

THE CITY OF WINTER GARDEN

PLANNING & ZONING BOARD AGENDA

CITY COMMISSION CHAMBERS/ 251 W. PLANT ST.

REGULAR MEETING

June 4, 2007

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 May 7, 2007 meeting - Attachment 1

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

4. 535 North Main Street Setback Variance – Attachment 2
5. 807 Grande Regal Pointe Setback Variance – Attachment 3
6. 314 Daniels Pointe Drive Setback Variance – Attachment 4
7. 730 9<sup>th</sup> Street Special Exception Permit – Attachment 5
8. 227 South Main Street Special Exception Permit – Attachment 6

**Variance Extension (no Public Hearing)**

9. 1011 West Bay Street Variance Extension – Attachment 7

**Site Plans (no Public Hearing)**

9. Zion Lutheran Church – Attachment 8

**Final Plats (no Public Hearing)**

10. Daniels Road Business Park – 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:** June 1, 2007                      **Meeting Date:** June 4, 2007

**Subject:** 535 North Main Street

**Issue:** A request for the following variances:

Lot 186:

- 15' lot width variance
- 550' lot area variance
- 2' side setback variance

Lot 185:

- 35' lot width variance
- 3250' lot area variance

**Supplemental Material/Analysis:**

**Owner/Applicant:** Pam Phillips

**Zoning:** R-1 (requires 85' x 100' lots with at least 10,000 sq. ft.)

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

**Summary:** On October 3, 2005, the applicant was granted the following variances and lot split for the property located on 535 N. Main Street:

Lot 186:

- 15' lot width variance
- 550' lot area variance
- 2' side setback variance

Lot 185:

- 35' lot width variance
- 3250' lot area variance

The approved lot split created a new buildable lot of 50' x 135' for the vacant lot (Lot 185) and 70' x 135' for the existing lot (Lot 186).

The applicant had the following conditions attached to the approved variances:

1. The final design for the new house must have traditional downtown style of architecture such as front porches, framed windows, etc.
2. The size of the house must be greater than 1,400 s.f. and no more than 2,500 s.f.
3. At a minimum a front garage will need to be setback from the front house line by five feet. Ideally, the garage should be in the rear of the lot. If the garage is in the front, Staff suggests it is limited to a one car garage.

The applicant also received a 365-day variance extension on July 10, 2006. However, that extension will expire prior to construction commencement. Therefore, the applicant is requesting new variances for 535 N. Main Street. They are the same requests that were previously granted by the Planning & Zoning Board.

The minutes from the October 3, 2005 minutes are as follows:

#### Variances

##### 1. 535 N. Main Street – Lot Split and Variances

*City Planner Cechman presented the Board with a request for a lot split and several variances for property located at 535 N. Main Street. He proceeded with a Power Point presentation identifying issues such as the property's size and location, zoning history of the site, development pattern of the neighborhood, and photographs of the existing structures on the property. City Planner Cechman explained that there is an existing house located on lot 186, which will remain on a 70 foot wide lot by 135 foot deep, and with an 8 foot wide side yard setback on the south side, and for that lot the applicant is requesting a 15 foot lot width variance, a 550 square feet lot area variance and a 2 foot side setback variance. If those variances are approved the remainder will become a buildable lot (lot 185) with dimensions of 50 feet wide by 135 feet deep. This new lot will need approval of a 35 foot lot width variance and a 3250 square foot lot area variance to construct a single family residence, which would meet the front, side and rear yard setbacks required by code. Mr. Cechman stated that City Staff has carefully reviewed the requests and has taken into consideration concerns such as the style of the house and the fact that the lot width is very narrow, and also if the applicant complies with the 10 foot side yard setback, the building footprint will be only 30 feet*

*wide and if they built a garage in the front the building footprint of the house will be only 20 feet, but the applicant agrees to place the garage at the back. Mr. Cechman stated that the applicant has received support signatures from the neighbors concerning the variance petitions, and recommends approval of the lot split and the variances with the conditions that the final design for the new house must have traditional downtown style of architecture such as front porches, framed windows, etc; the size of the house must be greater than 1,400 s.f. and no more than 2,500 s.f; at a minimum a front garage will need to be setback from the front house line by five feet, ideally, the garage should be in the rear of the lot, and if the garage is in the front, City Staff suggests it is limited to a one car garage.*

*Chairman Bedsole expressed his disagreement with the option of having a one car garage, and stated that having the garage on the rear of the property seemed to be the most appropriate alternative.*

*Richard Mask noted that a large house would not harmonize with the character of the neighborhood and stated that it was important that City Staff monitors the house design.*

*Pam Phillips approached the board and stated that she resides at 535 N. Main Street, which is her childhood home. She stated that she was considering using one of the elevations from one of the model homes located at Winter Oaks subdivision, which she thought would be in harmony with the character of the neighborhood. Richard Mask asked Ms. Phillips if she was in agreement with City Staff conditions, Ms. Phillips responded affirmatively and stated that the garage on the rear of the property was the best alternative, but stated that she was not sure if she wanted a front porch.*

*City Manager Bollhoefer clarified that traditional downtown style consists of several architectural features and front porches are only an example of those features.*

*Dennis Turner, 512 N. Main Street, approached the board and stated that he was concerned about having a house in the neighborhood with 16 feet of garage and 4 feet of door. He stated that if a garage is allowed in the front, it should be a single car garage, or no more than 12 feet wide. Mr. Turner stated that if 10 foot side yard setbacks will be required the property owner will not be able to drive to the backyard and park the car, because there is not enough room on the side of the house. Mr. Turner suggested*

*that a side yard setback variance be granted, so a driveway can be built.*

*City Planner Cechman stated that City Staff has taken into consideration the side setback requirements, and perhaps if the new house is built closer to the existing house, it will provide a bigger space on the south side for a ribbon driveway. Ms. Phillips stated that since there is an oak tree on the south side of the property, the driveway has to go on the north side of the property.*

*Further discussion took place among City Planner Cechman, City Manager Bollhoeffer, board members and Ms. Phillips concerning the side yard setbacks and other possible options for the driveway on the new home, or the possibility of a side yard setback variance request. Ms. Phillips mentioned that perhaps she could use another house plan with smaller dimensions. City Planner Cechman explained that if necessary, the applicant may come back before the Board to request approval of another variance.*

***Motion by Richard Mask to approve the Lot Split and Variances with City Staff conditions (see attached). Seconded by Bea Deariso, the motion carried unanimously 5-0.***

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;*  
Although generally Staff believes that the R-1 zoning district should be upheld where the character of the neighborhood consistently has 85’ wide or larger lots, this section of Main Street was platted with 60’ wide lots, and at least four of the houses on the block are constructed on 60’ wide lots, including the two houses directly north of the subject property. Therefore, Staff believes that the proposed 70’ wide and 50’ wide lots are not out of character with the existing houses, and that due to the character of the neighborhood, and the quality of the houses proposed, the requested variances should not impact the standard of living or property values of the adjacent or nearby neighbors.

*(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;*

As previously stated the character of the neighborhood, although zoned R-1, is such that smaller lots would not be inconsistent with the area. In addition, the proposed single-family house is consistent with the intent of the R-1 zoning code.

*(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;*

Strict compliance with the zoning regulations will not further any legitimate City objective, and the benefits in tax value and raising the value of the properties in the area with a well-constructed new home, could outweigh any negative effects.

*(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 requested is reasonable considering the proposed should not significantly impact the adjacent neighbors and will create an opportunity for further development and an increase in property values in this neighborhood.

**Staff  
Recommendation:**

Staff recommends approval of the variances for the property located on 535 N. Main Street with the following conditions:

1. The final design for the new house must have traditional downtown style of architecture such as front porches, framed windows, etc.
2. The size of the house must be greater than 1,400 square feet and no more than 2,500 square feet.
3. At a minimum a front garage will need to be setback from the front house line by five feet. Ideally, the garage should be in the rear of the lot. If the garage is in the front, Staff suggests it is limited to a one car garage.

- 4. Prior to the start of construction, the applicant must provide evidence that the previously approved lot split was filed with the Orange County Property Appraiser's office.

**Next Step:**

Apply for building permits and commence construction. If applicant has not filed the previously approved lot split with the Orange County Property Appraiser's office, then that will need to be completed as soon as possible.

**535 North Main Street**





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 10 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 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.*

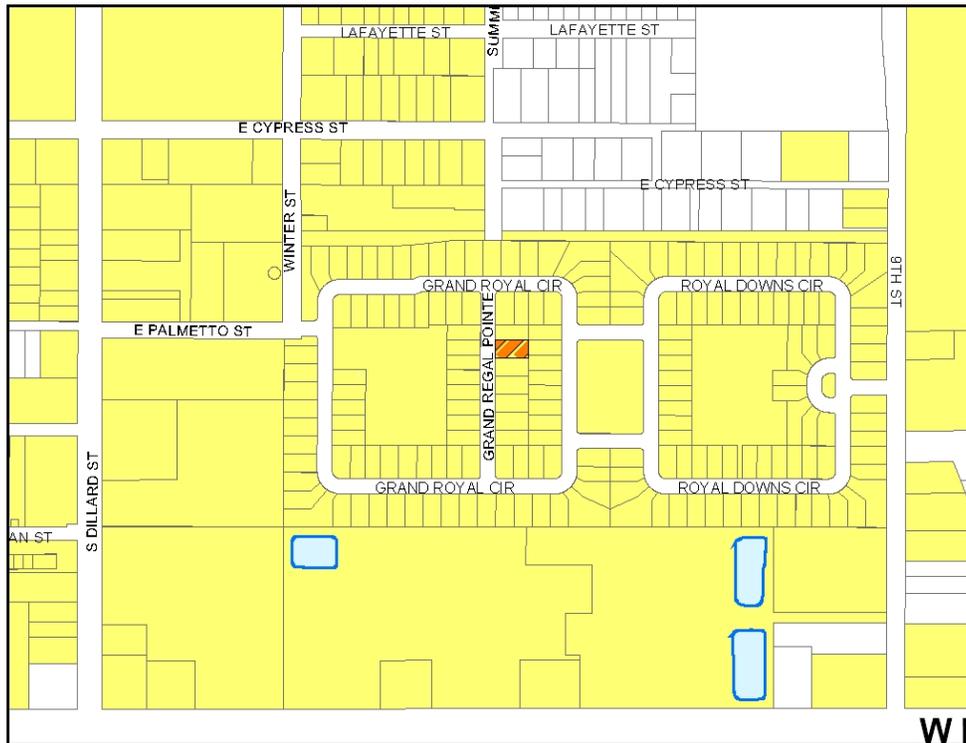
**Staff**

**Recommendation:**

Staff recommends approval of the requested 10 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.

**807 Grand Regal Pointe**





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 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.*

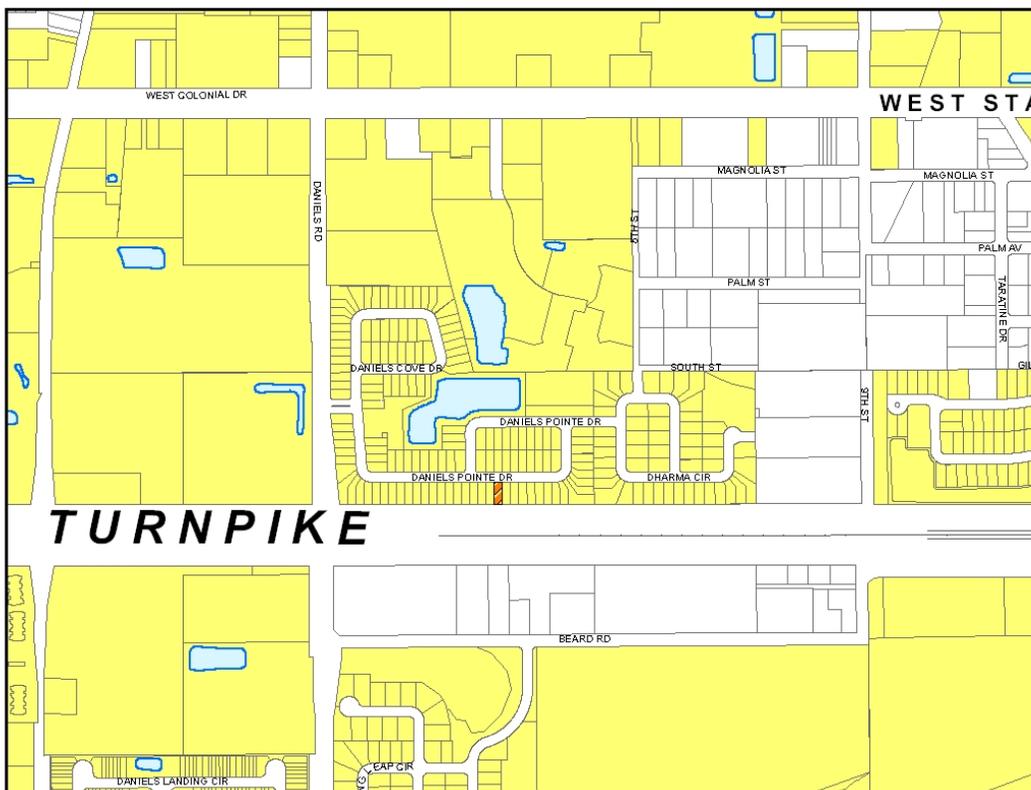
**Staff**

**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.

**314 Daniels Pointe Drive**



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 5 (Public Hearing)**

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Date: June 1, 2007 Meeting Date: June 4, 2007  
Subject: 730 9<sup>th</sup> Street Special Exception Permit  
Issue: Request approval of a Special Exception Permit for the property located at 730 9<sup>th</sup> Street to allow the operation of automobile sales in the C-2 zoning district.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Joyce Buttram (407) 656-6858  
**Zoning:** C-2  
**FLU:** Commercial

**Staff  
Recommendation:**

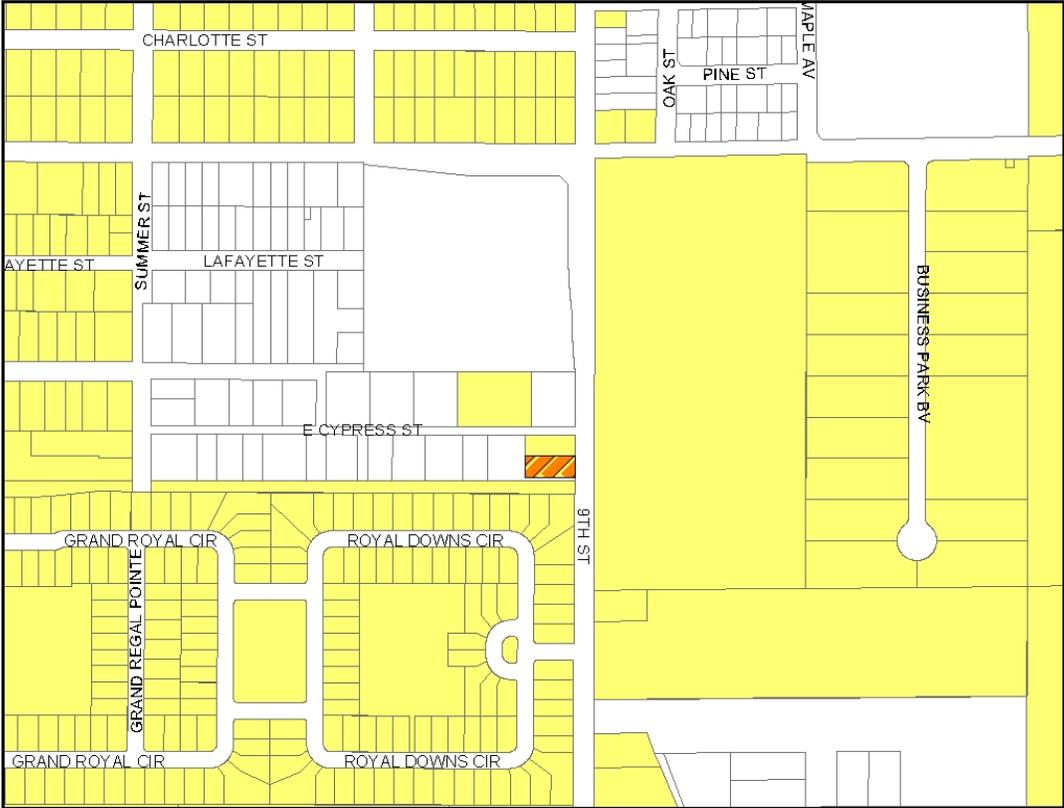
**Staff recommends approval of the Special Exception Permit with the following conditions:**

1. Site can not exceed the maximum allowed Impervious Surface Ratio of 70% in the C-2 Zoning Category.
2. The maximum allowed vehicle storage/parking permitted on site can not exceed 7 vehicle limit which includes (3 vehicles in front) not including the handicapped space and (4 vehicles in rear) of site
3. All vehicle parking areas must be paved.
4. A minimum 6 foot opaque landscape buffer will be required along the west property line abutting the residential neighborhood and along the 9<sup>th</sup> Street frontage. All landscape plantings must be a minimum of 3 feet in height at the time of planting.
5. Only one paved driveway off 9<sup>th</sup> street will be permitted.

To the East of the subject property is Willies' Barbeque Restaurant; to the West of the property is a drainage canal and in the rear of the subject property is residential. A minimum 6 foot opaque landscape buffer will be required along the property line that abuts the residential district.

**Next Step:** If P & Z approves, apply for Small Site Plan review and approval.

**730 9<sup>th</sup> Street**



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

**ATTACHMENT 6 (Public Hearing)**

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Date: June 1, 2007 Meeting Date: June 4, 2007  
Subject: 227 South Main Street Special Exception Permit  
Issue: Request approval of a Special Exception Permit for the property located at 227 South Main Street to allow the operation of a children day care center in an R-2 zoning district.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Sheri Loiacono (407) 468-2025

**Zoning:** R-2

**FLU:** Low Density Residential

**Staff**

**Recommendation:**

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

1. Maximum allowed Occupancy is 30 students.
2. Must provide an approved “**staggered**” drop off and pick up plan with designated time frames for students/children.
3. Minimum of 7 paved parking spaces required.
4. Must meet State playground requirements for Daycare Center and all staff requirements for small site plan approval.

To the East of the subject property is residential, to the West of the property is also residential, the property has many overgrown oak trees and landscaping that buffers the property from the existing neighbors. The proposed use will remain in character with the existing neighborhood.



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 7 (No Public Hearing)**

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**Date:** June 1, 2007      **Meeting Date:** June 4, 2007

**Subject:** 1011 W. Bay Street

**Issue:** Request approval for a 365 day extension of variance previously approved by the Planning and Zoning Board on June 5, 2006.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Charles Roper      (407) 832-7767

**Zoning:** R-1 (which requires a 10 foot side yard setback)

**FLU:** Low Density Residential

**Summary:** The property owner is requesting a 365 day extension of a previously approved variance by the Planning and Zoning Board on June 5, 2006 in which a 4 foot side yard setback variance (west side) was approved to build a new single family residence.

(1) *City Planner Cechman presented the Board with a request for approval of a 7 foot side yard setback variance at 1011 W. Bay Street to build a new single family residence on a 100' x 210' lot. Mr. Cechman explained that the property owner originally requested a 4 foot side yard setback on the west side of the property adjacent to the Lakeview Middle School parking lot, but during the application review City Staff realized that there is a utility pipe on the east side of the property, which will require some space, therefore the applicant is now requesting a 7 foot side yard setback variance. City Staff has reviewed the application and recommends approval.*

*Charles Roper, 215 East Second Avenue, Windermere, Florida, property owner of 1011 W. Bay Street, Winter Garden, approached the Board and stated that the utility pipe was placed on the property by Orange County. He also explained that moving the house to the west will allow the placement of an easement over the pipe for future maintenance.*

**Motion by Tina Aldrich to approve the Variance. Seconded by Colin Sharman, the motion carried unanimously 6-0.**



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

**ATTACHMENT 8 (No Public Hearing)**

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**Date:** June 1, 2007      **Meeting Date:** June 4, 2007

**Subject:** Zion Lutheran Church Site Plan

**Issue:** Site Plan approval for Zion Lutheran Church located on Marsh Road. This project previously received a special exception permit on November 6, 2006 to allow a daycare and church in a Planned Unit Development.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Everett Fischer  
Email: efwgca@mpinet.net

**Zoning:** PUD

**FLU:** MR/SUB

**Staff  
Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of May 16, 2007, the Stormwater Engineer's comments dated May 15, 2007 and the Planning Department's memorandum of May 16, 2007.

**Next Step:** Prior to scheduling this project for a subsequent City Commission meeting, the applicant shall submit revised site plans addressing Staff comments.

**Zion Lutheran Church**



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

**ATTACHMENT 9 (No Public Hearing)**

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**Date:** June 1, 2007      **Meeting Date:** June 4, 2007

**Subject:** Daniels Road Business Park Final Plat

**Issue:** Final Plat approval for Daniels Road Business Park located on West Colonial Drive and Daniels Road.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Dan Roberts      Email: droberts@gsrflorida.com

**Zoning:** C-2

**FLU:** Commercial

**Staff**

**Recommendation:**

Staff recommends approval with the conditions in the Engineering Department's memorandum of May 11, 2007, the Legal Department's letter dated May 2, 2007 and the City Surveyor's letter of May 9, 2007.

**Next Step:** Tentatively scheduled for the June 28, 2007 City Commission meeting.

**Daniels Road Business Park**

