



Planning and Zoning Board Minutes

May 4, 2021 at 6:00 p.m.

721 W. New England Avenue | Virtual | Winter Park, Florida

1. Present

City Attorney Dan Langley called the meeting to order at 6:00 p.m. Present: Jim Fitch, Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Bronce Stephenson, Principal Planner Jeff Briggs, Senior Planner Allison McGillis, Transportation Manager Sarah Walter, and Recording Secretary Mary Bush.

Prior to the election of Chair and Vice Chair, Mr. Stephenson asked Staff and Board members to introduce themselves.

2. Election of Chairman and Vice-Chairman

Motion made by Michael Spencer to nominate Richard James as Chairman of the Board. Mr. James accepted the nomination. By a roll call vote, the motion carried unanimously 7-0.

Motion made by Richard James to nominate David Bornstein as Vice-Chair for the Board. Mr. Bornstein accepted the nomination. By a roll call vote, the motion carried unanimously 7-0.

3. Approval of Minutes

Motion made by Michael Spencer, seconded by David Bornstein, to approve the April 6, 2021 meeting minutes.

Motion carried unanimously with a 7-0 vote.

4. Public Hearing:

- SPR #21-06. Request of Jonathan Cole for: Approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA.

Mr. Briggs provided a brief summary of the SPR #21-06 request to the Board. Mr. Briggs presented aerial photos of the current vacant lot as well as the home that previously existed on the lot. He noted that the proposed home extends as far as the front edge of the pool deck of the neighbor's home to the east. Mr. Briggs reminded the Board that their review of the project was an environmental review and that they were only to consider tree preservation, stormwater retention, and how the applicant designs the home with respect to working with the grade of the lot. He also reminded the Board that the issue pertaining to the lake views of adjacent property owners led to the tabling and re-hearing of this particular item. Mr. Briggs advised that per City code, the Board must try to maintain the traditional views of the lake so that those views are not unduly impaired. He also advised that if the applicant were to utilize the total allowed setback, the views of the lake for the neighboring properties would then be significantly blocked and unduly impaired.

Mr. Briggs presented to the Board a depiction of the estimated impact to the views of the lake for the adjacent neighbors to the east. The estimated portion of their view that would be lost was 19% of the total view. Mr. Briggs noted that if the applicant installed plantings of significant height along the property line down to the lake, an estimated 58% of the view would be lost. Staff recommended a condition with approval that landscaping over six feet in height not be allowed along the property line and a bamboo screen be used along the side property lines for the length of home. Mr. Briggs explained the significance of an approval of the applicant's setback request not being considered a variance and the Board's ability to grant a variance to the front setback of the applicant's home. As a possible

compromise, Staff believes the home can be moved toward the street up to six feet without impairing the applicant's ability to build the home in the same manner and with the same square footage.

Staff recommendation was for approval with the following conditions:

- That the applicant be required to enhance the landscape privacy buffer with bamboo along the side property lines for the length of house structure but precluded and prohibited to planting down to the lakefront any landscaping expected to grow higher than six feet in height.

The Board discussed the item and inquired about the following:

- an estimate of the neighbors' view that would be gained back if the home was moved forward six feet to the street,
- the height of the finished floor compared to the adjacent neighbors' home,
- required tree plantings within the property lines of the project,
- the required side setbacks of the proposed home,
- variances to side setbacks permitted by the Planning and Zoning Board,
- the possibility of shifting the home parallel to the western side of the lot,
- the wording from City code regarding the average setback being preserved,
- and the rear setback of the original home.

Discussion ensued and Mr. Stephenson and Mr. Briggs addressed the Board's inquiries. Mr. Stephenson reminded the Board to follow the lakefront review criteria and process. Mr. Briggs noted that roughly 25% of the blocked view for the adjacent neighbors would be restored if the proposed home was moved forward six feet. He also noted that variances to side setbacks can be granted by the Planning and Zoning Board. Mr. Stephenson briefly reviewed with the Board the City code regarding setbacks for lakefront homes.

The applicant's attorney with Akerman Law Firm, Cecilia Bonifay at 1157 N. Pennsylvania Avenue, Winter Park, FL 32789 addressed the Board. Ms. Bonifay noted that being unduly impaired means excessively impaired or having a harsh remedy. She also noted that the applicant had taken steps such as creating staggered levels to the home and an opened balcony to avoid obstructing the neighbors' views. Ms. Bonifay added that based on the audio recording of the April 6, 2021 Planning and Zoning Board meeting, the applicant's statement regarding possibly moving the home forward was not spoken into a microphone and thus unclear. She indicated that the applicant's intended commitment at the time was to continue to work with the neighbors to see what could be done to accommodate them. Ms. Bonifay explained that the applicant had numerous exchanges and meetings with the neighbors but they were still adamant about requesting a 20 to 50-ft movement of the house toward the street. Ms. Bonifay presented detailed photos, diagrams, and 3D renderings of the current, proposed, and past layouts of the lot to depict the variations created by the proposed home. She also briefly reviewed the purpose of minimum setbacks and lakefront lots as well as Board authority on setbacks. Ms. Bonifay concluded her presentation, indicating that the applicant desired to stick to the proposed plans for the project and was willing to follow Staff's recommendation regarding the landscape privacy buffer restrictions.

Chairman James called for a recess at 7:12 p.m. and reconvened the meeting at 7:17 p.m.

The Board heard public comment from the following residents:

Attorney Alison Yurko with Alison Yurko, P.A. at P.O. Box 2286, Winter Park, FL 32789 addressed the Board. Ms. Yurko noted that she was representing the neighbors to the east of the applicant's property, Dr. John and Michelle Randolph. She also noted that after the April 6, 2021 Planning & Zoning Board meeting, she met with the Randolphs, the applicant, and the applicant's contractor in hopes of the applicant agreeing to tweak the project design and not request a 31-ft relief from the minimum lakefront setback. Ms. Yurko gave a brief presentation of objections to the applicant's site plan and lakefront setback deviations. She discussed various concerns that included the nonconformity of the lot, entitlement to deviations, the proposed house size exceeding house sizes on other lots, the required lakefront setback, the applicant's justification to grant the request, and overall adherence to code. Ms. Yurko called for the applicant's request to be denied and the applicant be required to scale back the home.

Christian Swann of 281 Salvador Square, Winter Park, FL 32789 addressed the Board. Mr. Swann spoke on concerns regarding the requested deviations from the average lakefront setback and proposed site plan adjustments.

Michelle Randolph of 741 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mrs. Randolph spoke on concerns regarding the portrayal of her and her husband in the matter, the deviations being requested by the applicant, and the footprint of the original home that was on the lot compared to the proposed home.

Dr. John Randolph of 741 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mr. Randolph presented depictions of and expressed his concerns with the estimated blockages to views of the lake from his home and neighboring homes. He also spoke on concerns regarding the requested deviations from the average lakefront setback.

Robin Swann of 281 Salvador Square, Winter Park, FL 32789 addressed the Board. Ms. Swann noted that she was representing her mother who lives at 761 Virginia Drive, Winter Park, FL 32789. She spoke on concerns regarding enforcement and interpretation of the City code for lakefronts and referencing irregular shorelines.

Kevin Cunningham of 1336 College Point, Winter Park, FL 32789 addressed the Board. Mr. Cunningham expressed that the applicant was not requesting a variance, the plans should be accepted as is, the 3D renderings were accurate, and the proposed home was not causing an undue impairment.

Raquel Cunningham of 1336 College Point, Winter Park, FL 32789 addressed the Board. Mrs. Cunningham expressed that the applicant's plans met all of the City's requirements and the neighbors' views were not being unduly burdened.

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

The applicant's attorney, Cecilia Bonifay addressed the Board. She raised concerns regarding unfavorable portrayal of the applicant, issues raised relating to the boat house and dock, precedence for future restrictions, and references to an absolute standard in footage for lakefront setbacks. Ms. Bonifay asked the Board to support the recommendations made by Staff.

The applicant, Jonathan Cole of 721 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mr. Cole noted that after the first Board meeting regarding his project, he was open to communicating and talking about the possibility of moving the home on the basis that there was an impact on the lake. He also noted that he had communicated but the impact on the neighbors' views was negligible and did not warrant moving the home closer to the street. Mr. Cole mentioned that concerns, which were not initially raised, were brought up by the neighbors regarding his boat house and dock. He added that his project complies with the City's requirements and that he was trying to build something reasonable and preserve the integrity of the lake.

The Board discussed the item and inquired about the following:

- how the setbacks of the original home were obtained,
- clarification of deviations granted along the lakefront,
- Staff's review of the finished floor elevations study,
- the applicant's willingness to move the home forward to the street and modify the driveway,
- moving of the home forward possibly encroaching the side setbacks or creating other issues,
- and requiring the applicant to consider canting the property.

Board discussion continued with their inquiries addressed by Mr. Stephenson, Mr. Briggs, and Mr. Cole. Mr. Stephenson reminded the Board that per City code the Board may, as conditions necessitate, reduce the height of structures, alter their locations, sizes, and designs and has limited authority to grant exceptions to the front and side setbacks when deemed necessary. Mr. Cole expressed that he did not want to consider committing to moving the home forward without first confirming the exact footage that was being requested for the move.

Motion made by David Bornstein, seconded by Michael Spencer, for approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA with the following conditions:

- That the applicant be granted a variance to the front setback to move the home six feet closer to the street creating no less than an 87-ft lakefront setback.
- That any vegetation going down to the lakefront not exceed six feet in height.
- That bamboo screening be used along the side property lines for the length of home.

Motion carried with a 6-1 vote. (In Favor: Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Opposed: Jim Fitch)

Chairman James called for a recess at 8:20 p.m. and reconvened the meeting at 8:26 p.m.

- SUB #21-02. Request of A&R Real Estate Development LLC for: Approval to subdivide the vacant property, platted as Lots 25 & 26 on Loch Lomond Drive into two buildable single-family home lots.
- ZTA #21-01. Request of the City of Winter Park for: An Ordinance amending Chapter 58, Article I, Comprehensive Plan, future land use map so as to change the future land use designation of Office to Single-Family Residential on Lots 25, 26 and 27 on the corner of Loch Lomond Drive and Moray Lane.

Mr. Briggs provided a brief summary of the SUB #21-02 and ZTA #21-01 requests to the Board. Mr. Briggs noted that in 1980 Orange County adopted the Office Future Land Use designation for the entire neighborhood but the City has kept with a policy of using Single-Family Residential for the lots on Loch Lomond.

Staff recommendation was for approval.

Chairman James inquired about why the future land use designation of Office was not being changed for all of the neighborhood. Mr. Briggs noted the concerns that may arise with such a change and the anticipated City-wide notice.

The applicant, Shane Acevedo of 1817 Loch Berry Road, Winter Park, FL 32789 addressed the Board. Mr. Acevedo commented that he felt it was a fantastic redevelopment area. He added that he did not know about the zoning requirement until his attorney made him aware of it.

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

Motion made by Michael Spencer, seconded by David Bornstein, for approval to subdivide the vacant property, platted as Lots 25 & 26 on Loch Lomond Drive into two buildable single-family home lots and for approval of an Ordinance amending Chapter 58, Article I, Comprehensive Plan, future land use map so as to change the future land use designation of Office to Single-Family Residential on Lots 25, 26 and 27 on the corner of Loch Lomond Drive and Moray Lane.

Motion carried unanimously with a 7-0 vote.

5. New Business:

No new business.

6. Planning Director's Report:

No planning report. Mr. Stephenson welcomed all of the new members of the Board and reminded the Board about the upcoming mandatory Board Orientation.

7. Board Update and Comments:

Chairman James inquired about the next work session. Attorney Langley offered to cover half an hour of more detailed Board training at the work session. Chairman James recommended discussing Orange Avenue Overlay District updates as well at the work session.

Mr. Bornstein asked how a Board member can get a motion before the City Commission. Attorney Langley responded and noted that a Board member can individually go directly to each City Commissioner to discuss the motion or bring up items that relate to the Board's business in public discussion at a Planning and Zoning Board meeting for a recommended change. Mr. Stephenson suggested the Board request to have a joint work session with the City Commission. Chairman James suggested including at the next Planning and Zoning Board work session discussion on creating a list of items to present to the City Commission at a joint work session.

8. Upcoming Meeting Schedule:

The next regular meeting will be held on June 1, 2021 and the next work session will be on May 25, 2021.

Adjourn

Meeting adjourned at 8:47 p.m.

Respectfully Submitted,

Mary Bush

Recording Secretary

Approved by Board on July 6, 2021.