



Board of Adjustments Regular Meeting Minutes

April 18, 2023 at 5:00 p.m.

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

Present

Present In-Person: Jason Johnson, Charles Steinberg, Robert Trompke, Cathy Williams, Ann Higbie, and Tom Sims. Absent: Michael Clary. Also Present: City Attorney Rick Geller. Staff: Assistant Director of Planning & Zoning Allison McGillis, Planner I Nick Lewis, Director of Building & Permitting Services Gary Hiatt, Director of Public Works and Transportation Charles Ramdatt, and Recording Secretary Mary Bush.

(1) Call to Order

Chairman Jason Johnson called the meeting to order at 5:03 p.m.

(2) Consent Agenda

Approval of Minutes:

Motion made by Robert Trompke, seconded by Tom Sims to approve the March 21, 2023 meeting minutes.

Motion carried unanimously with a 6-0 vote. (Michael Clary 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-2023-0008: Request of Sean Travis for variance approval from Section 58-70(a)(2), to allow a street-side setback of 13-feet in lieu of the required street-side setback of 20-feet, in conjunction with the overall improvements to the existing home located at 2108 Byron Road, zoned R-1A.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map, aerial view, and site plan for the property. He noted that staff received five neighbor letters in approval of the request and no letters in opposition. He also noted that the applicant's original request was for three variances; one on the street side, one on the rear side, and one on the interior side because the applicant was under the impression that the rear setback was 25 feet. Mr. Lewis explained that the lot is only 105 feet deep, which counts towards the city's short lot depth provision allowing a 15 foot rear setback. He further explained that the applicant was able to revise their site plan and meet the rear and interior side setbacks with only a needed variance for the street side setback. He added that per code, the required street side setback is 20 feet and the applicant's proposed street side setback is 13 feet. Mr. Lewis then briefly spoke on the details for the applicant's floorplan and indicated that the request was in line with the applicant's current fence and the attached garage of their neighboring property. He went on to review the applicant's proposed elevations and then discussed the variance approval criteria as it related to the request. He noted that the proposed location for the applicant's addition is the only location for such an addition without completely renovating the interior of the home. He added that the existing setback leaves no room for an addition towards the street-side lot line without the need for a variance. Mr. Lewis explained that staff did not believe that granting the request would confer any special privilege denied by the zoning ordinance.

Staff recommendation was for approval.

The Board inquired about a possible variance for a similar corner lot with an addition and if the area had been annexed.

The applicant, Sean Travis of 2108 Byron Road, FL 32792 addressed the Board. Mr. Travis spoke on the consensus of the neighborhood being in favor of the request, his family's history in Winter Park, and brief details regarding the design and layout of the project. He also indicated that he wanted to incorporate the city staff's analysis and recommendations as part of his argument for establishing the four variance approval criteria.

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 Jason Johnson, seconded by Cathy Williams, for variance approval from Section 58-70(a)(2), to allow a street-side setback of 13-feet in lieu of the required street-side setback of 20-feet, in conjunction with the overall improvements to the existing home located at 2108 Byron Road, zoned R-1A with a finding that the variance is justified by the criteria outlined in Section 58-92 of the Code of Ordinances of the City of Winter Park; the reasons set forth in the application justify the granting of the variance; the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and the granting of the variance will be in harmony with the general purpose and intent of the zoning article of the Land Development Code and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

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

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

Mr. Lewis informed the Board that staff requested to continue the item to the May 16, 2023 Board of Adjustment regular meeting. He explained that the request was continued by the Lakes and Waterways Board to their May 9, 2023 regular meeting for additional information from the applicant and the request should be heard by the Lakes and Waterways Board prior to being heard by the Board of Adjustment.

Brief discussion ensued regarding the City's pending ordinance to remove boat dock variances from the purview of the Board of Adjustment to solely under the purview of the Lakes and Waterways Board and how its approval or denial by the City Commission would affect the required hearings for the applicant's request. Chairman Johnson then disclosed that the neighbor to the applicant's property is a client of his in litigation and the neighbor is taking a position with respect to the variance application. Chairman Johnson expressed that he needed to recuse himself even with respect to the tabling of the request.

Motion made by Charles Steinberg, seconded by Ann Higbie, to continue the item to the May 16, 2023 Board of Adjustment regular meeting.

Motion unanimously approved with a 5-0 vote. (Jason Johnson recused himself from the vote. Michael Clary was not present for the meeting.)

(5) Non-Action Items

No non-action items.

(6) Staff Updates

No staff updates.

(7) Board Comments

Discussion ensued about the ability of a Board member to call in and appear remotely if they have an emergency or get stuck in traffic and can't make the beginning of the meeting. It was decided that any of the Board members would be able to contact Mrs. McGillis by cellphone to let her know that they would be late to the meeting and to confirm a quorum.

(8) Upcoming Agenda Items

No discussion ensued on upcoming agenda items.

(9) Adjournment

Meeting adjourned at 5:33 p.m.

Minutes approved by the Board on May 16, 2023.

/s/ Recording Secretary Mary Bush