



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 re-instated 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.

Minutes approved by the Board on May 21, 2024.

ATTEST:

/s/ Mary Bush, Board Secretary