



Board of Adjustments Regular Meeting Minutes

August 16, 2022 at 5:00 p.m.

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

Present

Present In-Person: Jason Johnson, Charles Steinberg, Robert Trompke, Michael Clary, Cathy Sawruk, Tom Sims, and Ann Higbie. Also Present: City Attorney J. Giffin Chumley. Staff: Assistant Director of Planning and Transportation Allison McGillis, Planner I Nicholas Lewis, Planning Technician Aaron Hull, Building and Permitting Director Gary Hiatt, Building and Permitting Manager Renata Minoga, and Recording Secretary Mary Bush.

(1) Call to Order

Chairman Jason Johnson called the meeting to order at 4:59 p.m.

(2) Consent Agenda

Approval of Minutes:

Motion made by Robert Trompke, seconded by Tom Sims to approve the July 19, 2022 meeting minutes.

Motion carried unanimously with a 7-0 vote.

(3) Staff Updates

Mr. Lewis noted to the Board that this was the first month using the newly revised Chairman's opening statement per the Board's request and asked for their feedback. The Board was in acceptance of the revised statement and did not desire any further changes to be made to it.

(4) Public Comments (for items not on Agenda)

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

(5) Non-Action Items

No non-action items.

(6) Action Items

No action items.

(7) Public Hearings

- BOA-2022-0012: Request of B-Nyce LLC for variance approval from Section 58-71 subsection (n)(2) to replace the existing 4-foot white decorative fencing with a 6-foot white vinyl privacy fence along the street-side lot line, for the property located at 1411 Norfolk Avenue, zoned R-1A.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map, aerial view, survey, and photos of the property. He noted that it is one of only three properties within the entire City that are residential and abut directly onto US Highway 17-92. He also noted that all of the other residential properties to the south are all in the City of Orlando. Mr. Lewis then presented a street view of the existing fence as well as the general area of the property. He explained that the existing four foot high white

decorative fence is the maximum that can be built under code for corner lots and abuts directly onto the sidewalk, which is only five feet from US Highway 17-92. He went on to briefly discuss the existing vegetative canopies for two neighboring properties. He expressed that the applicant feels there is zero room on his lot to establish a vegetative canopy to mitigate noise and for privacy reasons. Mr. Lewis added that the existing home sits only 15 feet away from US Highway 17-92 and 10 feet away from the property line. He indicated that the other homes located in the City of Orlando are permitted up to eight feet for privacy walls and fences. Mr. Lewis went on to review the variance approval criteria as it related to the request, emphasizing that a vegetative buffer and privacy fence or wall could not be achieved due to the existing conditions.

Staff recommendation was for approval.

The Board briefly discussed the item and inquired about the following:

- the distance from the existing six foot fence and the fence at the property line,
- the setback of the house to the north of the applicant's property from US Highway 17-92,
- the reason for there being no room for a hedge along the concrete retaining wall,
- if the applicant had plans for another structure in the back yard,
- if the existing six foot fence would be replaced by the new proposed fence,
- and the side setback on the west side of the property.

The applicant, William Fitzsimmons of 1411 E. Norfolk Avenue, Winter Park, FL 32789 addressed the Board. Mr. Fitzsimmons spoke on concerns regarding noise and speeding. He expressed that the proposed fence would provide security and privacy for his family and property.

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

The Board briefly shared their thoughts on the request and were unanimously in favor of it. Some Board members expressed that, if it were possible, they would want landscaping used to soften the look of the fencing. Chairman Johnson emphasized the fact that the applicant's property is one of only three properties within the City that abuts US Highway 17-92 and is the only one of the three that has the unique circumstance of not being able to put up a functional vegetative buffer.

Motion made by Ann Higbie, seconded by Tom Sims, for variance approval from Section 58-71 subsection (n)(2) to replace the existing 4-foot white decorative fencing with a 6-foot white vinyl privacy fence along the street-side lot line, for the property located at 1411 Norfolk Avenue, zoned R-1A.

Motion approved with a 7-0 vote.

(8) Board Comments

No board comments.

(9) Upcoming Agenda Items

No discussion ensued on upcoming agenda items.

(10) Adjournment

Meeting adjourned at 5:20 p.m.

Minutes Approved by the Board on September 20, 2022.

/s/ Recording Secretary Mary Bush