



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**January 19, 2016
5:00 p.m.**

MINUTES

PRESENT

Chair John Simpson, Cynthia Strollo, Robert Trompke, alternate Laura Turner, Director of Building, George Wiggins and Recording Clerk Theresa Dunkle.

Absent: Vice Chair Jeff Jontz, Ann Higbie, Patrice Wenz and Brian Mills

APPROVAL OF MINUTES

Laura Turner made a motion, seconded by Robert Trompke, to approve the minutes from the December 15, 2015 meeting. The minutes were approved by a vote of 4-0.

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.

John Simpson noted that only four board members were present and asked the applicants if they would like to delay their application, to increase their odds of approval. The applicants desired to proceed with the option to table.

NEW BUSINESS

1. Request of Thomas Ouellette, for owner William Lamb, for a variance to allow the construction of a new home to be located 15 feet from the rear lot line to the first floor, and 20 feet to the second floor, in lieu of the required setbacks of 25 feet and 35 feet respectively; and a side setback of 15 feet to a side wall over 12 feet in height in lieu of the required setback of 20 feet. Or alternatively allow reduced rear setback encroachments by encroaching into the required front setback of 20 feet.

Located at 456 Lyman Avenue

Zoned: R-1A

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

This property is a single family zoned property on the south side of Lyman Avenue in the block between Virginia and Pennsylvania Avenues where several vacant lots exist and all of the lots are only 75 feet in depth. Although the property is two lots wide, the applicants are having a difficulty in designing a home which comes close to meeting the allowable gross floor area for this lot due to the extreme shallow lot depth.

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The requested side setback encroachment is created by having a two story high room on the first floor with a 17.5 foot high side wall and 17 feet in length. Due to the width of the lot (100 feet), a 20 side setback is required when a side wall exceeds a height of 12 feet. The plans show this wall as having a 15 foot setback.

As the Board may be aware the Zoning Code does allow a group of 70 foot deep lots on West Lyman, New England and Douglas Avenues to be developed with a rear setback of 10 feet to the first floor and 25 feet to the second floor. In addition, a proposed zoning ordinance has been presented to the City Commission which will address allowing smaller rear setbacks on lots which are 75 feet in depth or less. The City Commission has tabled that ordinance and has asked for more specific statistical information on lots impacted by the proposed ordinance. Therefore, that ordinance will likely go back to the Commission in the near future, perhaps in late February or March. Until then, the owner of this property would like to proceed with the sale and not delay this potential building project for these prospective owners.

At one point in time, prior to 1989, these lots had a rear setback of 10 feet for both floors of a two story home that could be built on this site.

No letters regarding this request from other property owners in the area were received.

The Board questioned Mr. Wiggins about the style of adjacent homes. Mr. Wiggins stated the area is a mixture of modern and traditional. When questioned if this design wasn't in fact pushing the envelope, the Building Official responded the home did not exceed the Floor Area Ratio because 2 lots are being combined.

Jessica Underhill, with Phil Kean Design Group, presented a 3D surround video of the proposed residence and stated the hardship is the shallow lot.

Neighbor Curtis Hodges, of 432 W Lyman, spoke in favor of the proposed contemporary design.

David Stone with Phil Kean Design Group stated the rear setback would be impossible to design around. A Board member suggested that a smaller home with a smaller variance request may be more within the bounds.

FINDINGS

The majority of Board members felt this was new construction and could be designed to meet the required setbacks. They suggested the applicant table the request to allow for the City Commission's vote on the adoption of the proposed Shallow Lot Ordinance.

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ACTION

Based on the findings, Cynthia Strollo made a motion, seconded by Robert Trompke, to table the request without an end date. The request was approved by a vote of 4 to 0.

OTHER BUSINESS

Discussion of Potential Incentives for Historic Preservation of Buildings

At the January 11, 2016 City Commission meeting, under Commission Reports, at the request of Mayor Leary and concurrence of the Commission, the Board was asked to review the historic preservation incentives proposed and offer any recommendations.

Mr. Wiggins circulated to Board members a document (attached to these minutes) created by Planning and City Management outlining seven prospective historic preservation incentives. The responses to the seven items are listed below:

#1 Reduced or waived permit fees: Agree

#2 Waive connection cost for undergrounding of electric service: Agree

#3 Rehabilitation grants: The Board agreed that if this is implemented then it should apply to all qualifying structures, not just for the new buildings being listed on the Historic Preservation Registry.

#4 Streetlights for Historic Districts: The Board is in general agreement but requested more clarification.

#5 Preservation Investment Fund: The Board has reservations about this source of funding and suggested that it undergo a legal review.

#6 Preservation easement purchase: The Board felt that this may be difficult to administer and may have significant fiscal impact to the City.

#7 Acquisition Trust Fund: The Board felt that the concept has merit but providing the funding source will be difficult to sustain and using a linkage fee is questionable.

The meeting was adjourned at 6:15 pm

Theresa Dunkle
Recording Clerk