



Board of Adjustments Regular Meeting Minutes

February 18, 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, Director of Planning & Zoning Allison McGillis, Planner II Nicholas Lewis, Planner I Corinna Lundgren, Administrative Coordinator Mary Bush

1. Call to Order

Chairman Steinberg called the meeting to order at 4:59 p.m.

2. Consent Agenda

- a. Approve the minutes of January 21, 2025.

Motion made by Aimee Hitchner, seconded by Robert Trompke, 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-2024-0016. 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 item. He noted that the item had been discussed and tabled at the last Board meeting on January 21, 2025. He then reviewed the details of the original request and property layout, noting that at the January meeting the Board had requested that staff meet with the applicant at the property to address concerns brought up at the meeting. He indicated that staff had visited the property and confirmed that the small camphor trees and vegetation along the Mayflower Retirement Center's fence line had been removed by the applicant, as well as the large camphor tree in front of the raised deck. He then explained that because of the removal of the small trees and vegetation, there was enough room to maneuver and store the applicant's boat and boat trailer behind a 10-foot setback from the front property line. Mr. Lewis indicated that the applicant had agreed to relocate the existing carport structure to make the adjustment for the 10-foot setback. He then reviewed the variance approval criteria, indicating that although staff does not usually support requests to screen recreational vehicles, there are several conditions and circumstances with the applicant's property that evidence the prohibitive nature of the lot and other conditions and circumstances that evidence that the request will be minimally impactful on the adjacent neighbors. He added that because of the special conditions and circumstances, and the reality that the applicant would not otherwise be able to adequately screen the vehicle from the view of the neighbors and right of way, 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 with the following conditions:

- that the portion of the proposed fence that is front facing in front of the raised patio area be screened by a vegetative buffer,
- and that the portion inclusive of the gate to screen the boat be setback so as to meet a 10-foot setback from the front property line.

Mr. Lewis noted that the applicant was not able to attend the meeting but had agreed to both stated conditions prior to the meeting.

Discussion then ensued about what exists behind the fence adjacent to the deck, whether the deck that the applicant built caused the need for the requested variances, if the applicant was allowed to place a 10-foot fence in front of the deck, why the city was in favor of the request, where the required vegetative buffer would be placed, and if any neighbors had responded with regard to the request.

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

The Board shared their thoughts on the matter and had differing opinions about the request. Concerns were expressed about setting a precedence and the hardship being self-imposed by the applicant.

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 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, with the following conditions:

- **that the portion of the proposed fence that is front facing in front of the raised patio area be screened by a vegetative buffer,**
- **and that the portion inclusive of the gate to screen the boat be setback so as to meet a 10-foot setback from the front property line.**

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

- b. BOA-2025-0001. Request of Jennifer Killen and Christopher Frank for variance approval from Section 59-71 subsection (h)(4), to allow a 10-foot rear setback for a 700 square foot accessory building, in lieu of the required principal setback of 25 feet for accessory buildings over 400 square feet, located at 2009 Lake Drive, Zoned R-1A.

Ms. Lundgren provided a summary of the item. She noted that the applicants intended to use the proposed building as an ADA-compliant accessory building for their elderly mother. She also noted that staff had received three neighbor letters in approval of the request and none in opposition to it. She then indicated that the neighbor to the rear of the property did not respond to the hearing notice, but there is an existing 70-foot rear setback from the applicant's property line and a very large landscape buffer between the two properties. She then reviewed the variance approval criteria, noting that if the building pad for the accessory structure met the required rear and side setbacks of 18 and 25 feet respectively, the accessory building could not be built to adequately address the applicants' need for wheelchair accessibility for their mother. She also noted that 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 regarding the variance requested.

Staff recommendation was for approval with the following condition:

- That the overall height of the structure not exceed either 16 feet or the height of the existing structure to be in conformance with all other code requirements.

Discussion ensued about the required height limit of the accessory structure and

clarification of the minimum required side setback.

The applicants, Christopher Frank and Jennifer Killen of 2009 Lake Drive, Winter Park, FL 32789 addressed the Board. Ms. Killen noted that the intent of the accessory structure was for her mother, who is aging and needs to be cared for and uses a wheelchair and walker interchangeably.

A brief discussion ensued about whether there was an existing city code restriction on renting accessory structures.

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

Discussion then ensued regarding whether the accessory buildings found on other properties in the neighborhood had to have been approved with variances and if they adhere to the city's setback requirements.

Motion made by Michael Clary, seconded by Robert Trompke, for a variance approval from Section 58-71 subsection (h)(4), to allow a 10-foot rear setback for a detached accessory dwelling unit in lieu of the required principal setback of 25 feet for accessory buildings over 400 square feet located at 2009 Lake Drive, zoned R-1A, with the following condition:

- **That the overall height of the structure not exceed either 16 feet or the height of the existing structure to be in conformance with all other code requirements.**

The motion carried unanimously by a 7-0 vote.

- c. BOA-2025-0002. Request of Habitat for Humanity of Winter Park/Maitland, for variance approval from Section 58-65 subsection (f)(6), to allow a 16-foot front setback in lieu of the required front setback of 21-feet in conjunction with the proposed single-story home located at 860 W New England Avenue, zoned R-1A.

Mr. Lewis provided a summary of the item. He noted that the applicant's lot was one of the smallest within the city and then made comparisons of the applicant's required 21-foot front setback to the much smaller existing front setbacks of the surrounding properties. He indicated that the average front setback for the rest of the block is 15-feet. He went on to express that the disparity in the applicant's required front setback to those of the surrounding properties significantly restricts the viability of building a single-story structure on the applicant's lot. Mr. Lewis then indicated that because of the lot's unique circumstance being the only significant outlier among other similarly-sized parcels within the block structure, its significant size constraints, 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.

The applicant's representative, Hal George at 468 Virginia Drive, Winter Park, FL 32789 addressed the Board. He noted that the applicant, Habitat for Humanity, had built several houses on lots of the same size as the subject lot but did not realize that the city code regarding setbacks had changed in the year the house was purchased.

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

Motion made by Michael Clary, seconded by Robert Trompke, for variance approval from Section 58-65(f)(6), to allow a 16-foot front setback in lieu of the required 21-foot front setback in conjunction with the proposed single-story, single-family home located at 860 W New England Avenue, zoned R-1A.

The motion carried unanimously by a 7-0 vote.

5. Non-Action Items

6. Staff Updates

7. Board Comments

8. Upcoming Agenda Items

9. Adjournment

The meeting adjourned at 5:50 p.m.

Minutes approved by the Board on April 15, 2025.

ATTEST:

/s/ Mary Bush, Board Secretary