



Board of Adjustments Regular Meeting

Agenda

July 16, 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. **Selection of Chair and Vice-Chair**
3. **Consent Agenda**
 - a. Approve the minutes of May 21, 2024. 1 minute
4. **Public Comments (for items not on the agenda): Three minutes allowed for each speaker**
5. **Public Hearings (Public participation and comment on these matters must be in person.)**
 - a. BOA-#24-04 Request of Alexandre Oelsner for variance approval from Section 58-70 subsection (a)(2) to allow a 14-foot street-side setback in lieu of the required 20-foot street-side setback as part of the proposed addition and overall renovations to the existing home located at 1251 Via Estrella, zoned R-1AA. **This item was continued from the June 18th meeting due to a lack of quorum.** 10 minutes
 - b. BOA #24-05. Request of Superior Aluminum Installations for variance approval from Section 58-65 subsections (f)(7) and (f)(8), to allow a 9.6-foot first-floor side setback in lieu of the required 11-foot, first-floor side setback and a 15-foot first-floor rear setback in lieu of the required 25-foot first-floor rear setback in conjunction with the proposed addition to the existing home located at 1214 Lindenwood Lane, zoned R-1A. 10 minutes
 - c. BOA #24-06 Request of TEK Contracting Inc. **This item has been continued to the August 20, 2024 regular meeting.** 1 minute
6. **Non-Action Items**
7. **Staff Updates**
8. **Board Comments**
9. **Upcoming Agenda Items**
10. **Adjournment**



Board of Adjustments

agenda item 3.a

item type

Consent Agenda

meeting date

July 16, 2024

prepared by

Mary Bush, Administrative Coordinator III

approved by**subject**

Approve the minutes of May 21, 2024.

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

1. Draft Board of Adjustments Regular Meeting Minutes



Board of Adjustments Regular Meeting Minutes

May 21, 2024 at 5:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Michael Clary, Robert Trompke, Cathy Williams

Absent

Ann Higbie, Charles Steinberg, Jason Johnson, Tom Sims

Staff Present

Planner Nicholas Lewis, Administrative Coordinator Mary Bush

1. Call to Order

Robert Trompke called the meeting to order at 5:00 p.m.

Due to there being no quorum of the Board present, the Board members decided to conduct the meeting as a work session.

2. Consent Agenda

- a. Approve the minutes of March 25, 2024.

Due to no quorum of the Board present, approval of the meeting minutes was tabled to the next Board of Adjustments meeting scheduled for June 18, 2024.

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-2024-0003. 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).

The applicant, Leslie Golden of 1812 Gipson Green Lane, Winter Park, FL 32789 addressed the Board and provided a summary of the item. Ms. Golden noted that she purchased the home in 2015 and then presented photos of what the grass in her front lawn looked like when she bought the house and what it currently looks like. She also noted that the front lawn and at least six small trees had been dying out for unknown reasons, and she had not been able to get the lawn and trees to grow back. She added that she has had the lawn and trees assessed and treated and nothing has worked to get either to grow. She explained that her and her husband did not know there was a City ordinance regarding artificial turf when they had decided to replace the lawn with artificial turf. She further explained that they were made aware of the ordinance when they received a notice from the City regarding their in-progress installation of the artificial turf that they had purchased. Ms. Golden indicated that the only parts of the ordinance that were in dispute were sections seven and eight regarding where artificial turf installations are permitted. She also noted that there is a utility easement that is located within the area where artificial turf is not allowed but where she would like to place turf. She added that she was still trying to discern if the easement belongs to the City of Winter Park or the City of Maitland. She then discussed how artificial turf is treated differently than other impervious materials within the rights-of-way and easements. She also discussed the reasons why she felt the City should consider approving the requested variances and the financial impact that would occur on her if the variances were not approved.

The Board inquired about what sidewalk portion Ms. Golden had already removed, what portion of the lawn had been re-sodded, and if anyone had been able to determine what caused the lawn and trees to die. A brief discussion then ensued regarding the type of sod that is on the property and how the City interprets ordinances when they are applied to properties that have more than one way they can be designed.

The Board recommended that the applicant determine if there is any unique hardship to her property that would support her request and to bring up the easement and right-of-way issue that she had expressed at the next Board meeting. A brief discussion ensued regarding access to the utility easement in the right-of-way and the types of grass that could be used in place of artificial turf.

5. Non-Action Items

6. Staff Updates

7. Board Comments

8. Upcoming Agenda Items

9. Adjournment

The meeting adjourned at 5:29 p.m.

ATTEST:

/s/ Mary Bush, Board Secretary



Board of Adjustments

agenda item 5.a

item type

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

meeting date

July 16, 2024

prepared by

Corinna Lundgren, Planner I

approved by

Allison McGillis, Director of Planning and Zoning

subject

BOA-#24-04 Request of Alexandre Oelsner for variance approval from Section 58-70 subsection (a)(2) to allow a 14-foot street-side setback in lieu of the required 20-foot street-side setback as part of the proposed addition and overall renovations to the existing home located at 1251 Via Estrella, zoned R-1AA. **This item was continued from the June 18th meeting due to a lack of quorum.**

motion | recommendation

Staff recommendation is for approval of the variance request.

background

The applicant and homeowner, Alexandre Oelsner, is requesting variance approval to add a 506 square-foot addition along the east side of their existing home with a street-side setback to the first floor of 14-foot and a street-side setback to the second story of 18-feet in lieu of the required 20-feet to both floors located at 1251 Via Estrella, zoned R-1AA.

Currently, the existing home meets the required street-side setback with a 20-foot portion at the garage located at the northeast corner of the home. The applicant is proposing to add an addition which creates a bump out of 6-feet beyond the required side setback of 20-feet in conjunction with the overall renovations to their home.

The home was constructed in 1957. After residing there for seven years, the owners realized their home would need to accommodate not only their expanded family needs but also their work needs by having a home office attached to the existing structure.

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's lot is a corner lot with a uniquely deep right-of-way on both Temple Drive and Via Estrella of around 20-feet. The result is the appearance that the home is set back well away from both streets. The front setback is 35-feet to the lot line and the street-side setback is 20-feet. With the addition of the rights-of-way, the house is 55-feet from Via Estrella and 40-feet on Temple Drive.

The applicants have not maxed out the available floor area ratio (FAR) of their lot and therefore, a 506 square-foot addition would be permissible. However, due to the existing structure's current layout and the location of the swimming pool, the only allowable area for the addition is on the street side portion of the home facing Temple Drive.

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.

The applicant meets all of their FAR, impervious coverage, and landscape requirements. However, despite having 1,900 square feet of available FAR, no other areas on the property would allow for the addition. Therefore, under a literal interpretation of Section 58–70 subsection (a)(2), the applicants would be deprived of the right to utilize any of this remaining square footage as this is the only logical spot for an addition of this size.

Actions of the Applicant

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

The existing home was built in 1957 and the applicant purchased the home seven years ago. Therefore, the applicant did not design nor construct the existing home and could not consider their current living needs. The house across the street at 1254 Via Estrella has met the same applicability, approved in July 2022 under the same conditions.

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 nature of this request, it is unlikely that this variance would impose any potential special privilege for future nonconforming uses of neighboring lands, structures, or buildings. Having such a deep front setback and then adding roughly 20 feet of right-of-way on both streets is certainly unique, coupled with the fact that this is an older home with a layout that does not allow for any outward expansion.

Summary

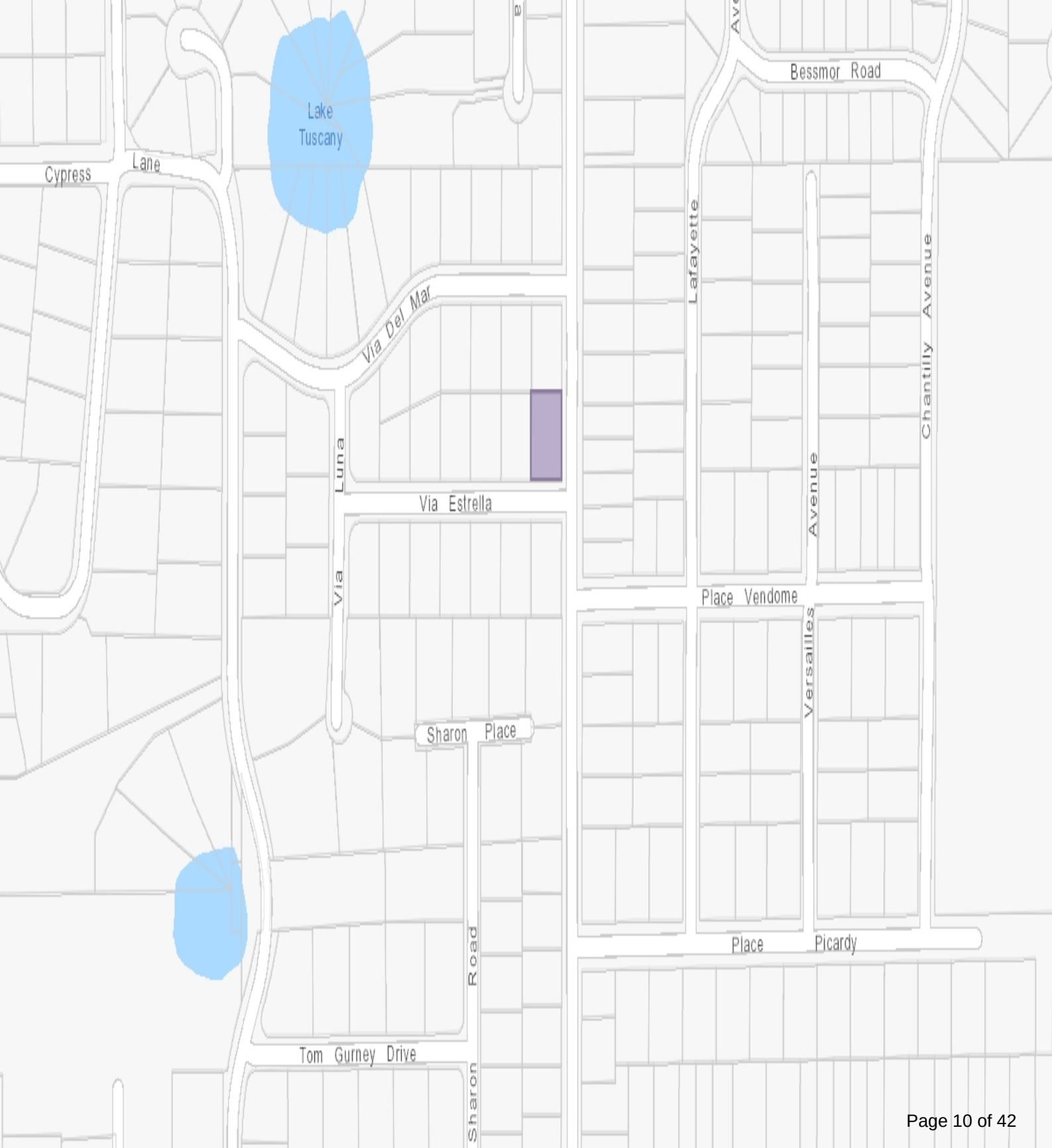
Staff believes that the applicant does meet the four criteria required to grant the variance requested.

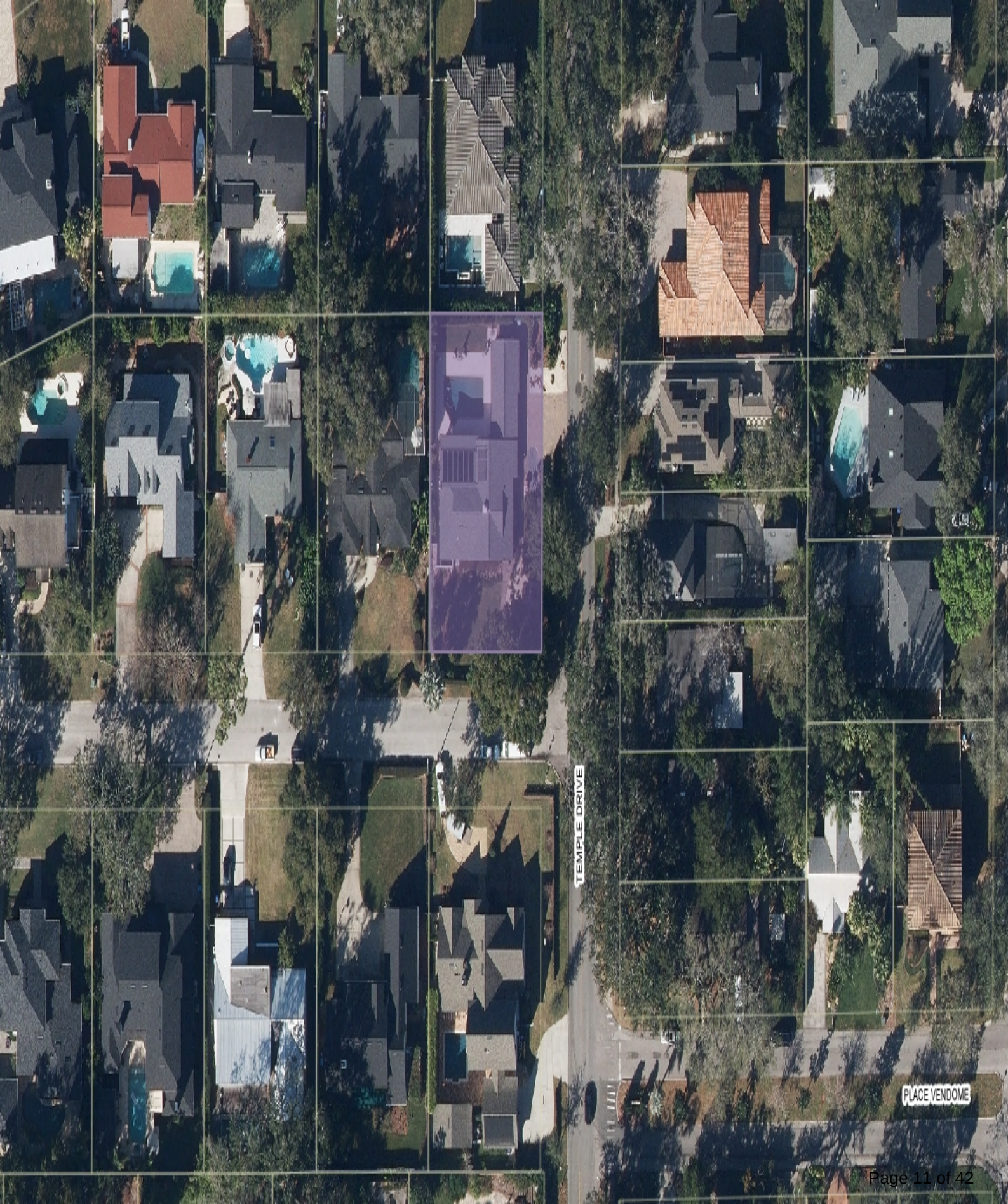
alternatives | other considerations

fiscal impact

attachments

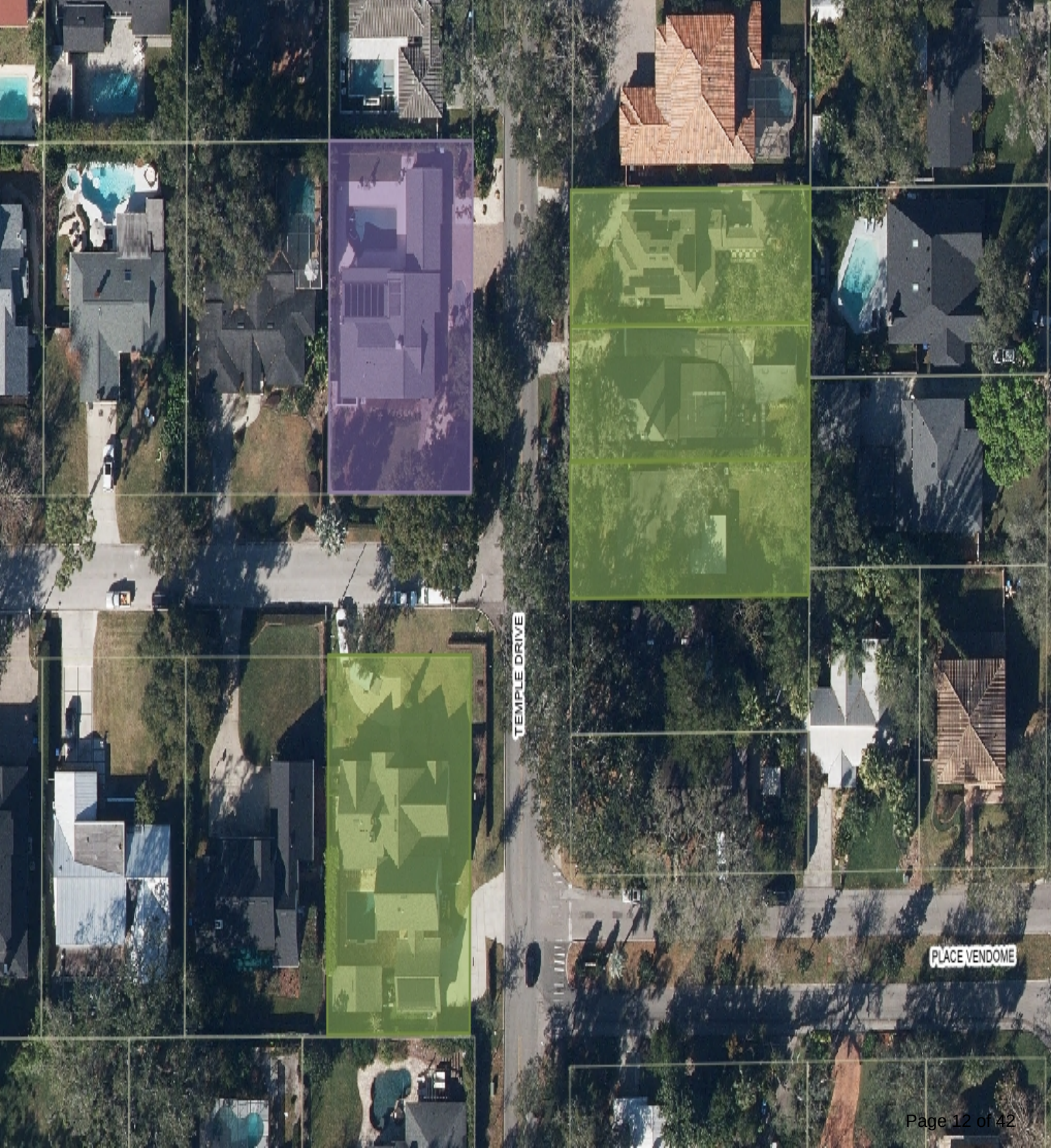
1. 1251 Via Estrella - Area Map
2. 1251 Via Estrella - Aerial Map
3. 1251 Via Estrella - Neighbor Letter Map
4. 1251 Via Estrella - Applicant Energov Submittal
5. 1251 Via Estrella - Survey
6. 1251 Via Estrella - Plan Set
7. 1251 Via Estrella - Existing Conditions Photos
8. 1251 Via Estrella - Neighbor Letters





TEMPLE DRIVE

PLACE VENDOME



TEMPLE DRIVE

PLACE VENDOME



PLAN SNAPSHOT REPORT BOA-2024-0004 FOR CITY OF WINTER PARK

Plan Type:	Board of Adjustments	Project:		App Date:	05/13/2024
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:	Lewis, Nick	Approval Expire Date:	

Description:

Parcel:	302132878803080	Main	Address:	1251 Via Estrella Winter Park, FL 32789-1366	Main	Zone:	
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Applicant	Owner
Alexandre Oelsner	Alexandre Oelsner
1251 Via Estrella	1251 Via Estrella
Winter Park, FL 32789	Winter Park, FL 32789
Mobile: (407) 927-7995	Mobile: (407) 927-7995

Plan Custom Fields

Is the property on waterfront?	No	Section		Subsection	
Zoning		Is this property on historic registry or district?	No	Describe variance	We have a corner lot and the side of our home faces Temple Drive. We are hoping for a street-side setback of 14' in lieu of the required 20'. Thank you.
How long have you owned the property?	6 years and 6 months	How long have you occupied the property?	6 years and 6 months	Special Condition	We have a corner lot with severe right-of-way on both street facing sides. There is nowhere else on the lot would allow for an addition due to setbacks and the requirement of a breezeway. many years ago, is out of code and can't fit our only car.
Rights/Priv	The side on which we are hoping to get a setback faces Temple Drive and as it only a small portion of our street side, it will be far from our neighbors on the back and on the front. Most of our property is already surrounded by hedges and we will also have landscaping that is aesthetically pleasing. Our neighbors across the street at 1254 Via Estrella have a large hedge enclosing most of their property and they also had the same kind of variance approved by the city back in 2022.	Hardship	We have a 1957 house that we love and want to stay here for many more years to come. After 7 years here we realized this house needs adjustments to meet our needs. My wife and I work from home, and we have 2 small daughters to take care by ourselves. We need our office to be attached to the main house so we would be able to look after them while still working. Also, as we have all our family living in Brazil, we need a dedicated bedroom and bathroom where we can host them with us during their regularly visits, specially our elderly parents. Finally, our garage was a carport, which was converted		

PLAN SNAPSHOT REPORT (BOA-2024-0004)

Limited Variance We would accept a variance of 14.5ft if the boarding thinks it is necessary. The second floor setbacks only needs to be 18ft.

Attachment File Name	Added On	Added By	Attachment Group	Notes
1251 via estrella photos.pdf	05/13/2024 12:57	Oelsner, Alexandre		Site Plan
checklist.pdf	05/13/2024 12:57	Oelsner, Alexandre		Signed Checklist
OELSNER.pdf	05/13/2024 12:57	Oelsner, Alexandre		Site Plan
R1A-R1AA-R1AAA-single-family_2023.pdf	05/13/2024 12:57	Oelsner, Alexandre		Site Plan
survey.pdf	05/13/2024 12:57	Oelsner, Alexandre		Survey
Signature_Alexandre_Oelsner_5/13/2024.jpg	05/13/2024 12:57	Oelsner, Alexandre		Uploaded via CSS
signatures.pdf	05/31/2024 8:45	Lewis, Nick		Neighbor Signatures

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00047912	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00047912		\$200.00	\$200.00
Grand Total for Plan		\$200.00	\$200.00

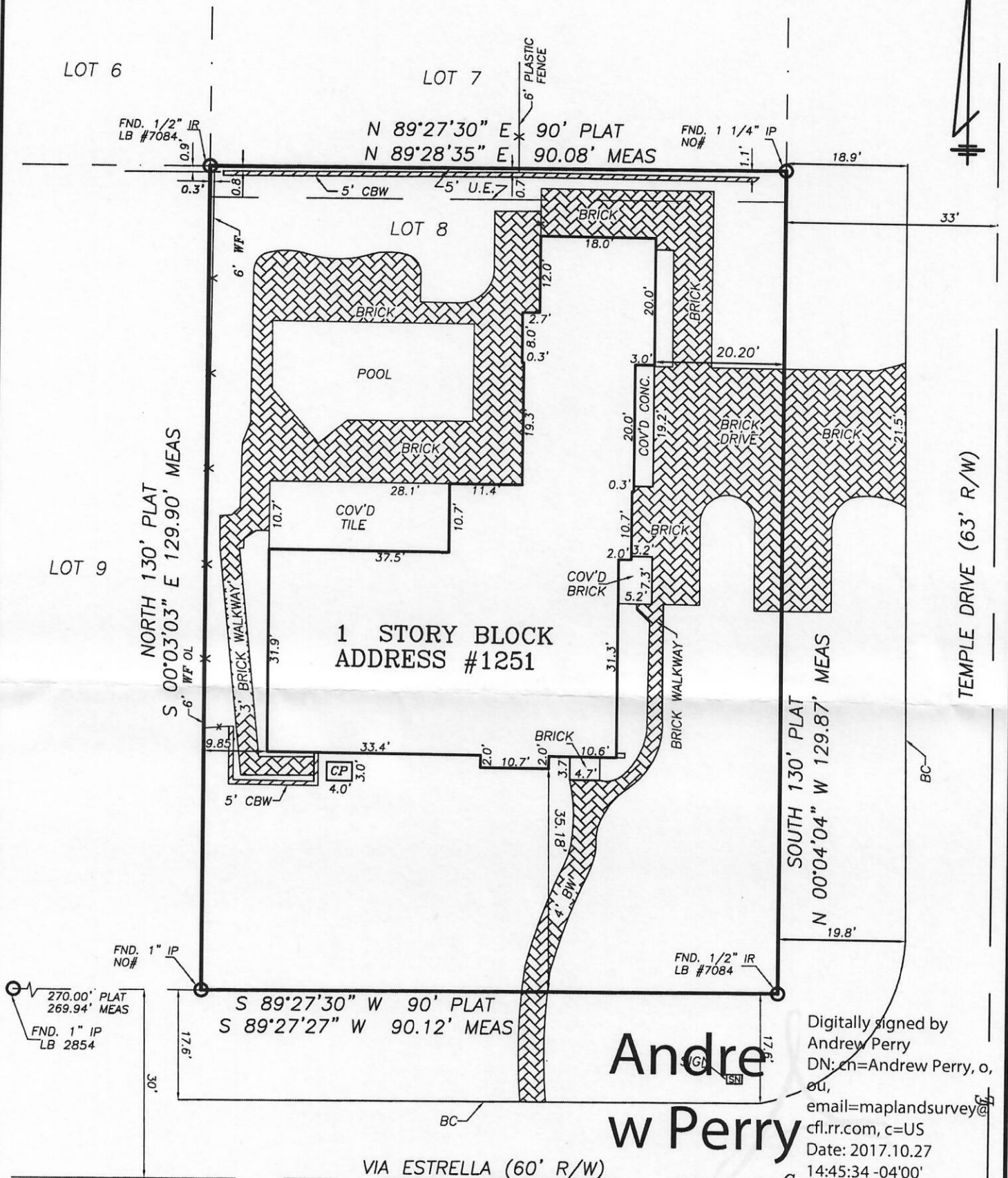
Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	Approved	05/13/2024	05/15/2024	05/22/2024	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	05/13/2024	05/15/2024	05/14/2024

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			05/22/2024 9:31
Board of Adjustments Review v.1	Receive Submittal	05/13/2024 0:00	05/22/2024 9:31
Issue Invoice v.1	Generic Action		05/14/2024 11:51
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

MAP OF SURVEY

DESCRIPTION

LOT 8, BLOCK C, TUSCANY TERRACE, AS RECORDED IN PLAT BOOK U, PAGE 69, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



DF# OCU-69-BLKC-LOT8

NOTE: UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.

BOUNDARY SURVEY CERTIFIED TO: ALEXANDRE DELSNER AND SHEINA T. DELSNER; SEACOAST NATIONAL BANK; NETWORK CLOSING SERVICES, INC.; CHICAGO TITLE INSURANCE COMPANY.

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

FIELD DATE: OCT. 26, 2017

SCALE: 1"=20' DRAWN BY: A. R.

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
CL - CENTERLINE	LB - LICENSE BUSINESS
CA - 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
	> - GUY WIRE ANCHOR

REVISIONS

M.A.P.
Land Surveying, Inc.

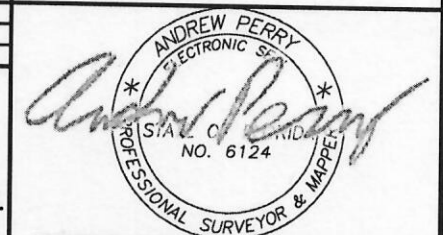


E-Mail
Maplandsurvey@cfl.rr.com

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

Andre
w Perry

Digitally signed by
Andrew Perry
DN: cn=Andrew Perry, o,
ou,
email=maplandsurvey@cfl.rr.com, c=US
Date: 2017.10.27
14:45:34 -04'00'



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."

BUILDING DATA	
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- 2023 FLORIDA BUILDING CODE RESIDENTIAL, 8th EDITION
- 2023 FLORIDA BUILDING CODE EXISTING, 8th EDITION
- NFPA-70 (NEC), 2020 EDITION
- 2023 FBC RESIDENTIAL, 8th EDITION - PLUMBING

COMPLIANCE METHOD: WORK AREA
CLASSIFICATION: REMODEL

SCOPE OF WORK

REMODEL:

- REMOVE EXISTING GARAGE AND GUEST HOUSE AND REPLACE WITH NEW LIVING SPACE, 2 CAR GARAGE, AND BONUS ROOM ABOVE NEW LIVING SPACE.
- REMOVE BAY WINDOWS FROM FRONT OF HOUSE AND RECONFIGURE FRONT FACADE.
- ADD NEW COVERED PORCH TO FRONT OF EXISTING HOUSE.
- REMOVE AND REPLACE ALL EXTERIOR DOORS AND WINDOWS.
- REMODEL EXISTING BEDROOM TO INCLUDE NEW BATHROOM AND WALK-IN CLOSET.
- REWIRE ELECTRICAL SYSTEM AS REQ'D. (LOAD CALCS. BY OTHERS)
- REMOVE & REPLACE HVAC SYSTEM AS REQ'D. (ENERGY CALCS. BY OTHERS)

NOTE:
SITE PLAN CREATED FROM OWNER
PROVIDED SURVEY. DBSS, INC. IS NOT
RESPONSIBLE FOR SURVEY ERRORS.

SITE PLAN CREATED FROM OWNER
PROVIDED SURVEY. DBSS, INC. IS NOT
RESPONSIBLE FOR SURVEY ERRORS.

LEGAL DESCRIPTION:

LOT 8, BLOCK C, TUSCANY TERRANCE, AS RECORDED IN PLAT BOOOK U, PAGE 69,
PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

IMPERVIOUS AREA CALC.'S

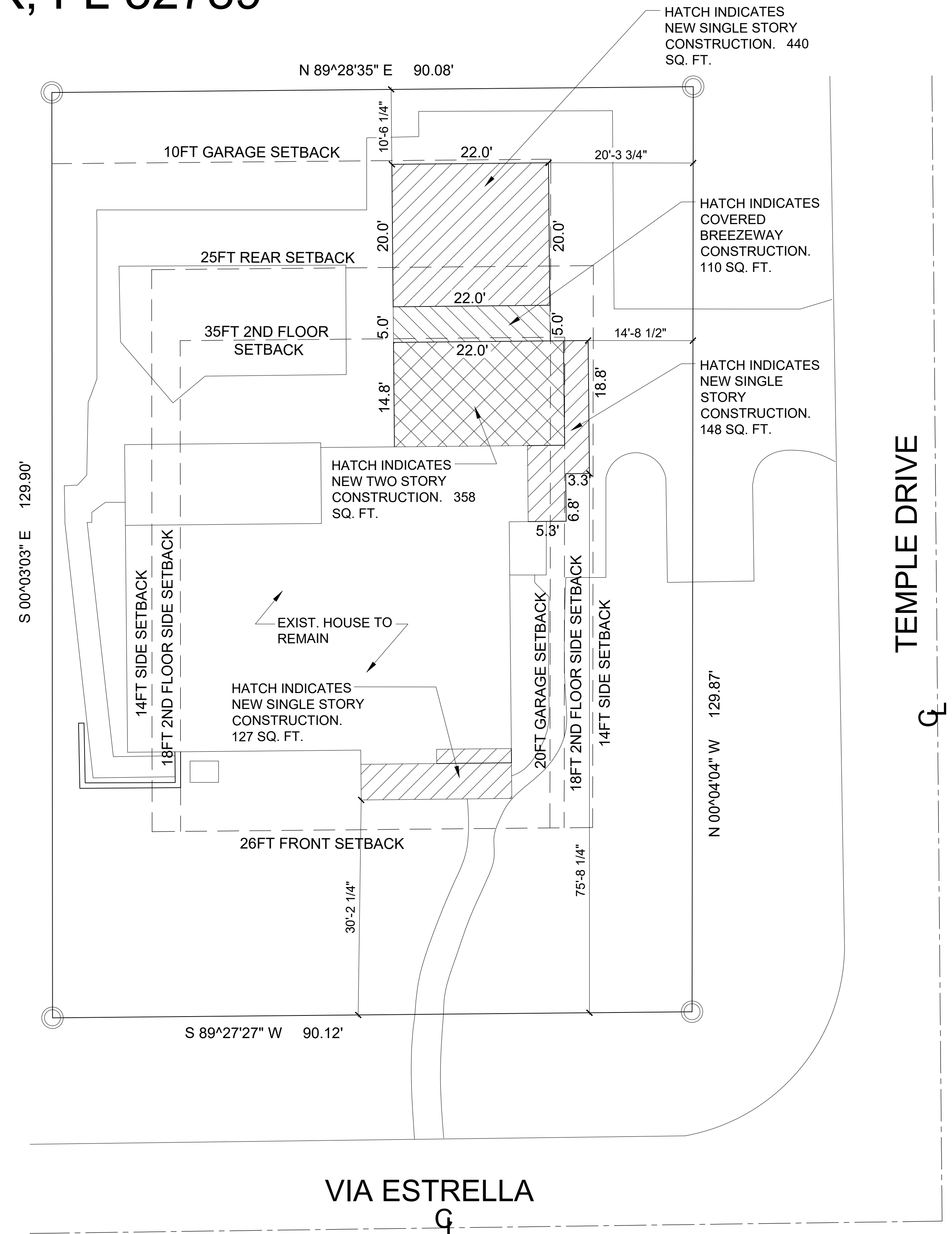
IMPERVIOUS AREA	5,674 SQ. FT.
TOTAL LOT AREA	11,682 SQ. FT.

IMPERVIOUS %	48.5 %
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DRAWING INDEX

C	COVER SHEET & SITE PLAN
GN	GENERAL NOTES
01	DEMOLITION PLAN
02	1ST FLOOR PLAN
03	1ST FLOOR DIMENSION PLAN
03.1	2ND FLOOR PLAN W/ DIMENSIONS
04	EXTERIOR ELEVATIONS & STAIR SECTION
05	EXTERIOR ELEVATIONS & STAIR SECTION
06	1ST FLOOR ELECTRICAL PLAN
07	2ND FLOOR ELECTRICAL PLAN
S1	FOUNDATION PLAN
S2	1ST FLOOR FRAMING PLAN
S3	ROOF FRAMING PLAN
S4	LINTEL PLAN
SD1	DETAIL SHEET
SD2	DETAIL SHEET
SD3	DETAIL SHEET
SD4	DETAIL SHEET

OELSNER RESIDENCE
1251 VIA ESTRELLA
WINTER PARK, FL 32789



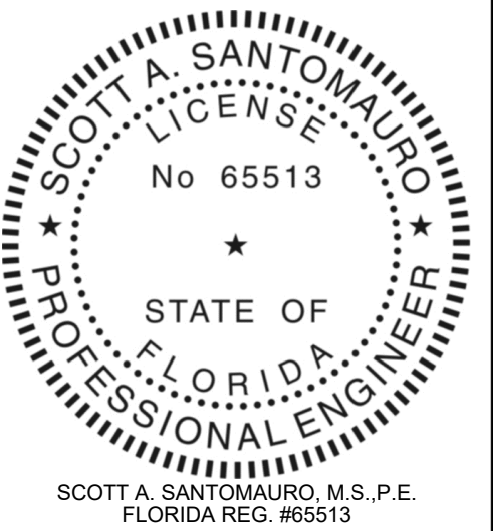
SITE PLAN

1"=10'-0"

[illegible]

THIS ITEM HAS BEEN DIGITALLY
SIGNED AND SEALED BY SCOTT A.
SANTOMAURO ON THE DATE
ADJACENT TO THE SEAL.

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SIGNED AND SEALED AND THE
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ANY ELECTRONIC COPIES.



SHEET TITLE

COVER SHEET & SITE PLAN

CA#27371
PHONE: 321.251.6006
662 AVALON PARK EAST BLVD.
SUITE 2072
ORLANDO, FL. 32828

DBS INC.
Engineering and Design Services

PROJECT

JOELSNER RESIDENCE
1251 VIA ESTRELLA
WINTER PARK, FL 32789

DESIGN	DRAWN
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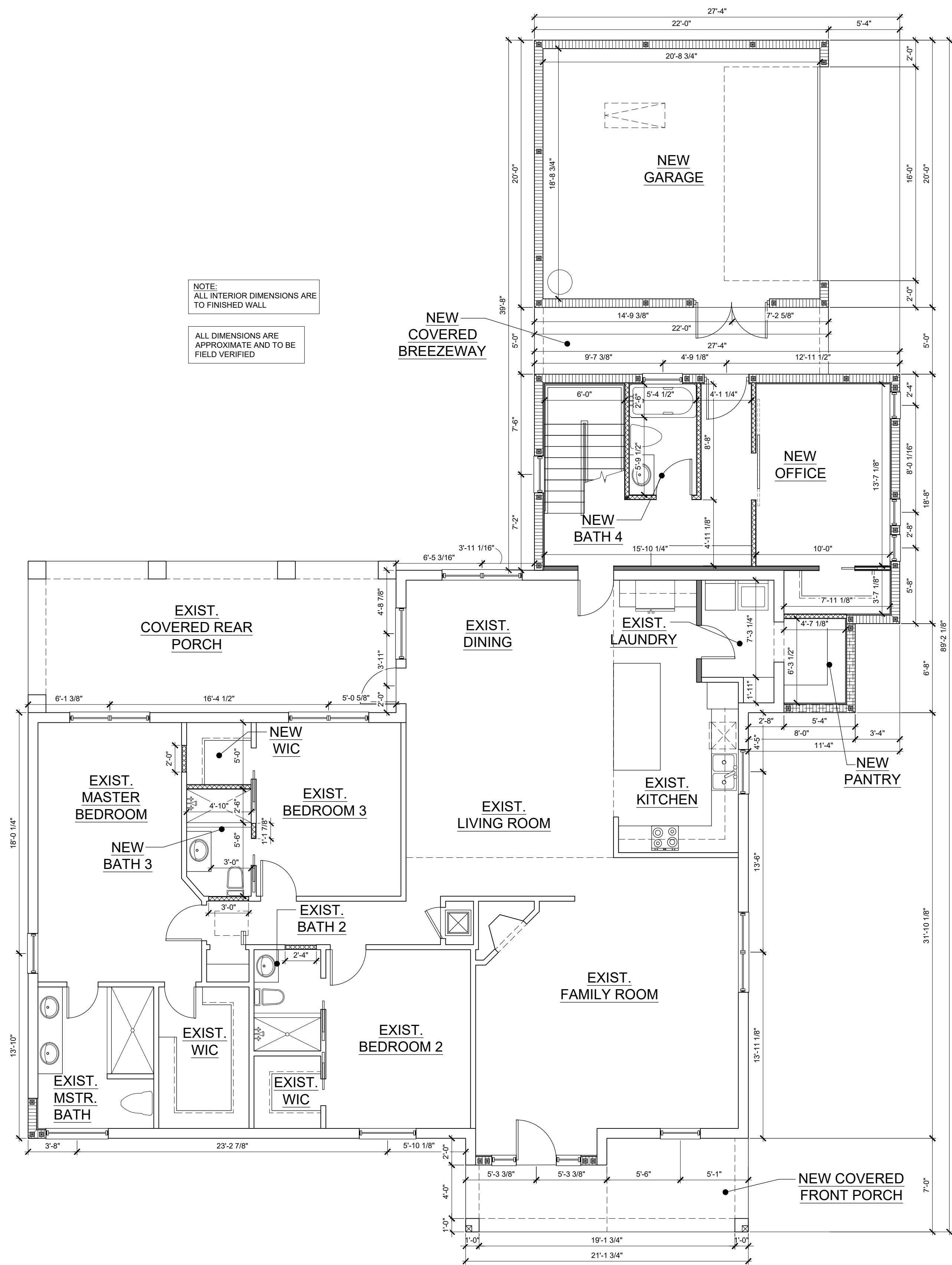
CHECKED
SSPE

JOB	DCH - OELSNER
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DATE	03.14.2024
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SHT 1 OF 19

C



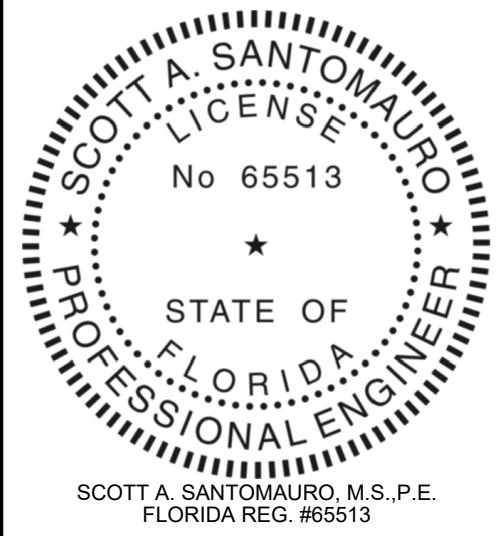
NOTE:
ALL INTERIOR DIMENSIONS
ARE TO FINISHED WALL

LOCATIONS OF REINFORCEMENTS MAY BE
VARIED BY CONTRACTOR +/- 8" TO AVOID
BLOCK WEBS AND/OR OTHER IMPEDIMENTS

1ST FLOOR DIMESNION PLAN
3/16"=1'-0"

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SHEET TITLE
1ST DIMENSION
PLAN

PROJECT
OELSNER RESIDENCE
1251 VIA ESTRELLA
WINTER PARK, FL 32789

DESIGN
DRAWN
BP

CHECKED
SSPE

JOB
DCH - OELSNER

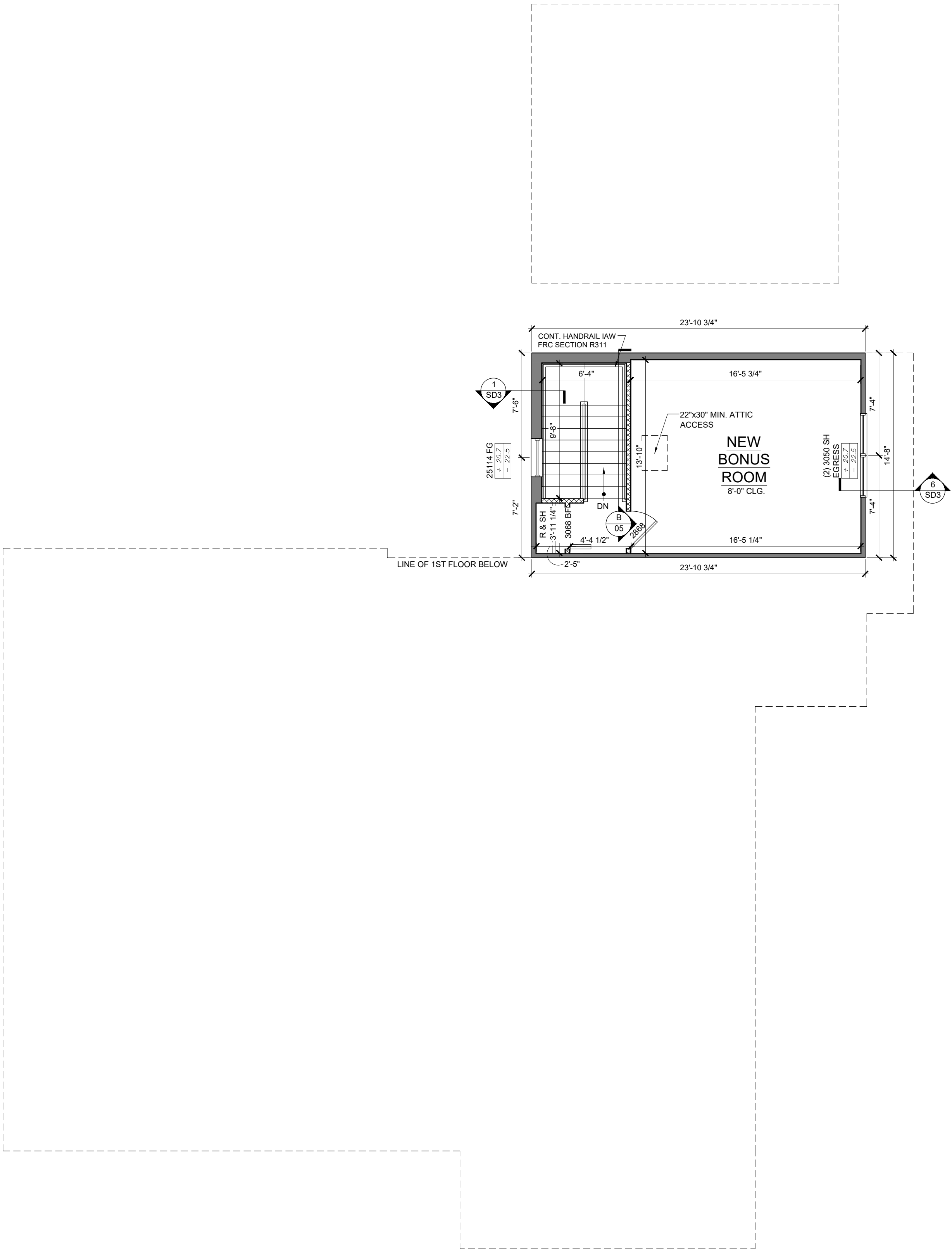
SCALE
AS NOTED

DATE
03.14.2024

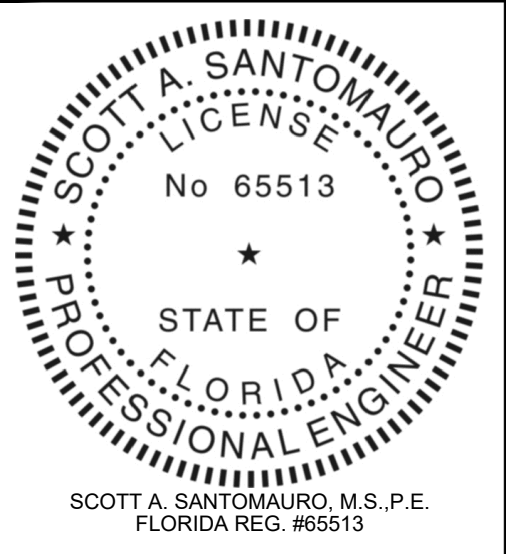
SHT 5 OF 19

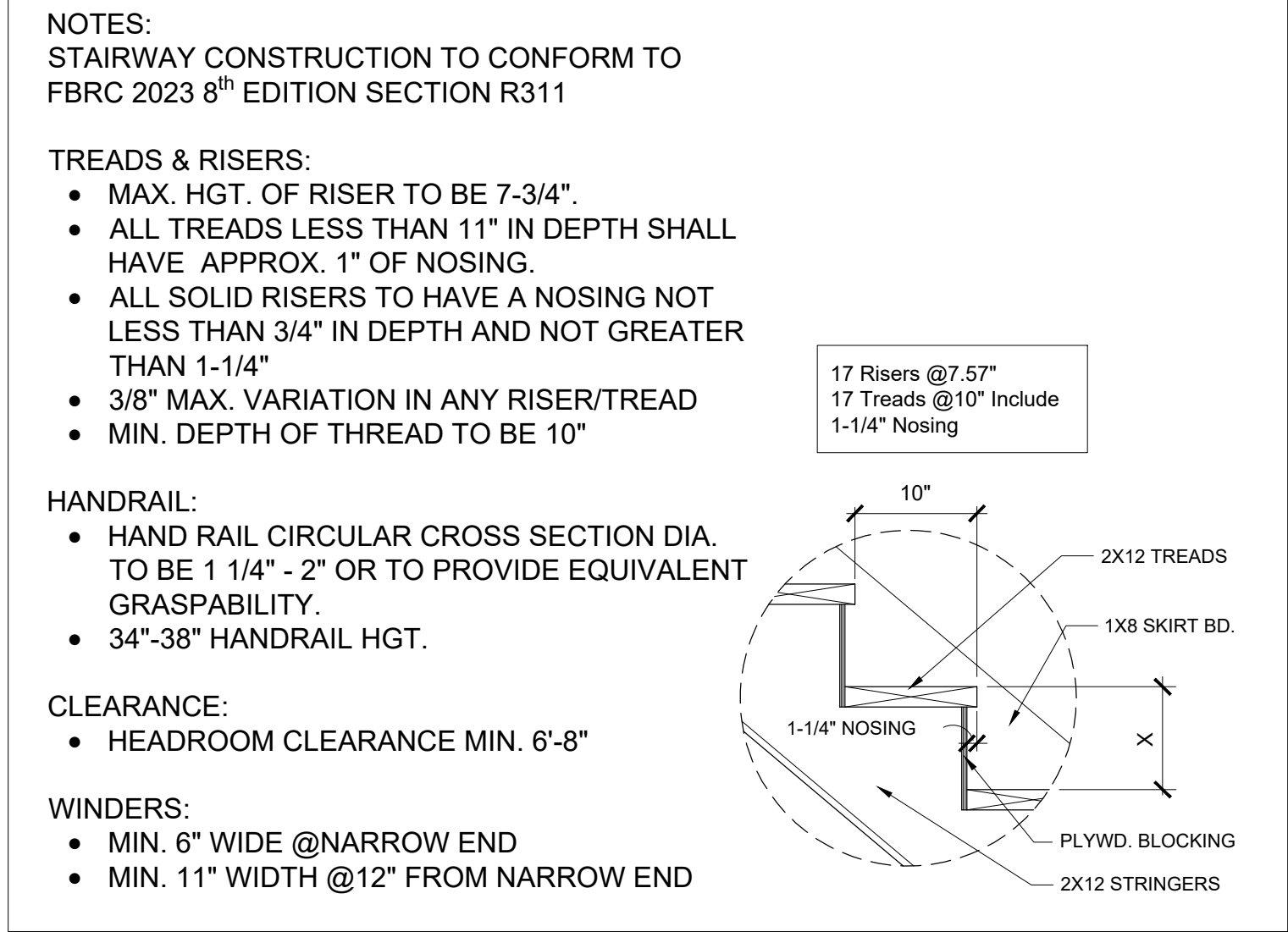
2.1

NOTE:
REFER TO SHEET 03 FOR
NOTES AND LEGENDS



2ND FLOOR PLAN
3/16"=1'-0"

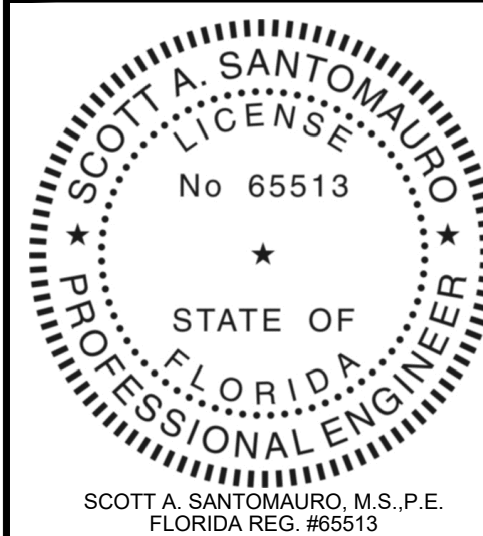
THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY SCOTT A. SANTOMAURO ON THE DATE ADJACENT TO THE SEAL.		REV.		DESCRIPTION		DATE	
PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.							
							
SCOTT A. SANTOMAURO, M.S., P.E. FLORIDA REG. #65513							
SHEET TITLE		2ND FLOOR PLAN W/ DIMENSIONS		CA#27371 PHONE: 321.251.6006 3662 AVALON PARK EAST BLVD. SUITE 207 ORLANDO, FL. 32828			
PROJECT		OELSNER RESIDENCE 1251 VIA ESTRELLA WINTER PARK, FL 32789					
DESIGN		DRAWN		BP			
CHECKED		SSPE					
JOB		DCH - OELSNER					
SCALE		AS NOTED					
DATE		03.14.2024					
SHT 6 OF 19		03					

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View from Via Estrella

View from 2350 Temple Dr



View from 2356 Temple Dr



North View
(facing 1252 Via Del Mar)



South View
(facing 1254 Via Estrella)

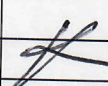
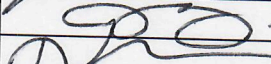
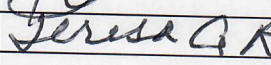
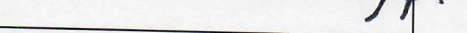
To: City of Winter Park

Re: 1251 Via Estrella, Winter Park, FL, 32789



Seeking a 14ft variance facing Temple Drive in lieu of the required 20ft.

We, the neighbors of Sheina and Alexandre Oelsner, have no objection to the 14ft side street variance request on Temple Drive.

NAME	ADDRESS	SIGNATURE
Kelly Brandes	1254 Via Estrella	
Jeanine Barry	2350 Temple Dr	
Kimberly Machuga	2354 Temple Dr	
Teri Ratcliff	2348 Temple Dr	



Board of Adjustments

agenda item 5.b

item type

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

meeting date

July 16, 2024

prepared by

Nicholas Lewis, Planner II

approved by

Allison McGillis, Director of Planning and Zoning

subject

BOA #24-05. Request of Superior Aluminum Installations for variance approval from Section 58-65 subsections (f)(7) and (f)(8), to allow a 9.6-foot first-floor side setback in lieu of the required 11-foot, first-floor side setback and a 15-foot first-floor rear setback in lieu of the required 25-foot first-floor rear setback in conjunction with the proposed addition to the existing home located at 1214 Lindenwood Lane, zoned R-1A.

motion | recommendation

Staff recommendation is for approval of the variances requested.

background

The applicant, Superior Aluminum Installations, on behalf of the homeowners, is requesting variance approval to add a 225 square-foot addition in the rear of the existing home with a first-floor side setback of 9.6-feet and a first-floor rear setback of 15-feet in lieu of the required 11-foot side setback and 25-foot rear setback at 1214 Lindenwood Lane. The property is zoned R-1A.

Currently, the existing home meets the required rear setback and has a nonconforming side setback. The applicant is proposing to add a screen porch addition, which follows the existing side wall at 9.6-feet off the principal bedroom at the rear of the structure. Additionally, the request also encroaches into the required 25-foot rear setback. As explained further below, it is noteworthy that this is the only property backing up to the Orlando VA Medical Center (VA) that does not allow for a reduced 10-foot rear 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 applicant's lot uniquely backs up to both residential and commercial properties. About one third of the rear property line abuts the neighboring Orlando VA Medical Center. The other two thirds back up to a neighboring residential property. Because of this unique situation, the subject property is the only property that abuts the VA which cannot utilize the code-allowed 10-foot rear setback for properties that back up to non-residentially zoned properties. Because of the lots' configuration at the corner of Lindenwood Lane and Woodcrest Drive, the neighboring property behind the subject property is allowed to use the 10-foot setback allowance.

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.

A literal interpretation of Section 58-65 subsection (f)(7), requires an 11-foot first-floor side setback. The proposal would fall within the nonconforming side setback standards and would be permissible without a variance under that provision if not for the additional encroachment into the rear setback. A literal interpretation of Section 58-65 subsection (f)(8), requires a 25-foot first-floor rear setback. Based on these requirements and the existing conditions, such an addition would not be permissible without variances, whereas all the neighboring properties would be able to enjoy the lesser rear setback requirement.

Actions of the Applicant

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

The lot location is not the fault of the applicant and remains as originally platted.

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.

Because this property is the only property abutting the VA that does not allow for the reduced rear setback outright, it is unlikely that this variance would impose any special privilege to neighboring lands, structures, or buildings.

Summary

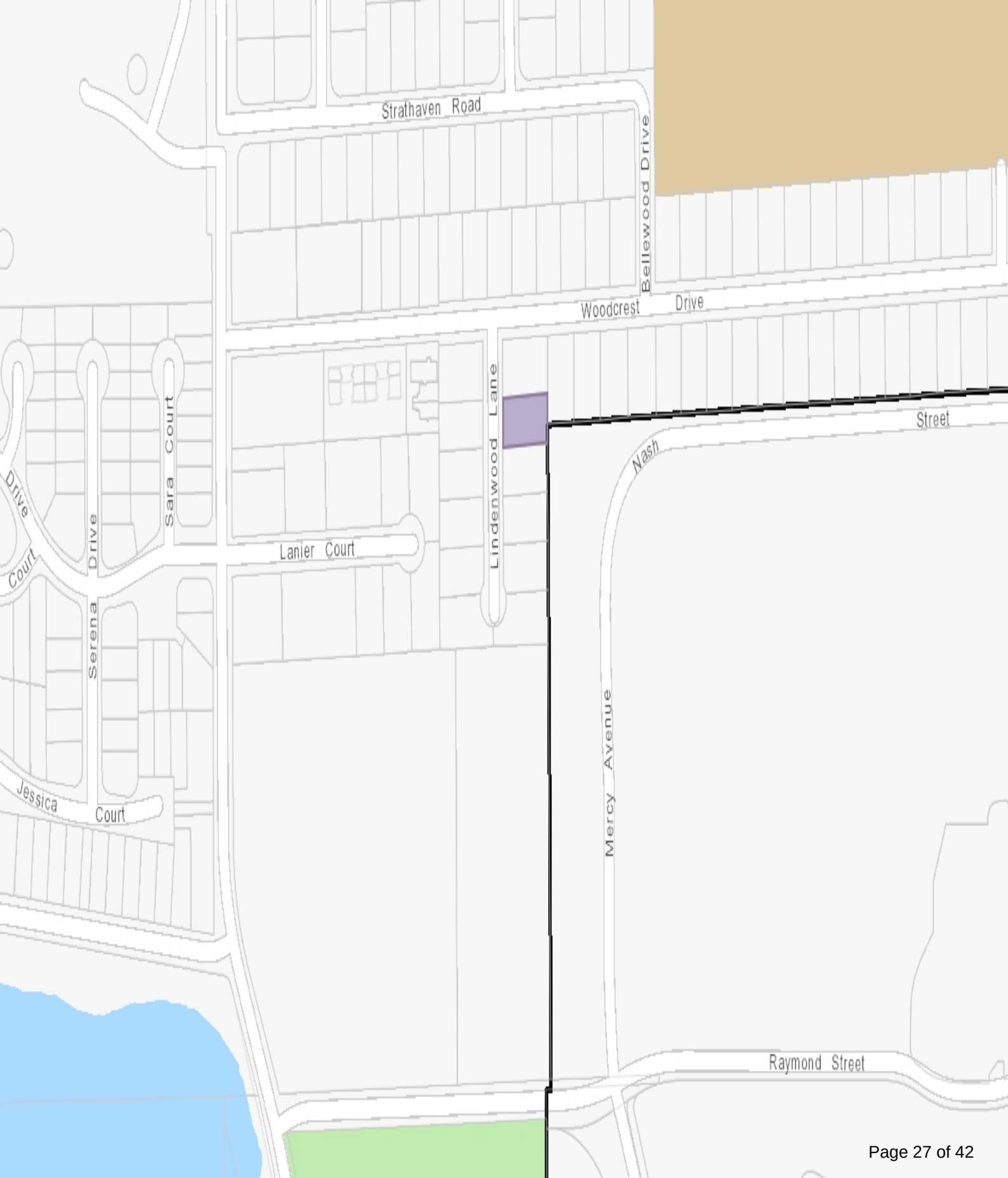
Staff believes that the applicant meets the four criteria required to grant the variances requested.

alternatives | other considerations

fiscal impact

attachments

1. 1214 Lindenwood Ln - Area Map
2. 1214 Lindenwood Ln - Aerial Map
3. 1214 Lindenwood Ln - Neighbor Letter Map
4. 1214 Lindenwood Ln - Applicant Energov Submittal
5. 1214 Lindenwood Ln - Site Plan
6. 1214 Lindenwood Ln - Elevations
7. 1214 Lindenwood Ln - Existing Conditions Photos
8. 1214 Lindenwood Ln - Neighbor Letters

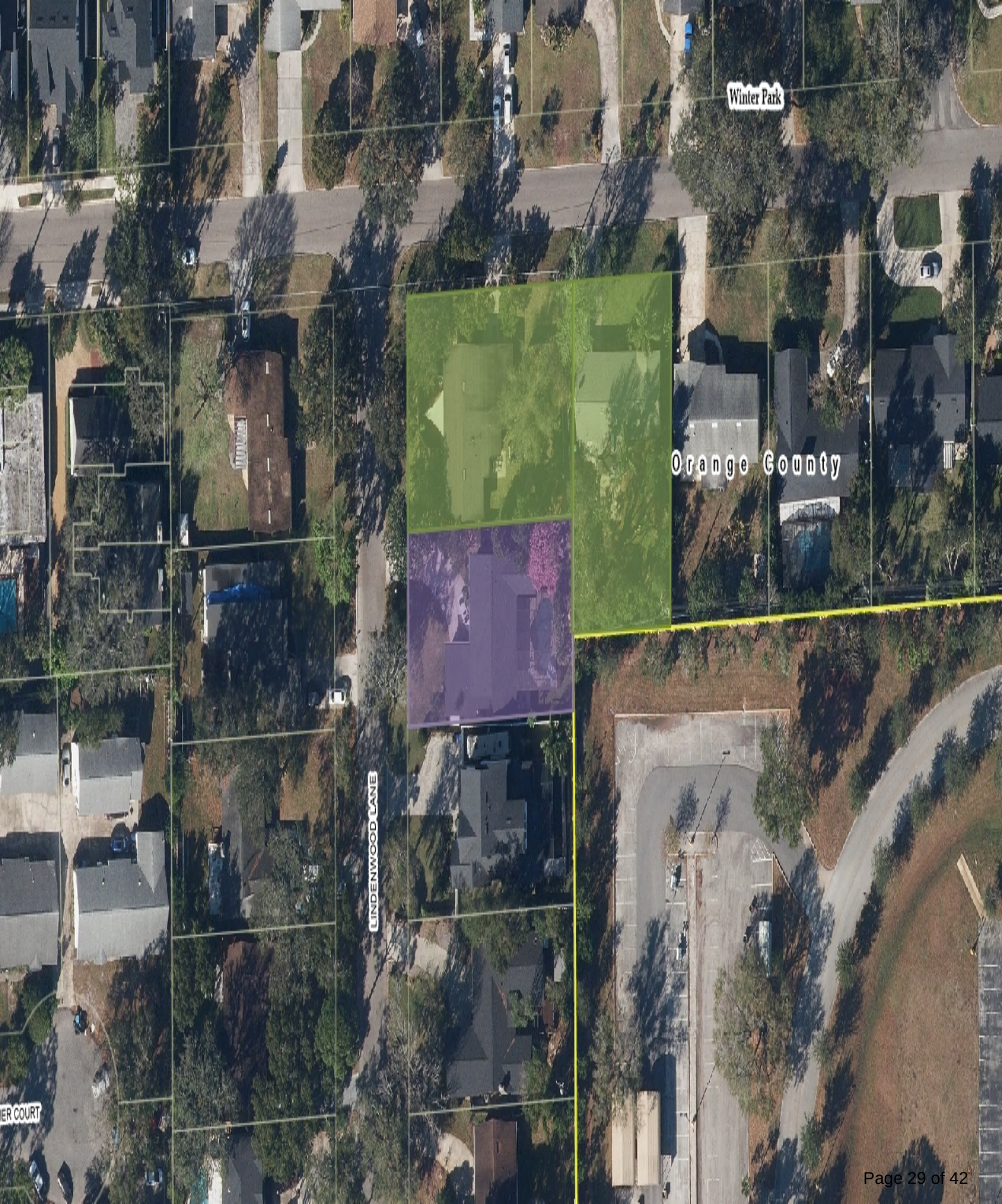




Winter Park

Orange County

LINDENWOOD LANE



Winter Park

Orange County

LINDENWOOD LANE

ER COURT



PLAN SNAPSHOT REPORT BOA-2024-0005 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments
Work Class: Board of Adjustments/Variance Application
Status: Fees Paid
Valuation: \$0.00

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

App Date: 06/06/2024
Exp Date: NOT AVAILABLE
Completed: NOT COMPLETED
Approval Expire Date:

Description: This is a request for a 15' setback in the rear and 9' setback on the side.

Parcel: 302216412002060	Main	Address: 1214 Lindenwood Ln Winter Park, FL 32792-5446	Main	Zone:
--------------------------------	------	--	------	--------------

Applicant TIMOTHY ORIE (SCC056770) 3005 FORSYTH RD WINTER PARK, FL 32792 Home: (407) 678-0500 Business: (407) 295-9500 Mobile: (352) 440-4690	Owner Juers Jamie E 1214 LINDENWOOD LN ST WINTER PARK, FL 32792-5446 Home: 00 Business: (407) 629-0439 Mobile: 00
--	--

Plan Custom Fields

Is the property on waterfront?	No	Section		Subsection	
Zoning		Is this property on historic registry or district?	No	Describe variance	We are requesting a 15' rear yard setback in lieu of 25' and a 9' side setback in lieu of 11'.
How long have you owned the property?	7 years	How long have you occupied the property?	7 years	Special Condition	The property has less of a front setback than rear, however accessory structures are not allowed to be built in the front and must be in the rear. Yet there isn't enough rear yard setback. Also, an addition was allowed to be built in the side yard. We are asking for the same setback for the new accessory structure. like to build a 15' x 15' screen room and would need to encroach into the rear setback 10'.
Rights/Priv	They will not be allowed a screen room in the rear yard.	Hardship	The literal interpretation of the zoning code will not allow for a screen room closer than 25' to the rear property line or 11' to the side property line. There currently an exists a pool with screen enclosure. The homeowner would like to build a screen room, in the rear yard, adjacent to the screen enclosure. This is the only spot available for this structure. However, there exists a 25' rear yard setback which only leaves 5' of building space from the back of the house to the setback. The homeowner would		

PLAN SNAPSHOT REPORT (BOA-2024-0005)

Limited Variance No. The intended use of the structure would not allow for a limited variance.

Attachment File Name	Added On	Added By	Attachment Group	Notes
Scaled Survey.pdf	06/06/2024 10:57	Orie, Timothy		Survey
Signature_TIMOTHY_ORIE_6/6/2024.jpg	06/06/2024 10:57	Orie, Timothy		Uploaded via CSS
Site Plan.pdf	06/06/2024 10:57	Orie, Timothy		Site Plan
Variance Checklist.pdf	06/06/2024 10:57	Orie, Timothy		Signed Checklist

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00048626	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00048626		\$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	06/06/2024	06/10/2024	06/10/2024	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	06/06/2024	06/10/2024	06/10/2024

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1			06/10/2024 16:15
Board of Adjustments Review v.1	Receive Submittal	06/06/2024 0:00	06/10/2024 16:14
Issue Invoice v.1	Generic Action		06/10/2024 16:15
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

SWERDLOFF & PERRY

SURVEYING, INC.

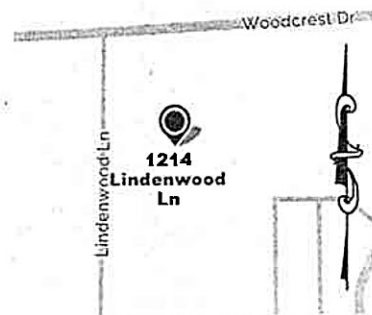
370 Waymont Court • Lake Mary, FL 32746 • Voice 407.688.7631 • Fax 407.688.7691 • frontdesk@swerdloffperry.com

Legal Description

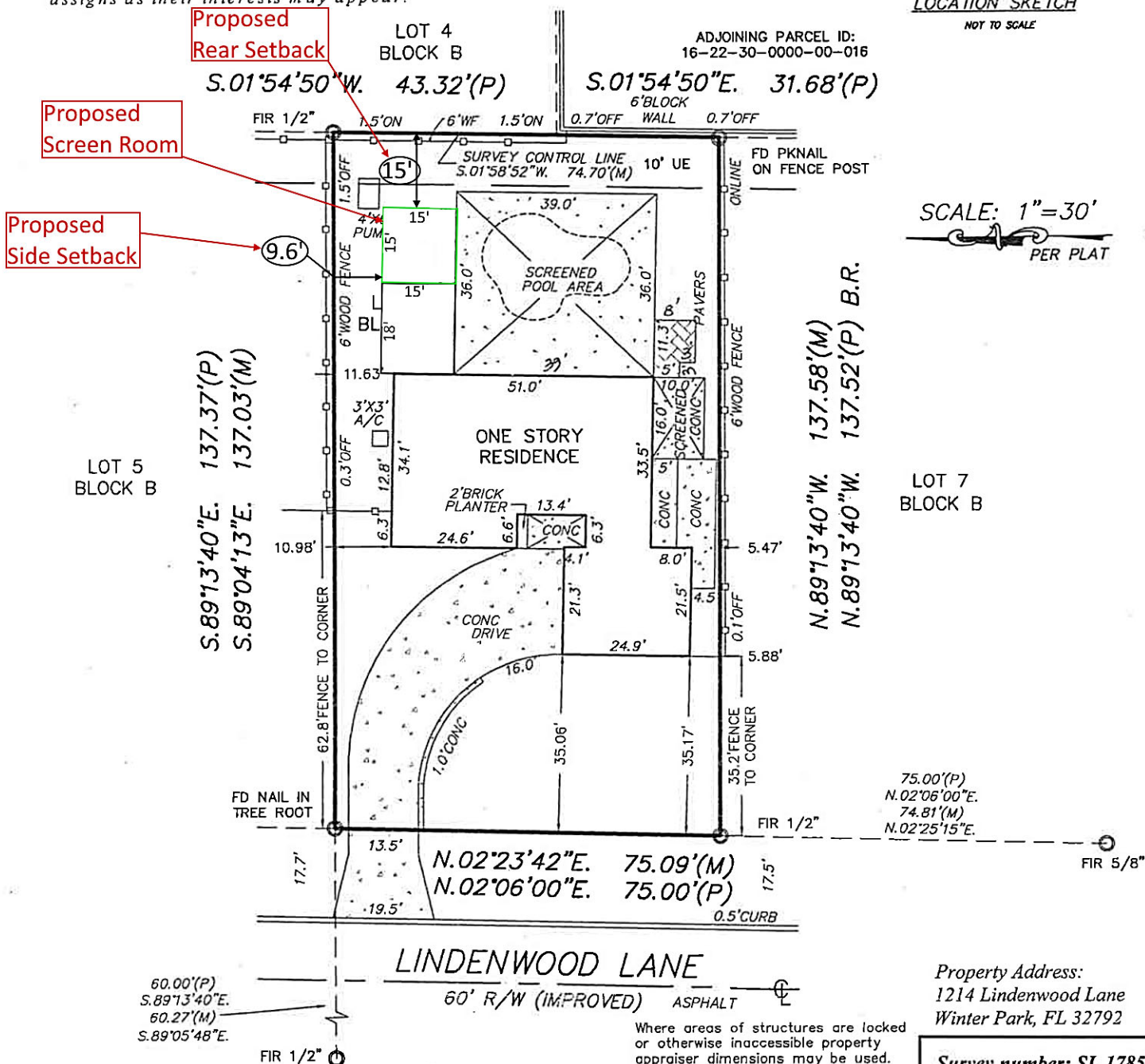
Lot 6, Block B, KENILWORTH ESTATES, according to the plat thereof, as recorded in Plat Book W, Page(s) 69, of the Public Records of Orange County, FL.

Community number: 120179 Panel: 0255
Suffix: F.F.I.R.M. Date: 9/25/2009 Flood Zone: X
Date of field work: 8/23/2017 Completion Date: 8/29/2017

Certified to:
Jamie Juers; Brian Juers; First International Title, Inc.; WFG National Title Insurance Company; FBC Mortgage, LLC, its successors and/or assigns as their interests may appear.



LOCATION SKETCH
NOT TO SCALE



Property Address:
1214 Lindenwood Lane
Winter Park, FL 32792

Survey number: SL 178594

LEGEND

-O-O-	Wire Fence	D.	Description or Deed	P.B.	Plat Book
-□-□-	Wood Fence	D.E.	Drainage Easement	P.E.	Pool Equipment
-OHU-	Overhead Utilities	D.U.E.	Drainage & Utility Easement	P.O.B.	Point of Beginning
⊙, P.P.	Power Pole	D/W	Driveway	P.O.C.	Point of Commencement
⊙, W.M.	Water Meter	ESMT	Easement	P.C.C.	Point of Compound Curve
⊙, E.F.	Electrical Facility	E.O.P.	Edge of Pavement	P.C.	Point of Curvature
⊙, A	Asphalt	E.O.W.	Edge of Water	P.I.	Point of Intersection
⊙, B	Block Wall	ENCR	Encroachment	P.R.C.	Point of Reverse Curvature
⊙, P	Brick/Pavers	F	Field	P.T.	Point of Tangency
⊙, C	Concrete/Hard Surface	FD	Found	P.O.L.	Point on Line
⊙, X	Covered Area	FD N&D	Found Nail & Disk	R.L.	Property Line
⊙, CL	Centerline	F.C.M.	Found Concrete Monument	R.	Record
⊙, CA	Central Angle/Delta	F.I.P.	Found Iron Pipe	R/W	Right of Way
⊙, LBN	Line Break Not to Scale	F.I.R.	Found Iron Rod	S.I.R.	Set Iron Rod & Cap
A/C	Air Conditioning	L	Length	SWK	Sidewalk
B.R.	Bearing Reference	L.B.	Licensed Business	TEL	Telephone Facilities
B.M.	Bench Mark	M	Field Measured	T.O.B.	Top of Bank
CATV	Cable Riser	M.H.	Manhole	TYP.	Typical
C	Calculated	O.R.B.	Official Records Book	U.E.	Utility Easement
C.L.F.	Chain Link Fence	ONPL	On Property Line	W.F.	Wood Fence
CH	Chord	PG.	Page	W.C.	Witness Corner
C.B.	Chord Bearing	P.V.C.	Vinyl Fence		
CBS	Conc. Block & Stucco	PVMT	Pavement		
CONC.	Concrete	P.C.P.	Permanent Control Point		
C.M.	Concrete Monument	P.R.M.	Permanent Reference Monument		
COV.	Covered	P	Plat		

GENERAL NOTES

- Legal description provided by others.
- There may be additional easements and/or restrictions either recorded or unrecorded not shown hereon that may affect this property.
- Underground portions of footings, foundations or other improvements were not located.
- Building ties are to the face of the wall.
- Only visible encroachments located.
- No identification found on property corners unless noted.
- Dimensions shown are plat and measured unless otherwise noted.
- This is a BOUNDARY SURVEY unless otherwise noted.
- This survey or the copies thereof are not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- No title commitment used in the preparation of this document unless otherwise noted.
- All lines are not radial unless otherwise noted.
- This survey is not to be used for permitting or for construction of any kind.
- Recertification does not indicate an update.
- Text size may not be consistent with standards of practice due to client requested reduced drawing size.
- Unless otherwise noted, flood zone information provided by others.
- Septic tank and drainfield location shown hereon are APPROXIMATE only and are based upon visual location only. No attempt has been made to verify their location. Client must consult with a utility location company to confirm location.
- The closure of structures may not be precise due to building imperfections and decorative finishes.
- Pools and/or patios may be drawn as an approximation and not fully dimensioned due to irregular shape.
- Fence locations along property line may be exaggerated for clarity.
- The nature, extent or existence of riparian rights is not addressed hereon.
- This survey meets all applicable accuracy requirements.
- This survey meets or exceeds the Standards of Practice promulgated by the Florida Board of Professional Land Surveyors, 5J-17, of the Florida Administrative Code, Section 473.027, FL Statutes.

I hereby certify that this survey is a true and correct representation of a survey prepared under my direction.

Ralph Swerdloff
Jeffrey S. Hattendorf

Registered Land Surveyor No. 3411
Page 32 of 42
L.B. 7132



Superior Aluminum Inst



Superior Aluminum Inst



Superior Aluminum Insta





May 30, 2024

City of Winter Park
Board of Adjustments
401 S. Park Ave.
Winter Park, FL 32789

Re: Variance Request-1214 Lindenwood Lane

Dear Board Members:

Please accept this letter as confirmation that I do not object to the proposed addition to my neighbor's property or the zoning variance(s) required for such.

Best regards,

A handwritten signature in black ink, appearing to read 'JBH' with a stylized flourish at the end.

Jason Brownell
2012 Woodcrest Drive
Winter Park, FL 32792

Legal Description

Lot 6, Block B, KENILWORTH ESTATES, according to the plat thereof, as recorded in Plat Book W, Page(s) 69, of the Public Records of Orange County, FL.

Community number: 120179 Panel: 0255

Suffix: F.F.I.R.M. Date: 9/25/2009 Flood Zone: X

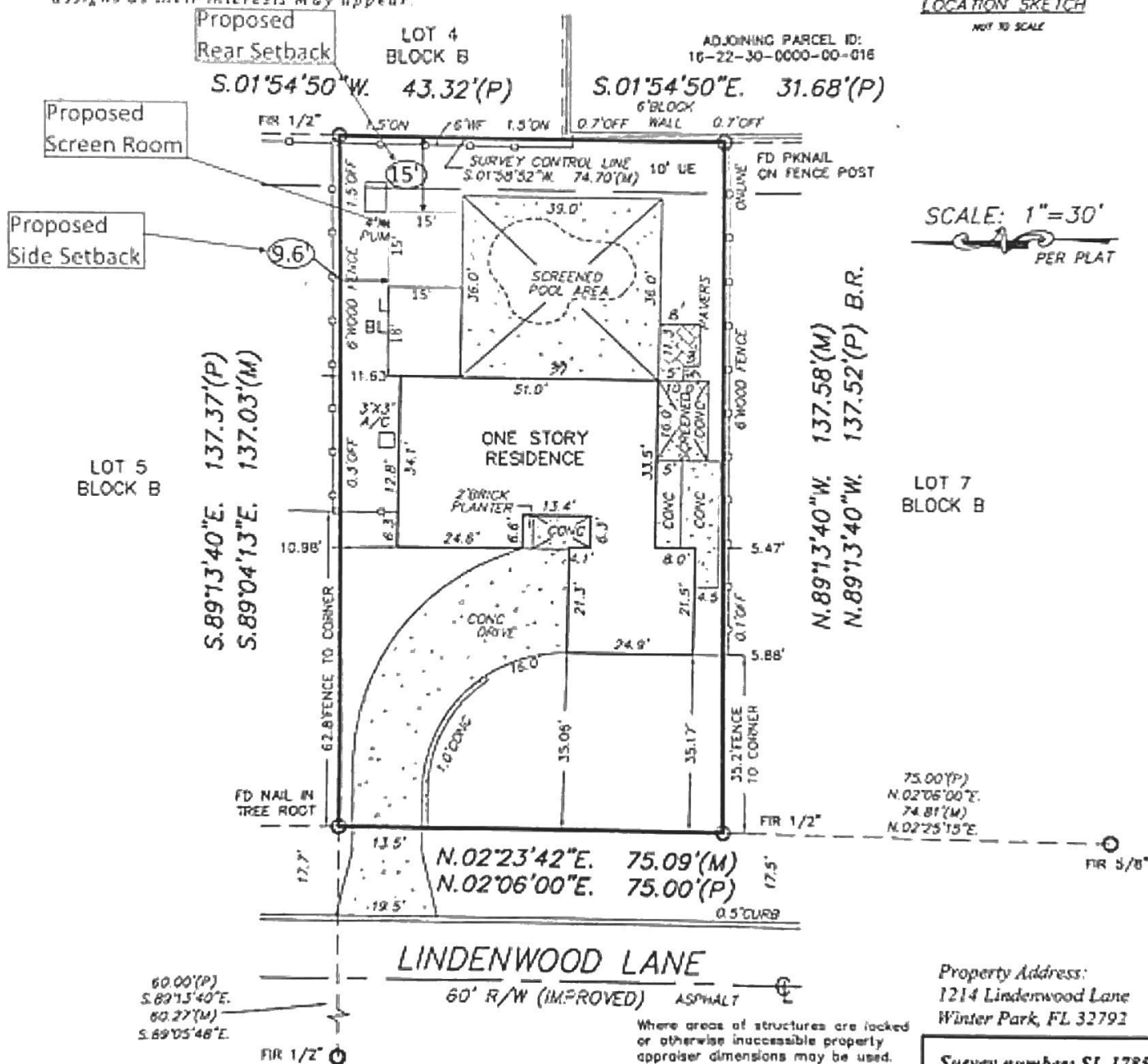
Date of field work: 8/23/2017 Completion Date: 8/29/2017

Certified to:

Jamie Juers; Brian Juers; First International Title, Inc.; WFG National Title Insurance Company; PBC Mortgage, LLC, its successors and/or assigns as their interests may appear.

LOCATION SKETCH

NOT TO SCALE



LEGEND

- Wire Fence
- Wood Fence
- Overhead Utilities
- P.P. Power Pole
- W.M. Water Meter
- E.F. Electrical Facility
- Asphalt
- Block Wall
- Brick/Pavers
- Concrete/Hard Surface
- Covered Area
- D. Description of Deed
- D.E. Drainage Easement
- D.U.E. Drainage & Utility Easement
- D.W. Driveway
- ESMT Easement
- E.O.P. Edge of Pavement
- E.O.W. Edge of Water
- ENCR Encroachment
- F Field
- FD Found
- FD NAIL Found Nail & Disk
- P.B. Plat Book
- P.E. Pool Equipment
- P.O.B. Point of Beginning
- P.O.C. Point of Commencement
- P.C.C. Point of Compound Curve
- P.C. Point of Curvature
- P.I. Point of Intersection
- P.R.C. Point of Reverse Curvature
- P.T. Point of Tangency
- P.O.L. Point on Line
- P.L. Property Line

GENERAL NOTES

1. Legal description provided by others.
2. There may be additional easements and/or restrictions either recorded or unrecorded not shown hereon that may affect this property.
3. Underground portions of footings, foundations or other improvements were not located.
4. Building lines are to the face of the wall.
5. Only visible encroachments located.
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13. Recertification does not indicate an update.
14. Text size may not be consistent with standards of practice due to client requested reduced drawing size.
15. Unless otherwise noted, flood zone information provided by others.
16. Septic tank and drainfield location shown hereon are APPROXIMATE only and are based upon visual location only. No attempt has been made to verify their location. Client must consult with a utility location company to confirm location.
17. The closure of structures may not be precise due to building imperfections and decorative finishes.
18. Pools and/or patios may be drawn as an approximation and not fully dimensioned.
19. Errors, omissions, and corrections are shown on this plat.

May 30, 2024

City of Winter Park
Board of Adjustments
401 S. Park Ave.
Winter Park, FL 32789

Re: Variance Request-1214 Lindenwood Lane

Dear Board Members:

Please accept this letter as confirmation that I do not object to the proposed addition to my neighbor's property or the zoning variance(s) required for such.

Best regards,

Handwritten signature of John Gallagher & Laurie Grimm. The signature is written in cursive, with 'John Gallagher' followed by an ampersand and 'Laurie Grimm'. The 'L' in Laurie is large and loops around the 'G' in Grimm.

John Gallagher & Laurie Grimm
2004 Woodcrest Drive
Winter Park, FL 32792

Legal Description

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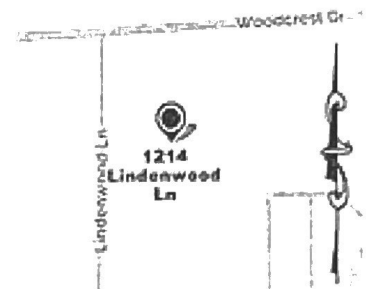
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Suffix: F.P.I.R.M., Date: 9/25/2009 Flood Zone: X

Date of field work: 8/23/2017 Completion Date: 8/29/2017

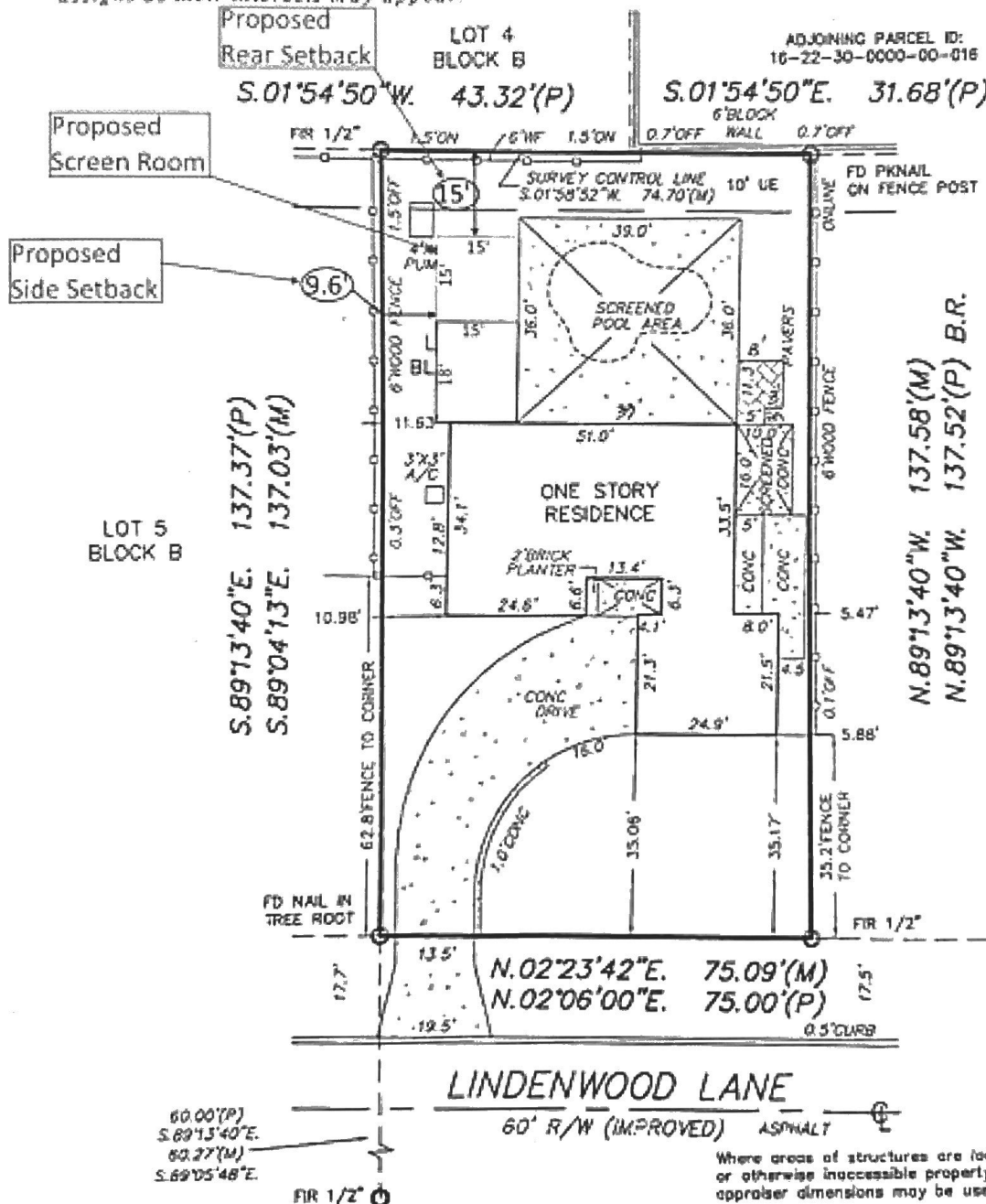
Certified to:

Jamie Juers; Brian Juers; First International Title, Inc.; WFG National Title Insurance Company; FBC Mortgage, LLC, its successors and/or assigns as their interests may appear.



LOCATION SKETCH

NOT TO SCALE



SCALE: 1"=30'
PER PLAT

LEGEND

- | | | |
|---------------------------|------------------------------------|-----------------------------------|
| --- Wire Fence | D. Description or Deed | P.B. Plat Book |
| --- Wood Fence | D.E. Drainage Easement | P.E. Pool Equipment |
| --- Overhead Utilities | D.U.E. Drainage & Utility Easement | P.O.B. Point of Beginning |
| --- Power Pole | D.W. Driveway | P.O.C. Point of Commencement |
| --- Water Meter | ESMT Easement | P.C.C. Point of Compound Curve |
| --- Electrical Facility | E.O.R. Edge of Pavement | P.C. Point of Curvature |
| --- Asphalt | E.O.W. Edge of Water | P.I. Point of Intersection |
| --- Block Wall | ENCR Encroachment | P.R.C. Point of Reverse Curvature |
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| --- Concrete/Hard Surface | FD Found | P.O.L. Point on Line |
| --- Covered Area | FD N&D Found Nail & Disk | P.L. Property Line |

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- Pools and/or patios may be shown as an approximation and not fully dimensioned due to irregular shape.
- Conceal locations shown as an approximation.



Board of Adjustments

agenda item 5.c

item type

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

meeting date

July 16, 2024

prepared by

Nicholas Lewis, Planner II

approved by

Allison McGillis, Director of Planning and Zoning

subject

BOA #24-06 Request of TEK Contracting Inc. **This item has been continued to the August 20, 2024 regular meeting.**

motion | recommendation

background

alternatives | other considerations

fiscal impact

attachments

None