

THE CITY OF WINTER GARDEN

PLANNING & ZONING BOARD AGENDA

AT CITY COMMISSION CHAMBERS/ 251 W. PLANT ST.

REGULAR MEETING

May 7, 2007

6:30 P.M.

1. Call to Order
2. Roll Call and Determination of Quorum
3. Administration of Oath of Office for James Dunn
4. Approval of minutes from the April 2, 2007 meeting - Attachment 1
5. Planning & Zoning Board Duties & Procedures Presentation – Attachment 2

Variances & Special Exception Permits (all Public Hearings)

6. 2739 Balforn Way Setback Variance – Attachment 3
7. 2507 Balforn Way Setback Variance – Attachment 4
8. 2702 Balforn Way Setback Variance – Attachment 5
9. 35 W. Morgan Street Setback Variances – Attachment 6
10. 701 Clancy Street Setback Variance – Attachment 7
11. 12537 Westfield Lakes Circle Setback Variance – Attachment 8
12. 234 S. Main Street Setback Variance – Attachment 9
13. 238 N. Highland Avenue Setback Variances – Attachment 10
14. 505 Lake Cove Pointe Circle Variance – Attachment 11
15. 700 West Plant Street Special Exception Permit – Attachment 12

Site Plans (no Public Hearing)

16. StarChild Academy – Attachment 13

Final Plats (no Public Hearing)

17. Stoneybrook West Parcel 19 – Attachment 14

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

Date: May 4, 2007 **Meeting Date:** May 7, 2007

Subject: Planning & Zoning Board Duties & Procedures Presentation

Issue: City Attorney Dan Langley will give a short presentation on the Duties and Procedures of the Planning & Zoning Board.

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

ATTACHMENT 3

Date: May 4, 2007 **Meeting Date:** May 7, 2007
Subject: 2739 Balforn Way
Issue: Request for approval of a 3 foot front yard setback variance for property located at 2739 Balforn Tower Way in the Stoneybrook West subdivision. The variance will allow the builder to construct a single-family home.

Supplemental Material/Analysis:

Owner/Applicant: Amelyn Regis – Lennar Homes
Email: amelyn.regis@lennar.com

Zoning: PUD (Requires a 20 foot front yard setback).

FLU: Low Density Residential

Summary: The property owners are requesting a 3 foot front yard setback variance to construct a single-family home. Lennar Homes is in the process of constructing this phase of Stoneybrook West. Their building contractor noticed that the proposed housing product would not fit on the lot without the required setback variance.

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 3 foot front yard setback variance. This request should not negatively impact any of the adjacent property

owners given that the product is of similar standard to the homes presently being built in this phase. In addition, the lot sits on a corner which would not intrude on the enjoyment of the neighbor across the street to the south.

(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 single-family home is consistent with surrounding homes in the neighborhood. There is no direct neighbor to the south and east. 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 variances will allow the property owner to construct a home in keeping with the City's regulations concerning single-family dwelling units.

(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 variance is a minimal request, which will allow for a reasonably sized single-family home on a corner lot.

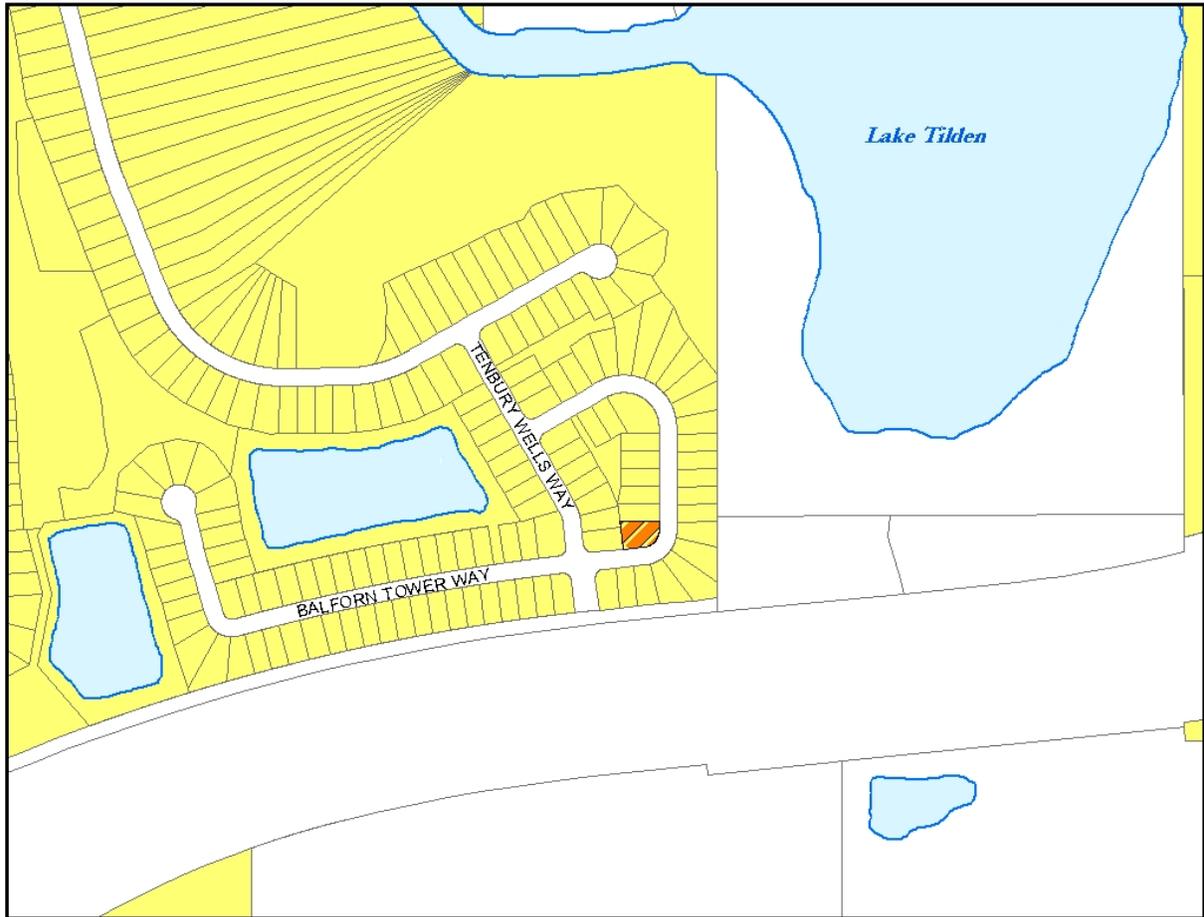
Staff

Recommendation:

Staff recommends approval of the 3 foot front yard setback variance for property located at 2739 Balforn Tower Way in the Stoneybrook West subdivision to construct a single-family home.

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

2739 Balforn Tower Way



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

ATTACHMENT 4

Date: May 4, 2007 **Meeting Date:** May 7, 2007
Subject: 2507 Balforn Way
Issue: Request for approval of a 2 foot side yard setback variance for property located at 2507 Balforn Tower Way in the Stoneybrook West subdivision. The variance will allow the builder to construct a single-family home.

Supplemental Material/Analysis:

Owner/Applicant: Amelyn Regis – Lennar Homes
Email: amelyn.regis@lennar.com

Zoning: PUD (Requires a 15 foot side yard setback for corner lots).

FLU: Low Density Residential

Summary: The property owners are requesting a 2 foot side yard setback variance to construct a single-family home. Lennar Homes is in the process of constructing this phase of Stoneybrook West. Corner lots are required to have at least a 15' side setback off the street. Their building contractor noticed that the proposed housing product would not fit on the lot without the required setback variance.

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 2 foot side yard setback variance. This request should not negatively impact any of the adjacent property owners given that the product is of similar standard to the homes presently being built in this phase. In addition, the lot sits on a corner which would not intrude on the enjoyment of the neighbor across the street to the south.

(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 single-family home is consistent with surrounding homes in the neighborhood. There is no direct neighbor to the south and west. 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 variances will allow the property owner to construct a home in keeping with the City's regulations concerning single-family dwelling units.

(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 variance is a minimal request, which will allow for a reasonably sized single-family home on a corner lot.

Staff

Recommendation:

Staff recommends approval of the 2 foot side yard setback variance request for property located at 2507 Balforn Tower Way in the Stonybrook West subdivision to construct a single-family home.

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

2507 Balforn Tower Way



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

Date: May 4, 2007 **Meeting Date:** May 7, 2007
Subject: 2702 Balforn Way
Issue: Request for approval of a 3 foot front yard setback variance for property located at 2702 Balforn Tower Way in the Stoneybrook West subdivision. The variance will allow the builder to construct a single-family home.

Supplemental Material/Analysis:

Owner/Applicant: Amelyn Regis – Lennar Homes
Email: amelyn.regis@lennar.com

Zoning: PUD (Requires a 20 foot front yard setback).

FLU: Low Density Residential

Summary: The property owners are requesting a 3 foot front yard setback variance to construct a single-family home. Lennar Homes is in the process of constructing this phase of Stoneybrook West. Their building contractor noticed that the proposed housing product would not fit on the lot without the required setback variance.

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 3 foot front yard setback variance. This request should not negatively impact any of the adjacent property

owners given that the product is of similar standard to the homes presently being built in this phase. In addition, the lot sits on a corner which would not intrude on the enjoyment of the neighbor across the street to the south.

(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 single-family home is consistent with surrounding homes in the neighborhood. There is no direct neighbor to the north, south, and west. 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 variances will allow the property owner to construct a home in keeping with the City's regulations concerning single-family dwelling units.

(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 variance is a minimal request, which will allow for a reasonably sized single-family home on a corner lot.

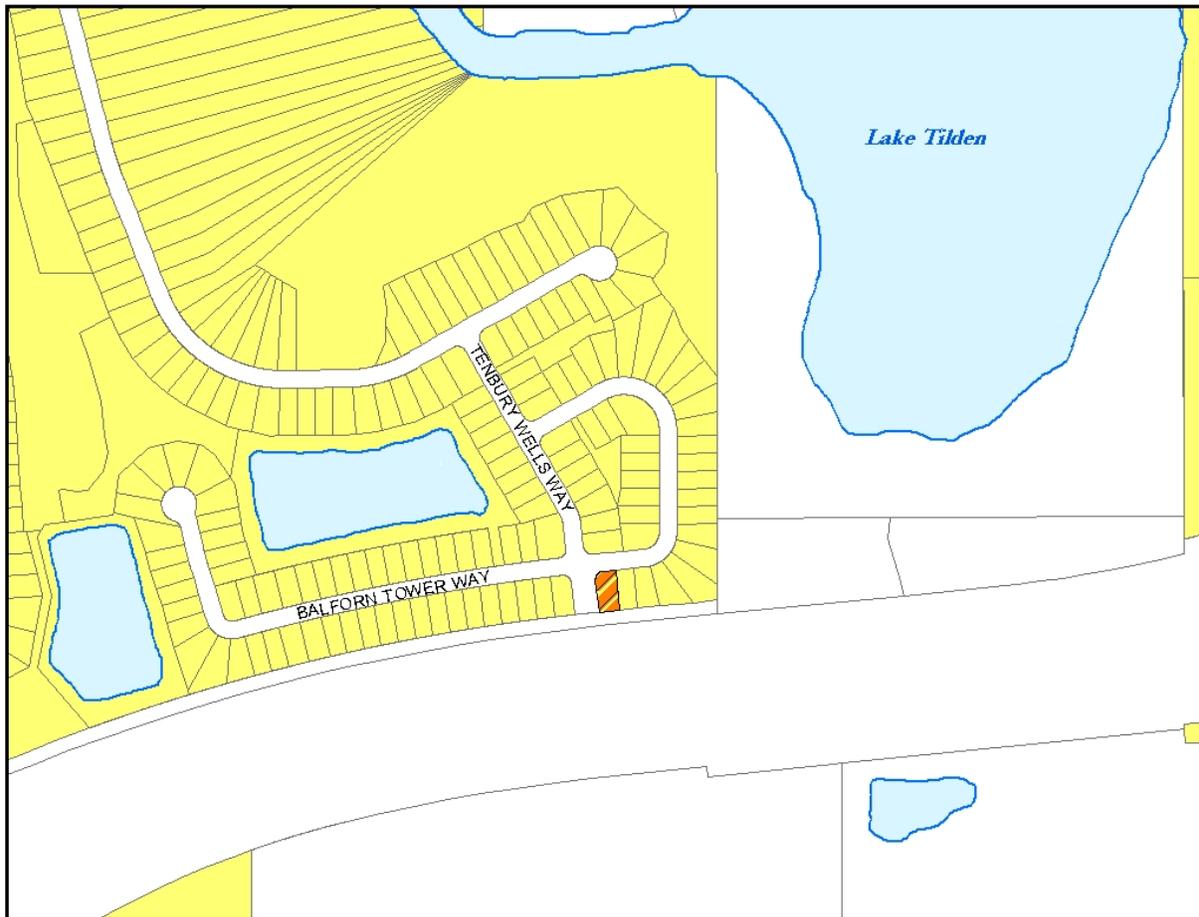
Staff

Recommendation:

Staff recommends approval of the 3 foot front yard setback variance for property located at 2702 Balforn Tower Way in the Stoneybrook West subdivision to construct a single-family home.

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

2702 Balforn Tower Way



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

ATTACHMENT 6

Date: May 4, 2007 **Meeting Date:** May 7, 2007

Subject: 35 W. Morgan Street

Issue: Request for approval of a 5 foot rear setback variance and a 5 foot side setback variance for property located at 35 W. Morgan Street. This variance will allow the property owners to construct a single-family home.

Supplemental Material/Analysis:

Owner/Applicant: Luis Perez

FAX: 407-905-4751

Zoning: R-2 (Requires a 25 foot rear yard setback and 10 foot side yard setback).

FLU: Low Density Residential

Summary: The property owners are requesting a 5 foot rear setback variance and a 5 foot side setback variance to construct a single-family home. The house will be approximately 35' x 75'. As a 50' wide platted lot of record, variances are required to fit this house on the land.

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 setback variance and a 5 foot side setback variance. This request should not negatively impact any of the adjacent property owners given that the lot directly to the west is vacant and the lot to the east has a dilapidated shed. To the rear is a multi-family structure. However, there is approximately 40' between the proposed house and the existing multi-family structure.

(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 single-family home is consistent with surrounding homes in the City. The neighborhood itself has few homes on the north side of the street to compare itself to. However, Staff feels that revitalization of this street is vital to the City. This house is step in that direction.

(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 variances will allow the property owner to construct a home in keeping with the City's regulations concerning single-family dwelling units.

(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 variance is a minimal request, which will allow for a reasonably sized single-family home on a small lot.

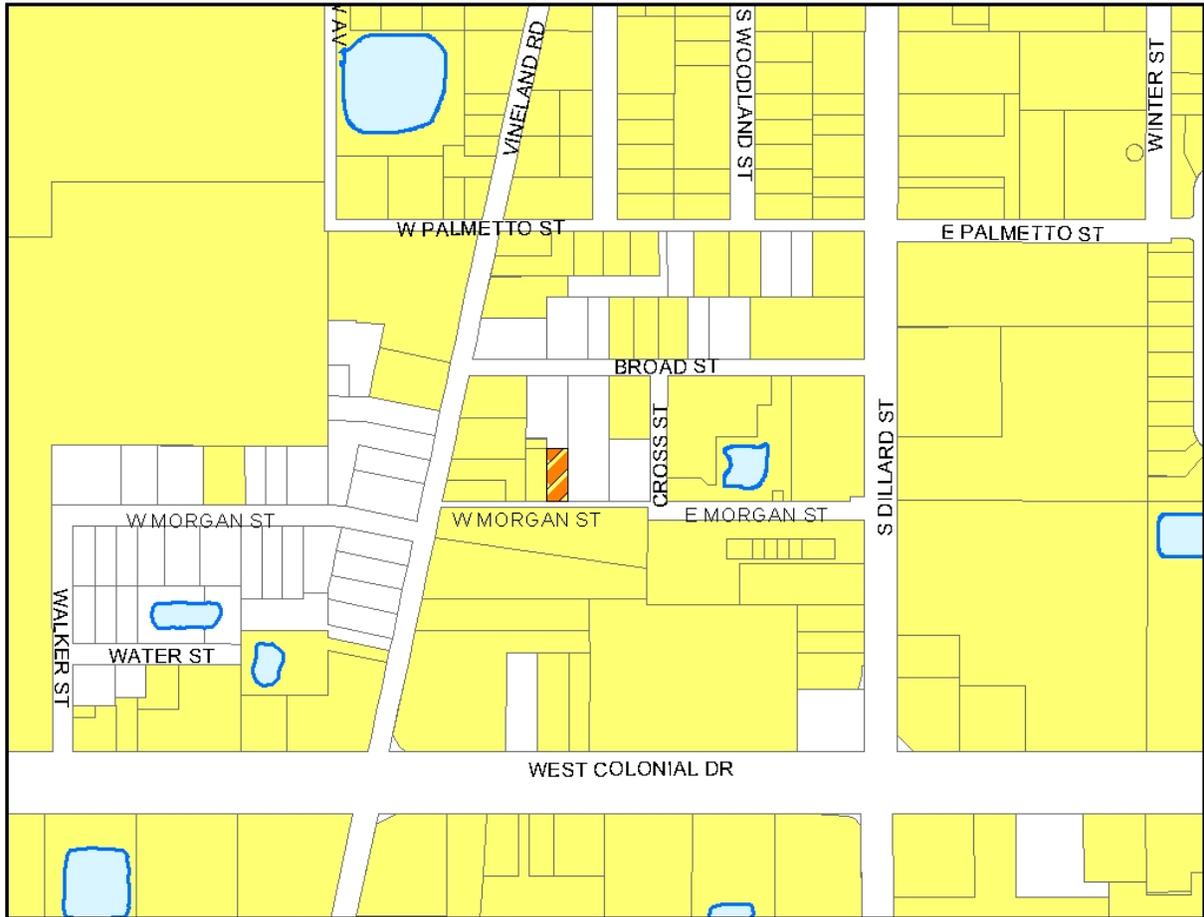
Staff

Recommendation:

Staff recommends approval of the 5 foot rear setback variance and 5 foot side setback variance at 35 W. Morgan Street that will allow the property owner to construct a single-family home.

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

35. W. Morgan Street



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

ATTACHMENT 7

Date: May 4, 2007 **Meeting Date:** May 7, 2007
Subject: 701 Clancy Street
Issue: Request for approval of a 6 foot rear setback variance for 701 Clancy Street. The variance will allow the property owner to build an enclosed screen porch.

Supplemental Material/Analysis:

Owner/Applicant: Pauline Testman Email: testmap@ocps.net

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

FLU: Low Density Residential

Summary: The property owner is requesting a 6 foot rear setback variance to build an enclosed screen porch. The screened porch will be approximately 10' x 40'. Already existing on the site is 4' x 35' concrete slab. The property owner would like to expand that slab to accommodate the screened porch.

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 6 foot rear setback variance to build an enclosed screen porch. The structure is similar to other screened

porches in the neighborhood. The property owner will be required to receive HOA approval of the porch.

(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 screened porch is consistent with other porches in the neighborhood. The porch will be approximately 19' from the rear property line while maintaining the required 10' side yard setback.

(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 variances will allow the property owner to construct a screened porch in keeping with the City's regulations concerning single-family dwelling units.

(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 variance is a minimal request, which will allow for a reasonably sized screened porch.

**Staff
Recommendation:**

Staff recommends approval of the 6 foot rear setback variance for 701 Clancy Street to allow the property owner to build an enclosed screen porch.

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

701 Clancy Street



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

ATTACHMENT 8

Date: May 4, 2007 **Meeting Date:** May 7, 2007
Subject: 12537 Westfield Lake Circle
Issue: Request for approval of a 4 foot side setback variance for 12537 Westfield Lake Circle. The variance will allow the property owner to build a single-family home.

Supplemental Material/Analysis:

Owner/Applicant: Michael Cahill Email: mikejcahill@gmail.com

Zoning: R-1 (Requires a 10 foot side yard setback).

FLU: Low Density Residential

Summary: The property owner is requesting a 4 foot side setback variance to build a single-family home. The home will be approximately 6' from the eastern property line. Directly to the east is the community park for the Westfield Lakes subdivision.

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 side setback variance to build a single-family home. The house is similar to other homes in the neighborhood. Given that the property to the east is a community

park, the proposed variance should not affect any 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 home is consistent with other homes in the neighborhood. The house will be approximately 6' from the eastern property line while maintaining the required front and rear setbacks.

(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 variances will allow the property owner to construct a home in keeping with the City's regulations concerning single-family dwelling units.

(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 variance is a minimal request, which will allow for a reasonably sized house.

**Staff
Recommendation:**

Staff recommends approval of the 4 foot side setback variance for 12537 Westfield Lake Circle. The variance will allow the property owner to build a single-family home.

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

12537 Westfield Lake Circle



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 9

Date: May 4, 2007 **Meeting Date:** May 7, 2007

Subject: 234 S. Main Street

Issue: Request for approval of a 15 foot rear yard setback variance and to allow a carport in the rear of the existing single family home for property located at 234 S. Main Street.

Supplemental Material/Analysis:

Owner/Applicant: Spencer Barske (407) 580-1901

Zoning: R-2 (Requires a 30 foot rear yard setback).

FLU: Low Density Residential

Summary: The property owners are requesting a 15 foot rear yard setback variance and to allow an 18'x20' open carport in the rear of the existing single family home. The carport will be located approximately 15 feet from the rear property line and a minimum of 10 foot from the side 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 15 foot rear yard setback variance and to allow an open carport in the rear of the existing single family home. Section 118-1310 C. (2) states that 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 setbacks of the principle building of the zoning district of the property. This request 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 15 foot rear yard set back variance and to allow an open carport in the rear of the existing single family home is consistent with surrounding homes 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 variances will allow the property owner to construct a home in keeping with the City's regulations concerning single-family dwelling units.

(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 variance is a minimal request, which will allow the property owner the ability to construct a reasonably sized open carport in the rear of the existing single family home.

Staff Recommendation:

Staff recommends approval of the requested 15 foot rear yard setback variance and to allow an open carport in the rear of the existing single family home.

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

234 S. Main Street



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

ATTACHMENT 10

Date: May 4, 2007 **Meeting Date:** May 7, 2007

Subject: 238 N. Highland Avenue

Issue: Request for approval of a 7 foot side yard (south) setback variance to build a detached garage and a request for an 8 foot side yard (south) setback variance to construct a carport for property located at 238 N. Highland Avenue. The applicant also owns the 60'x 120' parcel in the rear and will be combining the parcels with the Orange County Property Appraiser.

Supplemental Material/Analysis:

Owner/Applicant: Andrew Crabtree (407) 538-8325

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

FLU: Low Density Residential

Summary: The property owners are requesting a 7 foot side yard (south) setback variance to build a detached garage and an 8 foot side yard (south) setback variance to construct an attached carport on the south side of the existing single family home. The detached garage and open carport will be buffered from the neighbor's property with an existing 8 foot high fully grown hedge that is located on the neighbor's property. The applicant also owns the 60'x120' lot in the rear and will be combing the parcels with Orange County Property Appraiser.

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 7 foot side yard (south) setback variance to build a detached garage and a 8 foot side yard (south) setback variance to construct an attached open carport on the side of the existing single family residence. The proposed detached garage and open carport will be similar in architectural design and color to blend aesthetically with the principle building. This request 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 7 foot side yard (south) setback variance and 8 foot side yard (south) setback variance will allow the owners the ability to construct a detached garage and open carport and complete the proposed remodeling and improvements to the existing single family home. 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 variances will allow the property owner to construct a home in keeping with the City's regulations concerning single-family dwelling units.

(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.

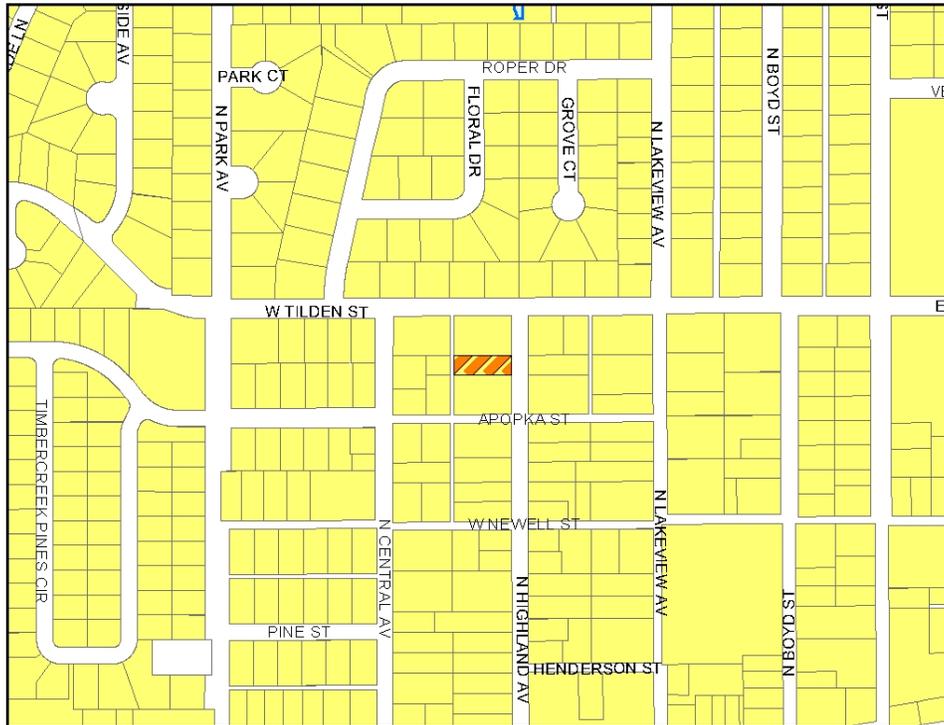
The variance is a minimal request, which will allow the property owner the ability to construct a reasonably sized detached garage and open carport on the south side of the of the existing single family home.

Staff

Recommendation: Staff recommends approval of the requested 7 foot side yard (south) setback variance to build a detached garage and 8 foot side yard (south) setback variance to construct an open carport on the south side of the existing single family home. Also as a condition of approval the applicant will combine the existing parcel with the parcel in the rear with Orange County Property Appraiser before submitting for future building permits.

Next Step: If P& Z Board approves, request parcel combination with Orange County Property Appraisers before submitting for appropriate building permits.

238 North Highland Avenue



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

ATTACHMENT 11

Date: May 4, 2007 **Meeting Date:** May 7, 2007

Subject: 505 Lake Cove Pointe Circle

Issue: Request for approval of a after the fact variance to allow the increase of the impervious surface ratio from the allowed 50% in the R-1 zoning to 66% and reduce the drive way culvert separation from the required 42 feet to 28 feet for the property located at 505 Lake Cove Pointe Circle.

Supplemental Material/Analysis:

Owner/Applicant: Peter Palermo

Fax: (407) 654-1274

Zoning: R-1 (Requires 50% Impervious Surface Ratio)

FLU: Low Density Residential

Summary: The property owners are requesting an after the fact variance to allow the increase of the impervious surface ratio from the allowed 50% in the R-1 Zoning Category to 66% and reduce the driveway culvert separation from the required 42 feet to 28 feet to allow the circular driveway that was constructed without permit approval.

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 after the fact variance to allow the increase of the impervious surface ratio from the allowed 50% in the R-1 zoning category to 66% and reduce the driveway culvert separation from the required 42 feet to 28 feet to allow a circular driveway that was constructed without permit approval prior to construction. The intent of Ordinance 05-61; Pursuant to Florida Departmental of Environmental Protection Rules; The purpose of the impervious surface standard is to provide a balance of impervious and pervious surfaces on a lot, ensuring that adequate drainage is achieved and potential runoff of the lot is controlled. The City of Winter Garden desires to improve the public health, safety and general welfare; to conserve and protect natural resources enjoyed by the general public.

(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 variance request to increase the impervious surface ratio from the allowed 50% in R-1 zoning to 66% and the request to reduce the driveway culvert separation from the required 42 feet to 28 feet will allow the existing circular driveway that was constructed without permit approval to remain in the front of the existing single family home. This variance request is an after the fact variance in which the applicant constructed the driveway without permit approval from the Building Department; the approved driveway permit per the submitted survey was not a circular driveway.

(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;

(d) The granting of the variance is consistent with the city's comprehensive plan; and

(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 denial of the requested variance to allow the increase of the impervious surface ratio from the allowed 50% in the R-1 Zoning to 66% and reduce the drive way culvert separation from the required 42 feet to 28 feet to allow the circular driveway that was constructed without permit approval.

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

505 Lake Cove Pointe Circle



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 12 (Public Hearing)

Date: May 4, 2007 Meeting Date: May 7, 2007

Subject: 700 West Plant Street Special Exception Permit

Issue: Request approval of a Special Exception Permit for the property located at 700 West Plant Street to allow the operation of a professional office in the R-NC zoning district. This property previously received a SEP on December 8, 2003 and as a condition of approval by the Planning and Zoning Board, stating that if the property was sold; the new owner will need to receive approval of a new Special Exception Permit.

Supplemental Material/Analysis:

Owner/Applicant: Alan Haughey Email: ahaugheyeontechconst.com

Zoning: R-NC (Residential Neighborhood Commercial)

FLU: Neighborhood Commercial

Staff

Recommendation:

Staff recommends approval of the Special Exception Permit with the following conditions:

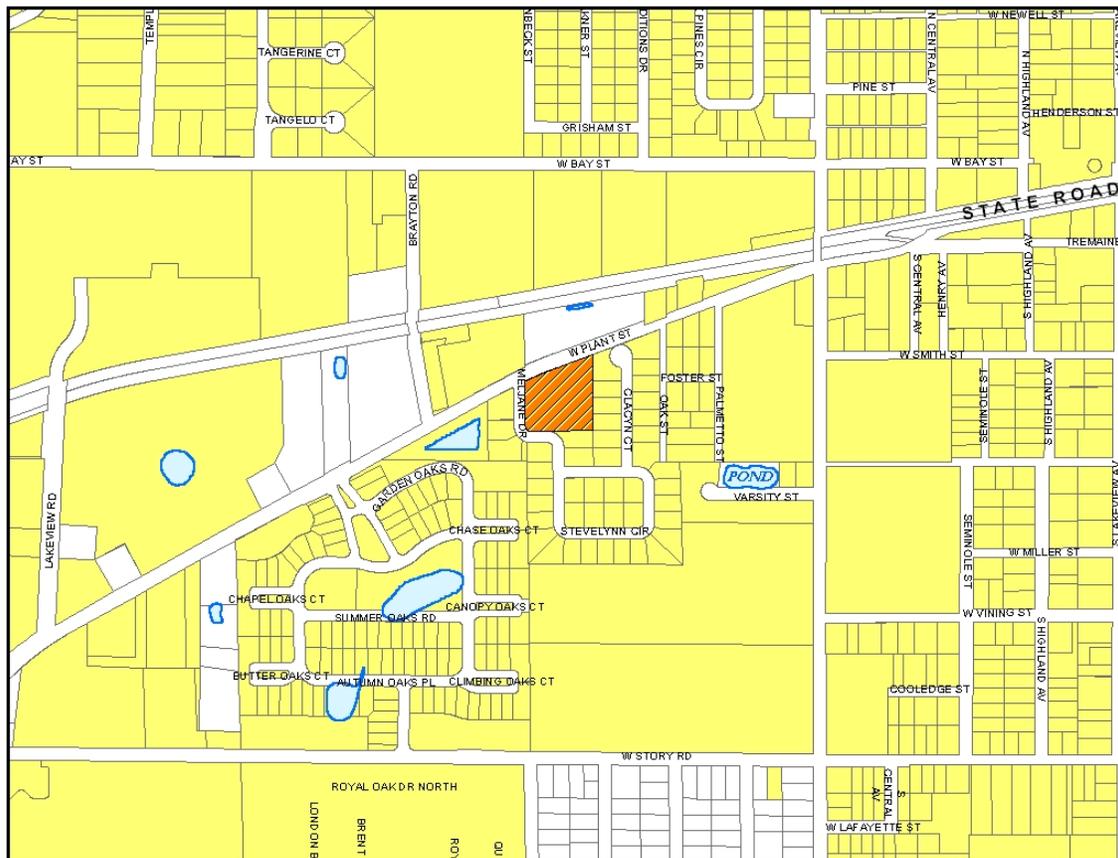
1. Any expansion of the building and/or any development of the property will require an amendment of the Special Exception Permit.
2. Office hours will be limited from 7am to 6pm, Monday through Friday.
3. Outdoor storage of trucks, material or equipment shall be prohibited.
4. Signage shall be limited to the existing monument sign, and two wall signs (no more than 4 square feet each, mounted flat against the building face) No internally illuminated signs shall be allowed.
5. The parking lot shall be buffered with a decorative metal or PVC fence to be approved by the Planning Director (no chain link will be allowed) and shall be heavily landscaped to

prevent light and noise intrusion in to the adjacent residential area.

6. Total parking shall be limited to 15 parking spaces. The City will reserve the right to refuse to issue additional Commercial Business Tax Applications when, in the judgment of the Planning Director there is insufficient parking available for the proposed business.

Next Step: If P & Z approves, apply for the appropriate Commercial Business Tax Application

700 West Plant Street



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

ATTACHMENT 13

Date: May 4, 2007 **Meeting Date:** May 7, 2007

Subject: StarChild Academy Site Plan

Issue: Site Plan approval for StarChild Academy located on CR 535 behind the House of Rentals. This project previously was approved for a Special Exception Permit by the Planning & Zoning Board on December 4, 2006.

Supplemental Material/Analysis:

Owner/Applicant: Anil Sant Email: vs0109@yahoo.com

Zoning: C-2

FLU: COM

**Staff
Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of March 30, 2007 and the Planning Department's memorandum of April 4, 2007.

Next Step: Tentatively scheduled for the May 10, 2007 City Commission meeting.

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

ATTACHMENT 14

Date: May 4, 2007 **Meeting Date:** May 7, 2007

Subject: Stoneybrook West Parcel 19 Final Plat

Issue: Final Plat approval for Stoneybrook West Parcel 19 located on the southeast corner of Stoneybrook West Parkway and Avalon Road.

Supplemental Material/Analysis:

Owner/Applicant: Jerry Hart Email: jhart@Barclaygroupeast.net

Zoning: PUD

FLU: Low Density Residential

Staff

Recommendation:

Staff recommends approval with the conditions in the Engineering Department's memorandum of April 13, 2007, the Legal Department's letter dated April 16, 2007 and the City Surveyor's letter of April 18, 2007.

Next Step: Tentatively scheduled for the May 10, 2007 City Commission meeting.

Stoneybrook West Parcel 19

