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 – February 4, 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 JANUARY 7, 2019 MEETING

SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)

3. 22 E Miller Street – Affordable Vet Care  
Parcel ID # 23-22-27-8900-01-150

VARIANCE (PUBLIC HEARING)

4. 549 Lake Cove Point Circle – Charles Comstock / Rachel Comstock  
Parcel ID # 15-22-27-4430-00-630

5. 618 W Bay Street – Slate West Eleven LLC  
Parcel ID # 22-22-27-0000-00-094

6. 1243 Portmoor Way – Diana & John Brown  
Parcel ID # 04-23-27-8231-04-156

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, March 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 and Board Members: Henry Haddock, Gerald Jowers, Gabriel Kotch, Chris Lee, and Matthew Matin

Absent: Vice-Chairperson Rachel Saunders (excused)

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

2. APPROVAL OF MINUTES

Motion by Gerald Jowers to approve the regular meeting minutes of November 5, 2018. Seconded by Matt Matin and carried unanimously 6 – 0.

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

3. 546 Oak Street – Francois Marie Staco, AZFA

Senior Planner Friedman stated the applicant pulled a construction permit through Orange County and development has started. Staff recommends tabling the item to a date uncertain until the project is completed. At that time the project will be brought back to the Board.

Motion by Gabe Kotch to recommend tabling [the annexation of 546 Oak Street]. Seconded by Chris Lee and carried unanimously 6 – 0.

4. 540 Oak Street – Homes in Partnership/Booker Bell, III, AZFA

Senior Planner Friedman stated the applicant pulled a construction permit through Orange County and development has started. Staff recommends tabling the item to a date uncertain until the project is completed. At that time the project will be brought back to the Board.

Motion by Gabe Kotch to recommend tabling [the annexation of 540 Oak Street]. Seconded by Chris Lee and carried unanimously 6 – 0.
5. **20 W Crest Avenue – Rohland June and Jamie June**

Urban Designer Carson presented a variance request for the 0.39 +/- acre property located at 20 W Crest Avenue. The property is zoned R-1 (Single Family Residential) and has a Low Density Residential Future Land Use designation. The applicant is requesting to construct a single family residence to include a covered front porch at a 21-foot front yard setback in lieu of the minimum required 30-foot front yard setback. The lot is irregularly shaped with a number of large trees so only a portion of the front porch would be located 21 feet from the front property line. Staff has reviewed the application and recommends approval subject to the conditions outlined in the Staff Report.

Board Member Matin asked for clarification on the number of trees to be removed. Ms. Carson replied that the site plan reflected the trees to be removed but tree removal permits would have to be obtained first. She stated the applicant was trying to retain as many of the oaks as possible while removing the camphor trees and other invasive trees.

The owner, Randy June, 32 W Plant Street, was present to answer questions.

Dale Ward, 546 N Main Street, inquired what provisions were in place if additional trees were removed. Ms. Carson clarified that permits were required before any trees could be removed. If a tree is removed without approval the fines could be up to $25,000.00 and the project would be stopped until the issue was resolved. Trees that are removed are required to be replaced 2 to 1 on site.

**Motion by Chris Lee to recommend approval of the Variance request for 20 W Crest Avenue with Staff Recommendations (as provided in the agenda packet). Seconded by Will Hawthorne and carried unanimously 6 – 0.**

6. **202 S Highland Avenue – Shannon Bjortvedt**

Urban Designer Carson presented multiple variance requests for the 0.18 +/- acre property located at 202 S Highland Ave. The property is zoned R-2 and has a Low Density Residential Future Land Use designation. The applicant is requesting variances to allow several additions to an existing single family residence including a covered front porch to be located at a 13.1-foot front yard setback in lieu of the minimum required 30-foot front yard setback as well as additions to the rear and side of the home to be located at a 5-foot side yard setback in lieu of the minimum required 10-foot side yard setback. The original structure was built in 1937 and is already non-conforming. Staff has reviewed the application and recommends approval of the variances subject to the conditions outlined in the Staff Report.

General discussion ensued regarding the location of the additions, the additions being consistent with the existing structure, and the 3-foot projection over the front door.

Shannon Bjortvedt, owner, addressed the Board. She spoke of their desire to have a screen room in a different location and the need for additional square footage of the house.

Phil Baker, 125 W Smith Street, spoke in favor of the project but wanted the Board to note the need to maintain the 30-foot front yard setbacks in this older neighborhood.

**Motion by Gabe Kotch to recommend approval [of the variances for 202 S Highland Avenue] with Staff Recommendations (as provided in the agenda packet). Seconded by Gerald Jowers and carried unanimously 6 – 0.**
There being no further business, the meeting was adjourned at 6:51 p.m. to the next meeting scheduled for February 4, 2019.

ATTEST:  
Recording Secretary Kathleen Rathel

APPROVED:  
Chairperson Will Hawthorne
THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 3

DATE: January 25, 2019     MEETING DATE: February 4, 2019

SUBJECT: 22 E Miller (Special Exception)
PROJECT NAME Affordable Vet Care
PARCEL ID# 23-22-27-8900-01-150

ISSUE: The applicant is requesting a Special Exception to allow for a veterinarian clinic in R-NC (Residential Neighborhood Commercial) zoning.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Dr. Jennifer Fine

CURRENT ZONING: R-NC
PROPOSED ZONING: N/A
CURRENT FLU: NC (Residential Neighborhood Commercial)
PROPOSED FLU: N/A

SUMMARY: The applicant is requesting a Special Exception Permit for the property located at 22 E Miller Street in order to have a veterinarian clinic.

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

NEXT STEP(S):
Apply for permit(s).

ATTACHMENT(S):
Location Map
Staff Report
INTRODUCTION
The purpose of this report is to evaluate the proposed Special Exception Permit for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan. The subject property, located on 22 E Miller Street, is an approximately 0.33 ± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:
The applicant is requesting a Special Exception Permit in order to operate a veterinarian clinic. The property is zoned R-NC (Residential Neighborhood Commercial) and is designated Residential-Neighborhood Commercial (NC) on the Future Land Use Map of the Comprehensive Plan. The owner/applicant rezoned this property from R-2 to R-NC on January 10, 2019.

**EXISTING USE**
The property currently has an unoccupied single story single-family home.

**ADJACENT LAND USE AND ZONING**
The two properties north of the subject property are developed with single-family residences, are zoned R-2. The property to the south is also single-family residence with R-2 zoning. The property to the west are developed single-family duplexes with R-2 zoning. The property to the east is a single story duplex, is zoned C-3, and does have an active business operating as a hair styling studio.

**PROPOSED USE**
The owner is requesting to operate an affordable veterinarian clinic. This location will consist of a single veterinarian, with staff, and will not have any overnight boarding. The property will be updated to include off-street parking, new landscaping, and sidewalks. The single-family home will be renovated for commercial use. A site plan has been provided and is attached to the staff report. The site plan must still be approved through the Development Review Committee (DRC).

**ANALYSIS**

**Sec. 118-488. – Special exceptions.**

In the R-NC Residential-Neighborhood Commercial district, the uses permitted as special exceptions pursuant to section 118-97 are as follows:

(9) All uses permitted in the C-4 neighborhood commercial district and subject to dimensional requirements of that zone.

**Sec. 118-677. – Principal permitted uses and structures.**

Permitted principal uses and structures in the C-4 neighborhood commercial district are as follows:

(4) Professional offices, studios and personal service establishments of a similar nature.

**Sec. 118-1. - Definitions.**

*Service, Personal* means a service use primarily engaged in providing services involving the care of a person, his or her apparel, pets, or small appliances, and including any of the following uses:

...Veterinary clinic;
SUMMARY

City Staff recommends approval of the proposed use subject to the following conditions:

1. This approval is for a single veterinarian office and staff. At no time can multiple veterinarians operate out of this location.
2. There will be no overnight boarding of animals.
3. The applicant is still subject to site plan approval from the Development Review Committee (DRC). This includes adherence to City Code Chapter 102 – Signs and Chapter 118, Article X, Division 3 – Landscape Design Standards.
Future Land Use Map
22 E Miller St
22 E Miller St – 0.33 +/- acres
Special Exception - Staff Report
January 24, 2019
Page 6

Has been rezoned to R-NC. Map has not been updated yet.
Site Photos
22 E Miller St
<table>
<thead>
<tr>
<th>DATE:</th>
<th>January 25, 2019</th>
<th>MEETING DATE:</th>
<th>February 4, 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUBJECT:</td>
<td>549 Lake Cove Pointe Circle (Variance)</td>
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<tr>
<td>PROJECT NAME:</td>
<td>Comstock Dock</td>
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<td></td>
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<tr>
<td>PARCEL ID#:</td>
<td>23-22-27-8900-01-150</td>
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<tr>
<td>ISSUE:</td>
<td>The applicant is requesting a Variance in order to allow the construction of a two story dock.</td>
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<tr>
<td>SUPPLEMENTAL MATERIAL/ANALYSIS:</td>
<td>Charles and Rachel Comstock</td>
<td></td>
<td></td>
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<tr>
<td>CURRENT ZONING:</td>
<td>R-1</td>
<td></td>
<td></td>
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<tr>
<td>PROPOSED ZONING:</td>
<td>N/A</td>
<td></td>
<td></td>
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<tr>
<td>CURRENT FLU:</td>
<td>LR (Low Density Residential)</td>
<td></td>
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</tr>
<tr>
<td>PROPOSED FLU:</td>
<td>N/A</td>
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<tr>
<td>SUMMARY:</td>
<td>The applicant is requesting a variance in order to construct a two-story dock in lieu of the required one-story maximum height.</td>
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<tr>
<td>STAFF RECOMMENDATION(s):</td>
<td>Staff recommends approval of the variance subject to the conditions outlined in the Staff Report.</td>
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<tr>
<td>NEXT STEP(s):</td>
<td>Apply for permit(s).</td>
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<td></td>
</tr>
<tr>
<td>ATTACHMENT(S):</td>
<td>Location Map</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Staff Report</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
LOCATION MAP
549 Lake Cove Pointe Circle
INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 549 Lake Cove Pointe Circle, in Winter Garden, Florida. The request is to allow construction of a two-story lake front dock in lieu of the required one-story maximum.

The subject property is an approximately 0.37 ± acre lot and is directly adjacent to Lake Apopka. 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 (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 developed with a two story single-family home.

ADJACENT LAND USE AND ZONING
The properties to the west, east, and south of the subject property are developed with single-family residences, are zoned R-1, and are in the City of Winter Garden’s Municipal limits. Lake Apopka lies directly to the north of subject property.

PROPOSED USE
The applicant is requesting the variance to allow the construction of a two-story dock. The total square footage of the dock is 984 square feet.

CODE REFERENCE
118-1323(d)(2)(v) of the City Code of Ordinances addresses shoreline improvements such as docks, seawalls, and other shoreline improvements. This section states,

No dock, walk, deck, or other similar shoreline improvement shall have a surface area exceeding 1,000 square feet. Docks, decks and walkways are not permitted to have more than one story, including without limitation, a walkway or useable platform above or upon the roof of any boat house.

The applicant is seeking a variance to the maximum height requirements to allow construction of a two story dock.

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;

The dock is standard construction with a single walkway out to the platforms. The size and location of the dock is anticipated to have little, if any, negative impacts on the standard of living of the adjacent or nearby property owners.

(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 dock is the best use for the subject property’s lakefront location. The properties to the
east and west of the subject property also have docks. Further, the property to the west has the same two-story dock that is being requested, however, that dock was constructed before the change in the City Code limiting the height of personal docks by Ordinance 17-21. This proposed dock would not be out of character for the zoning or location of this 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.

(4) The granting of the variance is consistent with the city's comprehensive plan; and
The variance is 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 and the height of the dock does not negatively impact the neighbors. Denying this variance does not benefit the property owner or the City.

SUMMARY
City Staff recommends approval of a variance to Section 118-1323(d)(2)(v) to allow construction of a two-story dock in lieu of the required one-story maximum subject to the following condition(s):

1. Applicant will construct dock in accordance with the provided site plan.

NEXT STEP
Follow all City regulations and apply for building permits.

ATTACHMENTS
- Aerial Photo
- Site Plan
- Site Photos
- Correspondence from HOA/neighbors
SITE PLAN
549 Lake Cove Pointe Circle

Start of Conservation Easement

NH-W-E
68.0' MSL

13' Max
1'-6" Min

5' Max
4' Min. Embedment

13' Max
3' 1'-6" Min

5' Max

4' Min. Embedment
SITE PLAN
549 Lake Cove Pointe Circle

This is a site plan illustration of the property located at 549 Lake Cove Pointe Circle. The plan includes the property boundaries, lot numbers, and other relevant details as per the description provided.
SITE PHOTOS

549 Lake Cove Pointe Circle

[Images of the site photos]
LIST PHOTOS
549 Lake Cove Pointe Circle

Neighbor's dock (facing west)

Neighbor's dock (facing east)
Correspondence from HOA/neighbors

August 21, 2018

City of Winter Garden Building Dept.

RE: Rachel Comstock
549 Lake Cove Pointe Cir.
Winter Garden, Florida

TO WHOM IT MAY CONCERN:

Please be advised that the Architectural Review Board for the Association has approved the submittal request by the above referenced homeowners.

Request is to add a boat dock to the property per the submittal and drawings.

Sincerely,

LAKE COVE POINTE HOMEOWNERS ASSOC., INC.

Carol McKay

Carol McKay, LCAM
Community Association Manager
For the Board of Directors
January 29, 2019

Community Development Department
Planning and Zoning Division
300 West Plant Street
Winter Garden, FL 34787

Dear Planning and Zoning Board,

We are neighbors of the Comstocks (549 Lake Cove Pointe Circle) and we have a dock on Lake Apopka. We do not have any concerns about their proposed dock size, location or layout. Please feel free to reach out to us with any questions.

Sincerely,

Joe & Danita Dunn
525 Lake Cove Pointe Circle
Winter Garden, FL 34787

Hi Steve,

We live immediately adjacent to the Comstocks in Lake Cove Pointe and have a very similar dock to the one being proposed. We do not have any concerns about their proposed dock size, location or layout. Please feel free to reach out to us with any questions.

Happy Holidays!

Sincerely,

Sean and Molly Lowry
Lot #62
553 Lake Cove Pointe Circle
Winter Garden, FL 34787

END OF STAFF REPORT
The City of Winter Garden
Planning and Zoning Board Agenda Item

Item # 5 (Public Hearing)

Date: January 29, 2019  Meeting Date: February 4, 2019

Subject: 618 W Bay St (Variance)
Project Name: Slate Shed Variance
Parcel ID#: 22-22-27-0000-00-094

Issue: The applicant is requesting Variances for the property located at 618 W Bay St.

Supplemental Material/Analysis:

Owner/Applicant: Slate West Eleven, LLC

Current Zoning: R-3 Multifamily Residential District

Proposed Zoning: N/A

Current FLU: Medium Density Residential

Proposed FLU: N/A

Summary: The applicant is requesting variances to Winter Garden Code of Section 118-443 (1) b-c for the property located at 618 W Bay Street. If approved, these variances will allow a 280 square foot shed to be constructed with a 10.8 foot side yard setback in lieu of the minimum required 20 foot side yard setback and a 24.8 foot rear yard setback in lieu of the minimum required 25 foot rear 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

618 W Bay St

Variance
INTRODUCTION
The purpose of this report is to evaluate the request for a variance for property located at 618 W Bay St in Winter Garden, Florida. The request is to allow a 280 square foot shed to be constructed with a 10.8 foot side yard setback in lieu of the minimum required 20 foot side yard setback and a 24.8 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback.

The subject property, located at 618 E Bay St, is an approximately 3.02 ± acre lot. The subject property and the 5.17 ± acre lot to the east (584 W Plant St) constitute the Slate Luxury Apartment property. 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-3 (Multifamily Residential District) and is designated MR (Medium 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 seven single-story multifamily residential buildings; each building contains 6-10 dwelling units (Slate Luxury Apartments). The property also includes associated site improvements such as paved surface parking areas, sidewalks, solid waste facilities, and open spaces.

**ADJACENT LAND USE AND ZONING**
The property to the east is developed with the remaining portion of the Slate Luxury Apartment complex and features one and two-story multifamily buildings. This property is zoned R-2 and is located within the Winter Garden Municipal limits. The property to the west is also an apartment development with multifamily buildings. This property is zoned R-3 and is located in Winter Garden. There are several single-family residential properties located to the north of the subject property. These lots, which are part of the Traditions subdivision, are zoned R1-B and are located in Winter Garden. To the south of the subject property is a strip of land that is owned by the City directly north of the West Orange Trail, which does not have a zoning designation and is located in Winter Garden.

**PROPOSED USE**
The applicant is requesting the variances to allow the construction of a 280 square foot shed in the southwest corner of the property. The structure would be constructed using a portion of an existing concrete pad, which had been previously used as dumpster pad and material storage area.

**CODE REFERENCE**
Winter Garden, FL - Code of Ordinances Section 118-443(1) addresses minimum yard requirements for multifamily buildings in the R-3 zoning district. This section states,

1. Multifamily,
   a. Front: 30 feet.
   b. Rear: 25 feet.
   c. Side interior lot: 20 feet.
   d. Side corner lot: 25 feet.

The applicant is seeking variances to the minimum side interior and rear 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 280 square foot shed should not cause a negative impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The shed will be tucked away in a corner of the property, a corner which has a 6' tall wood fence obscuring views from adjacent properties. Furthermore, the property to the south is not developed, and therefore acts as a visual and physical buffer for the West Orange Trail.

(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 other structures located on the subject property as well as adjacent properties. Many multifamily developments throughout the City require shared dumpster facilities within walled enclosures, which are necessary for resident waste management, but are often visual nuisances. The proposed shed structure will ensure the removal of one such unsightly enclosure.

(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 applicant would be permitted to build two separate 160 square foot sheds on the property in the same location and be compliant with current code standards. Building one 280 square foot shed will arguably have less visual impact and certainly less square footage than two 160 square foot sheds. The shed will meet all other required setback regulations and will not cause the lot to exceed its maximum impervious surface allowance.

(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 medium 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 shed is unlikely to have a negative impact on the surrounding residents and will ensure unsightly material storage is physically and visually contained.

**SUMMARY AND STAFF RECOMMENDATION**

City Staff recommends approval of variances to Winter Garden Ordinance 118-443(1) to allow a 280 square foot shed to be constructed with a 10.8 foot side yard setback in lieu of the minimum required 20 foot side yard setback and a 24.8 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback, with the following conditions:
1) The lot shall adhere to all other code requirements for development in the R-3 zoning district including setbacks, impervious surface ratios, etc.

NEXT STEPS
Follow all City regulations and apply for building permits.

ATTACHMENTS
- Aerial Photo
- Proposed Site Plan
- Site Photos

AERIAL PHOTO
618 W Bay St
Looking west towards southwest corner of site
Looking south towards southwest corner of site

END OF STAFF REPORT
THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

SUBJECT: 1243 Portmoor Way (Variance)

PROJECT NAME: Brown Screen Room Variance

PARCEL ID# 04-23-27-8231-04-156

ISSUE: The applicant is requesting a Variance for the property located at 1243 Portmoor Way.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Diana & John Brown

CURRENT ZONING: PUD Planned Unit Development

PROPOSED ZONING: N/A

CURRENT FLU: LR Low Density Residential

PROPOSED FLU: N/A

SUMMARY: The applicant is requesting a variance to Winter Garden Ordinance 98-79 for the property located at 1243 Portmoor Way. If approved, this variance will allow a screen room with an aluminum roof to be constructed with a 16 foot rear yard setback in lieu of the minimum required 20 foot rear 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
INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 1243 Portmoor Way in Winter Garden, Florida. The request is to allow a screen room with an aluminum roof to be constructed with a 16 foot rear yard setback in lieu of the minimum required 20 foot rear yard setback.

The subject property, located at 1243 Portmoor Way, is an approximately 0.13 ± 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 PUD (Planned Unit Development) and is designated LR (Low Density Residential) on the Future Land Use Map of the City’s Comprehensive Plan.

EXISTING USE

The property currently contains a 1,900 +/- square foot one-story single-family residence that was constructed in 2002. The property also includes associated site improvements such as a concrete driveway and walkways.

ADJACENT LAND USE AND ZONING

The properties to the north, south, east and west of the subject property are developed with single-family residences in the Lakehurst neighborhood of the Stoneybrook West development, are zoned PUD, 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 screen room with an aluminum roof in the property’s rear yard.

CODE REFERENCE

City of Winter Garden Ordinance 98-79 addresses minimum yard requirements for structures in the Stoneybrook West Planned Unit Development. This section states,

Internal Lot Setbacks:

<table>
<thead>
<tr>
<th>Lot Size</th>
<th>...</th>
<th>Rear</th>
</tr>
</thead>
<tbody>
<tr>
<td>60’ x 100’</td>
<td>...</td>
<td>20’</td>
</tr>
</tbody>
</table>

The applicant is seeking a variance to the minimum rear 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 screen enclosure with a solid roof to be located 16’ from the rear property line should not cause a negative impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The sides of the structure will be screen material, which is visually permeable. The proposed structure would only encroach 4’ into the required rear 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 other structures located on adjacent properties. Although structures with screen roofs are generally permitted to be closer to property lines than those with solid roofs, the property directly north of the subject property has a screen enclosure that appears to be closer to the rear property line than the structure proposed by the applicant.

(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 screen room would not require a variance if it was proposed to have a screen roof rather than a hard aluminum roof. The development will meet all other required setback regulations and will not cause the lot to exceed its maximum impervious surface allowance.

(4) The granting of the variance is consistent with the city's comprehensive plan; and
   The variance is 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 screen room will provide additional outdoor living opportunities for the homeowners with minimal anticipated impacts to surrounding neighbors.

SUMMARY AND STAFF RECOMMENDATION
City Staff recommends approval of variances to Winter Garden Ordinance 98-79 to allow a screen room with an aluminum roof to be constructed with a 16 foot rear yard setback in lieu of the minimum required 20 foot rear yard setback, with the following conditions:

1) The lot shall adhere to all other code requirements for development in the Stoneybrook West PUD ordinance including setbacks, impervious surface ratios, etc.

NEXT STEPS
Follow all City regulations and apply for building permits.

ATTACHMENTS
- Aerial Photo
- Proposed Site Plan
- Site Photos
PROPOSED SITE PLAN

1243 Portmoor Way

1243 Portmoor Way – 0.13 +/- acres
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SITE PHOTOS
1243 Portmoor Way

Looking south towards side yard

Looking west towards rear elevation

1243 Portmoor Way – 0.13 +/- acres
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Looking north towards side yard

END OF STAFF REPORT