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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 – **April 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 MARCH 7, 2016 MEETING**

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

4. 856 Myrtle Avenue (Patricia Bello Flores)  
Parcel ID #25-22-27-9384-05-080

**SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

5. 311 S. Main Street (Pilates Center of Winter Garden/Constant Courage)  
Parcel ID #23-22-27-8900-01-520
6. 14120 W Colonial Drive (RREF II BHB IV-FL JEH, LLC/M. Maciel & Assoc)  
Parcel ID #27-22-27-0000-00-060

**VARIANCE (PUBLIC HEARING)**

7. 1571 Victoria Way (Larry & Candi Ort)  
Parcel ID #12-22-27-8785-00-490
8. 16098 Johns Lake Overlook Drive (Laurie & Michael Duguid)  
Parcel ID #32-22-27-3602-00-630

**ADJOURN** to the next regular Planning and Zoning Board meeting on Monday, **May 2, 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  
MARCH 7, 2016**

**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 6:29 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: Mark DeFuso, Heather Gantt, Gerald Jowers, Chris Lee, and Mark Maciel

**MEMBERS ABSENT:**

None

**STAFF PRESENT:**

City Attorney Kurt Ardaman, Planning Consultant Ed Williams, Community Development Director Steve Pash, Planner II Kelly Carson, Planner I Jessica Frye, and recording secretary Kathleen Rathel

**3. APPROVAL OF MINUTES**

*Motion by Mark DeFuso to approve the regular meeting minutes of February 1, 2016 and seconded by Gerald Jowers. Motion carried unanimously 7 - 0.*

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

**4. 14990 W. Colonial Drive – Circle K Store #7490 (ANNEXATION)**

Planner Carson presented a voluntary request for Annexation, Future Land Use amendment, and Zoning for a 1.26 +/- acre enclave located at 14990 W. Colonial Drive. The property is located on the southeast corner of W. Colonial Drive and 545. 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 the application and recommends approval of Ordinances 16-22, 16-23, and 16-24.

*Motion by Mark DeFuso to recommend approval of Ordinances 16-22, 16-23, and 16-24 [with Staff Recommendations] (as provided in the agenda packet) and seconded by David Kassander. Motion carried unanimously 7 - 0.*

**5. 429 W. Plant Street – Jowers Family Enterprises (FLU AMENDMENT)**

Community Development Director Pash presented a request to amend the Future Land Use designation on a 0.13 +/- acre property located at 429 W. Plant Street. The property is generally located at the southeast corner of W. Plant Street and N. Central Avenue. The applicant has requested to amend the Future Land Use designation from Low Density Residential to Traditional Downtown to allow future construction of office or commercial space. Staff feels this is an appropriate use for this property and recommends approval of Ordinance 16-19 subject to the conditions in the Ordinance.

Board Member Jowers recused himself from voting.

General discussion on surrounding R-2 zoning, Traditional Downtown designation, and if the property was located in the Architectural Review area.

*Motion by Mark Maciel to recommend approval of Ordinance 16-19 with Staff Recommendations (as provided in the agenda packet) and seconded by Heather Gantt. Motion carried unanimously 6 – 0 with Gerald Jowers not voting.*

**6. 419 & 429 W. Plant Street – Jowers Family Enterprises (ZONING)**

Community Development Director Pash presented a request to rezone a 0.24 +/- acre property located at 419 and 429 W. Plant Street. The property is located at the southeast corner of W. Plant Street and N. Central Avenue. The applicant has requested a Rezoning from R-2 to C-1 to allow future construction of office or commercial space. Staff has reviewed the application and recommends approval of Ordinance 16-20 subject to the conditions in the Ordinance.

Board Member Jowers recused himself from voting.

Board Member DeFuso questioned the zoning. Mr. Pash stated the C-1 was the Downtown Commercial district and this block would be the last one supported for the zoning change.

Board Member Hawthorne asked about access. Mr. Pash explained it would depend on future site plan submittal and review.

*Motion by David Kassander to recommend approval of Ordinance 16-20 with Staff Recommendations (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 6 – 0 with Gerald Jowers not voting.*

**PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT**

**7. 13100 W. Colonial Drive – RD Keene (PRELIMINARY PLAT)**

Community Development Director Pash presented a request for a Preliminary Plat for the property located at 13100 W. Colonial Drive. The site plan was recently approved by the Development Review Committee as well as City Commission. The Development Review Committee also reviewed and recommended approval of the Preliminary Plat. The applicant is requesting to subdivide the existing lot into two lots with access and utility easements for future development. Staff has reviewed the application and recommends approval.

Board Member Jowers recused himself from voting as it is adjacent to his property but commented on the badly polluted conditions of the property.

Discussed was the proposed development of the eastern portion into a 7,600 square foot O'Reilly's Auto Parts, the lift station located on the property, and if the City was going to address the contamination.

*Motion by David Kassander to recommend approval of the Preliminary Plat for 13100 W. Colonial Drive and seconded by Mark Maciel. Motion carried unanimously 6 – 0 with Gerald Jowers not voting.*

**8. 801 S. Dillard Street – Lakeside Realty/Winter Garden Park, LLC (LOT SPLIT)**

Planner Carson presented a request for a Lot Split for the property located at 801 S. Dillard Street. The applicant has requested a lot split to divide the existing 2.81 +/- acre commercial lot into two commercial parcels. The property is currently zoned C-2. The western parcel will continue to feature the existing Wells Fargo bank building and the eastern parcel being currently vacant. After the lot split the applicant intends to develop the vacant lot with a commercial development with a possibility of a Medical Office building. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

*Motion by Heather Gantt to recommend approval of the Lot Split for 801 S. Dillard Street with Staff Recommendations (as provided in the agenda package) and seconded by Will Hawthorne. Motion carried unanimously 7 - 0.*

**SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

**9. 12348 W. Colonial Drive – Beverly Hills Jewelry**

Planner Frye presented a request for a Special Exception permit for the property located at 12348 W. Colonial Drive. The applicant is requesting to add auto sales to his existing retail business. The property is currently zoned C-2 which permits auto sales through Special Exceptions. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

Board Member Hawthorne asked about the parking capacity. Ms. Frye stated the property currently has 52 parking spaces with 2 handicap spaces that will not be impacted. The applicant proposes to use 10 of those spaces, 5 in the front and 5 in the back for overflow.

Board Member DeFuso questioned the proximity of another pawn shop on W. Colonial that also sells cars and if they had to get approval. Ms. Frye stated they had.

Board Member Kassander asked about signs allowed on the cars for sale. Ms. Frye stated the sign would include details of the car but could not be attention getting.

Board Member Maciel brought up the point that the City is trying to improve Highway 50 and wondered if there was a way to curtail pawn shops and used car lots to keep large national franchises from going to other towns.

General discussion ensued regarding the existing monument sign and car signs allowed.

John Sullivan, owner of Beverly Hills Jewelry Watch & Loan located at 12348 W. Colonial Drive, addressed the board stating his business is not a traditional pawn shop but is a high-end business dealing mostly in jewelry and has been in business for 16 years. He is asking for the special exception in order to be able to sell any vehicles that have been taken in for pawn instead of selling to a wholesaler. They do not plan on having more than 3 – 5 vehicles for

sale at a time. He would also like to replace the existing pole sign with a monument sign that includes an electronic message center.

General discussion on what could be displayed and if anything other than automobiles would be allowed or if the Board could place a limit on such. Mr. Sullivan stated if he received a boat on pawn it would be parked behind the building or he would find storage off-site.

Planning Consultant Williams stated the City is having trouble with two Army trucks on display by another pawn shop and is being addressed by Code Enforcement. Beverly Hills Jewelers' display would be limited to the size of the 5 spaces in front of the building.

***Motion by Gerald Jowers to recommend approval [of the Special Exception with Staff Recommendations] (as provided in the agenda packet) and seconded by Will Hawthorne. Board discussed the parking limitations and self-imposed restrictions based on square footage. Motion carried unanimously 7 - 0.***

#### **10. 14120 W. Colonial Drive – Gardenia Plaza/Montessori School**

Community Development Director Pash stated the applicant for 14120 W. Colonial Drive is working on a new site plan that has not been submitted yet so they are requesting this item be tabled until the April 4, 2016 meeting.

Board Member Maciel recused himself from voting.

***Motion by David Kassander to table [the Special Exception for 14120 W. Colonial Drive] to the April 4, 2016 meeting and seconded by Mark DeFuso. Motion carried unanimously 6 – 0 with Mark Maciel not voting.***

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

#### **11. 50 W. Garden Avenue – Mark & Debra Sansing**

Community Development Director Pash presented a Variance request for the property located at 50 W. Garden Avenue. The applicant is requesting a variance to the minimum side yard setback to build a garage addition onto the house. The variance would allow the addition to be built at a side yard setback of 7 feet in lieu of the minimum required 10 foot side yard setback. Staff has reviewed the application and recommends approval subject to the conditions listed in the Staff Report.

General discussion regarding the conditions listed in the Staff Report regarding no drainage being allowed onto the neighboring property, the tree removal, and the neighboring setbacks.

Mark Sansing, owner of 50 W. Garden Avenue, addressed the Board and explained any questions on the tree would be addressed because he is having a tree man out to inspect the tree.

***Motion by Heather Gantt to recommend approval of the Variance for 50 W. Garden Avenue with Staff Recommendations (as provided in the agenda packet) and seconded by David Kassander. Motion carried unanimously 7 - 0.***

#### **12. 336 Silverdale Avenue – Michael & Kara Abeyta**

Planer Frye presented a Variance request for the property located at 336 Silverdale Avenue. The applicant is requesting a variance to the minimum required rear yard setback to allow for the construction of a screened in patio with roof and adjacent wood deck with a pergola. The

variance would allow the construction to be at a 5' rear yard setback in lieu of the minimum required 20' rear yard setback and a variance to the minimum impervious surface ratio of 40% permitted by the Covington Chase Subdivision to 45% to allow for the extension. Staff has reviewed the application and recommends approval subject to the conditions outlined in the Staff Report.

Board Member Kassander clarified the variance requested was for 15'.

Board Member DeFuso asked if this property backed up to the retention pond so no other homes would be impacted. Ms. Frye confirmed it was why Staff recommended approval.

Board Member Hawthorne clarified the location of the new construction and that there would not be any encroachment into the drainage easement.

***Motion by Mark DeFuso to recommend approval of the Variance for 336 Silverdale Avenue with Staff Recommendations (as provided in the agenda package) and seconded by Will Hawthorne. Motion carried unanimously 7 - 0.***

### **CITY OF WINTER GARDEN CODE UPDATES (PUBLIC HEARING)**

#### **13. Ordinance 16-25 – PUD Code Revision**

Planner Carson presented Ordinance 16-25 which is a proposed amendment to Chapter 118, Article V, Division 2 of the City Code of Ordinances. The proposed amendment governs residential planned unit developments; modifying regulations governing planned unit developments with primary residential uses; providing for and creating planned unit developments with primary institutional uses; providing for secondary uses and prohibited uses within planned unit developments with primary residential and primary institutional uses. The amendment would allow opportunities for innovative mixed use institutional developments such as large school campuses with small commercial or residential components or multi-use city parks that do not currently conform to any existing zoning districts. Staff recommends approval of Ordinance 16-25.

General discussion of the proposed uses, prohibited uses and possible locations to be used.

***Motion by Gerald Jowers to recommend approval [of Ordinance 16-25] and seconded by Mark Maciel. Motion carried unanimously 7 - 0.***

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:40 p.m.

**ATTEST:**

**APPROVED:**

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**Recording Secretary Kathleen Rathel**

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**Chairman Will Hawthorne**

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

**ITEM # 4 (Public Hearing)**

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**DATE:** March 30, 2016 **MEETING DATE:** April 4, 2016

**SUBJECT:** 856 Myrtle Avenue (Annexation, Future Land Use, Rezoning)  
**PROJECT NAME** Bello-Flores – 856 Myrtle Avenue  
**PARCEL ID#** 25-22-27-9384-05-080

**ISSUE:** The applicant is requesting Annexation, Future Land Use designation, and Zoning on the property located at 856 Myrtle Avenue.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Bello, Angel

**CURRENT ZONING:** R-1 Single Family Dwelling District (Orange County)

**PROPOSED ZONING:** R-1 Single Family District (City)

**CURRENT FLU:** Low Density Residential (Orange County)

**PROPOSED FLU:** Low Density Residential (City)

**SUMMARY:**

The City encourages infill of its jurisdictional limits through voluntary annexation of enclaves. The subject property makes up a 0.23 ± acre parcel located at 856 Myrtle 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 Low Density Residential, and Zoning of R-1. (See attached Staff Report).

**STAFF RECOMMENDATION(S):**

Staff recommends approval of Ordinance 16-29, Ordinance 16-30, and Ordinance 16-31.

**NEXT STEP(S):**

A public meeting for the first reading of these ordinances is scheduled for the City Commission on April 14, 2016.

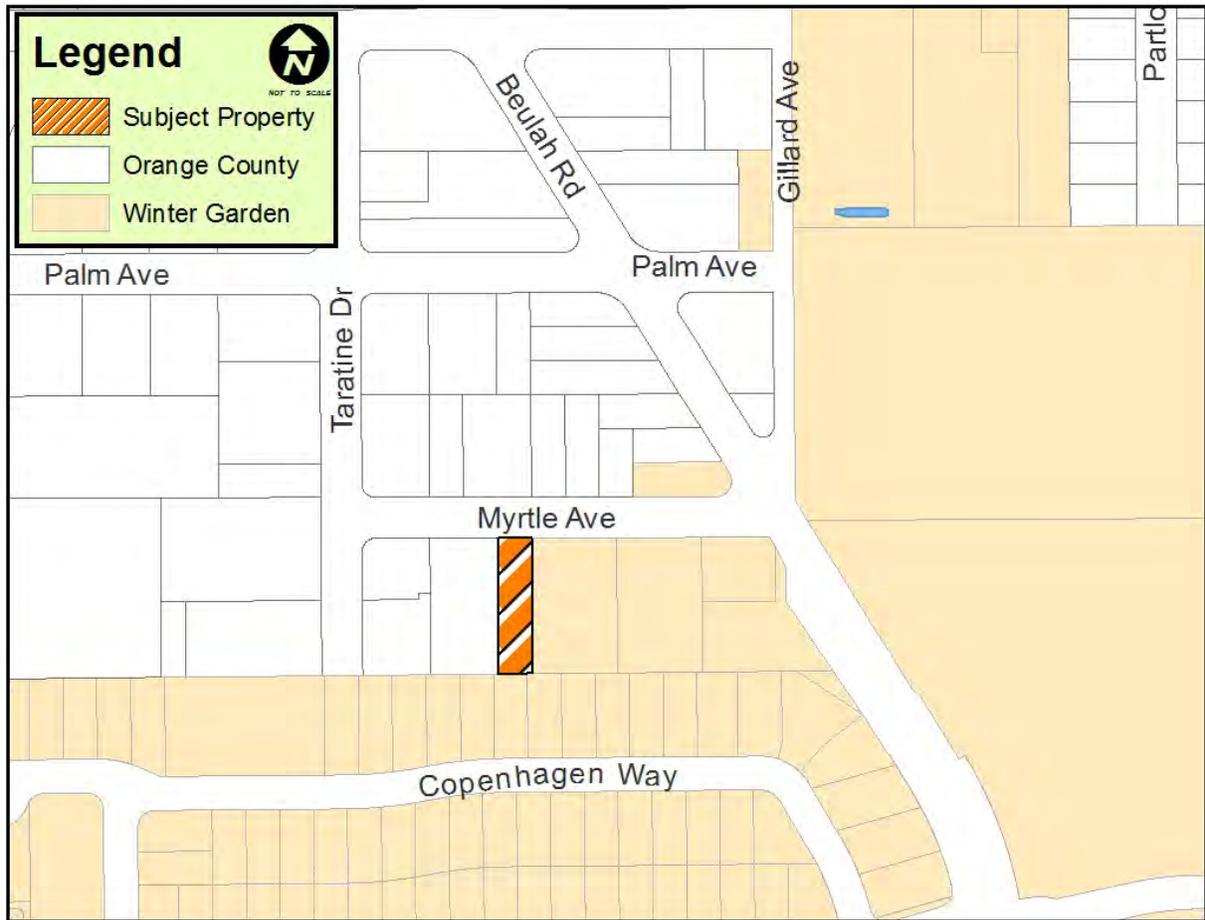
**ATTACHMENT(S):**

Location Map  
Staff Report  
Ordinance 16-29  
Ordinance 16-30  
Ordinance 16-31

# LOCATION MAP

856 Myrtle Avenue

ANNEXATION, FLU MAP AMENDMENT, 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:** STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR  
**DATE:** MARCH 21, 2016  
**SUBJECT:** ANNEXATION – FLU AMENDMENT – ZONING  
**856 MYRTLE AVENUE (0.23 +/- ACRES)**  
**PARCEL IDS #:** 25-22-27-9384-05-080  
**APPLICANT:** ANGEL BELLO

### INTRODUCTION

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

The subject property consists of a parcel located at 856 Myrtle Avenue, on the south side of Myrtle Avenue, east of Taratine Drive and west of Beulah Road and is approximately 0.23 ± acres in size. The map below depicts the proximity of the subject property to the City's jurisdictional limits:



The applicant has requested annexation into the City, amendment to the Future Land Use Map (FLUM) of the City’s Comprehensive Plan to designate the property as Low Density Residential, and rezoning the property to R-1 Single Family Residential District.

In accordance with the City’s Comprehensive Plan, properties designated with the Low Density Residential land use category are required to be developed at a gross residential density between 2 to 6 dwelling units per gross acre and up to 9 units per gross acre for workforce/low income housing with a maximum of 10 acres and will be identified on the Future Land Use Map only in areas that have the urban services and public facilities that can accommodate a higher density of residential housing. Factors in determining the location of this land use category included proximity to natural resources and urban services, availability of public facilities and the characteristics of nearby existing and future neighborhoods. Churches and schools are allowable uses in the Low Density areas that are zoned R-2 and in specified areas of PUDs and via a Special Exception Permit in all other allowable zoning classifications. The zoning classifications that are consistent with the Low Density Residential classification are PUD, R-1A, R-1, R-2, R-1B, and INT.

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

### **EXISTING USE**

The subject property is currently developed with a one-story single-family residence.

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

The properties to the north of the subject property are developed with single-family houses, zoned R-1, and located in Unincorporated Orange County. The properties to the south of the subject property are in the Sterling Pointe Subdivision and developed with single-family houses, zoned PUD, and located in Winter Garden. The property to the west of the subject property is developed with a single-family house, zoned R-1, and located in Unincorporated Orange County. The property to the east of the subject property is developed with a single-family house, zoned R-1, and located in Winter Garden.

### **PROPOSED USE**

The applicant intends to annex the subject property in order to provide the lot with City services.

### **PUBLIC FACILITY ANALYSIS**

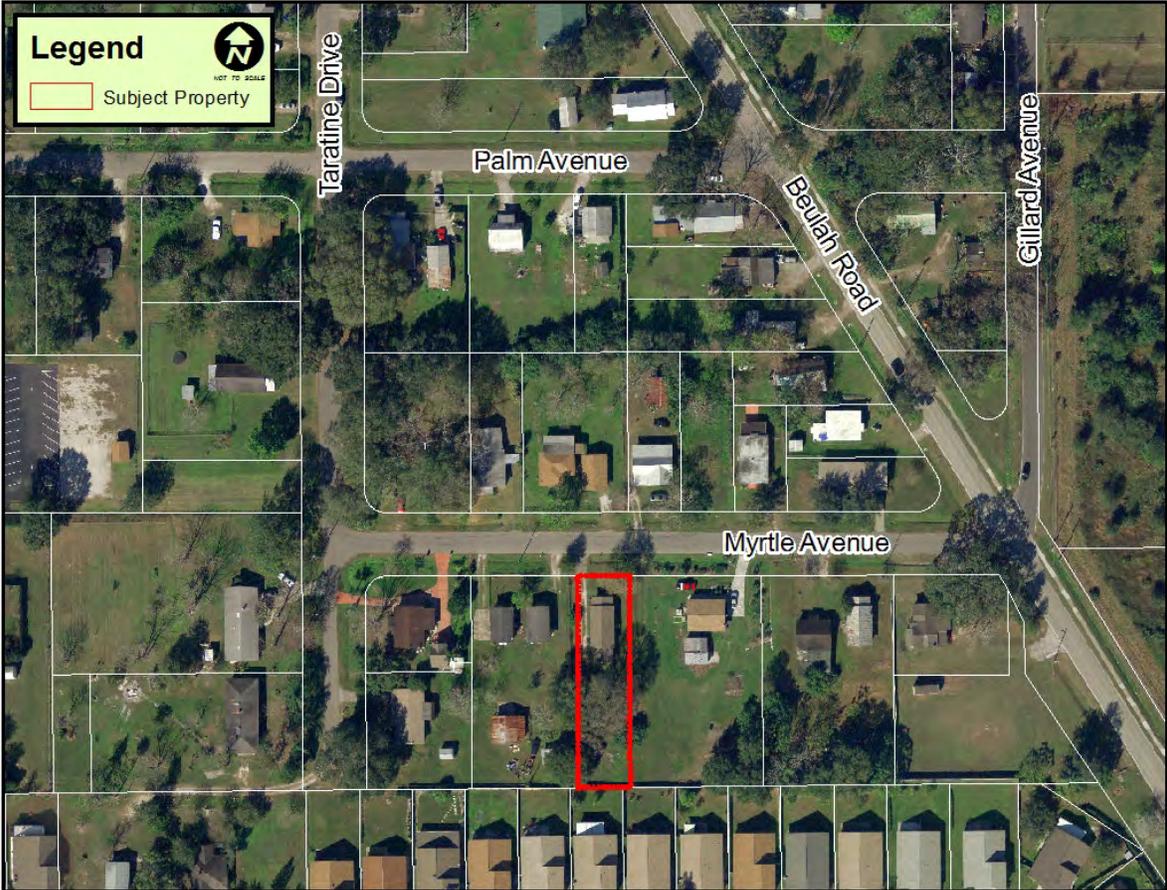
The City will provide garbage collection, police protection, and all other services regularly provided to City of Winter Garden residents. The property will be served by both Orange County Fire and Rescue and the City of Winter Garden Fire Department under the First Response System.

**SUMMARY**

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

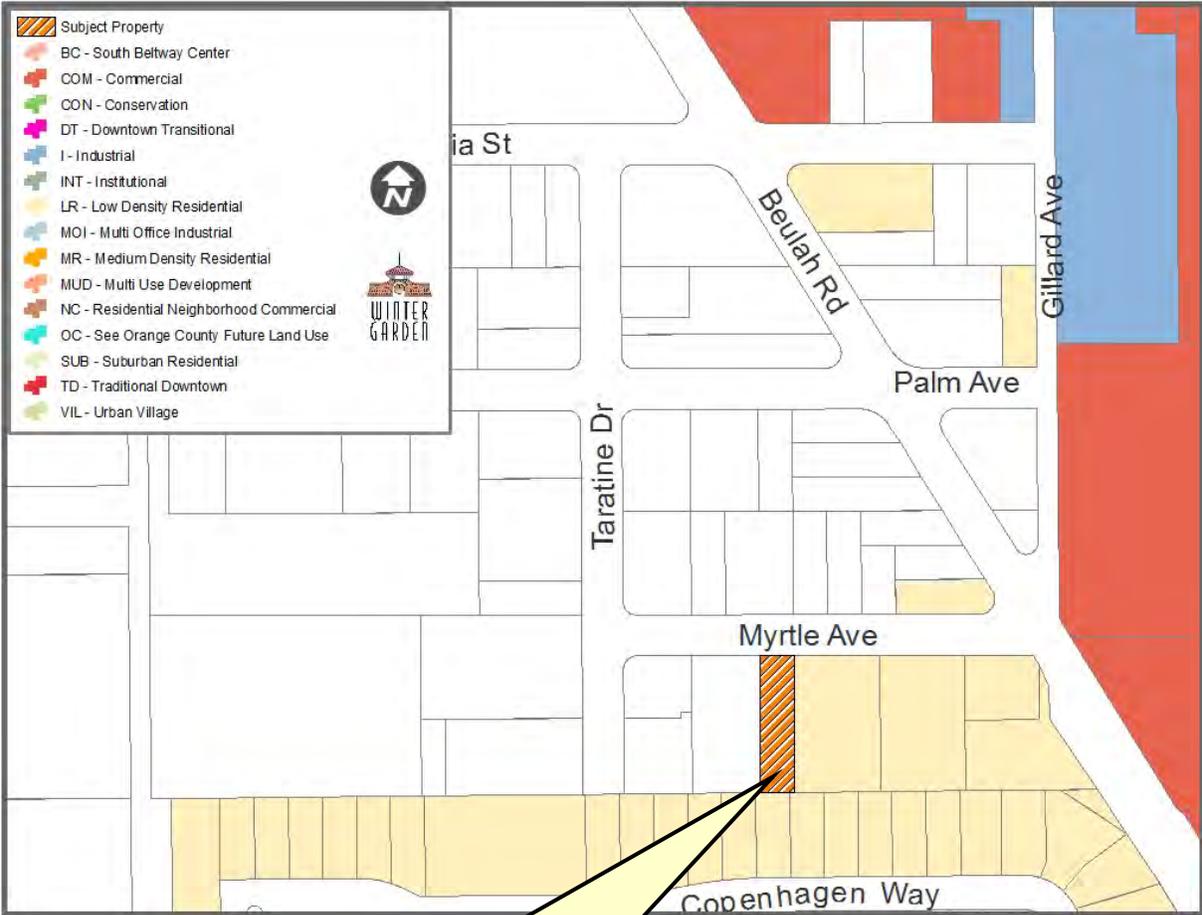
**AERIAL PHOTO**

**856 Myrtle Avenue**



**FUTURE LAND USE MAP**

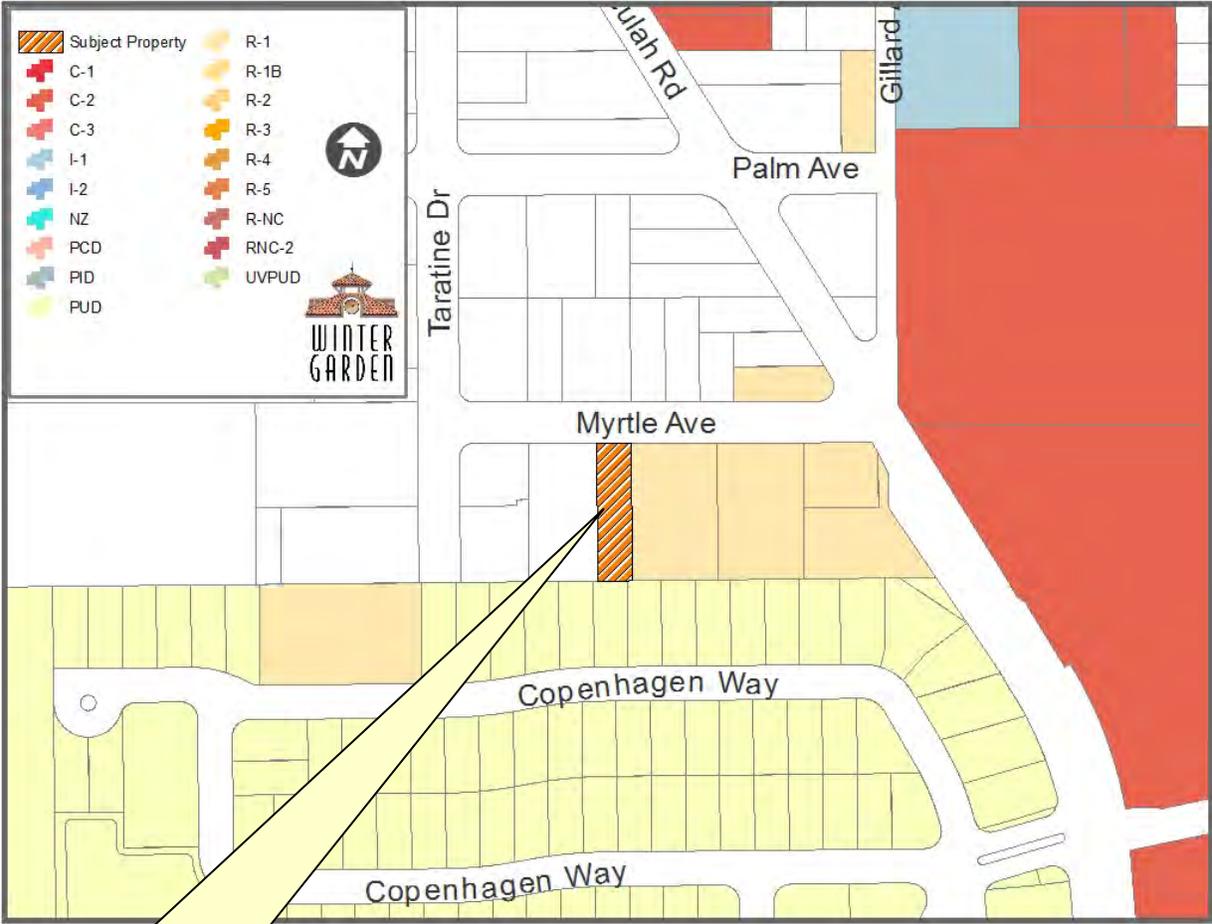
**856 Myrtle Avenue**



Subject property changed from Orange County Low Density Residential to City Low Density Residential

**ZONING MAP**

**856 Myrtle Avenue**



Subject property changed from Orange County R-1 to City R-1

**END OF STAFF REPORT**

ORDINANCE 16-29

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA PROVIDING FOR THE ANNEXATION OF CERTAIN ADDITIONAL LANDS GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRLTE AVENUE, EAST OF TARATINE DRIVE AND WEST OF BEULAH ROAD INTO THE CITY OF WINTER GARDEN FLORIDA; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY JURISDICTION OVER SAID PROPERTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the owner of the land, generally described as approximately 0.23 ± acres of land located at 856 Myrtle Avenue on the south side of Myrtle Avenue, east of Taratine Drive and west of Beulah Road and legally described in Section 2 of this Ordinance, which land is reasonably compact and contiguous to the corporate limits of the City of Winter Garden, Florida (“City”), has, pursuant to the prerequisites and standards set forth in § 171.044, Fla. Stat., petitioned the City Commission for voluntary annexation;

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

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

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

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

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

**SECTION 3:** *Effect of Annexation.* That the City of Winter Garden, Florida, shall have all of the power, authority, and jurisdiction over and within the land as described in Section 2 hereof, and the inhabitants thereof, and property therein, as it does and have

over its present corporate limits and laws, ordinances, and resolutions of said City shall apply and shall have equal force and effect as if all territory had been part of said City at the time of the passage of such laws, ordinances, and resolutions.

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

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

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

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 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#: 25-22-27-9384-05-080

Lot 8, Block E, WINTER GARDEN MANOR, according to the plat recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, together with that portion of a 20 foot strip of land formerly known as Gillard Avenue, abutting said Lot 8, Block E, vacated in Book 6821, Page 985 being more particularly described as follows:

Commence at the point of curve of Lot 12, Block E, WINTER GARDEN MANOR, according to the plat recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°30'26" East along the South right-of-way line of Myrtle Avenue, 180.00 feet to the Northwest corner of Lot 8, Block E, of said WINTER GARDEN MANOR for the Point of Beginning; thence continue South 89°30'26" East 50.00 feet to the Northeast corner of said Lot 8; thence South 00°00'31" West 180.48 feet to the Southeast corner of said Lot 8; thence South 00°00'00" East 20.00 feet to the South line of vacated Gillard Avenue; thence North 90°00'00" West along said South line 50.00 feet; thence North 00°00'00" East 20.00 feet to the Southwest corner of said Lot 8; thence North 00°00'31" East 180.91 feet to the POINT OF BEGINNING.

Containing 0.230 acres, more or less.

**ATTACHMENT "B"**

**LOCATION MAP**

**856 Myrtle Avenue**



ORDINANCE 16-30

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE WINTER GARDEN COMPREHENSIVE PLAN BY CHANGING THE LAND USE DESIGNATION OF REAL PROPERTY GENERALLY DESCRIBED AS APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRLTE AVENUE, EAST OF TARATINE DRIVE AND WEST OF BEULAH ROAD FROM ORANGE COUNTY LOW DENSITY RESIDENTIAL TO CITY LOW DENSITY RESIDENTIAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

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

**WHEREAS**, the owner of that certain real property generally described as 0.23 ± acres of land located at 856 Myrtle Avenue on the south side of Myrtle Avenue, east of Taratine Drive and west of Beulah Road, and legally described in ATTACHMENT "A" (the "Property") has petitioned the City to amend the Winter Garden Comprehensive Plan to change the Future Land Use classification from Orange County Low Density Residential to City Low Density Residential; and

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

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

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

**SECTION II.** *Effective Date.* Provided that the Property described herein is annexed into the City of Winter Garden pursuant to Ordinance 16-29, this Ordinance shall become effective 31 days after adoption, unless the Ordinance is timely challenged pursuant to § 163.3187(5), Fla. Stat., in which case, the Ordinance shall not be effective until the state land planning agency or the Administrative Commission, respectively, issues a final order

determining that the adopted Ordinance is in compliance.

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

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 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#: 25-22-27-9384-05-080

Lot 8, Block E, WINTER GARDEN MANOR, according to the plat recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, together with that portion of a 20 foot strip of land formerly known as Gillard Avenue, abutting said Lot 8, Block E, vacated in Book 6821, Page 985 being more particularly described as follows:

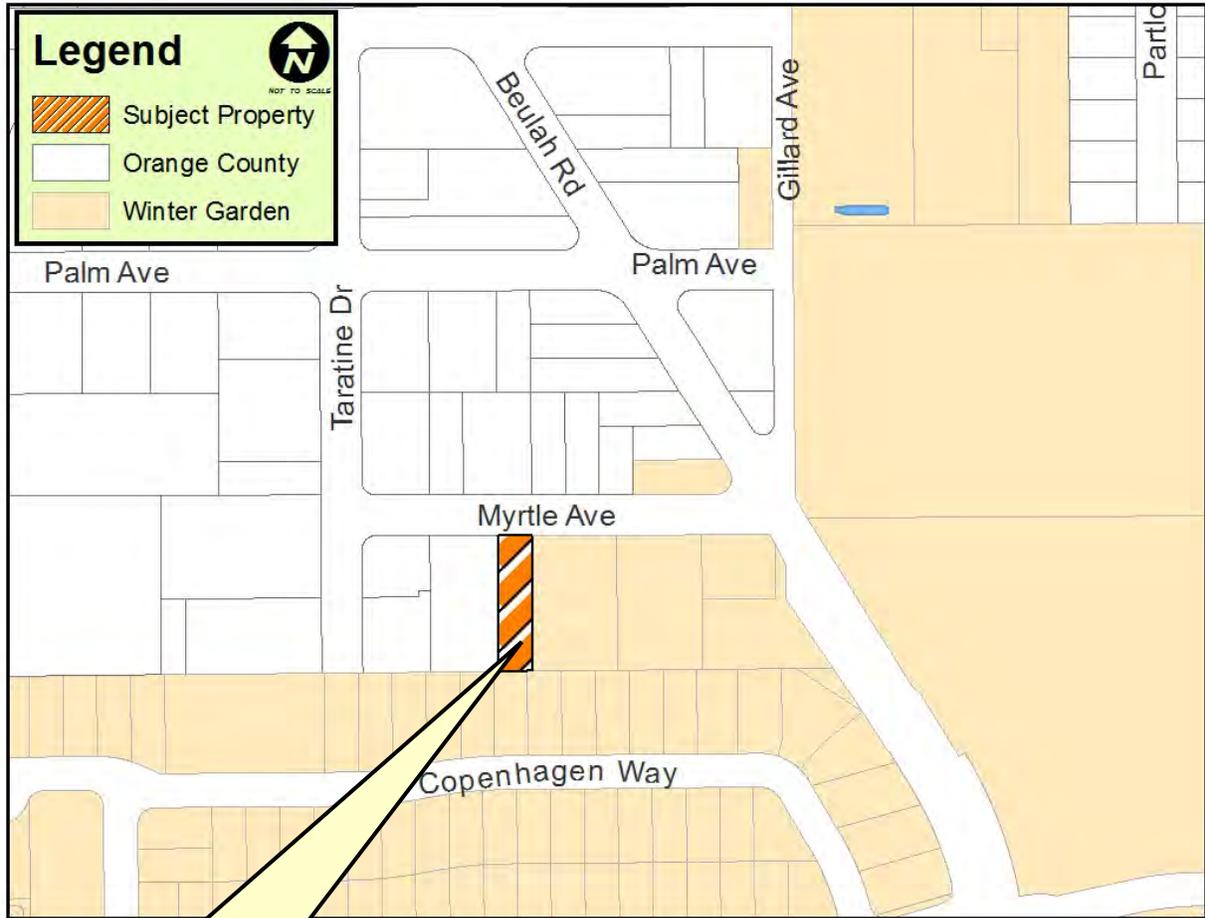
Commence at the point of curve of Lot 12, Block E, WINTER GARDEN MANOR, according to the plat recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°30'26" East along the South right-of-way line of Myrtle Avenue, 180.00 feet to the Northwest corner of Lot 8, Block E, of said WINTER GARDEN MANOR for the Point of Beginning; thence continue South 89°30'26" East 50.00 feet to the Northeast corner of said Lot 8; thence South 00°00'31" West 180.48 feet to the Southeast corner of said Lot 8; thence South 00°00'00" East 20.00 feet to the South line of vacated Gillard Avenue; thence North 90°00'00" West along said South line 50.00 feet; thence North 00°00'00" East 20.00 feet to the Southwest corner of said Lot 8; thence North 00°00'31" East 180.91 feet to the POINT OF BEGINNING.

Containing 0.230 acres, more or less.

ATTACHMENT "B"

FUTURE LAND USE MAP

856 Myrtle Avenue



Subject property changed from Orange County Low Density Residential to City Low Density Residential

ORDINANCE 16-31

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA REZONING APPROXIMATELY 0.23 ± ACRES LOCATED AT 856 MYRTLE AVENUE ON THE SOUTH SIDE OF MYRLTE AVENUE, EAST OF TARATINE DRIVE AND WEST OF BEULAH ROAD FROM ORANGE COUNTY R-1 SINGLE FAMILY DWELLING 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 0.23 ± acres of land located at 856 Myrtle Avenue on the south side of Myrtle Avenue, east of Taratine Drive and west of Beulah Road, and legally described in Section 1 of this ordinance has petitioned the City to rezone said property from Orange County R-1 Single Family Dwelling 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 Orange County R-1 Single Family Dwelling 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 simultaneously upon the effective date of Ordinance 16-30 which is an amendment to the Future Land Use Map of the City of Winter Garden Comprehensive Plan that allows the property described herein to be zoned as provided in this Ordinance.

**FIRST READING AND PUBLIC HEARING:** \_\_\_\_\_, 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#: 25-22-27-9384-05-080

Lot 8, Block E, WINTER GARDEN MANOR, according to the plat recorded in Plat Book L, Page 117, Public Records of Orange County, Florida, together with that portion of a 20 foot strip of land formerly known as Gillard Avenue, abutting said Lot 8, Block E, vacated in Book 6821, Page 985 being more particularly described as follows:

Commence at the point of curve of Lot 12, Block E, WINTER GARDEN MANOR, according to the plat recorded in Plat Book L, Page 117, Public Records of Orange County, Florida; thence run South 89°30'26" East along the South right-of-way line of Myrtle Avenue, 180.00 feet to the Northwest corner of Lot 8, Block E, of said WINTER GARDEN MANOR for the Point of Beginning; thence continue South 89°30'26" East 50.00 feet to the Northeast corner of said Lot 8; thence South 00°00'31" West 180.48 feet to the Southeast corner of said Lot 8; thence South 00°00'00" East 20.00 feet to the South line of vacated Gillard Avenue; thence North 90°00'00" West along said South line 50.00 feet; thence North 00°00'00" East 20.00 feet to the Southwest corner of said Lot 8; thence North 00°00'31" East 180.91 feet to the POINT OF BEGINNING.

Containing 0.230 acres, more or less.

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

**ITEM # 5 (Public Hearing)**

---

**DATE:** April 1, 2016 **MEETING DATE:** April 4, 2016

**SUBJECT:** 311 S Main Street (SPECIAL EXCEPTION PERMIT)  
**PROJECT NAME** Constant Courage Pilates Studio  
**PARCEL ID#** 23-22-27-8900-01-520

**ISSUE:** The applicant is requesting a Special Exception Permit to allow a live/work Pilates studio to operate on the property located at 311 S Main Street.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Susan ‘Lily” Hollister

**CURRENT ZONING:** R-NC Residential Neighborhood Commercial District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** NC Residential Neighborhood Commercial

**PROPOSED FLU:** N/A

**SUMMARY:**

The applicant is proposing to build a 323 square foot addition with a separate accessible entrance onto the rear of the building, which will be combined with a portion of the existing building to create a 694 square foot Pilates studio. The applicant will also live on the premises. The property was previously used as a law office and is developed with a parking area in the rear.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the Special Exception Permit subject to the conditions outlined in the staff report.

**NEXT STEP(S):**

Apply for Site Plan Approval & procure all necessary building permits to build the addition.

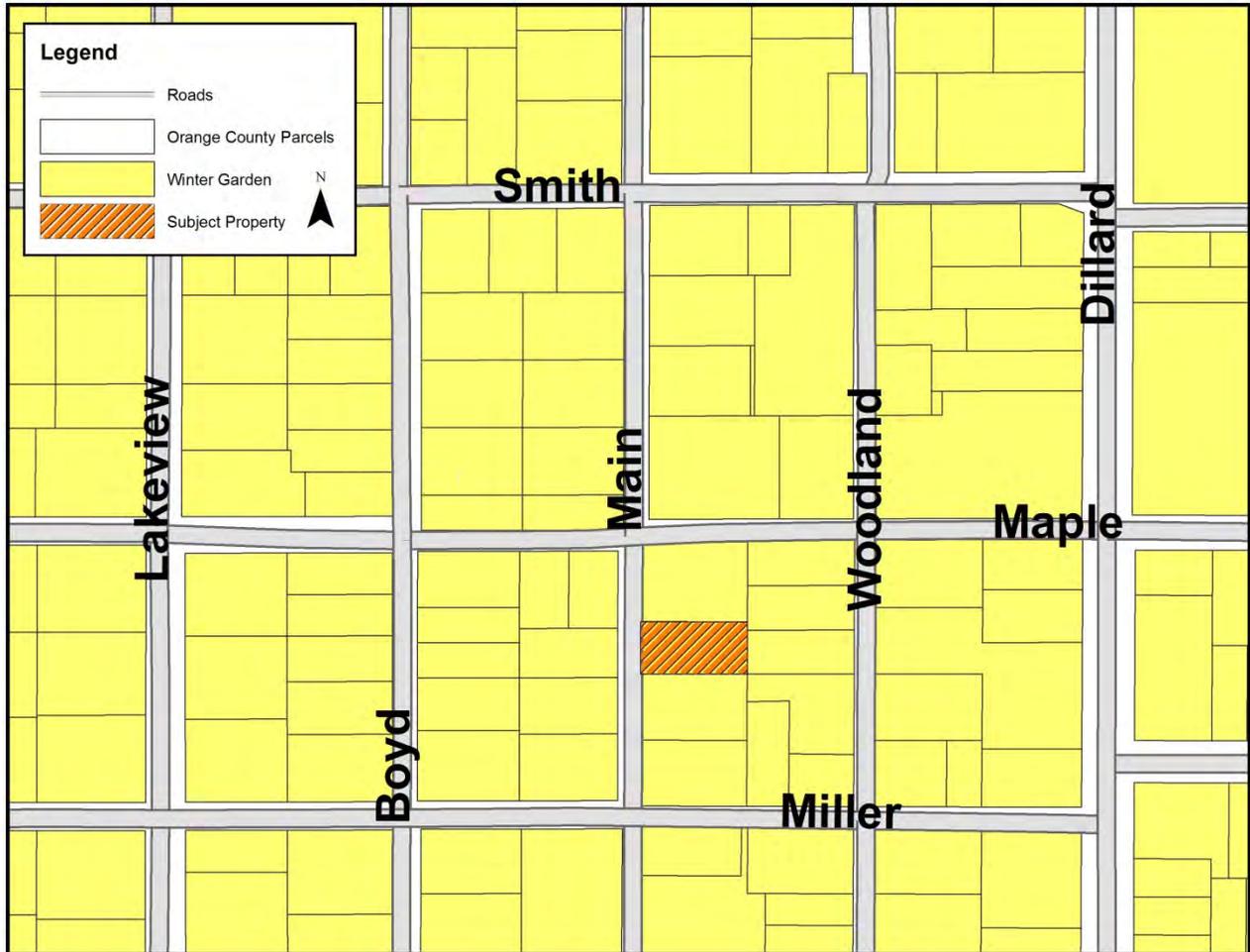
**ATTACHMENT(S):**

Location Map  
Staff Report

# LOCATION MAP

311 S Main Street

Special Exception



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

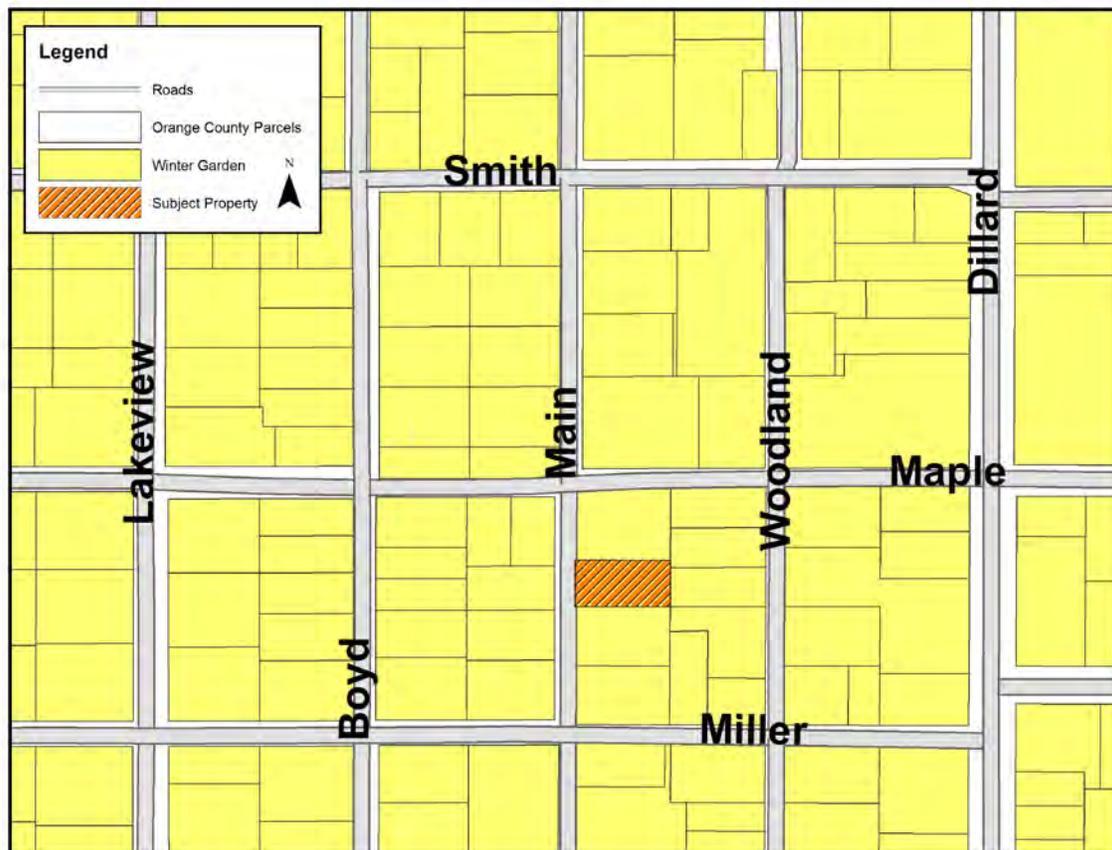
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** KELLY CARSON, PLANNER II  
**DATE:** MARCH 29, 2016  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
**311 S Main Street (Live/Work Pilates Studio)**  
**PARCEL ID # 23-22-27-8900-01-520**

**APPLICANT:** Susan 'Lily' Hollister

### INTRODUCTION

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

The subject property is located at 311 South Main Street. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The request is for a Special Exception Permit to allow a live/work Pilates studio to operate on the subject property. The subject property is located within the City of Winter Garden municipal limits, carries the zoning designation R-NC (Residential Neighborhood Commercial), and is designated NC (Residential Neighborhood Commercial) on the Future Land Use Map of the Comprehensive Plan.

### **EXISTING/PROPOSED USE**

The property is currently developed with a +/- 2,200 square foot one story structure that was originally built as a single-family residence in 2007. In that same year, the property was rezoned from R-2 to R-NC. Shortly thereafter, a Special Exception Permit was approved by the Planning & Zoning Board allowing a professional law office to operate on the property. The property's commercial conversion included the development of a parking lot in the rear of the lot with a paver driveway, four regular gravel parking stalls, and one paved handicap stall. The property also features a two-car garage and space in the driveway to park two additional cars.

The applicant proposes to reside in the front of the building and build a 323 square foot addition with a separate accessible entrance onto the rear of the building, which will be combined with a portion of the existing building to create a 694 square foot Pilates studio. One-on-one, duet, and group Pilates classes will be held in the studio addition, and there will be up to seven students per class. In the future, the applicant may also rent the studio space to other instructors to teach classes.

The studio addition is anticipated to take approximately six to eight months to complete. In the meantime, the applicant will utilize an area in the front of the existing building to teach Pilates classes until the construction of the studio is complete.

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

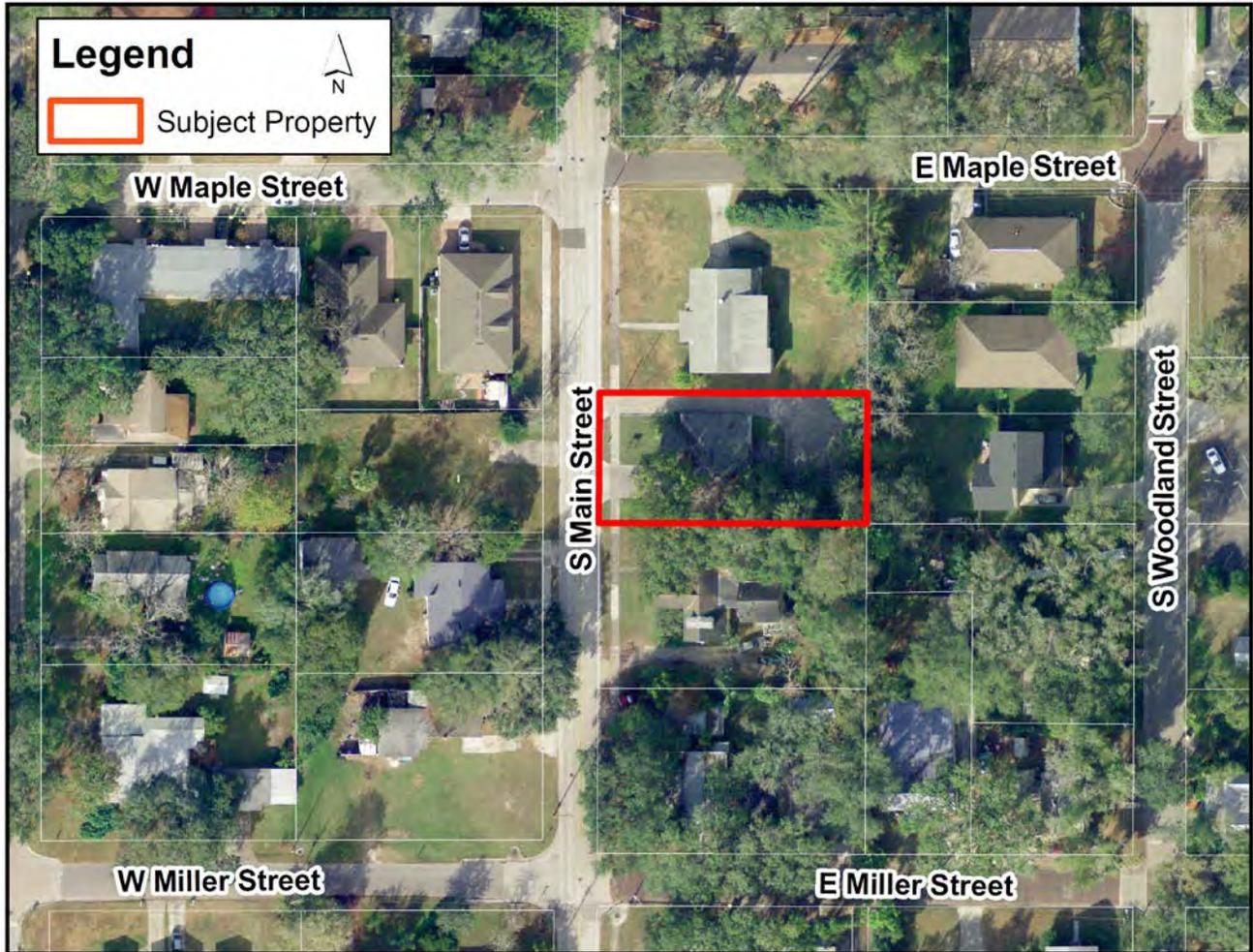
The properties to the north, south, east, and west of the subject property are all developed with single family residences, are zoned R-2, and are located within the City of Winter Garden's municipal limits.

### **SUMMARY**

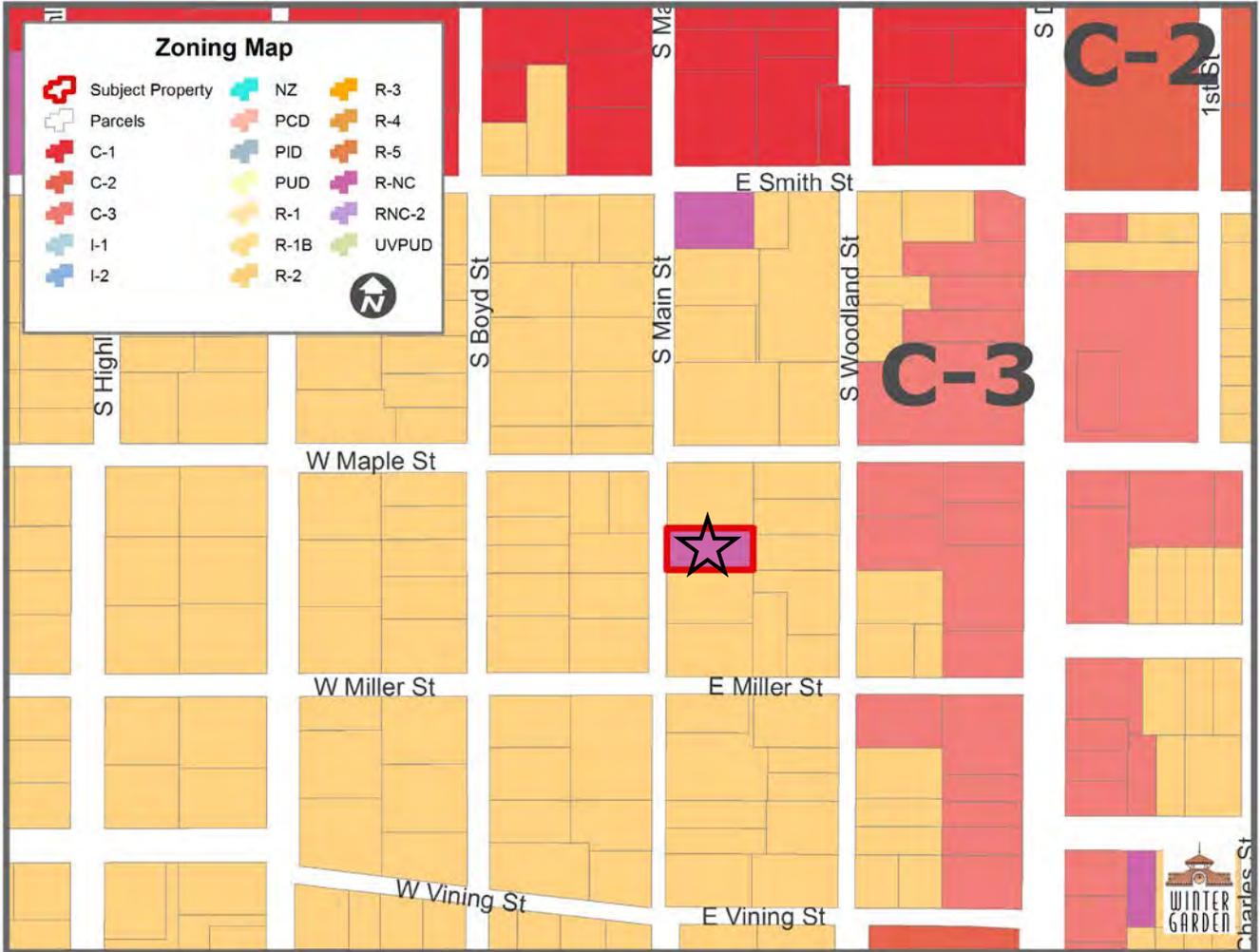
City Staff recommends approval of the proposed special exception permit to allow a live/work Pilates studio to operate at 311 S Main Street with the following conditions:

- The site plan exhibited in this report is conceptual; approval of this Special Exception Permit does not constitute approval of the site plan. The applicant will need to receive De Minimus Site Plan Approval prior to commencing work on the site.
- Main Street is not permitted to be used for additional business parking. If additional parking is needed, designated off-street Municipal parking areas may be utilized.
- The area in the front of the existing building is permitted to be utilized by the applicant as a temporary Pilates studio for a maximum of eight months while the studio addition is being constructed in the rear.

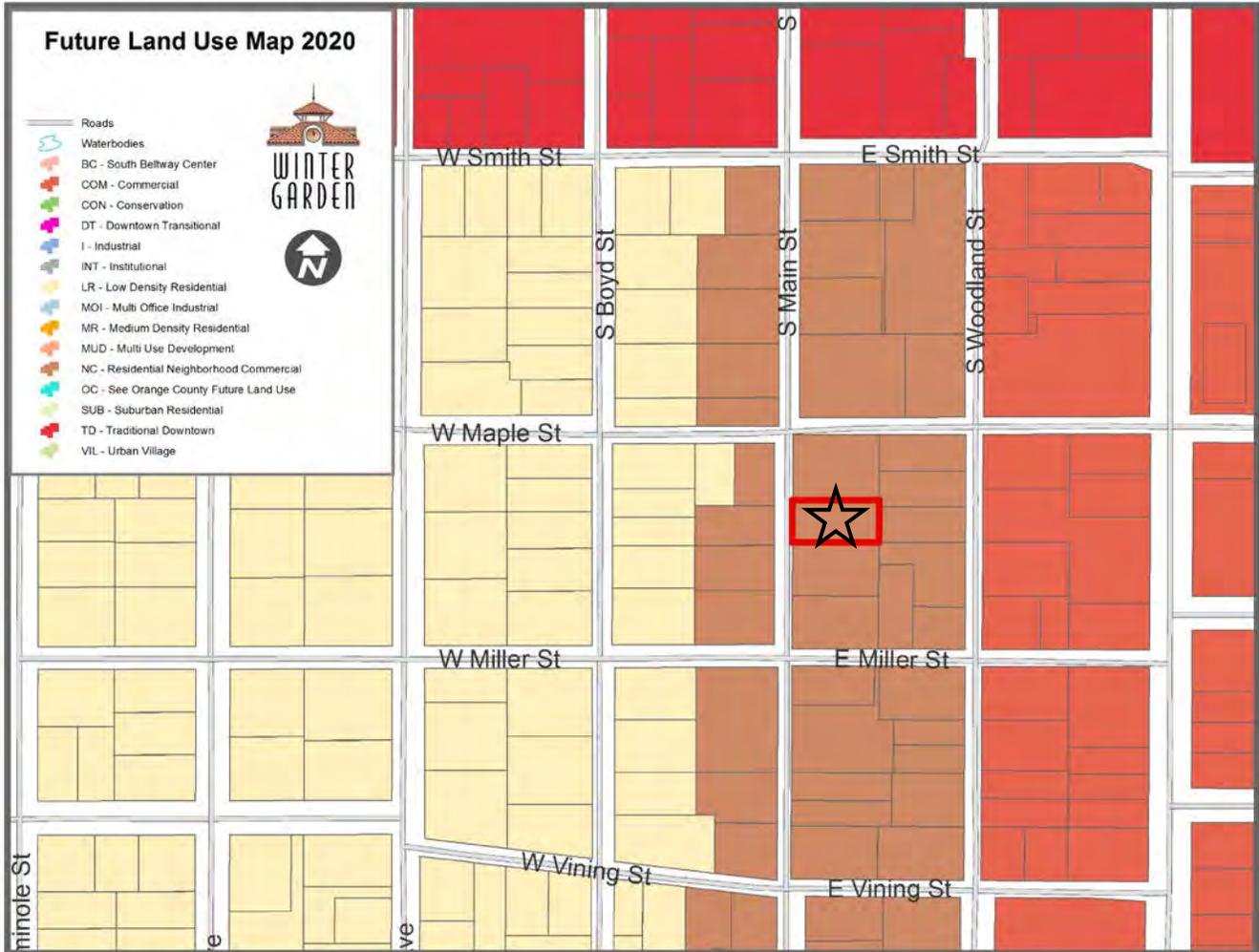
**Aerial Map**  
**311 S Main Street**



**Zoning Map**  
**311 S Main Street**



### Future Land Use Map 311 S Main Street





**Site Photos**  
**311 S Main Street**





**END OF STAFF REPORT**

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

**ITEM # 6 (Public Hearing)**

---

**DATE:** March 22, 2016 **MEETING DATE:** April 4, 2016

**SUBJECT:** 14120 West Colonial Drive (SPECIAL EXCEPTION PERMIT)  
**PROJECT NAME** Montessori Charter School  
**PARCEL ID#** 27-22-27-0000-00-060

**ISSUE:** The applicant is requesting a Special Exception Permit to allow a charter school to be developed on the property located at 14120 west Colonial Drive.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** M. Maciel and Associates, LLC/ West Orange Montessori Charter School, LLC

**CURRENT ZONING:** C-2 Arterial Commercial District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Commercial

**PROPOSED FLU:** N/A

**SUMMARY:**

The applicant is requesting special exception to allow a charter school to be developed on property located at 14120 West Colonial Drive. The C-2 Zoning district allows uses which the planning and zoning board determines are of the type and intensity of activity similar to and compatible with the permitted uses in the C-2 district to be considered through special exception.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the Special Exception subject to the conditions contained in the staff report.

**NEXT STEP(S):**

N/A

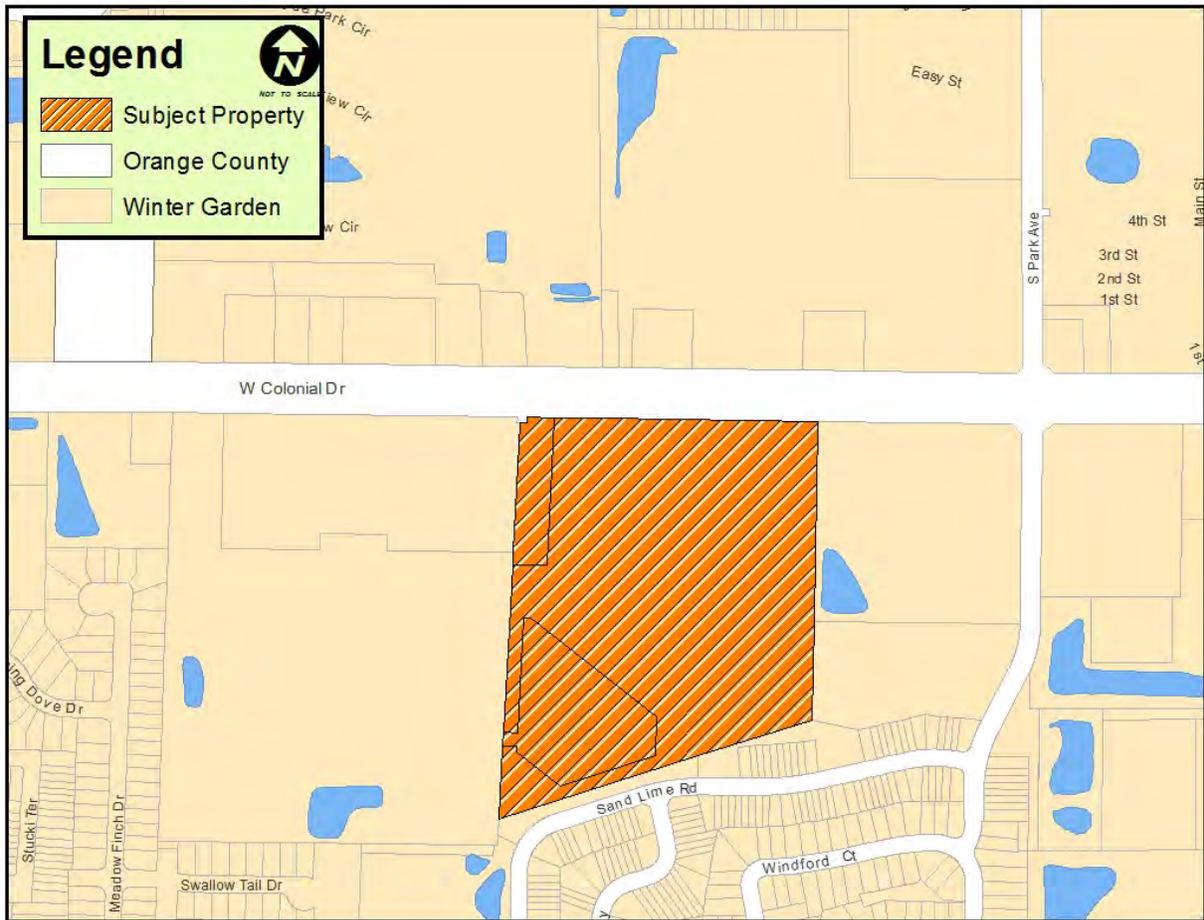
**ATTACHMENT(S):**

Location Map  
Staff Report

# LOCATION MAP

14120 W Colonial Drive

SPECIAL EXCEPTION



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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# STAFF REPORT

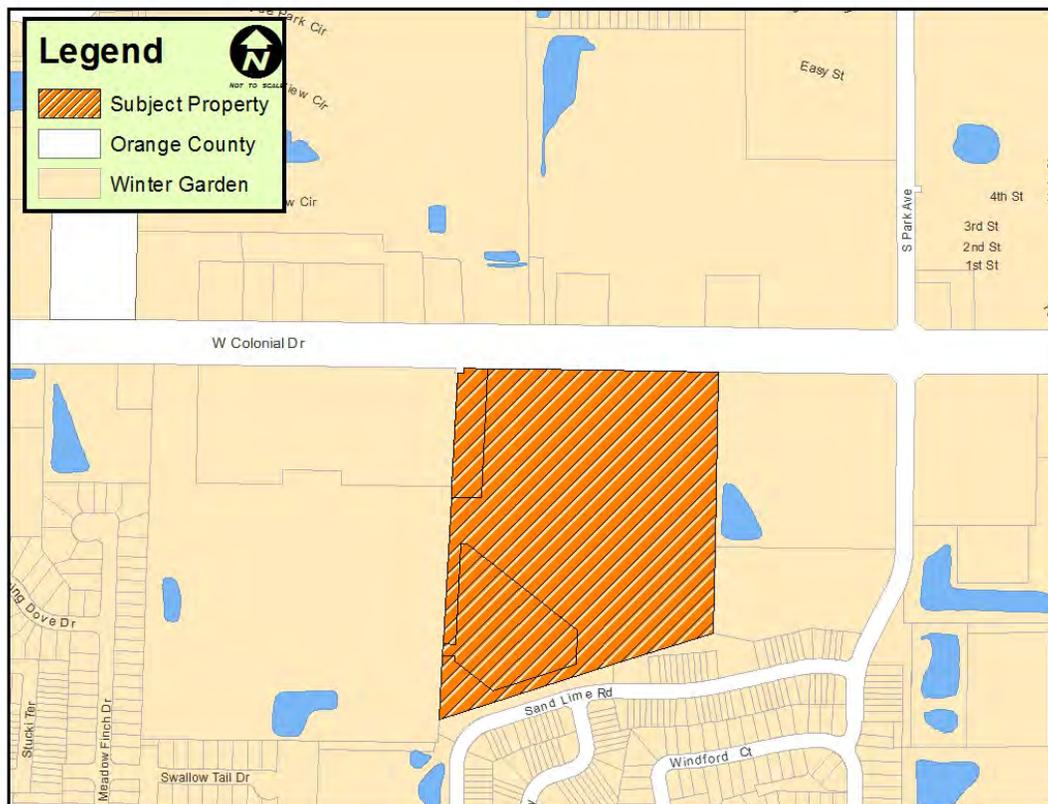
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR  
**DATE:** MARCH 22, 2016  
**SUBJECT:** SPECIAL EXCEPTION PERMIT  
**14120 West Colonial Drive (School)**  
**PARCEL ID # 27-22-27-0000-00-060**

**APPLICANT:** M. Maciel and Associates, LLC

### INTRODUCTION

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

The subject property is located at 14120 West Colonial Drive. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a Special Exception to operate a charter school on a portion of the property. This charter school has been operating at 855 East Plant Street since 2011.

### **EXISTING/PROPOSED USE**

The property is currently vacant with a Department of Transportation pond in the southwest corner of the property. The previous owners of this property submitted for a Site Plan Review, which was approved by City Commission in March of 2009, along with a Developer's Agreement. The Site Plan included 19,960 square feet of office, 133,110 square feet of retail, and a 2,435 square foot fast food restaurant along with three outparcels.

The applicant is now requesting a Special Exception to allow a charter school as a use within this development. The proposed school will have a maximum of 700 students in grades pre-k through eighth. The school buildings will be 1 and 2 story construction, with landscaped paths throughout, outdoor play ground, and outdoor learning areas. The proposed buildings will be constructed using "green" sustainable development and will be similar to the elevations shown in this report.

The owners of this property will be submitting applications to rezone the property to Planned Commercial Development (PCD) and Site Plan Review. The PCD application will require a Traffic Study and provide more details of the site development, such as showing the final access points and establishing the architectural guidelines. The total number of students that will be allowed at the school will be determined once all of these documents have been received, reviewed, and the PCD and Site Plan have been reviewed and approved.

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

The properties located to the north are developed with commercial uses including; retail, restaurants, and a skating rink, zoned C-2, and located in the City of Winter Garden. There are two properties to the east, one is vacant and the other is a Recreational Vehicle sales facility, both are zoned C-2, and located in the City of Winter Garden. The property to the south is developed with town homes (Park Avenue Estates), zoned R-3, and located in the City of Winter Garden. The property to the west is developed with the Stage Stop Camp Ground which contains mobile homes and camp sites for recreational vehicles, is zoned C-2, and located in the City of Winter Garden.

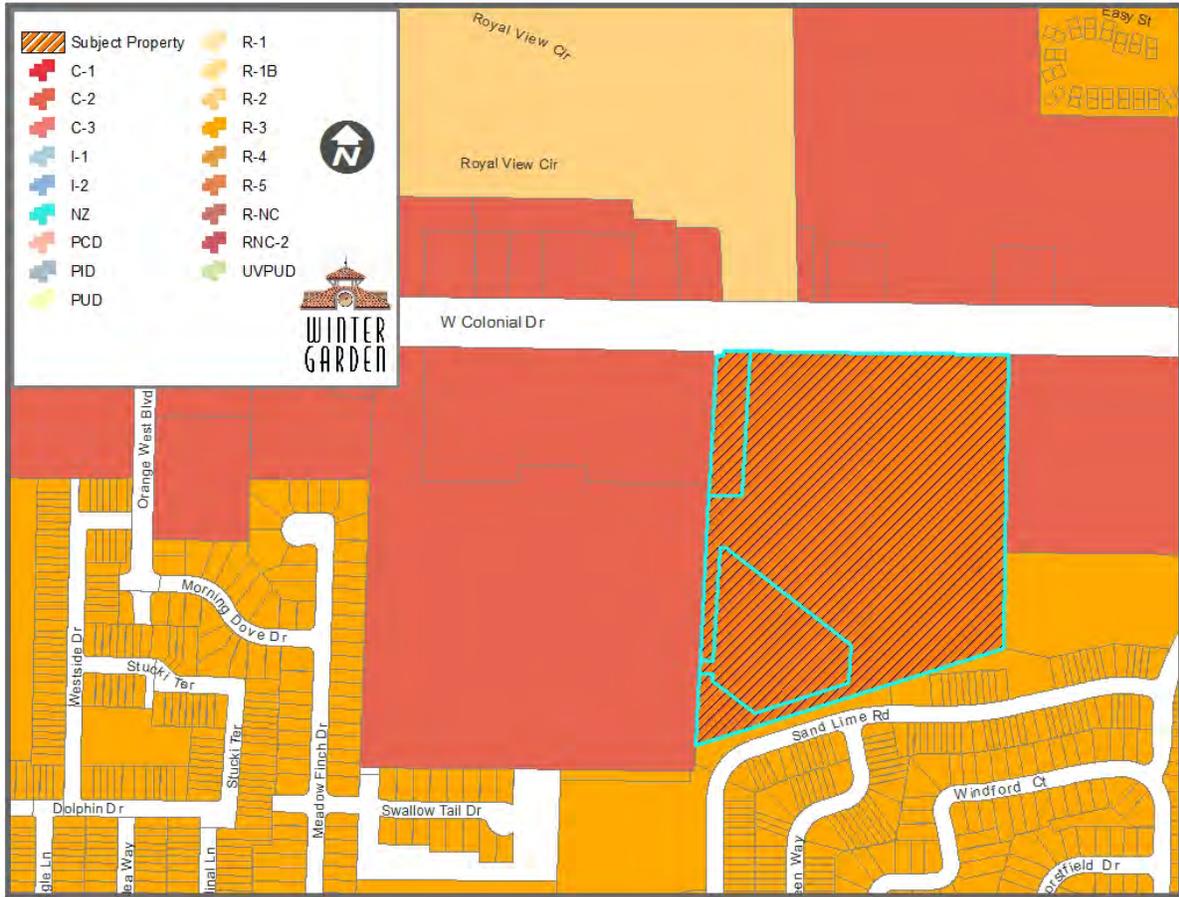
### **SUMMARY**

City Staff recommends approval of the proposed special exception permit to allow the charter school with the following conditions:

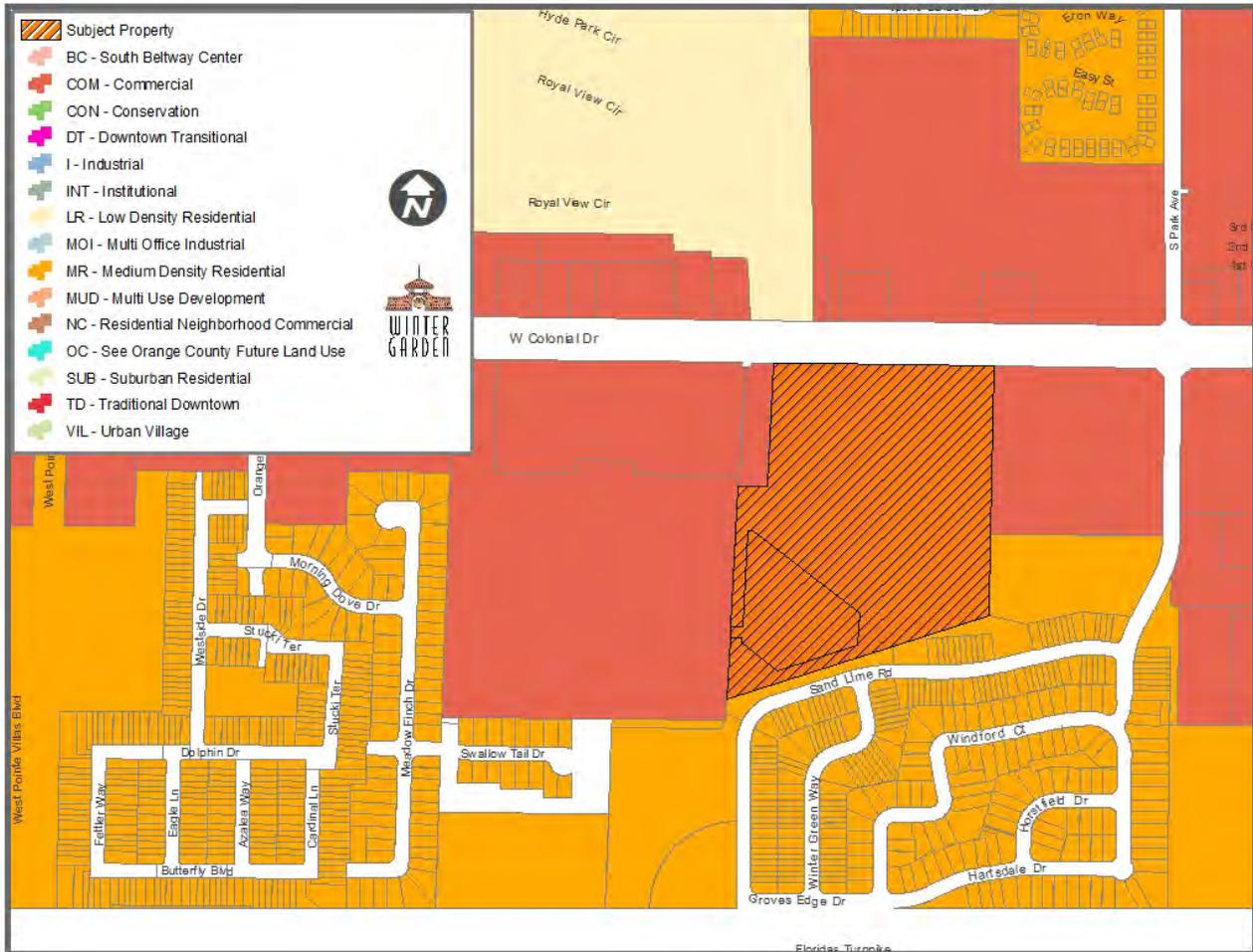
1. The proposed development must submit for Planned Commercial Development and Site Plan Review, which needs to be reviewed and approved by the Development Review Committee, Planning and Zoning Board, and City Commission.
2. The maximum number of students shall be determined through the PCD and Site Plan Review, but in no case shall it exceed 700.
3. This Special Exception Permit is specific to the West Orange Montessori Charter School, LLC and cannot be transferred to another school.



### Zoning Map 14120 West Colonial Drive



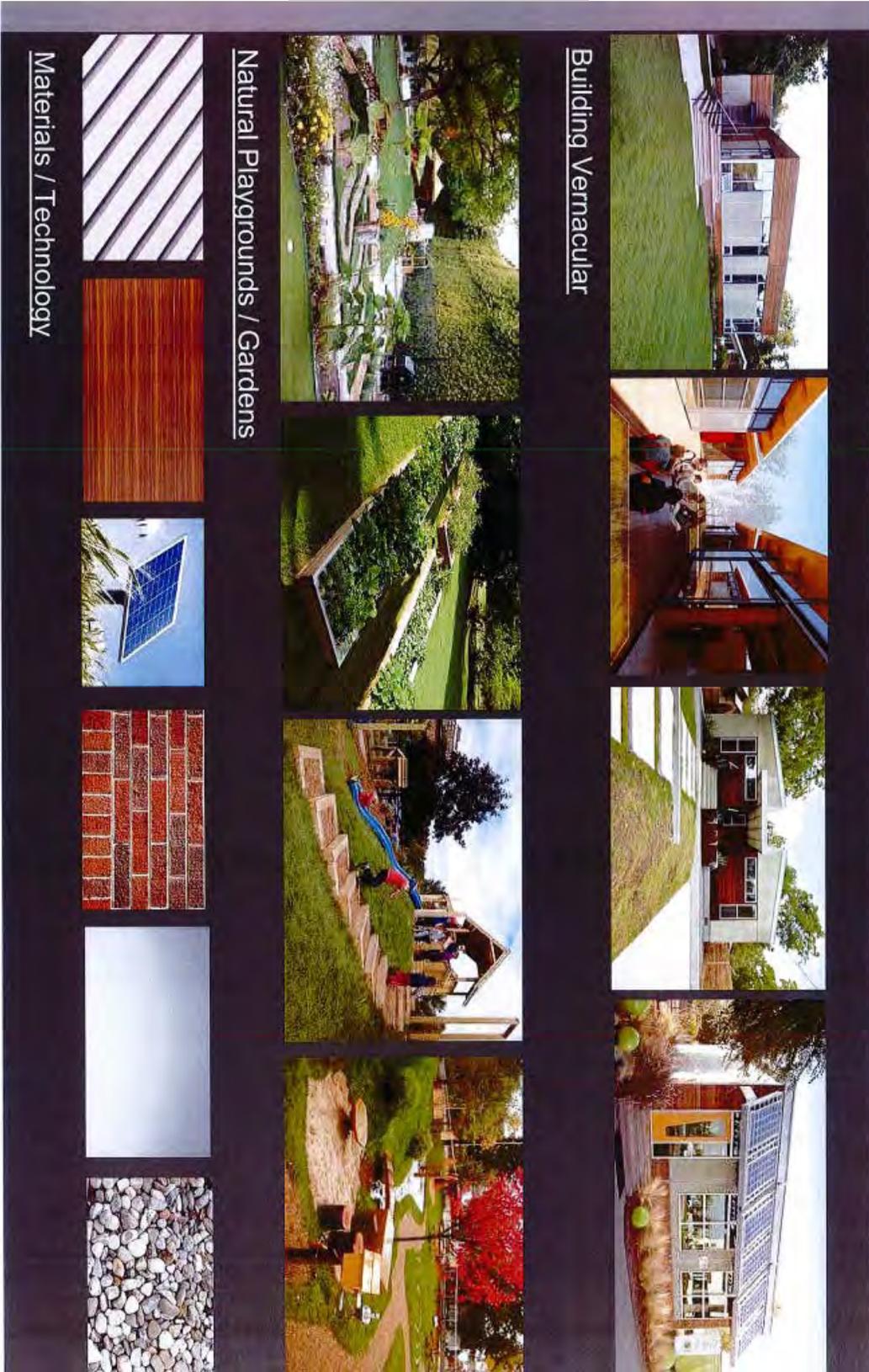
**Future Land Use Map**  
**14120 West Colonial Drive**



**SITE PLAN**  
**14120 West Colonial Drive**



**BUILDINGS/SITE AMENITIES**  
**14120 West Colonial Drive**



**END OF STAFF REPORT**

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

**ITEM # 7 (Public Hearing)**

---

**DATE:** March 30, 2016 **MEETING DATE:** April 4, 2016

**SUBJECT:** 1571 Victoria Way (VARIANCE)  
**PROJECT NAME** Ort Residence  
**PARCEL ID#** 12-22-27-8785-00-490

**ISSUE:** The applicant is requesting a Variance to the minimum required rear yard setback on property located at 1571 Victoria Way.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Larry & Candi Ort

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

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Low Density Residential

**PROPOSED FLU:** N/A

**SUMMARY:**

The applicant is seeking a variance to the minimum rear yard setback to build a build a screen room with a solid roof addition on the existing concrete slab located on the north (rear) side of the house. The variance would allow the addition to be built at a rear yard setback of 10 feet in lieu of the minimum required 17 foot rear yard setback.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the variance to allow a 10 foot rear yard setback in lieu of the minimum required 17 foot rear yard setback for the property to allow the proposed addition to the house.

**NEXT STEP(S):**

Submit for building permits.

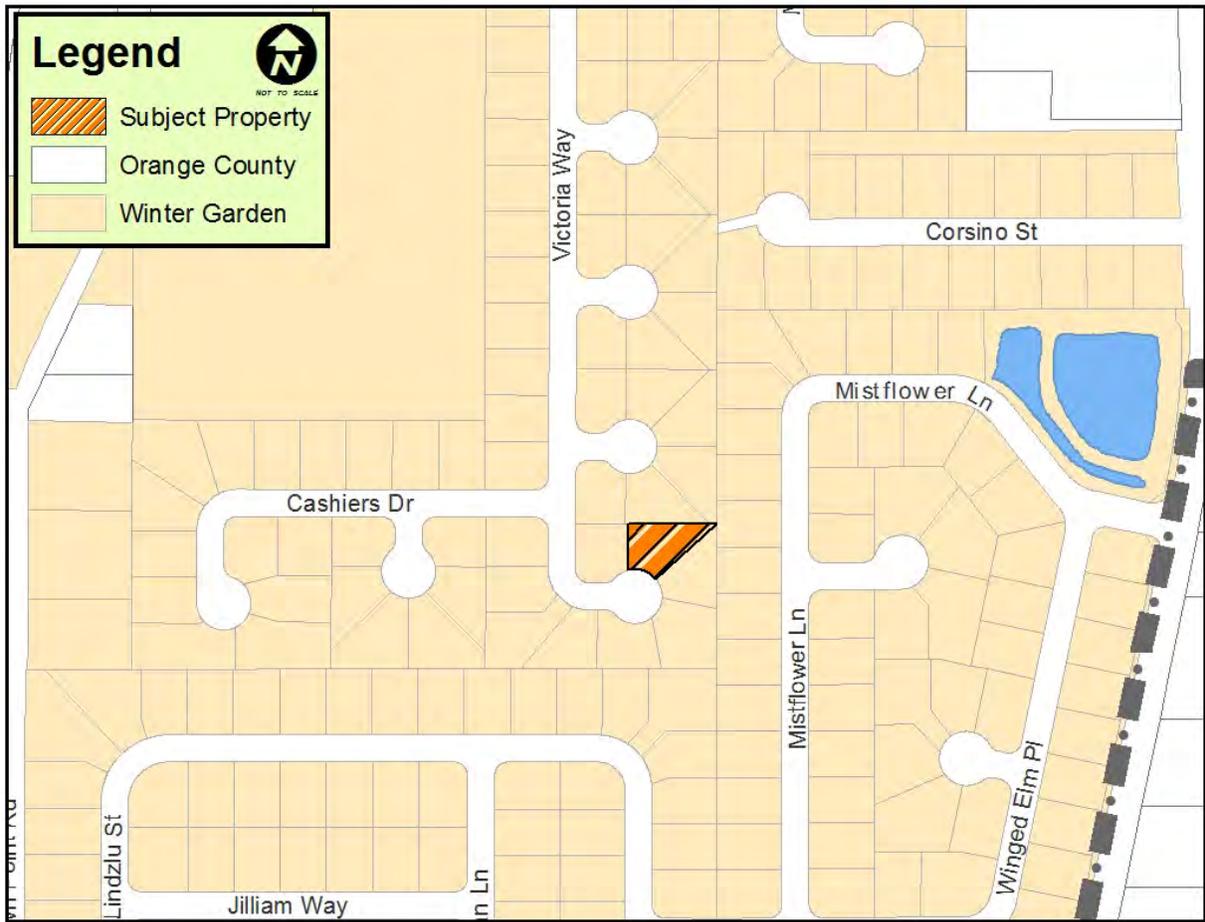
**ATTACHMENT(S):**

Location Map  
Staff Report

# LOCATION MAP

1571 Victoria Way

## VARIANCE



# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

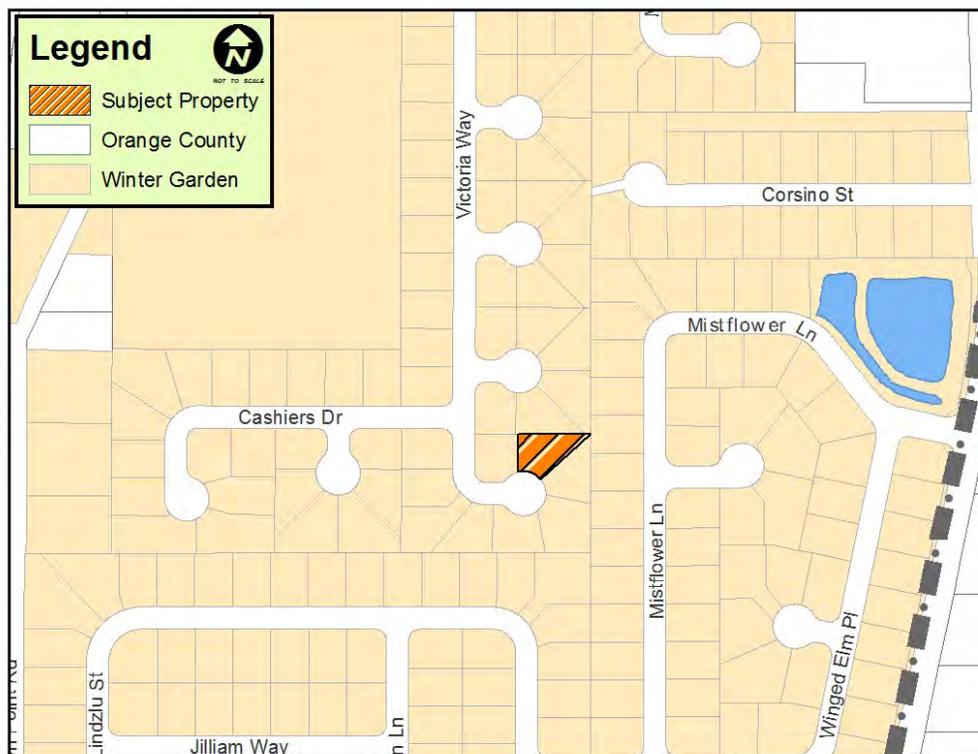
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR  
**DATE:** MARCH 22, 2016  
**SUBJECT:** VARIANCE  
**1571 Victoria Way (0.23+/- ACRES)**  
**PARCEL ID # 12-22-27-8785-00-490**

**APPLICANT:** Larry & Candi Ort

### INTRODUCTION

The purpose of this report is to evaluate the request for a rear yard setback variance for property located at 1571 Victoria Way in Winter Garden, Florida. The request is for a 10 foot rear yard setback in lieu of the minimum required 17 foot rear setback. If approved, this variance will allow a screen room with a solid roof to be added onto the house.

The subject property, located on Victoria Way is approximately a 0.23 ± acre lot near the intersection of Victoria Way and Cashiers Drive. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation R-1 (Single-Family Residential District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

### **EXISTING USE**

The subject property presently consists of a 2,216 square foot single-family residential home with a concrete patio in the rear yard.

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

The adjacent properties to the north, south, east, and west of the subject property are single-family residential homes, have the zoning designation R-1 (Single-Family Residential District) and the future land use designation of LR (Low Density Residential).

### **PROPOSED USE**

The applicant would like to build a screen room with a solid roof on the existing concrete slab located on the north (rear) side of the house.

### **CODE REFERENCE**

**Sec. 118-308 (1)** of the City Code of Ordinances addresses minimum yard requirements. This section states in part that the minimum yard requirements in the R-1 Single-Family Residential District are “*front: 30 feet, side: 10 feet each, rear: 20% of depth of lot.*”

The applicant is seeking a variance to the minimum rear yard setback to allow the proposed addition to be built with a 10 foot rear yard setback on an existing concrete slab.

### **CODE REQUIREMENTS /CRITERIA**

#### **Code Requirements/Criteria:**

Section 118-131 of the City Code that relates to the review criteria states that, “A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue.” The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

(1) *Granting the variance will not cause or allow interference with the reasonable enjoyment of adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

The proposed addition located 10 feet from the rear property line should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The property to the north has a similar structure, and the two neighbors to the south have screen rooms around their pools; one is located at a 5 foot setback and the other is on the property line.

(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 rear yard setback in lieu of the minimum required 17 foot setback will allow reasonable use of the property. The requested 10 foot rear yard setback is in character with other structures located in the surrounding area.

- (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.

- (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 single family residential neighborhood character.

- (5) *The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

The variance requested is the minimum variance that will make reasonable use of the land. The proposed addition is consistent with other properties in this area and denying this variance does not benefit the property owner or the City.

## **SUMMARY**

Staff recommends approval of a variance to Sections 118-308(1)c to allow a 10 foot rear yard setback in lieu of the minimum required 17 foot rear yard setback to allow the construction of the proposed screen room with a solid roof addition.

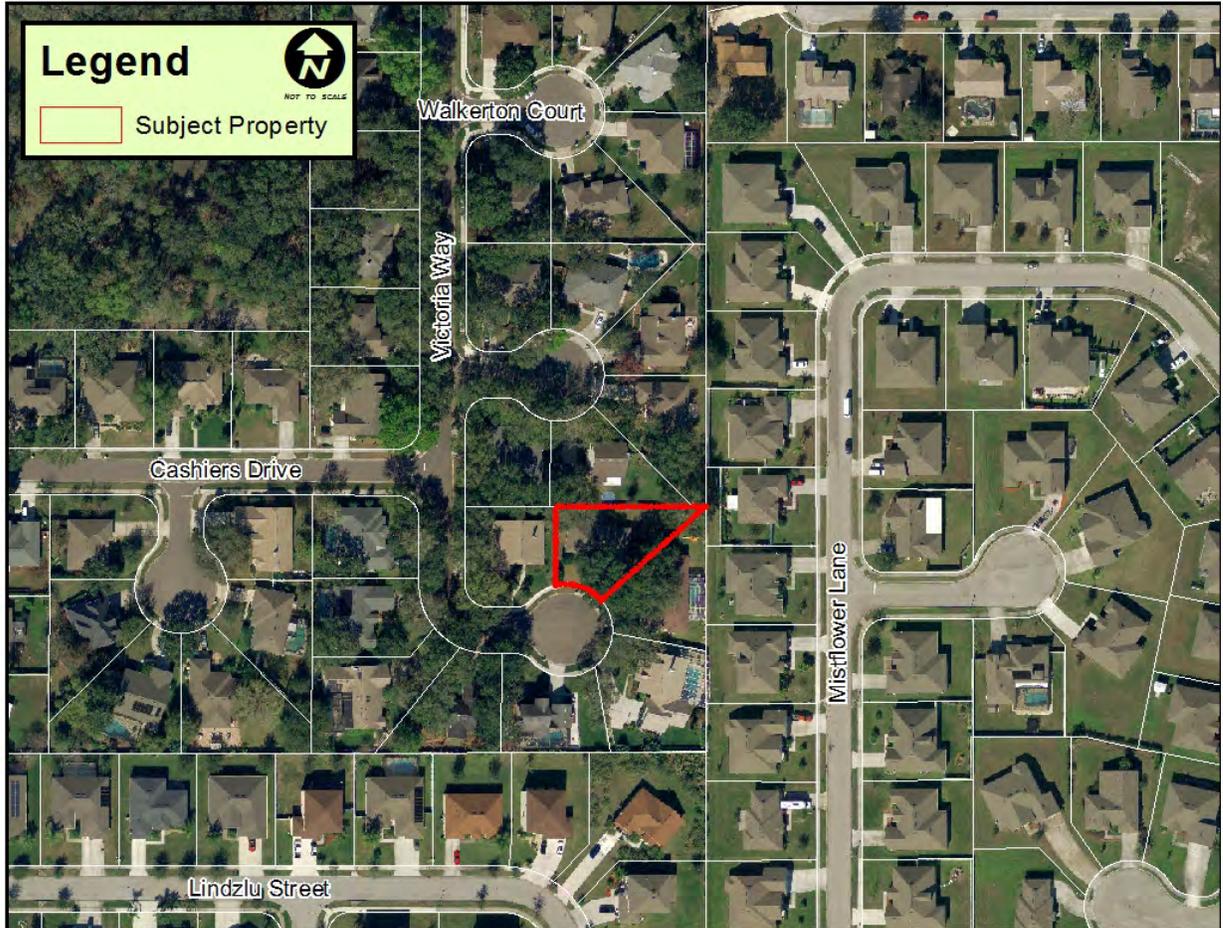
## **NEXT STEP**

Apply for the appropriate Building Permits.

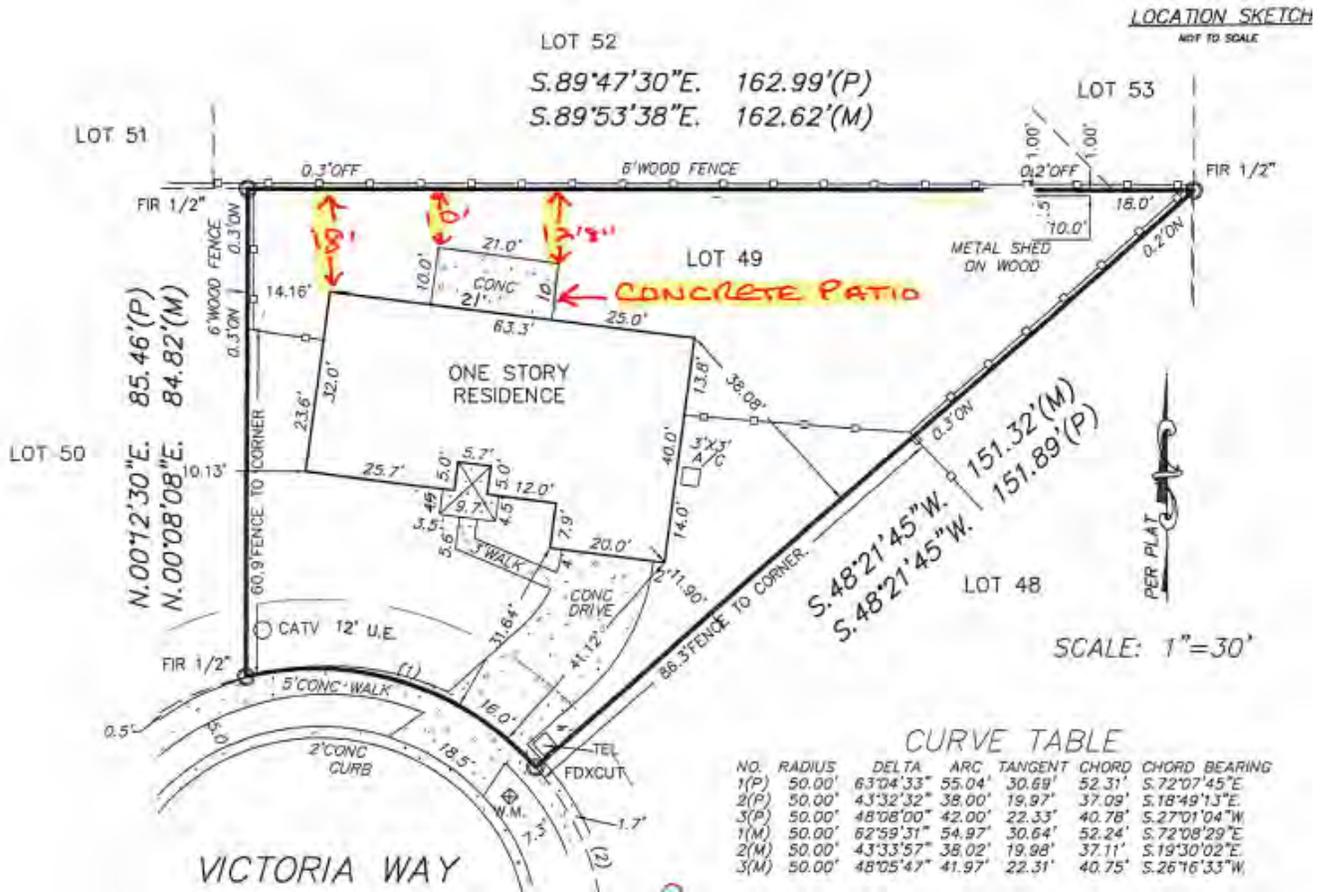
## **ATTACHMENTS**

- Aerial Photos
- Survey
- Site Photos

**AERIAL PHOTO (2013)**  
**1571 Victoria Way**



**SURVEY/PROPOSED DEVELOPMENT**  
**1571 Victoria Way**



**Site Photos**  
**1571 Victoria Way (looking east in back yard)**



**Site Photos**  
**1571 Victoria Way (looking west in back yard)**



**Site Photos**

**1571 Victoria Way (looking at property to the north with similar structure)**



**END OF STAFF REPORT**

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

**ITEM # 8 (Public Hearing)**

---

**DATE:** March 30, 2016 **MEETING DATE:** April 4, 2016

**SUBJECT:** Duguid (VARIANCE)  
**PROJECT NAME** Duguid Boat Dock  
**PARCEL ID#** 32-22-27-3602-00-630

**ISSUE:** The applicant is requesting a Variance to allow construction of a new dock at 16098 Johns Lake Overlook Drive.

**SUPPLEMENTAL MATERIAL/ANALYSIS:**

**OWNER/APPLICANT:** Laurie & Michael Duguid/Dock Pro

**CURRENT ZONING:** PUD Planned Unit Development District

**PROPOSED ZONING:** N/A

**CURRENT FLU:** Low Density Residential

**PROPOSED FLU:** N/A

**SUMMARY:**

The applicant is requesting a variance to Section 118-1323(d)(2)v to allow a new dock to be built that is 1,276 square feet in lieu of the maximum allowed size of 1,000 square feet.

**STAFF RECOMMENDATION(S):**

Staff recommends approval of the variance subject to the following conditions:

- No additions can be made to the dock.

**NEXT STEP(S):**

Apply for building permits.

**ATTACHMENT(S):**

Location Map  
Staff Report

# LOCATION MAP

16098 Johns Lake Overlook 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 DIRECTOR  
**DATE:** MARCH 23, 2016  
**SUBJECT:** VARIANCE  
**16098 Johns Lake Overlook Drive (0.49+/- ACRES)**  
**PARCEL ID # 32-22-27-3602-00-630**

**APPLICANT:** Dock Pro

### INTRODUCTION

The purpose of this report is to evaluate the request of a variance to allow a dock to be built that is 1,276 square feet in lieu of the maximum allowed size of 1,000 square feet.

The subject property, located at 16098 Johns Lake Overlook is approximately a 0.49 ± acre lot located on the south side of Johns Lake Overlook Drive in the Hickory Hammock neighborhood. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The applicant is requesting a variance to Section 118-1323(d)(2)v to allow a new dock to be built that is 1,276 square feet in lieu of the maximum allowed size of 1,000 square feet.

The subject property carries the zoning designation PUD (Planned Unit Development District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

### **EXISTING USE**

The subject property presently consists of a 5,584 square foot single-family home.

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

The surrounding properties to the north, south, and east are all located within the Hickory Hammock subdivision, developed with single-family homes, and zoned PUD. The property to the west is Johns Lake.

### **PROPOSED USE**

The applicant is requesting a variance to the maximum allowed dock square footage to allow construction of a dock that is 1,276 square feet. The owners are requesting the additional square footage to make the walkway 5 feet wide instead of 4 feet wide (standard for docks) in order to provide handicap accessibility.

### **CODE REFERENCE**

**Section 118-1323(d)(2)v** of the City Code of Ordinances addresses boat docks and states that - No dock, walk, deck, or other similar shoreline improvement shall have a surface area exceeding 1,000 square feet.

In addition to this requirement, a master dock plan was approved for each phase of the Hickory Hammock subdivision. This master dock plan allowed the docks to be built between 1,150 square feet and 1,200 square feet. This particular lot was approved to have a maximum of 1,176 square feet. The master dock plan also allowed the docks to be longer than the typical dock so they could cross the drainage ponds behind the houses and be long enough to reach a depth that was suitable for boats.

### **CODE REQUIREMENTS /CRITERIA**

#### **Code Requirements/Criteria:**

Section 118-131 of the City Code relates to the review criteria states that, "A variance may be granted from land development regulations by the planning and zoning board if the planning and zoning board concludes that literal enforcement of the provisions of land development regulations would result in either practical difficulties (for setback and parking provisions) or unnecessary hardships (for all other land development regulations) for the property at issue." The code also lists the following criteria that are to be addressed before a variance can be approved. Underlined text is Staff's comments concerning this particular petition.

*(a) Granting the variance will not cause or allow interference with the reasonable enjoyment of*

*adjacent or nearby property owners or negatively impact the standard of living of the citizens of the city;*

Allowing the dock to be 1,276 square feet should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The applicant is requesting this variance to allow the walkway to be wide enough to accommodate the owners access with a wheel chair.

*(b) The variance will allow a reasonable use of the property, which use is not out of character with other properties in the same zoning category;*

The requested variance allowing the dock to be 1,276 square feet is reasonable use of the property and is not out of character with other structures located in the surrounding area. The only addition to this dock is to allow the walkway to be 1 foot wider than other docks in the neighborhood. The dock will be similar in length to other docks on the neighboring lots and is consistent with the approved Master Dock Plan.

*(c) In the context presented, strict compliance with the land development regulation will not further any legitimate city objective or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under this criteria if the variance were denied;*

Strict compliance with the City's land development regulations will not further any legitimate City objective.

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

The variance is consistent with the provisions of the City's Comprehensive Plan relating to single-family residential neighborhood character.

*(e) The variance requested is the minimum variance that will make reasonable use of the land, building, or structure or the benefits that would be achieved under the other variance criteria by the granting of the variance outweigh the benefits under these criteria if the variance were denied.*

The variance requested is the minimum variance that will make reasonable use of the land. Denying the variance does not benefit the property owner or the City.

In addition to the criteria for variances established under section 180-131 of this Code, the planning and zoning board and city commission shall further consider the following as they specifically apply to variances issued for shoreline improvements, boat ramps, and shoreline alterations:

*(1) The average length and configuration of other docks or seawalls in the area;*

The proposed dock is a similar length to other docks in the neighborhood (see attached aerial photograph).

*(2) The owner's right to enjoy reasonable use of his/her/its property;*

The proposed dock allows reasonable use of the owners property.

*(3) The effects the improvements will have on navigability, safety, and the rights of adjoining property owners to enjoy the reasonable use of their properties;*

The proposed dock is similar in length to other docks in the area and should not have any negative impact on the navigability, safety, and rights of adjoining property owners.

- (4) *The impact, if any, on the neighborhood and nearby properties;*

There should not be any impact on nearby properties.

- (5) *Whether special conditions exist such that strict compliance with the provisions of this article would impose a unique and unnecessary hardship on the applicant;*

The owner is requesting the wider walkway in order to provide handicap accessibility to the boat dock. This creates a special condition that would impose unnecessary hardship on the applicant if the requested variance were denied.

- (6) *The effect of the proposed variance on abutting shoreline property owners;*

The proposed variance should not have any effect on abutting shoreline property owners.

- (7) *Whether the granting of the variance would be contrary to the intent and purpose of this article; and*

Approval of the variance is consistent with the purpose and intent of this article.

- (8) *Whether a variance is necessary to reach a water depth suitable for boating (i.e., usually five feet or more).*

While the proposed dock will reach the water, the requested variance is not necessary to reach a water depth suitable for boating.

## **SUMMARY**

City Staff recommends approval of the variance to section 118-1323(d)(2)v to allow a new dock to be built that is 1,276 square feet in lieu of the maximum allowed size of 1,000 square feet subject to the following condition:

- No additions can be made to the boat dock.

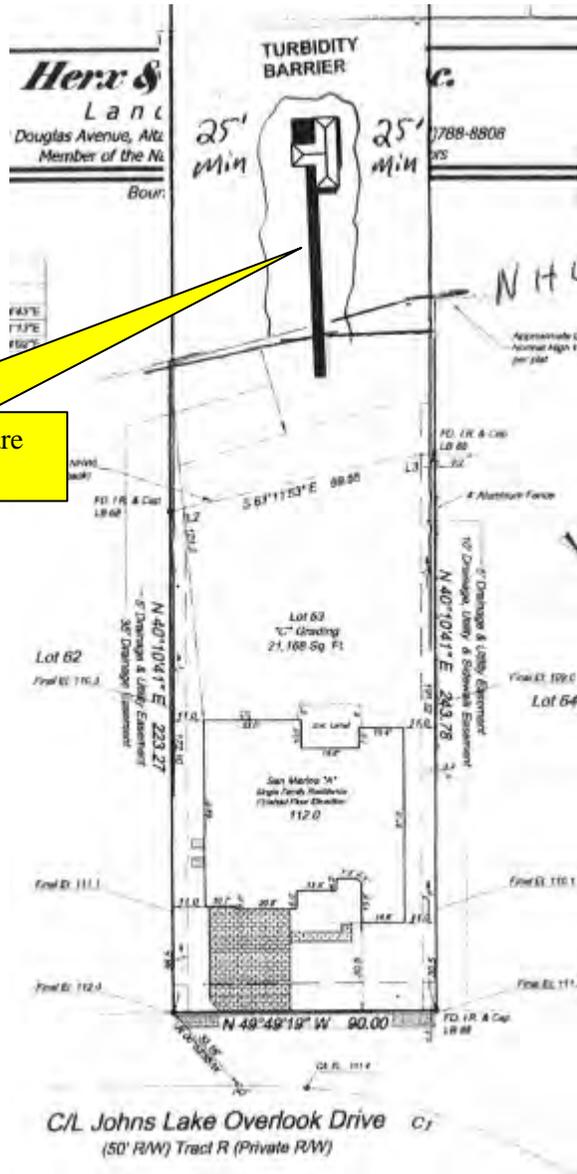
## **ATTACHMENTS**

- Aerial Photos
- Site Photos

**AERIAL PHOTO**  
**16098 Johns Lake Overlook Drive (2015)**



**SITE PLAN**  
**16098 Johns Lake Overlook Drive**



Proposed dock being 1,276 square feet.

**SITE PHOTOS**  
**16098 Johns Lake Overlook Drive**

**View of proposed location from pool deck/house (looking south)**



**View looking toward properties to the right**



**View looking toward properties to the left**



**END OF STAFF REPORT**