



Board of Adjustments Regular Meeting Minutes

July 19, 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, Tom Sims, and Charles Steinberg. Present Virtually: 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 Jason Johnson called the meeting to order at 5:00 p.m.

(2) Consent Agenda

Approval of Minutes:

Motion made by Michael Clary, seconded by Cathy Sawruk to approve the June 21, 2022 meeting minutes.

Motion carried unanimously with a 7-0 vote.

(3) Staff Updates

Mr. Lewis informed the Board that he was in the process of re-evaluating the Chairman's opening statement per the Board's request.

Mr. Briggs briefly spoke on there being fewer applications received for variances than in the past and noted that the Planning & Zoning Board had to cancel their next regular meeting due to no applications received.

(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-2022-0010. 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.

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 one neighbor letter had been received and

was in favor of the project. He then explained that the property has two different roofs, one being a flat roof and the other an angled roof, both surrounded by four sides of parapet walls. He further explained that a water intrusion issue exists due to water and debris from the adjacent tree line being collected behind the walls. Mr. Lewis noted that the applicant would not be extending past what exists today for the first floor setback, but was asking to deviate from the required 12 foot setback to an 11 foot setback to fix the water intrusion issue and include the addition. He then presented the proposed elevations for the project and briefly discussed the lakefront setback.

Mr. Lewis went on to review the variance approval criteria as it related to the request, emphasizing the water intrusion issues due to the existing building's design flaws that create dead valleys at the roof top and the fallen debris from the adjacent line of oak trees. He also noted that the applicant felt that they had a unique circumstance where they could correct the water intrusion issue, save trees, and not encroach on the lakefront setback while still achieving their desired addition.

Staff recommendation was for approval.

The Board inquired about the new addition matching the existing wall setback and clarification on one of the hardship issues being water intrusion.

The applicant's general contractor, Ron Scarpa of 772 Maryland Avenue, Winter Park, FL 32789 addressed the Board. Mr. Scarpa clarified the hardship and the reasoning for the proposed roof and placement. He then briefly spoke on the landscape, trees, and privacy for the property and the applicant's ultimate goal for the project.

Chairman Johnson inquired about clarification of the variance request and why the applicant was not building the addition to the 12 foot setback requirement if possible. The applicant expressed that it basically came down to ease of construction.

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. Chairman Johnson expressed for the record that he felt the City staff had provided good and valid arguments for each of the four criteria that are necessary to gain approval for a variance request.

Motion made by Robert Trompke, seconded by Tom Sims, 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 approved with a 7-0 vote.

- BOA-2022-0011. 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.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map, aerial views, and existing survey of the property. He noted that seven neighbor letters were received in approval of the request. He then briefly spoke on the property's existing nonconforming front setback of 10.6 feet as opposed to the required 11 foot setback due to the front bump out. He added that the new proposed addition would be in the rear mirroring the front bump out. Mr. Lewis went on to briefly review the proposed site plan for the property and the variance approval criteria as it related to the request. He noted that the house was an older modeled house constructed in 1956 with very narrow hallways and rooms. As such, the applicants have very limited room on the first floor to add any addition without exacerbating either a nonconforming setback or compromising the very limited amount of greenspace they currently have. He added that the applicants had previously received approval from the City to construct an over 800 square foot second story addition, however, they are no longer able to complete an addition on the second floor due to health concerns that have developed with one of the applicants. He also noted that a very significant landscape buffer exists on the property and would shield the addition from the view of the neighbors.

Staff recommendation was for approval.

The Board inquired about and briefly discussed the following:

- the applicants having to articulate out the addition,

- what the setback would be from the rear of the new room to the rear property line,
- the allowed rear setback,
- if the applicants would be giving up their right to a second floor addition,
- the status of the floor-area-ratio (FAR) for the project,
- and if a condition of restricting the applicants from building a second floor addition would still apply to future owners of the property.

The applicant, Marshall Schirtzer at 417 Langholm Drive, Winter Park, FL 32789 addressed the Board. Mrs. Schirtzer spoke on her and her husband's reason for requesting the variance, why they are no longer able to do the second floor addition, and how other options for the requested addition will not work.

The Board inquired with the applicants regarding the existing shed, whether or not a portion of the existing home's living space would be used for the addition, and if the applicant would be ok with a condition restricting a second floor addition.

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

The Board briefly expressed their thoughts on the request and were unanimously in favor of it. Several Board members felt that it was a minimal request and agreed with staff's assessment of the four approval criteria being met.

Motion made by Robert Trompke, seconded by Tom Sims, 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 approved with a 7-0 vote.

(8) Board Comments

Ms. Higbie expressed thanks to the Board for their quick responses to confirm a quorum for the meeting, so that she could adjust her travel arrangements as needed.

(9) Upcoming Agenda Items

Mr. Lewis noted that there would be only one variance application presented at the next Board of Adjustments meeting scheduled for August 16, 2022, which would deal with a fence height issue on State Road 17-92.

(10) Adjournment

Meeting adjourned at 5:39 p.m.

Minutes approved by Board on 08/16/2022.

/s/ Recording Secretary Mary Bush