



Board of Adjustments Regular Meeting

Agenda

January 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/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 13, 2022 Meeting Minutes.](#) 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-2022-0015: Request of Rob Smith with E2 Homes.](#) 15 minutes

Request of Rob Smith with E2 Homes for variance approval from Section 58-68(e)(1), to allow a rear setback of 6-feet in lieu of the required rear setback of 20-feet, in conjunction with the proposed awning as part of overall renovations to the existing outdoor learning center located at 631 N. Knowles Avenue, zoned R-3.

The applicant's full application and stated hardship is provided in the "Applicant Energov Submittal" attachment below.

- b. [BOA-2022-0023: Request of Mary Hartwig](#) 5 minutes

Request of the homeowner, Mary Hartwig, for variance approval from Section 58-66 subsections (f)(5) and (f)(6), to allow a front setback of 21.9-feet and a side setback of 5.9-feet in lieu of the required front setback of 35-feet and required side setback of 9-feet, in conjunction with the construction of a carport located at 2819 Northwood Boulevard, zoned R-1A.

The applicant's full application and stated hardship is provided in the "Applicant Energov Submittal" attachment below.

- c. [BOA-2022-0025: Request of Chris Mairn.](#) 5 minutes

Request of the homeowner, Chris Mairn, for variance approval from Section 58-66(f)(6), to allow a side setback of 9.58-feet in lieu of the required side setback of 16-feet, in conjunction with the proposed second-story addition to the existing home located at 1219 Via Estrella, zoned R-1AA.

The applicant's full application and stated hardship is provided in the "Applicant Energov Submittal" attachment below.

- d. [BOA-2022-0024: Request of Carlos Huyke with Ziur Contracting](#) 15 minutes

Request of Carlos Huyke with Ziur Contraction for variance approval from Section 58-67(f)(1), to allow a first-floor side setback of 7-feet and a second-story rear setback of 10-feet in lieu of the required first-floor side setback of 10-feet and required second-story rear setback of 25-feet, in conjunction with the proposed home located at 605 Ellen Drive, zoned R-2.

The applicant's full application and stated hardship is provided in the "Applicant Energov Submittal" attachment below.

- 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	January 17, 2023
prepared by	Mary Bush	approved by	
board approval	Completed		
strategic objective			

subject

Approval of the December 13, 2022 Meeting Minutes.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[BOA December 13, 2022 Draft Meeting Minutes.pdf](#)



Board of Adjustments Regular Meeting Minutes

December 13, 2022 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, Cathy Williams, Tom Sims, and Ann Higbie. Also Present: City Attorney J. Giffin Chumley. Staff: Assistant Director of Planning & Transportation Allison McGillis, Senior Planner/Zoning Official John Harbilas, Planning Technician Aaron Hull, and Recording Secretary Mary Bush.

(1) Call to Order

Chairman Jason Johnson called the meeting to order at 5:01 p.m.

(2) Consent Agenda

Approval of Minutes:

Motion made by Cathy Williams, seconded by Ann Higbie to approve the November 15, 2022 meeting minutes.

Motion carried unanimously with a 6-0 vote. (Jason Johnson abstained from voting as he was not present for the November 15, 2022 meeting.)

(3) Public Comments (for items not on Agenda)

The Board heard public comment from the following resident:

Forest Michael of 358 W. Comstock, Winter Park, FL 32789 addressed the Board. Mr. Michael spoke on flooding issues in his neighborhood. He felt that the cause of the flooding relates to the rezoning and approved variances that have occurred in the area.

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

(4) Public Hearings

- BOA-2022-0022: Request of Daniel Bellows for variance approval from Section 58-66(f)(5), Section 58-71(h)(2) and Section 58-71(i)(2)d. to allow a front setback of 25-feet in lieu of the required front setback of 35-feet, a detached garage rear setback of 5-feet in lieu of the required rear setback of 10-feet, and a street-side setback of 15-feet in lieu of the required street-side setback of 25-feet in conjunction with the proposed single-story home located at 421 W. Lyman Avenue, zoned R-1A.

Mr. Harbilas 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 while the applicant's property is currently vacant, two homes exist to the west of the property and the rest of the block is mostly vacant. He also noted that staff received two letters in opposition of the request from the property owners to the north and east of the property. He added that all of the remaining property owners to the west and south of the property had provided letters in support of the request. Mr. Harbilas then presented the proposed elevations and site plans for the request and went on to review the variance approval criteria as it related to the request. He expressed that the applicant's property is one of three properties in the area that are zoned R-1A and the remaining are zoned R-2 or commercial. He then spoke on the front and street side setbacks noting that the average front setback for the area is calculated at 35 feet. He explained that the front setback average is being skewed by two homes to the west of the property that have 44 foot front setbacks while the remaining homes in the area have 20 to 22 foot front setbacks. Mr. Harbilas pointed out that the applicant's property abuts commercial property. He then

went on to explain that although the City's land development code allows for a reduced rear setback of the 10 foot requirement for residential properties that abut commercial properties, the code does not include detached structures in that allowance. Therefore, the applicant was requesting a rear setback of 5-feet in lieu of the required 10 foot rear setback for their proposed detached garage that would be located in the rear of the property. Mr. Harbilas added that there is a 14 foot City owned alleyway that separates the applicant's property from the commercial property it abuts. He then expressed that the requested variance for the street side setback was based simply on desire by the applicant, as the setback was due to the property being significantly larger than the other three properties surrounding the intersection of W. Lyman Avenue and S. Virginia Avenue. Mr. Harbilas indicated that except for the street side setback variance, staff did not believe that granting the request would confer any special privilege to any other lands, structures or buildings in the same zoning district.

Staff recommendation was for approval of the front and rear setbacks and denial for the street side setback.

The Board briefly discussed the item and inquired about the following:

- whether or not the objection letter from the neighbor to the east of the applicant's property included disapproval of all of the variances requested by the applicant,
- clarification on exactly which neighbors provided letters of support and which provided letters of denial for the request,
- if the City's updated zoning code regarding front setback requirements that will go into effect on January 1, 2023 would be relevant to the applicant's request,
- what the required setback would be under the updated zoning code,
- how long the current owners of the property have owned it,
- and if the current set back requirements were the same at the time the current owners purchased the property.

The applicant, Dan Bellows addressed the Board. Mr. Bellows expressed that the proposed home is intended to be a one story home set up for his wife's elderly father. He then spoke on zoning changes that have occurred for certain surrounding properties since he purchased his property and special conditions that that he feels exist for his property. He went on to briefly discuss the letters that were received in support and opposition of his request, his proposed hardship, and his perceived part in eliminating previous illegal activity in the area with his developments. He emphasized that he just wanted to have the same setbacks allowed for the property directly across from his on S. Virginia Avenue.

Chairman Johnson briefly inquired about the side setbacks of the corner properties at the intersection of W. Lyman Avenue and S. Virginia Avenue.

Ms. Higbie inquired about the front setback of the townhomes to the west of the applicant's property.

The Board heard public comment from the following residents in opposition of the request:

Mary Daniels, 650 W. Canton Avenue, Winter Park, FL 32789; Joseph Kovacs, 215 N. Eola Drive, Orlando, FL 32801; Linda Walker Chappell, 794 W. Comstock Avenue, Winter Park, FL 32789; LaWanda Thompson, 664 W. Lyman Avenue, Winter Park, FL 32789; Shelia Reid, 780 Carver Street, Winter Park, FL 32789; Forest Michael, 358 W. Comstock, Winter Park, FL 32789; Martha Bryant-Hall, 331 W. Lyman Avenue, Winter Park, FL 32789; Ruben Paige and Chauvet Paige, 840 Carver Street, Winter Park, FL 32789; and Maria Bryant, 450 S. Virginia Avenue, Winter Park, FL 32789.

The Board heard public comment from the following residents in favor of the request:

Jeanne Reynaud, 721 W. Comstock Avenue, Winter Park, FL 32789 and Nancy Rossman, 5192 Vardon Drive, Windermere, FL 34786.

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

The applicant, Dan Bellows addressed the Board. Mr. Bellows emphasized that he was not asking to build a larger house than what the land development code currently permits. He also noted that he believes the flooding mentioned during the public comments had to do with a valve not opening on a drain that goes to Lake Virginia, which he indicated was resolved shortly after the City figured out the issue. Mr. Bellows went on to

note that over 16 parcel owners had provided written support for the project and he felt that a hardship had been shown for all three requested setback variances.

The Board briefly shared their thoughts on the request and their reasons for their decisions on its approval or denial. The Board expressed varied opinions on whether or not special conditions and circumstances exist for all three requested setback variances. Though, the majority of the Board expressed favor for approval of the front setback variance request.

Motion made by Jason Johnson, seconded by Robert Trompke, for approval of the variance request application 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, that the reasons set forth in the application justify the granting of the variance, that the variance is the minimum variance that would make possible the reasonable use of the land, building or structure, and that 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 denied with a 1-5 vote. (In favor: Cathy Williams. Opposed: Robert Trompke, Ann Higbie, Tom Sims, Jason Johnson, and Charles Steinberg. Abstained: Michael Clary)

Motion made by Robert Trompke, seconded by Cathy Williams, for approval of a variance from Section 58-66(f)(5) and Section 58-71(h)(2), to allow a front setback of 25-feet in lieu of the required front setback of 35-feet, and a detached garage rear setback of 5-feet in lieu of the required rear setback of 10-feet in conjunction with the proposed single-story home located at 421 W. Lyman Avenue, zoned R-1A.

Motion denied with a 2-4 vote. (In favor: Cathy Williams and Robert Trompke. Opposed: Ann Higbie, Tom Sims, Jason Johnson, and Charles Steinberg. Abstained: Michael Clary)

Motion made by Ann Higbie, seconded by Tom Sims, for approval of a variance from Section 58-66(f)(5), to allow a front setback of 28-feet in lieu of the required front setback of 35-feet in conjunction with the proposed single-story home located at 421 W. Lyman Avenue, zoned R-1A.

Motion unanimously approved with a 6-0 vote. (In favor: Cathy Williams, Robert Trompke, Ann Higbie, Tom Sims, Jason Johnson, and Charles Steinberg. Abstained: Michael Clary)

(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 6:38 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 January 17, 2023
prepared by Nicholas Lewis	approved by John Harbilas, Allison McGillis
board approval Completed	
strategic objective	

subject

BOA-2022-0015: Request of Rob Smith with E2 Homes.

item list

Request of Rob Smith with E2 Homes for variance approval from Section 58-68(e)(1), to allow a rear setback of 6-feet in lieu of the required rear setback of 20-feet, in conjunction with the proposed awning as part of overall renovations to the existing outdoor learning center located at 631 N. Knowles Avenue, zoned R-3.

The applicant's full application and stated hardship is provided in the "Applicant Energov Submittal" attachment below.

motion / recommendation

Staff recommendation is for approval of the variance requested subject to the following conditions of approval:

(1) That 30-gallon podocarpus hedges be placed along the shared lot line between the school and the Park Aire Condominiums to match the existing podocarpus hedge between the Park Aire and the school's green fields.

background

The applicant, Rob Smith with E2 Homes, on behalf of the Saint Margaret Mary (SMM) Catholic School, is requesting variance approval from Section 58-68(e)(1) in order to add a solid metal awning to the existing school building, which proposes a rear setback of 6-feet in lieu of the required 20-foot rear setback, located at 631 N. Knowles Avenue. The property is zoned R-3. This setback only pertains to the setback of the awning, and no portion of the existing square footage of the building will be expanded. Therefore, the actual structure itself will remain at the existing 26-foot setback.

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 existing structure currently sits at 26-feet from the shared property line with the Park Aire Condominiums. The area is also situated in between the Winter Park 9 Golf Course, adjacent to Casa Feliz to the North, and the SMM Junior High and green fields to the South. The area between the existing building and the shared lot line with the Park Aire is considered the rear of the property and is currently used as an outdoor learning center.

The applicant is seeking this variance to accommodate an adequate shade structure that will protect the classes from harsh weather conditions. This will protect educational equipment and facilities, and adapt the current neglected outdoor learning area into a fully functional outdoor classroom to more effectively discuss environmental topics compared to a traditional classroom setting. Moreover, there is not adequate space to fit an outdoor classroom along either side of the property, which leaves the rear of the existing structure as the only possible space for such a facility.

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 58-68(e)(1), the required rear setback is 20-feet. The existing structure conforms to this code requirement at 26-feet. Under this provision, a 6-foot awning would be permitted, which is merely just over a quarter of what the applicant is proposing and leaves most of the outdoor space with the same level of exposure to the elements that currently exists today.

Further, the applicant's proposal seeks to be mutually beneficial to both the school and to the Park Aire. The school would be able to effectively utilize the space and the proposal would allow for increased noise and privacy buffers between the two properties. Since the awning will end at the same level as the Park Aire's swimming pool deck, and podocarpus hedging will be planted along the lot line to match what is existing between the Park Aire and the green fields. Without the variance, the school would have to resort to other, less aesthetically pleasing means of achieving shade such as tables with cloth umbrellas, which provide little to no shade, privacy, or noise buffering.

Actions of the Applicant

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

The building was originally constructed in 1998 and currently meets the code required rear setback. The school has been somewhat utilizing the space already as an outdoor learning area (such as garden beds, etc.) because it is the only area on the property that has the space for such activities. There is no area on the property that would adequately allow for such a use, not any section of the building that would allow for an additional awning.

The applicants originally proposed 15-gallon podocarpus plants along the shared lot line. After discussions between the applicant and the Park Aire, it was determined that staff would request a condition of approval that 30-gallon podocarpus plants be used instead to increase the privacy for the Park Aire. The applicant agreed to this condition. The Park Aire's other request, that the awning be made of a solid material instead of fabric, is already accounted for in the design.

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.

Due to the nestled location between the golf course and Casa Feliz, the Park Aire, and the green fields, as well as the fact that this is the only area on the property that would adequately allow for the awning and the use in the same location and the potential benefits to the only affected neighbor, staff does not believe that granting this request would confer any special privilege to any other lands, structures, or buildings in the same zoning district.

Summary

Staff believes that the applicant meets the four criteria required to grant the variance requested subject to the condition that 30-gallon podocarpus plants be placed along the shared lot line between the outdoor learning center and the Park Aire Condominiums.

[alternatives / other considerations](#)

[fiscal impact](#)

ATTACHMENTS:

[BOA-2022-0015 - Area Map.pdf](#)

ATTACHMENTS:

[BOA-2022-0015 - Aerial Map.pdf](#)

ATTACHMENTS:

[BOA-2022-0015 - Neighbor Letter Map.pdf](#)

ATTACHMENTS:

[BOA-2022-0015 - Applicant Energov Submittal.pdf](#)

ATTACHMENTS:

[BOA-2022-0015 - Survey.pdf](#)

ATTACHMENTS:

[BOA-2022-0015 - Site Plan.pdf](#)

ATTACHMENTS:

[BOA-2022-0015 - Elevations.pdf](#)

ATTACHMENTS:

[BOA-2022-0015 - Narrative and Scope.pdf](#)

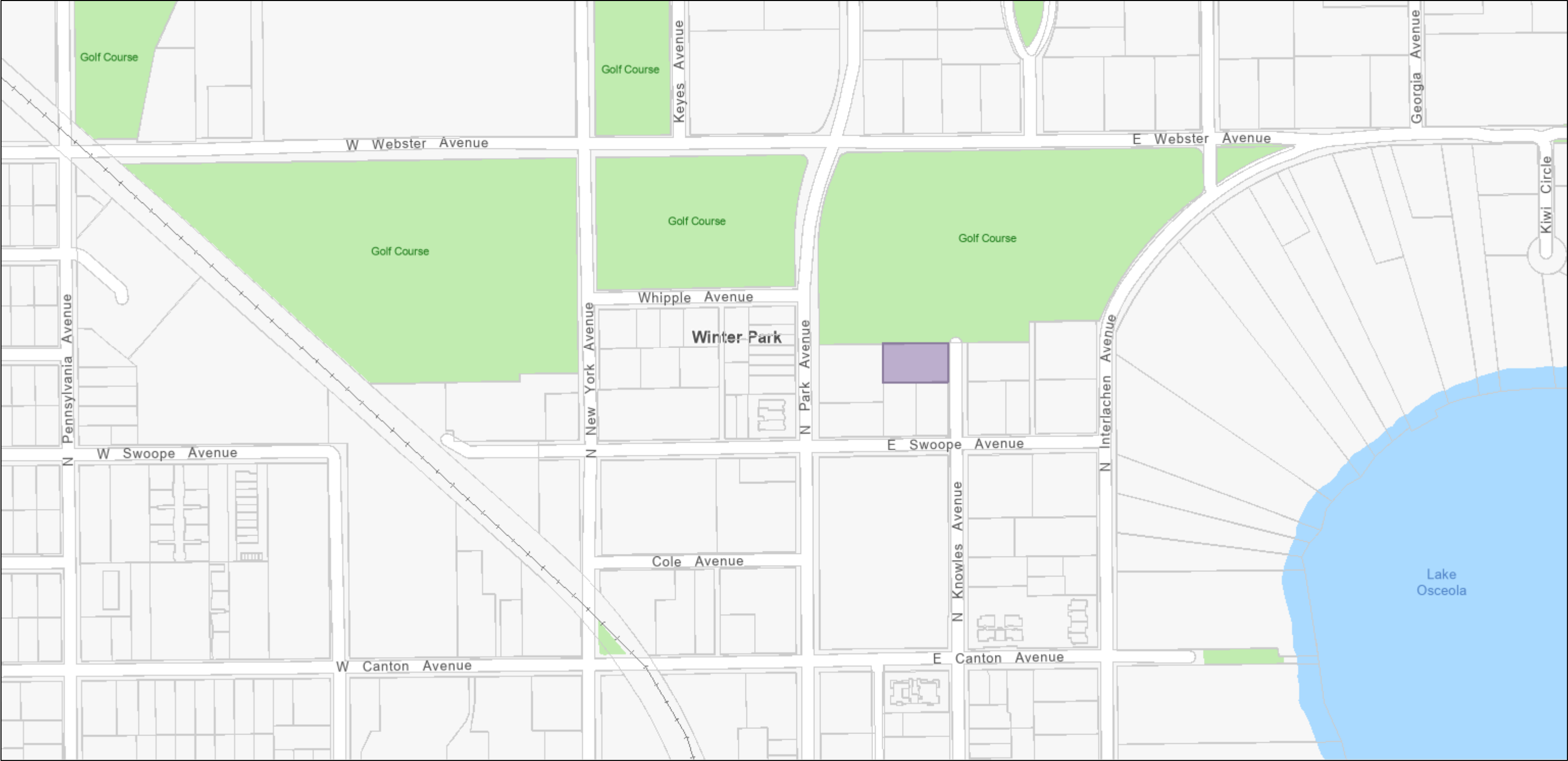
ATTACHMENTS:

[BOA-2022-0015 - Existing Conditions Pictures.pdf](#)

ATTACHMENTS:

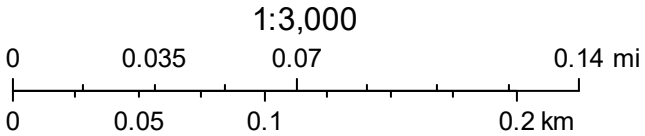
[Park Aire Condos Letter of Non-Objection.pdf](#)

631 N Knowles Ave - Area Map



1/5/2023, 1:31:22 PM

Parcels Orange

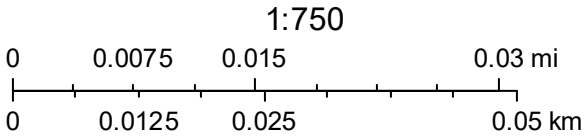


631 N Knowles Ave - Aerial Map



1/5/2023, 1:30:15 PM

Parcels Orange

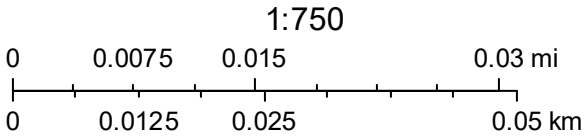


631 N Knowles Ave - Neighbor Letter Map



1/5/2023, 1:27:28 PM

Parcels Orange





PLAN SNAPSHOT REPORT BOA-2022-0015 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 08/25/2022
Work Class: Board of Adjustments/Variance Application	District: Winter Park	Exp Date: NOT AVAILABLE
Status: Fees Paid	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Harbilas, John	Approval Expire Date:
Description: St. Margaret Mary Catholic School - Outdoor Learning Area		

Parcel: 302205940004200	Main	Address: 631 N Knowles Ave Winter Park, FL 32789	Main	Zone:
Applicant ROBERT SMITH PO Box 3300 Winter Park, FL 32790 Business: (407) 913-3246 Mobile: (407) 913-3246		Owner St. Margaret Mary 142 E Swoope Ave ST WINTER PARK, FL 32789 Home: 00 Business: 060 Mobile: 00		

Plan Custom Fields

Zoning		Section		Subsection	
Is the property on waterfront?	No	Is this property on historic registry or district?	No	Describe variance	Shade structure may conflict with various setback and impervious rules
How long have you owned the property?	1968	How long have you occupied the property?	1968	Special Condition	SMM is uniquely situated adjacent to the City Golf Course and Park Aire apartments. Park Aire is located to the west, with a road next to the proposed outdoor learning area, along with an elevated deck which overlooks the area. The golf course and Casa Feliz are located to the north, while the SMM Junior High and green fields are located to the east and south.
Rights/Priv	The subject area is not fully usable due to exposure to the elements. The plan is to make an outdoor learning center where students can learn about the environment, water conservation, agriculture, solar energy and related topics that can more effectively be taught outdoors than in a classroom. The variance is needed to accommodate a shade structure to protect the students from sun exposure and protect educational equipment.	Hardship	The purpose outlined in #2 cannot be realized without obtaining a variance for the shade structure.	Limited Variance	Although we have limited flexibility in the requirements for the shade structure, we are open to discussing a reasonable alternative.

PLAN SNAPSHOT REPORT (BOA-2022-0015)

Attachment File Name	Added On	Added By	Attachment Group	Notes
220822 Purpose and Benefits.pdf	08/25/2022 18:06	Commercial, E2		Uploaded via CSS
E2 - Letter of Authorization.pdf	08/25/2022 18:06	Commercial, E2		Uploaded via CSS
MODEL VIEWS 05-31-22_sm.pdf	08/25/2022 18:06	Commercial, E2		Uploaded via CSS
PLAN VIEW 05-31-22.pdf	08/25/2022 18:06	Commercial, E2		Uploaded via CSS
SMM - 2022 Specific Purpose Survey.pdf	08/25/2022 18:06	Commercial, E2		Uploaded via CSS
Signature_E2_Commerical_8/25/2022.jpg	08/25/2022 18:06	Commercial, E2		Uploaded via CSS

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00031748	Commercial/Multi-Family Variance Application Fee	\$400.00	\$400.00
Total for Invoice INV-00031748		\$400.00	\$400.00
Grand Total for Plan		\$400.00	\$400.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	Approved	08/25/2022	08/29/2022		No	No
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	08/25/2022	08/29/2022	08/31/2022

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			
Board of Adjustments Review v.1	Receive Submittal	08/25/2022	0:00
Issue Invoice v.1	Generic Action		
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

SPECIFIC PURPOSE SURVEY

LEGAL DESCRIPTION:

TOWN OF WINTER PARK A/67 & B/86 & MISC BOOK 3/220 LOTS 1 THROUGH 18 BLK 16 (LESS E 3 FT & LESS S 7.5 FT LOTS 17 & 18) & VAC ALLEY PER OR 418/438

FLOOD INFORMATION:

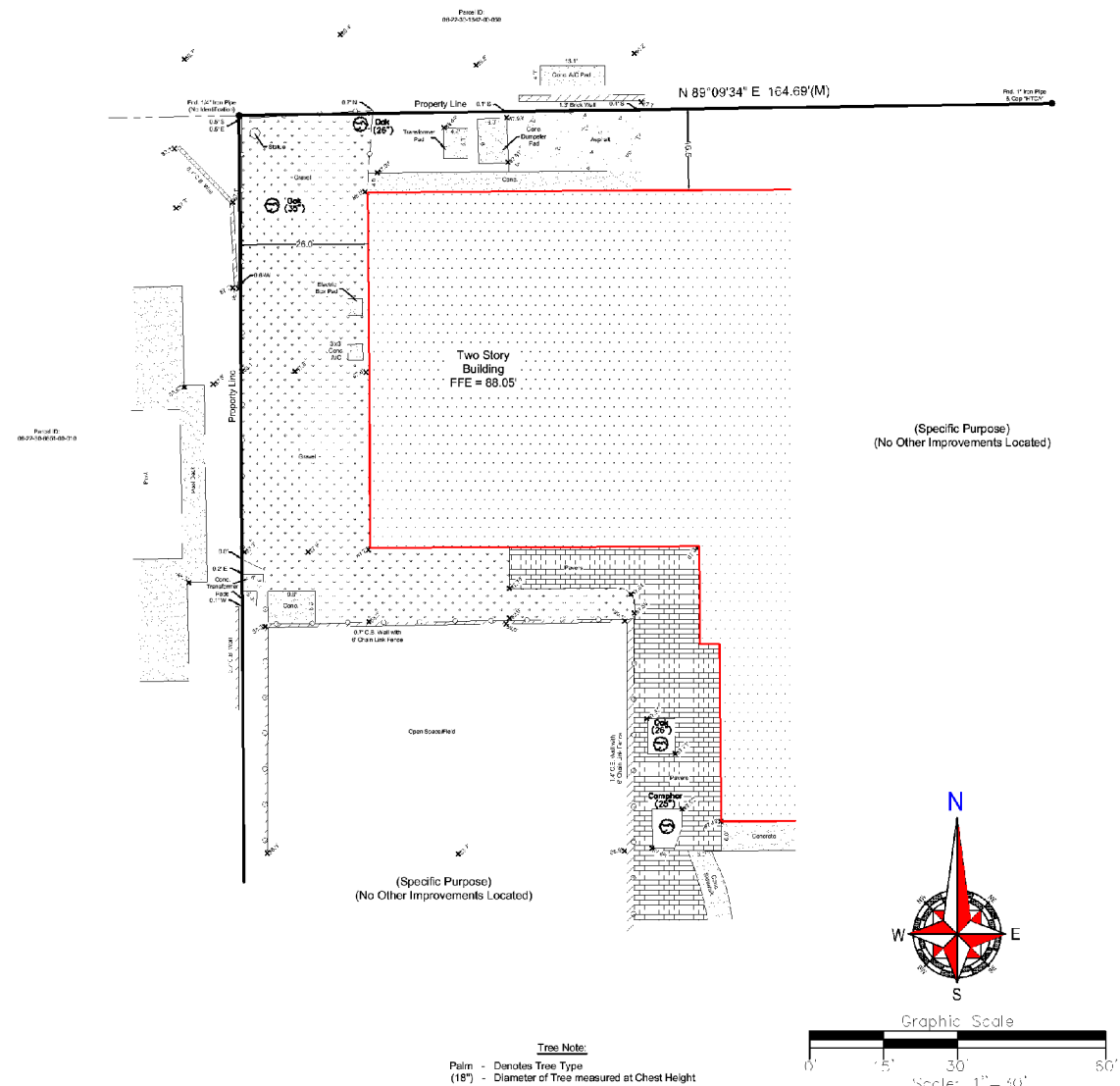
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF WINTER PARK, COMMUNITY NUMBER 120188, DATED 09/25/2009.

CERTIFIED TO:

E2 HOMES, LLC; ST. MARGARET MARY CATHOLIC SCHOOL



526 N PARK AVENUE, WINTER PARK, FLORIDA 32789



Field Date: 4/25/2022 Date Completed: 05/02/22
Drawn By: .P. File Number: IS-42005 SPS

-Legend-	
C	- Calculated
CL	- Centerline
CB	- Concrete Block
CM	- Concrete Monument
Conc	- Concrete
D	- Description
DE	- Drainage Easement
Esmt	- Easement
F.E.M.A.	- Federal Emergency Management Agency
F.H.E.	- Finished Floor Elevation
Find	- 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
RSC	- Rebar & Cap
Rec	- Recovered
Rfd	- Roofed
S&T	- Set 1/2" Rebar & Cap - LB 7623"
Rebar	- Rebar
Tya	- Typical
UE	- Utility Easement
W.M.	- Window Mark
Δ	- Delta (Central Angle)
-O-	- Chain Link Fence

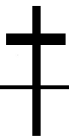
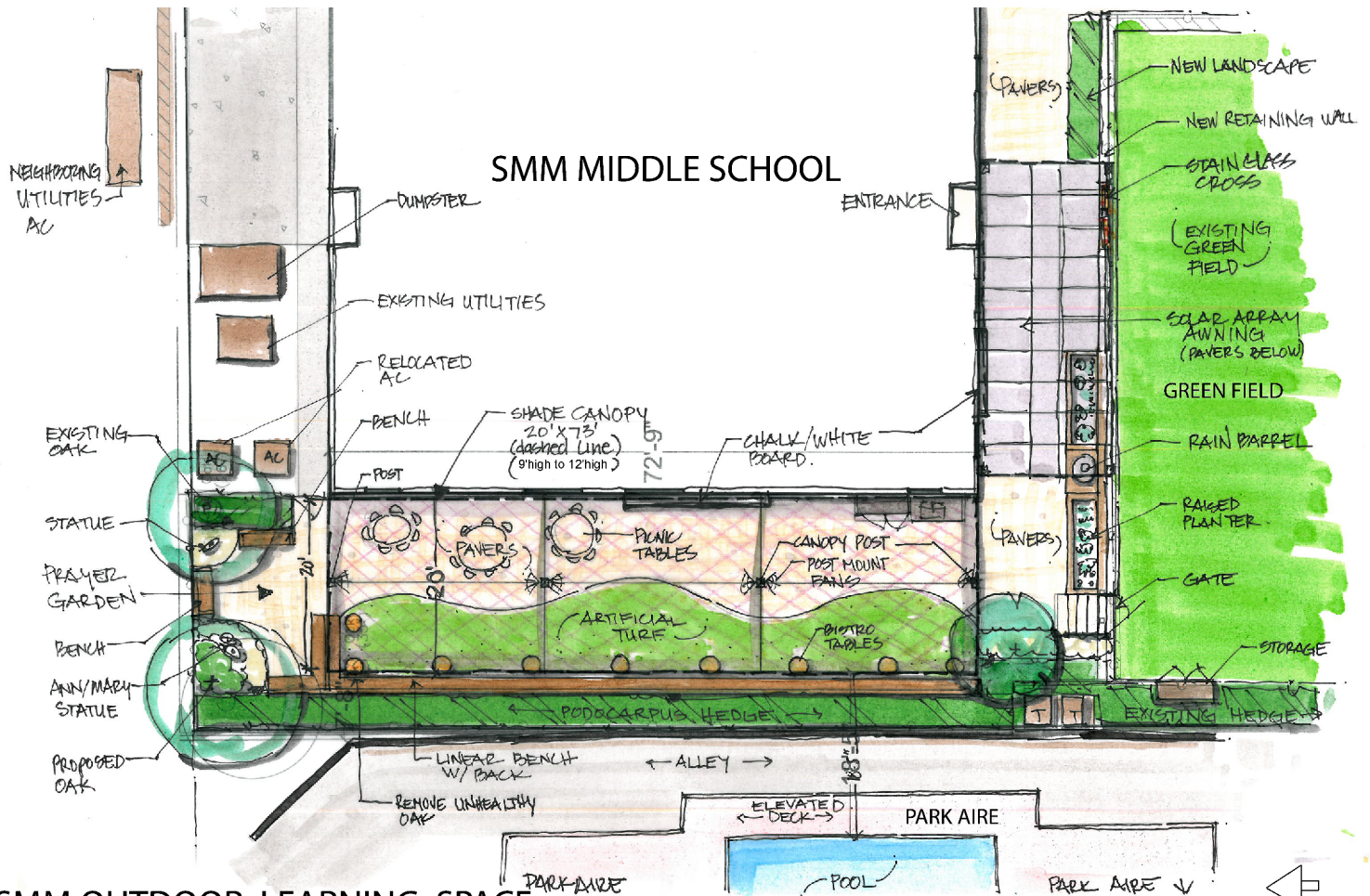
NOTES:
 >Survey is Based upon the Legal Description Supplied by Client.
 >Abutting Properties Deeds have NOT been researched for Gaps, Overlaps and/or Hints.
 >Subject to any Easements and/or Restrictions of Record.
 >Bearing back shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
 >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 46, 17.367 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

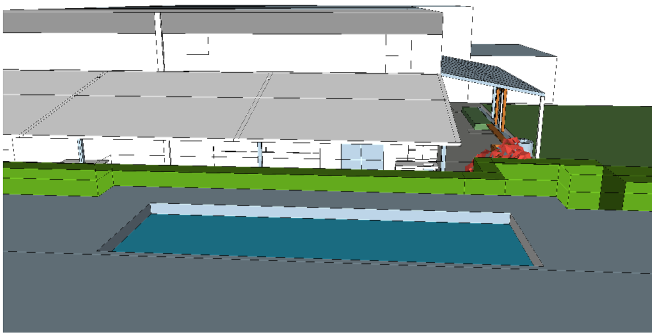
Patrick K. Ireland, P.S.M. 6637, LB 7623
 This Survey is Intended ONLY for the use of Said Certified Parties.
 This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.

Patrick K. Ireland & Associates Surveying, Inc.
 800 Currency Circle | Suite 1020
 Lake Mary, Florida 32746
 www.Irelandsurveying.com
 Office-407.678.3366 Fax-407.320.8165

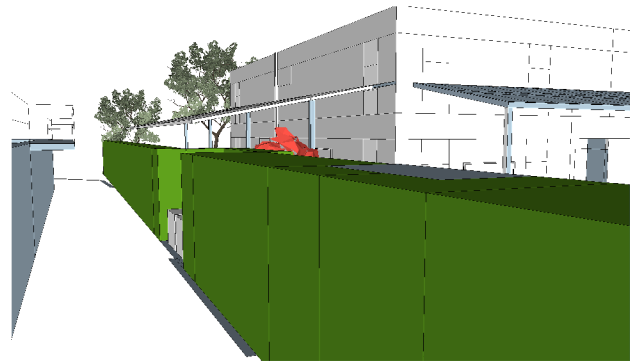


SMM OUTDOOR LEARNING SPACE CONCEPTUAL PLAN

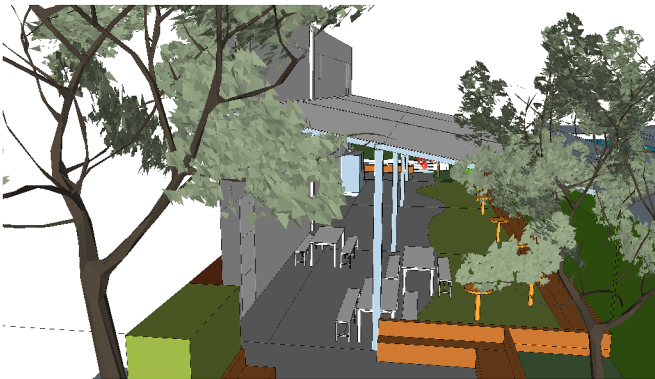
 **NORTH**
 SCALE 1"=10'-0"



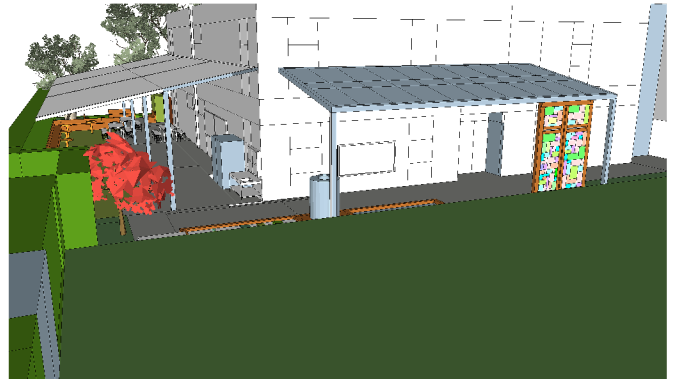
#1 VIEW FROM POOL TO THE EAST



2 VIEW FROM ALLEY TO THE NORTH



#3 VIEW FROM CASA FELIZ TO THE SOUTH



4 VIEW FROM GREEN FIELD TO THE NORTH



SMM OUTDOOR LEARNING SPACE

MODEL VIEWS

SMM Outdoor Learning Center Objectives and Scope:

SMM School desires to enrich the school's curriculum by transforming underutilized brown space into a nicely landscaped and functional Outdoor Learning Center for environmental teaching and learning.

Outdoor Learning Center will offer a variety of benefits tailored to specific grade levels and might include:

- Raised planters for growing plants and vegetables
- A rain barrel to emphasize water conservation
- Potential to add a solar array to demonstrate utilization of renewable energy
- Discussion of environmental preservation, Florida habitats, and promoting appreciation and understanding of our natural resources.
- Exterior space for meditative and reflective prayer.

Variance Application

Owner – Diocese of Orlando/St. Margaret Mary School

Describe Variance - Shade structure / posts may conflict with setback and impervious rules

Specific Variance Items

1.) What are the special conditions and circumstances, peculiar to the land, structures or buildings involved?

SMM is uniquely situated adjacent to the City Golf Course and Park Aire apartments. Park Aire is located to the west, with a road next to the proposed outdoor learning area, along with an elevated deck which overlooks the area. The golf course and Casa Feliz are located to the north, while the SMM Junior High and green fields are located to the east and south.

2.) What rights or privileges commonly enjoyed by other properties in the same zoning district will the applicant be deprived of because of enforcement of the Zoning Ordinance?

The subject area is not fully usable due to exposure to the elements. The plan is to make an outdoor learning center where students can learn about the environment, water conservation, agriculture, solar energy and related topics that can more effectively be taught outdoors than in a classroom. The variance is needed to accommodate a shade structure to protect the students from sun exposure and protect educational equipment.

3.) Describe fully the hardship (from zoning requirements) upon which this request is based, be specific in describing the hardship and give all reasons explaining why you need to vary from the Zoning Code requirements. Note: Financial reasons are not considered a hardship.

The purpose outlined in #2 cannot be realized without obtaining a variance for the shade structure.

4.) Will applicant accept a limited variance? For example: Height, lengths, position, etc. of signs, fences, shrubbery, enclosures of structures or carports, parking spaces, etc.? If so, to what extent?

Although we have limited flexibility in the requirements for the shade structure, we are open to discussing a reasonable alternative.















January 3, 2023

Nick Lewis
City of Winter Park
401 Park Avenue South
Winter Park, Florida 32789

RE: St. Margaret Mary School Variance Request

Dear Nick,

The Park Aire Board of Directors conducted numerous meetings with the St. Margaret Mary Church committee regarding their plans to build an Outdoor Learning Center. In December, the Board held an Association Members meeting to provide the opportunity for members ed to voice opinions. It was then that the Park Aire Condominium Association's Board of Directors voted not to object to St. Margaret Mary School's request for a rear building setback of 6 feet in lieu of the required 20 feet.

In conjunction with the Board's discussions with SMM, the church has agreed to using a steel roof versus a mesh canopy and agreed to plant tall, 30-gallon Podocarpus hedges along the shared property line.

Thank you for your assistance in this matter.

Sincerely,

Shari

Shari Hodgson, Resident and President
Park Aire Condominium Association



Board of Adjustments

agenda item

item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date January 17, 2023
prepared by Nicholas Lewis	approved by John Harbilas, Allison McGillis
board approval Completed	
strategic objective	

subject

BOA-2022-0023: Request of Mary Hartwig

item list

Request of the homeowner, Mary Hartwig, for variance approval from Section 58-66 subsections (f)(5) and (f)(6), to allow a front setback of 21.9-feet and a side setback of 5.9-feet in lieu of the required front setback of 35-feet and required side setback of 9-feet, in conjunction with the construction of a carport located at 2819 Northwood Boulevard, zoned R-1A.

The applicant's full application and stated hardship is provided in the "Applicant Energov Submittal" attachment below.

motion / recommendation

Staff recommendation is for approval of the variance requested.

background

The applicant and homeowner, Mary Hartwig, is requesting variance approval from Section 58-66(f)(5) and (f)(6) in order to reconstruct and expand the existing carport, which requires a front setback of 21.9-feet and side setback of 5.9-feet in lieu of the required 35-foot front setback and required 9-foot side setback, located at 2819 Northwood Boulevard. The property is zoned R-1A.

This request came before the Board of Adjustment at the July 16, 2019 regular meeting and was approved subject to two conditions of approval. The first condition was that the posts of the design move two feet inward. The second condition was that the roof covering be limited to a single material. The proposal included with the current request satisfies both of these requirements.

Due to the COVID-19 pandemic, the applicant was unable to begin construction before

her granted variance expired and thus, is seeking reinstatement under the same conditions previously heard by the Board.

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 existing carport is nonconforming and currently sits at a front setback that is 18.8-feet, whereas the average of the four adjacent properties is 35-feet. Furthermore, the code requires a minimum 20-foot distance from the front lot line to any garage or carport in order to allow for ample room to park a vehicle in front of the garage or carport. The existing side setback of the home is 5.9-feet and the applicant is proposing that the side setback of the carport meet that setback.

The applicant's request does not exacerbate the nonconforming side setback and in fact, relieves the 20-foot front setback requirement to a garage or carport nonconformity.

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 58-66(f)(5), the required front setback is the average of the four adjacent homes, which in this instance, is 35-feet and under Section 58-66(f)(6), the lot would require a 9-foot setback. The current setbacks are already nonconforming at 18.8-feet and 5.9-feet and therefore, any addition would be unachievable in this area. Further, the code requires a minimum of 20-feet from a front or street-side lot line to any garage or carport under Section 58-71(i)(3).

The current carport area has multiple health and safety concerns including its age and condition, flooding, and concrete trip hazards. Further, because of the neighboring East End Market, the traffic generation and street parking along Northwood Boulevard has increased dramatically in recent years. Without the variance, the applicant will be unable to effectively replace their carport in a manner that allows for the safe storage of multiple vehicles.

Actions if the Applicant

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

The home was originally constructed with a single-bay carport in 1953. The applicant purchased the home in 2002. The property was annexed unto the City also in 2002 and the existing carport was nonconforming at the time of annexation.

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.

Due to the nonconforming nature of the existing home and carport as it pertains to the front and side setbacks, the health and safety concerns, and its proximity to the traffic generated by East End Market, staff does not believe that granting this request would confer any special privilege to any other lands, structures, or buildings in the same zoning district.

Summary

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

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[2819 Northwood Blvd - Area Map.pdf](#)

ATTACHMENTS:

[2819 Northwood Blvd - Aerial Map.pdf](#)

ATTACHMENTS:

[2819 Northwood Blvd - Neighbor Letter Map.pdf](#)

ATTACHMENTS:

[2819 Northwood Blvd - Applicant Energov Submittal.pdf](#)

ATTACHMENTS:

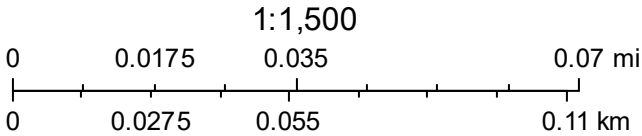
[2819 Northwood Blvd - Plan Set and 2019 Application Set.pdf](#)

2819 Northwood Boulevard - Area Map



1/4/2023, 12:00:22 PM

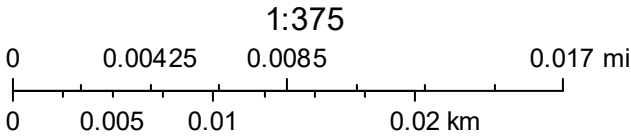
Parcels Orange



2819 Northwood Boulevard - Aerial Map



1/4/2023, 11:59:25 AM
Parcels Orange

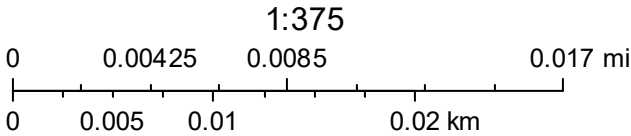


2819 Northwood Boulevard - Neighbor Letter Map



1/4/2023, 1:50:56 PM

Parcels Orange





PLAN SNAPSHOT REPORT BOA-2022-0023 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 12/12/2022
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: Harbilas, John	Approval Expire Date:

Description: Request is to rebuild existing carport and redo concrete to allow accessible entry and eliminate current flooding and trip hazards.

Parcel: 302217599603090	Main	Address: 2819 Northwood Blvd	Main	Zone:
		Winter Park, FL 32789-6632		

Owner	Applicant
Mary M Hartwig	Mary M Hartwig
2819 Northwood BLVD	2819 Northwood BLVD
Winter Park, FL 32789	Winter Park, FL 32789
Home: (407) 222-2388	Home: (407) 222-2388
Business: (407) 222-2388	Business: (407) 222-2388
Mobile: (407) 222-2388	Mobile: (407) 222-2388

Plan Custom Fields

Zoning	R-1A	Section	58-65,R-1A, R-1AA and R-1AAA districts	Subsection	(f) Site and building improvement regs. -setbacks
Is the property on waterfront?	No	Is this property on historic registry or district?	No	Describe variance	Request is to build carport and redo concrete per plans .Existing structure is unsafe ,limits coverage to one vehicle and forces occupants to be exposed to weather.Permit is to also request removal and regrading of concrete to allow "accessible " entry and eliminate current flooding. Variance was previously granted and requests for estimates started when pandemic hit. Variance expired during pandemic.
How long have you owned the property?	Since November 2002-20 years	How long have you occupied the property?	Since November 2002-20 years	Special Condition	Side and back parking are not possible due to septic requirements. Access to sewer is not available in this area. Current structure is unsafe and current zoning would not allow build that would create accessible entry .Existing front and side setbacks have existed since before I owned the house.New design would still have open sides and front so sight lines wouldn't be heavily altered.
Rights/Priv	One purpose of these ordinances is to promote safe and convenient		access to property. Adding elements in alignment with "aging in		place " is appropriate and in concurrence with this purpose. The opposite

PLAN SNAPSHOT REPORT (BOA-2022-0023)

side of the street is occupied by businesses and is governed by the city of Orlando(East End Market). This has caused a huge increase in traffic which has made the need for safer home parking more important. Aging in place ,addition of 90 year old father and severity of rainstorms makes safer entry more important also.

Hardship

Repairing the existing structure within code would not make it possible to correct all current flooding and concrete trip hazards.Demo of existing structure to redo concrete would not allow rebuild of more than 7' and would eliminate even existing inadequate coverage. Health issues for myself and family have been impacted by access safety issues . I wish to eliminate as many as possible to create a more favorable living environment. Current neighbors on one side have no issue with improvement , other side is new build for sale and it's addition has only added to flooding issues.

Limited Variance

Yes, existing setback could be shortened , more permeable material could be used in driveway as long as there was primarily wheelchair accessible parking. Updated carport design includes conditions requested in original variance that was approved.

Attachment File Name	Added On	Added By	Attachment Group	Notes
Setback wksst-22.pdf	12/12/2022 7:34	Hartwig, Mary		Uploaded via CSS
Updated 2019 variance.pdf	12/12/2022 7:34	Hartwig, Mary		Uploaded via CSS
Signature_Mary_Hartwig_12/12/2022.jpg	12/12/2022 7:34	Hartwig, Mary		Uploaded via CSS

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00031650	Reinstatement/Extension Variance Fee	\$200.00	\$200.00
Total for Invoice INV-00031650		\$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	12/12/2022	12/14/2022	12/15/2022	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	12/12/2022	12/14/2022	12/15/2022

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			
Board of Adjustments Review v.1	Receive Submittal	12/12/2022 0:00	12/15/2022 13:36
Issue Invoice v.1	Generic Action		
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		



401 South Park Avenue • Winter Park, Florida 32789

407-599-3237 • 407-599-3499 fax
cityofwinterpark.org

**Building &
Permitting
Services**

BOARD OF ADJUSTMENTS

July 17, 2019

Mary Hartwig
2819 Northwood Blvd
Winter Park, FL 32789

Dear Ms. Mary Hartwig,

Your request for variances to allow the construction of a carport with a side setback of 5.9 feet and a front setback of 21.9 feet, in lieu of the required setbacks of 9 feet and 35 feet respectively, was approved with two amendments by the Board of Adjustments on July 16, 2019. The amendments are; move the posts two feet inward and limit the roof covering to a single material.

The subject property described as Parcel ID #17-22-30-5996-03-090 as recorded in the Public Records of Orange County, Florida.

Located at 2819 Northwood Blvd

Zoned R-1A

Please have your contractor bring a copy of this approval notice when applying for the construction permit for this variance.

If I can be of further assistance please feel free to contact me.

Respectfully,

George J. Wiggins, CBO
Director of Building/Legislative Affairs
407-599-3426

All variance(s) expire in one year from date of approval by the Board of Adjustments. Any extension requests must be received and heard prior to the expiration date. Requests to reinstate an expired variance are subject to any changes that have occurred in the Code. Requests to extend or reinstate a variance will require payment of fee and re-publication & re-hearing of the variance request.

APPLICANT INFORMATION

PLEASE RETAIN THIS SHEET FOR YOUR USE IN PRESENTING YOUR VARIANCE REQUEST BEFORE THE BOARD.

CRITERIA: The Board of Adjustment is authorized to grant variances to the Zoning Code in specific cases where a literal enforcement of the Zoning Code results in unnecessary **hardship**. The following criteria must be shown by the applicant in order to have a variance granted.

- 1) 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.
- 2) 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.
- 3) Special conditions and circumstances do not result from the actions of the applicant.
- 4) Granting the variance will not confer on the applicant any special privilege that is 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.

APPLICANT'S PRESENTATION: The Chairman may apply the following standards for presentations when deemed necessary. Each individual applicant will have five minutes to present his/her request, and a group will be limited to ten minutes with rebuttal time limited to three minutes. All comments, pro or con, from the other interested parties will be limited to three minutes.

ALL APPLICANT'S NEED TO SUBMIT EIGHT (8) PACKAGES INCLUDING APPLICATION AND ALL DOCUMENTS PROVIDED(STAPLED).

EIGHT PACKAGES FOR SEVEN BOARD MEMBERS AND BUILDING OFFICIAL.

APPLICANT MUST LIMIT THE SIZE OF INFORMATION SUBMITTED TO 11 X 17 OR SMALLER.

ALL SURVEYS SUBMITTED NEEDS TO BE TO SCALE.

The information on this page is provided to assist you. Please bring it to the meeting, and use it as a guide during your presentation. The Board of Adjustment meets the third Tuesday of each month in the Commission Chambers at 5 p.m. The Chairman will call the meeting to order and explain the rules and procedures at that time.

**INSTRUCTIONS FOR
CITY OF WINTER PARK
BUILDING and PERMITTING SERVICES DEPARTMENT
VARIANCE APPLICATION**

General Instructions: Please completely fill out the variance application and submit it to the Code Enforcement Division, City Hall, 2nd Floor. Pay the Residential fee of \$200, Commercial or Multi-Family fee of \$400 (The application fee is doubled if the request is after-the-fact.) If the applicant requests to table the matter, an additional fee of \$100 will be charged. **Provide all information requested** on the application form. **All large plans must be reduced to 11X17 or smaller.** The following check list is provided for your convenience.

Checklist of additional items requested:

- 1) ☒ A recent survey to scale.
- 2) ☒ A site plan (drawn to scale) showing any existing building on the site and any additions you wish to make clearly marked. Setbacks of existing structures and proposed structure should be clearly marked on this site plan.
- 3) ☒ For ALL residential applications involving additions - A set back/ Coverage Calculation sheet must be filled out for Impervious Lot Coverage, Floor Area Ratio (FAR), and Setbacks. If you have any questions about filling this out, please call for assistance.
- 4) ☒ Show Elevations of existing curbs, and existing grade in front of building for height variances.
- 5) ☐ Provide Floor plans and elevations if applicable, (i.e. changing the footprint of the building, but not for a fence application).
- 6) ☒ Include any additional items that may further clarify your application, i.e., photographs, and letters from adjoining property owner or other neighbors. (These items will be sent to the board prior to the meeting.)
- 7) ☐ If you do not own the property, you will need a letter of authorization from the owner(s) to act as agent for the owner. If the applicant is not the owner, but plans to purchase the property, attach a copy of the purchase contract, or option on the property.

If you have any questions the clerk will be happy to assist you.
Call 407-599-3237 between 8am-4:45pm.

The criteria for acceptance of an application for a particular month is as follows: (1) The Board will only hear 10 cases each month (this includes Old Business) and, (2) new variance applications must be received before 4:45 p.m., 27 days prior to the next meeting date. Applications must be complete with all the requested items provided.

Applications will be scheduled contingent on space available, and in the order they were received.

Note: It will be necessary for you to post a Board of Adjustment placard on the property 15 days before the meeting visible from each street front. We will call you to pick it up when it is completed.

**CITY OF WINTER PARK
VARIANCE APPLICATION
BUILDING and PERMITTING SERVICES DEPARTMENT**

Building & Permitting Department
401 South Park Avenue
Winter Park, FL 32789
Ph: 407-599-3237

Date Received _____
Assigned _____
Date of Hearing ~~7/27~~ 7/18/19

Applicant: Mary Hartwig

Owner: ~~125675~~ MARY M HARTWIG

2819 Northwood Blvd.
(Address)
Winter Park, FL 32789
(City, State) (Zip)
407-222-2388
(Phone – Home)
~~407-222-2388~~
(Phone – Work or Cell)
mmhartwig@icloud.com
(Email Address)

2819 Northwood Blvd.
(Address)
Winter Park, FL 32789
(City, State) (Zip)
407-222-2388
(Phone – Home)
~~407-222-2388~~
(Phone – Work or Cell)
mmhartwig@icloud.com
(Email Address)

If the applicant is not the owner, attach a copy of the purchase contract, or option on the property, or a letter signed by the owner of record authorizing the applicant to act as an agent for the owner.

ORD. 3258-22

*This request is for a variance from requirements of Article III, Zoning of the Land Development Code of Winter Park, Section 8-65, Paragraph (F), Zoning R-7A.

(P)(6)(7) Site & Building Improvement regulations - setbacks
State briefly (Clearly Printed or Word Processed) answers to all questions.

Note: Submit E-Mail address to have application forwarded to you for word processing.

Street address of
property 2819 Northwood Blvd.

Legal description of
property Lot 9, Block C, Northwood Terrace, according to the Plat thereof, as recorded in Plat Book S, page 16, of the

public records of Orange County, Florida

Describe variance

request Request is to build carport and redo concrete per plans.

Structure is unsafe. It limits coverage to one vehicle and forces occupants to be exposed to bad weather to enter

the house. Permit is to request removal and regrading of concrete to allow "accessible" entry and eliminate current flooding.

This section may be left blank for completion by city staff

Residential Fee-\$200.00 /Commercial, Multi-Family Fee-\$400.00 payable upon submission of application. (The fee is doubled for after-the-fact requests.) Applicants tabled at the request of the applicant, within 10 days of the Planning and Zoning meeting or Board of Adjustment meeting will be charged for addition advertising and notification costs, plus \$100.00.

Variance Application
Page 2 of 2

What are the special conditions and circumstances, peculiar to the land, structures or buildings involved?

The existing structure has been in place at current setback for longer than I have owned the house so neighbors are used to it's size

It is unsafe ,but code would not allow replacement that would cover more than one car and wouldn't allow for replacement of concrete that is necessary for "accessible" entry and to eliminate current flooding.

New pergola design continues open front and sides flat roof look so sightlines to house would not be heavily altered to side and back parking are not possible due to septic requirements . Access to sewer is not available in this area .

How long have you owned the property? since Nov. 2002,

How long have you occupied the property? since Nov. 2002

What rights or privileges commonly enjoyed by other properties in the same zoning district will the applicant be deprived of because of enforcement of the Zoning Ordinance?

One purpose of these ordinances is to promote safe and convenient access to property .

The opposite side of the street is occupied by businesses and is governed by the City of Orlando. This has caused a huge increase in traffic which has made the need for safer home parking more important.

Adding elements in alignment with "aging in place "is appropriate and in concurrence with this purpose."

Describe fully the hardship (from zoning requirements) upon which this request is based, be specific in describing the hardship and give all reasons explaining why you need to vary from the Zoning Code requirements. Note: Financial reasons are not considered a hardship.

Repairing the existing structure within code would not make it possible to correct current flooding and concrete trip hazards.

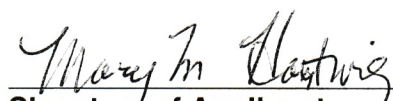
Demo of existing structure to redo concrete and make repairs would limit rebuild to 7' and would eliminate even existing inadequate coverage.

Neighbors have no issue with my improvement and expansion of the carport.

Health issues for myself and family have been impacted by access safety issues, I wish to eliminate as many as possible to create a more favorable living environment.

Will applicant accept a limited variance? For example: Height, lengths, position, etc. of signs, fences, shrubbery, enclosures of structures or carports, parking spaces, etc? If so, to what extent?

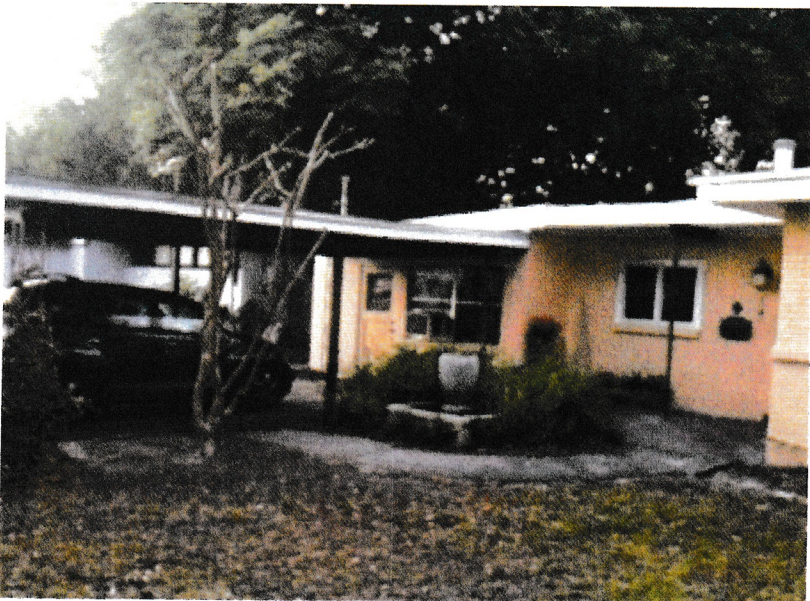
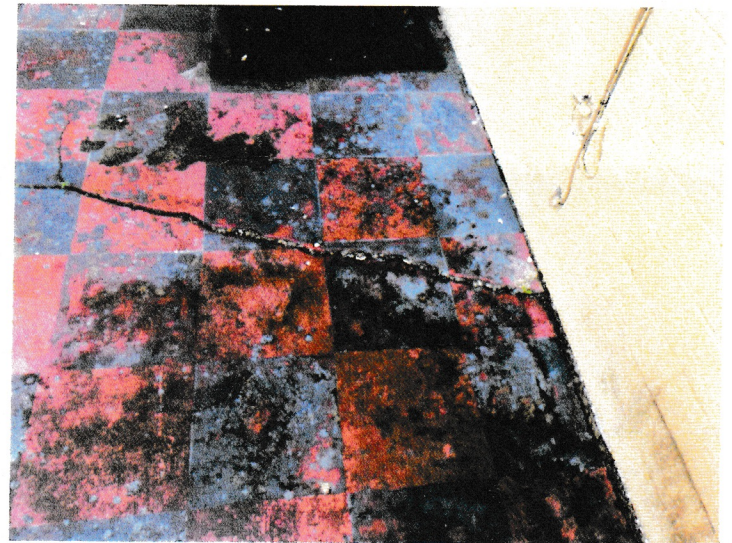
yes, existing setback could be shortened,more permeable material could be used in driveway as long as there was primarily wheelchair accessible paving.


Signature of Applicant

6/20/19
Date

Mary M . Hartwig
Name of Applicant (PRINT)

Variance app 12/00 - Instructions, and setback sheet - attached.





CITY OF WINTER PARK

SETBACK/COVERAGE WORKSHEET GUIDE FOR SINGLE FAMILY ZONING

See Setback/Coverage Worksheet & Criteria: Pages 1-4 & Accessory Structure Guide

- Step 1** ➡ Determine lot width, lot area and enter data.
The lot width is measured at front setback or front wall of an existing home.
(See note 2 on page 1 for non-rectangular lots)
- Step 2** ➡ Complete table and fill in appropriate data in square feet including "Impervious lot coverage", "Floor area ratio," and "Screen pool enclosure" area (if applicable) and "Front yard landscape coverage,". See notes 4-10 for details. Fill in the far right column with the allowed areas for each of these 4 criteria first, then go back and complete the existing and proposed areas for additions. **For new homes, Only use columns titled: New Total Area & Maximum Allowed Area**
- Step 3** ➡ Go to Page 2 and complete setback table. **Complete front setback and side setbacks first under "Minimum Allowable Dimensions"** Required side setback is based on the following lot width & gross floor area or configuration of home: (one story or two story & provisions on page 3). See notes for various criteria and limitations. For lots over 60 feet wide, the side setback based on % of lot width, the setback for each side must be rounded up to next whole number if the setback amount is .5 or greater.
[Page 4 contains examples of pre-calculated required side setbacks for various lot widths.]
- Step 4** ➡ Review Page 3 for criteria and other special features not included in tables.
- Step 5** ➡ Review Page 4 and comply with criteria for "Open front porches" and "Side wall articulation."
- Step 6** ➡ For accessory buildings or structures such garages, pools or cabanas, see Accessory Building Guide.



SETBACK / COVERAGE WORKSHEET

For Single Family Zoning Districts (R-1A, R-1AA & R-1AAA)¹
32789

Address: Winter Park, FL

Submitted by: Mary Hartwig

Lot width²: 75.07'

Lot area³: 10387.5'

IMPERVIOUS LOT COVERAGE	Maximum %	Existing Area ¹¹	Additional Proposed Area ¹¹	New Total Area	Maximum Allowed Area
	Allowed ⁴				
Include bldg footprint, driveways, sidewalks, patios, swimming pools, A/C pads, artificial turf, etc.	2 story - 50%				
	1 story - 60%	4657	1111 326	4056 4483	6232
	Lots < 11,600 sf: Use 38% Base FAR or w/ increased side setbacks: 43% Max FAR	4657 3374 inc. addition	1111 326	4056 3675	3947
FLOOR AREA RATIO (F.A.R.) ^{5,6,7} For one and two story bldgs (include 1st & 2nd floors, garages/carports, stair areas on both floors, areas on 2nd floors which are open to the 1st floor ⁸ , and accessory bldgs. EXCLUDE - pool screen enclosure areas and certain open front, side & rear porches ⁹	Lots 11,600 sf to 13,600 sf Use 4,500 sf Base area & 5,200 sf Maximum area	Rt 18-500D excludes 116			
	Lots > 13,600 sf Use 33% Base FAR or w/ increased side setbacks: 38% Max FAR	open porch			
	8% ¹⁰				
SCREEN POOL ENCLOSURE					
FRONT YARD LANDSCAPE COVERAGE	Minimum %	Existing Area ¹¹	Landscape Area Reduced ¹¹	New Total Area	Minimum Required Area
	Required				
Count all landscaped green areas - exclude hard surfaces and all driveway surfaces (pervious & impervious).	50%	2025 2625	216 6	2408 4	2025 1312.5
Front Lot Area:					

NOTES:

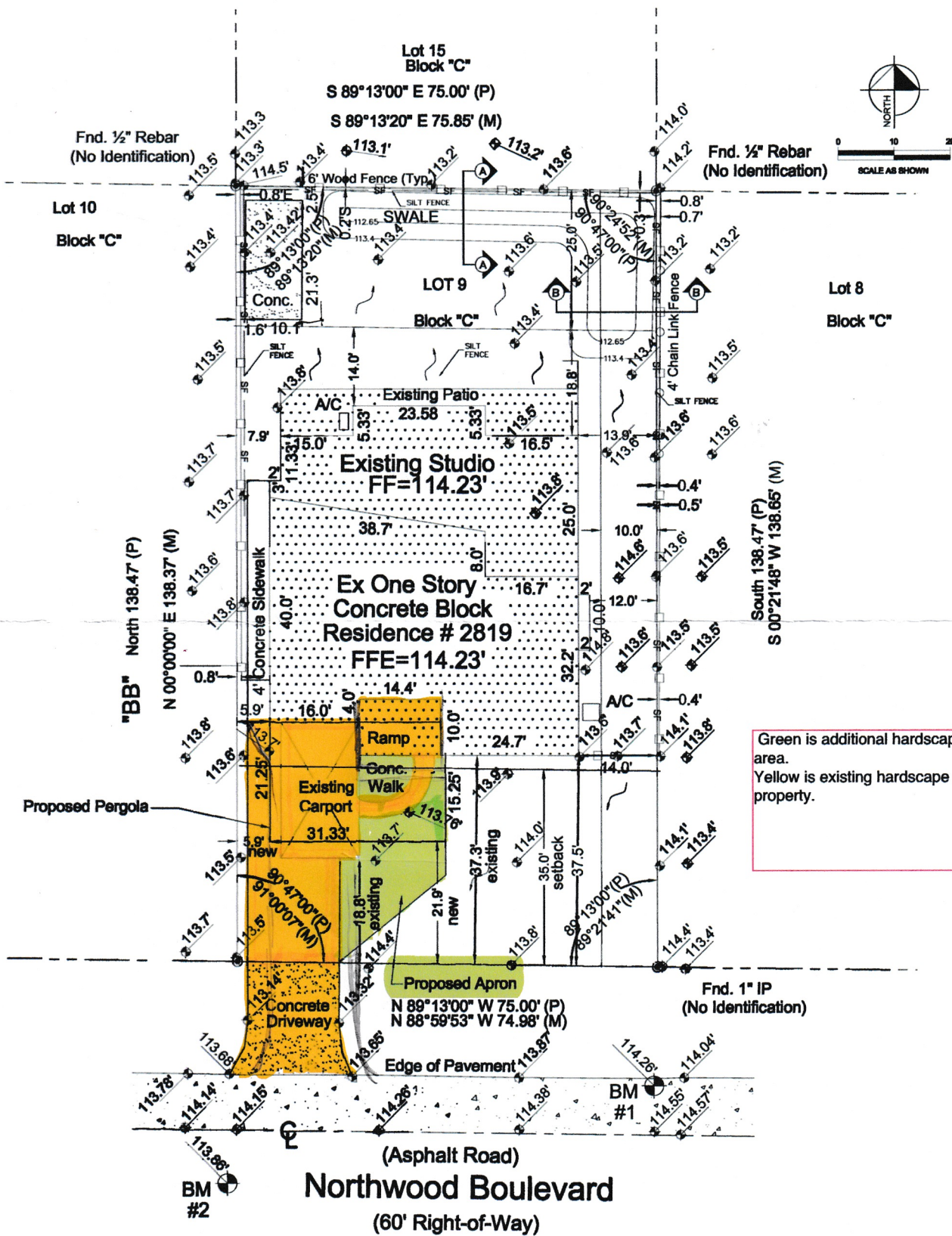
1. Windsong & Waterbridge may use these standards, except lot types A, B, & C in Windsong. Provisions on side articulations & accessory bldgs are mandatory.
2. Lot width measured at the front bldg line across lot. The bldg line is located at the required front setback for vacant lots or front bldg wall closest to the street of existing homes. For unusual (pie) shaped lots, an average lot width may be utilized as measured between the front setback line and the required rear setback line or shall be determined by the Building Director. For a proposed home, determine the front setback as described on page 2.
3. Submerged lands or land across the street shall not be included.
4. Percentage based on the lot area.
5. One story homes with a sloping roof, 12:12 or less, may utilize the maximum F.A.R. and may provide roof dormers, 8 ft. maximum width and 2.5 ft. back from the required setback, occupying 45% of roof area within the same roof plane.
6. Area forming a room behind 2nd floor walls shall be included in the gross floor area.
7. See page 3 on how to achieve maximum F.A.R.
8. Vaulted and cathedral ceiling areas count twice if the height from the floor to the ceiling is 17.5 feet or greater.
9. The area of open front porches and entries may be excluded from the gross floor area subject to a maximum area of 400 square feet. The area within an open or screened rear and/or side porches, lanai, porte cochere or other covered areas may be excluded from the gross floor area up to 500 sf of floor area. On 2nd floor, rear and/or side porches shall have an exterior sides that are 75% open in order to utilized up to 300 sf of the total 500 sf excludable gross floor area.
10. Any area not already used in the permitted floor area ratio (FAR) may be added to this 8% for additional screened pool enclosure area.
11. These columns only apply to existing homes.

SETBACKS (complete boxes A and B first)

		Minimum Allowable Dimensions		Existing ¹³		Proposed	
		Average of 2 adjacent homes on each side. If corner lot, use 3 adjacent homes.					
FRONT	SIDES^{1,2} (see other side setback options on pg 4)	1st Floor	See pages 3&4	A	5.9'	14'	5.9'
		2nd Floor	B	14'	5.9'	14'	
		1st Floor	25 ft.	25'			
		2nd Floor	35 ft ⁵				
REAR^{1,3,4}		Lakefront	see note 6				
		1st Floor	Lot width ≤ 65 ft.	15 ft.			
		Lot width > 65 ft ⁷	20 ft.				
		2nd Floor	Lot width ≤ 65 ft.	15 ft.			
CORNER LOT		1st Floor	Lot width > 65 ft ⁷	20 ft.			
		Lot width ≤ 65 ft.	15 ft.				
		2nd Floor	Lot width > 65 ft ⁷	22.5 ft.			
		30 ft. - 35 ft. plus 2 ft. or 40 ft. (see notes 11 & 12)	14'11.75"	14'11.75"			

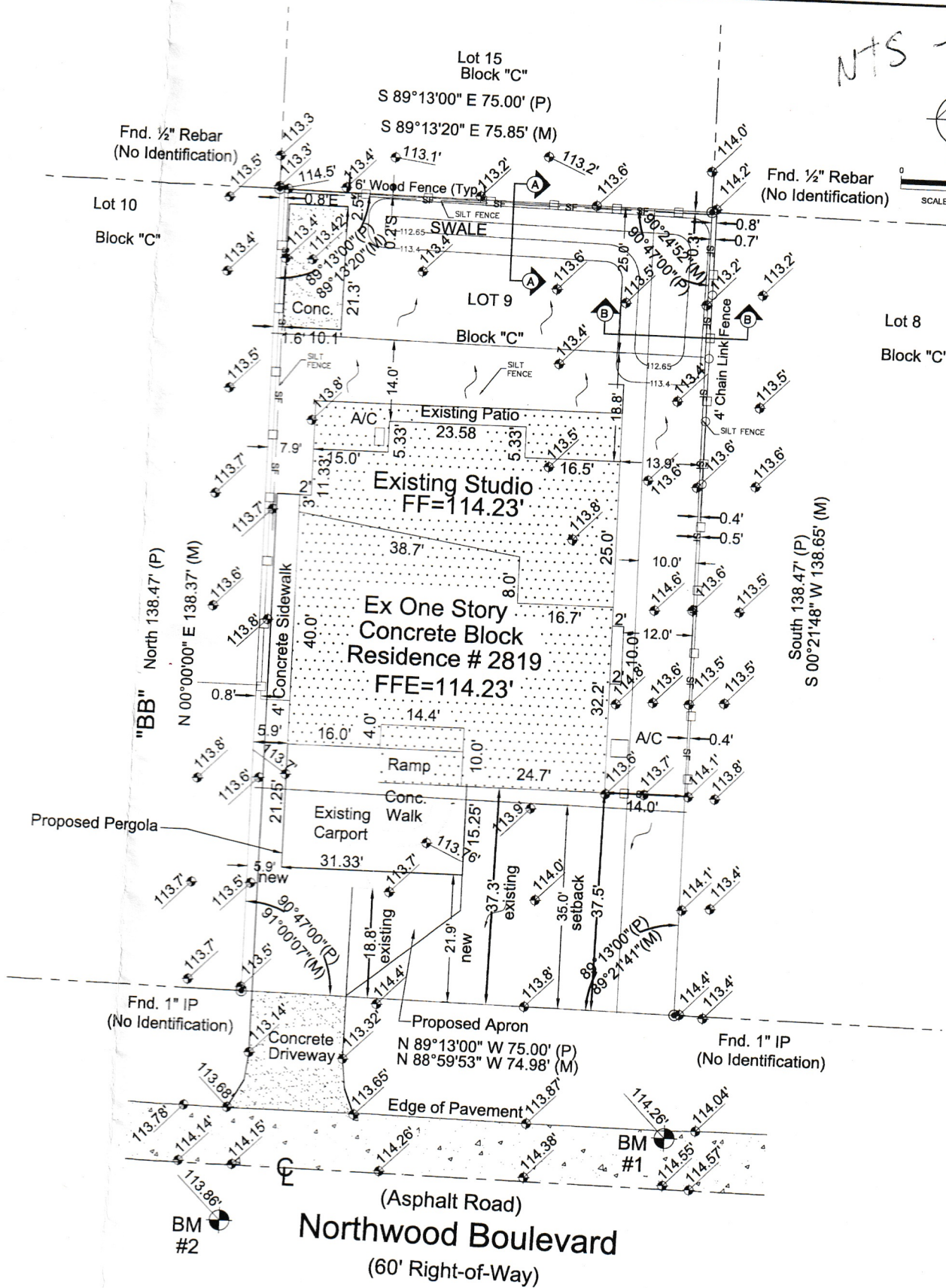
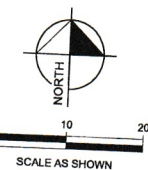
Notes:

1. Any building wall that exceeds 12 ft. in height measured from natural grade to top of wall plate or truss kneewall must meet the setbacks for the 2nd floor.
2. Accessory buildings' maximum side wall height (natural grade to roof sheathing) shall not exceed 10.5 ft. and interior side setback is 5 ft. minimum (no gable end allowed) for garages up to 600 sf, pool cabana up to 500 sf and all other accessory buildings up to 320 sf. Other accessory buildings used for habitation shall meet setbacks of the main residence.
3. Rear setbacks for properties abutting non-residential zoned, R-3/R-4, or a permanent stormwater retention area over 25 ft. in width may be 10 ft. For lots that are 75ft deep or less a first floor setback of 10ft and a second floor setback of 20ft is allowed. For lots which are 105ft deep or less a first floor setback of 15ft and a second floor setback of 30ft is allowed.
4. Accessory buildings: garage/carport up to 820 sf, pool cabana up to 500 sf and storage bldg up to 320 sf - minimum rear setback shall be 10 ft. Other accessory buildings used for habitation shall meet setbacks of the main residence.
5. The rear setback may be reduced to 25 ft. for two-story components when those consist of a second story loft or mezzanine that is within the normal scale and 18-ft max height of a typical one-story structure.
6. Require Planning & Zoning commission approval. Lakefront setback is based on the average setback established by the adjacent residences within 200 ft. or 50 ft., whichever is greater, measured from ordinary high water line.
7. Setbacks given are measured on the side yard adjacent to the street & lots over 75 ft. with 1st and 2nd floor setbacks of 25 ft. may reduce the rear setback by 5 ft. on each floor.
8. Building height is the vertical distance measured from the average elevation of the existing lot grade measured directly adjacent to the front of the building or proposed building.
9. No building or portion thereof shall exceed 30 ft. in height except for homes with a roof slope of 8:12 or greater may be permitted to have 2 ft. additional building height.
10. Accessory building that exceeds 18 ft. in height shall meet the same setbacks as the principal building on the property.
11. Properties or lots with at least 80 ft. of width at the building line are permitted to have a building height of 35 ft. if the side setbacks are increased to 20 ft. at 30 ft. above the side lot line. Exception: homes with a roof slope of 8:12 or greater are permitted 2 ft. of additional building height.
12. Properties or lots exceeding 50,000 sq. ft. in size with at least 100ft width at the building line may be permitted building heights of 40 ft. if side setbacks are increased to 35 ft. to the portion of the roof over 30 ft. in height.
13. This column only applies to existing homes.

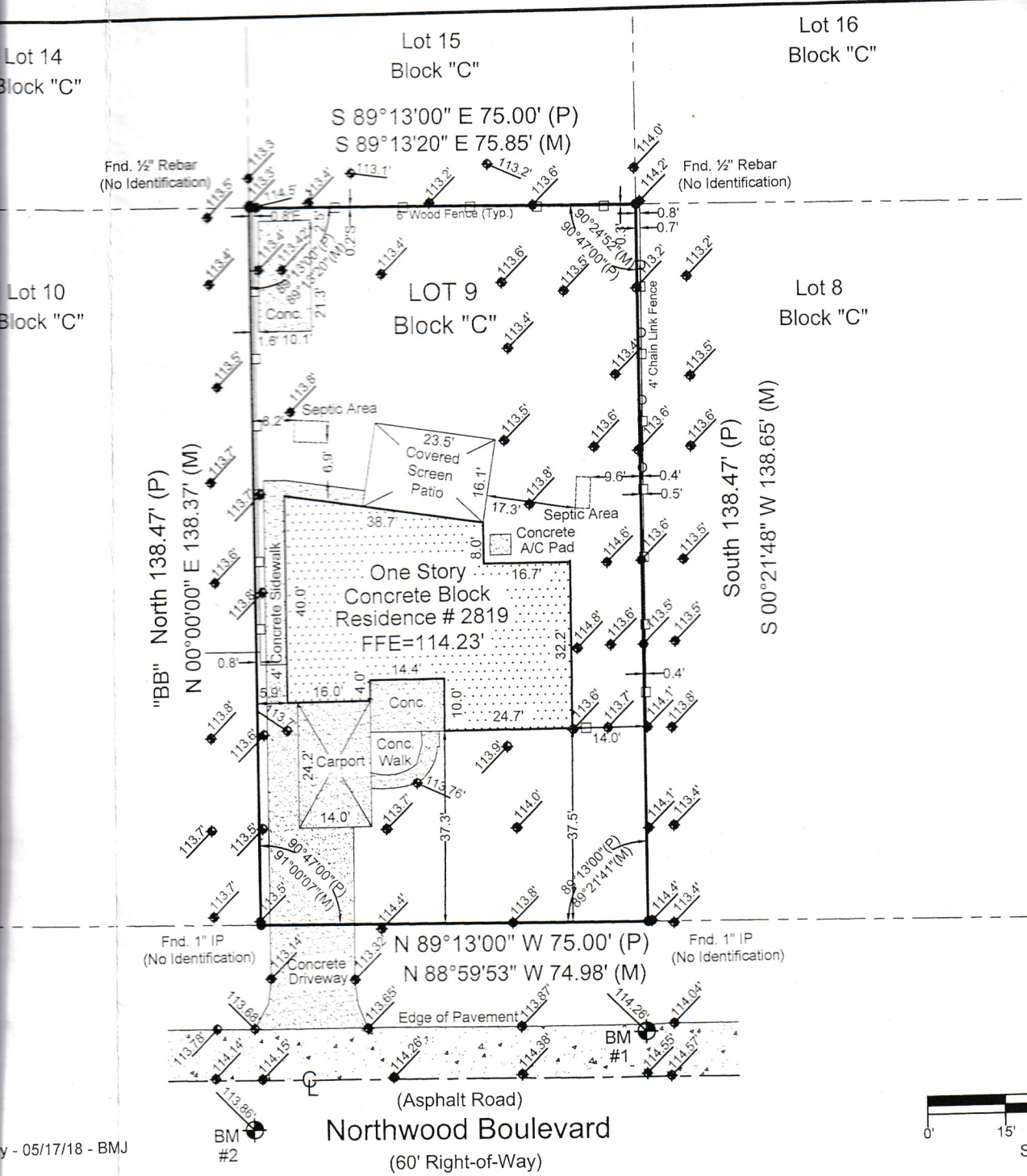


DATE	8-15-18	BY	
REVISIONS		DATE	
NO			
VARIANCE APPLICATION			
DESIGN ENGINEER	CHAD S. LINN, P.E.	SEAL	
DESIGNED BY	CSL	FLORIDA REGISTRATION NUMBER	57524
DRAWN BY	GAP		
CHECKED BY	CSL		
SUBMITTAL NOTED			
CITY OF WINTER PARK			
2819 Northwood Blvd			
Winter Park, FL			
DATE	8/15		
PROJECT NO.	20800-18-100		
SHEET NUMBER	0.2		

NTS - 40% vision



VARIANCE APPLICATION	
LINN ENGINEERING & DESIGN P.O. BOX 140024 ORLANDO, FL 32814 PHONE: 407-262-4433 cell: 407-262-4433	
DESIGN ENGINEER:	CHAD S. LINN, P.E.
DESIGNED BY:	CSL
DRAWN BY:	GAP
CHECKED BY:	CSL
FLORIDA REGISTRATION NUMBER:	57524
SEAL	
SITE PLAN	
FLORIDA	
Mary Hartwig 2819 Northwood Blvd Winter Park, FL	
CITY OF WINTER PARK	
DATE	8/15
PROJECT NO.	20800-18-100
SHEET NUMBER	0.2



2819 NORTHWOOD BOULEVARD, WINTER PARK, FLORIDA 32789

Field Date: 5/16/2018 Date Completed: 05/15/18
Drawn By: B.J. File Number: IS-47077

-Legend-

C	- Calculated	PC	- Point of Curvature
CL	- Centerline	Pg.	- Page
CB	- 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.B.	- Plat Book	Δ	- Delta (Central Angle)
-C-	- Wood Fence	-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 Standard of Practice for Land Surveying in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

Patrick K. Ireland
No. 6637
STATE OF FLORIDA

Patrick K. Ireland PSM 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.

Ireland & Associates Surveying, Inc.

1301 S. International Parkway Suite 2001
Lake Mary, Florida 32746

www.irelandsurveying.com

Office-407.678.3366 Fax-407.320.8165

To Whom it May Concern,

We are neighbors of Mary Hartwig at 2819 Northwood Blvd. and are aware of the plan to renovate the carport to cover 2 cars and allow safe access into the house. We have no objections to this plan.

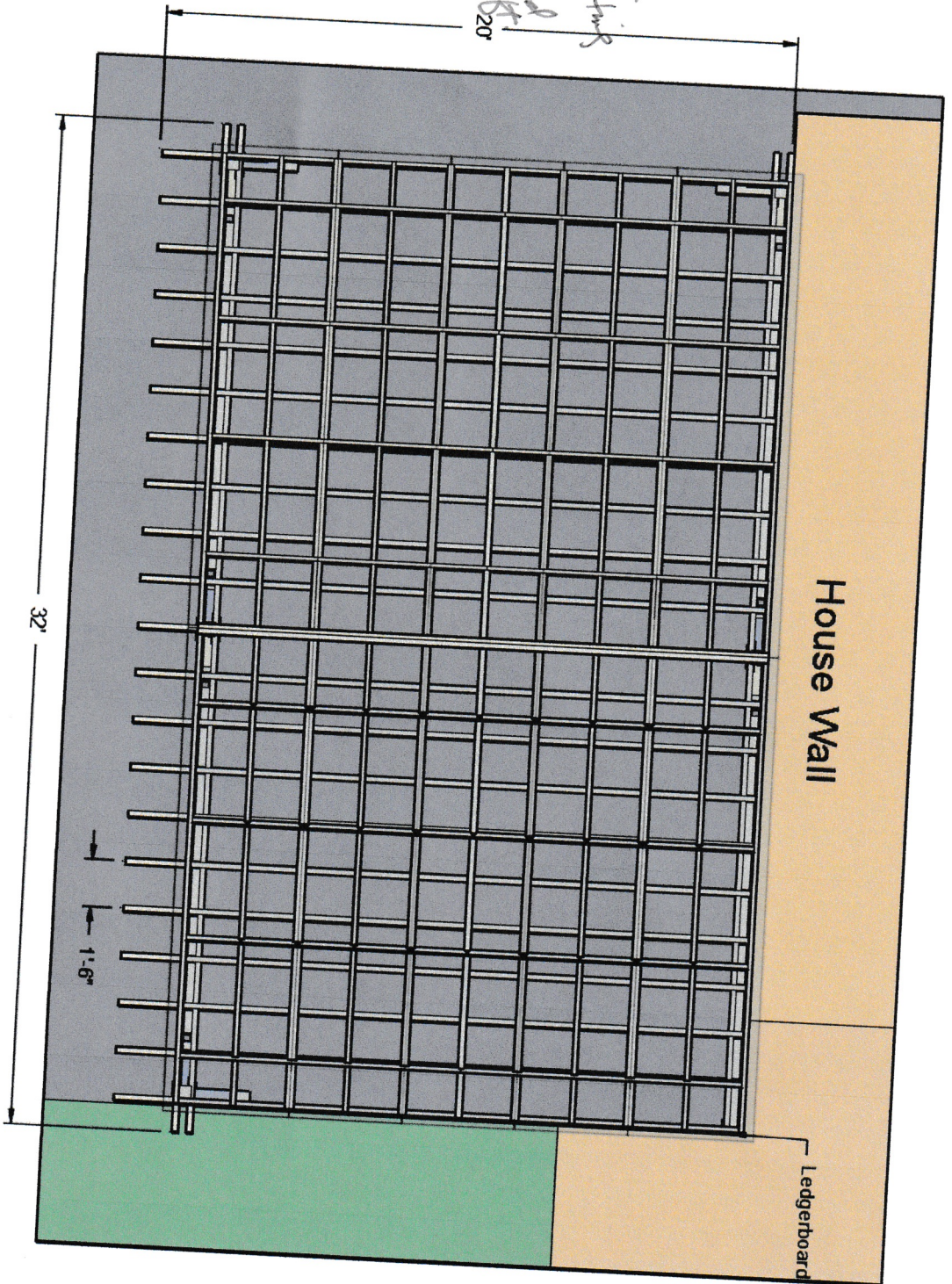
Thank You

Janet A. Amante
2825 Northwood Blvd.
Winter Park, FL 32789

Nicole Belan
2813 Northwood Blvd. -
Winter Park, FL 32789

This neighbor has moved
House is now new build
for sale.

$$\begin{array}{r} 320 \\ 640 \text{ sq ft.} \\ 326 \text{ sq ft.} \\ \hline 301 \text{ sq ft.} \end{array}$$



IN PROGRESS

- Notes:
- Mosaic-Douglas-Fir (10-Yr Warranty)
 - 5-Post High Wind Anchor Kit
 - 9 ft Height, 6 in x 6 in Post. Send post to fit on site.
 - Electrical Wire Trim Post #2, #5
 - White Wash Finish
 - Transparent Rain Guard

FOREVER REDWOOD

Customer: Mary Hartwig

Attached Garden Pergola - 32' x 20'

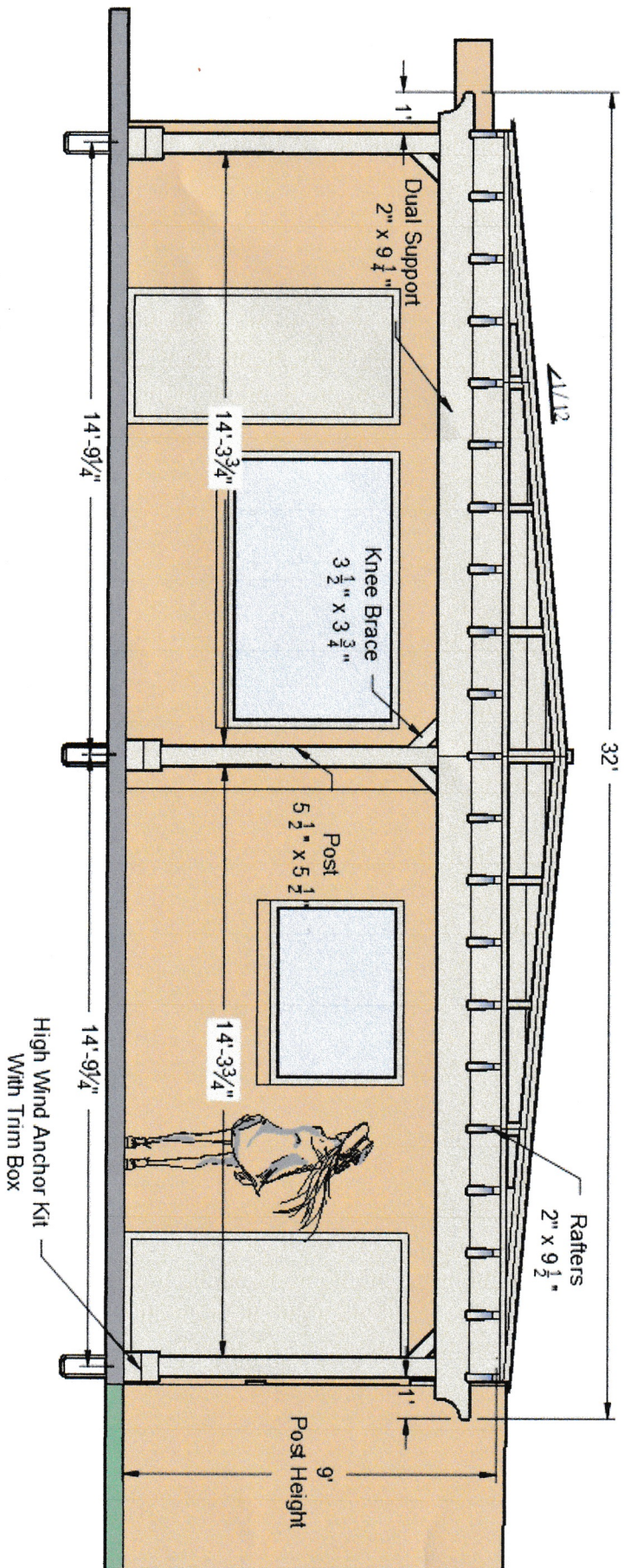
Designer: Gerardo Alvarez | Gerardo@foreverredwood.com

Order No: 126204

Rev.: D

Top View

NOT TO SCALE



Front View

NOT TO SCALE

Notes:

- Mosaic-Douglas-Fir (10-Yr Warranty)
- 5-Post High Wind Anchor Kit
- 9 ft Height, 6 in x 6 in Post. **Send post to fit on site.**
- Electrical Wire Trim Post #2, #5
- White Wash Finish
- Transparent Rain Guard

IN PROGRESS

FOREVER REDWOOD

Customer: Mary Hartwig

Attached Garden Pergola - 32' x 20'

Designer: Gerardo Alvarez | Gerardo@foreverredwood.com

Order No: 126204

Rev.: D



FOREVER REDWOOD

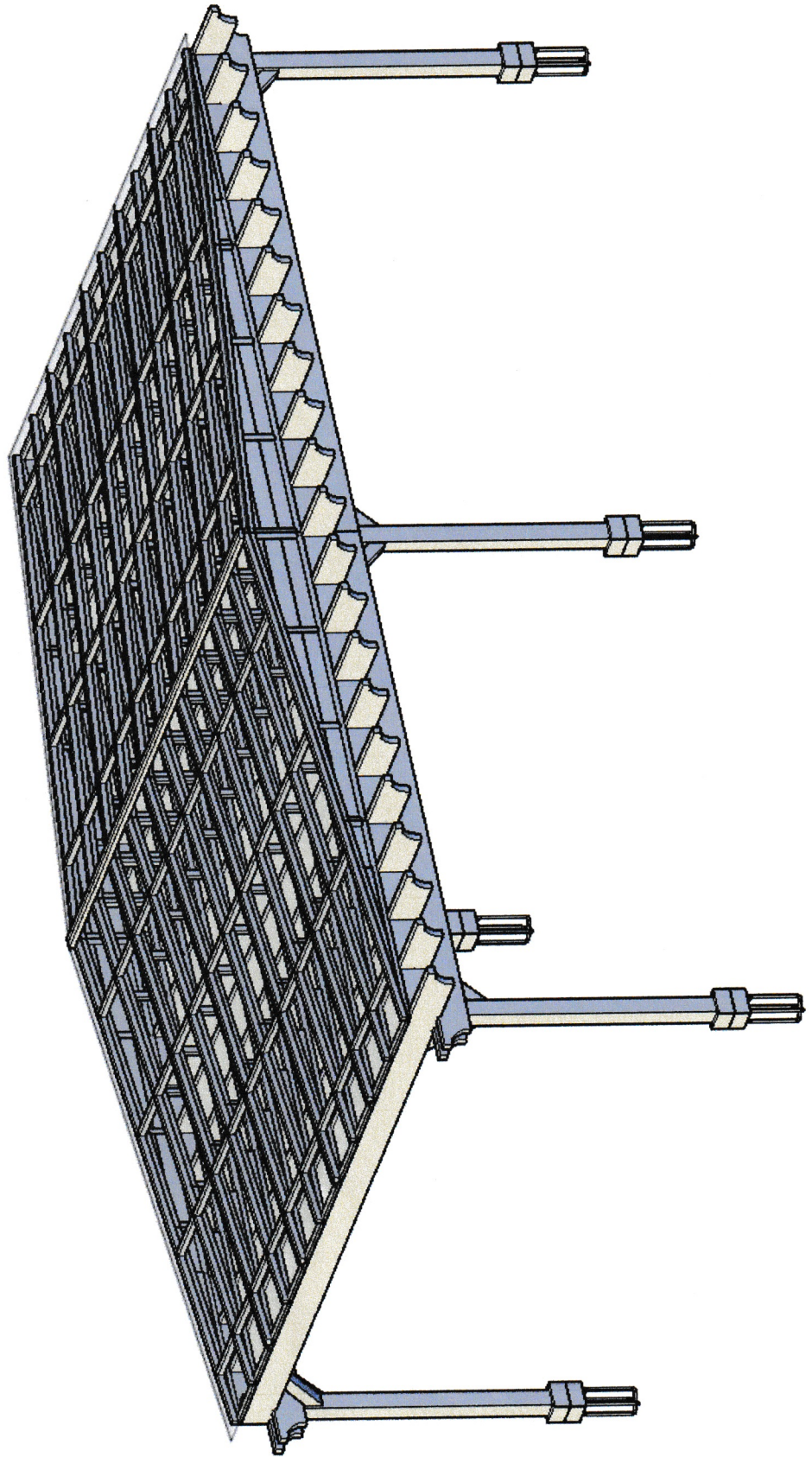
From the Forest, For the Forest since 1995

www.foreverredwood.com

Custom Attached Garden Pergolas – 32' x 20'

Mary Hartwig

Order #126204





Board of Adjustments

agenda item

item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date January 17, 2023
prepared by Nicholas Lewis	approved by John Harbilas, Allison McGillis
board approval Completed	
strategic objective	

subject

BOA-2022-0025: Request of Chris Mairn.

item list

Request of the homeowner, Chris Mairn, for variance approval from Section 58-66(f)(6), to allow a side setback of 9.58-feet in lieu of the required side setback of 16-feet, in conjunction with the proposed second-story addition to the existing home located at 1219 Via Estrella, zoned R-1AA.

The applicant's full application and stated hardship is provided in the "Applicant Energov Submittal" attachment below.

motion / recommendation

Staff recommendation is for approval of the variance requested.

background

The applicant and homeowner, Chris Mairn, is requesting variance approval from Section 58-66(f)(6) in order to add a second-story addition to the existing home, which requests a side setback of 9.58-feet in lieu of the required 16-foot second-story side setback, located at 1219 Via Estrella. The property is zoned R-1AA.

This request came before the Board of Adjustment at the February 16, 2021 regular meeting and was approved without conditions. Due to the COVID-19 pandemic, the applicant was unable to begin construction before his granted variance expired and thus, is seeking reinstatement under the same conditions previously heard by the Board.

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 existing home has a second-story on all portions of the first-floor except for the existing sunroom, which has a side setback of 9.61-feet. The applicant is seeking to meet that setback with the second-story. In addition, the sunroom also has water penetration issues. The applicant is requesting this variance in order to stop the water intrusion issue, in addition to utilizing some of the property's remaining FAR in a manner that compliments the rest of the home.

In addition to being limited on the second-story, the location of the swimming pool (which was constructed prior to the applicant's ownership of the property) and the existing tree in the rear of the property, makes a first-floor addition not realistic .

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 58-66(f)(6), the lot would require a 16-foot setback. The current second-story setback on the side of the proposed addition conforms to this provision at 19.61-feet. As stated, however, this is the only available space for a second-story addition to the home. The result of not granting this variance is that an addition would be unachievable in any scenario and the applicant would not be able to utilize his remaining FAR.

Actions of the Applicant

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

The home was originally constructed in 1997. The applicant purchased the home in 2018 and therefore, had no hand in its design and construction. The applicant's proposal meets the FAR and impervious requirements and because the existing sunroom is the only first-floor area that does not have an existing second-story portion on top, this is the only feasible area for an addition.

Special Privilege

The last requirement necessary to grant the 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.

Due to the fact that this is the only location in the existing home's footprint that would allow for an addition, staff does not believe that granting this request would confer any special privilege to any other lands, structures, or buildings in the same zoning district.

Summary

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

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[1219 Via Estrella - Area Map.pdf](#)

ATTACHMENTS:

[1219 Via Estrella - Aerial Map.pdf](#)

ATTACHMENTS:

[1219 Via Estrella - Neighbor Letter Map.pdf](#)

ATTACHMENTS:

[1219 Via Estrella - Applicant Energov Submittal.pdf](#)

ATTACHMENTS:

[1219 Via Estrella - 2021 Full App.pdf](#)

ATTACHMENTS:

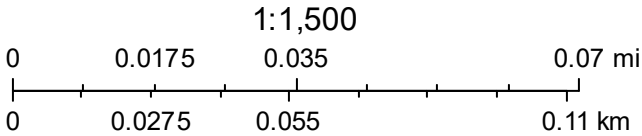
[2021 Application Responses.pdf](#)

1219 Via Estrella - Area Map

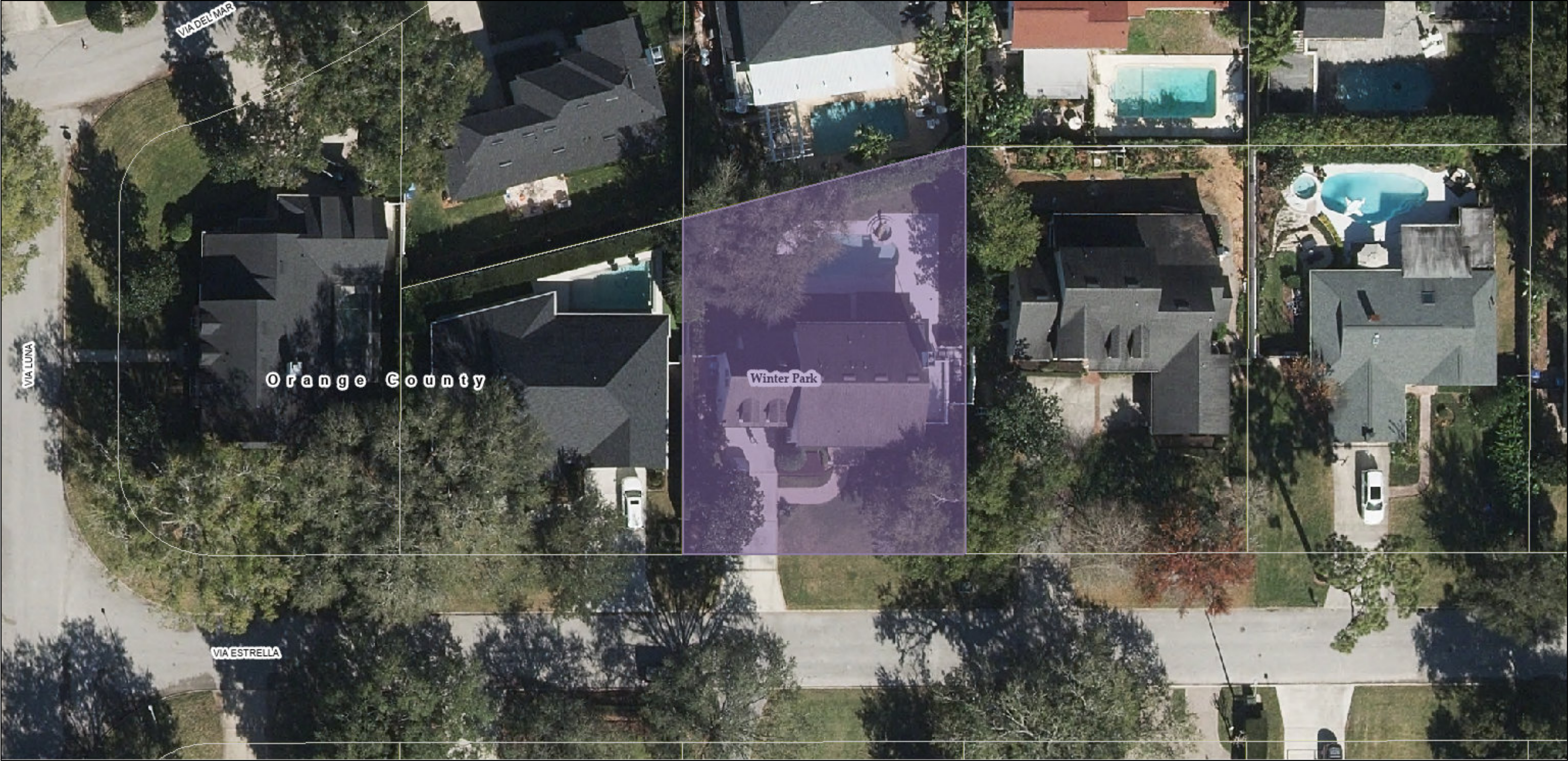


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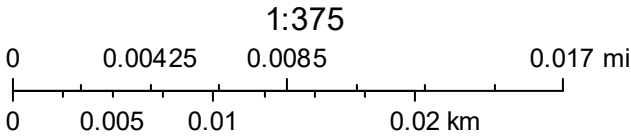
Parcels Orange



1219 Via Estrella - Aerial Map



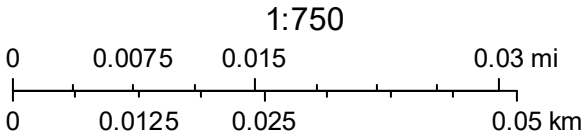
1/6/2023, 10:20:50 AM
Parcels Orange



1219 Via Estrella - Neighbor Letter Map



1/6/2023, 10:07:13 AM
Parcels Orange





PLAN SNAPSHOT REPORT BOA-2022-0025 FOR CITY OF WINTER PARK

Plan Type:	Board of Adjustments	Project:		App Date:	12/18/2022
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:	Harbilas, John	Approval Expire Date:	
Description:	Approval previously received but did not proceed due to Covid-10 pandemic.				

Article III Zoning of the Land Development Code of Winter Park cites the side setback for two-story homes, measured to the second story wall, shall be 35 percent of the lot width in feet equally divided on each side of the home, except the second floor side setback is ten feet for lots which are 60 feet wide or less. Specific to the property in question, the required setbacks are 11' to the 1st floor and 16' to the 2nd floor. We are seeking a variance, for the 2nd floor side setback only, to 9'7". Our variance request is for relief of the 2nd floor northeast side setback to a total of 9.61 ft. This request does not alter the existing footprint, allows for a consistent 2nd floor architectural, structural and functional elevation (like the west side of the property), and limits the proposed addition roof height to 24'-5" (shorter than center of the house) to less impede on neighbor.

Parcel:	302132878803120	Main	Address:	1219 Via Estrella Winter Park, FL 32789-2705	Main	Zone:	
Owner	Applicant						
Mairn Christopher Andrew	Christopher A Mairn						
1219 VIA ESTRELLA ST	1219 Via Estrella						
WINTER PARK, FL 32789-1366	Winter Park, FL 32789						
Home: 00	Mobile: (140) 734-2991 x3						
Business: 00							
Mobile: 00							

Plan Custom Fields

Zoning	R-1AA and R-1A	Section	58-66	Subsection	
Is the property on waterfront?	No	Is this property on historic registry or district?	No	Describe variance	Article III Zoning of the Land Development Code of Winter Park cites the side setback for two-story homes, measured to the second story wall, shall be 35 percent of the lot width in feet equally divided on each side of the home, except the second floor side setback is ten feet for lots which are 60 feet wide or less. Specific to the property in question, the required setbacks are 11' to the 1st floor and 16' to the 2nd floor. We are seeking a variance, for the 2nd floor side setback only, to 9'7". Our variance request is for relief of the 2nd floor northeast side setback to a total of 9.61 ft. This request does not alter the existing footprint, allows for a consistent 2nd floor architectural, structural and functional elevation

PLAN SNAPSHOT REPORT (BOA-2022-0025)

	(like the west side of the property), and limits the proposed addition roof height to 24'-5" (shorter than center of the house) to less impede on neighbor.	How long have you owned the property?	Purchased and occupied the property since 6/6/2018	How long have you occupied the property?	Purchased and occupied the property since 6/6/2018
Special Condition	The home was built in 1997 with a Florida sun-room without a second story. We would like to expand above the existing sun-room for additional space and balance the front elevation. Beyond the desire to expand and elevation imbalance, the construction method (flat roof) has also caused water penetration issues requiring replacement. As such, we would like to incorporate this into home renovation project	Rights/Priv	1. Based on the change in the setback requirements of 2010, we would be unable to align the entire northeast side of the property to the existing 2nd story height. This directly prohibits and deprives the realization of: * Utilization of roofed/air-conditioned space for family of six (6) * Increased property value that accompanies additional space * Ability to have a balanced architectural front elevation 2. Other homes in the same zoning district have been granted approval for side variances	Hardship	1. The side setback requirements have changed since the home was built in 1997. a. In 2010 a new set of stricter side setbacks were adopted based on lot width. b. The side setbacks are now a % of the lot width and are set up on a scale which requires that they be larger for a home with a larger gross area. 2. Inability to expand our home in other directions due to irregular lot shape a. Side setbacks- See above b. Rear setback- The current pool was installed when the more lenient setbacks were enforced. Unfortunately, it essentially blocks adding an addition to the rear of the property (complying to the current setbacks)
Limited Variance	We would welcome the opportunity to collaborate with the City on a mutually acceptable solution.				

Attachment File Name	Added On	Added By	Attachment Group	Notes
1219 Via Estrella - 2021 Full App.pdf	12/18/2022 20:54	Mairn, Christopher		Uploaded via CSS
2021 Application Responses.pdf	12/18/2022 20:54	Mairn, Christopher		Uploaded via CSS
Mairn- Winter Park Board of Adjustment Variance Request-12152020.pdf	12/18/2022 20:54	Mairn, Christopher		Uploaded via CSS
Mairn- WP Variance Approval.pdf	12/18/2022 20:54	Mairn, Christopher		Uploaded via CSS
Signature_Christopher_Mairn_12/19/2022.jpg	12/18/2022 20:54	Mairn, Christopher		Uploaded via CSS

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00031716	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00031716		\$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	12/18/2022	12/20/2022	12/19/2022	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	12/18/2022	12/20/2022	12/19/2022

Workflow Step / Action Name	Action Type	Start Date	End Date
January 06, 2023			

PLAN SNAPSHOT REPORT (BOA-2022-0025)

Review v.1

12/19/2022 10:23

Board of Adjustments Review v.1

Receive Submittal

12/18/2022 0:00

12/19/2022 10:22

Issue Invoice v.1

Generic Action

12/19/2022 10:23

Final Decision v.1

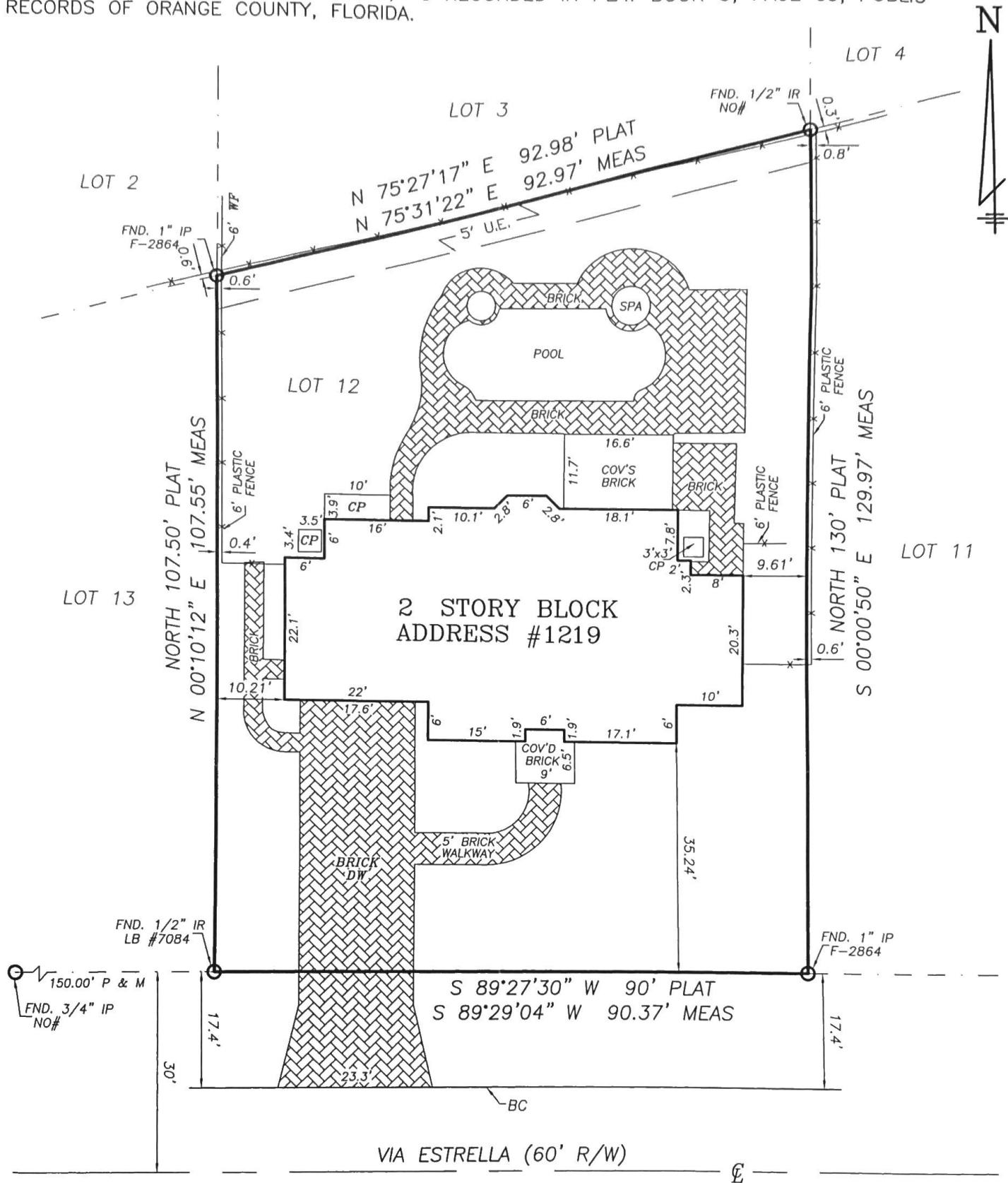
Board of Adjustments Decision v.1

Generic Action

MAP OF SURVEY

DESCRIPTION

LOT 12, BLOCK C, TUSCANY TERRACE, AS RECORDED IN PLAT BOOK U, PAGE 69, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



DF#OCU-69-BLKC-LOT12

NOTE: UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.

BOUNDARY SURVEY CERTIFIED TO: CHRISTOPHER ANDREW AND TERESA ESPERANZA MAIRN; FBC MORTGAGE; OLD REPUBLIC NATIONAL TITLE INSURANCE CO.; DOWNING LAW OFFICES, P.A.

FIELD DATE: JUNE 22, 2018

SCALE: 1"=20' DRAWN BY: AP/AR

THIS BUILDING/LOT IS IN FLOOD ZONE X, BASED ON FLOOD INSURANCE RATE MAP, NO.120188 0255 F, CITY OF WINTER PARK, FLORIDA.

BEARING STRUCTURE BASED ON: THE NORTH RIGHT OF WAY LINE OF VIA ESTRELLA.

LEGEND

- | | |
|--------------------------------|-----------------------------|
| BC - BACK OF CURB | IR - IRON ROD |
| CALC - CALCULATED | L - ARC LENGTH |
| E - CENTERLINE | LB - LICENSE BUSINESS |
| Δ - CENTRAL ANGLE | MEAS - MEASURED |
| CLF - CHAIN LINK FENCE | MS - METAL SHED |
| CONC - CONCRETE | N&D - NAIL & DISK |
| CBW - CONCRETE BLOCK WALL | # - NUMBER |
| CM - CONCRETE MONUMENT | OHE - OVERHEAD ELECTRICAL |
| CP - CONCRETE PAD | OL - ON LINE |
| CW - CONCRETE WALKWAY | POB - POINT OF BEGINNING |
| COVD - COVERED | POC - POINT OF COMMENCEMENT |
| DESC - DESCRIPTION | PC - POINT OF CURVATURE |
| DW - DRIVEWAY | PP - POWER POLE |
| DE - DRAINAGE EASEMENT | P&M - PLAT & MEASURED |
| ESMT - EASEMENT | R - RADIUS |
| E/P - EDGE OF PAVEMENT | R/W - RIGHT OF WAY |
| FFE - FINISHED FLOOR ELEVATION | TYP - TYPICAL |
| FND - FOUND | UE - UTILITY EASEMENT |
| IP - IRON PIPE | UB - UTILITY BOX |
| | WF - WOOD FENCE |
| | Y - GUY WIRE ANCHOR |

REVISIONS:

M.A.P.
Land Surveying, Inc.

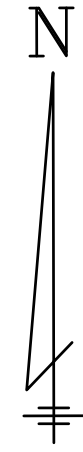
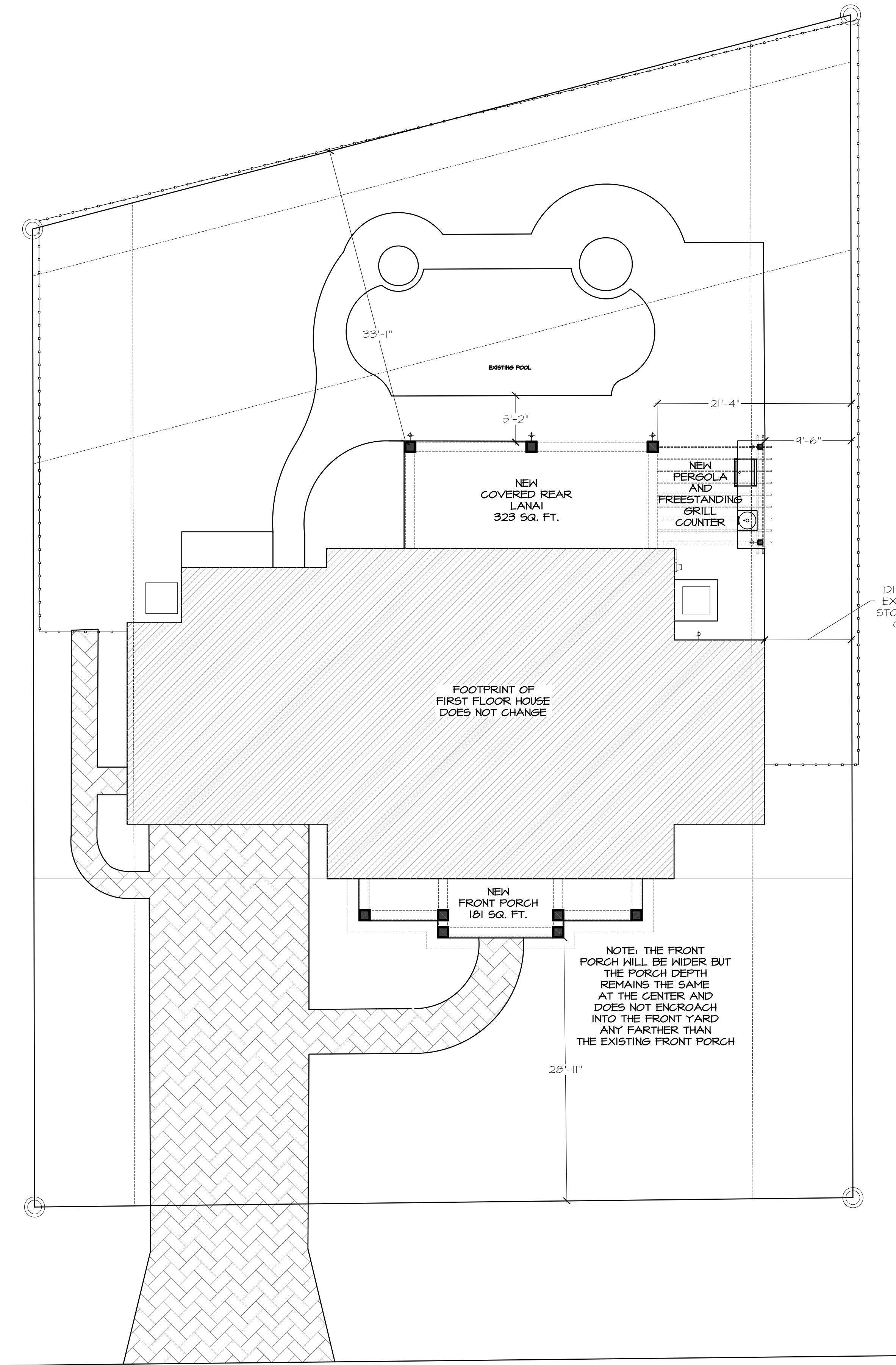


4515 Curry Ford Rd.
Suite C
Orlando FL 32812
PH. 407 896 4557
FAX 407 277 3778

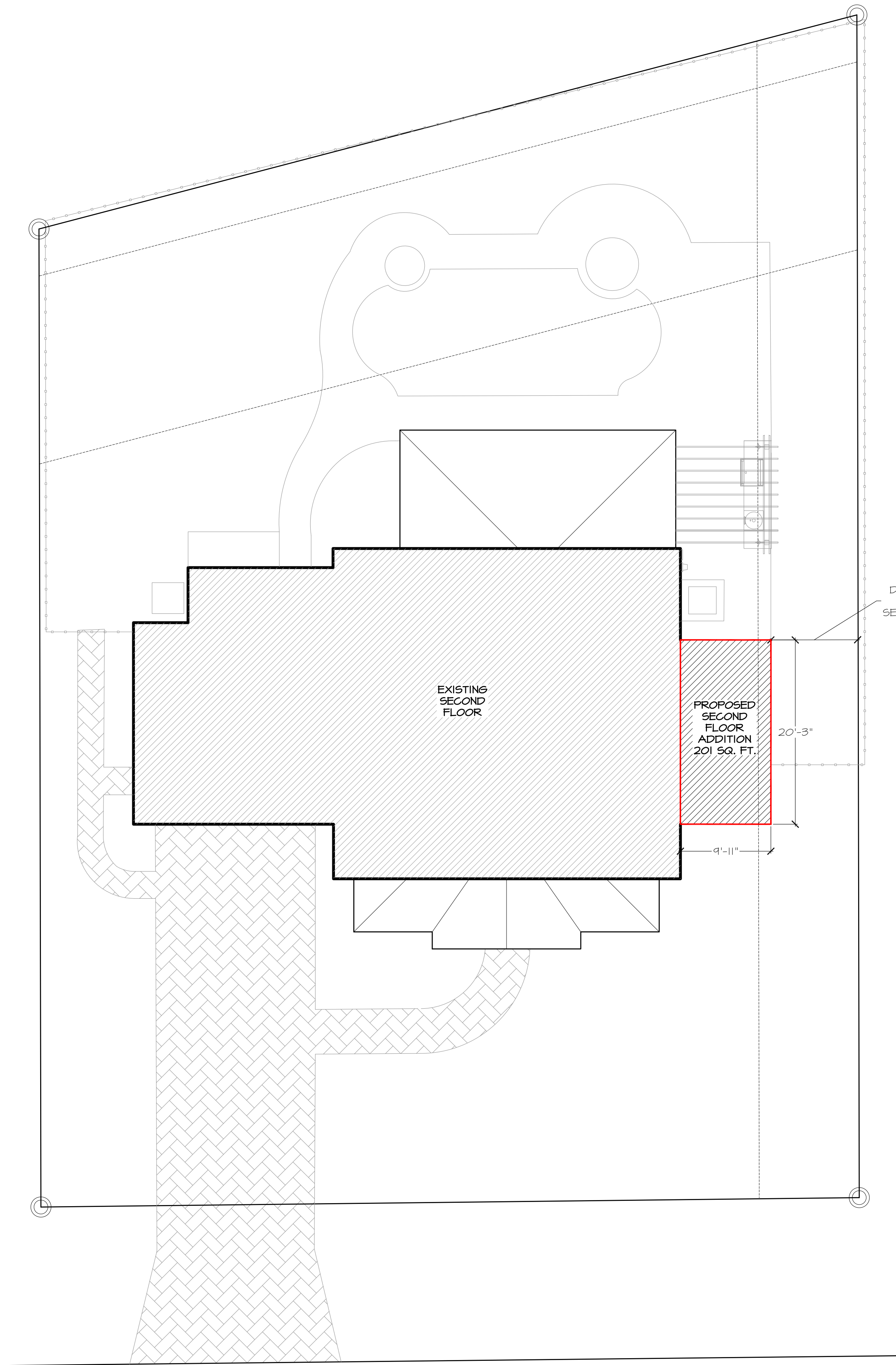
E-Mail
Maplandsurvey@cfl.rr.com

LB #7084

Andrew Perry, P.S.M.
Professional Surveyor & Mapper #6124
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR THE ELECTRONIC SIGNATURE AND SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.



○ Proposed Site Plan at First Floor
SCALE: 1/8" = 1'-0"



○ Proposed Site Plan at Second Floor
SCALE: 1/8" = 1'-0"

First Floor and Second Floor
Site Plans

SCALE: 1/8" = 1'-0"

DAEDALUS
DAEDALUS DESIGN STUDIO LLC.
120 GENE STREET, SUITE 32790
WINTER PARK, FL 32789
PHONE: 407.897.1960 FAX: 407.897.1341

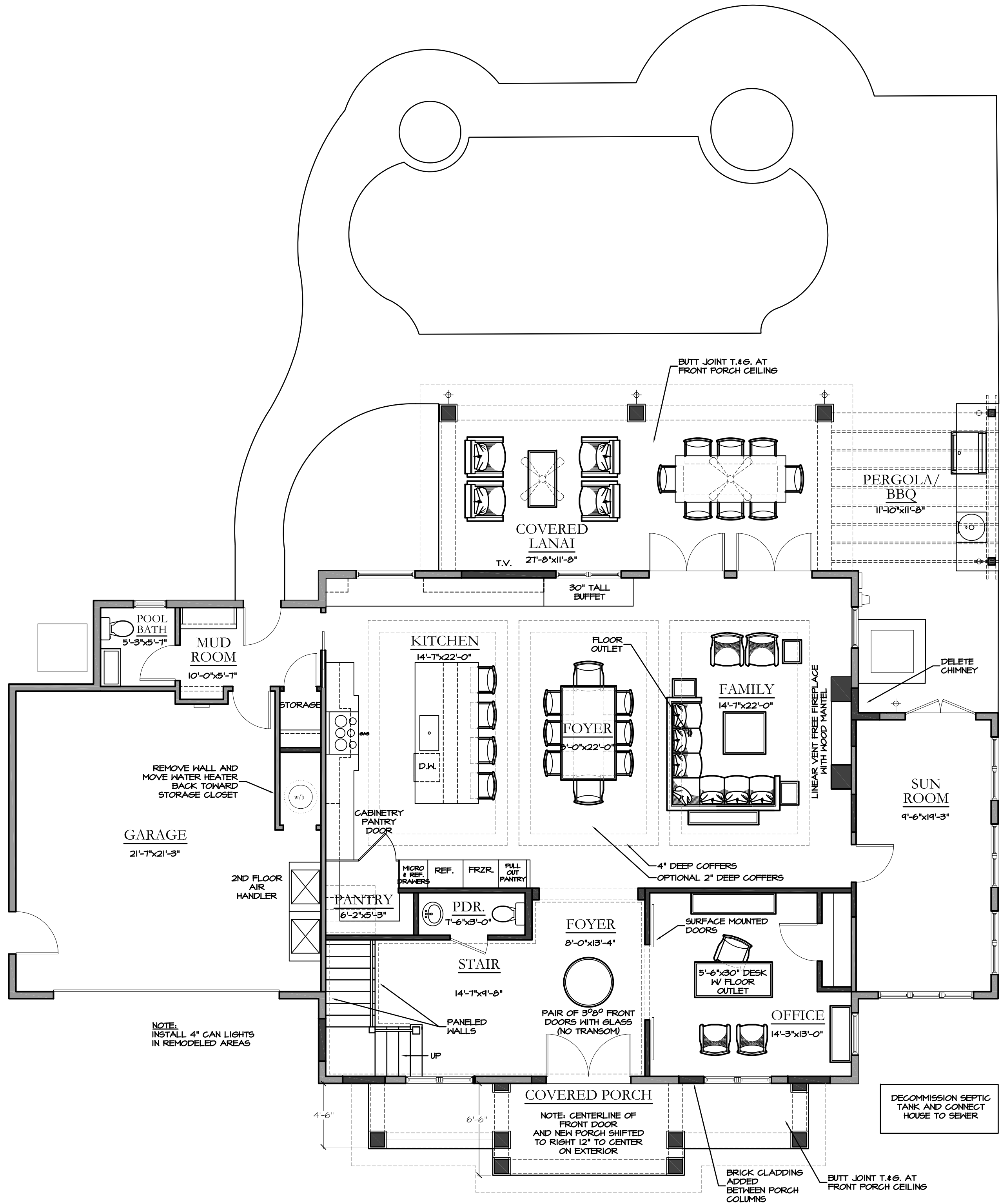
Main Remodel/Addition

1219 Via Estrella
Winter Park, FL 32789

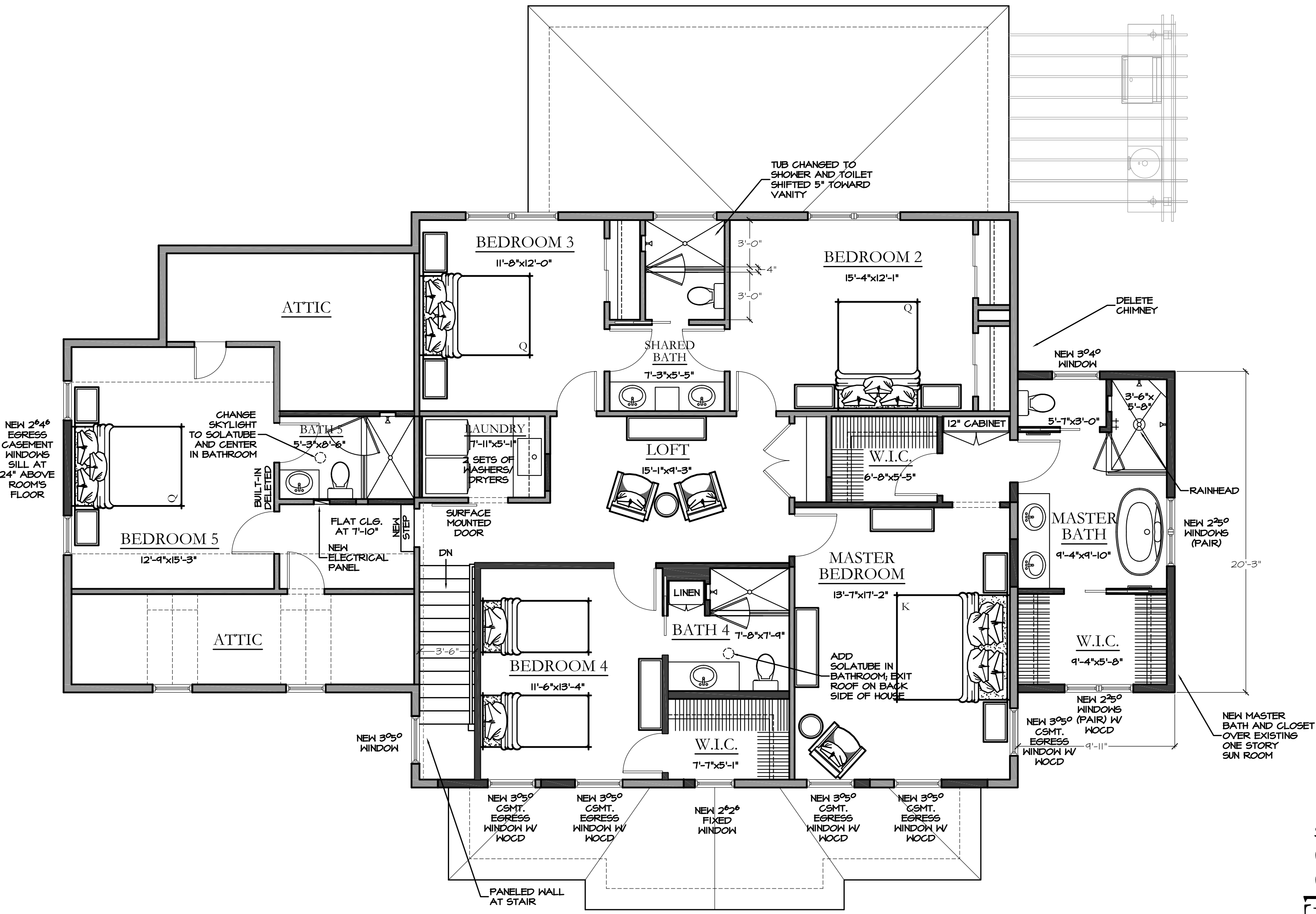
DATE ISSUED:	12.10.20
REVISION DATES:	
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1

1.0



Remodel/Addition Plan at First Floor
SCALE: 3/16" = 1'-0"

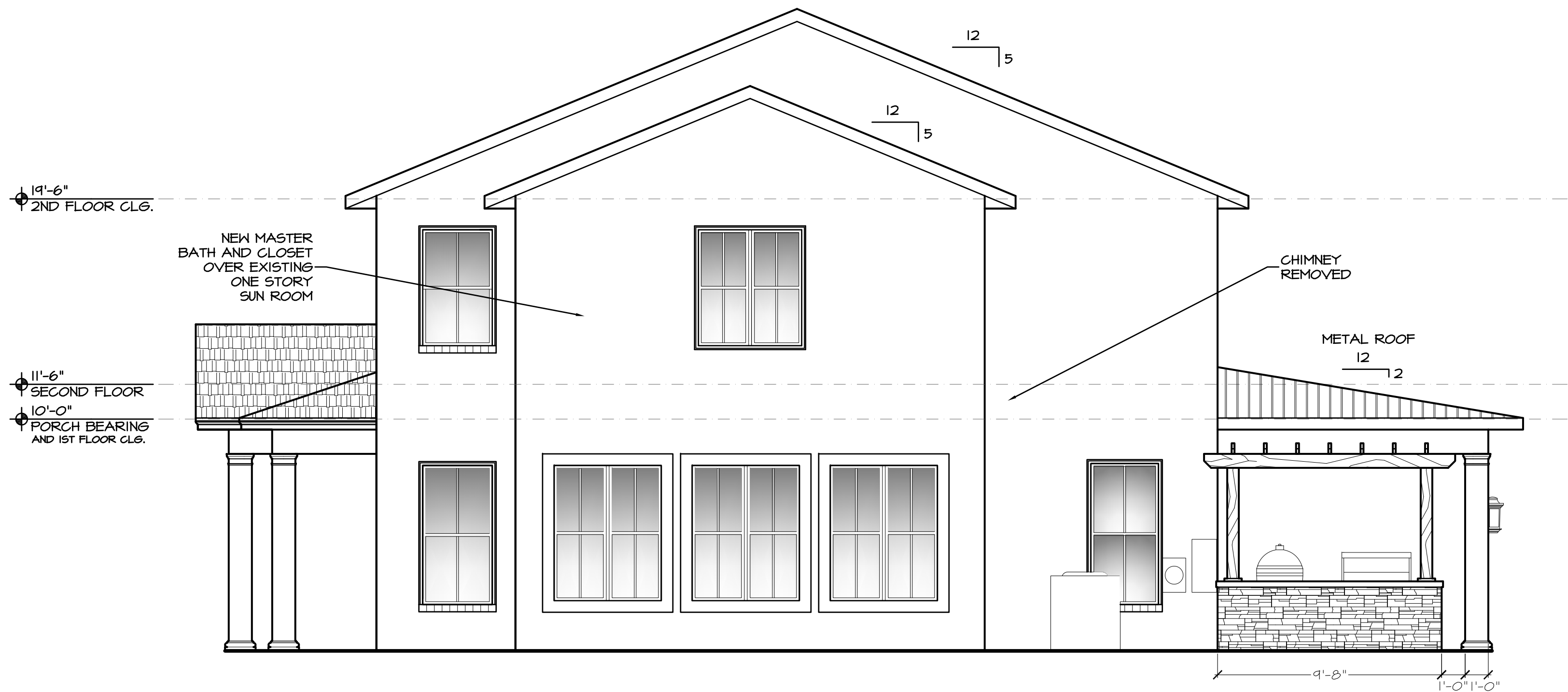


Remodel/Addition Plan at Second Floor
SCALE: 3/16" = 1'-0"

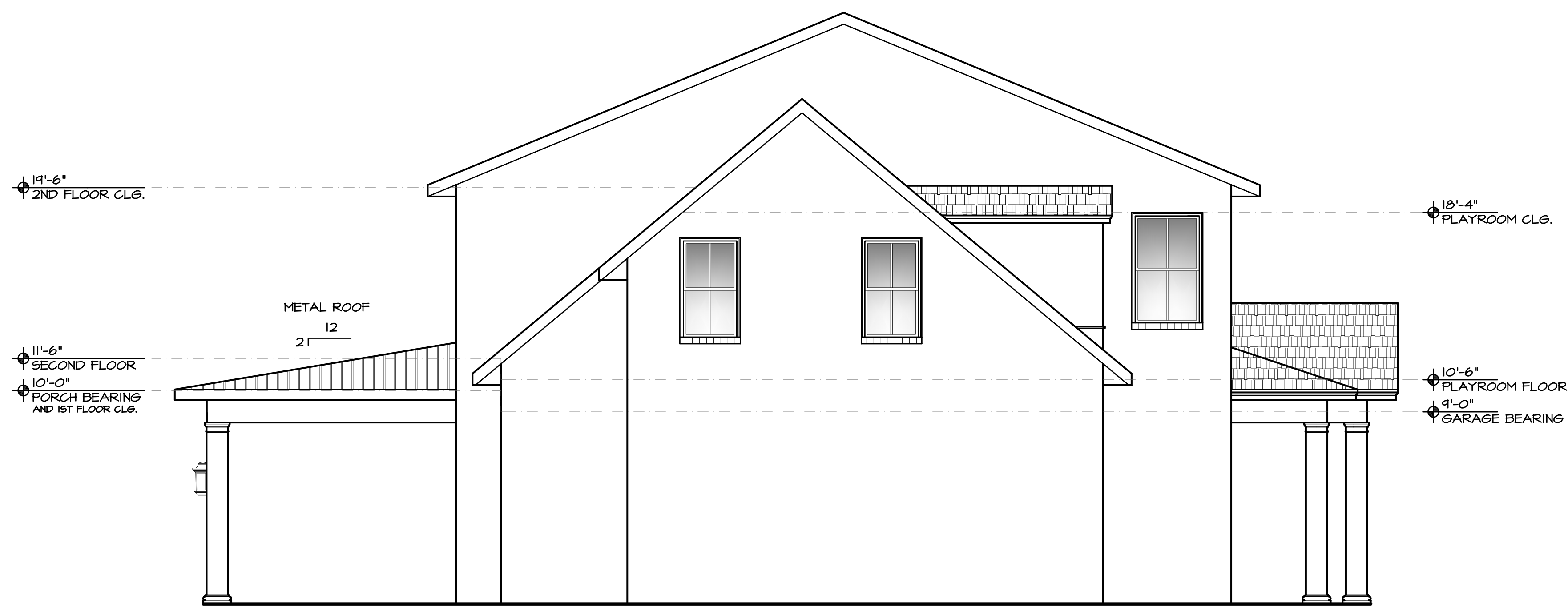
REMODEL/ADDITION CALCULATIONS:
LOT AREA: 10694 S.F.
IMPERVIOUS SURFACE AREA (50% ALLOWED=5347): 5183 SQ. FT. IMPERVIOUS = 48%
FRONT YARD IMPERVIOUS SURFACE AREA (50% OF 2610 SQ. FT. ALLOWED = 1305): 648 SQ. FT. FRONT YARD IMPERVIOUS SURFACE AREA = 25%
ALLOWED GROSS FLOOR AREA (38% OF LOT ALLOWED=4063): FRONT PORCH = 164 SQ. FT. (400 SQ. FT. EXEMPT) REAR PORCH = 323 SQ. FT. (500 SQ. FT. EXEMPT) HOUSE = 4054 SQ. FT.
LOT SETBACKS
FRONT: BASED ON AVERAGE OF ADJACENT LOTS THIS REMODEL DESIGN WIDENS PORCH BUT DEPTH REMAINS THE SAME
FIRST FLOOR SIDE SETBACKS: 11'-0"
SECOND FLOOR SIDE SETBACKS: 16'-0"
FIRST FLOOR REAR SETBACK: 25'-0"
SECOND FLOOR REAR SETBACK: 35'-0"



○ Remodel Front Elevation
SCALE: 1/4" = 1'-0"



○ Remodel Right Elevation
SCALE: 1/4" = 1'-0"



○ Remodel Left Elevation
SCALE: 1/4" = 1'-0"



○ Remodel Rear Elevation
SCALE: 1/4" = 1'-0"

City of Winter Park
Board of Adjustments
City Hall
401 South Park Avenue
Winter Park, Florida 32789

Dear the City of Winter Park Board of Adjustments:

This letter is to affirm support of the variance request, by Chris and Teresa Mairn, at 1219 Via Estrella. We have been briefed on their intent to renovate their home which includes a 2nd floor addition, on the east side of their house, above the existing sunroom footprint.

The Mairn's proposal is seeking a variance for an eastern side setback allowance of 9.61ft", for the second-floor addition. The current side setback allowances are 11' for the first floor and 16' for the second floor.

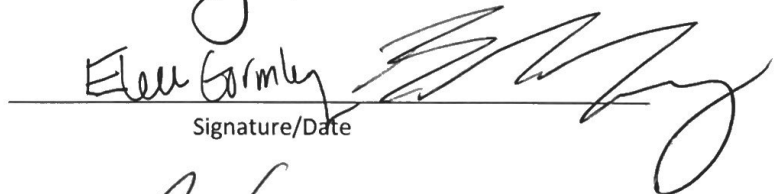
We understand that this will require a variance to the current code that will allow the encroachment for the second floor, side setback, and we consent and support the variance.

Sincerely,

Mr. George R. Coe
1231 Via Estrella, Winter Park, Florida 32789


Signature/Date

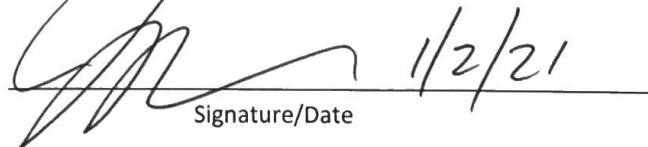
Mr. and Mrs. Brian and Elena Gormley
1222 Via Estrella Winter Park, Florida 32789


Signature/Date

Mr. and Mrs. Sean and Lauren Bogle
1230 Via Estrella, Winter Park, Florida 32789


Signature/Date

Mr. and Mrs. W. Rogers and Hilary Turner
1214 Via Estrella, Winter Park, Florida 32789

 1/2/21
Signature/Date

Mr. and Mrs. Zoltan and Maria Kecskes
1211 Via Estrella, Winter Park, Florida 32789

 1/2/21
Signature/Date

APPLICANT INFORMATION

PLEASE RETAIN THIS SHEET FOR YOUR USE IN PRESENTING YOUR VARIANCE REQUEST BEFORE THE BOARD.

CRITERIA: The Board of Adjustment is authorized to grant variances to the Zoning Code in specific cases where a literal enforcement of the Zoning Code results in unnecessary **hardship**. The following criteria must be shown by the applicant in order to have a variance granted.

- 1) 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.
- 2) 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.
- 3) Special conditions and circumstances do not result from the actions of the applicant.
- 4) Granting the variance will not confer on the applicant any special privilege that is 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.

APPLICANT'S PRESENTATION: The Chairman may apply the following standards for presentations when deemed necessary. Each individual applicant will have five minutes to present his/her request, and a group will be limited to ten minutes with rebuttal time limited to three minutes. All comments, pro or con, from the other interested parties will be limited to three minutes.

ALL APPLICANT'S NEED TO SUBMIT **EIGHT (8) PACKAGES INCLUDING APPLICATION AND ALL DOCUMENTS PROVIDED(STAPLED).**

EIGHT PACKAGES FOR SEVEN BOARD MEMBERS AND BUILDING OFFICIAL.

APPLICANT MUST LIMIT THE SIZE OF INFORMATION SUBMITTED TO **11 X 17 OR SMALLER.**

ALL SURVEYS SUBMITTED NEEDS TO BE TO SCALE.

The information on this page is provided to assist you. Please bring it to the meeting, and use it as a guide during your presentation. The Board of Adjustment meets the third Tuesday of each month in the Commission Chambers at 5 p.m. The Chairman will call the meeting to order and explain the rules and procedures at that time.

**INSTRUCTIONS FOR
CITY OF WINTER PARK
BUILDING and PERMITTING SERVICES DEPARTMENT
VARIANCE APPLICATION**

General Instructions: Please completely fill out the variance application and submit it to the Code Enforcement Division, City Hall, 2nd Floor. Pay the Residential fee of \$200, Commercial or Multi-Family fee of \$400 (The application fee is doubled if the request is after-the-fact.) If the applicant requests to table the matter, an additional fee of \$100 will be charged. **Provide all information requested on the application form. All large plans must be reduced to 11X17 or smaller.** The following check list is provided for your convenience.

Checklist of additional items requested:

- | | |
|----------------------|--|
| 1) <u>Complete</u> | A recent survey to scale. |
| 2) <u>Complete</u> | A site plan (drawn to scale) showing any existing building on the site and any additions you wish to make <u>clearly marked</u> . Setbacks of existing structures and proposed structure should be <u>clearly marked</u> on this site plan. |
| 3) <u>Complete</u> | For ALL residential applications involving additions - A set back/ Coverage Calculation sheet must be filled out for Impervious Lot Coverage, Floor Area Ratio (FAR), and Setbacks. If you have any questions about filling this out, please call for assistance. |
| 4) <u>Complete</u> | Show Elevations of existing curbs, and existing grade in front of building for height variances. |
| 5) <u>Complete</u> | Provide Floor plans and elevations if applicable, (i.e. changing the footprint of the building, but not for a fence application). |
| 6) <u>In Process</u> | Include any additional items that may further clarify your application, i.e., photographs, and letters from adjoining property owner or other neighbors. (These items will be sent to the board prior to the meeting.) |
| 7) <u>N/A</u> | If you do not own the property, you will need a letter of authorization from the owner(s) to act as agent for the owner. If the applicant is not the owner, but plans to purchase the property, attach a copy of the purchase contract, or option on the property. |

If you have any questions the clerk will be happy to assist you.
Call 407-599-3237 between 8am-4:45pm.

The criteria for acceptance of an application for a particular month is as follows: (1) The Board will only hear 10 cases each month (this includes Old Business) and, (2) new variance applications must be received before 4:45 p.m., 27 days prior to the next meeting date. Applications must be complete with all the requested items provided.
Applications will be scheduled contingent on space available, and in the order they were received.

Note: It will be necessary for you to post a Board of Adjustment placard on the property 15 days before the meeting visible from each street front. We will call you to pick it up when it is completed.

**CITY OF WINTER PARK
VARIANCE APPLICATION
BUILDING and PERMITTING SERVICES DEPARTMENT**

Building & Permitting Department
401 South Park Avenue
Winter Park, FL 32789
Ph: 407-599-3237

Date Received _____
Assigned _____
Date of Hearing _____

Applicant: Christopher and Teresa Mairn

Owner: Christopher and Teresa Mairn

1219 Via Estrella
(Address)
Winter Park, Florida 32789
(City, State) (Zip)
407.342.9913
(Phone – Home)
407.202.9553
(Phone – Work or Cell)
chris.mairn@icloud.com
(Email Address)

1219 Via Estrella
(Address)
Winter Park, Florida 32789
(City, State) (Zip)
407.342.9913
(Phone – Home)
407.202.9553
(Phone – Work or Cell)
chris.mairn@icloud.com
(Email Address)

If the applicant is not the owner, attach a copy of the purchase contract, or option on the property, or a letter signed by the owner of record authorizing the applicant to act as an agent for the owner.

*This request is for a variance from requirements of Article III, Zoning of the Land Development Code of Winter Park, Section 58-66, Paragraph SideYard Setback, Zoning R-1AA and R-1A.

State briefly (Clearly Printed or Word Processed) answers to all questions.

Note: Submit E-Mail address to have application forwarded to you for word processing.

Street address of
property 1219 Via Estrella Winter Park, Florida 32789

Legal description of
property TUSCANY TERRACE U/69 LOT 12 BLK C

Describe variance

request Article III Zoning of the Land Development Code of Winter Park cites the side setback for two-story homes, measured to the second story wall, shall be 35 percent of the

lot width in feet equally divided on each side of the home, except the second floor side setback is ten feet for lots which are 60 feet wide or less. Specific to the property in question, the required setbacks are 11' to the 1st floor and 16' to the 2nd floor. We are seeking a variance, for the 2nd floor side setback only, to 9'7".

Our variance request is for relief of the 2nd floor northeast side setback to a total of 9.61 ft. This request does not alter the existing footprint, allows for a consistent 2nd floor architectural, structural and functional elevation (like the west side of the property), and limits the proposed addition roof height to 24'-5" (shorter than center of the house) to less impede on neighbor.

This section may be left blank for completion by city staff

Residential Fee-\$200.00 /Commercial, Multi-Family Fee-\$400.00 payable upon submission of application.(The fee is doubled for after-the-fact requests.) Applicants tabled at the request of the applicant, within 10 days of the Planning and Zoning meeting or Board of Adjustment meeting will be charged for addition advertising and notification costs, plus \$100.00.

Variance Application

Page 2 of 2

What are the special conditions and circumstances, peculiar to the land, structures or buildings involved?

The home was built in 1997 with a Florida sun-room without a second story. We would like to expand above the existing sun-room for additional space and balance the front elevation.

Beyond the desire to expand and elevation imbalance, the construction method (flat roof) has also caused water penetration issues requiring replacement.

As such, we would like to incorporate this into home renovation project.

How long have you owned the property?

Purchased and occupied the property since June 6, 2018

How long have you occupied the property?

Purchased and occupied the property since June 6, 2018

What rights or privileges commonly enjoyed by other properties in the same zoning district will the applicant be deprived of because of enforcement of the Zoning Ordinance?

1. Based on the change in the setback requirements of 2010, we would be unable to align the entire northeast side of the property to the existing 2nd story height. This directly prohibits and deprives the realization of:

- * Utilization of roofed/air-conditioned space for family of six (6)
- * Increased property value that accompanies additional space
- * Ability to have a balanced architectural front elevation

2. Other homes in the same zoning district have been granted approval for side variances

Describe fully the hardship (from zoning requirements) upon which this request is based, be specific in describing the hardship and give all reasons explaining why you need to vary from the Zoning Code requirements. Note: Financial reasons are not considered a hardship.

1. The side setback requirements have changed since the home was built in 1997.
a. In 2010 a new set of stricter side setbacks were adopted based on lot width.

b. The side setbacks are now a % of the lot width and are set up on a scale which requires that they be larger for a home with a larger gross area.

2. Inability to expand our home in other directions due to irregular lot shape
a. Side setbacks- See above

b. Rear setback- The current pool was installed when the more lenient setbacks were enforced. Unfortunately, it essentially blocks adding an addition to the rear of the property (complying to the current setbacks).

Will applicant accept a limited variance? For example: Height, lengths, position, etc. of signs, fences, shrubbery, enclosures of structures or carports, parking spaces, etc? If so, to what extent?

We would welcome the opportunity to collaborate with the City on a mutually acceptable solution.

Signature of Applicant

12/15/2020

Date

Christopher A. Mairn

Name of Applicant (PRINT)

Variance app 12/00 - Instructions, and setback sheet - attached.

Board of Adjustments Schedule 2018	
Deadline to Submit	Meeting Dates
November 27, 2017	December 19, 2017
December 21, 2017	January 18, 2018
January 29, 2018	February 20, 2018
February 29, 2018	March 20, 2018
March 26, 2018	April 17, 2018
April 23, 2018	May 15, 2018
May 28, 2018	June 19, 2018
June 25, 2018	July 17, 2018
July 30, 2018	August 21, 2018
August 30, 2018	September 18, 2018
September 24, 2018	October 16, 2018
October 29, 2018	November 20, 2018
November 26, 2018	December 18, 2018
December 24, 2018	January 15, 2019



CITY OF WINTER PARK

SETBACK/COVERAGE WORKSHEET GUIDE FOR SINGLE FAMILY ZONING

See Setback/Coverage Worksheet & Criteria: Pages 1-4 & Accessory Structure Guide

Step 1 ➞ Determine lot width, lot area and enter data.

The lot width is measured at front setback or front wall of an existing home.
(See note 2 on page 1 for non-rectangular lots)

Step 2 ➞ Complete table and fill in appropriate data in square feet including “Impervious lot coverage”, “Floor area ratio,” and “Screen pool enclosure” area (if applicable) and “Front yard landscape coverage,”. See notes 4-10 for details. Fill in the far right column with the allowed areas for each of these 4 criteria first, then go back and complete the existing and proposed areas for additions. **For new homes, Only use columns titled: New Total Area & Maximum Allowed Area**

Step 3 ➞ Go to Page 2 and complete setback table. **Complete front setback and side setbacks first under “Minimum Allowable Dimensions”** Required side setback is based on the following lot width & gross floor area or configuration of home: (one story or two story & provisions on page 3). See notes for various criteria and limitations. For lots over 60 feet wide, the side setback based on % of lot width, the setback for each side must be rounded up to next whole number if the setback amount is .5 or greater.
[Page 4 contains examples of pre-calculated required side setbacks for various lot widths.]

Step 4 ➞ Review Page 3 for criteria and other special features not included in tables.

Step 5 ➞ Review Page 4 and comply with criteria for “Open front porches” and “Side wall articulation.”

Step 6 ➞ For accessory buildings or structures such garages, pools or cabanas, see Accessory Building Guide.



SETBACK / COVERAGE WORKSHEET

For Single Family Zoning Districts (R-1A, R-1AA & R-1AAA)¹

Address: 1219 Via Estrella Winter Park, Florida 32789

Lot width²: 90 lf

Submitted by: Chris and Teresa Mairn

Lot area³: 10,694 sq/ft

	Maximum % Allowed ⁴	Existing Area ¹¹	Additional Proposed Area ¹¹	New Total Area	Maximum Allowed Area
IMPERVIOUS LOT COVERAGE Include bldg footprint, driveways, sidewalks, patios, swimming pools, A/C pads, artificial turf, etc.	2 story - 50%	3941 sq. ft.	1242 sq. ft.	5,183 sq. ft.	5,347 sq. ft.
	1 story - 60%	N/A	N/A	N/A	N/A
FLOOR AREA RATIO (F.A.R.)^{5,6,7} For one and two story bldgs (include 1st & 2nd floors, garages/carports, stair areas on both floors, areas on 2nd floors which are open to the 1st floor ⁸ , and accessory bldgs. EXCLUDE - pool screen enclosure areas and certain open front, side & rear porches ⁹ .	Lots < 11,600 sf: Use <u>38%</u> Base FAR or w/ increased side setbacks: <u>43%</u> Max FAR	3,927 sq. ft.	127 sq. ft.	4,054 sq. ft.	4,063 sq. ft.
	Lots 11,600 sf to 13,600 sf Use <u>4,500 sf</u> Base area & <u>5,200 sf</u> Maximum area	N/A	N/A	N/A	N/A
	Lots > 13,600 sf Use <u>33%</u> Base FAR or w/ increased side setbacks: <u>38%</u> Max FAR	N/A	N/A	N/A	N/A
SCREEN POOL ENCLOSURE	8% ¹⁰	N/A	N/A	N/A	N/A

	Minimum % Required	Existing Area ¹¹	Landscape Area Reduced ¹¹	New Total Area	Minimum Required Area
FRONT YARD LANDSCAPE COVERAGE Count all landscaped green areas - exclude hard surfaces and all driveway surfaces (pervious & impervious). Front Lot Area: 2610 sq ft.	50%	1962 sq. ft.	0 sq. ft.	1962 sq. ft.	1305 sq. ft.

NOTES:

1. Windsong & Waterbridge may use these standards, except lot types A, B, & C in Windsong. Provisions on side articulations & accessory bldgs are mandatory.
2. Lot width measured at the front bldg line across lot. The bldg line is located at the required front setback for vacant lots or front bldg wall closest to the street of existing homes. For unusual (pie) shaped lots, an average lot width may be utilized as measured between the front setback line and the required rear setback line or shall be determined by the Building Director. For a proposed home, determine the front setback as described on page 2.
3. Submerged lands or land across the street shall not be included.
4. Percentage based on the lot area.
5. One story homes with a sloping roof, 12:12 or less, may utilize the maximum F.A.R. and may provide roof dormers, 8 ft. maximum width and 2.5 ft. back from the required setback, occupying 45% of roof area within the same roof plane.
6. Area forming a room behind 2nd floor walls shall be included in the gross floor area.
7. See page 3 on how to achieve maximum F.A.R.
8. Vaulted and cathedral ceiling areas count twice if the height from the floor to the ceiling is 17.5 feet or greater.
9. The area of open front porches and entries may be excluded from the gross floor area subject to a maximum area of 400 square feet. The area within an open or screened rear and/or side porches, lanai, porte cochere or other covered areas may be excluded from the gross floor area up to 500 sf of floor area. On 2nd floor, rear and/or side porches shall have an exterior sides that are 75% open in order to utilized up to 300 sf of the total 500 sf excludable gross floor area.
10. Any area not already used in the permitted floor area ratio (FAR) may be added to this 8% for additional screened pool enclosure area.
- 11 **These columns only apply to existing homes.**

SETBACKS (complete boxes A and B first)

	Minimum Allowable Dimensions			Existing ¹³		Proposed	
FRONT	Average of 2 adjacent homes on each side. If corner lot, use 3 adjacent homes.			No change		N/A	
SIDES ^{1,2} (see other side setback options on pg 4)	1st Floor	See pages 3&4	A 11 ft	10.21 ft	9.61 ft	10.21 ft	9.61 ft
	2nd Floor		B 16 ft	10.21 ft	19.61 ft	10.21 ft	9.61 ft
REAR ^{1,3,4}	1st Floor	25 ft.		25 ft		No change	
	2nd Floor	35 ft ⁵		35 ft		No change	
	Lakefront	see note 6		N/A		N/A	
CORNER LOT	1st Floor	Lot width ≤ 65 ft.	15 ft.	N/A		N/A	
		Lot width > 65 ft ⁷	20 ft.	N/A		N/A	
	2nd Floor	Lot width ≤ 65 ft.	15 ft.	N/A		N/A	
		Lot width > 65 ft ⁷	22.5 ft.	N/A		N/A	
BUILDING HEIGHT ^{8,9,10,11,12}	30 ft. - 35 ft. plus 2 ft. or 40 ft. (see notes 11 & 12)			No change (27'8")		No Change (27'8")	

Notes:

- Any building wall that exceeds 12 ft. in height measured from natural grade to top of wall plate or truss kneewall must meet the setbacks for the 2nd floor.
- Accessory buildings' maximum side wall height (natural grade to roof sheathing) shall not exceed 10.5 ft. and interior side setback is 5 ft. minimum (no gable end allowed) for garages up to 600 sf, pool cabana up to 500 sf and all other accessory buildings up to 320 sf. Other accessory buildings used for habitation shall meet setbacks of the main residence.
- Rear setbacks for properties abutting non-residential zoned, R-3/R-4, or a permanent stormwater retention area over 25 ft. in width may be 10 ft. For lots that are 75ft deep or less a first floor setback of 10ft and a second floor setback of 25ft is allowed. For lots which are 105ft deep or less a first floor setback of 15ft and a second floor setback of 30ft is allowed.
- Accessory buildings: garage/carport up to 820 sf, pool cabana up to 500 sf and storage bldg up to 320 sf - minimum rear setback shall be 10 ft. . Other accessory buildings used for habitation shall meet setbacks of the main residence.
- The rear setback may be reduced to 25 ft. for two-story components when those consist of a second story loft or mezzanine that is within the normal scale and 18-ft max height of a typical one-story structure.
- Require Planning & Zoning commission approval. Lakefront setback is based on the average setback establish by the adjacent residences within 200 ft. or 50 ft., whichever is greater, measured from ordinary high water line.
- Setbacks given are measured on the side yard adjacent to the street & lots over 75 ft. with 1st and 2nd floor setbacks of 25 ft. may reduce the rear setback by 5 ft. on each floor.
- Building height is the vertical distance measured from the average elevation of the existing lot grade measured directly adjacent to the front of the building or proposed building.
- No building or portion thereof shall exceed 30 ft. in height except for homes with a roof slope of 8:12 or greater may be permitted to have 2 ft. additional building height.
- Accessory building that exceeds 18 ft. in height shall meet the same setbacks as the principal building on the property.
- Properties or lots with at least 80 ft. of width at the building line are permitted to have a building height of 35 ft. if the side setbacks are increased to 20 ft. at 30 ft. above the side lot line. Exception: homes with a roof slope of 8:12 or greater are permitted 2 ft. of additional building height.
- Properties or lots exceeding 50,000 sq.ft. in size with at least 100ft width at the building line may be permitted building heights of 40 ft. if side setbacks are increased to 35 ft. to the portion of the roof over 30 ft. in height.
- This column only applies to existing homes.

SINGLE FAMILY ZONING STANDARDS ADOPTED 2/22/10 (revised 6/11/12 & 9/24/12) – CITY OF WINTER PARK

SETBACK & FLOOR AREA RATIO (FAR) CRITERIA

Side setbacks for Base FAR:

One story homes or the first floor of two story homes: 25% of the lot width in feet equally divided on each side of the home. Exceptions: Lots 60 feet wide or less use 7.5 ft. Lots over 200 feet wide use 25 feet on each side for first floor.

Setback for two story homes measured to the second story wall: 35% of the lot width in feet equally divided on each side of the home. Exception: Lots which are 60 feet wide or less use 10 feet to the second floor wall. Lots over 200 feet wide use 35 feet on each side for second floor.

Side setbacks for increased FAR above base FAR for 2 story homes:

Increase the side setback on both floors in feet by 1% of the lot width for each 1% increase in the floor area up to a maximum allowable increase of 5% for properties less than 11,600 square feet in area or for properties over 13,600 square feet in area.

For properties between 11,600 to 13,600 square feet use 4,500 square feet of gross floor area as allowable base area. This base area may be increased to a maximum of 5,200 square feet by increasing the side setback in increments of 140 square feet for each 1% increase in the side setbacks until reaching the maximum of 5,200 square feet. For example, to allow a gross floor area of 4,640 square feet (4,500 + 140), the required side setbacks must be increased by 1% on both floors or 26% of the lot width on the first floor and 36% on the second floor.

Exception to allow 5% increase in the floor area ratio for lots which are 60 feet wide or less and shall use the second floor setback of 12.5 feet.

General side setback rules: Lot width is measured at the building line (front setback) across the front of the existing or proposed home. The required setback must be rounded up to the next whole number when the required setback number is one half foot or greater, and rounded down to the next whole number when the required setback is less than one half foot. Lots over 200 feet in width shall use the required setback for lots which are 200 feet in width.

Special provisions for one story homes or homes with the second floor located within a sloping roof:

The max roof slope is 12:12 or less and the allowable floor area ratio may be increased by up to 5% for properties less than 11,600 square feet in area or properties over 13,600 square feet in area. For properties with lot areas between 11,600 to 13,600 square feet, a gross floor area of up to 5,200 square feet is **permitted**. Homes qualified to receive this additional special floor area allowance may provide roof dormers with a maximum width of 8 feet, occupying up to 45% of the roof area within the same roof plane and the dormer(s) must be placed at least 2.5 feet back from the required setback of the home. One story homes may utilize a maximum allowable impervious coverage of 60%.

Special provisions for one or two story homes on lots over 60 feet and up to 110 feet in width which have a first floor side wall height of 11 feet or less measured from the natural grade to the top of the roof sheathing may utilize a side setback of 10 feet to the first floor wall. Gable end walls with a maximum width of 24 ft and maximum roof height of 24 ft may be allowed. A one story home with a flat roof may utilize the 10 ft setback with a maximum roof height is 13 ft.

Special side setback options for narrow lots with rear parking areas or garages:

- **Lots 65 feet wide or less:** 11-ft setback on one side (1st and 2nd floors) to allow driveway to the rear. 6-ft 1st floor setback on the other side with a wall height limit of 11 ft measured from natural grade to roof sheathing and 10-ft 2nd floor setback. 1-ft setback for driveway may be allowed subject to not diverting drainage to adjacent property. OR
- **Lots 60 feet wide or less:** 10-ft setbacks on one side (1st and 2nd floors) to allow driveway to the rear. 8-ft setback on the other side (1st and 2nd floors). 1-ft setback for driveway may be allowed subject to not diverting drainage to adjacent property.

The tables below provide examples of the required side setbacks for various lot widths in accordance the required per cent of lot width. Setbacks for lot widths not shown will vary from the setbacks in the table based on the lot width and gross floor area of home. See “Setback and Floor Area Ratio Criteria” (page 3) for specific application to a property width at the building line if lot width is not listed in the tables.

Use for Base Gross Floor Area

Setbacks Based on % of lot width at 1 st & 2nd floors Using 25% - 35%									
Lot width	50'	60'	75'	80'	90'	100'	125'	175'	200'
1 st floor setback [25%]	7.5'	7.5'	9'	10'	11'	13'	16'	22'	25'
2 nd floor setback [35%]	10'	10'	13'	14'	16'	18'	22'	31'	35'

Use for Maximum Gross Floor Area

Setbacks Based on % of lot width at 1 st & 2nd floors Using 30% - 40%									
Lot width	50'	60'	75'	80'	90'	100'	125'	175'	200'
1 st flr setback [30%]	7.5'	9'	11'	12'	14'	15'	19'	26'	30'
2 nd floor setback [40%]	12.5'	12.5'	15'	16'	18'	20'	25'	35'	40'

Open front porches: Open front porches or entry areas utilizing the setback exception or the FAR exclusion (400 s.f.) shall have a maximum height of 12 feet from grade to the wall plate or to the top of the beam above the columns. Porches with a front facing gable end wall are limited to an additional 6 feet of height (within the front setback). The exterior sides of these porches must be approximately 75% open when measured from the floor to the underside of the opening with a maximum enclosed area of 3 feet above the opening to the wall plate or top of the support beam.

Side wall articulation shall meet one of the following options:

1. For new homes, step the side wall at least 2 ft in or out for a minimum length of 6 ft when sidewall plane extends more than 36 ft. Bay windows, chimneys or imitation chimneys up to eight feet wide may be utilized and may extend up to two feet into the required side setback except where the permitted side setback is six feet.
2. For existing homes, additional distance without articulation up to 12 ft to an existing side wall length of 48 ft is permitted for one story homes.
3. Garage side entry wall 24 ft from the side lot line with entry door(s) recessed at least 8 inches from the exterior plane of the garage wall.
4. A wall with 25% glazed openings recessed at least 2 inches from the side wall plane at 48 ft maximum length.
5. An opened or screened porch in line with the side wall plane and roof line at the rear of a one story home.
6. Contrasting materials, such as brick, stone, siding or similar materials, with at least 3 inches in depth and at least 12 inches articulation recess in lieu of option #1.

See Accessory Building Worksheet for Garages and Carports.

CRITERIA ON THESE 4 PAGES COVERS MOST, BUT NOT ALL REQUIREMENTS FOR DWELLINGS. SEE ACTUAL ZONING ORDINANCE FOR COMPREHENSIVE REQUIREMENTS.



PLAN SNAPSHOT REPORT BOA-2021-0023 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 01/04/2021
Work Class: Board of Adjustments/Variance Application	District: Winter Park	Exp Date: NOT AVAILABLE
Status: Approval Expired	Square Feet: 0.00	Completed: 02/19/2021
Valuation: \$0.00	Assigned To: Wiggins, George	Approval Expire Date: 02/21/2022

Description: Article III Zoning of the Land Development Code of Winter Park cites the side setback for two-story homes, measured to the second story wall, shall be 35 percent of the lot width in feet equally divided on each side of the home, except the second floor side setback is ten feet for lots which are 60 feet wide or less. Specific to the property in question, the required setbacks are 11' to the 1st floor and 16' to the 2nd floor. We are seeking a variance, for the 2nd floor side setback only, to 9'7". Our variance request is for relief of the 2nd floor northeast side setback to a total of 9.61 ft. This request does not alter the existing footprint, allows for a consistent 2nd floor architectural, structural and functional elevation (like the west side of the property), and limits the proposed addition roof height to 24'-5" (shorter than center of the house) to less impede on neighbor.

Parcel: 302132878803120	Main	Address: 1219 Via Estrella	Main	Zone:
		Winter Park, FL 32789-2705		

Applicant	Owner
Christopher A Mairn	Christopher A Mairn
1219 Via Estrella	1219 Via Estrella
Winter Park, FL 32789	Winter Park, FL 32789
Mobile: (140) 734-2991 x3	Mobile: (140) 734-2991 x3

Plan Custom Fields

Zoning	R-1AA and R-1A	Section	58-66	Subsection	
Is the property on waterfront?	No	Is this property on historic registry or district?	No	Describe variance	Article III Zoning of the Land Development Code of Winter Park cites the side setback for two-story homes, measured to the second story wall, shall be 35 percent of the lot width in feet equally divided on each side of the home, except the second floor side setback is ten feet for lots which are 60 feet wide or less. Specific to the property in question, the required setbacks are 11' to the 1st floor and 16' to the 2nd floor. We are seeking a variance, for the 2nd floor side setback only, to 9'7". Our variance request is for relief of the 2nd floor northeast side setback to a total of 9.61 ft. This request does not alter the existing footprint, allows for a consistent 2nd floor architectural, structural and functional elevation (like the west side of the property), and limits the proposed addition roof

PLAN SNAPSHOT REPORT (BOA-2021-0023)

	height to 24'-5" (shorter than center of the house) to less impede on neighbor.	How long have you owned the property?	Purchased and occupied the property since June 6,	How long have you occupied the property?	Purchased and occupied the property since June 6,
Special Condition	The home was built in 1997 with a Florida sun-room without a second story. We would like to expand above the existing sun-room for additional space and balance the front elevation. Beyond the desire to expand and elevation imbalance, the construction method (flat roof) has also caused water penetration issues requiring replacement. As such, we would like to incorporate this into home renovation project.	Rights/Priv	1. Based on the change in the setback requirements of 2010, we would be unable to align the entire northeast side of the property to the existing 2nd story height. This directly prohibits and deprives the realization of: * Utilization of roofed/air-conditioned space for family of six (6) * Increased property value that accompanies additional space * Ability to have a balanced architectural front elevation 2. Other homes in the same zoning district have been granted approval for side variances	Hardship	1. The side setback requirements have changed since the home was built in 1997. a. In 2010 a new set of stricter side setbacks were adopted based on lot width. b. The side setbacks are now a % of the lot width and are set up on a scale which requires that they be larger for a home with a larger gross area. 2. Inability to expand our home in other directions due to irregular lot shape a. Side setbacks- See above b. Rear setback- The current pool was installed when the more lenient setbacks were enforced. Unfortunately, it essentially blocks adding an addition to the rear of the property (complying to the current setbacks).
Limited Variance	We would welcome the opportunity to collaborate with the City on a mutually acceptable solution.				

Attachment File Name	Added On	Added By	Attachment Group	Notes
1219 Via Estrella - Plans and Elevations.pdf	01/04/2021 11:26	Mairn, Christopher	Available Online	Uploaded via CSS
1219 Via Estrella- Property Survey.pdf	01/04/2021 11:26	Mairn, Christopher	Available Online	Uploaded via CSS
Mairn- Neighbor Consent.pdf	01/04/2021 11:26	Mairn, Christopher	Available Online	Uploaded via CSS
Mairn Variance Application- 1219 Via Estrella- 12142020.pdf	01/04/2021 11:26	Mairn, Christopher	Available Online	Uploaded via CSS
Mairn- Winter Park Board of Adjustment Variance Request-12152020.pdf	01/04/2021 11:26	Mairn, Christopher	Available Online	Uploaded via CSS
Signature_Christopher_Mairn_1/4/2021.jpg	01/04/2021 11:26	Mairn, Christopher		Uploaded via CSS
1. Via Estrella Signed.pdf	02/19/2021 10:29	Dunkle, Theresa	Available Online	Approval Letter

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00006394	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00006394		\$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	01/04/2021	01/06/2021	02/19/2021	No	Yes

PLAN SNAPSHOT REPORT (BOA-2021-0023)

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Building Official Review	Building & Permitting Services	Wiggins, George	Approved	01/04/2021	01/06/2021	01/04/2021

Workflow Step / Action Name	Action Type	Start Date	End Date
Application Completeness Check v.1			01/04/2021 11:50
Confirm Application Complete v.1	Generic Action		01/04/2021 11:50
Review v.1			02/19/2021 10:21
Board of Adjustments Review v.1	Receive Submittal	01/04/2021 0:00	02/19/2021 10:21
Issue Invoice v.1	Generic Action		02/19/2021 10:21
Final Decision v.1			02/19/2021 10:22
Board of Adjustments Decision v.1	Generic Action		02/19/2021 10:22



Board of Adjustments

agenda item

item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date January 17, 2023
prepared by Nicholas Lewis	approved by John Harbilas, Allison McGillis
board approval Completed	
strategic objective	

subject

BOA-2022-0024: Request of Carlos Huyke with Ziur Contracting

item list

Request of Carlos Huyke with Ziur Contraction for variance approval from Section 58-67(f)(1), to allow a first-floor side setback of 7-feet and a second-story rear setback of 10-feet in lieu of the required first-floor side setback of 10-feet and required second-story rear setback of 25-feet, in conjunction with the proposed home located at 605 Ellen Drive, zoned R-2.

The applicant's full application and stated hardship is provided in the "Applicant Energov Submittal" attachment below.

motion / recommendation

Staff recommendation is for approval of the variance requested regarding the rear setback. Staff recommendation is for denial of the variance requested regarding the side setback.

background

As part of the overall design of the proposed two-story home, the applicant, is requesting variance approval from Section 58-67(f)(1), to allow for a decreased first-floor side setback and second-story rear setback located at 605 Ellen Drive. The property is zoned R-2 and currently is vacant.

The lot was created as part of the Lake Killarney Shores replat in 2018. As part of the subdivision approval, certain conditions of approval were approved by the Planning and Zoning Board and City Commission. One of those conditions was that side setback variances of 5-feet to the first-floor and 7-feet to the second-story would be permitted where the City deems it necessary to protect specimen trees throughout the subdivided properties, including three trees on this lot (Lot 15).

In addition, except for these side setback variances, it was the intent of the approval of the final plat that the lots would otherwise meet all R-2 standards.

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.

Side Setback:

The subject lot is the only lot platted within Lake Killarney Shores with a width greater than 65-feet. As such, it is the only lot that requires a 10-foot first-floor side setback as opposed to a 7-foot side setback for lots less than 65-feet in width. However, per the final plat approval of the subdivision, side setbacks could be reduced if the City deemed it necessary to save existing specimen trees on the lots. Since the approval of the final plat, all three specimen trees on Lot 15 have been removed, thus extinguishing any possibility of achieving the reduced setback variance per the conditions of approval for the overall subdivision.

Rear Setback:

The rear of the property backs up to O-2 office zoning. The code allows reduced setbacks for the principal structure, when abutting non-residential properties under single-family R-1 zonings. However, this provision does not extend to R-2 properties. Thus, if this single-family home was constructed in any of the R-1 single-family districts, then the rear setback for both floors would be 10-feet.

Further, this parcel is quite shallow and sits at the curve of Ellen Drive creating an average lot depth of 98-feet with 135-feet on the north side and 61-feet on the south side.

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.

Side Setback:

Under Section 58-67(f)(1), the required side setback for lots greater than 65-feet in width, is 10-feet. Although the lot is shallow, it is much wider than the other parcels in the subdivision. The other parcels are all less than 65-feet, whereas Lot 15 is 83.5-feet at the building line. Since this is a new build, staff believes that there is adequate room to allow for a design that meets this provision and adheres to the intent of the conditions for the final plat approval.

Rear Setback:

Also under Section 58-67(f)(1), the required rear setback for lots greater than 65-feet in width, is 10-feet to the first-floor and 25-feet to the second-story. Because the required second-story front setback is 30-feet and the required rear second-story setback is 25-feet, the potential for a second-story is dramatically reduced, regardless of configuration. These setbacks would allow for a maximum wall length no greater than 5-feet to 10-feet (following the slope of the property and setback lines) for the entire southern half of the property. It would be very difficult to design any second-story component greater than 500-square feet.

Actions of the Applicant

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

Side Setback:

The special conditions and circumstances regarding the side setback variance are not directly the result of the applicant. However, as stated, it was the intent of the approval of the subdivision that the lots would comply with all R-2 standards, except for reduced side setbacks where the presence of established canopy trees existed. In this instance, the applicant inherited a lot where the canopy trees have been removed and therefore, their building pad is not limited based by their presence. Although the lot is shallow and wider than the other lots, thus requiring larger side setbacks, the 10-foot first- and second-floor requirements are achievable under a modified or different design and staff believes that the special conditions and circumstances related to the side setbacks are not significant enough to go against the intent of the subdivision approval.

Rear Setback:

Unlike the side setbacks, the unique conditions regarding the rear setback are not the result of the actions of the applicant as the lot's location is the closest point between Ellen Drive and the commercially zoned parcels that back up to the parcel making to one of two shallow parcels throughout the subdivision. The property not only abuts

commercially zoned property, but its shallow depth does not reasonably allow for a second-story under R-2 zoning. Staff believes that although the intent of the subdivision approval was that these lots adhere to all R-2 zoning standards, this is an unforeseen hardship, which is significant enough to warrant variance approval.

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.

Side Setback:

Because this is a proposed home, where the applicant has the ability to construct a home that complies to the required side setbacks, staff believes that granting the side setback variance under these conditions could confer a special privilege onto other properties within the same zoning district. Granting this request could serve as precedent for other R-2 lots greater than 65-feet in width to request reduced setbacks merely because the lot is shallow.

Rear Setback:

Staff believes that the rear setback request has a unique set of special conditions and circumstances that would not confer onto any other property, a special privilege. The fact that the parcel backs up to non-residential zoning, which would permit a 10-foot setback under any R-1 district, and because the lot is so shallow that a second-story greater than 500 square-feet would be nearly impossible; granting this request would not confer a special conditions onto other properties in the same zoning district.

Summary

Staff believes that the applicant meets the four criteria required to grant the variance requested for the rear setback. However, staff also believes that the applicant has failed to show how they meet the four criteria required to grant a variance related to the side setback.

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[605 Ellen Dr - Area Map.pdf](#)

ATTACHMENTS:

[605 Ellen Dr - Aerial Map.pdf](#)

ATTACHMENTS:

[605 Ellen Dr - Zoning Map.pdf](#)

ATTACHMENTS:

[605 Ellen Dr - Applicant Energov Submittal.pdf](#)

ATTACHMENTS:

[605 Ellen Dr - Survey.pdf](#)

ATTACHMENTS:

[605 Ellen Dr - Site Plan.pdf](#)

ATTACHMENTS:

[605 Ellen Dr - Elevations and Floor Plans.pdf](#)

ATTACHMENTS:

[605 Ellen Dr - Homeowner Letter.pdf](#)

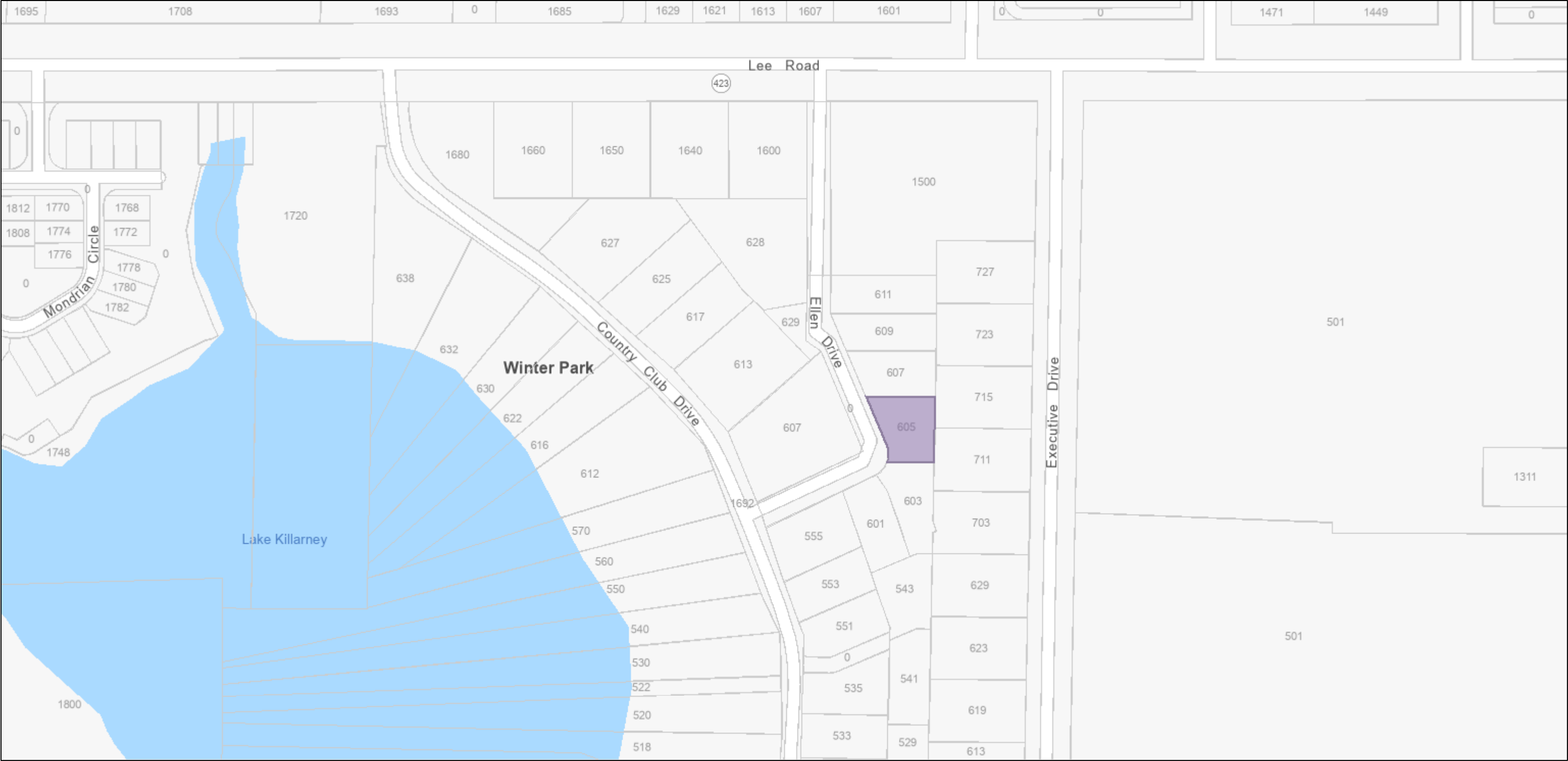
ATTACHMENTS:

[605 Ellen Dr - Neighobr Letters Combined.pdf](#)

ATTACHMENTS:

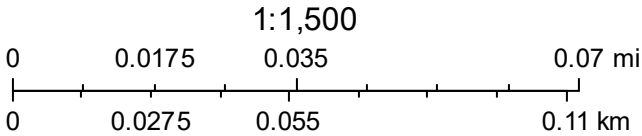
[SUB 17_04 Tree Plan.pdf](#)

605 Ellen Dr - Area Map



1/10/2023, 11:27:22 AM

Parcels Orange

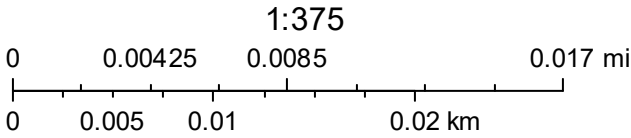


605 Ellen Dr - Aerial Map

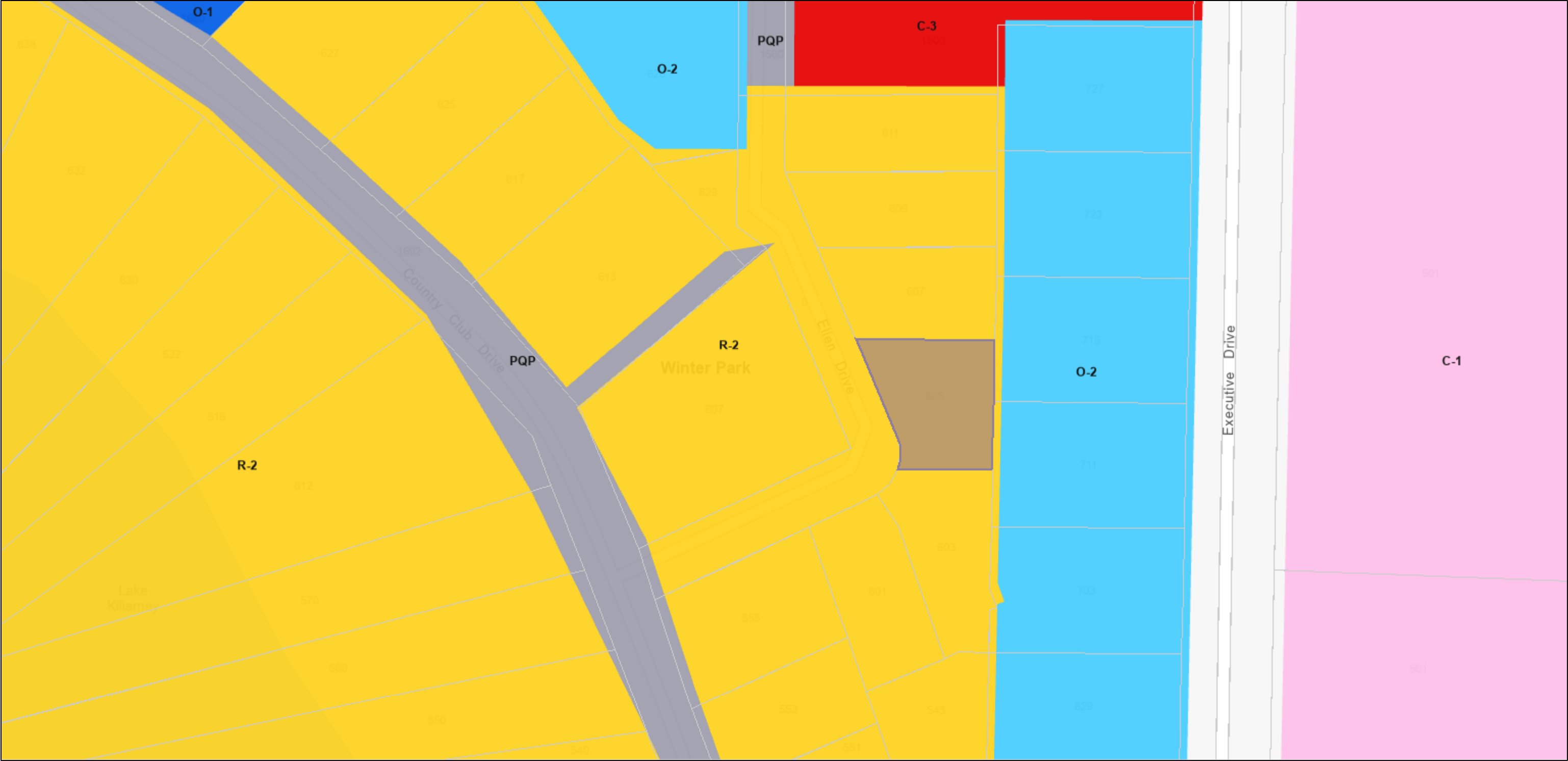


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Parcels Orange

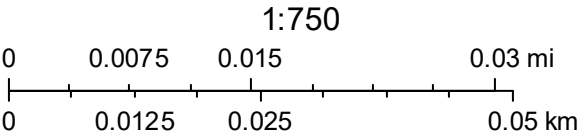


605 Ellen Dr - Zoning Map



1/10/2023, 11:29:02 AM

Parcels Orange		I-1		PL		R-1AAA	
Zoning - Winter Park		OC PD		PQP		R-2	
	C-1		O-1		PR		R-3
	C-2		O-2		PURD		R-4
	C-3		PD-2		R-1A		
	C-3A		PD-1		R-1AA		





PLAN SNAPSHOT REPORT BOA-2022-0024 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments **Project:** **App Date:** 12/16/2022
Work Class: Board of Adjustments/Variance Application **District:** Winter Park **Exp Date:** NOT AVAILABLE
Status: Fees Paid **Square Feet:** 0.00 **Completed:** NOT COMPLETED
Valuation: \$0.00 **Assigned To:** Harbilas, John **Approval**
Expire Date:

Description: Applying a second story rear and side setback variance

Parcel: 292201454000150	Main	Address: 605 Ellen Dr Winter Park, FL 32789	Main	Zone:
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Applicant
Carlos R Huyke
2015 W FAIRBANKS AVE
WINTER PARK, FL 32789
Business: (321) 999-9487

Owner
MEIYING LI
Home: (904) 772-4993
Mobile: (904) 772-4993

Plan Custom Fields

Zoning	R2	Section	58-66 Low Density Residential (R-2) District	Subsection	Development standards for properties over 70 Ft wd
Is the property on waterfront?	No	Is this property on historic registry or district?	No	Describe variance	Requesting a rear yard, two story setback of 10 ft. in lieu of 25 ft. and Requesting a side yard, of 7 ft. in lieu of 10 ft.
How long have you owned the property?	Since 8/1/2022	How long have you occupied the property?	Currently a vacant lot	Special Condition	The lot is an irregular shape, partially due to the existing street design. The lot dimensions are approximately 89.24 front feet in length (25 ft. front setback) x 134.99 feet side (North. 7 ft side setback) x 83.49 feet (East. 10 ft first floor rear setback 25 ft. second floor rear setback) x 60.67 (South. 7 ft. side setback). The side depth of 60.67 on the side makes it a challenge to layout a house and meet the minimum square footage required of 2,400 by Declaration of Conditions, Covenants and Restrictions.
Rights/Priv	Lots 16, 20, 21, 25 and 27 in the Lake Killarney Shores Subdivision enjoy a 10' side yard second floor setback abutting the commercial/office properties to the east. With this approval the lot will be consistent with the setbacks of the other lots adjacent to the commercial office properties to the East.	Hardship	The irregular lot shape creates a hardship	Limited Variance	Yes, as long as any other consideration still allows this lot to be consistent / compatible with the other neighboring lots.

PLAN SNAPSHOT REPORT (BOA-2022-0024)

Attachment File Name	Added On	Added By	Attachment Group	Notes
605 Ellen Dr TOPO Model (1).pdf	12/16/2022 9:35	RUIZ HUYKE, CARLOS		Uploaded via CSS
Letter Lake Killarney Shores HOA.pdf	12/16/2022 9:35	RUIZ HUYKE, CARLOS		Uploaded via CSS
Letter Owner lot 15, 605 Ellen.pdf	12/16/2022 9:35	RUIZ HUYKE, CARLOS		Uploaded via CSS
Letter owner Lot 16.pdf	12/16/2022 9:35	RUIZ HUYKE, CARLOS		Uploaded via CSS
Letter Randall Slocum.pdf	12/16/2022 9:35	RUIZ HUYKE, CARLOS		Uploaded via CSS
Lot 15 SITE PLAN.pdf	12/16/2022 9:35	RUIZ HUYKE, CARLOS		Uploaded via CSS
PDF LOT 15 (12-12-2022).pdf	12/16/2022 9:35	RUIZ HUYKE, CARLOS		Uploaded via CSS
Setback R2 Sheet.pdf	12/16/2022 9:35	RUIZ HUYKE, CARLOS		Uploaded via CSS
Signature_Carlos_Huyke_12/16/2022.jpg	12/16/2022 9:35	RUIZ HUYKE, CARLOS		Uploaded via CSS

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00031694	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00031694		\$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	12/16/2022	12/19/2022	12/16/2022	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	12/16/2022	12/19/2022	12/16/2022

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		12/16/2022	13:32
Board of Adjustments Review v.1	Receive Submittal	12/16/2022 0:00	12/16/2022 13:31
Issue Invoice v.1	Generic Action		12/16/2022 13:32
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

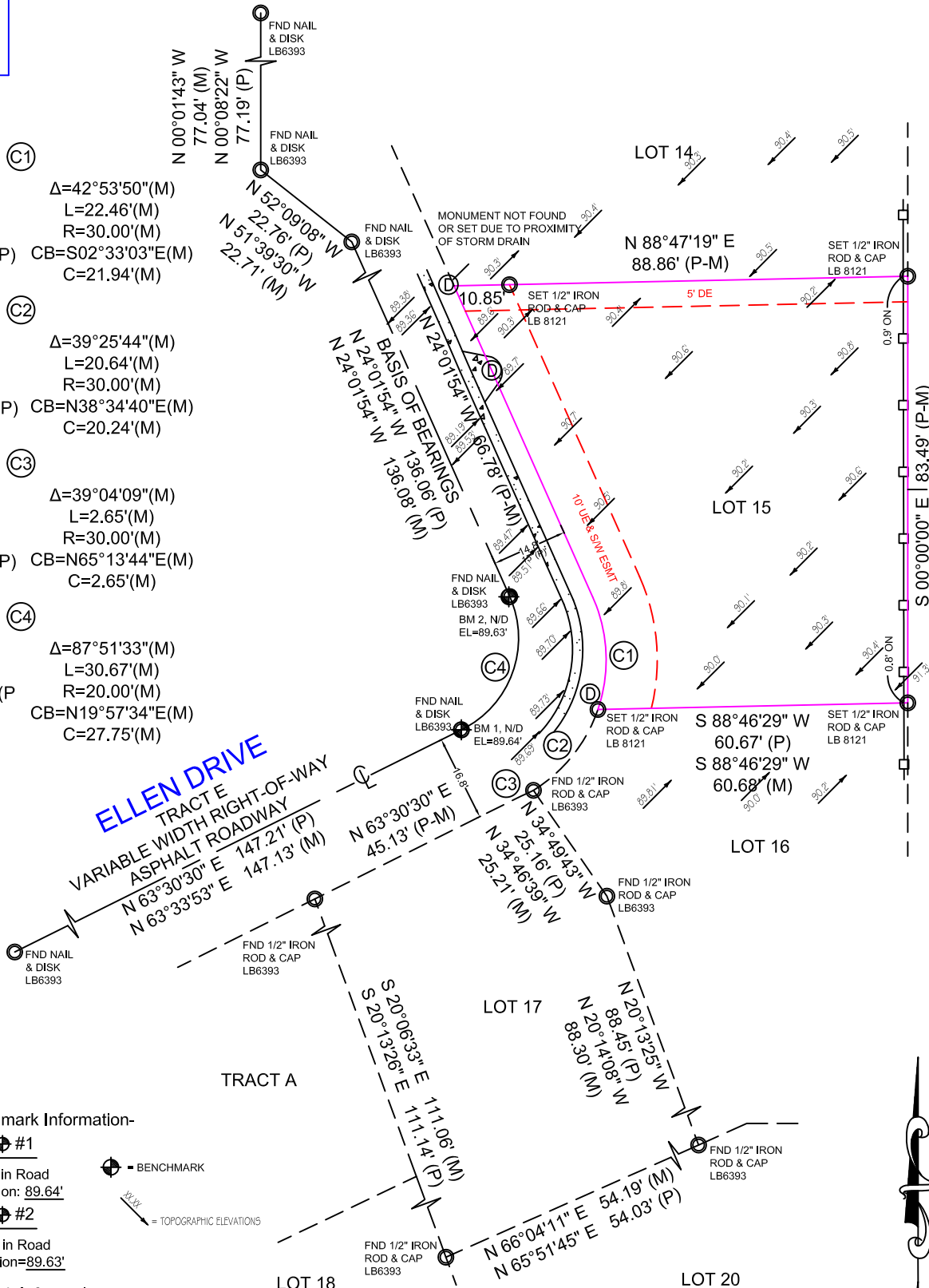
Boundary &
Topographic
Survey

Δ=42°53'42"(P) L=22.46'(P) R=30.00'(P) CB=S02°35'03"E(P) C=21.94'(P)
Δ=42°53'50"(M) L=22.46'(M) R=30.00'(M) CB=S02°33'03"E(M) C=21.94'(M)

Δ=39°25'45"(P) L=20.65'(P) R=30.00'(P) CB=S38°34'40"W(P) C=20.24'(P)
Δ=39°25'44"(M) L=20.64'(M) R=30.00'(M) CB=N38°34'40"E(M) C=20.24'(M)

Δ=05°12'57"(P) L=2.73'(P) R=30.00'(P) CB=N60°54'01"E(P) C=2.73'(P)
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Δ=87°32'23"(P) L=30.56'(P) R=20.00'(P) CB=S19°44'18"W(P) C=27.67'(P)
Δ=87°51'33"(M) L=30.67'(M) R=20.00'(M) CB=N19°57'34"E(M) C=27.75'(M)



UNSUBDIVIDED LAND
PID: 01-22-29-5224-00-103

UNSUBDIVIDED LAND
PID: 01-22-29-5224-00-104

-Site Benchmark Information-

- #1
Nail in Road
Elevation: 89.64'
- #2
Nail in Road
Elevation=89.63'
- BENCHMARK
- TOPOGRAPHIC ELEVATIONS

-Benchmark Information-
GPS L-NET DATUM

Based on GPS Observations
(Elevations are based upon NAVD 88 Datum)

ADDRESS
605 ELLEN DRIVE
ORLANDO, FLORIDA 32803

LEGAL DESCRIPTION: (AS FURNISHED)

LOT 15, LAKE KILLARNEY SHORES, ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 95, PAGE(S) 38, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

BASIS OF BEARINGS: BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF ELLEN DRIVE, BEING N 24°01'54" W, PER PLAT

LIST OF POSSIBLE ENCROACHMENTS: FENCE AS SHOWN.

DLS #: 22-07-0067
CLIENT #:
FIELD DATE: 07/21/2022
DRAFTER: FA
APPROVED: BHH

CERTIFIED TO: (AS FURNISHED)

ZUIR CONTRACTING

NOTES

1. Abutting properties have not been researched for gaps, overlaps, and/or hiatus
2. In compliance with F.A.C. 61G17-6.0031-4-E, if location of easements or rights-of-way of record, other than those on recorded plats, is required, this information must be furnished to the surveyor and mapper
3. Fence ownership is not determined
4. No underground improvements or structures were located by this survey, unless otherwise noted
5. This survey should not be used for construction purposes
6. Any septic tank or drainfield locations (if found) are approximate
7. Property lines and/or improvements shown were physically located by field survey
8. Monuments found or set are shown
9. Calculated lines and information are noted by (C)
10. Computations of lines and/or data not found are shown as (C)
11. Accuracies obtained in this survey are greater than (rural) 1" in 5000', (suburban) 1" in 7500', (commercial) 1" in 10,000'
12. Prior to survey, information obtained was legal description provided by client or from publicly published county tax collector site, recorded plats and/or section corner records, if applicable
13. If only a digital survey copy is required, a survey report will be placed in file. The digital survey is not full and complete without the survey report file.

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE
USE AND BENEFIT OF THE PARTIES LISTED HEREON.
LIABILITY TO THIRD PARTIES MAY NOT BE
TRANSFERRED OR ASSIGNED.

LEGEND

- | | | | |
|------|----------------------------|-----|--------------------------------|
| A/C | - Air Conditioner | P | - Plat |
| C | - Calculated | PB | - Plat Book |
| CL | - Centerline | PC | - Point of Curvature |
| CB | - Concrete Block | PI | - Point of Intersection |
| CM | - Concrete Monument | POB | - Point of Beginning |
| CONC | - Concrete | POC | - Point of Commencement |
| COV | - Covered | PP | - Power Pole |
| D | - Description | PRC | - Point of Reverse Curvature |
| DE | - Drainage Easement | PRM | - Permanent Reference Monument |
| DUE | - Drainage & Utility Esmt | R | - Radius |
| D/W | - Driveway | RAD | - Radial |
| ESMT | - Easement | R&C | - Rebar & Cap |
| FFE | - Finished Floor Elevation | R/C | - Roofed |
| FND | - Found | UE | - Utility Easement |
| IP | - Iron Pipe | WM | - Water Meter |
| L | - Length (Arc) | W | - Wood/PVC Fence |
| M | - Measured | Δ | - Delta (Central Angle) |
| N&D | - Nail & Disk | -Δ | - Wood/PVC Fence |
| NR | - Non-Radial | -Δ | - Chain Link Fence |
| OHU | - Overhead Utility Line | | |
| ORB | - Official Records Book | | |



FOR ALL INQUIRIES CONTACT:
Deal Land Surveying, LLC
804 S French Avenue
Sanford, FL 32771
407-878-3796
INFO@deallandsurveying.com

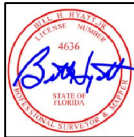
FLOOD ZONE INFORMATION
(FOR INFORMATIONAL PURPOSES ONLY)

SUBJECT PROPERTY SHOWN HEREON APPEARS TO BE LOCATED IN
FLOOD ZONE X, AREA OUTSIDE OF THE 100 YEAR FLOODPLAIN,
PER F.I.R.M. PANEL NUMBER 12095C 0255F
LAST REVISION DATE 09/25/2009

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THIS SKETCH OF SURVEY WAS MADE UNDER MY
RESPONSIBLE CHARGE AND TO THE BEST OF MY KNOWLEDGE AND BELIEF SAID
SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA
BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 5J-17 FLORIDA
ADMINISTRATIVE CODE. FURTHER, THIS DOCUMENT IS ELECTRONICALLY SIGNED AND
SEALED PURSUANT TO SECTION 472.027 OF THE FLORIDA STATUTES AND CHAPTER
5J-17 OF THE FLORIDA ADMINISTRATIVE CODE.

DATE OF FIELD WORK: 07/21/2022
DATE SIGNED: 07/26/2022



SURVEYOR'S NAME: BILL H. HYATT LS4636

DEAL LAND SURVEYING, LLC LB 8121

NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE
AND AUTHENTICATED ELECTRONIC SEAL

DATE	REVISION	DATE	REVISION
08/22/22	ADD TOPO		

INDICATES DRAINAGE FLOW

SITE DATA

LOT 15 = 5,942 SF

MAX FAR (55%) = 3,268 SF

MAX IMP. (65%) = 3,862 SF



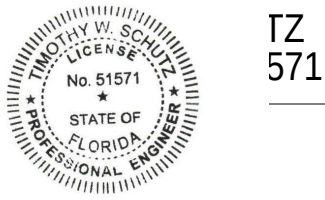
Arkitprofessionalservices@gmail.com
PH: (321) 370-3184

SED

SILVESTRE
ENGINEERING
2 LLC

C.A. #30239
3401 Mission Bay Blvd Ap # 293
Orlando, Florida 32817
PH: (321) 303-2954

EMAIL: daniel@silvestre-engineering.com
TO THE BEST OF THE ENGINEER'S
KNOWLEDGE AND UNDERSTANDING, THE
STRUCTURAL PLANS AND SPECIFICATIONS
COMPLY WITH THE CURRENT FLORIDA
RESIDENTIAL BUILDING CODE SIGNED AND
SEALED FOR THE STRUCTURAL PORTION
OF THIS DRAWING



Digitally signed by
Timothy W Schutz
Date: 2022.10.24
18:34:11 -04'00'

603 ELLEN DR,
WINTER PARK, FL 32789
LAKE KILARNEY SHORES
LOT 15 WINTER PARK

PROJECT

DRAWN ARKIT-D.S

CHECK D.S-TS

PROJECT NO.

DATE 10-23-2022

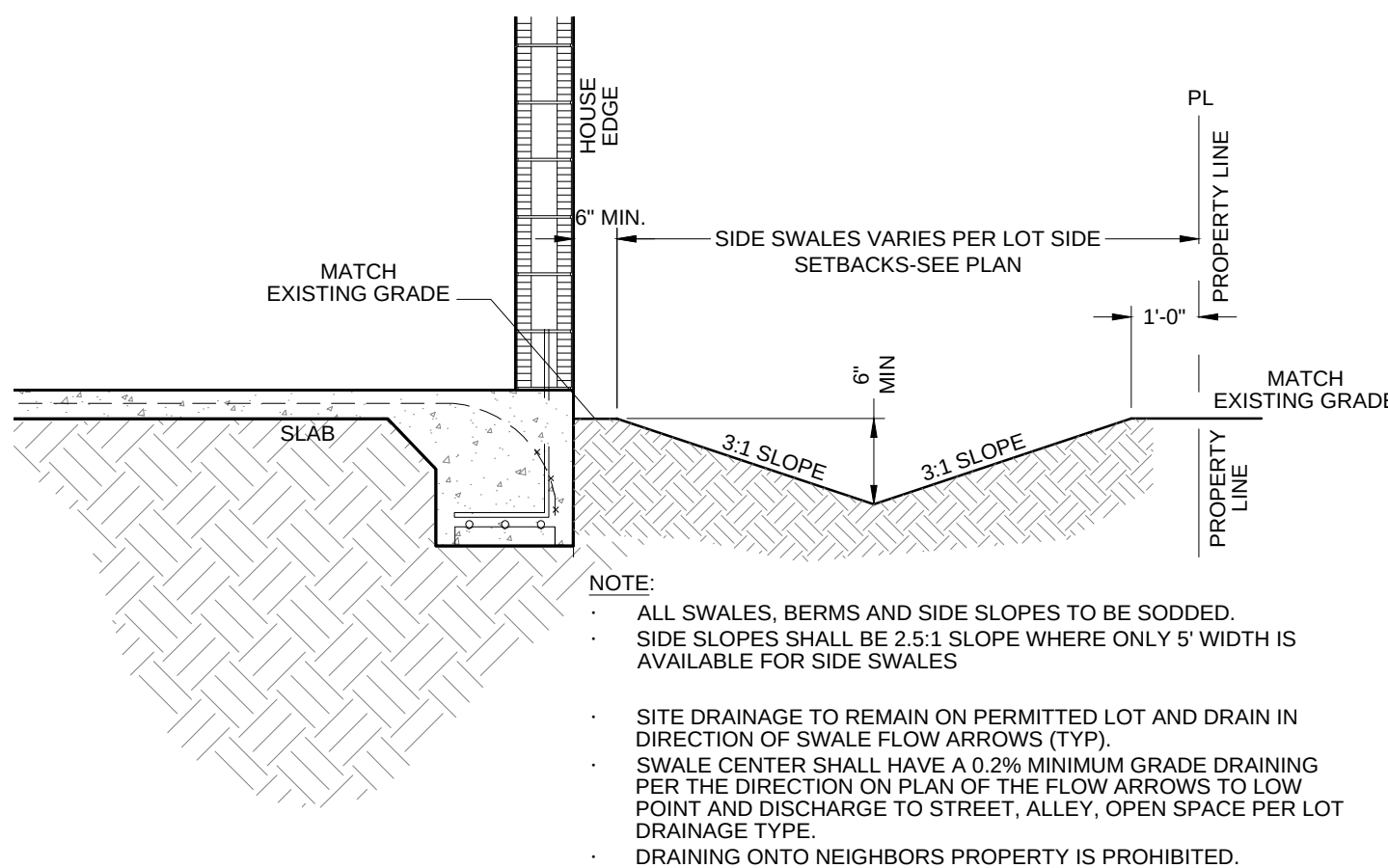
DRAWING

A1

BUILDING DATA		
FIRST FLOOR	1,304	SF
SECOND FLOOR	1,461	SF
TOTAL AC AREA	2,765	SF
GARAGE	483	SF
ENTRY	16	SF
LANAI	93	SF
TOTAL OTHERS AREAS	592	SF
TOTAL CONSTRUCTION	3,357	SF

F.A.R	
LOT AREA = 5,942	
55% = 3,268 SF	
1ST FLOOR= 1,304 SF	
2ND FLOOR= 1,461 SF	
GARAGE= 483 SF	
TOTAL= 3,248 SF < 3,268 SF	

COVERED LOT ALLOWED IMPERVIOUS AREA	
LOT AREA	5942
HOUSE	1304
GARAGE	483
LANAI	93
A/C PAD	9
ENTRY	93
DRIVEWAY	1245
TOTAL SF USED	3227 SF
3227 (54.30%) LOT ALLOWED IMPERVIOUS AREA	



TYPICAL SIDE SWALE SECTION
SCALE 1/2" = 1'

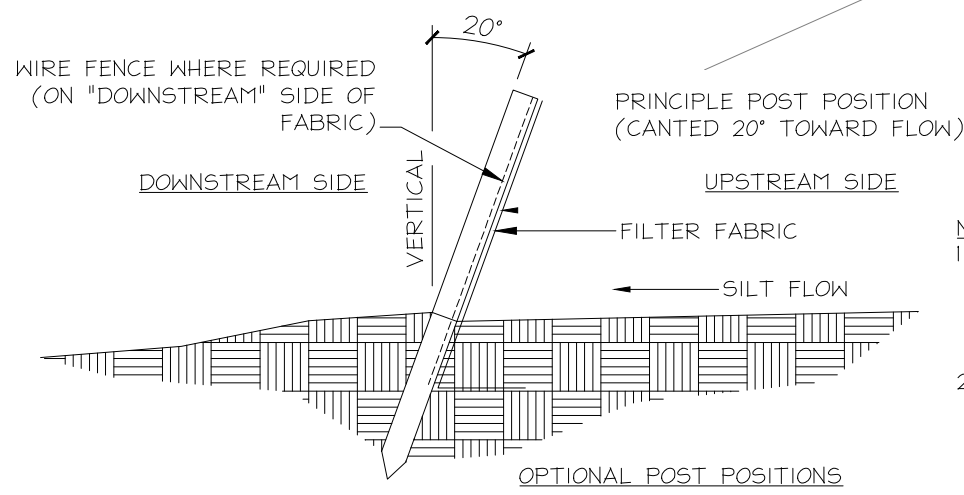
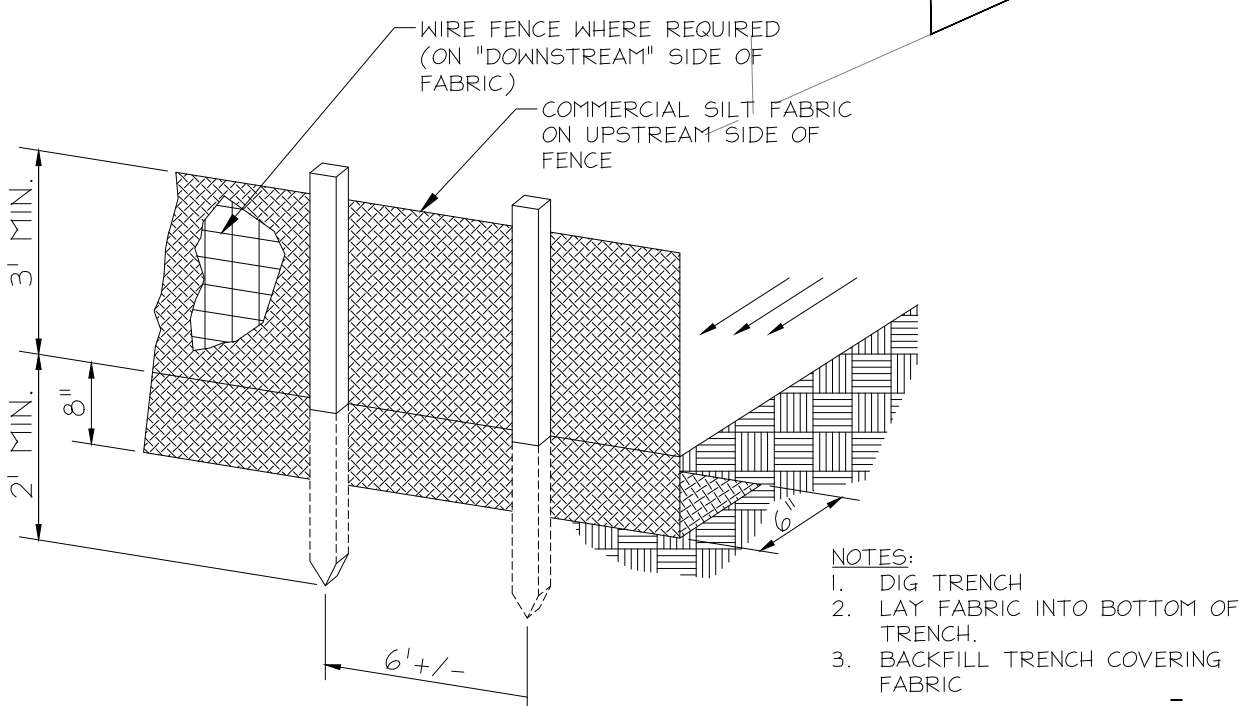
NOTE: ALL SITE DRAINAGE TO REMAIN ON PERMITTED LOT AND DRAIN IN DIRECTION OF SWALE FLOW ARROWS (TYP.) DRAINING ON TO NEIGHBORS PROPERTY IS PROHIBITED.

MIN. FF TO BE 18" ABOVE ROAD CROWN PER COUNTY STANDARDS
NOTE: PROPOSED HOUSE IS BEING CONSTRUCTED ON AN EXISTING VACANT LOT.

REFER TO SURVEY.

"Drive Entrances/Approaches per the City Standards for Construction of Driveway Approaches, Curb cuts, Driveways and Similar Alterations." Add 3' flare to each side of drive for a total flare width addition of +6' to drive width. 6" thick conc. Apron @ 3000 PSI. OR Pavers.

1 SITE PLAN
A1 SCALE 1/16" = 1'



SEDIMENT CONTROL BARRIER DETAIL
SCALE: N.T.S.

- NOTES:
- FREQUENT INSPECTIONS ARE REQUIRED. REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED. CLEAN OUT TRAPPED SEDIMENT AS NECESSARY.
 - THE INSTALLATION OF EROSION CONTROL MEASURES AND PRACTICES SHALL TAKE PLACE PRIOR TO OR CONCURRENT WITH LAND DISTURBING ACTIVITIES.
 - USE FDOT APPROVED SILT FENCE (SEE FDOT INDEX NUMBERS 102 & 103).
 - INSTALL SILT FENCE ALONG ALL PROPERTY LINES, AND MIN. 10' FROM LAKE EDGE.

THIS IS NOT
A SURVEY

THIS IS NOT A SURVEY
SITE PLAN BASED ON
BOUNDARY SURVEY BASED
ON OCCUPATION AND
MONUMENTATION.

Site Plan Notes

This is not a survey. Zero Latitude Inc. assumes no responsibility for its accuracy. The Owner and Contractor are totally responsible for placing the building on the property.

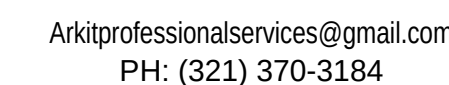
Pool Design and location, if shown, are only suggested.

Landscaping design by others.

Zero Latitude Inc. assumes no responsibility for septic design or location. Septic, if shown, on plan is per builder or owner requirements. Septic systems are to be designed and located per Dept. of Health requirements or as per governing codes.

Site Plan

1/8"=1'-0"



SILVESTRE
ENGINEERING
2 LLC

C.A. #30239
3401 Mission Bay Blvd Ap # 293
Orlando, Florida 32817
PH: (321) 303-2954

EMAIL: daniel@silvestre-engineering.com

TO THE BEST OF THE ENGINEER'S KNOWLEDGE AND UNDERSTANDING, THE STRUCTURAL PLANS AND SPECIFICATIONS COMPLY WITH THE CURRENT FLORIDA RESIDENTIAL BUILDING CODE SIGNED AND SEALED FOR THE STRUCTURAL PORTION OF THIS DRAWING

TIMOTHY W. SCHUTZ
REGISTRATION # 51571

SEAL

605 ELLEN DR,
WINTER PARK, FL 32789
LAKE KILAEARNEY SHORES
LOT 15 WINTER PARK

PROJECT.

DRAWN ARKIT-D.S

CHECK DS-TS

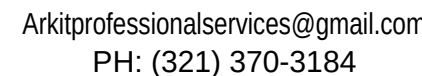
PROJECT NO.

DATE 10-23-2022

A2

DRAWING





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DOOR SCHEDULE							
UNIT#	FRAME	WIDTH	HEIGHT	THKS.	MATERIALS DOOR	DOOR TYPE	NOTES
FIRST FLOOR							
1	METAL	3'-4"	8'-0"	1 3/4"	METAL	A	ENTRY DOOR
2	ALUMINUM	(3)-3'-0"	8'-0"	1 3/4"	ALUMINUM/GLASS	F	EXTERIOR SLIDING DOOR
3	ALUMINUM	(3)-4'-0"	8'-0"	1 3/4"	ALUMINUM/GLASS	F	EXTERIOR SLIDING DOOR
4	WOOD	2'-0"	8'-0"	1 3/4"	HC	C	
5	WOOD	2'-6"	8'-0"	1 3/4"	HC	B	POCKET DOOR
6	WOOD	2'-6"	8'-0"	1 3/4"	HC	B	
7	WOOD	3'-0"	8'-0"	1 3/4"	HC	D	SOLID CORE-SELF CLOSING
8	WOOD	2'-8"	8'-0"	1 3/4"	HC	D	
9	ALUMINUM	(4)-3'-0"	8'-0"	1 3/4"	ALUMINUM/GLASS	F	GARAGE DOOR

605 ELLEN DR,
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LAKE KILAEARNEY SHORES
LOT 15 WINTER PARK

DRAWN ARKIT-D.S.

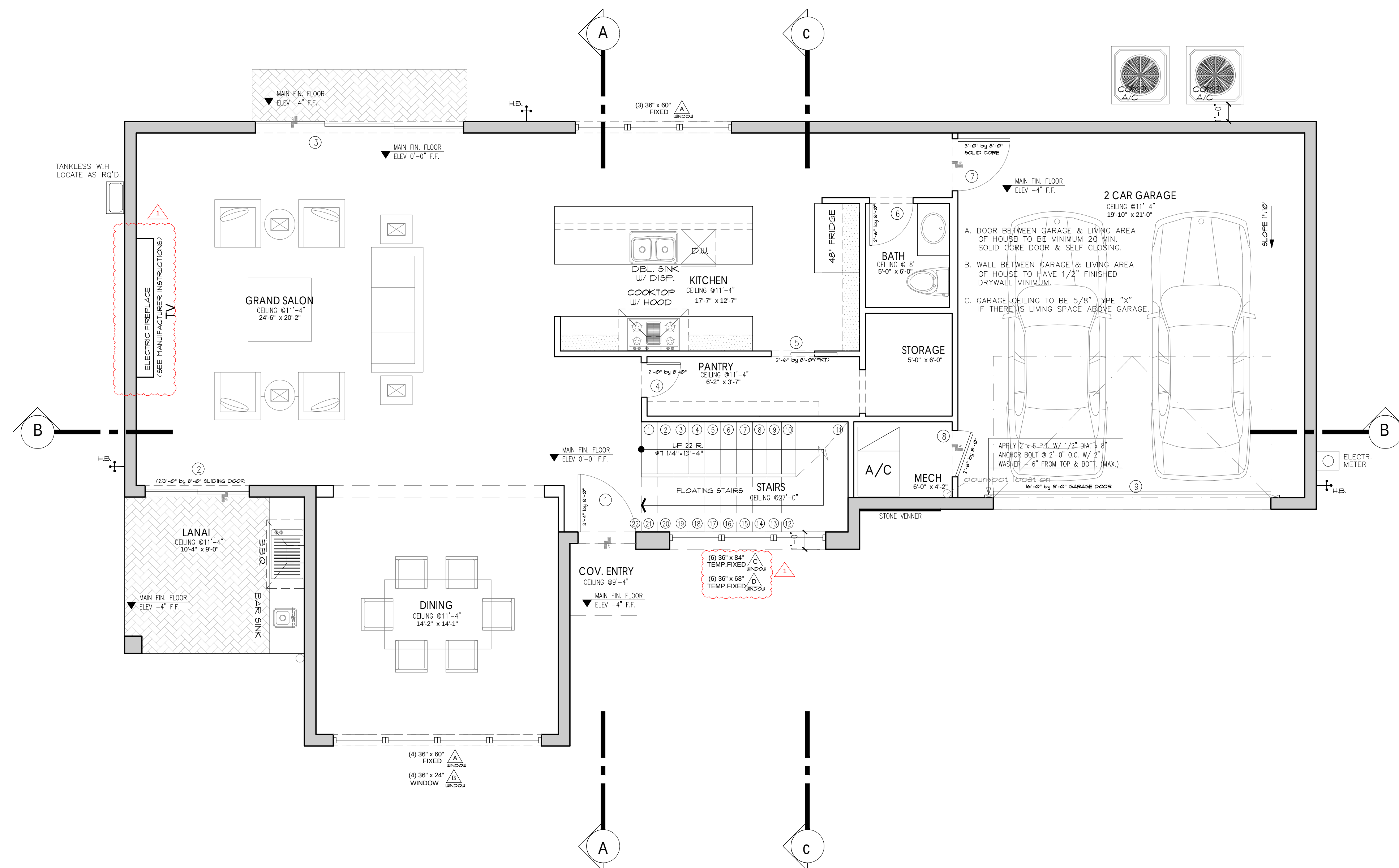
CHECK DS-TS

PROJECT NO.

DATE 10-23-2022

A3

DRAWING



1	DETAILED 1ST FLOOR PLAN
A3	SCALE 1/4" = 1'



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PH: (321) 370-3184

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SEAL

605 ELLEN DR,
WINTER PARK, FL 32789
LAKE KILARNEY SHORES
LOT 15 WINTER PARK

PROJECT

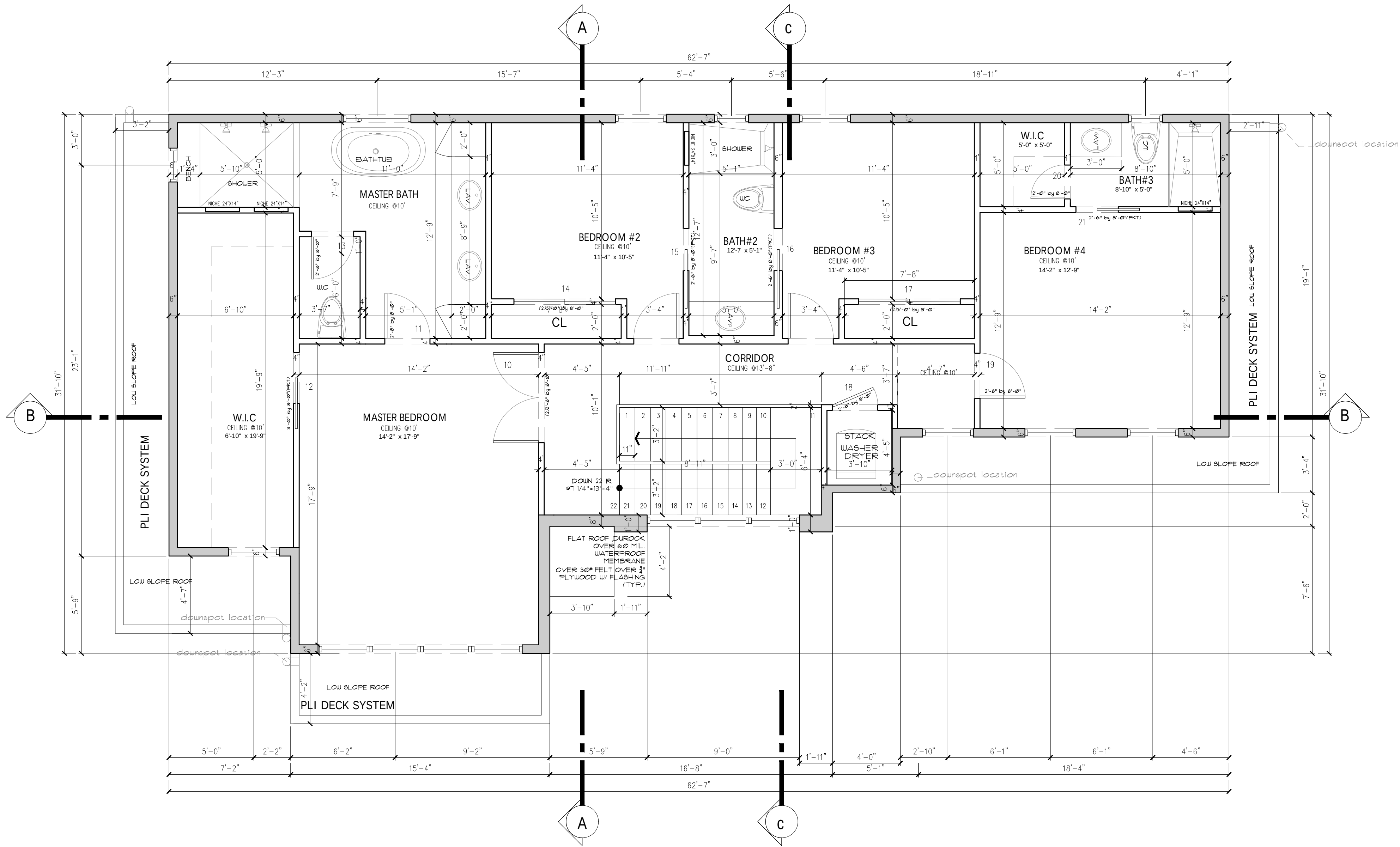
DRAWN ARKIT-D.S

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PROJECT NO.

DATE 10-23-2022

A4
DRAWING



1 DIMENSIONED 2ND FLOOR PLAN
A4 SCALE 1/4" = 1'



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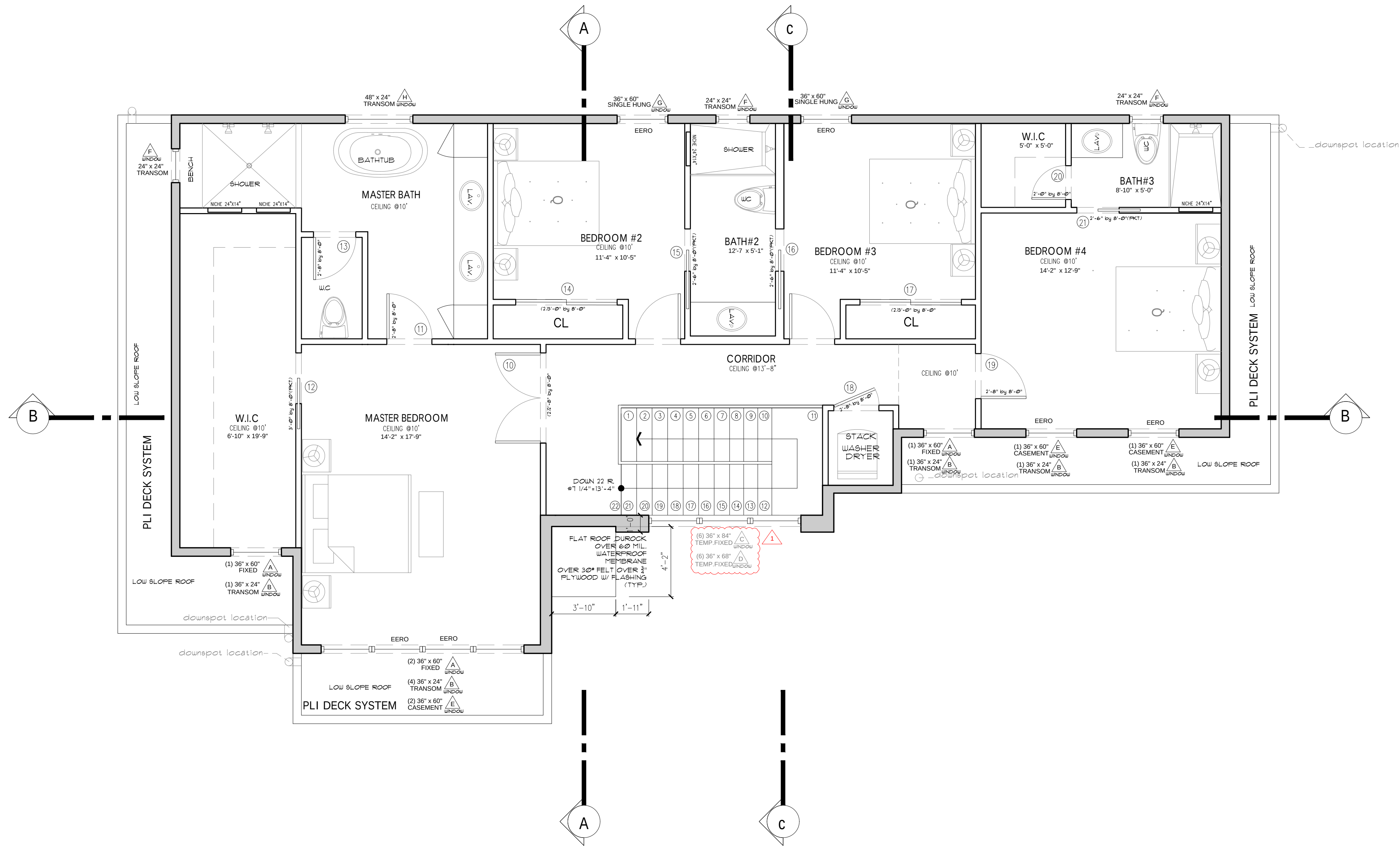
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REGISTRATION # 51571



1
A4

DETAILED 2ND FLOOR PLAN

SCALE 1/4" = 1'

WINDOW SCHEDULE						
SECOND FLOOR						
MARK	FRAME	WIDHT	HEIGHT	EERO	SPECIFICATION	CANT
A	VYNIL	36"	60"		FIXED WINDOW	4
B	VYNIL	36"	24"		FIXED WINDOW	8
C	VYNIL	36"	84"		TEMP.FIXED	3
D	VYNIL	36"	68"		TEMP.FIXED	3
E	VYNIL	36"	60"	EERO	CASEMENT	4
F	VYNIL	24"	24"		FIXED TRANSOM	3
G	VYNIL	36"	60"	EERO	SINGLE HUNG	2
H	VYNIL	48"	24"	EERO	FIXED TRANSOM	1

DOOR SCHEDULE							
UNIT#.	FRAME	WIDTH	HEIGHT	THKS.	MATERIALS DOOR	DOOR TYPE	NOTES
SECOND FLOOR							
10	WOOD	(2)2'-8"	8'-0"	1 3/4"	HC	C	DOUBLE DOOR
11	WOOD	2'-8"	8'-0"	1 3/4"	HC	C	
12	WOOD	3'-0"	8'-0"	1 3/4"	HC	C	POCKET DOOR
13	WOOD	2'-6"	8'-0"	1 3/4"	HC	C	
14	WOOD	(2)3'-0"	8'-0"	1 3/4"	HC	B	SLIDING CLOSET
15	WOOD	2'-6"	8'-0"	1 3/4"	HC	B	POCKET DOOR
16	WOOD	2'-6"	8'-0"	1 3/4"	HC	B	POCKET DOOR
17	WOOD	(2)3'-0"	8'-0"	1 3/4"	HC	B	SLIDING CLOSET
18	WOOD	2'-8"	8'-0"	1 3/4"	HC	C	
19	WOOD	2'-8"	8'-0"	1 3/4"	HC	C	
20	WOOD	2'-0"	8'-0"	1 3/4"	HC	C	
21	WOOD	2'-6"	8'-0"	1 3/4"	HC	C	POCKET DOOR

SEAL

605 ELLEN DR,
WINTER PARK, FL 32789
LAKE KILARNEY SHORES
LOT 15 WINTER PARK

PROJECT

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PROJECT NO.

DATE 10-23-2022

A5

DRAWING



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PH: (321) 370-3184

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REGISTRATION # 51571

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LAKE KILARNEY SHORES
LOT 15 WINTER PARK

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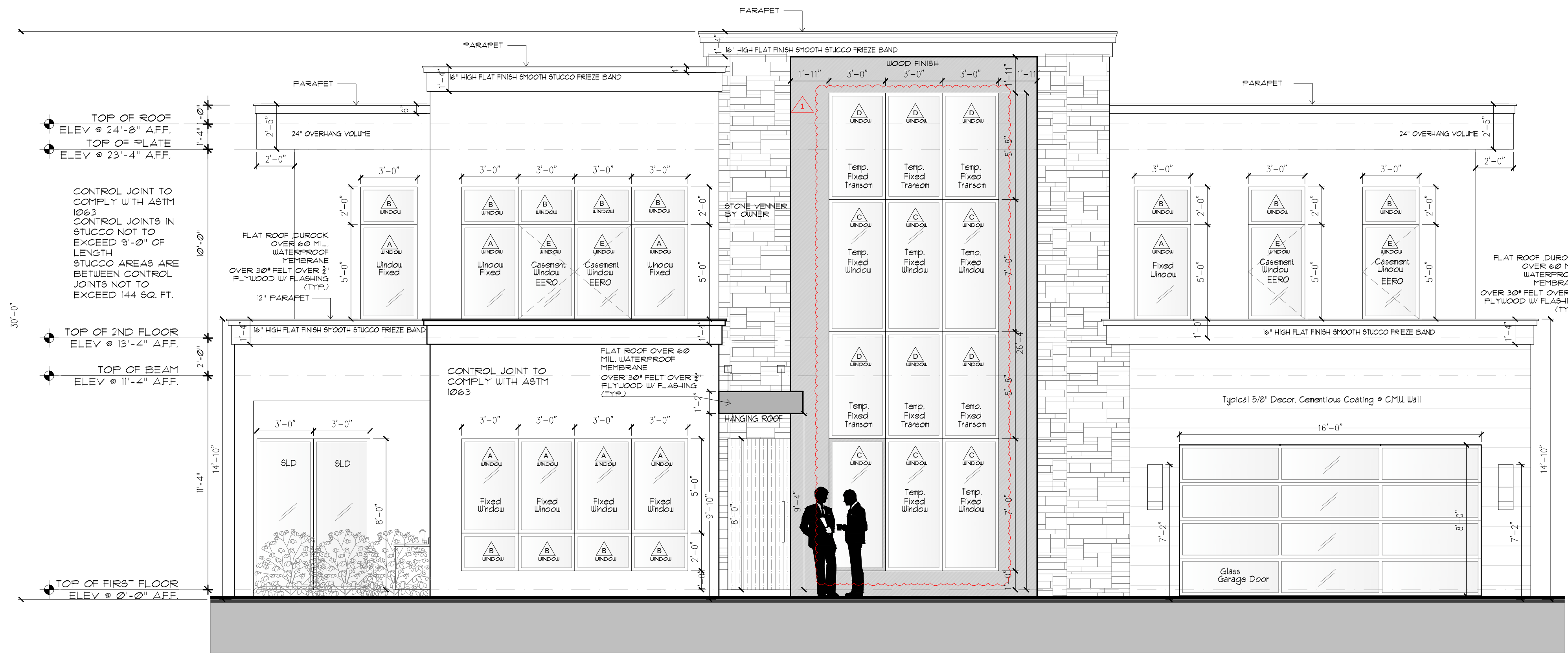
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PROJECT NO.

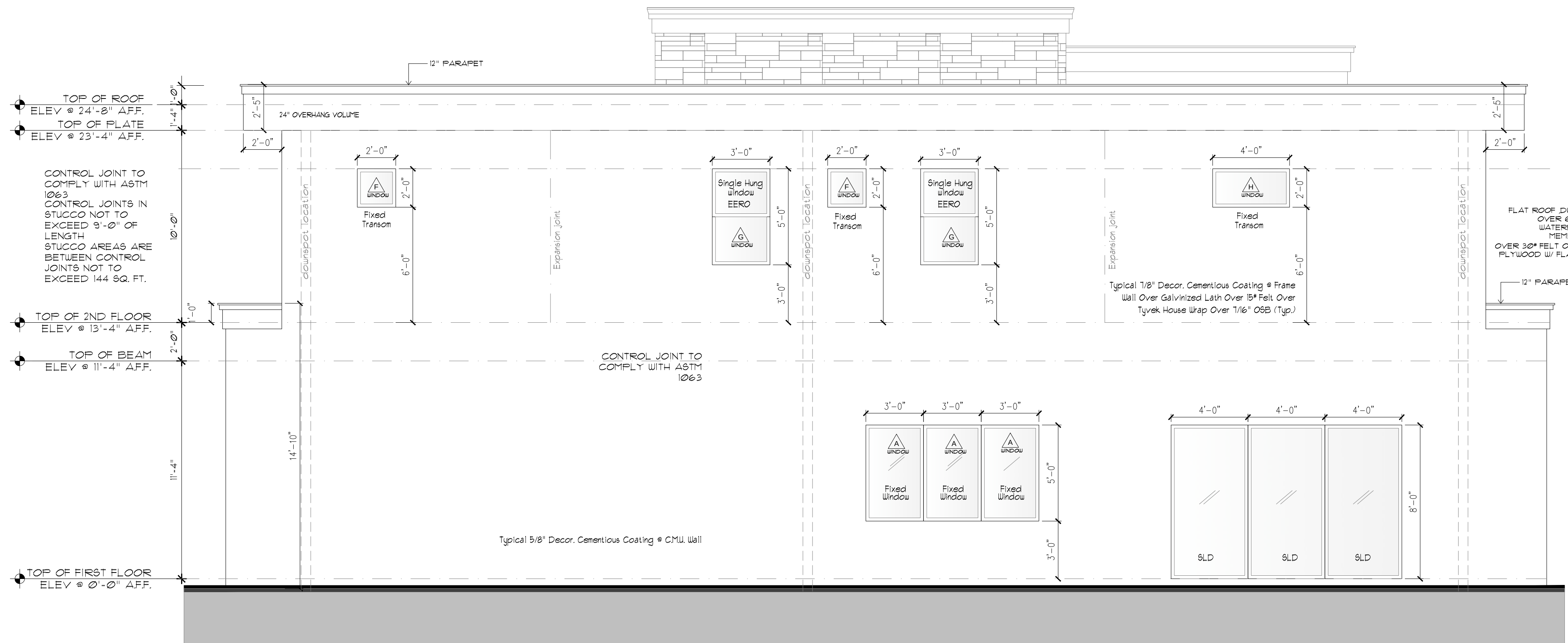
DATE 10-23-2022

A6

DRAWING



1 FRONT ELEVATION
A6 SCALE 1/4" = 1'



2 REAR ELEVATION
A6 SCALE 1/4" = 1'



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PH: (321) 370-3184

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REGISTRATION # 51571

SEAL

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LAKE KILMERNEY SHORES
LOT 15 WINTER PARK

PROJECT

DRAWN ARKIT-D.S

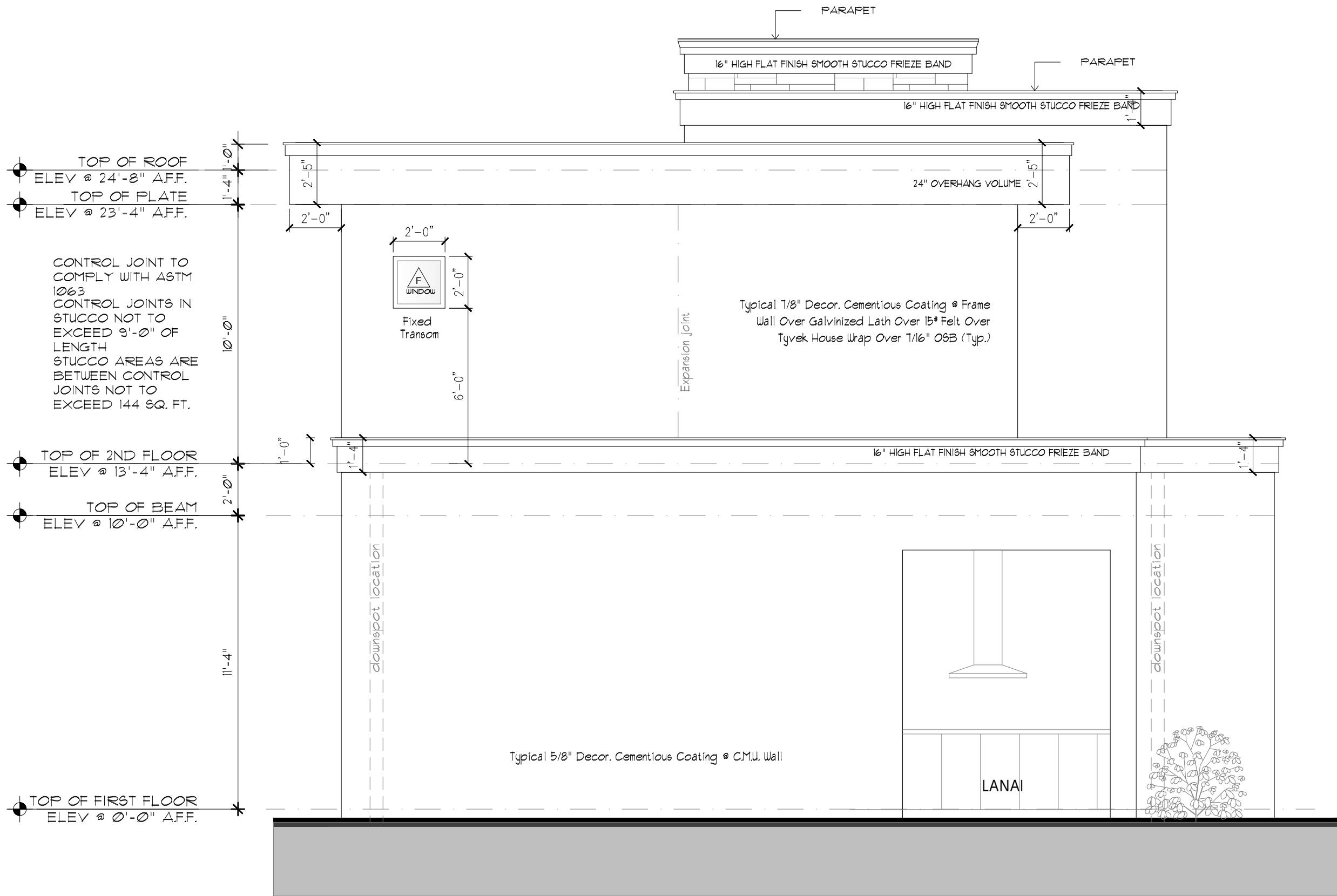
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PROJECT NO.

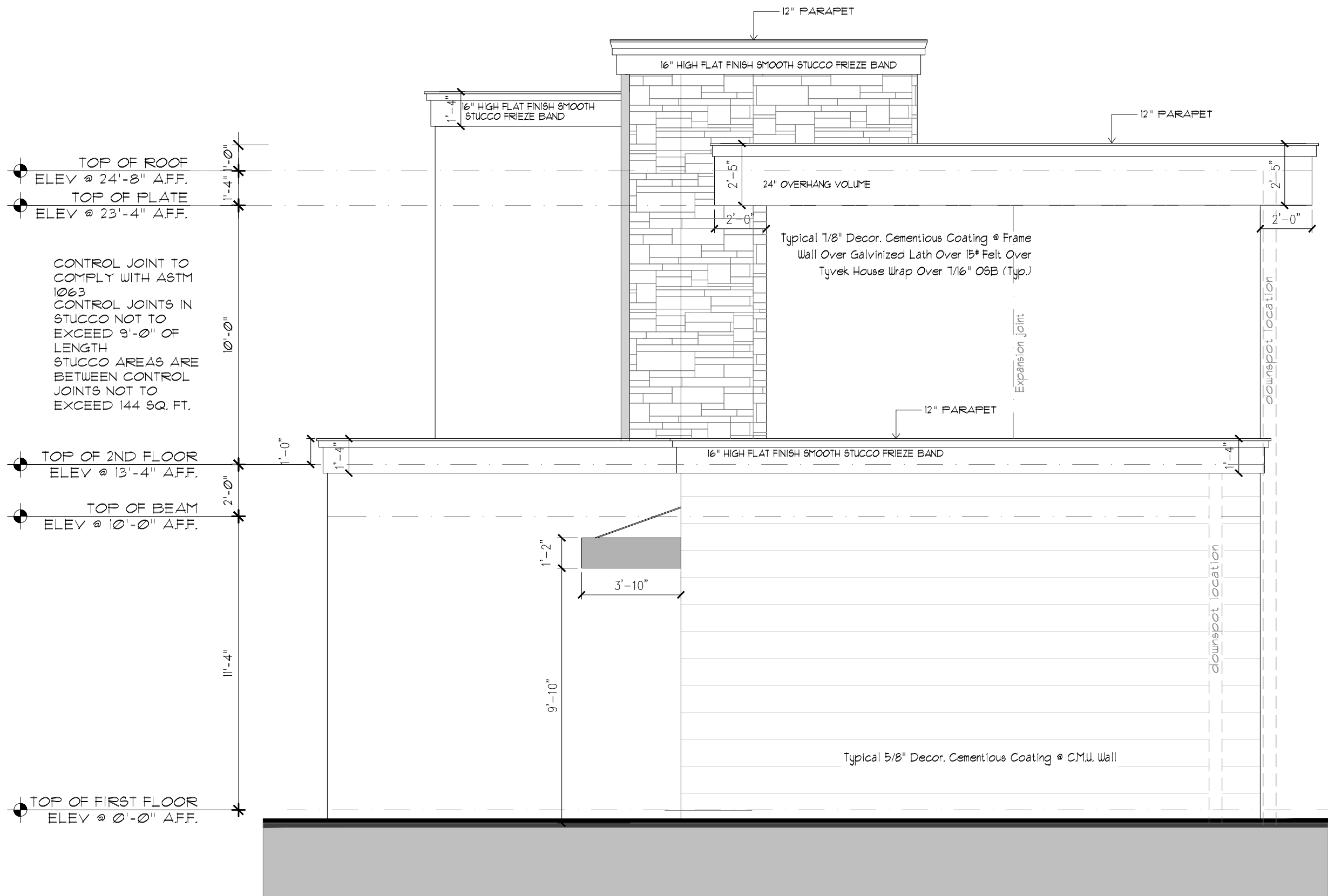
DATE 10-23-2022

A7

DRAWING



1 LEFT ELEVATION
A7 SCALE 1/4" = 1'



2 RIGHT ELEVATION
A7 SCALE 1/4" = 1'

Meiying Li
WP Property Investment, LLC
605 Ellen Drive
Winter Park, FL 32789

11/30/2022

City of Winter Park
Board of Adjustments

To whom it may concern,

I respectfully request that you approve our request for the reduction in the 2nd floor setback from 25' to 10' since the rear of the home abuts offices. The hardship is due to the irregular shaped lot created by the road curve. All other lots on Ellen Drive are less than 65' wide they are eligible for the 2nd floor setback reduction to 10' when abutting non-residential uses.

Additionally, the setback is equal to the lot#16 (603 Ellen) side setback which is parallel to the rear setback on Lot# 15 and I want to enjoy the same.

The plans are fully designed and engineered, and I am eager to complete my new home and live in Winter Park.

Sincerely,

Meiying Li

Meiying Li
11/30/2022



November 29, 2022

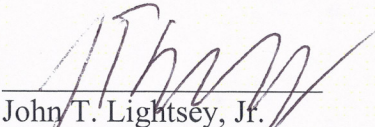
Attention: City of Winter Park Building Department

Re: 605 Ellen Drive

To whom it may concern:

Please be advised the Lake Killarney Shores HOA and its ARB approve of the variance request for 2nd floor rear setback of 10'. This setback is consistent with the planned homes on both sides and the other homes on Ellen Drive.

Please feel free to contact us with any questions


John T. Lightsey, Jr.
Lake Killarney Shores Homeowner Association
5401 S. Kirkman Road
Orlando, Fl. 32819
407-361-5276
tlightsey@cfl.rr.com



1950 Lee Rd Suite 207
Winter Park, FL 32789
info@ZiurContracting.com
Tel: 321-999-9487
CGC1520298

To whom it may concern:

As owner of lot 16 and been neighbor of lot 15 we do not oppose to the variance in request for rear and side setback of the mentioned lot.

As we see that Lots 16, 20, 21, 25 and 27 in the Lake Killarney Shores Subdivision enjoy a 10' side yard second floor setback abutting the commercial/office properties to the east.

With this approval the lot will be consistent with the setbacks of the other lots adjacent to the commercial office properties to the East.

A handwritten signature in black ink, appearing to read 'Carlos Ruiz Huyke', with a small decorative flourish at the end.

Carlos Ruiz Huyke
Ziur Contracting
4077197939

FW: Lake Killarney Shores Lot#15

Regards,
Randall

Board Of Adjustment Members,

Please accept this correspondence as pertinent information regarding the development of this boutique residential community on the eastern shore of Lake Killarney. As the planner for this development, I have been involved with this community since it's inception, representing both the seller and the buyer. We collectively determined that the best use for this property was to develop the area as single family lots in lieu of the duplex units which previously existed, even though the net result would be 30% fewer dwellings. With that said, as is apparent by the irregular shape of the land, partially due to the existing streets, it was indeed a challenge to layout lots which respect the code based sizes of 6,000 square feet. Furthermore, the lots along the eastern boundary, adjacent to the commercial / office properties on the other side of the boundary wall, primarily are parallel in length to that boundary line, as shown on the Overall Site Plan.....please refer to lots 20, 21, 25 & 27 (which have side yards adjacent to the boundary wall) and don't differ too much from Lot's 14, 15 & 16 which have very unusual shapes and are adjacent to the same boundary line. Therefore, we ask that the lots be treated the same and allow the eastern boundaries to be considered as side yards also, which will allow for consistent sized homes to be designed for these lots as well.

Thank you,
Randall

***Slocum Platts Architects will be closed for the holidays, starting
Friday, December 23rd. We will reopen on Monday, January 3rd, 2023 at 8 am.***

Randall J. Slocum
Principal



SLOCUM PLATTS
ARCHITECTS
AA003669

670 North Orlando Avenue, Suite 1001
Maitland, FL 32751, PH: (407) 645-3019
www.slocumplatts.com



 OAK TREE WITHIN POTENTIAL BUILDING AREA

 CAMPHOR TREE WITHIN POTENTIAL BUILDING AREA

 MAGNOLIA TREE WITHIN POTENTIAL BUILDING AREA

PINE TREE WITHIN POTENTIAL BUILDING AREA

CEDAR TREE WITHIN POTENTIAL BUILDING AREA

MAGNOLIA TREE WITHIN POTENTIAL BUILDING AREA



TREE EXHIBIT
FOR THE
PROPOSED PLAT OF
LAKE KILLARNEY SHORES

ORANGE COUNTY, FLORIDA

CITY OF WINTER PARK



JOB NO.: 161216
FIELD DATE: 01/12/17
SCALE: 1" = 40'
DRAWN BY: PA3
APPROVED BY:
DRAWING FILE #
C:\Users\161216\OneDrive\Documents\WINTER PARK SITE -
DRANCE\Tree
ibit\Tree Exhibit.dwg