



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**April 17, 2018
5:00 p.m.**

MINUTES

PRESENT

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

APPROVAL OF MINUTES

Tom Sacha made a motion, seconded by Phil Kean, to approve the minutes from the March 21, 2018 meeting. The minutes were approved by a vote of 6-0, with Zachary Seybold arriving after approval of the minutes.

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.

Patrice Wenz, Robert Trompke and Zachary Seybold stated they had been contacted by Zane Williams, the applicant for agenda items 4 and 5. Each Board member told Mr. Williams that they would not discuss any cases prior to the meeting.

Aimee Hitchner recused herself from agenda item's 1 & 2 and provided two Form 8B's, one for each case, documenting her law firm conducts business with both Rollins College and Mr. Taub.

NEW BUSINESS

1. Request of Rollins College for a variance to allow a 60 foot high back stop netting system at a baseball stadium, in lieu of the maximum permitted building height of 45 feet.

Located at 801 Orange Avenue

Zoned PR

George Wiggins, Director of Building gave the following summary:

After some discussion on allowable heights for this back stop netting system, it was decided that an accessory structure attached to a building in this zoning district should be limited to the allowable height of the building.

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As outlined by a Rollins' representative, there are some public safety and vehicle damage protection reasons that have created the need for a much taller foul ball screen than the current 36 foot high screen. In addition, examples of netting structures at other college baseball fields were provided by the applicant.

As pointed out in the application, the light poles are 67 feet tall, and were put in place several years ago prior to the establishment of the City's Lighting Ordinance which only addresses light pole heights in parking lots. However, the Ordinance does not specify an exact height limit for a sports stadium. The lights at Showalter field are over 100 feet in height.

The stadium is situated in a location bounded by four public streets, with home plate placed within 115 feet from the Orange Avenue right of way and 99 feet to the Aragon Avenue street right of way. In addition vehicle parking is permitted within a relatively short distance in a location which can currently be reached by foul balls.

The applicant has provided a list of 28 incident dates since March 20, 2012 where businesses and vehicles have been damaged by foul balls along with information on costs incurred to the College. This seems to offer unique criteria for the Board to consider in granting the requested height variance.

A mitigating factor in considering the additional height is that the netting material proposed is not completely opaque but is partially transparent allowing light and vision through the screen as opposed to a solid structure.

Ms. Tara Tedrow, the attorney with Lowndes-Law, representing Rollins College, provided a Power Point presentation that highlighted the requested screen height will keep foul balls inside the stadium. She stressed Rollins College's concerns are for the safety of the pedestrians, vehicles, and businesses on Orange Avenue and Aragon Avenue.

When questioned by the Board, Ms. Tedrow stated the hardship is the Baseball Stadium's unique location in a busy commercial corridor of town. She confirmed that they will use the existing structural poles, which can extend upward with minor structural supports, for attachment of the proposed netting.

Five letters of support for this request were presented by the applicant.

No members of the public wished to speak.

FINDINGS

Some Board members felt approval would set a precedent for the Golf Course, stating the fencing is unattractive and situated in a visible area of town. Other members felt the

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netting was barely noticeable and would increase safety for pedestrians in the parking lot.

ACTION

Based on these findings, Tom Sacha made a motion, seconded by Zachary Seybold, to approve the request. The request was approved by a vote of 5-1, with Patrice Wenz voting in opposition.

2. Request of Gordon Taub for a variance to allow the construction of a front porch with a two foot roof overhang to be located 34 feet from the front lot line, in lieu of the required front setback of 39 feet.

Located at 208 Brewer Avenue

Zoned R-1AA

George Wiggins, Director of Building gave the following summary:

The Zoning Code allows an open porch to encroach 5 feet into the required front setback, however, the applicant desires to construct a porch which extends an additional 5 feet in order to have a larger safe activity area for a child.

The construction of the porch will be wood frame construction with partial stone columns and will match the architecture of the home with scalloped roofing shingles placed on the gable end of the front porch.

This section of Aloma Avenue, called Brewer Avenue, Brewer Hill or the Brewer curve is a heavily traveled roadway which connects to Osceola Avenue. Although this home is located at the average front setback, the adjacent home on the south side is approximately 5 feet closer to the street.

Two nearby residents have expressed in writing that they support the variance for the porch due to the architectural enhancement that it will add to the home.

Patrice Wenz stated the Board should equivalently accept the request based on the typical shallow front setbacks for this street. Visually the two homes on each side sit as close to the street as the proposed porch.

No members of the public wished to speak.

FINDINGS

The Board members agreed the proposed entry porch setback appears equal to his neighbor's front setbacks.

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ACTION

Based on these findings, Patrice Wenz made a motion, seconded by Phil Kean, to approve the request. The request was approved by a vote of 6-0.

3. Request of Bfc New England LLC for a variance to allow the construction of 4 foot high black vinyl coated chain link fencing within the 10 foot front setback along New England Avenue, Knowles Avenue, Moody Way and the west lot line in lieu of the required front setback of 10 feet along street frontages, and in lieu of the required location of chain link fencing being placed half way back on the lot.

Located at 158 East New England Avenue

Zoned C-2

George Wiggins, Director of Building gave the following summary:

In order to prevent entry onto this commercial parking lot the applicant seeks permission to temporarily construct fencing around the site at locations closer to the property lines and with a fencing type not permitted by the Zoning Code at these locations. I understand that a potential future development on this site will proceed unless the property is sold to a new owner within an undetermined time period which may be two years.

The City Public Works Department is also seeking permission from the property owner, to move back some of the street curbing further into the site at the southwest corner of this site in order to allow easier access to a waste compactor by Waste Pro from Moody Way. This location for moving the curbing is depicted on the site plan along with the proposed fencing. The curbing relocation requires permission from the owner since it is on private property, and the City is hoping that some accommodation may be considered by the Board in helping the applicant achieve an effective method to secure the property from entry.

We have received a letter of concern about this request from an adjacent business, Taylor's Pharmacy.

Mr. Wiggins noted he asked the applicant if open black aluminum fencing would be considered but was told it would prove too expensive. In response to Board questions Mr. Wiggins clarified the red line on the submittal site plan is the property boundary and the green line is the fence.

The applicant, Daniel Butts stated he is employed by the property owner. He responded to Board questions, noting two years ago the lot was considered for a new office building. Historically the lot has been used for parking and was leased both privately and to the City of Winter Park. Daniel noted the fence is for security; the public assumes

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the lot is still public, although it is private. In the future it may be used for private parking. He stated the owner is open to adding shrubbery on S Knowles Ave.

Mr. Wiggins responded to Board questions, noting he is not aware of other enclosed or fenced private parking lots in the city. He stated that chain link fencing would have to be located at a distance fifty percent of the lot back from New England and Knowles to not require a variance.

Adjacent owner, Allen Deaver with Taylor's Pharmacy provided a letter and spoke in opposition to the proposal. He stressed the proposed fencing would prevent access to the dumpster from his business. It would also prevent deliveries to the rear of existing businesses and subsequently block the street. Mr. Deaver stated the bollards already in place were supposed to be temporary and removed after a time period.

FINDINGS

The Board members agreed that chain link fencing in the heart of downtown Winter Park would not be attractive. One member presented the comparison that chain link fencing is not permitted in residential front yards for the betterment of the City.

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 1-6 with Aimee Hitchner voting in favor.

4. Request of Z Properties Group, Inc. to allow remodeling and addition of height to an existing two story building with the following variances:
 - a. Extended building walls located zero feet from the west side lot line and 10.6 feet from the Denning Drive lot line in lieu of the required setbacks of 5 and 15 feet respectively.
 - b. Provision of 4 parking spaces in lieu of 7 required parking spaces.
 - c. Maintaining the existing 53% floor area ratio in lieu of 45%

Located at 1104 Solana Avenue

Zoned I-1

George Wiggins, Director of Building gave the following summary:

The owner has purchased this property for purpose of converting the current use of the building from two residential dwelling units to an office building. Currently one dwelling unit exists on each floor of the building.

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The building is situated on the corner of Denning and Solana Avenues on a triangular lot next to the Solana Avenue warehouse building where various warehouse or light industrial type uses occupy the various entry bays of this building.

With respect to the requested variance, the applicant has provided some good visual plans but has not provided details on the amount of demolition. Verbally, it was communicated that the roof of the building will be removed, the second floor will be gutted and the wall heights will be increased. The plans provided show that the proposed building height will be 26 feet which is permitted within this zoning district. The existing building is 19 feet in height. However, the west and east side walls are located within the required side setbacks which require variances to extend nonconforming walls within the setback.

With respect to the 3 space parking variance, no alternatives have been offered by the applicant. The current use as two dwelling units only requires 4 parking spaces. Converting the existing floor space to office use requires more parking than a residential use at the ratio of one space for each 250 square feet of gross floor area.

With respect to maintaining the 53% floor area ratio which exists today, the proposed remodeling and use change does not seem to markedly impact the size and scale of the building. This requires a variance, however, due to the extent of demolition and remodeling which will take place on this building.

We have not received any letters regarding this request.

In response to a Board questions, Mr. Wiggins confirmed that the applicant is 3 parking spaces short based on the limited parking area on this site.

The applicant, Zane Williams, responded to Board questions, stating he has secured an off-site lease agreement. Mr. Williams stated his hardship is working with an existing building. He stated he will not cut corners and proposes to visually enhance the corner with exclusive landscaping.

Mr. Wiggins noted that Board approval will still require meeting City departmental plan review requirements at the time permitting this project with regard to traffic safety. He further noted the lease agreement is required to be a minimum of 10 years under Zoning Code off-street parking provisions.

FINDINGS

One board member saw no hardship, stating this is basically new construction. However, a majority of Board members agreed that a revised parking lot layout would entice them to consider approval of the variance and they verbalized possible design changes that could accommodate another parking spot. Finally they concurred to

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suggest tabling the request to allow the applicant to could come back with a revised parking plan showing an arrange of five possible parking spaces as discussed.

ACTION

Based on the findings, Aimee Hitchner made a motion, seconded by Patrice Wenz, to table all three of the requests. The requests were tabled by a vote of 7-0 for up to three months.

5. Request of Z Properties Group, Inc. to allow the construction of 3 homes with the following variances:
 - a. 621 Symonds Avenue: Construction of home with a 6' setback to the east side lot line and a 3' side setback to the west side lot line in lieu of the required setbacks of 7' to the first floor & 10' to the second floor.
 - b. 631 Symonds Avenue: Construction of home with a 3.5' setback to the east side lot line and a 5.5' side setback to the west side lot line in lieu of the required setbacks of 7' to the first floor & 10' to the second floor.
 - c. 645 Symonds Avenue: Construction of home with a one foot setback to the east side lot line in lieu of the required setbacks of 7' to the first floor & 10' to the second floor.

Located at 621, 631 & 645 Symonds Ave.

Zoned R-2

George Wiggins, Director of Building gave the following summary:

The applicant has purchased three 50 foot wide lots located on property with the zoning designation: "Low density residential (R-2) district. The setback for single family homes on R-2 zoned lots are commensurate with the narrow lot width and allow 7' first floor setbacks and 10' second floor setbacks. The applicant desires to create a townhome appearance with the first & second floors at the same side setback. This creates substantial encroachment into the setback at the second floor level.

The allowable impervious coverage, building coverage and floor area ratio is more generous for a dwelling than a duplex with allowances of 65%, 40% and 55% respectively, and the proposed homes meet these zoning criteria.

Since these are new homes on vacant lots, then no unique hardship appears to present with these properties. However, all three properties are in one ownership and the required side setback is being met on the west side where the property abuts another resident.

No letters have been received regarding this request.

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Andy Swanson, Signature Landscape Contractors, presented this request and provided each Board member with additional plans. He stated he was under the impression he could use the same cluster housing requirements similar to the Pennsylvania-Huntington Court Town Homes. Currently two of the three homes are under contract and he owns the third lot at this development. Mr. Swanson discussed how well the similar development worked and that all of the requested variance are interior to each of the properties and do not impact another property owner.

In response to a Board questions, Mr. Wiggins stated the Pennsylvania/Huntington Court Avenue homes are also zoned R-2, and they went before the Planning and Zoning Board and were approved as a part of a Cluster Housing project. To qualify through the Cluster Housing approach requires that the each garage have a rear entry, and this is not possible with this project.

Mr. Wiggins confirmed that six foot side setback is typically reserved for cluster housing and he has confirmed with the City's Planning Department that these lots do not qualify for cluster housing regulations. To qualify the request must go before the Planning and Zoning Board and the City Commission.

FINDINGS

The Board members considered that no members in the public came out in opposition to this request. Most Board members agreed the hardship is that the lots are only fifty foot wide, the setback variance are on the interior side of the homes, and they abut a parking lot on the east side with a needed landscape buffer.

ACTION

Based on the findings, Phil Kean made a motion, seconded by Aimee Hitchner, to approve all three variance requests. The requests were approved by a vote of 5-2, with Robert Trompke and Patrice Wenz voting in opposition.

The meeting was adjourned at 7:23 pm.

Theresa Dunkle
Recording Clerk