



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**July 18, 2017
5:00 p.m.**

MINUTES

PRESENT

Lucy Morse, Chair; Patrice Wenz, Robert Trompke, Brian Mills, Aimee Hitchner, Director of Building, George Wiggins and Recording Clerk, Theresa Dunkle.
Absent: Cynthia Strollo, Phil Kean, Vice Chair

APPROVAL OF MINUTES

Aimee Hitchner made a motion, seconded by Robert Trompke, to approve the minutes from the June 20, 2017 meeting. The minutes were approved; Patrice Wenz arrived directly after the vote.

OPENING STATEMENT AND PUBLIC COMMENTS

Lucy Morse explained the rules of procedure for variance cases and opened the floor for any public comments or questions.

NEW BUSINESS

George Wiggins, Director of Building, stated the 2nd item on the agenda, for 1067 Golfside Drive, was withdrawn by the applicant, Travis Niemi on July 7, 2017

1. Request of Alicia Homrich for variances to allow converting a nonconforming workshop/storage building to living space with a bathroom addition located 1.4 feet from the side lot line & 22 feet from the rear lot line in lieu of the permitted side setback of 7.5 feet & rear setback of 25 feet.

Located at 620 N. Phelps Avenue

Zoned: R-1A

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

The applicant is requesting a variance to allow converting a nonconforming workshop/storage building (former garage) to living space with a bathroom addition located 1.4 feet from the side lot line & 22 feet from the rear lot line; whereas, the required side setback is 7.5 feet & 25 feet respectively.

The subject building was formerly a garage used as a workshop, and was rebuilt due to extensive tree damage from Hurricane Charlie. The Zoning Code allows the rebuilding of a nonconforming structure at a nonconforming setback due to a hurricane:

Board of Adjustments Minutes

July 18, 2017

Page 2

Sec. 58-64. - Nonconforming lots, nonconforming uses and nonconforming structures.

- (d) Nonconforming uses of land, nonconforming structures or structures and land in combination.
 - (4) Should such nonconforming structure be demolished, destroyed, or damaged by fire, wind storm, hurricane, tornado, flood, explosion, or other such calamity, such structure may be rebuilt or restored to its original dimensions as long as the nonconformities are not increased beyond the pre-existing condition.

The applicant desires to use this space, plus the addition, as living quarters for a family member. The proposed additional area is 60 square feet and would be used as a full bathroom. The addition would line up with the current side walls of the garage and extend to the rear by 5.5 feet, causing a 2.5 foot encroachment into the rear setback. The extended side wall will also encroach into the side setback a distance of 6.1 feet, which the same as the current side setback.

With regard to required parking on this home, the 2 required off-street parking spaces can be located in the drive way area in front of this accessory building. This driveway has sufficient length (over 38') to meet the code required parking spaces for this home, and this still leaves an additional front setback of 38 feet.

This proposed 60 square foot addition (dimensioned from the interior) along with the 1,148 square feet of existing building and impervious area is well under the allowed floor area and impervious coverage.

The applicant has obtained five letters of non-objection for this requested variance from the abutting property owners to this subject property.

George Wiggins, Director of Building, noted the addition is actually 6.5 feet in width, when the thickness of the exterior wall is added. This means the rear setback is reduced and the total square footage of the addition is increased by the wall(s) thicknesses.

Mr. Wiggins, also noted that the approval of a variance does not exempt the applicant from complying with the Florida Building Code, which requires a fire resistance rated exterior wall, due to its proximity to the side lot line. Finally, Mr. Wiggins noted that the home may qualify for the Historic Home Registry, however, at this time the owner has not made a request to have this home designated in the Registry.

Mr. Wiggins responded to board questions, stating only the existing exterior wall, next to the side property line, will need to be upgraded to comply with the Florida Building Code for new construction. He also responded that the rear setback will be less than originally stated, after the wall thickness is taken into account. The previous use of the garage was not used for parking, to the best of his knowledge.

Board of Adjustments Minutes

July 18, 2017

Page 3

Diane Homrich, spoke for her sister, the applicant, Alicia Homrich. Diane Homrich said the garage has been used as a workshop for the past nineteen years. She stated no kitchen is desired and the desired use is purely for their mother's use. Ms Homrich noted it is the family's desire to maintain the traditional architectural style of the home.

Diane Homrich responded to Board questions stating her sister's intent is to replace the garage door with two windows that match the front windows on the main home. She confirmed that the structure would be air conditioned.

The adjacent neighbor, Fred Klingenhagen who resides at 688 N Phelps Ave, spoke in favor of the variance request.

The Board considered the most affected neighbor was in support of the request. With regard to the front elevation, they favored the windows over the existing garage door, stating that the windows should match the existing home's window style. Awnings were suggested as well.

FINDINGS

The majority of Board members agreed the request is minimal and the hardship is the existing location of the accessory structure.

ACTION

Based on these findings, Robert Trompke made a motion, seconded by Patrice Wenz, to approve the request with the six inch extension and with the following conditions: any front windows installed shall maintain the architectural style of the home, the extension shall not exceed 5.5 feet and no future kitchen shall be installed. The request was approved by a vote of 5-0 with these conditions.

The meeting was adjourned at 5:30 pm.

Theresa Dunkle
Recording Clerk