



Board of Adjustments Regular Meeting

Agenda

January 18, 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 December 14, 2021 Meeting Minutes.](#) 1 minute
 3. **Staff Updates**
 4. **Citizen Comments (for items not on the agenda): Three minutes allowed for each speaker**
 5. **Non-Action Items**
 6. **Action Items**
 - a. [BOA-2021-0064. RJV Homes, Inc. for: Request for approval to convert the western twenty-four feet of the existing detached garage to living space and to add a 440 square-foot addition to be utilized as living space along the south side of the same detached garage located at 1685 Magnolia Avenue](#) 15 minutes
 7. **Board Comments**
 8. **Adjournment**



Board of Adjustments

agenda item

item type	Consent Agenda	meeting date	January 18, 2022
prepared by	Mary Bush	approved by	
board approval	Completed		
strategic objective			

subject

Approval of the December 14, 2021 Meeting Minutes.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[BOA December 14, 2021 Draft Meeting Minutes.pdf](#)



Board of Adjustments Minutes

December 14, 2021, at 5:00 p.m.

Hybrid Meeting

Present

In-person: Robert Trompke (Chair), Michael Clary (Vice-Chair) Ann Higbie, Cathy Sawruk, Jason Johnson, Charles Steinberg,

Recording Clerk: Bahiyyah Muhammad

City Staff

Renata Minoga (Building & Permitting Manager) and Board of Adjustments City Liaison,
George Wiggins (Former Director of Building and Permitting Department)

Absent

Tom Sims Jr.

Call to Order

Robert Trompke (Chair), called the meeting to order at 5:00 pm. Robert Trompke (Chair) explained the rules of procedure for variance cases and opened the floor for any disclosures, public comments, or questions.

Consent Agenda

Motion made by Jason Johnson to approve the November 19, 2021 minutes with adjustment on the actions. Michael Clary (Vice-Chair) seconded the motion. The minutes were approved by a vote of 5-0.

Staff Updates

Renata Minoga introduced Mr. Gary Hiatt the new Building Official. Mr. Hiatt explained the transition of zoning to the Planning and Transportation department including the Board of Adjustments. Bronce Stephenson, Planning and Transportation Director presented his team and the new procedures. George Wiggins commented on the changes.

Citizen Comments

No public comments or questions.

Action Items

No action items were brought forward.

Public Hearings

1. Request of Ryan Gaston of a variance to allow the construction of a 5' high masonry wall at street-side setback line in lieu of the required setback of 10'.

Located at 2614 PARKLAND DR

Zoned: R-1AA

Citizen Comments

Renata Minoga explained the variance request. Mr. Ryan Gaston introduced himself, a resident of 2614 PARKLAND DR, he explained the hardship of having the easement of the shared access in the rear of the homes and being located at the corner of a busy road of Winter Park road.

Charles Steinberg requested additional clarifications about the request. Mr. Gaston explained the hardship of safety regarding Winter Park road. Jason Johnson asked about the hardship and the existing approved areas of green space.

Findings

Charles Steinberg explained that no hardship could be found based on the choices made by the homeowner regarding the pool. Board Members had a discussion and this case was not approved by 5 Board members (Robert Trompke (Chair), Michael Clary (Vice-Chair), Jason Johnson, Charles Steinberg, Cathy Sawruk, and Ann Higbie.

Action

Based on these findings, Mr. Jason Johnson made a motion, seconded by Cathy Sawruk to approve the item as noted.

The request was denied by a vote of 0-5.

The first case ended at 5:35 pm

2. Request of Matthew and Melissa Downs to allow the construction of a garage extension at 33' front setback in lieu of the required 35'.

Located at 680 ARJAY WAY

Zoned: R-1AA

Citizen Comments

Renata Minoga explained the variance request. Mr. Mathew Downs introduced himself as resident at 680 ARJAY WAY. He explained the hardship of not being able to park in the garage.

Charles Steinberg asked for clarification that the request is to be able to park inside the garage as all the other neighbors.

Findings

Jason Johnson described that the request is not asking for anything not already enjoyed by the neighbors therefore a hardship exists. After deliberation, the Board concurred on the existence of hardship.

All 5 Board members present concur on the hardship presented.

Action

Based on these findings, Michael Clary made a motion, seconded by Cathy Sawruk amending the proposed variance to grant a 32' front setback instead of the required 35'.

The request was approved by a vote of 5-0.

This case ended at 6:15 pm

3. Request of Cynde Norris on behalf of Janet and Larry Barnes to allow the construction of existing conditioned space above the garage into guest quarters living area with the addition of bathroom at 5' side setback in lieu of the required setback of 12'.

Located at 2708 PHILLIPS PARK CT

Zoned: R-1AA

Citizen Comments

Renata Minoga explained the variance request. Mrs. Cindy Norris located at 127 W FAIRBANKS AVE Unit: 101 Winter Park, explained the need for the new bathroom and the lack of available additional FAR requiring the repurposing of existing space. Renata Minoga explained that the applicant will have to sign a deed restriction for the guest house during the permitting process. Mr. George Wiggins provided information on the existing mitigation factor of code provision that allows 10' setbacks to non-residential areas.

Findings

After deliberation, the Board concurred that the hardship presented was the FAR issue and the fact that there is no impacted neighbors and visible exterior changes to the building mitigated the impact granting the variance.

Action

Based on these findings, Michael Clary made a motion, seconded by Charles Steinberg to approve the item as noted.

The request was approved by a vote of 5-0.

The meeting adjourned at 6:33 pm.

Bahiyyah Muhammad-Layton

Bahiyyah Muhammad-Layton, Recording Clerk

Date of Board Approval



Board of Adjustments

agenda item

item type Action Items	meeting date January 18, 2022
prepared by Nicholas Lewis	approved by Bronce Stephenson
board approval Completed	
strategic objective	

subject

BOA-2021-0064. RJV Homes, Inc. for: Request for approval to convert the western twenty-four feet of the existing detached garage to living space and to add a 440 square-foot addition to be utilized as living space along the south side of the same detached garage located at 1685 Magnolia Avenue

motion / recommendation

Staff recommendation is for approval of the variance requested.

background

RJV Homes, Inc. (contractor), on behalf of the owners (the Larsons), is requesting variance approval to convert the western twenty-four feet of the existing detached garage to living space and to add a 440 square-foot addition to be utilized as living space along the south side of the same detached garage located at 1685 Magnolia Avenue, zoned R-1A.

The Larsons are seeking a variance for the 25-foot required rear setback for a one-story accessory dwelling unit for their elderly parents to live. Currently, the existing detached garage sits at 8-feet, six-inches from the rear property line, which is nonconforming to the required 25-foot setback for a detached garage of its size (1,056 square feet) on an R-1A lot. This detached garage was existing when the Larsons purchased the property and is 44 feet and 1 inch wide, along the rear property line. The applicant is seeking to convert the western 24-foot portion of the subject garage into living space, which is a total of 576 square feet. The 440 square-foot addition requested on the south side the garage will also be living space, resulting in a 1,016 square foot accessory dwelling unit.

Section 58-66(f)(7), referencing rear yard setbacks in R-1A single-family lots, provides a rear yard setback of 25 feet to a one-story structure. Under Section 58-71(i)(2)(d), pertaining to accessory buildings in rear yards, accessory buildings greater than 600 square feet (including garages) must comply with building setbacks of the principal building. Thus, in order to have a detached garage or an accessory living space, the code currently requires a 25-foot rear yard setback.

The applicant's request does not add to the encroachment on the rear setback. The orientation of the addition limits the amount of building wall fronting the rear side of the property to what currently exists today (44 feet and 1 inch). Further, the proposed location of the garage addition, being located to the interior of the property minimizes the impacts to the privacy of the neighbors as well as maintains the character and charm of the home and neighborhood.

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.

There are several conditions regarding the property that make this request feasible. First, the detached garage is already existing as non-conforming structure. Second, converting the proposed portion of the garage to living space is the best strategic location to avoid negative impacts on the neighbors. The proposal also helps to achieve the goal of the owners in a manner that fits the existing home and is architecturally pleasing and compatible to the neighborhood. Lastly, because the addition will be fully outside the required 25-foot setback, it does not exacerbate either the rear setback encroachment, nor the nonconforming nature of the structure.

The eastern portion of the lot was once a street connecting Magnolia and Hibiscus Avenues, which was later vacated and consolidated into the lot as it stands today. The garage was constructed on the northeastern portion of the lot, where the vacated street once was located. The positioning of the garage as it currently exists was therefore strategic to maintain the privacy of the neighbors, whose houses were constructed to avoid the now-vacated street. The neighbors to the North and East are therefore, not negatively impacted by the garage's current location.

The applicant's proposed addition and change from garage to living space will be the best possible location to achieve the goals of the owners as well as maintain the level of privacy that both neighbors currently enjoy. Other alternatives, would be another structure constructed on the property, which could severely affect the privacy of the neighbors and the character of the home and neighborhood or an addition on the western side of the existing garage, which would increase the non-conforming nature of the structure.

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.

It is common practice to permit accessory dwelling units and detached living facilities for elderly family members. This practice evidences the trend of increasing multigenerational households throughout the City. This is exactly the intent of Mr. and Mrs. Larson here. As other conversions of existing detached garages have routinely occurred throughout Winter Park, denying this request would result in the denial of a right expressed through the routine allowance of just such requests. Currently, under Section 58-66, accessory living quarters containing no cooking facilities are permissible in R-1A zoning. The applicant's proposal does not contain "cooking facilities" as defined by code.

Actions of the Applicant

The special conditions and circumstances must not result from the actions of the applicant. The detached garage was already existing and non-conforming before the Larsons purchased the property. The requested addition is located outside of the rear setback and were it a standalone structure, would allowed by-right.

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.

Due to the unique nature of the non-conforming garage's location on top of what used to be a street connecting Magnolia and Hibiscus Avenues, and the applicant's ability to add the addition without exacerbating the encroachment, it is unlikely that this variance would impose any potential issuance of a variance for future nonconforming use of neighboring lands, structure or buildings.

Summary

Staff believes that the applicant meets the four criteria necessary to grant this variance request in a manner that minimizes the request to the best possible extent to alleviate the hardship.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[1685 Magnolia Ave - Location.pdf](#)

ATTACHMENTS:

[1685 Magnolia Ave - Aerial.pdf](#)

ATTACHMENTS:

[1685 Magnolia Ave - Neighbor Letters Recieved.pdf](#)

ATTACHMENTS:

[1685 Magnolia Ave - Survey.pdf](#)

ATTACHMENTS:

[1685 Magnolia Ave - Existing Floor Plan.pdf](#)

ATTACHMENTS:

[1685 Magnolia Avenue Floor Plan.pdf](#)

ATTACHMENTS:

[1685 Magnolia Ave - Neighbor Letters.pdf](#)

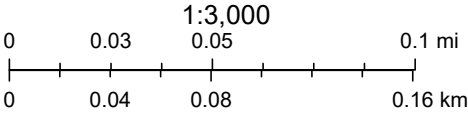
ATTACHMENTS:

[1685 Magnolia Ave - Alternative Site Plan.pdf](#)

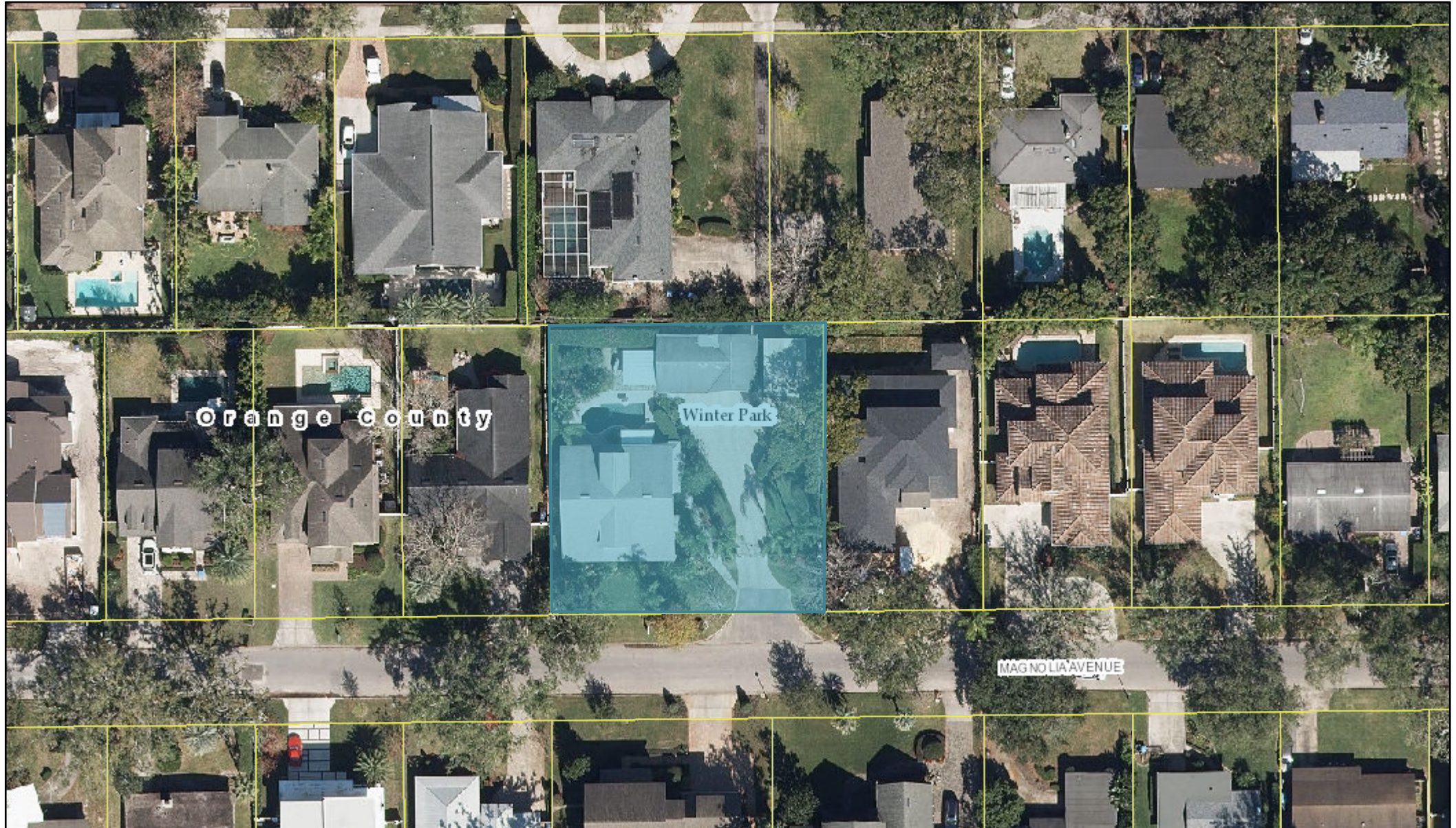
1685 Magnolia Ave. - Location



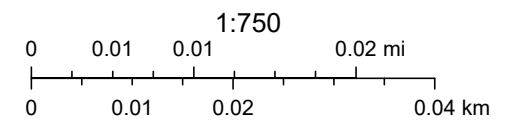
1/14/2022, 10:57:48 AM



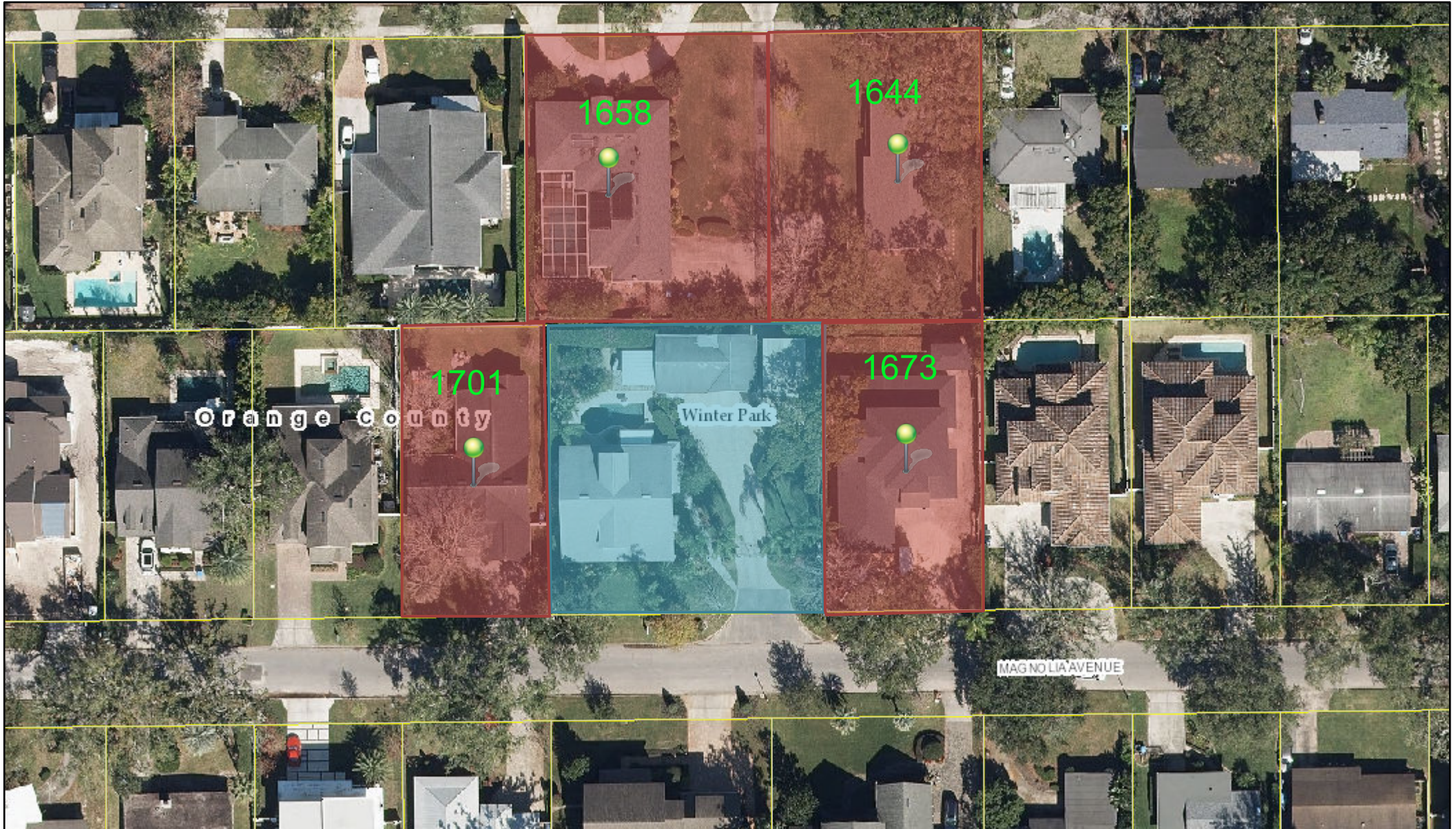
1685 Magnolia Ave. - Aerial



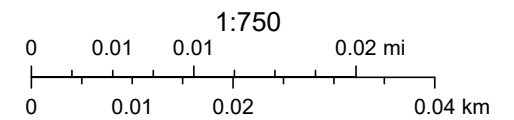
1/14/2022, 10:58:51 AM



1685 Magnolia Ave. - Neighbor Letters Recieved



1/14/2022, 11:07:11 AM



BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 8, AND THE WEST 55 FEET OF VACATED STREET ON THE EAST, BLOCK A, FLORA PARK SECOND ADD., ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK T, PAGE 47, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FLOOD INFORMATION:

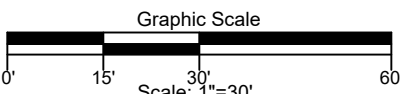
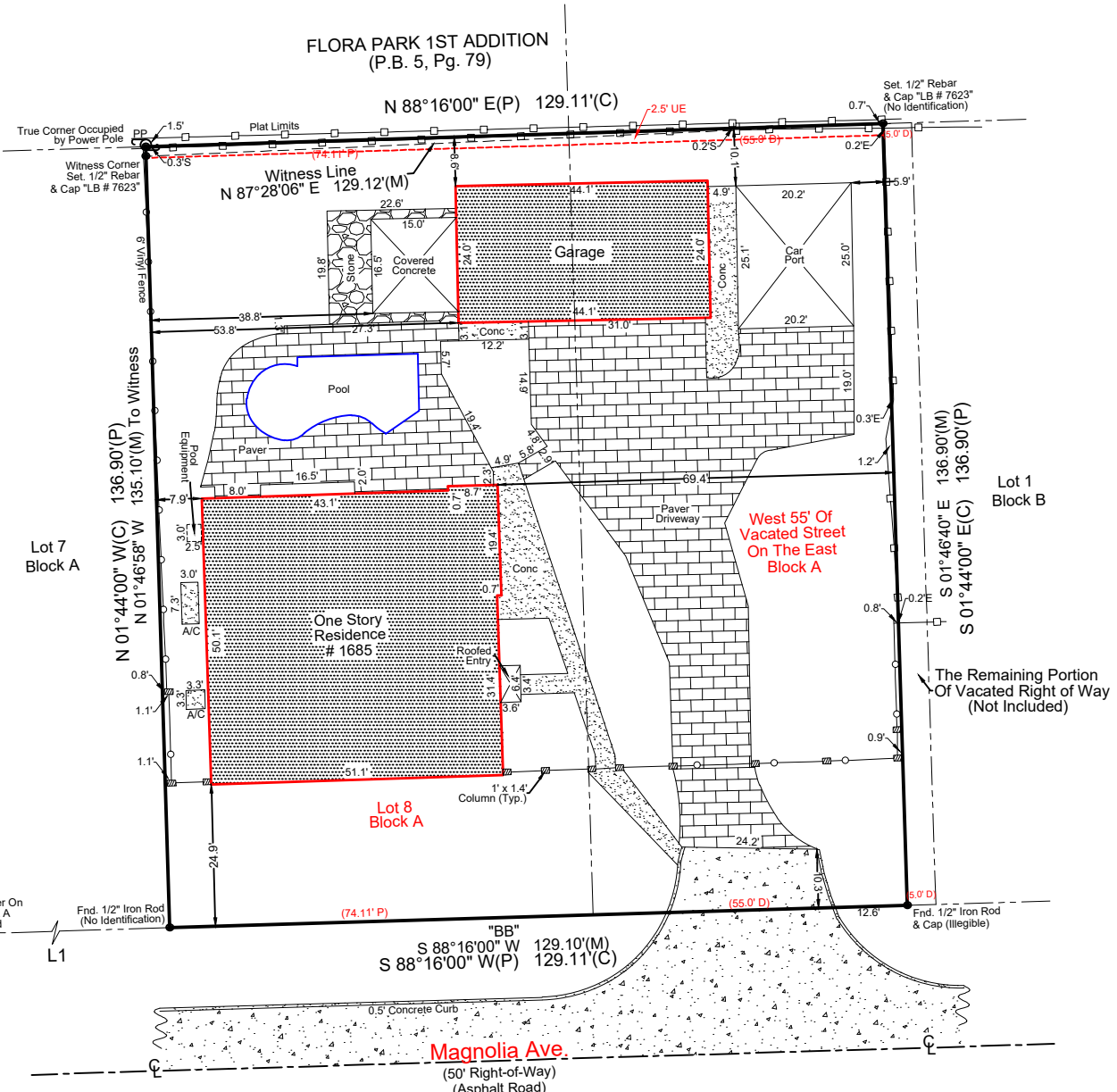
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF WINTER PARK, COMMUNITY NUMBER 120188, DATED 9/25/2009.

CERTIFIED TO:

JAMES TERRY LARSON AND NANCY JANE LARSON; LEADING EDGE TITLE OF CENTRAL FLORIDA LTD; FIDELITY NATIONAL TITLE GROUP; USAA FEDERAL SAVINGS BANK



1685 MAGNOLIA AVENUE, WINTER PARK, FLORIDA 32789



Field Date: 6/11/2020 Date Completed: 06/12/20
Drawn By: G.S. File Number: S-74570

-Legend-	
C	- Calculated
CB	- Centerline
CM	- Concrete Block
Conc.	- Concrete Monument
D	- Concrete
DE	- Drainage Easement
Esmt.	- Easement
F.E.M.A.	- Federal Emergency Management Agency
FFE	- Finished Floor Elevation
Fnd.	- Found
IP	- Iron Pipe
L	- Length (Arc)
M	- Measured
N&D	- Nail & Disk
N.R.	- Non-Radial
ORB	- Official Records Book
P	- Plat
P.B.	- Plat Book
W	- Wood Fence
PC	- Point of Curvature
Pg.	- Page
PI	- Point of Intersection
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
Rec.	- Recovered
Rfd.	- Roofed
Set	- Set 1/2" Rebar & Cap "LB 7623"
Typ.	- Typical
UE	- Utility Easement
WM	- Water Meter
Δ	- Delta (Central Angle)
—O—	- Chain Link Fence

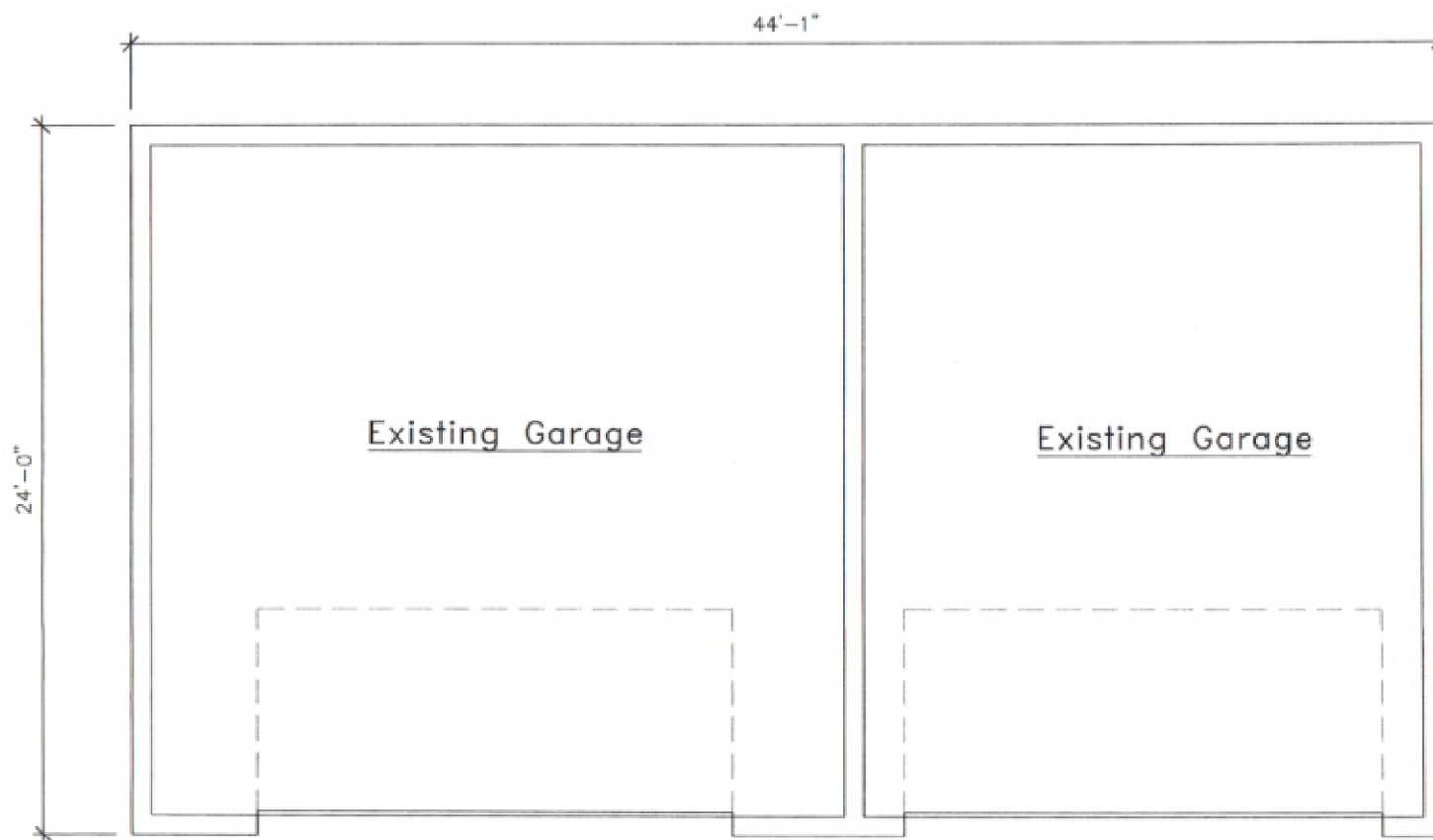
-NOTES-
>Survey is Based upon the Legal Description Supplied by Client.
>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.
>Subject to any Easements and/or Restrictions of Record.
>Bearing basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
>Building 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.

-POINTS OF INTEREST-
NONE VISIBLE

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.

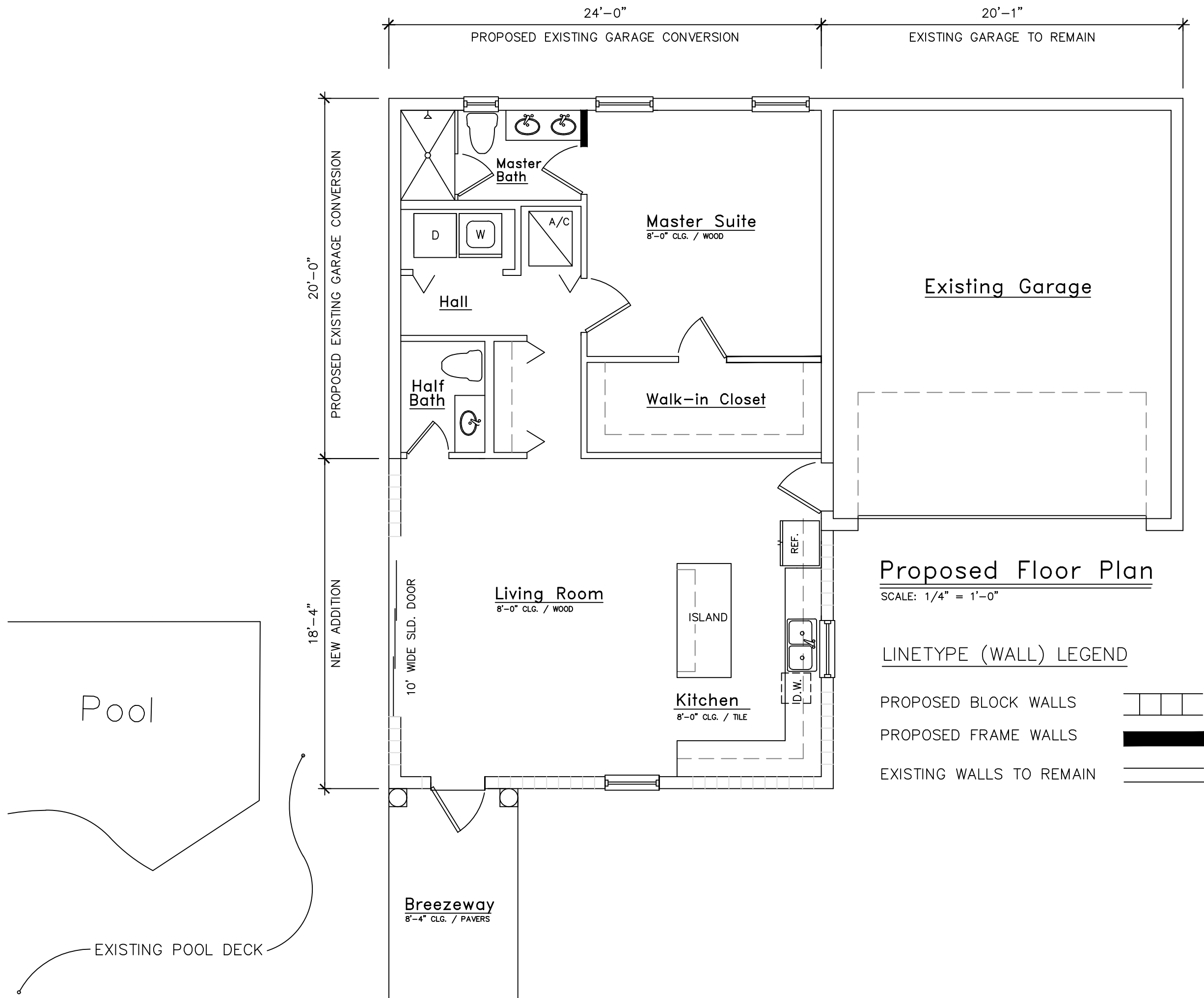
Patrick K. Ireland, P.S.M. 6637, LB 7623
This Survey is intended ONLY for the use of Said Certified Parties.
This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.

Patrick K. Ireland
Patrick K. Ireland, P.S.M. 6637, LB 7623
Ireland & Associates Surveying, Inc.
800 Currency Circle | Suite 1020
Lake Mary, Florida 32746
www.irelandsurveying.com
Office-407.678.3366 Fax-407.320.8165



Existing Floor Plan

SCALE: 1/4" = 1'-0"



City of Winter Park
Building & Permitting Department
401 South Park Avenue
Winter Park, FL 32789

November 22, 2021

RE: 1685 Magnolia Avenue Request for Variance

To Whom it May Concern:

We are the property owners at 1701 Magnolia Avenue and are the neighbors to James and Nancy Larson, property owners at 1685 Magnolia Avenue.

This letter is in support of their request for a variance to the setback requirement on the north side (backyard) of the property. We understand that their intention is to convert and build out the existing garage in order to create an in-law suite on the property. The proposed style and structure of the in-law suite is in step with the existing homes in the neighborhood, would be an improvement to the neighborhood and will not negatively impact us or be intrusive in any way.

To reiterate, as a neighbor who lives directly adjacent to their home, we fully endorse their request for a variance.

Regards,


404-956-4366

City of Winter Park
Building & Permitting Department
401 South Park Avenue
Winter Park, FL 32789

November 22, 2021

RE: 1685 Magnolia Avenue Request for Variance

To Whom it May Concern:

We are the property owners at 1673 Magnolia Avenue and are the neighbors to James and Nancy Larson, property owners at 1685 Magnolia Avenue.

This letter is in support of their request for a variance to the setback requirement on the north side (backyard) of the property. We understand that their intention is to convert and build out the existing garage in order to create an in-law suite on the property. The proposed style and structure of the in-law suite is in step with the existing homes in the neighborhood, would be an improvement to the neighborhood and will not negatively impact us or be intrusive in any way.

To reiterate, as a neighbor who lives directly adjacent to their home, we fully endorse their request for a variance.

Regards,

DON MASON
DMW

407-491-5565

City of Winter Park
Building & Permitting Department
401 South Park Avenue
Winter Park, FL 32789

November 22, 2021

RE: 1685 Magnolia Avenue Request for Variance

To Whom it May Concern:

We are the property owners at 1658 Hibiscus Ave and are the neighbors to James and Nancy Larson, property owners at 1685 Magnolia Avenue.

This letter is in support of their request for a variance to the setback requirement on the north side (backyard) of the property. We understand that their intention is to convert and build out the existing garage in order to create an in-law suite on the property. The proposed style and structure of the in-law suite is in step with the existing homes in the neighborhood, would be an improvement to the neighborhood and will not negatively impact us or be intrusive in any way.

To reiterate, as a neighbor who lives directly adjacent to their home, we fully endorse their request for a variance.

Regards,

A handwritten signature in dark ink, appearing to read "Cherry Day", written in a cursive style.

City of Winter Park
Building & Permitting Department
401 South Park Avenue
Winter Park, FL 32789

November 22, 2021

RE: 1685 Magnolia Avenue Request for Variance

To Whom it May Concern:

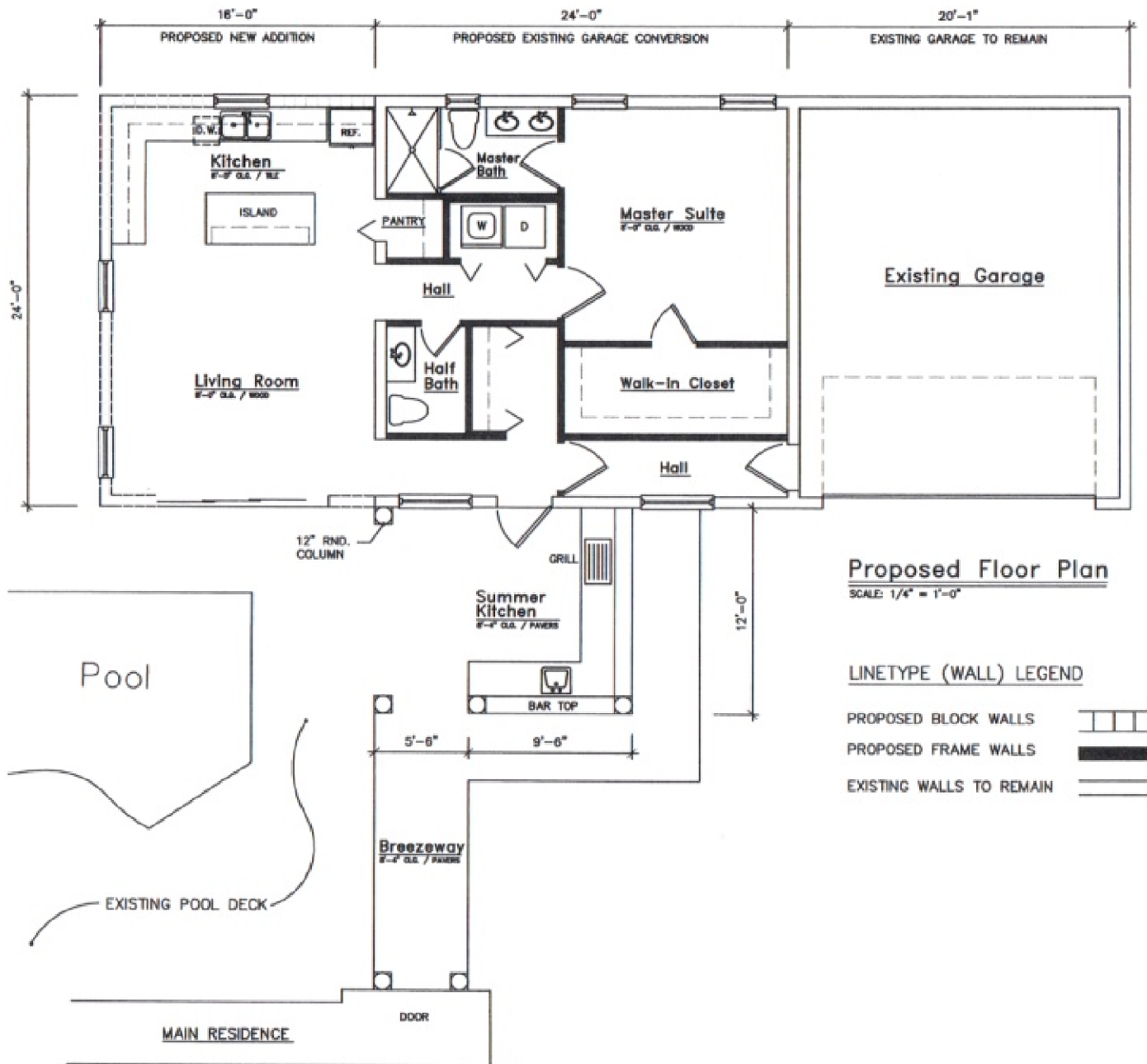
We are the property owners at 1644 Hibiscus Ave. and are the neighbors to James and Nancy Larson, property owners at 1685 Magnolia Avenue.

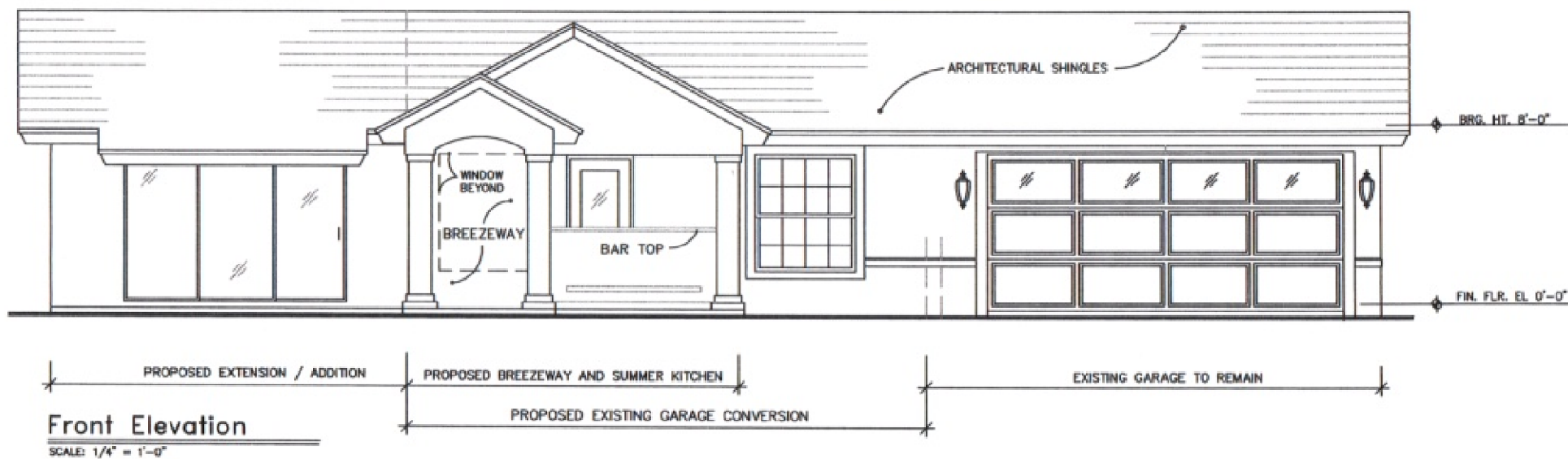
This letter is in support of their request for a variance to the setback requirement on the north side (backyard) of the property. We understand that their intention is to convert and build out the existing garage in order to create an in-law suite on the property. The proposed style and structure of the in-law suite is in step with the existing homes in the neighborhood, would be an improvement to the neighborhood and will not negatively impact us or be intrusive in any way.

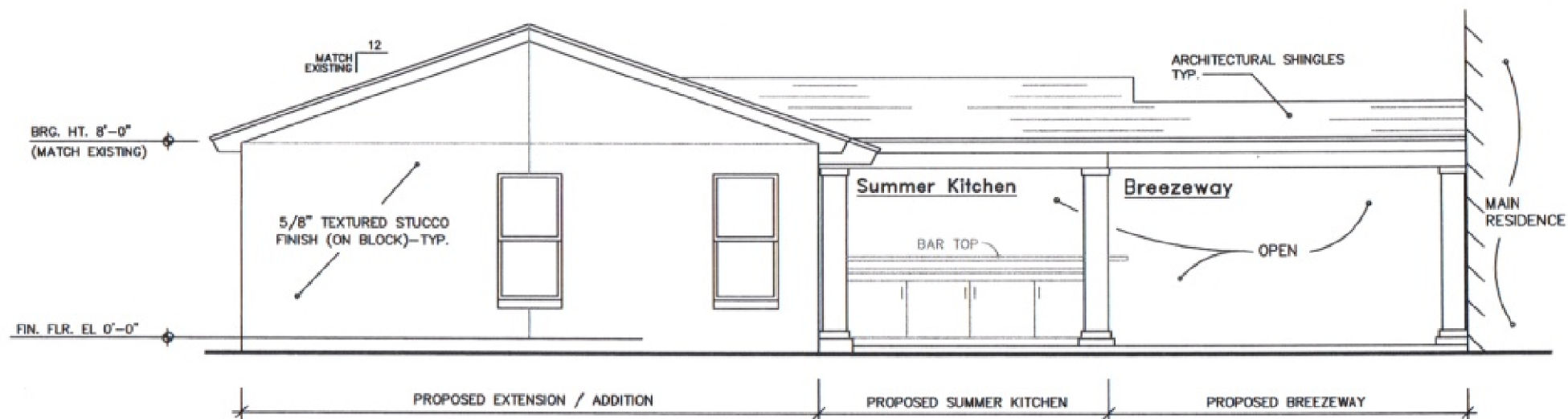
To reiterate, as a neighbor who lives directly adjacent to their home, we fully endorse their request for a variance.

Regards,

Katherine Ghazi







Left Side Elevation

SCALE: 1/4" = 1'-0"