



**CITY OF WINTER PARK
Board of Adjustments**

**Regular Meeting
City Hall, Commission Chambers**

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

MINUTES

PRESENT

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

Zachary Seybold left at 6:15PM, prior to the end of agenda item one, due to scheduling conflicts. At this time he presented the Recording Clerk, Theresa Dunkle, with a letter dated 12-18-2018, stating his official resignation from the Winter Park Board of Adjustments.

APPROVAL OF MINUTES

Tom Sacha made a motion, seconded by Aimee Hitchner, to approve the minutes from the November 20, 2018 meeting. The minutes were approved by a vote of 7-0.

OPENING STATEMENT AND PUBLIC COMMENTS

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

Patrice Wenz disclosed she had brief conversation with Tom Lamar, the Architect for New Items 1 & 2. He only stated that he had two items on this month's agenda but no specific details.

Phil Kean disclosed he is recusing himself from old business item number one on the agenda, at 181 Virginia Drive, due to a conflict of interest. His architectural firm represents the applicant. Form 8B was provided to the Recording Clerk.

Alternate Board member, Charles Steinberg disclosed he communicated with Mr. Wooten and Mr. Kimbrough regarding 181 Virginia Dr. and that he drove by the site.

OLD BUSINESS

1. Request of Request of Giavonni Fernandez for variances to allow re-construction of a home within the side setbacks at 7.5 feet to the 1st and 2nd floors, in lieu of the required setbacks of 18 feet and 25 feet respectively.

Located at 181 Virginia Drive

Zoned R-1AAA

Alternate Board member, Charles Steinberg stepped in to hear this case.

Board of Adjustments Minutes

December 18, 2018

Page 2

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

The applicant is requesting variances to allow a major remodel and partial reconstruction of a home within the side setbacks. The existing two story home footprint is located on this large lakefront property with an orientation that is very close to the west side lot line. The owner desires to substantially upgrade the home and be fully compliant with current wind code standards for this structure including the roof.

At the closest point to the west side lot line the home has a setback of 7.5 feet, however, the setback of the home increases along the side to nearly 17 feet at the rear. The angle of the increasing side setbacks minimizes the impact of the setback encroachments without having one continuous wall at the 7.5 foot setback.

The property is very large with nearly 30,000 square feet of land area and has the shape of a parallelogram with side lot lines angling back from the street front. With the proposed improvements the floor area ratio and impervious coverage allowances are not exceeded.

Four letters of non-objection were received from nearby neighbors.

A petition signed by 75 residents, representing over 35 households in the vicinity of this property, was received. It expressed opposition to the variance requests. The essence of the opposition is concern over the size of the home and the loss of a historic home in this neighborhood, although not officially listed on the City's Registry of Historic Homes. However, the architect has taken measures to try to capture some of the features of the home, which he will explain in much greater detail.

Although the size of the home is a point of concern, if the existing home is completely demolished, with larger side setbacks the gross area of the home would be permitted to have an area of approximately 11,200 square feet. One option for this request is for the applicants with their architect to meet with key representatives of the neighborhood to further address ways to continue to capture more the historic nature of the existing home, which is the major concern expressed by residents in this area.

Options for the Board:

- 1) Approve the request as presented.
- 2) Deny the request as presented.
- 3) Consider a less severe encroachment if the designer can come back with a plan that captures more of features of the existing home in recognition of its historic significance.
- 4) Table the request and ask the applicant to explore more architectural design options that capture the historic nature of the home.

Board of Adjustments Minutes

December 18, 2018

Page 3

Findings to consider to approve the request:

The existing nonconforming side setbacks have existed since the home was built in 1925 and the applicant is taking measures to provide some semblance of the existing historic home in the design of the re-built portions of the home.

Findings to consider to deny the variance request:

Since the amount of demolition of the existing home exceeds 50% of the value of the home, no clear hardship or evidence of meeting the criteria for granting a variance found in Section 58-92(c)(1) of the Winter Park Zoning Code has been proven that necessitates granting a variance to allow continuation of the existing nonconforming side setbacks.

Mr. Wiggins showed a map of the site and identified the locations of the neighboring properties in approval and opposition. He noted the ordinance for increased side setbacks with even greater 2nd floor setbacks was created when the massiveness of homes was a concern to citizens. Mr. Wiggins noted the applicant currently has a permit for interior demolition.

In response to Board questions, Mr. Wiggins stated residents within a 200ft radius of the site received written notification. He noted that the City Architect, present at the meeting, can respond to the likelihood of approval, if the home had been deemed historic.

The Architect, Phil Kean, spoke stating the plan received prior approval from both the Planning and Zoning Board for Lakefront Site Plan Review and their suggested modifications have been incorporated. Afterwards, an engineer determined the original roof needs replacement, thus triggering the need for the Board of Adjustments approval. Mr. Kean stressed that the alternative to approval is a complete home teardown.

In response to Board questions, Mr. Kean stated the applicant could build a home up to thirty feet in height. However, the owner's ideally hope to keep the 1920's style of the existing home.

The homeowner, Ms. Elise Sabatino Fernandez, spoke. Educated in Art History, her intention is to live in the home with her young family and to preserve the Architectural essence of the home. In response to a Board question, she noted the reason for the expansion is the small size of the existing kitchen and master suite.

Board of Adjustments Minutes

December 18, 2018

Page 4

Giovanni Fernandez, further stressed his family's desire is to preserve the character of the existing home, not tear it down and that he work extensively with the designer to accomplish this.

Seven neighbors spoke in opposition: Orman Kimbrough, Sally Flynn, Ganesh Kanumalla, Patty Wooten, Dan Cahill, Kate Kimbro, and Susan Menard. In summary, they stated no hardship or special conditions exist and noted the reduced side setback would minimize the view of the lake from the street. Their main concern was the massiveness appearance from the street and loss of original historic appearance.

Ms. Kimbrough stated the alteration area was over 50% so the home would need to meet current side setbacks, despite the roof replacement trigger.

Greg Seidel, resident, took a neutral position but advocated having both sides work toward a solution to preserve the architectural integrity of the home.

Winter Park's Architect, Brooks Weiss, spoke on behalf of approving the request. He felt a disapproval could equate to a tear-down of the home which has historic significance in the City. He expressed that the architect working on this is open to enhancements to the design that would ensure its historic character and compliment the neighborhood.

Council Wooten Jr., resident, suggested allowing the western addition with the amendment that the garage setback be increased on the east side of the property. Mr. Wiggins added that the Board can apply any conditions such as this to accomplish the intent of the code.

Two additional neighbors, Beatrice Epley & Stuart Omans also spoke in opposition to the request.

The homeowner, Giovanni Fernandez, offered his rebuttal, reiterating he did not want to tear down the home as a first choice but would need to demolish the entire home if the variance is denied.

An additional neighbor, Mathew McKeeler stated opposition. Susan Menard said a better rendering might help to understand the proposed project.

In response to Board questions, Mr. Phil Kean stated the historic elements to remain are the entry door, roof line, chimney, windows that were covered, corbels, the wine cellar and the winding stairs to the cellar. Cues from the old home will be mimicked in the new design. He believes the original house was a New England Cottage Style with horizontal siding.

Board of Adjustments Minutes

December 18, 2018

Page 5

A Board member, Michael Clary, stated he lives in the neighborhood. He feels the current home is not a historic home but has some great features. Mr. Clary felt that if the existing charming elements are added to the design, the neighbors may be more receptive to approval. Mr. Kean agreed and noted the design is still in the schematic phase. The windows and corbels will be the inspiration of the design.

FINDINGS

Based on the amount of neighbors in opposition to the request, the majority of the Board agreed the Architect could explore more options that addressed the neighbors' concerns. They were leaning towards suggesting the request to be tabled in order to further revise the proposed plan. However, when asked, the applicant stated they do not want a continuance.

ACTION

Based on these findings, Michael Clary made a motion, seconded by Tom Sacha to approve the request. The request was denied by a vote of 6-1 with Patrice Wenz voting in favor of the motion.

NEW BUSINESS

1. Request of Susan Miller on behalf of Valerie Woska for a variance to allow the construction of a building addition with a front setback of 26.3 feet in lieu of the required front setback of 35 feet.

Located at 210 Trismen Terrace

Zoned R-1AA

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

The request includes constructing an enlarged accessible master suite at the front of the home by extending the corner of a new front wall by a little over 8 feet into the front setback. The placement of the addition appears to be dictated by the layout of the existing home. With this one story addition, the total area of new encroachment into the setback is 140 square feet.

The home and property is unique in that this location is at the end of a dead end street and the home is placed parallel to the north lot line, whereas the south side lot line is angled and not perpendicular to the street.

The planned addition does not exceed the allowable floor area or impervious coverage with a lot area of 13,573 square feet.

We received one letter expressing support of this variance from a neighbor across the street and slightly south of the subject property prior to the meeting.

The applicant provided six additional letters in favor of the request at the meeting.

Patrice Wenz questioned why the front door is on the side. Mr. Wiggins noted the code does not dictate the front door location, however, it is located on the south side of the home near the front.

The owner and Architect elected not to speak.

FINDINGS

The Board concurred the hardship is the unique location of the property at the end of a dead end street; there is only one home to create a front setback average.

ACTION

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

2. Request of Michael & Melissa Daugherty for variances to allow the construction of a pool cabana located 5 feet from the rear lot line and to allow 181 square feet of enlargement of the existing nonconforming pool screen enclosure at a rear setback of 5 feet, in lieu of the required setback of 10 feet respectively, and in lieu of allowed pool screen area (8% of lot area) from 1,143 square feet to 1,324 square feet.

Located at 441 E. Kings Way

Zoned R-1AA

George Wiggins, Director of Building gave the following summary:

The cabana is permitted to have a 5 foot rear setback, and will be connected to the existing screen enclosure. Two sides of the proposed cabana will be screened with the main structure and roof located outside of but connected to the existing pool screen enclosure. This is proposed to be accomplished by extending the enclosure to the cabana with an enlarged screen area of 181 square feet.

Although the existing allowable floor area of the main residence is already exceeded at 5,291 square feet, the pool area can be addressed separately but is only allowed an area of 8% of the lot area (939 sf), therefore a variance is needed to further expand the existing grandfathered in pool screen enclosure. In addition, the existing

Board of Adjustments Minutes

December 18, 2018

Page 7

impervious coverage is exceeded at 6,719 square feet, however, the additional area of 79 square feet will be removed at another location on the property.

The lot configuration is unique with a very shallow depth of 82.4 feet with a lot width of 142.5 feet.

The applicant provided three additional letters in favor of the request at the meeting.

The applicant, Mr. Michael Darcy, responded to Board questions stating the screen enclosure will be not be visible from the front; the 1-story enclosure and will fall under the roof of the cabana. He also confirmed that the existing block wall already separates the enclosure from the neighboring property. Mr. Darcy stated all adjacent neighbors are in favor of the proposed screen enclosure.

FINDINGS

The Board members agreed the hardship is the unique lot configuration because of its very shallow depth without adequate width.

ACTION

Based on these findings, Tom Sacha made a motion, seconded by Patrice Wenz to approve the request with the condition the screen enclosure shall not exceed 1-story, (the screen wall height shall fall below the home's soffit) and 79 square feet of impervious area be removed from another area. The request as amended was approved by a vote of 7-0.

The meeting was adjourned at 7:40 pm.

Theresa Dunkle
Recording Clerk