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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 – **June 6, 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 MAY 2, 2016 MEETING**

PRELIMINARY PLAT / FINAL PLAT / LOT SPLIT

4. 1401 W. Plant Street – Christopher & Caitlin Gonzales, **LOT SPLIT**
Parcel ID #22-22-27-0000-00-022

VARIANCE (PUBLIC HEARING)

5. 327 S. Boyd Street – Maury Alexander
Parcel ID #23-22-27-2888-11-064
6. 14627 Tullamore Loop – Jeff Boley
Parcel ID #03-23-27-1605-00-640

ADJOURN to the next regular Planning and Zoning Board meeting on Monday, ***July 11, 2016** at **6:30 p.m.** in City Hall Commission Chambers, 300 W. Plant Street, 1st floor.

**(The July meeting is changed from July 4, 2016, to July 11, 2016, due to the Holiday)*



**PLANNING AND ZONING BOARD
REGULAR MEETING MINUTES
MAY 2, 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 6:30 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, Chris Lee, and Mark Maciel

MEMBERS ABSENT:

Board Members: Mark DeFuso (excused) and Gerald Jowers (excused)

STAFF PRESENT:

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

3. APPROVAL OF MINUTES

Motion by Mark Maciel to approve the regular meeting minutes of April 4, 2016 and seconded by Chris Lee. Motion carried unanimously 5 - 0.

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

4. 622 Vineland Road – CDM Capital Corp. (REZONING)

Staff recommended tabling this item to the June 6, 2016 Planning & Zoning meeting.

Motion by Chris Lee to recommend tabling 622 Vineland Road to June 6, 2016 Planning & Zoning meeting at 6:30 pm and seconded by Heather Gantt. Motion carried unanimously 5 - 0.

5. 16846, 17000 & 17166 Marsh Road – K. Hovnanian Homes / Poulos and Bennett (UVPUD REZONING)

Community Development Director Pash presented a request to establish the Zoning of UVPUD (Urban Village Planned Unit Development) for the property located at 16846, 17000 and 17166 Marsh Road. The applicant is proposing to develop 107 single family homes, park,

and open space with 39 lakefront lots that are 90 feet wide by 120 feet deep and 68 interior lots that measure 60 feet wide by 120 feet deep. The proposed UVPUD is consistent with the surrounding area, meets code, is consistent with the future land use designation, and will have a density at 1.86 units per acres. The developer has agreed to pay their Proportionate Fair Share for the intersection improvements at Williams Road and Marsh Road and at Avalon Road and Marsh Road. These items will be outlined in a Developer's Agreement. Staff has reviewed and recommends approval of Ordinance 16-32 subject to the conditions outlined in the Ordinance and staff report.

Chairman Hawthorne mentioned the open spaces that will buffer the existing settlements.

Heather Himes with Akerman, LLP, 420 S Orange Ave, Orlando FL 32806, was present on behalf of the applicant. The owner, development team, transportation environmental and engineering representatives were also present to answer any questions. They concur with Staff Recommendations and wanted to thank Staff for all their work on this project.

Motion by David Kassander to recommend approval of Ordinance 16-32 with Staff Recommendations (as provided in the agenda packet) and seconded by Mark Maciel. Motion carried unanimously 5 - 0.

SPECIAL EXCEPTION (PUBLIC HEARING)

6. 1333 East Crown Point Road – Cornerstone Community Church of West Orange Inc

Community Development Director Pash presented a Special Exception request for the property located at 1333 East Crown Point Road. The applicant is requesting the Special Exception to allow a pre-school with up to 60 students at an existing church. In addition, they are requesting permission to have the 5th and 6th grade classes from Hope Charter School operate at the same facility for a temporary time period while the new facilities for Hope Charter are being built. The pre-school would not open until after the 5th & 6th grade facilities are constructed and moved to the new location. Staff has reviewed the requests and recommends approval subject to the conditions in the Staff Report.

General discussion on parking and school hours between the pre-school and Hope Charter.

Motion by Heather Gantt to recommend approval of the Special Exception Permit for 1333 East Crown Point Road with Staff Recommendations (as provided in the agenda packet) and seconded by David Kassander. Motion carried unanimously 5-0.

7. 14120 W. Colonial Drive – M. Maciel and Associates, LLC

Community Development Director Pash presented a Special Exception request to allow a charter school to be developed on property located at 14120 W. Colonial Drive. Staff feels the proposed Montessori School for Pre-K through 8th grades will be a compatible use. The owners of the property will be submitting for a PCD (Planned Commercial Development) at a later time which will include a final site plan, traffic studies, and the proposed site uses. The Special Exception will allow the school to move forward with financing. Staff has reviewed and recommends approval subject to the conditions listed in the Staff Report.

Board Member Maciel recused himself from this item.

Chairman Hawthorne clarified the location of the school and that the applicant would have to come back for preliminary plan approval.

Board Member Kassander questioned if the Special Exception was granted but the applicant did not move forward would there be an expiration date for the Special Exception? Mr. Pash stated the recommendation was for this specific school only and would expire in one year if not acted upon.

Motion by Chris Lee to recommend approval of the Special Exception for 14120 W. Colonial Drive with Staff Recommendations (as provided in the agenda packet) and seconded by Will Hawthorne. Motion carried unanimously 5 - 0.

VARIANCE (PUBLIC HEARING)

8. 182 Roper Drive – Ashlyn Hembrooke & Timothy Hembrooke

Community Development Director Pash presented a Variance request for the property located at 182 Roper Drive. The applicant is requesting a variance to construct an accessory structure that is greater than 160 square feet at a 17.9 foot rear yard setback in lieu of the minimum required 30 foot rear yard setback and for a 4 foot side yard setback in lieu of the minimum required 10 foot side yard setback. Staff has reviewed the variance request, believes it meets all the criteria, and recommends approval subject to the conditions listed in the Staff Report.

Board Member Lee asked if the structure was going to be permanent. Mr. Pash stated it would be permanent to park their boat under. It would be located in the rear yard, behind a fence, and not be too visible. He stated both neighboring properties signed affidavits in support of the structure.

Chairman Hawthorne asked if there were any conditions on the structure being limited to open air or if it could be enclosed. Mr. Pash stated the applicant applied for an open-air structure only but there was not a condition restricting it to be open or enclosed. He also stated accessory structures were limited to not becoming an inhabited space.

Motion by David Kassander to recommend approval of the Variance for 182 Roper Drive with Staff Recommendations (as provided in the agenda package) and seconded by Heather Gantt. Motion carried unanimously 5 - 0.

ADJOURNMENT

There being no further business, the meeting was adjourned at 6:47 p.m.

ATTEST:

APPROVED:

Recording Secretary Kathleen Rathel

Chairman Will Hawthorne

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 4 (Public Hearing)

DATE: June 2, 2016 **MEETING DATE:** June 6, 2016

SUBJECT: 1401 W Plant Street (LOT SPLIT)
PROJECT NAME Gonzales Lot Split
PARCEL ID# 22-22-27-0000-00-022

ISSUE: The applicants are requesting to split the lot located at 1401 W Plant Street.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Christopher & Caitlin Gonzales

CURRENT ZONING: Single-Family Residential District (R-1)

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential (LR)

PROPOSED FLU: N/A

SUMMARY:

The applicant requests lot split approval to divide the existing 4.54 acre residential lot into two residential lots in order to construct two single-family residences (one residence per lot).

STAFF RECOMMENDATION(S):

Staff recommends approval of the lot split subject to the conditions contained in the Staff Report.

NEXT STEP(S):

File with the Orange County Property Appraiser's Office and Office of Public Records.

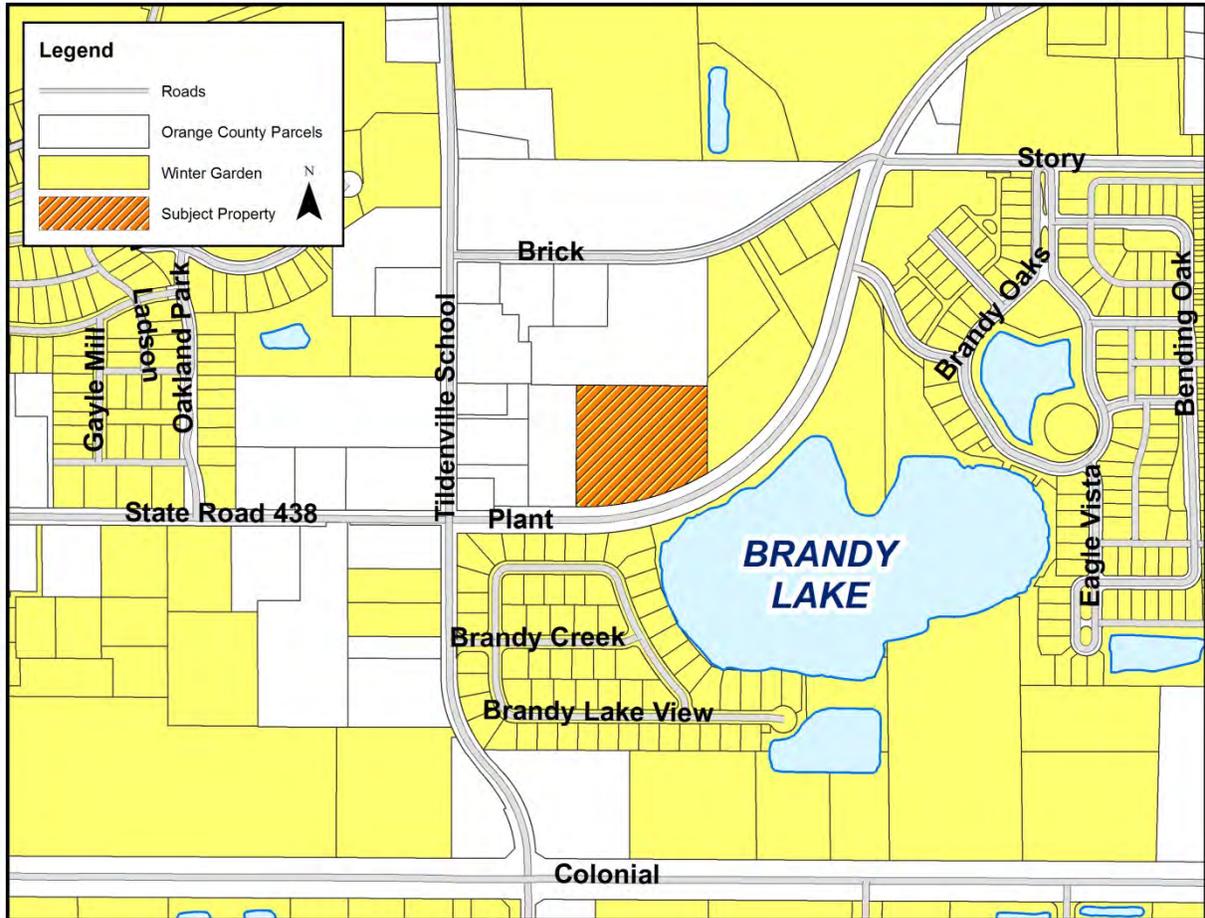
ATTACHMENT(S):

Location Map
Staff Report
Lot Split Survey

LOCATION MAP

1401 W Plant Street

LOT SPLIT



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

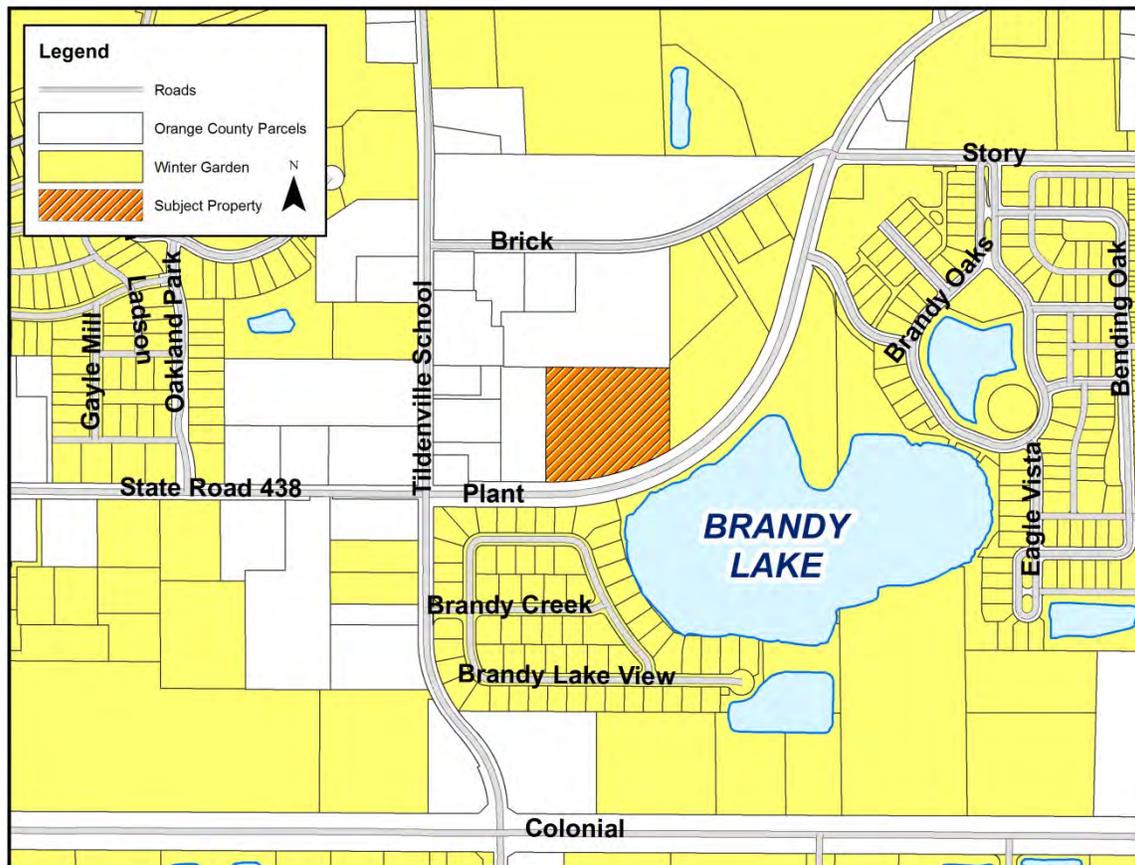
STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: KELLY CARSON, URBAN DESIGNER
DATE: JUNE 2, 2016
SUBJECT: LOT SPLIT
1401 W Plant Street
PARCEL ID # 22-22-27-0000-00-022

APPLICANT: Christopher & Caitlin Gonzales

INTRODUCTION

The purpose of this report is to evaluate the request to allow a lot split on property located at 1401 W Plant Street for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan. The subject property, located on the north side of West Plant Street, east of Tildenville School Road and south of Brick Road, is approximately 4.54 ± acres in size. 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), is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

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

CODE REFERENCE

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

- a) Whenever a proposed subdivision is a proposal for the division of a single existing lot into two lots, in lieu of complying with division 3 of this article, the subdivider may conform to the procedural requirements set out in this division or he may comply with the procedure for subdivision or resubdivision contained in this chapter at the applicant's option. This procedure shall not apply to a subdivision into more than two lots or additional lot splits on contiguous land or within the same existing subdivision. The intention being that this procedure may only be used once as it pertains to all or any portion of the lands involved in or previously utilizing or subject to this procedure.
- b) A subdivider shall apply to the city manager on an application form, promulgated by the director of planning, for the subdivision of a single existing lot into two lots, stating the subdivider's plans for development with the following minimum criteria:
 - 1) A sketch showing the lot size, location of proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourses abutting or encroaching upon subject property. This sketch must also show existing buildings and lot dimensions.
 - 2) A brief description of all utilities and city services, including sewers, potable water facilities, and fire hydrants electric and telephone poles, streetlights, storm drains and any other utilities or services relevant to the maintenance of subject properties.
 - 3) A listing of the names and addresses of the record owners abutting subject

property.

- 4) A boundary survey of the lands subject to this procedure, as existing (i.e., prior to the proposed lot split) and as proposed (i.e., after the proposed lot split), performed and prepared under the responsible direction and supervision of a professional surveyor and mapper shall be certified to and submitted to the city. Said surveys shall include the depiction of existing improvements thereon.
- c) Lot split procedure. Once the application is determined to be complete, the city staff shall review the request for compliance with the code (e.g. compliance with lot dimensions requirements, setbacks for existing buildings etc.).

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

- 1) Approve the application as recommended by the city staff.
- 2) Approve the application, deleting or supplementing the conditions and restrictions of the city staff.
- 3) Approve the application, adding conditions and restrictions as determined by the planning and zoning board.
- 4) Disapprove the application.

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

SUMMARY

Staff has reviewed the application and has determined that both properties will conform to the minimum lot requirements of the R-1 zoning district and will be consistent with the sizes of other nearby residential lots.

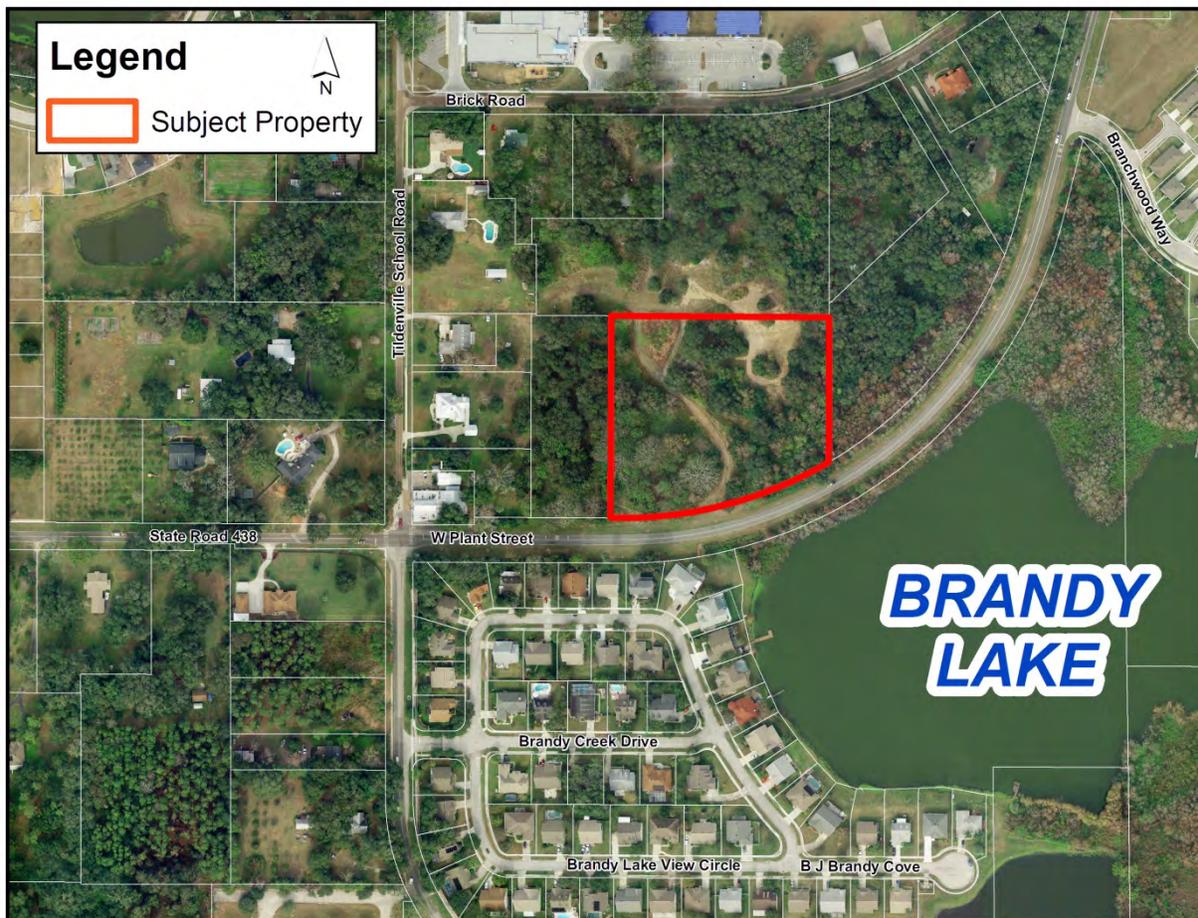
Staff recommends approval of the lot split subject to the following conditions:

1. A Joint Ingress/Egress Easement is required to be recorded in the public records before building permits may be issued for either property.
2. Approval of the lot split does not constitute any approvals for the site which will have to go through the normal building permit process. No construction is approved with the approval of the lot split. At the time of site development, plans for connecting to City utilities shall be provided, along with a grading plan, tree plan, and driveway plan for the joint access.
3. The soils report indicates that this site's soils have "severe limitations for building site development, sanitary facilities, and recreational uses", and will require removal of surficial organic soils, and a substantial amount of fill. At the time of site development, this will need to be addressed depending upon the location of any proposed structures.
4. Easements for drainage and utilities between the two parcels may be required at the time of building plan approval.

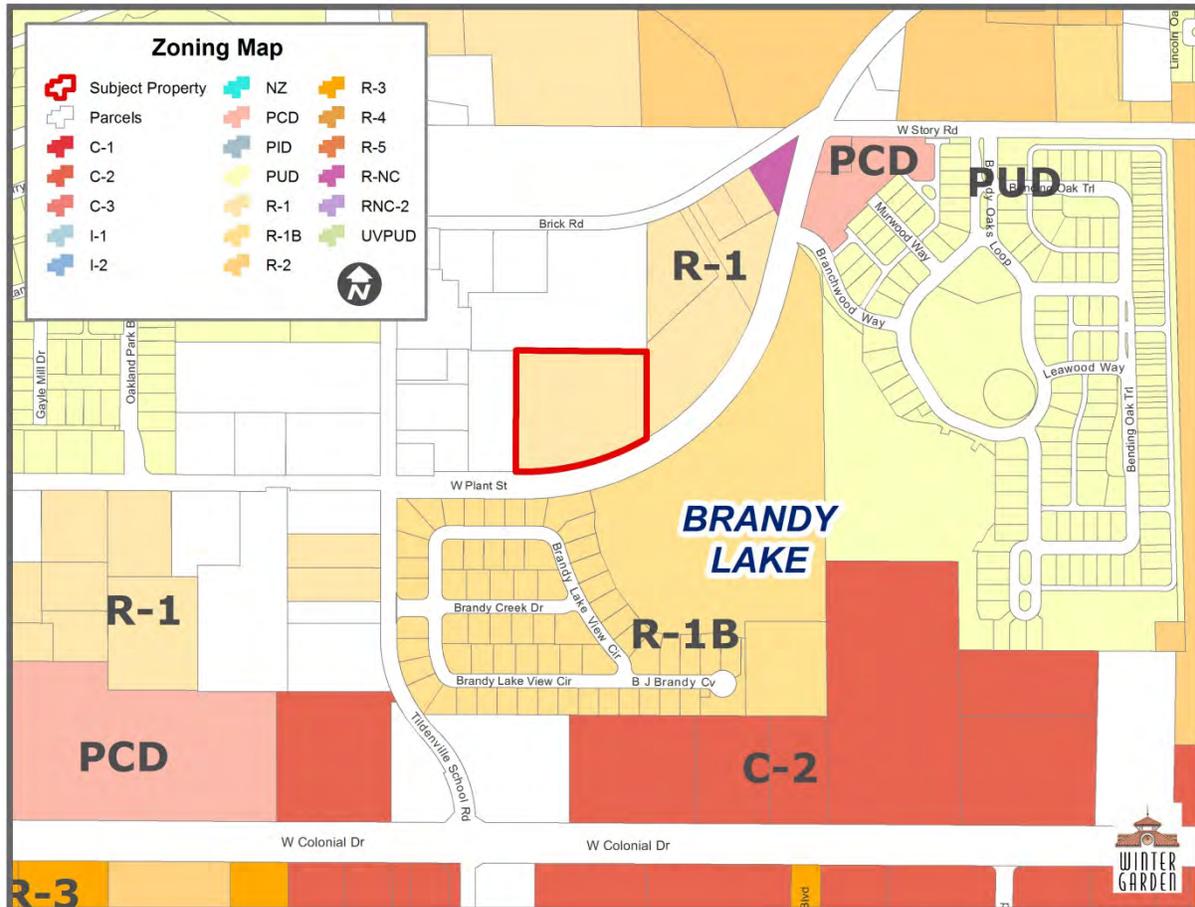
NEXT STEP

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

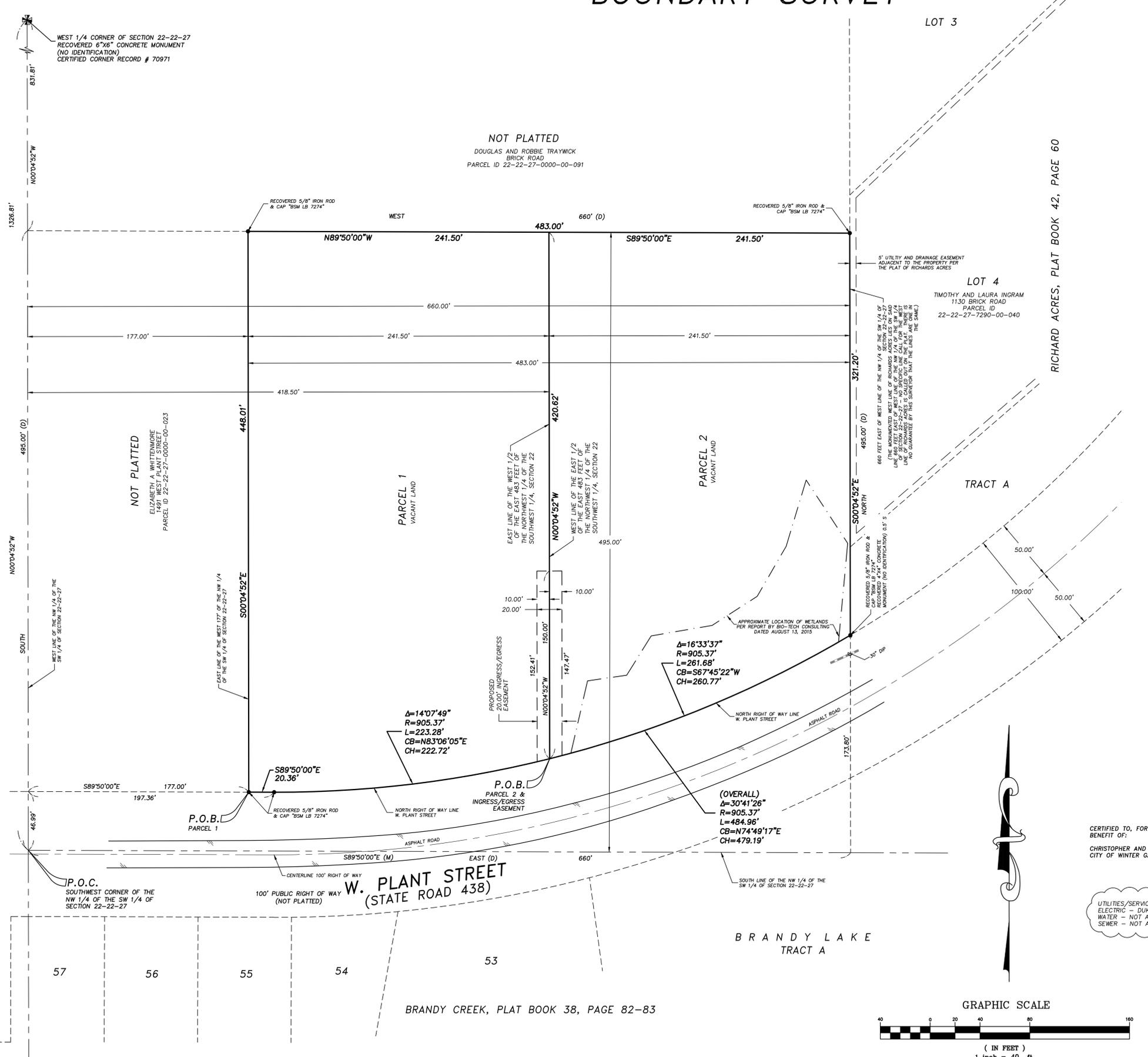
AERIAL MAP
1401 W Plant Street



ZONING MAP
1401 W Plant St



BOUNDARY SURVEY



DESCRIPTION: (PARENT TRACT)
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.

DESCRIPTION: (PARCEL 1)
THE WEST 1/2 OF THE EAST 483 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LYING NORTH OF ROAD RIGHT OF WAY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 22; THENCE RUN N00°04'52"W ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, 46.99 FEET TO THE NORTH RIGHT OF WAY LINE OF W. PLANT STREET; THENCE RUN S89°50'00"E ALONG SAID NORTH RIGHT OF WAY LINE, 177.00 FEET TO THE EAST LINE OF THE WEST 177 FEET OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 FOR THE POINT OF BEGINNING; THENCE CONTINUE S89°50'00"E ALONG SAID NORTH RIGHT OF WAY LINE, 20.36 FEET TO A CURVE CONCAVE TO THE NORTHWEST; THENCE RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND CURVE HAVING A CENTRAL ANGLE OF 14°07'49", A RADIUS OF 905.37 FEET, AN ARC LENGTH OF 223.28 FEET, A CHORD BEARING OF N83°06'05"E AND A CHORD DISTANCE OF 222.72 FEET TO A LINE 418.50 FEET EAST OF THE WEST LINE OF AFORESAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE RUN N00°04'52"W ALONG SAID LINE, 420.62 FEET TO A LINE 495 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE RUN S89°50'00"E ALONG SAID LINE, 241.50 FEET TO THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE RUN S00°04'52"E ALONG SAID LINE, 321.20 FEET TO THE AFORESAID NORTH RIGHT OF WAY OF PLANT STREET BEING A CURVE CONCAVE TO THE NORTHWEST; THENCE RUN SOUTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 16°33'37", A RADIUS OF 905.37 FEET, AN ARC LENGTH OF 261.68 FEET, A CHORD BEARING OF S67°45'22"W AND A CHORD DISTANCE OF 260.77 FEET TO THE POINT OF BEGINNING.

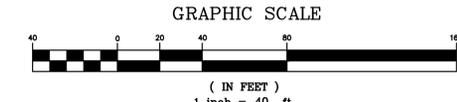
DESCRIPTION: (PARCEL 2)
THE EAST 1/2 OF THE EAST 483 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LYING NORTH OF ROAD RIGHT OF WAY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 22; THENCE RUN N00°04'52"W ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, 46.99 FEET TO THE NORTH RIGHT OF WAY LINE OF W. PLANT STREET; THENCE RUN S89°50'00"E ALONG SAID NORTH RIGHT OF WAY LINE, 197.36 FEET TO A CURVE CONCAVE TO THE NORTHWEST; THENCE RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND CURVE HAVING A CENTRAL ANGLE OF 14°07'49", A RADIUS OF 905.37 FEET, AN ARC LENGTH OF 223.28 FEET, A CHORD BEARING OF N83°06'05"E AND A CHORD DISTANCE OF 222.72 FEET TO THE WEST LINE OF THE EAST 1/2 OF THE EAST 483 FEET OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 FOR THE POINT OF BEGINNING; THENCE RUN N00°04'52"W ALONG SAID WEST LINE, 420.62 FEET TO A LINE 495 FEET NORTH OF THE SOUTH LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE RUN S89°50'00"E ALONG SAID LINE, 241.50 FEET, TO A LINE 660 FEET EAST OF THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4; THENCE RUN S00°04'52"E ALONG SAID LINE, 321.20 FEET TO THE AFORESAID NORTH RIGHT OF WAY OF PLANT STREET BEING A CURVE CONCAVE TO THE NORTHWEST; THENCE RUN SOUTHWESTERLY ALONG SAID CURVE HAVING A CENTRAL ANGLE OF 16°33'37", A RADIUS OF 905.37 FEET, AN ARC LENGTH OF 261.68 FEET, A CHORD BEARING OF S67°45'22"W AND A CHORD DISTANCE OF 260.77 FEET TO THE POINT OF BEGINNING.

DESCRIPTION: (INGRESS/EGRESS EASEMENT)
THAT PART OF THE EAST 483 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST, ORANGE COUNTY, FLORIDA, LYING NORTH OF ROAD RIGHT OF WAY, BEING A 20' WIDE EASEMENT LYING 10' EITHER SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
COMMENCE AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 22; THENCE RUN N00°04'52"W ALONG THE WEST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4, 46.99 FEET TO THE NORTH RIGHT OF WAY LINE OF W. PLANT STREET; THENCE RUN S89°50'00"E ALONG SAID NORTH RIGHT OF WAY LINE, 197.36 FEET TO A CURVE CONCAVE TO THE NORTHWEST; THENCE RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE AND CURVE HAVING A CENTRAL ANGLE OF 14°07'49", A RADIUS OF 905.37 FEET, AN ARC LENGTH OF 223.28 FEET, A CHORD BEARING OF N83°06'05"E AND A CHORD DISTANCE OF 222.72 FEET TO THE WEST LINE OF THE EAST 1/2 OF THE EAST 483 FEET OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 FOR THE POINT OF BEGINNING; THENCE RUN N00°04'52"W ALONG SAID WEST LINE, 150.00 FEET TO THE POINT OF TERMINUS.

- SURVEYORS NOTES:
- NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR RIGHTS OF WAY, EASEMENTS, OWNERSHIP, OR OTHER INSTRUMENTS OF RECORD, BY THIS FIRM.
 - REVISIONS DO NOT CONSTITUTE A RE-CERTIFICATION OF THE EXISTING FIELD CONDITIONS OF THIS SURVEY.
 - BEARINGS SHOWN HEREON ARE BASED ON THE WEST LINE OF THE NW 1/4 OF THE SW 1/4 OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 27 EAST AS BEING N00°04'52"W (STATE PLANE FLORIDA EAST NAD83/1990).
 - UNDERGROUND IMPROVEMENTS AND INSTALLATIONS HAVE NOT BEEN LOCATED.
 - THE LANDS SHOWN HEREON LIE ENTIRELY WITHIN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 500 YEAR FLOOD PLAIN) ACCORDING TO "FIRM" MAP NO. 12095C0215 F, COMMUNITY NO. 120179 0215 F, DATED SEPTEMBER 25, 2009.
 - THE SURVEYOR DID NOT OBSERVE ANY ABOVE GROUND EVIDENCE OF BOUNDARIES ADJACENT TO OR WITHIN THE SITE BOUNDARY.

CERTIFIED TO, FOR THE EXCLUSIVE USE AND BENEFIT OF:
CHRISTOPHER AND CAITLIN GONZALES
CITY OF WINTER GARDEN

UTILITIES/SERVICES PROVIDED BY:
ELECTRIC - DUKE ENERGY
WATER - NOT APPLICABLE
SEWER - NOT APPLICABLE



SHEET 1 OF 1

SECTION 22
TOWNSHIP 22 SOUTH
RANGE 27 EAST

BISHMAN
Surveying & Mapping, Inc.

CERTIFICATE OF AUTHORIZATION LB 7274
32 W. PLANT STREET
WINTER GARDEN, FL 34787
Phone No. 407.905.8877
Fax No. 407.905.8875

ARON D. BISHMAN, P.S.M. FLORIDA REGISTRATION NO. 5668

REVISIONS:

NO.	DATE	DESCRIPTION
1	10/29/15	ADDED ADDITIONAL LINE CALLS TO DESCRIPTION
2	11/19/15	ADDED LINE CALLS TO SUPPORT DESCRIPTION

JOB NUMBER: 13074.001

SURVEY DATE: 10/29/15
FIELD BY: J. TRAVIS
FIELD BOOK: 1307
PAGES: 1
FIELD FILE: 13074.TSV
DRAWING FILE: 13074-LDWG

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 5 (Public Hearing)

DATE: June 3, 2016 **MEETING DATE:** June 6, 2016

SUBJECT: 327 South Boyd Street (VARIANCE)
PROJECT NAME Alexander Garage
PARCEL ID# 23-22-27-2888-11-064

ISSUE: The applicant is requesting a Variance to the rear yard setback to allow construction of a new garage addition onto and existing single-family house for the property located at 327 South Boyd Street.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Maury Alexander

CURRENT ZONING: R-2 Residential District

PROPOSED ZONING: N/A

CURRENT FLU: Low Density Residential

PROPOSED FLU: N/A

SUMMARY:

Applicant proposes to construct a new garage addition onto and existing single-family house at a rear yard setback of 20 feet in lieu of the minimum required rear yard setback of 29 feet.

STAFF RECOMMENDATION(S):

Staff recommends approval of the variance to allow construction of a new garage addition onto an existing single-family house at a rear yard setback of 20 feet.

NEXT STEP(S):

Apply for building permits.

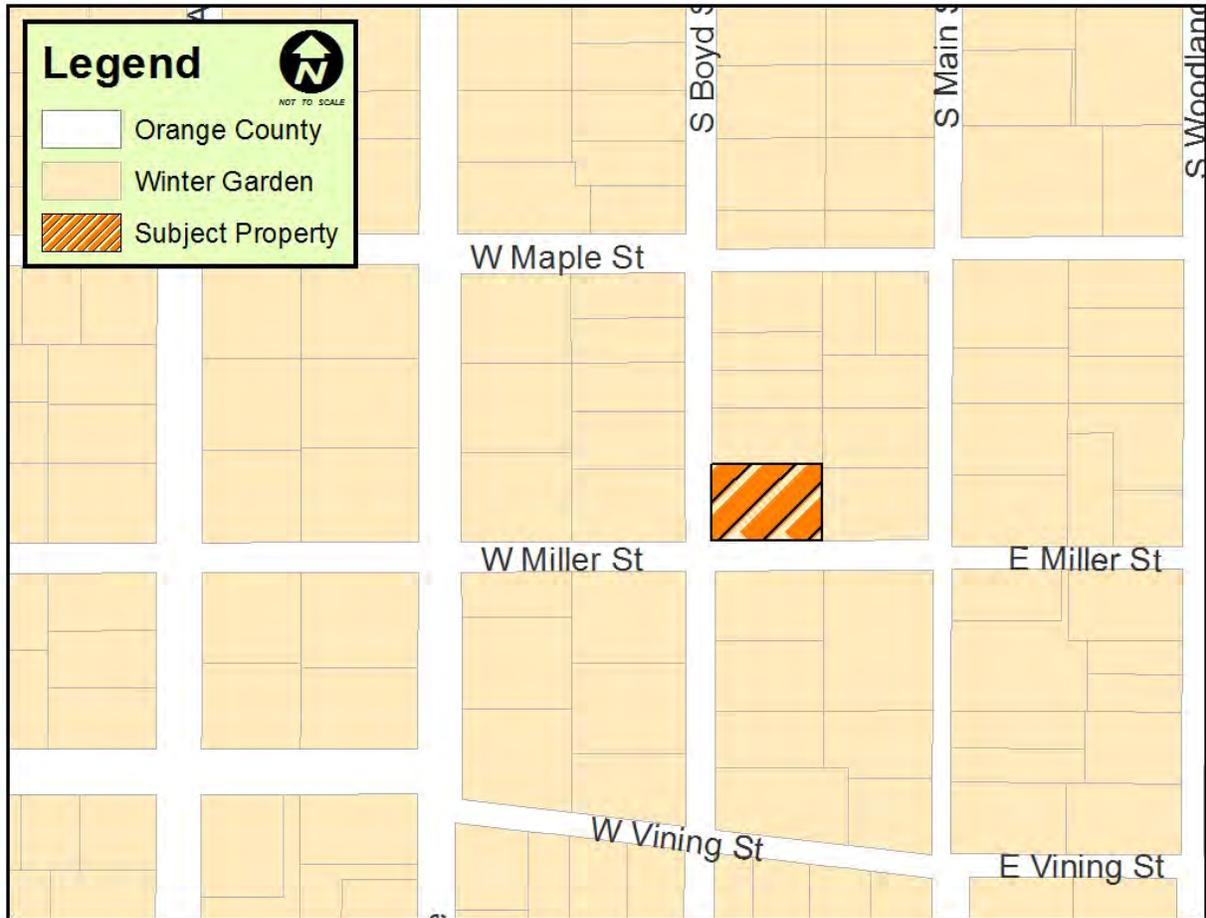
ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

327 S. Boyd Street

VARIANCE



CITY OF WINTER GARDEN
PLANNING & ZONING DIVISION

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

STAFF REPORT

TO: PLANNING AND ZONING BOARD
PREPARED BY: STEVE PASH, COMMUNITY DEVELOPMENT DIRECTOR
DATE: JUNE 3, 2016
SUBJECT: VARIANCE
327 South Boyd Street (0.33+/- ACRES)
PARCEL ID # 23-22-27-2888-11-064

APPLICANT: Maury Alexander

INTRODUCTION

The purpose of this report is to evaluate the request for a rear yard setback variance for property located at 327 South Boyd Street in Winter Garden, Florida. The request is for a 20 foot rear yard setback in lieu of the minimum required 29 foot rear yard setback. If approved, this variance will allow an addition to the home to be built at a 20 foot rear yard setback.

The subject property, located on South Boyd Street, is an approximately 0.33± acre lot Fries Plat of Winter Garden. 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 is currently developed with a single-family home with a detached carport.

ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, east, and west of the subject property contain single-family residential homes, have the zoning designation R-2 (Residential District), and the future land use designation of LR (Low Density Residential).

PROPOSED USE

The applicant is proposing demolish the existing detached carport and construct of a new garage onto the existing single-family house. The existing detached carport is located at a rear yard setback of 2.5 feet, where the proposed garage addition will be attached to the house and is proposed to be located at a 20 foot rear yard setback.

CODE REFERENCE

Section 118-398 (1) c. of the City Code of Ordinances addresses minimum yard requirements. This section states in part that the minimum yard requirements for single-family residential buildings in the R-2 Zoning District are “*front: 30 feet, side: 10 feet each, rear: 20 percent the depth of the lot.*”

The applicant is seeking a variance to the minimum rear yard setback to allow the proposed addition to the single-family house to be built with a 20 foot rear yard setback in lieu of the minimum required 29 foot rear yard setback.

CODE REQUIREMENTS / CRITERIA

Code Requirements/Criteria:

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

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

The existing detached carport is already located at a 2.5 foot rear yard setback and the proposed garage will be located at a 20 foot rear yard setback. As proposed, the garage addition should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners.

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

The requested variance allowing a 20 foot rear yard setback in lieu of the required 29 foot rear yard setback will allow reasonable use of the property. The existing structure is already located at a 2.5 foot rear yard setback and many of the homes in this area were constructed with smaller setbacks than what is required today.

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

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easements, does not exceed the maximum impervious surface allowed in the R-2 zoning district (50%), and it complies with all other setbacks and development regulations of the Winter Garden Code of Ordinances.

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

The variance is consistent with the provisions of the City's Comprehensive Plan relating to low density residential neighborhood character.

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

The variance requested is the minimum variance that will make reasonable use of the land. The proposed garage addition to the house will not negatively impact the neighbors and is consistent with other properties in the neighborhood. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Sections Section 118-398 (1) c to allow a 20 foot rear yard setback in lieu of the minimum required 29 foot rear yard setback to allow construction of a new garage addition to the existing single-family house.

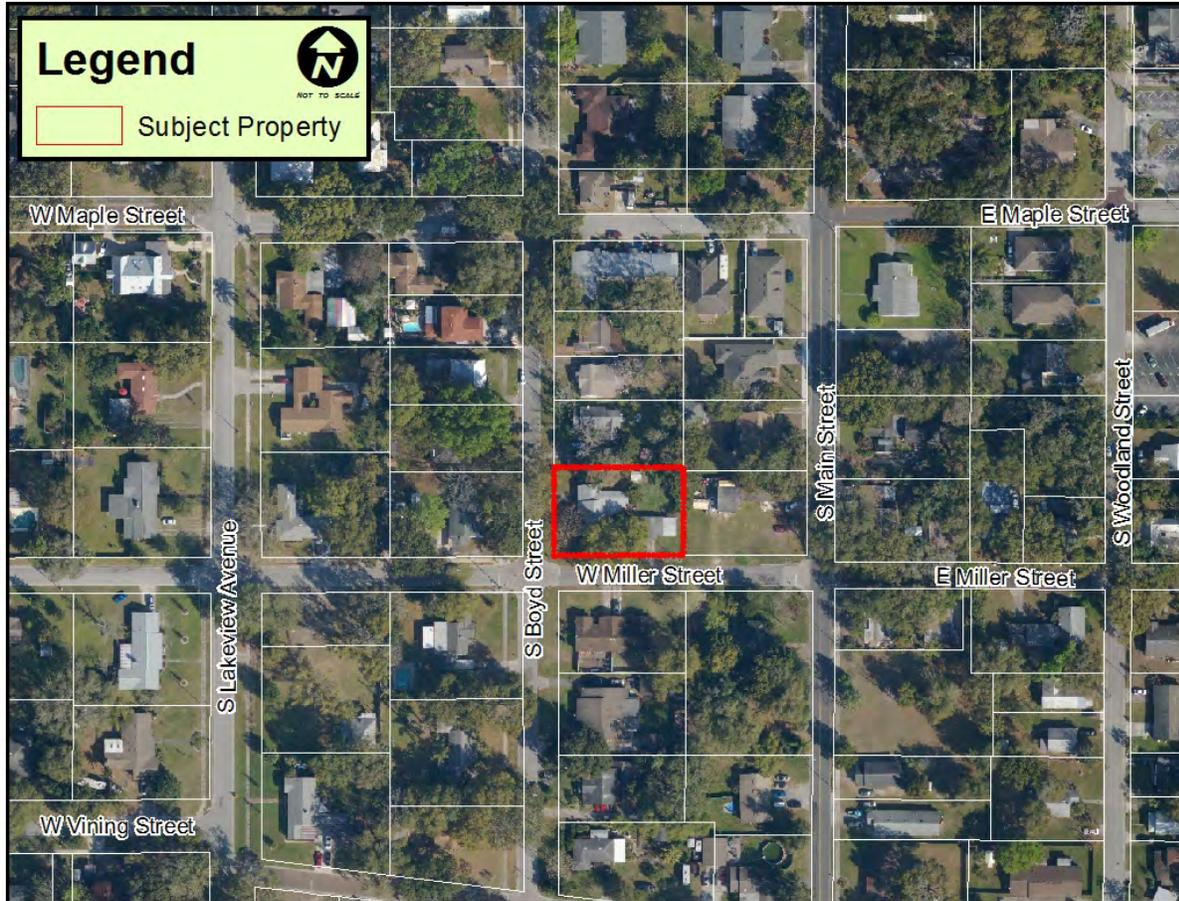
NEXT STEP

Apply for the appropriate Building Permits.

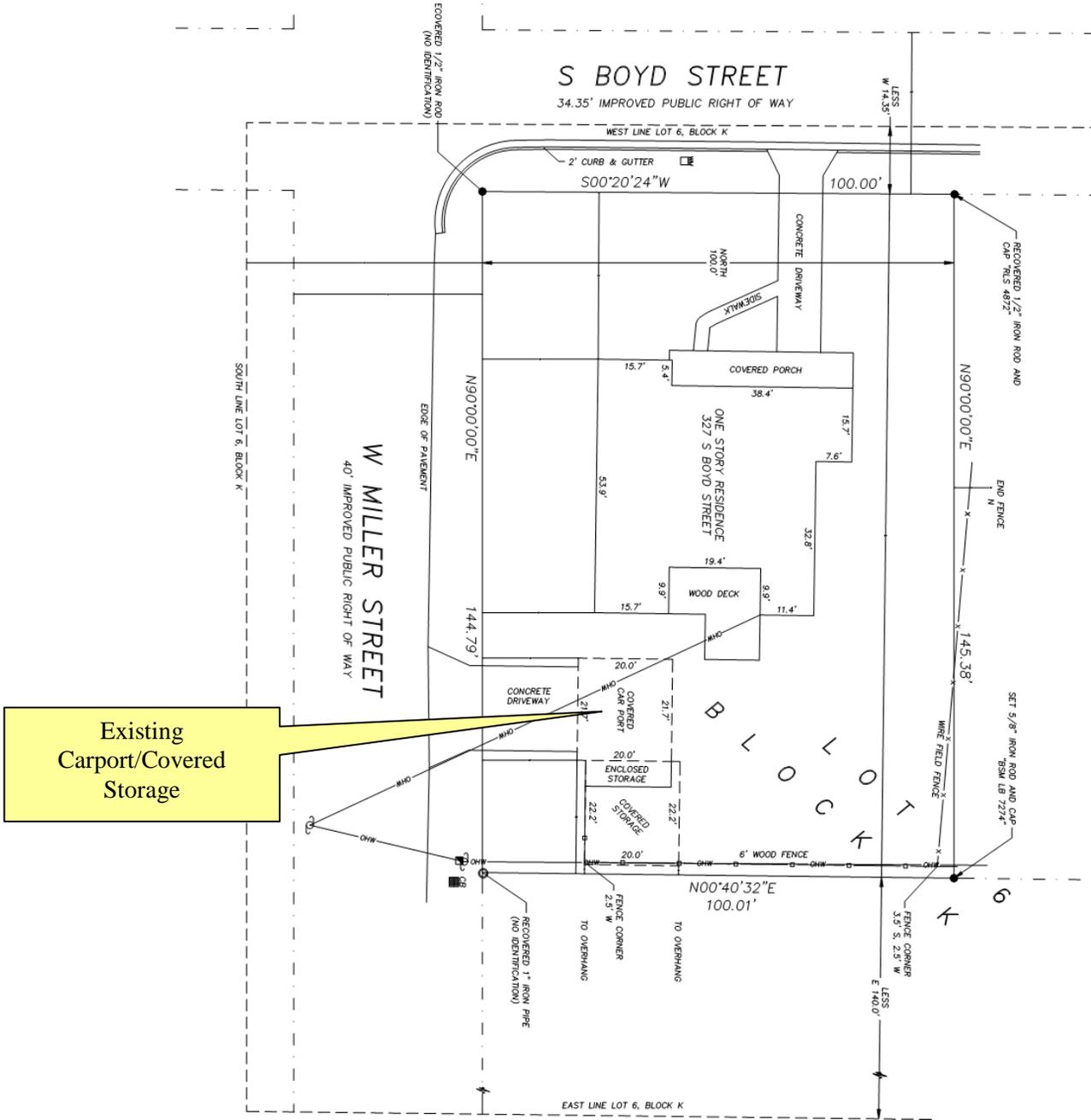
ATTACHMENTS

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

AERIAL PHOTO
327 South Boyd Street



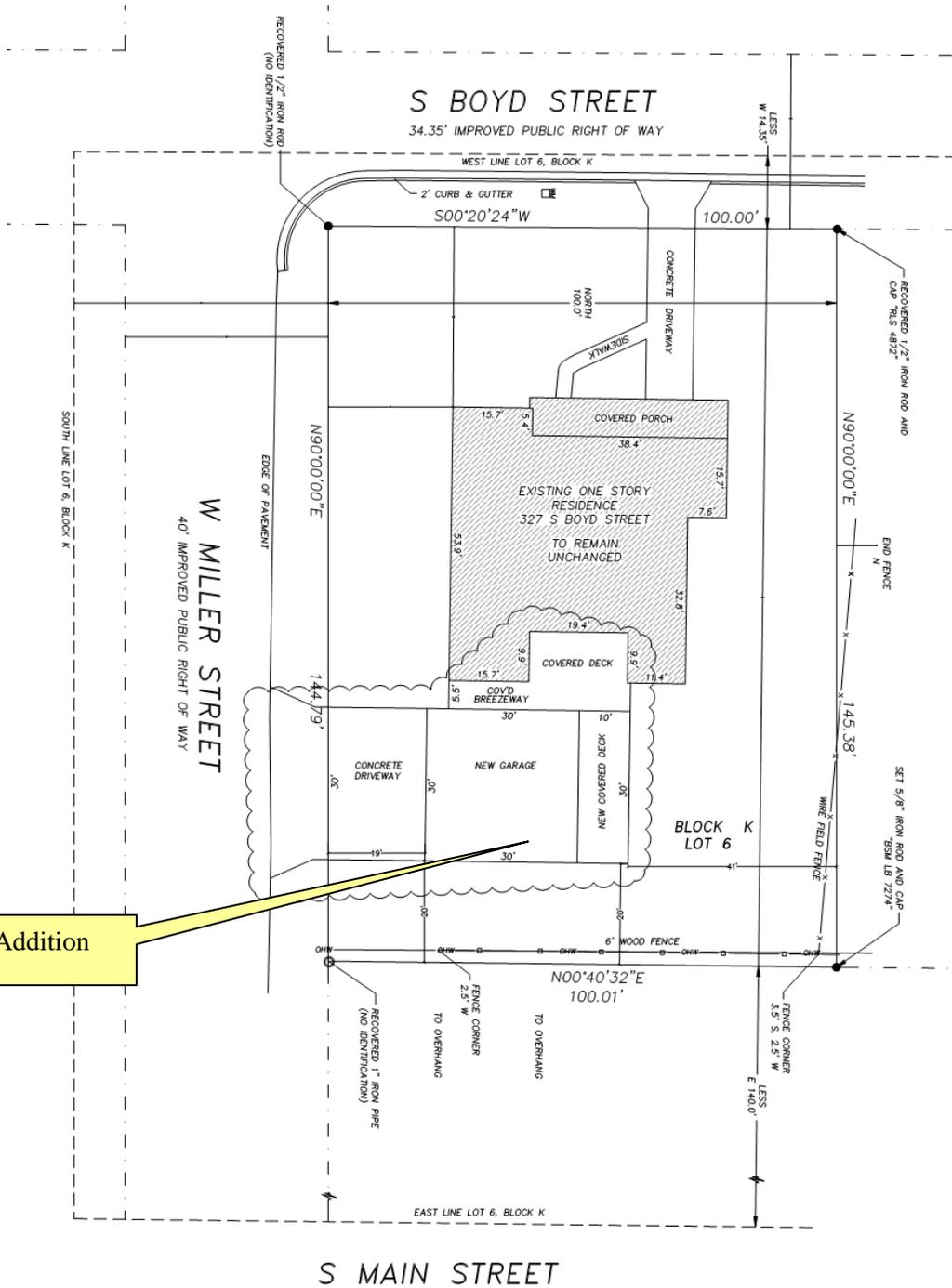
SURVEY
407 N Main Street



S MAIN STREET

1 EXISTING PLOT PLAN
 1" = 10'

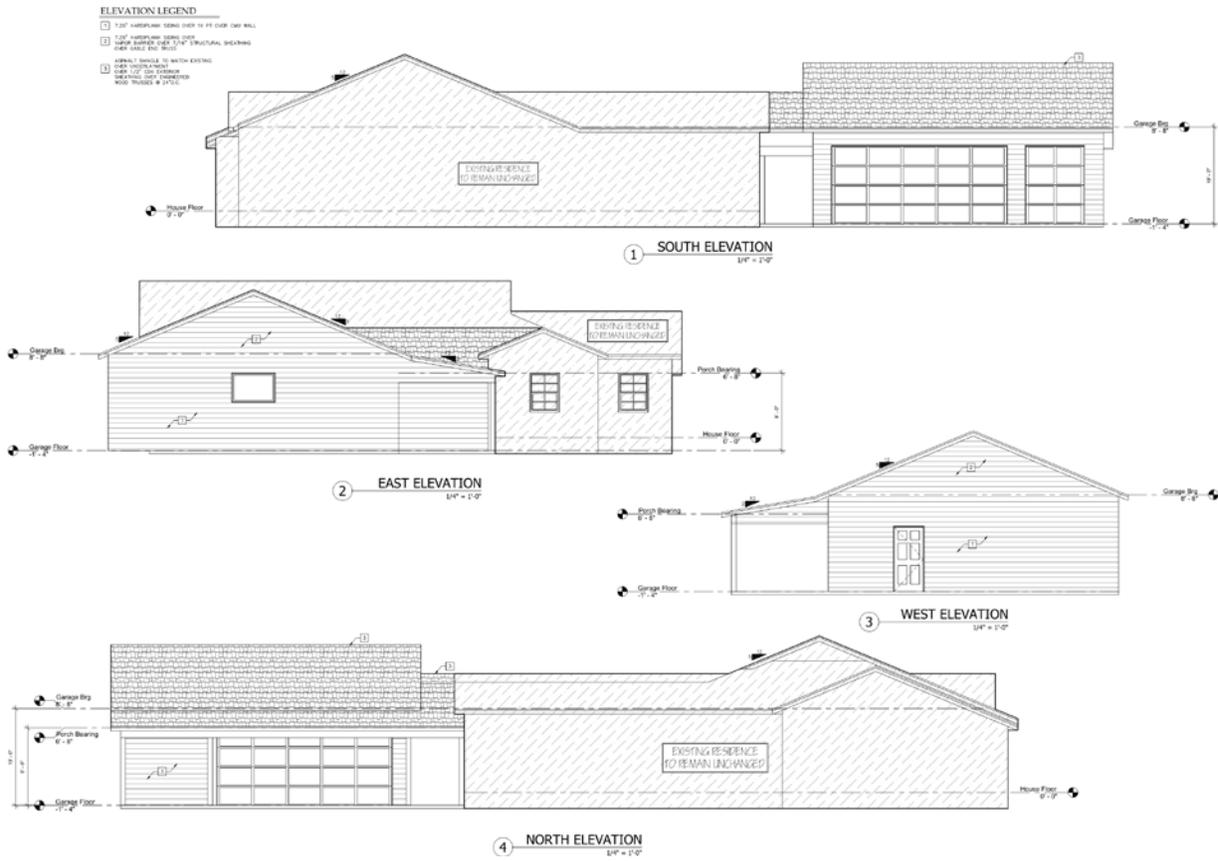
PROPOSED SITE PLAN
3327 South Boyd Street



Proposed Garage Addition

2 PROPOSED PLOT PLAN
 1" = 10'

PROPOSED GARAGE ELEVATIONS 327 South Boyd Street



SITE PHOTOS
327 South Boyd Street

Subject property looking north at existing carport



Subject property looking south at exist carport and house



SITE PHOTOS
327 South Boyd Street

Subject property looking east from back of house



END OF STAFF REPORT

THE CITY OF WINTER GARDEN
PLANNING AND ZONING BOARD AGENDA ITEM

ITEM # 6 (Public Hearing)

DATE: June 2, 2016 **MEETING DATE:** June 6, 2016

SUBJECT: 14627 Tullamore Loop (VARIANCE)
PROJECT NAME Boley Screen Room Variance
PARCEL ID# 03-23-27-1605-00-640

ISSUE: The applicant is requesting a Variance to allow for a 15.2' rear yard setback in lieu of the minimum required setback of 20' to build a screen room at the property located at 14627 Tullamore Loop in the Emerald Ridge Subdivision.

SUPPLEMENTAL MATERIAL/ANALYSIS:

OWNER/APPLICANT: Jeffrey Boley

CURRENT ZONING: Planned Unit Development (PUD)

PROPOSED ZONING: N/A

CURRENT FLU: Suburban Residential (SUB)

PROPOSED FLU: N/A

SUMMARY:

The applicant is requesting a variance of 4.8 feet to allow for a 28'x10' screen room addition on the rear of the property. The new screen room will be built at a 15.2 foot rear yard setback in lieu of a the minimum required 20' rear yard setback as defined in the Emerald Ridge PUD Ordinance (Ord. 01-01)

STAFF RECOMMENDATION(S):

Staff recommends approval of the Variance request subject to the following condition:

1. The room cannot become a fully enclosed air conditioned space.

ATTACHMENT(S):

Location Map
Staff Report

LOCATION MAP

14627 Tullamore Loop

VARIANCE



CITY OF WINTER GARDEN

PLANNING & ZONING DIVISION

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

STAFF REPORT

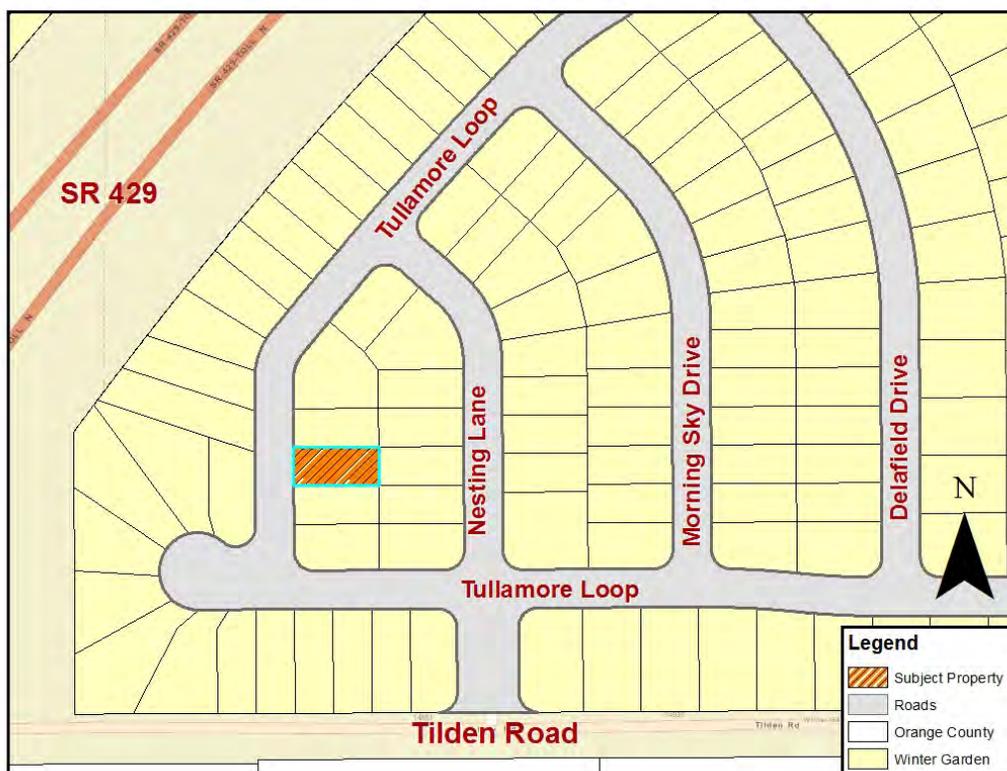
TO: PLANNING AND ZONING BOARD
PREPARED BY: JESSICA FRYE, PLANNER I
DATE: June 2, 2016
SUBJECT: VARIANCE
14627 Tullamore Loop (0.126 ± ACRES)
PARCEL ID # 03-23-27-1605-00-640

APPLICANT: Jeff Boley

INTRODUCTION

The purpose of this report is to evaluate the request for a rear yard setback variance for property located at 14627 Tullamore Loop in Winter Garden, Florida. The request is for a 15.2 foot rear yard setback in lieu of the required 20 foot rear yard setback. If approved, this variance will allow a new screen room to be built at a 15.2 foot rear yard setback.

The subject property, located on Tullamore Loop, is approximately 0.126 ± acre lot in the Emerald Ridge Subdivision. The map below depicts the location of the subject property within the City of Winter Garden municipal limits:



The subject property carries the zoning designation PUD (Ordinance 01-01) and is designated SUB (Suburban Residential) on the Future Land Use Map of the City's Comprehensive Plan.

EXISTING USE

The subject property is improved with a single family residence.

ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, east, and west of the subject property contain single-family residential homes, have the zoning designation PUD (Ordinance 01-01), and the future land use designation of SUB (Suburban Residential).

PROPOSED USE

The applicant is proposing to construct a screen room on the existing primary structure in the rear of the property.

CODE REFERENCE

Ord. 01-01. The Emerald Ridge PUD Ordinances addresses minimum yard requirements. This ordinance states that the minimum rear yard setback for a single-family residential building in the PUD is 20 feet.

The applicant is seeking a variance to the minimum rear yard setback to allow a screen room to be built with a 15.2 foot rear yard setback in lieu of the minimum required 20 foot rear yard setback.

CODE REQUIREMENTS / CRITERIA

Code Requirements/Criteria:

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

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

The proposed screen room will be located 15.2 feet from the rear property line and should not negatively impact or interfere with the reasonable enjoyment of adjacent or nearby property owners. The Homeowners Association has approved the addition, and the applicant has provided signed letters from the neighboring properties agreeing to the structure's encroachment into the rear yard setback (attached).

(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 15.2 foot rear yard setback in lieu of the required 20 foot

rear yard setback will allow reasonable use of the property. Other properties in the neighborhood have received variances to encroach into the rear yard setback. The property located at 14554 Tullamore Loop received a variance for a 9' rear yard setback to construct a screen room on January 7, 2008. The property located at 1817 Nesting Lane received a variance for a 16' rear yard setback to add a screen room on April 5, 2004.

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

Strict compliance with the City's land development regulations will not further any legitimate City objective. This request does not encroach into any recorded easements, does not exceed the maximum impervious surface allowed in this PUD zoning district, and is in compliance with all other setbacks and development regulations for the Winter Garden Code of Ordinances.

- (4) *The granting of the variance is consistent with the city's comprehensive plan; and*
The variance is consistent with the provisions of the City's Comprehensive Plan relating to low density residential neighborhood character.

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

The variance requested is the minimum variance that will make reasonable use of the land. The proposed house should not negatively impact the neighbors and is consistent with the requirements of the HOA and other properties in the neighborhood. Denying this variance does not benefit the property owner or the City.

SUMMARY

City Staff recommends approval of a variance to Ordinance 01-01 to allow a 15.2 foot rear yard setback in lieu of the minimum required 20 foot rear yard setback to allow construction of a new screen room with the following condition:

1. The room cannot become a fully enclosed air conditioned space.

NEXT STEP

Apply for the appropriate Building Permits.

ATTACHMENTS

- Aerial Photo
- Survey (Site Plan)
- Elevations of Proposed Structure
- Site Photos
- Neighbor's Approval Letters

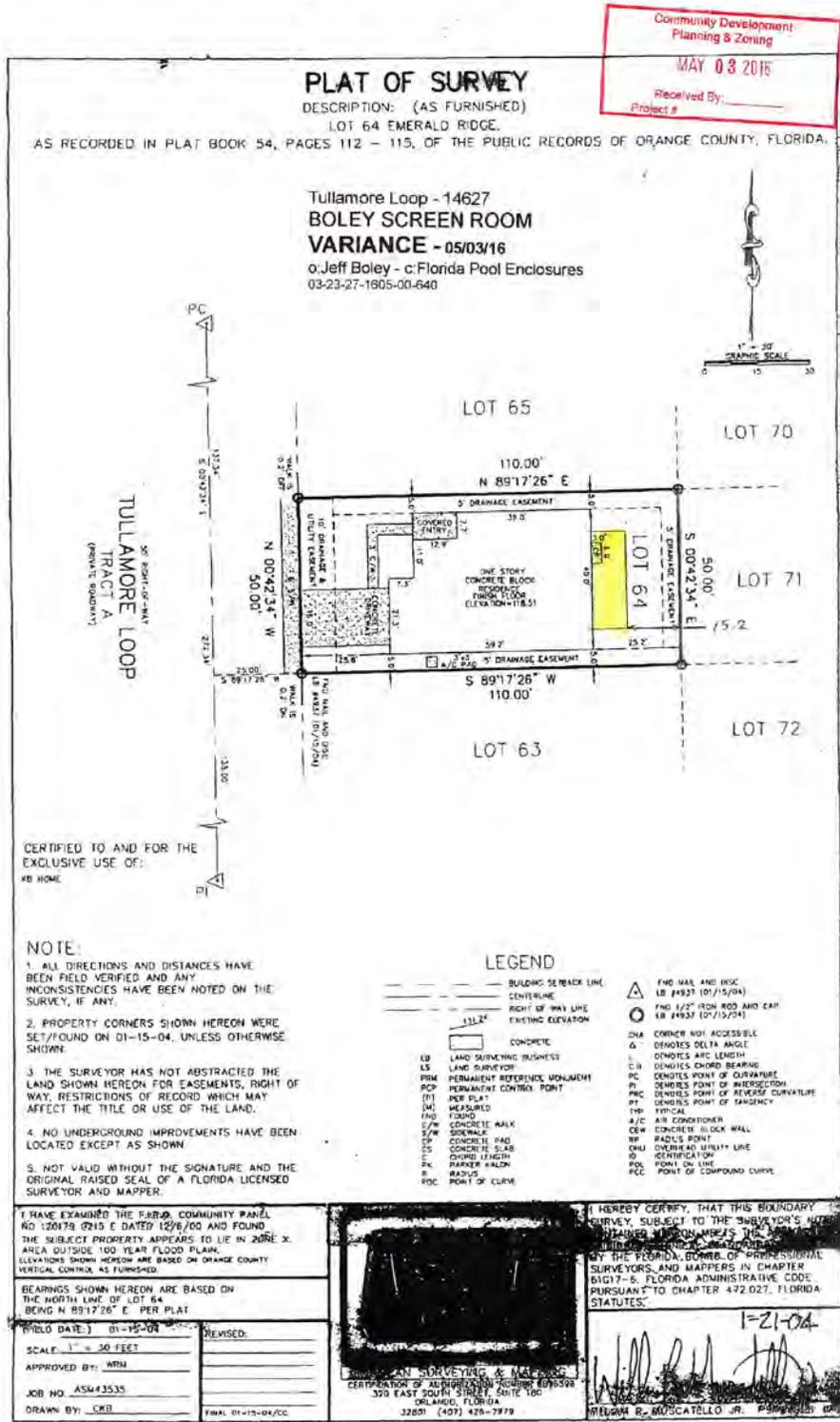
AERIAL PHOTO
14627 Tullamore Loop

Variance for a 16' rear yard setback approved on 4/5/2004

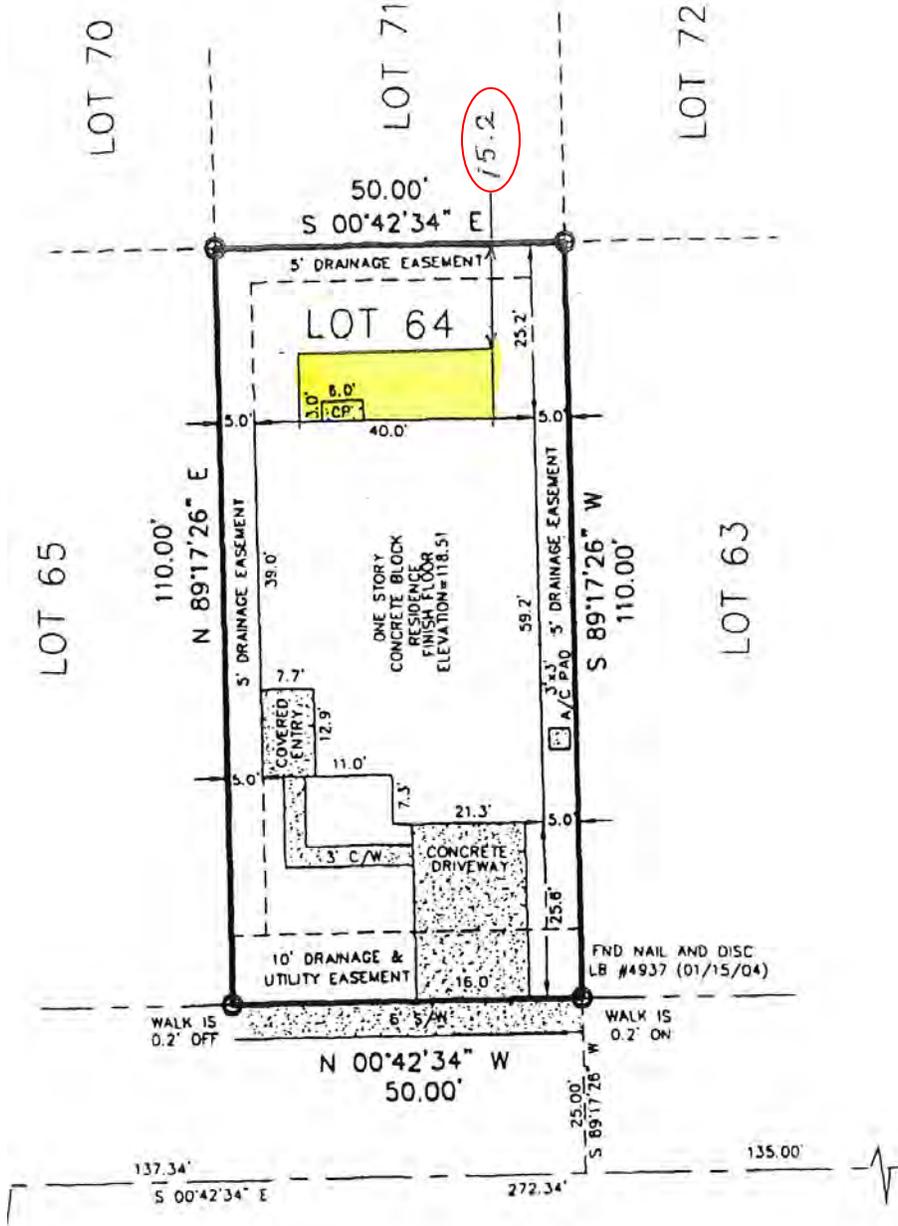


Variance for a 9' rear yard setback received on 1/7/08

SURVEY (SITE PLAN)
14627 Tullamore Loop



SURVEY ENLARGED (SITE PLAN)
14627 Tullamore Loop



50' RIGHT-OF-WAY
TULLAMORE LOOP
TRACT A
(PRIVATE ROADWAY)

ELEVATIONS
14627 Tullamore Loop

Community Development
 Planning & Zoning
MAY 03 2016
 Received By: _____
 Project # _____

Tullamore Loop - 14627
BOLEY SCREEN ROOM
VARIANCE - 05/03/16
 o: Jeff Boley - c: Florida Pool Enclosures
 03-23-27-1605-00-640

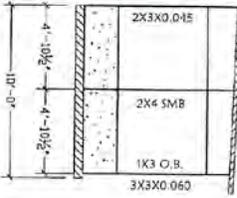
Florida Pool Enclosures
 922 Hickory St.
 Altamonte Springs, FL
 407-260-2800
 fax 407-260-6411

Job # **14997**
 Project Address:
 Jeffrey Boley
 14627 Tullamore Loop
 Winter Garden, FL 34787

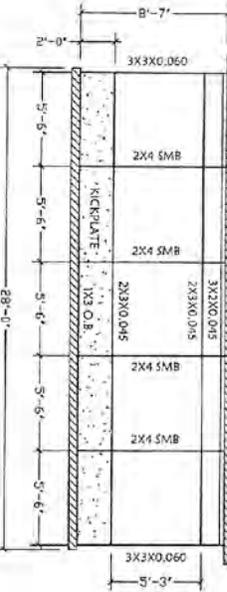
tax district: City of Winter Garden
 date: 03/08/16 scale: NTS
 prepared by: **Allen Thompson**

The locations of doors are incidental to the design.
 Girts remain the same throughout the design unless otherwise noted.
 Dimensions are to center of walls and columns.
 Length given for doors bypass represents horizontal and vertical displacements.

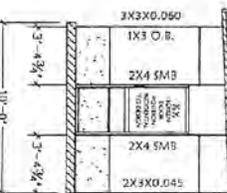
LEFT FRAMING ELEVATION



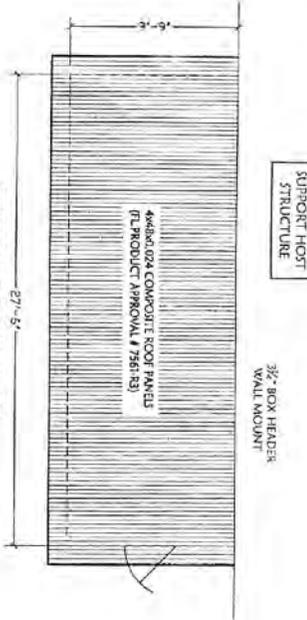
FRONT FRAMING ELEVATION



RIGHT FRAMING ELEVATION



SCREEN ROOM PLAN

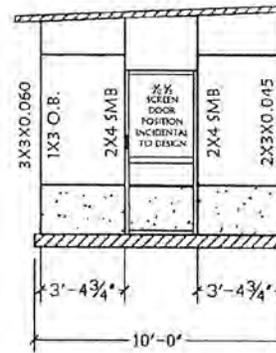
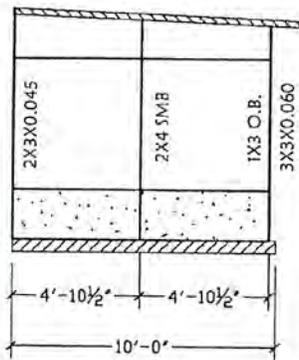
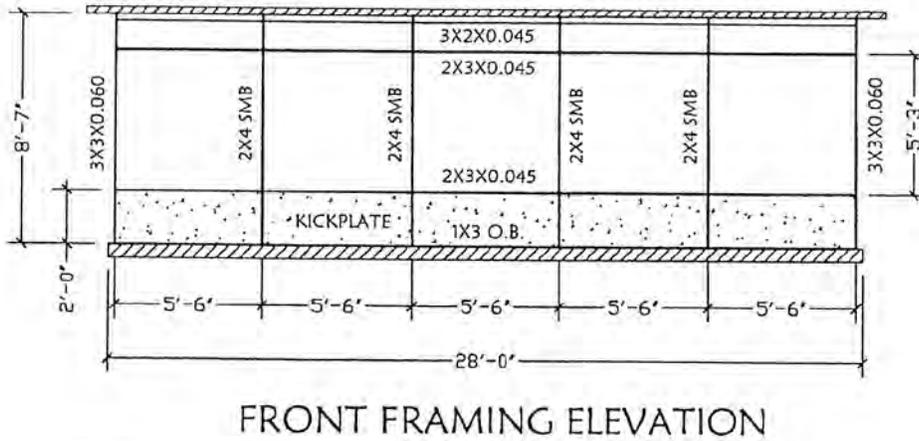
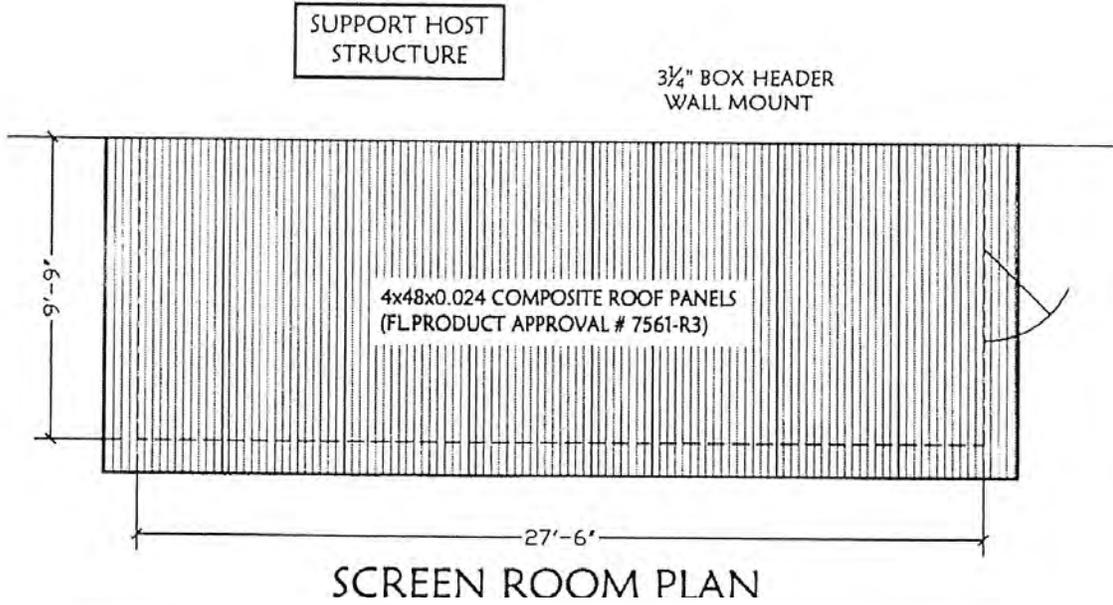


SCREEN AREA 268 SQ. FT.

4" NOMINAL CONCRETE SLAB
 (3000 PSI, MIN.) W/REBAR @ 10"
 W/W/AL OR FIBER REINFORCED
 POLYPROPYLENE FIBER
 1.5 POUND (MIN.) PER C.Y.
 6M12 THICKENED EDGE
 W/ 1#5 REBAR

In the event of a conflict, in member sizes shown on the plan and the general notes, the contractor must utilize the more stringent member size requirements.

ELEVATIONS ENLARGED
14627 Tullamore Loop



SITE PHOTOS
14627 Tullamore Loop





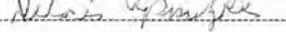


NEIGHBOR LETTERS
14627 Tullamore Loop

Jeff Boley
14627 Tullamore loop
Winter Garden, FL

(407)719-9637
chefjsb@yahoo.com

We're Andrew and Delores Appenzeller the homeowners at 1846 nestling lane
Winter Garden Florida 34787 that adjoins 14627 Tullamore loop Winter Garden.
I understand that they are wanting to build a screen room that will go partially into the required
setback.
I have no problem with this and agree they should be granted this modification.

Signature x- 
Signature x- 
date: 4-16-2016



Tullamore Loop - 14627
BOLEY SCREEN ROOM
VARIANCE - 05/03/16
o: Jeff Boley - c: Florida Pool Enclosures
03-23-27-1605-00-640

Neighbor to the east of the property.

Jeff Boley
14627 Tullamore loop
Winter Garden, FL

(407)719-9637
chefjsb@yahoo.com

Robert Littman the homeowner at 14633 Tullamore loop
Winter Garden Florida 34787 that adjoins 14627 Tullamore loop Winter Garden.

I understand that they are wanting to build a screen room that will go partially into the required setback.

I have no problem with this and agree they should be granted this modification.

Signature x- Robert Littman
date: 4/15/2016



Tullamore Loop - 14627
BOLEY SCREEN ROOM
VARIANCE - 05/03/16
o:Jeff Boley - c:Florida Pool Enclosures
03-23-27-1605-00-640

Neighbor to the north of the property

Jeff Boley
14627 Tullamore loop
Winter Garden, Fl

(407)719-9637
chefjsb@yahoo.com

We're Stafford and Donnarie Mullings the homeowners at 14621 Tullamore loop
Winter Garden Florida 34787 that adjoins 14627 Tullamore loop Winter Garden.
I understand that they are wanting to build a screen room that will go partially into the required
setback.
I have no problem with this and agree they should be granted this modification.

Signature x Stafford Mullings

Signature x Donnarie Mullings

date: 4/16/2016



Tullamore Loop - 14627
BOLEY SCREEN ROOM
VARIANCE - 05/03/16
o: Jeff Boley - c: Florida Pool Enclosures
03-23-27-1605-00-640

Neighbor to the south of the property.