



**For More Information, Contact:**

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**PLANNING & ZONING BOARD AGENDA**

To: Will Hawthorne – Chairman  
David Kassander – Vice Chairman  
Mark DeFuso  
Heather Gantt  
Gerald Jowers  
Chris Lee  
Mark Maciel

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

RE: Agenda – **January 4, 2016 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 DECEMBER 7, 2015 MEETING**

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

4. 1401 W. Plant Street (Christopher & Caitlin Gonzales) **REZONING**  
Parcel ID #22-22-27-0000-00-022

**VARIANCE (PUBLIC HEARING)**

5. 714 Parkmont Place (Indramattie & Hemdat Sawh/Ryan Homes)  
Parcel ID #13-22-27-1793-00-900
6. 12105 W. Colonial Drive (Baer's Furniture/McNeill Signs, Inc)  
Parcel ID #24-22-27-0000-00-011

**VARIANCE EXTENSION**

7. 224 S. Boyd Street (Tory Parish)  
Parcel ID #23-22-27-8096-00-110

**ADJOURN** to the next regular Planning and Zoning Board meeting on Monday, **February 1, 2016 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  
DECEMBER 7, 2015**

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

Chairman Will Hawthorne 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 Will Hawthorne, Vice-Chairman David Kassander, and Board Members: Heather Gantt, Gerald Jowers, Chris Lee, and Mark Maciel

**MEMBERS ABSENT:**

Mark DeFuso (excused)

**STAFF PRESENT:**

City Attorney Kurt Ardaman, 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 regular meeting minutes of November 2, 2015 and seconded by David Kassander. Motion carried unanimously 6 - 0.*

**4. PRESENTATION BY THE CITY ATTORNEY**

City Attorney Kurt Ardaman made a presentation to the Planning & Zoning Board on the requirements that apply to appointed public officials. Mr. Ardaman discussed their Powers and Duties, Quasi-judicial decisions, Ex-parte communications, Citation of legal authority upon denial, Decision standards for approvals, Sunshine Law, and Voting conflicts.

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

**5. 873 Magnolia Street – Walker Bros. Millworks**

Planner Carson presented a voluntary request for Annexation, Future Land Use amendment, and Zoning for a 0.17 +/- acre enclave located at 873 Magnolia Street. The property is located on the north side of Magnolia Street, west of Gillard Avenue, and east of Beulah Road. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of

the City's Comprehensive Plan to designate the property as Commercial, and Zoning of C-2. Staff has reviewed and recommends approval of Ordinances 16-11, 16-12 and 16-13.

*Motion by David Kassander to recommend approval of Ordinances 16-11, 16-12, and 16-13 with Staff Recommendations (as provided in the agenda packet) and seconded by Gerald Jowers. Motion carried unanimously 6 - 0.*

**6. 882 Magnolia Street – Walker Bros. Millworks**

Planner Carson presented a voluntary request for Annexation, Future Land Use amendment, and Zoning for a 0.45 +/- acre enclave located at 882 Magnolia Street. The property is located on the southeast corner of Magnolia Street and Beulah Road. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Commercial, and Zoning of C-2. Staff has reviewed and recommends approval of Ordinances 16-05, 16-06 and 16-07.

General discussion on the merits of having this area zoned commercial over residential. Planner Carson explained that most of the properties to the north are commercial and a C-2 zoning would be most consistent with the way the area east of Beulah Road is developing.

*Motion by Mark Maciel to recommend approval of Ordinances 16-05, 16-06, and 16-07 with Staff Recommendations (as provided in the agenda packet) and seconded by Heather Gantt. Motion carried unanimously 6 - 0.*

**7. 883 Magnolia Street – Walker Bros. Millworks**

Planner Carson presented a voluntary request for Annexation, Future Land Use amendment, and Zoning for a 0.34 +/- acre enclave located at 883 Magnolia Street. The property is located on the north side of Magnolia Street, west of Gillard Avenue, and east of Beulah Road. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Commercial, and Zoning of C-2. Staff has reviewed and recommends approval of Ordinances 16-08, 16-09 and 16-10.

*Motion by Gerald Jowers to recommend approval of Ordinances 16-08, 16-09, and 16-10 [with Staff Recommendations] (as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 6 - 0.*

**8. 1211 Beulah Road – Walker Bros. Millworks**

Planner Carson presented a voluntary request for Annexation, Future Land Use amendment, and Zoning for a 0.18 +/- acre enclave located at 1211 Beulah Road. The property is located on the east side of Beulah Road, south of Magnolia Street, and north of Palm Avenue. The applicant has requested Annexation into the City, Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Commercial, and Zoning of C-2. Staff has reviewed and recommends approval of Ordinances 16-14, 16-15 and 16-16.

*Motion by David Kassander to recommend approval of Ordinances 16-14, 16-15, and 16-16 [with Staff Recommendations] (as provided in the agenda packet) and seconded by Chris Lee. Motion carried unanimously 6 - 0.*

**9. 360 W. Story Road – Jesus Manuel Sanchez & Joselina Aguirre Palacios**

Planner Carson presented a voluntary request for Annexation, Future Land Use amendment, and Zoning for a 0.22 +/- acre enclave located at 360 W Story Road. The property is located

on the southwest corner of W. Story Road and Burch Avenue. The applicant has requested Annexation into the City, initial Zoning of R-2, and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential. Staff has reviewed and recommends approval of Ordinances 15-31, 15-32 and 15-33.

Board Member Hawthorne inquired if a house was already on the property. Planner Carson explained that the property had been recently developed under Orange County regulations but the owner wants to hook the new house to City of Winter Garden services. This item had been tabled several times until discrepancies between Orange County regulations on parking and driveway requirements and the City could be resolved.

*Motion by Gerald Jowers to recommend approval of Ordinances 15-31, 15-32, and 15-33 [with Staff Recommendations] (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 6 - 0.*

#### **10. 830 Burch Avenue – Campos Property**

Planner Frye presented a voluntary request for Annexation, Future Land Use amendment, and Zoning for a 0.209 +/- acre enclave located at 830 Burch Avenue. The property is located on the northwest corner of Burch Avenue and Jackson Street. The applicant has requested Annexation into the City, initial Zoning of R-2, and Amendment to the Future Land Use Map of the City's Comprehensive Plan to designate the property as Low Density Residential. Staff has reviewed and recommends approval of Ordinances 16-01, 16-02 and 16-03.

*Motion by Chris Lee to recommend approval of Ordinances 16-01, 16-02, and 16-03 [with Staff Recommendations] (as provided in the agenda packet) and seconded by David Kassander. Motion carried unanimously 6 - 0.*

#### **11. Dillard and 50 – Dillard at 50, LLC**

Community Development Manager Pash presented a Rezoning request for a 6.09 +/- acre property located at the northwest corner of West State Road 50 (West Colonial Drive) and South Dillard Street. The Rezoning from C-2 to PCD will allow development of a +/- 6,000 square foot Wawa Convenience Store with fueling stations, a +/- 3,500 square foot restaurant with drive-thru (Wendy's), a +/- 6,000 square foot retail or restaurant, a +/- 4,500 square foot restaurant with drive-thru (Culver's), a 8,500 square foot retail/office/hotel site, and a retention pond. The old buildings have been demolished, all the individual properties will be required to go through Site Plan review, and Staff recommends approval of Ordinance 16-04.

Community Development Manager Pash stated the Wawa site plan has been submitted. General discussion ensued on landscaping and possible location of a hotel on the site.

*Motion by Heather Gantt to recommend approval of Ordinance 16-04 with Staff Recommendations (as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 6 - 0.*

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:18 pm.

**APPROVED:**

**ATTEST:**

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**Chairman Will Hawthorne**

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**Recording Secretary Kathleen Rathel**

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

**ITEM # 4 (Public Hearing)**

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**DATE:** December 30, 2015                      **MEETING DATE:** January 4, 2016

**SUBJECT:** 1401 W Plant Street (REZONING)  
**PROJECT NAME** 1401 W Plant St Rezoning (4.54 +/- ACRES)  
**PARCEL ID#** 22-22-27-0000-00-022

**ISSUE:** The applicant is requesting the property located at 1401 W Plant Street be rezoned from NZ to R-1.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Christopher & Caitlin Gonzales  
**CURRENT ZONING:** NZ No Zoning District  
**PROPOSED ZONING:** R-1 Single-Family Residential District  
**CURRENT FLU:** LR Low Density Residential  
**PROPOSED FLU:** N/A

**SUMMARY:**

The subject property consists of a 4.54 ± acre lot located at 1401 W Plant Street on the north side of West Plant Street, east of Tildenville School Road and south of Brick Road. The property is currently undeveloped. It was not rezoned after annexation in January of 2014; it has never had a City of Winter Garden zoning designation. The applicant is requesting to rezone the property to R-1 Single-Family Residential District to be consistent with the existing Low Density Residential FLU designation as well as the character of the surrounding area. (See attached Staff Report).

**STAFF RECOMMENDATION(S):**

Staff recommends approval of Ordinance 16-18 subject to the conditions listed in the Staff Report (see attached).

**NEXT STEP(S):**

A public hearing for the first reading of the ordinance is scheduled for the City Commission on Thursday, January 14, 2016.

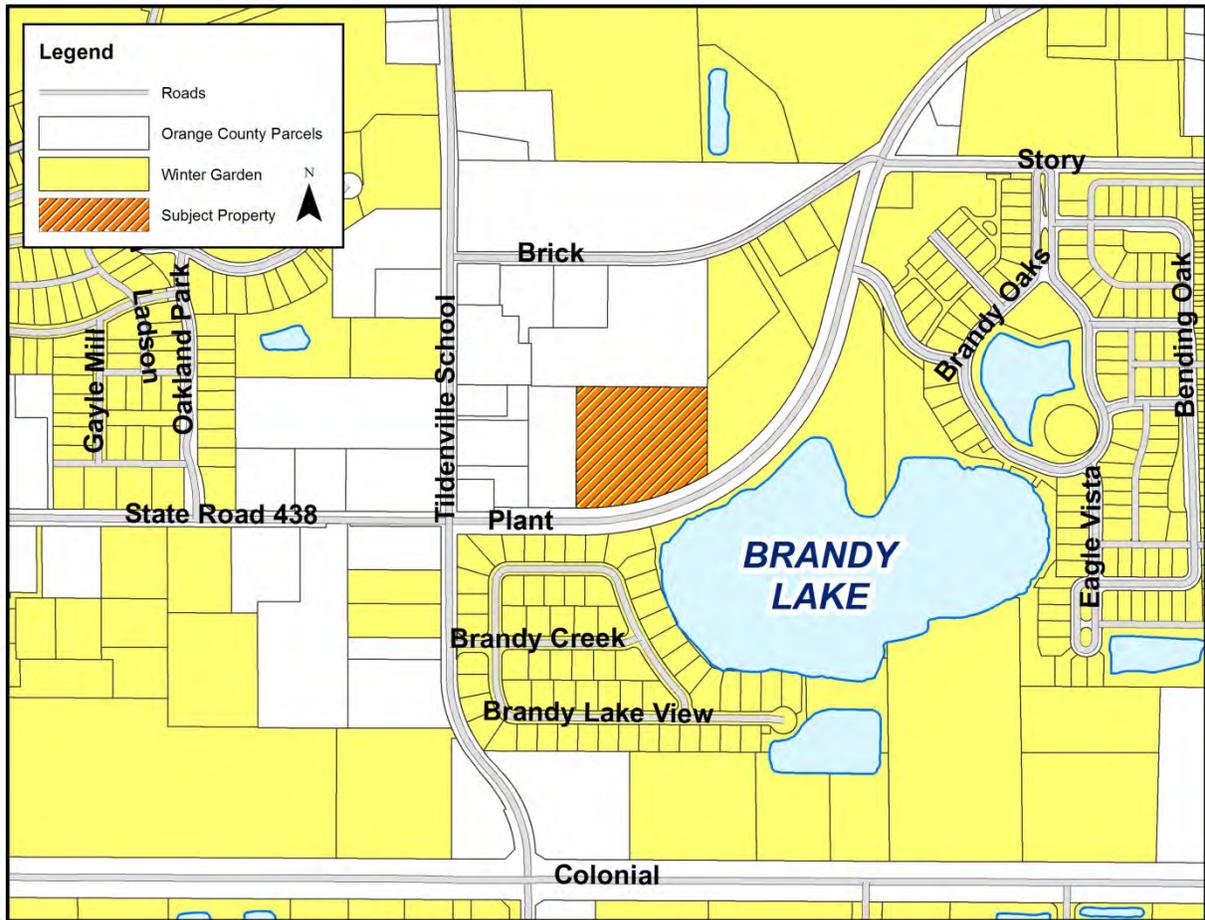
**ATTACHMENT(S):**

Location Map  
Staff Report  
Ordinance 16-18

# LOCATION MAP

1401 W. Plant Street

## REZONING



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

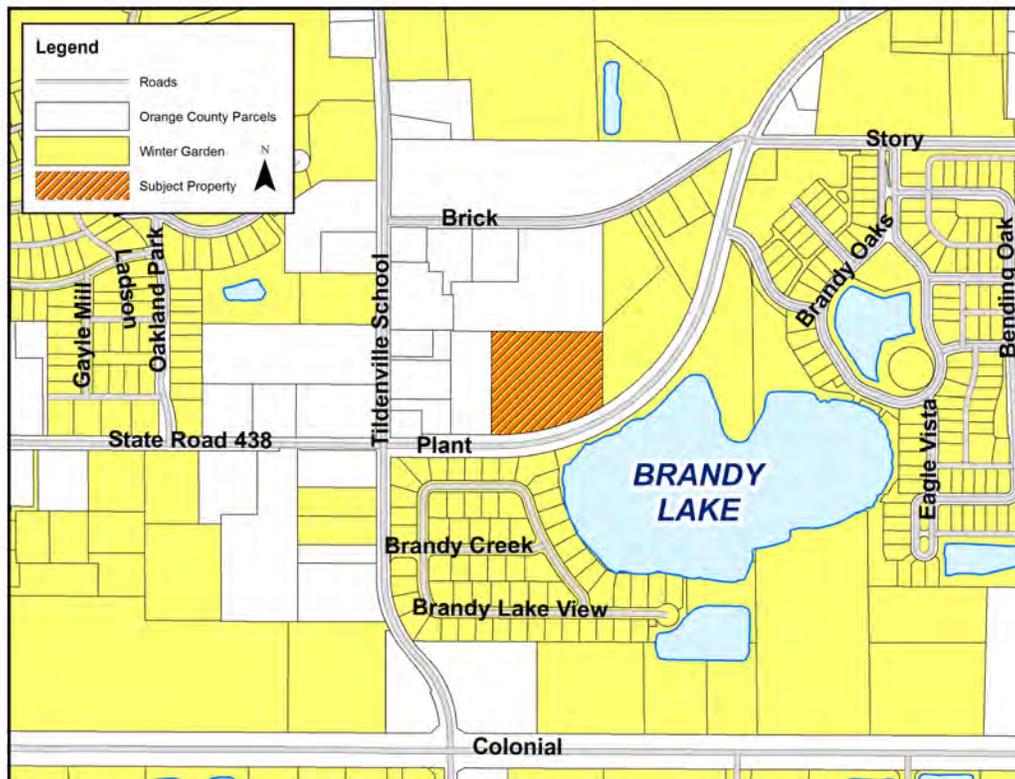
# STAFF REPORT

**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, PLANNER II  
**DATE:** DECEMBER 30, 2015  
**SUBJECT:** REZONING  
**1401 W PLANT STREET (4.5 +/- ACRES)**  
**PARCEL IDS #:** 22-22-27-0000-00-022  
**APPLICANT:** CHRISTOPHER & CAITLIN GONZALES

### INTRODUCTION

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

The subject property consists of a parcel located at 1401 W Plant Street, on the north side of West Plant Street, east of Tildenville School Road and south of Brick Road and is approximately 4.5 ± acres in size. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The subject property was annexed into the City in January of 2014. At that time, the Future Land Use Map (FLUM) of the City's Comprehensive Plan was amended to designate the property as Low Density Residential. However, a City zoning designation was never adopted for the property because it was being considered for a Planned Unit Development (PUD). The PUD was never pursued, and the current owners/applicants are now requesting that the property be rezoned to R-1 Single-Family Residential District.

### **EXISTING USE**

The subject property is not currently developed with any structures. The property contains vegetation, informal vehicle pathways, and a wet area to the southeast.

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

The property located to the north of the subject property is a vacant Unincorporated Orange County parcel, which is zoned A-1. Also located in Orange County, the property to the west is another vacant parcel zoned A-1. The property to the east of the subject property is also vacant, but is located in the City of Winter Garden and is zoned R-1. The City of Winter Garden properties to the south consist of residential lots developed with single-family houses as well as a portion of Brandy Lake. These properties are part of the Brandy Creek Subdivision and are zoned R1-B.

### **PROPOSED USE**

After rezoning, the applicant intends to pursue a lot split and construct two single family residences- one on each (newly-created) lot.

### **PUBLIC FACILITY ANALYSIS**

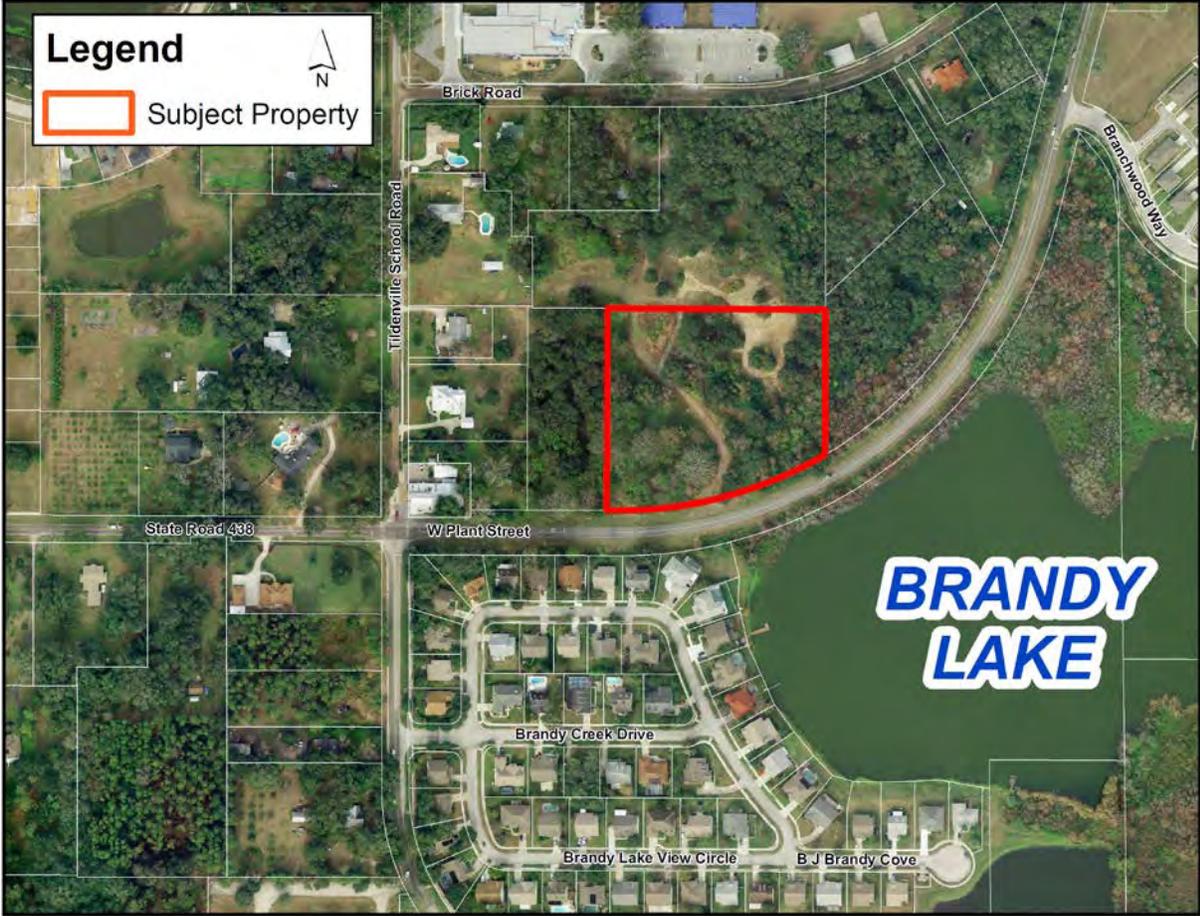
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

### **SUMMARY**

City Staff recommends approval of the proposed Rezoning Ordinance (16-18) on the basis that the request is consistent with the City's Comprehensive Plan and with the character of the surrounding community.

**AERIAL PHOTO**

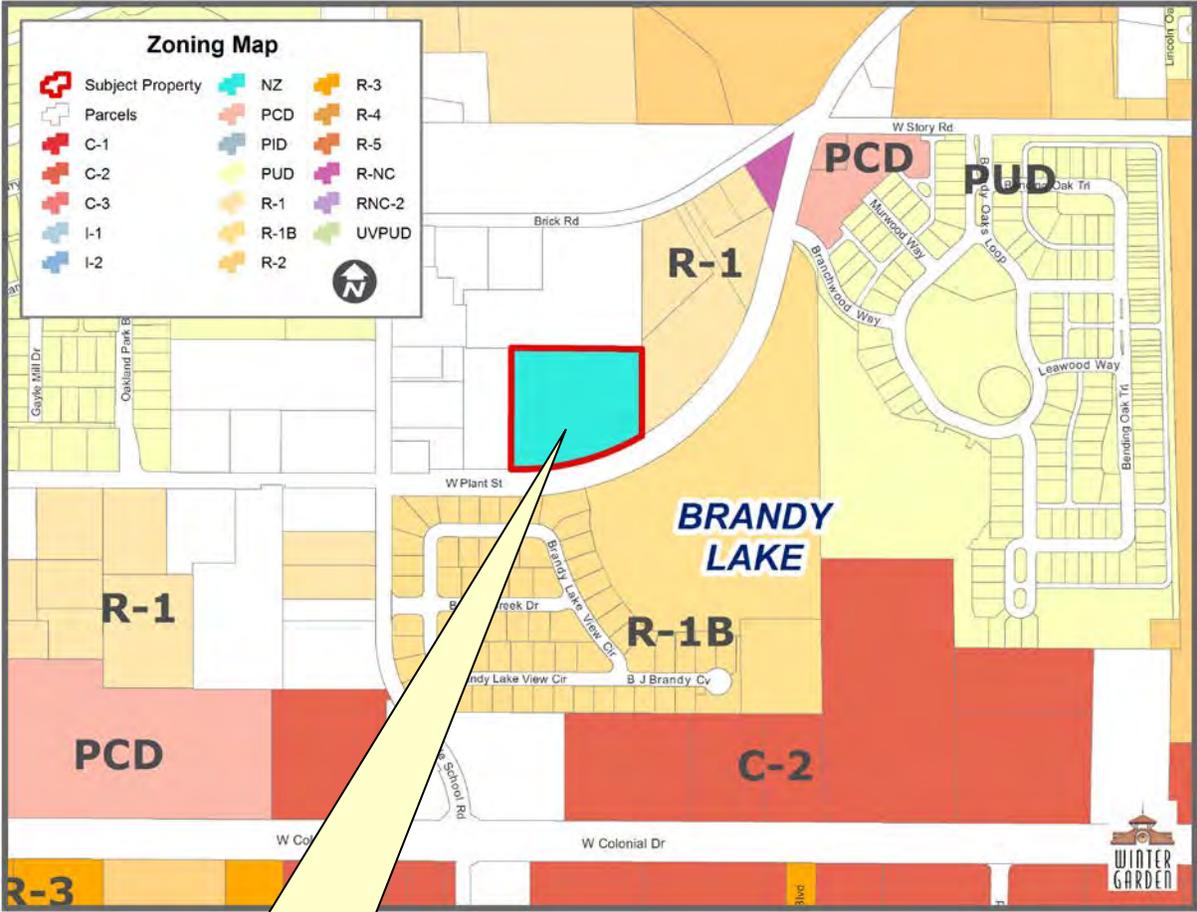
**1401 W Plant Street**





**ZONING MAP**

**1401 W Plant Street**



Subject property changed from City NZ to City R-1

**END OF STAFF REPORT**

ORDINANCE 16-18

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 4.54 ± ACRES LOCATED AT 1401 WEST PLANT STREET ON THE NORTH SIDE OF WEST PLANT STREET, EAST OF TILDENVILLE SCHOOL ROAD AND SOUTH OF BRICK ROAD FROM CITY NZ NO ZONING DISTRICT TO CITY R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of that certain real property generally described as approximately 4.54 ± acres located at 1401 West Plant Street on the north side of West Plant Street, east of Tildenville School Road and south of Brick Road and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from City NZ No Zoning District to the City's R-1 Single-Family 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-1 Single-Family 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 City NZ No Zoning District to City R-1 Single-Family 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 upon adoption at its second reading.

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**SECOND READING AND PUBLIC HEARING:** \_\_\_\_\_, 2016.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016, 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#: 22-22-27-0000-00-022

**Begin at the Southwest corner of the Northwest 1/4 of the Southwest 1/4 of Section 22, Township 22 South, Range 27 East, run East 660 feet, North 495 feet, West 660 feet, South 495 feet to the Point of Beginning (less the West 177 feet and less the road), Orange County, Florida.**

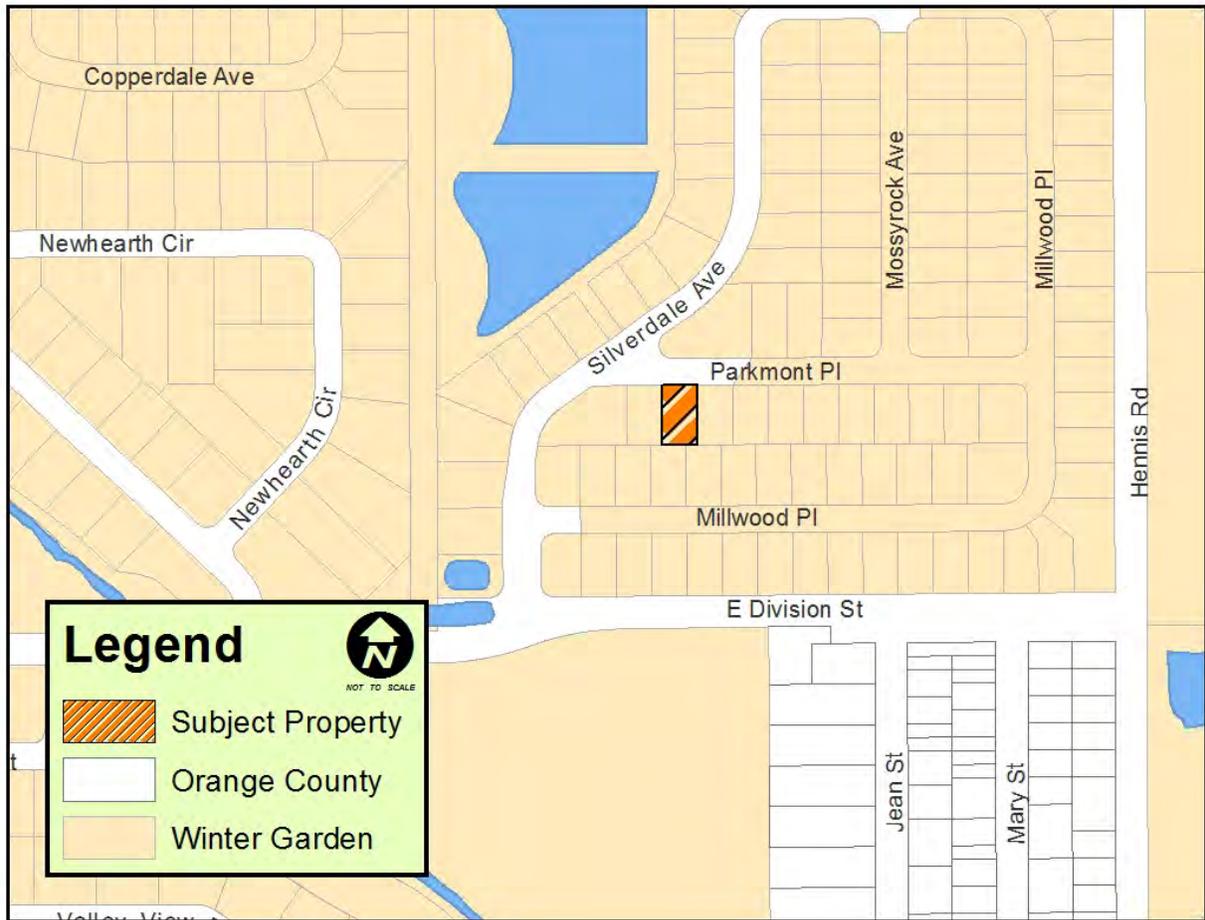
Containing 4.54 acres, more or less.



# LOCATION MAP

714 Parkmont Place

## VARIANCE



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

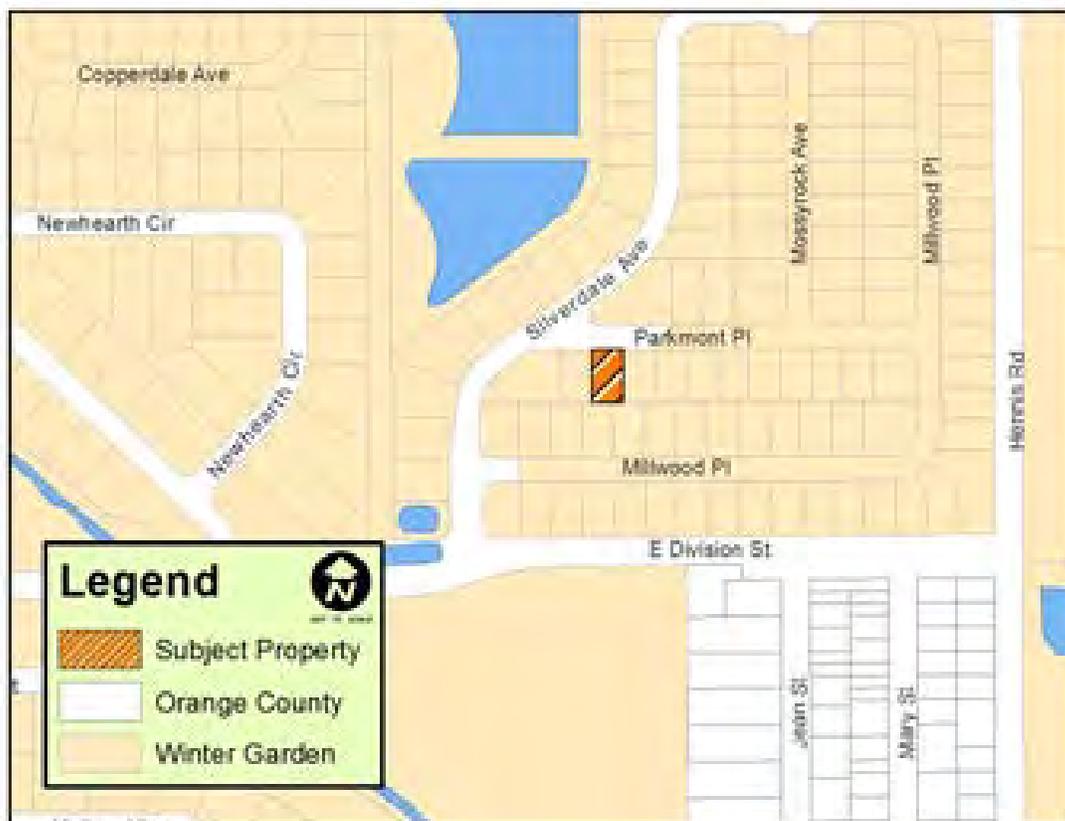
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
**DATE:** DECEMBER 23, 2015  
**SUBJECT:** VARIANCE  
**714 Parlmont Place (0.16+/- ACRES)**  
**PARCEL ID # 13-22-27-1793-00-900**

**APPLICANT:** Ryan Homes

### INTRODUCTION

The purpose of this report is to evaluate the request for a variance for property located at 714 Parlmont Place in Winter Garden, Florida. The request is to allow the existing house to remain at a 6 foot side yard setback in lieu of the minimum required 7.5 foot side yard setback.

The subject property is an approximately 0.16 ± acre lot in the Covington Chase Subdivision. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



A permit was issued in 2010 to build this home to be used as the model home for Ryan Homes. The building permit application and plot plan showed the house being constructed at the required 7.5 foot side yard setback. However, when the builder submitted a building permit application to convert the garage office (used for sales) back into a garage, it was discovered that the home was built in the wrong location. The applicant has indicated that when the home was being staked by the surveyor, it was marked in the wrong location and not discovered until now. Rather than tear the structure down, the applicant was advised to apply for a variance to rectify this situation.

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 existing residential structure is currently a model home and the garage is a sales office. The applicant requested a new building permit to convert the office space back into a garage and the setback issue was discovered. They asked if they could move forward with the garage conversion at their own risk while this application was reviewed. The building permit was issued on December 11, 2015.

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

All of the properties adjacent to the subject property are zoned PUD and in the Covington Chase neighborhood, which is within the City of Winter Garden's Municipal limits. The properties to the north, south, east, and west of the subject property are all developed with single-family homes.

### **PROPOSED USE**

The applicant is requesting the variance to allow the existing home to remain at a 6 foot side yard setback in lieu of the minimum required 7.5 foot side yard setback.

### **CODE REFERENCE**

Sec. 118-924(d) of the City Code of Ordinances addresses minimum yard requirements for structures built on PUD-zoned properties. This section states, *"A minimum 25-foot yard shall be required from the nearest part of any building wall to the edge of any public right-of-way or private street, and all structures shall have a minimum 20-foot rear yard. A minimum 25-foot yard shall be maintained between the walls of all structures and the perimeter of the PUD. Additional perimeter yard requirements for multistory buildings shall be figured at five additional feet for each ten feet of height over the first story."*

In addition, Ordinance 04-39, which is the zoning ordinance for the Covington Chase PUD, also addresses minimum setbacks for residential structures in the neighborhood. Section 1(a) states, *"With the exception of setbacks and lot width / area requirements, all of the zoning requirements (height restrictions, parking requirements, accessory buildings, etc.) of the R-1 zoning district will be required. The setbacks will be as follows: Front – 25 feet, Rear – 20 feet, Side yard requirements shall be as follows: For lot widths 65 - 84 feet: 7.5 feet, for lot width 85 feet: 10 feet. (15 feet on a corner)."*

The applicant is seeking a variance to the minimum required 7.5 foot side yard setback to allow the existing house to remain at a 6 foot side yard setback.

### **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 existing single-family residence has been located on this property since September 2010 without any negative impact or interference with the reasonable enjoyment of adjacent or nearby property owners. This home 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 the house to remain at a 6 foot side yard setback will allow reasonable use of the property. Furthermore, granting this variance will not change the 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. While this setback request does not encroach into a recorded easement or exceed the maximum impervious surface allowed for PUD zoned properties (65%), the existing air conditioner is in the easement and will need to be relocated outside of the easement (apready moved).

- (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 and the location of the house does not negatively impact the neighbors. Denying this variance does not benefit the property owner or the City.

## **SUMMARY**

City Staff recommends approval of a variance to Section 118-924(d) and Ordinance 04-39, Section 1(a) to allow the existing house to remain 1.5 feet inside the 7.5 foot side yard setback subject to the following condition:

1. The air conditioner shall be moved so it is not located within the 5 foot drainage and utility easement.

## **NEXT STEP**

Follow all City regulations and apply for any required permits.

## **ATTACHMENTS**

- Aerial Photo
- Site Plan
- Site Photos

**AERIAL PHOTO**  
**714 Parkmont Place**

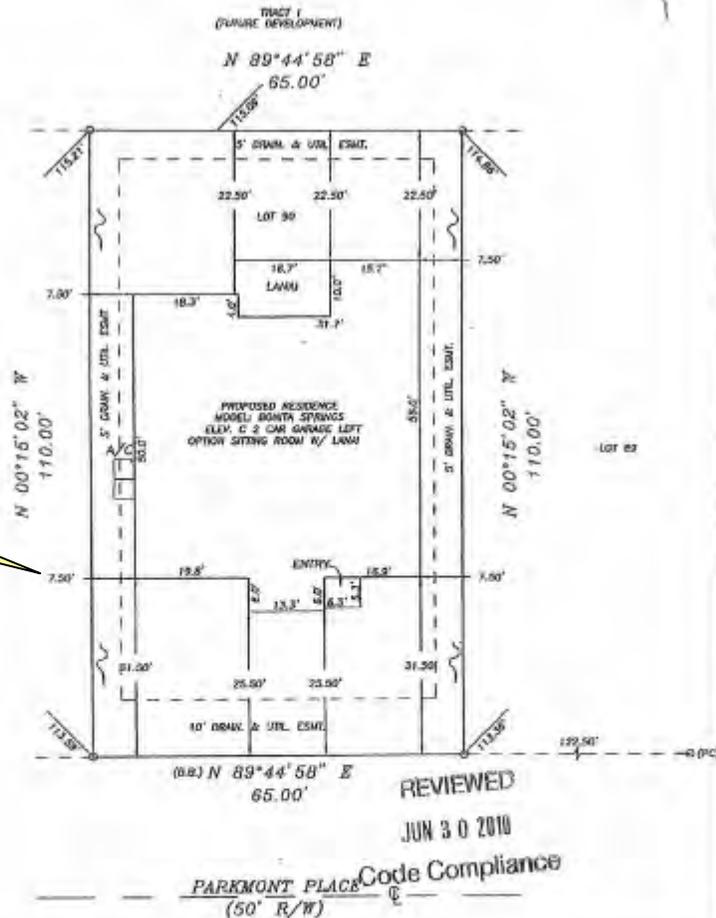




**SITE PLAN SUBMITTED WITH 2010 BUILDING PERMIT  
 714 Parkmont Place**

DESCRIPTION AS FURNISHED: Lot 90, COWINGTON PARK, as recorded in Plat Book 88, Pages 112 through 119 of the Public Records of Orange County, Florida.

PLOT PLAN FOR / CERTIFIED TO: Ryan Homes



Correct 7.5 foot side yard setback shown on plot plan submitted with 2010 building permit application .

PROPOSED - FINISHED SPOT GRADE ELEVATIONS PER DRAINAGE PLANS  
 --- = PROPOSED DRAINAGE FLOW  
 LOT GRADING TYPE A  
 PROPOSED FINISH FLOOR PER PLANS = 118.12'  
 RELATIVE SETBACKS AS FURNISHED  
 FRONT = 25'  
 REAR = 25'  
 SIDE = 7.5' (10' FOR 85'x120' LOTS)  
 SIDE CORNER = 15'  
 PLOT PLAN ONLY NOT A SURVEY

**GRUSENMEYER-SCOTT & ASSOC., INC. - LAND SURVEYORS**

5400 E. COLONIAL DR. ORLANDO, FL. 32807 (407)-277-3232 FAX (407)-656-1436

NOTED:  
 1. THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY MEETS THE TECHNICAL REQUIREMENTS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS BY CHAPTER 461-10, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 461-02, FLORIDA STATUTES.  
 2. ALL WORK CONDUCTED HEREIN PURSUANT TO THIS SURVEY IS NOT VALID AND IS PROHIBITED FOR ANY PURPOSES UNLESS THE SURVEY IS REGISTERED WITH THE STATE OF FLORIDA.  
 3. THIS SURVEY HAS BEEN PREPARED FROM THE BEST AVAILABLE INFORMATION AND IS SUBJECT TO THE USUAL LIMITATIONS OF SUCH INFORMATION.  
 4. NO UNDISCOVERED ENCUMBRANCES HAVE BEEN LOCATED UNLESS OTHERWISE SHOWN.  
 5. THIS SURVEY IS PREPARED FOR THE SOLE PURPOSE OF TITLE CERTIFICATION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.  
 6. BOUNDARY MONUMENTS FOR THE LOCATION OF UNDISCOVERED ENCUMBRANCES SHOULD NOT BE USED TO DETERMINE BOUNDARY LINES.  
 7. DEVIATIONS, ARE ORDER APPROVED HEREIN AND ON THE LINE SHOWN AS CASE SHOWN (S.A.S.).  
 8. BOUNDARIES OF OTHER ARE SHOWN ON NATIONAL GRID SYSTEM COORDINATE SYSTEM OF 1983, UNLESS OTHERWISE NOTED.  
 9. CERTIFICATE OF ADEQUACY AND TITLE.

CERTIFIED BY: *[Signature]*  
 DATE: PLOT PLAN 06-14-10  
 SHEET NO. 836-10

THE ENGINEER/PROPERTY OWNER MUST BE BOUND BY THE ESTABLISHED 100 FEET ALONG PLANE AS FOLLOWS:  
 200' R/W

**SITE PHOTOS**  
**714 Parkmont Place**

**Looking south along property line.**



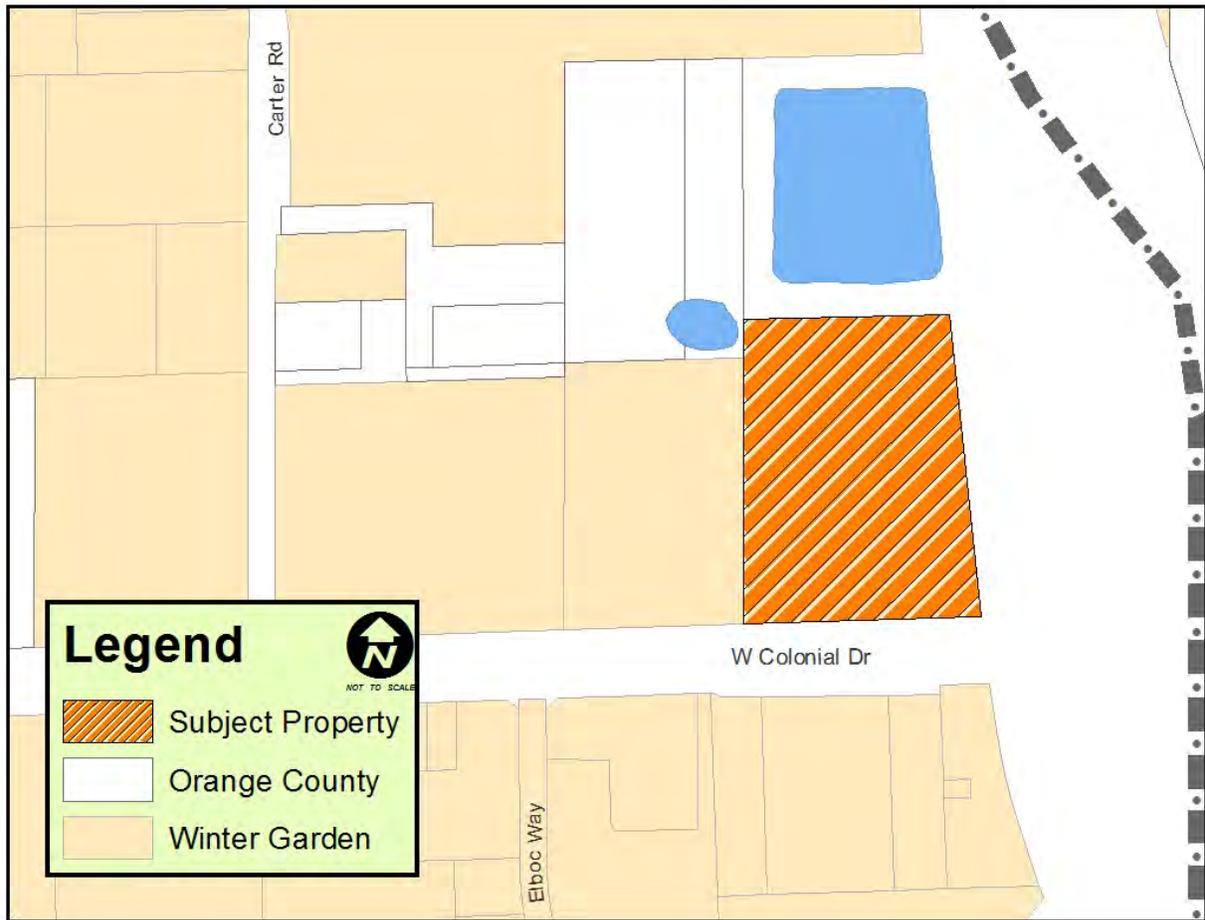
**END OF STAFF REPORT**



# LOCATION MAP

12105 W Colonial Drive

## VARIANCE



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

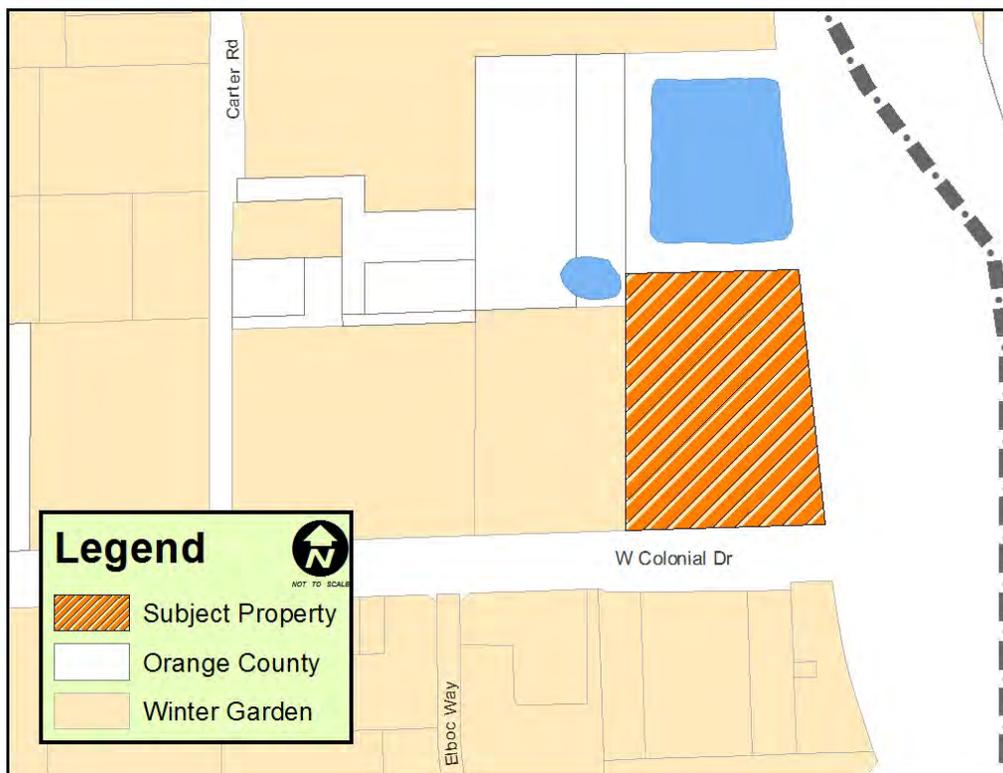
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT MANAGER  
**DATE:** DECEMBER 23, 2015  
**SUBJECT:** VARIANCE  
**12105 West Colonial Drive (7.57+/- ACRES)**  
**PARCEL ID # 24-22-27-0000-00-011**

**APPLICANT:** McNeil Signs, Inc. (Baers Furniture Co Inc.)

### INTRODUCTION

The purpose of this report is to evaluate the request for a sign variance for property located at 12105 West Colonial Drive in Winter Garden, Florida. The request is to install a wall sign on a façade that does not front on a public right-of-way

The subject property, located on West Colonial Drive, is an approximately 7.57 ± acre lot. 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 C-2 (Arterial Commercial District), is designated C (Commercial) on the Future Land Use Map of the City's Comprehensive Plan, and is located within the West State Road 50 Overlay.

### **EXISTING USE**

The subject property presently contains a two-story +/- 33,000 square foot furniture store.

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

The adjacent properties to the north are developed with a Department of Transportation pond, and a single-family home, have a zoning designation of A-1, a future land use designation of LDR (Low Density Residential), and are located in unincorporated Orange County. The property to the east is developed with a +/- 25,000 square foot commercial building where they sell campers and recreational vehicles, has a zoning designation of C-2 (Arterial Commercial District), a future land use designation of C (Commercial), and is located in the City of Winter Garden. The properties to the south are developed with commercial buildings, have a zoning designation of C-2, a future land use designation of C (Commercial), and are located within the City of Winter Garden. The property to the west is State Highway 429 and an exit ramp onto West Colonial Drive. All of the properties within the City limits are also within the West State Road 50 Overlay.

### **PROPOSED USE**

The applicant requests approval to construct a sign on the back of the building, which does not face a right-of-way. The City code requires that signs be placed on the side of a building that fronts onto a right-of-way.

### **CODE REFERENCE**

**Sec. 102-161 (2) iii.** of the City Code of Ordinances addresses sign requirements and states that *“the total area of all building signs applied to any given façade shall not exceed the area computed as a percentage of the building facade in elevation view to which they are affixed or applied in accordance with Table 3 below for building signs in commercial and industrial districts.”* Table 3 states that the total sign area is based on the distance of the building from the right-of-way.

The applicant is seeking a variance to allow a sign on the back of the building, which does not face a right-of-way.

### **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 sign is located on the back of the building and is being proposed in this location so that vehicles on and exiting the 429 can see the store. Due to the location of the proposed sign, it should not interfere with the enjoyment of neighboring properties or cause any negative impacts.

*(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 sign on the back of this building is a unique situation on this lot because no other properties in Winter Garden on West Colonial Drive are adjacent to the 429 exit ramp. Allowing a sign in this location will allow reasonable use of the property and is not out of character with other properties that have this configuration.

*(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 legitimate City objectives by protecting the safety of neighboring property owners. The proposed sign will not be lighted and will not be noticeable from any other neighboring properties.

*(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 commercial developments.

*(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. As previously stated, this property is in a unique location within the City because it is the only one that is located next to an exit ramp from State Road 429 and allowing a sign in this location is a reasonable request.

## **SUMMARY**

Staff recommends approval of a variance to Section 102-161 (2) iii to a building sign on a façade that does not front on a public right-of-way, with the following conditions:

1. The sign is not allowed to be lighted in any way (internally, up lighting, down lighting, etc.)
2. The maximum sign area shall be 5% of the façade where the sign is being placed. This façade is 25.5 feet wide by approximately 20 feet tall, which allows a sign area of 25 square feet.

## **NEXT STEP**

Apply for building permits.

**ATTACHMENTS**

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

**AERIAL PHOTO**  
**12105 West Colonial Drive**





**POPOSED SIGN**  
**12105 West Colonial Drive**



**SITE PHOTOS**  
**12105 West Colonial Drive**

**Subject Property looking south at proposed sign location**



**Subject Property looking south at proposed sign location**



**SITE PHOTOS**  
**12105 West Colonial Drive**

**Looking north at Highway 429 Exit Ramp**



**Looking north at Highway 429 Exit Ramp**



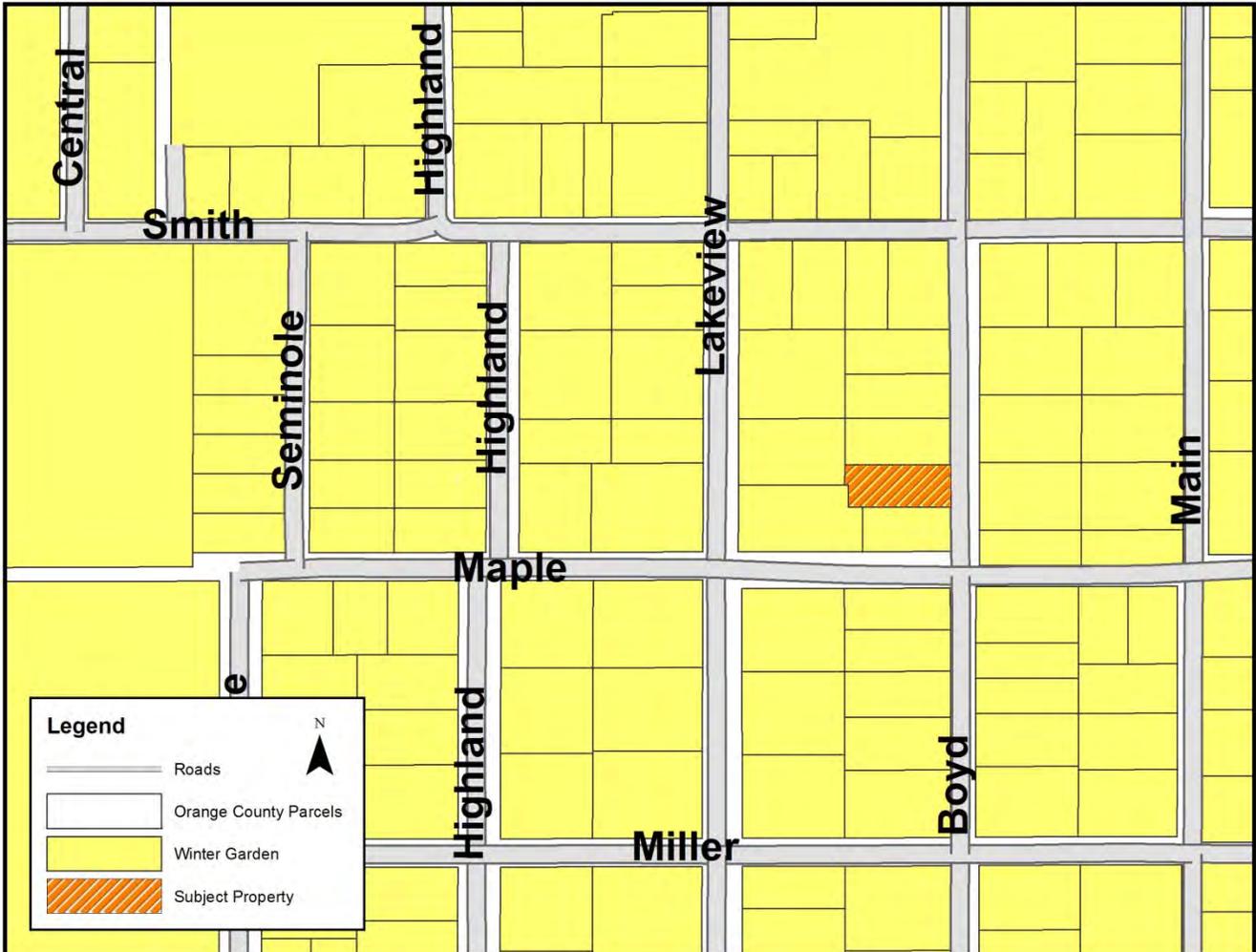
**END OF STAFF REPORT**



# LOCATION MAP

224 S Boyd St

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:** DECEMBER 24, 2014  
**SUBJECT:** VARIANCE  
**224 S Boyd St (0.20 +/- ACRES)**  
**PARCEL ID # 23-22-27-8096-00-110**

**APPLICANT:** Tory Parish

### INTRODUCTION

The purpose of this report is to evaluate the request for a front yard setback variance for property located at 224 S Boyd Street in Winter Garden, Florida. The request is for a 22' 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 S Boyd Street, is an approximately 0.20 ± acre lot in the G. T. Smith 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 residential structure.

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

The 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 and south of the subject property are developed with single family residences. The properties to the west are developed with single family residential houses with separate detached residential structures in the rear yards. The properties located to the east of the subject property are developed with duplexes.

### **PROPOSED USE**

The applicant is proposing to build a new two-story single-family home on the property. The building will have approximately 2,750 sf of living area and a 400 sf garage. The site will also feature a covered front porch, rear porch, and paved concrete driveway.

### **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 that's built 22' from the front property line, which exceeds the minimum 30' front yard setback required 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 single family residence with a covered front porch located 22' 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 properties within the neighborhood have similar front yard setbacks with porches and structures that exceed the 30' minimum allowed by R-2 zoning. The property located two lots north of the subject property at 212 S

Boyd Street features a home with a covered front porch that is set back approximately 23' from the front property line - which is similar to the subject property's proposed front setback. Several of the duplex structures across the street also exceed the 30' front setback minimum. In addition, 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 22' 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. The proposed structure has been situated towards the front of the lot in order to avoid construction activity within the dripline of an existing live oak on the subject property. The applicant hopes that this will ensure that the tree continues to thrive and its health will not be compromised by the construction of the house. 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 22' 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.

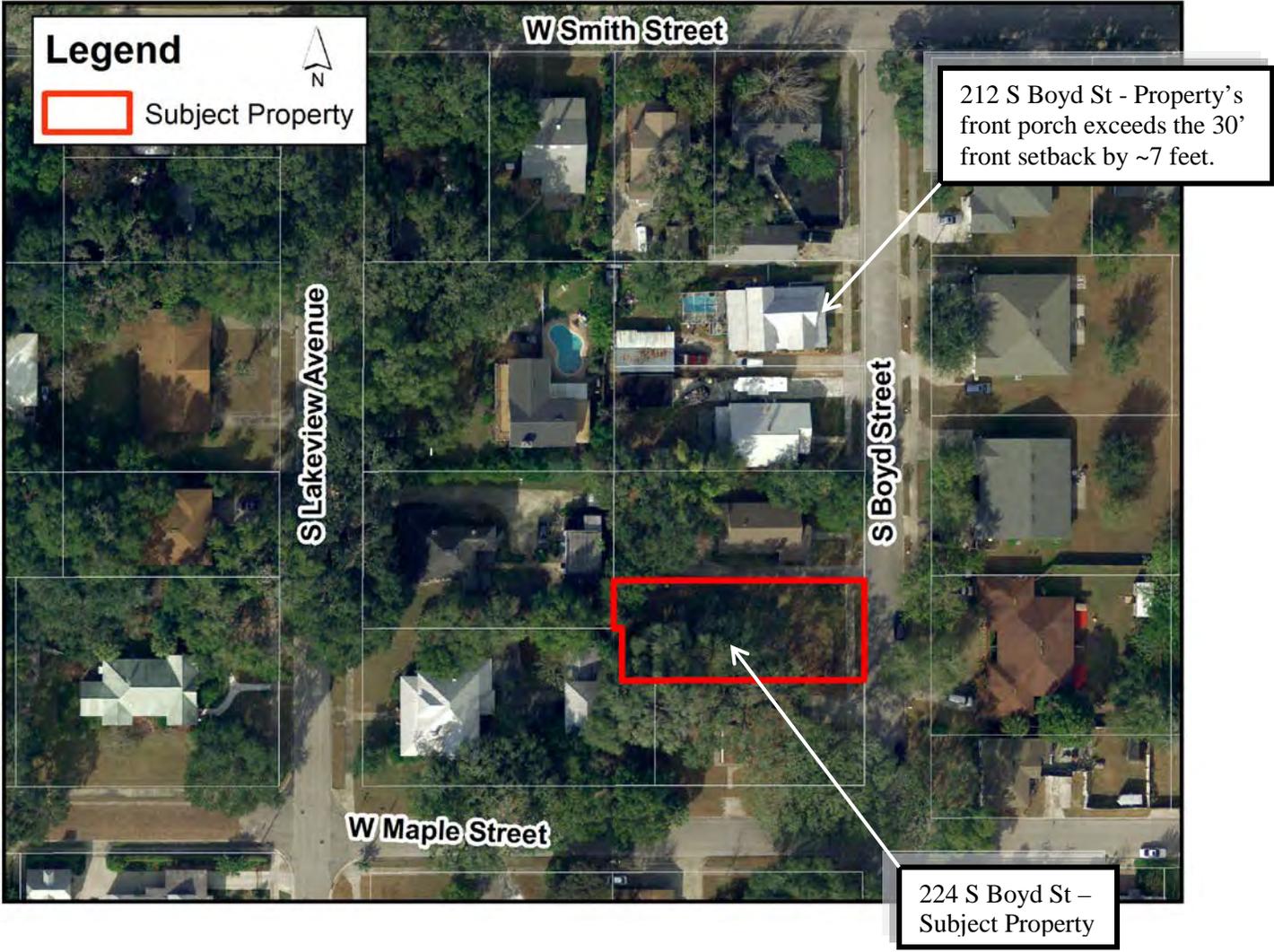
## **NEXT STEP**

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

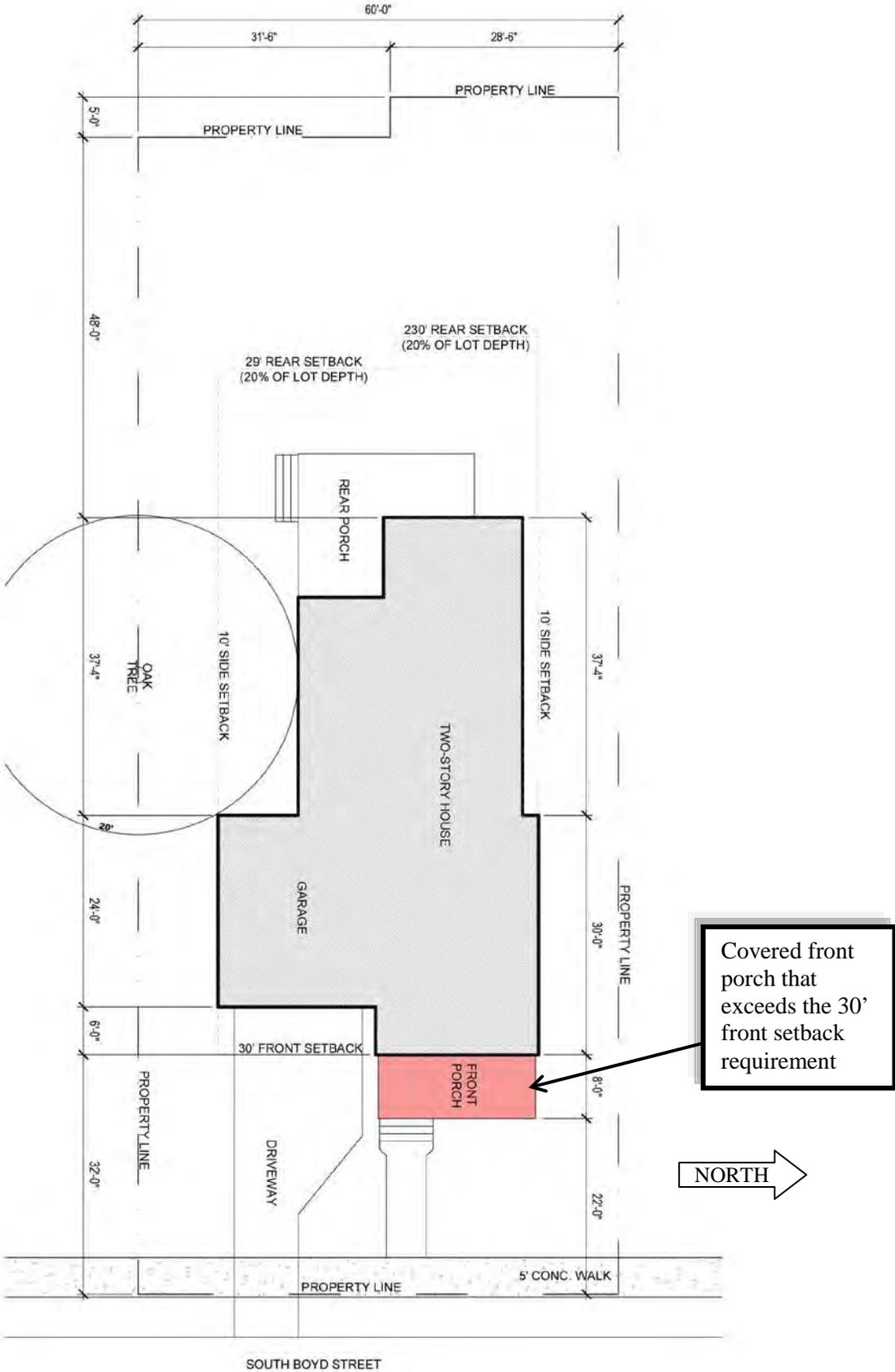
**ATTACHMENTS**

- Aerial Photo
- Proposed Site Plan
- Proposed Elevations
- Proposed Architectural Style
- Site Photo
- Neighboring Property

**AERIAL PHOTO**  
**224 S Boyd St**



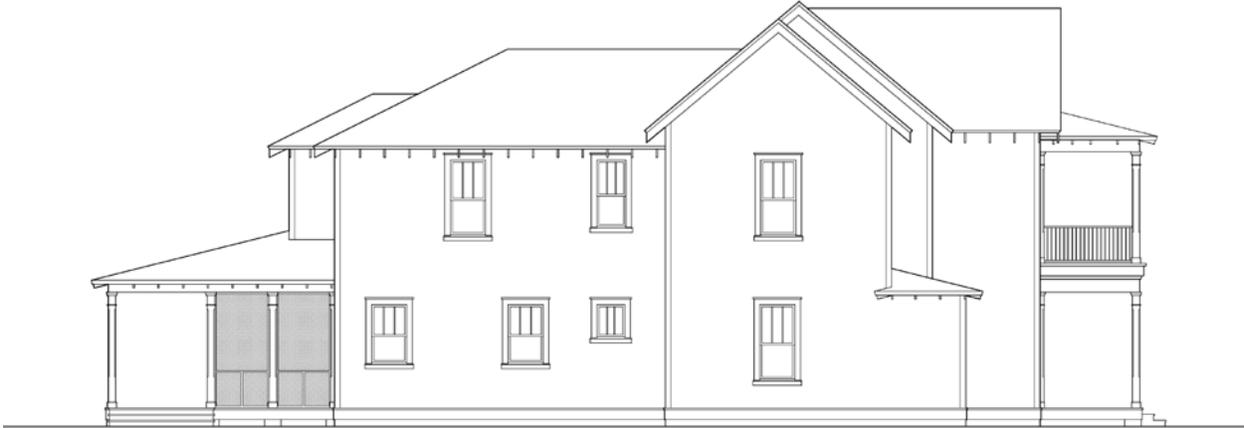
**PROPOSED SITE PLAN**  
**224 S Boyd St**



**PROPOSED ELEVATIONS**  
**224 S Boyd St**



**East Elevation**



**South Elevation**

**PROPOSED ARCHITECTURAL STYLE**  
**224 S Boyd St**



**General Massing**



**Recessed Garage**



**Double Front Porch**

**SITE PHOTO**  
**224 S Boyd St**



**NEIGHBORING PROPERTY**  
**212 S Boyd St**



**The Subject Property is proposed to have approximately the same front setback.**

**END OF STAFF REPORT**