



Board of Adjustments Regular Meeting Minutes

March 21, 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, Michael Clary, and Tom Sims.
Absent: Cathy Williams and Ann Higbie. Also Present: City Attorney J. Giffin Chumley. Staff: Assistant Director of Planning & Zoning Allison McGillis, Planner I Nick Lewis, Planning Technician Aaron Hull, Director of Building & Permitting Services Gary Hiatt, and Recording Secretary Mary Bush.

(1) Call to Order

Chairman Jason Johnson called the meeting to order at 5:02 p.m.

(2) Consent Agenda

Approval of Minutes:

Motion made by Tom Sims, seconded by Michael Clary to approve the February 21, 2023 meeting minutes.

Motion carried unanimously with a 5-0 vote. (Cathy Williams and Ann Higbie were 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-2023-0004: 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 square footage of 2,160 square feet in lieu of the maximum dock square footage 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 and aerial view of the property. He noted that the land development code allows for 600 square feet and 30 square feet in maximum dock area and dock length respectively, which is tailored more to single-family homes. He also noted that there were three boat docks in the vicinity of the applicant's property that had previously been granted variances for larger boat docks and that the applicant's property was commercial based rather than single-family residential. Mr. Lewis then presented the applicant's proposed plans for a floating dock, which he noted was pretty much an attached separate dock that would be used solely for Rollins College sailboats. He went on to briefly review photos of the existing conditions for the dock location. He then discussed the variance approval criteria as it related to the request. He noted that Rollins College's expanding Sailing Club is creating more demand for the dock space to store additional sailboats. He indicated that there are currently 16 sailboats not able to be stored due to maximum room for the current dock space being already filled. Mr. Lewis explained that staff did not believe that granting the request would confer any special privilege because Rollins College is the only entity of its kind in the city, its demand requires much more room than the residentially based code allows, and the fact that it is pretty common practice to have variances for larger boat docks for commercial and multi-family properties.

Staff recommendation was for approval.

The Board asked for clarification on the measurements of the floating dock and inquired about the number of sailboats in the college's current fleet and how many sailboats the extra dock would accommodate. It was corrected that the dock length request was for 45-feet, not 54-feet.

The waterfront director of Rollin's College, David Herbster of 3445 Pinetree Road, Orlando, FL 32804 addressed the Board. Mr. Herbster confirmed that 18 sailboats made up the college's fleet but only 16 sailboats would be accommodated by the extra dock.

Mr. Lewis noted that the Lakes and Waterways Board had approved the Rollins College application for the boat dock at their February 14, 2023 regular Board meeting.

The applicant, Sheila Cichra of 10024 Mason Drive Eustis, FL 32726 addressed the Board. Ms. Cichra spoke on the average residential shoreline obstruction compared to the obstruction that would be caused by the extra dock. She also spoke on how the extra dock would help the conditions of the lake, which includes eliminating dragging of the boats in and out of the water directly across the emergent vegetation and providing a break water to reduce wave action behind the dock. She then briefly explained why an additional 15 feet beyond code was needed for the dock.

The Board briefly inquired with the applicant and staff regarding supports to be installed for the boats and restrictions on Rollins College's use of the dock.

Mr. Herbster addressed the Board and spoke on reasons why he felt the request made sense, which included safety, aesthetics, access enhancement, a possible community sailing program, and positive environmental impacts.

The Board inquired with Mr. Herbster as to why the request was to accommodate 16 sailboats and not the full 18 sailboats in the college's current fleet.

Brief discussion ensued with staff regarding an upcoming ordinance with the City Commission that grants variance authority for docks and boat houses to the Lakes and Waterways Board instead of the Board of Adjustment.

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

The Board then briefly shared their thoughts on the request. They briefly discussed requiring a formal plan for replanting any lost eelgrass, increasing the square footage of the dock to accommodate two more sailboats, and the dock possibly being used for social events. The Board was overall in support of the request.

Motion made by Jason Johnson, 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 square footage of 2,160 square feet in lieu of the maximum dock square footage of 600 square feet, in conjunction with the proposed boat dock to store additional sailboats at 1000 Holt Avenue, zoned PQP 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 5-0 vote. (Cathy Williams and Ann Higbie were not present for the meeting.)

- BOA-2023-0005: Request of Guillermo Lopez for variance approval from Section 58-71 subsections (j)(1), (j)(2), and (n)(2), to allow a swimming pool setback of 8-feet and a pool deck setback of 4-feet in a street-side yard, as well as a wall height of 4-feet in lieu of the maximum 3-foot wall height for street-side yards, in conjunction with the proposed swimming pool and wall located at 1410 Arbor Park Drive, 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 property noting that there were only three real sides to the property. He explained that there was one regular interior side at the north end of the property and two street sides that meet at the front end of the property where Lake Howell Road and Arbor Park Drive connect. He then reviewed the site plan and indicated that the proposed residence shown on the site plan had already been approved by the City. Mr. Lewis then went on to discuss the variance approval criteria as it related to the request. He noted that because the

parcel is a unique, triangular-shaped lot the setbacks create an extremely limited building pad located largely towards the northern portion of the property, away from the corner where the street sides meet. He explained that the applicant also received approval from the City for access via Arbor Park Drive which resulted in there not being enough buildable area left for a swimming pool and deck except for in the front/street-side yard. Having the pool and pool deck in the front/street-side yard also requires the variance for the 4-foot variance as the Florida Building Code requires a minimum fence/wall of 4-feet to secure a swimming pool. Mr. Lewis further explained that staff did not believe that granting the request would confer any special privilege because of the lot's unique shape and location, also functioning as a corner lot, which limits the placement of the structure to the north side of the property leaving only the front/street-side frontage to put a swimming pool and deck, requiring a four foot wall height.

Staff recommendation was for approval.

Mr. Clary asked if the Board could require the applicant to plant a vegetative buffer in the right-of-way (ROW) to soften the look of the wall and property line.

The applicant, Guillermo Lopez of 1410 Arbor Park Drive, Winter Park, FL 32789 addressed the Board. Mr. Lopez indicated that he was willing to plant a vegetative barrier on the outside of the fence line to the property.

Mr. Trompke inquired as to what type of wall or fencing the applicant was planning to install, of which the applicant replied that it would be a block wall with stucco.

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 favor of the request with the condition that a vegetative buffer was required. Discussion ensued regarding the requirements for the vegetative buffer and wall.

Motion made by Jason Johnson, seconded by Tom Sims, for variance approval from Section 58-71 subsections (j)(1), (j)(2), and (n)(2), to allow a swimming pool setback of 8-feet and a pool deck setback of 4-feet in a street-side yard, as well as a wall height of 4-feet in lieu of the maximum 3-foot wall height for street-side yards, in conjunction with the proposed swimming pool and wall located at 1410 Arbor Park Drive, 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, and with the following condition:

- **A vegetative buffer be planted along the southern border and a minimum of 50% of the border along Lake Howell Road, to be maintained at a height no fewer than four feet and no greater than eight feet.**

Motion unanimously approved with a 5-0 vote. (Cathy Williams and Ann Higbie were not present for the meeting.)

Mr. Lewis announced that the City's Planning Technician, Aaron Hull would be presenting the next hearing item and, unfortunately, it would be the first and last time he would present to the Board as he was leaving the City to live and work up north in the state of Colorado.

- BOA-2023-0006: Request of Julie Champion for variance approval from Section 58-71(n)(2) to allow a street-side fence height of 5-feet in lieu of the maximum 3-foot height for street-side yards, in conjunction with the proposed fence located at 2080 St. George Avenue, zoned R-1A.

Mr. Hull provided the Board a brief summary of the request. He presented to the Board an area map and aerial view of the property. He noted that the applicant had come before the Board for a street-side setback variance about two years prior. He also noted that the applicant was requesting a variance to the height of a fence that would be placed along Oak Street, which is located along the ROW of the City of Orlando. He added that across the street from the property is a pocket park belonging to the City of Orlando, so the only residential area near the property is made up of its northern adjacent neighbors. Mr. Hull went on to explain that the applicant was proposing a five foot tall black aluminum picket fence around their property enclosing the pool for privacy and preventing people from accessing Lake Spier via their property. He also explained that

the lot is a 50-foot wide corner lot which is much smaller than the surrounding lakefront lots within the City, making the side setbacks more intense and an almost unbuildable building area. He then indicated that the applicant's previous approval of a street-side setback variance resulted in there no longer being room to set back the fence to allow for a height greater than three feet, which per code a pool fence or wall must be at least four feet in height.

Staff recommendation was for approval.

The applicant, Julie Champion of 4097 Anissa Avenue, Orlando, FL 32814 addressed the Board. Ms. Champion noted that a vegetative buffer will be placed along the interior fence line to provide privacy to the back yard and pool and that the rest of the property line which belongs to the City of Orlando currently has vegetation.

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 the request.

Motion made by Jason Johnson, seconded by Tom Sims, for variance approval from Section 58-71(n)(2) to allow a street-side fence height of 5-feet in lieu of the maximum 3-foot height for street-side yards, in conjunction with the proposed fence located at 2080 St. George Avenue, 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 5-0 vote. (Cathy Williams and Ann Higbie were not present for the meeting.)

- BOA-2023-0007: Request of Michael Scivally, on behalf of the homeowners, Marshall and Susan Harris, for variance approval from Section 58-65(f)(8), to allow a 14-foot rear setback in lieu of the required rear setback of 25-feet for corner lots, to convert the existing patio into enclosed living space for their single-family home at 2924 Rapidan Trail, zoned R-1A.

Mr. Lewis informed the Board that due to unfortunate circumstances the applicant and owner of the property were not able to attend the hearing. He then provided the Board a brief summary of the request and noted that it was for an extension of the same request previously heard by the Board in February of 2022. He presented to the Board an area map and aerial view of the property. He then indicated that the home is located on a corner lot, on a dead-end street, and backs up to a private graveyard. He further indicated that the graveyard is zoned R-1A requiring a 25-foot rear setback instead of PR like the other graveyards in the City, which require only a 10-foot rear setback.

Staff recommendation was for approval.

The Board asked if anything had changed with the request since it was last approved to which Mr. Lewis replied that an ordinance change had occurred but did not affect the request.

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

The Board inquired if the applicant needed to be present for the hearing. City Attorney Chumley advised the Board that the applicant did not have to be present and the Board could rely upon the application information and staff's recommendation to consider the request. Brief discussion then ensued about the progress of a previously mentioned ordinance change recommendation by staff for longer extension periods.

Motion made by Jason Johnson, seconded by Michael Clary, for extension of the previously approved variance from Section 58-65(f)(8), to allow a 14-foot rear setback in lieu of the required rear setback of 25-feet for corner lots, to convert the existing patio into enclosed living space for their single-family home at 2924 Rapidan Trail, zoned R-1A from March 15, 2023 to March 15, 2024.

Motion unanimously approved with a 5-0 vote. (Cathy Williams and Ann Higbie were not present for the meeting.)

(5) Non-Action Items

No non-action items.

(6) Staff Updates

No staff updates.

(7) Board Comments

No Board comments.

(8) Upcoming Agenda Items

No discussion ensued on upcoming agenda items.

(9) Adjournment

Meeting adjourned at 6:12 p.m.

Minutes approved by the Board on April 18, 2023.

/s/ Recording Secretary Mary Bush