



**Planning and Zoning Board  
Regular Meeting Minutes  
January 9, 2023**

**1. CALL TO ORDER**

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.

Quorum was declared present.

**Present:** Chairman Will Hawthorne, Co-Chairman Joseph Dunn, Jr. and Board Members Steve Ambielli, Dennis Armstrong, Mark Hide, Gabe Kotch, and Jimmy Dunn.

**Absent:** None

**Staff Present:** City Attorney Kurt Ardaman, Planning Director Kelly Carson, Senior Planner Shane Friedman, Planner I Amber McDonald and Recording Secretary Ellen King.

**Attendees:** Richard Lee of Wright Construction; Bernie Durgin of West Orange Habitat; Sheppard Baal, resident; Aaron Struckmeyer of Pulte Homes; Tom Sheehan of 733 S. Main; Angela Gonzalez of 721 S. Vineland Road; Selby Weeks of Klima Weeks Civil Engineering, Inc.; and Jose & Clarisa Lefran.

**2. APPROVAL OF MINUTES**

***Motion by Board Member Joe Dunn Jr to approve the regular meeting minutes of December 5, 2022. Seconded by Board Member Ambielli and carried unanimously 7 – 0.***

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

- 3. 721 Winter Garden Vineland Road (Duppenthaler Property) PRELIMINARY PLAT**  
Parcel ID # 35-22-27-0000-00-007, -009, -038 & -030

Senior Planner Friedman presented a request for a Preliminary Plat at the address of 721 Winter Garden Vineland Road for 87 new residential lots and common area tracts. Staff recommends approval of the Preliminary Plat subject to the conditions outlined in the Staff Report.

Board members inquired about the density, the 5' building setbacks with no obstructions, if this will be a gated subdivision, and what is the purpose of the big ditch on the North side of the

subject property? City Staff stated that the density will be 2.8 per acre, the setback ordinance will not allow A/C units, pool equipment, etc. to be placed in easement and yes this will be a gated community. The applicant, Aaron Struckmeyer of Pulte Home Company referenced the ditch on the North side was a function of the orange grove and the development on the site for the residential subdivision will not include a ditch. The Engineer for this project was not present and Struckmeyer stated this project will not accept any off-site flow from the adjacent properties.

There were no public comments for this item.

***Motion by Board Member Hide to approve the Preliminary Plat for the property located at 721 Winter Garden Vineland Road subject to staff conditions. Seconded by Board Member Jimmy Dunn and carried unanimously 7 – 0.***

**4. 728 Bethune Avenue (Bethune Street House) LOT SPLIT**  
Parcel ID # 12-22-27-6496-09-007

Planning Director Carson presented copies of the Staff Report as **Exhibit A** (see attached) to the board for reference.

Planning Director Carson presented a request of a lot split for the property located at 728 Bethune Ave. This lot split will create a Parcel “1” and Parcel “2” both will be approximately 0.20 acres. Staff recommends approval of the lot split subject to the conditions outlined in the Staff Report.

Board members inquired if the south lot would be the same size, and are the subject properties owned by Habitat of Humanity? City Staff stated that most of the parcels along Bethune Avenue are 50’ x 175’, and confirmed that both of these properties are owned by Habitat for Humanity with a one single-family home on the lots.

There were no public comments for this item.

***Motion by Board Member Armstrong to approve the Lot Split for the property located at 728 Bethune Avenue subject to staff conditions. Seconded by Board Member Joe Dunn Jr and carried unanimously 7 – 0.***

**SPECIAL EXCEPTION PERMIT (PUBLIC HEARING)**

**5. 733 S Main Street (Thomas Residence) SPECIAL EXCEPTION PERMIT**  
Parcel ID # 23-22-27-0832-02-090

Planning Director Carson presented a request for a Special Exception Permit located at 733 S Main Street to convert an existing residential lot to a professional office on the property. Staff

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

Board members inquired about the parking for this development? City Staff stated the applicant will utilize the existing garage as one of their spaces and will extend the paved area to meet the requirement of one additional regular parking space and one ADA space.

No one from the public wished to speak on behalf of this project.

***Motion by Board Member Joe Dunn Jr to approve the Special Exception Permit at the location of 733 S Main Street subject to staff conditions. Seconded by Board Member Kotch and carried unanimously 7 – 0.***

**6. 721 Vineland Road (Nurture Place) SPECIAL EXCEPTION PERMIT**  
Parcel ID # 23-22-27-6504-05-041

Planning Director Carson presented a request for a Special Exception Permit located at 721 Vineland Road to develop a family and child counseling center. Staff recommends approval of the Special Exception Permit subject to the conditions outlined in the Staff Report.

Board members stated they appreciate the trees on the lot would be saved. City Staff stated the existing four large oak trees along Vineland Road planned to be saved if they are in good condition.

No one from the public wished to speak on behalf of this project.

***Motion by Board Member Ambielli to approve the Special Exception Permit at the location of 721 Vineland Road subject to staff conditions. Seconded by Board Member Hide and carried unanimously 7 – 0.***

**VARIANCE (PUBLIC HEARING)**

**7. 340 Lakeview Road (Ferreira Residence) VARIANCE**  
Parcel ID # 22-22-27-0000-00-036

Planner McDonald presented a request of a Variance for the property located at 340 Lakeview Road for a detached garage with a wall height of 12' and a roof peak height of 18'8". Staff recommends approval of the Variance subject to the conditions outlined in the Staff Report.

Neither the Board nor general public had any questions or concerns regarding this Variance.

***Motion by Board Member Armstrong to approve this Variance for 340 Lakeview Road subject to staff conditions. Seconded by Board Member Joe Dunn Jr and carried unanimously 7 – 0.***

**8. 721 Vineland Road (Nurture Place) VARIANCE**  
Parcel ID # 23-22-27-6504-05-041

Planning Director Carson presented a request of Variances for the property located at 721 Vineland Road to allow a counseling center with 30' front yard setback and a side interior yard setback of 11'. Staff recommends approval of the Variances subject to the conditions outlined in the Staff Report.

Neither the Board nor general public had any questions or concerns regarding these Variances.

**Motion by Board Member Hide to approve these Variances for 721 Vineland Road subject to staff conditions. Seconded by Board Member Jimmy Dunn and carried unanimously 7 – 0.**

**9. 851 9th Street (9th Street Commercial Development) VARIANCE**  
Parcel ID # 12-22-27-6496-32-001

Senior Planner Friedman presented a request of a Variance for the property located at 851 9<sup>th</sup> Street to allow a 5 foot front setback to build a commercial building. Staff recommends approval of the Variance subject to any conditions outlined in the Staff Report.

Neither the Board nor general public had any questions or concerns regarding this Variance.

**Motion by Board Member Hawthorne to approve this Variance for 851 9th Street subject to staff conditions. Seconded by Board Member Kotch and carried unanimously 7– 0.**

In general, Board members inquired about the possibility of modifying the ordinance of allowing commercial development to locate closer to the street with the parking in the rear, so that a variance is not required? City Staff stated this ordinance is to allow staff and board to evaluate development on a project by project basis and will remain.

**10. 198 & 176 N West Crown Point Road (West Crown Point Warehouse) VARIANCE**  
Parcel ID # 12-22-27-6496-05-009 & 13-22-27-5264-00-171

This agenda item was tabled to a date uncertain.

**11. 761 Canopy Estates Drive (Lefran Variance) VARIANCE**  
Parcel ID # 35-22-27-1100-00-240

Senior Planner Friedman presented a request of Variances for the property located at 761 Canopy Estates Drive to allow a rear yard setback of 10 feet and a separation of 4 feet from the primary structure to build a patio canopy. Staff recommends approval of the Variances subject to any conditions outlined in the Staff Report.

Neither the Board nor general public had any questions or concerns regarding these Variances.

***Motion by Board Member Armstrong to approve this Variance for 761 Canopy Estates Drive subject to staff conditions. Seconded by Board Member Ambielli and carried unanimously 7 – 0.***

Chairman Will Hawthorne adjourned the meeting at 6:54 pm. Adjourned to the regular Planning and Zoning Board meeting on Monday, February 6, 2023 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, Winter Garden, Florida.

ATTEST:

APPROVED:

/s/

/s/

\_\_\_\_\_  
Recording Secretary Ellen King

\_\_\_\_\_  
Chairman Will Hawthorne

# CITY OF WINTER GARDEN

## PLANNING & ZONING DIVISION

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

# STAFF REPORT

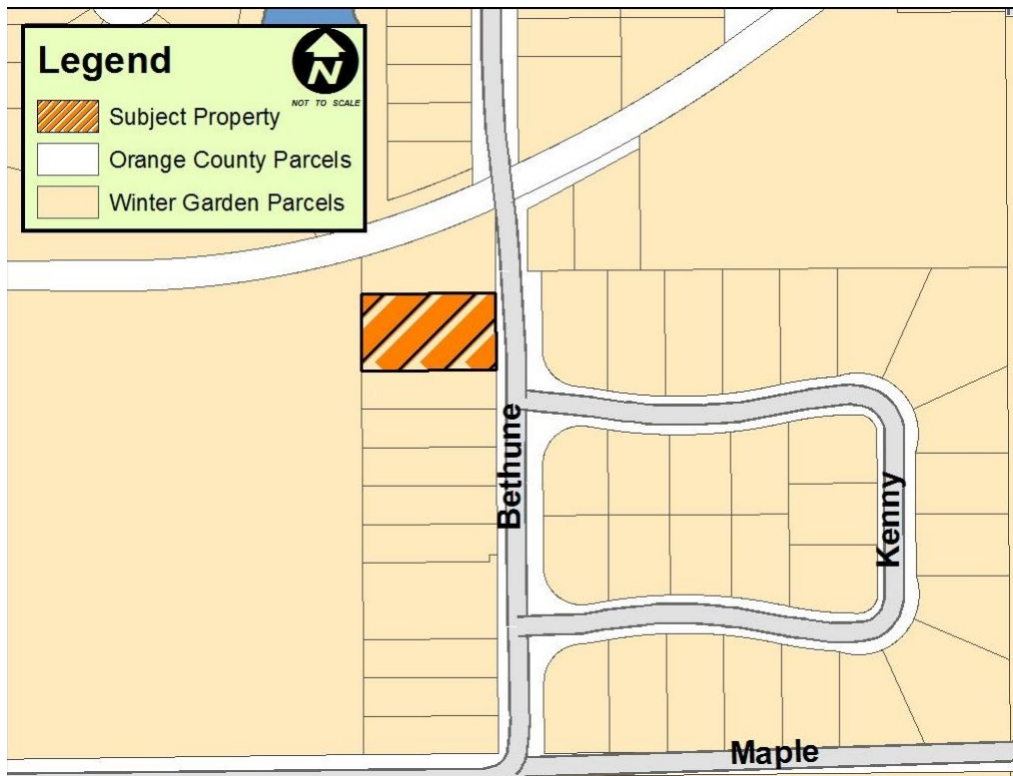
**TO:** PLANNING AND ZONING BOARD  
**PREPARED BY:** Kelly Carson, Planning Director  
**DATE:** JANUARY 9, 2023  
**SUBJECT:** Lot Split/Reconfiguration  
**728 Bethune Avenue (0.40 +/- ACRES)**  
**PARCEL ID # 12-22-27-6496-09-007**

**APPLICANT:** City of Winter Garden

### INTRODUCTION

The purpose of this report is to evaluate the request to allow a lot split on the property located at 728 Bethune Avenue for compliance with the City of Winter Garden Code of Ordinances and Comprehensive Plan.

The property located at 728 Bethune Avenue is an approximately 0.40 acre lot. The map below depicts the location of the subject properties within the City of Winter Garden's municipal limits:



The subject property carries the zoning designation R-4 (Zoning District) and is designated LR (Low Density Residential) on the Future Land Use Map of the City's Comprehensive Plan.

### **EXISTING USE**

The property located 728 Bethune Avenue is currently vacant.

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

The properties to the north and east of the subject property are developed with single-family residences, zoned R-4 and are located within Winter Garden's municipal limits. The property to the south has just broken ground on a new single-family house, is zoned R-4, and located within Winter Garden. The property to the west is vacant land, zoned R-4, and located within Winter Garden.

### **PROPOSED USE**

The applicant is requesting to split the lot into 2 new 50' by 175' lots to assist Habitat for Humanity to allow construction of two new single-family homes. The proposed lot spit would create two separate parcels described in the boundary survey as Parcel 1 and Parcel 2, each new parcel would consist of 8,750.24 square feet or +/- 0.20 acres.

### **CODE REFERENCE**

#### **Sec. 118-456. - Minimum lot requirements.**

In the R-4 zoning district, the minimum lot requirements are as follows:

- (1) Single-family.
  - a. Lot width: 50 feet at building front setback line;
  - b. Lot depth: 110 feet;
  - c. Lot area: not less than 5,500 square feet;
  - d. Lot width at curb on a cul-de-sac: 25 feet.

#### **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**

The applicant has submitted a request for a lot split as described in the survey to create Parcel “1” and Parcel “2”. Based on the property’s R-4 zoning and Future Land Use designation of LR, the applicant meets the criteria to obtain a lot split.

### **STAFF RECOMMENDATION**

Staff recommends approval of the proposed lot split.

### **NEXT STEP**

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

### **ATTACHMENTS**

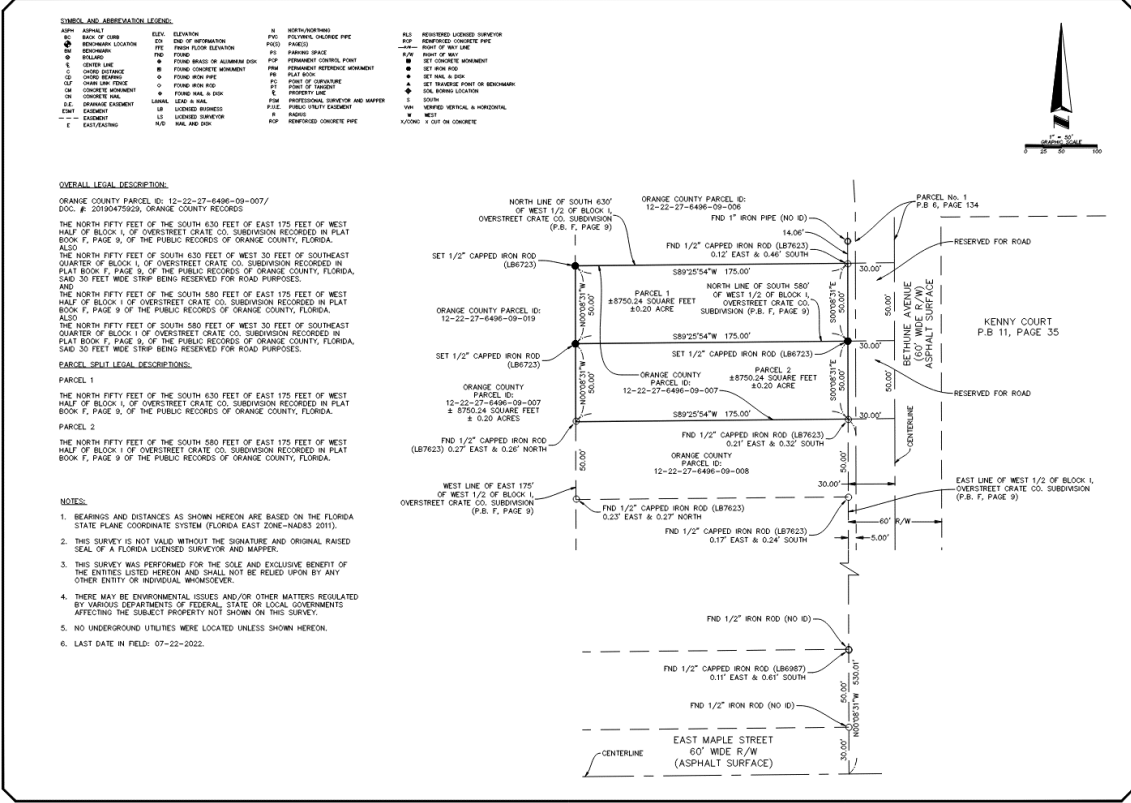
- Aerial Photo
- Survey
- Zoning map
- Site Photos



**AERIAL PHOTO**  
**728 Bethune Avenue**



## Lot Split Survey 728 Bethune Avenue



**ALLEN  
 SURVEYING & MAPPING**  
 GEOSPATIAL SERVICES  
1925 S.W. 10TH AVENUE, SUITE 100, FORT LAUDERDALE, FLORIDA 33304

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**BOUNDARY SURVEY  
 OF  
 BETHUNE AVENUE LOT SPLIT**  
ORANGE COUNTY, FLORIDA

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**CITY OF  
 WINTER  
 GARDEN**

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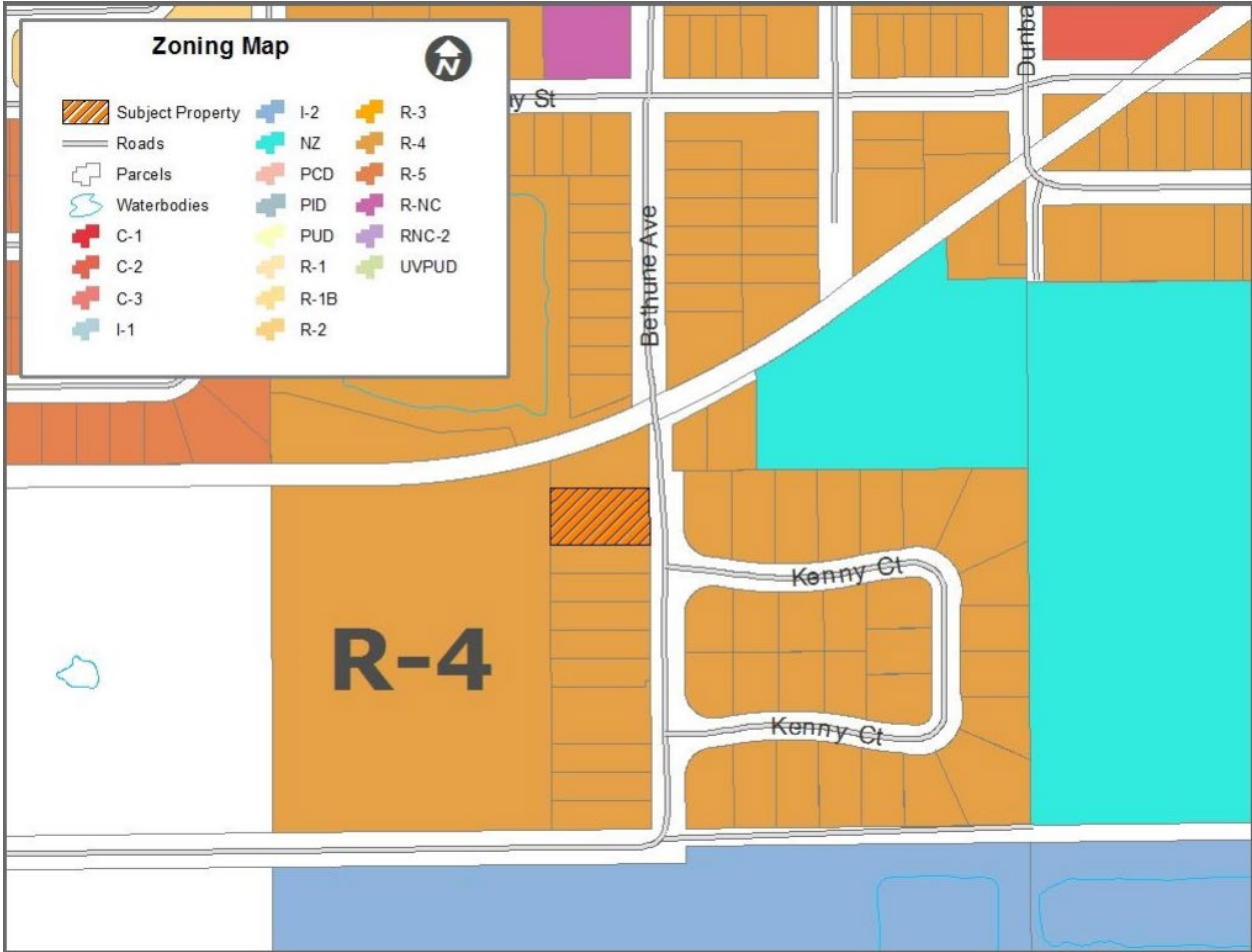
**CERTIFIED TO:**  
 THE CITY ENGINEER AND  
 THE CITY CLERK  
 THE CITY OF WINTER  
 GARDEN, FLORIDA

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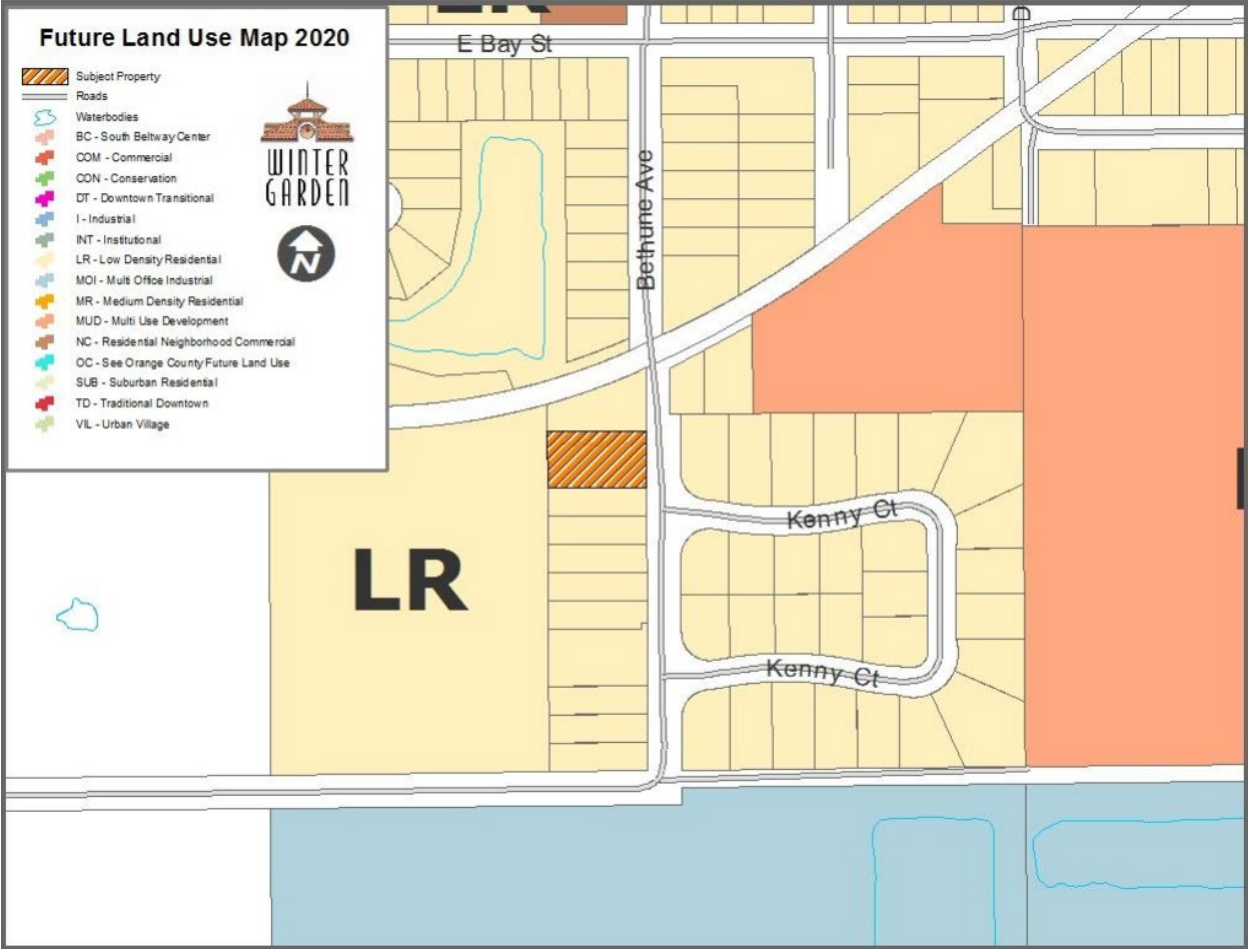
**DATE EXPIRES:**

**SHEET 1 OF 1**

**Zoning Map**  
**728 Bethune Ave**



**FUTURE LAND USE MAP**  
**728 Bethune Avenue**



**END OF STAFF REPORT**