

BOARD OF ADJUSTMENTS
CITY OF WINTER PARK, FLORIDA

Regular Meeting

December 16, 2014

Commission Chambers

4:30 P.M.

PRESENT

Phil Kean, Chair, John Simpson, Vice Chair, Ann Higbie, Jeff Jontz, Patrice Shirer, Robert Trompke, and Brian Mills. George Wiggins, Director of Building and Carla Bahlmann, Recording Secretary. Cynthia Strollo was absent.

MINUTES

Patrice Shirer made a motion, seconded by Jeff Jontz, to approve the minutes from the October 21, 2014 meeting. The minutes were approved by a vote of, 7-0.

OPENING STATEMENT AND PUBLIC COMMENTS

Mr. Kean explained the rules of procedure for variance cases and opened the floor for any public comments or questions.

NEW BUSINESS

1. Request of Ben and Camille Goodin for a variance to allow construction of a building addition to be located 5 feet 10 inches from the side lot line in lieu of the required 11 foot side setback.

Located at 2300 Randall Rd.

Zoned: R-1AA

George Wiggins, Director of Building re-stated the request and gave the following staff report:

The applicants are seeking a variance to allow construction of a building addition to be located 5 feet 10 inches from the south side lot line whereas the required setback is 11 feet.

In order to provide more bedroom space for a growing family, the applicants wish to add to the existing one story home in a manner that fits in with the layout of the home

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and in a location that has minimal impact on surrounding properties. The current home has two bedrooms, and the request includes adding two bedrooms. The choice of adding a second story has not been pursued due to the extensive construction modifications that would need to be made to the existing home.

The applicants have provided a detailed analysis of why this location was chosen for the addition and why other alternative locations are not suitable or create greater variances.

Previously, the following variance was granted to this property on 3/15/2011 for a garage and carport on the east side of the lot. The garage was built; however, the approved carport was never constructed. The minutes of that meeting were provided to the Board Members. The applicant provided 8 letters of non-objection from the surrounding homeowners.

The applicant Camille Goodin stated after reviewing several options, including adding a second story, the addition on the south side of the property is the most aesthetically pleasing. This design also keeps the bedrooms together, instead of splitting the house up by adding a second story. Mrs. Goodin also stated by adding second story the view for some neighbors would be obstructed, and it may compromise the survival of a Live Oak in their yard, as limbs would have to be cut away.

Board Member Patrice Shirer asked if the applicants met with an architect regarding other options including a second story. The applicant Ben Goodin stated they had not. Mr. Goodin stated he is a contractor by trade and knows that a seconded story would become a huge undertaking as the structure in its current state could not support the addition of a second story.

Linda Stanford a neighbor residing at 201 E Fawsett Rd. spoke on behalf of the applicants stating she and other neighbors appreciate all the efforts that have been made by the applicants. Ms. Stanford further stated she felt a second story addition would not be as pleasing as the addition the applicants have proposed.

FINDINGS

Most Board Members felt the applicants put a lot of thought and effort in to planning something that would preserve the live oak in the front yard, however other Board Members felt the applicants did not show a hardship acceptable in granting the variance.

ACTION

Based on the findings John Simpson made a motion, seconded by Ann Higbie to approve the request for the variance. The motion passed by a vote of 5-2, with Patrice Shirer and Jeff Jontz voting in opposition, and the variance was approved.

2. Request of Tom Haney for variances to allow constructing an aluminum attached patio addition/cabana onto an existing garage located 6 feet from the rear lot line in lieu of the required setback of 10 feet and in lieu of detaching the cabana by 5 feet.

Located at 1440 Mayfield Ave.

Zoned: R-1A

George Wiggins, Director of Building re-stated the request and gave the following staff report:

The applicants are seeking variances to allow constructing an aluminum patio addition/cabana onto an existing garage located 6 feet from the rear lot line whereas the required setback is 10 feet and in lieu of detaching the cabana by 5 feet.

Plans were submitted with a permit application for the construction of this aluminum roofed cabana addition to an existing garage, but were rejected due to a rear setback encroachment and due to being attached to the garage. Cabanas which are attached to a garage must include the area of the new cabana with the existing area of the garage, and the combined structure must be less than 600 square feet in order to utilize a rear setback of 10 feet. In this case, the 615 square foot garage is already nonconforming due to having a 6 foot rear setback instead of 10 feet. The intent of this provision is to prevent an overly massive "enclosed" garage structure at the smaller side and rear setbacks allowed for a typical garage.

However, in this case, the cabana is open on three sides and is a logical location to place the cabana, although a free standing cabana could be placed on the east side of the pool.

The allowable impervious coverage and floor area ratio is not exceeded with this request.

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Board Member Patrice Shirer requested that a stipulation be added to the variance request, stating the covered area would be shingled to match the garage it was being attached to.

The applicant Tom Haney stated the hardship is the home has no covered area to enjoy their outdoor living space.

FINDINGS

Most of the Board Members stated they could understand a hardship of needing a shaded area to enjoy the outdoor living space. The Board Members did have a discussion with regards to the hardship being solely for shade when umbrellas can provide shade. Board Member Patrice Shirer requested that a stipulation be added to the variance request, stating the covered area would be shingled to match the garage it was being attached to.

ACTION

Based on the findings, John Simpson made a motion, seconded by Ann Higbie to approve the variance with the stipulation of shingles. The motion passed 6-1 with Patrice Shirer voting in opposition, and the variance was approved.

3. Request of Wai To and Agnes Yu for a variance to allow the construction of a one story building addition to be located 47.7 feet from the front lot line in lieu of the required setback of 54 feet from the curb.

Located at 621 Gaines Way

Zoned: R-1AA

George Wiggins, Director of Building re-stated the request and gave the following staff report:

The applicants are seeking a variance to allow the construction of a one story garage addition to be located 47.7 feet from the front lot line whereas the required front setback is 54 feet from the curb.

In order to add a third bay onto the existing garage, the owner is seeking a variance to extend the side of the garage out toward the front lot line by 8 feet which will result in a front yard setback encroachment of 6.7 feet. The adjacent home to the east in this dead end street has a front setback of 51 feet from the curb and homes to west are at 58 feet and 52 feet. Gaines Way terminates on the east end at two lakefront homes which are not used in determining the required front setback for this applicant's property.

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Other improvements are proposed for this home including the addition of a second floor over the current garage. The existing home extends to within 10 feet from the rear lot line and has a two story component over the rear portion of the home; however, the new two story addition will not connect with the existing two story space.

In order to not exceed the allowable impervious coverage, the designer is proposing to convert portions of the existing concrete drive and walk area into grass pavers. However, acceptance of the proposed product to accomplish this will need to be reviewed and approved by the City before allowing this replacement surface. If approved, then the impervious coverage limitation will be met.

The new addition of the garage bay addition and second floor is 1,042 square feet which still does not max out the allowable gross floor area on this property. The lot area is 14,164 square feet allowing 5,382 square feet of gross floor area.

The applicant Wai To, explained he needed home office space for his medical practice and introduced his architect John Drake. Mr. Drake explained this design is the best orientation from having a forward facing garage as well as providing more space for vehicles as well as office space. The applicant Mr. To stated he needed more garage space as well to accommodate a growing family with vehicles.

FINDINGS

The Board Members struggled with finding a hardship and although they could sympathize with the need for added garage space and a home office, did not conclude for the most part that those desires were hardships. Since the house was a recent purchase it seemed the applicant knew what he was purchasing.

ACTION

Based on these findings John Simpson made a motion, seconded by Brian Mills to approve the variance. The motion failed by a vote of 4-3, however the applicant was given the option to return within 90 days with a different design.

4. Request of Chris D'Amico for a variance to allow the demolition of more than 50% of a nonconforming structure and retain a side setback of 6 feet 8 inches for the west garage wall in lieu of providing two required spaces, behind the front setback line.

Located at 1718 Grinnell Terrace

Zoned: R-1A

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George Wiggins, Director of Building re-stated the request and gave the following staff report:

The applicants are seeking a variance to allow the demolition of more than 50% of a nonconforming structure and retain a side setback of 6 feet 8 inches for the west garage wall whereas two parking spaces are required spaces behind the front setback line. When more than 50% of the value of an existing home is demolished, then the rebuilt home must conform to the existing zoning code requirements.

The main cause of exceeding the 50% demolition rule is that the entire roof is being removed and the interior of the home is being remodeled and then there is 886 square feet of new floor area added on the rear of the home. The applicant desires to retain the nonconforming 6.7 foot side setback on the west side of the home which is approximately 32 feet in length. Also, because the existing carport only accommodates one parking space, this generates the need to request a variance from our requirement to have two parking spaces.

With these improvements the impervious coverage allowance and floor area ratio is net exceeded.

Randall Slocum, representative for the applicant, stated because of the design of the home and the fact that this is an existing structure the hardship is the wall not being removed. He also stated several homes in the area have already done what the applicant is requesting.

Chris D'Amico the applicant added that this is a modest request as not to compromise the integrity of the existing home as well as the neighborhood.

FINDINGS

All Board Members agreed that the hardship is the existing structure and that the design would be both functional and ascetically pleasing.

ACTION

Based on these finding Patrice Shirer made a motion, seconded by Robert Trompke to approve the variance. The motion passed by a vote of 7-0, and the variance was approved.

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The meeting was adjourned at 5:52 pm

Carla Bahlmann
Recording Secretary