



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**August 15, 2017
5:00 p.m.**

MINUTES

PRESENT

Lucy Morse, Chair, Patrice Wenz, Zachary Seybold, Michael Clary, Thomas Sacha, Robert Trompke, Aimee Hitchner; Director of Building, George Wiggins and Recording Clerk, Theresa Dunkle.

Absent: Phil Kean, Vice Chair

APPROVAL OF MINUTES

Robert Trompke made a motion, seconded by Aimee Hitchner, to approve the minutes from the July 18, 2017 meeting. The minutes were approved 6-0; Patrice Wenz arrived directly after the vote.

OPENING STATEMENT AND PUBLIC COMMENTS

George Wiggins, Director of Building, stated the 1st item on the agenda, for 2715 Wright Avenue, was withdrawn by the applicants, Tony & Leah Molyneaux on August 3, 2017.

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

NEW BUSINESS

1. Request of Javier & Hillary Miller for a variance to allow the construction of a dwelling, swimming pool and deck located 0 to 46 feet from a designated wetland boundary in lieu of the required setback of 50 feet.

Located at 1555 Glencoe Road

Zoned: R-1AA

George Wiggins, Director of Building, welcomed the new board members and proceeded with the following staff report:

This is the first request we've had dealing with a wetland setback encroachment, and it has some unique features somewhat different than other setback variations from lot lines. The 50 foot setback criteria came about as a result of a new requirement in the 2010 Comprehensive Plan, and was then added to the Zoning Code. The 50 foot setback requirement was accepted as a modest buffer to a dwelling similar to the 50 foot setback to a lake because both areas have a wet boundary.

Board of Adjustments Minutes

July 18, 2017

Page 2

In this specific case, the applicant prepared an engineered plan that provided relocating part of the wetland on this site in a manner that would not require the 50 foot setback. The plan provided compensation for the portion of the wetland being relocated and was presented to the Florida Department of Environmental Regulation. However, even though this plan would have prevented the need for a variance, the Department was not interested in granting approval because their only concern is that no building occur in the wetland area, and they, therefore, had no reason to grant a permit to accommodate a local jurisdiction's 50 foot setback requirement.

The applicant desires to build a new home, swimming pool and deck while fully respecting the wetland and locating the home in a position that does not jeopardize the health of a very large specimen live oak on the north side of the property. In addition, the live oak has a canopy that stretches out over existing home in a manner that requires any new home design location to be moved toward the southwest and impact one portion of the wetland setback that reaches east closest to the home and swimming pool location.

Along with an architect for the home, a professional landscape architect is engaged to ensure that the design and that remedial actions are taken to enhance and improve the wetland area into a much healthier environmental condition than presently exists.

When looking at the location of the wetland area, you can see that that much of its boundary is over 90 feet from the proposed pool deck area, while the portion of the wetland on the south side extends up closer to the pool and deck area. Lake shorelines that also have 50 foot minimum setbacks to structures usually do not meander nearly as much as wetland areas. This feature makes it somewhat easier to meet the lakefront setbacks versus a setback to the boundary of this unusually shaped wetland area.

Our City's Environmental Resource Manager, Tim Egan, has reviewed this request in detail and visited the site. I have included his comments where he indicates that he agrees with the environment consultant, Jim Lee, that the project would not impact the current functions of the wetland.

The gross area of the proposed home is 6,032 square feet, whereas the allowable area on this large lot is 10,164 square feet. The lot area is 30,800 square feet, which is due mostly to the large area of wetland.

As you may be aware, when approving of a variance request, the Board is empowered to place any conditions that may advance needed protections that ensure that the intent of the setback requirement was meant to fulfill. All required provisions for onsite storm water storage will be met in the final design of this home, pool and deck area.

Five letters of non-objection were received from surrounding neighbors who have been contacted and provided with information concerning this variance request, and

Board of Adjustments Minutes

July 18, 2017

Page 3

conditions unique to the property. One of these letters approves of the request with the stipulation that the oak tree landscape buffer remain along the south side of the lot.

Mr. Wiggins responded to board questions, stating he believes the proposal has similar setbacks to other homes in the area, due to the 2010 effective date of the new setback requirement. Mr. Wiggins stated that Tim Egan, Winter Park's environmental expert did not find any negative impact with the proposed construction. The applicant's landscaping plans will enhance the wetlands.

Rebecca Wilson with Lowndes Drosdick Doster Kantor & Reed, P.A., the attorney for the applicant, read the criteria for buildings in a wetland area setback. She noted the two properties owned by the applicant have now been consolidated into one. Ms. Wilson stated that the owners agree to the wetland enhancements. She also identified that the proposed home is under the floor area ratio and the deck is elevated.

Paul Verlander, with Verlander Landscape Architecture, noted the house in the setback area will be set on pilings. In addition, catchments will be provided in the front and side areas; the storm water will be piped to an open drainage area, providing a better run-off condition.

Carlos Posada, the General Contractor, stated that the pool will be on pilings also.

Mark Nasrallah, the Architect, stated that disapproval of the variance request will result in a front facing garage design and this layout is the most attractive and functional.

The neighbor to the south, Kim McCauley, at 1575 Glencoe, voiced two concerns; one, ensure that additional water is not diverted onto her lot; two, ensure that the oak trees between the two lots remain as a buffer.

The owner, Javier Miller, stated that the second story is not set at the minimum setback allowed giving a more open appearance to the home versus a boxlike structure.

The neighbor, Taylor Ward at 1539 Glencoe, spoke in favor of the variance request and noted he would like to see the large live oak tree in the front yard preserved.

The Board asked various questions to ensure there's no impact on the wetland and that storm water drainage is properly addressed. In addition, they recognized that several neighbors were in support of the request and water runoff is being addressed. Two board members did not see a unique hardship.

FINDINGS

The majority of Board members agreed that based on the information presented, the wetlands will not be harmed and will be improved with a detailed drainage plan for this

Board of Adjustments Minutes

July 18, 2017

Page 4

unique situation. Robert Trompke suggested an amendment that approval be based on an approved drainage plan and a provision be made for protecting the four large oak trees on the south side of the lot. In addition, if the construction process destroys these trees and the front yard tree, new live oak trees shall be planted with a minimum trunk diameter of 12 inches.

ACTION

Based on these findings, Patrice Wenz made a motion, seconded by Lucy Morse, to approve the request with the following conditions; preserve the trees along the south side of the lot, provide positive storm water drainage to the west side of the lot into the open land not in the wetland; and any preserved trees damaged during construction shall be replaced with trees with a minimum 12 inch diameter live oak trees. The request as amended was approved by a vote of 5-2. Patrice Wenz and Lucy Morse voted in opposition.

2. Request of Fielding Featherston on behalf of Craig and Marimar Blazejewski for variances to allow the construction of a rear addition located 21 feet from the rear lot line and 6.1 feet from the east side lot line in lieu of the required setbacks of 25 feet & 9 feet respectively, and to allow the expansion and enlargement of a carport encroaching 4.5 feet into the front setback with a side setback of 7.2 feet in lieu of the required setback of 9 feet.

Located at 2922 Northwood Blvd

Zoned: R-1A

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

The addition onto the rear of the home is a master bedroom suite and maintains the same setback as the side wall of the existing home. However, a two foot by six foot inset is provided to comply with our articulation requirement along the side wall of a home. Therefore, 6 feet of this 29.7 foot addition will have a side setback of 8.1 feet.

The carport addition in the front of the home is proposed to be enlarged to accommodate parking of two cars by expanding the width of the carport further across the front of the home and expanding out toward the street by 4.5 feet.

These additions to the home result in 1,030 square feet of additional gross floor area for a total area of 2,884 square feet, which is well under the allowable gross floor area of 3,458 square feet. In addition, the increased impervious coverage to 4,515 square feet is under the allowable coverage of 5,460 square feet.

Board of Adjustments Minutes

July 18, 2017

Page 5

Four letters of non-objection have been provided from the two adjacent neighbors and from two neighbors further to the east on the same street. The adjacent neighbor on the west side has also provided a letter of approval for the carport extension at the current nonconforming side setback of 7.2 feet, which removes the need for one of the variances. The Zoning Code allows this option when extending an existing nonconforming side wall of a home by up to 24 feet through this administrative approval process. A total of 7 letters of non-objections have been received.

George Wiggins, Director of Building, reiterated the west side setback request is no longer needed. He noted this area was annexed into the City twelve years ago. Per the Winter Park Zoning Code, the roof can overhang 3.5 feet into the setback.

Mr. Wiggins responded to Board questions, stating the maximum width of a driveway may be 24 feet.

Fielding Featherston with Process Architecture noted that nearby driveways are 20 feet in width and further explained the rationale for the needed variances due to the location of the existing home.

The Board considered the neighbors support of the request and the minimal impact of the request.

FINDINGS

The majority of Board members agreed the request is minimal and the hardship is the existing location of the home on the lot.

ACTION

Based on these findings, Robert Trompke made a motion, seconded by Michael Clary, to approve the request. The request was approved by a vote of 7-0.

The meeting was adjourned at 6:35 pm.

Theresa Dunkle
Recording Clerk