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## PLANNING & ZONING BOARD

To: Jerry Carris- Chairman  
James Gentry – Vice-Chairman  
James Dunn  
Kent Horsley  
Mark Maciel  
Mac McKinney  
Rohan Ramlackhan

Copy to: Mike Bollhoefer  
Dan Langley  
Ed Williams  
Tim Wilson  
Bill Wharton

RE: Agenda – March 07, 2011 - 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 February 07, 2011 meeting – Attachment 1

### **VariANCES (Public Hearing)**

4. 386 Lake Amberleigh Drive Setback Variance – Attachment 2

### **SPECIAL EXCEPTION PERMIT (Public Hearing)**

5. 305 Beulah Road, Faith Family Community Church – Attachment 3

### **ANNEXATIONS (Public Hearing)**

6. Burch Street and Jackson Avenue Right-of-Way Annexation – Attachment 4

### **LOT SPLIT (No Public Hearing)**

7. McFarland Property (Avalon Road) Lot Split – Attachment 5

**ADJOURN** to a regular Planning and Zoning Board meeting on Monday, April 04, 2011 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.

**THE CITY OF WINTER GARDEN**  
**CITY PLANNING AND ZONING BOARD AGENDA ITEM**  
**ATTACHMENT 2 (Public Hearing)**

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**Date:** March 4, 2011 **Meeting Date:** March 07, 2011  
**Subject:** 386 Lake Amberleigh Drive Setback Variance  
**Issue:** Request approval of a 19 foot rear yard setback variance to allow construction of a 10' x 19' screen porch addition.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Lee Houston

**Zoning:** R-1B (Requires a 25 foot rear yard setback)

**FLU:** Low Density Residential

**Summary:** The applicant is requesting a 19' rear yard setback variance to construct a 10' x 19' screen porch addition to the existing single family home.

This single family home is a platted lot in the Amberleigh Subdivision located off Beulah Road and was constructed in 2002. The surrounding neighborhood consists of single family residential homes. The ARC Board has approved the pool and screen porch addition.

The applicant would like to construct a 10' x 19' screen porch addition to the existing home; that will allow a covered porch option with the existing pool. The Planning and Zoning Board has granted similar variances for other properties within the neighborhood and area.

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;*

Similar single family lots have been granted variances to allow enclosed screen porch additions to the existing home. 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;*

The requested variance will allow reasonable use of the property. This request is not out of character with other screen porch additions in the in the R-1B residential zoning district. 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 residential 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.*

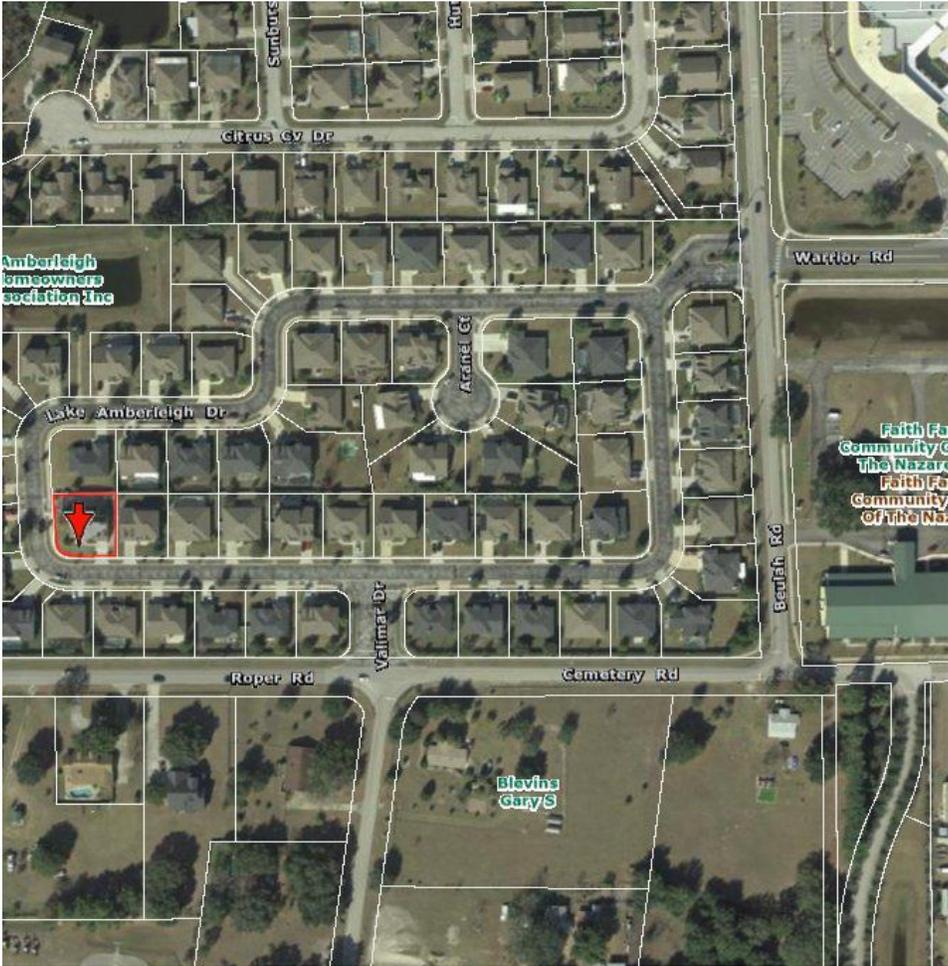
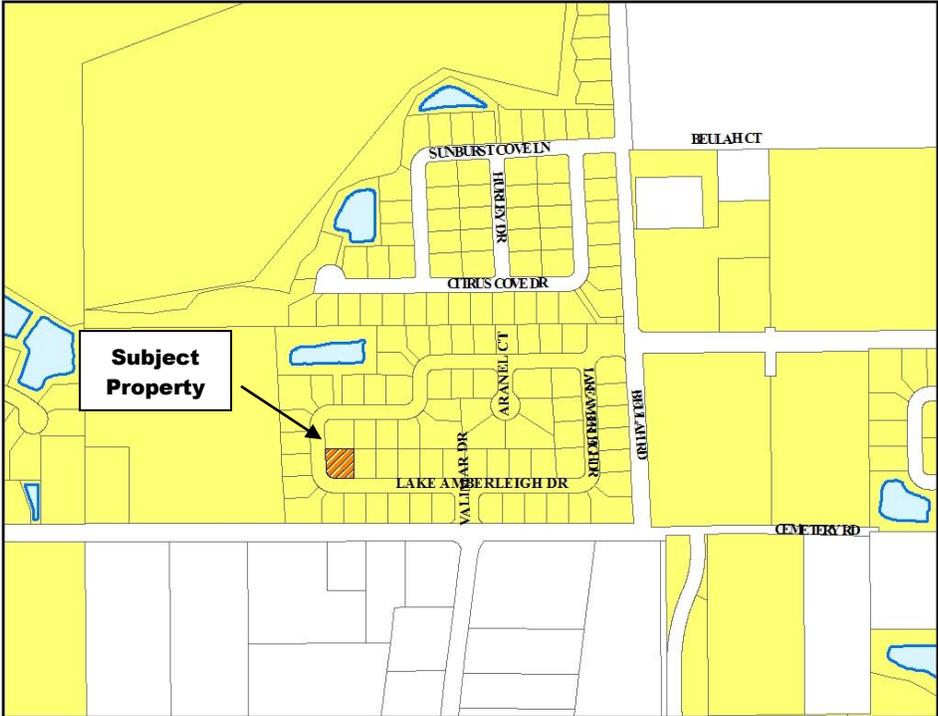
The variance requested is the minimum variance that will make reasonable use of the land. Denying this variance does not benefit the property owner or the City.

**Staff Recommendation:**

Staff recommends approval of the 19 foot rear yard setback variance to allow construction of a 10' x 19' screen porch to the rear of the existing single family home.

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

**386 Lake Amberleigh Drive**



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

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**Date:** February 17, 2011                      **Meeting Date:** March 7, 2011

**Subject:** Faith Family Community Church Special Exception Request

**Issue:** Request for approval of a Special Exception Permit for the property located at 305 Beulah Road to allow a private school in the R-1 zoning district.

**Supplemental Material/Analysis:**

**Owner/Applicant:** Louis Pflieger, Community Christian Learning Center

**Zoning:** R-1 (Public and private schools are allowed as a Special Exception)

**FLU:** Low Density Residential

**Summary:** The Faith Family Community Church located on the subject property is a permitted use in the R-1 zoning district. In July of 2007 the Planning and Zoning Board approved a temporary special exception permit to allow the Crenshaw School to operate out of this location for two years while their permanent facilities were constructed. The Community Christian Learning Center is requesting the use of the church for a permanent school using the same facilities as the previous Crenshaw school. The proposed school is a private school for K-12 grades. The Faith Family Community Church currently has 12 paved parking spaces, approximately 135 grass parking spaces, and 8 handicapped spaces. The existing layout of the parking lot accommodates student pick-up and drop-off without impacting the adjacent roadways (see attached site plan). No additional site improvements are required to accommodate the school use at this site. Maximum proposed enrollment is 95 students. School hours will be set to not conflict with the start and stop times of West Orange High School.

A Community Meeting was held at the Faith Family Community Church on the evening of January 20, 2011. Five residents from the Orange Cove and Westfield subdivisions attended the meeting. After talking with Mr. Pflieger about the operations of his schools and how the Crenshaw school operated, at appeared the general consensus of the attendees was since the Crenshaw School was a 'good neighbor' and the fact the proposed school will have fewer students, no one was opposed to the proposed school.

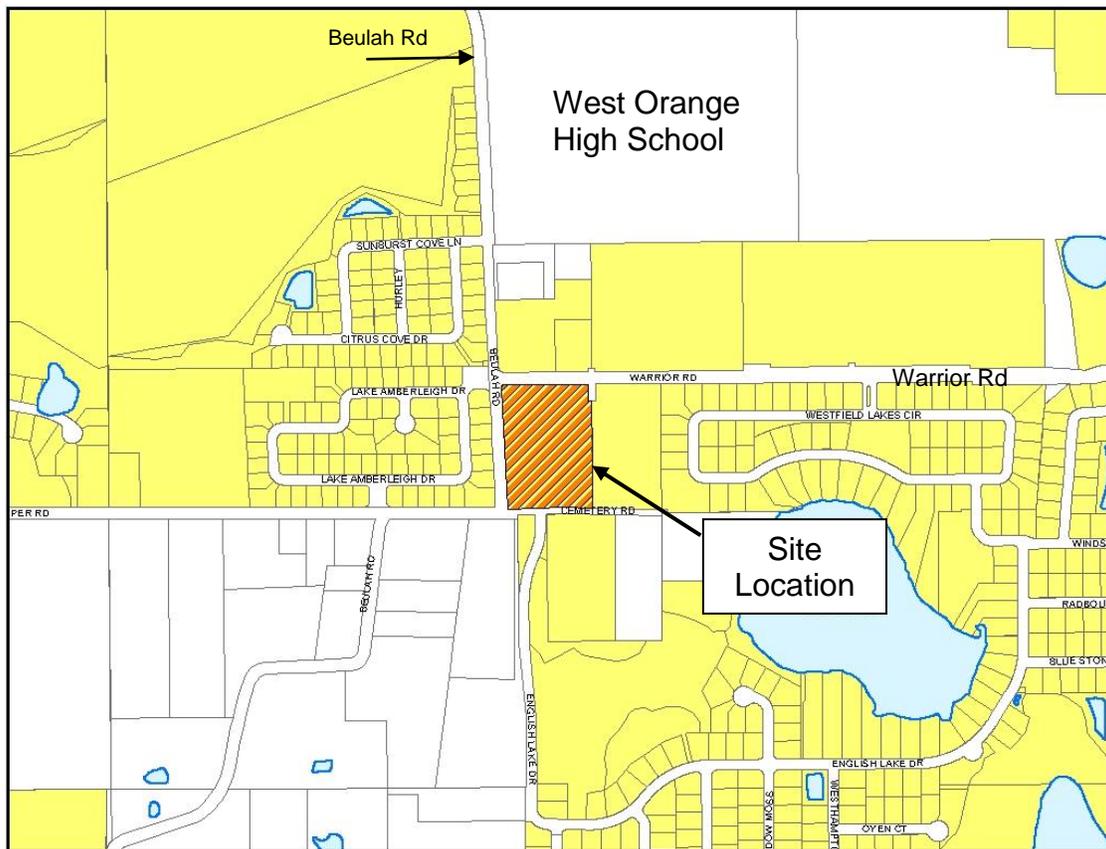
**Staff**

**Recommendation:**

Staff recommends approval of the Special Exception Permit with the following conditions:

1. Proposed school hours shall be from 7:45am to 1:45pm. Regardless of the operating hours of the school, the student pick-up/drop-off times shall not conflict with the pick-up/drop-off times of West Orange High School.
2. The maximum number of students shall be 95. Any proposed increase in student enrollment will require a public hearing before, and approval by the Planning and Zoning Board.
3. No night-time activities for the school use.
4. All local, state, and federal regulations for this use shall be met by the applicant.
5. This Special Exception Permit is specific to this location and the Community Christian Learning Center School.

**Faith Family Community Church**  
**Location Map**



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

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**Date:** February 17, 2011      **Meeting Date:** March 7, 2011  
**Subject:** Burch Avenue and Jackson Street Right-of-Way  
**Issue:** Request for approval of Ordinance 11-08, annexing the Burch Avenue and Jackson Street Right-of-Ways.

**Supplemental Material/Analysis:**

***Applicant:*** City of Winter Garden

***FLU & Zoning:*** Future land use and zoning designations will not apply to this right-of-way.

***Summary:*** Orange County and the City of Winter Garden are in agreement that the City may annex the subject right-of-ways into the City. Upon annexation, the City shall assume the jurisdictional and maintenance responsibilities for these two roadways.

**Staff**

**Recommendation:** Staff recommends approval of Ordinance 11-08, annexing the Burch Avenue and Jackson Street Right-of-Ways.

**Next Step:** A public hearing for the first reading of this Ordinance is scheduled for the City Commission on March 24, 2011.

**Burch Avenue Right-of-Way**  
Jackson Street to West Story Road

**Jackson Street Right-of-Way**  
Pamela Avenue to South Park Avenue



ORDINANCE 11-08

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS 3.5 ± ACRES OF RIGHT-OF-WAY FOR BURCH AVENUE AND JACKSON STREET, AND MORE SPECIFICALLY DESCRIBED HEREIN INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owners of the land generally described as 3.5 ± acres of Right-of-Way for Burch Avenue and Jackson Street and legally described in Section 2 of this Ordinance, which land is contiguous to the corporate limits of the City of Winter Garden, Florida, have pursuant to the prerequisites and standards as set forth in Chapter 171, F.S., petitioned the City Commission of the City of Winter Garden for voluntary annexation;

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

SECTION 1: That the City Commission through its Planning and Zoning Board has conducted an investigation to determine whether the described property meets the prerequisites and standards set forth in Chapter 171, F.S. and has held a public hearing on said petition and made certain findings.

SECTION 2: That, after said public hearing and having found such petition meets said prerequisites and standards, the property legally defined in ATTACHMENT "A" and graphically shown on the attached map shall be annexed into the City of Winter Garden, Florida, and

SECTION 3: That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and of the inhabitants thereof, and property therein, as it does and have over its present corporate limits and all laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all the territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

SECTION 4: The area annexed to the City shall be subject to the taxes and debts of the City upon the effective date of the annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

SECTION 5: Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

SECTION 6: This Ordinance shall become effective upon adoption at its second reading.

READ FIRST TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2011.

READ SECOND TIME AND PUBLIC HEARING HELD: \_\_\_\_\_, 2011.

APPROVED:

ATTEST:

\_\_\_\_\_  
JOHN REES, Mayor/Commissioner

\_\_\_\_\_  
KATHY GOLDEN, City Clerk

**ATTACHMENT "A"**  
**Part 1 of 2**

**DESCRIPTION: (JACKSON STREET)**

ALL OF JACKSON STREET AS PLATTED PER WESTCHESTER PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 141, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND PLATTED PER BURCHSHIRE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 138, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND THAT PORTION OF UNPLATTED JACKSON STREET LYING SOUTH AND ADJACENT TO THE AFORESAID PLATTED JACKSON STREET OF WESTCHESTER PLACE AND BURCHSHIRE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF JACKSON STREET AND THE WEST RIGHT-OF-WAY LINE OF S. PARK AVENUE, THENCE RUN S00°44'13"W ALONG SAID WEST RIGHT-OF-WAY LINE, 60.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF JACKSON STREET; THENCE RUN N89°01'41"W ALONG SAID SOUTH RIGHT-OF-WAY LINE, 1255.07 FEET TO THE SOUTHERLY PROJECTION OF THE WEST LINE OF PAMELA AVENUE PER WESTCHESTER PLACE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 141, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; THENCE RUN N00°10'17"W ALONG SAID WEST LINE, 60.01 FEET TO THE NORTH RIGHT-OF-WAY LINE OF JACKSON STREET; THENCE RUN S89°01'41"E ALONG SAID NORTH RIGHT-OF-WAY LINE, 1256.02 FEET TO THE POINT OF BEGINNING.

**DESCRIPTION: (BURCH AVENUE)**

ALL OF BURCH AVENUE AS PLATTED PER BURCHSHIRE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK Q, PAGE 138, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST RIGHT-OF-WAY LINE OF BURCH AVENUE AND THE NORTH RIGHT-OF-WAY LINE OF JACKSON STREET, THENCE RUN N89°01'41"W ALONG SAID NORTH RIGHT-OF-WAY LINE, 60.00 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID BURCH AVENUE; THENCE RUN N00°18'14"E ALONG SAID WEST RIGHT-OF-WAY LINE, 1270.22 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF W. STORY ROAD; THENCE RUN S89°09'31"E ALONG SAID SOUTH RIGHT-OF-WAY LINE, 60.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF BURCH AVENUE; THENCE RUN S00°18'14"W ALONG SAID EAST RIGHT-OF-WAY LINE, 1270.35 FEET TO THE POINT OF BEGINNING.

ATTACHMENT "A"  
Part 2 of 2

