



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**January 17, 2017
5:00 p.m.**

MINUTES

PRESENT

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

APPROVAL OF MINUTES

Lucy Morse made a motion, seconded by Ann Higbie, to approve the minutes from the December 20, 2016 meeting. The minutes were approved by a vote of 6-0, with Patrice Wenz abstaining; she did not receive a copy of 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.

OLD 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. **TABLED FROM THE DECEMBER 21, 2017 MEETING.**

Located at 2230 Coldstream Drive

Zoned: R-1A

George Wiggins, Director of Building gave the following staff report reviewing information presented at the last meeting:

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

Board of Adjustments Minutes

January 17, 2017

Page 2

this addition is also positioned in a manner that minimizes any potential damage to the large tree.

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

Updated information new to this meeting:

The Board tabled this request to allow the applicant to either present more information or have the opportunity to appear before a full Board. In addition, information was shared by staff during the last meeting concerning the actual amount of variance being requested that may impact the decision by some Board members.

Under the City's Tree Ordinance, in Sec. 58-283. - Establishing duties and authority, the Building Department is empowered to grant a setback encroachment up to 10 feet into a required setback for tree protection and preservation:

- (b) Building and code enforcement department. The building and code enforcement department is delegated the following authority:
 - (7) To grant a building setback encroachment up to a maximum distance of ten feet into a required setback area in order to preserve a protected tree based on the need for the relocation of the proposed building or addition to accomplish tree preservation and as approved by the building and code enforcement official. The city shall require a letter of approval from the affected abutting property owner(s) as a condition of approving the setback encroachment. Criteria for granting a variance as listed in section 58-92 of this Code shall also be considered when reviewing the proposed setback encroachment.

Based on recommendation of our Urban Forestry Manager and having received letters of no objection from abutting property owners, our Department would grant the allowable 10 feet of encroachment into the rear setback. Therefore, the

Board of Adjustments Minutes

January 17, 2017

Page 3

additional 5 feet of encroachment is subject to approval by the Board of Adjustments.

Mr. Wiggins responded to Board questions, clarifying the tree ordinance allows building staff to approve up to a ten foot encroachment. Therefore, the applicant's request is a five foot variance at the rear setback beyond what the building department can approve administratively.

The applicant, David Paladino, clarified the dimensions from the proposed addition to the tree. He stated the hardship is the available space for a master bedroom addition, due to a large 75 year old Live Oak tree in the back yard. The City's Arborist told him that the tree could possibly grow for at least another 75 years and advised saving as much root as possible. He noted the addition was designed using minimal room dimensions.

Mr. Paladino responded to a Board question, noting that an addition to the front of the home would require structural changes, and the most logical placement for the addition is in the rear left side. Minimal changes to the existing structure were a desired prerequisite when putting together the plans for this addition and insufficient room is available to build in the front of the home.

FINDINGS

The majority of Board members agreed that saving the tree should take precedence over minimum setbacks requests and agreed the hardship is the limited area available for a minimal addition without removing an established specimen shade tree. One member did not see the hardship.

ACTION

Based on the findings, Robert Trompke made a motion, seconded by Jeff Jontz, to approve the request. The request was approved by a vote of 6-1, with Patrice Wenz voting in opposition.

NEW BUSINESS

1. Request of Zachary and Alyson Yeager for variances to allow the construction of a two story addition above the existing garage to be located 15.5 feet from the Bonnie Burn Circle lot line whereas the required setback is 20 feet to the first floor and 22.5 feet to the second floor and locate the two story addition 22.75 feet from the rear lot line whereas the required first floor setback is 25 feet and required second floor setback is 35 feet.

Located at 1580 South Pennsylvania Avenue

Zoned: R-1AA

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

Board of Adjustments Minutes

January 17, 2017

Page 4

The existing one story two bedroom one bath home is located on a corner lot with one street side curving along Bonnie Burn Circle. The property narrows toward the rear of the lot in the area where the proposed first and second floor additions are to be located. The first floor includes a 9 foot garage addition to accommodate a shop area and the second floor includes two bedrooms, a play room and a bathroom. The total area of the addition is 1,251 square feet, which falls under the allowable gross floor area of 3,976 square feet, and under the allowable impervious coverage.

With regard to the proposed location of the addition, the applicants point out that a large tree prevents adding the addition at the front of the home, and that due to the curve of this corner lot adding sufficient needed area on the first floor alone is not sufficient for their needs. A photo is provided in the staff report.

Architecturally, in order to break up the two story wall of the addition, the designer is providing a continuous overhang along the two story side wall between the first and second floors with a shingle roof on the roof overhang to provide articulation.

One alternate option, without adding a second floor, might be to convert the existing garage and breezeway area into new bedrooms, and then add a detached garage at the rear adjacent to the existing garage with a 5 foot rear setback. However, that option will also require a variance.

At this point, no letters were received concerning this request; however, I understand that the applicants may be providing letters from neighbors at this meeting.

The applicants, Zachary and Alyson Yeager, noted they had two letters of non-objection from neighbors residing at 1540 Bonnie Burn Circle and 1600 S. Pennsylvania Avenue; the letters were then distributed to the Board for review.

Zachary Yeager stated his hardship is the lot shape. He noted the curved street creates a tapered lot making it difficult to enlarge the home without projecting into the required street side setback. The lot shape, in conjunction with a large front yard oak tree, limits available addition options that will maintain backyard space.

The designer, Tom Lamar with Lamar Design, reiterated the lot shape constrains additional design options. In response to a Board question, Mr. Lamar stated he was not aware of any arborist's review of the tree, however, it does appear to be in healthy condition and prevents adding the second floor at the front of the home.

FINDINGS

Some Board members felt they needed additional information to determine if the tree should be considered a hardship. Other members agreed that the irregular lot shape presented a hardship, limiting other design options.

Board of Adjustments Minutes

January 17, 2017

Page 5

ACTION

Based on the findings, Jeff Jontz made a motion, seconded by Brian Mills, to approve the request. The request was approved by a vote of 5-2, with Lucy Morse and Ann Higbie voting in opposition.

2. Request of Jay Gaiser for a variance to allow extending a two story addition a distance of 7.2 feet toward the rear lot line with a current side setback of 10.5 feet whereas the required side setbacks are 11 feet to the first floor and 16 feet to the second floor.

Located at 1560 Glencoe Road

Zoned: R-1AA

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

An existing second floor master bedroom is proposed to be enlarged by adding new enclosed floor space on the second floor in line with the existing nonconforming side setback of 10.5 feet. In addition, 4.5 feet of additional open balcony is added beyond the master bedroom. This will result in squaring off the northeast corner of the home. My understanding is that the first floor area will remain open.

The home underwent major remodeling 2 years ago; however, the basic two story structure had been built many years ago under previous required setbacks which allow the current nonconforming 10.5 foot side setback to remain.

This proposed addition does not exceed the allowable 50% impervious coverage or the allowable 33% floor area ratio for this property.

No letters were received concerning this request prior to this meeting.

Jay Gaiser spoke and provided a letter of non-objection from adjacent neighbor, William Moore, residing at 1540 Glencoe Road; the letter was provided to the Board at the meeting. Mr. Gaiser stated he hoped for approval to extend the 2nd floor roof area, while not exceeding existing setbacks.

FINDINGS

The proposed addition complies with established setbacks for the year the home was built and is within the existing home's rectangular footprint. Most board members agreed that because the request is minor and with setbacks no less than the existing ones, compliance with new construction setbacks would create a hardship.

Board of Adjustments Minutes

January 17, 2017

Page 6

ACTION

Based on the findings, Lucy Morse made a motion, seconded by Jeff Jontz, to approve the request. The request was approved by a vote of 5-2, with Patrice Wenz and Ann Higbie voting in opposition.

The meeting was adjourned at 5:44 pm.

Theresa Dunkle
Recording Clerk