



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**February 20, 2018
5:00 p.m.**

MINUTES

PRESENT

Lucy Morse-Chair, Phil Kean-Vice Chair, Patrice Wenz, Zachary Seybold, Aimee Hitchner, Robert Trompke, and Tom Sacha; Director of Building, George Wiggins and Recording Clerk, Theresa Dunkle.

APPROVAL OF MINUTES

Tom Sacha made a motion, seconded by Robert Trompke, to approve the minutes from the January 18, 2018 meeting. The minutes were approved as noted by a vote of 7-0.

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 1

1. Request of Michael and Laura Buffa for variances to allow the construction of a new home and a detached rear garage with the home located 25 feet from the front lot line and the garage located 5 feet from the rear lot line in lieu of the required setbacks of 27.5 feet and 10 feet respectively.

Located at 721 Depugh Street

Zoned R-1A

George Wiggins, Director of Building gave the following summary:

For this 60 foot wide lot, the Zoning Code provides an incentive for parking located at the rear of the property line by allowing a 10 foot side setback on one side and an 8 foot setback for both floors on the opposite side of the lot. In this proposed plan, the applicant has provided a 12 foot side setback on the driveway side of the property.

In this case, the applicant would like to utilize this special side setback allowance for rear parking, but indicates that sufficient room is not provided for a functional rear entry garage due to the short lot depth and the requirement for a 10 foot rear setback to the garage.

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The proposed garage has an overall height of just under 18 feet, with a gable end wall facing the rear lot line. This is the maximum height permitted for an accessory structure. If the Board is inclined to grant the rear setback variance, then I recommend that the height of the garage be modified to an overall building height of 14 feet or less to reduce the visual impact of allowing a 5 foot rear setback on the abutting property to the rear.

The required front setback is determined by the average of nearby homes which include the adjacent home on the west side and the 3 homes on the east side of this lot on the same side of the street. At one point in time, 6 years ago, the front setback determination was changed from averaging all the homes on the block to only using those homes near the subject property since those homes are the ones most impacted by a new home on a re-developing property.

The worksheet calculations submitted by the applicant show compliance with the allowable impervious and gross floor area limitations; however, there are no details on the exact location and materials to be used on the driveway.

Two letters accepting the proposal have been provided from property owners abutting the rear of the applicant's property.

Mr. Wiggins responded to Board questions noting that the City encourages rear garages through incentives in the zoning code. He responded that the standards for 50 and 60 foot wide lots, such as this one, were adopted approximately 6 years ago. It was noted that 5 foot rear setbacks for accessory structures were allowable at one time. One board member was concerned with the steep roof pitch that may provide an area that could be used for future living space.

Ms. Laura Buffa, the applicant and homeowner, stated the steep roof pitch is to provide for attic storage. Mr. Michael Buffa stated his hardship is the lack of available back up space required to maneuver a car out of the garage with the proposed design of the home.

In response to Board questions, Ms. Buffa said she does not want to reduce the size of the proposed home, stating it is not very large. She emphasized a front garage would not look as pleasing from the street. Both Mr. and Ms. Buffa said they were open to modifications, such as a lower sloped roof.

During the closed session, a Board member shared an alternate design that would not require a variance. The Board discussed the possibility of approving only the front setback request, and not the rear.

The Building Official noted a 25ft front setback is typical for the majority of homes on the street.

FINDINGS

The Board members agreed that the hardship for a reduced rear setback was not shown; their stance was reinforced after one Board member demonstrated a way to simply modify the design that would not require a variance. However, they did find a hardship regarding the front setback. Older homes adjacent to this lot have front setbacks significantly greater than the newer homes on the street.

ACTION

Based on the findings, Patrice Wenz made a motion, seconded by Robert Trompke, to approve the requests. The requests were denied by a vote of 0-7. A second motion was made by Tom Sacha and seconded by Zach Seybold, to approve only the 2.5 foot front setback encroachment request, allowing a 25 foot front setback from the lot line. Patrice Wenz made a motion, seconded by Tom Sacha, to approve the 2nd motion. The 2.5foot front setback reduction was approved by a vote of 4 to 3, with Lucy Morse, Phil Kean and Patrice Wenz voting in opposition.

2. Request of Darren Ellington for variances to allow the construction of a new home with a front entry and side wall height of 17.5 feet in lieu of 12 feet height, and a side setback of 7.5 feet in lieu of the required setback of 12.5 feet

Located at 451 W. Comstock Avenue

Zoned R-1A

George Wiggins, Director of Building gave the following summary:

This request is driven by the contemporary design of the home on a narrow 50 foot lot. This will be the third contemporary designed home on this block, bounded by Comstock, Virginia, Lyman and Pennsylvania Avenues. The Zoning Code does not favor any particular type of architectural design over others.

There might be an opportunity to accomplish the high entry feature by placing the garage at the rear of the home and utilizing special side setbacks that facilitate rear yard parking to prevent having a front entry garage dominate the home appearance from the street. If the garage is placed at the rear then the high entry feature can occur toward the middle of the home, and the higher side wall could be located at a larger setback to accommodate the required side setbacks, and the need for a variance could be avoided.

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The applicant's architect was asked to examine placing the garage at the rear of the property, however, the applicant prefers the plan being presented to try obtaining a variance instead.

The proposed home design meets the required coverage criteria including impervious coverage and gross floor area.

No letters have been provided at this point in time. An adjacent property owner came in, reviewed this request and expressed opposition to the proposed variances.

In response to Board questions, Mr. Wiggins noted that the current issued building permit does not indicate the higher entry proposed in this variance request. He responded also that other contemporary designs do not have height variances.

The applicant, Daren Ellington stated his hardship is the extremely narrow lot. He said he is trying to match the styles of adjacent homes and will accept modifications to his request.

The Board discussed whether other options are available through design changes and the fact that this is a new home on a vacant lot.

FINDINGS

The Board members concurred that no hardship was shown. They stated the desired 17.5 foot entry within the 1st floor setback was purely a cosmetic request. Reducing the entry to the allowable height of 12 foot would present no hardship to the applicants.

ACTION

Based on the findings, Robert Trompke made a motion, seconded by Patrice Wenz, to approve the request. The request was denied by a vote of 0-7.

Item 3 on the agenda, request of Brandon and Katie Saltmarsh for a variance request at 1290 N. Park Avenue was withdrawn by the applicants on February 13, 2018, prior to the meeting.

4. Request of LaMaraffa, LLC for a variance to allow the construction of a 600 square foot storage building located 5 feet from the rear lot line in lieu of the required setback of 30 feet.

Located at 1370 Gene St.

Zoned O-1

George Wiggins, Director of Building gave the following summary:

This office zoned property has a building that was converted from a home to an office several years ago along with others along Gene Street. The applicant has his office at this location currently, and plans to build a detached building to be used for storage for their residential interior design business.

This property backs up to commercial zoning, whereas in most locations office zoned properties abut residential zoning which is part of the reason office zoning districts have relatively large rear setback of 30 feet. In addition, the Zoning Code does not address having special setback for detached accessory building in the office zoning district.

Part of the rationale for not addressing accessory structures in the commercial and office zoning districts is to encourage the owners of these properties to fully address their storage needs within the main building rather than building separate detached storage facilities.

The proposed building has dimensions of 24 feet by 25 feet with a design that includes a shed roof and a garage door.

Approximately half of the building is designated as a garage, however, there does not appear to be a driveway access into that space for parking a vehicle.

With the addition of this building of 600 square feet, the total building coverage allowed (45%) is not exceeded, resulted in a 27% coverage.

Three letters expressing no objection have been received.

In response to a Board question, Mr. Wiggins stated that electric is the only utility proposed for the shed.

Tom Lamar, the applicant and owner, stated the 30 foot rear separation requirement is meant to separate commercial properties from residential properties; whereas, his property is adjacent commercial property. Ms. Lamar stated the storage shed will not have any 220 volt outlets or plumbing.

In response to Board questions, Mr. Lamar said a driveway is not proposed at this time.

FINDINGS

The Board found no setback exceptions in the zoning code which address detached accessory buildings in the office zoning district. They agreed that the hardship is the commercial zoning setback of 30 feet, when applied to a property that does not abut a residential parcel.

ACTION

Based on the findings, Patrice Wenz made a motion, seconded by Phil Kean, to approve the request. The request was approved by a vote of 7-0.

4. Request of Richard Haines for a variance to allow the construction of an addition to the front of the home to be located 43 feet from the curb, and an open entry feature 16 feet in height, set back 45 feet from the curb, in lieu of the required setback of 52 feet.

Located at 1731 Via Genoa

Zoned R-1AA

George Wiggins, Director of Building gave the following summary:

As part of an architectural change to the existing home, the applicant is proposing a new entry feature and bringing out part of the living area of the home underneath one side of the existing open porch plus 2 feet. The additional living area is 104 square feet.

Although the adjacent homes to the north are set back slightly further, under the Zoning Code the front setback is calculated using those three adjacent homes which result in the 52 foot setback from the curb as advertised. The adjacent property to the south has a setback of only 30 feet to the curb, although its front yard is on Via Lugano. The remainder of the homes on the street as shown in the applicant's letter, have an average front setback of 43 feet from the curb line. In addition, the applicant's lot has an unusual shape that is not rectangular compared to the other properties on Via Genoa.

With regard to overall gross floor area, minor living area addition results in a floor area ratio of only 36% whereas 38% or 5,200 square feet is permitted. For impervious coverage the applicant's plans will result in removing 90 square feet of impervious area while only adding approximately 20 square feet of new impervious area which is a net gain compared to the existing area.

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As seen on the elevation, the rectangular arch structure is proposed to be 16 feet in height, and can be permitted at this height if the Board agrees with allowing addition to have a front setback of 43 feet from the curb. This structure is set back an additional distance of 2 feet.

Three letters have been provided expressing no objection to two variances, although the variance request for the garage height increase has been withdrawn.

In response to Board questions, Mr. Wiggins confirmed this is a lot with its unusual shape and situation on the street; other lots on this street typically have 43 foot setbacks and typical rectangular shape.

The applicant, Richard Haines stated the adjacent 3 lots have huge front setbacks because they are abnormally large for this street.

Rena Williams of 1760 Via Genoa resides directly across the street and has no objection to the request.

FINDINGS

The Board agreed that the majority of homes on the street have a front setback 9 foot closer to the street than what is imposed on the applicant. They determined that the hardship is that three adjacent homes are situated on larger than average lots and sit back farther than most of the homes on the street. Thus, these adjacent lots, create an unusually far setback for a lot this size.

ACTION

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

5. Request of Parkland Homes for Chip Weston/Weston Family Trust for a variance to allow the construction of a bathroom addition to be located 17.5 feet from the rear lot line in lieu of the required setback of 25 feet.

Located at 436 Brechin Drive

Zoned R-1A

George Wiggins, Director of Building gave the following summary:

The existing one story home has two bedrooms and one bath. In order to create a master bedroom bathroom with the least impact on the home, the owner requests

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permission to build the bathroom at a location in line with the current rear wall of the home and not encroach any further than into the rear setback.

The area of the proposed addition is 140 square feet and will maintain the required side setback of 11 feet. The allowable impervious coverage and floor area ratio will not be exceeded with this addition.

Three letters of agreement with this variance have been provided.

Hal George, with Parkland Homes, spoke on behalf of the owner, Weston Family Trust. Mr. George stated the owners intend to use the home for their family and a baby is on the way. He stated it is not feasible to move the home forward and the rear setback is existing. The addition will not extend beyond the existing rear porch.

FINDINGS

The Board members determined the hardship is that the existing home has only one bathroom and two bedrooms and the most feasible area for the master bedroom and bath is in the rear, within the existing setback.

ACTION

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

6. Request of William Maroon for a variance to allow the construction of a swimming pool and spa to be located 5 feet from the side lot line in lieu of the required setback of 10 feet.

Located at 1295 Park Avenue

Zoned R-1A

George Wiggins, Director of Building gave the following summary:

In order provide a minimum sized pool and spa with this new home on an unusual shaped lot, the applicant is asking for this setback variance with offsetting walls and landscaping to compensate for the waterline location of the pool and spa.

The setbacks of the new home fully comply with the extra wide street side yard setbacks and the pool is designed with a width of only 12 feet to be a functional pool. In addition, the garage is placed at the rear of the lot, which presents the least impact on the intersection of Park and New York Avenues by locating the driveway at the furthest distance from the intersection. There is virtually no opportunity for on

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street parking on either street frontage and the provision of the ability for visitors to park in the rear of this property is the best arrangement to deal with needed room for off street parking.

The result of having to place the garage and parking space at the rear of this home also removes the ability to provide space for a swimming pool at this typical rear yard location available on most properties.

This property is also located across the street on New York Avenue from homes behind the Park North 6 foot high subdivision wall which means locating the pool in the side yard is not a visible feature to those homes.

As a corner lot, there is only one adjacent property impacted by this request and it is the home of Bill Maroon, the applicant. A letter is submitted signed by Pamela Maroon.

The Board asked Mr. Wiggins if this request is similar to a previous approval for the Lamm Residence. Mr. Wiggins confirmed some similarities exist.

The applicant, Bill Maroon spoke, stating he lives at the adjacent lot and is thus the most affected neighbor. The proposed wall will provide privacy between the lots. The lot was split at the home closing.

FINDINGS

The Board members agreed the property lacks the depth to build a home with normal size rooms and still provide a usable pool, noting the hardship is the unusual shaped lot.

ACTION

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

The meeting was adjourned at 6:42 pm.

Theresa Dunkle
Recording Clerk