



For More Information, Contact:

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PLANNING & ZONING BOARD

To: James Balderrama
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CC: Mike Bollhoefer, City Manager
Ed Williams, Planning Director
Dolores Key, Econ. Dev. Director
Tim Wilson, Chief Planner
Regina McGruder-Jones, Planner II
Brandon Byers, Planner II
Dan Langley, City Attorney

RE: Agenda – October 6, 2008 - 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

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1. Call to Order
 2. Pledge of Allegiance – Webelos Cub Scouts
 3. Roll Call and Determination of Quorum
 4. Approval of minutes from the September 8, 2008 meeting – Attachment 1

Variances (all Public Hearings)

5. 24 W. Cypress Street, Setback Variance – Attachment 2
6. 14949 Masthead Landing Circle, Setback Variance – Attachment 3

Annexation (all Public Hearings)

7. 1006 E. Crown Point Road – Attachment 4

Miscellaneous (no Public Hearings)

8. Belle Meade Commercial Outparcel #2, Building Elevations – Attachment 5

Any and all objections will be heard at this time and if no valid objections are presented to the contrary consideration will be given for granting this request. You are advised that if a person decides to appeal any decision made with respect to any matter considered at such hearing, then they will need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based.

(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;

This addition allows reasonable use of the property. The property owner is in the process of major renovations on the house and this addition will add to the overall building value.

(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 land development regulations is not necessary in this instance as the addition will not reduce the current setbacks of the house. There are no benefits in denying this variance.

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

The granting of this variance is consistent with the Comprehensive Plan regarding single-family homes.

(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 to make reasonable use of the land given the existing setbacks of the home and the overall character of the street.

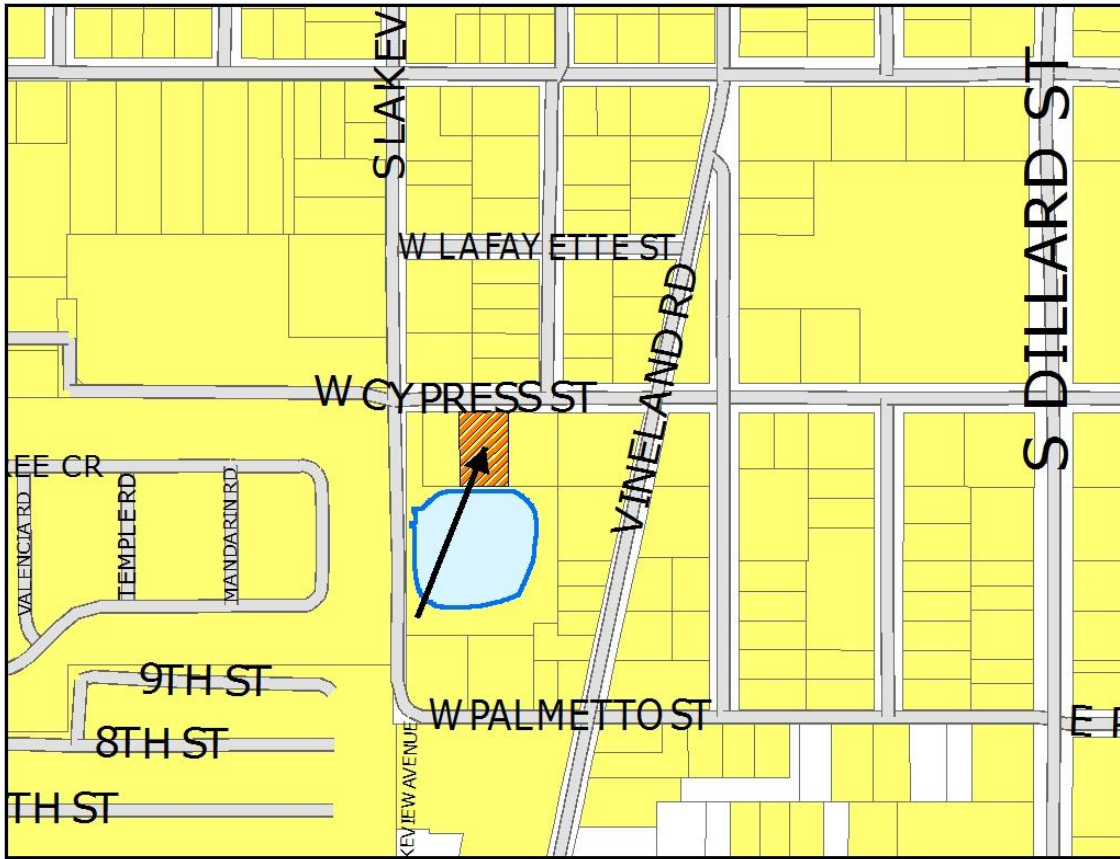
Staff

Recommendation:

Staff recommends approval of the 12 foot front yard setback variance to construct a front room addition.

Next Step: If P& Z Board approves, finish improvements on the house and receive Certificate of Occupancy from the Building Department.

24 W. Cypress Street



THE CITY OF WINTER GARDEN
CITY PLANNING AND ZONING BOARD AGENDA ITEM
ATTACHMENT 3 (Public Hearing)

Date: October 3, 2008 **Meeting Date:** October 6, 2008
Subject: 14949 Masthead Landing Circle
Issue: Request for approval of a 4 foot rear yard setback variance for property located at 14949 Masthead Landing Circle in Winter Garden, Florida. If approved, this will allow the property owner to construct a screen room addition.

Supplemental Material/Analysis:

Applicant: Frank Cardenas Email: info@aluminumandmore.com

Zoning: PUD (requires 20' rear yard setback)

FLU: Low Density Residential

Summary: The property owner is requesting a 4' rear yard setback variance to construct a screen room addition in the Stoneybrook West Subdivision. As the roof is partially covered, the structure shall meet the setbacks of the zoning district.

The City Code 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 have to be addressed before a variance can be approved Underlined are 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;*

The addition should not negatively impact adjacent property owners. The property owner has received approval from their HOA for this structure. In addition, other similar structures have been built in the Stoneybrook West community.

(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;

This addition allows reasonable use of the property and is not out of character with other properties in the neighborhood.

(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 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 granting of this variance is consistent with the Comprehensive Plan regarding single-family homes.

(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.

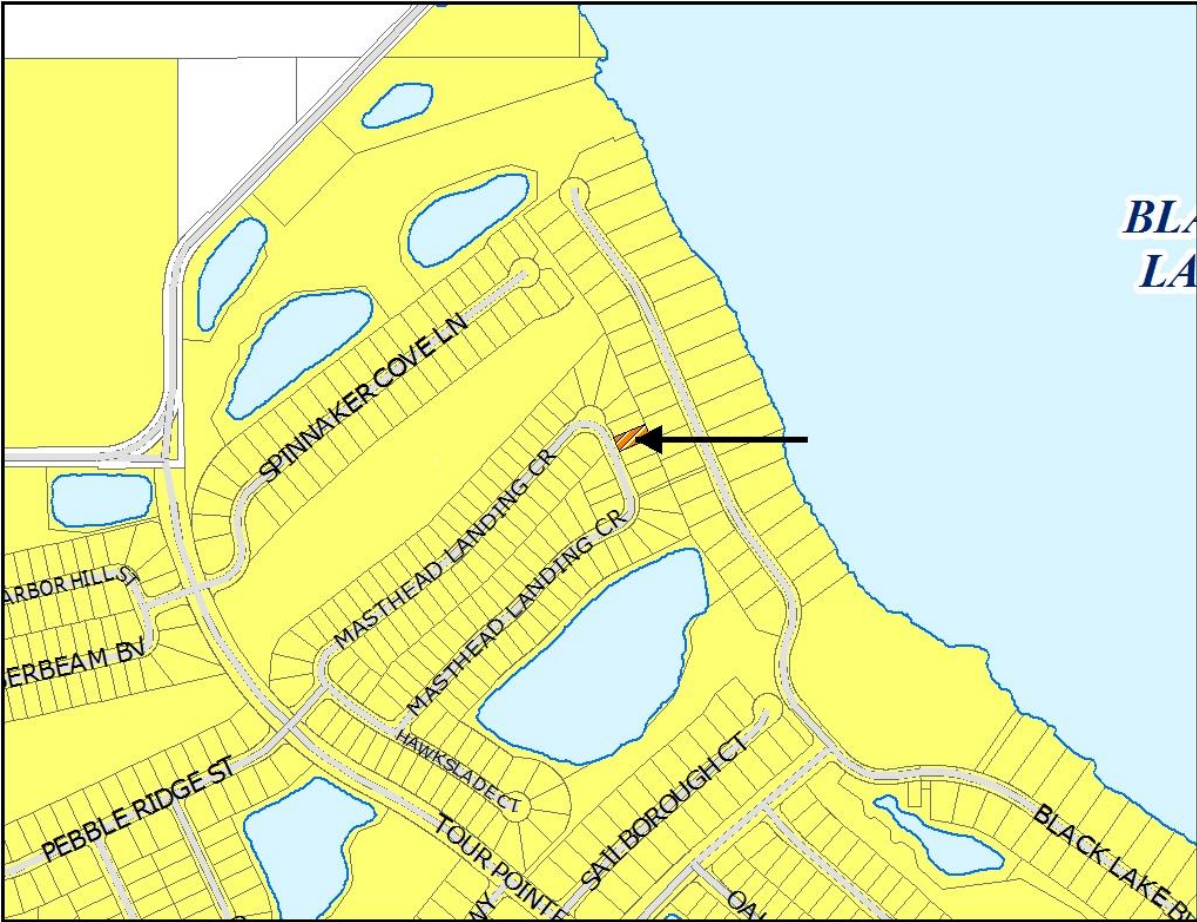
The variance requested is the minimum to make reasonable use of the land given that similar structures exist in this neighborhood and it is not unreasonably encroaching into the rear setback.

**Staff
Recommendation:**

Staff recommends approval of the 4' rear yard setback variance to construct a screen room addition in the Stoneybrook West Subdivision.

Next Step: Receive a building permit from the Building Department.

14949 Masthead Landing Circle



1006 E. Crown Point Road

