



**CITY OF WINTER PARK  
Board of Adjustments**

**Regular Meeting  
City Hall, Commission Chambers**

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

**MINUTES**

---

**PRESENT**

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

**APPROVAL OF MINUTES**

Robert Trompke made a motion, seconded by Ann Higbie, to approve the minutes from the March 15, 2016 meeting, with the clarification that he made an approved amendment to Old Business number 1 at 906 Railroad Ave, which allows the required offsite parking to be replaced with another site, with a similar distance from the subject office property. The amended minutes were approved by a vote of 6-0. Brian Mills arrived after approval of the minutes.

**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. Jeff Jontz disclosed that he knows Michael Abufaris, the second applicant, and he has discussed the request with the applicant.

**NEW BUSINESS**

1. Request of William Decampia and Kristi Peterson for a variance to allow the construction of a guesthouse with a connection to an existing pool house to be located 10.5 feet from the side lot line in lieu of the required setback of 23 feet.

Located at 314 Salvador Square

Zoned: R-1AAA

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

Currently, the applicants have an enclosed pool house with an area of 456 square feet and they are proposing to add onto this building an additional area of 484 square on the north side to serve as a guest house with a bedroom and kitchen. The new total area will be 940 square feet, which is within the allowable size (1,000) for a guest house.

The pool house was built at a side setback (10.5 feet) which was previously allowed over 10 years ago. Since that time, our newer zoning setback provisions are based on lot width. This property is 182 feet in width, which results in requiring the larger

## Board of Adjustments Minutes

April 19, 2016

Page 2

side setback, and larger setback does apply to an addition to an existing building. The side setback is required to be 25% of the lot width divided by 2.  $182' \times 25\% = 45.5/2 = 22.75$  feet, and then this amount is rounded up to 23 feet.

In order to have a full kitchen, the applicant will need to execute a deed restriction which limits use of the guest house to guests or family members and not for rental use. This option is only available for properties in which the main residence exceeds an area of 5,000 square feet.

With this large lakefront property, the allowed floor area or impervious coverage is not exceeded.

We have received a letter of non-objection from the adjacent east side adjacent property owner.

The applicant, William Decampia stated that the design involved the approval of the nearest neighbor, Mr. Wright. In response to Board questions Mr. Decampia said he would obtain a deed restriction documenting the guest house could never be rented. It is intended to be used by his son, who has special needs, and this accommodation near their main residence will function well. He expressed that attaching to the existing pool house seemed to be the most logical location for this guest house.

Neighbors David Yergey at 269 Salvador Square and Lois Wright at 275 Salvador Square spoke in opposition of the request. Mr. Yergey said he would be the one looking at the proposed building. Mr. Yergey said there is ample space on the lot to locate the guest house outside of the setback. Two letters of opposition were received at the meeting from neighbors residing at 210 and 221 Salvador Square.

Mr. Wiggins responded to Board questions reiterating that although the pool house complies with the side setback, a guest house needs to meet the greater setback required for living quarters.

### **FINDINGS**

Due to the large lot size and available options to locate the guest house elsewhere on the lot or further away from the lot line at this location, the Board did not find a hardship.

### **ACTION**

Based on the findings, Patrice Wenz made a motion, seconded by Robert Trompke to approve the request. The request failed by a vote of 0-7, and the variance was denied.

2. Request of Michael Abufaris and James Ryan for a variance to re-build an existing non-conforming boathouse with reduction of area to 674 square feet

## Board of Adjustments Minutes

April 19, 2016

Page 3

(from 854 square feet) and extending 47 feet into lake in lieu of 30 feet, zero foot side setbacks in lieu of 5 feet, or permission to repair/replace existing boathouse beyond the 50% repair threshold.

Located at 1510/1520 Alabama Drive

Zoned: R-1AA

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

This application is unusual in that the existing boathouse crosses over the imaginary extended lot line of the adjacent property owned by James Ryan, therefore the side setbacks are published as zero feet. Mr. Ryan is in complete agreement with this request and other boathouses along this area of Alabama Drive also extend across extended property lines. Technically, according to our City Surveyor, who reviewed this case, the property line ends at the shoreline, however, we have always regulated the side setbacks of boathouses by utilizing the logical extension of the landward property line. The Orange County Property Appraiser record map and recent survey also shows the extended lot lines into the lake and crossing through the boathouse.

The proposed replacement boathouse will be positioned in the same location with a substantial reduction in area and with the continuing need to have extra length due to the location of a cypress tree and the need for sufficient water depth to bring a boat into the boathouse and hoist on a lift. The additional area of the new boathouse is all due to the extra 17 feet of distance needed to extend the 4 foot wide walkway to the shore.

An email transmitted message from Tim Egan, our Lakes Manager, was provided to the Board which outlines his comments on this request including expressing no objection due to unique factors relating to this location.

In addition to the signed document from Mr. Ryan adjacent impacted property owner, we have received a letter of non-objection from the west side adjacent property owner at 1500 Alabama Drive.

The applicant, Michael Abufaris stated he bought the home in 1986, with the existing non-conforming boathouse. The boathouse cannot be moved to the left side of the lakefront due to a storm water drain and relocating the boathouse elsewhere would entail the extensive removal of cypress knees. A very large healthy cypress tree caused the placement of the existing boathouse to be further into the lake & shallow water depths in this area necessitates that the extra boathouse length is needed. A diagram of the water depths at various distances out had been submitted to the Board.

### **FINDINGS**

## Board of Adjustments Minutes

April 19, 2016

Page 4

The Board noted the hardship is the location of an existing large cypress tree right in the way of any feasible location for a boathouse, the shallow water depths near this tree and the unusual angled property line projection into the lake.

### **ACTION**

Based on these findings, Jeff Jontz made a motion, seconded by Ann Higbie, to approve the request. The request was approved by a vote of 7 to 0.

3. Request of James Schroeder for variances to allow the construction of a gazebo and pergola located 30 feet from the Little Lake Fairview ordinary high water line in lieu of the required lakefront setback of 75 feet, and to allow the enclosure of a 280 square foot boathouse with wood lattice in lieu of an 80 square foot storage room.

Located at 314 Salvador Square

Zoned: R-1AAA

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

This single office zoned lakefront property was annexed into the City approximately 14 years ago after an office building was constructed on this site. The property is for sale, and is under contract by this applicant who is proposing lakefront amenities for employees of the building.

A 600 square foot boathouse was recently approved by the Lakes Board on 3/16/2016 and part of that request included permission to enclose the sides of the boathouse with lattice screening. That part of the request was denied by the Lakes Board, and the applicant was told that a variance would be required to allow this type of enclosing material. The Zoning Code requires that boathouses be open on all sides except that an 80 square foot storage room is allowed on one end of the structure. The applicant states that the purpose of the lattice enclosure is to allow partial openness while also providing a "sense of privacy and security" for the boat to be stored in the boathouse.

The other variance requested is to permit a pergola that leads to a gazebo at a location near the lake and encroaches into the 75 foot lakefront setback by 45 feet. On residential lakefront properties, the minimum lakefront setback to a structure is 50 feet. The applicant points out that the office building is located 33 feet from the Lake. This property, which was annexed into the City around 2003 from Orange County must have had a smaller lakefront setback at the time the building was constructed.

## Board of Adjustments Minutes

April 19, 2016

Page 5

Most of the lake frontage on this lake is occupied by single family residences located within unincorporated Orange County. However, across the lake, part of the lake front includes Bishop Moore High School which has been there for many years.

We have not received any letters regarding this request, although I did receive a phone call from a concerned resident on the lake that may be coming forward with an objection. In addition, I understand that at least one lakefront resident wants to appeal the Lakes Board decision to allow the approved boathouse on this lake although at this time no formal appeal request has been received.

Mr. Wiggins noted that the establishment of the 75 foot setback originated with a multi-story residential development on Lake Berry by Winter Park Towers. When that project was built no formal setback had been codified for multi-family or commercial lakefront properties. Based on the County lakefront standards, the gazebo would be allowed at the proposed location, if the property was still within unincorporated Orange County today. Orange County only requires a 30ft setback. In response to Board questions Mr. Wiggins stated the boathouse request is only for the proposed lattice; the deck area does not require a variance.

The Architect, Jerry Walker Mills, Sr. expressed that the purpose of the boathouse lattice is to help deter vandalism of the boat. The proposed gazebo location would not extend beyond the existing building. In response to Board questions, Mr. Mills stated the hardship is the 75foot setback.

Four neighbors, Mike Dasher at 825 Greens Ave, Clifford Russell at 4174 Shorecrest Dr., Bruce Woodburn at 4080 Shorecrest Dr. and Thomas Neal of 4126 Shorecrest Drive, spoke in opposition to the request. They expressed concerns with the possible creation of public access to the lake from this office zoned property.

One neighbor, Robert Finrock, spoke in favor of the request stating the requests are harmless to anyone and that he defends private property rights.

The applicant, Jim Schroeder with Vantus, stated that the building use is for a professional office use, and will provide added security to lake access and would make for a great neighbor on the lake.

The Board discussed the request including other possible locations for the gazebo.

### **FINDINGS**

The Board felt that the Code criteria and setback and boathouse enclosure requirements are clear, and that no clear hardship was presented which necessitates granting a variance.

## Board of Adjustments Minutes

April 19, 2016

Page 6

### **ACTION**

Based on the findings, Patrice Wenz made a motion, seconded by Robert Trompke to approve the request. The request failed by a vote of 0-7, and the variance was denied.

### **OLD BUSINESS**

1. Request of David Lamm to waive the 3 year waiting period for a reconsideration of a variance request in order to hear an amended request to allow the construction of a swimming pool to be located 10.7 feet from the Glencoe Avenue lot line in lieu of the required setback of 20 feet with the removal of the previous wall height variance.

Located at 210 Hampden Place

Zoned: R-1AA

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

The applicant has asked for an opportunity to re-look at this request after removing the wall height variance and the ability for the owner to address the Board. The owner was out of town but feels he can introduce new information or expand upon what was presented that may be helpful to the Board toward a favorable outcome for this request.

The first action by the Board is to see if anyone on the prevailing side is willing to make a motion to waive the 3 year waiting period in order to hear this request.

Summary of the request from last month:

This corner lot property is being re-developed with a new home and swimming pool and the owner has designed a pool directly adjacent to a permitted wall at 10 from the street side lot line, however, the water's edge of the pool is required to meet the street side setback of 20 feet even though the pool deck can be built directly abutting the wall.

The lot has significant slope upward from the front to the rear rising 14 feet along the street side on Glencoe Avenue. Currently a significant vegetative barrier exists along that street side yard area, and at some point a retaining wall will be required to deal with this significant sloping condition. If the vegetative barrier does not survive or must be replaced, then this will result in more visibility into the pool and deck area from the street. Therefore, an additional one foot of height above natural grade is requested for a masonry wall along Glencoe.

## Board of Adjustments Minutes

April 19, 2016

Page 7

Although we normally discourage variance applications for re-developing properties, in this case the unusual topographic conditions do seem to create a hardship on the applicant's ability to obtain privacy along the Glencoe Avenue side with or without a pool. Proceeding south on Glencoe, the surface of the street will rise 6 feet and more above the existing grades on the property where the new pool, deck and home will be built. Much if not all of the wall will be at or below the adjacent street level.

I understand that the applicant has spoken to two neighbors who expressed no objection regarding this request, and those letters will be forthcoming.

The applicant, David Lamm, stated that unfortunately he was out of town, and to be personally present for this request and stressed that his hardship is the eight foot grade change on his lot. He respectfully requested that the Board consider waive the 3 year waiting period so that he may fully present all factors that influence granting this request.

### **FINDINGS**

The Board was open to reconsidering a revised plan, prior to the 3 year waiting period.

### **ACTION**

Based on these findings, Jeff Jontz made a motion, seconded by Robert Trompke, to approve the request to waive the 3 year waiting period and the Board approved the request by a vote of 7 to 0.

The meeting was adjourned at 7:05 pm

---

Theresa Dunkle  
Recording Clerk