



Board of Adjustments Minutes

January 18, 2022 at 05:00 p.m.

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

Call to Order

Chairman Robert Trompke called the meeting to order at 5:03 p.m. Present: Robert Trompke, Michael Clary, Tom Sims, Charles Steinberg, Cathy Sawruk, and Jason Johnson. Absent: Ann Higbie. Also Present: City Attorney J. Giffin Chumley. Staff: Director of Planning and Transportation Bronce Stephenson, 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 Jason Johnson, seconded by Tom Sims to approve the December 14, 2021 meeting minutes.

Motion carried unanimously with a 6-0 vote. (Ann Higbie was not present for the meeting.)

Staff Updates

City Attorney J. Giffin Chumley provided a presentation on Board order and procedures. He spoke on Board membership, term of office, duties, variance criteria, quasi-judicial decisions, quasi-judicial proceedings and their order, decisions based on criteria, competent substantial evidence, and ex parte communications.

Mr. Stephenson noted that changes were made to certain aspects of the hearings after receiving input from a few of the Board members. Those changes included adding the presence of the City Attorney, breaking down the subject item in the staff reports into different sections that cover the four criteria used to make decisions on variance applications, ensuring that any backup materials are clear and professional, and providing the Board with a staff recommendation. Mr. Stephenson expressed that he looked forward to working with the Board.

Mr. Steinberg inquired about applicants being put on notice of the four criteria considered by the Board prior to the applicant's public hearing. Mr. Stephenson noted that the criteria is a part of the application materials that are provided to the applicant. He also noted that staff will let applicants know if they do not meet the criteria and help advise them on alternative options.

Mr. Steinberg also asked if the applicant is required to state the facts as to each point of criteria on the application and if a copy of the application is included in the hearing packet provided to the Board. Mr. Stephenson advised that the applicant is required to state how they meet each criterion on the application and a copy of the application is included in the Board's meeting packet. Mr. Lewis noted that the application will be updated to more precisely accommodate the breakdown of criteria.

Citizen Comments (for items not on Agenda)

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

Chairman Trompke explained the rules of procedure for variance cases and opened the floor for any disclosures, public comments, or questions.

Non-Action Items

No non-action items.

Action Items

No action items.

Public Hearings

- 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.

Mr. Lewis provided the Board a brief summary of the request. He presented the Board a location map and aerial view of the property. He noted that letters of approval for the application were received from four of the adjacent neighbors to the property. He presented a survey of the existing conditions of the property noting the detached garage is considered a nonconforming structure. The applicant requested to convert a little more than half of the garage into living quarters for their in-laws to move into as well as add 440 square feet as an addition to the living space. Mr. Lewis elaborated on two options that the applicant proposed for the project, noting that staff recommended going with the second, option B, to avoid further negative impact of a rear encroachment on a neighbor's property. The applicant requested a variance for the conversion plus the addition which together create 1,016 square feet of living space. Mr. Lewis reviewed the variance approval criteria as it related to the request, elaborating on special conditions and circumstances, deprivation of rights, actions of the applicant, and special privilege.

Staff recommendation was for approval of option B.

The Board inquired about the following:

- if the project meets FAR and impervious limitations,
- if the garage was permitted by the previous owners,
- the normal setback for a detached garage of the project's nature,
- if the existing carport is a permanent construction,
- if the carport existed prior to the current owner
- and if the carport had been permitted.

The applicant's representative, Robert Vega of RJV Homes at 4040 Gilder Rose Place, Winter Park, FL 32792 addressed the Board. Mr. Vega provided the Board with a brief presentation showing aerial views and photos of the home and detached structures. He noted and elaborated on an empty lot and split easements existing on the back side of the property. He discussed the applicant's intent to convert the detached garage into a living space and detailed how the request would not negatively impact the surrounding neighbors.

The Board inquired about the following:

- the proposed exterior location of the mechanical equipment for the living space,
- if the location of the mechanical equipment would be further than the required 10 foot rear setback,
- if an outdoor kitchen from the earlier site plans was still proposed,
- the applicant's stated hardship,
- and how the limitation of no cooking in the living space would be accommodated.

Mr. Vega stated that he could place the A/C compressor near the washer and dryer area which would be at around a 15 to 18 foot setback. He also briefly elaborated on the hardship being the existing nonconforming structure.

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 the staff's assessment of the four approval criteria being met. The Board expressed desire to include an amendment to the approval addressing the placement of exterior mechanical components within the current setbacks to reduce potential noise impact to neighboring properties.

Motion made by Tom Sims, seconded by Michael Clary, for approval of the applicant's option B 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 with the following condition:

- The applicant must place any exterior mechanical components outside of the required setbacks to reduce potential noise impact to neighboring properties.

Motion carried unanimously with a 6-0 vote. (Ann Higbie was not present for the meeting.)

Board Comments

No Board comments.

Adjournment

Meeting adjourned at 5:56 p.m.

/s/ Mary Bush.

Approved by Board on February 15, 2022.