



Board of Adjustments Regular Meeting

Agenda

January 21, 2025 @ 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 December 17, 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-2024-0015. Request of Andy and Brittney Burrow for variance approval from Section 58-71 subsection (n)(2), to allow a 6-foot high fence within the street-side yard in lieu of the maximum height of 3-feet for fences within street-side yards in conjunction with the proposed fence located at 897 Brock Street, zoned R-1AA. 15 minutes
- b. BOA-2024-0016. Request of Rachid El Manouni for variance approval from Section 58-71 subsection (n)(2), to allow a 6-foot high fence within the front yard in lieu of the maximum height of 3-feet for fences within front yards in conjunction with the proposed fence located at 2150 Suffield Drive, zoned R-1A. 15 minutes
- c. BOA-2024-0017. Request of Rick Jennings with Nautilus Homes for variance approval from Section 58-65 subsection (f)(6), to allow a 35-foot front setback in lieu of the required 48.5-foot front setback in conjunction with the proposed two-story home located at 1166 Palmer Avenue, zoned R-1AA. 10 minutes

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



Board of Adjustments

agenda item 2.a

item type

Consent Agenda

meeting date

January 21, 2025

prepared by

Mary Bush, Administrative Coordinator III

approved by**subject**

Approve the minutes of December 17, 2024.

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

1. Draft Board of Adjustments Regular Meeting Minutes



Board of Adjustments Regular Meeting Minutes

December 17, 2024 at 5:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

Michael Clary, Ann Higbie, Charles Steinberg, Robert Trompke

Absent

Aimee Hitchner, Jeanne Reynaud, Frank Pruitt

Staff Present

City Attorney Hillary Griffith, Senior Planner/Zoning Official John Harbilas, Planner II Nicholas Lewis, Administrative Coordinator Mary Bush

1. Call to Order

Chairman Steinberg called the meeting to order at 5:01 p.m.

2. Consent Agenda

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

Motion made by Michael Clary, seconded by Robert Trompke, to approve the October 15, 2024 meeting minutes.

The motion carried unanimously by a 4-0 vote. (Aimee Hitchner, Jeanne Renaud, and Frank Pruitt were absent from the meeting.)

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

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

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

- a. BOA-2024-0013. 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.

Mr. Lewis provided a summary of the item. He noted that four neighbor letters had been received in favor of the request and none in opposition of it. He then discussed the proposed addition and renovations to the existing home, noting that all of the setbacks except the front setback meet code. He also noted that when considering the block structure, the applicant's house is significantly further back than any other house along the block. Mr. Lewis then reviewed the variance approval criteria for the request. He indicated that the applicant's lot is the only interior lot within its block compared to the other parcels which are all corner lots. He also indicated that city code requires the front setback be either 20% of the lot depth or the setback of the existing structure, whichever is greater. He explained that the existing setback for the applicant's lot is 35-feet and exceeds the 20% number, so the required front setback to both floors is 35-feet. He then noted that because of the lot's unique circumstance being the only interior lot facing Phelps Avenue, as well as the fact that the city's code would not allow an addition beyond the existing structure despite the greater setback compared to the neighbors, 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, Tom Cason of Dove Builders of Central Florida Inc. at 108 Lake Minnie Drive, Sanford, FL 32773 addressed the Board and indicated that he agreed with staff's presentation and recommendation.

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

The Board expressed that they were in approval of the request.

Motion made by Ann Higbie, seconded by Michael Clary, 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, 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 4-0 vote. (Aimee Hitchner, Jeanne Renaud, and Frank Pruitt were absent from the meeting.)

- 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.

Mr. Lewis provided a summary of the item. He noted that it was a lakefront lot and was one of the few in the city where the lakefront portion is in front of the lot. He noted that there is a two-story bamboo screening running down the side of the property along where the addition would be located. He added that the neighbor on that side of the addition had provided a neighbor letter recommending approval of the applicant's request and no neighbor letters were received in opposition of the request. He then reviewed the applicant's proposed elevations and the variance approval criteria for the request. Mr. Lewis noted that the structure has an extensive history due to its uniqueness and the same request had been approved by the Board twice in the past: the first time was in 2014 by the prior owners to allow for the open balcony area and the second-time in 2018 by the current owner to enclose it. He indicated that the applicant was currently proposing the same request approved in 2018 but for an open-air porch compared to an enclosed living space. He then explained that because of the lot's unique history and previous variance approvals, as well as the nonconforming nature of the existing structure and existing two-story bamboo screening, staff did not believe that any special privilege would be granted to other lands, structures, or buildings in the same zoning district.

Staff recommendation was for approval.

The applicant Taylor Nielson with Skolfield Homes LLC at 118 West Comstock Avenue, Winter Park, FL 32789 addressed the Board and noted that there is an integrated gutter system in the pergola and the two-story vegetative buffer will help with the drainage.

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

The Board expressed their approval of the request. A brief discussion ensued regarding requiring the existing bamboo screening to remain intact.

Motion made by Robert Trompke, seconded by Ann Higbie, 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, 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, with the following condition:

- **that the existing vegetative bamboo buffer remain in place and if for some reason it is damaged or otherwise removed that it must be replaced.**

The motion carried unanimously by a 4-0 vote. (Aimee Hitchner, Jeanne Renaud, and Frank Pruitt were absent from the meeting.)

5. Non-Action Items

6. Staff Updates

Mr. Lewis informed the Board that the city's Planning Consultant, Jeff Briggs was retiring in a few weeks.

7. Board Comments

8. Upcoming Agenda Items

9. Adjournment

The meeting adjourned at 5:29 p.m.

ATTEST:

/s/ Mary Bush, Board Secretary



Board of Adjustments

agenda item 4.a

item type

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

meeting date

January 21, 2025

prepared by

Nicholas Lewis, Planner II

approved by

John Harbilas, Senior Planner

subject

BOA-2024-0015. Request of Andy and Brittney Burrow for variance approval from Section 58-71 subsection (n)(2), to allow a 6-foot high fence within the street-side yard in lieu of the maximum height of 3-feet for fences within street-side yards in conjunction with the proposed fence located at 897 Brock Street, zoned R-1AA.

motion | recommendation

Staff recommendation is for denial of the variance requested.

background

The applicants and homeowners, Andy and Brittney Burrow, are requesting variance approval to allow a 6-foot high fence along the street-side lot line in lieu of the maximum 3-foot fence height for fences located in street-side yards. The property is zoned R-1AA.

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 lands, structures, or buildings in the same zoning district.

The subject property uniquely has three street-facing yards. The functional front yard faces Brock Street and the functional rear yard faces Dixie Parkway leaving the Sunnyside Drive frontage as the street-side yard. On the property currently exists a block wall ranging from 3-feet in height to 5-feet in height. The existing wall is failing due to the existence of multiple large camphor trees. The applicants' request is essentially to replace this failing wall with a new, 6-foot fence in the same location as the wall.

It is worth noting that the portion of the proposed fence along the Dixie Parkway frontage may be permitted at 6-feet in height because all of the lots between Dixie Parkway and Brock

Street have traditionally treated this area as a traditional rear yard as opposed to a standard through lot. Therefore, the only portion of the fence in question is the height of the fence along the Sunnyside Drive lot line.

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 58-71(n)(2), requires fences within front and street-side yards to be a maximum of 3-feet in height and be decorative/nonopaque as opposed to a privacy-type fence. In street-side yards, a 6-foot privacy fence is permissible if the fence is setback 10-feet from the lot line and vegetative plantings are placed on the street-facing side of the fence.

In this instance, both options are achievable. Therefore, a 3-foot fence along the lot line could be fortified via dense landscaping to create adequate privacy. Similarly, a six-foot fence is permissible, but must adhere to the 10-foot setback and already requires vegetative screening if additional privacy is desired. The structure is located at 22.7-feet from the property line, making the 10-foot setback achievable.

Actions of the Applicant

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

The existing structure was constructed in 1963, and although there is no indication of when the existing wall was constructed, it is clear based on the wall's condition that both the principal structure and existing wall were constructed well before the applicant's purchase of the property in 2020 and before modern zoning and permitting requirements. Therefore, the existing conditions and any subsequent special conditions and circumstances are not based on any actions taken by the applicants. However, the applicants do have two options to which they can adequately meet code under the existing conditions and circumstances.

Special Privilege

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

Although the lot does have some unique conditions such as the three street-frontages, and the existing wall, the applicants have multiple achievable options that meet code. Staff believes that granting this request could open the door for similar variance requests in the future.

Summary

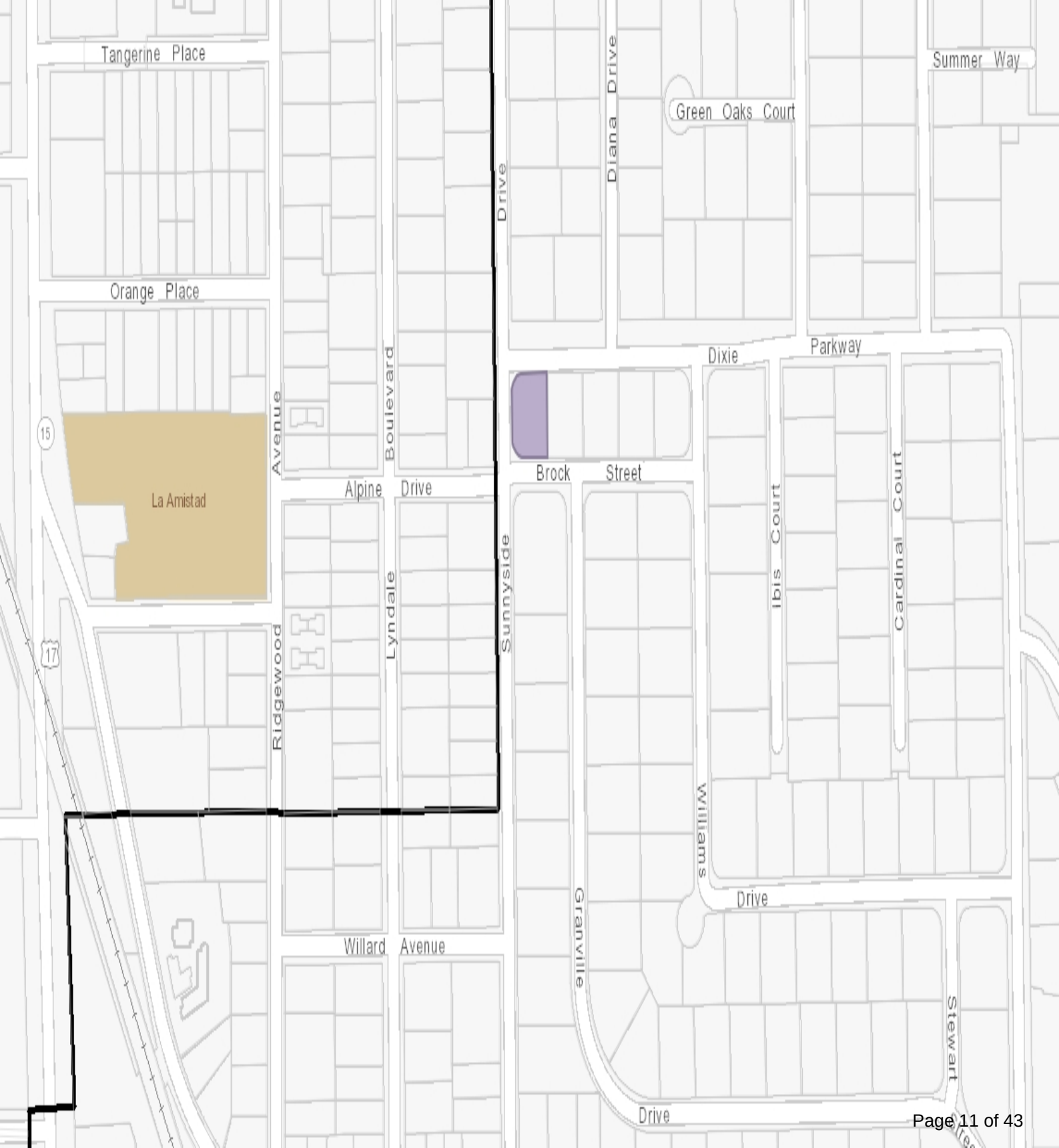
Staff believes that the applicants do not meet the four criteria required to grant the variances requested.

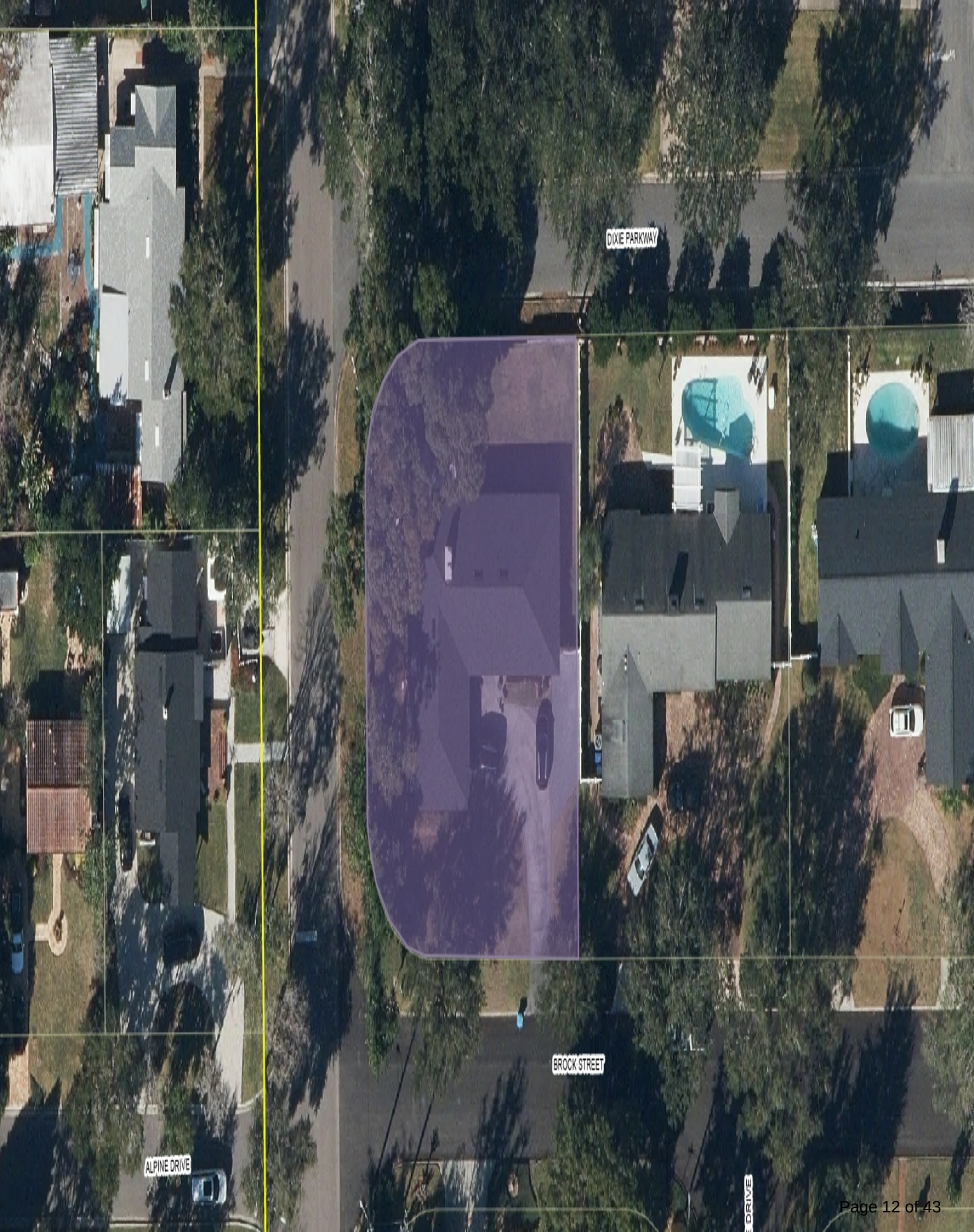
alternatives | other considerations

fiscal impact

attachments

1. 897 Brock Street - Area Map
2. 897 Brock Street - Aerial Map
3. 897 Brock Street - Survey
4. 897 Brock Street - Site Plan
5. 897 Brock Street - Applicant Submittal
6. 897 Brock Street - Existing Conditions Photos





DIXIE PARKWAY

BROCK STREET

ALPINE DRIVE

3 DRIVE

BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 5, BLOCK C, PARK GROVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK W, PAGE 125, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FLOOD INFORMATION:

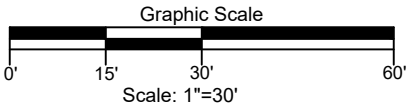
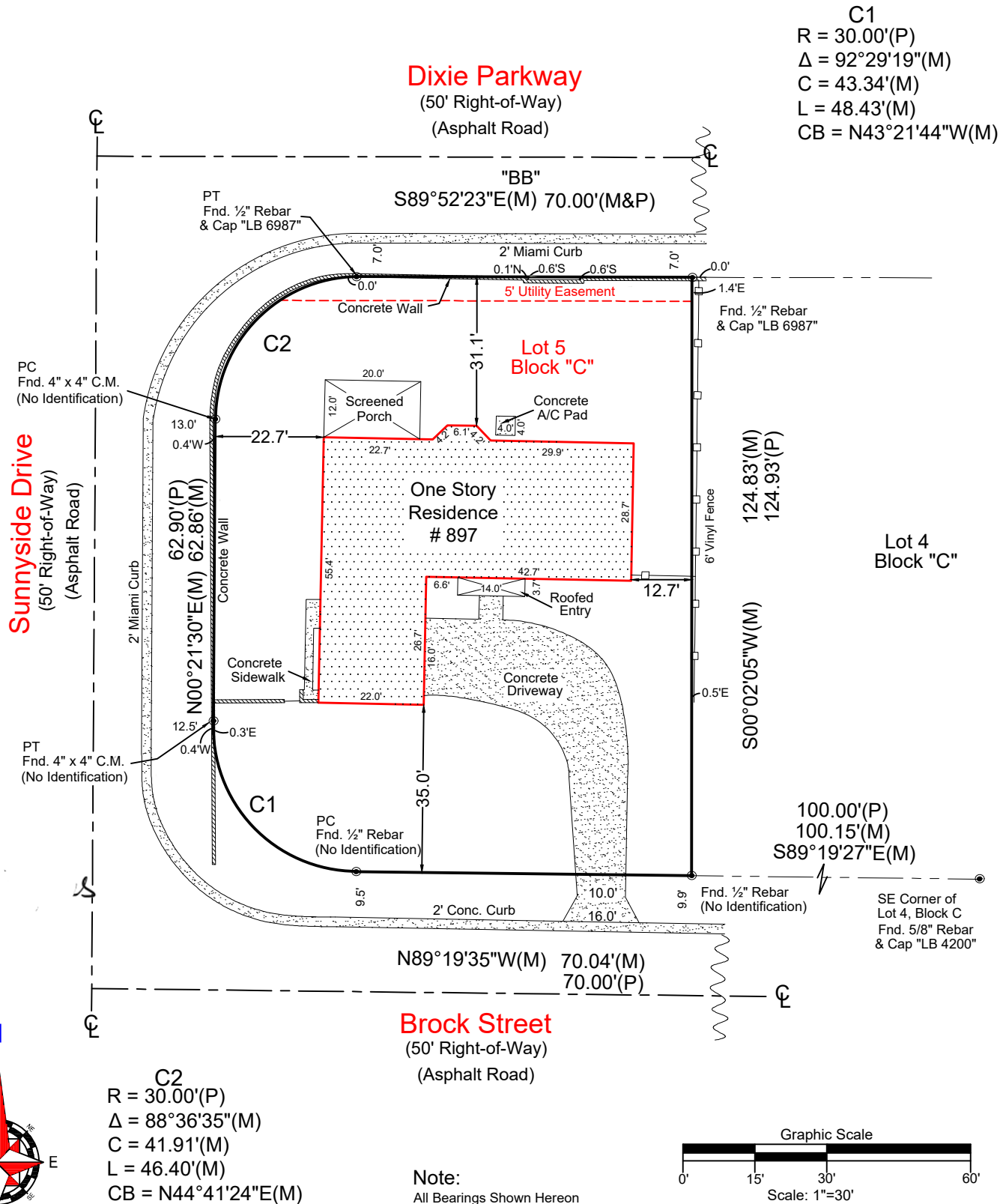
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF WINTER PARK, COMMUNITY NUMBER 120188, DATED 9/25/2009.

CERTIFIED TO:

ROBERT A. BURROW AND BRITTANY M BURROW



897 BROCK STREET, WINTER PARK, FLORIDA 32789



Field Date: 6/3/2020 Date Completed: 06/03/20
Drawn By: B.K. File Number: S-74226

Legend	
C	- Calculated
CB	- Concrete Block
CM	- Concrete Monument
Conc.	- Concrete
D	- Description
DE	- Drainage Easement
Esmt.	- Easement
F.E.M.A.	- Federal Emergency Management Agency
FFE	- Finished Floor Elevation
Fnd.	- Found
IP	- Iron Pipe
L	- Length (Arc)
M	- Measured
N&D	- Nail & Disk
N.R.	- Non-Radial
ORB	- Official Records Book
P	- Plat
P.B.	- Plat Book
□	- Wood Fence
PC	- Point of Curvature
Pg.	- Page
PI	- Point of Intersection
P.O.B.	- Point of Beginning
P.O.L.	- Point on Line
PP	- Power Pole
PRM	- Permanent Reference Monument
PT	- Point of Tangency
R	- Radius
Rad.	- Radial
R&C	- Rebar & Cap
Rec.	- Recovered
Rfd.	- Roofed
Set	- Set 1/2" Rebar & Cap "LB 7623"
Rebar	- Typical
UE	- Utility Easement
WM	- Water Meter
Δ	- Delta (Central Angle)
—O—	- Chain Link Fence

-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.
>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.

-POINTS OF INTEREST-

NONE VISIBLE

I hereby Certify that this Boundary Survey of the above Described Property is 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 Surveying in the State of Florida in accordance with Chapter 6J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

Patrick K. Ireland
Patrick K. Ireland, P.S.M. 6637, LB 7623
This Survey is intended ONLY for the use of Said Certified Parties.
This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's 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

BOUNDARY SURVEY

LEGAL DESCRIPTION:

LOT 5, BLOCK C, PARK GROVE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK W, PAGE 125, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

FLOOD INFORMATION:

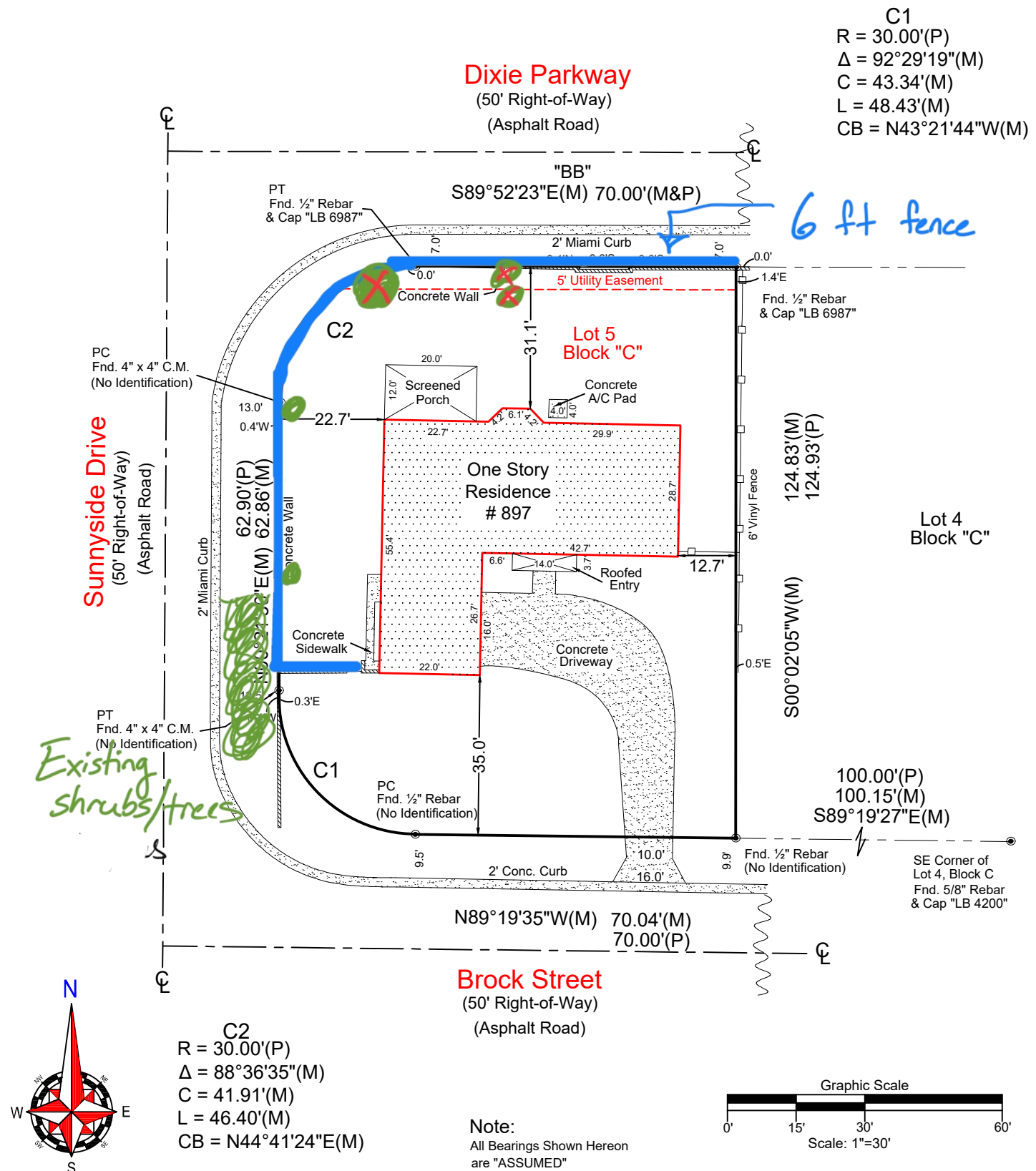
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF WINTER PARK, COMMUNITY NUMBER 120188, DATED 9/25/2009.

CERTIFIED TO:

ROBERT A. BURROW AND BRITTANY M BURROW



897 BROCK STREET, WINTER PARK, FLORIDA 32789



Field Date: 6/3/2020	Date Completed: 06/03/20	-NOTES-	I hereby Certify that this Boundary Survey of the above Described Property is 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 Surveying in the State of Florida in accordance with Chapter 6J-17.052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.
Drawn By: B.K.	File Number: S-74226	>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. >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.	FOR THE FIRM
-Legend- C - Calculated C - Centerline CB - Concrete Block CM - Concrete Monument Conc. - Concrete D - Description DE - Drainage Easement Esmt. - Easement F.E.M.A. - Federal Emergency Management Agency FFE - Finished Floor Elevation Fnd. - Found IP - Iron Pipe L - Length (Arc) M - Measured N&D - Nail & Disk N.R. - Non-Radial ORB - Official Records Book P - Plat P.B. - Plat Book - Wood Fence		PC - Point of Curvature Pg. - Page PI - Point of Intersection P.O.B. - Point of Beginning P.O.L. - Point on Line PP - Power Pole PRM - Permanent Reference Monument PT - Point of Tangency R - Radius Rad. - Radial R&C - Rebar & Cap Rec. - Recovered Rfd. - Roofed Set - Set 1/2" Rebar & Cap "LB 7623" Typ. - Typical UE - Utility Easement WM - Water Meter Δ - Delta (Central Angle) - Chain Link Fence	Patrick K. Ireland P.S.M. 6637 LB 7623 This Survey is intended ONLY for the use of Said Certified Parties. This Survey NOT VALID UNLESS Signed and Embossed with Surveyor's 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



PLAN SNAPSHOT REPORT BOA-2024-0015 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments
Work Class: Board of Adjustments/Variance Application
Status: Fees Paid
Valuation: \$0.00
Description: Requesting variance on setbacks to erect a 6ft fence where existing permitter wall is falling for safety.

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

App Date: 12/04/2024
Exp Date: NOT AVAILABLE
Completed: NOT COMPLETED
Approval Expire Date:

Parcel: 302131665403050	Main	Address: 897 Brock St Winter Park, FL 32789-1402	Main	Zone:
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Applicant Robert Burrow 213 W. Comstock Ave. 110 110 Winter Park, FL 32789 Home: (407) 406-0040 Mobile: (407) 406-0040	Owner ROBERT A BURROW 897 BROCK ST WINTER PARK, FL 32789-1402 Home: (860) 690-1620 Mobile: (860) 690-1620
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Plan Custom Fields

Is the property on waterfront?	No	Section		Subsection	
Zoning		Is this property on historic registry or district?	No	Describe variance	We are requesting a variance on the current setback on the west side of the property to erect a 6ft fence in place of the existing permitter wall.
How long have you owned the property?	4.5 years	How long have you occupied the property?	4.5 years	Special Condition	The current permitter wall is falling down due to camphor tree growth over the last few decades. These trees need to be removed and without any sort of fence/wall our backyard will become unsafe for our dog and twin boys (2.5 yrs). The current setback on the west side of our corner lot does not allow us to place a fence on our property line.
Rights/Priv	Our rights to privacy and safety would be deprived if we are unable to secure a variance. Currently, the existing wall provides a certain level of safety for our 2.5 yr old twin boys. However, we worry about them scaling the 4ft structure or losing the use of the backyard if the wall continues to deteriorate. The two Summerland intersections around our property represent a				danger to our young children as we've seen many cars speeding or blowing through the stop signs/intersections. Additionally, the current wall height offers zero privacy. We get many people passing through the neighborhood that can easily look into our yard and observe our kids playing. Brittney and I would like to feel that our boys are safe and secure from both prying eyes and any dangerous situations

PLAN SNAPSHOT REPORT (BOA-2024-0015)

Hardship	If we are unable to erect the fence on the property line (west side of property) we will lose the use of a large part of our backyard/side yard. The current setback is 10 feet from the western property line, which would make erecting any fence impossible as our home currently sits roughly 10 feet from that property line.	Limited Variance	We want to ensure that the fence does not cause any issues with sightlines or safety for the neighborhood. We've included various pictures from the different intersections to demonstrate that a 6ft fence would not impede any sightlines. We would ensure that any additional landscaping would remain below the fence height.
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Attachment File Name	Added On	Added By	Attachment Group	Notes
Boundary Survey.pdf	12/04/2024 14:20	Burrow, Robert		Survey
IMG_1596.JPEG	12/04/2024 14:20	Burrow, Robert		Site Plan
IMG_1598.JPEG	12/04/2024 14:20	Burrow, Robert		Site Plan
IMG_1602.JPEG	12/04/2024 14:20	Burrow, Robert		Site Plan
IMG_1603.JPEG	12/04/2024 14:20	Burrow, Robert		Site Plan
IMG_1604.JPEG	12/04/2024 14:20	Burrow, Robert		Site Plan
IMG_1607.JPEG	12/04/2024 14:20	Burrow, Robert		Site Plan
IMG_1613.JPEG	12/04/2024 14:20	Burrow, Robert		Site Plan
Signed Checklist.pdf	12/04/2024 14:20	Burrow, Robert		Signed Checklist
Site Plan.pdf	12/04/2024 14:20	Burrow, Robert		Site Plan
Signature_Robert_Burrow_12/4/2024.jpg	12/04/2024 14:20	Burrow, Robert		Uploaded via CSS

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00055971	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00055971		\$200.00	\$200.00
Grand Total for Plan		\$200.00	\$200.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	Approved	12/04/2024	12/06/2024	12/10/2024	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	12/04/2024	12/06/2024	12/06/2024

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		12/10/2024 15:14	12/10/2024 15:14
Board of Adjustments Review v.1	Receive Submittal	12/04/2024 0:00	12/10/2024 15:13
Issue Invoice v.1	Generic Action		12/10/2024 15:14
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

















Board of Adjustments

agenda item 4.b

item type

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

meeting date

January 21, 2025

prepared by

Nicholas Lewis, Planner II

approved by

John Harbilas, Senior Planner

subject

BOA-2024-0016. Request of Rachid El Manouni for variance approval from Section 58-71 subsection (n)(2), to allow a 6-foot high fence within the front yard in lieu of the maximum height of 3-feet for fences within front yards in conjunction with the proposed fence located at 2150 Suffield Drive, zoned R-1A.

motion | recommendation

Staff recommendation is for approval of the variance requested subject to the following condition(s):

(1) that the portion of the proposed fence that is front facing in front of the raised patio area be screened by a vegetative buffer. The finished side of the fence must face the street.

background

The applicant and homeowner, Rachid El Manouni, is requesting variance approval to allow a 6-foot high fence in the front yard in lieu of the maximum 3-foot height for fences located in front yards. 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 subject property is not necessarily unique in shape, but the lot and the structure are both unique in circumstance. Suffield Drive dead-ends into a partial cul-de-sac abutting the Mayflower property and the subject property is at the end of the street directly abutting the Mayflower property line. A 6-foot tall privacy fence exists adjacent to the neighboring Mayflower property spanning the length of the applicant's property, the cul-de-sac right-of-

way, and the property opposite the subject property within the cul-de-sac.

Additionally, the layout of the current structure and the pool makes the functionality of the subject property a unique challenge. An open-air deck is located with the front portion of the home and is exposed to the street-frontage. Part of the applicant's request is to screen this area, which is setback 20-feet from the front lot line. But because the area is considered the front yard as opposed to a street-side yard, there is no allowance for a fence taller than 3-feet in height if adequately stepped back. The applicant is seeking to treat this portion as if it was located in a street-side yard. Staff is recommending a condition that this portion of the fence be adequately screened using vegetation as required of fences in street-side yards meeting the setback height allowance.

Another facet of the request is that a portion of the proposed fence then juts out from the 20-foot setback portion and runs parallel to the existing 6-foot fence belonging to the Mayflower, ending in a street-facing gate of the same height along the front lot line. The purpose of this area is to meet screening requirements for the applicant's boat. Usually, the desire to screen a boat, trailer, RV, or other recreational vehicle is not enough in itself to warrant a variance. However, in this case, the layout of the structure and the pool make accessing the side and rear yards as storage for these types of vehicles impossible. This, coupled with the fact that the lot is the last property before the dead-end of the street and the presence of the existing Mayflower fence, in staff's opinion, are enough to satisfy the requirements of the special conditions and circumstances criteria.

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 57-71(n)(2), requires fences within front and street-side yards to be a maximum of 3-feet in height and be decorative/nonopaque as opposed to a privacy-style fence. In street-side yards, a 6-foot privacy fence is permissible if the fence is setback 10-feet from the lot line and vegetative plantings are placed on the street-facing side of the fence. This same allowance is not permitted in front yard areas.

In this instance, the subject property is not a corner lot, so it only has a front yard. Therefore, the setback height allowance option is not available. The applicant is then capped at 3-feet in height regardless of the locations of the fence segments and gate. The reality is that a 3-foot decorative fence would not adequately screen a recreational vehicle from view of the right-of-way. Because the applicant also cannot adequately access other, more traditional storage areas such as the side and rear yards, the 3-foot height and nonopaque requirements do not allow the applicant to adequately store a recreational vehicle on his property.

Actions of the Applicant

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

The existing structure and swimming pool were originally constructed in 1971, before the applicant's purchase of the property in 2020. The applicant permitted and constructed the open, raised patio in 2023, but its existence does not affect the ability to park a recreational vehicle in the side or rear yard. The house itself is set far enough back and the swimming pool is located too close to the side lot line to allow a recreational vehicle be parked behind the front setback in order to be adequately screened.

Special Privilege

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

Although staff does not usually support requests to screen recreational vehicles, there are several conditions and circumstances with this particular property that evidence the prohibitive nature of the lot and other conditions and circumstances that evidence that the request will be as minimally impactful as possible on adjacent neighbors. Because of these special conditions and circumstances, and the reality that the applicant would not otherwise be able to adequately screen the vehicle from view of the neighbors and right-of-way, staff believes that granting this request will not result in any special privilege granted to other lands, structures, or buildings in the same zoning district.

Summary

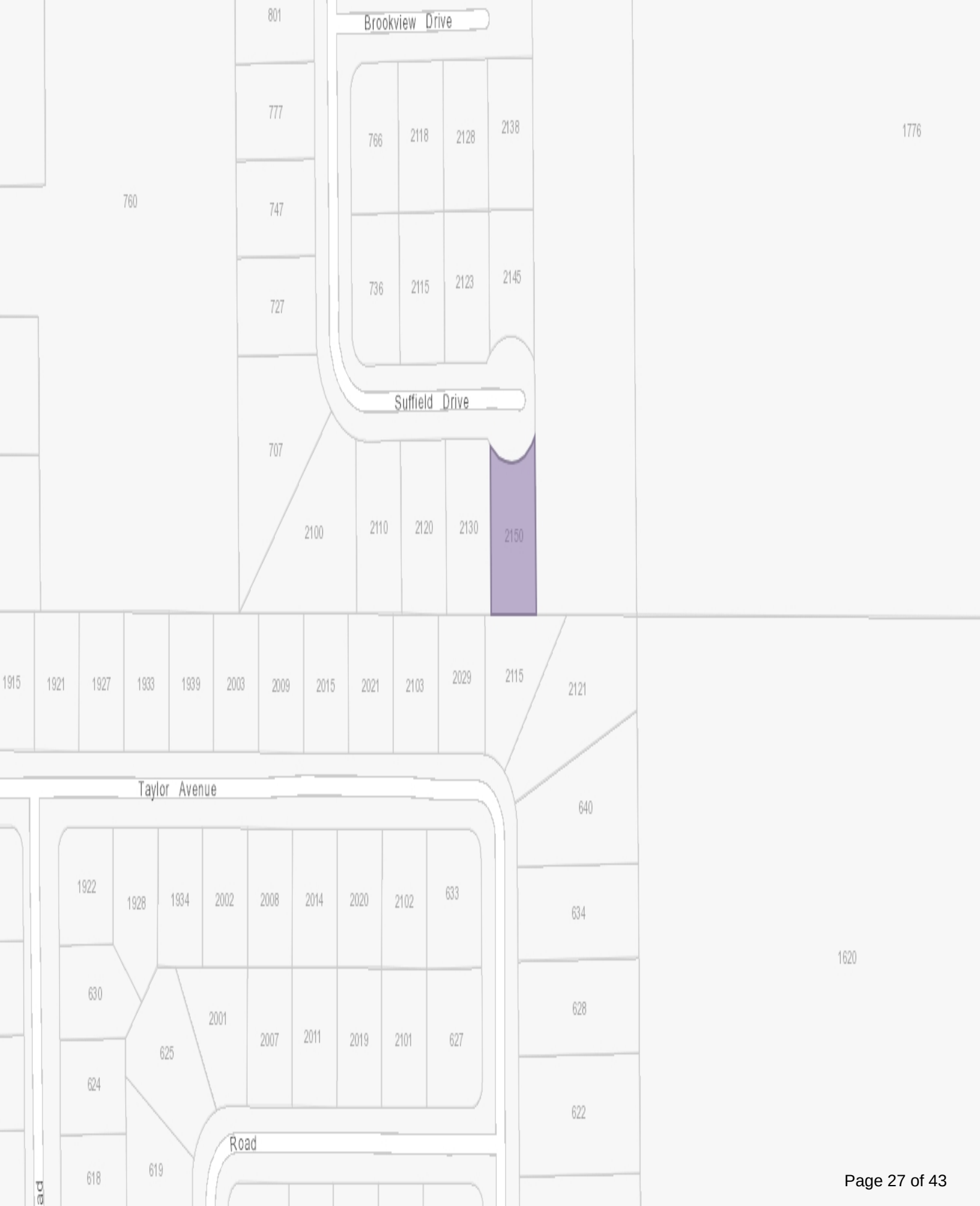
Staff believes that the applicants meet the four criteria required to grant the variance requested subject to the condition that the portion of the proposed fence that is front facing in front of the raised patio area be screened by a vegetative buffer.

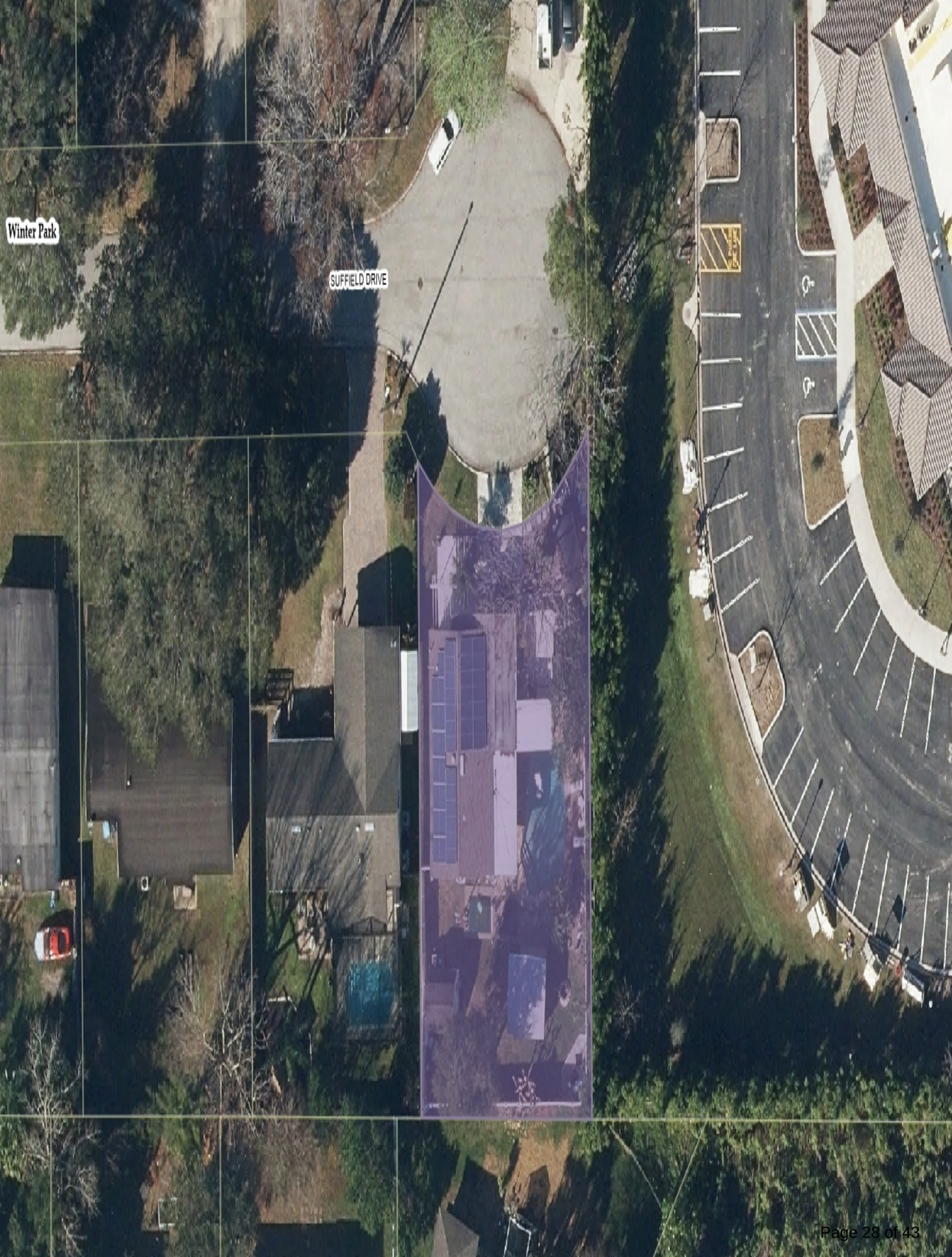
alternatives | other considerations

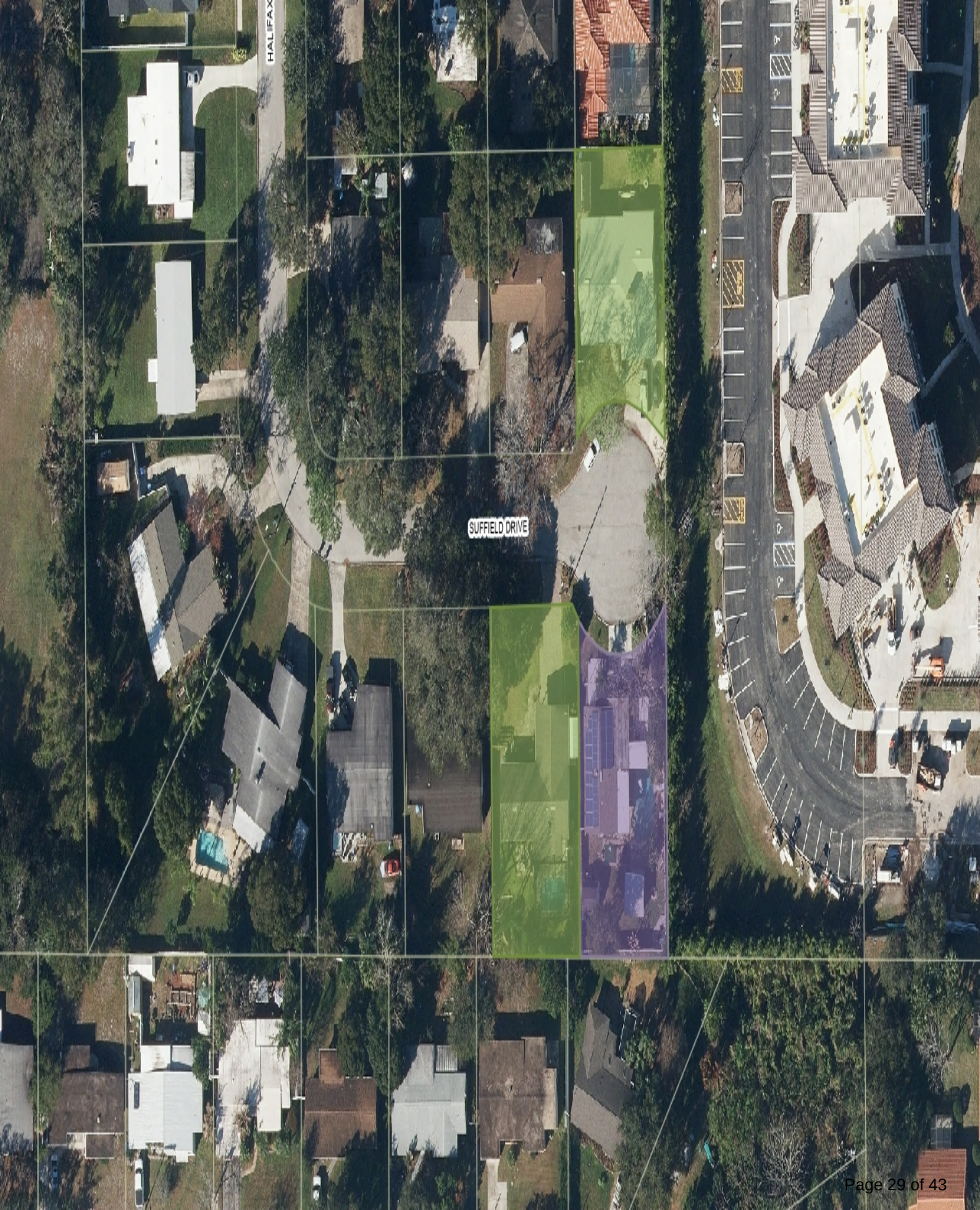
fiscal impact

attachments

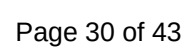
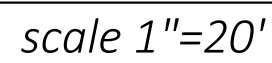
1. 2150 Suffield Drive - Area Map
2. 2150 Suffield Drive - Aerial Map
3. 2150 Suffield Drive - Neighbor Letter Map
4. 2150 Suffield Drive - Site Plan
5. 2150 Suffield Drive - Applicant Submittal
6. 2150 Suffield Drive - Neighbor Letters







Paper Size: 11"x17"





PLAN SNAPSHOT REPORT BOA-2024-0016 FOR CITY OF WINTER PARK

Plan Type:	Board of Adjustments	Project:		App Date:	12/10/2024
Work Class:	Board of Adjustments/Variance Application	District:	Winter Park	Exp Date:	NOT AVAILABLE
Status:	Fees Paid	Square Feet:	0.00	Completed:	NOT COMPLETED
Valuation:	\$0.00	Assigned To:	Lewis, Nick	Approval Expire Date:	

Description:

Parcel:	302204668504160	Main	Address:	2150 Suffield Dr Winter Park, FL 32792	Main	Zone:	
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Applicant	Owner
EL M RACHID	EL M RACHID
2150 Suffield Drive	2150 Suffield Drive
Winter Park, FL 32792	Winter Park, FL 32792
Home: (407) 450-9182	Home: (407) 450-9182
Mobile: (407) 450-9182	Mobile: (407) 450-9182

Plan Custom Fields

Is the property on waterfront?	No	Section		Subsection	
Zoning		Is this property on historic registry or district?	No	Describe variance	I am requesting a variance to relocate the existing fence line towards the front side of my property at 2150 Suffield Drive. The proposed change involves moving the fence closer to the dead-end side of the cul-de-sac (not interfering with any neighboring house), as indicated in red on the site survey. This adjustment will allow me to enhance the usability of my property by creating a secured storage area for my boat and other items. This side of the property is the only location where the boat can fit, making this relocation essential for practical and safe storage. Additionally, the change will improve security and safety for my young children.
How long have you owned the property?	3	How long have you occupied the property?	3	Special Condition	My property is uniquely situated at the end of a cul-de-sac with no direct neighbors on the side where the fence will be relocated. This specific layout, combined with my property's unique positioning relative to neighboring properties and streets, provides special conditions that justify the need for this

PLAN SNAPSHOT REPORT (BOA-2024-0016)

variance. The proposed relocation also allows for secured storage of my boat and other outdoor items, taking advantage of the only viable area on the property for such storage. These unique property boundaries enhance security and usability without impacting neighboring views or access.

Rights/Priv

Normally, properties within the same zoning district have the right to secure and use their land within the confines of the Zoning Ordinance. Strict enforcement of these regulations on my property would deprive me of the ability to use my property effectively for security and utility, especially considering its unique placement within the cul-de-sac. Additionally, I would lose the ability to utilize the only space on my property suitable for securely storing my boat and other essential items, which is a common privilege enjoyed by other properties.

Hardship

The hardship I face is due to my property's unique location at the end of a cul-de-sac and its specific layout, which limits usable outdoor space for safe children's play and overall security. The current zoning restrictions prevent me from fully utilizing the space in a way that provides adequate security, privacy, and necessary storage. This side of the property is the only location where my boat can fit securely, and adhering to the current zoning restrictions would prevent me from utilizing this space effectively. Therefore, adhering strictly to these zoning restrictions would significantly limit my ability to provide a safe, enclosed outdoor area for family activities and storage, which other less restrictively laid-out properties readily enjoy.

Limited Variance

I am willing to accept a limited variance that adjusts the allowable fence location closer to the property line at the front side, as detailed in the submitted site plan. I propose maintaining a respectful distance from the public right-of-way to ensure it does not impede sightlines or access. To further address aesthetic concerns, I am also willing to invest in hedges to cover the area of the fence in front of the deck, as shown in the submitted photos. This limited variance would accommodate both increased enclosed space for safety and usability and the secured storage of my boat and other items. I am open to discussing specific dimensions of this adjustment with the zoning board to meet safety, aesthetic, and functional requirements while addressing my

needs.

PLAN SNAPSHOT REPORT (BOA-2024-0016)

Attachment File Name	Added On	Added By	Attachment Group	Notes
2150 Suffield Drive Site Plan - new fence permit submission.pdf	12/10/2024 9:14	Elmanouni, Rachid		Site Plan
2150 Survey.pdf	12/10/2024 9:14	Elmanouni, Rachid		Survey
variance-submittal-checklist_Signed.pdf	12/10/2024 9:14	Elmanouni, Rachid		Signed Checklist
Signature_EL_RACHID_12/10/2024.jpg	12/10/2024 9:14	Elmanouni, Rachid		Uploaded via CSS
2150 Suffield - Neighbors Support Signature.pdf	12/26/2024 11:35	Lewis, Nick		Neighbor Letters
2150 Suffield Drive, Winter Park-Model (Boat).pdf	12/26/2024 11:35	Lewis, Nick		Site Plan - Updated
2150 Suffield Hedges (2).jpg	12/26/2024 11:35	Lewis, Nick		Landscaping
2150 Suffield Hedges.jpg	12/26/2024 11:35	Lewis, Nick		Landscaping

Invoice No.	Fee	Fee Amount	Amount Paid
INV-00056268	Residential Variance Application Fee	\$200.00	\$200.00
Total for Invoice INV-00056268		\$200.00	\$200.00
Grand Total for Plan		\$200.00	\$200.00

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	Approved	12/10/2024	12/12/2024	12/20/2024	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	12/10/2024	12/12/2024	12/18/2024

Workflow Step / Action Name	Action Type	Start Date	End Date
Review v.1		12/30/2024 13:15	12/30/2024 13:15
Board of Adjustments Review v.1	Receive Submittal	12/10/2024 0:00	12/20/2024 10:35
Issue Invoice v.1	Generic Action		12/30/2024 13:15
Final Decision v.1			
Board of Adjustments Decision v.1	Generic Action		

City of Winter Park
Board of Adjustments
Winter Park, FL

Rachid Elmanouni
2150 Suffield Drive
Winter Park, FL 32792

December 23, 2024

Subject: Request for Approval to Relocate Fence

Dear Members of the Board,

I am writing to respectfully request the Board's consideration and approval to modify the fence placement on my property at 2150 Suffield Drive, Winter Park, FL 32792. This adjustment will allow the enclosure of the side area of my property where I store my boat, ensuring both enhanced aesthetics and compliance with the community's standards.

My neighbors fully support this proposal and have signed the document below to affirm their agreement. They believe this modification will enhance the appearance and functionality of the property without negatively impacting the neighborhood. Their signatures below demonstrate their shared support:

Neighbor Name: Jesse and Jami Harris

Address: 2130 Suffield Drive Winter Park Fl 32792

Signature: 

Neighbor Name: John Obrien

Address: 2145 Suffield Drive Winter Park Fl 32792

Signature: 



Board of Adjustments

agenda item 4.c

item type

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

meeting date

January 21, 2025

prepared by

Nicholas Lewis, Planner II

approved by

John Harbilas, Senior Planner

subject

BOA-2024-0017. Request of Rick Jennings with Nautilus Homes for variance approval from Section 58-65 subsection (f)(6), to allow a 35-foot front setback in lieu of the required 48.5-foot front setback in conjunction with the proposed two-story home located at 1166 Palmer Avenue, zoned R-1AA.

motion | recommendation

Staff recommendation is for approval of the variance requested.

background

The applicant, Rick Jennings with Nautilus Homes, is requesting variance approval to allow a front setback of 35-feet in lieu of the required 48.5-foot front setback. The property is zoned R-1AA.

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 subject property is a standard rectangular lot, but it is the only lot within its block with a setback greater than 40-feet. Conversely, the other, similarly sized parcels within the block all maintain front setbacks roughly ranging from 30-feet to 40-feet, with an average of around 34-feet. The two lots directly adjacent to the subject property have a 34-foot and 36-foot front setback respectively. Therefore, the applicant's parcel, requiring a 48.5-foot front setback is the outlier on the block. Under the circumstances, staff believes that the request of 35-feet is reasonable and brings the subject property into conformity with the nature of the other similar properties within the same block structure.

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 56-65(f)(6), requires a front setback of 48.5-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. Currently the existing structure setback at 48.5-feet exceeds the 20% number. Therefore, based on the requirements of the code, the required setback is roughly 15-feet greater than the existing setback average of the rest of 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, similar sized properties within the block structure along Palmer Avenue enjoy closer to a 30-foot or 35-foot setback respectively.

Actions of the Applicant

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

The existing structure was constructed in 1952, establishing the existing 48.5-foot front setback. The required front setback was established prior to the applicant's involvement with the property. Therefore, the existing setback and the fact that the structure is out of character with the rest of the block were not caused by any action of the applicant.

Special Privilege

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

Because of the lots unique circumstances being the only significant outlier among other similarly sized parcels within the block structure and the intent of the front setback provision to ensure compatibility, staff does not believe that the request would allow for a special privilege to any other lands, structures, or buildings in the same zoning district.

Summary

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

[alternatives](#) | [other considerations](#)

fiscal impact

attachments

1. 1166 Palmer Ave - Area Map
2. 1166 Palmer Ave - Aerial Map
3. 1166 Palmer Ave - Survey
4. 1166 Palmer Ave - Site Plan
5. 1166 Palmer Ave - Applicant Submittal





ALABAMA DRIVE

TEMPLE DRIVE

VIABETTA

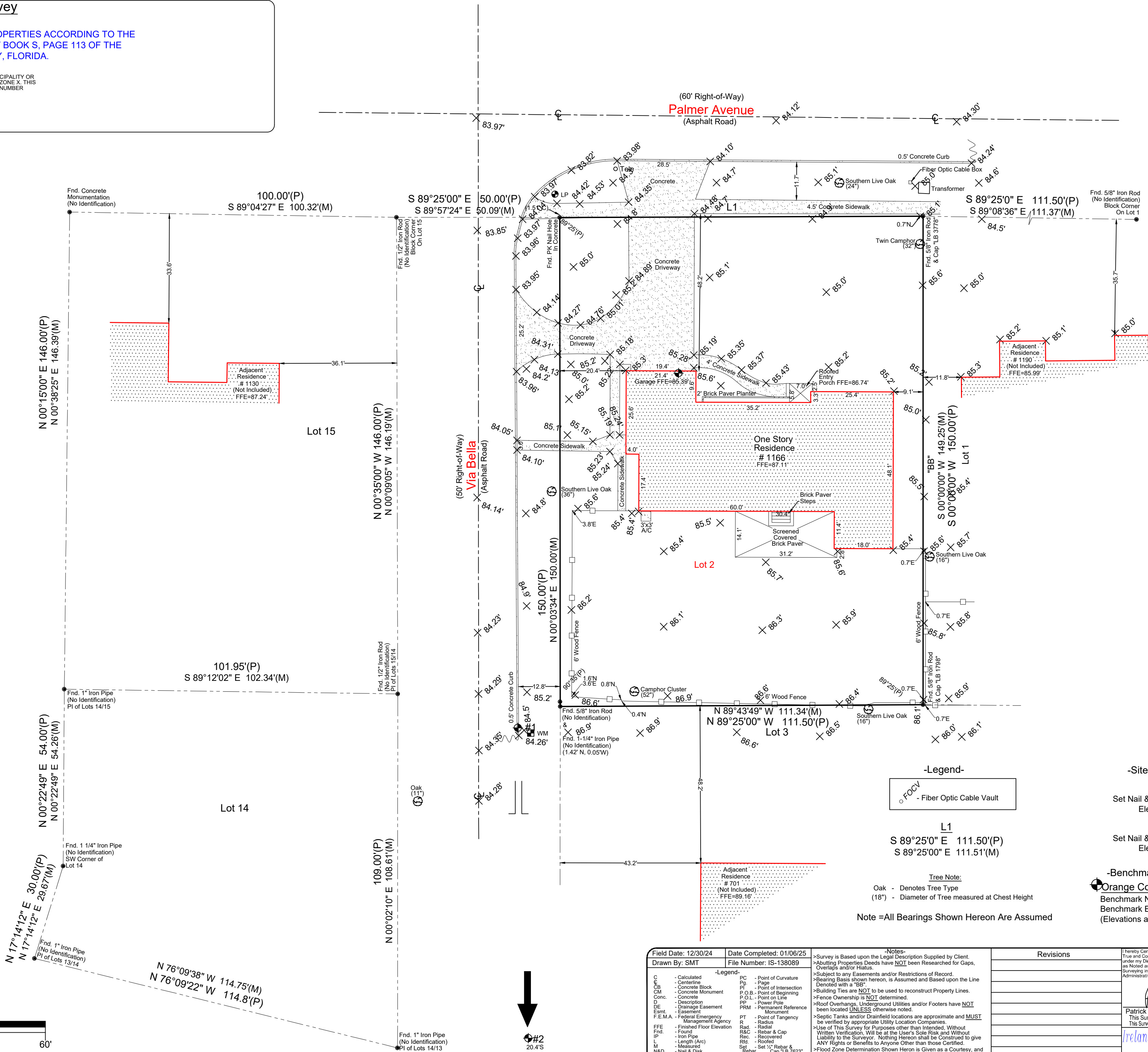
Boundary & Topographic Survey

Legal Description:

LOT 2, PALMER AVENUE LAKESIDE PROPERTIES ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK S, PAGE 113 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Flood Disclaimer:
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 120186, DATED 2009-09-25.

CERTIFIED TO:
NAUTILUS HOMES



Field Date: 12/30/24	Date Completed: 01/06/25	-Notes-	
Drawn By: SMT	File Number: IS-138089	>Survey is Based upon the Legal Description Supplied by Client.	
-Legend-		>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.	
C - Calculated	PC - Point of Curvature	>Subject to any Easements and/or Restrictions of Record.	
CB - Concrete Block	Pg - Page	>Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".	
CM - Concrete Monument	P.O.B. - Point of Beginning	>Building Ties are NOT to be used to reconstruct Property Lines.	
Conc. - Concrete	P.O.L. - Point on Line	>Fence Ownership is NOT determined.	
D - Description	PP - Power Pole	>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.	
DE - Drainage Easement	PRM - Permanent Reference Monument	>Septic Tanks and/or Dranfield locations are approximate and MUST be verified by appropriate Utility Location Companies.	
Estmt. - Easement	PT - Point of Tangency	>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.	
F.E.M.A. - Federal Emergency Management Agency	R - Radius	>Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this Endeavor.	
FFE - Finished Floor Elevation	Rad. - Radial	Ireland & Associates Surveying Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.	
IP - Iron Pipe	RAC - Rebar & Cap		
L - Length (Arc)	Rec. - Recovered		
M - Measured	Rid - Roofed		
NAD - North	Sgt. - Set 1/2" Rebar & Cap "LB 7623"		
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)		
W - Wood Fence	CF - Chain Link Fence		

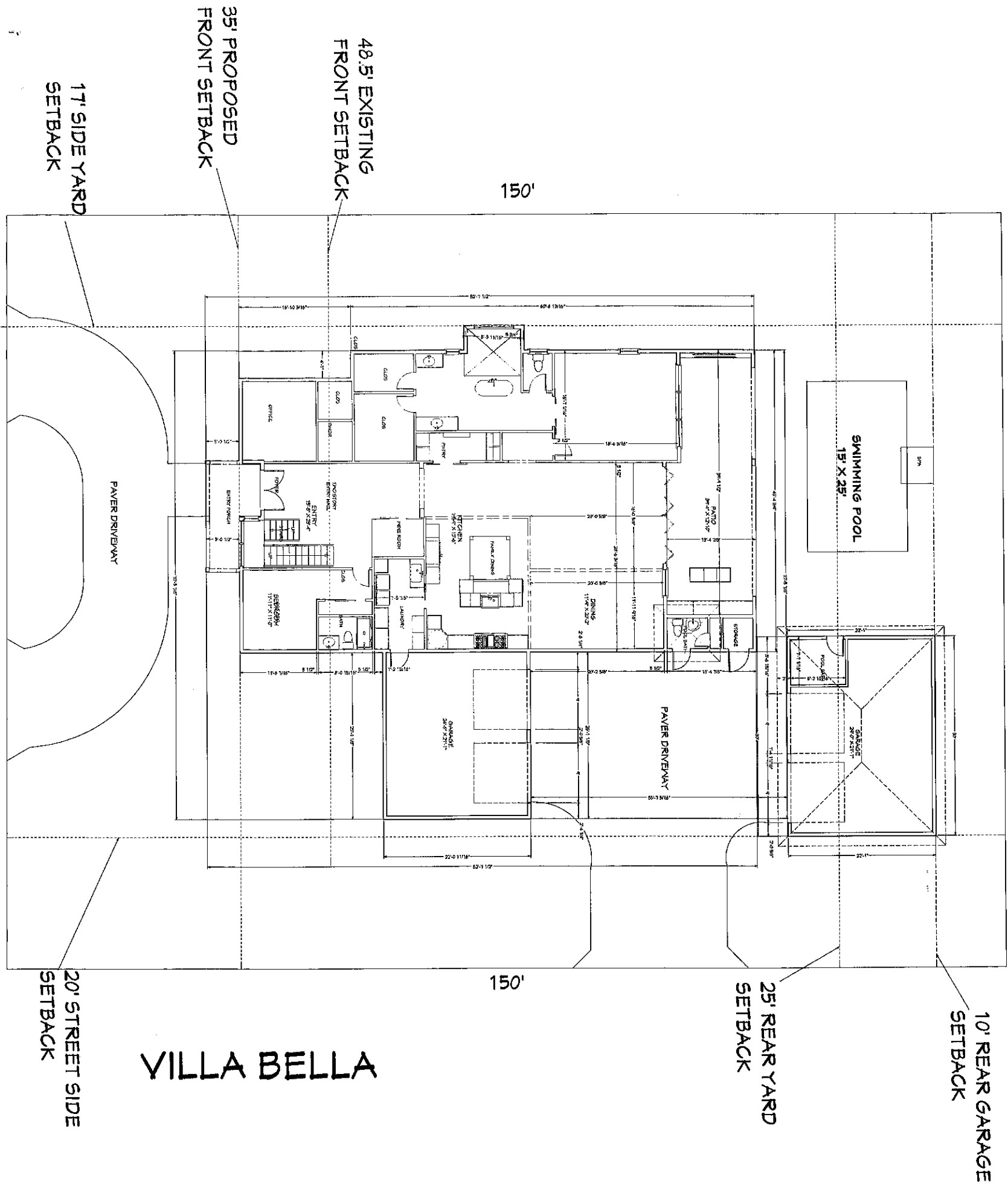
Revisions

-Site Benchmark Information-	
#1	Set Nail & Disk "LB 7623" in Asphalt Elevation: 84.22'
#2	Set Nail & Disk "LB 7623" in Asphalt Elevation: 83.16'
-Benchmark Information-	
Orange County Datum	
Benchmark No: L645014	
Benchmark Elevation: 83.81'	
(Elevations are based upon NAVD 88 Datum)	

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

NAUTILUS HOMES
DIV. OF BRAD L. MORGAN CONST
1166 PALMER AV., WINTER PARK
PROPOSED SITE PLAN

PALMER AV.



VILLA BELLA



PLAN SNAPSHOT REPORT BOA-2024-0017 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments
Work Class: Board of Adjustments/Variance Application
Status: Fees Paid
Valuation: \$0.00
Description: LOCATE THE NEW SINGLE FAMILY RESIDENCE APPROXIMATELY 35' FRONT THE FRONT PROPERTY LINE vs EXISTING RESIDENCE (48.5')

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

App Date: 12/19/2024
Exp Date: NOT AVAILABLE
Completed: NOT COMPLETED
Approval Expire Date:

Parcel: 302205658000020	Main	Address: 1166 Palmer Ave Winter Park, FL 32789-2675	Main	Zone:
Owner TEMPLE I LLC 1782 PINE AVE WINTER PARK, FL 32789-2016 Mobile: (407) 730-1830	Applicant BRAD L MORGAN 238 ST JAMES PL LONGWOOD, FL 32750 Business: (321) 229-7763 Mobile: (321) 229-7763			

Plan Custom Fields

Is the property on waterfront?	No	Section		Subsection	
Zoning		Is this property on historic registry or district?	No	Describe variance	LOCATE THE NEW SINGLE FAMILY RESIDENCE APPROXIMATELY 35' FROM THE FRONT PROPERTY LINE vs THE EXISTING RESIDENCE (48.5')
How long have you owned the property?	RECENTLY PURCHASED 2024	How long have you occupied the property?	NOT OCCUPIED	Special Condition	OWNER WOULD LIKE TO MAXIMIZE THE USE OF HIS PROPERTY AND SINCE IT IS A CORNER LOT AND IT WILL HAVE ADDITIONAL STEET/SIDE YARD SETBACK. THE ADJACENT PROPERTIES HAVE AN ADDITIONAL +/- 13' OF BUILDABLE LAND.
Rights/Priv	ADJACENT PROPERTIES HAVE MORE BUILDABLE LAND, SINCE THE FRONT YARD SETBACK IN LESS RESTRICTIVE. THAT WIL DIMINISHES THE VALUE OF THIS PROPERTY.	Hardship	OWNER WILL LOOSE NEARLY 1500 SF OF BUILDABLE LAND AREA COMPARED WITH NEIGHBORING PROPERTIES.	Limited Variance	NOT PREFERRED BUT WILL ACCEPT IF REQUIRED.

Attachment File Name	Added On	Added By	Attachment Group	Notes
Signature_BRAD_MORGAN_12/20/2024.jpg	12/19/2024 19:12	JENNINGS, RICK		Uploaded via CSS
SITE PLAN.pdf	12/19/2024 19:12	JENNINGS, RICK		Site Plan
Survey Palmer .pdf	12/19/2024 19:12	JENNINGS, RICK		Survey
VARIANCE CHECKLIST.pdf	12/19/2024 19:12	JENNINGS, RICK		Signed Checklist
SITE PLAN.pdf	01/03/2025 12:08	Lewis, Nick		Updated site plan
161373_survey_r4.pdf	01/06/2025 11:21	Lewis, Nick		Updated survey

PLAN SNAPSHOT REPORT (BOA-2024-0017)

Invoice No.	Fee			Fee Amount	Amount Paid	
INV-00056419	Residential Variance Application Fee			\$200.00	\$200.00	
Total for Invoice INV-00056419				\$200.00	\$200.00	
Grand Total for Plan				\$200.00	\$200.00	

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	Approved	12/19/2024	12/23/2024	01/03/2025	No	Yes
Item Review Name	Department	Assigned User	Status	Assigned Date	Due Date	Completed Date
Zoning Review	Building & Permitting Services	Lewis, Nick	Approved	12/19/2024	12/23/2024	01/03/2025

Workflow Step / Action Name	Action Type	Start Date	End Date	
Review v.1				
Board of Adjustments Review v.1	Receive Submittal	12/19/2024 0:00	01/03/2025	12:07
Issue Invoice v.1	Generic Action			
Final Decision v.1				
Board of Adjustments Decision v.1	Generic Action			