



Board of Adjustments Regular Meeting

Agenda

September 17, 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 August 20, 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 #24-09. Request of Superior Aluminum Installations for variance approval from Section 58-65(f)(7), to allow a 6.3-foot first-floor side setback in lieu of the required 13-foot side setback in conjunction with the proposed covered patio addition to the existing home located at 1861 Edwin Boulevard, zoned R-1A. 10 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

September 17, 2024

prepared by

Mary Bush, Administrative Coordinator III

approved by**subject**

Approve the minutes of August 20, 2024.

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

1. Draft Board of Adjustments Regular Meeting Minutes



Board of Adjustments Regular Meeting Minutes

August 20, 2024 at 5:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Michael Clary, Charles Steinberg, Robert Trompke, Aimee Hitchner, Jeanne Reynaud, Frank Pruitt

Absent

Ann Higbie

Staff Present

Director of Planning & Zoning Allison McGillis, Planner II Nicholas Lewis, Administrative Coordinator Mary Bush

1. Call to Order

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

2. Consent Agenda

- a. Approve the minutes of July 16, 2024.

Motion made by Robert Trompke, seconded by Michael Clary, to approve the July 16, 2024 meeting minutes.

The motion carried unanimously by a 6-0 vote. (Ann Higbie 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-2024-0006. Request of TEK Contracting, Inc., for variance approval from Section 58-65 subsections (f)(7) and (f)(8), to allow a 9.2-foot second-story setback in lieu of the required 16-foot second-story side setback and a 16-foot rear setback in lieu of the required 35-foot second-story rear setback in conjunction

with the proposed addition to the existing home located at 2960 Parkland Drive, zoned R-1A.

Mr. Lewis provided a summary of the item. He noted that the item was continued from the July 16, 2024 regular meeting. He then indicated that the location of the existing house is close to the western lot line of the property. He also indicated that the applicant's lot is as it was originally platted and has a very narrow slope. He then noted that staff had received three neighbor letters of approval and none in opposition. Mr. Lewis went on to review the survey for the property, noting the non-conforming rear and side setbacks of both the first and second floors. He indicated that the applicant wanted to create a second-floor office that would be flush with the existing house walls. He then reviewed the variance approval criteria for the request. He explained that due to the structure's existing layout, there is no room for an addition of any size without a variance on the western portion of the structure. Mr. Lewis then indicated that because of the unique history of the existing house, its location on the City border, and the odd rear lot line, there are enough special conditions and circumstances to ensure that no special privilege would be granted to any neighboring lands, structures, or buildings in the same zoning district.

Staff recommendation was for approval.

A brief discussion with the Board ensued about when the property was annexed into the city and if there had been a variance granted in 2013.

The homeowner, Jamie Buechele of 2960 Parkland Drive, Winter Park, FL 32789 addressed the Board. Ms. Buechele noted that the addition was needed to provide more room for her home office medical supplies.

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

The Board shared their thoughts on the request and were overall in favor of it.

Motion made by Michael Clary, seconded by Robert Trompke, to approve a variance approval from Section 58-65 subsections (f)(7) and (f)(8), to allow a 9.2-foot second-story setback in lieu of the required 16-foot second-story side setback and a 16-foot rear setback in lieu of the required 35-foot second-story rear setback in conjunction with the proposed addition to the existing home located at 2960 Parkland Drive, 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. (Ann Higbie was absent from the meeting.)

5. Non-Action Items

6. Staff Updates

7. Board Comments

8. Upcoming Agenda Items

9. Adjournment

The meeting adjourned at 5:19 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

September 17, 2024

prepared by

Nicholas Lewis, Planner II

approved by

John Harbilas, Senior Planner

subject

BOA #24-09. Request of Superior Aluminum Installations for variance approval from Section 58-65(f)(7), to allow a 6.3-foot first-floor side setback in lieu of the required 13-foot side setback in conjunction with the proposed covered patio addition to the existing home located at 1861 Edwin Boulevard, zoned R-1A.

motion | recommendation

Staff recommendation is for approval of the variance requested.

background

The applicant, Superior Aluminum Installations, on behalf of the homeowner, is requesting variance approval to add a 272 square-foot, open-air covered patio addition on the side of the existing home with a first-floor side setback of 6.3-feet in lieu of the required 13-foot side setback at 1861 Edwin Boulevard. The property is zoned R-1A.

Currently, the existing home has a nonconforming rear setback and meets the required side setback. The applicant is proposing to add an open-air, covered patio addition. The proposed addition meets the required 25-foot rear setback. As explained further below, the proposed location is the only area for a first-floor addition of any size and, based on the location of the existing structure, the proposed setback runs in line with the layout of the existing structures on the lot.

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 lot itself is not necessarily unique. However, the existing structure was built before the

homeowners purchased the property and was constructed in a manner that does not allow for any addition, regardless of its intended use. The structure is located within the rear of the lot with an existing front setback of 59-feet on a 139-foot deep lot. Therefore, nearly half of the lot is located within the front setback. The nonconforming rear setback, required side setback, and existing pool area does not allow for any location on the property that allows an addition.

Additionally, an existing detached accessory structure is located within the front setback area with a 5-foot side setback. Therefore, the proposed 6.3-foot setback for an open-air structure does not exacerbate the existing nonconforming setback of the detached accessory structure and runs in line with the historic development of the property.

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(f)(7), requires a 13-foot first-floor side setback. Based on this requirement and the existing conditions, the proposed area is the only area for an addition, regardless of its use and opaqueness, and a variance would be required to allow for such an addition.

Actions of the Applicant

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

The existing structures were constructed in 1990, prior to the homeowners' purchase of the property in 2023. Currently, the layout does not allow for any covered porch area in the rear yard. Therefore, the design and layout of the existing structure and pool are not based on actions by the applicant.

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.

Because the proposed area is the only location possible for a first-floor addition, the proposed setback does not exacerbate the 5-foot setback of the accessory structure, and the fact that the nature of the addition is open-air, staff does not believe that the request would allow for a 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.

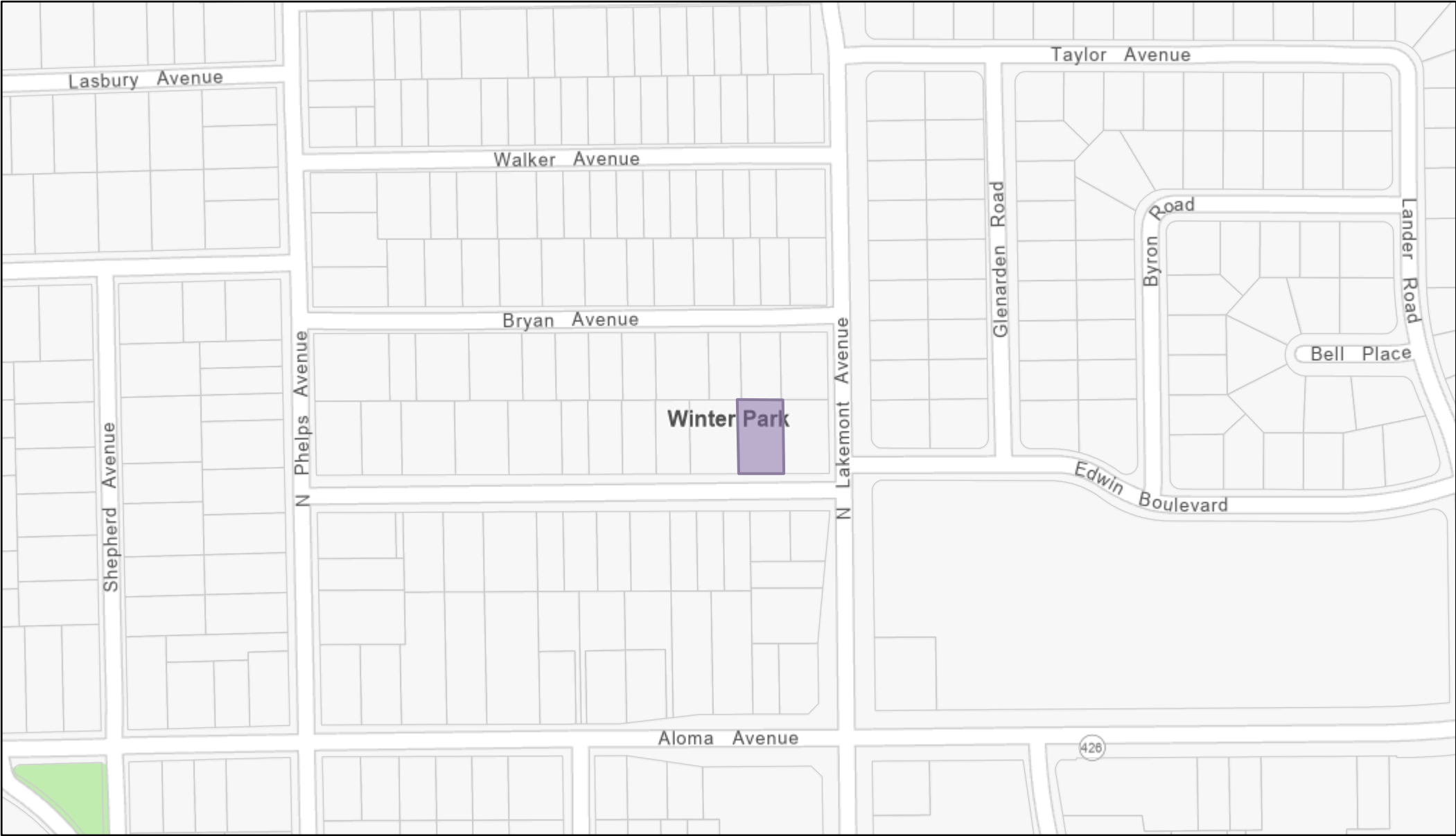
alternatives | other considerations

fiscal impact

attachments

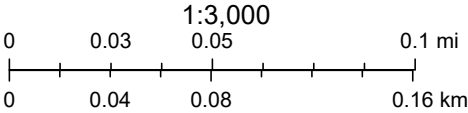
1. 1861 Edwin Blvd - Area Map
2. 1861 Edwin Blvd - Aerial Map
3. 1861 Edwin Blvd - Neighbor Letter Map
4. 1861 Edwin Blvd - Applicant Energov App
5. 1861 Edwin Blvd - Site Plan
6. 1861 Edwin Blvd - Elevations
7. 1861 Edwin Blvd - Neighbor Letters

1861 Edwin Blvd - Area Map

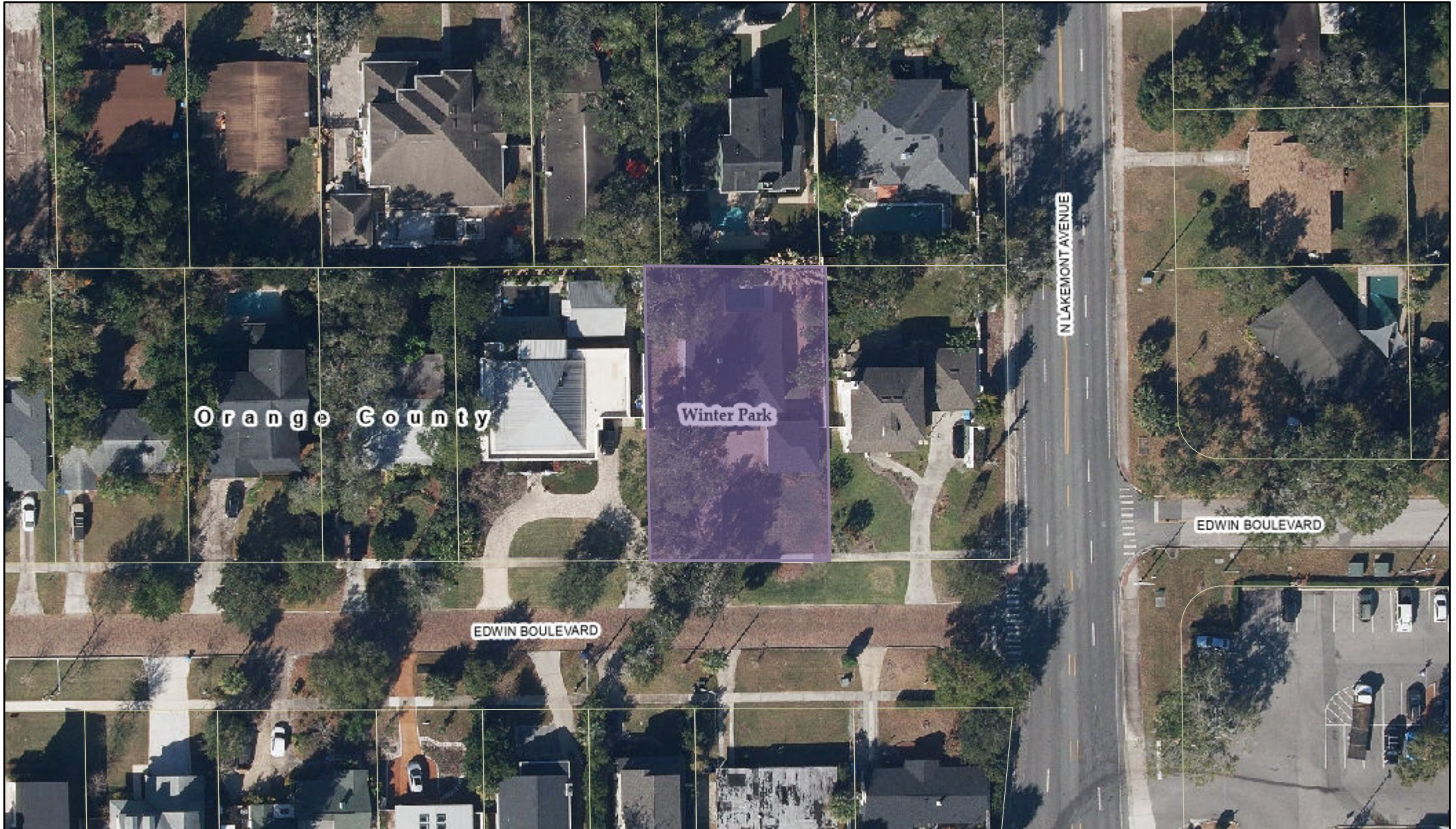


9/9/2024, 11:42:38 AM

 Parcels Orange

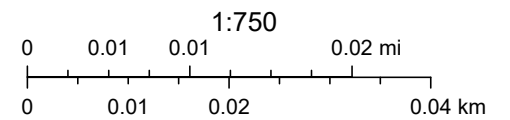


1861 Edwin Blvd - Aerial Map

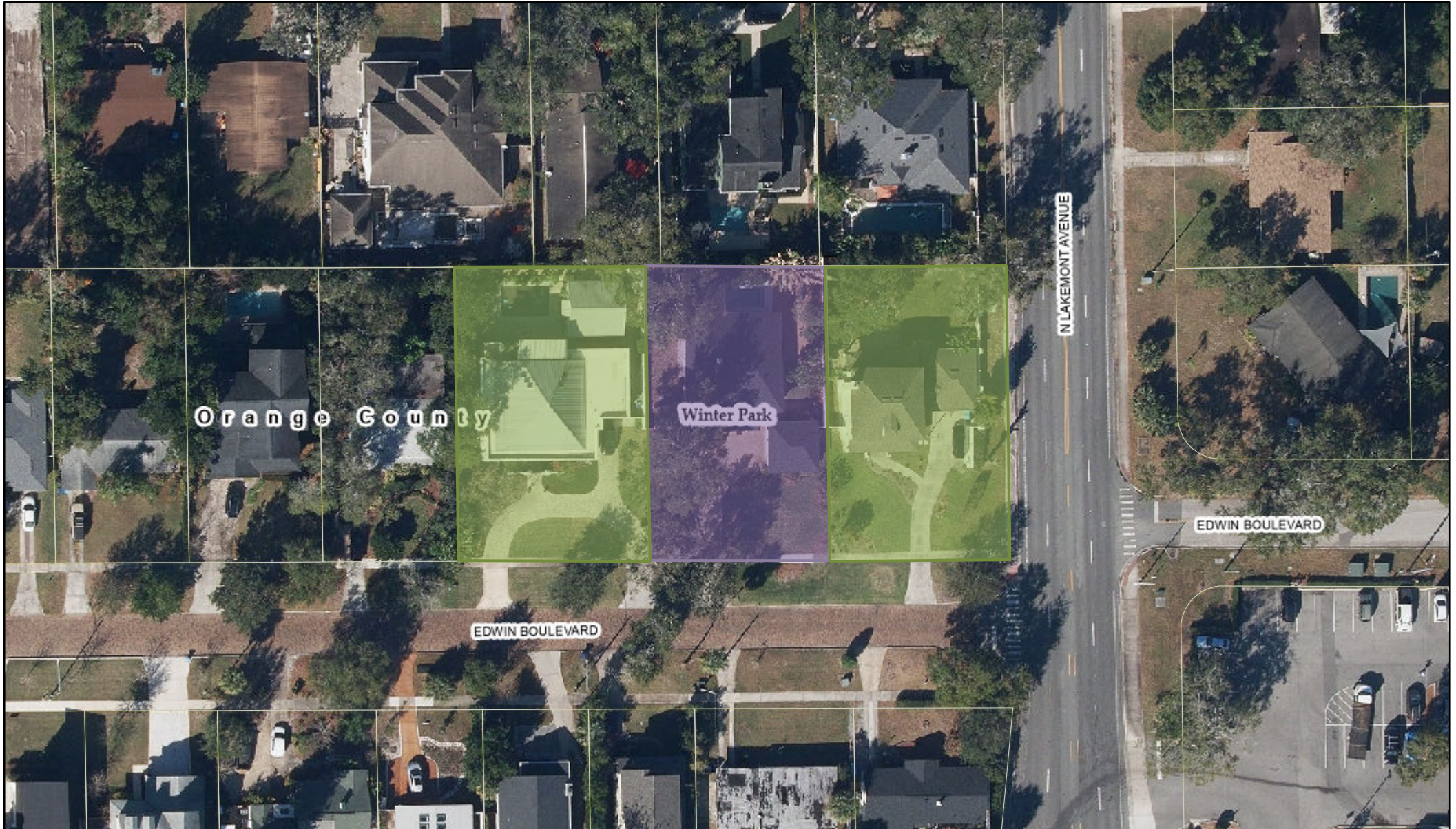


9/9/2024, 11:41:52 AM

 Parcels Orange

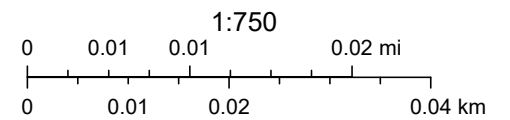


1861 Edwin Blvd - Neighbor Letter Map



9/9/2024, 11:40:47 AM

 Parcels Orange





PLAN SNAPSHOT REPORT BOA-2024-0009 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments
Work Class: Board of Adjustments/Variance Application
Status: Fees Paid
Valuation: \$0.00
Description: The current side setback is 13'. We are asking to reduce this to 6.3' in order to accommodate a Patio Cover.

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

App Date: 08/19/2024
Exp Date: NOT AVAILABLE
Completed: NOT COMPLETED
Approval Expire Date:

Parcel: 302205114000591	Main	Address: 1861 Edwin Blvd Winter Park, FL 32789-3962	Main	Zone:
--------------------------------	------	---	------	--------------

Applicant STEVEN ZUBEK 33% INT 1861 EDWIN BLVD WINTER PARK, FL 32789-3962 Home: (954) 972-0452 Mobile: (954) 972-0452	Owner STEVEN ZUBEK 33% INT 1861 EDWIN BLVD WINTER PARK, FL 32789-3962 Home: (954) 972-0452 Mobile: (954) 972-0452	Applicant TIMOTHY J ORIE (SCC056770) 3005 FORSYTH RD WINTER PARK, FL 32792 Home: (407) 295-9500 Business: (407) 678-0500 Mobile: (352) 440-4690
---	---	--

Plan Custom Fields

Is the property on waterfront?	No	Section	1140	Subsection	00
Zoning	561	Is this property on historic registry or district?	No	Describe variance	The side setback for this property is 13'. We are asking that to be reduced to 6.3' in order to accommodate a 15'10" x 17'8" Patio Cover.
How long have you owned the property?	1 Year	How long have you occupied the property?	1 Year	Special Condition	There is an existing One Story Residence, in addition to the main SFR, 5' from the side setback. The current homeowner had reasonable expectation to install a patio cover 6.3' from the side setback prior to purchase due to this structures existence.
Rights/Priv	The homeowner will not be able to enjoy an outdoor living space commonly enjoyed by other properties in the same zoning district.	Hardship	The 15'10" x 17'8" patio cover is 6.3' from the side property line and does not meet the 13' setback requirement. The size is needed in order to provide sufficient coverage from the sun and other elements.	Limited Variance	No. The size is the minimum required for the proposed structure to provide enough coverage to enjoy the outdoor living space.

Attachment File Name	Added On	Added By	Attachment Group	Notes
Boundary Survey.pdf	08/19/2024 12:57	Orie, Tim		Survey
Signature_TIMOTHY_ORIE_8/19/2024.jpg	08/19/2024 12:57	Orie, Tim		Uploaded via CSS
Site Plan.pdf	08/19/2024 12:57	Orie, Tim		Site Plan
Variance Checklist.pdf	08/19/2024 12:57	Orie, Tim		Signed Checklist
Letter1.pdf	08/19/2024 16:16	Lewis, Nick		Neighbor Letter
Letter2.pdf	08/19/2024 16:16	Lewis, Nick		Neighbor Letter

PLAN SNAPSHOT REPORT (BOA-2024-0009)

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00050595	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00050595		\$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	08/19/2024	08/21/2024	08/19/2024	No	Yes

Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	08/19/2024	08/21/2024	08/19/2024

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		08/19/2024 16:14	08/19/2024 16:14
Board of Adjustments Review v.1	Receive Submittal	08/19/2024 0:00	08/19/2024 16:14
Issue Invoice v.1	Generic Action		08/19/2024 16:14
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

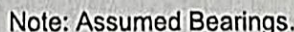
LEGAL DESCRIPTION:

FLOOD INFORMATION:

CERTIFIED TO:

A black and white photograph showing a long, single-story building with a series of columns or pillars supporting a roof over a walkway. The building is surrounded by trees and a lawn. The image is framed by a thick black border.

1861 EDWIN BOULEVARD, WINTER PARK, FLORIDA 32789



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



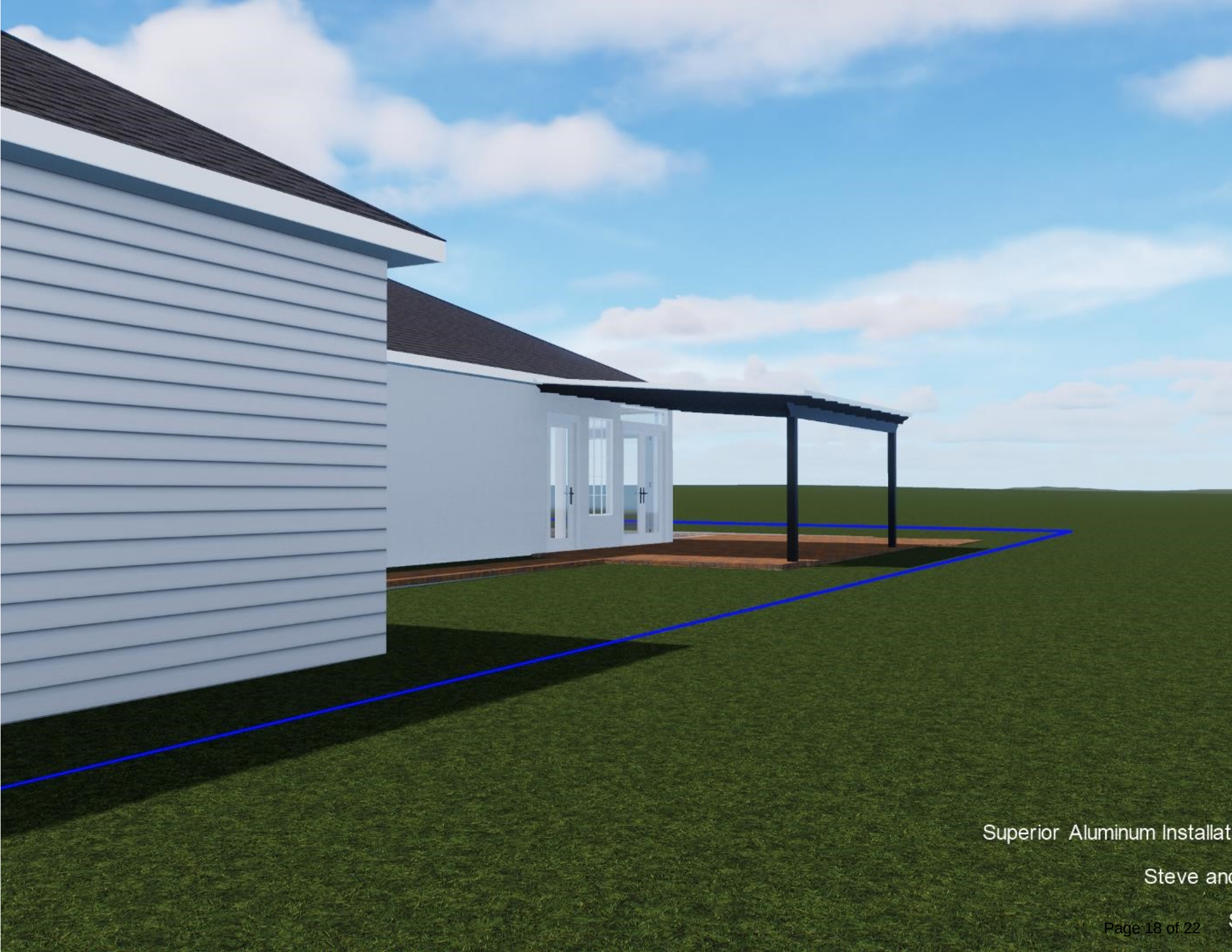
Superior Aluminum Installat

Steve and



Superior Aluminum Installat

Steve and



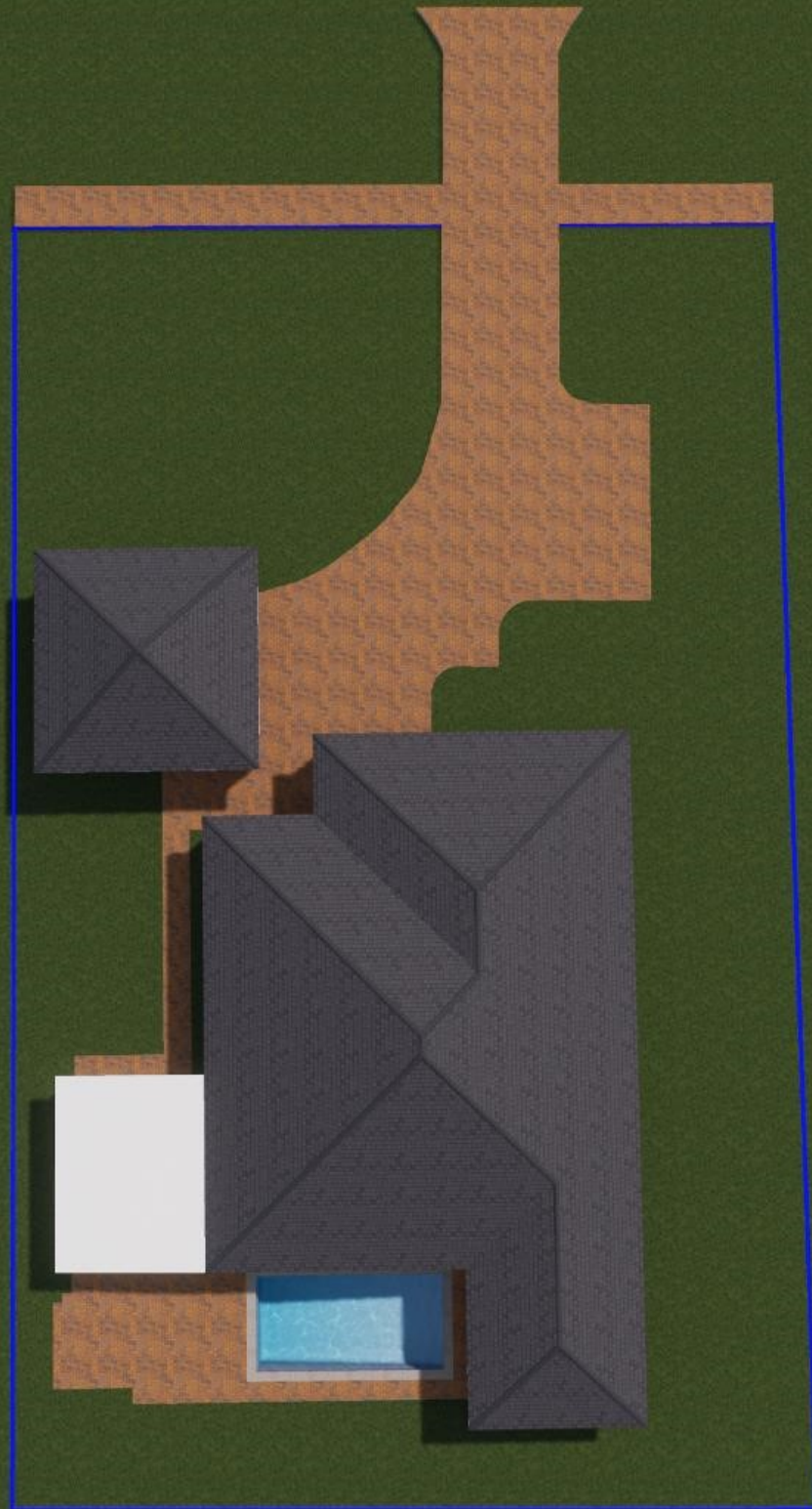
Superior Aluminum Installat

Steve and



Superior Aluminum Installat

Steve and



Superior Aluminum Installat

Steve and

Re: Variance Application
Steve Zubek and Janet Gehring
1861 Edwin Blvd
Winter Park, FL 32789

To the City of Winter Park Board of Adjustments:

I/We am/are writing in support of the variance for Steve Zubek and Janet Gehring at their residence of 1861 Edwin Blvd. I/We have thoroughly reviewed their plans and believe their project will improve the neighborhood aesthetic by using high-quality materials and exceptional workmanship.

Steve and Janet are wonderful neighbors that should be encouraged and allowed to pursue this project.

With Respect and Kind Regards,

A handwritten signature in black ink, reading "Premkumari N. Ferrell". The signature is written in a cursive, flowing style. The first name "Premkumari" is written in a slightly larger, more prominent script than the last name "N. Ferrell". The signature is positioned above the printed name and address.

Premkumari N. Ferrell
1881 Edwin Blvd
Winter Park, FL 32789

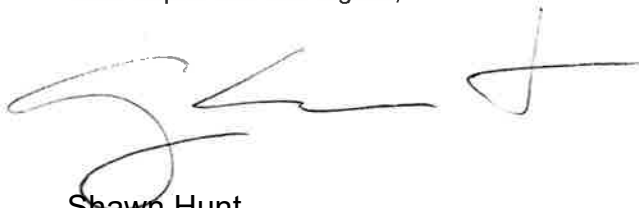
Re: Variance Application
Steve Zubek and Janet Gehring
1861 Edwin Blvd
Winter Park, FL 32789

To the City of Winter Park Board of Adjustments:

I/We am/are writing in support of the variance for Steve Zubek and Janet Gehring at their residence of 1861 Edwin Blvd. I/We have thoroughly reviewed their plans and believe their project will improve the neighborhood aesthetic by using high-quality materials and exceptional workmanship.

Steve and Janet are wonderful neighbors that should be encouraged and allowed to pursue this project.

With Respect and Kind Regards,

A handwritten signature in black ink, appearing to read 'Shawn Hunt', with a stylized flourish extending to the right.

Shawn Hunt
1841 Edwin Blvd
Winter Park, FL 32789