



**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: Jerry Carris  
James Dunn  
James Gentry  
Kent Horsley  
Mark Maciel  
Mac McKinney  
Rohan Ramlackhan

CC: Mike Bollhoefer, City Manager  
Dan Langley, City Attorney  
Ed Williams, Planning Consultant  
Tim Wilson, Community  
Development Director  
Bill Wharton, Principal Planner  
Regina McGruder-Jones, Planner II  
Brandon Byers, Planner II

RE: Agenda – May 03, 2010 - 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. Approval of minutes from the April 5, 2010 meeting – Attachment 1

**Variances (All Public Hearing)**

4. 20 E. Palmetto Street Setback Variance - Attachment 2
5. 14 W. Garden Avenue (tabled from April 05, 2010 P&Z) - Attachment 3

**Special Exception Permit (All Public Hearing)**

6. Ladybird Academy Daycare (Avamar, Lot 4) – Attachment 4

**Ordinances (Public Hearing)**

7. West State Road 50 Overlay Development Standards Amendments; Ordinance 10-08 – Attachment 5, (Attachments were delivered for review on April 23, 2010; please see final revisions by City Attorney as indicated in staff report)

**ADJOURN** to a regular Planning and Zoning Board meeting on Monday, June 07, 2010 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1<sup>st</sup> floor.

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.



City of Winter Garden

P: 407.656.4111

300 West Plant Street

Winter Garden, FL

34787

wintergarden-fl.gov

**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
APRIL 05, 2010**

**CALL TO ORDER**

Chairman Jerry Carris called the meeting of the City of Winter Garden Planning and Zoning Board to order at 6:30 p.m. in the City Hall Commission Chambers. The invocation was given followed by the Pledge of Allegiance. The roll was called and a quorum was declared present.

**MEMBERS PRESENT:** Chairman Jerry Carris, Vice-Chairman James Gentry, Board Members: Mac McKinney, James Dunn, Rohan Ramlackhan, Mark Maciel, and Kent Horsley.

**STAFF PRESENT:** City Manager Mike Bollhoefer, City Attorney Kurt Ardaman, Parks and Recreation Director Jay Conn, Assistant to City Manager for Public Services Don Cochran, Planning Consultant Ed Williams, Community Development Director Tim Wilson, Principal Planner Bill Wharton, Planner Regina McGruder, and Planning Technician Lorena Blankenship.

**1. APPROVAL OF MINUTES**

Approval of minutes from regular meeting held March 01, 2010.

***Motion by Kent Horsley to approve the above minutes. Seconded by James Dunn the motion carried unanimously 6-0.***

Rohan Ramlackhan arrived at 6:34.

## VariANCES

### **2. 695 & 711 Garden Commerce Parkway**

Planner McGruder presented the Board with a request for approval of a 25 foot front yard setback variance for parcels located at 695 & 711 Garden Commerce Parkway. If approved, this variance will allow the construction of an 6,000 square foot warehouse building for Lot 6 located at 695 Garden Commerce Parkway, and a 6,000 square foot warehouse building for Lot 7 located at 711 Garden Commerce Parkway with associated infrastructure and parking improvements. City Staff has worked with the applicant to upgrade the building façade with additional architectural elements to enhance the buildings and to provide additional landscaping and trees for the buildings frontage. This is a request for a front yard setback variance of 25 feet from the required 50 feet. The applicant will be constructing this project in phases; the two 6,000 square foot warehouse buildings for Lot 6 and Lot 7 will be constructed in Phase 1 of the project. If the subject request is approved, subsequently the applicant will submit a detailed site plan for each Lot including drainage, grading, and utility systems for City Staff's review and approval. City Staff has reviewed the application and recommends approval with the following conditions:

- The final approved building elevations and landscape plan submitted for site plan approval shall be similar in architectural design standards as illustrated with the conceptual plan submitted with variance application and reviewed by the Planning and Zoning Board. All building sides shall be constructed with consistent and similar building materials, colors and finishes as the front building façade. The final landscape plan and building elevations for each building shall be reviewed with site plan.
- All landscape materials and improvements required for front, rear and side yards shall be installed with the infrastructure improvements and site work for Lots 6 and Lots 7 (Phase 1) of this project. A minimum 5' wide landscape buffer shall be required around front buildings for Lot 6 and Lot 7. The building landscape materials and improvement may be installed with issuance of building permits

James Dunn stated that he has a voting conflict and will be abstaining from voting on the subject item.

***Motion by Kent Horsley to approve the 25 foot front yard setback variance for property parcels located at 695 and 711 Garden Commerce Parkway to allow the construction of an 6,000 square foot warehouse building for Lot 6 located at 695 Garden Commerce Parkway, and a 6,000 square foot warehouse building for Lot 7 located at 711 Garden Commerce Parkway with associated infrastructure and parking improvements with City Staff conditions (see attached). Seconded by James Gentry the motion carried 6-0-1, James Dunn abstained from voting.***

**3. 14 W. Garden Avenue**

Community Development Director Wilson presented the Board with a request for approval of a 6 foot side yard (east) setback variance for property located at 14 W. Garden Avenue. If approved, this variance will allow the property owners to construct a 10' W x 26'L x 12'H detached open carport on the east side of the property. Mr. Wilson reminded the Board that this item was tabled from the February 01, 2010 Planning and Zoning Board meeting to allow the applicant time to submit additional information to the Board. Mr. Wilson added that City Staff met with the applicant hoping that an agreement could be reached regarding the subject petition. The applicant has supplied additional information including photographs regarding metal style enclosures. There are 5-6 examples attached at the end of the staff report where vehicles or boats are parked within an open metal roof structure as well as some other examples of screen rooms and other use of metal structures not relevant to this request. In addition, there are letters from the applicant's neighbors supporting this request.

Director Wilson displayed photographs of similar carports and structures acceptable by City Staff and explained details regarding the material and styles of the diverse structures. He added that City Staff is not in support of the subject request to have a metal enclosure within 4 +/- feet of the property line. However, City Staff would be supportive of a wood style structure with similar materials to the house that would be either attached or detached to the house. We have not received any alternative design (s) from the applicant to change the staff recommendation. The applicant has the option to ask for another continuance or to have a decision made with the information that has been provided.

Robert Shillington, 14 W. Garden Avenue, Winter Garden, approached the Board and stated that he is trying to protect the investment he made on his RV recreational vehicle, by providing protection from the weather and debris from trees. He also stated that he believes the impact in the neighborhood and community is minimal. Mr. Shillington explained details regarding the photographs he provided, including photographs of similar structures located within the City.

Intensive discussion followed among the Board Members, Mr. Shillington, Director Wilson, City Manager Bollhoefer and City Attorney Ardaman regarding the subject

petition. Topics of discussion included the material and style of similar structures, the exact location of the proposed structure, the overall appearance, other location and structure alternatives, and the code requirement to have the structure blend aesthetically in color and design with the residential home and the neighborhood.

***Motion by James Gentry to continue the public hearing for the subject item at the May 03, 2010 Planning and Zoning Board meeting at 6:30 p.m. to give the applicant some time to work with City Staff and readjust the petition. Seconded by Kent Horsley the motion carried unanimously 7-0.***

### **Ordinances**

#### **4. Ordinance 10-21, Water and Waste Water New Impact Fees**

Community Development Director Wilson presented the Board with a request for recommendation of approval of Ordinance 10-21, amending water and wastewater impact fee provisions to change assessment methodology from equivalent residential unit (ERU) based to meter (size) based impact fee assessment methodology and reducing water and wastewater impact fees. As the Land Planning Agency for the City, the Planning & Zoning Board reviews land development regulations and makes recommendations to the City Commission on proposed amendments to land development regulations. The Board is requested to review and provide recommendations only on the portions of Ordinance 10-21 that relate to water and wastewater impact fees. Other provisions of the Ordinance are not considered land development regulations. A copy of proposed sections 78-50 through 78-52 that relate to water and wastewater impact fees are attached to this memorandum. The City of Winter Garden contracted with Public Resource Management Group, Inc. ("PRMG") to evaluate the City's water and wastewater impact fee assessment methodology and rates. PRMG recommended changing the impact fee assessment methodology to charge water and wastewater impact fees based on the size of the water meter installed in lieu of the current ERU-based assessment methodology. Staff believes that the meter-based assessment is easier to implement from an administrative stand-point and easier for developers and property owners to understand and make calculations of estimated water and wastewater impact fees for their projects. Moreover, PRMG has recommended reducing water and wastewater impact fee rates. The proposed ordinance adopts PRMG's recommended reductions to water and wastewater impact fees. The proposed ordinance also clarifies provisions on payment schedule, disposition, collection, and protest and appeals of water and wastewater impact fees. City Staff has reviewed the petition and recommends approval of water and wastewater provisions (sections 78-50 through 78-52) of Ordinance 10-21 that adopt a meter-based assessment methodology and reduce water and wastewater impact fees to the City Commission.

City Attorney Ardaman clarified that the City Staff report included in the agenda package deals only with the impact fees, which is the scope of what the Planning and Zoning Board has the authority to deal with; the rest of the Ordinance includes matters that do not fall under the Land Development regulations for review. Under the law the Board's function is to look at the section of the ordinance regarding the Impact Fees, which is the recommending changed based on the study the City has completed.

Assistant to City Manager for Public Services Don Cochran approached the Board and provided the Board with a document identifying the current and proposed Water and Wastewater Impact Fees rates applied by meter base method. He explained the difference between the current and proposed rates, and the way the meter-based assessment methodology operates.

City Manager Bollhoefer added that the meter-based assessment methodology is acceptable for calculating residential and commercial impact fees. He stated that one of the biggest challenges for the City in the past has been determining the associated costs related to Water and Waste Water Impact Fees before a project can proceed forward. The proposed method will allow the City to predict what the Impact Fee cost will be before a development moves forward.

***Motion by James Dunn to recommend approval of Ordinance 10-21, amending water and wastewater impact fee provisions. Seconded by Kent Horsley the motion carried unanimously 7-0.***

**5. Ordinance 10-23, Amending Chapters 18, 46 & 88, to remove fee schedules and charges.**

Community Development Director Wilson presented the Board with a request for approval of Ordinance 10-23, amending Chapters 18, 46 & 88 to remove fee schedules and charges from the City Code of Ordinances and allowing fees and charges to be established by Resolution. Ordinance 10-23 will allow for the City to amend Chapter 18, Building and Building Regulations; Chapter 46, Fire Prevention and Protection and Chapter 88, Development Review Fee Schedule to remove the building fees and charges, certain fire fees and charges and the engineering site work fees and charges from the City Code of Ordinances and provide for these fees to be adopted by Resolution by the City Commission. These fees are the development permitting fees that are normally paid at the time of site development and building permit issuance. If this ordinance is adopted, City staff will present several Resolutions for these fees to be reviewed and adopted by the City Commission.

*Motion by Kent Horsley to recommend approval of Ordinance 10-23, amending Chapters 18, 46 & 88 to remove fee schedules and charges from the City Code of Ordinances and allowing fees and charges to be established by Resolution. Seconded by James Dunn, the motion carried unanimously 7-0.*

6. **Request for grant application to State to assist in land acquisition for Tucker Ranch property for possible future park.**

Parks and Recreation Director Jay Conn approached the Board and presented a brief overview of a potential park project involving the Tucker Ranch property located at 100 Avalon Road. He explained that the City is applying for a grant under the Land of Water Conservation Fund, and one of the requirements is that an overview of the item must be presented before the Board for input and support. He added that the Tucker family has expressed interest in selling the approximately 200 acres for a City Park, and the City would like to utilize most of the property as Nature Preserve Park. Mr. Conn reported that this is one of several grants needed to fund the purchase of the Tucker Ranch property.

The Board Members expressed their support towards the City's potential park project.

**ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:48 p.m.

**APPROVED:**

**ATTEST:**

\_\_\_\_\_  
**Chairman Jerry Carris**

\_\_\_\_\_  
**Planning Technician Lorena Blankenship**



The request is for a 5' side yard (east) setback variance to allow construction of an 18' x 24' garage addition to the existing single family residence. Similar single family lots have been granted variances to allow smaller setbacks to accommodate reasonable building additions to the existing home. Adjacent property owners should not be negatively affected by this variance. The garage addition will be consistent in color and design with the main structure.

*(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 reasonable use of the property. This request is not out of character with other garage additions in the residential zoning district. The proposed garage will provide parking for personal vehicles and additional storage for personal items. The single family residence is completely in character with the existing 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 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 residence and does not exceed the maximum impervious surface ratio for residential zoning.

*(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 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.

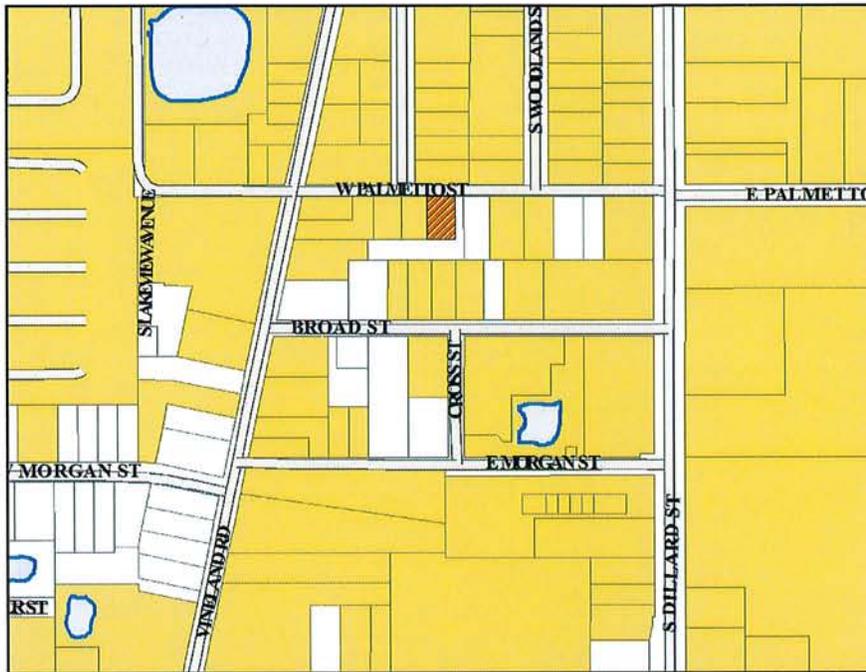
**Staff Recommendation:**

Staff recommends approval of the 5 foot side yard (east) setback variance to allow construction of an 18' x 24' garage addition to the existing single family home with the following approval condition:

1. The 18' x 24' garage addition shall be constructed with similar building materials and colors that are consistent with existing single family home.

Next Step: Apply for Building Permit.

**20 E. Palmetto Street**





CITY OF WINTER GARDEN  
300 WEST PLANT STREET  
WINTER GARDEN, FL 34787

P: 407.656.4111  
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WINTER GARDEN • A charming little city with a juicy past.

## PETITION FOR A VARIANCE

SECTION 118-130 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCE REQUIRES THAT EACH APPLICANT FOR A VARIANCE(S) SUBMIT A WRITTEN PETITION PROVIDING CERTAIN INFORMATION AND CLEARLY DESCRIBING HOW THE VARIANCE REQUEST SATISFIES ALL THE SPECIFIC CONDITIONS NECESSARY FOR THE GRANTING OF THE VARIANCE. PLEASE PROVIDE THE INFORMATION REQUESTED IN SUFFICIENT DETAIL IN ORDER TO ASSIST THE PLANNING AND ZONING BOARD IN MAKING THEIR DETERMINATION AS TO THIS PETITION (USE ADDITIONAL SHEETS IF NECESSARY):

1. NAME & ADDRESS OF PETITIONER (OWNER OF RECORD):

NAME: Darlene Madden

ADDRESS: 1081 Newton rd

CITY: Bonifay STATE: FL ZIP: 32425

PHONE NUMBER: 850-263-3201 EXT: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_

EMAIL: \_\_\_\_\_

2. CONTACT PERSON/MAILING ADDRESS (IF DIFFERENT):

NAME: Holly Madden

ADDRESS: 20 East Palmetto st

CITY: Winter Garden STATE: FL ZIP: 34787

PHONE NUMBER: 407-448-0246 EXT: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_

EMAIL: \_\_\_\_\_

3. IF CORPORATION, NAMES OF PRESIDENT AND SECRETARY:

PRESIDENT: \_\_\_\_\_ SECRETARY: \_\_\_\_\_

4. PROPERTY ID NUMBER: \_\_\_\_\_

5. NUMBER OF ACRES: \_\_\_\_\_

6. IS A FULL LEGAL DESCRIPTION ATTACHED? \_\_\_\_\_ YES \_\_\_\_\_ NO

7. IS A SURVEY ATTACHED? X YES \_\_\_\_\_ NO

8. IS THE SITE PLAN ATTACHED? X YES \_\_\_\_\_ NO

9. PROPERTY ADDRESS 20 E. Palmetto st. Winter Garden, FL. 34787



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10. THE SPECIFIC VARIANCE REQUESTED AND REASON FOR THE VARIANCE (FOR SETBACK AND HEIGHT VARIANCE, BE SPECIFIC AS TO THE NUMBER OF FEET)

YOU MAY PROVIDE THIS ANSWER ON A SEPARATE SHEET OF PAPER IF YOU NEED ADDITIONAL SPACE.

I wish to build an attached garage 20x24 with a  
5 ft variance from side property line. 18'

THE PLANNING AND ZONING BOARD MAY GRANT APPROVAL OF THIS VARIANCE IF THEY DETERMINE THE FOLLOWING CONDITIONS EXIST. PLEASE PROVIDE JUSTIFICATION FOR THE FOLLOWING:

- 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 WINTER GARDEN.

JUSTIFICATION:

I have spoken with my neighbors & friends and this  
garage attachment will not interfere with any reasonable enjoyment.  
Enclosed is a letter which reflects that.

- 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.

JUSTIFICATION:

This variance will allow a reasonable use of the property  
which use is not out of character with other properties in  
the same zoning category



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- 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.

JUSTIFICATION:

I believe by building this attached garage it will make my property value increase & also make the neighborhood look nicer.

- D. THE GRANTING OF THE VARIANCE IS CONSISTENT WITH THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN.

JUSTIFICATION:

Yes, I think by granting the variance the attached garage will be consistent with the City of Winter Garden's Comprehensive Plan.

- 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 THIS CRITERIA IF THE VARIANCE WERE DENIED.

JUSTIFICATION:

The 5ft variance is the Minimum variance I need to make or build the attached garage look similar to other attached garages in the same zoning area.



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11. I UNDERSTAND THAT THE CITY OF WINTER GARDEN REQUIRES THAT THE APPLICANT BE RESPONSIBLE FOR REIMBURSING THE CITY FOR ALL ADVERTISING COSTS ASSOCIATED WITH THIS APPLICATION, INCLUDING POSTAGE FOR NOTICES TO ADJACENT PROPERTY OWNERS, AND FOR NEWSPAPER ADVERTISING AS REQUIRED BY THE FLORIDA STATUTES AND THE CITY CODE. I UNDERSTAND THAT I WILL BE BILLED FOR THESE COSTS AND WILL BE RESPONSIBLE FOR PAYING THEM, WHETHER OR NOT MY APPLICATION FOR A VARIANCE IS SUCCESSFUL.

IN ADDITION, IF THIS APPLICATION IS DEEMED TO REQUIRE REVIEW BY THE CITY ENGINEER, CITY SURVEYOR AND/OR CITY ATTORNEY, I UNDERSTAND THAT I OR MY COMPANY WILL BE RESPONSIBLE TO PAY FOR ANY AND ALL REASONABLE LEGAL, ENGINEERING, OR SURVEYING FEES INCURRED BY THE CITY OF WINTER GARDEN IN THE PROCESS OF REVIEWING THE ABOVE PROJECT. I ALSO UNDERSTAND THAT IF THIS PROJECT PROPERTY IS SOLD, I OR MY COMPANY WILL BE RESPONSIBLE TO ENSURE THAT THE NEW OWNER WRITES A SIMILAR LETTER ACCEPTING ALL THE RESPONSIBILITY TO PAY FOR ANY AND ALL REASONABLE LEGAL, ENGINEERING, OR SURVEYING FEES INCURRED BY THE CITY OF WINTER GARDEN IN THE PROCESS OF REVIEWING THIS PROJECT FROM THE DATE THE PROPERTY IS SOLD. AN APPLICANT SHALL PROVIDE PROMPT WRITTEN NOTICE TO THE CITY MANAGER IN THE EVENT OF A CHANGE IN OWNERSHIP OF ALL OR A PORTION OF A LOT, TRACT, OR PARCEL OF REAL PROPERTY WITH THE RESPECT TO WHICH AN APPLICATION, OR PROJECT IS PENDING BEFORE THE CITY.

PLEASE INITIAL RECOGNIZING YOUR AGREEMENT OF THE ABOVE REQUIREMENT. AM

ALL INVOICES FOR THE COSTS ASSOCIATED WITH THIS PROJECT SHOULD BE SENT TO:

PROJECT NAME OR ADDRESS: 20 E. Palmetto st. Winter Garden FL 34787  
NAME: Holly Madden  
MAILING ADDRESS: 20 E Palmetto st  
CITY: Winter Garden STATE: FL ZIP: 34787  
PHONE: 407-448-0246 FAX: \_\_\_\_\_

I/WE HEREBY CERTIFY THAT I/WE ARE THE OWNER(S) OF THE REAL PROPERTY WHICH IS THE SUBJECT OF THIS PETITION AND THAT THE FOREGOING INFORMATION ON THIS PETITION IS TRUE AND COMPLETE.

SIGNATURE OF THE APPLICANT: Holly Madden

PRINT NAME: Holly Madden

DATE: 3/15/10



CITY OF WINTER GARDEN  
300 WEST PLANT STREET  
WINTER GARDEN, FL 34787

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STATE OF FLORIDA  
COUNTY OF Orange

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 19 DAY OF March, 2010, BY,  
AS HOLLY NICHOLE OF MADDEN  
WHO IS PERSONALLY KNOWN TO ME OR WHO PRODUCED Florida Driver AS IDENTIFICATION.

Loana Blankenship  
NOTARY PUBLIC

PRINT NAME: Loana Blankenship  
MY COMMISSION EXPIRES: 8/24/2010



**NOTE: IF THE PETITIONER WISHES TO BE REPRESENTED BY AN AGENT, A LIMITED POWER OF ATTORNEY MUST BE PROPERLY EXECUTED AND PROVIDED TO THE CITY ALONG WITH THIS APPLICATION.**

**SUBMITTAL REQUIREMENTS:**

1. COPY OF A SITE PLAN (IF LARGER THAN 11" x 17" PROVIDE 12 COPIES, FOLDED NOT ROLLED)
2. LEGAL DESCRIPTION
3. PROOF OF OWNERSHIP (I.E. A COPY OF THE DEED)
4. NON-REFUNDABLE FEE (PLEASE CHECK APPROPRIATE BOX):  
SINGLE FAMILY RESIDENTIAL (FENCES, SHEDS, OTHER NON-HABITABLE STRUCTURES) - \$75.00  
SINGLE FAMILY RESIDENTIAL (ADDITIONS, PORCHES, SUBSTANDARD LOTS) - \$100.00  
ALL OTHERS - \$250.00
5. LIMITED POWER OF ATTORNEY (IF SIGNED BY AN AGENT OF THE OWNER)

RETURN THIS FORM AND THE ABOVE SUBMITTAL REQUIREMENTS TO THE PLANNING DIRECTOR AT THE ADDRESS ABOVE.

**PROCEDURE:**

THE PROCEDURE FOR A VARIANCE IS DEFINED IN SECTION 118-132 OF THE CITY'S CODE OF ORDINANCES. IN GENERAL, THE PETITION SHALL BE HEARD AND APPROVED, DENIED OR APPROVED WITH CONDITIONS BY THE PLANNING AND ZONING BOARD AT AN ADVERTISED PUBLIC HEARING.

**CODE OF ORDINANCES:**

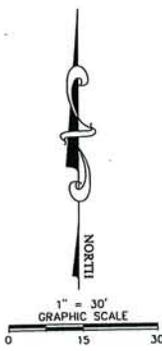
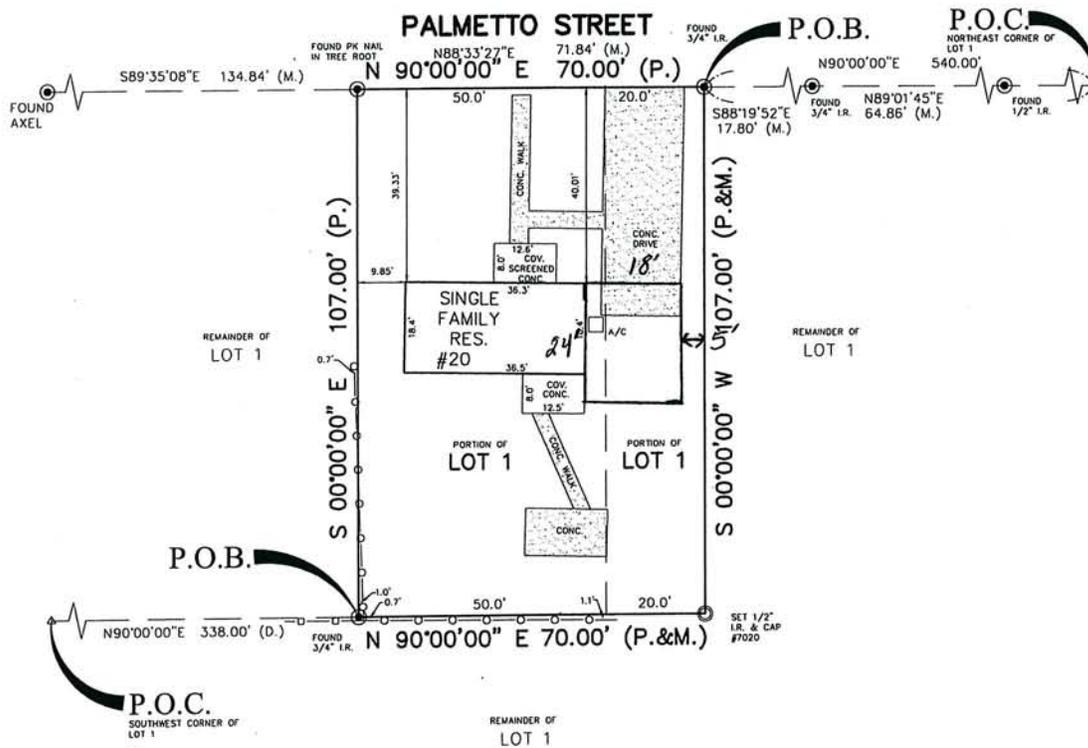
THE CITY OF WINTER GARDEN'S CODE OF ORDINANCE CAN BE FOUND ON THE INTERNET AT /WWW.MUNICODE.COM. ACCESS TO THE INTERNET CAN BE OBTAINED AT ANY BRANCH OF THE ORANGE COUNTY LIBRARY.

**BOUNDARY SURVEY**

**PROPERTY DESCRIPTION:** BEGIN AT A POINT 540' WEST OF THE NORTHEAST CORNER OF LOT 1 OF FIRST ADDITION TO SCHENLEY PARK ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK P, PAGE 42, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, RUN THENCE DUE SOUTH 107 FEET, THENCE DUE EAST 20 FEET, THENCE DUE NORTH 107 FEET, THENCE DUE WEST 20 FEET TO THE POINT OF BEGINNING.

AND

BEGIN AT THE SOUTHWEST CORNER OF LOT 1 OF FIRST ADDITION TO SCHENLEY PARK ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK P, PAGE 42, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, RUN THENCE EAST 338 FEET FOR A POINT OF BEGINNING, THENCE NORTH 107 FEET, THENCE EAST 50 FEET, THENCE SOUTH 107 FEET, THENCE WEST 50 FEET TO THE POINT OF BEGINNING.



**LEGEND:**

- = UTILITY POLE
- = SET 1/2" I.R. & CAP
- = FOUND PROPERTY CORNER
- = FOUND CONCRETE MONUMENT
- = FOUND "X" CUT
- = WELL
- = GAS METER
- = GUYWIRE
- = FIRE HYDRANT
- = CENTERLINE
- = BUILDING SETBACK LINE
- = BARBED WIRE FENCE
- = WOOD FENCE
- = CHAIN LINK FENCE
- = OVERHEAD UTILITY LINES
- = CONCRETE
- = BRICK
- = 0" BSL
- = CONC. POWER POLE
- = DESCRIPTION
- = DOING BUSINESS AS
- = DRAINAGE EASEMENT
- = DRAINAGE & UTILITY EASEMENT
- = EDGE OF PAVEMENT
- = EDGE OF WATER
- = FIELD
- = FINISHED FLOOR ELEVATION
- = IRON ROD
- = IRON PIPE
- = ARC LENGTH
- = LAND SURVEYOR
- = LAND SURVEYING BUSINESS
- = MEASURED
- = NOT RADIAL
- = OFFICIAL RECORDS
- = PLAT
- = POINT OF CURVATURE
- = POINT OF COMPOUND CURVATURE
- = PERMANENT CONTROL POINT
- = POINT OF INTERSECTION
- = POINT OF BEGINNING
- = POINT OF COMMENCEMENT
- = POINT ON LINE
- = POINT OF REVERSE CURVATURE
- = PERMANENT REFERENCE MONUMENT
- = POINT OF TANGENCY
- = RADIUS
- = RADIAL
- = RESIDENCE
- = RIGHT OF WAY
- = SIDEWALK
- = TOP OF BANK
- = TELEPHONE RISER BOX
- = ELECTRICAL TRANSFORMER BOX
- = UTILITY ROOM
- = UTILITY RISER BOX
- = UTILITY EASEMENT
- = WOOD FRAME
- = WATER METER
- = WOOD POWER POLE

**CERTIFIED TO:**  
 ORANGE TITLE  
 FIDELITY NATIONAL TITLE INSURANCE COMPANY  
 OPTION ONE MORTGAGE CORPORATION  
 DARLENE MADDEN

BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF PALMETTO STREET, BEING N 90°00'00" E ASSUMED.

ACCORDING TO THE FLOOD INSURANCE RATE MAP NO. 12095C 0215 E DATED 12/06/00 THE PROPERTY SHOWN HEREON APPEARS TO LIE IN ZONE X.

|                             |                        |
|-----------------------------|------------------------|
| JOB NO. BCA10017            | (FIELD DATE:) 08/01/05 |
| DRAWN BY: WCS               | REVISED:               |
| FIELD BY: DO                |                        |
| CHECKED BY: BC              |                        |
| OPERATING UNDER L.B. # 7020 |                        |

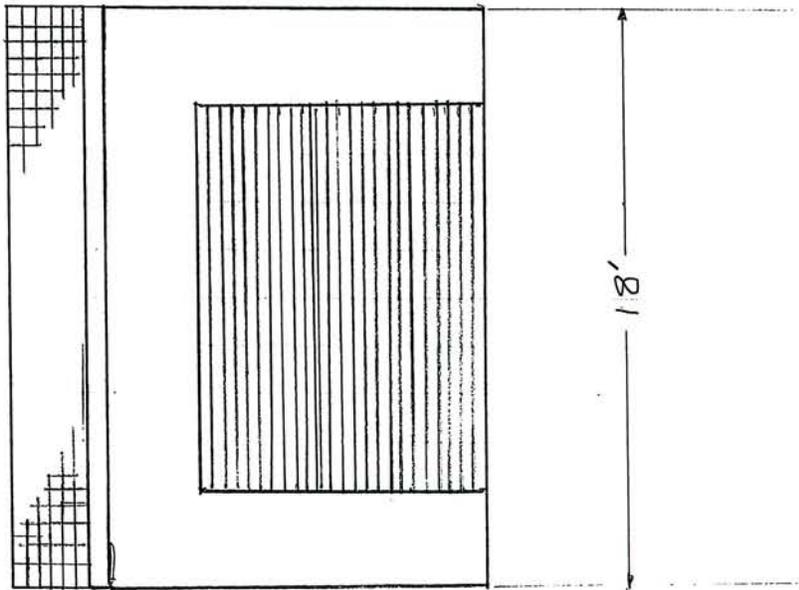
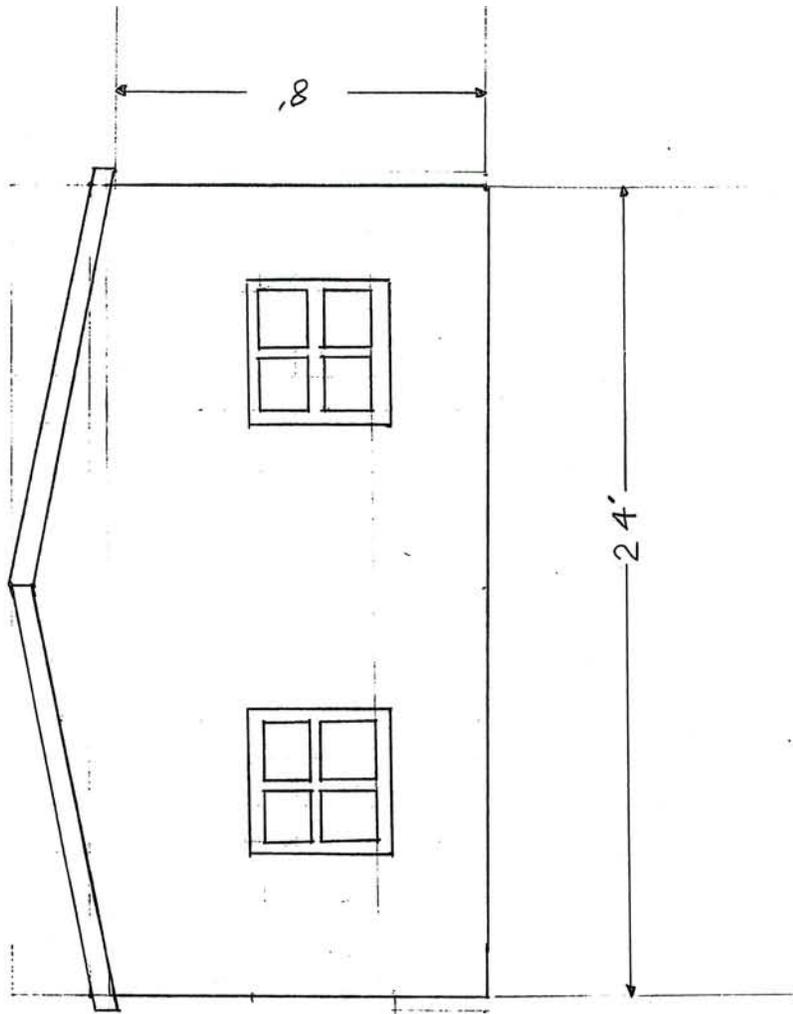


**BRADLEY COX & ASSOCIATES**  
 LAND SURVEYING  
 405 W. 25TH STREET  
 SANFORD, FLORIDA 32771  
 (407) 323-9202

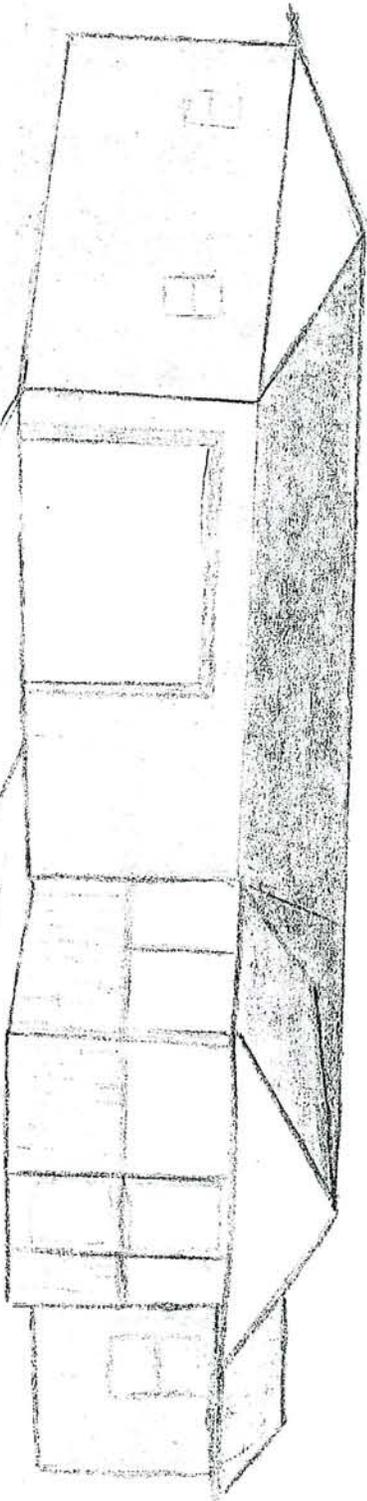
- NOTES:**
1. THIS SURVEY IS BASED ON THE LEGAL DESCRIPTION AS PROVIDED BY THE CLIENT.
  2. THIS SURVEYOR HAS NOT ABSTRACTED THE LAND SHOWN HEREON FOR EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS OF RECORD WHICH MAY AFFECT THE TITLE OR USE OF THE LAND.
  3. DO NOT RECONSTRUCT PROPERTY LINES FROM BUILDING TIES.
  4. NO FOOTING OR OVERHANGS HAVE BEEN LOCATED EXCEPT AS SHOWN.
  5. NO IMPROVEMENTS OR UTILITIES HAVE BEEN LOCATED EXCEPT AS SHOWN.
  6. THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

I HEREBY CERTIFY THAT WE HAVE PERFORMED A FIELD SURVEY OF THE HEREON DESCRIBED PROPERTY. THIS DRAWING IS A REPRESENTATION OF THAT SURVEY AND MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

*Bradley Cox* 08/02/05  
 BRADLEY G. COX, PSM #5567 (DATE)



NOTES:



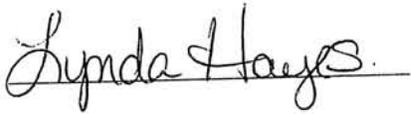
20 East Palmetto st.  
Winter Garden, FL 34787

4-1-10

I do not have any objections with Holly Madden building a garage at 20 east palmetto street. I think it will enhance the appearance to the neighborhood and value to our street.

Sincerely,

Lynda Hayes

A handwritten signature in cursive script that reads "Lynda Hayes". The signature is written in black ink and is positioned below the printed name.

50 East Palmetto st.

Winter Garden, Fl. 34787

3/13/10

I Harry Persaud live at 10 East Palmetto st  
Winter Garden Fl. 34787. I am owner of the  
house. I do not mind if Holly Madden,  
my neighbor builds a Garage. I think it  
would make the neighborhood better.

Harry Persaud



**with City Staff and readjust the petition. Seconded by Kent Horsley the motion carried unanimously 7-0.**

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;*

Per Ordinance 98-56, accessory building and structures shall be designed to blend aesthetically with the principal building. Staff has worked with the applicant on possible construction materials and options including roof designs and colors that may blend and be consistent with the principle structure. The applicant has provided letters of no objection from adjacent neighbors with regards to the proposed 10'W x 26'L x 12'H detached open carport. The proposed detached open carport should not negatively affect any adjacent property owners.

(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 reasonable use of the property and the proposed carport building materials and colors are more consistent with the primary structure to blend with the existing neighborhood character and other properties in the neighborhood and in that same zoning category.

(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 neighborhoods.

(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 a minimum and will make reasonable use of the land. City Staff has worked with the applicant on acceptable building materials and colors for the proposed detached carport. The revised proposed carport will be similar in color to the primary structure and have an upgraded color roof with some design elements.

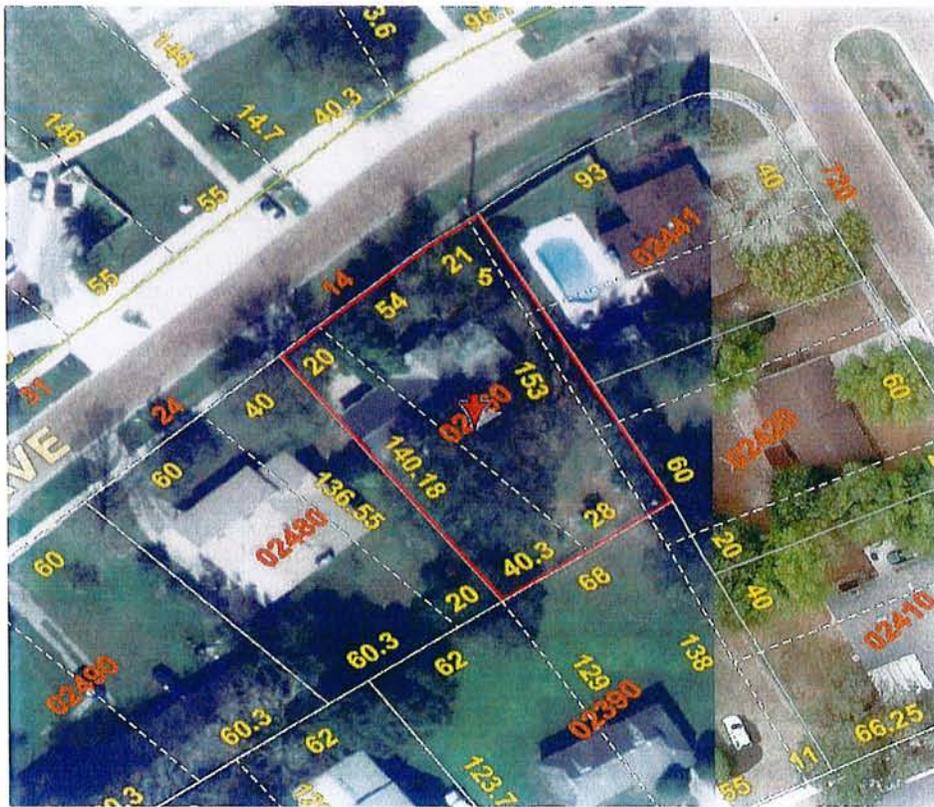
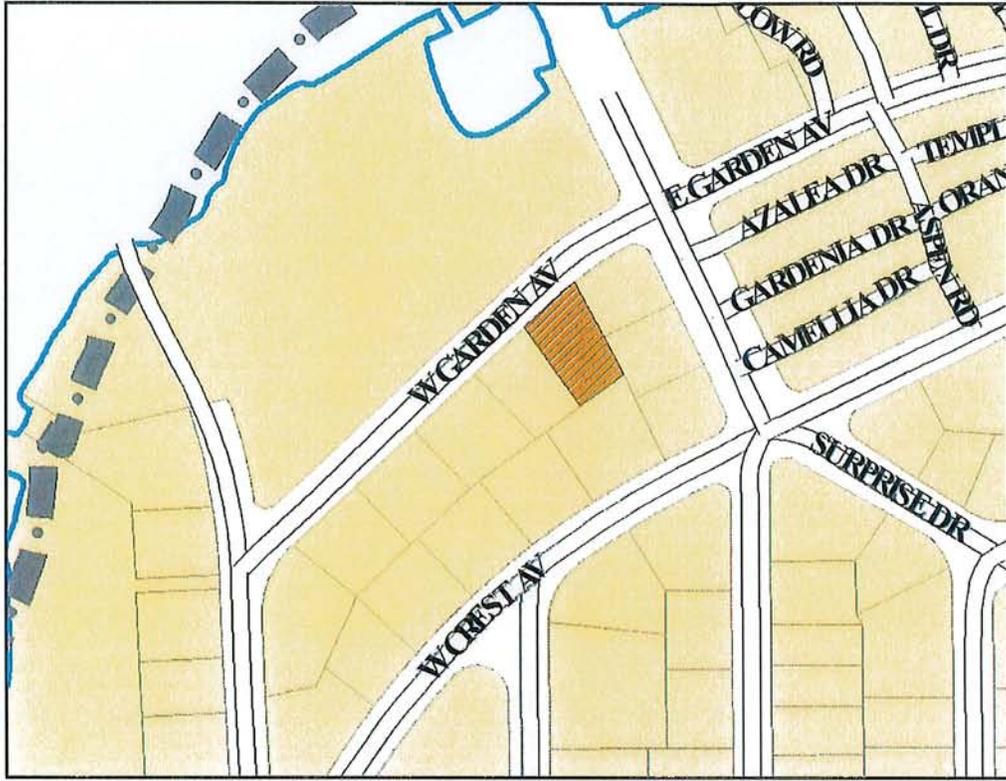
**Staff**

**Recommendation:**

Staff recommends approval of the 6 foot side yard (east) setback variance to allow construction of a 10'W x 26'L x 12'H detached open carport as illustrated in the attached revised structure design and proposed colors.

**Next Step:** Apply for Building Permit.

14 Garden Avenue





CITY OF WINTER GARDEN  
300 WEST PLANT STREET  
WINTER GARDEN, FL 34787

P: 407.656.4111  
WWW.WINTERGARDEN-FL.GOV

*WINTER GARDEN • A charming little city with a juicy past.*

### PETITION FOR A VARIANCE

SECTION 118-130 OF THE CITY OF WINTER GARDEN CODE OF ORDINANCE REQUIRES THAT EACH APPLICANT FOR A VARIANCE(S) SUBMIT A WRITTEN PETITION PROVIDING CERTAIN INFORMATION AND CLEARLY DESCRIBING HOW THE VARIANCE REQUEST SATISFIES ALL THE SPECIFIC CONDITIONS NECESSARY FOR THE GRANTING OF THE VARIANCE. PLEASE PROVIDE THE INFORMATION REQUESTED IN SUFFICIENT DETAIL IN ORDER TO ASSIST THE PLANNING AND ZONING BOARD IN MAKING THEIR DETERMINATION AS TO THIS PETITION (USE ADDITIONAL SHEETS IF NECESSARY):

1. NAME & ADDRESS OF PETITIONER (OWNER OF RECORD):

NAME: ROBERT SHILLINGTON  
ADDRESS: 14 GARDEN AVE  
CITY: WINTER GARDEN STATE: FL ZIP: 34787  
PHONE NUMBER: 739.304.6864 EXT: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_  
EMAIL: BOBSHILL@HOTMAIL.COM

2. CONTACT PERSON/MAILING ADDRESS (IF DIFFERENT):

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_  
PHONE NUMBER: \_\_\_\_\_ EXT: \_\_\_\_\_ FAX NUMBER: \_\_\_\_\_  
EMAIL: \_\_\_\_\_

3. IF CORPORATION, NAMES OF PRESIDENT AND SECRETARY:

PRESIDENT: \_\_\_\_\_ SECRETARY: \_\_\_\_\_

4. PROPERTY ID NUMBER: 246, PART OF 247, 245, 244, 243

5. NUMBER OF ACRES: 1/3

6. IS A FULL LEGAL DESCRIPTION ATTACHED?  YES  NO

7. IS A SURVEY ATTACHED?  YES  NO

8. IS THE SITE PLAN ATTACHED?  YES  NO

9. PROPERTY ADDRESS 14 GARDEN AVE, WINTER GARDEN, FL, 34787



CITY OF WINTER GARDEN  
300 WEST PLANT STREET  
WINTER GARDEN, FL 34787

P: 407.656.4111  
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10. THE SPECIFIC VARIANCE REQUESTED AND REASON FOR THE VARIANCE (FOR SETBACK AND HEIGHT VARIANCE, BE SPECIFIC AS TO THE NUMBER OF FEET)

YOU MAY PROVIDE THIS ANSWER ON A SEPARATE SHEET OF PAPER IF YOU NEED ADDITIONAL SPACE.

*Please see attached for 10 A-E responses.*

THE PLANNING AND ZONING BOARD MAY GRANT APPROVAL OF THIS VARIANCE IF THEY DETERMINE THE FOLLOWING CONDITIONS EXIST. PLEASE PROVIDE JUSTIFICATION FOR THE FOLLOWING:

- 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 WINTER GARDEN.

JUSTIFICATION:

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- 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.

JUSTIFICATION:

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CITY OF WINTER GARDEN  
300 WEST PLANT STREET  
WINTER GARDEN, FL 34787

P: 407.656.4111  
WWW.WINTERGARDEN-FL.GOV

- 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.

JUSTIFICATION:

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- D. THE GRANTING OF THE VARIANCE IS CONSISTENT WITH THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN.

JUSTIFICATION:

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- 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 THIS CRITERIA IF THE VARIANCE WERE DENIED.

JUSTIFICATION:

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**Subject:** WG Variance Request

Request and Reason:

10.

This request is for a 5.5' variance to the 10' set back on the east side of my property to erect a 10'W x 26'L x12'H open wall RV carport. A variance of 2' to the 9' wall height restriction is also required to accommodate the height of the vehicle.

A. Impact:

Due to the heavily treed lots in the neighborhood this carport would barely be visible from the front or any of the nearby properties except the neighbor on the east side. It would set adjacent to their pool area. We are separated by a 6' wood fence and trees and an RV has been parked there for a number of years. I have spoken with this owner, and all other owners of adjacent properties and none have expressed any concern with the carport being constructed (see attached permission from neighbors). There will be gutters channeling rain water toward the front of the property and into an existing drainage system. There would be no change in the light, noise or air circulation in this area.

B. Use of Property:

There are other carports and expanded structures in the area, and this one would be less noticeable than most. It would provide protection from the weather and trees for the vehicle parked on an existing concrete pad. With this structure protecting the vehicle less pruning of existing trees would be required.

C. Objectives.

This variance would not affect current objectives and would allow the erection of an pre-engineered metal carport meeting all Florida requirements. The components are bolted and screwed together making it temporary in nature and could be moved if necessary. Other options, like moving it deeper into the property, would affect water drainage, light/ventilation to adjacent properties, removing trees and still require a variance.

D. Consistent with City Plan:

Not believed to be applicable to this request.

E. Minimum Variance:

The requested variances are the minimum distance required to construct an RV carport over an existing concrete parking pad. The planned RV carport will have a gable styled roof line matching the front of the house. The attached picture represents the design and construction. The actual RV carport would be much narrower and higher.



CITY OF WINTER GARDEN  
300 WEST PLANT STREET  
WINTER GARDEN, FL 34787

P: 407.656.4111  
WWW.WINTERGARDEN-FL.GOV

STATE OF FLORIDA  
COUNTY OF Orange

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 16 DAY OF December, 2009, BY,  
AS Robert James Shillington OF 14 Garden Ave  
WHO IS PERSONALLY KNOWN TO ME OR WHO PRODUCED FD 452770423910 AS IDENTIFICATION.

Martha Brenish Allen  
NOTARY PUBLIC



PRINT NAME: Martha Brenish Allen  
MY COMMISSION EXPIRES: 9-06-13

**NOTE: IF THE PETITIONER WISHES TO BE REPRESENTED BY AN AGENT, A LIMITED POWER OF ATTORNEY MUST BE PROPERLY EXECUTED AND PROVIDED TO THE CITY ALONG WITH THIS APPLICATION.**

**SUBMITTAL REQUIREMENTS:**

1. COPY OF A SITE PLAN (IF LARGER THAN 11" X 17" PROVIDE 12 COPIES, FOLDED NOT ROLLED)
2. LEGAL DESCRIPTION
3. PROOF OF OWNERSHIP (I.E. A COPY OF THE DEED)
4. NON-REFUNDABLE FEE (PLEASE CHECK APPROPRIATE BOX):
  - SINGLE FAMILY RESIDENTIAL (FENCES, SHEDS, OTHER NON-HABITABLE STRUCTURES) - \$75.00
  - SINGLE FAMILY RESIDENTIAL (ADDITIONS, PORCHES, SUBSTANDARD LOTS) - \$100.00
  - ALL OTHERS - \$250.00
5. LIMITED POWER OF ATTORNEY (IF SIGNED BY AN AGENT OF THE OWNER)

RETURN THIS FORM AND THE ABOVE SUBMITTAL REQUIREMENTS TO THE PLANNING DIRECTOR AT THE ADDRESS ABOVE.

**PROCEDURE:**

THE PROCEDURE FOR A VARIANCE IS DEFINED IN SECTION 118-132 OF THE CITY'S CODE OF ORDINANCES. IN GENERAL, THE PETITION SHALL BE HEARD AND APPROVED, DENIED OR APPROVED WITH CONDITIONS BY THE PLANNING AND ZONING BOARD AT AN ADVERTISED PUBLIC HEARING.

**CODE OF ORDINANCES:**

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CITY OF WINTER GARDEN  
300 WEST PLANT STREET  
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11. I UNDERSTAND THAT THE CITY OF WINTER GARDEN REQUIRES THAT THE APPLICANT BE RESPONSIBLE FOR REIMBURSING THE CITY FOR ALL ADVERTISING COSTS ASSOCIATED WITH THIS APPLICATION, INCLUDING POSTAGE FOR NOTICES TO ADJACENT PROPERTY OWNERS, AND FOR NEWSPAPER ADVERTISING AS REQUIRED BY THE FLORIDA STATUTES AND THE CITY CODE. I UNDERSTAND THAT I WILL BE BILLED FOR THESE COSTS AND WILL BE RESPONSIBLE FOR PAYING THEM, WHETHER OR NOT MY APPLICATION FOR A VARIANCE IS SUCCESSFUL.

IN ADDITION, IF THIS APPLICATION IS DEEMED TO REQUIRE REVIEW BY THE CITY ENGINEER, CITY SURVEYOR AND/OR CITY ATTORNEY, I UNDERSTAND THAT I OR MY COMPANY WILL BE RESPONSIBLE TO PAY FOR ANY AND ALL REASONABLE LEGAL, ENGINEERING, OR SURVEYING FEES INCURRED BY THE CITY OF WINTER GARDEN IN THE PROCESS OF REVIEWING THE ABOVE PROJECT. I ALSO UNDERSTAND THAT IF THIS PROJECT PROPERTY IS SOLD, I OR MY COMPANY WILL BE RESPONSIBLE TO ENSURE THAT THE NEW OWNER WRITES A SIMILAR LETTER ACCEPTING ALL THE RESPONSIBILITY TO PAY FOR ANY AND ALL REASONABLE LEGAL, ENGINEERING, OR SURVEYING FEES INCURRED BY THE CITY OF WINTER GARDEN IN THE PROCESS OF REVIEWING THIS PROJECT FROM THE DATE THE PROPERTY IS SOLD. AN APPLICANT SHALL PROVIDE PROMPT WRITTEN NOTICE TO THE CITY MANAGER IN THE EVENT OF A CHANGE IN OWNERSHIP OF ALL OR A PORTION OF A LOT, TRACT, OR PARCEL OF REAL PROPERTY WITH THE RESPECT TO WHICH AN APPLICATION, OR PROJECT IS PENDING BEFORE THE CITY.

PLEASE INITIAL RECOGNIZING YOUR AGREEMENT OF THE ABOVE REQUIREMENT. RFJ

ALL INVOICES FOR THE COSTS ASSOCIATED WITH THIS PROJECT SHOULD BE SENT TO:

PROJECT NAME OR ADDRESS: 14 GARDEN AVENUE  
NAME: ROBERT SHILLINGTON  
MAILING ADDRESS: 14 GARDEN AVE  
CITY: WINTER GARDEN STATE: FL ZIP: 34787  
PHONE: 239.304.6864 FAX: 239.213.3448

I/WE HEREBY CERTIFY THAT I/WE ARE THE OWNER(S) OF THE REAL PROPERTY WHICH IS THE SUBJECT OF THIS PETITION AND THAT THE FOREGOING INFORMATION ON THIS PETITION IS TRUE AND COMPLETE.

SIGNATURE OF THE APPLICANT: Robert J. Shillington

PRINT NAME: ROBERT J. SHILLINGTON

DATE: 12/16/09



CITY OF WINTER GARDEN  
300 WEST PLANT STREET  
WINTER GARDEN, FL 34787

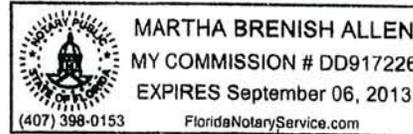
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STATE OF FLORIDA  
COUNTY OF Orange

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PRINT NAME: Martha Brenish Allen  
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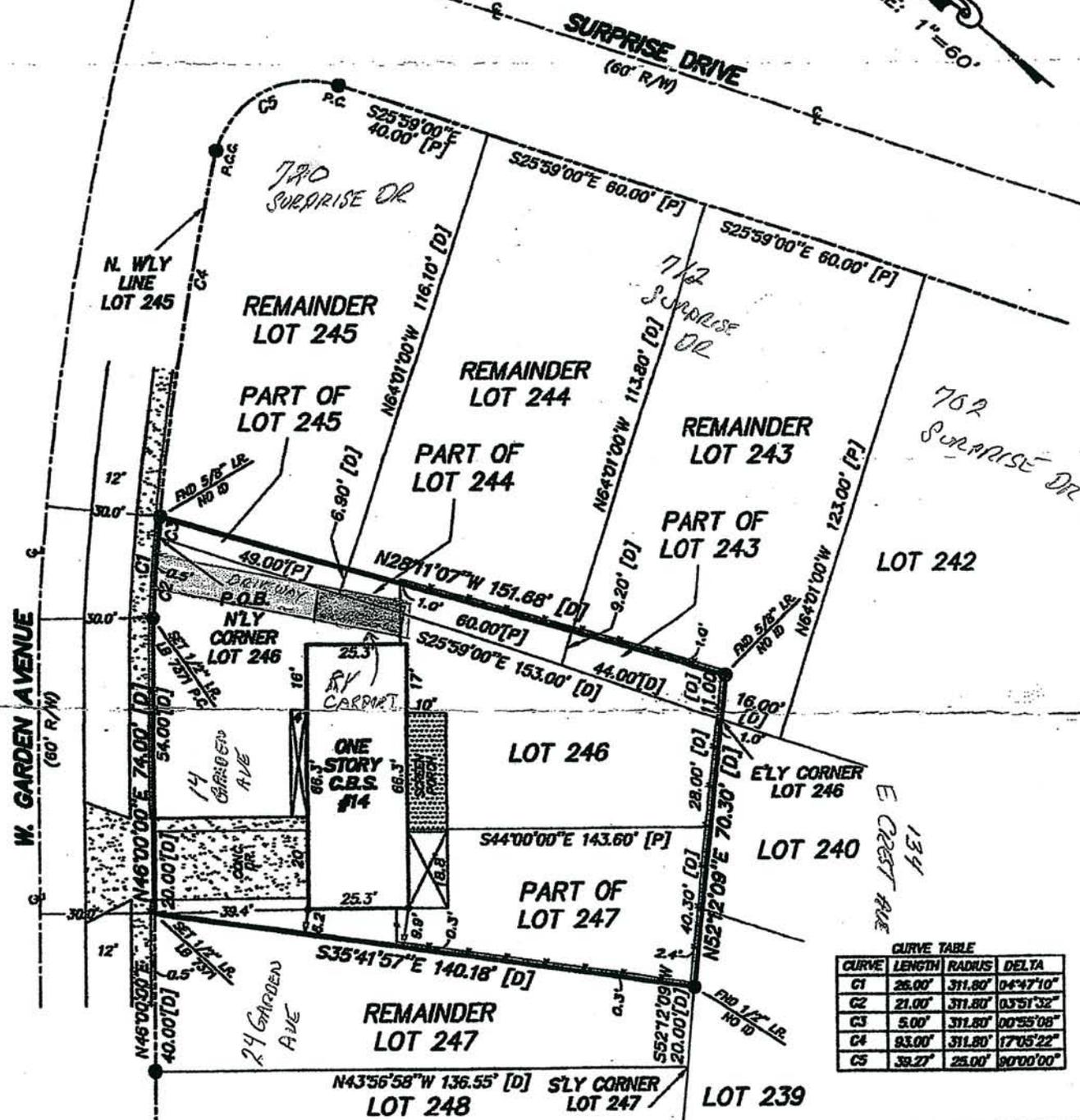
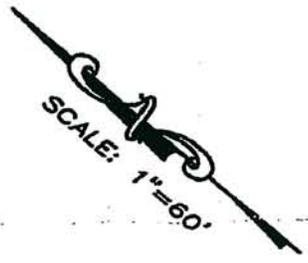
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LEGAL DESCRIPTION: LOTS 246 AND 247 (LESS: BEGINNING AT THE WESTERLY MOST CORNER OF LOT 247, RUN N46°00'00"E 40' ALONG THE NORTHWESTERLY BOUNDARY OF LOT 247; THENCE S35°41'57"E 140.18 FEET; THENCE S52°12'09"W 20 FEET ALONG THE SOUTHEASTERLY BOUNDARY OF SAID LOT 247 TO THE SOUTHERLY MOST CORNER OF SAID LOT 247; THENCE N43°56'58"W 136.55 FEET TO THE POINT OF BEGINNING). ALSO: THAT PART OF LOTS 243, 244, 245 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHERLY MOST CORNER OF LOT 246 RUN SOUTH 25°59' 00" EAST 153' TO THE EASTERLY MOST CORNER OF LOT 246; THENCE N52°12'09"E 11 FEET THENCE N28°11'07"W 151.68 FEET TO A POINT ON THE NORTHWESTERLY BOUNDARY OF LOT 245; THENCE S54°44'41"W 5 FEET TO THE POINT OF BEGINNING, ALL IN THE REPLAT OF WINTER GARDEN SHORES, AS RECORDED IN PLAT BOOK M, PAGE 76, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



CURVE TABLE

| CURVE | LENGTH | RADIUS  | DELTA     |
|-------|--------|---------|-----------|
| C1    | 26.00' | 311.80' | 04°47'10" |
| C2    | 21.00' | 311.80' | 05°51'32" |
| C3    | 5.00'  | 311.80' | 00°55'08" |
| C4    | 83.00' | 311.80' | 17°05'22" |
| C5    | 39.27' | 25.00'  | 90°00'00" |

- |                   |            |                       |                 |            |                  |                        |
|-------------------|------------|-----------------------|-----------------|------------|------------------|------------------------|
| RIGHT-OF-WAY LINE | CENTERLINE | BUILDING SETBACK LINE | BARB WIRE FENCE | WOOD FENCE | CHAIN LINK FENCE | OVERHEAD UTILITY LINES |
|-------------------|------------|-----------------------|-----------------|------------|------------------|------------------------|
- 
- |  |   |  |  |
|--|---|--|--|
| <p>A/C - AIR CONDITIONER<br/>         Δ - CENTRAL ANGLE<br/>         C.B. - CHORD BEARING<br/>         C.B.S. - CONCRETE BLOCK STRUCTURE<br/>         C.M. - CONCRETE MONUMENT<br/>         C.M.U. - CONCRETE MASONRY UNIT<br/>         CONC. - CONCRETE<br/>         COV. - COVERED<br/>         C.P.P. - CONCRETE POWER POLE<br/>         D - DEED<br/>         D.E. - DRAINAGE EASEMENT<br/>         E - EAST<br/>         ENT - ENTRANCE</p> | <p>LP - IRON PIPE<br/>         LR - IRON ROD<br/>         L - ARC LENGTH<br/>         L.B. - LAND SURVEYING BUSINESS<br/>         L.P. - LANDING PAD<br/>         L.S. - LAND SURVEYOR<br/>         M - MEASURED<br/>         N - NORTH<br/>         N&amp;D - NAIL AND DISK<br/>         # - NUMBER<br/>         P - PLAT<br/>         P.C. - POINT OF CURVATURE<br/>         P.C.P. - PERMANENT CONTROL POINT</p> | <p>P.O.L. - POINT ON LINE<br/>         P.R.C. - POINT OF REVERSE CURVE<br/>         P.R.M. - PERMANENT REFERENCE MONUMENT<br/>         P.T. - POINT OF TANGENT<br/>         R - RADIUS<br/>         R/W - RIGHT OF WAY<br/>         RAD - RADIAL<br/>         S/W - SIDEWALK<br/>         S - SOUTH<br/>         STY. - STORY<br/>         U.E. - UTILITY EASEMENT<br/>         W - WEST</p> | <p><b>LEGEND</b><br/>         X - FOUND "X" CUT IN CONC.<br/>         O - SET 1/2" REBAR AND CAP PSM # 5144<br/>         ● - FOUND PROPERTY CORNER<br/>         ⊙ - 4" x 4" CONCRETE MONUMENT<br/>         ○ - WELL<br/>         ⊕ - GAS METER<br/>         ♁ - FIRE HYDRANT<br/>         ⊞ - COVERED AREA</p> |
|--|---|--|--|



ROOF - CHARCOAL GRAY  
TRIM - MEDIUM GRAY  
SUPPORT POST - MEDIUM GRAY





To: City of Winter Garden

Date:

I Michael A. Norris residing at 700 Surprise Drive

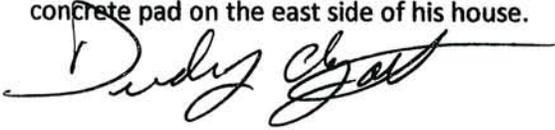
Winter Garden, Florida; and having property adjacent to Bob Shillington at 14 Garden Ave, Winter Garden, FL do not object to him obtaining a variance to construct an RV carport over the existing concrete pad on the east side of his house.

*Michael A. Norris*

To: City of Winter Garden

Date:

Dudley Clayton residing at 702<sup>#712</sup> SURPRISE  
Winter Garden, Florida; and having property adjacent to Bob Shillington at 14 Garden Ave, Winter  
Garden, Fl do not object to him obtaining a variance to construct an RV carport over the existing  
concrete pad on the east side of his house.



To: City of Winter Garden

Date:

I ~~Robert M. Nowa~~ residing at 134 CREST ~~for~~ SURPRISE BLVD  
Winter Garden, Florida; and having property adjacent to Bob Shillington at 14 Garden Ave, Winter  
Garden, Fl do not object to him obtaining a variance to construct an RV carport over the existing  
concrete pad on the east side of his house.

Robert M. Nowa

To: City of Winter Garden

Date:

I ANDREW J. GILLESPIE residing at 24 GARDEN AVE,  
Winter Garden, Florida; and having property adjacent to Bob Shillington at 14 Garden Ave, Winter  
Garden, Fl do not object to him obtaining a variance to construct an RV carport over the existing  
concrete pad on the east side of his house.

*Andrew J Gillespie*

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

---

**Date:** April 29, 2010

**Meeting Date:** May 3, 2010

**Subject:** Ladybird Academy Daycare (Avamar Crossing, Lot 4) – Special Exception Permit

**Issue:** Applicant has requested that the Board continue their request for approval of a Special Exception Permit to allow a child day care center for property located at Parcel Identification Number 04-23-27-0302-04-000 (Avamar Crossing, Lot 4).

**Staff  
Recommendation:**

Staff recommends continuing this request to the June 7, 2010 Planning & Zoning Board meeting.

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

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- Date:** April 19, 2010 Meeting Date: May 3, 2010
- Subject:** Proposed Recommended Amendments to Ordinance 10-08, West State Road 50 Overlay Development Standards, City Code Chapter 118; amending ARTICLE IX, West State Road 50 Overlay Commercial Development Standards and ARTICLE X; Supplemental Design Standards, Requirements and Regulations Pertaining to Specified Commercial Corridor within the City of Winter Garden. **(Please see final revisions by City Attorney as indicated in this report)**
- Issue:** As the Land Planning Agency for the City, the Planning & Zoning Board reviews land development regulations and makes recommendations to the City Commission on proposed amendments to the land development regulations.

The State Road 50 Commercial Overlay Standards (Ordinance 03-30) was adopted by the City Commission on September 17, 2003. The Commercial Overlay Standards established site design standards for parking, landscaping, project lighting, signs, bicycle and transit facilities and building design standards for building facades, features and roof designs. The intent and purpose of Ordinance 03-30 was to provide uniform design standards to establish high quality development with a positive visual ambiance to promote orderly growth and development within the Commercial Corridor. The adjacent communities with Overlay Ordinances for West State Road 50 include the City of Ocoee, Town of Oakland and Orange County.

The West State Road 50 Commercial Corridor Review Board was established by Resolution 08-10 and adopted by City Commission on April 24, 2008. The role of this Board is to review existing Overlay Development Standards and recommend amendments. Other responsibilities includes review possible (CRA) for the Corridor and research other funding sources for financing improvements to the Corridor. The Board will provide their recommendations to the City Commission by April 2010. City Staff has worked with the SR 50 Commercial Corridor Review Board and is recommending the attached proposed amendments to Ordinance 10-08; State Road 50 Overlay Development Standards.

This is a comparison report that identifies the process and support information used to establish the proposed recommendations. There were two (2) Public Workshops held to receive additional input and feedback from the Businesses, Property Owners and Community with regards to the proposed amendments.

**The following code sections were revised by the City Attorney:**

- (1) Subparagraph (5) of the Definition of substantial modification has been changed to read "redevelopment, modification, alteration, renovation or refurbishment" as opposed to "redevelopment, modification, alteration, renovation and refurbishment." This, I believe better reflects the intent of this provision.
- (2) Sec. 118-1455(b) - "parking area" has been pluralized as "parking areas."
- (3) Sec. 118-1455(c) - extra period was deleted.
- (4) Sec. 118-1511(2) c.2. – modified "between 2 feet and 6 feet" to "between 2 and 6 feet in height"
- (5) Sec. 118-1523(7) - added "as set forth by the Institute of Food and Agricultural Sciences ("IFAS") at the University of Florida. Further details may be found at <http://fyn.ifas.ufl.edu/index.html>."

**Staff**

**Recommendation:**

Recommend approval of draft amendments to Ordinance 10-08; West State Road 50 Overlay Development Standards, City Code Chapter 118, amending ARTICLE IX AND ARTICLE X.

**Next Step:**

City Commission will review proposed amendments to Ordinance 10-08, ARTICLE IX AND ARTICLE X at their May 27, 2010 meeting.

**Attachments:**

1. Ordinance 10-08
2. Support materials and attachments were delivered for review on April 23, 2010; please bring packets to meeting.

**NOTE:** Staff will provide a summary presentation at the May 3, 2010 Public Hearing.

**ORDINANCE 10-08**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING ARTICLES IX AND X OF CHAPTER 118 OF THE WINTER GARDEN CODE OF ORDINANCES PRESCRIBING STANDARDS FOR THE S.R. 50 COMMERCIAL CORRIDOR OVERLAY BY REVISING LANGUAGE; PROVIDING FOR APPLICABILITY IN INSTANCES OF ANNEXATION, SUBSTANTIAL MODIFICATION, AND EXISTING NONCONFORMITIES; PROVIDING ADDITIONAL DEFINITIONS AND REVISING EXISTING DEFINITIONS; PROVIDING AND REVISING DESIGN AND TECHNICAL STANDARDS FOR DEVELOPMENT, INCLUDING BUILDING MATERIALS, SHOPPING CART CORRALS AND SIGNAGE; REMOVING CERTAIN RESTRICTIONS ON LOCATING OUTDOOR VENDING MACHINES AND AMUSEMENTS; MODIFYING SETBACK AND BUFFER REQUIREMENTS; REFERENCING LIGHTING REQUIREMENTS; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the entryways into the City of Winter Garden, Florida (the "City") provide a critical perception of the City to its residents, clients, and service providers, who traverse the entryway routinely, as well as those who are considering relocation to the City or making investments in the City;

**WHEREAS**, a segment of State Road 50 is such an entryway, and the City recognizes the social and economic importance of State Road 50 as a gateway to the City;

**WHEREAS**, uniform building, landscape, signage and other streetscape design standards are required to ensure an attractive and viable physical environment to retain and attract commercial businesses to the City;

**WHEREAS**, the State Road 50 commercial corridor within the City of Winter Garden continues to be the subject of major improvements providing opportunities for additional aesthetic and functional enhancements;

**WHEREAS**, the City has previously enacted Articles IX and X of Chapter 118 of the Winter Garden Code via Ordinance No. 03-30, and, after extensive experience with such Articles and observing ongoing changes within the current State Road 50 commercial corridor, appointed the State Road 50 Commercial Corridor Review Board (the "Board") to review and consider enhancements and amendments to such Articles;

**WHEREAS**, the Board has since considered the recommended changes and enhancements to Articles IX and X of Chapter 118 and has further recommended the amendments contained in this Ordinance for approval by the City Commission; and

**WHEREAS**, the City concurs with the recommendations of the Board, and, after public notice and due consideration of public comment given at advertised public hearings, the City Commission has determined that the amendments contained herein are beneficial and essential for the continued regulation of the West State Road 50 Commercial Corridor and will further advance the health, safety, and welfare of the City and its residents.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:**

**SECTION 1: Authority:** The City of Winter Garden has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

**SECTION 2: Adoption – Exhibit “A”:** Article IX, Chapter 118 of the Winter Garden Code of Ordinances is hereby amended to read as set forth in **Exhibit “A”** attached hereto and incorporated herein. Additions are noted in underlined text while deletions are noted in ~~struckout~~ text.

**SECTION 3: Adoption – Exhibit “B”:** Article X, Chapter 118 of the Winter Garden Code of Ordinances is hereby amended to read as set forth in **Exhibit “B”** attached hereto and incorporated herein. Additions are noted in underlined text while deletions are noted in ~~struckout~~ text.

**SECTION 4: Codification:** The amendments contained in Exhibits “A” and “B” incorporated by reference in Sections 2 and 3 of this Ordinance shall be codified and made part of the City of Winter Garden Code of Ordinances.

**SECTION 5: Control:** In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance controls.

**SECTION 6: Severability:** It is the intent of the City Commission of the City of Winter Garden, and is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance.

**SECTION 7: Effective Date:** This Ordinance shall become effective upon adoption at its second reading.

FIRST READING: \_\_\_\_\_, 2010.

SECOND READING AND PUBLIC HEARING: \_\_\_\_\_, 2010.

APPROVED:

\_\_\_\_\_  
John Rees, Mayor/Commissioner

ATTEST:

\_\_\_\_\_  
Kathy Golden, City Clerk