



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**September 15, 2015
5:00 p.m.**

MINUTES

PRESENT

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

APPROVAL OF MINUTES

Robert Trompke made a motion, seconded by Jeff Jontz, to approve the minutes from the August 20, 2015 meeting, with a clarification that the Legion Drive tree to be protected be clearly identified as the front Japanese Elm. The amended minutes were approved by a vote of 6-0.

OTHER BUSINESS: MEDIA RELATIONS

Clarissa Howard, Director of Communications, gave an overview and helpful tips to the Board regarding contact with media outlets. When speaking with the media, Ms. Howard suggested Board Members state upfront they are speaking on their own behalf and she requested that Board Members notify her if they speak to reporters regarding City Business. Ms. Howard stressed the most important thing is that our residents have accurate information when shared; and although not required, Board members should feel free to divert media questions to Ms. Howard.

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 Joann Marks for a variance to allow the construction of a building addition and open covered entry to be located 18.7 feet and 13.7 feet from the Phelps Avenue lot line, in lieu of the required setbacks of 20 and 15 feet respectively.

Located at 1701 Palmer Avenue

Zoned R-1A

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

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This property is a corner lot with a width of 75 feet, which results in a required street side setback of 20 feet. However, when the home was built, the required street side setback was 15 feet. This street side setback was increased to 20 feet approximately 5 years ago along with other major changes to the single family zoning regulations.

The owner desires to change the entry location into the home, expand the kitchen and increase other living area within this one story home. One logical location is in the area proposed, which infill a walled in patio area, which is next to the kitchen. In addition, the new entry will include an open roofed area that projects 5 feet closer to Phelps Avenue. Both of these additions result in an encroachment of 1.3 feet into the required setbacks.

With these additions, the allowable floor area ratio or impervious coverage is not exceeded.

One letter was received from the abutting neighbor to the east expressing no objection to this request.

Mr. Wiggins answered questions from the board, clarifying that even with the proposed addition the home does not exceed the allowable 60% impervious coverage.

Ms. Joann Marks, the applicant and owner, stated the proposed addition falls within the home's existing footprint. She would like to match the current setback to enlarge her "tiny" kitchen and she noted the courtyard infill is no closer to the street than adjacent homes.

Mr. Wiggins confirmed that most residential streets are fifty feet wide; whereas, the Phelps Ave right-of-way is unusually wide at sixty feet, which provides twenty feet to the curb, instead of the typical fifteen feet.

The Board discussed the request, stating the wider right-of-way effectively provides the required setback, when the setback distance is measured from the street curb instead of from the property line. The Board felt the sixteen inch variance requested is minor and they acknowledged there were no objections from the neighbors.

FINDINGS

The Board stated the hardship is the difficulty adhering to the relatively new increased setback requirements for existing homes on corner lots and having an extra wide street right of way along the Phelps Avenue frontage.

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ACTION

Based on the findings, Jeff Jontz made a motion, seconded by Robert Trompke to approve the request. The request was approved 5-1, with Patrice Wenz voting in opposition.

2. Request of Winter Park Real Estate for variances to allow the construction of a two story office building to be located 5 feet from the front lot line and 2 feet from the side lot line, in lieu of the required setbacks of 10 feet and 5 feet respectively; and to allow a parking lot landscape buffer that varies from 0 feet to 8 feet, in lieu of 8 feet.

Located 2161 N. Park Avenue

Zoned: O-1

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

This site is a very unusually shaped property on north Park Avenue, which has been a grandfathered in convenience store for many years on this office zoned property. The owner will be demolishing the existing building and is proposing to construct a two story office building. Another unique feature is that this property backs up to the railroad where historically, we have allowed smaller setbacks.

As seen from the plan, the building intrusions into the front setback are corners of the building which has a progressively smaller width along with the length of the property as it proceeds to the north. In the color "Building Setback Diagram" plan, you will see that the corner building areas encroaching into the setback seem to be offset by building area that compensates for these areas back into the site where there is allowable building area out of the setback.

The project is designed to meet the maximum allowable floor area ratio of 45% with a total building area of 8,596 square feet. The allowable impervious coverage for this office zoning is 85% of the lot area. This is achieved with the proposed impervious coverage of 16,884 square feet, is 76.6% of the property. Other development standards such as storm water retention, landscaping details and electric and water utility matters must also be met when preparing the construction plans.

Mr. Wiggins answered questions from the board, stating the ten foot setback for office buildings is typical throughout the city. The Board asked if the Department of Transportation has reviewed the proposal. Mr. Wiggins responded that the City of Public Works Department will review and coordinate roadway requirements. The Board asked

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if the exterior wall could curve to run parallel with the lot line; and Mr. Wiggins concurred that this could be a possibility.

Rebecca Wilson, land use attorney and representative for the owner, both spoke and presented a PowerPoint presentation. She stated the building will be a vast improvement over the existing building. Ms. Wilson said the existing building provides no rear setback, has no landscaping, no curb and a disturbing looking pole sign. Ms. Wilson said the proposed building, with its stepped front elevation will provide a far better architectural experience than the existing building. Rebecca Wilson summarized the hardships are the irregularly shaped lot, the concave right of way and the railroad right of way.

The Board highlighted the strange shape of the lot and the need for more office space. They concurred the requested variances were minimal and that the front elevation step backs provide the average ten foot setback required. The Board agreed the new building would be a vast improvement.

FINDINGS

The Board stated the hardships are the difficulty of designing a functional office building on this irregular shaped lot and being adjacent to the railroad.

ACTION

Based on the findings, Patrice Wenz made a motion, seconded by Robert Trompke to approve the request. The request was approved 5-1, with Cynthia Strollo voting in opposition.

The meeting was adjourned at 6:09 pm

Theresa Dunkle
Recording Clerk