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**PLANNING & ZONING BOARD**

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CC: Mike Bollhoefer, City Manager  
Dan Langley, City Attorney  
Ed Williams, Planning Consultant  
Tim Wilson, Community  
Development Director  
Bill Wharton, Principal Planner  
Regina McGruder-Jones, Planner II  
Brandon Byers, Planner II

RE: Agenda – February 01, 2010 - 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 January 4, 2010 meeting – Attachment 1

**Variances (All Public Hearing)**

4. 245 N. Central Avenue Setback Variance – Attachment 2
5. 14 Garden Avenue Setback Variance – Attachment 3

**ADJOURN** to a regular Planning and Zoning Board meeting on Monday, March 01, 2010 at 6:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1<sup>st</sup> floor.

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.



The variance request is minimal. Similar homes in other single-family residential neighborhoods have been granted variances to allow detached accessory buildings which encroach into the rear setback. The detached accessory building will meet the side setbacks and will be located approximately 20' from the adjacent property owners. Adjacent property owners should not be negatively affected by this variance.

*(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 detached 2 car garage/storage shed will allow reasonable use of the property. It is not out of character with other properties in the residential zoning category. The detached 2 car garage/storage shed is not fit for human habitation and will only be used for storage.

*(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 land development regulations will not further any legitimate city objective. This request does not encroach into any recorded easement and should not affect the drainage pattern for the home.

*(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.

*(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 this variance does not benefit the property owner or the City.

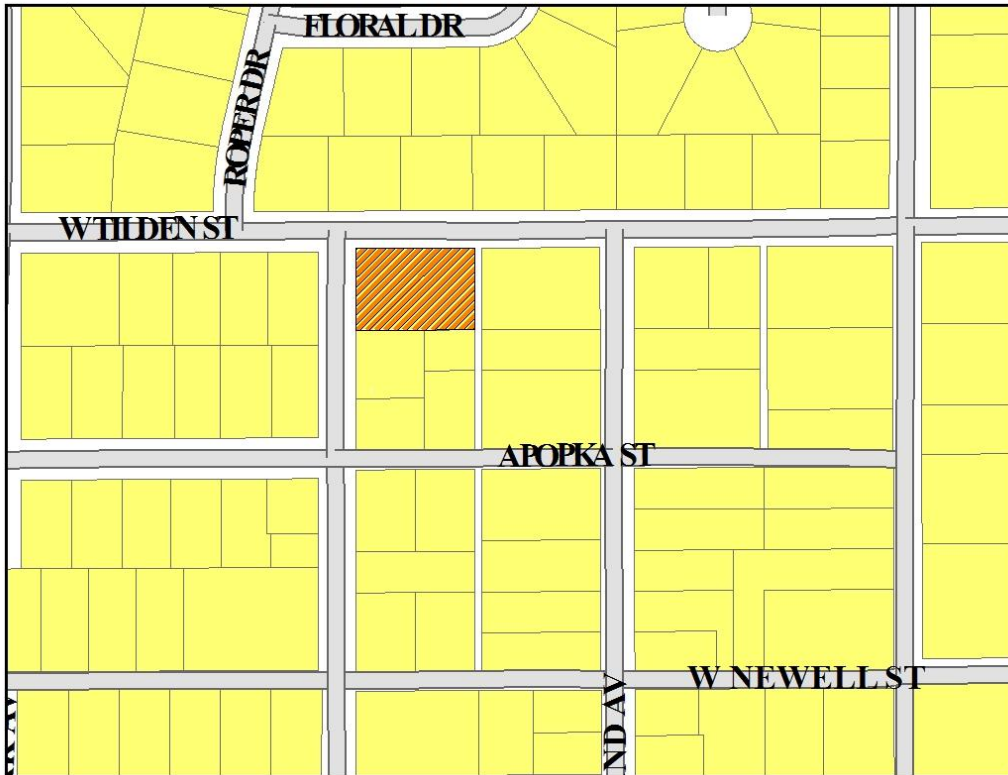
**Staff  
Recommendation:**

Staff recommends approval of the 25 foot rear yard setback variance to allow a 20' x 40' detached 2 car garage and storage shed accessory building with the following approval condition:

1. Applicant will be required to remove existing underbrush and debris prior to issuance of building permit for 20' x 40' detached 2 car garage/storage shed building.

**Next Step:** Obtain building permits from the Building Department.

**245 N. Central Avenue**





*(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;*

Staff recommends denial of the requested 6 foot side yard setback variance to allow an open carport on the east side of the property. Per Ordinance 98-56, accessory building and structures shall be designed to blend aesthetically with the principal building. Staff believes that granting this variance will interfere with reasonable enjoyment of nearby property owners and negatively impact the character of the neighborhood. Although other properties within the City have received setback variances to allow open carports, those carports were similar in design and character with the principle structure.

*(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 will not allow reasonable use of the property and the proposed carport is out of character with other properties in the neighborhood and in that same zoning category. This accessory structure is out of character and inconsistent with other accessory structures and carports in the residential zoning category. Many homes currently have open carports that blend aesthetical in color and design with the principle structure to create a cohesive appeal in residential neighborhoods. This type of open carport is not typical in residential neighborhoods.

*(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;*

In the context presented, strict compliance with the City land development regulations will not further any legitimate city objective. Staff believes that the benefits received by denying this variance will outweigh the benefits under these criteria if this variance was approved.

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

The requested variance is inconsistent with the provisions of the City's Comprehensive Plan relating to single-family residential neighborhoods. Per the City of Winter Garden's Comprehensive Plan, Housing Element; he City of Winter Garden has consistently taken actions to preserve and enhance its neighborhoods. The aesthetic quality of neighborhoods is extremely important to residents. Parks and recreation facilities, public safety, refuse collection and code enforcement are major factors in maintaining and improving the aesthetic quality of neighborhoods. Enforcement of codes concerning such matters as fences, tree removal, illegally parked vehicles and satellite dishes are essential to neighborhood quality. Landscaping and buffering of adjacent more intensive land uses is also important in this effort.

*(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 not the minimum variance that will make reasonable use of the land, i.e. the applicant can attach the open carport and provide provisions to ensure the structure blends with the principle building, or the applicant can request the open carport be located in the rear of the principle residence etc. Staff believes that the benefits received by denying this variance will outweigh the benefits under these criteria if this variance was approved.

The proposed design of the detached open carport does not blend aesthetically with the principle building and the residential character of the neighborhood as required by City Code.

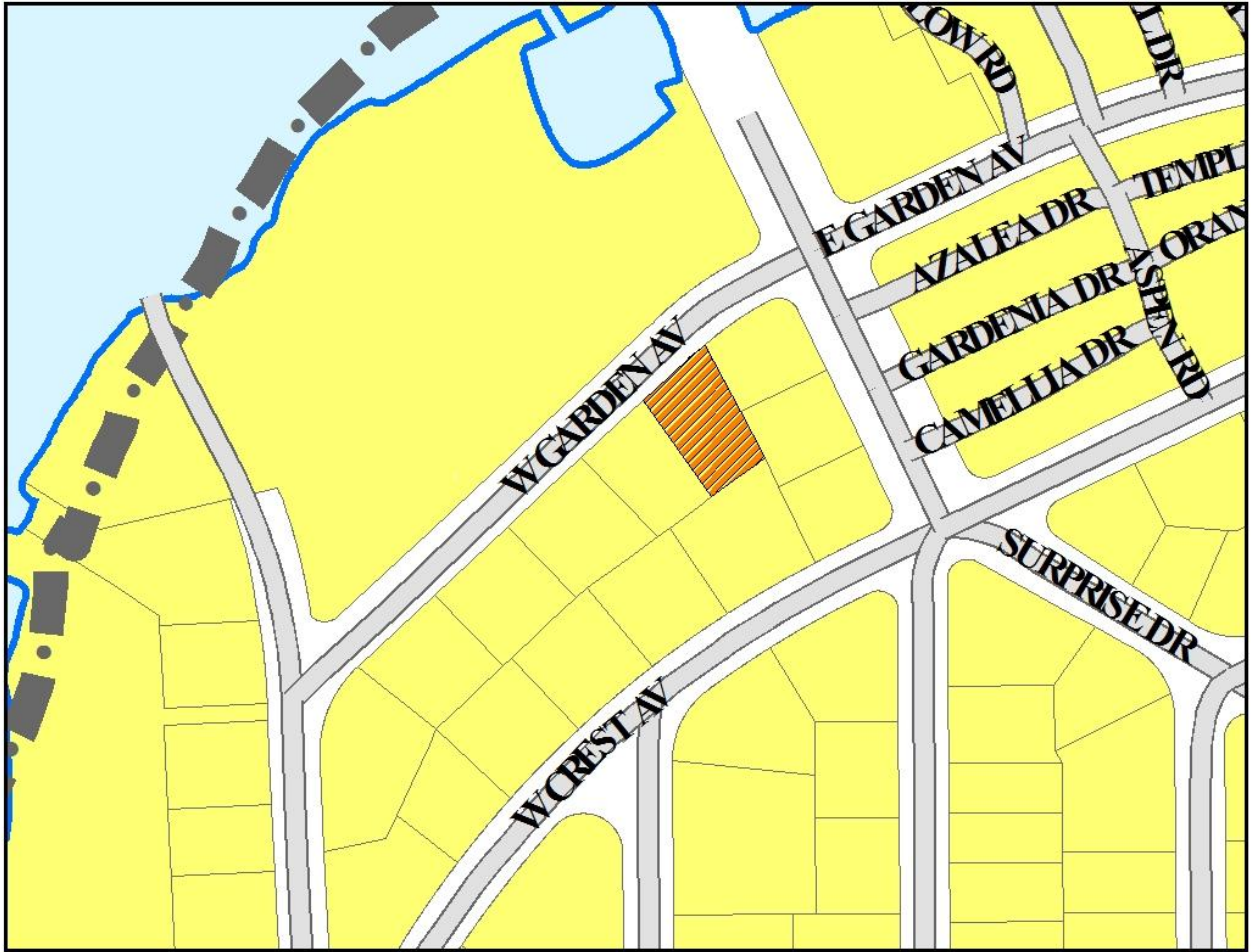
**Staff**

**Recommendation:**

For the reasons outline above; Staff recommends denial of the of the requested 6 foot side yard (east) setback variance to allow construction of a 10'W x 26'L x 12'H detached open carport on the east side of the property.

However, Staff would support a setback variance to allow a traditional open carport attached to the existing single family home. The applicant would be required to reapply for that requested variance and re-appear before the Planning and Zoning Board for a final decision.

14 Garden Avenue



14 W. Garden Avenue

