PLANNING & ZONING BOARD AGENDA

To: Will Hawthorne – Chair
    Rachel Saunders – Vice Chair
    Henry Haddock
    Gerald Jowers
    Gabriel Kotch
    Chris Lee
    Matt Matin

Copy to: Mike Bollhoefer, City Manager
        Dan Langley, City Attorney
        Kurt Ardaman, City Attorney
        Ed Williams, Planning Consultant
        Stephen Pash, Community Dev. Director
        Kelly Carson, Urban Designer
        Shane Friedman, Senior Planner

RE: Agenda – January 7, 2019 at 6:30 PM
    Commission Chambers, City Hall
    300 West Plant Street, Winter Garden

1. CALL TO ORDER

2. APPROVAL OF MINUTES FROM THE NOVEMBER 5, 2018 MEETING

ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)

3. 546 Oak Street – (Francois Marie Staco) AZFA
    Parcel ID # 24-22-27-5584-02-130

4. 540 Oak Street – (Homes in Partnership/Booker Bell, III) AZFA
    Parcel ID # 24-22-27-5584-02-140

VARIANCE (PUBLIC HEARING)

5. 20 W Crest Avenue – Rohland June and Jamie June
    Parcel ID # 14-22-27-0834-00-020

6. 202 S Highland Avenue – Shannon Bjortvedt
    Parcel ID # 23-22-27-8100-00-210

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, February 4, 2019 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.
1. CALL TO ORDER

Chairperson Will Hawthorne called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. A moment of silence was followed by the Pledge of Allegiance.

Quorum was declared present.

Present: Chairperson Will Hawthorne, Vice-Chairperson Rachel Saunders, and Board Members: Henry Haddock and Matthew Matin

Absent: Gerald Jowers (unexcused), Gabriel Kotch (excused), and Chris Lee (excused)

Staff Present: City Attorney Rick Geller, Community Development Director Steve Pash, Urban Designer Kelly Carson, Senior Planner Shane Friedman, and recording secretary Kathleen Rathel

2. APPROVAL OF MINUTES

Motion by Matt Matin to approve the regular meeting minutes of October 1, 2018. Seconded by Henry Haddock and carried unanimously 4 – 0.

ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)

3. 22 E Miller Street – (Affordable Vet Care) REZONING

Senior Planner Friedman presented a request to rezone the 0.33 +/- acre property located at 22 E Miller Street from R-2 (Residential District) to R-NC (Residential Neighborhood Commercial) in order to use the existing 1,850 square foot home as a proposed veterinary clinic. The applicant will have to submit and go through the Special Exception process and Site Plan approval to convert from residential to commercial. Staff has reviewed the rezoning application and recommends approval of Ordinance 18-41.

Motion by Henry Haddock to recommend approval of the R-NC zoning for 22 E Miller Street [Ordinance 18-41]. Seconded by Will Hawthorne and carried unanimously 4 – 0.

4. 630 S Park Avenue – (Laura Parrish) ANNEXATION / FLU / REZONING

Senior Planner Friedman presented a request for Annexation, Future Land Use designation of Low Density Residential, and R-2 Zoning for the 0.23 +/- acre property located at 630 S Park Avenue. The property currently contains a single family dwelling. Staff has reviewed the application and recommends approval of Ordinances 18-38, 18-39, and 18-40.

Motion by Rachel Saunders to recommend approval [of Ordinances 18-38, 18-39 and 18-40 for 630 S Park Avenue]. Seconded by Henry Haddock and carried unanimously 4 – 0.
5. 15240, 15200, 15188 E Oakland Ave. – (Oakland Hills PUD) PRELIMINARY PLAT

Senior Planner Friedman presented a request for Preliminary Plat approval for a 9.18 +/- acre property located at 15240, 15200, and 15188 E Oakland Avenue which is south of Oakland Avenue across from the Oakland Park subdivision. The property is known as the Oakland Hills subdivision and already received approval for PUD zoning. The applicant is proposing to develop 17 single family residential lots with approximately two acres designated for open space as well as two storm water collection areas and a trail. Staff has reviewed the application and recommends approval subject to the conditions outlined in the Staff Report.

Motion by Matt Matin to recommend approval with Staff Recommendations (as provided in the agenda packet). Seconded by Rachael Saunders and carried unanimously 4 – 0.

VARIA NCE (PUBLIC HEARING)

6. 42 W Vining Street – (Vonda Kay & Michael M. Ogden) VARIANCE

Urban Designer Carson presented variance requests for the 0.19 +/- acre property located at 42 W Vining Street. The property is zoned R-2. The applicant is requesting the variances in order to construct a 672 square foot detached 2-car garage at an 8-foot side yard setback in lieu of the minimum required 10-foot side yard setback; at a 5-foot rear yard setback in lieu of the minimum required 30-foot rear yard setback; and with a height of 18 feet in lieu of the maximum permitted 12-foot height to provide loft storage. Staff has reviewed the application and recommends approval of the variances subject to the conditions outlined in the Staff Report.

Board Member Haddock inquired about the maximum height of 12 feet stating it seemed very low. Ms. Carson clarified that provision in the code was primarily for accessory shed structures. The garage would be the same height as the primary structure.

Chairperson Hawthorne mentioned the aerial photos showing similar setbacks in the area. Ms. Carson pointed out several properties in that segment of the City that would be similar.

Motion by Rachel Saunders to recommend approval [with Staff Recommendations] (as provided in the agenda packet). Seconded by Henry Haddock and carried unanimously 4 – 0.

CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)

7. Ordinance 18-43: Backyard Chickens

Community Development Director Pash presented a proposal to codify the existing pilot program for Backyard Chickens which was approved by City Commission in 2016. The program resulted in 7 applications but only 5 moved forward to receive permits. No issues have occurred with the permits. Staff recommends the pilot program be put into the Code. The Ordinance would allow up to 25 permits throughout the City, restricted to a maximum of 4 hens with roosters being prohibited. The permits would have to follow specific setback requirements, fencing, and coop area. Staff recommends approval of Ordinance 18-43.

General discussion ensued regarding the limit of 25 permits. Mr. Pash stated the program has been in existence for 2 years and only 5 permits have been issued. Most PUD’s will not allow the chickens so the program is restricted to areas where there are no additional requirements from HOA’s. The number of permits could change, if needed, based on requests.
Also discussed were the requirements to attend a Backyard Chicken class through the University of Florida and receive the certificate, the mandatory inspection of the coop, fencing, and setbacks.

Board Member Matin asked if the Ordinance was the same as the Pilot program. Mr. Pash answered yes, that all the regulations were the same and were in line with other Cities.

Motion by Will Hawthorne to recommend approval with Staff Recommendations (as provided in the agenda packet). Seconded by Matt Matin and carried unanimously 4-0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:47 p.m. to the next meeting scheduled for December 3, 2018.

ATTEST:  
Recording Secretary Kathleen Rathel

APPROVED:  
Chairperson Will Hawthorne
THE CITY OF WINTER GARDEN

PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 3 (Public Hearing)

DATE: December 28, 2018  MEETING DATE: January 7, 2019

SUBJECT: 546 Oak Street (AZFA)
PROJECT NAME Homes in Partnership, Inc.
PARCEL ID# 24-22-27-5584-02-130

ISSUE: The applicant is requesting to annex the .11± acre property into the City as well as change the zoning and future land use designation.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Marie Staco Francois

CURRENT ZONING: Orange County R-2 Residential District

PROPOSED ZONING: R-2 (Residential District)

CURRENT FLU: Orange County Low Density Residential

PROPOSED FLU: (LR) Low Density Residential

SUMMARY: The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City’s Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-2 Residential District. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City’s Comprehensive Plan to eliminate enclaves.

STAFF RECOMMENDATION(S):
Staff recommends approval of ordinance 19-05, 19-06, and 19-07.

NEXT STEP(S):
The first reading by the City Commission is scheduled for the January 10, 2019 meeting with the second reading and adoption anticipated to be on January 24, 2019.

ATTACHMENT(S):
Location Map
Staff Report
Ordinance 19-05, 19-06, and 19-07
LOCATION MAP

546 Oak Street

ANNEXATION – FLU – REZONING

Legend
- Roads
- Waterbodies
- Orange County Parcels
- Winter Garden Parcels
- Subject Property

0  62.5  125  250 Feet
CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION
300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: Shane Friedman, Senior Planner
DATE: December 28, 2018
SUBJECT: ANNEXATION – FLU – REZONING
546 Oak Street (0.11 +/- ACRES)
PARCEL ID # 24-22-27-5584-02-130

APPLICANT: Marie Staco Francois

INTRODUCTION
The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.
The subject property, located on 546 Oak Street, is an approximately 0.11 ± acre lot. The map below depicts the proximity of the subject property to the City of Winter Garden municipal limits:

The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City’s Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-2 Residential District.
In accordance with the City’s Comprehensive Plan, properties designated with the Low Density Residential land use category are required to be developed at a gross residential density between 2 to 6 dwelling units per gross acre and up to 9 units per gross acre for workforce/low income housing with a maximum of 10 acres and will be identified on the Future Land Use Map only in areas that have the urban services and public facilities that can accommodate a higher density of residential housing. Factors in determining the location of this land use category included proximity to natural resources and urban services, availability of public facilities and the characteristics of nearby existing and future neighborhoods. Churches and schools are allowable uses in the Low Density areas that are zoned R-2 and in specified areas of PUDs and via a Special Exception Permit in all other allowable zoning classifications. The zoning classifications that are consistent with the Low Density Residential classification are PUD, R-1A, R-1, R-2, R-1B, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City’s Comprehensive Plan.

**EXISTING USE**

The property currently is vacant.

**ADJACENT LAND USE AND ZONING**

The properties to the east of the subject property are developed with single-family residences, are zoned R-2, and are located in un-incorporated Orange County. The property to the north is vacant with R-2 zoning located in un-incorporated Orange County and also has an application to annex into the City boundaries that is running concurrent with this application. The property to the west is vacant with R-2 zoning located in un-incorporated Orange County. The property to the south is a single-family residence with R-2 zoning and is located within the municipal boundaries of the City of Winter Garden.

**PROPOSED USE**

The applicant intends to annex the subject property in order to provide the existing residence with City services and develop a single-family residence.

**PUBLIC FACILITY ANALYSIS**

The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.
SUMMARY

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of Ordinances 19-05, 19-06, and 19-07.
Future Land Use Map
546 Oak Street
END OF STAFF REPORT
ORDINANCE 19-05

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.11 ± ACRES LOCATED AT 546 OAK STREET, EAST OF 9TH STREET, WEST OF OAK STREET, SOUTH OF MAGNOLIA AVENUE, AND NORTH OF STORY ROAD INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.11 ± acres located at 546 Oak Street, east of 9th Street, west of Oak Street, south of Magnolia Avenue, and north of Story Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida ("City"), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (i.e., the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

BE IT ENacted BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Annexation. That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: Description of Area Annexed. That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown in ATTACHMENT "B" shall be annexed into the City of Winter Garden, Florida.

SECTION 3: Effect of Annexation. That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at
the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: Apportionment of Debts and Taxes. Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Instructions to Clerk. Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT “A” hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: Severability. Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: Effective Date. This Ordinance shall become effective upon adoption at its second reading.


ADOPTED this _____ day of _____________, 2019, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

__________________________
JOHN REES, Mayor/Commissioner

ATTEST:

__________________________
ANGELA GRIMMAGE, City Clerk
ORDINANCE 19-06

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.11 ± ACRES LOCATED AT 546 OAK STREET, EAST OF 9TH STREET, WEST OF OAK STREET, SOUTH OF MAGNOLIA AVENUE, AND NORTH OF STORY ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as approximately 0.11 ± acres located at 546 Oak Street, east of 9th Street, west of Oak Street, south of Magnolia Avenue, and north of Story Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I.  FLUM Amendment. The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Low Density Residential as set forth in ATTACHMENT "B".

SECTION II. Effective Date. Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 19-05, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order
determining that the adopted Ordinance is in compliance.

SECTION III. Severability. Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.


ADOPTED this _____ day of ____________, 2019, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

______________________________________________
JOHN REES, Mayor/Commissioner

ATTEST:

______________________________________________
ANGELA GRIMMAGE, City Clerk
ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 24-22-27-5584-02-130

DESCRIPTION:

BOUNDARY SURVEY

OF

LOTS 13, BLOCK B, MERCHANT'S SUBDIVISION, ACCORDING TO THE PLAT THEREBY RECORDERED IN
PLAT BOOK Q, PAGE 135 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

ADDITIONAL SYMBOL LEGEND

HOMES IN PARTNERSHIP

SURVEYOR'S NOTES:

1. Surveys shown herein are based on the West line of BLOCK B as being 99'73"W (assumed).
2. There may be easements and restrictions at each single private agreements are located to this survey or shown on this survey or survey that may govern rights and/or use rights of the subject property.
3. Easements and agreements above and/or other notices recorded by various governmental of Federal, State or Local Governments and the subject property.
4. The survey was performed for the use and benefit of the entities listed herein and shall be valid only for that purpose and not for others.
5. Surveyor's office is not valid without the signatures and original seal of a Florida licensed surveyor and engineer.

ALLEN COMPANY

ORDINANCE 19-06
Page 3 of 4
ATTTACHMENT "B"

FUTURE LAND USE MAP

546 Oak Ave

Subject property changed from Orange County Low Density Residential to City Low Density Residential

Ordinance 19-06
Page 4 of 4
ORDINANCE 19-07

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.11 ± ACRES LOCATED AT 546 OAK STREET, EAST OF 9TH STREET, WEST OF OAK STREET, SOUTH OF MAGNOLIA AVENUE, AND NORTH OF STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.11 ± acres located at 546 Oak Street, east of 9th Street, west of Oak Street, south of Magnolia Avenue, and north of Story Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s R-2 Residential District zoning classification, therefore; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to R-2 Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Rezoning. The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County R-2 Residential District to City R-2 Residential District in the City of Winter Garden, Florida.

SECTION 2: Zoning Map. The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: Non-Severability. Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: Effective Date. This Ordinance shall become effective simultaneously upon the effective date of Ordinance 19-06 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the
property described herein to be zoned as provided in this Ordinance.


ADOPTED this _____ day of ____________, 2019, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

______________________________
JOHN REES, Mayor/Commissioner

ATTEST:

______________________________
ANGELA GRIMMAGE, City Clerk
ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 24-22-27-5584-02-130

DESCRIPTION:

BOUNDARY SURVEY

OF

LOTS 13, BLOCK B, WALTERS'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN FLAT BOOK Q, PAGE 101 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CERTIFIED TO

PETES BY PARTNERSHIP

SUVERNOER'S NOTES:

1. All dimensions shown are based on the West line of BLOCK B as being 89'-0" [error]
2. There may be any easements and restrictions of record and/or private agreements not shown on this survey which may affect the property lines and the use rights of the subject property.
3. The survey was prepared by the parties and is subject to the use and sole benefit of the subject parcel and shall not be relied upon by any other party or individual.

This Survey is not valid without the signature and original record seal of a Florida licensed surveyor and mapper.

Surveyed utilizing equipment and techniques which meet National Society of Professional Surveyors standards.

Plat recorded September 23, 2007.

EDITED DATE: NOV. 15, 2007

ALLEN COMPANY

Ordinance 19-07
Page 3 of 3
THE CITY OF WINTER GARDEN

PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4  (Public Hearing)

DATE: December 28, 2018  MEETING DATE: January 7, 2019

SUBJECT: 540 Oak Street (AZFA)
PROJECT NAME Homes in Partnership, Inc.
PARCEL ID# 24-22-27-5584-02-140

ISSUE: The applicant is requesting to annex the .11± acre property into the City as well as change the zoning and future land use designation.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Booker T Bell III

CURRENT ZONING: Orange County R-2 Residential District

PROPOSED ZONING: R-2 (Residential District)

CURRENT FLU: Orange County Low Density Residential

PROPOSED FLU: (LR) Low Density Residential

SUMMARY: The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City’s Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-2 Residential District. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City’s Comprehensive Plan to eliminate enclaves.

STAFF RECOMMENDATION(S):
Staff recommends approval of ordinance 19-02, 19-03, and 19-04.

NEXT STEP(S):
The first reading by the City Commission is scheduled for the January 10, 2019 meeting with the second reading and adoption anticipated to be on January 24, 2019.

ATTACHMENT(S):
Location Map
Staff Report
Ordinance 19-02, 19-03, and 19-04
INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan. The subject property, located on 540 Oak Street, is an approximately 0.11 ± acre lot. The map below depicts the proximity of the subject property to the City of Winter Garden municipal limits:

The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City’s Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-2 Residential District.
In accordance with the City’s Comprehensive Plan, properties designated with the Low Density Residential land use category are required to be developed at a gross residential density between 2 to 6 dwelling units per gross acre and up to 9 units per gross acre for workforce/low income housing with a maximum of 10 acres and will be identified on the Future Land Use Map only in areas that have the urban services and public facilities that can accommodate a higher density of residential housing. Factors in determining the location of this land use category included proximity to natural resources and urban services, availability of public facilities and the characteristics of nearby existing and future neighborhoods. Churches and schools are allowable uses in the Low Density areas that are zoned R-2 and in specified areas of PUDs and via a Special Exception Permit in all other allowable zoning classifications. The zoning classifications that are consistent with the Low Density Residential classification are PUD, R-1A, R-1, R-2, R-1B, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City’s Comprehensive Plan.

EXISTING USE
The property currently is vacant.

ADJACENT LAND USE AND ZONING
The properties to the east of the subject property are developed with single-family residences, are zoned R-2, and are un-incorporated Orange County. The property to the north is vacant with R-2 zoning located in un-incorporated Orange County. The property to the west is a single-family dwelling unit with R-2 zoning located in un-incorporated Orange County. The property to the south is vacant with R-2 zoning and in un-incorporated Orange County, however, this property also has a request for annexation, rezoning and future land use change that is running concurrent with this application.

PROPOSED USE
The applicant intends to annex the subject property in order to provide the existing residence with City services and develop a single-family residence.

PUBLIC FACILITY ANALYSIS
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

SUMMARY
Annexation will provide a more efficient delivery of services to the property and further the
goals and objectives of the City of Winter Garden’s Comprehensive Plan to eliminate enclaves. City Staff recommends approval of Ordinances 19-02, 19-03, and 19-04.
Future Land Use Map

540 Oak Street
Zoning Map
540 Oak Street

END OF STAFF REPORT
ORDINANCE 19-02

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.11 ± ACRES LOCATED AT 540 OAK STREET, EAST OF 9TH STREET, WEST OF OAK STREET, SOUTH OF MAGNOLIA AVENUE, AND NORTH OF STORY ROAD INTO THE CITY OF WINTER GARDEN, FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of the land, generally described as approximately 0.11 ± acres located at 540 Oak Street, east of 9th Street, west of Oak Street, south of Magnolia Avenue, and north of Story Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

WHEREAS, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (i.e., the property or properties to be annexed); and

WHEREAS, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Annexation. That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, Fla. Stat. and has held a public hearing and said petition and made certain findings.

SECTION 2: Description of Area Annexed. That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT “A” and graphically shown in ATTACHMENT "B" shall be annexed into the City of Winter Garden, Florida.

SECTION 3: Effect of Annexation. That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at
the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: Apportionment of Debts and Taxes. Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Instructions to Clerk. Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT “A” hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

SECTION 6: Severability. Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 7: Effective Date. This Ordinance shall become effective upon adoption at its second reading.


ADOPTED this _____ day of ______________, 2019, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

__________________________
JOHN REES, Mayor/Commissioner

ATTEST:

__________________________
ANGELA GRIMMAGE, City Clerk
ATTACHMENT "B"

LOCATION MAP

540 Oak Street
ORDINANCE 19-03

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.11 ± ACRES LOCATED AT 540 OAK STREET, EAST OF 9TH STREET, WEST OF OAK STREET, SOUTH OF MAGNOLIA AVENUE, AND NORTH OF STORY ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13th of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24th of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

WHEREAS, the owner of that certain real property generally described as approximately 0.11 ± acres located at 540 Oak Street, east of 9th Street, west of Oak Street, south of Magnolia Avenue, and north of Story Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

WHEREAS, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION I. FLUM Amendment. The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Low Density Residential as set forth in ATTACHMENT "B".

SECTION II. Effective Date. Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 19-02, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order.
determining that the adopted Ordinance is in compliance.

SECTION III. Severability. Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.


ADOPTED this _____ day of ____________, 2019, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

________________________________________
JOHN REES, Mayor/Commissioner

ATTEST:

________________________________________
ANGELA GRIMMAGE, City Clerk
ATTACHMENT "B"

FUTURE LAND USE MAP

540 Oak Ave

Subject property changed from Orange County Low Density Residential to City Low Density Residential
ORDINANCE 19-04

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.11 ± ACRES LOCATED AT 540 OAK STREET, EAST OF 9TH STREET, WEST OF OAK STREET, SOUTH OF MAGNOLIA AVENUE, AND NORTH OF STORY ROAD FROM ORANGE COUNTY R-2 RESIDENTIAL DISTRICT TO CITY R-2 RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of that certain real property generally described as 0.11 ± acres located at 540 Oak Street, east of 9th Street, west of Oak Street, south of Magnolia Avenue, and north of Story Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-2 Residential District to the City’s R-2 Residential District zoning classification, therefore; and

WHEREAS, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

WHEREAS, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to R-2 Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: Rezoning. The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County R-2 Residential District to City R-2 Residential District in the City of Winter Garden, Florida.

SECTION 2: Zoning Map. The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: Non-Severability. Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: Effective Date. This Ordinance shall become effective simultaneously upon the effective date of Ordinance 19-03 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the
property described herein to be zoned as provided in this Ordinance.


ADOPTED this ____ day of ____________, 2019, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

__________________________
JOHN REES, Mayor/Commissioner

ATTEST:

__________________________
ANGELA GRIMMAGE, City Clerk
ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 24-22-27-5584-02-140

DESCRIPTION:

BOUNDARY SURVEY
OF
LOTS 1A, BLOCK B, MERCHANT'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN
PLAT BOOK Q, PAGE 101 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

CERTIFIED TO:
HOMES IN PARTNERSHIP

SURVEYOR'S NOTES:

ADDITIONAL SYMBOL LEGEND

1. The bearings, distances, and areas are based on the first line of BLOCK B as being NORTHPOL (northeast).
2. There may be surveys and revelations of right-of-way, public easements, etc., located to this survey or shown in this boundary survey that may properly affect the future use of the subject property.
3. There may be environmental issues and/or other matters required by various departments of Federal, State or Local Governments affecting the subject.
4. This is the only survey that you are warranted by the surveyor and it shall not be relied upon by any other entity or individual.
5. This survey was not made in the presence of the owner, and the owner of the trees is not responsible for any survey errors.
6. The survey is not subject to any prior surveys or maps, or other similar documents.
7. The subject property lies within the ONEKILL AREA, as of 9/20/01, as recorded for Planning purposes according to the Miami-Dade County Planning Code, Section 17-1 of the Miami-Dade Code of Ordinances.
8. Surveyed by Allen Company P.C., a member of the American Society of Surveyors.
## The City of Winter Garden

**Planning and Zoning Board Agenda Item**

**Item # 5** (Public Hearing)

<table>
<thead>
<tr>
<th>Date:</th>
<th>December 28, 2018</th>
<th>Meeting Date:</th>
<th>January 7, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject:</strong></td>
<td>20 W Crest Ave (Variance)</td>
<td><strong>Project Name:</strong></td>
<td>June Porch Variance</td>
</tr>
<tr>
<td><strong>Parcel ID#</strong></td>
<td>14-22-27-0834-00-020</td>
<td><strong>Issue:</strong></td>
<td>The applicant is requesting a Variance for the property located at 20 W Crest Ave.</td>
</tr>
</tbody>
</table>

**Supplemental Material/Analysis:**

<table>
<thead>
<tr>
<th>Owner/Applicant:</th>
<th>Rohland &amp; Jamie June</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Zoning:</td>
<td>R-1 Single-Family Residential District</td>
</tr>
<tr>
<td>Proposed Zoning:</td>
<td>N/A</td>
</tr>
<tr>
<td>Current FLU:</td>
<td>Low Density Residential</td>
</tr>
<tr>
<td>Proposed FLU:</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Summary:**

The applicant is requesting a variance to Winter Garden Code of Ordinances Section 118-308(1)a for the property located at 20 W Crest Ave. If approved, this variance will allow a covered front porch to be constructed with a twenty-one (21) foot front yard setback in lieu of the minimum required thirty (30) foot front yard setback.

**Staff Recommendation(s):**

Staff recommends approval of the variance subject to the conditions outlined in the Staff Report.

**Next Step(s):**

Follow all City regulations and apply for building permits.

**Attachment(s):**

Location Map
Staff Report
LOCATION MAP

20 W Crest Ave

Variance
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: DECEMBER 28, 2018
SUBJECT: VARIANCE
20 W Crest Ave (0.39 +/- ACRES)
PARCEL ID # 14-22-27-0834-00-020

APPLICANT: Rohland & Jamie June

INTRODUCTION
The purpose of this report is to evaluate the request for a variance for property located at 20 W Crest Ave in Winter Garden, Florida. The request is to allow a covered front porch to be constructed with a twenty-one (21) foot front yard setback in lieu of the minimum required thirty (30) foot front yard setback.

The subject property, located at 20 W Crest Ave, is an approximately 0.39 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:
The subject property carries the zoning designation R-1 (Single-Family Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City’s Comprehensive Plan.

EXISTING USE

The property is currently vacant, featuring a number of large canopy trees including oaks and camphors.

ADJACENT LAND USE AND ZONING

The properties to the north, south, east and west of the subject property are developed with single-family residences, are zoned R-1, and are within the City of Winter Garden’s Municipal limits.

PROPOSED USE

The applicant is requesting the variance to allow the construction of a new single-family residential structure and detached garage on a property that is currently vacant. The variance would allow a two-story covered front porch to be constructed 21’ from the front property line. The new home would feature a Florida vernacular architectural style with lap siding, tapered columns, open rafter tails, and an elevated first floor foundation.

CODE REFERENCE

Sec. 118-308(1)(a), of the City Code of Ordinances addresses minimum yard requirements for single-family dwellings in the R-1 Zoning District. This section states,

In the R-1 single-family residential district, the minimum yard requirements are as follows:

(1) Single-family.
   a. Front: 30 feet.

The applicant is seeking a variance to the minimum front yard requirement.

CODE REQUIREMENTS / CRITERIA

Section 118-131 of the City Code that relates to the review criteria states that, “A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue.”

The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff’s comments concerning this particular petition.

(1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
   Allowing a home with a 21’ front yard setback should not cause a negative impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The 21’ setback requested represents only a corner of the structure and is the closest the structure will
be to the front property line — the majority of the porch will be constructed within the required 30' setback.

(2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;  
The requested variance is consistent with many other structures located on adjacent properties and residential lots throughout the older residential sections of the City. An aerial inventory of surrounding properties reveals several homes that appear to have been built with front setbacks that are less than 30’ including the properties to the south and west of the subject property. The proposed variance will allow reasonable use of the property.

(3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;  
Strict compliance with the City’s land development regulations will not further any legitimate City objective. The lot is irregularly shaped, making it more difficult to situate structures on the lot that conform to uniform setback regulations. Furthermore, the addition of front porches is encouraged throughout the City to encourage the development of friendlier and more community-oriented neighborhoods.

(4) The granting of the variance is consistent with the city’s comprehensive plan; and  
The variances are consistent with the provisions of the City’s Comprehensive Plan relating to low density residential neighborhood character.

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.  
The variance requested is the minimum variance that will make reasonable use of the land. The proposed front location will ensure the applicant will achieve the most beneficial configuration of the proposed structures on the property while helping to ensure the largest legacy oaks on the property will be protected from building construction.

SUMMARY AND STAFF RECOMMENDATION

City Staff recommends approval of a variance to Section 118-308(1)a to allow a covered front porch to be constructed with a twenty-one (21) foot front yard setback in lieu of the minimum required thirty (30) foot front yard setback, with the following conditions:

1) The applicant will make every effort to maintain as many existing trees on the site as possible, including a 24” oak that is located directly in front of the proposed front porch. No trees may be removed without approval from the City.

2) The lot shall adhere to all other code requirements for development in the R-1 zoning district including setbacks, impervious surface ratios, etc.

NEXT STEPS

Follow all City regulations and apply for building permits.
ATTACHMENTS
- Aerial Photo
- Survey
- Proposed Site Plan
- Proposed House Elevation
- Site Photos

AERIAL PHOTO
20 W Crest Ave
SURVEY
20 W Crest Ave

BOUNDARY SURVEY
20 W CREST AVE, WINTER GARDEN, FLORIDA 34787

DESCRIPTION:
LOT 2, BOYD-LUTZ SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 58, PAGES 2 AND 3, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

SURVEYS NOTES:
1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR MAPPER.
2. LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR ROADS OR EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
3. REVISIONS DO NOT CONSTITUTE A RE-CERTIFICATION OF THE EXISTING FIELD CONDITIONS OF THIS SURVEY.
4. BEARINGS SHOWN HEREON ARE BASED ON THE NORTHEASTERLY LINE OF LOT 2 AS BEING 103'4"7½"W (ASSUMED).
5. THE DESCRIPTION SHOWN HEREON WAS SUPPLIED BY THE CLIENT.
6. UNDERGROUND IMPROVEMENTS AND INSTALLATIONS HAVE NOT BEEN LOCATED.
7. THE LANDS SHOWN HEREON LIE ENTIRELY WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD) ACCORDING TO "FEMA" MAP NO. 1209500025 F, COMMUNITY NO. 120187, DATED SEPTEMBER 25, 2003.
8. THE ELEVATIONS SHOWN HEREON ARE BASED ON NAV I988 DATUM PER BENCHMARK NUMBER WS-1, ELEVATION = 80.54'
9. SITE BENCHMARKS ARE SHOWN HEREON.
10. THE ELECTRONIC FILE FOR THIS PROJECT IS THE PROPERTY OF BISHMAN SURVEYING & MAPPING, INC. AND IS NOT THE PROPERTY OF THE CLIENT.

JOB NUMBER: 18157.000
SURVEY DATE: 10-2-2018
FIELD BOOK: 1907
FIELD FILE: 18157.000

Digitally signed by Aron D. Bishman
Date: 2018.10.04
10:58:49-04'00'

FLORIDA REGISTRATION NO. 5666

BISHMAN
Surveying & Mapping, Inc.
32 W PLANT STREET
Phone 407.905.8877
WINTER GARDEN, FL 34787
Fax 407.905.8875

CERTIFICATE OF AUTHORIZATION LB 7274
PROPOSED HOUSE ELEVATION
20 W Crest Ave
SITE PHOTOS
20 W Crest Ave

Looking southeast towards rear yard

Looking northeast towards front yard
Looking east from side yard

Looking west from side yard

END OF STAFF REPORT
THE CITY OF WINTER GARDEN

PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6  (Public Hearing)

DATE: December 28, 2018  MEETING DATE: January 7, 2019

SUBJECT: 202 S Highland Ave (Variance)
PROJECT NAME Bjortvedt Variances
PARCEL ID# 23-22-27-8100-00-210

ISSUE: The applicant is requesting Variances for the property located at 202 S Highland Ave.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Shannan Maurine Bjortvedt

CURRENT ZONING: R-2 Residential District

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential

PROPOSED FLU: N/A

SUMMARY: The applicant is requesting variances to Winter Garden Code of Ordinances Section 118-398(1)a-b for the property located at 202 S Highland Ave. If approved, the variances will allow a covered front porch to be constructed with a 13.1-foot front yard setback in lieu of the minimum required 30-foot front yard setback and a new building addition to be constructed with a 5-foot side yard setback in lieu of the minimum required 10-foot side yard setback.

STAFF RECOMMENDATION(S): Staff recommends approval of the variances subject to the conditions outlined in the Staff Report.

NEXT STEP(S): Follow all City regulations and apply for building permits.

ATTACHMENT(S): Location Map
Staff Report
LOCATION MAP

202 S Highland Ave

Variance
INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 202 S Highland Ave in Winter Garden, Florida. The request is to allow a covered front porch to be constructed with a 13.1-foot front yard setback in lieu of the minimum required 30-foot front yard setback and a new building addition to be constructed with a 5-foot side yard setback in lieu of the minimum required 10-foot side yard setback.

The subject property, located at 202 S Highland Ave, is an approximately 0.18 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:
The subject property carries the zoning designation R-2 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City’s Comprehensive Plan. The property is located just outside the Historic Downtown District Overlay.

EXISTING USE

The property currently contains a 1,500 +/- square foot one-story single-family residence that was constructed in 1937. This structure has a minimal traditional architectural style and includes clapboard siding, a shingle roof, wood deck, and an attached covered carport. The property also includes an accessory shed structure in the rear yard as well as associated site improvements such as fencing and a concrete driveway.

ADJACENT LAND USE AND ZONING

The properties to the south, east and west of the subject property are developed with single-family residences, are zoned R-2, and are within the City of Winter Garden’s Municipal limits. There are two properties to the north of the subject property. One property is zoned R-2 and the other is zoned R-NC; both are developed with single-family residences and are located within the City limits.

PROPOSED USE

The applicant is requesting the variance to allow the construction of several additions to the existing primary structure. The applicant is proposing to reconstruct the front entry to add a new covered front porch with decorative wood support posts and a gable roof. The porch floor and steps will be rebuilt as well to be in-line with the new structure. The building additions include adding a new covered screened porch on the north side of the property, and an addition to the southwest corner of the structure that will include an expansion of the master bedroom with new master bathroom and closet, a laundry and HVAC room, and a new powder bathroom.

CODE REFERENCE

Sec. 118-398(1)a-b. of the City Code of Ordinances addresses minimum yard requirements for single-family and two-family dwellings in the R-2 Zoning District. This section states,

In the R-2 residential district, the minimum yard requirements are as follows:

   a. Front: 30 feet.
   b. Side: ten feet.

The applicant is seeking a variance to the minimum front and side yard requirement.

CODE REQUIREMENTS / CRITERIA

Section 118-131 of the City Code that relates to the review criteria states that, “A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue.” The code also lists the following criteria that are to be addressed before a variance can be
approved. Underlined text is Staff’s comments concerning this particular petition.

(1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;
Allowing a home with a 13.1 front yard setback and a 5’ side yard setback should not cause a negative impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The 5’ side yard setback requested will be in line with the existing setback of the structure – the new addition will not be any closer to the neighboring property to the south than the existing structure currently is. The existing front porch already exceeds the required front setback requirements in the R-2 district (16.1’ in lieu of the required 30’). The additional 3’ encroachment requested will be for an open, covered addition to the front porch, which will present an inviting new building “face” to S Highland Avenue.

(2) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;
The requested variances are consistent with many other structures located on adjacent properties and residential lots throughout the older residential sections of the City. Several surrounding properties appear to have front and side setbacks that exceed the minimum requirements of the R-2 zoning district, including the properties located directly north and south of the subject property. The proposed variances will allow reasonable use of the property.

(3) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;
Strict compliance with the City’s land development regulations will not further any legitimate City objective. At 61’ wide, the lot is substandard based on current R-2 lot size requirements (75’ width is required). This limits the property owner in terms of available area for building additions. Further limiting the development potential of the property is the structure’s proximity to W Smith Street to the north - the City requires additional setbacks for corner lots due to vehicular sight distance concerns.

(4) The granting of the variance is consistent with the city's comprehensive plan; and
The variances are consistent with the provisions of the City’s Comprehensive Plan relating to low density residential neighborhood character.

(5) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.
The variances requested are the minimum variances that will make reasonable use of the land. The proposed additions will provide needed aesthetic and structural improvements to a structure that is starting to show the signs of its advanced age. The proposed renovations will ensure this historic downtown-adjacent property will remain standing for many years to come.
SUMMARY AND STAFF RECOMMENDATION

City Staff recommends approval of variances to Sections 118-398 (1)a-b to allow a covered front porch to be constructed with a 13.1-foot front yard setback in lieu of the minimum required 30-foot front yard setback and a new building addition to be constructed with a 5-foot side yard setback in lieu of the minimum required 10-foot side yard setback, with the following conditions:

1) New building addition shall be of the same architectural style and quality as the existing structure. Aesthetically, the new addition shall blend seamlessly with the existing.

2) No trees may be removed without a permit from the Building Department.

3) The lot shall adhere to all other code requirements for development in the R-2 zoning district including setbacks, impervious surface ratios, etc.

NEXT STEPS

Follow all City regulations and apply for building permits.

ATTACHMENTS

- Aerial Photo
- Survey
- Proposed Site Plan
- Proposed House Elevations
- Site Photos
SITE PHOTOS
202 S Highland Ave

Looking south towards side yard

Looking northeast towards front yard
Looking east from rear yard

Looking west from front yard

END OF STAFF REPORT