

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

**Regular Meeting  
Commission Chambers**

**February 19, 2013  
5:00 P.M.**

**PRESENT:**

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

**MINUTES**

Phil Kean made a motion seconded by, Bruce Becker to approve the minutes from the January 15, 2013 meeting. The minutes were approved 7-0.

**Old Business**

#1 Forest Michael for variances to allow the construction of the following:

- (1) an arbor structure with a 4 foot setback from the front lot line in lieu of the required setback of 15 feet;
- (2) enclosure of a porch to be 10.1 feet from the front lot line in lieu of the required setback of 19 feet (existing front wall of home);
- (3) Enclosed end wall of former porch to extend an additional 6.5 feet in height above existing wall height at the 5 foot setback in lieu of required setback of 12.5 feet;
- (4) Rain overhang extending an additional distance of 2.5 feet from new front wall within the front setback area;
- (5) 5 foot high garden wall and 4 foot high retaining wall within the front setback in lieu of maximum permitted height of 3 feet.

Located at 358 W Comstock Ave.

Zoned: R-1A

George Wiggins, Director of Building, stated the applicant is requesting the following variances to allow improvements to the front porch and front yard area of the existing home:

- (1) an arbor structure with a 4 foot setback from the front lot line whereas the required setback is 15 feet;

- (2) enclosure of a porch located 10.1 feet from the front lot line whereas the required setback is 19 feet (to existing front wall of home);
- (3) height extension of enclosed end wall of porch to extend an additional 6.5 feet in height above existing wall height at the 5 foot setback in lieu of required setback of 12.5 feet [total height above grade will be 18.5 feet];
- (4) rain overhang extending an additional distance of 2.5 feet from new front wall within the front setback area;
- (5) 5 foot high garden wall and 4 foot high terrace wall within the front setback whereas the maximum permitted height is 3 feet.

The current conditions include an open front porch with a low masonry wall at a height of approximately 3 feet above the floor elevation inside the porch and at a height of approximately 5 feet to grade on the exterior of the porch. This area is proposed to be enclosed with new masonry columns and an increased roof height with the resulting total height of 18.5 feet above existing grade.

The new enclosed porch will exit to the east side into an upper arbor structure, then take a 90 degree turn into a lower arbor structure that proceeds to within 4 feet of the front lot line (sidewalk). The Zoning Code allows open arbor structures up to 50 square feet in front yards to be located up to 15 feet from a front lot line due to the openness of the those decorative structures.

Forrest Michael, owner, stated he bought the property with hopes of improving it to live at for many years to come. Due to the property being on the edge of the railroad tracks the desire is to improve it, so that the property can be usable and enjoyable to sit outside the home as well as inside. The City has property across the street with City vehicles coming and going all during the day. Adding a glass porch and raised fence area will allow him to enjoy his home and mask him from the elements of the City lot and the railroad that his home is exposed to. In addition a need of security for his home is desired as well, due to the home backing up to the railroad tracks and close to the commercial businesses on Fairbanks and the patrons from those businesses that loiter in the roadway.

The Board members discussed the request stating it is a great improvement to the home and the area, and that this property is situated in a very unique location at the end of a street and next to the rail road tracks.

**Findings:**

The Board stated the hardship is the location of the home and the shape of this unusual corner 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.

**New Business**

**#1**

Request of Brandon Crossland for variances to allow the construction of a garage located 5.1 feet from the side lot line in lieu of the required setback of 8 feet and to allow the omission of a second required parking space behind the front line of the home.

1531 Lasbury Ave.

Zoned R-1A

George Wiggins, Director of Building, stated the applicant is requesting variances to allow the construction of a garage located 5.1 to 6.3 feet from the side lot line whereas the required setback is 8 feet and to allow the omission of a second required parking space behind the front line of the home.

On this property, the Zoning Code required parking is provided as two tandem spaces along the west side of the home, and there does not appear to be any area on the home where a previous enclosed garage was located as is usually the case in these type of variance requests. A long driveway extends down the side of the home for a distance of approximately 40 feet for parking of vehicles. The omission of one of the tandem parking spaces is basically compensated by having parking space area in the circular drive in front of the home.

A letter of non-objection from the neighboring property owners was provided to the Board.

Brandon Crossland, owner, stated that he has lived in Winter Park since June 2010 and has spent much time trying to fit his home into the look of the neighborhood. His concern is the area that they currently park their car. This area is dark and there is a concern of safety that arises as there is no lighting in the area. Their home is the only home on the street that does not have a garage and if allowed it will not affect the parking in front of the home. He feels the hardships are safety for his wife, and he has having an enclosed parking area on this narrow lot.

The Board members discussed the request stating that this would be an improvement and is a minimal side encroachment.

**Findings:**

The Board stated the hardship is the narrow lot and difficulty of providing an enclosed garage without encroaching the side setback due to the location of the home.

**Action:**

Based on these findings by Mr. Kean made a motion seconded by Ms. Higbie to approve the request with the condition that the garage be set back two feet back, the request was approved 7-0.

**#2**

Request of Tracie Pitelka for a variance to allow the replacement of an existing 6 foot wood fence and gate with a 6 foot masonry wall located .4 foot from the Alabama Drive lot line in lieu of the required set back of 5 feet.

Located at 1031 Palmer Ave. Zoned: R-1AA

George Wiggins, Director of Building stated the applicant is requesting a variance to allow the replacement of an existing 6 foot wood fence and gate with a 6 foot masonry wall located .4 foot from the Alabama Drive lot line whereas the required set back is 5 feet.

In examining the site, it appears as though there is room to move the wall back to 5 feet from the lot line and comply with this new code provision without the need for a variance. The applicant was concerned that moving the wall back this distance would prevent them from having the gated entry area into the rear yard for an existing parking area. Currently, the entry gate is 8 feet back from the sidewalk.

Tracie Pitelka, owner, stated that the current fence is unattractive and their desire is to replace what is currently there with a vine covered wall. The applicant stated that there is a twenty three foot section of fence that runs along Alabama Drive. They desire to replace this fence and their lot has limited area to move it back, therefore asking for this variance. She stated they are aware that there is a code in place that requires protecting the visibility and will agree to remove the eight foot section of a hedge to open up the area for visibility. After requesting the variance they looked at other homes in the area and they are willing to move the fence back two feet as an alternate option. To help mask the fence/wall they are willing to plant creeping fig and place podocarpus

in front of the fence/wall. The applicant feels their hardship is the need for a parking spot behind the wall and if the wall is moved to far in they will lose that spot.

The Board members discussed the request stating there was no hardship to approve this request this close to the sidewalk and the applicant can move the wall back further than requested and still accomplish the same outcome.

**Findings:**

The Board stated the there was no apparent hardship to approve the request.

**Action:**

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

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*Stephanie J Edsall*

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Recording Secretary**