



**CITY OF WINTER PARK  
Board of Adjustments**

**Regular Meeting  
City Hall, Commission Chambers**

**May 19, 2015  
5:00 p.m.**

**MINUTES**

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**PRESENT**

Acting Chair/Vice Chair John Simpson, Jeff Jontz, Patrice Wenz, Ann Higbie, Robert Trompke and Brian Mills. Director of Building George Wiggins and Recording Clerk Theresa Dunkle. Absent: Cynthia Strollo and Alternate Laura Turner

**APPROVAL OF MINUTES**

John Simpson made a motion, seconded by Jeff Jontz, to approve the minutes from the April 21, 2015 meeting. The minutes were approved by a vote of 5-0. Robert Trompke arrived just after the vote.

**ELECTION OF CHAIRMAN & VICE-CHAIRMAN**

Ann Higbie made a motion, seconded by Robert Trompke, to nominate John Simpson as the new Board of Adjustments Chairman. John Simpson was approved as the new Chairman by a vote of 5-0.

Ann Higbie made a motion, seconded by Robert Trompke, to nominate Jeff Jontz as the new Board of Adjustments Vice-Chair. Jeff Jontz was approved as the new Vice-Chairman by a vote of 5-0.

**OPENING STATEMENT AND PUBLIC COMMENTS**

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

**NEW BUSINESS**

1. Request of Sean and Christy Campbell for a variance from Section 58-71 "General provisions for residential zoning districts" subsection (i)(9) to allow a pergola to remain 3.40 feet and 3.18 feet from the side lot line in lieu of the required setback of 5 feet.

Located at 401 Cortland Ave      Zoned R-1AA

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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 a pergola to remain 3.40' and 3.18' feet from the side lot line whereas the required setback is 5 feet.

This is an after-the-fact request that was brought to my attention by a neighbor a few houses down the street. The pergola structure was actually built in 2008 and the applicant failed to obtain a permit thinking that this decorative structure may not require a permit.

In 2002, the Campbell's obtained a variance to construct a carport at the rear of the property which allowed the open carport to encroach into the side lot line. The carport is attached to the home and therefore required the same setback at the home which was 10 feet.

The dimensions of the pergola are 11.5' out from the side of the home by 8.7' along the driveway and extending back to the approximately 15'. It is supported by 2 columns next to the driveway and by the wall of the home and the porch on the south side of the structure. Under the Zoning Code an arbor, pergola or trellis can be placed 5' from a side lot line.

The rationale explained by the applicant for the pergola structure is to prevent the neighbor's bamboo shoots from falling on their cars when parked along the side of the home as well as serving as a decorative structure matching the architecture of the home.

Letters from five nearby property owners, expressing support for this variance request, have been received.

The applicant, Sean Campbell, read a prepared statement. It included that he was not aware a permit was required for the construction of the pergola/trellis structure. He stated that the hardship is the need to have protection for his vehicles from slow falling plant debris, when parked next to the side entry to the home. This location causes the need to encroach slightly into the side setback. Mr. Campbell stated he has no plans to add a roof covering to the structure in the future.

Discussions among some of the board members and the applicant indicated that the pergola was constructed for both convenience and decoration.

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Lisa Partington, a neighbor residing across the street, stated it would be difficult to demand the adjacent property owner trim the bamboo shoots to stop the falling debris. Her husband Bill Partington, spoke highly of the Campbell's outstanding character and voiced that he has no objection to the structure.

Stan Sujka, resides three lots south, and voiced opposition to the variance. He raised concern regarding the numerous approved variances already granted at 401 Cortland Avenue, such as the carport encroachment and a fence height variance.

The Board's discussion concerning hardship was mixed with strong concern expressed for constructing the pergola without a permit.

### **FINDINGS**

A trellis/pergola system was built without a permit in the mandated side setback clearance, to protect vehicles from falling debris. Additional exterior vehicle parking is available in the existing carport and in the front of the home. One nearby neighbor opposes the request. Five letters of support were received.

### **ACTION**

Based on the findings, Robert Trompke made a motion to approve the variance for the pergola structure, seconded by Jeff Jontz. The vote was 3-3, resulting in a denial of the request, with Jeff Jontz, Patrice Wenz and Ann Higbie voting in opposition.

2. Request of Charles and Ann Simpson for a variance from Section 58-66 "R-1A & R-1AA Districts" subsection (f) to allow the construction of a screen porch building addition located 5 feet from the side lot line in lieu of the required setback of 10 feet.

Locate at 2060 St. George Ave

Zoned: R-1A

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

The applicant is requesting a variance to allow the construction of a screen porch building addition to be located 5 feet from the side lot line whereas the required setback is 10 feet.

The applicant owns a large property at 2060 and 2070 St. George Avenue that contains 2 homes with one as his residence and the other home is a rental. The total site has an area of 62,692 square feet (1.44 acres) according to the Orange County Property Appraiser.

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The proposed request includes removing the existing metal roofed porch and replacing it with a conventional wood framed structure with a low sloped single ply membrane roofing material which will blend in better architecturally with the home. The new porch will be 4.9 feet wider than the existing porch to allow for a more functional space.

The subject site of the main residence is 80 feet wide, has an approximate area of 20,000 square feet and is located on Lake Spier. The proposed addition to the porch will be 98 square feet which is well under the allowed floor area and impervious coverage for this large lot.

Another porch exists on the south side of the home facing the lakefront, however, the owner states that this area is not as accessible as the porch that he desires to enlarge.

One letter was received from the adjacent property owners (2050 St. George Avenue) expressing no objection to this variance request. The home on the south side of the applicant's home, as mentioned previously, is a rental home, owned by the applicant.

Charles Simpson, applicant, stated that he has resided in his present home for the past 16 years and is simply trying to enlarge the current porch, which has very limited usage area.

No board members voiced concerns to the proposed request.

### **FINDINGS**

The lot has a narrow configuration, making it a hardship to add the most usable space. The adjacent neighbor approves of the request. No letters of objection were received. The ninety-eight square foot addition is well under the allowable floor area and impervious coverage for the lot.

### **ACTION**

Based on the findings, Jeff Jontz made a motion, seconded by Patrice Shirer to approve the variance. The motion passed 6-0.

The meeting was adjourned at 5:45 pm

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Theresa Dunkle  
Recording Clerk