



**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
Tuesday, July 13, 2021 2:00PM
Online and In-Person Meeting**

A G E N D A

- I. **Meeting Call to Order.**
- II. **Roll Call of BOA Members**
- III. **Minutes – July 6, 2021**
- IV. **Conflicts of Interest**
- V. **Action Items:**
 - A. Adoption of Resolution 7, Series 2021, a Resolution Denying a Variance to Decrease the Rear Yard Setback for Lot 6, Block 6, Winter Park Village Subdivision (Reception No. 90263)

Online Meeting Log-In Instructions – See next page

Computer Log-In Instructions

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Public Hearing Process

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**TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
Tuesday, July 6, 2021 2:00PM**

MINUTE

- I. **Meeting Call to Order.** The Board of Adjustment meeting starts at 2:00 pm.
- II. **Roll Call of BOA Members.** Roll Call indicated present Chairman Brad Holzwarth, BOA Members Roger Kish, Jonathan Larson, George Stevens and Angela Sandstrom. Community Development Director James Shockey and Town Planner Hugh Bell are also present. BOA Members Dave Barker and Doug Robbins are absent today.
- III. **Minutes** – June 8, 2021. Commissioner Kish makes a motion to approve the minute. Commissioner Sandstrom seconds. The minute is approved 5, 0.
- IV. **Conflicts of Interest.** No one comes forward.
- V. **Action Items:**
 - A. **Public Hearing** – Lot 6, Block 6, Winter Park Village Subdivision (12 Maple Road) – Rear Setback

Town Planner, Hugh Bell, begins his presentation to the BOA. Planner Bell reads the main points of this document as he shows it on the screen to the BOA members and the public. The applicant, Millworks Construction Services, is requesting to encroach into 10' rear yard setback by 5'. Then, Planner Bell reads the criteria and other relevant information included in the electronic packet sent to the BOA Members.

The BOA discusses the year of construction of 24 Maple Road, a house that is directly adjacent to 12 Maple Road to the east. Planner Bell states this house was constructed in 1999. After this hearing Planner Bell has realized that the home was constructed in 1980. The BOA also discusses the possible encroachment into the rear yard setback by 24 Maple Road; Planner Bell states he could not find a BOA hearing for that property. Commissioner Sandstrom states that the Town's online property viewer map is not always accurate and may not show correct property line placements; Commissioner Kish concurs. There is also mention of the upcoming UDC role in this request. The BOA Members also talk about some tree removal. Planner Bell explains this topic in more detail to the BOA. Commissioner Kish asks if any changes to the rear yard setback requirements for the R-2-O zone were made in the upcoming UDC. Planner Bell answers no and Commissioner Larson concurs. Commissioner Sandstrom asks if trees will be removed. Planner Bell confirms this and states that in the Design Review application, the limit of disturbance was the property's perimeter.

Then, there is a discussion about the May 11, 2021 Design Review application. Planner Bell provides a summary to the BOA of the outstanding conditions for approval from that application

The meeting then moves to the specific number of feet the applicant is requesting. The applicant is showing the home encroaching 4' but requested to encroach 5' in their narrative.

The applicant is not present today.

BOA Chairman, Brad Holzwarth opens the public comment period. Mr. William Gibbard from 126 Cedar

Drive, Unit 1, comes forward. Mr. Gibbard asks if there would be a driveway. Planner Bell replies that the project consist of a single family home with a driveway. Mr. Gibbard talks about the density and he believes that the applicant does not meet all the criteria. He would like to learn more about the petition before this gets approved.

BOA Chairman, Brad Holzwarth states that a supermajority is required to approve this request.

The BOA discusses the criteria and the applicant's arguments in favor of approval as well as possible design alternatives. Commissioner Larson states that he walked the property and believes the applicant has met all three criteria to grant the variance. Chairman Holzwarth states that if the building were flipped, the applicant could move the home closer to the front property line and could meet all required setbacks. Commissioner Kish asks how close parking spaces can be to the front property line and what dimensions of off-street parking stall dimensions are. Planner Bell states parking is permitted within the front yard setback in R-2-O zoning and that off-street parking stall dimensions are 10'x20'. Commissioner Kish states the building could comply with setback requirements by shifting the building to the NW by moving the parking and shortening the driveway; the applicant could gain the 5' being requested; this would require a modification of the west corner to not encroach into the setback. Commissioner Kish states he doesn't see the justification for the variance and that the zoning parameters haven't changed since the property was purchased. Commissioner Sandstrom concurs, adding that the property owners were aware of the property shape and yard setback requirements, and that other alternative designs may be possible. Commissioner Stevens concurs and believes other alternative designs may be possible, such as adjusting the home's relation to the NW property corner. He states the applicant hasn't worked diligently to move the home to not encroach into setbacks and that the unusual circumstance provision to approve a BOA application is not met here. The BOA also discusses the parking spaces requirements in Old Town. There is mention of how the criteria might not be met by the applicant and how the applicant could modify the design.

BOA Member Kish makes a motion to deny the request since the criteria have not been met, specifically the owner's plight about unusual circumstances. BOA Member Stevens seconds. Motion to deny is carried four (4) votes to one (1) vote. The Resolution of denial will be brought to the next meeting.

Upon a previously approved motion the BOA Meeting is adjourned at 2:20 pm.

TOWN OF WINTER PARK
BOARD OF ADJUSTMENT
RESOLUTION NO. 7
SERIES OF 2021

A RESOLUTION DENYING A VARIANCE TO DECREASE THE REAR YARD SETBACK FOR LOT 6, BLOCK 6, WINTER PARK VILLAGE SUBDIVISION (RECEPTION NO. 90263),

WHEREAS, pursuant to Winter Park Town Code (the "Code") §7-8-1, the Board of Adjustment is authorized to grant variances from the requirements of Title 7 of the Winter Park Town Code (the "Code");

WHEREAS, pursuant to the Code §7-4C-3, there shall be a rear yard setback of at least ten feet (10') for both principal and accessory structures;

WHEREAS, on June 8, 2021, Millworks Construction Services (the "Applicant"), as the representative of owners of the real property described as Lot 6, Block 6, Winter Park Village Subdivision (Reception No. 90263) (the "Property"), filed an application for a variance to allow a new structure to encroach into the 10' rear yard setback by 5' (the "Application");

WHEREAS, on July 6, 2021, the Board of Adjustment held a properly-noticed public hearing on the Application; and

WHEREAS, after considering the Application and public comment, the Board of Adjustment finds and determines as provided below.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment as follows:

1. Findings. The Board of Adjustment hereby finds and determines that the Application fails to meet the following criteria set forth in §7-8-1(B) of the Code that would justify a variance:

a. There was no evidence presented that plight of the owner is due to unusual circumstances. In particular, the Applicant did not indicate having considered any alternative site plan layouts, and, although the Property is an odd shape, there does not seem to be a proven hardship with the Property. The lot is flat, and the building is not proposed to be built to build-to line at the front and two side yard setbacks, suggesting other layouts may prevent the need for the variance. Additionally, no changes to zoning requirements in the Town Code were made since the property was purchased in 2018.

2. Decision. Based on the foregoing findings, the Board of Adjustment hereby **denies** the variance requested by the Application.

PASSED, ADOPTED, AND APPROVED this ___ day of July 2021.

BOARD OF ADJUSTMENT

Brad Holzwarth, Chair

ATTEST:

Danielle Jardee, Town Clerk