

**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
OCTOBER 01, 2007**

**CALL TO ORDER**

In the absence of Chairman Larry Bedsole and Secretary Tina Aldrich, **Mac McKinney moved to elect Jerry Carris to be the Acting Chairman for the meeting. Seconded by James Balderrama, the motion carried 4-0.**

**Acting Chairman Carris** called the regular meeting of the City of Winter Garden Planning and Zoning Board to order at 6:35 p.m. in City Hall Commission Chamber. The invocation was given followed by the Pledge of Allegiance. The roll was called and a quorum was declared present.

**PRESENT:** Acting Chairman Jerry Carris, Board Members James Dunn, Mac McKinney, Xerxes Snell and James Balderrama. Also present were Assistant City Attorney Dan Langley, City Manager Mike Bollhoefer, Assistant City Manager Marshall Robertson, Assistant City Engineer Mike Kelley, Planner Regina McGruder, Planner Brandon Byers, and Planning Technician Lorena Blankenship.

**ABSENT:** Chairman Larry Bedsole and Secretary Tina Aldrich.

**1. APPROVAL OF MINUTES**

Approval of minutes from regular meeting held September 10, 2007

*Motion by James Balderrama to approve the above minutes. Seconded by Mac McKinney the motion carried unanimously 4-0.*

**Variances & Special Exception Permits**

**2. 1075 Chase Drive - Variance**

Planner Byers presented the Board with a request for approval for 1075 Chase Drive for an 11 foot rear yard setback variance to allow the property owner to construct a single

family home. He reminded the Board that the subject item was tabled from last month's Planning and Zoning Board meeting, over concerns regarding drainage issues. Mr. Byers stated that included in the agenda package is a letter from Assistant City Engineer Mike Kelley, who found no adverse conditions that may preclude this home from being built in the manner proposed by the property owner. City Staff has reviewed the application and recommends approval.

***James Dunn moved to remove the subject item from the table. Seconded by Mac McKinney the motion carried unanimously 4-0.***

Steve Blankenship, applicant for the subject petition, approached the board and stated that in regards to Mrs. Cantrell's concern regarding the drainage, the subject lot was designed to direct the storm water to the street in front of the lot, not to retain the storm water within the lot. He also stated that the size of the proposed home (2,500 living square feet) is consistent with many of the other homes in the subdivision and provided the board with an aerial of the community identifying the different homes and their size. Mr. Blankenship also informed the board that he spoke with the Home Owners Association President, who stated that the vote in regards to the variance was not a split-vote, and provided a letter of approval from the HOA. Mr. Blankenship also explained that the variance request applies only to a small portion on the east side of the rear of the home, and that the west side of the home will be located 30 feet from the property line.

Mike Kelley, Assistant City Engineer for the City of Winter Garden approached the Board and stated that in his professional opinion there are no drainage issues concerning the subject property, and there are ample ways to drain the storm water from the back to the front of the lot. He recommended that a lot grading plan be submitted to the City Storm Water Engineer prior to building permit issuance.

John Spitulski, 1090 Chase Drive, Winter Garden, approached the Board and spoke in opposition to the subject request, stating that the proposed home was out of character with the neighborhood. He mentioned concerns related to the size of the foot print of the proposed home, stating that everybody in the community has built their homes without requesting variances and that Mr. Blankenship should be asked to comply with the set backs. He proceeded to read a letter sign by 21 residents in the community opposing to the variance request. The letter stated that the variance will produce unnecessary hardships, will allow interference with reasonable enjoyment of adjacent property owners, and will negatively impact the standard of living of the citizens of Island Pointe Subdivision.

Board Member Xerxes Snell arrived at 6:45 p.m.

James Balderrama noted that the letter of opposition states that this variance will impact 21 property owners and interfere with the enjoyment of their properties, but in fact the subject variance will only impact lot 48. Mr. Balderrama also pointed out that a letter of approval from the Island Pointe HOA was included in the agenda package.

Mac McKinney noted that all citizens have the option and the right to apply for variances. He added that the applicant exceeds the set back requirement on the west side of the rear of the home, since he is leaving 30 feet between the home and the property line. Mr. McKinney also stated that the square footage of the proposed home appears to be in harmony with the rest of the homes in the neighborhood.

Assistant City Attorney Langley asked Mr. Spitulski about the reason why the proposed house would be out of character with the neighborhood. Mr. Spitulski answered that the proposed over-sized garage pushes the house wider and deeper, and that the home will be too close to the adjacent property to the west, possibly causing drainage problems. City Manager Bollhoefer stated that the applicant is complying with the west side setback requirements; and that no matter what house will be built on that lot, the drainage situation will be evaluated.

Mr. Spitulski also indicated that the property was not properly posted and the neighborhood was not properly informed. Planner Byers stated that the property was posted and the variance request was advertised in the West Orange Times and letters was sent to every home owner in the subdivision.

Janet Cantrell, 1130 Chase Drive, Winter Garden, approached the Board and spoke in opposition to the subject request. She stated that she attended the last Planning and Zoning Board as a homeowner, not as a representative for the Home Owners Association.

Assistant City Attorney Langley asked Mrs. Cantrell about her statement at the last Planning and Zoning Board meeting in regards to the HOA split-vote. She responded that she voted "whatever", and should have voted "no".

Jim Barksdale, 1065 Chase Drive, Winter Garden, (*adjacent property owner to the east*) approached the board and asked if the proposed patio will be enclosed and the roof will be part of the roof home. Mr. Blankenship answered affirmatively. Mr. Barksdale had questions about the exact location of the home and other details in regards to the house plans. Planner Byers showed the house plans and stated that the proposed home will be built 20 feet from the east property line.

Steve Blankenship, approached the board again, and stated that the requested variance will only impact lot 48, and the property owner for that lot was not opposing to the variance.

City Attorney Langley noted that the proposed enclosed porch will be actually 32 feet from the east property line, and Mr. Barksdale's home (*lot 59*) is located at least 10 feet from that property line; therefore there are over 40 feet between Mr. Barksdale house and the proposed porch.

Ralph Conte, approached the Board and spoke in support of the subject petition, stating that the proposed home is not out of character with the neighborhood. He stated that he owns Conte Construction Company, and he built the largest home in the subdivision,

located at 985 Sadie Lane, which has 3600 square feet living area and 4400 square feet total area. He added that Mr. Spitulski is currently building the largest home in the community. Mr. Conte added that Mr. Blankenship could build a two story home, a bigger home and still comply with the set back requirements.

Mr. Blankenship stated that he could build a bigger home within the setbacks and still meet the Impervious Surface Ratio.

***Motion by James Balderrama to approve the Variance with the recommendation that a lot grading plan be submitted to the City Storm Water Engineer Prior to Building permit issuance. Seconded by James Dunn, the motion carried unanimously 5-0.***

### **3. 1409 Fullers Cross Road - Variance**

Planner McGruder presented the board with a request for 1409 Fullers Cross Road for approval of a 5 foot side yard setback variance to allow the property owner to construct a single-family home. Ms. McGruder provided the Board with a copy of a letter of objection from the adjacent property owner to the south. She explained that the Planning and Zoning Board approved the variance on February 06, 2006, but it has since expired. City Staff has reviewed the application and recommends approval.

Jason Meyers, 7343 Lake Emma Road, Groveland, applicant representing the property owners, approached the Board and stated that the request will not impact the adjacent property to the south, since it is a waste land and therefore a non-buildable lot.

Mac McKinney questioned Mr. Meyers in regards to whether or not he received the appropriate permits before clearing and filling the subject lot. Mr. Meyers answered that he received a fill permit after the fact, since normally in residential properties a filling permit is not required. Mr. Meyers stated that the majority of the dirt currently seating on the lot will be removed.

James Balderrama asked about the location of the proposed home in comparison with the existing home to the north of the subject property. Mr. Meyers responded that the proposed home will be located much deeper than the existing home on the north side.

Planner McGruder informed the Board that the City Engineer has requested as a condition that a lot grading plan prior to building permits issuance.

Clemence Godin, 1417 Fullers Cross Road, approached the Board and stated that she owns the adjacent property to the north of the subject lot. She stated that she didn't have an objection to the variance, but pointed out that the applicant removed large trees without obtaining the appropriate permits, and some of the dirt is still in the property. She also stated that she spoke to Mr. Coulson (*property owner to the south of the subject lot*), who opposes to the subject variance and who also stated that he might be able to build a home on his property.

Jason Meyers, approached the Board again and apologized for not obtaining some of the appropriate permits, but stated that they were misinformed in regards to them.

*Motion by James Dunn to approve the 5 foot side yard setback Variance with the condition that a lot grading plan be submitted prior to building permit issuance. Seconded by Xerxes Snell, the motion carried unanimously 5-0.*

## **Rezoning & Small-Scale Comp Plan Amendment**

### **5. 510 Winter Garden Vineland Road**

Planner Byers presented the board with a request for approval of Ordinance 07-51, annexation of property located at 510 Winter Garden Vineland Road; Ordinance 07-52, amending the future land use of the subject property to City Low Density Residential; and Ordinance 07-53, rezoning the property from Orange County Citrus Rural to R-1. City Staff has reviewed the application and recommends approval.

Galina Chaldysheer, 973 Suhumi Street, Apopka, approached the Board to answer questions.

James Balderrama asked if the property will be platted, Ms. Chaldysheer responded that the property will be divided into 7 residential lots.

*Motion by Mac McKinney to approve Ordinance 07-51, annexation of subject property; Ordinance 07-52, amending the future land use of the subject property to Low Density Residential, and Ordinance 07-53, rezoning the property to R-1. Seconded by James Balderrama, the motion carried 5-0.*

## **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:37 p.m.

**APPROVED:**

**ATTEST:**

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**Chairman Larry Bedsole**

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**Planning Technician Lorena Blankenship**