

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

Date: July 6, 2009 **Meeting Date:** July 6, 2009
Subject: 334 East Bay Street Setback Variance
Issue: Request approval of a 30 foot front setback variance and 13 foot side setback variance for property located at 334 East Bay Street. If approved, this variance will allow the property owners to construct an addition to their existing building.

Supplemental Material/Analysis:

Owner/Applicant: Homar Jaimes Email: homar@hombresmasonry.com

Zoning: I-2 (Requires 50' front setback and 25' side setback)

FLU: I (Industrial)

Summary: The applicant is requesting a 30 foot front setback variance and 13 foot side setback variance to construct an addition to their existing building. The proposed addition will align with the existing building and will not encroach any further into the setback. However, as the existing building is non-conforming because it does not meet the I-2 setback requirements, any building addition that increases a non-conformity must receive a variance from the Planning & Zoning Board.

The proposed addition will be built in conjunction with a small-scale site plan. This site plan proposes to realign the existing parking and storage yard and will provide additional landscape buffers that will help the aesthetics of the property.

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 addition will not encroach any further into the setback than what already exists on the property. The property owner is completing site improvements which will soften the industrial look of the property and provide a more aesthetically pleasing environment.

(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 property is smaller than other industrial lots in the City. The typical land requirements for industrial lots are generally much larger. However, this property has been used for industrial purposes for many years. Given that the addition will not encroach further into the setbacks, the proposed variance will allow reasonable use of the property.

(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 City 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 properties.

(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 variance that will make reasonable use of the land. Denying this variance does not benefit the property owner or the City.

**Staff
Recommendation:**

Staff recommends approval of the 30 foot front setback variance and 13 foot side setback variance to construct an addition to their existing building.

Next Step:

Obtain building permits from the Building Department and commence construction. Receive site plan approval from City Staff and proceed to pre-construction meeting.

334 E. Bay Street



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

Date: July 6, 2009 **Meeting Date:** July 6, 2009

Subject: 248 Aranel Court Setback Variance

Issue: Request approval of a 4 foot rear yard setback variance for property located at 248 Aranel Court. If approved, this variance will allow the property owners to construct a screen room addition.

Supplemental Material/Analysis:

Owner/Applicant: Jacqueline Almonor

Zoning: R-1B (Requires 25' rear yard setback)

FLU: LR (Low Density Residential)

Summary: The applicant is requesting a 4 foot rear setback variance to construct a screen room addition.

This property is corner lot in the Amberleigh subdivision. The property owner would like to construct the addition over the existing concrete slab.

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 variance requested is minimal and the proposed structure is about 21 feet from the rear property line. This addition should not affect any adjacent property owners and is typical in many residential subdivisions.

(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 will allow reasonable use of the property. Homes in this and other residential subdivisions have received variances for screen room additions.

(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 City 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 residential.

(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 variance that will make reasonable use of the land. Denying this variance does not benefit the property owner or the City.

**Staff
Recommendation:**

Staff recommends approval of the 4 foot rear setback variance to construct a screen room addition.

Next Step: Obtain building permits from the Building Department and commence construction.

248 Aranel Court



New Horizons Christian Church

