



Board of Adjustments Regular Meeting

Agenda

October 19, 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 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 September 21, 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 from Sydney B. Brownlee to allow the construction of a swimming pool and deck located 5 feet and 3.3 feet from the side lot line in lieu of the required side setbacks of 10 feet and 5 feet respectively. 15 Minutes

Located at 404 W Lyman Zoned: R-1A
 - b. Request of Emiel Mcnish, on behalf of Ketan Pandya to allow rebuilding an existing boathouse extending 50 feet into Lake Berry, in lieu of the 30 foot maximum permitted distance into the lake and 751 square feet in lieu of the 600 maximum area permitted . 15 Minutes

Located at 1661 Chase Landing Way Zoned: PURD
 - c. Request of Frederic Schaub on behalf of Tom Gentile, to allow the construction of a 5 feet high wall setback 5 feet from the east street-side lot line, in lieu of the minimum setback of 10 feet. 15 Minutes

Located at: 241 E Fawsett Road Zoned: R-1AA
 7. **Board Comments**
 8. **Adjournment**



Board of Adjustments

agenda item

item type	Consent Agenda	meeting date	October 19, 2021
prepared by	Renata Minoga	approved by	
board approval			
strategic objective			

subject

Minutes for the September 21, 2021 Meeting

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[September 21, 2021 Draft Meeting Minutes.pdf](#)



Board of Adjustments Minutes

September 21, 2021 at 5:00 p.m.

Hybrid Meeting

Present

In person: Robert Trompke (Chair), Michael Clary (Vice-Chair), Jason Johnson, Cathy Sawruk, Tom Sims, Charles Steinberg, Ann Higbie, George Wiggins (Director of Building & Permitting Services), Recording Clerks, Theresa Dunkle, Sofia Chatzidaki, Virtual attendants, Kay Hudson, Craig Oneil.

City Staff

Ashley Ong, Renata Minoga, Vanessa A. Balta (Sustainability Manager)

Absent

None

Call to Order

Robert Trompke (Chair), called the meeting to order at 5:00pm

Consent Agenda

Motion made by Jason Johnson to approve the August 17, 2021 minutes. Tom Sims Jr. seconded the motion. The minutes were approved by a vote of 7-0.

Staff Updates

George Wiggins (Director of Building & Permitting Services) announced his retirement. He spoke about Vanessa's Presentation with enthusiasm.

George Wiggins announced that Renata Minoga (Code Analyst Inspector & Building & Permitting Manager) will be staff liaison with Board of Adjustment. Theresa Dunkle, Code Analyst/Inspector, will be assisting with Sofia Chatzidaki. Also, he introduced Vanessa A. Balta the Sustainability Manager to speak regarding the Sustainability action Plan.

Vanessa spoke about the Sustainability Action Plan update. This Plan impacts Community and the Local Government Operations. She reviewed the 2021 updated Sustainability Action Plan with the Board Members. She also mentioned that the plan establishes metrics to be verified over the next 5 years. The Plan also incorporates research that they have done working with neighbors within the state of Florida as well as the South East U.S.

Mr. Charles Steinberg had a question regarding the meaning of sustainability.

Vanessa A. Balta responded, it's using resources sustainably so they will be available for future generations. The City of Winter Park passed a resolution last year that prohibits plastic bags, plastic straws and any Styrofoam products from city facilities. There is also a recognition program that is being used to recognize all businesses for going green, voluntarily. The city cannot impose single use product policy on private property, due to state pre-emption.

Vanessa stated that one of their actions is, working with the Planning and Zoning Department when the comprehensive plan update comes up. The city received recognition as a Sol-Smart Gold designated city. The city adjusted the fees for solar installations applying fixed rate instead of a valuation rate as an incentive for solar adoption. The division continues to try identify ways to make it easier for people to go solar as an incentive for solar adoption.

Mr. George Wiggins spoke regarding sustainability and gave examples. The department is very much involved through codes and through the enforcement codes that are related to energy.

Vanessa A. Balta, continued her presentation for the Sustainability Action Plan. They hope to work with the Building Department to provide annually green building best practices education to building professionals and residents.

Cathy Sawruk, suggested a program that will be working with realtors to provide trees to residence that would help the effort.

Vanessa A. Balta, responded that to ensure a sustainable tree canopy it is important that residents maintain and plant trees on private properties in addition to planting on public property. The department is looking at a program that will deliver trees to residents and there is going to be a GPS to know where the tree was located. This program is included in the action plan that they are hoping will be approved by the city commission, because it will allow them to increase the number of trees on private properties.

Cathy Sawruk added that realty community is a great resource for people that would promote this kind of program.

Vanessa A. Balta agreed with Cathy's recommendation and hopes that the city commission will approve the program. City of Orlando already is using this program.

Robert Tromke (Chair) suggested that City of Winter Park needs more variety and larger canopy trees.

Vanessa A. Balta, stated that the Urban Forestry team recognize the importance of diversity in the city's trees, however there is a very loud voice of residence that wants oaks. Vanessa agrees that City of Winter Park needs more variety and larger canopy trees.

Vanessa A. Balta also spoke regarding how to increase public awareness of Florida-friendly landscaping and landscaping irrigation regulations. For example, for our residents, the water utility has a smart irrigation controller rebate, which basically allows residents to control their irrigation system with their phone. They are trying to promote this through social media and Winter Park magazines. It would be a great idea to promote this through the real estate community too, because when residents buy a house they need to know that this irrigation system benefit will be available through the City of Winter Park and it will help encourage the sustainability.

Cathy Sawruk suggested that realtors should provide info and educate the homeowners with what the City of Winter Park provides when it comes to sustainability, at home closing.

Robert Tromke (Chair), recognized Mr. George Wiggins (Director of Building & Permitting Services).

George Wiggins (Director of Building & Permitting Services), thanked the Board Members for the wonderful cooperation they had through all these years.

Citizen Comments

No public comments or questions.

Action Items

No action items brought forward.

Public Hearings

No action items brought forward.

Findings

Action

The meeting adjourned at 5:53 pm.

Sofia Chatzidaki

Sofia Chatzidaki, Recording Clerk

October 19, 2021

Date of Board Approval



Board of Adjustments

agenda item

item type	Action Items	meeting date	October 19, 2021
prepared by	Renata Minoga	approved by	
board approval			
strategic objective			

subject

Request of from Sydney B. Brownlee to allow the construction of a swimming pool and deck located 5 feet and 3.3 feet from the side lot line in lieu of the required side setbacks of 10 feet and 5 feet respectively.

Located at 404 W Lyman

Zoned: R-1A

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[BOA-2021-0052 Staff presentation.pdf](#)

Building & Permitting SERVICES



BOARD OF ADJUSTMENTS

October 2021

The applicant is requesting a variance to allow the construction of a swimming pool and deck located 5 feet and 3.3 feet from the side lot line whereas the minimum required side setbacks is 10 feet and 5 feet respectively.

404 W LYMAN

BOA-2021-0052



PLAN SNAPSHOT REPORT BOA-2021-0052 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 09/20/2021
Work Class: Board of Adjustments/Variance Application	District: Winter Park	Exp Date: NOT AVAILABLE
Status: Submitted - Online	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Wiggins, George	Approval Expire Date:

Description:

Parcel: 302205940069010	Main	Address: 404 W Lyman Ave Winter Park, FL 32789	Main	Zone:
--------------------------------	------	--	------	--------------

Owner Sydney B Brownlee P.O. Box 350 P.O. Box 350 Winter Park, FL 32790 Business: (407) 644-3151	Applicant Sydney Brownlee 404 W Lyman Avenue 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	Request a pool setback variance to allow pool waters edge to be up to 5' from side yard setback.
How long have you owned the property?	2 years	How long have you occupied the property?	Residential New Construction	Special Condition	asking for the prevailing 10' interior side setback required for their corner lot to be reduced to 5'.
Rights/Priv	We confirm that the approval of the setback variance will have no negative effect to the neighborhood or public welfare. Our abutting neighbors have sent letter of no objection to the pool placement.	Hardship	asking for the prevailing 10' interior side setback required for their corner lot to be reduced to 5'.	Limited Variance	N/A

Attachment File Name	Added On	Added By	Attachment Group	Notes
404 Pool Variance Setback Request 09.20.2021 Pg 6.pdf	09/20/2021 10:16	Brownlee, Sydney		Uploaded via CSS
404 Pool Variance Setback Request 09.20.2021.pdf	09/20/2021 10:16	Brownlee, Sydney		Uploaded via CSS
Signature_Sydney_Brownlee_9/20/2021.jpg	09/20/2021 10:16	Brownlee, Sydney		Uploaded via CSS

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		
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: October 19, 2021
SUBJECT: VARIANCE REQUEST by Sydney B. Brownlee, 404 W Lyman

The applicant is requesting a variance to allow the construction of a swimming pool and deck located 5 feet and 3.4 feet from the side lot line in lieu of the required side setbacks of 10 feet and 5 feet respectively.

In order provide a minimum sized pool and spa with this new home on an unusual shaped corner lot, the applicant is asking for this setback variance with offsetting walls and landscaping to compensate for the waterline location of the pool.

The setbacks of the new home fully comply with the extra wide street side yard setbacks and the pool is designed with a width of only 9'-10" feet to be a functional pool.

The design of the house complied with all grading requirements and the design avoided the need to regrade the site. However higher grade where the pool will be located will require steps to access it safely. In order to comply with FBC R311.7.5 stairs requirements the pool will need located further from the house.

In addition, the garage is placed at the rear of the lot, which presents the least impact on the intersection of Lyman and Virginia Avenues by locating the driveway at the furthest distance from the intersection.

As a corner lot, there is only one adjacent property impacted by this request and it is the home of CHRISTINA E HITE and JAVIER OMANA located at 426 W Lyman Ave.

A letter of support was received for CHRISTINA E HITE and JAVIER OMANA.

MAP VIEW

Aerial View



Base map

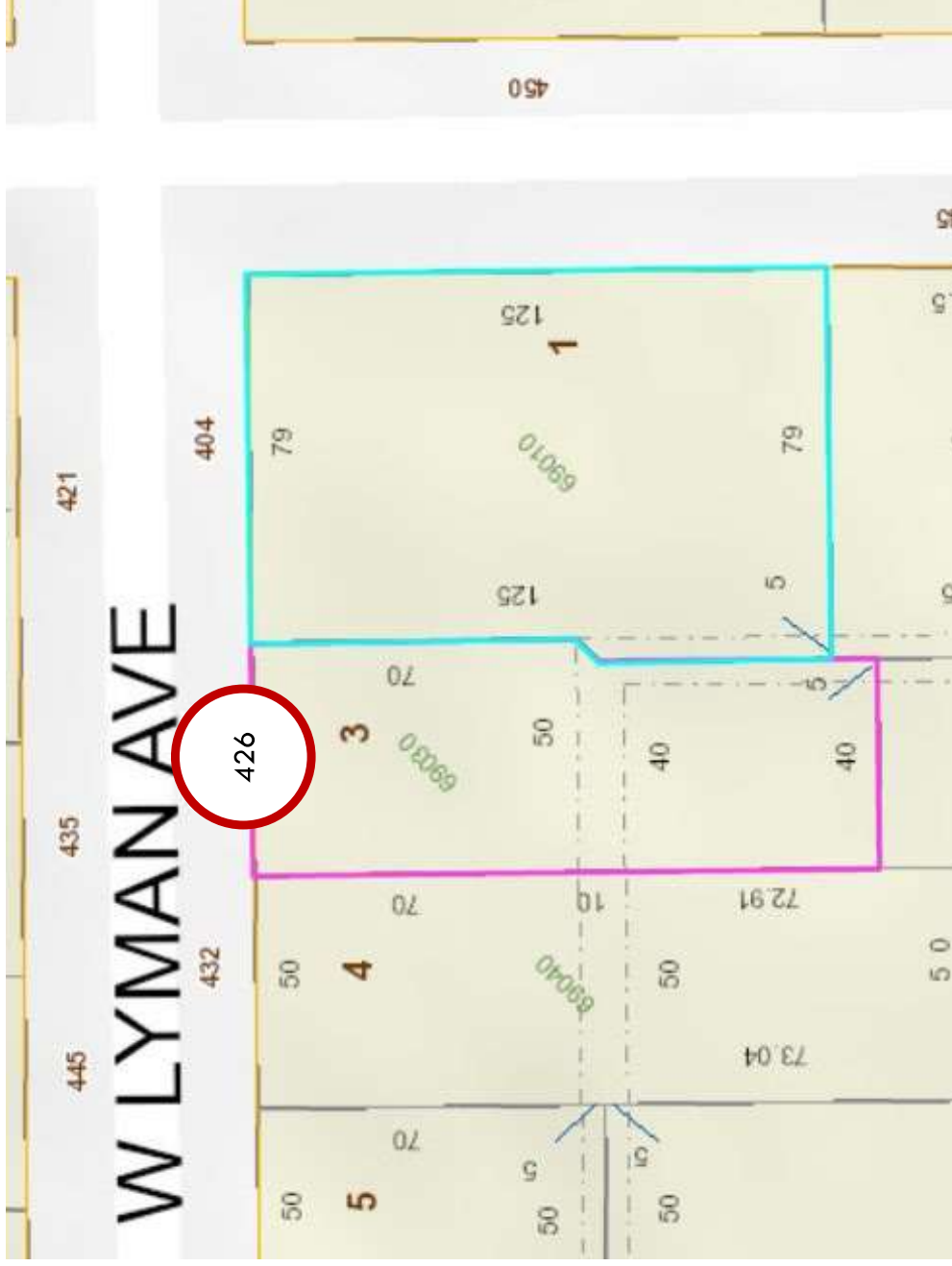


PARAMETERS

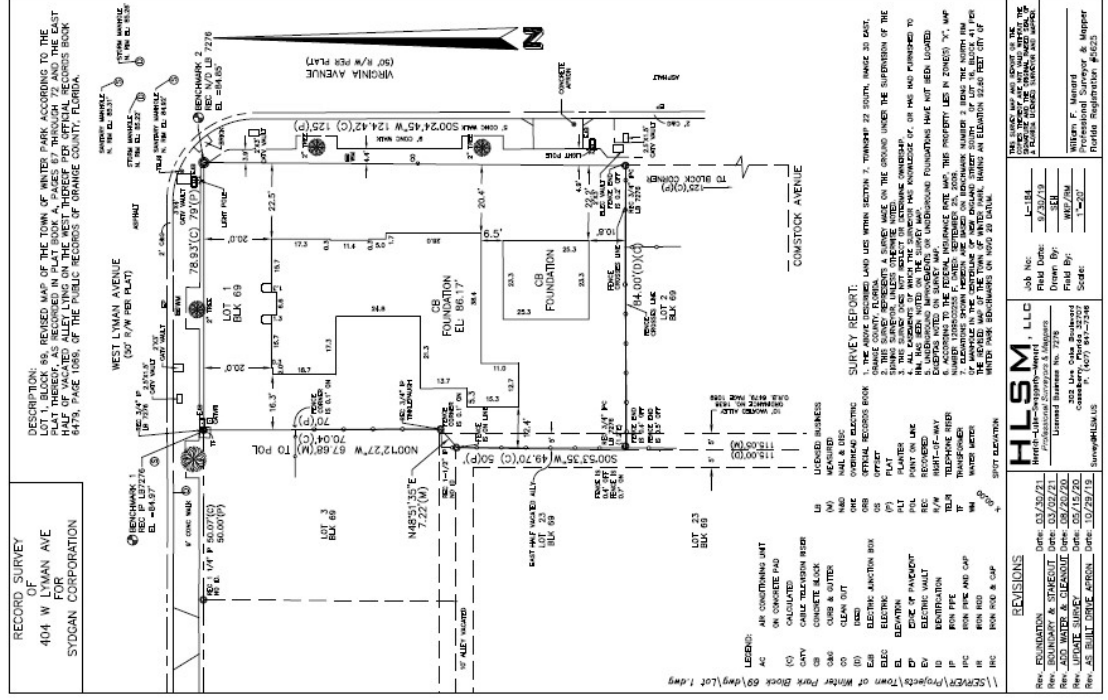


Parameter	Proposed	Allowed	Variance Req.?
Pool setback	5'	10'	Yes
Deck Setback	3.5'	5'	Yes

NEIGHBORING PROPERTIES



SURVEY (EXISTING)



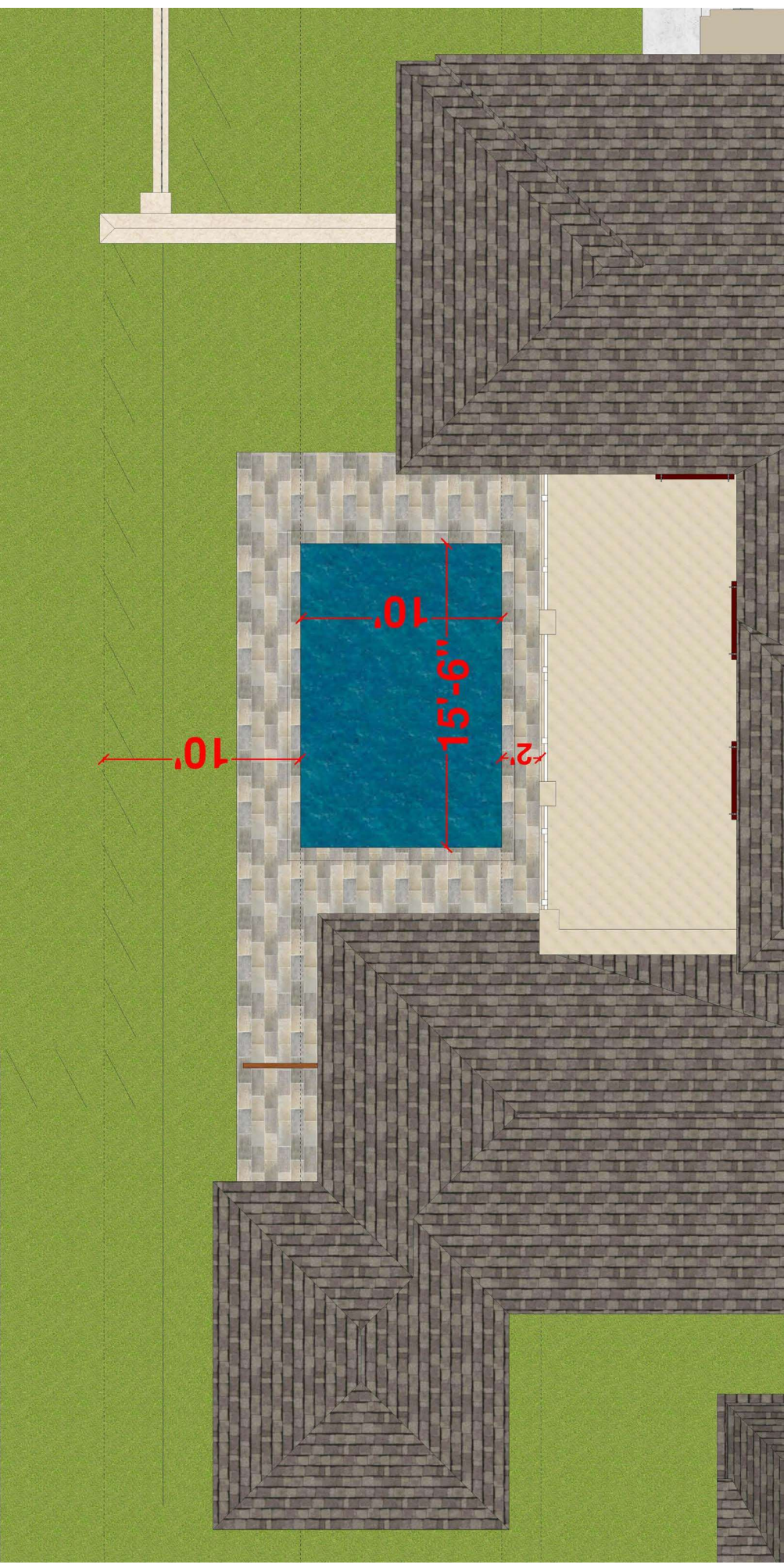
**404 W Lyman Avenue – Brownlee Residence
Variance Board Pool Setback Request
BLDC-2020-0328
UPDATES 10/14/2021**

Hardship: Corner lot with an unusual shape. The lot is not a rectangle. The west boundary line jogs in 5' in the location of the proposed pool. If the lot was a rectangle than we would not need to request an additional 5'.

- A small pool is already approved with a 10' setback. The current location of the pool is very close to the home and prevents adding 3' of steps to get from house elevation to pool deck elevation, 3' for a walkway between pools edge and steps from covered lanai, and 8" for a baby gate.
- The already approved pool with 10' setback has a side wall at 9' 8" facing Lyman Avenue to accommodate for the pool deck being raised to meet house finished floor elevation. By pushing the small pool back 5' allows for the above mentioned steps and walkway so that the pool deck is at ground level and only a 6' 8" sidewall is needed on Lyman Avenue for privacy.
- Owner has two young children (age 2 and age 1). Pool safety is a major concern and priority. Children's safety was taken into consideration when choosing location of pool on the property.
- Multiple neighbors enjoy small pools the same size or larger.

SIMILAR CASES / POINTS MADE BY APPROVED POOL VARIANCE REQUESTS:

- The 25 foot street side setback does not allow sufficient space for a swimming pool, and pools are typically enjoyed by many other residents in Winter Park, and pool and deck encroachments are minimal. (Same point made *12/17/2019 Minutes – Stubbs – Pool in side yard – APPROVED 7-0 vote*)
- The garage is placed at the rear of the lot, which presents the least impact on the intersection of W Lyman Avenue and S Virginia Avenue by locating the driveway at the furthest distance from the intersection. (Same point made with different intersection *12/20/2018 Minutes – William Maroon – Pool in side setback – APPROVED by 7-0 vote*)
- The corner lot creates essentially two front setbacks. Home is under construction on this corner property, and the owner desires to place a small pool on the west side of the home in a space with very limited area.



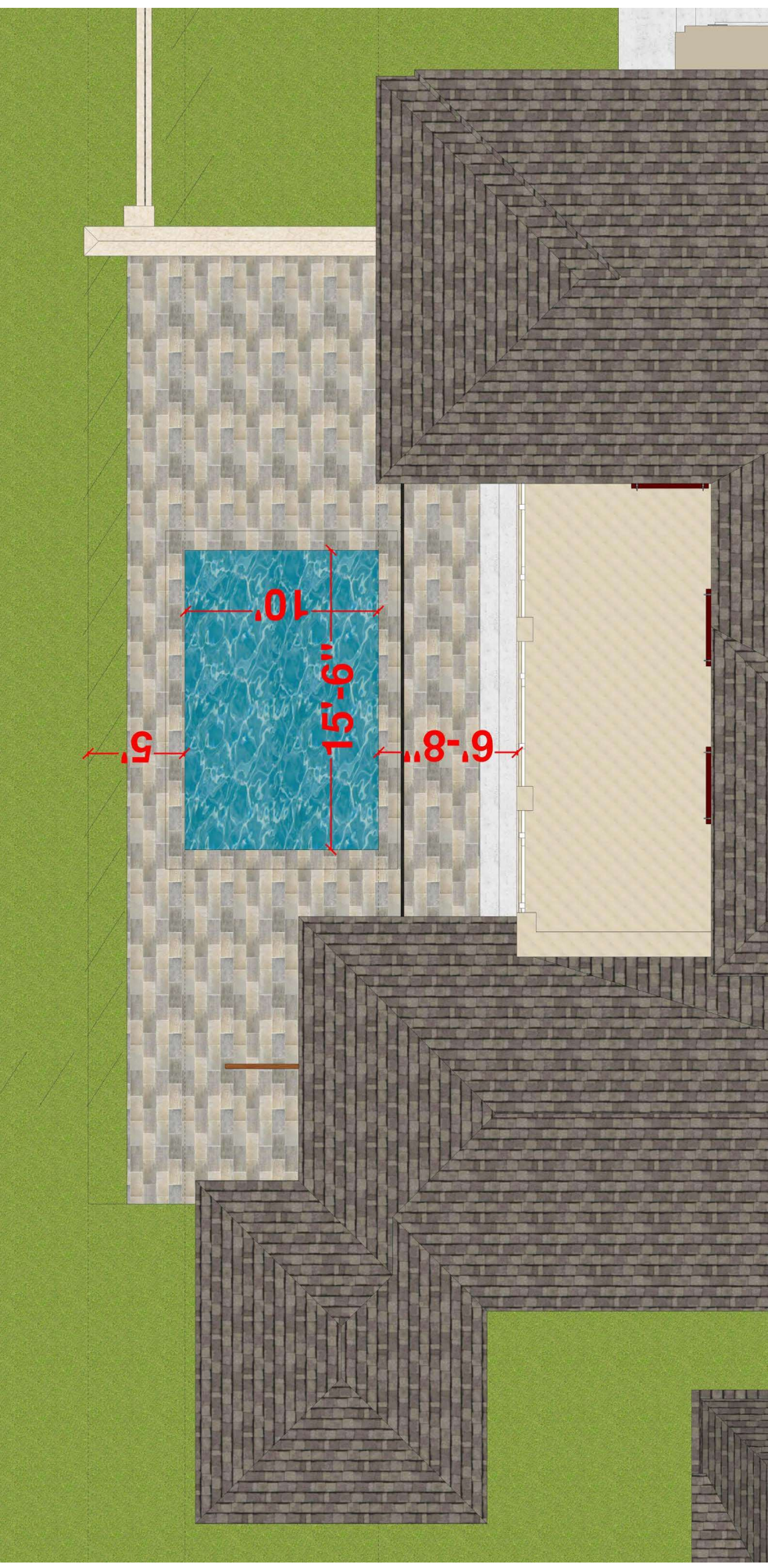
EXISTING



EXISTING



EXISTING



SUGGESTED



SUGGESTED



SUGGESTED

LETTERS

Letter of support from
Chris Hite & Javier Omana
residents at 426 W Lyman
Ave.



404 W Lyman Avenue – Brownlee Residence
Variance Board Pool Setback Request
BLDC-2020-0328
Theresa Dunkle via email – 09/07/2021

7. Non-objection letter(s) from nearby property owners

City of Winter Park
Building & Permitting Services
401 Park Ave. South
Winter Park, FL 32789

To Whom It May Concern,

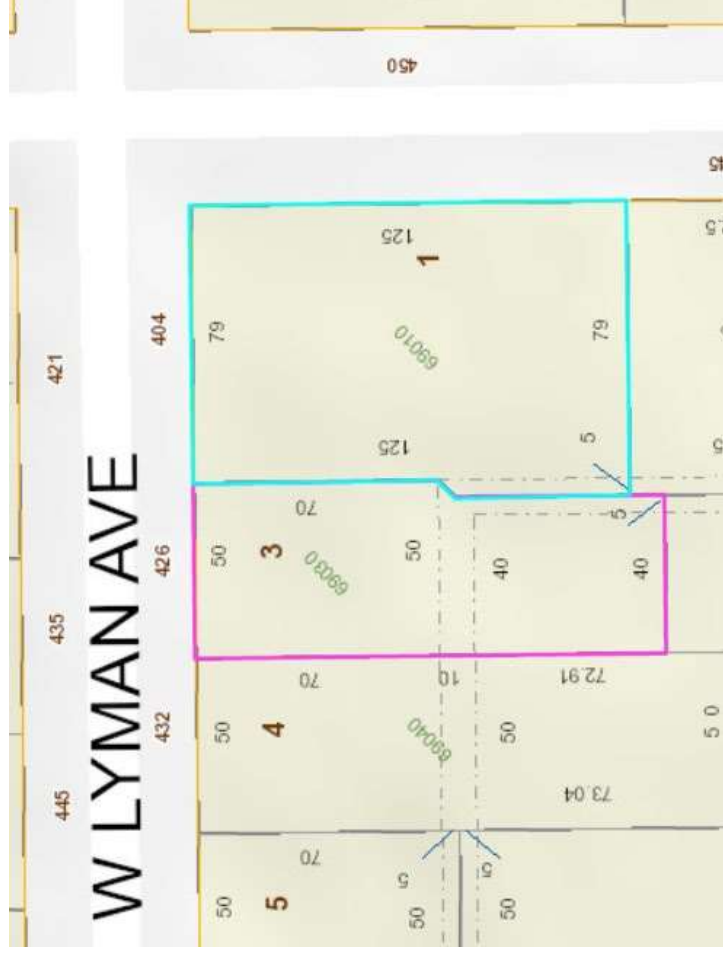
We understand that Sydney & John Brownlee (404 W Lyman Avenue) are pursuing a setback variance for their planned in-ground swimming pool. My understanding is that they are asking for the prevailing 10' interior side setback required for their corner lot to be reduced to 5'.

Based upon this variance request, we have no objection to the City's anticipated approval of the request.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hite & Javier Omana".

Chris Hite & Javier Omana
426 W Lyman Avenue
Winter Park, FL 32789





Board of Adjustments

agenda item

item type	Action Items	meeting date	October 19, 2021
prepared by	Renata Minoga	approved by	
board approval			
strategic objective			

subject

Request of Emiel Mcnish, on behalf of Ketan Pandya to allow rebuilding an existing boathouse extending 50 feet into Lake Berry, in lieu of the 30 foot maximum permitted distance into the lake and 751 square feet in lieu of the 600 maximum area permitted .

Located at 1661 Chase Landing Way

Zoned: PURD

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[BOA-2021-0053 Staff presentation.pdf](#)

Building & Permitting SERVICES



BOARD OF ADJUSTMENTS

October 2021

The applicant is requesting a variance to allow the construction of a boathouse extending 50 feet into Lake Berry, whereas the maximum permitted distance into the lake is 30 feet and to allow an area of 751 square feet the maximum area permitted is 600 square feet.

1661 CHASE LANDING WAY

BOA-2021-0053



PLAN SNAPSHOT REPORT BOA-2021-0053 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 09/23/2021
Work Class: Board of Adjustments/Variance Application	District: Winter Park	Exp Date: NOT AVAILABLE
Status: Submitted - Online	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Wiggins, George	Approval
Description: Construction of boatdock.		Expire Date:

Parcel: 302208936700200	Main	Address: 1661 Chase Landing Way Winter Park, FL 32789-5940	Main	Zone:
--------------------------------	------	--	------	--------------

Owner ketan pandya 1661 chase landing way winter park, FL 32789 Mobile: (407) 488-6679	Applicant Mcnish outdoor living- MAIN Emiel R McNish 3501 Chandler Estates Drive Apopka, FL 32712 Business: (407) 489-1351
---	--

Plan Custom Fields

Zoning	residential	Section		Subsection	
Is the property on waterfront?	Yes	Is this property on historic registry or district?	No	Describe variance	we would like to build our proposed dock atleast 50ft beyond the NHWE. In order, to have access to sufficient water depth all year round.
How long have you owned the property?	3 years	How long have you occupied the property?	3 years	Special Condition	We have moved the proposed dock to the left side of the property and when last we checked 30ft from the NHWE was not sufficient water depth to have a usable boathouse all year round. We would like to have the same privileges as our neighbors who have built their dock at least 50ft beyond the NHWE.
Rights/Priv	Other neighbors enjoy the privilege of sufficient water depth to anchor and launch their boats. adjoining neighbors are at least 50ft beyond the NHWE and we would like the same privilege.	Hardship	We have completely removed a fully constructed dock and moved the location to the other side of the property, to please the adjoining neighbor who complained that the dock was blocking their view. At 30ft beyond the NHWE we have only 1ft11in of water, especially during the dry season. we have pictures that were taken earlier this year to prove this. with a 24ft boat house a section of the boatslip will definitely be on dry land.	Limited Variance	Yes. we would like the same access to water depth as our neighbors.

Attachment File Name	Added On	Added By	Attachment Group	Notes
MCNISH - REVISED KETAN BOAT	09/23/2021 5:15	McNish, Emiel		Uploaded via CSS

PLAN SNAPSHOT REPORT (BOA-2021-0053)

DOCK.pdf

Pandya Plot plan.pdf	09/23/2021	5:15	McNish, Emiel	Uploaded via CSS
----------------------	------------	------	---------------	------------------

Pandya shoreline.pdf	09/23/2021	5:15	McNish, Emiel	Uploaded via CSS
----------------------	------------	------	---------------	------------------

Pandya water depth_0001.pdf	09/23/2021	5:15	McNish, Emiel	Uploaded via CSS
-----------------------------	------------	------	---------------	------------------

Signature_Emiel_McNish_9/23/2021.jpg	09/23/2021	5:15	McNish, Emiel	Uploaded via CSS
--------------------------------------	------------	------	---------------	------------------

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

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: October 19, 2021

SUBJECT: VARIANCE REQUEST by Emiel Mcnish, on behalf of Ketan Pandya, 1661 Chase Landing Way

The applicant is requesting a variance to allow the construction of a boathouse extending 50 feet into Lake Berry, whereas the maximum permitted distance into the lake is 30 feet and to allow an area of 751 square feet whereas the maximum area permitted is 600 square feet.

The owner has appointed Emiel Mcnish as his representative for this request and is rebuilding an existing boathouse which is currently shown to be over in total area based on dimensions shown on the plans provided.

Water depth information on a cross section diagram of the boathouse and shows that they vary from 1.5 feet to 5 feet at 24 feet out into Lake Berry.

I understand from Lakes Division staff that this is the least depth needed to safely bring a boat into a boathouse in this area of the lake. This area of the shoreline on the Wind song development start from the shoreline with a very shallow depth for a long distance before reaching depth to allow placing a boat in the boathouse.

The net result of the additional distance into the lake is that the boathouse has an extra area of 151 square feet over the maximum allowed but none of it is in the dock itself (552) it is all walkway.

This new boathouse construction request came before the Lakes Board on October 12, 2021 and was approved pending granting a variance by the Board of Adjustments. With regard to the variances requested the Lakes Division staff has also looked at this request and does not have any objections to the variance requested.

A letter of opposition was received from Windsong Community Association were received regarding this request informing that the project was not yet reviewed by their Architectural Review Board. However, the Board should move forward with its determination of hardship and need for a variance and then allow the applicant to take those findings to Windsong Architectural Review Committee to make their final recommendation. The Association

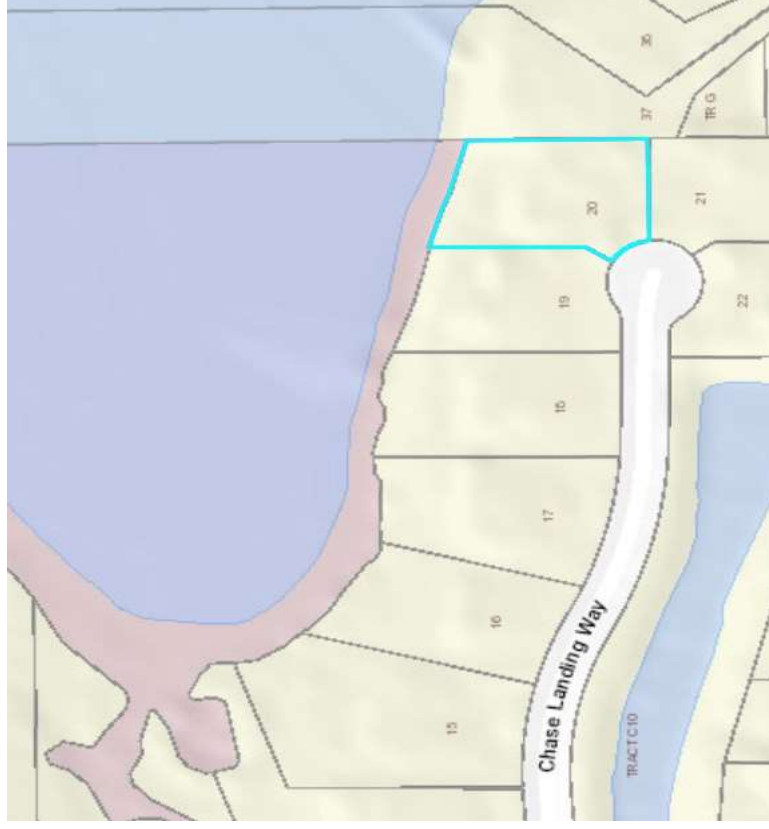
Review Committee can then consider those findings of hardship (or not) in their determination of approval.

MAP VIEW

Aerial View



Base map



PARAMETERS

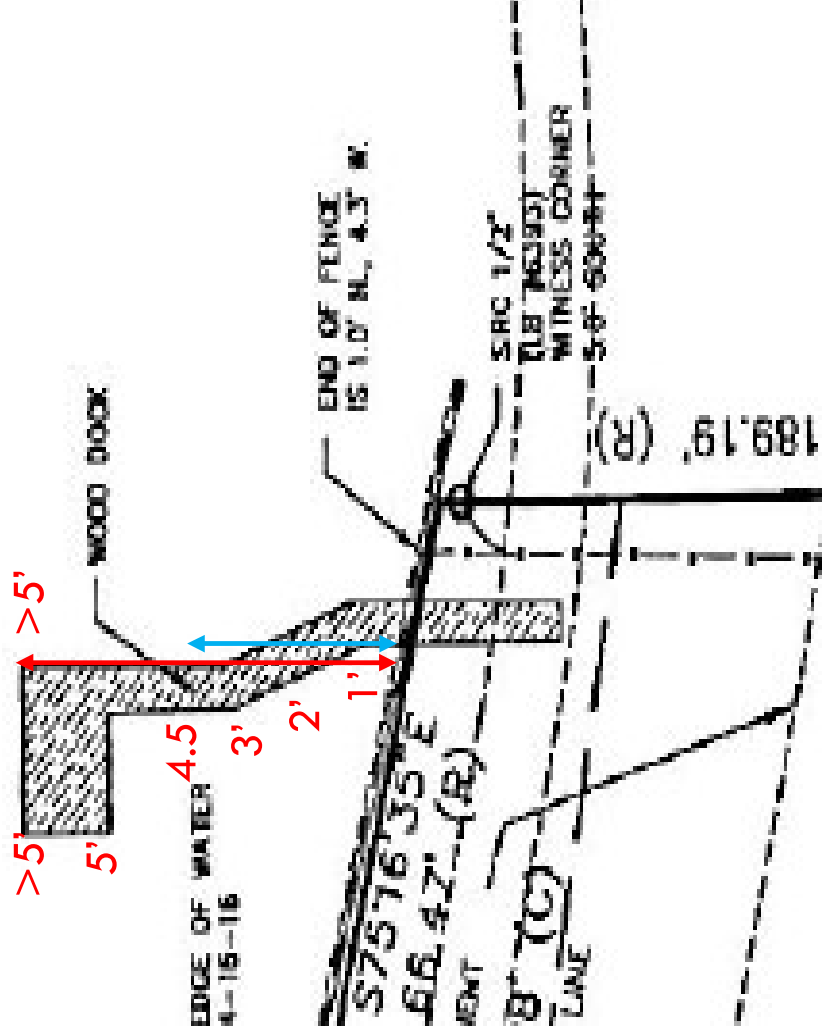
Parameter	Proposed	Allowed	Variance Req.?
Total Area (ft ²)	751 sqft (552 of which is the dock itself, the rest is the walkway)	600 max	Yes
Length from OHW (ft)	50'	30'	Yes

NEIGHBORING PROPERTIES

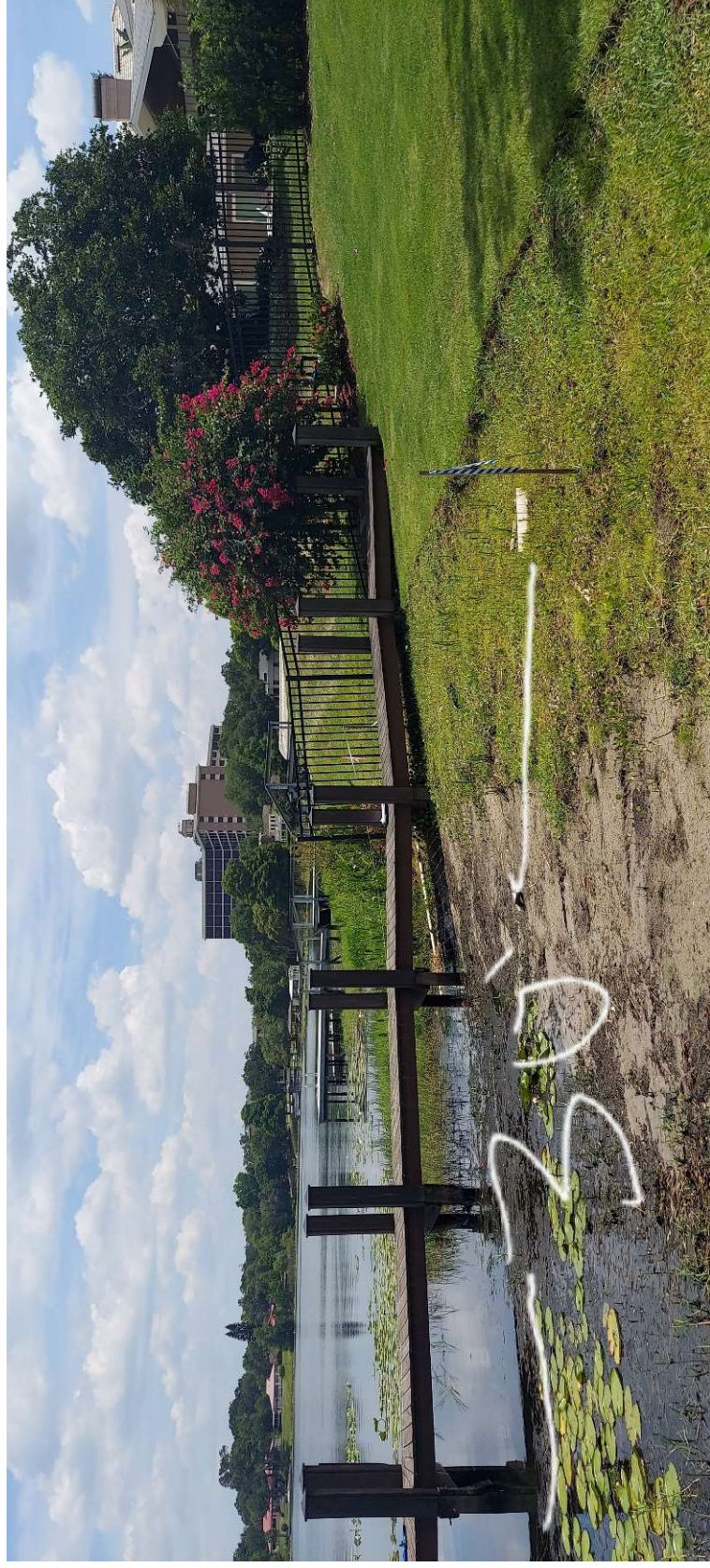


WATER DEPTH

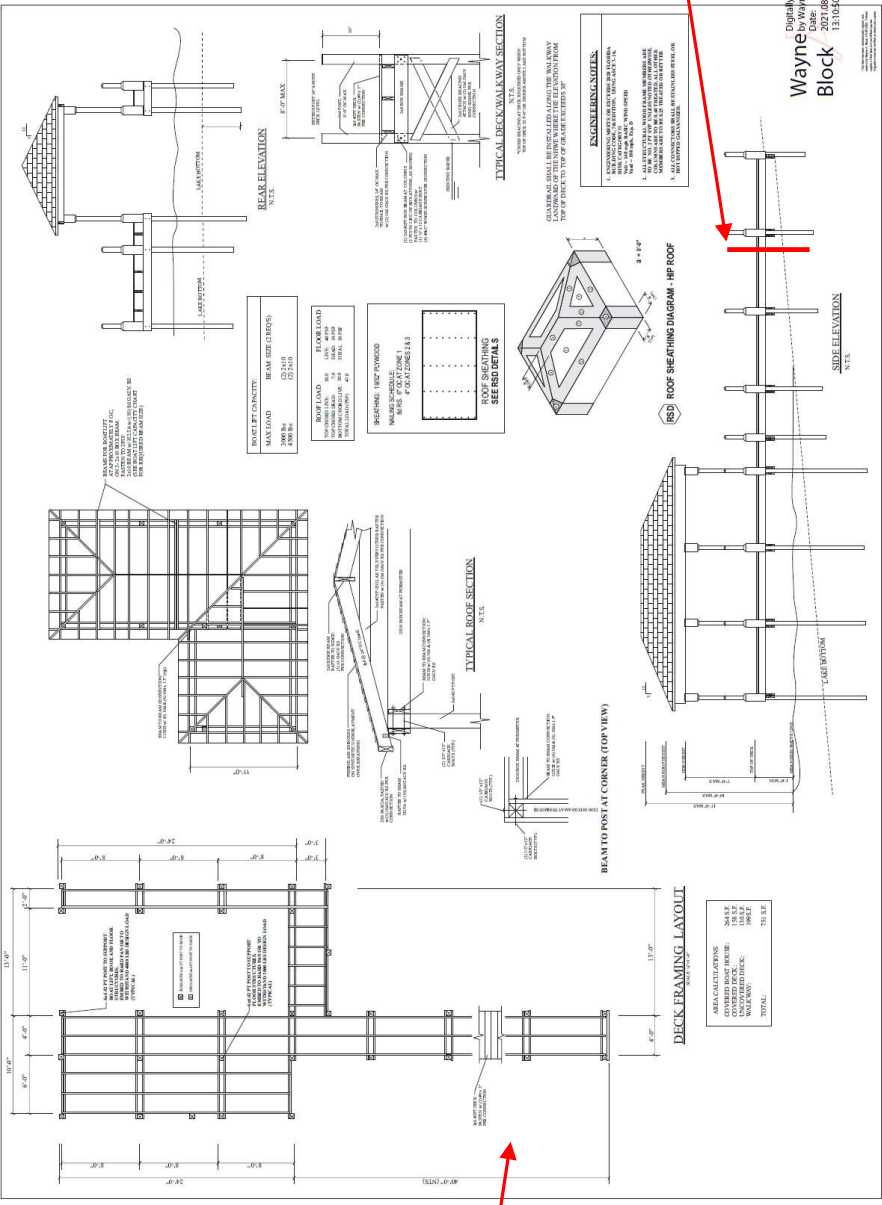
Measurements at 68.45 (April)



PHOTOS



PLANS



OHWE

OHWE

Wayne Block

Building & Permitting SERVICES



LETTERS

Opposition Letter from
Wind song HOA stating
that the project was
not reviewed by their
Architecture Board



WINDSONG COMMUNITY ASSOCIATION, INC.
6972 Lake Gloria Blvd.
Orlando, FL 32809-3200

October 6, 2021

Jeffrey Briggs
Principal Planner
City of Winter Park
401 Park Avenue South
Winter Park, FL 32789
jbriggs@cityofwinterpark.org

Re: Variance Request 1661 Chase Landing Way

Mr. Jeffrey Briggs and City of Winter Park Officials:

The purpose of this letter is to **oppose** the variance request by the owner(s) of 1661 Chase Landing Way Winter Park, FL 32789 on behalf of the *Windsong Community Association, Inc.*, and the *Board of Directors*.

Please note, that the owner of this address has not submitted any application or request for a boat dock to the Windsong Community Association Architectural Review Board or Board of Directors for review and approval thereto.

Please contact us if any further information is available or if further action is necessary by the *Windsong Community Association, Inc.*

Best Regards,

Windsong Community Association, Inc.

Board of Directors:

Walter Benenati, President

Jay Rooth, Vice President

Richard Hornsby, Sec./Treasurer

Association Contact Information:

Community Association Manager-

Greg Ashworth, MBA, PCAM, CFCAM, AMS, CMCA

Office: (407) 781-1836

Email: GAshworth@iclandmanagement.com



Board of Adjustments

agenda item

item type	Action Items	meeting date	October 19, 2021
prepared by	Renata Minoga	approved by	
board approval			
strategic objective			

subject

Request of Frederic Schaub on behalf of Tom Gentile, to allow the construction of a 5 feet high wall setback 5 feet from the east street-side lot line, in lieu of the minimum setback of 10 feet.

Located at: 241 E Fawsett Road

Zoned: R-1AA

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[BOA-2021-0054 Staff Presentation.pdf](#)

Building & Permitting SERVICES



BOARD OF ADJUSTMENTS

October 2021

The applicant is requesting a variance to allow the construction of a 5 feet high wall setback 5 feet from the east street-side lot line, whereas the minimum required setback of 10 feet.

241 E FAWSETT ROAD

BOA-2021-0054



PLAN SNAPSHOT REPORT BOA-2021-0054 FOR CITY OF WINTER PARK

Plan Type: Board of Adjustments	Project:	App Date: 09/23/2021
Work Class: Board of Adjustments/Variance Application	District: Winter Park	Exp Date: NOT AVAILABLE
Status: Submitted - Online	Square Feet: 0.00	Completed: NOT COMPLETED
Valuation: \$0.00	Assigned To: Wiggins, George	Approval Expire Date:

Description: applying for a variance to install a 5' tall block and stucco wall. Wall will be located 5' from east property line that runs parallel with Winter Park Road. A dense hedge will be installed in between the wall and sidewalk

Parcel: 302207125201092	Main	Address: 241 E Fawsett Rd Winter Park, FL 32789-6014	Main	Zone:
Applicant Frederic Schaub Home: (321) 689-3840 Mobile: (321) 689-3840	Applicant F G SCHAUB CUSTOM HOME SUITE 1300 1971 HIGH ST LONGWOOD, FL 32750 Home: (407) 688-0029 Business: (407) 688-0029 Mobile: (321) 689-3840	Owner Tom Gentile Home: (740) 264-3294 Mobile: (740) 632-8483		

Plan Custom Fields

Zoning	R1AA	Section	58	Subsection	389
Is the property on waterfront?	No	Is this property on historic registry or district?	No	Describe variance	Our new client would like to install a 5' tall block wall, 5' behind the sidewalk along Winter Park Rd. A dense hedge will be installed in front of the new wall. Our client has young children and this wall will provide additional security along Winter Park Road
How long have you owned the property?	We closed on the lot 9/17/21	How long have you occupied the property?	The existing home will be demolished to build new	Special Condition	This is a corner lot along a busy road.
Rights/Priv	Recently, two similar walls were built with the same specifications	Hardship	Two variances were recently granted for the same condition. The lot adjoining to the North (240 E Rockwood) of our property and is also a corner lot has the same condition and the wall has been constructed. We would like to continue the wall along our east property line. In addition, the wall will provide additional safety for their young children from Winter Park Road.	Limited Variance	We feel since our neighbor has the same condition, we should be granted the same.

Attachment File Name	Added On	Added By	Attachment Group	Notes
HUD FINAL.pdf	09/23/2021 14:38	Earl, Lance		Uploaded via CSS
R1A-R1AA-R1AAA-single-family preliminary.pdf	09/23/2021 14:38	Earl, Lance		Uploaded via CSS
Suvey 241 E Fawsett.pdf	09/23/2021 14:38	Earl, Lance		Uploaded via CSS
Signature_FREDERIC_SCHAUB_9/23/21.jpg	09/23/2021 14:38	Earl, Lance		Uploaded via CSS

PLAN SNAPSHOT REPORT (BOA-2021-0054)

Submittal Name	Status	Received Date	Due Date	Complete Date	Resubmit	Completed
Board of Adjustments Review v.1	In Review	09/23/2021	09/27/2021		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	09/23/2021	09/27/2021	

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	09/23/2021	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: October 19, 2021

SUBJECT: VARIANCE REQUEST by Frederic Schaub on behalf of Tom Gentile, 241 E Fawsett Road

The applicant is requesting a variance to allow the construction of a 5 feet high wall set back 5 feet from the east street-side lot line, whereas the minimum setback is 10 feet.

The applicants are preparing to build a new home on this property and have stated that the extra wide right of way (60') along Winter Park Road should be taken into consideration to allow a wall setback of only 5 feet due to this condition. A 5 foot high dense hedge along the east side lot line next to the sidewalk acting as a visual buffer is proposed to screen the wall. and a wall section roughly in the mid-section of the lot.

The proposed wall will keep in line with the existing wall on the east side of the rear neighbor at 240 E Rockwood way. That wall variance was granted by the Board of Adjustments in February 16 2021.

"Findings

The board members found the hardships are the extra-large right of way, which limits the placement of the swimming pool and subsequent fencing, the busy road and existence of a dense hedge which will shield the view of the wall. Mr. Sims expressed that sufficient hardship is not present.

Action

Based on these findings, Steven Heller made a motion, seconded by Aimee Hitchner to approve the request with conditions. The condition stipulates maintenance of the hedge in front of the wall is required and that replanting hedge with a similar species and height, should the current hedge not survive and thrive. The request with conditions was approved by a vote of 6-1, with Tom Sims voting in opposition."

To prevent a straight line pattern of walls being granted to this property and others along Winter Park Road, I recommend that a plan be prepared showing materials proposed for the wall and that there be jogs or articulations in the wall as well as extensive landscaping patterned after the Subdivision Ordinance requirements except the height will be limited to 5' and not 6'.

See wall & screening code provisions excerpt below from the Subdivision Ordinance when construction walls:

"Sec. 58-389. - Screening walls and landscaping requirements.

(a)Screens separating residential lots from abutting roadways shall be either of the following types:

(1)A landscaped strip at least five feet wide, densely planted with shrubs or trees that are set back at least two feet from behind the sidewalk or 20 feet from the curb or edge of pavement. This landscaped screen of trees and/or shrubs should be at least four feet high at the time of installation and able to form a dense screen six feet high within two years; or

(2)A wall or barrier constructed of maintenance-free material, six feet high. Such walls or barriers shall not be completely linear but should contain jogs which will vary the distance from the curb or edge of pavement between 17 feet and 20 feet and behind the sidewalk from two feet to five feet.

The portion of the wall within the front yard setback must be limited to 3' in height."

No letters were received regarding this request.

MAP VIEW

Aerial View



Base map



PARAMETERS

Parameter	Proposed	Allowed	Variance Req.?
Wall – Street side	5’ high at 5’ side setback	5’ high at 10’ side setback	Yes

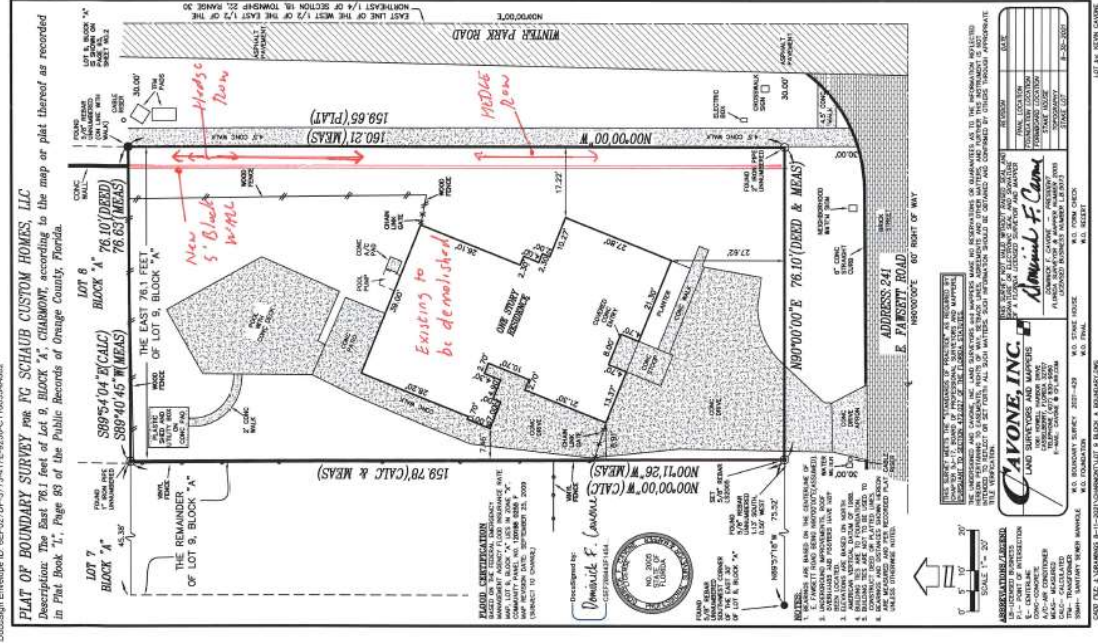
NEIGHBORING PROPERTIES

240 E Rockwood Way



231 E Fawcett Ave.

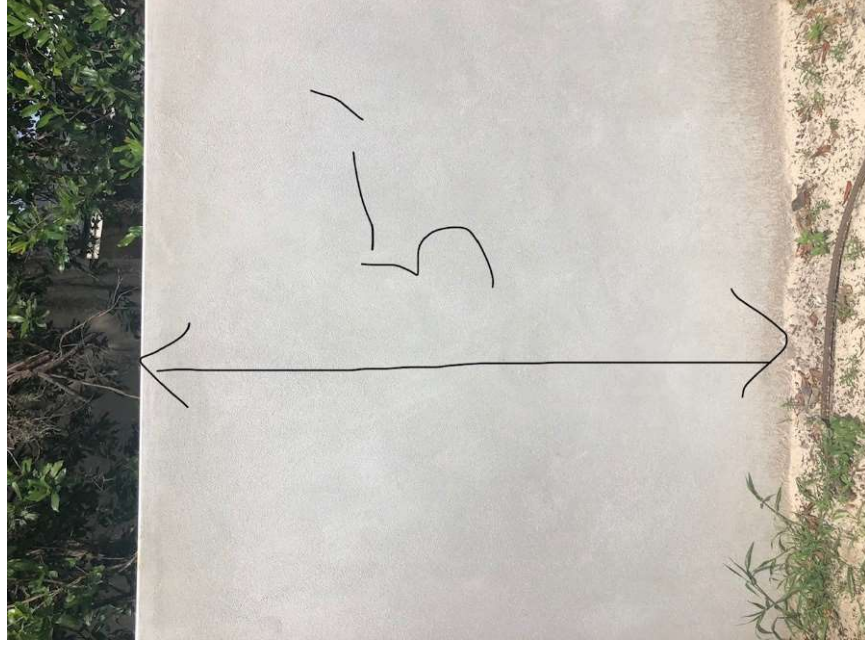
SURVEY (EXISTING)



PHOTOS

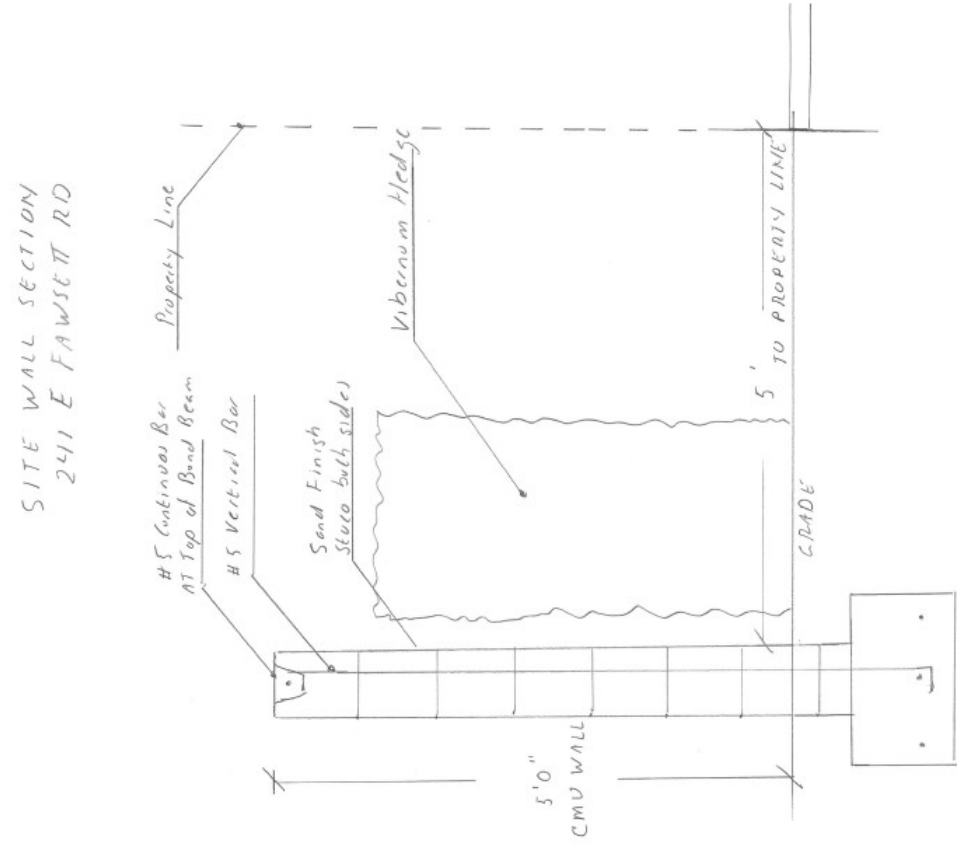


Proposed Hedge



Approved wall at
240 E Rockwood Way

PROPOSAL



LETTERS

No letters were received