



# Board of Adjustments Regular Meeting

## Agenda

**December 14, 2021 @ 5:00 pm**

401 South Park Avenue

### welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at [cityofwinterpark.org/bpm](http://cityofwinterpark.org/bpm) 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. Minutes for the November 16, 2021 Meeting 15 Minutes
  3. **Staff Updates**
  4. **Citizen Comments (for items not on the agenda): Three minutes allowed for each speaker**
  5. **Non-Action Items**
  6. **Action Items**
    - a. Request of Ryan Gaston for a variance to allow the construction of a 5' high masonry wall at street side setback line in lieu of the required setback of 10'. 15 Minutes  
  
Located at 2614 PARKLAND DR      Zoned: R-1AA
    - b. Request of Matthew and Melissa Downs for a variance to allow the construction of a garage extension at 33' front setback in lieu of the required 35'. 15 Minutes  
  
Located at 680 ARJAY WAY      Zoned: R-1AA
    - c. Request of Cynde Norris on behalf of Janet and Larry Barnes for a variance to allow the construction of existing conditioned space above the garage into guest quarters living area with the addition of bathroom at 5' side setback in lieu of the required setback of 12'. 15 Minutes  
  
Located at 2708 PHILLIPS PARK CT      Zoned: R-1A
  7. **Board Comments**
  8. **Adjournment**



## Board of Adjustments

# agenda item

|                     |                |              |                   |
|---------------------|----------------|--------------|-------------------|
| item type           | Consent Agenda | meeting date | December 14, 2021 |
| prepared by         | Renata Minoga  | approved by  |                   |
| board approval      |                |              |                   |
| strategic objective |                |              |                   |

### subject

Minutes for the November 16, 2021 Meeting

### motion / recommendation

### background

### alternatives / other considerations

### fiscal impact

### ATTACHMENTS:

[Meeting Minutes for 11-16-2021 BOA Renata.pdf](#)



# Board of Adjustments Minutes

November 16, 2021 at 5:00 p.m.

Hybrid Meeting

## Present

In person: Robert Trompke (Chair), Michael Clary (Vice-Chair), Jason Johnson, Charles Steinberg,  
Recording Clerks: Sofia Chatzidaki, Bahiyyah Muhammad, Virtual attendants: Tom Sims,

## City Staff

Renata Minoga (Building & Permitting Manager) and Board of Adjustment City Liaison,  
George Wiggins (Former Director of Building and Permitting Department)

## Absent

Ann Higbie, Cathy Sawruk

## Call to Order

Robert Trompke (Chair), called the meeting to order at 5:00pm. Robert Trompke (Chair) explained the rules of procedure for variance cases and opened the floor for any disclosures, public comments or questions.

## Consent Agenda

Motion made by Michael Clary (Vice-Chair) to approve the October 19, 2021 minutes. Jason Johnson seconded the motion. The minutes were approved by a vote of 5-0.

## Staff Updates

No public comments or questions.

## Citizen Comments

No public comments or questions.

## Action Items

No action items brought forward.

## Public Hearings

1. Request of David Montalto, on behalf of Mike Lahr to allow the construction of masonry wall along the rear and side setbacks up to 9'-6" in height in lieu of the maximum required 6'

Located at 200 E Rockwood Way

Zoned: R-1AA

Robert Trompke (Chair) read the description of the first case.

Renata Minoga, described and explained the first case with the presentation of the staff report informing that this was an existing retaining/perimeter wall build without a permit over the maximum 8' high.

The board asked questions in order to clarify the request and to clarify the conditions of the lot.

Renata Minoga responded and clarified the variance in detail to Board Members.

Robert Trompke (Chair) invited the applicant to state their name and address.

Mr. Mike Lahr, owner of the property and builder as well, introduced himself and explained his variance. As per Mr. Mike Lahr, there are a lot of houses in this drainage pattern in City of Winter Park. It's not only a hardship

because it's his personal property it's also a hardship because it's the neighbors. Mr. Lahr also explained that as far as the height of the fence goes, when application was submitted the 9-foot 6" height was proposed as worst case scenario, the constructed wall it's actually 8-foot 6. He stated that the 8-foot 6 wall is built already and everything is completed. Mr. Mike said that technically they are 6 inches away from what the City allows.

Board Members had questions about the wall and the construction done without permitting and Mr. Mike Lahr responded in detail.

Mr. George Wiggins (Former Director of Building and Permitting Department) added that we put in every plan that walls requires separate permit. The wall was done without a permit and the permit was requested. Building Department told the contractor that they have to get a variance.

Board Members added their comments for this variance.

### Citizen Comments

Mrs. Marina Nice, introduces herself and lives in 150 E Rockwood Way, Winter Park, 32789 and she is the most directly impacted by the intersection in both walls. She spoke and supported that this wall as it is: is giving them extra privacy and they are happy to have the grading done so that the water does not come back to their backyard and into their pool or just further over. They are very appreciated of the wall and wouldn't support Mr. Lahr's request and ask for a variance.

No additional citizen comments were heard.

### Findings

The board reiterated the irregularity of building the wall without permit and reviewed the actual finished wall height at 8' 6".

Michael Clay (Vice-Chair), asked Renata if the City is in favor of this case staying as it is.

Renata Minoga stated that with all the neighbors support the City of Winter Park does not oppose.

Board Members had a discussion and this case was approved by 4 Board Members and 1 member did not approve it.

This case was approved by 4 Board members (Robert Trompke (Chair), Michael Clary (Vice-Chair), Jason Johnson, Charles Steinberg) and one opposed (Tom Sims).

### Action

Based on these findings, Mr. Michael Clay made a motion, seconded by Charles Steinberg to approve the item as noted.

The request was approved by a vote of 4-1.

The first case ended at 5:38pm

2. **Request of Bruce Rynearson, on behalf of Idelisa Torres to allow the construction of a screen enclosure with the area of 886 square feet in lieu of the maximum allowed area of 757 square feet (8% of the lot area).**

**Located at 1737 Magnolia Ave**

**Zoned: R-1A**

Robert Tromke (Chair) read the description of the second case.

Renata Minoga, described and explained the second case with the presentation of the staff report informing that this was a returning case of a screen enclosure that was built without a permit and was no conforming to code.

The board asked questions in order to clarify the request and to clarify the conditions of the house and possible alternate solutions that would made the screen enclosure compliant.

### Citizen Comments

Mrs. Kim Rynearson and Mr. Bruce Rynearson, representing the contractor and the owner, introduces themselves and have their business located at 5025 Mortier Ave. Orlando FL 32812. They explained the issues the existing house pose to relocate the side wall of the structure explaining that there is no alternative point of attachment for the structure.

## Findings

After deliberation the Board concurred on the lack of hardship and the existence of alternate solutions available to make the structure compliant.

This case was Denied by 5 Board members (Robert Trompke (Chair), Michael Clary (Vice-Chair), Jason Johnson, Charles Steinberg) and one opposed (Tom Sims).

## Action

Based on these findings, Tom Sims made a motion, seconded by Michael Clary to deny the item as noted. The request was denied by a vote of 0-5.

Staff requested that this case shall not be allowed to return to the board since it was a twice returning case.

This case ended at 6:15 pm

**Request of Yann LeLourec to allow extension of the existing 5'-6" high perimeter wall at 6.17' side street setback in lieu of the required setback of 15' and allow the construction of an addition connecting the house to the existing detached garage at 18'-11" rear setback instead of the required 25' rear setback for a garage connected to the home.**

**Located at 1270 Via Lugano**

**Zoned: R-1AA**

Robert Tromke (Chair) read the description of the Third case.

Renata Minoga, described and explained the third case with the presentation of the staff report informing that this request was based on a very unique narrow corner lot due to an exceeding large right of way.

The board asked questions in order to clarify the request and the conditions of the **house, existing garage, existing non-conforming perimeter wall and the design proposal made by the applicant.**

**Renata explained that the proposal is for extensive renovations to the home and the only two items outlined required variances. All other propositions were code compliant.**

## Citizen Comments

Mr. **Yann LeLourec**, introduces himself and is resident at **1270 Via Lugano**. He explained about the proposed renovations on the house and the issues the existing house pose with the detached garage and requested to be allowed similar setback as neighbors.

## Findings

After deliberation the Board concurred that there is hardship caused by the extra-wide right of way on the corner lot and no other lot on the same street is so affected by the right of way.

The board discussed about how to soften the sidewall with vegetation.

## Action

Based on these findings, Michael Clary made a motion, seconded by Tom Sims to approve the item as noted.

The request was approved by a vote of 5-0.

A second motion was proposed by Michael Clary, and second by Charles Steinberg to amend the original to include the requirement of a minimum 2' 6" hedge to be installed in the front of at least 50% the side street wall.

The second motion was approved by a vote of 5-0.

The meeting adjourned at 6:35 pm.

*Sofia Chatzidaki*

Sofia Chatzidaki, Recording Clerk

*November 16, 2021*

Date of Board Approval



## Board of Adjustments

# agenda item

|                           |                                |
|---------------------------|--------------------------------|
| item type Action Items    | meeting date December 14, 2021 |
| prepared by Renata Minoga | approved by                    |
| board approval            |                                |
| strategic objective       |                                |

### subject

Request of Ryan Gaston for a variance to allow the construction of a 5' high masonry wall at street side setback line in lieu of the required setback of 10'.

Located at 2614 PARKLAND DR      Zoned: R-1AA

### motion / recommendation

### background

### alternatives / other considerations

### fiscal impact

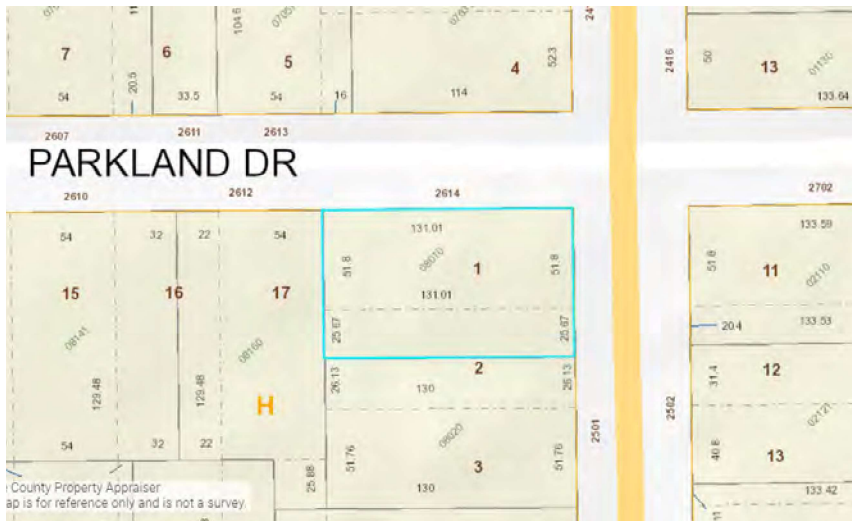
### ATTACHMENTS:

[Staff report 2614 Parkland Dr Combined.pdf](#)



Variance to allow the construction of a 5' high masonry wall at street side setback line in lieu of the required setback of 10'.

## MAP VIEW:



## AERIAL VIEW:

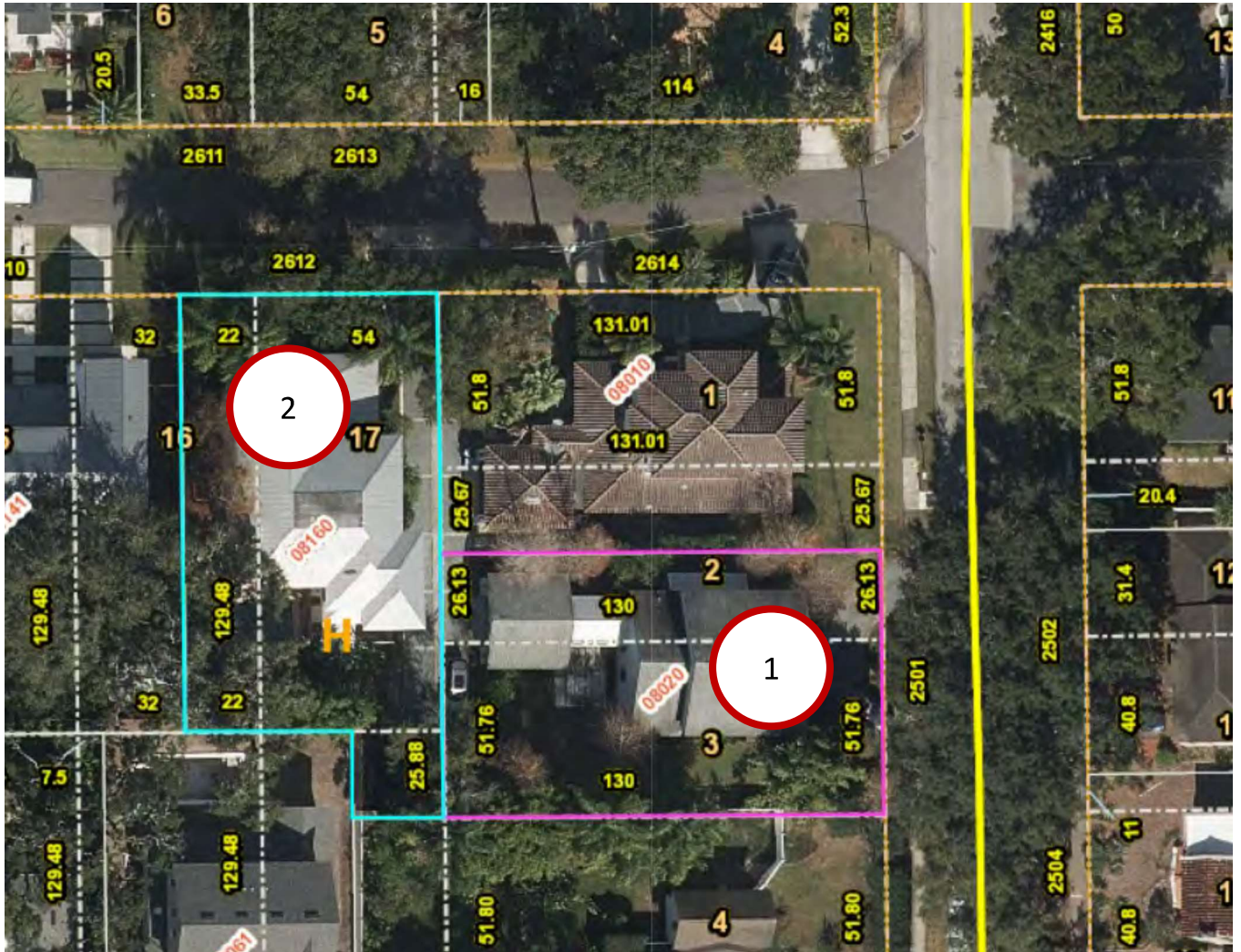


# BOA-2021-0059 2614 PARKLAND DR



Neighbor properties:

1. 2501 WINTER PARK RD.
2. 2612 PARKLAND DR.





## PLAN SNAPSHOT REPORT BOA-2021-0060 FOR CITY OF WINTER PARK

|                                                              |                                     |                                  |
|--------------------------------------------------------------|-------------------------------------|----------------------------------|
| <b>Plan Type:</b> Board of Adjustments                       | <b>Project:</b>                     | <b>App Date:</b> 11/01/2021      |
| <b>Work Class:</b> Board of Adjustments/Variance Application | <b>District:</b> Winter Park        | <b>Exp Date:</b> NOT AVAILABLE   |
| <b>Status:</b> Submitted - Online                            | <b>Square Feet:</b> 0.00            | <b>Completed:</b> NOT COMPLETED  |
| <b>Valuation:</b> \$0.00                                     | <b>Assigned To:</b> Wiggins, George | <b>Approval<br/>Expire Date:</b> |

**Description:** Permit Number: BLDR-2021-1573 was approved for a 6 ft masonry wall was issued on 05/22/2021. I am seeking a variance to allow the north facing portion of the block wall (fronting Parkland Drive) to be built along the property line. The original issued permit adhered to the 10 ft setback from the property line. The variance is requested as the block wall will enclose the in ground pool. The variance will provide functional yard space. Given the location of the lot on the corner of Parkland Drive and Winter Park Road, it is the only safe usable acreage for outdoor and family activity.

|                                |      |                                                                |      |              |
|--------------------------------|------|----------------------------------------------------------------|------|--------------|
| <b>Parcel:</b> 302218670408010 | Main | <b>Address:</b> 2614 Parkland Dr<br>Winter Park, FL 32789-6642 | Main | <b>Zone:</b> |
|--------------------------------|------|----------------------------------------------------------------|------|--------------|

|                                                                              |                                                                          |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <b>Applicant</b><br>Ryan Gaston<br>2614 Parkland DR<br>Winter Park, FL 32789 | <b>Owner</b><br>Ryan Gaston<br>2614 Parkland DR<br>Winter Park, FL 32789 |
|------------------------------------------------------------------------------|--------------------------------------------------------------------------|

### Plan Custom Fields

| Zoning                                |      | Section                                            |         | Subsection        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------------------|------|----------------------------------------------------|---------|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Is the property on waterfront?        | No   | Is this property on historic registry or district? | No      | Describe variance | Permit Number: BLDR-2021-1573 was approved for a 6 ft masonry wall was issued on 05/22/2021. I am seeking a variance to allow the north facing portion of the block wall (fronting Parkland Drive) to be built along the property line instead. The original issued permit adhered to the 10 ft setback from the property line. The variance is requested as the block wall will enclose the in ground pool. The variance will provide functional yard space. Given the location of the lot on the corner of Parkland Drive and Winter Park Road, it is the only safe usable land for outdoor and family activity. |
| How long have you owned the property? | 2015 | How long have you occupied the property?           | 6 years | Special Condition | Lot situated on the immediate corner of Parkland Drive and Winter Park Road. The majority of open grass space s located to the east of the home, along Winter Park Road. Given traffic, this poses a safety concern. We have an issued permit for an inground pool on the west side of the                                                                                                                                                                                                                                                                                                                         |

# PLAN SNAPSHOT REPORT (BOA-2021-0060)

home. The variance is seeking to extend the block masonry wall issued under BLDR-2021-1573 and to build the north facing portion of the wall along the property line, verses the 10 ft. setback. This is the only viable space to have functional use of a yard that does not pose a safety risk to my family and guests.

Rights/Priv

Usability of functional land not located along a busy and noisy main thoroughfare. Winter Park Road.

Hardship

Lot situated on the immediate corner of Parkland Drive and Winter Park Road. The majority of open grass space s located to the east of the home, along Winter Park Road. Given traffic, this poses a safety concern. We have an issued permit for an inground pool on the west side of the home. The variance is seeking to extend the block masonry wall issued under BLDR-2021-1573 and to build the north facing portion of the wall along the property line, verses the 10 ft. setback. This is the only viable space to have functional use of a yard that does not pose a safety risk to my family and guests.

Limited Variance Yes. Open to suggestions.

| Attachment File Name                | Added On         | Added By     | Attachment Group | Notes            |
|-------------------------------------|------------------|--------------|------------------|------------------|
| Updated Variance Request.pdf        | 11/01/2021 14:12 | Gaston, Ryan |                  | Uploaded via CSS |
| Signature_Ryan_Gaston_11/1/2021.jpg | 11/01/2021 14:12 | Gaston, Ryan |                  | Uploaded via CSS |

| Submittal Name                  | Status                         | Received Date   | Due Date   | Complete Date | Resubmit   | Completed      |
|---------------------------------|--------------------------------|-----------------|------------|---------------|------------|----------------|
| Board of Adjustments Review v.1 | In Review                      | 11/01/2021      | 11/03/2021 |               | No         | No             |
| Item Review Name                | Department                     | Assigned User   | Status     | Assigned Date | Due Date   | Completed Date |
| Building Official Review        | Building & Permitting Services | Wiggins, George | In Review  | 11/01/2021    | 11/03/2021 |                |

| Workflow Step / Action Name        | Action Type       | Start Date | End Date |
|------------------------------------|-------------------|------------|----------|
| Application Completeness Check v.1 |                   |            |          |
| Confirm Application Complete v.1   | Generic Action    |            |          |
| Review v.1                         |                   |            |          |
| Board of Adjustments Review v.1    | Receive Submittal | 11/01/2021 | 0:00     |
| Issue Invoice v.1                  | Generic Action    |            |          |
| Final Decision v.1                 |                   |            |          |
| Board of Adjustments Decision v.1  | Generic Action    |            |          |



401 South Park Avenue • Winter Park, Florida 32789

407-599-3237 • 407-599-3499 fax  
cityofwinterpark.org

## Building & Permitting Services

**TO:** BOARD OF ADJUSTMENTS MEMBERS  
**FROM:** RENATA MINOGA (Building & Permitting Manager)  
**DATE:** December 14, 2021  
**SUBJECT:** Variance request of Ryan Gaston, 2614 Parkland Dr

The applicant is requesting a variance to allow the construction of a 5 feet high masonry wall at the street side setback line whereas the required setback is 10 feet.

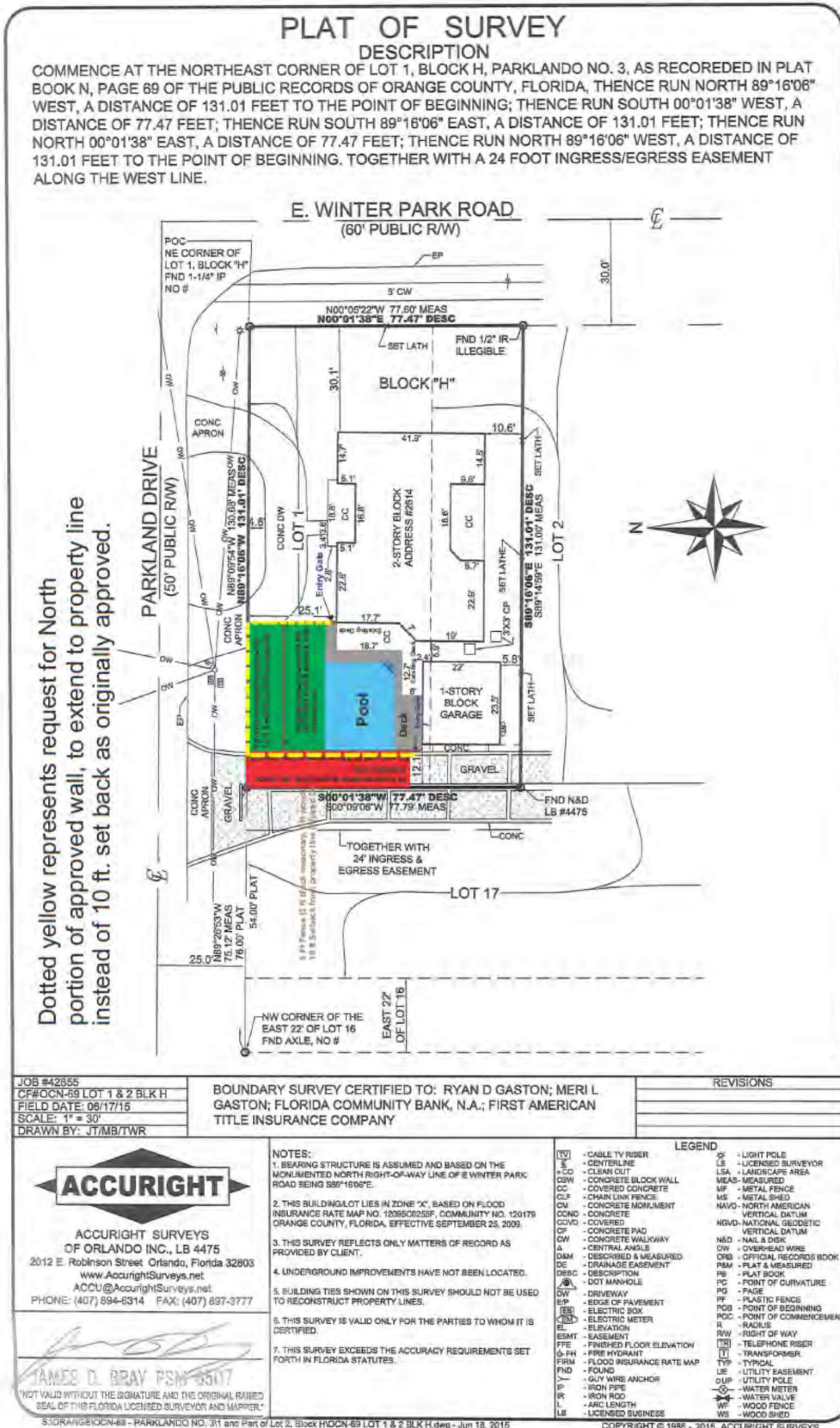
In order to allow more rear yard green space adjacent to an existing garage and proposed swimming pool, the applicant is seeking a setback/wall height variance to allow the required pool barrier to be located along the Parkland Drive property line. The applicant already have a permit to build a wall at the required 10 feet of setback to a 5 feet high without requiring a variance.

On this site, green space is available in the front yard along Winter Park Road and at the Northeast corner of the property. In addition, much of the side yard along Parkland Drive is covered by a circular driveway.

No letters have been received regarding this request.



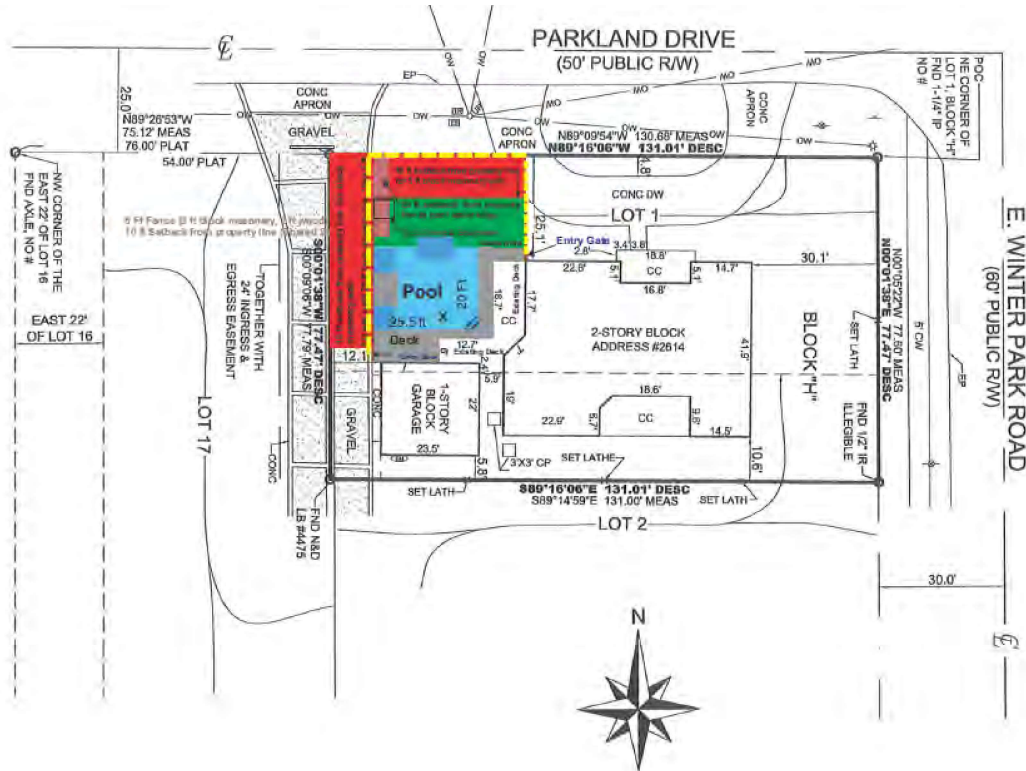
Survey:





Photos and Plans:





Letters:

No letters were received.



## Board of Adjustments

# agenda item

|                           |                                |
|---------------------------|--------------------------------|
| item type Action Items    | meeting date December 14, 2021 |
| prepared by Renata Minoga | approved by                    |
| board approval            |                                |
| strategic objective       |                                |

### subject

Request of Matthew and Melissa Downs for a variance to allow the construction of a garage extension at 33' front setback in lieu of the required 35'.

Located at 680 ARJAY WAY      Zoned: R-1AA

### motion / recommendation

### background

### alternatives / other considerations

### fiscal impact

### ATTACHMENTS:

[Staff report 680 Arjay Way combined v2.pdf](#)



Variance to allow the construction of a garage extension at 33' front setback in lieu of the required 35'.

### MAP VIEW:



### AERIAL VIEW:

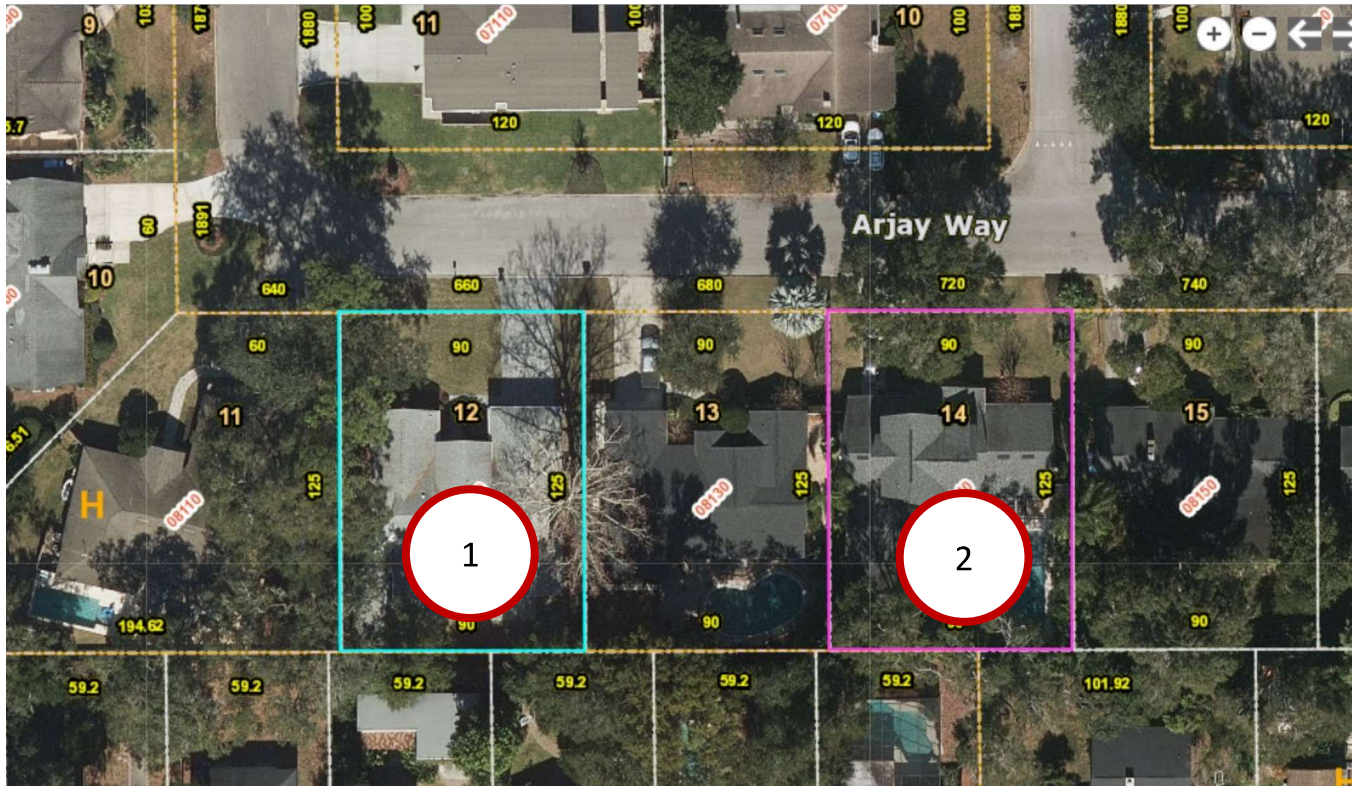


# BOA-2021-0062 680 ARJAY WAY



Neighbor properties:

1. 660 ARJAY WAY
2. 720 ARJAY WAY





101 South Park Avenue • Winter Park, Florida 32789

407-599-3237 • 407-599-3499 fax  
cityofwinterpark.org

## Building & Permitting Services

**TO:** BOARD OF ADJUSTMENTS MEMBERS

**FROM:** RENATA MINOGA (Building & Permitting Manager)

**DATE:** December 14, 2021

**SUBJECT:** Variance request of Matthew & Melissa Downs, 680 Arjay Way

The applicants are requesting a variance to allow the construction of a garage extension located at a front setback of 33 feet whereas the required is 35 feet.

The house was built in 1957, at the time there was no requirements to minimum size for parking spaces and the garage was approved with 18.8' in length. Current code IZC 2015 801.3.2 require minimum length of 20 feet (6096mm) shall be provided for each parking stall.

A survey provided by the applicants depicts the front setback for this home to be 35 feet. In looking at aerial photographs from google and the Orange County Property Appraiser, the adjacent four homes on this street appear to have front setbacks in line with the subject home for this variance which is shown to be 35 feet. The same homes all existed on this street in 2014, which is the date of the survey provided. None withstanding, the neighbor at 720 Arjay Way, have an approved open porch encroaching up to 5' into the front setback, as allowed per code. That variation does mitigate any visual impact the additional 2' requested may cause.

## PLAN SNAPSHOT REPORT (BOA-2021-0062)

|                   |                                                                                                                                                                                                                                                                                                               |                                       |                                                        |                                          |                                                          |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|--------------------------------------------------------|------------------------------------------|----------------------------------------------------------|
|                   | in the driveway and creates a challenge when our small kids are outside to have full view of the yard and driveway where they play.<br>We are seeking a setback variance in order to extend our garage an additional 2 feet.<br>We respectfully ask the City to grant us this variance request.<br>Thank you. | How long have you owned the property? | We purchased the property in March of 2014             | How long have you occupied the property? | We have occupied the property since March of 2014        |
| Special Condition | The garage size has created Functional Obsolescence with design of todays. Specifically the garage is undersized and does not have the length to park our vehicles.                                                                                                                                           | Rights/Priv                           | We would be unable to park our vehicles in the garage. | Hardship                                 | We are unable to adequately park our cars in the garage. |
| Limited Variance  | We would seek a variance in order to extend our garage 2 feet into the setback.                                                                                                                                                                                                                               |                                       |                                                        |                                          |                                                          |

| Attachment File Name                           | Added On         | Added By       | Attachment Group | Notes            |
|------------------------------------------------|------------------|----------------|------------------|------------------|
| Downs 680 Arjay Way Survey.pdf                 | 11/21/2021 23:53 | Downs, Matthew |                  | Uploaded via CSS |
| Garage depth measurement 18ft .jpeg            | 11/21/2021 23:53 | Downs, Matthew |                  | Uploaded via CSS |
| garage east view toward Blue Ridge Pkwy. .jpeg | 11/21/2021 23:53 | Downs, Matthew |                  | Uploaded via CSS |
| garage west view toward Winchester Dr. .jpeg   | 11/21/2021 23:53 | Downs, Matthew |                  | Uploaded via CSS |
| Truck partially parked in garage.jpeg          | 11/21/2021 23:53 | Downs, Matthew |                  | Uploaded via CSS |
| Signature_Matthew_Downs_11/22/2021.jpg         | 11/21/2021 23:53 | Downs, Matthew |                  | Uploaded via CSS |

| Submittal Name                  | Status                         | Received Date  | Due Date   | Complete Date | Resubmit   | Completed      |
|---------------------------------|--------------------------------|----------------|------------|---------------|------------|----------------|
| Board of Adjustments Review v.1 | In Review                      | 11/21/2021     | 11/23/2021 |               | No         | No             |
| Item Review Name                | Department                     | Assigned User  | Status     | Assigned Date | Due Date   | Completed Date |
| Building Official Review        | Building & Permitting Services | Minoga, Renata | In Review  | 11/21/2021    | 11/23/2021 |                |

| Workflow Step / Action Name        | Action Type       | Start Date | End Date |
|------------------------------------|-------------------|------------|----------|
| Application Completeness Check v.1 |                   |            |          |
| Confirm Application Complete v.1   | Generic Action    |            |          |
| Review v.1                         |                   |            |          |
| Board of Adjustments Review v.1    | Receive Submittal | 11/21/2021 | 0:00     |
| Issue Invoice v.1                  | Generic Action    |            |          |
| Final Decision v.1                 |                   |            |          |
| Board of Adjustments Decision v.1  | Generic Action    |            |          |



## PLAN SNAPSHOT REPORT BOA-2021-0062 FOR CITY OF WINTER PARK

|                    |                                           |                     |                 |                                  |               |
|--------------------|-------------------------------------------|---------------------|-----------------|----------------------------------|---------------|
| <b>Plan Type:</b>  | Board of Adjustments                      | <b>Project:</b>     |                 | <b>App Date:</b>                 | 11/21/2021    |
| <b>Work Class:</b> | Board of Adjustments/Variance Application | <b>District:</b>    | Winter Park     | <b>Exp Date:</b>                 | NOT AVAILABLE |
| <b>Status:</b>     | Submitted - Online                        | <b>Square Feet:</b> | 0.00            | <b>Completed:</b>                | NOT COMPLETED |
| <b>Valuation:</b>  | \$0.00                                    | <b>Assigned To:</b> | Wiggins, George | <b>Approval<br/>Expire Date:</b> |               |

**Description:** My wife and I along with our 4 children have lived in our home here in Winter Park for the last 7 years. We are in the process of finalizing plans for a remodel/addition to our home. With those plans we are seeking a variance to our existing setback. The variance would apply specifically to the garage portion of our home.

Our home was constructed in the late 1950's. The garage dimension at the time the home was built has created Functional Obsolescence to the vehicles of today. As such we are unable to currently park our cars inside our garage. The garage simply does not have the length to park our vehicles. This creates a hardship as we often park our cars in the driveway and creates a challenge when our small kids are outside to have full view of the yard and driveway where they play. We are seeking a setback variance in order to extend our garage an additional 2 feet. We respectfully ask the City to grant us this variance request.  
Thank you.

|                |                 |      |                 |                                             |      |              |  |
|----------------|-----------------|------|-----------------|---------------------------------------------|------|--------------|--|
| <b>Parcel:</b> | 302208867608130 | Main | <b>Address:</b> | 680 Arjay Way<br>Winter Park, FL 32789-5822 | Main | <b>Zone:</b> |  |
|----------------|-----------------|------|-----------------|---------------------------------------------|------|--------------|--|

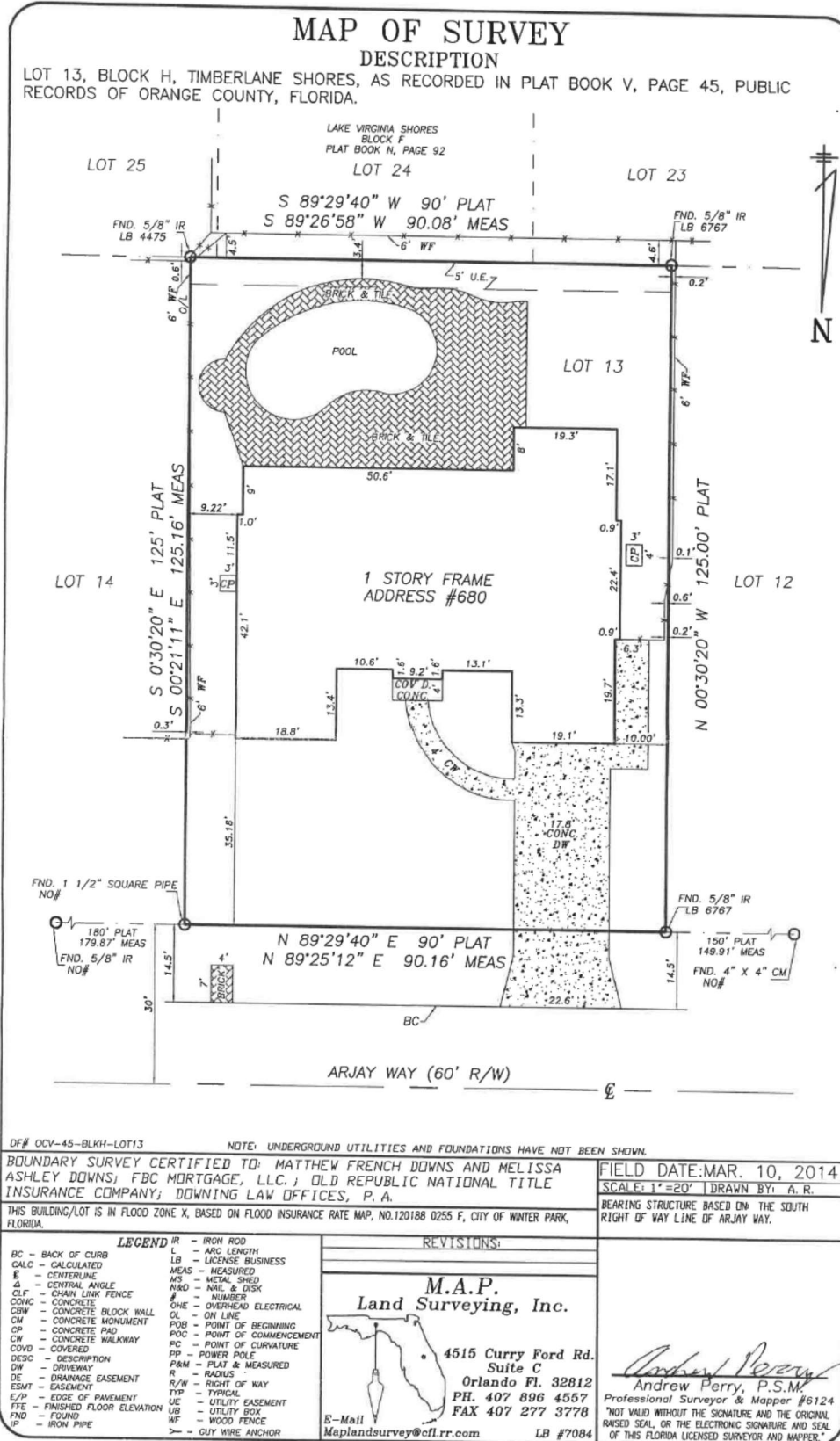
|                        |                            |
|------------------------|----------------------------|
| Owner                  | Applicant                  |
| Melissa Downs          | Matthew Downs              |
| Home: (321) 251-7079   | 680 Arjay Way              |
| Mobile: (321) 231-0986 | Winter Park, FL 32789-5822 |

### Plan Custom Fields

| Zoning                            | Section                                               | Subsection                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------|-------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Is the property on waterfront? No | Is this property on historic registry or district? No | Describe variance<br>My wife and I along with our 4 children have lived in our home here in Winter Park for the last 7 years. We are in the process of finalizing plans for a remodel/addition to our home. With those plans we are seeking a variance to our existing setback. The variance would apply specifically to the garage portion of our home.<br><br>Our home was constructed in the late 1950's. The garage dimension at the time the home was built has created Functional Obsolescence to the vehicles of today. As such we are unable to currently park our cars inside our garage. The garage simply does not have the length to park our vehicles. This creates a hardship as we often park our cars |



Survey:

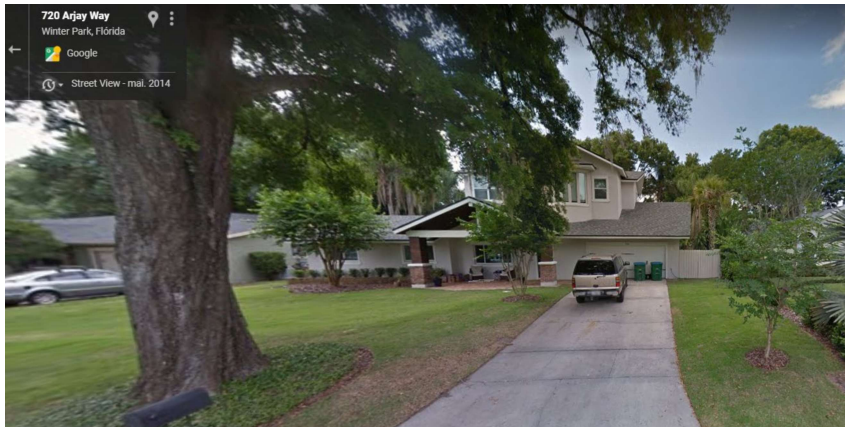




Photos and Plans:







Letters:

5 letters of approval were received.





## Board of Adjustments

### Regular Meeting

December 14, 2021 @ 5:00 pm

#### Open letter of Neighbor support

**RE: Letter on behalf of Matthew and Melissa Downs related to variance request to allow the construction of a garage extension at 33' front setback in lieu of the required 35'. The subject property, located at 680 Arjay Way, Winter Park, Florida, is Matthew and Melissa Downs Primary residence.**

This letter is written in support of the application submitted by Matthew and Melissa Downs in seeking a variance request to allow the construction of a garage extension at 33' front setback in lieu of the required 35'. This garage extension will come along with an overall renovation of this residence and is the **ONLY variance** that they will be seeking. This effort is being made to address the **functional obsolescence** of the current garage depth which currently does not allow for their vehicles to be parked in the garage. The approval of this variance will allow cleaner driveway views for the neighborhood as well as allow for better visibility for the Downs family's young children as they play in the front yard and driveway.

|                    |                    |
|--------------------|--------------------|
| Stacy L. Fraigum   | 720 ARJAY WAY      |
| Mary Jane Brown    | 760 Arjay Way.     |
| Paul H. Brown, Jr. | 760 Arjay Way-     |
| Joseph K. Griffin  | 1880 Shiloh Lane   |
| Jeff Cargill       | 1880 Winchester Dr |
| TERRI GUITTON      | 640 ARJAY WAY      |



## Board of Adjustments

# agenda item

|                     |               |              |                   |
|---------------------|---------------|--------------|-------------------|
| item type           | Action Items  | meeting date | December 14, 2021 |
| prepared by         | Renata Minoga | approved by  |                   |
| board approval      |               |              |                   |
| strategic objective |               |              |                   |

### subject

Request of Cynde Norris on behalf of Janet and Larry Barnes for a variance to allow the construction of existing conditioned space above the garage into guest quarters living area with the addition of bathroom at 5' side setback in lieu of the required setback of 12'.

Located at 2708 PHILLIPS PARK CT      Zoned: R-1A

### motion / recommendation

### background

### alternatives / other considerations

### fiscal impact

### ATTACHMENTS:

[Staff report Philips Place Ct combined.pdf](#)

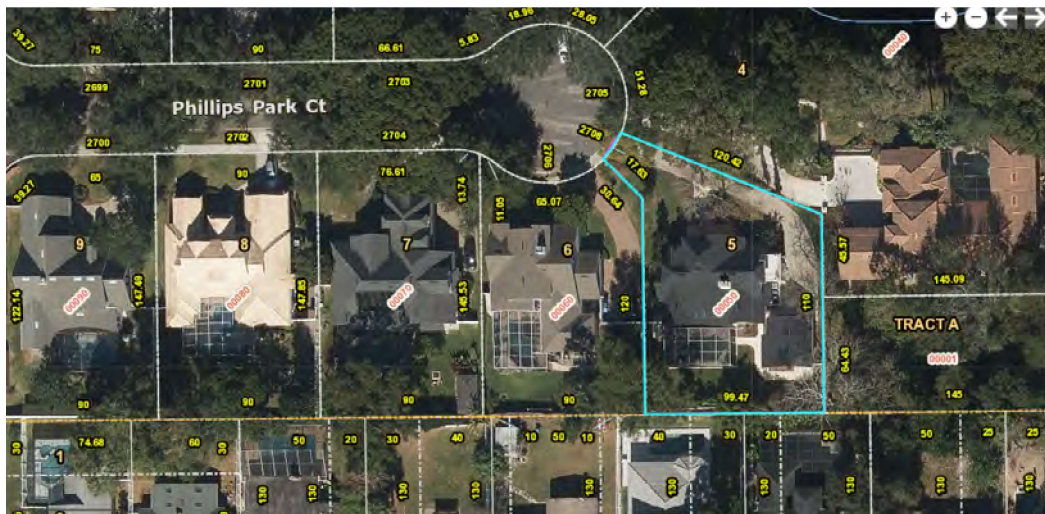


Variance to allow the construction of existing conditioned space above the garage into guest quarters living area with the addition of bathroom at 5' side setback in lieu of the required setback of 12'.

### MAP VIEW:



### AERIAL VIEW:



# BOA-2021-0063 2708 PHILLIPS PARK CT

## Board of Adjustments



Neighbor properties:

1. 2706 PHILLIPS PARK CT
2. CITY OF WINTER PARK





## PLAN SNAPSHOT REPORT BOA-2021-0063 FOR CITY OF WINTER PARK

|                                                              |                                     |                                  |
|--------------------------------------------------------------|-------------------------------------|----------------------------------|
| <b>Plan Type:</b> Board of Adjustments                       | <b>Project:</b>                     | <b>App Date:</b> 11/23/2021      |
| <b>Work Class:</b> Board of Adjustments/Variance Application | <b>District:</b> Winter Park        | <b>Exp Date:</b> NOT AVAILABLE   |
| <b>Status:</b> Submitted - Online                            | <b>Square Feet:</b> 0.00            | <b>Completed:</b> NOT COMPLETED  |
| <b>Valuation:</b> \$0.00                                     | <b>Assigned To:</b> Wiggins, George | <b>Approval<br/>Expire Date:</b> |

### Description:

|                                |      |                                                                     |      |              |
|--------------------------------|------|---------------------------------------------------------------------|------|--------------|
| <b>Parcel:</b> 302218689500050 | Main | <b>Address:</b> 2708 Phillips Park Ct<br>Winter Park, FL 32789-6162 | Main | <b>Zone:</b> |
|--------------------------------|------|---------------------------------------------------------------------|------|--------------|

|                                                                                      |                                                                                          |
|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| <b>Applicant</b><br>cynde norris<br>127 W Fairbanks AVE 101<br>Winter Park, FL 32789 | <b>Owner</b><br>Janet and Larry Barnes<br>Home: (913) 706-0287<br>Mobile: (913) 706-0287 |
|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|

### Plan Custom Fields

|                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Zoning</b>                                | accessory structures                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Section</b>                                            | 58-71                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Subsection</b>        | (i) (2) (a)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Is the property on waterfront?</b>        | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>Is this property on historic registry or district?</b> | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Describe variance</b> | Request to add a bathroom to an existing built out bonus space over a detached garage which is 5' from the side property line.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>How long have you owned the property?</b> | May 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>How long have you occupied the property?</b>           | May 2017                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Special Condition</b> | The property was purchased with the detached garage and existing built out bonus space.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Rights/Priv</b>                           | The house does not have a pool bath. Currently one has to cross the wood floors of the main living spaces to access the powder room.<br><br>In addition, extra space is needed for occasional use by the owners for sewing/craft space, office space and home theater. These activities were planned for the already built out bonus space above the garage. A bathroom within this space would be convenient when in use for the above mentioned activities and is adjacent to the pool so that it could double as a pool bath. | <b>Hardship</b>                                           | The property requires a maximum base FAR of 4,500 s.f. Currently the structures sit at 4,473 s.f. leaving only 27 s.f. available. We would not be able to utilize the provision for increased FAR because the structure currently sits at the side setbacks for the base FAR. This would preclude us from being able to construct a bath addition anywhere else on the property. Therefore we have no other options but to put this bath within the confines of the already built out bonus space above the garage. | <b>Limited Variance</b>  | We have designed this bathroom to be unobtrusive to neighboring properties by not adding any windows.<br><br>In addition, there is a provision in Article III; Section 58-66 (c) that states: "Accessory uses permitted. Accessory buildings including private garages to serve the residence, accessory living quarters which contain no cooking facilities, a recreation room, guest house, greenhouse, dock, boathouse, swimming pools, spas are permitted....and not allowing this portion of the dwelling to be rented, let or hired out for occupancy whether compensations be paid directly or indirectly and subject to executing a deed restriction which outlines the above restrictions...". We would |

# PLAN SNAPSHOT REPORT (BOA-2021-0063)

be amenable to submitting  
such a deed covenant.

| Attachment File Name                       | Added On         | Added By      | Attachment Group | Notes            |
|--------------------------------------------|------------------|---------------|------------------|------------------|
| Barnes - Variance Authorization Letter.pdf | 11/23/2021 12:13 | norris, cynde |                  | Uploaded via CSS |
| Barnes ext. photo 1.JPG                    | 11/23/2021 12:13 | norris, cynde |                  | Uploaded via CSS |
| Barnes ext. photo 2.jpg                    | 11/23/2021 12:13 | norris, cynde |                  | Uploaded via CSS |
| Barnes ext. photo 3.jpg                    | 11/23/2021 12:13 | norris, cynde |                  | Uploaded via CSS |
| Barnes int. photo 1.jpg                    | 11/23/2021 12:13 | norris, cynde |                  | Uploaded via CSS |
| Barnes int. photo 2.jpg                    | 11/23/2021 12:13 | norris, cynde |                  | Uploaded via CSS |
| Barnes rev. CD 11.22.21.pdf                | 11/23/2021 12:13 | norris, cynde |                  | Uploaded via CSS |
| Barnes setback worksht. 11.22.21.pdf       | 11/23/2021 12:13 | norris, cynde |                  | Uploaded via CSS |
| Barnes survey.pdf                          | 11/23/2021 12:13 | norris, cynde |                  | Uploaded via CSS |
| Signature_cynde_norris_11/23/2021.jpg      | 11/23/2021 12:13 | norris, cynde |                  | Uploaded via CSS |

| Submittal Name                  | Status                         | Received Date  | Due Date   | Complete Date | Resubmit   | Completed      |
|---------------------------------|--------------------------------|----------------|------------|---------------|------------|----------------|
| Board of Adjustments Review v.1 | In Review                      | 11/23/2021     | 11/29/2021 |               | No         | No             |
| Item Review Name                | Department                     | Assigned User  | Status     | Assigned Date | Due Date   | Completed Date |
| Building Official Review        | Building & Permitting Services | Minoga, Renata | In Review  | 11/23/2021    | 11/29/2021 |                |

| Workflow Step / Action Name               | Action Type       | Start Date | End Date |
|-------------------------------------------|-------------------|------------|----------|
| <b>Application Completeness Check v.1</b> |                   |            |          |
| Confirm Application Complete v.1          | Generic Action    |            |          |
| <b>Review v.1</b>                         |                   |            |          |
| Board of Adjustments Review v.1           | Receive Submittal | 11/23/2021 | 0:00     |
| Issue Invoice v.1                         | Generic Action    |            |          |
| <b>Final Decision v.1</b>                 |                   |            |          |
| Board of Adjustments Decision v.1         | Generic Action    |            |          |



401 South Park Avenue • Winter Park, Florida 32789

407-599-3237 • 407-599-3499 fax  
cityofwinterpark.org

## Building & Permitting Services

**TO:** BOARD OF ADJUSTMENTS MEMBERS

**FROM:** RENATA MINOGA (Building & Permitting Manager)

**DATE:** December 14, 2021

**SUBJECT:** Variance request of Cynde Norris on behalf of Janet and Larry Barnes at 2708 Philips Park Ct.

The applicant is requesting a variance to allow the construction of existing attic conditioned space above the garage into guest quarters as additional living area with the addition of bathroom at a side setback of 5 feet whereas the required setback is 12 feet.

This garage with a second level finished conditioned attic was built over 20 years ago along with the home before some of our stricter zoning provisions were adopted regarding use of second floor attics in detached garages or other accessory buildings and is considered grandfathered with its current use. The variance request is to allow a conversion of this space to be living quarters with the addition of a bathroom and kitchenette area under the sloping roof of the garage.

The adjacent property directly east of this garage is owned by the City and landlocked with no access to a public street. We are not aware of any plans for this property. When a residentially zoned property backs up to a non-residential property, the Zoning Code has a provision which permits the adjacent residential property to utilized a rear setback of 10' to both floors of a home or accessory building.

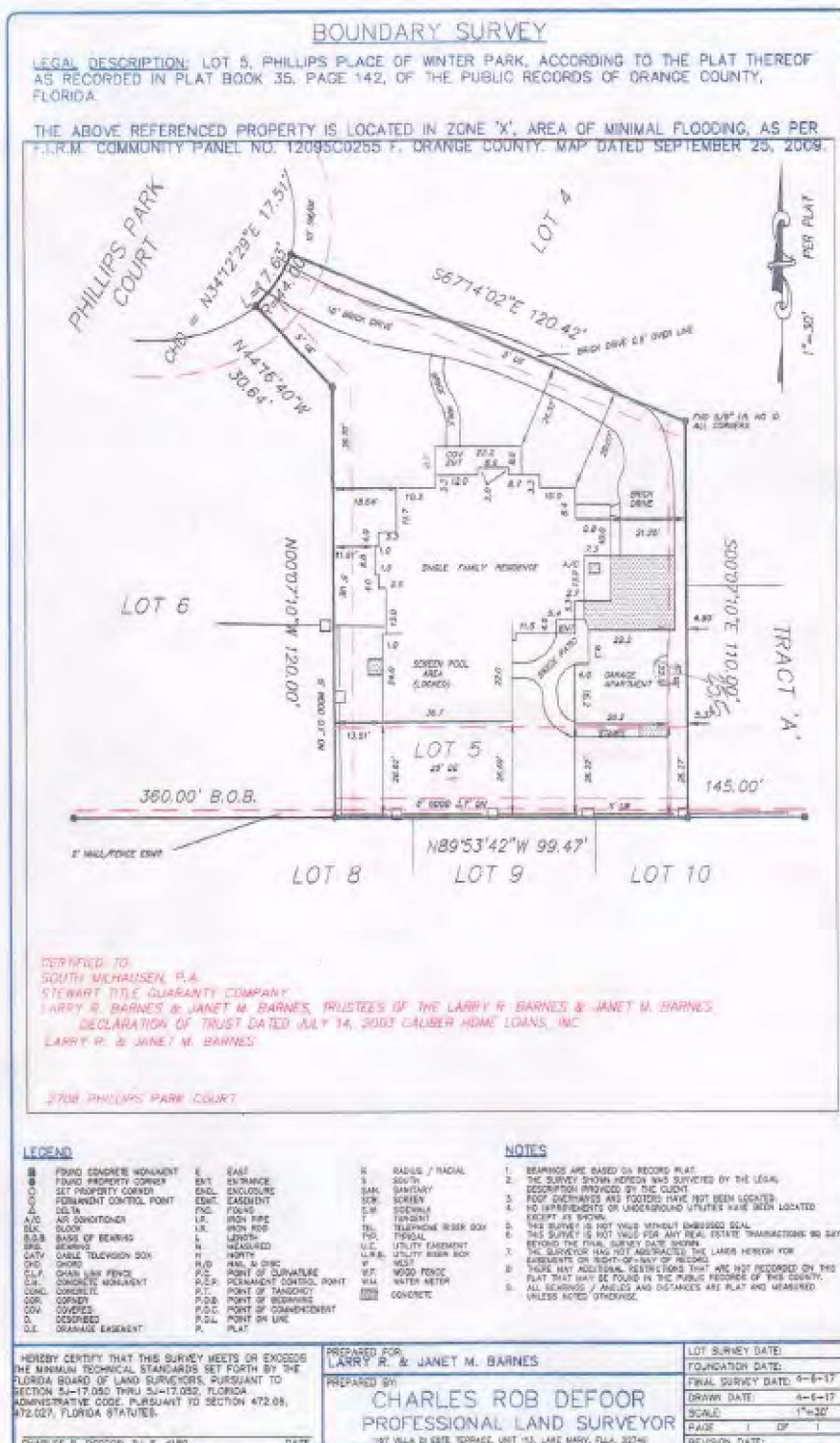
With this addition no impervious area is impacted and the gross area of the home and garage is within the maximum allowed gross floor area.

A deed restriction shall be recorded to comply with LDC58-71(i)(8) - all applicants for building permits for guesthouses or garage apartments, or for the substantial improvement of same shall record a deed restriction outlining the above restrictions and conditions of that building permit.

No letters have been received regarding this request.



Survey:



# BOA-2021-0063 2708 PHILLIPS PARK CT



Photos and Plans:





Photos and Plans:





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# BOA-2021-0063 2708 PHILLIPS PARK CT

Letters:

No letters were received.