

BOARD OF ADJUSTMENTS
CITY OF WINTER PARK, FLORIDA

Regular Meeting

November 19, 2013

Commission Chambers

5:00 P.M.

PRESENT

Lucy Morse, Chair, Phil Kean, Vice Chair, Robert Trompke, John Simpson, Ann Higbie and Bruce Becker. George Wiggins, Director of Building. Carla Bahlmann and Kimchi Tran, Recording Secretaries. Patrice Shirer and Jeff Jontz were absent.

MINUTES

Robert Trompke made a motion, seconded by Bruce Becker, to approve the minutes with amendments from the October 15, 2013 meeting. The minutes were approved 6-0.

OPENING STATEMENT AND PUBLIC COMMENT

Ms. Morse explained the rules of procedure for variance cases and opened the floor for any public comments.

NEW BUSINESS

Request of Anthony Fiorillo for a variance to allow the construction of a new home with second floor side setbacks of 13.7 feet on the south side and 14.5 feet on the north side whereas the required setbacks are 16 feet to the second floor. The existing home on the property is demolished, and a permit has been received for the construction of a new home.

Located at 1840 Winter Park Rd. Zoned: R-1AA

George Wiggins, Director of Building, stated that the applicant is requesting a variance to allow the construction of a new home with second floor side setbacks of 13.7 feet on the south side and 14.5 feet on the north side whereas the required setbacks are 16 feet to the second floor. The existing home on the property is being demolished, and a permit has been received for the construction of a new home.

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Mr. Wiggins presented the following staff report:

Apparently, the applicant engaged a designer not totally familiar with our Zoning setback rules for single family homes and has progressed with this project to the point of requesting a building permit. The existing home on this property is demolished. On the application under the section that asks the applicant to describe the hardship, it is stated: "According to the city of Winter Park Building Department the house could be constructed with existing setbacks so long as the garage is omitted from construction." One of our staff may have said that, but it is unrealistic to consider not having a garage or covered parking area on a new home. The garage has 574 square feet of area and removing this area allows reducing the second floor setback to 14 feet which is very close to what was planned. The point of having the larger second floor setback is to reduce the appearance of mass when the floor area ratio is maxed out such as in this case.

In the application, it is stated that the south side second floor setback is 16 feet; however, the setback must be measured to the closest wall on the second floor which is located 13.7 feet from the lot line. This is due to a bump out area for the second floor master bathroom.

On this project the lot width is 78 feet with a total area of 9,645 square feet. The proposed home has a gross area of 4,146 square feet which is the allowed maximum floor area ratio of 43%. Because of the larger floor area, the second floor setback is required to be 16 feet which is 20% of the lot width.

The proposed impervious coverage for this project falls within the permitted maximum allowed of 50% which includes a swimming pool.

We have received 5 letters of non-objection to this request including the adjacent property owner on the north side.

The resident to the South at 1860 Winter Park Rd had sent an email expressing no objection to the variance and then sent another email withdrawing his previous email which had expressed no objection.

Dawn and Anthony Fiorillo, applicants, stated the new house will improve the neighborhood and values of homes in the surrounding area.

Mr. Fiorillo stated their other options include eliminating the garage or reconfiguring the design to eliminate one or two bedrooms upstairs. In addition, a redesign will cause a construction delay of several months causing them to reconsider whether to build here.

FINDINGS

The Board Members expressed that no hardship exists since the applicants are starting with an empty lot and they should fall under the standard Zoning Code setback criteria. Also, no unique circumstances have been demonstrated.

ACTION

Based on these findings, John Simpson made a motion, second by Phil Kean to approve the variance. The vote was 3-3, with Lucy Morse, Ann Higbie and Bruce Becker voting in opposition, and the request was denied.

NEW BUSINESS

Request of Donald Snell, Jr. for a variance to allow the construction of two room additions with portions of the additions to be located 22.2 feet and 16.4 feet from the rear lot line whereas the required rear setback is 25 feet.

Located at 365 Grouse Ct.

Zoned: R-1AA

George Wiggins, Director of Building stated, the applicant is requesting a variance to allow the construction of two room additions with portions of the additions to be located 22.2 feet and 16.4 feet from the rear lot line whereas the required rear setback is 25 feet.

Mr. Wiggins presented the following staff report:

A new screen room and a new master suite are proposed to be added to the rear of this existing home. The corner of each of these rooms protrudes into the rear 25 foot back by distances of 2.8 feet and 8.6 feet respectively. The lot is on a cul-de-sac and is generally pie shaped with the narrow dimension at the front. The side lot line dimensions vary from 112 feet on the north side to 129 feet on the south side making it difficult to add rectangular additions onto the home without having some encroachment into the rear setback.

This property is located within the Quail Hollow subdivision which originally was developed with rear setbacks of 10 feet and most of the lots are relatively shallow in depth, making it problematic to add rear additions and meet today's more stringent 25 foot rear setback. The applicant points out that three of his neighbor's properties behind him have rear setbacks of 16, 12 and 14 feet.

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The proposed additions totaling 1,352 square feet are well within the allowable floor area and allowable impervious coverage.

We have received 8 letters from neighbors expressing no objections to this request.

Donald Snell, Jr., applicant stated the existing structure and the layout of the lot makes it difficult to add anything to the house, and he desires to have a similar rear setback as his neighbors.

Tom Lamar, the designer, stated that this is a modest addition to this house and he wants to make this addition a normal space out of a layout that is very awkward. They stepped the building back as much as they could on the side setback, and the height of the building is the same scale as the original building which is about 8 feet of variance.

FINDINGS

The Board Members expressed that the hardship is evident based on the shallowness of the lot depth and location of the home on the lot. Also, the size of the house is still much smaller than what it is allowed.

ACTION

Based on these findings, Bruce Becker made a motion, second by Ann Higbie to approve the variance. The vote passed by a vote of 6-0, and the request was approved.

NEW BUSINESS

Request of Holland Pools and Taylor Morrison Homes for a variance to allow a screen pool enclosure to be located 5 feet from the rear lot line whereas 10 feet or 7.5 feet is required, allow the area of the enclosure to exceed the allowable area (8% of lot area) by 103 square feet (.9%) and exceed the impervious coverage by 456 square feet (4.1%)

Located at 1817 Harland Park Dr.

Zoned: R-1A

George Wiggins, Director of Building stated, the applicant is requesting a variance to allow a screen pool enclosure to be located 5 feet from the rear lot line whereas 10 feet or 7.5 feet is required, allow the area of the enclosure to exceed the allowable area (8% of lot area) by 103 square feet (.9%) and exceed the impervious coverage by 456 square feet (4.1%)

Mr. Wiggins gave the following staff report:

This variance request came about through permitting a swimming pool for a new home with the submission of incorrect impervious coverage information on our setback/coverage worksheet for the home resulting in excessive impervious coverage on the property. In addition, at a later date with the pool nearly constructed, the pool company applied for a screen enclosure permit that doesn't meet the rear setback requirement and exceeded the maximum allowed area for a pool enclosure.

The pool without an enclosure meets our Zoning Code criteria with regard to setbacks; however, the pool enclosure requires a greater setback by a distance of either 5 feet or 2.5 feet depending on the height of the enclosure at the rear setback line.

When brought to the attention of the pool contractor, they immediately took several steps to remediate the situation through cutting back on the size of the pool deck area and the screen enclosure both in area and height while applying for this variance.

The pool company provided information on our worksheet for the newly completed home by Taylor Morrison Homes that was less than the actual number and during plan review, the City accepted the area given and only closely examined the new area of impervious coverage to be occupied by the new swimming pool, not realizing that the base area for the home was already at or nearly maxed out on impervious coverage.

To compensate for the excessive impervious coverage, Holland Pools has developed a solution that is agreeable to our Engineering Division which involves providing an extra compensation storm water storage area in the rear yard. The pool is only visible from properties on each side with no visibility from the rear due the 7 foot high wall that abuts Glen ridge Way. This high wall also helps to mitigate the impact of the closer setback of the pool enclosure.

Mike Holland, the applicant and owner of Holland Pools, stated neither Taylor Morrison nor anyone else informed him about Architectural Review Board of the Wind Song Subdivision until the last couple of weeks after filing this variance request.

Mr. Holland also stated that lot 6, next door, has pool with a much higher screen enclosure and larger pool. Lot 4, on the other side, does not have a pool. Mr. Holland

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stated he has no problem obtaining approval letters from lot 6 and lot 4 by the end of this week.

He stated that in the old sections and new sections of Wind Song there are 20 homes with screen enclosures that do not meet the ARB requirements. He explained the actions he took to reduce the size of the enclosure and to provide an underground storm water retention area at the direction of the City's Engineering Department to make up for the excessive impervious coverage.

Jeffrey Blyderburgh, president of the ARB of Wind Song Subdivision, stated that the landscape of this house was reviewed and approved 1 ½ years ago. The ARB did not become aware of the pool issue until they saw the variance request. He stated that Taylor Morrison was informed 7 months ago that there is not adequate room on this property to put a screen enclosure.

FINDINGS

The Board asked various questions to staff and the applicant concerning the impervious coverage, the enclosure and standing of the Architectural Review Board with respect to variances. Staff explained that builders in Wind Song must meet the Wind Song ARB criteria independent in addition to meeting the City Zoning Code requirements.

The Board Members felt the hardship is not established to warrant the variance requested for screen enclosure setback encroachment and for the area of the enclosure.

The Board members also felt that Taylor Morrison and Holland Pools have to satisfy the Wind Song architecture review board within restricted covenants of the Subdivision independent of this Board's actions. Wind Song, apparently, does not allow screen enclosures unless the screen enclosure is built at the same setback as the home itself.

ACTION

Based on these findings, Robert Trompke made a motion and seconded by John Simpson to approve the impervious coverage part of the request. The motion passed by a vote of 4-2 and this part of the variance was approved with Ann Higbie and John Simpson voting to against the motion.

A motion was made by John Simpson and seconded by Ann Higbie to approve the pool screen enclosure variances. The motion failed by a vote of 0-6 and the enclosure variances were denied.

Meeting was adjourned at 6:45p.m.