



For More Information, Contact:

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PLANNING & ZONING BOARD

To: James Balderrama
Jerry Carris
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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 – February 2, 2009 - 6:30 PM
Commission Chambers, City Hall
300 West Plant Street, Winter Garden

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1. Call to Order
 2. Roll Call and Determination of Quorum
 3. Approval of minutes from the January 5, 2009 meeting – Attachment 1

Variations (all Public Hearings)

4. 707 Brandy Oaks Loop, Setback Variance – Attachment 2

Note: §286.0105, Florida Statutes, states that if a person decides to appeal any decision by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he or she will need a record of the proceedings and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability, as defined by the ADA, needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact the City Clerk's Office at 407-656-4111 extension 2254.

(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;

Per the approved Oaks at Brandy Lake PUD Ordinance 04-25 requires a minimum 15 foot side corner yard setback for primary structure, this should not negatively affect adjacent property owners. In addition, the structure will provide a rear entry driveway and garage. The proposed structure will not obstruct or interfere with adjacent property owner's visibility of the street or driveway.

(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 new single family home allows reasonable use of the property. The proposed new single family residence is not out of character with other houses in the PUD zoning district or this 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. 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 neighborhood.

**Staff
Recommendation:**

Staff recommends approval of the 2 foot side corner yard setback variance to construct a new single family home.

Staff would also like to state as part of the public record; staff will not support any future variance request for new home construction; the developer must select model homes that fit on the approved PUD minimum lot sizes or request to re-plat the subdivision.

Next Step: If P& Z Board approves, apply for building permit from the Building Department.

707 Brandy Oaks Loop

