



**CITY OF WINTER PARK  
Board of Adjustments**

**Regular Meeting  
City Hall, Commission Chambers**

**October 16, 2018  
5:00 p.m.**

**MINUTES**

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**PRESENT**

Robert Trompke (Chair), Phil Kean (Vice Chair), Michael Clary, Tom Sacha, Patrice Wenz, Zachary Seybold and Charles Steinberg. Director of Building, George Wiggins and Recording Clerk, Theresa Dunkle. Zachary Seybold arrived at 5:05PM. Absent: Aimee Hitchner

**APPROVAL OF MINUTES**

Tom Sacha made a motion, seconded by Michael Clary, to approve the minutes from the September 18, 2018 meeting. The minutes were approved by a vote of 6-0. Zachary Seybold arrived at 5:05PM, 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.

**OLD BUSINESS**

George Wiggins, Director of Building, asked that the past variance request at 690 Osceola Ave be changed from tabled to active status. Tom Sacha made a motion to approve and Michael Clary seconded the request. The request was approved by a vote of 7-0.

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 Ave

Zoned R-3

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

The Lake Virginia Condominium Association requests permission to provide additional boat slips for their owners, similar to the condominium at 660 Osceola Avenue. This condominium was built in 1999 and granted approval through a conditional use approval process. I could not find a record of a variance for those boat slips. It is common, however, when going through a zoning conditional use

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approval for the City Commission to grant a variance due to special conditions related to a larger scale project.

An aerial view of the nearby condominium was provided to the Board showing the lakefront boat slips where 6 docks project out into the lake in a similar manner as requested by this applicant.

The rules relating to boathouses and docks are mostly intended for lakefront homes since very few multifamily dwellings are located on the chain of lakes.

This new boathouse construction request came before the Lakes Board on October 9 and was approved pending granting a variance by the Board of Adjustments. With regard to the variances requested the Lakes Division staff (Amy Giannotti) has also reviewed this request and does not have any objections to the variance requested due to inadequate water depth at various seasons of the year.

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. Originally, the applicant had submitted a plan that the Lakes Board and staff felt was too close to the canal between Lake Virginia and Lake Osceola. This plan was modified to the layout now being presented.

Mr. Wiggins responded to questions from the Board, noting the boat slips will not be covered and the number of proposed slips is decreasing.

Sheila Cichra, of 2154 Oaks Beach Blvd, Sebring FL spoke on behalf of the Lake Virginia Condominium Association stating the Lakes Board allowed for a maximum of 10 slips. Their original request was for twelve slips. She noted the area behind the walk is low water with grass. Ms. Cichra said the Department of Environmental Protection requires three feet minimum water depth at this location.

Mr. Robert Talley, who resides at 690 Osceola Avenue, Unit 304 spoke in favor of the request as requested.

The Board felt the turning of the slips creates a more uniform and more attractive design, which extends no farther out. They considered the Lakes' Board earlier approval of the design and stated they would ask for the same restrictions; no boat shall be moored along the end side, maintaining the 34 foot clear waterway width.

### **FINDINGS**

The majority of the Board favored the proposed design, noting the hardship is the depth of the water. They felt the new configuration provides a safer boat entry. In addition, they concurred that boating hazards are reduced with the reduced number of slips.

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### **ACTION**

Based on these findings, Michael Clary made a motion, seconded by Zachary Seybold, to approve the request for ten boat slips. The request was approved by a vote of 6-1, with Patrice Wenz voting in opposition.

### **NEW BUSINESS**

1. Request of Jeffrey Teague, on behalf of William & Tamra Leary, for a variance to allow rebuilding an existing boathouse extending 45 feet into Lake Osceola, in lieu of the 30 foot maximum permitted distance into the lake, and to allow an area of 745 square feet, in lieu of the maximum allowed area of 600 square feet.

Located at 1100 Palmer Avenue

Zoned R-1AAA

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

As a result of action taken at the Lake Board meeting held October 9, 2018, the original request was reduced. Per report received from Amy Gianotti, the applicant presented an alternate construction plan at the Lakes Board meeting, scaling back the boathouse to match what is there now (37' offshore of NHWE and 720.4 sq ft). The Lakes staff agreed that 37' offshore of NHWE is consistent with what is needed to accommodate depth for the vessel. This plan was approved by the Lakes Board pending variance approval by the Board of Adjustments. The revegetation plan was submitted and approved. A previous seawall application at this location had been tabled.

The contractor provided water depth information and a cross section diagram of the boathouse depicting the difficulty in lowering the boat cradle at a depth low enough to allow the owner's boat to pull into the boathouse and sit on the cradle in order to hoist the boat. This water depth shown appears to require the boathouse to project out into the lake further than allowed by the Zoning Code.

The net result of the additional distance into the lake and added deck area is that the new boathouse will have an extra area of 720 square feet, as amended at the Lakes Board meeting.

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 pointed out that the applicant is basically replacing what is there today and the adjacent neighbor has approved of the request.

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In response to a Board question regarding the type of boat to be moored in the new boathouse Mr. Wiggins stated that the applicant is designing for a specific size boat. The reason this request requires a variance is that boathouses must comply with the current code when they have demolished more than 50% of a structure.

The owner, Mr. William Leary, stated his existing boathouse has wood rot and is in need of repair. Due to the shallow water depth, Mr. Leary believes he has to rebuild what he has today to allow for a functional boat slip.

The Board discussed the point that the proposed design will not exceed the existing size.

### **FINDINGS**

The Board concurred that the proposed design does not exceed the existing boathouse size. They noted the hardship is the water depth required to moor a boat at that location.

### **ACTION**

Based on these findings, Michael Clary made a motion, seconded by Zachary Seybold, to approve the request with the following amendments; the boathouse shall not extend beyond 37 feet into Lake Osceola, in lieu of the proposed 45 feet, and the area shall not exceed 720.4 square feet, in lieu of the proposed 745 square feet. The request as amended was approved by a vote of 7-0.

2. Request of Jeremy Udell for variances to allow the construction of a second floor with side setbacks of 7.8 feet on the south side and 9.7 feet on the north side and to allow the enlargement of a carport into a garage with a side setback of 5 feet on the north side of the lot & 24 foot front setback, in lieu of the required side setbacks of 9 feet to the 1st floor and 13 feet to the 2nd floor wall on each side & a 25 foot front setback.

Located at 2835 Rouen Ave

Zoned R-1A

George Wiggins, Director of Building gave the following summary:

In order to increase the floor area of the existing home and to create an enclosed garage with sufficient size, the applicants propose to add a second floor directly over the first floor and expand the carport into the side yard setback to create a useable garage.

The garage is proposed to have a dimensional width of approximately 17 feet, even though the plans provided show two differing widths, one at 16 feet and one at 17.8

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feet. I have encouraged the applicants to try come close to the size of a two car garage but it appears to be a little short of that size.

The proposed floor area increase of 1,200 square feet and increased impervious coverage does not exceed the allowable increase in the Code.

The applicants have indicated that the septic tank drain field in the rear yard limits the ability to add additional floor area at the back of the home.

Four letters expressing no objection to the request have been received.

In response to Board questions, the Mr. Wiggins noted that the property was annexed into the City approximately fifteen years ago. At that time Orange County required 7.5ft setbacks to both the first and second floors. A variance is needed for both the first and second floors. The floor area ratio is not exceeded.

The applicant, Mr. Jeremy Udell stated his hardship is the existing positioning of his home and the rear yard drain field. He identified other similar 2-car carports in the neighborhood that enjoy protection of their vehicles.

The Board discussed partial approval; favoring reduced setbacks for the first floor only. They agreed the drain field limits the first floor buildable area. They felt the applicant could meet the setback requirement for the second floor with a workable design solution without having to encroach into the side setback.

One of the applicants, Rebecca Hull, stated that she is open to complying with current second floor setbacks for the home design, if it means approval of the first floor and front setback requests can be granted.

### **FINDINGS**

The Board members agreed the hardship is the existing home was built to Orange County standards, prior to annexation and felt the first floor setback requests are in harmony with the neighborhood. However, they could not find a hardship for the second floor variance request.

### **ACTION**

Based on these findings, Michael Clary made a motion, seconded by Charles Steinberg, to approve the request with the amendment to approve the first floor side and front setbacks and deny for the 2<sup>nd</sup> floor side setbacks. The amended request was approved by a vote of 7-0

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3. Request of Douglas & Kerry Slagowitz for a variance to allow the construction of a swimming pool enclosure with an area of 1,561 square feet, in lieu of the maximum permitted area of 952 square feet.

Located at 2362 Smiley Ave

Zoned R-1A

George Wiggins, Director of Building gave the following summary:

The Zoning Code limits the area of a pool enclosure to 8% of the lot area. On properties where the area of the home has not maxed out the allowable gross floor area, the surplus gross floor area can be used to allow a larger pool screen enclosure.

In this case the gross area of the home is at 4,500 square feet and their maximum allowable gross area has been utilized in the home. Therefore, the code limit for a pool screen enclosure on this property is 8% of the lot area (952 square feet).

Screening in the area of existing pool and deck requires approximately 1,140 square feet of screen. In addition, the applicant is seeking permission to further extend the screen enclosure by an additional 420 square feet on the east side of the pool in order to have additional "outdoor protected space" from mosquitos.

If the Board is not inclined to grant a variance for the additional 609 square feet of screen enclosed area, then perhaps the screened area on the east side of the pool could be reduced significantly to minimize the amount of variance granted.

Two letters of approval have been received regarding this request.

In response to a Board question, Mr. Wiggins noted that the impervious coverage is at the maximum for this property.

The applicant, Mr. Douglas Slagowitz, stated his family requires greater outdoor space with protection from environmental elements. He responded the rear fence and street side bushes will reduce the visual impact of the screen enclosure. Mr. Slagowitz said he purchased the home at its current size which is at the maximum allowed floor area.

### **FINDINGS**

The Board members pointed out that no letters of objections were received and the proposed height is at a minimum. The hardship is that the existing home maximized the allowable floor area ratio and could not accommodate for special needs for protected outdoor living after the home purchase. They discussed approval of a reduced length to minimize the visual impact of the enclosure.

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### **ACTION**

Based on these findings, Patrice Wenz made a motion, seconded by Phil Kean, to approve the request with the amendment that the screen enclosure not extend to the side more than 8 feet beyond the existing pool deck; thus, the proposed pool enclosure size and overall length is reduced. The amended request was approved by a vote of 4-3. Michael Clary, Charles Steinberg and Robert Trompke voted in opposition.

4. Request of Sean & Nancy Myers for variances to allow the construction of a carport extension and room enclosure located 7.1 feet from the side lot line in lieu of the required setback of 9 feet and extending 8.9 feet into the required front setback.

Located at 2031 Temple Drive

Zoned R-1AA

George Wiggins, Director of Building gave the following summary:

In order to create additional living area in the home while maintaining sufficient covered vehicle parking area, the applicants are seeking variances that encroach into the side and front setbacks and enclosed space under the existing carport.

The proposed extended carport will leave a front setback of 25.8 feet; whereas, the existing established front setback is 34 feet at this location along Temple Drive.

One factor that reduces the impact of the front yard encroachment is that Temple Drive has a right of way width of 60 feet which creates a wider distance of 5 feet between the curb line and the property line. Most residential street in the City have a right of way width of 50 feet. This gives the appearance of five additional feet of front yard area.

Two letters expressing no objection to this request have been received from an adjacent neighbor and a neighbor one lot away on the north side.

### **FINDINGS**

The Board members noted this is similar to other cases approved by the Board on Temple Drive. They agreed the hardship is the extra wide right of way unique to this property.

### **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 7-0.

The meeting was adjourned at 6:53 pm.

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Theresa Dunkle  
Recording Clerk