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

Meeting called to order

Approval of minutes
Motion made by Tom Sacha to approve the December 17, 2019 minutes. Steven Heller seconded the motion. The minutes were approved by a vote of 6-0, with Aimee Hitchner arriving directly afterwards.

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. No disclosures or public comments were made.

Old business

1. Request of Benjamin McCoy for a variance to allow a parking pad or driveway encroachment of 2 feet into the side setback in lieu of the required setback of 2 feet or a front setback encroachment of 18 feet to provide a replacement-required parking space for the space loss by enclosing the carport.
   Located at 1830 Bryan Ave, Zoned: R-1A

George Wiggins, Director of Building, stated the applicant requested to table his request until the February 18, 2020 meeting, because of failure to properly post the property. No one from the public wished to speak.

Action
Tom Sacha made a motion, seconded by Ann Higbie, to table the request until the February 18, 2020 meeting. The request to table passed by a vote of 7-0.

New business

1. Request of Kelly Carr on behalf of Christine Armstrong for a variance to allow the construction of a two story building addition located 7.9 feet from the east side lot line in lieu of the required side setbacks of 9 feet to the first floor and 12 feet to the second floor.
   Located at 2532 Fifeshire Drive, Zoned: R-1A

George Wiggins Director of Building gave the following summary:
In order to increase living area on this home and maintain the current side and rear wall line and setback, the applicant is enlarging the first floor bonus room and adding an additional second floor bonus room at the same side setback.
The plan designer noted that taking this approach for expanding the living area results in balancing out the architecture of the building, since the home also has a two story wall on the west side of the home which has a similar side setback as this request.

This home was built in 1961, at which time the Zoning Code required five feet side setbacks for a two-story home, or 10% of the lot width, whichever was greater. The lot width is 70 feet, which allowed a side setback of 7 feet to both floors. The existing west side two story wall appears to have a setback of 7.8 feet to both floors which was compliant with the Code at that time, and the east side one story portion with a side setback of 7.9 feet was also compliant.

With regard to impervious coverage (50%) based on the lot size, the proposed addition will be within the allowable coverage at 3,606 square feet. The total proposed new area of the home at 2,699 square feet results in a floor area ratio of 35%, which is under the allowable area of 2,924 square feet.

The applicant has provided five letters of non-objection from the adjacent property owner and other nearby property owners.

Patrice Wenz recalled prior requests for reduced setbacks in this neighborhood and asked if minimum setbacks could be reduced for this neighborhood. The Building Official stated that many teardowns for new construction often prompt the City’s biggest complaints regarding the massing of new homes.

The applicant acting as the owner’s representative, Kelly Carr of 2929 Alamo Drive, stated that the proposed home addition remains within the existing footprint. She indicated that the owner, Christine Armstrong, has five children and requires the extra space and bathroom to accommodate their needs. Ms. Carr stated she was unable to reach the neighbor on the opposite side of this home for their approval. When asked by the Board why they are not building in the rear, she responded that the layout is not functional.

Tom Sacha felt the hardship was that the home was built in 1961. However, Ms. Wenz didn’t favor having the second floor at the same setback as the first floor. Mr. Clary raised questions to the designer concerning having a plan study that included reviewing the option of providing the space at the rear of the home as a viable option.

The resident, Christine Armstrong spoke. She clarified that the most affected adjacent neighbor did approve of the proposed plan and the rooms were situated in manner to provide for privacy. Ms. Armstrong stated the only people she did not get a letter from were non-affected neighbors.

**Findings**

Some board members felt a hardship was not clearly identified and did not want to set a precedent. However, they accepted the applicant’s request to table the request for up to ninety days to allow her time to re-evaluate a rear addition option and come back to the Board with additional information.

**Action**

Tom Sacha made a motion, seconded by Ann Higbie, to table the request for up to ninety days. The request to table passed by a vote of 7-0.

2. Request of Benjamin Callahan for a variance to allow the construction of an addition located 15 feet from a stream, in lieu of the required stream front setback of 50 feet.

Located at 275 Stirling Ave., Zoned: R-1AAA

George Wiggins Director of Building gave the following summary:

The existing home is located on the stream that runs from Lake Sue, through Mead Gardens and comes out across Stirling Avenue flowing into Lake Virginia. Apparently, part of the home does extend closer the stream and appears to have one corner of a room at 12 feet from the stream.

The applicant proposes to build 890 square feet of additions onto the home. Of that, total area 600 square feet is a bedroom and bath addition to be added onto the front of the home encroaching along the stream.
front setback at a location just beyond the 100-year flood elevation line. Nearly all of this addition will be within the required 50-foot setback. See survey for exact location.

Under the Zoning Code, the following setback rules apply to stream front lots:

Sec. 58-87. - Lakefront lots, canal front lots, stream front lots, boathouses and docks (d) Other structures on lakefront, canal front or stream front lots. The following standards shall apply to all construction on lakefront, canal front or stream front lots:

(6) Structures on canal front or stream front lots require the approval of the planning and zoning board prior to the issuance of a building permit. Other than boathouses, the waterfront setback shall be at least 50 feet from the canal bulkhead or stream. Structures in this context shall also include driveways, parking lots, swimming pools and pool decks, screen enclosures, tennis courts, cabanas and other accessory buildings. Swimming pools and decks on canal front or stream front lots may be permitted a minimum of 25 feet from the canal bulkhead or stream ordinary high water elevation, provided the swimming pool has an elevation of no more than two feet above the existing grade on the side closest to the canal or stream. The planning and zoning board may require, as conditions necessitate, the imposition of increased setbacks to accomplish the objectives in this section.

According to the property appraiser, the original home was in 1977. As some point an addition may have been added to the east side of the home or the original home may be built as seen today resulting in one section of the home being located approximately 12 feet from the stream. At a previous point in time in the 1980’s and earlier, the required side setback was 10 feet and no specific setback was established from streams or canals. Therefore, streams and canals were considered as side or rear yards depending on the orientation of the lot on the street. In this case, and with the home directly across the stream after visiting these properties it is apparent that these stream front homes must have utilized the permitted 10 foot side setback from the stream bulkhead or ordinary high water elevation line since no established stream or canal front setback had been established.

For all additions proposed the impervious coverage and new gross floor area are well within the maximum limits of 50% for impervious surfaces (9,569 sf) and 33% for gross floor area (6,315 sf).

This property is located along a floodway that extends from Lake Sue, through Mead Gardens and flows into Lake Virginia. The floodway is a specially protected flood plain area that cannot be obstructed by further construction or fill in any way that will diminish its ability to flow during flood conditions. Although the limits of this floodway terminate along the 100 year flood elevation line located adjacent to the proposed addition to this home part of the rationale to require homes or other major vertical construction along streams and canals to maintain a 50 foot setback is to maintain open space that does not further impact upland flooding conditions through new construction of buildings in these sensitive areas.

The Department received 14 emails expressing opposition to this request. The intent of the opposition was primarily to appeal to the Board to “consider our waterways” and be sensitive to the environmental aspects of this location on a stream.

The applicant, Benjamin Callahan with Emerson Design Group, stated they hoped to renovate the existing home and add this addition, as opposed to building a completely new home. The design is stepped in contrast to a square box design. In response to Board comments, Mr. Callahan said that he is working with a professional landscaping company and architect, John Drake to address the proper environmental protections related water runoff and aesthetics. He also confirmed he was aware of the fifty-foot setback prior to purchase, is working for an investment group, and that their plan “B” is to build on top of the garage if not allowed to provide this one story addition.

Residents who spoke in opposition included Randy Robertson of 1350 College Point, Sally Flynn of 1400 Highland Road, Wade Miller of 1520 Glencoe Road and Robert Sutte of 1320 Lakeview Drive.

Findings

The board discussed the fact that the proposed addition is in an environmentally sensitive location and creates a major encroachment into the required setback next to the stream. They could not find a unique hardship based on the information received and presented.
Action

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

3. Request of Skolfield Homes on behalf of John & Beatriz Struck for a variance to allow the construction of a building addition located 15.2 feet from the rear lot line in lieu of the required rear setback of 25 feet without sidewall articulation.

Located at 511 Park North Ct., Zoned: R-1A

George Wiggins Director of Building gave the following summary:

This home abuts a private roadway at the rear of the property. The roadway is located on a permanent easement, which is 25 feet in width. Therefore, at a minimum, no dwelling or accessory structure can be built within 25 from the rear lot line of the subject property.

The Zoning Code allows a reduced rear setback for homes that meet the criteria below:

*Winter Park Zoning Code Sec 58-65(f)*

Rear yard setbacks.

(7) The rear setback may be reduced to ten feet when the rear yard of the residential property abuts non-residentially zoned property or property zoned R-3 or R-4, State of Florida railroad property or a permanent storm water retention area over 25 feet in width.

The proposed 808 square foot addition attaches to a one-story dwelling extending 25 feet from the existing home and at the same side setback as the home (10.3’). No variance is needed for the side setback since the same side wall height is being continued as the current home and qualifies for a 10 foot side setback due to maintained a side wall height of 11 feet or less from grade to top of the roof sheathing. Typically, new homes have side wall heights of 12’ to 13’.

The proposed addition of will be within the allowable impervious and floor areas, which results in an impervious coverage 5,331 square feet of impervious coverage and gross floor area of 4,068.

No letters of objection received, although proper posting and mail notifications were sent to surrounding property owners within 200 feet.

In an effort to illustrate his minimal request, Mr. Skolfied presented renderings of what could be built if the existing home were demolished and replaced with a new home of much greater size. He also noted the code would allow a cabana at a greater height and closer rear setback distance than his requested 15 feet.

No one from the public spoke concerning this request.

Findings

The board stated the hardship is that this home backs up to an alley that is a private road and in addition is buffered by a masonry wall, creating a unique condition unlike other properties in the City.

Action

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

4. Request of Luz Marina Munoz for a variance to allow the continued demolition of over 50% of the existing dwelling, build a new pitched roof structure and replace floor framing members and the deteriorated southeast side wall which has varying side setbacks of 4.5 feet to 6.6 feet on the southeast side in lieu of the required side setback of 7.5 feet.

Located at 1572 Sunset Dr., Zoned: R-1A
George Wiggins Director of Building gave the following summary:

The applicant is returning to the Board to request a variance to allow the continued demolition of over 50% of the existing dwelling, build a new pitched roof structure and replace floor framing members and the deteriorated southeast side wall which has varying side setbacks of 4.5 feet to 6.6 feet on the southeast side whereas the required side setback is 7.5 feet.

The minutes of the July 16, 2019 meeting are included for your review of past action taken by the Board on this variance request. The applicant’s one story home is undergoing major demolition and had proceeded with construction work authorized under the previous granted. However, it was brought to our attention and confirmed by our inspectors that work on a major portion of the southeast side of the home has exceeded the scope of the variance granted, and therefore a stop work order was placed on this project.

The applicant maintains that removing substantial amounts of deteriorated and termite damaged portions of the home is essential to continue with the construction and remodel of the existing home in a manner approved by the variances granted.

In the previous meeting, the residents on the southeast (right) side of this home objected to the requested variance. However, an agreement with those residents resulted in the placing the following conditions on the variance:

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.

We received a letter of objection to this variance from the abutting resident on the northwest (left) side of this home. At this point, we have not heard from the residents on the southeast (right) side of this home.

Potential Board actions:

1) Grant variance to allow proceeding with demolition and replacement of damaged structural framing members and related components based unforeseen conditions.

2) Deny variance-leaving applicant with the following options:

   (A) Re-design home and sidewalls to comply with required side setbacks in order to complete home in similar manner as proposed.

   (B) Demolish entire home and re-design and build new code compliant structure.

The applicant, Luz Marina Munoz, stated she was not originally aware of termite damage found in the walls of the home, nor did she have a termite inspection done prior to the purchase of the home. When her engineer told her replacement of the existing walls was required, she saw no way to fulfill the requirements of her previous variance approval. Ms. Munoz stated that trusses are already on site and it will be difficult to change the footprint at this time to meet the required minimum setbacks.

Residents who spoke in opposition included Scott Baker of 1562 Sunset Drive, John Skolfield 118 W Comstock Ave, and Cheryl Jorjorian of 1552 Sunset Drive, stating the applicant intends to the flip the property and should have done due diligence in evaluating the condition of the home prior to acquiring the property.

Findings

The board considered the neighbors opposition and determined that the extent of the demolition brought it out of compliance with their previous approval. With only a slab and a few walls remaining, they expressed that compliance with new home setbacks is therefore required.

Action

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

The meeting adjourned at 6:37 pm.

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Theresa Dunkle, Recording Clerk