



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**December 20, 2016
5:00 p.m.**

MINUTES

PRESENT

Chair John Simpson; Brian Mills, Ann Higbie, Patrice Wenz, Lucy Morse and Director of Building, George Wiggins and Recording Clerk, Theresa Dunkle. Arrived after the first item on the agenda: Robert Trompke. Absent: Vice Chair, Jeff Jontz & Cynthia Strollo

APPROVAL OF MINUTES

Brian Mills made a motion, seconded by Ann Higbie, to approve the minutes from the October 25, 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.

NEW BUSINESS

1. Request of David Sage and Diana Paladino for variances to allow the construction of room additions to be located 10 feet from the rear lot line and 8.4 feet from the west side lot lines in lieu of the required setbacks of 25 feet and 10 feet respectively, to allow an existing west side wall to remain with a setback 8.4 to 8.7 feet in lieu of 10 feet after demolition of more than 50% of the home.

Located at 2230 Coldstream Drive

Zoned: R-1A

George Wiggins, Director of Building gave the following staff report:

In order to save a large Live Oak tree with proposed additions and to proceed with major remodeling of the home, the applicants seek rear and side setback variances along with the ability to demolish a major portion of the home and retain the basic footprint of the existing home.

The addition at the rear request includes a 366 square foot master bath and bedroom addition. An art studio addition on the rear and west side of the home includes an extension of a nonconforming side wall for a distance of 12.75 feet. The location of this addition is also positioned in a manner that minimizes any potential damage to the large tree.

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The overall remodel of the home includes major roof structural changes as well as interior remodeling resulting in demolishing more than 50% of the home. Each side walls have nonconforming side setbacks of 9.3 feet on the east side, and 8.4 feet on the west side, whereas the required setbacks are 10 feet.

With the proposed additions the resultant floor ratio is 27% and impervious coverage is 38% which are well under the allowed coverages of 38% and 50% respectively.

Our Urban Forestry Manager has met with the applicants, reviewed the condition of the tree and strongly favors taking all necessary actions to preserve this significant live oak tree in the rear yard, including the proposed placement of the additions.

We have received four letters of non-objection from adjacent and nearby neighbors.

Mr. Wiggins responded to Board questions, clarifying that the existing home meets the rear setbacks and there is little room for a front addition; he responded that the adjacent home received approval to be located closer to the lot line during a remodel and is not aware of exact proximity of the tree root growth in relation to the location of the addition.

The applicant, David Sage, stated this is his intended retirement home and that his hardship is the available space for a master bedroom addition due to the large Live Oak tree in the back yard. The City's Arborist advised saving as much root as possible and he has already reduced the proposed bedroom size to only 12ft by 12ft.

Diana Paladino responded to Board questions, providing the exact distances from the addition to the tree trunk.

Jim Lucia with Phil Kean Design Group expressed his visual appreciation of the proposed design and suggested the footing be designed as monolithic, to preserve as many tree roots as possible.

FINDINGS

Some Board members agreed that saving the tree should take precedence over minimum setbacks. Other members did not see the hardship and said it should comply with the same regulations as new construction. In order to preserve a protected tree, Mr. Wiggins pointed out that the actual setback request can be described further as a five foot encroachment because the Tree Ordinance allows staff to permit an administrative variance of up to 10 feet with a letter of approval from affected neighbors

Board member Robert Trompke did not arrive in time to hear this entire case; therefore, Mr. Simpson, the Board Chairperson, reminded the applicants that they could defer their

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case until next month, due to the absence of three board members. He explained that four board members would need to approve the request to pass and then, they could not reapply for three years.

The applicants elected to ask to table this request in order to defer this matter to the January hearing.

ACTION

Based on the discussion and request of the applicant, Ann Higbie made a motion, seconded by Brian Mills, to table the request until the January 17, 2017 meeting; the motion to table was approved by a vote of 5-0.

2. Request of Kira Woods for a variance to allow the construction of a swimming pool, deck and pergola to be located 20 feet from the ordinary high water line of Lake Spier in lieu of the required setback of 50 feet and to allow exceeding the maximum allowed impervious coverage of 50% of lot area.

Located at 1857 Lake Spier Drive

Zoned: R-1A

George Wiggins, Director of Building gave the following staff report:

As pointed out by the applicant, the swimming pool and deck on the adjacent property to the east encroaches into the 50 foot lakefront setback with the deck at 18' and the pool at 31 feet from the high water line. The adjacent property on the west side has a pool deck at approximately 38 feet and pool at 45 feet from the high water line.

The applicant would like to construct a pergola over the entire proposed deck on the lakeside of the pool, however, they have indicated they are willing to limit the size to a much smaller narrow overhead structure only located above the swim up area as shown on the plan where the pergola posts are shown.

The shoreline of the lake meanders closer on some properties and further out on others on this side of the lake. A septic tank is located on the west side of rear yard which prevents any use of this area for a pool or deck.

With regard to impervious coverage, much of the overage is caused by the driveway areas in the front yard. Although some of that area is being removed to create landscape planters in the front, much of this impervious paver driveway surface is proposed to remain. It appears that removing some of the pavers on one or both sides of the home may resolve the need for an impervious coverage variance.

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We have received letters of non-objection from the adjacent neighbors on each side of the applicants' property.

Mr. Wiggins responded to Board questions, noting homes in this area were annexed 10-12 years ago and that the proposed pool will sit back from the water's edge approximately ten feet more than the neighbors' pool.

The applicant, Kira Woods, stated the hardship is that she must build around 2 septic tank locations. The rear septic tank pumps to the front tank. The drain field is in the front yard. In addition, the "V" shaped water line of the lake across the back reduces substantially the buildable area for a pool, and the abutting neighbors each have swimming pools that encroach into the lakefront setback.

FINDINGS

Due to the septic tank locations, the Board found the hardship to be the limited available area. They felt comfortable approving the pool location with an established minimum setback distance of 40ft from the Ordinary High Water line of Lake Spier. The majority of the Board expressed disapproval of granting a variance for excessive impervious coverage and also expressed concern about setback encroachment of the deck and pergola.

ACTION

Based on the findings, Robert Trompke made a motion, seconded by Lucy Morse, to approve the request with a stipulation of a 40 foot minimum setback from the ordinary high water line to the deck or pool edge, with no deck or pergola extending beyond this setback. The request, as amended, was approved by a vote of 6-0. The request to exceed the allowable impervious coverage for the lot was denied by a vote of 0-6.

The meeting was adjourned at 6:04 pm.

Theresa Dunkle
Recording Clerk