

Ray Bagshaw
Mayor

Pamela Henley
Council Member

Judy Beardslee
Council President

Lee Chotas
Council Member

Neil Powell
Council Member

John Dowless
Council Member

**CITY COUNCIL AGENDA
REGULAR MEETING
City Hall – Council Chamber
405 Larue Avenue, Edgewood, Florida
Tuesday, May 15, 2012
6:30 p.m.**

WELCOME! We are very glad you have joined us for today's Council meeting. If you are not on the agenda, please complete an appearance form and hand it to the City Clerk. When you are recognized, state your name and address. The Council is pleased to hear relevant comments; however a five-minute limit has been set by Council. Large groups are asked to name a spokesperson. Robert's Rules of Order guide the conduct of the meeting. **PLEASE SILENCE ALL CELLULAR PHONES AND PAGERS DURING THE MEETING.** "THANK YOU" for participating in your City Government.

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE

D. ROLL CALL AND DETERMINATION OF A QUORUM

E. CONSENT AGENDA

1. Approval of:
 - March 20, 2012 Regular City Council Meeting

(Items on the consent agenda are defined as routine in nature, therefore, do not warrant detailed discussion or individual action by the Council. Any member of the Council may remove any item from the consent agenda simply by verbal request prior to consideration of the consent agenda. The removed item(s) are moved to the end of New Business for discussion and consideration.)

F. PRESENTATIONS

- Vince Constantine – Tops In Details – 2002 Sign Ordinance

G. ORDINANCES – FIRST READING

1. **ORDINANCE 2012-04** - AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, RELATING TO PARKING; AMENDING SECTION 62-21 TO PROVIDE FOR LIMITING OR RESTRICTING PARKING IN PUBLIC AREAS; PROVIDING FOR NOTICE AND SIGNAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

H. PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

1. **ORDINANCE NO. 2012-02 - AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 102-71 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES BY ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, WITH CERTAIN AMENDMENTS, THERETO TO CONFORM TO FLORIDA LAW AND THE CITY’S EXISTING CODE OF ORDINANCES; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPANCY AND USE; PROVIDING THAT THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE SHALL BE SUPPLEMENTAL TO ALL OTHER CODES AND ORDINANCES OF THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.**

I. UNFINISHED BUSINESS

1. Florida Law Enforcement Agency Crash Report Reimbursement – Chief Marcus

J. NEW BUSINESS

K. GENERAL INFORMATION (No action required)

L. CITIZEN COMMENTS

M. BOARDS & COMMITTEES

1. *Planning & Zoning – Variance Recommendations
 - 1077 WINDSONG ROAD – CHARLES KRAMER AND LAURA KRAMER, OWNER (Boat Dock); Doug Langford, Contractor
 - 5507 JESSAMINE LANE – JEFF AND HAYLEY BAKER, OWNER (Reconstruction and Expansion of Front Porch); Jordan Homes, Contractor

N. STAFF REPORTS

1. Police Chief
2. City Clerk
3. City Attorney

O. MAYOR & COUNCIL REPORTS

P. ADJOURNMENT

UPCOMING MEETINGS:

June 19, 2012 City Council Regular Meeting
 July 17, 2012City Council Regular Meeting
 August 21, 2012City Council Regular Meeting

You are welcome to attend and express your opinion. Please be advised that Section 286.0105, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceedings and may need to ensure that a verbatim record is made. In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the City Clerk at (407) 851-2920.

***Please note that the Planning & Zoning Board recommendations will be introduced in advance of placement on the agenda.**

**EDGEWOOD CITY COUNCIL
REGULAR MEETING – MARCH 20, 2012**

On Tuesday, March 20, 2012, the Edgewood City Council held a regular meeting at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. Council President Beardslee called the meeting to order at 6:30 p.m. Council Member Powell gave the invocation followed by the Pledge of Allegiance.

The following attendance is noted:

Attendees:

Mayor Bagshaw
Council President Beardslee
Council Member Powell
Council Member Dowless
Council Member Chotas
Council Member Henley

Staff:

Bea L. Meeks, City Clerk
Pete Marcus, Police Chief
Cinnamon Wild, Administrative Assistant
Drew Smith, City Attorney
Art Miller, Engineer

CONSENT AGENDA

1. Approval of:

- July 19, 2011 Edgewood City Council Meeting
- August 4, 2011 Edgewood City Council Workshop

Council Member Dowless made the Motion to approve the consent agenda, with Second by Council President Beardslee. The Motion was approved unanimously

Council President Beardslee noted that in the July 19, 2011 City Council meeting, the Auditors indicated that the City should implement an Accounting Manual. In response to Council President Beardslee Council Member Henley agreed to work on implementing the manual.

Council President Beardslee acknowledged Valerie Harris, 5561 Jessamine Lane, who said she was a citizen and retired military veteran. She asked Council to discuss parking in the City Hall parking complex. Ms. Harris said she was approached by a man working on City Hall landscape and was told she could not park in the parking lot on Thursdays because of the Farmers Market. She said she was met with aggression and hostility, and then said it was the Mayor who initially did not identify himself. City Attorney Smith said it is not uncommon for City Halls to limit their parking to staff only, and gave examples of other cities that have City lots for business only. Council President Beardslee said that Council does not receive compensation, and she has worked with the Mayor for a year, and as a Council member for nine years. She said Mayor Bagshaw is the first Mayor who has been a working Mayor. She said she does not want to diminish Ms. Harris' concerns but that he is hard working. Council Member Powell verified that Ms. Harris works at Select Medical and he noted that Select Medical was supposed to provide adequate parking for their employees, and if they are not accommodating the parking then they are breaking their agreement. Ms. Harris said she parks in the City Hall parking lot because she

wants to. Council Member Powell said that if she isn't doing business with the City then she needs to park at the hospital. Ms. Harris said the Hospital CEO said Select Medical has an agreement with the City for overflow parking. In response to Council President Beardslee, Council and Staff acknowledged that they are not aware of any such agreement. It was the consensus of Council that City Attorney Smith would be prepared to discuss parking at the next Council meeting, as well as provide a draft Ordinance addressing same.

PRESENTATIONS

1. Mayoral Proclamation – Sexual Assault Awareness Month (April)

City Clerk Meeks read a Mayoral Proclamation proclaiming April as Sexual Assault Awareness Month. City Clerk Meeks noted that Devon Hutchins from the Victim Service Center of Central Florida was in attendance.

(Cinnamon Wild, Administrative Assistant, now in attendance)

2. Relay For Life

Council President Beardslee introduced Susan Shaw, American Cancer Society, attending on behalf of Relay For Life. Ms. Shaw gave a brief video presentation and provided Council Members with a packet of information about Relay For Life. She noted that Amanda Skaggs, First Southern Bank, is the 2012 chair for the Relay for Life and explained what people can do who want to volunteer to participate. In response to Council Member Powell, Ms. Shaw said there are a variety of things that volunteers can do. She said the volunteers are in teams and are not walking the entire 18 hours. She explained the various activities that volunteers can participate in. In response to Council President Beardslee, Ms. Shaw explained what program services are provided for cancer patients.

3. TECO Energy/People's Gas

Council President Beardslee introduced Dennis Maschinot, TECO Energy, and said she asked Mr. Maschinot to come and talk about the benefits of natural gas and what can be done to expand natural gas services in the City. Mr. Maschinot gave a brief history about the company. He said gas lines runs north and south of Orange Avenue and serves 39 residents, most in Harbour Island. He said TECO is getting ready to serve four more customers, as they extend the line from Julie's Waterfront Restaurant to Shannon's Restaurant. Mr. Maschinot explained further the benefits of natural gas, including costs. Council President Beardslee asked Council consensus for Mr. Maschinot to return in sixty to ninety days with a complete study, as to what it would cost the City to have natural gas. Council President Beardslee noted the existing franchise agreement with TECO that has been in existence since 1995.

Council President Beards moved Boards & Committees to this portion of the agenda.

1. Planning & Zoning Boards Consideration and Recommendation(s) from March 12, 2012 Planning & Zoning Board Meeting

Council President Beardslee deferred to Engineer Miller who referred to Planner Hardgrove's memo of February 28, 2012, and noted that the Planning & Zoning Board did not accept all of Planner Hardgrove's recommendations. Engineer Miller said it is good to develop the property and have it on the tax roll however, there are some inconsistencies with past approval. He said he thinks it would benefit the City but needs to be done consistently with the past few years. In response to Council President Beardslee, he said his report was not geared towards the variances, but towards engineering. He said that

if the Planning & Zoning Board's variances are approved, the plan needs to be revised. He suggested that Ballentine Electric revise their plan and bring back through the Planning & Zoning Board. He noted properties on Orange Avenue are required to tie into sewer, and also provide cross-access. Council President Beardslee said that she asked City Clerk Meeks to provide the conditions that allow for variances and meeting criteria, one of which is hardship and that she fails to see what the hardship is for a non-owner. In response to Council Member Chotas, who asked how variance number (1) can be done without a binding lot agreement, and City Attorney Smith said they are asking not to combine the lot. Engineer Miller confirmed for Council Member Powell that the subject property is vacant. In response to Council Member Powell, City Attorney Smith confirmed that residential property abuts the property across the railroad tracks. Engineer Miller said that in the past the City has waived the residential requirement.

City Clerk Meeks confirmed that Rob Ballentine and Robin Smith were in attendance. Mr. Ballentine said that they were denied their request to not be required to have cross access, and noted that the road has nowhere to go. He noted the two foot variance is because of the way the property lays. In response to Mayor Bagshaw, Robin Smith said it is up to the City if they want to require the Ballentines to tie into sewer. She said it would cost Ballentine Electric \$5000 for further engineering to find out what would need to be done for sewer. Council Member Dowless asked Engineer Miller about the purpose of the denials. Engineer Miller said cross access is part of the master plan for the city and is a Code requirement. He said the City has been consistent in requiring the cross-access. Engineer Miller said the cross access is generally twenty-four foot wide. Engineer Miller said that he thinks the building is a "little bit too big" for the property.

John Warren, principal of the subject property, noted a six inch setback on the north and south side of the property. He said that in developing an adjacent office building, there was a twelve foot offset given for parking on the north side of the property. He said the lots are "oddball" lots. He said if the City doesn't make some accommodations to get some business onto the lot it is going to sit for another 10 years. He said the landscape buffer is "ridiculous". He said he believes there are some engineer options available. He said the property is not deep enough for cross access. He said the City needs to not follow the rules but look at the situation, not all properties are the same. He said he might get his partners to give up two feet of the twelve foot offset.

Resident J.T. Blanton, 637 Vizcaya Avenue, said he was on Council when the cross access requirement was implemented. Mr. Blanton said this looks like a case that it doesn't seem practical.

City Attorney Smith reminded Council that they have to decide if they want to approve the Planning & Zoning Board's recommendation or set for hearing.

Council Member Powell made the Motion to reject the Planning & Zoning Board's recommendation and set for hearing; with Second by Council President Beardslee. The Motion was approved unanimously.

Council President Beardslee announced the hearing will be at the April 17, 2012 City Council Meeting. City Clerk Meeks asked applicants to advise if plans change before April 6, 2012 to let her know because of advertising requirements. City Attorney Smith said it will be a de novo hearing. Council Member Chotas asked if two feet was given back from the offset that may help with that variance. Mr. Warren said he did not believe it would make the lots non-conforming.

Council President Beardslee called for a recess at 8:03 p.m. and the meeting reconvened at 8:13 p.m.
ORDINANCES – FIRST READING

- 1. ORDINANCE NO. 2012-02:** AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 102-71 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES BY ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, WITH CERTAIN AMENDMENTS, THERETO TO CONFORM TO FLORIDA LAW AND THE CITY'S EXISTING CODE OF ORDINANCES; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPANCY AND USE; PROVIDING THAT THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE SHALL BE SUPPLEMENTAL TO ALL OTHER CODES AND ORDINANCES OF THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE. (Tabled from 2/21/2012 City Council Meeting)

City Attorney Smith read Ordinance No. 2012-02 in title only. Chief Marcus said he was asked to provide Council with a copy of the International Property Maintenance Code, and requested that it be tabled. In response to Council President Beardslee, City Attorney Smith said that as long as the City Clerk has a copy available to the public, that it is legal. He said Code Enforcement provides a copy of the Code with the violation and provides them with a time to cure.

Council Member Chotas made the Motion to table and move Ordinance 2012-02 to the April 17, 2012 City Council Meeting; with Second by Council Member Powell. The Motion was unanimously approved.

Mayor Bagshaw noted that he missed Chief Marcus' email and did not respond, which resulted in the delay in ordering the International Property Maintenance Code.

PUBLIC HEARINGS (ORDINANCES – SECOND READINGS & RELATED ACTION)

- 1. ORDINANCE NO. 2012-01:** AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, AMENDING THE CITY'S ADOPTED PERSONNEL POLICIES, PROCEDURES, AND RULES; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

City Attorney Smith read Ordinance No. 2012-01 in title only.

Council Member Powell made the Motion to approve second and final reading of Ordinance 2012-01, with Second by Council Member Dowless.

Council Member Henley expressed her concerns with the structure of vacation and sick leave and propose it be scratched and be made as one bucket (PTO). Council President Beardslee said for HIPPA purposes it makes sense but from an accounting position, it could be a nightmare. Chief Marcus said the PTO the officers have through their PBA works well and explained the process. Council President Beardslee said that there should be caps. She said she didn't like that the language doesn't speak to buy-out if you are at your cap. She wants the Ordinance to speak to "use it or lose it". She noted that "480" hours was suppose to be 200 hours. Chief Marcus said there cap is at 240 hours for. Council President Beardslee said that it should be equitable in relation to the CBA. City Attorney Smith said if the idea is to be consistent with the CBA then the Policy can be modeled after the CBA, although it doesn't have to be.

Chief Marcus noted a change in annual evaluations being moved to the calendar year. He also noted that the section covering "Administrative Leave" regarding exempt employees was in conflict with another portion of the Personnel Policy, noting that it should say Mayor and not supervisor. Noted also proof of illness requirement needs to change to three consecutive days except this will probably go away with the PTO.

Council Member Powell made the Motion to table to the April 17, 2012 City Council meeting; with Second by Council President Beardslee. The Motion was unanimously approved.

Council Member Powell stated that by tabling the matter, the City Attorney will have time to make the changes and bring back to Council.

- 2 ORDINANCE NO. 2012-03: AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, RELATING TO MAINTENANCE OF PRIVATE INFRASTRUCTURE WITHIN GATED COMMUNITIES; AMENDING SECTION 126-559 TO REPLACE THE REQUIREMENT FOR ANNUAL ENGINEERING REPORTS WITH A REQUIREMENT THAT ENGINEERING REPORTS BE GIVEN TO THE CITY UPON REQUEST; CLARIFYING PROVISIONS WITHIN SECTION 126-559; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

City Attorney Smith read Ordinance No. 2012-03 in title only.

Council President Beardslee made the Motion to approve Ordinance 2012-03; with Second by Council Member Powell.

Council member Chotas said he noted that correction allows for 90 days. City Attorney Smith said Council can set a 90 day time frame for completion, and then the Engineer could extend.

Council Member Chotas said to strike line 45 "commence", and replace with complete within 90 days up to 120 days provided for cause.

Council Member Chotas moved to amend Council President Beardslee's Motion, and she accepted the amendment to include the language.

The Motion, as amended was approved 4/1 (Notice of Conflict by Council Member Dowless); roll-call vote as follows:

Council Member Dowless	Conflict
Council President Beardslee	Favor
Council Member Chotas	Favor
Council Member Powell	Favor
Council Member	Henley

UNFINISHED BUSINESS

None.

NEW BUSINESS

None

GENERAL INFORMATION (No action required)

None.

CITIZEN COMMENTS

None.

STAFF REPORTS

Chief Marcus reported on the following:

- The annual Torch Run will be held on April 17, 2012. He explained that the Torch Run is a fund raiser for Special Olympics. He said the City will be a water stop for the walkers and runners.
- Confirmed that the red light cameras are “up and running”. He said citations began being issued on March 3, 2012.
- Noted that there are violent profile crimes taking place just outside of the City but not in the City, and believes this is because of the number of marked cars in Edgewood
- In response to Council Member Powell, Chief Marcus explained the purpose of the Master Police Officer program, which is in the initiation process. Chief Marcus said he would get something in writing to Council Member Powell and the rest of Council.

City Clerk Meeks reported on the following:

- Noted that Administrative Assistant Cinnamon Wild was in attendance and shadowing her, as part of cross-training.
- Provided an update on the status of completing minutes, and providing copies to the auditor.

City Attorney reported on the following:

- City Attorney Smith said the City should anticipate challenges on red light citations, and noted the challenges that Winter Park is having.

MAYOR & COUNCIL REPORTS

Mayor Bagshaw reported on the following:

- Updated Council on the status of the engineering Agreement and noted the changes. City Attorney Smith said his issues have been addressed. It was the consensus of Council to wait until the April 17, 2012 Council meeting to consider the Engineer’s Agreement.
- Confirmed he has preliminary report regarding traffic at Holden/Gatlin and Orange Avenue, the plan would reduce the wait time. Mayor said he will continue to monitor.
- Updated Council on the Farmer’s Market; noting that it continues to be successful.

- Advised that he has been approached about having a food truck event. He said the City's electric would not be used but the City would need at least \$150 to \$200 for compensation. The Mayor said the interested food truck vendors want to start in April.

Motion by Council Member Powell to have a one time trial run of truck vendors; with Second by Council Member Dowless.

Council Member Chotas noted his concerns regarding "public purpose", and Mayor Bagshaw said that the residents have been asking about have the event. Council Member Powell "*called to question*".

The Motion was approved 4/1 Beardslee opposed.

Council Member Powell reported on the following:

- Informed Council that he was approached about the waterfront properties at Waterwitch, and said they are interested in annexing into the City. Council Member Powell said he would like to pursue.

In response to Council Member Dowless' question regarding the railroad crossing quiet zones, Mayor Bagshaw provided the status. Council Member Dowless also questioned the water quality in Legacy, explaining that the water is discolored. He said that residents have called and complained, and were told to let the water run for a certain period of time however, this did not stop the problem. City Clerk Meeks said she will check with DEP about the annual water quality report.

Council President Beardslee reported on the following:

- Council President Beardslee addressed her request for the way Council receives their financial information. She said that it is imperative for the upcoming budget preparation to receive the Financial Statement, a snapshot and the bank statements. She said the purpose will allow council members three to four months to acclimate so that it will make the budget process easier.
- Noted FRS changes in 2011 wherein employer contribution decreased and employees have to contribute 3%, and that it has been found to be unconstitutional. She said she feels that it may impact the City. She also noted a reduction in the Investment plan.
- Addressed having a 5-year capital improvement plan (CIP), and said she will be getting with Planner Hardgrove. Mayor Bagshaw said FEG agreed that they would address the CIP too, and he wants to make sure the City uses one or the other firms, and not both because of costs. Mayor Bagshaw reminded Council that the 4.7 millage did not give the City more money.

(Council Member Powell left the meeting at 10:09 p.m.)

- Council President Beardslee asked if Council wants to approve the Newsletter every time it's submitted. Council Member Chotas said he is not inclined to take this authority away from the Mayor. He said if the Mayor chooses to send out a newsletter for Council to check for typos, this is okay.
- Requested that the City Clerk send her notice of when Metro Plan meetings are scheduled.
- Noted she still has concerns about the liability with the Farmer's Market. Mayor Bagshaw confirmed that the vendors are signing Hold Harmless Agreements. Chief Marcus said he has an

unmanned car on the streets to aid in traffic control. She said Council doesn't know if the vendors have adequate insurance if an injury occurs.

City Clerk Meeks made council aware that the City will probably receive a letter from Florida League of Cities regarding having no "wet floor" signs in place when floors are mopped. She confirmed that they are now posted.

ADJOURNMENT

There being no further business or discussion, the meeting adjourned at 10:24 p.m.

Judy Beardslee
Council President

ATTEST:

Bea L. Meeks, MMC, CPM
City Clerk

APPROVED BY CITY COUNCIL ON _____, 2012.

ORDINANCE NO. 2012-04

AN ORDINANCE OF THE CITY OF EDGEWOOD, ORANGE COUNTY, FLORIDA, RELATING TO PARKING; AMENDING SECTION 62-21 TO PROVIDE FOR LIMITING OR RESTRICTING PARKING IN PUBLIC AREAS; PROVIDING FOR NOTICE AND SIGNAGE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Edgewood finds that it is in the best interest of the health, safety and welfare of the residents, employees, and visitors of the City of Edgewood to ensure proper and most efficient use of parking areas; and

WHEREAS, the City Council of the City of Edgewood finds it appropriate to amend Section 62-21 of the City of Edgewood Code of Ordinances to provide a process by which the City may restrict or limit parking upon public properties.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF EDGEWOOD, FLORIDA:

Section 1. Section 62-21 of the City of Edgewood Code of Ordinances is hereby amended to read as follows [Note, deletions are indicated by ~~striketrough~~ and additions are indicated by underline]:

Sec. 62-21. - Parking restrictions and prohibitions.

(a) The mayor and the chief of police, with the approval of the City Council, are hereby authorized to prohibit or limit parking on public property when such prohibitions or limitations serve a valid public purpose. Such prohibitions and limitations may be applicable to all vehicles and at all times or to particular sizes of vehicles or only at designated times. Signs or markers clearly indicating any prohibition or limitation established under this section shall be erected and maintained giving notice thereof. When authorized signs are erected as provided herein, it shall be unlawful to park in a manner contrary to such signage.

~~(a)~~(b) It shall be unlawful for any person to park a vehicle on any right-of-way of the city, or in any street other than parallel with the edge of the curb or paved roadway headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the curb or paved edge of the roadway, except:

- (1) Upon those portions of streets which have been marked or signed for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or signs with the right front wheel against the curb;
- (2) In places where stopping for the loading or unloading of merchandise or material is permitted, vehicles used for the transportation of merchandise or materials may back into the curb to take on or discharge loads.

~~(b)~~(c) When the curb on the side of the road is marked yellow, or when authorized signs are erected indicating that no parking is permitted on any designated side of any street or any other designated no-parking area, it shall be unlawful for any person to park a vehicle in any such designated area.

~~(e)~~(d) On such streets where parking spaces are officially indicated by signs or markings, parking shall be allowed only within such spaces and then only for the times indicated by such signs or markings.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 4. Codification. The provisions of this Ordinance shall be codified as and become and be made a part of the Code of Ordinances of the City of Edgewood. The Sections of this Ordinance may be renumbered or relettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word. The Code codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 5. Effective Date. This ordinance shall become effective immediately upon its adoption.

FIRST READING: _____

SECOND READING: _____

PASSED AND ADOPTED this _____ day of _____, 2012.

Judy Beardslee, Council President

ATTEST:

Bea L. Meeks
City Clerk

ORDINANCE NO. 2012-02

AN ORDINANCE OF THE CITY OF EDGEWOOD, FLORIDA, AMENDING SECTION 102-71 OF THE CITY OF EDGEWOOD CODE OF ORDINANCES BY ADOPTING THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, WITH CERTAIN AMENDMENTS, THERETO TO CONFORM TO FLORIDA LAW AND THE CITY'S EXISTING CODE OF ORDINANCES; REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS, AND STRUCTURES TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY, AND FIT FOR OCCUPANCY AND USE; PROVIDING THAT THE PROVISIONS OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE SHALL BE SUPPLEMENTAL TO ALL OTHER CODES AND ORDINANCES OF THE CITY; PROVIDING FOR CODIFICATION, SEVERABILITY, AND CONFLICTS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Edgewood has adopted the 2009 International Property Maintenance Code published by the International Code Council; and

WHEREAS, the City of Edgewood actively participates in the enforcement of regulations relevant to safe, sanitary, and habitable property maintenance and structures; and

WHEREAS, under its home rule powers, the City of Edgewood may regulate and govern property maintenance to ensure the well-being of its citizens; and

WHEREAS, the City of Edgewood has determined that it is in the best interest of the health, safety, and welfare of the citizens, businesses within the City, and patrons of such businesses, to adopt the 2012 International Property Maintenance Code as published by the International Code Council for the maintenance and control of buildings and structures, with amendments thereto to comply with Chapter 162, Florida Statutes, the Florida Building Code, and the City's Code of Ordinances; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Edgewood, Florida, as follows:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. Section 102-71 of the City of Edgewood Code of Ordinances is hereby repealed in its entirety and replaced with the following:

Sec. 102-71. International Property Maintenance Code Adopted by Reference

(a) The City hereby adopts the 2012 edition of the International Property Maintenance Code published by the International Code Council, and incorporates the same by reference as if fully set forth herein. At least one copy of the 2012 International Property Maintenance Code is on file in the city clerk's office together with a copy of this Ordinance.

(b) The following sections and subsections of the 2012 edition of the International Property Maintenance Code are hereby amended as follows:

(1) Subsection 101.1. These regulations shall be known as the Property Maintenance Code of the City of Edgewood, hereinafter referred to as "this Code."

(2) Subsection 102.3 entitled "Application of other codes," shall read as follows: Repairs, additions or alterations to a structure, or changes in occupancy, shall be done in accordance with the provisions of the Florida Building Code and amendments thereto.

(3) Subsection 103.1 entitled "General," shall read as follows: The City of Edgewood, code enforcement division, is hereby charged with the primary responsibility of enforcing this Code.

(4) Subsection 103.2, entitled "Appointment," shall read as follows: The code inspector shall be appointed by the Mayor of the City of Edgewood.

(5) Subsection 103.5, entitled "Fees," is hereby deleted in its entirety.

(6) Subsection 106.2, entitled "Notice of Violation," is hereby deleted in its entirety.

(7) Subsection 106.3, entitled "Prosecution of Violation," is hereby deleted in its entirety.

(8) Section 107, entitled "Notices and Order," is hereby deleted in its entirety.

(9) Subsection 108.3, entitled "Notice," shall read as follows: Whenever the code inspector has condemned a structure or equipment under the provisions of this section, notice shall be protected from the weather and posted in a conspicuous place on or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Chapter 162, Florida Statutes. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

(10) Subsection 109.5, entitled "Costs of emergency repairs," shall read as follows: Costs incurred in the performance of emergency work shall be paid by the owner or agent responsible for the property, or the City may thereafter file a lien on the property for such costs.

(11) Subsection 109.6, entitled "Hearing," shall read as follows: Any person ordered to take emergency measures shall comply with such order forthwith. Any adversely affected person shall thereafter, upon application directed to the city council, be afforded an appeal from the code inspector's decision upon payment of appeal fees as set by resolution of council,

(12) Section 111, entitled “Means of Appeal,” of this Code is hereby deleted in its entirety.

(13) Subsection 302.4, entitled “Weeds,” is hereby deleted in its entirety.

(14) Subsection 304.14, entitled “Insect Screens,” shall read as follows: Year-round, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored, shall be supplied with approved, tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

(15) Subsection 602.3, entitled “Heat Supply,” shall read as follows: Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November 15th to April 15th to maintain a temperature of not less than 68 degrees Fahrenheit in all habitable rooms, bathrooms, and toilet rooms.

(16) Subsection 602.4, entitled “Occupiable Work Spaces,” shall read as follows: Indoor occupiable work spaces shall be supplied with heat during the period from November 15th to April 15th during the period the spaces are occupied.

(17) References in this Code to the International Plumbing Code shall be replaced with the Plumbing Code of the Florida Building Code.

(18) References throughout this Code to the ICC Electrical Code shall be replaced with the Florida Building Code.

(19) Supplemental Code. The provisions of this Code shall be supplemental to all other codes and other ordinances of the City.

SECTION 3. Codification. It is the intent of the City Council of the City of Edgewood that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

SECTION 4. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes

the higher standards for the promotion and protection of the health and safety of the people shall prevail.

PASSED AND ADOPTED this _____ day of _____, 2012, by the City Council of the City of Edgewood, Florida.

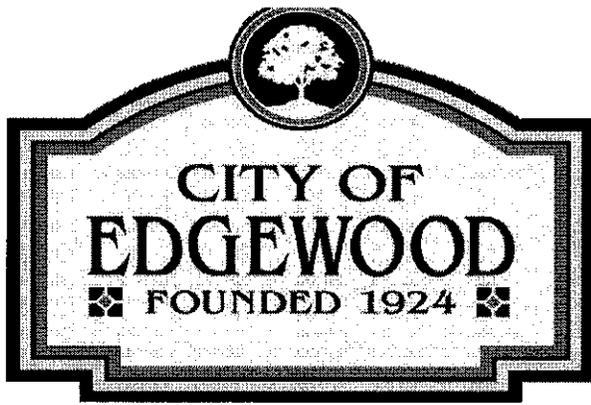
PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____

Judy Beardslee, Council President

ATTEST:

Bea L. Meeks, MMC, CPM
City Clerk



TO: Mayor Bagshaw, Council President Beardslee, Council Members Powell,
Henley, Dowless and Chotas

FROM: Bea L. Meeks, City Clerk 

DATE: May 7, 2012

RE: Variance Applications in May 15, 2012 Agenda Packet

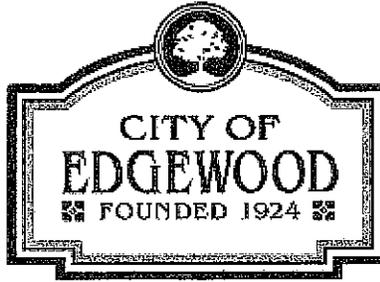
1. BOAT DOCK VARIANCE (Setback) – LAKE GATLIN - 1077 WINDSONG ROAD; CHARLES KRAMER AND LAURA KRAMER, OWNER – DOUG LANGFORD, CONTRACTOR
2. VARIANCE APPLICATION (Non-Conforming Use) - JEFF AND HAYLEY BAKER, OWNER; ROSS JORDAN, CONTRACTOR

You will notice that your agenda packet contains information relevant to the above-referenced variances. Typically, Council is provided with a memo regarding the Planning & Zoning Board's recommendation(s), in addition to the application, site plan, Notice, with mail matrix and Sign Affidavit. Because of the way the calendar fell this month, I was not able to do this because the Planning & Zoning Board meeting is May 14, 2012. I will report to Council in the May 15th meeting, as to the outcome of the P&Z recommendation(s).

RECEIVED

APR 09 2012

CITY OF EDGEWOOD



Reference: City of Edgewood Code of Ordinances, Section 126-588

PLANNING & ZONING BOARD

MAKE PAYMENTS TO:

CITY OF EDGEWOOD

FEE: **\$350 RESIDENTIAL**

\$750 COMMERCIAL

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

PLANNING & ZONING MEETING DATE:	5/14/12
CITY COUNCIL DATE:	5/15/12

IMPORTANT: FILE BY THE SECOND WEDNESDAY OF THE MONTH FOR FIRST HEARING ON THE SECOND MONDAY OF THE FOLLOWING MONTH

Please note this fee is non refundable.

NOTE: Notarized letter of authorization from Owner **MUST** be submitted if application is filed by anyone other than property owner

Applicant's Name:	Doug Langford for Sparks Construction	Owner's Name:	Charles & Laura Kramer
Address:	1559 Lakeview Drive Kissimmee, FL 34744	Address:	1077 Windsong Blvd Edgewood, FL 32809
Telephone:	407-301-5366	Telephone:	321-303-7400
Fax:	407-847-8629	Fax:	N/A
Email:	sparksconstruction@gmail.com	Email:	chuck@kramergrp.com
Parcel ID/Legal description:	Lot 24, Harbour Island 17-23-29-3380-00-270		
Zoned:	R1-AA		
Cite section of the Zoning Code from which variance is requested:			
Existing on site:	SFR + dock		
Request:	Rear setback of less than 25' for dock		

To justify this variance, applicant must demonstrate the following:

1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification
2. the special conditions and circumstances do not result from the action of the applicant
3. literal interpretation or enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Ordinance
4. the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation at issue
5. the variance sought will not authorize or extend any non conforming use or other non conformity with respect to the land or structures in questions
6. the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will not authorize a use of the property not permitted by its zoning classification
7. the variance sought will be consistent with the Edgewood Comprehensive Plan

Applicant must agree that:

1. In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

AGREE: <input checked="" type="checkbox"/>	<i>agree</i>	DISAGREE: <input type="checkbox"/>
---	--------------	---

2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE: <input checked="" type="checkbox"/>	<i>agree</i>	DISAGREE: <input type="checkbox"/>
---	--------------	---

3. Concerning Ex parte communications, the applicant shall not speak to members of the Planning and Zoning Board of the City Council prior to the public hearing related to said variance request in order that said board members shall not prejudice themselves prior to said variance request coming before the City in an open proceeding where the decision making process and determination will be in full view of the public, thereby providing due process involving a fair opportunity for the presentation of both sides of the case in an open proceeding where a record of the proceedings may be kept

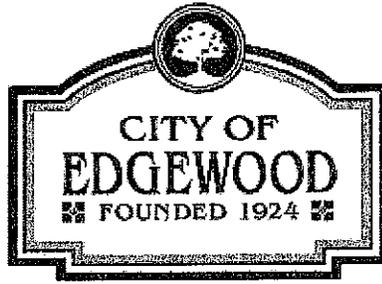
AGREE: <input checked="" type="checkbox"/>	<i>agree</i>	DISAGREE: <input type="checkbox"/>
---	--------------	---

The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:	<i>[Signature]</i> For Sparks Const.	Date:	<i>4/9/12</i>
Applicant's Printed Name:	<i>Donny Langford For Sparks Const.</i>		<i>4/9/12</i>
Owner's Signature:	<i>[Signature]</i>	Date	<i>4/9/12</i>
Owner's Printed Name:	<i>LAURA KRAMER</i>		<i>4/9/12</i>

Please submit your completed application to City Hall via email at cityhallstaff@edgewood-fl.gov, via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Larue Ave. For additional questions, please contact City Hall at 407-851-2920.

Office Use Only:	
Rec'd Date:	4-9-12
Rec'd By:	Bea Medici
Forwarded to:	Sam Sebali
Notes:	For Sam's review and approval



NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that at its regular meeting on May 14, 2012 the Planning and Zoning Board of the City of Edgewood, acting as the Board of Adjustment, will consider **Variance Application No. 2012-02 Charles and Laura Kramer – 1077 Windsong Road –** Mr. and Mrs. Kramer at 1077 Windsong Road is requesting a variance to increase the rear setback for the boat dock.

The meeting will be held in the Council Chamber of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **6:30 p.m.** The Planning and Zoning Board's recommendations will be forwarded to City Council on May 15, 2012 for final action.

The subject property is legally described as: 13-23-29-3380-00-270, lot number 27 in Harbour Island Subdivision.

Interested parties may attend this meeting and be heard with respect to this variance application. In addition the application may be inspected by the public at the City Clerk's Office, 405 Larue Avenue, Edgewood, Florida (407-851-2920). If unable to attend the meeting but have comments you may provide them to City Clerk by hand-delivery, U.S. Mail or e-mail at bmeeks@edgewood-fl.gov no later than one day prior to P&Z Hearing.

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the Planning and Zoning Board and City Council on this topic to properly noticed hearing or to written communication to the City Clerk's Office.

This public hearing may be continued to a future date of dates. Any interested party is advised that the date, time, and place of any continuations shall be announced during the public hearing and that no further notices regarding this matter will be published.

Any person aggrieved by a recommendation of the Planning and Zoning Board may file a notice of appeal to the City Council within seven days after such recommendation is filed with the City Clerk.

The City of Edgewood desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, Florida Statutes, should, at least 48 hours prior to the meeting, submit a request that the physically handicapped person desires to attend the meeting to the City Clerk's Office.

Dated: April 23, 2012

CHOTAS ELIAS N
1205 WINDSONG RD
ORLANDO, FL. 32809

SPURR D THURLOW
1176 WINDSONG RD
ORLANDO, FL. 32809

STINE JOSEPH P
1159 HARBOUR ISLAND RD
ORLANDO, FL. 32809

BREMER STEPHEN G
5119 LEEWARD WAY
ORLANDO, FL. 32809

MARTIN JERRY
5127 LEEWARD WAY
ORLANDO, FL. 32809

WILSON BRIAN R
1078 HARBOUR ISLAND RD
ORLANDO, FL. 32809

GRANT STEVEN M
1144 WINDSONG RD
ORLANDO, FL. 32809

FULMER JOINT REVOCABLE TRUST
C/O MACKARIAH BEN FULMER TRUSTEE | 101
GATLIN AVE
ORLANDO, FL. 32806

SABIN ALBERT S JR
1208 WINDSONG RD
ORLANDO, FL. 32809

ZELONES MARIA P
1095 HARBOUR ISLAND RD
ORLANDO, FL. 32809

BENNETT EVELYN A
1046 HARBOUR ISLAND RD
ORLANDO, FL. 32809

MACARTHUR WILLIAM H
7575 DR PHILLIPS BLVD STE 310
ORLANDO, FL. 32819

BLACKTON MICHAEL
1110 HARBOUR ISLAND RD
ORLANDO, FL. 32809

KRAMER CHARLES
1077 WINDSONG RD
ORLANDO, FL. 32809

SHUFORD DONNA
1003 HARBOUR ISLAND RD
ORLANDO, FL. 32809

AMOS JOSEPH LACKEY JR
5103 LEEWARD WAY
ORLANDO, FL. 32809

KINSLEY JERRY
301 LYNWELL DR
ORLANDO, FL. 32809

CAVIEZEL MICHAEL J LIFE ESTATE
524 HARBOUR ISLAND RD
ORLANDO, FL. 32809

PATTERSON WILLIAM S
1109 WINDSONG RD
ORLANDO, FL. 32809

URANICK GERALD W
1365 WINDSONG RD
ORLANDO, FL. 32809

LANGFORD DOUGLAS W
431 HARBOUR OAKS POINTE DR N
ORLANDO, FL. 32809

Application: _____

Owner/Applicant Name: _____

Public Hearing Date: _____

This affidavit is to be presented at the public hearing before the Planning and Zoning Board.

SIGN AFFIDAVIT

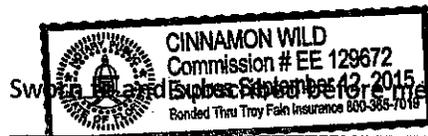
STATE OF FLORIDA
ORANGE COUNTY

Before me, the undersigned authority, personally appeared Doug Langford
to me well known and known to me to be the person described in and who executed the foregoing
affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and dated of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
2. That said posted notice also contained the relevant facts pertaining to the application.
3. That said notice was posted was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 4/27/12
4. That the affiant understands that this affidavit is intended to be submitted as a prerequisite for a public hearing, and as such will be officially filed with the City of Edgewood, Florida.

[Signature]

Signature of owner or authorized representative



Sworn to and Subscribed before me this 30 day of April 2012

Print, type, or stamp commissioned name of Notary Public

Cinnamon Wild
Notary Public, State of Florida

Personally Known OR Produced Identification
Type of I.D. Produced Driver License

CITY OF EDGEWOOD

405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

MEMORANDUM

TO: MS. BEA MEEKS, CITY CLERK
FROM: SAM J. SEBAALI, P.E., FLORIDA ENGINEERING GROUP, INC. - CITY ENGINEER
DATE: APRIL 19, 2012
SUBJECT: REVIEW OF DOCK APPLICATION & VARIANCE – LAKE GATLIN
1077 WINDSONG ROAD – CHARLES KRAMER AND LAURA KRAMER, OWNER

Pursuant to your request, I have reviewed the applications for a dock and dock variance for the subject property, which were received by FEG on April 9, 2012. The request is for the construction of a dock on Lake Gatlin that does not meet the minimum required rear setback of 25 feet for boat docks on canals as stated in Section 14-11(b)(3) of the City Code of Ordinances. All other aspects of the proposed dock meet the provisions of Chapter 14 of the City Code.

The subject property consists of Lot 27 of Harbour Island Subdivision. The lot has a limited distance between the normal high water line (NHWL) and the rear property line. Specifically, the available distance between the NHWL and the rear lot line varies from about 27 feet to about 33 feet across the lot's width except for a narrow L shaped portion at the southern 20 feet of the lot where the distance between the NHWL and rear lot line is about 50 feet. Thus, construction of a boat dock appears to require a rear setback variance.

The subject property currently contains an existing boat dock, which is approximately 560 square feet in area and provides an approximately 9 foot setback to the rear property line. Thus, the existing boat dock does not meet the current City Code rear setback requirements. The existing dock is proposed to be removed and replaced by an approximately 900 square foot boat dock with an approximately 7 foot setback from the rear property line. The existing boat dock, which is to be removed, extends about 22 feet waterward of the NHWL, and the proposed dock would extend about 24 feet waterward of the NHWL. The applicant did not provide the average length of other docks in the surrounding 300 foot area; however, an average of about 12 foot length is estimated based on review of aerial photography maps and survey information provided by the applicant.

The width of the canal at the NHWL varies from about 80 feet to about 87 feet across the lot width. The distance between the existing boat dock on the subject lot and an existing boat dock located across the canal from this lot at 5119 Leeward Way is approximately 62 feet. The distance between the proposed boat dock and the existing dock at 5119 Leeward Way will be approximately 61 feet.

The rear setback requirement for lots on canals is primarily for safety among other reasons (i.e.; to prevent boat docks from extending too far into canals and having a negative effect on navigation). Although a larger replacement boat dock is proposed for this lot (900 S.F. +/- compared to 60 S.F. +/-), the width of the navigable waters is only slightly reduced (i.e.; approximately 1foot reduction in navigable waters from the existing condition). As stated above, the navigable water width will be approximately 61 feet once the boat dock is constructed.

Pursuant to Section 14-11(d)(2) of the City Code, the following are the requirements for granting a dock variance:

- Average length of other docks in the surrounding 300-foot area;
- The reasonable use of the property by the owner;
- The effects the dock will have on navigation and safety of boaters;

(see page 2)

Kramer, Dock Variance, Page 2
April 19, 2012

- The overall general welfare of the neighborhood;
- Whether special conditions exist such that strict compliance with the provisions of this article would impose a unique and unnecessary hardship on the applicant;
- The effect of the proposed variance on abutting shoreline property owners;
- Whether the granting of the variance would be contrary to the intent and purpose of this article; and
- A variance from the maximum length of 65 feet [non-canal waterbodies] may be granted if it is necessary to reach a water depth suitable for boating, but in no event shall a dock be extended in length beyond where the water depth will exceed five feet as measured from the normal high water elevation.

This application appears to meet the requirements for granting a dock variance, although the final decision will rest with the Planning & Zoning Board and City Council. If the Board agrees, we recommend approval subject to the following conditions:

1. Dock design and construction shall meet all requirements of Section 14 of the City Code (rear setback excepted).
2. Prior to construction, a building permit issued by Orange County Building Department shall be obtained after the City has approved the variance.
3. The maximum height of the boat dock shall be limited to 13 feet above the NHWL elevation of 86.9 feet (1.0 foot minimum is shown on the plans for height of the deck above the NHWL, and a maximum 12 feet is shown on the plans between deck and roof line).
4. The application shows a total deck area of 934 square feet waterward of the NHWL (1,000 S.F. square feet maximum allowed).
5. The plans show the proposed boat dock to extend 24 feet waterward of the NHWL.
6. If approved by the City, no other work (i.e. clearing, removal of vegetation, excavation or filling, etc.) is authorized waterward of the NHWL.
7. City approval does not authorize removal of vegetation, trees or disturbing the shoreline. If trees are to be removed, a separate tree removal permit will be required. A shoreline alteration permit issued by Orange County is required to remove shoreline vegetation.
8. All construction shall adhere to the City of Edgewood's Erosion and Sediment Control Ordinance. Silt fences, turbidity barriers, hay bales or other measures shall be placed to prevent runoff into the lake, environmental swale or drainage system.

Once scheduled, I will attend the Planning & Zoning Board meeting to answer questions at that time. The Applicant should be advised that their presence at the meeting is recommended also, to answer questions from the Board.

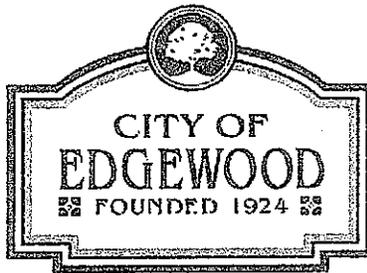
Please review the above information and let me know if you have any questions or I can provide you with further clarification.

Thank you.

END OF MEMORANDUM

cc: Mayor
Applicant (by City Hall Staff)

FILE: FEG 11-081; TA12-007



APPLICATION FOR VARIANCE

Reference: City of Edgewood Code of Ordinances, Section 126-588

PLANNING & ZONING BOARD

MAKE PAYMENTS TO:

CITY OF EDGEWOOD

FEE: \$350 RESIDENTIAL

\$750 COMMERCIAL

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

PLANNING & ZONING MEETING DATE:	TBD
CITY COUNCIL DATE:	

IMPORTANT: FILE BY THE SECOND WEDNESDAY OF THE MONTH FOR FIRST HEARING ON THE SECOND MONDAY OF THE FOLLOWING MONTH

Please note this fee is non refundable.

NOTE: Notarized letter of authorization from Owner **MUST** be submitted if application is filed by anyone other than property owner

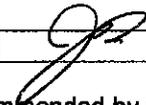
Applicant's Name:	see OWNER INFO	Owner's Name:	Jeff Hayley Baker
Address:		Address:	5515 Jessamine Ln. Orlando 32839
Telephone:		Telephone:	407-826-8387
Fax:		Fax:	
Email:		Email:	Jbaker@noblecorporate.com
Parcel ID/Legal description:	5507 JESSAMINE DR.		
Zoned:			
Cite section of the Zoning Code from which variance is requested:			
Existing on site:			
Request:			

To justify this variance, applicant must demonstrate the following:

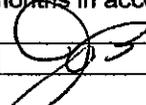
1. That special condition and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or building in the same zoning classification
2. the special conditions and circumstances do no result from the action of the applicant
3. literal interpretation or enforcement of the provisions of the Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification under the terms of the Ordinance
4. the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible for the regulation at issue
5. the variance sought will not authorize or extend any non conforming use or other non conformity with respect to the land or structures in questions
6. the granting of the variance will be in harmony with the general intent and purpose of this Ordinance, will not be injurious to the area involved, or surrounding properties, and will no authorize a use of the property not permitted by its zoning classification
7. the variance sought will be consistent with the Edgewood Comprehensive Plan

Applicant must agree that:

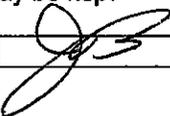
1. In granting any variance, the City may prescribe appropriate conditions and safeguards in conformity with the Ordinances, and any regulations enacted under its authority. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

AGREE:		DISAGREE:
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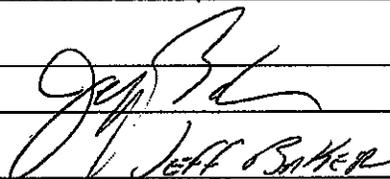
2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:		DISAGREE:
---------------	--	------------------

3. Concerning Ex parte communications, the applicant shall not speak to members of the Planning and Zoning Board of the City Council prior to the public hearing related to said variance request in order that said board members shall no prejudice themselves prior to said variance request coming before the City in an open proceeding where the decision making process and determination will be in full view of the public, thereby providing due process involving a fair opportunity for the presentation of both sides of the case in an open proceeding where a record of the proceedings may be kept

AGREE:		DISAGREE:
---------------	---	------------------

The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:	SEE OWNER INFO	Date:	
Applicant's Printed Name:			
Owner's Signature:		Date	
Owner's Printed Name:	JEFF BAKER	4/19	

Please submit your completed application to City Hall via email at cityhallstaff@edgewood-fl.gov, via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Larue Ave. For additional questions, please contact City Hall at 407-851-2920.

Office Use Only:	
Rec'd Date:	04/20/12
Rec'd By:	Cinnamon Wild
Forwarded to:	Bea Meeks
Notes:	The dates of P4Z will be set by City Clerk due to how calendar falls.

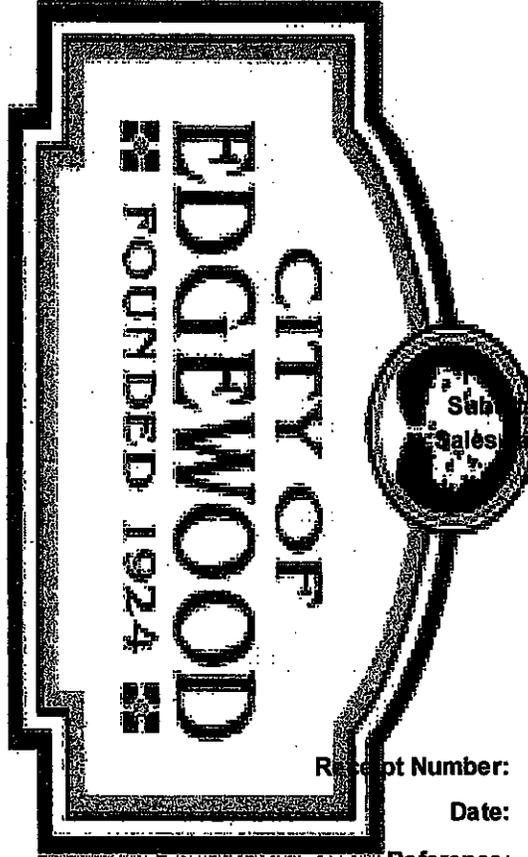
Customer Name: JEFFREY BAKER
Customer ID: JEFFREY BAKER

Receipt Number: 322400-01
Date: 4/20/12
Reference: 2236

<u>ITEM / INVOICE</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
	VARIANCE APPL			350.00

Payment Method: Check

XX/XX



Subtotal: 350.00
Sales Tax: 0.00
Total: 350.00

Receipt Number: 322400-01
Date: 4/20/12
Reference: 2236

<u>ITEM / INVOICE</u>	<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>AMOUNT</u>
	VARIANCE APPL			350.00

Payment Method: Check

XX/XX

Subtotal: 350.00
Sales Tax: 0.00
Total: 350.00

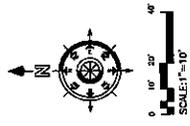


JEFFREY GILGER ENGINEERING, INC.
 1000 S. 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 (303) 733-4444
 WWW.JEFFREYGILGER.COM

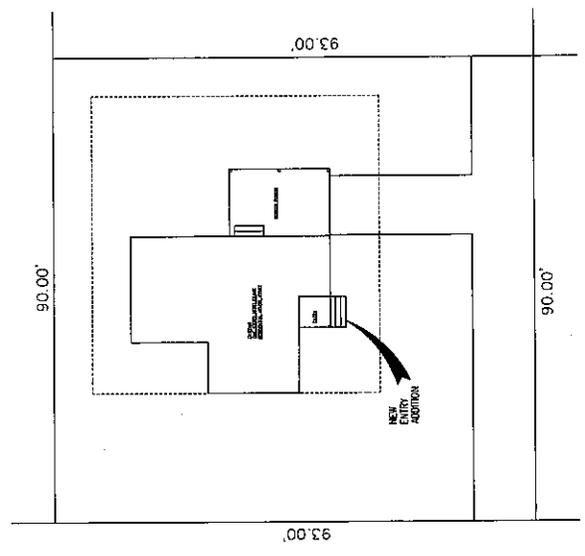
MR. & MRS. BAKER
 SITE PLAN

Design Services, Inc.
 1000 S. 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 (303) 733-4444
 WWW.DSINC.COM

A-219
 A-219

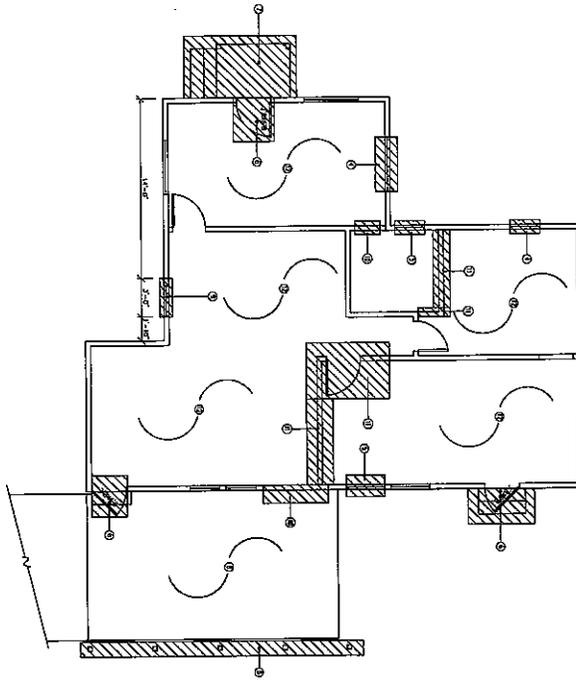


CHAPTER 3, FBC 2004
 BASIC WIND SPEED 120 MPH (3 SECOND GUST)
 WIND SPEED IMPORTANCE FACTOR 1.0
 BUILDING CATEGORY 2
 WIND EXPOSURE B
 INTERNAL PRESSURE COEF. 0.18
 DESIGN WIND PRESSURE 30.5 P.S.F.



SITE PLAN
 1"=10'

JESSAMINE LANE
 50' R/W (PAVED)



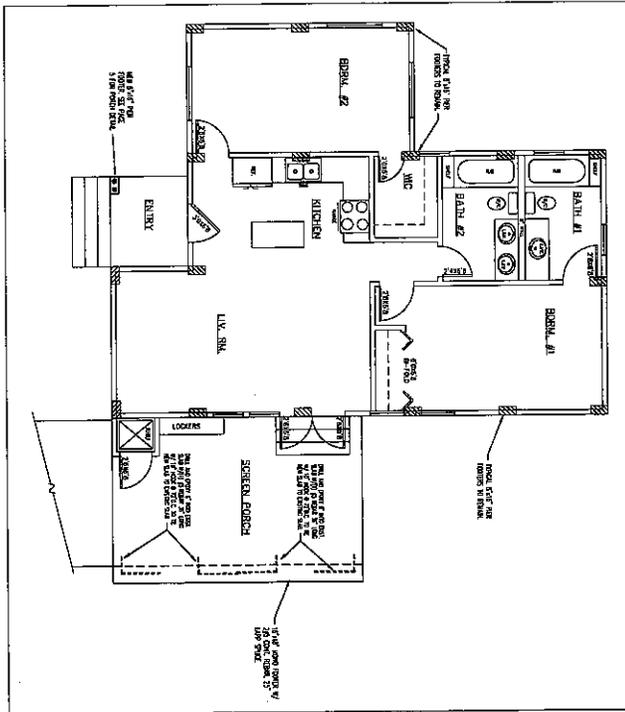
DEMO PLAN
1/8"=1'-0"

- 1) REMOVE EXISTING WALL FRAMING FROM FLR TO C/G (SEE DEMO NOTE-1)
- 2) REMOVE EXISTING DOOR, TRIM MOLD, & JAMB FRAME.
- 3) REMOVE EXISTING DOOR, TRIM MOLD, & FRAME. DEMO WALL SECTION—(SEE FLOOR PLAN FOR LOCATION AND SIZE)
- 4) REMOVE EXISTING WINDOW AND PROVIDE OPENING FOR NEW WINDOW. (SEE FLOOR PLAN FOR LOCATION AND SIZE)
- 5) REMOVE EXISTING WINDOW AND CLOSE-UP OPENING. FINISH TO MATCH EXISTING.
- 6) REMOVE EXISTING DOOR AND CLOSE-UP OPENING. FINISH TO MATCH EXISTING.
- 7) REMOVE EXISTING FRONT PORCH SLAB, COLUMNS, AND ROOF.
- 8) REMOVE EXISTING COVERED PORCH FRAMES, POSTS, SCREENS & ROOF. (SEE DEMO NOTE-1)
- 9) REMOVE EXISTING WALL, WINDOW & FRAMING FROM FLR TO C/G. TO PREPARE FOR NEW FRONT ENTRY DOOR (SEE DEMO NOTE-1)
- 10) REMOVE EXISTING WALL FOR NEW DOOR.
- 11) REMOVE EXISTING WALL FOR NEW LAYOUT OF WALL.
- 12) REMOVE EXISTING ROOF.

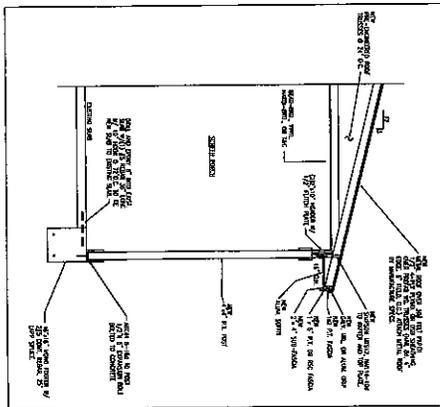
DEMOLITION NOTES

- 1) ALL ABANDON ELECTRICAL WIRING SHALL BE REMOVED FROM NEAREST JUNCTION BOX. PATCH/REPAIR AS REQUIRED.
- 2) PATCH/REPAIR ANY DAMAGED AREAS DUE TO DEMOLITION/CONSTRUCTION. PATCH/REPAIR TO MATCH ADJACENT SURFACES.
- 3) ANY ABANDON PLUMBING SHALL BE CUT AND CAPPED BEHIND WALL SURFACES OR BELOW FINISHED FLOOR. PATCH/REPAIR AS REQUIRED.
- 4) CONTRACTORS TO BE RESPONSIBLE FOR ANY BRACING/REINFORCING REQUIRED.

<p style="font-size: small;">A-319</p> <p style="font-size: x-small;">DATE: 5/23/2012 BY: [Signature] SCALE: AS SHOWN</p>	<p>S. Jeffrey Gilger Design Services, Inc.</p> <p style="font-size: x-small;">491 TIMBERLAKE TRAIL OVERLAND, FL 32765 407-221-0450 OFFICE</p>	<p>MR. & MRS. BAKER</p> <p>SITE PLAN</p>	<p style="font-size: x-small;">THIS DRAWING HAS BEEN DESIGNED TO MEET OR EXCEED THE REQUIREMENTS OF THE PROFESSIONAL ENGINEERING CONSULTANTS BOARD OF THE STATE OF FLORIDA. THE ENGINEER'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THIS PLAN. THE ENGINEER DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS OR OMISSIONS NOT SHOWN ON THIS PLAN.</p> <p style="font-size: x-small;">LAW ENGINEERING CONSULTANTS P.O. BOX 1004 ORLANDO, FL 32804 (407) 931-6413 DWA & JWA, P.E. FL NO. 57241</p>
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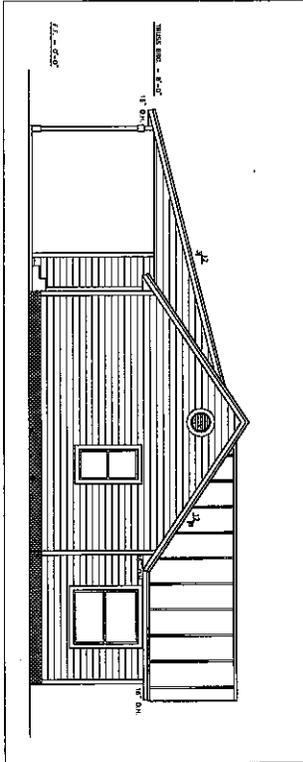


FOUNDATION PLAN

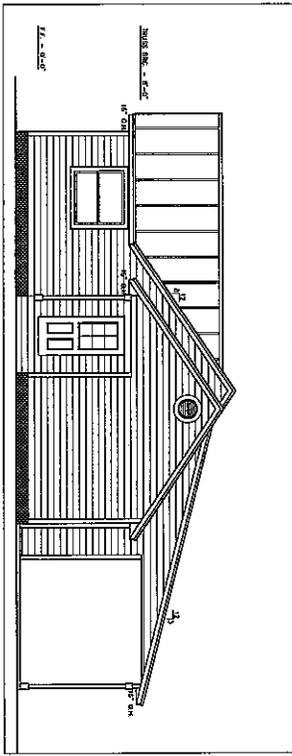


THE BUILDING SHALL VERIFY THAT THE FOUNDATION BEARING SOIL HAS A MINIMUM LOAD CARRYING CAPACITY OF 2,000 POUNDS PER SQUARE FOOT. IF A LESS SOIL BEARING CAPACITY EXISTS, OBTAIN THE ENGINEER'S RECOMMENDATION FOR FOUNDATION REVISIONS. AS FOUNDATION REVISIONS WILL BE REQUIRED. THE BUILDING OWNER MAY EXCAVATE OR INSPECT THAT FOOTING SATISFIES FOR FOUNDATION FOOTINGS. HIS SIGN OFF IN SUCH CASES WILL BE REQUIRED.

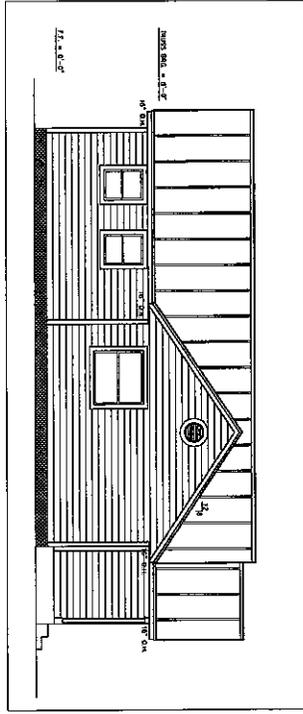
<p>ASB / 9</p> <p>As Noted</p>	<p>Jeffrey Gilger Design Services, Inc.</p> <p>481 TIMBERLANE TRAIL OVIDO, FL 32769</p> <p>307-237-1424 OFFICE</p>	<p>DRAWINGS FOR:</p> <p>MR. & MRS. BAKER</p> <p>FOUNDATION PLAN</p>	<p>THIS DRAWING HAS BEEN DESIGNED TO MEET OR EXCEED THE MINIMUM REQUIREMENTS AND SPECIFICATIONS OF THE 2003 FLORIDA BUILDING CODE EXCEPT WHERE SHOWN OTHERWISE.</p> <p>UNY ENGINEERING CONSULTANTS P.O. BOX 10029 ORLANDO, FL 32816 (407)222-6443 ORLANDO, FL 32816 (407)222-6443</p>	
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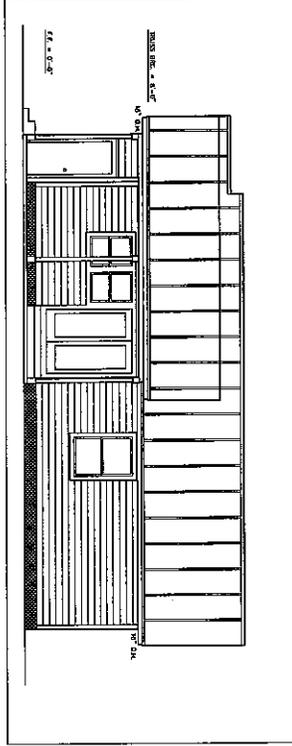
FRONT ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



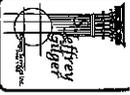
BACK ELEVATION

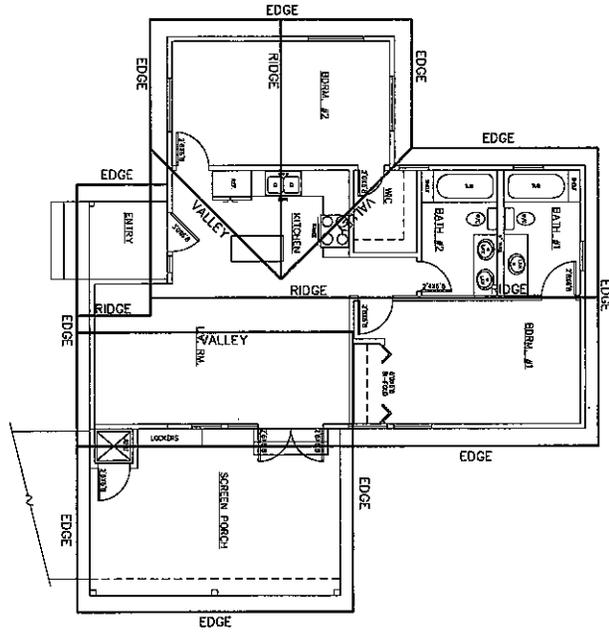
DATE	BY	SCALE
12/27/02	AS	1/4" = 1'-0"
A-7/9		

Jeffrey Gilger
 Design Services, Inc.
 419 TIMBERLAKE TRAIL
 GULFPORT, FL 33705
 407-221-0484 OFFICE

DRAWING NO. **MR. & MRS. BAKER**
 ELEVATIONS

THIS STRUCTURE HAS BEEN RECORDED IN DEED IN
 DEEDS BY THE UNIFORM RECORDS ACT AND IS
 AUTHORITY OF THE STATE OF FLORIDA. MAKING
 THIS RECORDATION FINAL.
 LINN ENGINEERING CONSULTANTS
 P.O. BOX 110224
 ORLANDO, FL 32811-0224
 (407) 221-0484
 (407) 221-0484 FAX





ROOF PLAN

CONNECTION AND JOIST STRIP SCHEDULE

NO.	JOIST	FASTENERS	USE
1	12" x 16"	16d	12" x 16" x 16d
2	12" x 16"	16d	12" x 16" x 16d
3	12" x 16"	16d	12" x 16" x 16d
4	12" x 16"	16d	12" x 16" x 16d
5	12" x 16"	16d	12" x 16" x 16d
6	12" x 16"	16d	12" x 16" x 16d
7	12" x 16"	16d	12" x 16" x 16d
8	12" x 16"	16d	12" x 16" x 16d
9	12" x 16"	16d	12" x 16" x 16d
10	12" x 16"	16d	12" x 16" x 16d
11	12" x 16"	16d	12" x 16" x 16d
12	12" x 16"	16d	12" x 16" x 16d
13	12" x 16"	16d	12" x 16" x 16d
14	12" x 16"	16d	12" x 16" x 16d
15	12" x 16"	16d	12" x 16" x 16d
16	12" x 16"	16d	12" x 16" x 16d
17	12" x 16"	16d	12" x 16" x 16d
18	12" x 16"	16d	12" x 16" x 16d
19	12" x 16"	16d	12" x 16" x 16d
20	12" x 16"	16d	12" x 16" x 16d

NOTES:

- 1) THIS PLAN IS FOR A TYPICAL RESIDENTIAL FRAMEWORK. THE ROOF SHALL BE CONSTRUCTED WITH 2" x 6" JOISTS AT 16" O.C. WITH 1/2" OSB SHEATHING. THE ROOF SHALL BE FINISHED WITH 1/2" OSB SHEATHING AND 1/2" OSB SHEATHING SHALL BE FINISHED WITH 1/2" OSB SHEATHING. THE ROOF SHALL BE FINISHED WITH 1/2" OSB SHEATHING AND 1/2" OSB SHEATHING SHALL BE FINISHED WITH 1/2" OSB SHEATHING.
- 2) THIS VARIATION SHALL BE SUBJECT TO THE ARCHITECT'S LOCATION OF THE ROOF. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE LOCATION OF THE ROOF. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE LOCATION OF THE ROOF. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE LOCATION OF THE ROOF.
- 3) CONNECTION AND DETAILING SHALL BE SUBJECT TO THE ARCHITECT'S LOCATION OF THE ROOF. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE LOCATION OF THE ROOF. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE LOCATION OF THE ROOF.
- 4) THIS PLAN IS FOR A TYPICAL RESIDENTIAL FRAMEWORK. THE ROOF SHALL BE CONSTRUCTED WITH 2" x 6" JOISTS AT 16" O.C. WITH 1/2" OSB SHEATHING. THE ROOF SHALL BE FINISHED WITH 1/2" OSB SHEATHING AND 1/2" OSB SHEATHING SHALL BE FINISHED WITH 1/2" OSB SHEATHING.

NOTE:

SPAN HANDED ROOF SEATING ATTACHED WITH 8d NAILS @ 16" O.C. AT INTERNAL SPACING. BLOCKING @ 48" O.C. MAX. IN FIRST FLOOR SPACES AT CORNER JOIST TYP.

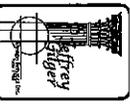
A-919
AS NOTED

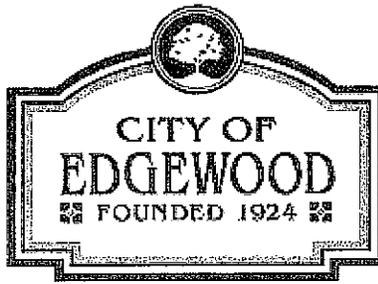
S. Jeffrey Gilger
Design Services, Inc.
407-331-8486 OFFICE
407-331-8486 HOME

MR. & MRS. BAKER
ROOF PLAN

THIS STRUCTURE HAS BEEN DESIGNED TO MEET OR EXCEED THE MINIMUM REQUIREMENTS FOR RESIDENTIAL BUILDING AS PER THE 2004 FLORIDA BUILDING CODE REVISIONS, EDITION.

LENN ENGINEERING CONSULTANTS
P.O. BOX 41021
ORLANDO, FL 32841 (407) 353-6433
DUNS S. 1800, P.E. LIC. NO. 37324





NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE, that at its regular meeting on May 14, 2012 the Planning and Zoning Board of the City of Edgewood, acting as the Board of Adjustment, will consider **Variance Application No. 2012-03 Jeff and Haley Baker – 5507 Jessamine Lane –** Mr. and Mrs. Baker at 5507 Jessamine Lane is requesting a variance for non-conforming use of a proposed front porch roof.

The meeting will be held in the Council Chamber of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **6:30 p.m.** The Planning and Zoning Board's recommendations will be forwarded to City Council on May 15, 2012 for final action.

The subject property is legally described as: 14-23-29-0000-00-035, W 120 FT OF N 93 FT OF S 293 FT OF E 221.1 FT OF SE1/4 OF NW1/4 (LESS PT IN RD) OF SEC 14-23-29

Interested parties may attend this meeting and be heard with respect to this variance application. In addition the application may be inspected by the public at the City Clerk's Office, 405 Larue Avenue, Edgewood, Florida (407-851-2920). If unable to attend the meeting but have comments you may provide them to City Clerk by hand-delivery, U.S. Mail or e-mail at bmeeks@edgewood-fl.gov no later than one day prior to P&Z Hearing.

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the Planning and Zoning Board and City Council on this topic to properly noticed hearing or to written communication to the City Clerk's Office.

This public hearing may be continued to a future date of dates. Any interested party is advised that the date, time, and place of any continuations shall be announced during the public hearing and that no further notices regarding this matter will be published.

Any person aggrieved by a recommendation of the Planning and Zoning Board may file a notice of appeal to the City Council within seven days after such recommendation is filed with the City Clerk.

The City of Edgewood desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, Florida Statutes, should, at least 48 hours prior to the meeting, submit a request that the physically handicapped person desires to attend the meeting to the City Clerk's Office.

Dated: April 25, 2012

3911 Wmf.

SANDERS JOSHUA
919 SPRINGWOOD DR
ORLANDO, FL. 32839

GARAVANO EUGENIA N
5399 JESSAMINE LN
ORLANDO, FL. 32839

MCCARTNEY DANIEL
5411 LAZY OAKS LN
ORLANDO, FL. 32839

CLIFTON CANDY
5410 LAZY OAKS LN
ORLANDO, FL. 32839

MCMAMARA JOHN PATRICK JR
5051 TUSCAN OAK DR
ORLANDO, FL. 32839

HOWE JOHN W
5583 JESSAMINE LN
ORLANDO, FL. 32839

NUNNALLY LESTER C
5538 JESSAMINE LN
ORLANDO, FL. 32839

MCCOMMON DENNIS H
5315 LAZY OAKS LN
ORLANDO, FL. 32839

MCENENEY EDWARD J JR
5045 TUSCAN OAK DR
ORLANDO, FL. 32839

652 MERRYTIME LLC
5515 JESSAMINE LN
ORLANDO, FL. 32839

BARNER BRETT L
5101 CRANES POINT CT
ORLANDO, FL. 32839

PARTAIN VIRGINIA R TR
5434 LAZY OAKS LN
ORLANDO, FL. 32839

BAKER JEFFREY A
5515 JESSAMINE LN
ORLANDO, FL. 32839

STRAKER JANE H
883 CARDINAL POINTE CV
SANFORD, FL. 32771

ORANGE COUNTY BCC
C/O REAL ESTATE MNGT DEPT | PO BOX 1393
ORLANDO, FL. 32802

CAMERON PAULINE T
5063 TUSCAN OAK DR
ORLANDO, FL. 32839

TEAGUE MICHAEL A
5553 JESSAMINE LN
ORLANDO, FL. 32839

HOWARD PEGGY T TR
5554 JESSAMINE LN
ORLANDO, FL. 32839

DIOCESE OF ORLANDO
PO BOX 1800
ORLANDO, FL. 32802

652 MERRYTIME LLC
5515 JESSAMINE LN
ORLANDO, FL. 32839

CONFIDENTIAL

HARRIS VALERIE L
5561 JESSAMINE LN
ORLANDO, FL. 32839

CRANES POINT HOMEOWNERS ASSN INC
5157 CRANES POINT CT
EDGEWOOD, FL. 32839

BEEMER C BRITT
5100 CRANES POINT CT
ORLANDO, FL. 32839

LAYLAND LENNY L
300 N RONALD REAGAN BLVD STE 203
LONGWOOD, FL. 32750

NUNNALLY LESTER C
5538 JESSAMINE LN
ORLANDO, FL. 32839

ULANGKAYA CAROLINE C
5057 TUSCAN OAK DR
ORLANDO, FL. 32839

PERLEY JANIS L TR
5301 LAZY OAKS LN
ORLANDO, FL. 32839

HURST JAMES F II
PO BOX 593776
ORLANDO, FL. 32859

PULLUM HARRY G SR
5550 JESSAMINE LN
ORLANDO, FL. 32839

CITRUS REAL ESTATE HOLDINGS LLC
1109 W CHURCH ST
ORLANDO, FL. 32805

JOHNSON ROBERT A
PO BOX 560907
ORLANDO, FL. 32856

GIBSON MARK I
5573 JESSAMINE LN
ORLANDO, FL. 32839

PURPURA FRANK L
5402 LAZY OAKS LN
ORLANDO, FL. 32839

PATEL PRADIP
13114 WILSHIRE RUN CT
ORLANDO, FL. 32828

GREY RODERIC J
5533 JESSAMINE LN
ORLANDO, FL. 32839

PARTAIN JONATHAN O
5434 LAZY OAKS LN
ORLANDO, FL. 32839

ONDICH JANET L
1162 CHARMING ST
MAITLAND, FL. 32751

LESTER BELFORD S III
5403 JESSAMINE LN
ORLANDO, FL. 32839

BURKE BONNIE S
5569 JESSAMINE LN
ORLANDO, FL. 32839

Application: 2012-03
 Owner/Applicant Name: Jeff and Haley Baker
 Public Hearing Date: 05/14/2012

This affidavit is to be presented at the public hearing before the Planning and Zoning Board.

SIGN AFFIDAVIT

STATE OF FLORIDA
 ORANGE COUNTY

Before me, the undersigned authority, personally appeared ROSS JORDAN to me well known and known to me to be the person described in and who executed the foregoing affidavit, after being first duly sworn, says:

1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and dated of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
2. That said posted notice also contained the relevant facts pertaining to the application.
3. That said notice was posted was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 05/04/2012.
4. That the affiant understands that this affidavit is intended to be submitted as a prerequisite for a public hearing, and as such will be officially filed with the City of Edgewood, Florida.

[Signature]
 Signature of owner or authorized representative



Sworn to and subscribed before me on April 12 day of April, 2012

Print, type, or stamp commissioned name of Notary Public

Cinnamon Wild
 Notary Public, State of Florida

Personally Known OR Produced Identification
 Type of I.D. Produced DRIVERS license

CITY OF EDGEWOOD

405 Larue Avenue - Edgewood, Florida 32809-3406
(407) 851-2920

MEMORANDUM

TO: Planning and Zoning Commission/Board of Zoning Adjustment
Mayor Bagshaw
Bea Meeks, City Clerk
Cinnamon Wild, Assistant City Clerk
Sam Sebaali, PE, City Engineering Consultant
Drew Smith, City Attorney

FROM: Ellen Hardgrove, AICP, City Planning Consultant

DATE: April 30, 2012

SUBJECT: Review of application for variance in front yard setback at 5507 Jessamine Lane, aka Tax Parcel 14-23-29-0000-035

I. REQUESTED VARIANCE

This applicant is requesting a 21' 8" front yard setback, which is an 8'4" variance from the City's Code, Section 134-579. This section requires a 30 feet front yard setback on R1AA lots (the subject property's zoning). The variance is requested to cover a proposed 6' x 6' porch on the south side of the house related to a new entryway into the existing house.

Note: City Code Section 134-484(c) allows an uncovered porch. Section 134-484(c) states "An open, unroofed porch or paved terrace may project into a required front yard for a distance not exceeding 15 feet." To have a roof over the porch, however, requires a variance.

II. EXISTING ONSITE

Onsite is a house that, according to the Orange County Property Appraiser's records, was built in 1947 and contains 817 square feet of living area. This house does not currently meet the required 30 feet front yard setback. The house is situated (an estimated) 6.5 feet from the front property line. (See applicant's submitted site plan.) The position of the house was established prior to zoning standards in the City and the County.

III. VARIANCE APPROVAL STANDARDS

The following identifies the Code required standards for variance approval and provides planning staff commentary:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.

Special conditions and circumstances do exist which are peculiar to the land and the existing structure. The house predates zoning standards. The requested variance will not expand the structure beyond the existing nonconformity; and a condition can be attached to the approval, that limits the variance to a roof over the permissible porch. Even if the site was vacant, construction on the tax parcel would require a variance in either front or rear setback. With only 90 feet of lot depth, the Code required R1AA front and rear setbacks (a combined total of 65 feet), would create a 25 feet building envelope depth, impractical for a residence construction.

2. That the special conditions and circumstances do not result from the actions of the applicant.

The special conditions and circumstances were not created by the property owner. The house was built in 1947. Available sales history of the property shows the same parcel dimensions since 1970. Since 1970, there have been four owners.

3. That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district.

The privilege of reduced setback already exists for the subject property; and, more than likely, similar setbacks exist on other residences in Edgewood that predate zoning standards. The requested setback does not exceed and is significantly greater than the already reduced setback on the property.

4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.

If the property was vacant, some variance in rear yard and/or front yard setback (as well as reduced lot area) would be needed to use the property practically for a residential structure.

5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.

A reasonable use of the property already exists. Approval of the requested variance, however, will provide a reasonable use of an entryway on the south side of the house, providing covered shelter from inclement weather when using this entrance. Furthermore, allowance of a covered porch at the new side entrance will maintain the

architectural style of the house given the same type and general size covered porch exists on the west side of the house.

6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The requested variance meets this requirement as stated in the above commentary. The approval of the variance will not be injurious to the neighborhood character. Surrounding land use is residential zoned R1AA. The parcel to the north is occupied by a driveway that extends east to the house on the lake owned by James and Lisa Hurst. To the south is a house that is oriented toward the south; thus, the sideyard of that house fronts the same segment of Jessamine Lane as the subject property's front yard. The estimated distance that house is from the Jessamine Lane segment is 12 feet. This sideyard, if consistent with code, should have been at least 15 feet (variance approval on this lot is unknown).

Across Jessamine Lane from the subject property is a retention pond for the Lake Jessamine Woods subdivision. The property to the east is residential, currently vacant.

A carport at 5335 Jessamine Lane, eight parcels north of the subject property, has an estimated front yard setback of 15 feet. Variance approval on this lot is unknown.

IV. STAFF RECOMMENDATION

Staff can support the requested variance conditioned on the variance only being applicable to the proposed covered porch. Any future additions to the house needing a reduced setback shall be considered at another public hearing.

The condition provides consistency with Code Section 134-38. This section states legal nonconformities are allowed to continue, though perpetuating the use by subsequent nonconforming expansions is not allowed. With the condition of approval, the variance will not be perpetuating the existence of a nonconforming structure. The condition of approval limits the variance to a use that could have been built regardless of the variance approval. An open, unroofed porch or paved terrace may project into a required front yard for a distance not exceeding 15 feet. The variance will provide a reasonable use for the permissible uses.

CITY OF EDGEWOOD

405 Larue Avenue - Edgewood, Florida 32809-3406

(407) 851-2920

MEMORANDUM

TO: MS. BEA MEEKS, CITY CLERK
FROM: SAM J. SEBAALI, P.E., FLORIDA ENGINEERING GROUP, INC. - CITY ENGINEER
DATE: MAY 7, 2012
SUBJECT: REVIEW OF APPLICATION FOR VARIANCE IN FRONT YARD SETBACK
5507 JESSAMINE LANE – JEFF AND HAYLEY BAKER, OWNER
PARCEL I.D. 14-23-29-0000-035
FEG TA-12-003

Pursuant to your request, I have reviewed the setback variance request submitted by the applicant for a reduction in the required front yard setback from 30 feet to 21'-8".

As part of my work, I have also reviewed the Memorandum issued by Ellen Hargrove, AICP, City Planning Consultant.

Ms. Hargrove has clearly addressed all the requirements for issuing a variance, and I concur with her assessment and recommendations.

The only item, which I would like to further highlight, is that the proposed covered front porch is a replacement of an existing covered front porch. The proposed 21'-8" setback for the new porch is a significant improvement over the approximately 6'-6" setback for the existing porch, which is being removed.

END OF MEMORANDUM

cc: Mayor (via City Hall Staff)
Planning & Zoning Commission/Board of Zoning Adjustment (via City Hall staff)
Ellen Hardgrove, AICP, City Planning Consultant
Drew Smith, City Attorney