

**CITY OF EDGEWOOD
PLANNING AND ZONING BOARD
JUNE 13, 2011**

The Planning and Zoning Board of the City of Edgewood, Florida met in a regular session on June 13, 2011 in the Council Chambers of City Hall, 405 Larue Avenue, at 6:30 p.m. (Recording Difficulty)

Board Members in Attendance

Frank Aguilar
Susan Lomas
Regina Dunay

(Quorum Established)

Absent

Debbie Younglove (Excused)
Phil Chrisler (Excused)

Staff in Attendance

Bea L. Meeks, City Clerk
Art Miller, Engineer
Drew Smith, City Attorney

Applicant(s)

Sean Milligan
Megan Milligan

Call to Order/Pledge of Allegiance/Determination of Quorum

Chairwoman, Regina Dunay, called the meeting to order at 6:30 p.m., followed by the Pledge of Allegiance. Quorum determined, with three members present.

Approval of Minutes From May 9, 2011 Meeting

Board Member Lomas made the Motion to approve the Minutes, with Second by Board Member Aguilar, the Motion carried unanimously.

Public Hearing(s)

Variance Application No. 2011—02 Sean Milligan – Sean and Megan Milligan, 4905 Lake Gatlin Woods Court are requesting a variance for a minimum side set back in a R-1AA Zoning, for the purposes of constructing a boat dock.

Engineer Miller explained that the public hearing was only related to Sean and Megan Milligan's request for a variance for a boat dock; he also explained the variance process.

City Clerk Meeks confirmed receipt of sign affidavit, and that staff did not receive any responses out of the fifty-five notice letters sent to property owners within 500 feet of the Milligan's property.

Engineer Miller explained the setback request and noted that if you are 15 feet or more from the sideline, you do not need the consent of your neighbor; he said he “pushes” for the 10 foot setback because there was a time when property owners wanted to be right on the line. He noted that it is a safety issue; you want to be at least 20 feet in-between docks. In the subject request the dock to the north is about 93 feet and the dock to the south is about 32 feet; he does not see this as a safety issue. (City Clerk noted that the recording has been re-established). Engineer Miller said all other requirements have met the code, it is only the setbacks. He noted that he listed the eight requirements for a dock variance, which is a little bit different from other variances.

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

- Average length of other docks in the surrounding 300-foot area;

Engineer Miller said not an issue because applicant is not asking for a length variance.

- The reasonable use of the property by the owner;

Engineer Miller noted the subject property is lakefront.

- The effects the dock will have on navigation and safety of boaters;

Engineer Miller noted this is not an issue.

- The overall general welfare of the neighborhood;

Engineer Miller noted that there were no objections to the variance request.

- Whether special conditions exist such that strict compliance with the provisions of this article would impose a unique and unnecessary hardship on the applicant;

Engineer Miller said that these types of requests have been granted before in similar situations.

Chairwoman Dunay noted that the special condition is that the applicants only have 20 feet to work with; Engineer Miller agreed stating that was the way lots were done in the seventies.

- The effect of the proposed variance on abutting shoreline property owners;

Engineer Miller confirmed that the two property owners that would be most affected have said they are “ok” with the variance. (supported by letters from property owners included in application submittal)

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

Engineer Miller reminded the Board that the applicants are not asking for a variance for maximum length and that "a couple" of the requirements do not apply.

- A variance from the maximum length of 65 feet [non-canal water bodies] 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.

Engineer Miller said that he is recommending approval subject to Board approval with some conditions; most of which are standard conditions:

1. Dock design and construction shall meet all requirements of Section 14 of the City Code (side setback excepted).
2. Prior to construction a building permit issued by Orange County Building Department shall be obtained after the City has approved the zoning/variance.
3. The survey shows the NHWL (elevation 86.9) pursuant to the ordinance. A scaled distance between the existing shoreline at the point where the dock is to be constructed and a permanent reference point shall be shown on the final dock plans.
4. Deck shall be at least 1' above the NHWL elevation of 86.9 (1.0' shown); no roof is shown. Enclosed side walls are not permitted.
5. The application shows a total deck area of 214 s.f. waterward of the NHWL (1,000 s.f. maximum allowed).
6. If approved by the City, no other work (i.e. clearing, removal of vegetation, excavation or filling, etc.) is authorized waterward of the NHWL.
7. City approval does not authorize removal of vegetation, trees or disturbing the shoreline. If trees are to be removed, a separate tree removal permit will be required. A shoreline alteration permit issued by Orange County is required to remove shoreline vegetation.
8. All construction shall adhere to the City of Edgewood's Erosion and Sediment Control Ordinance. Silt fences, turbidity barriers, hay bales or other measures shall be placed to prevent runoff into the lake, environmental swale or drainage system.
9. **Under Edgewood's current rules, notification shall be provided to all properties within 500 feet (due to the variance) as well as Orange County/Lake Conway Navigation & Control District Advisory Board (c/o Orange County EPD). If no objections are received within 15 days of notification, City Staff can complete processing the permit application (when completed). If objections are received, the application shall be reviewed by the City Council at a regular meeting.**

Board Member Lomas asked about a tree on the plan, followed by Chairwoman Dunay asking if the tree stays. Applicant Sean Milligan, confirmed that the tree stays. Engineer Miller noted that in his condition number three, this is a requirement to show the scaled

distance between the existing shoreline at the point where the dock is to be constructed and a permanent reference point; code says this can be a tree.

Chairwoman Dunay ask how far out did the dock go; applicant Sean Milligan said the proposed dock is in a straight line with the existing boat dock(s). Engineer Miller said the plan shows the dock going out 54 feet and they are allowed 65 feet.

Board Member Aguilar ask about the depth of the water and Engineer Miller said per code it is the depth at the time of the application.

Chairwoman Dunay ask about the normal high water mark. Engineer Miller said that this is just a regulatory line based on six inches above the control elevation of the lake. The lake elevation control is normally at 86.4 so it's 86.9, it's the normal high water line, as the lake goes up and down, it is a fixed elevation and that is what the length, square footage and everything else is based on.

Board Member Aguilar ask about the sidewalk referenced in a couple of letters regarding straightening the sidewalk and a 5 foot setback; he ask if the sidewalk was going to be moved. Engineer Miller pointed out this is not part of dock and there is not setback issue. Engineer Miller said it will determined by the final docking plan because whatever is shown on the plan is what has to be done.

Engineer Miller explained the approval process and noted that the Motion should also include reference to the North setback of any portion of the dock is not closer than five feet.

Closed Public Hearing

Board Member Aguilar made the motion to approve the variance for the setback as recommended by Engineer Miller, with the nine conditions provided, and if he moves the sidewalk portion of the dock, it cannot infringe on the five foot setback, with Second by Board Member Lomas; the Motion carried unanimously.

Brief discussion held regarding safety precautions during construction.

City Clerk Meeks ask Engineer Miller to confirm the process related to condition number 9 related to notice to Orange County (Interlocal Agreement). Engineer Miller said to send the County a copy of the dock application, also to the Conway Lake Board.

New Business

Engineer Miller said there may be some more variance applications. City Clerk Meeks said she has not received any but will let members know so they mark their calendars.

Unfinished Business

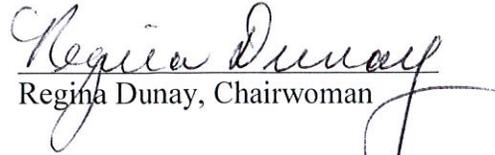
None.

Future Meeting

July 11, 2011 (contingent on application(s) submittal)

Adjournment:

There being no further business to discuss, the meeting adjourned at 6:54 p.m.


Regina Dunay, Chairwoman

ATTEST


Bea L. Meeks, MMC, CPM
City Clerk