

BOARD OF ADJUSTMENTS
CITY OF WINTER PARK, FLORIDA

Regular Meeting

June 18, 2013

Commission Chambers

5:00 P.M.

PRESENT

Lucy Morse, Chair, Phil Kean, Vice Chair, John Simpson, Robert Trompke, Patrice Shirer (new alternate member), Ann Higbie and Bruce Becker. George Wiggins, Director of Building and Carla Bahlmann, Recording Secretary. Jeff Jontz was absent.

MINUTES

John Simpson made a motion, seconded by Ann Higbie, to approve the minutes with amendments from the May 28, 2013 meeting. The minutes were approved 7-0.

OLD BUSINESS

1. Request of Fred Curley for a variance to allow the construction of a duplex dwelling with a floor area ratio of 48.7% in lieu of the maximum permitted FAR of 45% and to allow a second floor side setback of 7 feet in lieu of the required setback of 10 feet.

Located at 910 Mead Ave. Zoned: R-2

George Wiggins, Director of Building, stated the applicant is requesting a variance to allow the construction of a duplex dwelling with a floor area ratio of 48.7% in lieu of the maximum permitted floor area ratio of 45% and to allow a second floor side setback of 7 feet in lieu of the required setback of 10 feet. The applicant provided four letters of non-objection from neighbors. Mr. Wiggins stated that because this R-2 zoned property is abutting an R-1 zoned neighborhood the FAR is 45% instead of 55%. The applicant has more than met the rear setback requirement of 35 feet and the applicant is 81.9 feet from the rear lot line. Articulation requirements have also been met by the applicant. Lucy Morse asked about the neighboring house as she did not see a letter of non-objection. Mr. Wiggins stated there was not a letter however the setback on that side exceeded the setback requirements.

Mark Nasrallah, architect and representative for the applicant stated that due to the size of the lot, in order to meet setback requirements the garage area would only allow for one car. This would seemingly create a greater impact to the surrounding R-1 properties as cars would have to be parked on the street or driveway area. He also stated that while the building could be designed to meet the setback requirements, the aesthetics would be compromised.

Fred Curley, applicant showed pictures of the property stating the side they are requesting the variance for is next to another R-2 duplex property, and on the east side of the property. Mr. Curley was asked if he had a letter of non-objection for the property to the west, and he stated he did not, as they were there to speak in objection.

Patricia Ficarrotto, homeowner of 918 Mead Ave. spoke in objection of the variance, expressing concerns of the driveway going past her bedroom windows and drainage issues. Richard Parrett, a representative for Ms. Ficarrotto also spoke in opposition showing pictures of the neighborhood stating parking would be a big concern. Mr. Parrett stated the concern of drainage should be taken in to consideration as well as the amount of vegetation and trees that will be impacted due to the blockage of sunlight. Mr. Parrett requested the Board table the request until they have an opportunity to come out and visit the properties to get a better impression of their concerns.

Lucy Morse stated the Board members do try to visit the properties prior to the meeting. Patrice Shirer provided Mr. Parrett with information regarding drainage and retention to help put the fears of retention to rest. Lucy Morse stated any property could be built with a second floor and meet setbacks, so vegetation would be impacted.

FINDINGS:

A Board Member stated that because this is new construction, she feels it should be able to stay within the guidelines of the required floor area ratio and setbacks. The rest of the Board members, while mindful of the neighbors' concerns, were in favor of the variances noting the affected area was on the east side of the property, and the second floor is being placed at an unusually large setback from the rear lot line to compensate for the floor area ratio variance.

ACTION:

Based on the findings, Patrice Shirer made a motion, seconded by Bruce Becker to approve both variances. The requests passed 6-1 with Ann Higbie voting in opposition.

NEW BUSINESS

1. Request of Bradley Blum for a variance from Section 58-86 "Off-street parking and loading regulations" subsection (a)(1) to allow the conversion of one required parking space into an enclosed miscellaneous use area for a restaurant resulting in the loss of one required parking space.

Located at 133 E. Morse Blvd. Zoned: C-2

George Wiggins, Director of Building, stated the applicant Bradley Blum is requesting a variance from Section 58-86 "Off-street parking and loading regulations" subsection (a)(1) to allow the conversion of one required parking space into an enclosed miscellaneous use area for a restaurant resulting in the loss of one required parking space. Mr. Wiggins stated the existing building is currently a restaurant and a second floor office in the rear. Below the office space there are 5 existing parking spaces. The parking spaces were grandfathered in several years ago for the restaurant to provide 5 parking spaces. Mr. Wiggins stated the parking space in question is currently being used to store equipment and not being used for parking as dictated by code. The applicant would like to enclose the parking space to cover refrigeration equipment. Patrice Shirer asked if the offices were required to provide parking. Mr. Wiggins stated the parking is mandated by the property with regard to the restaurant to include the offices.

Steve Feller, architect and representative for the applicant, distributed photos showing the existing parking spaces. Mr. Feller stated the space is needed to accommodate storage space and refrigeration equipment. Mr. Feller showed that the parking space in its current state is not being used for parking and if a vehicle would park there it would greatly impede access to the fire exit. Mr. Feller also pointed out that the ordinance for office space parking requires one space per 250 square feet and 4 parking spaces meets that need. Bradley Blum, applicant stated he spoke with neighboring property owners, and the change would be favorable for the area.

FINDINGS:

The Board stated the hardship is lack of storage and mechanical space along with safety issues. The Board was in agreement that the parking space is currently not being used for parking, and 4 spaces meet the office needs.

ACTION:

Based on the findings John Simpson made a motion seconded by Robert Trompke to approve the variance. The request was approved 7-0.

2. Request of Thomas and Karen D'Avanzo for a variance to allow the construction of a swimming pool and deck resulting in an impervious coverage of 55.6% in lieu of the maximum allowed impervious coverage of 50%.

Located at 1911 Stonehurst Rd. Zoned R-1AA

George Wiggins, Director of Building, stated the applicants Thomas and Karen D'Avanzo are requesting a variance to allow the construction of a swimming pool and deck resulting in an impervious coverage of 55.6% in lieu of the maximum allowed impervious coverage of 50%. Mr. Wiggins stated the right of way for this property is much larger (95 ft.), than the right of way of a typical property (50 ft.) Mr. Wiggins also stated that the properties on this street are not all within the City Of Winter Park. Properties have been annexed in at homeowners' requests as long as the property is abutting the city limits.

Paul Verlander, landscape architect and representative for the applicant stated upon first evaluation of the property the proposed pool area would have met impervious requirements, however after the survey came back and disclosed the 95 foot right of way, they realized it would not meet the impervious requirements. Mr. Verlander also stated no setbacks are being compromised.

Ann Higbie asked if there was ever a consideration to redesign the pool to meet the needed impervious calculations. Mr. Verlander stated the pool and decking were needed to accommodate the large family and friends using the pool.

Thomas D'Avanzo showed a map of the street showing which houses are in the city limits of Winter Park, and which ones are in Orange County. Karen D'Avanzo stated the size of the

pool was taken in to consideration to meet the size of the house without looking unusual or dwarfed.

Robert Trompke asked if the property were in the county would it meet the impervious requirements for Orange County. Mr. Wiggins stated he did not know.

FINDINGS:

Some Board Members supported the variance stating that the situation with the right of way was a hardship in regard to calculating impervious coverage. Other Board Members stated they were not convinced the right of way was a clear hardship. One Board Member stated that some municipalities do not include pools with regard to impervious calculations and with that in mind he would support the variance.

ACTION:

Based on the findings Phil Kean made a motion, seconded by John Simpson to approve the variance. The request was approved 4-3 with Ann Higbie, Bruce Becker and Patrice Shirer voting in opposition.

3. Request of Zane Williams for variances to allow the construction of 6 foot high entry gates and walls located 5 feet from the Pennsylvania and Symonds Avenues property lines in lieu of the required setback of 10 feet.

Located at 271 N. Pennsylvania Ave. Zoned: C-3

George Wiggins, Director of Building, stated the applicant Zane Williams is requesting variances to allow the construction of 6 foot high entry gates and walls located 7 feet 8 inches from the Pennsylvania Ave. and 2 feet from Symonds Avenue property lines in lieu of the required setback of 10 feet. Mr. Wiggins stated the public sidewalk which was given up to the city by an easement creates the potential hardship for the variance.

Zane Williams, applicant explained that if the walls were pushed back to meet setback requirements, the gate would then swing into the handicap parking. If a rolling gate were installed it would block the pedestrian gate and walkway. Upon further review it was noted

that the easement granted to the city, which would bring the request closer to code, a variance would still be needed.

FINDINGS:

Several Board Members supported the variance stating the easement granted to the City Of Winter Park was a hardship along with the handicapped parking. Two Board Members pointed out this is new construction and these issues should have been taken into consideration during the planning stages. Other options were discussed but no better resolution came to light.

ACTION:

Based on the findings by the Board, John Simpson made a motion, seconded by Bruce Becker to approve the variances. The motion passed 5-2 with Ann Higbie and Patrice Shirer voting in opposition.

Carla Bahlmann

**Carla Bahlmann
Recording Secretary**

