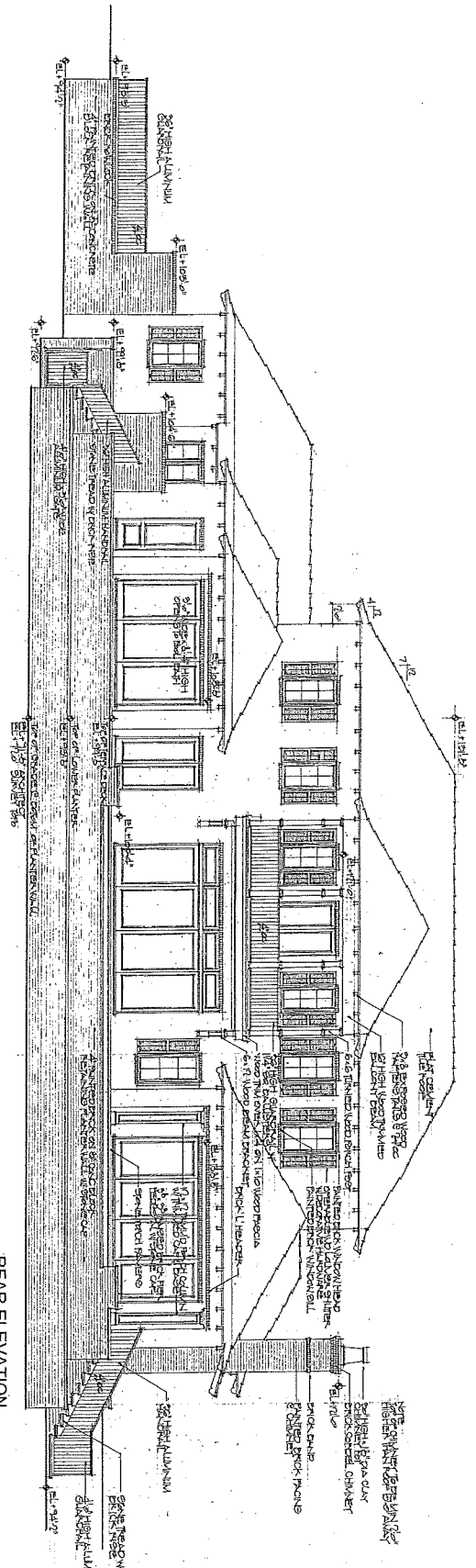
BRYAN RESIDENCE
WINTER PARK, FLORIDA

WINTER PARK DESIGN
ARCHITECTS

1000 W. WINTER PARK BLVD.
WINTER PARK, FLORIDA 32789
PHONE: 407.874.7824



LEFT SIDE ELEVATION



REAR ELEVATION

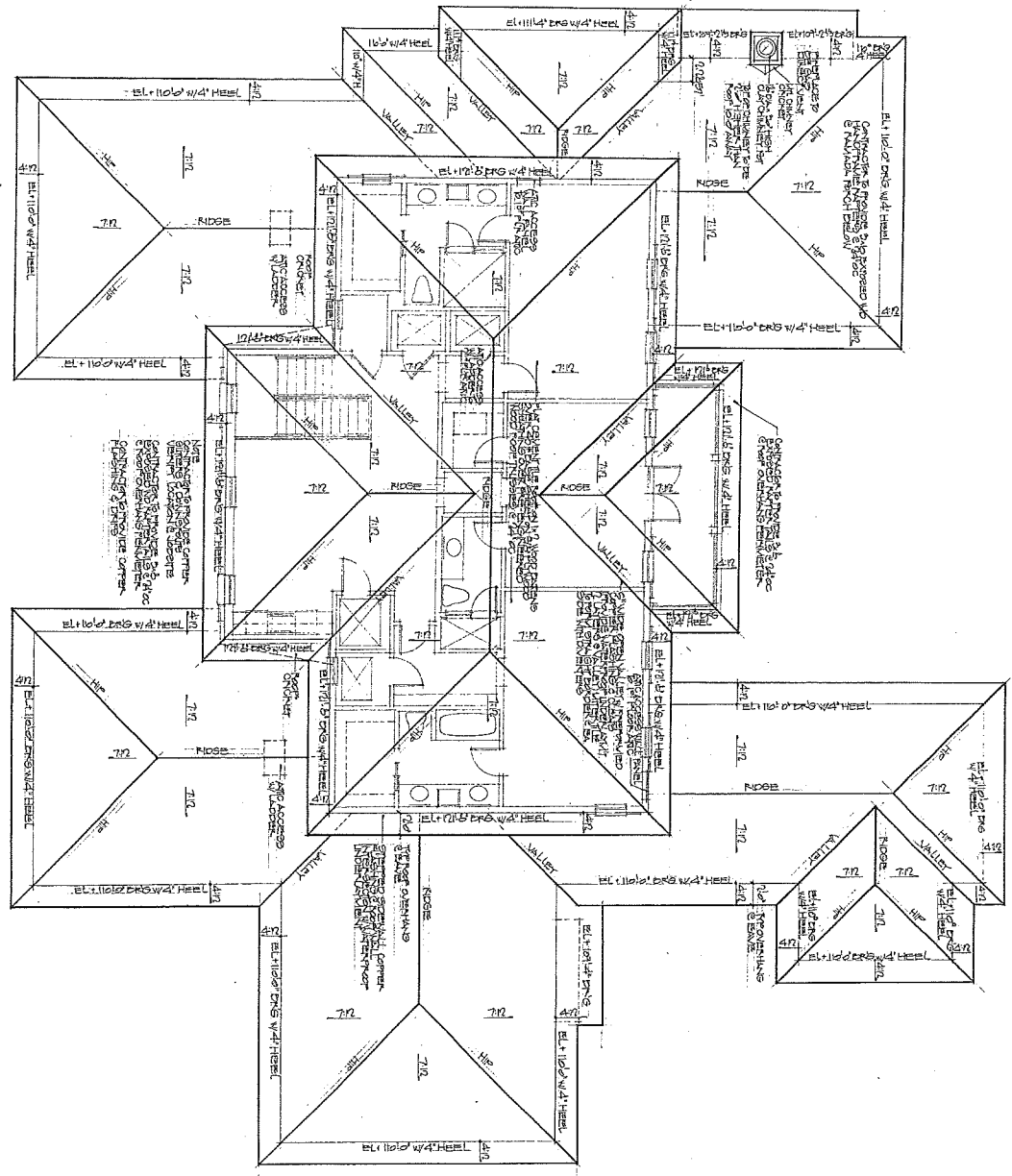
7	DATE	BY

NO. 000	DATE
NO. 000	DATE

BRYAN RESIDENCE
WINTER PARK, FLORIDA

WINNER PARK DESIGN
 LICENSE #00000000

 301 W. STATE ST. STE. 200
 WINTER PARK, FL 32789
 PHONE: 407.244.1000
 FAX: 407.244.1005



ROOF PLAN

8

DATE	12/12/14
BY	WPD
CHECKED	WPD
SCALE	

BRYAN RESIDENCE
WINTER PARK, FLORIDA

