



Board of Adjustments Regular Meeting

Agenda

May 17, 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 April 19, 2022 Meeting Minutes.](#) 1 minute
 3. **Citizen 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-2022-0005. Request of Davila Custom Homes.](#) 10 minutes
Request of Davila Custom Homes for variance approval from Section 58-71(i)(2)(a) to allow the existing nonconforming accessory building already converted to living quarters to be extended to encompass the existing front porch into habitable living space with a side and rear setback of 5-feet in lieu of the required rear setback of 25-feet and side setback of 14-feet.
 - b. [BOA-2022-0006. Request of Kristopher and Brooke Kest.](#) 10 minutes
Request of the homeowners Kristopher and Brooke Kest for variance approval from Section 58-71(j)(1) to allow an interior side setback of 8.6 feet to the swimming pool in lieu of the required interior side setback of 10 feet for the construction of the pool for their home at 2101 Banchory Road, 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	May 17, 2022
prepared by	Mary Bush	approved by	
board approval	Completed		
strategic objective			

subject

Approval of the April 19, 2022 Meeting Minutes.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[BOA April 19, 2022 Draft Meeting Minutes.pdf](#)



Board of Adjustments Minutes

April 19, 2022 at 05:00 p.m.

In-Person Meeting
401 S. Park Avenue | Winter Park, Florida

Call to Order

Vice-Chair Michael Clary called the meeting to order at 4:59 p.m. Present In-Person: Michael Clary, Cathy Sawruk, Ann Higbie, Charles Steinberg. Absent: Robert Trompke, Tom Sims, and Jason Johnson. 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, and Recording Secretary Mary Bush.

Consent Agenda

Motion made by Ann Higbie, seconded by Charles Steinberg to approve the March 15, 2022 meeting minutes.

Motion carried unanimously with a 4-0 vote. (Robert Trompke, Tom Sims, and Jason Johnson were not present for the meeting.)

Vice-Chair Clary explained the rules of procedure for variance cases and opened the floor for any disclosures, public comments, or questions.

Citizen Comments (for items not on Agenda)

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

Public Hearings

- BOA-2022-0003. Request of Z Properties for variance approval from Section 58-86(b)(18), to allow a total of 42 parking spaces, in lieu of the required 46 parking spaces, in conjunction with the proposed six-building, single-story office park with a total gross floor space of 11,425 square-feet, located at 1150 Louisiana Avenue, zoned O-2.

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 the applicant wanted to ensure that green space was a necessity, maintain the existing tree canopy, and limit the massing that the property could potentially produce. Working with staff, the applicant tried to determine a way to meet the required 46 parking spaces but was unable to meet the requirement while also preserving the character of the neighborhood. Mr. Lewis spoke on what the applicant could potentially build on the lot compared to what is currently planned. He noted that the applicant entered into an offsite parking lease agreement for four spaces, which does not meet code standards of ten years and non-cancelable, as well as the applicant offered to construct six on street parking spaces along Louisiana Avenue. Unfortunately, none of the spaces can be counted toward the required parking count. Mr. Lewis presented and discussed the details of renderings of the proposed project. He then reviewed the variance approval criteria as it related to the request, noting the triangular shape of the lot which borders on residential area, three other districts that utilize a more fitting parking ratio for office buildings of one space per 333 square feet of building, and the need for the applicant to sacrifice a substantial amount of greenspace to make their on-site parking count.

Staff recommendation was for approval.

The Board inquired about why the other districts are granted three spaces per 1,000 square feet and considered walkable, clarification on the two different City notices that were posted on the property, and the possibility of the project utilizing call center or medical office use parking under the O-2 zoning.

The applicant, Zane Williams at 219 West Comstock, Winter Park, FL 32789 addressed the Board. Mr. Williams spoke on the parking codes being lacking, the type of office buildings planned for the project, the letters of support that were received, and his intent for high end use of the buildings.

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

The Board briefly expressed their thoughts on the request. The Board overall agreed with staff's assessment of the four approval criteria being met and felt that the property was unique and well planned.

Motion made by Charles Steinberg, seconded by Ann Higbie, for variance approval from Section 58-86(b)(18), to allow a total of 42 parking spaces, in lieu of the required 46 parking spaces, in conjunction with the proposed six-building, single-story office park with a total gross floor space of 11,425 square-feet, located at 1150 Louisiana Avenue, zoned O-2.

Motion carried with a 4-0 vote. (Robert Trompke, Tom Sims, and Jason Johnson were not present for the meeting.)

Action Items

No action items.

Non-Action Items

No non-action items.

Staff Updates

No staff updates.

Board Comments

No Board comments.

Adjournment

Meeting adjourned at 5:21 p.m.

/s/ Mary Bush.



Board of Adjustments

agenda item

item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date May 17, 2022
prepared by Nicholas Lewis	approved by John Harbilas, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

BOA-2022-0005. Request of Davila Custom Homes.

item list

Request of Davila Custom Homes for variance approval from Section 58-71(i)(2)(a) to allow the existing nonconforming accessory building already converted to living quarters to be extended to encompass the existing front porch into habitable living space with a side and rear setback of 5-feet in lieu of the required rear setback of 25-feet and side setback of 14-feet.

motion / recommendation

Staff recommendation is for approval of this variance request.

background

The applicant is seeking variance approval to enclose the front porch section on the existing accessory structure at 2161 Sharon Road, zoned R-1AA. The structure, built in 1961, was constructed prior to annexation from Orange County in 1992 and is approximately 600 square feet of living space and 1,134 square feet total including the existing porch. The structure currently has existing living and cooking facilities. These cooking facilities are not permissible under current zoning standards and under R-1AA zoning, detached living facilities must meet the setbacks of the primary structure.

Currently, the structure has a rear setback of 5'1" and a side setback of 5'9". Under Section 58-71(i)(2)(a), "Accessory structures for the housing of persons such as guesthouses, bedrooms and garage apartments including bathrooms but excluding pool cabanas, shall not be located in any required yard." Further, under Section 58-71(i)(2)(d), "Accessory buildings greater than 600 square feet (including garages) must comply with building setbacks of the principal building". The proposed addition (enclosure) does not exacerbate these nonconforming setbacks. But because these setbacks are nonconforming, variance approval is necessary for this request in lieu of the required 17-

foot side and 25-foot rear setbacks.

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 structure currently exists at the rear of a uniquely deep parcel for the area. The existing structure was existing prior to the parcel's annexation into the City and therefore was constructed according to Orange County's zoning regulations. In addition, the structure is already being utilized as accessory living facilities including a bedroom and fully functioning kitchen facilities.

The applicant is seeking variance approval to enclose the existing patio section of the existing concrete slab, and is therefore not expanding the overall footprint of the structure, but only increasing the gross square footage of the living space. The roof and current existing exterior walls are to remain. The request does not exacerbate the encroachment to either nonconforming side.

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 districts.

In order to comply with the literal interpretation of Sec. 58-71(i)(2)(a) and Sec. 58-71(i)(2)(d), the entire existing structure would have to be demolished and replaced within the primary building setbacks. The applicant has designed and is in the process of constructing a house (see attached 'House Site Plan') and designed the primary structure and pool area on good faith that the existing accessory building would remain. Further, the applicant was issued a building permit for the primary structure based off those plans (BLDR-2021-2071). Therefore, denying the request would deprive the applicant of the right to construct a detached accessory building of this size as well as to utilize the current structure as living facilities as a right already grandfathered to the applicant today.

Actions of the Applicant

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

The nonconformity existed before the applicant purchased the property and they or the Winter Park Land Development Code had no control over its design, materials, function, or location. The applicant is looking to maintain the existing concrete slab, roof, and existing exterior walls and to add block walls to enclose the existing patio with windows

facing the interior of the lot. The applicant has an issued building permit by the City for the primary building currently being erected and designed the layout of the home and the pool area in good faith that the existing nonconforming structure would remain.

Further, the applicant is not changing the functionality or size of the structure, but are merely converting patio space into enclosed floor space. The patio would be excluded from the property's total floor area ratio, whereas the enclosed space would be included and the applicant maintained ample room in their primary building design to achieve this under the allowable 33% FAR. The proposed enclosure also takes place towards the interior of the property.

As stated earlier, the structure already functions as living space that is grandfathered in. The use will not change regardless of approval or denial of this request.

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.

Staff believes that granting this request will not confer any special privilege onto other property owners. Specifically, the existing structure is being enclosed as opposed to enlarged for a structure that is maintaining the existing slab, roof, and exterior walls. More specifically, the structure's use is not changing with this request and therefore, there is no special privilege being granted for the living and kitchen facilities as they are already existing.

Further, approving this request would not confer any rights to the applicant to utilize the structure as a short-term or long-term rental unit. Sec. 58-71(aa) specifically prohibits any short-term rentals within residential zoning districts so the structure cannot be utilized as an AirBnB, or the like. Sec. 58-55(c) requires a deed restriction to be recorded prior to the issuance of the building permit which can only be removed with the consent of the City. Therefore, with these provisions in place, granting this request does not provide the applicant or any other homeowner with detached living facilities the right to rent the structure.

Summary

Staff believes that the applicant's meet the four requirements necessary to grant this variance and that the proposal minimizes any exacerbation of the nonconformity.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[2161 Sharon Rd - Area Map.pdf](#)

ATTACHMENTS:

[2161 Sharon Rd - Aerial Map.pdf](#)

ATTACHMENTS:

[2161 Sharon Rd - Plan Set.pdf](#)

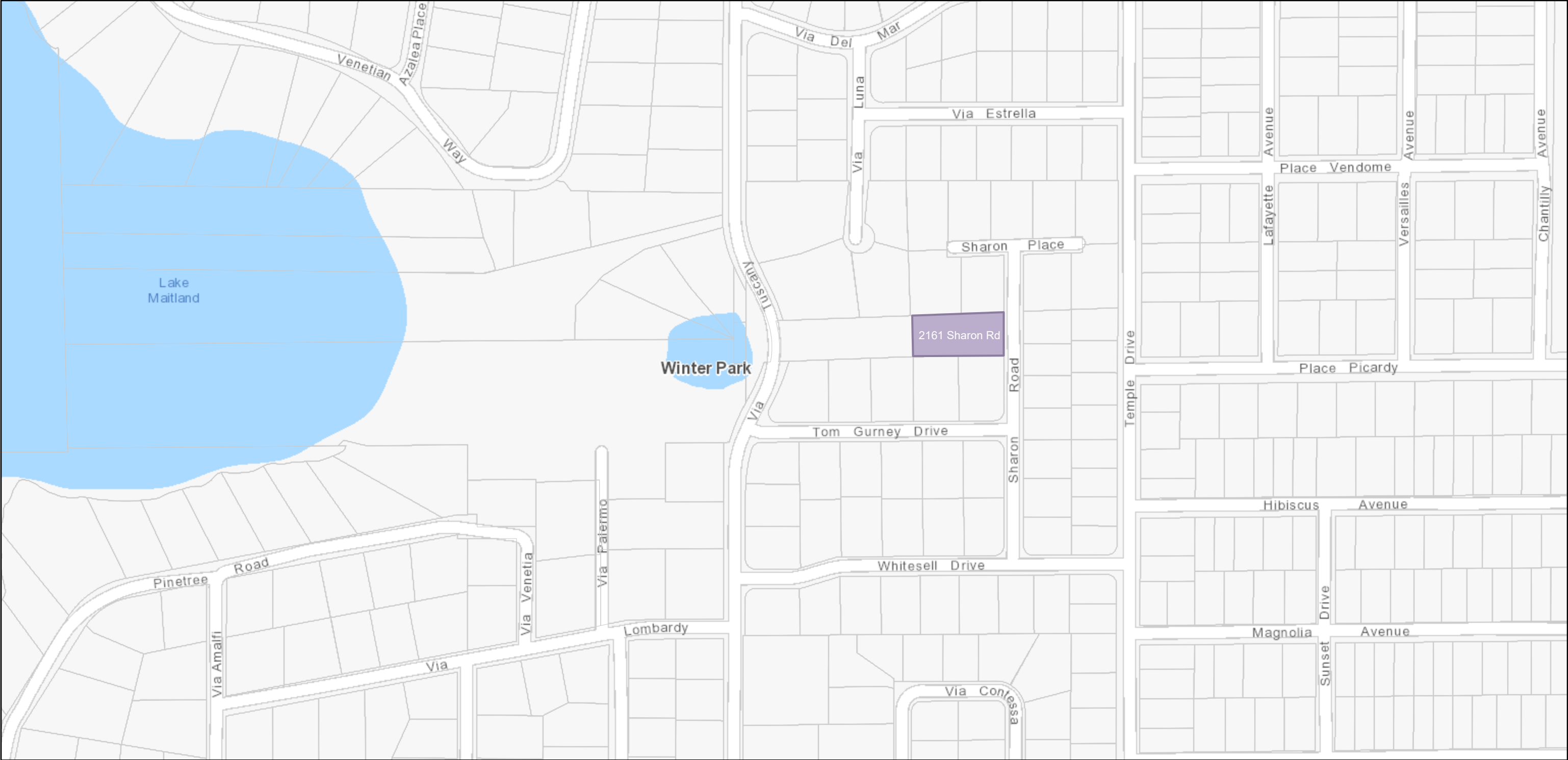
ATTACHMENTS:

[2161 Sharon Rd - SURVEY.pdf](#)

ATTACHMENTS:

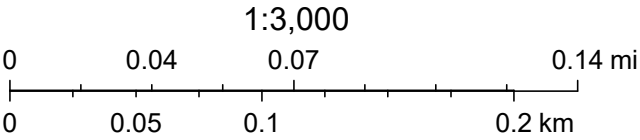
[2161 Sharon Rd - House Site Plan.pdf](#)

2161 Sharon Road - Area Map

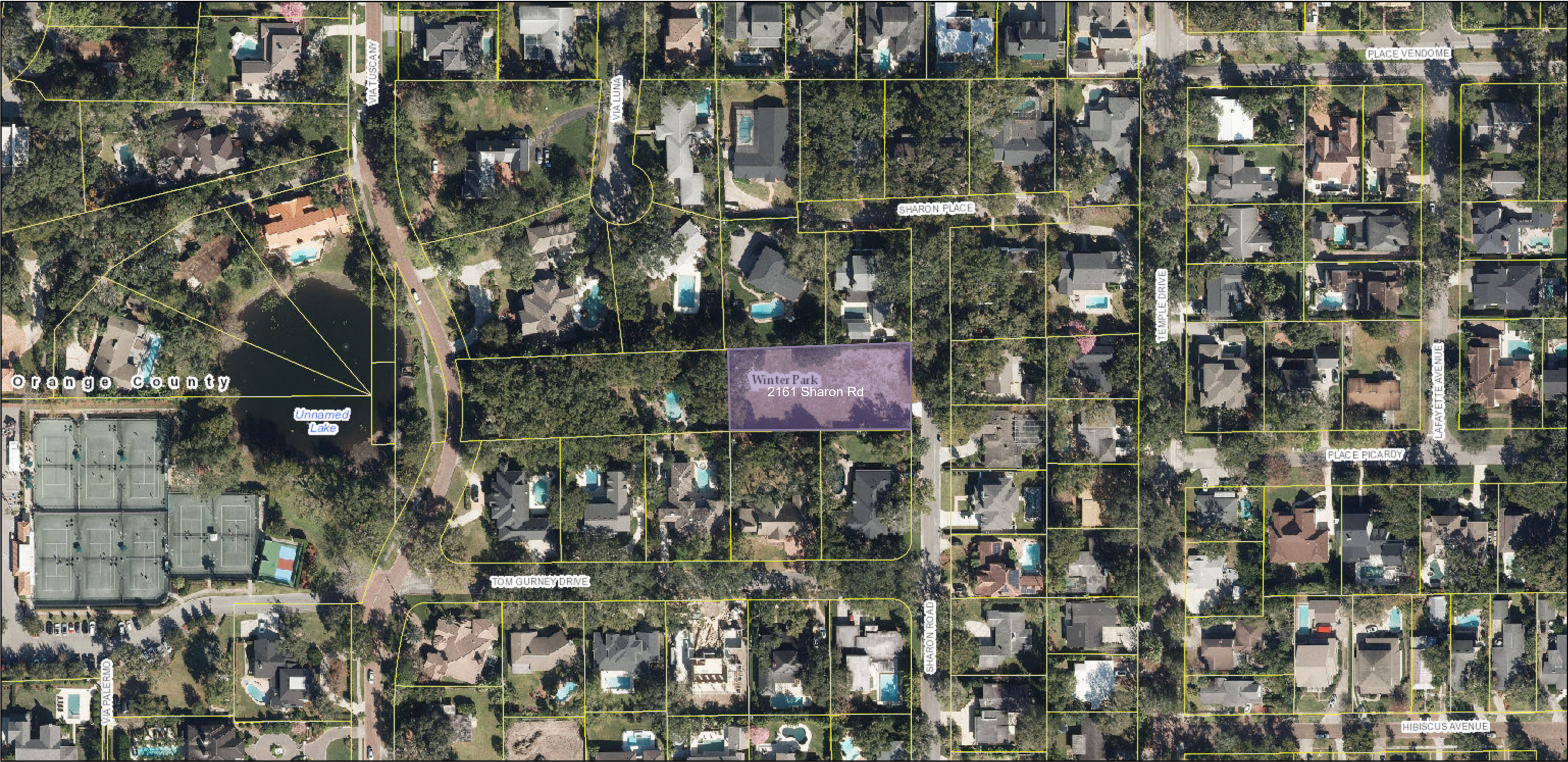


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Parcels Orange

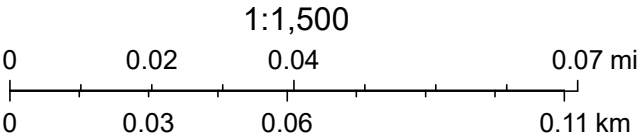


2161 Sharon Road - Aerial Map



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 Parcels Orange

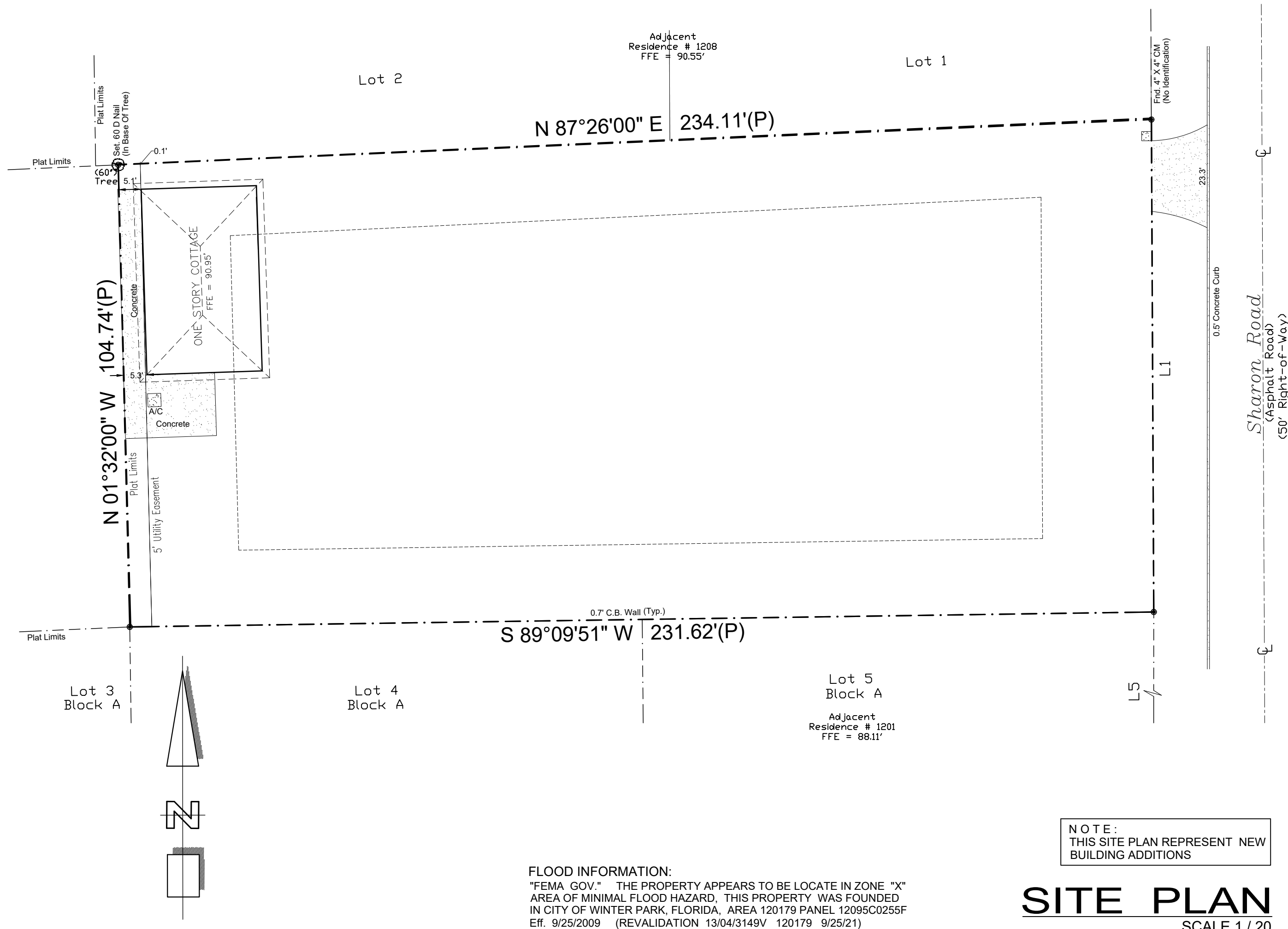


Proposed Renovation of:

SHARON COTTAGE

2161 SHARON RD. WINTER PARK, FLORIDA

PARCEL I.D. 32 21 30 0000 00 022



SITE PLAN

SCALE 1 / 20

TABLE OF CONTENTS	
SHEET NUMBER	SHEET TITLE / CONTENTS
1	SITE PLAN / BUILDING DATA
2	DEMOLITION PLAN
3	FLOOR PLAN
4	ELEVATIONS
5	ELECTRICAL PLAN
6	

WORK SCOPE			
- ADD THE COVERED PORCH TO LIVING AREA.			
- REMOVE PARTIAL INTERIOR FRAMED WALLS TO ACCOMMODATE NEW LAY OUT.			
- NEW PARTIAL CONCRETE SLAB AREAS TO MATCH EXISTING LEVELS.			

BUILDING DATA			
WIND VELOCITY (MPH)	140	MEAN ROOF HEIGHT (FT)	11.6'
IMPORTANCE FACTOR	1.00	BUILDING WIDTH (FT)	41.8'
EXPOSURE CATEGORY	B	BUILDING LENGHT (FT)	26.0'
I.P.C., INTERNAL PRESSURE COEFFICIENT	+ / - 0.18	ROOF SLOPE (X:12)	5

AREA CALCULATIONS			
AREA		EXISTING	NEW
LIVING AREA: (A/C)		626.5.00 Sqf.	1,084.00 Sqf.
OTHERS: (Not A/C) COVERED PORCH:		457.50 Sqf.	000.00 Sqf.
TOTAL GROSS AREA		1,084.00 Sqf.	1,084.00 Sqf.
LOT AREA 27,197.00 SQF. / 0.58 ACRES			

THIS PROJECT HAS BEEN DESIGNED TO COMPLY WITH THE 2020 FLORIDA BUILDING CODE RESIDENTIAL, 7th EDITION (FBCR, 2020).

SITE PLAN

PROPOSED RENOVATION TO:
SHARON COTTAGE
2161 SHARON RD.
WINTER PARK, FLORIDA

This structure has been designed to withstand forces generated by 140 m.p.h. winds plus three second gust factor in compliance with Chapter 16 of 2020 Florida Building Code, (7th Edition)

Any alterations or use of these plans without consent of the Engineer does constitute fraud, and is a violation of Chapter 471 of Florida Statutes, the plans are not valid for permitting without raised seal and signature of the Engineer of record.

REVISION:

DESIGNED BY
OSM

CHECKED BY

DATE
NOV. 2021

SHEET
1

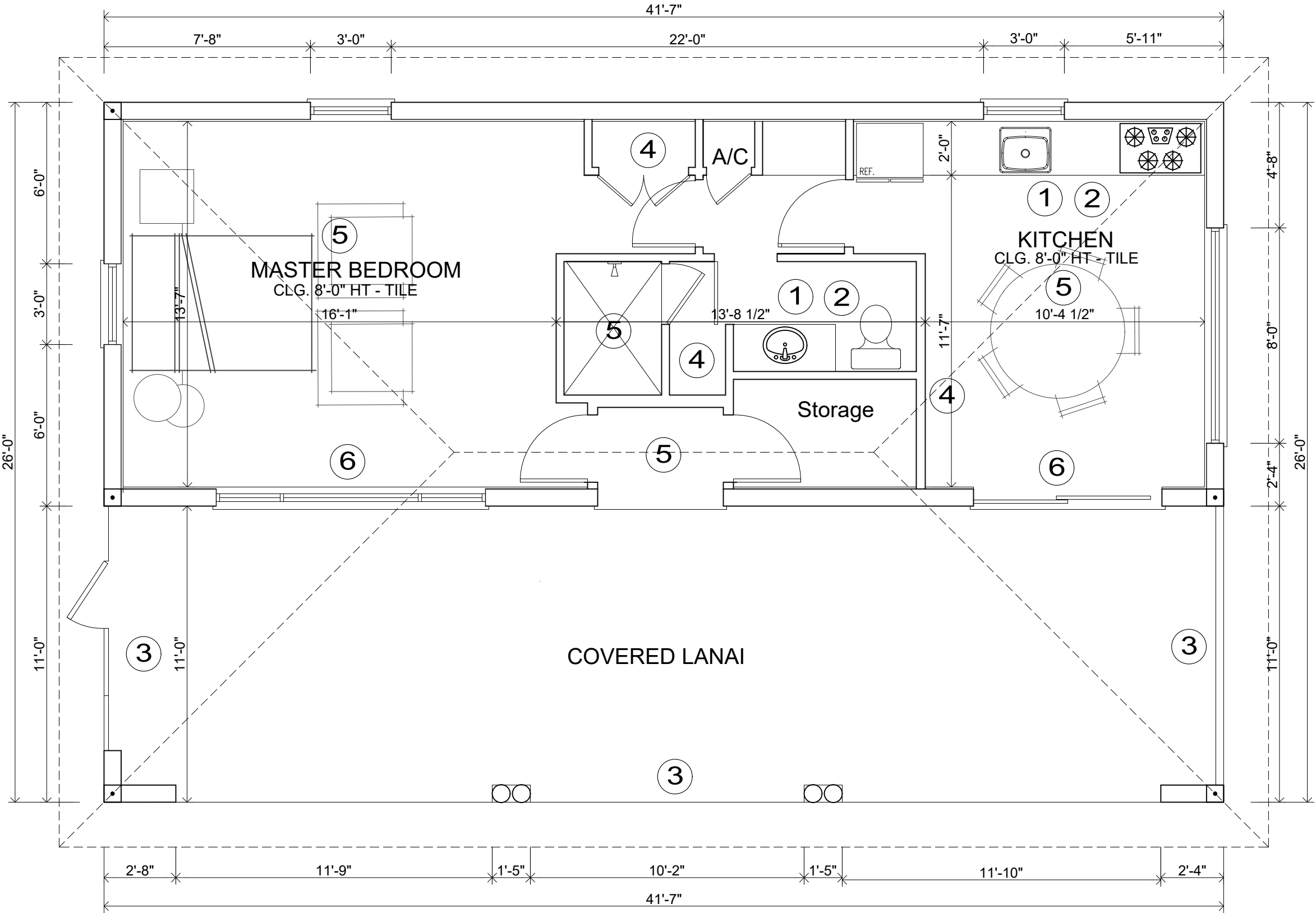
OF 5

DEMOLITON TASK:

- 1 DISMOUNT AND REMOVE ALL ELECTRICAL AND PLUMBING FIXTURES @ KITCHEN AND BATHROOMS
- 2 REMOVE KITCHEN, BATHROOMS CABINETS AND CLOSETS
- 3 REMOVE SCREEN @ COVERED PORCH
- 4 DEMOLISH INTERIOR NON BEARING WOOD FRAME WALLS ACCORDING WITH NEW FLOOR PLAN
- 5 REMOVE OR DEMOLISH TILE AND WOOD FLOORING
- 6 EXTERIOR DOORS AND WINDOWS TO BE REMOVED.

DEMOLITION NOTES:

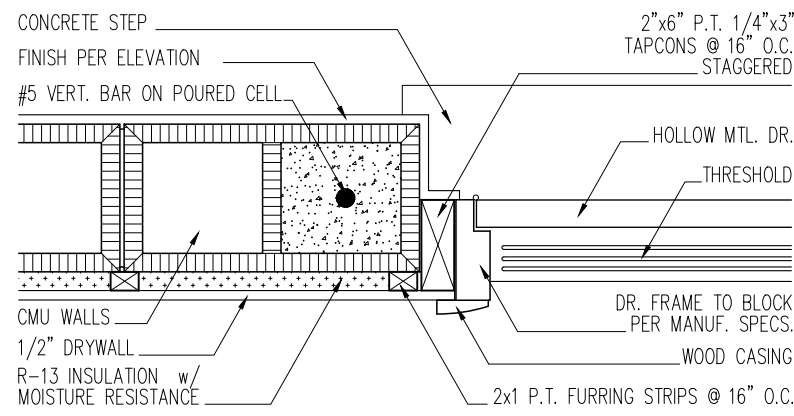
- A - In Accordance with these drawings, carefully demolish and remove from the site those items scheduled to be demolished and removed.
- B - Examine the areas and conditions under which the work will be performed. Correct conditions detrimental to timely and proper completion of work do not proceed until unsatisfactory conditions are corrected.
- C - Inspect existing conditions, including elements subject to movement or damage during cutting, patching, and back.
- D - If uncovered conditions are not as anticipated, notify the Designer and secure needed directions DO NOT proceed until unsatisfactory conditions are corrected
- E - Provide required protection including but not limited to, shoring, bracing and support to maintain structural integrity of the work.
- F - Verify the extent and location of selective demolition required. Carefully identify limits of selective demolition.
- G - Prepare and follow an organized plan for demolition and removal of items
 - Shut off, cap, and otherwise protect existing utility lines (plumbing, electrical) in accordance with the requirements of the public agency or utility having jurisdiction.
 - Completely remove items scheduled to be demolished and removed, leaving surfaces clean, solid, and ready to receive new materials specified elsewhere.
 - In all activities, comply with pertinent regulations of governmental agencies having jurisdiction.



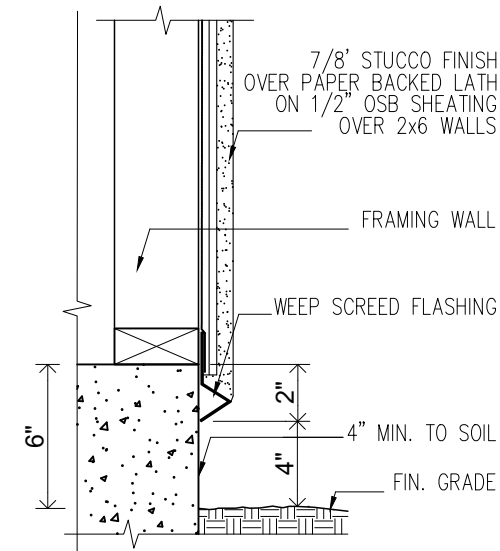
DEMOLITION PLAN
Existing Floor Plan SCALE 1/4" = 1'

THIS PROJECT HAS BEEN DESIGNED TO COMPLY WITH THE 2020 FLORIDA BUILDING CODE RESIDENTIAL, 7th EDITION (FBCR, 2020).

DEMOLITION FLOOR PLAN		PROPOSED RENOVATION TO: SHARON COTTAGE 2161 SHARON RD. WINTER PARK, FLORIDA			
		Any alterations or use of these plans without consent of the Engineer does constitute fraud, and is a violation of Chapter 471 of Florida Statutes; the plans are not valid for permitting without raised seal and signature of the Engineer of record.			
				REVISION:	
				DESIGNED BY OSM	SHEET 2
CHECKED BY					
DATE NOV. 2021	OF 5				

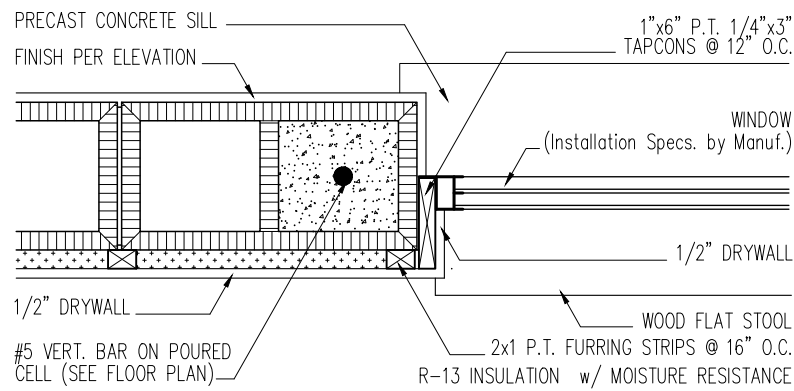


D1 JAMB @ EXT. DOORS

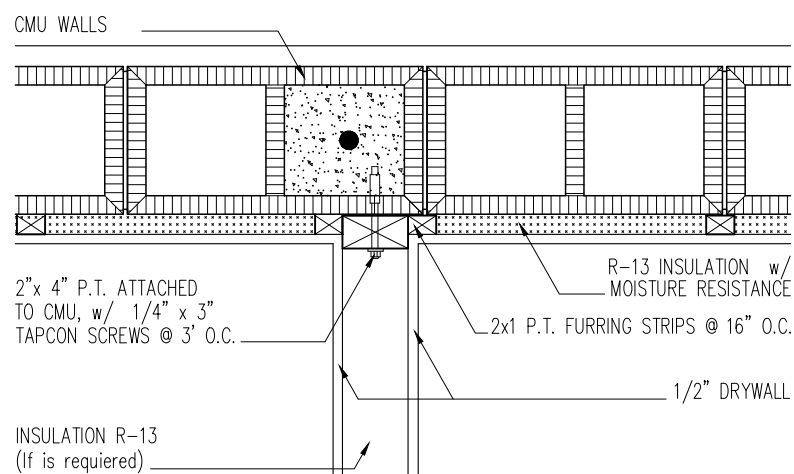


D5 DETAIL WEEP SCREEDS
GRACE VYCORNER™ (N.T.S.)

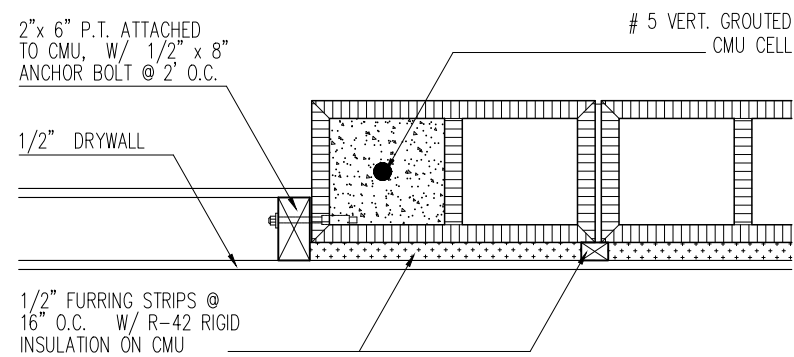
DESIGN PRESSURES FOR OPENINGS FLORIDA BUILDING CODE, 2020 7th EDITION							
WALL OPENINGS							
OPENING MARK	ELEV. ELEV.	OPENING DESCRIPTION	LOCATION ZONE	WIDTH (W) In.	HEIGHT (H) In.	EFFECTIVE AREA (A) In.	ASD WIND PRESSURE (0.6 * V _{ult} * V _{ult})
A	4.8	3660 SH (A)	4	72	60	30	16.9 -22.4
D1	4.0	9' x 6'-8" SGD.	5	108	80	60	16.0 -19.7
T	Tempered	Pressure estimate design based on "Chapter 30 of ASCE 7-10 and "FLORIDA BUILDING CODE, 2020 7th EDITION" Subject to change according to FBC, ENERGY CALCULATIONS					
A	Assembly						



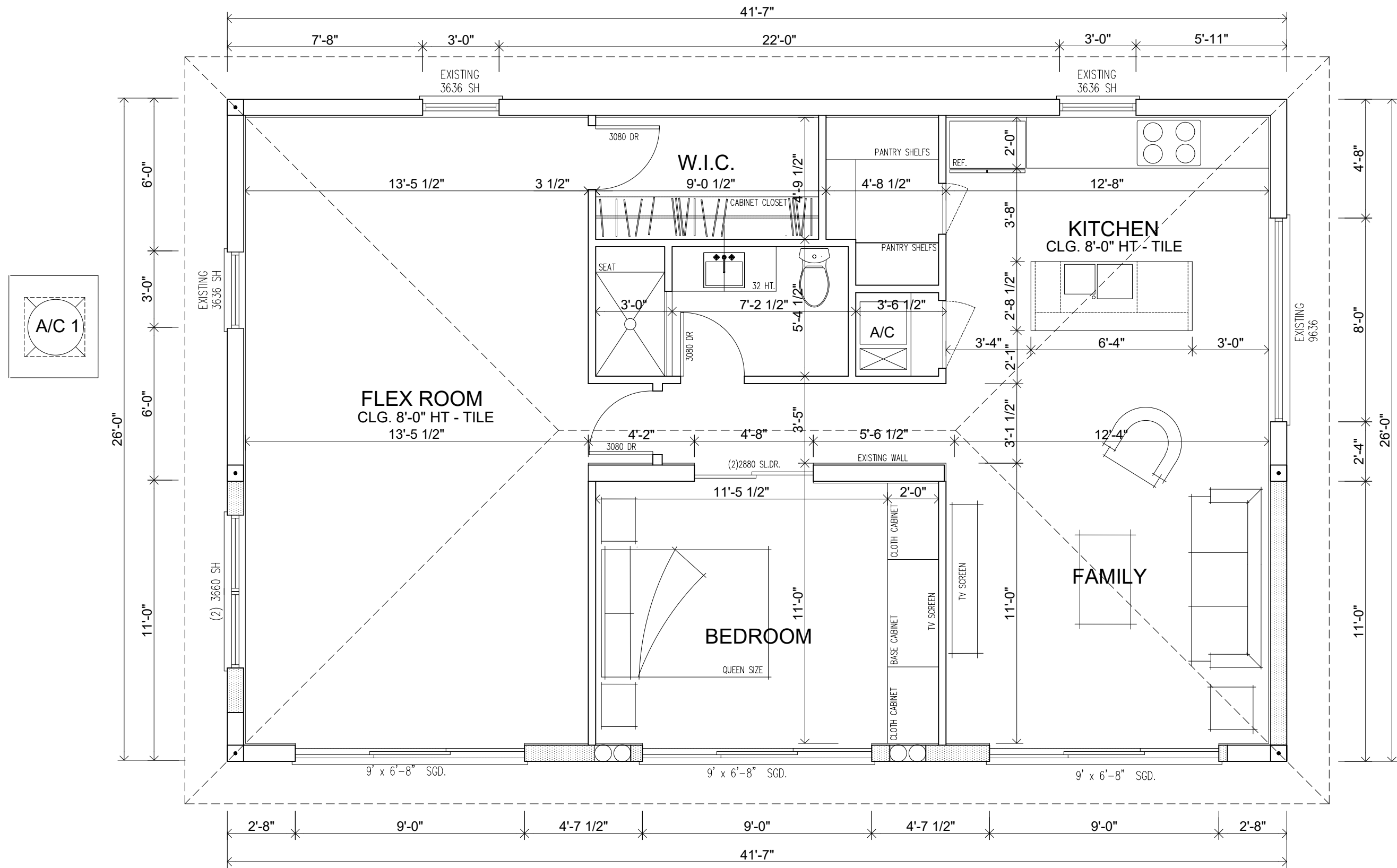
D2 JAMB @ WINDOWS



D3 FRAME / BLOCK DETAIL
FRAME WALL TO CMU CONNECTION



D4 FRAME / BLOCK DETAIL
(N.T.S.)



PROPOSAL FLOOR PLAN

SCALE 1/4" = 1'

THIS PROJECT HAS BEEN DESIGNED TO COMPLY WITH THE 2020 FLORIDA BUILDING CODE RESIDENTIAL, 7th EDITION (FBCR, 2020).

PROPOSAL FLOOR PLAN

PROPOSED RENOVATION TO:
SHARON COTTAGE
2161 SHARON RD.
WINTER PARK, FLORIDA

This structure has been designed to withstand forces generated by 140 mph winds in accordance with Florida Building Code, Chapter 16 of 2020, Florida Building Code, 7th Edition.

Any alterations or use of these plans without consent of the Engineer does constitute fraud, and is a violation of Chapter 471 of Florida Statutes, the plans are not valid for permitting without raised seal and signature of the Engineer of record.



REVISION:

DESIGNED BY
OSM

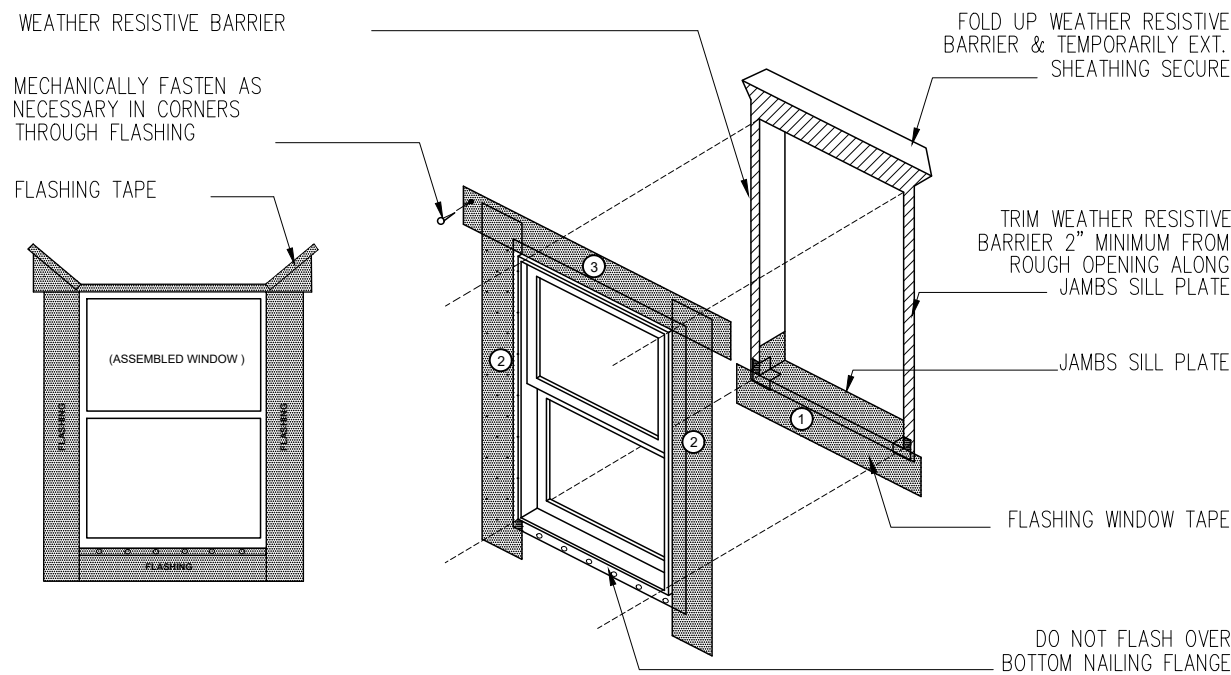
CHECKED BY

DATE
NOV. 2021

SHEET

3

OF 5

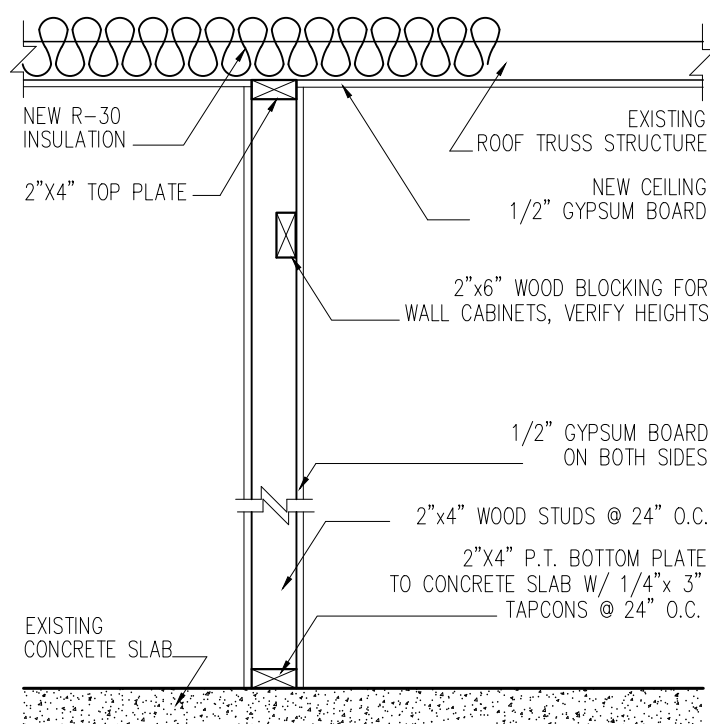


- NOTES:
- FLASHING TO BE FLEXIBLE SELF ADHESIVE TYPE (MIN.6" WIDE)
 - REMOVE WEATHER RESISTIVE BARRIER FROM TOP OF WINDOW SILL PLATE
 - INSTALL IN ORDER AS SHOWN BY NUMBERS
 - INSTALL WEATHER RESISTIVE BARRIER TO FORM WATER-SHEDDING LAPS

D6

WINDOW FLASHING DETAIL

GRACE VYCORNER™



D7

NON LOAD BEARING WALLS

TYPICAL

NEW WOOD FRAMED EXTERIOR WALLS

N E W SLIDING GLASS-ALUMINUM DOORS

EXISTING CONCRETE BLOCK WALLS

EXISTING A/C UNIT

NEW 3/4" THK. (3 COATS) TEXTURED STUCCO FINISH OVER NEW PLYWOOD WALLS, WRAP PAPER AND METAL LATH REQUIRED (R703.7.2)

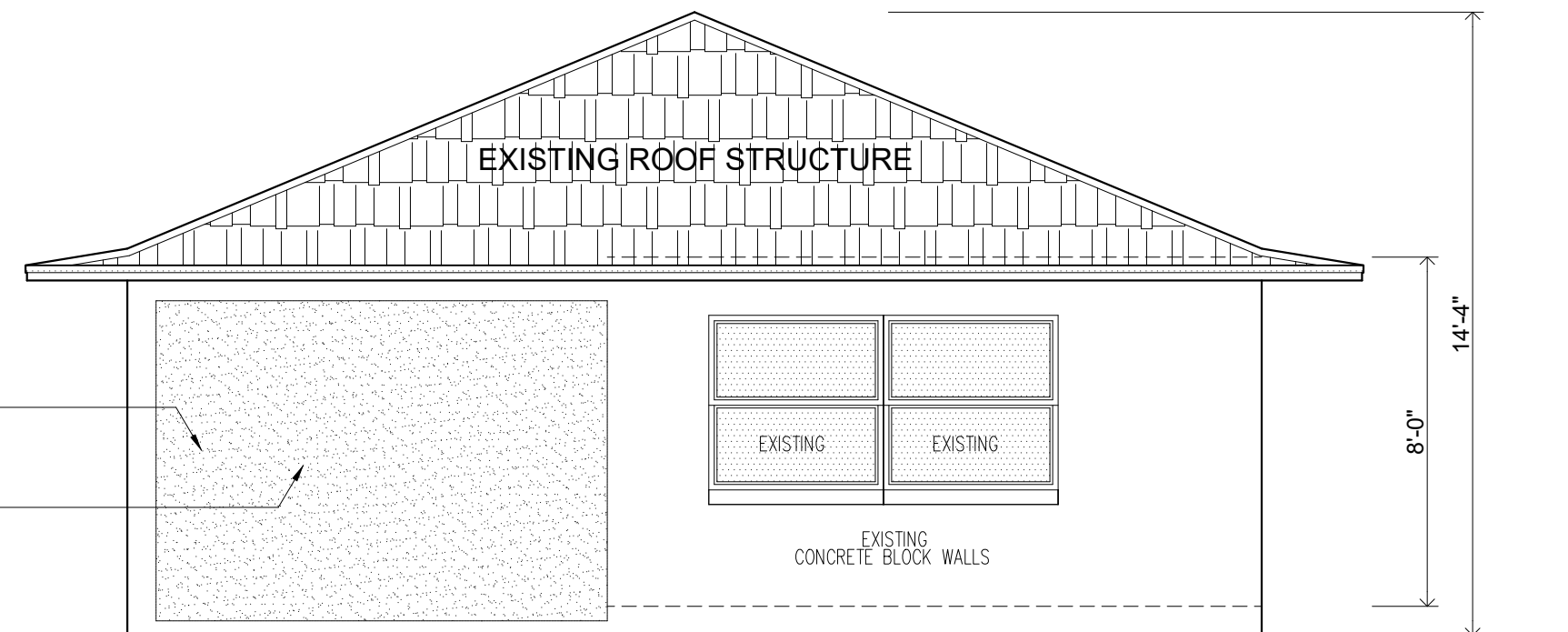
TOP BEARING WALL (EXISTING) ELEV. +8, 0'

TOP OF OPENINGS (NEW SGD. & WINDOWS) ELEV. +6, 8'

N E W WOOD FRAME WALLS TO FILL OPENINGS

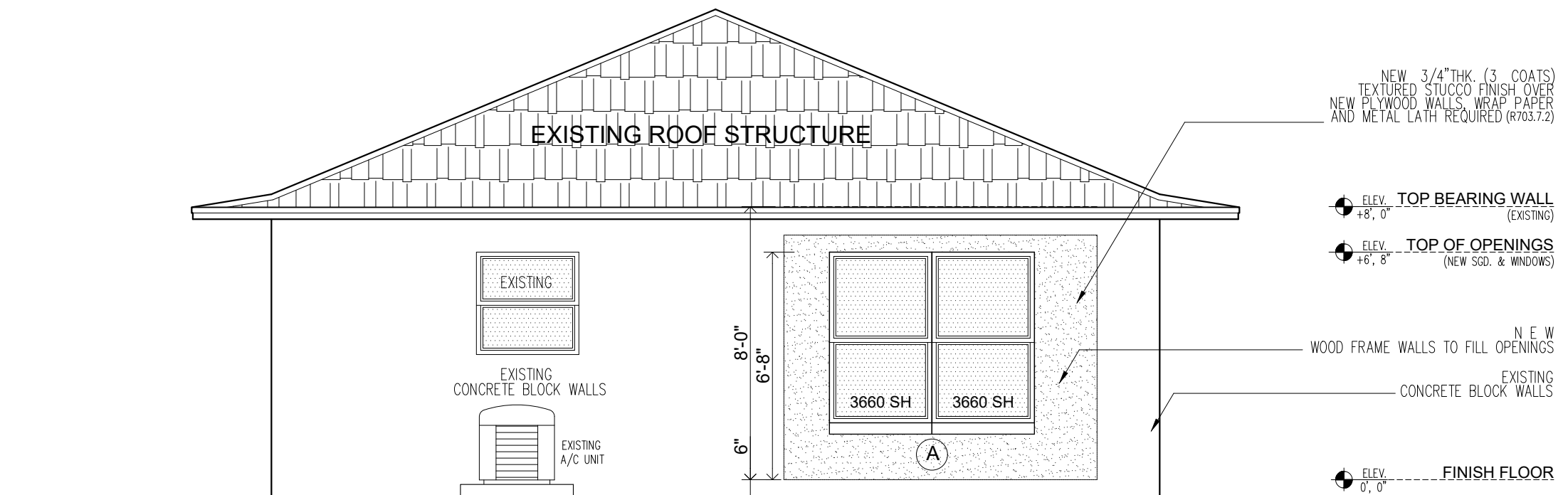
NEW 3/4" THK. (3 COATS) TEXTURED STUCCO FINISH OVER NEW PLYWOOD WALLS, WRAP PAPER AND METAL LATH REQUIRED (R703.7.2)

FINISH FLOOR ELEV. 0, 0'



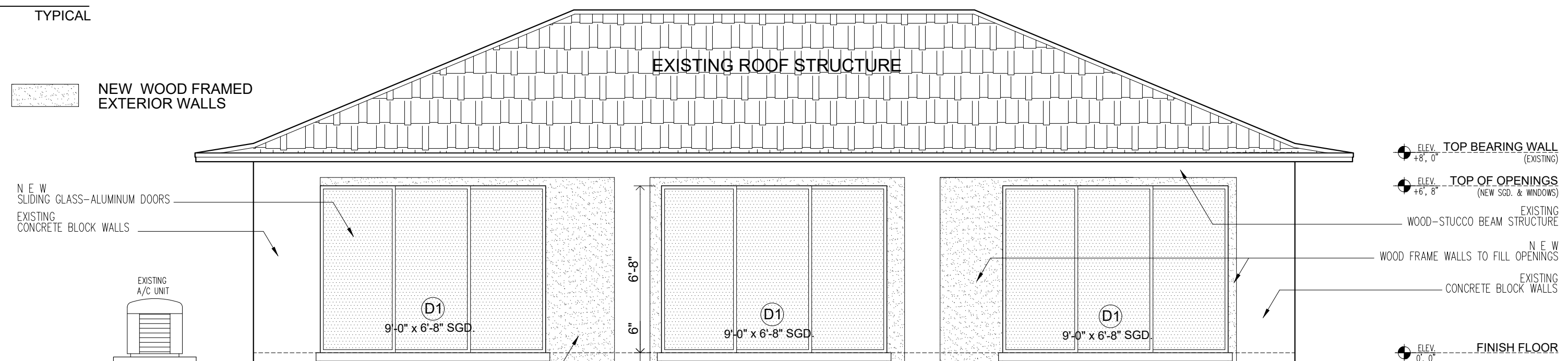
RIGHT SIDE ELEVATION

SCALE 1/4" = 1'



LEFT SIDE ELEVATION

SCALE 1/4" = 1'



FRONT ELEVATION

SCALE 1/4" = 1'

THIS PROJECT HAS BEEN DESIGNED TO COMPLY WITH THE 2020 FLORIDA BUILDING CODE RESIDENTIAL, 7th EDITION (FBCR, 2020).

ELEVATIONS

PROPOSED RENOVATION TO:

SHARON COTTAGE

2161 SHARON RD.
WINTER PARK, FLORIDA

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REVISION:

DESIGNED BY

OSM

CHECKED BY

DATE
NOV. 2021

SHEET

4

OF 5

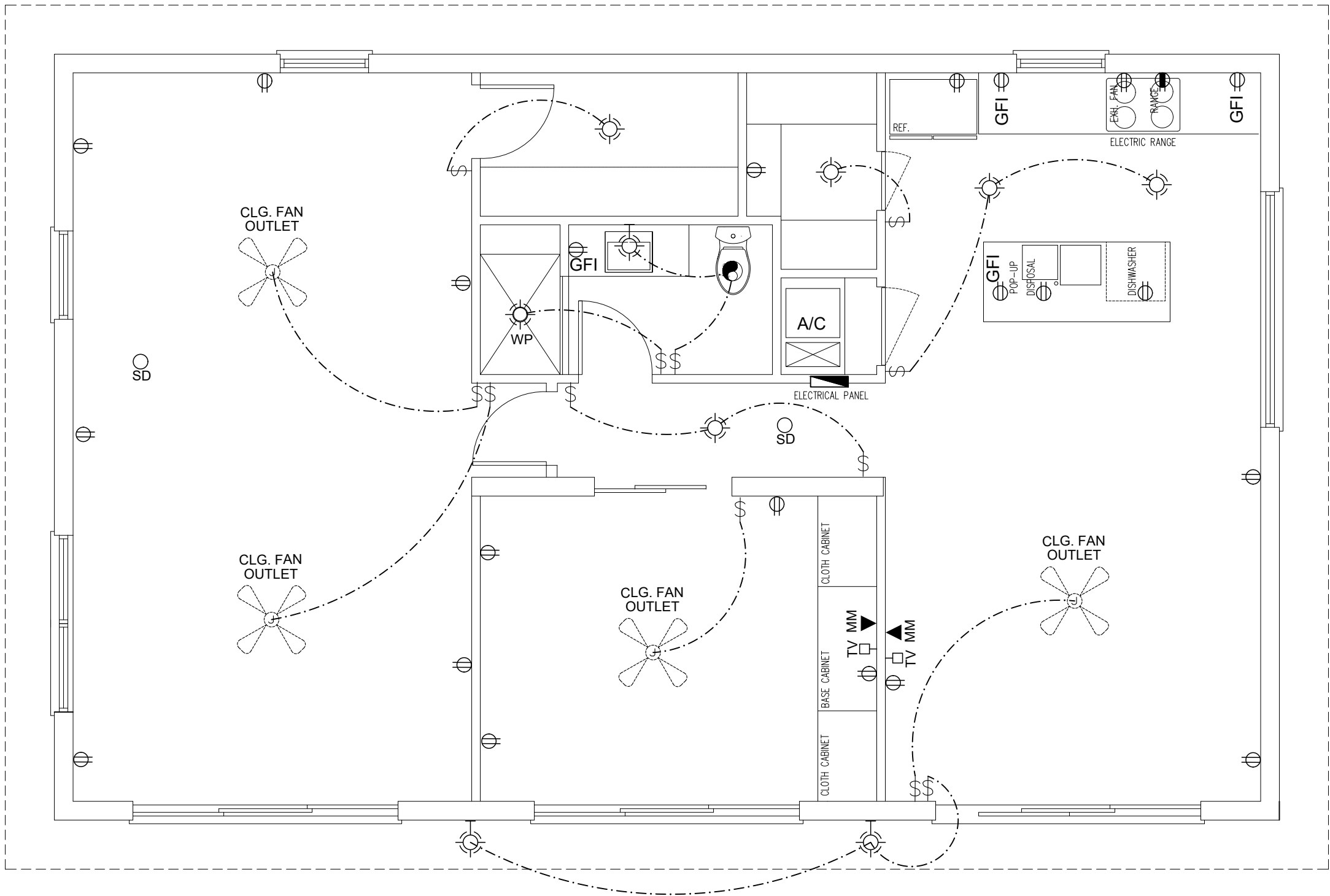
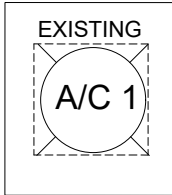
SAWN LUMBER NOTES:

- W1. All wood shall be as follows:
2x4, 2x6, 2x8 : Spruce, Pine, Fir (SPF) #2, Kiln-Dried or Southern Pine #2.
All other sizes - Southern Pine #2, Kiln-Dried, 19 % moisture content.
- W2. All wood, connections and erection shall be in conformance with current edition of NFPA National Design Specification.
- W3. All connectors shall be Simpson Strong-Tie, galvanized.
- W4. All bolts, washers and nuts shall be carbon steel, unless noted.
- W5. All nails to be common type or building department approved equal.
- W6. All sill plates shall be treated with preservative treatment.
- W7. Attach all top plates and sill plates to studs with (2) 16d nails.

WOOD SHEATHING NOTES:

- WS1. All plywood shall be 5/8" min. thickness APA rated 24/16, Exposure 1. Plywood shall conform to the latest revision product standard PS 1.
- WS2. Wall sheathing shall have long dimension perpendicular to supports. Roof sheathing shall have long dimension perpendicular to supports, staggered joints. Provide 1/8" gap for all sheathing joints. Provide panel clips for all roof sheathing.
- WS3. Space all nails 3/8" minimum from panel or supporting member edge. Nails to penetrate supporting members by 1-5/8" minimum.
- WS4. Edge of openings through roofs or walls shall be nailed per boundary nailing requirements indicated in typical detail.
- WS5. See architectural roof plan to establish all elevations, openings, equipment and other requirements not indicated on structural drawings.
- WS6. All nails to be common type or building department approved equal.

ELECTRICAL LEGEND	
	DUPLEX RECEPTACLE
	WATER PROOF
	GROUND FAULT INDICATOR
	230 VOLTS OUTLET
	FLOOR OUTLET
	SWITCH
	TWO WAY SWITCH
	AUTOMATIC SENSOR SWITCH
	RECESSED LIGHT
	VAPOR PROOF
	SPOT LIGHTS
	FLOOD LIGHTS
	CABLE TV
	NETWORK
	A/C THERMOSTAT
	EXHAUST FAN
	SMOKE/CARBON MONOXIDE COMBO DETECTOR CLG. MOUNT
	CHANDELIER
	CEILING FAN (OUTLET ONLY)



ELECTRICAL PLAN

PROPOSED RENOVATION TO:
SHARON COTTAGE
2161 SHARON RD.
WINTER PARK, FLORIDA

This structure has been designed to withstand forces generated by 140 mph winds in accordance with Chapter 16 of 2020 Florida Building Code (7th Edition)

Any alterations or use of these plans without consent of the Engineer does constitute fraud, and is a violation of Chapter 471 of Florida Statutes, the plans are not valid for permitting without raised seal and signature of the Engineer of record.

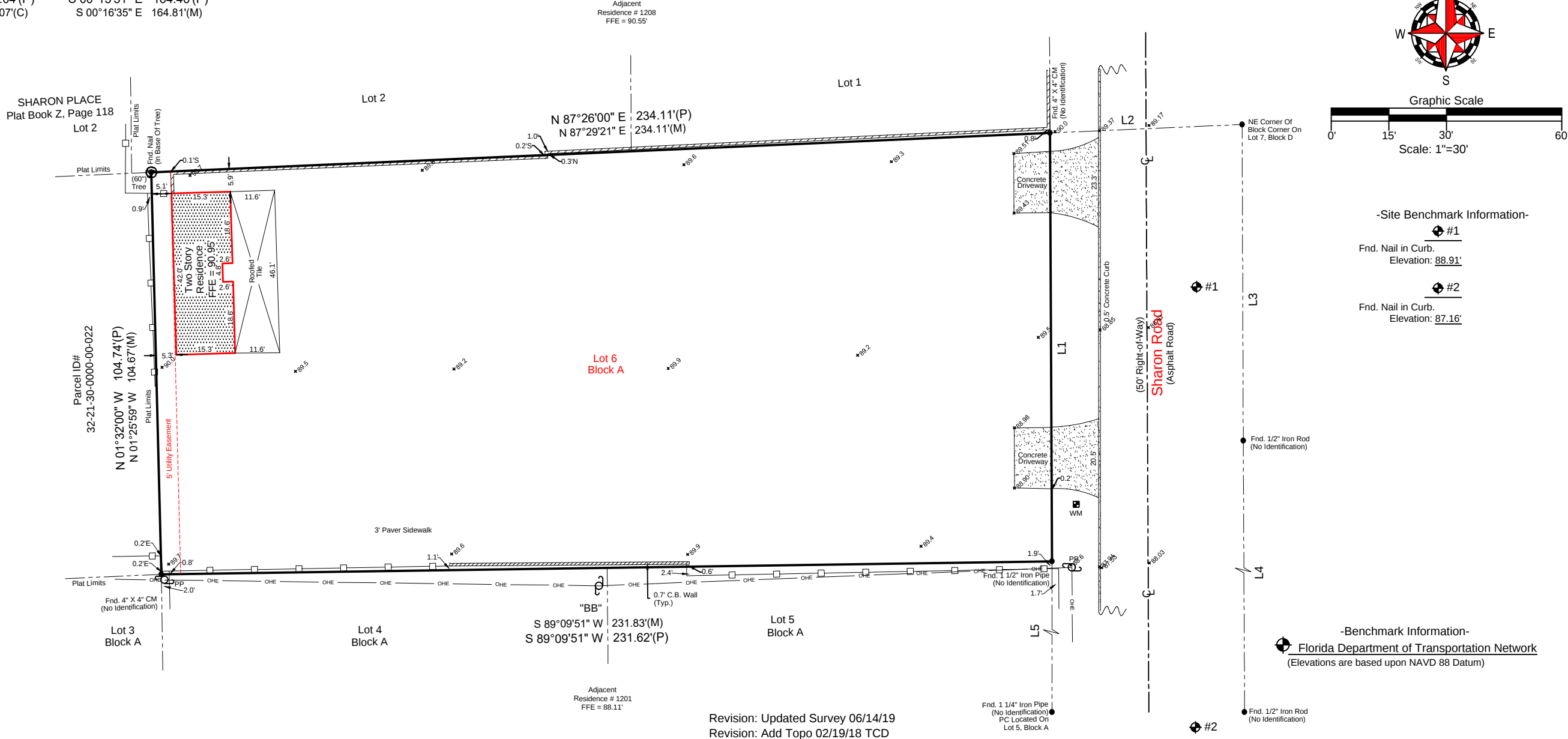


REVISION:

DESIGNED BY
OSM
CHECKED BY
DATE
NOV.. 2021

SHEET
5
OF 5

L1
S 00°15'51" E 111.82'(P)
S 00°16'47" E 111.52'(M)
L2
N 87°26'00" E 50.04'(P)
N 87°29'21" E 50.07'(C)
L3
S 00°15'51" E 82.23'(P)
S 00°12'06" E 82.28'(C)
L4
S 00°15'51" E 164.46'(P)
S 00°16'35" E 164.81'(M)
L5
S 00°15'51" E 140.85'(P)
S 00°02'38" E 140.35'(M)



Revision: Updated Survey 06/14/19
Revision: Add Topo 02/19/18 TCD

2161 SHARON ROAD, WINTER PARK, FLORIDA 32789

BOUNDARY SURVEY

Legal Description:

LOT 6, BLOCK A, TUSCANIA, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK T, PAGE 60, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Flood Information:

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 9/25/2009.

CERTIFIED TO:

WOODRUFF CONSTRUCTION AND DEVELOPMENT, INC.; FIDELITY NATIONAL TITLE OF FLORIDA, INC.; FIDELITY NATIONAL TITLE INSURANCE COMPANY; AGRC LLC, A FLORIDA LIMITED LIABILITY COMPANY



Field Date: 6/14/2019 Date Completed: 06/14/19
Drawn By: K.S. File Number: JS-42274 U

Legend	
C	- Calculated
CB	- Concrete Block
CM	- Concrete Monument
Conc.	- Concrete
D	- Description
DE	- Drainage Easement
Esmt.	- Easement
F.E.M.A.	- Federal Emergency Management Agency
FFE	- Finished Floor Elevation
Fnd.	- Found
IP	- Iron Pipe
L	- Length (Arc)
M	- Measured
N&D	- Nail & Disk
N.R.	- Non-Radial
ORB	- Official Records Book
P	- Plat
P.B.	- Plat Book
W	- Wood Fence
PC	- Point of Curvature
Pg.	- Page
PI	- Point of Intersection
P.O.B.	- Point of Beginning
P.O.L.	- Point on Line
PP	- Power Pole
PRM	- Permanent Reference Monument
PT	- Point of Tangency
R	- Radius
Rad.	- Radial
R&C	- Rebar & Cap
Rec.	- Recovered
Rfd.	- Roofed
Set	- Set 1/2" Rebar & Cap "LB 7623"
Typ.	- Typical
UE	- Utility Easement
WM	- Water Meter
Δ	- Delta (Central Angle)
—O—	- Chain Link Fence

-NOTES-
>Survey is Based upon the Legal Description Supplied by Client.
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>Subject to any Easements and/or Restrictions of Record.
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>Building Ties are NOT to be used to reconstruct Property Lines.
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>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
>Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to give ANY Rights or Benefits to Anyone Other than those Certified.

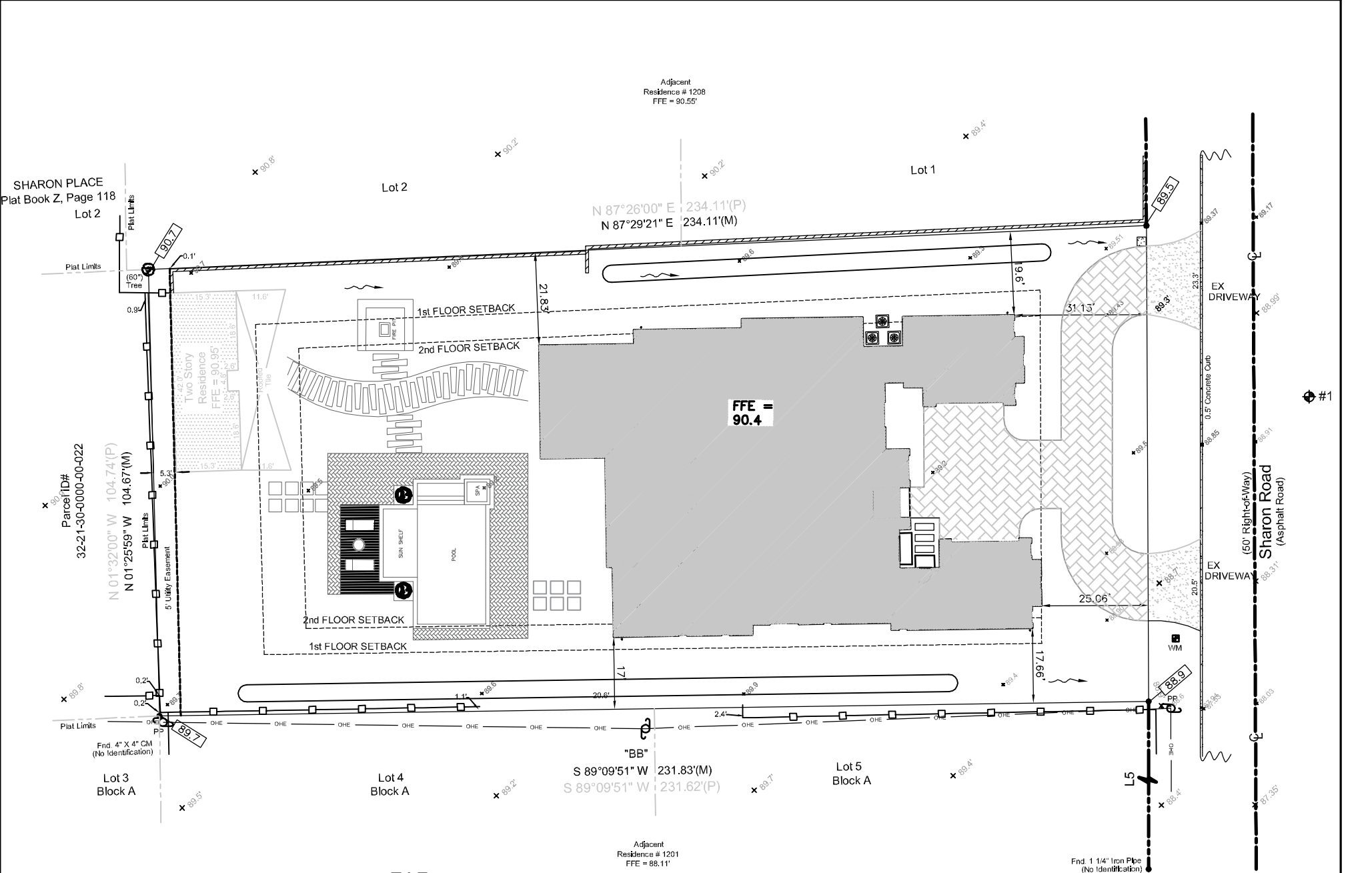
NONE VISIBLE

-POINTS OF INTEREST-

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to Me as Noted and Conforms to the Standard of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

Patrick K. Ireland, PSM 6637, LB 7623
This Survey is intended ONLY for the use of Said Certified Parties.
This Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
800 Currency Circle | Suite 1020
Lake Mary, Florida 32746
www.irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165



FAR:

1ST AND 2ND FLOORS	6,475 SF	0.26
GARAGE	1,094	0.04
STAIR AREA	204 SF	0.008
OPEN TO 2ND FLOOR	602 SF	0.02

LOT AREA 25,175 SF

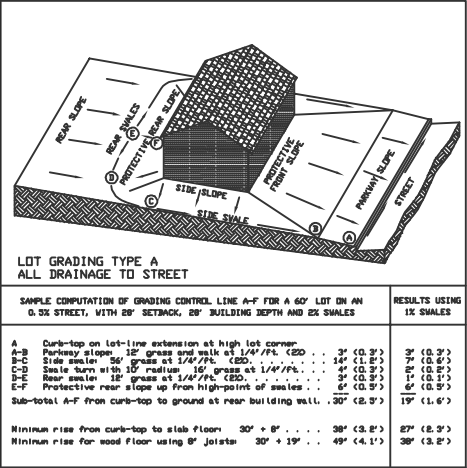
IMPERVIOUS LOT COVERAGE:

BUILDING FOOTPRINT	6,309 SF
DRIVEWAYS	2,006 SF
PATIO	51 SF
SWIMMING POOL	1,265 SF
A/C PAD	27 SF
EX TO REMAIN	630 SF
TOTAL	10,288 SF

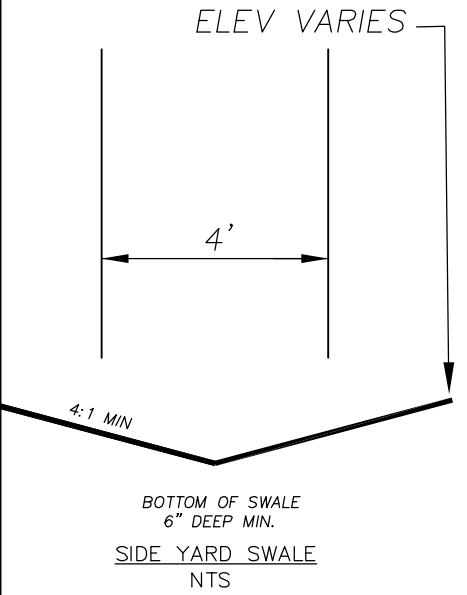
MINIMUM BUILDING SETBACKS:

FIRST FLOOR SIDE = 17'
SECOND FLOOR SIDE = 22'
FRONT = 25'
FIRST FLOOR REAR = 25'
SECOND FLOOR REAR = 35'

1. CITY OF WINTER PARK REQUIREMENTS SECTION 58-165 WHERE EXCESS STORMWATER RUNOFF FROM REDEVELOPMENT IMPERVIOUS AREA DISCHARGES TO ADJACENT STREET, THE REQUIRED RETENTION VOLUME WILL BE 1" OVER THE IMPERVIOUS AREA. IF REDEVELOPMENT IMPERVIOULS AREA DISCHARGES TO ADJACENT PROPERTY, THE REQUIRE RETENTION VOLUME WILL BE 2" OVER THE IMPERVIOUS AREA.
2. THE LOT GRADING IS TYPE "A" WHICH GENERALLY SLOPES TOWARD THE FRONT STREET, THE REQUIRED RETENTION VOLUME WILL BE 1" OVER THE REDEVELOPMENT IMPERVIOUS AREA.
3. THE FORMER HOME ON THE SITE HAS BEEN DEMOLISHED AND THE LOT HAS BEEN SPLIT.
4. REQUIRED RETENTION VOLUME IS (10,288 -7,000 (demolished home) SF X $\frac{1}{12}$ " = 274 CF. PROVIDED = 280 LF X 0.5(4' X 6") = 280 CF
4. SWALE WILL BE SODDED WITH NON-MUCK GROWN SOD.
5. THE SOIL TYPE FOR THIS PROPERTY IS URBAN LAND



FHA TYPE 'A' LOT GRADING
N.T.S.



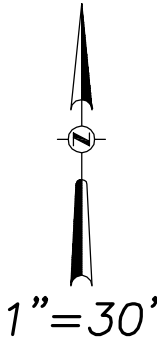
SITE/GRADING PLAN

CLIENT

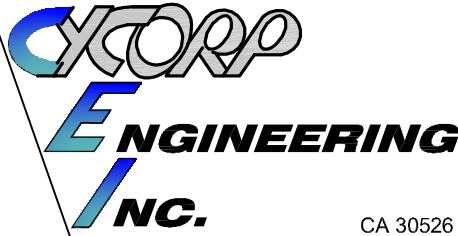
DAVILA

LOCATION

2161 SHARON
WINTER PARK



	EDGE OF PAVEMENT
	CENTER LINE OF ROAD
	RIGHT OF WAY
	PROPOSED CONCRETE
	PAVERS
TYP	TYPICAL
SW	SIDEWALK
	PROPOSED ELEVATION
111.99	EXISTING ELEVATION
LF	LINEAR FEET
SF	SQUARE FEET



CIVIL ENGINEERS
LAND PLANNERS



KIM FISCHER, P.E. #56942 9/3/2021
1614 White Dove Drive
Winter Springs, Florida 32708
Tel: (407) 405-7819



Board of Adjustments

agenda item

item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date May 17, 2022
prepared by Nicholas Lewis	approved by John Harbilas, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

BOA-2022-0006. Request of Kristopher and Brooke Kest.

item list

Request of the homeowners Kristopher and Brooke Kest for variance approval from Section 58-71(j)(1) to allow an interior side setback of 8.6 feet to the swimming pool in lieu of the required interior side setback of 10 feet for the construction of the pool for their home at 2101 Banchory Road, zoned R-1A.

motion / recommendation

Staff recommendation is for denial of this request.

background

Mr. and Mrs. Kest currently own the property located at 2101 Banchory Road, zoned R-1A, and are seeking variance approval to allow an interior side setback for their swimming pool at 8.6 feet in lieu of the required 10 feet side setback for swimming pools as determined under Sec. 58-71(j)(1). The pool was approved at the 10-foot setback line but upon inspection it was discovered that the contractor was using an outdated set of building plans that had the primary building set closer to the lot line than what was approved by the City and measured from the structure as opposed to the lot line. The result is that construction commenced on the pool which created an encroachment on the interior side setback by roughly one and a half feet. The City Building Department initiated a stop work which is subject to the outcome of this request. Under Sec. 58-71(bb), the Building Director has administrative authority to permit setback encroachments up to six inches. Because this request is beyond that threshold, variance approval is necessary to allow the 8.6-foot setback.

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 is a corner lot and the pool is to be located on the north side (interior side yard) section of the lot. However, the special conditions and circumstances did not arise because of a peculiarity to the land, structure or building involved. Instead the circumstances arose based off of measurement error by the contractor. There were approved building plans for the pool that provided the setback to be 10-feet from the lot line.

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.

The literal interpretation of Sec. 58-71(j)(1) does not deprive the applicants of any right enjoyed by others. The code is clear that the pool side setback for lots greater than 60-feet is 10-feet and the City approved plans that provided the pool was to be built at such. Further, the Code allows the Building Official to grant administrative variances up to 6-inches but this error is greater and therefore this provision cannot be applied. There is no right making the City responsible for contractor error, and despite the fact that denial would result in a burdensome construction and financial constraints, financial hardship is not part of the review criteria and denial of this request would not result in any deprivation of rights.

Actions of the Applicant

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

Although it is clear the error did not occur based on the actions of the applicants themselves. However, the circumstances arose based on an error by the contractor working on behalf of the applicants. It is common practice to measure from the lot line, which is what should have occurred in this instance.

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.

Granting this request would open the door for all contractor errors greater than six inches to request variance approval. Any nonconformities on neighboring lands,

structures or buildings within the same and other districts resulting from contractor error and miscalculations would become the City's burden to issue variances for these instances.

Summary

This request is the result of very unfortunate circumstances where the applicants, by no fault of their own, have been put into a very difficult situation. The applicants were issued a permit for a pool that meets code and relied on their contractor to construct accordingly. They did not foresee that their pool would be constructed in error. However, the Code is not currently written to allow the City to be responsible to correct mistakes by contractors and this request may open that door. Because the applicants do not meet all four criteria, staff is recommending denial of this request.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[2101 Banchory Rd - Area Map.pdf](#)

ATTACHMENTS:

[2101 Banchory Rd - Aerial Map.pdf](#)

ATTACHMENTS:

[2101 Banchory Rd - Neighbor Letters Map.pdf](#)

ATTACHMENTS:

[2101 Banchory Rd - Pool Survey.pdf](#)

ATTACHMENTS:

[2101 Banchory Rd - Narrative.pdf](#)

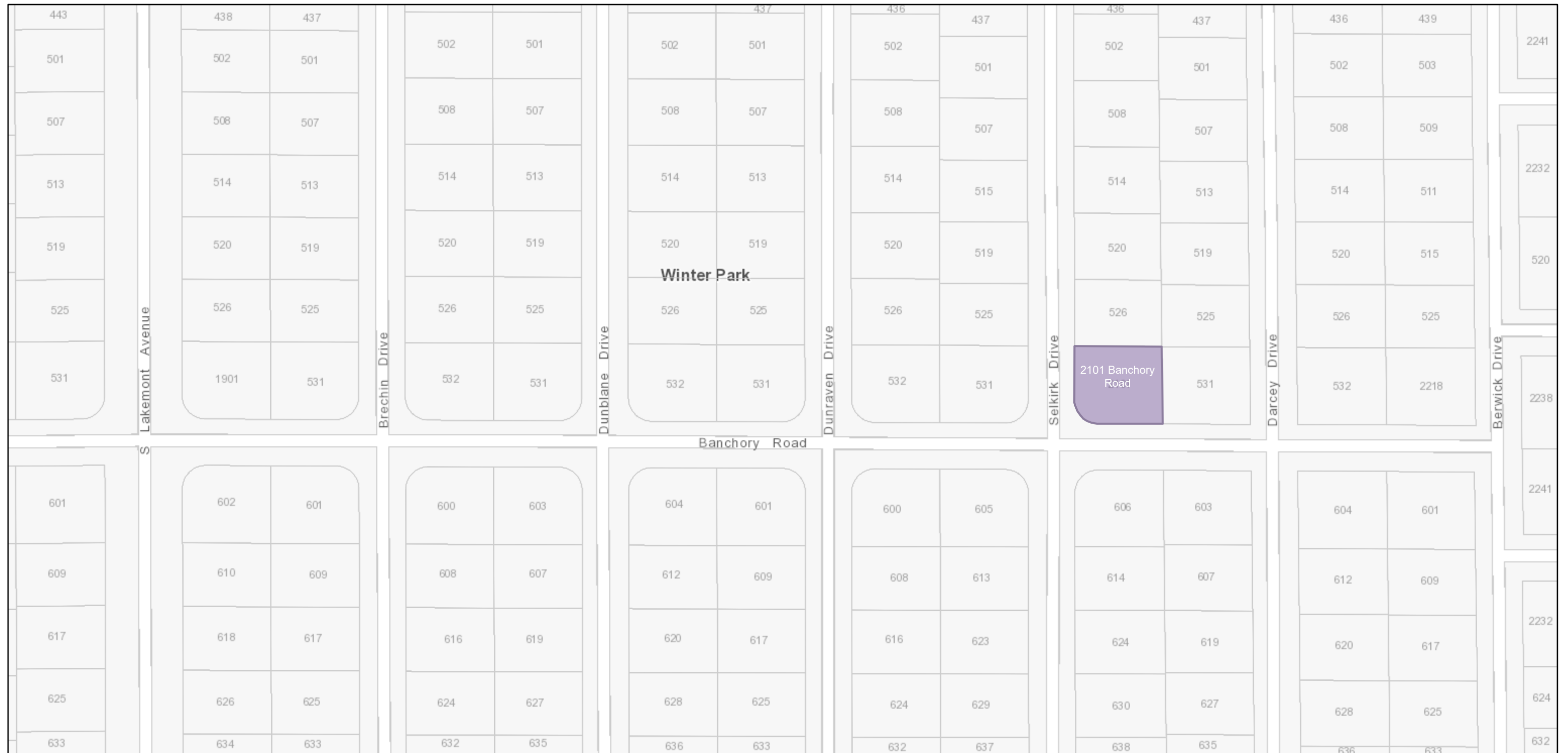
ATTACHMENTS:

[2101 Banchory Rd - Applicant Energov Submittal.pdf](#)

ATTACHMENTS:

[Combined Neighbor Letters.pdf](#)

2101 Banchory Road - Area Map



5/11/2022, 10:20:29 AM

☐ Parcels Orange

1:1,500

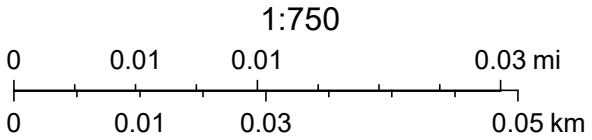
A number line with two scales. The top scale is labeled in miles (mi) with major tick marks at 0, 0.02, 0.04, and 0.07. The bottom scale is labeled in kilometers (km) with major tick marks at 0, 0.03, 0.06, and 0.11. There are 10 equal intervals between 0 and 0.07 miles, and 10 equal intervals between 0 and 0.11 kilometers. The tick marks are aligned horizontally, showing that 0.07 miles is equivalent to 0.11 kilometers.

2101 Banchory Road - Aerial Map

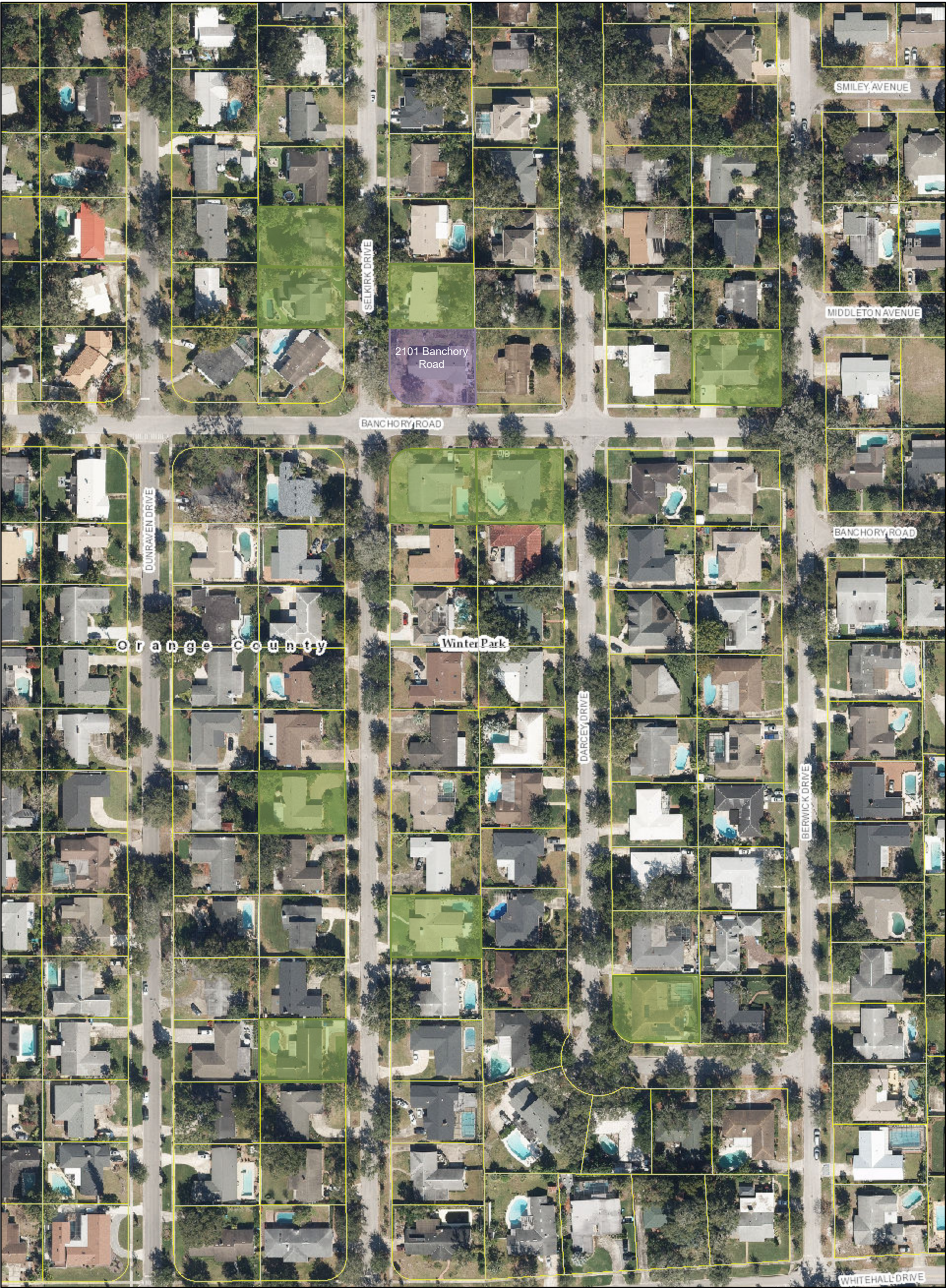


5/11/2022, 10:20:55 AM

 Parcels Orange

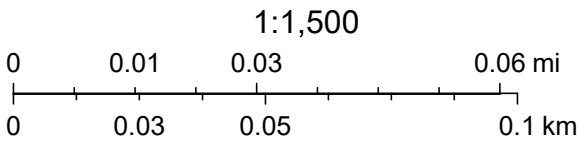


2101 Banchory Road - Neighbor Letters



5/11/2022, 10:29:57 AM

 Parcels Orange



BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 8, BLOCK E, KENILWORTH SHORES SECTION THREE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK U, PAGE 27, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FLOOD INFORMATION:

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 9/25/2009.

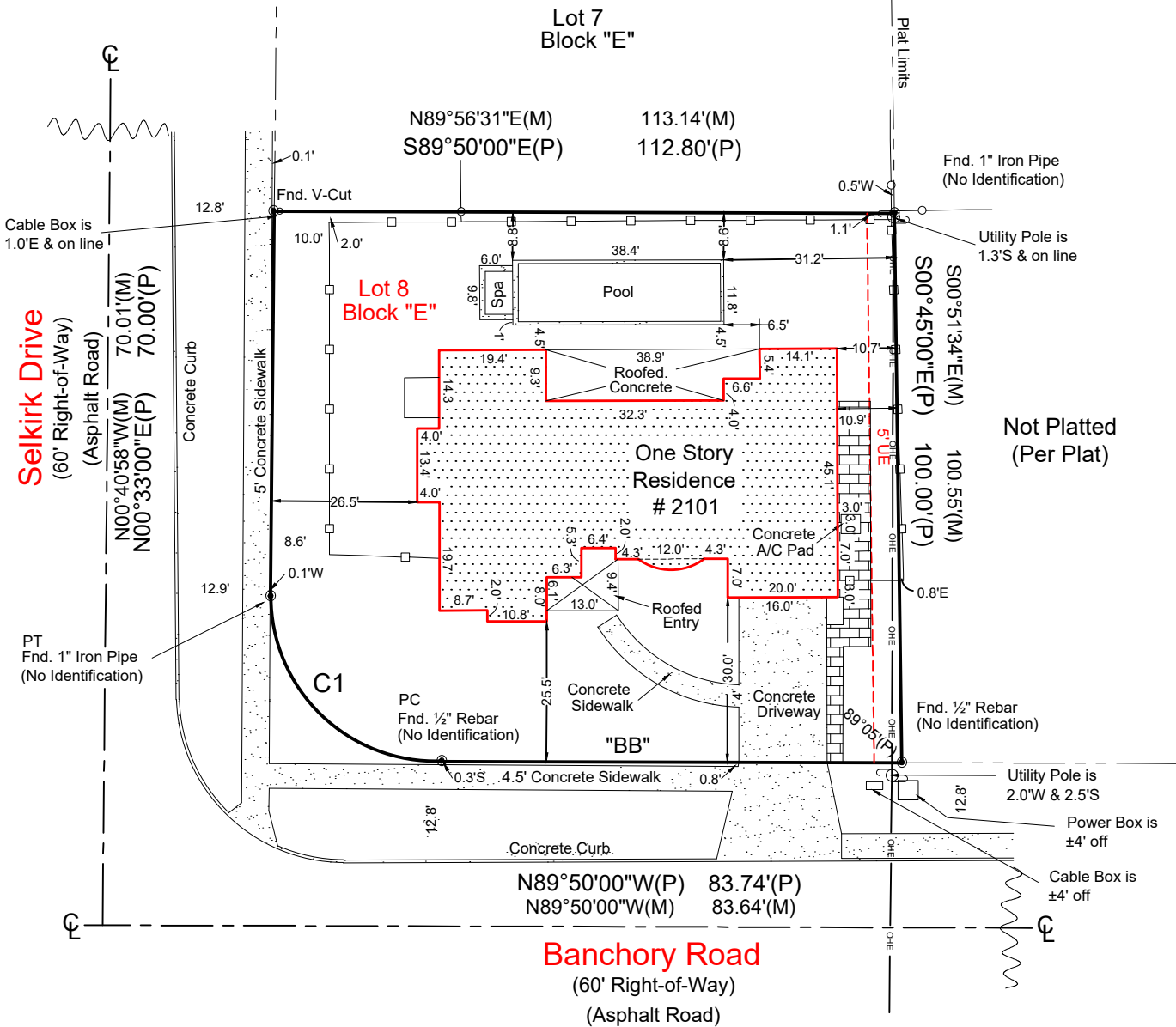
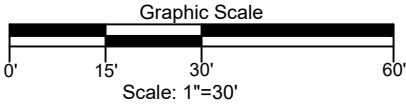
CERTIFIED TO:

BROOKE B AND KRISTOPHER J KEST



2101 BANCHORY ROAD, WINTER PARK, FLORIDA 32792

C1
R = 30.21'(P)
Δ = 92°10'27"(P)
C = 43.22'(C) 42.67'(M)
L = 47.61'(P)
CB = N45°54'05"W(C)
N45°00'06"W(M)



Field Date: 4/21/2022 Date Completed: 04/22/22

Drawn By: J.P. File Number: S-75860 U

-Legend-	
C	- Calculated
CC	- Centerline
CB	- Concrete Block
CM	- Concrete Monument
Conc.	- Concrete
D	- Description
DE	- Drainage Easement
Esmt.	- Easement
F.E.M.A.	- Federal Emergency Management Agency
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-NOTES-

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>Building Ties are NOT to be used to reconstruct Property Lines.

>Fence Ownership is NOT determined.

>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.

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PAVERS IN EASEMENT

-POINTS OF INTEREST-

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Patrick K. Ireland P.S.M. 6637 LB 7623
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This Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal.

Ireland & Associates Surveying, Inc.
800 Currency Circle | Suite 1020
Lake Mary, Florida 32746
www.irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165

Brooke & Kristopher Kest Variance Request

As part of a major renovation of our home, we are adding a pool to the backyard. We recently learned that our pool builder, Artesian Pools, accidentally built the pool approximately one foot into the ten-foot rear setback. Unfortunately, the pool is almost complete. The Gunite (concrete) is installed. The plumbing has been buried and the pool equipment is connected. The tile installation has begun and the pavers for the deck have been delivered.

To bring the pool into compliance with the ten-foot setback, we would have to either reduce the width of the pool by one foot or dig up the entire pool and start all over. Digging up and restarting would be an enormous waste of resources, massively expensive, potentially an engineering nightmare, and would cause significant delay in completing the pool. Reducing the width would take our already narrow pool (10 feet wide) and basically transform it into a lap pool. Reducing the width would also cause it to be aesthetically lopsided because our spa is centered at the far end of the length of the pool.

Some background and context on our home and this project may be helpful. We have owned and lived in our house for more than 16 years. We decided to remodel rather than move because we love the neighborhood and our neighbors. In fact, along with this application we are submitting a letter from our “back door” neighbor (Kathy Fielder), whose house is adjacent to the property line in question. Mrs. Fielder supports this variance request, as do all other neighbors we have spoken with. We will submit additional neighbor letters before the hearing.

Because shrinking the width of the pool is not really an option for us (as explained above), failing to receive the variance will almost certainly require digging up and redoing the pool, delaying completion at least through the end of this summer. That delay is particularly impactful because we only have a few more years left with our teenage daughters at home. Our oldest daughter (Antonina) is a freshman at Winter Park High School. We have at best four (maybe three) more summers with her at home before she is off to college. And our youngest daughter (Savannah) is finishing up seventh grade at Glenridge.

As part of our home remodeling project, which began June 1, 2021, our daughters will be getting their own rooms for the first time in their lives. Up until now they have always shared a bedroom. In fact, since June, we have been living with Brooke’s parents and the girls have been sharing a room so small that bunk beds were the only way to fit both beds in the room. Since we first moved out, the girls have talked constantly about how excited they are to finally get a pool this summer. The pool is a big part of what has made this long, arduous remodel project worth it for them. For months now, they have been making plans for their friends to come over and go swimming this summer.

Even our dog (Nola) will be impacted by the delay. Until this construction project began, Nola always had a large run the back yard. She is a very energetic Vizsla and having space for her to play is critical. Since our backyard is a construction zone as long as the pool remains unfinished, Nola does not have a yard to play in, making life challenging for everyone.

Finally, another issue that we are running into is that our construction loan is about to expire. If we are not able to finish the project in a timely manner, we risk having our favorable interest rate dramatically increased by the bank.

We appreciate your consideration of our variance request and look forward to the opportunity to speak with you at the hearing on May 17.



PLAN SNAPSHOT REPORT BOA-2022-0006 FOR CITY OF WINTER PARK

Plan Type:	Board of Adjustments	Project:		App Date:	04/24/2022
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: As part of a major renovation of our home, we are adding a pool to the backyard. We recently learned that our pool builder, Artesian Pools, accidentally built the pool approximately one foot into the ten-foot rear setback. Unfortunately, the pool is almost complete. The Gunite (concrete) is installed. The plumbing has been buried and the pool equipment is connected. The tile installation has begun and the pavers for the deck have been delivered.

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We appreciate your consideration of our variance request and look forward to the opportunity to speak with you at the hearing on May 17.

Parcel:	302209413005080	Main	Address:	2101 Banchory Rd Winter Park, FL 32792-4603	Main	Zone:	
----------------	-----------------	------	-----------------	--	------	--------------	--

Owner	Applicant	2101 Banchory RD
Kest Kristopher J Kest Brooke	Kristopher Kest	Winter Park, FL 32792
B		Mobile: (407) 276-3377

PLAN SNAPSHOT REPORT (BOA-2022-0006)

Plan Custom Fields

Zoning		Section		Subsection	
Is the property on waterfront?	No	Is this property on historic registry or district?	No	Describe variance	Our pool builder built our pool approximately one foot into the ten-foot setback.
How long have you owned the property?	16 years	How long have you occupied the property?	16 years	Special Condition	See narrative.
Rights/Priv	See narrative.	Hardship	See narrative.	Limited Variance	See narrative.

Attachment File Name	Added On	Added By	Attachment Group	Notes
Signature_Kristopher_Kest_4/25/2022.jpg	04/24/2022 23:19	Kest, Kristopher		Uploaded via CSS
2022-04-21, 526 selkirk, letter from kathy fielder.pdf	04/25/2022 8:57	Lewis, Nick		Neighbor Letter
2022-04-22 survey for 2101 banchory road.pdf	04/25/2022 8:57	Lewis, Nick		Survey
brooke & kristopher kest variance request.pdf	04/25/2022 8:57	Lewis, Nick		Narrative
Kest Letter from Bob & Liz Heid.pdf	04/25/2022 8:57	Lewis, Nick		Neighbor Letter
2022-04-25, 603 darcey, bob & liz heid.pdf	04/26/2022 11:34	Lewis, Nick		Neighbor Letter
2022-04-25, 606 selkirk, geoff & diane yurcisin.pdf	04/26/2022 11:34	Lewis, Nick		Neighbor Letter
2022-04-25, 662 selkirk, tara & thomas gould.pdf	04/26/2022 11:34	Lewis, Nick		Neighbor Letter
Kest - Board of Adjustments.pdf	04/26/2022 15:00	Lewis, Nick		Neighbor Letter
2022-04-25, 668 darcey drive, deana pickett.pdf	04/27/2022 8:57	Lewis, Nick		Neighbor Letter
2022-04-26, 525 selkirk drive, andrew & betsy ryan.pdf	04/27/2022 8:57	Lewis, Nick		Neighbor Letter
Letter from Stacey Roach.docx	05/03/2022 13:46	Lewis, Nick		Neighbor Letter
2022-05-01, 2218 banchory road, tricia martin.pdf	05/05/2022 8:29	Lewis, Nick		Neighbor Letter
Kest Letter.pdf	05/09/2022 9:43	Lewis, Nick		Neighbor Letter
2022-05-11 07-02.pdf	05/11/2022 9:06	Lewis, Nick		Neighbor Letter

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00022207	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00022207		\$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	04/24/2022	04/26/2022	04/26/2022	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	04/24/2022	04/26/2022	04/26/2022

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			04/26/2022 11:34
Board of Adjustments Review v.1	Receive Submittal	04/24/2022 0:00	04/26/2022 11:34
Issue Invoice v.1	Generic Action		04/26/2022 11:34
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

APRIL 25TH, 2022

Via email only

Members of Board of Adjustments
c/o Staff Liaison, Nicholas Lewis
nlewis@cityofwinterpark.org
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

Dear Board Members,

We are Kristopher and Brooke Kest's neighbors and have been for many years. We understand that the pool they are installing has ended up one foot over the ten-foot rear setback line because of a mistake by their builder.

We do not believe that this minor issue should require them to dig up and re-install the entire pool nor lose one foot of their already narrow (ten-foot wide) pool. Therefore, we have no objection to their variance request and we ask you to please approve their request.

Thank you.

Sincerely,

 
Geoff and Diane Yurcisin
606 Selkirk Drive
Winter Park, FL 32792

April 26, 2022

Via email only

Members of Board of Adjustments
c/o Staff Liaison, Nicholas Lewis
nlewis@cityofwinterpark.org
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

Dear Board Members,

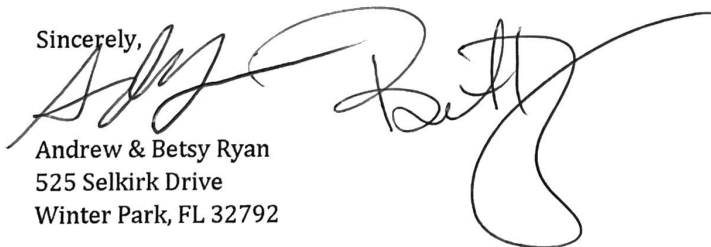
We are Kristopher and Brooke Kest's neighbors and have been for many years. We live at 525 Selkirk Drive facing the Kests' side/back yard (pool side of the yard). We understand that the pool they are installing is one foot over the ten-foot rear setback line because of a mistake by their builder.

We do not believe that this minor issue should require the Kests to dig up and re-install the entire pool, nor lose one foot of their already narrow (ten-foot wide) pool.

We expect that the leaders of our city will deploy practical judgement and we have no objection to their variance request. We ask you to please approve their request.

Thank you.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Andrew & Betsy Ryan'. The signature is written over the printed name and address.

Andrew & Betsy Ryan
525 Selkirk Drive
Winter Park, FL 32792

May 3, 2022

Via email only

Members of Board of Adjustments
c/o Staff Liaison, Nicholas Lewis
nlewis@cityofwinterpark.org
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

Dear Board Members,

We are Kristopher and Brooke Kest's neighbors and have been for many years. We understand that the pool they are installing has ended up approximately one foot over the ten-foot rear setback line because of a mistake by their builder.

We do not believe that this minor issue should require them to dig up and re-install the entire pool nor lose one foot of their already narrow (ten-foot wide) pool. Therefore, we have no objection to their variance request and we ask you to please approve their request.

Thank you.

Sincerely,

Stacey and Alex Roach
677 Selkirk Drive
Winter Park, FL 32792

April 25, 2022

Via email only

Members of Board of Adjustments
c/o Staff Liaison, Nicholas Lewis
nlewis@cityofwinterpark.org
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

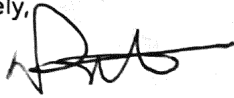
Dear Board Members,

I am Brooke's aunt and have been her and Kristopher's neighbor for all 16 years that they have lived in their house. I understand that the pool they are installing has ended up one foot over the ten-foot rear setback line because of a mistake by their builder.

I do not believe that this minor issue should require them to dig up and re-install the entire pool nor lose one foot of their already narrow (ten-foot wide) pool. Therefore, I have no objection to their variance request and I ask you to please approve their request.

Thank you.

Sincerely,



Deana Pickett
668 Darcey Drive
Winter Park, FL 32792

May 1st, 2022

Via email only

Members of Board of Adjustments
c/o Staff Liaison, Nicholas Lewis
nlewis@cityofwinterpark.org
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

Dear Board Members,

I am Kristopher and Brooke Kest's neighbor and have been for all 16 years that they have lived in their house. I understand that the pool they are installing has ended up approximately one foot over the ten-foot rear setback line because of a mistake by their builder.

I do not believe that this minor issue should require them to dig up and re-install the entire pool nor lose one foot of their already narrow (ten-foot wide) pool. Therefore, I have no objection to their variance request and I ask you to please approve their request.

Thank you.

Sincerely,



Tricia ~~Cable~~ Martin
2218 Banchory Road
Winter Park, FL 32792

April 25, 2022

Via email only

Members of Board of Adjustments
c/o Staff Liaison, Nicholas Lewis
nlewis@cityofwinterpark.org
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

Dear Board Members,

We are Bob and Liz Heid and have lived at 603 Darcey in WP since 1995. We're Kris and Brooke Kest's neighbors (2101 Banchory Rd) and have been for the 16 years that they've lived in their house. Good people and good neighbors. It will be nice to have them back.

We understand that the pool they are installing ended up one foot over the ten-foot rear setback line because of a mistake by their builder.

While I'm sure this is a code violation, it also seems fairly inconsequential, and one that could easily be handled by issuing a variance. Maybe you could levy a fine against the builder which I'm sure they would gladly pay rather than having to dig up and re-install the entire pool.

As for us, we have no objection to their request for a variance and we ask you to please approve their request.

Sincerely,

Two handwritten signatures in black ink. The first signature is a stylized, cursive 'B' followed by a horizontal line. The second signature is a cursive 'Liz' followed by a horizontal line.

Bob & Liz Heid
603 Darcey Drive
Winter Park, FL 32792

April 25, 2022

Via email only

Members of Board of Adjustments
c/o Staff Liaison, Nicholas Lewis
nlewis@cityofwinterpark.org
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

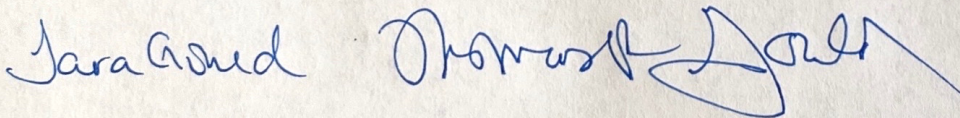
Dear Board Members,

We are Kristopher and Brooke Kest's neighbors and have been for many years. We understand that the pool they are installing was constructed one foot over the ten-foot rear setback line because of a mistake by their builder.

We do not believe that this minor issue should require them to dig up and re-install the entire pool nor lose one foot of their already narrow (ten-foot wide) pool. Therefore, we have no objection to their variance request and ask you to please approve their request.

Thank you.

Sincerely,

The block contains two handwritten signatures in blue ink. The first signature, on the left, is 'Tara Gould' and is written in a cursive, flowing style. The second signature, on the right, is 'Thomas Gould' and is also in cursive, with a more pronounced, looped 'T' and 'G'.

Tara & Thomas Gould
662 Selkirk Drive
Winter Park, FL 32792

April 20, 2022

Via email only

Members of Board of Adjustments
c/o Staff Liaison, Nicholas Lewis
nlewis@cityofwinterpark.org
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

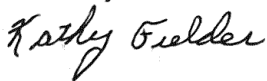
Dear Board Members,

I am Kristopher and Brooke Kest's back door neighbors and have been for all 16 years that they have lived there. I understand that the pool they are installing has ended up one foot over the ten-foot rear setback line because of a mistake by their builder.

Despite the builder's mistake causing the pool to be one-foot closer to my house than the setbacks technically allow, I do not believe that this minor issue should require them to dig up and re-install the entire pool nor lose one foot of their already narrow (ten-foot wide) pool. Therefore, I have no objection to their variance request and I ask you to please approve their request.

Thank you.

Sincerely,



Kathy Fielder
526 Selkirk Drive
Winter Park, FL 32792

May 10TH, 2022

Via email only

Members of Board of Adjustments
c/o Staff Liaison, Nicholas Lewis
nlewis@cityofwinterpark.org
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

Dear Board Members,

We are Kristopher and Brooke Kest's neighbors and have been for all 16 years that they have lived in their house. We understand that the pool they are installing has ended up approximately one foot over the ten-foot rear setback line because of a mistake by their builder.

We do not believe that this minor issue should require them to dig up and re-install the entire pool nor lose one foot of their already narrow (ten-foot wide) pool. Therefore, we have no objection to their variance request and we ask you to please approve their request.

Thank you.

Sincerely,

The block contains two handwritten signatures in black ink. The top signature is 'Sue Carmody' in a cursive script. Below it is another signature, which appears to be 'Kevin Carmody', also in cursive script.

Kevin & Sue Carmody
519 Selkirk Drive
Winter Park, FL 32792

April 25, 2022

Via email only

Members of Board of Adjustments
c/o Staff Liaison, Nicholas Lewis
nlewis@cityofwinterpark.org
City of Winter Park
401 S. Park Avenue
Winter Park, FL 32789

Dear Board Members,

We are Kristopher and Brooke Kest's neighbors and have been for many years. We understand that the pool they are installing has ended up one foot over the ten-foot rear setback line because of a mistake by their builder.

We do not believe that this minor issue should require them to dig up and re-install the entire pool nor lose one foot of their already narrow (ten-foot wide) pool. Therefore, we have no objection to their variance request and we ask you to please approve their request.

Thank you.

Sincerely,

The block contains two handwritten signatures in black ink. The first signature, on the left, is 'Jeff Byrd' and the second, on the right, is 'Amy McQuinn Byrd'. Both are written in a cursive, flowing style.

Amy & Jeff Byrd
645 Selkirk Drive
Winter Park, FL 32792