



Board of Adjustments Regular Meeting

Agenda

October 17, 2023 @ 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/meetings 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. Approve the minutes of September 19, 2023. 1 minute
 - 3. Public 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-2023-0018: Request of Denise Baba. 10 minutes
 - b. BOA-2023-0019: Request of Leah Milan. 10 minutes
 - 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

October 17, 2023

prepared by**approved by**

Mary Bush, Administrative Coordinator III

subject

Approve the minutes of September 19, 2023.

motion | recommendation**background****strategic objectives****alternatives | other considerations****fiscal impact****attachments**

1. BOA September 19, 2023 Draft Meeting Minutes



Board of Adjustments Regular Meeting Minutes

September 19, 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, Ann Higbie, Cathy Williams, Tom Sims, and Jason Johnson. Also Present: City Attorney Brandon Pownall. Staff: Director of Planning & Zoning Jeff Briggs, Planner II Nick Lewis, Planner I Corinna Lundgren, and Recording Secretary Mary Bush.

(1) Call to Order

Chairman Jason Johnson called the meeting to order at 4:59 p.m.

(2) Consent Agenda

Approval of Minutes:

Motion made by Ann Higbie, seconded by Tom Sims to approve the July 18, 2023 meeting minutes.

Motion carried unanimously with a 6-0 vote. (Robert Trompke was not present for the approval of the minutes.)

(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-2023-0016: Request of Andrew Orosz, for variance approval from Section 58-65(f)(7), to allow a second-story side setback of 18.5-feet in lieu of the required second-story side setback of 36-feet, in conjunction with the proposed addition and overall renovations to the existing single-family home located at 715 Via Lugano, zoned R-1AA.

Mr. Lewis provided the Board a brief summary of the request. He then went on to present to the Board an area map, aerial view, survey, and site plan for the project. He noted that staff had received one neighbor letter in favor of and one email of non-objection to the request and no letters in opposition of it. He then noted that the applicant desired to extend the second story of the existing home over two thirds of the sunroom to create a home office/sitting room. He went on to briefly discuss the details of the existing second story floor plan and the applicant's proposed addition and elevations. Mr. Lewis then discussed the variance approval criteria as it related to the request. He noted that the existing 34.6-foot setback of the second story is already nonconforming, leaving no room to expand the existing second-story towards the eastern lot line without a variance. He went on to explain that the desired use of the addition as a home office/sitting room for the primary bedroom requires that the addition be close to, if not connected to the primary suite. He also explained that the roof of the existing sunroom is experiencing water-intrusion and the addition would help to correct the issue. Mr. Lewis added that because of these issues staff did not believe that granting the request would confer any special privilege denied by the zoning ordinance.

Staff recommendation was for approval.

The applicant, Andrew Orosz at 715 Via Lugano, Winter Park FL 32789 addressed the Board. Mr. Orosz spoke about keeping the existing mature tree growth on the front side of the home, the architectural style of the home, the cumulative setback of the property being in excess of code requirement, the intended repair of the water damage to the sunroom, the proposed location and layout of the addition, and neighbor feedback regarding the request.

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

Motion made by Jason Johnson, seconded by Charles Steinberg, for variance approval from Section 58-65(f)(7), to allow a second-story side setback of 18.5-feet in lieu of the required second-story side setback of 36-feet, in conjunction with the proposed addition and overall renovations to the existing single-family home located at 715 Via Lugano, zoned R-1AA 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 7-0 vote.

(5) Non-Action Items

No non-action items.

(6) Staff Updates

Mr. Lewis noted that the variance application process had been updated to include a checklist style document to assist with the approval process and staff's sufficiency review.

Chairman Johnson inquired on the Board's behalf why there were fewer applications coming before the Board than in prior years. Mr. Lewis explained that it could possibly be that the recent changes to the land development code are working, that more people want to build new homes that would meet the setbacks because property values are currently high, and because of the non-conforming addition allowances that have been maintained in the new code.

(7) Board Comments

No Board comments.

(8) Upcoming Agenda Items

No discussion ensued on upcoming agenda items.

(9) Adjournment

Meeting adjourned at 5:20 p.m.

/s/ Recording Secretary Mary Bush



Board of Adjustments

agenda item

item type

Public Hearings (Public participation and comment on these matters must be in person.)

meeting date

October 17, 2023

prepared by

Nicholas Lewis, Planner II

approved by

John Harbilas, Senior Planner

subject

BOA-2023-0018: Request of Denise Baba.

motion | recommendation

Staff recommendation is for approval of the variance requested.

background

The applicant and homeowner, Denise Baba, is requesting variance approval from Section 58-65(f)(6) in order to construct a new carport addition to the existing single-family home with a front setback of 28.1-feet in lieu of the required front setback of 48-feet, located at 1830 Edwin Boulevard. The property is zoned R-1A.

Variance Review Criteria:**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 applicant is seeking this variance request in order to construct a new, 460 square-foot carport to the existing single-family home on the property, which is 7,500 square-feet in size. The total proposed FAR of 23% (1,725 square-feet) is well within the 40% FAR requirement. The overall impervious coverage also meets the 50% code requirement at 41% (3,087 square-feet). All other existing setbacks are conforming to code.

The required front setback must either be 20% of the lot depth or the setback of the existing structure, the caveat being whichever is greater. In this instance, the existing structure is clearly greater at 48-feet, making the existing setback the required front setback of the structure.

However, 48-feet is well behind the rest of the block. The average of the four closest structure

is 32-feet. In this case, the applicant is requesting 28-feet in order to achieve a carport depth of 20-feet, which is generally accepted as the minimum necessary to fit modern-sized vehicles. Although this is slightly in front of the neighboring properties, staff feels that 28-feet is much more in line with the remainder of the street than the existing 48-foot setback. Further, at the existing side setbacks, there is no room to place a carport or garage structure in the rear of the lot.

In addition, the home was originally constructed with a carport which was destroyed by a hurricane in the late-2000's. Because of the structure's age, the City does not have records as to the previous carport's size.

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.

Under Section 58-65(f)(6), the required front setback is 48-feet, which is the existing setback of the structure. In this instance, there is no room for any sort of front setback addition. Based on the existing side setbacks, there is also no room to put a carport or garage structure in the rear of the property. Therefore, based on the existing conditions, there is no remedy other than the requested variance.

Actions of the Applicant

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

The applicant purchased the property in 2015, well after the structure was originally constructed with the former carport and after the former carport was destroyed. Therefore, the existing special conditions and circumstances did not result from the actions of the applicant.

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 due to the existing setback conditions of the existing structure compared to the rest of the street and the fact that there was historically a carport as part of the structure, the proposal would not confer onto the applicant any special privilege.

Summary

Staff believes that the applicant meets the four criteria required to grant the variance

requested.

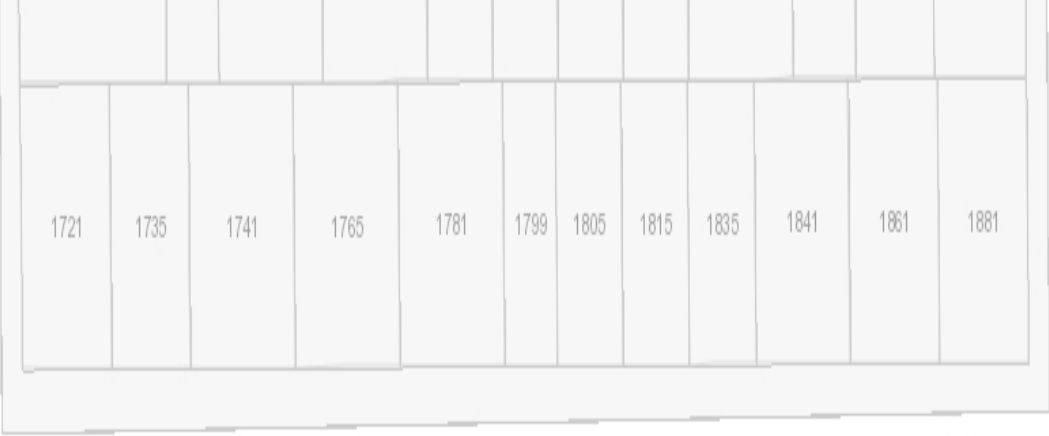
strategic objectives

alternatives | other considerations

fiscal impact

attachments

1. 1830 Edwin Blvd - Area Map
2. 1830 Edwin Blvd - Aerial Map
3. 1830 Edwin Blvd - Neighbor Letter Map
4. 1830 Edwin Blvd - Survey
5. 1830 Edwin Blvd - Plan Set
6. 1830 Edwin Blvd - Applicant Presentation
7. 1830 Edwin Blvd - Applicant Energov Submittal





Winter Park



BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 30, CAMPO BELLO, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK L, PAGE 23, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FLOOD INFORMATION:

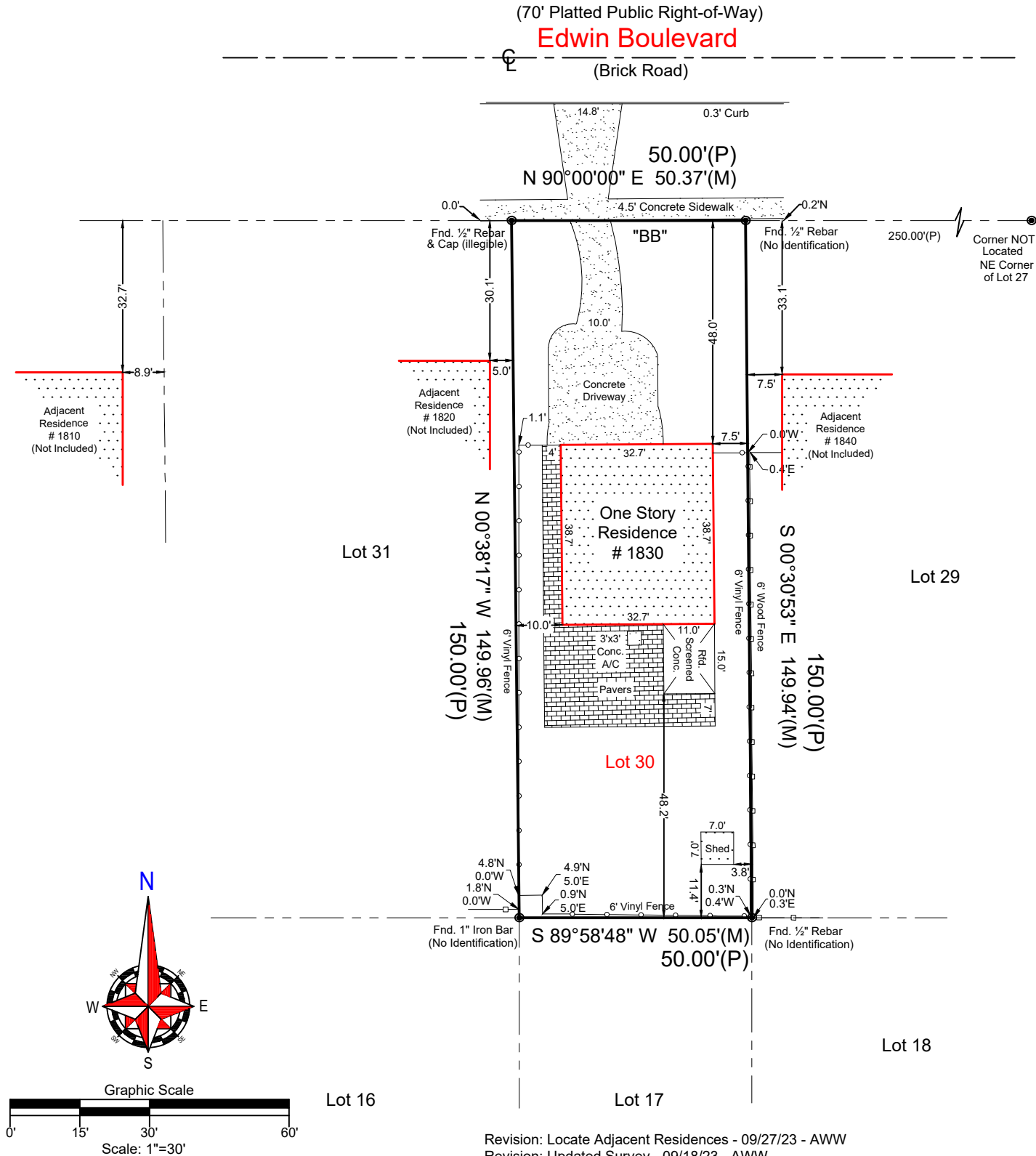
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF WINTER PARK, COMMUNITY NUMBER 120188, DATED 09/25/2009.

CERTIFIED TO:

DENISE KANASHIRO BABA



1830 EDWIN BOULEVARD, WINTER PARK, FLORIDA 32789



Revision: Locate Adjacent Residences - 09/27/23 - AWW
Revision: Updated Survey - 09/18/23 - AWW

Field Date: 9/25/2023	Date Completed: 09/19/23
Drawn By: J.P.	File Number: S-24801 U
-Legend-	
C - Calculated	PC - Point of Curvature
CB - Centerline	Pg. - Page
CM - Concrete Block	PI - Point of Intersection
CM - Concrete Monument	P.O.B. - Point of Beginning
Conc. - Concrete	P.O.L. - Point on Line
D - Description	PP - Power Pole
DE - Drainage Easement	PRM - Permanent Reference Monument
Esmt. - Easement	PT - Point of Tangency
F.E.M.A. - Federal Emergency Management Agency	R - Radius
FFE - Finished Floor Elevation	Rad. - Radial
Fnd. - Found	R&C - Rebar & Cap
IP - Iron Pipe	Rec. - Recovered
L - Length (Arc)	Rfd. - Roofed
M - Measured	Set - Set 1/2" Rebar & Cap "LB 7623"
N&D - Nail & Disk	Typ. - Typical
N.R. - Non-Radial	UE - Utility Easement
ORB - Official Records Book	WM - Water Meter
P - Plat	Δ - Delta (Central Angle)
P.B. - Plat Book	—○— - Chain Link Fence
—□— - Wood Fence	

-NOTES-

>Survey is Based upon the Legal Description Supplied by Client.

>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.

>Subject to any Easements and/or Restrictions of Record.

>Bearing basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".

>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.

>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 Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 6J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

PATRICK IRELAND 6637 **LB: 7623**

Patrick K. Ireland

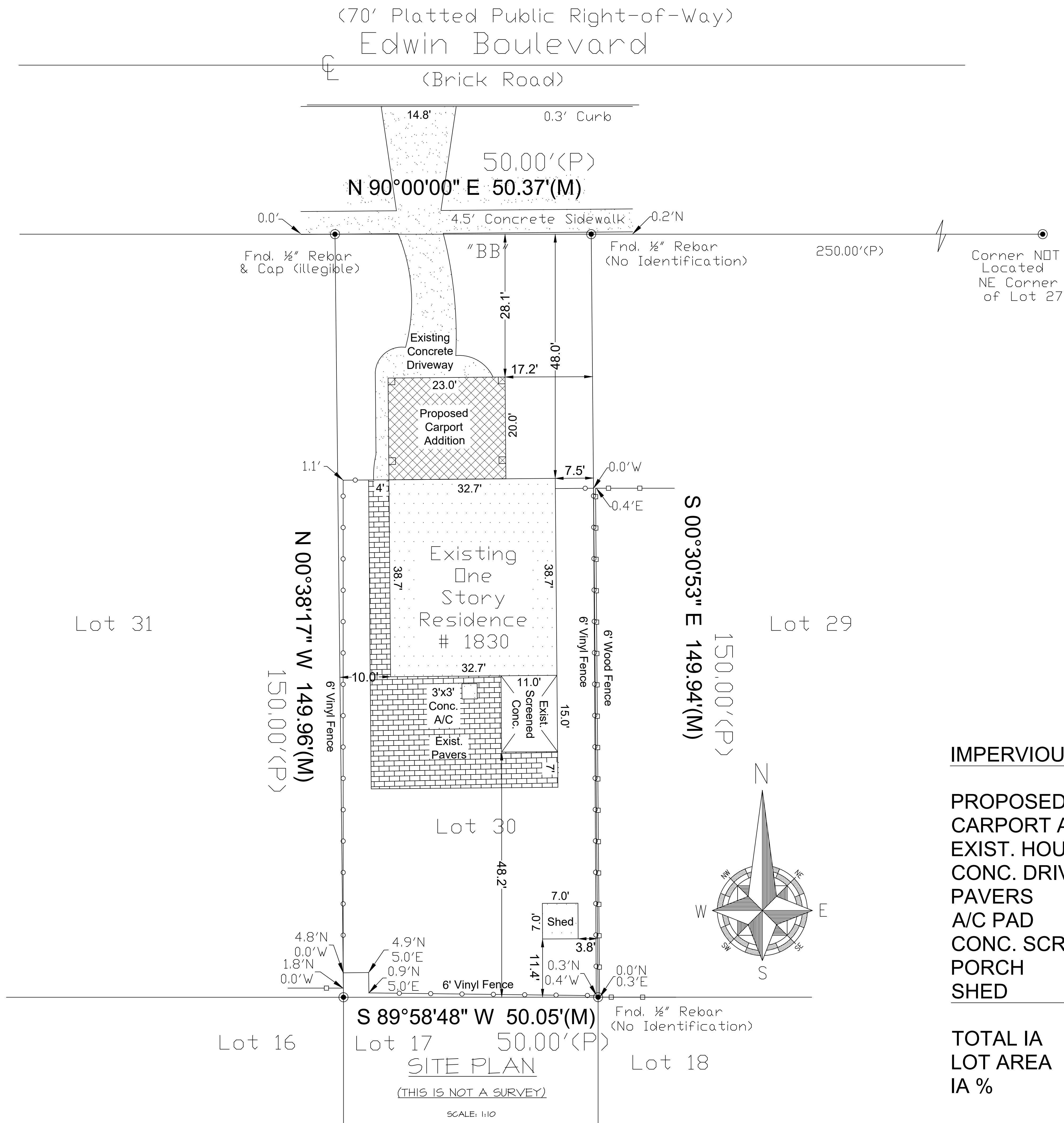
PATRICK IRELAND 6637 **LB: 7623**

This survey is intended ONLY for the use of said certified parties. This survey is NOT valid without signature and embossed with Surveyors Seal.

Ireland & Associates Surveying, Inc.

800 Currency Circle | Suite 1020
Lake Mary, Florida 32746
www.irelandsurveying.com

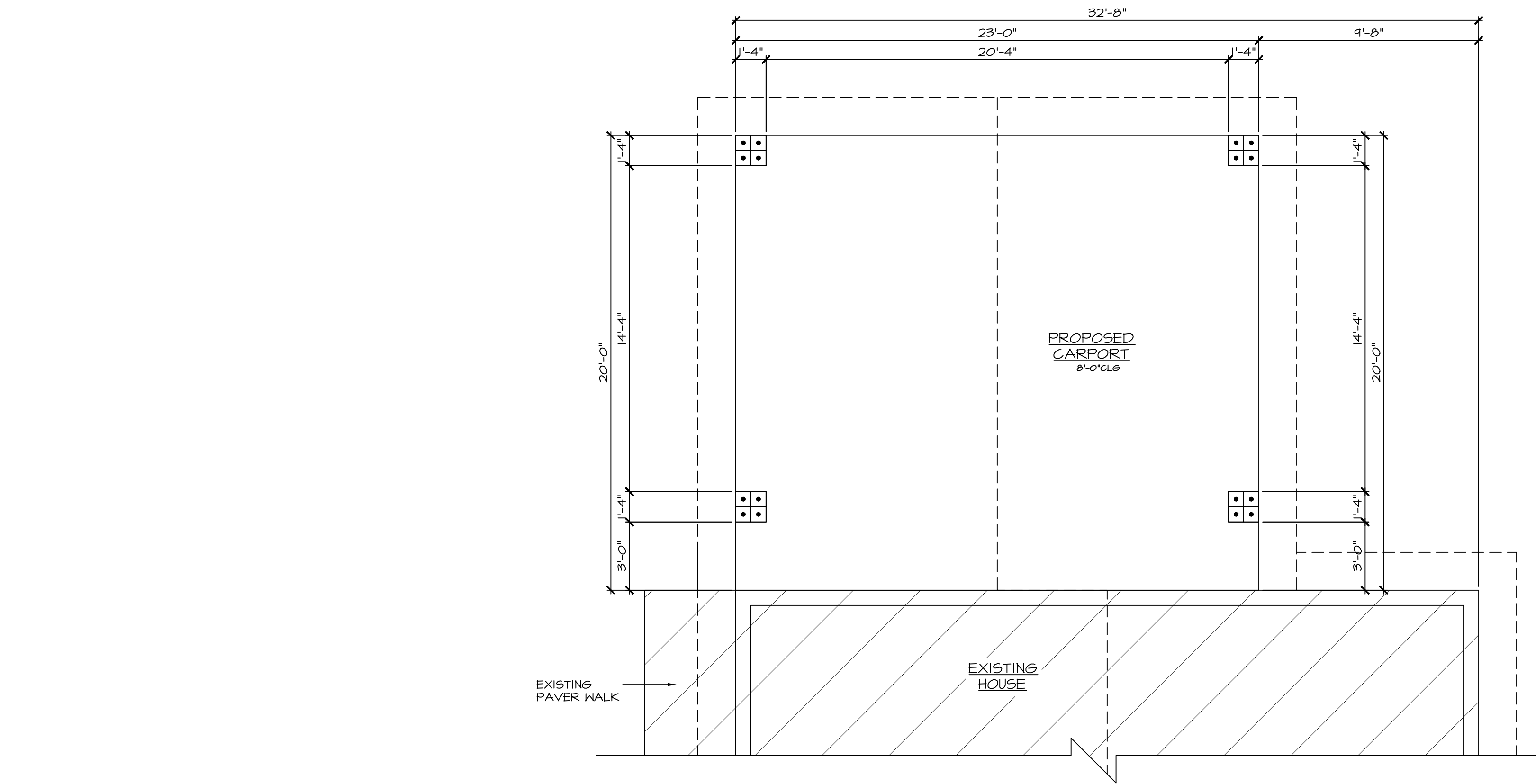
Office-407.678.3366 Fax-407.320.8165



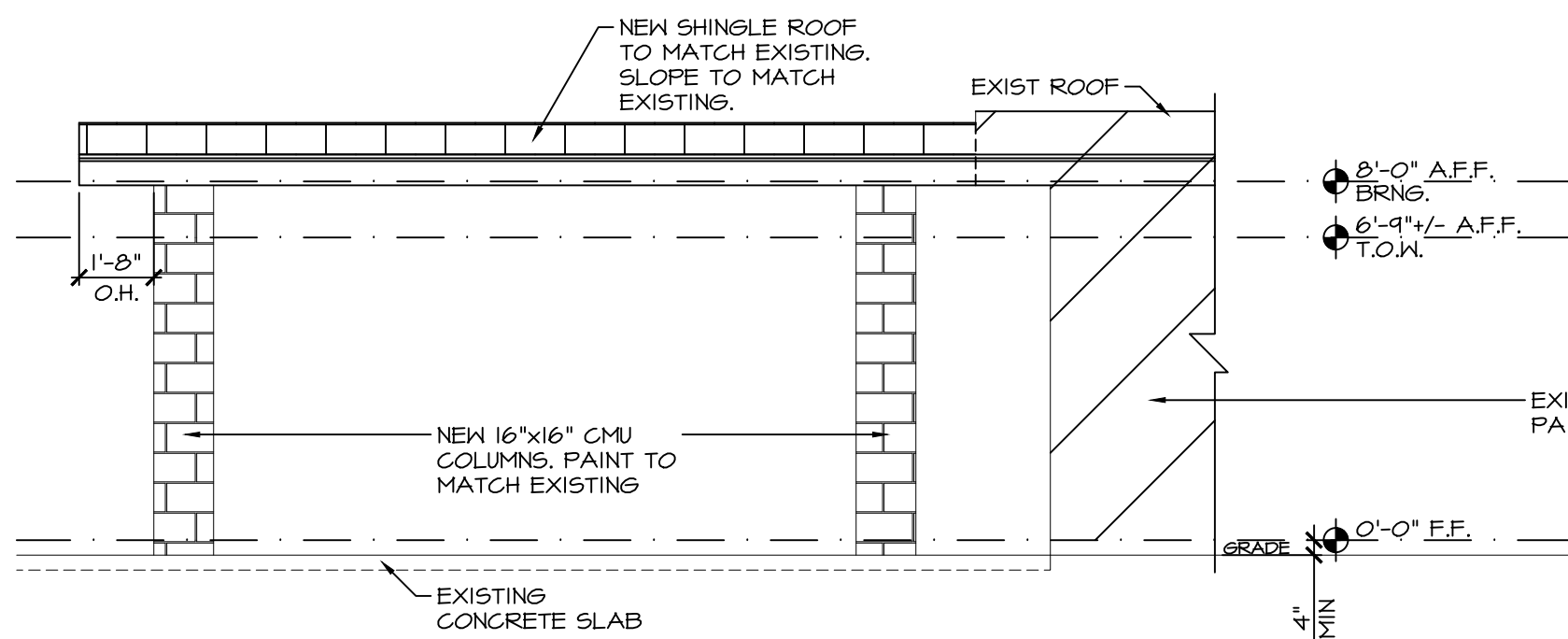
IMPERVIOUS AREA (IA) CALCULATIONS

PROPOSED CARPORT ADD.	=	460	SF
EXIST. HOUSE	=	1265.49	SF
CONC. DRIVE	=	355.46	SF
PAVERS	=	783.2	SF
A/C PAD	=	9	SF
CONC. SCREEN	=		
PORCH	=	165	SF
SHED	=	49	SF

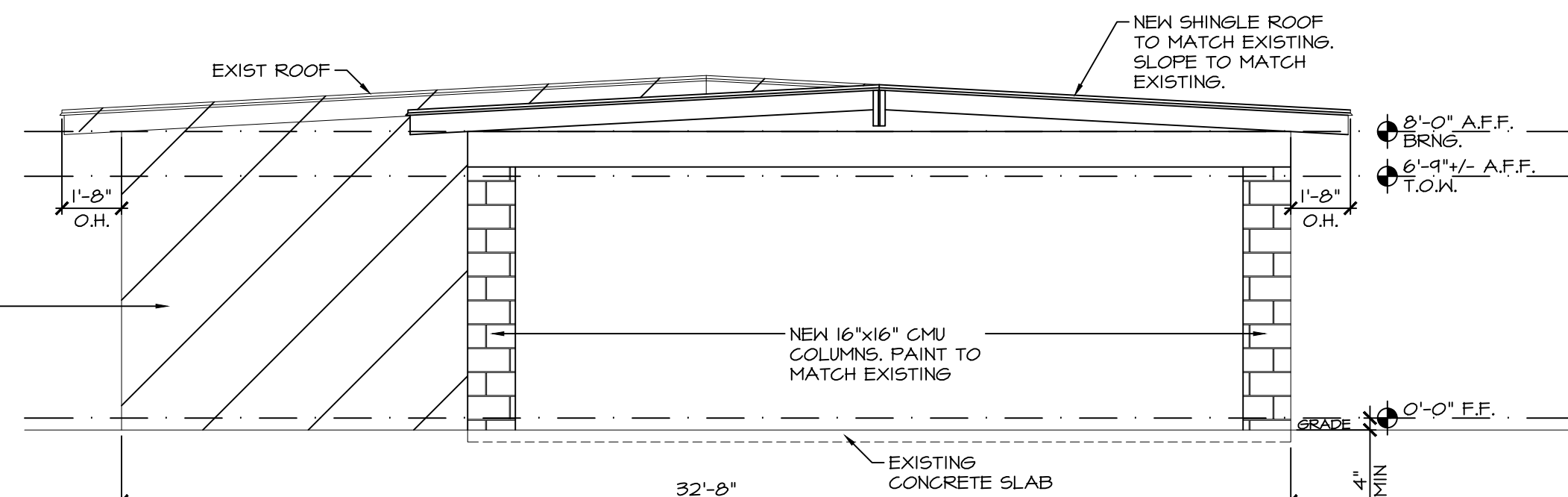
TOTAL IA	=	3087.15	SF
LOT AREA	=	7528.45	SF
IA %	=	41.00	%



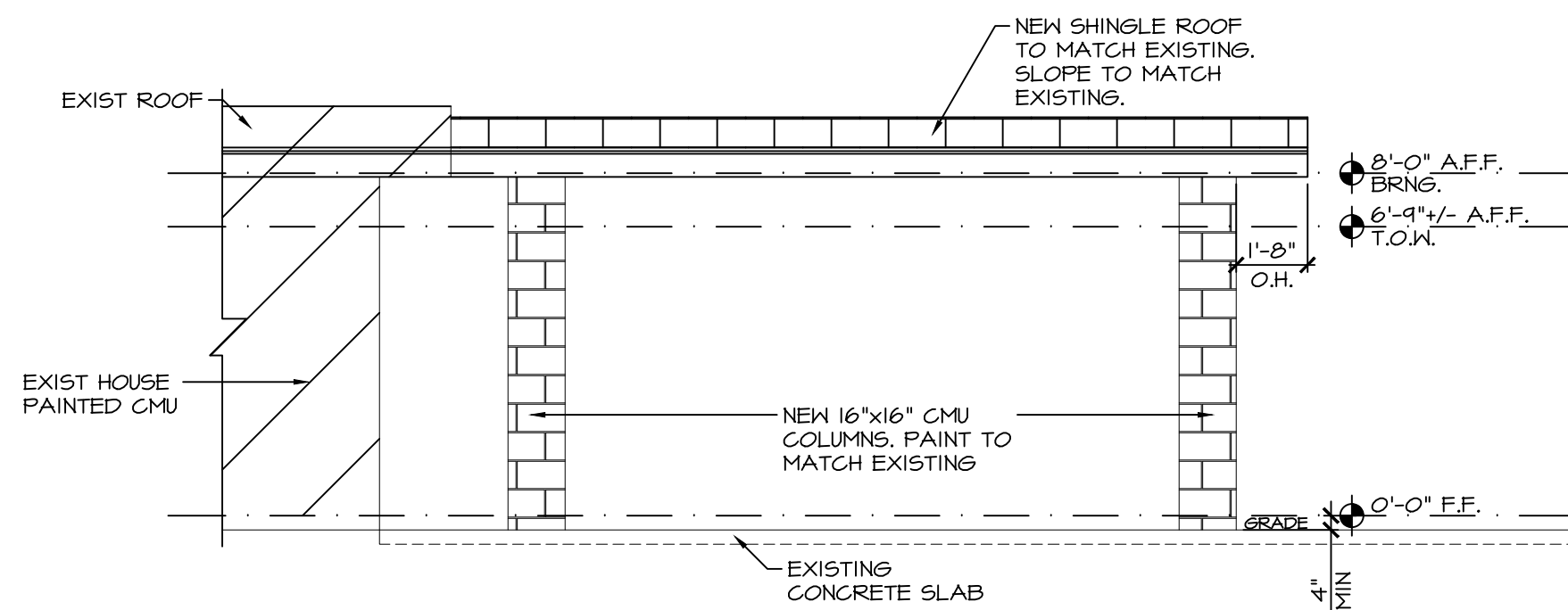
PROPOSED CARPORT PLAN
SCALE: $\frac{1}{4}'' = 1'-0''$



PROPOSED LEFT SIDE ELEVATION
SCALE: $\frac{1}{4}'' = 1'-0''$



PROPOSED FRONT ELEVATION
SCALE: $\frac{1}{4}'' = 1'-0''$

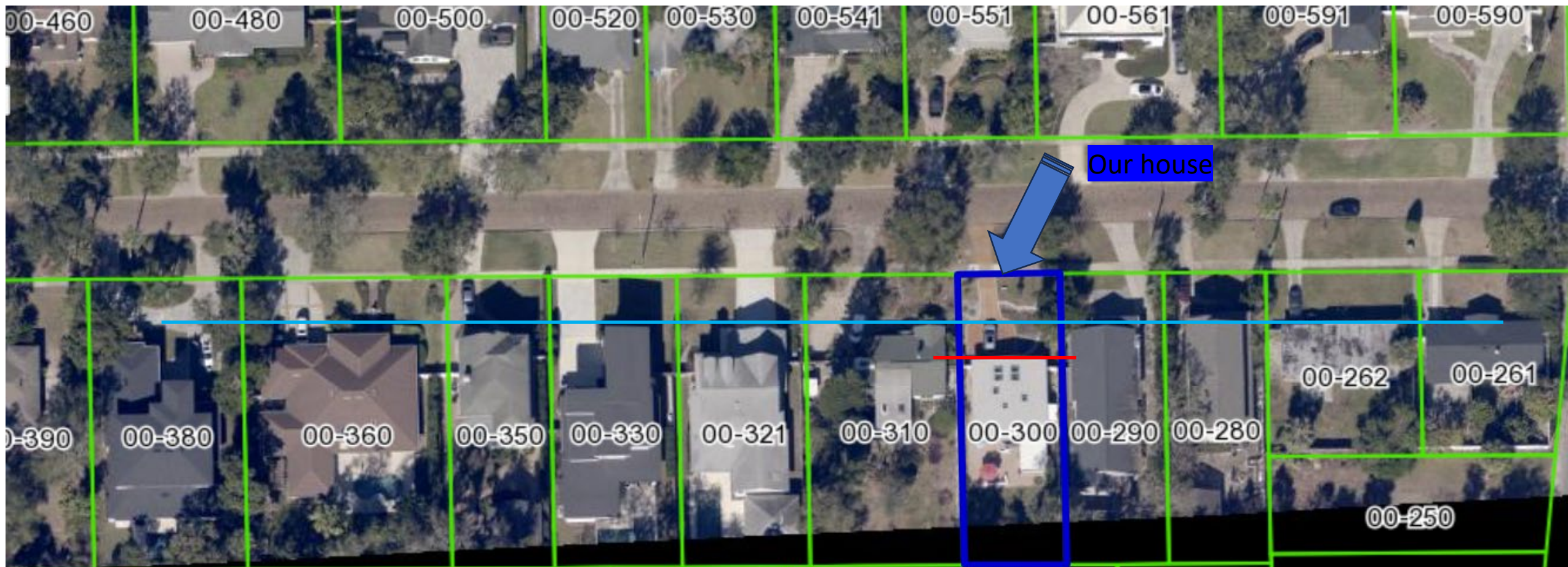


PROPOSED RIGHT SIDE ELEVATION
SCALE: $\frac{1}{4}'' = 1'-0''$

**1830 Edwin Blvd
Winter Park, FL 32789**

**Variance from the required front
setback of 48ft to 28.1ft to build a
new carport**

Comparison with other Houses on the same street



Old Carport that existed in front of the house and it was destroyed by a storm



302205114000300 03/15/2006

Picture of the direct neighbor at 1840 Edwin Blvd (light grey house)



Picture of the direct neighbor at 1820 Edwin Blvd (white house)



Supporting Letters from my neighbors

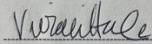
Jordan Morse-Thomas Hale / Vivian Lola Hale
1840 Edwin Blvd
Winter Park, FL 32789

August 31, 2023
Re: Variance from the required front setback of 48ft to 25ft

Dear Board of Adjustments,

I was recently informed that my neighbor Denise Kanashiro Baba that lives in the house located at 1830 Edwin Blvd, Winter Park, FL 32789 intends to build a new carport in front of her house. I am writing this letter to indicate my support. The project looks good, and the requested front setback will be like the setback of other houses in our street, hence not compromising any aesthetics.

Best Regards,



Jordan Morse-Thomas Hale / Vivian Lola Hale

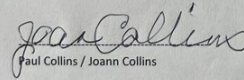
Paul Collins / Joann Collins
1820 Edwin Blvd
Winter Park, FL 32789

August 31, 2023
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Best Regards,



Paul Collins / Joann Collins

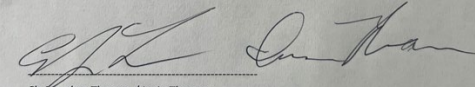
Christopher Thomas / Insia Thomas
1810 Edwin Blvd
Winter Park, FL 32789

August 31, 2023
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Best Regards,



Christopher Thomas / Insia Thomas

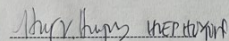
Hiep Huynh / Phan Nhan
1770 Edwin Blvd
Winter Park, FL 32789

August 31, 2023
Re: Variance from the required front setback of 48ft to 25ft

Dear Board of Adjustments,

I was recently informed that my neighbor Denise Kanashiro Baba that lives in the house located at 1830 Edwin Blvd, Winter Park, FL 32789 intends to build a new carport in front of her house. I am writing this letter to indicate my support. The project looks good, and the requested front setback will be like the setback of other houses in our street, hence not compromising any aesthetics.

Best Regards,



Hiep Huynh / Phan Nhan

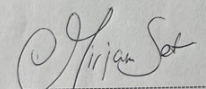
Drew Jeter / Mirjam Jeter
1750 Edwin Blvd
Winter Park, FL 32789

August 31, 2023
Re: Variance from the required front setback of 48ft to 25ft

Dear Board of Adjustments,

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Best Regards,



Drew Jeter / Mirjam Jeter

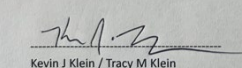
Kevin J Klein / Tracy M Klein
1740 Edwin Blvd
Winter Park, FL 32789

August 31, 2023
Re: Variance from the required front setback of 48ft to 25ft

Dear Board of Adjustments,

I was recently informed that my neighbor Denise Kanashiro Baba that lives in the house located at 1830 Edwin Blvd, Winter Park, FL 32789 intends to build a new carport in front of her house. I am writing this letter to indicate my support. The project looks good, and the requested front setback will be like the setback of other houses in our street, hence not compromising any aesthetics.

Best Regards,



Kevin J Klein / Tracy M Klein



PLAN SNAPSHOT REPORT BOA-2023-0018 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments
Work Class: Board of Adjustments/Variance Application
Status: Submitted - Online
Valuation: \$0.00

Project:
District: Winter Park
Square Feet: 0.00
Assigned To: Lewis, Nick

App Date: 08/31/2023
Exp Date: NOT AVAILABLE
Completed: NOT COMPLETED
Approval Expire Date:

Description: Variance for setback requirements to build an open carport in front of my house. The new setback requirement established in January 2023 precludes me from having the same setback as every house in my street.

Parcel: 302205114000300	Main	Address: 1830 Edwin Blvd Winter Park, FL 32789	Main	Zone:
Owner do not use Home: 00 Mobile: 00	Applicant Denise K Baba 1830 EDWIN BLVD WINTER PARK, FL 32789 Business: (407) 865-4352 Mobile: (407) 865-4352	Alternate Contact Jan Willem Poppe Mobile: (407) 443-9840		

Plan Custom Fields

Is the property on waterfront?	No	Section	58	Subsection	65
Zoning	f	Is this property on historic registry or district?	No	Describe variance	Variance from the required front setback of 48ft to 25ft.
How long have you owned the property?	Since November 30, 2015	How long have you occupied the property?	Since February 1, 2016	Special Condition	In January 2023 a new front setback requirement was established by Ordinance 3258-22 - Amending Chapter 58, "Land Development Code", Article III, "Zoning Regulations" Sections 58-61 through 58-71. The new setback requires a minimum of 20% of the lot depth or existing setback, whichever is greater. That requirement impose a 48ft setback in my property where every house on my street have a 25ft setback. The house originally had a carport in front of the house that was destroyed by a hurricane. This variance is to ask for an allowance to rebuild the carport. The house does not have any garage or a carport to protect the family vehicles and to allow us to safely enter our house when there are thunderstorms, lightning and heavy rain. We have an 18-month baby, and the carport is badly needed.
Rights/Priv	The follow properties	Edwin Boulevard 1740,	1750, 1770, 1790, 1800,		

PLAN SNAPSHOT REPORT (BOA-2023-0018)

1810, 1820,1840 and 1850 all have a front setback of 25ft. The new ordinance is requiring a much larger front setback than all the existing houses in the street.	Hardship	The much larger setback prevents the reconstruction of the carport.	Limited Variance	Yes.
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Attachment File Name	Added On	Added By	Attachment Group	Notes
Support Letters.docx	08/31/2023 14:21	Kanashiro Baba, Denise		Signed Checklist
Survey.jpg	08/31/2023 14:21	Kanashiro Baba, Denise		Survey
Variance.docx	08/31/2023 14:21	Kanashiro Baba, Denise		Site Plan
zoning-setback-worksheet.pdf	08/31/2023 14:21	Kanashiro Baba, Denise		Site Plan
Signature_Denise_Baba_8/31/2023.jpg	08/31/2023 14:21	Kanashiro Baba, Denise		Uploaded via CSS
1830 EDWIN CARPORT ADDITION 09-22-23.pdf	09/26/2023 9:11	Lewis, Nick		Plan Set
1820 Edwin.jpg	09/28/2023 16:11	Lewis, Nick		
Picture of carport.jpeg	09/28/2023 16:11	Lewis, Nick		
Updated__survey_r1_additional SetBacks.pdf	09/28/2023 16:11	Lewis, Nick		
Variance-rev01.pptx	09/28/2023 16:11	Lewis, Nick		
1830 EDWIN CARPORT ADDITION 10-04-23.pdf	10/05/2023 9:27	Lewis, Nick		Updated Plan Set

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00039484	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00039484		\$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	08/31/2023	09/05/2023	09/26/2023	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	08/31/2023	09/05/2023	09/01/2023

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			09/26/2023 9:10
Board of Adjustments Review v.1	Receive Submittal	08/31/2023 0:00	09/26/2023 9:10
Issue Invoice v.1	Generic Action		09/26/2023 9:10
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		



Board of Adjustments

agenda item

item type

Public Hearings (Public participation and comment on these matters must be in person.)

meeting date

October 17, 2023

prepared by

Nicholas Lewis, Planner II

approved by

John Harbilas, Senior Planner

subject

BOA-2023-0019: Request of Leah Milan.

motion | recommendation

Staff recommendation is for approval of the variance requested subject to the following condition(s):

1) That the fence be setback 5-feet from the front lot line with a landscape buffer between the fence and the lot line.

background

The applicant and homeowner, Leah Milan, is requesting variance approval from Section 58-71(n)(2) in order to construct a 6-foot-high fence in lieu of the maximum 3-foot-high fence in the front yard, located at 901 Osceola Avenue. The property is zoned R-1AA.

Variance Review Criteria:**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 applicant is seeking this variance request in order to construct a new 6-foot-high fence in the front yard along the portion of state road 426 known as Osceola Avenue (SR-426). When the applicant purchased the property, a row of podocarpus hedges existed along the front lot line to buffer the structure and the property from SR-426. Recently, a car crashed through the mature hedges and the applicant realized they needed to more adequately address the safety and privacy concerns that stem from the property's location along the major arterial roadway.

The neighboring structures along SR-426 to the northeast, similar to the subject property, all face onto SR-426 and do not have any wall or fence to serve as a privacy buffer. However,

besides the subject property, all of these structures are significantly setback from the road. The neighboring structures to the southwest are through lots that face Trismen Terrace. Both of these properties have a 6-foot wall to buffer these structures from SR-426, which, like the subject property, are much closer to the roadway.

However, the two walls of the neighbors to the southwest are right along the lit line shared with the SR-426 right-of-way and back up directly to the existing sidewalk, exacerbating an already undesirable experience for pedestrians along SR-426. Staff is recommending a condition that the proposed fence be setback 5-feet with a landscape buffer between the fence and sidewalk to provide some relief for pedestrians utilizing the sidewalk.

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.

Under Section 58-71(n)(2), the maximum height of fences located in street-facing yards is 3-feet. In this instance, however, there is a greater need for a privacy and safety buffer with the structure so close to SR-426. Because there is no room to setback the fence far enough to allow a higher height, there is no remedy other than the requested variance.

Actions of the Applicant

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

The applicant purchased the property in 2021, well after the structure was originally constructed. Therefore, the existing special conditions and circumstances did not result from the actions of the applicant as they did not have any decision-making authority in the structure's design and placement so close to SR-426. The applicant believed that the existing landscape buffer was enough of a buffer between the road and structure prior to the accident that took out a significant portion of the landscaping.

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 the existing lot and structure conditions, coupled with the privacy and safety concerns along DR-426, would not confer onto the applicant any special privilege.

Summary

Staff believes that the applicant meets the four criteria required to grant the variance

requested.

strategic objectives

alternatives | other considerations

fiscal impact

attachments

1. 901 Osceola Avenue - Area Map
2. 901 Osceola Avenue - Aerial Map
3. 901 Osceola Avenue - Survey
4. 901 Osceola Avenue - Model Elevation
5. 901 Osceola Avenue - Applicant Energov Submittal





TRISIMEN TERRACE

Winter Park

OSCEOLA AVENUE

426

County

Boundary Survey

Legal Description:

Lot 6, Block E, OSCEOLA SHORES SECTION 1, according to the Plat thereof as recorded in Plat Book S, Page 10, of the Public Records of Orange County, Florida, less that part in Osceola Avenue, as recorded in Official Records Book 1952, page 326, and as recorded in Official Records Book 2007, Page 250, Public Records of Orange County, Florida, being that same property described in that certain deed recorded in Official Records Book 10853, Page 7841, of the Public Records of Orange County, Florida.



Approx 104 ft of
6' High
Horizontal Aluminum.
1 walk gate.
1 Double gate

-Site Benchmark Information-

#1

Box Cut in Concrete
Elevation: 69.16'

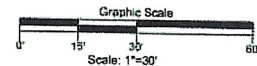
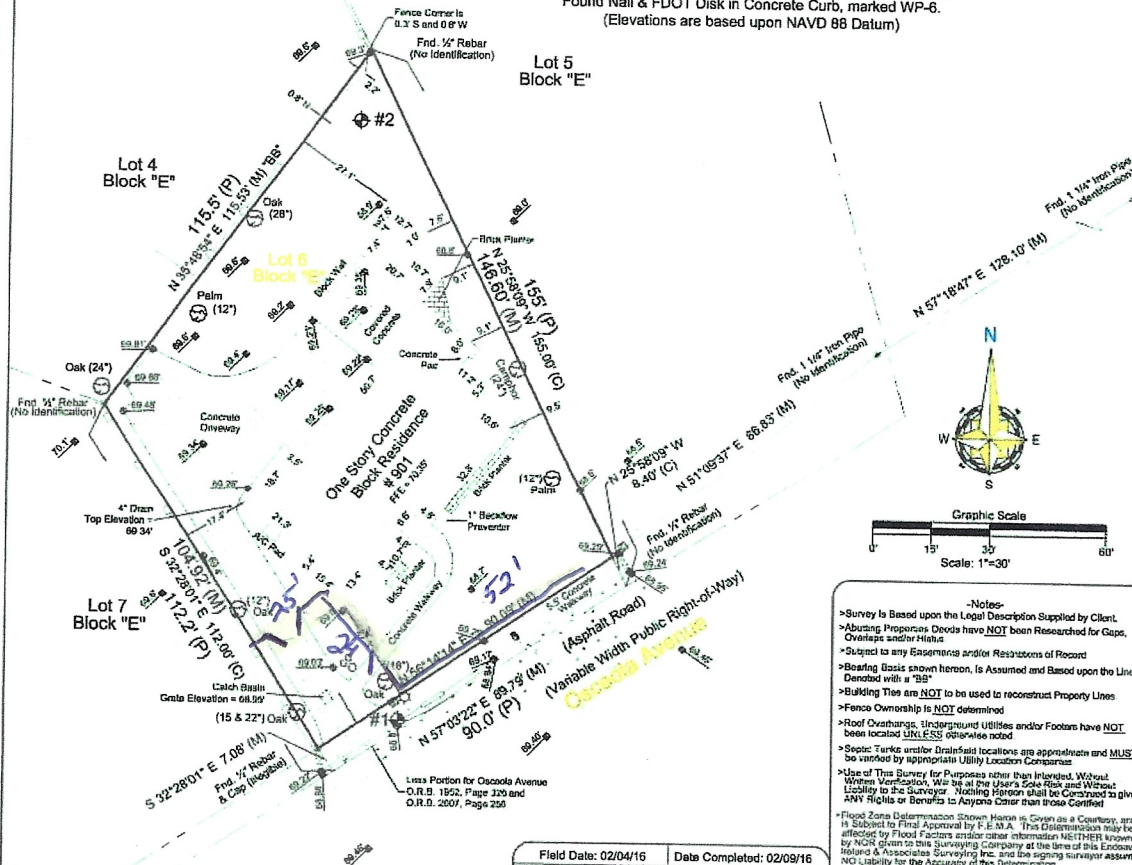
#2

Set 1/2" Rebar & Cap "LB 7623"
Elevation: 69.30'

-Benchmark Information-

FDOT Vertical Control Datum Elevation: 76.756'

Found Nail & FDOT Disk in Concrete Curb, marked WP-6.
(Elevations are based upon NAVD 88 Datum)



-Notes-
 >Survey is Based upon the Legal Description Supplied by Client.
 >Adjacent Properties Deeds have NOT been researched for Gaps, Overlaps and/or Holes.
 >Subject to any Easements and/or Restrictions of Record.
 >Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BS".
 >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.
 >Septic Tanks and/or Drains/soil 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 herein shall be construed to give ANY Rights or Benefits to Anyone other than those Certified.
 >Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this Enclosure Ireland & Associates Surveying Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.

Field Date: 02/04/16	Date Completed: 02/09/16
Drawn By: GLG	File Number: IS-26323
Legend: C - Callout CR - Concrete Monument CM - Concrete Monument Conc. - Concrete D - Discontinuity DE - Drainage Easement E - Easement F.E.M.A. - Federal Emergency Management Agency FFE - Filled First Elevation F - Foundation I - Iron Pipe L - Long (Arc) M - Monument NAD - North Arrow N.R. - Official Records Book P.B. - Plat Book W - Wood Fence PC - Point of Curvature Pp - Page P - Pin 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 Roc - Retention Rfd - Roofed Set - Set 1/2" Rebar & Cap "LB 7623" Typ - Typical UE - Utility Easement WM - Water Meter Δ - Delta (Compass Angle) - - - - - Char - Line Fence	

CERTIFIED TO:
Mary Olinzock and Joseph Olinzock

Flood Zone: X Panel: 0255F
Community Number: 12095C Date: 9/25/2009

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 a duly Licensed Surveyor under my Commission in the State of Florida, based on information furnished to me as noted and conforms to the Standards of Practice for Land Surveying in the State of Florida in accordance with Chapter 463-11, F.S. and Florida Administrative Code, pursuant to Statute 470.07, Florida Statute.

Patrick K. Ireland
 Patrick K. Ireland, P.S.M. 8837, L.B. 7623
 This Survey is intended ONLY for the use of said Certified Parties.
 The Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal

Ireland & Associates
 Surveying, Inc.
 5725 Weyside Drive, Suite 1002, Sanford, FL 32771
 Office-407.678.3366 Fax-407.320.8165
 www.irelandssurveying.com





PLAN SNAPSHOT REPORT BOA-2023-0019 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 09/26/2023
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: Lewis, Nick	Approval Expire Date:
Description: 6 Foot Aluminum Fence in Front Yard		

Parcel: 302205647205060	Main	Address: 901 Osceola Ave	Main	Zone:
		Winter Park, FL 32789-5138		
Owner Floreal Bueno 901 OSCEOLA AVE WINTER PARK, FL 32789-5138 Home: (818) 497-4980 Mobile: (818) 497-4980	Applicant Floreal Bueno 901 OSCEOLA AVE WINTER PARK, FL 32789-5138 Home: (818) 497-4980 Mobile: (818) 497-4980			

Plan Custom Fields

Is the property on waterfront?	No	Section		Subsection	
Zoning		Is this property on historic registry or district?	No	Describe variance	Installation of a 6 Foot Aluminum Fence, a walk gate, and a double gate. In the past, there were mature hedges which were destroyed when a car crashed in the front yard. There were also no gates.
How long have you owned the property?	1 yr and 10 months	How long have you occupied the property?	1 yr and 8 months	Special Condition	Location of the house is along State Road 426, which gets 40,000 traffic of cars daily. Cars are driving over speed limit, the average is about 45 mph. A car already crashed in our front yard April 2022, took out all the mature hedges and endangered our lives and our home. We have re-planted a row of podocarpus hedges. However, they are insufficient protection so adding the stratco aluminum fence in front of the hedges will help. The aluminum slat system offers the latest in architectural style, it is tough will not warp, and long lasting.
Rights/Priv	Other properties have 6 ft concrete walls to protect their homes. Specifically the one next door and in front of our house, both have concrete walls which indicate that they		are securing their properties as well. Their walls are heavy duty protection for safety of people, pets, property. Other homes along SR426 with no fence or wall		barriers have their homes erected more than 100 ft away from the road. Our home is slanting and the side closest to the road is approx 35-40 ft which puts our property (and

PLAN SNAPSHOT REPORT (BOA-2023-0019)

our lives) at great risk.

Hardship

Reasons are as follows:
We need a barrier, stronger than podocarpus plants and higher than 3 ft fence to protect us from daily dangers of this road. There are at least 40,000 cars driving past our home daily. The road gets on average 10 car accidents per month due to speeding and reckless driving, 80% of commuters go over speed limit (ave 45 mph). Property damage is common incidence along this road and the 6 ft wall will help secure property and protect lives. We already had an incident last year where a driver crashed on our front yard, and caused property damage and endangered our lives.

Limited Variance

The minimum height for fence, walk gate, and double gate that would give us privacy and protection is a 6 ft fence. Anything shorter than that would not be sufficient given the location of our house, along SR426.

Addition of walk and double gate is also protection from strange drivers and pedestrians. This also gives us privacy. There have been random cars/trucks who go through our garage who claim they are lost.

Attachment File Name	Added On	Added By	Attachment Group	Notes
front view with fence.pdf	09/26/2023 11:52	Bueno, Floreal		Site Plan
NOC.pdf	09/26/2023 11:52	Bueno, Floreal		Signed Checklist
permit app.pdf	09/26/2023 11:52	Bueno, Floreal		Signed Checklist
Survey.pdf	09/26/2023 11:52	Bueno, Floreal		Survey
Signature_Floreal_Bueno_9/26/2023.jpg	09/26/2023 11:52	Bueno, Floreal		Uploaded via CSS
variance-submittal-checklist Leah.pdf	09/26/2023 14:27	Lewis, Nick		

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00040545	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00040545		\$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	09/26/2023	09/28/2023	09/26/2023	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	09/26/2023	09/28/2023	09/26/2023

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			09/26/2023 13:59
Board of Adjustments Review v.1	Receive Submittal	09/26/2023 0:00	09/26/2023 13:59
Issue Invoice v.1	Generic Action		09/26/2023 13:59

PLAN SNAPSHOT REPORT (BOA-2023-0019)

Final Decision v.1

Board of Adjustments Decision v.1

Generic Action