

**May 1, 2006 P&Z Board Meeting**

- 13851 Glynshel Drive – variance (ads, notices done)
- 214 Seminole Street – variance (ads, notices done)
- 1361 Winter Green Way – variance (ads, notices done)
- South Lake Packinghouse – Lot Split?????
- 1500 Daniels Road – Rezoning and SSCPA
- West Orange High School Annex?????
- 379 Railroad Avenue (Sylvester Johnson) **Deannex entire parcel**

**THE CITY OF WINTER GARDEN**  
**PLANNING & ZONING BOARD AGENDA**

**AT CITY COMMISSION CHAMBERS/ 251 W. PLANT ST.**

**REGULAR MEETING**

**May 1, 2006**

**6:30 P.M.**

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1. Call to Order
2. Roll Call and Determination of Quorum
3. Approval of minutes from the April 3, 2006 meeting - Attachment 1

**Variances & Special Exception Permits (all Public Hearings)**

4. 13851 Glynshel Drive – variance - Attachment 2
5. 214 Seminole Street - variances - Attachment 3
6. 1361 Winter Green Way - variance – Attachment 4
7. 55 North Dillard Street – Special Exception Permit – Attachment 5

**Lot Splits**

8. South Lake Packinghouse – Lot Split – Attachment 6

**Rezoning & SSCPA (Public Hearing)**

9. 1500 Daniels Road – Rezone & SSCPA - Attachment 7

Any and all objections will be heard at this time and if no valid objections are presented to the contrary consideration will be given for granting this request. You are advised that if a person decides to appeal any decision made with respect to any matter considered at such hearing, then they will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based.

**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 2**

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**Date:** May 1, 2006      **Meeting Date:** May 1, 2006  
**Subject:** 13851 Glynschel Avenue  
**Issue:** Request for approval of a 4 foot rear yard setback variance to build a screen porch.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Anil Chickersal      (407) 877-3499

**Zoning:** PUD (Requires a 20 foot rear yard setback)

**FLU:** LD (Low Density Residential)

**Summary:** The property owner is requesting a 4 foot rear yard setback variance to build a screen porch. The proposed screen porch will be 16.5 feet from the rear property line.

The City Code 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 have to be addressed before a variance can be approved Underlined are Staff’s comments concerning this particular petition.

(a) 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 request is for a 4 foot rear yard setback variance to build a screen porch. This request should not negatively impact any of the adjacent property owners, as the proposed screen porch will be built

with the same dimensions as the existing screen pool enclosure.

*(b) 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 proposed screen porch is consistent with surrounding screen porches in the neighborhood. The single family residence is completely in character with the neighborhood and the zoning category.

*(c) 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;*

Staff believes that strict compliance with the land development regulations will not further any legitimate City objective; and that the requested variance will allow the property owner the ability to make improvements to the existing home.

*(d) 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 single-family neighborhood character.

*(e) 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 granting of this variance request will allow the owners to build a screen porch in the rear of their existing single family residence, and will not negatively affect the adjacent property owners.



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 3**

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**Date:** May 1, 2006      **Meeting Date:** May 1, 2006  
**Subject:** 214 Seminole Street  
**Issue:** Request for approval of a 5 foot side yard setback variance to expand and enclose an existing carport. .

**Supplemental Material/Analysis:**

**Owner/Applicant:** Kent and Heather Makin  
FAX: (407) 877- 4778

**Zoning:** R-2 (Requires a 10 foot side yard setback)

**FLU:** LD (Low Density Residential)

**Summary:** The property owners are requesting a 5 foot side yard (south side) setback variance to build an addition to the existing home. The existing carport will be demolished with the existing slab remaining and then enclosed.

The City Code 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 have to be addressed before a variance can be approved Underlined are Staff’s comments concerning this particular petition.

(a) 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 request is for a 5 foot side yard setback variance to build an addition to the existing house. This request should not negatively impact any of the adjacent property owners, because a 2 car carport already exists where the proposed addition will be constructed.

*(b) 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 proposed addition will be an improvement to the existing house and provide additional living space for the owners. The proposed improvements are completely in character with the neighborhood and the zoning category.

*(c) 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;*

Staff believes that strict compliance with the land development regulations will not further any legitimate City objective.

*(d) 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 single-family neighborhood character.

*(e) 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.*

**Staff**

**Recommendation:** Staff recommends approval of the requested 5 foot side yard (south side) setback variance that will allow the property owners to build the proposed addition to the existing house.

**Next Step:** If P & Z Board approves, apply for appropriate building permits.

**214 Seminole Street**



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 4**

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**Date:** May 1, 2006      **Meeting Date:** May 1, 2006  
**Subject:** 1361 Winter Green Way  
**Issue:** Request approval of a 12 foot rear yard setback variance to enclose the existing concrete slab for an enclosed patio.

**Supplemental Material/Analysis:**

**Applicant:** Hesperia Grossia      (407) 654-1394

**Zoning:** R-3 (Requires a 25 foot rear yard setback)

**FLU:** MR (Medium Residential)

**Summary:** The property owner is requesting a 12 foot rear yard setback variance to enclose 13.5 feet of the existing concrete slab to construct an enclosed patio. The proposed addition would be 13.5 feet from the rear property line.

The City Code 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 have to be addressed before a variance can be approved Underlined are Staff’s comments concerning this particular petition.

(a) 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 request is for a 12 foot rear yard setback variance to build an enclosed patio. The property owners state that granting this variance will be consistent with other patios in the neighborhood, and should not negatively impact any of the adjacent property owners.

*(b) 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 proposed 12 foot rear yard setback variance main purpose is to allow construction of an enclosed patio on an existing concrete slab on the rear of the home. The requested screen patio is in character with the neighborhood and the zoning category.

*(c) 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;*

Staff believes that strict compliance with the land development regulations will not further any legitimate City objective.

*(d) 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 single-family neighborhood character.

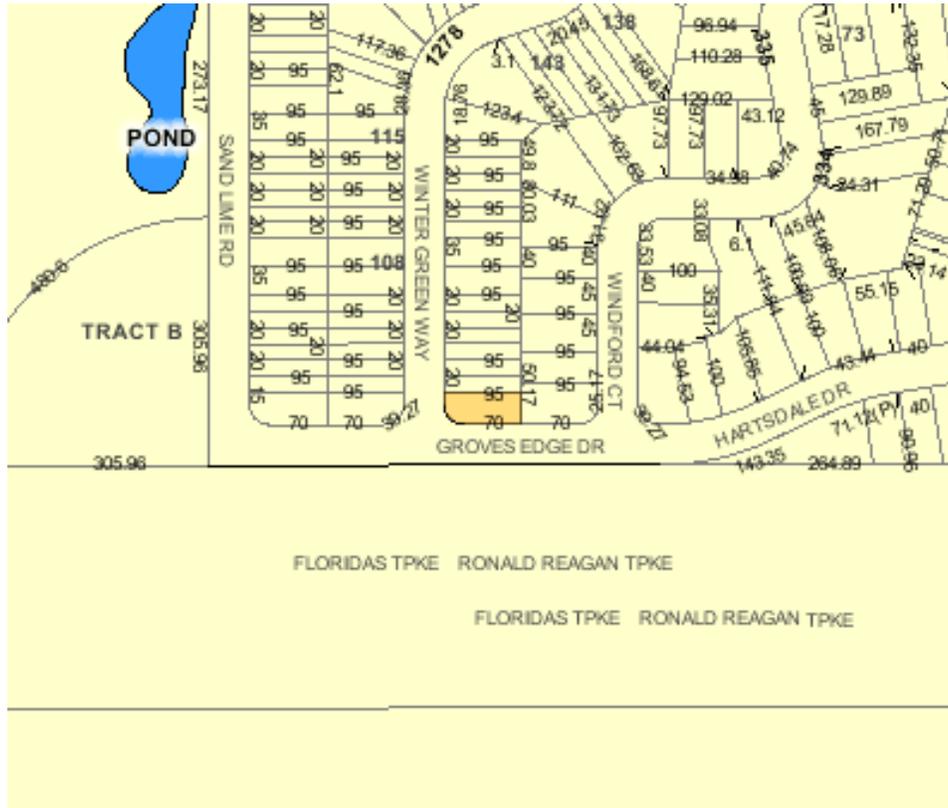
*(e) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

**Staff**

**Recommendation:** Staff is recommending approval of the requested 12 foot rear yard setback variance to enclose the existing concrete to construct an enclosed patio.

**Next Step:** If P & Z Board approves, apply for appropriate building permits.

**1361 Winter Green Way**



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 5**

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**Date:** May 1, 2006      **Meeting Date:** May 1, 2006  
**Subject:** 55 North Dillard Street (Special Exception Permit)  
**Issue:** The applicant is requesting a Special Exception Permit that will allow a clinic providing medical and wellness related services.

**Supplemental Material/Analysis:**

**Owner/Applicant:** William N. Asma, Esquire  
FAX: (407) 656-0486

**Zoning:** R-2 (Medical and Dental Clinics are permitted uses as a special exception)

**FLU:** LD (Low Density Residential)

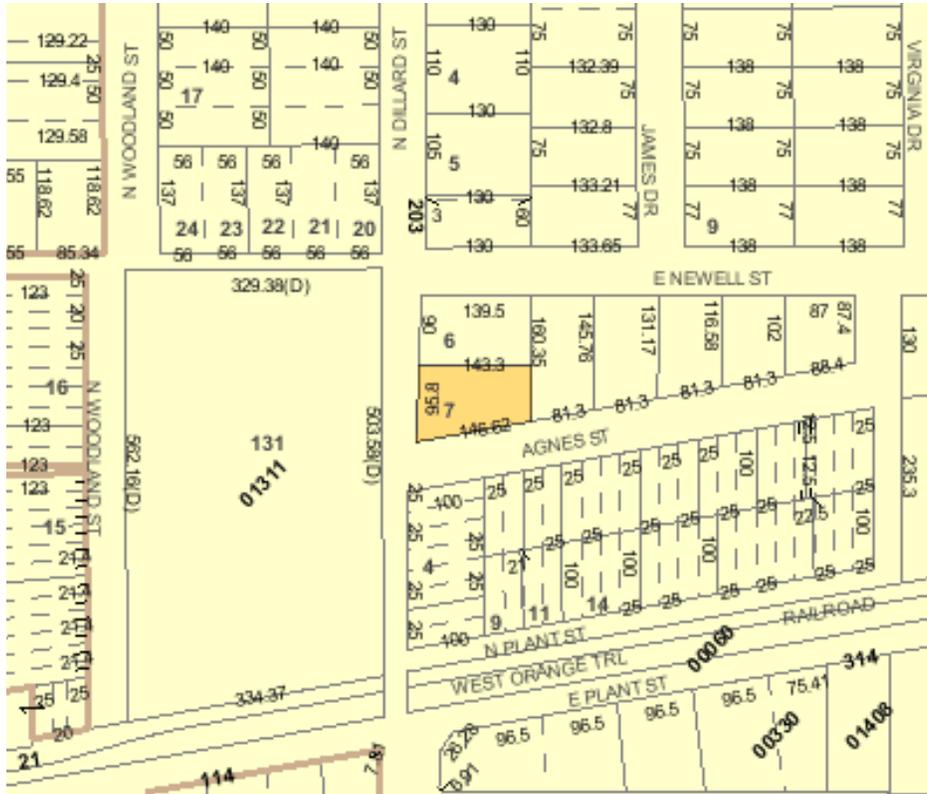
**Summary:** The applicant is requesting a Special Exception Permit that will allow a clinic providing medical and wellness related services. The proposed clinic provides “alternative” medicine services similar to the prior special exception granted for the property which was Dr. Webb’s Chiropractic Office. Medicare and private health insurance recognize the services provided by exercise physiologists and such services as eligible for payment and reimbursement. The applicant stated that she will have no more than 2-3 employees and service no more than 2-3 clients at a time. Staff believes that there is sufficient parking available to accommodate both the office uses and the parking for the apartment tenants; however, Staff does recommend that they consider assigned parking spaces for employees, clients, and residents.

**Staff**

**Recommendation:** Staff recommends approval of the Special Exception Permit that will allow the applicant to have a clinic providing medical and wellness related services.

**Next Step:** If P & Z Board approves, apply for appropriate building permits.

**55 North Dillard Street**



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**

**ATTACHMENT 6**

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**Date:** May 1, 2006      **Meeting Date:** May 1, 2006  
**Subject:** South Lake Packinghouse – Lot Split  
**Issue:** Applicant is requesting a lot split for the office and parking area of 1065 Tildenville School Road.

**Supplemental Material/Analysis:**

**Applicant:** Lester Austin      FAX: (407) 656-0625

**Zoning:** R-1

**FLU:** LR (Low Density Residential)

**Summary:** The applicant is requesting a lot split for the existing office and parking area of the packinghouse that closed in 1984. The office and parking area is currently being leased by S & S Tickets and Travel, Inc. and has been in operation since 1999 and currently wishes to remain at this location. The applicant currently has a buyer for the remaining portion of the packinghouse and therefore is requesting a lot split. The proposed buyer will continue to provide water for the office until a city water line is provided for hookup to city services.

**Staff**

**Recommendation:** Staff is recommending approval of the proposed lot split with the conditions that the existing commercial business must continue to comply with all restrictions of the Existing lawful nonconforming commercial code as defined in City Zoning Code Chapter 118 – 202.

**Next Step:** If P & Z Board approves, file approved lot split with the Orange County Property's Appraisers Office and Office of Public Records.



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 7**

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**Date:** May 1, 2006      **Meeting Date:** May 1, 2006  
**Subject:** 1500 Daniels Road (Tanner Property) – Rezone & SSCPA  
**Issue:** There are two items before the Board at this time:

1. **ORDINANCE 06-16:** Small-scale Comp Plan Amendment to COM
2. **ORDINANCE 06-17:** Rezoning to C-2.

**These items have been advertised for a Public Hearing**

**Staff Recommendation:** Staff is requesting this item be withdrawn until further notice.

**1500 Daniels Road (Tanner Property)**

