



David Gragg  
Vice-Chair

Steve Kreidt  
Board Member

Ryan Santurri  
Board Member

Dr. Aileen Trivedi  
Board Member

**PUBLIC NOTICE**  
**PLANNING AND ZONING BOARD MEETING – October 12, 2020**

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**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.

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

**Monday, October 12, 2020 at 6:30 pm**

- Call to Order
- Pledge of Allegiance
- Roll Call and Determination of Quorum
- Administer Oath of Office - David Nelson
- Election of Chair and Vice-Chair
- New Business
  - 429 Harbour Island Road – Boat Dock Variance Requests
  - 101 Mary Jess Road Suncoast Building Materials  
Variance Requests and Amendments to Special Exception
  - 429 Oak Lynn Drive  
Preliminary Plan for Subdivision Approval  
Variance Requests – Chapter 126
- 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).
  - November 9, 2020
  - December 14, 2020

### **GENERAL RULES OF ORDER**

You are welcome to attend and express your opinion. 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. Per Section 286.0105, Florida Statutes state that if you decide to appeal a decision made with respect to any matter, you will need a record of the proceeding and may need to ensure that a verbatim record is made.



**Memo**

**To:** Planning and Zoning Board Members  
**CC:** Bea Meeks, City Clerk  
Drew Smith, City Attorney  
Allen Lane, City Engineer  
David Mahler, City Engineer  
**From:** Sandy Riffle, Deputy City Clerk  
**Date:** October 7, 2020  
**Re:** New Business Items

The following items for the October 12, 2020 Planning and Zoning Board Meeting are included for your review.

- **429 Harbour Island Road – Boat Dock Variance Requests**

Variance Application No. 2020-07 to allow reduced side setbacks from the allowable 15' to 3' on the eastern property line and 11' on the western property line [Sec. 14-11(b)(1) minimum side setbacks of boat docks] and;

Variance Application No. 2020-08 to allow the access walkway of 5.9' in width in lieu of the allowable width of 5' [Sec. 14-11(b)(6) access walkways of boat docks].

- Variance cover letter and Application for Variances, date stamped August 10, 2020
- Narrative from Streamline Permitting dated August 10, 2020
- Staff report from Allen Lane, P.E. CPH, dated September 28, 2020
- Survey, boat dock plans and supporting information
- Letters of No Objection from abutting neighbors, dated August 10, 2020

87 letters of public notice were mailed to property owners within 500 feet of the property. As of this date there were no objections and three letters were returned as undeliverable

The City Engineer is prepared to respond to any questions you may have regarding the variance requests. The applicant will also be in attendance

- **101 Mary Jess Road – Variance Requests and Amendments to Special Exception**

- Summary of Suncoast Applications
- Application for the following variances and amendments to a special exception, dated August 26, 2020

**Variance 2020-VAR-09:** A variance in Code Section 114-5(2) to allow the number of shade trees in the buffer along the northern perimeter at a rate of 1 shade tree per 193.33 lineal feet in lieu of 1 shade tree per 40 lineal feet.

**Variance 2020-VAR-10:** A variance in Code Section 114-4(1)a.2 to allow the number of shade trees along Mary Jess Road, west of the driveway to be to be 1 shade tree per 52.2 feet in lieu of 1 shade tree per 40 lineal feet.

**Variance 2020-VAR-11:** A variance in Code Section 114-4(1)a.3 to eliminate the continuous hedge requirement along the public street right-of-way.

**Variance 2020-VAR-12:** A variance in Code Section 114-4(1)b.3 to allow the postponement of the requirement for 1 shade tree per 50 lineal feet along the west property line, south of the railroad spur.

**Variance 2020-VAR-13:** A variance in Code Section 114-4(4) to allow the reduction of the required landscaping along the building perimeter facing the public right-of-way.

**Variance 2020-VAR-14:** A variance in Code Section 114-4 (1)c. to allow the required trees in the parking area to be palm trees in lieu of shade trees.

**Amendment 1:** An amendment to a special exception condition to eliminate the required landscape screening between 8 and 25 feet in height above grade along the wall located on the north property line.

**Amendment 2:** An amendment to a special exception condition to allow the existing oak trees to remain instead of replacing with the required understory/small trees.

**Amendment 3:** Elimination of the Special Exception condition which requires restoration of the wall along Mary Jess Road to a good condition.

**Amendment 4:** Elimination of the Special Exception condition which requires a continuous hedge along the eastern property line between the wall on the north end and the railroad spur on the south end.

- Narrative from FEG, dated August 25, 2020
- Staff report from Allen Lane, P.E. CPH, dated September 8, 2020
- Staff report from Ellen Hardgrove, City Planning Consultant, dated September 19, 2020
- Landscaping plans are provided with your binder.

97 letters of public notice were mailed to property owners within 500 feet of the property. As of this date there were no objections and one letter was returned as undeliverable

The City Planner and the Engineer are prepared to respond to any questions you may have regarding the variance requests. The applicant will also be in attendance.

- **429 Oak Lynn Drive –Proposed Preliminary Plan for Subdivision approval and Application for Variances (Chapter 126), with variance requests to City of Edgewood Code Chapter 126.**
  - **Application for Preliminary Plan for Subdivision Approval**, dated October 6, 2020
  - Narrative from Todd Nolan of TMN Investments LLC, dated October 6, 2020
  - **Application for Variance Chapter 126**, dated October 6, 2020  
Please note: Chapter 126 variance criteria are listed on page 2 of the application.
  - Narrative from Todd Nolan of TMN Investments LLC, dated October 6, 2020
  - Staff report from Allen Lane, City Engineer, dated October 1, 2020
  - Staff report from Ellen Hardgrove, City Planning Consultant, dated October 1, 2020

A legal advertisement was placed in the Orlando Sentinel on Wednesday, October 7, 2020. Per City Code Sec. 126-65 which requires public notice published once in a newspaper of general circulation in the city at least seven days before the hearing, and in addition shall give notice by United States mail, postage prepaid, at least seven days prior to the date of the hearing to abutting property owners at their last known addresses of the time, place and date of the hearing.

The City Planner is prepared to respond to any questions you may have regarding the variance requests. The applicant will also be in attendance.



Date: August 8, 2020  
To: City of Edgewood  
From: Sheila Cichra  
Re: 429 Harbour Island Road – Variance Cover Letter

To whom it may concern,

The attached application is for a variance to Edgewood's dock ordinance. Specifically, Section 14-11 (b)(1) and (6).

The variance requests are:

- keep the existing 5.9' wide access walkway
- decrease the east side setback from 15' to 3'
- decrease the west side setback from 15' to 11'

Both adjacent property owners have signed letters of no objection.

It would be a terrible waste and undue impact to the environment to have to tear the existing access walkway out, just because it is 9" too wide.

The neighbor that is granting the 3' side setback waiver has an enclosed boathouse on that side with a 13.6' side setback, so the proposed boathouse will have little or no impact on them.

The neighbor that is granting the 11' side setback has a dock that is .8' off the shared property line and the docks would still be 21' apart.

Thank you for your consideration.

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**APPLICATION FOR VARIANCE – BOAT DOCKS**

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

**REQUIRED FEE: \$350 RESIDENTIAL \$750 COMMERCIAL**

**(Plus Applicable Pass-Through Fees - Ordinance 2013-01)**

Please note this fee is non-refundable

Office Use Only:		Variance Application #:	2020-07
Received Date:	8/10/2020	Received by:	Sandy Riffle
P&Z Meeting Date:	10/12/2020	City Council Meeting Date:	November 17, 2020

**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:	Sheila Cichra	Owner's Name:	Jeff Weibel
Address:	2154 Oak Beach Blvd, Sebring, FL 33875	Address:	429 Harbour Island Road
Phone Number:	(407) 450-4241	Phone Number:	(407) 620-8861
Fax:		Fax:	
Email:	sheilacichra@gmail.com	Email:	jweibel@jweibel.com
Legal Description:	see attached		
Zoned:	R-1AA		
Location:	429 Harbour Island Road		
Tract Size:	1.9		
City section of the Zoning Code from which Variance is requested:	Sec 14-11 (b) (1) & (6)		
Request:	reduce setback from 15' to 3' & 11' increase access walkway from 5' to 5.9'		
Existing on Site:	an existing 5.9' wide access walkway and terminal platform with an 8.7' setback		

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.



**The planning and zoning board shall hear and make a recommendation to the city council on any application for variance. To recommend to the city council such variance, the following factors shall be considered:**

- a. Average length of other docks in the surrounding 300-foot area;
- b. The reasonable use of the property by the owner;
- c. The effects the dock will have on navigation and safety of boaters;
- d. The overall general welfare of the neighborhood;
- 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;
- f. The effect of the proposed variance on abutting shoreline property owners;
- g. Whether the granting of the variance would be contrary to the intent and purpose and this article; and
- h. A variance 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.

**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.

<b>AGREE:</b>	✓	<b>DISAGREE:</b>	
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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).

<b>AGREE:</b>	✓	<b>DISAGREE:</b>	
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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>Shirley</i>	Date:	October 1, 2020
Applicant's Printed Name:			
Owner's Signature:		Date:	
Owner's Printed Name:			

Please submit your completed application to City Hall via email at [bmeeks@edgewood-fl.gov](mailto:bmeeks@edgewood-fl.gov) or [sriffle@edgewood-fl.gov](mailto:sriffle@edgewood-fl.gov), via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Bagshaw Way. For additional questions, please contact City Hall at 407-851-2920.

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Date: August 8, 2020  
To: City of Edgewood  
From: Sheila Cichra  
Re: 429 Harbour Island Road – boat dock variance criteria

- A. Average length of other docks in the surrounding 300-foot area:**  
Not applicable. The dock length meets code.
  
- B. The reasonable use of the property by the owner:**  
The parcel pines so dramatically that a boathouse could not be built within the setbacks.
  
- C. The effects the dock will have on navigation and safety of boaters:**  
The variance requests have no impact on navigation.
  
- D. The overall general welfare of the neighborhood:**  
The only impacted adjacent property owners have signed letters of no objection.
  
- 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:**  
Without these variances, the owner could not have a boathouse and he would have to tear down his existing dock and start over.
  
- F. The effect of the proposed variance on abutting shoreline property owners:**  
There will be no negative impact, as evidenced by the letters of no objection.
  
- G. Whether the granting of the variance would be contrary to the intent and purpose and this article**  
The granting of this height variance does not affect the recreational use of the lake nor does it impact the riparian or littoral rights of other property owners.
  
- H. A variance 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.**  
Not applicable. The dock length meets code.



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

To: Planning and Zoning Board  
XC: Sandy Riffle  
Bea Meeks  
Drew Smith

From: Allen C. Lane, Jr., P.E.

Date: September 28, 2020

RE: 429 Harbour Island Road  
Variance for construction of boat dock  
Edgewood Code of Ordinances – Chapter 14, Sec. 14-11(d)

I Requested action by Board:  
Consideration of approval or denial of the requested variances:  
Edgewood Code of Ordinances – Chapter 14, Sec 14-11, dock construction rules and regulations.

Sec. 14-11. – (b)(1) and (b)(6), setback and walkway width.

Variance Request #1:

(1) *Sec. 14-11(b)(1) - Minimum side setbacks.* Except as otherwise provided below docks and associated structures shall have a minimum side setback of 15 feet from the projected side property line of abutting shoreline owners. A dock may encroach up to five feet into the 15-foot side setback if the applicant submits as part of the application an original notarized letter of no objection from the owner of the property on the side or sides within which such encroachment occurs. The letter of no objection must identify the site plan and construction plan for the proposed dock, and a copy of the site plan and construction plan must be attached to the letter submitted to the city. For purposes of this determination, and in the absence of property lines that already project into the water body, the projected property line of abutting shoreline owners shall be construed to mean a line projecting from the shoreline into the water 90 degrees from the abutting property owner's shoreline.

Variance Request #2:

(6) *Sec. 14-11(b)(6) Access walkways.* Access walkways shall not exceed five feet in width.

The applicant proposes to construct a dock at their property for lake access. There is an existing dock walkway and terminal platform. The existing terminal platform is proposed to be demolished and reconstructed for a new terminal platform, boat house and roof over a portion of the new platform. The existing walkway to the platform is proposed to remain.

II Relevant Facts

Owner: Jeff Weibel  
Address: 429 Harbour Island Road  
Tax parcel ID number: 13-23-29-3364-00-200  
Lot:  
Zoning: R-1AA  
Lake or canal: Lake Gatlin



Location of lot from Orange County Property Appraiser Website



### III Request for Variance

The applicant requests a variance to construct a boat dock and boat house for their property. Based on the shape of the lot from the normal high water line to the pie-shaped point of their property, the boat dock will encroach on the side setbacks on both sides of the dock.

The west side of the dock deck will encroach by 4 feet, per the plan. The distance will be 11 feet from the west property line.

The east side of the dock deck will encroach by 12 feet, per the plan. The distance will be 3 feet from the east property line.

In addition, the applicant is also requesting a variance for the existing walkway to the new dock. The existing walkway is 5.9 feet wide, which exceeds the maximum width of 5 feet. The request is to keep the walkway as constructed in lieu of constructing a new walkway.

### IV Variance Approval Criteria

Per Chapter 14, Section 14-11(d) of the City's code, approval of the requested variances require the Board to consider the eight (8) criteria listed in the Code. The applicant has submitted a letter addressing each of the variance criteria. The letter is for both variance request items.

CPH has reviewed the application and the letter addressing the variance criteria and we have no objections to the submitted documents.

As required by the City Code, the Applicant has provided a letter from the property owners on each side of the subject lot. The letters state the adjacent property owners have no objection to the proposed construction of the dock.

There is a stipulation from one of the home owners that the roof overhang does not extend more than one (1) foot beyond the east side of the boat house. The same homeowner also stipulated there shall be no boat mooring on the east side of the dock.

The Plan View shows a dimension of three (3) feet from the property line to the edge of the dock platform and a dimension of two (2) feet from the property line to the edge of the roof overhang, indicating the roof overhang will not be greater than one foot beyond the edge of the dock. The Plan View includes a note referencing the boat mooring requirement. Therefore, as a condition of approval, the roof for the boat house may not extend more than one foot beyond the edge of the dock. Also, as a condition of approval, there shall be no boat mooring on the east side of the dock.

CPH also reviewed the proposed area of the terminal platform to verify the area proposed is less than or equal to the allowable area per City Code. The frontage of the lot is 66 feet. Per City code, Chapter 14.11(5), the allowable area for the terminal platform is 660 SF. The proposed platform is 655.33 SF.



Based on our review of the application and the supporting documentation from the applicant, CPH recommends approving the two requested variances.

Sincerely,  
CPH, Inc.

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

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

J:\E7601\Civil\Documents\City Plans-Application Review\429 Harbour Island Rd- boat dock variance app\letters\Variance letter to City 429 Harbour Isl Road Boat dock 9-28-20.doc

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**RICK SINGH, CFA - ORANGE COUNTY PROPERTY APPRAISER**

CITY OF EDGEWOOD

Searches

Sales Search

Property Record Card

My Favorites

Sign up for e-Notify...

**Harbour Island Rd** < 13-23-29-3364-00-203 >

Name(s)	Physical Street Address
Weibel Family Trust	Harbour Island Rd
Property Name	Postal City and Zipcode
N/A. Click information icon to contribute.	Orlando, FL 32809
Mailing Address On File	Property Use
C/O Jeffrey J Weibel Trustee	0030 - Vacant Water
429 Harbour Island Rd	Municipality
Orlando, FL 32809-3030	Edgewood
<a href="#">Incorrect Mailing Address?</a>	

**Contribute An Image For This Parcel**



**IMAGE UPLOAD**

**View 2019 Property Record Card**

Property Features	<b>Values, Exemptions and Taxes</b>	Sales Analysis	Location Info	Market Stats	Update Information
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**2020 values will be available in August of 2020.**

**Property Description**

[View Plat](#)

HANSEL PRESCOTT PROPERTY Q/117 PORTION OF TRACT 2 DESC AS COMM AT NE CORNER OF SW1/4 OF SEC 13-23-29 TH S0-30-16W 75.35 FT TH S89-54-21W 417.41 FT TO POB TH S89-54-21W 160.85 FT TH S0-5-39E 163.51 FT TO POINT ON CURVE CONCAVE SLY HAVING A RADIUS OF 1410.45 FT A CENTRAL ANGLE OF 1-13-22 SUBTENDED BY A CHORD HAVING A LENGTH OF 30.1 FT AND BRG OF N85-16-16W TH NWLY ALONG ARC OF CURVE 30.1 FT TH N0-5-39E 102.32 FT TH N11-24-17W 192.42 FT TH N28-41-14E 388.48 FT TH S5-8-28E 472.32 FT TO POB (LESS PT DESC AS COMM AT NE CORNER OF SW1/4 OF SEC 13-23-29 TH S0-30-16W 75.35 FT TH S89-54-21W 417.41 FT TO POB TH S89-54-21W 160.85 FT TH S0-5-39E 163.51 FT TO POINT ON NON-TANGENT CURVE CONCAVE SLY HAVING A RADIUS OF 1410.45 FT CHORD BRG OF N85-0-29W 17.15 FT TH ALONG ARC OF SAID CURVE THROUGH CENTRAL ANGLE OF 0-41-49 17.15 FT TH N2-50-56W 278.17 FT TH S85-14-11E 156.58 FT TH S5-15-12W 49.23 FT TH S89-48-45E 35.16 FT TH S5-8-28E 53.63 FT TO POB.)

**Total Land Area** 47,706 sqft (+/-) | 1.10 acres (+/-) [GIS Calculated](#) [Notice](#)

**Land**

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0030 - Vacant Water	R-1AA	1 LOT(S)	working...	working...	working...	working...

Page 1 of 1 (1 total records)

**Buildings**

Important Information	Structure
There are no buildings associated with this parcel.	

**Extra Features**

Description	Date Built	Units	XFOB Value
BD3 - Boat Dock 3	12/31/2014	1 Unit(s)	working...

Page 1 of 1 (1 total records)

This Data Printed on 08/08/2020 and System Data Last Refreshed on 08/07/2020

What are you looking to do today? You can also type your question below.



2

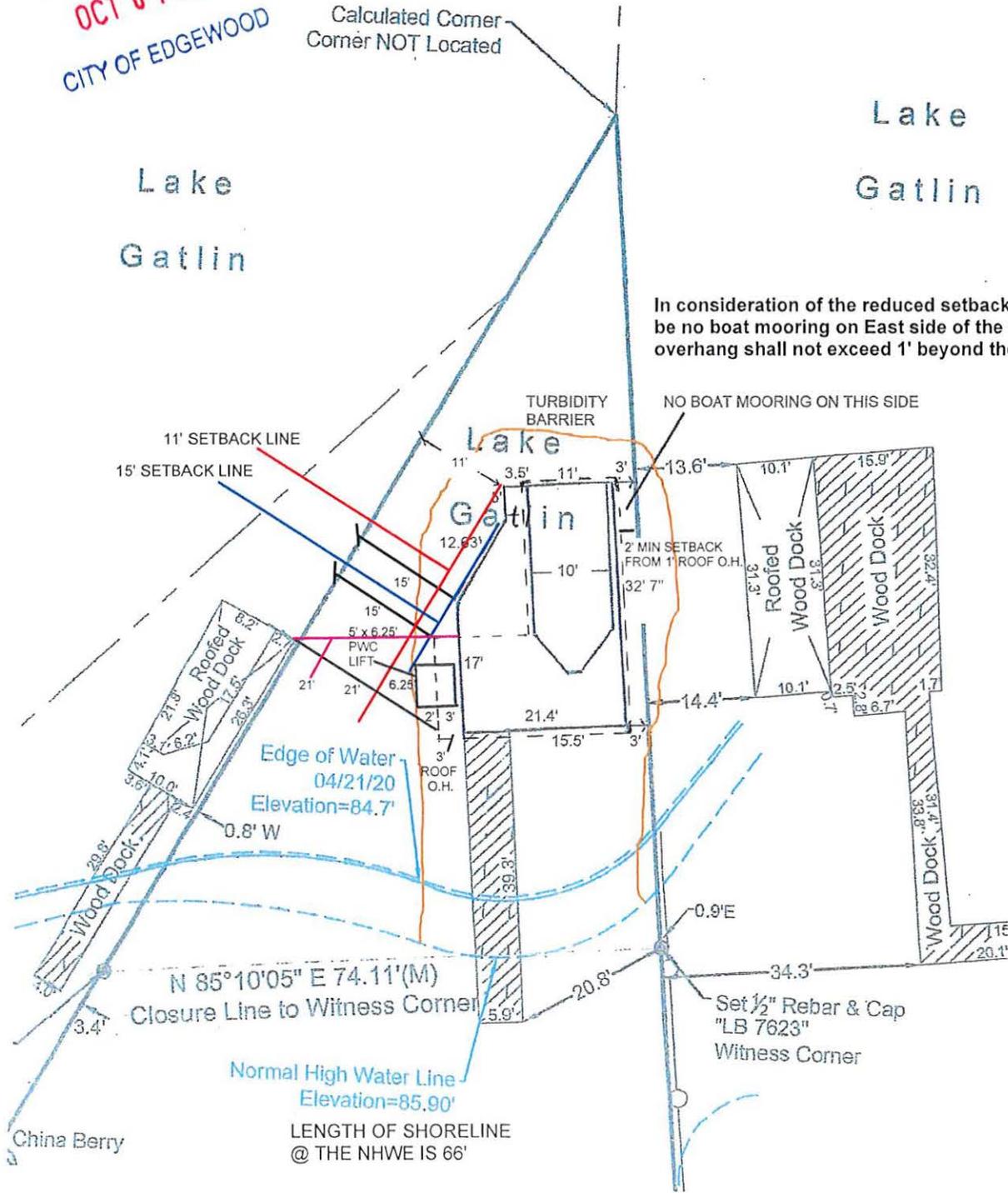
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Lake  
Gatlin

Lake  
Gatlin

In consideration of the reduced setback variance, there shall be no boat mooring on East side of the dock and the roof overhang shall not exceed 1' beyond the footprint of the dock.



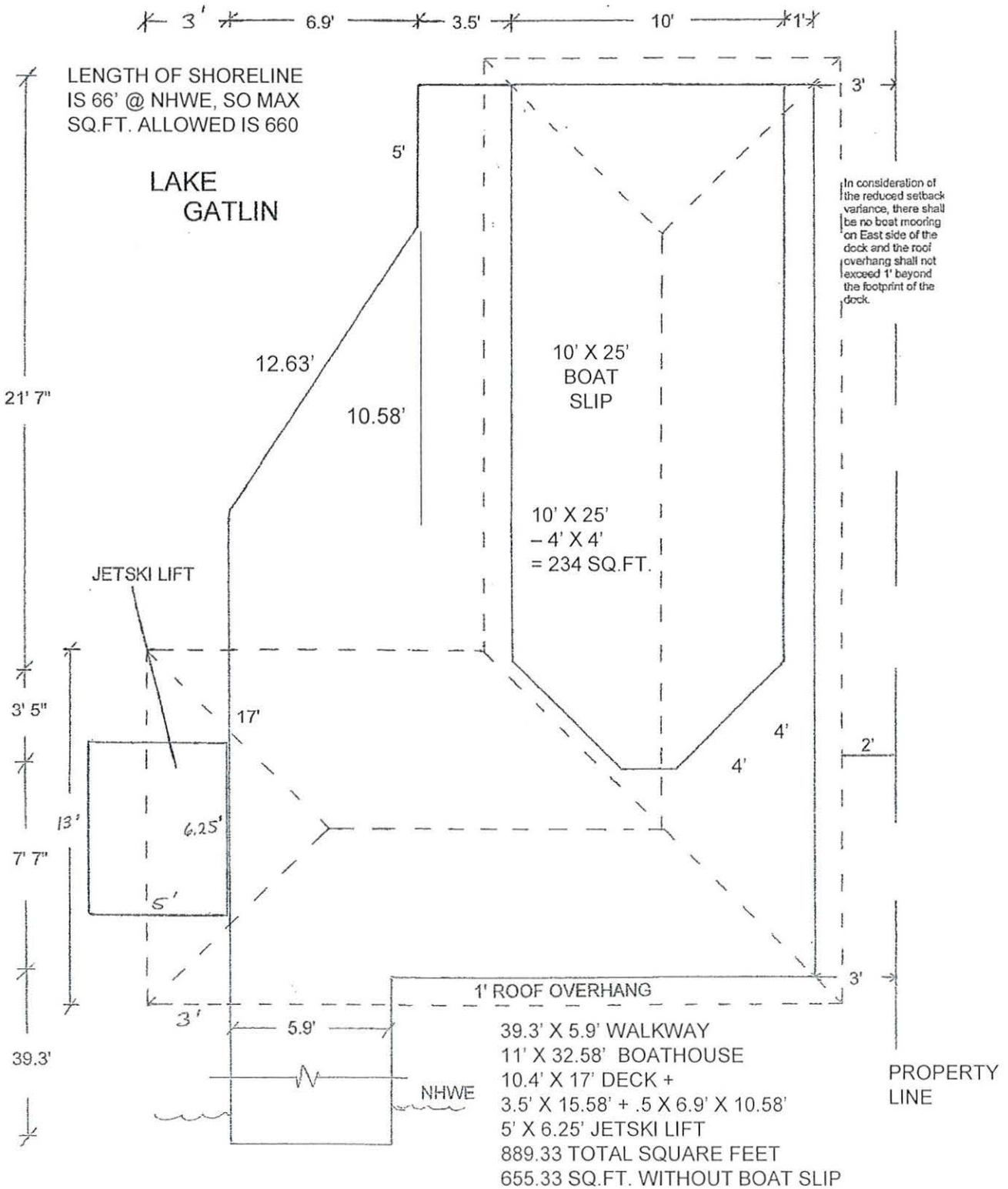
**WEIBEL SITE PLAN**  
 429 HARBOUR ISLAND RD  
 EDGEWOOD, FL 32809

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# Plan View

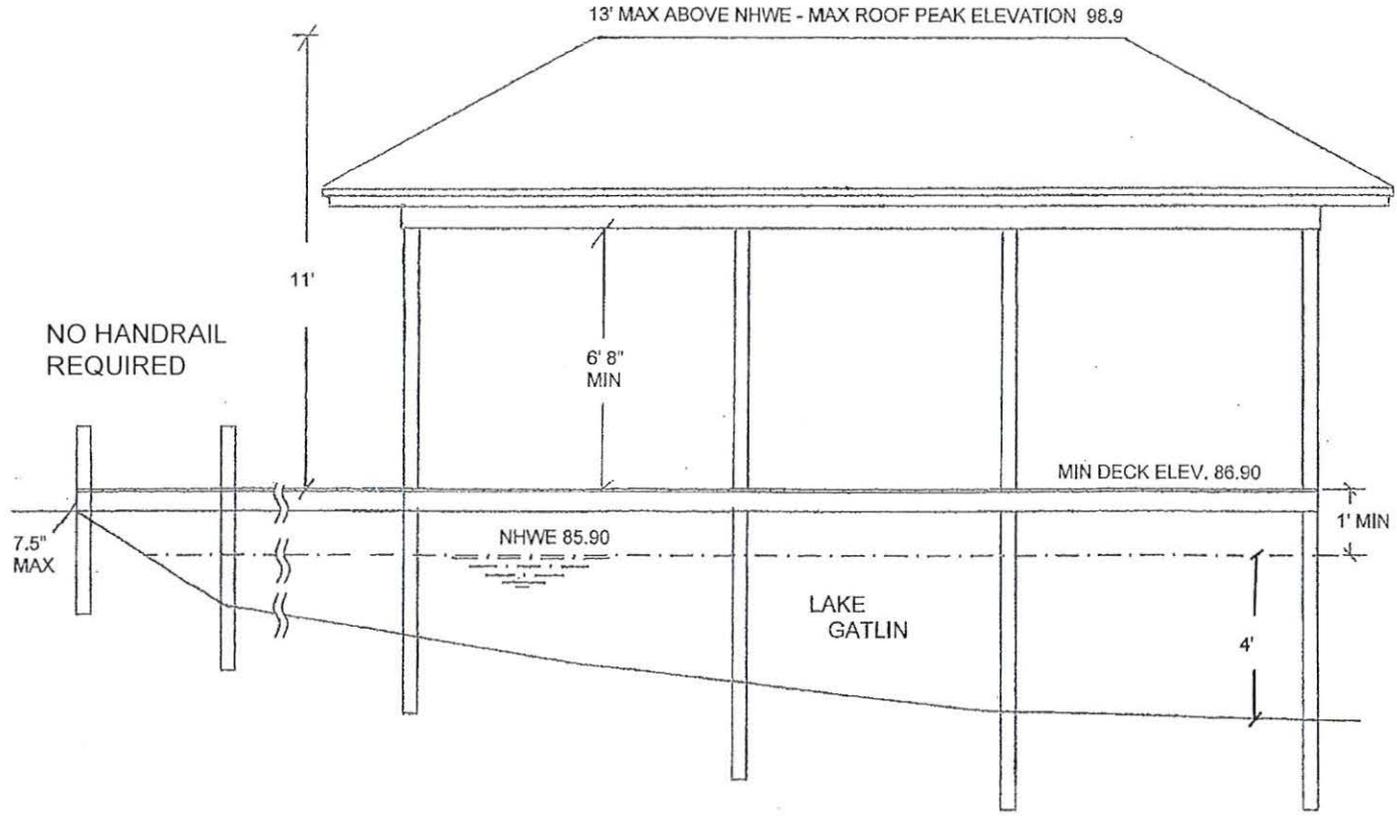


Weibel 429 Harbour Island Road, Edgewood

Pavol Stankay PE # 29059 2227 Mercator Drive Orlando, FL 32807 (407) 701-2145

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# Elevation



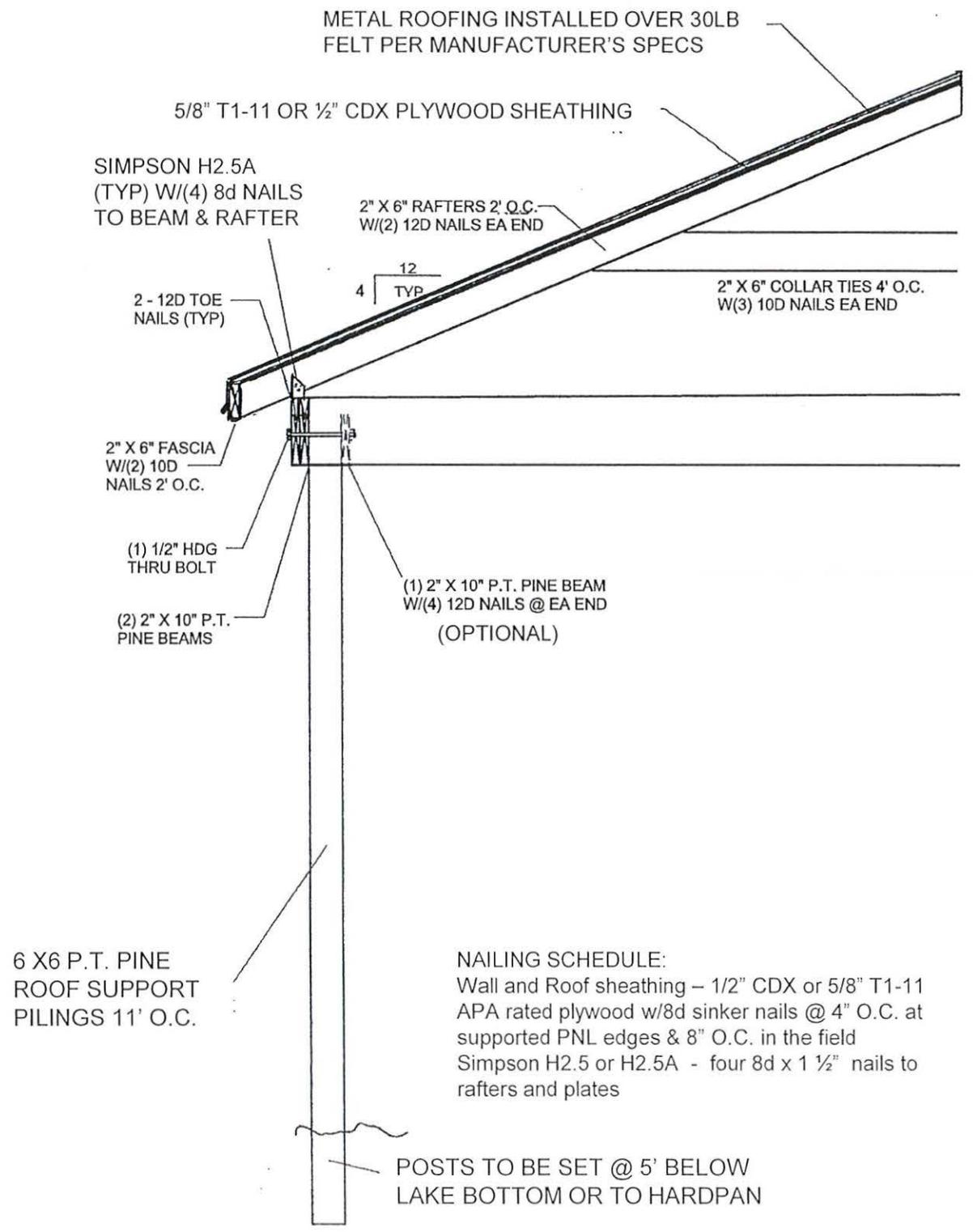
Weibel 429 Harbour Island Road, Edgewood

Pavol Stankay PE # 29059 2227 Mercator Drive Orlando, FL 32807 (407) 701-2145



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# Roof Cross Section



**NAILING SCHEDULE:**  
 Wall and Roof sheathing – 1/2" CDX or 5/8" T1-11  
 APA rated plywood w/8d sinker nails @ 4" O.C. at  
 supported PNL edges & 8" O.C. in the field  
 Simpson H2.5 or H2.5A - four 8d x 1 1/2" nails to  
 rafters and plates

Weibel 429 Harbour Island Road, Edgewood

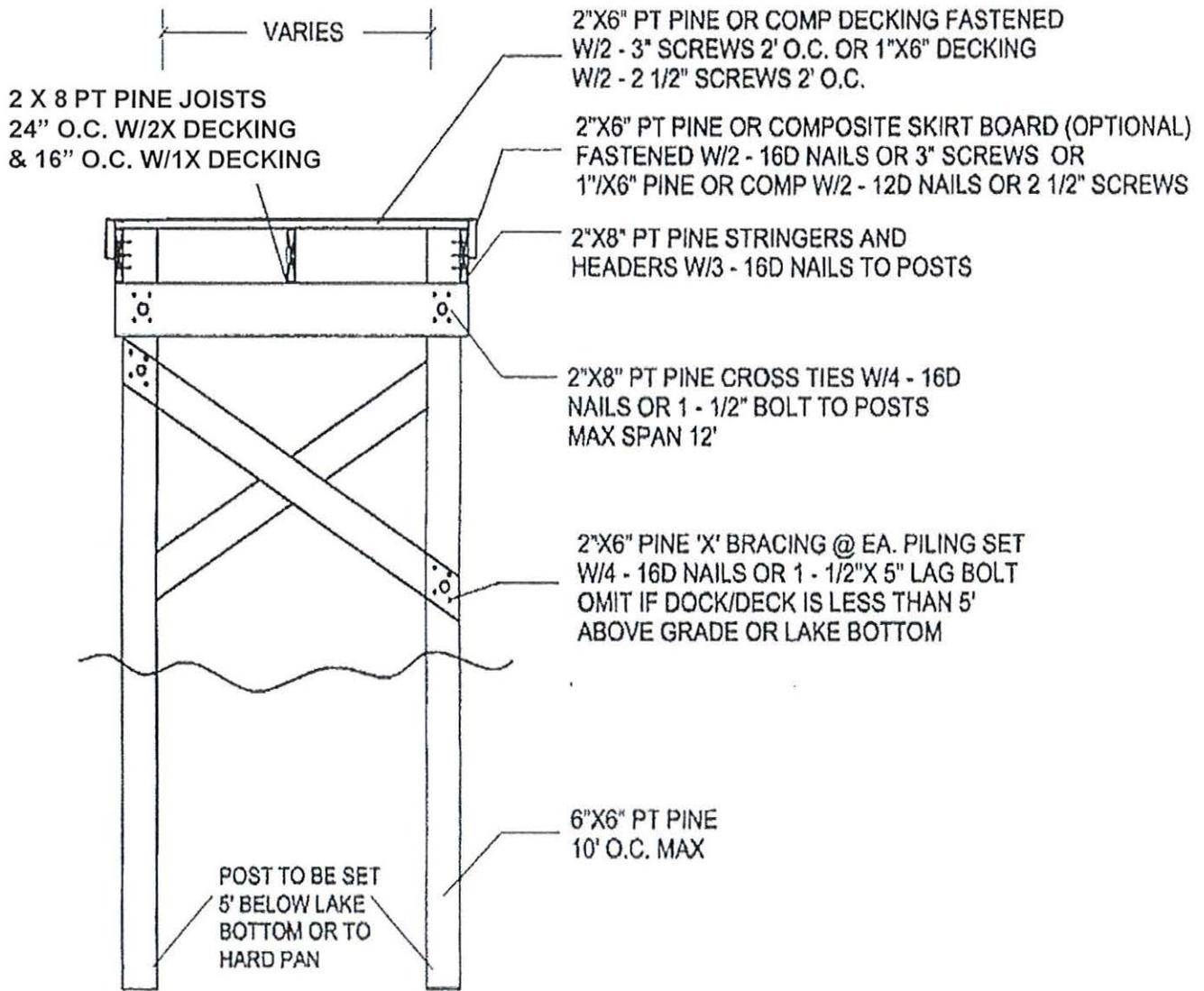
Pavol Stankay PE # 29059 2227 Mercator Drive Orlando, FL 32807 (407) 701-2145

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# Deck/Deck Framing Detail and Specifications



THIS STRUCTURE HAS BEEN DESIGNED TO MEET THE 2017 FLORIDA BUILDING CODE, 6<sup>TH</sup> EDITION AND ASCE 7- 10 AND 2014 NATIONAL ELECTRIC CODE.

1. BASIC WIND SPEED ( $V_{asd}$ ) = 108 MPH, ULTIMATE WIND SPEED ( $V_{ult}$ ) = 140 MPH
2. CONSTRUCTION TYPE = R-3
3. WIND EXPOSURE = CATEGORY D
4. OPEN STRUCTURE WITH A ZERO PRESSURE COEFFICIENT

Weibel

429 Harbour Island Road, Edgewood

Pavol Stankay PE # 29059 2227 Mercator Drive Orlando, FL 32807 (407) 701-2145

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# Design Standards

The following are general design standards. More stringent design standards may be noted on the plans.

## General Requirements:

Reproductions of contract drawings by contractor in lieu of preparation of shop drawings signifies acceptance of information shown as correct and obligates himself to any expense, real or implied, arising from their use. A change to the structural drawings due to the acceptance of alternates and/or substitutes is the responsibility of the contractor and must be submitted to the engineer for approval. The general contractor and each subcontractor shall verify all existing conditions prior to the start of any work. All inconsistencies shall be reported to the designer and/or structural engineer, if needed. Should contractor construct the premises in a fashion not consistent with the plans prepared by the designer and/or structural engineer, or in any fashion, change the plans and drawing without the review and approval from the designer and/or structural engineer. Then designer and/or structural engineer shall bear no responsibility or liability for the construction of premises and accuracy of the drawings.

## Structural Aluminum:

Conform to latest edition of Aluminum Association of Florida standard practice for aluminum design. All aluminum shall be 6061-T6 (E= 10,000 ksi; Fy = 35 ksi)

## **Timber :**

Design in accordance with the National Design specification for wood construction, with loading in accordance with the 2017 FBC. All graded structural lumber shall be pressure treated and meet the following minimum requirements:

- Minimum bending stress = 1250 psi
- Young Modulus = 1,600 ksi
- Maximum of 15% moisture content
- Contractor to use - Southern Yellow Pine No. 2, U.N.O.

Lumber sizes shown are nominal sizes. Lumber shall be furnished in finished sizes meeting the requirement of the American Softwood Lumber Standard.

## Galvanized Bolts:

All bolts shall be galvanized be ASTM A36, threaded round stock with a minimum yield stress of 36,000 psi.

## Design Loads:

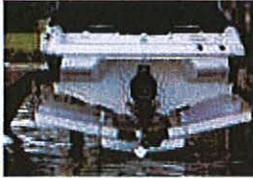
Pursuant to Chapter 16 –Table 1607.1

- Deck Live Load: 60 psf
- Deck Dead Load: 10 psf
- Roof Live Load: 20 psf
- Handrail / Guardrails Post: 200 lbs acting horizontally on top of the Post, 42" A.F.F.
- Guardrails and handrails : 50 plf at top rail
- Guardrail in fill components: 50 psf
- Stair L.L. : 100 psf
- Components and cladding, design wind pressures + 38psf / -38psf

Weibel

429 Harbour Island Road, Edgewood

Pavol Stankay PE # 29059 2227 Mercator Drive Orlando, FL 32807 (407) 701-2145



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PRODUCTS

BENEFITS

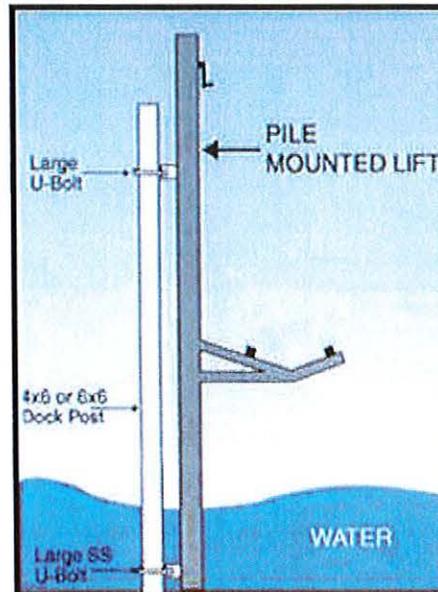
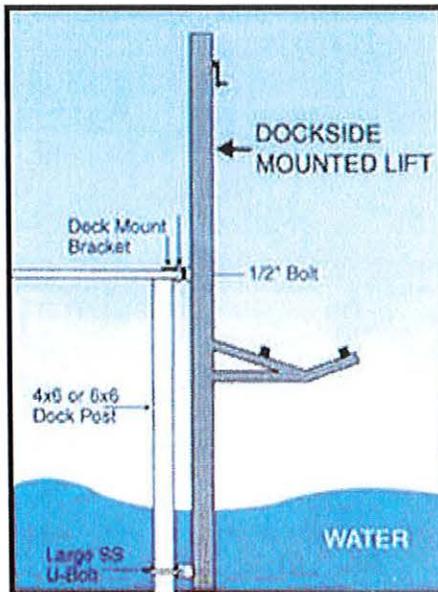
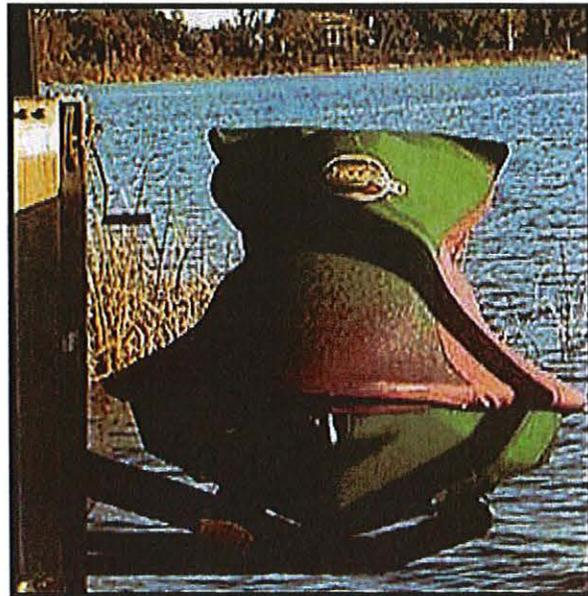
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### DSL-PWC Dockside Lift

- Package Includes-
- Aluminum Dockside Hoist
- Manual Hoist
- Carpeted, Pressure-Treated Wood Bunk
- Mounting Hardware
- Standard Depth of Legs 8'
- Longer legs are available.*
- Pile Mount or Dockside Mount
- Also available with Aluminum Bunks*





RECEIVED

AUG 10 2020

CITY OF EDGEWOOD

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

**FOR PROPOSED BOAT DOCK**

**@ 429 HARBOUR ISLAND RD, EDGEWOOD, FL 32809**

I, <sup>"Tina"</sup>  
Christine Demostene  
Richard A. Horn, owner of 5106 Leeward Way, on  
(Affected Adjacent Property Owner Name) (Address)

Lake Gatlin, have reviewed my adjacent property owner's proposed  
(Name of Lake)  
boat dock construction plan and have no objection to the project.\*

Tina Demostene / Richard Alan Horn 8/9/2020 / 8/9/2020  
(Signature) (Date)

Christine Tina Richard Alan  
Demostene (Print Name) Horn

\*subject to no boat mooring or roof overhangs beyond 4' (one)  
ACKNOWLEDGEMENT: foot on East side of boathouse

STATE OF FLORIDA  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 10 day of August 2019, by

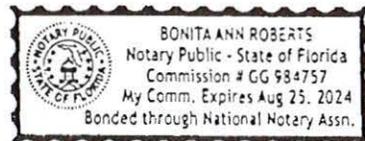
Richard Horn Tina Demostene

(NOTARY SEAL)

Bonita Roberts  
(Signature of Notary Public - State of Florida)

Personally Known  OR Produced Identification

Type of Identification Produced \_\_\_\_\_



RECEIVED

AUG 10 2020

CITY OF EDGEWOOD

I, William Penner, owner of 5125 <sup>The Oaks Circle</sup>~~Leeward Way~~, on Lake Gatlin, have reviewed my adjacent property owner's proposed boat dock construction plans and have no objection to the project, which will have a 11' side setback from my projected property boundary.

Wm. Penner

7/30/2020

(Signature)

(Date)

William Penner

(Print Name)

ACKNOWLEDGEMENT:

STATE OF FLORIDA

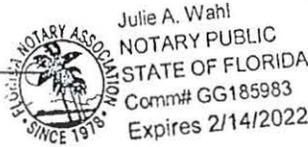
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 31 day of July 2020, by

William Penner

(NOTARY SEAL) Julie A. Wahl

(Signature of Notary Public – State of Florida)



Personally Known  OR Produced Identification

Type of Identification Produced

\_\_\_\_\_

RECEIVED  
AUG 10 2020  
CITY OF EDGEWOOD

I, SUSAN Fortini, owner of 5125 Leeward Way, on Lake Gatlin, have reviewed my adjacent property owner's proposed boat dock construction plans and have no objection to the project, which will have a 11' side setback from my projected property boundary.

*The Oaks Circle*

Susan H. Fortini

7/29/20

(Signature)

(Date)

SUSAN H. Fortini

(Print Name)

ACKNOWLEDGEMENT:

STATE OF FLORIDA

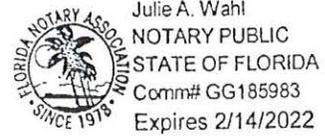
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 31 day of July 2020, by

Susan H. Fortini

(NOTARY SEAL) Julie A. Wahl

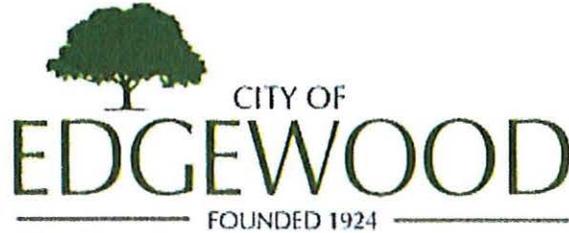
(Signature of Notary Public – State of Florida)



Personally Known  OR Produced Identification

Type of Identification Produced

\_\_\_\_\_



**Summary of Suncoast Applications**

This is a request for 6 variances and 4 changes to conditions of a special exception approved in 2016 for property located on the north side of Mary Jess Road, west of the railroad tracks. The property address is 101 Mary Jess Road. The special exception allowed the construction of a warehouse for building materials in 2019. The certificate of occupancy was issued December 9, 2019. It was later discovered that the required landscaping as part of the approved site plan of November 2018 had not been installed. The subject requests are an attempt to modify the required landscaping that was approved on the site plan. The following table summarizes the requests.

Request
<p><b>Reduction of landscaping in required northern buffer</b></p> <ul style="list-style-type: none"> <li>• An amendment to a special exception condition to eliminate the required landscape screening between 8 and 25 feet in height above grade along the wall located on the north property line.</li> <li>• A variance in Code Section 114-5(2) to allow the number of shade trees in the buffer along the northern perimeter at a rate of 1 shade tree per 193.33 lineal feet in lieu of 1 shade tree per 40 lineal feet.</li> </ul>
<p><b>Shade trees vs small trees along Mary Jess Road</b></p> <ul style="list-style-type: none"> <li>• An amendment to the special exception condition to allow the existing oak trees to remain instead of replacing with the required understory/small trees.</li> <li>• A variance in Code Section 114-4(1)a.2 to allow the number of shade trees along Mary Jess Road, west of the driveway to be to be 1 shade tree per 52.2 feet in lieu of 1 shade tree per 40 lineal feet.</li> </ul>
<p><b>Elimination of hedge and restoration of wall along Mary Jess Road</b></p> <ul style="list-style-type: none"> <li>• A variance in Code Section 114-4(1)a.3 to eliminate the continuous hedge requirement along the public street right-of-way.</li> <li>• Elimination of the Special Exception condition which requires restoration of the wall along Mary Jess Road to a good condition.</li> </ul>
<p><b>Postponement of trees along the western property perimeter</b></p> <ul style="list-style-type: none"> <li>• A variance in Code Section 114-4(1)b.3 to allow the postponement of the requirement for 1 shade tree per 50 lineal feet along the west property line, south of the railroad spur.</li> </ul>
<p><b>Reduction of landscaping adjacent to the southern building facade</b></p> <ul style="list-style-type: none"> <li>• A variance in Code Section 114-4(4) to allow the reduction of the required landscaping along the building perimeter facing the public right-of-way.</li> </ul>
<p><b>Shade trees vs palms internal to the vehicular use area</b></p> <ul style="list-style-type: none"> <li>• A variance in Code Section 114-4 (1)c. to allow the required trees in the parking area to be palm trees in lieu of shade trees.</li> </ul>
<p><b>Elimination of landscaping along the eastern property perimeter</b></p> <ul style="list-style-type: none"> <li>• Elimination of the Special Exception condition which requires a continuous hedge along the eastern property line between the wall on the north end and the railroad spur on the south end.</li> </ul>

**RECEIVED**  
 AUG 26 2020  
 CITY OF EDGEWOOD



**APPLICATION FOR VARIANCE**

Reference: City of Edgewood Code of Ordinances, Section 126-588  
**REQUIRED FEE: \$350 RESIDENTIAL \$750 COMMERCIAL**  
 (Plus Applicable Pass-Through Fees - Ordinance 2013-01)  
 Please note this fee is non-refundable

<b>Office Use Only:</b>		Variance Application #:	2020-VAR-09,10,11,12,13,14
Received Date:	8/26/2020	Received by:	Sandy Riffle
P&Z Meeting Date:	10/12/2020	City Council Meeting Date:	11/17/2020

**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 R. Johns	Owner's Name:	William R. Johns
Address:	44700 N. Groesbeck Hwy	Address:	44700 N. Groesbeck Hwy
Phone Number:	586-469-3404	Phone Number:	586-469-3404
Fax:		Fax:	
Email:	marylyn@wrjco.com	Email:	marylyn@wrjco.com
Legal Description:	see attached		
Zoned:	Wholesale Commercial District (C-3)		
Location:	101 Mary Jess Road, Orlando, FL 32839		
Tract Size:	412,063 S.F. (+/-)		
City section of the Zoning Code from which Variance is requested:	See attached narrative		
Request:	Revise landscaping based on existing and future conditions as described in narrative.		
Existing on Site:	Existing warehouse and related site infrastructure		

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.

<b>AGREE:</b>	Yes	<b>DISAGREE:</b>	
---------------	-----	------------------	--

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).

<b>AGREE:</b>	Yes	<b>DISAGREE:</b>	
---------------	-----	------------------	--

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

Applicant's Signature:	<i>William R. Johns</i>	Date:	8-20-20
Applicant's Printed Name:	William Johns		
Owner's Signature:	<i>William R. Johns</i>	Date:	8-20-20
Owner's Printed Name:	William Johns		

Please submit your completed application to City Hall via email at [bmeeks@edgewood-fl.gov](mailto:bmeeks@edgewood-fl.gov) or [sriffle@edgewood-fl.gov](mailto:sriffle@edgewood-fl.gov), via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Bagshaw Way. For additional questions, please contact City Hall at 407-851-2920.

**RECEIVED**  
**AUG 26 2020**  
**CITY OF EDGEWOOD**

August 25, 2020

City of Edgewood  
405 Bagshaw Way  
Edgewood, Florida 32812

Subject: Variance Request and Justification  
Suncoast Building Materials  
101 Mary Jess Road  
FEG Project No. 16-008R2

In response to the Special Exception Amendment application submittal for the subject project, we received a request from the City Planning Consultant to additionally provide justifications for each of the variances requested. This letter along with the attached plans and other documents are provided to support each of the variances requested from City of Edgewood Land Development. Specifically, justifications are provided below for each of the variance requests addressing the six standards for variance approval per Code Section 134-104(3).

1. *A variance in Code Section 114-5(2) to allow the number of shade trees in the northern buffer at a rate of 1 shade tree per 193.33 lineal feet in lieu of 1 shade tree per 40 lineal feet.*

1.1. 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.

The northern buffer of this property is adjacent to a residential subdivision, which is screened by an existing 8 Ft. block wall and existing canopy trees planted at the rear of the single-family residential lots. Therefore, this request is to limit the required planting of additional shade trees on the project site to the areas where there are gaps in the buffer planted on the residential lots.

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

The residential subdivision, the block wall and existing shade trees on the single-family residential lots were constructed prior to the proposed development of this project and provide adequate buffering except for areas where there are gaps. Furthermore, the development is proposed about 350 Ft. from this wall.

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

The proposed variance request is specific to the existing circumstances of this property and does not confer any special privilege that is denied to other lands in the same zoning district.

1.4. 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 cause unnecessary and undue hardship to the applicant by requiring excessive planting of shade trees where there is already existing wall and tree screening and buffering provided.**

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

The variance is the minimum variance that will make possible the reasonable use of the land without requiring additional planting which is unnecessary given the circumstances. Planting of all the trees at this time could limit the applicant's availability to develop in the future without incurring additional costs related to replacing the impacted trees as the site grades for the area adjacent to the northern boundary will have to be determined during design of the northern parcel.

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

The approval of the variance will provide harmony with the screening and buffering of the adjacent residential subdivision by planting trees in the areas where there are gaps in existing tree planting. Thus, buffering will be accomplished by the existing trees, existing wall, and the proposed trees, which are to fill gaps. As such, the variance is in harmony with the intent of the code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

2. *A variance in Code Section 114-4(1)a.2 to allow the number of shade trees along the public street right-of-way of Mary Jess Road to be 1 shade tree per 54.59 lineal feet in lieu of 1 shade tree per 40 lineal feet or 1 understory/small tree per 20 feet of lineal feet.*

2.1. 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.

There are 17 existing shade trees planted in the Mary Jess Road right-of-way along the frontage of the subject property. In addition, there are existing overhead power lines and related electric infrastructure, which run along the property frontage which would prevent additional planting of the required shade trees to meet the code.

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

**The existing power lines and electric infrastructure were constructed prior to the proposed development of the subject project.**

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

**The approval of the variance requested is justified based on the existing conditions and does not confer to the applicant any special privilege that is denied by the code for other property in the same zoning district.**

2.4. 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 work unnecessary and undue hardship by requiring the coordination of the relocation of the existing public electric utilities which would not be possible, practical or reasonable to modify as part of the proposed development.**

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

**Based on the existing conditions of the Mary Jess Road right-of-way, the requested variance is the minimum variance that will reduce the impractical conditions.**

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

**The proposed development plan is in harmony with the general intent of the code and the requested variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.**

3. *A variance in Code Section 114-4(1)a.3 to eliminate the continuous hedge requirement along the public street right-of-way of Mary Jess Road.*

3.1. 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.

**There is an existing 8 Ft. block wall, which screens the proposed development from the right-of-way. In addition, the proposed modification to the Site Plan would enhance the screened wall with a proposed live Ficus vine on the entire wall along the property's frontage.**

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

**The existing conditions of the Mary Jess Road right-of-way are not a result from the actions of the applicant.**

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

**The approval of the variance is justified based on the existing conditions, which include an existing 8 Ft. block wall, which will be supplemented with a live Ficus vine and does not confer on the applicant any special privilege that is denied by the code to other lands in the same zoning district.**

3.4. 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 cause undue hardship on the applicant requiring additional screening of the development and long term maintenance outside of the wall, which is unnecessary given the existing conditions in the Mary Jess Road right-of-way.**

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

**Based on the existing conditions of the Mary Jess Road right-of-way, the requested variance is the minimum variance that will reduce the impractical conditions of the code.**

3.6. 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.

**Based on the existing condition of the Mary Jess Road right-of-way, which include an 8 Ft, block wall, which will be augmented by live Ficus screening, the approval of the variance will be in harmony with the general intent of the code and such variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. Furthermore, the proposed conditions are a significant improvement of prior existing conditions relative to use and screening.**

4. *A variance in Code Section 114-4(1)b.3 to allow the temporary postponement of the requirement for 1 shade tree per 50 lineal feet along the western property boundary.*

4.1. 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.

The required western property boundary shade tree planting would conflict with a planned building addition to be constructed on the site. There will be grading and other construction activities adjacent to this western boundary and therefore the request is to simply postpone the shade tree planting so that it would be provided as part of the new planned addition, which has been submitted for permitting. The current development is about 200 feet east of the western property boundary. As such, it does not cause any impacts.

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

**Based on the need to expand the project to the west, if the applicant planted the shade trees prior to the new construction the trees could potential be damaged as a result of potential grading and construction activities.**

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

**The applicant is not asking to remove the planting requirement. They are only asking to postpone it to the planned addition. As such, this variance will not confer on the applicant any special privilege that is denied by the code to other lands in the same zoning district.**

4.4. 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.

**Strict adherence to the code would require planting trees in an area, which may be impacted by future development and hinder the construction of the new phase of development due to the presence of the planted trees ahead of construction.**

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

**The applicant proposes only to postpone the requirement; therefore, it is the minimum variance that will make possible the reasonable use of the land.**

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

**The approval of the variance will be in harmony with the intent of the code as it will only postpone the required planting until the future phase of development. Therefore, it will not be injurious to the neighborhood or otherwise be detrimental to the public welfare. Furthermore, the current development is about 200 feet to the east of the western property boundary. As such, there is minimal impacts to the property to the west.**

*5. A variance in Code Section 114-4(4) to allow a reduction in the required landscaping along the southern building perimeter facing the public right-of-way of Mary Jess Road.*

5.1. 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.

**There is an existing 8 Ft. block wall which screens the southern building perimeter facing the Mary Jess Road right-of-way and therefore the requirement for the planting is not providing the intended effect of the code. In addition, the request is to only remove a portion of the southern perimeter building façade, which is exclusively for truck traffic and is not visible to patrons.**

The eastern portion of the southern building perimeter adjacent to the office area as well as the eastern building perimeter contain enhanced landscaping. These areas are adjacent to customer/patron parking. Therefore, the variance to remove the portion of southern building perimeter landscaping helps differentiate between the truck traffic and customer entrances. The intent to remove foundation landscaping from areas adjacent to truck traffic and heavy operations and concentrate the landscaping on the eastern façade where it serves the intent of the code.

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

The existing condition of the block wall along the Mary Jess Road right-of-way predates the proposed development and mitigate the code requirement for planting on the south side of the building.

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

The requested variance is specific to this project and site conditions, which include the existing 8 Ft. block wall along the eastern boundary, the operational aspects, and the separation of truck and heavy use areas from customer/patron areas. Therefore, granting this variance will not confer any special privilege that is denied by code to other properties in the same zoning district.

5.4. 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 intent of the code required landscaping is to provide foundation landscaping in view of the public right-of-way or patron areas. However, in the existing condition, the proposed development is blocked from the view of the right-of-way by the existing wall. Furthermore, customer/patron access is limited to the east side of the building. Therefore, the code would require unnecessary landscaping which does not provide the code intended effects.

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

The variance is to remove foundation landscaping only the western portion of the southern building perimeter next to the warehouse as it does not provide the intended effect and will likely be impacted by operations. Therefore, the request is the minimum variance that will make possible the reasonable use of the building.

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

The existing block wall along Mary Jess Road right-of-way currently blocks the view of the southern building perimeter where the variance request is requested. Thus, approval of the variance will be in harmony with the intent of the code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, since the area in question will not be seen by the public or customers.

6. *A variance in Code Section 114-4 (1)c to allow the required trees in the parking area to be palm trees in lieu of shade trees.*

6.1. 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.

The vehicular parking area of the proposed development is minimal compared to other retail establishments, which provide shade trees by code as a visual and climatic relief from the expanded pavement areas. The proposed change to provide palm trees in lieu of shade trees in the customer and employee parking area still meets the intent of the code to provide visual and climatic relief. Also, there are approximately 3 palm trees proposed for every shade tree, which is required by code. In addition, prior to the proposed development, palm trees had been planted on the site as part of the previous development. The palm trees are also more appropriate for the intended site use as they are easier to maintain and would not conflict with truck traffic and operations.

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

The condition of the site merit the use of the palm trees in lieu of the shade trees as there is a low amount of pavement area in the customer and employee parking area, and the palm trees still provide a visual and climatic relief in these areas. Furthermore, the palm trees are more appropriate for the intended site use as they are easier to maintain and would not conflict with truck traffic and operations.

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

The approval of the variance will not confer on the applicant any special privilege that is denied by the code to other lands in the same zoning district, since they are specific to the design and use of this site.

6.4. 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 proposed variance still meets the intent of the code to provide the visual and climatic relief of the vehicular use areas. In addition, the proposed palm tree planting is consistent with the existing conditions prior to this development.

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

The proposed variance would provide for additional planting of the palm trees beyond what is required by the code and therefore approval would be the minimum variance that will make reasonable use of the land.

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

The approval of the variance would allow for intent of the code to be met by providing additional palm trees which will enhance the visual and climatic relief of the customer and employee vehicular areas.

7. A variance in Section 114-4 c.4. to replace the required shade tree at the end of parking space rows with palm trees.

7.1. 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.

The vehicular parking area of the proposed development is minimal compared to other retail establishments, which provide shade trees by code as a visual and climatic relief from the expanded pavement areas. The proposed change to provide palm trees in lieu of shade trees in the customer and employee parking area still meets the intent of the code to provide visual and climatic relief. Also, there are approximately 3 palm trees proposed for every shade tree which is required by code. In addition, prior to the proposed development, Palm trees had been planted on the site as part of the previous development.

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

The condition of the site merited the use of the palm trees in lieu of the shade trees as there is a low amount of pavement area in the customer and employee parking area and the palm trees still provide a visual and climatic relief in these areas.

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

The approval of the variance will not confer on the applicant any special privilege that is denied by the code to other lands in the same zoning district.

7.4. 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 proposed variance still meets the intent of the code to provide the visual and climatic relief of the vehicular use areas. In addition, the proposed palm tree planting is consistent with the existing conditions prior to this development.

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

The proposed variance would provide for additional planting of the palm trees beyond what is required by the code and therefore approval would be the minimum variance that will make reasonable use of the land.

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

The approval of the variance would allow for intent of the code to be met by providing additional palm trees which will enhance the visual and climatic relief of the customer and employee vehicular areas.

I trust this letter and the attached documents adequately address the variance standards of approval and allow for the variance requests and Special Exception amendment approval. Should you have any questions or concerns, please do not hesitate to contact me at 407-895-0324 or by email at [SSebaali@feg-inc.us](mailto:SSebaali@feg-inc.us).

Sincerely,  
Florida Engineering Group, Inc.

Sam J. Sebaali, P.E., LEED®AP  
President

cc: William R. Johns, Mary Jess, LLC



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

September 8, 2020

Ms. Sandy Riffle  
Administrative Assistant  
City of Edgewood  
405 Bagshaw Way  
Edgewood, FL 32809-3406

**RE: Suncoast Building Materials – Landscape Review  
CPH project number E7601**

Dear Ms. Repp;

We are in receipt of the new construction plans, dated August 25, 2020, for the above project. We were not provided revised storm water calculations for review. We referenced the June 27, 2018 date stamped storm calcs as needed. These new plans, stormwater calculations, and applications are for expansion of the existing building on the site.

We have reviewed the landscape plans and offer our comments below.

1. The side of the building facing the public ROW must have a perimeter landscape buffer per Section 114-4 (4) Building Perimeter.
2. If the variance for delaying the planting of the trees on the west property line is not approved, then relocate the silt fence east of the proposed trees and provide tree protection fence around them. There does not appear to be any reason for the delay in installing the trees on the west side of the site at this time, in lieu of waiting until construction is nearing completion on the building addition. The work will not be in direct proximity of the proposed trees.
3. Add a note stating all irrigation piping and sprinkler heads are to be purple in color. All irrigation valve boxes are to be marked "irrigation."

Please review the above comments and provide responses and revised plans. Please contact us with any questions.

Sincerely,  
CPH, Inc.

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

J:\E7601\Civil\Documents\City Plans-Application Review\101 Mary Jess - Suncoast Building\letters\101 Mary Jess Road - Suncoast Building Materials plan Landscape review 9-8-20.docx



Date: September 19, 2020  
 To: Planning and Zoning (P&Z) Board  
 From: Ellen Hardgrove, City Planning Consultant  
 XC: Sandy Riffle, Deputy City Clerk  
 Bea Meeks, City Clerk  
 Drew Smith, City Attorney  
 Allen Lane, CPH Engineering, City Engineering Consultant  
 Jim Winter, CPH Engineering  
 Re: Suncoast Special Exception Amendment and Variance Requests

**I. Report Summary**

This is a request for 6 variances and 4 changes to conditions of a special exception approved in 2016 for property located on the north side of Mary Jess Road, west of the railroad tracks. The property address is 101 Mary Jess Road. The special exception allowed the construction of a warehouse for building materials in 2019. The certificate of occupancy was issued December 9, 2019. It was later discovered that the required landscaping as part of the approved site plan of November 2018 had not been installed. The subject requests are an attempt to modify the required landscaping that was approved on the site plan.

The following table summarizes the requests and the staff recommendation.

Request	Staff Recommendation
<p><b>Reduction of landscaping in required northern buffer</b></p> <ul style="list-style-type: none"> <li>An amendment to a special exception condition to eliminate the required landscape screening between 8 and 25 feet in height above grade along the wall located on the north property line.</li> <li>A variance in Code Section 114-5(2) to allow the number of shade trees in the buffer along the northern perimeter at a rate of 1 shade tree per 193.33 lineal feet in lieu of 1 shade tree per 40 lineal feet.</li> </ul>	Denial of both
<p><b>Shade trees vs small trees along Mary Jess Road</b></p> <ul style="list-style-type: none"> <li>An amendment to the special exception condition to allow the existing oak trees to remain instead of replacing with the required understory/small trees.</li> <li>A variance in Code Section 114-4(1)a.2 to allow the number of shade trees along Mary Jess Road, west of the driveway to be to be 1 shade tree per 52.2 feet in lieu of 1 shade tree per 40 lineal feet.</li> </ul>	Approval of both, conditioned on the applicant accepting the responsibility to replace any of the existing oaks if necessary due to decline in health, or otherwise, with two small/understory non-deciduous/evergreen trees that meet the specifications of Code Section 114-4 to be planted between the oaks,

<p><b>Elimination of hedge and restoration of wall along Mary Jess Road</b></p> <ul style="list-style-type: none"> <li>• A variance in Code Section 114-4(1)a.3 to eliminate the continuous hedge requirement along the public street right-of-way.</li> </ul>	<p>Denial of removal of the hedge</p> <p>If the existing oaks are maintained, staff can support approval of a variance to decrease the hedge plant size at planting as follows:</p> <ol style="list-style-type: none"> <li>1) Planting of shrubs, 3 feet on center along the wall outside an 8-foot radius of the tree trunk, with the plants being in 3 gallon containers, and,</li> <li>2) Planting of 1 gallon size groundcover within the 8-foot radius around the trunk of the tree, with spacing for these plants at 18 inches on center.</li> </ol>
<ul style="list-style-type: none"> <li>• Elimination of the Special Exception condition which requires restoration of the wall along Mary Jess Road to a good condition.</li> </ul>	<p>Denial whether or not ficus vines are planted. The wall shall be restored to a clean, fresh, smooth finish similar to what would be expected of new or recent construction.</p>
<p><b>Postponement of trees along the western property perimeter</b></p> <ul style="list-style-type: none"> <li>• A variance in Code Section 114-4(1)b.3 to allow the postponement of the requirement for 1 shade tree per 50 lineal feet along the west property line, south of the railroad spur.</li> </ul>	<p>Denial</p>
<p><b>Reduction of landscaping adjacent to the southern building facade</b></p> <ul style="list-style-type: none"> <li>• A variance in Code Section 114-4(4) to allow the reduction of the required landscaping along the building perimeter facing the public right-of-way.</li> </ul>	<p>Denial</p>
<p><b>Shade trees vs palms internal to the vehicular use area</b></p> <ul style="list-style-type: none"> <li>• A variance in Code Section 114-4 (1)c. to allow the required trees in the parking area to be palm trees in lieu of shade trees.</li> </ul>	<p>Denial</p>
<p><b>Elimination of landscaping along the eastern property perimeter</b></p> <ul style="list-style-type: none"> <li>• Elimination of the Special Exception condition which requires a continuous hedge along the eastern property line between the wall on the north end and the railroad spur on the south end.</li> </ul>	<p>Denial</p>

## II. History of Approvals of Current Use

The subject property is shown in Exhibit 1. The address is 101 Mary Jess Road. It is the site of Suncoast Building Materials, a wholesale distribution warehouse for building material storage and sales, including outdoor storage of merchandise.

Exhibit 1 – Subject Property



The use in the C-3 zoning district where adjacent to residential uses is a special exception. The special exception to allow this use on the subject property was approved by City Council September 20, 2016.

The approval of the Special Exception included 13 conditions to ensure land use compatibility with nearby residential uses; four of these, as highlighted below, are the subject of this request. The complete list of conditions is included in the appendix of this report.

- 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.

- 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 (3) feet high and 50 percent opaque at planting of a species capable of growing to at least five (5) feet in height and 75 percent opaqueness within 18 months.

- In addition to being painted, the wall shall be restored to good repair.
- 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.

These conditions were based on the staff recommendations as well as residents in the area who spoke at the public hearings. The applicant accepted these conditions of approval of the special exception.

Subsequent to the special exception approval, a site plan was approved by City Council (November 2018), including a landscaping plan that was consistent with code requirements and the conditions of the special exception approval.

A building permit was issued March 29, 2019, and a 24,000 square feet warehouse building, parking, drainage and utilities were constructed. A certificate of occupancy was issued December 9, 2019. The required landscaping, however, was not installed.

### III. Code Requirements for Approvals of Special Exceptions and Variances

Per Code Section 134-405(a), approval of special exceptions must be in consideration of the character of the neighborhood and its effect on the value of surrounding lands. As stated in Code Section 134-104, a special exception shall not be approved by the City Council unless and until the City Council makes a finding that the granting of the special exception shall not adversely affect the public interest.

The conditions of approval attached to the 2016 special exception for the subject property were part of the City Council's required finding in granting the special exception. With the current requests, it is incumbent upon the applicant to demonstrate that there have been changes in the area character to warrant amendment to these conditions, particularly that the approved special exception will continue to be compatible with the adjacent residential to the north and residential uses along Mary Jess Road if the conditions are amended. With the exception of the desire to maintain the existing trees along Mary Jess Road, there have been no changes to the adjacent properties, land use in the area, or the city's goal to improve the look of the city to warrant a change in the conditions of the special exception.

The Code is also specific on the necessary findings for variance approvals. Per Code Section 134-104(3)a, variances are allowed “where there are practical difficulties or unnecessary hardships in complying with the strict letter of this chapter...” Per Code Section 134-104(3)b, prior to granting approval of any variance, Council must find the six following criteria to be true.

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 to other lands, buildings or structures in the same zoning district.
4. That literal interpretation of the requirement would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district 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.

All the requested variances, with the exception of the rate of trees per lineal foot along Mary Jess Road do not meet these criteria, particularly #2. As seen on the approved site plan, there are no practical difficulties or unnecessary hardships in complying with the strict letter of this chapter. As listed under the six criteria for approval, neither financial hardship nor simply not wanting to comply with Code requirements are reasons for approval.

#### **IV. Intent and Purpose of City Landscaping Requirements and Conditions of Approval**

As identified in Code Section 114-1, the intent and purpose of landscaping includes,

- Maintaining and protecting property values;
- Providing an acceptable degree of transition between abutting uses;
- Providing appropriate barriers and relief from traffic, noise, heat, glare, and the spread of dust and debris; and,
- Enhancing the visual and aesthetic appearance of the community.

As such, conditions of approval for special exceptions, as allowed by Code Section 134-104(2)b., often include landscaping requirements above and beyond the minimum required by Code Chapter 114 in order to safeguard and protect the public interest, be it for land use compatibility, aesthetics, or maintaining/improving property values.

## V. Detail of Requested Special Exception Amendments and Variances\*

[\*Numbers below are correlated with the applicant's letter presenting the six criteria for variance approval]

### 1. Northern Buffer Landscaping Adjacent to Residential Uses

- **Elimination of the Special Exception condition that requires landscape screening between 8 and 25 feet in height above grade along the wall located on the north property line**
- **A variance in Code Section 114-5(2) to allow the number of shade trees in the buffer at a rate of 1 shade tree per 193.33 lineal feet in lieu of 1 shade tree per 40 lineal feet**

The provision of dense continuous landscaping adjacent to the existing wall along the northern property line was a condition of the special exception approval in recognition that additional protection was needed for the adjacent residential uses given the potential for a significant amount of outdoor activities; i.e., the special exception allows stacked material and equipment up to 25 feet in height. Of note is that four of the six adjacent homes are two stories.

Per the special exception approval condition, an enhanced Type A buffer was required. Code requires a Type B buffer when C-3 uses are adjacent to residential uses; however, because the proposed use has industrial characteristics, the Type A buffer was required as a condition of the special exception.

A Type A buffer is the standard buffer to separate industrial (I) uses from residential uses. This buffer is required to be completely opaque from the ground up to a height of at least eight (8) feet, is required to be a minimum of 50 feet wide, and a masonry wall is required along the property line.

To protect the residents' backyard view above eight feet, the chosen landscaping along the wall was required to be of a species able to reach at least 25 feet in height. This condition of approval could be combined with the Code required row of trees within any buffer (Types A – D); i.e., all buffers are required to have one shade tree for each 40 lineal feet or fraction thereof.

In summary, the required buffer along the northern property line was required to

- 1) Be 50 feet wide,
- 2) Maintain the existing wall, and
- 3) Plant a continuous screening of plants able to grow to 25 feet in height, which could be a shade tree at least every 40 lineal feet.

As copied to Exhibit 2, the approved 2018 landscape plan combined the requirement for the 25 feet high landscape screening with the requirement for the required row of trees. The trees on the site plan are planned at a rate of 1 tree per ±38.5 lineal feet.

As per Exhibit 3, the applicant is proposing to not plant the landscaping along the wall, instead to only plant three (3) trees ±50 feet south of the wall, which is a rate of 1 tree per 193.63 lineal feet. Thus, in addition to proposing to eliminate the special exception condition of providing a dense continuous landscaping between 8 and 25 feet in height above grade, the applicant is requesting a variance to allow the reduction in rate of tree provision.

Exhibit 2 – Approved Landscape Plan

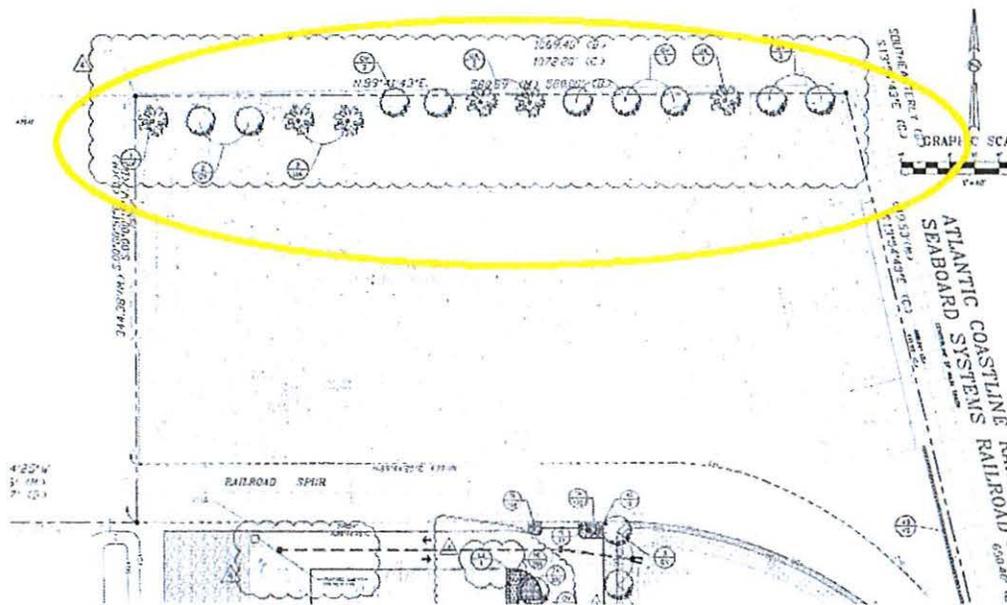
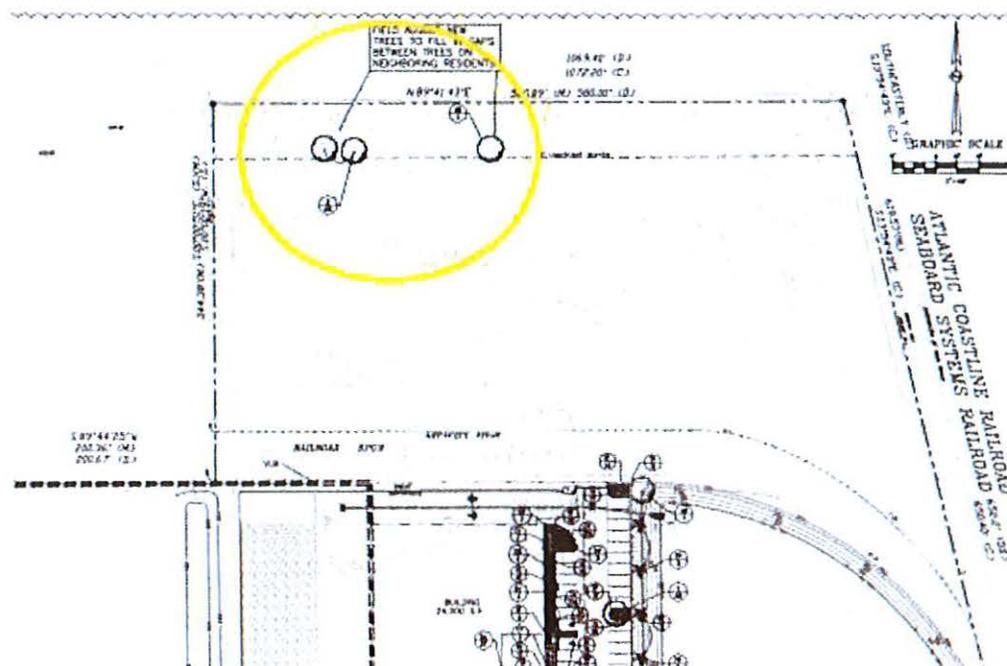


Exhibit 3 - July 2020 Proposed Buffer Adjacent to the Residential



### Staff Recommendation

Staff recommends denial of the change to the special exception condition of approval. A dense evergreen screening at least 25 feet in height above grade is necessary. This recommendation for denial in effect is a recommendation for denial of the requested variance to reduce the rate of trees to be planted in the buffer.

The request to eliminate the dense evergreen landscape screen along the wall is contrary to the intent to ensure land use compatibility when approving special exceptions (Code Section 134-104), particularly related to visual, noise, and air quality impacts of the approved use. The photos in Exhibit 4 show that while there are existing trees on the residential lots, the three proposed trees do not fill in the gaps to provide a screen up to 25 feet in height.

It is important to remember that the entire property has been approved for the outdoor storage and equipment and up to a height of 25 feet. Even though the initial construction is south of the railroad spur, at some point in the future, C-3 uses will occur adjacent to the property. The tree requirements would apply to all C-3 uses, not only that approved by special exception. Planting the trees now will serve to provide a mature screening when the northern portion of the property is built upon. There have been no changes in the character of the residential area to deviate from the approved site plan.

**Exhibit 4 – Need for Landscaping to Buffer Adjacent Residential**  
Looking North toward the Adjacent Residential Properties





Looking South Toward the Subject Property



**Summary of requirements for development onsite**

	Special Exception Condition	Code Required C-3 adjacent to Residential	Requested
Wall	Yes (Type A buffer)	Optional	No Change requested, will use existing wall
Buffer Width	50 feet	25 feet	No change requested
Completely Opaque Screening Height/contents	25 feet/Dense trees or plants (trees were approved) which can be combined with Code required trees in buffer at 1 tree/40 lf; 15 trees on approved site plan	8 feet (wall and/or plantings)/shade trees every 40 lf	Use of existing 8 foot wall, use of existing trees on adjacent property, add 3 trees planted 50 feet from wall

**2. Mary Jess Road Buffer Trees**

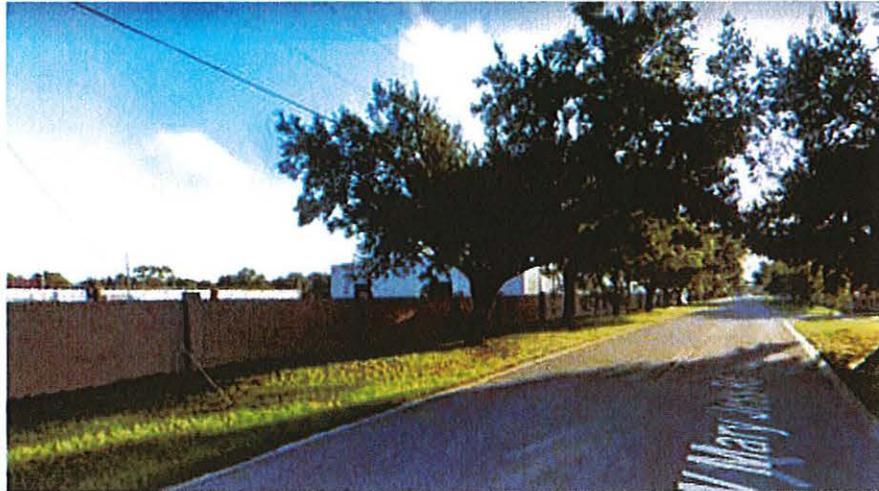
- **An amendment to the special exception condition to allow the existing oak trees to remain instead of replacing with the required understory/small trees.**
- **A variance in Code Section 114-4(1)a.2 to allow the number of shade trees along Mary Jess Road west of the site entrance to be 1 shade tree per 52.2 lineal feet in lieu of 1 shade tree per 40 lineal feet or 1 understory/small tree per 20 feet of lineal feet.**

During the hearing for the special exception approval, City Council waived the maximum wall height in a front yard as well as reduced the required buffer width in order to maintain the existing wall along Mary Jess Road. Code limits wall height in the front yard to a maximum of four (4) feet and requires a minimum buffer width of seven (7) feet along a road. The existing wall is 7 feet high and located 6 feet from the property line. The contents of the buffer, however, were to remain compliant with Code.

Because of the overhead utilities, the trees in this buffer are required by Code Section 144-4 to be small/understory trees. A continuous hedge is also a required component of the buffer per Code Section 114-4(1)a.3. The approved site plan of November 2018 met these requirements.

The applicant is now proposing to keep the existing oak trees instead of replacing with the understory/small trees. For this option, a variance to Code Section 114-4(1)a.2 will be needed since the existing number of trees west of the driveway is less than the number of trees that would be required by Code. The existing trees west of the driveway represent 1 tree per 52.2 lineal feet due to a power pole and guide wire located on the west end of the frontage as shown in Exhibit 5; Code requires 1 tree per 40 lineal feet, or fraction thereof.

### Exhibit 5 – Guide Wire Limiting Area for Tree Planting



Maintaining the existing oaks is consistent with the trees on the south side of Mary Jess Road as shown in Exhibit 6.

### Exhibit 6 – Existing Trees along Mary Jess Road



#### Staff Recommendation

Staff can support the variance for the reduction in tree rate conditioned on the property owner agreeing to be responsible for the replacement of any trees that are eliminated any time in the future by poor health or otherwise with two evergreen/non-deciduous small/understory trees for each replaced oak, planted on center between the oaks. The applicant has provided a supportable rationale for meeting the 6 variance approval criteria (See Appendix Letter from Jared Huhn dated August 25, 2020).

### **3. Elimination of Mary Jess Road Buffer Hedge and Wall Restoration/Maintenance**

- **A variance in Code Section 114-4(1)a.3 to eliminate the continuous hedge requirement along the public street right-of-way of Mary Jess Road.**
- **Elimination of the Special Exception condition for wall restoration.**

The applicant is requesting a variance to eliminate the requirement for a hedge on the road side of the wall. Instead, the applicant is proposing to replace the hedge with a vine that will grow on the wall.

The vine does not meet the intent of a hedge and the six (6) criteria for variance approval to allow deviation from Code Section 114-4(1)a.3 have not been met. There are no special conditions that exist to eliminate the Code required landscaping. As reviewed by the City's landscape architect, planting a hedge is possible while maintaining the oaks. The landscaping should be brought up to current standards.

Staff, however, can accept a variance in the minimum size of the shrubs at planting as to preserve the viability of the oaks. Specifically, the recommendation is for shade tolerant shrubs to be planted along the wall outside an eight (8) foot radius of the existing oaks. The container size should be 3 gallon (½ the size that would be required to meet the Code's minimum planting height of 30 inches). Since these shrubs will be under sized, staff recommends 1 gallon size groundcover to be planted within the 8-foot radius of the tree trunk, with spacing for these plants at 18 inches on center to eliminate the bare soil around the trunks of the trees.

Whether or not if the vine continues to be proposed, the wall needs to first be restored to good condition. Despite the applicant's claim that the existing block wall "has been fully repaired and painted in earth color on outside/street facing side," site inspection on September 12, 2020 did not produce the same conclusion. The appendix of this report includes photos of the current condition of the wall.

Whereas the wall appears to have been painted in the last four years, there are locations where the paint is starting to peel away from the block. There were also numerous areas where the face of the individual concrete blocks were in less than poor condition or were broken and in need of repair. In multiple areas, the face of the blocks is pitted and some have holes in them. One location has a metal saw blade attached to the wall with a bolt and nut. The bolt extends the thickness of the block and is visible on the inside of the wall facing the stormwater pond. A clean, fresh, smooth wall, similar to what would be expected of new or recent construction is the standard to meet the condition of special exception approval.

Planting the ficus vine without restoring the wall to good condition will do further damage to the wall. Furthermore, restoring the wall to good condition is also important for aesthetic purposes in the interim period between the vine's planting and cover. The vine will take up to three (3) years in the sun to cover the wall and longer

in the shade of the oaks. As a note, if the applicant does plan to use the ficus vine, staff recommends using a contrasting shrub, such as plum loropetalum, or trinette dwarf schefflera to avoid a monotone planting that will provide very little visual interest, other than covering up a concrete block wall.

#### Staff Recommendation

Staff recommends denial of the request to eliminate the continuous hedge requirement along Mary Jess Road. If the request to allow the existing oaks to remain, staff recommends approval of modification of the Special Exception conditions related to the contents of the buffer along Mary Jess Road as follows:

- Planting of shrubs, 3 feet on center along the wall outside an 8-foot radius of the tree trunk, with the plants being in 3 gallon containers,
- Planting of 1 gallon size groundcover within the 8-foot radius around the trunk of the tree, with spacing for these plants at 18 inches on center, and
- The wall shall be restored to a clean, fresh, smooth finish similar to what would be expected of new or recent construction.

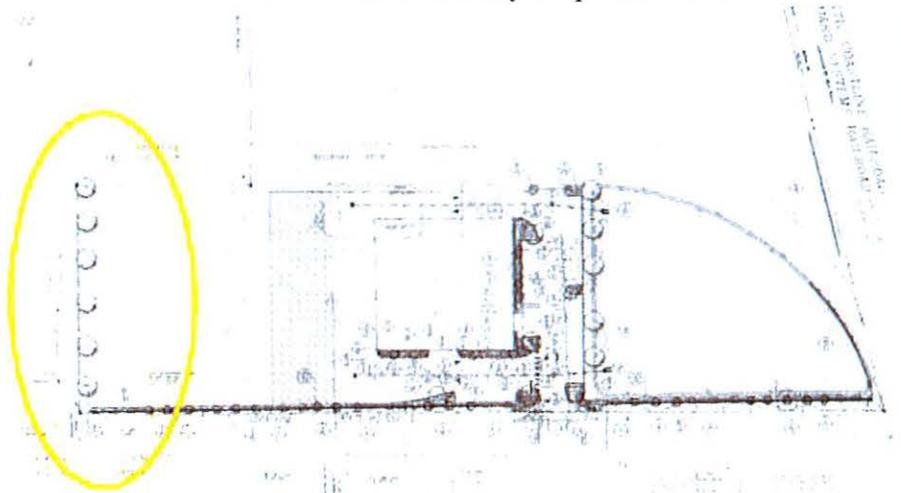
If the ficus vine on the wall continues to be proposed, staff recommends using a contrasting shrub, such as plum loropetalum, or trinette dwarf schefflera to avoid a monotone planting that will provide very little visual interest, other than covering up a concrete block wall.

#### 4. Postponement of West Boundary Trees

**A variance in Code Section 114-4(1)b.2 and .3 to allow the temporary postponement of the requirement for 1 shade tree per 50 lineal feet along the western property boundary south of the rail spur.**

The applicant is requesting postponement of planting the required trees along the western property line on the portion of the property south of the railroad spur as was shown on the approved 2018 site plan and copied to Exhibit 7 until a second building is built west of the existing building.

**Exhibit 7 – West Boundary Required Trees**



Whereas, an application has been submitted for site plan approval for a building in the area west of the existing building, the application is insufficient. There is neither a guarantee when the application will be complete, nor a guarantee when or if the proposal will be built.

These trees are currently necessary for a visual buffer for the residents living west of the property. Exhibit 8 shows the view from Mary Jess Road as the residents would be traveling eastbound. The sooner the trees are planted the quicker the trees will mature to create the visual buffer.

**Exhibit 8 – Mary Jess Road Eastbound Looking Toward the Subject Property**



Trees planted along the west property line would not be negatively impacted by the construction of the second building as evidenced by the submitted site plan for the second building. The site plan shows thirty feet between the west property line and the edge of where the grading will stop to meet the existing grade (Cross Section “C-C” Sheet C-7). As shown on the approved site plan, the required trees are planned to be placed ±13 feet from the property line; there is no risk for damage due to the grading.

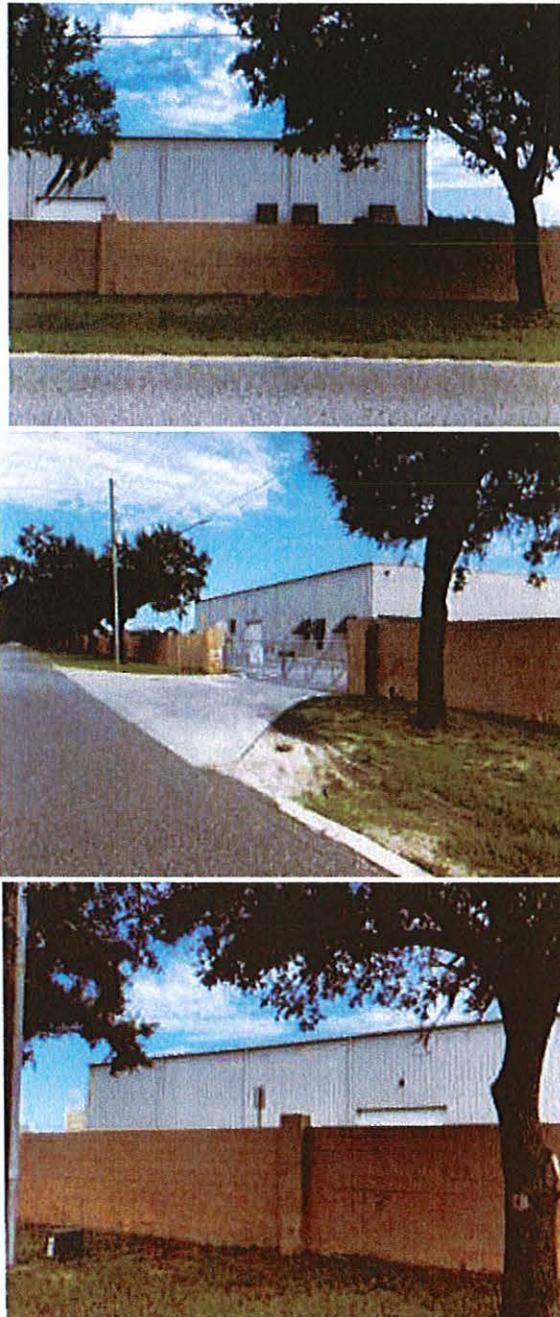
If or when the pending site plan moves forward, a recommendation is to move the proposed Erosion Control Barrier to the east side of the trees to delineate the protection zone for the trees instead of locating it on the west property line as shown on Sheet C-7.



A variance would be necessary to modify this requirement. The rationale submitted by the applicant is that the wall along Mary Jess eliminates the need for an aesthetic building perimeter since the south side of the building cannot be seen from the road as well as to help differentiate between the truck traffic and customer entrances.

As shown by Exhibit 11, the required trees will be able to be seen from Mary Jess Road and would help to break up the mass of the building.

**Exhibit 11 – Need for Trees along Southern Building Façade**



In addition to viewers along the road, the intent of building perimeter landscaping is visual appeal and aesthetics for workers and customers, environmental benefits for heat and air quality, as well as improves property values. As seen on the site plan, the site design does not preclude or prohibit the ability to provide the required landscaping. Special circumstances do not exist and other properties would be required to provide the building perimeter landscaping.

It should be noted that Code only requires a minimum of 50 percent of the required landscaped area to contain a hedge and tree: hedge capable of achieving a minimum of 30 inches in height and one shade tree planted for each 35 feet or fraction thereof of the lineal building facade, or one under story tree or palm tree planted for each 15 feet or fraction thereof of the lineal building façade, with the remainder in ground cover and the planting layout at the discretion of the property owner.

Staff Recommendation

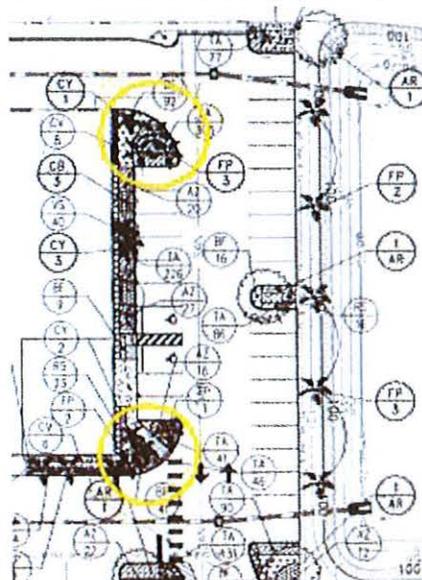
Staff recommends denial. There are no practical difficulties or unnecessary hardships in complying with the strict letter of this chapter. As stated above, neither financial hardship nor simply not wanting to comply with Code requirements is reason for approval.

**6/7. Shade trees vs Palms in the vehicular use area**

**A variance in Code Section 114-4 (1)c to allow the required trees in the parking area to be palm trees in lieu of shade trees.**

The applicant is requesting the ability to swap the required shade trees within the parking area east of the building with palm trees as circled in Exhibit 12.

**Exhibit 12 – Shade Trees vs Palm Trees**



The applicant's rationale for the swap is that 1) the parking lot is small, 2) palm trees were used in the prior use (though were removed with the construction of the existing building) and 3) to avoid conflict with truck traffic. This rationale does not meet the 6 criteria for variance approval.

Palm trees offer little shade and relief to the heat or air quality, two of the intended purposes of the City's landscaping regulations. Palm trees are allowed to be incorporated into the required building perimeter at a rate of one tree per 15 feet, but parking end caps are required to have shade trees. The palm trees shown along the retention pond can remain.

The use of shade trees will help to delineate the customer use area from the truck traffic entrance, which has been mentioned as a goal by the applicant.

Staff Recommendation

Staff recommends denial of swapping Palm trees for shade trees in the parking row end caps. There are no practical difficulties or unnecessary hardships in complying with requirement for shade trees in the parking row end caps. As stated above, simply not wanting to comply with Code requirements is not reason for approval.

**8. East Buffer Elimination**

City Council established a condition for the special exception approval requiring a hedge along the east property line, south of the wall in the northeast corner of the property to the railroad spur. This condition was established for consistency with the City's goal of improving the image of the commercial areas. Whereas in the past, the railroad tracks were used for freight and the need for beautification along the tracks was not a priority; the tracks now provide a view of the city by commuters.

The applicant is requesting the elimination of this condition. The rationale for eliminating this condition is conflict with the railroad tracks; however, the conflict is not identified.

Per discussion with rail planners, there should be no conflict with planting a hedge along the property line. Where concern is raised is when there is potential for humans hiding in the hedges, as vagrancy is a problem along railroad tracks. This concern is eliminated since an existing fence would separate the hedge from the tracks.

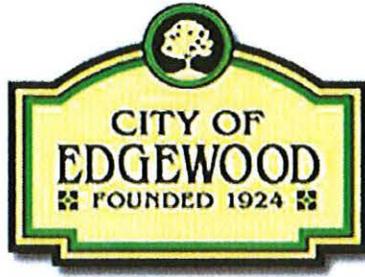
Staff Recommendation

Denial of the request to eliminate the hedge along the eastern perimeter. There has been no change in circumstances since the establishment of this condition.

## VI. Recommended Motions

- 1) Reduction of Landscaping in Required Northern Buffer
  - Denial of an amendment to Special Exception condition for the elimination of the required landscape screening between 8 and 25 feet in height above grade along the wall located on the north property line.
  - Denial of a variance in Code Section 114-5(2) to allow the number of shade trees in the buffer along the northern perimeter at a rate of 1 shade tree per 193.33 lineal feet in lieu of 1 shade tree per 40 lineal feet.
- 2) Shade Trees vs. Small/Understory Trees along Mary Jess Road
  - Approval of a variance in Code Section 114-4(1)a.2 to allow the number of shade trees along Mary Jess Road, west of the driveway to be 1 shade tree per 52.2 feet in lieu of 1 shade tree per 40 lineal feet or 1 understory/small tree per 20 feet of lineal feet conditioned on the applicant accepting the responsibility to replace any of the oaks due to decline in health or otherwise with two small/understory trees to be planted between the oaks on center. The replacement trees shall be non-deciduous/evergreen that meet the specifications for such in Code Section 114-4.
- 3) Elimination of Hedge and Restoration of Wall along Mary Jess Road
  - Denial of a variance in Code Section 114-4(1)a.3 to eliminate the continuous hedge requirement along the public street right-of-way.
  - Approval of a variance to decrease the plant size of the required hedge as follows:
    - 1) Planting of shrubs, 3 feet on center along the wall outside an 8-foot radius of the tree trunk, with the plants being in 3 gallon containers , and,
    - 2) Planting of 1 gallon size groundcover within the 8-foot radius around the trunk of the tree, with spacing for these plants at 18 inches on center.
  - Denial of eliminating the Special Exception condition which requires restoration of the wall along Mary Jess Road to a good condition whether or not ficus vines are planted with the intention to eventually cover the wall. The wall shall be restored to a clean, fresh, smooth finish similar to what would be expected of new or recent construction.
- 4) Postponement of Trees along the Western Property Perimeter
  - Denial of a variance in Code Section 114-4(1)b.3 to allow the postponement of the requirement for 1 shade tree per 50 lineal feet boundary along the west property line, south of the railroad spur.
- 5) Reduction of Landscaping adjacent to the Southern Building Facade
  - Denial of a variance in Code Section 114-4(4) to allow the reduction of the required landscaping along the building perimeter facing the public right-of-way.
- 6/7) Shade trees vs Palms Internal to the Vehicular Use Area
  - Denial of a variance in Code Section 114-4 (1)c. to allow the required trees in the parking area to be palm trees in lieu of shade trees.
- 8) Elimination of Landscaping along the Eastern Property Perimeter
  - Denial of eliminating the Special Exception condition which requires a continuous hedge along the eastern property line between the wall on the north end and the railroad spur on the south end.

Confirmation of Special  
Exception approval on subject  
property with conditions



September 29, 2016

Sam Sebaali, PE  
President  
FEG  
5127 S. Orange Avenue, Ste. 200  
Orlando, FL 32809

[SSebaali@feg-inc.us](mailto:SSebaali@feg-inc.us)

**RE: 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.

Sam:

This correspondence serves to confirm that on September 12, 2016, the City of Edgewood's Planning & Zoning Board considered your client(s) application for the variances noted above. The Planning & Zoning Board forwarded a recommendation for approval with eight (8) conditions to the City Council. In their regular City Council meeting held on September 20, 2016, City Council approved the Planning & Zoning Board's recommendation along with their conditions, and added four conditions. The following conditions were included in the approval of the above referenced 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.

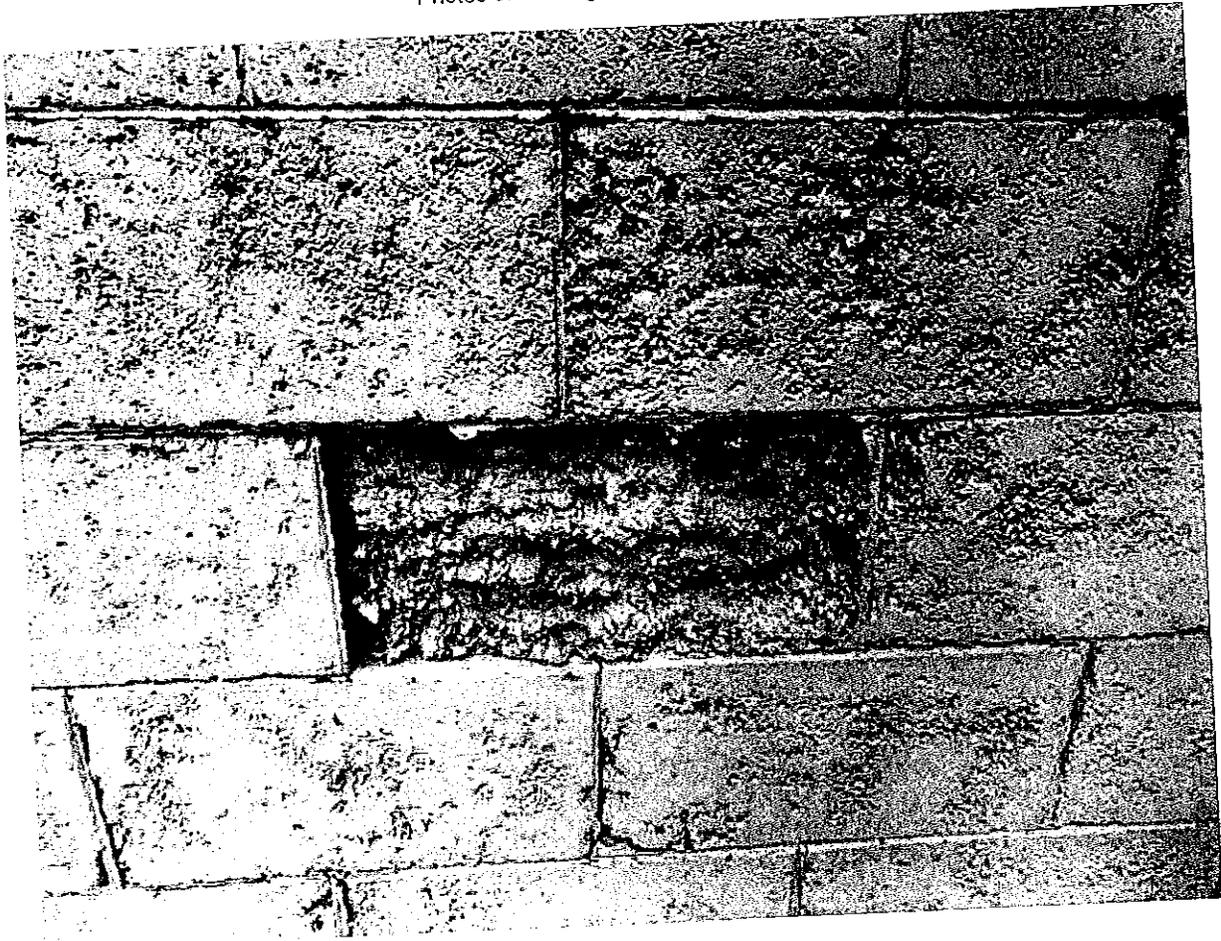
- 3) Stacked material and equipment stored onsite shall be limited to a maximum height of 25 feet.
- 4) A six (6) feet wide landscape buffer shall be planted and maintained along the property's Mary Jess Road frontage. One understory, non-deciduous shade tree shall be planted within the Mary Jess Road 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.
- 9) Applicant shall install appropriate signage on the property to indicate no truck traffic west bound on Mary Jess Road.
- 10) Storage located within 50 feet of the north and south lines of the property shall be limited to 10 feet in height.
- 11) Hours of operations shall be limited to 6 a.m. to 6p.m.; Monday through Saturday.
- 12) In addition to being painted, the wall shall be restored to good repair
- 13) Limited to one vehicular access curb cut from the public right-of-way.

Please let me know if you have any questions.

Sincerely,

Bea L. Meeks, MMC, CPM, CBTO  
City Clerk  
[bmeeks@edgewood-fl.gov](mailto:bmeeks@edgewood-fl.gov)

Photos of Existing Wall – Disrepair



Photos of Existing Wall – Disrepair



Photos of Existing Wall – Disrepair



Photos of Existing Wall – Disrepair



RECEIVED

OCT 06 2020

CITY OF EDGEWOOD



**PRELIMINARY PLAN FOR SUBDIVISION APPROVAL**

Reference: Chapter 126

PLANNING & ZONING BOARD/CITY COUNCIL  
MAKE PAYMENTS TO:  
CITY OF EDGEWOOD  
FEE: **\$500-RESIDENTIAL**  
**\$1,000 COMMERCIAL**

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

<b>PLANNING &amp; ZONING MEETING DATE:</b>	<b>10/12/20</b>
<b>CITY COUNCIL DATE:</b>	<b>11/17/2020</b>

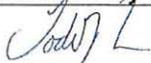
**Please note this fee is non refundable.**

A **COMPLETE** APPLICATION WITH ALL REQUIRED ATTACHEMENTS AND TEN (10) COPIES MUST BE SUBMITTED TO THE CITY CLERK **40** DAYS BEFORE THE NEXT PLANNING AND ZONING MEETING. NO APPLICATION SHALL BE ACCEPTED UNLESS IT IS COMPLETE AND THE REQUIRED FEE IS PAID.

Applicant's Name:	TMN Investments, LLC	Owner's Name:	429 Oak Lynn Dr Land Trust, Common Wealth Trust Services LLC TR
Address:	2875 S Orange Ave Suite 500-1810 Orlando FL 32806	Address:	122 E Lake Ave Longwood FL 32750
Telephone:	<b>321-231-9896</b>	Telephone:	<b>321-231-9896</b>
Parcel ID:	<b>13-23-29-6056-03-90 429 Oak Lynn Dr</b>		
Zoned:	<b>R-1AA</b>		

**APPLICATION MUST INCLUDE**

1. A scaled drawing showing the lot size, location of the proposed buildings, location of easements, names of bordering streets, building setbacks, names and locations of all bodies of water, marshlands, drain fields, and all other waterways and watercourse abutting or encroaching upon subject property. The drawing must show existing buildings and lot dimensions. The scaled drawing must coincide with the certified boundary survey required below prepared by a licensed professional surveyor or mapper.
2. A brief description of all utilities and city or county services, including sewer, potable water facilities, fire hydrants, electric and telephone poles, streetlights, storm drains and

any other utilities or services relevant to the maintenance of subject properties. 3. A listing of the names and addresses for abutting property owners 4. A certified boundary survey of the land subject to this procedure both as existing (i.e. prior to the proposed lot split) and as proposed (i.e. after proposed lot split), performed and prepared under the responsible direction and supervision of a licensed professional surveyor and mapper. Surveys shall include the depiction of existing improvement thereon.			
The applicant hereby states that the above request for Special Exception does not violate any deed restrictions on the property.			
Applicant's Signature:		Date:	9/8/2020
Applicant's Printed Name:	Todd Nolan		
Owner's Signature:		Date:	9/8/2020
Owner's Printed Name:	Heather Spirazza, Authorized Signer for Common Wealth Trust Services LLC TR		

Please submit your completed application to City Hall via email at [cityhallstaff@egdewood-fl.gov](mailto: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:	10/6/2020 (REV)
Rec'd By:	
Forwarded to:	
Notes:	

## Parent Tract Survey

### Parent Tract Legal Description:

LOT 19, BLOCK C, OAK LYNN SECOND PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK W, PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

### Lot "1" Legal Description:

A PORTION OF LOT 19, BLOCK C, OAK LYNN SECOND PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK W, PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 19, BLOCK C THENCE ALONG THE EAST LINE OF SAID LOT 19, BLOCK C RUN SOUTH 17°35'00" WEST, A DISTANCE OF 99.74 FEET; THENCE RUN SOUTH 52°03'00" WEST, A DISTANCE OF 55.71 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 19, BLOCK C; THENCE ALONG SAID SOUTH LINE RUN SOUTH 89°51'00" WEST, A DISTANCE OF 88.81 FEET TO A POINT; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00°06'00" WEST, A DISTANCE OF 90.00 FEET; THENCE RUN NORTH 79°50'14" WEST, A DISTANCE OF 3.48 FEET TO A POINT; THENCE RUN NORTH 18°24'40" EAST, A DISTANCE OF 90.43 FEET TO A POINT ON THE NORTH LINE OF AFORESAID LOT 19, BLOCK C; THENCE ALONG SAID NORTH LINE RUN SOUTH 71°12'13" EAST, A DISTANCE OF 145.33 FEET TO THE POINT OF BEGINNING.

CONTAINING 21,316.05 SQ FT OR 0.48 ACRES ±.

### Lot "2" Legal Description:

A PORTION OF LOT 19, BLOCK C, OAK LYNN SECOND PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK W, PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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THENCE CONTINUING ALONG SAID SOUTH LINE RUN SOUTH 89°51'00" WEST, A DISTANCE OF 95.09 FEET; THENCE RUN NORTH 45°52'44" WEST, A DISTANCE OF 20.74 FEET TO A POINT ON THE WEST LINE OF SAID LOT 19, BLOCK C; THENCE ALONG THE WEST LINE OF SAID LOT 19, BLOCK C RUN NORTH 00°06'00" EAST, A DISTANCE OF 95.52 FEET TO A POINT; THENCE DEPARTING SAID WEST LINE RUN SOUTH 79°50'14" EAST, A DISTANCE OF 111.72 FEET; THENCE RUN SOUTH 00°06'00" WEST, A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,892.15 SQ FT OR 0.25 ACRES ±.

### Lot "3" Legal Description:

A PORTION OF LOT 19, BLOCK C, OAK LYNN SECOND PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK W, PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 19, BLOCK C THENCE ALONG THE EAST LINE OF SAID LOT 19, BLOCK C RUN SOUTH 17°35'00" WEST, A DISTANCE OF 99.74 FEET; THENCE RUN SOUTH 52°03'00" WEST, A DISTANCE OF 55.71 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 19, BLOCK C; THENCE ALONG SAID SOUTH LINE RUN SOUTH 89°51'00" WEST, A DISTANCE OF 88.81 FEET TO A POINT, ON SAID SOUTH LINE OF LOT 19, BLOCK C; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00°06'00" EAST, A DISTANCE OF 90.00 FEET; THENCE RUN NORTH 79°50'14" WEST, A DISTANCE OF 3.48 FEET TO A POINT SAID POINT BEING THE POINT OF BEGINNING;

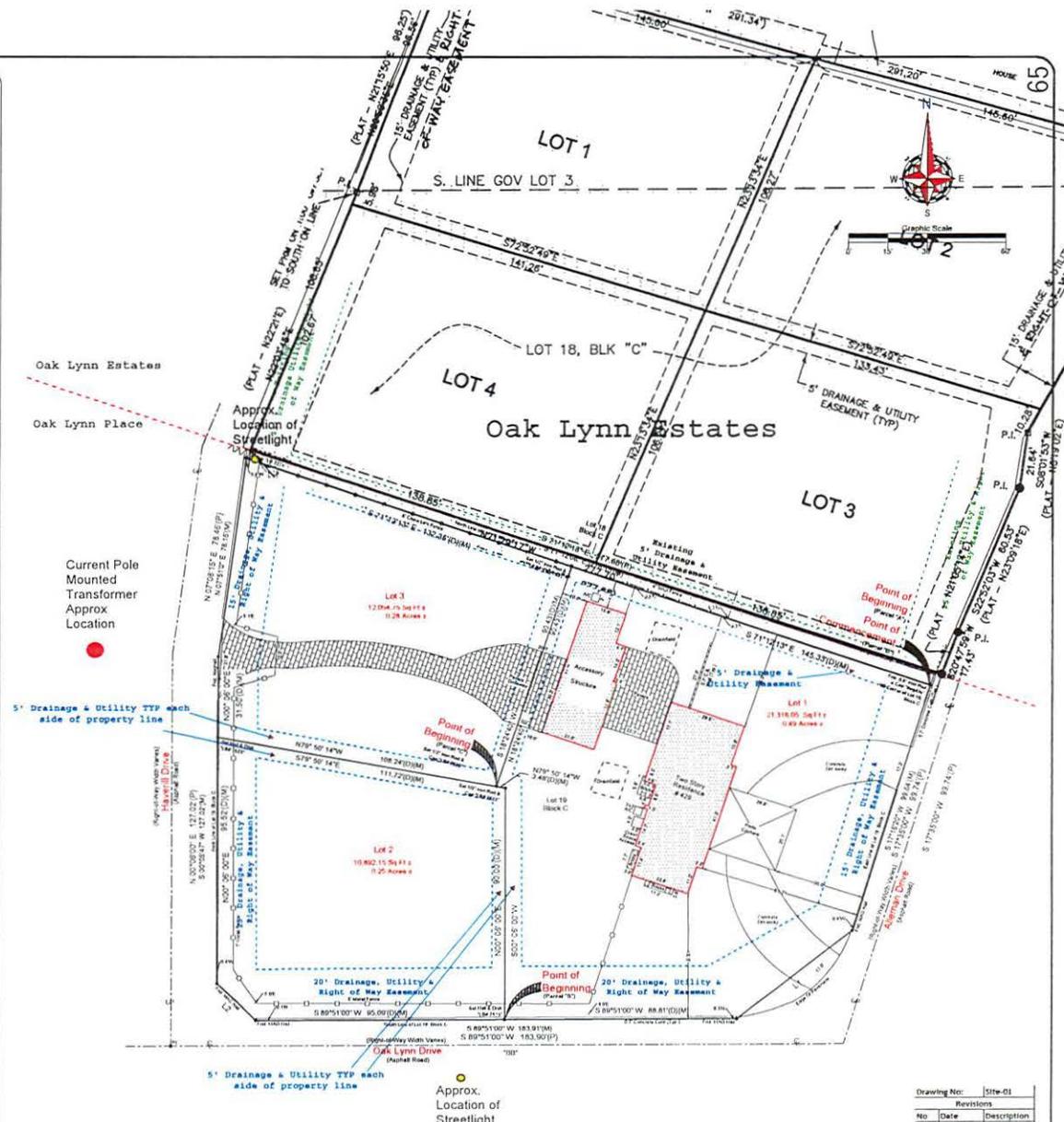
THENCE CONTINUE NORTH 79°50'14" WEST, A DISTANCE OF 108.24 FEET TO A POINT ON THE WEST LINE OF SAID LOT 19, BLOCK C; THENCE ALONG SAID WEST LINE OF LOT 19, BLOCK C RUN NORTH 00°06'00" EAST, A DISTANCE OF 31.50 FEET; THENCE RUN NORTH 07°08'15" EAST, A DISTANCE OF 78.46 FEET TO THE NORTHWEST CORNER OF SAID LOT 19, BLOCK C; THENCE DEPARTING THE WEST LINE AND ALONG THE NORTH LINE OF SAID LOT 19, BLOCK C RUN SOUTH 71°12'13" EAST, A DISTANCE OF 132.36 FEET TO A POINT ON SAID NORTH LINE; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 18°24'40" WEST, A DISTANCE OF 90.43 FEET TO THE POINT OF BEGINNING.

CONTAINING 12,054.75 SQ FT OR 0.25 ACRES ±.

### Flood Disclaimer:

By performing a search with the local governing municipality or [www.fema.gov](http://www.fema.gov), the property appears to be located in zone X. This Property was found in City of Edgewood, community number 120183, dated 9/25/2009.

CERTIFIED TO:  
TODD NOLAN



## Preliminary Plan of Oak Lynn Place Replat 09/29/20

Developer: 629 Oak Lynn Dr Land Trust  
1222 E Lake Ave  
Longwood, FL 32750  
321-231-9896  
Surveyor: Ireland & Associates Surveying Inc  
800 Currency Circle Suite 1020  
Lake Mary, FL 32746  
407-678-3366  
Total Area: 1.02 acres  
Total Lots: 3

Revision		Scale	Date	Description
1	Initial	AS SHOWN	09/29/20	PRELIMINARY PLAN
2	Revised	AS SHOWN	10/15/20	ADDED NOTES
3	Revised	AS SHOWN	11/05/20	ADDED NOTES
4	Revised	AS SHOWN	11/15/20	ADDED NOTES
5	Revised	AS SHOWN	12/01/20	ADDED NOTES
6	Revised	AS SHOWN	12/15/20	ADDED NOTES
7	Revised	AS SHOWN	01/15/21	ADDED NOTES
8	Revised	AS SHOWN	02/15/21	ADDED NOTES
9	Revised	AS SHOWN	03/15/21	ADDED NOTES
10	Revised	AS SHOWN	04/15/21	ADDED NOTES
11	Revised	AS SHOWN	05/15/21	ADDED NOTES
12	Revised	AS SHOWN	06/15/21	ADDED NOTES
13	Revised	AS SHOWN	07/15/21	ADDED NOTES
14	Revised	AS SHOWN	08/15/21	ADDED NOTES
15	Revised	AS SHOWN	09/15/21	ADDED NOTES
16	Revised	AS SHOWN	10/15/21	ADDED NOTES
17	Revised	AS SHOWN	11/15/21	ADDED NOTES
18	Revised	AS SHOWN	12/15/21	ADDED NOTES
19	Revised	AS SHOWN	01/15/22	ADDED NOTES
20	Revised	AS SHOWN	02/15/22	ADDED NOTES
21	Revised	AS SHOWN	03/15/22	ADDED NOTES
22	Revised	AS SHOWN	04/15/22	ADDED NOTES
23	Revised	AS SHOWN	05/15/22	ADDED NOTES
24	Revised	AS SHOWN	06/15/22	ADDED NOTES
25	Revised	AS SHOWN	07/15/22	ADDED NOTES
26	Revised	AS SHOWN	08/15/22	ADDED NOTES
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29	Revised	AS SHOWN	11/15/22	ADDED NOTES
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32	Revised	AS SHOWN	02/15/23	ADDED NOTES
33	Revised	AS SHOWN	03/15/23	ADDED NOTES
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45	Revised	AS SHOWN	03/15/24	ADDED NOTES
46	Revised	AS SHOWN	04/15/24	ADDED NOTES
47	Revised	AS SHOWN	05/15/24	ADDED NOTES
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77	Revised	AS SHOWN	11/15/26	ADDED NOTES
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89	Revised	AS SHOWN	11/15/27	ADDED NOTES
90	Revised	AS SHOWN	12/15/27	ADDED NOTES
91	Revised	AS SHOWN	01/15/28	ADDED NOTES
92	Revised	AS SHOWN	02/15/28	ADDED NOTES
93	Revised	AS SHOWN	03/15/28	ADDED NOTES
94	Revised	AS SHOWN	04/15/28	ADDED NOTES
95	Revised	AS SHOWN	05/15/28	ADDED NOTES
96	Revised	AS SHOWN	06/15/28	ADDED NOTES
97	Revised	AS SHOWN	07/15/28	ADDED NOTES
98	Revised	AS SHOWN	08/15/28	ADDED NOTES
99	Revised	AS SHOWN	09/15/28	ADDED NOTES
100	Revised	AS SHOWN	10/15/28	ADDED NOTES

L1 S 52°03'00" W 55.71'(P) N 45°52'44" W 20.74'(P)  
S 52°02'38" W 55.72'(M) N 45°52'41" W 20.73'(M)

Exhibit A

# Parent Tract Survey

## Parent Tract Legal Description:

LOT 19, BLOCK C, OAK LYNN SECOND PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK W, PAGE 97, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

## Parcel "A" Legal Description:

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CONTAINING 21,316.05 SQ FT OR 0.48 ACRES ±.

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THENCE CONTINUING ALONG SAID SOUTH LINE RUN SOUTH 89°51'00" WEST, A DISTANCE OF 95.09 FEET; THENCE RUN NORTH 45°52'44" WEST, A DISTANCE OF 20.74 FEET TO A POINT ON THE WEST LINE OF SAID LOT 19, BLOCK C; THENCE ALONG THE WEST LINE OF SAID LOT 19, BLOCK C RUN NORTH 00°06'00" EAST, A DISTANCE OF 95.52 FEET TO A POINT; THENCE DEPARTING SAID WEST LINE RUN SOUTH 79°50'14" EAST, A DISTANCE OF 111.72 FEET; THENCE RUN SOUTH 00°06'00" WEST, A DISTANCE OF 90.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,892.15 SQ FT OR 0.25 ACRES ±.

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COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 19, BLOCK C THENCE ALONG THE EAST LINE OF SAID LOT 19, BLOCK C RUN SOUTH 17°35'00" WEST, A DISTANCE OF 99.74 FEET; THENCE RUN SOUTH 52°03'00" WEST, A DISTANCE OF 55.71 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 19, BLOCK C; THENCE ALONG SAID SOUTH LINE RUN SOUTH 89°51'00" WEST, A DISTANCE OF 88.81 FEET TO A POINT, ON SAID SOUTH LINE OF LOT 19, BLOCK C; THENCE DEPARTING SAID SOUTH LINE RUN NORTH 00°06'00" EAST, A DISTANCE OF 90.00 FEET; THENCE RUN NORTH 79°50'14" WEST, A DISTANCE OF 3.48 FEET TO A POINT SAID POINT BEING THE POINT OF BEGINNING.

THENCE CONTINUE NORTH 79°50'14" WEST, A DISTANCE OF 108.24 FEET TO A POINT ON THE WEST LINE OF SAID LOT 19, BLOCK C; THENCE ALONG SAID WEST LINE OF LOT 19, BLOCK C RUN NORTH 00°06'00" EAST, A DISTANCE OF 31.50 FEET; THENCE RUN NORTH 07°08'15" EAST, A DISTANCE OF 78.46 FEET TO THE NORTHWEST CORNER OF SAID LOT 19, BLOCK C; THENCE DEPARTING THE WEST LINE AND ALONG THE NORTH LINE OF SAID LOT 19, BLOCK C RUN SOUTH 71°12'13" EAST, A DISTANCE OF 132.36 FEET TO A POINT ON SAID NORTH LINE; THENCE DEPARTING SAID NORTH LINE RUN SOUTH 18°24'40" WEST, A DISTANCE OF 90.43 FEET TO THE POINT OF BEGINNING.

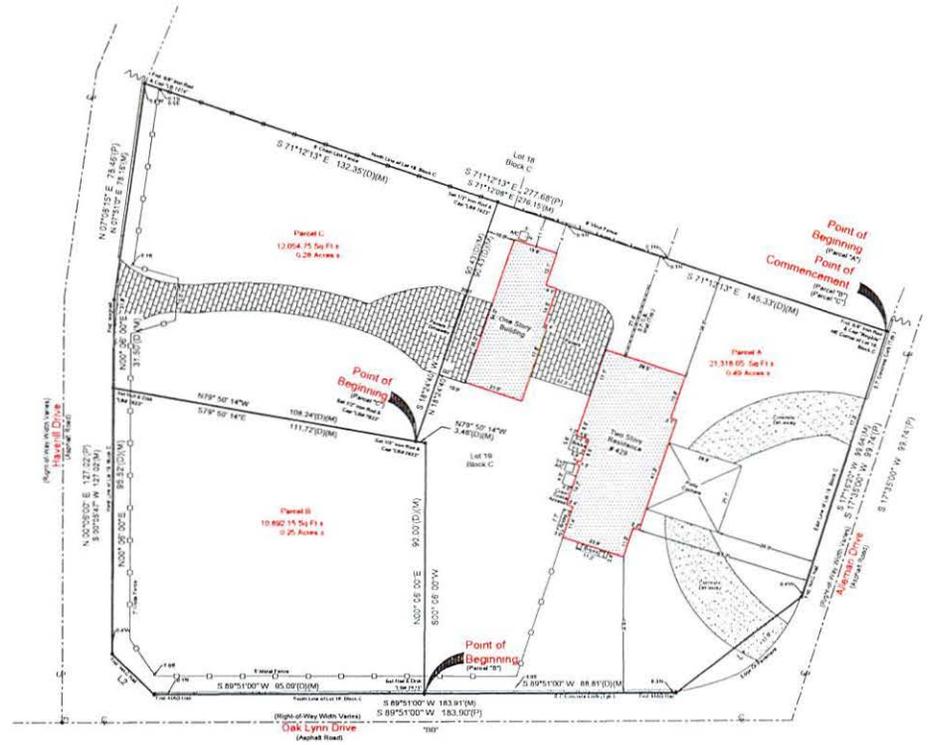
CONTAINING 12,054.75 SQ FT OR 0.25 ACRES ±.

### Flood Disclaimer:

By performing a search with the local governing municipality or www.fema.gov, the property appears to be located in zone X. This Property was found in City of Edgewood, community number 120183, dated 9/25/2009.

CERTIFIED TO:  
TODD NOLAN

- Schedule B-B (Exceptions)  
Issued by CMI Republic National Life Insurance Company  
File No. 20-0708  
Issuing Agent: Equity USA, LLC  
Issuing Office File No. 20-0708  
Effective Date: July 08, 2020 @ 8:00 AM
1. Not a survey matter
  2. Does not affect
  3. Not a survey matter
  4. Not a survey matter
  5. Does not affect
  6. Not a survey matter
  7. Does affect & depicted on survey
  8. Does not affect
  9. Not a survey matter
  10. Not a survey matter



## Exhibit B

L1  
S 52°03'00" W 55.71'(P)  
S 52°02'38" W 55.72'(M)

L2  
N 45°52'44" W 20.74'(P)  
N 45°52'41" W 20.73'(M)

Item	Description	Remarks
1	Survey	Survey of Lot 19, Block C, Oak Lynn Second Plat, showing three parcels (A, B, and C).
2	Map	Map showing the location of the survey within the larger context of the plat.
3	Plat	Plat showing the original subdivision of the land.
4	Deed	Deed conveying the land to the current owner.
5	Other	Other documents related to the survey and property.

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OCT 06 2020

CITY OF EDGEWOOD

TMN Investments, LLC

2875 S. Orange Ave Suite 500-1810

Orlando, FL 32806

City of Edgewood

405 Larue Ave

Edgewood FL 32809

September 1, 2020

RE: Application for Lot Split – 429 Oak Lynn Dr Parcel 13-23-29-6056-03-90

To Whom It May Concern,

In reference to the lot split application for 429 Oak Lynn Dr please see the bullet items below corresponding to the "Application for Lot Split" form:

1. See attached Exhibit A – Scaled drawing with the following:
  - a. Proposed lot size for Parcels A, B, & C
  - b. Bordering streets
  - c. Current Parcel A building dimensions & drain field locations
  - d. Proposed Utility, Drainage, & Right-of-Way Easements along roads
  - e. Proposed Utility Easements (interior property boundaries)
  - f. Note: The following items do not apply to this property:
    - i. No bodies of water or watershed abut or encroach on this property
2. Utility Description:
  - A. Power – Duke Energy provides power service to this property. Currently the service is fed from a pole mounted transformer (on Haverill Dr) at the rear of the current property. Duke is currently designing an underground power system to replace the pole mounted transformers. The proposed lot split has been shared with the Duke representative for this work.
  - B. Water – OUC provides water service to this area. Water service is available from Haverill Dr for the proposed new parcels.
  - C. Sewer – No sewer is available at this location. Septic will be required.
  - D. Fire Hydrants – The closet fire hydrant is at the corner of Orange Ave & Oak Lynn Dr
  - E. Storm – There are no storm drains abutting this property.
  - F. Street Lights – There is one street light south of the current property on Oak Lynn Dr and another at the northwest corner of the existing lot.
3. Abutting property owners:
  - a. 5219 Haverill Dr - Susan Hewitt
  - b. 5226 Alleman Dr – Dustin Carpenter
  - c. 418 Lynwell Dr – Regina Dunay

- d. 420 Oak Lynn Dr – Peety Properties (428 Oak Lyn Dr)
- e. 424 Oak Lynn Dr – Peety Properties (428 Oak Lyn Dr)
- f. 428 Oak Lynn Dr – Carl Peterson
- g. 415 Oak Lynn Dr – Jerrel Johnson
- h. 414 Oak Lynn Dr – Justin Swartzel
- i. 5233 Alleman Dr – Drew Walsh

- 4. See attached Exhibit B – Current Boundary Survey & Proposed Split Lot Survey & Legal Descriptions

Feel free to contact me at 321-231-9896 for any questions or clarifications regarding this application.

Sincerely

Todd Nolan

TMN Investments LLC

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OCT 06 2020



## APPLICATION FOR VARIANCE

**City of Edgewood Code of Ordinances, Section 126-588**

**REQUIRED FEE: \$350 RESIDENTIAL    \$750 NONRESIDENTIAL**  
**(Plus Applicable Pass-Through Fees - Ordinance 2013-01)**

Please note this fee is non-refundable

<b>Office Use Only:</b>		Variance Application #:	
Received Date:	10/6/2020 (rev)	Received by:	Sandra Riffle
P&Z Meeting Date:	10/12/2020	City Council Meeting Date:	11/17/2020

**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 meeting. 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.

<b>Applicant's Name:</b>	TMN Investments, LLC	<b>Owner's Name:</b>	429 Oak Lynn Dr Land Trust, Common Wealth Trust Services LLC as Trustee
Address:	2875 S Orange Ave Suite 500-1810 Orlando FL 32806	Address:	122 E Lake Ave Longwood FL 32750
Phone Number:	321-231-9896	Phone Number:	321-231-9896
Fax:		Fax:	
Email:	tnolunf@gmail.com	Email:	tnolunf@gmail.com
Legal Description:	Lot 19, Block C, Oak Lynn Second Plat		
Zoned:	R-1AA		
Location:	429 Oak Lynn Dr 13-23-29-6056-03-90		
Tract Size:	1.02 AC		
City section of the Subdivision Regulations (Chapter 126) from which Variance is requested:	126-522 126-288 126-290		
Request:	See attachment		
Existing on Site:	See attachment		

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.**

## **Sec. 126-588 - Variances.**

(a) The council may grant a variance from the terms of this chapter when such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship. Such variance shall not be granted if it has the effect of nullifying the intent and purpose of this chapter. Furthermore, such variance shall not be granted by the council unless and until:

(1) A written application for a variance is submitted demonstrating that:

a. Special conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements involved and which are not applicable to other lands, structures, or required subdivision improvements;

b. A literal interpretation of the provisions of this chapter would deprive the applicant of right commonly enjoyed by other properties with similar conditions;

c. The special conditions and circumstances do not result from the actions of the applicant; and

d. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or required subdivision improvements under similar conditions. No pre-existing conditions on neighboring lands, which are contrary to this chapter, shall be considered grounds for the issuance of a variance.

(2) The council shall make findings that the requirements of this section have been met.

(3) A public hearing of the proposed variance shall be held. The public hearing may be held prior to or simultaneously with the public hearing for approval of the preliminary plan.

(4) The council shall further make a finding that the reasons set forth in the application justify the granting of the variance that would make possible the reasonable use of the land, buildings or other improvements.

(5) The council shall make further finding that the granting of the variance would be in harmony with the general purposes and intent of this chapter, will not be injurious to the surrounding territory or otherwise be detrimental to the public welfare.

(b) In granting any variance, the council may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such condition and safeguards when made a part of the terms under which the variance is granted shall be deemed a violation of this chapter.

(Code 1985, § 21-195; Ord. No. 17-1A-8-78, Art. X, § 10.1, 10-17-1978)

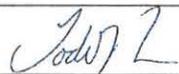


**Applicant must agree that:**

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.

<b>AGREE:</b>		<b>DISAGREE:</b>	
---------------	-----------------------------------------------------------------------------------	------------------	--

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

Applicant's Signature:		Date:	10/2/20
Applicant's Printed Name:	Todd Nolan		
Owner's Signature:	 <small>As trustee and not personally under F.S. 689.073</small>	Date:	10/2/20
Owner's Printed Name:	<i>August Bylott, Authorized Signer, CWTS, LLC, as Trustee</i>		

Please submit your completed application to City Hall via email at [bmeeks@edgewood-fl.gov](mailto:bmeeks@edgewood-fl.gov) or [sriffle@edgewood-fl.gov](mailto:sriffle@edgewood-fl.gov), via facsimile to 407-851-7361, or hand deliver to City Hall located at 405 Bagshaw Way. For additional questions, please contact City Hall at 407-851-2920.

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SEP 29 2020

CITY OF EDGEWOOD  
429 Oak Lynn Dr Land Trust

122 E Lake Ave  
Longwood FL 32750

City of Edgewood  
405 Larue Ave  
Edgewood FL 32809

September 25, 2020

RE: Variance Application for 429 Oak Lynn Dr Lot Split

To Whom It May Concern,

A variance application is being submitted in response to City of Edgewood comments regarding the lot split application for 429 Oak Lynn Dr. The following variances are requested:

1. Sec 126-522 – Central Sewerage Systems

Section 126-522 states *“Central sewerage systems shall be designed by a state-registered engineer in accordance with the regulations of the state department of pollution control, standards established herein, and other applicable regulations adopted by the council. Where the developer proposes to provide sewerage utilizing a temporary sewerage treatment plan, the completed plant, lines and all other appurtenances shall be deeded to the county to be operated and maintained by the respective sewer district, unless dedication is waived by the council. A central sewer system shall be provided in all nonresidential subdivisions where sewage flow will exceed 2,000 gallons per day. In residential subdivisions, central sewer systems shall be provided when required by the following schedule:*

- (1) Minimum lot size less than 43,560 feet (one acre). A central sewerage system shall be provided in all cases. However, where soil and water table conditions are satisfactory, individual sewerage systems may be utilized temporarily until the central system is installed, provided that individual sewerage systems shall not serve more than 50 percent of the lots in any block, nor shall the concentration of individual sewerage systems exceed three per net acre of usable land.*

A variance to 126-522 is being requested to allow individual sewerage systems (septic) for the new parcels created as part of this subdivision in lieu of a “central sewerage system”.

See the information/response corresponding to the Edgewood Municipal Code Section 126-588 for Chapter 126 variance applications:

a. Special conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements involved and which are not applicable to other lands, structures, or required subdivision improvements;	Response: Per the City of Edgewood this lot split application would be deficient in regards to the statement above “provided that individual sewerage systems shall not serve more than 50 percent of the lots in any block”. The “block” is considered the two new lots created by this lot split. Per 126.522 the three parcels being created would be required to operate on a central
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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SEP 29 2020

CITY OF EDGEWOOD	sewerage system. The special condition relative to 429 Oak Lynn are this property is in the middle of an existing neighborhood with no access to the municipal sanitary sewer system. The applicant has no control over the expansion of the municipal sewer system into this area. Easements are being provided as part of the subdivision to facilitate future expansion of the sewer as needed.
b. A literal interpretation of the provisions of this chapter would deprive the applicant of right commonly enjoyed by other properties with similar conditions;	Response: A literal interpretation of the provisions of this section would deprive the right commonly enjoyed by other properties with similar conditions in the Oak Lynn subdivision as all the surrounding properties are permitted to operate on individual sewerage systems (septic) including the properties created when lot 18 was recently subdivided. A literal interpretation of section 126-522 allows no use of individual sewerage systems in residential areas however alludes to the acceptance of individual systems for non-residential properties with less than 2,000 gallons per day. With a literal interpretation there would be no application for Section 126-523. 126-523 states <i>Individual sewage disposal systems may be permitted, if approved by the county health department acting for the state department of pollution control, where a central sewerage system is not required by section 126-522. Individual sewage disposal systems shall be located in the front yard or other area which will provide a convenient and economical connection to a future central sewerage system. Furthermore, no part of any individual sewerage system shall be located within 100 feet, measured along the ground, of the normal high water line (NHWL) established by the county of any lake, stream, canal or other waters.</i>
c. The special conditions and circumstances do not result from the actions of the applicant; and	Response: The special condition does not result from the actions of the applicant. The applicant does not have any control over the expansion of the existing municipal sewerage system.
d. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or required subdivision improvements under similar conditions. No pre-existing conditions on neighboring lands, which are contrary to this chapter, shall be considered grounds for the issuance of a variance.	Response: Granting this variance provides no special privilege as the other homes in the area operate on individual sewerage systems.

2. Sec. 126-288. - Half streets.

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CITY OF EDGEWOOD

*Half streets shall be prohibited, except that where a previously platted half street, improved or unimproved, abuts a tract to be subdivided, the second half of the street shall be platted within the tract being subdivided and the entire street shall be improved when and as required in section 126-397.*

Haverill Dr is considered a half street, currently 35' wide which would require a 25' easement per 126-288. A variance is requested to allow a 15' utility, drainage, & right-of-way easement along Haverill Dr to match the previously sub-divided lot 18 in lieu of a 25' easement.

See the information/response corresponding to the Edgewood Municipal Code Section 126-588 for Chapter 126 variance applications:

<p>a. Special conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements involved and which are not applicable to other lands, structures, or required subdivision improvements;</p>	<p>Response: Per the City of Edgewood this lot split application would be deficient in regards to the statement above "Half streets shall be prohibited, except that where a previously platted half street, improved or unimproved, abuts a tract to be subdivided, the second half of the street shall be platted within the tract being subdivided and the entire street shall be improved when and as required in section 126-397." The special conditions relative to 429 Oak Lynn are the street widths in the originally platted subdivision which do not meet the current standards per Chapter 126. Additionally, a special condition exists relative to the easements for the abutting lot 18 subdivided in 2001 with a 15' easement along Haverill.</p>
<p>b. A literal interpretation of the provisions of this chapter would deprive the applicant of right commonly enjoyed by other properties with similar conditions;</p>	<p>Response: A literal interpretation of the provisions of this section would deprive me the right commonly enjoyed by other properties as the abutting properties approved with a 15' easement on Haverill when recently split.</p>
<p>c. The special conditions and circumstances do not result from the actions of the applicant; and</p>	<p>Response: The special condition does not result from the actions of the applicant.</p>
<p>d. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or required subdivision improvements under similar conditions. No pre-existing conditions on neighboring lands, which are contrary to this chapter, shall be considered grounds for the issuance of a variance.</p>	<p>Response: Granting this variance provides no special privilege as the abutting properties have a 15' easement. Creating a 25' easement on this property would not be conducive to any utility work as the 15' easements on the abutting property would control the utility layout.</p>

3. Sec. 126-290. – Additional Right-of-Way

*(a) A proposed subdivision that includes a platted street which does not conform to the minimum right-of-way requirements determined by the council shall provide for the dedication of additional right-of-way along either one or both sides of the street so that the minimum required right-of-way can be established.*

*(b) If the proposed subdivision abuts only one side of the street, then a minimum of one-half of the required extra right-of-way shall be dedicated by such subdivision.*

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CITY OF EDGEWOOD

Alleman Dr does not conform to the minimum right-of-way width and would require a 20' wide utility, drainage, & right-of-way easement per 126-290. A variance is requested to allow a 15' Utility, Drainage, & Right of easement along Alleman Dr to match the previously sub-divided lot 18 in lieu of a 20' easement.

See the information/response corresponding to the Edgewood Municipal Code Section 126-588 for Chapter 126 variance applications:

<p>a. Special conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements involved and which are not applicable to other lands, structures, or required subdivision improvements;</p>	<p>Response: Per the City of Edgewood this lot split application would be deficient in regards to the statement above <i>"If the proposed subdivision abuts only one side of the street, then a minimum of one-half of the required extra right-of-way shall be dedicated by such subdivision."</i> The special conditions relative to 429 Oak Lynn are the street widths in the originally platted subdivision which do not meet the current standards per Chapter 126. Additionally, a special condition exists relative to the easements for the abutting lot 18 subdivided in 2001 with 15' easements along Alleman.</p>
<p>b. A literal interpretation of the provisions of this chapter would deprive the applicant of right commonly enjoyed by other properties with similar conditions;</p>	<p>Response: A literal interpretation of the provisions of this section would deprive me the right commonly enjoyed by other properties as the abutting properties approved with a 15' easement when recently split.</p>
<p>c. The special conditions and circumstances do not result from the actions of the applicant; and</p>	<p>Response: The special condition does not result from the actions of the applicant.</p>
<p>d. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or required subdivision improvements under similar conditions. No pre-existing conditions on neighboring lands, which are contrary to this chapter, shall be considered grounds for the issuance of a variance.</p>	<p>Response: Granting this variance provides no special privilege as the abutting properties have a 15' easement. Creating a 20' easement on this property would not be conducive to any utility work as the 15' easements on the abutting property would control the utility layout.</p>

Feel free to contact me at 321-231-9896 for any questions or clarifications regarding this application.

Sincerely

Todd Nolan

429 Oak Lynn Dr Land Trust



October 1, 2020

Ms. Sandy Riffle  
Deputy City Clerk  
City of Edgewood  
405 Bagshaw Way  
Edgewood, FL 32809-3406

**RE: 429 Oak Lynn Drive – Lot Division application review  
CPH project number E7601**

Dear Ms. Riffle;

We are in receipt of the application and plan sheets for the division of a single family lot into three, single family lots. The application is dated September 2, 2020, with subsequent plans and application dated September 17, 2020. We are also in receipt of the review letter from the City Planner, dated September 17, 2020. The zoning for the existing lot is R-1AA. We understand the Zoning for the new lot layout will also be R-1AA.

We have reviewed the City code, Sections 126 and 134, the review letter from the City Planner, and compared the code and review letter information to the submitted application and Exhibits A and B for completeness. Per the Code, Section 126-61, if the application does not include new streets, water, sewer or drainage structures, portions of the code may be waived. In addition, portions of Section 126-128 may also be waived if not required by the City Engineer.

We have reviewed the exhibits for the lot division and the criteria listed in Section 1126-168 - Preliminary Plan, to verify if all or a portion of the 17 items listed in the section are required to be included on the plans. As this is a division of an existing single family lot into three lots, some of the items noted in the section are not required by the engineer for this review. The exhibits included the legend, sufficient information to locate the property within the City, the legal description of the existing property, boundary lines, names of the existing streets and right-of-way widths, lot lines, existing structures on the lot and bearings and distances for all existing and proposed lot lines.

Due to the nature of the submittal, and that this is an existing single family lot with a request to divide the lot into three lots, the Exhibits A and B are sufficient for this review. Additional information not shown or required include any new streets proposed for this division, water lines, storm sewer collection system, gravity sanitary sewer collection system, or proposed or existing lot grading and contours.

Per the application, the water service will be from existing water lines on the adjacent roadways. Power will also be provided from the existing roadways to the individual lots. We understand all lots will have access to the existing streets. There will not be a storm sewer collection system designed as the property already drains to the adjacent streets for site runoff. The existing lot has a septic tank and sewer drain field for wastewater flows. We understand the two additional lots will also be on separate septic tank and drain fields as there are no available gravity sewer lines or sanitary sewer force mains available for connection.



Upon approval from the City Council, and prior to any development on the two new lots, separate single family home building permit applications will need to be submitted to the City for review and approval. At that time, additional information such as lot grading, location of water service and location of the proposed sanitary septic system will need to be shown on the plans, as well as all other criteria required in Article III of the City Code.

At this time, we do not have any objections to the submitted application, dependent upon the applicant addressing any comments generated by the City Planner. Please be reminded, approval of this application by the City of Edgewood does not grant authority to alter other portions of this property, nor does it waive any permits that may be required by Federal, State, or County agencies which may have jurisdiction. Applicant needs to verify if this project does not require an additional roof permit from the County.

Sincerely,  
**CPH, Inc.**

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

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

CC: David Mahler, P.E., file

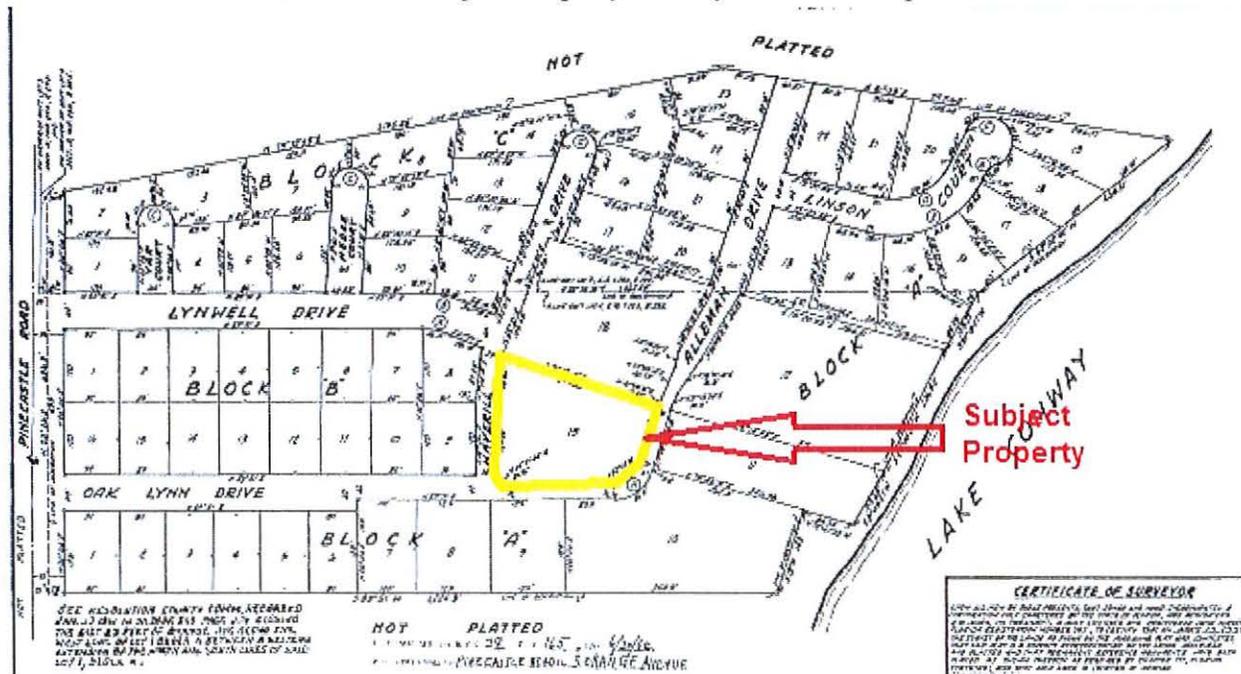
J:\E7601\Civil\Documents\City Plans-Application Review\429 Oak Lynn lot split\letters\429 Oak Lynn - review for lot division 10-1-20.docx


  
 CITY OF  
**EDGEWOOD**  
 FOUNDED 1924

Date: September 29, 2020  
 To: Planning and Zoning (P&Z) Board  
 From: Ellen Hardgrove, City Planning Consultant  
 XC: Sandy Riffle, Deputy City Clerk  
     Bea Meeks, City Clerk  
     Drew Smith, City Attorney  
     Allen Lane, CPH Engineering, City Engineering Consultant  
 Re: Proposed Preliminary Subdivision Plan of Lot 19, Oak Lynn Second Plat: 429 Oak Lynn Drive

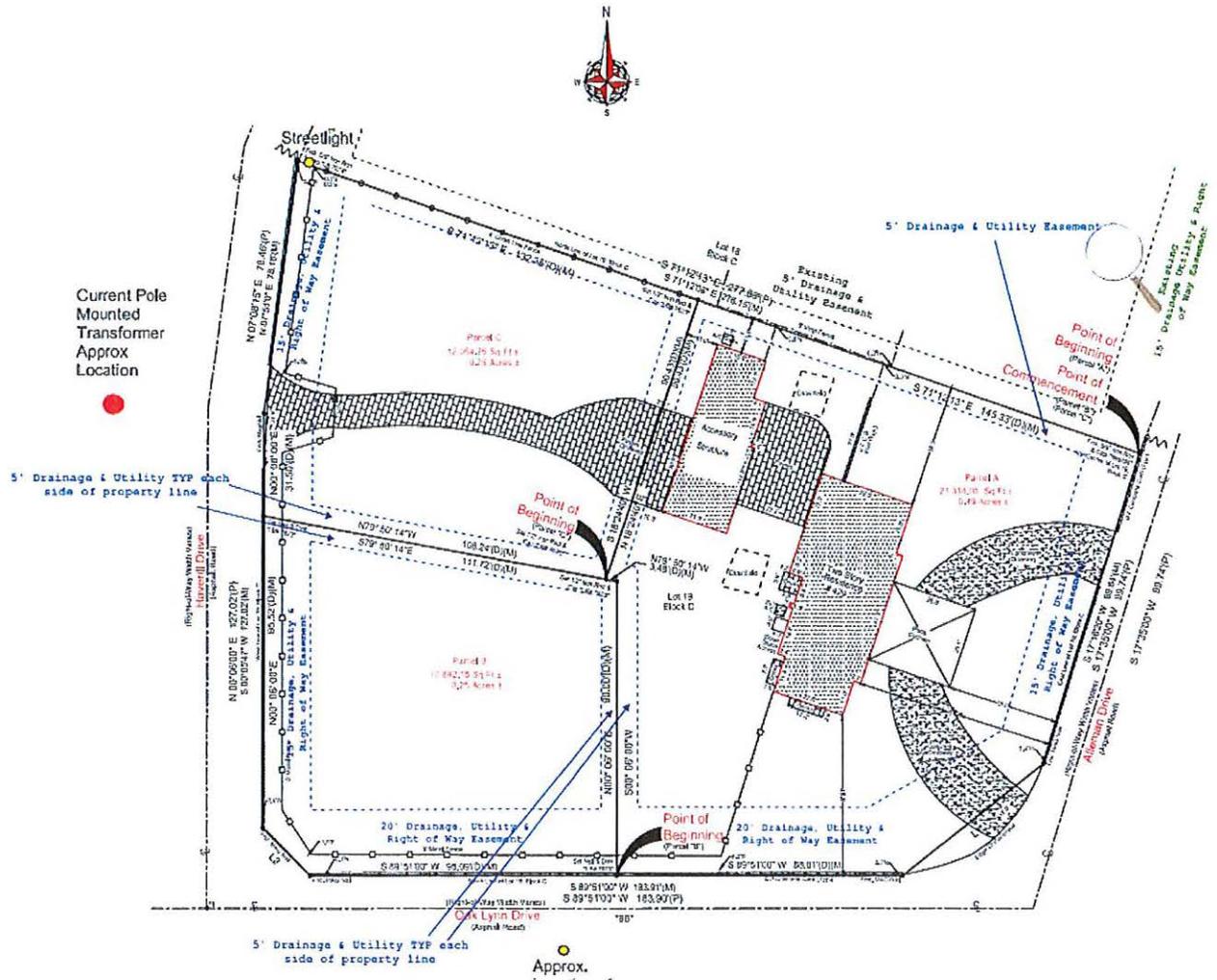
This is a review of a proposed preliminary subdivision plan for property located at 429 Oak Lynn Drive, to be known as Oak Lynn Place Replat. The application also includes a request for three (3) variances to subdivision regulations. The property is Lot 19 of the Oak Lynn Second Plat as recorded in Plat Book W, Page 97, as copied to Exhibit 1.

Exhibit 1 – Subject Property/Oak Lynn Second Replat



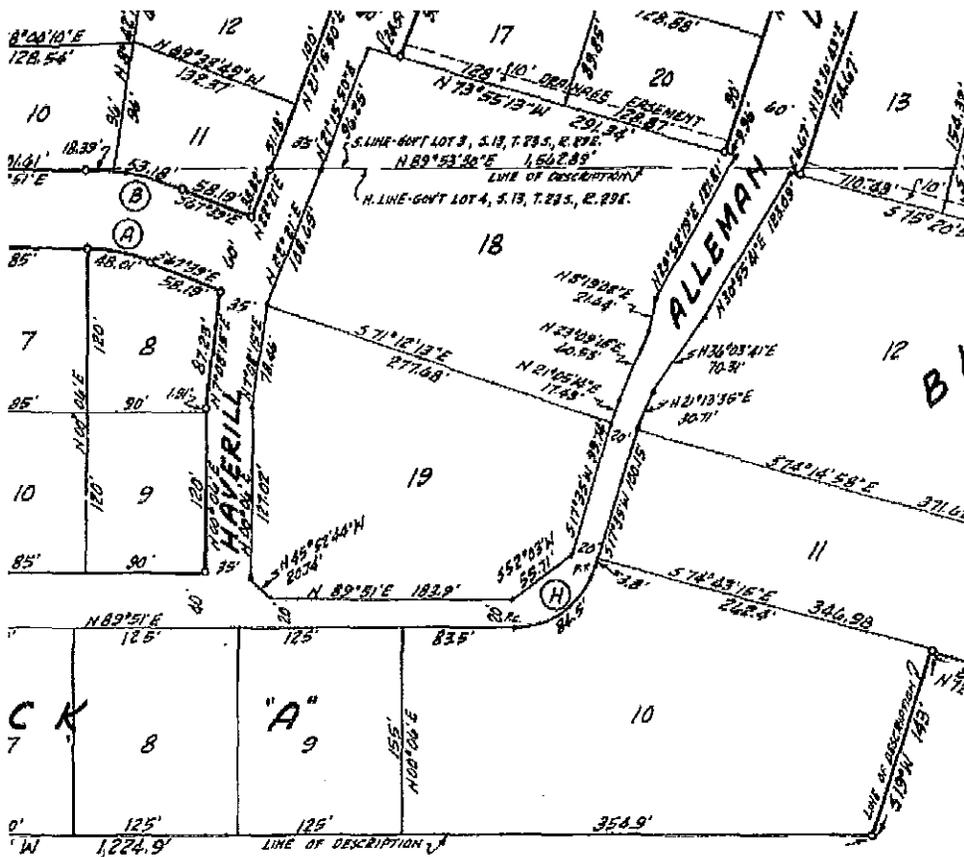
The subject property is ±1.02 acres and currently contains a two story house oriented toward Alleman Drive and an accessory structure as shown. Three lots are proposed to be created as shown in Exhibit 2.

Exhibit 2 – Proposed Subdivision into Three Lots



The Oak Lynn Second Plat was platted in the City in August 1958. It was created from property that contained existing homes. The rights-of-way adjacent to the lots with the existing homes, which included the subject property, were allowed to be substandard in width, with Oak Lynn and Alleman Drives at 20 feet in width and Haverill Drive at 35 feet as shown in Exhibit 3.

Exhibit 3 – Substandard Right-of-way in Plat



A note on the plat states, “the 20 feet rights of way of Oak Lynn Drive and Alleman Drive opposite Lots 9, 10, 11, and 12, Block “A” and Lots 18 and 19, Block C do not meet the town of Edgewood’s requirements and such portion of said streets is accepted for recording purposes only.” The substandard right-of-way of Haverill Drive is not mentioned on the plat, and given the plat layout, is considered a half street.

Code Section 126-288 requires that when a proposed subdivision abuts a half street, such as Haverill Drive, the second half of the street is required to be platted within the tract being subdivided. Thus, a 25 feet wide strip is required to be added to the Haverill Drive right-of-way with the subject subdivision; the applicant is requesting a variance to this code requirement.

Requests for variances to subdivision regulations are allowed per Code Section 126-588, with approval granted when “such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship.”

The criteria for this determination is a finding that,

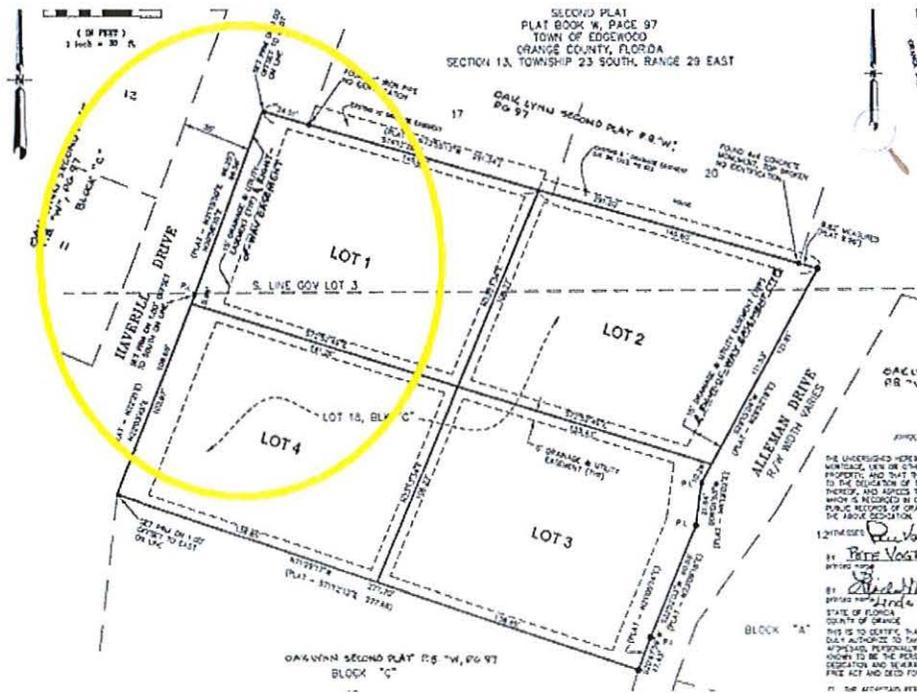
- a. Special conditions and circumstances exist which are peculiar to the land, structures or required subdivision improvements involved and which are not applicable to other lands, structures, or required subdivision improvements;

- b. A literal interpretation of the provisions of this chapter would deprive the applicant of right commonly enjoyed by other properties with similar conditions;
- c. The special conditions and circumstances do not result from the actions of the applicant; and
- d. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or required subdivision improvements under similar conditions. No pre-existing conditions on neighboring lands, which are contrary to this chapter, shall be considered grounds for the issuance of a variance.

For the variance to the right-of-way width required for Haverill Drive, these criteria are met.

It would be impractical to provide 25 feet from the subject property to create a 60 feet wide Haverill Drive right-of-way given only 15 feet was required for the Haverill Drive right-of-way when the Oak Lynn Estates subdivision was approved in 2001 (formerly lot 18 of the Oak Lynn Second Plat Subdivision) as shown on Exhibit 4. As was determined in 2001, 50 feet of right-of-way for Haverill Drive is sufficient to accommodate future public needs, and denial of the request would deprive the applicant rights commonly enjoyed by other properties in the neighborhood. The conditions and circumstances that exist for this property were not the result of the applicant.

Exhibit 4 – Oak Lynn Estates (North of the subject property)



Source: Orange County Official Records PB 46/PG 124

For the substandard rights-of-way of Alleman and Oak Lynn Drives, the additional right-of-way would be required from land on both sides of these roads (Code Section 126-290). For Alleman Drive, 20 feet would be required.

The applicant is requesting the same variance for the subject property as was allowed for the Oak Lynn Estates subdivision to the north; i.e., provision of 15 feet in lieu of 20 feet. For the same reasons stated above, staff supports the approval of this variance. To note, the proposed subdivision includes the provision of the required right-of-way for Oak Lynn Drive.

The three lots proposed to be created meet the minimum requirements of the current zoning, R1AA, and practical building envelopes can be created with the application of R1AA minimum yard requirements.

R1AA Site Standards	
Minimum Lot Size	10,890 square feet
Minimum Lot Width	90 feet
Minimum Front Yard	30 feet
Minimum Rear Yard	35 feet
Minimum Side Yard	10 feet
Minimum Side Yard for Corner	15 feet <sup>1</sup>
Minimum House Size	2,200 square feet
Maximum Impervious Surface	45%

<sup>1</sup> On any corner lot abutting the side of another lot, no part of any structure within 25 feet of the common lot line shall be nearer the side street lot line than the required front yard of such abutting lot.

Another controlling regulation to lot size is when septic tanks are used for sewage disposal. Per Code Section 126-522, when septic tanks are used to serve residential subdivisions where the proposed lot size is less than one (1) acre, no more than three septic tanks per net acre of usable land is allowed. The proposed subdivision meets this restriction; there will only be three septic tanks on 1.02 acres of land.

Another restriction to the use of septic tanks included in Code Section 126-522(1) is individual sewerage systems shall not serve more than 50 percent of the lots in any block. This regulation is intended to enforce the City’s policy that septic tanks are a temporary solution until the central system is installed. The applicant is requesting a variance from the limitation that only 50 percent of the lots of this subdivision are allowed to be developed.

As stated above, Code Section 126-588 allows the approval of variances to subdivision regulations when “such variance will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of this chapter would result in unnecessary hardship.” The four criteria for approval are met in this situation.

Central sewer service is not available to the property and there are no plans to extend the lines to this area. This is not a situation that has been created by the applicant. Sewage disposal for the entire Oak Lynn Subdivision is served by septic tanks. Thus, a literal interpretation of the provisions of this chapter would deprive the applicant of right commonly enjoyed by other properties with similar conditions. The applicant is requesting lot sizes that exceed the typical lot size of the lots of the Oak Lynn Subdivision. Approval of the variance will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures or required

subdivision improvements under similar conditions. Should central sewer lines be extended into the Oak Lynn Subdivision in the future, all lots would be required to be connected, including the subject property. To note, final approval of septic tank use onsite is made by the Florida Department of Health in Orange County.

For information purpose, if approved, the subdivision plan will only be considered the Preliminary Plan. Per consistency with Chapter 177, Part 1 Florida Statutes as well as Chapter 126 of the City Code, a final plat shall be submitted to the City for approval in accordance with City Code Chapter 126 Article II, Division 3, followed by the applicant's petition to record the plat and easements in the Orange County Official Records.

In summary, staff is recommending approval of the following.

- 1) The Preliminary Subdivision Plan known as Oak Lynn Place Replat dated September 29, 2020
- 2) A variance in Code Section 126-288 to allow the addition of 15 feet to the Haverill Drive right-of-way in lieu of 25 feet for a half street
- 3) A variance in Code Section 126-290 to allow the addition of 15 feet to the Alleman Drive right-of-way in lieu of 20 feet
- 4) A variance in Code Section 126-522 to allow all lots of the subdivision to use septic tanks in lieu of only 50% of the block

Should you have any questions, please do hesitate to contact me at 407.425.0062.

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