



Board of Adjustments Regular Meeting

Agenda

July 19, 2022 @ 5:00 pm

City Hall Commission Chambers
401 S. Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/bpm and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

please note

Times are projected and subject to change.

-
1. **Call to Order**
 2. **Consent Agenda**
 - a. [Approval of the June 21, 2022 Meeting Minutes.](#) 1 minute
 3. **Public Comments (for items not on the agenda): Three minutes allowed for each speaker**
 4. **Public Hearings**
(Public participation and comment on these matters must be in-person.)
 - a. [BOA-2022-0010: Request of Barefoot Brothers Construction LLC.](#) 10 minutes
Request of Barefoot Brothers Construction LLC for variance approval from Section 58-65(f)(6) to allow a second-story interior side setback of 11-feet in lieu of the required side setback of 12-feet in conjunction with their proposed 430 square-foot addition to the existing home located at 541 N. Virginia Drive, zoned R-1AAA.
 - b. [BOA-2022-0011: Request of Ron and Marshall Shirtzer.](#) 10 minutes
Request of Ron and Marshall Schirtzer for variance approval from Section 58-66(f)(6) to allow an interior side setback of 9.1-feet in lieu of the required side setback of 11-feet in conjunction with their proposed 115 square-foot addition to the existing home located at 417 Langholm Drive, zoned R-1A.
 5. **Non-Action Items**
 6. **Staff Updates**
 7. **Board Comments**
 8. **Upcoming Agenda Items**
 9. **Adjournment**



Board of Adjustments

agenda item

item type	Consent Agenda	meeting date	July 19, 2022
prepared by	Mary Bush	approved by	
board approval	Completed		
strategic objective			

subject

Approval of the June 21, 2022 Meeting Minutes.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[BOA June 21, 2022 Draft Meeting Minutes.pdf](#)



Board of Adjustments Regular Meeting Minutes

June 21, 2022 at 5:00 p.m.

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

Present

Present In-Person: Robert Trompke, Michael Clary, Cathy Sawruk, Jason Johnson, and Charles Steinberg. Absent: Tom Sims and Ann Higbie. Also Present: City Attorney J. Giffin Chumley. Staff: Director of Planning and Transportation Jeff Briggs, 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 Robert Trompke called the meeting to order at 5:00 p.m.

(2) Consent Agenda

Election of Chairman and Vice-Chairman:

Motion made by Charles Steinberg to nominate Jason Johnson as Chairman of the Board. Mr. Johnson accepted the nomination.

All in favor, the motion carried unanimously 5-0. (Tom Sims and Ann Higbie were not present for the meeting.)

Motion made by Jason Johnson to nominate Charles Steinberg as Vice-Chairman of the Board. Mr. Steinberg accepted the nomination.

By a roll call vote, the motion carried unanimously 5-0. (Tom Sims and Ann Higbie were not present for the meeting.)

Approval of Minutes:

Motion made by Michael Clary, seconded by Charles Steinberg to approve the May 17, 2022 meeting minutes.

Motion carried unanimously with a 5-0 vote. (Tom Sims and Ann Higbie were not present for the meeting.)

(3) Staff Updates

Mr. Briggs provided and reviewed with the Board a City Commission handout on Board meeting requirements. He informed the Board that the City Commission has allowed live streaming of the Board meetings for the public to view and comment during the meetings. The online viewers will only be able to comment on certain non-quasi-judicial agenda items and must register to speak on those items. Mr. Briggs also advised the Board that they are allowed to participate virtually for the Board meetings up to three times per year as long as there is a quorum physically present for the meeting.

Mr. Briggs then briefly discussed the changes that were made once the Board of Adjustment was placed under the Planning Department and asked the Board if they had any desire for any new changes. Mr. Trompke recommended that the Chairman's opening statement be more instructional for the citizens letting them know how many votes they would need for approval and what their options and rights are. Chairman Johnson expressed that he appreciated the additional staff input and the comments related to the each of the four variance approval criteria and was in favor of keeping it as status quo. He added that as a quasi-judicial Board, they are not bound by staff recommendations but they have been helpful in assessing the variance requests.

Mr. Lewis then reminded the Board about the City's Board Appreciation Night scheduled for June 23, 2022.

(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-2022-0007. Request of Green Apple Architecture for variance approval from Section 58-71 subsection (j)(1) to allow a rear swimming pool setback of 5-feet in lieu of the required rear setback of 10-feet located behind the home at 1913 Sycamore Drive, zoned R-1A.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map, aerial view, and proposed site plan of the property. He noted that three neighbor letters were received and all were in favor of the project. He went on to explain that the applicant had originally received a preliminary front setback requirement of 25 feet from City staff prior to the applicant purchasing the property, so the applicant believed that they had more than enough room to adhere to the 10 foot rear setback requirement. Upon further inspection during the permitting process, it was determined that the actual front setback average is 31.5 feet leaving no adequate room on the rear of the property for a swimming pool of the applicant's design. He reviewed with the Board the survey of the property and the preliminary setback sheet that had been provided to the applicant. He explained that the rationale behind staff's preliminary setback determination was that the adjacent property's carport was roughly at a 25 foot setback, so the applicant would be able to have the same setback of 25 feet.

Mr. Lewis then reviewed the variance approval criteria as it related to the request, noting that the lot is shallow at only 100-feet and the adjacent houses were constructed quite far back. He also noted that the applicant purchased the property after being provided an improper setback of 25-feet by staff and subsequently designed the home around that setback assuming that there was adequate room for a swimming pool. He advised the Board that staff has taken steps to ensure the issue does not happen again including, requiring front setback averages to be verified by a licensed surveyor, no longer providing front setback calculations by staff, and looking at equitable alternatives to the current front setback determination standards.

Staff recommendation was for approval.

The Board inquired about the following:

- if the house is new construction,
- if the City would grant a five foot setback to any other neighboring property,
- clarification on the special conditions and circumstances,
- if the permit for the pool was part of the initial permitted plan,
- if there had been any discussion by the City regarding having fixed front setbacks,
- and if any other owners on Sycamore Drive have pools that back up to the rear property line of the project.

The applicant's representative, John Drake of 174 W. Comstock, Winter Park, FL 32789 addressed the Board. Mr. Drake provided brief background on the project, noting that the original design plan for the structure included a 25 foot front setback and a 25 foot area in the rear for the pool. Once it went for permitting the current 31.5 foot setback was required, which does not allow for the design of the pool.

The Board heard public comment from the following citizen:

Sallie Spivey of 2964 Northwood Blvd., Winter Park, FL 32789 addressed the Board. Ms. Spivey asked for clarification on any construction being completed for the home and its intended size.

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

The Board briefly shared their thoughts on the request and were overall in favor of it. Chairman Johnson expressed for the record that due to the shallow nature of the lot and the owner receiving and relying on incorrect information from the City when deciding to buy the lot, a special circumstance that bodes well in favor of approval of the variance existed. He added that literally interpreting the municipal code would deprive the owner of being able to have a swimming pool. He also noted that the applicant was asking for a minimal ten foot wide pool and the actions of the applicant were not the cause of the hardship, receiving wrong information from the City was the cause. Chairman Johnson also expressed for the record that by virtue of considering the incorrect information from the City, granting the variance would not confer any special privilege on any other neighboring lands, structures, or buildings in the same zoning district. He added that the Board would not want this considered by any other member of the community as grounds for getting a five foot setback from the City.

Motion made by Michael Clary, seconded by Robert Trompke, for variance approval from Section 58-71 subsection (j)(1) to allow a rear swimming pool setback of 5-feet in lieu of the required rear setback of 10-feet located behind the home at 1913 Sycamore Drive, zoned R-1A.

Motion approved with a 5-0 vote. (Tom Sims and Ann Higbie were not present for the meeting.)

- BOA-2022-0008. Request of Kelly and Bruce Brandes for variance approval from Section 58-71 subsection (h)(2) to allow a street-side setback of 14-feet in lieu of the required street-side setback of 20-feet in conjunction with their proposed 220 square-foot addition to the existing home located at 1254 Via Estrella, zoned R-1AA.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map and proposed site plan of the property. He noted that several neighbor letters were received in approval of the request and none were received in opposition. He presented a survey of the property and expressed that a five foot indent for articulation purposes currently exists on the northeastern corner of the property and the applicants want to expand it by an additional six feet for living space and the actual construction of the wall. Mr. Lewis briefly discussed other options available to the applicants for the addition and the pros and cons to each. He noted that one of the applicants is now working from home and an elderly parent will be living with them in the addition due to an unexpected need for in home direct care. He then discussed the proposed elevations and reviewed the variance approval criteria as it related to the request. Mr. Lewis noted that because the property is a corner lot with deeper than normal rights-of-way (ROW) on both Via Estrella and Temple Drive and the unforeseen circumstances necessitating the home office and extra living space, staff believed that granting the variance would not confer any special privilege on any other neighboring lands, structures or buildings in the zoning district.

Staff recommendation was for approval.

The Board inquired about and briefly discussed why building a second story on the garage would not have solved the problem. Chairman Johnson disclosed that he had met the applicants while on the street walking their respective dogs, but did not have any conversations with them about the application.

The applicants, Kelly and Bruce Brandes at 1254 Via Estrella, Winter Park, FL 32789 addressed the Board. Mr. Brandes gave a brief background of the request and an explanation for the necessity of the addition. Mrs. Brandes provided further details on the accommodations that would need to be made for their elderly parent.

Chairman Johnson inquired with the applicants as to whether or not they planned to keep the Podocarpus that was planted along Via Estrella and Temple Drive. The applicants responded that they would be keeping the Podocarpus.

The Board heard public comment from the following citizens:

Mark Nichols of 1205 Whitesell Drive, Winter Park, FL 32789 addressed the Board. Mr. Nichols spoke in favor of the request and noted that he briefly met and spoke with the applicants while walking his dog and understands the reason why the applicants would want the reduced setback for the addition.

William Rogers Turner, Jr. of 1214 Via Estrella, Winter Park, FL 32789 addressed the Board. Mr. Turner spoke in favor of the request and noted that he met the applicants while they were building the house and has spoken to them about the application. He expressed that he felt the request would be great for the neighborhood and that most of the neighbors were in favor of it.

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

The Board briefly expressed their thoughts on the request. Several Board members felt that a hardship existed based on the ROW and deep setbacks.

Motion made by Michael Clary, seconded by Robert Trompke, for variance approval from Section 58-71 subsection (h)(2) to allow a street-side setback of 14-feet in lieu of the required street-side setback of 20-feet in conjunction with their proposed 220 square-foot addition to the existing home located at 1254 Via Estrella, zoned R-1AA.

Motion approved with a 5-0 vote. (Tom Sims and Ann Higbie were not present for the meeting.)

(8) Board Comments

No Board Comments.

(9) Upcoming Agenda Items

No discussion ensued on upcoming agenda items.

(10) Adjournment

Meeting adjourned at 5:53 p.m.

/s/ Recording Secretary Mary Bush



Board of Adjustments

agenda item

item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date July 19, 2022
prepared by Nicholas Lewis	approved by John Harbilas, Allison McGillis, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

BOA-2022-0010: Request of Barefoot Brothers Construction LLC.

item list

Request of Barefoot Brothers Construction LLC for variance approval from Section 58-65(f)(6) to allow a second-story interior side setback of 11-feet in lieu of the required side setback of 12-feet in conjunction with their proposed 430 square-foot addition to the existing home located at 541 N. Virginia Drive, zoned R-1AAA.

motion / recommendation

Staff recommendation is for approval.

background

The applicant, Ron Scarpa of Barefoot Brothers Construction LLC, is requesting variance approval to add a 430 square foot addition on the second-story along the western property line of the existing home with a second-story side setback of 11-feet in lieu of the required 12-feet located at 541 N. Virginia Drive, zoned R-1AAA.

Currently, the existing home meets the required second-story side setback and the portion of the proposed addition is divided into two sections, one being a flat roof and the other being a sloped roof. Both sections are hidden behind parapet walls on all four sides.

The homeowners are looking to add a music studio to their existing home, which was constructed in 2008, prior to the current homeowner's purchase of the property. The applicant believes that the requested variance would not only allow them to build such a studio, but in addition address other concerns including, tree preservation, expanding the home so as to sit closer to the waterline, and a problem in the home's design with water damage that is occurring due to build up of debris behind the existing parapet walls.

Variance Review Criteria:

Special Conditions and Circumstances

In order to allow for a variance to be granted, special conditions and circumstances must exist which are peculiar to the land, structure or building involved and are not applicable to other land, structures or buildings in the same zoning district.

The current design of the home created dead valleys in the area of the proposed addition, which collect water and debris that should be running off the roof and into the lawn and instead creates a water intrusion issue in the lower section of the home. This poses a long-term maintenance issue and potential safety hazard for the homeowners.

Further, a line of oak trees exists along the same property line providing a visual buffer between the home and the adjacent property to the West. To solve the water intrusion issue would likely require tree removal in order to limit the potential for the build up of debris behind the parapet walls.

Deprivation of Rights

The second requirement for granting a variance request is that the literal interpretation of the provisions of the zoning code would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district.

A literal interpretation of Section 58-65(f)(6) would require a second-story setback of 12-feet. The applicant could not find a solution that meets the required setback and solves the water intrusion problem. Instead, the applicants are requesting this variance of an 11-foot setback which creates a wall flush with the first-floor and provides enough height to redesign the roof line to correct the water intrusion issue without risking removal of any canopy trees on the property while also achieving the homeowner's desire for an addition for a music studio.

Actions of the Applicant

The special conditions and circumstances must not result from the actions of the applicant. The homeowners purchased the property within the last year and the home was designed and constructed prior to their ownership.

Further, the applicant believes that this location provides a unique opportunity that would allow an addition of their desired size as well as to mitigate the water intrusion issue. Further, this location would not increase the impervious coverage and does not

require the removal of any canopy trees. In addition, additions which decrease the lakefront setbacks are generally discouraged, whereas this location avoids any exacerbating setback on the lakefront which brings the home closer to the waterline.

Special Privilege

The last requirement necessary to grant a variance request is that the variance will not confer on the applicant any special privilege denied by the zoning ordinance to other lands, structures or buildings on the same zoning district. No nonconforming use of the neighboring lands, structures or buildings in other zoning districts shall be considered grounds for the issuance of a variance.

Due to the unique nature of this request, including the fact that it is a lakefront, the water intrusion issue, and the location of the trees directly adjacent which exacerbate that issue, staff believes that granting this variance would not confer any special privilege onto any other neighboring lands, structures or buildings in the same zoning district.

Summary

Staff believes that the applicant meets the four criteria necessary to grant this variance request. The special conditions and circumstances are specifically unique to this building and lot. The applicant's proposal would meet all requirements besides the second-story side setback and would remain largely shielded from view by the adjacent neighbor by the existing tree canopy.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[5414 N Virginia Dr - Area Map.JPG](#)

ATTACHMENTS:

[541 N Virginia Dr - Aerial Map.JPG](#)

ATTACHMENTS:

[541 N Virginia Dr - Neighbor Letter Map.JPG](#)

ATTACHMENTS:

[541 N Virginia Dr - Plan Set.pdf](#)

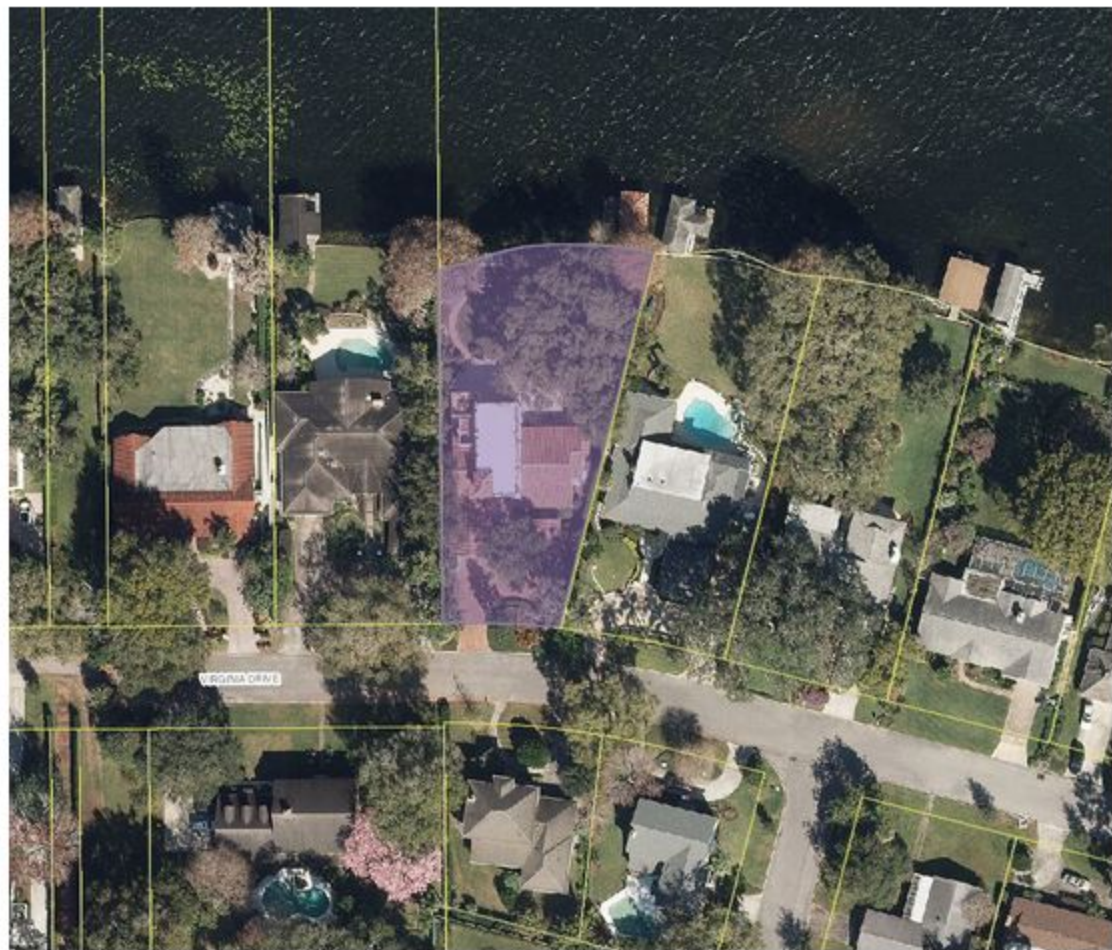
ATTACHMENTS:

[541 N Virginia Dr - Applicant Energov Submittal.pdf](#)

ATTACHMENTS:

[541 N Virginia Dr - Neighbor Letters.pdf](#)







541 Virginia Dr,
Winter Park, FL

[illegible]

Barefoot
Brothers

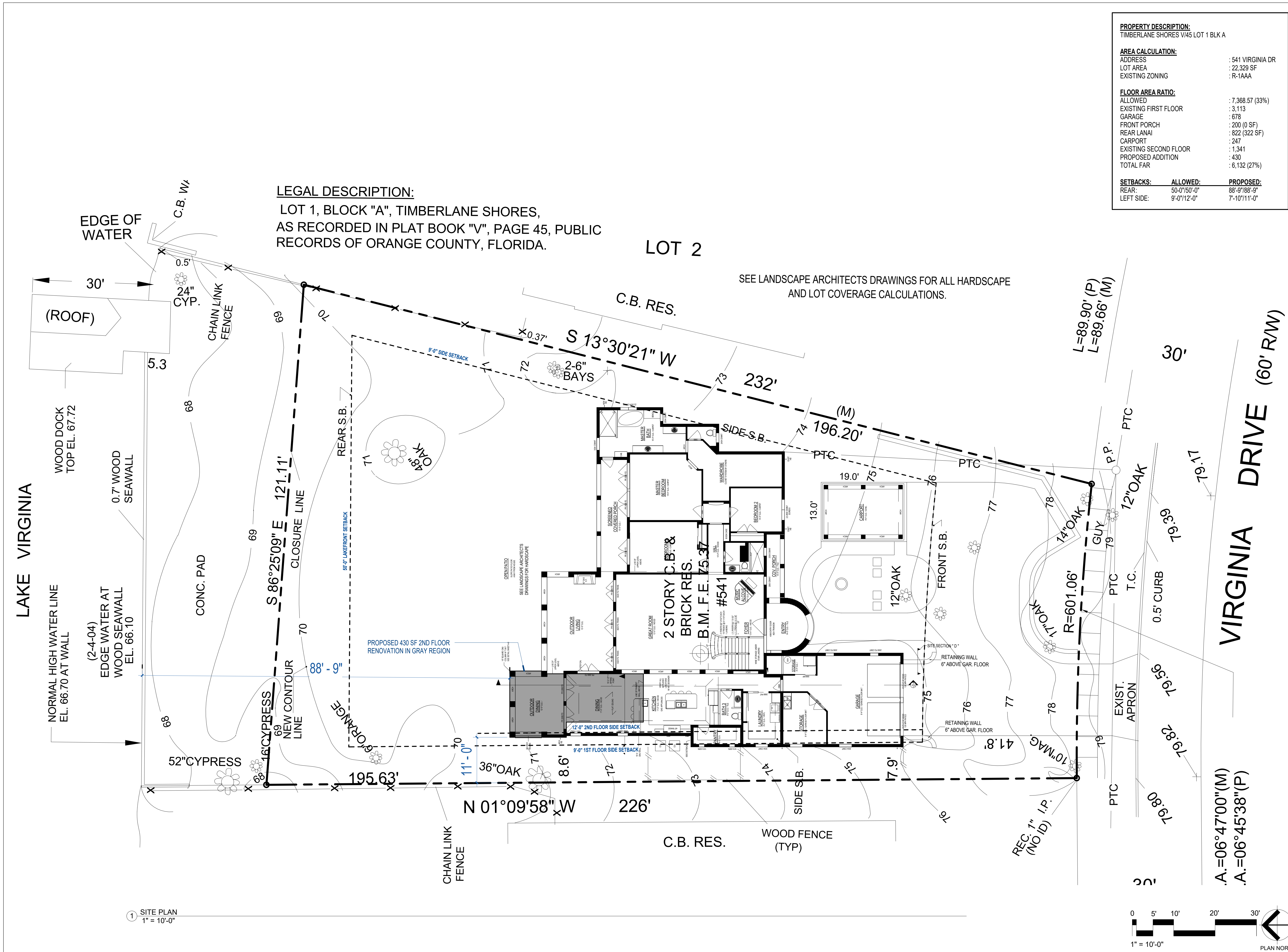
541 Virginia Dr.
Addition

SITE PLAN

Date	5/11/2022
Drawn By	WV
Checked By	WV

1

Scale As indicated



41 Virginia Dr,
Winter Park, FL

[illegible]

Barefoot Brothers

541 Virginia Dr.
Addition

EXISTING -
LEVEL 1
FLOOR PLAN

Date 5/11/2022

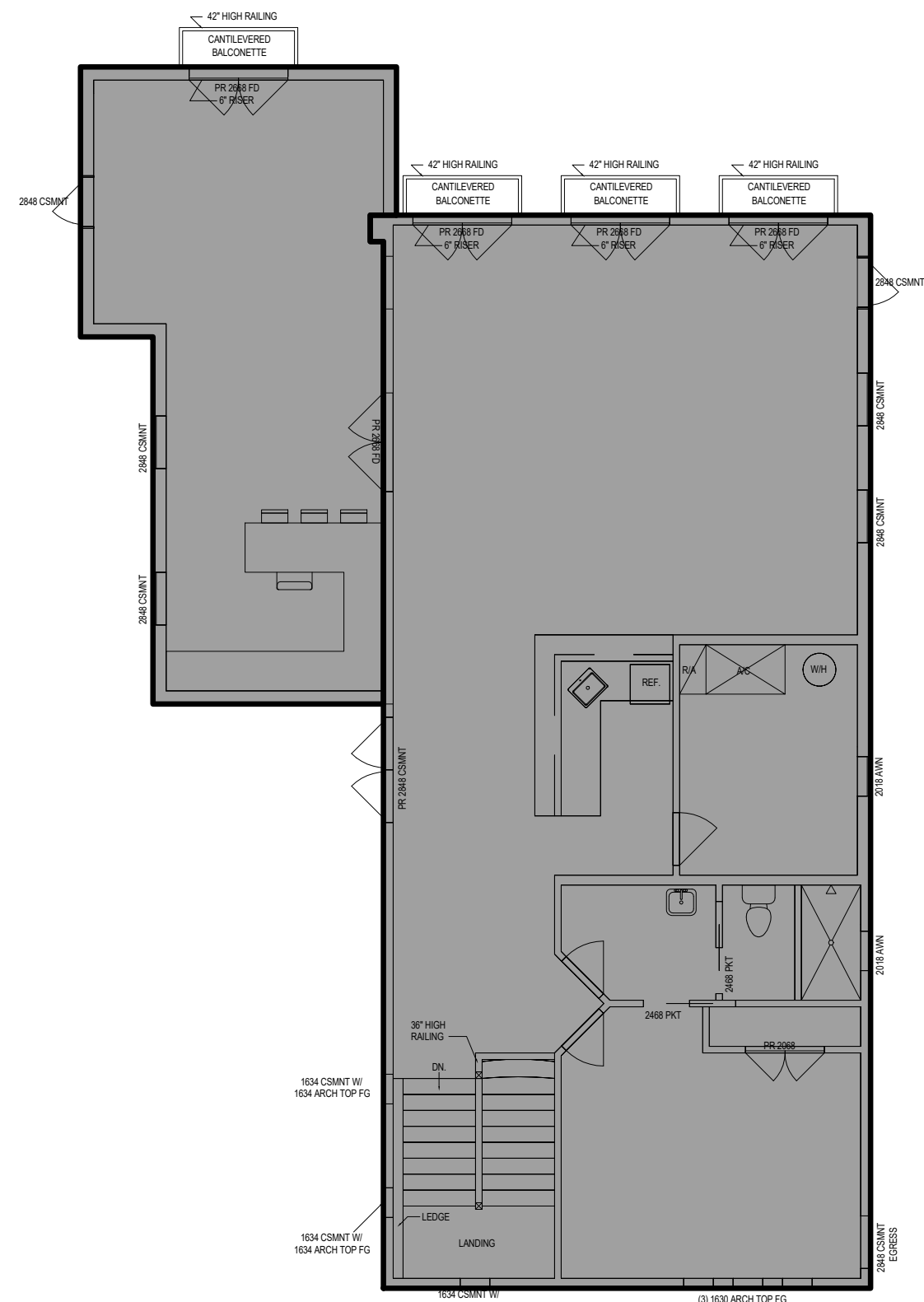
Drawn By WV

Checked By WV

2

Scale As indicated

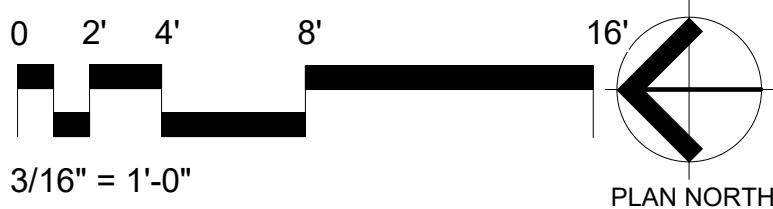
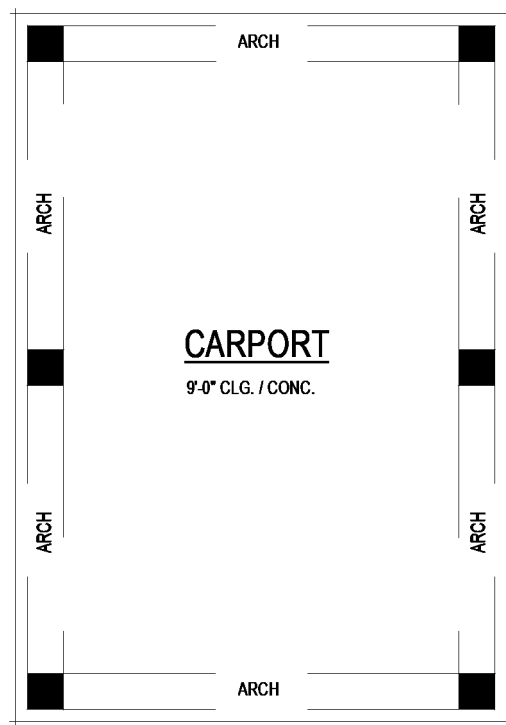
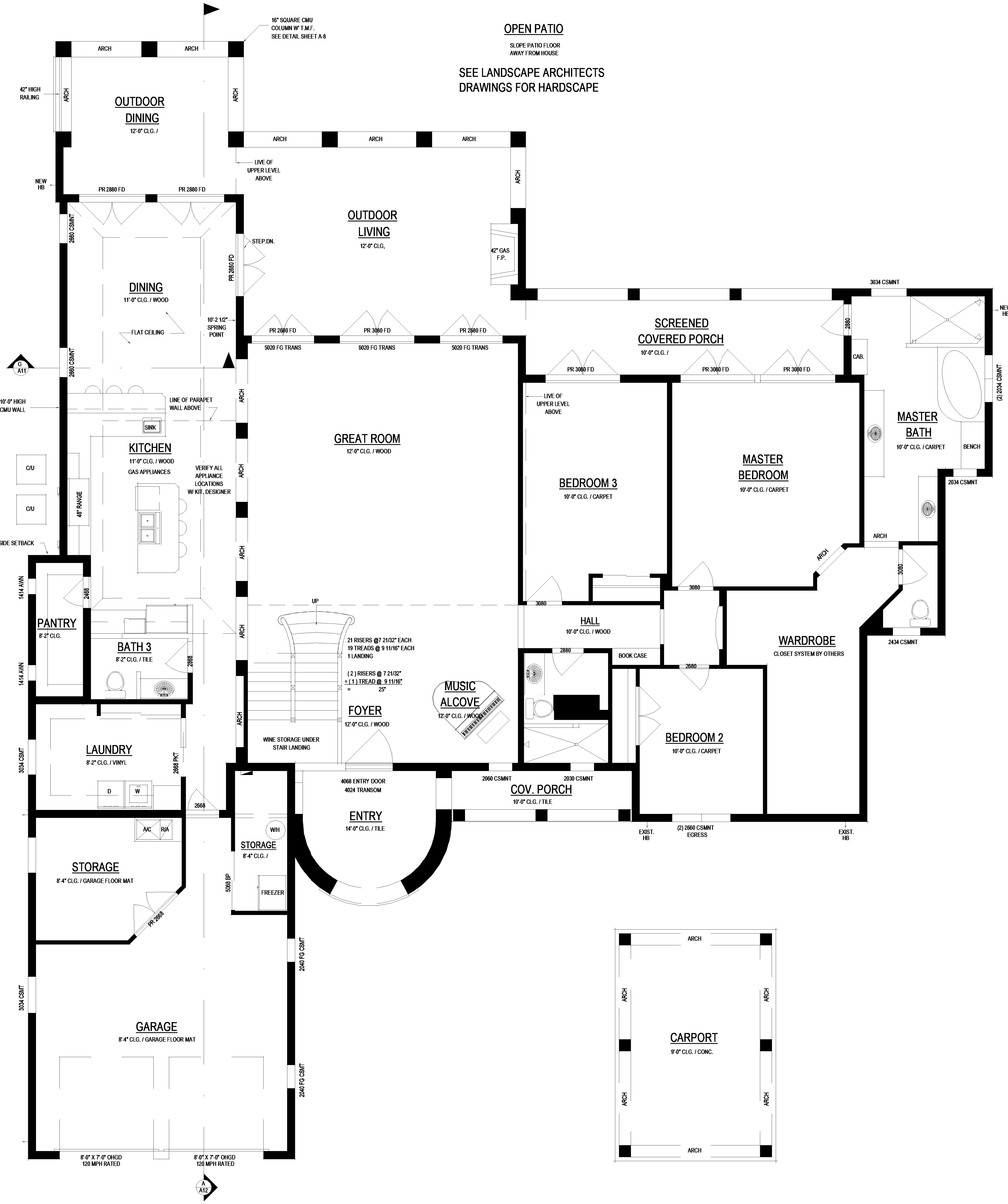
③ LEVEL 2 - SQFT CALCS.
1/8" = 1'-0"



2 LEVEL 1 FLOOR PLAN - FAR
1" = 10'-0"



1 EXISTING - LEVEL 1 FLOOR PLAN
3/16" = 1'-0"



541 Virginia Dr,
Winter Park, FL

[illegible]

Barefoot Brothers

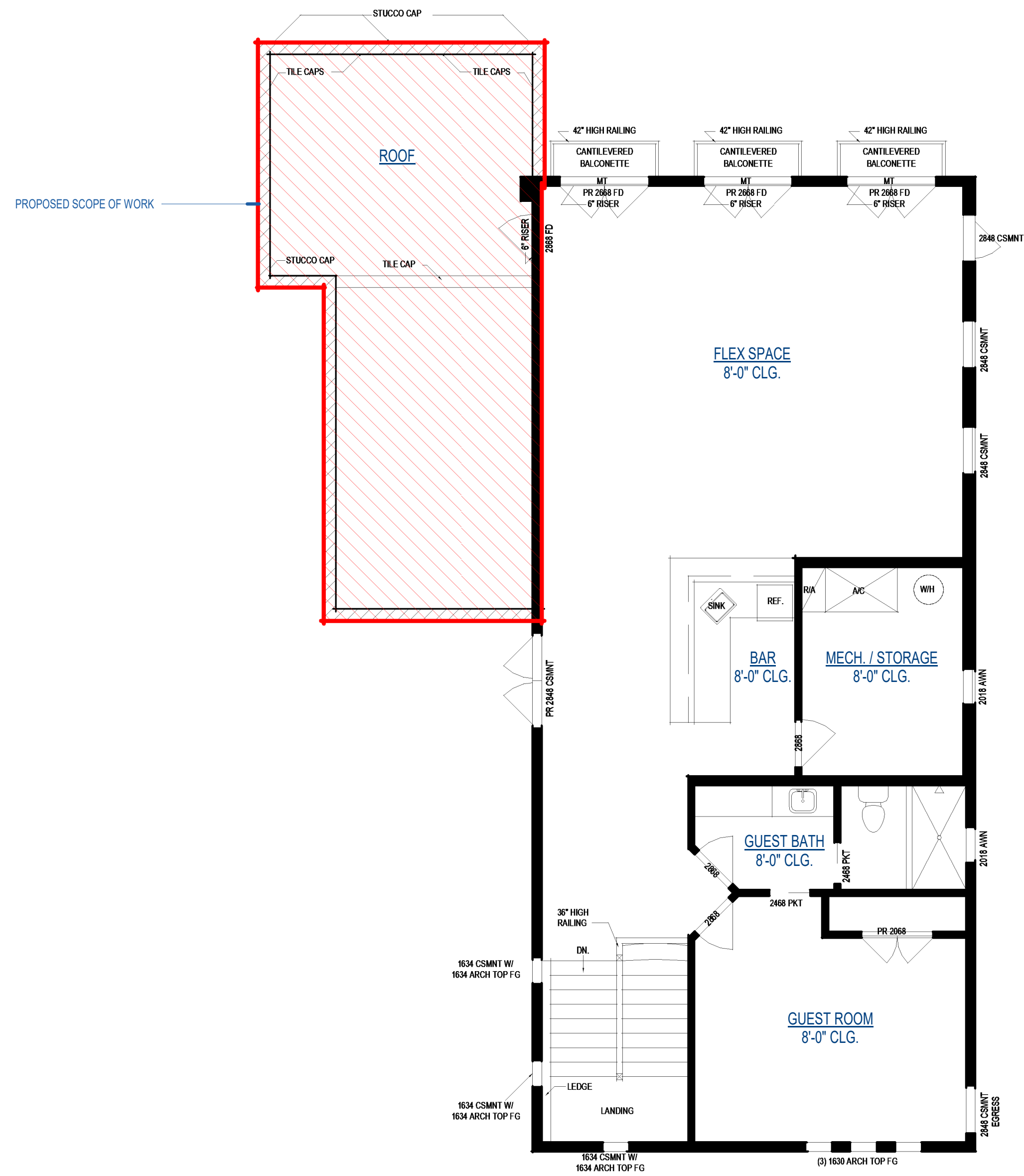
541 Virginia Dr.
Addition

LEVEL 2 PLANS

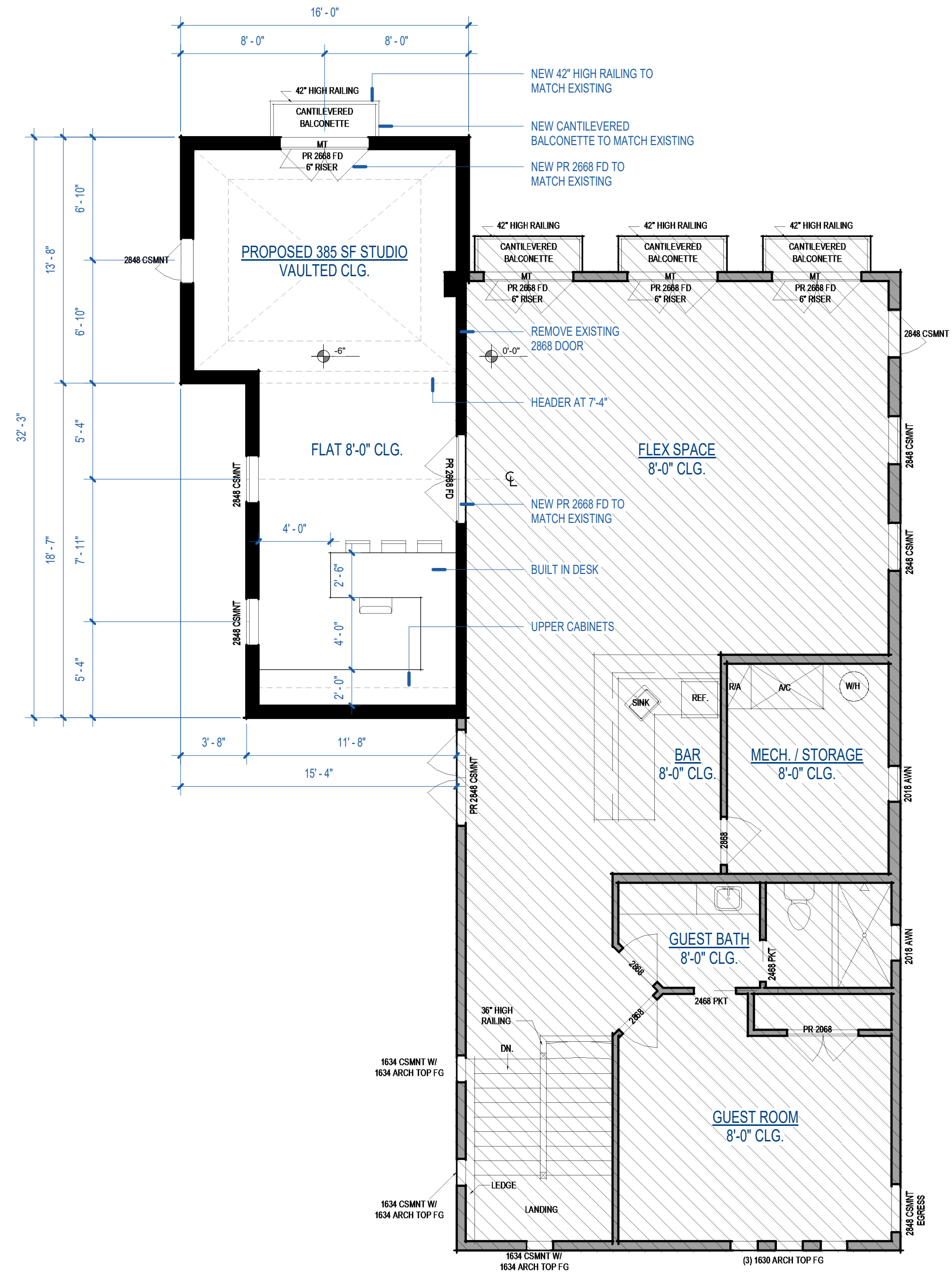
Date	5/11/2022
Drawn By	WV
Checked By	WV

3

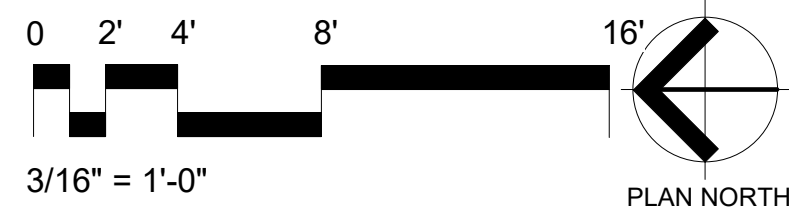
Scale $3/16" = 1'-0"$



1 EXISTING - LEVEL 2 FLOOR PLAN
3/16" = 1'-0"



2 PROPOSED - LEVEL 2 FLOOR PLAN
3/16" = 1'-0"



541 Virginia Dr,
Winter Park, FL

[illegible]

Barefoot
Brothers

541 Virginia Dr.
Addition

ELEVATIONS

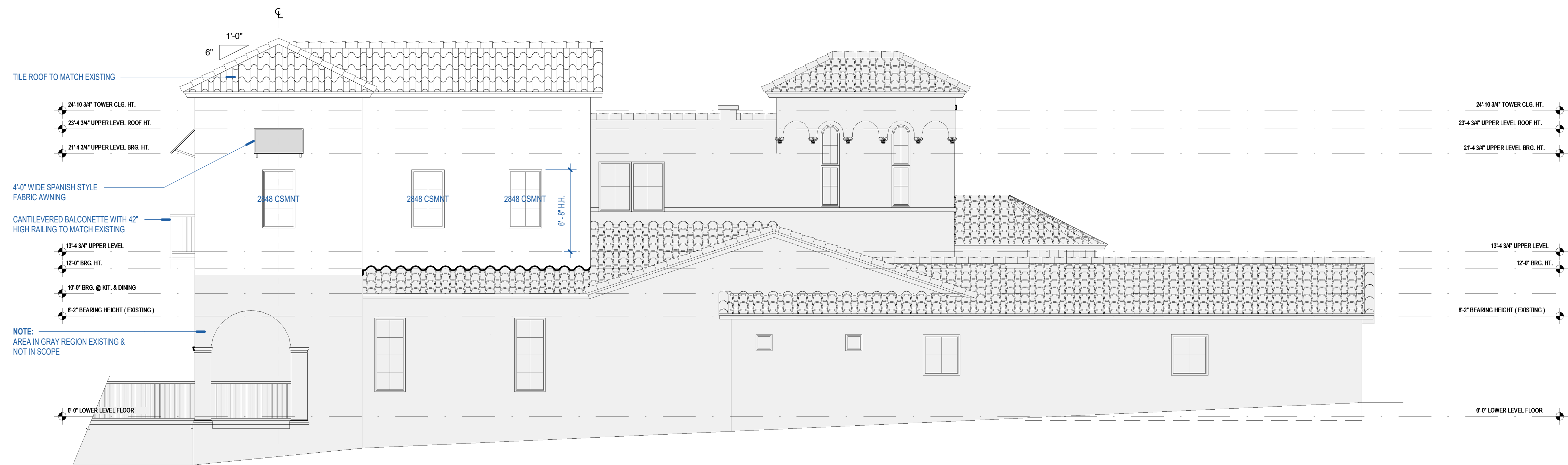
Date	5/11/2022
Drawn By	WV
Checked By	WV

5

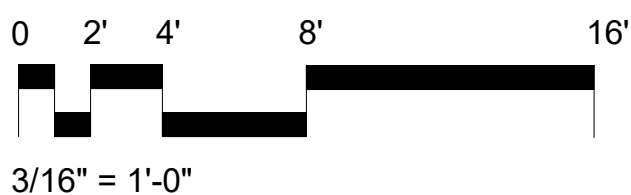
Scale $3/16" = 1'-0"$



① EXISTING - ELEVATION - LEFT
3/16" = 1'-0"



② PROPOSED - ELEVATION - LEFT
3/16" = 1'-0"



541 Virginia Dr,
Winter Park, FL

[illegible]

Barefoot
Brothers

541 Virginia Dr.
Addition

ELEVATIONS

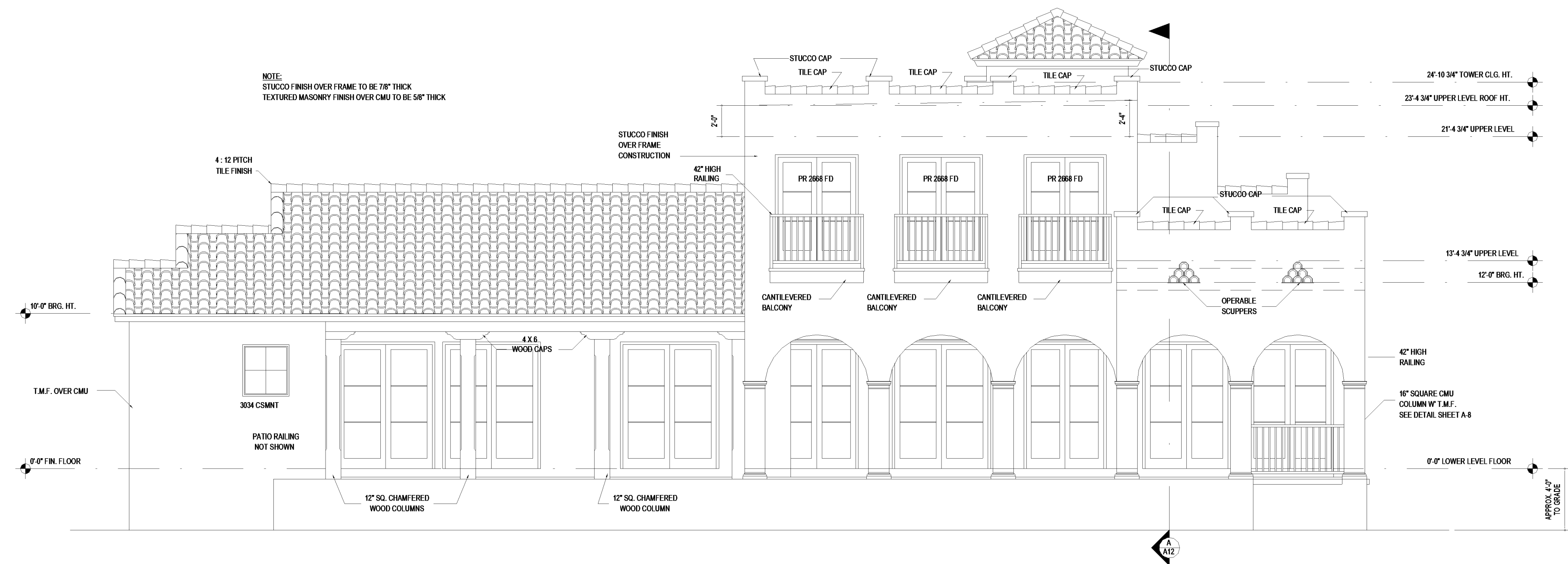
Date 5/11/2022

Drawn By WV

Checked By WV

6

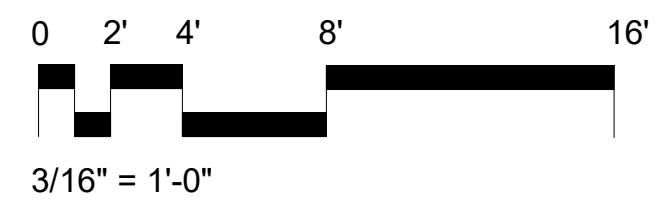
Scale $3/16" = 1'-0"$



① EXISTING - ELEVATION - REAR
3/16" = 1'-0"



2 PROPOSED - ELEVATION - REAR
3/16" = 1'-0"





PLAN SNAPSHOT REPORT BOA-2022-0010 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 06/06/2022
Work Class: Board of Adjustments/Variance Application	District: Winter Park	Exp Date: NOT AVAILABLE
Status: Fees Paid	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Harbilas, John	Approval Expire Date:

Description: Extend a parapet wall in order to create an enclosed studio on the NW corner of home. Current design had dead valleys and have been a long term maintenance problem. The new 385 sq ft studio would help correct this problem.

Parcel: 302205939800013	Main	Address: 541 N Virginia Ave Winter Park, FL 32789-1754	Main	Zone:
Owner		Applicant		
Clark Travis		Ron Scarpa (CBC1257133)		
1457 Chapman Cir ST		po box 3257		
WINTER PARK, FL 32789		WINTER PARK, FL 32790		
Home: 00		Business: (863) 287-1061		
Business: 00				
Mobile: 00				

Plan Custom Fields

Zoning		Section		Subsection	
Is the property on waterfront?	Yes	Is this property on historic registry or district?	No	Describe variance	Create a 385 sq ft studio. Extending parapet walls to create and enclosed space. This second story will be 9 ft from the property line.
How long have you owned the property?	one year	How long have you occupied the property?	one year	Special Condition	The current design has created water intrusion issues. The new designed enclosure will eliminate future problems.
Rights/Priv	We would like to preserve the existing trees on the property. We are asking to encroach into the second story side set back in order to redesign a roof issue.	Hardship	Not being able to change the roof design will create a constant long term maintenance issue. Debris from large trees in the area constantly gather in the dead valleys and create this problem.	Limited Variance	Yes, but we would prefer not to do so. The expense of solving the water intrusion issue alone will cost as similar amount to creating the studio space. The property is quite large only impacts the neighbor to the immediate west. We have included their letter of support for the enclosure.

Attachment File Name	Added On	Added By	Attachment Group	Notes
541 Virginia Dr - MUSIC STUDIO.pdf	06/06/2022 15:15	Scarpa, Ron		Uploaded via CSS
541 Virginia Dr 5.11.22.pdf	06/06/2022 15:15	Scarpa, Ron		Uploaded via CSS
neighbor letter.pdf	06/06/2022 15:15	Scarpa, Ron		Uploaded via CSS
Signature_Ron_Scarpa_6/6/2022.jpg	06/06/2022 15:15	Scarpa, Ron		Uploaded via CSS

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00023790	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00023790		\$200.00	\$200.00
Grand Total for Plan		\$200.00	\$200.00

PLAN SNAPSHOT REPORT (BOA-2022-0010)

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	Approved	06/06/2022	06/08/2022	06/08/2022	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	06/06/2022	06/08/2022	06/08/2022

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			06/08/2022 11:36
Board of Adjustments Review v.1	Receive Submittal	06/06/2022 0:00	06/08/2022 11:35
Issue Invoice v.1	Generic Action		06/08/2022 11:36
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

Cornell

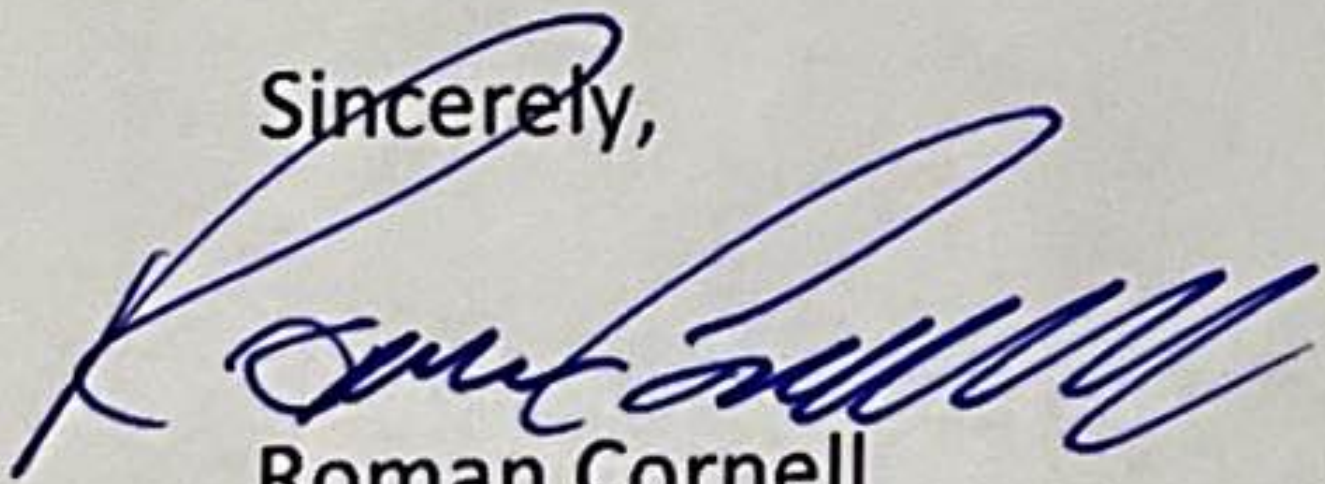
April 27, 2022

Roman Cornell
531 Virginia Dr.
Winter Park, FL 34789

To whom it may concern,

My name is Roman Cornell, and I am the neighbor of Travis Clark 541 Virginia Drive Winter Park, FL 32789. I have had the opportunity to review his plans and have no objections to his addition. If you have any questions or concerns, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Roman Cornell', with a stylized flourish at the end.

Roman Cornell

Email: rmcornell@me.com

Phone: (714) 642-1972



Board of Adjustments

agenda item

item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date July 19, 2022
prepared by Nicholas Lewis	approved by John Harbilas, Allison McGillis, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

BOA-2022-0011: Request of Ron and Marshall Shirtzer.

item list

Request of Ron and Marshall Schirtzer for variance approval from Section 58-66(f)(6) to allow an interior side setback of 9.1-feet in lieu of the required side setback of 11-feet in conjunction with their proposed 115 square-foot addition to the existing home located at 417 Langholm Drive, zoned R-1A.

motion / recommendation

Staff recommendation is for approval of the variance requested.

background

The homeowners and applicants, Ron and Marshall Schirtzer, are requesting variance approval to add a 115-square foot addition in the rear corner of the existing home along the northern property line with a side setback of 9.1-feet in lieu of the required 11-feet located at 417 Langholm Drive, zoned R-1A. Currently, the existing side setback of the home is nonconforming at 10.6-feet.

The homeowners are looking to add a bedroom/bathroom addition as well as widen the narrow hallway of the older home, which was constructed in 1956, prior to the current homeowner's purchase of the property. The applicants originally planned on constructing a second story addition but due to certain circumstances concerning both of their health, the applicants had to scrap those plans in favor of a first-floor addition. They believe that their request would achieve their needs in a manner that renders any negative effects on neighboring properties as de minimis.

Variance Review Criteria:

Special Conditions and Circumstances

In order for a variance to be granted, special conditions and circumstances must exist which are peculiar to the land, structure or building involved and are not applicable to other land, structures or buildings in the same zoning district.

The home was constructed in 1956 and the previous homeowner updated most of the floorplan except for the narrow hallway surrounded by the existing bedrooms and bathrooms. The result is that the applicants have limited room on the first floor to add an addition of any size without exacerbating a nonconforming setback or without compromising the limited amount of greenspace in the rear yard. The applicants received approval to construct a two-story addition to the existing home but due to health reasons, a second-story is no longer feasible.

The proposed location would mirror an existing bump out in the front of the home meets the current nonconforming setback of 10.6-feet and would also include an additional 1-foot and 5-inch encroachment beyond the current setback, thus creating a side setback of 9-feet and 1-inch.

Along the same property line also exists a significant landscape buffer that completely shields the entire home from view of the neighbor.

Deprivation of Rights

The second requirement for granting a variance request is that the literal interpretation of the provisions of the zoning code would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district.

A literal interpretation of Section 58-66(f)(6) would require an interior side setback of 11-feet. However, the home is currently nonconforming with a setback of 10.6-feet. A literal interpretation would not only erase any possibility of an addition of this size, but would also require that the front bump out to be brought into compliance.

Further, the applicants, working closely with staff and their architect, have been unable to design a layout that would achieve the flexibility in space needed for mobility, while also adhering to the current 10.6-foot setback. The applicant believes that the requested variance would be the minimum necessary to make the addition accessible and functional.

Actions of the Applicant

The special conditions and circumstances must not result from the actions of the

applicant. The homeowners purchased this property within the last year and the home was designed and constructed prior to their ownership.

The applicants purchased the property after it was constructed and after its most recent renovation by the previous owner. Therefore, they had no part in its design or construction. They purchased the property under the belief that they would be able to add a second-story addition. However, unforeseen circumstances with their health have limited them to additions only on the first-floor.

Special Privilege

The last requirement necessary to grant a variance request is that the variance will not confer on the applicant any special privilege denied by the zoning ordinance to other lands, structures or buildings on the same zoning district. No nonconforming use of the neighboring lands, structures or buildings in other zoning districts shall be considered grounds for the issuance of a variance.

Due to the unique nature of this request, including the fact that the applicants were previously approved for a second-story addition which had to be scrapped due to health concerns, the current nonconforming nature of the structure, and the presence of a significant landscape buffer that completely screens the proposed addition from view, staff believes that granting this variance would not confer any special privilege onto any other neighboring lands, structures or buildings in the same zoning district.

Summary

Staff believes that the applicant meets the four criteria necessary to grant this variance request. The special conditions and circumstances are specifically unique to this building and lot. The applicant's proposal would meet all requirements besides the side setback and would remain fully shielded from view by the adjacent neighbor by the existing landscape buffer.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[417 Langholm Drive - Area Map.pdf](#)

ATTACHMENTS:

[417 Langholm Drive - Aerial Map.pdf](#)

ATTACHMENTS:

[417 Langholm Drive - Neighbor Letter Map.pdf](#)

ATTACHMENTS:

[417 Langholm Drive - Survey.pdf](#)

ATTACHMENTS:

[417 Langholm Drive - Site Plan.pdf](#)

ATTACHMENTS:

[417 Langholm Drive - Applicant Energov Submittal.pdf](#)

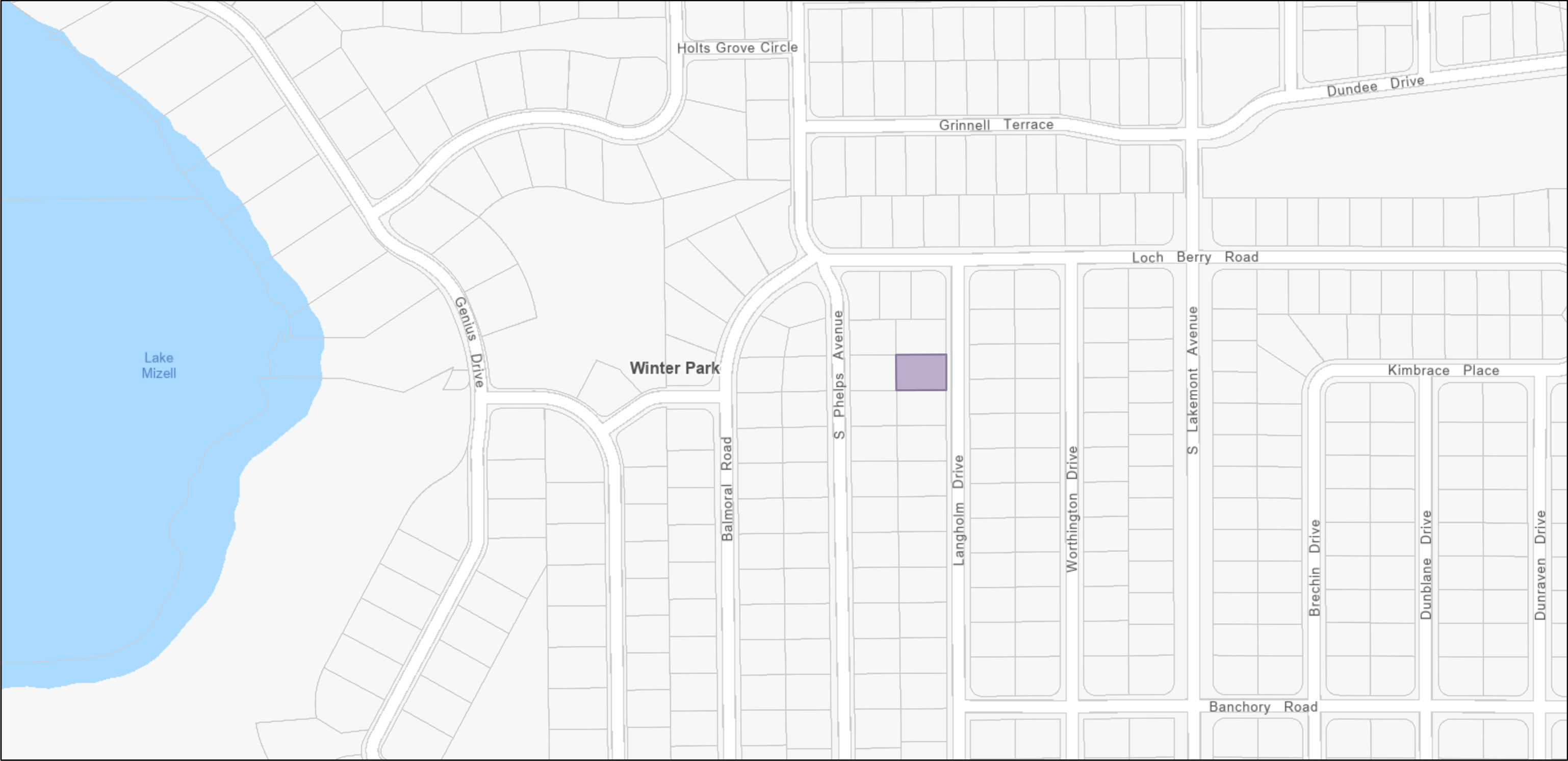
ATTACHMENTS:

[417 Langholm Drive - Knee MRI.pdf](#)

ATTACHMENTS:

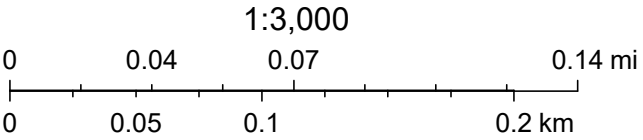
[417 Langholm Drive - Neighbor Letters.pdf](#)

417 Langholm Drive - Area Map

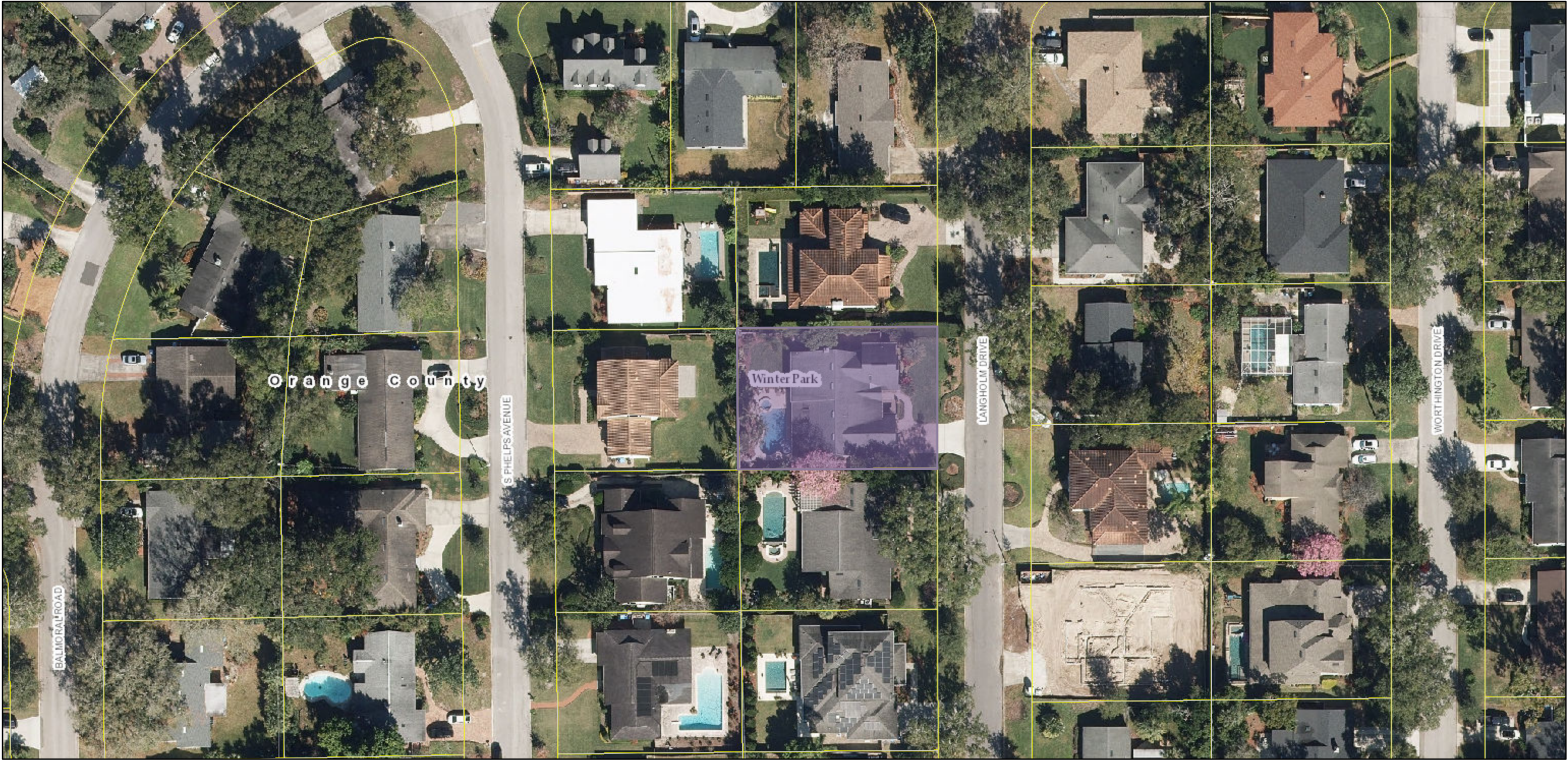


7/11/2022, 2:59:05 PM

Parcels Orange

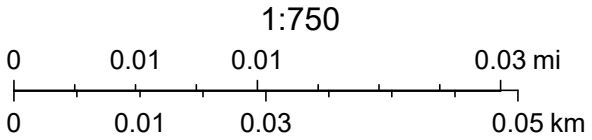


417 Langholm Drive - Aerial Map

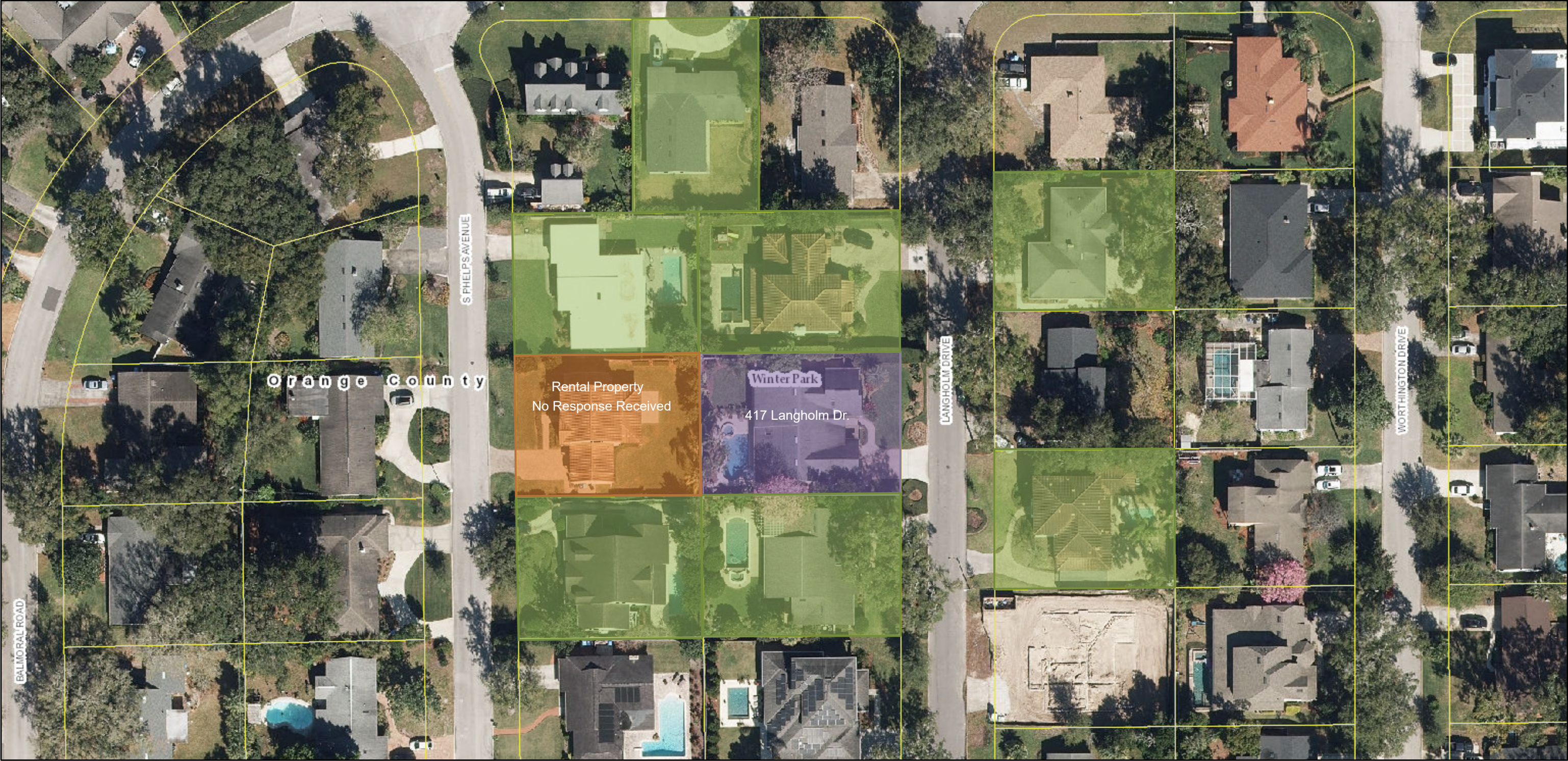


7/11/2022, 3:00:14 PM

 Parcels Orange

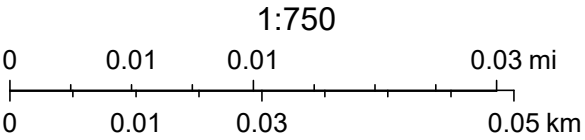


417 Langholm Drive - Neighbor Letter Map



7/11/2022, 3:09:07 PM

Parcels Orange



Boundary Survey

EASEMENT NOTE:
THERE IS 5' UTILITY EASEMENT (U.E.) ON THE
REAR OF THE SUBJECT PROPERTY.

CERTIFIED TO: (AS FURNISHED)
RONALD M. AND MARY M. SCHRIETZ
BANK OF AMERICA, N.A.
THE CLOSING AGENT, LLC.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

FLOOD ZONE

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN FLOOD ZONE "X". AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN (PER FIRM, PANEL NUMBER 12096C0289, LAST REVISION DATE 09-25-2008 (PER MAPWISE WEBSITE)). THIS SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE ABOVE INFORMATION. THE LOCAL F.E.M.A. AGENT SHOULD BE CONTACTED FOR VERIFICATION.

LIST OF POSSIBLE ENCROACHMENTS:

OWNERSHIP OF FENCES NOT DETERMINED
FENCES CROSS PROPERTY LINE
BRICK LIES PARTIALLY WITHIN EASEMENT AREA

BASIS OF BEARING

BEARINGS ARE BASED ON THE WEST RIGHT-OF-WAY OF LANGHOLM DRIVE WHICH HAS A BEARING OF N00°40'00"E PER PLAT.

NOTES

1. Underground utility installations, underground improvements, foundations and/or other underground structures were not located by this survey.
2. The purpose of this survey is for use in obtaining title insurance and financing and should not be used for construction purposes.
3. Additions or deletions to this survey by anyone other than the signing party or parties is prohibited without the written consent of the signing party or parties.
4. The property shown hereon is subject to all easements, restrictions and reservations which may be shown or noted on the record plat and within the public records of the county the subject property is located. This survey only depicts survey related information such as easements and setbacks that are shown on a record plat or have been furnished to the Surveyor.
5. Building lines and dimensions for improvements should not be used to reconstruct boundary lines.

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE
USE AND BENEFIT OF THE PARTIES LISTED
HEREON. LIABILITY TO THIRD PARTIES MAY NOT
BE TRANSFERRED OR ASSIGNED.

LB 7788

VISIONLAND

941 S Pennsylvania Ave, Winter Park, FL 32789 | (888) 399-8474

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND ACCURATE
REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.



DATED: 05-26-17

Joseph E. Williamson, P.L.S.
PROFESSIONAL LAND SURVEYOR
FLORIDA REGISTRATION #6573
NOT VALID WITHOUT THE ELECTRONIC SIGNATURE AND/OR ORIGINAL
RAISED SEAL OF THE LISTED FLORIDA LICENSED SURVEYOR AND
MAPPER

DATE	REVISION	DATE	REVISION



SCALE: 1"=30'



PROPERTY ADDRESS
417 LANGHOLM DRIVE
WINTER PARK, FL 32789

LEGEND

CONC. = Concrete
OR Book = Official Record Book
Pg = Plot Book
Pg = Page
PC = Point of Curvature
FND = Found
ID = Identification
LS = Licensed Surveyor
PVC = Polymyl Chloride
DEL = Central Angle
L = Arc Length
R = Radius

on/off = On Site/Off Site
W.F. = Wood Fence
M.F. = Metal Fence
O = Iron Rod & Cap (IR)
E = Water Meter
E = Electric Box
E = Power Pole
ohu = Overhead Utilities

COPYRIGHT 2011

JOB #: VLSN17-21025
CLIENT #: 1718831RQ
FIELD DATE: 05/25/2017
DRAFTER: JJP
APPROVED: JW
SCALE: 1" = 30'

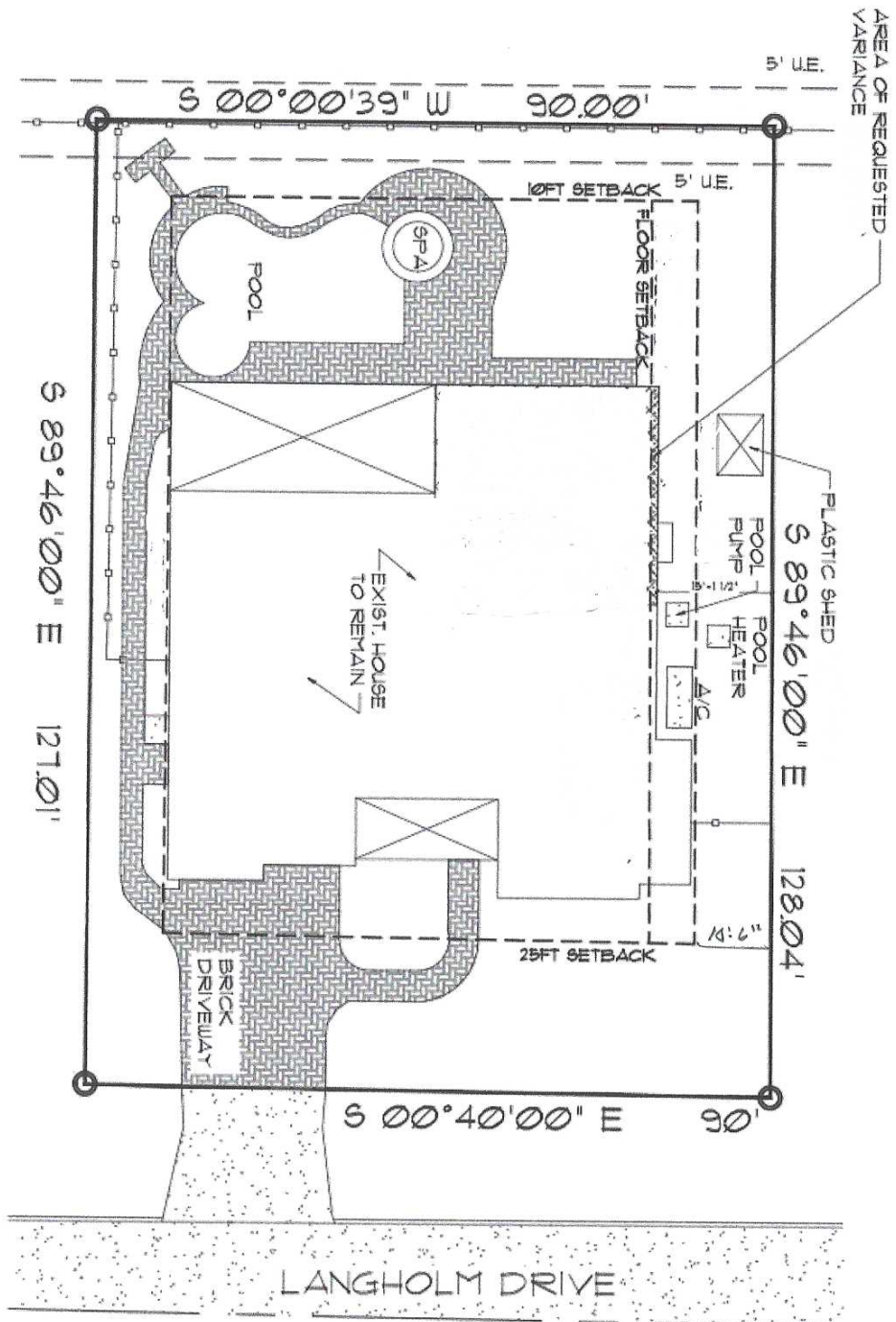
Borrower's Acknowledgment
and Acceptance

Borrower's Acknowledgment
and Acceptance



The Closing Agent
TITLE INSURANCE

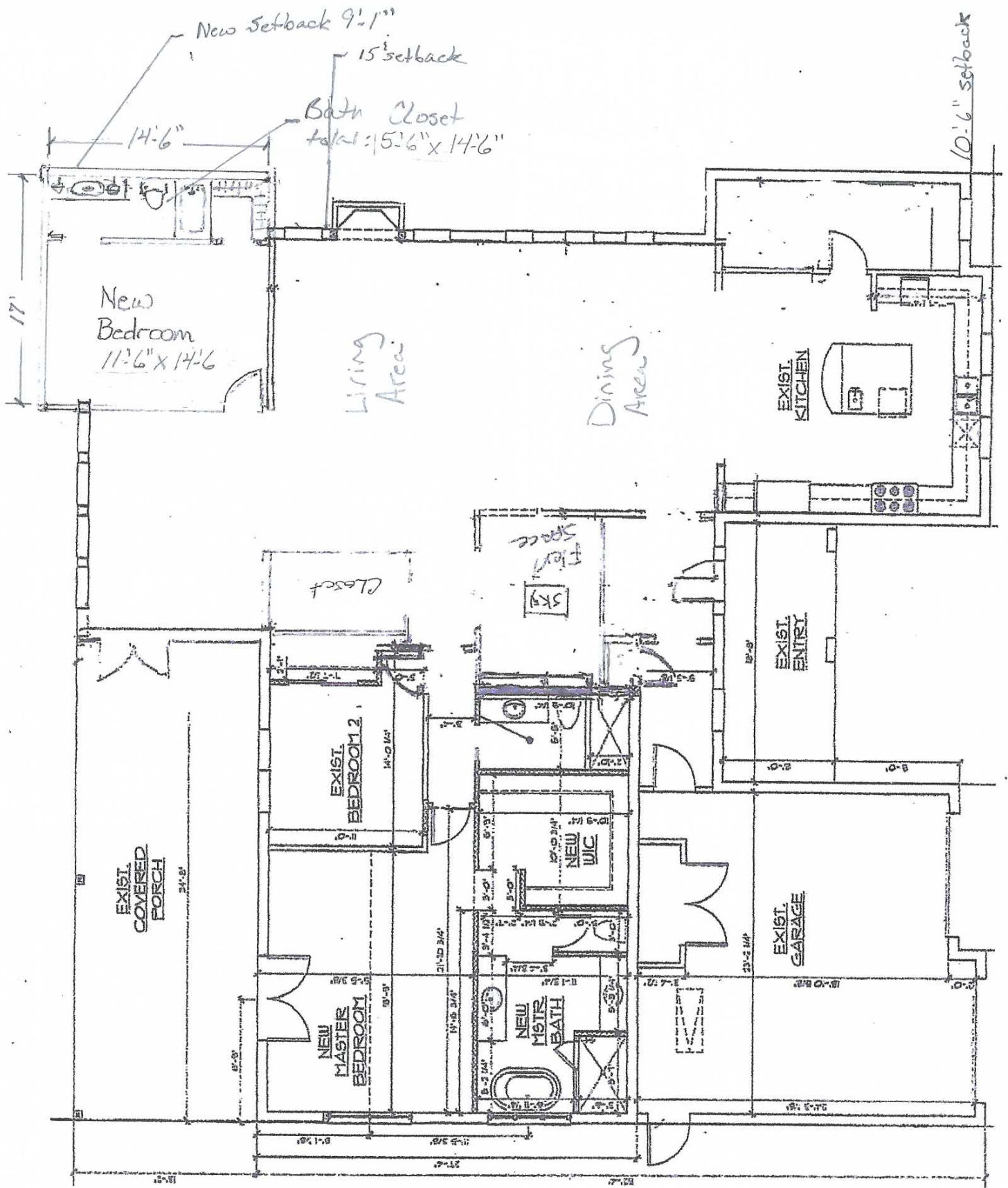
Legal Description (per OR Book 10886, Page 1484)
Lot 5, Block 5, KENILWORTH SHORES SECTION T2B0, according to the plat thereof
recorded in Plat Book 14, Page 26, inclusive of the Public Records of Orange County, Florida.



SITE PLAN

1"=30'







PLAN SNAPSHOT REPORT BOA-2022-0011 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 06/27/2022
Work Class: Board of Adjustments/Variance Application	District: Winter Park	Exp Date: NOT AVAILABLE
Status: Submitted - Online	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Harbilas, John	Approval Expire Date:
Description: Variance Application		

Parcel: 302208412805050	Main	Address: 417 Langholm Dr Winter Park, FL 32789-5252	Zone:
		417 Langholm Dr Winter Park, FL 32789-5252	
Owner	Applicant		
Marshall Schirtzer	Marshall Schirtzer		
417 Langholm Drive DR	417 Langholm Drive DR		
Winter Park, FL 32789	Winter Park, FL 32789		
Home: (407) 786-4350	Home: (407) 786-4350		
Business: (407) 734-7009	Business: (407) 734-7009		
Mobile: (321) 277-8530	Mobile: (321) 277-8530		

Plan Custom Fields

Zoning	Section	Subsection
Is the property on waterfront? No	Is this property on historic registry or district? No	Describe variance We have a narrow lot and are requesting a 1' – 11" variance that will result in a 9' – 1" setback on the back corner of the north wall of our home in lieu of the required 11' first floor setback. This would allow us to include an additional 5' x 14'-6" to our proposed bedroom/bath addition. The requested variance minimizes the additional building footprint necessary to accommodate our needs.
How long have you owned the property? 5 years. We moved in June 2017.	How long have you occupied the property? 5 years	Special Condition Our home was a smaller home built in 1956. The previous owners added on-to and updated the entire house in 2004 except for the three very small bedrooms, baths, and narrow hall that is less than 3' wide. The layout of the 2004 renovations left us with a much narrower lot, and very limited options to update the 1956 bedroom area. If the current bedrooms and baths are to be updated, we will need to reduce the current bedroom area footprint to two (2) larger bedrooms, leaving us with

PLAN SNAPSHOT REPORT (BOA-2022-0011)

the option of either a two (2) bedroom home (which is inadequate for our family), or adding a third bedroom elsewhere in the home. The proposed addition of another 115 sq.ft. would allow us to add the third bedroom without causing a more severe impact on our neighbors, family, and interior aesthetics of our home. A similar size bump-out already exists on the front north corner with a 10' setback.

Rights/Priv

The back north corner of the house where the addition is planned will not be seen from the street, and there is a tall thick barrier of bamboo between us and our neighbors on that same north side. There are also lush magnolias and a tall thick viburnum privacy hedge in the back of the property. None of the neighbor's view or privacy will be affected in any way, unlike it would be if we moved forward with the original plan for the second floor.

Hardship

We bought our home in 2017 understanding that the 1956 bedroom area desperately needed to be updated and would not work for our growing visiting family of 4 adult children, their spouses, 3 grandsons (and growing!), and elderly parents, one of whom is wheelchair bound. We planned to add a second floor as the previous owners who updated the house in 2004 included second floor footers and floor joist for another 800+ sq.ft. We started working with a contractor and architect in 2020 just before the COVID shutdown but continued the process as best we could. We were also proactive in contacting the City of Winter Park to find out what the new requirements were. We discovered that we were just shy of 1' for the second-floor setback and received approval from the now retired, Mr. George Wiggins, Director of Building/Permitting Services of Winter Park, to move forward without a variance if we provided a letter of non-objection from our neighbors at 409 Langholm Drive, which we were able to provide. My husband has since then been diagnosed with severe osteoarthritis in his knees (documentation provided), and I have been diagnosed with arthritis in my hips. This information pushed us to change gears and try to work with what we have on one floor. Although this has been a frustrating and arduous process, we know this is the best option for our health, and less invasive to our neighbors. We love our home, where we live, and are very close to many of our neighbors. We plan to retire and make this our "forever home", so to speak. We desperately do

PLAN SNAPSHOT REPORT (BOA-2022-0011)

not want to move, but without the ability to update the bedroom situation, it will not work for our family.

Limited Variance

The variance requested would allow for a 11'-6" x 14'-6" third bedroom which would include a small 5'-6" x 14'-6" area for a bathroom and closet. The bath and closet area would run along the north side of the house. If we are not granted the variance, we would not be able to include a bathroom for our visiting children, parents, and guests. We have worked with a designer extensively and have not been able to come up with another option without affecting access to the back porch and pool area, and maintain pool area safety.

Attachment File Name	Added On	Added By	Attachment Group	Notes
417 Langholm Drive Aerial View.pdf	06/27/2022 16:22	Schirtzer, Marshall		Uploaded via CSS
417 Langholm Drive Front View.png	06/27/2022 16:22	Schirtzer, Marshall		Uploaded via CSS
417 Langholm Drive Map of Neighbor Non-Objection Letters.pdf	06/27/2022 16:22	Schirtzer, Marshall		Uploaded via CSS
417 Langholm Drive Proposed Addition Site Plan.pdf	06/27/2022 16:22	Schirtzer, Marshall		Uploaded via CSS
417 Langholm Drive Survey.pdf	06/27/2022 16:22	Schirtzer, Marshall		Uploaded via CSS
Neighbor Letters of Non-Objection.pdf	06/27/2022 16:22	Schirtzer, Marshall		Uploaded via CSS
Schirtzer_Knee MRI.pdf	06/27/2022 16:22	Schirtzer, Marshall		Uploaded via CSS
Setback Coverage Worksheet.pdf	06/27/2022 16:22	Schirtzer, Marshall		Uploaded via CSS
Signature_Marshall_Schirtzer_6/27/2022.jpg	06/27/2022 16:22	Schirtzer, Marshall		Uploaded via CSS

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	Approved	06/27/2022	06/29/2022		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	06/27/2022	06/29/2022	06/28/2022

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			
Board of Adjustments Review v.1	Receive Submittal	06/27/2022	0:00
Issue Invoice v.1	Generic Action		
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

**AdventHealth Imaging**

407-303-1718 (All patient questions)

407-303-8178 (Physicians with questions on reports)

Patient Name: SCHIRTZER, RONALD M
DOB-Age: 9/30/1960 61 years
Sex: Male
Ordering: DENNY PA-C,STEPHEN RANDALL
Attending:

MRN: 572373
Account: FR301618609
Patient Location: FRI PR
Patient Type: FRI Pre-Reg
Accession#: MR-22-0059698

Radiology Imaging

EXAM DATE/TIME
5/16/2022 10:22 EDT

PROCEDURE
MRI Knee w/o Contrast Right

Reason For Exam

(MRI Knee w/o Contrast Right) Unilateral primary osteoarthritis, right knee

Report

EXAM: MRI RIGHT KNEE WITHOUT CONTRAST

INDICATION: Knee pain. History of remote ACL repair. Osteoarthritis. No recent injury

COMPARISON: None available

TECHNIQUE: Multiplanar, multisequence imaging of the right knee was obtained without contrast.

FINDINGS:

MENISCI: The majority of the medial meniscal body and posterior horn are absent suggesting a remote tear and prior partial meniscectomy. Lateral meniscus is intact.

ACL: ACL graft is intact and posterior to Blumensaat's line. Intermediate increased intrasubstance signal suggesting degeneration. No intraosseous ganglion. There is arthrofibrosis at the intercondylar notch anteriorly measuring 0.8 x 0.5 cm

PCL: Intact

MCL: Intact

LCL: Intact

POSTEROLATERAL CORNER: Intact

Patient Name: SCHIRTZER, RONALD M

MRN:

572373

DOB-Age: 9/30/1960 61 years

Accession#:

MR-22-0059698

Radiology Imaging**Report**

FEMUR, TIBIA, FIBULA, PATELLA: No fracture, dislocation or erosions.

Operative fixation for the ACL graft

MEDIAL COMPARTMENT: Extensive grade IV chondromalacia with subarticular marrow edema, cystic change and marginal spurring

LATERAL COMPARTMENT: Marginal spurring with no articular cartilage defect

PATELLOFEMORAL JOINT: Subarticular cyst at the patellar apex with overlying articular cartilage loss. Marginal spurring

PROXIMAL TIBIOFIBULAR JOINT: Well preserved.

TENDONS: The patellar tendon is chronically thickened with prior bone patellar bone graft harvest. No tear

JOINT EFFUSION: None.

OTHER SOFT TISSUES: Muscle signal is unremarkable

IMPRESSION:

1. Tricompartmental osteoarthritis, advanced in the medial compartment with extensive grade IV chondromalacia
2. Intact ACL graft with intrasubstance degeneration. Arthrofibrosis in the intercondylar notch anteriorly (cyclops lesion). Chronic patellar tendinosis with prior bone patellar bone graft harvest.
3. The majority of the medial meniscal body and posterior horn are absent suggesting a remote tear and prior partial meniscectomy.

Dictating Provider Christopher Wasyliw, MD

Dictated on 5/16/2022 9:02 PM

Signed by Christopher Wasyliw, MD

Location OSRR26

WSN:OSRR26

Final Report

Transcribed By: CWW

05/16/22 9:02

Signed and Verified By: WASYLIW MD, CHRISTOPHER WILLIA 05/16/22 9:10

June 21, 2022

City of Winter Park – Board of Adjustments
401 Park Avenue South
Winter Park, FL 32789

Re: Notice of Non-Objection to Reduced Setback
417 Langholm Drive, Winter Park, FL 32789

To Whom It May Concern:

We, the neighbors of Ronald and Mary Marshall Schirtzer, are the owners of the property located at 409 Langholm Drive, Winter Park, FL, which is adjacent to the north side of their property located at 417 Langholm Drive, Winter Park, FL 32789. Please be advised that we have no objection to their construction of improvements, or the 1' – 11" variance request that will result in a 9' – 1" setback on the back corner of the north wall of their home in lieu of the 11' first floor setback called for in the Winter Park Building Code.

Sincerely,

A handwritten signature in black ink, appearing to read "Linus & Jennifer Wodi". The signature is stylized with a large initial "L" and "J" and a trailing flourish.

Linus & Jennifer Wodi

June 21, 2022

City of Winter Park -- Board of Adjustments
401 Park Avenue South
Winter Park, FL 32789

Re: Notice of Non-Objection to Reduced Setback
417 Langholm Drive, Winter Park, FL 32789

To Whom It May Concern:

We, the neighbors of Ronald and Mary Marshall Schirtzer, are the owners of the property located at 410 S. Phelps Avenue, Winter Park, FL, which is adjacent to the northwest side of their property located at 417 Langholm Drive, Winter Park, FL 32789. Please be advised that we have no objection to their construction of improvements, or the 1' - 11" variance request that will result in a 9' - 1" setback on the back corner of the north wall of their home in lieu of the 11' first floor setback called for in the Winter Park Building Code.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature on the left is 'David C. Martin' and the second signature on the right is 'Jennifer Martin'. Both are written in a cursive, flowing style.

David & Jennifer Martin

June 22, 2022

City of Winter Park – Board of Adjustments
401 Park Avenue South
Winter Park, FL 32789

Re: Notice of Non-Objection to Reduced Setback
417 Langholm Drive, Winter Park, FL 32789

To Whom It May Concern:

We, the neighbors of Ronald and Mary Marshall Schirtzer, are the owners of the property located at 423 Langholm Drive, Winter Park, FL, which is adjacent to the south side of their property located at 417 Langholm Drive, Winter Park, FL 32789. Please be advised that we have no objection to their construction of improvements, or the 1' – 11" variance request that will result in a 9' – 1" setback on the back corner of the north wall of their home in lieu of the 11' first floor setback called for in the Winter Park Building Code.

Sincerely,



Keith & Lisa Manzi

June 22, 2022

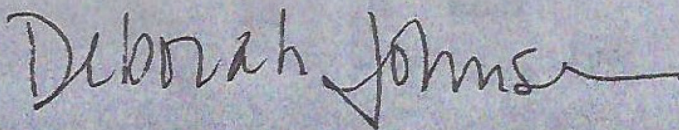
City of Winter Park – Board of Adjustments
401 Park Avenue South
Winter Park, FL 32789

Re: Notice of Non-Objection to Reduced Setback
417 Langholm Drive, Winter Park, FL 32789

To Whom It May Concern:

We, the neighbors of Ronald and Mary Marshall Schirtzer, are the owners of the property located at 422 S. Phelps Avenue, Winter Park, FL, which is adjacent to the southwest side of their property located at 417 Langholm Drive, Winter Park, FL 32789. Please be advised that we have no objection to their construction of improvements, or the 1' – 11" variance request that will result in a 9' – 1" setback on the back corner of the north wall of their home in lieu of the 11' first floor setback called for in the Winter Park Building Code.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Johnson". The signature is written in dark ink and includes a long, horizontal flourish at the end.

Todd & Deborah Johnson

June 22, 2022

City of Winter Park – Board of Adjustments
401 Park Avenue South
Winter Park, FL 32789

Re: Notice of Non-Objection to Reduced Setback
417 Langholm Drive, Winter Park, FL 32789

To Whom It May Concern:

We, the neighbors of Ronald and Mary Marshall Schirtzer, are the owners of the property located at 420 Langholm Drive, Winter Park, FL. Please be advised that we have no objection to the construction of improvements, or the 1' – 11" variance request that will result in a 9' – 1" setback on the back corner of the north wall of their home in lieu of the 11' first floor setback called for in the Winter Park Building Code.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Daniel & Lynne Bachrach', with a large, stylized flourish at the end.

Daniel & Lynne Bachrach

June 22, 2022

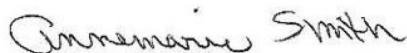
City of Winter Park – Board of Adjustments
401 Park Avenue South
Winter Park, FL 32789

Re: Notice of Non-Objection to Reduced Setback
417 Langholm Drive, Winter Park, FL 32789

To Whom It May Concern:

We, the neighbors of Ronald and Mary Marshall Schirtzer, are the owners of the property located at 408 Langholm Drive, Winter Park, FL. Please be advised that we have no objection to the construction of improvements, or the 1' – 11" variance request that will result in a 9' – 1" setback on the back corner of the north wall of their home in lieu of the 11' first floor setback called for in the Winter Park Building Code.

Sincerely,



Kurt & Annemarie Smith

June 22, 2022

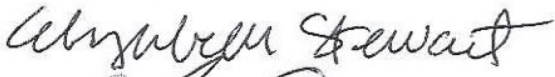
City of Winter Park – Board of Adjustments
401 Park Avenue South
Winter Park, FL 32789

Re: Notice of Non-Objection to Reduced Setback
417 Langholm Drive, Winter Park, FL 32789

To Whom It May Concern:

We, the neighbors of Ronald and Mary Marshall Schirtzer, are the owners of the property located at 1718 Loch Berry Road, Winter Park, FL. Please be advised that we have no objection to the construction of improvements, or the 1' – 11" variance request that will result in a 9' – 1" setback on the back corner of the north wall of their home in lieu of the 11' first floor setback called for in the Winter Park Building Code.

Sincerely,




John & Elizabeth Stewart