WINTER GARDEN

# A REGULAR MEETING MINUTES
# PLANNING AND ZONING BOARD
# DECEMBER 2, 2013

## 1. CALL TO ORDER/INVOCATION/PLEDGE OF ALLEGIANCE

Chairman Jimmy Dunn 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.

## 2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

**MEMBERS PRESENT**:

Chairman James Dunn, Vice-Chairman Mac McKinney, Board Members: Heather Gantt, H. Gerald Jowers, Mark Maciel, Rohan Ramlackhan, and Eric Weiss

**MEMBERS ABSENT:**

None

**STAFF PRESENT:**

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Senior Planner Stephen Pash, Planner II Kelly Carson, and Customer Service Representative Kathy Rathel

## 3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held on November 4, 2013.

***Motion by Eric Weiss to approve the above minutes. Seconded by Mac McKinney, the motion carried unanimously 7-0.***

## 4. SWEARING IN OF NEW MEMBER

New Board Member, H. Gerald Jowers, and returning Board Member, Mark Maciel, were sworn in.

**VARIANCE (Public Hearing)**

5. **117 W Tilden Street (Scherer, Richard)**

Planner Kelly Carson presented an application for a rear and side yard setback Variance at 117 W. Tilden Street to permit the construction of an addition to an existing residential building. The applicant is requesting a rear yard setback of 20.8 feet in lieu of the minimum required 22 foot rear yard setback and a side yard setback of 9.4 feet in lieu of the minimum required 10 foot side yard setback. The applicant will remove 200 square feet of paving in the back yard to comply with the City's impervious surface ratio requirements. The proposed setbacks are consistent with adjacent residences in the neighborhood and Staff recommends approval.

Board Member Weiss questioned why the structure couldn't be built within the existing setback limits. Planner Carson replied that there would have to be major alterations to the structure and with this variance it would allow the addition to maintain the same roofline and rear building face of the primary structure.

***Motion by H. Gerald Jowers to recommend approval of the Variance at 117 W Tilden Street (Attached Exhibit "A"). Seconded by Eric Weiss, the motion carried unanimously 7-0.***

**REZONING (Public Hearing)**

6. **1006 E. Crown Point Road (West Orlando Baptist Church)**

Senior Planner Steve Pash presented a Rezoning application for a Church located at 1006 E. Crown Point Road. The property was annexed into the City of Winter Garden in 2008 and a Future Land Use designation of Low Density Residential was applied and approved in 2010. No zoning was approved at that time. The Church is planning on building an addition so they have submitted for R-1 zoning which is consistent with the Future Land Use designation. The Church also wants to install 2 temporary portable units for a maximum of 4 years while they go through the Site Plan and Special Exception reviews for building the addition. Both units will be out of view and Staff recommends approval of Ordinance 14-03.

***Motion by Eric Weiss to recommend approval of the Rezoning at 1006 E. Crown Point Road with Staff Recommendations (Attached Exhibit "B"). Seconded by Rohan Ramlackhan, the motion carried unanimously 7-0.***

7. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 6:38 p.m.

**APPROVED:** **ATTEST:**

**Chairman Jimmy Dunn** **Customer Service Rep Kathy Rathel**

**EXHIBIT "A"**

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

# STAFF REPORT

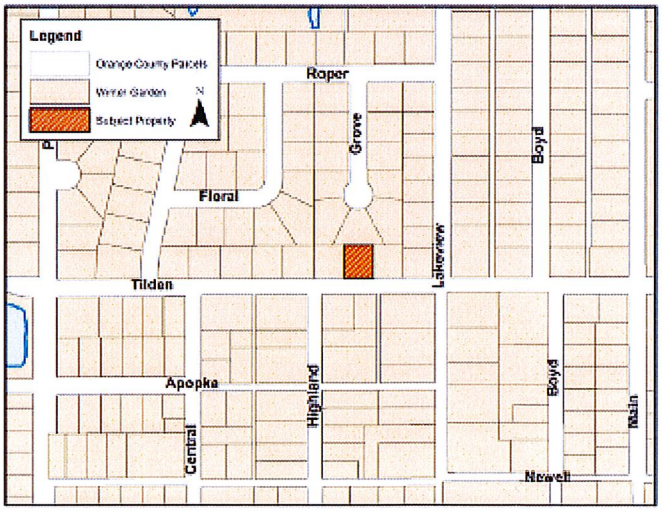
**TO:** PLANNING AND ZONING BOARD
**PREPARED BY:** KELLY CARSON, PLANNER II
**DATE:** NOVEMBER 25, 2013
**SUBJECT:** VARIANCE
**117 W Tilden Street (0.25 +/- ACRES)**
**PARCEL ID #** 14-22-27-9203-04-100

**APPLICANT:** Richard Scherer (Homeowner)

## INTRODUCTION

The purpose of this report is to evaluate the request for a rear and side yard setback variance for property located at 117 W Tilden Street in Winter Garden, Florida. The request is for a 20.8 foot rear yard and 9.4 foot side yard setback in lieu of the required 22 foot rear yard and 10 foot side yard setback. If approved, this variance will allow an addition to the primary structure, which will be built in order to accommodate the applicant's elderly parents.

The subject property is an approximately 0.25± acre lot located on W Tilden Street, several blocks north of Winter Garden's downtown commercial core. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation R-1 (Single-Family Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

## EXISTING USE

The subject property presently consists of a 2,100 +/- square foot single-family residential home with a carport positioned to the south of the proposed addition on the west side of the property. There is also an existing brick patio and pool area located on the east side of the property

## ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, east, and west of the subject property are all single-family residential homes, have the zoning designation R-1 (Single-Family Residential District) and the future land use designation of LR (Low Density Residential).

The property to the east has a rear building setback that is the same or nearly identical to the proposed setback for the addition on the subject property.

## PROPOSED USE

The applicant would like to build an addition onto the existing home.

## CODE REFERENCE

Sec. 118-308 (1) c of the City Code of Ordinances addresses minimum yard requirements. This section states in part that the minimum yard requirements in the R-1 Single-Family Residential District are "*front: 30 feet, side: 10 feet each, rear: 20% of depth of lot.*"

The applicant is seeking a variance to the minimum rear yard setback to allow the proposed addition to be built with a 20.8 foot rear yard setback and a 9.4 foot side yard setback. The application for variance does not include any removal of trees on the property.

## CODE REQUIREMENTS /CRITERIA

**Code Requirements/Criteria:**
Section 118-131 of the City Code that relates to the review criteria 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 are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

*(1) Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*
The proposed addition located 20.8 feet from the rear property line and 9.4 feet from the side property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the neighbors to the north, east, and west are fenced and developed in a way that is consistent with the subject property. One of the property

owners to the west of the subject property has contacted the City and expressed his approval of the proposed building addition.

*(2) 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 allowing a 20.8 foot rear yard setback in lieu of the required 22 foot rear yard setback and a 9.4 side yard setback in lieu of the required 10 foot side yard setback will allow reasonable use of the property. The request is consistent with the existing building and will continue the house's roofline. The home within the property to the east is located +/- 20.8 feet from the rear property line and many of the homes in this neighborhood have side and rear setbacks that deviate slightly with current City setback codes due to the year they were originally constructed.

*(3) 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's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easement, does not expand the home any further into the rear setback than the existing primary structure already sits, and, with the proposed removal of 200 square feet of existing brick pavers, does not exceed the maximum impervious surface allowed in the R-1 zoning district (50%).

*(4) 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.

*(5) 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. The proposed addition will be built in-line with the rear face of the existing building; it was designed to be consistent with the original roofline of the house, blending seamlessly with the existing architecture. The proposed addition does not impact the neighbors and is consistent with the building setbacks enjoyed by many other property owners in this neighborhood. Denying this variance does not benefit the property owner or the City.

## SUMMARY

City Staff recommends approval of the variance to Section 118-308(1) to allow a 20.8 foot rear yard and 9.4 foot side yard setback in lieu of the minimum required 22 foot rear yard and 10 foot side yard setback for the property to allow an addition to the primary structure subject to the following condition:

1. The applicant will remove a minimum of 200 square feet of existing brick paving in order to comply with the City of Winter Garden's maximum impervious surface ratio requirements (Section 106-18).

P&Z : PH13-071

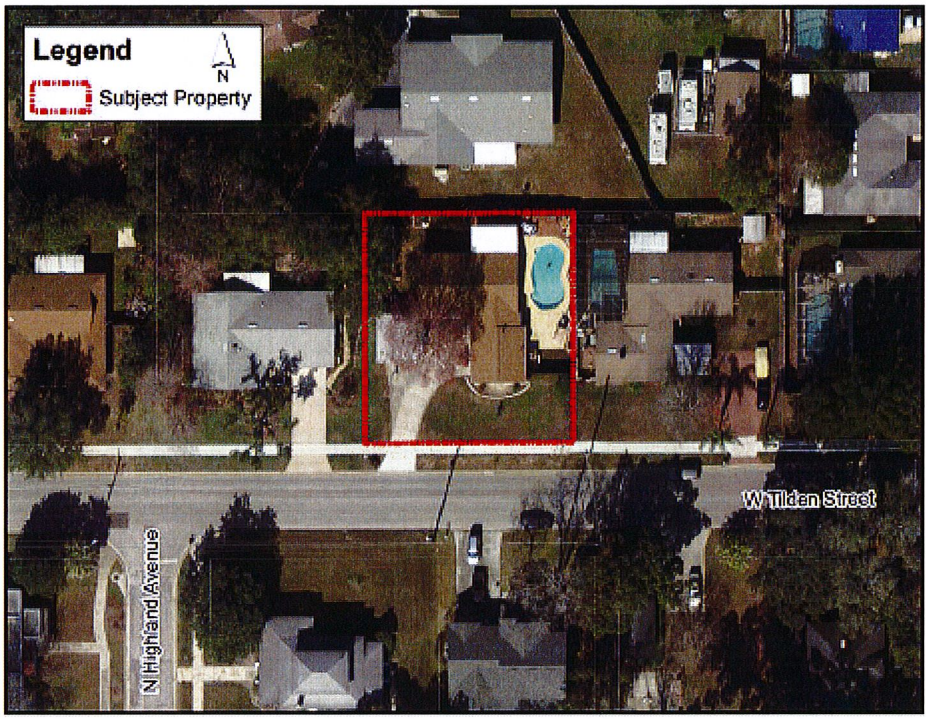
**NEXT STEP**

Apply for the appropriate Building Permits.

**ATTACHMENTS**

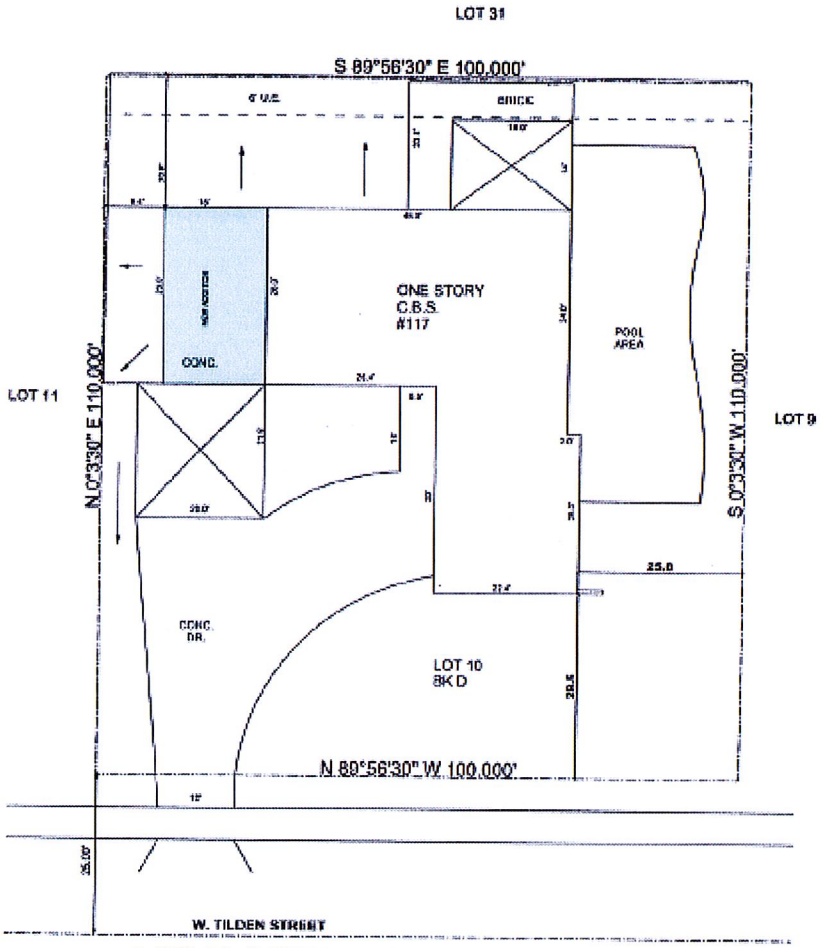
- Aerial Photos
- Site Plan
- Site Photos

**AERIAL PHOTO**
**117 W Tilden Street**




P&Z : PH13-071

**SITE PLAN**
**117 W Tilden Street**




NEW SITE DRAINAGE PLAN

SCALE: 1"=20'-0"

THIS DOES NOT CONSTITUTE A SURVEY

P&Z : PH13-071

**SITE PHOTOS**
**117 W Tilden Street**

P&Z : PH13-071

**END OF STAFF REPORT**

P&Z : PH13-071

**EXHIBIT "B"**

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

300 West Plant Street - Winter Garden, Florida 34787-3011 • (407) 656-4111

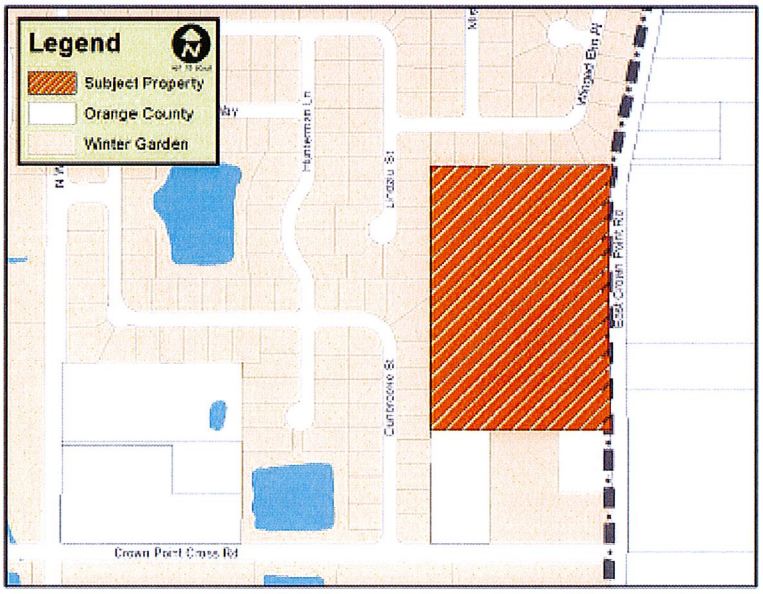
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD
**PEPARED BY:** STEVE PASH, SENIOR PLANNER
**DATE:** DECEMBER 2, 2013
**SUBJECT:** REZONING (NZ to R-1)
1006 EAST CROWN POINT ROAD (13.45 +/- ACRES)
PARCEL ID #: 12-22-27-0000-00-032
**APPLICANT:** WEST ORLANDO BAPTIST CHURCH

## INTRODUCTION

The purpose of this report is to evaluate the proposed project for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property is located at 1006 East Crown Point Road and is approximately 13.46 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The property was annexed into the City of Winter Garden in 2008 (Ordinance 08-52), and a Future Land Use Designation of Low Density Residential was approved for the property in 2010 (Ordinance 10-20); however, no zoning district was ever approved on the property. The applicant is now requesting to rezone the property to R-1 Single-Family Residential District, which is consistent with the existing Low Density Residential FLU designation.

**EXISTING USE**

The subject property is currently developed with a church consisting of two commercial buildings and a single-family house. The property has been used as a church since annexation into the City and the owners are planning for an expansion. In addition to the expansion they are proposing to add 2 portable buildings to be used temporarily while they design, get approvals, and build the proposed expansion.

**ADJACENT LAND USE AND ZONING**

The property located to the north is developed with a single-family neighborhood (Trails of Winter Garden), zoned R-1 and located in the City. The property located to the east is developed with a church, zoned A-1 and located in Orange County. One property to the south is vacant, owned by the church, zoned R-1 and located in the City. Two other properties to the south are developed with single-family houses, zoned A-1 and located in Orange County. The property to the west is developed with a single-family neighborhood (Chapin Station), zoned R-1 and located in the City.

**PROPOSED USE**

After this zoning application, the applicant intends to install 2 portable buildings, which will be used for storage and as classroom space for Sunday school classes while they design the proposed expansion. These portable buildings are proposed to be on site for no more than four years. When they have designed the proposed addition, they will need to apply for Special Exception Review.

**PUBLIC FACILITY ANALYSIS**

The City will continue providing garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents including building permits. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

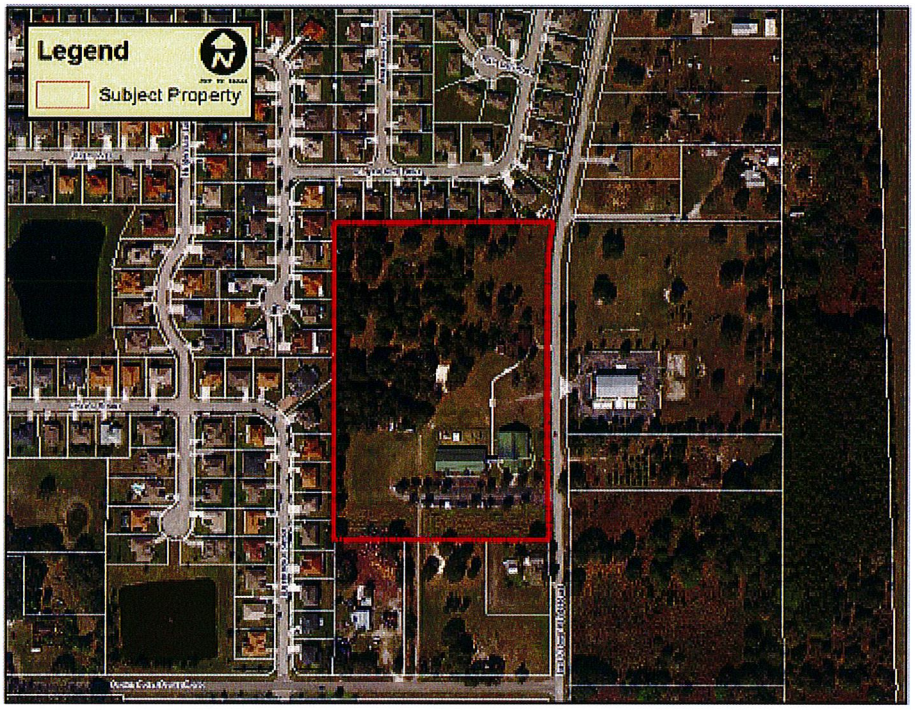
**SUMMARY**

The proposed zoning is consistent with the existing Future Land Use designation and the surrounding area. City Staff recommends approval of the proposed Ordinance.

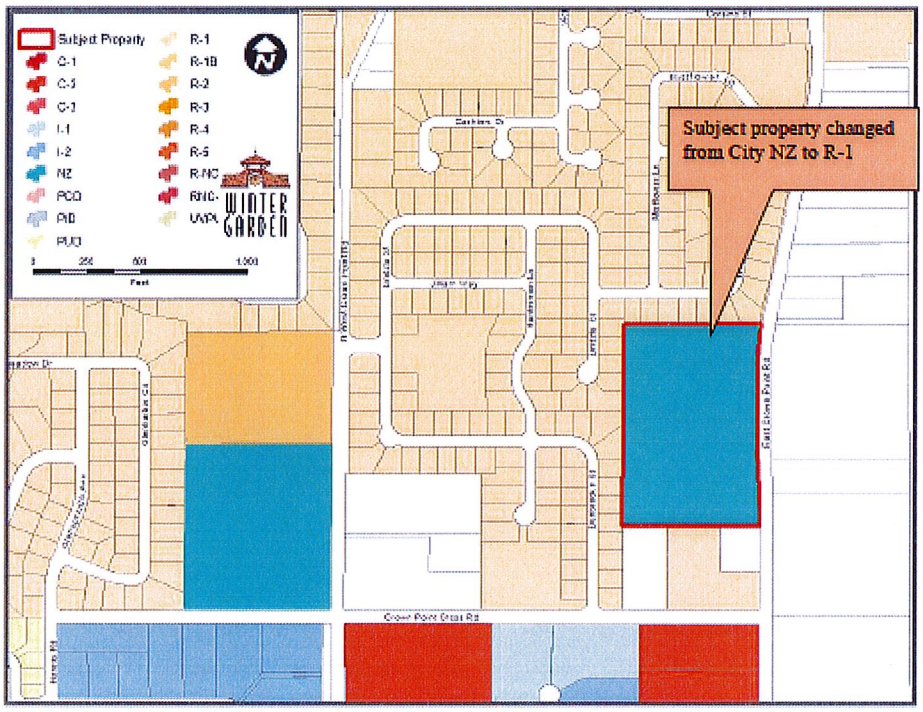
**MAPS**

**AERIAL PHOTO**

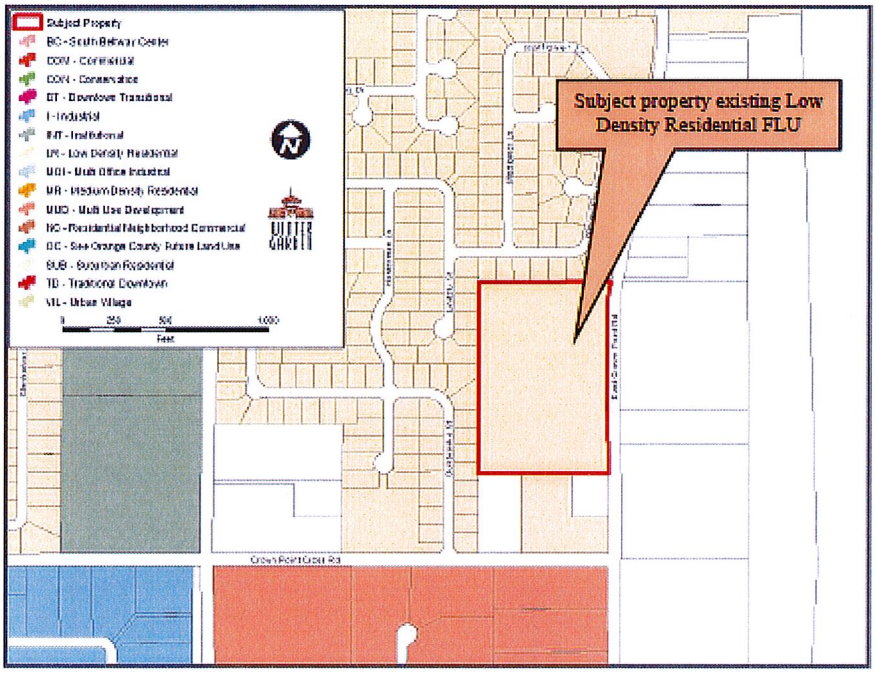
**1006 East Crown Point Road**



**ZONING MAP**
**1006 EAST CROWN POINT ROAD**



**FUTURE LAND USE MAP**
**1006 East Crown Point Road**




**END OF STAFF REPORT**