



Board of Adjustments Regular Meeting Minutes

October 17, 2023 at 5:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Michael Clary, Ann Higbie, Charles Steinberg, Jason Johnson, Robert Trompke, Cathy Williams, Planner II Nicholas Lewis, Planner I Corinna Lundgren, and Recording Secretary Mary Bush

Absent

Thomas Sims

1. Call to Order

Chairman Jason Johnson called the meeting to order at 5:00 p.m.

2. Consent Agenda

- a. Approve the minutes of September 19, 2023.

Motion made by Cathy Williams, seconded by Charles Steinberg to approve the September 19, 2023 meeting minutes.

The motion carried unanimously by a 6-0 vote. (Tom Sims was absent from the meeting.)

3. Public Comments (for items not on the agenda): Three minutes allowed for each speaker

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

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

- a. BOA-2023-0018: Request of Denise Baba.

Mr. Lewis provided a brief summary of the request. He presented to the Board an aerial map, survey, site plan, and floor plan for the project. He noted that six neighbor letters in approval of the request had been received and none in opposition. He explained that the applicant was requesting a setback variance in order to add an open carport to the existing home. He then discussed the calculations for the site depth and

noted that staff felt there was no way to get vehicles to the rear of the lot. He added that the requested 20-foot depth for the carport is the minimum required to adequately fit modern-sized vehicles. Mr. Lewis then presented photos of the original carport built in 2006 and discussed the neighbors' views of where the carport would be located. He indicated that there was no room for an addition in the front or rear of the property. He then went on to discuss the variance approval criteria as it related to the request. He explained that due to the existing setback conditions of the structure compared to the rest of the street and the fact that there was historically a carport as part of the structure, staff believed that the proposal would not confer a special privilege.

Staff recommendation was for approval.

Discussion ensued regarding clarification of where the proposed carport would be located.

The applicant, Denise Baba of 1830 Edwin Boulevard, Winter Park, FL 32789 addressed the Board. Ms. Baba spoke about extending the carport area and the main reasons for wanting to build the carport. She noted that it would provide safety as well as protection from the elements.

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

The Board shared their thoughts regarding the request. The Board overall felt that the variance request was necessary for the proposed carport. Some Board members expressed objection to the carport blocking the view of the front door and felt that the area needed to be more aesthetically pleasing.

Motion made by Jason Johnson, seconded by Charles Steinberg, for variance approval from Section 58-65(f)(6), to allow a front setback of 28.1-feet in lieu of the required front setback of 48-feet, in conjunction with the proposed carport addition to the existing single-family home located at 1830 Edwin Boulevard, zoned R-1A, with a finding that the variance is justified by the criteria outlined in Section 58-92 of the Code of Ordinances of the City of Winter Park; the reasons set forth in the application justify the granting of the variance; the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and the granting of the variance will be in harmony with the general purpose and intent of the zoning article of the Land Development Code and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The motion carried unanimously by a 6-0 vote. (Tom Sims was absent from the meeting.)

b. BOA-2023-0019: Request of Leah Milan.

Mr. Lewis provided a summary of the request. He provided an aerial map, site plan, and survey for the project. He noted that two lots on the southwest side of the applicant's lot face Trismen Terrace and have existing 6-foot concrete block walls that are adjacent to the applicant's lot. He noted that the applicant desired to have a 6-foot aluminum fence installed to mitigate privacy and safety concerns. He explained that a few months ago a vehicle careened off SR-426 and smashed through the existing podocarpus hedging along the front of the property. Mr. Lewis indicated that staff was requesting the condition of a landscape buffer with a setback from the sidewalk where the proposed fence or wall would be located. He provided example photos of the setback and the landscape buffer staff requested. He then went on to discuss the variance approval criteria as it related to the request. He emphasized that the property is unique to the neighbors because it only fronts SR-426, unlike the two neighboring lots with walls and is shallow compared to the other neighboring lots, which are adequately set back from the road. He indicated that staff believed the existing lot and structure conditions, coupled with the privacy and safety concerns along SR-426, would not confer on the applicant any special privilege.

Staff recommendation was for approval with the following condition:

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

Discussion ensued with the Board regarding the following:

- whether or not an aluminum fence would protect the home from car crashes,
- restrictions on the required construction of the fence,
- if the applicant would have to submit a site plan at the time of permitting for the wall,
- how the fence and new landscape buffer would align with what is currently on the lot,
- if the City had plans for addressing speeding on the road in front of the property,
- and if a provision exists that would allow the applicant to put up a block wall.

The applicant, Leah Milan of 901 Osceola Avenue, Winter Park, FL 32789 addressed the Board. Ms. Milan spoke about safety concerns regarding the traffic on the street in front of the home. She indicated that she had already planted new hedges along the frontage of the home. She explained that she had considered various kinds of walls and felt concrete walls would be very confining for the small lot.

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

The Board shared their thoughts on the request. There were mixed opinions on the proposed height and material of the fence, with the majority of the Board expressing favor of a 3-foot or 4-foot fence or wall instead of a 6-foot fence as the applicant requested.

Motion made by Jason Johnson, seconded by Charles Steinberg, for variance approval from Section 58-71(n)(2), to allow a 6-foot-high fence in a street- front yard in lieu of the maximum required height of 3-feet for fences in street-front yards, in conjunction with the proposed fence at 901 Osceola Avenue, zoned R-1AA, with a finding that the variance is justified by the criteria outlined in Section 58-92 of the Code of Ordinances of the City of Winter Park; the reasons set forth in the application justify the granting of the variance; the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and the granting of the variance will be in harmony with the general purpose and intent of the zoning article of the Land Development Code and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The motion failed by a 2-4 vote. (In Favor: Jason Johnson and Charles Steinberg. Opposed: Michael Clary, Ann Higbie, Cathy Williams, and Robert Trompke. Tom Sims was absent from the meeting.)

After the motion failed, the Board briefly discussed a possible new motion for a 4-foot fence or wall and a 3-foot front setback requirement. The Board then allowed the applicant to speak. Ms. Milan spoke about the proposed new motion. She explained that the reason she wanted a 6-foot fence was mainly for privacy. She also noted that the hedges were not an option for protection from vehicles and pedestrians passing by the home.

The Board asked if there was a prohibition or restriction on the height of the podocarpus hedge that would be behind the fence or wall. Staff confirmed that the applicant could have an 8-foot podocarpus and a 3-foot front setback without the need for a variance.

Brief discussion ensued with the applicant. Ms. Milan then asked the Board to reconsider making another motion for the lesser variance.

City Attorney Chumley confirmed that the Board could make another motion for a lesser variance.

Motion made by Michael Clary, seconded by Jason Johnson, for variance approval from Section 58-71(n)(2), to allow for a 4-foot-high fence or wall with a 3-foot front setback with a landscape buffer between the fence or wall and the lot line, in conjunction with the proposed fence at 901

Osceola Avenue, zoned R-1AA.

The motion carried unanimously by a 6-0 vote. (Tom Sims was absent for the meeting.)

5. Non-Action Items

6. Staff Updates

7. Board Comments

8. Upcoming Agenda Items

9. Adjournment

The meeting adjourned at 6:07 p.m.

Minutes approved by the Board on December 19, 2023.

ATTEST:



/s/ Mary Bush, Recording Secretary