



Board of Adjustments Regular Meeting

Agenda

April 19, 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 March 15, 2022 Meeting Minutes.](#) 1 minute
 3. **Citizen Comments (for items not on the agenda): Three minutes allowed for each speaker**
 4. **Action Items**
 - a. [BOA-2022-0003: Request of Z Properties](#) 30 minutes
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.
 5. **Non-Action Items**
 6. **Staff Updates**
 7. **Board Comments**
 8. **Adjournment**



Board of Adjustments

agenda item

item type	Consent Agenda	meeting date	April 19, 2022
prepared by	Mary Bush	approved by	
board approval	Completed		
strategic objective			

subject

Approval of the March 15, 2022 Meeting Minutes.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[BOA March 15, 2022 Draft Meeting Minutes.pdf](#)



Board of Adjustments Minutes

March 15, 2022 at 05:00 p.m.

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

Call to Order

Vice-Chair Michael Clary called the meeting to order at 5:07 p.m. Present In-Person: Michael Clary, Tom Sims, Ann Higbie, Charles Steinberg. Absent: Robert Trompke, Cathy Sawruk, and Jason Johnson. Also Present: City Attorney J. Giffin Chumley. Staff: Acting Director of Planning and Transportation Jeff Briggs, Senior Planner John Harbilas, Planner I Nicholas Lewis, Planning Technician Aaron Hull, Building and Permitting Director Gary Hiatt, Building and Permitting Manager Renata Minoga, and Recording Secretary Mary Bush.

Consent Agenda

Motion made by Tom Sims, seconded by Ann Higbie to approve the February 15, 2022 meeting minutes.

Motion carried unanimously with a 4-0 vote. (Robert Trompke, Cathy Sawruk, 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.

Staff Updates

Mr. Briggs informed the Board that the Director of Planning & Transportation, Bronce Stephenson had resigned the prior week and therefore he has been appointed Acting Director of Planning & Transportation until a permanent director is hired.

Citizen Comments (for items not on Agenda)

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

Non-Action Items

No non-action items.

Action Items

No action items.

Public Hearings

- BOA-2022-0002. Request of Michael Scivally on behalf of the owners, Marshall and Susan Harris, to allow a 14-foot rear yard setback in lieu of the required rear yard setback of 25-feet for corner lots, to convert the existing enclosed patio into enclosed living space for their single-family home located at 2924 Rapidan Trail, zoned R-1A.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map and aerial view of the existing property and pointed out an addition in the rear of the home and a private graveyard located behind the addition. He noted that the graveyard was zoned R-1A and had been designated historic thus making it a graveyard in perpetuity. Mr. Lewis added that neighbor letters have been received in favor of the request and none have been received against it. He also presented a survey of the property noting the 15 foot rear and side setbacks and that the addition was a fully enclosed patio. He then presented the addition's proposed floor plan and elevations and mentioned that its current aluminum construction will be changed to block construction, the existing concrete slab will be used, and a new asphalt-shingle roof will be installed. Mr. Lewis went on to

discuss various photos of the existing conditions that included views of the landscaping and the graveyard on the rear side of the property. He also reviewed the variance approval criteria as it related to the request, noting that the current addition is an existing nonconformity constructed prior to the parcel's annexation into the City in 2002 and does not meet either requirement of Section 58-71(h)(2) of the zoning code pertaining to corner lot setbacks. Mr. Lewis added that the graveyard is zoned R-1A rather than the normal parkland, which provides for a lesser setback requirement.

Staff recommendation was for approval.

The Board inquired about who owns the graveyard, clarification of the hardship, and the necessity of the request if the cemetery was not zoned R-1A.

The applicant's representative, Michael Scivally at 565 Brookside Circle, Maitland, FL 32751 addressed the Board. Mr. Scivally expressed that the applicant's request will make the existing home look much better than it does now and the applicant would appreciate the Board accepting the request. He then briefly spoke on the materials to be used for the addition.

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.

Motion made by Charles Steinberg, seconded by Tom Sims, to allow a 14-foot rear yard setback in lieu of the required rear yard setback of 25-feet for corner lots, to convert the existing enclosed patio into enclosed living space for their single-family home located at 2924 Rapidan Trail, zoned R-1A.

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

Board Comments

No Board comments.

Adjournment

Meeting adjourned at 5:25 p.m.

/s/ Mary Bush.



Board of Adjustments

agenda item

item type Action Items	meeting date April 19, 2022
prepared by Nicholas Lewis	approved by John Harbilas, Jeffrey Briggs
board approval Completed	
strategic objective	

subject

BOA-2022-0003: Request of Z Properties

item list

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.

motion / recommendation

Staff recommendation is for approval of this variance request.

background

The applicant, Z Properties, is seeking variance approval from the off-street parking requirements for office uses, under Section 58-86(b)(18), to permit a total of 42 parking spaces in lieu of the Code required 46 parking spaces, in conjunction with the proposed, six-building, single-story office park with a total gross floor area of 11,425 square feet, located at 1150 Louisiana Avenue, zoned O-2.

The applicant's proposal is for a Class A office park consisting of six individually owned, single-story office buildings. Five of these buildings are proposed to be 1,836 square feet while the last building is slightly larger at 2,245 square feet. The five matching buildings are to be located along Louisiana Avenue while the larger building will stand alone at the northern point of the triangular-shaped lot.

The goal of the applicant is to maintain the small-scale feel of the existing office park, which matches the character of the surrounding area, including the office buildings along Louisiana Avenue and the surrounding single-family housing along Wilma Avenue and Denning Drive. The total lot area is 43,709 square feet, which would entitle the applicant to build one two-story building at 45% FAR (19,669 square feet) and 85% impervious coverage (37,153 square feet). However, the applicant's proposal is significantly less at 27.8% FAR (12,152 square feet) and impervious coverage of 65.6% (28,690 square feet) in

effort to achieve the small-scale feel that is more compatible with the surrounding residential properties.

However, working with staff, the applicant has been unable to achieve a scenario where they meet their parking requirement of 46 spaces (one space per every 250 square feet) and continues to keep the small-scale feel of the development. The current proposal provides 42 of the required 46 spaces, thus the applicant is seeking variance approval to waive the four spaces unable to fit on the property. To mitigate the four missing spaces, the applicant has signed an off-premise parking agreement for the four spaces, with the adjacent property. That being said, the applicant tried and failed to obtain a parking agreement that meets the Code required time-frame, hence that agreement cannot count towards the applicant's parking count. Further, the applicant is proposing six street-side parking spaces along Louisiana Avenue. However, parking spaces created at a private party's expense, along the public right-of-way, also cannot count towards parking calculations. In summary, the applicant has been able to generate 52 spaces in total, however only the 42 on-site spaces may count towards his required parking and thus remains short of the required 46.

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.

This is a unique, triangular-shaped lot. Looking solely at the lot, circumstantially it makes more sense to construct one solitary building in the center of the lot, which is then surrounded by parking, as opposed to the spread-out single-story, multi-building scenario as proposed by the applicant. If this lot was of a more natural, rectangular shape, the applicant would likely not have the parking restraints caused by the triangular lot. However, as stated previously, one large, singular building does not match the character of the existing neighborhood. This lot, beyond its unique shape, is surrounded on two of its three sides by single-family residential. The applicant's proposal to build smaller individual buildings not only achieves less massing, but also limits the capacity of the office uses to smaller-scale, lower-employee type businesses.

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.

If the applicant's property fell under one of the three subareas in the City where parking counts are measured at one space per every 333 square feet (those areas being the Central Business District (Park Avenue), the Hannibal Square District, and the Orange

Avenue District), the applicant would only be required to have 34 spaces as opposed to 46. Under these conditions, the applicant would be able to meet all requirements, as well as still achieve the small-scale feel of the existing neighborhood. However, this property does not fall into any of those unique districts and therefore, a literal interpretation of Section 58-86(b)(18) requires parking this particular parcel at one space per 250 square feet of building. Thus, the applicant under the literal interpretation is required to have 46 spaces on-site, which they cannot achieve.

Actions of the Applicant:

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

The lot's unique triangular shape and its location as a buffer between office corridor and single-family residential were of no fault to the applicant. The applicant is looking to maximize greenspace while limiting the massing of the project for the betterment of the surrounding homes. Because of the unique nature of the lot, these goals cannot be achieved under standard parking conditions. Further, the applicant has tried and failed to enter into an off-site parking agreement that meets the Code required 10-year minimum and noncancelable. Despite this, the applicant has entered into an off-site parking agreement that does not meet these requirements for four spaces, out of an abundance of caution.

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 on 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.

Because of the unique nature of the lot (triangular shape and buffer between office uses and residential uses), staff does not believe that granting this variance would confer any special privilege onto the applicants. The applicants are not asking to count either the four spaces granted by the parking agreement nor are they asking to count the six street-side spaces along Louisiana Avenue towards their parking counts, but merely to waive the four spaces that they cannot fit on-site. The applicant has elected to undertake both of these operations themselves and therefore, granting this variance would not confer any special privilege to others to count on-street spaces and off-site parking spaces from agreements that do not meet code.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[1150 Louisiana Ave - Area Map.pdf](#)

ATTACHMENTS:

[1150 Louisiana Ave - Aerial Map.pdf](#)

ATTACHMENTS:

[BOA-2022-0003 Site Plan.pdf](#)

ATTACHMENTS:

[BOA-2022-0003 Applicant Presentation.pdf](#)

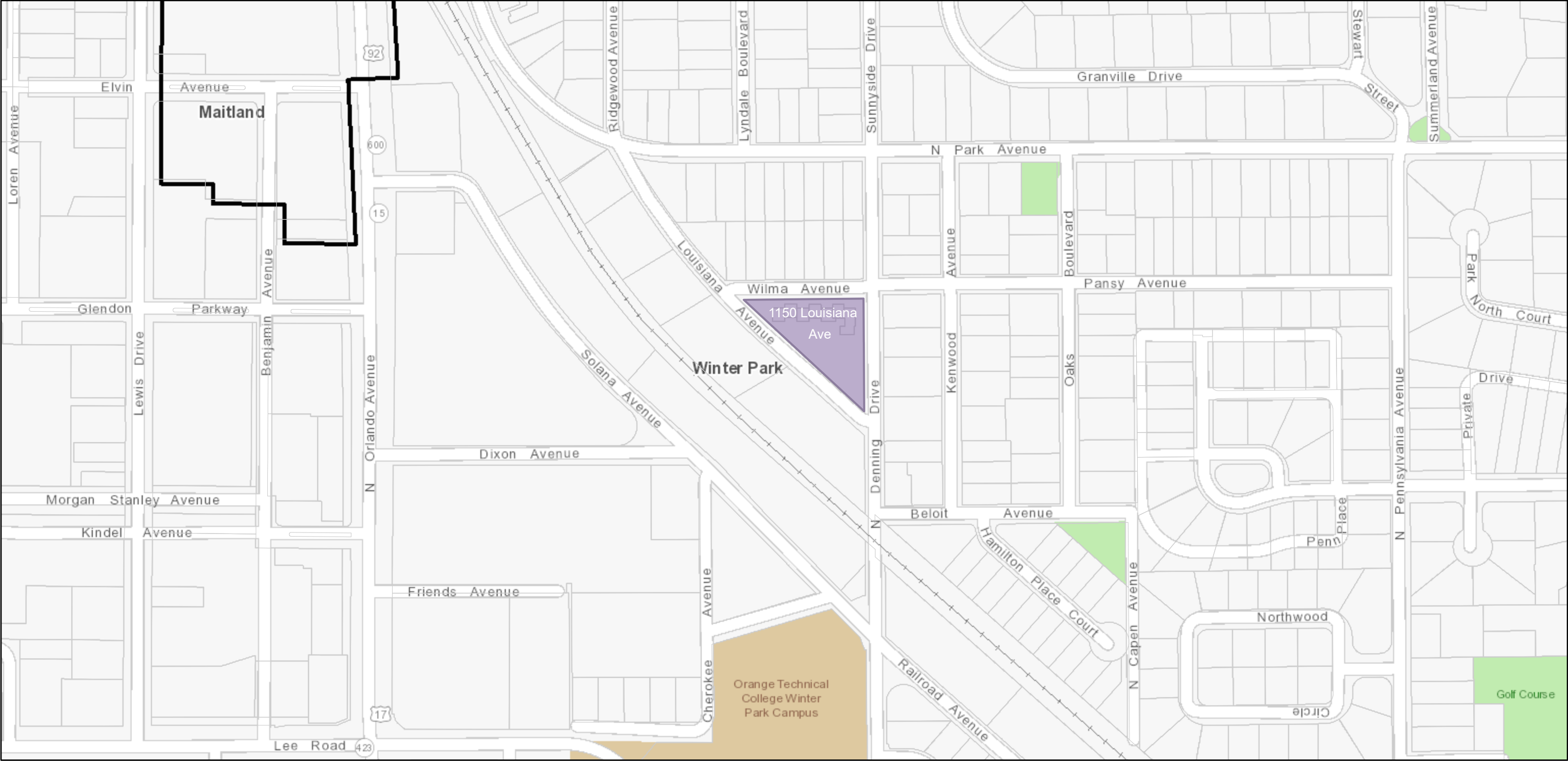
ATTACHMENTS:

[BOA-2022-0003 Applicant Responses to BOA Questions.pdf](#)

ATTACHMENTS:

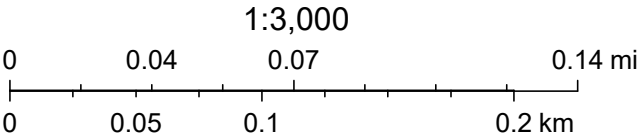
[BOA-2022-0003 Applicant Energov Submittal.pdf](#)

1150 Louisiana Avenue - Area Map



4/7/2022, 4:02:25 PM

Parcels Orange

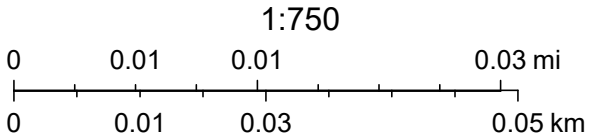


1150 Louisiana Avenue - Aerial Map



4/7/2022, 3:59:31 PM

Parcels Orange

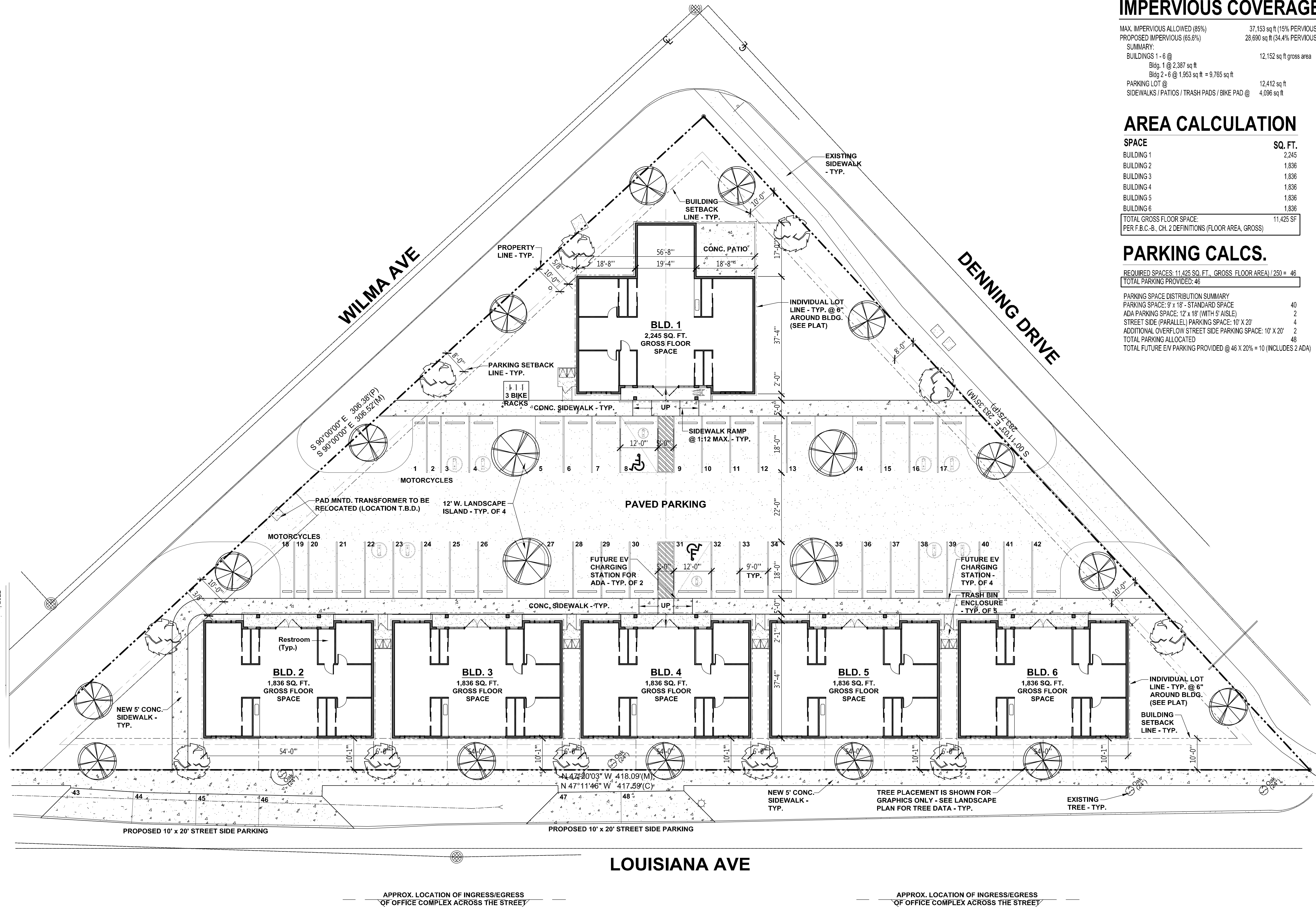


7

DESIGN PROPOSAL
1150 LOUISIANA AVE, WINTER PARK, FL 32789

SITE PLAN

SCALE: 1/16" = 1'-0"



SITE ANALYSIS

PROPERTY ADDRESS:	1150 LOUISIANA AVE.
EXISTING ZONING:	COMMERCIAL
LOT AREA:	43,709 SQ. FT. (APPROX.)
FAR ALLOWED:	19,669 sq. ft. (45%)
FAR PROPOSED:	12,152 sq. ft. (27.8%)

IMPERVIOUS COVERAGE

MAX. IMPERVIOUS ALLOWED (88%)	37,153 sq. ft. (15% PERVIOUS)
PROPOSED IMPERVIOUS (65.8%)	28,690 sq. ft. (34.4% PERVIOUS)
SUMMARY:	
BUILDINGS 1 - 6 @	12,152 sq. ft. gross area
Bldg. 1 @ 2,387 sq. ft.	
Bldg. 2 - 6 @ 1,953 sq. ft. = 9,765 sq. ft.	
PARKING LOT @	12,412 sq. ft.
SIDEWALKS / PATIOS / TRASH PADS / BIKE PAD @	4,096 sq. ft.

AREA CALCULATION

SPACE	SQ. FT.
BUILDING 1	2,245
BUILDING 2	1,836
BUILDING 3	1,836
BUILDING 4	1,836
BUILDING 5	1,836
BUILDING 6	1,836
TOTAL GROSS FLOOR SPACE:	11,425 SF
PER F.B.C.-B., CH. 2 DEFINITIONS (FLOOR AREA, GROSS)	

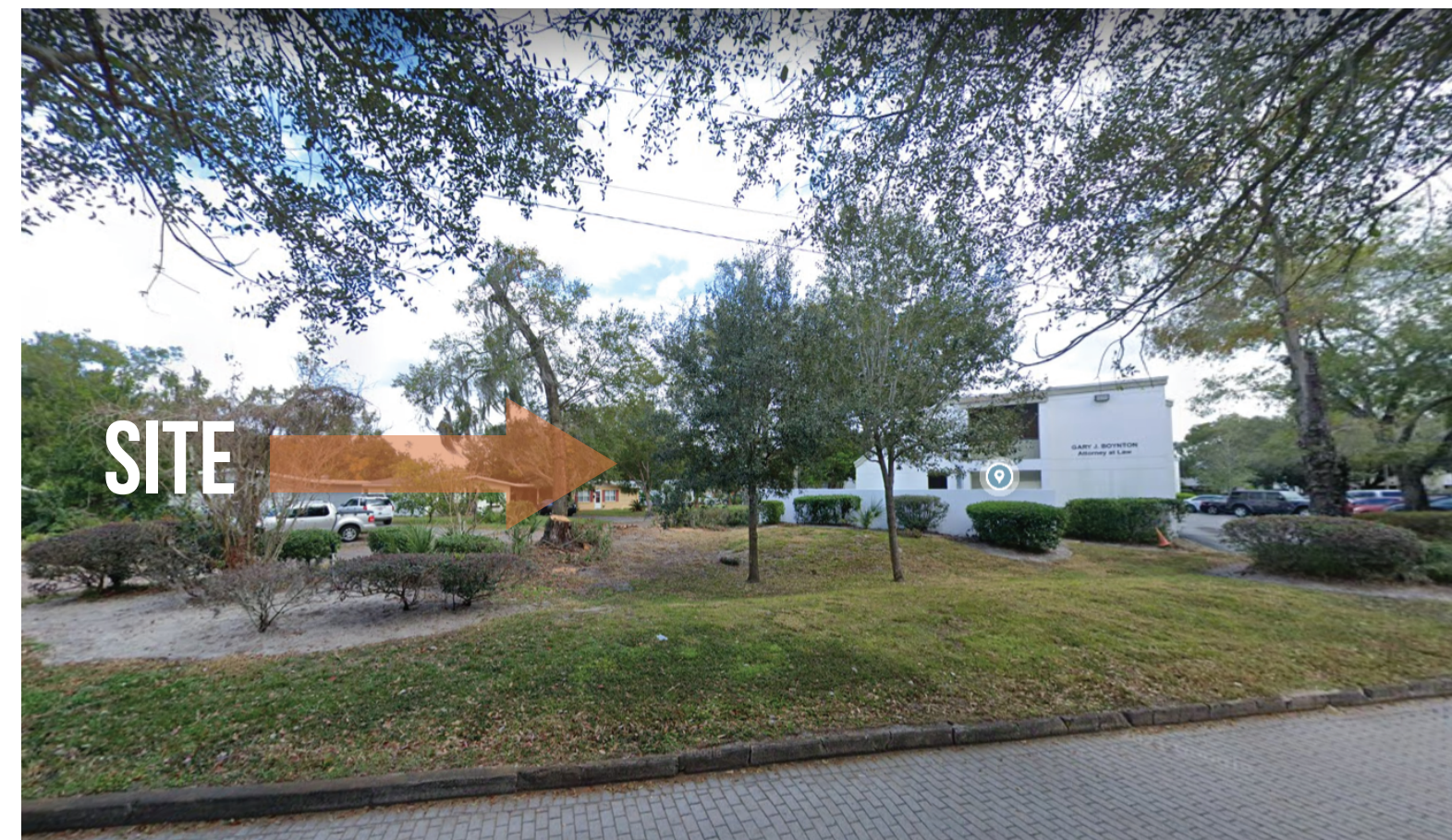
PARKING CALCS.

REQUIRED SPACES: 11,425 SQ. FT., GROSS FLOOR AREA / 250 = 46	
TOTAL PARKING PROVIDED: 46	
PARKING SPACE DISTRIBUTION SUMMARY	
PARKING SPACE: 9' x 18' - STANDARD SPACE	40
ADA PARKING SPACE: 12' x 18' (WITH 5' AISLE)	2
STREET SIDE (PARALLEL) PARKING SPACE: 10' x 20'	4
ADDITIONAL OVERFLOW STREET SIDE PARKING SPACE: 10' x 20'	2
TOTAL PARKING ALLOCATED	48
TOTAL FUTURE E/V PARKING PROVIDED @ 46 X 20% = 10 (INCLUDES 2 ADA)	

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DESIGN PROPOSAL
1150 LOUISIANA AVE, WINTER PARK, FL 32789

SITE PHOTOS



RENDERED SITE PLAN



LOCATION MAP



AERIAL VIEW



7

DESIGN PROPOSAL
1150 LOUISIANA AVE, WINTER PARK, FL 32789

RENDERINGS



VIEW FROM LOUISIANA AVE



VIEW FROM DENNING DRIVE



FRONT BUILDINGS VIEW



VIEW FROM WILMA AVE



AERIAL VIEW

DESIGN PROPOSAL

1150 LOUISIANA AVE, WINTER PARK, FL 32789

7

PROJECT DETAILS

6 - ONE STORY BUILDINGS

BLDG 1 : 2,245 SQ.

BLDGS 2-6 : 1,836 SQ.

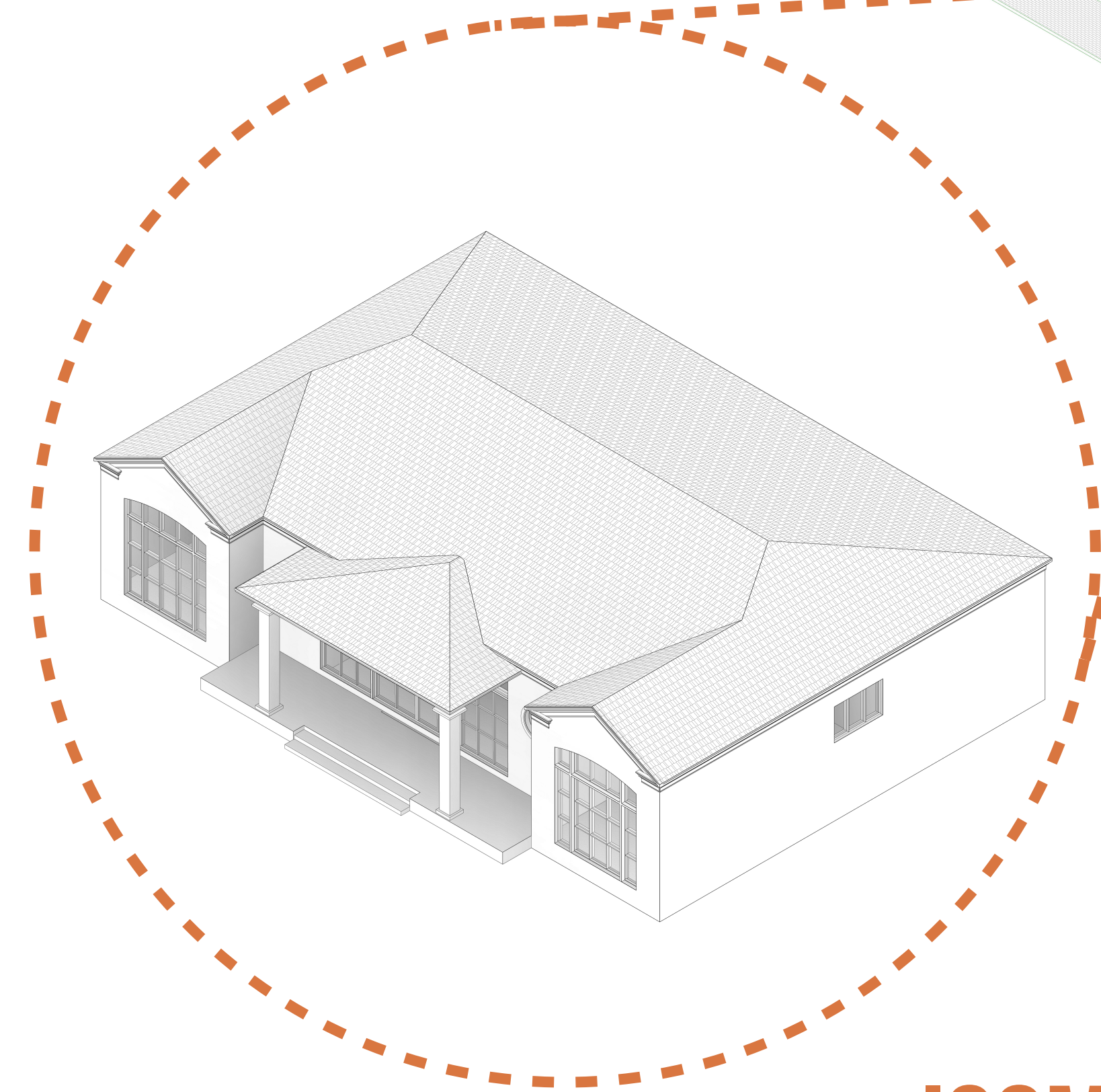
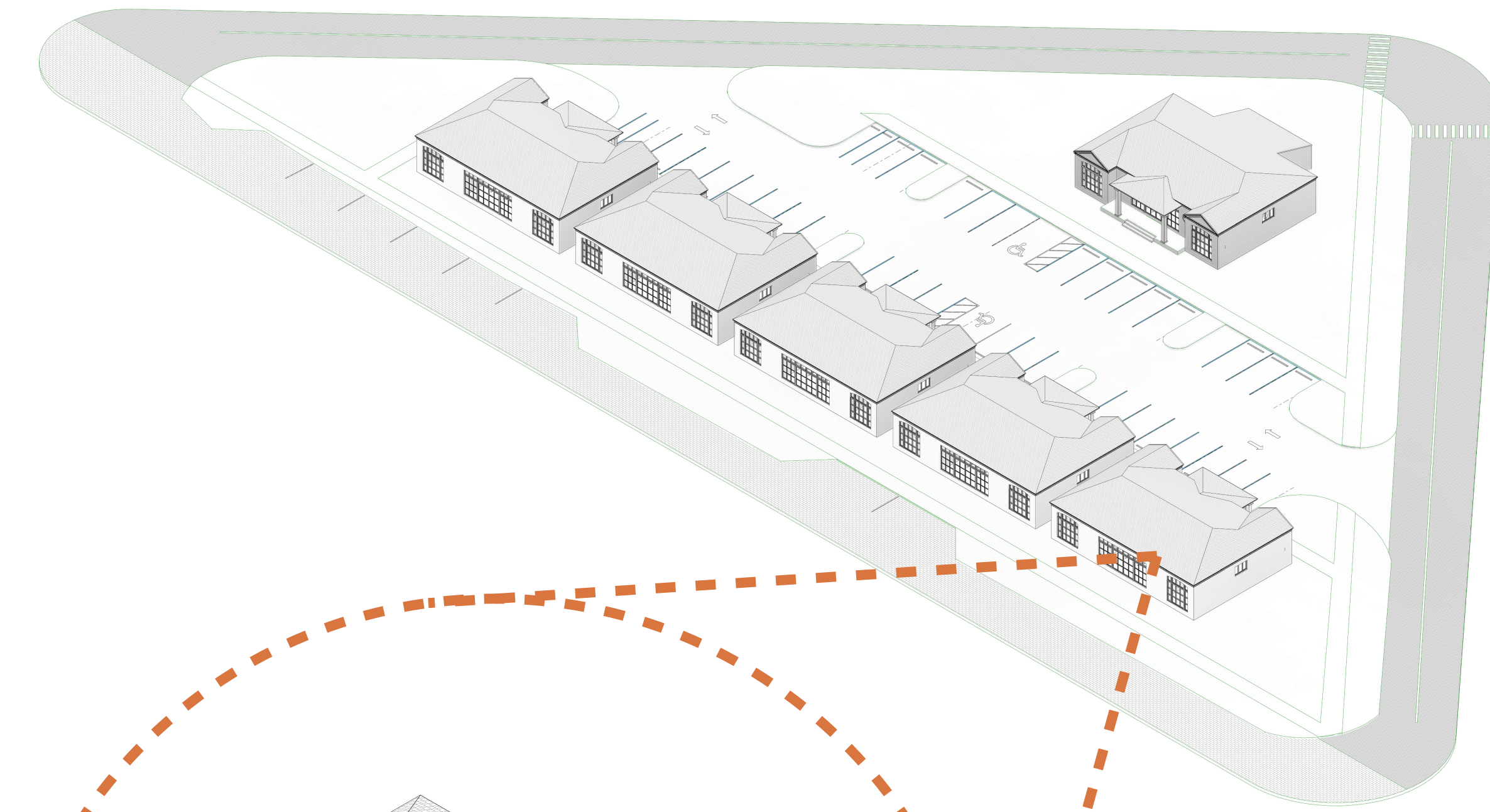
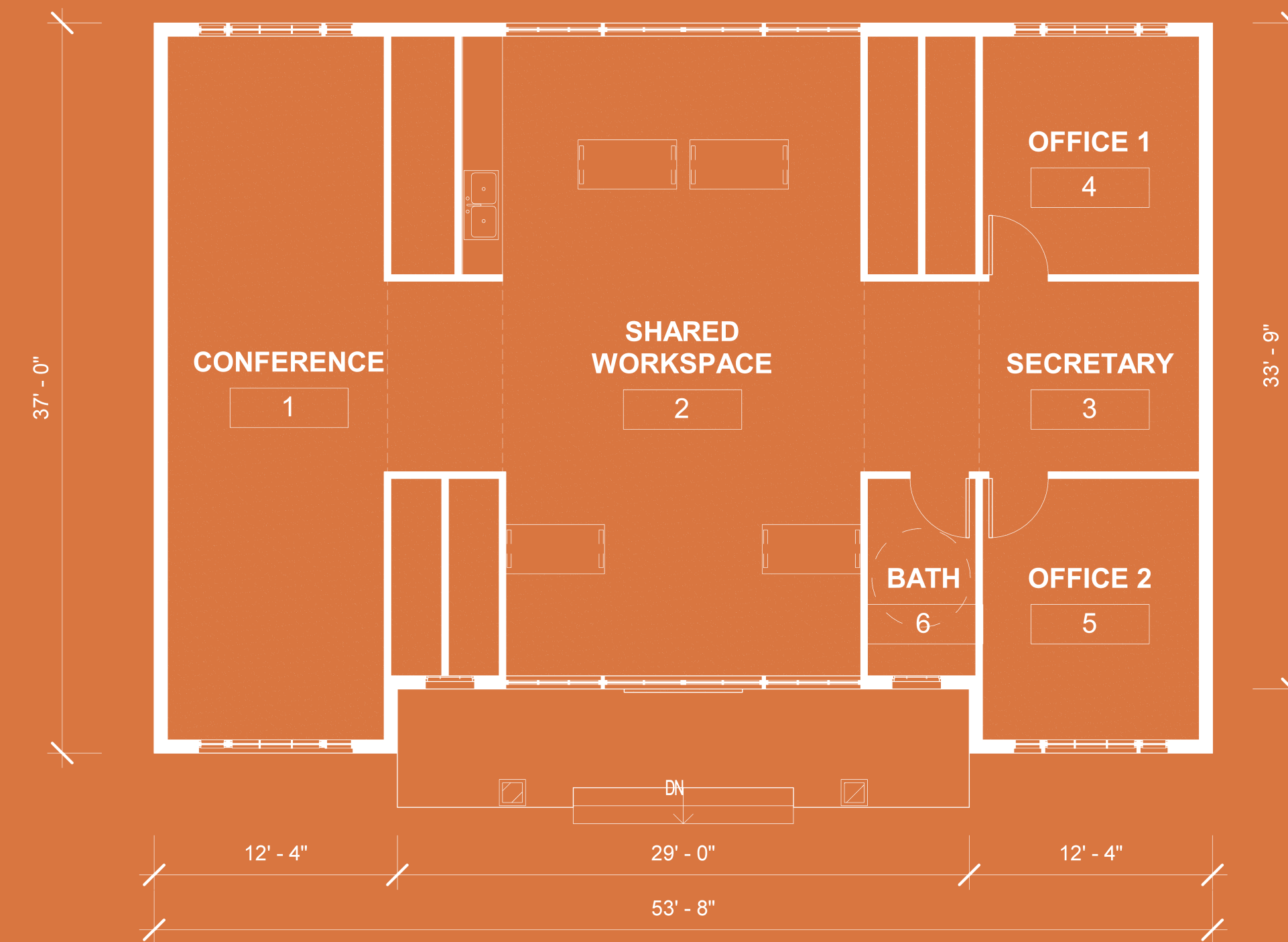
TOTAL PROJECT PARKING SPOTS: 48

ON SITE PARKING: 42

2 ADA PARKING

6 STREET PARKING

FLOOR PLAN



ISOMETRIC VIEW

RENDERED ELEVATIONS

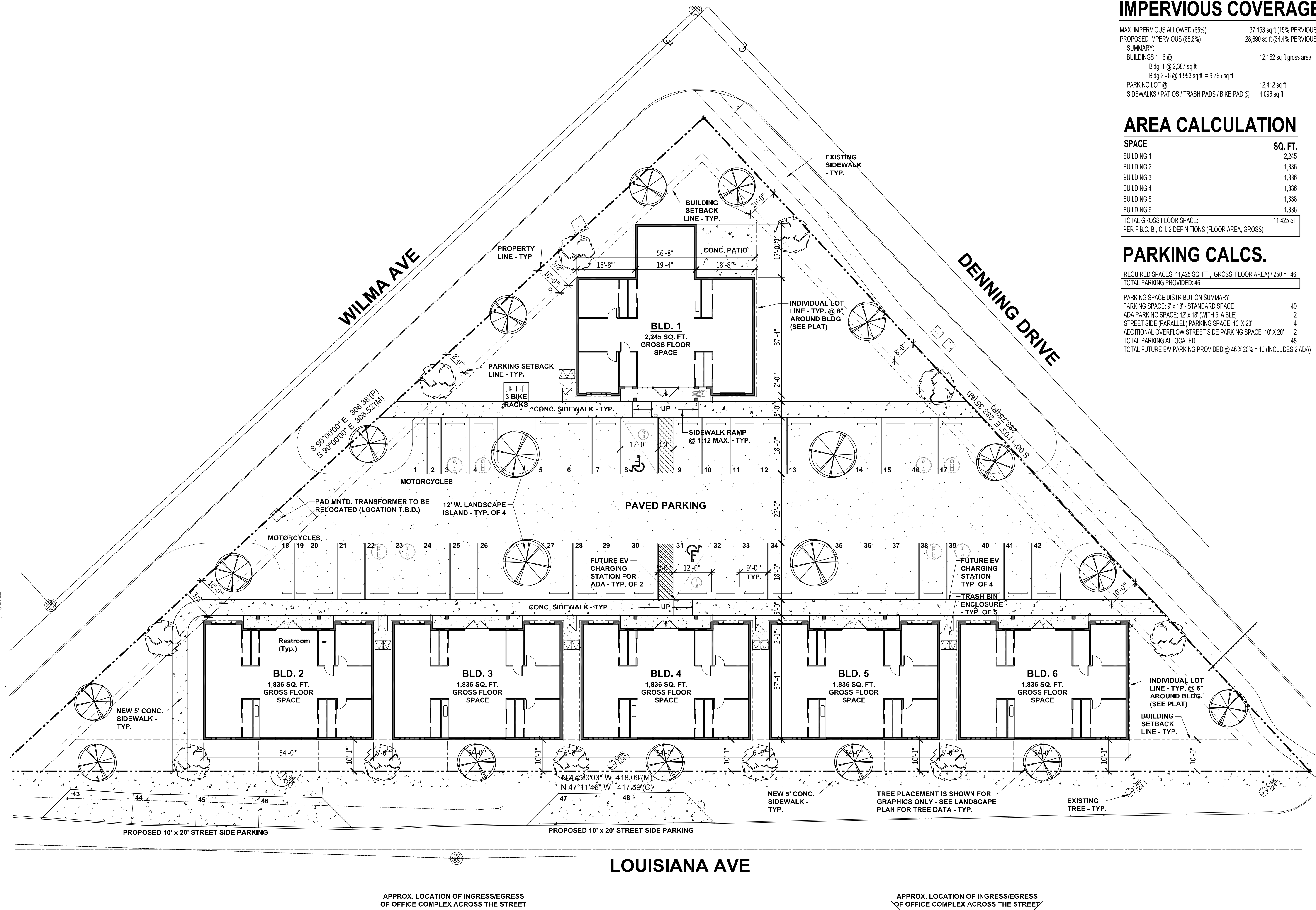


7

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ADDITIONAL OVERFLOW STREET SIDE PARKING SPACE: 10' x 20'	2
TOTAL PARKING ALLOCATED	48
TOTAL FUTURE E/V PARKING PROVIDED @ 46 X 20% = 10 (INCLUDES 2 ADA)	



Project Description: 1150 Louisiana Avenue is a new low density Class A+ office development. This project consists of six free-standing single-story office buildings. Five of the buildings are approximately 1,800 square feet and the remaining building is 2,200 square feet. All the buildings have been pre-sold to Winter Park Residents.

Variance Description: We are asking for a variance of 4 onsite parking spots.

Special Conditions: All the buildings will be owner occupied. Two of the owners live within walking / biking distance to the project. The majority of the owners have minimal staff.

Rights / Privilege: Multiple districts within the City of Winter Park have a parking requirement of “1 for 333”. If we fell within any of these districts, our parking requirement would be 34 spots in lieu of the required 46.

Hardship: The property at 1150 Louisiana Avenue is a unique triangular shaped island. We have designed a low-density product with abundant green space. Additional spaces could be squeezed onto the site to the detriment of our “green space”. Our end users do not need the amount of parking spaces required by the City of Winter Park Code. We can make up the small deficiency in parking by creating a surplus of spaces located on Louisiana Avenue to service not only our businesses but the adjoining neighbors. Additionally, we have entered an off-site parking lease with a nearby neighbor out of abundance of caution.



PLAN SNAPSHOT REPORT BOA-2022-0003 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 02/21/2022
Work Class: Board of Adjustments/Variance Application	District: Winter Park	Exp Date: NOT AVAILABLE
Status: Submitted - Online	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Wiggins, George	Approval Expire Date:

Description: 1150 Louisiana Avenue is a new low density Class A+ office development. This project consists of 6 free-standing single-story office buildings. Of these buildings, 5 are approximately 1,800 square feet and 1 is 2,w00 square feet. All the buildings have been pre-sold to Winter Park Residents.

Parcel: 292201525000001	Main	Address: 1150 Louisiana Ave Winter Park, FL 32789-2354	Main	Zone:
Alternate Contact Z Properties Group, Inc.- MAIN PO BOX488 WINTER PARK, FL 32790-0488 Home: (407) 929-3303 Business: (407) 949-8639	Applicant Zane L Williams (CBC1258166) PO BOX 488 WINTER PARK, FL 32790 Home: (407) 929-3303 Business: 00 Mobile: 00	Owner Zane L Williams (CBC1258166) PO BOX 488 WINTER PARK, FL 32790 Home: (407) 929-3303 Business: 00 Mobile: 00		

Plan Custom Fields

Zoning		Section		Subsection	
Is the property on waterfront?	No	Is this property on historic registry or district?	No	Describe variance	We are asking for a variance for 4 on-site parking spots.
How long have you owned the property?	Under contract for purchase	How long have you occupied the property?	Under contract for purchase	Special Condition	All our owners are Winter Park Residents and all of the buildings will be owner occupied. Two of the owners live within walking/biking distance to the project. These buildings will be running low volume and have minimal staff. parking lease with a nearby neighbor out of abundance of caution.
Rights/Priv	Multiple districts within the City of Winter Park have a parking requirement of "1 for 333". If we fall within any of these districts, we would only have a parking requirement of 34 spots in lieu of our required 46.	Hardship	The property at 1150 Louisiana Avenue is a unique triangular shaped island. We have designed a low-density product with abundant greenspace. Additional spaces could be squeezed onto the site to the detriment of our "green space". Our end users do not require the amount of parking spaces required by the City of Winter Park Code. We can make up the small deficiency in parking by creating a surplus of spaces located on Louisiana Avenue to service not only our businesses but the adjoining neighbors. Additionally, we have entered an off-site		

PLAN SNAPSHOT REPORT (BOA-2022-0003)

Limited Variance No

Attachment File Name	Added On	Added By	Attachment Group	Notes
21.548 - 1150 Louisiana Ave. Site Study for Z-Properties_LOUISIANA ARCHITECTURAL SITE PLAN_A1.1A(2-21-22).pdf	02/21/2022 17:41	Williams, Zane		Uploaded via CSS
Agreement of Sale .pdf	02/21/2022 17:41	Williams, Zane		Uploaded via CSS
Survey.pdf	02/21/2022 17:41	Williams, Zane		Uploaded via CSS
Signature_Zane_Williams_2/21/2022.jpg	02/21/2022 17:41	Williams, Zane		Uploaded via CSS
BOA-2022-0003 Applicant Presentation.pdf	03/30/2022 13:45	Lewis, Nick		
BOA-2022-0003 Applicant Responses to BOA Questions.pdf	03/30/2022 13:45	Lewis, Nick		
BOA-2022-0003 Site Plan.pdf	03/30/2022 13:47	Lewis, Nick		

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00021454	Commercial/Multi-Family Variance Application Fee	\$400.00	\$400.00
Total for Invoice INV-00021454		\$400.00	\$400.00
Grand Total for Plan		\$400.00	\$400.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	Approved	02/21/2022	02/23/2022	03/30/2022	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	02/21/2022	02/23/2022	03/30/2022

Workflow Step / Action Name	Action Type	Start Date	End Date
Application Completeness Check v.1			03/30/2022 13:50
Confirm Application Complete v.1	Generic Action		03/30/2022 13:50
Review v.1			03/30/2022 13:51
Board of Adjustments Review v.1	Receive Submittal	02/21/2022 0:00	03/30/2022 13:50
Issue Invoice v.1	Generic Action		03/30/2022 13:51
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		