



Planning & Zoning Board Regular Meeting

Agenda

December 3, 2024 @ 6:00 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. **Public Comments (for items not on the agenda): Three minutes allowed for each speaker**
3. **Consent Agenda**
 - a. Approve the minutes of October 1, 2024. 1 minute
4. **Public Hearings (Public participation and comment on these matters must be in person.)**
 - a. SPR #24-14. Request of Mark Nasrallah for approval to construct a new, two-story, 4,334 square-foot home located at 1400 Elizabeth Drive on Lake Osceola, zoned R-1AAA. **THIS ITEM HAS BEEN CONTINUED TO THE JANUARY 7TH, 2025 REGULAR HEARING.** 0 minutes
 - b. SPR #24-02. Request of Z Properties for approval to demolish the existing, two-story, 858 square-foot accessory structure and replace it with a new, single-story, 1,494 square-foot accessory structure located at 1602 Summerland Avenue on Lake Maitland, zoned R-1AAA. 5 minutes
 - c. SPR #24-12. Request of Stuart and Christina Kirscht for approval to rebuild a new two-story single-family home in the location of the existing lakefront structure at 999 Genius Drive, on Lake Mizell, zoned R-1AAA. 15 minutes
 - d. APP #1-24. Request of the Winderweedle Law Firm on behalf of Jonathan Cole for: An Appeal pursuant to City Code Section 58-94 (b) of the determination that the landscaping currently in place is in violation of a condition of approval for the redevelopment of the property granted by the Planning and Zoning Board on May 4, 2021 on Lake Virginia, zoned R-1AAA. 30 minutes
5. **Action Items**
6. **Non-Action Items**
7. **Staff Updates**
8. **Board Comments**
9. **Upcoming Agenda Items**
10. **Adjournment**



Planning & Zoning Board

agenda item 3.a

item type

Consent Agenda

meeting date

December 3, 2024

prepared by

Mary Bush, Administrative Coordinator III

approved by**subject**

Approve the minutes of October 1, 2024.

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

1. Draft Planning & Zoning Board Regular Meeting Minutes



Planning & Zoning Board Regular Meeting Minutes

October 1, 2024 at 6:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Alex Stringfellow, David Bornstein, Warren Lindsey, Jason Johnson, Bill Segal

Absent

Jim Fitch, Michael Spencer

Staff Present

Director of Planning and Zoning Allison McGillis, Planner I Nicholas Lewis, Administrative Coordinator Mary Bush

1. Call to Order

Chairman Bornstein called the meeting to order at 6:01 p.m.

2. 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.

3. Consent Agenda

- a. Approve the minutes of September 3, 2024.

Motion made by Jason Johnson, seconded by Bill Segal, to approve the September 3, 2024 meeting minutes.

The motion carried unanimously by a 5-0 vote. (Jim Fitch and Michael Spencer were absent from the meeting.)

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

- a. **CPA #24-04/RZ #24-05 Request of Benjamin Partners, LTD for:**

- An Ordinance amending Chapter 58 "Land Development Code" Article I, "Comprehensive Plan" and the Future Land Use Map so as to change the Low Density Residential Future Land Use designation to an Orange County Planned Development Future Land Use designation on the property located at 1251 Lewis Drive, more particularly described herein, providing for severability, conflicts and an effective date.
- An Ordinance amending Chapter 58 "Land Development Code" Article III, "Zoning" and the official Zoning Map so as to change Low Density Residential (R-2) District Zoning to Orange County Planned Development (OC PD) District Zoning on the property located at 1251 Lewis Drive, more particularly described herein, providing for severability, conflicts and an effective date.

Mrs. McGillis provided a summary of the item. She noted that the property is within the boundaries of the Ravaudage Planned Development, but was never included as part of it. She explained that it was recently purchased for the development, which allows the future land use and zoning of the property to be changed to Orange County Planned Development, matching the rest of the properties in the Ravaudage Planned Development. She indicated that this allowance is outlined in the Comprehensive Plan under Policy 1-M-6: Future Enclave & Out-Parcel Additions to the Ravaudage Planned Development. Mrs. McGillis then went on to explain that the Ravaudage Planned Development order allows for 14.76 dwelling units per acre and a maximum floor area ratio of 100%, so adding 1251 Lewis Drive would allow for three additional residential units and 9,937 square feet of added commercial entitlements.

Staff recommendation was for approval.

A brief discussion ensued regarding whether the applicant had submitted plans for the property and if it was contiguous with other properties within the development.

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

Motion made by Jason Johnson, seconded by Warren Lindsey, to approve the future land use amendment and rezoning of 1251 Lewis Drive.

The motion carried unanimously by a 5-0 vote. (Jim Fitch and Michael Spencer were absent from the meeting.)

5. Action Items

6. Non-Action Items

7. Staff Updates

8. Board Comments

9. Upcoming Agenda Items

10. Adjournment

The meeting adjourned at 6:09 p.m.

ATTEST:

/s/ Mary Bush, Recording Secretary



Planning & Zoning Board

agenda item 4.a

item type

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

meeting date

December 3, 2024

prepared by

Nicholas Lewis, Planner II

approved by

subject

SPR #24-14. Request of Mark Nasrallah for approval to construct a new, two-story, 4,334 square-foot home located at 1400 Elizabeth Drive on Lake Osceola, zoned R-1AAA. **THIS ITEM HAS BEEN CONTINUED TO THE JANUARY 7TH, 2025 REGULAR HEARING.**

motion | recommendation

background

alternatives | other considerations

fiscal impact

attachments

None



Planning & Zoning Board

agenda item 4.b

item type

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

meeting date

December 3, 2024

prepared by

Nicholas Lewis, Planner II

approved by

John Harbilas, Senior Planner

subject

SPR #24-02. Request of Z Properties for approval to demolish the existing, two-story, 858 square-foot accessory structure and replace it with a new, single-story, 1,494 square-foot accessory structure located at 1602 Summerland Avenue on Lake Maitland, zoned R-1AAA.

motion | recommendation

Staff recommendation is for approval of the request.

background

The applicant, Z Properties, on behalf of the homeowner, is requesting approval to replace the existing, two-story accessory structure with a new, single-story, 1,494 square-foot accessory structure located at 1602 Summerland Avenue on Lake Maitland. The property is zoned R-1AAA and the unsubmerged portion of the property is 67,822 square feet in size. The proposed impervious lot coverage of 23,479 square feet is 34% of the total lot, which is under the maximum 50% as the code allows. The maximum Floor Area Ratio (FAR) for properties over 12,500 square feet in size is 35% of the lot area or 5,000 square feet, whichever is greater. The applicant is proposing a total square footage inclusive of the principal structure approved in February 2024, and both accessory structures of 13,009, which equates to a FAR of 19%, meeting this requirement.

The applicant is seeking a 10-foot front setback to the proposed accessory structure whereas the existing structure has a 4.5-foot front setback. The justification provided for the request is that the 20-foot setback requirement would require removal of an existing oak tree and the applicant's remaining buildable area was greatly diminished by a recently recorded easement across the property for City water and wastewater facilities. The previous structure also stood roughly 18-feet in height whereas the proposed structure is 11-feet to the top of the parapet.

Lakefront Review Criteria:**Tree Preservation**

The purpose and intent of the lakefront lots section of the code states that existing trees shall be preserved to the degree reasonably possible. No trees are being removed as part of this request and therefore, the applicant meets this criterion. This lot proposed a unique challenge in the fact that specimen trees are abundant on the property, many of which are located within the buildable area of the lot. The applicant designed the principal structure around these existing trees and the same scenario is proposed as part of this request.

Views from the Lake

The code direction is to minimize the height and extent of stem walls or retaining walls facing the lake. Generally, the policy does not permit walls/swimming pool decks facing the lake in excess of three (3) feet in height. This plan complies with that provision. The lot is very flat and no such component is being proposed with this request. The proposed structure is located on the front portion of the lot and is not visible from the lakefront in any capacity.

Views of Neighbors

The code direction is to minimize the degradation of traditional views across properties by new houses, additions, second-story additions, etc., alongside property lines towards the lake that may block traditional views of the neighbors.

The required lakefront setback is made up of the average of the two waterfront structures neighboring the subject property. In this instance, the average is 68-feet from the ordinary high-water line. The proposed structure is located on the front portion of the lot and behind the principal structure with regard to the lakefront setback. No lakefront neighbor views are being infringed by this request.

Stormwater Retention

The code requires the retention of stormwater. The amount of impervious surface on the lot determines the needed depth/size of the retention. In this case, the applicants are proposing multiple swale retention areas on the property to meet the required stormwater storage.

Summary

Overall, the plans meet the intent of the lakefront review criteria. The proposal also meets all single-family code requirements, except the front setback. However, the need for the lesser setback was derived from a City-requested easement and the desire to preserve the large existing oak tree that currently sits adjacent to the existing accessory structure.

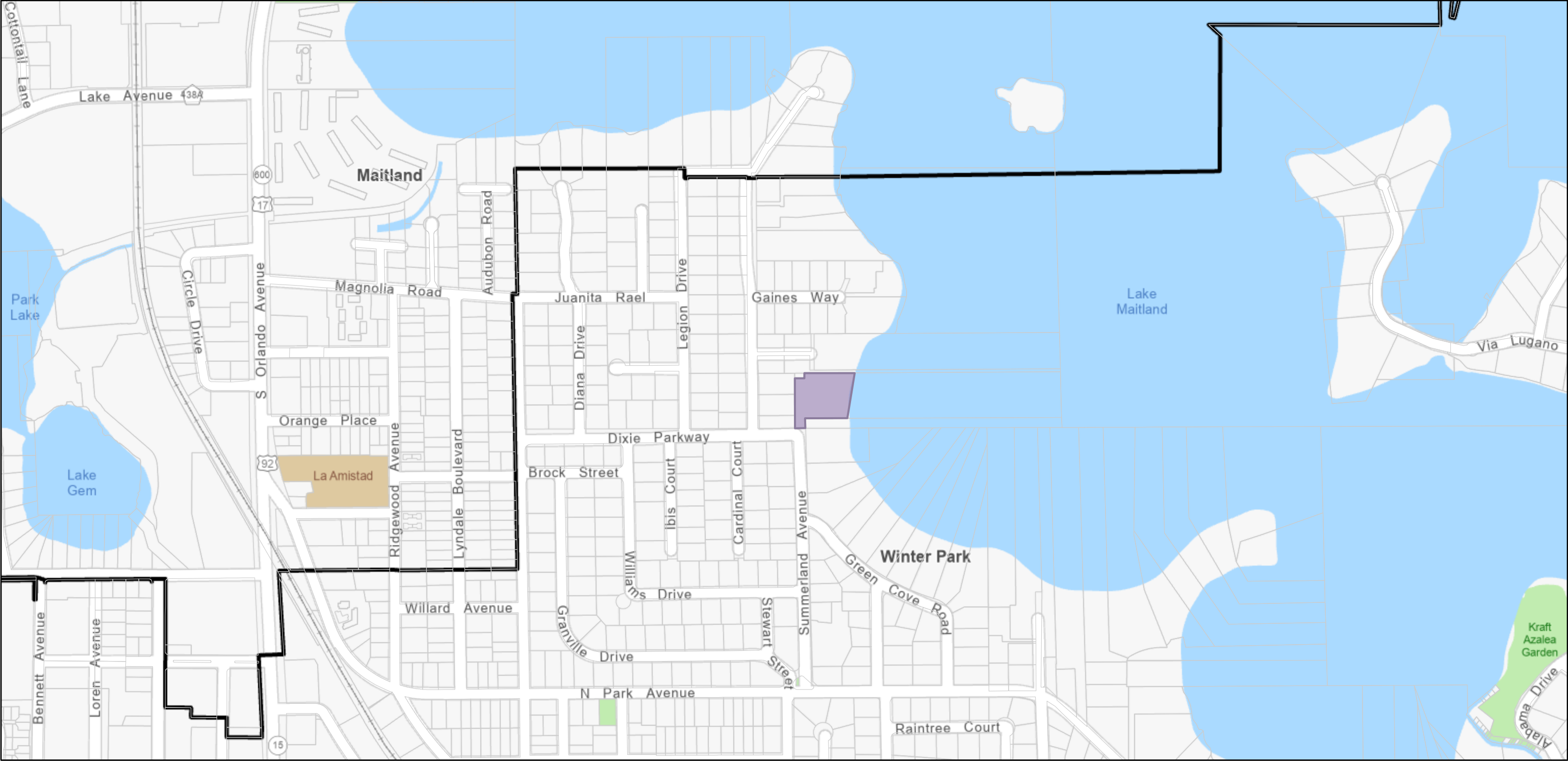
alternatives | other considerations

fiscal impact

attachments

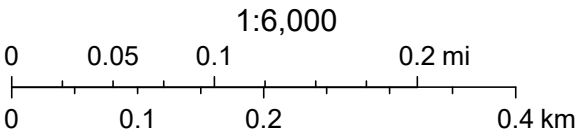
1. 1602 Summerland Ave ADU - Area Map
2. 1602 Summerland Ave ADU - Aerial Map
3. 1602 Summerland Ave ADU - Lakefront Table
4. 1602 Summerland Ave ADU - Plan Set
5. Neighbor Letter 1

1602 Summerland Ave ADU - Area Map



11/21/2024, 10:37:31 AM

Parcels Orange

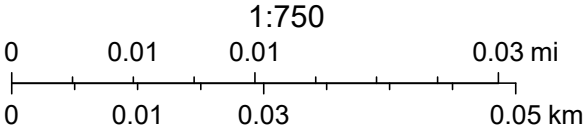


1602 Summerland Ave ADU - Aerial Map



11/21/2024, 10:36:49 AM

 Parcels Orange



Lakefront Site Plan Review: 1602 Summerland Ave ADU

	R-1AAA Requirements	Existing	Proposed
Zoning	N/A	R-1AAA	R-1AAA
Future Land Use	N/A	SFR	SFR
Lot Width	150 ft.	230 ft., 1 in.	230 ft., 1 in.
Lot Depth	N/A	281 ft., 5 in. (avg.)	281 ft., 5 in. (avg.)
Lot Area	25,000 sf	67,822 sf	67,822 sf
Floor Area Ratio	35% (23,738 sf)	17% (11,728 sf)	19% (13,009 sf)
Impervious Lot Coverage	50% (33,911 sf)	30% (20,402 sf)	34% (23,479 sf)
Front Setback (ADU)	20 ft.	4.5 ft.	10 ft.

BAGLEY'S GUEST HOUSE DESIGN PROPOSAL

1602 SUMMERLAND AVE, WINTER PARK, FL 32789



PLANNING AND ZONING PRESENTATION

Z

Casa Florida

1602 Summerland Ave

Project No.

Project Number

albaENGINEERING

C.A. #30556

DANIEL SOUTER, P.E.
P.E.# 63901
P.O. BOX 547774
ORLANDO, FL 32854
PHONE: (407) 421-4866

Developer
Name **Z PROPERTIES**
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Design:
Name **Z PROPERTIES**
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Structure:
Name **ALBA ENGINEER**
Address 731 W. Smith Street
Address Orlando, FL 32804
Tel: (407) 421-4866
Email dsouter@alba-eng.com

Trusses:
Name **K & M TRUSS INC**
Address 2928 N Orange Blossom Trail,
Address Zellwood, FL 32798
Tel: (407) 880-4551
Email keith@kmtruss.com

Landscape Architect:
Name
Address
Address
Tel:
Email

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel:
Email

Interior Design: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel:
Email

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date 11/13/2024 4:08:00 PM

Scale
Cover

000

Sheet No.



Casa Florida

1602 Summerland Ave

Project No.

Project Number

albaENGINEERING

C.A. #30556

DANIEL SOUTER, P.E.
P.E.# 63901
P.O. BOX 547774
ORLANDO, FL 32854
PHONE: (407) 421-4866

Developer

Name

Address

Address

Tel:

Email

Z PROPERTIES

219 W Comstock Ave, Winter Park, FL 32789

407.929.3303

Zane@zpropertiesinc.com

Design:

Name

Address

Address

Tel:

Email

Z PROPERTIES

219 W Comstock Ave, Winter Park, FL 32789

407.929.3303

Zane@zpropertiesinc.com

Structure:

Name

Address

Address

Tel:

Email

ALBA ENGINEER

731 W. Smith Street

Orlando, FL 32804

(407) 421-4866

dsouter@alba-eng.com

Trusses:

Name

Address

Address

Tel:

Email

K & M TRUSS INC

2928 N Orange Blossom Trail, Zellwood, FL 32798

(407) 880-4551

keith@kmtruss.com

Landscape Architect:

Name

Address

Address

Tel:

Email

Civil:

Name

Address

Address

Tel:

Email

Pools: NOT PART OF PERMIT SET

Name

Address

Address

Tel:

Email

-

-

-

-

Interior Design: NOT PART OF PERMIT SET

Name

Address

Address

Tel:

Email

-

-

-

-

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date11/13/2024 4:08:02 PM

Scale1" = 20'-0"

Project Data

A002

Sheet No.

PROJECT DATA

PARCEL ID31-21-30-8488-00-501
CITYWINTER PARK
ACREAGE7.15

PROPERTY DESCRIPTION
J E SWINDLEY SUB C/43 BEG 6 FT W OF SW COR LOT E RUN N 280 FT E TO E LINE LOT E S TO PT 55 FT N SE COR LOT E W TO PT 55 FT N & 26 FT E OF POB S TO PT 26 FT E OF POB W TO BEG & BEG 6 FT W OF SW COR OF LOT E RUN N 280 FT W 30 FT S, 215 FT E 5 FT M/L S 65 FT E TO POB (LESS FROM SE COR OF NW1/4 OF SW1/4 RUN W 31 FT N 255.56 FT FOR POB TH RUN N 25 FT E 50 FT S 25 FT W 50 FT TO POB)

ZONING
R-1AAA

TOTAL DRYLAND
67,822 SF

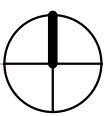
R-1AAA	REQUIREMENTS	EXISTING	PROPOSED
ZONING	R-1AAA		R-1AAA
FUTURE LAND USE	SFR		SFR
LOT WIDTH		230'-1"FT.	N/A
LOT DEPTH		281'-5" FT. (AVG.)	N/A
LOT AREA		67,8221 SF	N/A
FLOOR AREA RATIO	35% (23,738 SF)	N/A	19% (13,009 SF)
IMPERVIOUS LOT COVERAGE	50% (33,911 SF)	N/A	34% (23,479 SF)
FRONT SETBACK	20% 56'-2"	N/A	106'- 10" FT
SIDE SETBACKS			
1ST FLOOR	30 FT EA	N/A	30' FT/ 60' FT
2ND FLOOR	40 FT EA	N/A	30' FT/40' FT
LAKEFRONT SETBACK	65 FT(AVG.) > 50'	N/A	77'-0" FT

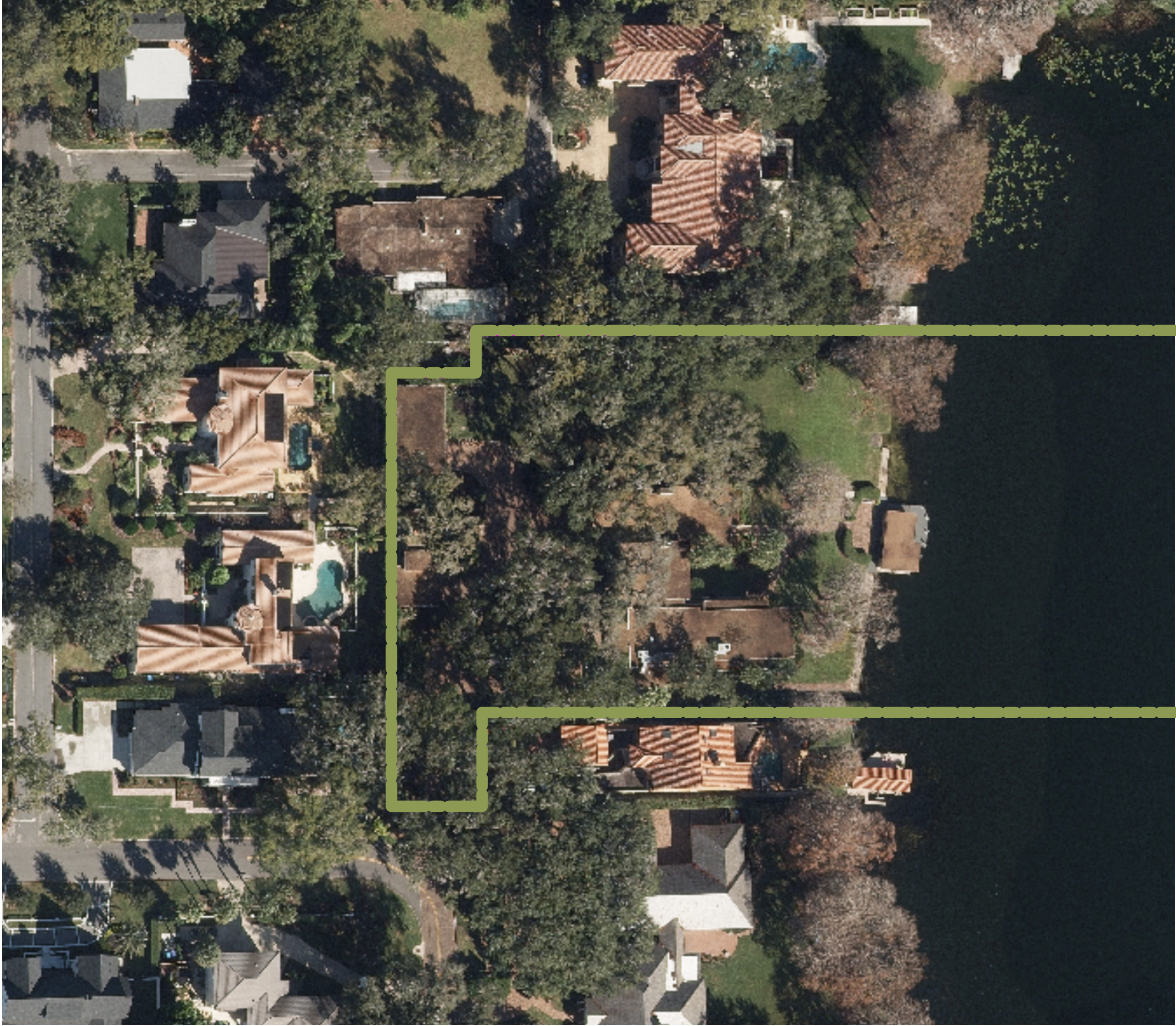
FLOOR AREA RATIO

DRYLAND ALLOWED	23,738SF (35%)	67,822 SF	
MAIN RESIDENCE			5,245 SF
1ST FLOOR			1,680 SF
2ND FLOOR			
EXIST. ACC. BLDGS		2,108 SF	2744 SF
GARAGE			700 SF
COVERED DECK			2640 SF
		TOTAL	13,009 SF 19%



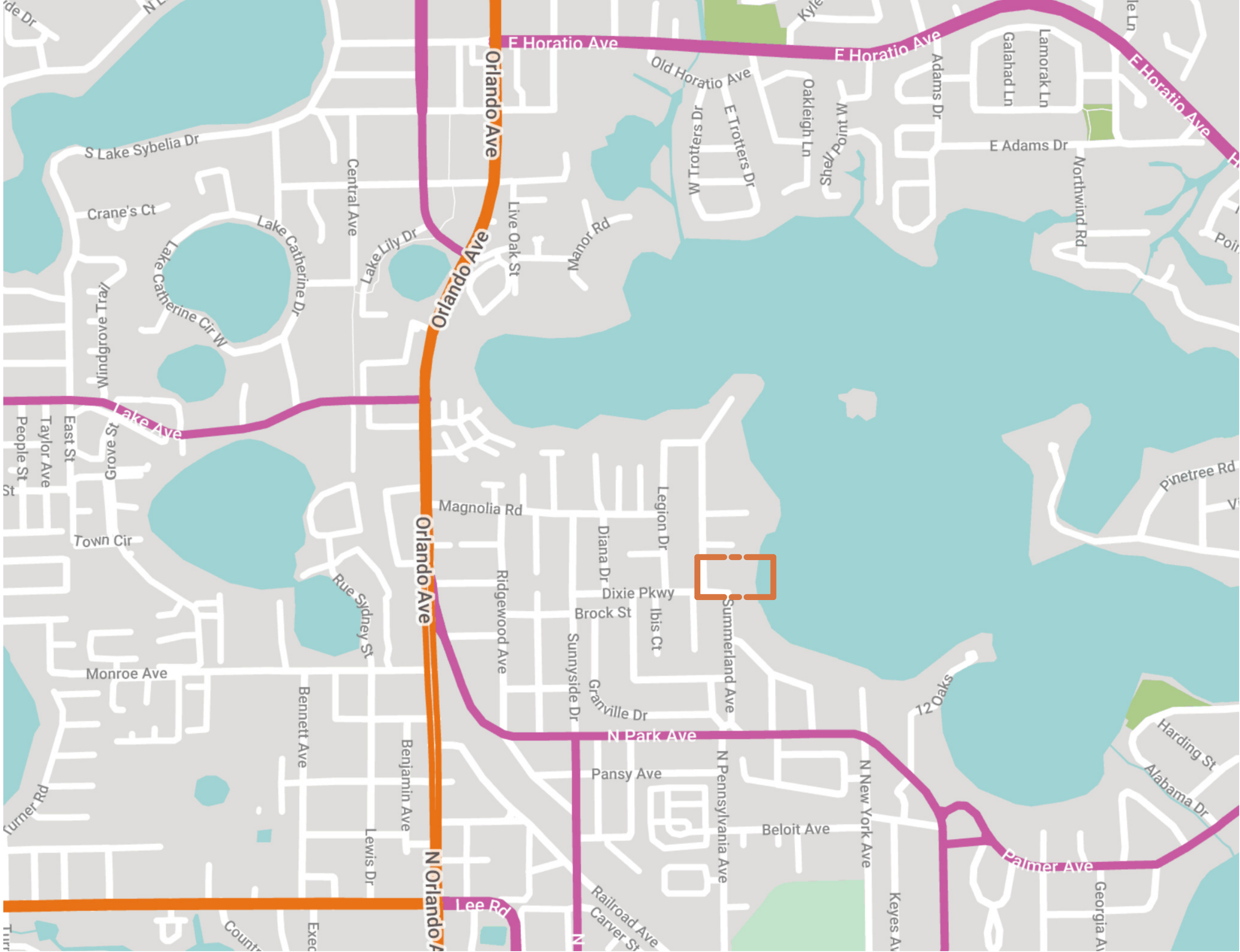
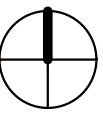
1 LOT COVERAGE DIAGRAM
1" = 20'-0"





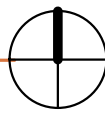
AERIAL VIEW

NTS. ONLY FOR REFERENCE



MAP

NTS. ONLY FOR REFERENCE



Casa Florida

1602 Summerland Ave

Project No.

Project Number

albaENGINEERING

C.A. #30556

DANIEL SOUTER, P.E.
P.E.# 63901
P.O. BOX 547774
ORLANDO, FL 32854
PHONE: (407) 421-4866

Developer

Name
Address
Address
Tel:
Email

Z PROPERTIES
219 W Comstock Ave, Winter Park,
FL 32789
407.929.3303
Zane@zpropertiesinc.com

Design:

Name
Address
Address
Tel:
Email

Z PROPERTIES
219 W Comstock Ave, Winter Park,
FL 32789
407.929.3303
Zane@zpropertiesinc.com

Structure:

Name
Address
Address
Tel:
Email

ALBA ENGINEER
731 W. Smith Street
Orlando, FL 32804
(407) 421-4866
dsouter@alba-eng.com

Trusses:

Name
Address
Address
Tel:
Email

K & M TRUSS INC
2928 N Orange Blossom Trail,
Zellwood, FL 32798
(407) 880-4551
keith@kmtruss.com

Landscape Architect:

Name
Address
Address
Tel:
Email

Civil:

Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET

Name
Address
Address
Tel:
Email

-
-
-
-

Interior Design: NOT PART OF PERMIT SET

Name
Address
Address
Tel:
Email

-
-
-
-

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date11/13/2024 4:08:02 PM

ScaleLocation

A003

Sheet No.



1602 Summerland Ave

Project No. _____

alba
ENGINEERING

C.A. #30556

DANIEL SOUTER, P.E.
P.E.# 63901
P.O. BOX 547774
ORLANDO, FL 32854
PHONE: (407) 421-4866

Developer	
Name	Z PROPERTIES
Address	219 W Comstock Ave, Winter Park,
Address	FL 32789
Tel:	407.929.3303
Email	Zane@zpropertiesinc.com

Design:

Name	Z PROPERTIES
Address	219 W Comstock Ave, Winter Park,
Address	FL 32789
Tel:	407.929.3303
Email	Zane@zpropertiesinc.com

Structure:

Name	ALBA ENGINEER
Address	731 W. Smith Street
Address	Orlando, FL 32804
Tel:	(407) 421-4866
Email	dsouter@alba-eng.com

Trusses:

Name	K & M TRUSS INC
Address	2928 N Orange Blossom Trail,
Address	Zellwood, FL 32798
Tel:	(407) 880-4551
Email	keith@kmtruss.com

Landscape Architect:
Name
Address
Address
Tel:
Email

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET

Name _____
Address _____
Address - _____
Tel: _____
Email _____

Interior Design: NOT PART OF PERMIT SET

Name _____
Address _____
Address _____
Tel: _____
Email _____

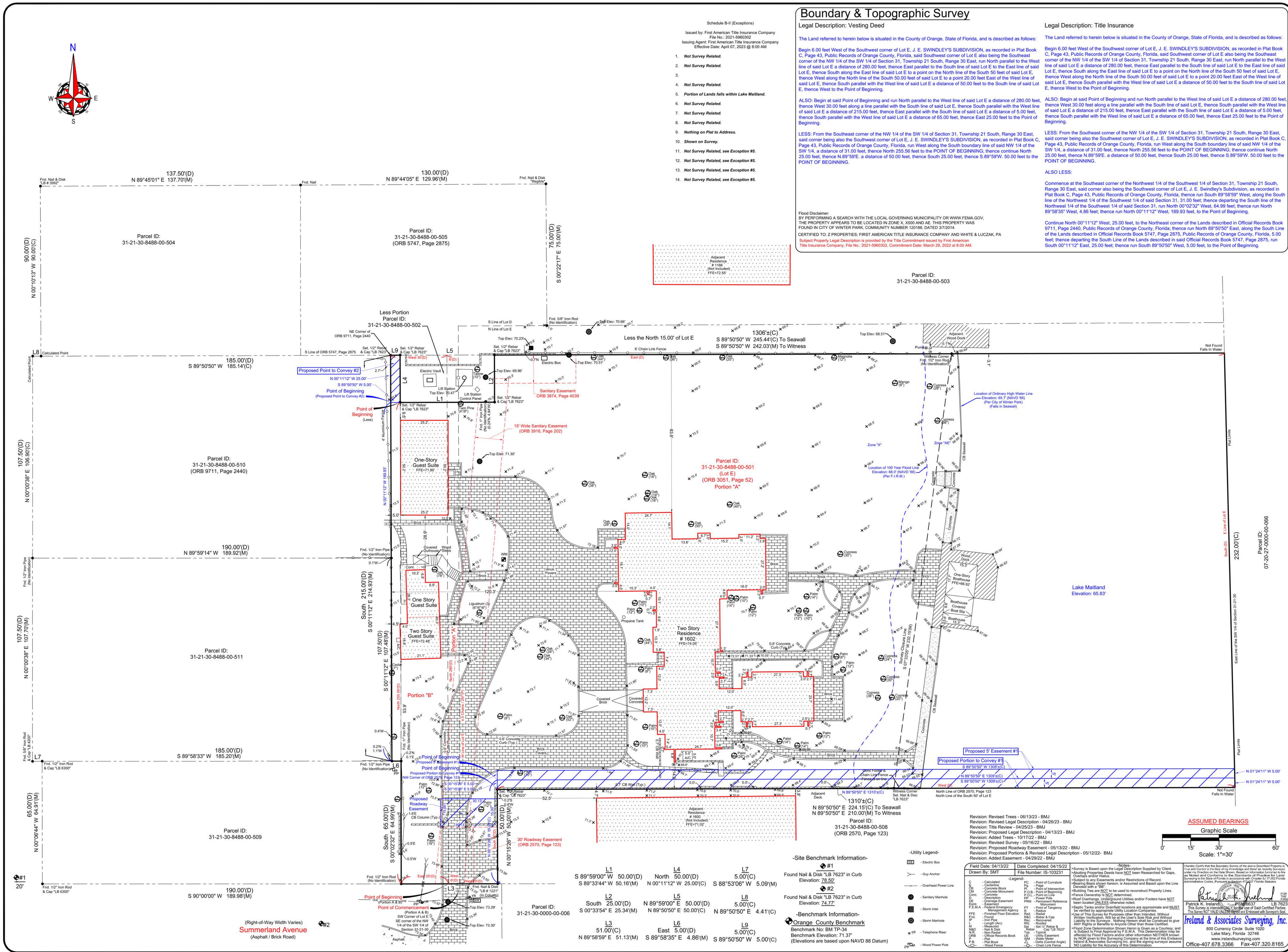
[illegible]

Date 11/13/2024 4:08:03 PM

Scale

Survey

A004

Sheet No. Page 17 of 9



Casa Florida

1602 Summerland Ave

Project No.

Project Number

albaENGINEERING

C.A. #30556

DANIEL SOUTER, P.E.
P.E.# 63901
P.O. BOX 547774
ORLANDO, FL 32854
PHONE: (407) 421-4866

Developer
Name **Z PROPERTIES**
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Design:
Name **Z PROPERTIES**
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Structure:
Name **ALBA ENGINEER**
Address 731 W. Smith Street
Address Orlando, FL 32804
Tel: (407) 421-4866
Email dsouter@alba-eng.com

Trusses:
Name **K & M TRUSS INC**
Address 2928 N Orange Blossom Trail,
Address Zellwood, FL 32798
Tel: (407) 880-4551
Email keith@kmtruss.com

Landscape Architect:
Name
Address
Address
Tel:
Email

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel:
Email

Interior Design: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel:
Email

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date 11/13/2024 4:08:03 PM

Scale
Renderings

A005



Casa Florida

1602 Summerland Ave

Project No.

Project Number

albaENGINEERING

DANIEL SOUTER, P.E.
P.E.# 63901
P.O. BOX 547774
ORLANDO, FL 32854
PHONE: (407) 421-4866

C.A. #30556

Developer

Name

Address

Address

Tel:

Email

Z PROPERTIES

219 W Comstock Ave, Winter Park,

FL 32789

407.929.3303

Zane@zpropertiesinc.com

Design:

Name

Address

Address

Tel:

Email

Z PROPERTIES

219 W Comstock Ave, Winter Park,

FL 32789

407.929.3303

Zane@zpropertiesinc.com

Structure:

Name

Address

Address

Tel:

Email

ALBA ENGINEER

731 W. Smith Street

Orlando, FL 32804

(407) 421-4866

dsouter@alba-eng.com

Trusses:

Name

Address

Address

Tel:

Email

K & M TRUSS INC

2928 N Orange Blossom Trail,

Zellwood, FL 32798

(407) 880-4551

keith@kmtruss.com

Landscape Architect:

Name

Address

Address

Tel:

Email

Civil:

Name

Address

Address

Tel:

Email

Pools: NOT PART OF PERMIT SET

Name

Address

Address

Tel:

Email

Interior Design: NOT PART OF PERMIT SET

Name

Address

Address

Tel:

Email

Rev.	Date

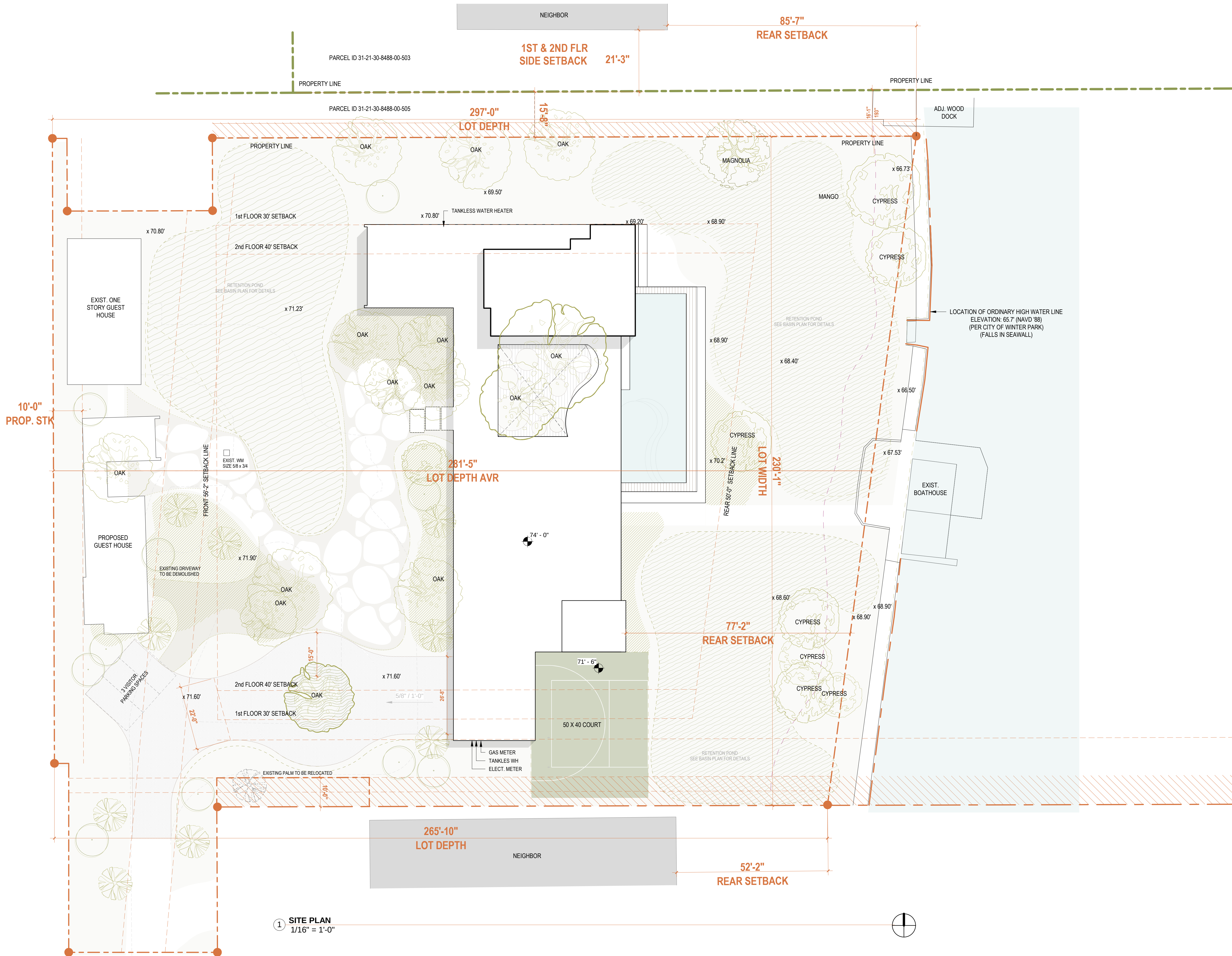
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date11/13/2024 4:08:06 PM

Scale1/16" = 1'-0"

Site Plan

A100





1602 Summerland Ave

Project No.	Project Number
-------------	----------------

alba
ENGINEERING

DANIEL SOUTER, P.E.
P.E.# 63901
P.O. BOX 547774
ORLANDO, FL 32854
PHONE: (407) 421-4866

Developer	
Name	Z PROPERTIES
Address	219 W Comstock Ave, Winter Park,
Address	FL 32789
Tel:	407.929.3303
Email	Zane@zpropertiesinc.com

Design:

Name	Z PROPERTIES
Address	219 W Comstock Ave, Winter Park,
Address	FL 32789
Tel:	407.929.3303
Email	Zane@zpropertiesinc.com

Structure:

Name	ALBA ENGINEER
Address	731 W. Smith Street
Address	Orlando, FL 32804
Tel:	(407) 421-4866
Email	dsouter@alba-eng.com

Trusses:

Name	K & M TRUSS INC
Address	2928 N Orange Blossom Trail,
Address	Zellwood, FL 32798
Tel:	(407) 880-4551
Email	keith@kmtruss.com

Landscape Architect:	
Name	
Address	
Address	
Tel:	
Email	

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET

Name	
Address	
Address	-
Tel:	-
Email	

Interior Design: NOT PART OF PERMIT SET

Name _____
Address _____
Address _____
Tel: _____
Email _____

Rev.	Date
------	------

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date 11/13/2024 4:08:10 PM

Scale	1/16" = 1'-0"
-------	---------------

Basin Plan

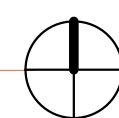
A102

Sheet No.

Page 20 of 98



① **BASIN PLAN**
1/16" = 1'-0"



RETENTION POND CALCS

DRYLAND	67,822 SF
IMPERVIOUS ALLOWED	33,911 SF (50%)

MAIN RESIDENCE	5,245 SF
EXIST. GUEST HOUSE	1274 SF
PROPOSED GUEST HOUSE	1470 SF

GARAGE	700 SF
COVERED DECK	2640 SF

SIDEWALKS	1800 SF
POOL DECK	1400 SF
COURT	2000 SF
DRIVEWAY	5000 SF
WALKWAY TO DOCK	1200 SF

POOL
100% 1500 SF

750 SF (50%)

TOTAL IMPERVIOUS 23,479 SF

OVERFLOW WATER CALCS

21,528 SF X 1" 23,479 CF

POND 1	6,876 CF
POND 2	8,285 CF
POND 3	8,970 CF

TOTAL 24,131 CF



Casa Florida

1602 Summerland Ave

Project No. Project Number

Developer
Name Z PROPERTIES
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Design:
Name Z PROPERTIES
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Structure:
Name ALBA ENGINEER
Address 731 W. Smith Street
Address Orlando, FL 32804
Tel: (407) 421-4866
Email dsouter@alba-eng.com

Trusses:
Name K & M TRUSS INC
Address 2928 N Orange Blossom Trail,
Address Zellwood, FL 32798
Tel: (407) 880-4551
Email keith@kmtruss.com

Landscape Architect:
Name
Address
Address
Tel:
Email

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel:
Email

Interior Design: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel:
Email

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

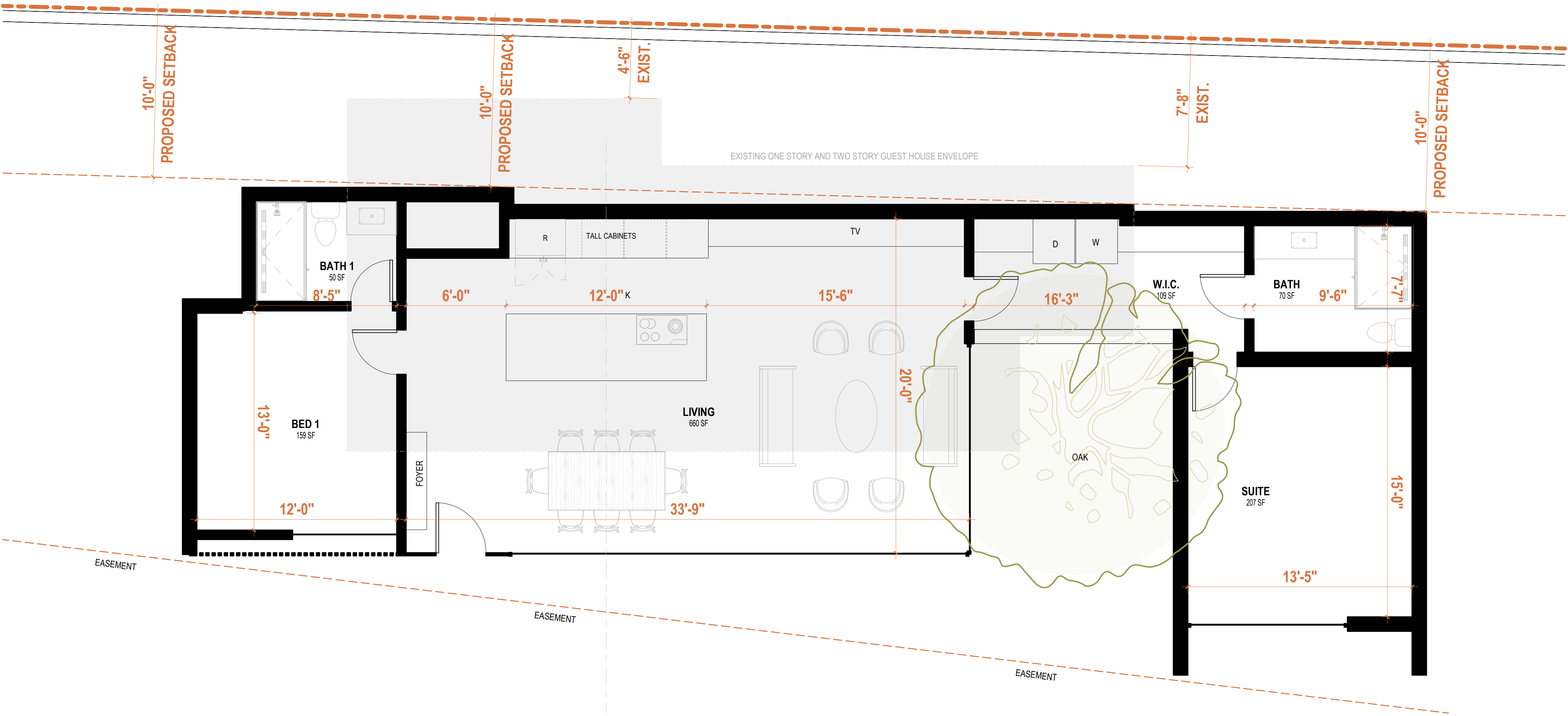
Date 11/13/2024 4:08:14 PM

Scale 1/4" = 1'-0"

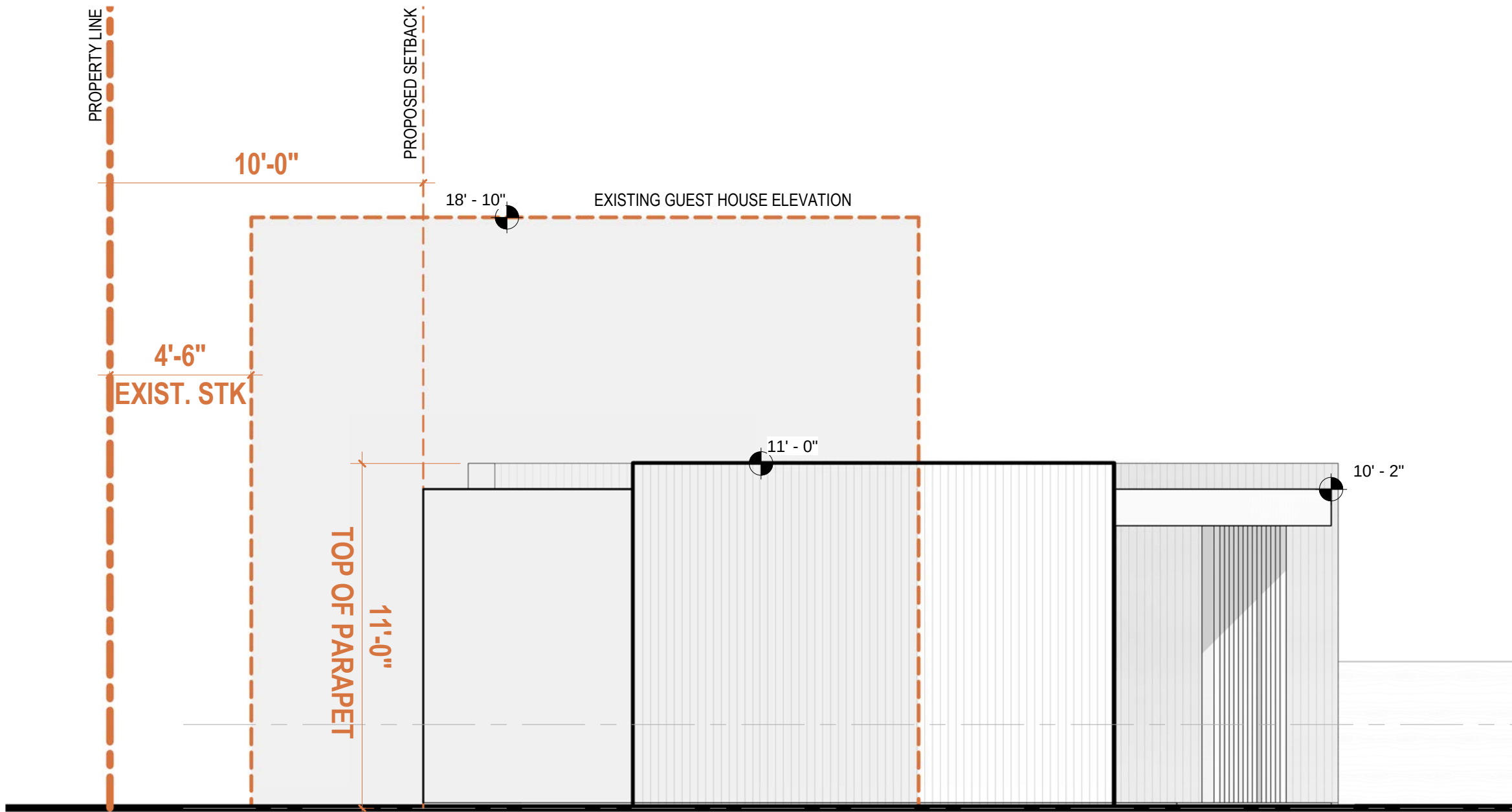
Guest House

A210

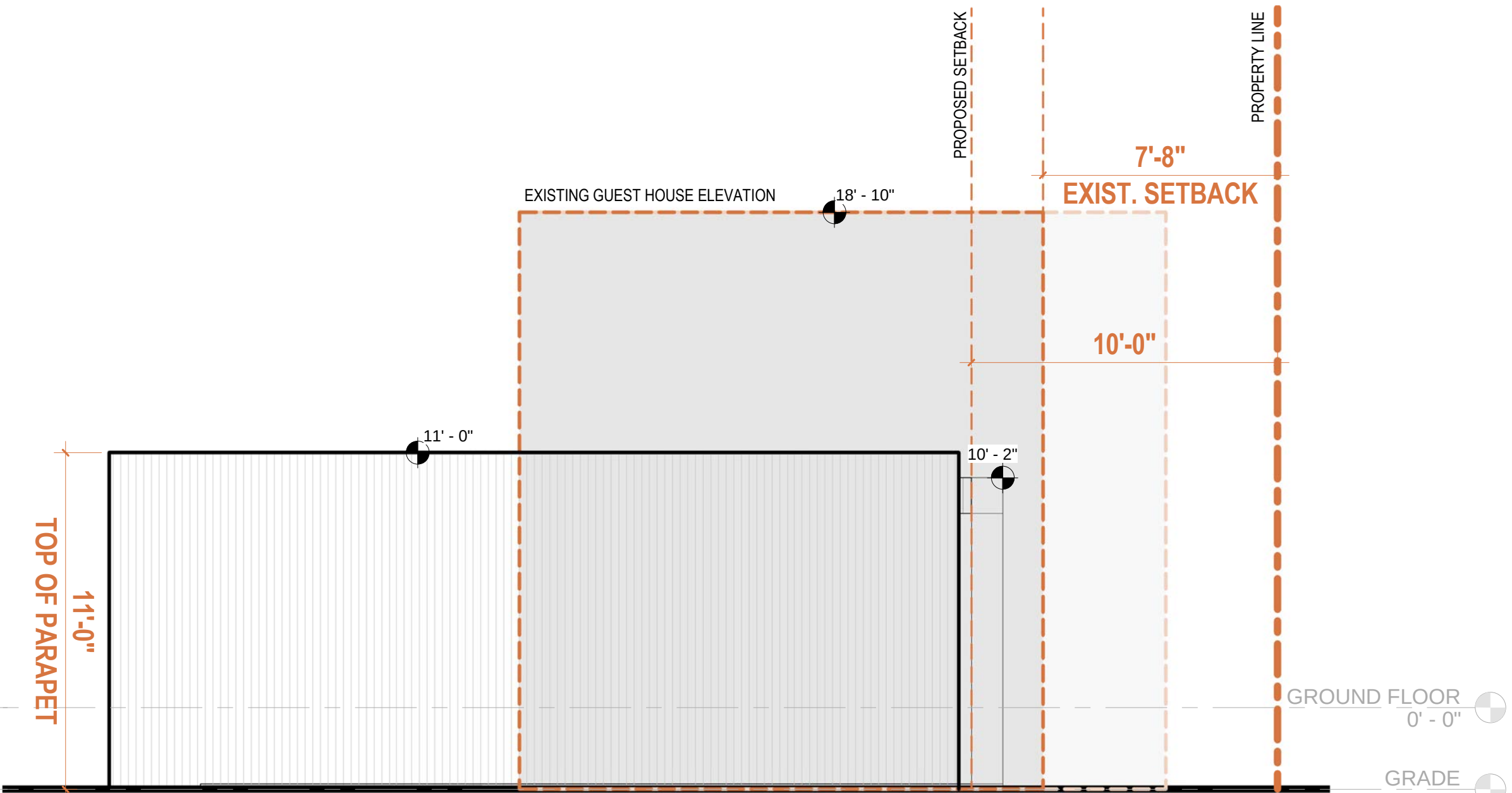
Sheet No. Page 21 of 98



1 GUEST HOUSE FLOOR PLAN
1/4" = 1'-0"



2 GUEST HOUSE SIDE ELEV 1
1/4" = 1'-0"



3 GUEST HOUSE SIDE ELEV 2
1/4" = 1'-0"



Casa Florida

1602 Summerland Ave

Project No. Project Number

Developer
Name Z PROPERTIES
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Design:
Name Z PROPERTIES
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Structure:
Name ALBA ENGINEER
Address 731 W. Smith Street
Address Orlando, FL 32804
Tel: (407) 421-4866
Email dsouter@alba-eng.com

Trusses:
Name K & M TRUSS INC
Address 2928 N Orange Blossom Trail,
Address Zellwood, FL 32798
Tel: (407) 880-4551
Email keith@kmtruss.com

Landscape Architect:
Name
Address
Address
Tel:
Email

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel: -
Email -

Interior Design: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel: -
Email -

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

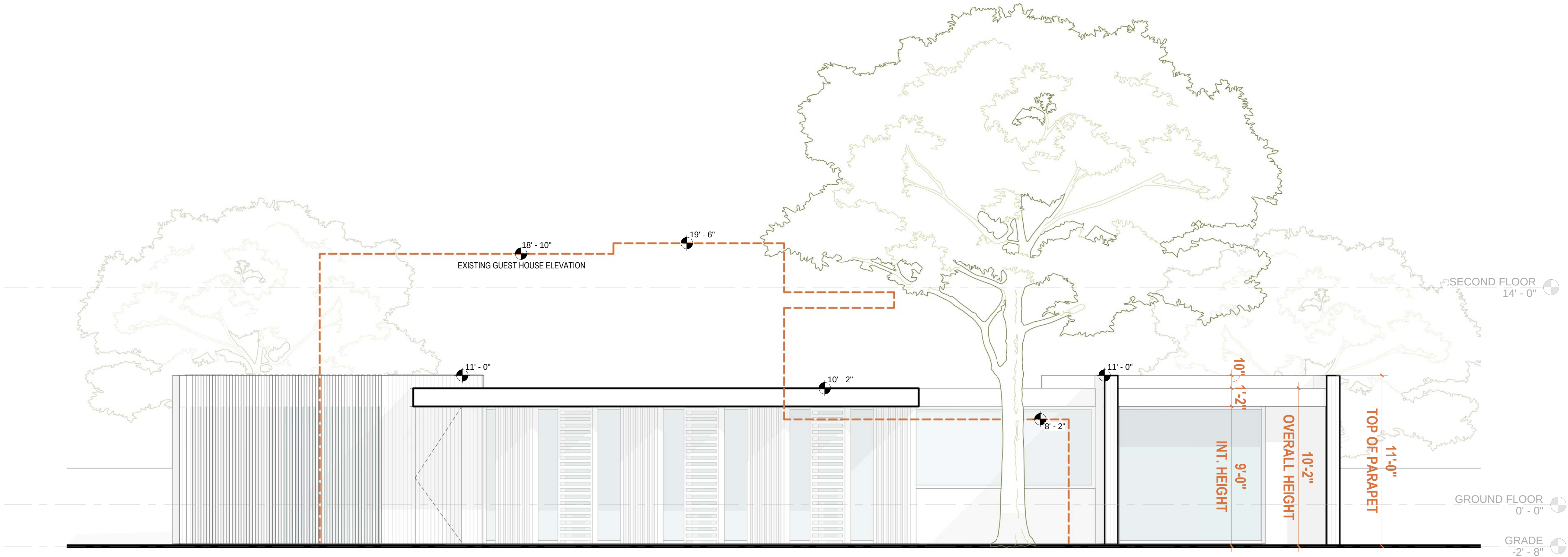
Date 11/13/2024 4:08:18 PM

Scale 1/4" = 1'-0"

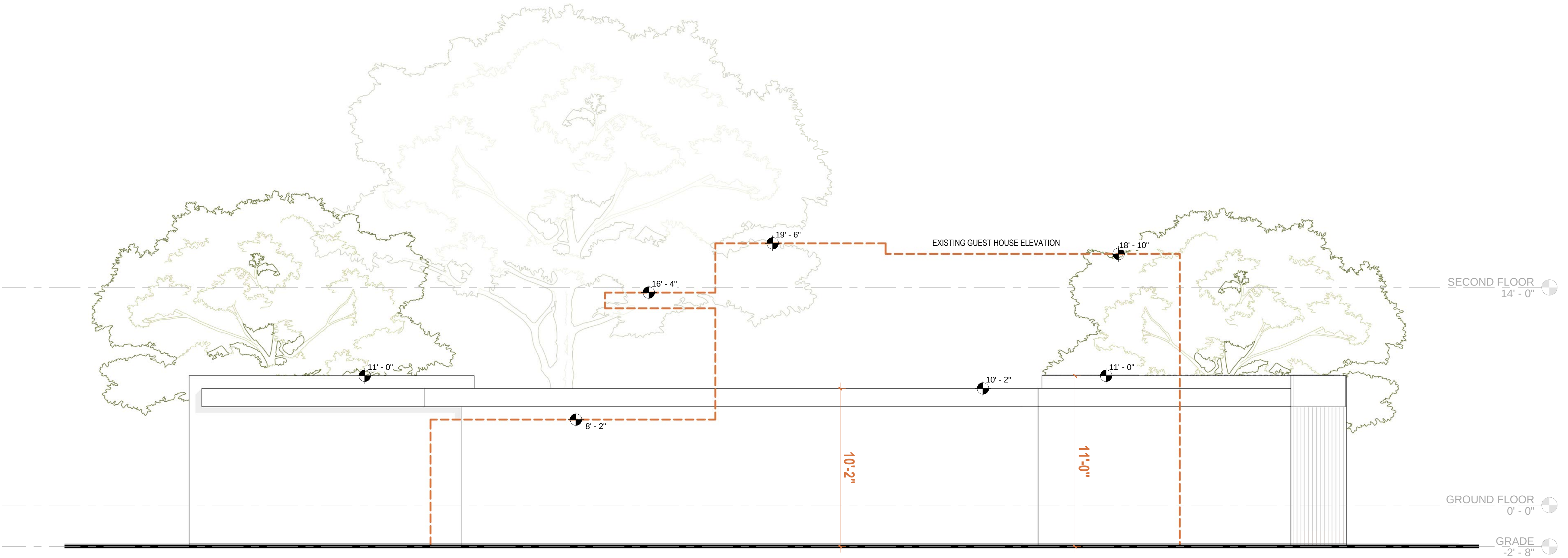
Guest House Elevations

A211

Sheet No. Page 22 of 98



1 GUEST HOUSE FRONT ELEVATION
1/4" = 1'-0"



2 GUEST HOUSE BACK ELEVATION
1/4" = 1'-0"



Hughes Inc.

November 22, 2024

To whom it may concern,

I have been in contact with both Zane Williams of Z Properties and the property owners, Ryan and Lauren Bagley about the proposed guest house at 1602 Summerland Ave. My wife and I live at 1601 Summerlad Ave which is next door to the Bagleys and we are excited about their new home. We have seen the design plans for the home and guest house and they look great. The plans call for the existing 2-story guest house to be demolished and replaced with a one story guest house.

We have worked with Z Properties on several projects including our personal residence and our office building. Zane and his team do an excellent job. We approve of the proposed guest house and look forward to the project being completed.

Would be happy to answer any other questions or provide additional info.

Thank you,

Patrick Hughes

phughes@hughes-capital.com

1601 Summerland Ave.

Winter Park, FL 32789



item type

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

meeting date

December 3, 2024

prepared by

Jeffrey Briggs

approved by

Mary Bush, Administrative Coordinator
III

subject

SPR #24-12. Request of Stuart and Christina Kirscht for approval to rebuild a new two-story single-family home in the location of the existing lakefront structure at 999 Genius Drive, on Lake Mizell, zoned R-1AAA.

motion | recommendation

Staff recommendation is for approval of the request with conditions:

1. That no above ground accessory structures, such as generators, fuel tanks, or AC compressors shall be located within a 6-foot side setback. That any gas line or switch gear must be located at least 5 feet from the side property line.
2. That no storm water drainage from this structure will flow onto the adjacent property.
3. That the property owner shall enter into a development agreement with the City to memorialize that this approval is based solely on replacement of an existing non-conforming structure, and such approval is based upon providing a specific remedy for the flooding experienced from a hurricane event, and that the replacement structure is slightly smaller in terms of square footage and footprint and provides an increase in the side setbacks to the adjacent neighbor. Additionally, the replacement structure generally conforms to the same architectural styling of the existing structure, and any approval shall not be precedent setting in any manner for the current or future property owners to allow any future replacement structure, or additions to the structure unless done so in complete compliance with the zoning code regulations.

background

In 1998, the applicants, Stuart and Christina Kirscht purchased the property at 999 Genius Drive on Lake Mizell. This is one of the more unique and interesting properties in the city.

One part of the uniqueness is that there are four single-family homes on the property. Two of the structures, the home fronting on Henkel Circle and the accessory apartment/home immediately behind it, were built in 1923 and 1928. The third single-family home that is located closest to Genius Drive was added in 1965. The fourth single-family home, located on

the lake edge, is the subject of this application. It was originally built on that water's edge in 1933 and expanded in size in 1953.

During Hurricane Ian, in September 2022, the 999 Genius Drive lake edge home was flooded with 18 inches of water. The applicants have video showing the flooding and the water line is still visible in parts of the first-floor walls. The applicants have been debating what to do since that time. One option is to restore the existing home, which may be done per City Code.

However, the applicants' concern is that "100-year storms" seem to be happening every 20 years and there is nothing precluding another occurrence of Hurricane Ian, which was primarily a rain event throughout Central Florida. Winter Park received between 12-14 inches of rain from Hurricane Ian which was after the summer thunderstorms had saturated the soil.

As the St. Johns River filled up to record flood levels. The water literally backed up in the rest of the St. Johns River drainage basin causing the record flooding in lakes all the way back to the Winter Park Chain of Lakes. As a result, the applicants would like to rebuild the entire structure with a first-floor elevation 2-feet higher, in a slightly smaller footprint. Because the entire structure is proposed for removal, the Planning and Zoning Board must approve setback variances in order to rebuild in the current location.

The applicants are requesting approval to construct a new replacement house with 3,985 square-feet of living area. This is slightly smaller than the existing house with 4,345 square feet of living area. The existing house is setback 12 feet 3 inches from the neighboring side property line with the existing boathouse at or actually over the extended property line. The initial version of the new replacement house was proposed at a 14-foot 10-inch side setback, a difference of about 2½ feet. That initial plan also relocated the boathouse component so that it was fully within the extended property line. The plans have been subsequently revised, and the current proposal is for the home to have a side setback of 18-feet 7-inches. The boathouse component then will have a 5-foot setback to the extended property line. Because the property line angles, the setback to the open front porch will be 10 feet to the closest point. The total impervious coverage for the entire property is not changing significantly. However, setback variances are required, as part of this request for the lakefront (same as existing) and side setbacks (as described above).

Setback Variances

The current structure does not comply with the current lakefront or side setbacks. The home was likely originally built when different lakefront and or side setbacks were in place. The variances proposed for the lakefront and side setbacks are equal to or more than the existing setbacks. It is important to point out that the location of the other homes on this property preclude rebuilding at the minimum 50-foot lakefront setback that would conform to City Code. For that reason, there are just two alternatives for the property owners. 1) re-store the home and hope that another Hurricane Ian does not happen; or 2) rebuild the home, as presented. The adjacent neighbors, Daniel and Patti Stasny, have provided the staff consent to this approval subject to the side setbacks proposed and with specific side setbacks for AC equipment, any generator and gas line or switch gear, and such has been incorporated into the proposed conditions of approval.

Lakefront Lot Review Criteria:

Tree Preservation

No trees are impacted by this request.

View from the Lake

Subject to approval by the Lakes and Waterways Board, two feet will be added to the existing seawall. However, the size, mass and scale of the new home will be virtually identical to what exists today. The increase in the two-foot height to the first-floor level takes the structure further above the 100-year floodplain elevation.

View of Neighbors

The code direction is to minimize the degradation of traditional views across properties by new construction that may impair traditional views of the neighbors. There is only one neighbor with affected views, the adjacent homeowners, Daniel and Patricia Stasny at 440 Henkel Circle. The new replacement home and boathouse are slightly smaller and a further setback which opens up a little more lake view, but it is not significant, and it is essentially the same as exists today. Having a new home that is 2-feet taller will block more views of the sky but not of the lake. It is important to remember, that this request is the option to rebuild versus restore. This lakefront home can remain as-is, in the current location and the same square footage via the restoration alternative with the same, view impact on the lake for the adjacent neighbor. Or a new home can be rebuilt with essentially the same lake view impact.

Summary

Again, the options are re-store or rebuild. Rebuilding provides some added side setback relief to the adjacent lakefront neighbor. With the setbacks proposed as established for accessory structures, the adjacent neighbors are in consent to this request. Overall, the plans meet the intent of the lakefront review criteria. The lakefront setback is not changing and will not further impair any neighboring views.

alternatives | other considerations

fiscal impact

attachments

1. Location map and aerial
2. Plans and Elevations - 8.13
3. 999 GENIUS DRIVE - REVISED SIDE SETBACKS - 11.19.24

[illegible]

KIRSCHT'S RESIDENCE

999 GENIUS DRIVE, WINTER PARK FL 32789



ARCHITECTURE PRELIMINARY SET
8/2024

Z

Kirscht's Residence

999 Genius drive, Winter Park, FL

Project No. Project Number

Developer
Name **Z PROPERTIES**
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Design:
Name **Z PROPERTIES**
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Structure:
Name
Address
Address
Tel:
Email

Trusses:
Name
Address
Address
Tel:
Email

Landscape Architect:
Name
Address
Address
Tel:
Email

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel: -
Email

Interior Design: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel: -
Email

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date 8/14/2024 2:08:04 AM

Scale
Cover

A000

Sheet No.

PROJECT DATA

PARCEL ID 08-22-30-3488-00-091
CITY WINTER PARK

PROPERTY DESCRIPTION
THOMAS M HENKELS ADDITION F/61 LOT 9 (LESS BEG NW COR THEREOF RUN SLY 150 FT ELY 71.7 FT N 150 FT WLY 37.5 FT TO POB) & BEG 265 FT S 37 DEG E FROM NW COR OF LOT 8 TH RUN S 69 DEG E 18.87 FT S 37 DEG E 30.5 FT TO LAKE SWLY ALONG LAKE TO SAID LOT LINE TH N 37 DEG W TO POB & (LESS R/W TAKING ON N PER 6541/8508) & THAT PART OF OCCUPIED PLATTED LAKE LYING SOUTHEASTERLY OF SAID LOT

ZONING
R-1AAA

TOTAL LAND AREA
144,325 SQFT (+/-) | 3.31 ACRES (+/-)

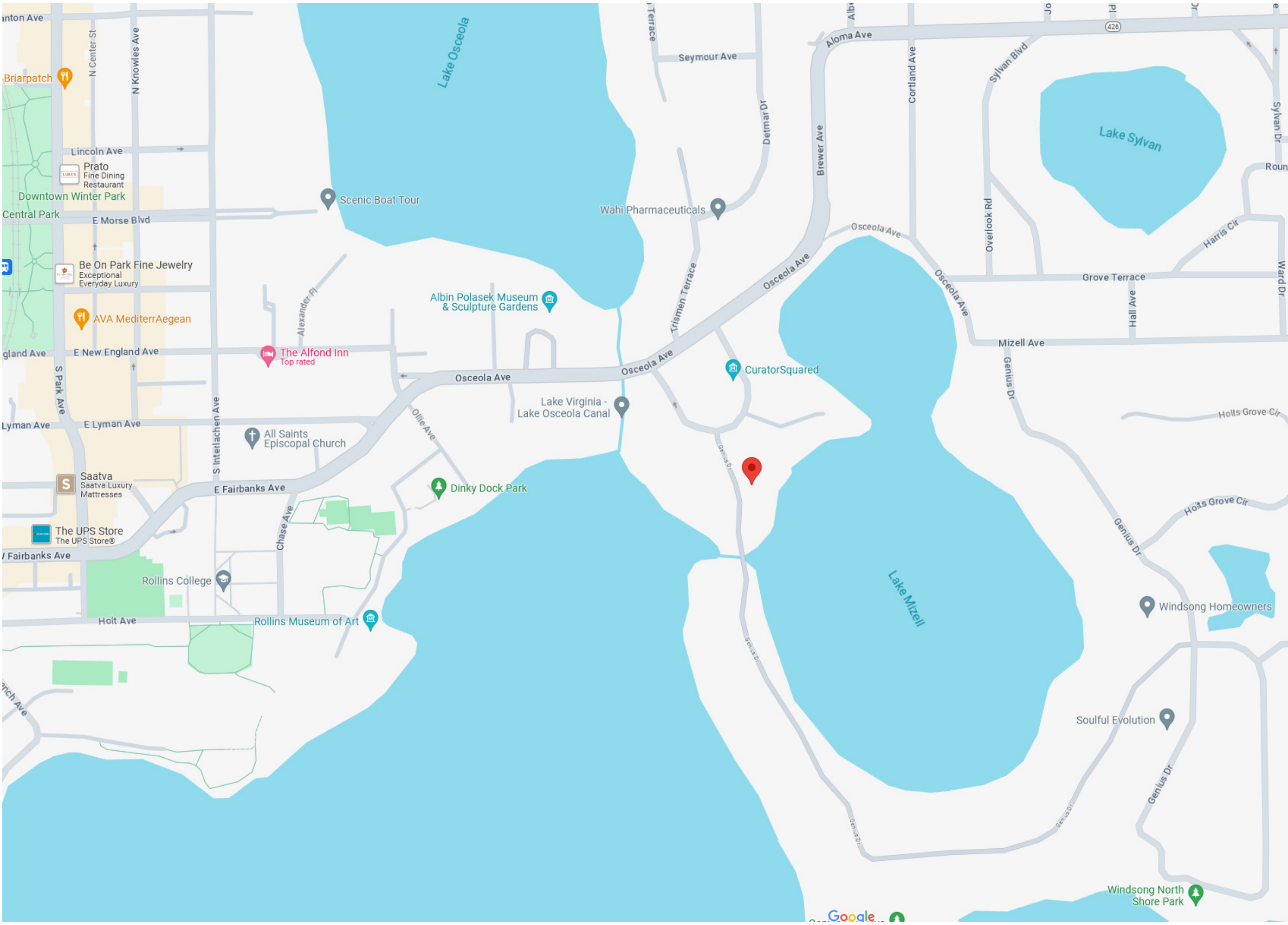
BLDG. HEIGHT	ALLOWED	PROPOSED
	35'-0"	30'-0"
EXISTING BUILDING AREA		
1ST FLOOR	3350 SF	
2NF FLOOR	1550 SF	
TOTAL	4900 SF	

BUILDING AREA	
1ST FLOOR:	2,560 SF
2ND FLOOR:	1,355 SF
TOTAL LIVING	3,915 SF
FRONT PORCH	300 SF
BACK PORCH	450 SF
SUNROOM	70 SF
TOTAL PORCHES	820



AERIAL VIEW

SCALE: N.T.S FOR REFERENCE ONLY



LOCATION MAP

SCALE: N.T.S FOR REFERENCE ONLY



Kirscht's Residence

999 Genius drive, Winter Park, FL

Project No. Project Number

Developer
Name Z PROPERTIES
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Design:
Name Z PROPERTIES
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Structure:
Name
Address
Address
Tel:
Email

Trusses:
Name
Address
Address
Tel:
Email

Landscape Architect:
Name
Address
Address
Tel:
Email

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET
Name
Address
Address
Tel:
Email

Interior Design: NOT PART OF PERMIT SET
Name
Address
Address
Tel:
Email

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date 8/14/2024 2:08:04 AM

Scale
Project Data

A001

Sheet No.



Kirscht's Residence

999 Genius drive, Winter Park, FL

Project No. Project Number

Developer
Name Z PROPERTIES
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Design:
Name Z PROPERTIES
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Structure:
Name
Address
Address
Tel:
Email

Trusses:
Name
Address
Address
Tel:
Email

Landscape Architect:
Name
Address
Address
Tel:
Email

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel: -
Email -

Interior Design: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel: -
Email -

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date 8/14/2024 2:08:04 AM

Scale

Existing Photos

A002

Sheet No.



Kirscht's Residence

999 Genius drive, Winter Park, FL

Project No. Project Number

Developer
Name **Z PROPERTIES**
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Design:
Name **Z PROPERTIES**
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Structure:
Name
Address
Address
Tel:
Email

Trusses:
Name
Address
Address
Tel:
Email

Landscape Architect:
Name
Address
Address
Tel:
Email

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel: -
Email

Interior Design: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel: -
Email

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date 8/14/2024 2:08:04 AM

Scale
Render

A003

Sheet No.



Kirscht's Residence

999 Genius drive, Winter Park, FL

Project No.	Project Number
-------------	----------------

Developer	
Name	Z PROPERTIES
Address	219 W Comstock Ave, Winter Park,
Address	FL 32789
Tel:	407.929.3303
Email	Zane@zpropertiesinc.com

Design:	
Name	Z PROPERTIES
Address	219 W Comstock Ave, Winter Park,
Address	FL 32789
Tel:	407.929.3303
Email	Zane@zpropertiesinc.com

Structure:	
Name	
Address	
Address	
Tel:	
Email	

Trusses:	
Name	
Address	
Address	
Tel:	
Email	

Landscape Architect:	
Name	
Address	
Address	
Tel:	
Email	

Civil:	
Name	
Address	
Address	
Tel:	
Email	

Pools: NOT PART OF PERMIT SET	
Name	
Address	-
Address	-
Tel:	-
Email	

Interior Design: NOT PART OF PERMIT SET	
Name	
Address	-
Address	-
Tel:	-
Email	

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date	8/14/2024 2:08:04 AM
------	----------------------

Scale	Render 2
-------	----------

A004

Sheet No.	
-----------	--



Kirscht's Residence

999 Genius drive, Winter Park, FL

Project No. Project Number

Developer
Name **Z PROPERTIES**
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Design:
Name **Z PROPERTIES**
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Structure:
Name
Address
Address
Tel:
Email

Trusses:
Name
Address
Address
Tel:
Email

Landscape Architect:
Name
Address
Address
Tel:
Email

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel: -
Email

Interior Design: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel: -
Email

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date 8/14/2024 2:08:04 AM

Scale

Render 3

A005

Sheet No. Page 33 of 98



Kirscht's Residence

999 Genius drive, Winter Park, FL

Project No. Project Number

Developer
Name Z PROPERTIES
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Design:
Name Z PROPERTIES
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Structure:
Name
Address
Address
Tel:
Email

Trusses:
Name
Address
Address
Tel:
Email

Landscape Architect:
Name
Address
Address
Tel:
Email

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel:
Email

Interior Design: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel:
Email

Rev.	Date

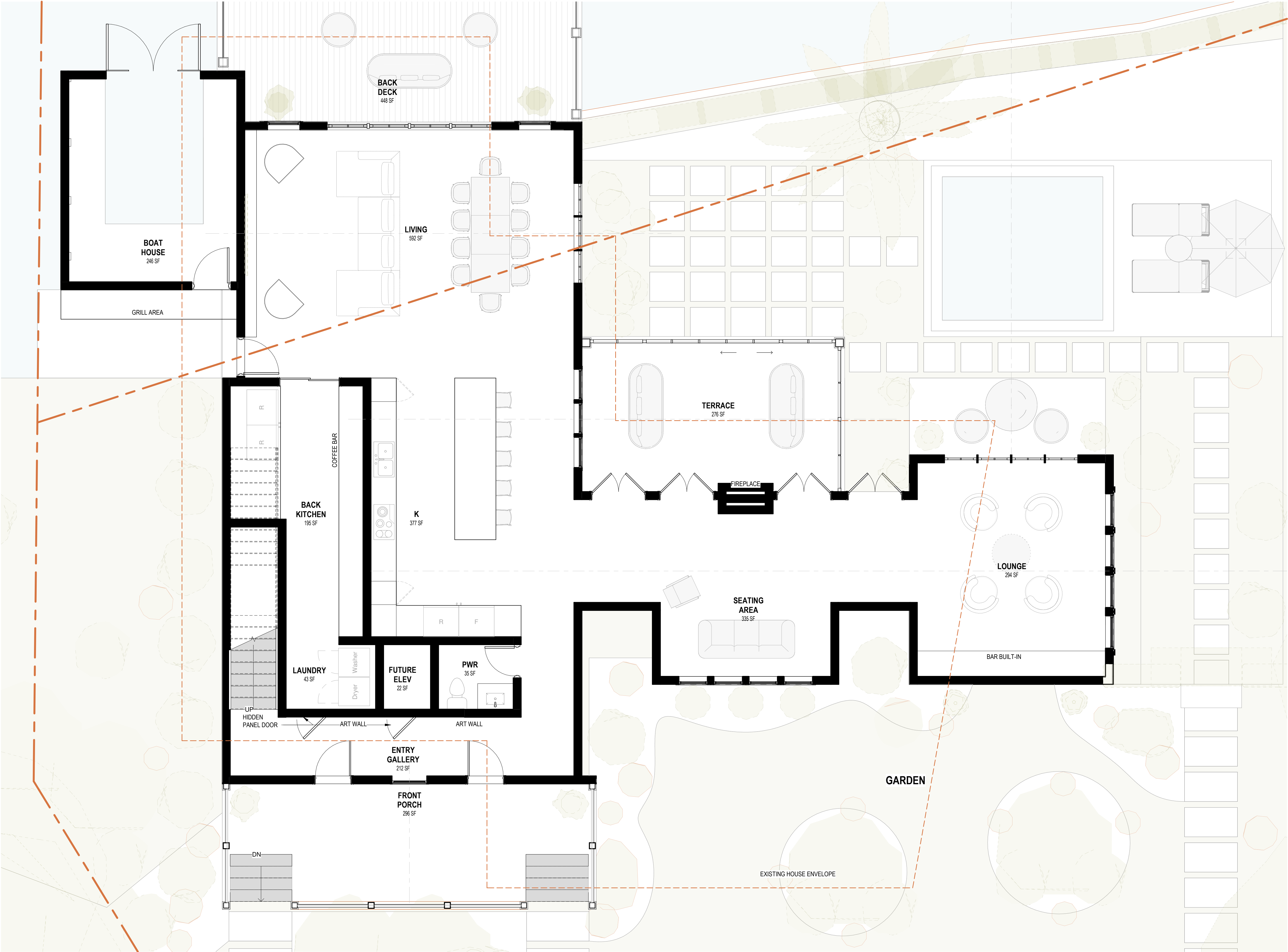
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date 8/14/2024 2:08:04 AM

Scale
Render 4

A005.1

Sheet No.



1 PROPOSED FLOOR PLAN
1/4" = 1'-0"



Kirscht's Residence

999 Genius drive, Winter Park, FL

Project No. Project Number

Developer
Name Z PROPERTIES
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Design:
Name Z PROPERTIES
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Structure:
Name
Address
Address
Tel:
Email

Trusses:
Name
Address
Address
Tel:
Email

Landscape Architect:
Name
Address
Address
Tel:
Email

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET
Name
Address
Address
Tel:
Email

Interior Design: NOT PART OF PERMIT SET
Name
Address
Address
Tel:
Email

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

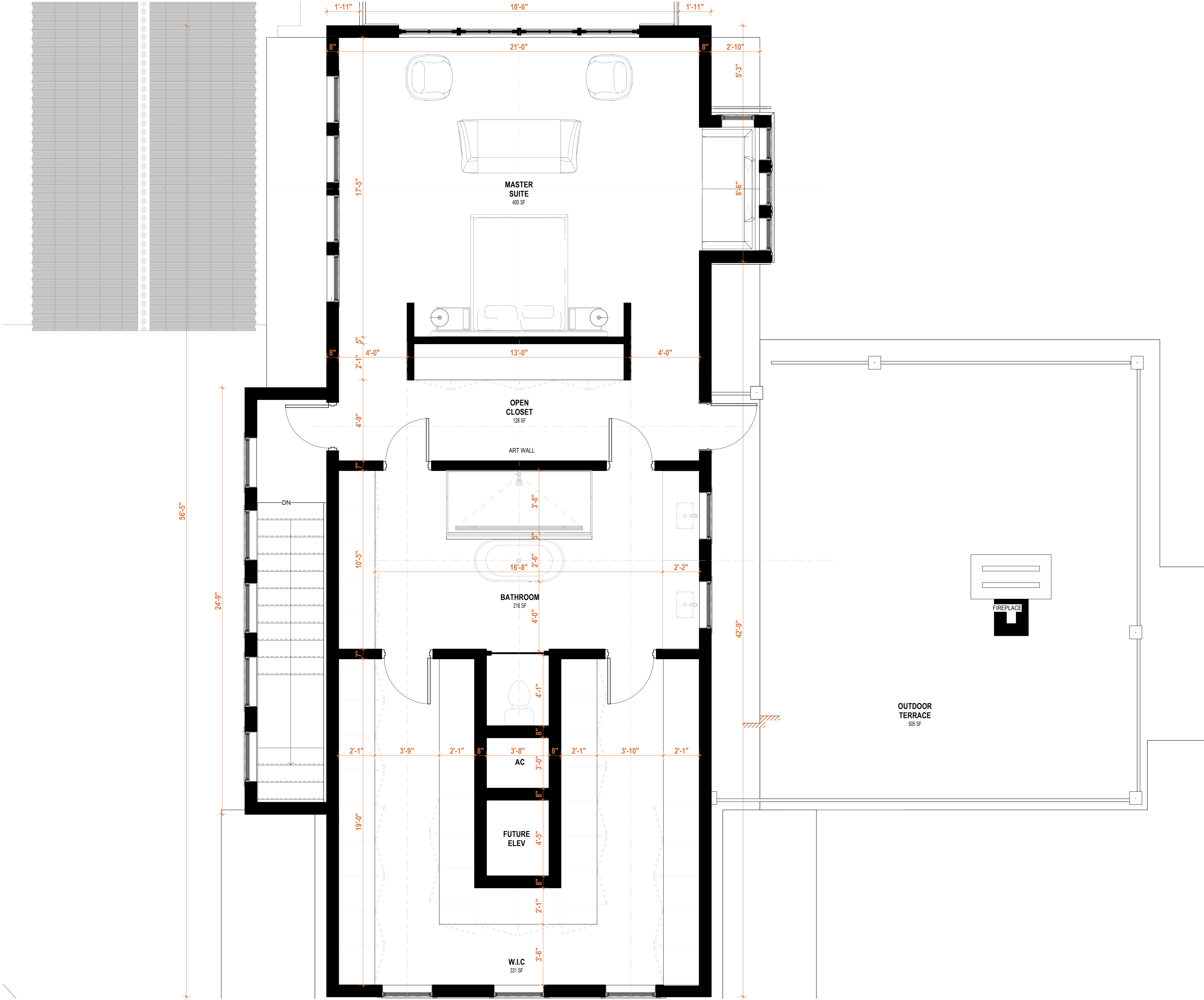
Date 8/14/2024 2:08:10 AM

Scale 1/4" = 1'-0"

Ground Floor

A006

Sheet No. Page 35 of 98



1 PROPOSED SECOND FLOOR PLAN
3/8" = 1'-0"



Kirscht's Residence

999 Genius drive, Winter Park, FL

Project No. Project Number

Developer
Name **Z PROPERTIES**
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Design:
Name **Z PROPERTIES**
Address 219 W Comstock Ave, Winter Park,
Address FL 32789
Tel: 407.929.3303
Email Zane@zpropertiesinc.com

Structure:
Name
Address
Address
Tel:
Email

Trusses:
Name
Address
Address
Tel:
Email

Landscape Architect:
Name
Address
Address
Tel:
Email

Civil:
Name
Address
Address
Tel:
Email

Pools: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel:
Email

Interior Design: NOT PART OF PERMIT SET
Name
Address -
Address -
Tel:
Email

Rev.	Date

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE THE ORIGINAL AND UNPUBLISHED WORK OF Z PROPERTIES INC., AND MAY NOT BE DUPLICATED, USED, OR DISCLOSED WITHOUT THE EXPRESS WRITTEN CONSENT OF Z PROPERTIES INC.

Date 8/14/2024 2:08:11 AM

Scale 3/8" = 1'-0"

2ND Floor

A007

Sheet No. Page 36 of 98



Project No.	Project Number
-------------	----------------

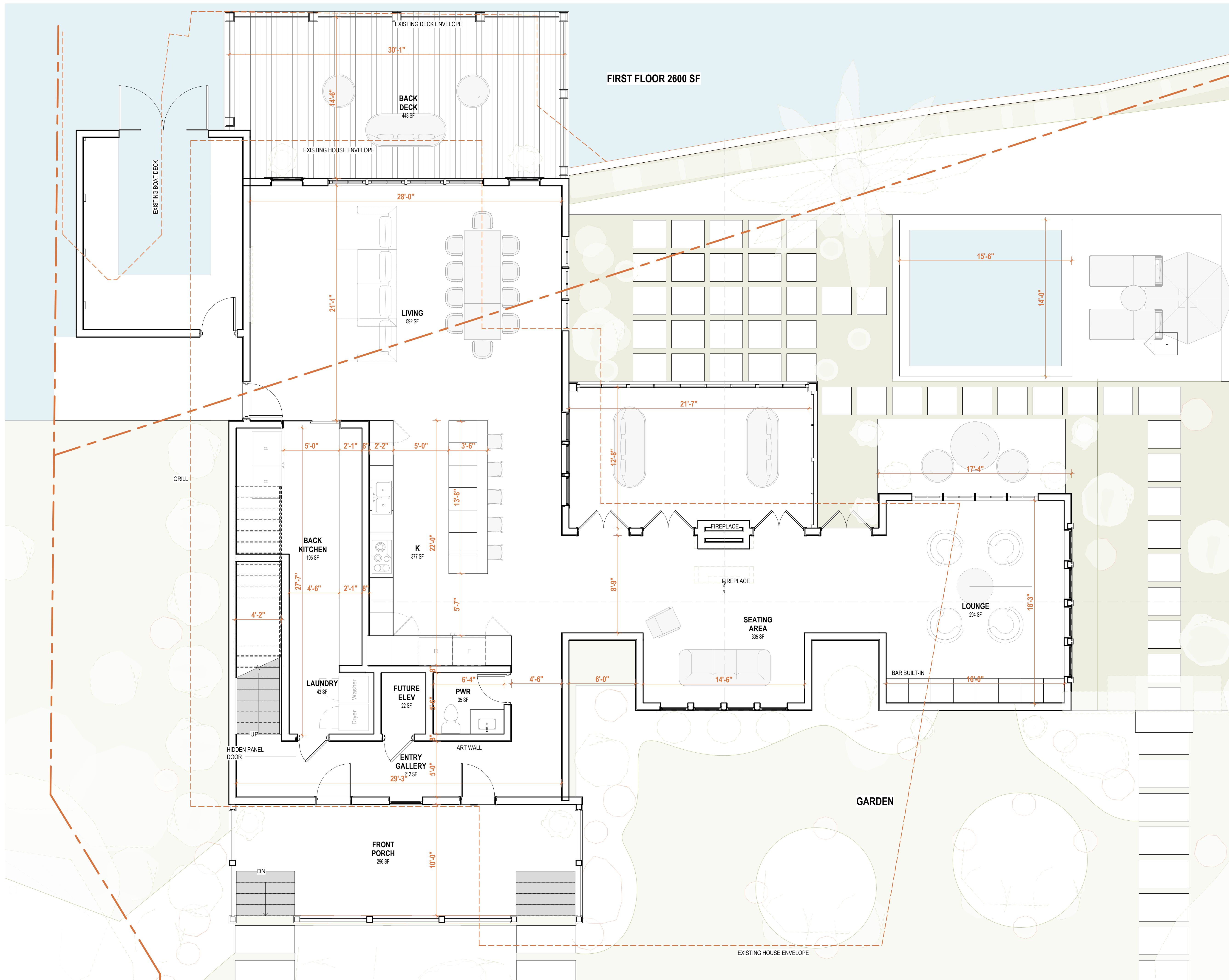
Interior Design: NOT PART OF PERMIT SET

Name _____
Address _____
Address _____
Tel: _____
Email _____

A008

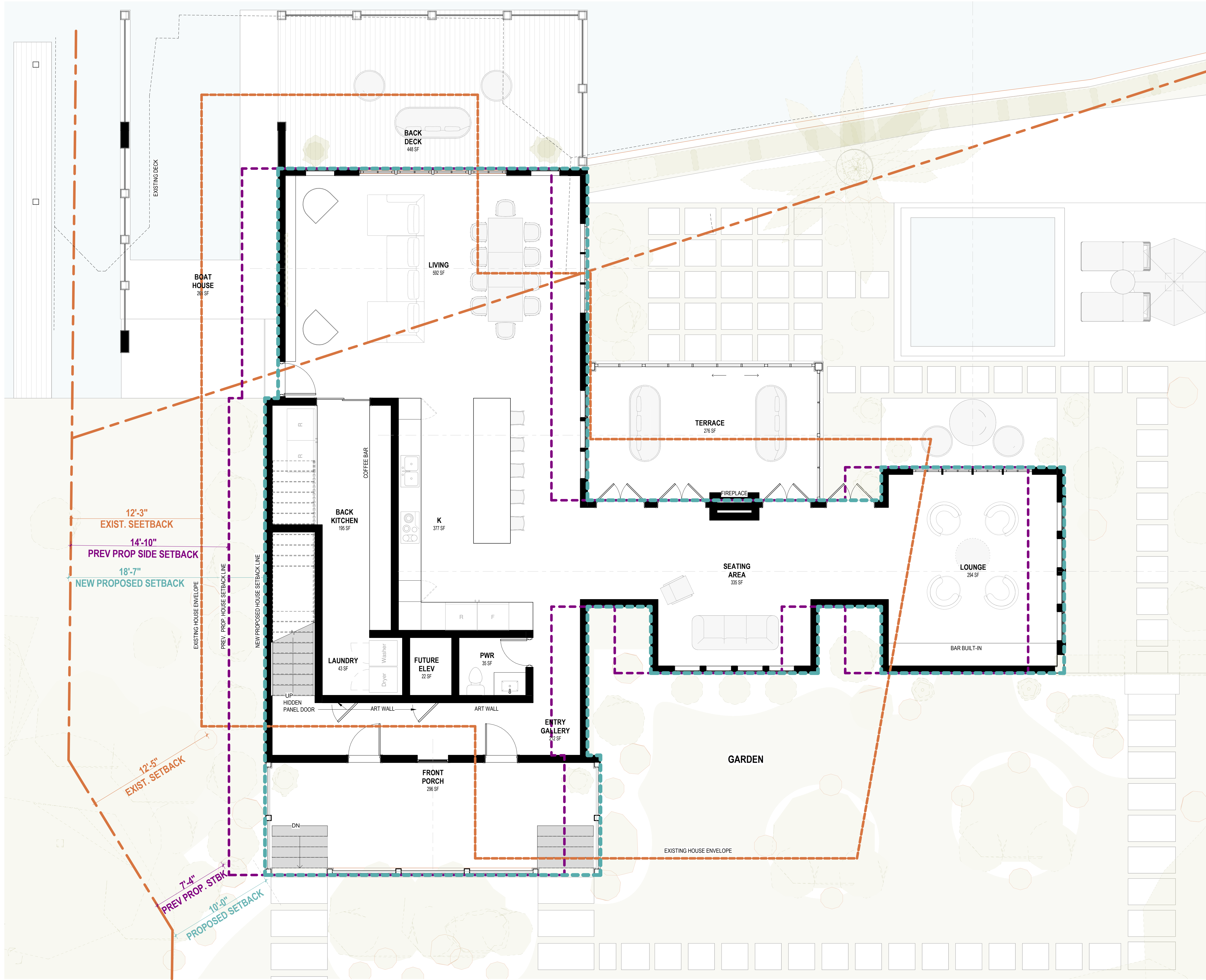
Sheet No.

Page 37 of 98



1 PROPOSED FLOOR PLAN DIM

$$1/4'' = 1'-0''$$





Planning & Zoning Board

agenda item 4.d

item type

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

meeting date

December 3, 2024

prepared by

Jeffrey Briggs

approved by

Mary Bush, Administrative Coordinator
III

subject

APP #1-24. Request of the Winderweedle Law Firm on behalf of Jonathan Cole for: An Appeal pursuant to City Code Section 58-94 (b) of the determination that the landscaping currently in place is in violation of a condition of approval for the redevelopment of the property granted by the Planning and Zoning Board on May 4, 2021 on Lake Virginia, zoned R-1AAA.

motion | recommendation

The staff recommendation is to confirm the determination of the zoning official that a violation now exists with landscaping over six feet in height in several locations on the lakefront portion of this property between the house down to the lake.

background

Jonathan Cole (owner) requested approval from the Planning and Zoning Board on May 4, 2021 to construct a new, two-story, 6,303 square-foot, single-family home at 721 Virginia Drive, on Lake Virginia, zoned R-1AAA. This property is 19,318 square feet in size and adjacent to neighboring homes at 681 and 741 Virginia Drive.

The full minutes of that request are attached. An issue during the meeting was the judgement to be made by the Planning and Zoning Board as to the effect on the adjacent two neighbors to the east, of the placement of the home in "unduely impairing" the lake views of such homes. This was an unusual scenario due to the location of the homes in a cove in the southeast corner of Lake Virginia such that the predominant lake view was not directly out in front of such homes but to a large degree across the lakefront portion of the subject property.

It is important to emphasize that Mr. Cole was asking for an approval from the Planning & Zoning Board to build the home closer to the lake than the average lakefront setback. If the home had been required to locate at the average lakefront setback, then the two eastern neighbors agreed that their lake views would not be "unduely impaired". However, Mr. Cole desired to build more square footage than could otherwise be done if the house was held to the average lakefront setback. As a result, the two neighbors to the east objected to the request due to their perceived diminishment of their predominant lakeview to the northwest by the extension of the new house into the average lakefront setback.

The Planning and Zoning Board approved the new home to protrude into the lakefront setback, and minimized that protrusion with a six-foot variance in the front to move the proposed house six feet closer to the street as requested by Mr. Cole, in full. The neighbors did not receive the changes to the building plans that were requested. However, to ameliorate the visual impact upon the two neighbors and in protection of the two neighbors' property values, the Planning and Zoning Board included Condition #2 (below), which was explained in much further detail by Mr. Briggs during his presentation which explains the proposed Condition #2 that would not allow the planting or growing of landscaping/trees on the lakefront from the house structure that would be over six feet in height. That otherwise, such landscaping at taller heights, in the conclusion of the Planning and Zoning Board would "unduely impair" the two neighbors' traditional and previously held views of Lake Virginia.

Mr. Briggs staff recommendation explained that "the worst-case scenario" for the neighbors would be no limit to the height of landscaping on the lakefront, which then could allow, for example, 30-foot tall bamboo that would completely block their view shed of the lake. As a result, a condition of approval was necessary and prudent in this particular case, given the unique characteristics of the lake views, to maintain the current open lakefront view shed, which had no vegetation in the view shed then over six feet in height.

Motion made by David Bornstein, seconded by Michael Spencer, for approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA with the following conditions:

- That the applicant be granted a variance to the front setback to move the home six feet closer to the street creating no less than an 87-ft lakefront setback.
- That any vegetation going down to the lakefront not exceed six feet in height.
- That bamboo screening be used along the side property lines for the length of home.

Motion carried with a 6-1 vote. (In Favor: Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Opposed: Jim Fitch)

The staff has reviewed the audio from the May 4, 2021 P&Z Board meeting to refresh our memory on the details of the landscaping condition discussion. During his oral report to the P&Z Board, Mr. Briggs indicated that there should be no landscaping going down the property line over six feet in height and that the area of the landscaping condition is down the property line from the end of the residential structure to the lake. Mr. Briggs indicated that the landscaping condition is to prohibit any landscaping expected to grow more than 6 feet in height. The applicant's attorney, Ms. Bonifay stated on the record during the May 4, 2021, hearing that the applicant was in agreement with the landscaping condition articulated by Mr. Briggs. It is the staff's position that the P&Z Board's condition of approval was to adopt Mr. Briggs' proposed condition as agreed to by the applicant's legal representative to prohibit any landscaping that is expected to grow any taller than 6 ft. at any point going down the property line starting from the end of the house all the way down to the lake.

Current Status

On August 28, 2024, it was reported to the City that landscaping was being installed on the

lakefront of the subject property at 721 Virginia Drive taller than six feet in height. The City immediately emailed Mr. Cole of the violation, assuming that, perhaps in the intervening three years, the condition of approval had been forgotten. In response Mr. Cole continued to have additional landscaping installed and informed the City that the landscaping was “totally in compliance with all rules”.

The City has determined that the landscaping over six feet in height is in violation of the Zoning Approval Condition #2. The Winderweeple Law Firm on behalf of Mr. Cole then filed an appeal of the determination that the landscaping over six feet in height is in violation of Condition #2. The basis for the appeal is the narrative and exhibits provided by the Winderweeple Law Firm. After the advertisement and mailed notices, this matter is before the Planning and Zoning Board for interpretation of whether a violation exists. Since three of the P&Z members from May 2021 are still on P&Z, they can assist in providing perspective on this question.

In a sense, this appeal is fortunate in that otherwise the matter would have proceeded to the Code Compliance Board. They would not have the insight and experience in such matters and may likely have wanted a recommendation from the Planning and Zoning Board to see whether a violation exists. If this matter does eventually proceed to the Code Compliance Board, then this decision will be valuable. However, before that happens, the verdict on this appeal may be accepted by Mr. Cole and/or the neighbors or either party may further appeal to the City Commission, following a subsequent advertisement and notice.

Summary and Recommendation

In listening to the audio file from the May 4, 2021 P&Z meeting, it is clear that the staff was recommending that there be no landscaping any taller than 6 ft. at any point starting from the end of the house on that lakefront portion of the property. The motion reflected in the minutes was not as specific as the staff’s recommendation during the hearing. It appears to be a reasonable interpretation that the Board’s intent was to accept the staff’s recommended landscaping conditions. That is further supported by the fact that the applicant’s attorney (Ms. Bonifay) stated on the record during the May 4, 2021, meeting that the applicant had no objection to and would “happily agree to” your proposed landscaping condition. A seven-minute audio excerpt of that entire audio file will be played and entered into the record to support this position, which is the basis of the determination of the violation.

alternatives | other considerations

fiscal impact

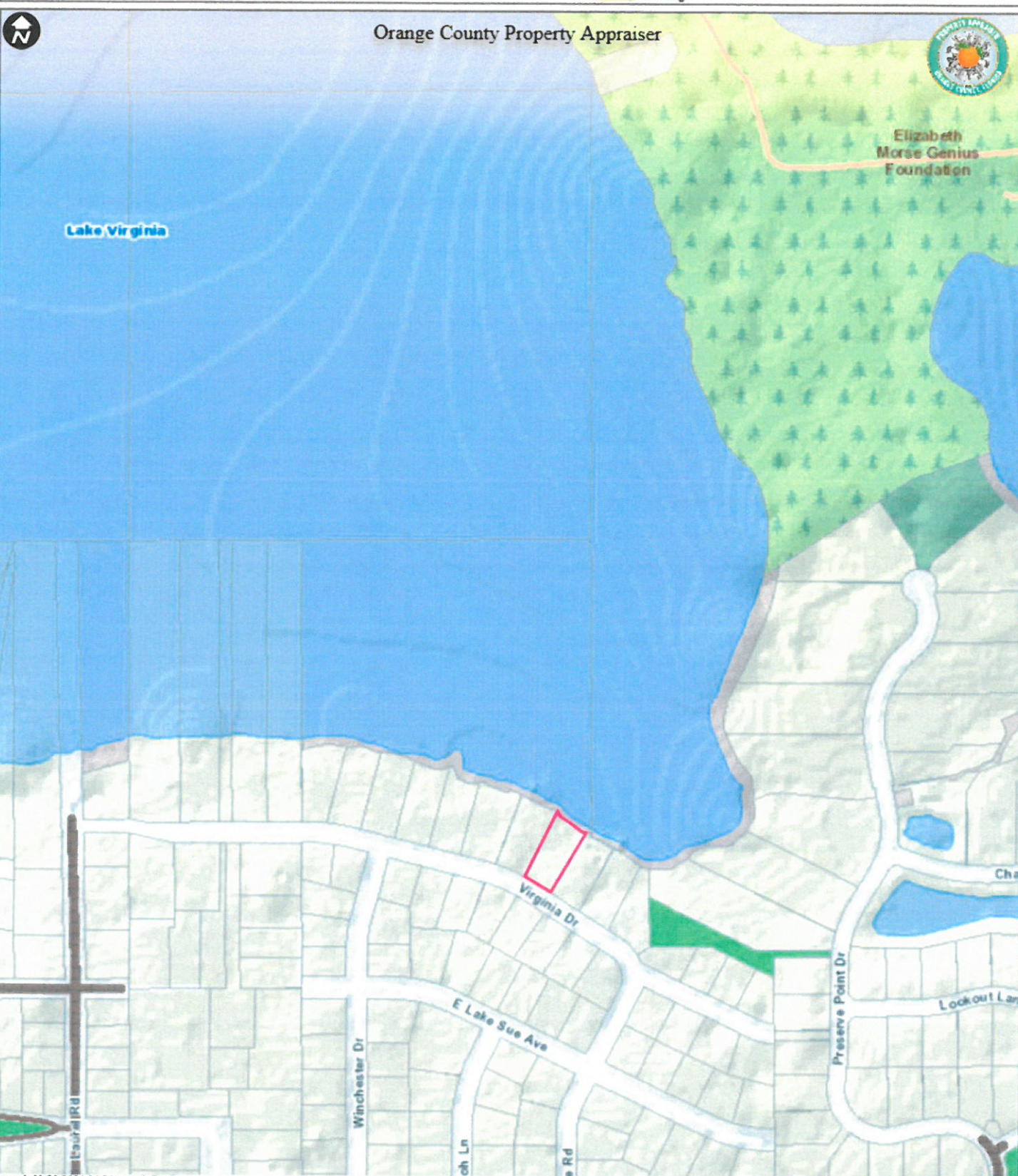
attachments

1. Location map

2. View Shed Impact map from May 4, 2021
3. 721 Virginia 2
4. 721 Virginia 3
5. 721 Virginia Drive 4
6. 721 Virginia
7. 721 Virginia 5
8. 721 Virginia 6
9. 721 Virginia 7
10. May 4, 2021 P&Z approval minutes
11. August 29, 2024 email to Jonathan Cole
12. September 3, 2024 email to Jonathan Cole
13. November 23, 2024 email from Adjacent Neighbors
14. Appeal Narrative
15. Appeal Exhibits

OCPA Web Map

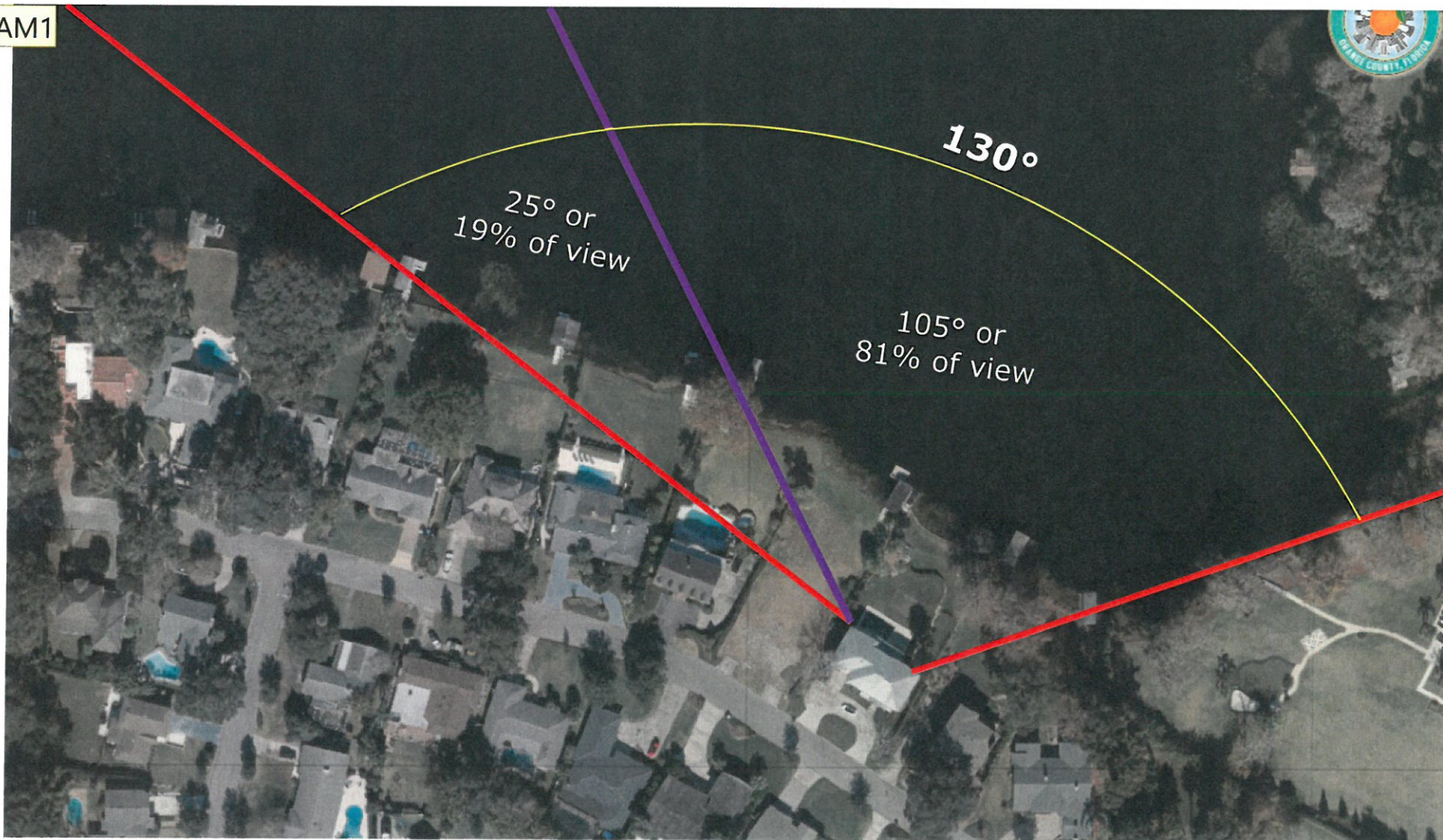
Florida turnpike	Major Roads	Proposed Road	Block Line	Commercial/Institutional	Hydro	Golf Course
Interstate 4	Public Roads	Brick Road	Lot Line	Governmental/Institutional/Misc	Waste Land	Lakes and Rivers
Toll Road	Gated Roads	Rail Road	Residential	Commercial/Industrial/Vacant Land	County Boundary	Building
Road Under Construction	Proposed SunRail	Agriculture	Agricultural Curtilage	Parks	Hospital	



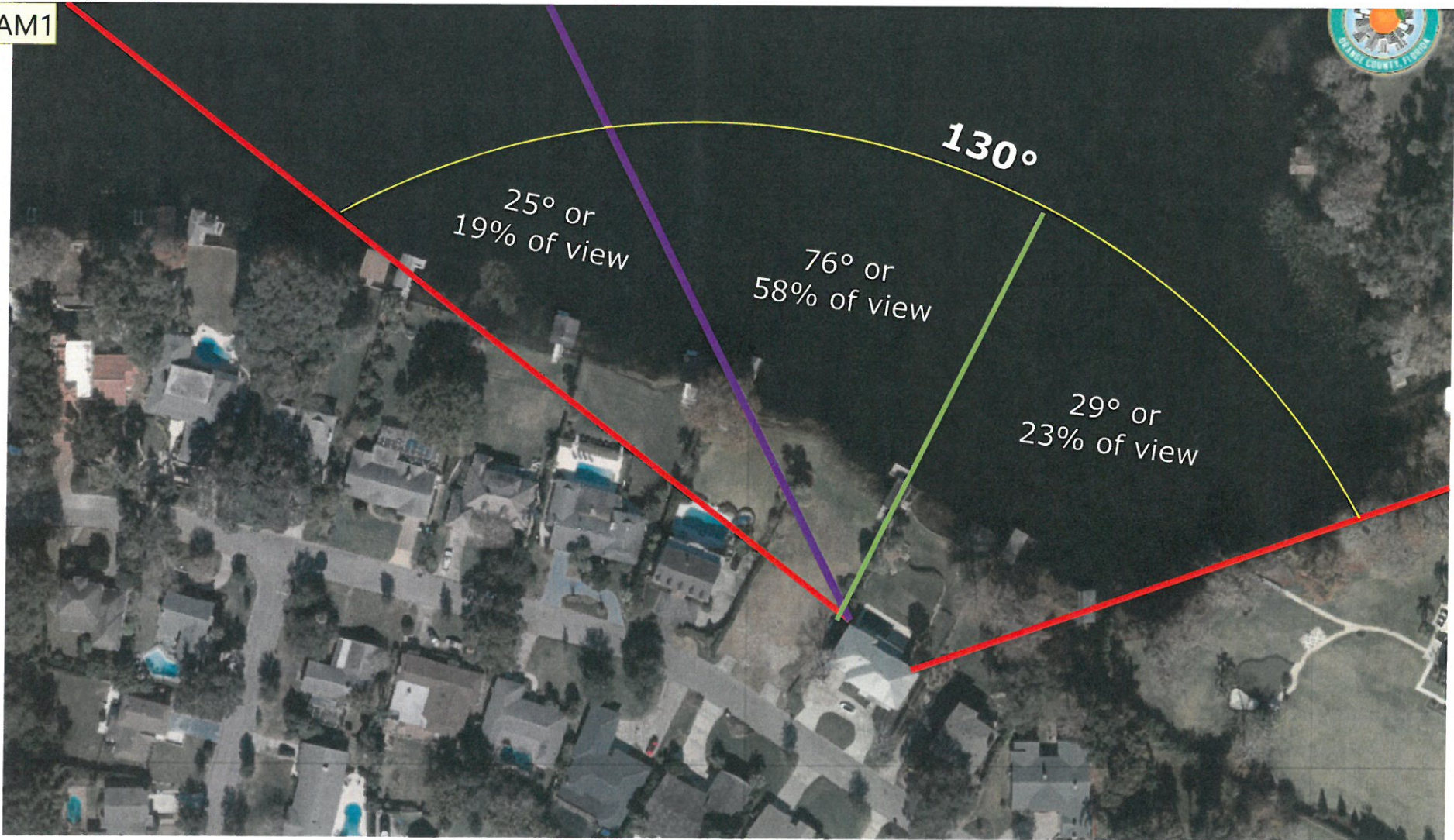
Created: 11/20/2024 14:24 . undefined

This map is for reference only and is not a survey

AM1



AM1



















Planning and Zoning Board Minutes

May 4, 2021 at 6:00 p.m.

721 W. New England Avenue | Virtual | Winter Park, Florida

1. Present

City Attorney Dan Langley called the meeting to order at 6:00 p.m. Present: Jim Fitch, Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Bronce Stephenson, Principal Planner Jeff Briggs, Senior Planner Allison McGillis, Transportation Manager Sarah Walter, and Recording Secretary Mary Bush.

Prior to the election of Chair and Vice Chair, Mr. Stephenson asked Staff and Board members to introduce themselves.

2. Election of Chairman and Vice-Chairman

Motion made by Michael Spencer to nominate Richard James as Chairman of the Board. Mr. James accepted the nomination. By a roll call vote, the motion carried unanimously 7-0.

Motion made by Richard James to nominate David Bornstein as Vice-Chair for the Board. Mr. Bornstein accepted the nomination. By a roll call vote, the motion carried unanimously 7-0.

3. Approval of Minutes

Motion made by Michael Spencer, seconded by David Bornstein, to approve the April 6, 2021 meeting minutes.

Motion carried unanimously with a 7-0 vote.

4. Public Hearing:

- SPR #21-06. Request of Jonathan Cole for: Approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA.

Mr. Briggs provided a brief summary of the SPR #21-06 request to the Board. Mr. Briggs presented aerial photos of the current vacant lot as well as the home that previously existed on the lot. He noted that the proposed home extends as far as the front edge of the pool deck of the neighbor's home to the east. Mr. Briggs reminded the Board that their review of the project was an environmental review and that they were only to consider tree preservation, stormwater retention, and how the applicant designs the home with respect to working with the grade of the lot. He also reminded the Board that the issue pertaining to the lake views of adjacent property owners led to the tabling and re-hearing of this particular item. Mr. Briggs advised that per City code, the Board must try to maintain the traditional views of the lake so that those views are not unduly impaired. He also advised that if the applicant were to utilize the total allowed setback, the views of the lake for the neighboring properties would then be significantly blocked and unduly impaired.

Mr. Briggs presented to the Board a depiction of the estimated impact to the views of the lake for the adjacent neighbors to the east. The estimated portion of their view that would be lost was 19% of the total view. Mr. Briggs noted that if the applicant installed plantings of significant height along the property line down to the lake, an estimated 58% of the view would be lost. Staff recommended a condition with approval that landscaping over six feet in height not be allowed along the property line and a bamboo screen be used along the side property lines for the length of home. Mr. Briggs explained the significance of an approval of the applicant's setback request not being considered a variance and the Board's ability to grant a variance to the front setback of the applicant's home. As a possible

compromise, Staff believes the home can be moved toward the street up to six feet without impairing the applicant's ability to build the home in the same manner and with the same square footage.

Staff recommendation was for approval with the following conditions:

- That the applicant be required to enhance the landscape privacy buffer with bamboo along the side property lines for the length of house structure but precluded and prohibited to planting down to the lakefront any landscaping expected to grow higher than six feet in height.

The Board discussed the item and inquired about the following:

- an estimate of the neighbors' view that would be gained back if the home was moved forward six feet to the street,
- the height of the finished floor compared to the adjacent neighbors' home,
- required tree plantings within the property lines of the project,
- the required side setbacks of the proposed home,
- variances to side setbacks permitted by the Planning and Zoning Board,
- the possibility of shifting the home parallel to the western side of the lot,
- the wording from City code regarding the average setback being preserved,
- and the rear setback of the original home.

Discussion ensued and Mr. Stephenson and Mr. Briggs addressed the Board's inquiries. Mr. Stephenson reminded the Board to follow the lakefront review criteria and process. Mr. Briggs noted that roughly 25% of the blocked view for the adjacent neighbors would be restored if the proposed home was moved forward six feet. He also noted that variances to side setbacks can be granted by the Planning and Zoning Board. Mr. Stephenson briefly reviewed with the Board the City code regarding setbacks for lakefront homes.

The applicant's attorney with Akerman Law Firm, Cecilia Bonifay at 1157 N. Pennsylvania Avenue, Winter Park, FL 32789 addressed the Board. Ms. Bonifay noted that being unduly impaired means excessively impaired or having a harsh remedy. She also noted that the applicant had taken steps such as creating staggered levels to the home and an opened balcony to avoid obstructing the neighbors' views. Ms. Bonifay added that based on the audio recording of the April 6, 2021 Planning and Zoning Board meeting, the applicant's statement regarding possibly moving the home forward was not spoken into a microphone and thus unclear. She indicated that the applicant's intended commitment at the time was to continue to work with the neighbors to see what could be done to accommodate them. Ms. Bonifay explained that the applicant had numerous exchanges and meetings with the neighbors but they were still adamant about requesting a 20 to 50-ft movement of the house toward the street. Ms. Bonifay presented detailed photos, diagrams, and 3D renderings of the current, proposed, and past layouts of the lot to depict the variations created by the proposed home. She also briefly reviewed the purpose of minimum setbacks and lakefront lots as well as Board authority on setbacks. Ms. Bonifay concluded her presentation, indicating that the applicant desired to stick to the proposed plans for the project and was willing to follow Staff's recommendation regarding the landscape privacy buffer restrictions.

Chairman James called for a recess at 7:12 p.m. and reconvened the meeting at 7:17 p.m.

The Board heard public comment from the following residents:

Attorney Alison Yurko with Alison Yurko, P.A. at P.O. Box 2286, Winter Park, FL 32789 addressed the Board. Ms. Yurko noted that she was representing the neighbors to the east of the applicant's property, Dr. John and Michelle Randolph. She also noted that after the April 6, 2021 Planning & Zoning Board meeting, she met with the Randolphs, the applicant, and the applicant's contractor in hopes of the applicant agreeing to tweak the project design and not request a 31-ft relief from the minimum lakefront setback. Ms. Yurko gave a brief presentation of objections to the applicant's site plan and lakefront setback deviations. She discussed various concerns that included the nonconformity of the lot, entitlement to deviations, the proposed house size exceeding house sizes on other lots, the required lakefront setback, the applicant's justification to grant the request, and overall adherence to code. Ms. Yurko called for the applicant's request to be denied and the applicant be required to scale back the home.

Christian Swann of 281 Salvador Square, Winter Park, FL 32789 addressed the Board. Mr. Swann spoke on concerns regarding the requested deviations from the average lakefront setback and proposed site plan adjustments.

Michelle Randolph of 741 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mrs. Randolph spoke on concerns regarding the portrayal of her and her husband in the matter, the deviations being requested by the applicant, and the footprint of the original home that was on the lot compared to the proposed home.

Dr. John Randolph of 741 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mr. Randolph presented depictions of and expressed his concerns with the estimated blockages to views of the lake from his home and neighboring homes. He also spoke on concerns regarding the requested deviations from the average lakefront setback.

Robin Swann of 281 Salvador Square, Winter Park, FL 32789 addressed the Board. Ms. Swann noted that she was representing her mother who lives at 761 Virginia Drive, Winter Park, FL 32789. She spoke on concerns regarding enforcement and interpretation of the City code for lakefronts and referencing irregular shorelines.

Kevin Cunningham of 1336 College Point, Winter Park, FL 32789 addressed the Board. Mr. Cunningham expressed that the applicant was not requesting a variance, the plans should be accepted as is, the 3D renderings were accurate, and the proposed home was not causing an undue impairment.

Raquel Cunningham of 1336 College Point, Winter Park, FL 32789 addressed the Board. Mrs. Cunningham expressed that the applicant's plans met all of the City's requirements and the neighbors' views were not being unduly burdened.

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

The applicant's attorney, Cecilia Bonifay addressed the Board. She raised concerns regarding unfavorable portrayal of the applicant, issues raised relating to the boat house and dock, precedence for future restrictions, and references to an absolute standard in footage for lakefront setbacks. Ms. Bonifay asked the Board to support the recommendations made by Staff.

The applicant, Jonathan Cole of 721 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mr. Cole noted that after the first Board meeting regarding his project, he was open to communicating and talking about the possibility of moving the home on the basis that there was an impact on the lake. He also noted that he had communicated but the impact on the neighbors' views was negligible and did not warrant moving the home closer to the street. Mr. Cole mentioned that concerns, which were not initially raised, were brought up by the neighbors regarding his boat house and dock. He added that his project complies with the City's requirements and that he was trying to build something reasonable and preserve the integrity of the lake.

The Board discussed the item and inquired about the following:

- how the setbacks of the original home were obtained,
- clarification of deviations granted along the lakefront,
- Staff's review of the finished floor elevations study,
- the applicant's willingness to move the home forward to the street and modify the driveway,
- moving of the home forward possibly encroaching the side setbacks or creating other issues,
- and requiring the applicant to consider canting the property.

Board discussion continued with their inquiries addressed by Mr. Stephenson, Mr. Briggs, and Mr. Cole. Mr. Stephenson reminded the Board that per City code the Board may, as conditions necessitate, reduce the height of structures, alter their locations, sizes, and designs and has limited authority to grant exceptions to the front and side setbacks when deemed necessary. Mr. Cole expressed that he did not want to consider committing to moving the home forward without first confirming the exact footage that was being requested for the move.

Motion made by David Bornstein, seconded by Michael Spencer, for approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA with the following conditions:

- That the applicant be granted a variance to the front setback to move the home six feet closer to the street creating no less than an 87-ft lakefront setback.
- That any vegetation going down to the lakefront not exceed six feet in height.
- That bamboo screening be used along the side property lines for the length of home.

Motion carried with a 6-1 vote. (In Favor: Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Opposed: Jim Fitch)

Chairman James called for a recess at 8:20 p.m. and reconvened the meeting at 8:26 p.m.

- SUB #21-02. Request of A&R Real Estate Development LLC for: Approval to subdivide the vacant property, platted as Lots 25 & 26 on Loch Lomond Drive into two buildable single-family home lots.
- ZTA #21-01. Request of the City of Winter Park for: An Ordinance amending Chapter 58, Article I, Comprehensive Plan, future land use map so as to change the future land use designation of Office to Single-Family Residential on Lots 25, 26 and 27 on the corner of Loch Lomond Drive and Moray Lane.

Mr. Briggs provided a brief summary of the SUB #21-02 and ZTA #21-01 requests to the Board. Mr. Briggs noted that in 1980 Orange County adopted the Office Future Land Use designation for the entire neighborhood but the City has kept with a policy of using Single-Family Residential for the lots on Loch Lomond.

Staff recommendation was for approval.

Chairman James inquired about why the future land use designation of Office was not being changed for all of the neighborhood. Mr. Briggs noted the concerns that may arise with such a change and the anticipated City-wide notice.

The applicant, Shane Acevedo of 1817 Loch Berry Road, Winter Park, FL 32789 addressed the Board. Mr. Acevedo commented that he felt it was a fantastic redevelopment area. He added that he did not know about the zoning requirement until his attorney made him aware of it.

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

Motion made by Michael Spencer, seconded by David Bornstein, for approval to subdivide the vacant property, platted as Lots 25 & 26 on Loch Lomond Drive into two buildable single-family home lots and for approval of an Ordinance amending Chapter 58, Article I, Comprehensive Plan, future land use map so as to change the future land use designation of Office to Single-Family Residential on Lots 25, 26 and 27 on the corner of Loch Lomond Drive and Moray Lane.

Motion carried unanimously with a 7-0 vote.

5. New Business:

No new business.

6. Planning Director's Report:

No planning report. Mr. Stephenson welcomed all of the new members of the Board and reminded the Board about the upcoming mandatory Board Orientation.

7. Board Update and Comments:

Chairman James inquired about the next work session. Attorney Langley offered to cover half an hour of more detailed Board training at the work session. Chairman James recommended discussing Orange Avenue Overlay District updates as well at the work session.

Mr. Bornstein asked how a Board member can get a motion before the City Commission. Attorney Langley responded and noted that a Board member can individually go directly to each City Commissioner to discuss the motion or bring up items that relate to the Board's business in public discussion at a Planning and Zoning Board meeting for a recommended change. Mr. Stephenson suggested the Board request to have a joint work session with the City Commission. Chairman James suggested including at the next Planning and Zoning Board work session discussion on creating a list of items to present to the City Commission at a joint work session.

8. Upcoming Meeting Schedule:

The next regular meeting will be held on June 1, 2021 and the next work session will be on May 25, 2021.

Adjourn

Meeting adjourned at 8:47 p.m.

Respectfully Submitted,

Mary Bush
Recording Secretary

Approved by Board on July 6, 2021.

Jeffrey Briggs

From: Jeffrey Briggs
Sent: Thursday, August 29, 2024 9:34 AM
To: 'jonathan@core-finance.net'
Cc: Allison McGillis; Nicholas Lewis
Subject: 721 Virginia Drive
Attachments: May 4 P&Z Regular Meeting Approved Minutes Website Version.pdf

Jonathan:

It has come to our attention that, as part of the landscape package on the lakefront portion of your new home at 721 Virginia Drive, that trees have been added which exceed six feet in height. For your easy reference is the motion and conditions of approval (below) and the full minutes (attached).

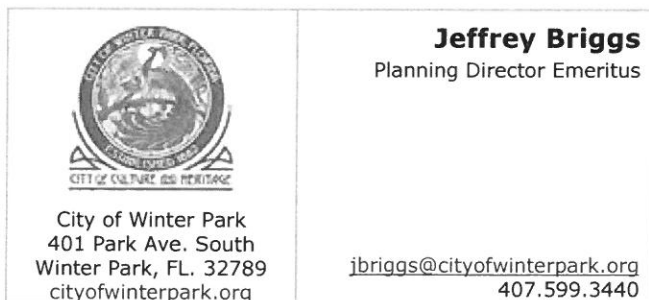
I realize that it has been a long time since May, 2021 and who can remember everything from 3+ years ago. However, the conditions of approval are clear concerning "any" landscaping lakeward of the home cannot exceed six feet in height.

We would look for your compliance. Happy to discuss.

Motion made by David Bornstein, seconded by Michael Spencer, for approval to construct a two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake View zoned R-1AAA with the following conditions:

- That the applicant be granted a variance to the front setback to move the home closer to the street creating no less than an 87-ft lakefront setback.
- That any vegetation going down to the lakefront not exceed six feet in height.
- That bamboo screening be used along the side property lines for the length of home

Motion carried with a 6-1 vote. (In Favor: Richard James, David Bornstein, Michael Spencer, / Vickers, Vashon Sarkisian, and Alex Stringfellow. Opposed: Jim Fitch)



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

Jeffrey Briggs

From: Jeffrey Briggs
Sent: Tuesday, September 3, 2024 4:49 PM
To: 'jonathan@core-finance.net'
Cc: John Harbilas; Allison McGillis; Nicholas Lewis
Subject: 721 Virginia Drive

Jonathan:

Thank you for the invitation to visit the property. It is not necessary to take time away from your work related responsibilities or for city staff to visit the site. The City has been provided pictures that clearly demonstrate violation of the Zoning Approval Condition #2 by the Planning and Zoning Board (P&Z), with the planting of landscaping on the lakefront over six feet in height.

Given the multiple meetings/discussions prior to the lakefront approval in May, 2021, I expect that you recall the approval scenario at the P&Z Board meeting. You asked for a waiver from the Planning & Zoning Board to build your home closer to the lake than the average lakefront setback. That enabled you wanted to build more square footage than could otherwise be done, if the house was held to the average lakefront setback. Your neighbors to the east objected due to their perceived diminishment of their predominant lakeview to the northwest by the extension of your house into the average lakefront setback.

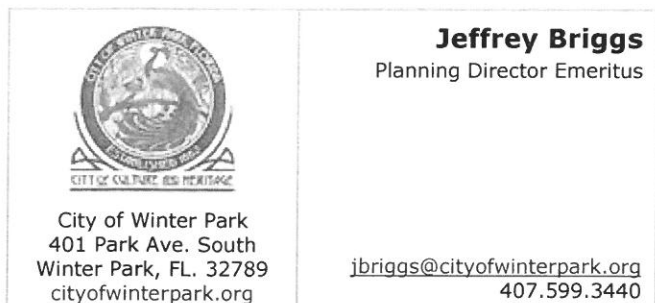
The P&Z approval provided to you everything that you asked for. The neighbor's received none of the changes to your building plans that they requested. All the Planning and Zoning Board required you to do....(in protection of the neighbor's property values) was not plant or grow trees or other landscaping on the lakefront over six feet in height that would block their views.

Your landscaping is not "totally in compliance with all rules". The City has determined that you are in violation of the Zoning Approval Condition #2 specified, below in the previous email. If you wish to contest that determination, you can appeal to the Planning and Zoning Board, the interpretation that your plantings violate Condition #2, by providing a written explanation of such and any other evidence that you may wish to provide. Then after advertisement and mailed notices, the Planning and Zoning Board will, at a public hearing, render a decision. Since 5 of the same 7 members from May 2021 are still on P&Z, they can be the best judges, if a violation of their motion and conditions has occurred on the lakefront.

You have 15 days (until Sept. 19th) to decide to appeal or remove the landscaping in violation. Failure to undertake either action will result in referral to the Code Compliance Board for action. That Board's ultimate authority under State Law, after a noticed public hearing, is to levy up to a \$500/day fine for each day a violation occurs.

I am winding down my career here at the City, with retirement very shortly. Most of my previous duties have been assigned to others. I no longer do lakefront reviews for P&Z or Zoning Code Enforcement. Since I was familiar with the May 2021 review by P&Z, I reached out to you, assuming that much time had passed since May, 2021 and perhaps you did not remember the condition regarding landscape heights. If you now wish to contest the determination, which is a violation of 'zoning' conditions, the City's Zoning Official, John

Harblais, will have jurisdiction along with Nick Lewis. Their emails are jharblais@cityofwinterpark.org and nlewis@cityofwinterpark.org



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

From: Jonathan Cole <jonathan@core-finance.net>
Sent: Thursday, August 29, 2024 12:12 PM
To: Jeffrey Briggs <JBriggs@cityofwinterpark.org>
Cc: Allison McGillis <amcgillis@cityofwinterpark.org>; Nicholas Lewis <nlewis@cityofwinterpark.org>
Subject: [External] 721 Virginia Drive

[This email is from an external source. Before clicking any links, hover over them to check the actual address. Avoid opening attachments from unknown senders.]

Hi Mr. Briggs,

It's great to hear from you and I hope you are well. As far as I am aware, all landscaping is totally in compliance with the rules. That said, I think it would be best to meet on the property early next week to ensure we are on the same page. Are you available Tuesday or Wednesday morning?

Thanks in advance.

Kind regards,

Jonathan Cole

President



Core Finance

Office: 407-250-1012

Mobile: [407-413-4663](tel:407-413-4663)

www.core-finance.net

Jeffrey Briggs

From: Michelle Randolph <mrandolphpt@yahoo.com>
Sent: Saturday, November 23, 2024 2:10 PM
To: Jeffrey Briggs
Subject: [External] P&Z meeting

[This email is from an external source. Before clicking any links, hover over them to check the actual address. Avoid opening attachments from unknown senders.]

Hello Mr. Briggs,

Could you please include this with the meeting agenda? Mr. Cole has also made an attempt to mound the dirt where the hedges are planted several feet away from the fence where the ground is higher to begin with. This makes the land much taller than he had promised in the P&Z meeting so an attempt to just measure the trees is not accurate. All measuring should be done from the fence line. I wasn't sure how to state this in my letter. Thank you so much!

Michelle

Dear P&Z members,

Mr. Cole was granted a significant deviation to move his home approximately 26 feet forward and in return we the residents to the right on the cove (including 741 Virginia Dr) were granted a landscape restriction of 6 ft. This was put in place to protect our lake view because when a house is moved forward so significantly they can plant foliage that does not affect their view, but affect those around them. The typical restriction of 4 feet (stated by Mr Briggs in the meeting) was adjusted to 6ft because Jonathan Cole and his attorney said in the P&Z meeting that his lot was 2 feet lower than ours. The P&Z board granted him a 6 foot instead of 4 foot maximum landscape height due to this factor. This was based on the height of his land, not ours. Our house is situated further from the lake because of his property deviation so there is no need for a hedge to go so far forward. It is currently 10ft tall and well past his pool. The angle of our home and our current hedge already creates privacy for Mr. Cole. We were not able to see Mr. Cole's pool area before the hedge was installed while standing on our lanai. Furthermore, when someone is in the pool, they are essentially underground and even more privacy is created. Mr. Cole agree to not plant any landscape taller than 6 ft. in return for his extreme privilage. At that time, the average deviation granted was approximately 2 feet for a lot of his size. Furthermore, choosing to live on a public lake negates the privacy of the pool area all together. Fisherman, boaters, kayakers, paddle borders, jet skiers and even the Winter Park Boat tour can boat by all of our homes and look into our pools and yards at any time.

His foliage should never exceed the height of his current fence (6ft. in height from his property and more than 4 ft. in height from ours) per the pictures below. We request that the P&Z board protect us and the other residents on the cove like they intended when they granted the initial deviation.

Thank you for your time,
John and Michelle Randolph



James Edward Cheek, III
329 North Park Avenue, 2nd Floor
Winter Park, FL 32789
Phone: (407) 423-4246 | Direct: (407) 246-8670
Email: tcheek@whww.com | www.whww.com

September 13, 2024

VIA ELECTRONIC MAIL
& HAND DELIVERY

Allison McGillis, Director
Planning & Zoning Department
City of Winter Park
401 South Park Avenue
Winter Park, Florida 32789

Re: *721 Virginia Drive, Winter Park*
Jonathan Cole, Owner
Ruling regarding landscaping condition

**THIS IS A NOTICE OF APPEAL OF A DECISION
BY A BUILDING AND ZONING OFFICIAL**

Dear Ms. McGillis:

My law firm represents Jonathan Cole, the owner of the residence at 721 Virginia Drive in Winter Park (the “Home”). On August 29, 2024, Mr. Cole (hereinafter, the “Owner”) received an e-mail from Jeffrey Briggs, the City’s Planning Director Emeritus, which we understand to be a ruling that the landscaping at the Home violates a condition of an approval, which I believe was a site plan approval for the home. I have communicated with Mr. Briggs about this matter and he has confirmed that he considers his above-referenced email to be a ruling that is subject to appeal under City Code Section 58-94(b). Accordingly, this letter is intended to serve as a Notice of Appeal of that ruling, under City Code Section 58-94(b). A copy of the ruling being appealed is attached hereto as Exhibit “A” and will be referred to hereinafter as the “Ruling.”

There are several grounds of appeal, which can be summarized as follows.

A. Owner has not violated a condition of approval.

There is no written, signed document stating conditions of approval of the Home project. Instead, according to the Ruling, the minutes of the Planning & Zoning Commission meeting from May 4, 2021 contain enforceable conditions on the approval of the Home project. The pertinent provision, as we understand it, is a bullet point in the minutes which states “that any vegetation going down to the lakefront not exceed six feet in height.”

In the days immediately before receiving the Ruling, the Owner had professional landscapers with significant experience in landscaping lakefront properties in Winter Park installing the landscaping for the Home. This landscaping, which was designed by the professional landscaping experts, included several Eagleston Hollys along the side of Owner's swimming pool, immediately behind and connected to the Home. There is no landscaping "going down to the lakefront." The condition of approval does not state that no landscaping in the back yard of the Home can exceed six feet in height. The only reasonable interpretation of the condition of approval is that it would relate to a hedge (much like the neighbors') running down the property line to the lake.

While the Eagleston Hollys have been pruned since they were installed, it is clear from the photographs relied upon by the City in issuing the Ruling that even in their original condition the Eagleston Hollys did not significantly interfere with the neighbors' lake view. The photographs relied upon by the City in issuing the Ruling are attached hereto as Exhibits B and C. While the approval of the Home project does not specifically state any standard, the Owner can only assume that the Planning & Zoning Commission was attempting to address Code § 58-87(a)'s language that "views of water from adjoining waterfront properties will not be unduly impaired." [Emphasis supplied.]

We believe that the photographs themselves show that the adjoining neighbor's views of water are not "unduly impaired." In fact, the views of water are barely impaired at all. The word "unduly" means "excessively." (Merriam-Webster on line) The Eagleston Hollys, at most, interfere with a very small percentage of any realistic water view the neighbors might have. In one of the two photographs relied upon by the City in the Ruling, the Eagleston Hollys do not interfere with the neighbors' water view at all. In the other photograph, at most the last two of the Eagleston Hollys are in between the neighbors and any lake view, and the other bushes at most only partially screen the view of the second property to the west's boathouse and dock.

In fact, Owner believes that the eastern neighbor's view is almost unaffected by the landscaping, unless the neighbors are attempting to look directly into Owner's pool area from their own lanai.

B. The condition of approval is unclear and ambiguous.

As noted above, there is no written order stating conditions of approval of the Home project. Instead, there is a statement in the meeting minutes that "any vegetation going down to the lakefront not exceed six feet in height."

From communications with staff, it appears that the City might take the position that this phrase means any plant, anywhere in at least the back yard of the Home. The condition language does not on its face say anything so broad. Once again, the City's ability to restrict planting on the basis that it might interfere with a neighbor's water view is at most for situations when that view is "unduly impaired." For instance, it is normal and common for lakefront property owners

in Winter Park to have some trees in their back yards. Those trees are not unduly impairing the water views of their neighbors.

In addition, the condition of approval language does not state, or did not address, how any measurement of vegetation would be done. This is significant in the current situation because the photographs relied upon by the City in the Ruling show that the neighbors' property sits higher than the Home's pool and backyard. We believe that a reasonable interpretation of the condition of approval is that the "six feet" should be measured from the height of the neighbor's vantage point – perhaps the neighbor's pool deck. We believe that the eastern neighbor's lot is over a foot higher at the property line; at their lanai, at least 3 feet higher, and possibly as much as 6 feet. We do not believe that any plantings are higher than six feet above the level of the neighbor's pool deck. In any event, the Owner should be entitled to the benefit of a less restrictive interpretation of any conditions that are less than clear.

We interpret the terms "vegetation going down to the lakefront" to refer to plantings that run from the end of the pool deck to the shoreline. Owner's landscaping running from the corner of the Home's pool deck down to the lake follows the height of the existing fence.

C. Owner has a right to privacy at his pool.

Owner, like all residents of Winter Park, has a reasonable expectation of privacy at his swimming pool. The Code recognizes that citizens have a right of privacy. Specifically, the Code provisions related to lakefront residences acknowledge that there is a right to "reasonable ... privacy for all properties." See City Code § 58-65 (f)(3). The general provisions for residential zoning districts found in City Code § 58-71 note that privacy is a consideration in zoning matters.

Owner has only installed Eagleston Hollies alongside the pool area of the Home. They have been installed only in a height needed to provide privacy screening of the pool from the property to the east. The neighbors to the east sit higher on the land than the Home and the neighbors' pool area, in addition to their house itself, overlooks the Owner's pool area. The Owner's planting is reasonable and is no more than needed to reasonably protect the privacy of his pool area.

We believe that the intent of the Planning & Zoning Commission was to allow Owner to have reasonable landscaping, consistent with the general landscaping of lakefront properties in Winter Park. While in 2021 the construction and potential landscaping were theoretical, in 2024 the work has been done and it can be easily seen that Owner's plantings for pool privacy are reasonable. Those plantings should not be considered a violation of a condition of approval.

We believe that almost every single home on Lake Virginia has either large trees on or near its property line, running down to the lake, or very large privacy hedges. This includes the eastern neighbor, whose lake view is most impacted by trees and hedges on their own property (which themselves also interfere with Owner's view to the northeast). Owner should be allowed to

landscape consistently with the other homes on Lake Virginia, or else his property is being treated disparately and negatively affected by the condition. See Exhibit D, photographs from Lake Virginia of lakefront property back yards, along with photos of the back yards of Owner and the eastern neighbor for comparison.

We also note that the Planning & Zoning Commission specifically required that Owner plant bamboo, of no listed height requirement, to protect the privacy of the eastern neighbor's pool area, in this same approval. Owner should be entitled to the same right to protect his privacy.

CONCLUSION

Owner respectfully appeals the Ruling and requests that the Planning & Zoning Commission overturn the Ruling and hold that he is not in violation of a condition of approval.

Owner reserves all rights, including without limitation the right to raise any issues regarding whether the City has identified and lowed the proper procedure.

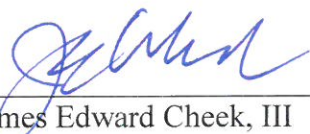
Noting that the October meeting is less than the required twenty days from the filing of this appeal, Owner requests that this matter be set for hearing before the Planning & Zoning Commission at its December, 2024 meeting, as undersigned counsel has a scheduling conflict at the time of the November, 2024 meeting.

In addition, Owner expects that the landscaping project at the Home will be completed by December, and requests that as a part of the appeal process, the Planning & Zoning Commission visit the site to see for itself exactly what is going on, and why his position is reasonable.

Respectfully submitted,

**WINDERWEEDLE, HAINES, WARD
AND WOODMAN, P.A.**
Counsel for Owner

By:



James Edward Cheek, III
For the Firm

EXHIBIT “A”

From: Jeffrey Briggs

Sent: Thursday, August 29, 2024 9:34 AM

To: 'jonathan@core-finance.net' <jonathan@core-finance.net>

Cc: Allison McGillis <amcgillis@cityofwinterpark.org>; Nicholas Lewis <nlewis@cityofwinterpark.org>

Subject: 721 Virginia Drive

Jonathan:

It has come to our attention that, as part of the landscape package on the lakefront portion of your new home at 721 Virginia Drive, that trees have been added which exceed six feet in height. For your easy reference is the motion and conditions of approval (below) and the full minutes (attached).

I realize that it has been a long time since May, 2021 and who can remember everything from 3+ years ago. However, the conditions of approval are clear concerning "any" landscaping lakeward of the home cannot exceed six feet in height.

We would look for your compliance. Happy to discuss.

Motion made by David Bornstein, seconded by Michael Spencer, for approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA with the following conditions:

- That the applicant be granted a variance to the front setback to move the home six feet closer to the street creating no less than an 87-ft lakefront setback.
- That any vegetation going down to the lakefront not exceed six feet in height.
- That bamboo screening be used along the side property lines for the length of home.

Motion carried with a 6-1 vote. (In Favor: Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Opposed: Jim Fitch)



Jeffrey Briggs

Planning Director Emeritus

City of Winter Park
401 Park Ave. South

Winter Park, FL.
32789

cityofwinterpark.org

jbriggs@cityofwinterpark.org

407.599.3440



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.



Planning and Zoning Board Minutes

May 4, 2021 at 6:00 p.m.

721 W. New England Avenue | Virtual | Winter Park, Florida

1. Present

City Attorney Dan Langley called the meeting to order at 6:00 p.m. Present: Jim Fitch, Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Also Present: City Attorney Dan Langley. Staff: Director of Planning and Transportation Bronce Stephenson, Principal Planner Jeff Briggs, Senior Planner Allison McGillis, Transportation Manager Sarah Walter, and Recording Secretary Mary Bush.

Prior to the election of Chair and Vice Chair, Mr. Stephenson asked Staff and Board members to introduce themselves.

2. Election of Chairman and Vice-Chairman

Motion made by Michael Spencer to nominate Richard James as Chairman of the Board. Mr. James accepted the nomination. By a roll call vote, the motion carried unanimously 7-0.

Motion made by Richard James to nominate David Bornstein as Vice-Chair for the Board. Mr. Bornstein accepted the nomination. By a roll call vote, the motion carried unanimously 7-0.

3. Approval of Minutes

Motion made by Michael Spencer, seconded by David Bornstein, to approve the April 6, 2021 meeting minutes.

Motion carried unanimously with a 7-0 vote.

4. Public Hearing:

- SPR #21-06. Request of Jonathan Cole for: Approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA.

Mr. Briggs provided a brief summary of the SPR #21-06 request to the Board. Mr. Briggs presented aerial photos of the current vacant lot as well as the home that previously existed on the lot. He noted that the proposed home extends as far as the front edge of the pool deck of the neighbor's home to the east. Mr. Briggs reminded the Board that their review of the project was an environmental review and that they were only to consider tree preservation, stormwater retention, and how the applicant designs the home with respect to working with the grade of the lot. He also reminded the Board that the issue pertaining to the lake views of adjacent property owners led to the tabling and re-hearing of this particular item. Mr. Briggs advised that per City code, the Board must try to maintain the traditional views of the lake so that those views are not unduly impaired. He also advised that if the applicant were to utilize the total allowed setback, the views of the lake for the neighboring properties would then be significantly blocked and unduly impaired.

Mr. Briggs presented to the Board a depiction of the estimated impact to the views of the lake for the adjacent neighbors to the east. The estimated portion of their view that would be lost was 19% of the total view. Mr. Briggs noted that if the applicant installed plantings of significant height along the property line down to the lake, an estimated 58% of the view would be lost. Staff recommended a condition with approval that landscaping over six feet in height not be allowed along the property line and a bamboo screen be used along the side property lines for the length of home. Mr. Briggs explained the significance of an approval of the applicant's setback request not being considered a variance and the Board's ability to grant a variance to the front setback of the applicant's home. As a possible

compromise, Staff believes the home can be moved toward the street up to six feet without impairing the applicant's ability to build the home in the same manner and with the same square footage.

Staff recommendation was for approval with the following conditions:

- That the applicant be required to enhance the landscape privacy buffer with bamboo along the side property lines for the length of house structure but precluded and prohibited to planting down to the lakefront any landscaping expected to grow higher than six feet in height.

The Board discussed the item and inquired about the following:

- an estimate of the neighbors' view that would be gained back if the home was moved forward six feet to the street,
- the height of the finished floor compared to the adjacent neighbors' home,
- required tree plantings within the property lines of the project,
- the required side setbacks of the proposed home,
- variances to side setbacks permitted by the Planning and Zoning Board,
- the possibility of shifting the home parallel to the western side of the lot,
- the wording from City code regarding the average setback being preserved,
- and the rear setback of the original home.

Discussion ensued and Mr. Stephenson and Mr. Briggs addressed the Board's inquiries. Mr. Stephenson reminded the Board to follow the lakefront review criteria and process. Mr. Briggs noted that roughly 25% of the blocked view for the adjacent neighbors would be restored if the proposed home was moved forward six feet. He also noted that variances to side setbacks can be granted by the Planning and Zoning Board. Mr. Stephenson briefly reviewed with the Board the City code regarding setbacks for lakefront homes.

The applicant's attorney with Akerman Law Firm, Cecilia Bonifay at 1157 N. Pennsylvania Avenue, Winter Park, FL 32789 addressed the Board. Ms. Bonifay noted that being unduly impaired means excessively impaired or having a harsh remedy. She also noted that the applicant had taken steps such as creating staggered levels to the home and an opened balcony to avoid obstructing the neighbors' views. Ms. Bonifay added that based on the audio recording of the April 6, 2021 Planning and Zoning Board meeting, the applicant's statement regarding possibly moving the home forward was not spoken into a microphone and thus unclear. She indicated that the applicant's intended commitment at the time was to continue to work with the neighbors to see what could be done to accommodate them. Ms. Bonifay explained that the applicant had numerous exchanges and meetings with the neighbors but they were still adamant about requesting a 20 to 50-ft movement of the house toward the street. Ms. Bonifay presented detailed photos, diagrams, and 3D renderings of the current, proposed, and past layouts of the lot to depict the variations created by the proposed home. She also briefly reviewed the purpose of minimum setbacks and lakefront lots as well as Board authority on setbacks. Ms. Bonifay concluded her presentation, indicating that the applicant desired to stick to the proposed plans for the project and was willing to follow Staff's recommendation regarding the landscape privacy buffer restrictions.

Chairman James called for a recess at 7:12 p.m. and reconvened the meeting at 7:17 p.m.

The Board heard public comment from the following residents:

Attorney Alison Yurko with Alison Yurko, P.A. at P.O. Box 2286, Winter Park, FL 32789 addressed the Board. Ms. Yurko noted that she was representing the neighbors to the east of the applicant's property, Dr. John and Michelle Randolph. She also noted that after the April 6, 2021 Planning & Zoning Board meeting, she met with the Randolphs, the applicant, and the applicant's contractor in hopes of the applicant agreeing to tweak the project design and not request a 31-ft relief from the minimum lakefront setback. Ms. Yurko gave a brief presentation of objections to the applicant's site plan and lakefront setback deviations. She discussed various concerns that included the nonconformity of the lot, entitlement to deviations, the proposed house size exceeding house sizes on other lots, the required lakefront setback, the applicant's justification to grant the request, and overall adherence to code. Ms. Yurko called for the applicant's request to be denied and the applicant be required to scale back the home.

Christian Swann of 281 Salvador Square, Winter Park, FL 32789 addressed the Board. Mr. Swann spoke on concerns regarding the requested deviations from the average lakefront setback and proposed site plan adjustments.

Michelle Randolph of 741 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mrs. Randolph spoke on concerns regarding the portrayal of her and her husband in the matter, the deviations being requested by the applicant, and the footprint of the original home that was on the lot compared to the proposed home.

Dr. John Randolph of 741 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mr. Randolph presented depictions of and expressed his concerns with the estimated blockages to views of the lake from his home and neighboring homes. He also spoke on concerns regarding the requested deviations from the average lakefront setback.

Robin Swann of 281 Salvador Square, Winter Park, FL 32789 addressed the Board. Ms. Swann noted that she was representing her mother who lives at 761 Virginia Drive, Winter Park, FL 32789. She spoke on concerns regarding enforcement and interpretation of the City code for lakefronts and referencing irregular shorelines.

Kevin Cunningham of 1336 College Point, Winter Park, FL 32789 addressed the Board. Mr. Cunningham expressed that the applicant was not requesting a variance, the plans should be accepted as is, the 3D renderings were accurate, and the proposed home was not causing an undue impairment.

Raquel Cunningham of 1336 College Point, Winter Park, FL 32789 addressed the Board. Mrs. Cunningham expressed that the applicant's plans met all of the City's requirements and the neighbors' views were not being unduly burdened.

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

The applicant's attorney, Cecilia Bonifay addressed the Board. She raised concerns regarding unfavorable portrayal of the applicant, issues raised relating to the boat house and dock, precedence for future restrictions, and references to an absolute standard in footage for lakefront setbacks. Ms. Bonifay asked the Board to support the recommendations made by Staff.

The applicant, Jonathan Cole of 721 Virginia Drive, Winter Park, FL 32789 addressed the Board. Mr. Cole noted that after the first Board meeting regarding his project, he was open to communicating and talking about the possibility of moving the home on the basis that there was an impact on the lake. He also noted that he had communicated but the impact on the neighbors' views was negligible and did not warrant moving the home closer to the street. Mr. Cole mentioned that concerns, which were not initially raised, were brought up by the neighbors regarding his boat house and dock. He added that his project complies with the City's requirements and that he was trying to build something reasonable and preserve the integrity of the lake.

The Board discussed the item and inquired about the following:

- how the setbacks of the original home were obtained,
- clarification of deviations granted along the lakefront,
- Staff's review of the finished floor elevations study,
- the applicant's willingness to move the home forward to the street and modify the driveway,
- moving of the home forward possibly encroaching the side setbacks or creating other issues,
- and requiring the applicant to consider canting the property.

Board discussion continued with their inquiries addressed by Mr. Stephenson, Mr. Briggs, and Mr. Cole. Mr. Stephenson reminded the Board that per City code the Board may, as conditions necessitate, reduce the height of structures, alter their locations, sizes, and designs and has limited authority to grant exceptions to the front and side setbacks when deemed necessary. Mr. Cole expressed that he did not want to consider committing to moving the home forward without first confirming the exact footage that was being requested for the move.

Motion made by David Bornstein, seconded by Michael Spencer, for approval to construct a new, two-story, 6,303 square foot, single-family home located at 721 Virginia Drive on Lake Virginia, zoned R-1AAA with the following conditions:

- That the applicant be granted a variance to the front setback to move the home six feet closer to the street creating no less than an 87-ft lakefront setback.
- That any vegetation going down to the lakefront not exceed six feet in height.
- That bamboo screening be used along the side property lines for the length of home.

Motion carried with a 6-1 vote. (In Favor: Richard James, David Bornstein, Michael Spencer, Melissa Vickers, Vashon Sarkisian, and Alex Stringfellow. Opposed: Jim Fitch)

Chairman James called for a recess at 8:20 p.m. and reconvened the meeting at 8:26 p.m.

- SUB #21-02. Request of A&R Real Estate Development LLC for: Approval to subdivide the vacant property, platted as Lots 25 & 26 on Loch Lomond Drive into two buildable single-family home lots.
- ZTA #21-01. Request of the City of Winter Park for: An Ordinance amending Chapter 58, Article I, Comprehensive Plan, future land use map so as to change the future land use designation of Office to Single-Family Residential on Lots 25, 26 and 27 on the corner of Loch Lomond Drive and Moray Lane.

Mr. Briggs provided a brief summary of the SUB #21-02 and ZTA #21-01 requests to the Board. Mr. Briggs noted that in 1980 Orange County adopted the Office Future Land Use designation for the entire neighborhood but the City has kept with a policy of using Single-Family Residential for the lots on Loch Lomond.

Staff recommendation was for approval.

Chairman James inquired about why the future land use designation of Office was not being changed for all of the neighborhood. Mr. Briggs noted the concerns that may arise with such a change and the anticipated City-wide notice.

The applicant, Shane Acevedo of 1817 Loch Berry Road, Winter Park, FL 32789 addressed the Board. Mr. Acevedo commented that he felt it was a fantastic redevelopment area. He added that he did not know about the zoning requirement until his attorney made him aware of it.

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

Motion made by Michael Spencer, seconded by David Bornstein, for approval to subdivide the vacant property, platted as Lots 25 & 26 on Loch Lomond Drive into two buildable single-family home lots and for approval of an Ordinance amending Chapter 58, Article I, Comprehensive Plan, future land use map so as to change the future land use designation of Office to Single-Family Residential on Lots 25, 26 and 27 on the corner of Loch Lomond Drive and Moray Lane.

Motion carried unanimously with a 7-0 vote.

5. New Business:

No new business.

6. Planning Director's Report:

No planning report. Mr. Stephenson welcomed all of the new members of the Board and reminded the Board about the upcoming mandatory Board Orientation.

7. Board Update and Comments:

Chairman James inquired about the next work session. Attorney Langley offered to cover half an hour of more detailed Board training at the work session. Chairman James recommended discussing Orange Avenue Overlay District updates as well at the work session.

Mr. Bornstein asked how a Board member can get a motion before the City Commission. Attorney Langley responded and noted that a Board member can individually go directly to each City Commissioner to discuss the motion or bring up items that relate to the Board's business in public discussion at a Planning and Zoning Board meeting for a recommended change. Mr. Stephenson suggested the Board request to have a joint work session with the City Commission. Chairman James suggested including at the next Planning and Zoning Board work session discussion on creating a list of items to present to the City Commission at a joint work session.

8. Upcoming Meeting Schedule:

The next regular meeting will be held on June 1, 2021 and the next work session will be on May 25, 2021.

Adjourn

Meeting adjourned at 8:47 p.m.

Respectfully Submitted,

Mary Bush

Recording Secretary

Approved by Board on July 6, 2021.

EXHIBIT “B”



EXHIBIT “C”



EXHIBIT “D”





