

**CITY OF WINTER PARK  
PLANNING AND ZONING BOARD**

**Staff Report  
February 6, 2018**

**REQUEST OF THE 717 N. CAPEN AVENUE LLC FOR:** SUBDIVISION OR LOT SPLIT APPROVAL TO DIVIDE THE PROPERTY AT 717 NORTH CAPEN AVENUE, ZONED R-1A, INTO TWO SINGLE FAMILY BUILDING LOTS. EACH LOT IS PROPOSED TO BE 50 FEET IN WIDTH AND 5,000 SQUARE FEET IN SIZE. VARIANCES ARE REQUESTED FOR THESE LOT SIZES THAT DO NOT MEET THE MINIMUM LOT SIZE REQUIREMENTS OF THE R-1A ZONING OF 75 FEET OF LOT WIDTH AND 8,500 SQUARE FEET OF LOT AREA.

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The owners of 717 North Capen Avenue are requesting subdivision or lot split approval to divide their property into two single-family lots. The zoning of this property is R-1A. Each lot is proposed to be 50 feet wide and 5,000 square feet in size. Variances are requested for these lot sizes because they will not meet the minimum lot size requirements of R-1A zoning. The property is currently vacant.

During the City's review process of subdivisions or lot split requests, there are two criteria that are reviewed. First is the 'Zoning Test' as to conformance with the zoning criteria. The next is the 'Comprehensive Plan Test' which is conformance to the neighborhood character.

**ZONING TEST:** This existing property is 100 feet wide on North Capen Avenue and measures approximately 10,000 square feet in size. The subdivided lots are proposed to be 50 feet wide and 5,000 square feet in size. The R-1A zoning requires a minimum of 75 feet of lot width, and a minimum of 8,500-square feet of land area. Thus, this request does not meet the R-1A lot dimension standards, and variances are requested.

**COMPREHENSIVE PLAN TEST:** There are many neighborhoods in the City that are zoned R-1AA or R-1A, but the existing character may be significantly different than the zoning code minimums. In some cases the typical lots are smaller or larger. The Comprehensive Plan test, or comparison, is a door that swings both ways. In some cases, it can substantiate a relaxation of the minimum lot dimensions, and in other cases it can require larger lot sizes than the minimums.

As a result, the practice outlined in the Comprehensive Plan and the Subdivision Code (attached) is to look at the surrounding neighborhood to compare the standard lot sizes. The Code dictates that the review area is within a 500-foot radius of the subject property, and limited to those in the same zoning.

There are 78 homes within this neighborhood with the same R-1A zoning (see attached map). The average lot width is 60.2 feet, and the median lot width is 60 feet. The average lot area from this 78 home survey is 6,441 square feet, and the median lot area is 6,142 square feet. Thus, the proposed lot widths are

approximately 10 feet shorter, and lot areas are approximately 1,000 square feet less than the existing neighborhood.

Of the 78 homes compared, only 13 home or 17% of them have lots less than 60 feet and 83% of the neighborhood have lots equal to or greater than 60 feet. Thus, the proposed lot widths of 50 feet compare favorably only to 17% of the neighborhood.

Similarly, of the 78 homes compared, only 6 homes or 8% of them have lot areas of approximately 5,000 square feet or less. The vast majority of the neighborhood at 72 homes or 92% of the lots have areas greater than 5,000 square feet. Thus, the proposed lot areas of 5,000 square feet compare favorably only to 8% of the neighborhood. This then becomes direction from the Comprehensive Plan policy to not approve the variances requested.

**APPLICABLE CODES:** The applicable Comprehensive Plan policy and Subdivision Code section governing lot splits are on the following page.

**DEVELOPMENT PLANS:** The applicant has provided a generalized front elevation for the type of homes that they plan to build, and general site plans for the layout of the proposed new homes. The applicants will comply with the normal single-family development standards, setbacks, etc.

**DEVELOPMENT OPPORTUNITIES:** Lot split requests like these give the City an opportunity to provide input to the developers to encourage variety and character in their design to enhance our single-family neighborhoods. As mentioned, the applicant provided generalized front elevations of the types of homes they plan to build, which depict two different architectural styles for the homes. If the Planning and Zoning Board makes a motion to approve, staff suggests that the final front elevations of the homes be of varied architectural styles to each other to provide diversity to the neighborhood.

**SUMMARY:** The custom of the planning staff is not to recommend "approval" of lot splits with variances. However, in this case, the policies of the Comprehensive Plan also support a recommendation for denial.

This is a situation where the proposed lot widths and sizes only compare to a small percentage, approximately 8% of the neighborhood. While staff recognizes that this neighborhood does have smaller lot widths and areas than the code requires. The application fails to meet the Zoning and Comprehensive Plan tests.

**In recognition that lot width variances are requested, and that the Comprehensive Plan comparison of lot widths does not support the request, the Staff Recommendation is for DENIAL.**

## **RELEVANT COMPREHENSIVE PLAN POLICY:**

**Policy 1-3.6.8: Subdivision of Land and Lot Splits for Non-Lakefront Single Family and Low Density Multi-Family Property.** The City shall consider approving subdivision and lot split applications, which are not lakefront properties and which are not estate lots in areas designated single family, low density or multi-family residential, when the proposed new lots are designed at size and density consistent with the existing conditions in the surrounding neighborhood within a radius of five hundred (500) feet.

## **ARTICLE VI. - SUBDIVISION AND LOT CONSOLIDATION REGULATIONS**

### **Sec. 58-377. - Conformance to the comprehensive plan.**

(a) In the City of Winter Park, as a substantially developed community, the review of lot splits, lot consolidations, plats, replats or subdivisions within developed areas of the city shall insure conformance with the adopted policies of the comprehensive plan as a precedent to the conformance with other technical standards or code requirements.

(b) In existing developed areas and neighborhoods, all proposed lots shall conform to the existing area of neighborhood density and layout. The proposed lot sizes, widths, depths, shape, access arrangement, buildable areas and orientation shall conform to the neighborhood standards and existing conditions. This provision is specifically intended to allow the denial or revision by the city of proposed lot splits, lot consolidations, plats, replats or subdivisions when those are not in conformance with the existing neighborhood density or standards, even if the proposed lots meet the minimum technical requirements of the zoning regulations.

(c) In determining the existing area or neighborhood density and standards, for the consideration of lot splits, plats, replats or subdivision of other than estate lots or lakefront lots, the planning and zoning commission and city commission shall consider the frontage and square foot area of home sites and vacant properties with comparable zoning within an area of 500-foot radius from the proposed subdivision.

(d) In order to implement the policies of the comprehensive plan, the city commission may also impose restrictions on the size, scale, and style of proposed building, structures, or other improvements. This provision shall enable the city commission to impose restrictions on the size, height, setback, lot coverage, impervious area or right-of-way access such that proposed building and other improvements match the dimension and character of the surrounding area or neighborhood.



# COMPREHENSIVE PLAN TEST

## 717 N Capen Ave

City of Winter Park Florida

### LEGEND

- Subject Site
- R-1A Lots Within 500' of Site (78 total)

### NOTES

- Average Lot Width = 60.2 feet
- Median Lot Width = 60 feet
- Average Lot Size = 6,441 square feet
- Median Lot Size = 6,142 square feet

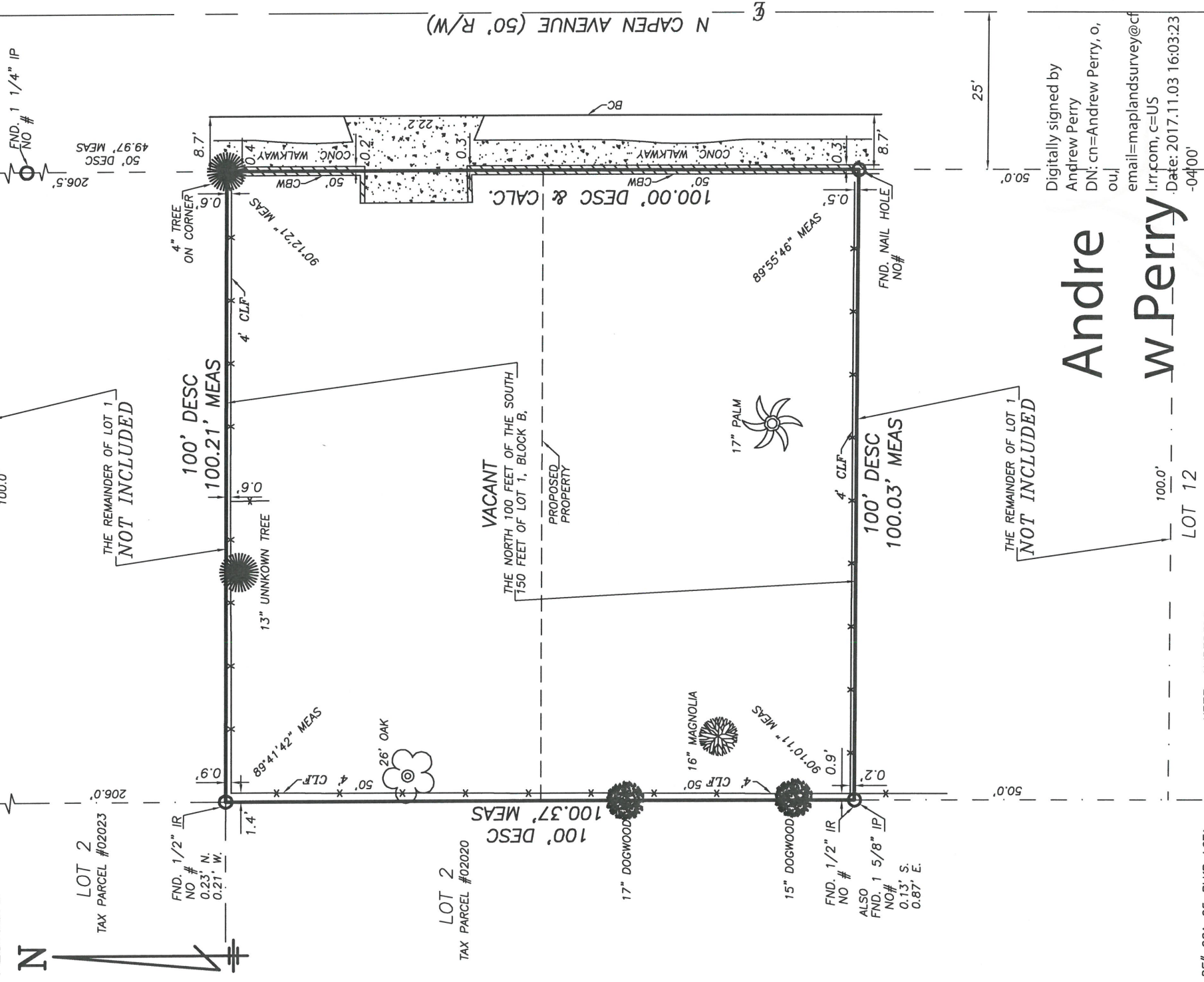


# MAP OF SURVEY

717 CAPEN AVENUE

## DESCRIPTION

THE NORTH 100 FEET OF THE SOUTH 150 FEET OF LOT 1, BLOCK B, CAPENS ADDITION TO WINTER PARK, AS RECORDED IN PLAT BOOK A, PAGE 95, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



Digitally signed by  
 Andrew Perry  
 DN: cn=Andrew Perry, o,  
 ou,  
 email=maplandsurvey@cfi.rr.com, c=US  
 Date: 2017.11.03 16:03:23  
 -04'00'

# Andre w Perry

DF# OCA-95-BLKB-LOT1 NOTE: UNDERGROUND UTILITIES AND FOUNDATIONS HAVE NOT BEEN SHOWN.  
 BOUNDARY SURVEY CERTIFIED TO: WALTERS CONSTRUCTION.  
 FIELD DATE: NOV. 2, 2017  
 SCALE: 1"=20' DRAWN BY: A.R.  
 BEARING STRUCTURE BASED ON: THE EAST  
 RIGHT OF WAY LINE OF N CAPEN AVENUE.

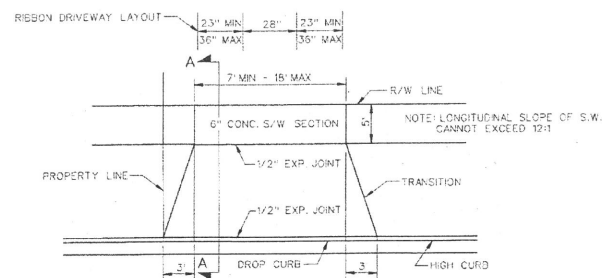
**LEGEND**

BC	BACK OF CURB	IR	IRON ROD
CALC	CALCULATED	LB	LICENSE BUSINESS
Δ	CENTRAL ANGLE	MEAS	MEASURED
CLF	CHAIN LINK FENCE	MS	METAL SHED
CONC	CONCRETE	N&D	MAIL & DISK
CBW	CONCRETE BLOCK WALL	#	NUMBER
CM	CONCRETE MONUMENT	OHE	OVERHEAD ELECTRICAL
CP	CONCRETE PAD	OL	ON LINE
CW	CONCRETE WALKWAY	POB	POINT OF BEGINNING
COVD	COVERED	POC	POINT OF COMMENCEMENT
DESC	DESCRIPTION	PP	POWER POLE
DW	DRIVEWAY	P&M	PLAT & MEASURED
DE	DRAINAGE EASEMENT	R	RADIUS
EMT	EASEMENT	R/W	RIGHT OF WAY
E/P	EDGE OF PAVEMENT	TYP	TYPICAL
FEE	FINISHED FLOOR ELEVATION	UE	UTILITY EASEMENT
FND	FOUND	UB	UTILITY BOX
IP	IRON PIPE	WF	WOOD FENCE
		>	GUY WIRE ANCHOR

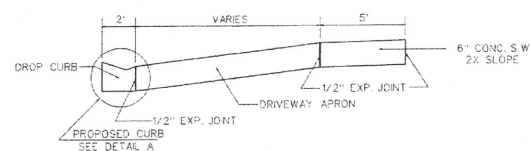
**REVISIONS:**

**M.A.P. Land Surveying, Inc.**  
 4515 Curry Ford Rd.  
 Suite C  
 Orlando FL 32812  
 PH. 407 896 4557  
 FAX 407 277 3778  
 E-Mail: Maplandsurvey@cfi.rr.com LB #7084

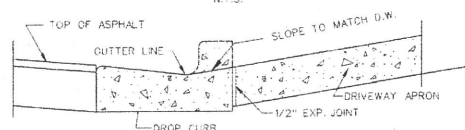
Professional Surveyor & Mapper #6124  
 Andrew Perry, P.S.M.  
 \*NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL, OR THE ELECTRONIC SIGNATURE AND SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER.\*



RESIDENTIAL DRIVEWAY APRON  
N.T.S.

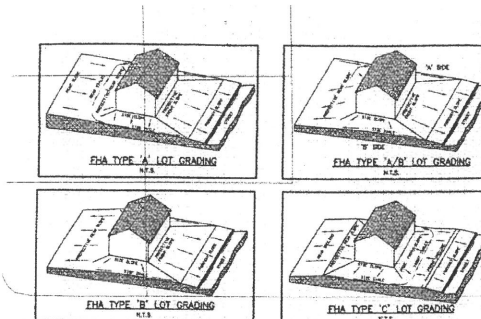


SECTION A-A  
N.T.S.

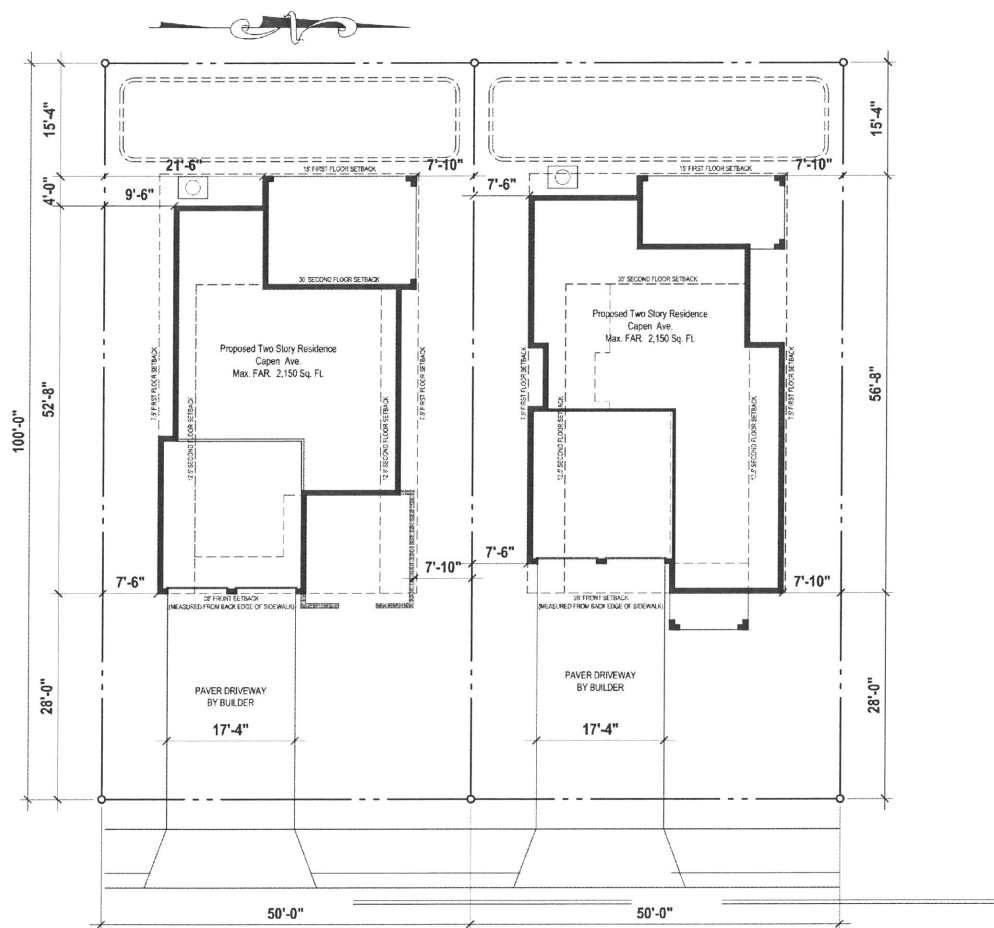


DETAIL A  
N.T.S.

- NOTES:
- 3000 PSI CLASS 1 CONCRETE REQUIRED
  - EXISTING HIGH CURB SHALL BE REMOVED AND REPLACED WITH DROP CURB
  - 6\"/>



TYPICAL LOT GRADING



Proposed Site "A" Proposed Site "B"

**GENERAL NOTES KEY:**

THIS IS NOT A SURVEY. MJS, INC. ASSUMES NO RESPONSIBILITY FOR ITS ACCURACY. THE OWNER AND CONTRACTOR ARE TOTALLY RESPONSIBLE FOR PLACING THE BUILDING ON THE PROPERTY.

POOL DESIGN AND LOCATION SHOWN ARE ONLY SUGGESTED. THE OWNER AND CONTRACTOR ARE RESPONSIBLE FOR FINAL POOL DESIGN AND LOCATION.

LANDSCAPING DESIGN BY OTHERS.

MJS, INC. ASSUMES NO RESPONSIBILITY FOR SEPTIC DESIGN OR LOCATION. SEPTIC IF SHOWN ON PLANS IS PER BUILDER OR OWNER REQUIREMENTS. SEPTIC SYSTEMS ARE TO BE DESIGNED AND LOCATED PER DEPT. OF HEALTH REQUIREMENTS OR AS PER GOVERNING CODES.

NOTE: THE DRAINAGE MUST BE DIRECTED TOWARDS A DRAINAGE EASEMENT WITH A POSITIVE OUTFALL OR TO THE ROADWAY R/W. INCREASE OR CREATION OF "WATER PONDING" TO ADJACENT PROPERTIES IS PROHIBITED.

NOTE: PROPOSED IMPROVEMENTS WILL HAVE MINIMAL IMPACT TO EXISTING RUNOFF DRAINAGE PATTERNS. NO FILL WILL BE IMPORTED TO SITE EXCEPT FOR RESIDENCE FOUNDATION.

**SITE COVERAGE DATA:**

TOTAL SITE (A): 5,000 SQ. FT.  
IMPERVIOUS MAX. ALLOWED: 50%=2,500 SQ. FT.

**IMPERVIOUS AREA  
50% MAX. PERMITTED**

FIRST FLOOR:	887 SQ. FT.
ENTRY:	188 SQ. FT.
PATIO:	301 SQ. FT.
GARAGE:	416 SQ. FT.
AC PADS / STOOPS:	15 SQ. FT.
DRIVE / WALKWAY:	448 SQ. FT.
TOTAL:	2,299 SQ. FT.

**F.A.R. - 43% = 2,150 SQ. FT.  
(MAX. PERMITTED)**

FIRST FLOOR:	887 SQ. FT.
SECOND FLOOR:	817 SQ. FT.
PORCH & BALCONY:	0 SQ. FT.
(ABOVE 900 SQ. FT. MAX.)	
GARAGE:	416 SQ. FT.
TOTAL:	2,114 SQ. FT.

**SITE COVERAGE DATA:**

TOTAL SITE (B): 5,000 SQ. FT.  
IMPERVIOUS MAX. ALLOWED: 50%=2,500 SQ. FT.

**IMPERVIOUS AREA  
50% MAX. PERMITTED**

FIRST FLOOR:	1,180 SQ. FT.
ENTRY:	33 SQ. FT.
PATIO:	188 SQ. FT.
GARAGE:	406 SQ. FT.
AC PADS / STOOPS:	15 SQ. FT.
DRIVE / WALKWAY:	448 SQ. FT.
TOTAL:	2,287 SQ. FT.

**F.A.R. - 43% = 2,150 SQ. FT.  
(MAX. PERMITTED)**

FIRST FLOOR:	1,180 SQ. FT.
SECOND FLOOR:	363 SQ. FT.
PORCH & BALCONY:	0 SQ. FT.
(ABOVE 900 SQ. FT. MAX.)	
GARAGE:	406 SQ. FT.
TOTAL:	2,149 SQ. FT.

**Site Layout**

SCALE 1" = 10'-0"

**DON BOLDEN ENG., INC.**  
Don Bolden, P.E.  
Florida Registration #47524  
Certification #26030  
P.O. Address: 10000  
Dabary, FL 32753

**MJS**  
250 N. Wymore Rd. Suite B  
Winter Park, FL 32789  
Ph: (407) 628-6711  
Fax: (407) 629-6776  
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**Capem Ave. Spec.**  
717 Capem Ave.  
Winter Park, FL 32789

**Walters Construction**  
Brent Walters  
C: (407) 234-5187  
www.waltersconstructioncorporation.com

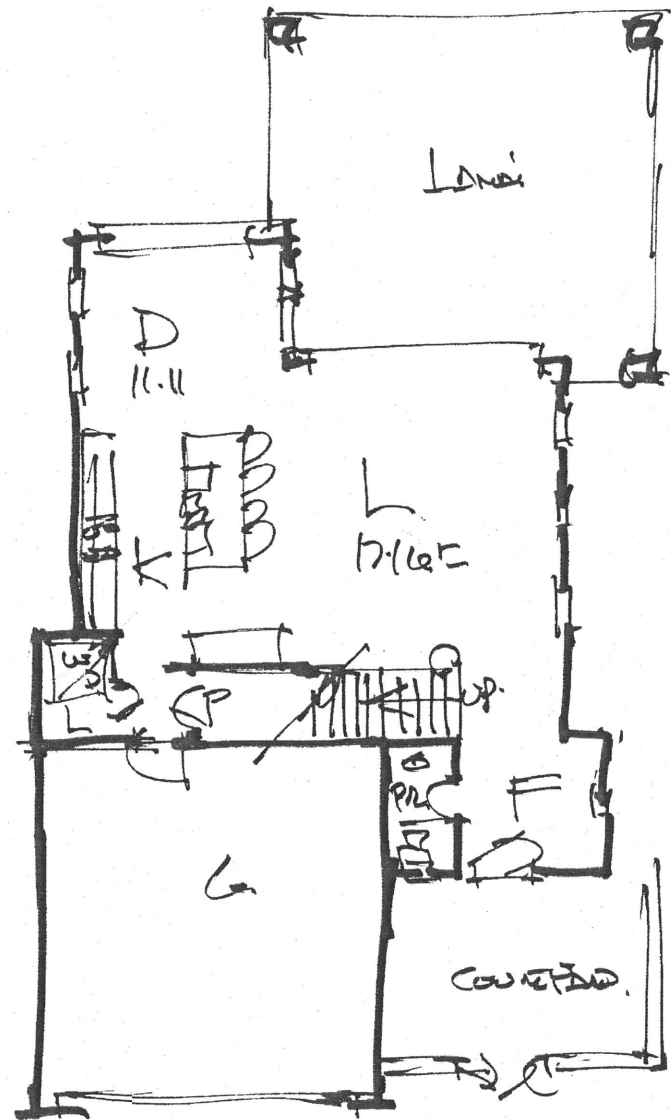
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JASON ZilWalters Construction\T.N. Capem Ave\A-00 Site Plan.dwg

ISSUE DATE:	11/29/2017
REVISIONS:	

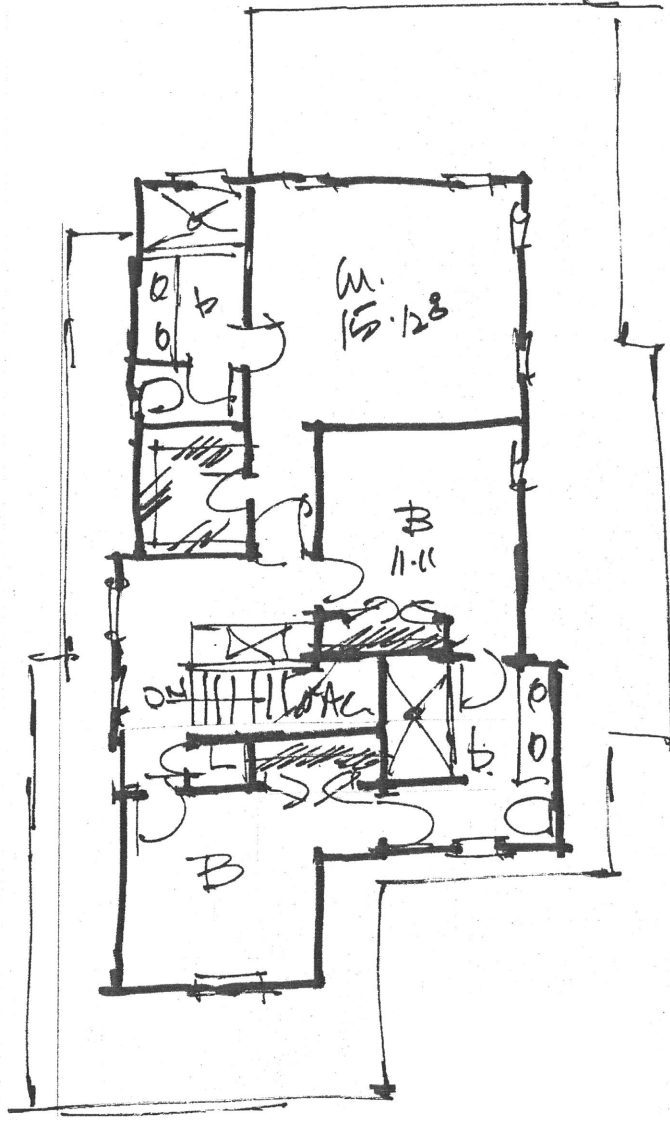
PROJECT: 17-0323  
SCALE: AS NOTED  
DRAWN BY: JML / JFT  
DESIGNED BY: MJS

SITE PLAN  
S-01

CONTRACTOR SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR DIMENSIONS AND CONDITIONS OF THE JOB. MJS, INC. SHALL BE NOTIFIED IN WRITING OF ANY CHANGES TO THE DIMENSIONS, CONDITIONS AND SPECIFICATIONS APPEARING ON THESE PLANS.



Proposed First Floor



Proposed Second Floor

PROPOSED FLOORPLAN A  
 FAR: 2,114 SQ. FT. = 42.28%

Area Tabulations	
Living:	
1st floor:	887 sf
2nd floor:	817 sf
Total Living:	1,704 sf
entry:	168 sf
covered patio:	301 sf
garage:	410 sf
Total Area:	2,583 sf

**Floor Plan A**  
 SCALE 1/4" = 1'-0"

Walters Construction  
 Brent Walters  
 C. (407) 234-5187  
 www.waltersconstructioncorporation.com

Capem Ave. Spec.  
 717 Capem Ave.  
 Winter Park, FL 32789

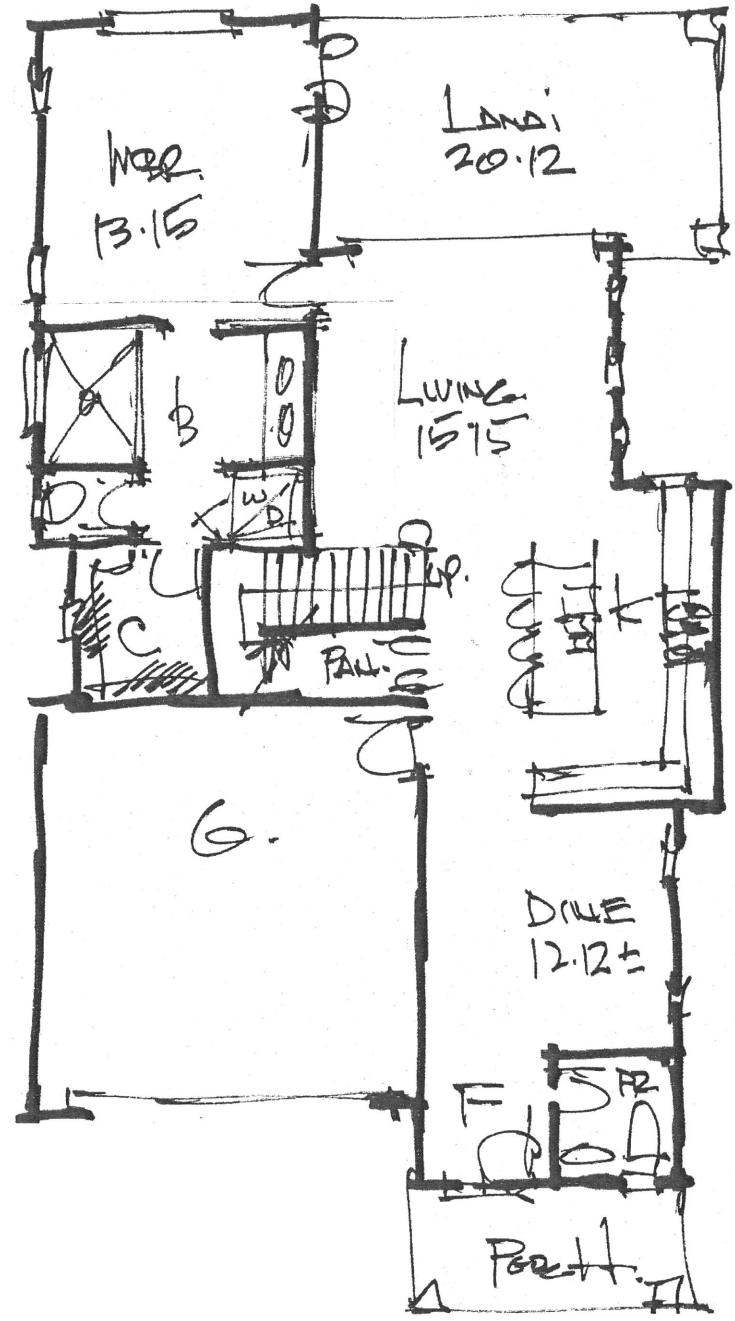
**MJS**  
 DON BOLDEN ENG., Inc.  
 Don Bolden, P.E.  
 Florida Registration #47524  
 Certificate of Authorization #26030  
 P.O. Box 530783  
 Delray, FL 33433

250 N. Wymore Rd. Suite B  
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 custom home design  
 DESIGNERS + PLANNERS www.mjshomedesigns.com  
 Fax: (407) 629-6776

PROJECT: 17-0323  
 SCALE: AS NOTED  
 DRAWN BY: JML / JFT  
 DESIGNED BY: MJS

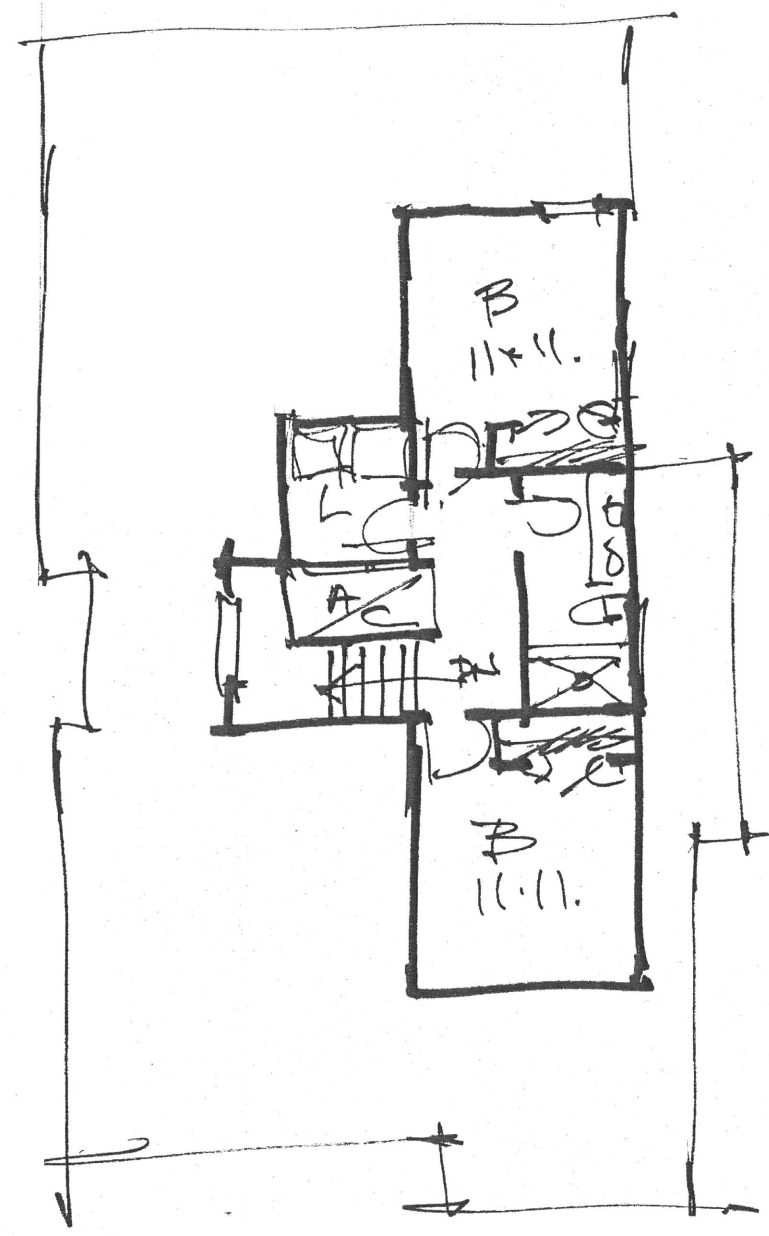
MODEL A  
 A-01

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Proposed First Floor B

PROPOSED FLOORPLAN A  
FAR: 2,149 SQ. FT. = 42.98%



Proposed Second Floor B

Area Tabulations	
Living:	
1st floor:	1,180 sf
2nd floor:	563 sf
Total Living:	1,743 sf
entry:	53 sf
covered patio:	185 sf
garage:	406 sf
Total Area:	2,387 sf

Floor Plan B  
SCALE: 1/4" = 1'-0"

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PROJECT: 17-0323  
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 DESIGNED BY: MJS

ISSUE DATE: 11/29/2017  
 REVISIONS:

FIRST FLOOR  
 A-02

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