



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

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

MINUTES

PRESENT

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

APPROVAL OF MINUTES

Brian Mills made a motion, seconded by Cynthia Stollo, to approve the minutes from the June 21, 2016 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 asked the applicants if they wished to defer their case until next month, due to the absence of two board members. All applicants chose to proceed at this meeting.

Jeff Jontz disclosed Unicorp as a party of interest for 1408 Gay Road and Unicorp is a client of his firm. Mr. Jontz recused himself from hearing the first item on the agenda. He has since filed Form 8B Memorandum of Voting Conflict.

Robert Trompke disclosed his firm has represented the same party of interest for 1408 Gay Road in the past. He did not request to be recused, noting he could remain unbiased and Unicorp is not a current client.

NEW BUSINESS

1. Request of WPT Outparcel, L.L.C. for variances to allow an existing commercial building with non-conforming side setbacks to remain at 3.4 feet on the west side and zero feet on the east side of existing building in lieu of the required setback of 5 feet, and to allow a nonconforming floor area ratio of 47% to remain in lieu of 45%.

Located at 1408 Gay Road

Zoned: C-3

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

Over 12 years ago, the applicant jointly purchased (with the ABC Liquor) the 45 foot wide parcel directly abutting the existing salon building. The purpose of this property

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was, and still is, the provision of a driveway access for the ABC Liquor store along with the provision of required parking for the 1408 Gay Road property owned by WPT Outparcel, LLC. In addition, the WPT Outparcel under a different corporate name, Winter Park Terrace, Inc, also owns the parcel immediately to the east of the subject parcel. Because of the common ownership of those two parcels, the salon building was built with little or no setback from what is now the common lot line. Apparently Winter Park Terrace, Inc, separated the salon building property under the entity known as WPT Outparcel, LLC when they acquired the property approximately 12 years ago leaving a non-code compliant setback 5 to 6 feet between the two buildings.

Selling the west 45 feet of the former WPT Outparcel property to ABC created 3.4 foot nonconforming setback and the 2% floor area overage for the current site. The applicant therefore is requesting this after-the-fact variance request even though at one point, the setbacks and floor area ratio were code compliant.

The owner/developer of these properties (Chuck Whittall) will be present at the Board meeting to explain this in greater detail.

No letters have been received regarding this request, however, an inquiry came in by phone from a representative of the owner of ABC Liquors Inc. property immediately adjacent to this applicant's property on the west side.

The owner, Chuck Whittall, stated the variance request was initiated by the buyer and the stressed the non-conforming setbacks have existed for twelve years.

FINDINGS

The board members noted the situation has been existing for twelve years with no objections. The hardship is that to provide compliant setbacks, the building size would need to be reduced.

ACTION

Based on the findings, Brian Mills made a motion, seconded by Cynthia Strollo to approve the request. The request was approved by a vote of 4-0.

2. Request of Frank & Jana Ricci for variances to allow the construction of a garage and rear additions located 27 feet from the front lot line and 7 feet from the side lot line, in lieu of the required setbacks of 32 feet and 10 feet respectively and without the provision of side wall articulation.

Located at 502 Darcey Drive

Zoned: R-1A

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

With this request, the applicant is proposing to re-build the existing carport into an enclosed garage with 4 feet of additional length, partially demolish and build back 38 feet of additional building area along the north of the home. This space will include a master suite, pantry, half bath and laundry room. Other additions are planned which do not encroach into setback areas.

On July 19, 2005, the applicant originally obtained the same variance for the garage extension into the front setback; however, rear addition was on the south side of the home and encroached on 6 inches into the side setback. Neither one of these additions was constructed, and the previous variance expired

The proposed one story additions also include building a new sloped roof instead of maintaining the current flat roof.

Along the south side, the new wall will be approximately 62 feet in length, and therefore, requires the provisions of side wall articulation. As an alternative to providing articulation that projects 2 feet out or has a 2 foot inset, the applicant is breaking up this long side wall by constructing a gable end wall with an 8/12 slope and with hardiboard siding or shakes. This does help to break up this long expanse of wall on this side of the home.

The planned additions total 1,220 square feet and do not exceed the allowable floor area ratio or impervious coverage for this property.

One letter of non-objection has been received from the abutting property at 436 Darcey Drive.

The applicant, Frank Ricci, stated he bought the home twenty-nine years ago and received a variance for additions eleven years ago. Mr. Ricci stated he was unable to build the additions at that time, due to a job change.

FINDINGS

The board members recognized the affected neighbor's approval. The hardships are that the addition follows the line of the house, within the side setback, and the location of a large tree prevents other options for the garage.

ACTION

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Based on the findings, Jeff Jontz made a motion, with the condition that the gable end substitute for the side articulation requirement, the motion was seconded by Robert Trompke to approve the request. The request was approved by a vote of 5-0.

3. Request of Prato Restaurant/Windfall Properties, LLP for a variance to allow the construction of a partially enclosed storage structure located .5 feet from the rear lot line in lieu of the required setback of 10 feet.

Located at 124 N. Park Avenue

Zoned: C-2

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

The location for this structure is at the rear of the restaurant fronting on Center Street which a narrow public alley. This proposal includes constructing an open roof structure supported with columns, and then partially enclosing this space with 8 foot high white vinyl fencing and out swinging fence gate doors.

This area behind the restaurant is very congested and limited in space needed to provide the appropriate storage area for the intensity of activity conducted within Pratos restaurant. The restaurant is within a commercial building which also includes Kilwin's Ice Cream Shop.

The adjacent two-story building on the north side is built too close to Center Street; however, it is grandfathered in and was originally built in 1926. The next building to the north is Talbot's, and has a setback from the alley with landscaping.

Several of our city staff from Fire, Utilities and Building met at the site with the applicant to review whether a new structure can be built in this location which also contains electrical panel, a gas meter & related gas piping, a required rear exit way, a grease trap, miscellaneous storage area and other equipment all located in this limited space behind the building.

The entire area behind this restaurant needs to be cleaned up and re-organized, and more review of needed storage space should be considered within the interior of the building rather than cluttering up the tiny space available next to Center Street. At a minimum, if the Board sees sufficient criteria to grant a setback variance, then I recommend that the support structure (columns) be set back at least 3 feet to allow the doors (gates) to be out swinging and not extend out over the public alley.

We have not received any letters regarding this variance request.

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The applicant, Brad Fess with NuDesign Builders, noted receipt of a support letter from the most affected neighbor.

The Board asked the applicant to clarify the design constraints that prohibit a greater setback. The applicant stated he was open to suggestions and is willing to explore other designs.

FINDINGS

Most board members could not accept the proposed design as the only option. They noted the design constraints were not fully conveyed.

ACTION

Based on the findings, Jeff Jontz made a motion to table for one month for review of an alternate design; the motion was seconded by Robert Trompke to approve the request. The request to table for one month was approved by a vote of 5-0.

The meeting was adjourned at 7:00 pm.

Theresa Dunkle
Recording Clerk