



Board of Adjustments Minutes

October 19, 2021 at 5:00 p.m.

Hybrid Meeting

Present

In-person: Robert Trompke (Chair), Jason Johnson, Charles Steinberg, Ann Higbie,
Recording Clerks: Sofia Chatzidaki, Virtual attendants: Cathy Sawruk, Recorded: Tom Sims

City Staff

Ashley Ong, Renata Minoga, George Wiggins

Absent

Michael Clary (Vice-Chair)

Call to Order

Robert Trompke (Chair), called the meeting to order at 5:00 pm. 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 Ann Higbie to approve the September 21, 2021 minutes. Jason Johnson seconded the motion. The minutes were approved by a vote of 4-0.

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 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 the 10 feet and 5 feet respectively.

Located at 404 W Lyman,

Zoned: R-1A

Robert Trompke (Chair) read the description of the first case and invited Mrs. Sydney B. Brownlee to step up and introduce herself.

Mrs. Sydney B. Brownlee introduced herself and explained her variance and the hardship that they are stating is that this is a corner lot which is essential creates two front setbacks due to the required extra-wide street side setback as well as this lot has an unusual shape, it is not a rectangle. The west boundary line jocks in 5 feet in a location of the proposed pool. If the lot was rectangle then she would not have been requesting this variance. She repeated that the corner lot has 5 feet jock which is unlike any other residential lot Hannibal square, other than their west side neighbor which is not a corner lot and they have submitted a letter of no objection. Because of the 5-foot jock in they must place the pool unusually close to the home. Having the pool so close to the home presents possible safety concerns with their young children, age one and age two. She is

requesting a variance to push the pool 5 feet further from the house this will provide more walking room in the back yard and allow more room for a baby gate that shown in the supporting documents. She also note that they also considered placing the pool in the south west corner of the property, with that presenting even more safety concerns as the pool would be out of plain site, with limited to visibility from within the home. Lastly, she would like to note that a similar variance request has been approved in Winter Park in the past six years that was very similar to their case. She thanked everyone for their time and asked if anyone had any questions.

Ms. Ann Higbie, asked if this was a New Construction.

Ms. Sydney B. Brownlee said yes, it is a New Construction.

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

Mr. George Wiggins (Former Director of Building and Permitting Department) added that there was a vacated alley extended years ago and explained that there was a vacated alley that was split between the lots.

Citizen Comments

Mr. Michael Forest, introduces himself and lives at 358 west Comstock Avenue, Winter Park around the corner from Ms. Sydney B. Brownlee's home. He mentioned that he does not see a hardship himself. He emphasized that he would like to have a good relationship with Sydney and other neighbors as well.

Ms. Renata Minoga spoke and said that Miss Maria Bryant that lives at 321 west Lyman, sent an opposition letter to Building and Permitting Department opposing the variance that came in today also received another support letter from the neighbor, Mr. Jason at 426 west Lyman Avenue.

Ms. Minoga read the letter that was sent by email from Miss Bryant and wrote that she strongly opposes this variance for many reasons.

Findings

The Board did not see a real hardship stated with the property.

This case was not approved by the Board Members.

Action

Based on these findings, Ms. Ann Higbie made a motion, seconded by Jason Johnson to approve the item as noted.

The request failed by a vote of 0-5. Mr. Robert Trompke (Chair) made a motion to allow the applicant to come back with modifications before the three-year waiting period.

The first case ended at 5:43m

2. **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

Robert Trompke (Chair) read the description of the second case and invited Mr. Emiel Mcnish to step up and introduce himself.

Renata Minoga (Building & Permitting Manager) stated that the request was based on affect that the lake is shallow and they need to be further down the lake in order to be able to have the boat coming in safely to the dock.

Charles Steinberg asked if this was approved by the lake board and Renata confirmed that it was approved with the condition that they will resize it a little bit to make it the size of the actual dock under 500 feet. Also asked if this was approved HOA architectural review board.

Renata Minoga explained that the applicants were requesting that the variance was heard independently because the city is not aware if the even have specific requirements for Boat docks.

Mr. George Wiggins also supported the request of the applicant to be heard by the board independently from the HOA>

Mr. Robert Trompke (Chair) invited Mr. Emiel Mcnish to step up and introduce himself.

Mr. Emiel Mcnish introduced himself and explained the hardships that the water high level pose to the location of the boat dock and to what would be allowed to comply with the required 600 ft2 requirement.

Ms. Renata Minoga confirmed the explanation what the water line is very shallow was and also showed on the plans where the water line starts.

Mr. Robert Trompke (Chair) allowed Mr. Ketan Pandey the home owner to step up and introduce himself. The owner said that this is the second variance and they learned a lot by this process.

Ms. Cathy Sawruk asked for a clarification and Mr. Emiel showed her the plans via projector.

The board members debated for a while about how to propose the motion and asked questions to Mr. Emiel Mcnish to clarify the information of how the water depth impacted the proposed area of the boat dock.

Citizen Comments

No public comments or questions.

Findings

After deliberation The Board approved the request at 680 feet beyond the OHWE high-water elevation and approve the 50-foot max extension into the lake.

Action

Based on these findings, Mr. Jason Johnson made a motion approve the variance as requested by the applicant, seconded by Ms. Ann Higbie to approve the request. The request was denied by a vote of 0-6.

A second motion was proposed by Mr. Jason Johnson, second by Ms. Cathy Sawruk to approve the variance granting the requested 50' into the lake and 600 sqft of area. No vote was taken.

An amendment was proposed to the motion by Mr. Jason Johnson, seconded by Mr. Charles Steinberg to allow the area to be 50' into the lake and 680 sqft beyond the OHWE high-water elevation. The request was approved by a vote of 6-0.

This case ended at 6:15m

- 3. 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

Mr. Robert Trompke (Chair) read the description of the third case.

Ms. Renata Minoga explained to the Board Members the hardship in detail with plans and photos explaining the location of the lot on the corner of a very busy street and the approval a similar request to the neighbor 240 E Rockwood way.

Mr. Robert Trompke (Chair) invited the applicant to step forward and introduce himself.

Mr. Frederic Schaub step up and introduced himself that lives in 200 Saint Andrews Blvd, in Winter Park.

He explained the reason for this variance as a safety requisite on a very busy street.

Mr. George Wiggins commended that in the regulation for subdivision the rules require subdivision walls to have articulation and different landscape to prevent from being just one uniform straight wall.

The members of the board discussed the purpose of articulation.

Findings

The Board Members were in favor of approving the request including a prescribed articulation.

Action

Based on these findings, Ann Higbie made a motion to approve the construction of a 5 feet high wall located 5 feet from the East side lot line with the stipulation that it includes the approved columns as allowed by code and has a hedge of a different species from to the neighbor 240 E Rockwood way facing the Winter Park road. Seconded by Cathy Sawruk to approve the request. The request passed by a vote of 6-0.

The meeting adjourned at 6:35 pm.

Renata Minoga, Staff Liaison

November 16, 2021

Date of Board Approval