



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**October 20, 2015
5:00 p.m.**

MINUTES

PRESENT

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

APPROVAL OF MINUTES

Robert Trompke made a motion, seconded by Jeff Jontz, to approve the minutes from the September 15, 2015 meeting. The minutes were approved 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. Mr. Simpson told the applicants they could table or defer their case until next month, due to the absence of three board members. All applicants wished to be heard at the present meeting.

NEW BUSINESS

1. Request of Frederic Schaub for a variance to allow the construction of a swimming pool deck and pool to extend 20 feet into the required 50 foot lakefront setback.

Located at 472 Henkel Circle

Zoned: R-1AAA

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

The property is a long narrow lot on Lake Mizell with an area of 16,437 square feet. The owner is demolishing the existing home to build a new home and desires to add a lakeside swimming pool. The proposed plan has been approved by the Planning and Zoning Board; however, they could not grant a variance for the proposed pool and deck encroachment and made no recommendation on the variance request, since that decision is delegated to the Board of Adjustment. Therefore, they remain neutral with regard to the variance request.

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While reviewing the site plan presented for this request, it was discovered that the location of the proposed home actually encroached into the lakefront setback. Therefore, the applicant's designer was asked by the Building Official to make adjustments to the location of the home, to ensure that the new home complies with the minimum 50 foot lakefront setback. A revised site plan was included in the board members' packets and reflected moving the home out of the 50 foot setback.

Questions that Mr. Wiggins raised to the applicant's representative resulted in some reduction of the deck and pool encroachment.

Even though the property is very long, the orientation of the home, pool & deck on the lake, make it difficult to design a normal rectangular pool and deck area. This is due to the angled shape of the lot where it meets the shoreline.

Two letters of support from abutting property owners have been provided for Site Plan "A" which was approved by the Planning Board; however, the home location shown on that plan has now been moved closer to the street, in order to prevent encroachment into the lakefront setback by the home, and at this point in time the two consenting property owners have not seen the latest plan.

Mr. Wiggins answered questions from the board. One, the floor area ratio has not been exceeded. Two, it appears that the two homes on each side of this property similarly encroach into the fifty foot setback.

Mr. Fred Schaub, the applicant and owner, stated that the location of the home approved by the Planning board was the preferred location. However, to cooperate with the Building Department, the home has been moved out of the 50 foot lakefront setback. He stated he has already relocated the existing boat dock next to the neighbor, to "declutter," thus improving lakefront views.

Responding to Board questions, Mr. Schaub stated he has resided at 472 Henkel Circle for the past ten years. His intention is to demolish the existing home, sell the new home, and move into a condominium, due to his advancing age. He felt he could provide revised approval letters from his neighbors, reflecting the shifted location of the home on the lot.

Lucy Morse at 313 Henkel Circle spoke in support of the design and felt the proposed design would improve the lot.

The Board discussed narrow lot constraints, the sharp angle of the waterfront edge, and the neighbor approvals. They also discussed the fact that the proposal is for the construction of a totally new single family residence.

FINDINGS

The Board stated the steep incline of the shoreline created a hardship. The Board also stated that a designer should be able to work within the regulations, when it comes to new construction. Because of the differences of opinions, Mr. Simpson asked the applicant if he wanted to table the request. The applicant requested that a vote on this be taken.

ACTION

Based on the findings, Jeff Jontz made a motion seconded by Brian Mills to approve the request. The motion failed by a vote of 3-2, with Ann Higbie and Robert Trompke voting in opposition. Thereafter, the applicant asked if a revised design would be considered by the Board. John Simpson made a motion to approve the applicant's request if the revised application is made within 3 months; this was seconded by Brian Mills and the subsequent motion to reapply was approved by a vote of 5-0.

2. Request of Wes Featherston and Morse Derm, LLC for variances to allow the reconstruction of a medical office building with a rear setback of 20 feet, in lieu of the required setback of 30 feet; to allow a floor area ratio of 46.9%, in lieu of the maximum permitted floor area ratio of 45%; and to allow the provision of 10 parking spaces, in lieu of 18 spaces.

Located at 440 W Morse Blvd.

Zoned: O-1

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

The request came to the Board at the July meeting and was approved as additions and remodeling on an existing building. The minutes of that meeting are included in the Board member's packet for review.

The original request was revised to allow the following:

1. A complete rebuild of the structure to allow a more durable construction type of masonry and steel, instead of the existing wood frame structure.
2. The potential to encroach slightly further (3.9') into the rear setback to allow more parking in front of the building.
3. Retaining slight overage of gross area to allow a two story high atrium feature.
4. Although advertised as having an eight space parking deficit, the applicant is securing additional parking through a parking lease with a neighboring

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property which must be properly recorded in the public record for permanent use by this building's occupants; however, this is not completed at this time and the applicant requests a parking variance.

Another issue that came to light after the original variance is that the design of the building will need to meet the Morse Boulevard Design Guidelines with review and approval by the Planning Department. The final building design, therefore, is subject to modification to meet those standards. However, the Board can still make a decision on the variances requested as outlined above.

Therefore, if the Board is inclined to grant the variances I recommend that such approval be with the condition that the applicant meets the building design as required by the Morse Boulevard Design Standards.

Mr. Wiggins confirmed that each of the Board members received the letter from the building occupant, Dr. Palceski, dated 10/18/2015, stating the Doctor's intention to secure additional parking from an adjacent property.

In response to Board's questions; Mr. Wiggins stated Winter Park's Planning Department may require the new building to be situated closer to the street, to comply with Morse Boulevard guidelines. The variance approval would transfer to future tenants in regards to the reduced parking spaces.

The Architect and applicant, Wes Featherston, spoke for the owner, Morse Derm Inc. After analysis, he determined the existing wood structural elements could be replaced with steel and block for a more durable building. He understands that the Planning Department will need to approve his request, since the construction type change causes the review to fall under new construction, in lieu of repair and replacement. Other than the construction type change, the previously approved variances generally remain the same; i.e., the slight FAR increase, rear setback and reduced parking.

The Board asked the Architect to clarify the hardship. Mr. Featherston stated it is the narrow lot and unique characteristics of the site. When questioned if a third Board of Adjustment request would be necessary, after the Planning Department's review, Mr. Featherston stated the building will be relocated if necessary.

Pat McCabe, with Winter Park Fire Department, spoke on behalf of the tenant, Dr. Palceski. Mr. McCabe highlighted the outstanding character and generosity of Doctor Palceski stating the doctor's complimentary skin screenings have saved lives.

The Board discussed approval under two conditions; one, lease 10 spaces from the adjacent property for 5 years. Two, if the footprint moves, the request must come back to the Board for review. They also discussed disapproval, considering new construction should not be reviewed the same as repairs, alterations and additions.

FINDINGS

The Board found that the original approval of the hardship, based on providing vertical accessibility to the second floor and a front entry area feature resulting in a very small floor area variance, could be upheld, despite the construction type change, if provisions are made to accommodate additional parking and Winter Park's Planning Department approves the current footprint location.

ACTION

Based on the findings, Jeff Jontz made a motion to approve the variance request with two conditions. Condition one; provide a lease agreement for the use of 10 parking spaces on the adjacent property. Condition two; any change in the building's footprint requires a new variance submittal. The motion was seconded by Robert Trompke. The motion passed by a vote of 4-1, with Ann Higbie voting in opposition, and the variance was approved.

3. Request of J. Hunter Denney and Kristina Scalatos for variances to allow the construction of first and second floor additions to be located 12 feet from the side lot line and 62 feet from the edge of the street, in lieu of the required setbacks of 16 feet to the second floor and 69 feet to the street respectively; and without required second floor articulation.

Located at 440 Sylvan Drive

Zoned: R-1A

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

The applicant proposes to add a second floor along the north side of the existing one story home with the second floor wall directly above the first floor wall. For this 91 foot wide lot an additional setback of 4 feet is required for the second floor wall. In addition, the applicant plans to remove the garage to provide more living area on the first floor and provide the required parking along the side of the home. The total proposed new area is 2,445 square feet resulting in 4,531 square feet of gross area and includes three new bedrooms on the second floor.

With regard to the omission of second floor articulation, the Code requires this to soften the appearance of mass for two story homes particularly along the side walls. When a second floor is stepped in the required setback or greater, no articulation is required on the second floor because the step back feature serves as articulation.

The applicant is meeting the requirement to provide two required parking spaces behind the front setback along the side of the home with a long drive surface

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which must have a hard surface (concrete, asphalt, brick or similar approved material).

Letters of support have been received from 10 nearby property owners including the owners located on the adjacent properties.

The homeowner and applicant, Hunter Denney, stated he has lived in the home for twelve years and is a construction project manager by trade. In response to Board concerns, Mr. Hunter conveyed that he did not want garage doors on the front elevation and that he hopes to build a rear garage in the future. His design criterion was to utilize as much of the existing structure as possible, while creating an open floor plan. He stating his request for a seven foot front setback relief puts the addition in line with the front of the existing home to remain.

Mr. Tony Gray, who resides at 452 Sylvan Drive, the adjacent property to the north, said his home is adjacent to Mr. Hunters, and is the only home really affected by the proposed design. He spoke in support of the request.

The Board discussed the proposed elimination of the garage and side yard parking. Most of the Board was in favor of the proposed design, given the possibility of a future rear parking garage.

FINDINGS

The Board stated the variance request is minimal and strong neighbor support has been shown. The hardship relates to the limitation of adding onto the existing structure and the existing swimming pool in the rear yard.

ACTION

Based on the findings, Ann Higbie made a motion, seconded by Robert Trompke to approve the request. The request was approved 4-1, with Jeff Jontz voting in the negative.

The meeting was adjourned at 6:30 pm

Theresa Dunkle
Recording Clerk