



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**February 21, 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, Stephanie J Ecohardt.

APPROVAL OF MINUTES

Lucy Morse made a motion, seconded by Ann Higbie, to approve the minutes from the January 17, 2017 meeting. The minutes were approved by a vote of 6-0. Mr. Trompke arrived at 5:15PM.

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 T. Scott Williams for a variance to allow the construction of a swimming pool to be located 7.5 feet from the rear lot line in lieu of the required setback of 10 feet.

Located at 780 Williams Drive

Zoned: R-1AA

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

The home on this property is located 27 feet from the rear lot line and includes a bay window bump out approximately 1.5 feet, leaving 25.5 feet of space to fit a swimming pool. The proposed pool is 13 feet by 24 feet in length. In order to comply with the building code criteria for distance from the wall of the home, the pool will need to be located 7 inches further away from the home. The 7 foot deep end of the pool is required to be at least 7 feet from the building wall.

Part of the proposed pool deck is located within a utility easement and may need to be removed unless our utility departments approve of this encroachment.

Based on the impervious calculations provided, the allowable impervious coverage is not exceeded.

The applicant has provided one email and one letter from abutting neighbors to the rear of this property expressing no objection to this variance request.

Mr. Wiggins responded to Board questions. He did not believe any of the established pools in the neighborhood were in the utility easement; further, if the variance request is approved the applicant is still responsible to meet Winter Park Utility Department regulations. Mr. Wiggins answered that a ten foot screen enclosure setback is required unless the wall height is reduced to 7.5ft, in which case the setback could be reduced to 7.5 feet.

The applicant representing the owner, Rob Smith with E2 homes, noted he has corresponded with Jason Reigler with Winter Park Utilities and received "informal permission" to build the pool in the location shown, with the provision that the pool wall will be reinforced to accommodate any future utility excavations. The owners understand they are responsible for any repair to the pool deck if future excavation in the utility easement is required. Mr. Smith stated the pool is situated on the side to maintain a single useable open yard area and the back yard is already minimalized due to a sizably front yard setback. The owner's would be willing to accept approval with the condition of no future screen enclosure.

FINDINGS

The majority of Board members agreed that the hardship is the awkward shape of the lot located on a cul-de-sac with one side of the lot deeper than the other and home located closer to the rear lot line. They agreed approval should include the utility department's approval and a stipulation that there would not be a future pool screen enclosure. One board member did not find a hardship.

ACTION

Based on the findings, Jeff Jontz made a motion, seconded by Lucy Morse, to approve the request with addition of conditions that no future screen enclosure be permitted and obtaining approval by City Utilities Departments for encroachment into a utility easement. The request with conditions was approved by a vote of 6-1, with Patrice Wenz voting in opposition.

2. Request of Ann Elizabeth Christensen for a variance to allow the construction of a covered carport located 11 feet from the front lot line, in lieu of the required front setback of 32 feet or allow an oversized pergola (360 square feet) with a front setback of 11 feet in lieu of 15 feet.

Located at 1231 Kenwood Avenue

Zoned: R-1A

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

Two different options are proposed to provide covered protection of vehicles parked at the home. Several years previously, an aluminum covered carport structure had existed in the same location that is being proposed for this variance and the remains of that concrete parking area still exists on the property and is shown in the survey provided. As seen in the survey dated 2/19/2004, the previous carport was 9.8 feet in width and request here includes a carport or pergola structure that will be 18 feet in width.

The home has no garage today, and one did not exist at the time the applicant purchased the property in 2004. Our permit records do not indicate any remodeling permit that may have enclosed a previous garage with records back to 1989.

The location of the proposed carport or pergola is designed to nearly line up with a circular driveway across the front of the home to allow vehicle access to then proceed into the structure for the driveway on the south side of the property. In addition, an existing 8 foot high hedge is located along the front lot line and will act as a visible buffer for the proposed carport or pergola.

With this request no impervious coverage will be increased and the existing home with a gross area of 2,020 square feet is well under the allowable floor area ratio which will allow a maximum area of 3,133 square feet. The proposed carport area is 360 square feet.

A previous variance was granted for a pergola parking structure at 251 Dana Way. I could not find the actual date in our records but it was over ten years ago. A photo is enclosed.

The applicant, Ann Elizabeth Christensen, presented three letters of non-objection from neighbors residing at 1231 Kenwood Ave, 1217 Kenwood Ave and 1230 N Denning Dr.; the letters were then distributed to the Board for review. She stated her hardship is that her home does not have a garage and would like to construct either an open arbor structure with a decorative type of cover or a roof covered carport type structure at the location where a previous carport had been located when she had originally purchased the property.

James Lucia, who resides at 1218 Alabama Drive, recommended the applicant table her request and consult with a design professional.

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The Board explored with the applicant the various types of structures proposed and how they would best serve the intended purpose of shielding vehicles have an open arbor, partially covered arbor or conventional roofed carport structure.

FINDINGS

Board members felt that the applicant needed to more clearly establish more exact proposals instead of leaving the choices open ended. Having a more definitive structure plan is needed will help to determine the parameters of the hardship.

ACTION

Based on these findings, Jeff Jontz made a motion, seconded by Lucy Morse, to table the request for up to three months in order to give the applicant time to come back with a more exact proposed plan. The request to table was approved by a vote of 4-3, with Patrice Wenz, Ann Higbie & Brian Mills voting in opposition.

The meeting was adjourned at 6:00 pm.

Stephanie J Ecohardt
Recording Clerk