

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

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

**REGULAR MEETING**

**March 5, 2007**

**6:30 P.M.**

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1. Call to Order
2. Roll Call and Determination of Quorum
3. Administration of Oath of Office to Mr. James Balderrama
4. Approval of minutes from the February 5, 2007 meeting - Attachment 1

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

5. 128 Timbercreek Pines Circle Variance – Attachment 2
6. 231 E. Lafayette Street Variance – Attachment 3
7. 990 E. Crest Avenue Variance – Attachment 4
8. 22 E. Story Road Special Exception Permit – Attachment 5

**Rezoning & Comp Plan Amendments (all Public Hearings)**

9. 12921 Reaves Road Annexation, SSCPA & Rezoning – Attachment 6
10. 12728 West Colonial Drive Annexation, SSCPA & Rezoning – Attachment 7

**Lot Splits (no Public Hearings)**

11. 80 E. Crest Avenue Lot Split – Attachment 8

**Site Plans (no Public Hearings)**

12. Resurrection Catholic Church Site Plans – Attachment 9

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 (Public Hearing)**

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**Date:** March 5, 2007                      **Meeting Date:** March 5, 2007  
**Subject:** 128 Timbercreek Pines Circle  
**Issue:** Request for approval of a 5 foot rear yard setback variance for 128 Timbercreek Pines Circle. The variance will allow the property owner to build an enclosed screen porch on the rear of the existing single family home.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Kent Markham                      (407) 654-8452

**Zoning:** R-1B (Requires a 25 foot rear yard setback).

**FLU:** Low Density Residential

**Summary:** The property owner is requesting a 5 foot rear yard setback variance to construct an enclosed screen porch on the rear of the existing single family home.

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 rear yard setback variance to build a 12’x35’ enclosed screen porch on the rear of the existing

single family home. The property owners state that granting this variance will be consistent with other enclosed screen porches 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 requested 5 foot rear yard setback variance main purpose is to allow the construction of an enclosed screen porch on the rear of the existing single family home. The proposed 12'x35' enclosed screen porch addition 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 recommends approval of the requested 5 foot rear yard setback variance to allow construction of an enclosed screen porch on the rear of the existing single family home.

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

**128 Timbercreek Pines Circle**



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 3 (Public Hearing)**

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**Date:** March 5, 2007                      **Meeting Date:** March 5, 2007  
**Subject:** 231 E. Lafayette Street  
**Issue:** Request for approval of a 25 foot lot width variance and a 1,250 square foot lot area variance for 231 E. Lafayette Street. The variance will allow the property owners to construct a single family home.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Jose Arrona                      (407) 860-7701

**Zoning:** R-2 (Requires a 75 foot lot width and 7,500 square feet lot area).

**FLU:** Low Density Residential

**Summary:** The property owners are requesting a 25 foot lot width variance and a 1,250 square foot lot area variance to construct a single family home on the existing vacant lot.

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 25 foot lot width variance and a 1,250 square foot lot area variance to build a single family home. The property owners state that granting this variance will be consistent with other single family homes 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 requested 25 foot lot width variance and 1,250 square foot lot area variance main purpose is to allow the construction of a single family home on the existing vacant lot. The proposed single family home will not require any additional setback variances to comply with the R-2 zoning codes and land development regulations. The requested single family home 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.*

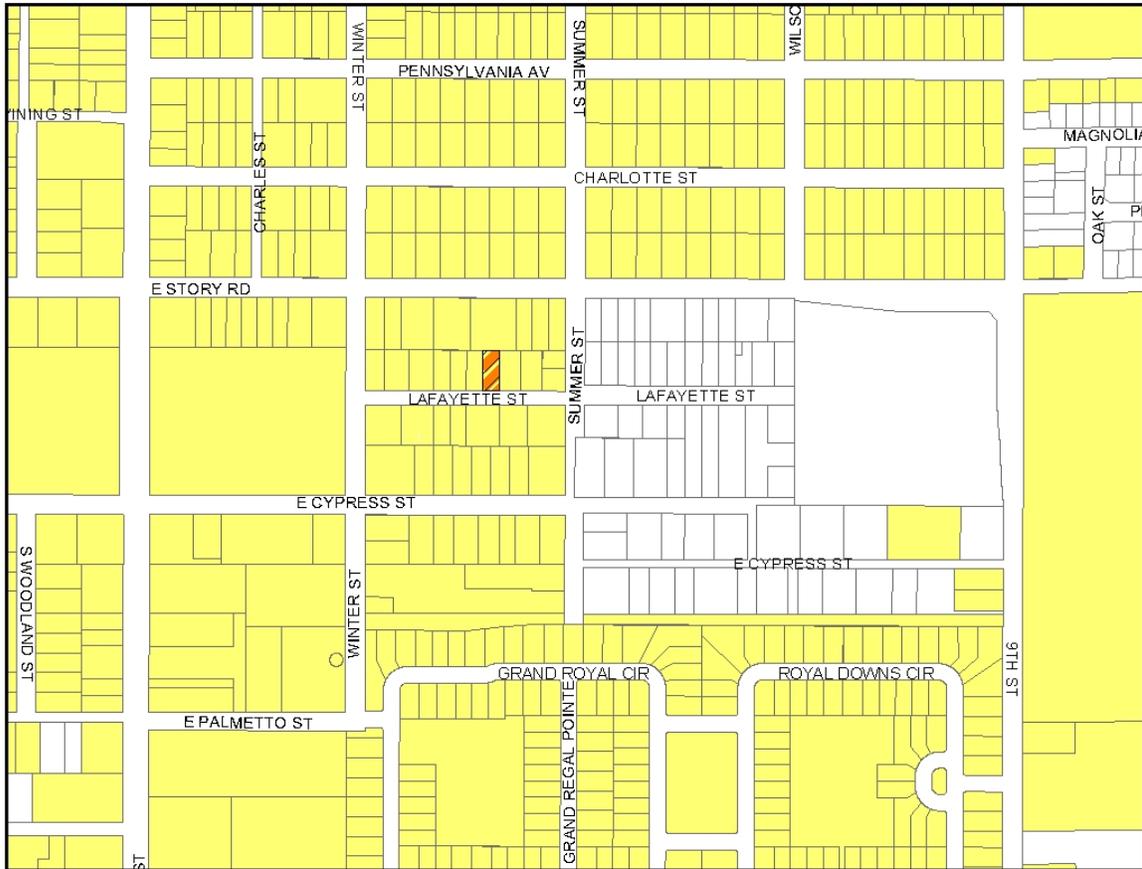
**Staff**

**Recommendation:**

Staff recommends approval of the requested 25 foot lot width variance and 1,250 square foot lot area variance to allow construction of a single family home.

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

**231 E. Lafayette Street**



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 4 (Public Hearing)**

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**Date:** March 5, 2007                      **Meeting Date:** March 5, 2007  
**Subject:** 990 East Crest Avenue  
**Issue:** Applicant is requesting a variance to place an open carport in the rear of the existing single family home.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Stephanie Strawder                      (407) 948-9790

**Zoning:** R-1

**FLU:** Low Density Residential

**Summary:**

Applicant is requesting a variance to place an open carport in the rear of the existing single family home. The City Code states:

**Sec. 118-1310. Generally**

- 3) *Open carports.* Detached or attached open carports consisting of a roof and members for support, shall be located in either the front or side yard and must comply with all the setbacks of the principal building of the zoning district of the property.

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 variance to place a 20'x28' open carport on the rear of the existing detached garage. The proposed open carport will be 16'-6" from the side property line. The property owners state that granting this variance will be consistent with other single family homes 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 requested variance to allow the open carport in the rear of the existing single family home main purpose is to allow the property owner the ability to store jet skis under the carport for weather protection. The requested open carport variance 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*

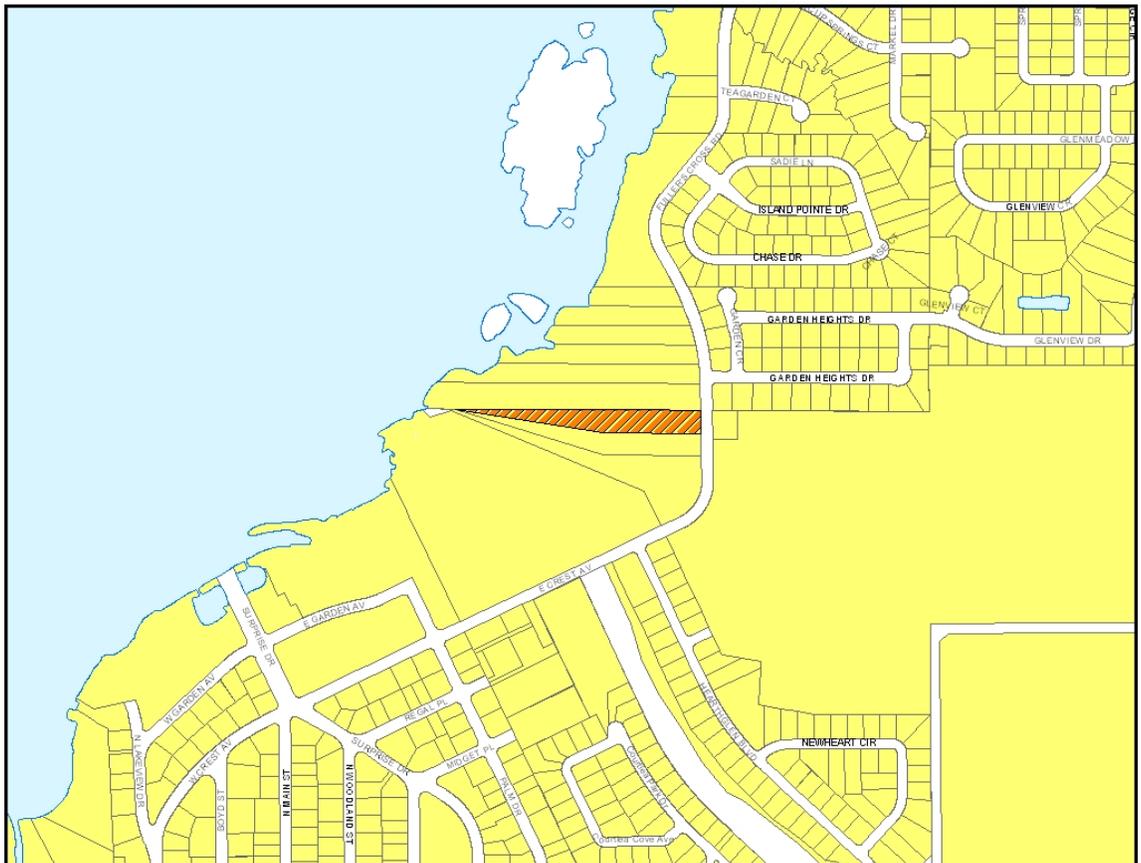
*criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

**Staff  
Recommendation:**

Staff recommends approval of the requested variance to place a 20'x28' open carport in the rear of the existing single family home.

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

**990 E. Crest Avenue**



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

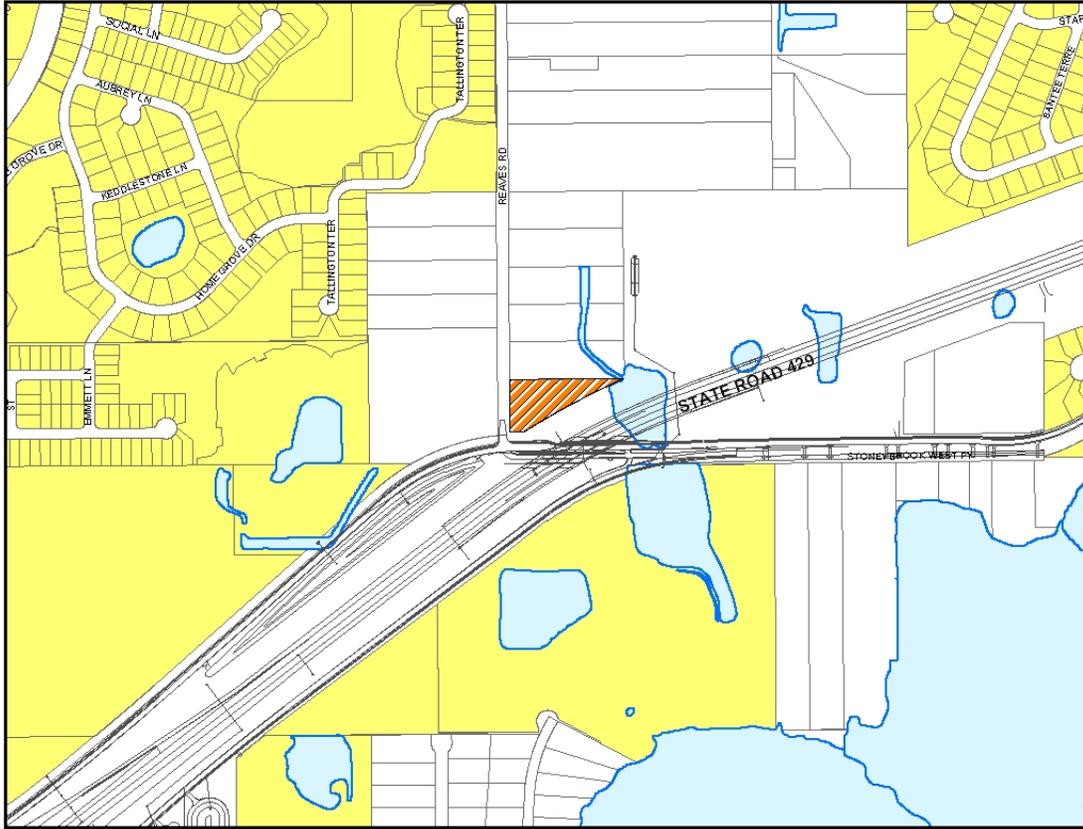
**ATTACHMENT 5 (Public Hearing)**

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**Date:** March 5, 2007                      **Meeting Date:** March 5, 2007  
**Subject:** 22 East Story Road Special Exception Permit  
**Issue:** The applicant has withdrawn their application for a Special Exception Permit for 22 E. Story Road.



**12921 Reaves Road**



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 7 (Public Hearing)**

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**Date:** March 5, 2007                      **Meeting Date:** March 5, 2007

**Subject:** 12728 W. Colonial Drive

**Issue:** Request for approval of Ordinance 07-09, annexation of subject property, Ordinance 07-10, rezoning the subject property from Orange County C-3 to City C-2, and Ordinance 07-11, amending the future land use of the subject property from Orange County Commercial to City Commercial.

**Supplemental Material/Analysis:**

**Owner/Applicant:** James Robinson    (407) 782-4621

**Current Zoning:** Orange County C-3

**Proposed Zoning:** City C-2

**Current FLU:** Orange County Commercial

**Proposed FLU:** City Commercial

**Summary:**

The property owner has submitted for site plan approval from Orange County to develop this property as a Commercial Car Wash. Upon annexation the applicant will also be required to meet and satisfy all City of Winter Garden Zoning Codes and Land Development Regulations.

**Staff  
Recommendation:**

Staff recommends approval of Ordinance 07-09, Ordinance 07-10 and Ordinance 07-11 with the condition that upon annexation into the City of Winter Garden the owner/applicant must comply and satisfy all City of Winter Garden zoning codes and land development regulations.

**Additional Material:**

Ordinances 07-09, 07-10, and 07-11  
Site Plan  
Staff Memorandums

**Next Step:**

Tentatively scheduled for first reading by the City Commission on March 16, 2007. Also, Staff will need to review and approve site plan once the applicant request to move forward with site plan approval and building permits.

**12728 W. Colonial Drive**



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 8**

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**Date:** March 5, 2007                      **Meeting Date:** March 5, 2007  
**Subject:** 80 E. Crest Avenue Lot Split  
**Issue:** Applicant is requesting a lot split that will subdivide the property into two 100'x105' buildable lots.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Imogene Michels                      (407) 656-7396

**Zoning:** R-1 (Require a 85'x100' minimum lot dimensions)

**FLU:** Low Density Residential

**Summary:** Applicant is requesting a lot split for the subject property. The lot split will create two 100'x105' buildable lots. A single family home will be constructed on this lot in the future.

**Staff**

**Recommendation:**

Staff recommends approval of the lot split to create two 100'x105' buildable lots.

**Next Step:**

Applicant needs to record the lot split with the Orange County Property Appraiser.

**80 E. Crest Avenue**



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

**ATTACHMENT 9**

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**Date:** March 5, 2007                      **Meeting Date:** March 5, 2007  
**Subject:** Resurrection Catholic Church Site Plan  
**Issue:** Request approval of a site plan for the Resurrection Catholic Church Parish Hall Addition.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Jay Klima    FAX: (407) 896-8763

**Zoning:** C-2

**FLU:** Commercial

**Staff**

**Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum dated February 7, 2007 and February 20, 2007; the Planning Department's memorandum dated February 16, 2007; the Stormwater Engineer's email and memorandum dated February 14, 2007 and February 22, 2007, respectively; the Fire Department's email dated February 14, 2007 and February 21, 2007; and the Building Department's memorandum dated February 13, 2007 and February 20, 2007.

**Next Step:**

Tentatively scheduled for the March 16, 2007 City Commission agenda.

Resurrection Catholic Church

