



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.

Meeting minutes approved by the Board on July 18, 2023.

/s/ Recording Secretary Mary Bush