



Board of Adjustments Regular Meeting

Agenda

December 17, 2024 @ 5:00 PM

City Hall Commission Chambers
401 S. Park Avenue

welcome

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

assistance & appeals

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

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

please note

Times are projected and subject to change.

1. Call to Order**2. Consent Agenda**

- a. Approve the minutes of October 15, 2024. 1 minute

3. Public Comments (for items not on the agenda): Three minutes allowed for each speaker**4. Public Hearings (Public participation and comment on these matters must be in person.)**

- a. BOA-2024-0013. Request of Dove Builders of Central Florida Inc. for variance approval from Section 58-65 subsection (f)(6), to allow a 31.1-foot front setback in lieu of the required 35-foot front setback in conjunction with the proposed single-story addition to the existing single-family home located at 1017 N. Phelps Avenue, zoned R-1A. 10 minutes
- b. BOA-2024-0014. Request of Skolfield Homes LLC for variance approval from Section 58-65 subsection (f)(7), to allow a 9.5-foot second-story side setback in lieu of the required 13-foot second-story side setback in conjunction with the proposed open-air covered porch addition to the existing home located at 1486 Alabama Drive, zoned R-1AA. 15 minutes

5. Non-Action Items**6. Staff Updates****7. Board Comments****8. Upcoming Agenda Items****9. Adjournment**



Board of Adjustments

agenda item 2.a

item type

Consent Agenda

meeting date

December 17, 2024

prepared by

Mary Bush, Administrative Coordinator III

approved by**subject**

Approve the minutes of October 15, 2024.

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

1. Draft Board of Adjustments Regular Meeting Minutes



Board of Adjustments Regular Meeting Minutes

October 15, 2024 at 5:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

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

Absent

Ann Higbie

Staff Present

City Attorney Hillary Griffith, Director of Planning and Zoning Allison McGillis, Planner II Nicholas Lewis, Administrative Coordinator Mary Bush

1. Call to Order

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

2. Consent Agenda

- a. Approve the minutes of September 17, 2024.

Motion made by Ann Higbie, seconded by Robert Trompke, to approve the September 17, 2024 meeting minutes, with an amendment to correct the spelling of the City Attorney's last name.

The motion carried unanimously by a 6-0 vote. (Aimee Hitchner was absent from the meeting.)

3. Public Comments (for items not on the agenda): Three minutes allowed for each speaker

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

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

- a. BOA #24-10. Request of Day's Home Solutions LLC for variance approval from Section 58-65 subsection (f)(6), to allow a 33.2-foot front setback in lieu of the required 35-foot front setback, approval from Section 58-65 subsection (f)(7) to allow a 9.7-foot

first-floor side setback in lieu of the required 11-foot first-floor side setback, and approval from Section 58-65 subsection (f)(7) to allow a 9.7-foot second-story side setback in lieu of the required 15-foot second-story side setback in conjunction with the proposed two-story addition to the existing home located at 1590 Woodland Avenue, zoned R-1A.

Mr. Lewis provided a summary of the request. He noted that staff received six neighbor letters of approval and none in opposition to the request. He then reviewed the applicant's survey and proposed site plan for the property. He indicated that the request was to continue off of the non-conforming 9.7-foot setback of the structure for the addition to both floors and to extend the existing 35-foot front setback to 33.2-feet. He then indicated that the applicant would be extending the walls out on both floors of the home for the addition. He added that there would be only one new window on the first floor and no windows on the second floor as the proposed wall would be part of the primary bedroom's closet. Mr. Lewis then went on to discuss the variance approval criteria and noted that the addition would be unrealistically narrow if the required side setbacks were met. He added that the applicant simply wanted extra storage space due to their growing family. He then indicated that staff believed that the applicant could add a sizable addition and still meet the required front setback without the requested variance. He explained that because of this, staff believed that granting the front setback variance would open the door to a special privilege for other lands, structures, or buildings in the same zoning district. He added that staff believed that granting the side setback variances, though, would not confer a special privilege.

Staff recommendation was for approval of the side setback variances requested and denial of the front setback variance requested.

A brief discussion ensued about how the existing 35-foot front setback was established.

The applicant's representative, Noel Day of Day's Home Solutions, addressed the Board. He explained the reasons why the applicant requested the front setback variance, noting that it would create a bit of architectural appeal.

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

The Board shared their thoughts on the request and expressed that approving the front setback variance would set a precedent. A brief discussion then ensued regarding adding a condition that no windows be added to the second floor of the addition.

Motion made by Michael Clary, seconded by Robert Trompke, for variance denial to allow a 33.2-foot front setback in lieu of the required 35-foot front setback; for variance approval from Section 58-65 subsection (f)(7) to allow

a 9.7-foot first-floor side setback in lieu of the required 11-foot first-floor side setback; and for variance approval from Section 58-65 subsection (f)(7) to allow a 9.7-foot second-story side setback in lieu of the required 15-foot second-story side setback in conjunction with the proposed two-story addition to the existing home located at 1590 Woodland Avenue, zoned R-1A, with a finding that the approved variances are justified by the criteria outlined in Section 58-92 of the Code of Ordinances of the City of Winter Park; the reasons set forth in the application justify the granting of the variances; the variances are the minimum variance that will make possible the reasonable use of the land, building, or structure; and the granting of the variances will be in harmony with the general purpose and intent of the zoning article of the Land Development Code and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The motion carried unanimously by a 6-0 vote. (Aimee Hitchner was absent from the meeting.)

- b. BOA #24-11. Request of Cindy Selton for variance approval from Section 58-70 subsection (a)(2), to allow an 11-foot water-line setback in lieu of the required 20-foot water-line setback, approval from Section 58-71 subsection (j)(2) to allow an 8-foot deck-line setback in lieu of the required 10-foot deck-line setback, and approval from Section 58-71 subsection (n)(2) to allow a 4-foot fence height in lieu of the maximum fence height of 3-feet in conjunction with the proposed swimming pool, swimming pool deck, and fence located at 1405 Green Cove Road, zoned R-1AA.

Mr. Lewis provided a summary of the request. He noted that the lot is triangular and has three street frontages. He added that the existing house sits near the rear of the lot and faces Green Cove Road. He also noted that the functional rear yard cannot be treated as a normal rear yard because it sits along the side setbacks of the property. He explained that a pool placed in the functional rear yard area would be subject to street side setback requirements rather than rear setback requirements. He also noted that there is quite an extensive vegetative buffer along the functional rear yard of the lot. He then indicated that the existing four-foot fence and adjacent retaining wall along the rear yard do not meet pool safety code standards. He noted that the fence would need to be replaced, but the retaining wall was proposed to stay. Mr. Lewis went on to discuss the variance approval criteria and noted that the unique lot shape requires stricter standards than usual. He then reviewed the fence code and explained that the existing retaining wall prevents the fence from being set back, and it would replace the existing fence in a location which currently does not meet pool safety standards. He added that because of the lot's unique shape and the condition that it has three street-frontage yard areas, as well as the significant vegetation buffer and existing conditions

along the Summerland Ave lot line, staff did not believe that the request would allow for a special privilege to any lands, structures, or buildings in the same zoning district regarding the variances requested

Staff recommendation was for approval with the following condition:

- That the existing vegetation buffer along Summerland Avenue remain.

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

Motion made by Robert Trompke, seconded by Ann Higbie, for approval from Section 58-70 subsection (a)(2), to allow an 11-foot water-line setback in lieu of the required 20-foot water-line setback, approval from Section 58-71 subsection (j)(2) to allow an 8-foot deck-line setback in lieu of the required 10-foot deck-line setback, and approval from Section 58-71 subsection (n)(2) to allow a 4-foot fence height in lieu of the maximum fence height of 3-feet in conjunction with the proposed swimming pool, swimming pool deck, and fence located at 1405 Green Cove Road, zoned R-1AA, with a finding that the variance is justified by the criteria outlined in Section 58-92 of the Code of Ordinances of the City of Winter Park; the reasons set forth in the application justify the granting of the variance; the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and the granting of the variance will be in harmony with the general purpose and intent of the zoning article of the Land Development Code and not be injurious to the neighborhood or otherwise detrimental to the public welfare, with the following condition:

- **That the existing vegetation buffer along Summerland Avenue remain.**

The motion carried unanimously by a 6-0 vote. (Aimee Hitchner was absent from the meeting.)

- c. BOA #24-12 Request of KLP Design for variance approval from Section 58-70 subsection (a)(2), to allow a 12.3-foot street-side setback in lieu of the required 15-foot street-side setback in conjunction with the proposed two-story addition to the existing home located at 1161 Lincoln Circle, zoned R-1AA.

Mr. Lewis provided a summary of the request. He noted that there are three street frontages to the lot. He also noted that there is only one interior side lot line which is shared by an adjacent property along Stovin Avenue. He indicated that seven neighbor letters had been received in support of the request. He also indicated that there had been a permit previously pulled in 2008 prior to the applicant's purchase of the house

to make a portion of the garage a laundry room, raising the entire area up to the finished grade of the house, leaving the remainder of the garage too short to fit modern-sized vehicles. He then noted that because of this, the addition to the existing house was proposed to be pulled out into the setback requiring a variance, but the proposed lanai and bathroom additions did not require variances. He then reviewed the proposed elevations and existing photographs of the property. He indicated that there is an existing privacy hedge along Stovin Avenue. He went on to discuss the variance approval criteria for the request, noting that reverting the portion of the garage that was renovated into a laundry room in 2008 is not feasible as this would require significant work including removal of walls, relocation of electrical, plumbing, HVAC, and appliances, as well as lowering the portion back to grade of the garage. He also noted that because of the lot's unique shape and condition that it has three street-frontage yard areas, as well as the fact that the existing garage cannot be extended without the need for a variance nor feasibly restored to its original design, staff did not believe that the request would allow for a special privilege to any other lands, structures, or buildings in the same zoning district.

Staff recommendation was for approval.

The applicant, Tim Perry of 235 S. Maitland Avenue, Maitland, FL 32751 addressed the Board. He provided information about the dimensions of the lot and the proposed addition to the garage.

The Board heard public comment from the following residents:

Did not confirm their favor or opposition to the request: William McGuinness of 1110 N. Park Avenue, Winter Park, FL 32789.

Opposed to the request: Diane Rostkowski of 98 Palmer Avenue, Winter Park, FL 32789.

No one else from the public wished to speak.

The property owners, Albert and Philippa Wessels, of 1161 Lincoln Circle, Winter Park, FL 32789 addressed the Board. Mrs. Wessels noted the reasons why she and her husband wanted to extend the garage and indicated that they did not intend to ever sell the home. Mr. Wessels indicated that he believed the extension of the garage would not create a safety issue for pedestrians and explained that a landing was needed inside the garage for safe entry and exit of the home.

The Board shared their thoughts on the request and noted that it would have very little impact on the community and the request was minimal.

Motion made by Jeanne Reynaud, seconded by Ann Higbie, for variance approval from Section 58-70 subsection (a)(2), to allow a 12.3-foot street-side setback in lieu of the required 15-foot street-side setback in conjunction with the proposed two-story addition to the existing home located at 1161 Lincoln Circle, zoned R-1AA, with a finding that the variance is justified by the criteria outlined in Section 58-92 of the Code of Ordinances of the City of Winter Park; the reasons set forth in the application justify the granting of the variance; the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and the granting of the variance will be in harmony with the general purpose and intent of the zoning article of the Land Development Code and not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The motion carried unanimously by a 6-0 vote. (Aimee Hitchner was absent from the meeting.)

5. Non-Action Items

6. Staff Updates

7. Board Comments

The Board inquired about the status of a previously discussed home on Osceola Avenue that has code violations involving a viburnum hedge and a fence. Staff noted that the code compliance process for the violations had been started.

8. Upcoming Agenda Items

9. Adjournment

The meeting adjourned at 6:10 p.m.

ATTEST:

/s/ Mary Bush, Recording Secretary



Board of Adjustments

agenda item 4.a

item type

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

meeting date

December 17, 2024

prepared by

Nicholas Lewis, Planner II

approved by

Allison McGillis, Director of Planning and Zoning

subject

BOA-2024-0013. Request of Dove Builders of Central Florida Inc. for variance approval from Section 58-65 subsection (f)(6), to allow a 31.1-foot front setback in lieu of the required 35-foot front setback in conjunction with the proposed single-story addition to the existing single-family home located at 1017 N. Phelps Avenue, zoned R-1A.

motion | recommendation

Staff recommendation is for approval of the variance requested.

background

The applicant, Dove Builders of Central Florida Inc., on behalf of the homeowners, is requesting variance approval to add a single-story addition with a front setback of 31.1-feet in lieu of the required 35-foot front setback. The property is zoned R-1A.

Variance Review Criteria:

Special Conditions and Circumstances

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

The lot itself is a standard rectangular lot, but it is the only interior lot within the block and is the only parcel facing solely onto N. Phelps Avenue (Phelps). Conversely, the other four parcels within the block between Palmer and Oakhurst Avenues are all corner lots. Therefore, the reality is that all other homes within the block have, at most, a 20-foot setback. Therefore, the applicant's lot, which requires a 35-foot front setback, is the outlier on the block. Under the circumstances, staff believes that the request for 31-feet is reasonable, compared to the requirements of the rest of the adjacent properties.

Deprivation of Rights

The second requirement for granting a variance request is that the literal interpretation of the provisions of the zoning code would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district.

A literal interpretation of Section 58-65(f)(6), requires a front setback of 35-feet. Based on the code language, the front setback is determined by taking the greater of either 20% of the lot depth or the setback of the existing structure. The existing structure setback is 35-feet, exceeding the 20% number. Therefore, based on the requirements of the code, the required front setback is 15-feet greater than the requirement of any other property within the block.

The intent of the front setback provision is to ensure compatibility with the neighboring block structure. In this case, the subject property is the outlier based on circumstances and is penalized, whereas other properties may enjoy a 20-foot front or street-side setback facing Phelps based on their historical development pattern.

Actions of the Applicant

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

The existing structure was constructed in 1957, prior to the homeowners' recent purchase of the property in 2024. Therefore, the design and layout of the existing structure and its existing location is not based on actions of the applicant.

Special Privilege

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

Because of the lot's unique circumstance being the only interior lot facing Phelps, as well as the fact that the code would not allow an addition beyond the existing structure despite its greater setback compared to the neighbors, staff does not believe that the request would allow for a special privilege to any other lands, structures, or buildings in the same zoning district regarding the variance requested.

Summary

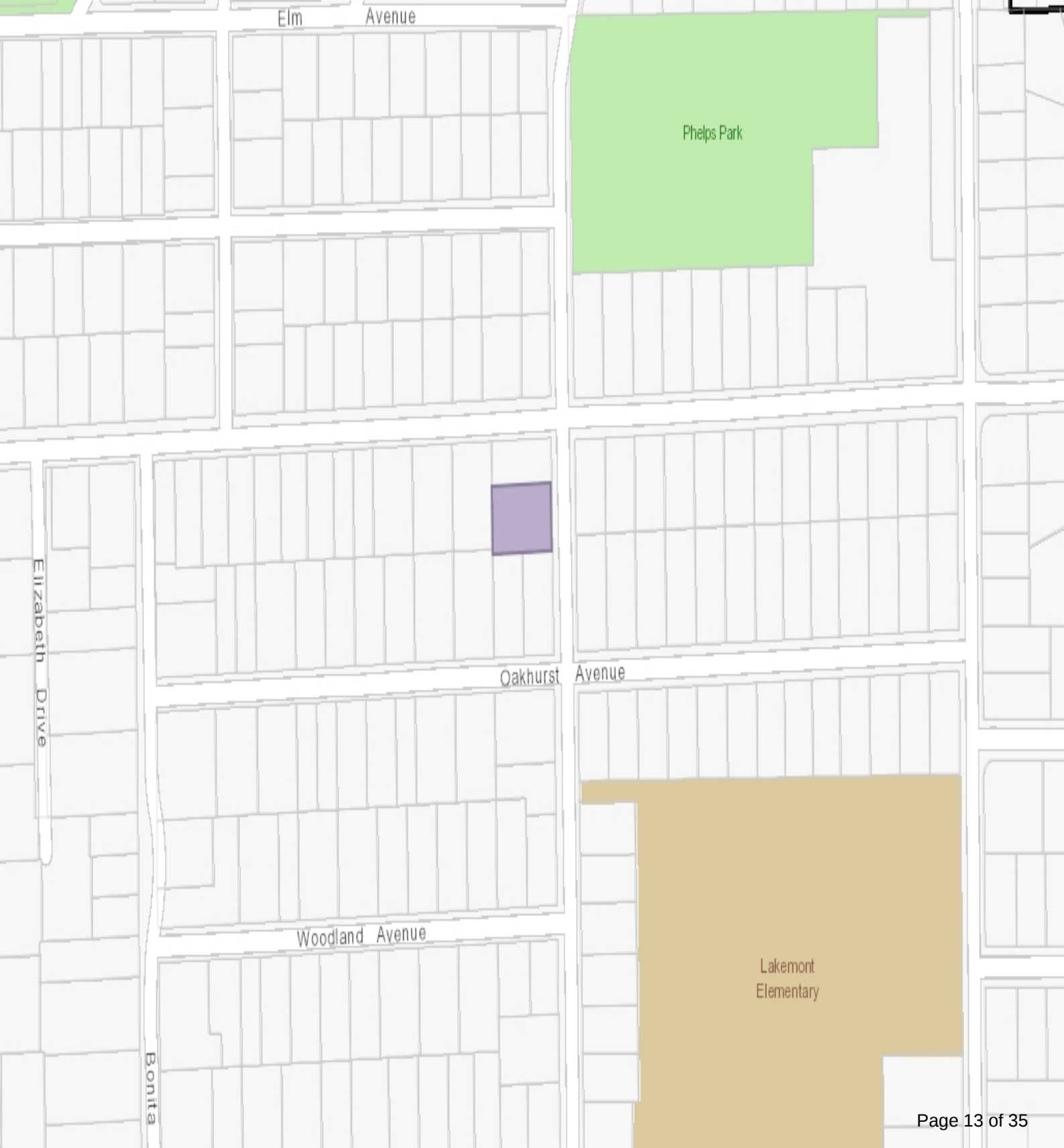
Staff believes that the applicant meets the four criteria required to grant the variances requested.

alternatives | other considerations

fiscal impact

attachments

1. 1017 N Phelps Ave - Area Map
2. 1017 N Phelps Ave - Aerial Map
3. 1017 N Phelps Ave - Neighbor Letter Map
4. 1017 N Phelps Ave - Survey
5. 1017 N Phelps Ave - Site Plan
6. 1017 N Phelps Ave - Rendering
7. 1017 N Phelps Ave - Neighbor Letters



Elm Avenue

Phelps Park

Oakhurst Avenue

Woodland Avenue

Lakemont Elementary

Elizabeth Drive

Bonita

PALMER AVENUE



OAKHURST AVENUE

LMER AVENUE



OAKHURST AVENUE

BOUNDARY SURVEY

LEGAL DESCRIPTION:

THE SOUTH 42 1/2 FEET OF LOT 2, ALL OF LOT 3, AND THE NORTH 7 1/2 FEET OF LOT 38, BLOCK A, COMSTOCK PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK K, PAGE 87, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FLOOD INFORMATION:

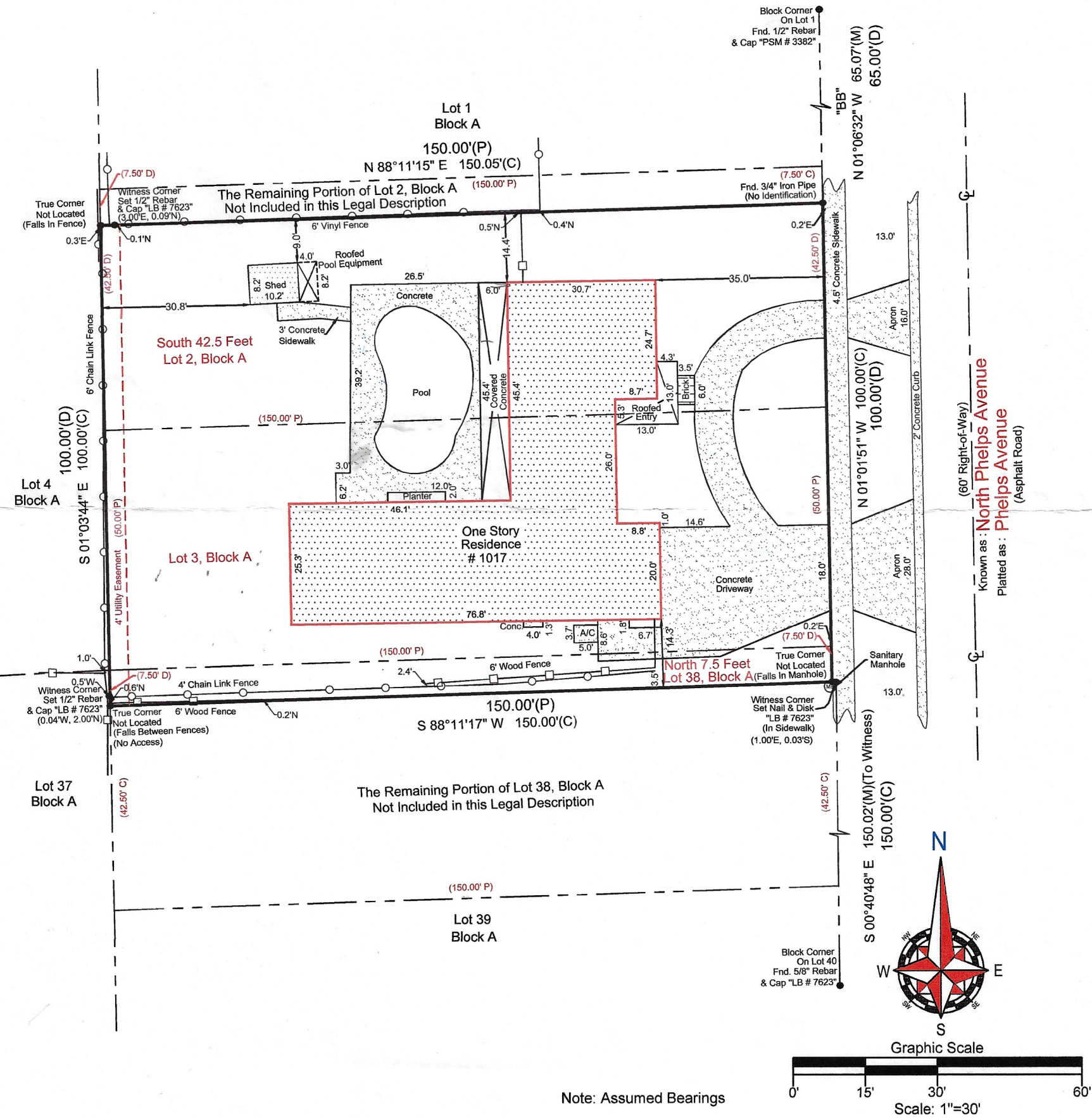
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF WINTER PARK, COMMUNITY NUMBER 120188, DATED 2009-09-25.

CERTIFIED TO:

JENNIFER ZYSKI MCCARTY; BEAMAN & CLARK LAW FIRM, PA; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; SYNERGY ONE LENDING, INC.

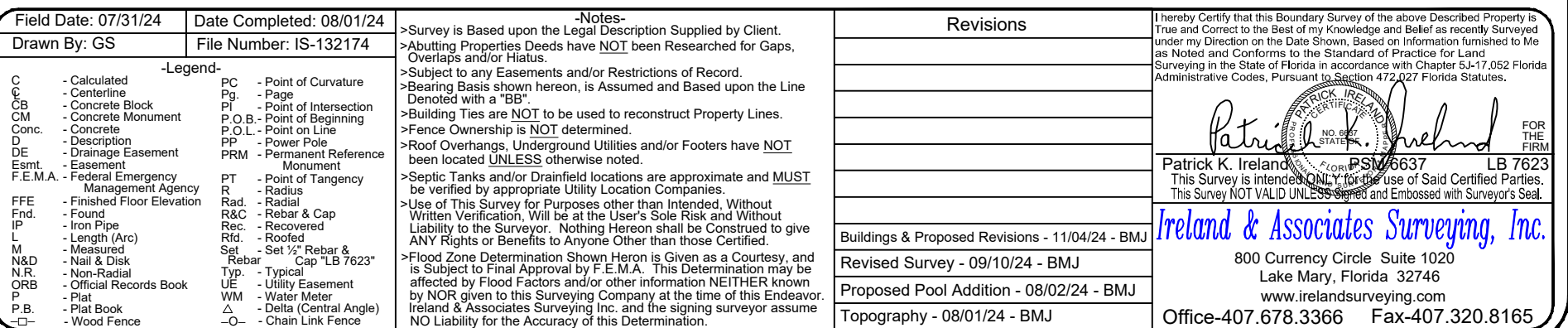


1017 NORTH PHELPS AVENUE, WINTER PARK, FLORIDA 32789



Field Date: 6/25/2024		Date Completed: 06/27/24		-NOTES- >Survey is Based upon the Legal Description Supplied by Client. >Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus. >Subject to any Easements and/or Restrictions of Record. >Bearing basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB". >Building Ties are NOT to be used to reconstruct Property Lines. >Fence Ownership is NOT determined. >Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted. >Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies. >Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to give ANY Rights or Benefits to Anyone Other than those Certified.																																								
Drawn By: G.S.		File Number: JS-132174																																										
-Legend- <table><tr><td>C - Calculated</td><td>PC - Point of Curvature</td></tr><tr><td>CL - Centerline</td><td>Pg - Page</td></tr><tr><td>CB - Concrete Block</td><td>PI - Point of Intersection</td></tr><tr><td>CM - Concrete Monument</td><td>P.O.B. - Point of Beginning</td></tr><tr><td>Conc. - Concrete</td><td>P.O.L. - Point on Line</td></tr><tr><td>D - Description</td><td>PP - Power Pole</td></tr><tr><td>DE - Drainage Easement</td><td>PRM - Permanent Reference Monument</td></tr><tr><td>Esmt. - Easement</td><td>PT - Point of Tangency</td></tr><tr><td>F.E.M.A. - Federal Emergency Management Agency</td><td>R - Radius</td></tr><tr><td>FFE - Finished Floor Elevation</td><td>Rad. - Radial</td></tr><tr><td>Fnd. - Found</td><td>R&C - Rebar & Cap</td></tr><tr><td>IP - Iron Pipe</td><td>Rec. - Recovered</td></tr><tr><td>L - Length (Arc)</td><td>Rfd. - Roofed</td></tr><tr><td>M - Measured</td><td>Set - Set 1/2" Rebar & Cap "LB 7623"</td></tr><tr><td>N&D - Nail & Disk</td><td>Rebar - Rebar</td></tr><tr><td>N.R. - Non-Radial</td><td>Typ. - Typical</td></tr><tr><td>ORB - Official Records Book</td><td>UE - Utility Easement</td></tr><tr><td>P - Plat</td><td>WM - Water Meter</td></tr><tr><td>P.B. - Plat Book</td><td>Δ - Delta (Central Angle)</td></tr><tr><td>□ - Wood Fence</td><td>○ - Chain Link Fence</td></tr></table>				C - Calculated	PC - Point of Curvature	CL - Centerline	Pg - Page	CB - Concrete Block	PI - Point of Intersection	CM - Concrete Monument	P.O.B. - Point of Beginning	Conc. - Concrete	P.O.L. - Point on Line	D - Description	PP - Power Pole	DE - Drainage Easement	PRM - Permanent Reference Monument	Esmt. - Easement	PT - Point of Tangency	F.E.M.A. - Federal Emergency Management Agency	R - Radius	FFE - Finished Floor Elevation	Rad. - Radial	Fnd. - Found	R&C - Rebar & Cap	IP - Iron Pipe	Rec. - Recovered	L - Length (Arc)	Rfd. - Roofed	M - Measured	Set - Set 1/2" Rebar & Cap "LB 7623"	N&D - Nail & Disk	Rebar - Rebar	N.R. - Non-Radial	Typ. - Typical	ORB - Official Records Book	UE - Utility Easement	P - Plat	WM - Water Meter	P.B. - Plat Book	Δ - Delta (Central Angle)	□ - Wood Fence	○ - Chain Link Fence	-POINTS OF INTEREST- NONE VISIBLE
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I hereby Certify that this Boundary Survey of the above Described Property True and Correct to the Best of my Knowledge and Belief as recently Surveyed under my Direction on the Date Shown, Based on Information furnished to me as Noted and Conforms to the Standards of Practice for Land Surveyors in the State of Florida in accordance with Chapter 5J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.  Patrick K. Ireland PATRICK IRELAND 6637 LB: This survey is intended ONLY for the use of said certified party. This survey is NOT valid without signature and embossed w Surveyors Seal. Ireland & Associates Surveying, Inc. 800 Currency Circle Suite 1020 Lake Mary, Florida 32746 www.irelandsurveying.com Office-407.678.3366 Fax-407.320.8165																																												

CERTIFIED TO: DOVE BUILDERS





Jen & Dax McCarty
1017 N Phelps Avenue
Winter Park, FL 32789
October 30th, 2024

Dear Neighbor,

I hope this message finds you well. We are reaching out regarding a home renovation project at my residence at 1017 N Phelps Avenue. As part of this renovation, we are planning to extend the front facade of our house by four feet to allow for a dining room expansion.

The City of Winter Park has a 30-foot setback requirement for new builds, meaning new structures should be set back 30 feet from the sidewalk. Our current setback is 35 feet, and with the proposed renovation, the front of our home would be 31 feet from the sidewalk—still one foot deeper than the City's setback requirement for new builds.

The City has requested that we gather support from our neighbors as part of the variance process to proceed with this change. We would be grateful if you would consider adding your name, address, and signature to show your support for our renovation.

If you have any questions about this project, please feel free to reach out. Your support is greatly appreciated and will help us move forward with a home improvement that maintains harmony with our neighborhood.

Warm regards,
Jen McCarty
(904)838-5475
jenzmccarty@gmail.com

Dax McCarty
(407)808-1120
daxmccarty@yahoo.com

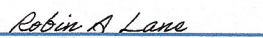
Name

Robin A Lane

Address

1680 Palmer Ave, Winter Park, FL

Signature


Robin A Lane (Oct 31, 2024 08:54 EDT)

Date

10/31/2024

Jen & Dax McCarty
1017 N Phelps Avenue
Winter Park, FL 32789
October 30th, 2024

Dear Neighbor,

I hope this message finds you well. We are reaching out regarding a home renovation project at my residence at 1017 N Phelps Avenue. As part of this renovation, we are planning to extend the front facade of our house by four feet to allow for a dining room expansion.

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Warm regards,
Jen McCarty
(904)838-5475
jenzmccarty@gmail.com

Dax McCarty
(407)808-1120
daxmccarty@yahoo.com

Name

Dan Meadors

Address

1691 Oakhurst Ave, Winter Park, FL 32789

Signature

Dan Meadors

Dan Meadors (Oct 30, 2024 17:27 EDT)

Date

10/30/2024

Jen & Dax McCarty
1017 N Phelps Avenue
Winter Park, FL 32789
October 30th, 2024

Dear Neighbor,

I hope this message finds you well. We are reaching out regarding a home renovation project at my residence at 1017 N Phelps Avenue. As part of this renovation, we are planning to extend the front facade of our house by four feet to allow for a dining room expansion.

The City of Winter Park has a 30-foot setback requirement for new builds, meaning new structures should be set back 30 feet from the sidewalk. Our current setback is 35 feet, and with the proposed renovation, the front of our home would be 31 feet from the sidewalk—still one foot deeper than the City’s setback requirement for new builds.

The City has requested that we gather support from our neighbors as part of the variance process to proceed with this change. We would be grateful if you would consider adding your name, address, and signature to show your support for our renovation.

If you have any questions about this project, please feel free to reach out. Your support is greatly appreciated and will help us move forward with a home improvement that maintains harmony with our neighborhood.

Warm regards,
Jen McCarty
(904)838-5475
jenzmccarty@gmail.com

Dax McCarty
(407)808-1120
daxmccarty@yahoo.com

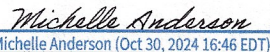
Name

Michelle Anderson

Address

1671 Oakhurst Ave, Winter Park 32789

Signature


Michelle Anderson (Oct 30, 2024 16:46 EDT)

Date

10/30/2024

Jen & Dax McCarty
1017 N Phelps Avenue
Winter Park, FL 32789
October 30th, 2024

Dear Neighbor,

I hope this message finds you well. We are reaching out regarding a home renovation project at our residence at 1017 N Phelps Avenue. As part of this renovation, we are planning to extend the front facade of our house by four feet to allow for a dining room expansion.

The City of Winter Park has a 30-foot setback requirement for new builds, meaning new structures should be set back 30 feet from the sidewalk. Our current setback is 35 feet, and with the proposed renovation, the front of our home would be 31 feet from the sidewalk—still one foot deeper than the City’s setback requirement for new builds.

The City has requested that we gather support from our neighbors as part of the variance process to proceed with this change. We would be grateful if you would consider adding your name, address, and signature to show your support for our renovation.

If you have any questions about this project, please feel free to reach out. Your support is greatly appreciated and will help us move forward with a home improvement that maintains harmony with our neighborhood.

Warm regards,
Jen McCarty
(904)838-5475
jenzmccarty@gmail.com

Dax McCarty
(407)808-1120
daxmccarty@yahoo.com

Name

Sean McDermott

Address

1700 Palmer Ave, Winter Park , FL 32789

Signature


Sean McDermott (Nov 2, 2024 15:15 EDT)

Date

11/02/2024



Board of Adjustments

agenda item 4.b

item type

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

meeting date

December 17, 2024

prepared by

Nicholas Lewis, Planner II

approved by

Allison McGillis, Director of Planning and Zoning

subject

BOA-2024-0014. Request of Skolfield Homes LLC for variance approval from Section 58-65 subsection (f)(7), to allow a 9.5-foot second-story side setback in lieu of the required 13-foot second-story side setback in conjunction with the proposed open-air covered porch addition to the existing home located at 1486 Alabama Drive, zoned R-1AA.

motion | recommendation

Staff recommendation is for approval of the variance requested.

background

The applicant, Skolfield Homes LLC, on behalf of the homeowners, is requesting variance approval to add an open-air, covered porch addition along the second-story deck of the existing structure with a second-story side setback of 9.5-feet in lieu of the required 13-foot second-story side setback. The property is zoned R-1AA.

In 2014, the property received a variance to construct the existing second-story patio. The property was sold to the current owners in 2017 and in 2018, the homeowners purchased a portion of the parcel behind the subject property to allow enough FAR to be able to enclose this patio space and were granted the same side setback variance to do so. Since then, the 2018 variance expired and the applicant is now requesting a similar variance with this request, adding a pergola system covering the area that has operable louvers that open and close, but is not enclosing the area.

Variance Review Criteria:

Special Conditions and Circumstances

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

The property is a lakefront lot where the lakefront portion is in the front of the lot across Alabama Drive (Alabama). The rationale for the second-story patio area is to preserve lakefront views whereas these areas would ordinarily be proposed in the rear of the lot. However, the reality is that this area is constantly beaten down by harsh weather conditions. As part of the unique history of this structure, the patio was granted a side setback variance in 2014 and the 2018 request to enclose the patio was granted the same variance because the existing setback is nonconforming. The area proposed by this request is the same as the 2018 request and the nonconforming side setback would require a variance to cover the area in its entirety.

Deprivation of Rights

The second requirement for granting a variance request is that the literal interpretation of the provisions of the zoning code would deprive the applicant of the rights commonly enjoyed by other properties in the same zoning district.

A literal interpretation of Section 58-65(f)(7) requires a 13-foot second-story side setback. However, the existing structure has an existing nonconforming setback of 9.5-feet. The request is to cover the total uncovered patio area which follows the existing setback. The applicant could adjust their plan to meet the required setback, but based on the layout, this would create a portion of the patio that would not be functional and would be architecturally awkward. The applicant is proposing to cover the same area that was originally approved to be enclosed in 2018, but it is not enclosing the space as previously approved. Staff believes that this request is therefore less intrusive for the neighbor and for the massing of the structure. Additionally, a significant bamboo buffer exists between the current patio area and the neighboring property.

Actions of the Applicant

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

The existing structure was constructed in 1978, prior to the homeowners' purchase of the property in 2017. Therefore, the design and layout of the existing structure and its existing location is not based on the actions of the applicant. Additionally, they did not own the property when the uncovered patio was approved by the Board of Adjustment in 2014.

Special Privilege

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

Because of the lot's unique history and prior variance approvals, as well as the nonconforming nature of the existing structure and existing two-story bamboo screening, staff does not believe that any special privilege will be granted to other lands, structures, or buildings in the

same zoning district by granting this request.

Summary

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

alternatives | other considerations

fiscal impact

attachments

1. 1486 Alabama Drive - Area Map
2. 1486 Alabama Drive - Aerial Map
3. 1486 Alabama Drive - Neighbor Letter Map
4. 1486 Alabama Drive - Survey
5. 1486 Alabama Drive - Plan Set
6. 1486 Alabama Drive - Neighbor Letter



Kraft
Azalea
Garden

Alabama Drive

Harding Street

Mayfield Avenue

Mckean
Circle

Via

Palm



ALABAMA DRIVE



ALABAMA DRIVE

LEGAL DESCRIPTION:

PARCEL A:
THAT PART OF LOT 10, BLOCK C, J. KRONENBERGER SUBDIVISION, AS PER PLAT THEREOF IN PLAT
BOOK G, PAGES 56 AND 57, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, DESCRIBED AS
FOLLOWS:

FROM THE SOUTHEAST CORNER OF SAID LOT 10, RUN 30 DEGREES 15' WEST ALONG THE EAST LINE
THEREOF OF 31 FEET TO THE POINT OF BEGINNING, RUN THENCE SOUTH 86 DEGREES 19' WEST
57.33 FEET; THENCE NORTHERLY 147.77 FEET TO THE POINT ON THE NORTH LINE OF LOT 10
THIS A DISTANCE OF 35 FEET EASTERLY OF THE NORTHWEST CORNER OF SAID LOT; THENCE RUN
EASTERLY 75 FEET ALONG THE NORTH LINE OF LOT 10 TO THE NORTHWEST CORNER THEREOF,
THENCE SOUTH 30 DEGREES 14' EAST 147 FEET TO THE POINT OF BEGINNING

TRACT 1:

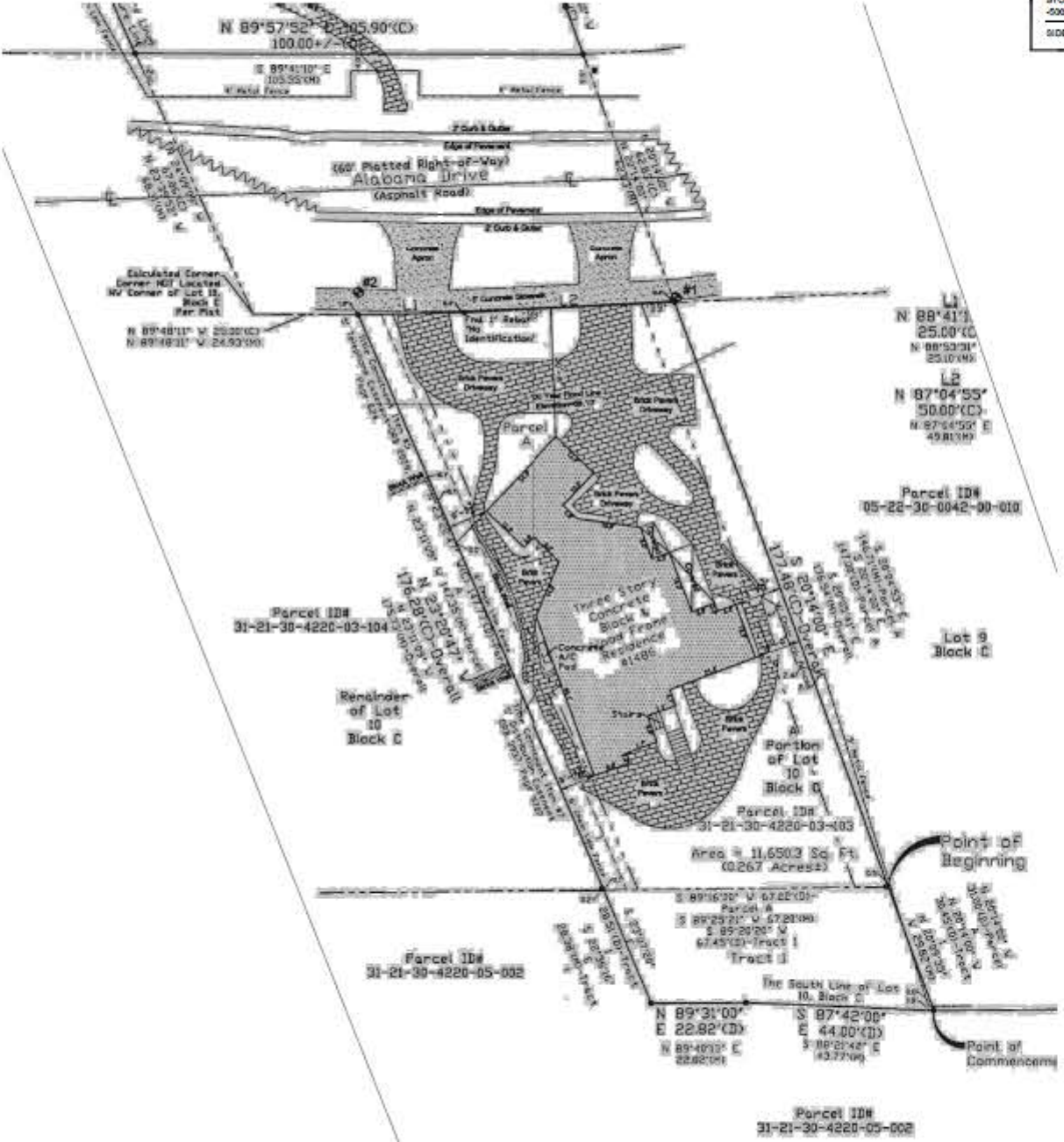
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10; THENCE RUN NORTH 20614 FEET WEST,
ALONG THE EAST LINE THEREOF, 30.445 FEET TO A ONE INCH PIPE LOCATED AT THE SOUTHEAST
CORNER OF PARCEL A, AS DESCRIBED IN THE OFFICIAL RECORDS BOOK 13515, PAGE 198, PUBLIC
RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN SOUTH 86 DEGREES 19' WEST, ALONG THE SOUTH
LINE OF SAID PARCEL A, 57.445 FEET TO A ONE INCH PIPE LOCATED AT THE SOUTHWEST CORNER
OF SAID PARCEL A, THENCE RUN SOUTH 2360720' EAST ALONG SAID SOUTHERLY EXTENSION OF
THE WESTERLY LINE OF SAID PARCEL A, 20.51 FEET TO THE SOUTHERLY LINE OF SAID LOT 10;
THENCE RUN NORTH 86 DEGREES 19' EAST ALONG SAID SOUTHERLY LINE OF LOT 10, 22.82 FEET; THENCE
RUN SOUTH 87 DEGREES 47' EAST, ALONG SAID SOUTHERLY LINE OF LOT 10, 44.00 FEET TO THE POINT OF
BEGINNING, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 10 RUN NORTH 2061400' WEST ALONG THE
EAST LINE THEREOF A DISTANCE OF 177.48 FEET TO THE SOUTH RIGHT OF WAY LINE OF ALABAMA
DRIVE; THENCE RUN SOUTH 87 DEGREES 45' WEST ALONG SAID SOUTH RIGHT OF WAY LINE A DISTANCE
OF 52.50 FEET; THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE SOUTH 86 DEGREES 19' WEST
A DISTANCE OF 25.00 FEET; THENCE LEAVING SAID SOUTH RIGHT OF WAY LINE RUN SOUTH
2562047' EAST A DISTANCE OF 176.30 FEET TO THE SOUTH LINE OF LOT 10; THENCE RUN NORTH
86 DEGREES 19' EAST A DISTANCE OF 22.82 FEET; THENCE CONTINUE ALONG SAID SOUTH LINE OF LOT 10
SOUTH 87 DEGREES 47' EAST A DISTANCE OF 44.00 FEET TO THE POINT OF BEGINNING.

AND

PARCEL C:

A STRIP OF LAND BEGINNING AT THE POINT OF INTERSECTION OF THE NORTHERLY LINE OF
ALABAMA DRIVE WITH THE PROLONGATION NORTHERLY OF THE WESTERLY BOUNDARY LINE OF
LOT 10, BLOCK C, J. KRONENBERGER SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS
RECORDED IN PLAT BOOK G, PAGES 56 AND 57, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA,
RUNNING THENCE NORTH ALONG SAID PROLONGATION OF THE WESTERLY BOUNDARY LINE OF
SAID LOT 10 TO THE SHORELINE OF LAKE MAITLAND; RUNNING THENCE EASTERLY ALONG THE
SHORELINE OF SAID LAKE MAITLAND TO THE POINT OF INTERSECTION OF SAID SHORELINE WITH A
PROLONGATION NORTHERLY OF THE EASTERLY BOUNDARY OF SAID LOT 10; RUNNING THENCE
SOUTHERLY ALONG THE PROLONGATION OF SAID EASTERLY BOUNDARY LINE OF LOT 10 TO THE
NORTHERLY SIDE OF SAID ALABAMA DRIVE; AND RUNNING THENCE WESTERLY ALONG SAID
NORTHERLY SIDE OF ALABAMA DRIVE 100 FEET, MORE OR LESS, TO THE POINT OF BEGINNING



AREA TABULATIONS

TOTAL AREA:	11,650 SQ. FT.
MAX FAR:	4,000 SQ. FT.
1ST FLOOR LIVING	1,496 SQ. FT.
2ND FLOOR LIVING	1,496 SQ. FT.
3RD FLOOR LIVING	621 SQ. FT.
GARAGE	610 SQ. FT.
UNFINISHED STORAGE	12 SQ. FT.
ENTRY	65 SQ. FT.
-400 EXCLUDE	
ENTRY FAR-0N	
COVERED PATIO	24 SQ. FT.
NEW COVERED PATIO 2ND FLOOR	27000. FT.
STOCK	30 SQ. FT.
-500 EXCLUDE	
SIDE/REAR PORCH FAR	124 SQ. FT.

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

PRINTED COPIES OF THIS
DOCUMENT ARE NOT CONSIDERED
SIGNED AND SEALED AND THE
SIGNATURE MUST BE VERIFIED ON
ANY ELECTRONIC COPIES.



SITE PLAN

PROJECT
LENOX RESIDENCE
1485 ALABAMA DR.
WINTER PARK FL 32789

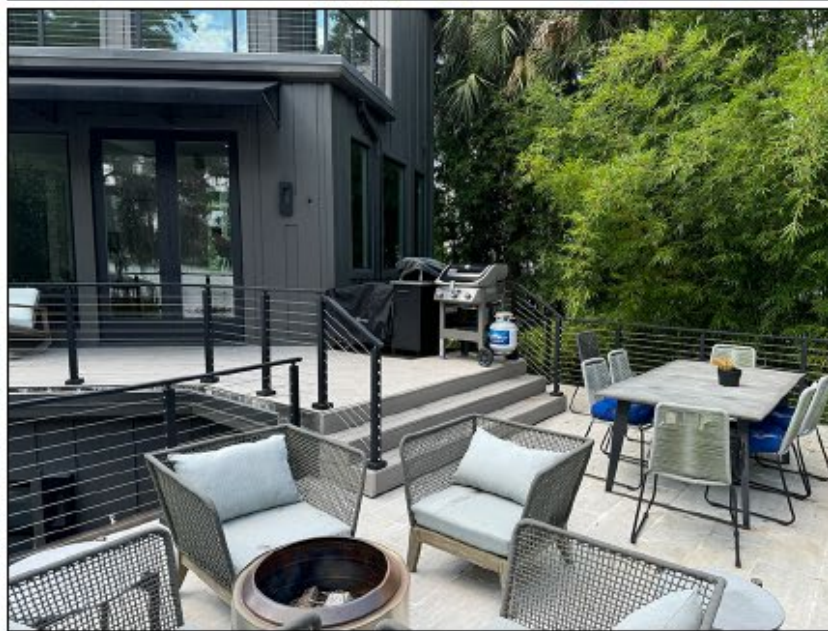
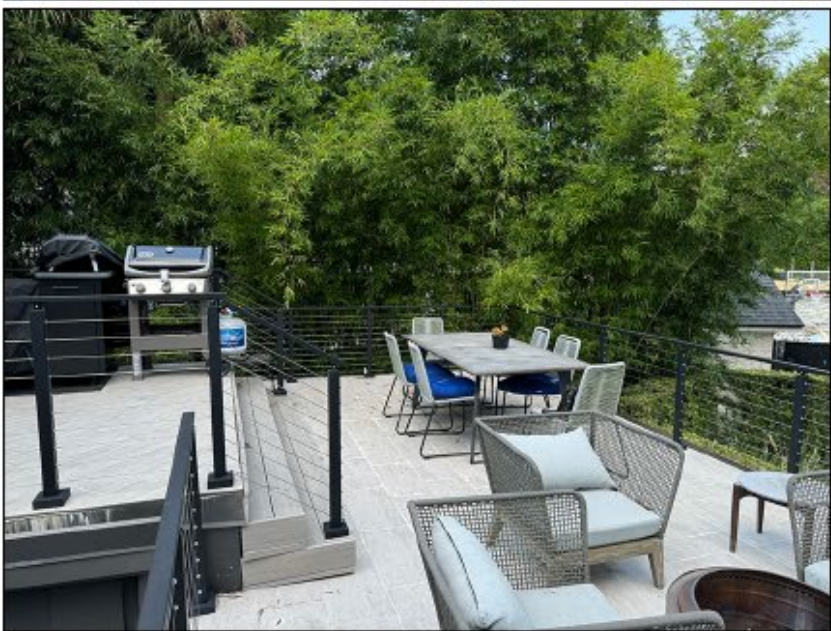
CAD: 2/23/21
PHONE: 321.251.6006
3812 AVALON PARKWAY E.
SUITE 2072
ORLANDO, FL 32828



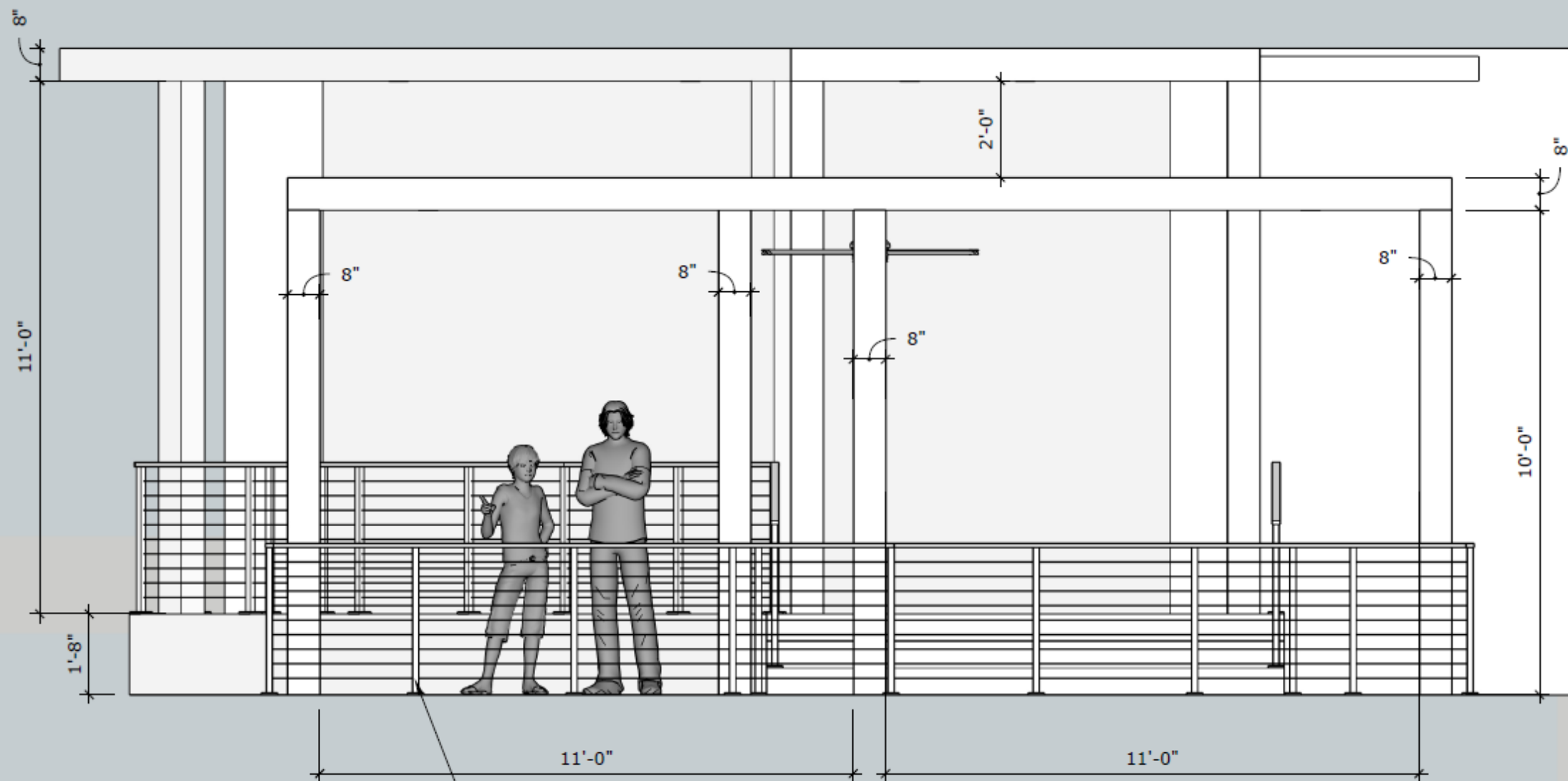
SITE PLAN

1"=20'-0"

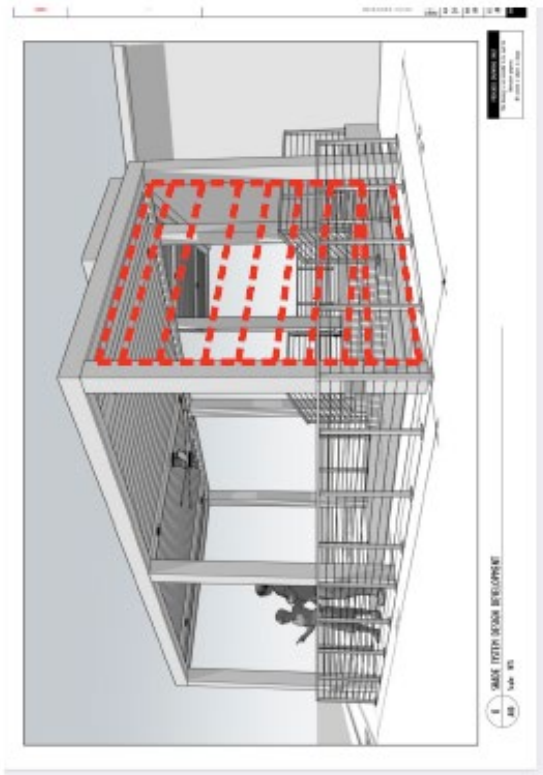
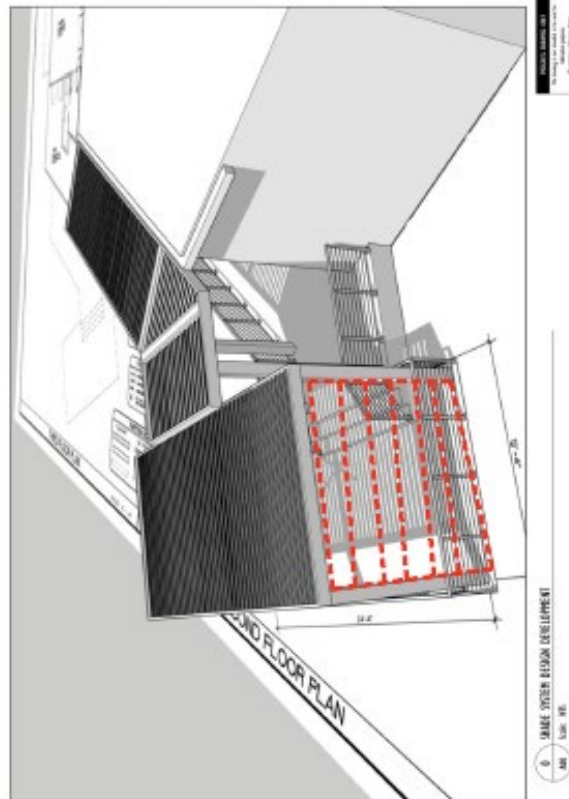
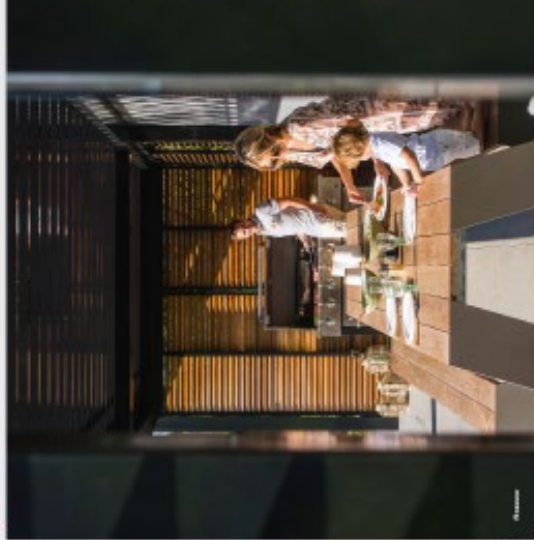


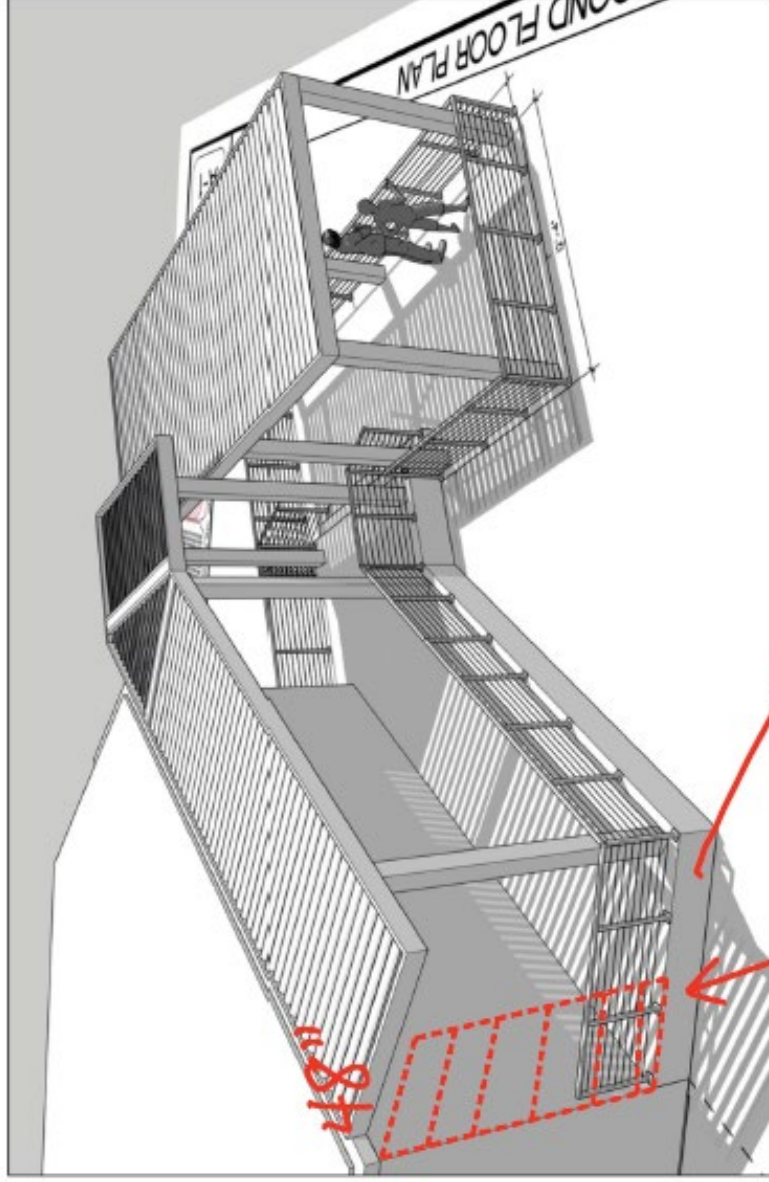






• EXISTING RAILING TO REMAIN



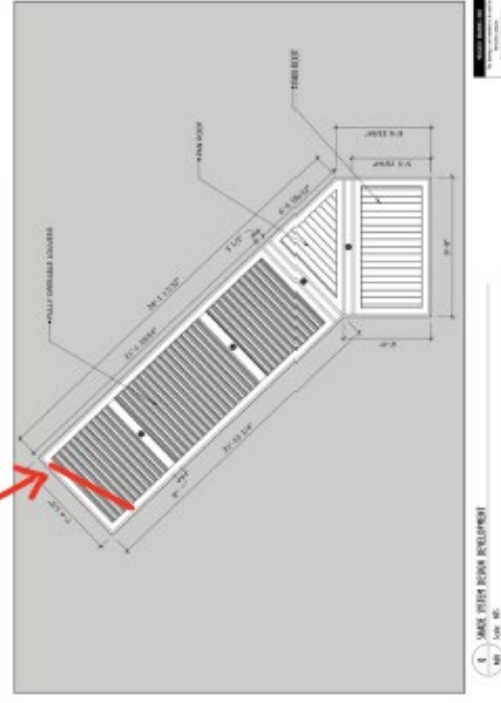


0 SHADE SYSTEM DESIGN DEVELOPMENT
100 Scale: 1/125

~~dam.renson.net~~



~~Pergola should angle with the patio~~



Board of Adjustments
City of Winter Park

November 14, 2024

Wil and Ashley Torres
1466 Alabama Drive
Winter Park, FL 32789
407-701-4202

Re: 1486 Alabama Dr, Winter Park FL Variance

Dear Board of Adjustments,

We are writing to inform you of our full support for Brandon and Jennifer Lenox of 1486 Alabama Drive to add a covered pergola to their exterior patio.

We feel it will significantly enhance the value and function of the home for the Lenox's and will be visually appealing from the exterior. We are fully aware of the side setback variance the Lenox's are requesting for our shared property and approve.

If you have any questions, please do not hesitate to contact us.

Kind Regards,

A handwritten signature in black ink, appearing to read "Wil and Ashley Torres". The signature is fluid and cursive, with the first name "Wil" and last name "Torres" being more prominent than the middle name "Ashley".

Wil and Ashley Torres