



**For More Information, Contact:**

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**PLANNING & ZONING BOARD AGENDA**

To: – Chairman  
Eric Weiss – Vice Chairman  
Mark DeFuso  
Heather Gantt  
H. Gerald Jowers  
David Kassander  
Mark Maciel

Copy to: Mike Bollhoefer  
Dan Langley  
Kurt Ardaman  
Ed Williams  
Stephen Pash  
Kelly Carson  
Nadine Avola

RE: Agenda – **November 3, 2014** - 6:30 PM  
Commission Chambers, City Hall  
300 West Plant Street, Winter Garden

- 
1. **CALL TO ORDER**
  2. **ROLL CALL AND DETERMINATION OF QUORUM**
  3. **APPROVAL OF MINUTES FROM THE OCTOBER 6, 2014 MEETING**  
**ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)**
  4. 1205 E Fullers Cross Road – Gilkey FX, LLC  
**Annexation / Zoning / FLU**  
Parcel ID #: 12-22-27-0000-00-005  
**SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**
  5. 100 Center Street – West Orange Habitat for Humanity, Inc.  
Parcel ID #: 13-22-27-5260-00-200  
**VARIANCE (PUBLIC HEARING)**
  6. 407 N Main Street –Stone, Jessica & Wayne  
Parcel ID #: 14-22-27-9388-01-070
  7. 591 Susan B Britt Court – Tierra, Inc/  
Parcel ID #: 13-22-27-0895-00-014
  8. 994 Sadie Lane – Montalvo, Edgar  
Parcel ID #: 11-22-27-3897-00-410
  7. **ADJOURNMENT**

To the next regular Planning and Zoning Board meeting on Monday, December 1, 2014  
at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1<sup>st</sup> floor.



**A REGULAR MEETING MINUTES  
PLANNING AND ZONING BOARD  
OCTOBER 6, 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 6:32 p.m. in the City Hall Commission Chambers. The Pledge of Allegiance was followed by a moment of silence.

**2. ROLL CALL AND DETERMINATION OF QUORUM**

The roll was called and a quorum was declared present.

**MEMBERS PRESENT:**

Chairman Jimmy Dunn, Vice-Chairman Eric Weiss, and Board Members: Heather Gantt, Gerald Jowers, Mac McKinney and Rohan Ramlackhan (arrived at 6:43 pm)

**MEMBERS ABSENT:**

Mark Maciel (excused)

**STAFF PRESENT:**

City Attorney Kurt Ardaman, Community Development Director Ed Williams, Community Development Manager Steve Pash and Customer Service Rep. Kathleen Rathel

**3. APPROVAL OF MINUTES**

*Motion by Gerald Jowers to approve the regular meeting minutes of September 8, 2014. Seconded by Eric Weiss and carried unanimously 5 - 0.*

**ANNEXATION / FUTURE LAND USE MAP AMENDMENT / REZONING (PUBLIC HEARING)**

**4. 1030 Vineland Road – BBC Family Homes, LLC (ANNEXATION/FLU/ZONING)**

Community Development Manager Pash presented a request for Annexation, Future Land Use designation, and Zoning for the property located at 1030 Vineland Road. The applicant is requesting annexation, zoning and future land use from Orange County R-2 to City Residential Neighborhood Commercial (RNC) and from Orange County Low/Medium Density Residential to City of a 0.24 +/- acre enclave. Staff recommends approval of Ordinances 14-39, 14-40 and 14-41.

*Motion by Gerald Jowers to recommend approval [for 1030 Vineland Road, Ordinances 14-39, 14-40 and 14-41] with Staff Recommendations (as provided in the agenda packet). Seconded by Heather Gantt and carried unanimously 5 - 0.*

**5. 203 S. Main Street – Tewson, Joy or Ron (REZONING)**

Community Development Manager Pash presented a request for Rezoning of a 0.32 +/- acre property located at 203 S. Main Street from R-2 to RNC. Staff recommends approval of Ordinance 14-38 subject to the conditions listed in the Staff Report.

Citizen David Rees of 215 S. Main Street, located next door to the applicant, spoke to the Board and presented three photos showing his concern with the RNC zoning. A previous lot in his neighborhood received the RNC zoning and now consists of a wall, a ditch filled with water, and equipment and does not want the same to happen again.

Community Development Manager Pash stated the lot in reference had a building demolished and has remained vacant. The property at 203 S. Main Street plans to submit for a Special Exception to convert the home into office use.

A discussion ensued regarding the intent and future usage of the area to keep it as a transitional zone between Downtown and Residential areas with mostly office use.

*Motion by Eric Weiss to recommend approval of the Rezoning for 203 S Main Street [Ordinance 14-38] with Staff Recommendations (as provided in the agenda packet). Seconded by Gerald Jowers and carried unanimously 5 - 0.*

**SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

**6. 855 E. Plant Street – West Orange Montessori Charter School, LLC**

Community Development Manager Pash presented a request for a Special Exception Permit to allow an existing Montessori Charter School to continue operating at 855 E. Plant Street. A Special Exception was approved in 2011 which required the school to resubmit for a new Special Exception after three (3) years to allow Staff to review the impact to the surrounding areas. Staff has reviewed and determined the widening of Plant Street will help with traffic issues and recommends approval of the Special Exception to allow the school to continue operating for another three (3) years.

Board Member Ramlackhan arrived at 6:43 pm.

Sherilyn Moore of 847 Ayden Oak Lane, Ocoee FL 34761, President of the Board of Directors for Montessori of Winter Garden Charter School, thanked everyone in the audience present to support the school. Ms. Moore presented handouts to the Board showing the school's economic impact as well as their future building plans.

*Motion by Heather Gantt to recommend approval of the Special Exception Permit for 855 E. Plant Street with Staff Recommendations (as provided in the agenda packet). Seconded by Mac McKinney and carried unanimously 6 - 0.*

**7. 15304 Tilden Road – Foundation Academy**

Community Development Manager Pash presented a request for a Special Exception Permit to allow for the expansion of an existing school facility located at 15304 Tilden Road. The expansion consists of four temporary modular buildings. Two will be used for band and choir and two will be used for classrooms. The increase in students will not be over the limit of 800 students they are approved for. Staff recommends approval of the Special Exception for three (3) years subject to the conditions outlined in the Staff Report.

Citizen Jennifer Zipeto of 15210 Hayworth Drive, Winter Garden FL 34787, lives in the Belle Meade development across from the Foundation Academy. She stated they are not in opposition to the school but have a very serious traffic issue between their neighborhood and the school as it exists today.

Community Development Director Williams explained the City of Winter Garden has budgeted money to make a signalized intersection at Tilden Road and CR 545, but the City has not been able to get the necessary approvals from Orange County as it is a county road. The school is looking at a master plan for the entire school property that would redirect most of their traffic out to Mann Road to the traffic signal. They also plan to have the drop off and pick up traffic located inside the property and off the main road. Meetings are scheduled with the County Commissioner to get the permit and, once the permit is received, the entire intersection of Tilden Road and CR 545 will be lowered, the curvature removed, and a standard 4-way signalized intersection with turn lanes installed within 6 months.

David Buckles of 967 Glenview Circle, Winter Garden FL 34787, Director of Operations at Foundation Academy was present to answer any questions. Discussion ensued regarding the speed limit on Tilden Road and adding school zone signs but it all has to be handled through Orange County.

Citizen Joseph Dopico of 15403 Belle Meade Drive, Winter Garden FL 34787, stated one of the issues is exiting left out of their subdivision toward CR 545 which runs against the traffic exiting out of the school. He opposes the expansion as it would mean more cars and suggested a police officer to direct traffic.

Board Member Dunn asked if it was possible to have a police officer available to direct traffic. Mr. Williams stated he will pursue it with the City Manager and County Commissioner and stated once the signal is installed the traffic pattern will change.

***Motion by Eric Weiss to recommend approval of the Special Exception Permit for 15304 Tilden Road with Staff Recommendations (as provided in the agenda packet) to include the possibility of a traffic officer paid for by the school for peak school hours. Seconded by Gerald Jowers and carried unanimously 6 - 0.***

#### **VARIANCE (PUBLIC HEARING)**

#### **8. 1808 Delafield Drive – Delguericco, Frank**

Community Development Manager Pash presented a request for a Variance for the property located at 1808 Delafield Drive. The applicant is requesting a 16 foot rear yard setback in lieu of the minimum required 20 foot rear yard setback to allow an addition to the house consisting of a solid roof screen room. Staff recommends approval of the Variance subject to the conditions that the room cannot be fully enclosed or become air conditioned space and a

letter of approval from the HOA is to be provided with the building permit application as outlined in the Staff Report.

Frank Delguericco, the owner, was present to answer any questions.

*Motion by Mac McKinney to recommend approval of the Variance for 1808 Delafield Drive with Staff Recommendations (as provided in the agenda packet). Seconded by Rohan Ramlackhan and carried unanimously 6 - 0.*

**9. 15233 Firelight Drive – Villarreal, Regulo**

Community Development Manager Pash presented a request for a Variance for the property located at 15233 Firelight Drive. The applicant is requesting a 22 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback to allow an addition to the house consisting of a solid roof screen room. Staff recommends approval of the Variance subject to the condition that a letter of approval from the HOA is to be provided with the building permit application.

Board Member Weiss asked if there would be infringement on the retention pond. Mr. Pash replied it would not.

*Motion by Eric Weiss to recommend approval of the Variance for 15233 Firelight Drive with Staff Recommendations (as provided in the agenda packet). Seconded by Gerald Jowers and carried unanimously 6 - 0.*

**10. ADJOURNMENT**

Board Member Jowers wanted to say Thank You to Jimmy Dunn, Mac McKinney and Rohan Ramlackhan as this was their last Planning and Zoning meeting.

There being no further business, the meeting was adjourned at 7:06 pm.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**Customer Service Rep. Kathleen Rathel**

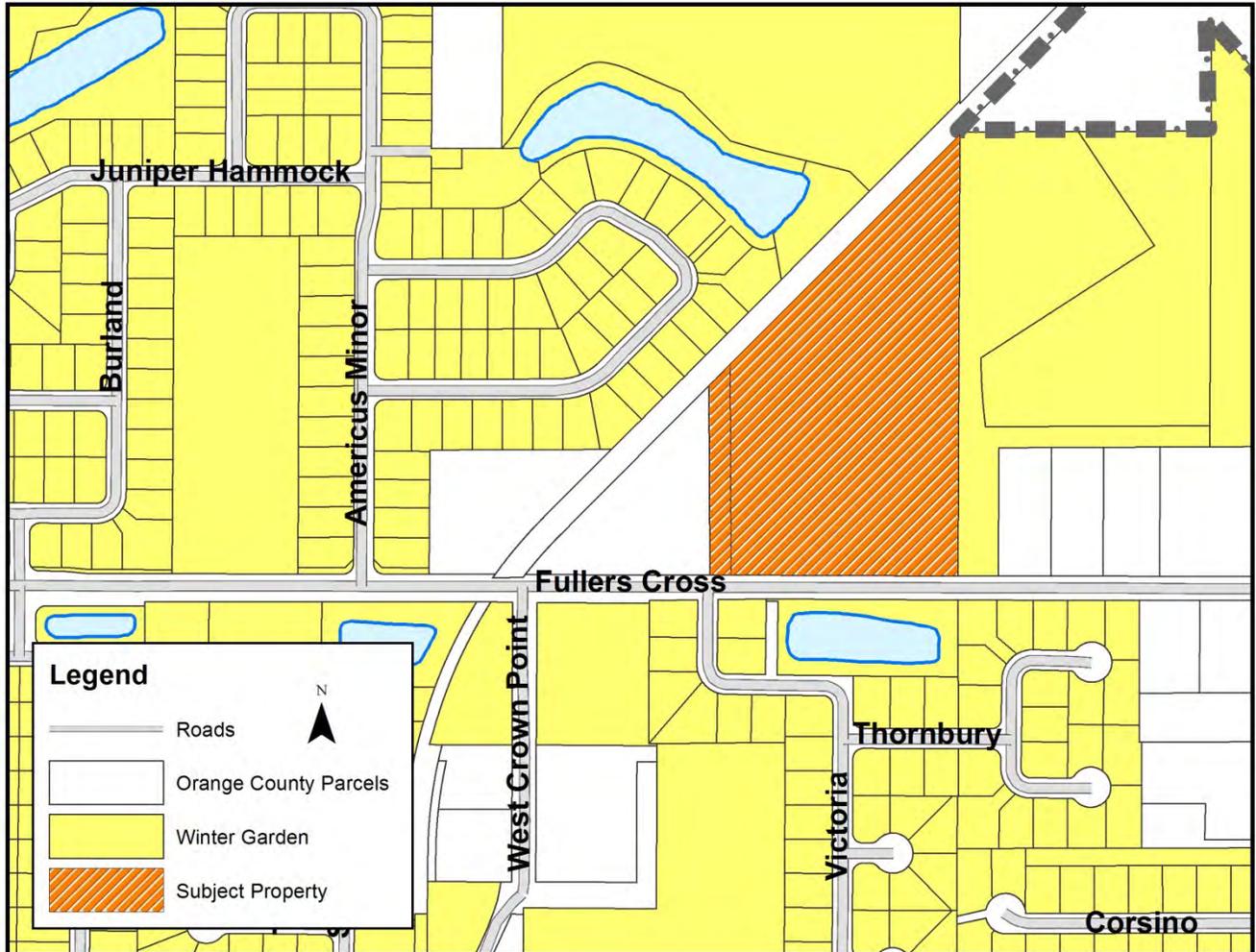
\_\_\_\_\_  
**Chairman**



# LOCATION MAP

1205 E Fullers Cross Road

Annexation, FLU, Zoning



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

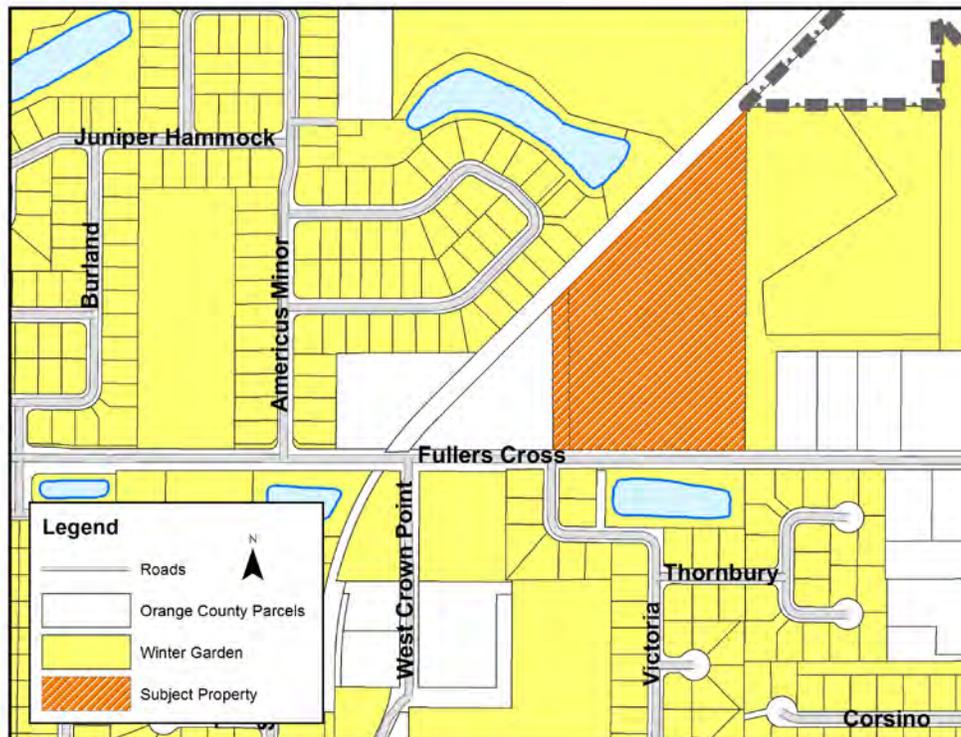
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
KELLY CARSON, PLANNER II  
**DATE:** OCTOBER 22, 2014  
**SUBJECT:** ANNEXATION – FLU AMENDMENT – ZONING  
**1205 EAST FULLERS CROSS ROAD (11.1 +/- ACRES)**  
**PARCEL ID #:** 12-22-27-0000-00-005, 12-22-27-0000-00-074  
**APPLICANT:** GILKEY ORGANIZATION, LLC

### 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 consists of two parcels located at 1205 East Fullers Cross Road, on the north side of East Fullers Cross Road, east of North West Crown Point Road and west of East Crown Point Road and is approximately 11.1 ± acres. The map below depicts the proximity of the subject property to the City’s jurisdictional limits:



## **PRIOR APPROVALS**

This request was previously approved by the Planning & Zoning Board on August 5<sup>th</sup>, 2013, but the proposed ordinances were never adopted by City Commission. Ordinances 13-48, 13-49, and 13-50 were read by title only in front of Commission several times, but the item was indefinitely postponed pending the applicant's resolution of title issues. The applicant has since closed on the property and wishes to move forward with annexation, FLU amendment, and zoning of the subject property. However, because so much time has elapsed since the initial hearings, the applicant is required to procure new approvals from the Planning & Zoning Board and other State and local review agencies before the new ordinances 15-01, 15-02, and 15-03 may go before City Commission for approval and adoption.

## **REQUEST**

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-1B Single-Family 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 currently contains one house, one manufactured home, and the remainder is wooded vacant land. The existing structures are planned to be removed in the future when the property is developed as a residential subdivision. There is a small wetland located in the northeastern portion of the subject property. This wetland, identified by the applicant's environmental consultant, appears to have been a historic ditch dug from the offsite wetlands from the north.

## **ADJACENT LAND USE AND ZONING**

The property located to the north is developed with the Fullers Crossing single family neighborhood, zoned PUD, and located in Winter Garden. The property located to the east is 6 +/- acre property developed with a single family house, zoned R-1, and located in Winter Garden. The property to the south is developed with the Tuscany single family neighborhood, zoned R-1, and located in Winter Garden. The property to the west is 2.5 +/- acre property developed with a single family house and a citrus grove, zoned A-2, and located in Orange County.

### **PROPOSED USE**

The applicant intends to annex the property and submit for a Preliminary Subdivision Plan, then Construction Plans to develop it with a single family neighborhood with approximately 26 lots. The minimum proposed lot size is 80' x 125', which meets the minimum lot size criteria of the R-1B zoning district and is consistent and compatible with other residential lot sizes in the area.

In terms of potential traffic impacts created by the proposed subdivision, the property will benefit from the planned improvements at the intersection of E Fullers Cross Road and E Crown Point Road, which include signalization and the addition of turn lanes. If the current construction schedule is met, these improvements should be completed next year.

### **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, while allowing properties to be developed in a manner that is consistent and compatible with other development in the area. Staff has reviewed the proposal and does not anticipate any adverse impacts created by the annexation and subsequent development of this property. City Staff recommends approval of the proposed Ordinances.

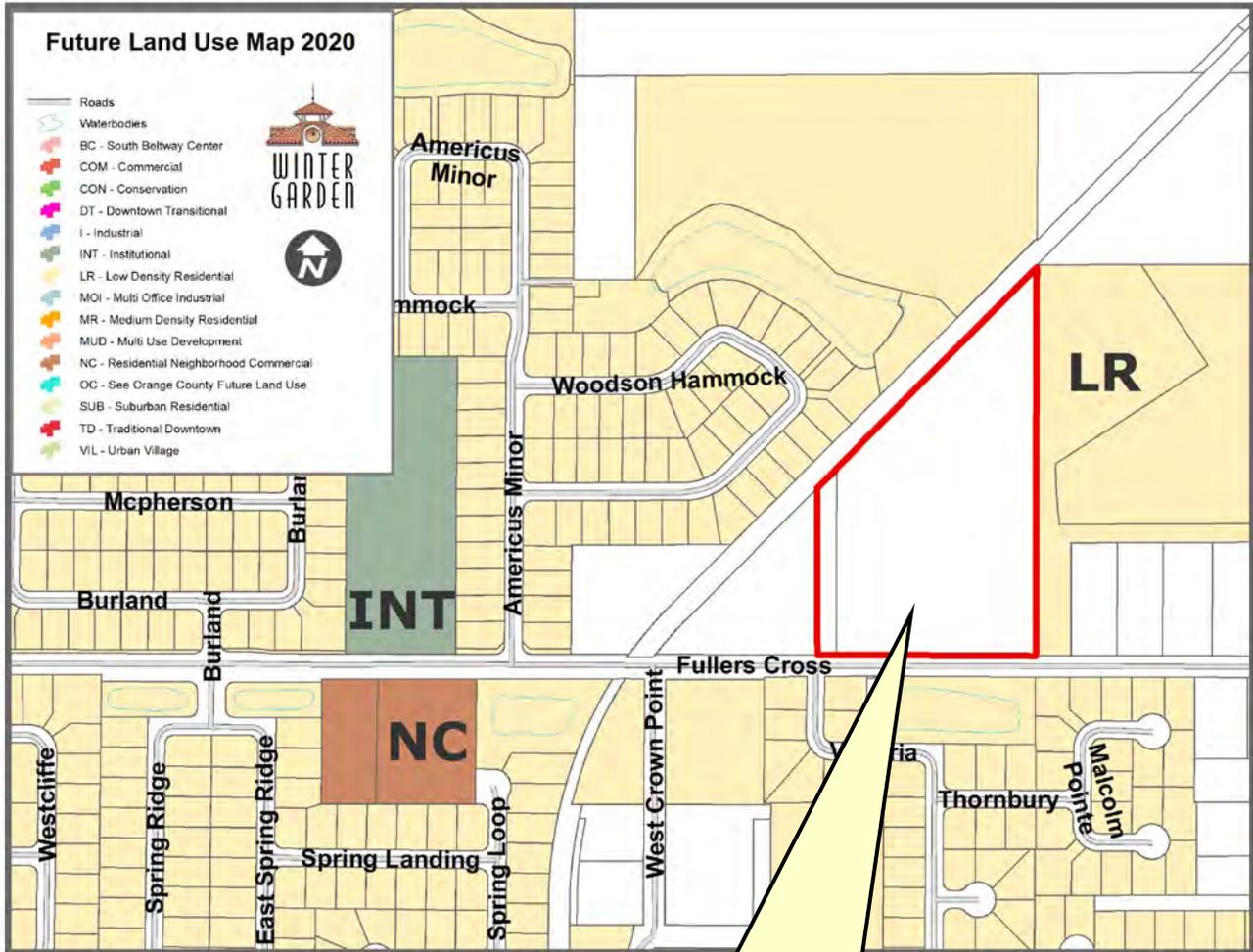
**AERIAL PHOTO**

**1205 East Fullers Cross Road (Oak Trail)**



### FUTURE LAND USE MAP

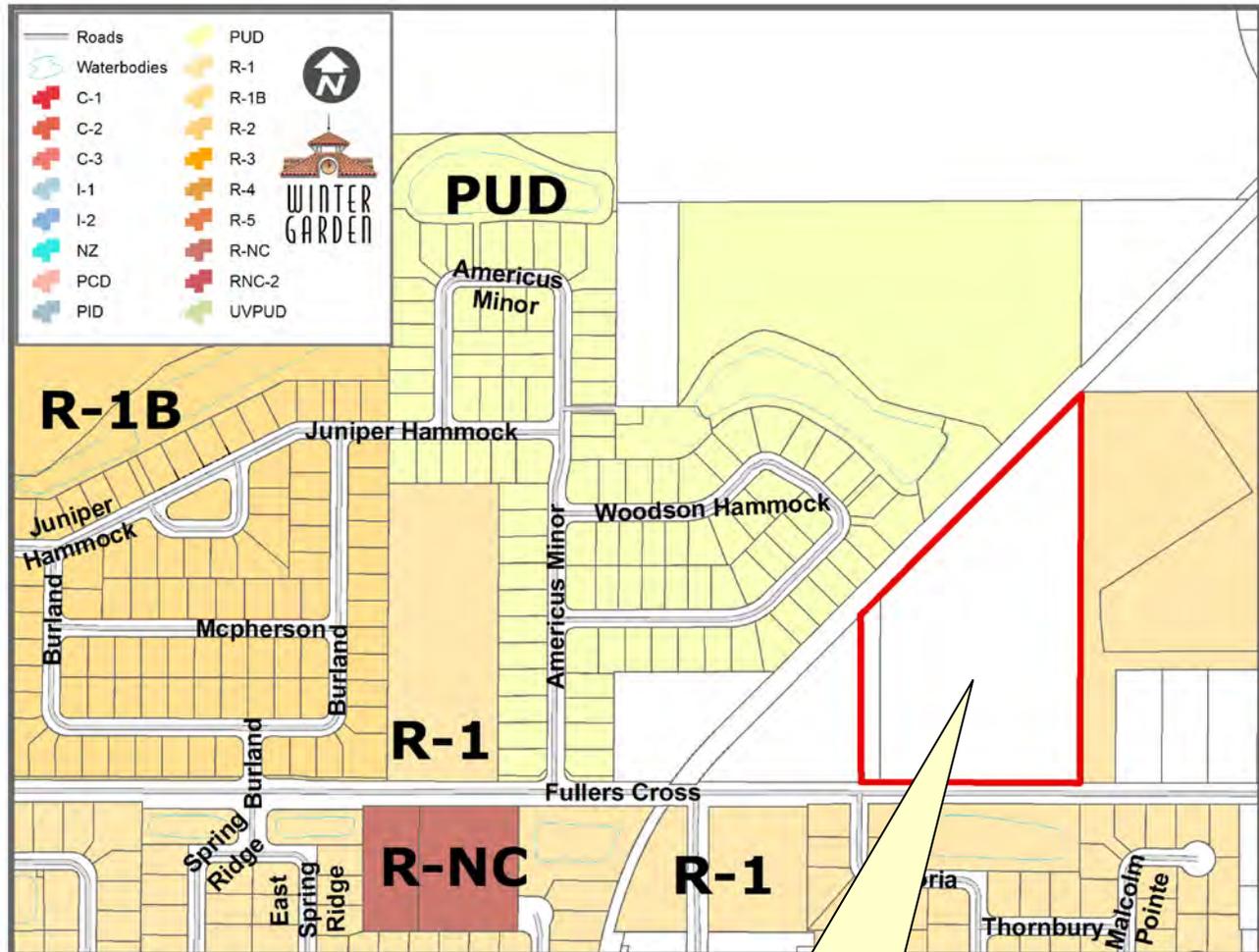
### 1205 East Fullers Cross Road (Oak Trail)



Subject property changed from Orange County  
Planned Development – Low Density  
Residential to City Low Density Residential

### ZONING MAP

#### 1205 East Fullers Cross Road (Oak Trail)



Subject property changed from Orange County A-2 to City R-1B

END OF STAFF REPORT

ORDINANCE 15-01

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of the land, generally described as approximately 11.1 ± acres located at 1205 East Fullers Cross Road on the north side of East Fullers Cross Road, east of North West Crown Point Road and west of East Crown Point Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

**WHEREAS**, the petition for voluntary annexation referenced herein bears the signatures of all owners of the property or properties described in Section 2 of this Ordinance (*i.e.*, the property or properties to be annexed); and

**WHEREAS**, the City has determined that the property described in Section 2 of this Ordinance is located in an unincorporated area of the County and that annexation of such property will not result in the creation of an enclave.

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

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

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

**SECTION 3:** *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in

Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

**SECTION 4:** *Apportionment of Debts and Taxes.* Pursuant to § 171.061, Fla. Stat., the area annexed to the City shall be subject to all taxes and debts of the City upon the effective date of annexation. However, the annexed area shall not be subject to municipal ad valorem taxation for the current year if the effective date of the annexation falls after the City levies such tax.

**SECTION 5:** *Instructions to Clerk.* Within seven (7) days following the adoption of this Ordinance, the City Clerk or his/her designee is directed to file a copy of this ordinance, including ATTACHMENT "A" hereto, with the clerk of the circuit court and the chief administrative officer of Orange County as required by § 171.044(3), Fla. Stat.

**SECTION 6:** *Severability.* Should any portion of this Ordinance be held invalid, then such portions as are not declared invalid shall remain in full force and effect.

**SECTION 7:** *Effective Date.* This Ordinance shall become effective upon adoption at its second reading.

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

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

**ATTACHMENT "A"**  
**LEGAL DESCRIPTION**

PARCEL ID#: 12-22-27-0000-00-005

**PARCEL A:**

THE NORTH 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, LYING EAST OF FORMER SCL RAILROAD RIGHT-OF-WAY AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, LYING SOUTH AND EAST OF FORMER SCL RAILROAD RIGHT-OF-WAY, ALL LYING IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LESS AND EXCEPT ROAD RIGHT-OF-WAY FOR FULLERS CROSS ROAD ON SOUTH. ALSO LESS AND EXCEPT THAT PART PREVIOUSLY CONVEYED BY WARRANTY DEED RECORDED IN DEED BOOK 624, PAGE 109, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN IN THE CENTER OF THE INTERSECTION OF A.C.L. RY TRACKS AND THE COUNTY HARD ROAD, AT CROWN POINT, FLORIDA, (THE HARD ROAD FROM WINTER GARDEN TO FULLERS), RUN THENCE EAST 520 FEET, NORTH 528 FEET TO INTERSECT SAID RY., THENCE SOUTHWESTERLY 748 FEET ALONG RY. TO POINT OF BEGINNING. THIS LAND IS IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA (LESS RIGHTS OF WAY)

SAID PARCEL A, ALSO DESCRIBED AS THE FOLLOWING DESCRIBED PARCEL B :

**PARCEL B:**

A PORTION OF LAND LYING IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, IN ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST BEING MARKED BY A 4"x4" CONCRETE MONUMENT "NO 10" C.C.R. #066512 RUN N89°42'06"E ALONG THE NORTH LINE OF SAID SECTION, 1310.50 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 12; THENCE DEPARTING SAID NORTH LINE RUN S00°11'45"W ALONG SAID EAST LINE, 540.94 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE EASTERLY RIGHT OF WAY LINE OF RAILS TO TRAILS/APOPKA TO MABEL PROJECT OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY MAPS PREPARED BY JONES, WOOD & GENTRY; THENCE CONTINUE ALONG SAID EAST LINE AND EASTERLY RIGHT OF WAY LINE S00°11'45"W, 7.12 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE CONTINUE S00°11'45"W ALONG SAID EAST LINE, 1097.46 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE NORTH RIGHT OF WAY LINE OF FULLERS CROSS ROAD PER ORANGE COUNTY ROAD BOND BOOK 1 PROJECT 5; THENCE DEPARTING SAID EAST LINE RUN N89°43'54"W ALONG SAID NORTH RIGHT OF WAY LINE, 614.58 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE RUN N00°00'00"E, 474.88 FEET TO THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF THE RAILS TO TRAILS/APOPKA TO MABEL PROJECT; THENCE RUN N44°56'12"E ALONG SAID EASTERLY RIGHT OF WAY LINE, 875.41 FEET TO THE POINT OF BEGINNING.

ORDINANCE 15-02

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD FROM ORANGE COUNTY PLANNED DEVELOPMENT – LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, on the 13<sup>th</sup> of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and on the 24<sup>th</sup> of June, 2010, the City Commission of the City of Winter Garden adopted Ordinance 10-19 readopting and amending the Comprehensive Plan for the City of Winter Garden;

**WHEREAS**, the owner of that certain real property generally described as 11.1 ± acres located at 1205 East Fullers Cross Road on the north side of East Fullers Cross Road, east of North West Crown Point Road and west of East Crown Point Road, and legally described in ATTACHMENT “A” (the “Property”) has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Planned Development – Low Density Residential to City Low Density Residential; and

**WHEREAS**, the City of Winter Garden's Local Planning Agency and City Commission have conducted the prerequisite advertised public hearings pursuant to Chapter 163, Florida Statutes, regarding the adoption of this ordinance; now, therefore,

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

**SECTION I.** *FLUM Amendment.* The City of Winter Garden hereby amends the Future Land Use Map of the City of Winter Garden Comprehensive Plan by designating the aforesaid Property to City Low Density Residential as set forth in ATTACHMENT "B".

**SECTION II.** *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 15-01, this Ordinance shall become

effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order determining that the adopted Ordinance is in compliance.

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

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

**ATTACHMENT "A"**  
**LEGAL DESCRIPTION**

PARCEL ID#: 12-22-27-0000-00-005

**PARCEL A:**

THE NORTH 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, LYING EAST OF FORMER SCL RAILROAD RIGHT-OF-WAY AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, LYING SOUTH AND EAST OF FORMER SCL RAILROAD RIGHT-OF-WAY, ALL LYING IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LESS AND EXCEPT ROAD RIGHT-OF-WAY FOR FULLERS CROSS ROAD ON SOUTH. ALSO LESS AND EXCEPT THAT PART PREVIOUSLY CONVEYED BY WARRANTY DEED RECORDED IN DEED BOOK 624, PAGE 109, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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**PARCEL B:**

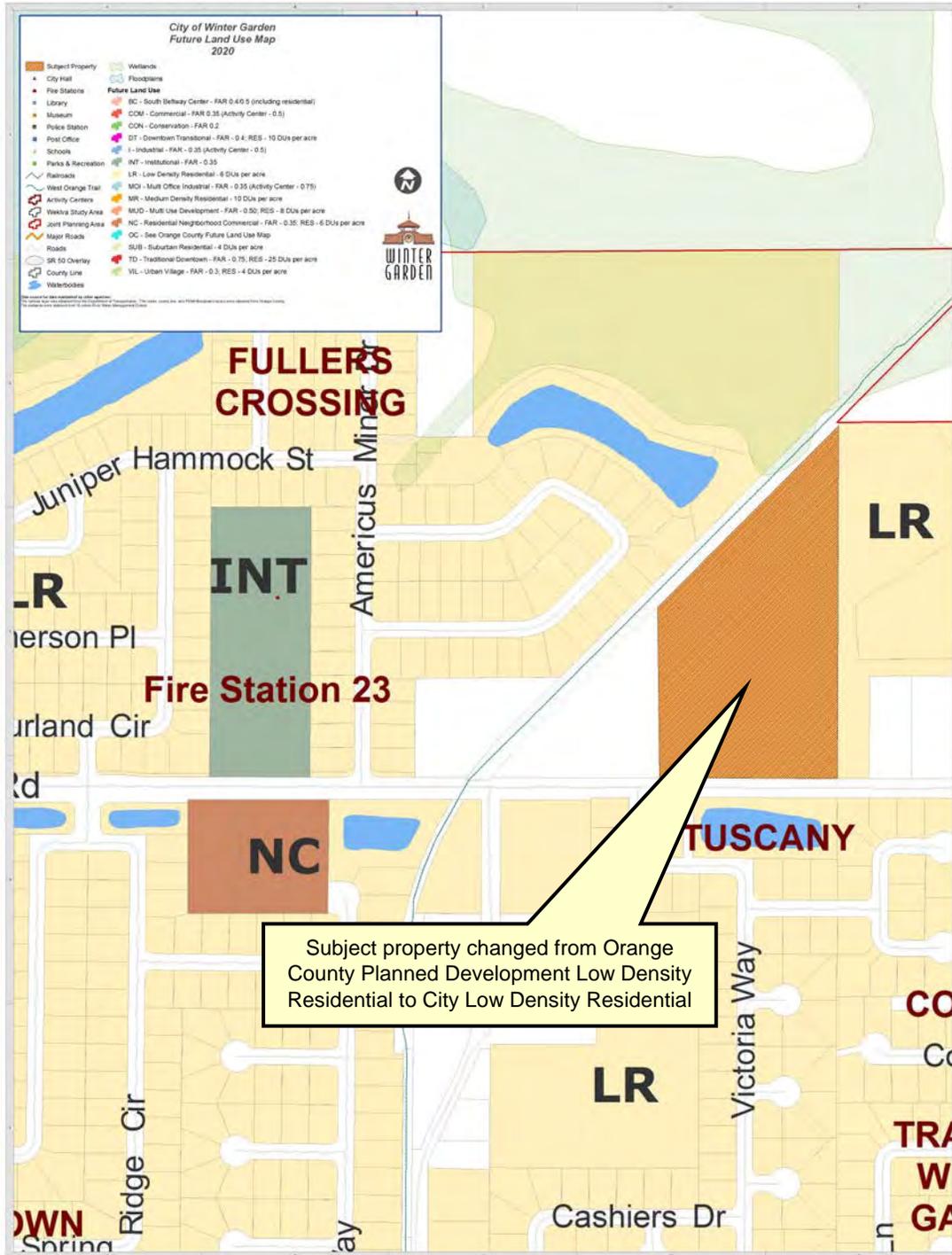
A PORTION OF LAND LYING IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, IN ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST BEING MARKED BY A 4"x4" CONCRETE MONUMENT "NO 10" C.C.R. #066512 RUN N89°42'06"E ALONG THE NORTH LINE OF SAID SECTION, 1310.50 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 12; THENCE DEPARTING SAID NORTH LINE RUN S00°11'45"W ALONG SAID EAST LINE, 540.94 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE EASTERLY RIGHT OF WAY LINE OF RAILS TO TRAILS/APOPKA TO MABEL PROJECT OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY MAPS PREPARED BY JONES, WOOD & GENTRY; THENCE CONTINUE ALONG SAID EAST LINE AND EASTERLY RIGHT OF WAY LINE S00°11'45"W, 7.12 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE CONTINUE S00°11'45"W ALONG SAID EAST LINE, 1097.46 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE NORTH RIGHT OF WAY LINE OF FULLERS CROSS ROAD PER ORANGE COUNTY ROAD BOND BOOK 1 PROJECT 5; THENCE DEPARTING SAID EAST LINE RUN N89°43'54"W ALONG SAID NORTH RIGHT OF WAY LINE, 614.58 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE RUN N00°00'00"E, 474.88 FEET TO THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF THE RAILS TO TRAILS/APOPKA TO MABEL PROJECT; THENCE RUN N44°56'12"E ALONG SAID EASTERLY RIGHT OF WAY LINE, 875.41 FEET TO THE POINT OF BEGINNING.

ATTACHMENT "B"

FUTURE LAND USE MAP

1205 East Fullers Cross Road



ORDINANCE 15-03

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 11.1 ± ACRES LOCATED AT 1205 EAST FULLERS CROSS ROAD ON THE NORTH SIDE OF EAST FULLERS CROSS ROAD, EAST OF NORTH WEST CROWN POINT ROAD AND WEST OF EAST CROWN POINT ROAD FROM ORANGE COUNTY A-2 FARMLAND RURAL DISTRICT TO CITY R-1B RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as 11.1 ± acres located at 1205 East Fullers Cross Road on the north side of East Fullers Cross Road, east of North West Crown Point Road and west of East Crown Point Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County A-2 Farmland Rural to the City’s R-1B Residential District zoning classification, therefore; and

**WHEREAS**, after public notice and due consideration of public comment, the City Commission of the City of Winter Garden hereby finds and declares the rezoning approved by this Ordinance is consistent with the City of Winter Garden Comprehensive Plan; and

**WHEREAS**, further, the City Commission finds that based on competent, substantial evidence in the record, the rezoning approved by this Ordinance meets all applicable criteria for rezoning the Property to R-1B Residential District contained within the City of Winter Garden Comprehensive Plan and the Code of Ordinances.

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

**SECTION 1: *Rezoning.*** The above “Whereas” clauses constitute findings by the City Commission. After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT “A,” is hereby rezoned from Orange County A-2 Farmland Rural District to City R-1B Residential District in the City of Winter Garden, Florida.

**SECTION 2: *Zoning Map.*** The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

**SECTION 3: *Non-Severability.*** Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

**SECTION 4: *Effective Date.*** This Ordinance shall become effective simultaneously upon the effective date of Ordinance 15-02 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2015.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by the City Commission of the City of Winter Garden, Florida.

**APPROVED:**

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

**ATTEST:**

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

ATTACHMENT "A"

LEGAL DESCRIPTION

PARCEL ID#: 12-22-27-0000-00-005

PARCEL A:

THE NORTH 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4, LYING EAST OF FORMER SCL RAILROAD RIGHT-OF-WAY AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, LYING SOUTH AND EAST OF FORMER SCL RAILROAD RIGHT-OF-WAY, ALL LYING IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA. LESS AND EXCEPT ROAD RIGHT-OF-WAY FOR FULLERS CROSS ROAD ON SOUTH. ALSO LESS AND EXCEPT THAT PART PREVIOUSLY CONVEYED BY WARRANTY DEED RECORDED IN DEED BOOK 624, PAGE 109, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN IN THE CENTER OF THE INTERSECTION OF A.C.L. RY TRACKS AND THE COUNTY HARD ROAD, AT CROWN POINT, FLORIDA, (THE HARD ROAD FROM WINTER GARDEN TO FULLERS), RUN THENCE EAST 520 FEET, NORTH 528 FEET TO INTERSECT SAID RY., THENCE SOUTHWESTERLY 748 FEET ALONG RY. TO POINT OF BEGINNING. THIS LAND IS IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA (LESS RIGHTS OF WAY)

SAID PARCEL A, ALSO DESCRIBED AS THE FOLLOWING DESCRIBED PARCEL B :

PARCEL B:

A PORTION OF LAND LYING IN SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST, IN ORANGE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

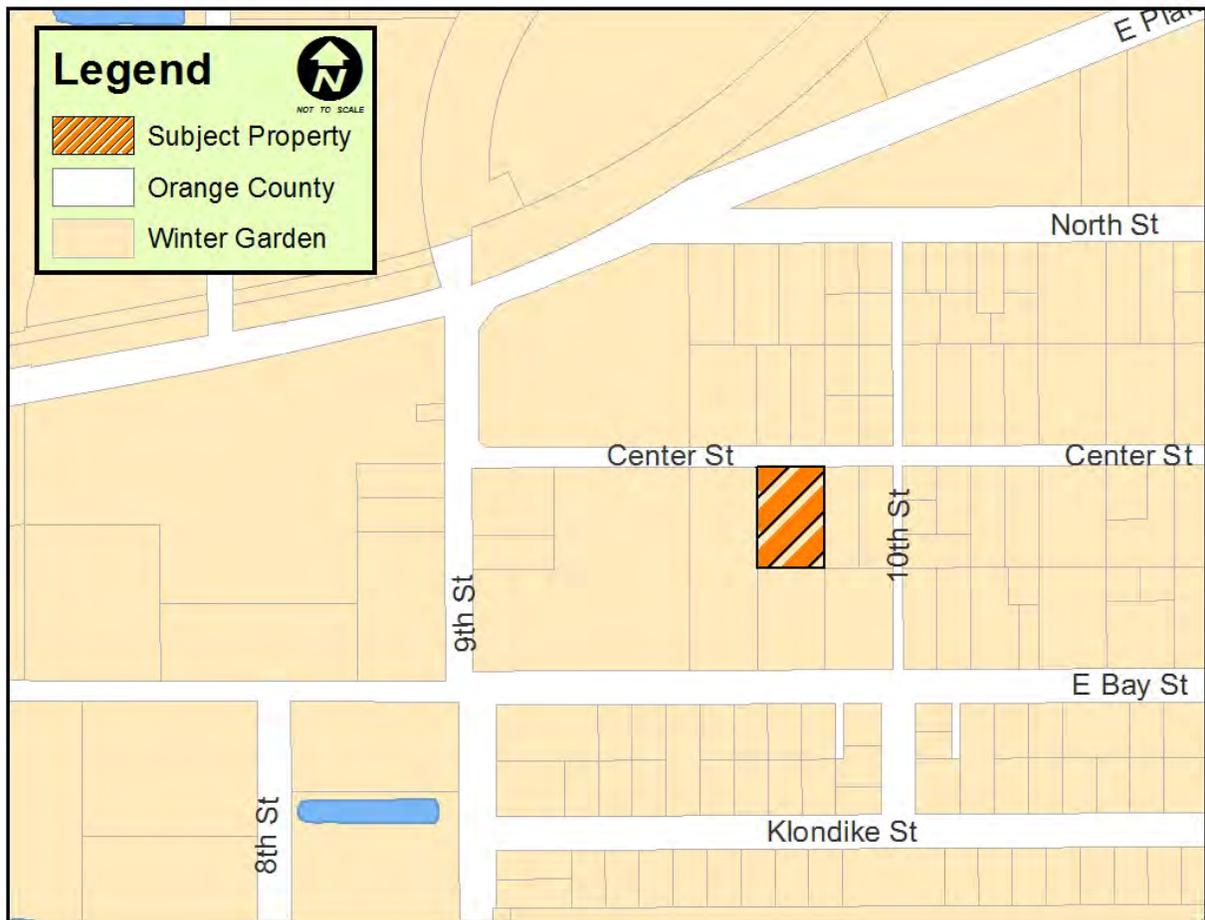
COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 12, TOWNSHIP 22 SOUTH, RANGE 27 EAST BEING MARKED BY A 4"x4" CONCRETE MONUMENT "NO 10" C.C.R. #066512 RUN N89°42'06"E ALONG THE NORTH LINE OF SAID SECTION, 1310.50 FEET TO THE INTERSECTION OF SAID NORTH LINE AND THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 12; THENCE DEPARTING SAID NORTH LINE RUN S00°11'45"W ALONG SAID EAST LINE, 540.94 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE EASTERLY RIGHT OF WAY LINE OF RAILS TO TRAILS/APOPKA TO MABEL PROJECT OF THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY MAPS PREPARED BY JONES, WOOD & GENTRY; THENCE CONTINUE ALONG SAID EAST LINE AND EASTERLY RIGHT OF WAY LINE S00°11'45"W, 7.12 FEET TO THE POINT OF BEGINNING; THENCE DEPARTING SAID EASTERLY RIGHT OF WAY LINE CONTINUE S00°11'45"W ALONG SAID EAST LINE, 1097.46 FEET TO THE INTERSECTION OF SAID EAST LINE AND THE NORTH RIGHT OF WAY LINE OF FULLERS CROSS ROAD PER ORANGE COUNTY ROAD BOND BOOK 1 PROJECT 5; THENCE DEPARTING SAID EAST LINE RUN N89°43'54"W ALONG SAID NORTH RIGHT OF WAY LINE, 514.58 FEET; THENCE DEPARTING SAID NORTH RIGHT OF WAY LINE RUN N00°00'00"E, 474.88 FEET TO THE AFOREMENTIONED EASTERLY RIGHT OF WAY LINE OF THE RAILS TO TRAILS/APOPKA TO MABEL PROJECT; THENCE RUN N44°56'12"E ALONG SAID EASTERLY RIGHT OF WAY LINE, 875.41 FEET TO THE POINT OF BEGINNING.



# LOCATION MAP

100 Center Street

SPECIAL EXCEPTION PERMIT



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

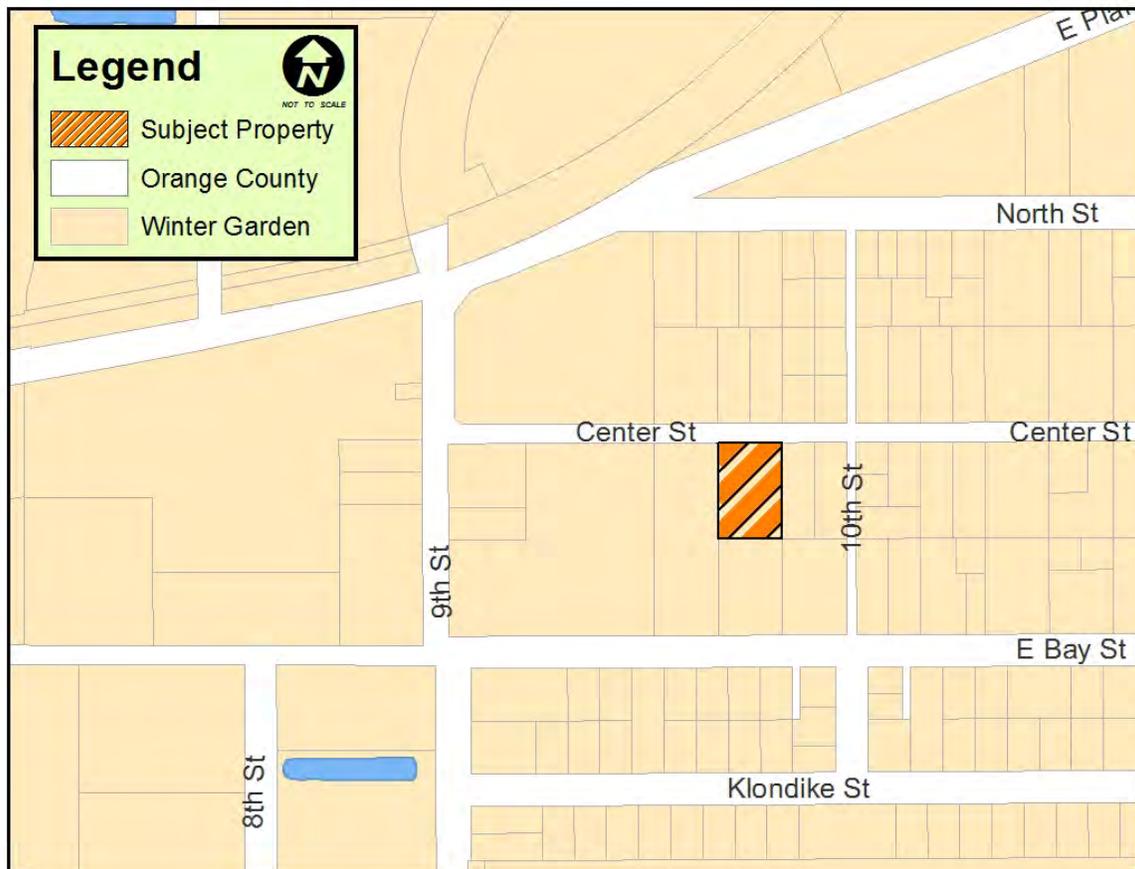
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
**DATE:** OCTOBER 31, 2014  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
**100 Center Street (Tandem Housing)**  
**PARCEL IDS # 13-22-27-5260-00-200**

**APPLICANT:** West Orange Habitat For Humanity, Inc.

### INTRODUCTION

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

The subject property located at 100 Center Street consists of +/- 0.34 acres. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow development of tandem housing on the property. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation RNC-2, and is designated Residential Neighborhood Commercial on the Future Land Use Map of the Comprehensive Plan.

### **EXISTING/PROPOSED USE**

The subject property currently contains one dilapidated single story structure.

The applicant is requesting the special exception to allow construction of 4 single-family homes. The homes will be built following the tandem housing requirements in Section 118-519 of the City Code. This section allows two detached single-family homes along the street front and two detached single-family homes in the rear, all connected by a common center driveway.

The proposed development is consistent with other properties in this area. The City of Winter Garden owns eight lots directly across the street from this property which were approved for tandem housing. In addition, the City is currently working on renovating several homes in this area through a Community Development Block Grant, and we are in the process of multiple condemnations in this area to help eliminate the dilapidated structures.

If this Special Exception Permit is approved by the Planning & Zoning Board, the applicant will be required to replat the lot and acquire all applicable building permits before construction can commence.

### **ADJACENT LAND USE AND ZONING**

The properties located to the north of the subject site are zoned RNC-2, and developed with a single-family house, a convenience store, and the vacant lots owned by the City which have been approved for tandem houses. The property located to the east of the subject site is zoned RNC-2 and contains three single-family homes. The properties to the south are zoned RNC-2, and contain single-family houses. The property to the west is zoned RNC-2 and is vacant.

### **SUMMARY**

Staff recommends approval of the proposed Special Exception Permit to allow tandem housing on the property located at 100 Center Street with the following conditions:

1. All tandem housing requirements outlined in Section 118-519 of the City Code shall be followed.
2. The applicant will need to replat the property as required by Chapter 110 of the City Code.
3. All necessary permits must be obtained before beginning construction or site alterations.

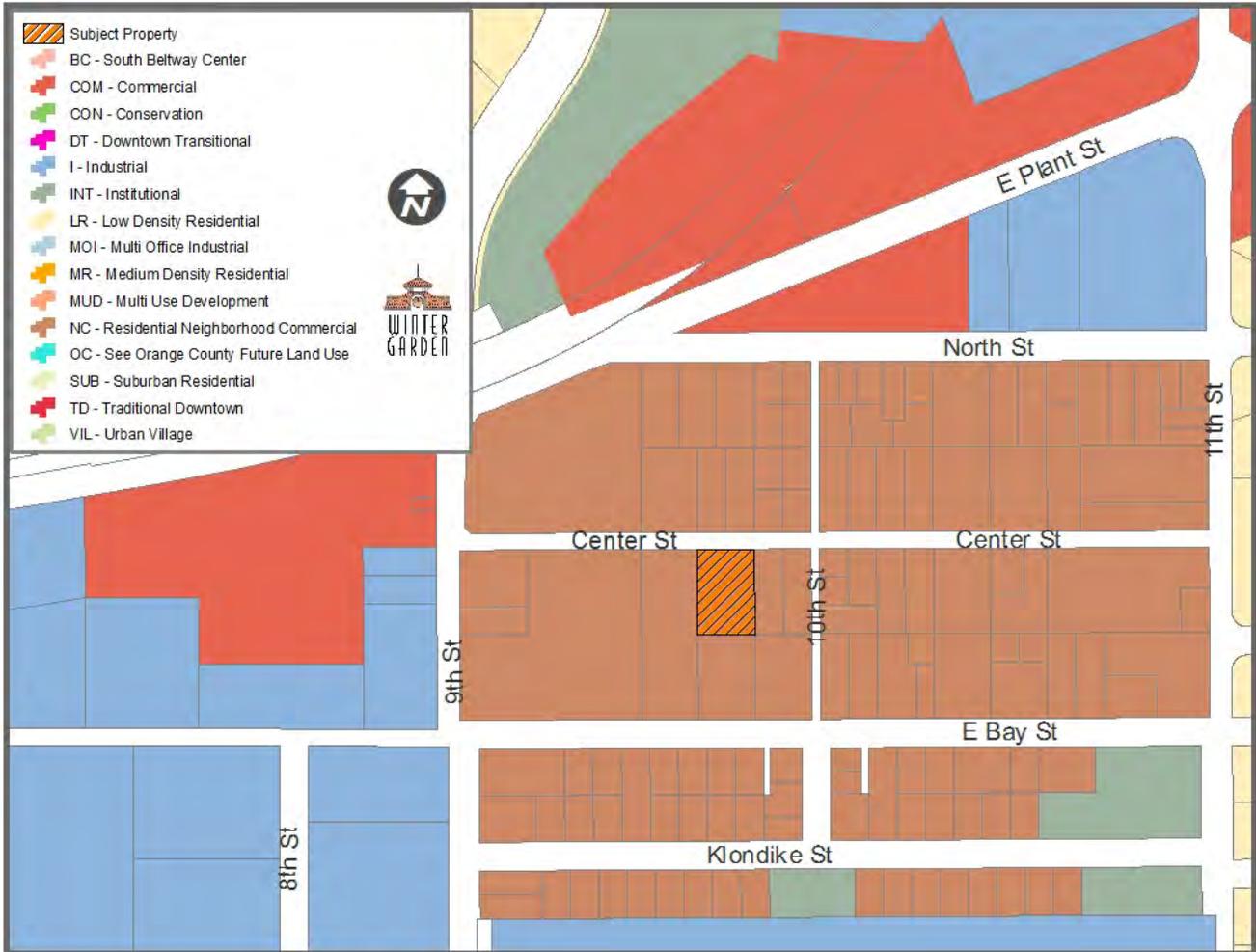
**Aerial Map**  
**100 Center Street**



**Zoning Map**  
**100 Center Street**



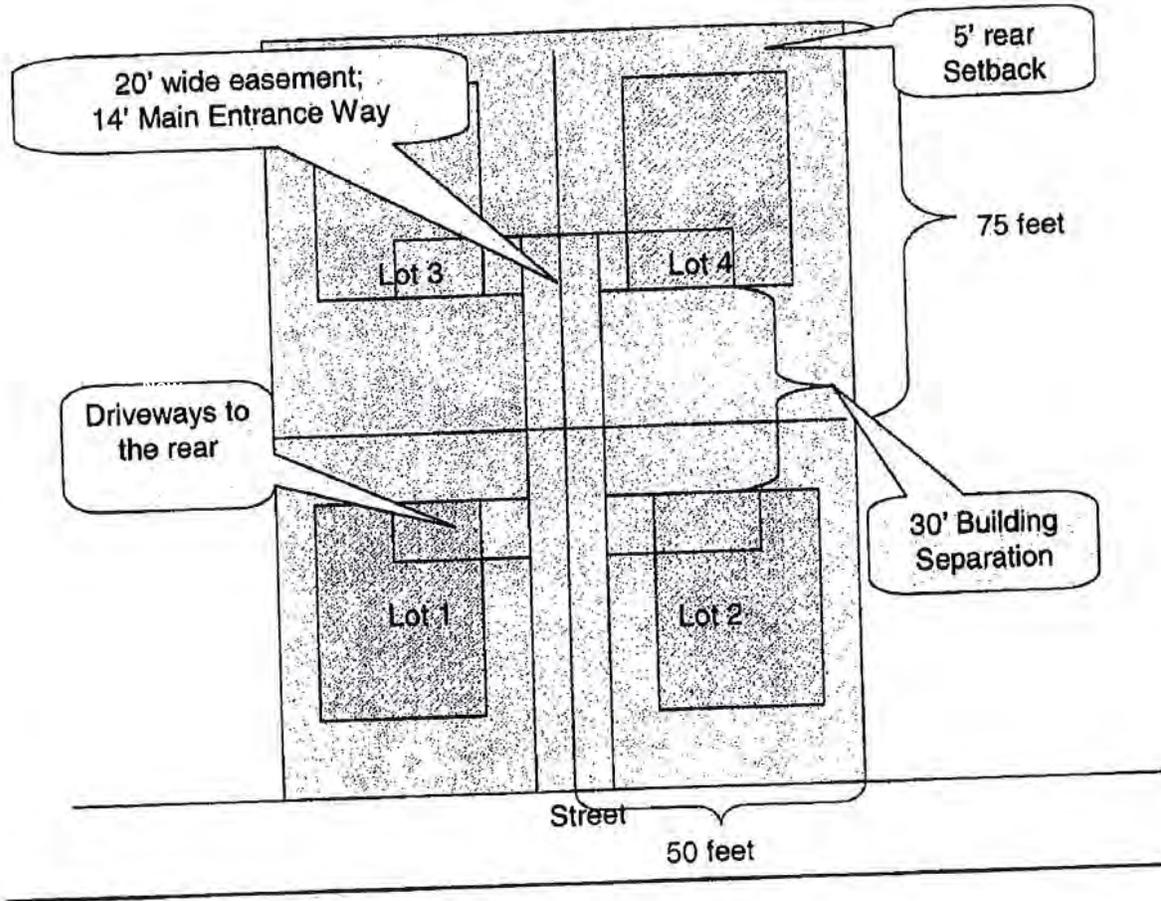
### Future Land Use Map 100 Center Street



**Tandem Development Standards**  
**Section 118-519 City Code**

§ 118-519

WINTER GARDEN CODE



(NTS)

Four lot tandem housing

**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 6 (Public Hearing)**

---

**DATE:** October 31, 2014 **MEETING DATE:** November 3, 2014

**SUBJECT:** Jessica & Wayne Stone (VARIANCE)  
**PROJECT NAME** Stone Family Carport  
**PARCEL ID#** 14-22-27-9388-01-070

**ISSUE:** The applicant is requesting a 20.8 foot front yard setback in lieu of the required 30 foot front yard setback to build a carport.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Jessica & Wayne Stone

**CURRENT ZONING:** R-1 Single-Family Residential Zoning District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Low Density Residential

**PROPOSED FLU:** N/A

**SUMMARY:**

The applicant requests approval to build a carport structure in the front yard of the subject property over an existing paved driveway. The carport will be 20.8' from the front property line instead of the required 30'. The applicant will comply with all other setback requirements of the R-1 zoning district.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the variance to allow a carport to be built 20.8' from the front property line.

**NEXT STEP(S):**

Apply for a building permit to construct the carport.

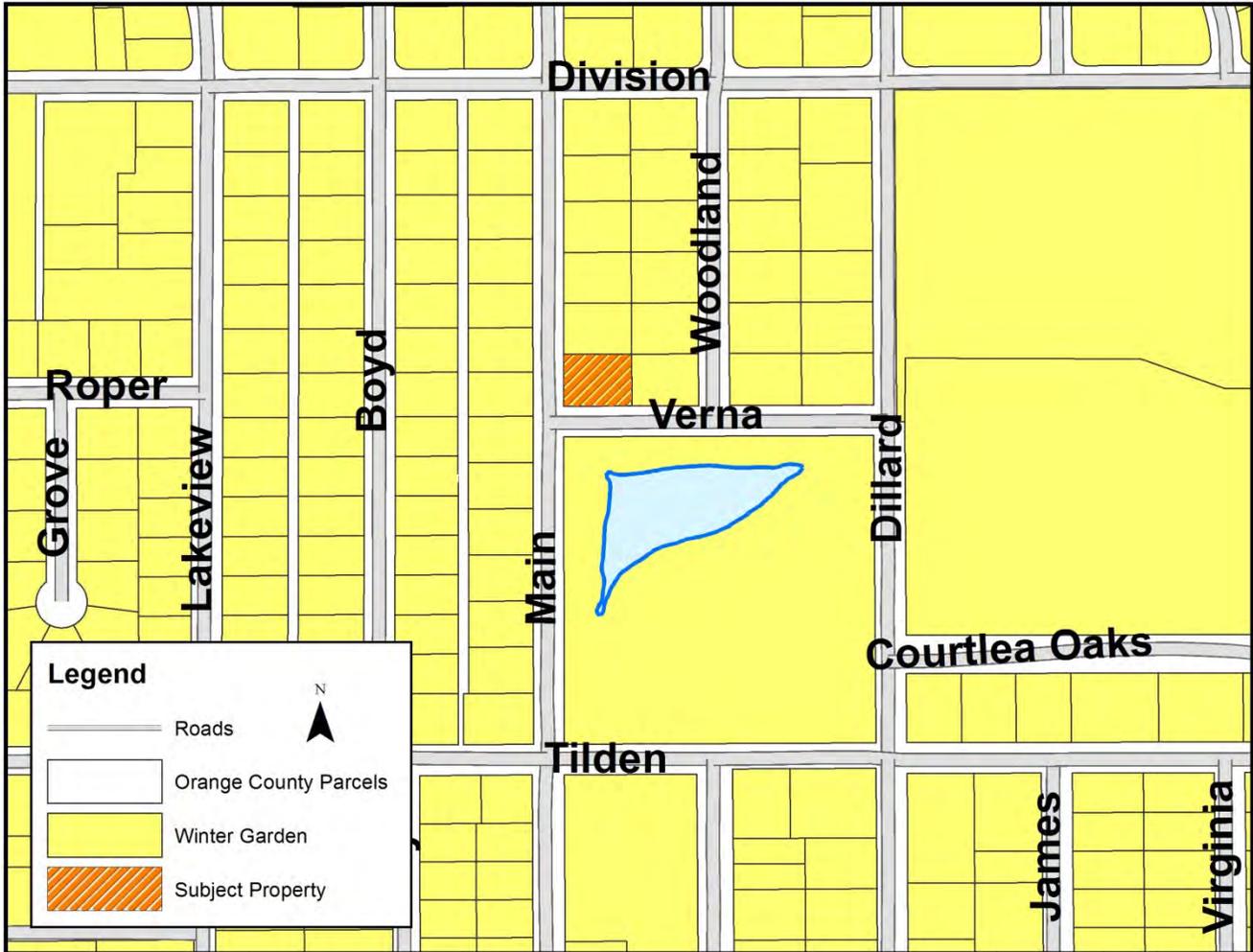
**ATTACHMENT(S):**

Location Map  
Staff Report  
Letters of Support

# LOCATION MAP

407 N Main Street

VARIANCE



# 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:** OCTOBER 23, 2014  
**SUBJECT:** VARIANCE  
**407 N Main Street (0.31+/- ACRES)**  
**PARCEL ID # 14-22-27-9388-01-070**

**APPLICANT:** Jessica & Wayne Stone

### INTRODUCTION

The purpose of this report is to evaluate the request for a front yard setback variance for property located at 407 N Main Street in Winter Garden, Florida. The request is for a 20.8 foot front yard setback in lieu of the required 30 foot front yard setback. If approved, this variance will allow a carport with enclosed storage spaces to be built in the front yard of the applicant's home.

The subject property, located on N Main Street, is an approximately 0.31± acre lot in the Winter Garden Shores First Addition 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-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 contains a single story 2,124 square foot single-family residential home with a detached 420 square foot masonry garage located to the east of the main structure in the property's rear yard. The property also features a covered front entry and a covered patio area in the rear yard. There are two existing driveways providing access to the property: one that connects the detached masonry garage to Verna Street to the south, and another that provides a parking area in the property's front yard connected to N Main Street to the west.

The detached garage in the rear yard does not comply with the rear yard setback regulation of the R-1 zoning district, which is 20% the depth of the lot (or 18' for this property). However, because the garage was built in 1958, this structure is considered a lawful nonconforming building per section 118-199 of the Winter Garden Code of Ordinances.

### **ADJACENT LAND USE AND ZONING**

The adjacent properties to the north and east of the subject property contain 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 west also contains a single family home; it's zoned R-2 (Residential District) and has a future land use designation of LR (Low Density Residential). The property to the south of the subject property contains the City of Winter Garden-owned Jessie Brock Community Center. This property, which also contains a stormwater retention area and a looped walking trail, is zoned R-2 (Residential District) and has a future Land Use Designation of INT (Institutional). All adjacent properties are located within the City of Winter Garden municipal limits.

### **PROPOSED USE**

The applicant requests approval to build a carport structure in the front yard of the subject property over an existing paved driveway. This carport would include a painted CMU storage closet structure, which would run parallel with Verna Street on the south side of the property. The carport roof will have a frame structure similar to that of a large arbor with a solid TPO roof, which connects to the existing house. Adjacent to the carport will be a glass-covered walkway/patio leading to the front door. The new structure will meet the required side and rear setbacks of the R-1 zoning district.

### **CODE REFERENCE**

**Sec. 118-308 (1) a.** 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-1 Zoning District are "*front: 30 feet, side: 10 feet each, rear: 20 percent the depth of the lot.*"

The applicant is seeking a variance to the minimum front yard setback to allow the proposed carport to be built with a 20.8 foot front yard setback in lieu of the required 30 foot front yard setback.

## 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 carport located 20.8 feet from the front property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. Many of the adjacent homes have attached covered parking structures in their front yards, so this is not out of character with other properties in the neighborhood. This project will not negatively impact the standard of living of the citizens of the city. The applicants hope that this project will add value to their property and be an asset to the neighborhood as a whole. Furthermore, several adjacent property owners have submitted letters of support for this project to City staff.

- (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 front yard setback in lieu of the required 30 foot front yard setback will allow reasonable use of the property. The intention of the R-1 zoning district is to be low-density residential. While this front yard setback will exceed some other R-1 zoned homes in close proximity to the applicant’s property, it will not change the low-density residential character of the neighborhood. Furthermore, several properties in the neighborhood, which were constructed prior to the adoption of the most current setback regulations of the R-1 district, have structures that encroach into the 30’ front yard setback zone. The materials used to construct the storage closets will be consistent with those used to construct the applicants’ home- they will both be masonry units structures.

- (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-1 zoning district (50%), and it complies with all other setbacks and development regulations of the Winter Garden Code of Ordinances.

- (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 carport will not negatively impact the neighbors and is consistent with front 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 118-308(1)a to allow a 20.8 foot front yard setback in lieu of the required 30 foot front yard setback to allow for the construction of the proposed carport.

### **NEXT STEP**

Apply for the appropriate Building Permits.

### **ATTACHMENTS**

- Aerial Photo
- Survey (Site Plan)
- Architectural Renderings
- Site Photos
- Neighboring Property with Carport
- Letters of Support from Neighbors

**AERIAL PHOTO**  
**407 N Main Street**





**ARCHITECTURAL RENDERINGS**  
**407 N Main Street**

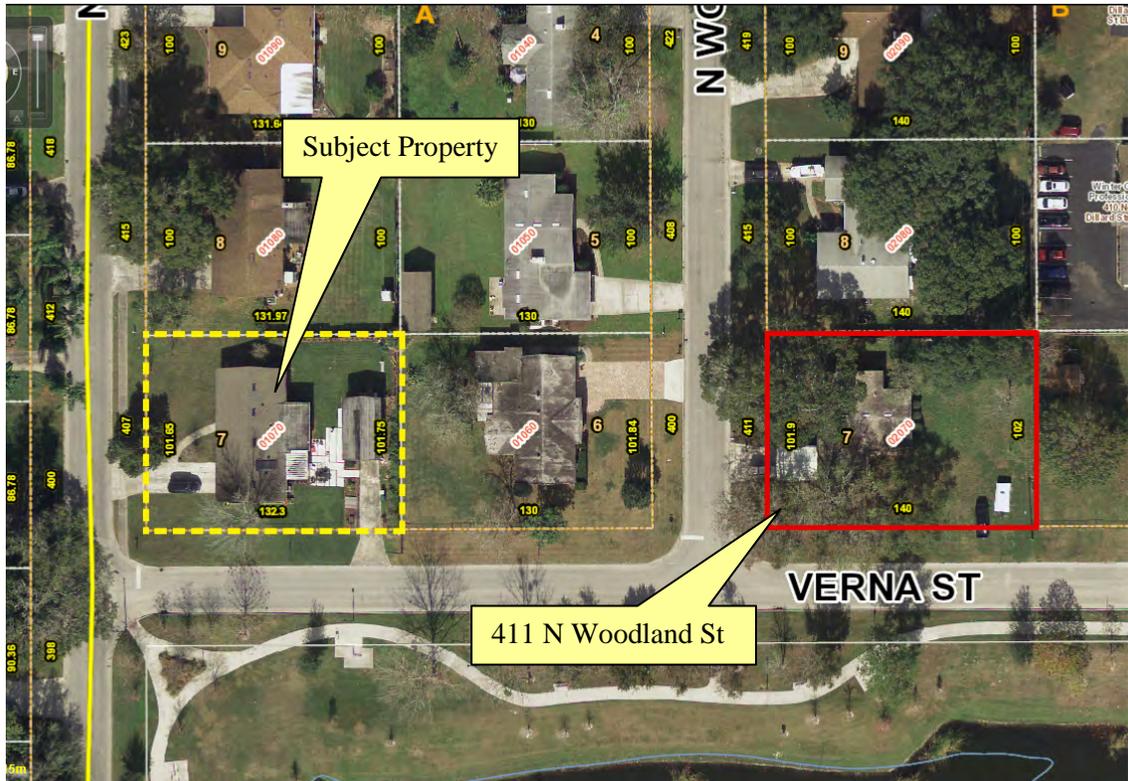


**SITE PHOTOS**  
**407 N Main Street**





**NEIGHBORING PROPERTY WITH CARPORT**  
**411 N Woodland Street**



**END OF STAFF REPORT**

# WILLIAM & VICKI PETERS

423 N. MAIN STREET \* WINTER GARDEN, FL 34787

---

October 14, 2014

City of Winter Garden  
Planning and Zoning Committee  
300 West Plant Street  
Winter Garden, FL 34787

Re: Carport Construction at 407 North Main Street

Dear Committee Members:

As neighbors of Wayne and Jessica Stone, we would like to offer our endorsement for the variance they have applied for to construct a carport extending into the front setback easement of their property.

We have lived on North Main Street for over 22 years, first as renters, then homeowners. Over that time we have seen few neighbors come and go, but when we do, it is very refreshing to find that they want to improve their properties. In "old Winter Garden" and on North Main Street, some properties have not been maintained well and are in state of disrepair. The improvements that the Stones' have made to the exterior of their home thus far have enhanced the look of the property and would further enhance the appearance of the property. The plans for the carport are in keeping with the original style of the home and the extension into the setback should not interfere with nor obstruct traffic views. We see no reason that this variance should not be granted.

Winter Garden has become a gathering place for families with the revitalization of the downtown area. Let's keep the revitalization going throughout the older neighborhoods as well.

Thank you for your consideration.

Sincerely,



William R. Peters, Jr.



Vicki L. Peters

Planning & Zoning

OCT 22 2014

400 N Main Street  
Winter Garden, FL 34787  
Cell: 626.353.9081  
October 13, 2014

City of Winter Garden  
Planning & Zoning Department

To Whom It May Concern:

I live across the street from The Stone Family at 407 N Main Street. Jessica Stone has shared with me her plans for her carport addition. They look lovely and I feel will beautify the neighborhood, not to mention the view from my home.

I understand they are requesting a setback variance. I do not feel this variance will have a negative impact on the street view or other neighbors. On the contrary, it's great when young families move in and invest in their homes' exterior. It's nice for the neighborhood, my property value and helps attract others to do the same.

Thank you for your time,



Rebecca Zamora

**Planning & Zoning**

**OCT 22 2014**

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 7 (Public Hearing)**

---

**DATE:** October 30, 2014                      **MEETING DATE:** November 3, 2014

**SUBJECT:** 591 Susan B Britt Court (VARIANCE)  
**PROJECT NAME** Tierra Inc.  
**PARCEL ID#** 13-22-27-0895-00-014

**ISSUE:** The applicant is requesting a Variance to the maximum allowed fence height of 3 feet in the front yard to allow construction of a 6 foot tall chain link fence in the front yard for the property located at 591 Susan B Britt Court.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Tierra, Inc.

**CURRENT ZONING:** I-2 General Industrial District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Multi Use Development

**PROPOSED FLU:** N/A

**SUMMARY:**

The applicant is requesting a Variance to the maximum allowed fence height of 3 feet in the front yard to allow construction of a 6 foot tall chain link fence in the front yard.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the variance request.

**NEXT STEP(S):**

Apply for building permits.

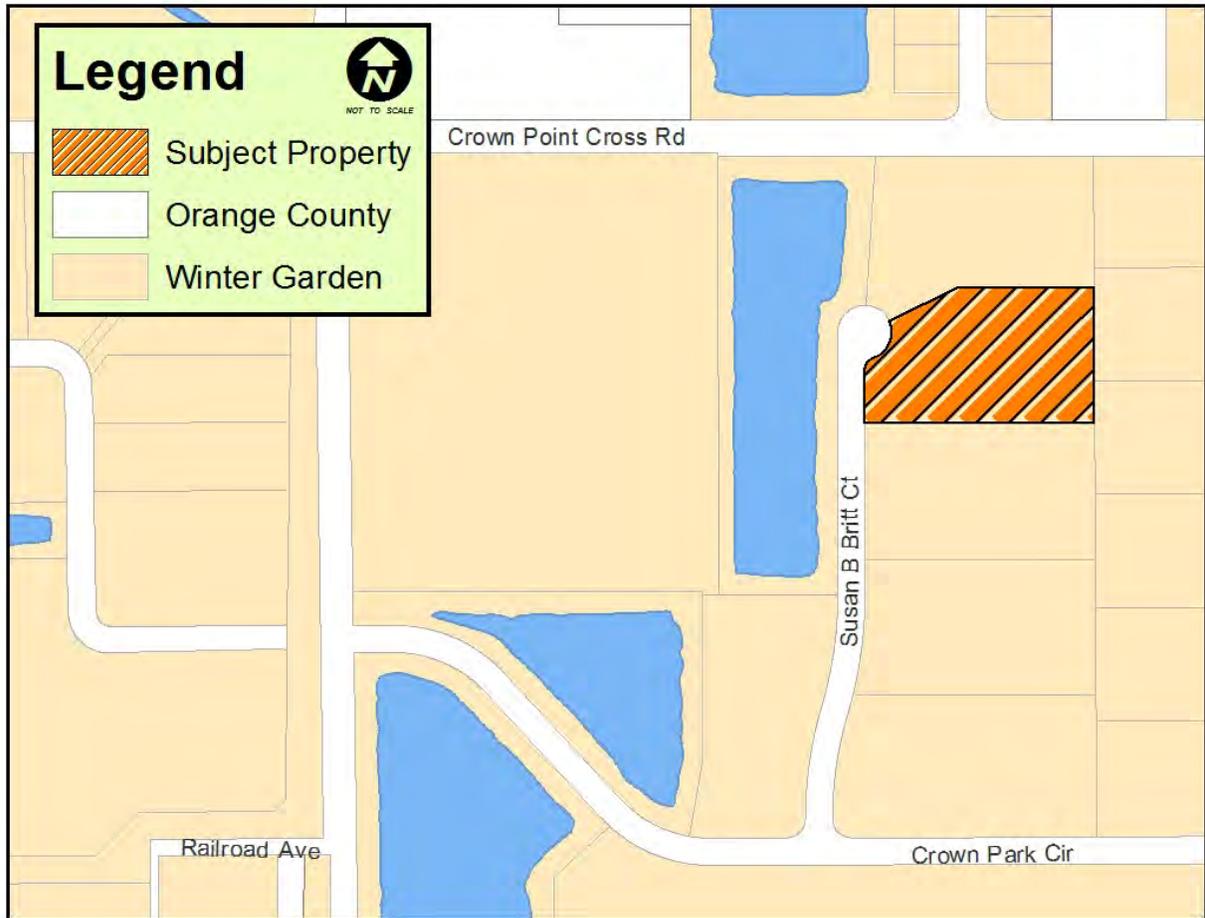
**ATTACHMENT(S):**

Location Map  
Staff Report

# LOCATION MAP

591 Susan B Britt Court

## VARIANCE



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

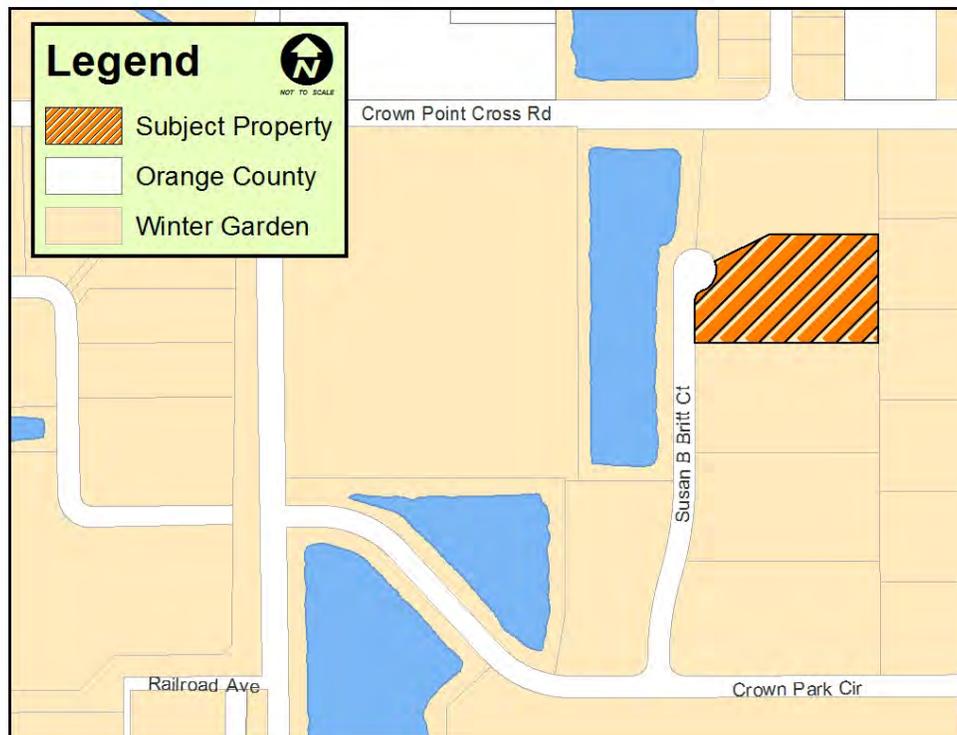
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
**DATE:** NOVEMBER 3, 2014  
**SUBJECT:** VARIANCE  
**591 Susan B Britt Court (2.21+/- ACRES)**  
**PARCEL ID # 13-22-27-0895-00-140**

**APPLICANT:** Tierra, Inc.

### INTRODUCTION

The purpose of this report is to evaluate the request for a variance to the maximum allowed fence height in the front yard for property located at 591 Susan B Britt Court in Winter Garden, Florida. The request is to allow a 6 foot tall chain link fence in the front yard in lieu of the maximum allowed 3 foot tall fence. If approved, this variance will allow a 6 foot tall chain link fence in the front yard of the new office development.

The subject property, located at 591 Susan B Britt Court, is an approximately 2.21± acre lot in the Britt Business Center. 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 I-2 (General Industrial District) and is designated MUD (Mixed Use Development) on the Future Land Use Map of the City's Comprehensive Plan.

### **EXISTING USE**

The subject property is currently vacant.

### **ADJACENT LAND USE AND ZONING**

The property to the north contains a 38,109 square foot industrial building with warehousing and office uses, is zoned I-1 (Light Industrial and Warehousing District), and has a future land use designation of MUD (Multi Use Development). The properties to the east and south of the subject property are vacant, have the zoning designation I-2 (General Industrial District), and the future land use designation of MUD (Multi Use Development). The property to the west contains a pond, is zoned C-2 (Arterial Commercial District), and a future land use designation of MUD (Multi Use Development).

### **PROPOSED USE**

The applicant has submitted and been approved for a Site Plan to develop the property with a new engineering office, consisting of 13,576 s.f. office/laboratory. The site plan contained a 6 foot tall fence proposed around the property and a variance is required to build the fence.

### **CODE REFERENCE**

**Sec. 118-1297 (a) (1)** of the City Code of Ordinances addresses maximum fence heights and materials. This section states in part that chain link fences are not allowed and that the maximum allowed height in front yards is 3 feet.

The applicant is seeking a variance to the maximum allowed fence height to allow a 6 foot tall chain link fence in the front 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;*

Allowing a 6 foot tall chain link fence in the front yard of the proposed development should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The proposed fence is consistent with the neighboring property and most of the developed industrial properties in this area also have 6 foot tall chain link fences.

(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 6 foot tall chain link fence in the front yard in lieu of the maximum allowed 3 foot tall fence will allow reasonable use of the property. As stated previously many of the other properties in this area, which were constructed prior to the adoption of the most current fence requirements, have 6 foot tall chain link fences.

(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 is consistent with adjacent properties and it complies with all other setbacks and development regulations of the Winter Garden Code of Ordinances.

(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 industrial development.

(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 fence height and material will not negatively impact the neighbors and is consistent with fences on many other properties in this area. Denying this variance does not benefit the property owner or the City.

## **SUMMARY**

City Staff recommends approval of a variance to Section 118-1297 (a) (1) to allow a 6 foot tall chain link fence in the front yard in lieu of the maximum allowed fence height of 3 feet in the front yard.

## **NEXT STEP**

Apply for the appropriate Building Permits.

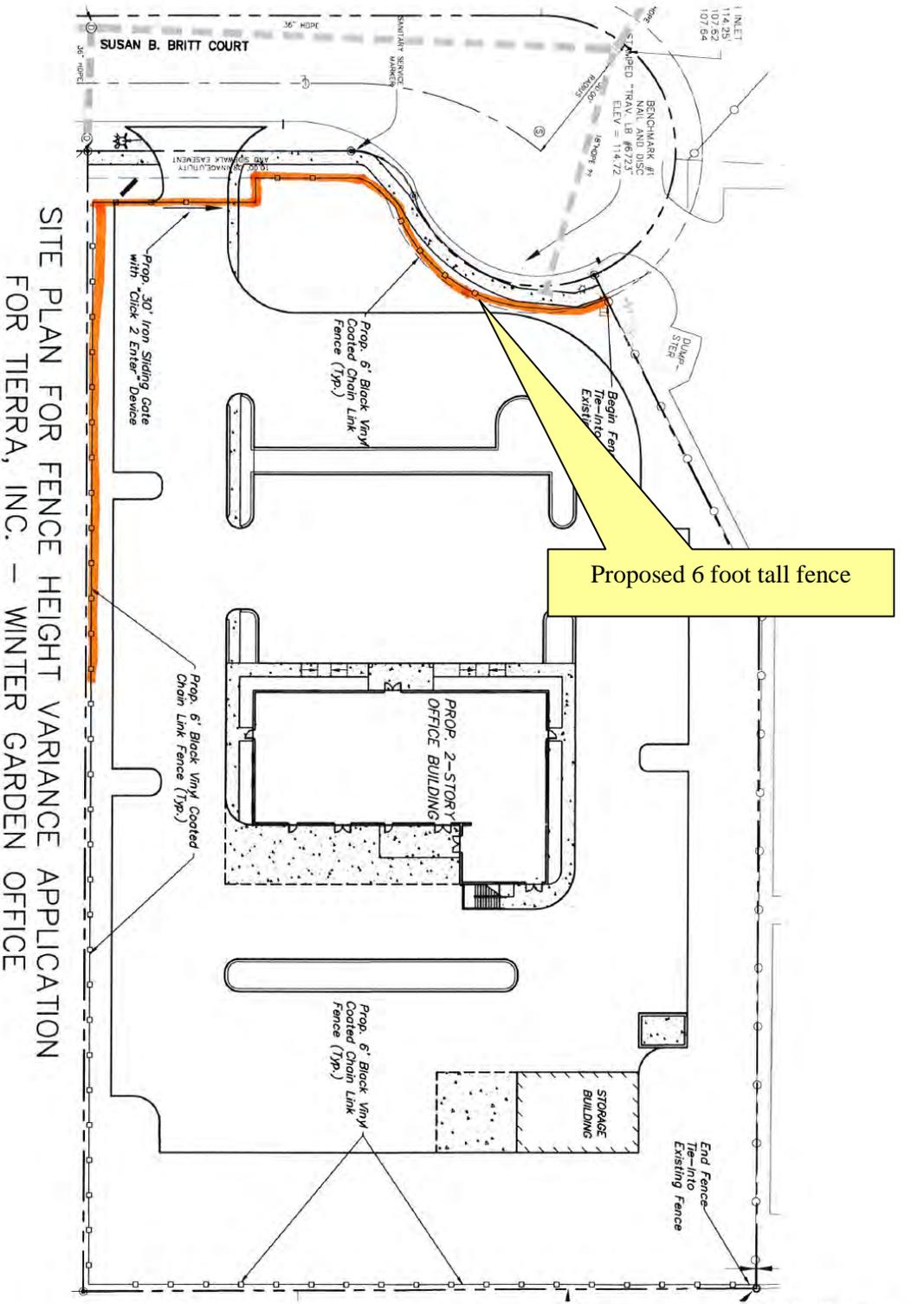
## **ATTACHMENTS**

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

**AERIAL PHOTO**  
**591 Susan B Britt Court**



**SITE PLAN**  
**591 Susan B Britt Court**



SITE PLAN FOR FENCE HEIGHT VARIANCE APPLICATION  
FOR TERRA, INC. – WINTER GARDEN OFFICE

**SITE PHOTOS**  
**591 Susan B Britt**

**Subject property**



**Property to south with 6 foot tall fence**



**SITE PHOTOS**  
**591 Susan B Britt**

**Property to the south**



**Property to the west**



**END OF STAFF REPORT**

**THE CITY OF WINTER GARDEN**  
**PLANNING AND ZONING BOARD AGENDA ITEM**

**ITEM # 8 (Public Hearing)**

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**DATE:** October 30, 2014                      **MEETING DATE:** November 3, 2014

**SUBJECT:** 994 Sadie Lane (VARIANCE)  
**PROJECT NAME** Montalvo SFR  
**PARCEL ID#** 11-22-27-3897-00-410

**ISSUE:** The applicant is requesting a Variance to the rear yard setback to allow construction of a new single-family house for the property located at 994 Sadie Lane.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Edgar Montalvo

**CURRENT ZONING:** R-1 Single-Family Residential District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Low Density Residential

**PROPOSED FLU:** N/A

**SUMMARY:**

Applicant proposes to construct a new single-family house at a rear yard setback of 17 feet in lieu of the minimum required rear yard setback of 25 feet.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the variance to allow construction of a new single-family house at a rear yard setback of 17 feet.

**NEXT STEP(S):**

Apply for building permits.

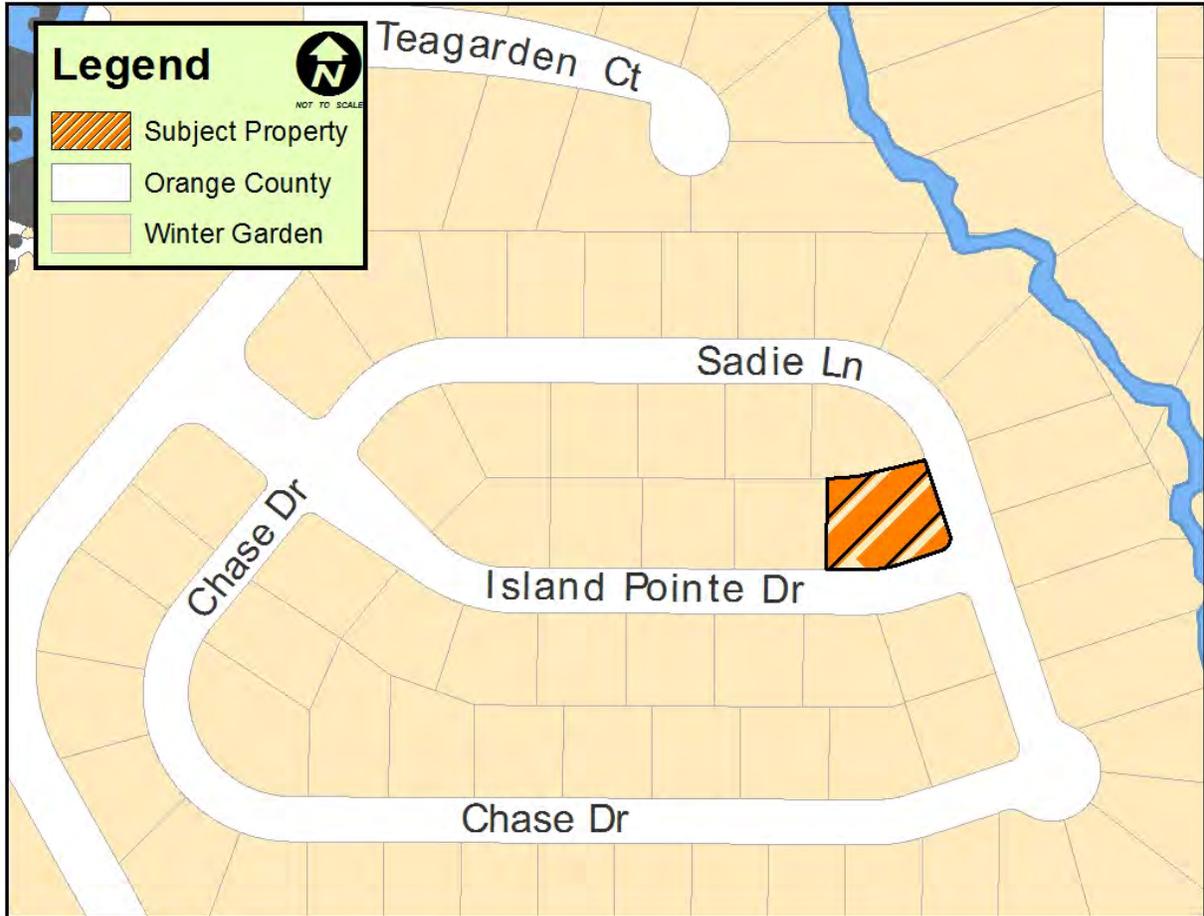
**ATTACHMENT(S):**

Location Map  
Staff Report

# LOCATION MAP

994 Sadie Lane

VARIANCE



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

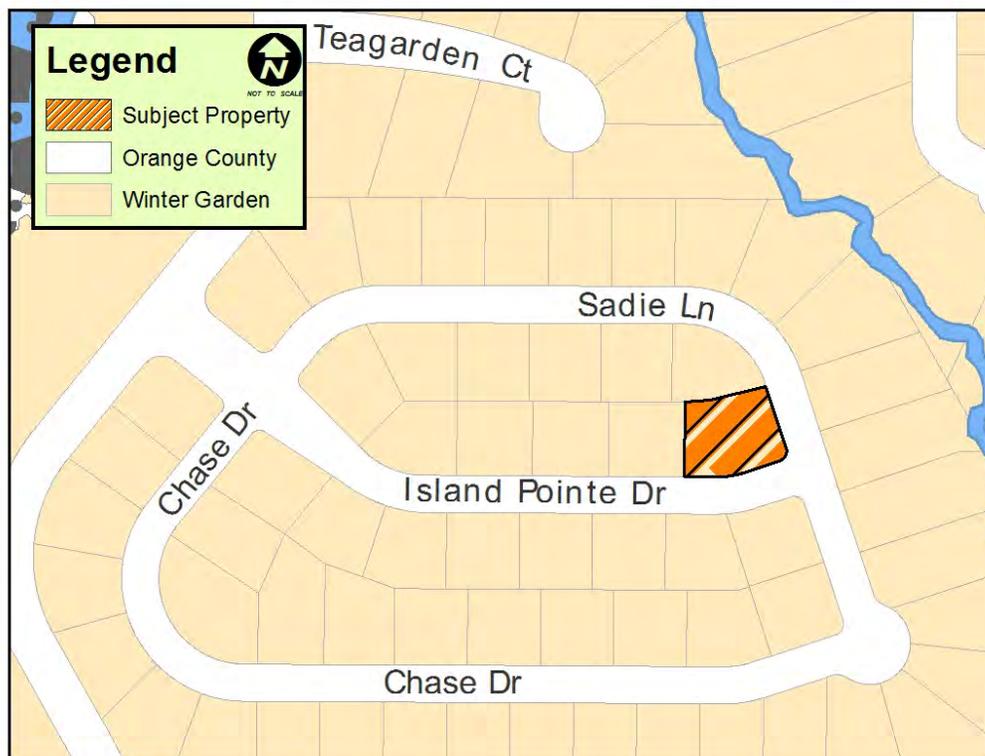
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
**DATE:** NOVEMBER 3, 2014  
**SUBJECT:** VARIANCE  
**994 Sadie Lane (0.30+/- ACRES)**  
**PARCEL ID # 14-22-27-3897-00-410**

**APPLICANT:** Goeke Homes, Inc.

### INTRODUCTION

The purpose of this report is to evaluate the request for a rear yard setback variance for property located at 994 Sadie Lane in Winter Garden, Florida. The request is for a 17 foot rear yard setback in lieu of the required 25 foot rear yard setback. If approved, this variance will allow a new home to be built at a 17 foot rear yard setback.

The subject property, located on Sadie Lane, is an approximately 0.30± acre lot in the Island Pointe 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-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 is currently vacant.

### **ADJACENT LAND USE AND ZONING**

The adjacent properties to the north, south, east, and west of the subject property contain 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).

### **PROPOSED USE**

The applicant is proposing construction of a new single-family house. When the plans were submitted to the City for permits, the house was designed to have the front door on Sadie Lane and the side property along Island Pointe Drive. However, the same plans were submitted to the home owners association architectural review board and they required the house to have a front door on Island Pointe Drive and they requested that the house be set back the same distance from the road as the home to the west. By changing the side setback to be consistent with the neighboring property, a variance to the rear yard setback is needed. The new structure will meet the front and side setbacks of the R-1 zoning district.

### **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 for single-family residential buildings in the R-1 Zoning District are *“front: 30 feet, side: 10 feet each, rear: 20 percent the depth of the lot.”*

The applicant is seeking a variance to the minimum rear yard setback to allow the proposed single-family house to be built with a 17 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback.

### **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 house is located 17 feet from the rear property line and should not negatively

impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The Homeowners Association required the house to be redesigned and positioned in this location to meet their design requirements. In addition, several adjacent property owners have asked about the requested variance and expressed support once the details have been explained.

- (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 foot rear yard setback in lieu of the required 25 foot rear yard setback will allow reasonable use of the property. The house directly across the street has a rear yard setback of +/- 18 feet and was granted a variance to the rear yard setback (approved at the February 2, 2004 meeting).

- (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-1 zoning district (50%), and it complies with all other setbacks and development regulations of the Winter Garden Code of Ordinances.

- (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 house will not negatively impact the neighbors and is consistent with the requirements of the HOA and other properties in the neighborhood. Denying this variance does not benefit the property owner or the City.

### **SUMMARY**

City Staff recommends approval of a variance to Sections 118-308(1)c to allow a 17 foot rear yard setback in lieu of the minimum required 25 foot rear yard setback to allow construction of a new single-family house.

### **NEXT STEP**

Apply for the appropriate Building Permits.

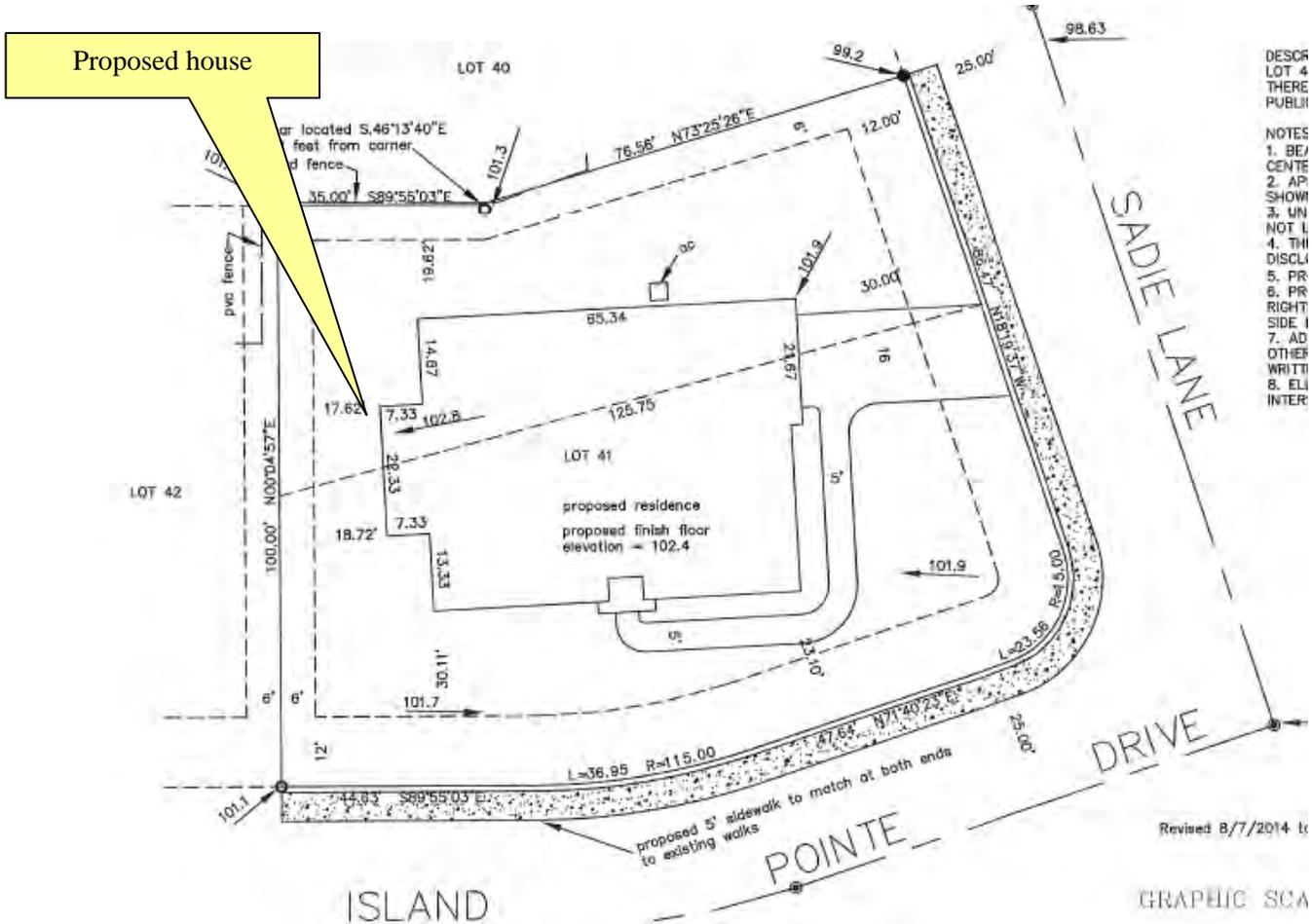
### **ATTACHMENTS**

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

**AERIAL PHOTO**  
**994 Sadie Lane**



**SURVEY (SITE PLAN)**  
**407 N Main Street**



**SITE PHOTOS**  
**994 Sadie Lane**

**View of subject property looking north**



**Subject property looking east**



**SITE PHOTOS**  
**994 Sadie Lane**

**Subject property looking west**



**Properties to the east (similar setback)**



**END OF STAFF REPORT**