

Brian Leahy  
Board Member

Frank Aguilar  
Board Member

Susan Lomas  
Board Member

Regina Dunay  
Chairwoman

Debbie Younglove  
Co-Chair

**PUBLIC NOTICE AND PLANNING AND ZONING BOARD AGENDA  
March 12, 2012**

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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 City Council meeting on **March 20, 2012** 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 Larue Avenue, Edgewood, Florida, to consider the items of business listed herein at the time and date indicated below.

**Monday March 12, 2012 6:30 P.M.**

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. DETERMINATION OF A QUORUM
4. APPROVAL OF MINUTES FROM THE DECEMBER 12, 2011 MEETING

**REVIEW AND CONSIDERATION OF REQUEST FOR VARIANCE:**

1. Ballentine Electric – 5262 S. Orange Avenue

**NEW BUSINESS:**

**GENERAL APPEARANCES:**

**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)

April 9, 2012  
May 14, 2012  
June 11, 2012

**GENERAL RULES OF ORDER**

The Board is pleased to hear non-repetitive comments related to business before the Board; however, a five (5) minute time limit per person has been set by the Board. Large groups are asked to name a spokesperson. If you wish to appear before the Board, please fill out an Appearance Request/Lobbyist Registration Form and give it to the City Clerk. When recognized by the Chairman, state your name and address 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 ELECTONIC 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."

You are welcome to attend and express your opinion. Please be advised that 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 proceedings and may need to ensure that a verbatim record is made. 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.

**CITY OF EDGEWOOD  
PLANNING AND ZONING BOARD  
December 12, 2011**

Chairwoman, Regina Dunay, opened the Planning & Zoning Board meeting on Monday, December 12, 2011 in the Council Chambers of City Hall, 405 Larue Avenue, at 6:30 p.m., and led the Pledge of Allegiance. City Clerk Meeks noted those members in attendance and confirmed a quorum was present.

**Board Members in Attendance**

Regina Dunay, Chair Woman  
Debbie Younglove, Co-Chair  
Frank Aguilar  
Susan Lomas  
Brian Leahy

(Quorum Established)

**Staff in Attendance**

Bea L. Meeks, City Clerk  
Art Miller, Engineer

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***Approval of Minutes - August 8, 2011 Planning & Zoning Meeting***

***Board Member Lomas made the Motion to approve the Minutes of the August 8, 2011 Planning & Zoning meeting with corrections noted, with Second by Board Member Aguilar, the Motion carried unanimously.***

***Swearing-In New Board Member***

City Clerk Meeks administered the oath of office to Brian Leahy.

***Review of Site Plan***

Bo's Towing & Auto Repair (4922 S. Orange Avenue)
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Chairwoman Dunay referred to Engineer Miller, who confirmed that Board members were looking at the revised review comments. Engineer Miller reviewed his list of comments. Engineer Miller also noted that the Code requires cross-connection easement (cross access). Engineer Miller noted that the applicant did not agree with the cross connection however, it is a Code requirement. Chairwoman Dunay noted that the applicant's opposition and questioned the requirement. Engineer Miller said at the time the original building was constructed, the requirement was not in place. In response to Chairwoman Dunay, Engineer Miller said he did not recall what the impervious surface ratio was however, he was sure that it met Code. Engineer Miller confirmed for Board Member Leahy the new slab is not the location of the addition, which will be in the rear of the property.

Engineer, Rashid Jamalabad confirmed he did receive Engineer Miller's comments. He noted the following concerns: (1) He confirmed that he has no permits for the pad on the rear; (2) He said there are no additional parking spaces (3) He questioned the ADA requirement, and Engineer Miller said the ADA parking they have now is fine. (4) He questioned the cross-access easement, and said the concern is based on his visual of adjacent properties. He said he doesn't see the reason for cross-access connection. Board Member Aguilar noted that the easement is for future use, and does not require any work on this property. City Clerk Meeks confirmed she will forward a copy of easement to applicant. (5) He questioned the sidewalk requirement and said it is not practical because of the way the property slopes. Engineer Miller confirmed this is another Code requirement. Engineer Miller said he thinks a sidewalk can be put in without removing trees. Board Member Aguilar noted that the two of the requirements the applicant is questioning are by code and he would need to apply for a variance if he doesn't want to comply. (6) He questioned the septic tank requirements, and Engineer Miller confirmed the requirements. Engineer Jamalabad confirmed for Chairwoman Dunay that the septic is in the rear of the property. (8) He questioned the trees, and Engineer Miller said the palm trees would have to be replaced if they are removed. Engineer Jamalabad said he would comply with permitting but it takes some time. Engineer Miller said he believes there is enough room for the sidewalk without touching the retention.

***Board Member Younglove made the Motion to table consideration of the site plan until the conditions are met with architect and builder, with Second by Board Member Aguilar. The Motion passed unanimously.***

Engineer Miller said he needs the revised plan on before December 30, 2011, to make the January 9, 2012, Planning & Zoning Board meeting.

Russell Home (510 Holden Avenue)
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Chairwoman Dunay referred to Engineer Miller who noted the variance was approved May 17, 2011 with conditions. He noted a drainage easement is needed from Orange County. Engineer Miller said that what "they" submitted is "pretty" much what was provided in May. He said the requirement for a fire sprinkler was unclear however, permitting is through Orange County and their requirements would have to be met. He said drainage goes to the Park. The impervious surface ratio (ISR) was approved at 70% which the plan shows the ISR is below 70%. Engineer Miller said he recommended approval of the Site Plan with conditions.

John Kelly, speaking on behalf of the applicant(s) said he is in agreement with Engineer Miller. He said the building is intended to be sprinkled, and meter will be shown on the plan. He said that drainage patterns are not being changed. He said they can put weep holes in the wall, and that there will only be a slight grade change in the adjoining properties. Engineer Miller said he feels their drainage is self contained however, in an area to the South, they may want to put in weep holes. Board Member Aguilar suggested 18 inch drainage PVC. Engineer Miller said he can get hydraulic calculations from the applicant; Board agreed with this. In response to Board Member Aguilar, Mr. Kelly said the existing building is served by overhead power lines. He said there are no power poles and lines in the way therefore, they will be relocated. Engineer Miller said most of the lines are in the rear, and "you can't

get Progress Energy to put these in the ground” however, the southeast corner of lot three would have to be underground. The applicant said there is a concern because of the underground sewer.

Chairwoman Dunay asked if they had the permits described in number (7) of Engineer Miller’s memo (See General Requirements); and it was confirmed that application has been made. It was noted that a Department of Transportation permit is required. In response to a request for the landscape plan; it was noted that this is only the site plan and not the construction plan.

***Board Member Aguiliar made the Motion to approve the site plan subject to Engineer Miller’s conditions, subject to a landscape plan and subject to a variance, with Second by Board Member Younglove. The Motion passed unanimously.***

New Business

City Clerk Meeks updated the Board on the upcoming election.

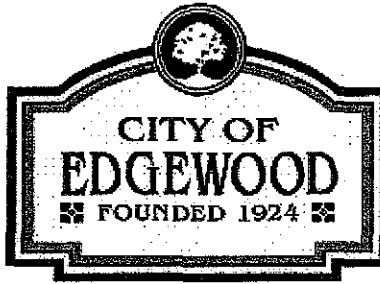
Adjournment

Having no further business or discussion, the meeting adjourned at 7:56 p.m.

\_\_\_\_\_  
Regina Dunay, Chairwoman

ATTEST

\_\_\_\_\_  
Bea L. Meeks, MMC, CPM  
City Clerk



MEMO

**TO:** Planning & Zoning Board  
**CC:** Ellen Hardgrove, Planner and Art Miller, Engineer  
**FROM:** Bea L. Meeks, City Clerk  
**DATE:** March 9, 2012  
**RE:** Ballentine Electric's Variance Application

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Relevant to the above-referenced Variance Application, for your review and consideration, you will find in your agenda packet the following:

1. "Amended" Application For Variance

The application was amended following discussion with Planner Hardgrove when it realized that other variances would be needed, based on the plan provided.

2. Notice of Public Hearing

Staff sent out 97 letters to property owners within 500 feet of the subject property, and when plan was revised, staff sent out a second letter with the revisions. It should be noted that 97 letters were mailed out each time, and that 22 letters were returned undeliverable. At the time of this memo, staff has not received any negative or positive comments regarding this application. Staff did have an adjacent business owner come to City Hall and review the proposed plan; they did not give specific objections but only gave their concerns.

Please note that the Notice of Public Hearing lists *all* the variance requests, as provided by Planner Hardgrove. Staff was given email permission by the applicant to mirror Planner Hardgrove's variance, as opposed to the variance requests submitted with their revised application.

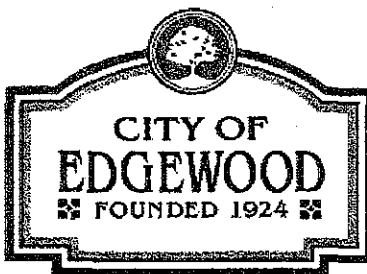
3. Sign Affidavit

4. Planner Hardgrove's review of application for variances of the subject property.

5. Engineer Miller's review of application for variances of the subject property.

The recommendation of this Board will go to the City Council for their consideration in the March 20, 2012 City Council meeting.

**RECEIVED**  
**FEB 27 2012**  
**CITY OF EDGEWOOD**



*A mended*

**APPLICATION FOR VARIANCE**

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

**PLANNING & ZONING BOARD**

**MAKE PAYMENTS TO:**

**CITY OF EDGEWOOD**

**FEE: \$350 RESIDENTIAL**

**\$750 COMMERCIAL**

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

<b>PLANNING &amp; ZONING MEETING DATE:</b>	<i>march 12, 2012</i>
<b>CITY COUNCIL DATE:</b>	<i>march 20, 2012</i>

**IMPORTANT: FILE BY THE SECOND WEDNESDAY OF THE MONTH FOR FIRST HEARING ON THE SECOND MONDAY OF THE FOLLOWING MONTH**

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

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

<b>Applicant's Name:</b>	<i>2032 North Bl. 20 West LLC Robert D Ballentine</i>	<b>Owner's Name:</b>	<i>JWEI Inc ERIC J Inman</i>
<b>Address:</b>	<i>Po Box 701647 St Cloud FL 34710</i>	<b>Address:</b>	<i>6536 Pinecastle Blvd Suite A Orlando FL 32809</i>
<b>Telephone:</b>	<i>407 428 1650</i>	<b>Telephone:</b>	<i>407 859 2020</i>
<b>Fax:</b>	<i>407 428 1645</i>	<b>Fax:</b>	<i>407 859 3275</i>
<b>Email:</b>	<i>Rob@ballentincelective.com</i>	<b>Email:</b>	<i>einman@aquaweedcontrol.net</i>
<b>Parcel ID/Legal description:</b>	<i>13-23-29-0000-0034</i>		
<b>Zoned:</b>	<i>C-3</i>		
<b>Cite section of the Zoning Code from which variance is requested:</b>	<i>See Attachment</i>		
<b>Existing on site:</b>			
<b>Request:</b>			

**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 not 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>	<i>Rob Ball</i>	<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>	<i>R</i>	<b>DISAGREE:</b>	
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3. Concerning Ex parte communications, the applicant shall not speak to members of the Planning and Zoning Board of the City Council prior to the public hearing related to said variance request in order that said board members shall no prejudice themselves prior to said variance request coming before the City in an open proceeding where the decision making process and determination will be in full view of the public, thereby providing due process involving a fair opportunity for the presentation of both sides of the case in an open proceeding where a record of the proceedings may be kept

<b>AGREE:</b>	<i>R</i>	<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>Rob Ball</i>	Date:	<i>2-24-12</i>
Applicant's Printed Name:	<i>28.32 North Bl. 20 West LLC Robert D Ballentine</i>		
Owner's Signature:	<i>Eric J Inman</i>	Date:	<i>2/24/12</i>
Owner's Printed Name:	<i>JWEI inc Eric J Inman</i>		



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

Office Use Only:	
Rec'd Date:	2/27/2012
Rec'd By:	B. Meeks
Forwarded to:	
Notes:	

I, Eric J. Inman, Registered Agent of JWEL, Inc. owner of property located at 5262 South Orange Avenue, Edgewood, FL 32809 Parcel ID 13-23-29-0000-034, do hereby grant authorization for Robert D. Ballentine of 28.52 North 81.20 West, LLC to apply for variance with City of Edgewood as follows:

Cite section of the Zoning Code from which variance is requested: 114-5(2)

Existing on Site: None

Requested: - None – Pre existing block wall & landscape buffer behind rail road tracks that back up to residential property

Cite section of the Zoning Code from which variance is requested: 134-142

Existing on Site: None

Requested: None – One way road, right in and right out

Cite section of the Zoning Code from which variance is requested: 114-4(4)

Existing on Site: None

Requested: 5.5' landscaping adjacent to building perimeter facing public right of way

Cite section of the Zoning Code from which variance is requested: 114-4(b) 2

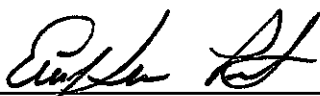
Existing on Site: None

Requested: 10' pervious area for shade trees & shrubs adjacent to North property line

Cite section of the Zoning Code from which variance is requested: 134-605(a)17

Existing on Site: None

Requested: 5 parking spaces (3/4 office employees)

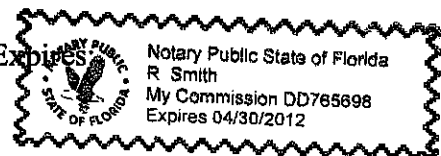
BY:  Date 2/24/12

Printed Name: Eric J Inman  
JWEL, Inc.  
6536 Pinecastle Boulevard, Suite A  
Orlando, FL 32809

Sworn to and subscribed before me by, Eric J Inman, who is personally known to me or produced \_\_\_\_\_ as identification and who did take oath on this 24th day of February, 2012.

  
Notary Public

My Commission Expires



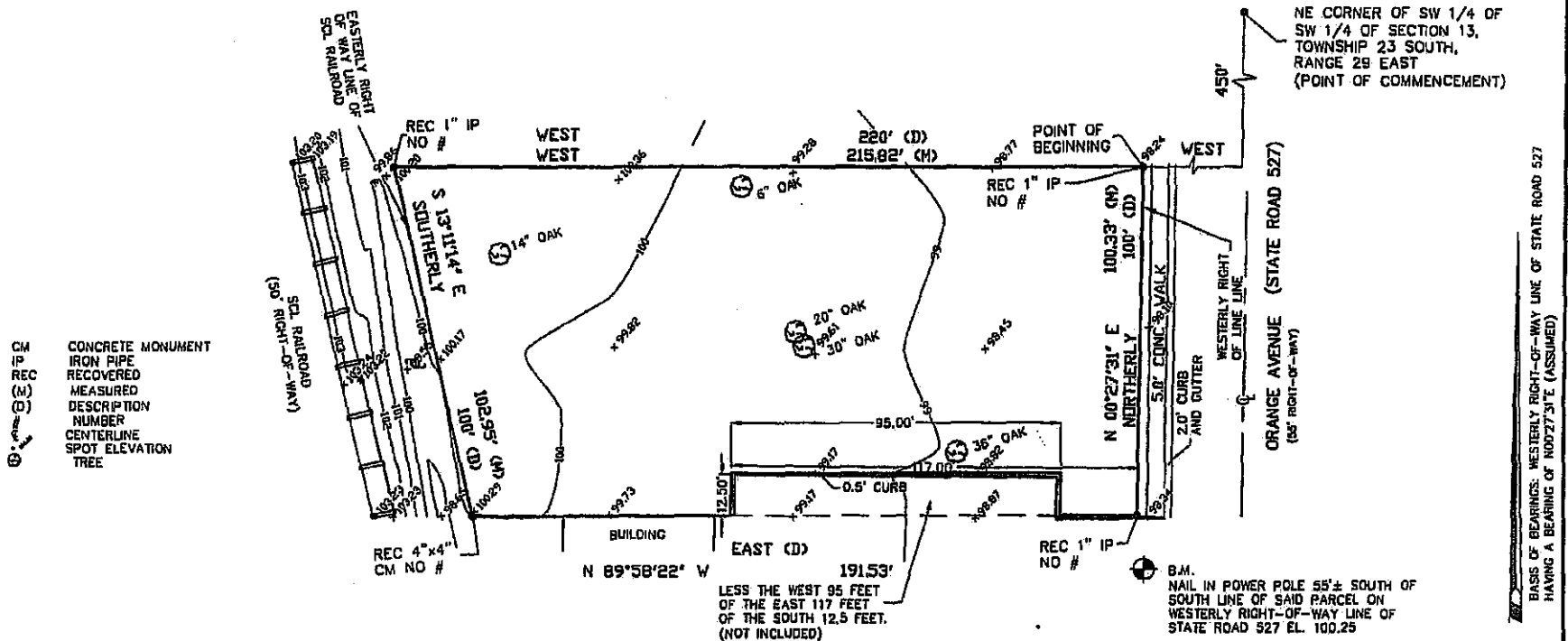
**SURVEY REPORT:**

1. This survey does not reflect or determine ownership
2. TITLE DATA:  
 // No title data supplied to surveyor  
 // This data supplied by:  
 3. All assessments of which the surveyor has knowledge of, or has had furnished to him, has been noted on the survey map.
4. Underground improvements or foundations have not been located except as noted on survey map.
5. According to the Federal Insurance Rate Map, this property lies in Zone(s) "X", Community Panel number 1209500430, Dated: DECEMBER 6, 2000.
6. This Property Lies in Section 13, Township 23 S., Range 29 E. Orange County, Florida.
7. Elevations shown hereon are based on Orange County, (NGVD29) Datum.

**DESCRIPTION:**

FROM THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 13, TOWNSHIP 23 SOUTH, RANGE 29 EAST, RUN SOUTH 450 FEET, THENCE WEST TO THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD 527 FOR POINT OF BEGINNING, THENCE RUN WEST 220 FEET TO EASTERLY RIGHT OF WAY OF S.C.L. RAILROAD THENCE SOUTHERLY ALONG R.R. RIGHT OF WAY 100 FEET THENCE EAST TO WESTERLY RIGHT OF WAY LINE OF STATE ROAD 527, THENCE NORTHERLY ALONG RIGHT OF WAY 100 FEET TO THE POINT OF BEGINNING.

LESS THE WEST 95 FEET OF THE EAST 117 FEET OF THE SOUTH 12.5 FEET THEREOF.

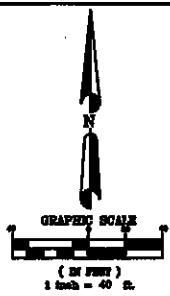


CM CONCRETE MONUMENT  
 IP IRON PIPE  
 REC RECOVERED  
 (M) MEASURED  
 (D) DESCRIPTION  
 # NUMBER  
 CL CENTERLINE  
 (E) SPOT ELEVATION  
 T TREE

"FOR INFORMATIONAL USE ONLY"  
 NOT VALID AS A CURRENT SURVEY

<p><b>HENRICH-LUKE &amp; SWAGGERTY, LLC</b>                  surveyors &amp; mappers</p> <p><b>HS</b></p> <p>250 S. Ronald Reagan Blvd. Ste. 114                  Longwood, Florida 32750                  (407) 647-7346                  FAX (407) 647-8097                  Licensed Business No. 72778</p>	<p><b>BOUNDARY &amp; TOPOGRAPHIC SURVEY</b></p>	
	<p>Mark L. Luke                  Professional Surveyor and Mapper                  Florida Registration No. 5008</p>	
<p>*Not valid without the signature and the original raised seal of a Florida Licensed surveyor and mapper.*</p>	<p>DATE OF SURVEY: 5-19-05</p>	<p>BOOK: E-1869</p>
<p>SCALE: 1"=30'</p>	<p>DRAWN BY: JAL</p>	<p>CHECKED BY: MIL</p>

FILE: 79-05 M



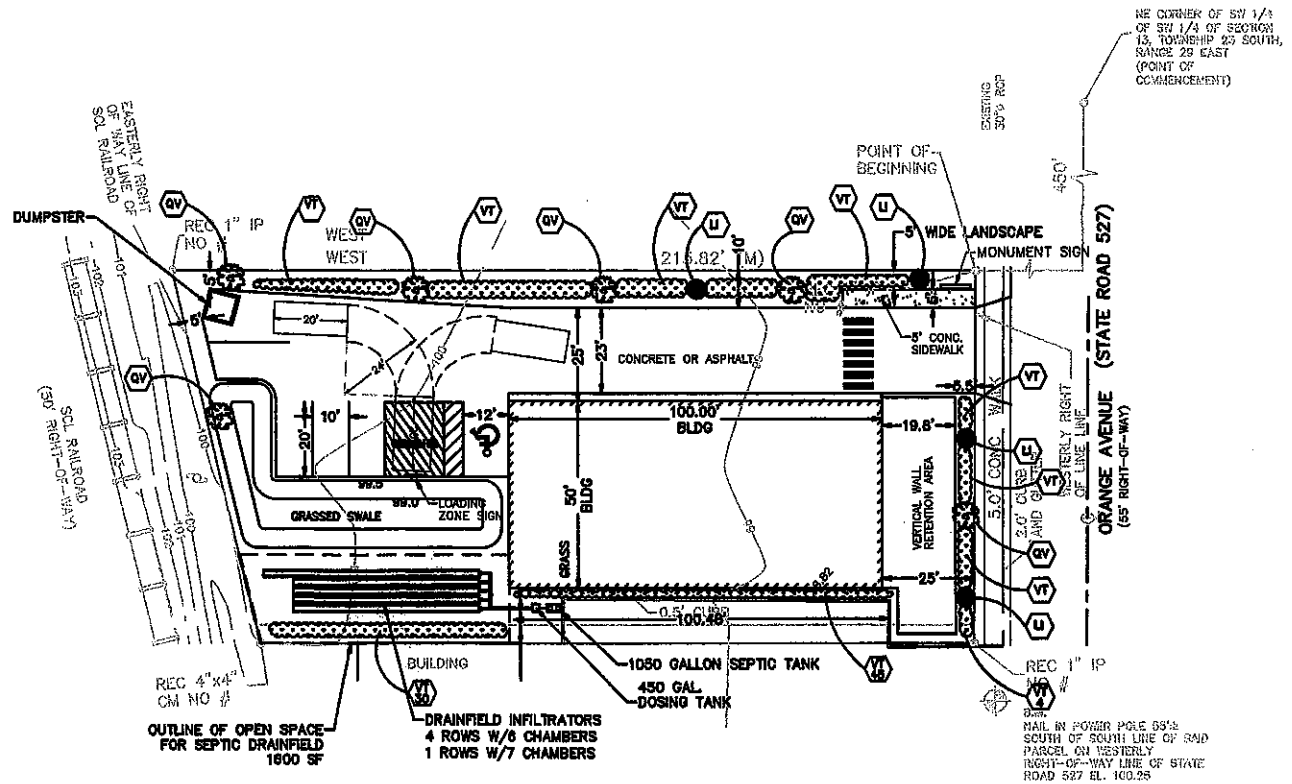
**TREES TABLE**

SYMBOL	QTY.	BOTANICAL NAME	COMMON NAME	SIZE
QV	8	QUERCUS VIRGINIANA	LIVE OAK	MIN. 7"; 2.0" CAL.
VT	±160	VIBURNUM TINUS	LAURUSTINUS VIBURNUM	30" x 36"; 36" O.C
LI	4	LAGERSTROEMIA INDICA	CREPE MYRTLE	2" CALIPER, 12' HEIGHT

TOTAL AREA = 20425 SF  
 IMPERVIOUS AREA = 11621 SF (56.8%)  
 OPEN SPACE REQUIRED = 20% MIN  
 OPEN SPACE PROVIDED = 8804 SF (43.2%)

**SWALE**

Elev	AREA (SF)
99	571
99.5	1,602
<b>Total Volume:</b>	

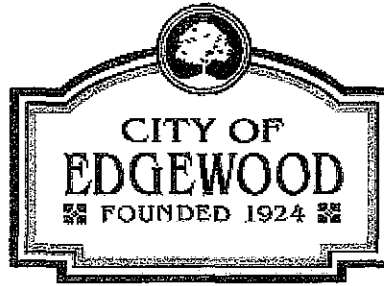


REVISIONS



**DAO CONSULTANTS, INC.**  
 CERTIFICATE OF AUTHORIZATION NO.: FL #6482  
 1110 EAST MARKS STREET  
 ORLANDO, FLORIDA 32803-4018  
 PHONE: (407) 808-6772  
 FAX: (407) 808-3776

**BALLENTINE OFFICE**  
 5282 S. ORANGE AVE., ORLANDO, FL. 32809  
 UTILITY PLAN



### NOTICE OF PUBLIC HEARING

**PLEASE TAKE NOTICE**, that at its regular meeting on March 12, 2012 the Planning and Zoning Board of the City of Edgewood, acting as the Board of Adjustment, will consider revised Variance Application No. 2012-01 Rob Ballentine – Ballentine Electrical Office – Rob Ballentine, 5262 S. Orange Avenue is requesting the following amended variances:

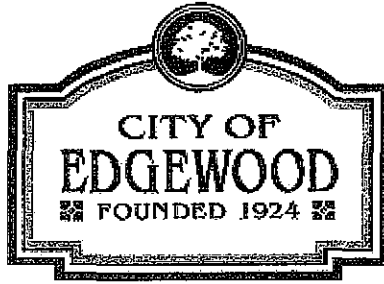
- 1) Variance in minimum lot width in C3 zoning district and Variance from requirement to unite two parcels in same ownership to create a standard size parcel. Section 134-482
- 2) Variance in minimum building setback from side (south) property line. Section 134-406(4)
- 3) Variance in requirement to erect an 8 feet high masonry wall on C3 property where adjacent to residential zoning. Section 134-406(9)
- 4) Variance in requirement to have opaque landscape buffer at least 8 feet high and 25 feet wide where C3 uses abut residential. Section 114-5(2)
- 5) Variance in requirement to provide trees 1 per 50 lf where adjacent to nonresidential property (minimum 7 feet standard width of buffer)
- 6) Variance in requirement to provide an 8 feet wide landscape area between building and right-of-way. Section 114-4(4)
- 7) Variance in requirement to provide cross access between parcels. Section 134-142
- 8) Variance in the number of parking spaces provided. Section 134-605(a)17

The meeting will be held in the Council Chamber of City Hall, 405 Larue Avenue, Edgewood, Florida beginning at **6:30 p.m.** The Planning and Zoning Board's recommendations will be forwarded to City Council on March 20, 2012 for final action.

The subject property is legally described as: 13-23-29-0000-00-034, parcel number 34, vacant commercial lot along Orange Avenue.

**Please see back**

Dated: March 01, 2012



**Interested parties may attend this meeting and be heard with respect to this variance application. In addition the application may be inspected by the public at the City Clerk's Office, 405 Larue Avenue, Edgewood, Florida (407-851-2920). If unable to attend the meeting but have comments you may provide them to City Clerk by hand-delivery, U.S. Mail or e-mail at [bmeeks@edgewood-fl.gov](mailto:bmeeks@edgewood-fl.gov) no later than one day prior to P&Z Hearing.**

This matter is subject to quasi-judicial rules of procedure. Interested parties should limit contact with the Planning and Zoning Board and City Council on this topic to properly noticed hearing or to written communication to the City Clerk's Office.

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

Any person aggrieved by a recommendation of the Planning and Zoning Board may file a notice of appeal to the City Council within seven days after such recommendation is filed with the City Clerk.

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

Dated: March 01, 2012

Application: 2012-01  
 Owner/Applicant Name: Ballentine  
 Public Hearing Date: 03-12-11

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

**SIGN AFFIDAVIT**

STATE OF FLORIDA  
 ORANGE COUNTY

Before me, the undersigned authority, personally appeared Rob Ballentine to me well known and known to me to be the person described in and who executed the foregoing affidavit, after being first duly sworn, says:

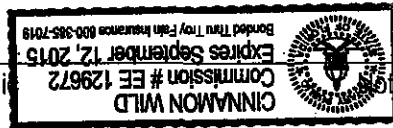
1. That the affiant posted the notice provided by the City of Edgewood, which contains the time and date of the public hearings involved (i.e. Planning and Zoning Board and/or City Council).
2. That said posted notice also contained the relevant facts pertaining to the application.
3. That said notice was posted in a conspicuous and easily visible place on the subject property not less than ten days prior to the date of public hearing. Date posted: 3-2-2012.
4. That the affiant understands that this affidavit is intended to be submitted as a prerequisite for a public hearing, and as such, will be officially filed with the City of Edgewood, Florida.

Rob Ballentine  
 Signature of owner or authorized representative

Sworn to and Subscribed before me, this 8<sup>th</sup> day of March, 2012.

Cinnamon Wild

Print, type, or stamp commissioned name of Notary Public, State of Florida



Notary Public, State of Florida

Personally Known OR Produced Identification

Type of I.D. Produced FL Drivers License

# CITY OF EDGEWOOD

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

## MEMORANDUM

**TO:** Planning and Zoning Commission/Board of Zoning Adjustment  
Arthur R. Miller, PE, City Engineer  
Drew Smith, City Attorney  
Mayor Bagshaw

**FROM:** Ellen Hardgrove, AICP, City Planning Consultant

**DATE:** February 28, 2012

**SUBJECT:** Review of application for variances for Parcel 13-23-29-0000-034, a vacant lot at 5262 South Orange Avenue

### **OVERVIEW**

This applicant is requesting eight (8) variances from Code requirements:

- 1) Variance in minimum lot width in C3 zoning district and Variance from requirement to unite two parcels in same ownership to create a standard size parcel. Section 134-482
- 2) Variance in minimum building setback from side (south) property line. Section 134-406(4)
- 3) Variance in requirement to erect an 8 feet high masonry wall on C3 property where adjacent to residential zoning. Section 134-406(9)
- 4) Variance in requirement to have opaque landscape buffer at least 8 feet high and 25 feet wide where C3 uses abut residential. Section 114-5(2)
- 5) Variance in requirement to provide trees 1 per 50 lf where adjacent to nonresidential property (minimum 7 feet standard width of buffer)
- 6) Variance in requirement to provide an 8 feet wide landscape area between building and right-of-way. Section 114-4(4)
- 7) Variance in requirement to provide cross access between parcels. Section 134-142
- 8) Variance in the number of parking spaces provided. Section 134-605(a)17

The subject property and the parcel to the south were at one time one parcel. In 1972, Florida United Corporation split the property and sold the property to two different owners. One parcel was 100 feet in width and the second, 50 feet in width. The legality of this split is unknown. A variance would have been necessary if the parcels were zoned commercial at the time (in either the county or the city). In 1990, an office was built on the 50 feet wide portion. The 100 feet wide portion remains undeveloped. It appears another split occurred in 2007. It is uncertain to whether this split was processed through the City's subdivision process. This split created the notch out of the subject property.

The variances are requested in order to accommodate a 5000 square feet building onsite to be used for an electrical contracting business. Comparison of code requirements and that requested is presented in the table on the next page.



Comparison of Code Requirements and that Requested					
Variance #	Code Requirement			Requested	Comments
1	134-406(2)	lot width on major road	Minimum 125 feet	100 feet	
2	134-406(4)	side setback	Minimum 5 feet	2 feet on south side	Created by unauthorized lot split in 2007, parking lot on adjacent property
3	134-406(9)	Buffer from residential	8 feet high masonry wall on west property line	None to be provided	Railroad track to west and wall along the rear lot lines of adjacent residential lots
4	114-5(2)	Buffer/landscaping adjacent to residential property	Completely opaque ground to 8 feet in height, minimum 25 feet wide, shade tree 1/40 lineal feet 3 shade trees required, plus 8 feet high hedge	5 feet in width with one tree, no hedge	Code allows a 20 feet wide buffer if a berm and/or wall is used, retention ponds are allowed within the buffer. A hedge plus two understory trees adjacent to the west side of the parking area should be the minimum acceptable
5	114-4(b)2, 3	Shade trees along all property lines	1/50 feet (5 required on north given 215.83 feet of north boundary, 4 required on south)	4 provided along north property line (2 understory provided along with the 4 shade), 0 provided on the south	
6	114-4(4)	Landscaping adjacent to building perimeter facing public right-of-way	Minimum 8 feet wide, with at least 50% of such containing a hedge and shade tree for each 35 lf or one understory tree for each 15 feet, the trees may be aggregated	5.5 feet, with one shade tree, two understory trees, and continuous hedge	The number of trees meets the intent of the regulation. May be more appropriate to have 5 understory trees (such as crepe myrtles) due to lack of width of width for shade tree roots
7	134-142	Cross access	Between adjacent parcels	None	
8		Parking	*	5, including one handicapped accessible space, provided	*

\*There is no specific parking ratio for an electrical contractor. For general business, the parking ratio is 1/300. For Office, the ratio is 1/200 square feet. These ratios would require a range of 17 - 25 spaces. The following table shows examples of other local governments with more specific land use parking ratios.

Jurisdiction	Land Use	Parking Requirement	Applied to Subject
Orlando	Contractors, trade shops	1.5 spaces/1000 square feet	8
Seminole County	Commercial not catering to the retail trade	1 per 2 employees on the largest shift+ 1 for each company vehicle operating from the premise	5

## **VARIANCE APPROVAL STANDARDS**

Per Code, standards for variance approval are listed below.

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

## **STAFF RECOMMENDATION**

Staff can support the following variances with the conditions as noted (#8):

- 1) Variance in minimum lot width in C3 zoning district and Variance from requirement to unite two parcels in same ownership to create a standard size parcel. Section 134-482.
- 3) Variance in requirement to erect an 8 feet high masonry wall on C3 property where adjacent to residential zoning. Section 134-406(9)
- 6) Variance in requirement to provide an 8 feet wide landscape area between building and right-of-way. Section 114-4(4)
- 7) Variance in requirement to provide cross access between parcels. Section 134-142
- 8) Variance in the number of parking spaces provided. Section 134-605(a)17, conditioned on the intensity of all future users will be limited to those requiring only five parking spaces.

## **NOTE**

Sec. 134-482. - Substandard lots of records.

(a) When two or more adjoining vacant lots with continuous frontage are in a single ownership on October 7, 1957, and such adjoining lots have a frontage or lot area less than is required by the dwelling district in which they are located, such lots shall be considered as one tract so as to create one or more lots which conform to the minimum frontage and area requirements of the district in which they are located.

# CITY OF EDGEWOOD

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

## MEMORANDUM

**TO:** MS. BEA MEEKS, CITY CLERK  
MS. CINNAMON WILD, ADMINISTRATIVE ASSISTANT  
**FROM:** ARTHUR R. MILLER, III, PE, PLS - CITY ENGINEER  
**DATE:** MARCH 8, 2012  
**SUBJECT:** REVIEW OF REVISED VARIANCE REQUEST – 5262 S. ORANGE AVENUE  
BALLENTINE ELECTRIC – APPLICANT; JWEI, INC. - OWNER

Pursuant to your request, we have reviewed the application and revised information last received 2/28/12 for compliance with the City's regulations. The request is for several variances to allow a 5,000 s.f. commercial building in the C-3 zoning district. While this is primarily a use decision and the application has been reviewed by the City's Planning Consultant Ellen Hardgrove, there are several site-related items that need to be addressed in future submittals as noted below.

### REQUESTED ACTION:

As stated in Planner Hardgrove's memo and pursuant to Code, the Planning and Zoning Board shall make a recommendation to the City Council for approval or denial of the variances requested. The Board is to consider the character of the neighborhood in which the proposed use is to be located, its effect on the value of surrounding lands, and the area of the site as it relates to the required open spaces and off-street parking facilities. Much of what has been proposed is not consistent with other recent projects along the Orange Avenue corridor (i.e. setbacks, landscaping, etc.).

### CONDITIONS

If the Planning & Zoning Board recommends approval of the variances, we offer the following conditions of approval:

1. **Parking:** The (Orange County) Fire Department shall review and approve the final plan for accessibility and fire protection. It is our recommendation that the appropriate number of parking spaces be provided for the intended building use and size.
2. **Sewer System:** The preliminary site plan shows the new building being served by a septic system which is not consistent with City Code and Comprehensive Plan. Since this is new construction, and consistent with recent prior projects (Moose Lodge; Missionary Ventures; etc.), the new building will be required to connect to the Orange County sewer force main that is along Orange Avenue.
3. All utilities to the site shall be underground including power, telephone, etc.
4. Cross-access easement shall be recorded prior to issuance of the Certificate of Occupancy, after review and approval by the City Attorney. Based on the current site plan, this doesn't look feasible to connect to the property to the south, but prior projects have been required to reserve this easement for future cross access.

(see page 2)

5. Dumpster shall meet all requirements of the City Code (enclosed, etc.).
6. An engineered site plan shall be submitted for review and approval by City Staff, Planning & Zoning Board, and City Council as required by Chapter 134 – Division 5 of the City Code, prior to any construction. Permits or exemptions from other agencies shall be required during the site plan review process including SJRWMD, FDOT, FDEP, Orange County, OUC, etc.
7. Additional landscaping may be required at time of site plan review.
8. Signs shall meet all requirements of Section 122 of the City Code and will require separate permit.

Again, this is primarily a use decision at this time. If the variances are approved, the project will be required to go through full site and landscape plan review. I will attend the March 12<sup>th</sup> Planning & Zoning Board meeting to answer any questions. Please review this information and contact our office if you have any questions. Thank you.

**END OF MEMORANDUM**

cc: Mayor  
Planning & Zoning Board (by City Hall Staff)  
Ellen Hardgrove, City Planner  
Drew Smith, City Attorney

FILE: WARMEDGEWD6612