

THE CITY OF WINTER GARDEN

PLANNING & ZONING BOARD AGENDA

CITY COMMISSION CHAMBERS/ 251 W. PLANT ST.

REGULAR MEETING

September 10, 2007

6:30 P.M.

1. Call to Order
2. Roll Call and Determination of Quorum
3. Approval of minutes from the August 6, 2007 meeting - Attachment 1

Variances & Special Exception Permits (all Public Hearings)

4. 1075 Chase Drive Setback Variance – Attachment 2
5. 40 Garden Avenue Setback Variance – Attachment 3
6. 936 Stagg Road Special Exception Permit – Attachment 4

Rezoning & Comp Plan Amendments (all Public Hearings)

7. 1 & 27 North Dillard Street – Attachment 5

Lot Splits (no Public Hearings)

8. South Lake Packinghouse Lot Split - -Attachment 6

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 eastern property line and will meet all other required setbacks. The proposed home should not negatively affect any adjacent homeowner.

(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 in character with the neighborhood and the zoning category. Homes of this size and design have been built in this and other residential neighborhoods.

(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 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.

This variance is a minimal request. Granting this variance will make reasonable use of the land and may enhance the value of the property.

Staff

Recommendation:

Staff recommends approval of the requested 11 foot rear yard setback variance to allow construction of a single family home.

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

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

Date: September 7, 2007 **Meeting Date:** September 10, 2007
Subject: 40 Garden Avenue
Issue: Request for approval of a 19' rear setback variance, a 5' side setback variance, and an 8' height variance to construct a 30' 8" x 25' accessory structure in the back yard.

Supplemental Material/Analysis:

Owner/Applicant: Kenneth Sumal Email: waves008@aol.com

Zoning: R-1 (requires accessory structures larger than 160 sq. ft. to comply with the setbacks of the zoning district).

FLU: Low Density Residential

Summary: Applicant is requesting a 19' rear setback variance, a 5' side setback variance, and an 8' height variance to construct a two-story, 30' 8" x 25' accessory structure in the back yard. The applicant has stated the proposed accessory structure will be used for a craft room (second story) and a pool cabana for the future pool. They have also stated they need the garage space for a boat and for general storage. The accessory structure will be in the same style as the existing home to match color, style, and material.

The property was granted a variance on December 5, 2005 but that has since expired. The following are the minutes from that meeting:

City Planner Cechman presented the Board with a request for property located at 40 Garden Avenue for approval of a 19' rear setback variance, a 5' side setback variance, and a 8' height variance to construct a two story 25' X 25' accessory structure in the back yard. He explained that because the size of the structure is greater than 160 square feet, the applicant needs to meet the main structure setback requirements. Mr. Cechman stated that because of the amount of development, City Staff took a close look at the subject petition but because of the quality of the proposed

structure and the architectural design City Staff recommends approval with the conditions included in the agenda package. City Planner Cechman stated that there is a letter of objection from the adjacent property owner included in the agenda package, and explained that because of this objection City Staff believes that 5 feet might be too close and recommends 7 ½ feet from the southwest property line. Mr. Cechman also stated that the proposed structure cannot be used as a living unit.

Kenneth Sumal, 40 Garden Avenue, approached the Board and stated that because of the location of the proposed structure and in order to have enough room in the proposed garage to store his boat, he would rather have approval of a 5 feet side setback variance, instead of 7 ½ feet.

Bea Deariso asked Mr. Sumal if he was in agreement with the condition that the structure can not be used as a living unit. Mr. Sumal answered affirmatively.

Mac McKinney inquired about the side setbacks for the subject property. City Planner Cechman stated that the side setback is 10 feet, and explained that because of the size of the proposed structure it needs to comply with the principal structure set back regulations.

Further discussion took place among the Board Members, City Manager Bollhoefer, City Planner Cechman, and Mr. Sumal concerning issues such as the location and size of the structure, the letter of objection, and the option of having the item tabled to next month's Planning and Zoning Board meeting.

Motion by Bea Deariso to approve the Variances to construct a two-story 25' by 25' accessory building with the conditions that the structure can not be used as a living unit and that the side setback be 5 feet from the southwest property line. Seconded by Tina Aldrich.

Chairwoman Aldrich restated the main motion with the approved amendment "the building should be moved 7 ½ feet from the southwest property line instead of 5 feet". The amended original motion carried unanimously 6-0.

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;*

At the meeting in December of 2005, the majority of the property owners had supported this request. To date, the City has not been notified by any property owners wishing to object to this variance request.

(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 homes to the side both have 5’ to 7.5’ rear setbacks. The structure is not out of character with the neighborhood.

(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;*

The overall design of the proposed accessory structure maintains the downtown residential appearances and the variance will not cause a significant change in the appearance of the neighborhood. 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.*

The requested variance is a minimal request and should enhance the land value of this property.

**Staff
Recommendation:**

Staff recommends approval of the variances to construct a two story 30' 8" x 25' accessory building (as proposed) with the condition that the structure cannot be used as a living unit.

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

40 Garden Avenue



936 Stagg Road



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

Date: September 7, 2007

Meeting Date: September 10, 2007

Subject: 1 & 27 North Dillard Street Small-Scale Comprehensive Plan Amendment and Rezoning

Issue: Approval of Ordinance 07-42, amending the future land use map of the City of Winter Garden's Comprehensive Plan for this property from Low Density Residential to City Commercial and Ordinance 07-43 rezoning of this property from City R-2 to City C-1.

Supplemental Material/Analysis:

Applicant: Catherine Worley Email: healingmail@yahoo.com

Current Zoning: R-2

Proposed Zoning: C-1

Existing FLU: Low Density Residential

Proposed FLU: City Commercial

Summary: Please see the attached Staff Report for additional information regarding this project.

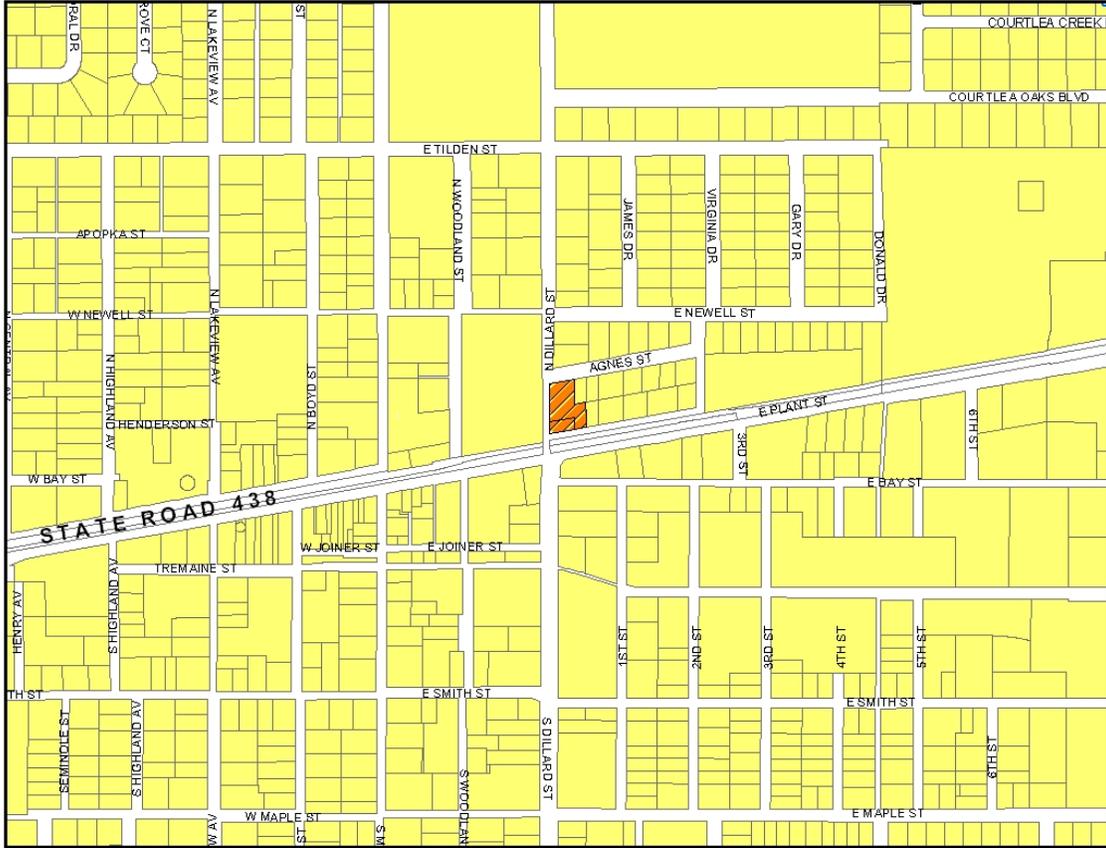
**Staff
Recommendation:**

Staff recommends approval of Ordinance 07-42, amending the future land use map of the City of Winter Garden from Low Density Residential to City Commercial and Ordinance 07-43 rezoning of subject property from R-2 to C-1.

Next Step:

A public hearing for the first reading of Ordinance 07-42 and Ordinance 07-43 is scheduled for the City Commission on September 27, 2007.

1 & 27 North Dillard Street



1061 Tildenville School Road

