



Tree Preservation Board Regular Meeting

Agenda

August 22, 2023 @ 5:00 pm

Winter Park City Hall
Commission Chambers
401 S. Park Ave.

welcome

Agendas and all backup material supporting each agenda item are accessible via the city's website at cityofwinterpark.org/bpm and include virtual meeting instructions.

assistance & appeals

Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office ([407-599-3277](tel:407-599-3277)) at least 48 hours in advance of the meeting.

"If a person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings is needed to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F.S. 286.0105).

please note

Times are projected and subject to change.

-
1. **Call to Order**
 2. **Consent Agenda**
 - a. [Approval of the July 25, 2023 Minutes](#) 2 Minutes
 3. **Citizen Comments (for items not on the agenda): Three minutes allowed for each speaker**
 4. **Public Hearings**
(Public participation and comment on these matters must be in-person.)
 - a. [Tree Removal Appeal - 715 Via Lugano](#) 15 Minutes
 5. **Action Items**
 6. **Non-Action Items**
 7. **Staff Updates**
 - a.
 1. [Division Staffing](#)
 2. [New Community Canopy Season](#)
 3. [FS163.045 Email Blast](#) 15 Minutes
 8. **Board Comments**
 9. **Upcoming Agenda Items**
 10. **Adjournment**



Tree Preservation Board

agenda item

item type	Consent Agenda	meeting date	August 22, 2023
prepared by	Laura Halsey	approved by	
board approval			
strategic objective			

subject

Approval of the July 25, 2023 Minutes

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[07.25.23 Minutes.pdf](#)



Tree Preservation Board Minutes

July 25, 2023 at 5:00 p.m.

Chapman Room
401 S Park Ave | Winter Park, Florida

Present

Kim Ashby, Christina Schloot, Christine Girand, and Melanie Love

Absent

Rebecca Gallardo, Steve Carras (V), Jill Bendick (V)

1. Call to Order

Meeting called to order by Chairperson, Kim Ashby at 5:00pm

2. Consent Agenda

- a. Approval of the May 23, 2023 Minutes
- b. Approval of the June 27, 2023 Minutes

Motion made by Christina Schloot, seconded by Christine Girand, to approve both sets of minutes. Motion carries unanimously

3. Citizen Comments (for items not on the agenda)

Charlie Williams, member of the newly formed Winter Park Land Trust Tree Committee, introduced himself and extended an invitation to the Tree Preservation Board Members and Staff to attend their upcoming introductory event on August 19th, 2023, from 6:00-7:30pm at the Winter Park Library. The event will serve as an ice breaker and they will have a resource panel available to answer questions to allow attendees to learn more about the trees of Winter Park.

4. Public Hearings

a. Tree Removal Appeal - 1241 Alexa Dr.

Ms. Hinrichsen, Urban Forestry Superintendent, presented the case to the Board. Board inquired about re-submittal, which is possible should the status of the tree should change.

Motion made by Melanie Love, seconded by Christina Schloot, to uphold the denial. Motion passes 3-1 with Christine Girand opposing.

b. Tree Removal Appeal - 2923 Cove

Ms. Hinrichsen presented the appeal and discussion ensued. Mr. Woodson, appellant was not in attendance therefore Mr. Nye spoke on his behalf based off of notes from a

phone conversation with the appellant prior to the meeting. The concerns shared with Mr. Nye by the appellant included proximity of the trees from the house and a/c unit, refusal of contractors to perform work due to difficulty of ingress/egress, hardship for the elderly property owners in getting around the trees, concerns over potential damage to the home from failure during storms, and the potential to be dropped by their home insurance provider. Ms. Hinrichsen stated the trees in question do not pose a threat as they are shielded from winds, she does not find the trees to be in danger of being uprooted during storms. Mrs. Schloot inquired if approving one of the trees and denying the other is an option. Chairperson Ashby inquired if the insurance company had provided documentation of intent to cancel Mr. Woodson's policy should he not have the trees removed. It was determined that he had not received letter of intent but the appellant was concerned about liability should the trees fail in the future. Ms. Girand inquired about any ADA issues that may be causing issues for the residents. Mr. Nye stated the applicant did not properly document the trees in his tree removal application and there is a smaller third tree that should have been included. Said third tree was assessed and included in the denial. The Board inquired if the City has the authority to reverse their decision on a permit that has been denied. Mr. Nye stated the City can in fact reverse their findings and the Board can uphold the appeal or approve any part of the appeal. Ms. Girand would like to know if there is an ADA concern with either of the trees in question. It was found that there is not a confirmed ADA concern.

Motion made by Kim Ashby to approve the removal of the 13" dbh tree and uphold denial to remove the 23" dbh tree. No second was made, motion fails.

Ms. Love inquired about obtaining additional information on the reasons for requesting removal of the trees. Mr. Nye suggested the Board make a motion to vote on today as the next step is to present the appeal to the City Commission.

**Motion made by Christina Schloot, seconded by Melanie Love, to reverse/approve the removal of the 13" dbh and to uphold the denial of the 23" dbh tree.
Motion passes unanimously.**

5. Action Items

6. Non-Action Items

7. Staff Updates

a. Planning & Zoning Board code revision work session

Mr. Nye informed the Board that the Planning & Zoning meeting had been canceled.

b. New plantings

Mr. Nye informed the Board that there have been seventy-one plantings which included crape myrtles, live oaks, and magnolias

c. Community Canopy

Mr. Nye informed the Board that he has re-upped the partnership for the Community Canopy for another year. Tree species and events dates have not yet been announced.

d. Urban Forestry Staffing

Mr. Nye announced Ms. Hinrichsen's promotion to Urban Forestry Superintendent and informed the Board that staff is looking to hire an Arborist. The application process has begun and he will be conducting interviews in the near future.

8. Board Comments

9. Upcoming Agenda Items

10. Adjournment

Meeting adjourned at 5:44pm

/s/ Recording Secretary Laura Halsey



Tree Preservation Board

agenda item

item type Public Hearings (Public participation and comment on these matters must be in-person.)	meeting date August 22, 2023
prepared by Laura Halsey	approved by
board approval	
strategic objective	

subject

Tree Removal Appeal - 715 Via Lugano

motion / recommendation

Staff recommends the Board uphold the denial

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[20230815 715 Via Lugano Tree Removal Permit Appeal.pptx](#)

ATTACHMENTS:

[20230802 Appeal of Tree Removal Permit 715 Via Lugano.pdf](#)

ATTACHMENTS:

[20230621 Engineer letter.pdf](#)

Tree Removal Permit Appeal: Case # 23-0004

- ▶ 715 Via Lugano Winter Park, FL 32789
- ▶ Parcel ID # 32-21-30-8020-08-100
- ▶ Zone: R-1AA
- ▶ Tree Removal Permit Appealed: TRP-2023-0150

715 Via Lugano 32-21-30-8020-08-100

Name(s):

Orosz Andrew J
Orosz Sonni A

Physical Street Address:

715 Via Lugano

Property Use:

0105 - Single Fam Class V

Mailing Address On File:

1558 Harston Ave
Orlando, FL 32814-6700
[Incorrect Mailing Address?](#)

Postal City and Zip:

Winter Park, FL 32789

Municipality:

Winter Park



715 VIA LUGANO, WINTER PARK, FL 32789 4/3/2018 9:03 AM

[Upload Photos](#)

[View 2022 Property Record Card](#)

[PROPERTY FEATURES](#)

[VALUES, EXEMPTIONS AND TAXES](#)

[SALES](#)

[MARKET STATS](#)

[LOCATION](#)

2023 Values will be available in August of 2023. To see the certified values, go to the Values, Exemptions and Taxes Tab.

[View Plat](#)

Property Description

SICILIAN SHORES Q/34 LOTS 10 11 & 12 BLK H

Total Land Area

33,378 sqft (+/-) | 0.77 acres (+/-)

[GIS Calculated](#)

[Notice](#)

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0100 - Single Family	R-1AA	1 LOT(S)	Working Value...	Working Value...	Working Value...	Working Value...

« « 1 » »

Page 1 of 1 (Total Records: 1)

Building

[View Winter Park Permits](#)



[More Details](#)

Model Code: 01 - Single Fam Residence
Type Code: 0105 - Single Fam Class V
Building Value: Working Value...
Estimated New Cost: Working Value...

Actual Year Built: 1993
Beds: 6
Baths: 7.5
Floors: 2

Gross Area: 10300 sqft
Living Area: 7349 sqft
Exterior Wall: Wood On Sheathing
Interior Wall: Drywall

TRP-2023-0150

TREE REMOVAL APPLICATION

STAFF COMMENTS & CONDITIONS OF APPROVAL

Power Line?¹ No

Zone Clearance Needed?¹ No

Please Specify Property Use:¹ Single Family D...

Tree(s) Information

Tree Species

Oak Tree

Estimated DBH

43"

Health

Poor (per attached letter)

Reason for removal

Arborist letter

TRP-2023-0150

ANDRES ARVELO, P.E.
605 Commonwealth Avenue
Orlando, Florida 32803

Andrew J. Orosz
Sonni A. Orosz
1558 Harston Avenue
Orlando, Florida 32814

June 21, 2023

RE: Tree Analysis at 715 Via Lugano, Winter Park, Florida 32789

Dear Mr. and Mrs. Orosz,

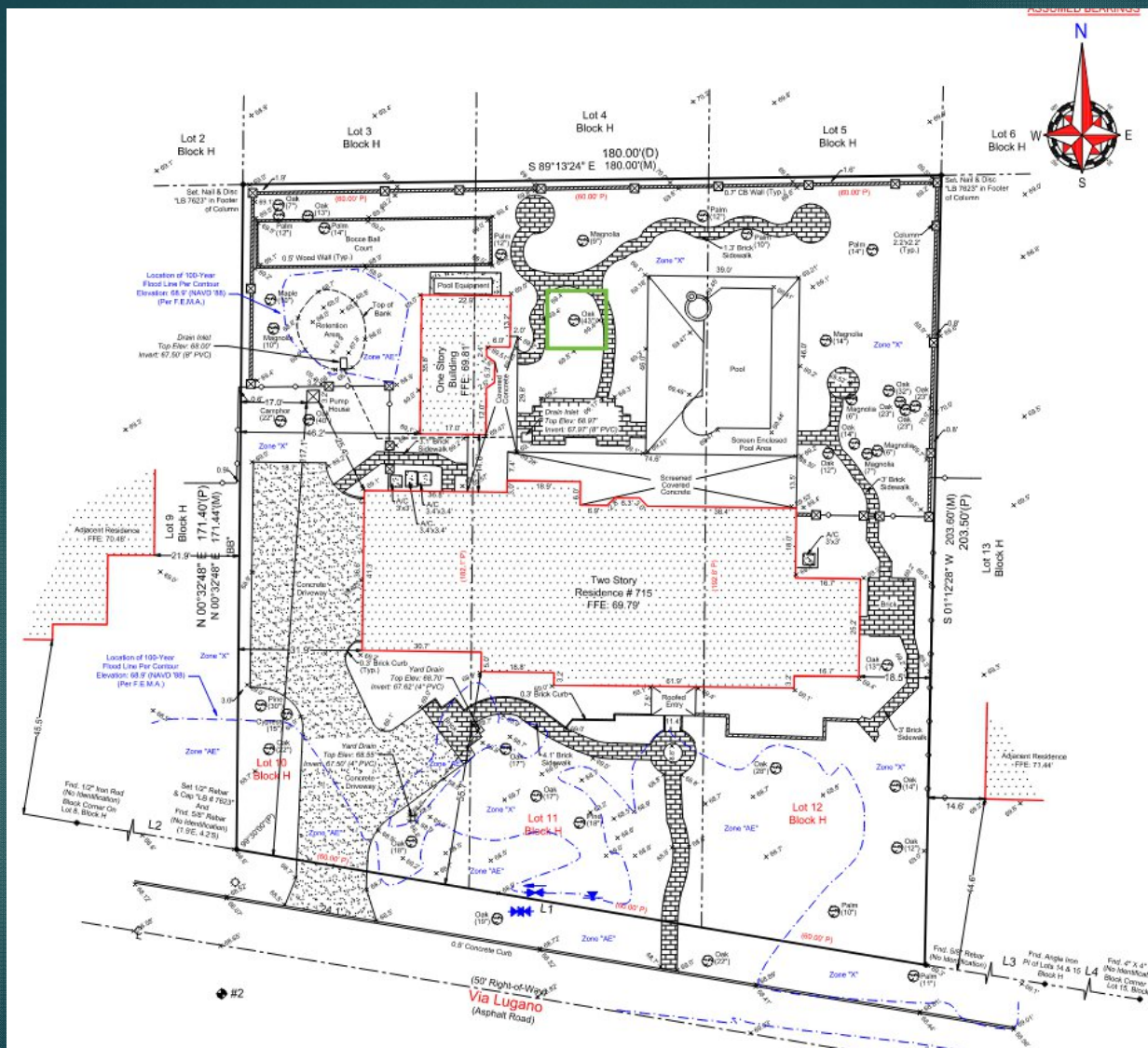
At your request, I have investigated the large oak tree in the backyard of your new residence located at 715 Via Lugano, Winter Park, Florida 32789. In my professional opinion as a licensed engineer, given the age, location, and size of the tree, the tree poses a risk of significant damage to the primary house and guest house in the event that the tree, or any significant portion thereof, suffers a collapse or similar casualty event.

Further, as noted on the attached pictures, the existing root system is adversely affecting the hardscaped pathway in the backyard, and has the potential to cause more significant damage to the patio deck and potentially the building foundation of the guest house.

For these reasons, in connection with the intended renovation of the home, I am of the opinion that it would be prudent to request the demolition and removal of the tree as a safety hazard.

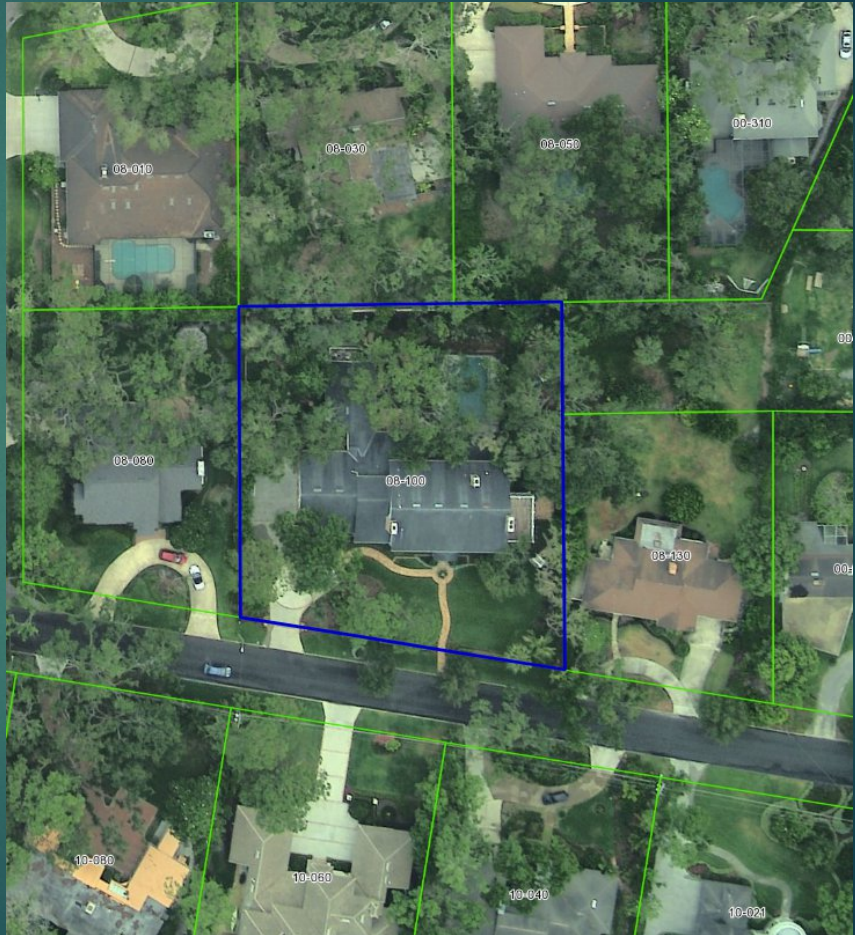
Please let me know if you have any questions.



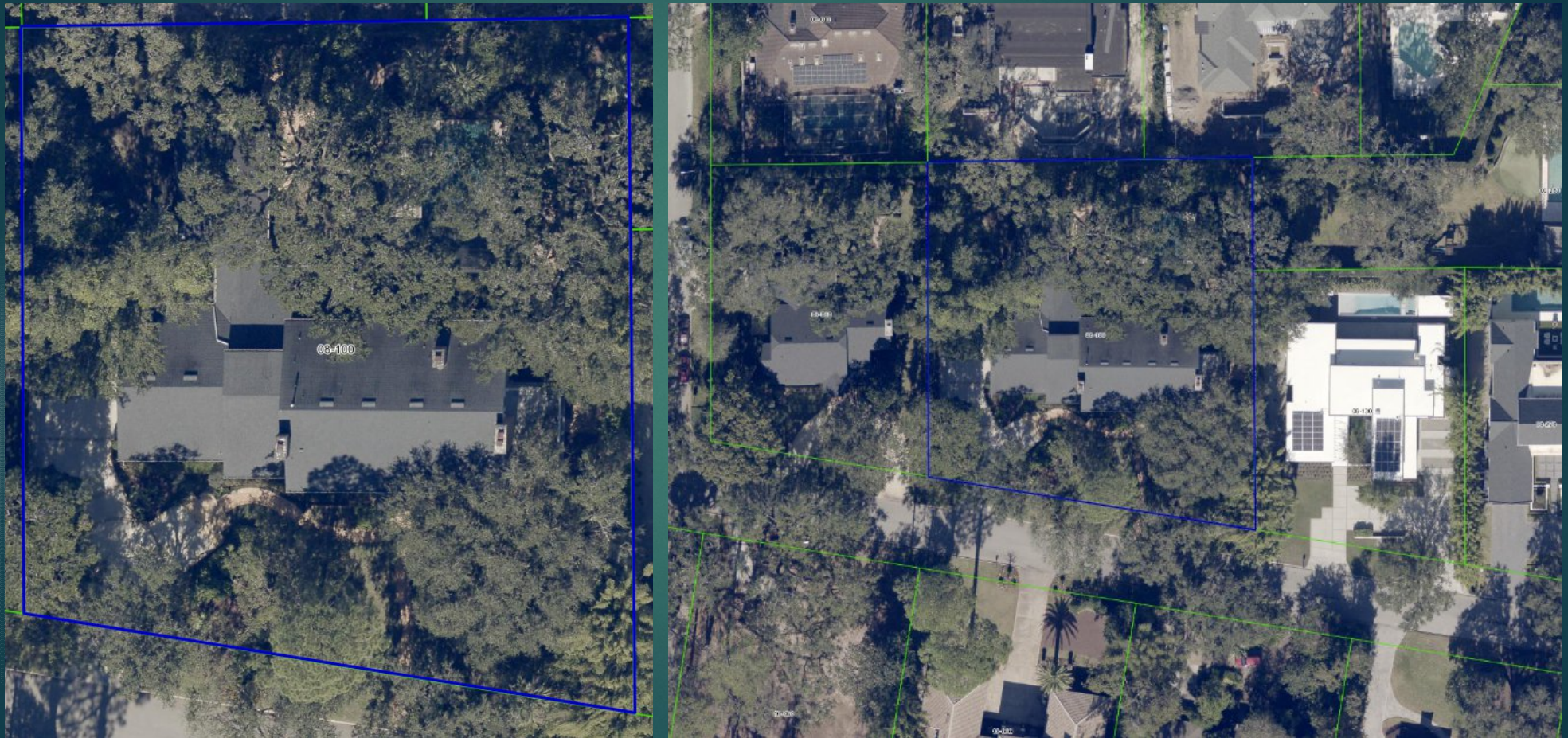




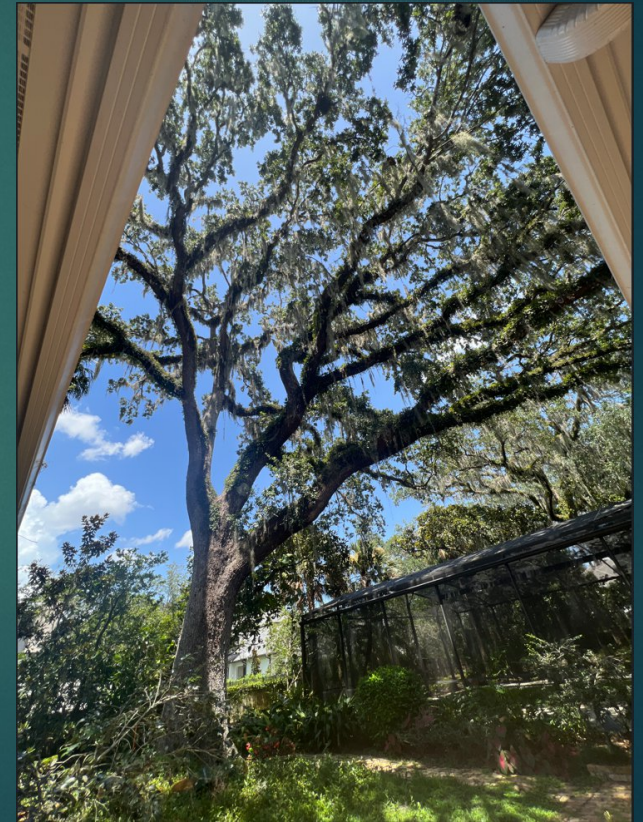
100



January 16, 2023



Species: *Quercus virginiana*
DBH: 44"



TRP-2023-0150

TREE REMOVAL APPLICATION	STAFF COMMENTS & CONDITIONS OF APPROVAL
Tree(s) Approved _____	
Tree(s) Denied <u>live oak 44"</u> _____	
Requires replanting of X 3" minimum caliper Florida grade #1 approved shade trees or X 2" minimum caliper Florida grade #1 approved understory trees 90 days from removal.	
A payment may be made into the Tree Trust Fund in LIEU of replanting.	
in the amount of _____	
Minimum Mandated Planting:	
Zone Clearance:	_____
Arborist Notes:	Live oak 44" is a specimen of rare quality and maturity. It is healthy with good structure, and may continue to live for decades still.

Urban Forestry recommends
upholding the denial.

Ms. Jorden Hinrichsen, City Arborist
City of Winter Park
City Hall 401 South Park Avenue
Winter Park, Florida 32789

August 2, 2023

RE: Appeal Regarding TRP-2023-0150 / 715 Via Lugano, Winter Park, Florida 32789

VIA ELECTRONIC MAIL

Dear Ms. Hinrichsen,

Please accept this correspondence as the applicant's appeal of the tree preservation board's decision regarding TRP-2023-0150, which pertains to the requested removal of a large live oak tree from the backyard of 715 Via Lugano.

For your reference and convenience, I have excerpted the criteria for issuance of tree removal permits and have attached the same as Exhibit A to this correspondence.

In rendering its decision to deny the request to remove the subject tree, based on the written comments received, it appears that the tree preservation board relied primarily on the present health of the tree. While the tree does appear to be healthy, it unfortunately also poses a present and significant adverse impact on the property, and the likelihood to cause significant damage to the home and surrounding properties in the future, and certainly in the event of a partial or full collapse of the tree. I believe that the potential for significant damage, and the other adverse conditions presented by the tree, should be given appropriate consideration when considering the request for removal of the tree. In this regard, I have attached a number of photographs to this correspondence. In reviewing the photographs, I would call to your specific attention the following:

- a significant portion of the tree is currently resting on the roof of the house in multiple locations, which is causing the buildup of mold and debris on the roof, not to mention placing significant stress on the roof, and presenting the potential for additional damage in the future;
- the tree canopy and "footprint" have an adverse effect on stormwater retention and the proper drainage of the property, resulting in areas of standing water, increased mosquitos, unpleasant odors, and other related impacts. The resulting "soggy" soil conditions serve to further compromise the root system of the tree;
- the root system of the tree has damaged or destroyed a portion of the paver pathway in the backyard, and has become partially distended from the ground, suggesting a weakened root structure that is more susceptible to collapse. Given the canopy of the tree, any collapse of the tree would fall directly on the principal structure comprising the home; and

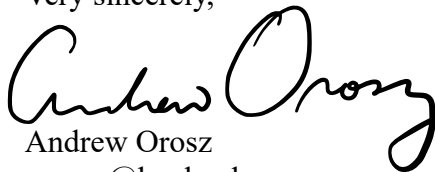
- the root system is also growing in close proximity and towards the foundation of the guest house located on the property, and the pool deck. To the extent that live oak roots tend to grow “outward” rather than downward, this invasive path is likely to continue, as the roots grow closer to the improvements on the property. It is quite literally only a matter of time before these two significant structures are adversely affected by the continued growth of the tree, resulting in either damage to the home and related improvements, or to the tree. In either case, there is no longer room for both the tree and the house to exist as presently situated.

These conditions highlighted above are also noted in the report prepared by Andres Arvelo, Professional Engineer, dated June 21, 2023 that I submitted with my initial application, and have reattached as a supplement to this appeal. If helpful or requested, I would be happy to obtain a separate engineer’s or arborist’s report to corroborate and expand upon Mr. Arvelo’s findings.

Lastly, apart from the significant hazardous conditions presented by the tree as summarized above, from a practical point of view, the future growth and expansion of the tree canopy is likely to (i) impact the insurability of the home, (ii) will continue to create a potentially hazardous conditions to my property and the adjacent properties as we approach hurricane season, and (iii) will continue to otherwise limit the utility and enjoyment of the backyard of the home.

For the reasons outlined above, I respectfully request the reconsideration of the denial of TRP-2023-0150. The tree presents a significant present and future hazard to my home and the surrounding properties, and is therefore appropriate for removal within the standards outlined in the City Code.

Very sincerely,

A handwritten signature in black ink, appearing to read "Andrew Orosz". The signature is fluid and cursive, with the first name "Andrew" and last name "Orosz" clearly distinguishable.

Andrew Orosz
aorosz@hcpland.com
321-262-1108

Exhibit “A”

Sec. 58-285. - Criteria for issuance of tree removal permits.

(a) Each application for a tree removal permit shall be reviewed and a decision rendered on approval or denial (in whole or in part) on the basis of the following criteria:

- (1) The health of the tree, i.e. whether the tree is deemed dead or beyond recovery, deteriorated or hazardous.
- (2) The topography of the land and the effect of the tree removal upon erosion, soil retention and the diversion or increased flow of surface waters.
- (3) The number, species, size, location and canopy of existing trees in the area and the effect the removal would have upon shade, sunlight, privacy, scenic beauty, wildlife, noise, air quality, wind, health, safety, prosperity, historic values and general welfare of the area and the as a whole.
- (4) Whether structural improvements have been designed and located to minimize the removal of protected trees.
- (5) The denial of the permit would create an unreasonable hardship on the property owner by severely limiting the use of the property in a manner not typically experienced by owners of similarly zoned and situated properties. A minor reduction of the potential number of residential units or building size due to the tree location does not represent a severe limit of the economic enjoyment of the property.
- (6) The applicant has demonstrated to the satisfaction of the city that there are no reasonable alternatives to preserve the tree(s).
- (7) Such other criteria or factors as the city deems to be reasonable under the circumstances.

Exhibit “B”

Example Photographs



Root system damaging paver pathway and located in close proximity to foundation of guest house. Upended roots evidence of a shallow root system, which can create greater risk of a collapse, particularly if the roots are inhibited from growing as a result of the surrounding structures (i.e. – guest house and pool patio).



Note the root system growing towards the guest house (currently visible distended from the ground roughly 3' from the existing foundation).



Tree resting on the roof of the house in several locations. The tree canopy covers a significant portion of the improvements on the property, and would cause significant, and perhaps catastrophic, damage in the event of a collapse.



Tree resting on the roof of the house resulting in water retention and added stress to the roof structure, and damage to the existing gutter system.



Tree resting on the roof of the house in several locations.

ANDRES ARVELO, P.E.
605 Commonwealth Avenue
Orlando, Florida 32803

Andrew J. Orosz
Sonni A. Orosz
1558 Harston Avenue
Orlando, Florida 32814

June 21, 2023

RE: Tree Analysis at 715 Via Lugano, Winter Park, Florida 32789

Dear Mr. and Mrs. Orosz,

At your request, I have investigated the large oak tree in the backyard of your new residence located at 715 Via Lugano, Winter Park, Florida 32789. In my professional opinion as a licensed engineer, given the age, location, and size of the tree, the tree poses a risk of significant damage to the primary house and guest house in the event that the tree, or any significant portion thereof, suffers a collapse or similar casualty event.

Further, as noted on the attached pictures, the existing root system is adversely affecting the hardscaped pathway in the backyard, and has the potential to cause more significant damage to the patio deck and potentially the building foundation of the guest house.

For these reasons, in connection with the intended renovation of the home, I am of the opinion that it would be prudent to request the demolition and removal of the tree as a safety hazard.

Please let me know if you have any questions.

Sincerely,

Andres Arvelo, P.E.



ANDRES ARVELO, P.E.
605 Commonwealth Avenue
Orlando, Florida 32803

EXHIBIT PHOTOS







ANDRES ARVELO, P.E.
605 Commonwealth Avenue
Orlando, Florida 32803



ANDRES ARVELO, P.E.
605 Commonwealth Avenue
Orlando, Florida 32803





Tree Preservation Board

agenda item

item type	Staff Updates	meeting date	August 22, 2023
prepared by	Laura Halsey	approved by	
board approval			
strategic objective			

subject

1. Division Staffing
2. New Community Canopy Season
3. FS163.045 Email Blast

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

[FS 163.045 follow up email blast 8.15.23.pdf](#)

ATTACHMENTS:

[Tree Law Email 2022.pdf](#)

I write today to emphasize the correct application of Florida Statute (FS) 163.045 and the policies of the City of Winter Park in addressing its misuse. Below is the email blast sent out by the City of Winter Park Urban Forestry last year, outlining the changes that were signed into law and became effective as of July 1, 2022. Over the past year, the vast majority of tree risk assessment reports provided to the City were incomplete, late, misapplied, or neglected altogether, leading to the issuance of multiple code violations.

It is incumbent upon tree risk assessors to assess subject trees and write tree risk assessment reports to the standard of duty. It is the responsibility of tree care services to correctly apply the use of tree risk assessment reports and to assist their clients in complying with local regulations in cases where FS 163.045 is not applicable.

Be advised:

- A verbal tree risk assessment report is not acceptable in the City of Winter Park.
- An after-the-fact tree risk assessment report is not acceptable in the City of Winter Park.
- An incomplete, inaccurate, or misapplied report is not acceptable in the City of Winter Park.
- FS 163.045 may not be used to remove trees on City property, commercial property, multi-family property, or any property under development or planned for development.

Homeowners may voluntarily provide tree risk assessment reports prior to tree removal for review by the City of Winter Park Urban Forestry. This service is offered as a courtesy to assist residents in avoiding potential consequences for misusing FS 163.045.

Tree risk assessors, tree care services, and homeowners are all responsible for possessing documentation prior to removing protected trees in the City of Winter Park. All parties may be held jointly or severally liable for any violation of our tree preservation ordinance that results in a code violation.

I urge you to review the email below and explore the information provided in the links related to FS 163.045. At the City of Winter Park Urban Forestry, our focus is on achieving voluntary compliance with our tree preservation ordinance. The more successful we are in this endeavor, the greater the benefit to our residents, businesses, and urban canopy. Please contribute to this effort by correctly utilizing state law and adhering to local ordinances.

Text of Staff Email Blast on Amended Tree Law

I write today to inform you of significant changes to the City of Winter Park's enforcement of its Tree Preservation Ordinance. CS_SB 518, recently signed into law, went into effect on July 1, 2022. The law amends Florida Statutes (FS) 163.045 - Tree pruning, trimming, or removal on residential property – which initially exempted many residential properties from municipal application and permitting requirements. Major changes to the statute include:

- FS 163.045 now applies only to lots with actively occupied, single-family homes. Commercial lots, multi-family lots, and lots planned for, or under development are not eligible for exemption from any municipal application and permitting requirements for tree removal.
- Documentation to remove a tree must now conform to industry standards as defined by the International Society of Arboriculture (ISA) Best Management Practices – Tree Risk Assessment, Second Edition (2017), ANSI A300 Standards for Tree Risk Assessment and associated BMP.
- Trees with a risk rating of moderate and above are eligible for removal under the law only if removal is the sole means of reducing the risk to persons or property to low. Low risk trees are not eligible for removal.
- Property owners must possess ISA and ANSI A300 compliant documentation before tree removal and must produce the documentation to the City upon request.

Attached, please find the amended statute and an example of an ISA-approved tree risk assessment report. The City of Winter Park will not accept reports that do not meet this standard.

The Florida Chapter of the ISA created an online tool to help the public understand when using the exemptions under the statute is and is not permissible:

<https://www.fltreelaw.org/>

To apply for a tree removal permit, please follow this link:

https://selfservice.cityofwinterpark.org/energov_prod/selfservice/#/home

Winter Park is a Tree City USA. We are a community that highly values its storied tree canopy. I ask that you help us to protect and preserve our trees by using FS 163.045 according to the amended language. Be advised that the City will treat misuse of, or non-compliance with the statute as a code violation. The City may submit ethics complaints to the ISA Ethics Review Committee against ISA Certified Arborists suspected of knowingly misusing FS 163.045.