



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**May 17, 2016
5:00 p.m.**

MINUTES

PRESENT

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

APPROVAL OF MINUTES

Robert Trompke made a motion, seconded by Ann Higbie, to approve the minutes from the April 19, 2016 meeting. The minutes were approved by a vote of 5-0.

OPENING STATEMENT AND PUBLIC COMMENTS

Jeff Jontz explained the rules of procedure for variance cases and opened the floor for any public comments or questions. Mr. Jontz asked the applicants if they wished to defer their case until next month, due to the absence of two board members. Only the second applicant, Mr. Stoner, requested that his case be deferred. Mr. Jontz explained that anyone present could still speak since this request was advertising for this hearing and consideration of tabling the matter can be made after hearing from the applicant and those present wishing to speak.

OLD BUSINESS

1. Request of David Lamm for the reconsideration of a variance 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. No wall variance is requested.

Located at 210 Hampden Place

Zoned: R-1AA

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

Last month the Board voted to approve waiving the 3 year waiting period and gave direction to the applicant that he could come back and state his case at this May 17 Board meeting.

The applicant had asked for an opportunity to re-look at his request after removing the wall height variance and the ability for the owner to address the Board. The owner was out of town but felt he could introduce new information or expand upon

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what was presented that may be helpful to the Board toward a favorable outcome for this request.

Summary from March 15, 2016 meeting:

The applicant requested a variance to allow the construction of a swimming pool to be located 10.7 feet from the Glencoe Avenue lot line, whereas the required setback is 20 feet, and requested permission to allow a 6 foot high wall whereas the permitted height is 5 feet at this 10 foot setback location.

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 was requested for a masonry wall along Glencoe. [This part of the request was withdrawn from consideration for the May 17, 2016 meeting.]

Although staff normally discourages 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.

The applicant has spoken to two neighbors who expressed no objection regarding this request.

The applicant, Mr. David Lamm stated that the hardship is the significant grade change. He felt there seem to be conflicts within the land development code with regard to what type of structure can be permitted at the 10 foot street side setback, and that his proposed design meets the code's actual intent. In addition, he stated his design options are limited by the city's ordinance to preserve an oak tree on the site.

Mr. Lamm responded to board questions about his the specific design of the home which minimizes having large high walls along the street side yard. The applicant explained that the limited swimming pool locations for this lot with a steep grade at the rear drove the design options. Mr. Lamm further confirmed that his design would be in

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compliance if not for the additional two feet of pool water depth, because a concrete pond or fountain less than two feet in depth can be built at this same 10 foot street side setback. In addition, the applicant pointed out with diagrams how an overhead arbor structure could be built at this same setback and be attached to the top of the wall along the street. The point being made is that this swimming pool request has no structure above ground level at the 10 foot street setback and will be much less intrusive.

Neighbor Doug Scarola, who resides at 1580 Glencoe, spoke in opposition, stating the applicant should work within the city's established constraints.

FINDINGS

The Board found that the increased front yard setback, increased setbacks on the conforming sides to the main building walls and maintaining the natural topography will be less intrusive to the neighborhood than a code compliant design. In addition, the hardship is the unusually steep lot grade changes on this site.

ACTION

Based on the findings, Patrice Wenz made a motion, seconded by Cynthia Strollo to approve the request. The request was approved by a vote of 5-0.

NEW BUSINESS

2. Request of Theodore Stoner for variances to allow the construction of a garage to be located 5 feet from the south side lot line in lieu of the required setback of 9 feet and to allow an excess gross floor area of 81 square feet (39% in lieu of 38%).

Located at 222 Osceola Court

Zoned: R-1AA

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

The applicant is requesting variances to allow the construction of a garage to be located 5 feet from the south side lot line whereas the required setback is 9 feet and permission to allow an excess gross floor area of 81 square feet (39% in lieu of 38%).

The proposed request includes removing an existing carport located 6.5 feet from the side lot line and rebuilding an enclosed garage approximately one foot closer to the side lot line along with a second floor addition above part of the garage and extending across the rear of the home. The second floor additions include a bedroom, office and roof deck. These additions comprise an area of 690 square feet.

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This property backs up to the Polasek Museum property which is a non-residentially zoned property and therefore, only requires a 10 foot rear setback for one and two story improvements. The second floor addition has a rear setback of 21.5 feet.

The proposed improvements for this property are well within the allowed 50% impervious coverage 32%.

No letters were received regarding this request.

The Architect, Rebecca Talbert, noted the hardship is the location of the existing guest house, which limits the garage's location on the lot. When questioned by the Board about the possibility of converting the existing guest house into a garage, the Architect stated that it is not deep enough for vehicle parking and she is prohibited from adding to a non-conforming structure. When questioned if the proposed garage could be shifted toward the house, Ms. Talbert said it would impede the entry porch.

Seven neighbors, Doug Scarola at 1580 Glencoe Rd, Pat & Joe Bennett at 232 Osceola Ct., Cherrie Langston at 244 Osceola Ct., John Kirson of 247 Osceola Ct., and Henry and Dayna Priest of 239 Osceola Ct, spoke in opposition of the request. They expressed concerns with the rented guest house, blocked views and emergency vehicle access. Many felt the existing guest house could be converted into a garage without the need to build a separate garage close to the side lot line.

The applicant, Mr. Stoner, reiterated that his intention was to defer the request to the next Board of Adjustment Hearing, prior to presenting his case. The Board asked the the applicant to consider his neighbors views and try to work out a compromise before coming back to the Board.

ACTION

Based on the applicant's request, Patrice Wenz made a motion to defer(table) the request until the June meeting; the motion was seconded by Robert Trompke. The request to defer was approved by a vote of 5 to 0, and the request was tabled.

The meeting was adjourned at 6:17 pm

Theresa Dunkle
Recording Clerk