



**For More Information, Contact:**

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Customer Service Technician  
City of Winter Garden  
300 West Plant Street  
Winter Garden, FL 34787  
407.656.4111 ext. 5149  
[krathel@cwqdn.com](mailto:krathel@cwqdn.com)

**PLANNING & ZONING BOARD AGENDA**

To: (vacant) – Chairman  
Will Hawthorne – Vice Chairman  
Mark DeFuso  
Heather Gantt  
Gerald Jowers  
David Kassander  
Christopher Lee  
Mark Maciel

Copy to: Mike Bollhoefer  
Dan Langley  
Kurt Ardaman  
Ed Williams  
Stephen Pash  
Kelly Carson  
Jessica Frye

RE: Agenda – **November 2, 2015 at 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 SEPTEMBER 14, 2015 MEETING**
  4. **SWEARING IN OF NEW MEMBER / ELECT CHAIRMAN AND VICE-CHAIRMAN**

**VARIANCE (PUBLIC HEARING)**

5. 2155 Black Lake Blvd – Eric Sochocki  
Parcel ID #03-23-27-8240-15-060
6. 557 Lake Cove Pointe Cir – Karen Reilly / Summertime Deck & Dock  
Parcel ID #15-22-27-4430-00-610
7. 610 Business Park Blvd – Douce France Bakery, Inc.  
Parcel ID #24-22-27-8329-00-010
8. 225 N Dillard St – James & Jennifer Dunn  
Parcel ID #14-22-27-2088-00-040

**ADJOURN** to the next regular Planning and Zoning Board meeting on Monday, **December 7, 2015** at **6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, 1<sup>st</sup> floor.



**PLANNING AND ZONING BOARD  
REGULAR MEETING MINUTES  
SEPTEMBER 14, 2015**

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

Chairman Eric Weiss 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. A moment of silence was followed by the Pledge of Allegiance.

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

The roll was called and a quorum was declared present.

**MEMBERS PRESENT:**

Chairman Eric Weiss, Vice-Chairman Will Hawthorne, and Board Members: Mark DeFuso, Heather Gantt, Gerald Jowers, David Kassander, and Mark Maciel

**MEMBERS ABSENT:**

None

**STAFF PRESENT:**

City Attorney Dan Langley, Community Development Director Ed Williams, Community Development Manager Steve Pash, Planner II Kelly Carson, Planner I Jessica Frye, and recording secretary Kathleen Rathel

**3. APPROVAL OF MINUTES**

*Motion by Gerald Jowers to approve the special meeting minutes of August 17, 2015 and seconded by David Kassander. Motion carried unanimously 7 - 0.*

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

**4. N. West Crown Point Road – Latchman property (AZFA)**

Planner II Carson presented a voluntary request for Annexation, Future Land Use designation, and Zoning for a 0.23 +/- acre enclave located at N. West Crown Point Road. The property is situated on the east side of N. West Crown Point Road north of Macy Du Lane and south of E. Fullers Cross Road. The applicant is requesting Annexation, initial Zoning of R-1 and a Future Land Use Designation of Low Density Residential. Staff has reviewed the application and recommends approval of Ordinances 15-61, 15-62, and 15-63 subject to the conditions listed in the Ordinances and Staff Report.

*Motion by Gerald Jowers to recommend approval [for Ordinances 15-61, 15-62 and 15-63] with Staff Recommendations (as provided in the agenda packet) and seconded by David Kassander. Motion carried unanimously 7 - 0.*

**5. 1211 E. Maple Street – Eco Storage (Rezoning - FLU)**

Community Development Director Williams presented a request for Rezoning and Future Land Use amendment of a 6.96 +/- acre property located at 1211 E. Maple Street. The applicant is requesting rezoning from R-4 Residential to I-1 Light Industrial and Warehousing and an amendment to the Future Land Use from Low Density Residential (LR) to Multi Use Development (MUD) to allow a proposed usage as a vehicle storage lot. The property is situated on the north side of E. Maple Street west of Bethune Avenue and south of E. Bay Street. The property is located in an area with a mixture of City and County jurisdiction and contains some wetlands. Most of the adjacent commercial and industrial properties are accessed from Story Road. The City's intent is to keep this area residential as commercial or industrial uses would be incompatible with the surrounding residential and institutional uses. Staff has reviewed the application and recommends denial of Ordinances 15-64 and 15-65 for the reasons outlined in the Staff Report.

General discussion of the applicant's preliminary proposed use, traffic flow, wetlands impact, R-4 uses, paving materials, fencing, and the primarily residential/institutional use of Maple St.

Jason Gage, the applicant, presented information to support his requests. He discussed the rezoning criteria and why his rezoning should be allowed, the Future Land Use Map, Story Road Activity Center, and large buffering between Industrial and Residential.

Board Member Weiss stated these issues should be discussed and worked out with City Staff before it is brought to the Board. Community Development Director Williams discussed the Mixed Use designation guidelines. Board Member Jowers also recommended working this item out with Staff first. Jason Gage agreed to table the item.

*Motion by David Kassander to recommend tabling 1211 E. Maple Street [Ordinances 15-64 and Ordinance 15-65] until Staff determines the request should be brought to the Board and seconded by Mark DeFuso. Motion carried unanimously 7 - 0.*

**SPECIAL EXCEPTION (PUBLIC HEARING)**

**6. 3107 Daniels Road, Suite 102 – Verizon Wireless**

Planner II Carson presented a Special Exception request to allow the installation of two antennas with related telecommunication equipment at 3107 Daniels Road, Suite 102. The two antennas will be surface mounted on the rooftop of an existing Verizon store within the Winter Garden Village at Fowler Groves with a zoning of Planned Commercial Development. The antennas will be visible from ground level but will mostly be obscured from view by the building's parapet walls and existing trees. Staff recommends approval subject to the conditions listed in the Staff Report.

A discussion ensued regarding the height of the parapet walls which varies starting at 3', the visibility of the antennas, and the maximum height condition to be no greater than 10'8".

Board Member Weiss verified that the antennas were strictly for Verizon usage and asked if there was a stipulation that, if the Verizon Store were to close, the antennas would come down. Planner Carson stated there was no condition for removal and these two antennas were replacing existing smaller antennas to improve the Verizon service area.

James Johnston, with Shutts & Bowen, was present on behalf of the applicant. He stated these are small cell antennas to eliminate a dead spot in the Fowler Grove shopping center and were being used instead of installing a tower.

Kerry Burrows, a representative from Verizon, addressed the issue of the antenna's height by stating for every foot away from the edge of the parapet wall the antenna's height had to increase. The antennas were being set back for aesthetic purposes and were not visible from Daniels Road.

A general discussion ensued regarding allowing the antennas and whether precedence was being set for other cell companies. Planner II Carson stated they would be assessed on a case-by-case basis. Also discussed was the visibility and height of the antennas, possible time limits for the antennas, other possible locations, and area coverage.

***Motion by Heather Gantt to recommend approval of the Special Exception for 3107 Daniels Road (with Staff Recommendations as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 7 - 0.***

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

##### **7. 12824 Keddlestone Lane – Danh Tran**

Planner I Frye presented a request for a Variance to the minimum rear yard setback for the property located at 12824 Keddlestone Lane. The applicant is requesting the variance to allow the construction of a solid roof structure in conjunction with a screened pool enclosure. The solid roof structure is proposed at an 11.5' rear yard setback in lieu of the minimum required 20' rear yard setback in the PUD Zone for Fox Crest Subdivision. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

Board Member Jowers inquired about the conditions. Planner I Frye replied the HOA condition was the structure shall be kept behind the footprint of the house and Staff conditions stated nothing could be built within any easement and the room could not be enclosed.

A discussion ensued regarding the HOA approval and if it had a time limit, the location of the drainage easement and water flow.

***Motion by David Kassander to recommend approval of the Variance for 12824 Keddlestone Lane with Staff Recommendations (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 7 - 0.***

#### **ADJOURNMENT**

Chairman Weiss announced that he will be stepping down from the Planning & Zoning Board after the October 5, 2015 meeting as he is moving out of the Winter Garden area.

There being no further business, the meeting was adjourned at 7:54 pm.

**ATTEST:**

**APPROVED:**

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**Customer Service Rep. Kathleen Rathel**

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**Chairman Eric Weiss**

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

**ITEM # 5 (Public Hearing)**

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**DATE:** October 29, 2015                      **MEETING DATE:** November 2, 2015

**SUBJECT:** 2155 Black Lake Boulevard (VARIANCE)  
**PROJECT NAME** Sochocki Dock Variance  
**PARCEL ID#** 03-23-27-8240-15-06

**ISSUE:** The applicant is requesting a Variance to build a dock that exceeds the City's dock length maximum requirement of 100' measured waterward from the normal high water elevation.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Eric Sochocki

**CURRENT ZONING:** PUD (Planned Unit Development)

**PROPOSED ZONING:** N/A

**CURRENT FLU:** LR Low Density Residential

**PROPOSED FLU:** N/A

**SUMMARY:**

The applicant is requesting a Variance for a dock and floating platform structure that is 300 feet in length measured waterward from the normal high water elevation in lieu of the maximum allowed 100 foot length measured waterward from the normal high water elevation. If approved, this variance will allow a dock with a floating platform to be built adjacent to a canal that runs between Black Lake and Lake Tilden.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the variance request with the condition outlined in the Staff Report

**NEXT STEP(S):**

Apply for building permits.

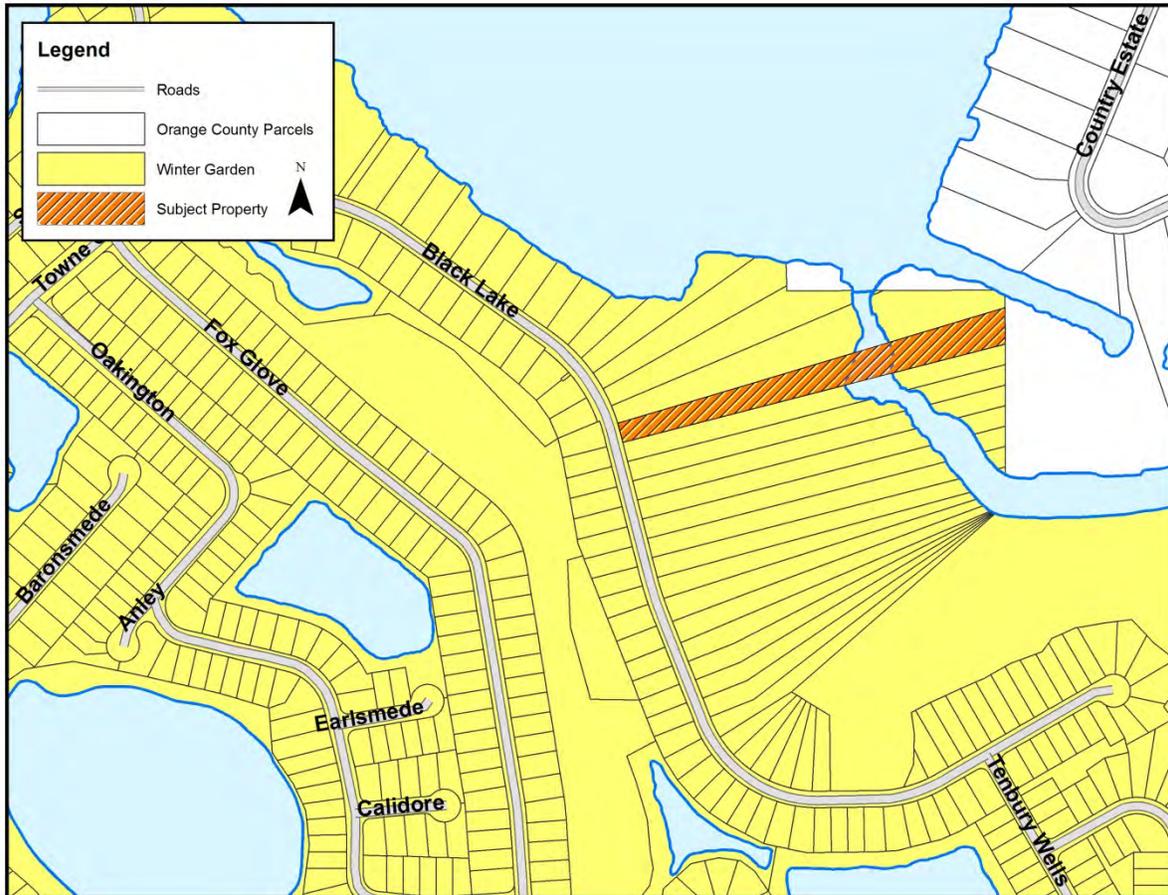
**ATTACHMENT(S):**

Location Map  
Staff Report

# LOCATION MAP

2155 Black Lake Boulevard

## VARIANCE



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

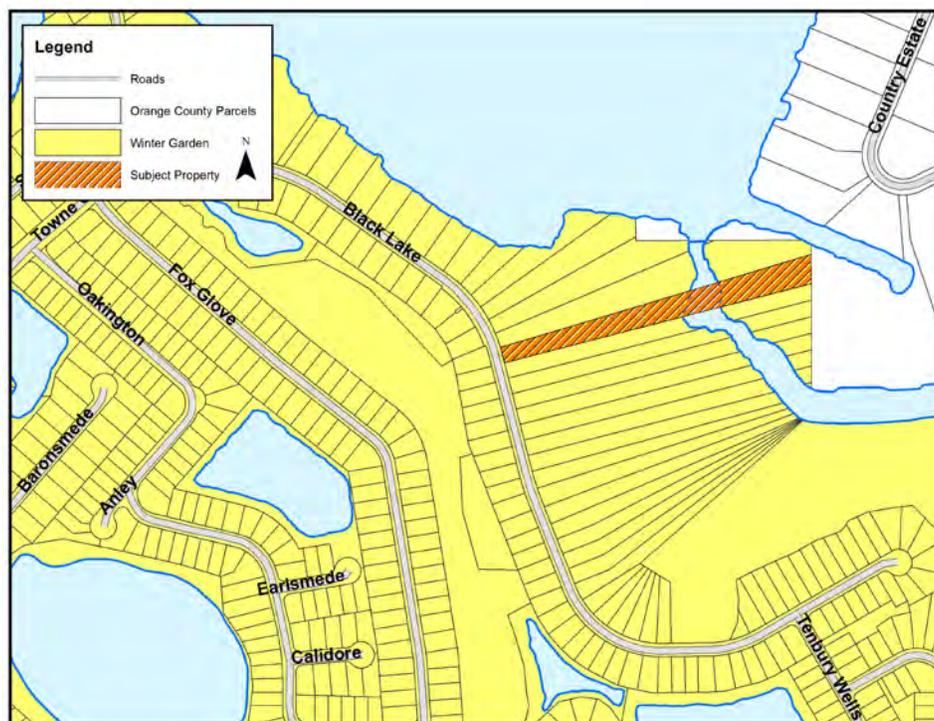
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, PLANNER II  
**DATE:** OCTOBER 29, 2015  
**SUBJECT:** VARIANCE  
**2155 Black Lake Boulevard (2.30 +/- ACRES)**  
**PARCEL ID # 03-23-27-8240-15-06**

**APPLICANT:** Eric Sochocki

### INTRODUCTION

The purpose of this report is to evaluate the request for a dock length variance for property located at 2155 Black Lake Boulevard in Winter Garden, Florida. The request is for a dock that is 300 feet in length measured waterward from the normal high water elevation in lieu of the maximum allowed 100 foot length measured waterward from the normal high water elevation. If approved, this variance will allow a dock with a floating platform to be built adjacent to a canal that runs between Black Lake and Lake Tilden.

The subject property, located on Black Lake Boulevard, is an approximately 2.30 ± acre lot in the Stoneybrook West Unit 7 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 PUD (Planned Unit Development) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

### **EXISTING USE**

The property is currently developed with a single family residence with approximately 3,200 square feet of gross area. In 2014, the applicant received a permit from St. Johns Water Management District and the City to clear existing vegetation within the property's conservation easement area to create an access foot path to the canal. The clearing was performed under the consultation of Jim Thomas from BioSphere, which is a nursery that specializes in native plants and wetland restoration. According to BioSphere, approximately 70-80% of the plants removed to create the path were exotic or invasive species including Chinese Tallow and Primrose Willow.

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

The properties to the north, south, and west of the subject property are all zoned PUD and are located within the Stoneybrook Unit 7 neighborhood, which is within the City of Winter Garden's Municipal limits. All of these properties are developed with single family residences, and the properties to the north and south also include a portion of the canal within their site boundaries. The property to the east of the subject property is an open space tract within the Country Lakes Estates neighborhood. This property contains a tennis court and recreation structure. It is zoned R-CE and is located within Unincorporated Orange County.

### **PROPOSED USE**

The applicant is proposing to construct a dock that is 300' in length, which includes a 12' x 8' floating platform to be located at the dock terminus at the edge of the canal but not restrict the canal's navigability. The raised walkway portion of the dock is proposed to be 3' wide and will span over the previously-cleared footpath through the conservation area. The applicant intends to reach a water depth suitable for using a small fishing boat on the canal.

### **CODE REFERENCE**

**Sec. 118-1323(d)(2)ii** of the City Code of Ordinances addresses maximum dock lengths measured waterward of the normal high water elevation (NHWE) for city properties. This section states, *"The length and configuration of docks or seawalls and other shoreline improvements shall be designed to assure that the applicant's reasonable use of such improvements will not unreasonably interfere with the riparian or littoral rights of other persons and property owners to use and access the lake. The length of a boat dock, seawall, or other shoreline improvement must be measured from the normal high water elevation on the shoreline as established in relation to a fixed landmark, object or permanent structure on the lot. Consideration will be given to the length and configuration of other existing docks, seawalls, and improvements abutting the lake or waterway and any other applicable policies or restrictions established by the city or state. No work shall be performed in easement areas established to provide for ingress, egress, drainage, or utilities. Under no circumstances shall a permit for the construction of a dock or seawall be utilized to construct any structures or facilities intended for residential habitation. No dock, seawall, or other shoreline improvement may exceed a length of 100 feet when measured waterward from the normal high water elevation."*

The applicant is seeking a variance to the maximum 100' dock length measured waterward from the normal high water elevation in order to allow the construction of a dock with floating platform that is 300' in length measured waterward from the normal high water elevation, which exceeds the regulations stipulated by City code.

### **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 300' length dock and floating platform measured waterward from the normal high water elevation should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The applicants have an unusually-configured property. Building a dock that is only 100' measured waterward from the normal high water elevation on this property would result in a structure that does not reach the water's edge; the dock and platform would still be around 200' from the canal in 0-12" of water. By allowing the dock to be 300' in length waterward from the normal high water elevation, the dock will reach a depth suitable for using a small fishing boat (in 4'-5' of water). The dock will be located on the edge of the canal and will not impede the channel's navigability. This project will not negatively impact the standard of living of the citizens of the City.

- (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 300' length dock and floating platform measured waterward from the normal high water elevation in lieu of the maximum permitted 100' dock length measured waterward of the normal high water elevation will allow reasonable use of the property. Furthermore, granting this variance will not change the low density 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 exceed the maximum permitted dock square footage, does not encroach into the required dock setbacks from adjacent properties, and meets all other development regulations of the property's PUD zoning as well as the City code section on shoreline improvements.

- (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 as well as wetland protection and conservation goals.

(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 dock will not negatively impact the neighbors. Docks that exceed the 100' length past the normal high water elevation have been constructed on other properties in the City. Denying this variance does not benefit the property owner or the City.

### **SUMMARY**

City Staff recommends approval of a variance to Section 118-1323(d)(2)ii to allow the construction of a dock and floating platform that is 300 feet in length measured waterward from the normal high water elevation in lieu of the maximum allowed 100 foot length measured waterward from the normal high water elevation at 2155 Black Lake Boulevard with the following condition:

1. The floating platform is not permitted to be located within the canal and no structures may block the navigability of the waterway.

### **NEXT STEP**

Follow all City regulations and apply for all outstanding City approvals.

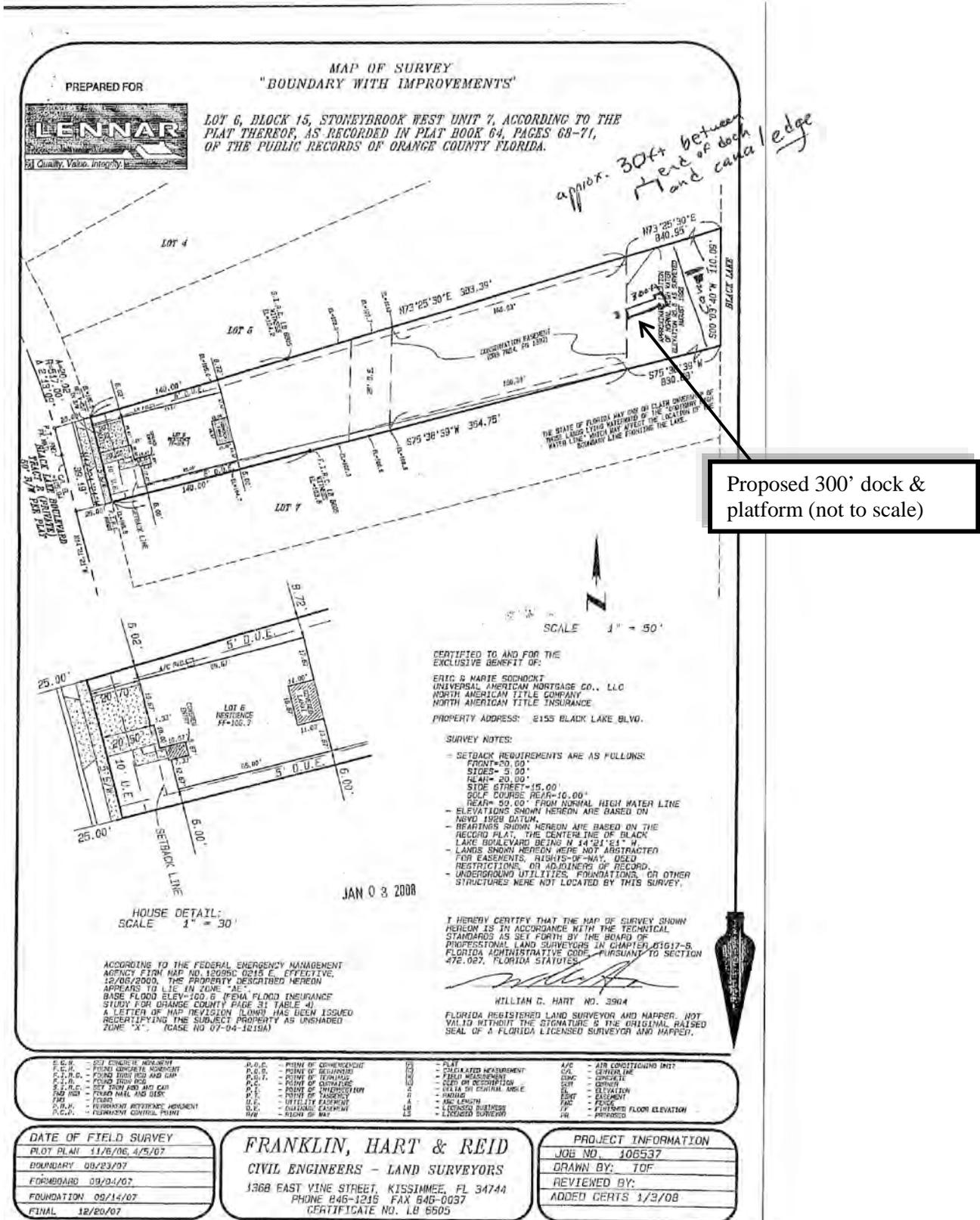
### **ATTACHMENTS**

- Aerial Photo
- Site Plan
- Site Photos
- Letter from BioSphere Nursery

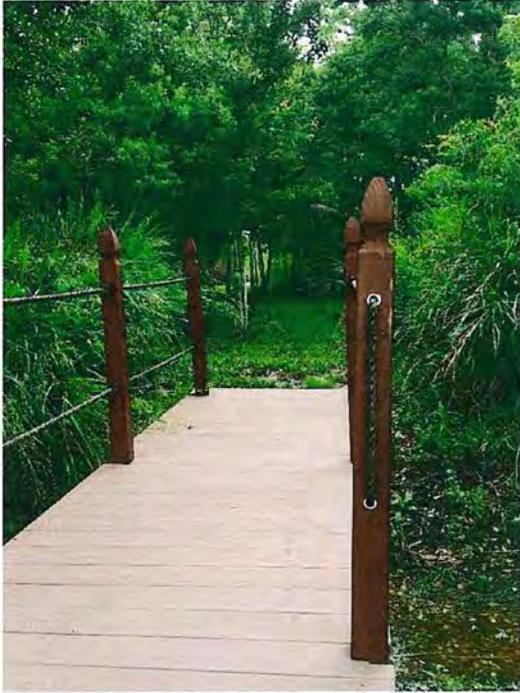
**AERIAL PHOTO**  
**2155 Black Lake Boulevard**



**PROPOSED SITE PLAN**  
**2155 Black Lake Boulevard**



**SITE PHOTOS**  
**2155 Black Lake Boulevard**



The entrance to the conservation from my backyard. This bridge was permitted and cleared through City of WG.



Follow my kids down the trail. You can see I left most trees and ground cover has already grown.



You can see the beneficial ferns already growing, where there were none before. See the water encroaching in the background?



This was a clear path, all the way to the trees in the distance (see arrow).

P.



# Biosphere

14908 Tilden Road • Winter Garden, Florida 34787  
(407) 656-8277 • Fax: (407) 656-2889  
[www.BiosphereNursery.com](http://www.BiosphereNursery.com)

June 1, 2015

Mr. Steve Pash  
City of Winter Garden  
300 W. Plant Street  
Winter Garden, FL 34787

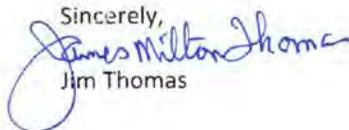
Mr. Pash

This is to verify that I have reviewed plans for a dock on the property of Eric Sochocki at 2155 Black Lake Boulevard in Stoney Brook West. I had consulted with Mr. Sochocki before any work was done and he received approval from Winter Garden and from St. Johns River Water Management.

Work on site consisted of clearing a path through a densely vegetated conservation area to reach the lakefront. 70-80% of the vegetation consisted of exotic species, mostly Chinese Tallow trees (*Sapium sebiferum*) and primrose willow (*Ludwigia peruviana*). Approximately 50% of the conservation area floods with heavy rains due to the small restricted-outfall from Black Lake. Mr. Sochocki now plans to construct a raised boardwalk to the lakefront attached to a floating dock. The boardwalk will be 4' wide and raised to at least 12 inches.

In my opinion, the proposed construction will not cause any erosion, turbidity or disruption of wildlife. The requirement for clearing was the killing of a number of mature tallow trees and removal of existing primrose willow, allowing for more dense growths of red maple (*Acer rubrum*) found on site. Removal of this exotic vegetation has allowed for establishment of several species of native ferns and continued management is planned.

Please feel free to contact me if you have concerns or questions about this project. Thank you for your help.

Sincerely,  
  
Jim Thomas

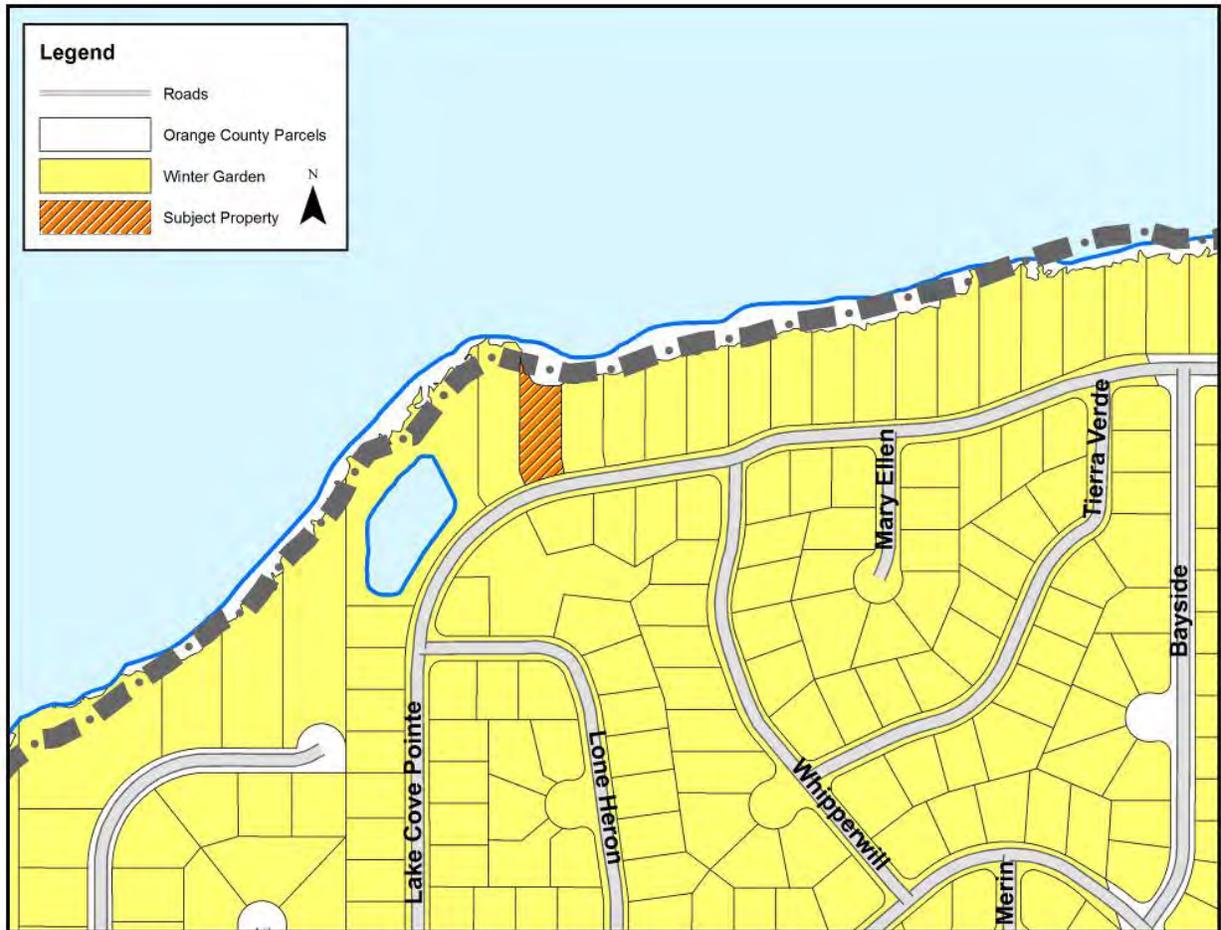
**END OF STAFF REPORT**



# LOCATION MAP

557 Lake Cove Pointe Circle

## 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 29, 2015  
**SUBJECT:** VARIANCE  
**557 Lake Cove Pointe Circle (0.39 +/- ACRES)**  
**PARCEL ID # 15-22-27-4430-00-610**

**APPLICANT:** Karen Reilly

### INTRODUCTION

The purpose of this report is to evaluate the request for a dock length variance for property located at 557 Lake Cove Pointe Circle in Winter Garden, Florida. The request is for a dock that is 130 feet in length measured waterward from the normal high water elevation in lieu of the maximum allowed 100 foot length measured waterward from the normal high water elevation. If approved, this variance will allow a dock to be built on Lake Apopka.

The subject property, located on Lake Cove Pointe Circle, is an approximately 0.39 ± acre lot in the Lake Cove Pointe Phase 2 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 property is currently developed with a single family residence with approximately 4,200 square feet of gross area.

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

The properties to the east, west, and south of the subject property are all zoned R-1 and are located within the Lake Cove Pointe Phase 2 neighborhood, which is within the City of Winter Garden's Municipal limits. All of these properties are developed with single family residences, and the properties to the east and west are also located adjacent to Lake Apopka. North of the subject property is Lake Apopka, which is considered sovereign submerged land within the State of Florida.

### **PROPOSED USE**

The applicant is proposing to construct a dock that is 130' in length, which includes an elevated covered platform and boat slip to be located at the dock terminus. The raised walkway portion of the dock is proposed to be ~4' wide and will begin within the conservation area on the property. The applicant intends to reach a water depth suitable for boating on Lake Apopka.

### **CODE REFERENCE**

**Sec. 118-1323(d)(2)ii** of the City Code of Ordinances addresses maximum dock lengths measured waterward of the normal high water elevation (NHWE) for city properties. This section states, *"The length and configuration of docks or seawalls and other shoreline improvements shall be designed to assure that the applicant's reasonable use of such improvements will not unreasonably interfere with the riparian or littoral rights of other persons and property owners to use and access the lake. The length of a boat dock, seawall, or other shoreline improvement must be measured from the normal high water elevation on the shoreline as established in relation to a fixed landmark, object or permanent structure on the lot. Consideration will be given to the length and configuration of other existing docks, seawalls, and improvements abutting the lake or waterway and any other applicable policies or restrictions established by the city or state. No work shall be performed in easement areas established to provide for ingress, egress, drainage, or utilities. Under no circumstances shall a permit for the construction of a dock or seawall be utilized to construct any structures or facilities intended for residential habitation. **No dock, seawall, or other shoreline improvement may exceed a length of 100 feet when measured waterward from the normal high water elevation.**"*

The applicant is seeking a variance to the maximum 100' dock length measured waterward from the normal high water elevation in order to allow the construction of a dock that is 130' in length measured waterward from the normal high water elevation, which exceeds the regulations stipulated by City code.

## 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 130’ length dock and floating platform measured waterward from the normal high water elevation should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. Due to the constraints of the property, 130’ is the shortest length needed for the dock platform to be in an adequate depth of water for a boat to navigate to and from the dock (approximately 4’-5’). This project will not negatively impact the standard of living of the citizens of the City.

- (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 130’ length dock measured waterward from the normal high water elevation in lieu of the maximum permitted 100’ dock length measured waterward of the normal high water elevation will allow reasonable use of the property. Furthermore, granting this variance will not change the low density 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 exceed the maximum permitted dock square footage, does not encroach into the required dock setbacks from adjacent properties, and meets all other development regulations of the property’s R-1 zoning as well as the City code section on shoreline improvements.

- (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 as well as wetland protection and conservation goals.

- (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 dock will not negatively impact the neighbors. Docks that exceed the 100’

length past the normal high water elevation have been constructed on properties throughout the City. Denying this variance does not benefit the property owner or the City.

### **SUMMARY**

City Staff recommends approval of a variance to Section 118-1323(d)(2)ii to allow the construction of a dock that is 130 feet in length measured waterward from the normal high water elevation in lieu of the maximum allowed 100 foot length measured waterward from the normal high water elevation at 557 Lake Cove Pointe Circle.

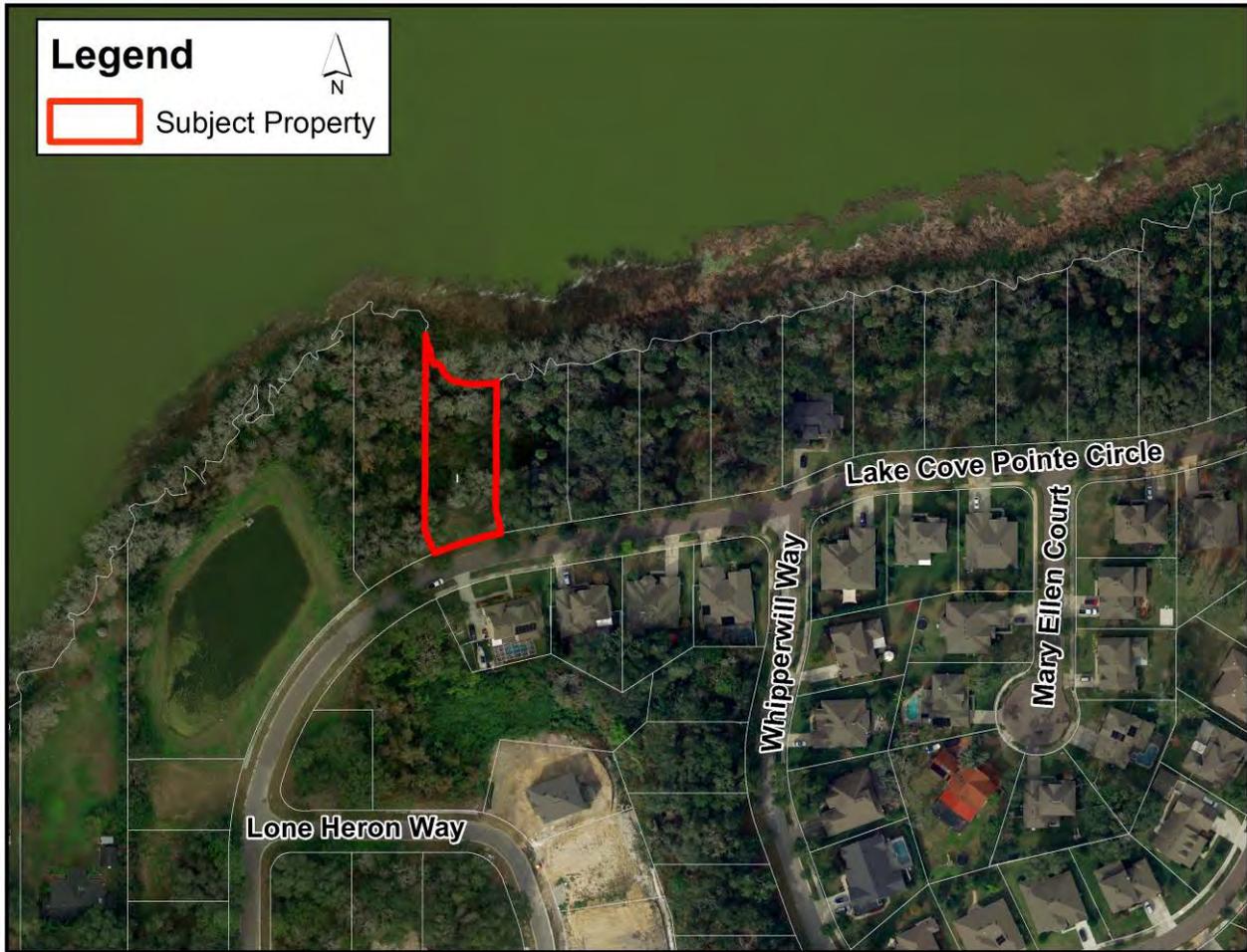
### **NEXT STEP**

Follow all City regulations and apply for all outstanding City approvals.

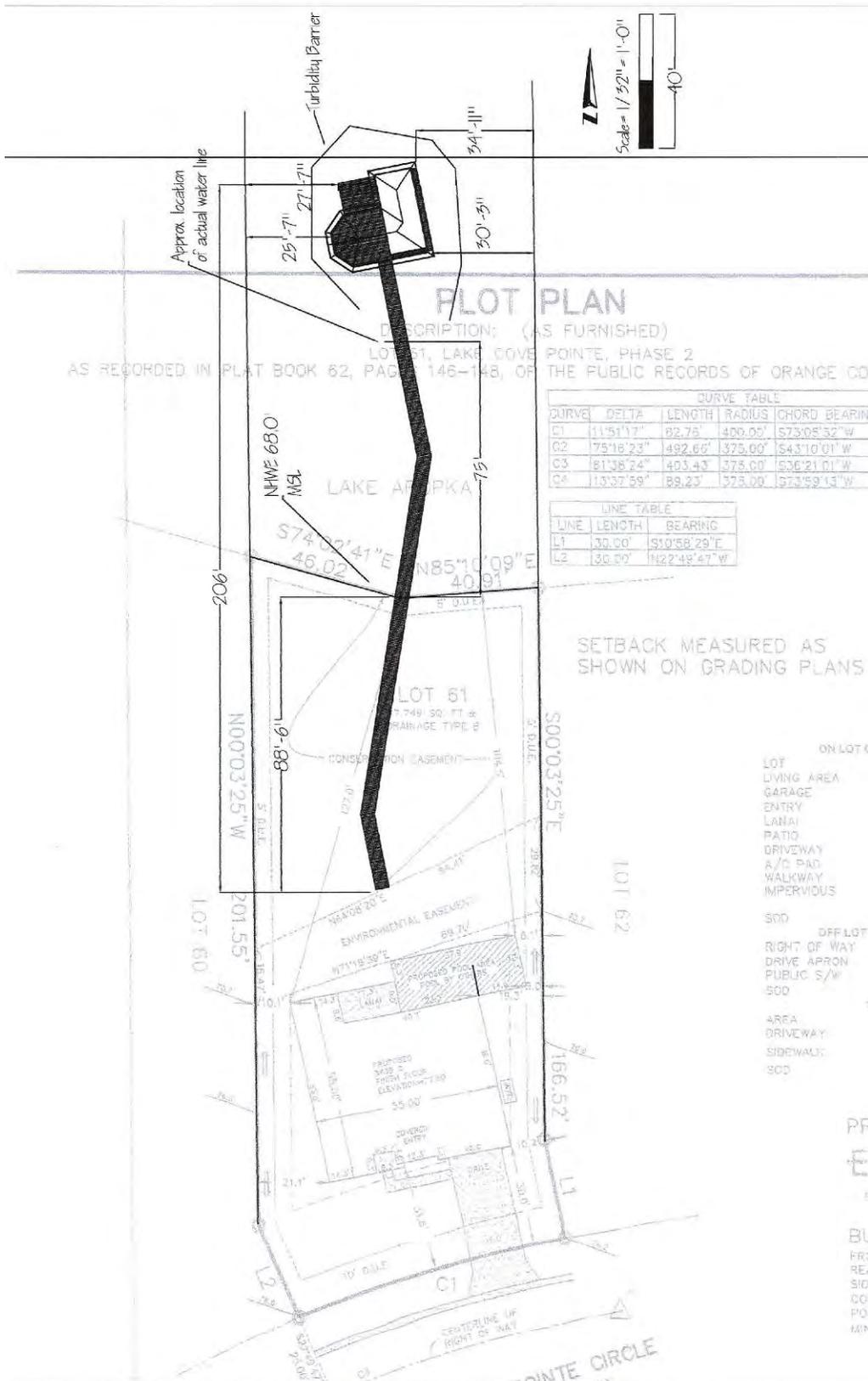
### **ATTACHMENTS**

- Aerial Photo
- Site Plan
- Site Photos

**AERIAL PHOTO**  
**557 Lake Cove Pointe Circle**



**PROPOSED SITE PLAN**  
**557 Lake Cove Pointe Circle**



**SITE PHOTOS**  
**557 Lake Cove Pointe Circle**





**END OF STAFF REPORT**

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

**ITEM # 7 (Public Hearing)**

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**DATE:** October 29, 2015                      **MEETING DATE:** November 2, 2015

**SUBJECT:** 610 Business Park Boulevard (VARIANCE)  
**PROJECT NAME** Douce France Bakery, Inc.  
**PARCEL ID#** 24-22-27-8329-00-010

**ISSUE:** The applicant is requesting a Variance to the minimum required side yard setback of 25 feet to allow construction of a new accessory building at a 10 foot side yard setback for the property located at 610 Business Park Boulevard.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Douce France Bakery, Inc.

**CURRENT ZONING:** I-1 Light Industrial and Warehousing District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Multi Office Industrial (MOI)

**PROPOSED FLU:** N/A

**SUMMARY:**

The applicant is requesting a variance to the minimum required 25 foot side yard setback to allow construction of a new accessory structure located at a 10 foot side yard setback.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the variance, subject to the conditions of the staff report.

**NEXT STEP(S):**

Apply for building permits.

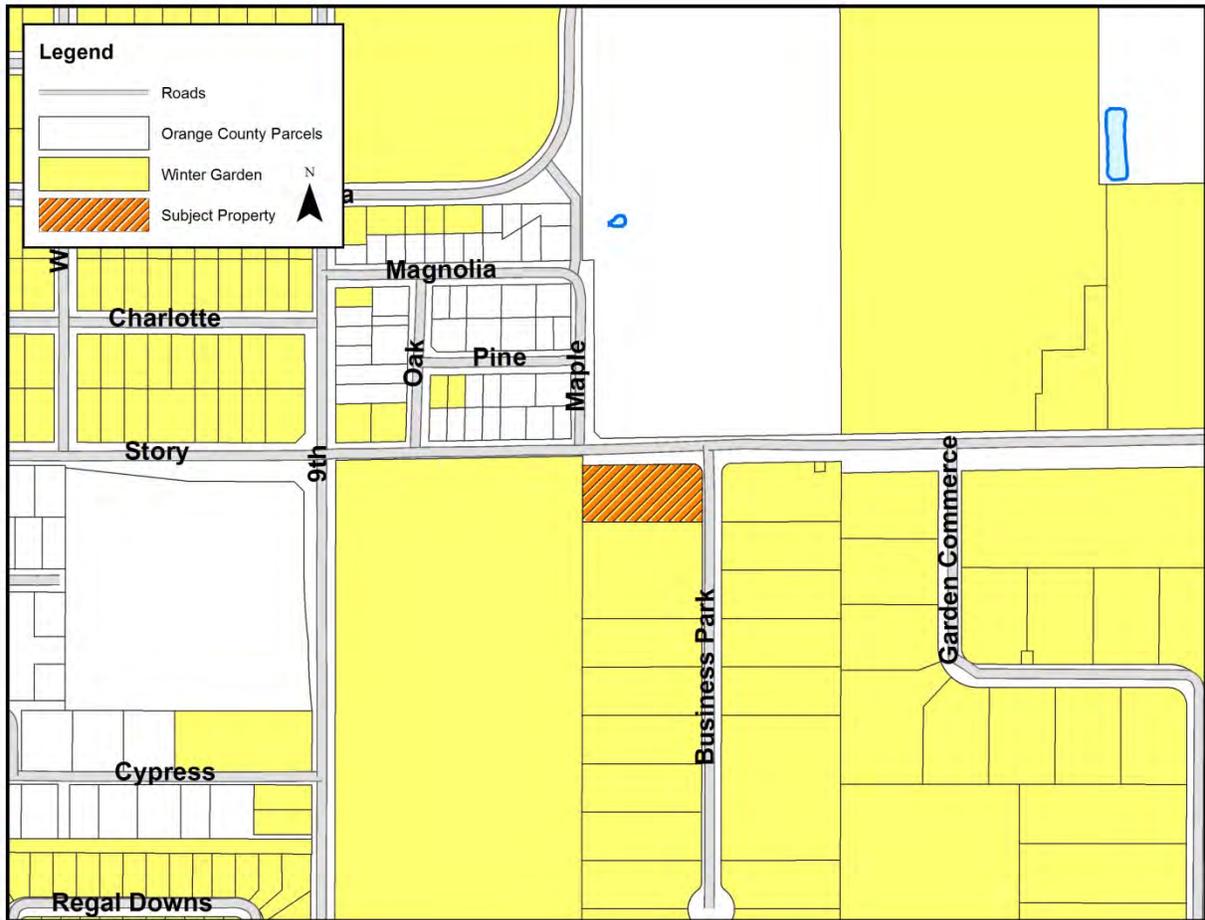
**ATTACHMENT(S):**

Location Map  
Staff Report

# LOCATION MAP

610 Business Park Blvd.

## 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 2, 2015  
**SUBJECT:** VARIANCE  
**610 Business Park Boulevard 1.05+/- ACRES)**  
**PARCEL ID # 24-22-27-8329-00-010**

**APPLICANT:** Douce France Bakery, Inc.

### INTRODUCTION

The purpose of this report is to evaluate the request for a variance to the minimum required side yard setback for property located at 610 Business Park Boulevard in Winter Garden, Florida. The request is to allow construction of a new 675 square foot addition to the building (walk-in cooler) at a 10 foot side yard setback in lieu of the minimum required side yard setback of 25 feet. If approved, this variance will allow the structure to be built at a 10 foot side yard setback.

The subject property, located at 610 Business Park Boulevard is an approximately 1.05 ± acre lot in the Story Road Business Park. 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-1 (Light Industrial and Warehousing District) and is designated MOI (Multi Office Industrial Development) on the Future Land Use Map of the City's Comprehensive Plan.

### **EXISTING USE**

The subject property is currently developed with a +/- 12,454 square foot building that contains a bakery with a small retail area.

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

The property to the north is developed as a vocational school (Westside Tech.), located in unincorporated Orange County, and zoned R-2 (Residential District). The property to the east of the subject property is vacant, zoned I-1 (Light Industrial and Warehousing District), and located in Winter Garden. The property to the south is developed with a +/- 20,000 square foot warehouse, zoned I-1 (Light Industrial and Warehousing District), and located in Winter Garden. The property to the west is vacant commercial land, zoned C-2 (Arterial Commercial District), and located in Winter Garden.

### **PROPOSED USE**

The applicant has been operating the bakery at this site since 2008, where they employ 42 people and has continued to grow. In order to meet the demand, they need to expand their building by moving their existing cooler from inside the building to an addition on the south side of the building so they can expand the bakery space. They are proposing to build a 15 foot by 45 foot (675 square foot) addition to the building at a 10 foot side yard setback.

### **CODE REFERENCE**

**Sec. 118-732 (4)** of the City Code of Ordinances addresses minimum side yard setbacks for properties that are zoned I-1. This section states in part that the minimum required side yard setback for interior lots shall be 25 feet.

The applicant is seeking a variance to the minimum required side yard setback to allow construction of an addition to the building (walk-in cooler) at a 10 foot side 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;*  
Allowing a 10 foot side yard setback should not negatively impact or interfere with the

reasonable enjoyment of adjacent or nearby property owners. The proposed building is consistent with the existing parking lot, which will allow adequate space to grade the property, and the property owner directly adjacent to the proposed building has submitted a letter of support for the variance.

- (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 10 foot side yard setback in lieu of the minimum required 25 foot setback will allow reasonable use of the property. There is still room for the drainage of the property to function and the neighboring property owner supports the request.

- (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 location will not negatively impact the neighbors and is consistent with the surrounding development. Denying this variance does not benefit the property owner or the City.

## **SUMMARY**

City Staff recommends approval of a variance to Section 118-732(4) to allow construction of an addition to the building located at a side yard setback of 10 feet, with the following conditions:

1. Submit for Site Plan Review, so the plans can be reviewed by the Development Review Committee.
2. All sign code regulations in Chapter 102 of the City Code shall be followed.

## **NEXT STEP**

Apply for the appropriate Building Permits.

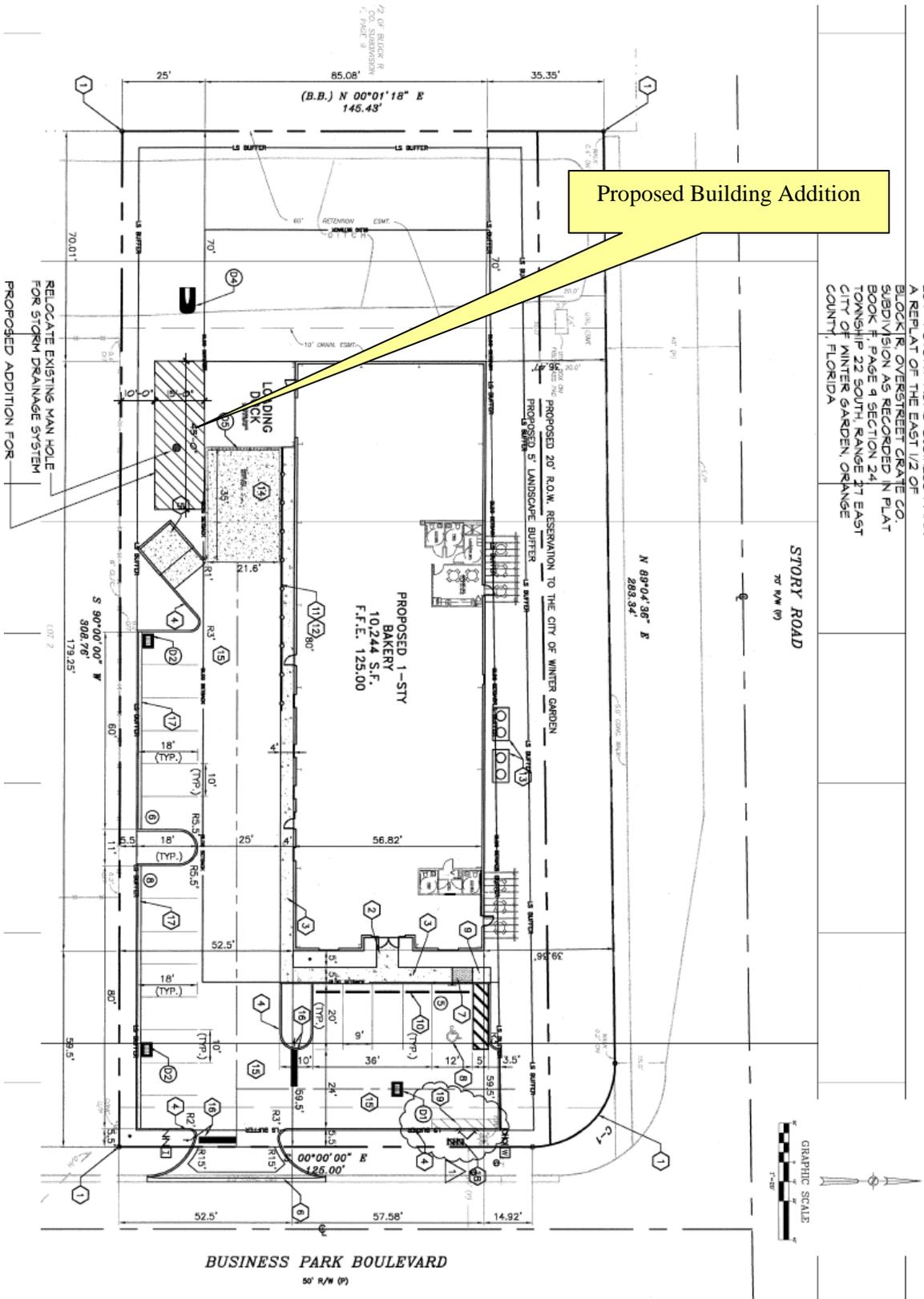
**ATTACHMENTS**

- Aerial Photo
- Survey (Site Plan)
- Building Elevations
- Site Photos
- Letter of support from neighbor

**AERIAL PHOTO**  
**610 Business Park Boulevard**



**SITE PLAN**  
**610 Business Park Boulevard**



A REPEAT OF THE EAST 1/2 OF  
 BLOCK R OVERSTREET GRATE CO.  
 SUBDIVISION AS RECORDED IN PLAT  
 BOOK # PAGE 4 SECTION 24  
 TOWNSHIP 22 SOUTH RANGE 17 EAST  
 CITY OF WINTER GARDEN, ORANGE  
 COUNTY, FLORIDA

STORY ROAD  
 70' R/W (P)

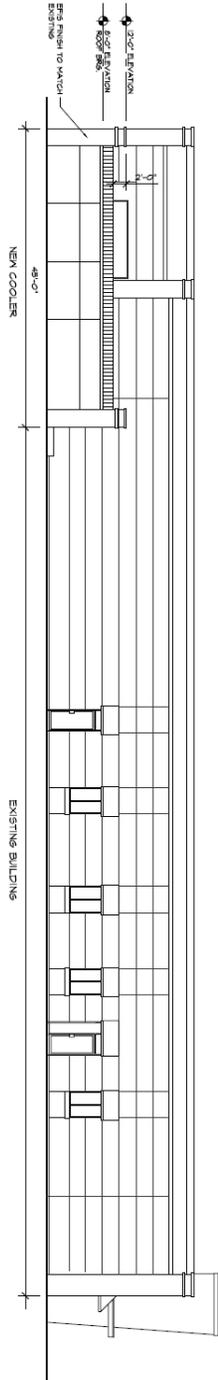
GRAPHIC SCALE  
 1" = 100'

BUSINESS PARK BOULEVARD  
 50' R/W (P)

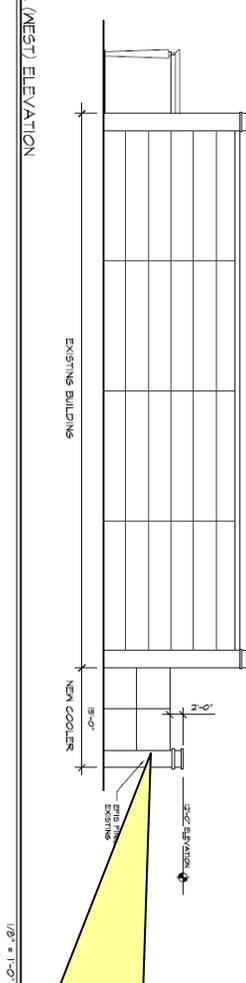
**BUILDING ELEVATIONS**

**610 Business Park Boulevard**

LEFT SIDE (SOUTH) ELEVATION

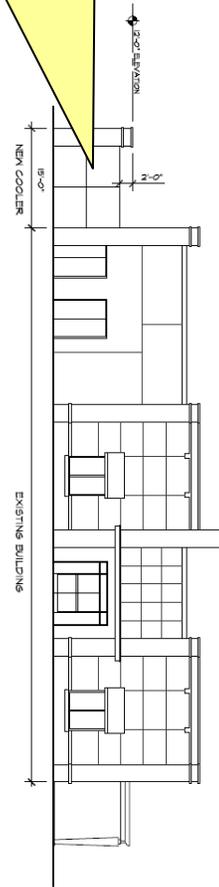


REAR (WEST) ELEVATION



Proposed addition - materials to match existing elevations.

RT (EAST) ELEVATION



Proposed addition - materials to match existing elevation.

**SITE PHOTOS**  
**610 Business Park Boulevard**

**Subject property**



**Proposed addition will be on left side of brown building**



**SITE PHOTOS**  
**610 Business Park Boulevard**

**Looking south – addition on left side of building**



**Proposed addition behind dumpster enclosure**



**END OF STAFF REPORT**



Teak Isle Mfg., Inc.

October 14, 2015

To whom it may concern,

This note is in regards to the proposed Variance requested by Sophie Sacagiu at 610 Business Park Blvd and their request to install an enclosed freezer. After reviewing this plan it is clear that this will cause no issue or hindrance to our business at 628 Business Park Blvd and I have no issue with this proposed Variance. If you have any questions or need further clarification please feel free to contact me at the number below.

Sincerely,

David Brown  
628 Business Park Blvd.  
Winter Garden  
407-656-8885  
BBI PROPERTIES LLC

Business Park Boulevard - 610  
**DOUCE FRANCE BAKERY**  
**VARIANCE - 10/15/15**  
o & c: Douce France Bakery, Inc/S.I.R.N.  
24-22-27-8329-00-010

**Planning & Zoning**

**OCT 15 2015**

**Project # \_\_\_\_\_**

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

**ITEM # 8 (Public Hearing)**

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**DATE:** October 27, 2015                      **MEETING DATE:** November 2, 2015

**SUBJECT:** 225 N. Dillard Street (VARIANCE)  
**PROJECT NAME** Dunn Property  
**PARCEL ID#** 14-22-27-2088-00-040

**ISSUE:** The applicant is requesting a Variance for the property located at 225 North Dillard Street to allow construction of a new home with an open air porch located at a 23 foot front yard setback in lieu of the minimum required front yard setback of 30 feet.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** James & Jennifer Dunn

**CURRENT ZONING:** R-2 Residential District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Low Density Residential

**PROPOSED FLU:** N/A

**SUMMARY:**

The applicant is requesting a variance to the 30 foot minimum required front yard setback to allow construction of a new house with an open air front porch located at a 23 foot front yard setback.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the variance, subject to the conditions of the staff report.

**NEXT STEP(S):**

Apply for building permits.

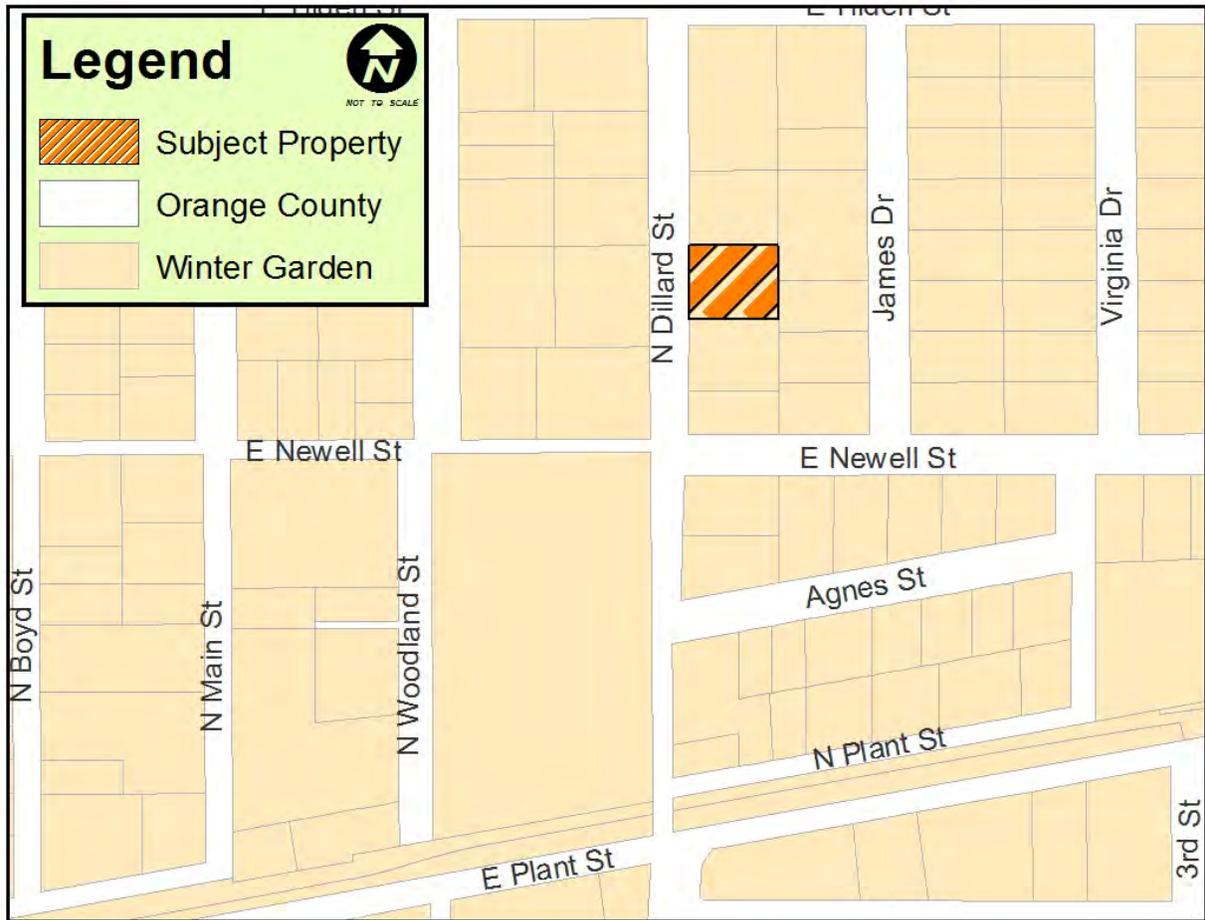
**ATTACHMENT(S):**

Location Map  
Staff Report

# LOCATION MAP

225 N. Dillard 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:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
**DATE:** OCTOBER 25, 2015  
**SUBJECT:** VARIANCE  
**225 North Dillard Street (0.33 +/- ACRES)**  
**PARCEL ID # 14-22-27-2088-00-040**

**APPLICANT:** Jimmy Dunn

### INTRODUCTION

The purpose of this report is to evaluate the request for a front yard setback variance for property located at 225 North Dillard Street in Winter Garden, Florida. The request is for a 23' front yard setback in lieu of the minimum required 30' front yard setback. If approved, this variance will allow the construction of a single-family residence with a covered front porch on the property.

The subject property, located on North Dillard Street, is an approximately 0.33 ± acre lot in the J L Dillard 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-2 (Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

### **EXISTING USE**

The subject property is currently vacant. The applicant is still in the design phase and has not yet applied for building permits for the proposed house.

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

All of the properties adjacent to the subject property are zoned R-2 and are within the City of Winter Garden Municipal limits. The properties to the north, south, east and west are developed with single family residential houses.

### **PROPOSED USE**

The applicant is proposing to build a new two-story single-family home on the property. The building will have approximately 3,433 sf of living area and a 794 sf garage. The site will also feature a two story covered front porch and concrete driveway. The proposed development is being designed to protect an existing 55" Live Oak tree.

### **CODE REFERENCE**

**Sec. 118-398(1)** of the City Code of Ordinances addresses minimum yard requirements for structures built on R-2 zoned properties. This section states that in the R-2 residential district, the minimum yard requirements are, "*Single-family and two-family: Front: 30 feet, Side: ten feet, Rear: 20 percent the depth of the lot.*"

The applicant is seeking a front yard setback variance in order to allow the construction of a covered front porch 23' from the front property line (3' of the variance is the stairs), in lieu of the minimum 30' front yard setback required by code.

### **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 single family residence with a covered front porch located 23' from the front property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. All of the adjacent properties (within this block) on the east side of North Dillard Street have similar front yard setbacks with structures that exceed the 30' minimum allowed by R-2 zoning. In addition, there is 17 feet of grass right-of-way in front of this property.

(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 23' front yard setback in lieu of the minimum required 30' front yard setback to construct a covered front porch will allow reasonable use of the property. As stated previously, all of the homes on the east side of North Dillard Street (within this block) have similar setbacks and a large right-of-way. Furthermore, granting this variance will not change the low density 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 for R-2 zoned properties (50%), and meets all other 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 single family residence will not negatively impact the neighbors and is consistent with side 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 Section 118-398(1) to allow a 23' front yard setback in lieu of the minimum required 30' front yard setback to permit the construction of the proposed single family residence with a covered front porch.

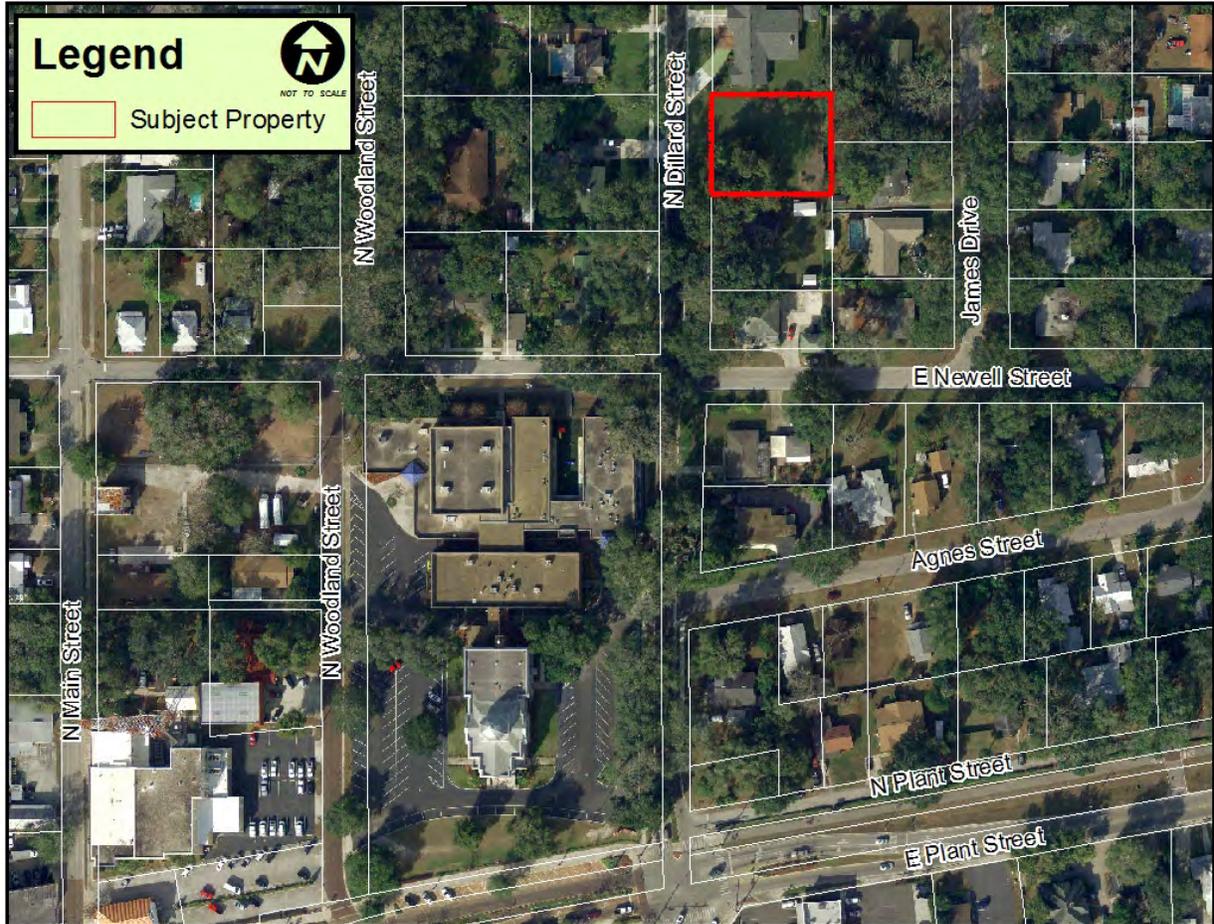
## **NEXT STEP**

Follow all City regulations and apply for building permits.

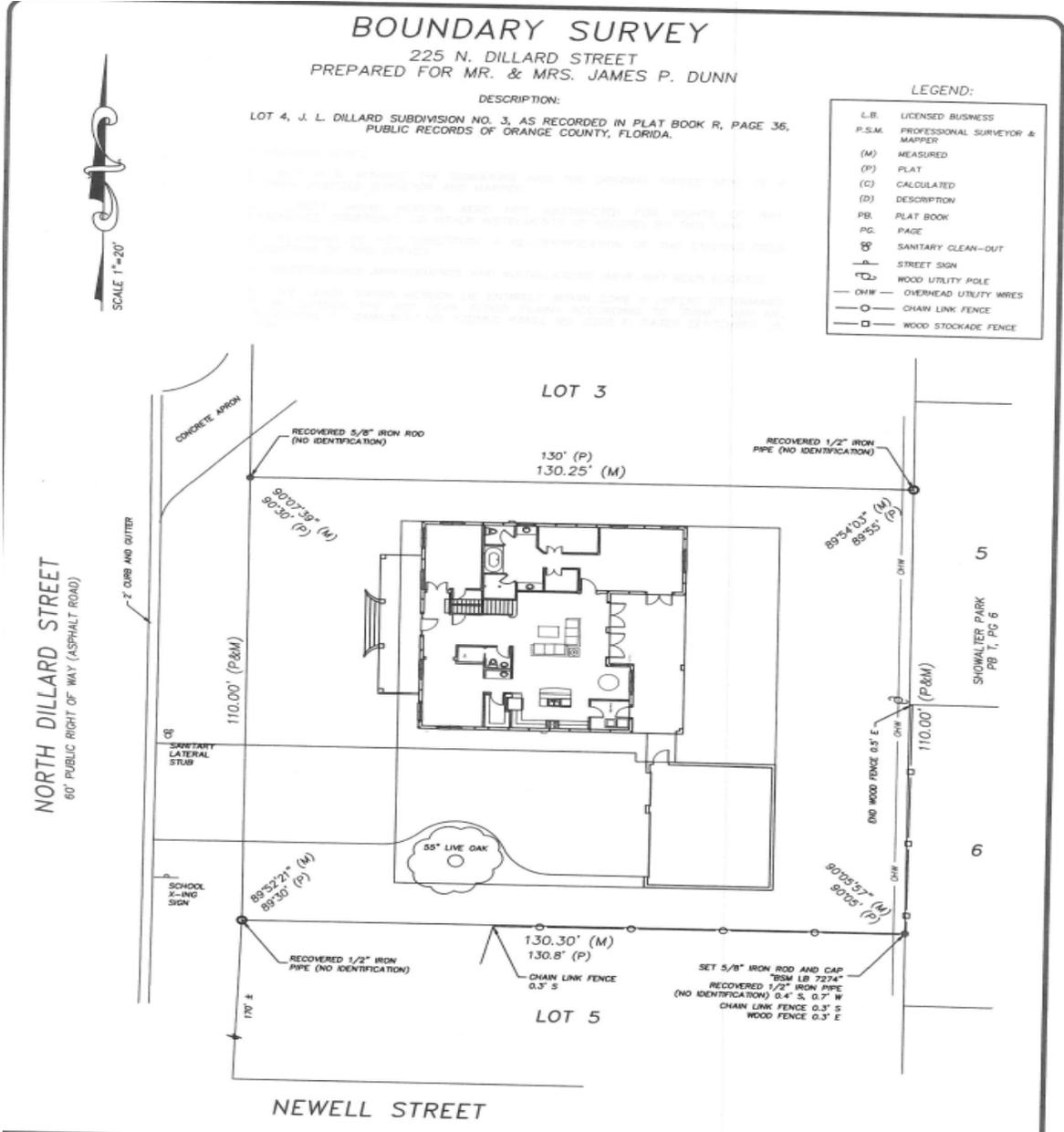
## **ATTACHMENTS**

- Aerial Photo
- Proposed Site Plan
- Proposed Elevations
- Site Photos

**AERIAL PHOTO**  
**225 North Dillard Street**



**PROPOSED SITE PLAN**  
**225 North Dillard Street**



**PROPOSED ELEVATIONS**  
**225 North Dillard Street**



**FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



**REAR ELEVATION**  
SCALE: 1/4" = 1'-0"





**LEFT ELEVATION**  
SCALE: 1/4" = 1'-0"



**RIGHT ELEVATION**  
SCALE: 1/4" = 1'-0"

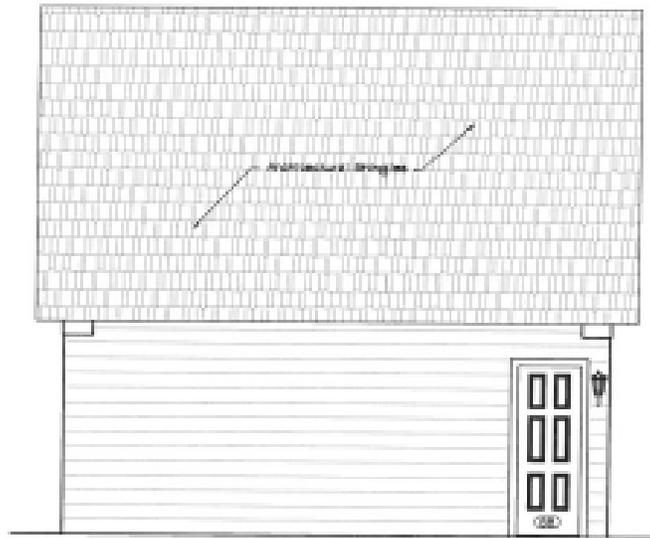
11/10/15 10:00 AM



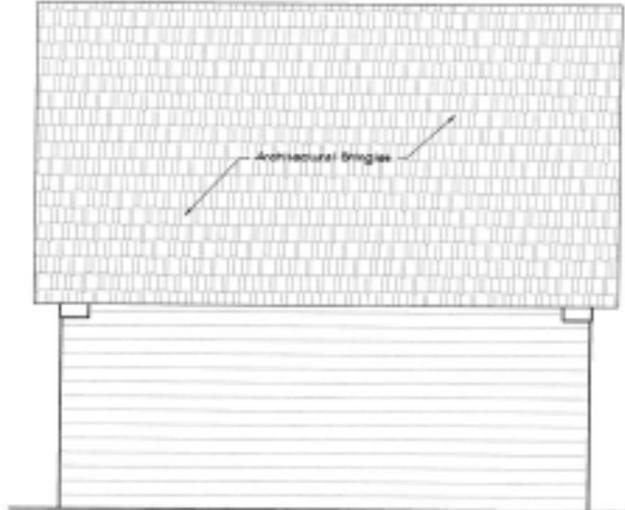
**GARAGE FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



**GARAGE REAR ELEVATION**  
SCALE: 1/4" = 1'-0"



**GARAGE LEFT ELEVATION**  
SCALE: 1/4" = 1'-0"



**GARAGE RIGHT ELEVATION**  
SCALE: 1/4" = 1'-0"

**SITE PHOTOS**  
**225 North Dillard Street – Subject Property**



**SUBJECT PROPERTY**



**SITE PHOTOS**  
**Property to the north of subject property**



**Property to the south of subject property**



**SITE PHOTOS**  
**Properties across the street from subject property**



**END OF STAFF REPORT**