WINTER GARDEN

A REGULAR MEETING MINUTES
PLANNING AND ZONING BOARD
APRIL 07, 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, and Board Members: Heather Gantt, Mark Maciel, Mac McKinney and Rohan Ramlackhan (arrived at 6:32 pm)

MEMBERS ABSENT:

Gerald Jowers - excused

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 March 3, 2014.

Motion by Eric Weiss to approve the above minutes. Seconded by Mark Maciel, the motion carried unanimously 5 - 0. (Rohan Ramlackhan arrived at 6:32 pm)

LOT SPLIT (Public Hearing)

4. 303 Bayside Avenue (Johnson, Allen & Abigail)

Planner II Kelly Carson presented a request for a Lot Split for the property located at 303 Bayside Avenue. Property is zoned R-1 and contains an existing single family residence and pool. The applicant wishes to create two irregularly-shaped parcels: a 0.27 acre western parcel which contains the residence, and a 0.28 acre eastern parcel to be sold as

vacant land. Both lots conform to the lot size requirements of the R-1 zoning district and the existing structures meet all the R-1 required setbacks. Staff recommends approval subject to the conditions stated in the Staff Report.

Board Member Weiss asked if this was a common occurrence to split a half acre lot. Planner Carson stated the applicant had the room and the vacant portion was not being used.

Motion by Heather Gantt to recommend approval of the Lot Split for 303 Bayside Avenue with Staff Recommendations (Attached Exhibit "A"). Seconded by Rohan Ramlackhan, the motion carried unanimously 6 - 0.

SPECIAL EXCEPTION PERMIT (Public Hearing)

5. 315 S Dillard Street (Millionaire Hair)

Planner II Kelly Carson presented a request for a Special Exception Permit for the property located at 315 S. Dillard Street, a suite located within a building with the main address of 321 S. Dillard Street. The applicant intends to open a beauty salon and hair clinic with occasional hair dressing classes. Property is zoned C-3 which is the Professional Office District. To mitigate any parking impact for the personal use, the Applicant has agreed to certain conditions: a maximum number of 3 for hairdressers or other beauty operators, class sizes limited to 6 with no other salon services performed during class, move or remove an existing chain link gate blocking a parking space and installing landscaping along adjacent rights-of-way to adhere to the City's landscape code. Staff recommends approval subject to conditions stated in the Staff Report.

Board Member Maciel stated for staff that this item is allowing someone to do something productive but getting improvements in return so it is a win-win situation. Planner Carson stated the conditions were to make sure the parking was not an issue as parking requirements are less in a C-3 than for retail properties.

Motion by Eric Weiss to recommend approval of the Special Exception Permit for 315 S Dillard Street with Staff Recommendations (Attached Exhibit "B"). Seconded by Mark Maciel, the motion carried unanimously 6 - 0.

6. 703 Carter Road (Manheim Orlando)

Senior Planner Steve Pash presented a request for a Special Exception Permit for the property located at 703 Carter Road. The applicant is requesting to install 3 rows of barbed wire on top of their existing 6' chain link fence to curb vandalism. Property is zoned I-2 and is used as a parking lot for Manheim Auto Auctions. The surrounding area has industrial uses and the property has substantial landscaping. Staff recommends approval.

Motion by Mark Maciel to recommend approval of the Special Exception Permit for 703 Carter Road with Staff Recommendations (Attached Exhibit "C"). Seconded by Heather Gantt, the motion carried unanimously 6 - 0.

VARIANCE (Public Hearing)

7. 686 Bethune Avenue (Jenkins Family Addition)

Planner II Kelly Carson presented a request for a Variance for the property located at 686 Bethune Avenue. The property is zoned R-4. The Applicant is requesting a 17.8 foot rear yard setback in lieu of the required 30 foot rear yard setback to construct an addition on to the home and would be in compliance with all other setback requirements. The applicant has agreed to remove 2 existing non-conforming structures; a shed and a segment of driveway both located within drainage and utility easements. Staff recommends approval of the Variance.

Motion by Mac McKinney to recommend approval of the Variance for 686 Bethune Avenue with Staff Recommendations (Attached Exhibit "D"). Seconded by Rohan Ramlackhan, the motion carried unanimously 6 - 0.

8. 148 Roper Drive (Buchanan, Bob)

Senior Planner Steve Pash presented a request for a Variance for the property located at 148 Roper Drive. Applicant is requesting a 17' Variance to the minimum required rear yard setback of 23' to construct a 12' x 16' shed which is greater than 160 square feet. The shed will replace an existing shed on an existing concrete slab with footer. A large hedge on both sides of the property helps buffer the neighbors view and the neighbors have submitted supporting letters. Staff recommends approval of the Variance.

Motion by Heather Gantt to recommend approval of the Variance for 148 Roper Drive with Staff Recommendations (Attached Exhibit "E"). Seconded by Mark Maciel, the motion carried unanimously 6 - 0.

9. ADJOURNMENT

There being no further business, the meeting was adjourned at 6:43 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

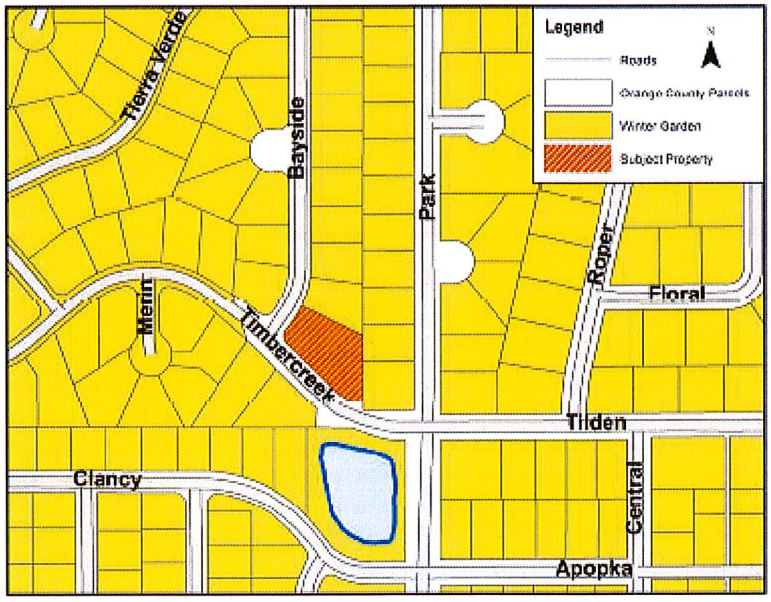
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: March 26, 2014
SUBJECT: LOT SPLIT
303 Bayside Avenue
PARCEL ID # 15-22-27-4197-02-700

APPLICANTS: Allen & Abigail Johnson

INTRODUCTION

The purpose of this report is to evaluate the request to allow a lot split on property located at 303 Bayside Avenue for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The subject property, located at the northeast corner of Timbercreek Drive S and Bayside Avenue, is approximately 0.55± acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits.



CURRENT USE AND ZONING

The subject property is located in the R-1 zoning district and consists of an irregularly-shaped lot with an existing single family residence situated within the northwest portion of the lot.

CODE REFERENCE

Sec. 110-96. Proposed subdivision of existing lot.

(a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant's option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.

(b) A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:

(1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.

(2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.

(3) A listing of the names and addresses of the record owners abutting subject property.

(4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.

(c) Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

Upon review by the city staff, with or without conditions or restrictions, the application, together with the recommendations, conditions and restrictions, shall be presented to the planning and zoning board at its next regular meeting or session, following action by the city staff, for approval or disapproval. The planning and zoning board may take the following actions:

(1) Approve the application as recommended by the city staff.

(2) Approve the application, deleting or supplementing the conditions and restrictions of the city staff.

(3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.

(4) Disapprove the application.

The planning and zoning board shall have the option to take such action as it deems necessary and proper upon one hearing.

SUMMARY

The applicant has submitted a request for a lot split to divide the existing lot into two new parcels: the western parcel will remain oriented toward Bayside Avenue and the eastern parcel will be oriented toward Timbercreek Drive S.

The lot was originally platted in 1985. It is irregularly-shaped and measures approximately 157.74' along the northern property boundary, 153.52' along the eastern property boundary, 226.88' along the southern property boundary, and 101.38' along the western property boundary. The lot has an area of approximately 23,881 SqFt and it fronts on Bayside Avenue. There is an existing single-family residential structure, which is located within the northwestern portion of the lot. This structure will remain after the lot is split.

Section 118-306 of the City Code of Ordinances establishes that the minimum lot requirements for a single-family dwelling in the R-1 residential zoning district are 85' wide at the building's front setback line x 100' deep and a lot area no less than 10,000 SqFt.

The proposed western parcel will be irregular in shape and measure approximately 104.85' along the northern property boundary, 125.44' along the eastern property boundary, 101.38' along the western property boundary, and 101.43' along the southern property boundary. The proposed eastern parcel also be irregular in shape and will measure approximately 52.89' along the northern boundary, 125.44' along the western boundary, 153.52' along the eastern boundary, and 125.45' along the southern boundary. Both properties will conform to the minimum lot requirements for the R-1 zoning district and will be consistent with the sizes of other lots found in the surrounding Kings Bay and Timbercreek neighborhoods. No development for the eastern parcel is proposed at this time. The applicants plan to sell the vacant parcel, on which a single-family residence may be developed by the future owners.

Based on GIS information, an existing water main is located on the north side of Timbercreek Drive South for connection. The sanitary sewer however, is farther west and may pose a problem for connection to the newly created vacant lot. At the time of development of the eastern parcel, plans must be submitted detailing how the new lot will be connected to the sanitary sewer system.

STAFF RECOMMENDATION

Staff recommends approval of the proposed lot split with the following condition:

1. Easements for cross access, drainage and utilities may be required at the time of site or

building plan approval.

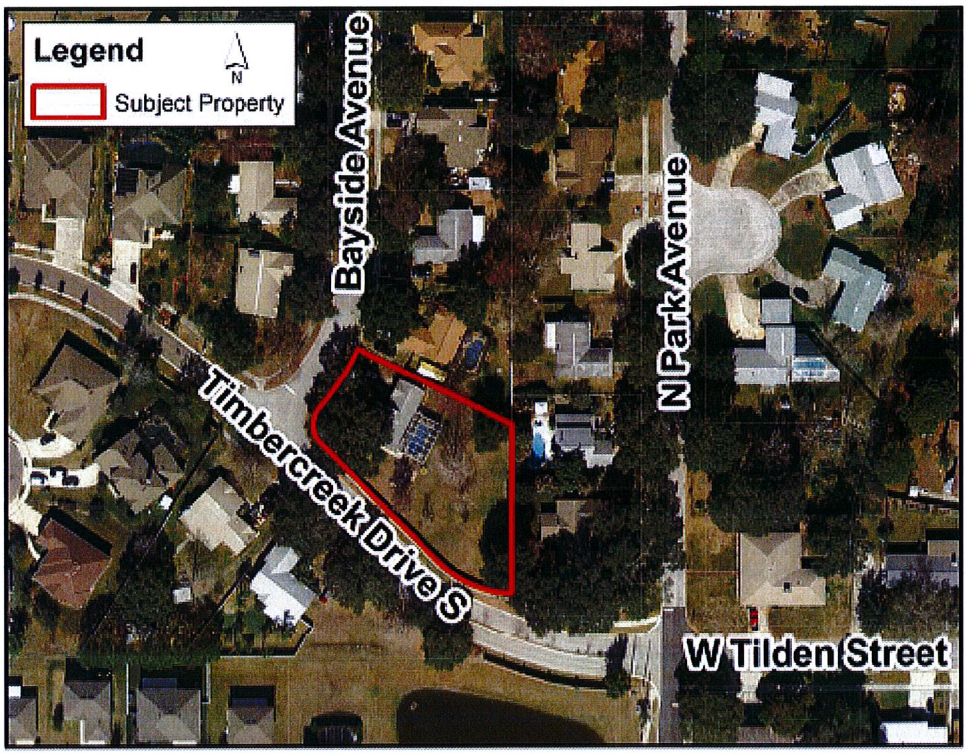
2. Following lot split approval and prior to selling or developing the property, the existing 6' tall wood fence running parallel to Timbercreek Drive South must be removed along the frontage of the new lot. A 6' tall fence exceeds the City's maximum height requirement for front yards.
3. At the time of development, the eastern lot shall be required to connect to city utilities. Piggy backing off of the utility connections for the existing lot shall not be permitted. Any structure on the new lot will need to install a grinder pump and connect to the city force main. The gravity sewer on Bayside Avenue is out of reach for connection. Sump pumps are not sufficient for this condition. Ensure that the sewage pump has a cutting blade.
4. No Certificate of Occupancy will be issued for any building on a lot until connection to the City's water and wastewater system has been made and cleared for use by FDEP and/or the City.
5. Payment of utility impact and utility connection fees shall be required.

NEXT STEP

If Planning and Zoning Board approves, file with the Orange County Property Appraiser's Office and Office of Public Records.

P&Z : PH14-002

AERIAL PHOTO
303 Bayside Avenue

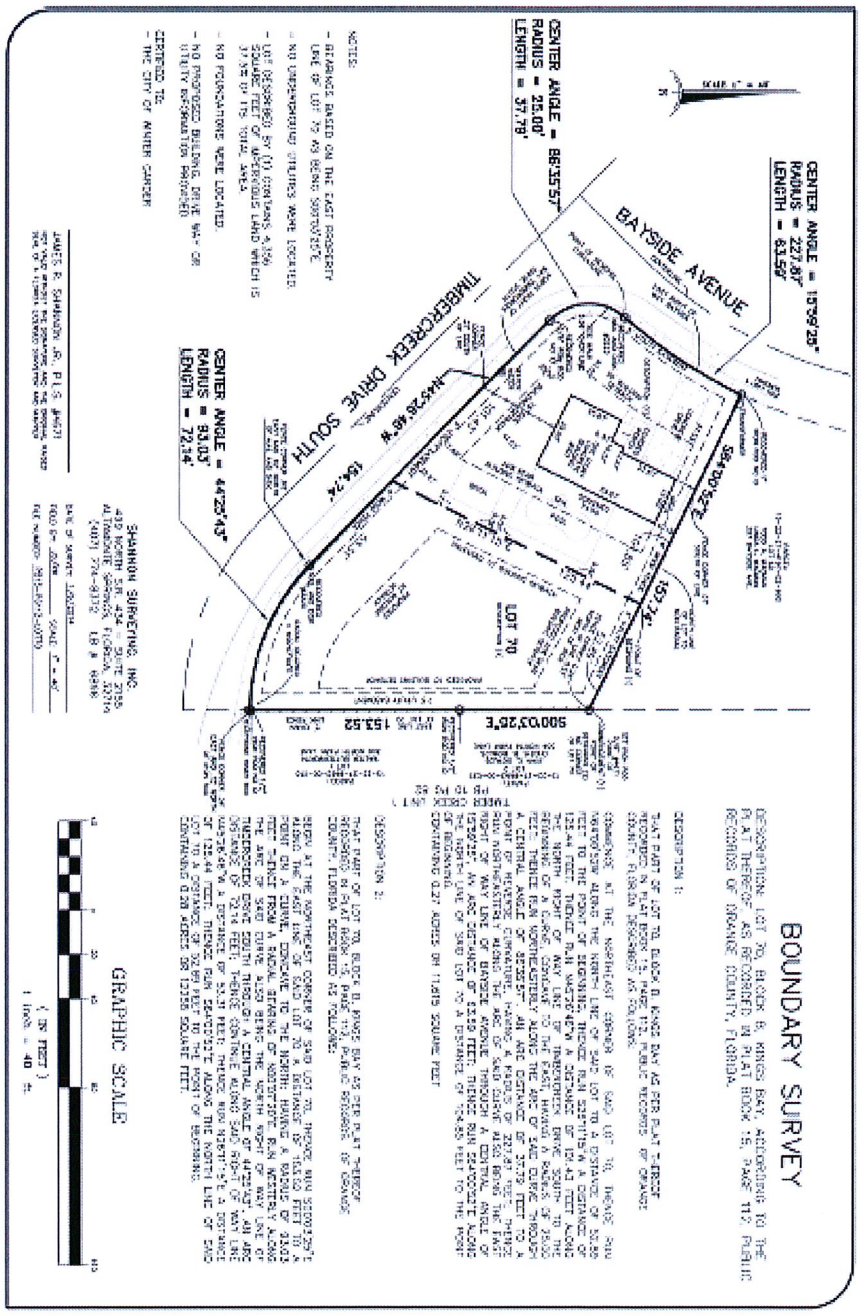


P&Z : PH14-002

ZONING MAP
303 Bayside Avenue

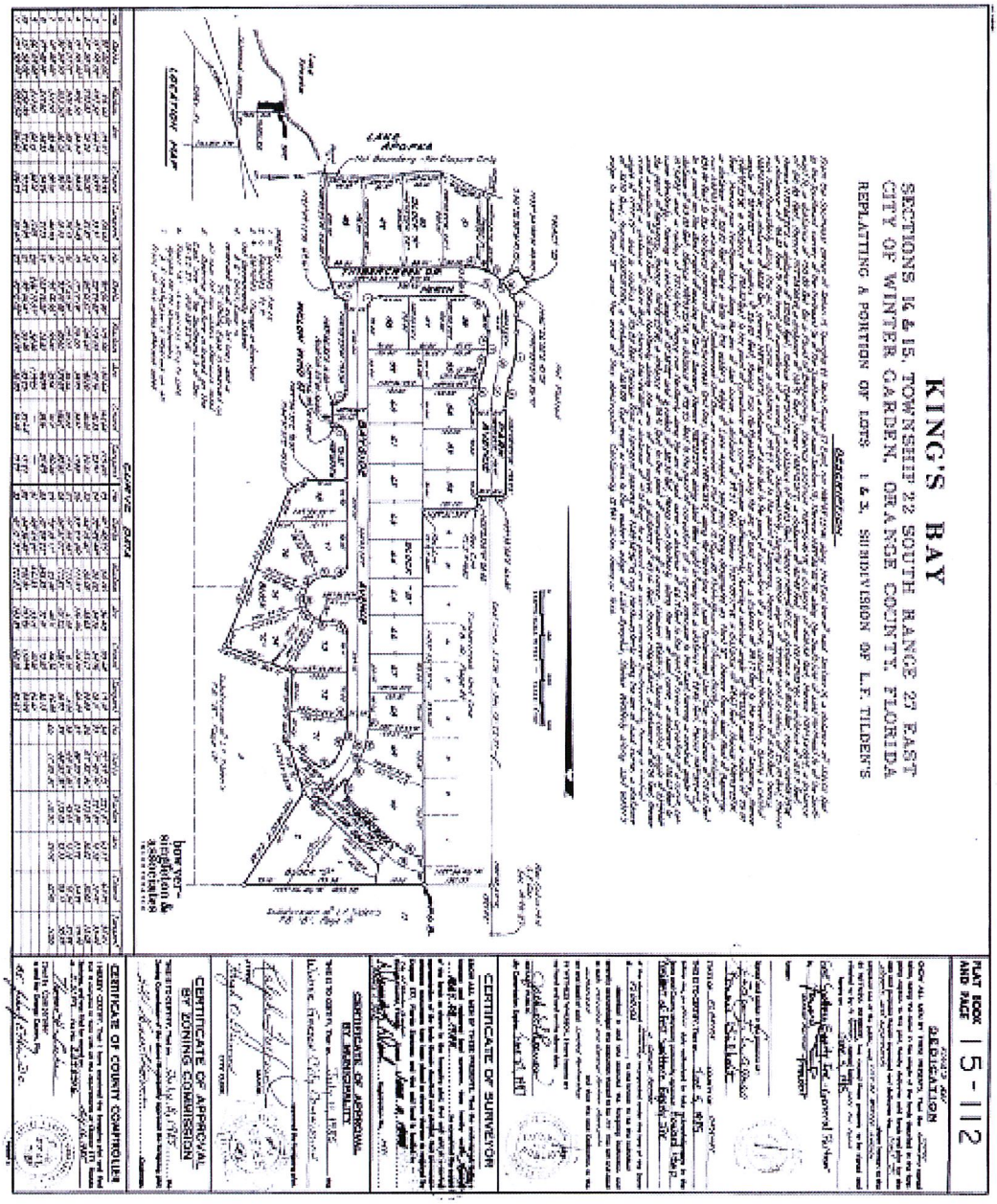
P&Z : PH14-002

SURVEY (LOT SPLIT PLAN)
303 BAYSIDE AVENUE



P&Z : PH14-002

PLAT YEAR 1985
303 BAYSIDE AVENUE



P&Z : PH14-002

SITE PHOTOS
303 Bayside Avenue

END OF STAFF REPORT

P&Z : PH14-002

EXHIBIT "B"

CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

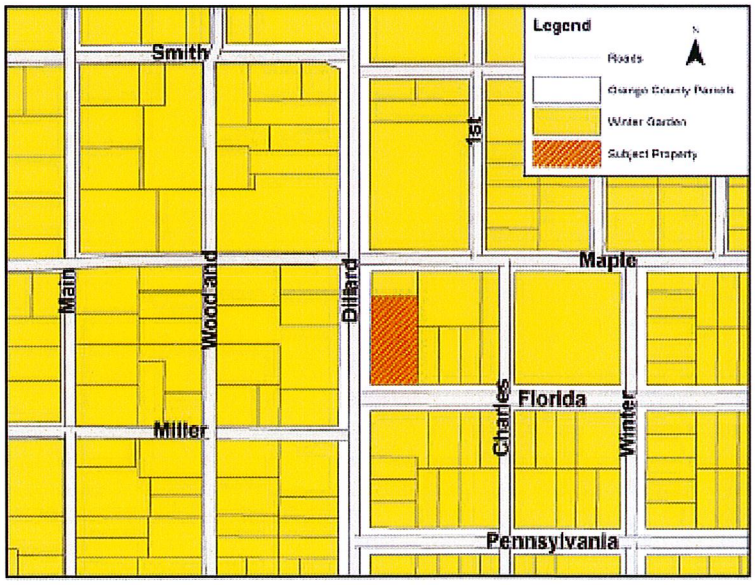
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: MARCH 19, 2014
SUBJECT: SPECIAL EXCEPTION PERMIT
315 S Dillard Street (Main property address: 321 S Dillard Street)
PARCEL ID # 23-22-27-7948-02-060

APPLICANT: Millionaire Hair (Jamila Burns)

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 applicant is requesting a Special Exception to allow for the subject property to be used for the personal service use of a salon and hair clinic.

The subject property consists of one suite within a larger commercial building generally located at 315 S Dillard Street (the main property address for the parcel is 321 S Dillard). The map below depicts the location of the subject parcel within the City of Winter Garden municipal limits:



The subject property is located within the City of Winter Garden municipal limits, and carries the zoning designation C-3 Professional Office District. The subject property is designated Commercial on the Future Land Use Map of the Comprehensive Plan.

EXISTING USE

The property contains one 5,368 square foot commercial building. The building is currently divided into four tenant spaces; the businesses that presently occupy these spaces include an eyelash salon/clinic, a personal training fitness studio, and two vacant office/commercial suites. The site contains a total of twelve 90-degree parking spaces and six parallel parking spaces.

ADJACENT LAND USE AND ZONING

The properties located to the north, south, and west of the subject property all contain commercial office buildings, which are zoned C-3 within the City of Winter Garden. The property located to the east of the subject property contains a single family residential structure, which is zoned R-2 within the City of Winter Garden.

PROPOSED USE

The applicant proposes to open a salon and hair clinic in the tenant space located at 315 S Dillard Street. The space will be used to perform traditional salon services and sell retail salon products. Additionally, the business will provide services for customers who require hair loss solutions, including making custom wigs and extensions to mitigate the hair loss effects of cancer, alopecia, etc. The business will have one shampoo bowl and four salon chairs: two working and two used for hair consultations. The suite will also house hairdressing-related classes several days a week.

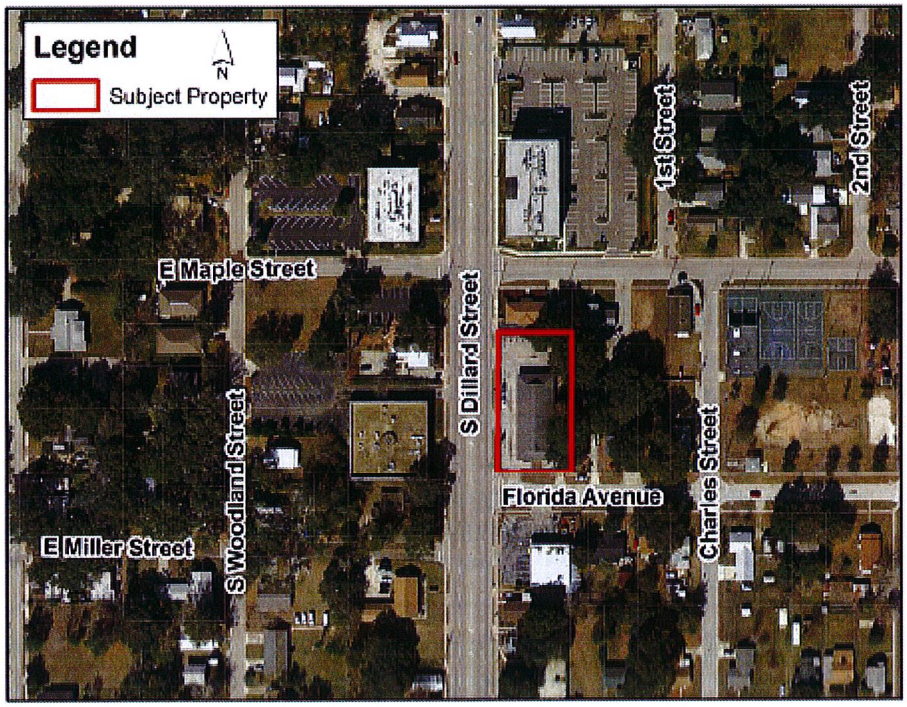
SUMMARY

City Staff recommends approval of the proposed use subject to the following conditions:

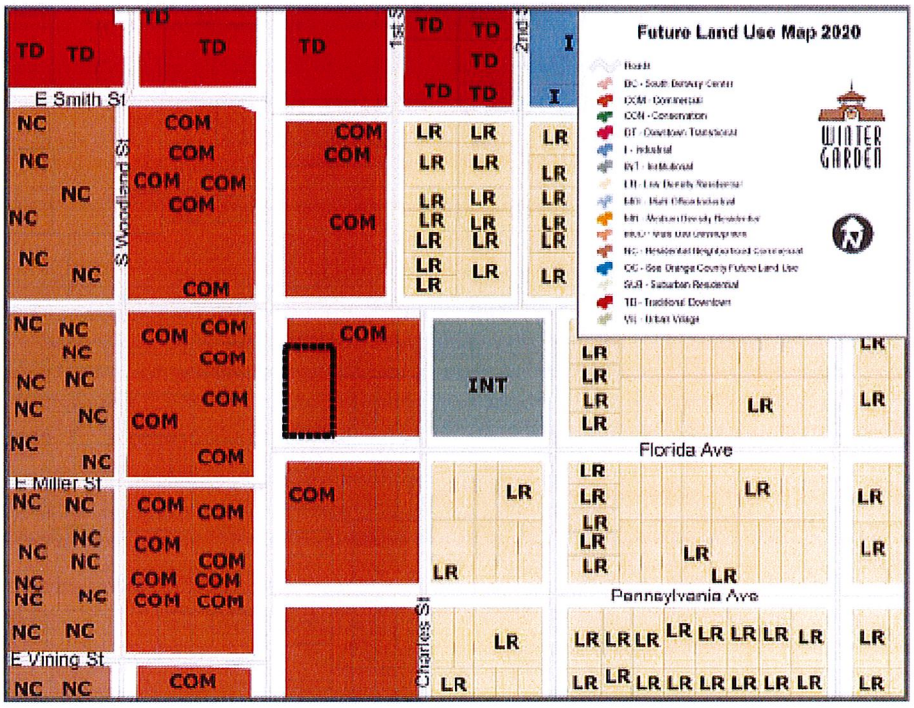
1. The personal service uses permitted at the subject property are limited to those uses which are classified as one of the following: Barber Shop, Beauty Shop, Hair Salon, Hair Clinic (including custom wig-making), and/or Hairdressing Education.
2. The maximum number of state licensed operators and/or service providers within the suite shall be limited to 3 at any given time.
3. The maximum number of students that may attend hairdressing-related classes is limited to six. Salon services that are not related to educational activities may not occur when the classes are in session.
4. Property owner shall remove existing chain link gates so all parking spaces designated on site are usable by visitors.
5. Property owner shall designate a handicapped accessible parking stall to comply with current ADA requirements.
6. Property owner shall install landscaping per City of Winter Garden Code of Ordinances Chapter 144, Article II.
7. All necessary permits must be obtained prior to beginning any construction on or alterations to the site and/or facility.
8. Any new signage must comply with the requirements of the Winter Garden Code of Ordinances Chapter 102 - SIGNS. The following signs are prohibited:

a) Any sign placed on public property.
b) Billboard signs, erected after June 11, 1987.
c) Portable signs.
d) A-frame, T-framed signs.
e) Signs on trailer frames with or without mounted wheels.
f) Vehicle signs or signs on or attached to vehicles which have a total copy area in excess of ten square feet, when the vehicle is not regularly used in the conduct of the business and (a) is visible from a street right-of-way within one hundred feet of the vehicle, and (b) is parked for more than two consecutive hours within one hundred feet of any street right-of-way. Signs projecting over a street or road.
g) Any sign that interferes with a clear sight triangle distance per Florida Department of Transportation (FDOT) design standards.
h) Flashing, moving, animated coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, banners, ribbons, streamers, spinners, and other similar types of attention-getting devices except for changeable copy signs when in compliance with the applicable regulations of this chapter.
i) Signage used on bus transit shelters within the right-of-way.
j) Bench signs.
k) Roof signs.
l) Traffic sign replicas.
m) Snipe signs.
n) Banner signs used as permanent signage.
o) Commercial off-premises signs.
p) Neon signs, luminous tube lights, light-emitting tubes and/or neon type signs.
q) Any other sign not listed here or otherwise prohibited by the Winter Garden Code of Ordinances Chapter 102, Article III, Sec. 102-92.

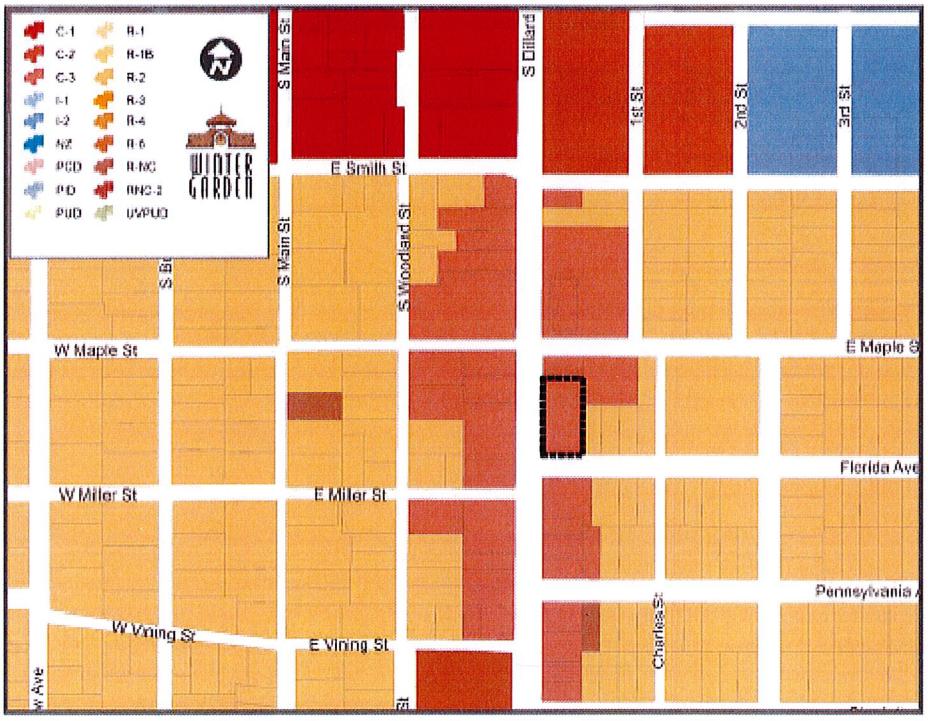
AERIAL PHOTO
315 S Dillard St
(Main Property Address: 321 S Dillard St)



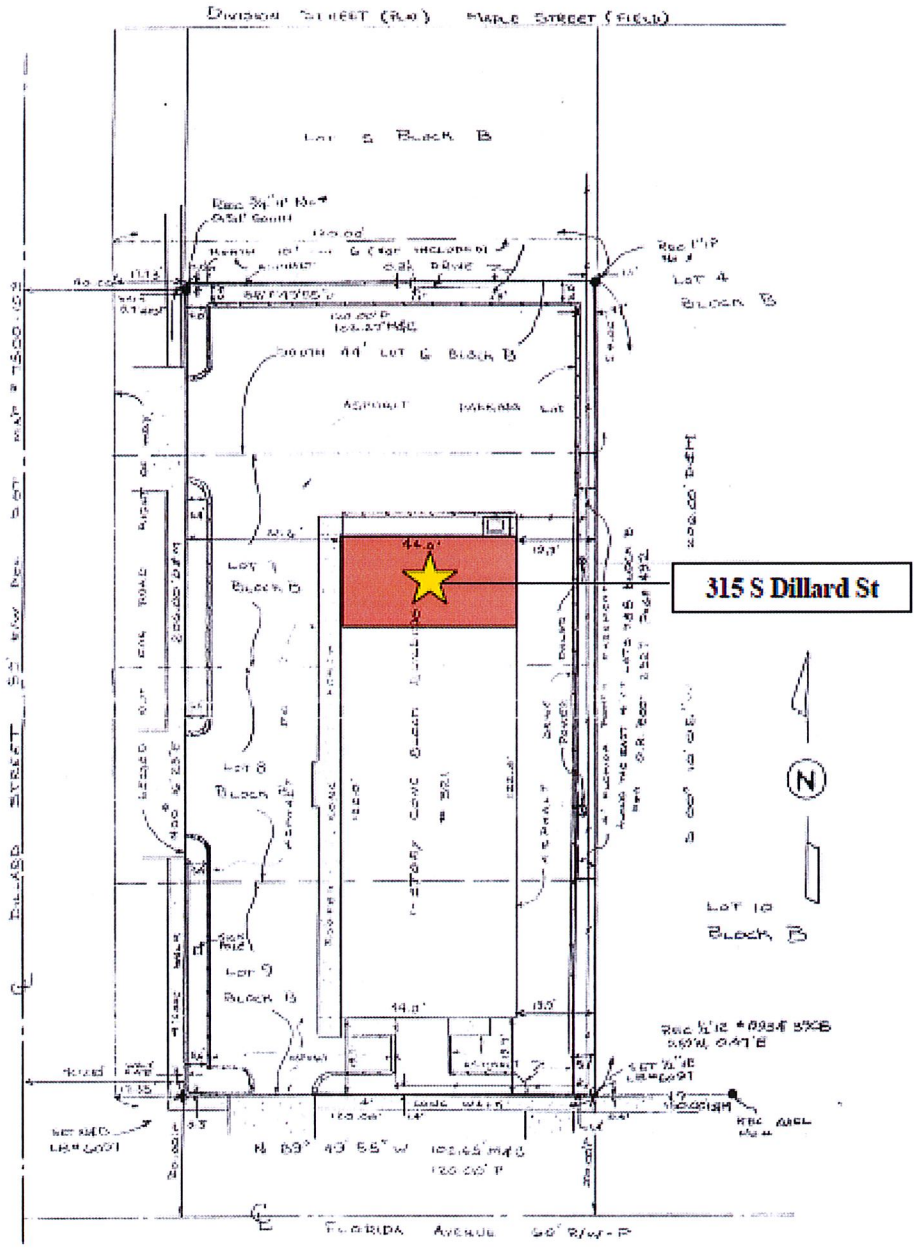
Future Land Use Map
315 S Dillard St
(Main Property Address: 321 S Dillard St)



Zoning Map
315 S Dillard St
(Main Property Address: 321 S Dillard St)



Site Plan
315 S Dillard St
(Main Property Address: 321 S Dillard St)



Site Photos
315 S Dillard St
(Main Property Address: 321 S Dillard St)

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

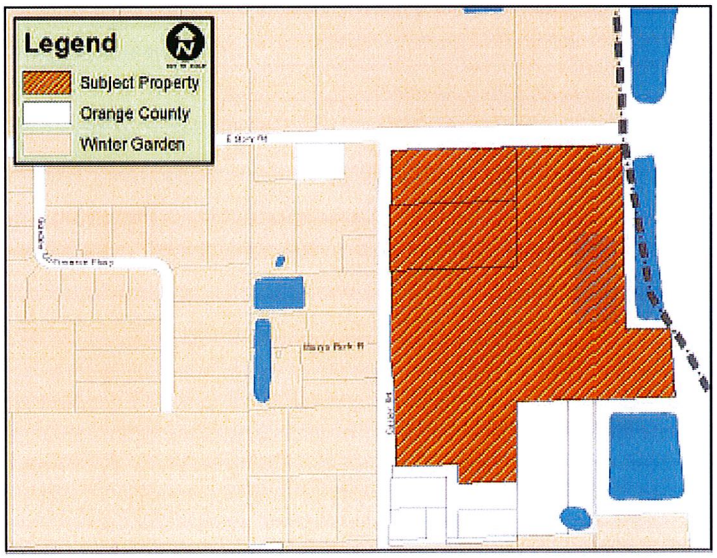
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: MARCH 31, 2014
SUBJECT: SPECIAL EXCEPTION PERMIT
703 Carter Road
(Manheim Orlando)
PARCEL ID # 24-22-27-0000-00-005
PARCEL ID #24-22-27-0000-00-006
PARCEL ID #24-22-27-0000-00-008

APPLICANT: Ben Buckner, Facilities Manager

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 the southeast corner of East Story Road and Carter Road. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception Permit to allow barbed wire to be installed on an existing 6 foot tall chain link fence on the northern portion of the property. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation I-2, and is designated Industrial on the Future Land Use Map of the Comprehensive Plan. Section 118-1297 (d) requires that regardless of the zoning district, no barbed wire may be used in locations without a Special Exception permit that are within 20 feet of a public road.

EXISTING USE

The property consists of a paved parking lot, a pond, and some green space.

ADJACENT LAND USE AND ZONING

The property located to the north of the subject propety is owned by the applicant and used for the same purpose, in the City, and zoned I-2. The property located to the south is zoned A-1 and located in Orange County. The property located to the east is State Road 429. The properties to the west consist of industrial complexes, are in the City, and zoned I-1 and I-2.

PROPOSED USE

The applicant operates an automobile auction company and currently uses the property as a parking lot to store vehicles. They plan to use the property for the same use, but due to past crime activity they want to install barbed wire on the existing chain link fence.

ANALYSIS

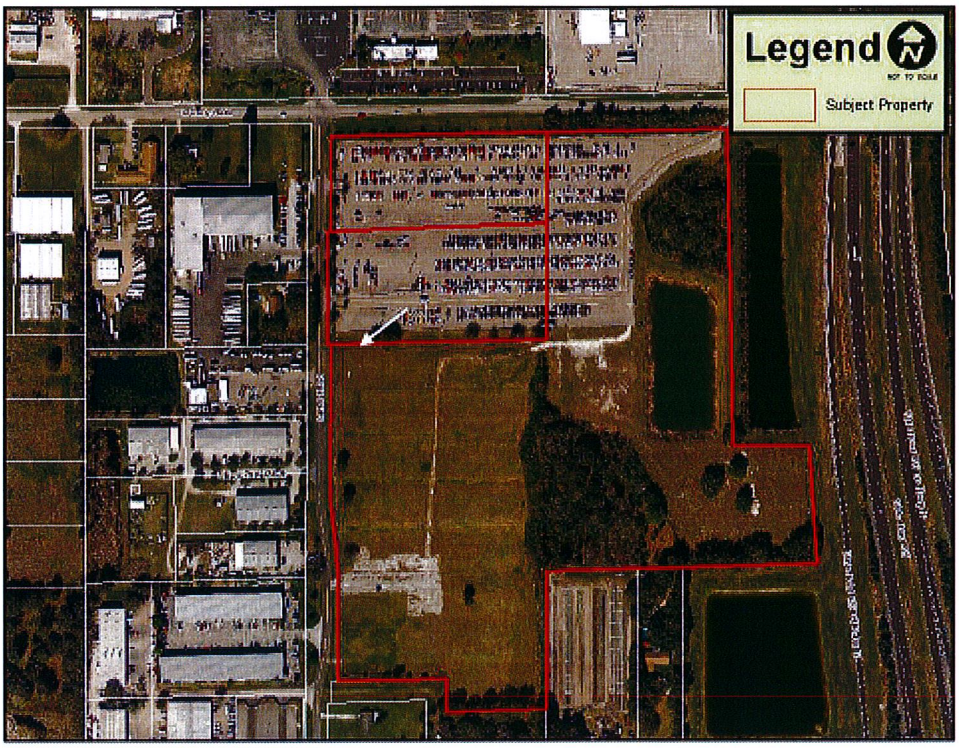
The Manheim business has existed at this location for an extended period of time. The southern portion of the property already has barbed wire on the chain link fence and they would like the barbed wire on the entire property. Over the last several years, they have had trouble with people jumping the fence to gain access to the site and attempting to steal vehicles. They would like to install three rows of barbed wire on top of the existing 6 foot tall chain link fence on the northern portion of the property to help deter intruders from jumping the fence and hopefully prevent the theft of vehicles.

SUMMARY

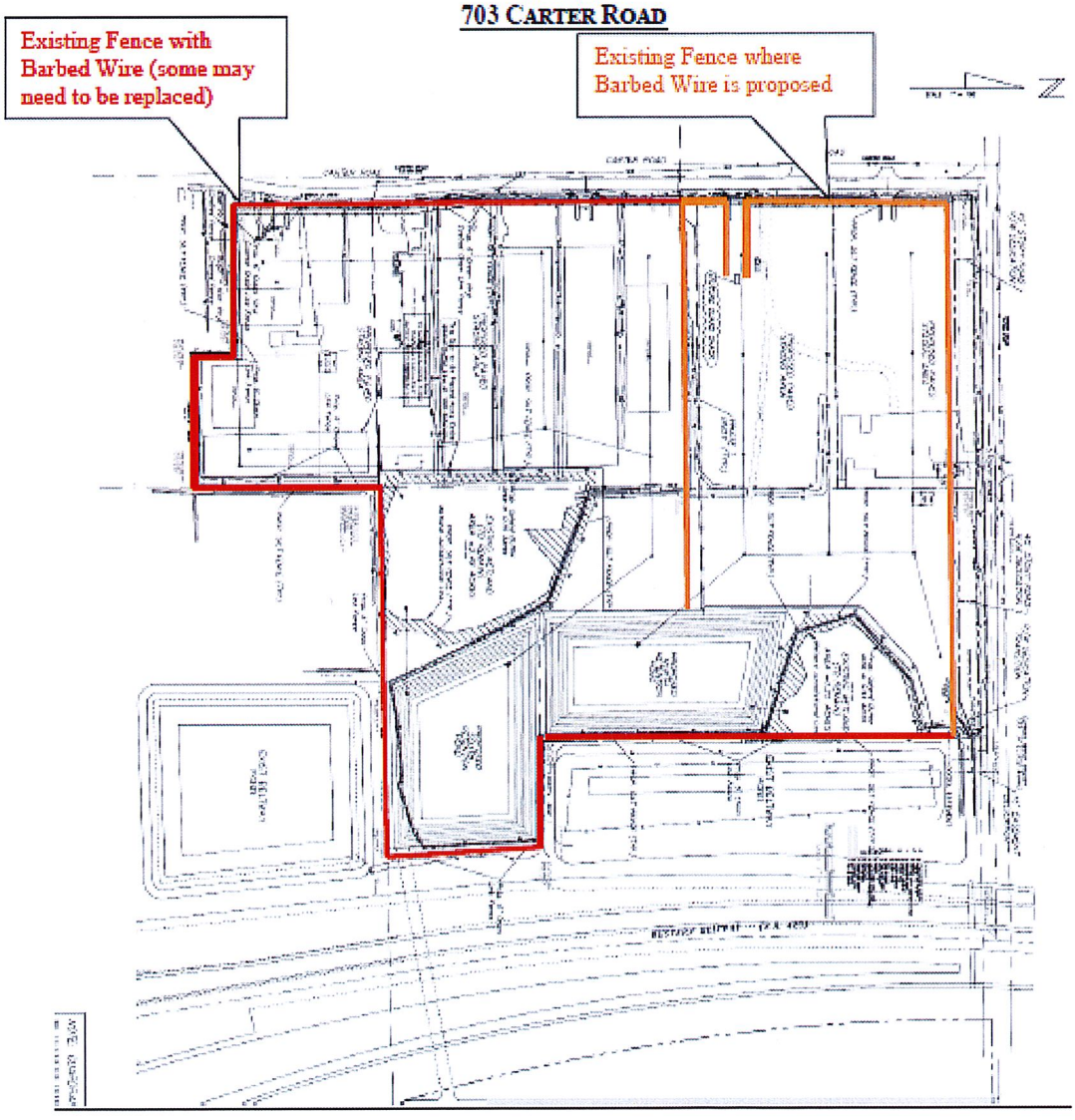
City Staff recommends approval of the Special Exception Permit request to install three rows of barded wire on top of the existing 6 foot tall fence around the parking area.

MAPS/EXHIBITS

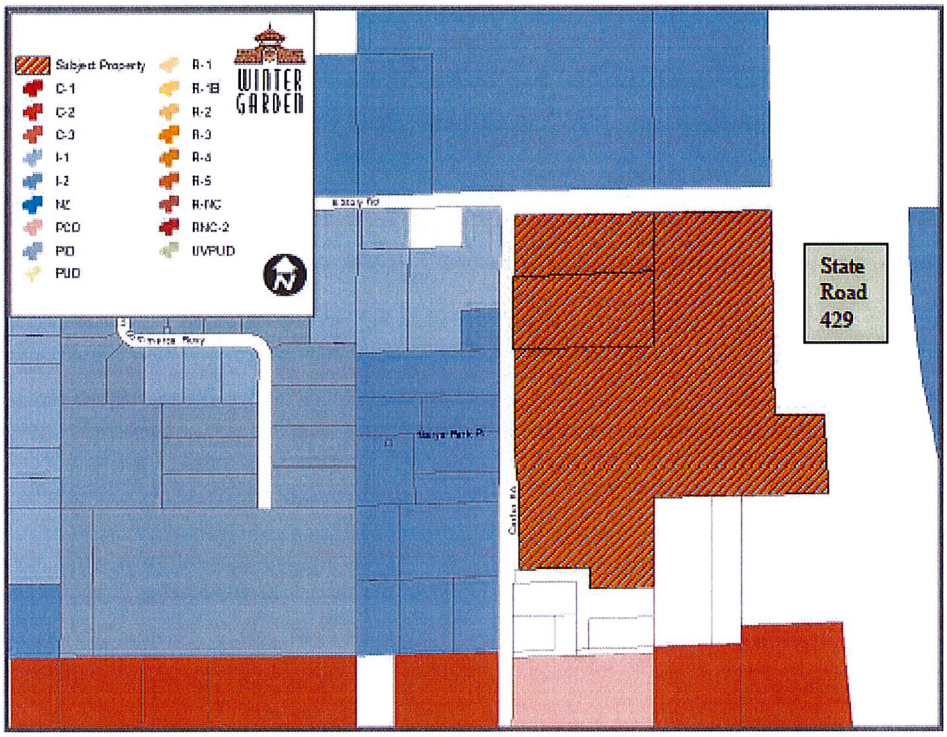
AERIAL PHOTO
703 Carter Road



SITE PLAN
703 CARTER ROAD

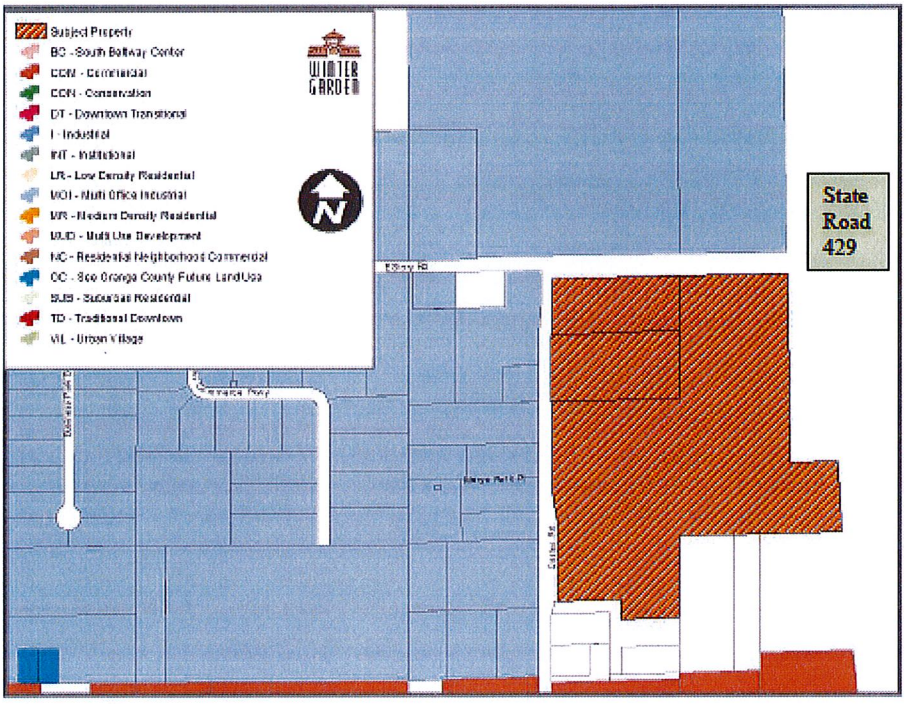


ZONING MAP
703 Carter Road



FUTURE LAND USE MAP

703 Carter Road



PHOTOGRAPHS
703 Carter Road

View of existing fence along West property

View of existing fence along North property

View looking Southwest

View looking South

View showing existing barbed wire on south property

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

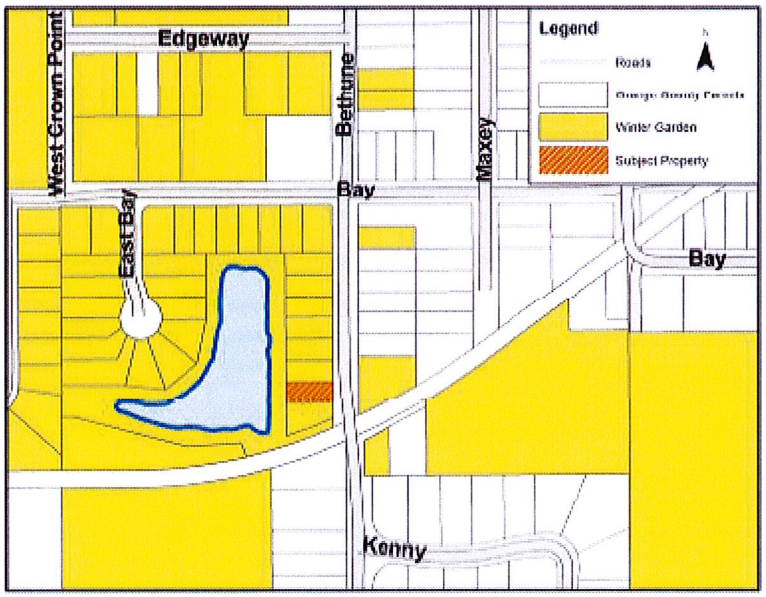
TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, PLANNER II
DATE: MARCH 25, 2014
SUBJECT: VARIANCE
686 Bethue Avenue (0.13+/- ACRES)
PARCEL ID # 24-22-27-2275-00-290

APPLICANT: Anthony Q. Jenkins Jr.

INTRODUCTION

The purpose of this report is to evaluate the request for a rear yard setback variance for property located at 686 Bethune Avenue in Winter Garden, Florida. The request is for a 17.8 foot rear yard setback in lieu of the required 30 foot rear yard setback. If approved, this variance will allow an addition to the applicant's home.

The subject property, located on Bethune Avenue, is an approximately 0.13± acre lot in the East Bay Estates Subdivision. 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-4 (R-4 Zoning 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 single story 1,363.4 square foot single-family residential home with a shed positioned to the west of the proposed addition.

ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, and east of the subject property are single-family residential homes, have the zoning designation R-4 (R-4 Zoning District), and the future land use designation of LR (Low Density Residential). The property to the west is a stormwater retention tract owned by the City of Winter Garden, with a zoning designation of R-4 (R-4 Zoning District) and the future land use designation of LR (Low Density Residential). All adjacent properties are located within the City of Winter Garden municipal limits.

PROPOSED USE

The applicant would like to build a one or two story addition onto the existing home. The building footprint for the addition will be approximately 680 square feet (34' length running north/south x 20' length running east/west). The applicant is also planning to demolish an existing shed and remove a section of driveway paving currently located within a drainage and utility easement in order to fully comply with City code.

CODE REFERENCE

Sec. 118-458 (1) c of the City Code of Ordinances addresses minimum yard requirements. This section states in part that the minimum yard requirements for single-family residential buildings in the R-4 Zoning District are "*front: 20 feet, side: 7.5 feet, rear: 30 feet.*"

The applicant is seeking a variance to the minimum rear yard setback to allow the proposed addition to be built with a 17.8 foot rear yard setback. The project may require the removal of one tree from the applicant's rear yard.

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 17.8 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners.

There is a City stormwater retention tract to the west of the subject property. In addition, many of the adjacent properties within the neighborhood have accessory structures and other site features located within their rear yards. This project will not negatively impact the standard of living of the citizens of the city. The applicant hopes that this project will add value to his property and be an asset to the neighborhood as a whole.

(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 17.8 foot rear yard setback in lieu of the required 30 foot rear yard setback will allow reasonable use of the property. The intention of the R-4 zoning district is to provide for quality residential neighborhoods in an urban setting. While this rear yard setback will exceed most other R-4 zoned homes in close proximity to the applicant's property, it will not change the low-intensity urban residential character of the neighborhood.

(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 easements, does not exceed the maximum impervious surface allowed in the R-4 zoning district (50%), and it removes two existing site features that do not adhere to current City Code (a shed structure located too close to the property line and paving located within an easement).

(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 low density 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 not negatively impact the neighbors and is consistent with rear yard setbacks enjoyed by many other property owners throughout the City. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Sections 118-458(1)c to allow a 17.8 foot rear yard setback in lieu of the required 30 foot rear yard setback to allow for the construction of the proposed home addition subject to the following condition:

1. The existing shed and section of driveway paving within the drainage and utility easement must be removed.

NEXT STEP

Apply for the appropriate Building Permits.

P&Z : PH14-020

ATTACHMENTS

- Aerial Photos
- Survey (Site Plan)
- Site Photos

AERIAL PHOTO
686 Bethune Avenue

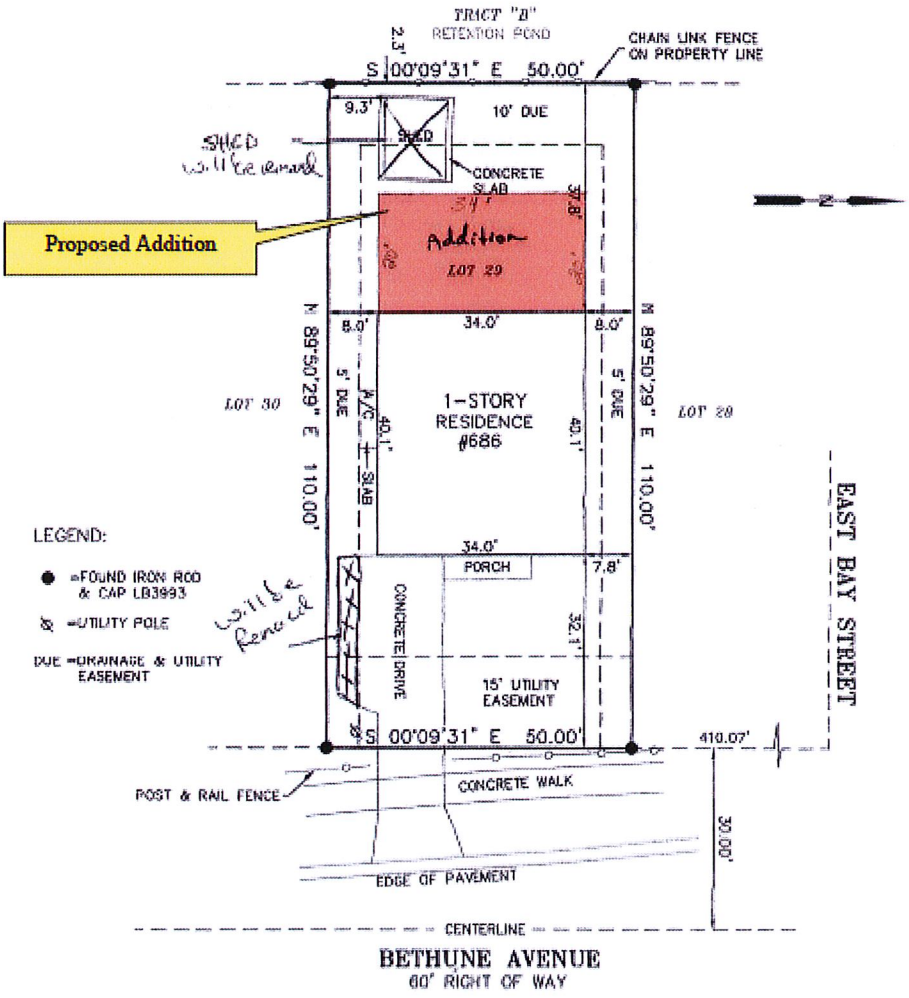
P&Z : PH14-020

SURVEY (SITE PLAN)
686 Bethune Avenue

PLAT OF BOUNDARY SURVEY

DESCRIPTION:

LOT 29, EAST BAY ESTATES, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 33, PAGE 92 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



P&Z : PH14-020

SITE PHOTOS
686 Bethune Ave

P&Z : PH14-020

P&Z : PH14-020

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

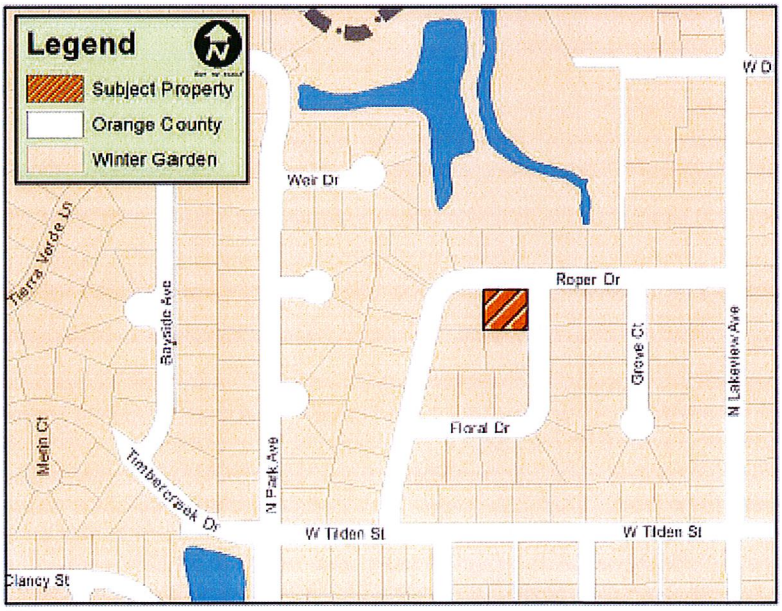
TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, SENIOR PLANNER
DATE: APRIL 7, 2014
SUBJECT: VARIANCE
148 Roper Drive (0.33+/- ACRES)
PARCEL ID # 14-22-27-9203-03-020

APPLICANT: Bob Buchanan

INTRODUCTION

The purpose of this report is to evaluate the request of a 17 foot rear yard setback variance to allow the construction of a 12 foot x 16 foot accessory structure (shed) 6 feet from the rear property line.

The subject property, located at 148 Roper Drive is approximately a 0.33± acre lot located at the southwest corner of Roper Drive and Floral Drive. 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 be built at a 6 foot rear yard setback in lieu of the minimum required 23 foot rear yard setback. 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 2,384 square foot single family home.

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-1 zoning designation.

PROPOSED USE

The applicant is requesting a variance to the rear yard setback to allow construction of a 12 foot x 16 foot detached accessory structure (shed) that replaces an existing shed on an existing slab.

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-1 zoning district requires that sturctures meet a side yard setback of 10 feet and a rear yard setback of 20% of the lot depth (23 feet).

The applicant is seeking a variance to the minimum required rear yard setback of 23 feet to allow an accessory structure that is greater than 160 square feet to be located 6 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;
Construction of the proposed accessory structure 6 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners as there is a large hedge along both property lines and there is an existing shed in this

location. In addition, the surrounding neighbors have all submitted letters in support of the 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 6 foot rear yard setback in lieu of the required 23 foot setback is reasonable use of the property. While there are no variance requests similar to this in the surrounding area, the proposed structure is 192 square feet and not out of character with other structures located in the surrounding area. In addition, there is already a slightly smaller shed (10' x 12') in the same location on the property.

(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 zoning district.

(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

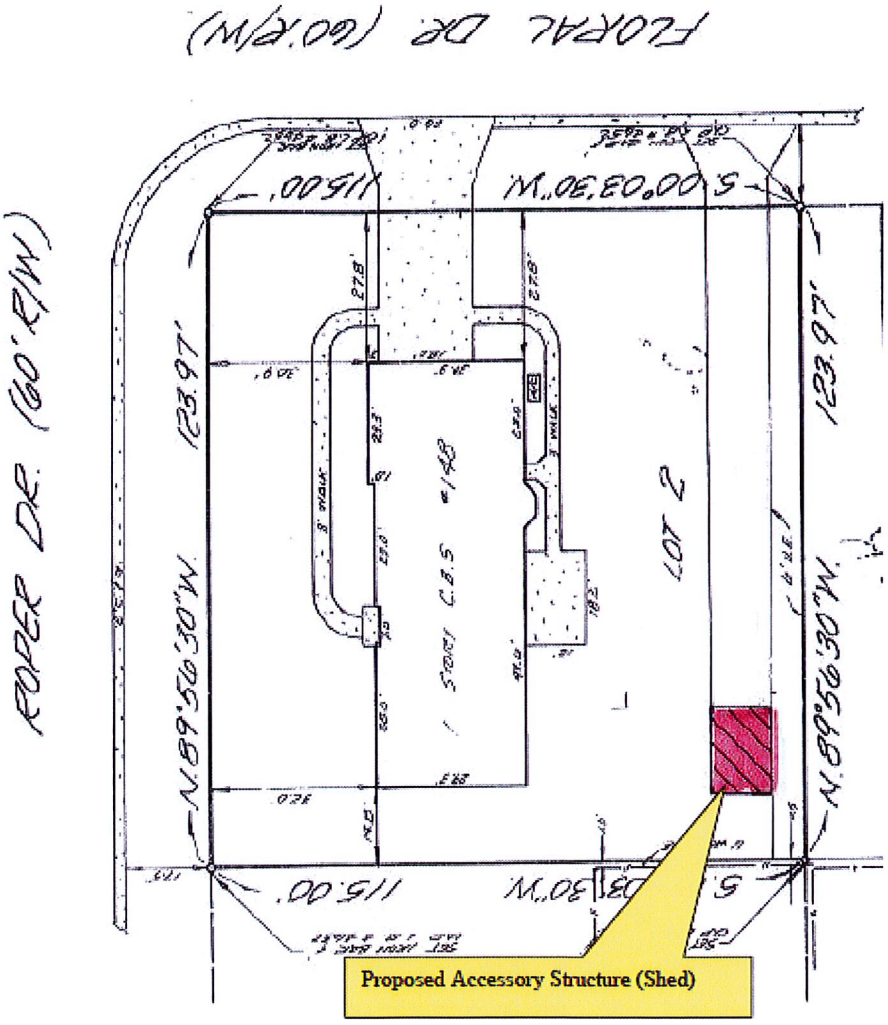
City Staff recommends approval of the variance to Section 118-1310 (c)(2)a. to allow an accessory structure (shed) that is greater than 160 square feet to be built at a 6 foot rear yard setback in lieu of the minimum required 23 foot rear yard setback.

ATTACHMENTS

- Aerial Photos
- Site Photos

AERIAL PHOTO
148 Roper Drive

SITE PLAN
148 Roper Drive



SITE PHOTOS
148 Roper Drive

View of Proposed Loocation from Roper Drive

View looking West in back yard

Site Photos
148 Roper Drive

View of property to the South

END OF STAFF REPORT