



Board of Adjustments Regular Meeting

Agenda

May 21, 2024 @ 5:00 PM

City Hall Commission Chambers
401 S. Park Avenue

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/meetings and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

please note

Times are projected and subject to change.

-
- 1. Call to Order**
 - 2. Consent Agenda**
 - a. Approve the minutes of March 25, 2024. 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-2024-0003. Request of Leslie Golden for variance approval from Section 58-171 subsections (a)(7) and (a)(8), to waive the ten-foot front setback requirement for artificial turf and the requirement prohibiting artificial turf installation within public or private rights-of-way for the property located at 1812 Gipson Green Lane, zoned R-1AA; and appeal of the decision of the City's Public Works Department regarding public right-of-way utilization per Section 90-194(c). 15 minutes
 - 5. Non-Action Items**
 - 6. Staff Updates**
 - 7. Board Comments**
 - 8. Upcoming Agenda Items**
 - 9. Adjournment**



Board of Adjustments

agenda item 2.a

item type

Consent Agenda

meeting date

May 21, 2024

prepared by**approved by****subject**

Approve the minutes of March 25, 2024.

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

1. Draft Board of Adjustments Regular Meeting Minutes



Board of Adjustments Regular Meeting Minutes

March 25, 2024 at 5:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Michael Clary, Charles Steinberg, Robert Trompke, Cathy Williams, Ann Higbie, Jason Johnson

Absent

Tom Sims

Staff Present

Planning Consultant Jeff Briggs, Planner II Nicholas Lewis, Planner I Corinna Lundgren, Administrative Coordinator Mary Bush

1. Call to Order

Chairman Johnson called the meeting to order at 5:02 p.m.

2. Consent Agenda

- a. Approve the minutes of December 19, 2024.

Motion made by Cathy Williams, seconded by Ann Higbie, to approve the December 19, 2023 regular 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-2024-0001. Request of Kiran and Monica Tipirneni

Mr. Lewis provided a summary of the item. He noted that it is a large square corner lot on Lakemont Avenue, which is one of the City's deepest rights-of-way and busiest thoroughfares. He also noted that the sidewalk is eight feet into the right-of-way on this particular lot when sidewalks are usually located on the lot line. He then discussed

the location of the proposed pergola, noting that it meets the setback and maximum height requirements per code. He indicated that the code is silent on functional structures sitting atop walls, buildings, etc., that meet the code in their own right, such as pergola structures. For this reason, staff referred to the decorative structure provision in the code regarding the applicant's request. Mr. Lewis then explained that the applicant was requesting a variance for the 50 square foot maximum for decorative structures in front and street-side yards since it would only cover a little less than a third of the current uncovered patio space. He added that the applicant left the side of the pergola facing Lakemont Avenue substantially open, so the view would be significantly mitigated. He also added that there is some existing vegetative planting in front of the wall that the pergola will be attached to, which will eventually grow upward and block the view of the structure. He then indicated that there would be no change to the existing impervious coverage and floor-area-ratio since it is an open structure. Mr. Lewis went on to review the existing conditions, noting that the pergola, including the hedges in front of it, will be under the roofline of the garage and the main structure. He then reviewed the variance criteria and expressed that because the proposed structure fits atop the existing, conforming wall, and its nature as a functional structure that does not meet the intent of the limiting provision, there are enough special conditions and circumstances for staff to believe that no special privilege would be provided by granting the requested variance.

Staff recommendation was for approval.

The Board requested clarification of the code section that the applicant was asking for a variance from. A brief discussion ensued.

The applicant, Kiran Tipirneni of 1848 Loch Berry Road, Winter Park, FL 32789 addressed the Board and explained his intent for the pergola, which included more privacy and shade.

The Board inquired about whether or not the pergola would be louvered and if the pergola had been a consideration at the time the applicant built the house.

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

The Board briefly shared their thoughts on the item and were unanimously in favor of it.

Motion made by Jason Johnson, seconded by Cathy Williams, for variance approval from Section 58-71(h)(12) in order to construct a new 170 square-foot pergola in lieu of the maximum 50 square-feet as required for pergolas, trellises, and arbors in front and street-side yards, located at 1848 Loch Berry Road, 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-2024-0002. Request of Mary Hartwig

Mr. Lewis provided a summary of the item. He noted that this was a reinstatement request of the variances granted at the July 16, 2019 public hearing, which were previously reinstated at the January 17, 2023 public hearing. He also noted that the request was the same as the January 17, 2023 reinstatement with the only difference being due to a change made in the City's zoning code since the reinstatement.

Staff recommendation was for approval.

The Board inquired about why the application was being heard again if it was reinstated in 2023. The Board also asked for clarification of the changes to the code in relation to the requested variances.

Motion made by Jason Johnson, seconded by Ann Higbie, for variance approval from Section 58-65(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 28-foot front setback and 11-foot side setback, located at 2819 Northwood Boulevard, based on the findings at the January 17, 2023 public hearing to include 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.)

5. Non-Action Items

6. Staff Updates

7. Board Comments

A brief discussion ensued regarding applicants not completing their projects in accordance with the requirements of their approved variances and how these violations could be addressed. Mr. Lewis noted that there are currently no zoning final inspections for walls and fences, but zoning code violations can be addressed by the City's Code Enforcement. He suggested that a zoning code final inspection could be added for any granted variances.

8. Upcoming Agenda Items

9. Adjournment

The meeting adjourned at 5:32 p.m.

ATTEST:

/s/ Mary Bush, Board Secretary



Board of Adjustments

agenda item 4.a

item type

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

meeting date

May 21, 2024

prepared by

Nicholas Lewis, Planner II

approved by

Allison McGillis, Director of Planning and Zoning

subject

BOA-2024-0003. Request of Leslie Golden for variance approval from Section 58-171 subsections (a)(7) and (a)(8), to waive the ten-foot front setback requirement for artificial turf and the requirement prohibiting artificial turf installation within public or private rights-of-way for the property located at 1812 Gipson Green Lane, zoned R-1AA; and appeal of the decision of the City's Public Works Department regarding public right-of-way utilization per Section 90-194(c).

motion | recommendation

Staff recommendation is for denial of the variances requested.

background

The applicant and homeowner, Leslie Golden, is requesting variance approval from Section 58-171(a)(7) and (a)(8) in order to install artificial turf within ten feet of the front lot line and in public right-of-way, located at 1812 Gipson Green Lane. The property is zoned R-1AA. Additionally, any work in the public right-of-way requires approval by the City's Public Works Department. Appeals for denial of such requests are appealed to the Board of Adjustments per Section 90-194(c).

Variance Review Criteria:**Special Conditions and Circumstances**

In order for a variance to be granted, special conditions and circumstances must exist which are peculiar to the land, structure or building involved and are not applicable to other land, structures or buildings in the same zoning district.

The applicant is seeking this variance request in order to install artificial turf within a portion of the front yard area of the subject property and a portion of the public right-of-way directly in front of the applicant's property. There are some general conditions with the property that make artificial turf an understandable alternative, such as drainage issues, lack of sidewalk,

and a neighboring tree canopy shading the areas. The result is that the applicant has not been able to keep traditional grass in the areas alive. However, these conditions are not necessarily unique to the property. In addition, a ten-foot utility easement also runs across the front yard.

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 58-171(a)(7), artificial turf installation is not permitted within ten feet from the front property line and under Section 58-171(a)(8), artificial turf installation is also prohibited within public and private rights-of-way. Additionally, any work within the public right-of-way requires approval by the City Public Works Department. If such work is denied, as is the case here, the applicant has the right to appeal the decision by Public Works via the variance process per Section 90-194(c).

Public Works cited the following reasons warranting denial of artificial turf installation in the right-of-way: lack of conformance to Section 58-171(a)(8); increased stormwater runoff; lack of compatibility with existing utilities and prohibition of visual inspection of potentially failing utilities.

Staff believes that there are several alternatives, although less preferable to the applicant, that would be viable as traditional turf alternatives, such as ground cover or Florida-friendly landscaping, which do not require a variance and conform with the position of Public Works. Understandably, these solutions take up more space and are less appropriate for active use of the area. However, the applicant has a large backyard that could allow for any recreational use that generally requires traditional turf.

Actions of the Applicant

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

The applicant purchased the property in 2015, whereas the home was designed and constructed before their ownership in 2000. Therefore, the applicant had no sway over any design aspects of the property including the grading of the front yard. The applicant also does not own the property across Gipson Green Lane which has the substantial tree canopy shading a majority of the area. Therefore, the inability for traditional turf to last in the area is not by fault of the applicant.

Special Privilege

The last requirement necessary to grant a variance request is that the variance will not confer onto the applicant any special privilege denied by the zoning ordinance to other lands, structures or buildings in the same zoning district. No nonconforming use of the neighboring lands, structures or buildings in other zoning districts shall be considered grounds for the issuance of a variance.

Staff believes that granting this request would confer onto the applicant a special privilege denied to other properties who may wish to install artificial turf within ten feet of their front yard lot lines and within the public right-of-way. The special conditions and circumstances are not necessarily unique enough to this property and viable, although less favorable, solutions that do not require a variance are available.

Summary

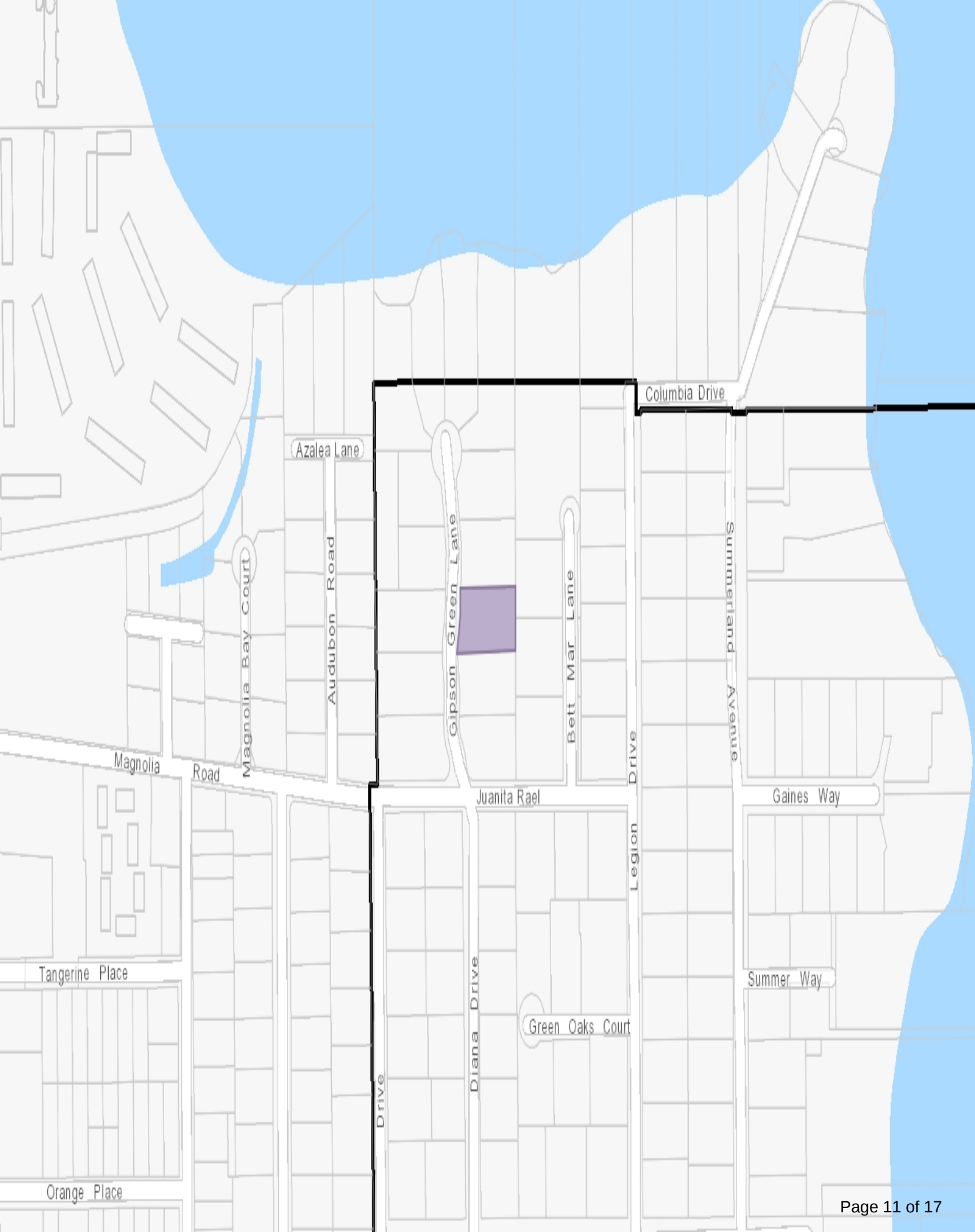
Staff believes that the applicant does not meet the four criteria to grant the variances requested or to overturn the decision rendered by the City's Public Works Department.

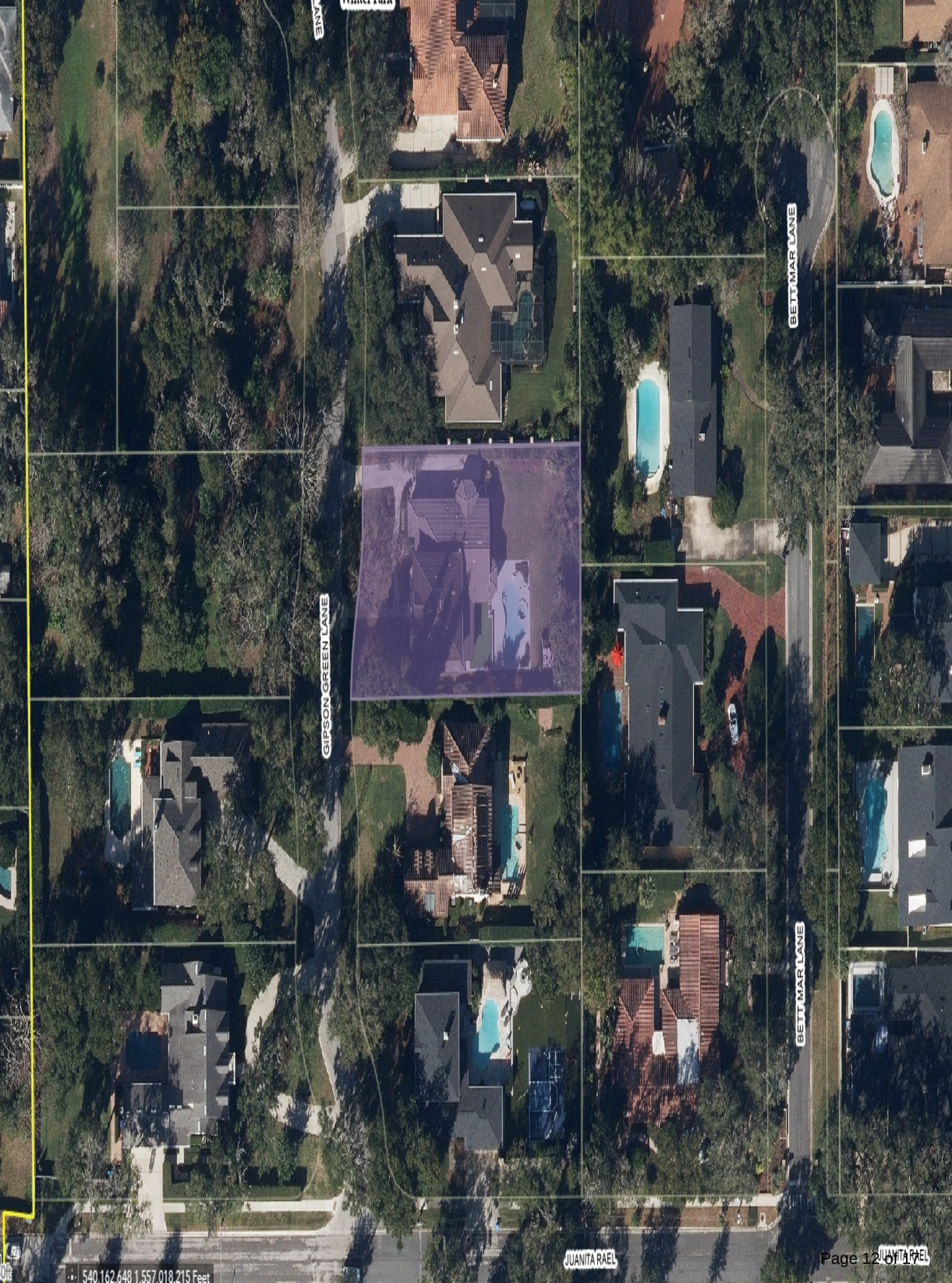
alternatives | other considerations

fiscal impact

attachments

1. 1812 Gipson Green Ln - Area Map
2. 1812 Gipson Green Ln - Aerial Map
3. 1812 Gipson Green Ln - Survey
4. 1812 Gipson Green Ln - Site Plan
5. 1812 Gipson Green Ln - Applicant Energov Submittal





LANE

FRANCE PARK

BETT MAR LANE

GIPSON GREEN LANE

BETT MAR LANE

JUANITA RAE LANE

JUANITA RAE LANE

540,162.648 1,557,018.215 Feet

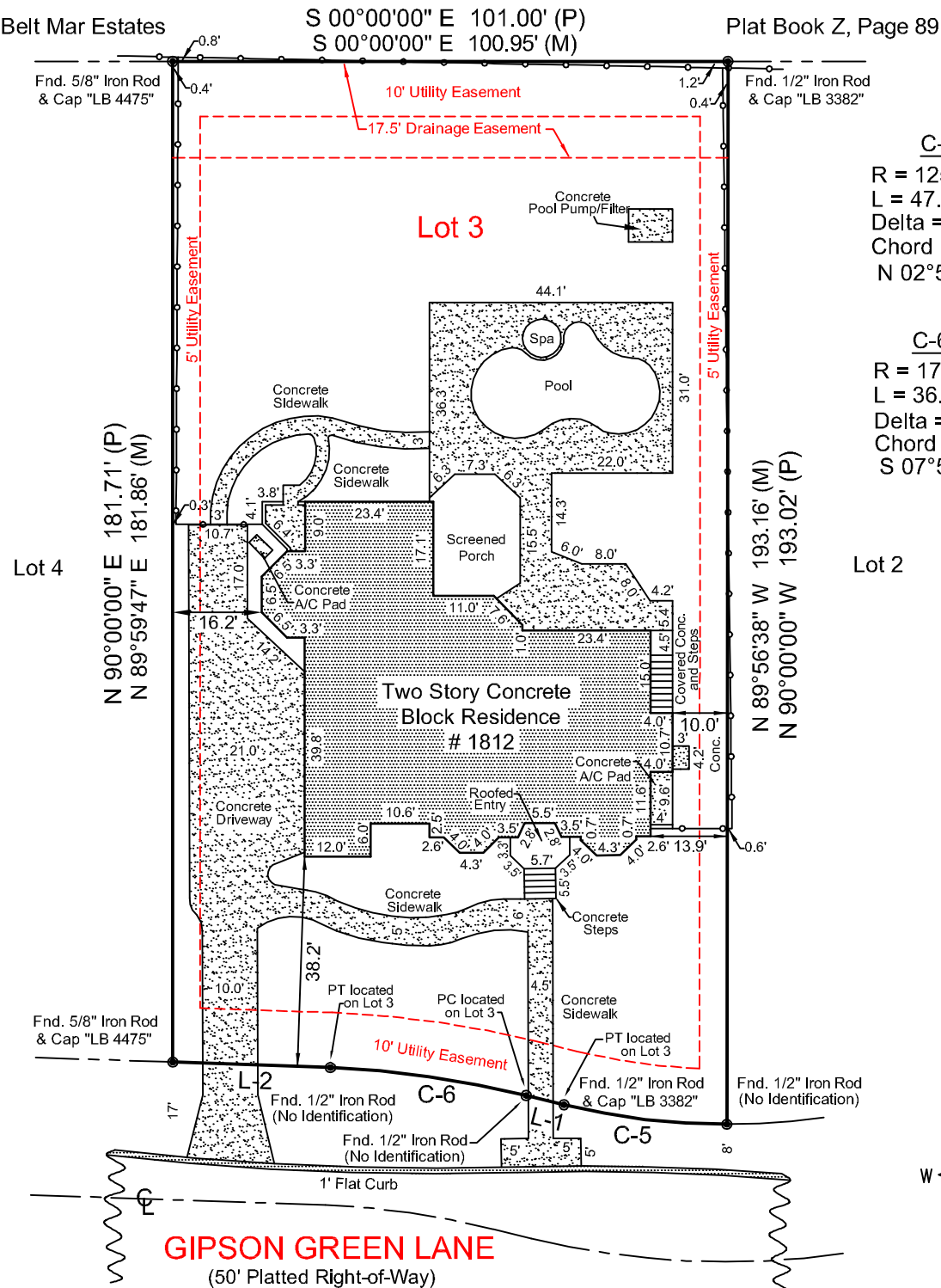
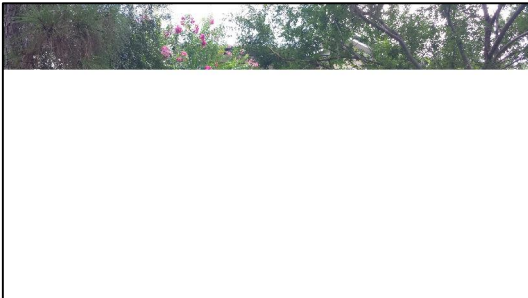
Boundary Survey

Legal Description:

Lot 3, BOILEY GREEN SUBDIVISION, according to the Plat thereof as recorded in Plat Book 37, Page(s) 124 & 125, Public Records of Orange County, Florida.

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

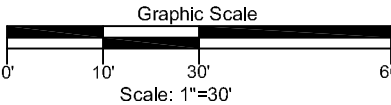
CERTIFIED TO:
Lesley Bissinger Golden & Eric Scott Golden Old Florida National Bank
Sunbelt Title Agency Title Resources Guaranty Company



C-5
R = 125.00'
L = 47.53'
Delta = 21°47'05"
Chord Bearing =
N 02°57'43" E 47.24'

C-6
R = 175.00'
L = 36.28'
Delta = 11°52'38"
Chord Bearing =
S 07°54'56" W 36.21'

L-1
N 13°51'15" E
7.07' (P&M)
L-2
N 01°58'38" E
28.68' (P&M)



* Updated Survey & Certifications- 2/23/15 Subject Property has Public Water & Sewer Services

Field Date: 07-07-14*	Date Completed:02-23-15
Drawn By: SP	File Number: IS- 2283
-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 - Plat	Δ - Delta (Central Angle)
P.B. - Plat Book	-O- - Chain Link Fence
- - Wood Fence	

-Notes-
>Survey is Based upon the Legal Description Supplied by Client.
>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.
>Subject to any Easements and/or Restrictions of Record.
>Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
>Building Ties are NOT to be used to reconstruct Property Lines.
>Fence Ownership is NOT determined.
>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
>Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to give ANY Rights or Benefits to Anyone Other than those Certified.
>Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this Endeavor. Ireland & Associates Surveying Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.

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 Minimum Technical Standards for Land Surveying in the State of Florida in accordance with Chapter 61G17-6 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

Patrick K. Ireland
Patrick K. Ireland, P.S. 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

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PLAN SNAPSHOT REPORT BOA-2024-0003 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments
Work Class: Board of Adjustments/Variance Application
Status: Fees Paid
Valuation: \$0.00
Description: Seeking variance to allow some artificial turf in right of way while maintaining required permeability of front of property.

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

App Date: 04/09/2024
Exp Date: NOT AVAILABLE
Completed: NOT COMPLETED
Approval Expire Date:

Parcel: 302131065500030	Main	Address: 1812 Gipson Green Ln Winter Park, FL 32789-1480	Main	Zone:
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Applicant Leslie Golden 1812 Gipson Green LN Winter Park, FL 32789 Home: (407) 341-0750 Business: (407) 341-0750 Mobile: (407) 341-0750	Owner Leslie Golden 1812 Gipson Green LN Winter Park, FL 32789 Home: (407) 341-0750 Business: (407) 341-0750 Mobile: (407) 341-0750
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Plan Custom Fields

Is the property on waterfront?	No	Section	58-171 (and 90-194 to the extent applicable)	Subsection	(a)(7)
Zoning	R1	Is this property on historic registry or district?	No	Describe variance	We are seeking a variance from the section prohibiting any artificial turf at all to be placed in the ten feet from the property line to allow us to put five feet of turf in that area. The purpose of the seeking the variance is not a design preference, but an attempt to maintain the appearance and enjoyment of our front yard after many years of dead grass in this area. Because our street does not contain a sidewalk or tree lawn, the 10 foot prohibition is in the first 10 feet of our yard which is visually seamless from the rest of the yard. The blanket prohibition bars us from landscaping in a way that complies with permeability ratios while also allowing us to actually use our front property. We seek only to place turf in approximately 5 of the 10 foot space, and are willing to execute any necessary documents allowing the city to access the area at our expense when needed as homeowners

PLAN SNAPSHOT REPORT (BOA-2024-0003)

	do for the placement of driveways and walkways in the same area. At the recommendation of staff, we have included section 90-194 to the extent it is implicated, but the right of way has been landscaped and included a concrete walkway since we purchased the property in 2015.	How long have you owned the property?	9 years	How long have you occupied the property?	7 years
Special Condition	The special conditions are (1) the lack of any sidewalk or tree lawn, putting the right of way directly in the front yard, and (2) the fact that all grass and trees that have been placed in the right of way area in the last 7 years have died despite being regularly watered, treated, and maintained. We have used multiple vendors and methods, but grass and 6 trees placed in this area continue to die. We would much prefer to have live grass, but ground cover is the only thing that has stayed alive in this area.	Rights/Priv	If we have to place grass in this area, leading to a perpetually dead front yard, we will be deprived of the privilege of having an attractive front home elevation, which reduces our home value and affects the beauty of our street, which is one of the main reasons we chose to live in Winter Park. If, alternatively, we have to plant 10+ feet of ground cover in this area (the only thing that will not die) leaving a sliver for turf only a few feet wide, we will lose the right to enjoy our property by having green space to do outdoor activities with our family. Ten feet or more of ground cover, which is a substantial part of our front yard, will also be visually unappealing. We have spent hundreds of thousands of dollars renovating our home and improving the property, and other homeowners in our zoning district have not been forced to have a dead or cluttered and unusable front yard.	Hardship	Our hardship is that the prohibition on turf is total, without allowance for consideration of individual property features or for correlation with the way other similar materials are treated by the code. The blanket prohibition on artificial turf in the right of way when other types of impermeable materials can be partially used in the right of way for driveways, walkways, etc. deprives us as the same rights as other homeowners because it treats one impermeable surface differently than another. While we would prefer grass and have attempted that for many years, at this point artificial turf is the only option we have for a surface that allows us to use the space and also looks attractive. After working with staff to understand permeability concerns, we have modified our original plan to ensure that the design meets the 50% permeability ratio with the turf in place. Since artificial turf is considered impermeable and treated like other impermeable materials in the overall code, not permitting it in the for right of way where other materials can be allowed is arbitrary. There are no environmental or engineering repercussions once the permeability ratios have been satisfied, so it is only a matter of access, and we should be able to accept the risk access

PLAN SNAPSHOT REPORT (BOA-2024-0003)

will be needed and hold the city harmless accordingly as homeowners installing concrete or pavers are able to do. This is particularly true since turf is easier to remove in case of the city's need.

Limited Variance

Yes, the variance we are seeking is limited. We seek to use artificial turf in only half of the right of way, and furthest from the roadway, leaving the first 5 feet of the property still in compliance with the ordinance.

Attachment File Name	Added On	Added By	Attachment Group	Notes
2015 Survey_repaired.pdf	04/09/2024 17:07	Golden, Leslie		Survey
Checklist WP 2.pdf	04/09/2024 17:07	Golden, Leslie		Signed Checklist
Checklist WP.pdf	04/09/2024 17:07	Golden, Leslie		Signed Checklist
Final Landscape Proposal 1.pdf	04/09/2024 17:07	Golden, Leslie		Site Plan
Signature_Leslie_Golden_4/9/2024.jpg	04/09/2024 17:07	Golden, Leslie		Uploaded via CSS

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00047192	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00047192		\$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	04/09/2024	04/11/2024	04/17/2024	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	04/09/2024	04/11/2024	04/17/2024

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			04/17/2024 13:36
Board of Adjustments Review v.1	Receive Submittal	04/09/2024 0:00	04/17/2024 13:35
Issue Invoice v.1	Generic Action		04/17/2024 13:36
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		