



Board of Adjustments Regular Meeting Minutes

July 18, 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, and Jason Johnson. Virtual: Ann Higbie. Absent: Tom Sims. Also Present: City Attorney J. Giffin Chumley. Staff: Assistant Director of Planning & Zoning Allison McGillis, Planner II Nick Lewis, Planner I Corinna Lundgren, and Recording Secretary Mary Bush.

(1) Call to Order

Chairman Jason Johnson called the meeting to order at 5:00 p.m.

(2) Selection of Chair and Vice Chair

Motion made by Michael Clary, seconded by Robert Trompke to nominate Jason Johnson as Chairman of the Board. Mr. Johnson accepted the nomination.

By a roll call vote, the motion carried unanimously 6-0. (Tom Sims was not present for the meeting.)

Motion made by Michael Clary, seconded by Robert Trompke to nominate Charles Steinberg as Vice-Chairman of the Board. Mr. Steinberg accepted the nomination.

By a roll call vote, the motion carried unanimously 6-0. (Tom Sims was not present for the meeting.)

(3) Consent Agenda

Approval of Minutes:

Motion made by Ann Higbie, seconded by Robert Trompke to approve the May 16, 2023 meeting minutes.

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

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

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

(5) Public Hearings

- BOA-2023-0015: 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.

Mr. Lewis provided the Board a brief summary of the request. He noted that at the end of last year significant changes were made to the single-family zoning code which included front and side setback revisions. He then briefly reviewed the setback revisions with the Board.

The Board inquired about the definition per the code of an “existing home” having to be one where a certificate of occupancy had been issued. Mr. Lewis explained staff’s interpretation of the code and noted that the intent of the code revisions was to make sure that the setbacks on almost completed structures could not be used as the existing setback instead of the setback for what was previously demolished on the lot. Brief discussion ensued regarding whether or not the existing house on the applicant’s lot would be subject to the new definition of an existing home since it predated the revisions to the code. The Board asked for the City

Attorney's position on the issue. City Attorney Chumley responded that if the applicant had agreed to go along with the recommendation of staff and came before the Board, he believed the variance could be heard. He added that if the applicant did not believe they needed a variance, they could possibly take whatever action they deemed appropriate.

Mr. Lewis then went on to present to the Board an area map, aerial view, survey, and site plan for the project. He noted that there were four neighbor letters in approval of the request received by staff and none received in opposition to the request. He briefly discussed the applicant's requested setbacks and added that staff asked the applicant if the proposed two-car garage accessory building could be pushed back to 10-feet. He explained that the applicant provided staff with a turn radius analysis of the parking and trees in that specific area, which showed that it would be difficult to turn with the setback at 10-feet. After being shown the analysis staff felt comfortable leaving the 60-foot setback as proposed by the applicant. Mr. Lewis then reviewed the turn radius with the Board. The Board briefly inquired about the entryway to the garage, four parking spaces located in the front setback, and whether or not the articulation requirements were being met.

Mr. Lewis then went on to review the applicant's proposed elevations and discussed the variance approval criteria as it related to the request. He noted that the previous structure was constructed in 1925 with a much smaller footprint than the current allowed FAR and was significantly setback at 86.7-feet. He added that this larger setback is inconsistent with the roughly 50-foot average setback of the rest of the block. He expressed that the setback would render 46% of the lot unusable within the front setback, making construction of a home under modern FAR standards practically impossible. 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.

The applicant's attorney, Micky Grindstaff with Shutts & Bowen law firm at 300 South Orange Avenue, Suite 1600, Orlando, FL 32726 addressed the Board. Mr. Grindstaff noted that he agreed with staff's report and that he and the applicant had done significant research regarding the revised City ordinance for the request and how it related to the request.

The applicant, Nimish Ramanlal of 860 N. Park Avenue, Winter Park, FL 32789 addressed the Board. Mr. Ramanlal spoke on issues with the required setbacks per the code and the support received from the adjacent neighbors for the request.

The Board heard public comment from the following resident:

William McGuinness of 1110 N. Park Avenue, Winter Park, FL 32789 addressed the Board. Mr. McGuinness spoke in favor of the request and on his interest in what the request included.

Mr. Ramanlal addressed the Board and noted that the home is owned by an LLC of which he and his wife are the owners. He added that they were intending to build a modern home that will have some type of attachment to Winter Park.

No one else 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 Jason Johnson, seconded by Cathy Williams, 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, with a finding that the variance is justified by the criteria outlined in Section 58-92 of the Code of Ordinances of the City of Winter Park; the reasons set forth in the application justify the granting of the variance; the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and the granting of the variance will be in harmony with the general purpose and intent of the zoning article of the Land Development Code and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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

(6) Non-Action Items

No non-action items.

(7) Staff Updates

No staff updates.

(8) Board Comments

No Board comments.

(9) Upcoming Agenda Items

No discussion ensued on upcoming agenda items.

(10) Adjournment

Meeting adjourned at 5:38 p.m.

Minutes approved by the Board on September 19, 2023.

/s/ Recording Secretary Mary Bush