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PLANNING & ZONING BOARD

To: Jerry Carris
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CC: Mike Bollhoefer, City Manager
Dan Langley, City Attorney
Ed Williams, Planning Consultant
Dolores Key, Econ. Dev. Director
Tim Wilson, Community
Development Director
Bill Wharton, Principal Planner
Regina McGruder-Jones, Planner II
Brandon Byers, Planner II

RE: Agenda – November 2, 2009 - 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

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1. Call to Order
 2. Roll Call and Determination of Quorum
 3. Approval of minutes from the October 5, 2009 meeting – Attachment 1

Variances (All Public Hearing)

4. 15052 Sawgrass Bluff Drive, Setback Variance – Attachment 2
5. 78 North Street, Variances – Attachment 3

Special Exception Permits (All Public Hearings)

6. 78 North Street – Attachment 4
7. 1301 E. Bay Street (Bay Street Church of God) – Attachment 5

Note: §286.0105, Florida Statutes, states that if a person decides to appeal any decision by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability, as defined by the ADA, needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the City Clerk's Office at 407-656-4111 extension 2254.

approximately 20' from the rear property line. Adjacent property owners should not be negatively affected by this variance.

(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. It is not out of character with other properties in the residential zoning category. Many homes are built close to the setback giving property owners little ability to expand their homes without requiring a variance. This type of screen room is typical in 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 City land development regulations will not further any legitimate city objective. This request does not encroach into any recorded easement and should not affect the drainage pattern for the home.

(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

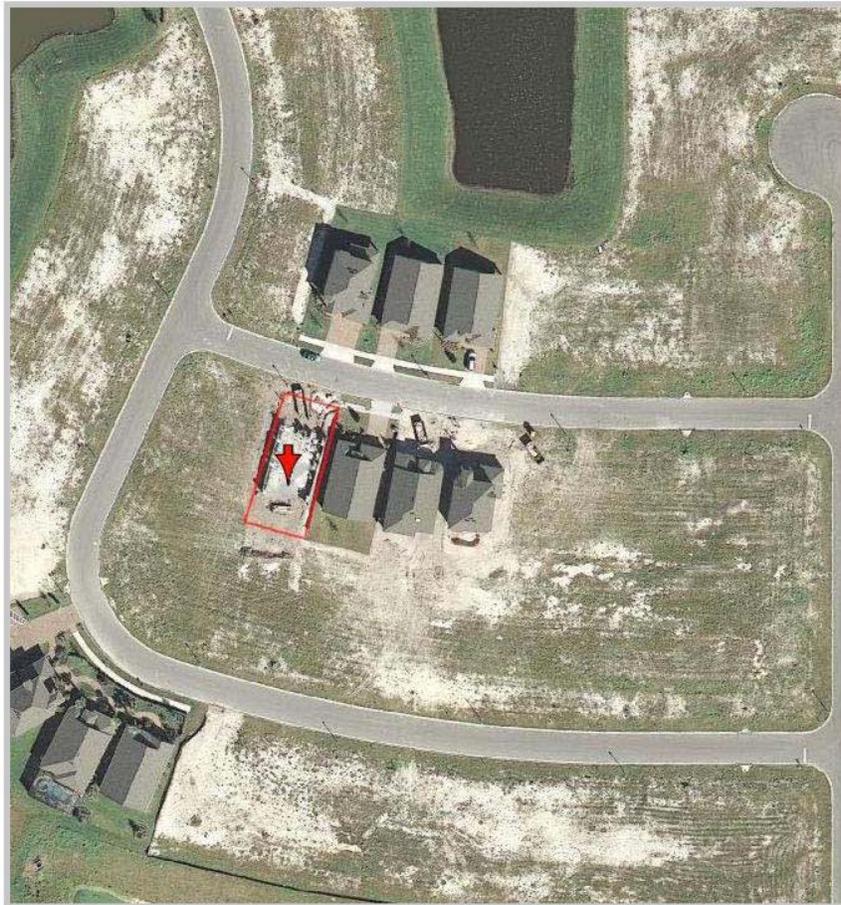
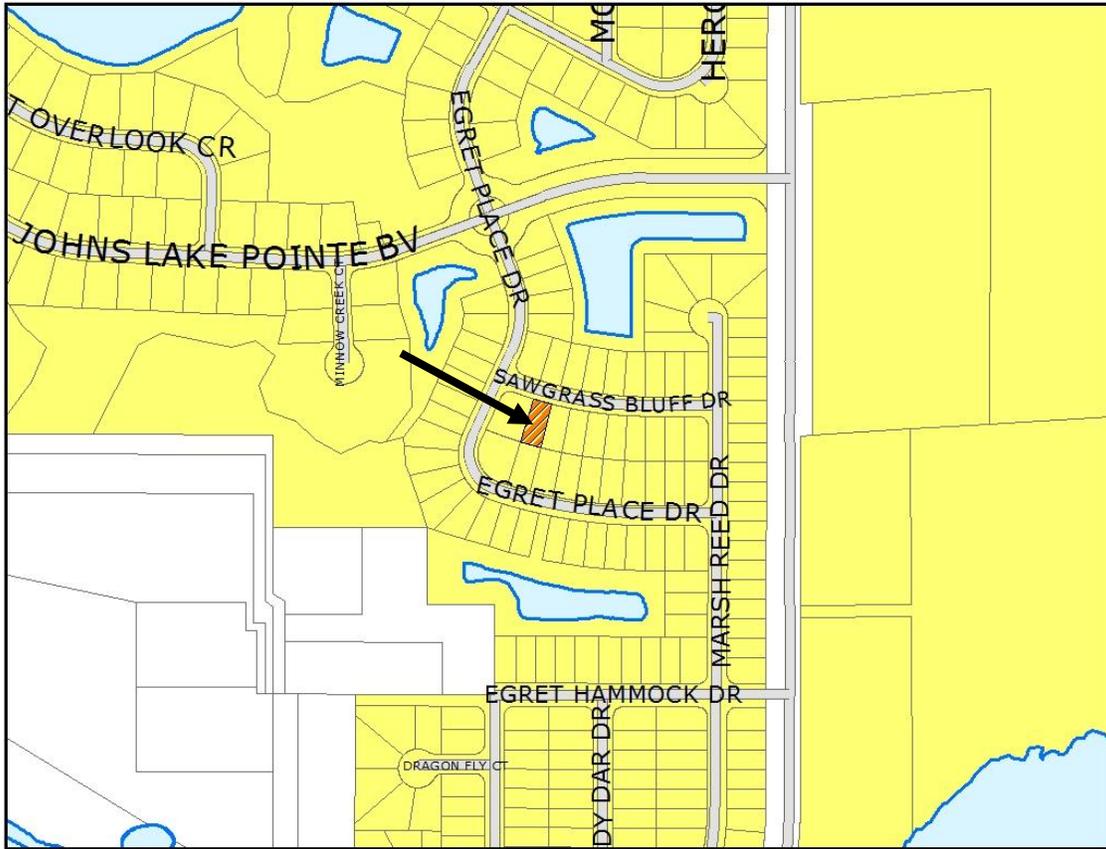
Recommendation:

Staff recommends approval of the 6 foot rear setback variance to construct a screen room addition.

Next Step:

Obtain building permits from the Building Department and commence construction.

15052 Sawgrass Bluff Drive



The Community Redevelopment Agency (CRA) has identified the subject area as a priority for development and redevelopment and with many of the existing lots not able to comply with current zoning and restrictions, redevelopment may require numerous variances.

The applicant is requesting the variances for construction of eight (8) new single family homes as defined by City Code Section 118-519. The proposed Tandem Housing units allow two detached single family units in the front and two detached single family units in the rear; all connected by a common center driveway. The proposed project will provide two tandem housing units for a total of eight new homes.

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;*

City Staff, CRAAB, and CRA have identified East Winter Garden as a priority area for redevelopment; the proposed affordable housing project will provide quality and affordable housing for the residents and citizens of Winter Garden. The ultimate goal of this project is to attract and put good families from the community in these houses; so that the property is maintained and kept in good condition to build value and improve the community. Staff believes that the proposed affordable housing project is not out of character with the existing homes in the neighborhood. The quality of the proposed homes will provide an improvement to the existing neighborhood; therefore 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;*

The proposed single family homes are in character with the existing neighborhood and will be an improvement to the area; the RNC-2 zoning allows smaller lots and setbacks because the majority of the existing lots in the area are non-conforming. In addition, the proposed single-family houses are consistent with the intent of the RNC-2 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 well-constructed new homes outweigh any negative effects.

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

The variances are 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 variances requested are reasonable considering the proposed affordable housing project should not significantly impact the adjacent neighbors and will create an opportunity to increase property values and increase the quality of living in this neighborhood.

The notes on the plan state that additional street parking has been assumed. This may be possible on North and Center Streets that will accommodate parking on one side only. 10th Street is substandard in both right-of-way and pavement width (15') and will not accommodate street parking.

Staff

Recommendation: The Applicant has requested numerous variances to support this project. While it may appear that the number of requested variances is excessive; once staff performed our review of the request and the specific level of each occurrence, we concluded that with certain conditions the variances, as requested are reasonable and necessary to support the project design. Staff will work with the developer/builder for alternate locations for the air conditioning condenser pads.

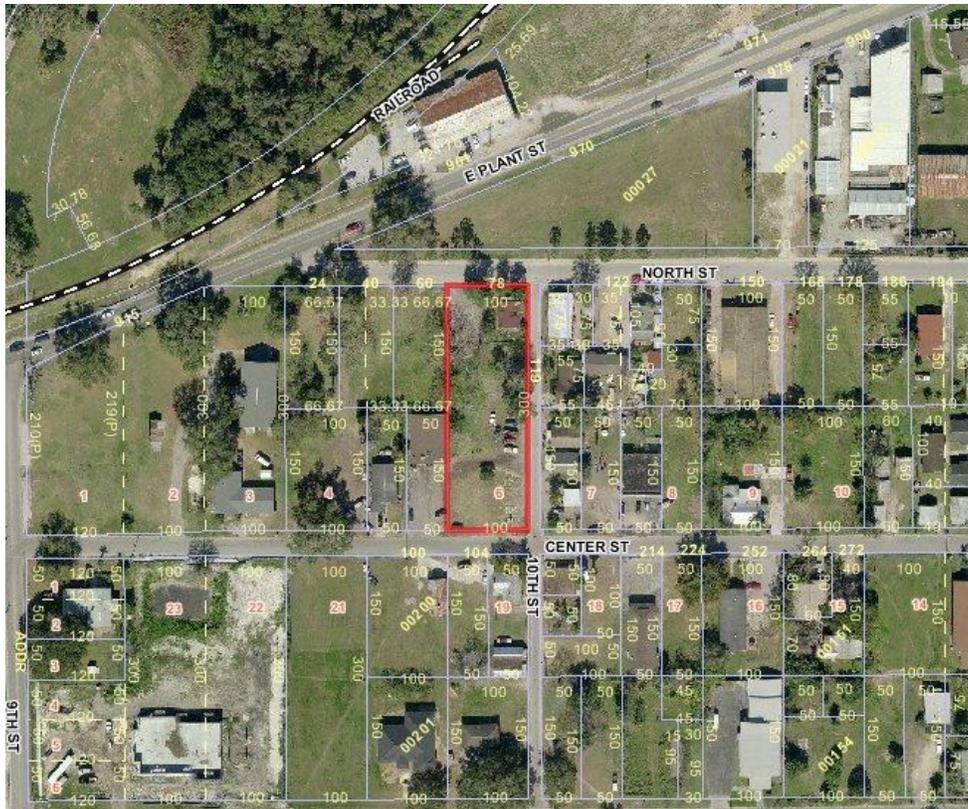
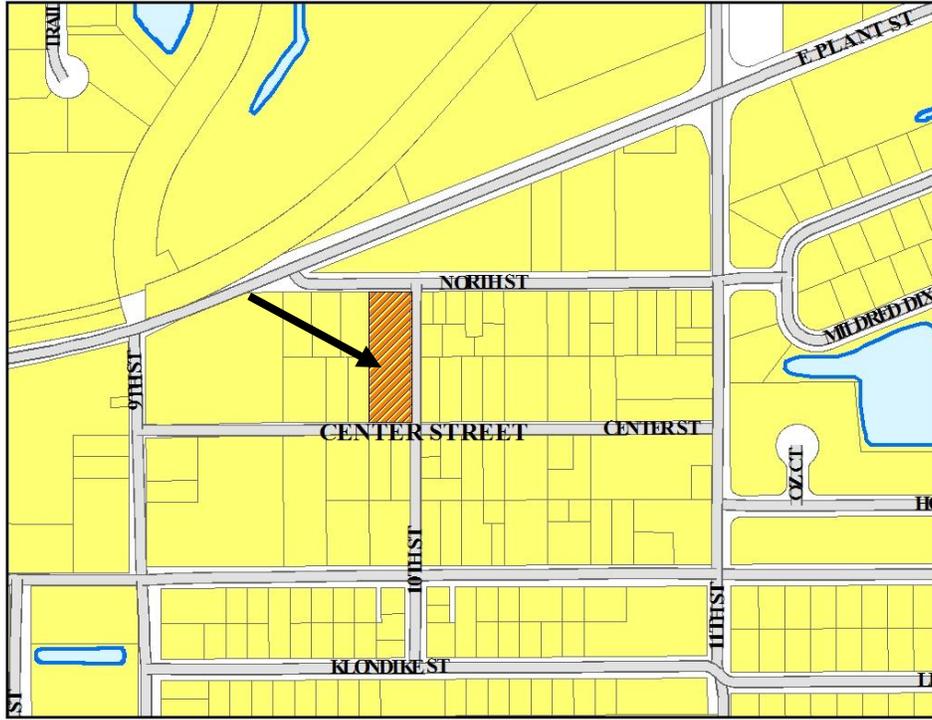
Staff is recommending specific conditions that address additional detailed information on the driveways, outside garage parking requirements and exterior architecture design standards that will be similar and compatible with the architectural illustrations submitted.

Staff recommends approval of the requested variances for the property located at 78 North Street with the following conditions:

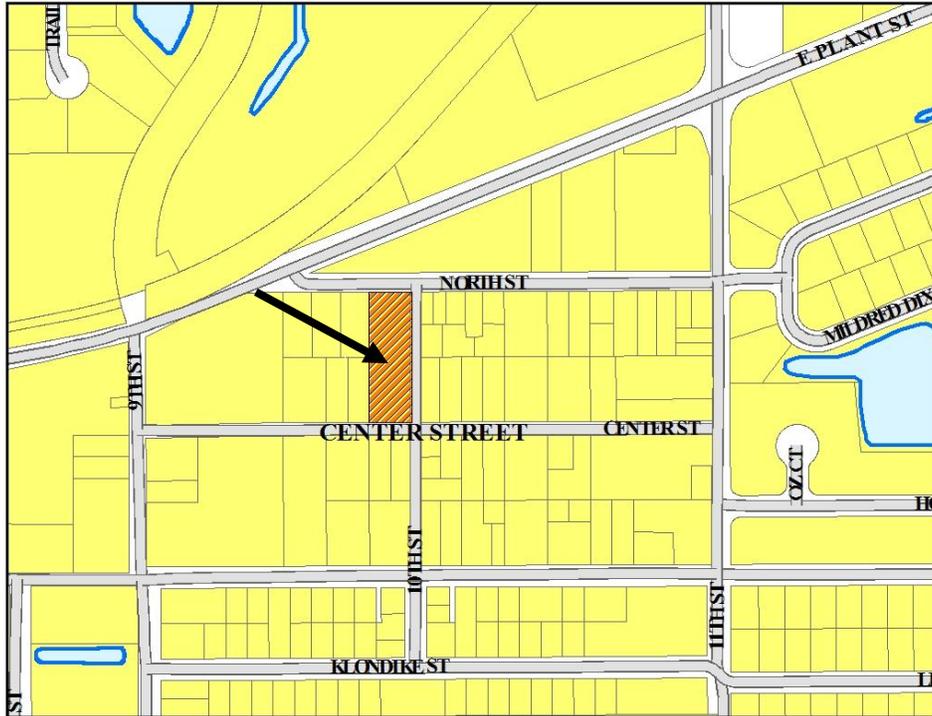
Approval Conditions:

1. There will be a requirement to submit a detailed design plan for the driveway area and the parking turning radii area located in front of the garages for review and approval by the City; before any building permits are issued. The design shall include pavement markings and appropriate traffic signs, utility connection design details and other appropriate design elements for this project.
2. The City will review the driveway parking layout for determination of allowing parking outside of the garage on carport area. The design standard for outside garage parking will provide a minimum 16' parking stall depth with an open carport design and a minimum 17' parking stall depth for an enclosed garage design for any outside designated parking spaces. All outside parking areas will be 8.5 feet in width.
3. The final exterior architectural design standards shall be similar and compatible with the illustrative architectural designs submitted as part of this variance request.
4. Easements for cross access, drainage, and utilities shall be created and recorded prior to issuance of building permits. In addition, 5 foot utility easements will be required for the perimeter of the project.
5. Drainage shall be directed to the street sides (via driveways), not onto adjacent properties. Final building plans shall be accompanied with a lot grading plan that shows the finished floor elevation of each structure, driveway grading, and direction of roof runoff. Roof gutters may be required due to the reduced building setbacks.
6. The request for the HVAC encroachment in the side yard setback is not recommended by City Staff. Staff will work with the developer/builder for alternate locations for the air conditioning condenser pads.

78 North Street



78 North Street



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

Date: October 30, 2009 **Meeting Date:** November 2, 2009

Subject: 1301 E. Bay Street (Bay Street Church of God) Variances and Special Exception Permit

Issue: Staff request this item be tabled until the December 7, 2009 Planning & Zoning Board Meeting.

Bay Street Church of God

