



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

**September 18, 2018
5:00 p.m.**

MINUTES

PRESENT

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

APPROVAL OF MINUTES

Tom Sacha made a motion, seconded by Phil Kean, to approve the minutes from the August 21, 2018 meeting. The minutes were approved by a vote of 6-0.

OPENING STATEMENT AND PUBLIC COMMENTS

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

OLD BUSINESS

1. Request of Sheila Cichra, on behalf of Lk Virginia Condominium Association, for variances to allow the construction of boat slips extending 40 feet into Lake Virginia, in lieu of the 30 foot maximum permitted distance into the lake, and to allow an area of 1,030 square feet, in lieu of the maximum allowed area of 600 square feet.

Located at 690 Osceola Avenue

Zoned R-3

George Wiggins, Director of Building, stated Sheila Cichra provided a written request to table this item again until next month; it did not go before the Lakes Board last month.

FINDINGS

The Board noted this is the applicant's second request to table. Mike Clary suggested approval should stipulate the item will be heard at the first meeting after Lakes Board approval.

ACTION

Based on these findings, Michael Clary made a motion, seconded by Tom Sacha, to approve the request. The request was approved by a vote of 6-0 with the understanding it will be heard at the first meeting following approval of the Lakes Board Meeting.

1. Request of Gordon Taub Request of Tiago Azevedo, on behalf of Sungate Trust I, for variances to allow the construction of a basketball sport court with ten foot high fencing within the front yard located five feet from the south side lot line and 135 feet from the front lot line in lieu of the required ten foot side setback and 175 foot front setback.

Located at 656 N Interlachen Ave

Zoned R-1AAA

George Wiggins, Director of Building gave the following summary:

The proposed sport court has an area of 1,715 square feet with dimensions of 33'-3" by 51'-6". In addition, a ten foot high screen fencing is proposed to be placed on the perimeter of the court.

This property, on Interlachen Avenue, is adjacent to other lakefront properties which all have large front yard setbacks. The required front setback was determined by averaging the existing front setbacks of the adjacent properties, two on the north side and two on the south side, as required by the Zoning Code.

Typically accessory structures, similar to this sport court, are placed in the rear yard area of the home; however, the applicant felt that locating this court in a landscaped area on south side of the home is the best location, versus placement on the lakefront side of the home where it may be in a much more visually seen area from the lake. The intent is to provide a substantial landscape buffer around the court at the proposed location.

After meeting at the site with the applicant's representatives and seeing extensive landscaping and proposed additional landscaping at the site chosen for this court, it's evident it will be well hidden from view from the neighbor and from the street. Moving the court further back will cause the removal of several mature palm trees, an oak tree and might be too close to a large ground mounted electrical transformer. A landscape plan has been included with the application.

The applicant has provided a letter of non-objection from the abutting property owner on the south side of this site where the sport court is proposed.

Board of Adjustments Minutes

September 18, 2018

Page 3

The Building Official concluded noting the adjacent guest home was not counted towards the front setback when calculating the average front setback. If it was included the required front setback would not be as great.

The Board questioned the Building Official regarding allowable fencing heights for tennis courts. Mr. Wiggins could only recall one other tennis court on Phelps, which was fenced only on one side. He noted that tennis courts require special approval through the conditional use zoning approval process.

The contractor, Alan Hanel with Sport Court, stated the reason for the size of the court is to provide the distance required for a three point shot in basketball. He stated the containment material is braided nylon, not chain link. In response to Board questions, Mr. Hanel said the court is for the Haddock family's use. Mr. Hanel felt the hardship was finding a suitable area for a court, due to trees and a generator moving the court further back on the site. The reason for the side setback request was to save trees.

The Board expressed concern that approval would set a precedence for allowing ten foot high fencing.

Mr. George Bubenheim of 2300 Depot Rd Deland, with Sungate Capital, confirmed the property is the owner's main residence and will be used for his family of six boys and fourteen grandchildren.

FINDINGS

The Board members agreed the front setback request is not the issue considering the proximity of the adjacent guest house which sits closer than the proposed court. Mr. Clary was in favor if the court is not lighted and the backboard is clear.

Mr. Wiggins responded to Board questioning stating a detached garage would be allowed with a five foot setback from the property line and 10.5 foot maximum wall height.

Ms. Hitchner and Ms. Wenz did not see a hardship for the side setback request.

ACTION

Based on these findings, Aimee Hitchner made a motion, seconded by Tom Sacha, to approve the request with the amendment that the court not be lighted. Michael Clary extended the amendment to include a clear backboard and black pole. Patrice Wenz further added to the amendment that approval shall include the nylon ball fencing, as stated in their application. The request was approved by a vote of 6-0 with the following

Board of Adjustments Minutes

September 18, 2018

Page 4

stipulations; the side setback shall be a minimum of 10 feet, the court shall not be lit, the backboard shall be clear, the pole shall be black and the enclosure material shall be the mesh-nylon type.

The meeting was adjourned at 7:23 pm.

Theresa Dunkle
Recording Clerk