



Board of Adjustments Minutes

July 16, 2019 at 5:00 p.m.

City Hall | Commission Chambers
401 S. Park Ave. | Winter Park, Florida

Present

Patrice Wenz (Chair), Phil Kean (Vice Chair), Tom Sacha, Charles Steinberg, Aimee Hitchner, Ann Higbie and Alternate Steve Heller. Director of Building George Wiggins and Recording Clerk Theresa Dunkle.

Absent: Michael Clary

Meeting called to order

Approval of minutes

Motion made by Tom Sacha to approve the May 21, 2019 minutes. Aimee Hitchner seconded the motion. The minutes were approved by a vote of 7-0.

Introduction of new members

Mr. Wiggins introduced new alternate board member Steve Heller and returning board member Ann Higbie and welcomed them to the Board.

Opening statement and public comments

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

Old business

1. Request of Luz Marina Munoz for a variance to allow the demolition of over 50% of the existing dwelling, and build a new pitched roof structure over the existing side walls, at the existing side setbacks, which vary from 5.6 feet to 8.1 feet on the west side, and 4.5 feet to 6.6 feet on the east side, in lieu of the required side setbacks of 7.5 feet.

Located at 1572 Sunset Drive, Zoned: R-1A

George Wiggins Director of Building, gave a recap summary from the June meeting and an updated summary for this meeting:

REVIEW OF THE JUNE MEETING: The applicant requested variances to allow the demolition of over 50% of the existing dwelling and build a new pitched roof structure over the existing side walls at the existing side setbacks which vary from 5.6 feet to 8.1 feet on the west side and 4.5 feet to 6.6 feet on the east side whereas the required side setback is 7.5 feet.

Currently, a one story home with a flat roof and parapet exists on this property. The new owner wishes to remodel the interior of the home, change the architectural appearance by converting the roof to a hip shaped roof, add a front entry feature and covered porch at the rear of the home. The proposed new porch will be built within the allowed side setbacks.

Due to the amount of demolition work taking place on the home (over 50%), the remodeling cannot take place unless a variance is obtained to allow the existing non-conforming side setbacks to remain.

This property has an unusual configuration with a front on Sunset Drive and a rear driveway access on Chestnut Avenue with a 25 feet of lot frontage on that street.

The proposed remodeling and porch addition to this home will be within the allowable floor area ratio and impervious coverage for this property.

We received signed notices of approval for this variance from 13 nearby property owners and one tenant at 1440 Chestnut Avenue. The adjacent property owner on the east side submitted a letter in opposition to this variance.

UPDATE FOR THIS JULY 16 MEETING: The Board tabled this request in order to allow the applicant time to meet with the adjacent neighbor on the south side (1562 Sunset) and come into an agreement on modifications which will satisfy their concerns. Ms. Munoz and her designer proceeded to meet with the adjacent neighbors and made adjustments to the proposed plans, which they have found acceptable.

In order to provide less impact, the following changes were proposed:

1. Provide no overhang for the pantry roof only at east corner of the home at the pantry wall.
2. Provide gutters (six inch size) along the right side of the home.
3. Provide a gutter downspout at the rear and front of the home.
4. Remove proposed window from elevation view.

The adjacent neighbor, previously in opposition, has now signed a plan with the incorporated changes, affirming they approve of the revised request.

Mr. Wiggins showed a photograph of the tarped roof, noting it suggests the roof is leaking. In response to Board questioning, Mr. Wiggins expressed he has no concerns with the approval of the request.

Nobody from the public wished to speak. However, Joseph Sirilla, of 277 Cambridge Drive, provided a 'request to speak form' documenting he is in favor of the request.

Most of the Board members expressed their approval, given the neighbor who previously opposed the request was now in support of the revised plans.

Findings

The majority of the Board members felt the hardship was a deteriorating roof structure requiring replacement. The roof structure replacement triggered the requirement to meet new setbacks; whereas, reuse of the existing exterior walls and footings are desired. In addition, the proposed hip roof would allow for a more energy efficient home.

Actions

Based on these findings, Tom Sacha made a motion, seconded by Charles Steinberg, to approve the request with the following amendments; eliminate the roof overhang at the breakfast nook, install 6 inch gutters along the east side of the home, with downspouts at each end, and remove the windows shown in the kitchen eating area. The requested variance, with the aforementioned amendments, was approved by a vote of 5-2. Patrice Wenz and Aimee Hitchner voted in opposition.

New business

1. Request of Mary Hartwig for variances to allow the construction of a carport with a side setback of 5.9 feet and a front setback of 21.9 feet, in lieu of the required setbacks of 9 feet and 35 feet respectively.

Located at 2819 Northwood Blvd, Zoned: R-1A

George Wiggins Director of Building, gave the following summary:

The existing carport is severely deteriorated and located with a front setback of 18.8 feet. This property was annexed into the city along with several other properties approximately 10 years ago. The current non-conforming carport structure may have received a variance before annexation into the city.

The adjacent home on the west side has a carport structure in the front yard with a front setback of approximately 25 feet. Averaging in that carport structure will reduce the required front setback to 31 feet based on the adjacent homes.

The proposed replacement pergola carport structure has dimensions of 31.3 feet in width and 21.25 feet in length extending out from the home toward the street, a total area of 665 square feet. The structure will have a transparent lucent cover material to provide protection from rain.

With this proposed structure the allowable floor area ratio and impervious coverage is not exceeded.

A letter expressing no objection to this variance was received from the two adjacent property owners at 2825 and 2813 Northwood Blvd.

Mr. Wiggins noted that the required front setback was published as being 35 feet. However, the actual front setback is 30 to 31 feet. He clarified that in order to align with the existing home, the owner desires a 21.9 foot front setback with a much larger pergola-carport than the existing structure. The applicant also intends to widen the driveway.

As an alternative, Mr. Wiggins suggested the posts could be placed at a 24 foot front setback with 3 foot roof overhang. This would place the posts only one foot beyond the neighbor's front setback. The zoning code allows overhangs of up to 3.5 feet into the minimum setback.

The applicant, Mary Hartwig, who resides at 2819 Northwood Blvd, noted the existing carport is rotting. Since repair is necessary, she would like to rebuild a more useable structure that will provide continuous protection from the car to the home's entry. She hopes to eliminate fall conditions as she ages. In response to a Board question, Ms. Hartwig confirmed the existing slab will be removed.

No members from the public elected to speak.

The Board discussed the proposed size. Phil Kean recommended the posts be moved to allow for a larger turning radius. Patrice Wenz expressed concern that the proposed roof covering was not clearly specified. She hoped to ensure only one type of roof covering material be used. Most members were accepting of only partial roof covering and partial open pergola.

Findings

The majority of the Board members felt the hardship was the deteriorating pergola carport requiring replacement and that covered parking is a privilege enjoyed by neighbors and should be extended to the applicant as well.

Actions

Based on these findings, Phil Kean made a motion, seconded by Tom Sacha to approve the request with two amendments; move the posts two feet inward and limit the roof covering to a single material. The requested variance as amended was approved by a vote of 7-0.

2. Request of Gabriela Juncos for variances to allow the construction of a two story addition projecting 4 feet into the front setback with a side setback of 8.9 feet, in lieu of 9 feet.

Located at 1371 Oneco Ave, Zoned: R-1A

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

In order to provide additional second floor living area for functional bedrooms while causing the least interruption to the remainder of the home, the applicant requests a small front setback encroachment to maintain sufficient parking area in the garage.

On the first floor a new pantry area and space for the stairs creates the need to push the garage further into the front setback. A very minor first floor side encroachment is also included as part of this variance request, however, the second floor addition will be recessed to the required second floor setback of 13 feet.

With the additions the gross area of the home will be 3,871 square feet which is under the allowable 38% floor area ratio and the impervious coverage will be 4,522 square feet, which is under the allowable 50% coverage.

Two letters received in advance of the meeting, expressed no objection to this variance request and one letter expressed opposition. Two additional letters of support were received just prior to the start of the meeting and were provided to the Board members.

Mr. Wiggins noted the five foot wide balcony shown was not part of the original request and would require a variance because it extends beyond the allowable 3.5 projection distance. The applicant's four foot front setback request is required to satisfy articulation requirements and provide an adequate garage depth.

The Board asked Mr. Wiggins why Winter Park uses the average of adjacent home setbacks to determine front yard setbacks. Mr. Wiggins explained this method limits new homes and additions from appearing out of scale to their surrounding homes. He responded that if a new home were built on this lot, the front setback would be 30 feet.

The applicant, Gabriela Juncos, who resides at 1371 Oneco Ave, stated she bought the home two years ago and is in need of additional space. She initially hoped to build the 2nd floor addition closer to the side lot line but revised the design after speaking with Mr. Donald Thompson, her neighbor to the east. Ms. Juncos stated the revised design was extended into the front setback. She felt this new layout would have the least impact on neighbors, as opposed to an addition to the rear or side of the home. Ms. Juncos stated that the proposed addition is below the square footage allowed for new construction on her lot.

Mr. Donald Thompson, who resides at 1391 Oneco Ave, spoke in opposition to the request. He stated Winter Park's current zoning requirements should be enforced to ensure the unique qualities of Winter Park are maintained. Mr. Thompson referenced the letter he submitted from his attorney which lists the reasons he disapproves of the request.

Rich Mercer who resides with the applicant stated he and Ms. Gabriela will remove the five foot wide balcony from the design.

Board member Phil Kean asked if the four foot garage extension is required for articulation requirements. Mr. Wiggins replied that garage additions to existing homes are required to step back or forward two feet from the front wall of the home. Thereafter, Mr. Kean provided a sketch with the stairs repositioned, allowing the garage to shift back four feet back, while still providing the same bedroom size.

Findings

The Board could not find a specific hardship justifying encroaching 4 feet into the front setback and asked the applicant if she wished to table the request in order to consider further modifications. Ms. Juncos replied that she would like to table her request.

Actions

Based on these findings, Charles Steinberg made a motion, seconded by Tom Sacha to table the request for up to ninety days. The request to table was approved by a vote of 7-0.

The meeting was adjourned at 6:19 pm.

Theresa Dunkle, Recording Clerk