

**BOARD OF ADJUSTMENTS
CITY OF WINTER PARK, FLORIDA**

**Regular Meeting
Commission Chambers**

**January 15, 2013
5:00 P.M.**

PRESENT:

Lucy Morse, Chair, Phil Kean, Vice Chair, John Simpson, Ann Higbie, Cynthia Stollo, Robert Trompke & Jeff Jontz. George Wiggins, Director of Building and Stephanie J. Edsall, Recording Secretary. Bruce Becker was absent.

MINUTES

Bruce Becker made a motion seconded by, Ann Higbie to approve the minutes from the December 18, 2012 meeting. The minutes were approved 7-0.

New Business

#1

Request of Kimberly Jones for a variance to allow the construction of a residential deck to be located 24 feet from a stream in lieu of the required setback of 50 feet.

Located at 1623 Barcelona Way.

Zoned: R-1AA

George Wiggins, Director of Building, stated the applicant is requesting a variance to allow the construction of a residential deck to be located 24 feet at the closest point from a stream whereas the required setback is 50 feet. Because the deck elevation above grade will be approximately 6 to 7 feet above grade, it requires the same setback as a home (50'). However, the home itself was built before the 50 foot stream front setback was established several years ago. A swimming pool deck is allowed to extend to within 20 feet of the stream with a maximum deck elevation of 2 feet above grade.

Nathan Cross, contractor for the project stated that if the variance is approved the structure will be built with a keystone product, planters and improve the aesthetics as well from the exterior. To manage the drainage from the property a swale can be created near the creek and will also have planters to retain water.

Kimberly Jones, owner, stated that all neighbors in the area have outdoor seating and screen enclosures for their pools. She currently cannot enjoy sitting outdoors due to not having a screened in area and would like to enjoy the outdoors. The height of the deck is due to the home foundation height and the addition will help improve the cosmetics of the home.

Board of Adjustment Minutes

12/18/12

Page 2

Forrest Michael, Landscape architect for Mead Gardens, stated that this area has a very naturalistic look and with the high flows of Howell Creek, it is recommended to put in a wood deck. If the wood deck is used it would allow the flood plain to be flooded naturally during the event of the creek swelling.

The Board members discussed the request stating that due to the irregular lot and slope of lot that there is no alternative location for the applicant to accomplish this request.

Findings:

The Board stated the hardship is the slope of the land and having an irregular shaped lot.

Action:

Based on these findings Mr. Kean made a motion, seconded by Mr. Simpson to approve the request, the request was approved 7-0.

#2

Request of Forest Michael for variances to allow the construction of an arbor structure 4 and 11.5 feet from the front lot line in lieu of the required setback of 15 feet and to allow a re-constructed enclosed porch to be 11 feet from the front lot line in lieu of the required setback of 14 feet, and to allow a 4 foot rain overhand to project into the front setback to 7 feet from the front lot line.

Located at 358 W Comstock Ave.

Zoned: R-1A

George Wiggins, stated that this item needed to be tabled to more accurately advertise the variances requested.

The Board members discussed the request stating that the applicant needs to explore other options such as building the boathouse on the west side of the property where the water depths are greater and also creates less visibility blockage for the neighbor.

Action:

Motion by Mr. Trompke and seconded by Mr. Becker to table the request. Motion passed by a unanimous vote of 7-0 and the request was tabled.

Request of Steve Feller for variances to allow the re-construction and new construction of a 3.8 foot high wall and 6.75 foot high columns in lieu of the maximum permitted wall height of 3 feet and maximum permitted column height of 4 feet.

Located at 920 Georgia Ave.

Zoned: R-1AA

George Wiggins, Director of Building stated the applicant is requesting variances to allow the re-construction and new construction of a 3.8 foot high wall and 6.75 foot high columns whereas the maximum permitted wall height is 3 feet and maximum permitted column height is 4 feet.

Currently a stucco masonry wall exists across the front of this property located 7 feet from the property line and approximately 2.5 feet from the sidewalk which is located within the private property. The wall includes columns which are 6.75 feet in height at the existing entry driveway and the columns along the length of the wall are 4.9 feet in height spaced at distances of 10 to 12 feet apart. The owner desires to move the driveway in order to be in line with the garage and seeks to save these nonconforming piers which have a unique design that matches the architecture of the home that was built in 1931.

Steve Feller, representative for the owners, stated that they are dealing with a historic property which was designed in 1931. The area they are working with in the wall is a total length of 428 feet. Their desire is to remove 65 feet of the wall, and build a new wall with matching columns. The wall runs from the Georgia side driveway apron back to the garage and has the same height and same post of the removal. Along the street in order to center the garage with the driveway to the garage, they need to remove 19' and add 3.6' of wall. They are trying to stay with the exact same look and with a renovation and addition being done to the home they want to keep the same look of the home. The wall will have the same texture and height of the existing wall with the posts which will be added, and will match exactly what is there. The northern wall is covering up a car park area that they are adding and the wall will be hiding a carport that is existing.

Tom Saltmarsh, owner, stated that they bought the home to fix it up and keep the look and style that the home deserves. His desire is to have the wall all the way around and have it match and ensure that it is aesthetically pleasing.

The Board members discussed the request stating that they see the hardship of the historic home and the need to blend in the new wall with the existing wall and columns.

Findings:

The Board stated the hardship is the historic home and the existence of the nonconforming wall and columns.

Action:

Based on these findings Ms. Strollo made a motion, seconded by Mr. Simpson to approve the request, the request was approved 7-0.

#4

Request of Adriana Linares for a variance to allow the construction of 6 foot vinyl fencing located zero feet from the Dalmen Avenue property line in lieu of the required setback of 20 feet.

Located at 1203 Turner Road.

Zoned: R-1A

George Wiggins, Director of Building, stated the applicant is requesting a variance to allow the construction of 6 foot vinyl fencing located zero feet from the Dalmen Avenue property line whereas the required setback of 20 feet and the allowed fence height at this location is 3 feet.

The property is a corner lot located at the northeast corner of Turner Road and Dalmen Avenue and has an elevated septic tank located in the rear yard near the Dalmen Avenue lot line. In order to install a privacy fence along this side of the rear yard the applicant must set in a six foot fence on the north side of the septic tank at a distance of approximately 25 feet. Currently, an existing chain link fence exists in the rear yard located approximately 40 feet from the Dalmen Avenue lot line as seen on the survey.

At the 10 foot setback from this street side lot line, a five foot height fence could be located, however, it may be difficult due to the septic tank. The property immediately to the rear is vacant due to the overhead electrical transmission lines and will likely remain vacant indefinitely unless the lines are rerouted.

Adrianna Linares, owner stated that there are several empty lots next door and they would like to have a fence installed to stop people from using her yard as a cut through and for security and privacy reasons.

The Board members discussed the request stating that there is no other option except to place the fence on the property due to the septic mound.

Findings:

The Board stated the hardship is the location of the septic tank mound in the rear yard.

Action:

Based on these findings Mr. Kean made a motion, seconded by Mr. Jontz to approve the request, the request was approved 7-0.

#5

Request of Brandon Green for a variance to allow the construction of wood fencing up to 8 feet in height along the side and rear lot lines.

Located at 1816 Magnolia Ave.

Zoned: R-1A

George Wiggins, Director of Building, stated the applicant is requesting a variance to allow the construction of wood fencing up to 8 feet in height along the side and rear lot lines.

This property backs up to an industrial looking area of Glen Haven Cemetery where fill and other vegetative debris is stored and heavy equipment move earth and debris that results from cemetery burials. There is a question whether the cemetery is utilizing this area in compliance with our zoning code which is being investigated, however, the area has been in use as a storage area for the cemetery for many years and may be a grandfathered use.

Under the zoning code, a fence height of up to 8 feet can be authorized administratively due a sloping lot condition. The applicant partially has this condition when viewing the grades of his property from front to rear which drops down about one foot in elevation. The grade across the rear is interrupted by a septic tank system which elevates the grades in the middle of the rear yard and drops back down toward the rear lot line.

Brandon Green, owner, stated his hardship is that the home was built in 2007 and was built higher on the property than the neighboring home. With the location of the drain field location on their property and their home being built up, their property looks down into the neighbor's yard and overlooks the cemetery storage area to the rear. Their desire is to give their neighbors privacy and to get privacy from the on lookers at the cemetery who can see into their yard and home.

Sara Green, owner, stated that the eight foot section of the fence would be in the back corners of the property and would be even across the rear of the property. Their need for this fence is for their privacy from the cemetery and the service road of the cemetery which is raised up and allows people to look down into their home and property.

The Board members discussed the request stating that due to the location of the septic, the cemetery storage and the slope of the land that there is a need to install the higher fence.

Findings:

The Board stated the hardship is the location of the septic tank, the slope of the land and the abutting cemetery use area.

Action:

Based on these findings Ms. Higbie made a motion, seconded by Mr. Trompke to approve the request, the request was approved 7-0.

Stephanie J Edsall

**Stephanie J. Edsall
Recording Secretary**