



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**May 15, 2018
5:00 p.m.**

MINUTES

PRESENT

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

ELECTION OF CHAIR

Phil Kean made a motion to elect Robert Trompke as the new Board of Adjustments chair; the motion was seconded by Michael Clary. The motion was approved by a vote of 6-0.

Mr. Wiggins noted Phil Kean will remain as Vice Chair and Michael Clary is now a regular member. Charles Steinberg was appointed to be the new alternate member.

APPROVAL OF MINUTES

Michael Clary made a motion, seconded by Phil Kean, to approve the minutes from the April 17, 2018 meeting. The minutes were approved by a vote of 6-0.

OPENING STATEMENT AND PUBLIC COMMENTS

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

OLD BUSINESS

1. 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

Board of Adjustments Minutes

May 15, 2018

Page 2

George Wiggins, Director of Building gave the following summary:

To recap information from last month, the applicant requested variances to allow remodeling an existing two story building and the addition of wall height

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. The owner purchased this property for the 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.

With respect to the requested variances, the applicant provided some good visual plans but did not provide 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 showed that the proposed building height would 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 area.

With respect to the 3 space parking variance, no alternatives were 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.

UPDATED INFORMATION:

The applicant has provided a different parking layout in order to maximize potential parking on the property, while achieving the required number of parking spaces. However, the new configuration will still require a parking space variance.

The applicant has indicated that he will still pursue obtaining additional leased parking from property across the street and immediately to the southeast at 1020 Railroad Avenue.

After meeting and discussing options with the applicant regarding meeting the parking requirements, the following variance options may be considered by the Board:

Board of Adjustments Minutes

May 15, 2018

Page 3

- 1) Approve the updated parking layout on the site plan which will include granting a variance for two parking spaces with the allowance of utilizing two tandem parking spaces and include one space adjacent to the building on the east side.
- 2) Approve the updated parking layout on the site plan which will include granting a variance for three parking spaces with the allowance of utilizing two tandem parking spaces and include one space adjacent to the building on the east side.
- 3) Grant a variance for two parking spaces and omit counting the two tandem parking spaces.
- 4) Grant a variance for three parking spaces and omit counting the two tandem parking spaces and omit providing one space on the east side of the building.
- 5) Recognize the five onsite parking spaces and allow the applicant to obtain a parking lease for two spaces with a term less than 10 years (for example one or two years). At the end of the term the parking space variance expires, and the applicant must return to the Board and certify and provide evidence that the additional two parking spaces were not needed, and therefore, a permanent two space parking variance shall be established for this building.
- 6) Recognize the four onsite parking spaces and allow the applicant to obtain a parking lease for three spaces with a term less than 10 years (for example one or two years). At the end of the term the parking space variance expires, and the applicant must return to the Board and certify and provide evidence that the additional three parking spaces were not needed, and a permanent three space parking variance shall be established for this building.
- 7) Approve another combination of the options above or further adjust the parking lease option to fulfill the parking requirement.

With regard to the other requested variances listed originally as variances “a” and “c,” the Board seemed to be inclined to grant those variances as a continuation existing walls grandfathered in at their current locations and continuation of the existing floor area ratio, however no formal motion to approve those was made and these requests should also be addressed.

No letters have been received regarding this variance request.

Mr. Wiggins provided the options to each Board member. When questioned by the Board, Mr. Wiggins stated tandem parking is not counted towards a required parking space. However, the nearby Core Engineering Building property has spaces available to lease according to the applicant. Mr. Wiggins also confirmed the existing walls do not meet required setbacks and will be slightly extended in height.

The applicant and owner Zane Williams provided a new application and updated plans to each Board member. He stated his proposal will “clean up” current parking on Solana Avenue at this site. He ideally does not prefer the scheme with the parking spot in the front corner due to reducing the landscaped area. Mr. Williams stated that the type of tenants to occupy the building will require only minimal parking and that the provision of

Board of Adjustments Minutes

May 15, 2018

Page 4

four parking spaces are all his tenants will need. However, he is willing to lease additional parking as well.

Mr. Williams responded to Board questions, stating a reevaluation by the Board of Adjustments in 2 years of the lease agreement, for the need for 3 offsite leased parking spaces is a condition he can accept. He is open to leasing additional parking as determined in two years when the parking situation is re-evaluated.

FINDINGS

The majority of Board members preferred four parking spaces, in lieu of a fifth parking space in the front green area; they agreed a 2-year off-site lease agreement for the remaining three spaces is the preferred compromise. The Board expressed the proposed design, which utilizes existing walls and an enlarged floor area ratio for this substantial alteration, is an improvement to the existing building. The hardship is the existing building location on a uniquely configured corner lot.

ACTION

Based on these findings, Zachary Seybold made a motion, seconded by Michael Clary, to approve the request. Patrice Wenz amended the motion to approve with the condition that the 3 parking spaces to be leased from the property across the street be reevaluated by the Board after 2 years. Based on documentation presented at that time, the Board will determine whether the off-site leased parking must continue and what conditions may apply. The two year time period will start at the Certificate of Occupancy date. Patrice's motion was seconded by Zachary Seybold. The motion as amended by Patrice Wenz was approved by a vote of 6-0.

NEW BUSINESS

1. Request of Peter Fleck on behalf of Kenneth & DeLynn Trivison for a variance to allow rebuilding an existing boathouse extending 38 feet into Lake Osceola, in lieu of the 30 foot maximum permitted distance into the lake, and to allow an area of 648 square feet in lieu of the maximum allowed area of 600 square feet.

Located at 199 Osceola Court

Zoned R-1AAA

George Wiggins, Director of Building gave the following summary:

The boathouse builder, Peter Fleck, is representing the owners, Kenneth and DeLynn Trivison and is rebuilding an existing boathouse which is currently stated to be over in total area, although all exact dimensions are not on the survey.

The contractor has provided water depth information on a cross section diagram of the boathouse and at 10 feet out into the lake the depth is shown as 1 foot, 9 inches.

Board of Adjustments Minutes

May 15, 2018

Page 5

I understand from Lakes Division staff that this is the least depth needed to safely bring a boat into a boathouse. This depth then requires the boathouse to project out 38 feet into the lake.

The net result of the additional distance into the lake is that the boathouse has an extra area of 48 square feet over the maximum allowed.

This same new boathouse construction request came before the Lakes Board on April 10 and was approved pending granting a variance by the Board of Adjustments. With regard to the variances requested the Lakes Division staff has also looked this request and does not have any objections to the variance requested.

Typically, the Lakes Division staff reviews issues related to removal and replacement of aquatic vegetation and whether any excessive interference is created for watercraft when additional boathouse length is requested.

Mr. Wiggins responded to Board questions, confirming the City of Winter Park's Lake staff has no objection to the request.

The applicant, Mr. Peter Fleck with Q-ICE Builders stated the dock will be rebuilt in the same location. He replied to Board questions, stating the current dock is 30 feet out. Mr. Fleck noted the dock size will be reduced by 150 square feet from the current size of 750 square feet. He said the hardship is the water depth needed for mooring a boat.

Ted Stoner of 222 Osceola Ave, spoke in favor of the request.

FINDINGS

The Board members agreed the hardship is the shallow water depth at the existing dock location. They agreed the additional 8 foot length is necessary for mooring a boat at the proposed location and acknowledged the size is being reduced.

ACTION

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

2. Request of Sheila Cichra on behalf of Oliver Dawoud for a variance to allow the construction of a boathouse extending 44 feet into Lake Maitland in lieu of the 30 foot maximum permitted distance into the lake and to allow an area of 650 square feet in lieu of the maximum allowed area of 600 square feet.

Located at #6 Isle of Sicily

Zoned R-1AAA

Board of Adjustments Minutes

May 15, 2018

Page 6

George Wiggins, Director of Building gave the following summary:

The owner has appointed Sheila Cichra as his representative for this request. She has represented owners for several other boathouse variance requests in recent years, and was formerly employed with a marine construction company for many years.

Water depth information on a cross section diagram of the boathouse and shows that they vary from 1.5 feet to 5 feet at 44 feet out into Lake Maitland. I understand from Lakes Division staff that this is the least depth needed to safely bring a boat into a boathouse. This area of the Lake Maitland shoreline on the Isle of Sicily start from the shoreline with a very shallow depth for a long distance before reaching depth to allow placing a boat in the boathouse.

The net result of the additional distance into the lake is that the boathouse has an extra area of 50 square feet over the maximum allowed. An existing boathouse at this site will be demolished in order to permit a new structure with the capability to better function as a useable boathouse.

This new boathouse construction request came before the Lakes Board on May 8 and was approved pending granting a variance by the Board of Adjustments. With regard to the variances requested the Lakes Division staff has also looked this request and does not have any objections to the variance requested.

As previously mentioned, the Lakes Division staff reviews issues related to removal and replacement of aquatic vegetation and whether any excessive interference is created for watercraft when additional boathouse length is requested.

No letters of objection were received.

The applicant, Sheila Cichra, stated she represents the dock builder. She feels this is minimal request considering the proposed boathouse will be 6 to 8 feet shorter than the adjacent boathouse and asks that the Board permit re-construction of this boathouse further out into the lake due to shallow water depth as documented by measurements provided.

FINDINGS

The Board members agreed the hardship is the shallow water depth. They agreed the extended length is necessary for mooring a boat and that this also results in the square footage overage.

Board of Adjustments Minutes

May 15, 2018

Page 7

ACTION

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

3. Request of Sheila Cichra on behalf of Randy Zwirn for a variance to allow an addition to a boathouse extending 40 feet into Lake Maitland in lieu of the 30 foot maximum permitted distance into the lake, to allow an area of 734 square feet in lieu of the maximum allowed area of 600 square feet and to allow a side setback of .5 feet in lieu of the required setback of 10 feet.

Located at 600 Via Lugano

Zoned R-1AAA

George Wiggins, Director of Building gave the following summary:

This boathouse was originally built over 20 years ago with a nonconforming side setback or possibly an older variance and underwent some repairs to the deteriorating structure approximately 8 years ago when the current home was being built.

The applicant is requesting permission to remove 95 square feet of dock area in order to add back 93 square feet on the end of the boathouse in order to have greater water depth for mooring a boat.

Water depth shown in a diagram of the boathouse and shows that they vary from one foot at the north end of the boathouse and increases to 5.5 feet at 40 feet out into Lake Maitland. Our Lakes Division staff concurs that this is the least depth needed to safely bring a boat into a boathouse. This area of the Lake Maitland shoreline apparently has shallow water depths similar to the previous request.

The net area of the boathouse is maintained at 734 square feet which has been a grandfathered in size for this boathouse for many years dating back to the 1980's.

This revised boathouse construction request came before the Lakes Board on May 8 and was approved pending granting a variance by the Board of Adjustments. With regard to the variances requested the Lakes Division staff has also looked this request and does not have any objections to the variance requested.

A letter of support for the request was received from the adjacent neighbor on the west side of this applicant's property.

In response to a Board questions, Mr. Wiggins stated he was unsure how the existing dock was built 6 inches from the lot line. He surmised it may have been an old variance or the lots may be been reconfigured in the 1980's.

Board of Adjustments Minutes

May 15, 2018

Page 8

The applicant, Sheila Cichra, stated the owner's would have liked a larger dock but sacrificed to keep the request to the absolute minimum; the existing square footage is being maintained by removing a substantial portion of the existing dock area.

FINDINGS

The Board members agreed the hardship is the shallow water depth. They agreed the extended length is necessary for mooring a boat.

ACTION

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

4. Request of Lori Cassidy for variances to allow the construction of a pool cabana/lanai located 7 feet from the rear and side lot lines in lieu of the required setbacks of 10 feet and 9 feet respectively with a height of 12 feet.

Located at 889 Palmer Avenue

Zoned R-1A

Mr. Wiggins noted that this request was withdrawn by the applicant on May 10, 2018.

5. Request of Lombardi Seafood for a variance to allow the construction of a ground sign with an area of 80 square feet including changeable copy area of 25 square feet in lieu of the maximum allowed area of 50 square feet.

Located at 1888 W. Fairbanks Avenue

Zoned C-3

George Wiggins, Director of Building gave the following summary:

The applicant (Lombardi's Seafood) lost their original oversized sign due to Hurricane Irma last year. That sign was grandfathered in with an area of 165 square feet and had been in place for several years.

Unlike the City's Zoning Code, our Sign Code does not grandfather in sign structures that are destroyed by a storm event. Therefore, a newly constructed sign must comply with the current sign code area limit of 50 square feet.

In addition, the applicant has applied for a sign permit to allow the new sign to be located closer to the building whereas the previous sign was placed along the east side lot line. The new sign has a conforming height of 16 feet and contains a changeable copy area of 25 square feet. The bottom of the sign will have a clearance underneath of 8 feet in order to not block visibility for traffic exiting the parking lot onto Fairbanks Avenue.

Board of Adjustments Minutes

May 15, 2018

Page 9

In response to Board questions Mr. Wiggins stated the sign can have internal lighting at this new location fronting on Fairbanks Avenue.

The applicant, Mike Lombardi stated his hardship was the loss of his sign due to the hurricane. It was one of the appealing features on this site for the purchase of this property prior to constructing a new building. He felt reducing the sign would destroy the logo which advertises a family owned business which has been in business for many years in Winter Park. Mr. Lombardi stated the proposed location will help customers find the correct parking lot. He noted the height is under the allowable limit for pole signs allowed on Fairbanks Avenue and further minimizes the impact at this location.

Mr. Edward Dillard, with Green Garage at 1931 West Fairbanks, spoke in favor of the proposed sign.

The board asked the applicant if the pole sign could be reduced in area. Mr. Lombardi replied that he is open to this request but felt this is the size and scale appropriate at this location.

FINDINGS

The Board members discussed their concerns on whether this would set a precedent. However, they weighed heavily that fact that this size sign is a huge reduction from the previous sign size (165 square feet) that was blown down by a hurricane. The Board felt the reduced pole size was an acceptable compromise.

ACTION

Based on the findings, Michael Clary made a motion to approve the request with the condition the sign post be limited to a maximum support pole cover width of 16 inches. Patrice Wenz seconded the request. The request as amended was approved by a vote of 6-0.

The meeting was adjourned at 6:27 pm.

Theresa Dunkle
Recording Clerk