



Board of Adjustments Regular Meeting Minutes

January 21, 2025 at 5:00 PM

City Hall Commission Chambers
401 S. Park Avenue

Present

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

Absent

None

Staff Present

City Attorney Hillary Griffith, Planning Consultant Jeff Briggs, Planner II Nicholas Lewis, Planner I Corinna Lundgren, Deputy City Clerk Kim Breland

1. Call to Order

Chairman Steinberg called the meeting to order at 5:03 p.m.

2. Consent Agenda

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

A roll call vote was made by Chairman Steinberg due to technical difficulty.

Motion made by Ann Higbie, seconded by Michael Clary, to approve the January 21, 2025 meeting minutes.

The motion carried unanimously by a 7-0 vote.

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-2024-0015. 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.

Mr. Lewis provided a summary of the item. He indicated that the property uniquely has three street-facing yards; the functional front yard faces Brock Street, the functional rear yard faces Dixie Parkway, and the street-side yard faces Sunnyside Drive. He then indicated that on the property currently exists a five-foot utility easement along the Dixie Parkway structure and a block wall ranging from three feet in height to five feet in height. He explained that the existing wall is failing due to the existence of multiple large camphor trees. He added that the applicants' request was essentially to replace the failing wall with a new, six-foot fence in the same location as the wall. Mr. Lewis noted that the request had been reviewed by the city's Transportation Division, which did a sight line analysis and found no sight line issues within the right of way or with the fence height. He then explained that the portion of the proposed fence along the Dixie Parkway frontage may be permitted at six feet in height because all 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 was the height of the fence along the Sunnyside Drive lot line. Mr. Lewis then reviewed the variance review criteria. He noted that a three-foot fence along the lot line could be fortified via dense landscaping to create adequate privacy. Similarly, a six-foot fence is permissible but would have to adhere to the 10-foot setback and requires vegetative screening if additional privacy is desired. He indicated that the applicants' structure is located at 22.7-feet from the property line, making the 10-foot setback achievable. Therefore, the applicants had two options to which they could adequately meet code under the property's existing conditions and circumstances. Mr. Lewis noted that staff believed that granting the request could open the door for similar variance requests in the future.

Staff recommendation was for denial.

A brief discussion ensued about whether the staff's recommendation would be the same if a picket-style fence or a six-foot vegetative screen on the exterior of the fence were used. Discussion also ensued regarding staff's concern about the request creating a possible special privilege.

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

The applicants, Andrew and Brittney Burrow at 897 Brock Street, Winter Park, FL 32789 addressed the Board. They expressed that the reason for their request was to enclose the area for privacy and create a safe space for their children. Mr. and Mrs. Burrow indicated that the three-foot fence option would not keep their kids safe and the required 10-foot setback for the fence would significantly reduce the side yard and their kids' play area.

The Board inquired about the type of fence and landscape that was proposed. The

applicant indicated that a white vinyl fence was proposed and that they would leave the landscaping open to the Board's suggestion.

The Board shared their thoughts about the request. They expressed concerns about the white vinyl fence running the entire length of the house on Sunnyside Drive as proposed. The Board indicated a desire to have the fence stop at either the back of the house or halfway along the side of the house.

Motion made by Robert Trompke, seconded by Charles Steinberg, 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.

The motion failed by a 3-4 vote. (In Favor: Aimee Hitchner, Jeanne Reynaud, and Charles Steinberg. Opposed: Ann Higbie, Robert Trompke, Michael Clary, and Frank Pruitt.)

Motion made by Robert Trompke, seconded by Michael Clary, 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, with the following conditions:

- **that the 6-foot vinyl fence can run the alignment of the property line along Sunnyside Drive but should return back to the home 5 feet north of the front setback of the garage,**
- **and that the portion of the proposed fence facing Sunnyside Drive be subject to a vegetative buffer a minimum of 3-feet in height at planting along the street-facing side of the fence.**

The motion carried unanimously by a 7-0 vote.

- 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.

Mr. Lewis provided a summary of the request. He indicated that Suffield Drive dead-ends into a partial cul-de-sac abutting the Mayflower Retirement Center's property and the applicant's property is at the end of the street directly abutting the Mayflower Retirement Center's property line. He also indicated that a six-foot tall privacy fence exists adjacent to the neighboring Mayflower Retirement Center 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. He then noted that staff had received two neighbor letters of approval and none in opposition of the request. He explained that the existing house is set back 24 feet from Suffield Drive, its existing pool is odd shaped, and there is a tree located along the fence line all of which make any type of access to the rear and side yards impossible. He then explained that the applicant wants to have an area to enclose their boat and boat trailer to meet screening requirements, but it is not possible to place the area in the usual location of the rear yard due to non-accessibility with the existing layout of the property. He indicated that the only place possible for the enclosure is the front yard.

Mr. Lewis explained that part of the applicant's request was to screen the existing open-air deck located with the front portion of the home and exposed to the street-frontage. He further explained that because the area is considered the front yard as opposed to a street-side yard, there is no allowance for a fence taller than three-feet in height if adequately stepped back. Therefore, the applicant was seeking to treat the portion as if it was in a street-side yard. He indicated that staff recommended 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. Mr. Lewis then indicated that to meet screening requirements for the applicant's boat, the applicant wanted a portion of the proposed fence to jut out from the 20-foot setback portion and run parallel to the existing six-foot fence belonging to the Mayflower Retirement Center, ending in a street-facing gate of the same height along the front lot line. He went on to explain that though 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. Therefore, staff believed that granting the request would not result in any special privilege granted to other lands, structures, or buildings in the same zoning district.

Staff recommendation was for approval of the variance requested subject to the following 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. The finished side of the fence must face the street.

Discussion ensued regarding clarification of where the fence would be located, clarification of the right of way, and why the boat and boat trailer can't be parked on the side yard.

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

The applicant Rachid El Manouni of 2150 Suffield Drive, Winter Park, FL 32789

addressed the Board. He explained that the reason for the request was to conceal his boat and boat trailer while also securing the property. He indicated that the fence was not only meant to meet code requirements but to also enhance the appearance of the home and improve its property value. He also indicated that the fence was proposed to be a vinyl fence, but he was open to other suggestions.

The Board shared their thoughts on the request and indicated concerns with creating a precedence. Discussion ensued regarding other possible options for the applicant. Mr. El Manouni addressed the Board and expressed that the narrowness and angle of the driveway as well as it being in a cul-de-sac creates a challenge in getting his boat trailer to be maneuvered in and away from the front yard property line. The Board expressed concerns about running the proposed fence all the way out to the front property line. Discussion then ensued regarding removing the tree next to the existing side yard fence line and placing the boat and boat trailer in the gravel area next to the front deck, which would allow for removal of the proposed fence from the front property line.

Motion made by Ann Higbie, seconded by Robert Trompke, to table the request until the next Board meeting to determine if the tree next to the existing side yard fence line can be removed and the boat and boat trailer can be placed in that area.

The motion carried unanimously by a 7-0 vote.

- 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.

Mr. Lewis provided a summary of the request. He noted that the applicant's property is a standard rectangular lot, but it is the only lot within its block with a setback greater than 40-feet while the other, similarly sized parcels within the block all maintain front setbacks roughly ranging from 30-feet to 40-feet. He added that the two lots directly adjacent to the applicant's 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. Mr. Lewis indicated that under the circumstances, staff believed that the request of 35-feet was reasonable and would bring the subject property into conformity with the nature of the other similar properties within the same block structure. He also indicated that because of the lot's unique circumstances being the only significant outlier among other similarly sized parcels within the block structure and the intent of the city's front setback provision to ensure compatibility, 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.

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

The applicant, Rick Jennings of 238 St. James Place, Longwood, FL 32750 addressed the Board. Mr. Jennings noted that when home was built 77 years ago, it was centered at the depth of lot. He added that the intent of the request was to take the driveway and exit from the garage off Palmer Avenue and to some degree off Via Bella to create a motor court garage and to pull the home forward to gain more rear yard.

Motion made by Michael Clary, seconded by Ann Higbie, for variance approval from Section 58-65(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 single-family home located at 1166 Palmer Avenue, zoned R-1AA.

The motion carried unanimously by a 7-0 vote.

5. Non-Action Items

6. Staff Updates

Mr. Lewis indicated that the city's Planning Consultant, Jeff Briggs was retiring at the end of the month.

7. Board Comments

8. Upcoming Agenda Items

9. Adjournment

The meeting adjourned at 6:38 p.m.

Minutes approved by the Board on February 18, 2025.

ATTEST:

/s/ Mary Bush, Board Secretary