



Board of Adjustments Minutes

November 19, 2019 at 5:00 p.m.

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

Present

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

Meeting called to order

Approval of minutes

Motion made by Tom Sacha to approve the October 15, 2019 minutes. Ann Higbie seconded the motion. The minutes were approved by a vote of 6-0. Aimee Hitchner arrived directly after the approval of the minutes.

Opening statement and public comments

Phil Kean explained the rules of procedure for variance cases and opened the floor for any disclosures, public comments or questions. No disclosures or public comments were made.

Old business

George Wiggins, Director of Building, stated the tabled request by Mehrdad Moradi at 699 Osceola Ave, was withdrawn by the applicant prior to the meeting, on October 17, 2019.

New business

1. Request of Sheila Cichra on behalf of the Mondrian at Winter Park Townhome Association, for a variance to allow the construction of two boat docks with a total area of 1,549 square feet, in lieu of the maximum allowed area of 600 square feet, in order to serve Mondrian Townhomes on Lake Killarney.

Located at Mondrian Circle, Zoned: R-2

George Wiggins Director of Building, gave the following summary:

The proposed two boat slip docks are requested to serve 30 new townhomes (known as Mondrian Townhomes on Lake Killarney) on this property fronting on Lake Killarney which has an overall size of over three acres with over 300 feet of lake and canal frontage. Typically, only one boathouse or boat dock is permitted for a residential lakefront property. Currently no dock exists on this site.

The property is adjacent to an office zoned property on the west side, and on the east side is a canal leading to a small parcel owned by the City. The next property continues with office zoned properties to the east along Lee Road to Executive Drive.

The proposed dock on the east side has 5 boat slips and projects 40 feet into the Lake, and the west dock has 6 boat slips and projects out 41 feet. Lake Killarney has very shallow shorelines and our Zoning Code was amended to those docks to extend out to 50 feet. In addition the proposed walkways and deck area abutting the lake are within the allowable 10% coverage limitation permitted for accessory deck/walkway structures on lakefront properties.

If a variance is granted by this Board, the request will also go before the Lakes Board at their December meeting and issues relating to shoreline vegetation and obstruction of boat traffic is addressed.

No letters from abutting property owners have been provided, however, the property has been posted with the required notice of hearing and notices were mailed to property owners within 200 feet.

Mr. Wiggins noted the original address was 1800 Lee Road for this townhome development which was reviewed by Winter Parks Planning and Zoning Department.

One board member said he was on the Planning and Zoning Board when the development was reviewed but the boat docks were never presented for their review. The Board questioned why this case did not follow standard protocol and go before the Lakes Board, prior to coming to the Board of Adjustments. Mr. Wiggins stated the applicant missed the Lakes Board deadline but this was already on the agenda for the Board of Adjustments.

Mr. Wiggins responded that approval by the Board of Adjustments would not over-ride meeting criteria established by the City of Winter Park's Lakes Board. Mr. Wiggins noted many properties along Lake Killarney are single family, and have oversized docks regulated by Orange County. No plans indicate covered boat docks or lifts. Jet ski docking would be subject to Lake's review.

Mr. Wiggins responded that Lake Killarney Condo Association may have a dock over 600 square feet. In response to how many docks could have been built if the land was platted for single family zoning, Mr. Wiggins estimated there could have been four to six docks allowed, based on the amount of lake frontage and 150 feet wide lots.

One Board member asked for the specific language of the code that contains the six hundred foot restriction. WP LDC Section 58-87 (c) was provided to him.

The applicant, Sheila Cichra spoke. She explained nine to ten boat docks would be allowed if it was zoned single family. Ms. Cichra said the code is unreasonable for commercial properties. They are only two docks with 9 boat slips. The reason she do go before the lakes board is because their case was cancelled from the agenda without notification from the Lakes Board.

When asked by a board member if she would consider turning the docks 90 degrees, Ms. Cichra responded it already took her 1 year to gain state approval of the proposed design, which is good for five years. The state mandated the 65 foot separation between the docks.

Board member, Charles Steinberg read WP LDC Section 58-87 (c)(7) noting it states only one boathouse is permitted.

Carl Lindell of 4320 W Kennedy Blvd. stated he is a passive owner in favor of the minimal request.

John Carollo, of 2008 Lake Drive, stated the docks extend far out into the small part of Lake Killarney. This is concerning after a recent boat crash on the lake. Mr. Carollo stated the proposed ramps differ from the 2015 development sketch. Currently he is aware of only two residents; therefore, he feels there is no imminent need for the amount of slips proposed at this time.

Jorge Borrelli of 3838 Neptune Dr. said he purchased a unit in the development. He is in favor of the proposal and highlighted the state has approved of the design.

Zoltan Kecskes Jr. with Zoltan Construction at 1211 Via Estrella, spoke in favor of the request reiterating the requested 9 slips are less than would be permitted for multiple single family lots at the same location.

Scott Jones of 2016 Lake Drive was disappointed the public notice was not sent to a more expansive range of neighbors. He presented a bird's eye photograph of the lake to the board members and referenced the pinched area of the lake. He stressed that if the opposite hand land owner builds a dock with a similar projection, the lake will be far less navigable. This proposal cannot be compared to the other condo docks on the lake; their locations do not restrict lake navigation like this will. In addition, Killarney Bay has no boat slips and Hillstones were ordered to remove their dock installed without a permit. He also reiterated the need to for the docks are not urgent. Construction of the townhomes is not progressing.

Conrad Necrason of 2130 Lake Drive noted there have been 2 major boat accidents on this lake. He feels the adjacent drainage canal was not designed for adjacent boat slips. Mr. Necrason expressed it is imperative that the case come before the Lakes Board, prior to consideration by the Board of Adjustments.

George Wiggins Director of Building, confirmed the land is zoned R-2. This means the lots could have been platted as 50 foot wide lots with each having the possibility of a boathouse that could extend 50 feet into the water, assuming Winter Park's Lake Departmental approval. Mr. Wiggins said the case can be tabled to allow for the Lake Departments review.

The applicant, Sheila Cichra said she believes the distance between the land masses is approximately 168 feet. She stressed her owners are not asking for boat houses or roofs. They are only asking for a minimal square footage increase. Ms Cichra hopes her proposal can be approved as presented because this is what was permitted by the State Department of Environment Protection.

In closed session the board said they are not opposed. The majority highlighted the condition is less than what is allowed for single family lots; however, they felt that Lakes Board review is needed for their approval.

Findings

The board asked the applicant if would like to table her request to allow her proposal to be heard by the Lakes Board prior to their decision. Ms. Cichra replied that she would like to table her request until the December 17, 2019 meeting.

Action

Based on these findings, Michael Clary made a motion, seconded by Ann Higbie, to table the request. The request to table the variance for up to 90 days was approved by a vote of 7-0.

2. Request of Patrick Bianchi for a variance to allow the construction of a swimming pool with a street side setback of 12 feet, in lieu of the required setback of 20 feet.

Located at 1210 Oaks Blvd, Zoned: R-1A

George Wiggins Director of Building, gave the following summary:

A new home is nearly constructed at this property and a walled in courtyard was included in the design of this home showing a water feature. However, no permit was obtained for the water feature, and instead the owner wishes to place a small swimming pool within the courtyard. As an accessory structure, a swimming pool must adhere to the same setback as the main residence. On this corner lot the street side setback is required to be 20 feet.

The courtyard wall that was constructed with the residence is 4 feet in height and meets the required pool barrier requirement if the Board approves constructing a pool as proposed. Other swimming pool barrier requirements that provide access protection from the residence will also need to be provided in accordance with the Building Code.

With respect to impervious coverage, the existing courtyard and home meets the maximum allowed coverage and the addition of a swimming pool will not increase the impervious coverage since the courtyard area is an impervious surface.

We have received two letters of non-objection from the adjacent property owner and from the property owner at the southeast corner of Oaks Boulevard and Pansy Avenue.

The applicant, Patrick Bainchi noted an additional letter of non-objection was provided to the board, for their consideration.

The Board felt they could render a decision without further discussion based on the information provided.

Findings

They board considered the three letter of approvals received from the most affected neighbors and agreed the hardship is the corner lot limits the applicant's available locations to place a very minimally sized pool.

Action

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

The meeting was adjourned at 6:12 pm.

Theresa Dunkle, Recording Clerk