



Board of Adjustments Minutes

September 17, 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), Michael Clary, Charles Steinberg, Aimee Hitchner, Ann Higbie and Tom Sacha. Director of Building, George Wiggins and Recording Clerk, Theresa Dunkle.

Meeting called to order

Approval of minutes

Motion made by Michael Clary to approve the August 20, 2019 minutes. Ann Higbie seconded the motion. The minutes were approved by a vote of 6-0. Aimee Hitchner arrived after approval of the minutes.

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. Ann Higbie disclosed she was approached by a neighbor regarding 2369 Forrest Road but did not get their name.

New business

1. Request of Z Properties, on behalf of Juan & Annette Diaz, for a variance to allow the construction of a detached garage, with an area of 820 square feet, located 5 feet from the NW side property line, in lieu of the required setback of 10 feet.

Located at 2369 Forrest Road, Zoned: R-1AA

George Wiggins Director of Building, gave the following summary:

Under the Zoning Code, a detached garage can be located 5 feet from the side property line if the maximum area of the garage is 600 square feet. Also, in order to qualify for the 5 foot side setback the garage must be located in the rear third of the lot depth.

In this case, the subject lot has a somewhat trapezoidal shape with the southwest corner of the lot narrowing substantially toward the rear. In order to orient the garage in line with the proposed home and still accommodate backing out of the garage, the front right side corner of the garage projects into the required 10 foot side setback. This results in having this corner at the five foot setback while the remainder of the garage side wall angles further into the lot and has the required 10 foot side setback at the rear of the garage.

In addition, the design of the garage has a limited height profile, by keeping the side walls at a height of 10 feet which is another requirement for garages and accessory buildings to meet in order to have a 5 foot side setback and 10 foot rear setback. Taller structures must meet the required setbacks of the home.

This property also abuts unincorporated Orange County and Orange County's Beeman Park, a large park on Lake Sue.

An email from the most affected adjacent property owner, expressing no objection to this request, was provided.

Mr. Wiggins presented a photograph of the previous home, which has since been demolished. It illustrated how far below the crown of the road the home will sit. He noted there will be a retaining wall in front of the new home due to this substantial drop in elevation.

Mr. Wiggins noted the reason this item is before the board is that it is 220 square feet over the 600 square foot allowed for a 5 foot side setback. However, the extra 220 square feet is not viewable from the street or from the most affected neighbor. He further reiterated that only one corner of the garage is within the minimum side setback. He highlighted the rear 10 foot setback, sidewall height and FAR is in compliance. The Board had no questions for the Building Official.

The applicant, Mr. Zane Williams with Z Properties at 271 N Pennsylvania Ave, stated his hardship is the difficulty positioning a front loading garage on such a steeply sloped lot.

In response to Board questions, Mr. Williams stated the homeowner desires a three car garage because the applicant's family has three cars. Mr. Williams stressed he has received approval from the most affected neighbor and the design poses no adverse effects to the other neighbors. He also clarified there is a creek behind the property which leads to the lake.

No one from the public wished to speak.

In closed session, the Board discussed options. Some felt that new construction should be designed within the established parameters. Others felt the design is commendable and the oddity of the lot deserves concessions.

Findings

The majority of the Board members felt the hardship is the steep slope and irregular shape of the lot, which substantially narrows at the rear. They determined these constraints limit the available locations for the proposed detached garage. However, some Board members expressed that no variance should be granted for a vacant lot.

Actions

Based on these findings, Phil Kean made a motion, seconded by Charles Steinberg, to approve the request. The requested variance was approved by a vote of 4-3, with Michael Clary, Patrice Wenz and Ann Higbie voting in opposition.

2. Request of Coreen Naugle for a variance to allow the construction of a second floor addition located 14.7 feet from the Fitzwalter street side property line, in lieu of the required setback of 20 feet.

Located at 2572 Fifeshire Drive, Zoned: R-1A

George Wiggins Director of Building, gave the following summary:

This corner lot property has a lot width of 84.5 feet and length of 110 feet along the side street, Fitzwalter Drive. Under the current Zoning Code the required street side setback is 20 feet, whereas previously (approximately 20 years ago) the required setback was 15 feet. The home was built in 1962.

The owner wishes to expand the second floor master bedroom for additional living area along with a walk-in closet and an open covered balcony area. This expanded area will occur directly over the existing garage and utility room. The roof covered addition projects 9 feet from the existing second floor east side wall and extends 26 feet in length.

One unique feature for this lot and other properties in this area is that both Fitzwalter and Fifeshire Drives have right of way widths of 60 feet versus the normal residential right of way width of 50 feet. This has the visual and actual impact of having 5 feet of additional yard area on each street front. Adding this extra distance (5 feet) to the Fitzwalter Drive side of the home gives the appearance of having a 19.7 foot setback instead of 14.7 feet.

The proposed addition is well under the allowable maximum floor area and well under the maximum allowable impervious coverage for this lot which has an area of 9,288 square feet.

The applicant provided six letters of non-objection for this request.

Mr. Wiggins noted the lot size is similar to other homes in the area and that a portion of the existing balcony will be retained with a 2nd floor covered porch area.

In response to Board questions, Mr. Wiggins responded that the uniqueness to this lot is the sixty foot right of way. He confirmed typically street side 2nd floor setbacks for lots over 65 feet are 22.5 feet for new construction.

No one from the public wished to speak and the applicant elected not to speak. The Board felt they could render a decision without further discussion.

Findings

The Board noted the addition is within the existing footprint of the home and determined it is of minimal visual impact due to the additional 10ft of right of way width. They determined the hardship is the existing location of the home.

Actions

Based on these findings, Michael Clary made a motion, seconded by Tom Sacha to approve the request as presented. The requested variance was approved by a vote of 7-0.

The meeting was adjourned at 5:33 pm.

Theresa Dunkle, Recording Clerk