



# Planning and Zoning Board Minutes

June 2, 2020 at 6:00 p.m.

Virtual Meeting  
401 S. Park Avenue | Winter Park, Florida

## 1. Present

Chairman Ross Johnston called the virtual meeting to order at 6:00 p.m. Present: Ross Johnston, Chuck Bell, Laura Walda, Laura Turner, Ray Waugh, Owen Beitsch, Christian Swann and Adam Bert. Also Present: City Attorney Dan Langley. Staff: Planning Director Bronce Stephenson, Principal Planner Jeff Briggs, Senior Planner Allison McGillis, Planning Intern Nathan Milch, and Recording Secretary Kim Breland.

Prior to the approval of minutes, Director Bronce Stephenson provided instructions of how the virtual meeting would be conducted to the Board, Applicants and Staff.

## 2. Approval of minutes

**Motion made by Ross Johnston, seconded by Ray Waugh , to approve the March 3, 2020 meeting minutes.**

**Board member Laura Turner was unable to vote due to technical difficulties. Motion carried unanimously with a 6-0 vote.**

## 3. Public Hearing:

- SPR #20-05. Request of Jack H. Zimmer for: Approval to construct a new, two-story, 4,856 square foot, single-family home located at 315 Sylvan Drive on Lake Sylvan, zoned R-1A.

Planning Intern Nathan Milch explained that the item was a lakefront site plan request for approval to construct a new, two-story, 4,856 square-foot, single-family home located at 315 Sylvan Drive on Lake Sylvan, zoned R-1A.

Mr. Milch reviewed the lakefront code requirements and stated that the home met the requirements for Floor Area Ratio (FAR), impervious lot and setbacks. He summarized the criteria the Board uses for lakefront lots (tree preservation, views from the lake, views of neighbors and storm water retention) and provided images of the lot and setback analysis.

Mr. Milch explained that the applicant did not propose to remove any tree as part of the request.

In terms of views from the lake, Mr. Milch explained that property has a significant grade drop of over 10-feet from the front of the house to the lakeside and the applicant proposed steps leading down from the house to the pool deck which would not exceed the wall/pool deck height limits of three feet.

In terms of views of neighbors, Mr. Milch explained that Staff determined the average lakefront setback from the adjoining homes to be 100-feet. The applicant proposed the house to be at the 100-foot setback average and a detached cabana that would be setback from the lake at 66-feet. He explained that the cabana would be screened from the neighbors' view with dense vegetation and added that the pool deck was proposed to be behind the 50-foot lakefront setback.

With respect to stormwater retention, Mr. Milch, explained that the application was proposing multiple stormwater swales throughout the lot that meet the City's code requirements.

Mr. Milch summarized that the proposal was compatible with the natural grade of the property, ensured stormwater runoff pollution to be minimized, preserved existing trees and would keep lake views as natural as possible. Overall, the plans met the intent of the lakefront review criteria and no variances were requested. Staff recommendation was for approval.

Staff answered questions from the Board related to the location of the proposed cabana and landscape plan.

John Drake, Green Apple Architecture, 741 Comstock Avenue, Winter Park, FL represented the applicant. He answered questions from the board related to the proposed landscape plan and location of the cabana. He stated that no setback variances were being requested. He stated that the Zimmer's purchased in the property in 1984 and noted that the home was built in 1953 and explained that the owners were replacing the existing structure with a two-story structure of similar mass and scale.

No one from the public wished to speak. The public hearing was closed.

Board agreed with the Staff recommendation.

**Motion made by Chuck Bell, seconded by Ray Waugh, for approval to construct a new, two-story, 4,856 square foot, single-family home located at 315 Sylvan Drive on Lake Sylvan, zoned R-1A. (Board member Laura Turner was not able to vote due to technical difficulty. Board members Laura Walda, Owen Beitsch, Chuck Bell, Ray Waugh and Ross Johnston voted by voice. Board member Adam Bert voted in favor by a hand signal).**

**Motion carried with a 6-0 vote.**

- SPR #20-04. Request of Native Homes, Inc. for: Approval to construct a new, two-story, 3,506 square foot, single-family home located at 630 Country Club Drive on Lake Killarney, zoned R-2.

Mrs. McGillis explained that the item was a lakefront site plan request for 630 Country Club Drive located on Lake Killarney, zoned R-2.

Mrs. McGillis explained that the applicant was proposing to build a new, two-story, 3,506 square foot, single family home. She provided images showing the average lakefront setback of just under 62-feet and stated that the applicant was proposing the new home at a setback greater than the average of 64-feet.

Mrs. McGillis noted that the Board was tasked with reviewing lakefront lot criteria (tree preservation, views from the lake, views of neighbors and storm water retention). She stated that in terms of tree preservation, no trees were being removed as part of the request. In terms of lakeviews, Mrs. McGillis explained that the lot was relatively flat and the height of the deck was not a concern and within the 3-foot height maximum.

With respect to views of neighbors, Mrs. McGillis explained that during the replat of the Lake Killarney Shores subdivision, there was significant discussion about the lakefront views of the adjoining neighbors to this subdivision at both the P&Z Board and Commission meetings. She stated that at the Commission meeting it was decided that the lakefront average setback would be established by the setback of the existing homes that have since been torn down. She noted that Staff has kept a record of the lakefront average of the homes that were torn down within 200-feet of each lot. She stated that based on the averages of the proposed lot, the average was 62-feet and reiterated that the applicant proposed a setback greater than the average of 64-feet, thus there would be no impact to lake views of the adjoining properties.

In terms of storm water retention, the applicant proposed a swale near the lakefront sized to meet code requirements. Lastly, Mrs. McGillis provided elevations of all sides of the home and stated that the proposal met all of the lakefront review criteria.

Staff recommendation is for approval.

Sean Wulff, Native Homes, Inc. 2408 Forfarshire Drive, Winter Park, FL, represented the applicant and was present to answer questions. There were no questions for the applicant.

No one from the public wished to speak. The public hearing was closed.

Board agreed with the Staff recommendation.

**Motion made by Ray Waugh, seconded by Chuck Bell, for approval to construct a new, two-story, 3,506 square foot, single-family home located at 630 Country Club Drive on Lake Killarney, zoned R-2. (Board member Laura Turner was not able to vote due to technical difficulty. Board members Laura Walda, Owen Beitsch, Chuck Bell, Ray Waugh and Ross Johnston voted by voice. Board member Adam Bert voted in favor by a hand signal).**

**Motion carried with a 6-0 vote.**

- SPR #20-07. Request of Garrett & Laura Jones for: Approval to construction a new, two-story, 7,526 square foot, single-family home located at 2031 Venetian Way on a Lake Maitland canal, zoned R-1AA.

Mrs. McGillis explained that the item was a lakefront site plan request for 2031 Venetian Way on Lake Maitland canal, zoned R-1AA and the applicant was proposing to build a new two-story, 7,526 square foot, single-family home.

Mrs. McGillis noted that the Board was tasked with reviewing lakefront lot criteria (tree preservation, views from the lake, views of neighbors and storm water retention). With respect to tree preservation, no trees were being removed as part of the request. With respect to lake views, the applicant was not proposing a pool or pool deck as part of the request.

With respect to views of neighbors, Mrs. McGillis stated that the average lakefront setback was determined at 100-feet and the applicant was proposing the home at a setback greater than average at 136-feet. In addition, the applicant was proposing a detached cabana set back at 90-feet. Mrs. McGillis provided images of the property outlining the location of the cabana and noted that the cabana would not impact lake views.

In terms of stormwater, the applicant proposed swales throughout the lot, sized to meet code requirements. Lastly, the applicant proposed a 5-foot front setback variance. Mrs. McGillis noted that Staff was in support of the variance as it would move the home away from existing trees the applicant is attempting to preserve. Additionally, it moves the home 5-feet further away from the lakefront. She provided elevations of all four sides of the home and stated that overall the plans met the intent of the lakefront review criteria.

Staff recommendation was for approval.

Mrs. McGillis answered questions from the board regarding lakefront criteria should the applicant desire to install a pool in the future.

Gary Hancock, Winter Park Design, 151 Circle Drive, Maitland, FL, represented the applicant. He answered questions from the Board regarding line of site issues of the adjoining homes and whether there were any objections from the neighbors.

Public Comment:

Staff received a letter from the neighbors Lee Jay and Nadine Colling at 2023 Venetian Way, Winter Park, FL, expressing concerns regarding the impact the proposed septic tank location and drainage area for the home would have on their property. The letter was read into the record by Recording Secretary Kim Breland.

After the letter was read into the record, Chairman Johnston asked the applicant to address the neighbor's concerns. Senior Planner Allison McGillis asked to address the concerns, and stated that she spoke to Mr. Colling and explained that the septic tank and drain field was permitted by the Orange County Department Health and informed Mr. Colling that the setbacks would be enforced by the Orange County Department Health. Additionally, she informed Mr. Colling when the septic tank permit was pulled it would not be allowed to drain on the adjoining property. Mrs. McGillis stated that while Mr. Colling was understanding of the response to his concern, he wanted his letter read for the record.

No one else from the public wished to speak. The public hearing was closed.

The Board agreed with the Staff recommendation.

**Motion made by Laura Walda, seconded by Ray Waugh, for a new, two-story, 7,526 square foot, single-family home located at 2031 Venetian Way on a Lake Maitland canal, zoned R-1AA. (Board member Laura Turner was not able to vote due to technical difficulty. Board members Laura Walda, Owen Beitsch, Chuck Bell, Ray Waugh and Ross Johnston voted by voice. Board member Adam Bert and Alternate Christian Swann voted in favor by a hand signal).**

**Motion carried with a 7-0 vote.**

- SPR #20-06. Request of E2 Homes LLC for: Approval to construction a new, one-story, 3,950 square foot, single-family home located at 410 Lakewood Drive on Lake Osceola, zoned R-1AAA.

Mrs. McGillis explained that the item was a lakefront site plan request for 410 Lakewood Drive on Lake Osceola, zoned R-1AAA. The applicant proposed a new, one-story, 3,950 square-foot, single-family home.

Mrs. McGillis noted that the Board was tasked with reviewing lakefront lot criteria (tree preservation, views from the lake, views of neighbors and storm water retention).

With respect to views of neighbors the average lakefront setback was determined at 60-feet and the applicant was proposing a much greater setback than the average at 96-feet. In terms of stormwater the applicant proposed a swale near the lakefront designed to meet code requirements and designed in a way that would not interfere with the root system of the existing Cypress trees near the lakefront.

With respect to lake views, Mrs. McGillis explained that the lot has an 8-foot grade drop from the house to the pool deck thus, the applicant was requesting a variance to the three-foot pool deck height maximum. She stated the applicant was proposing the pool deck at eight feet from existing grade and proposed three, 32-inch planter walls in front to minimize the impact to the lakefront and provided elevation photos showing the 32-inch planter walls.

Mrs. McGillis noted that normally, planning staff would not support swimming pools with decks eight feet above the existing grade, however the applicant has proposed dense bamboo screening along the property line to mitigate the impact on the neighbor to the adjoining neighbors. Mrs. McGillis presented landscape elevations showing the proposed dense privacy walls along the property lines.

With respect to tree preservation, Mrs. McGillis stated the applicant would be removing the 72-inch live oak tree along the southern property line within the pool deck footprint, but would preserve all of the cypress trees near the lakefront.

Mrs. McGillis explained that the city's Urban Forestry Department assessed the live oak as part of the request and determined that the tree to have a range of defects and was determined to be hazardous. It was stated that the live oak was likely struck by lightning more than one and filled in with tar, an outdated practice that makes the deterioration of the tree much faster than it should. She stated that Staff was in support of the removal of the 72-inch live oak tree. She provided photos showing the deterioration of the live oak tree. Lastly, she provided elevations of the home from all sides and stated that Staff recommendation was for approval of the request including the swimming pool variance.

Mrs. McGillis answered questions from the Board regarding padding of the proposed pool and water line grade.

Applicant Rob Smith from E2 Homes was present and available should the Board have questions. There were no questions for the applicant.

No one from the public wished to speak. The public hearing was closed.

The Board agreed with the Staff recommendation.

**Motion made by Ray Waugh, seconded by Owen Beitsch, for approval to construct a new, one-story, 3,950 square foot, single-family home located at 410 Lakewood Drive on Lake Osceola,**

zoned R-1AAA. (Board member Laura Turner was not able to vote due to technical difficulty. Board members Laura Walda, Owen Beitsch, Chuck Bell, Ray Waugh and Ross Johnston voted by voice. Board members Adam Bert and Alternate Christian Swann voted in favor by a hand signal).

Motion carried with a 7-0 vote.

- SPR #20-08. Request of Mark Nasrallah for: Approval to construct a new, two-story, 6,140 square foot, single-family home located at 651 Pinetree Road on Lake Maitland, zoned R-1AAA.

Mrs. McGillis explained that the item was a lakefront site plan request for 651 Pinetree located on Lake Maitland, zoned R-1AAA. The applicant proposed a new, two-story, 6,140 square-foot, single-family home.

Mrs. McGillis noted that the Board was tasked with reviewing lakefront lot criteria (tree preservation, views from the lake, views of neighbors and storm water retention).

In terms of tree preservation, Mrs. McGillis explained that the applicant would be removing several trees throughout the property due to either their poor condition, or because they are located within the area of the lot that requires de-mucking toward the lakefront area. She stated that the applicant is required to compensate the loss of these trees with 10 new three-inch canopy trees and that the applicant was making every effort to preserve three large existing pine trees in the front of the property where no demucking would happen.

With respect to lake views, Mrs. McGillis stated that the lot was relatively flat and the height for the deck and pool area were not a concern.

In terms of views of neighbors, the average lakefront setback was determined to be 73-feet and the applicant was proposed the home at a setback of 71-feet which is two-feet closer than the average setback. Mrs. McGillis stated that Staff did not see a concern with the home being two feet in front of the average lakefront setback, as will not affect views of adjoining properties. She stated that the applicant had also proposed a front setback variance and explained that the lots along the street were situated to get the best lakefront view and were turned askew to left. She provided images of the site plan showing the setbacks from the front and stated that the front setback being proposed would not put the proposed home in front of neighbors or cause sight/visibility issues.

In terms of stormwater, Mrs. McGillis explained that there is an existing seawall on the property. The seawall precludes any positive drainage from stormwater runoff into the lake. She stated that the seawall forces the runoff to stay on the property. Thus, no additional swales or retention areas are necessary. She stated that the seawall accomplishes the need for stormwater retention. Additionally, she remarked that that a lot of digging was going on as part of demucking and adding another swale would possibly injure the cypress near the lakefront. She noted that Staff is in favor of the applicant's plan for stormwater retention and utilizing the seawall instead of the swale.

Mrs. McGillis stated that a small portion of the northeast corner of the home is located in the flood zone and the applicant would be required to follow the City's flood zone permitting requirements and noted that the code requires some compensating storage for the impact to the flood zone. The applicant has proposed a small swale (4 inches deep) shown on the plans that is shallow enough to not injure the existing cypress trees.

Mrs. McGillis provided elevations of the home and stated that overall the plans met the intent of the lakefront review criteria.

Staff recommendation was for approval.

Mrs. McGillis answered questions from the Board regarding the drainage, topographic survey and seawall. Additionally, she answered questions regarding compensating storage and drainage requirements for lots along Lake Maitland.

Applicant Steve Verlander of Verlander Landscape Architecture 706 Turnbull Avenue, Ste 201, Altamonte Springs, addressed the Board and addressed Board comments related to the height of the pool deck in relation to the seawall, and drainage runoff. He stated that when the applicant does

compensating storage, they provide a lakeside swale in the area that would capture all of the runoff toward the lake so there would be a small depression between the lake and the pool area. Discussion ensued regarding the proposed drainage retention and grading plan for the property and demucking.

Due to technical difficulty, applicant Mark Nasrallah of Nasrallah Design Group, Inc. Orland, FL provided information by showing notes to the Board and staff related to the discussion, which was read into the record.

No one else from the public wished to speak. The public hearing was closed.

The Board agreed with the Staff recommendation.

**Motion made by, seconded by, for approval to construct a new, two-story, 6,140 square foot, single-family home located at 651 Pinetree Road on Lake Maitland, zoned R-1AAA. (Board member Laura Turner was not able to vote due to technical difficulty. Board members Laura Walda, Owen Beitsch, Chuck Bell, Ray Waugh and Ross Johnston voted by voice. Board members Adam Bert and Alternate Christian Swann voted in favor by a hand signal show of hand).**

Motion carried with a 7-0 vote.

#### **4. New Business: None**

#### **5. Planning Director's Report:**

Planning Director Bronce Stephenson addressed the Board and provided updates on the following topics:

- Changes to the Charter regarding the advisory board appointment process resulting from the March 2020 election.
- Safety measures and new structure Staff would be implementing for conducting in person advisory board meetings as a result of the Covid-19 virus, once the Governor's executive order was lifted.
- Orange Avenue Overlay Ordinance rescintion and next steps.
- Park Avenue street closure in May for Mother's Day weekend to promote restaurants and businesses.
- Changes to the Planning Department
- City Hall renovations
- Reopening of the City Hall Lobby and Customer Service area June 8
- Library and Event Center construction update
- Reopening of golf course, Dinkey Dock and other venues/establishments following the Governor's orders.
- Kimley Horn Traffic Study for Orange Avenue and 17-92
- Successful implementation of traffic controls for the Killarney neighborhood

After the update, Mr. Stephenson noted that due to the Charter changes for board appointments, the June 2<sup>nd</sup> meeting would be the last time the current board members would be on Planning and Zoning together. He thanked the Board for their service.

**6. Board Update & Comments:** The board members remarked on their time serving on the Planning & Zoning board and thanked Staff for the opportunity.

Meeting adjourned at 7:30 p.m.

Respectfully, Kim Breland, Recording Secretary