



**A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
MARCH 03, 2014**

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE / INVOCATION

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 Pledge of Allegiance was given followed by the invocation.

2. ROLL CALL AND DETERMINATION OF QUORUM

The roll was called and a quorum was declared present.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Rohan Ramlackhan - excused

STAFF PRESENT:

City Attorney Kurt Ardaman, Senior Planner Stephen Pash, Senior Planner Laura Smith, Planner II Kelly Carson, and Customer Service Representative Kathy Rathel

3. APPROVAL OF MINUTES

Approval of minutes from the regular meeting held on February 3, 2014.

Motion by Gerald Jowers to approve the above minutes. Seconded by Eric Weiss, the motion carried unanimously 6 - 0.

**ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING
(Public Hearing)**

4. 450 W. Story Road (Rios, Maria)

Senior Planner Steve Pash presented a voluntary Annexation for a 0.22 ± acre enclave located at 450 West Story Road. The property is a single lot with a Single Family Dwelling. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low

Density Residential, and Zoning of R-2. Staff recommends approval of Ordinances 14-13, 14-14 and 14-15.

Motion by Eric Weiss to recommend approval of the Annexation, Future Land Use Map Amendment and Rezoning for 450 W Story Road (Ordinances 14-13, 14-14 and 14-15) with Staff Recommendations (Attached Exhibit "A"). Seconded by Mark Maciel, the motion carried unanimously 6 - 0.

5. 13100 West Colonial Drive (Lake Butler Groves, Inc.)

Senior Planner Steve Pash presented a voluntary Annexation for a 1.75 ± acre enclave located at 13100 West Colonial Drive. The property is currently developed with an office and some warehouses used in the Citrus industry for processing. Plans are to demolish current structures and build an auto parts store. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Commercial, and Zoning of C-2. Staff recommends approval of Ordinances 14-16, 14-17 and 14-18.

Motion by Heather Gantt to recommend approval of the Annexation, Future Land Use Map Amendment and Rezoning for 13100 West Colonial Drive (Ordinances 14-16, 14-17 and 14-18) with Staff Recommendations (Attached Exhibit "B"). Seconded by Mark Maciel, the motion carried unanimously 6 - 0.

VARIANCE (Public Hearing)

6. 208 Trail Bridge Court (Savalli, Robert)

Senior Planner Steve Pash presented a request for a Variance at 208 Trail Bridge Court. The applicant is requesting a 3 foot variance to allow construction of a 22 foot x 24 foot garage addition 7 feet from the side property line in lieu of the minimum 10 foot side yard setback. Staff recommends approval.

Board Member Eric Weiss questioned if there was a Homeowners Association Architectural Review Board for the development. Senior Planner Pash responded there was but the City does not enforce the Homeowners Association rules and regulations and it is up to the applicant to have the HOA approval before they get building permits.

Motion by Eric Weiss to recommend approval of the Variance for 208 Trail Bridge Court with Staff Recommendations and with the addition of a Homeowners Association Architectural Review Board approval (Attached Exhibit "C"). Seconded by Mac McKinney, the motion carried unanimously 6 - 0.

7. 229 North Lakeview Avenue (Stone, Troy)

Senior Planner Steve Pash presented a request for two Variances at 229 North Lakeview Avenue. Applicant is requesting a variance to allow an existing accessory structure, built without permits, that is greater than 160 square feet to remain at an 8.5 foot rear yard setback in lieu of the minimum required 34.5 foot rear yard setback, and a variance to allow an existing accessory structure, built prior to City records, that is greater than 160 square feet to

remain at a 1.2 foot side yard setback in lieu of the minimum required 10 foot side yard setback. The property is located in the City's historic district and is common for rear yard setbacks to be small. Staff recommends approval of both Variances subject to the conditions of the Staff Report.

Board Member Mac McKinney asked for clarification of the structures and when they were constructed.

Motion by Gerald Jowers to recommend approval of the Variances for 229 North Lakeview Avenue with Staff Recommendations and conditions (Attached Exhibit "D"). Seconded by Mark Maciel, the motion carried 5-1 with Mac McKinney opposed.

8. 218 East Lafayette Street (Chokelal, Eric G.)

Senior Planner Laura Smith presented a request for a Variance at 218 East Lafayette Street. Applicant constructed a 28' x 14' shed on their property located at 210 E Lafayette Street without permits; they applied for a variance which was denied. The applicant desires to move the shed to 218 E. Lafayette Street which he also owns. To remedy the code enforcement violation for construction of a shed without a permit, the applicant is requesting a variance to Section 118-1310(c)(2)a to allow an accessory structure that is greater than 160 square feet to be built at a 13.5 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback. Staff recommends the applicant consider breaking the shed into two 160 square foot sheds on this property, or constructing one 160 square foot shed at 210 E. Lafayette Street and one or two sheds at 218 E. Lafayette Street. Staff recommends denial of the Variance.

General discussion regarding the size of shed, option of making the shed smaller, the location of the shed on the property, setback requirements and the previous Variance application.

Owner, Eric Chokelal of 210 E. Lafayette Street, was present to ask the Board why he could not get a Variance. Board Member Weiss stated that he should have gotten a permit first. Board Member Jowers stated he went by and looked at the property and did not believe the 13.5 rear yard setback was that intrusive. Yard has trees and fence.

Motion by Gerald Jowers to recommend approval of the Variance for 218 East Lafayette Street (Attached Exhibit "E"). Seconded by Heather Gantt, the motion carried unanimously 6 - 0.

13. ADJOURNMENT

There being no further business, the meeting was adjourned at 7:05 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

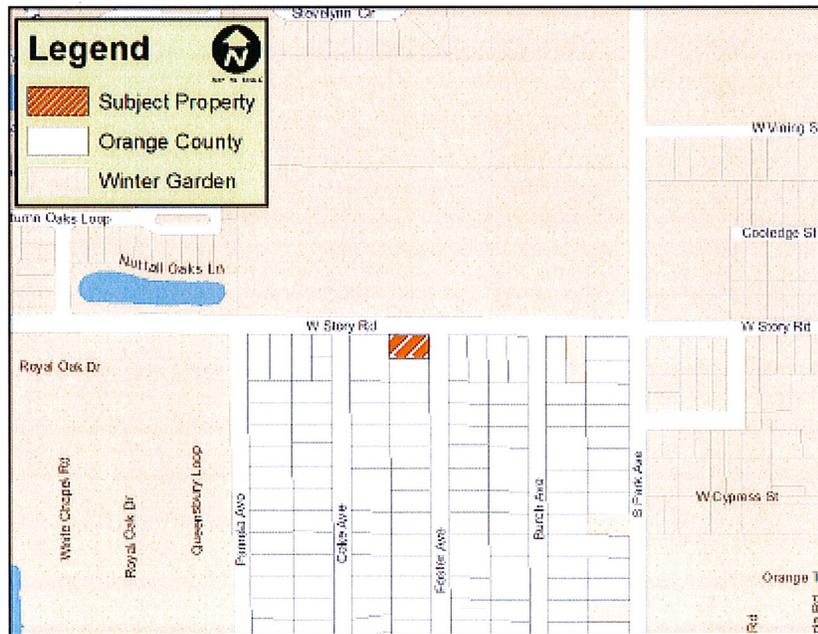
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: FEBRUARY 27, 2014
SUBJECT: ANNEXATION – ZONING – FLU AMENDMENT
450 WEST STORY ROAD (0.22 +/- ACRES)
PARCEL ID #: 22-22-27-9188-01-031
APPLICANT: MARIA RIOS

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 450 West Story Road and is approximately 0.22 ± acres. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-2 Residential District.

In accordance with the City's Comprehensive Plan, permitted uses within the Low Density Residential land use include single family homes and churches and schools. The zoning classifications that are consistent with the Low Density Residential land use designation include PUD, R-1A, R-1, R-2, R-1B, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently developed with a single-family house.

ADJACENT LAND USE AND ZONING

The property located to the north is a City Park (Veterans Park), zoned C-2 and located in the City. The properties located to the east, south, and west are developed with single family homes, zoned R-2 and located in Orange County.

PROPOSED USE

The owner is proposing to annex the property and keep the existing structure.

PUBLIC FACILITY ANALYSIS

The City will provide 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

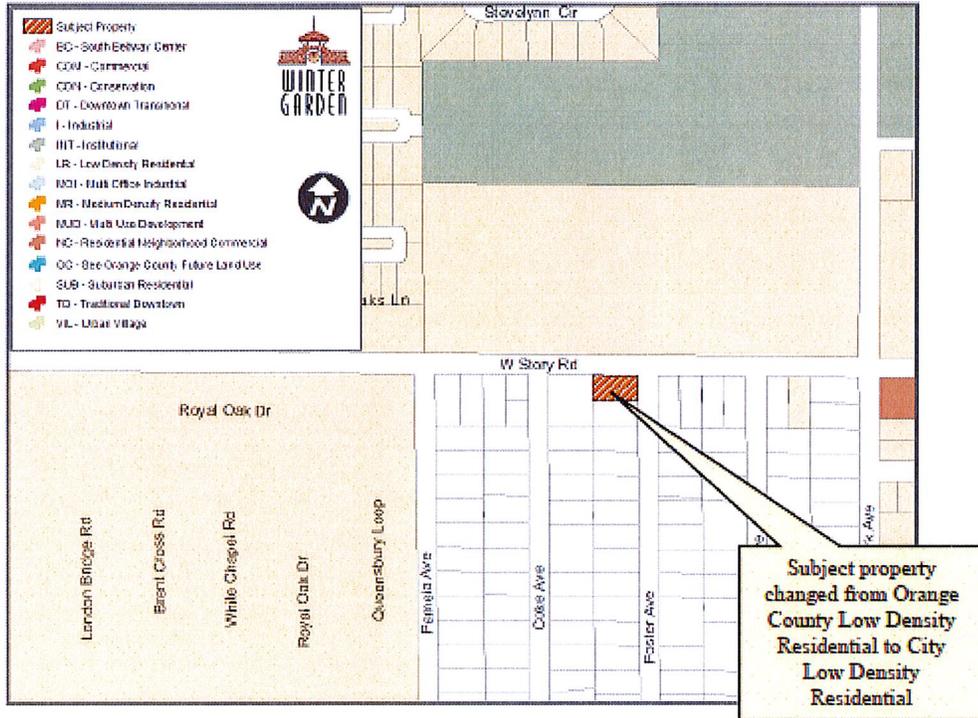
City Staff recommends approval of the proposed Ordinances. Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves.

MAPS

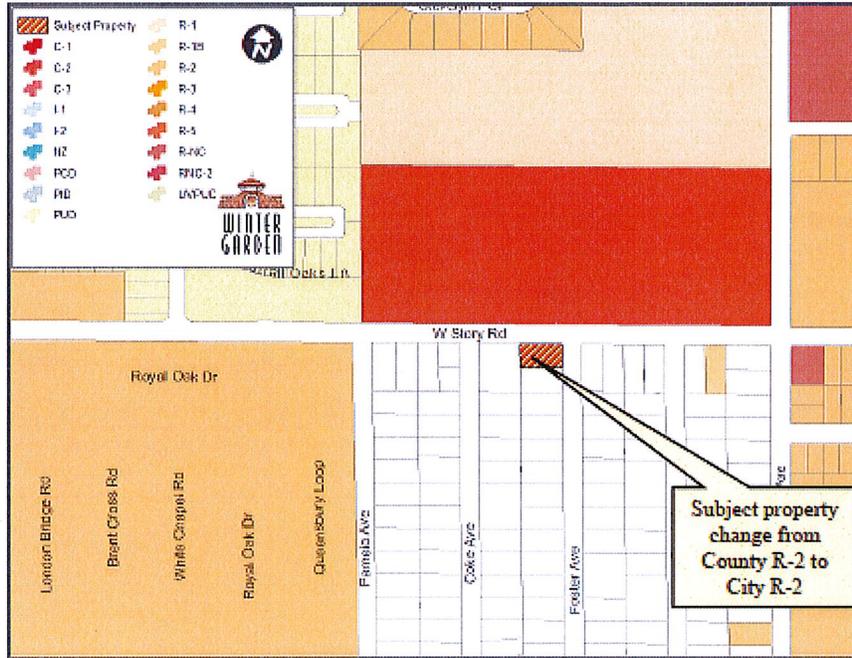
AERIAL PHOTO
450 West Story Road



FUTURE LAND USE MAP
450 West Story Road



ZONING MAP
710 South Park Avenue



END OF STAFF REPORT

The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City's Comprehensive Plan to designate the property as Commercial, and rezoning the property to C-2 Arterial Commercial District. This property is also within the West State Road 50 Overlay, which has additional development standards.

The subject property is located within the West State Road 50 Commercial Activity Center which allows for the following land use categories: Commercial, Medium Density Residential, Industrial, and Multi Use Development. The majority of the properties located within the West State Road 50 Commercial Activity Center are designated Commercial on the Future Land Use Map, with the only exceptions being several apartment complexes and a senior living facility on the south side of the road at the western edge of the city limits which are designated Medium Density Residential on the Future Land Use Map and total about 35 acres of land.

In accordance with the City's Comprehensive Plan, permitted uses within the Commercial land use include retail, service, and professional activities. The zoning classifications that are consistent with the Commercial land use designation include C-1, C-2, C-3, C-4, PCD, and INT.

The City endorses infill of its jurisdictional limits through voluntary annexation of enclaves. The elimination of enclaves through voluntary annexation furthers the goals, objectives, and policies of the City's Comprehensive Plan.

EXISTING USE

The subject property is currently developed with two commercial office buildings and a warehouse.

ADJACENT LAND USE AND ZONING

The properties located to the north are developed with a retail/commercial shopping center (Kmart), zoned C-2, and located in the City. The property located to the east is developed with an Animal Hospital and Veterinary Clinic, zoned C-2 and located in the City. The properties to the south are developed with single-family homes, zoned A-1 and located in the County. The property to the west is developed with a commercial building, zoned C-2, and located in the City.

PROPOSED USE

The applicant intends to annex the property, demolish all of the existing buildings, and submit for Site Plan Review to develop the property with a new auto parts retail store.

PUBLIC FACILITY ANALYSIS

The City will provide 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

Annexation will provide a more efficient delivery of services to the property and further the goals and objectives of the City of Winter Garden's Comprehensive Plan to eliminate enclaves.

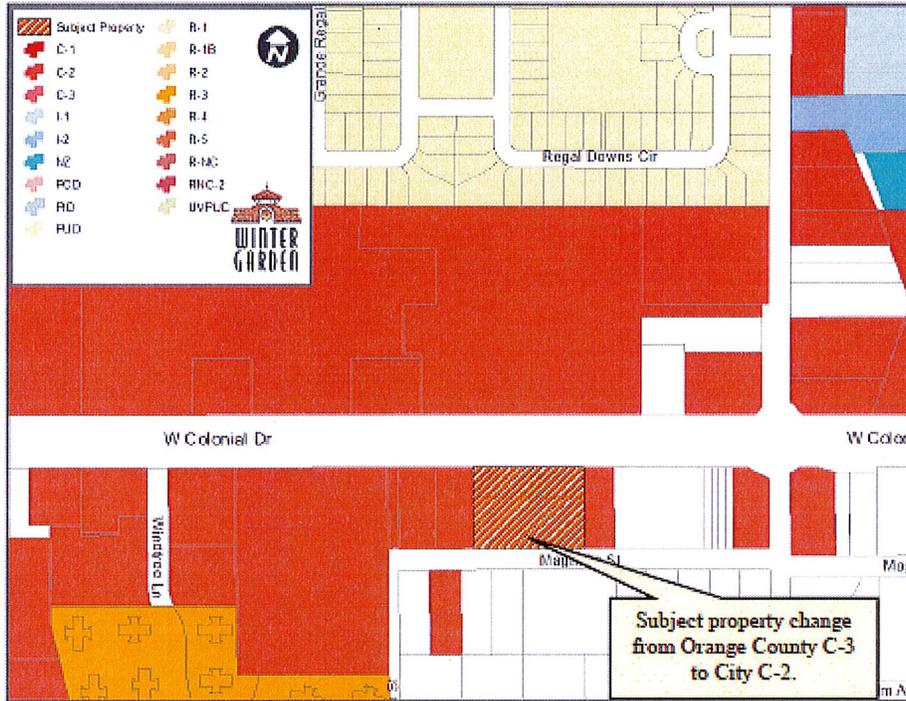
MAPS

AERIAL PHOTO

13100 West Colonial Drive



ZONING MAP
13100 West Colonial Drive



END OF STAFF REPORT

EXHIBIT "C"

**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: STEVE PASH, SENIOR PLANNER
DATE: FEBRUARY 25, 2014
SUBJECT: VARIANCE
208 Trail Bridge Court (0.34+/- ACRES)
PARCEL ID # 14-22-27-1944-00-200

APPLICANT: Robert and Adrienne Savalli

INTRODUCTION

The purpose of this report is to evaluate the request of a 3 foot side yard setback variance to allow construction of a 22 foot x 24 foot garage 7 feet from the side property line.

The subject property, located at 208 Trail Bridge Court is approximately a 0.34 ± acre lot located just south of the intersection of Courtlea Oaks Boulevard and Trail Bridge Court. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a variance to Section 118-308(1)b. to allow a garage addition to be built at a 7 foot side yard setback in lieu of the minimum required 10 foot side yard setback. The subject property carries the zoning designation R-1 (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 4,566 square foot single family home.

ADJACENT LAND USE AND ZONING

The adjacent properties to the north, east, and south of the subject site are developed with single-family homes with R-1 zoning designation. The property to the west is a vacant lot (orange grove) with R-1 zoning designation.

PROPOSED USE

The applicant is requesting a variance to the side yard setback to allow construction of a 22 foot x 24 foot garage, which will be attached to the house with a breezeway.

CODE REFERENCE

Sec. 118-308 (1)b. of the City Code of Ordinances addresses setbacks for the R-1 zoning district and states that the side yard setback is 10 feet.

The applicant is seeking a variance to the minimum required side yard setback of 10 feet to allow a garage addition to be located 7 feet from the side property.

CODE REQUIREMENTS /CRITERIA

Code Requirements/Criteria:

Section 118-131 of the City Code 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.

- (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;*
Construction of the proposed structure 7 feet from the side property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The property to the west is vacant and the property to the north is developed with a single-family home with the driveway abutting the subject property. Additionally, there were no comments received from any of the surrounding property owners regarding the requested 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 allowing a 7 foot side yard setback in lieu of the required 10 foot setback is reasonable use of the property. While there are no variance requests similar to this request, the proposed structure is not out of character with other properties in the 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's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easement and does not exceed the maximum impervious surface ratio for R-1 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.

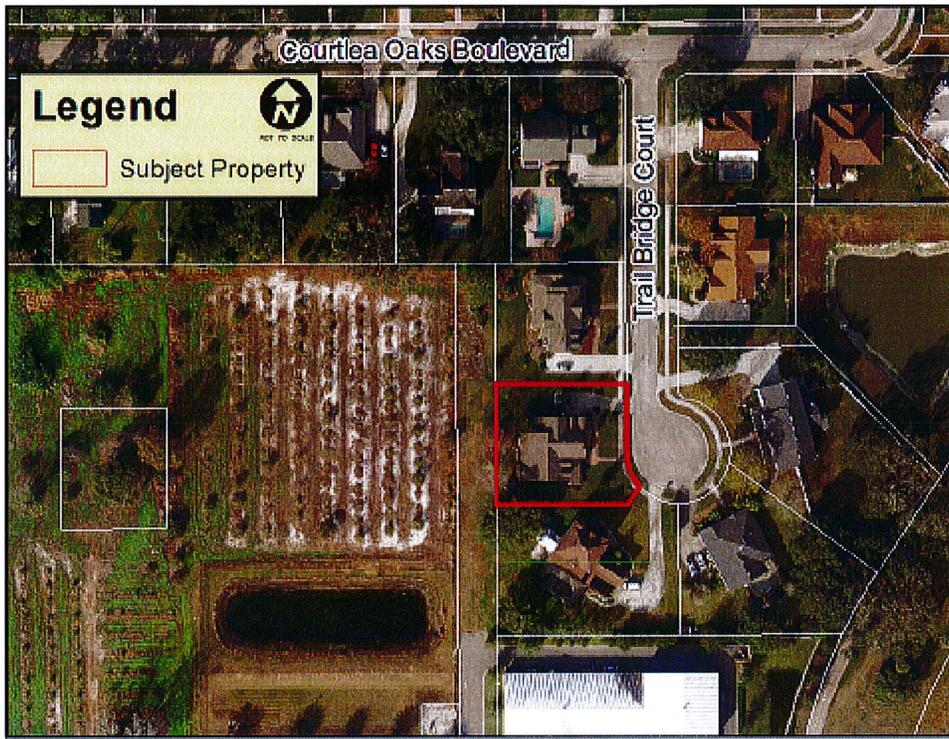
SUMMARY

Staff recommends approval of the variance to Section 118-308 (1) b. to allow a garage addition to be built at a 7 foot side yard setback in lieu of the minimum required 10 foot side yard setback.

ATTACHMENTS

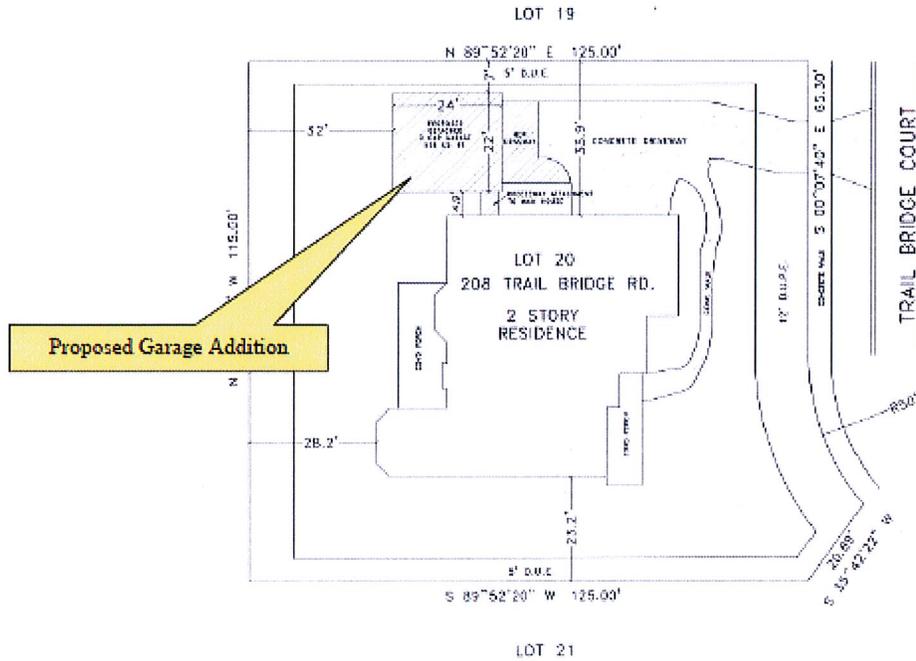
- Aerial Photos
- Site Photos

AERIAL PHOTO
208 Trail Bridge Court



SITE Plan
208 Trail Bridge Court

LOT 20, COURTLEA OAKS, PHASE 2B, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 41, PAGES 67-69, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA



SITE PHOTOS
116 East Story Road

View of Proposed Location of Carport



View showing separation between houses



Site Photos
208 Trail Bridge Court

View looking from proposed garage toward street



END OF STAFF REPORT

EXHIBIT "D"

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: STEVE PASH, SENIOR PLANNER
DATE: FEBRUARY 26, 2014
SUBJECT: VARIANCE
229 North Lakeview Avenue (0.29+/- ACRES)
PARCEL ID # 14-22-27-1032-00-050

APPLICANT: Troy Stone

INTRODUCTION

The purpose of this report is to evaluate the request of a 26 foot rear yard setback variance to allow an existing 20.2 foot x 34.1 foot accessory structure (garage) to remain 8.5 feet from the rear property line and an 8.8 foot side yard setback variance to allow an existing accessory structure (garage) to remain 1.2 foot from the side property line.

The subject property, located at 229 North Lakeview Avenue is approximately a 0.29± acre lot located north of West Newell Street and south of West Tilden Street. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a variance to Section 118-1310 (c)(2)a. to allow an accessory structure that is greater than 160 square feet to remain at an 8.5 foot rear yard setback in lieu of the minimum required 34.5 foot rear yard setback, and a variance to Section 118-1310 (c)(2)a. to allow an accessory structure that is greater than 160 square feet to remain at a 1.2 foot side yard setback in lieu of the minimum required 10 foot side yard setback. The subject property carries the zoning designation R-2 (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 2,139 square foot single family home, a 689 square foot accessory structure (built without a permit), and a 406 square foot garage (built prior to City records).

ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, east, and west of the subject site are developed with single-family homes with R-2 zoning designation.

PROPOSED USE

The applicant is requesting a variance to the rear yard setback to allow a 20.2 foot x 34.1 foot accessory structure that was built without a permit to remain, and a variance to the side yard setback to allow an existing 20.2 foot x 20.1 foot accessory structure that was built prior to our records to remain.

CODE REFERENCE

Sec. 118-310 (c)(2)a. of the City Code of Ordinances addresses accessory structures and states that

An accessory building greater than 160 square feet must comply with all the setback requirements of the principal structure. The R-2 zoning district requires that structures meet a side yard setback of 10 feet and a rear yard setback of 20% of the lot depth (30 feet).

The applicant is seeking a variance to the minimum required rear yard setback of 30 feet to allow an accessory structure that is greater than 160 square feet to be located 5 feet from the rear property.

CODE REQUIREMENTS /CRITERIA

Code Requirements/Criteria:

Section 118-131 of the City Code 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.

- (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;*

Allowing the accessory structure 8.5 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the property behind them also has an accessory structure located +/- 5 feet from the rear property line.

Allowing the accessory structure to remain at a side yard setback of 1.2 feet should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as this building has existed for many years without interference. Additionally, there were no comments received from any of the surrounding property owners regarding the requested variances.

- (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 allowing an 8.5 foot rear yard setback in lieu of the required 34.5 foot setback is reasonable use of the property. While there are no variance requests similar to this, the structure is not out of character with other structures located in the surrounding area.

The requested variance allowing a 1.2 foot side yard setback in lieu of the required 10 foot setback is reasonable use of the property. While there are no variance requests similar to this, the structure has been in this location for many years.

- (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's land development regulations will not further any legitimate City objective. Neither variance request encroaches into any recorded easement and does not exceed the maximum impervious surface ratio for R-2 residential zoning.

- (d) *The granting of the variance is consistent with the city's comprehensive plan; and*
Both variances are 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 variances requested are the minimum variances that will make reasonable use of the land. Denying the variances does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of both variances to Section 118-1310 (c)(2)a. to allow an existing accessory structure (garage) that is greater than 160 square feet to remain at an 8.5 foot rear yard setback in lieu of the minimum required 34.5 foot rear yard setback and to allow an existing accessory structure (garage) that is greater than 160 square feet to remain at a 1.2 foot

side yard setback in lieu of the minimum required 10 foot side yard setback subject to the following conditions:

- The applicant needs to submit for Architectural Review Historic Preservation review and be approved by the board to keep the accessory structure with at rear yard setback of 8.5 foot.
- No more accessory structures can be built on this property.
- All construction material and equipment shall be removed from the area behind the accessory structure.
- Permits are required for all work that was done to construct the structure. Permits may include: building, electrical, plumbing, and mechanical.

ATTACHMENTS

- Aerial Photos
- Site Photos

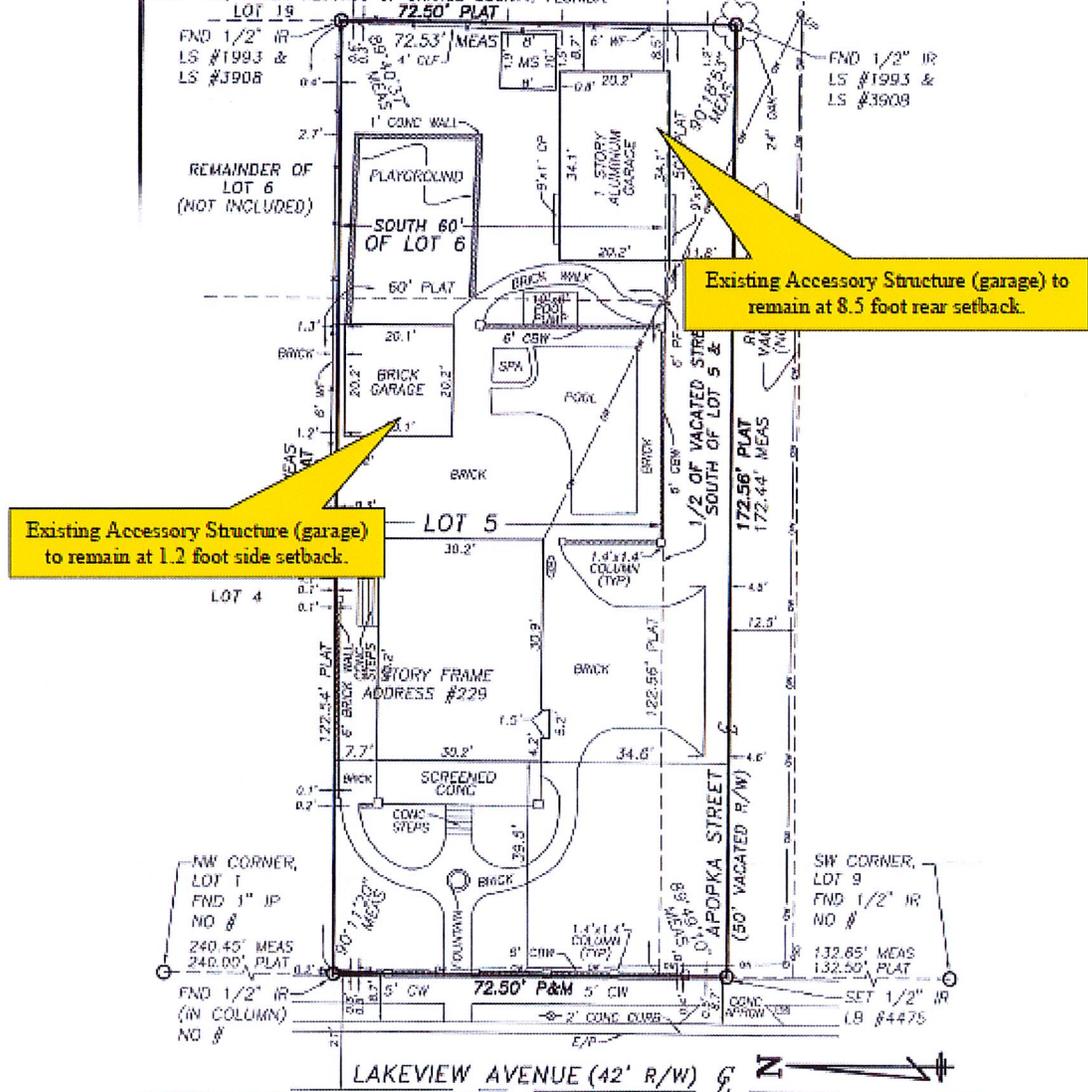
AERIAL PHOTO
229 North Lakeview Avenue



SITE PLAN
229 North Lakeview Avenue

PLAT OF SURVEY
DESCRIPTION

LOT 5 AND THE SOUTH 60.00 FEET OF LOT 6 AND 1/2 OF THE VACATED STREET LYING SOUTH OF LOTS 5 AND 6 OF H.E. BLUMBY SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK "K", PAGE 115, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



NO. 733124	SCALE: 1" = 30'	BOUNDARY SURVEY CERTIFIED TO	REVISIONS
NO. 1140155-0	DATE: 12/13/2013	TROY & NICOLE STONE	

SITE PHOTOS
229 North Lakeview Avenue

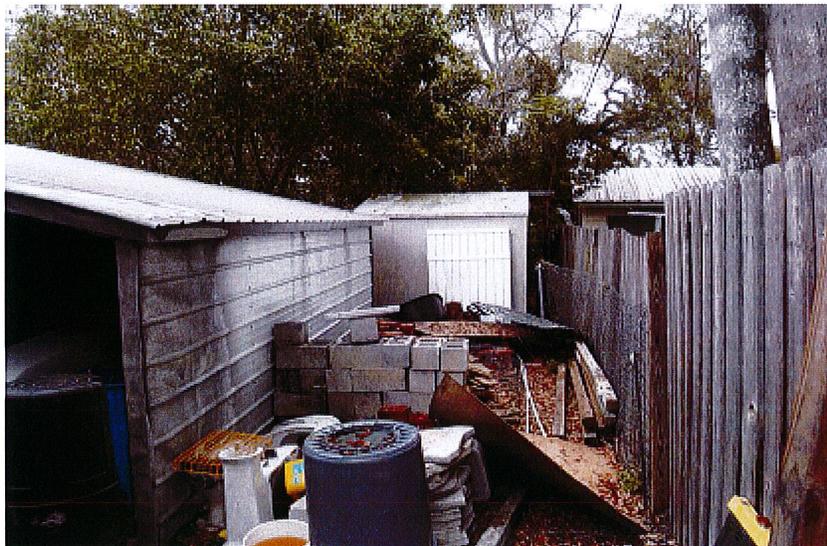
Views of structure with rear yard setback variance request



View showing structure from back yard



View showing rear yard behind structure



View of structure with side yard setback variance



View of structure from back yard



END OF STAFF REPORT

EXHIBIT "E"

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: LAURA SMITH, SENIOR PLANNER
DATE: FEBRUARY 28, 2014
SUBJECT: VARIANCE
218 E. LAFAYETTE STREET (0.14+/- ACRES)
PARCEL ID # 23-22-2 7-0908-00-090
APPLICANT: Eric & Lena Chokelal

INTRODUCTION

The purpose of this report is to evaluate the request of an 11.5 foot rear yard setback variance to allow the construction of a 14 foot x 28 foot shed 13.5 feet from the rear property line.

The subject property, located at 218 E Lafayette Street is approximately a 0.14± acre lot. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



To remedy a code enforcement violation for construction of a shed without a permit on the neighboring property located at 210 E Lafayette Street the applicant is proposes to relocate the shed to the property at 218 E Lafayette Street which he also own, the applicant is requesting a variance to Section 118-1310(c)(2)a to allow an accessory structure that is greater than 160 square feet to be built at a 13.5 foot rear yard setback in lieu of the minimum required 25 foot rear yard. The subject property carries the zoning designation R-2 (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 contains a 1,712 square foot single family home and 100 square foot shed.

ADJACENT LAND USE AND ZONING

The adjacent properties contain single family residential homes zoned R-2 in the Low-Density Residential Future Land Use Category.

PROPOSED USE

The applicant is requesting a variance to the rear yard setback to allow construction of a 14 foot x 28 shed.

CODE REFERENCE

Sec. 118-310(c)(2)a of the City Code of Ordinances addresses accessory structures and states that an accessory building greater than 160 square feet must comply with all the setback requirements of the principal structure. The R-2 zoning district requires that structures meet a side yard setback of 10 feet and a rear yard setback of 20% of the lot depth (25 feet).

The applicant is seeking a variance to the minimum required rear yard setback of 25 feet to allow an accessory structure that is greater than 160 square feet to be located 13.5 feet from the rear property line.

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.

- (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;*

Construction of the proposed accessory structure 13.5 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as the property located to the west of the subject property is also owned by the applicant and the property located on the south is vacant land and the property located to the southwest has a shed and detached garage in their rear yard.

- (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 allowing a 13.5 foot rear yard setback in lieu of the required 25 foot setback is not reasonable use of the property. The property could accommodate two 160 square foot sheds, or the property owner could construct one shed under 160 square feet on the property located at 218 E Lafayette St and another shed under 160 square feet on the property located at 210 E Lafayette St.

- (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's land development regulations furthers City objectives regarding the public health, safety and welfare.

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

The variance is not consistent with the provisions of the City's Comprehensive Plan relating to single family residential neighborhood character. The oversized shed is too large for the property and cannot be located on the property and comply with City Code.

- (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 not the minimum variance that will make reasonable use of the land. The property does not contain any other sheds, therefore the property owner could construct two sheds (each under 160 square feet) on the property or construct one 160 square foot shed on the property located at 210 E Lafayette St. and one 160 square foot shed on the property located at 218 E Lafayette St.

SUMMARY

City Staff recommends denial of the variance to Section 118-1310 (c)(2)a to allow an accessory structure that is greater than 160 square feet to be built at a 13.5 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback.

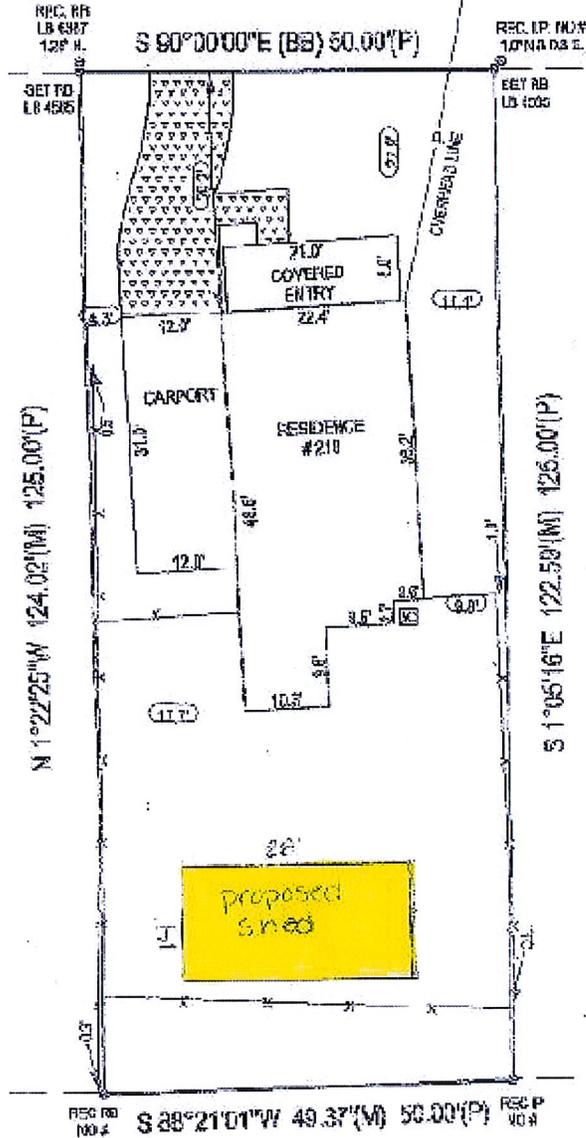
ATTACHMENTS

- Aerial Photo
- Site Plan

AERIAL PHOTO
218 E Lafayette Street



SITE PLAN
218 E Lafayette Street



END OF STAFF REPORT