



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

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

MINUTES

PRESENT

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

APPROVAL OF MINUTES

Tom Sacha made a motion, seconded by Patrice Wenz, to approve the minutes from the June 19, 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

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

Tom Sacha disclosed he had an unplanned meeting with the 3rd applicant, Michael Samuel, the week of the meeting and did not know Mr. Samuel had a variance request on this agenda. Mr. Sacha felt he could remain impartial.

NEW BUSINESS

1. Request of Request of Craig Hills for a variance to allow the demolition of over 50% of the existing dwelling and rebuilding a dwelling with side setbacks of 4.8 to 5.7 feet on the west side and 6.4 to 6.7 feet on the east side in lieu of the required side setbacks of 7 feet, encroach one foot into the front setback and exceed the maximum building coverage by 85 square feet.

Located at 911 Harmon Ave

Zoned R-2

George Wiggins, Director of Building, gave the following summary:

In order to re-build much of structure on the same footprint as the existing home, the applicant seeks permission to remodel and construct new additions onto the home. One part of the addition includes removing the carport and rebuilding a two car tandem garage with a side setback that varies from 6.4 to 6.7 feet. Other additions include constructing a master bedroom and porch addition onto the rear of the home at conforming setbacks.

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The owner indicates that the existing masonry home is sound and therefore feels that the walls can be saved as part of the renovated home. The variance requested includes allowing the existing walls to be increased in height or rebuilt to 12 feet in height along each side of the home. Twelve feet is the current wall height allowed in order to utilize the first floor side setback.

Three letters expressing non objection to this request were received from neighbors on all surrounding sides.

In response to Board questions, Mr. Wiggins noted the plans indicate which existing walls will be removed. The carport will be removed and more than 50 percent of the home will be demolished. Mr. Wiggins confirmed the side setbacks will not be reduced further than existing conditions.

The applicant and owner, Craig Hills, responded to Board questions, stating the new walls will align with the existing structure. His intention is to keep as much of the existing structure as possible. Mr. Hill's wife, Tonya Hills stated they purchased the home two and half years ago. Their desire is to keep the look and feel of the surrounding homes, as they improve the home.

The Board questioned if the applicant should return with findings from a structural engineer certifying the existing walls could be reused. They noted the extra 85 square feet coverage request is minimal.

The Building Official noted that typically applicants end up having to submit revisions after establishing the existing walls cannot be reused when larger footings are required.

FINDINGS

Board members expressed the hardship is the narrow lot and appreciated the owner's resolve to reuse as much viable existing structure as possible to maintain the character of the home. Considering the neighbor's support, and the reuse of 75 percent of the existing exterior walls, the majority of Board members were in support of the request.

ACTION

Zachary Seybold suggested approving the request with the condition that the existing walls must remain in place or the approval is then invalid and void. Phil Kean made a motion to approve the request with the condition stated by Zach. Thomas Sacha seconded the motion. The request was approved by a vote of 7-0.

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2. Request of Request of Wil Torres for a variance to allow the construction of a four foot high cable fence structure located parallel to and 8 feet from the canal. Fencing along canal front properties is prohibited within 50 feet from the canal.

Located at 1260 Alabama Dr.

Zoned R-1AA

George Wiggins, Director of Building gave the following summary:

The owner, who lives across the street, has expressed a concern for the safety of his young children and desires to place a cable fence barrier on his canal front lot to prevent them from falling into the canal. Samples of this type of fence is provided in this application. No other properties along the canal have any fencing, however, further to the east along Alabama Drive several lakefront owners have metal or wood picket fencing out near the street. Most of these fences are at or near the 50 foot setback from the lake as required in the Zoning Code.

One question that can be raised is: "What would prevent the children from going onto any of the other canal front lots along Alabama Drive where no fencing protection is provided along the canal?"

Also, a 4 foot high metal decorative fence can be placed in the front yard if set back 5 feet and landscaping is provided in front of it. This along with a drive gate could serve as a child barrier from crossing the street and onto the canal front lot.

Four letters of opposition were provided to the board.

In response to Board questions, Mr. Wiggins stated the City put up the protective fencing at Palmer Avenue location next to the bridge that spans across the canal.

The applicant, Mr. Wil Torres, stated his decision to purchase the home came while admiring the home on the boat tour. His hopes to maintain the canal view to his home with an open type fence. His alternative for a protective barrier is to plant a podocarpus hedge which would obstruct the canal view more than his proposed fence.

Mrs. Ashleigh Torres said the fence is meant for protection for her children as they board the boat. She noted there are several residents with chain link fencing on the canal.

Sandi Kracht, with Kracht Law Firm, spoke on behalf of William and Wendy St. Laurent. She stated her client feels strongly about maintaining the natural beauty of the canalfronts and feels the canals are Winter Park's jewels. She noted boathouses shall not be used for living areas and the Torres' lot offers ample play area. Ms. Kracht expressed that the application is not complete and believes a climbable fence will not provide safety to the children.

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The Board understood that the existing chain link fences on the water have been there for many years on the other side of the canal and are grandfathered in. One board member recalled that a recent application for fencing along the canal was denied by the Board.

FINDINGS

While The Board acknowledged people have a right to gather safely at their boat house, they could not find a hardship. They noted the purchasers were aware of the dangers posed to small children around water when they purchased the home.

ACTION

Based on the findings, Phil Kean made a motion, seconded by Aimee Hitchner, to approve the request. The request was denied by a vote of 0-7.

3. Request of Michael Samuel for a variance to allow imitation rock slide structure to remain 23 feet from a stream in lieu of the required setback of 25 feet.

Located at 1420 Bonnie Burn Circle

Zoned R-1AA

George Wiggins, Director of Building gave the following summary:

This is an after the fact variance in which the applicant engaged a water feature tradesman to design and build a waterfall feature to add to his existing swimming pool. This sculptured structure has the appearance of a natural rock face with a small area carved out as a water slide.

The person employed to build this structure states that he done work at Disney and throughout the county over 20 years and has not been required to obtain a permit.

We were notified of the structure being built by a neighbor and sent an inspector out to look at what was constructed. We issued a "stop work" order on the nearly completed rock structure. The owner then applied for this variance.

The footprint of this structure adds 48 square feet of impervious coverage to the property, which is well under the coverage for this one story home.

We have received four letters expressing non-objection to this request.

Mr. Michael Samuel, the homeowner and applicant, stated the pool contractor clearly assured him a permit was not required for the themed pool slide. He was told it was considered landscaping because it was designed to look like natural rock.

FINDINGS

The Board members found the rock wall indistinguishable, blending in with the foliage along the creek. They noted the requested two foot encroachment is minimal and the hardship is the existing condition, of which neighbors approve.

ACTION

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

4. Request of Brent Spain for Rena & Spencer Freeman for a variance to allow the construction of side lot line 6 and 4 foot high wood fencing within 50 feet of the water's edge of a lake in lieu of providing visually open fencing.

Located at 2229 Howard Drive

Zoned R-1A

Agenda item number four was withdrawn prior to the meeting, by the applicant, on July 11, 2018.

5. Request of Request of Elton & Elizabeth Sylvia for a variance to allow the construction of an addition located 15 feet from the rear lot line, in lieu of the required rear setback of 25 feet.

Located at 681 Dunraven Dr.

Zoned R-1A

George Wiggins, Director of Building gave the following summary:

A building addition is proposed on the rear of the existing home to accommodate accessibility features for the owners. The existing home has a front setback to the garage of 30 feet and then a setback of approximately 51 feet to the remainder of the home resulting in the home being placed 34.6 feet from the rear lot line.

In order to achieve a master suite with sufficient area, the applicant proposes to add 19.3 feet of building area onto the rear of the home leaving a rear setback of 15 feet encroaching 10 feet into the rear setback.

The lot depth for this property is very shallow at 114 feet. Therefore, in order to minimize the amount of variance requested, the applicant seeks relief from the

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normal 25 foot rear setback.

A variance is also needed from the north side of this addition to allow it to be built at 8.5 feet from side lot line. However, this variance can be granted administratively with a letter of approval from the adjacent property owner. This was achieved through that process and therefore does not require granting a variance by the Board. The conditions of the administrative variance include the allowance to extend a nonconforming one story wall up to 24 feet in length with an approval letter from the adjacent property owner as long as the setback 5 feet or greater.

We received eight letters of approval after the Board packages were delivered.

Mr. Wiggins reiterated that the side setback is compliant. This request is only for the ten foot rear setback encroachment.

The applicant, Elizabeth Sylvia provided two additional letters of approvals to the Board. She stated the accessible design will allow her to stay in her home as she ages. Mr. Elton Sylvia stated he is a longtime resident of Winter Park and feels he and his wife should enjoy the same ten foot rear setback that some of his neighbors have.

FINDINGS

The Board members agreed that other homes in the area have a ten foot rear setback; therefore, his request would not be out of character for the street. They agreed the hardship is the limited area available to accommodate accessible facilitation.

ACTION

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

The meeting was adjourned at 6:46pm.

Theresa Dunkle
Recording Clerk