



Board of Adjustments Regular Meeting Minutes

October 18, 2022 at 5:00 p.m.

City Hall | Commission Chambers
401 S. Park Ave. | Winter Park, Florida

Present

Present In-Person: Jason Johnson, Charles Steinberg, Robert Trompke, Michael Clary, Cathy Sawruk, Tom Sims and Ann Higbie. Also Present: City Attorney J. Giffin Chumley. Staff: Assistant Director of Planning & Transportation Allison McGillis, Planner I Nicholas Lewis, Planning Technician Aaron Hull, Permitting Manager Renata Minoga, and Recording Secretary Mary Bush.

(1) Call to Order

Chairman Jason Johnson called the meeting to order at 5:17 p.m.

(2) Consent Agenda

Approval of Minutes:

Motion made by Cathy Sawruk, seconded by Charles Steinberg to approve the September 20, 2022 meeting minutes.

Motion carried unanimously with a 7-0 vote.

(3) Staff Updates

Mr. Lewis noted that the last consensus received for scheduling of the November and December Board of Adjustments meetings was for November 18th and December 13th. Mr. Lewis wanted to confirm that the dates still worked for the Board. The Board expressed that they were fine with the dates as scheduled.

(4) Public Comments (for items not on Agenda)

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

(5) Non-Action Items

No non-action items.

(6) Action Items

No action items.

(7) Public Hearings

- BOA-2022-0017: Request of Lamar Design for variance approval from Section 58-66 subsections (f)(4) and (f)(6) to allow a side setback of 10.5-feet in lieu of the required side setback of 19-feet and a first-story building height of 16-feet in lieu of the required maximum 12-feet to extend the wall height to accommodate a vehicle lift and to enclose the existing courtyard to create an enclosed addition to the existing home located at 1620 Highland Road, zoned R-1AA. **THIS ITEM WAS WITHDRAWN BY THE APPLICANT.**

Mr. Lewis informed the Board that the item was fully withdrawn by the applicant. He also noted that staff had received a letter of objection the previous week which was then disbursed to the Board for their review.

- BOA-2022-0018: Request of Debbie Snow for variance approval from Section 59-71(j)(3) to allow a rear and side setback of 7-feet with a height of 10-feet in lieu of the required rear setback of 7.5-feet and side setback of 9-feet with a maximum height of 7.5-feet in conjunction with a screen pool enclosure at 1624 Hibiscus Avenue, zoned R-1A.

Mr. Lewis provided the Board a brief summary of the request. He presented to the Board an area map and aerial view of the property. He noted that the applicant's proposed screen enclosure will follow the existing patio outline and adhere to the floor-area-ratio (FAR) and impervious coverage code requirements. He added that the applicant was requesting a rear variance of six inches and a side variance of two feet into the setback to allow for adequate space to walk around the pool. Mr. Lewis further explained that there is a significant vegetative buffer that includes a large section of bamboo on the southern and eastern lot lines, which the applicant feels is a considerable maintenance item and nuisance. He then went on to review the variance approval criteria as it related to the request. Mr. Lewis indicated that the literal interpretation of Section 58-66(f)(7) of the zoning code effectively renders the remaining 6" to the rear and 2' on the side of the home useless and creates a potential hazard on the rear side of the pool. Mr. Lewis also expressed that the applicant indicated that they had contacted the City prior to closing on the home and was verbally told that a screen enclosure would be allowed at the existing patio setback. He further noted that the applicant was willing to add more plants/trees for any necessary increase to the existing vegetative buffer to make sure no neighbor would be negatively affected.

Staff recommendation was for approval.

The Board briefly discussed the item and inquired about the following:

- clarification that the applicant's request included both a rear and side variance,
- clarification on the specific shape of the proposed screen enclosure,
- and documentation or confirmation of the applicant's discussion with the City regarding the screen enclosure.

The applicant, Debbie Snow of 1624 Hibiscus Avenue, Winter Park, FL 32789 addressed the Board. Ms. Snow expressed that she felt the pool is not usable due to mosquitos and significant leaf fall from the surrounding trees. She added that she felt the shape and color of the proposed screen enclosure would blend in well with the surrounding environment.

The Board briefly inquired with the applicant about the following:

- clarification of which lot the bamboo is located on,
- who with the City previously advised the applicant that the enclosure would be allowed,
- clarification of the issue causing the requested height variance,
- clarification on how much of the enclosure would be 10-feet in height,
- clarification of the applicant's stated hardship,
- and the accommodations that the applicant was willing to make regarding additional vegetation.

The Board heard public comment from the following resident:

Matthew Certo of 1649 Magnolia Avenue, Winter Park, FL 32789 addressed the Board. Mr. Certo noted that he lived behind the applicant's home to the south. He expressed that he was not in favor of the request and wanted clarity on what accommodations could be made with regard to vegetation to block the view of the enclosure that might be built.

The Board inquired with Mr. Certo regarding his exact concern with the screen enclosure, and whether or not he would be content with added vegetation that would cover the enclosure up to 10-feet in height.

The Board then discussed the shape and size, including the height of the apex, of the proposed screen enclosure. The Board also expressed concerns on the future maintenance of and visibility through the required vegetation buffer.

Ms. Snow reiterated to the Board that she was willing to plant whatever would be required for the vegetation buffer.

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

The Board briefly shared their thoughts on the request, which included disfavor for the requested 10-foot height variance and differing opinions on a hardship existing for the applicant.

Motion made by Robert Trompke, seconded by Tom Sims, for variance approval from Section 59-71(j)(3) to allow a rear and side setback of 7-feet with a height of 10-feet in lieu of the required rear setback of 7.5-feet and side setback of 9-feet with a maximum height of 7.5-feet in conjunction with a screen pool enclosure at 1624 Hibiscus Avenue, zoned R-1A.

Motion unanimously denied with a 0-7 vote.

Motion made by Robert Trompke, seconded by Michael Clary, for variance approval from Section 59-71(j)(3) to allow a rear and side setback of 7-feet in lieu of the required rear setback of 7.5-feet and side setback of 9-feet in conjunction with a screen pool enclosure at 1624 Hibiscus Avenue, zoned R-1A.

Motion approved with a 6-1 vote. (In Favor: Jason Johnson, Charles Steinberg, Robert Trompke, Michael Clary, Cathy Sawruk, and Ann Higbie. Opposed: Tom Sims)

(8) Board Comments

No Board comments.

(9) Upcoming Agenda Items

No discussion ensued on upcoming agenda items.

(10) Adjournment

Meeting adjourned at 6:05 p.m.

Minutes approved by the Board on November 15, 2022.

/s/ Recording Secretary Mary Bush