## PLANNING AND ZONING BOARD MEETING

City Hall - Council Chamber 405 Bagshaw Way, Edgewood, Florida Monday, October 09, 2023 at 6:30 PM

| David Gragg | Melissa Gibson | Todd Nolan <br> Board Member |
| :---: | :--- | :---: |
| Board Member | Board Member |  |

## AGENDA

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.

## A. CALL TO ORDER \& PLEDGE OF ALLEGIANCE

B. ROLL CALL AND DETERMINATION OF QUORUM
C. APPROVAL OF MINUTES

1. September 11, 2023 Planning \& Zoning Meeting Minutes
D. NEW BUSINESS
2. 75 Holden Ave. - Boise Site Plan Approval
3. Variance 2023-04: 307 Mandalay Road SFR
4. Variance 2023-05: 307 Mandalay Road Fence
E. UNFINISHED BUSINESS
F. COMMENTS/ANNOUNCEMENTS
G. ADJOURNMENT

UPCOMING MEETINGS
Tuesday, October 17, 2023 $\qquad$ City Council Meeting
Monday, November 13, 2023 .Planning \& Zoning Meeting


#### Abstract

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 (i.e. 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.

## Americans with Disabilities Act

In accordance with the American Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodation to participate in this proceeding, he or she should telephone the City Clerk at (407) 851-2920.

# CALL TO ORDER 

## \& PLEDGE OF <br> ALLEGIANCE

## ROLL CALL \&

## DETERMINATION

 OF QUORUM
## APPROVAL OF

 MINUTESPLANNING AND ZONING BOARD MEETING
City Hall - Council Chamber
405 Bagshaw Way, Edgewood, Florida
Monday, September 11, 2023 at 6:30 PM

Ryan Santurri Chair

David Nelson Vice-Chair

David Gragg Board Member

Todd Nolan
Board Member

## MINUTES

## CALL TO ORDER \& PLEDGE OF ALLEGIANCE

Chair Santurri called the meeting to order at 6:30 pm and led everyone in the Pledge of Allegiance.

## ROLL CALL AND DETERMINATION OF QUORUM

Administrative Project Manager Sollazzo confirmed there was a quorum with four board members present; Board Member Gibson was absent.

## BOARD MEMBERS PRESENT

Chair Ryan Santurri
Vice Chair David Nelson
Board Member David Gragg
Board Member Todd Nolan

## STAFF PRESENT

Brett Sollazzo, Administrative Project Manager
Drew Smith, City Attorney
Ellen Hardgrove, City Planner

## BOARD MEMBERS ABSENT

Board Member Melissa Gibson

## APPROVAL OF MINUTES

August 14, 2023 Planning \& Zoning Meeting Minutes
Vice Chair Nelson made a motion to approve the August 14, 2023 Planning and Zoning meeting minutes as revised and presented. The motion was seconded by Board Member Gragg. Approved (4/0) by voice vote.

## NEW BUSINESS

## 1. Ordinance 2023-12: County to City Rezoning R1AA Waterwitch

Planner Hardgrove began by giving an overview of the proposed ordinance, and explaining that it is the continuation of the City's effort to rezone previously annexed areas of the City where the Country zoning has remained after annexation to a City zoning district.

She explained that the site development standards of the proposed City zoning district, R1AA-CA, are identical to the County's district, with the exception that the City's district establishes a maximum impervious surface; i.e., the amount of land that can be covered with buildings and pavement. The County's district does not have an impervious surface maximum.

Preliminary review of the lots in Waterwitch Cove showed almost half of the lots in the subdivision already exceed the $45 \%$ limit. However, most of those properties will not encounter an issue as there is little area remaining on these lots for a home expansion/addition. For the properties close to the $45 \%$ limit and remaining area on the property, any addition/expansion or pool proposed may encounter a need for a variance approval.

Planner Hardgrove went on to say that rezoning the subdivision to R1AA-CA is in the best interest of the City, most closely resembles the Orange County zoning designation being replaced, and is consistent with the City of Edgewood Comprehensive Plan.

A brief discussion ensued between Board Members and Planner Hardgrove. There were no public comments.

Chair Santurri made a motion to recommend adoption of Ordinance 2023-12 as presented; The motion was seconded by Vice Chair Nelson. Approved (4/0) by roll call vote.

The motion was approved with a roll call vote.

| Chair Santurri | Favor |
| :--- | :--- |
| Vice Chair Nelson | Favor |
| Board Member Gragg | Favor |
| Board Member Nolan | Favor |
| Board Member Gibson | Absent |

## ADJOURNMENT

The meeting was adjourned at 6:38 PM.

## NEW <br> BUSINESS

## 75 Holden Ave.

## Boise Cascade

Site Plan Approval

September 27, 2023
Ms. Sandy Riffle, CMC, CBTO
City Clerk
City of Edgewood
405 Bagshaw Way
Edgewood, FL 32809-3406

## RE: 75 Holden Ave - Boise Cascade Plan Review CPH project number E7601

Dear Ms. Riffle;
We are in receipt of the revised civil and landscape plans and response letter, received September 27, 2023, for the above listed project. We reviewed the plans for civil and landscape completeness and to verify all our previous comments have been addressed.

We had specific comments for the civil plans, sheets C1.0 to C4.0. Specifically, our concerns are with the ADA parking, signage and striping. We reviewed the response letter and the updated plan sheet, C4.0, to verify if all our comments have been addressed. It appears all our past comments have been addressed.

The plan sheet now has spot elevations on each end of the proposed ADA parking spaces. Per ADA requirements, no parking space may be allowed to slope greater than 2.0 percent in any direction, linear or horizontal. The elevations provided on the plans indicate the slope is equal or less than the required 2.0 percent slope. We do not have any objections to the grades provided. The final construction will be measured and a level use to verify the slopes after construction to verify if the spaces meet ADA requirements.
"Do Not Enter" signs have been added to the plans, on both sides of the exit drive. We do not have any objections.

Informational comment - Orange County Fire Department (OCFD) will need to review and comment on the existing layout for emergency access. They may require access along the front of the building. If so, the parking will need to be restriped to accommodate OCFD. At a minimum, the City will require a letter from OCFD approving the layout. This can be a condition of approval.

Notes have been added to the plans stating to meet minimum separation per DEP specifications. This will need to be as-built and shown on the record drawings once constructed.

All landscape comments have been addressed.
Based on our review, all the civil and landscape comments have been addressed and we do not have any objection to the City approving this set of plans. 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, LLC
Allea CTane or
Allen C. Lane, Jr., P.E.
Sr. Project Manager

CC: Galen Pugh, PLA, AICP, CPH
file

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## VARIANCE 2023-04:

## 307 Oak Lynn Dr. - SFR

TO: Planning and Zoning Board
XC: $\quad$ Sandy Riffle, Interim City Clerk
Brett Sollazzo, Administrative Assistant
Drew Smith, City Attorney
Allen C. Lane, Jr., P.E., CPH Engineering
FROM: Ellen Hardgrove, AICP, City Planning Consultant
DATE: $\quad$ September 12, 2023
SUBJECT: Variances for home construction at 307 Oak Lynn Drive

## REQUEST DESCRIPTION/BACKGROUND

The request is the approval of four (4) variances to allow the construction of a home on the vacant property at 307 Oak Lynn Drive, aka Lot 15 and remanent of Lot 16 of the Oak Lynn Second Plat (Plat Book W, Page 97). This property is at the northeast corner of Oak Lynn Drive and Hansel Avenue and is zoned R1AA. Exhibit 1 provides an illustration of the property's location.

Exhibit 1 - Property Location $\mathbf{N} \uparrow$


The requested variances include the following.

1) Allow the minimum lot area to be 10,712 square feet in lieu of the R1AA minimum lot area of 10,890 square feet
2) Allow the minimum lot width to be 83 feet in lieu of the R1AA minimum lot width of 90 feet
3) Allow the side street setback (Hansel Avenue) to be a minimum of 10.13 feet in lieu of the Code Section 134-550 requirement that a structure be at least 15 feet from a side street
4) Allow the minimum floor area in the dwelling (excluding garage) to be 2,076 square feet in lieu of the R1AA minimum of 2,200 square feet

The need for these variances stems from the widening of Orange/Hansel Avenue and changes in code relative to time of the plat.

The subdivision was platted in 1958 within the city limits of Edgewood consistent with the City's R1AA zoning standards in effect at that time; thus, each was a standard buildable lot at platting.

In 1960, two years after the subdivision was platted, portions of Lots 15 and 16 (among others) were acquired by the State of Florida for the widening of Orange/Hansel Avenue creating the two substandard lots of the subject property. As seen from the Exhibit 2, at the time of platting, Hansel Avenue, then known as Pine Castle Road, was at a 90 degree angle to the subject property.

Exhibit 2 - Plat Comparison Before and After State's Acquisition


At the time of the State's acquisition, the subdivision developer still owned Lots 15 and 16. While the developer sold the majority of the subdivision lots between 1960 and 1966, and houses were constructed on those lots during the same time period, the subject property remained vacant and in the developer's ownership until 1973. In 1973, the developer sold the still undeveloped Lots 15 and 16 as one parcel. The same configuration has sold 4 times since and has never been developed.

Another change that impacted the developability of Lots 15 and 16 happened in 1998 when the City adopted new R1AA standards. The comparison of the standards pre and post 1998 is shown in Exhibit 3. Had the R1AA standards remained the same or the property had developed prior to 1998, most of the proposed variances would not have been needed; side street setback would still have been needed based on the house current design.

Exhibit 3 - Comparison of R1AA Site Standards and Proposed Development

| Proposed Development at 307 Oak Lynn Drive |  |  |  |  |
| :--- | :--- | :--- | :--- | :---: |
|  | Current R1AA | R1AA at the time of <br> plat | Proposed |  |
| Minimum Lot Area | 10,890 square feet | 10,000 square feet | 10,712 square feet |  |
| Minimum Living Area | 2,200 square feet | 1,200 square feet | 2,076 square feet |  |
| Minimum Lot Width* | 90 feet | 85 feet | $\pm 82$ feet |  |
| Minimum Structure Setback |  |  |  |  |
| Front Yard | 30 feet | 30 feet | 30 feet |  |
| Rear Yard | 35 feet | 35 feet | 35 feet |  |
| Side Yard | 10 feet | 7.5 feet | 10 feet |  |
| Side Street | 15 feet | 15 feet | 10.13 feet |  |
| Maximum Height | 35 feet | 35 feet | 35 feet |  |
| Maximum Impervious Surface | $45 \%$ | n/a | $36.8 \%$ |  |
| Private Open Space Area** | $40 \%$ | $40 \%$ | $40 \%$ |  |

*For irregular shaped lots, the minimum lot width is measured at the building line.

## **Sec. 114-34(a). - Requirements.

Residential private open space means the usable open space on individual lots maintained by the required front, rear and side yards of the residential zoning district and excluding paved driveways, principal and accessory structures. However, for purposes of this article, recreational structures such as, but not limited to, pools, tennis courts and porches shall not be considered accessory structures and shall be included in calculating residential open space.

The proposed house design is similar to those in the neighborhood: one story and $\pm 2,000$ square feet living area. Exhibit 4 provides a summary of the houses in proximity to the subject property showing the compatibility of the house proposed and those that are existing.

Exhibit 4 - Neighborhood Houses Floor Area (FA) and Lot Area (LA)


## CRITERIA FOR VARIANCE APPROVAL

Variances are allowed where there are practical difficulties or unnecessary hardships in complying with the strict letter of the land development regulations. Per Section 134-104(3), prior to recommending approval of any variance, $\mathrm{P} \& \mathrm{Z}$ and City Council must find:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
2. That the special conditions and circumstances do not result from the actions of the applicant;
3. That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district;
4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant;
5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure; and,
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.

## ANALYSIS

1. Special conditions and circumstances do 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 including the acquisition of parts of Lots 15 and 16 and the change in R1AA site standards.
2. The special conditions and circumstances did not result from the actions of the applicant.
3. 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. Analysis shows the proposed house is actually similar to or larger than the other houses in the subdivision (Reference Exhibit 4). The same is true for the lot size.
4. 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 lot would be undevelopable without variances. Had the property been developed prior to the State's acquisition or prior to 1998, the variances would not be needed, with the exception of side street setback. To note, had the lot been developed prior to 1998 , the requested side yard variance would have been less since the east side could have been 7.5 feet vs. the current requirement of 10 feet.
5. The variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure. The proposed house is similar to other houses in the subdivision. A two story house design could have avoided the minimum living area, and potentially the side street setback, however, a two story house would be unusual for this subdivision, as well as likely not preferred due to frontage on Hansel Avenue.
6. Approval of the variance will be in harmony with the general intent and purpose of this chapter.

## STAFF RECOMMENDATION

Approval of the following variances making a finding that the six criteria for variance approval have been met.

1) Allow the minimum lot area to be 10,712 square feet in lieu of the R1AA minimum lot area of 10,890 square feet
2) Allow the minimum lot width to be 83 feet in lieu of the R1AA minimum lot width of 90 feet
3) Allow the side street setback (Hansel Avenue) to be a minimum of 10.13 feet in lieu of the Code Section 134-550 requirement that a structure be at least 15 feet from a side street
4) Allow the minimum floor area in the dwelling (excluding garage) to be 2,076 square feet in lieu of the R1AA minimum of 2,200 square feet

## APPLICATION FOR VARIANCE

Reference: Code Sections 134-103 through 134-109
REQUIRED FEES: $\$ 750.00$ (Commercial) or $\$ 350$ (Residential) Application Fee + \$1000 Pass-Through Fees Initial Deposit (Ordinance 2013-01)
Please note the application fee is non-refundable. Additional pass-through fees may be required throughout the project. If any pass-through balance remains at project completion, it will be reimbursed.

IMPORTANT: A COMPLETE application with all required attachments must be submitted to City Staff 30 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. You can submit all documents electronically to info@edgewood-fl.gov.

Please type or print. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.
Applicant Name: Edward Valley
owner Name: Lito Valdivia
Email:
Phone: 407-738-1627
Email: Valdivial@msn.com
Phone: 321-474-7260
Property Address:
307 Oak Lynn Dr. Orlando, FL 32809
Legal Description:
OAK LYNN SECOND PLAT W/97 LOTS 15 \& 16 BLK B (LESS PART IN R/W)
Property Zoning: R-1AA
Section of Code Variance is being requested: 134-579 Existing on site: N/A

Variance Request:
This lot is at approximately 10,636 sqft abd required area is 10,810 sqft.
Lot Width this lot has a $77^{\prime}$ width and the requirement is $90^{\prime}$ in width.

## PROVIDE THE FOLLOWING INFORMATION WITH YOUR APPLICATION:

1) A signed and notarized Agent Authorization form if the applicant IS NOT the subject property owner.
2) Provide a Letter of Explanation which must outline the specifics of the proposed Variance request and include the justification for the subject request. To justify the Variance, the applicant must demonstrate the following:

- 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.
a That the special conditions and circumstances do not result from the actions of the applicant
a 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.
- 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.
- That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.
- 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.
- That the variance sought will be consistent with the Edgewood Comprehensive Plan

3) Each application for a Variance shall be accompanied by a site plan. Details of the site plan depend on what section of code you are requesting the Variance for. Please work with City Staff to confirm.

The applicant hereby states that the above request for a 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.


## Office Use Only:



Notes: $\qquad$
$\qquad$
$\qquad$

Agent Authorization Form
FOR PROJECTS LOCATED IN THE CITY OF EDGEWOOD
Please type or print in BLACK INK. Complete carefully, answering each question and attaching all necessary documentation and additional pages as necessary.

I/WE, (PRINT PROPERTY OWNER NAME)Lito Valdivia $\qquad$ , AS

THE OWNERS) OF THE REAL PROPERTY DESCRIBED AS FOLLOWS, 307 Oak Lynn Dr. Orlando, FL 32809
$\qquad$ , DO HEREBY AUTHORIZE TO ACT AS MY/OUR AGENT (PRINT AGENTS NAME) $\qquad$ , TO EXECUTE ANY PETITIONS OR

OTHER DOCUMENTS NECESSARY TO AFFECT THE APPLICATION APPROVAL REQUESTED AND MORE SPECIFICALLY DESCRIBED AS FOLLOWS AND TO APPEAR ON MY /OUR BEHALF BEFORE ANY ADMINISTRATIVE OR LEGISLATIVE BODY IN THE COUNTY CONSIDERING THIS APPLICATION AND TO ACT IN ALL RESPECTS AS OUR AGENT IN MATTERS PERTAINING TO THE APPLICATION. BY SIGNING THIS AUTHORIZATION, THE OWNER AGREES TO BE BOUND BY THE ACTIONS OF THE AUTHORIZED AGENT AND THE PROVISIONS OF CHAPTER 101, ARTICLE I, ENTITLED "PASS-THROUGH FEES" AND ACKNOWLEDGE AND AGREES THAT A LIEN MAY BE PLACED ON THE PROPERTY FOR NON-PAYMENT OF PASS-THROUGH FEES AS PROVIDED IN THE CITY CODE.
Date: $09 / 05 / 23$


Date: $\qquad$

STATE OF FLORIDA:
$\qquad$
Signature of Property Owner
Print Name Property Owner county of Orange
I certify that the foregoing instrument was acknowledged before me this $\qquad$ $5^{\text {th }}$ day of September 2023 by Leto Valdivia $\qquad$ . He/she is personally known to me or has produced $\qquad$ as identification and did/did noe take an oath.

Witness my hand and official seal in the county and state stated above on the $\qquad$ $5^{\text {th }}$ day of $\qquad$ September in the year 2023
(Notary Seal)


Legal descriptions) or Parcel ID are required
Res in
B (less patin $\overline{\|} \mid w$ )
Pareve: 13-23-29-6056-02-150

Please return completed application to City Hall in person or via email info@edgewood-fl.gov

September 5, 2023

RE: Letter of explanation regarding variance request for 307 Oak Lynn Dr., Orlando, FL 32809.
To whom it may concern,

We are requesting a variance for the above-referenced project to build a one-story single-family home. The homesite is zoned R-1AA but does not meet the requirements as called for in section 134-579 of the City of Edgewood Code of Ordinances:

1. The required minimum lot area is 10,890 sf. The subject lot area is $10,636 \mathrm{sf}$.
2. The required minimum lot width is 90 ft . The subject lot is irregular in shape, 77 ft in width at the front which is the narrowest width.
We are requesting relief from these criteria and believe that we are justified to receive a variance due to the following:

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.

This particular lot was subject to DOT and a regulation change at some point in its history affecting the size.

That the special conditions and circumstances do not result from the actions of the applicant.
The special conditions do not result from the actions of the applicant/owner. The proposed home will meet all required setbacks and size requirements outlined in section 134-579.

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 majority of the existing improved lots on the street do not meet the criteria outlined in section 134579.

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.

Without an approved variance applicant will be unable to build their home.

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

The proposed home meets the required setbacks and size requirements of section 134-579. Many homesites on the street do not meet the criteria. An approved variance will allow the applicant to build a home very much in line with existing residences on the street.

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 applicants is not asking for anything that isn't already existing on the same street, so there is no injury or detriment to public welfare.

That the variance sought will be consistent with the Edgewood Comprehensive Plan.

Applicant has not requested to change any zoning or use designations and the proposed residential construction is consistent to the City of Edgewood Comprehensive Plan Policy 3 - "Housing".

Please do not hesitate to contact me if you have any questions.
Thank you, Ed Valley
LEGAL DESCRIPTION:

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DRAWING INDEX

| C | COVER SHEET \& SITE/ DRAINAGE PLAN |  |
| :---: | :---: | :---: |
| GN | GENERAL NOTES | SITE NOTES: |
| 01 | FLOOR PLAN |  |
| 01.1 | FLOOR DIMENSION PLAN |  |
| 02 | EXTERIOR ELEVATIONS |  |
| 03 | EXTERIOR ELEVATIONS |  |
| 04 | FLOOR ELECTRICAL PLAN | (en |
| S1 | FOUNDATION PLAN | 4. |
| S2 | ROOF FRAMING PLAN |  |
| S3 | LINTEL PLAN | (eate |
| SD1 | DETAIL SHEET |  |
| SD2 | DETAIL SHEET |  |
| SD3 | DETAIL SHEET |  |

SITE/ DRAINAGE PLAN



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.

08/31/23
LITO VALDIVIA
ALL ELEVATIONS ARE BASED ON SEMINOLE COUNTY BENCHMARK DESIGNATION S444008 WITH AN ELEVATION OF 94.38' (NAVD 88 DATUM). ZONED R1-AA SINGLE FAMILY SETBACKS: FRONT 30 REAR 35' SIDE 10'

LEGAL DESCRIPTION:
LOTS 15 AND 16, BLOCK B, OAK LYNN, SECOND PLAT, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK' W, PAGE 97, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; LESS THAT PORTION LYING IN THE ROAD RIGHT OF WAY, MORE PARTICULARLY DESCRIBED IN THE DEED TO THE STATE OF FLORIDA RECORDED IN O.R. BOOK 786, PAGE 306.

[^0]The Legal Description used to perform this survey was supplied by others. This survey does not determine or imply ownership
This survey only shows improvements found above ground. Underground footings, utilities and encroachments are not located on this survey map.
If there is a septic tank, or drain field shown on this survey, the location is approximate as the location was either shown to Robinson Surveying by a third party or it was estimated by metal detection, probing rods, and visual above ground inspection only. No excavation was performed in order to determine the exact and accurate location.
This survey is exclusively for the use of the parties to whom it is certified.
Additions or deletions to this survey map and report by other than the signing party or parties is prohibited without written consent of the signing party or parties.
Dimensions are in feet and decimals thereof.
Due to varying construction standards, house dimensions are approximate.
Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain such data was performed at wnw.fema.gov.
All corners marked as set are at a minimum a $1 / 2^{\prime \prime}$ diameter, $18^{\prime \prime}$ iron rebar with a cap stamped LB\#8260.
If you are reading this survey in an electronic format, the information contained on this document is only valid if this document is electronically signed as specified in Chapter $5 \mathrm{~J}-17.062$ (3) of the Florida Administrative Code and Florida Statute 472.025. The Electronic Signature File related to this document is prominently displayed on the invoice for this survey which is sent under separate cover. Manually signed and sealed logs of al survey signatures are kept in the office of the performing surveyor. If this document is in paper format, it is not valid without the signature and original raiser
Unless otherwise noted, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.
The symbols reflected in the legend and on this survey may have been enlarged or reduced for clarity. The symbols have been plotted at the center of the field location, and may not represent the actual shape or size of the feature.
Points of Interest (POI's) are selected above-ground improvements which may be in contact with boundary, building setback or easement lines, as defined by the parameters of this survey. There may be additional POI's which are not shown, not called-out as POI's, or which are otherwise unknown to the surveyor. These POl's may not represent all items of interest to the viewer
Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
The information contained on this survey has been performed exclusively, and is the sole responsibility, of Robinson Surveying. Additional logo or references to third parties are for informational purposes only. Pursuant to F.S. 558.0035 , an individual employee or agent may not be held individually liable for negligence.
House measurements should not be used for new construction or planning. Measurements should be verified prior to such activity

## VARIANCE 2023-05:

## 307 Oak Lynn Dr. - Fence

TO: Planning and Zoning Board
XC: $\quad$ Sandy Riffle, City Clerk
Brett Sollazzo, Administrative Assistant
Drew Smith, City Attorney
Allen C. Lane, Jr., P.E., CPH Engineering
FROM: Ellen Hardgrove, AICP, City Planning Consultant
DATE: $\quad$ September 25, 2023
SUBJECT: Variance for fence construction at 307 Oak Lynn Drive

## REQUEST DESCRIPTION/BACKGROUND

The request is approval three variances related to fence construction on the west property line of the lot at 307 Oak Lynn Drive.

The first variance is to allow the construction of a fence on the property line in lieu of the required setback of seven (7) feet as per Code Section 134.517(c)(1)b.4.

The second variance is requested to allow the fence to be board on board wood in lieu of the decorative materials as required by Code Section 134.517(c)(1)b.1: wrought iron or powder-coated aluminum in a style of wrought iron. The decorative fence is required since the west side of the lot abuts a FDOT functionally classified arterial; i.e., Hansel Avenue. The fence is also required to have brick, stone and/or cultured stone columns where the fence starts/ends (Code Section 134.517(c)(1)b.3)

The third variance requested is the location of required trees. Code Section 134.517(c)(1)b.5. requires trees to be planted along the fence on the street side. For the subject property, the required trees will be understory trees, spaced every 20 feet on center, since overhead utilities exist along the Hansel Avenue side of the lot. Whereas the applicant is proposing to plant the required trees, the trees are proposed to be planted on the lot side of the fence due to the requested variance to put the fence on the property line.

The intention of the fence requirements along a FDOT functionally classified arterial (Code Section $134.517(\mathrm{cc})(1) \mathrm{b}$.) is for aesthetic purposes given this is the view most people traveling through the city see.

To note, there are five residential lots of this subdivision that have frontage on Hansel Avenue. As shown on Exhibit 1, one is vacant without a fence; two are developed with vinyl fences located on the property line; two, including the subject property, have a 4 feet high chain link fence. These fences were constructed prior to the change in the City's fence regulations. Whereas these fences are nonconforming, if replaced, compliance with the fence regulation would be required. The goal is to have the decorative type of fence along all these lots similar to the fence along Hansel to the south of the subdivision as shown in Exhibit 1.

## CRITERIA FOR VARIANCE APPROVAL

Variances are allowed where there are practical difficulties or unnecessary hardships in complying with the strict letter of the land development regulations. Per Section 134-104(3), prior to recommending approval of any variance, $\mathrm{P} \& \mathrm{Z}$ and City Council must find:

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
2. That the special conditions and circumstances do not result from the actions of the applicant;
3. That approval of the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in the same zoning district;
4. That literal interpretation of the provisions contained in this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant;
5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure; and,
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.

## STAFF RECOMMENDATION

The applicant has submitted the justification for approval (see attached).

Related to the variance request to construct the fence on the property line in lieu of 7 feet:
Whereas the property has been impacted in the past by FDOT acquisition and other variances are needed to meet the minimum R1AA standards for constructing a house on the lot, the zero setback for a fence is not the minimum variance that will make possible the reasonable use of the land. There is adequate space to offset the fence to some extent. Staff would recommend the fence be setback 5 feet from the west property line, which is consistent with the minimum side setbacks elsewhere in the City. A 5 feet setback will provide the ability to have a gate and maneuver lawn equipment in the side yard.

## Related to the variance to have trees planted on the street side of the fence:

With the recommended five feet setback, the trees can be planted on the street side of the fence and the variance to locate the trees on the lot side will no longer necessary. As a note, the trees will be required to be understory trees with the ground to canopy clearance at least 6 feet at planting to avoid branch conflicts with sidewalk users; the preference is an understory tree with green year-round (evergreen).

Related to the variance to allow a non-decorative fence and no columns:
The criteria for approving a variance to allow a non-decorative fence has not been documented. Existing non-conforming fences is not one of the criteria for variance approval, staff recommends denial.

Exhibit 1 - Existing Fences in the Subdivision


RE: Letter of explanation regarding fence variance request for 307 Oak Lynn Dr., Orlando, FL 32809.
To whom it may concern,
We are requesting a fence variance for the above-referenced project. There is an existing chain link fence along the West property line. We are asking to replace this fence with a $6^{\prime}$ high board on board wood fence (due to privacy concerns from Orange Avenue) in the same location as the existing fence.

Current code requires the following:

1. Fences shall be of decorative materials such as wrought iron or powder-coated aluminum in a style of wrought iron.
2. Brick, stone and/or cultured stone columns shall be constructed when using either a fence or a wall, and such columns shall, at a minimum, be placed where the fence/wall ends at the property lines and at driveways. If the lot's road frontage is in excess of 100 feet, additional columns shall be required to be spaced evenly along the frontage, with the wall/fence segment not exceeding 40 feet in length. The columns may extend up to 12 inches above the fence height.
3. The fence/wall shall be constructed a minimum of seven feet from the road right-of-way line.
4. Shade trees shall be planted along the fence/wall at a rate of one per 40 linear feet of road frontage. Trees shall be evenly spaced along the pervious area of the frontage. Each tree shall be a minimum caliper of five inches (as measured one-foot above grade) and minimum 14 feet in height at planting with six-foot minimum vertical clearance to the limbs. If overhead utilities exist along the right-of-way, the required shade trees shall be understory trees spaced every 20 feet on center, with said understory trees a minimum of nine feet in height and at least a three-inch caliper (measured six inches above grade) at planting if single stem; for multi-stem understory trees, at least three stems are required with each stem at least of one-inch caliper (measured six inches above grade).

We are requesting relief from these criteria and believe that we are justified to receive a variance due to the following:

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.

This particular lot was subject to DOT and a regulation change at some point in its history affecting the size. Placing the West fence $7^{\prime}$ from the property line would even further diminish the usable size. The home across the street, which has a similar lot condition, has a $6^{\prime}$ tall white PVC fence on the West
property line with no decorative columns. We are merely asking to replace an existing chain link fence with a wood privacy fence. We are happy to install the understory trees as required by the code, but request that they be installed on the property side of the fence since the fence would be on the property line.
2. That the special conditions and circumstances do not result from the actions of the applicant.

The special conditions do not result from the actions of the applicant/owner. The unique shape and size of the lot are due to the DOT work done in the past.
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.

Most, if not all, of the properties located a couple of blocks North and South of the subject property have privacy fences on or close to their west property lines with no decorative columns. We are just asking to replace an existing fence with a 6 ' privacy fence. There is no special privilege here.
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.

Most, if not all, of the properties located a couple of blocks North and South of the subject property have privacy fences on or close to their west property lines with no decorative columns or understory trees. We are just asking to replace an existing fence with a $6^{\prime}$ privacy fence. There is no special privilege here.
5. That the variance approved is the minimum variance that will make possible the reasonable use of the land, building or structure.

Due to the odd shape/size of the lot, strict adherence to the code will greatly reduce the usable area on this particular lot.
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 applicants are not asking for anything that doesn't already exist on the same street, so there is no injury or detriment to public welfare.



# UNFINISHED 

## BUSINESS

## COMMENTS \&

 ANNOUNCEMENTS
## ADJOURNMENT


[^0]:    JOB SPECIFIC NOTES:
    THE BEARING REFERENCE OF SOUTH 89 DEGREES 51 MINUTES 00 SECONDS WEST IS BASED ON THE NORTHERLY RIGHT OF WAY LINE OF STREET OAK LYNN DRIVE LOCATED WITHIN OAK LYNN, SECOND PLAT, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT STREET OAK LYNN DRIVE LOCATED WITHIN OAK LYNN, SECOND PLAT, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN
    BOOK W, PAGE 97 , PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; LESS THAT PORTION LYING IN THE ROAD RIGHT OF WAY, MORE BOOK W, PAGE 97, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA; LESS THAT PORTION LYING IN THE ROAD
    PARTICULARLY DESCRIBED IN THE DEED TO THE STATE OF FLORIDA RECORDED IN O.R. BOOK 786, PAGE 306.

