



**For More Information, Contact:**

Lorena Blankenship  
Planning Technician  
City of Winter Garden  
300 West Plant Street  
Winter Garden, FL 34787  
407.656.4111 ext. 2273

[lblankenship@wintergarden-fl.gov](mailto:lblankenship@wintergarden-fl.gov)

**PLANNING & ZONING BOARD**

To: James Balderrama  
Jerry Carris  
James Dunn  
James Gentry  
Mac McKinney  
Rohan Ramlackhan  
Kent Horsley

CC: Mike Bollhoefer, City Manager  
Ed Williams, Planning Director  
Dolores Key, Econ. Dev. Director  
Tim Wilson, Chief Planner  
Regina McGruder-Jones, Planner II  
Brandon Byers, Planner II  
Dan Langley, City Attorney

RE: Agenda – December 1, 2008 - 6:30 PM  
Commission Chambers, City Hall  
300 West Plant Street, Winter Garden

- 
1. Call to Order
  2. Roll Call and Determination of Quorum
  3. Administration of the Oath of Office to new Board Member Kent Horsley
  4. Approval of minutes from the November 3, 2008 meeting – Attachment 1

**Variances (all Public Hearings)**

5. 45 W. Division Street, Setback Variance – Attachment 2
6. 1207 W. Story Road, (Exotic Car Transport) – Attachment 3
7. 213 6<sup>th</sup> Street, Setback Variance – Attachment 4

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

8. 1297 Winter Garden – Vineland Road – Attachment 5
9. 14580 W. Colonial Drive (Texaco), SEP & Lot Split – Attachment 6

**Lot Splits (no Public Hearings)**

10. 213 6<sup>th</sup> Street, Lot Split – Attachment 7

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:** November 25, 2008                      **Meeting Date:** December 1, 2008  
**Subject:** 45 W. Division Street  
**Issue:** Request for approval of a 5 foot rear yard setback variance for property located at 45 W. Division Street in Winter Garden, Florida. If approved, this will allow the property owner to construct a room addition to the existing single family residence.

**Supplemental Material/Analysis:**

**Applicant** Connie Crawford    Email: ccrawford336@embarqmail.com

**Zoning:** R-1 (requires 20% of lot depth for rear yard setback)

**FLU:** Low Density Residential

**Summary:** The property owner is requesting a 5 foot rear yard setback variance to construct a room addition to 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;*

Per the 20% of lot depth code requirement, this property requires an approximately 31’ rear yard setback. Due to the privacy fence and similar additions in the neighborhood, this should not negatively affect adjacent property owners. In addition, the structure will be located approximately 26’ from the rear property line.

*(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;*

This addition allows reasonable use of the property. The enclosed room addition is not out of character with other houses in the R-1 zoning district or this 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;*

Strict compliance with the land development regulations will not further any legitimate City objective. There are no benefits in denying this variance.

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

The granting of this variance is consistent with the Comprehensive Plan regarding single-family homes.

*(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 the minimum to make reasonable use of the land given the existing setbacks of the home and the overall character of the neighborhood.

**Staff**

**Recommendation:**

Staff recommends approval of the 5 foot rear yard setback variance to construct a room addition to the existing single family home.

**Next Step:** If P& Z Board approves, apply for building permit from the Building Department.

45 W. Division Street



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

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**Date:** November 25, 2008      **Meeting Date:** December 1, 2008  
**Subject:** 1207 East Story Road (Exotic Car Transport)  
**Issue:** Request for approval of a variance that would allow an automobile storage structure to be within 200' of a school for the property located at 1207 E. Story Road.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Thomas R. Meunier      FAX: 407-654-9951

**Zoning:** I-2

**FLU:** Industrial

**Summary:** The applicant is requesting a variance that would allow an automobile storage structure to be within 200' of a school. Section 118-1126 of the City Code restricts automobile storage structures from being located within 200' of a school. Maxey Elementary School is located directly to the north of the subject property. However, given that the Florida Auto Auction is also adjacent to Maxey Elementary and the rear of the property will be fenced and buffered with landscaping, Staff believes that strict compliance with the City Code is not necessary in this situation.

In addition, this property was granted the same variance by the Planning & Zoning Board on September 11, 2006. However, it has since expired. Due to problems with St. Johns Water Management Permits and other issues; construction was delayed. This project received site plan approval on July 26, 2007 by the City Commission and has been granted a 365 day site plan approval extension by the City Engineer.

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 proposed automobile storage facility is surrounded by similar industrial facilities and landscape buffers will screen any proposed structures from the school.

*(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 will allow a reasonable use of the property. In addition, the proposed use is not out of character with the industrial zoning classification.

*(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 industrial land use.

*(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.*

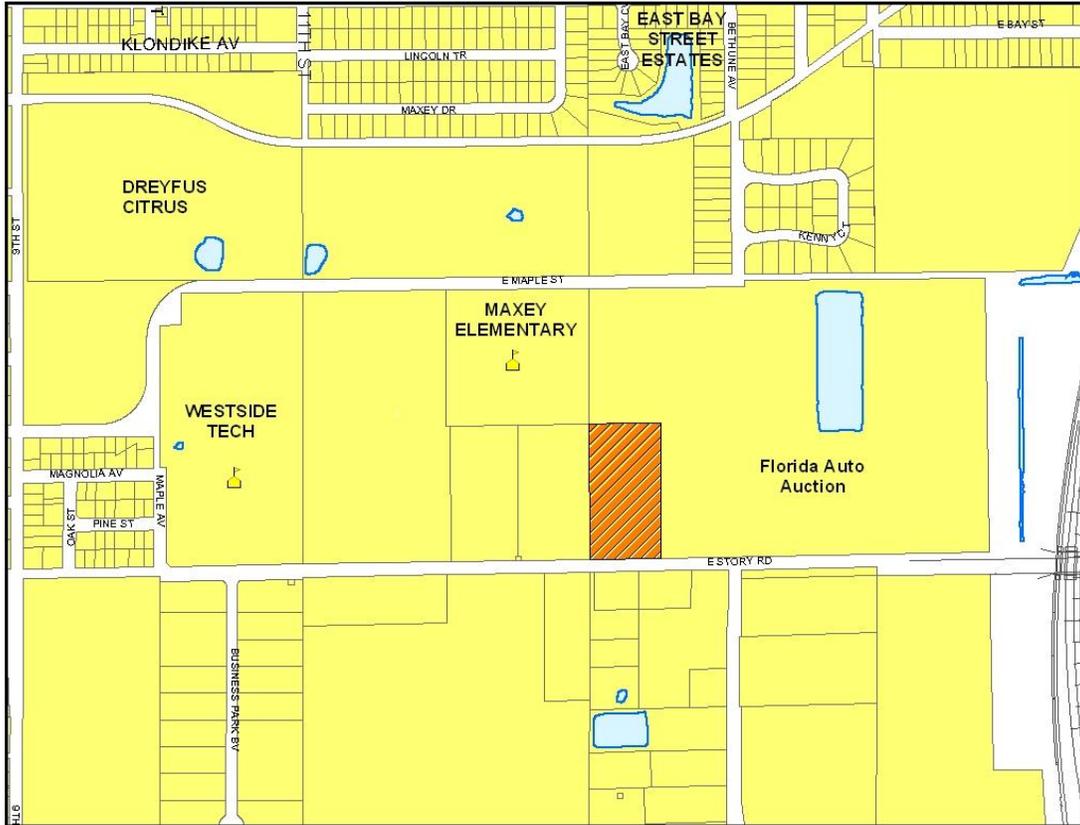
The variance is a minimal request. This property has been zoned industrial for many years and the land use is compatible given the property's proximity to the Florida Auto Auction and other industrial businesses.

**Staff  
Recommendation:**

Staff recommends approval of the requested variance that would allow an automobile storage structure to be within 200' of a school.

**Next Step:** If P & Z Board approves, the applicant may apply for a construction/building permit from the Building Department.

**1207 E. Story Road**



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

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**Date:** November 25, 2008                      **Meeting Date:** December 1, 2008

**Subject:** 213 6<sup>th</sup> Street

**Issue:** Request for approval of a 25 foot lot width variance, a 1,050 square feet lot area variance and a 2 foot side yard setback variance for property located at 213 6<sup>th</sup> Street in Winter Garden, Florida. If approved, this will allow the property owner to construct a new single family home.

**Supplemental Material/Analysis:**

**Applicant** Felipe Rodriquez

**Zoning:** R-2 (requires a 75' x 100' lot size, 7,500 square feet lot area and 10' side yard setbacks)

**FLU:** Low Density Residential

**Summary:** The property owner is requesting a 25 foot lot width variance, a 1,050 square feet lot area variance and a 2 foot side (west) yard setback variance to construct a new 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;*

Currently located on the property is an existing very small 20' x 20' square feet single family, the property owner would like to demolish this structure and build a new larger single family home on the lot to

accommodate his growing family. This should not negatively affect adjacent property owners. In addition, the new single family home will likely increase property values and provide improvements to the residential neighborhood.

*(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;*

This new home allows reasonable use of the property. The proposed single family home is not out of character with other houses in the R-2 zoning district or this 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;*

Strict compliance with the land development regulations will not further any legitimate City objective. There are no benefits in denying this variance.

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

The granting of this variance is consistent with the Comprehensive Plan regarding single-family homes.

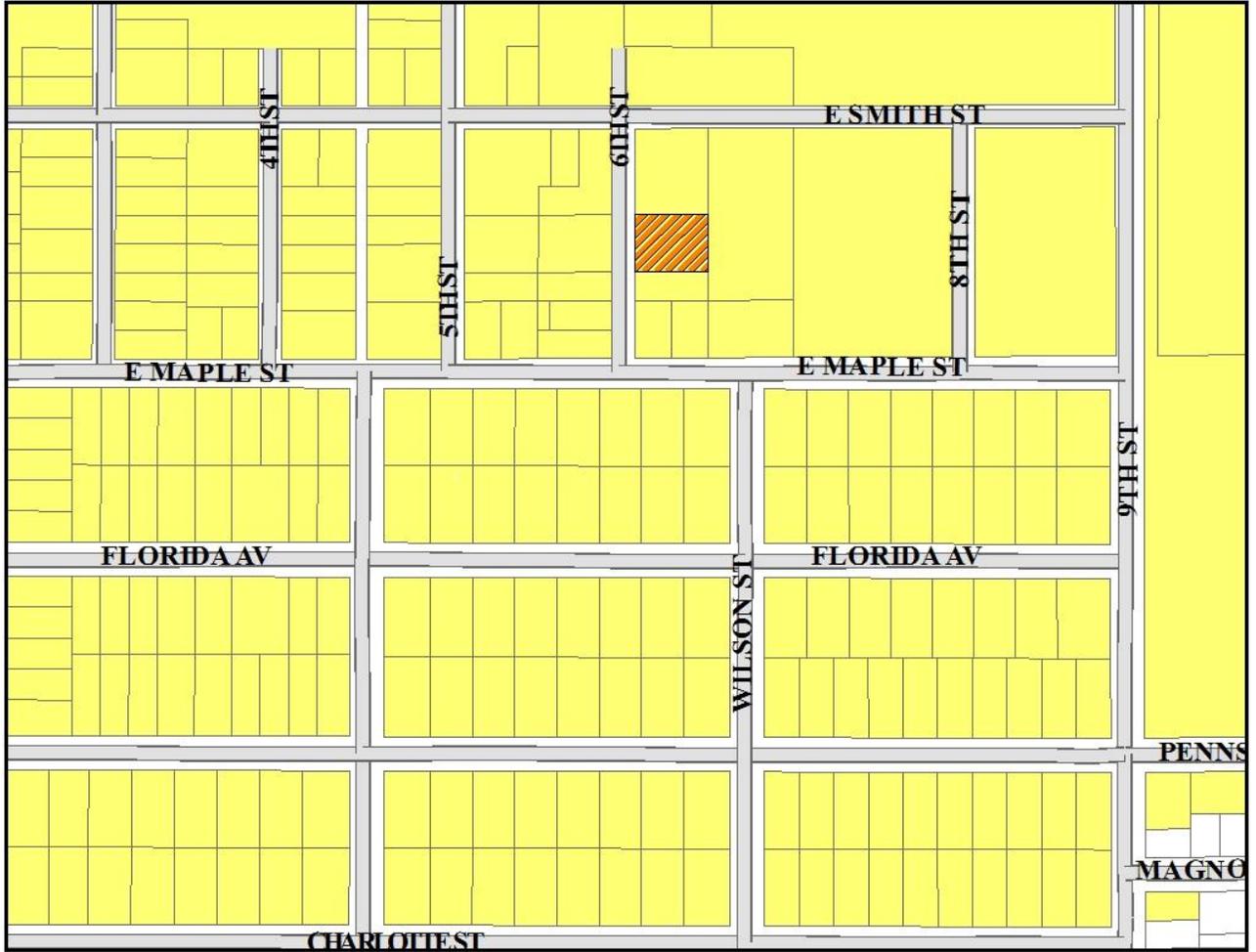
*(e) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

The variance requested is the minimum to make reasonable use of the land given the existing setbacks of the home and the overall character of the neighborhood.

**Staff  
Recommendation:**

Staff recommends approval of the 25 foot lot width variance; 1050 square feet lot area variance and 2 foot side (west) yard setback variance with the condition that within 30 days of the issuance of the certificate of occupancy for the new single family home; the existing 20' x 20' structure be demolished and removed from the lot.

**213 6<sup>th</sup> Street**



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

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**Date:** November 25, 2008                      **Meeting Date:** December 1, 2008

**Subject:** 1297 Winter Garden – Vineland Road

**Issue:** Request for approval of a special exception permit to allow the property owners to operate an amusement and recreational facility (Monster Mini Golf) at the West Orange Business Center.

**Supplemental Material/Analysis:**

**Owner/Applicant** Winston Schwartz                      Email: [ws333@aol.com](mailto:ws333@aol.com)

**Zoning:** PCD (allows amusement and recreational facility with special exception permit)

**FLU:** Commercial

**Summary:** The property owner is requesting a special exception permit to operate an amusement and recreational facility (Monster Mini Golf) at the West Orange Business Center. This facility is marketed to families as a location to hold special family parties. Although the miniature golf facility is open to the public, it does not contain any restaurant facilities. There is no associated site work with this project. If approved, the applicant will need to receive building permits.

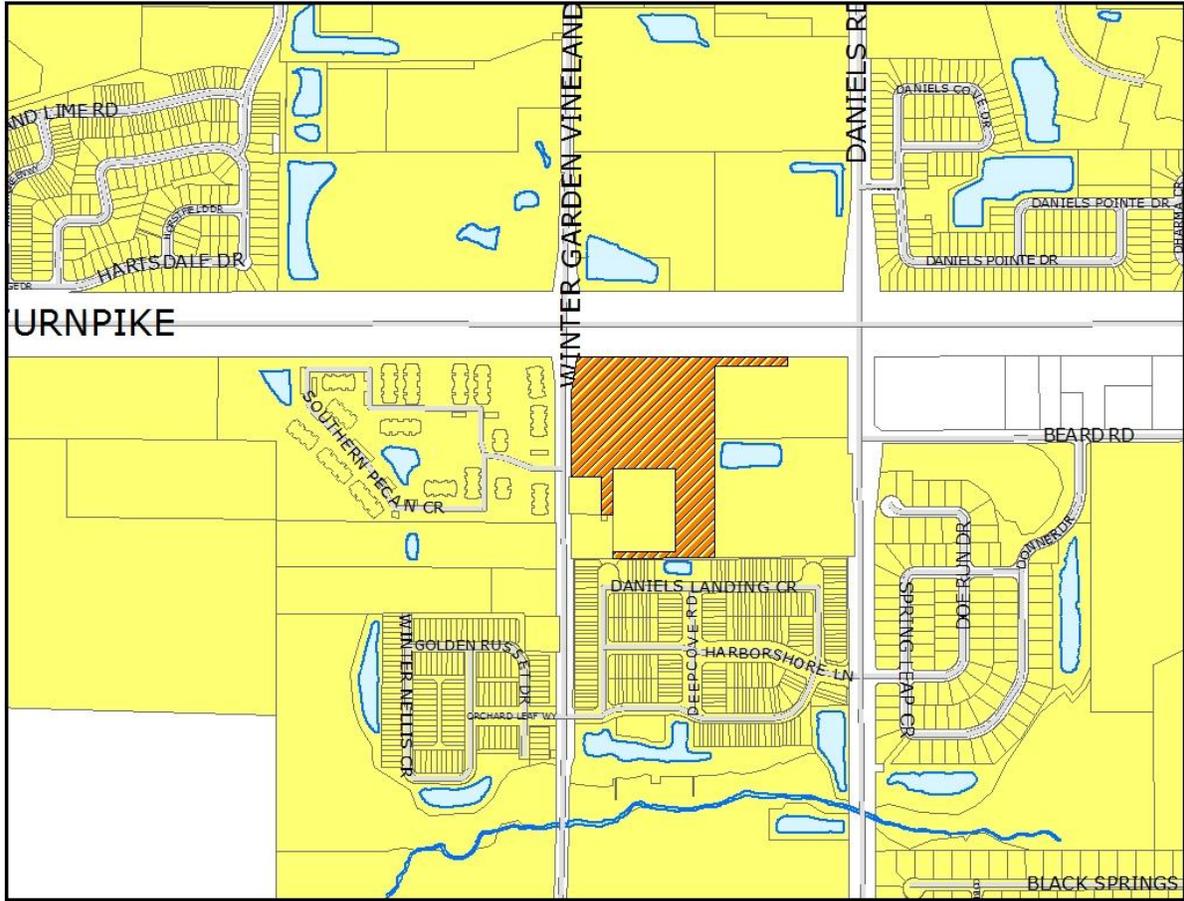
**Staff  
Recommendation:**

Staff recommends approval of the special exception permit with the following conditions:

1. All business operations shall be contained within the building. No outdoor entertainment shall be allowed without approval from the City.
2. No outdoor storage.

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

**1297 Winter Garden – Vineland Road**



**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 6 (Public Hearing)**

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**Date:** November 25, 2008      **Meeting Date:** December 1, 2008

**Subject:** 14580 W. Colonial Drive (Texaco) Special Exception Permit and Lot Split

**Issue:** Request for approval of a Special Exception Permit to allow the applicant to provide vehicle oil change services at the existing gas station/car wash business. Also, request for approval of a lot split that will subdivide the property into two commercial lots. Currently there is an existing gas station/car wash (Texaco) developed on the north parcel. The south parcel is a vacant commercial lot for future development.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Huy N. Phok

**Zoning:** C-2 (allows vehicle sales and services with SEP Permit)

**FLU:** Commercial

**Summary:** Applicant is requesting a Special Exception Permit to allow vehicle oil changing services at the existing gas station/car wash commercial business. Also, requesting approval of a lot split that will subdivide the property into (2) commercial lots. The lot split will create two parcels that are approximately 256' x 215' (north parcel) and 345' x 260' (south parcel). Currently there is an existing gas station/car wash (Texaco) developed on the north parcel. The south parcel is vacant and will be used for future development.

**Staff  
Recommendation:**

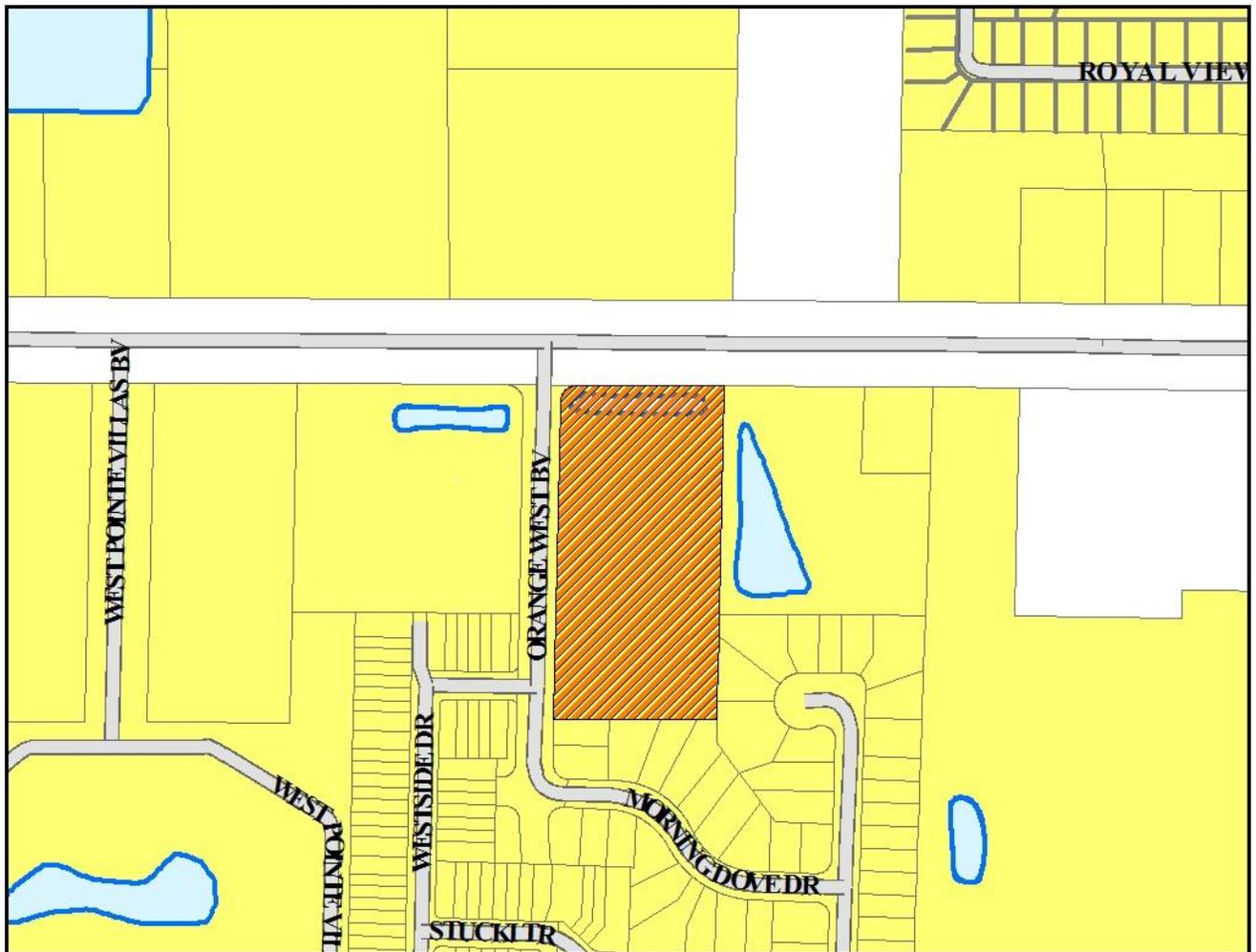
Staff recommends approval of the Special Exception Permit that would allow the applicant to provide vehicle oil changing services only at the existing gas station/car wash business. Any additional automobile services or repair services will require another Special Exception Permit for review and determination. No outside storage/display will be allowed.

Staff also recommends approval of the requested lot split to subdivide the property into two commercial lots with the condition the applicant provide a copy of the recorded 40' wide cross access easement required for this lot split and with the all other conditions identified in the Engineering Department's Memo dated October 30, 2008.

**Next Step:**

If P & Z Board Approves; applicant needs to apply for appropriate business tax. Also, will need to record 40' wide cross access easement and record the lot split with Orange County Property Appraiser.

**14580 W. Colonial Drive (Texaco)**



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

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**Date:** November 25, 2008      **Meeting Date:** December 1, 2008

**Subject:** 213 6<sup>th</sup> Street Lot Split

**Issue:** Applicant is requesting a lot split that will subdivide the property into two 50' x 129' single family residential lots. The existing 100' x 129' lot currently has two very small single family homes located on the lot. The applicant would like to subdivide the property and demolish the existing very small structure and build a new single family home.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Felipe Rodriquez

**Zoning:** R-2 (requires 75' x 100' lot size)

**FLU:** Neighborhood Commercial

**Summary:** Applicant is requesting a lot split for property located at 213 6<sup>th</sup> Street. The proposed lot split will create (2) 50' x 129' lots. The existing 100' x 129' lot currently has two very small single family homes located on the lot. The applicant would like to subdivide the property and demolish the existing very small structure and construct a new single family home.

**Staff**

**Recommendation:**

Staff recommends approval of the lot split that will subdivide the property into (2) 50' x 129' residential lots.

**Next Step:** If P & Z Board Approves; applicant needs to record the lot split with Orange County Property Appraiser.

**213 6<sup>th</sup> Street**

