

Regina Dunay
Chairwoman

Chris Rader
Co-Chair

David Gragg
Board Member

Marion Rayburn
Board Member

Dr. Aileen Trivedi
Board Member

PUBLIC NOTICE
PLANNING AND ZONING BOARD MEETING – September 10, 2018

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 10, 2018 at 6:30 pm

1. Call to Order
2. Pledge of Allegiance
3. Roll Call and Determination of Quorum
4. Approval of Minutes
 - July 9, 2018 – Regular P&Z Meeting
5. New Business
 - Variances for 4201 S. Orange Avenue - The Waterfront
 - Variance 2018-07 Landscape buffer Sec. 114-4 (1)(a)(1)
 - Variance 2018-08 Tree placement Sec. 114-4(1)(a)(2)
 - Variance 2018-09 Building setback from the Normal High Water Elevation (NHWE) Sec. 134-348(e)
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 8, 2018
- November 12, 2018

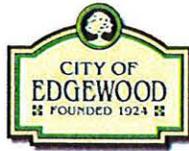
GENERAL RULES OF ORDER

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 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 DRAFT MINUTES
July 9, 2018

Planning and Zoning Board Members:

Regina Dunay, Chairperson (Quorum)
Chris Rader, Co-Chair
David Gragg, Board Member
Marion Rayburn, Board Member (absent)
Aileen Trivedi, Board Member

Staff:

Drew Smith, City Attorney
Ellen Hardgrove, City Planner
David Ireland, Sergeant Edgewood Police Department
Sandra Repp, Deputy City Clerk

Applicant:

Paul Jaszczenski

CALL TO ORDER

Chairwoman Dunay called the Planning & Zoning Board meeting to order at 6:30 p.m. and led the Pledge of Allegiance. Deputy City Clerk, Sandy Repp, announced that there was a quorum with Board Member Rayburn absent.

APPROVAL OF MINUTES

- **June 11, 2018**
Board Member Gragg submitted the following changes to the minutes: Page 1: in the third bullet point under “Approval of Minutes” changed “Board Meeting” to “Workshop” for the May 2nd minutes.
Page 3: After “Chairwoman Dunay requested a motion”, add “Central” to read “Edgewood Central District”.

Board Member Trivedi moved to approve the revised minutes. Second by Chairwoman Dunay. The motion was approved (4/0).

NEW BUSINESS

- **Variance 2018-VAR-06 – 5426 Lazy Oaks Lane**
Request to build a single family residence within the rear setback

Planner Hardgrove presented her report for a variance to request a five (5) foot rear setback encroachment on a property zoned for R-1AA located at 5426 Lazy Oaks Lane. The home was designed on an irregular shaped lot where the front setback becomes the point in the lot where the lot meets the minimum lot width requirement. In response to this requirement, the designer



pushed the house back as they felt it would have a lesser impact than a front variance. The rear backs up to a retention pond and to a private road; not to another lot.

Planner Hardgrove read the requirements to approve a variance request and does not believe the conditions are met as it is a buildable lot and the house could have been designed to fit.

Board Member Gragg stated that the property backs up to property in which he has an interest and will recuse himself.

Contractor Paul Jaszczenski approached the podium and explained the circumstances for the variance application. The applicant found that in an irregularly shaped lot they had to meet the minimum lot width for the front setback. The rear tips of the house will encroach approximately 4 feet into the rear setback. The other neighbor is right at the 30-foot setback because they have a normal lot and there would be a nice flow with the home. There are no neighbors behind to object or to be impacted. He understands the Planner's perspective but it would require a full redesign. The applicant did get HOA approval and there have been no objections. Mr. Jaszczenski feels it would be a minor move into the setback

In response to Chairwoman Dunay's request for how this happened, Mr. Jaszczenski said that the design professional did not know there was a difference for an irregular shaped lot. He can understand why there was a lack of understanding. The designer has moved the house so that it encroaches barely into the rear

Planner Hardgrove says that it is part of Orange County subdivision regulations. If the designer had pulled this information they would have known.

Board Member Rader stated that the design professional should know the standard. He asked Planner Hardgrove if this is found in the Municode and Hardgrove responded that it is not.

Board Member Rader said that there is a lot of buildable space in a buildable lot.

Chairwoman Dunay said that they have to go by the 6 criteria.

Chairwoman Dunay asked for public comments:

Melissa Meloon – Edgewood resident, came to the podium and spoke as a proponent. As ARB manager she was asked to approve the plans and she did and she is surprised that there is an issue as the lot has been empty for a long time and they are more than pleased to see a home there. The HOA wants to complete the subdivision and does not see this as an issue. If this affected her street she would not approve.

Discussion ensued amongst the Board regarding the setbacks and the fact that the information for establishing setbacks for irregular lots is not easily found. Planner Hardgrove said the information is not in the Municode and that she had to question Orange County zoning.

Mr. Jaszczenski said that he contacted Orange County prior to City staff review. The County said to refer back to Edgewood as they do not have that on file. Planner Hardgrove thinks that the person at Orange County may not have understood that the property was annexed and not



changed to Edgewood zoning. In Edgewood, the house would have been put back farther as the minimum width is 90 feet wide.

Planner Hardgrove said it takes someone who knows the code on both sides and Mr. Jaszczenski stated his concern that the information was not readily accessible. Board Member Rader said that is why the City retains a city planner.

Mr. Jaszczenski said that this does not affect anyone behind them and asks for the Board's understanding.

Board Member Rader restated his concern about the standard being discoverable and Attorney Smith said that is not what the recommendation is about.

Mr. Jaszczenski asked if it would affect the rear setback if the County did an eminent domain. Attorney Smith said it would be very unusual.

Planner Hardgrove said that Mr. Jaszczenski's point is well taken that they didn't know it doesn't meet the minimum width of 85 feet. When you don't meet the width, the building has to be pushed back to the 85-foot mark. This is because of the irregular shaped lot. The designer should have known the minimum lot width. Planner Hardgrove said that someone inexperienced may not have known how to handle this but if they called Orange County staff they would have known. The procedure to set a setback is not easily found.

Mr. Jaszczenski said that the reasoning was that this request does not affect a rear neighbor. It seemed less critical than a front setback.

Board Member Trivedi explained to Mr. Jaszczenski that the Board wants to help but there aren't reasons that they can approve. They have to follow the criteria to approve a variance.

Planner Hardgrove told Mr. Jaszczenski that he can speak with Carol Knox of Orange County for more information about zoning.

The Board reviewed the criteria for variance approval.

With no public comment and no further discussion, Chairwoman Dunay asked for a motion. ***Board Member Trivedi moved to deny variance request 2018-VAR-06 based that only criteria #6 was met; second by Chairwoman Dunay. Motion passed (3/0). Board member Gragg recused himself.***

Variance request 2018-VAR-06 will be heard before City Council on Tuesday, August 21, 2018.

COMMENTS/ANNOUNCEMENTS

Chairwoman Dunay asked Deputy City Clerk, Sandy Repp for the next meetings who confirmed that the next Planning and Zoning dates would be

- August 13, 2018
- September 10, 2018
- City Council workshop 8/21 9 to noon.

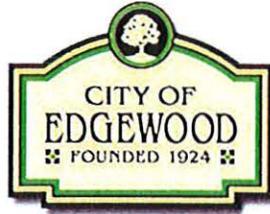


ADJOURNMENT:

With no further business or discussion, Board Member Rader made the Motion to adjourn the Planning and Zoning Board meeting; second by Chairwoman Dunay; motion unanimously approved (4/0). The meeting adjourned at 7:23 pm.

Regina Dunay, Chairwoman

Sandra Repp, Deputy City Clerk



Memo

To: Planning and Zoning Board Members
From: Sandy Repp, Deputy City Clerk
Date: September 5, 2018
Re: New Business Items

In the September 10, 2018 Planning and Zoning Board meeting you will consider three variance applications for The Waterfront located at 4201 S. Orange Avenue. For your review and consideration of these variance requests, the following is provided in your agenda packet:

- Staff report from Allen Lane, P.E., CPH addressing all three variances.
- Application for Variance 2018-07
- Application for Variance 2018-08
- Application for Variance 2018-09
- Executed Agent Authorization Form
- Notice of Public Hearing
- Survey and Site plan are provided in your notebook pocket.

The Notice of Public Hearing letters are sent out to those properties within 500 feet of the subject property. There were 21 Notices provided by U.S. Mail. Additionally, the Notice was sent via email to those residents on Lake Jennie Jewell who requested notices of this kind in a previous Council meeting. No objections or comments were received at City Hall as of the date of this memo.

The City Engineer is prepared to respond to any questions you may have regarding the variances and the applicant/representative for The Waterfront is also in attendance.



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

August 31, 2018

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

**RE: 4201 S Orange Avenue – Variance review letter
CPH project number E7601**

Dear Ms. Repp;

We are in receipt of the revised City of Edgewood Application for Variance's and the Site Plan for the Waterfront Restaurant located at the above address. The plan and applications are dated August 17, 2018. This application is in response to our previous letter dated August 6, 2018. The applicant is submitting three variance applications to address the following items:

- Landscape buffer – Sec 114-4(1)(a)(1)
- Tree placement – Sec 114-4(1)(a)(2)
- Building setback from the NHWE – Sec 134-348

The applicant has provided narrative for three different requests. We have reviewed the plan sheet and Variance Applications and compared the information provided to the Town Code Ordinance for conformance to the requirements for variance approval, Sec 134-104(3)(b), numbers 1 through 6 and offer our comments below:

Landscape buffer variance request:

The applicant is requesting a reduction in the landscape buffer width from 7 feet (minimum) to a width of less than 7 feet. Per the plans, the buffer will be between 3.98 feet and 2.38 feet in width along the entire frontage of the site. We have reviewed the narrative and the submitted plan sheet as well as visited the site previously. The narrative addresses the variance requirement items from section 134-104. Based on the existing conditions, the submitted plan sheet and the response to the narrative criteria, we do not have an objection to the variance request.

Landscape tree and landscape planting requirement variance request:

The applicant is requesting a reduction in the shade tree planting from one shade tree every 40 feet to one shade tree every 120 feet adjacent to the public street right-of-way. Per the plans, the designed landscape buffer along the frontage of the site will vary between 3.98 feet and 2.38 feet in width. We have reviewed the narrative and the submitted plan sheet. The narrative addresses the variance requirement items from section 134-104. Based on the existing conditions, the layout for the additional parking, the entrance drive to the site and the remaining open space, we do not have an objection to the variance request. The applicant will need to provide a plan sheet depicting the proposed location of the shade trees, and the locations of the existing trees on site, with the variance request. Based on the plan sheet, approximately 8 shade trees will be required, if all were planted along the frontage of the site as called for in the City code.

Setback from normal water elevation of adjacent water body variance request:

The applicant is requesting the building setback distance from the normal water elevation of the adjacent water body be reduced from 50 feet to 20 feet. The existing building on site is less than 50 feet from the normal high water line shown on the plan.

We received a copy of a topographic survey showing the location of the NHWE and the 100-year flood lines. Per the survey, the existing building and the proposed parking lot and building improvements are



outside the 100-year flood line. Based on the copy of the plan sheet, we do not have an objection to the variance request. A copy of the survey will be required to be provided to the City for their records. We also require including the survey information on the Site Plan for clarity.

Based on conversations with the Engineer and the Town, the site meets the minimum parking requirements for the number of proposed seats for the restaurant property. We have no objections to approving the plans. We do recommend the City require the Owner to provide an Affidavit stating the patrons are allowed to be seated or occupy the designated seating (patron use) areas. The plans need to specifically identify the patron use areas and identify areas that do not include fixed seating areas. As noted above, the parking count is based only on the fixed seating areas and a small portion of the open area. The parking count does not include all the open space on the property. The affidavit also needs to state that the Owner will apply for a Special Exception Permit for any special events or activities hosted by the restaurant.

Finally, we reviewed the proposed location of the parking lot and the City Land Development Code to verify the allowable setback distance from the Normal High Water Elevation to the edge of the parking lot. We specifically looked at Section 134 of the code for setback requirements. There is no specific language for setbacks for parking lots from the NHWE. In other sections of the code, there is a required setback for swimming pool decks from the NHWE. If we applied the rules for pool deck setback, the minimum distance the parking lot may be constructed is 15 feet from the NHWE. The plans show the proposed parking to be 10 feet from the NHWE. This may be a decision the City will need to address during construction plan review. At a minimum, during construction plan design, we recommend the design engineer design the parking lot to slope from the edge of the paved surface and towards the center of the parking lot or provide curbing along the edge of the parking lot and a curb inlet to catch the runoff. Either option will allow the runoff to be captured in lieu of sheet flowing off the parking area and directly into the lake, which is not to be allowed. This can be addressed during the design plan submittal.

As noted above, we do not have any objections to approving the requested variances, as submitted.

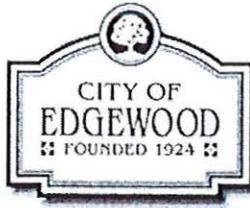
Sincerely,
CPH, Inc.

A handwritten signature in black ink that reads "Allen C. Lane, Jr." in a cursive script.

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

CC: David Mahler, P.E., CPH
File

JJ:\E7601\Civil\Documents\Letter\4201 S Orange Avenue - Waterfront Variance Application approval letter 8-31-18.docx



Revised
RECEIVED

AUG 17 2018

CITY OF EDGEWOOD

2018-VAR-07

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:	Sept 10, 2018
CITY COUNCIL MEETING DATE:	Oct 16, 2018

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.

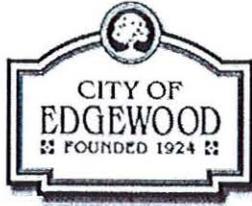
Notarized letter of authorization from Owner MUST be submitted if application is filed by anyone other than property owner.

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

Applicant's Name:	Stephen Allen, P.E.	Owner's Name:	Loch Investments, LLC
Address:	630 N. Wymore Rd, #310, Maitland FL 32751	Address:	
Phone Number:	407-516-0437	Phone Number:	407-963-6978
Fax:		Fax:	
Email:	sallen@civilcorpeng.com	Email:	ryan.stepup@gmail.com
Legal Description:	See attached.		
Zoned:	C-1		
Location:	4201 S. Orange Avenue, Orlando FL 32806		
Tract Size:	3.37 Acre		
City section of the Zoning Code from which Variance is requested:	Sec 114-4(1)(a)(1)		
Request:	2.38 feet in lieu of 7 feet		
Existing on Site:	2.38 feet		

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.

Page 2 of 4



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.

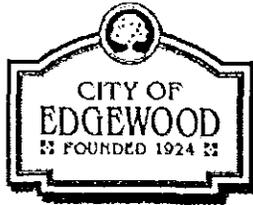
AGREE:	<i>SA</i>	DISAGREE:	
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2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:	<i>SA</i>	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:	<i>SA</i>	Date:	<i>8/16/2018</i>
Applicant's Printed Name:	<i>STEPHEN ALLEN, PE</i>		
Owner's Signature:		Date:	
Owner's Printed Name:			



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	8/17/2018
Received By:	[Signature]
Forwarded To:	Ch. W. Ellen Hardgrove
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

August 16, 2018

City of Edgewood
Planning and Zoning Board
405 Larue Ave
Edgewood, FL 32809

Re: The Waterfront
4201 S Orange Ave

Landscape Buffer - Sec 114-4(1)(a)(1)

The following narrative addresses the six standards of approval for a Zoning Variance to Sec 114-4(1)(a)(1) to allow 2.38' in lieu of 7', pursuant to City Code Section 134-104(3)(b). The criteria are as follows:

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. That the special conditions and circumstances do not result from the actions of the applicant.
The site was built in 1956, prior to today's codes and expansion of Orange Ave. Due to this, the parking lot at its closest point is 2.38' from the right-of-way line and currently allows for safe circulation through the site. The existing conditions of the property and the expansion of South Orange Ave have resulted in the reduced buffer adjacent to the parking and compliance to the 7' would result in reduced parking lengths and/or driveway widths, thus impacting safe circulation on the property.
2. That the special conditions and circumstances do not result from the actions of the applicant.
As stated above, the widening and right-of-way taking of Orange Ave have created this buffer reduction.
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.
Due to changes in the area since the building was built in 1956, a reduction in the landscape buffer from 7' to 2.38' would not confer on the applicant any special privileges. This request is a result of existing conditions unique to this property and should not be looked at as a special privilege.
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.

Literal interpretation of the code would result in the reduction the drive aisle width, and/or the parking lengths set forth in other portions of the code due to proximity of the existing building to the right-of-way line. Those sections pertaining to drive aisle widths and parking lengths are meant to allow for safe circulation throughout the site.

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

Due to the location of the existing structure, the variance requested is the minimum required to provide safe circulation of vehicles and pedestrians as set forth in other portions of the Land Development Code.

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.

As stated above, the conformance to other portion of the Land Development Code (such as drive aisle widths and parking depths) will allow for the safety and welfare of the public where the buffer reduction will not.

Since we are making a request based on existing conditions, we feel that this variance will be in harmony with the general intent and purpose the code.

Should you have any questions or comments, please give me a call.

Sincerely,
CivilCorp Engineering, Inc.



Stephen Allen, PE #59994
President

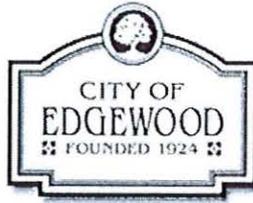
Revised

RECEIVED

AUG 17 2018

CITY OF EDGEWOOD

2018 - VAR - 08



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:	Sept 10, 2018
CITY COUNCIL MEETING DATE:	Oct 16, 2018

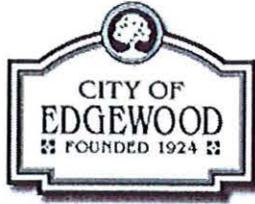
IMPORTANT: A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk ____ days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for.

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:	Stephen Allen, P.E.	Owner's Name:	Loch Investments, LLC
Address:	630 N. Wymore Rd. #310, Maitland FL 32751	Address:	
Phone Number:	407-516-0437	Phone Number:	407-963-6978
Fax:		Fax:	
Email:	sallen@civilcorpeng.com	Email:	ryan.stepup@gmail.com
Legal Description:	See attached.		
Zoned:	C-1		
Location:	4201 S. Orange Avenue, Orlando FL 32806		
Tract Size:	3.37 Acre		
City section of the Zoning Code from which Variance is requested:	Sec 114-4(1)(a)(2)		
Request:	One (1) shade tree for every 120 linear feet.		
Existing on Site:	No shade trees currently 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.



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.

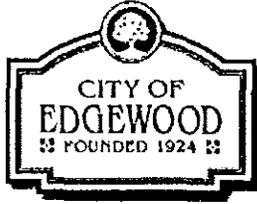
AGREE:	<i>32</i>	DISAGREE:	
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2. The variance recommended by the Planning and Zoning Board and approved by the City Council shall expire in 12 months in accordance with Chapter 134-104 (3) (e).

AGREE:	<i>32</i>	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:	<i>32</i>	Date:	<i>8/16/2018</i>
Applicant's Printed Name:	<i>STEPHEN ALLEN, PE</i>		
Owner's Signature:		Date:	
Owner's Printed Name:			



Please submit your completed application to City Hall via email at bmeeke@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	5/17/2015
Received By:	A. P. P.
Forwarded To:	CPT Ellen Heidgoore
Notes:	

Revised 06/13/2016

Page 4 of 4

August 16, 2018

City of Edgewood
Planning and Zoning Board
405 Larue Ave
Edgewood, FL 32809

Re: The Waterfront
4201 S Orange Ave

Tree placement along the frontage – Sec 114-4(1)(a)(2)

The following narrative addresses the six standards of approval for a Zoning Variance to Sec 114-4(1)(a)(2) from 1 shade tree for each 40 linear feet to 1 shade tree for each 120 linear feet, pursuant to City Code Section 134-104(3)(b). The criteria are as follows:

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. That the special conditions and circumstances do not result from the actions of the applicant.
The site was built in 1956, prior to today's codes and expansion of Orange Ave. Due to this, the parking lot at its closest point is 2.38' from the right-of-way line as it stands today. This existing condition is not wide enough to place a tree therefore we are requesting a shade tree every 120 linear feet, which will be placed in close proximity to the right-of-way line within the landscape island required by Section 114-4(1)(c)(4).
2. That the special conditions and circumstances do not result from the actions of the applicant.
As noted above, the widening and right-of-way taking of Orange Ave have created this buffer reduction.
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.
Due to the unique conditions of the property and the narrow landscape buffer that exists, distributing the trees in area that are more likely to thrive should not be looked as a special privilege.
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.
Because of existing conditions, the literal interpretation of the code would not allow for the shade trees to have adequate planting room between the parking and the right-of-way line.

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

Because of the existing conditions and taking the maximum number of parking before needing a landscape island required by Section 114-4(1)(c)(4), the 120' requested is the minimum variance possible for reasonable use.

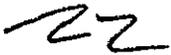
6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Reducing the requirements of shade trees from 1 for every 40 linear feet to 1 for every 120' will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In fact, current conditions do not show shade trees so the variance would offer improvements.

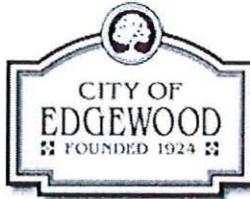
Since we are making a request based on existing conditions, we feel that this variance will be in harmony with the general intent and purpose the code.

Should you have any questions or comments, please give me a call.

Sincerely,
CivilCorp Engineering, Inc.



Stephen Allen, PE #59994
President



Revised
RECEIVED

AUG 17 2018

CITY OF EDGEWOOD

2018-FAR-09

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:	Sept. 10, 2018
CITY COUNCIL MEETING DATE:	Oct. 16, 2018

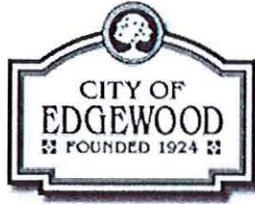
IMPORTANT: A COMPLETE application with all required attachments and ten (10) copies must be submitted to the City Clerk ___ days before the next Planning & Zoning meetings. No application shall be deemed accepted unless it is complete and paid for.

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:	Stephen Allen, P.E.	Owner's Name:	Loch Investments, LLC
Address:	630 N. Wymore Rd. #310, Maitland FL 32751	Address:	
Phone Number:	407-516-0437	Phone Number:	407-963-6978
Fax:		Fax:	
Email:	sallen@civilcorpeng.com	Email:	ryan.stepup@gmail.com
Legal Description:	See Attached.		
Zoned:	C-1		
Location:	4201 S. Orange Avenue, Orlando FL 32806		
Tract Size:	3.37 Acre		
City section of the Zoning Code from which Variance is requested:	Section 134-348(e)		
Request:	Setback is 20 feet in lieu of 50 feet		
Existing on Site:	Setback is 20.31 feet		

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.



To justify this variance, applicant must demonstrate the following:

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

Applicant must agree that:

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

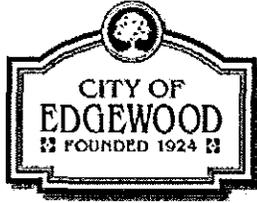
AGREE: DISAGREE:

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

AGREE: DISAGREE:

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

Applicant's Signature:	<i>SA</i>	Date:	<i>8/16/2018</i>
Applicant's Printed Name:	<i>STEPHEN ALLEN, PE</i>		
Owner's Signature:		Date:	
Owner's Printed Name:			



Please submit your completed application to City Hall via email at bmeeke@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	8/17/2018
Received By:	[Signature]
Forwarded To:	City of Edgewood
Notes:	City of Edgewood

Revised 06/13/2016

Page 4 of 4

August 16, 2018

City of Edgewood
Planning and Zoning Board
405 Larue Ave
Edgewood, FL 32809

Re: The Waterfront
4201 S Orange Ave

Building Setback from The NHWE – Sec 134-348(e)

The following narrative addresses the six standards of approval for a Zoning Variance to Sec 134-348(e) from 50' to 20' to, 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. That the special conditions and circumstances do not result from the actions of the applicant.
The building was built in 1956 to its current location of 20.31' from today's normal high water elevation of Lake Jennie Jewel, prior to current 50' setback requirements.
2. That the special conditions and circumstances do not result from the actions of the applicant.
As noted above, the building was built in its current location of 1956, prior to current owner's purchase of 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.
This request is a result of existing conditions unique to this property and should not be looked at as a special privilege.
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.
The literal interpretation of the code would deprive the applicant rights commonly enjoyed by the applicant because of the existing conditions. Literal interpretation of the code would require the owner to relocate the building entirely an additional 30', thus resulting in changes to the safe driveway and parking circulation as well as front setback encroachment.
5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.

August 16, 2018

Page 2

Due to existing conditions, we are requesting the 20' setback because that's the approximate location of the existing building to the normal water elevation.

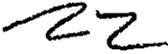
6. That approval of the variance will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

As stated above, the relocation of the building would impact more areas of the code (e.g., drive aisle width, parking lot length, front setback, etc.) which could be injurious to the neighborhood.

Since we are making a request based on existing conditions, we feel that this variance will be in harmony with the general intent and purpose the code.

Should you have any questions or comments, please give me a call.

Sincerely,
CivilCorp Engineering, Inc.



Stephen Allen, PE #59994
President



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) LOCH INVESTMENTS, LLC, AS THE OWNER(S) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 4201 S. ORANGE AVE, EDGEWOOD, FL, DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENT'S NAME) STEPHEN ALLEN, TO EXECUTE ANY PETITIONS OR OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS, VARIANCE REQUEST; 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: 8/1/18 [Signature] Owner C. Ryan Davis
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 1 day of August, 2018 by C. Ryan Davis. 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 1 day of August in the year 2018



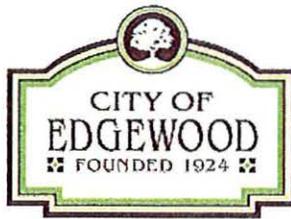
[Signature]
Signature of Notary Public
Notary Public for the State of Florida
My Commission Expires: April 22, 2019

Legal Description(s) or Parcel Identification Number(s) are required:
PARCEL ID#: <u>12-23-29-0000-00037</u>
LEGAL DESCRIPTION:

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



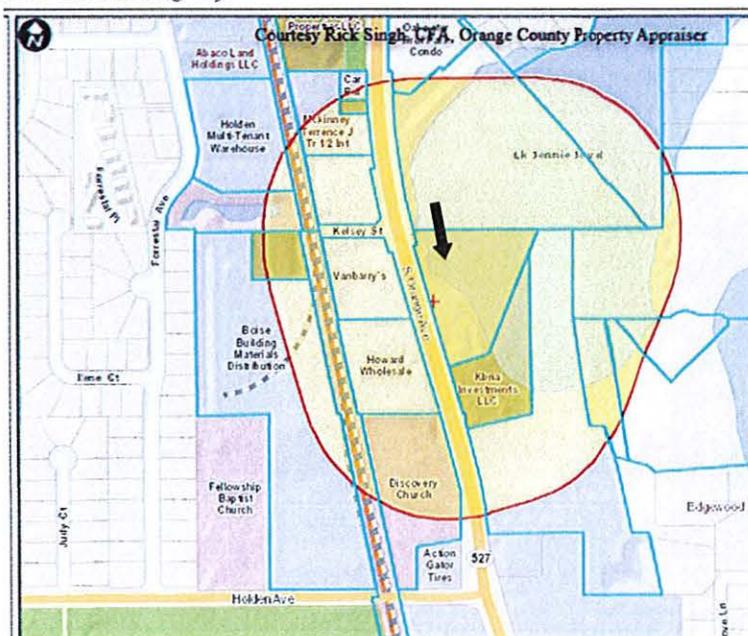
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that at its **Planning & Zoning meeting on Monday, September 10, 2018** the Planning and Zoning Board of the City of Edgewood, will consider the following Variances for the property located at 4201 South Orange Avenue in C-1 zoning district (City of Edgewood Resolution 2005-R002 City Code of Ordinances, Reference Section 134-104 [Variance]):

- **Variance 2018-07** - The applicant is requesting a reduction in the landscape buffer width from 7 feet (minimum) to a width between 3.98 feet and 2.38 feet along the entire frontage of the site. Sec 114-4(1)(a)(1)
- **Variance 2018-08** - The applicant is requesting a reduction from one shade tree every 40 feet to one shade tree every 120 feet adjacent to the public street right-of-way. Sec 114-4(1)(a)(2)
- **Variance 2018-09** - The applicant is requesting the building setback distance from the normal water elevation of the adjacent water body be reduced from 50 feet to 20 feet. Sec 134-348

The application was submitted by Stephen Allen, P.E. on behalf of property owner Loch Investments, LLC. 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 thereafter as the matter may be heard**. The Planning and Zoning Board's recommendation will be forwarded to **City Council on Tuesday, October 16, 2018 at 6:30 p.m.** for final action.

The subject property for variance 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



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

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.

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 Edgewood City Hall at 407-851-2920, or e-mail at srepp@edgewood-fl.gov.

Sandy Repp
Deputy City Clerk
Dated: August 24, 2018

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.
