



Board of Adjustments Regular Meeting

Agenda

July 18, 2023 @ 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. **Selection of Chair and Vice Chair**
 - a. [Selection of Chair and Vice Chair.](#) 5 minutes
 3. **Consent Agenda**
 - a. [Approval of the May 16, 2023 Meeting Minutes.](#) 1 minute
 4. **Public Comments (for items not on the agenda): Three minutes allowed for each speaker**
 5. **Public Hearings**
(Public participation and comment on these matters must be in-person.)
 - a. [BOA-2023-0015: Request of Micky Grindstaff with Shutts & Bowen LLP](#) 15 minutes
Request of Micky Grindstaff with Shutts & Bowen LLP, on behalf of Nimish Ramanlal, for variance approval from Section 58-65(f)(6), to allow a front setback of 60-feet in lieu of the required front setback of 86.7-feet, in conjunction with the proposed single-family home located at 860 N. Park Avenue, zoned R-1AA.

The applicant's full application and stated hardship are provided in the "Applicant Energov Submittal" attachment below.
 6. **Non-Action Items**
 7. **Staff Updates**
 8. **Board Comments**
 9. **Upcoming Agenda Items**
 10. **Adjournment**



Board of Adjustments

agenda item

item type	Selection of Chair and Vice Chair	meeting date	July 18, 2023
prepared by	Mary Bush	approved by	
board approval	Completed		
strategic objective			

subject

Selection of Chair and Vice Chair.

motion / recommendation

background

alternatives / other considerations

fiscal impact



Board of Adjustments

agenda item

item type	Consent Agenda	meeting date	July 18, 2023
prepared by	Mary Bush	approved by	
board approval	Completed		
strategic objective			

subject

Approval of the May 16, 2023 Meeting Minutes.

motion / recommendation

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alternatives / other considerations

fiscal impact

ATTACHMENTS:

[BOA May 16, 2023 Draft Meeting Minutes.pdf](#)



Board of Adjustments Regular Meeting Minutes

May 16, 2023 at 5:00 p.m.

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

Present

Present In-Person: Charles Steinberg, Michael Clary, Robert Trompke, Cathy Williams, Ann Higbie, and Tom Sims. Absent: Jason Johnson. Also Present: City Attorney J. Giffin Chumley. Staff: Director of Planning & Zoning Jeff Briggs, Planner II Nick Lewis, Planner I Corinna Lundgren, and Recording Secretary Mary Bush.

(1) Call to Order

Vice-Chair Charles Steinberg called the meeting to order at 5:00 p.m.

(2) Consent Agenda

Approval of Minutes:

Motion made by Michael Clary, seconded by Cathy Williams to approve the April 18, 2023 meeting minutes.

Motion carried unanimously with a 6-0 vote. (Jason Johnson was not present for the meeting.)

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

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

(4) Public Hearings

- BOA-2023-0010: Request of Sheila Cichra with Streamline Permitting, Inc. for variance approval from Section 58-87 subsections (c)(2) and (c)(4) to allow a dock length of 40-feet in lieu of the maximum 30-feet and a dock area of 640 square feet in lieu of the maximum 600 square feet, in conjunction with the new boathouse located at 926 Palmer Avenue, zoned R-1AAA on Lake Osceola.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map, aerial view, survey, site plan, photos, and elevations for the project. He informed the Board that Gloria Eby, the City's Director of Natural Resources, had advised that the applicant's proposed location for the dock was the most strategic location in an environmentally conscious manner for such a shallow depth and the protection of existing trees. He then went on to review the applicant's proposed elevations and discussed the variance approval criteria as it related to the request. Mr. Lewis explained that the property is located at the North end of Lake Osceola and the curvature of the lot creates a shallower bathymetry across the lakefront. He stated that the request for a 10-foot extension to the dock length is the minimum necessary to achieve adequate mooring depth to avoid prop scouring, which is prohibited by FDEP. He then further explained that the location is ideal to avoid damage to the existing trees on the lot and even with the requested variance, would not have the boathouse protrude beyond the neighbor's existing boathouse. Mr. Lewis added that staff did not believe that granting the request would confer any special privilege denied by the zoning ordinance.

Staff recommendation was for approval subject to the following condition:

- That the existing trees on the lot not be removed or damaged during construction.

The Board inquired about having a standard size requirement for platforms and slips, if a bathymetric survey had been completed for the project to determine the required water depth, the status of the review of dock variances to be handled by the Lakes and Waterways Board, and whether or not it matters which Board a dock application request is heard by first.

The applicant, Sheila Cichra of 10024 Mason Drive, Eustis, FL 32726 addressed the Board. Ms. Cichra briefly spoke on requiring a maximum dock size and the shoreline vegetation along the applicant's property.

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

The Board then briefly shared their thoughts on the request and were overall in support of it.

Motion made by Tom Sims, seconded by Ann Higbie, for variance approval from Section 58-87 subsections (c)(2) and (c)(4) to allow a dock length of 40-feet in lieu of the maximum 30-feet and a dock area of 640 square feet in lieu of the maximum 600 square feet, in conjunction with the new boathouse located at 926 Palmer Avenue, zoned R-1AAA on Lake Osceola, with the following condition:

- That the existing trees on the lot not be removed or damaged during construction.

Motion unanimously approved with a 6-0 vote. (Jason Johnson was not present for the meeting.)

- BOA-2023-0011: Request of Sheila Cichra with Streamline Permitting, Inc. for variance approval from Section 58-87(c)(5) to allow a flat roof in lieu of the required pitched roof in conjunction with the improvements to the existing boathouse located at 1212 N. Park Avenue, zoned R-1AAA on Lake Maitland.

Mr. Lewis expressed that there had been no letters received for or against any of the items that were being presented at the meeting.

Mr. Lewis then provided the Board a brief summary of the request. He presented to the Board an area map, aerial view, survey, site plan, photos, and elevations for the project. He indicated that the applicant was seeking to replace the existing hip roof with a flat roof on the existing boathouse constructed in 2003. He went on to discuss photos provided by the applicant of similar existing flat roof boathouses within Winter Park. He then continued discussion on the variance approval criteria as it related to the request. Mr. Lewis explained that the applicant purchased the property in 2018 and received approval to construct the modern style home, inclusive of flat roofs in design in 2019. He further explained that under the land development code Sec 58-87(c)(5), boathouse roofs must be pitched (at least 2:12) so as to eliminate flat roofs and the use of such as sun decks. He indicated that pitched roofs are required for all new boathouses and any existing flat roofs are nonconforming. He also indicated that the applicant designed a home that did not match the existing boathouse despite Sec 58-87(c)(5) being in the code at the time the applicant purchased the property and received approval by the Planning & Zoning Board's lakefront review and the permitting process. He added that staff believed that granting the request would confer a special privilege denied by the zoning ordinance.

Staff recommendation was for denial.

The Board inquired about why flat roofs are not allowed, the property at 394 Henkel Circle having a similar previous boathouse approval, and the need for approval of the flat roof on the main house.

The applicant, Sheila Cichra of 10024 Mason Drive, Eustis, FL 32726 addressed the Board. Ms. Cichra noted that there was some misunderstanding on her part about the roof being a flat roof. She explained that there would be a pitched area on the boathouse roof and then there would also be a large fascia that would act as a parapet to hide the pitched roof, making it look like a flat roof but it would not actually be a flat roof.

Mr. Lewis noted that as long as the parapet did not exceed the 11-foot height allowance, a variance would not be needed.

Ms. Cichra expressed that she did not know if the proposed parapet would be able to hide the roof pitch if it was at the minimum allowed pitch of 2:12.

Mr. Lewis suggested that the Board could table the item to allow the applicant an opportunity to revise their plans to meet the code requirements.

The applicant's contractor, Charles Clayton of 940 Old England Avenue, Winter Park, FL 32789 addressed the Board and expressed that he believed the plans could be revised to meet the required roof pitch and still appear flat. He then indicated that he would agree to tabling of the request to work out a revised plan with staff and also withdrawing the request if the revised plans meet the code requirements without the need for a variance.

Motion made by Robert Trompke, seconded by Michael Clary, to table the item to the June 20, 2023 Board of Adjustment regular meeting.

Motion unanimously approved with a 6-0 vote. (Jason Johnson was not present for the meeting.)

- BOA-2023-0012: Request of Sheila Cichra with Streamline Permitting, Inc., on behalf of Rollins College, for variance approval from Section 58-87 subsections (c)(2) and (c)(4), to allow a dock length of 45-feet in lieu of the maximum dock length of 30-feet and a dock area of 2,424 square feet in lieu of the maximum dock area of 600 square feet, in conjunction with the proposed boat dock to store additional sailboats at 1000 Holt Avenue, zoned PQP.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map, aerial view, site plan, photos, and elevations for the project. He explained that the applicant was approved for a variance at a prior Board of Adjustment hearing for a floating boat dock sized for 16 vessels and at that hearing it became clear that the applicant's full fleet of 18 vessels could be stored by adding just a bit more length on the dock, which the Board expressed support for. He went on to briefly review the applicant's proposed elevations and then discussed the variance approval criteria as it related to the request. He noted that the code requirements for docks are designed around single-family properties instead of institution or commercial, so institutions such as Rollins College are drastically limited in the amount of dock square footage possible. Mr. Lewis explained that this design basis creates complications when the demand for uses such as a sailing club require much more space than a residentially-sized dock would allow. He then indicated that because Rollins College is the only entity of its kind within the City, and because its demand requires much more room than the residentially-based code allows, staff did not believe that granting the request would confer any special privilege denied by the zoning ordinance.

Staff recommendation was for approval.

The Board inquired as to why the request did not go back to the Lakes and Waterways Board for hearing prior to coming before the Board of Adjustment.

The applicant, Sheila Cichra of 10024 Mason Drive, Eustis, FL 32726 addressed the Board. Ms. Cichra indicated that the request was for slips to accommodate the last two sailboats in Rollins College's fleet and would not have any impact on the shoreline.

David Herbster, the sailing coach for the applicant, addressed the Board and briefly spoke on the request being for an existing varsity sport use.

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

Motion made by Michael Clary, seconded by Tom Sims, for variance approval from Section 58-87 subsections (c)(2) and (c)(4), to allow a dock length of 45-feet in lieu of the maximum dock length of 30-feet and a dock area of 2,424 square feet in lieu of the maximum dock area of 600 square feet, in conjunction with the proposed boat dock to store additional sailboats at 1000 Holt Avenue, zoned PQP.

Motion unanimously approved with a 6-0 vote. (Jason Johnson was not present for the meeting.)

(5) Non-Action Items

No non-action items.

(6) Staff Updates

Mr. Lewis informed the Board that the dock variance authority ordinance had been tabled by the City Commission due to requested language revisions. He then noted that the variance extension ordinance had been approved by the City Commission at its second reading, so moving forward, any variances will have two years from the granting of the variance before expiration.

Mr. Lewis also informed the Board that the New Board Member Orientation will be Monday, May 22nd at 6:30 p.m. in the Commission Chambers and the Board Member Appreciation event will be Thursday, June 29th at the Farmer's Market. He encouraged each Board member to attend.

Mr. Lewis then introduced Corinna Lundgren, a current City of Winter Park employee from the Aquatics department who recently took over the Planner I position with the Planning & Zoning department. He noted that Ms. Lundgren held an undergraduate degree in architecture and was currently completing her masters in planning from the University of Central Florida.

(7) Board Comments

No Board comments.

(8) Upcoming Agenda Items

No discussion ensued on upcoming agenda items.

(9) Adjournment

Meeting adjourned at 5:50 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 18, 2023
prepared by Nicholas Lewis	approved by John Harbilas, Allison McGillis
board approval Completed	
strategic objective	

subject

BOA-2023-0015: Request of Micky Grindstaff with Shutts & Bowen LLP

item list

Request of Micky Grindstaff with Shutts & Bowen LLP, on behalf of Nimish Ramanlal, for variance approval from Section 58-65(f)(6), to allow a front setback of 60-feet in lieu of the required front setback of 86.7-feet, in conjunction with the proposed single-family home located at 860 N. Park Avenue, zoned R-1AA.

The applicant's full application and stated hardship are provided in the "Applicant Energov Submittal" attachment below.

motion / recommendation

Staff recommendation is for approval of the variance requested.

background

The applicant, Micky Grindstaff with Shutts & Bowen LLP, on behalf of Nimish Ramanlal, is requesting variance approval from Section 58-65(f)(6) in order to construct a new single-family house with a front setback of 60-feet in lieu of the required front setback of 86.7-feet, located at 860 N. Park Avenue. The property is zoned R-1AA.

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 applicant is seeking this variance request in order to construct a new, 8,330 square-

foot, single-family home on the property. The property is 24,746 square-feet in size. This proposed structure meets the 35% FAR requirement. The previous structure was constructed in 1925 with a much smaller footprint and was significantly setback at 86.7-feet. Per code, the required setback of the new structure would be the same as the previously demolished structure.

This required setback is largely inconsistent with the rest of the street. Besides 910 N. Park Avenue, which is similar in the structure's age and setback to the previously demolished home, the average setback of the remainder of the street is roughly 50-feet. The applicant is requesting a 60-foot setback to allow enough room to construct a larger home, consistent with modern-day standards.

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.

Under Section 58-65(f)(6), the required front setback is either 20% of the lot depth or the setback of the existing or most recently demolished structure, whichever is greater. In this instance, the previous structure's setback was 86.7-feet, which is greater than 20% of the lot depth (38-feet).

An 86.7-foot setback would render roughly 46% of the lot unusable, making construction of a larger structure that meets current FAR allowance, largely impossible.

Actions of the Applicant

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

The location and size of the previously existing structure could not be the result of the applicant's actions as they were established nearly a century ago when smaller structures were more common on larger lots. The current trend is that lots be "built out" maximizing FAR and impervious requirements while building to the minimum required setbacks. Under the previous front setback requirements, the neighboring structures were able to redevelop with lesser front setbacks.

Special Privilege

The last requirement necessary to grant a variance request is that the variance will not confer onto the applicant any special privilege denied by the zoning ordinance to other

lands, structures or buildings in 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.

When developing the new front setback provision to replace the problematic average method, staff was aware that there were going to be certain instances that would require variances. There are several properties throughout the City that have a significantly greater setback, than the rest of the surrounding homes. Staff believes that this request is an example of a lot, in which a conforming front setback generates the need to grant a front setback variance. As such, staff does not believe that granting this request would confer any special privilege onto the applicant.

Summary

Staff believes that the applicant meets the four criteria required to grant the variance requested.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[860 N Park Ave - Area Map.pdf](#)

ATTACHMENTS:

[860 N Park Ave - Aerial Map.pdf](#)

ATTACHMENTS:

[860 N Park Ave - Neighbor Letter Map.pdf](#)

ATTACHMENTS:

[860 N Park Ave - Plan Set.pdf](#)

ATTACHMENTS:

[Exhibit_A_ 860 N.Park Ave..PDF](#)

ATTACHMENTS:

[Exhibit_B_ 860 N.Park Ave..PDF](#)

ATTACHMENTS:

[860 N Park Ave - Applicant Energov Submittal.pdf](#)

ATTACHMENTS:

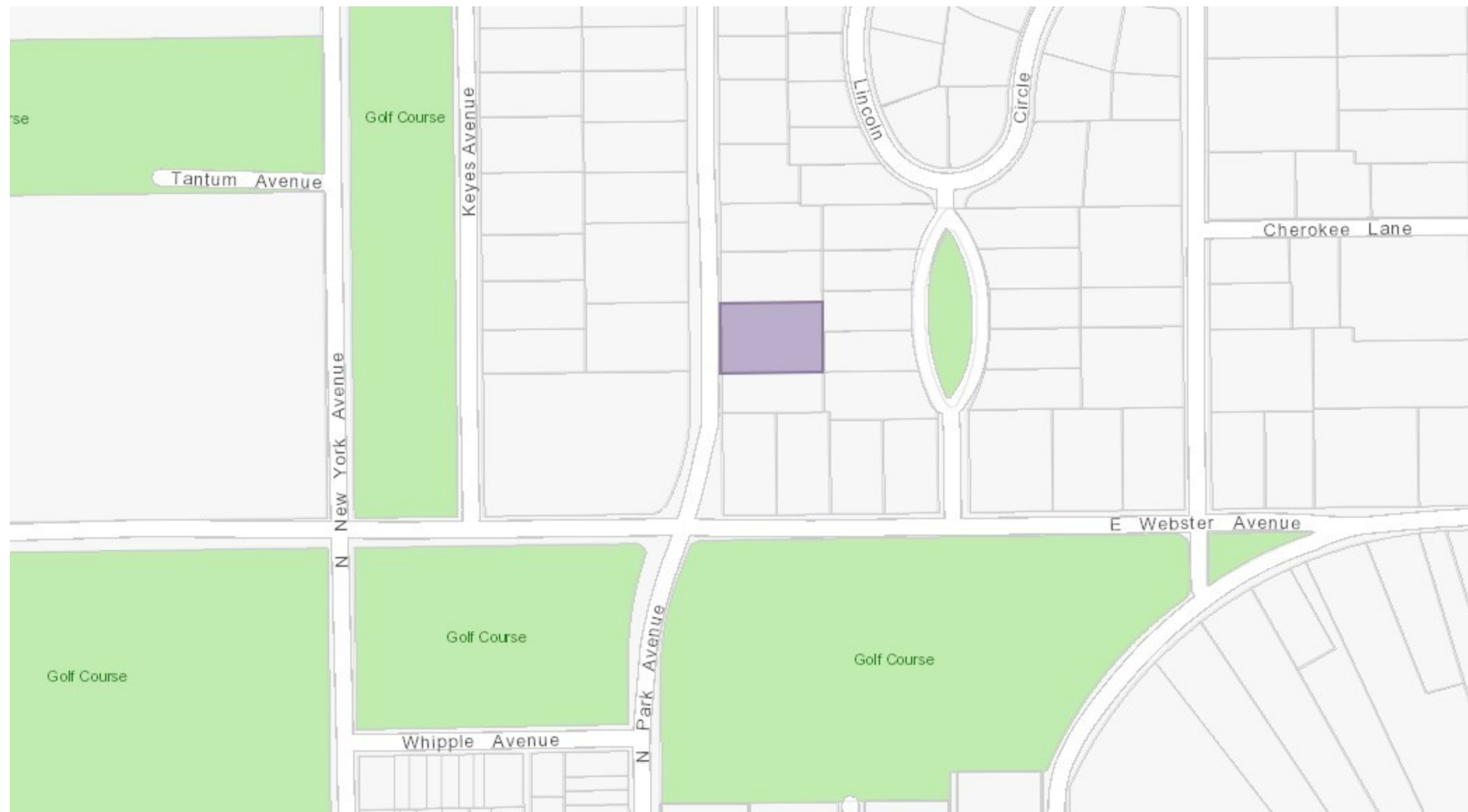
[860 N Park Ave - Neighbor Letters Combined.pdf](#)

ATTACHMENTS:

[\[External\] RE_ \[External\] Re_ \[External\] Re_ BOA_Variance Application.pdf](#)

ATTACHMENTS:

[860 N Park Ave_ Further Information.pdf](#)









PARK AVE. RESIDENCE

860 N. Park Ave, Winter Park, FL 32789

05/19/2023

BOARD OF ADJUSTMENTS - 5/22/23 SUBMITTAL



NORTH PARK AVENUE

GOLFVIEW TERRACE

8 6 0

CONTEXT

Scale: 1" = 50'

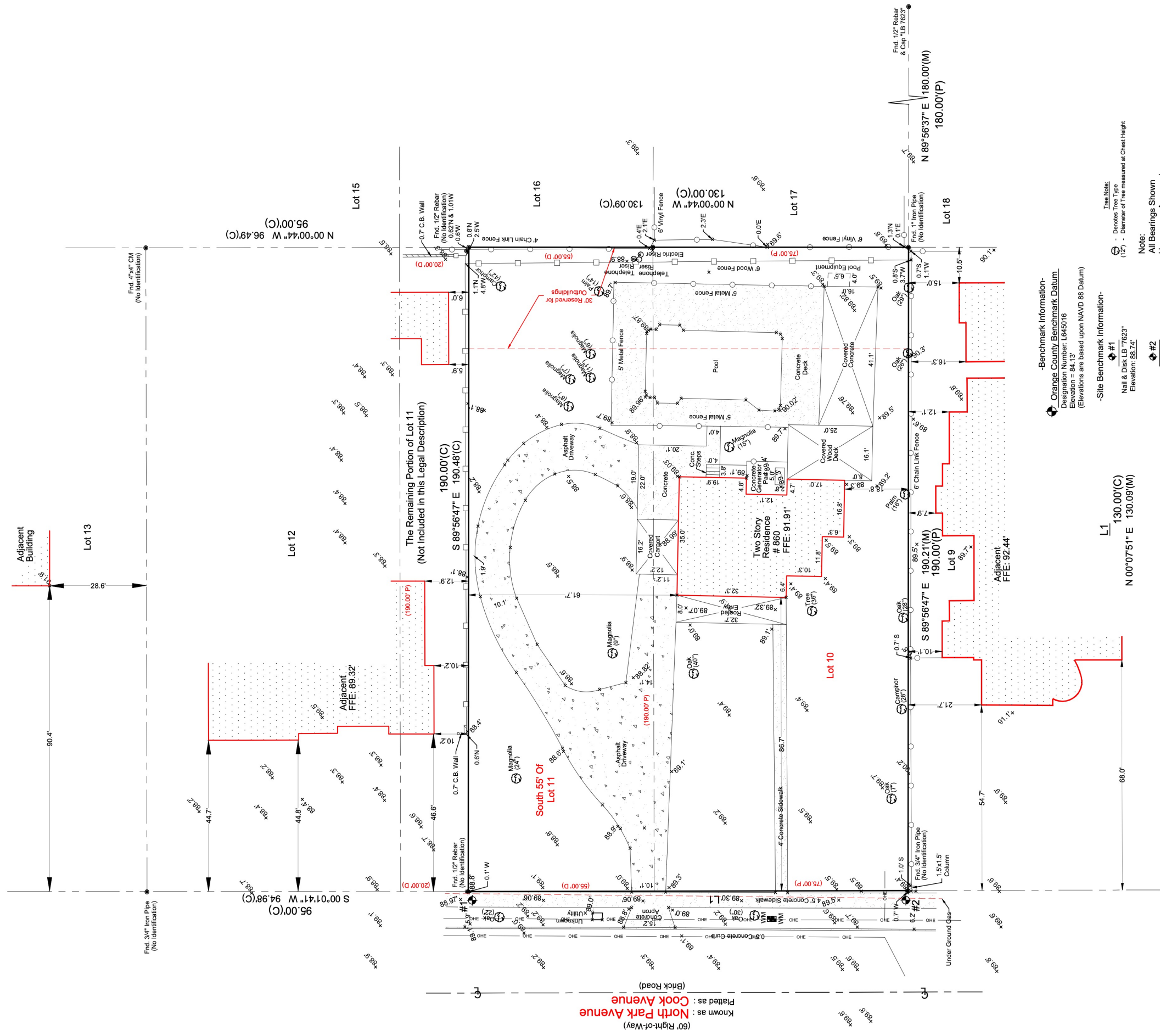


PARK AVE. RESIDENCE
05/19/2023

Legal Description:

Flood Disclaimer:
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV,
THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF
WINTER PARK, COMMUNITY NUMBER 120188, DATED 2009-05-25.

CERTIFIED TO:
RUMEL A.DAS



-Benchmark Information-
 **Orange County Benchmark Datum**
 Designation Number: L645016
 Elevation = 84.13'

-Site Benchmark Information-

Nail & Disk LB "7623"
Elevation: 88.74'

Elevation: 88.74'

 #2

Nail & Disk LB "7623"

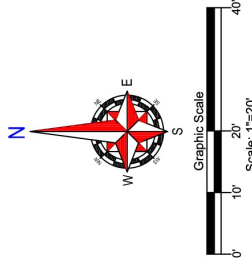
Elevation: 89.29'

Tree Note:

- Denotes Tree Type
- (12") - Diameter of Tree measured at Chest Height

Note:
All Bearings Shown
Hereon are Assumed.

Elevations Adjusted Plus 0.16 to Published Elevation

[illegible]

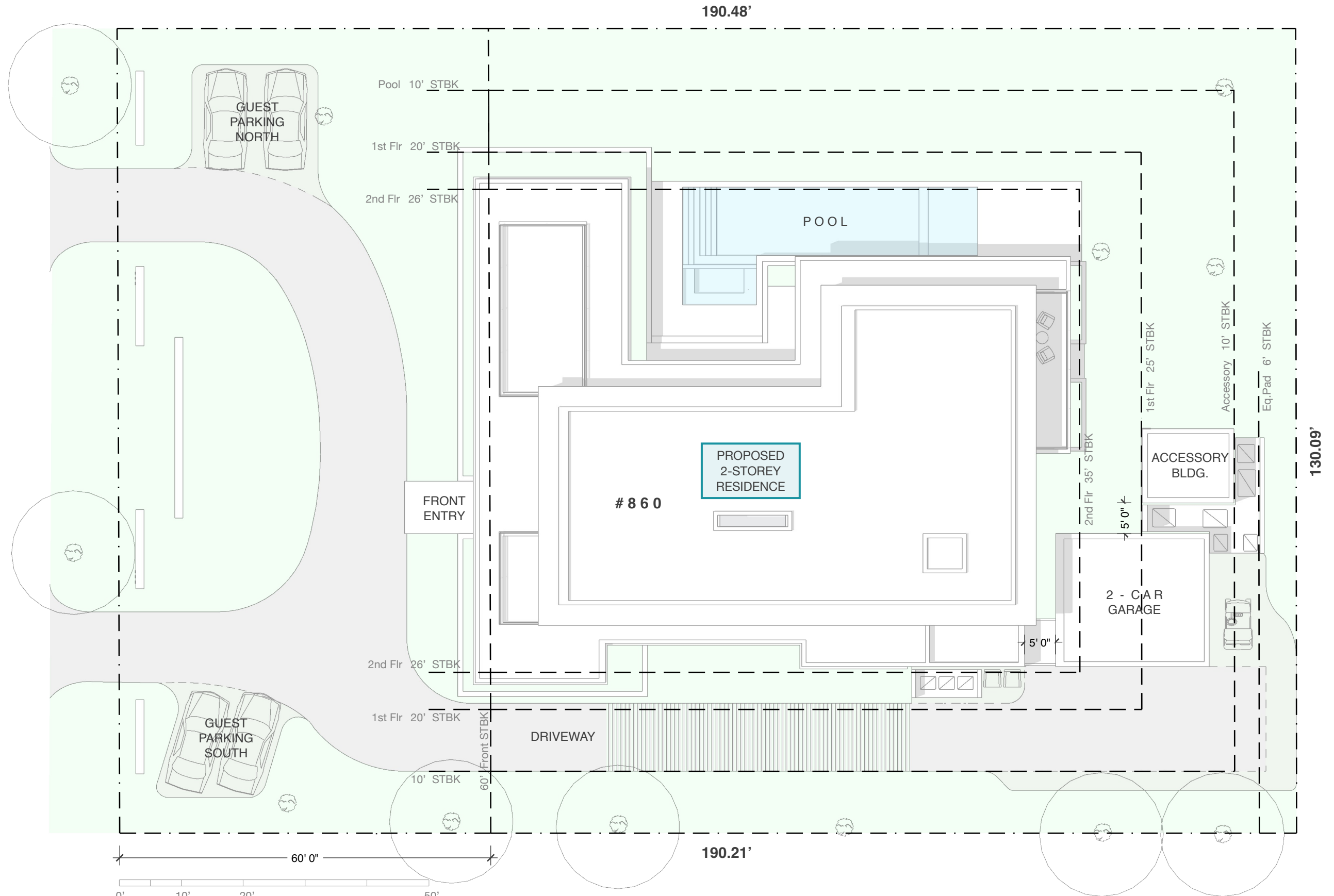
Patrick K. Ireland

Patrick K. Ireland
PSW#6637
 This Survey is intended ONLY for the use of Said Certified Parties
 This Survey NOT VALID UNL ESS Signed and Embossed with Surveyor's Seal

Ireland & Associates Surveying, Inc.

18

NORTH PARK AVENUE



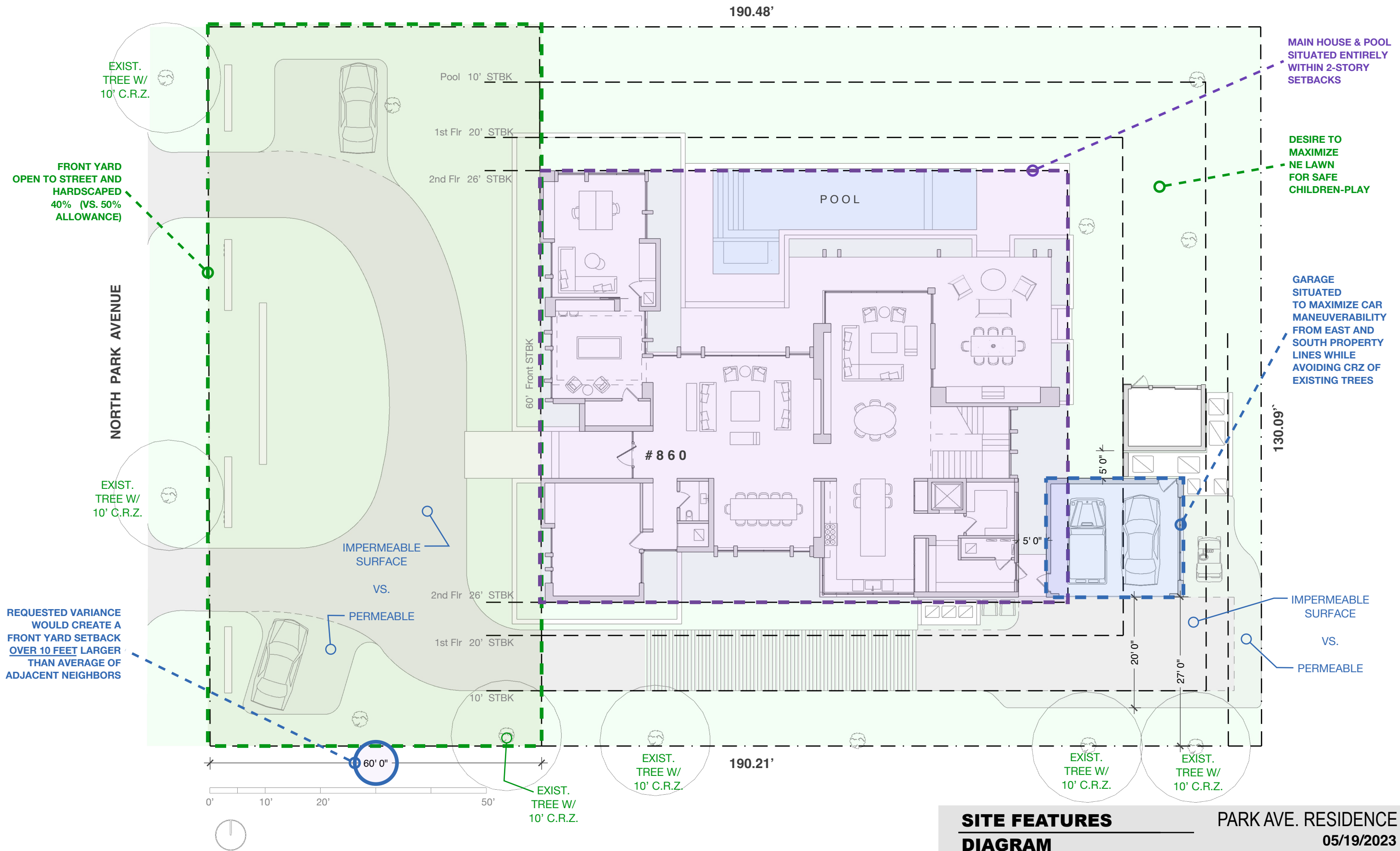
SITE PLAN

PARK AVE. RESIDENCE
05/19/2023



Scale: $\frac{1}{16}'' = 1'$

STRANG 19

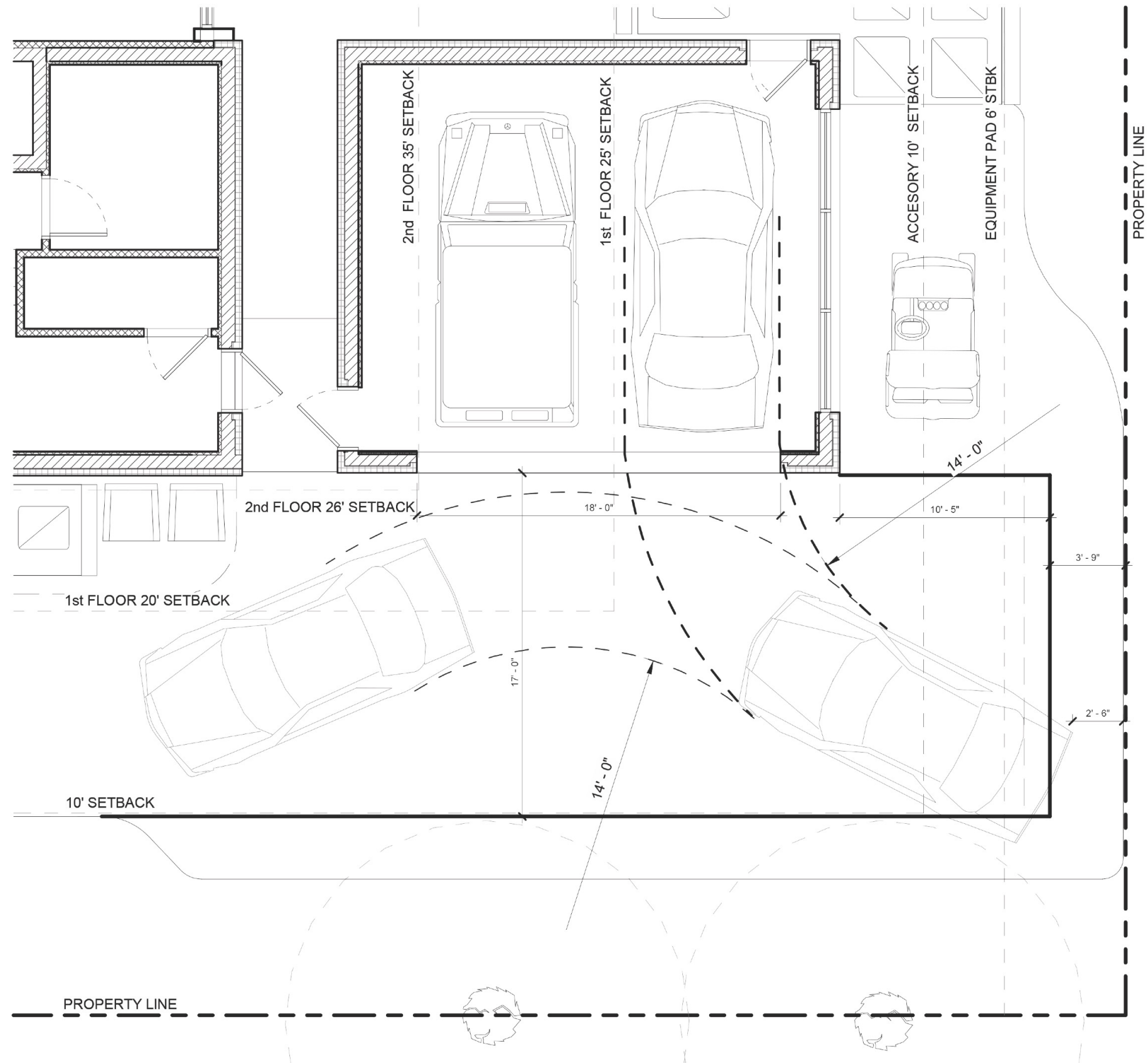


**SITE FEATURES
DIAGRAM**

PARK AVE. RESIDENCE
05/19/2023



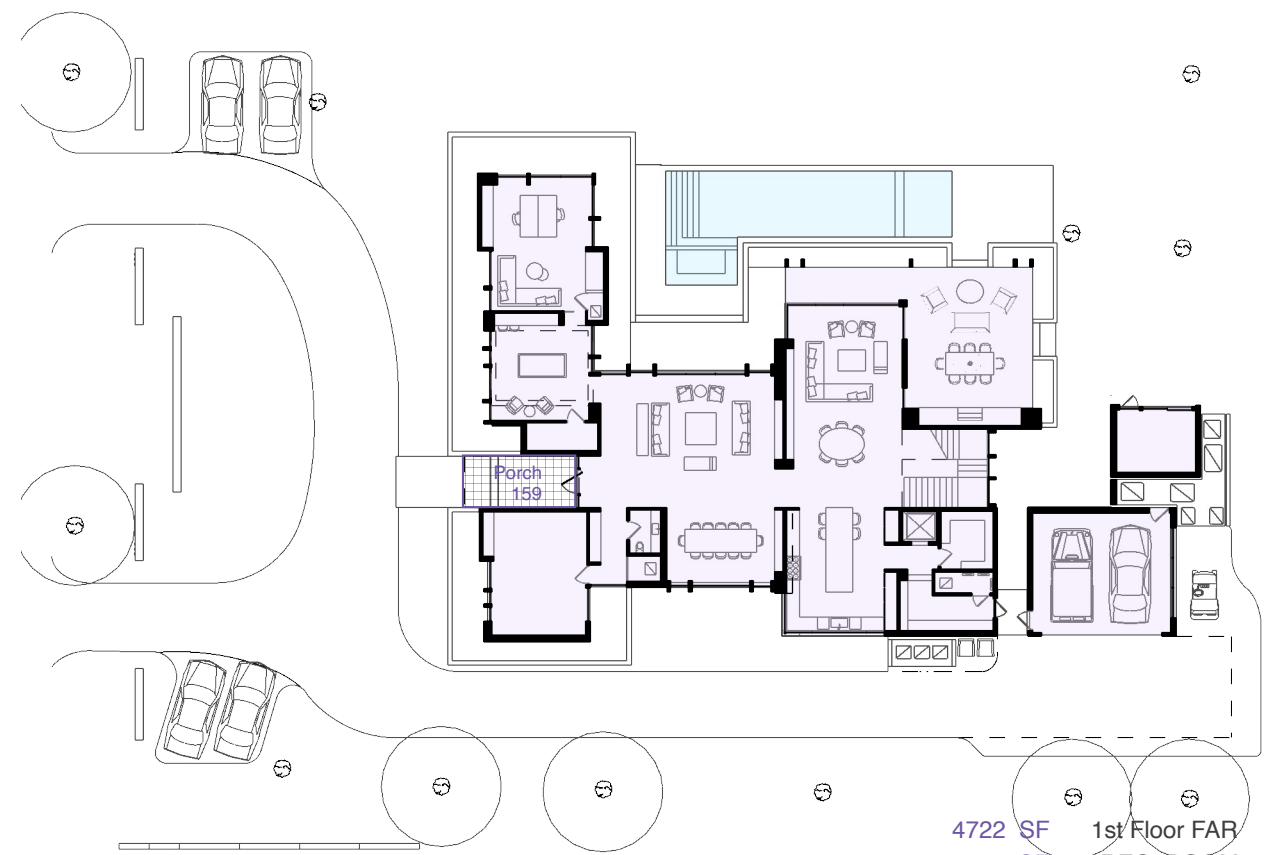
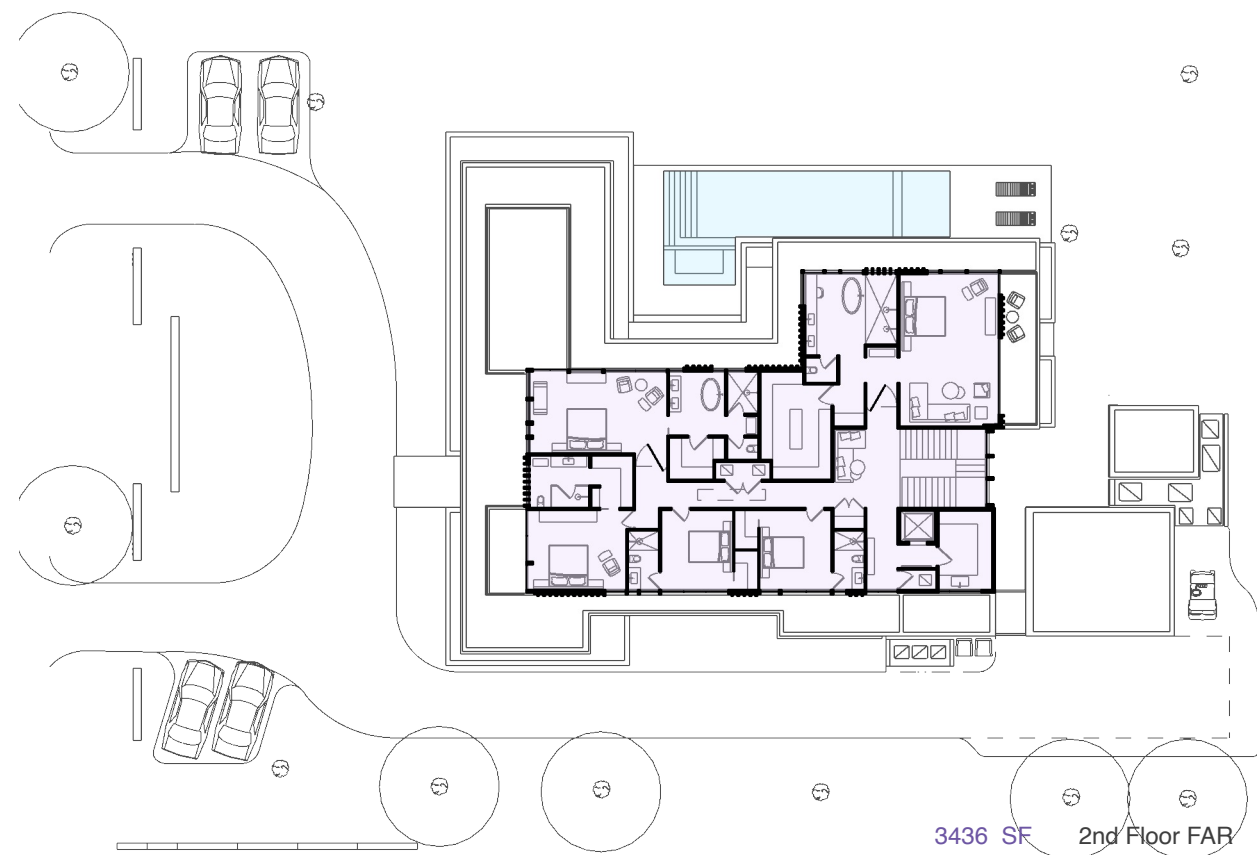
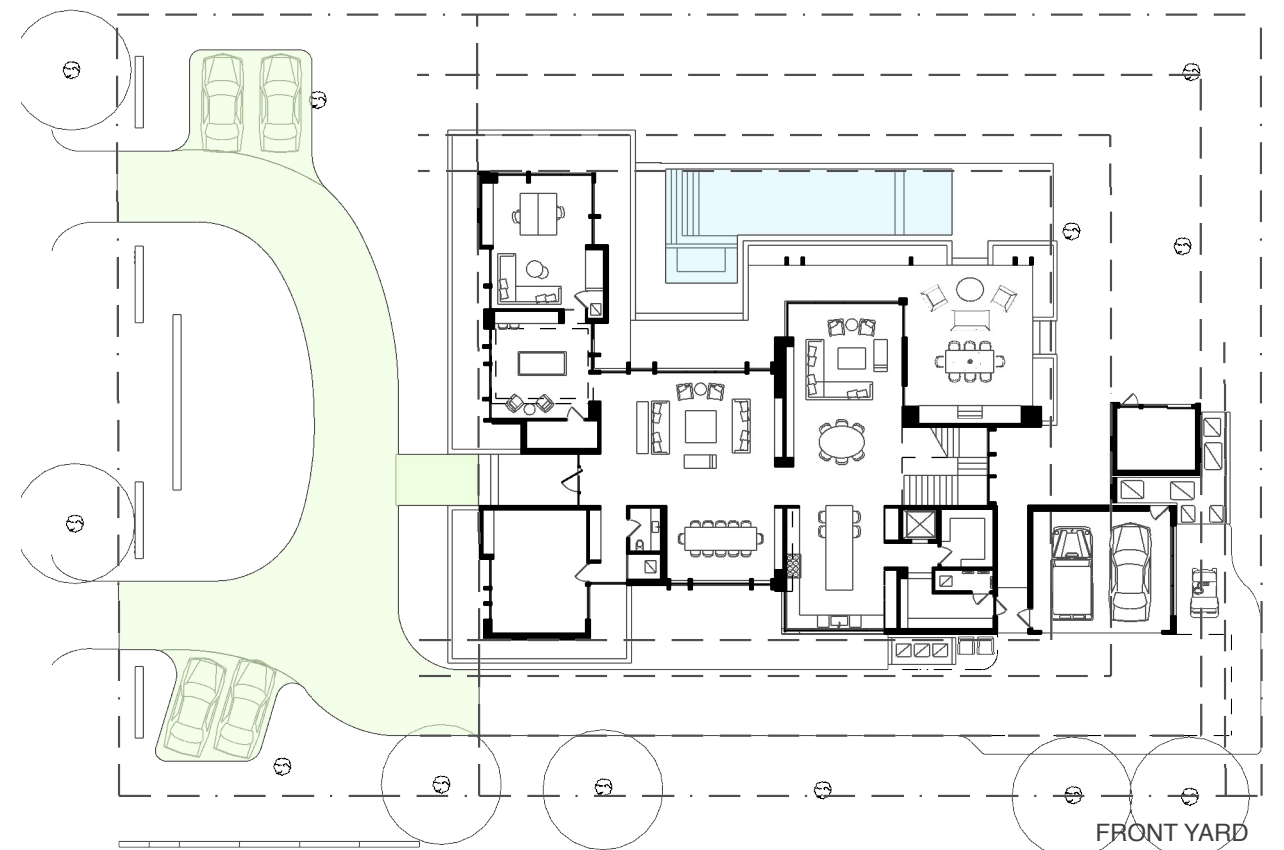
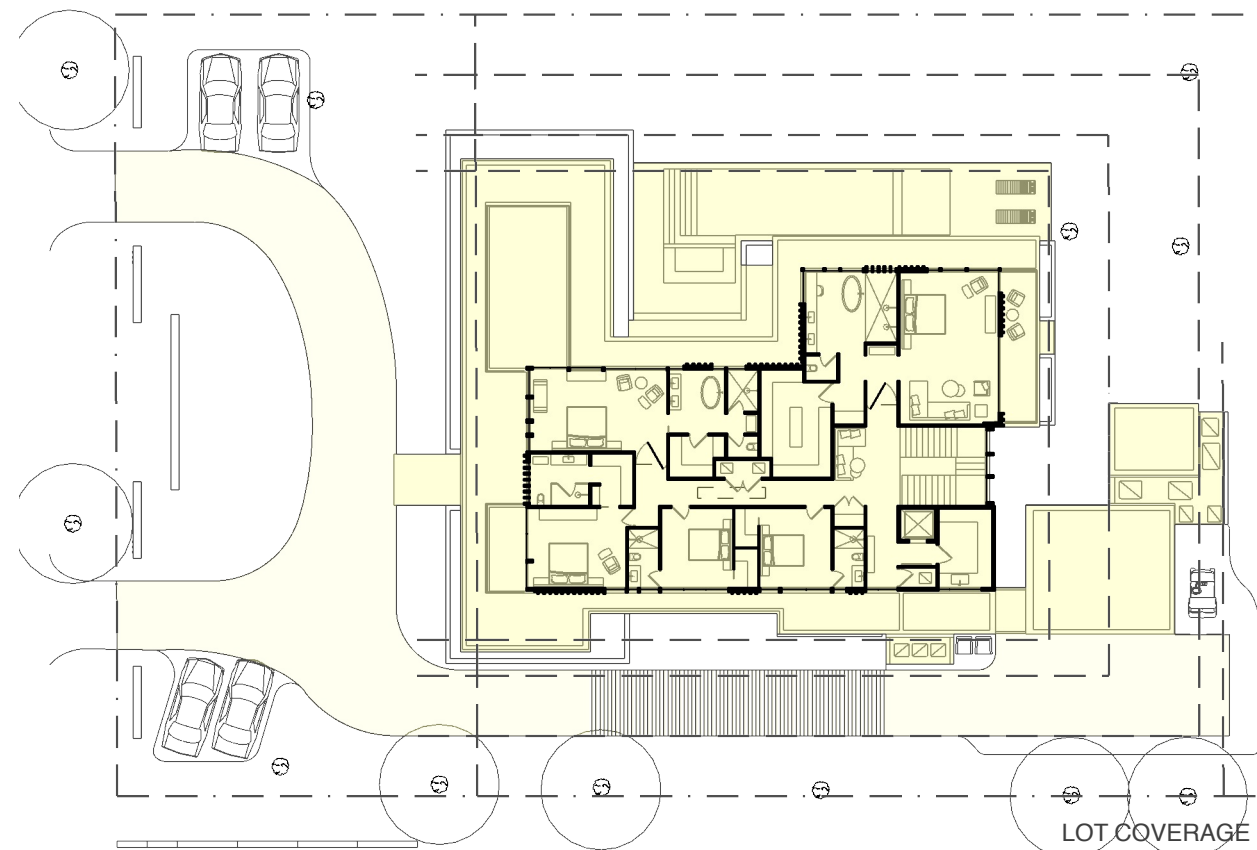
Scale: 1/16" = 1'



GARAGE / SE DRIVEWAY PARK AVE. RESIDENCE
VEHICLE TURNING DIAGRAM 05/19/2023



Scale: $\frac{3}{16}" = 1'$



LOT SIZE	24,746 SF	100%	ALLOWCE
LOT COVERAGE	11,883 SF	48.0 %	50 %
FRONT YARD COV.	3,083 SF	39.5 %	50 % of 7800
GARAGE	529 SF		
F A R	8,330 SF	33.6 %	35 %

4722 SF 1st Floor FAR
172 SF REC. ROOM
529 SF GARAGE

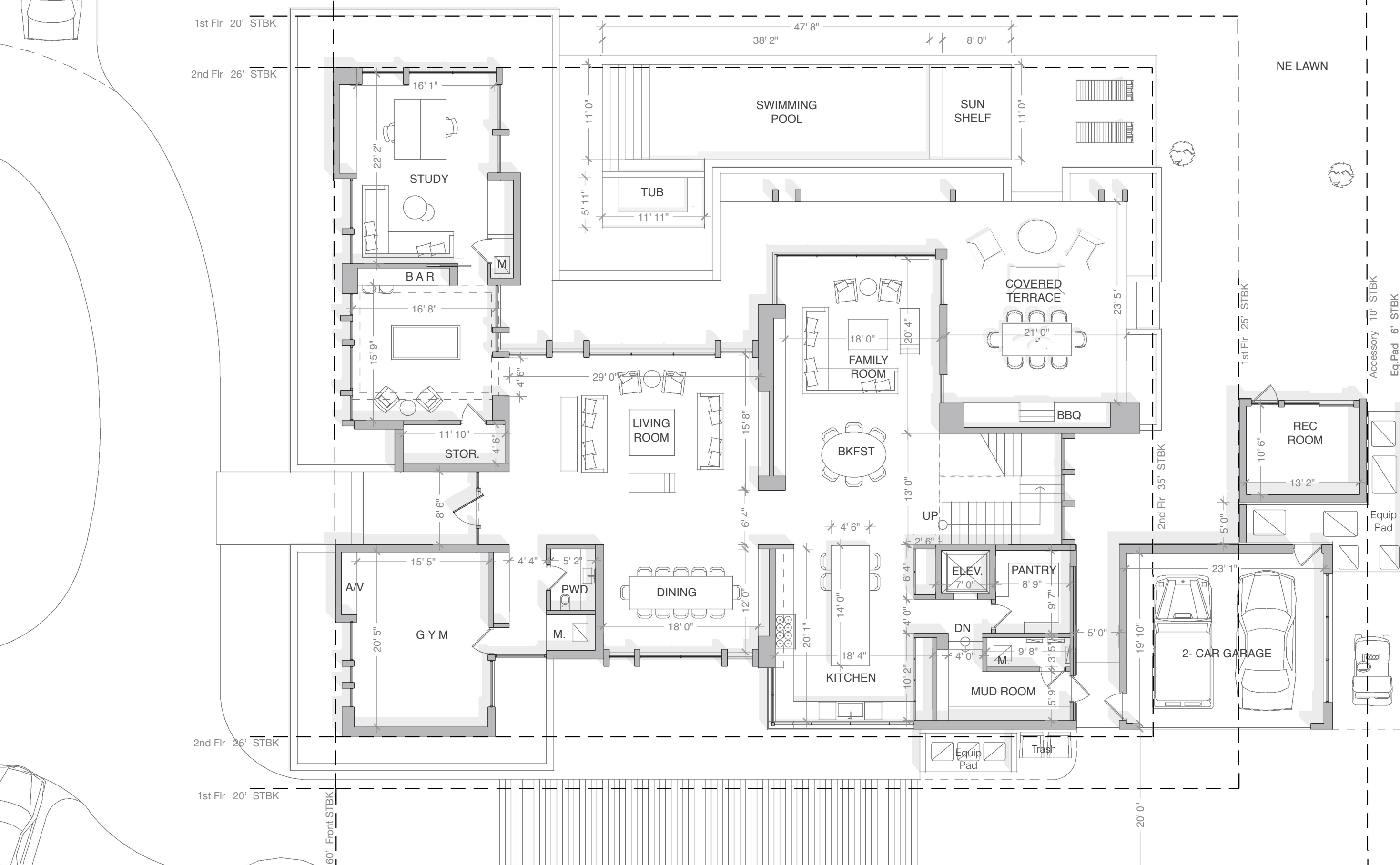
Area Calcs

PARK AVE. RESIDENCE
05/19/2023



Scale: 1/32" = 1'

STRANG 22



FLOOR PLAN 1

PARK AVE. RESIDENCE
05/19/2023



Scale: $\frac{3}{32}'' = 1'$

1st Flr 20' STBK

2nd Flr 26' STBK

2nd Flr 26' STBK

1st Flr 20' STBK

60' Front STBK

10' STBK

POOL
BELOW

TER.

ENSUITE
BATH 1

PRIMARY
BEDROOM

TER.

PRIMARY
W.I.C.

BEDROOM
#2

ENSUITE
BATH 2

WIC 2

W.C.

M.

BA 3

WIC 3

TER.

BEDROOM
#3

BA 4

BEDROOM
#4

WIC 5

WIC 4

BEDROOM
#5

BA 5

DN

ELEV.

LAUNDRY

ACCSRY
ROOF

GARAGE
ROOF

Accessory 10' STBK

Eq. Pad 6' STBK

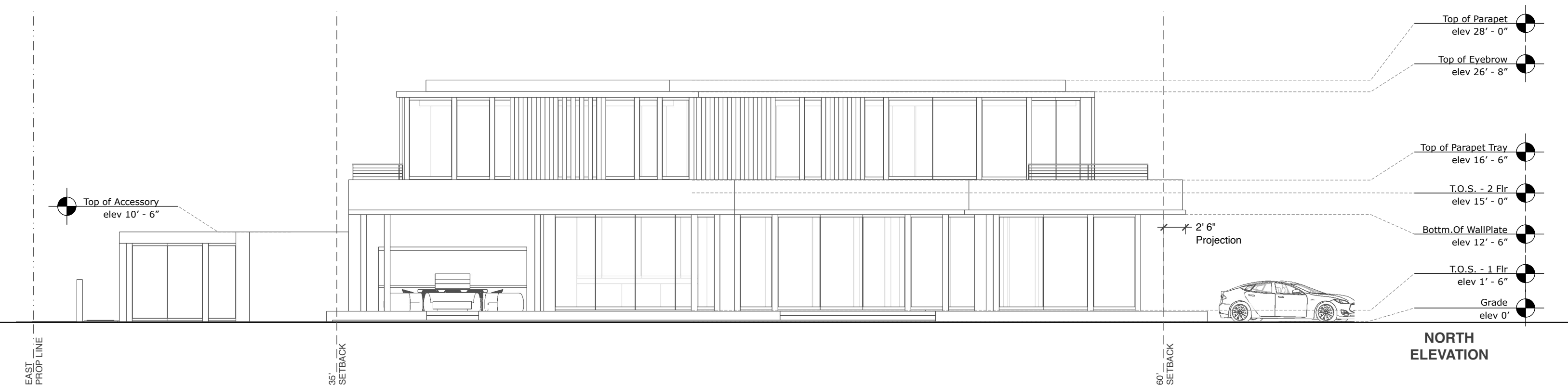
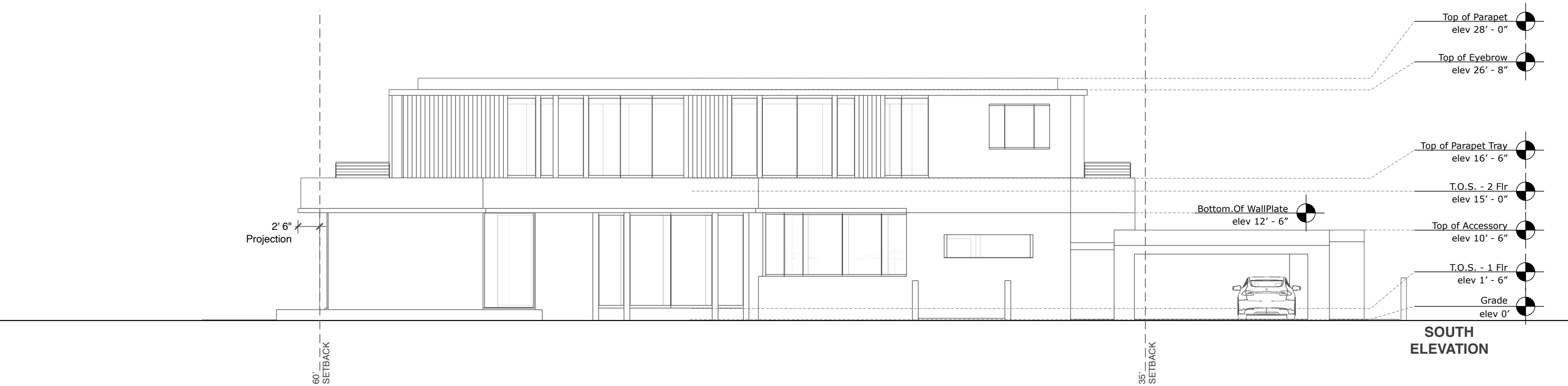
FLOOR PLAN 2

PARK AVE. RESIDENCE
05/19/2023



Scale: $\frac{3}{32}'' = 1'$

STRANG 24

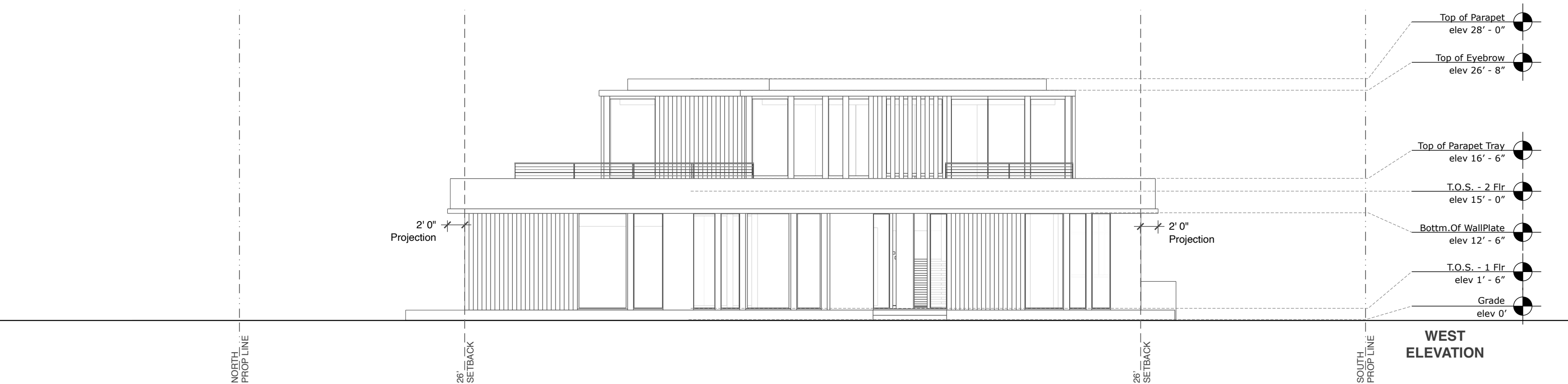
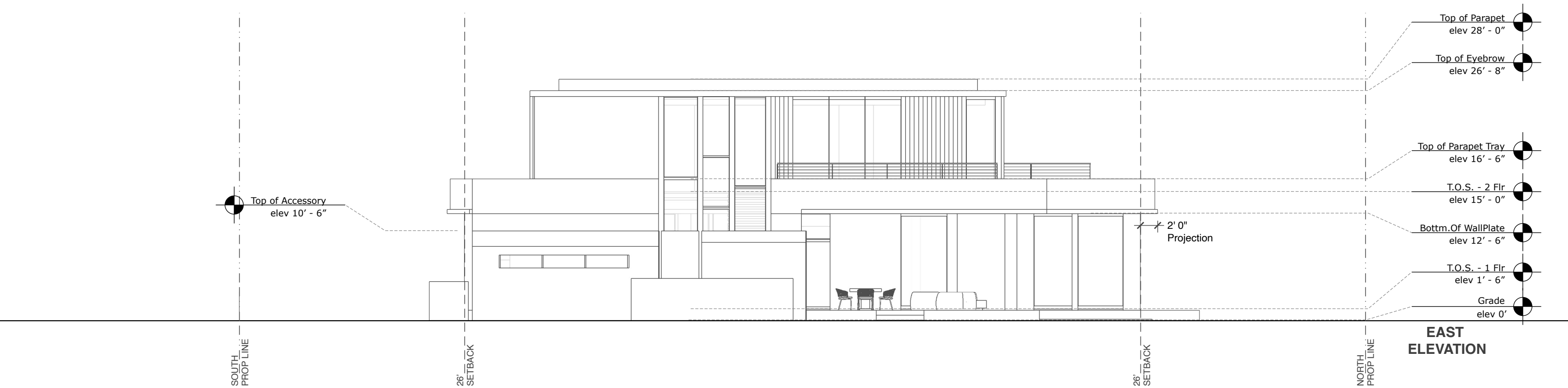


ELEVATIONS

PARK AVE. RESIDENCE
05/19/2023

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STRANG 25

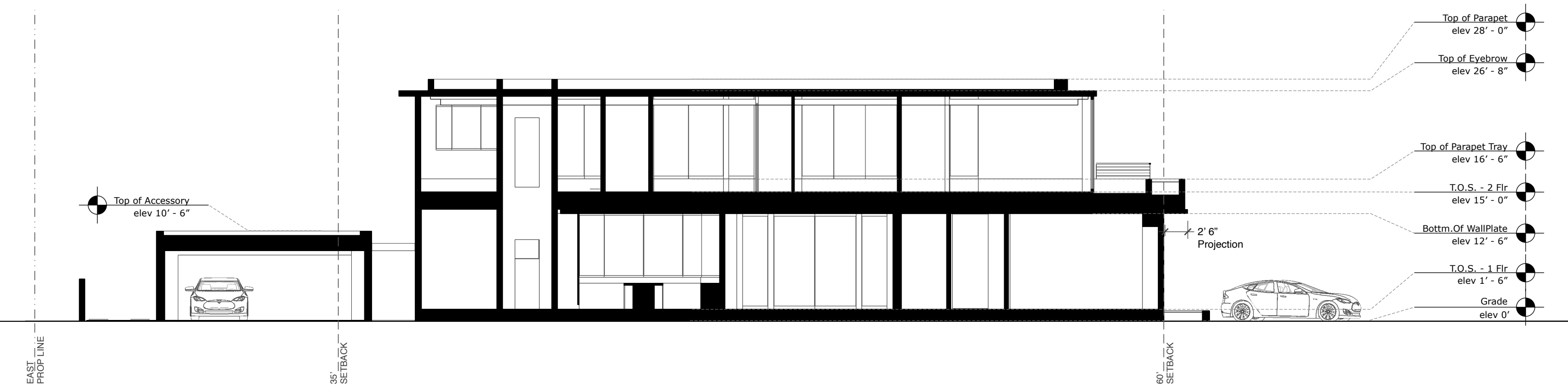
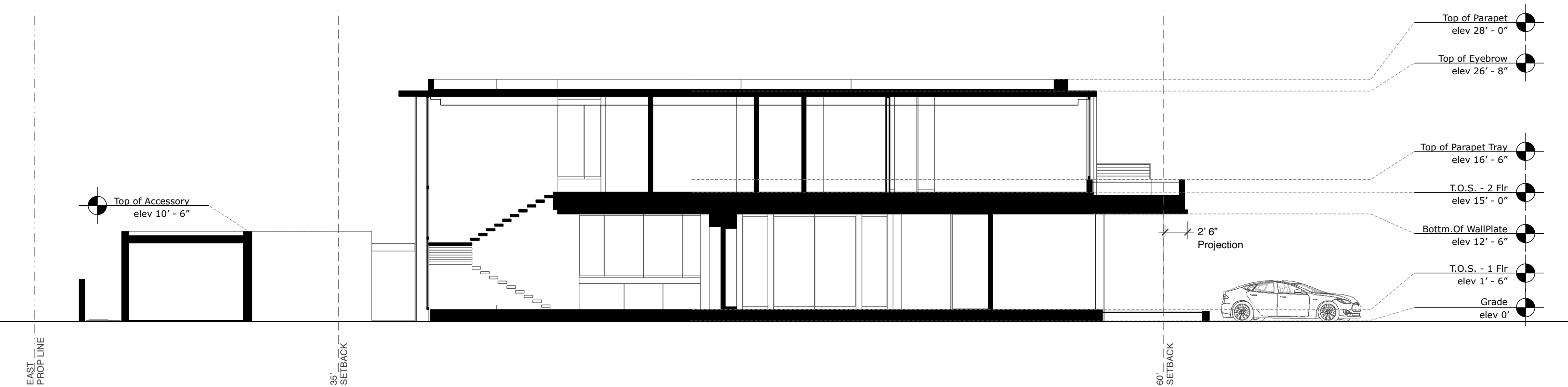


ELEVATIONS

PARK AVE. RESIDENCE
05/19/2023

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STRANG 26

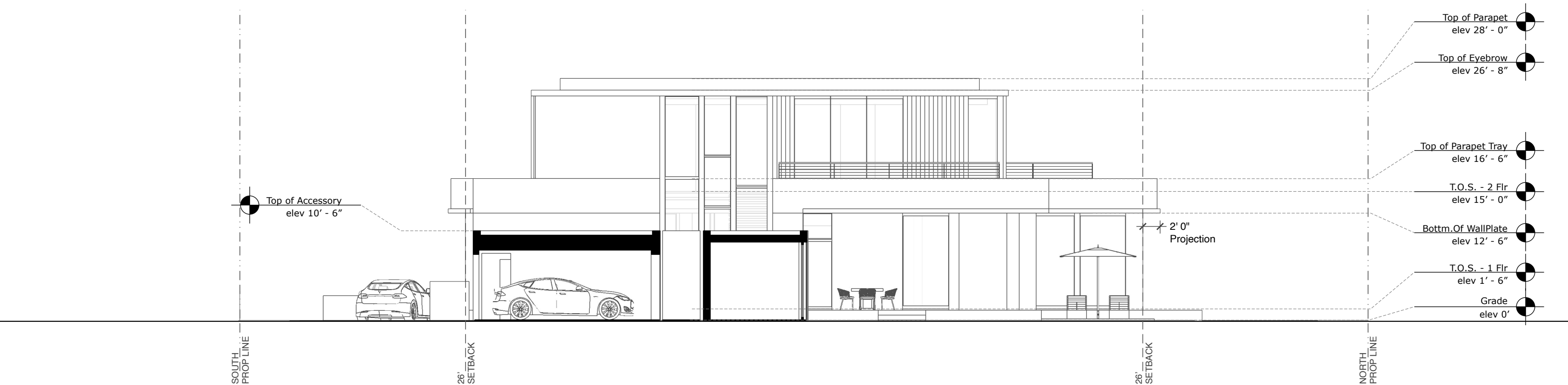
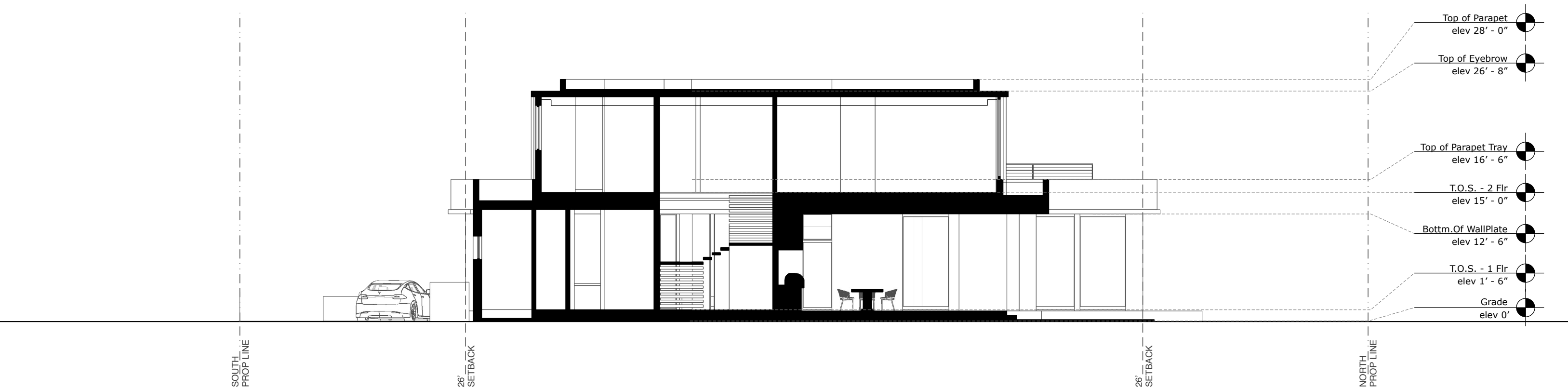


SECTIONS

PARK AVE. RESIDENCE
05/19/2023

Scale: $\frac{3}{32}'' = 1'$

STRANG 27



SECTIONS

PARK AVE. RESIDENCE
05/19/2023

Scale: $\frac{3}{32}'' = 1'$



BIRDS EYE

PARK AVE. RESIDENCE
05/19/2023

STRANG



BIRDS EYE

PARK AVE. RESIDENCE
05/19/2023



FRONT PERSPECTIVE

PARK AVE. RESIDENCE
05/19/2023



FRONT PERSPECTIVE

PARK AVE. RESIDENCE
05/19/2023



OFFICE PERSPECTIVE

PARK AVE. RESIDENCE
05/19/2023



POOL PERSPECTIVE

PARK AVE. RESIDENCE
05/19/2023

EXHIBIT "A"
TO VARIANCE APPLICATION – BOA JULY 18, 2023

PROPERTY LOCATED AT 860 N PARK AVENUE, WINTER PARK, FLORIDA

JUSTIFICATION FOR VARIANCE

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 property at 860 N Park Ave has a total land area of 24699 sqft. The previous structure (the "Previous Structure") on the property was built in 1925 and was recently demolished pursuant to a Demolition Plan Survey submitted to and approved by the City of Winter Park (the "City") and the demolition permit issued by the City. The Owner desires to construct a new home on the property with a front setback of not less than sixty (60) feet (60') and, because the property is one hundred ninety feet (190') deep, the Owner asserts that the minimum front setback is thirty-eight feet (38') and that no front set back variance is needed. However, if a variance is required to achieve a front set-back of not less than sixty feet (60'), the property has the following special conditions that support the granting of such a variance:

1. The Previous Structure was uniquely small relative to the total land area¹. In particular:
 - a. The Previous Structure has a base area of 1493 sqft, which implies a base floor area ratio (**Base-FAR**) of 6%, computed as the ratio of base area to total land area (i.e., 1493 divided by 24699). Base-FAR is a metric that represents a home's footprint relative to land area. A higher Base-FAR implies the home's footprint covers more of the land area and a lower Base-FAR implies the home's footprint covers less of the land area. The Previous Structure at 860 N Park Ave has the lowest Base-FAR value when compared to 56 other homes in its vicinity.
 - b. The Previous Structure had a gross area of 4013 sqft, which implies a floor area ratio (FAR) of 16%, computed as the ratio of gross area to total land area (i.e., 4013 divided by 24699). FAR is a metric that represents a home's scale relative to the land area. A higher FAR implies the home has greater scale relative to the land area and a lower FAR implies the home has lesser scale relative to the land area. The Previous Structure at 860 N Park Ave had the second lowest FAR when compared to 56 other homes in its vicinity.

¹ See Exhibit_1 (FAR Data)

2. The Previous Structure had a front setback that was vastly inconsistent with the front setbacks of its adjacent neighbors, and more generally, inconsistent with the front setbacks of the other homes on its side of the street². In particular:
 - a. The front setback of the Previous Structure is 86.7 feet. The neighboring house located at 900 N Park Ave, built in 2005, is set back 44.7 feet (a difference of 42 feet) and the neighboring house located at 840 N Park Ave, built in 2013, is set back 54.7 feet (a difference of 32 feet). On average, the adjacent neighbors have a front set back of 49.7 feet, which is 37 feet less than the setback of the Previous Structure at 860 N Park Ave.
 - b. The setback of the Previous Structure at 860 N Park Ave was, generally, inconsistent with the setbacks of the other homes on its side of the street (i.e., on the east side of Park Ave, between E Webster Ave and E Stovin Ave). Excluding the home at 910 N Park Ave (which has several non-standard features, such as a mulch driveway), the front setbacks of the 7 other homes range between 44.7 feet and 55 feet. The Previous Structure at 860 N Park Ave, which was set back at 86.7 feet, was set back 32 feet further than the maximum of those other homes.
3. The Previous Structure was encircled by larger and more recently constructed neighbors.³ In particular:
 - a. The adjacent homes have large FAR ratios. The home at 900 N Park Ave has a FAR ratio of 42% (5986 gross area and 14249 sqft total land area) and the home at 840 N Park Ave has a FAR ratio of 38% (6795 gross area and 18049 sqft land area).
 - b. The adjacent neighbors both have small side setbacks. The neighboring home at 900 N Park Ave has a side setback relative to 860 N Park Ave of 10.2 feet. The neighboring home at 840 N Park Ave has a side setback relative to 860 N Park Ave of 7.9 feet.
4. The unique location of the property itself, being diagonally opposite from the University Club of Winter Park and the golf course beyond, provides the potential for open views over the lawns of the University Club and to the golf course beyond. However, such views are oblique, and the ability to enjoy such views, say, from a newly built home on the property, is affected by the positioning of that newly built home relative to its neighbors.⁴

² See Exhibit_2 (Front Setback Data), Exhibit_3 (Front Setback Visualization), and Exhibit_6 (Survey)

³ See Exhibit_1 (FAR Data) and Exhibit_6 (Survey)

⁴ See Exhibit_4 (Field of View) and Exhibit_5 (Golf Course Views)

Deprivation of Rights and Inordinate Burden

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.

If the required front setback on the property is calculated to be “the setback of the existing or most recently demolished home, whichever is greater”, that calculation, if applied to the Previous Structure on the property, would result in the deprivation of rights and an inordinate burden upon the property that is not shared by similarly situated properties. In particular:

1. As set out above, the Previous Structure was uniquely small relative to the total land area, as compared to other homes in its vicinity – both on a building footprint basis (Base-FAR) and an overall scale basis (FAR). That is, the Previous Structure at 860 N Park Ave is an outlier. A requirement for a new home be built to the same setbacks of an outlier structure results in an outlier requirement that would not be applicable to other properties.
2. The front setback of the Previous Structure, at 86.7 feet, represents 46% of the lot depth, or nearly half of the lot. Assuming outdoor private space commensurate with the outdoor private space of the Previous Structure, the front setback requirement limits the buildable area to the mold of the Previous Structure, making construction of a larger home on a larger lot as one would traditionally expect, impossible.⁵
3. The code establishes that the purpose of minimum setback standards is to, amongst other things, “assure a harmonious relationship of buildings on each site to the public right-of-way”⁶. If the front setback for new construction at 860 N Park Ave was based on the front setback of the Previous Structure, the result would be 3 adjacent homes (all relatively newly constructed) with highly irregular front setbacks of 44.7 feet, 86.7 feet, and 54.7 feet. It is difficult to see how such an irregular positioning of homes is consistent with the intent of the code to assure a harmonious relationship of buildings to the street. Such an irregular layout of homes negatively affects the public view of the home, which translates into a negative impact on private property values. A review of other properties in the vicinity (for example, the properties along N Park Ave, Keyes Ave, and E Webster Ave) shows that adjacent homes typically have similar front setbacks – i.e., they are somewhat aligned. The homes on the east side of N Park Ave between E Webster Ave and E Stovin Ave (i.e., the stretch of N Park Ave where 860 N Park Ave is located) are typically set back between 44.7 feet and 55 feet. The code uniquely deprives the property at 860 N Park

⁵ See SPR #23-03, Request of Mark Nasrallah, dated 4 April 2023, in which P&Z staff supported the variance of a the lakefront setback from the required 95 feet to the requested 68.6 feet and stated in support “[t]he code, therefore, limits the buildable area to the mold of the Previous Structure, making construction of a larger home on a lakefront as we would traditionally expect, impossible”.

Reference URL: <https://d2kbkoa27fdvtw.cloudfront.net/winterpark/b7b2903bf9a0c1876c9cbf2bd7affaaf0.pdf>

⁶ See Sec 58-65(f)(5)(a)(2).

Ave of rights commonly enjoyed by other properties – i.e., the right to build a home with a harmonious relationship to the street, consistent with surrounding homes.⁷

4. The neighboring home to the south of the property (i.e., 840 N Park Ave) has a front setback of 54.6 feet and as explained above, has a small side setback and a large FAR ratio. The position of the neighboring home, and its scale and proximity to 860 N Park Ave, means that if a newly built home at 860 N Park Ave had to comply with an 86.7-foot front setback (i.e., it had to be built 32 feet *behind* the neighboring home to the south), the neighboring home to the south would cast a shadow over the face of the newly built home and its front lawn⁸. That would lead to diminished public views of the home and a loss of natural light within the home. Both factors would negatively affect the property value. When adjacent homes have front setbacks that are roughly aligned, which is typically the case in Winter Park, one home cannot cast a shadow over the front of the other. Accordingly, such deprivation of rights is unique to the circumstances of this property.
5. If the new home to be built at 860 N Park Ave has to comply with an 86.7-foot front setback, that would result in the deprivation of private views that one would ordinarily expect to be available⁹. In particular:
 - a. Because of the front setbacks of the adjacent neighbors at 840 N Park Ave and 900 N Park Ave, a newly built home at 860 N Park Ave complying with an 86.7-foot front setback would be positioned 42 feet and 32 feet *behind* its neighbors. And, as explained above, the neighbors are of notable scale with minimal side setbacks. Such positioning of homes would severely curtail the field of view, reducing it to about 110-130 degrees, effectively resulting in “tunnel vision”. By comparison, when the adjacent homes have roughly the same front setback, as is typical in Winter Park, the homes enjoy a full 180 degree field of view from the front of the house.
 - b. The reduction in field of view particularly deprives the 860 N Park Ave property of open views that one would normally expect to be available to a property in its location. That is because the property is located diagonally opposite to the

⁷ See BOA-2022-0022, Request of Daniel Bellows, in which P&Z staff supported the variance of a front setback requirement from 35 feet to 25 feet, and stated: (a) in relation to special conditions and circumstances that neighboring properties had “unusually deep setback[s]”, and (b) in respect of deprivation of rights that “although the applicant can technically meet code for the front setback average since this is new construction, they are limited to 35-feet, which is much greater than the overall surrounding front setbacks of the area. Meeting the 25-foot setback of the R-2 properties would maintain a reasonable standard for the north side of the block”.

Reference URL: <https://d2kbkoa27fdvtw.cloudfront.net/winterpark/4fb7c5f97b2eba4d8dfb44228998a3ab0.pdf>

⁸The trajectory of the sun is such that it rises in the east and sets in the west, but on a path that tends toward the south (during the winter months, the sun’s path drifts even more southward).

See: <http://www.fsec.ucf.edu/en/publications/pdf/fsec-dn-4-83.pdf>

⁹ The lakefront review criteria (Sec 58-97) specifically considers the views of water from adjoining properties and seeks to prevent those views from being unduly impaired. It is reasonable to consider this same principle in the context of other views, such as views towards a golf course.

University Club, with the potential for open views over the lawns of the University Club and to the golf course beyond. However, those open views are only available at an oblique viewing angle, so a reduction in the field of view disproportionately compromises those views.

Actions of the Applicant

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

The owners of 860 N Park Ave bought the property on 19 July 2022, subject to 60 days of post-closing occupancy by the seller, which ended on or about 17 September 2022. The Previous Structure on the property was built in 1925 and the adjacent neighboring homes were built in 2003 and 2015. The peculiarities of the previous structure, and the nuances of its relationship with its neighbors, are not matters that the current owners could reasonably have influenced.

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 in 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.

The diminutive scale of the Previous Structure, its inconsistent and extraordinary front setback relative to neighbors (and, more generally, relative to the entire stretch of homes on its side of the street), the scale and proximity of the neighboring homes, and the specific location of the property (i.e., the potential for open views over the lawns of the University Club and to the golf course beyond), taken together, comprise unique circumstances that are not applicable to other properties. The granting of a variance request will not only not confer a special privilege upon the applicant, it would also allow the applicant similar rights that are enjoyed by other lands, structures or buildings that are similarly situated.

EXHIBIT "B"
TO VARIANCE APPLICATION – BOA JULY 18, 2023

PROPERTY LOCATED AT 860 N PARK AVENUE, WINTER PARK, FLORIDA

JUSTIFICATION FOR NO VARIANCE REQUIRED:

The Owner of the property located at 860 N Park Avenue in Winter Park desires to construct a new home on the property to replace the previous structure (the "Previous Structure") that was recently demolished pursuant to a Demolition Plan Survey that was duly submitted to the City of Winter Park (the "City") and a demolition permit that was duly issued by the City. The Owner desires to have a front setback of not less than sixty feet (60'). Pursuant to the City's Zoning Code (the "Code"), the minimum front yard setback should be thirty-eight feet (38') based upon the following Code Sections and legislative history:

(1) The front setback calculation set out at 58-65(f)(6):

(6) *Front yard setbacks.*

- a. *Standardized calculation method. The front yard setback shall be calculated using 20 percent of the lot depth or the setback of the existing or most recently demolished home, whichever is greater. In the case of measuring setback from the existing or mostly recently demolished home, the setback calculation shall be measured to a permitted structure that received a certificate of occupancy. The front setback shall not exceed a maximum ten-foot difference beyond the existing home. In instances where a lot has never been built upon, the 20 percent of the lot depth measurement shall be utilized.*

(2) The Code was recently amended to add the definition of "Existing home" (as referred to in the front setback calculation) and is now defined in 58-95 as follows:

Existing home means the principal, habitable structure, that exists on a residentially zoned property, which has been permitted, inspected, and received a certificate of occupancy. In reference to front setback calculation.

(3) In the process of recently amending the Code to address certain setback provisions at the 1st reading of the Code Amendment by the City Commission on 26 October 2022¹ (prior to its passage):

- a. John Harbilas said: *"We've added provisions to define what an existing or recently demolished home is. It had to be permitted, it had to receive a certificate of occupancy, that sort of thing."*²

¹ https://winterpark.granicus.com/ViewPublisher.php?view_id=1

² at 2:14:20 of the recorded video of the meeting

b. and presented this screen:

Front Setbacks Proposed



- Staff is proposing that the front setback now be standardized and will be calculated using **20% of the lot depth or the setback of the existing or most recently demolished home, whichever is greater**. The front setback shall not exceed a maximum 10-foot difference beyond the existing home.
- If the lot has never been built upon, the 20% of the lot depth measurement shall be utilized.
- The existing or most recently demolished home shall be defined as being permitted and issued a Certificate of Occupancy

- (4) The Previous Structure was built in 1925, before the City of Winter Park adopted a Building Code in 1932 (Ordinance 231) and, accordingly, the Previous Structure was not issued a permit and did not receive a certificate of occupancy.
- (5) Orange County, under a public record request (PRR 104725), was unable to locate any certificate of occupancy for the residence at 860 N Park Ave. The City of Winter Park online search also does not indicate any certificate of occupancy for the residence at 860 N Park Ave.
- (6) As the Previous Structure at 860 N Park Ave did not receive a permit or a certificate of occupancy, it does not meet the definition of “existing home” for the purposes of the front setback calculation. The front setback should therefore be 20% of the lot depth, or 38 ft, and a variance is not required for a front setback of not less than sixty feet (60’).
- (7) The Demolition Plan Survey³, submitted to the City of Winter Park for the purpose of applying for a demolition permit for 860 N Park Ave, labels the Previous Structure to be demolished as an “EXISTING UNPERMITTED STRUCTURE BUILT PRE-1932 TO BE DEMOLISHED PREPARATORY TO REBUILDING”. The City of Winter Park accepted the demolition plan and issued a demolition permit on that basis, and the existing structure at 860 N Park Ave has already been demolished.

³ https://selfservice.cityofwinterpark.org/energov_prod/selfservice#/permit/02c0741c-3123-4665-beef-6515e12b3829?tab=attachments



PLAN SNAPSHOT REPORT BOA-2023-0015 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments
Work Class: Board of Adjustments/Variance Application
Status: Submitted - Online
Valuation: \$0.00
Description: Front Yard Setback Variance
"Not less than Sixty Feet (60')"

Project:
District: Winter Park
Square Feet: 0.00
Assigned To: Harbilas, John

App Date: 06/14/2023
Exp Date: NOT AVAILABLE
Completed: NOT COMPLETED
Approval Expire Date:

Parcel: 302206306800100	Main	Address: 860 N Park Ave Winter Park, FL 32789-2534	Main	Zone:
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Applicant Micky J Grindstaff 1900 W FAWSETT RD WINTER PARK, FL 32789 Home: (407) 256-3135 Business: (407) 835-6927 Mobile: (407) 256-3135	Owner Nimish Ramanlal Home: (407) 765-9138 Business: (407) 765-9138 Mobile: (407) 765-9138
--	---

Plan Custom Fields

Zoning	R-1AA	Section	58.65	Subsection	(f)
Is the property on waterfront?	No	Is this property on historic registry or district?	No	Describe variance	PLEASE SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.
How long have you owned the property?	JULY 19, 2022.	How long have you occupied the property?	WE DID NOT OCCUPY THE PROPERTY.	Special Condition	PLEASE SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.
Rights/Priv	PLEASE SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.	Hardship	PLEASE SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE. TO APPLY THE FRONT YARD SET BACK TO THE LOCATION OF THE PRIOR 1925 HOME THAT HAS BEEN DEMOLISHED WOULD DISPROPORTIONATELY AND UNNECESSARILY REDUCE THE SIZE OF THE BUILDING PAD UPON THE PROPERTY AND UNNECESSARILY CAUSE THE REMOVAL OF A LARGE TREE.	Limited Variance	YES. ALTHOUGH AN ARGUMENT EXISTS THAT NO VARIANCE IS REQUIRED AS DESCRIBED ON EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE, WHICH WOULD REQUIRE THE FRONT YARD SETBACK TO BE ONLY 38 FEET (38'), THE APPLICANT IS ONLY REQUESTING A FRONT YARD SET BACK OF "NOT LESS THAN SIXTY FEET (60')".

Attachment File Name	Added On	Added By	Attachment Group	Notes
Exhibit_A_ 860 N.Park Ave..PDF	06/14/2023 19:05	Grindstaff, Micky		Uploaded via CSS
Exhibit_B_ 860 N.Park Ave..PDF	06/14/2023 19:05	Grindstaff, Micky		Uploaded via CSS
Scanned Documents.pdf	06/14/2023 19:05	Grindstaff, Micky		Uploaded via CSS
Signature_Micky_Grindstaff_6/14/2023.jpg	06/14/2023 19:05	Grindstaff, Micky		Uploaded via CSS
860 N Park Letter.pdf	06/15/2023 13:06	Lewis, Nick		
931 N Park Letter.pdf	06/15/2023 13:06	Lewis, Nick		
961 N Park Letter.pdf	06/15/2023 13:06	Lewis, Nick		

PLAN SNAPSHOT REPORT (BOA-2023-0015)

Attachments to Exhibit A of Variance Application.pdf	06/15/2023 13:06	Lewis, Nick
230519-ParkAveSD-17x11-City R1.pdf	06/15/2023 13:21	Lewis, Nick
900 N Park Ave Letter.pdf	06/16/2023 8:51	Lewis, Nick

Exhibit C (Plan Set)

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00036903	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00036903		\$200.00	\$200.00
Grand Total for Plan		\$200.00	\$200.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	Approved	06/14/2023	06/16/2023	06/15/2023	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	06/14/2023	06/16/2023	06/15/2023

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			06/15/2023 13:22
Board of Adjustments Review v.1	Receive Submittal	06/14/2023 0:00	06/15/2023 13:22
Issue Invoice v.1	Generic Action		06/15/2023 13:22
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

15 May 2022

To whom it may concern:

My neighbors, Rumela Das and Nimish Ramanlal, at 860 N Park Ave, Winter Park, FL 32789 are applying to the Board of Adjustments for a variance to the front setback zoning requirement. My neighbors are requesting a front setback of 60 feet.

We, Gwendolyn and Keith Mitnik, owners of 840 North Park Ave Winter Park, FL 32789, have no objection to this.

Gwen Mitnik
Signature

Gwen Mitnik
Name



Nimish Ramanlal <nimish.p.ramanlal@gmail.com>

860 N Park Ave

Maija Judelson <judelsonmaija@gmail.com>
To: "nimish.p.ramanlal@gmail.com" <nimish.p.ramanlal@gmail.com>
Cc: "andrewjudelson@yahoo.com" <andrewjudelson@yahoo.com>

Thu, Jun 15, 2023 at 2:14 PM

Nimish,
We are your neighbors at [900 N Park Avenue](#) in Winter Park. Welcome!

We received your letter. We are writing today to show our support for your efforts to obtain permission for a setback of not less than 60 feet at your property 860 N Park Avenue.

Please let us know if you need anything else from us.

We look forward to meeting you and becoming neighbors!

Best,
Maija & Andrew Judelson

--
Maija Zeibots Judelson
646.703.4367

18 May 2022

To whom it may concern:

My neighbors, Rumela Das and Nimish Ramanlal, at 860 N Park Ave, Winter Park, FL 32789 are applying to the Board of Adjustments for a variance to the front setback zoning requirement. My neighbors are requesting a front setback of 60 feet.

We, Neda and David Khosrowzadeh, owners of 931 North Park Ave Winter Park, FL 32789 support this request.



Signature



Neda Khosrowzadeh David Khosrowzadeh

Name

Variance Request:

Front Setback of not less than 60' for 860 N Park Ave. Winter Park FL 32789

My neighbors, Nimish Ramanlal and Rumela Das, the owners of 860 N Park Ave, are requesting a front yard setback of not less than 60'. As the owner of a neighboring N Park Ave home, I have no objections to this request.

A handwritten signature in black ink, appearing to read "Anne Padron", written over a horizontal line.

Anne Padron 961 N Park Ave

From: [Micky Grindstaff](#)
To: [Nicholas Lewis](#); "[Nimish Ramanlal](#)"
Cc: [Renee Richardson](#)
Subject: [External] RE: [External] Re: [External] Re: BOA/Variance Application
Date: Friday, July 7, 2023 3:33:59 PM
Attachments: [image001.jpg](#)
[860 N Park Ave Further Information.msg](#)

[Caution: This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks, verify the real address by hovering over the link. Do not open attachments from unknown or unverified sources.]

Nicholas,

Please see the attached email from Nimish Ramanlal describing some additional background information that he was able to locate in support of the subject Variance Application including the following:

- (i) a link to the video of a City Commission Work Session held on September 15, 2022 [Please listen to and review 1:45:00 to 1:51:00 of the video recording]
Please find a link to the video
here: https://winterpark.granicus.com/MediaPlayer.php?view_id=1&clip_id=776
- (ii) a link to the video of the City Commission Regular Meeting on November 9, 2022 [Please listen to and review 1:13:43 to 1:16:00 of the video recording]
Please find a link to the video
here: https://winterpark.granicus.com/MediaPlayer.php?view_id=1&clip_id=862;
and
- (iii) a link to the City Commission Regular Meeting Minutes for the November 9, 2022 City Commission Meeting (Please see page 8 of 9 of the minutes).
This was recorded in the meeting minutes,
here: https://winterpark.granicus.com/DocumentViewer.php?file=winterpark_45c4681a-c14b-43e8-bde8-1ace87231ae8.pdf&view=1

Please Note that we are submitting this information prior to July 10, 2023 and we respectfully request that you add this email, including the attached email

from Mr. Ramanlal, to the subject Variance Application to be considered on July 18, 2023.

Thank you.

Micky Grindstaff

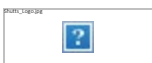
Micky Grindstaff

Partner | Shutts & Bowen LLP

Tel: (407) 835-6927

300 South Orange Ave., Ste. 1600, Orlando, FL 32801

[Bio](#) | [E-Mail](#) | [vCard](#) | www.shutts.com



From: Nicholas Lewis <nlewis@cityofwinterpark.org>

Sent: Thursday, June 15, 2023 2:59 PM

To: 'Nimish Ramanlal' <nimish.p.ramanlal@gmail.com>

Cc: Micky Grindstaff <MGrindstaff@shutts.com>; Renee Richardson <RRichardson@shutts.com>

Subject: RE: [External] Re: [External] Re: BOA/Variance Application

I'll add it to your application. If there are any others that trickle in, just make sure I have them by July 10th.

Best,
Nick



From: Nimish Ramanlal <nimish.p.ramanlal@gmail.com>

Sent: Thursday, June 15, 2023 2:57 PM

To: Nicholas Lewis <nlewis@cityofwinterpark.org>

Cc: Micky Grindstaff <MGrindstaff@shutts.com>; Renee Richardson <RRichardson@shutts.com>

Subject: [External] Re: [External] Re: BOA/Variance Application

[**Caution:** This email originated from outside the City of Winter Park email system. Before clicking any hyperlinks, verify the real address by hovering over the link. Do not open attachments from unknown or unverified sources.]

Hi Nick,

I just received an email in support of the variance from our adjacent neighbor at 900 N Park Ave (see attached).

As you are aware, earlier today Micky provided you with a letter from our other adjacent neighbor at 840 N Park Ave.

Best,
Nimish

On Thu, Jun 15, 2023 at 2:15 PM Nicholas Lewis <nlewis@cityofwinterpark.org> wrote:

Received, thanks Micky.

Best,
Nick

 City of Winter Park 401 Park Ave. South Winter Park, FL. 32789 cityofwinterpark.org	Nicholas W. Lewis Planner II Planning & Zoning 407.599.3508 nlewis@cityofwinterpark.org
---	---

From: [Nimish Ramanlal](#)
To: [Micky Grindstaff](#)
Subject: 860 N Park Ave: Further Information
Date: Friday, July 7, 2023 2:25:51 PM
Attachments: [Meeting Minutes - Nov 9 2022.png](#)

EXTERNAL: This email originated from outside of the SHUTTS email system. Do not respond, click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Micky,

We dug up some further information that pertains exactly to our situation. Is there the possibility to include this in our application as an additional Exhibit?

City Commission Work Session held on September 15, 2022

Please find a link to the video here: https://winterpark.granicus.com/MediaPlayer.php?view_id=1&clip_id=776

Kindly review 1:45:00 to 1:51:00 of the video recording where the front setback methodology is discussed.

Here are the key important points:

- (a) Alex Stringfellow raises a concern that the new code may require someone who wants to redevelop to be 10 feet behind their neighbor and that doing so would create a "funky" layout which changes the whole nature of the street (see 1:45:30 to 1:46:00).
- (b) Members of the P&Z Board and City Commission discussed a variance as the solution to this type of problem (see 1:46:00 to 1:47:27).
- (c) In response to a query by Mayor Anderson about how a variance would work, Jeff Briggs gives the example of how someone seeking a variance could say the Code requires me to be 50 feet back and all my neighbors are at 40 feet, and that would be a special condition because it's not conforming to neighbors' setback and that can be approved by the Board of Adjustments (see 1:47:27 to 1:47:49).
- (d) Mayor Anderson explains that the code intent was not to create this "sawtooth situation", and that a foot or two difference from neighbors is okay, but suggests 10 feet is too much (see 1:47:49 to 1:48:14).
- (e) After further discussion, Mayor Anderson again confirms that the intent is not to create a "sawtooth" layout of homes (see 1:48:53 to 1:49:00).
- (f) There was general acceptance at the meeting that if the Code is forcing someone to be way further back than neighbors, that relief should be provided (see 1:49:38 to 1:49:48)
- (g) There was some discussion about making the Board of Adjustment process simpler for these types of situation so that the granting of a variance is merely administrative (see 1:49:00 to 1:49:40 and 1:50:00 to 1:50:45)

City Commission Regular Meeting on November 9, 2022

The new Code was approved at this meeting.

Please find a link to the video here: https://winterpark.granicus.com/MediaPlayer.php?view_id=1&clip_id=862

Kindly review 1:13:43 to 1:16:00 of the video recording.

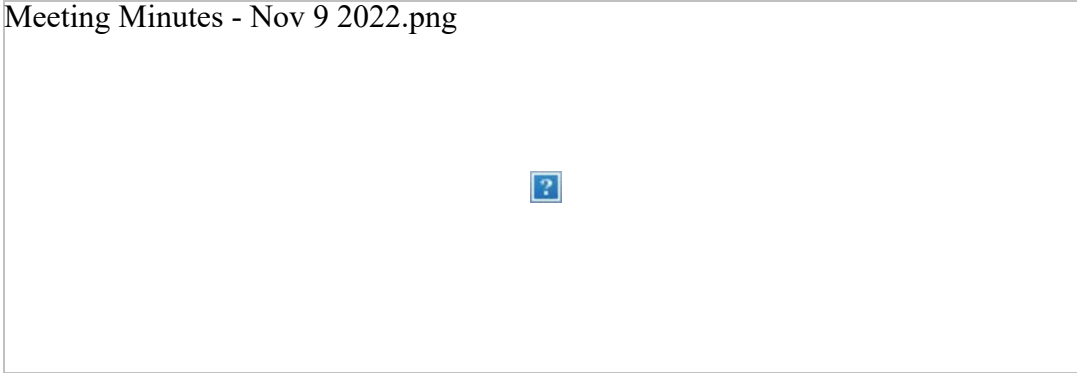
Developer and President of the Master Builders Council Jeff Schnellmann raised with the City Commission the situation of a house on Sylvan Avenue, on a 200 feet deep lot, with the house set back about 90 feet from the road, and raised that if it were to be rebuilt the owner would have to build the house at 90 feet, but all the other houses on the street have "typical setbacks" of 30-40 feet. Jeff Schnellmann mentioned that he had spoken with Mr Briggs, and that Mr Briggs said that if this situation arose, the variance board would be directed to revert back to the existing code, and Jeff Schnellmann sought confirmation from the City Commission that that was indeed the case. Mayor Anderson confirmed that this was the intent and that in such circumstances there should be a path to do something more in line with the other neighbors. Mayor Anderson confirmed the intent was not to penalize such older properties, and instead there should be a path to move the front setback back up to where it should be.

This was recorded in the meeting minutes,

here: https://winterpark.granicus.com/DocumentViewer.php?file=winterpark_45c4681a-c14b-43e8-bde8-1ace87231ae8.pdf&view=1

The relevant extract (on page 8/9 of the meeting minutes):

Meeting Minutes - Nov 9 2022.png



Thanks,
Nimish