

PUBLIC NOTICE

PLANNING AND ZONING BOARD MEETING – September 12, 2016

WELCOME! We are very glad you have joined us for today's Planning and Zoning meeting. The Planning and Zoning Board is an advisory board to City Council comprised of citizen members who voluntarily and without compensation devote their time and talents to a variety of zoning and land development issues in the community. All P&Z recommendations are subject to final action by City Council. The results of today's meeting will be presented at the noted City Council meeting for approval of recommended actions. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. **CAUTION:** Untimely filing by any appellant shall result in an automatic denial of the appeal.

The Planning and Zoning Board as the Local Planning Agency for the City Of Edgewood will meet at 405 Larue Avenue, Edgewood, Florida, to consider the items of business listed herein at the time and date indicated below.

Monday, September 12, 2016 at 6:30 pm

1. Call To Order
2. Pledge of Allegiance
3. Roll Call and Determination of Quorum
4. Approval of Minutes
 - August 8, 2016– Regular P&Z Meeting
5. New Business
 - **(City Council Meeting 9/20/2016)** Variance applications submitted by Summertime Deck & Dock on behalf of Bill and Beth Seabrook to allow a boat dock at 5221 Alleman Drive. The applications were with the following variance requests:
 - **2016-VAR-02** Code 14-11 (b)(3) – length of boat dock beyond 65'
 - **2016-VAR-04** Code 14-11 (b)(1) – build within setback distance
 - **2016-VAR-05** Code 14-11 (b)(6) – square footage greater than 1,000 square feet
 - **(City Council Meeting 9/20/2016) 2016-VAR-06** - Variance application submitted by William (Hal) Valdes on behalf of First American Land Trust, LLC/ Abel Carbajal as trustee to enclose all components of an existing restaurant currently located within the Normal High Water Elevation setback
6. Comments/Announcements

FUTURE MEETINGS: (SCHEDULE CONTINGENT UPON SUBMITTAL OF ITEMS THAT REQUIRE CONSIDERATION OF THE PLANNING & ZONING BOARD AS THE LOCAL PLANNING AGENCY FOR THE CITY OF EDGEWOOD)

- October 10, 2016
- November 14, 2016

GENERAL RULES OF ORDER

The Board is pleased to hear non-repetitive comments related to business before the Board; however, a five (5) minute time limit per person has been set by the Board. Large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request/Lobbyist Registration Form and give it to the City Clerk. When recognized, state your name and speak directly into the microphone. The City is guided by ROBERTS RULES OF ORDER in governing the conduct of the meeting. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at 407-851-2920 at least 24 hours in advance of the meeting.

WE ASK THAT ALL ELECTRONIC DEVICES (IE. CELL PHONES, PAGERS) BE SILENCED DURING OUR MEETING!

Thank you for participating in your government!

APPEALS: According to Edgewood City Code Section 26-24 (2), “any person aggrieved by any recommendation of the Board acting either under its general powers or as a Board of Adjustment may file a notice of appeal to the City Council within seven (7) days after such recommendation is filed with the City Clerk.

PLANNING & ZONING BOARD MEETING MINUTES
August 8, 2016

Planning and Zoning Board Members:

Regina Dunay, Chairperson (Quorum)
Susan Lomas, Vice-Chair
Marion Rayburn, Board Member
Chris Rader, Board Member
Ben Pierce, Board Member

Staff:

Sandy Repp, Administrative Assistant
Drew Smith, City Attorney
Chief Francisco, Police Chief
Ellen Hardgrove, City Planner
David Mahler, City Engineer

Contractor/Applicants:

Sam Sebaali, FEG (for Suncoast Building Materials)
William R. Johns, President Suncoast Building Materials, Inc.
Kevin Graham, Vice President Suncoast Building Materials, Inc.
Khaled Hussein for Holden Ave PD
Rick Baldocchi, AVCON, Inc (for Holden Ave PD)
Ashley Burlson, A and M Homes (for Holden Ave PD)

CALL TO ORDER

Chairperson Regina Dunay called the Planning & Zoning Board meeting to order at 6:31 p.m., followed by the Pledge of Allegiance. Administrative Assistant, Sandy Repp, announced that there was a quorum.

APPROVAL OF MINUTES

- July 11, 21016

Board Member Marion Rayburn made the Motion to approve the July 11, 2016 minutes with corrections; seconded by Board Member Ben Pierce. Unanimously approved (5/0)

NEW BUSINESS

1. VARIANCE REQUESTS FOR SEABROOK BOAT DOCK LOCATED AT 5221 ALLEMAN DRIVE

Administrative Assistant, Sandy Repp announced that the proposed boat dock will be heard at the P&Z meeting on September 12, 2016 and will go to City Council on September 20, 2016

2. HOLDEN AVENUE PLANNED DEVELOPMENT (PD) (2016-RZ-01)

Chairwoman Regina Dunay introduced City Planner Ellen Hardgrove who explained that this is a continuation from July 11th P&Z proposal for the Holden Ave Planned Development. There were questions by the Board and the proposal was tabled until tonight's meeting. Planner Hardgrove explained the surrounding area and general character of the zoned areas.

The original submittal had 53 lots and the new submittal has been reduced to 51 lots; highlights of the modifications include the location of the access point, the location of the stormwater, and lot sizes are now a combination of 51' to 60' versus all 50' lots. The applicant submitted elevations; elevations are not tied to a condition of approval but they give an idea of what the houses will look like.

Discussion ensued regarding the planned development and other requirements including buffers, setbacks, stormwater, landscaping, average house size in the adjacent neighborhoods, and open space. Discussion also involved the intent of a planned development, which is to implement innovative design vs. standard Euclidean design.

Rick Baldocchi, representing AVCON, Inc. came to the podium and thanked the Board for the opportunity to come back. Mr. Baldocchi listed the changes to the Land Use Plan, including the following:

- Moved the entranceway to line up with Redfern. Redfern had more traffic than the adjacent street and moving the entrance would be a positive change and adding a third lane would be beneficial to the neighborhoods.
- The builder is willing to go to a 25 foot setback in the rear to match existing zoning.
- Mr. Baldocchi discussed the turn lane and while they are willing to discuss the bi-directional he doesn't feel it is the safest choice. They would be willing to hear suggestions from the engineer and the city to find a geometry that works. Mr. Baldocchi thinks that having dual left turn lanes is the safest option.
- Mr. Baldocchi said the conditions of the gate and turnaround can be worked out. He showed the road with the left turn lane into the subdivision.
- There are varying lot widths throughout the subdivision
- The planned development may be able to use the existing lift station with Holden Ridge. The lift station may need an upgrade but they are willing to do that and working with Orange County.
- The Power Point showed samples of materials and the type of product that is being proposed

According to the applicant, they have met four of the requested items:

- To reduce energy cost, etc. vs. conventional Euclidean zoning district. The gated community and smaller lots are more efficient use and also tie into the existing lift station. The turn lane will provide a safer and more efficient use of public facility.
- The development will occur according to the limitations stipulated on an approved development plan. The applicant is providing a concept plan developed within the density coverage
- To provide the maximum opportunity for innovative concepts for aesthetically pleasing living. The applicant is willing to accept the conditions for the landscaping on Holden and around the retention ponds.
- To provide an appropriate balance between intensity of development and capacity of public facilities and services.

Mr. Baldocchi presented using Power Point and discussed materials, sample architecture and typical landscaping. Mr. Baldocchi is comfortable with a uniform wall vs. residents putting up their own fences and suggested a colored vinyl fence. The applicants are not comfortable with proposing a masonry wall around the entire planned development.

Mr. Baldocchi answered questions from the Board regarding the retention pond, starting home prices, the entrance wall.

In response to Chairwoman Dunay, Planner Hardgrove said that change conditions are one of the five criteria to consider for any rezoning. City Code says the applicant needs to identify which conditions have changed to warrant a rezoning. Mr. Baldocchi said they are responding to market trends; the lot sizes of 50 foot lots are in high demand and meet market conditions. They have modified the lots to make it more palatable for the city.

In response to Chairwoman Dunay's question about the Planner Hardgrove's report, Attorney Drew Smith said this is not like a variance and that not all conditions have to be met to be approved.

Chairwoman Dunay opened for comments from the public.

Sandy DePorter, Edgewood resident – spoke about regarding open space and trees growing into the fencing.

Arthur Baker, on behalf of Gary Randall/Randall Made Knives from Baker Hostetler Law Firm – stated their opposition and requested a uniform wall of masonry around the perimeter and on Holden Avenue. Board Member Rader asked if this was about safety or aesthetics and Mr. Baker answered that it was both.

Forrest Arnold, Edgewood resident –said that six families would need to be displaced in addition to him. The wall adjacent to the east does look nice and that would look nice on the west side. In response to Chairwoman Dunay, Mr. Arnold said that he rented the house and confirmed that the house is historical. Mr. Arnold said the trees on his property are large and historical and close to 150 years old and they would be leveled.

Jim Worthen, Edgewood resident, spoke as a proponent on behalf of HAINC. Mr. Worthen discussed standards of the community and the planned development amenities as well as conditions of the HOA and the developer and the importance of the conditions as it pertains to zoning and the rezoning ordinance.

Board Member Rader asked if the Board can agree to the concept and then asked to see the conditions.

City Attorney Smith said they can recommend approval based on conditions. City Attorney Smith can make the recommendation and leave it to council to determine if conditions are met.

Michael Teague, Edgewood resident – spoke as an opponent and said that the Board should not pass the buck to the Council. Mr. Teague also stated his concerns about the density compared to the FLUM and the Comp plan as well as compatibility with the surrounding community.

Brett Barner, Edgewood resident - is adamantly opposed and said it looks like the Planned development is being used to circumvent low density zoning codes of R-1A and R-1AA standards. Mr. Barner stated his concern for the preservation of the trees, lack of green space for kids to play in and lack of engineering and traffic studies and the plan is incomplete. He compared the proposed dry retention pond to the Holden Ridge retention area which is always wet.

John Hendricks, Edgewood resident - asked if the endangered species located on the property have been mentioned. Chairwoman Dunay said that this this issue has not been brought up.

In response to Chairwoman Dunay, City Planner Hardgrove explained that this is the Land Use Plan, next is the subdivision plan. If this is approved with City Council, then the details will be met such as the lift station, utilities and traffic. City Attorney Smith confirmed this needs to be added to the ordinance and more is put into the ordinance, which is adopted by City Council.

Further discussion ensued between the Board and City Consultants regarding the planned development's conditions including the setbacks, density, lot size, buffers, and the possibility of endangered species.

The Board continued discussion of the proposed wall. Mr. Hussein said he would prefer a vinyl wall over masonry but the opinion of the Board was that a vinyl wall is not up to standards and not of the character of the neighborhood. Vinyl gets moldy and there would be the question of maintenance.

Bob Harrell, Edgewood business owner came to the podium. He owns the middle tract of land and stated that a subdivision coming together would be better quality than separate houses even if the individual houses were better quality. This will be one street in, instead of three separate streets, and it is a great deal with a turn lane onto Holden Ave.

Brett Barner, Edgewood resident - came to the podium and repeated his opposition with and emphasized traffic and the character of the neighborhood.

Chairwoman Dunay asked for questions or discussion and there were none.

Chairwoman Dunay said that the first part of a planned development is for mixed use and open space and that none of this is present here. In her opinion this does not meet the definition of a planned development. Board Member Lomas agreed.

Chairwoman Dunay asked for a motion.

Mr. Hussein spoke; he addressed the lot sizes and the entrances and he feels he is back to square one as he changed things which they did. He asked if he missed something. Chairwoman Dunay said that P&Z wanted to see what the developer was going to do in terms of meeting the planned development. The only thing that was done was that the entrance was moved and a couple lots were dropped. There is no open space.

Discussion ensued between Mr. Hussein and the Board between the benefits of green space versus donating money to the City for a City park for the community. Discussion from the board also included a request for larger lots or at least a mixture of lot sizes to meet a Planned Development's requirement of mixed form.

Chairwoman Dunay said that it is time for a motion. Attorney Smith recommended that the Board be specific in the motion so that Council will know why the P&Z Board is making the recommendation.

Chairwoman Dunay asked the Board for the reason for the motion:

- 1. It is not a mixed size and/or use.**
- 2. It is not compatible with surrounding uses under current zoning of R1A and R1AA**
- 3. Lack of open space and recreational area**
- 4. Impact of traffic on Holden Ave compared to current zoning**
- 5. Preservation of natural resources**

Chairwoman Dunay recommended denial of the Rezoning application

Board Member Lomas moved to recommend denial of the rezoning application based on the reasons read by Chairwoman Dunay; board member Rayburn seconded; motion unanimously approved (5/0).

This will come before City Council on August 16, 2016.

3. REZONING ORDINANCE NO: 2016-08 PROPOSING REZONING FOR HOLDEN AVENUE

Board Member Rader moved to deny the Ordinance 2016-08; the board finds the Ordinance to be consistent with the comprehensive plan, however not consistent with the City Code based on the same criteria. Board member Lomas seconded; motion unanimously approved (5/0).

4. SUNCOAST BUILDING MATERIALS – Special Exception applications submitted by William Johns on behalf of Suncoast Building Materials, Inc. to allow for construction of a facility with the following Special Exception requests:

- **2016-SE-03** Code 134-405 (b)(10) Outdoor storage of merchandise, parts or other equipment
- **2016-SE-04** Code 134-405 (b)(11) Building material storage and sales (new, no junk or used material)
- **2016-SE-05** Code 134-405(b) (14) Storage and wholesale distribution warehouse adjacent to a residential zoning district or property with a residential future land use designation, including those across a right-of-way.

City Planner Hardgrove explained the Special Exceptions and the nature of the property and surrounding areas. The proposed plan is in 4 phases. The current project is north of the railroad track and later will be on parcel B south of the track. This property is Commercial use. CEMEX was a legal nonconforming use but they have vacated and cannot keep that use.

Staff recommends approval with conditions of land use compatibility. Similar conditions were put to Boise Cascade. The site is large enough to meet the requirements.

Discussion ensued regarding the wall, screening requirements for outdoor storage and the residential area and access for vehicular traffic. Further discussion involved the business hours of 8 am to 6 pm with freight delivered at night by rail, which is already occurring for other businesses nearby.

Sam Sebaali, with Florida Engineering Group (FEG) came to the podium. Mr. Sebaali was in attendance with Bill Johns, President and Kevin Graham, Vice President of Suncoast Building Materials. They supply drywall, acoustical ceiling material, some metal framing and building material.

Mr. Sebaali described the site and surrounding areas and how the proposed site is compatible. The City Code provides for a Special Exception in C-3. **Per Planner Hardgrove there will need to be a variance for a setback and the applicant will come back for that.**

There was further discussion regarding the buffer on the north and south side of the property as well as the wall. The applicant proposes to paint it and add a distance of 17 ft. on east side and 6 ft. on the west side with a landscape hedge to soften the wall so is not overbearing.

Per Planner Hardgrove the wall can only be 4 foot high, even in nonresidential zoning. This would also require a variance for a 6 foot wall in the front.

In response to Chairwoman Dunay, Mr. Sebaali said he is not that familiar with the operations but there will be loading, unloading, forklift machinery. This is similar to the property adjacent who does not have a wall.

Discussion ensued about use and ownership of the railroad spur.

Chairwoman Dunay summarized that the issues are the buffers and the wall and asked for the CPH report.

David Mahler of CPH said he is mostly concerned about the setbacks and utility access. Almost everything else is straightforward. In response to Board Member Rader Engineer Mahler said railroad jurisdiction are items that will ultimately be addressed in the site plan.

Chairwoman Dunay opened the floor for questions

Jim Muszynski, Edgewood resident, said he has an issue with the wall on Mary Jess as it is an existing asset for screening. A) He suggested conditions for wall color, irrigation, a hedge and making Mary Jess to be a “no through zone”. B) He had a concern about the spur; cars may be stuck at a gate with only one spur. C) He requested to lower the outdoor storage height as 35 feet is quite high and down lighting. Chairwoman Dunay said this is addressed in the site plan.

Mark Garner, Edgewood resident - said he petitioned CEMEX 12 years ago to raise the wall to 8 feet. He planted the trees on the south side of Mary Jess Rd. CEMEX did put irrigation but it was not maintained. Chairwoman Dunay asked Mr. Garner about the approval of the wall. Mr. Garner went to all the meetings and does not remember there being a variance and said that the City simply met and approved raising the wall to 8 feet.

Cindy McCurry, Orlando resident – said she would like to keep that wall as it keeps the dust down and plants cannot grow with that. It’s not just irrigation. She suggests a test of the soil for plants. If the wall comes down, the cement will make it difficult to grow, especially a high growing plant. The walls contain the dust better than plants can do alone.

Michael Teague, Edgewood resident - asked about operating hours and operating days. Chairwoman Dunay said that the hours are 6 am to 5 pm Monday through Friday as existing. William Johns said the rails are delivered at night and truck/train traffic will double as their business would be similar to Rosen. With the double tracks, Rosen and Suncoast can come at the same time. The rule would be no traffic to the right and not go through the neighborhood. The only lights would be security lights and nothing glaring.

Richard Yates, Edgewood resident – said he built his house 30 years ago and he is concerned about the hours and the noise of the trucks. There is dirt built up on Mary Jess Road and dust in the house and the wall is a priority.

Board Member Rader talked about future land use and the best use of the land and gave examples of development to the north such as SODO that are not industrial uses.

Sig Bo (did not fill out comment card) came to podium and explained that the north is landlocked. The north parcel has to go with the south parcel or you cannot get through the parcel.

Sam Sebaali from FEG returned to the podium and spoke about being in compliance with zoning and said this is compatible with all sides except north.

Chairwoman Dunay asked for more questions and there was further discussion between Board members regarding the landscape buffer and maximum storage height requirements so that it cannot be seen from the road.

Approval of subject's Special Exception will meet the following conditions.

1) A "Type A" landscape buffer shall be provided along the northern property line, adjacent to lots of Lake Jessamine Estates, Phase 2. This buffer is required to include a masonry wall. The existing wall along the north property line can be used to satisfy the masonry wall requirement.

Landscaping adjacent to the wall shall include planting large, non-deciduous trees or shrubs that will achieve a dense continuous visual screening from eight feet to at least 25 feet in height. Shade trees for each 40 lineal feet or fraction thereof shall be planted within the buffer area.

The buffer area may be used for stormwater management, provided that the buffer yard screening requirements are maintained. Vehicular use areas, storage of materials, and accessory structures are prohibited within the buffer area.

- 2) Buildings onsite shall be limited to one story and a maximum of 35 feet in height.
- 3) Stacked material and equipment stored onsite shall be limited to a maximum height of 25 feet.
- 4) A six (6) feet wide landscape buffer shall be planted and maintained along the property's Mary Jess Road frontage. One understory, non-deciduous shade tree shall be planted within the Mary Jess Road buffer for each 20 linear feet, or fraction thereof. The trees can be grouped for aesthetic purposes, but a distance between groupings shall not exceed 60 feet. The buffer shall also include a continuous hedge at least three feet high, and 50 percent opaque at planting of a species capable of growing to at least five feet in height and 75 percent opaqueness within 18 months.
- 5) A continuous hedge at least three feet high and 50 percent opaque at planting, of a species capable of growing to at least five feet in height and 75 percent opaqueness within 18 months shall be planted and maintained along the east property line south of the existing wall.
- 6) Water efficient plants in the onsite landscaping are encouraged. A permanent underground central irrigation system providing 100 percent coverage of all landscape/buffer areas is required.
- 7) If the wall along Mary Jess Road remains, the wall shall be re-painted in earth tones to blend in with the landscaping.
- 8) Truck traffic is prohibited on Mary Jess Road west of Chenault Avenue.

Board Member Lomas made a motion to recommended approval (4-1) of the following special exceptions for the subject property with conditions; motion seconded by Chairwoman Dunay. Motion passed (4/1):

COMMENTS/ANNOUNCEMENTS

Board Member Lomas said there used to be signs about truck traffic. Chief said that the signs have been put back up and are being enforced.

Administrative Assistant Sandy Repp announced that there will be a Planning and Zoning meeting on Monday, September 12, 2016

Jim Worthen came to the podium and stated his concerns about market studies done by the City and future land use.

Chairwoman Dunay moved that there be a meeting to discuss the marketing study with Planning and Zoning, City Council and staff. Board member seconded. Request a meeting with council to discuss future use

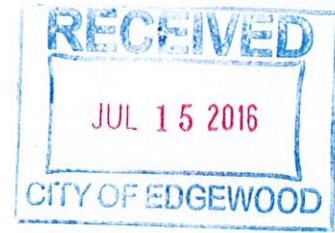
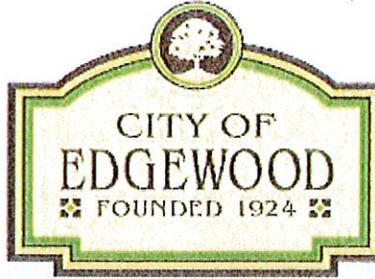
ADJOURNMENT:

With no further business or discussion, Board Member Lomas made the Motion to adjourn the Planning and Zoning Board meeting; Seconded by Chairwoman Dunay; the meeting adjourned at 10:25 p.m.

INTENTIONALLY LEFT BLANK

DRAFT

2016-VAR-02



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:	8/3/2016 or 9/12/2016
CITY COUNCIL DATE:	9/20/2016 or 10/18/2016

Depending on completion of review

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:	Matt Langbehn	Owner's Name:	Bill & Beth Seabrook
Address:	5968 Lakehurst Dr. Orlando, FL 32819	Address:	5221 Alleman Dr. Edgewood, FL 32809
Telephone:	407.583.6251	Telephone:	407.760.9582
Fax:	866.649.9449	Fax:	
Email:	matt@summertimedocks.com	Email:	weseabrook@gmail.com
Parcel ID/Legal description:	OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE		
Zoned:	0104 - Single Fam Class IV		
Cite section of the Zoning Code from which variance is requested:	14-11(b)(3))		
Existing on site:	Existing dock on site		
Request:	Length of boat dock beyond 65'		

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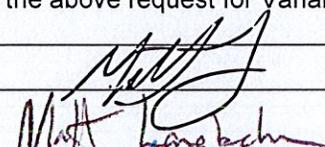
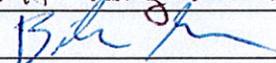
2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

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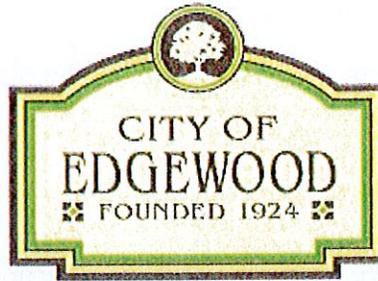
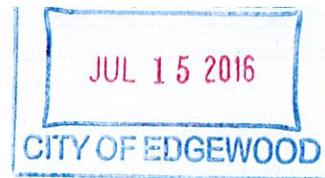
The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:		Date:	7/14/16
Applicant's Printed Name:	Matt Langbach		
Owner's Signature:		Date	7-14-16
Owner's Printed Name:	Bill Seabrook		

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:	7/15/2016
Rec'd By:	<i>SG Rupp</i>
Forwarded to:	<i>CPK 7/18/2016</i>
Notes:	

2016-VAR-04



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:	8/8/2016 or 9/12/2016
CITY COUNCIL DATE:	9/12/2016 or 10/18/2016

Depending on completion of review

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:	Matt Langbehn	Owner's Name:	Bill & Beth Seabrook
Address:	5968 Lakehurst Dr. Orlando, FL 32819	Address:	5221 Alleman Dr. Edgewood, FL 32809
Telephone:	407.583.6251	Telephone:	407.760.9582
Fax:	866.649.9449	Fax:	
Email:	matt@summertimedocks.com	Email:	weseabrook@gmail.com
Parcel ID/Legal description:	OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE		
Zoned:	0104 - Single Fam Class IV		
Cite section of the Zoning Code from which variance is requested:	14-11(b)(1)		
Existing on site:	Existing dock on site		
Request:	Build within side setback distance		

Revised 4/1/08

405 Larue Avenue, Edgewood, Florida, 32809-3406
Phone: 407-851-2920 / Fax: 407-851-7361
www.edgewood-fl.gov

1 of 3

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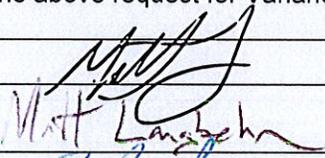
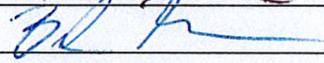
2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

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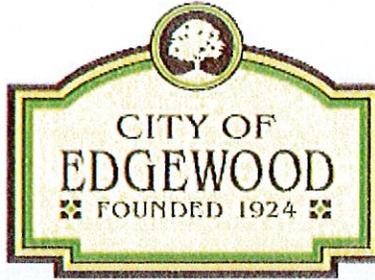
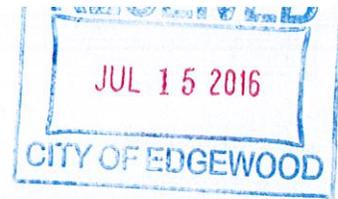
The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:		Date:	7/14/16
Applicant's Printed Name:	Matt Langbehn		
Owner's Signature:		Date	7-14-16
Owner's Printed Name:	Bill Seabrook		

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:	7/15/2014
Rec'd By:	Sg Repp
Forwarded to:	CPH 7/18/2014
Notes:	

2016-VAR-05



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:	8/8/2016
CITY COUNCIL DATE:	9/12/2016

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:	Matt Langbehn	Owner's Name:	Bill & Beth Seabrook
Address:	5968 Lakehurst Dr. Orlando, FL 32819	Address:	5221 Alleman Dr. Edgewood, FL 32809
Telephone:	407.583.6251	Telephone:	407.760.9582
Fax:	866.649.9449	Fax:	
Email:	matt@summertimedocks.com	Email:	weseabrook@gmail.com
Parcel ID/Legal description:	OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE		
Zoned:	0104 - Single Fam Class IV		
Cite section of the Zoning Code from which variance is requested:	14-11(b)(6)		
Existing on site:	Existing dock on site		
Request:	Maximum square footage of 1023'		

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 pert of the terms under which the variance is granted shall be deemed a violation of Edgewood ordinances.

AGREE:	x	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).

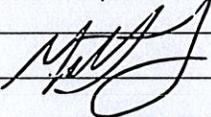
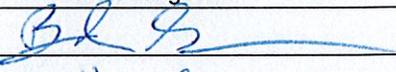
AGREE:	x	DISAGREE:	
---------------	---	------------------	--

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

4.

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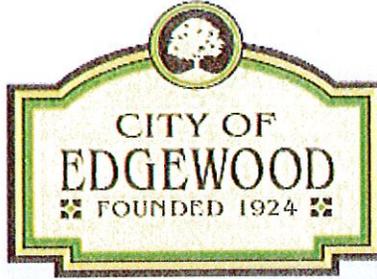
The applicant hereby states that the above request for Variance does not violate any deed restrictions on the property.

Applicant's Signature:		Date:	7/14/16
Applicant's Printed Name:	Matt Langbehn		
Owner's Signature:		Date	7-14-16
Owner's Printed Name:	Bill Scabrook		

Please submit your completed application to City Hall via email at cityhallstaff@egdewood-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:	7/15/2016
Rec'd By:	sg Nepp
Forwarded to:	CPH 7/18/2016
Notes:	

Rec. 7/15/2016



BOAT DOCK APPLICATION

Reference: [City of Edgewood Code of Ordinances, Section 14-11](#)

Please note the fee of \$350 is non refundable

Complete applications must be received by the City on or before 4 P.M. of the posted deadline date.
AN APPLICATION IS CONSIDERED COMPLETE BASED ON THE CITY ENGINEER'S DETERMINATION AND WHEN THE FEE IS PAID AT EDGEWOOD CITY HALL.
APPLICATIONS DEEMED INCOMPLETE AND/OR UNACCOMPANIED BY FEES WILL BE DEFERRED TO THE NEXT POSTED DEADLINE DATE.

NOTE: THE APPLICATION WILL NOT BE CONSIDERED BY THE PLANNING AND ZONING BOARD UNLESS THE APPLICANT OR REPRESENTATIVE IS IN ATTENDANCE.
The applicant is advised that individual board members can only be addressed during board proceedings.

Applicant's Name:	Matt Langbehn	Owner's Name:	Bill & Beth Seabrook
Address:	5968 Lakehurst Dr. Orlando, FL 32819	Address:	5221 Alleman Dr. Edgewood, FL 32809
Telephone:	407.583.6251	Telephone:	407.760.9582
Cell:		Cell:	
Fax:	866.649.9449	Fax:	
Email:	matt@summertimedocks.com	Email:	weseabrook@gmail.com
Name of Lake or Body of Water:	Lake Conway	NHWE:	86.4
Parcel ID/ Legal description:	13-23-29-6056-01-122	OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE	

Revised 4/1/08

1 of 5

405 Larue Avenue, Edgewood, Florida, 32809-3406
Phone: 407-851-2920 / Fax: 407-851-7361
www.edgewood-fl.gov

Names and Addresses of adjoining property owners:	
1.	Michael & Marnie Waldrop 5225 Alleman Dr. Orlando, FL 32809
2.	Elizabeth Andrews 512 Linson Ct. Orlando, FL 32809
3.	
4.	
5.	
6.	
7.	
Notarized consent forms shall be provided from adjoining property owners if the side setback is less than 15 feet	
1. Exact distance of setbacks from adjacent property lines:	
A. (side):	11'-8"
B. (side):	60'-5"
C. (Rear):	82'-1"
NOTE: IF REAR SETBACK IS LESS THAN 25 FEET, A VARIANCE IS REQUIRED	
2. Brief description of work to be done (dock and site plans must be attached): Existing dock removal/ New dock construction	
3. Electric Power to dock:	
Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If yes, an electrical permit must be obtained by Orange County Building Department	
4. Total area of structure: (Area lake ward of NHWL; 1,000 sq. ft. maximum allowed)	
1023	Square feet
5. Length extending lake ward from NHWE shoreline: (65 feet maximum allowed)	
73'-4"	Feet
6. Depth of water <u>on date of application</u> at end of proposed dock:	
5 feet	
7. Height of structure above NHWE contour:	
12'-2"	Feet

8. Is width of water body less than 200 feet?

Yes:		No: X	
------	--	-------	--

If yes, width of water body (from the NHWL) at proposed dock:

	Feet
--	------

9. Type of materials to be used:

All structural lumber shall be pressure treated (PT) southern lumber #2 grade or better.
 All framing hardware to be hot-dipped galvanized (HDG) steel.
 All decking shall be a plastic composite conforming with ASTM D 7032

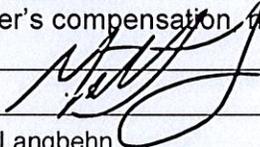
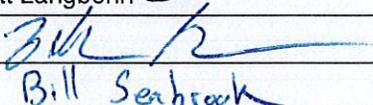
I have complied with all requirements and procedures and proclaim this application to be complete. I understand that an incomplete application will be deferred to the next posted deadline date.

I also understand that following the administrative approval by the City Council (when applicable), an approved building permit from the Orange County Building Department is required **before any construction shall commence**.

The application fees are established by the City Council. The application fee does not, in any way, ensure the applicant a favorable decision. All applications will be reviewed on the merits of the request alone, regardless of the application fee. All fees are non refundable.

Following approval from the City Engineer and the City Council (when applicable), the following must be submitted for zoning stamp approval from the City of Edgewood

- a. Completed building permit application
- b. Recorded notice of commencement
- c. Proof of contractor's worker's compensation, naming the City of Edgewood as certificate holder

Applicant's Signature:		Date:	07/15/16
Applicant's Printed Name:	Matt Langbehn		
Owner's Signature:		Date:	7-15-16
Owner's Printed Name:	Bill Seabrook		

BOAT DOCK APPLICATION PROCESS

1. Submit application with
 - a. 3 site plans
 - b. 3 sets of engineered construction plans
2. Application will be forwarded to the City Engineer
3. If a variance from the provisions is requested or required, the City Engineer is not authorized to approve the application
4. Notices will be mailed to the neighboring property owners who have a legal interest in the shoreline within 300' of the property via mail
5. Written comments from neighboring property owners are due within 15 calendar days after mailing
6. If **NO** written objections are received it shall be deemed that property owners have given consent and have waived their right not to object to the construction of the dock. The application is then approved based on recommendation by the City Engineer 15 calendar days from the date notices are sent as long as the application is complete in all other aspects.
7. If one written objection is received or the City Engineer believes the application should be approved by City Council, the Council will consider the application during a regularly scheduled council meeting with
 - a. 9 site plans
 - b. 3 sets of engineered construction plans as submitted by the applicant
8. When City Council must decide the application, it shall approve, deny or approve with conditions taking into consideration comments or objections from all parties who were previously notified and staff's review of the proposed
9. Copies of City Council's decision shall be sent to the applicant and those who filed written objections with the date of the decision
10. If **NO** objections have been filed and City Council approved the application, the application will be effective immediately.
11. Following City Council's action and within 15 days, applicant or parties who have submitted written objections may submit written Notice of Appeal to the City Clerk.
12. If a Notice of Appeal is filed, it shall be heard by City Council during a regular council meeting. Notice of Appeal shall be provided to the applicant and parties who previously objected in writing
13. During Notice of Appeal hearing, City Council may affirm, reverse or modify their previous decision
14. If **NO** Notice of Appeal is received, City Council's ruling is final
15. City Council's decision on appeal is final

BOAT DOCK VARIANCE APPLICATION PROCESS

1. Applicant must apply for a variance to the Edgewood Planning and Zoning Board, simultaneous with the submission of the Boat Dock Application and the required processing fee
2. When a variance is requested the applicant shall submit to the City Clerk's office
 - a. 9 site plans
 - b. 3 sets of engineered construction plans as submitted by the applicant
3. Applications for a variance shall follow the variance procedures as outlined in the Code (See Chapter 126, Section 126-588)
4. Following the approval of a boat dock application, either by the City engineer or by the City Council, the applicant is also required to obtain a building permit prior to commencing construction
5. In the event electricity is run to the boat dock, the proper electrical permit must also be obtained from Orange County.
6. All construction must be commenced, or completed, or both within the guidelines established by the City of Edgewood
7. The applicant is responsible for all fees associated with the procurement of necessary permits
8. Approval of a boat dock permit by the City of Edgewood does not eliminate the applications of any other government requirements or the necessity for required other permits or fees

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:	
	Three (3) Site Plans
	A survey of the property with the normal high water elevation (NHWE) as established by Orange County and performed by a Florida Registered Surveyor or mapper
	Three (3) sets of engineered construction plans (signed and sealed)
	Non refundable application fee of \$350.00
Rec'd Date:	7/15/2016
Rec'd By:	A. J. Ropp
Forwarded to:	CPH 7/18/2016
Notes:	

Rec. 7/15/16



Orange County Division of Building Safety

201 South Rosalind Avenue

Reply To: Post Office Box 2687 • Orlando, Florida 32802-2687

Phone: 407-836-5550 • Fax 407-836-5492 • Inspections ONLY: 407-836-2825

www.ocfl.net/building

07 15 16

Date

Building Permit Number

APPLICATION FOR BUILDING/LAND USE PERMIT*

* All Applications Must Comply with Concurrency Requirements

WARNING TO OWNER: "YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

PLEASE PRINT:

The undersigned hereby applies for a permit to make building improvements as indicated below on property.

Project Address: 5221 Alleman Dr.

Suite/Unit #: _____ Bldg #: _____ City: Edgewood Zip Code: 32809

Subdivision Name: _____

Parcel ID Number: Section 13 Township 23 Range 29 Subdivision 6056 Block 01 Lot 122 (15 Digit Parcel Number)

Owner Name: Bill & Beth Seabrook Phone No.: (407) 760 - 9582

Owner Address: 5221 Alleman Dr. City: Edgewood State: FL Zip Code: 32809

Tenant Name: _____ Phone No.: () -

Nature of Business: _____

Architect Name: _____ License No.: _____ Phone No.: () -

Civil Engineer Name: Stephen Teliga License No.: PE64621 Phone No.: (321) 622 - 7503

Nature of Proposed Improvements: New dock construction

Demolition Permit #: _____ Site Work Permit #: _____

Date First Inspection Desired: ____/____/____ or will call

Permit valuation greater than \$2500 requires a notarized Page 2, and Notice of Commencement prior to the first inspection.

Is Notice of Commencement Recorded? Yes No

If there were comments on this project, how would you like to receive them?

Pick them up E-Mail (Customer shall access Web Page)

Is proposed work in response to a Notice of Code Violation written by an Orange County Inspector? Yes No

Is proposed work in response to an unsafe abatement notice? Yes No

Has project had a pre-review? Yes No If Yes, Commercial Plans Examiner(s): _____

Is building fire sprinklered? Yes No Required work: Plumbing Electrical Mechanical Gas None

Alterations Only:

Is this a new tenant? Yes No If yes, state previous use: _____

Intended use of space: _____

List use of adjoining tenant space(s): Side: _____ Above: _____

Rear: _____ Side: _____ Below: _____

Total Job Valuation: \$30,000

I hereby make Application for Permit as outlined above, and if same is granted I agree to conform to all Division of Building Safety Regulations and County Ordinances regulating same and in accordance with plans submitted. The issuance of this permit does not grant permission to violate any applicable Orange County and/or State of Florida codes and/or ordinances. I hereby certify that the above is true and correct to the best of my knowledge.

PLEASE PRINT: (Check one) Owner: Contractor:

Name of License Holder/Agent: Robin Lopez

Contractor License Number (if applicable): CGC1511647

Contact Phone Number: (407) 583 - 6251 E-Mail Address: robin@summertimedocks.com

Authorized Signature: [Signature]

Para más información en español, por favor llame al Departamento de Building Safety al número 407-836-5550.

Permit Number

Permit Application Information - Page Two

Permit Number _____

Owner's Name Bill & Beth Seabrook

Owner's Address 5221 Alleman Dr.

Fee Simple Titleholder's Name (If other than owner's) _____

Fee Simple Titleholder's Address (If other than owner's) _____

City Edgewood State FL Zip Code 32809

Contractor's Name Robin Lopez, Summertime Deck and Dock

Contractor's Address 5968B Lakehurst Drive

City Orlando State FL Zip Code 32819

Job Name _____

Job Address 5221 Alleman Dr. SUITE/UNIT _____

City Edgewood State FL Zip Code 32809

Bonding Company Name _____

Bonding Company Address _____

City _____ State _____ Zip Code _____

Architect/Engineer's Name Stephen Teliga

Architect/Engineer's Address 11534 Briary Hollow Lane, Clermont, FL 34711

Mortgage Lender's Name _____

Mortgage Lender's Address _____

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. I understand that a separate permit must be secured for ELECTRICAL, PLUMBING, GAS, MECHANICAL, ROOFING, SIGNS, POOLS, ETC.

OWNER'S AFFIDAVIT: I certify that all the foregoing information is accurate and that all work will be done in compliance with all applicable laws regulating construction and zoning. _____

WARNING TO OWNER: Your failure to record a Notice of Commencement may result in your paying twice for improvements to your property. A Notice of Commencement must be recorded and posted on the job site before the first inspection. If you intend to obtain financing, consult with your lender or an attorney before recording your Notice of Commencement.

Owner Signature Bill Seabrook

The foregoing instrument was acknowledged before me this 7/14/16
 by Bill Seabrook who is personally known to me
 and who produced FL D.L.
 _____ as identification and who
 did not take an oath.

Contractor Signature Robin Lopez

The foregoing instrument was acknowledged before me this 7/14/16
 by Robin Lopez who is personally known to me
 and who produced FL D.L.
 _____ as identification and who
 did not take an oath.

Notary as to Owner Matt Langbehn

Commission No. FF215375

State of FL. County of ORANGE

My Commission expires: 3/30/2019

Notary as to Contractor Matt Langbehn

Commission No. FF215375

State of FL. County of ORANGE

My Commission expires: 3/30/2019

(SEAL)



MATT LANGBEHN
 NOTARY PUBLIC
 STATE OF FLORIDA
 Comm# FF215375
 Expires 3/30/2019

(SEAL)



MATT LANGBEHN
 NOTARY PUBLIC
 STATE OF FLORIDA
 Comm# FF215375
 Expires 3/30/2019

Para más información en español, por favor llame al Departamento de Building Safety al número 407-836-5550.

Permit Number: _____
 Folio/Parcel Identification Number: 13-23-29-6056-01-122
 Prepared by: _____
 Matt Langbehn; Summertime Deck and Dock
 Return to: Summertime Deck and Dock
5968B Lakehurst Drive, Orlando, FL 32819



NOTICE OF COMMENCEMENT

State of Florida, County of Orange

The undersigned hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. **Description of property** (legal description of the property, and street address if available)
OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE
2. **General description of improvement**
New Dock Construction
3. **Owner information or Lessee information if the Lessee contracted for the improvement**
 Name Beth and Bill Seabook
 Address 5221 Alleman Drive, Edgewood, FL 32809
 Interest in Property Owners
 Name and address of fee simple titleholder (if different from Owner listed above)
 Name _____
 Address _____
4. **Contractor**
 Name Robin Lopez Telephone Number 407.583.6251
 Address 5968B Lakehurst Drive, Orlando, FL 32819
5. **Surety** (if applicable, a copy of the payment bond is attached)
 Name _____ Telephone Number _____
 Address _____ Amount of Bond \$ _____
6. **Lender**
 Name _____ Telephone Number _____
 Address _____
7. **Persons within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by §713.13(1)(a)7, Florida Statutes.**
 Name _____ Telephone Number _____
 Address _____
8. **In addition to himself or herself, Owner designates the following to receive a copy of the Llenor's Notice as provided in §713.13(1)(b), Florida Statutes.**
 Name _____ Telephone Number _____
 Address _____
9. **Expiration date of notice of commencement** (the expiration date may not be before the completion of construction and final payment to the contractor, but will be 1 year from the date of recording unless a different date is specified) _____



State of Florida, County of Orange
 I hereby certify that this is a true copy of the document as reflected in the Official Records
 MARTHA O. HAYNIE, COUNTY COMPTROLLER
 By: [Signature]
 Date: 3/15/16

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

Under penalty of perjury, I declare that I have read the foregoing notice of commencement and that the facts stated in it are true to the best of my knowledge and belief.

[Signature]
 Signature of Owner or Lessee, or Owner's or Lessee's Authorized Officer/Director/Partner/Manager Signatory's Title/Office

The foregoing instrument was acknowledged before me this 8th day of 03/16 by Bill Seabrook
 month/year name of person

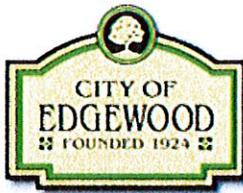
as _____ for _____
 Type of authority, e.g., officer, trustee, attorney in fact Name of party on behalf of whom instrument was executed

[Signature]
 Signature of Notary Public - State of Florida

MATT LANGBEHN
 Print, type _____
 Notary Public of Notary Public
 STATE OF FLORIDA
 Comm# FF215375
 Expires 3/30/2019
 Form Revised: September 26, 2011

Personally Known OR Produced ID _____
 Type of ID Produced FL D.L.

Received: 3/10/2016



Agent Authorization Form

FOR PROJECTS LOCATED IN THE CITY OF EDGEWOOD

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

I/WE, (PRINT PROPERTY OWNER NAME) Bill Seabrook, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, Oak Lynn Second Plat W/97 THEN 100 FT OF LOT 12 BLK A & LAND INTO LAKE, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME) Robin Lopez of Summertime Deck and Dock, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Boat dock application and variance, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 3/8/16 Bill Seabrook Bill Seabrook
Signature of Property Owner Print Name Property Owner

Date: _____ Signature of Property Owner Print Name Property Owner

STATE OF FLORIDA:
COUNTY OF ORANGE

I certify that the foregoing instrument was acknowledged before me this 8th day of March, 2016 by Bill Seabrook. He/she is personally known to me or has produced FL. DL as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 8th day of March, in the year 2016.

(Notary Seal) MATT LANGBEHN
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF215375
Expires 3/30/2019

Matt Langbehn
Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: 3/30/2019

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID#: <u>13-23-29-6056-01-122</u>
LEGAL DESCRIPTION: <u>OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE</u>

Please hand deliver to Edgewood City Hall at 405 Larue Avenue. For additional questions, please contact Edgewood City Hall at (407) 851-2920, or send email to bmeeks@edgewood-fl.gov or srepp@edgewood-fl.gov

Revised: 12-8-2015

405 Larue Avenue, Edgewood, Florida 32809
Phone: 407.851.2920 / Fax: 407.851.7361
Email: bmeeks@edgewood-fl.gov Website: www.edgewood-fl.gov



AFFECTED ADJACENT PROPERTY OWNER
NOTARIZED STATEMENT OF
NO OBJECTION TO BOAT DOCK

As required by Section 15-343 of Orange County Code, the Environmental Protection Officer shall send notices by certified mail to the owners of the shoreline properties abutting the property on which the proposed boat dock is to be located.

The following is to be completed by the affected adjacent property owner as required by Section 15-343, Orange County Code.

I, Elizabeth Andrews, residing at 500 Linson Court, on Little Lake Conway

have reviewed my adjacent property owner's proposed boat dock construction plan and have no objection to the project.

Elizabeth Andrews (Signature)

3/1/16 (Date)

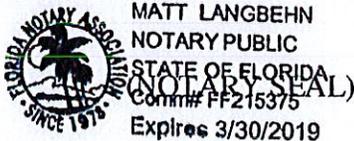
Elizabeth Andrews (Print Name)

ACKNOWLEDGEMENT:

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 1st day of March 01, by

Elizabeth Andrews



(Signature of Notary Public - State of Florida)

Personally Known OR Produced Identification [X]

Type of Identification Produced FL D.L.



Licensed General Contractor: CGC1511647

Summertime Deck and Dock, LLC
5968B Lakehurst Dr, Orlando FL 32819
Phone: 407.583.6251
www.SummertimeDocks.com
info@summertimedocks.com

To Whom It May Concern:

My name is Matt Langbehn from Summertime Deck and Dock. We are currently contracted to construct a new dock for Bill and Beth Seabrook who reside at 5221 Alleman Dr. On behalf of the Seabrooks, we, Summertime Deck and Dock, are requesting a variance to the dock regulations set forth by the City of Edgewood.

The first variance request pertains to zoning code 14-11(b)(3), *Length of Boat Docks*. We are requesting to build the dock beyond the 65' maximum, as measured from the Normal High Water Line. After inspecting the existing dock, and based on conversations with the Seabrooks, we've come to find that 65' does not provide enough length to reach adequate water depth to properly use the equipped boat lift/cradle system. We are requesting to build the dock at a total length of 73'-4" from the Normal High Water Elevation. We believe that this proposed length will put the dock at an optimal depth, not only for safe boat maneuvering and navigation, but also for the prevention of possible lake bottom vegetation damage. Summertime Deck and Dock has worked with the Seabrooks to determine that this is the minimum variance needed to offer relief to the special circumstances that pertain to their property.

The second variance request pertains to zoning code 14-11(b)(1), *Minimum Side Setbacks*. We are requesting to build the dock within the 15' side setback distance of the abutting property lines. There is an existing dock located on Bill and Beth Seabrook's property that currently extends within the aforementioned 15' setback distances (approximately 10'). The existing dock will be removed before construction of the new dock and we are requesting to build the new dock within nearly the same footprint of the existing dock. Not only will occupying nearly the same footprint make the dock more accessible relative to current property conditions, it will also make the overall construction processes and methods less impactful on the lake bottom and surrounding vegetation. We've been granted written permission from the affected neighbor and we look to maintain approximately 12' from the neighboring dock.

The third variance request pertains to zoning code 14-11(b)(6), *Square footage of boat docks*. We are requesting to build at a total 1023 square feet. The additional square footage is as a result of the additional overall boat dock length we are requesting. As requested by the engineer that reviews each boat dock application for the City of Edgewood, Summertime Deck and Dock has obtained an environmental permit from the DEP to help satisfy additional state guidelines.

After thorough review of the City of Edgewood's variance application process, I've determined that the requests made above are justifiable in the fact that they are special conditions/circumstances that pertain uniquely to the property listed, these special conditions/circumstances are not a result of the actions of Summertime Deck and Dock, nor the property owners. In addition, the requests represent the minimum variance that will afford relief to the homeowners and represent the least amount of modification possible for the regulation at issue. It is my understanding that the granting of the requested variance will be in harmony with the general intent and purpose of the City's ordinances, 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. All in all, the variance will be consistent with the Edgewood Comprehensive Plan. Of course, additional information can be provided if the application is found to be insufficient. Please contact Matt Langbehn at 407.583.6251, or matt@summertimedocks.com, if any outstanding items or questions need to be addressed.

Regards, Matt Langbehn

Edgewood Code of Ordinances, Sec. 14-11(d)(2) provides that applicants may request and be granted a variance. Factors to be considered include:

- a. **Average length of other docks in the surrounding 300-foot area;**
Referencing the attached supporting document(s), there appears to be several docks within the surrounding area that extend farther than the proposed dock detailed within this application. At the very least, the proposed dock appears to extend in a length very comparable to surrounding docks.
- b. **The reasonable use of the property by the owner;**
The current location of the existing dock creates scenarios where the depth of Little Lake Conway is insufficient for the property owners' to have adequate water depth for safe boat navigation and mooring. This variance request would grant the Seabrook's the accessibility needed to enjoy the general intent of a boat dock. The fact that extra length is needed to reach adequate water depth has created a scenario where the dock has slightly exceeded the maximum allowable square footage allowed without the need for additional state permitting. It should be noted that a general-purpose permit has been obtained from the Department of Environmental Protection as requested by the engineer for the City of Edgewood (see attached).
- c. **The effects the dock will have on navigation and safety of boaters;**
The desired length and size addition as requested within this variance application would bring the dock out to a length and size that would be consistent with the neighboring docks. In addition, there are several neighboring docks that still would extend further out into the lake than what is being proposed here. It is assumed that if there are longer docks within the same area, the length of the dock being requested would have even less of an impact to the safety of boaters than some of the existing docks constructed on Little Lake Conway.
- d. **The overall general welfare of the neighborhood;**
The proposed dock variance would not compromise the general welfare of the neighborhood. The additional square footage being requested is minimal, however it will create the space needed for the enjoyment of family, friends, and pets which makes lake ownership desirable and highlights the essence of family which has made the City of Edgewood one of the more special communities to live within Central Florida.
- e. **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 additional square footage needed is a result of the additional length needed to achieve adequate water depth for boat usage. Also, the design and dimensions of the dock have been determined by the availability of the size of lumber being used to construct it, while achieving ideal size and budget.
- f. **The effect of the proposed variance on abutting shoreline property owners;**
The proposed dock will be built even further away from the abutting property owner to the north and will maintain a distance of about 60' from the property

owner to the south. Documentation has been provided that states the abutting property owner to the North has no issue with the location of the proposed dock. It would be hard to imagine a scenario in which either of the neighboring property owners would be affected by the additional 23 square feet that is being requested.

- g. Whether the granting of the variance would be contrary to the intent and purpose and this article; and**

Granting of this variance would not be contrary to the intent and purpose of this article. It would give the applicants the same reasonable lake access and enjoyment that is afforded to the other residents of the lake.

- h. A variance from the maximum length of 65 feet 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.**

It should be noted that the lake levels in Little Lake Conway vary drastically throughout different times of the year, as evident in the attached document(s).

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

The additional square footage results from the need for additional dock length as requested in the variance to ordinance 14-11(b)(6).

2. The special conditions and circumstances do no result from the action of the applicant

The additional square footage results from the need for additional dock length as requested in the variance to ordinance 14-11(b)(6).

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

According to the Engineer for the City of Edgewood, any proposed dock that will exceed 1000 sq.ft. will need additional state permitting from the Department of Environmental Protection (see attached). In addition to the variance application, it would seem that these documents would be sufficient for variance consideration.

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

The additional square footage results from the need for additional dock length as requested in the variance to ordinance 14-11(b)(6).

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

The proposed dock will serve the same purpose as the existing dock and each dock located within Lake Conway. This variance request is not intended to seek any other authorization that wouldn't normally be afforded to each homeowner and/or dock owner.

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

The proposed dock will continue to be used as an area for boat storage and lake access. There is not a scenario where the additional square footage would be injurious to the area involved or surrounding properties.

7. The variance sought will be consistent with the Edgewood Comprehensive Plan

See supporting documents.

Little Lake Conway West Shore

Legend

- Blue 96.2'
- Green 88'
- Orange Proposed 74.6'
- Pink 92.08'
- Red 108'



400 ft

Google earth

© 2016 Google

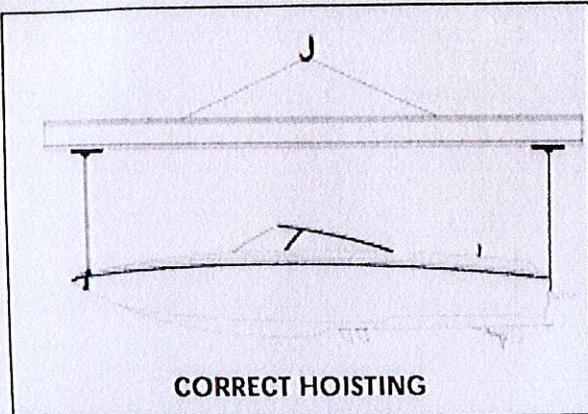






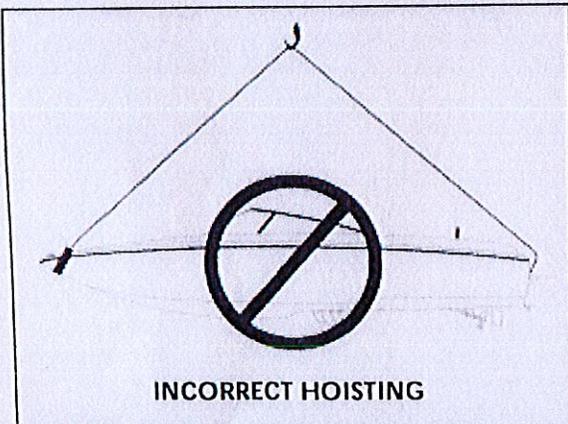


Hoisting



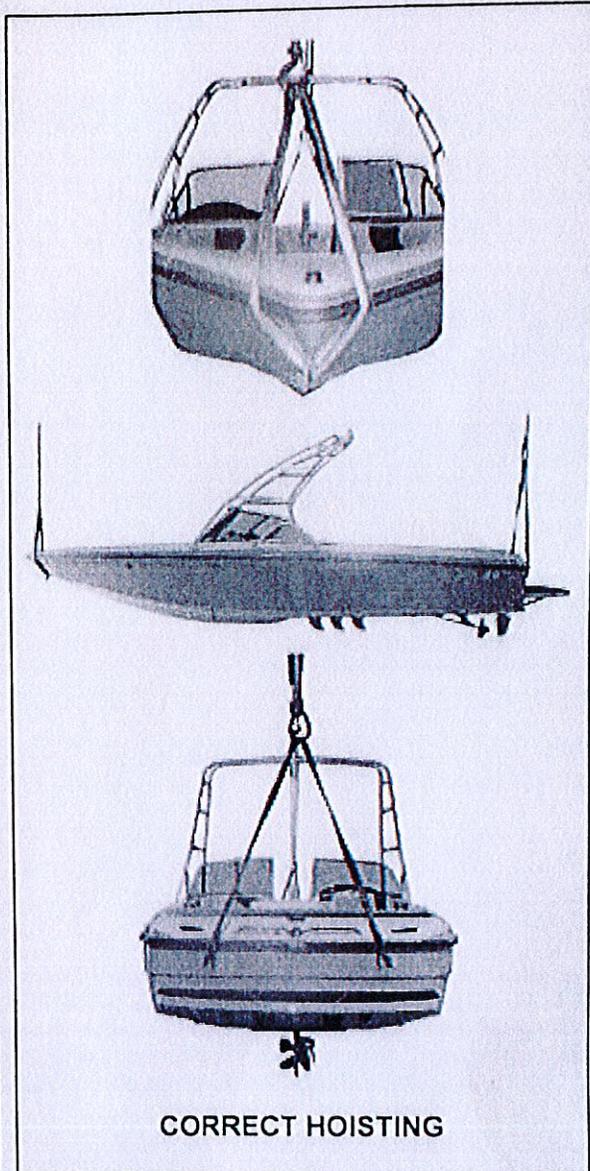
If the boat ever needs to be hoisted, special attention should be given to the following recommendations:

- Hoist the boat using a horizontal lifting bar only.
- Never attempt to lift the boat by means of a cable sling from bow to stern lifting eyes.
- Hoist operator should slowly and smoothly lift the boat without jerking to avoid damage to the lifting eyes.
- Use a clevis inserted through the lifting eye since a hook may damage the lifting eye edges.



WARNING

DO NOT use the ski pylon to hoist the boat. Incorrect hoisting may invalidate the warranty on the boat.



WARNING

Use only a proper sized sling in the designated lifting rings to hoist the boat.

NOTE: For boat houses or other applications where the boat will be lifted and held in that position, Moomba recommends using a cradle. The bunk configuration should mimic the trailer.



August 2, 2016

City of Edgewood
5221 Alleman Drive – boat dock application and variance request
Justification of variance

Zoning code 14-11(b)(3) – length of boat dock

- 1 Special conditions or circumstances – shallow water at a distance of 65 feet from the normal high water elevation (NHWE). Owner is requesting the dock length to be 73' – 4" long as opposed to the code required length of 65'. Per the Applicant, the proposed dock location will provide the proper access for the boat lift. Under conditions with the lake elevation below the NHWE, there may not be sufficient depth to access the dock if it is 65 feet long.
- 2 The depth of the water found in the dock position, at 65', is not a condition which is a result of the applicant.
- 3 Literal interpretation would deprive the applicant of rights commonly enjoyed by other property and dock owners on the same lake. Other docks on this lake and within the proximity of the proposed dock extend 80 or more feet into the lake. The four docks to the north extend on average 90 feet. The range is 64 feet to 108 feet. The four docks to the south of the property extend on average 75 feet. The range for these docks is 65 feet to 90 feet. Literal Interpretation would be a maximum length of 65 feet regardless of water depth. The Applicant has provided supporting documentation in the form of an aerial that shows other docks in this vicinity extending farther into the lake than the 65' length. In addition, the code specifically allows for the length of the dock to be granted a variance as long as the requested length does not have a water depth of 5 feet at the dock. Based upon information submitted by the applicant, the depth would not exceed this limit.
- 4 The variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible based on information submitted by the Applicant.
- 5 The variance being sought by the Applicant for the length will also require a boat dock that is larger than 1000 square feet. The Applicant has requested this variance as well. Please see supporting documentation below addressing the size variance.
- 6 General intent of the ordinance is to allow home owners to construct docks of similar size, length and be generally uniform. Certain circumstances occasionally exist that requires variances in order to construct the allowable structures and still be useable by the Applicant. In this case, the Applicant wishes to have the boat lifted from the water when not in use to extend the life of the vessel and their investment.
- 7 Comprehensive Plan – N/A



Zoning code 14-11(b)(1) – setback requirements

- 1 Special conditions or 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. There is an existing dock on the property, which is to be removed. The new dock will be constructed within the same general footprint of the existing dock. The existing dock encroaches in the 15 foot setback, it is 8.7 feet from the property line. The new dock is set off of the property line 11.67 feet. The Owners have received a notarized letter from the adjacent property Owner to the north stating that they have no objection to the encroachment on the 15 foot setback, as required by the City Code.
- 2 This condition of the existing dock meeting the setback is not a condition which was created by the applicant. The Applicant is proposing to use the same general footprint area of the existing dock to minimize the negative impact to the lake bottom and lake vegetation. Literal interpretation would create a larger area of impact to the lake bottom and vegetation. The Applicant has provided a copy of correspondence from FDEP that indicates that the preferred location of the new dock would be in the same location as the existing dock.
- 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. Three out of the four docks to the north all appear to be located less than the minimum 15 foot setback from the property line. Also, three out of the four docks to the South appear to be located less than the minimum 15 foot setback. The two southern most boat docks adjacent to the property are less than 8 feet apart.
- 4 Based upon the information submitted by the Applicant, this variance represents the minimum variance that will afford the property owner the relief from the code when combined with the other variances. The length is requested to get the depth at the location of the dock and the location is requested to minimize the impacts to the existing lake bottom.
- 5 The variance being sought by this and the other two requests will not authorize or extend any non-conforming use or other non-conformity with respect to the structure in question.
- 6 The granting of this variance will not create a situation that is not in harmony with the area or other properties and will allow the intent of the ordinance to be accomplished. This variance does not grant a use that is not permitted by the zoning classification.
- 7 The variance requested would not cause an inconsistency with the comp plan.

Zoning Code 14-11(b)(6) – square footage of dock.

- 1 Special conditions or 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. The Applicant has requested a variance to the



maximum square footage allowed by code. The exceedance of the overall square footage is due to the additional length requested by the applicant to achieve a minimum water depth. The extension in dock length from 65 feet to 73.25 feet results in 32 additional square feet of dock area and the request by the applicant is only for an additional 23 square feet. If the dock length were not required, then the total square footage would meet the code requirements.

- 2 As a result of the initial request for a variance of the length of the dock to achieve a minimum depth resulted in the need for this variance request.
- 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. Literal interpretation would require the applicant to submit for a dock with area less than 1,000 SF. There are other docks on the lake that appear to be larger than the 1000 SF, however, the exact sizes of the docks cannot be determined from the aerial information that is available. The only way to prove this information would be to physically measure the docks or research the permits for the permitted dimensions.
- 4 Based upon the information submitted by the Applicant, this variance represents the minimum variance that will afford the property owner the relief from the code when combined with the other variances.
- 5 The variance being sought by this and the other two requests will not authorize or extend any non-conforming use or other non-conformity with respect to the structure in question.
- 6 The granting of this variance will not create a situation that is not in harmony with the area or other properties and will allow the intent of the ordinance to be accomplished. This variance does not grant a use that is not permitted by the zoning classification.
- 7 The variance requested would not cause an inconsistency with the comp plan.

The applicant has also submitted supporting documentation and justification for their requested variances. In accordance with Section 14-11(d) (2), we have evaluated the request by the applicant and do not believe that the variances are unique to this property or that they would adversely affect the navigation and safety of boaters and that the dock will be similar to other docks in the immediate area and will not adversely impact the general welfare of the neighborhood. The adjoining property owner has provided a letter indicating that they do not have an objection to the dock. We do not believe that the granting of the variances would go against the intent and purpose of the ordinance based upon the criteria outlined in Section 14-12.



Florida Department of Environmental Protection

Central District
3319 Maguire Boulevard, Suite 232
Orlando, Florida 32803-3767

Rick Scott
Governor

Carlos Lopez-Cantera
Lt. Governor

Jonathan P. Steverson
Secretary

May 17, 2016

William Seabrook
5221 Alleman Drive
Orlando, FL 43809
weseabrook@gmail.com

File No. 48-0344144-001 EG, Orange County

Dear Mr. Seabrook:

On May 13, 2016, we received your notice of intent to use a General Permit (GP), pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a new private, single-family pier on Lake Conway, a Class III Florida waterbody. The project is located at 5221 Alleman Drive, Orlando in Orange County. The construction and operation of the dock shall comply with the attached drawings and conditions.

Your intent to use a general permit has been reviewed by Department staff for three types of authorizations: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

Your project qualifies for all three authorizations. However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

1. Regulatory Review – Granted

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached), and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review- Part IV of Chapter 373, F.S., Title 62, F.A.C. and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

2. Proprietary Review – Granted

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapter 253 of the Florida Statutes (F.S.) and 258, F.S. if located within an aquatic preserve, and Chapters 18-20 and 18-21 of the Florida Administrative Code.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above, and has determined that the activity qualifies for a letter of consent under Section 253.77, Florida Statutes, to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), Florida Administrative Code. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, Florida Statutes and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review - Chapter 253 F.S., and Chapter 18-21, F.A.C., F.A.C., and Section 62-330.075, F.A.C. as required.

SPGP REVIEW - APPROVED

Your proposed activity as outlined on your notice and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit IV-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 25, 2016. You, as permittee, are required to adhere to all General Conditions and Special conditions that may apply to your project. A copy of the SPGP IV-R1 with all terms and conditions and the General Conditions may be found at <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection, or Duly Authorized Designee, State Programmatic General Permit," Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

Additional Information

Please retain this general permit. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S., and Chapter 18-14, F.A.C.

NOTICE OF RIGHTS

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 21 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District

Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

Executed in Orange County, Florida.

STATE OF FLORIDA DEPARTMENT
OF ENVIRONMENTAL PROTECTION

Thank you for applying to the Submerged Lands and Environmental Resource Permit Program. If you have any questions regarding this matter, please contact **Lisa Prather** at the letterhead address or at 407-897-2947 and Lisa.Prather@dep.state.fl.us.

Sincerely,



Caroline Shine, Environmental Administrator
Drinking Water/Environmental Resource Permitting
Permitting and Waste Cleanup Program

Date: May 17, 2016

Copies furnished to:

Orange County - neal.thomas@ocfl.net

Christiaan Myburgh, Summertime Docks - Christiaan@summertimedocks.com

Enclosures:

Ch. 62-330.427, F.A.C.

General Conditions for All General Permits, Ch. 62-330.405, F.A.C.

General Consent Conditions for Use of Sovereignty Submerged Lands

General Conditions for Federal Authorization for SPGP IV-R1

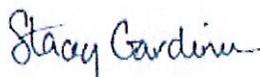
Permit Figures

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this determination, including all copies, was mailed before the close of business on May 17, 2016, to the above listed persons.

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to 120.52(7),
Florida Statutes, with the designated Department Clerk,
receipt of which is hereby acknowledged.



Clerk

May 17, 2016

Date

**SWERP – General Permit for Certain Piers and Associated Structures Specific Conditions
62-330.427(2)**

(a) Construction or extension of the boat house, boat shelter, boat lift, gazebo, boat mooring locations, or terminal platforms, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no living quarters, or other structures enclosed by walls or doors on all sides;

(c) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit; and

(d) This general permit shall not authorize the construction of more than one pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property.

62-330.405 General Conditions for All General Permits

The following general permit conditions are binding upon the permittee and are enforceable under Chapter 373, F.S. These conditions do not apply to the general permit in Section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.

(2) This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.

(3) This general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., and Section 373.429, F.S.

(7) This permit shall not be transferred to a third party except pursuant to Rule 62-330.340, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in this general permit.

(10) A permittee's right to conduct a specific activity under this general permit is authorized for a duration of five years.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, available at www.dep.state.fl.us/water/wetlands/docs/erp/FLerosionSedimentManual_6_07.pdf, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at www.dep.state.fl.us/water/nonpoint/docs/erosion/erosion-inspectors-manual.pdf.

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

- (a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter 4 inches or greater at breast height;
- (b) The maximum width of the construction access area shall be limited to 15 feet;
- (c) All mats shall be removed within 72 hours after the work commences; and
- (d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in a general permit, activities must not:

- (a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;
- (b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., or a Works of the District established pursuant to Section 373.086, F.S.; or

(16) If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shutdown if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and ImperiledSpecies@myFWC.com.

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at imperiledspecies@myfwc.com with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13.

**GENERAL CONSENT CONDITIONS FOR
USE OF SOVEREIGNTY SUBMERGED LANDS**

1. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
2. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
3. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
4. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
5. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
6. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
7. Structures or activities shall not create a navigational hazard.
8. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
9. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.

SPECIAL CONDITIONS FOR USE OF THE SPGP IV-RI

1. The District Engineer reserves the right to require that any request for authorization under this general permit be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP IV-RI does not automatically guarantee authorization.
2. No activity is authorized under the SPGP IV-RI which may impact a federally listed threatened or endangered species or a species proposed for such designation, or its designated critical habitat.
3. On a case-by-case basis the Corps may impose additional special conditions which are deemed necessary to minimize adverse environmental impacts.
4. Failure to comply with all conditions of the Federal authorizations under the SPGP IV-RI would constitute a violation of the Federal authorization.
5. The SPGP IV-RI is not applicable in the geographical boundaries of: Monroe County; the Timucuan Ecological and Historical Preserve (Duval County); the St. Mary's River, from its headwaters to its confluence with the Bells River; the Wekiva River from its confluence with the St. Johns River to Wekiwa Springs, Rock Springs Run from its headwaters at Rock Springs to the confluence with the Wekiwa Springs Run, Black Water Creek from the outflow from Lake Norris to the confluence with the Wekiva River; canals at Garfield Point including Queens Cove (St. Lucie County); the Loxahatchee River from Riverbend Park downstream to Jonathan Dickinson State Park; the St. Lucie Impoundment (Martin County); all areas regulated under the Lake Okeechobee and Okeechobee Waterway Shoreline Management Plan, located between St. Lucie Lock (Martin County) and W.P. Franklin Lock (Lee County); American Crocodile designated critical habitat (Miami-Dade and Monroe Counties); Johnson's seagrass designated critical habitat (southeast Florida); piping plover designated critical habitat (throughout Florida); acroporid coral designated critical habitat (southeast Florida); Anastasia Island, Southeastern, Perdido Key, Choctawhatchee, or St. Andrews beach mice habitat (Florida east coast and panhandle coasts); the Biscayne Bay National Park Protection Zone (Miami-Dade County); Harbor Isles (Pinellas County); the Faka Union Canal (Collier County); the Florida panther consultation area (Southwest Florida), the Tampa Bypass Canal (Hillsborough County); canals in the Kings Bay/Crystal River/Homosassa/Salt River system (Citrus County); Lake Miccosukee (Jefferson County).
6. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf shall conduct a search of known historical properties by contracting a professional archaeologist, contacting the Florida Master Site File at 850-245-6440 or SiteFile@dos.state.fl.us. The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research/>.

If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based, on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend or revoke the permit in accordance with 33 CFR Part 325.7.

In the unlikely event that human remains are identified, they will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, the State Archaeologist (850-245-6444), and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.

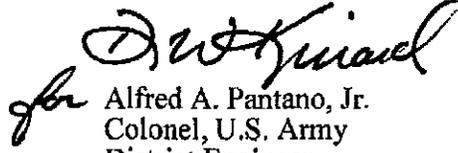
7. No work shall be authorized under the SPGP IV-RI which proposes the use of refabricated modules for habitat creation, restoration, or enhancement.
8. No activity shall be authorized under the SPGP IV-RI which by its size or location may adversely impact water quality, fish and wildlife habitat, wetlands, or emergent or submerged aquatic vegetation. Where aquatic vegetation is present adverse impacts to aquatic vegetation from construction of piling-supported structures may be avoided/minimized by adherence to, or employing alternative construction techniques that provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat U.S. Army Corps of Engineers/National Marine Fisheries Service August 2001" (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>). Unless otherwise specifically approved by the National Marine Fisheries Service, where aquatic vegetation is present, piling-supported structures authorized under the SPGP IV-RI must comply with, or provide a higher level of protection than, the criteria contained in the referenced construction guidelines. Additionally, because of concerns about adverse impacts to the endangered Johnson's seagrass (*Halophila johnsonii*), piling-supported structures in the lagoon (as well as canal) systems on Florida's east coast from Sebastian Inlet (Brevard County) south to and including central Biscayne Bay (Miami-Dade County) must also comply with, or provide a higher level of protection than, the criteria contained in the construction guidelines titled "Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002" (See <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>). *Note: Both of the Construction Guidelines may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application.*

9. Prior to issuance of authorization, the dichotomous key titled "The Corps of Engineers, Jacksonville District, and the State of Florida Effect Determination Key for the Manatee in Florida," dated March 2011, will be used to determine potential manatee impacts. All projects determined to be "may affect" and certain multi-slip facilities determined to be "may affect, not likely to adversely affect" will be sent to the Corps for consultation with the U.S. Fish and Wildlife Service in accordance with the Endangered Species Act. *Note: The manatee key may be subject to revision at any time. It is our intention that the most recent version of this technical tool will be utilized during the evaluation of each Department of the Army permit application. The current version can be found on the Jacksonville District Regulatory Home Page at: <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>.*
10. For projects in waters accessible to sea turtles, Small tooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee will utilize the "Sea Turtle and Small tooth Sawfish Construction Conditions" (see <http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm>) and any added requirements, as appropriate for the proposed activity. *Note: These conditions may be subject to revision at any time. It is our intention that the most recent version of these conditions will be utilized during the evaluation of the permit application.*
11. With respect to bald eagles, the permittee should refer to the U.S. Fish and Wildlife Service's "National Bald Eagle Management Guidelines," dated May 2007 (see <http://www.fws.gov/northflorida/BaldEagles/bald-eagles.htm> for guidance and clearance. *Note: The preceding should be considered an interim condition, after which, new rules may be promulgated. It is the Corps' intention that the most recently approved version of these conditions or ensuing rules will be utilized during the evaluation of permit applications under this general permit.*
12. For projects authorized under this SPGP IV-R1 in navigable waters of the U.S., the permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
13. The SPGP IV-R1 will be valid for five years from the date of issuance unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the five-year authorization period is not contrary to the public interest. If revocation occurs, all future applications for activities covered by the SPGP IV-R1 will be evaluated by the Corps.
14. If the SPGP IV-R1 expires or is revoked prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in

reliance upon the SPGP IV-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP IV-R1 expired or was revoked.

15. The General conditions attached hereto are made a part of this permit and must be attached to all authorizations processed under this permit.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:


for Alfred A. Pantano, Jr.
Colonel, U.S. Army
District Engineer



From: **Beth Seabrook** bwseabrook@gmail.com
Subject: Fwd: Environmental Question
Date: July 6, 2016 at 2:12 PM
To: Matt Langbehn matt@summerlifedocks.com

Begin forwarded message:

From: "Prather, Lisa" <Lisa.Prather@dep.state.fl.us>
Subject: RE: Environmental Question
Date: June 30, 2016 at 1:34:54 PM EDT
To: Beth Seabrook <bwseabrook@gmail.com>

Generally yes. I did not conduct a site review of the dock, because resource impacts were not a concern. The city may have information I am not aware of.

Lisa

-----Original Message-----

From: Beth Seabrook [<mailto:bwseabrook@gmail.com>]
Sent: Thursday, June 30, 2016 11:48 AM
To: Prather, Lisa
Subject: Re: Environmental Question

Thank you Lisa. We agree, however the City of Edgewood is not convinced it is best. We have a Notarized Statement of no Objection to Boat Dock signed by our neighbor. We're curious from an environmental perspective if it is best to build in the same footprint.

Thanks,
Beth

On Jun 30, 2016, at 10:35 AM, Prather, Lisa <Lisa.Prather@dep.state.fl.us> wrote:

Beth/Bill - Your permit depicts the dock is going to be constructed in the same area as the existing dock. If you want to change the location you will need to apply for a new permit. It is probably best to keep it at the location depicted on the approved plans.

Regards,

Lisa

-----Original Message-----

From: Beth Seabrook [<mailto:bwseabrook@gmail.com>]
Sent: Thursday, June 30, 2016 9:58 AM
To: Prather, Lisa
Subject: Environmental Question

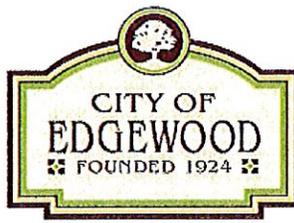
Good Morning Ms. Prather.

I was hoping you could answer a quick question for me. We have been approved for our permit and are very thankful. Out of curiosity we would like to know, from an environmental perspective, is it better to rebuild a dock within the existing footprint or build in adjacent area?

Thank you for your time.
Bill and Beth Seabrook

[Dep Customer Survey]<<http://survey.dep.state.fl.us/?refemail=Lisa.Prather@dep.state.fl.us>>

[Dep Customer Survey]<<http://survey.dep.state.fl.us/?refemail=Lisa.Prather@dep.state.fl.us>>



NOTICE OF PUBLIC HEARING

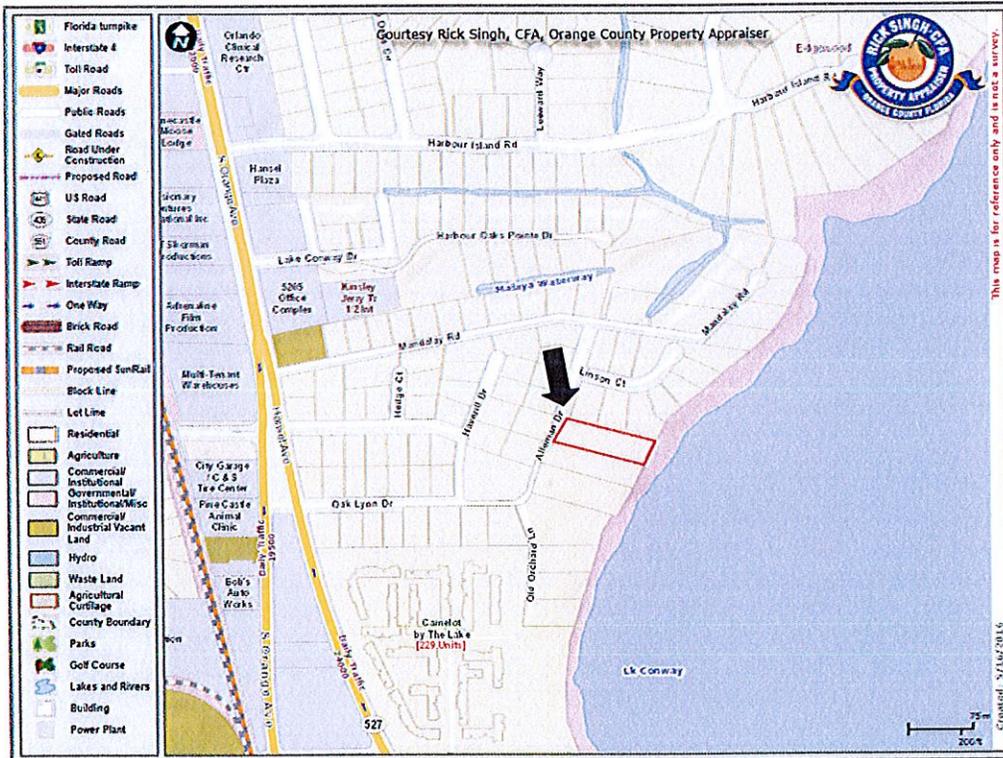
PLEASE TAKE NOTICE that at its Planning & Zoning meeting on **Monday, September 12, 2016** the Planning and Zoning Board of the City of Edgewood, will consider the following variance requests to allow the construction of a boat dock, located at 5221 Alleman Drive which is currently in R-1AA zoning district (City of Edgewood Resolution 2005-R002 City Code of Ordinances, Reference Section 134-104 [Variance]):

- **2016-VAR-02** Length of boat dock beyond 65' [14-11(b)(3)]
- **2016-VAR-04** Build within side setback [14-11(b)(1)]
- **2016-VAR-05** Size exceeding 1,000 square feet in total area [14-11(b)(6)]

The applications were submitted by Summertime Deck and Dock, LLC on behalf of owners Bill and Beth Seabrook. The meeting will be held in the Council Chambers of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **6:30 p.m. or as soon as possible thereafter as the matter may be heard.**

The Planning and Zoning Board's recommendation will be forwarded to **City Council on Tuesday, September 20, 2016 at 6:30 p.m.** for final action.

The subject property for special exception is legally described as OAK LYNN SECOND PLAT W/97 THE N 100 FT OF LOT 12 BLK A & LAND INTO LAKE



Interested parties may attend this meeting and be heard with respect to this Variance application. In addition, the application(s) may be inspected by the public at the City Clerk's Office, 405 Larue Avenue, Edgewood, Florida.

405 Larue Avenue • Tel: 407-851-2920 • Fax: 407-851-7361 • www.edgewood-fl.gov

CROSSLEY LUKE JR
CROSSLEY MARTHA E
5218 HAVERILL DR
ORLANDO, FL. 32809

BARRACLOUGH BRADLEY
BARRACLOUGH KATHY L
5212 HAVERILL DR
ORLANDO, FL. 32809

GREGORY MICHAEL D
GREGORY ABIGAIL O
5209 HAVERILL DR
ORLANDO, FL. 32809

LEAHY PATRICIA W
429 OAK LYNN DR
ORLANDO, FL. 32809

FOOTE DAVID H
FOOTE CONNIE
5214 ALLEMAN DR
ORLANDO, FL. 32809

HAMMONDS JOE P
MARK PAMELA A
5208 ALLEMAN DR
ORLANDO, FL. 32809

ROBINSON JAMES A
ROBINSON MARNIE B
500 OLD ORCHARD LN
ORLANDO, FL. 32809

JAMES ELLEN L LIFE ESTATE
REM: MICHAEL THOMAS JAMES
515 MANDALAY RD
ORLANDO, FL. 32809

HINES RAYMOND IV
HING-HINES JASARA LEE
414 OAK LYNN DR
ORLANDO, FL. 32809

PETERSON CARL H IV
PETERSON AMY T
428 OAK LYNN DR
ORLANDO, FL. 32809

PETERSON CARL H IV
PETERSON AMY T
428 OAK LYNN DR
ORLANDO, FL. 32809

WALDROP MICHAEL T
WALDROP MARNIE M
5225 ALLEMAN DR
ORLANDO, FL. 32809

VAN VOORHIS CAITLIN
VAN VOORHIS JON THOMAS
500 LINSON CT
ORLANDO, FL. 32809

MEZZINA JOHN C
MEZZINA JULIE B
506 LINSON CT
ORLANDO, FL. 32809

ANDREWS ELIZABETH S TR
512 LINSON CT
ORLANDO, FL. 32809

BEHR COLIN
522 LINSON CT
ORLANDO, FL. 32809

NOLAN TODD MICHAEL
525 LINSON CT
ORLANDO, FL. 32809

LAMBERT RICARDO
2273 SW 6TH ST
MIAMI, FL. 33135

JOHNSON JERREL L
KNOPP DOUGLAS R
933 SAINT GREGORY ST
CORPUS CHRISTI, TX. 78418

CRAY MARK
5200 HAVERILL DR
ORLANDO, FL. 32809

HALL THOMAS M
JACOBS JOHN D
5218 ALLEMAN DR
ORLANDO, FL. 32809

Application: 2016-VAR-02
 Owner/Applicant Name: Bill and Beth Seabrook
 Public Hearing Date: P&Z 9/12/2016 / City Council 9/20/2016

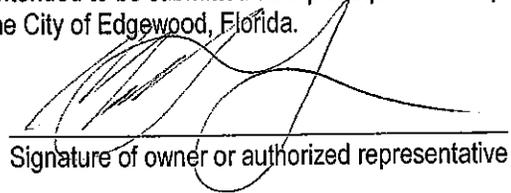
This affidavit is to be presented at the public hearing before the Planning and Zoning Board.

SIGN AFFIDAVIT

STATE OF FLORIDA
 ORANGE COUNTY

Before me, the undersigned authority, personally appeared Matthew Landwehr, 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 date 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 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: 8/24/16.
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 of owner or authorized representative

STATE OF FLORIDA
 COUNTY OF Orange

The foregoing instrument was acknowledged before me this 24 day of Aug, 2016, by Sandra J. Repp.

(Notary Signature) Sandra J. Repp

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known OR Produced Identification

Type of Identification Produced _____



Application: 2016-VAR-04
 Owner/Applicant Name: Bill and Beth Seabrook
 Public Hearing Date: P&Z 9/12/2016 / City Council 9/20/2016

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 Matthew Karpel, 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 date 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 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: 8/24/16.
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

STATE OF FLORIDA
 COUNTY OF Orange

The foregoing instrument was acknowledged before me this 24 day of Aug, 2016, by Sandra J Repp.

(Notary Signature) [Signature]

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known OR Produced Identification

Type of Identification Produced _____



Application: 2016-VAR-05
Owner/Applicant Name: Bill and Beth Seabrook
Public Hearing Date: P&Z 9/12/2016 / City Council 9/20/2016

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 Matthew Kanabehn, 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 date 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 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: 8/24/16.
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

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 24 day of Aug, 2016, by Sandra J Repp.

(Notary Signature) [Signature]

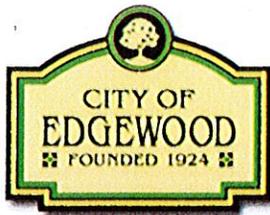
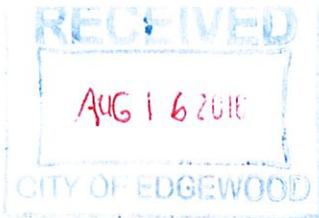
(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known OR Produced Identification

Type of Identification Produced _____





2016-VAR-02

APPLICATION FOR VARIANCE

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

REQUIRED FEE: \$350 RESIDENTIAL \$750 COMMERCIAL

(+Applicable Pass-Through Fees - Ordinance 2013-01)

Please note this fee is non-refundable

PLANNING AND ZONING MEETING DATE:	9/20/2016
CITY COUNCIL MEETING DATE:	9/20/2016

IMPORTANT: A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk _____ days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for.

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

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

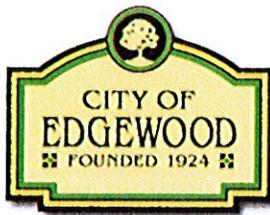
Applicant's Name:	William (Hal) Valdes	Owner's Name:	First American Land Trust, LLC Abel Carbajal as trustee
Address:	1333 Windsong Road Orlando, FL 32809	Address:	4201 South Orange Ave. Orlando, FL 32806
Phone Number:	407.761.2576	Phone Number:	407.914.4577
Fax:		Fax:	
Email:	Halvaldes3@gmail.com	Email:	Julieswaterfront@yahoo.com

Legal Description: COMM SW COR OF SEC RUN N 852.61 FT S 89 DEG E 330 FT S 74 DEG W 60.74 FT TO E R/W ST RD 527 & POB TH N 74 DEG E 154.54 FT N 22 DEG E 480 FT M/L TO N LINE OF SW1/4 C SW1/4 W TO E R/W ST RD 527 S 16 DEG E TO POB IN SEC 12-23-29

Zoned:	C-1 Retail/Commercial
Location:	4201 South Orange Avenue Orlando, FL 32806
Tract Size:	3.22 - acre
City section of the Zoning Code from which Special Exception is requested:	
Request:	Building construction within the 50' waterfront set back.
Existing on Site:	

The applicant hereby states that this request for Variance does not violate any deed restrictions on the property. **Application must be signed by the legal owner, not agent, unless copy of power of attorney is attached.**

405 Larue Avenue, Edgewood, Florida, 32809-3406
 Phone: 407-851-2920 / Fax: 407-851-7361
www.edgewood-fl.gov



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.

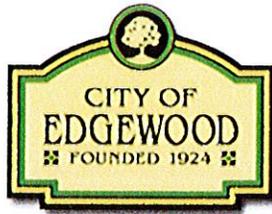
AGREE:	<i>Hal Valdes</i>	DISAGREE:	
---------------	-------------------	------------------	--

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:	<i>Hal Valdes</i>	DISAGREE:	
---------------	-------------------	------------------	--

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

Applicant's Signature:	<i>W-Hal Valdes</i>	Date:	<i>8/16/14</i>
Applicant's Printed Name:	William (Hal) Valdes		
Owner's Signature:	<i>Abel Carbajal</i>	Date:	<i>8/16/14</i>
Owner's Printed Name:	Abel Carbajal		



Please submit your completed application to City Hall via email at bmeeks@edgewood-fl.gov or srepp@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:	
Received Date	8/16/2016
Received By:	<i>[Signature]</i>
Forwarded To:	
Notes:	

Revised 06/13/2016

Page 4 of 4

405 Larue Avenue, Edgewood, Florida, 32809-3406
Phone: 407-851-2920 / Fax: 407-851-7361
www.edgewood-fl.gov



View From Site Entry Drive

Julie's Waterfront Restaurant Redevelopment

4201 S Orange Ave, Orlando FL 32806

Hal Valdes
Restaurant Developer

Timothy Gaus, AIA, LLC
Restaurant Architect
FL Licensed Architect AA26002143
www.tgata.com



West Elevation

Julie's Waterfront Restaurant Redevelopment

4201 S Orange Ave, Orlando FL 32806

Hal Valdes
Restaurant Developer

Timothy Gaus, AIA, LLC
Restaurant Architect
FL Licensed Architect AA26002143
www.tgala.com

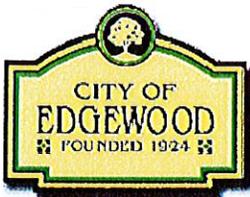


View From Lake Jennie Jewel

Julie's Waterfront Restaurant Redevelopment
4201 S Orange Ave, Orlando FL 32806

Hal Valdes
Restaurant Developer

Timothy Gaus, AIA, LLC
Restaurant Architect
FL Licensed Architect AA26002143
www.tgata.com



Agent Authorization Form

FOR PROJECTS LOCATED IN THE CITY OF EDGEWOOD

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

I/WE, (PRINT PROPERTY OWNER NAME) Abel Carbajal, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 4201 South Orange Ave. Orlando, FL 32806, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME) William (Hal) Valdes, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, Valiance for set backs, AND TO APPEAR ON MY/OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION.

Date: 8/16/16 Abel Carbajal Abel Carbajal
Signature of Property Owner Print Name Property Owner

Date: _____ Signature of Property Owner Print Name Property Owner

STATE OF FLORIDA:

COUNTY OF ORANGE

I certify that the foregoing instrument was acknowledged before me this 16th day of Aug, 2016 by ABEL CARBAJAL he/she is personally known to me/or has produced _____ as identification and did/did not take an oath.

Witness my hand and official seal in the county and state stated above on the 16th day of August in the year 2016.



Lesly St. Leger
Notary Public
State of Florida
My Commission Expires 4/10/2020
Commission No. FF 900563

Lesly St. Leger
Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: 4/10/2020

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID#: <u>12-23-29-0000-00-037</u>
LEGAL DESCRIPTION: <u>4201 South Orange Ave Orlando, FL 32806</u>
COMM SW COR OF SEC RUN N 852.61 FT S 89 DEG E 330 FT S 74 DEG W 60.74 FT TO E R/W ST RD 527 & POB TH N 74 DEG E 154.54 FT N 22 DEG E 480 FT M/L TO N LINE OF SW1/4 OF SW1/4 W TO E R/W ST RD 527 S 16 DEG E TO POB IN SEC 12-23-29

Please hand deliver to Edgewood City Hall at 405 Larue Avenue. For additional questions, please contact Edgewood City Hall at (407) 851-2920, or send email to bmeeks@edgewood-fl.gov or srepp@edgewood-fl.gov

Revised: 12-8-2015

405 Larue Avenue, Edgewood, Florida 32809
Phone: 407.851.2920 / Fax: 407.851.7361
Email: bmeeks@edgewood-fl.gov Website: www.edgewood-fl.gov

August 16, 2016

To: The City of Edgewood Planning and Zoning Board, acting as the Board of Adjustment; Appeals and Variances

From: Hal Valdes, Applicant

The following narrative addresses the 6 standards of approval for a Zoning Variance, pursuant to City Code Section 134-104 (3) (b):

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.

Response: This 3.22-acre property is uniquely situated in the narrowest strip of land between the west shore of picturesque Lake Jennie Jewel, and the Orange Avenue public right-of-way. At the time this property was platted, the buildable footprint of the site was generally (although minimally) consistent with the other lands in the same zoning district, and construction of a restaurant was feasible. Due to an increase of the required setback from the normal high water elevation line to 50 feet, to the widening of the Orange Avenue right-of-way, and to strengthened requirements for landscaped buffers and stormwater management systems, this site has been uniquely impacted. The resulting reduction of the development opportunity for this uniquely situated property has been more dramatic than the regulatory impact on similarly sized sites in the C-1 district.

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

Response: The Applicant is a potential purchaser, under a conditional real estate contract, with the goal of enlarging and substantially improving the existing restaurant. The Applicant has had no prior involvement with the property.

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.

Response: In accordance with the City of Edgewood Zoning Code, a restaurant is a permitted principal use only in a C-1 district. It is otherwise permitted by Special Exception in a P-O (professional office) district. The zoning code clearly intends that restaurants be located in the C-1 district. The requested zoning variance will not confer any privilege to the applicant other than a viable opportunity to revitalize the property for its intended use as a restaurant.

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.

Response: Taking into account current development standards (as previously enumerated), the largest feasible restaurant that could be developed on this property without a zoning variance would be approximately 3,000 sq. ft. With the variance considered, the largest feasible restaurant that can be developed is approximately 6,000 sq. ft.

A 3,000 sq. ft. restaurant represents 2.13% building coverage of the 3.22-acre gross site, and a 6,000 sq. ft. restaurant would represent 4.26% building coverage on the site. Under a maximum development scenario (with variance approved), the footprint of such a restaurant will still be

substantially smaller than the normal footprint that could be achieved on sites of similar size in the C-1 district.

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

Response: The existing area used by the restaurant consists of an enclosed building, a covered back porch, an open patio and a screened equipment yard. The proposed variance will allow all of these areas to be constructed as a fully enclosed building. However, no additional area beyond these existing elements is proposed to be fully enclosed as a building.

There may be a subsequent permit application for construction of a pier, and related boardwalks. These components will be constructed within existing zoning and permitting guidelines, and are not expected to require a zoning variance.

The applicant is professionally trained and vastly experienced as a restaurant developer and operator. He was a developer and managing partner in several landmark Orlando restaurant families, including Pebbles, Harvey's Bistro and Manuel's on the 28th. Through careful business analysis, the applicant has determined that a substantially improved restaurant of at least 5,000 sq. ft. can be successful at this location. The viability of a smaller restaurant, or one that is not substantially improved, is not supported by the applicant's business analysis. If this property is to be commercially viable and sustainable as a restaurant, the enlargement and substantial improvement represented by this variance request is at the minimum threshold level.

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.

Response: The restaurant is situated at center stage of a unique vista, that is nearly inescapable to travelers along Orange Avenue. The restaurant is not neutral in the overall environment, and will either be an intriguing visual asset at the northern boundary of the city, or it will not be. For property in the C-1 zoning district, a visually distinctive restaurant with the stunning backdrop of Lake Jennie Jewel can be an asset that represents the pride of the community.



1117 East Robinson St.
Orlando, FL 32801
Phone: 407.425.0452
Fax: 407.648.1036

August 4, 2016

Ms. Sandy Repp
Administrative Assistant
City of Edgewood
405 Larue Avenue
Edgewood, FL 32809-3406

**RE: Julia's Waterfront Restaurant – redevelopment plan
CPH Project number E7601**

Dear Ms. Repp;

This is a follow up to the meeting between your office and Scott Breitenstein from CPH in reference to the above listed project. The site is an existing waterfront restaurant with both stabilized and paved parking and open space. At the meeting, you provided CPH with a couple of plan sheets with different options for expansion at the restaurant. Specifically, you asked Scott to review plan sheet A-1.2, with Zoning Variance. We have reviewed the plan sheet and provided input below for information that needs to be provided or considered.

We reviewed the Orange County Lake Index, dated June 2009, for the 100 year flood elevation for Lake Jennie Jewel. Per Orange County, the 100 year flood elevation is 92.00 (NGVD), FEMA December 6, 2000. The 100 year flood line will need to be shown on the plans, in addition to the Normal High Water Elevation (NHWE), 89.60 (NGVD). If any development is within the 100 year flood line, the site will need to provide compensating storage on site and outside the 100 year flood line. The compensating storage will be an independent storm pond designed for the volume of water displaced by the new development.

We also reviewed the St. Johns River Water Management District (SJRWMD) to verify if this site has a storm water permit. Based on the GIS map search option on the SJRWMD website, this site has not been issued a storm water permit. The property area appears to be approximately 2.66 acres with no wetlands on site. Based on the area of the site and the total proposed impervious area, this site falls under the SJRWMD "10-2" rule. The site is under 10 acres and has less than 2 acres of proposed impervious area and, based on the provided plans and aerial maps, there do not appear to be wetlands on site. The criteria for the City of Edgewood for storm water treatment and retention will be required to be met. A minimum retention pond will be required for pollution abatement volume or the pre/post volume difference of runoff from the mean annual storm. The City may also require the pond to hold the pre/post volume difference of runoff from the 25 year, 24 hour storm event. This will need to be discussed in detail with the City. The proximity to the lake will need to be taken into consideration for storm water treatment and retention. Please see the City Land Development Code, Division 4 – Stormwater Management for additional information.

Additional comments:

- 1 Provide a topographic survey, signed and sealed by a Florida Licensed Surveyor.
- 2 Provide a data table for the existing and proposed impervious areas (building, parking, sidewalks, etc.). Based on the information provided on the plan sheet, the proposed building area is approximately 3,823.2 SF. The proposed dock area is approximately 750 SF, not including the walkway to the dock. The proposed parking



area is approximately 18,300 SF. These areas will need to be verified and provided on the plans.

- 3 Based on available space, two ponds may be required to collect the runoff from the two parking areas as well as the building impervious area.
- 4 The maximum length of any dock is 65 feet, measured from the NHWE and as located by a registered surveyor and mapper. The maximum height of the dock (dock roof) is 13 feet above the NHWE. The maximum surface area over water, measured from the NHWE, is 1,000 square feet. This area includes the walkway to the dock and the dock platform. This information needs to be included on the plans specifically measured for the proposed covered dock.

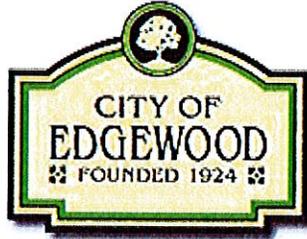
We have provided key items that need to be considered for the renovations to the site with respect to the civil plans review and additional storm water requirements. Once a final set of plans and storm water calculations have been prepared, we will perform a full review and provide comments as necessary.

Sincerely,
CPH, Inc.

A handwritten signature in blue ink, appearing to read 'Allen C. Lane, Jr.', is written over the typed name.

Allen C. Lane, Jr., P.E.
Project Engineer

CC: Scott Breitenstein, P.E., file



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

TO: Planning and Zoning Board Members
Sandy Repp, Assistant City Clerk

XC: Bea Meeks, City Clerk
Drew Smith, City Attorney
David Mahler, P.E., City Engineering Consultant

FROM: Ellen Hardgrove, AICP, City Planning Consultant

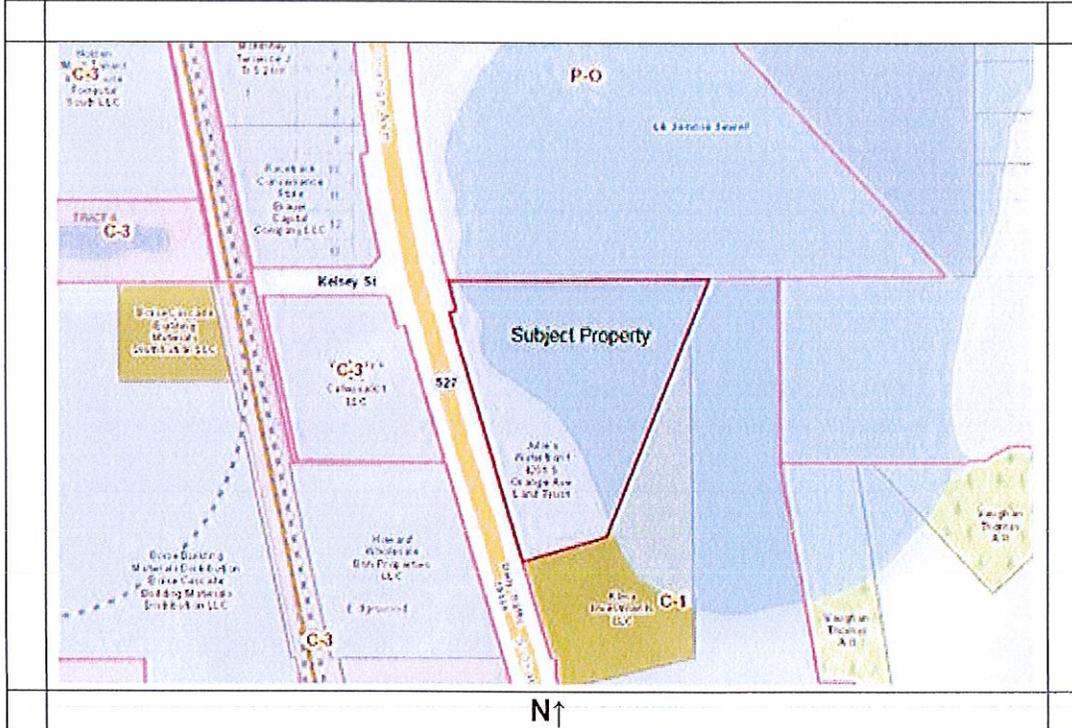
DATE: August 26, 2016

SUBJECT: Julie's on the Waterfront Variance request

Introduction

Request: Enclose all components of an existing restaurant currently located within the Normal High Water Elevation setback

Location: Julies Waterfront, 4201 South Orange Avenue



In addition to the four areas to be fully enclosed, the requested variance is also to allow an additional 6 feet of roof projection in areas where the boardwalk is contiguous to the building. The roof overhang is proposed to not be supported by posts or walls extending from the ground and not overhang beyond the normal high water elevation line. In this location, the roof overhang is proposed to include a gutter and downspout system to provide enclosed drainage, to discharge into a retention area.

Considerations for Variance Approval

As stated in Code Section 134-104, where there are practical difficulties or unnecessary hardships in complying with the strict letter of the Code, the Planning and Zoning Board may recommend to the City Council approval of a variance so that the spirit of this chapter will be observed. Per Section 134-104(3)b., prior to recommending approval, the Board and City Council must find:

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.
2. That the special conditions and circumstances do not result from the actions of the applicant.
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.
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.
5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
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.

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.

The subject property is 3.22 acres; 2/3 of the property is within Lake Jennie Jewel, leaving only about one acre landward. The upland portion of the property is of unique shape, long and narrow wedged in between Orange Avenue and Lake Jennie Jewel. The property was further narrowed by a strip acquisition for widening Orange Avenue. In addition to the narrow depth, the lakefront setback restricts the standard building envelope to a depth no more than 73 feet (on the south), with it tapering to zero 240 feet from the southern border.

If the site were vacant, and without a variance, the most efficient use of the land would be to place the building at the southern end of the property where the building envelope is the widest. While this is a development option, it creates significant site limitations including limiting the building size/number of restaurant seats due to the quantity of parking possible on the remaining portion of the site.

In addition, provision of a loading space and an approachable dumpster enclosure would be limited to directly in front of the building entrance if a building were positioned on the southern end of the site.

Furthermore, the proposed developer favors the existing building remodel in an attempt to save two historic trees in the southern end of the property and to take full advantage of the waterfront location.

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

The shape of the property, the reduction in depth of the property due to an eminent domain action, and the building constructed prior to modern land development regulations did not result from actions of the applicant.

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; and,

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.

According to the applicant's calculations, the largest restaurant that could be developed on the property without a variance is 3000 square feet. A 3000 square foot restaurant represents a 6.9% floor area ratio, significantly less than typical commercial property. The variance would allow a ±6000 square foot building, more consistent with typical commercial floor area ratios.

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

The request is the minimum necessary for reasonable use of the property.

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.

This request is an opportunity to improve the Julie's on the Waterfront property and the entrance into the City. Not only will the building renovation improve the property's visual appeal along Orange Avenue, the proposed renovation also includes construction of a new parking lot, which will require conformance with landscape requirements. The renovation will also include a new sign that will be in conformance with the City's sign regulations.

The purpose of the normal high water elevation setback is to protect buildings from the flooding potential of an abnormal lake elevation. It also serves to protect shoreline vegetation. With a condition of approval that all finished floor elevations of the building are constructed at the minimum elevation required for construction within the 100-year FEMA flood plain elevation, the proposed variance will not be injurious to the public welfare.

Recommendation

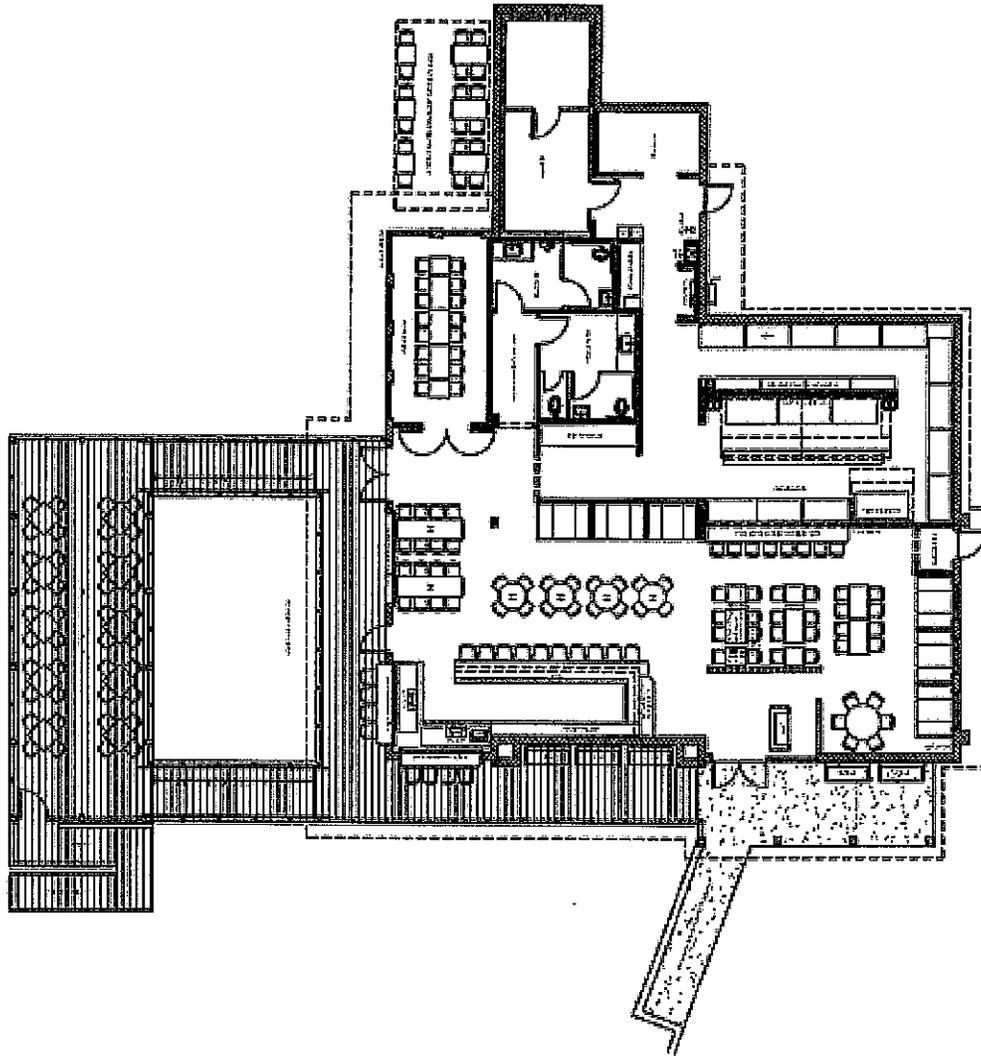
Staff recommends approval of the ability to enclose the four components of the existing restaurant into one building and the ability to extend the roof projection an additional six (6) feet where the boardwalk is contiguous to the building finding the six criteria for variance approval have been met with the following conditions.

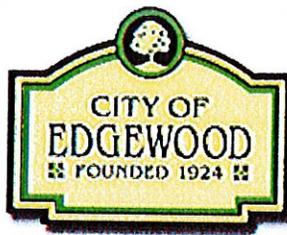
1. All finished floor elevations of the building constructed within the 50-foot setback shall meet the minimum elevation required for construction within the 100-year FEMA flood plain elevation.
2. Roof projection from the building shall be cantilevered, not be supported by posts or walls extending from the ground, and in no case shall a roof projection drip line extend beyond the normal high water elevation line.
3. The eastern edge of the roof shall include a gutters and downspout system to provide enclosed drainage to discharge into the site's stormwater management system.
4. Final design of the site plan shall include a barrier along the easterly side of the parking lot to prevent wind-blown debris in the lake.
5. Any landscaping within the 50-foot normal high water elevation setback shall be native lakeshore trees, shrubs and grasses.

6. A 7 feet wide landscape buffer shall be provided between the parking lot and Orange Avenue right-of-way. Non-deciduous trees compatible with the overhead utility lines within the Orange Avenue right-of-way at mature height shall be substituted for the tree requirement.
7. Any mechanical equipment to be located on the roof shall be screened from view of the street.

ESH

EXHIBIT A: Proposed Restaurant Floor Plan





NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that at its Planning & Zoning meeting on **Monday, September 12, 2016**, the Planning and Zoning Board of the City of Edgewood, will consider **Variance Application No. 2016-VAR-06** for a variance to allow construction within the Normal High Water Elevation setback located at **4201 South Orange Avenue (a.k.a. Julie's Waterfront)** which is currently in **C-1 zoning district** (City of Edgewood Resolution 2005-R002 City Code of Ordinances, Reference Section 134-406 [Variance]). The application was submitted by William Valdes on behalf of First American Land Trust, LLC Abel Carbajal as trustee. The meeting will be held in the Council Chambers of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **6:30 p.m. or as soon as possible thereafter as the matter may be heard.**

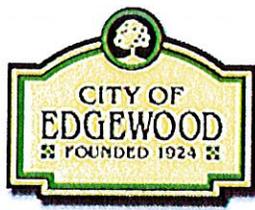
The Planning and Zoning Board's recommendation will be forwarded to City Council on Tuesday, September 20, 2016 at 6:30 p.m. for final action.

The subject property for special exception is legally described as COMM SW COR OF SEC RUN N 852.61 FT S 89 DEG E 330 FT S 74 DEG W 60.74 FT TO E R/W ST RD 527 & POB TH N 74 DEG E 154.54 FT N 22 DEG E 480 FT M/L TO N LINE OF SW1/4 OF SW1/4 W TO E R/W ST RD 527 S 16 DEG E TO POB IN SEC 12-23-29



Interested parties may attend this meeting and be heard with respect to this Variance application. In addition, the application(s) may be inspected by the public at the City Clerk's Office; 405 Larue Avenue, Edgewood, Florida. You may reach City Hall at 407-851-2920; City Hall is open Monday – Thursday 8 a.m. to 4 p.m. and Friday 8 a.m. to noon. Should you have any questions or concerns please do not hesitate to come to City Hall to review the file.

405 Larue Avenue • Tel: 407-851-2920 • Fax: 407-851-7361 • www.edgewood-fl.gov



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 hearings or to written communication to the City Clerk's Office.

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.

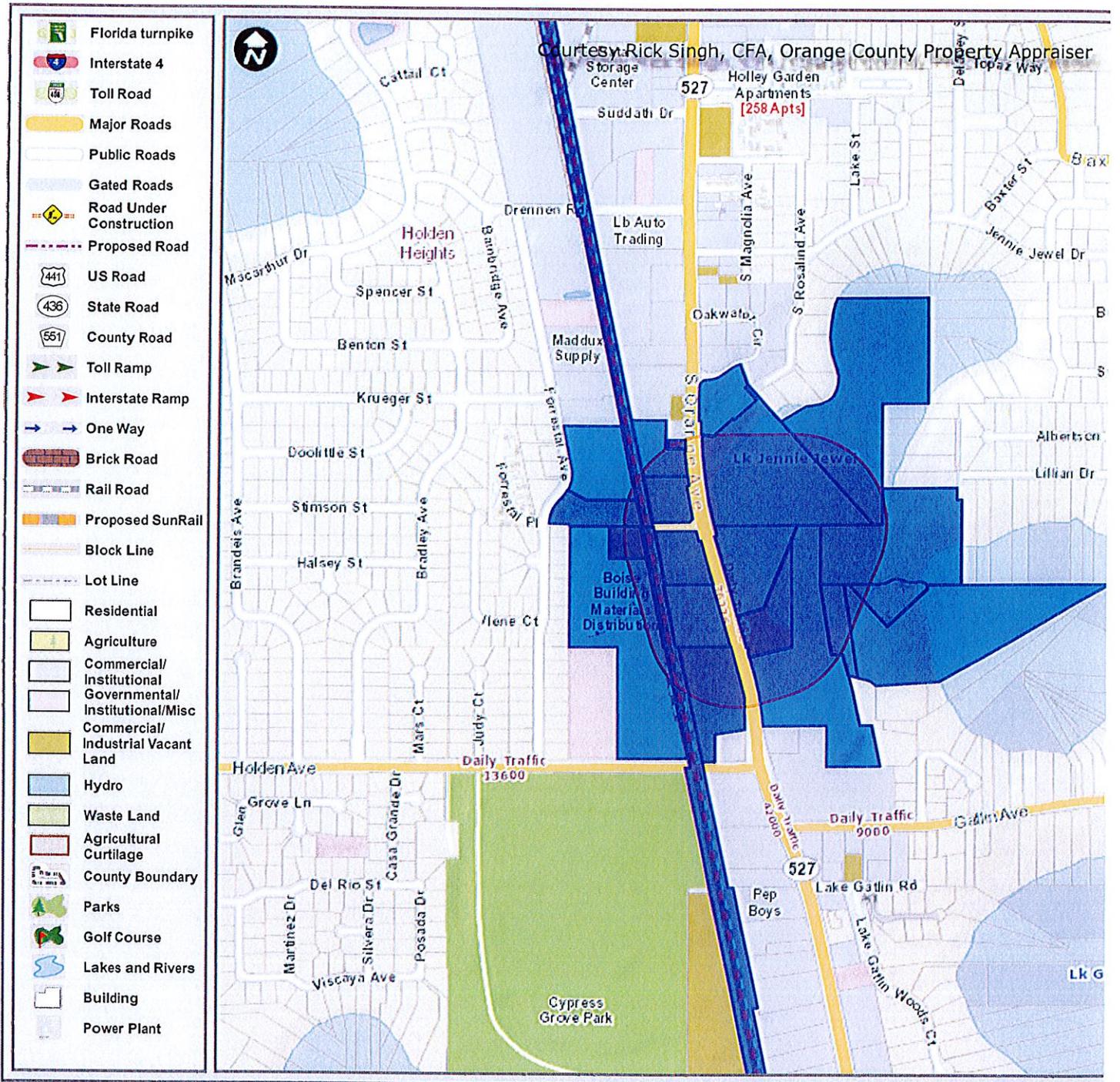
The City of Edgewood desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Chapter 286.26, *Florida Statutes*, should, at least 48 hours prior to the meeting, submit a written request that the physically handicapped person desires to attend the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

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

Should you desire additional information, regarding this application, please feel free to contact the City Clerk's Office at 407-851-2920, or e-mail at bmeeks@edgewood-fl.gov.


Bea L. Meeks, MMC, CPM, CBTO
City Clerk
Dated: August 26, 2016

You may either mail in your comments and concerns on the space provided below or submit directly to City Hall. Please see above our hours of operation. We thank you for your participation.



VAUGHAN THOMAS A
4610 OAK COVE LN
ORLANDO, FL. 32806

KBNA INVESTMENTS LLC
9251 POINT CYPRESS DR
ORLANDO, FL. 32836

VAUGHAN THOMAS A II
121 S ORANGE AVE STE 900
ORLANDO, FL. 32801

BOISE CASCADE BUILDING MATERIALS
ATTN TAX DEPT | PO BOX 50
BOISE, ID. 83728

FORRESTAL SOUTH LLC
250 N ORANGE AVE STE 1500
ORLANDO, FL. 32801

MCKINNEY TERRENCE J TR 1/2 INT
MCKINNEY SUSAN H TR 1/2 INT
3862 S ORANGE AVE
ORLANDO, FL. 32806

BOISE CASCADE BUILDING MATERIALS
ATTN TAX DEPT | PO BOX 50
BOISE, ID. 83728

OAKWATER PROFESSIONAL PARK OWN
3802 OAKWATER CIR STE 2
ORLANDO, FL. 32806

MCKINNEY TERRENCE J TR 1/2 INT
MCKINNEY SUSAN H TR 1/2 INT
3862 S ORANGE AVE
ORLANDO, FL. 32806

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

SUMMER LAKE-GRACE GROVES
565 GATLIN AVE
ORLANDO, FL. 32806

WHITE L E LIFE ESTATE
WHITE A M LIFE ESTATE
414 LILLIAN DR
ORLANDO, FL. 32806

PALM TREE EDGEWOOD LP
128 THEODORE PL
THORNHILL ONTARIO, XX. L4J (CANADA)

4201 S ORANGE AVE LAND TRUST
C/O FIRST AMERICAN LAND TRUST CO
ORLANDO, FL. 32809

OAKWATER INTERNAL MEDICINE SPEC
3885 OAKWATER CIR
ORLANDO, FL. 32806

VAUGHAN THOMAS A II
121 S ORANGE AVE STE 900
ORLANDO, FL. 32801

ARC CAFEUSA001 LLC
2325 E CAMELBACK RD STE 1100
PHOENIX, AZ. 85016

DOT/STATE OF FLORIDA
719 S WOODLAND BLVD
DELAND, FL. 32720

DOT/STATE OF FLORIDA
719 S WOODLAND BLVD
DELAND, FL. 32720

DISCOVERY CHURCH INC
4400 S ORANGE AVE
ORLANDO, FL. 32806

BBH PROPERTIES LLC
4200 S ORANGE AVE
ORLANDO, FL. 32806

BRAUER CAPITAL COMPANY LLC
3225 CUMBERLAND BLVD SE STE 100
ATLANTA, GA. 30339

Application: 2016-VAR-06

Owner/Applicant Name: William Valdes on behalf of First American Land Trust LLC Abel Carbajal as Trustee

Public Hearing Date: P&Z 9/12/2016
City Council 9/20/2016

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 William Haldon Valdes 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 date 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 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: 8/29/2016.
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.

W. Haldon Valdes
 Signature of owner or authorized representative

STATE OF FLORIDA
 COUNTY OF Orange

The foregoing instrument was acknowledged before me this 30 day of Aug, 2016, by

(Notary Signature) Sandra J. Repp

(NOTARY SEAL)

(Name of Notary Typed, Printed, or Stamped)

Personally Known _____ OR Produced Identification

Type of Identification Produced FL Drivers License

