



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

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

MINUTES

PRESENT

Lucy Morse Chair, Aimee Hitchner, Michael Clary, Robert Trompke, Zachary Seybold, Director of Building, George Wiggins and Recording Clerk, Theresa Dunkle. Tom Sacha arrived at 5:10PM. Absent: Phil Kean, Vice Chair, Patrice Wenz.

APPROVAL OF MINUTES

Michael Clary, made a motion, seconded by Aimee Hitchner to approve the minutes from the September 26, 2017 meeting. The minutes were approved.

OPENING STATEMENT AND PUBLIC COMMENTS

Zachary Seybold explained the rules of procedure for variance cases and opened the floor for any public comments or questions. He also asked if anyone wanted to table their case because we were down to five members. Morgan Bellows requested his case be heard second to allow time for Mr. Sacha to arrive.

NEW BUSINESS

2. Request of Mary Longo for variances to allow replacing a former non-conforming metal carport with a solid gable roof carport located 18 feet from the front lot line and 5 feet from the side lot line in lieu of the required setbacks of 30 and 7.5 feet respectively, and to allow an open porch located 4.7 feet from the side lot line in lieu of the required setback of 7.5 feet.

Located at 1929 Hammerlin Avenue

Zoned: R-1A

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

Mr. Wiggins first noted that after further investigation, the required front yard setback is closer to 26 feet, instead of the 30 feet noted in the agenda. He explained the property was annexed into Winter Park a couple of years ago with existing side setbacks of 5 feet.

The applicant states that the former carport was damaged by a storm and then removed. From the plans provided, the intent is to not only to provide a new gable roofed carport but I also understand that a new partial roof design is planned for the

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home and porch across the front of the home in order to match the gable end of a carport addition if the variance is granted. At some point also the enlargement of a room on the rear of the home is planned.

This property has an area of 6,951 square feet, allowing a gross floor area of 2,641 square feet. The carport and porch total result in a new area of 329 square feet. According to the property appraiser, the existing home has a gross area of 1,660 square feet. Therefore, the new area will be 1,989 square feet which well under the allowable floor area for this property. Additionally, as shown on the setback/coverage worksheet, the allowable total impervious coverage is not exceeded.

In visiting the property, it was noticed that the parking pad in front of the home still seems to have signs of where the past support columns were located as shown on the plans.

The house is currently vacant due to damage to the roof from a tree that fell on the roof during Hurricane Irma, resulting in water intrusion and damage to the electrical panel.

Three letters of support have been provided from nearby neighbors of the applicant including the adjacent neighbor on the north side, the neighbor directly across the street, and a neighbor living on the same street a few houses down the street.

Ms. Longo, the applicant, responded to board questions stating the hardship is the limited area to rebuild a usable carport. She would like to approve the curb appeal for herself and her son who reside there. In response to Board member Michael Clary, Ms. Longo stated she would be open to lowering the proposed carport height. Other board members did not object to the height and felt it necessary to clear the existing window.

Adjacent neighbor, Jason French at 1925 Hammerlin wanted to confirm that the variance relates to the carport only and this was confirmed by the Board.

FINDINGS

The Board members agreed that given the small lot, the request to rebuild the storm damaged existing metal carport with a truss covered carport in the same location, is an improvement to the property.

ACTION

Based on the findings, Michael Clary made a motion, seconded by Aimee Hitchner, to approve the request. The request was approved by a vote of 6-0.

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1. Request of Request of Morgan Bellows for variances to allow the construction of a home with rear setbacks of 14 feet to the first floor and 27 feet to the second floor in lieu of the required setbacks of 25 feet and 35 feet respectively and with a two story interior side setback of 10 feet in lieu of the required setbacks of 11 feet to the first floor and 14 feet to the second floor.

Located at 335 W. Comstock Avenue

Zoned: R-1A

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

This application comes to you partially due to attempting to settle a lawsuit with the City over failing to approve a zoning change for this property from the current R-1A (single family zoning) to R-2 (Low Density zoning). The owner had desired to build a single family dwelling on this property by obtaining R-2 zoning to allow a slightly larger home than permitted in the R-1A Zoning District. The rest of the properties in this block are zoned R-2 and office zoning except for the properties along the Virginia Avenue side which are zoned R-1A. This is one of those R-1A properties.

The proposed home has been down sized from the original plan to comply with R-1A zoning floor area ratio which allows a 43% FAR versus 55% allowed for a dwelling in the R-2 zoning district. However, the applicant is requesting setback encroachments in the rear and on the interior side to allow full use of this corner lot which has large street side setback of 20 feet to the first floor and 32.3 feet to the second floor. The current home on this lot has a street side setback of only 14.7 feet along Virginia Avenue, which is 5.3 feet closer than the proposed home.

Another factor unique to this property with regard to the front setback on Comstock Avenue is that the two adjacent homes (on Comstock) were allowed to have 20 foot and 10 foot front setbacks to these homes and their front entry areas, respectively, as part of the R-2 townhouse/home project granted under the conditional use approval process by the City Commission. The proposed home is set back 25 feet to the first floor and 30 feet to the second floor.

This property has a lot area of 8,720 square feet which allows up to 3,750 square feet of gross floor area (43%) which is the amount proposed with this new home. The impervious coverage proposed is 3,987 square feet which is under the allowable coverage of 4,360 (50%)

A letter of non-objection has been provided from the Lyman Avenue Villas Homeowners Association which includes all of the townhomes nearby along Lyman and the 2 homes on Comstock Avenue directly abutting the applicant's property. The adjacent homeowner to the applicant on the east side is the President of the homeowner's association.

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A letter of non-objection was provided to all Board members from the nearby property owners Christina Hite and Javier Omana at 426 W Lyman Ave. The Board also received an email of opposition from Martha Bryant-Hall whose home is located across the street at 331 W Lyman Avenue.

Mr. Wiggins noted adjacent properties have a 7.5 side setback; whereas, the applicant is asking for a 10 foot side setback, instead of the required 11 feet. In response to Board questioning, Mr. Wiggins confirmed the City of Winter Park is not for or against the request. However, it is his understanding the legal case will be dropped with the Board of Adjustment's approval of the request. He confirmed the zoning has been R-1A for many years.

The applicant, Morgan Bellows, said his hardship is the corner lot with larger setbacks. In response to Board questions, Mr. Bellow noted a greater setback than what is required on the 2nd floor is proposed. The second floor as designed could be 10 feet closer to Virginia Ave.

Randall Slocum, with Slocum Platts Architects, stated the proposed design massing is meant to tie-in with the adjacent townhomes and is under the allowable height.

The following neighbors spoke in opposition of the variance: Mary Daniels, of 650 W. Canton Ave; Mary Grace Gordon, of 550 Holt Ave.; Martha Bryant Hall, of 331 W. Lyman Ave; Forest Michael of 358 W. Comstock Ave.; John Skolfield owner of 358 Victoria Ave and Camille Reynolds, of 2265 Lee Rd Suite 117, Winter Park.

Morgan Bellows said that in order to address neighbor's concerns, the square footage has been reduced from the plan proposed at the City Commission. He also stated that the R-1A use is more lenient than R-2 use regarding square footage allowances; R-1A allows for open porch FAR exemptions. Mr. Bellows noted the block is zoned R-2 and office, with a nearby 1,500 square foot warehouse. Morgan Bellows stated that the home will be his personal home, and one of the hardships is lack of street parking, causing the necessity to provide guest parking on this property on extra driveway space.

Mr. Wiggins stated that a variance was granted for a corner lot home across the street at 461 Comstock Avenue approximately 6 years ago, but the home was never built.

Camille Reynolds, of 2265 Lee Rd Ste 117, responded stating the Land Trust Lot at 461 Comstock variance was a much smaller home. Glen Franklin of 445 W Lyman Ave was unclear about the communication received concerning this request.

FINDINGS

Considering the amount of neighboring opposition received and the proven abilities of the Architect designing this home, the majority of Board members did not see a hardship. They felt the architect could design a new home within the existing setbacks.

ACTION

Based on the findings, Robert Trompke made a motion, seconded by Michael Clary, to approve the request. The request was denied by a vote of 0-6.

3. Request of Elite Images and Winter Park Village Apartment Homes for a variance to allow altering two non-conforming ground signs by providing a new sign panel which exceeds the allowable area of 12 square feet and exceeds allowable height of 6 feet.

Located at 2000 Village Lane

Zoned: R-3

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

The entrance to the Winter Park Village Apartments is located between MacDonalds and Panera Bread on East Aloma Avenue. When these apartments were developed in unincorporated Orange County, the address assigned to this project is 2000 Village Lane, which is the main entry road into this development.

The City sign code has a very limited sign size allowance for a multi-family development, which only 12 square feet with a height limit of 6 feet. Currently, two monument signs placed on each side of the divided entry area exist and have an area of 32 square feet and a height of 5' 8".

Based on the sign code's criteria for measurement of sign area and the dimensions of the proposed signs (107" by 59") shown on plans provided, the total area is just under 44 square feet for each sign.

Excerpt from Winter Park Sign Code:

- (i) *Measurement of sign area.* The area within a perimeter which forms the outside shape including any frame which forms an integral part of the display, but excluding the necessary supports or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas will be totaled, including the spaces between sections or modules. When the area of the covering material over the structural elements of the sign exceeds 18 inches in width, the additional area of this covering material will count as part of the allowable sign area.

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The two existing monument signs are attractively designed monument signs which the city has encouraged using on new developments in the City such as the recent Whole Foods project. The applicant desires to place new sign panels on these signs which will be substantially larger than the existing signs.

Although this entrance to the apartments is on a busy 4 lane Aloma Avenue where other commercially zoned properties are permitted much larger signs, it seems that converting these two existing nonconforming signs into much larger signs from 32 square feet to 44 square feet goes against the intent of the sign code for this type of use. However, it may seem appropriate to retain the existing grandfathered sign size for the proposed new signs based on the fact that this entry area is located on a major 4 lane roadway.

It is understood that the apartment ownership has decided to change the signs to be in conformance with the new logo of the apartments and that the new sign will have interior illumination, which is part of the reason that this request has come forward. The current sign has exterior illumination which is preferred in many areas of the city such in the Central Business District and on Morse Boulevard. If the Board is inclined to grant the variance, then perhaps the Board should consider a condition requiring the new sign to also be illuminated from the exterior which will be a less dramatic change from the existing signs.

No letters of non-objection have been received for this variance request.

Mr. Wiggins noted these non-conforming signs were annexed into the City of Winter Park 12 years ago from Orange County.

The Board members discussed if they should table the request because the applicant did not appear.

FINDINGS

The Board members decided to approve the request with conditions. One, the existing grandfathered conditions shall not be exceeded. Existing conditions include; 5'-8" maximum height, 32 maximum square footage each, angled locations and provide face lighting only.

ACTION

Based on the findings, Zachary Seybold made a motion, seconded by Michael Clary, to approve the request with stipulations that the existing grandfathered conditions are not exceeded. Existing conditions include the following; 5'-8" maximum height, 32 maximum square footage at each locations and provide face lighting only. The request with these stipulations was approved by a vote of 4-2, with Michael Clary and Aimee Hitchner voting in opposition.

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The meeting was adjourned at 6:37pm.

Theresa Dunkle
Recording Clerk