



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

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 – May 2, 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 March 7, 2011 meeting – Attachment 1

VariANCES (All Public Hearing)

4. 1325 Vic Kay Court Setback Variance – Attachment 2

ADJOURN to a regular Planning and Zoning Board meeting on Monday, June 6, 2011 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st 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)

Date: April 12, 2011 **Meeting Date:** May 2, 2011

Subject: 1325 Vic Kay Court Setback Variance

Issue: Request approval of a 16.24 foot rear yard setback variance for property located at 1325 Vic Kay Court. If approved, this variance will allow construction of a 746 square foot garage accessory building.

Supplemental Material/Analysis:

Owner/Applicant: Larry & Teresa White **Email:** lewhite99@aol.com

Zoning: R-1 Single-Family Residential District

FLU: Low Density Residential

Summary: The applicant is requesting a 16.24 foot rear yard (west) setback variance to allow a 23'x25' detached garage with a 12'x14' room attached to the garage in the rear yard. Per section 118-1310(2)a of the City Code of Ordinances (Code), accessory buildings greater than 160 square feet must comply with all setback requirements of the principle structure. The rear yard setback requirement for the R-1 zoning is 20% of the depth of the lot (Sec. 118-308(1)c.).

Background:

This property is located on Lot 9 located within the Hillcrest Subdivision, and the home was built in 1998. The surrounding area is also zoned R-1 and the land uses are single family residential. The lot itself and the structure upon it meets or exceeds all requirements for the R-1 zoning designation. There is no home owners association for this subdivision. However, the applicant has provided a letter of no objections from seven of the surrounding homeowners, including the homeowner abutting the rear lot line of this lot. The application for the variance is provided in Exhibit A.

Exhibit B is a survey of Lot 8 depicting the location of the proposed garage in the rear yard just south of the pool deck. Exhibit C is a close-up of the proposed garage area with dimensions to the rear lot line. The depth of the lot is 136.21 feet, the rear yard setback, calculated at 20% of the depth of the lot, is 27.24 feet. The variance request is to allow an encroachment into the rear yard setback of 16.24 feet. This will leave a rear yard setback of 11 feet and does not encroach into the 10 foot utility easement along the rear lot line. The maximum

lot coverage of 35%, as required in the R-1 zoning district in section 118-307(1) of the City Code, will still be met with the addition of the garage.

Review Criteria:

Section 118-131 of the City Code provides review criteria for variances that 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 lists the following five criteria for the Board to consider before taking action on the request. Staff comments are underlined and follow each criteria for the Board’s review.

(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;*

Residential homes in the area have similar accessory buildings that appear to complement the neighborhood and not cause a negative impact. The detached accessory building will meet all other setbacks requirements. The adjacent property owners have provided a letter of no objection to this use and location.

(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 detached garage will allow reasonable use of the property. It is not out of character with other properties in the area as several properties in the immediate vicinity also have accessory buildings in the rear yards. The proposed garage will be similar in architectural design and color to match the existing single family home on the lot. The proposed accessory building will have electricity and no bathroom facilities.

(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 and does not encroach into any recorded easement. Denying this variance does not benefit the property owner or the City.

Staff

Recommendation:

Staff recommends approval of the 16.24 foot rear yard setback variance to allow a 23'x25' detached garage with a 12'x14' room attached to the garage with the following approval conditions:

1. The accessory building, the garage and attached room, will be allowed electrical services and no bathroom facilities shall be permitted.
2. Any use of the building as a guest house or apartment occupancy shall not be permitted.
3. The exterior finish of the accessory building shall match the primary building on the lot.

Next Step: The Applicant may apply for the appropriate building permits.

