
NOTICE OF PUBLIC MEETING
April 24, 2018- 6:30 PM

CITY OF BELLE ISLE
PLANNING AND ZONING BOARD REGULAR SESSION

1. Call to Order, Confirmation of Quorum and Pledge to Flag
2. Public Hearing Case #2018-04-010 - Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for the lots that comprises the currently developed parcel to be redeveloped as two individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each of the two lots retaining a substandard lot width of 75 feet, submitted by applicant Brent Walters, located at 7020 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-150.
3. Public Hearing Case #2018-04-011 - Pursuant to Belle Isle Code Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a four- foot high wall in the front yard of a residential property, submitted by applicants Michael G. Jungen and Phanor Lenis, located at 2010 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-3648-00-271.
4. AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA APPROVING THE REZONING APPLICATION OF THE CITY OF BELLE ISLE, PROPERTY OWNER/APPLICANT OF "LOT 2 WALLACE STREET" AND REZONING THAT CERTAIN PROPERTY LOCATED ON WALLACE STREET, BELLE ISLE, FLORIDA, IDENTIFIED IN THE ORANGE COUNTY TAX ROLLS WITH PARCEL NUMBER 24-23-29-8977-00-021 MORE PARTICULARLY DESCRIBED IN ORANGE COUNTY RECORDS, ORANGE COUNTY, FLORIDA, FROM SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) TO OPEN SPACE (OS); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.
5. AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING PLANNED DEVELOPMENT DISTRICTS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS, ARTICLE III, ZONING CLASSIFICATIONS; BY AMENDING SECTION 54-77, PLANNED DEVELOPMENT DISTRICT PD; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.
6. Other Business
7. Adjournment

Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based, Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.

NOTICE OF PUBLIC MEETING

APRIL 24, 2018 – 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

ITEM 2

TO: Planning and Zoning Board

DATE: April 24, 2018

Public Hearing Case #2018-04-010 - Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for the lots that comprises the currently developed parcel to be redeveloped as two individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each of the two lots retaining a substandard lot width of 75 feet, submitted by applicant Brent Walters, located at 7020 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-150.

Background:

1. On April 6, 2018, Brent Walters representing the applicant submitted the application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, April 14, 2018 Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, April 12, 2018.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing.

The Board will need to determine if the criteria set forth of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE or DENY:

"I move to recommend (Approval or Denial/or Approve with conditions) to City Council this request of a proposed variance from Sec. 54-2 (a). Substandard Lots of Record, to allow for the lots that comprises the currently developed parcel to be redeveloped as two individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each of the two lots retaining a substandard lot width of 75 feet, submitted by applicant Brent Walters, located at 7020 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-150.

Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.



April Fisher, AICP
fisherpds@outlook.com
407-494-8789

April 15, 2018

Variance Application: 7020 Seminole Drive

Applicant Request: Variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for the lots that comprise the currently developed parcel to be redeveloped as two individual lots instead of being required to be aggregated as on tract, and allow for a reduction from Sec. 50-73.-Site and Building Requirements, for the R-1-AA required minimum lot width of 85 feet in anticipation of a lot split request on the subject parcel, that would result in each of the two lots retaining a substandard lot width of 75 feet.

Existing Zoning/Use: R-1-AA/ single-family home

Review Comments

This variance application seeks relief from the requirements of Sec. 54-2 (a) that requires aggregation of substandard lots that were lots of record under single ownership on or after October 7, 1957. The lots in question are currently developed as one property with a single-family house constructed across three lots.

This application is seeking to redevelop the property as two individual single-family lots. The proposed lot width of 75 feet is less than the required 85 feet in the current land development code district regulations for R-1-AA. This request requires a variance from the provisions of Sec. 54- 2 (a) and Sec. 50-73 to accommodate the redevelopment as proposed. If approved, the applicant could then seek a lot split to create the two lots.

The applicant has provided information supporting the variance request in the attached letter and documentation.

Staff Recommendation

Staff provides an evaluation based on the variance criteria for the application below.

1. Special Conditions and/ or Circumstances (Section 42-64 (1) d):

The parcel has already been aggregated and developed as one parcel with a

single-family house on it. There are no special conditions or circumstances that restrict the property, as aggregated, and meeting the current land development code, from being used as a single-family property as currently configured.

2. Not Self- Created (Section 42-64 (1) e):

The request for a variance is self-created as the application is seeking to deviate from code requirements for minimum required lot width so that a house may be built on two lots that currently are aggregated into one developed parcel.

3. Minimum Possible Variance (Section 42-64 (1) f):

The requested variance is the minimum possible variance to make reasonable use of the land and building as the current parcel lot width is a total of 150 feet and each proposed lot at 75 feet in width would be half of the total lot width of the current parcel.

4. Purpose and Intent (Section 42-64 (1) g):

The requested variance could be construed to be in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood as other lots in the surrounding area of this property are developed with substandard lot widths. Across the street from this parcel, there are individual lots that are developed as single-family homes 70 feet in width. Directly abutting this property on the west side, properties are developed with a substandard lot width of 82.5 feet.

Staff provides a recommendation to not approve the request based on not meeting the criteria of special conditions/ circumstances and of being self-created. The land development code provides in Sec. 42-64 (1) h. that unless all criteria are met, a variance should not be approved.



**CITY OF BELLE ISLE,
FLORIDA**

1600 Nela Avenue
Belle Isle, Florida 32809
(407) 851-7730 • FAX (407) 240-2222
www.cityofbelleislefl.org

Mayor
Lydia Pisano

City Manager
Bob Francis

Planning & Zoning
Board

Nicholas Fouraker
Chairman
District 7

David Woods
Vice Chairman
District 1

Chris Shenefelt
District 2

Shawn Jervis
District 3

Gregg Templin
District 4

Rainey Lane
District 5

Russell Cheezum
District 6

April 12, 2018

«Parcel»
«FullName»
«FullName2»
«Address»
«City», «STZip»

APPLICANT: Brent Walters representing Robert and Cynthia Lance
P&Z CASE 2018-04-010
REQUEST 7020 Seminole Drive, Belle Isle, FL 32809
Parcel #29-23-30-4389-02-150

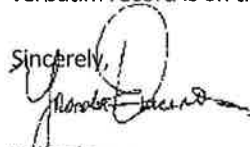
Dear Property Owner:

You are hereby given notice that the Planning & Zoning Board of the City of Belle Isle will hold a Public Hearing on Tuesday, April 24, 2018 at 6:30 p.m., or as soon thereafter as possible, at the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Florida 32809, to review for recommendation to Council as follows:

Public Hearing Case #2018-04-010 - Pursuant to Belle Isle Code Sec. 42-64, the Board shall consider and take action on a requested variance from Sec. 54-2 (a). - Substandard Lots of Record, to allow for the lots that comprises the currently developed parcel to be redeveloped as two individual lots instead of being required to be aggregated as one tract, and allow for a reduction from the Sec. 50-73.- Site and building requirements, for the R-1-AA required minimum lot width of 85 feet, in anticipation of a lot split request on the subject parcel, that would result in each of the two lots retaining a substandard lot width of 75 feet, submitted by applicant Brent Walters, located at 7020 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-150.

You are invited to attend and express your opinion on the matter. Any person(s) with disabilities needing assistance to participate in these proceedings should contact the Planning and Zoning office at (407) 851-7730 at least 24 hours in advance of the meeting.

In the event that you decide to appeal the decision made by the Board, you will need a record of the proceeding. For that purpose, you may need to ensure that a verbatim record of the hearing is made to include evidence and testimony upon which the appeal is to be based. The burden of making such a verbatim record is on the appellant. F.S. 286.0105; 1986 Op. Atty.

Sincerely,

Yolanda Quiceno
CMC-City Clerk

P&Z Board Meeting - April 24, 2018
 Case No 2018-04-010 - 7020 Seminole Drive

Parcel	FullName	FullName2	Address	City	STZip
292313000000044	TIITF		3900 COMMONWEALTH BLVD	TALLAHASSEE	FL 32399
302329438902100	DONHAM DEBORAH L		6904 SEMINOLE DR	BELLE ISLE	FL 32812
302329438902120	WILKINS AIMEE	WILKINS JOHN T	6910 SEMINOLE DR	BELLE ISLE	FL 32812
302329438902130	MCCUTCHEN DANIEL C	MCCUTCHEN KAREN C	6916 SEMINOLE DR	BELLE ISLE	FL 32812
302329438902141	SUGGS LINDA D		6922 SEMINOLE DR	BELLE ISLE	FL 32812
302329438902150	LANCE CYNTHIA G	LANCE PAUL ROBERT	3401 TRENTWOOD BLVD	BELLE ISLE	FL 32812
302329438902171	MAUDLIN MARGO A		7026 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903130	DELVALLE ADELIRIS		6922 BARBY LN	BELLE ISLE	FL 32812
302329438903140	ALEXANDER LINCOLN	RAMOS DAISY	6928 BARBY LN	BELLE ISLE	FL 32812
302329438903150	OAF HOWARD J	OAF CLAUDYS C	7006 BARBY LN	BELLE ISLE	FL 32812
302329438903160	FERNANDEZ ALANA S		7012 BARBY LN	BELLE ISLE	FL 32812
302329438903170	SOTO JEANMARIE		7020 BARBY LN	BELLE ISLE	FL 32812
302329438903180	LANAM GARY	LANAM LYNDA	7026 BARBY LN	BELLE ISLE	FL 32812
302329438903190	SCOTT DENISE M	SCOTT JAMES W	7032 BARBY LN	BELLE ISLE	FL 32812
302329438903201	MCKEE DARREN J	MCKEE KIMBERLY A	3315 WARREN PARK RD	BELLE ISLE	FL 32812
302329438903202	DELL KAREN DOLORES ESTATE	C/O CHARLES EDWARD DELL	7029 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903220	DOUD ROBERT LEROY III		7025 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903230	KRIZAN JESSICA RAE		7019 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903240	MARSHALL JOELLE	GONZALEZ CARLOS JAVIER	6714 HARVEST RUN DR	HARRISON	TN 37341
302329438903250	PENROD CLAY W JR		7007 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903260	HUSMANN MARGARITA S TR		4391 BENEDICTINE CIR	ORLANDO	FL 32812
302329438903270	ALVAREZ JORGE RAFAEL		6921 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903280	GUZMAN CARLOS A		6915 SEMINOLE DR	BELLE ISLE	FL 32812
302329438903290	BERLAGE ALICE ANNE		1243 INVERNESS DR	DUNEDIN	FL 34698
302329438904010	ORANGE COUNTY BCC	C/O REAL ESTATE MNGT DEPT	PO BOX 1393	ORLANDO	FL 32802
302329438904020	STEPHENSON HEATHER A		7204 SEMINOLE DR	BELLE ISLE	FL 32812
302329438905010	ORANGE COUNTY BCC	C/O REAL ESTATE MNGT DEPT	PO BOX 1393	ORLANDO	FL 32802

check # 1435 \$150.00
4/5/18

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 05APR18
 VARIANCE SPECIAL EXCEPTION OTHER
APPLICANT: Brent Walters
ADDRESS: 7020 Seminole Dr
Belle Isle, FL 32809
PHONE: 407-234-5187

P&Z CASE #: 2018-04-010
DATE OF HEARING: _____
OWNER: Robert & Cynthia Lance
3401 Trentwood Blvd
Belle Isle, FL 32812

PARCEL TAX ID #: 29-23-30-4389-02-150

LAND USE CLASSIFICATION: Low Den. Residential ZONING DISTRICT: R1-AA

DETAILED VARIANCE REQUEST: The Required minimum lot width within the zoning district is 85 feet.

We would like to proceed with a lot split creating two lots (75 feet wide each). We request a variance from the required minimum Lot width.

SECTION OF CODE VARIANCE REQUESTED ON: Minimum Lot Width

The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.

By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.

Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

Paul R. Lance

FOR OFFICE USE ONLY: FEE: \$150.00

4/6/2018
Date Paid

1435
Check/Cash

[Signature]
Rec'd By

Determination _____

Appealed to City Council: Yes No

Council Action: _____









April 2, 2018

Belle Isle City Commission
1600 Nela Ave
Belle Isle, FL 32809

Re: 7020 Seminole Dr. Variance Request

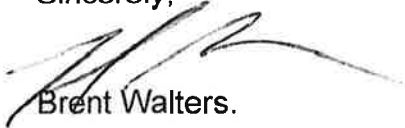
Belle Isle City Commission,

Thank you for your consideration of our variance application for a Lot Split at 7020 Seminole Dr. After reviewing the lots in the immediate area we have found that the vast majority are Non Conforming based on lot width (see attached overlay). Additionally, as other applicants have stated in the past, several other lots are non conforming based on House setbacks, total lot size, and house square footage (not reflected on attached overlay).

This entire area was platted as 70 foot lots and most remain that size. Currently the parcel is underutilized as a single family. The granting of this variance will create two 75 foot lots adding aesthetic value as well as added tax base to the city by allowing construction of two high quality custom homes selling for over 1,000,000 to replace the existing structure. Our request to split this lot is the only way to accomplish this goal and create conformity with the adjacent homes.

Please see attached documentation further detailing how the requested lot split will create conformity with the existing area.

Sincerely,



Brent Walters.

Prepared by:
BARBIE BECKETT
Internet Title Services, Inc.
660 Palm Springs Drive
Altamonte Springs, Florida 32701

File Number: 13206

General Warranty Deed

Made this November 24, 2004 A.D. By **Edward P. Hale, an unmarried man**, whose address is: 2131 MAJESTIC WOODS
BLVD APOPKA FL 32712, hereinafter called the grantor, to **Cynthia G. Lance and Paul Robert Lance, husband and**
wife, whose post office address is: 3401 Trentwood Blvd., Orlando, Fl. 32812, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Orange County, Florida, viz:

The East 45 feet of Lot 15, all of Lot 16 and the West 35 feet of Lot 17, Block B, Lake Conway Park, according to the Plat thereof as recorded in Plat Book G, Page 138, Public Records of Orange County, Florida; including all rights, title, interest, claim and demand which the grantor has in and to the lands to lake as recorded in Deed Book 752, Page 446, Public Records of Orange County, Florida, insofar only as said lands lie between the above described property and the lake aforesaid.

Parcel ID Number: **29-23-30-4389-02150**

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2004.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Barbie A. Beckett

Witness Printed Name BARBIE A. BECKETT

Edward P. Hale (Seal)
Edward P. Hale

Address:

Bruce C. Myriak

Witness Printed Name Bruce C. Myriak

Address:

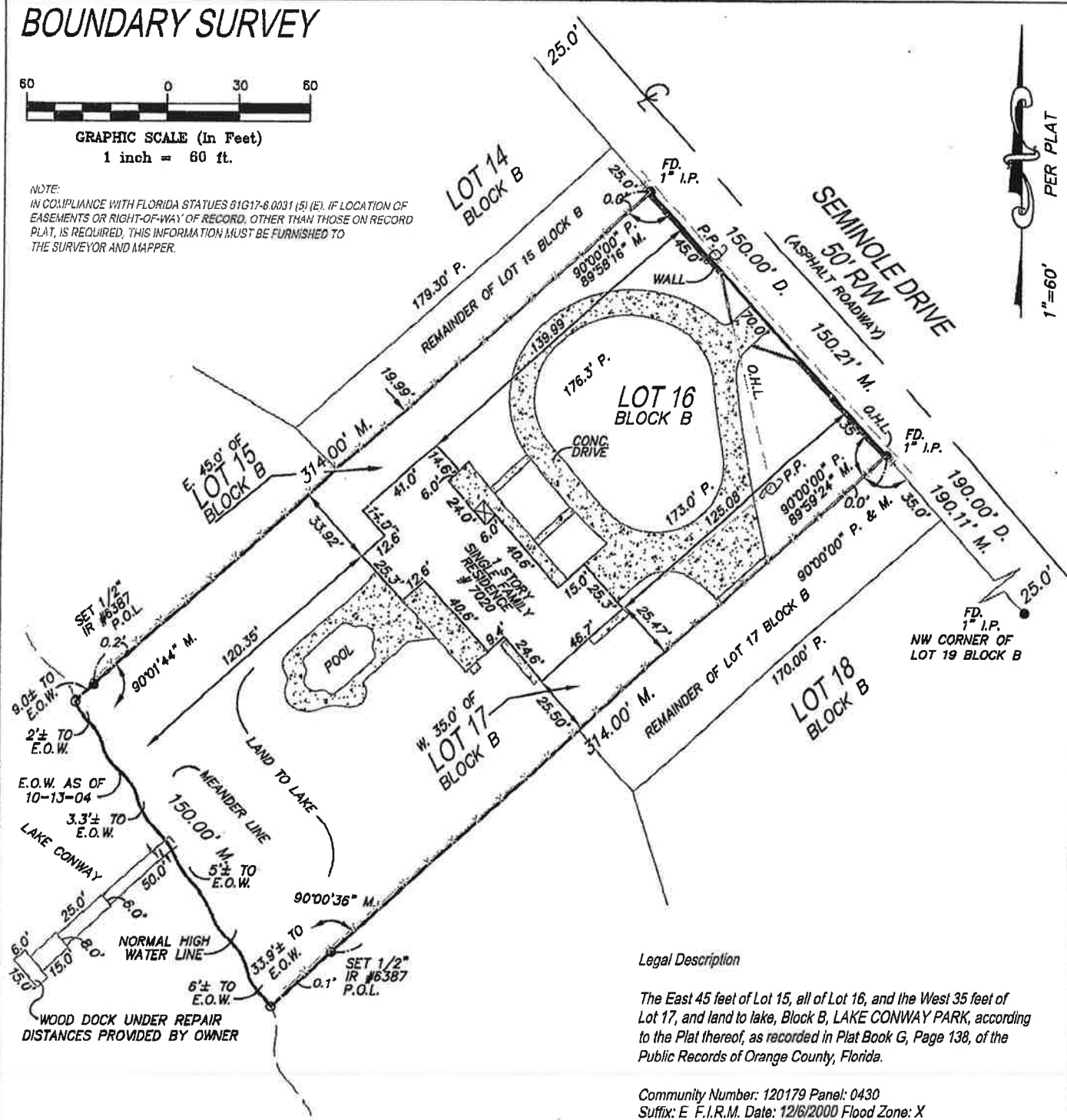
(Seal)

BOUNDARY SURVEY



GRAPHIC SCALE (In Feet)
1 inch = 60 ft.

NOTE:
IN COMPLIANCE WITH FLORIDA STATUTES §1617-8.0331 (5) (E), IF LOCATION OF EASEMENTS OR RIGHT-OF-WAY OF RECORD, OTHER THAN THOSE ON RECORD PLAT, IS REQUIRED, THIS INFORMATION MUST BE FURNISHED TO THE SURVEYOR AND MAPPER.



Legal Description

The East 45 feet of Lot 15, all of Lot 16, and the West 35 feet of Lot 17, and land to lake, Block B, LAKE CONWAY PARK, according to the Plat thereof, as recorded in Plat Book G, Page 138, of the Public Records of Orange County, Florida.

Community Number: 120179 Panel: 0430
Suffix: E.F.I.R.M. Date: 12/6/2000 Flood Zone: X
Field Work: 10/11/2004 Completed: 10/12/2004

Certified To:
Paul Robert Lance; Cindy Lance; Internet Title Services, Inc.; First American Title Insurance Company; Sovereign Bank, its successors and/or assigns.

Property Address:
7020 Seminole Drive
Orlando, Florida 32812

Survey Number: O-137322

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS.
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES
- 5) NOT VALID WITHOUT THE SIGNATURE & ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- 6) ONLY VISIBLE ENCROACHMENTS LOCATED.
- 7) NO IDENTIFICATION FOUND ON PROPERTY CORNERS UNLESS OTHERWISE SHOWN.
- 8) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 9) FENCE OWNERSHIP NOT DETERMINED.
- 10) ELEVATIONS IF SHOWN ARE BASED UPON M.G.V.D. UNLESS OTHERWISE NOTED.
- 11) BEARINGS REFERENCED TO LINE NOTED B.R.
- 12) THIS SURVEY DEPICTED HERE FORMS A CLOSED GEOMETRIC FIGURE.
- 13) NO UNDERGROUND IMPROVEMENTS OR VISIBLE INSTALLATIONS

LEGEND

—	CALCULATED CENTERLINE	FD.	FOUND	WOOD DECK
—	WOOD FENCE	O.H.L.	OVERHEAD LINES	CONC. BLOCK WALL TYP.
—	WIRE FENCE	P.P.	POWER POLE	COVERED AREA
●	PROPERTY CORNER	TY	TRANSFORMER	CONCRETE
●	SITE BENCH MARK	CATV	CABLE RISER	FIELD MEASURED
ENC	ENCROACHMENT	W.M.	WATER METER	PLAT
C.	CENTERLINE			CALCULATED
C.M.	CONCRETE MONUMENT			

LAKE CONWAY PARK.

PART 1
APRIL 5

7TH
SEC.

1922.

INDICATE.

STATE ME
EPOSSES
AND
ED AND
NANNY HENDERSON.
HARRIS.

NOTARY PUBLIC.
BETTY HENDERSON

FILED

ENGINEER

STATE ME
THAT THE
BY AND SU

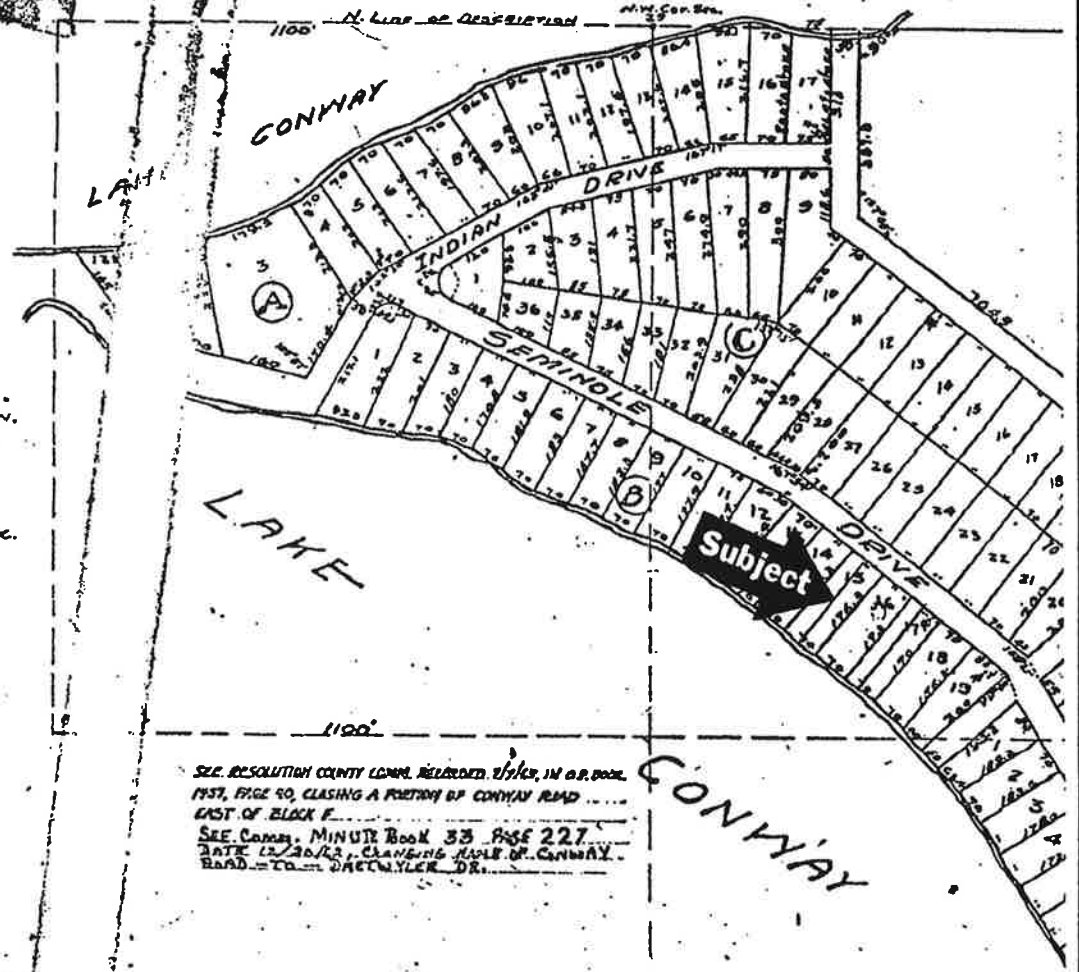
9th DAY

CERTIFICATE.

WHITE, CIVIL ENGR.
UPON IS A TRUE
MAP OF THE LAND.
WHITE.
ENGR.
1ST A.D. 1922.
BETTY HENDERSON
NOTARY PUBLIC

SEE RESOLUTION COUNTY COM. RECORDED 11/1/22, IN O.R. BOOK
1927, PAGE 50, CHANGING A PORTION OF CONWAY ROAD
EAST OF BLOCK F.
SEE COMM. MINUTE BOOK 33 PAGE 227.
DATE 12/20/22, CHANGING NAME OF CONWAY
ROAD TO DRECHWYLER DR.

Block Line Section 29



(ASPHALT ROADWAY)

25.0'

FD. 1/2" I.P.

150.00' D.

150.21' M

FD. 1/2" I.P.

190.00' D.

190.11' M.

25.0'

FD. 1/2" I.P.
NW CORNER OF
LOT 19 BLOCK B

LOT 14
BLOCK B

SECTION OF
E.O.W. ON RECORD
TO

179.30' P.

REMAINDER OF LOT 15 BLOCK B

25.0'

0.0'

90°00'00" P.
89°58'16" M.

45.0'

70.0'

35'

0.0'

90°00'00" P.
89°59'24" M.

35.0'

0.0'

90°00'00" P. & M.

170.00' P.

LOT 18
BLOCK B

REMAINDER OF LOT 17 BLOCK B

139.99'

176.3' P.

LOT 17
BLOCK B

173.0' P.

125.08'

WALL

CONC. DRIVE

O.H.L.

P.P.

19.99'

314.00' M.

E. 45.0' OF
LOT 15
BLOCK B

33.92'

14.0'

12.6'

25.3'

12.6'

12.6'

10.6'

9.4'

25.50'

14.0'

14.6'

6.0'

24.0'

6.0'

0.6'

15.0'

25.3'

41.0'

6.0'

6.0'

14.0'

12.6'

12.6'

10.6'

9.4'

25.50'

14.0'

14.6'

6.0'

24.0'

6.0'

0.6'

15.0'

25.3'

46.7'

25.47'

25.3'

25.47'

25.47'

14.6'

6.0'

6.0'

14.0'

12.6'

12.6'

10.6'

9.4'

25.50'

14.0'

14.6'

6.0'

24.0'

6.0'

0.6'

15.0'

25.3'

46.7'

25.47'

25.3'

25.47'

25.47'

14.0'

14.6'

6.0'

6.0'

14.0'

12.6'

12.6'

10.6'

9.4'

25.50'

14.0'

14.6'

6.0'

24.0'

6.0'

0.6'

15.0'

25.3'

46.7'

25.47'

25.3'

25.47'

14.0'

14.6'

6.0'

6.0'

14.0'

12.6'

12.6'

10.6'

9.4'

25.50'

14.0'

14.6'

6.0'

24.0'

6.0'

0.6'

15.0'

25.3'

46.7'

25.47'

25.3'

25.47'

14.0'

14.6'

6.0'

6.0'

14.0'

12.6'

12.6'

10.6'

9.4'

25.50'

14.0'

14.6'

6.0'

24.0'

6.0'

0.6'

15.0'

25.3'

46.7'

25.47'

25.3'

25.47'

14.0'

14.6'

6.0'

6.0'

14.0'

12.6'

12.6'

10.6'

9.4'

25.50'

14.0'

14.6'

6.0'

24.0'

6.0'

0.6'

15.0'

25.3'

46.7'

25.47'

25.3'

25.47'

W. 35.0' OF
LOT 17
BLOCK B

LAND TO LAKE

MEANDER LINE

150.00' M. 5± TO E.O.W.

90°00'36" M.

33.9± TO E.O.W.

SET 1/2" IR #6387 P.O.L.

0.1' IR P.O.L.

SET 1/2" IR #6387 P.O.L.

0.3' IR P.O.L.

9.0± TO E.O.W.

2± TO E.O.W.

E.O.W. AS OF 10-13-04

3.3± TO E.O.W.

LAKE CONWAY

25.0'

15.0'

50.0'

6.0'

8.0'

25.0'

15.0'

6± TO E.O.W.

LOCK UNDER REPAIR PROVIDED BY OWNER

6± TO E.O.W.

Legal De

74

ASER

NOTICE OF PUBLIC MEETING

APRIL 24, 2018 – 6:30PM

CITY OF BELLE ISLE PLANNING AND ZONING BOARD REGULAR SESSION

ITEM 3

TO: Planning and Zoning Board

DATE: April 24, 2018

Public Hearing Case #2018-04-011 - Pursuant to Belle Isle Code Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a four- foot high wall in the front yard of a residential property, submitted by applicants Michael G. Jungen and Phanor Lenis, located at 2010 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-3648-00-271.

Background:

1. On April 4, 2018, Michael Junen and Phanor Lenis, the applicant, submitted the application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, April 14, 2018 Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, April 12, 2018.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings-of-fact that are presented at the public hearing.

The Board will need to determine if the criteria set forth of the Land Development Code have been met, and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE or DENY:

"I move to recommend (Approval or Denial/or Approve with conditions) to City Council this request pursuant to Belle Isle Code Sec. 50-102 (b) (16) and Sec. 42-64, a requested variance to place a four- foot high wall in the front yard of a residential property, submitted by applicants Michael G. Jungen and Phanor Lenis, located at 2010 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-3648-00-271

Should any person decide to appeal any decision made regarding any matter considered at this meeting such person may need to ensure that a verbatim record of the proceedings is made to include testimony and evidence upon which the appeal is to be based. Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 407-851-7730 at least 24 hours in advance of the meeting.



April Fisher, AICP
fisherpds@outlook.com
407-494-8789

April 15, 2018

Variance Application: 2010 Hoffner Avenue

Applicant Request: Variance to allow a four-foot wall in the front yard

Existing Zoning/Use: R-1-AA/ single-family home

Review Comments

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow a four-foot wall in the front yard. The code expressly prohibits fences or walls in the front yard of a property. A variance is required before the wall can receive a building permit.

The board in granting an application for the variance may consider as justifying criteria, the following from Sec. 50-102 (b) (16):

1. A difference in grade between the property upon which the fence will be installed and the immediately adjacent property;
2. The height or construction materials of already existing abutting walls or fences; and/or
3. Conditions existing upon or occupational use of adjacent property creating an exceptional privacy or security need of applicant.

The requirements of Sec. 42-64 (1) except for subsections 42-64 (1) (d) and (1) (f) shall otherwise be met.

The applicant has provided information supporting the variance request. Please see this information enclosed with this agenda item packet.

Staff Recommendation

Based on the applicant's identification that safety is a concern and the lot fronting in close proximity to the curve on Hoffner Avenue, staff recommends approval of the requested variance. These items identified are consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) and the required criteria in Sec. 42-64 (1).



**CITY OF BELLE ISLE,
FLORIDA**

1600 Nela Avenue
Belle Isle, Florida 32809
(407) 851-7730 • FAX (407) 240-2222
www.cityofbelleislefl.org

Mayor
Lydia Pisano

City Manager
Bob Francis

Planning & Zoning
Board

Nicholas Fouraker
Chairman
District 7

David Woods
Vice Chairman
District 1

Chris Shenefelt
District 2

Shawn Jervis
District 3

Gregg Templin
District 4

Rainey Lane
District 5

Russell Cheezum
District 6

April 12, 2018

«Parcel»
«FullName»
«FullName2»
«Address»
«City», «Zip»

APPLICANT: Michael G. Jungen & Fhanor Lenis
P&Z CASE 2018-04-011
REQUEST 2010 Hoffner Avenue, Belle Isle, FL 32809
Parcel #18-23-30-3648-00-271

Dear Property Owner:

You are hereby given notice that the Planning & Zoning Board of the City of Belle Isle will hold a Public Hearing on Tuesday, April 24, 2018 at 6:30 p.m., or as soon thereafter as possible, at the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Florida 32809, to review for recommendation to Council as follows:

Public Hearing Case #2018-04-011 - Pursuant to Belle Isle Code Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a four- foot high wall in the front yard of a residential property, submitted by applicants Michael G. Jungen and Fhanor Lenis, located at 2010 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-3648-00-271.

You are invited to attend and express your opinion on the matter. Any person(s) with disabilities needing assistance to participate in these proceedings should contact the Planning and Zoning office at (407) 851-7730 at least 24 hours in advance of the meeting.

In the event that you decide to appeal the decision made by the Board, you will need a record of the proceeding. For that purpose, you may need to ensure that a verbatim record of the hearing is made to include evidence and testimony upon which the appeal is to be based. The burden of making such a verbatim record is on the appellant. F.S. 286.0105; 1986 Op. Atty.

Sincerely,

Yolanda Quiceno
CMC-City Clerk

P&Z BOARD MEETING - APRIL 24, 2018
CASE NO. 2018-04-011 - 2010 HOFFNER AVENUE

Parcel	FullName	FullName2	Address	City	Zip
292313000000044	THITF		3900 COMMONWEALTH BLVD	TALLAHASSEE	FL 32399
302318364800220	HOLLEY GEORGIA M		1916 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800240	VAN DYKE KEITH C		1924 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800260	VAN DYKE BONNIE L		1938 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800271	JUNGEN MICHAEL G		2010 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800290	CHAPIN BRUCE E	CHAPIN LINDA W	2022 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800310	PRICE STEPHEN H	PRICE SANDRA L	2036 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800321	PRICE W K III		2040 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800400	IRONS MARK S		2039 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800420	WRIGHT SHIRLEY G TR		2025 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800430	WRIGHT SHIRLEY G TR		2025 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800440	SANBORN DAVID T	SANBORN YVETTE A	2017 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800470	ALBERT H SEYBOLD REVOCABLE TRUST		1105 BONNIE LOU DR	ORLANDO	FL 32809
302318364800471	FAUCETTE SUSAN H		1937 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800481	VAN SCOTER GERALD F	VAN SCOTER GAIL H	1935 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800491	HOLCOMBE DAVID A		PO BOX 568911	ORLANDO	FL 32856
302318364800492	CRONKITE MARK		1925 HOFFNER AVE	BELLE ISLE	FL 32809
302318364800500	SIEGEL DAVID		5601 WINDHOVER DR	ORLANDO	FL 32819
302318549100010	BRAY ROBERTA MELINDA		515 N INDIAN RIVER RD	NEW SMYRNA BEACH	FL 32169
302318549100020	BRAY ROBERTA MELINDA TR		515 N INDIAN RIVER RD	NEW SMYRNA BEACH	FL 32169

City of Belle Isle

1600 Nela Avenue, Belle Isle, Florida 32809 * Tel 407-851-7730 * Fax 407-240-2222

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: April 4, 2018

P&Z CASE #: 2018-04-011

VARIANCE SPECIAL EXCEPTION OTHER

DATE OF HEARING:

APPLICANT: Michael G. Jungen & Fhanor Lenis

OWNER: Same

ADDRESS: 2010 Hoffner Avenue
Belle Isle, FL 32809

Same

PHONE: 407-579-3359 / 612-790-1996

PARCEL TAX ID #: 18-23-30-3648-00-271

LAND USE CLASSIFICATION: 0130 - SFR - Lake Front ZONING DISTRICT: R-1-AA (C H HOFFNERS SUBDIVISION)

DETAILED VARIANCE REQUEST: Place a 4' high wall at the front of the residential property and along the western and eastern property lines in front of the front building line.

SECTION OF CODE VARIANCE REQUESTED ON: Belle Isle Code Sec. 50-102 (b) (5) a

The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.

By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.

Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.

APPLICANT'S SIGNATURE [Signature]

OWNER'S SIGNATURE [Signature]

FOR OFFICE USE ONLY: FEE: \$150.00 Date Paid 4/5/2018 Check/Cash 1692 Rec'd By [Signature]
Determination
Appealed to City Council: Yes No Council Action:

**JUNGEN / LENIS RESIDENCE
2010 HOFFNER AVENUE**

City of Belle Isle, Florida

**Front Wall Variance Request
Preliminary Design Concept for Variance Application**

Design by:

Tony Evans

**Tony Evans Design
Orlando, FL
TonyEvansDesign.com
Cell: 407.808.1608**

Prepared
April 5, 2018
by:

**Michael Jungen / Fhanor Lenis
Resident Owners**

407-579-3359 / 612-790-1996

SUMMARY

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: _____ P&Z CASE #: _____
 VARIANCE SPECIAL EXCEPTION OTHER DATE OF HEARING: _____
 APPLICANT: Michael G. Jungen & Fhanor Lenis OWNER: Same
 ADDRESS: 2010 Hoffner Avenue Same
Belle Isle, FL 32809
 PHONE: 407-579-3359 / 612-790-1996
 PARCEL TAX ID #: 18-23-30-3648-00-271

LAND USE CLASSIFICATION: 0130 - SFR - Lake Front ZONING DISTRICT: R-1-AA (C H HOFFNERS SUBDIVISION)

DETAILED VARIANCE REQUEST: Place a 4' high wall at the front of the residential property and along the western and eastern property lines in front of the front building line.

SECTION OF CODE VARIANCE REQUESTED ON: Belle Isle Code Sec. 50-102 (b) (5) a

APPLICANT NEED & BACKGROUND:

- IT IS NECESSARY FOR THE APPLICANTS TO CREATE UTILITY AND SERVICE ACCESS INTO THE REAR YARD VIA THE SIDE YARDS.
- THE SUBJECT PROPERTY IS IRREGULAR IN SHAPE - BEING WIDER ALONG THE FRONT AND REAR BORDERS (85. 02') THAN IN THE CENTER (76. 01') WHERE THE PRINCIPLE RESIDENTIAL STRUCTURE IS - THIS SIGNIFICANTLY CONSTRAINS REAR YARD ACCESS.
- EXISTING MATURE VEGETATION HEDGE "FENCE" IS OVERGROWN AND DECLINING AND MUST BE REMOVED FROM THE WESTERN FRONT AND SIDE YARD TO ESTABLISH SERVICE ACCESS.
- THE OVER GROWN NATURE OF THE HEDGE CAUSES OBSCURING OF VISIBILITY - CAUSING SAFETY ISSUES:
 - HIDING PLACES FOR UNWELCOME INDIVIDUALS
 - REDUCED VISIBILITY FOR PEDESTRIANS AND VEHICLES WHEN COMING AND GOING FROM THE PROPERTY
- HEDGE PROVIDES MINIMAL PROTECTION FROM ACCIDENTAL VEHICULAR INCURSION (AS HAS OCCURRED AT OTHER PROPERTIES)
- HOFFNER IS A VERY BUSY STREET (17,000 VEHICLES A DAY ACCORDING TO VICE CHARMAN WOODS 11,28,2017) , AND A FRONT PROPERTY WALL IS CONSISTENT WITH THE PATTERN OF MANY RESIDENTIAL PROPERTIES ADJACENT HOFFNER-FACING PROPERTIES FOR CREATING A BUFFER FOR THE RESIDENTIAL USE AND ENJOYMENT OF THE PROPERTY FROM THE CLOSE PROXIMITY TO SUCH HIGH TRAFFIC. (SEE PG 7)
- THE PROPOSED DESIGN COMPLIMENTS THE DESIGN AND AESTHETIC OF THE HOME AND WOULD PROMOTE THE APPEARANCE AND CURB APPEAL OF THIS PORTION OF BELLE ISLE.



PROOF OF PROPERTY OWNERSHIP

2010 Hoffner Ave
RICK SINGH, CFA - ORANGE COUNTY PROPERTY APPRAISER

3/26/2018

Sign up for e-Notify...
 2010 Hoffner Ave < 19-23-30-3648-00-271 >
 Name(s) Jungten Michael G
 Physical Street Address 2010 Hoffner Ave
 Postal City and Zipcode Orlando, FL 32809
 2010 Hoffner Ave
 Belle Isle, FL 32809-5530
 Incorrect Mailing Address? 0103 - Single Fam Class III
 Municipality Belle Isle

View 2017 Property Record Card

Property Features Values, Exemptions and Taxes Sales Analysis Location Info Market Stats

Tax Year Values	Land	Building(s)	Features	Market Value	Assessed Value
2017	\$335,000	\$553,573	\$34,200 = \$722,773 (8.7%)	\$711,593	\$711,593 (0.7%)
2016	\$320,000	\$543,146	\$34,200 = \$557,346 (5.0%)	\$597,349	\$597,349 (0.7%)
2015	\$320,000	\$544,795	\$28,200 = \$552,995 (0%)	\$552,995	\$552,995 (0%)
2014	\$300,000	\$395,274	\$28,200 = \$563,474	\$563,474	\$563,474

Tax Year Benefits	Original Homestead	Additional Ht	Other Exemptions	SOH Cap	Tax Savings
2017	\$25,000	\$25,000	\$0	\$10,760	\$669
2016	\$25,000	\$25,000	\$0	\$0	\$691
2015	\$25,000	\$25,000	\$0	\$0	\$702
2014	n/a	n/a	n/a	n/a	\$0

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes %
Public Schools By State Law (Rls)	\$711,993	\$25,000	\$686,993	4.2220 (1.67%)	\$2,900.48 25 %
Public Schools By Local Board	\$711,993	\$25,000	\$686,993	3.2480 (0.00%)	\$2,237.56 19 %
Orange County (General)	\$711,993	\$50,000	\$661,993	4.4347 (0.00%)	\$2,935.74 25 %
City Of Belle Isle	\$711,993	\$50,000	\$661,993	4.4015 (0.00%)	\$2,931.96 25 %
Library - Operating Budget	\$711,993	\$50,000	\$661,993	0.3746 (0.00%)	\$248.11 2 %
St Johns Water Management District	\$711,993	\$50,000	\$661,993	0.2724 (4.56%)	\$180.33 2 %
Lake County Helo	\$711,993	\$50,000	\$661,993	0.4107 (0.00%)	\$271.88 2 %
				17.3644	\$11,891.85

Laying Authority	Assessment Description	Units	Rate	Assessment
CITY OF BELLE ISLE	BELLE ISLE RES - CHARGES - (407)451-7730	1.00	\$200.00	\$200.00
CITY OF BELLE ISLE	BELLE ISLE STRM - DRAINAGE - (407)451-7730	1.00	\$100.00	\$100.00
				\$300.00

2017 Gross Tax Total: \$11,981.85
 2017 Tax Savings Tax Savings
 Your property taxes without exemptions would be: \$12,550.52
 Your ad-valorem property tax with exemptions is: - \$11,891.85
 Providing You A Savings Of: = \$658.67

This Data Printed on 03/28/2018 and System Data Last Refreshed on 03/27/2018

http://www.ocpafl.org/search/FacetSearch.aspx

Return To:
 Document Management
 Quicken Loans Inc.
 1050 Woodward Ave
 Detroit, MI 48226-1906

This document was prepared by:
 Frank N Biondi
 Closing Care Rep
 1050 Woodward Ave
 Detroit, MI 48226-1906
 (313)373-0000

61430316 [Space Above This Line For Recording Data] 3353412038
MORTGAGE
 MIN 100039033534120385

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

- (A) "Security Instrument" means this document, which is dated April 9, 2016 together with all Riders to this document.
- (B) "Borrower" is Michael Jungen and Phanor Lenis Gonzalez, husband and husband, as Joint Tenants

Borrower is the mortgagor under this Security Instrument.
 (C) "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. MERS is the mortgagee under this Security Instrument. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.
 (D) "Lender" is Quicken Loans Inc.

FLORIDA Single Family-Fannie Mae/Freddie Mac UNIFORM INSTRUMENT WITH MERS Form 3010 1/01
 2458666170
 003353412038 0233 535 0116
 Page 1 of 18 Initials: _____
 VMP Mortgage Solutions, Inc.

Variance Request – Application Supplement

<p>*Standards of Variance Justification</p>	<p>Section 42-64 of the Land Development Code (LDC) sites that no application for a Zoning Variance shall be approved unless the Planning and Zoning Board finds that all of the following standards are met. Please answer each bold-text question in a Separate typed or written document and submit it to the City as part of your variance request.</p>
<p>Special Conditions and/or Circumstances Section 42-64 (1)d</p>	<p>The applicant must prove that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography and soil conditions.</p> <p>WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARSHIP?</p> <p>The subject property is located at the beginning of the narrow, curving 25MPH portion of Hoffner Ave. Traffic volumes are high on all of Hoffner Avenue – the P&Z Vice Chairman noted a traffic study of 17,000 cars / day. Also the change in speed limit occurs right at this property – which is often a surprise or ignored by a number of motorists. Traffic often backs up past the property during morning commute and when regular trash collection happens. Because of the very narrow shoulder buffer from traffic, a physical buffer is necessary to mitigate traffic noise and disruption. Additionally, many homes along Hoffner have had automobiles veer from the traffic lane and enter the property – even when walls are present. A structural wall is necessary to not only provide sound and visual buffer, but also to provide protection for the property, residents and guests from potential traffic accidents. In addition to vehicle traffic, the pedestrian sidewalk is on our side of the street. There is a good deal of pedestrian and bicycle traffic on the sidewalk (which is awesome!). However, many of the passersby are cutting through the area via Hoffner Avenue for various reasons. A 4’ tall, well illuminated wall is necessary to deter unwanted access & activity from pedestrian traffic as well as eliminate blind spots/hiding places.</p> <p>The Applicant must prove that the special conditions and circumstances do not result from the actions of the applicant. A personal (self-created) hardship shall not justify a variance; i. e. when the applicant by their own conduct creates the hardship alleged to exist, they are not entitled to relief.</p>
<p>Not Self-Created Section 42-64 (1)e</p>	<p>HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?</p> <p>The narrow easement for Hoffner Avenue coupled with the ever-increasing cut-through traffic has created the conditions mentioned above.</p> <p>In November of 2014 I wrote a letter to Kathleen Enot, the FDOT Project Manager for the current Hoffner Avenue Improvements (attached). In that letter, I noted that even before the higher capacity, multi-lane improvements the volume of traffic on Hoffner Avenue already creates hardship for us when attempting to egress from our property on work day mornings. As these improvements are completed in the coming months, it is anticipated that the wonderful new connection all the way down to Lake Nona via Narcoossee Road is going to only make the conditions already experienced even more challenging and the incidence of regrettable issues more commonplace.</p>

*For a variance from Sec. 50-102 (b) fences and walls, please also identify how you comply with the variance criteria identified in Sec. 50-102 (b) (16). Please note for a fence variance, you do not have to comply with Sec. 42-16 (1) d and (1) f.

Variance Request – Application Supplement (continued)

***Standards of Variance Justification**

Section 42-64 of the Land Development Code (LDC) sites that no application for a Zoning Variance shall be approved unless the Planning and Zoning Board finds that all of the following standards are met. Please answer each bold-text question in a Separate typed or written document and submit it to the City as part of your variance request.

Minimum Possible Variance
Section 42-64 (1)f

The applicant must prove that the zoning variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.

It is necessary for the applicants to create a utility and service access to the rear yard via the West side yard. In order to do so, the large, overgrown hedge in the side yard and front yard need to be removed. While a new vegetation hedge could provide the visual and sound buffer at the front of the property, it would leave an opening to the neighbor on the West exposing the privacy of their front yard, and would take some time to buffer Hoffner Ave. vehicle and pedestrian traffic. Even once a new vegetation hedge is fully grown, based upon the rationale to provide a buffering accommodation that also provides safety mitigation from accidental vehicle intrusion we do not believe there is another clear alternative to a structural wall.

Purpose and Intent
Section 42-64 (1)g

The applicant must prove that approval of the zoning variance will be in harmony with the general purpose and intent of the Code and such zoning variance will not be injurious to the neighborhood, not detrimental to public welfare, and not contrary to the public interest.
WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE: ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC)

A majority of homes facing Hoffner Avenue from just west of the subject property to the causeway bridge have walls or fences along Hoffner Avenue. Additionally, the majority of properties proximate to the subject property have walls – with the exception of the north-east neighbor property at 2022 Hoffner Avenue. Even so, the north-east neighboring property has a well established vegetation hedge barrier similar to that which must be removed from the applicant property.

Aesthetically, it is the applicants’ intent to match the height (~4 ft) and abut with the brick wall of the adjacent neighbor property at 1938 Hoffner Ave. The proposed design complements the design and aesthetic of the home and would promote the appearance and curb appeal of this portion of Belle Isle striving to uphold the highest standards in keeping with the community enhancement goals and intent of the Belle Isle Code. An additional benefit of the proposed improvements is that service providers and visitors to the subject property will be able to park on the property – reducing the need and incidence of on-street parking on the north shoulder of Hoffner Avenue.

*For a variance from Sec. 50-102 (b) fences and walls, please also identify how you comply with the variance criteria identified in Sec. 50-102 (b) (16). Please note for a fence variance, you do not have to comply with Sec. 42-16 (1) d and (1) f.

PRELIMINARY DESIGN PERSPECTIVE DETAIL

FRONT VIEW – CURRENT



FRONT VIEW – PROPOSED



Note: Proposed Wall would be approx. 48" (height to match adjacent wall)

INTERIOR VIEW – CURRENT



INTERIOR VIEW – PROPOSED



Note: Proposed Wall would be approx. 48" (height to match adjacent wall)

PRELIMINARY DESIGN ASPIRATIONAL AESTHETIC

HOFFNER WEST-BOUND VIEW - CURRENT



HOFFNER WEST-BOUND VIEW - PROPOSED



Note: Proposed Wall would be approx. 48" (height to match adjacent wall)

HOFFNER EAST-BOUND VIEW - CURRENT



HOFFNER EAST-BOUND VIEW - PROPOSED



Note: Proposed Wall would be approx. 48" (height to match adjacent wall)

PLAT OF BOUNDARY SURVEY

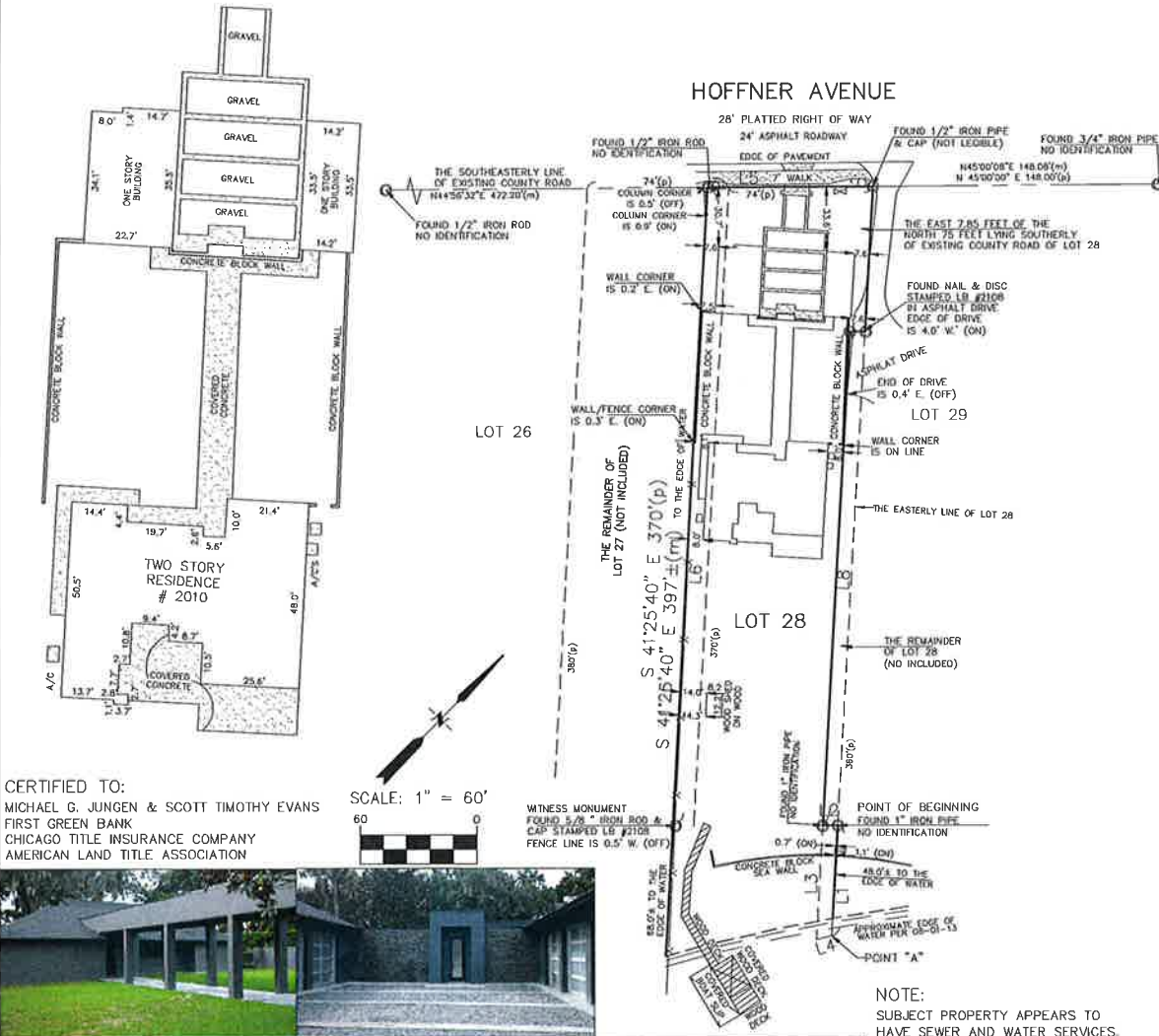
DESCRIPTION (As Furnished)

PARCEL "A" AS SET FORTH ON PLAT OF SURVEY ATTACHED AS EXHIBIT "A" TO THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 3771, PAGE 1163, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: THE EAST 11.00 FEET OF LOT 27 AND THE WEST 66.15 FEET OF LOT 28, C.H. HOFFNER'S SUBDIVISION, AS RECORDED IN PLAT BOOK F, PAGE 37, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA (LYING SOUTHEASTERLY OF EXISTING COUNTY ROAD); AND

THE EAST 7.85 FEET OF THE NORTH 75.00 FEET OF THAT PART OF SAID LOT 28, LYING SOUTHEASTERLY OF EXISTING COUNTY ROAD; AND

BEGIN AT A POINT OF THE EASTERLY LINE OF LOT 28 SITUATED 330.53 FEET SOUTH 41 DEGREES 25 MINUTES 40 SECONDS EAST OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF HOFFNER AVENUE; THENCE RUN SOUTH 41 DEGREES 25 MINUTES 40 SECONDS EAST ALONG SAID LOT LINE 57.00 FEET MORE OR LESS TO THE WATERS OF LAKE CONWAY FOR A POINT CALLED "A"; RETURN TO THE POINT OF BEGINNING AND RUN SOUTH 45 DEGREES 00 MINUTES 00 SECONDS WEST 7.85 FEET; THENCE SOUTH 41 DEGREES 25 MINUTES 40 SECONDS EAST 59 FEET MORE OR LESS TO THE WATER OF LAKE CONWAY; THENCE NORTHEASTERLY ALONG SAID WATERS 8.00 FEET MORE OR LESS TO THE POINT CALLED "A" AND THE POINT OF TERMINATION.

SURVEY



CERTIFIED TO:
MICHAEL G. JUNGEN & SCOTT TIMOTHY EVANS
FIRST GREEN BANK
CHICAGO TITLE INSURANCE COMPANY
AMERICAN LAND TITLE ASSOCIATION

SCALE: 1" = 60'



NOTE:
SUBJECT PROPERTY APPEARS TO
HAVE SEWER AND WATER SERVICES.

Based on the FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP, Orange County, Florida, Community Panel Number 120179 0 D, last dated 05/25/2009, it appears from a scaling of said map that the land described herein is shown to be in Zone "X" & "AE", (AREA OF MINIMAL & 100 YEAR FLOOD), BFE = 88 FEET PER FEMA. Said map is not a Survey and no responsibility is taken for the information contained in or the accuracy of the above referenced map.

- This Plat represents a Boundary Survey of the description as furnished DSW Surveying and Mapping, P.L.C. per client's instruction and makes no claims regarding ownership or rights of possession.
- Bearings shown herein are based on the NORTH line of Lot 28, Being N 44°35'00" E, PER PLAT.
- This surveyor has not searched the public records or abstracted the land shown herein for encumbrances, right of ways, covenants and restrictions or other pertinent documents which may be found in the public records of this county. This research was not included in the scope of services of this firm.
- The relative distance accuracy for boundary dimensions shown herein is in excess of 1 Foot in 10,000 Feet.
- Underground improvements and utilities have not been located.
- This survey performed by DSW Surveying and Mapping, P.L.C. is for the singular use by the clients named herein for the express stated purpose listed herein. This drawing is not legally binding without my signature and original raised embossed seal. No third party is authorized to use this drawing in any way, and this surveyor shall not be held liable for damages resulting from the unauthorized or illegal executions or alterations of circumstances prescribed laws or professional fee payments. All plots, reports, notes, plans, specifications, computer files, field notes or data, other documents and instruments prepared by this firm as instruments of service shall remain the property of this firm. This firm shall retain all common law, statutory and other reserved rights, including the copyright therein. The original of this drawing remains the property of DSW Surveying and Mapping, P.L.C.
- Building lines, fence lines, etc. are not to be used as a way to reconstruct boundary line location.

REVISIONS AND ADDITIONS	
08-01-13	FINAL SURVEY

LEGEND:	
A	= Delta (Intersection Angle)
R	= Radius
L	= Arc Length
U.E.	= Utility Easement
Ch	= Chord Length
PC	= Point of Curvature
PT	= Point of Tangency
PB	= Plat Book
PC (S)	= Point (S)
PRC	= Point of Reverse Curvature
CLF	= Chain Link Fence
A/C	= Air Conditioner
R/W	= Right-Of-Way
PC	= Point of Compound Curvature
P	= Per Plat
ε	= Centerline
D.U.E.	= Drainage & Utility Easement
Col.	= Column
U	= Denotes Utility Pole
WF	= Wood Fence
M	= Measured
CBW	= Concrete Block Wall
PI	= Point of Intersection
CNI	= Corner Not Found
OHUL	= Overhead Utility Lines
PDC	= Point of Discontinuance
(D)	= Per Description
BSL	= Building Setback Line
RP	= Radius Point
(R)	= Radial
(NR)	= Non Radial
CNA	= Corner Not Accessible
(C)	= Calculated
TYP.	= Typical
BFE	= Base Flood Elevation

DRAWING: 12.1183-FINAL.DWG SURVEY DATE: 11/27/12
 INTENDED DISPLAY SCALE: 1" = 60' DRAWN: HSY
 EXPECTED USE OF THIS LAND: RESIDENTIAL PURPOSES

IT IS CERTIFIED THAT THIS SURVEY REPRESENTED HEREON MEETS OR EXCEEDS THE MINIMUM STANDARDS AS SET FORTH IN CHAPTER 6107-6, F.L.A.C. PURSUANT TO SECTION 6107.01, F.L.A.C. AND THE PROFESSIONAL SURVEYOR'S STATUTES.

NOT VALID WITHOUT MY SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE PROFESSIONAL SURVEYOR AND MAPPER

DOUGLAS S. WILLIS, Professional Surveyor Registration # 5984 FOR THE FIRM

PROFESSIONAL SURVEYORS AND MAPPERS
 CERTIFICATION OF AUTHORIZATION #LB7945
 32529 Okaloosa Trail
 Sorrento, Florida 32776
 Phone: (352) 735-3796
 JOB NO. 12.1183 Sheet 1 of 1

- L1 S 41°25'40" E 57.00'(d)
- L2 S 45°00'00" W 7.85'(d)
S 44°10'45" W 7.89'(m)
- L3 S 41°25'40" E 59.00'(d)
- L4 N 30°56'50" E 8'±(d)
- L5 N 45°00'00" E 85.00'(d)
N 45°05'30" E 84.71'(m)
- L6 S 41°25'40" E 370'(d)
S 41°36'34" E 330.12'(m)
- L7 S 45°00'00" W 7.85'(d)
S 59°03'43" W 7.83'(m)
- L8 S 41°25'40" E 255.38'(d)
S 41°17'58" E 257.31'(m)
- L9 S 41°25'40" E 75.00'(d)
S 41°50'15" E 75.15'(m)

SURVEY DETAIL

PROPOSED FRONT
4' WALL LOCATION

HOFFNER AVENUE

28' PLATTED RIGHT OF WAY

24' ASPHALT ROADWAY

EDGE OF PAVEMENT

FOUND 1 1/2" IRON ROD
NO IDENTIFICATION

FOUND 1 1/2" IRON PIPE
& CAP (NOT LEGIBLE)

FOUND 3/4" IRON PIPE
NO IDENTIFICATION

N45°00'08"E 148.08'(m)
N 45°00'00" E 148.00'(p)

74'(p)

COLUMN CORNER
IS 0.5' (OFF)

COLUMN CORNER
IS 0.9' (ON)

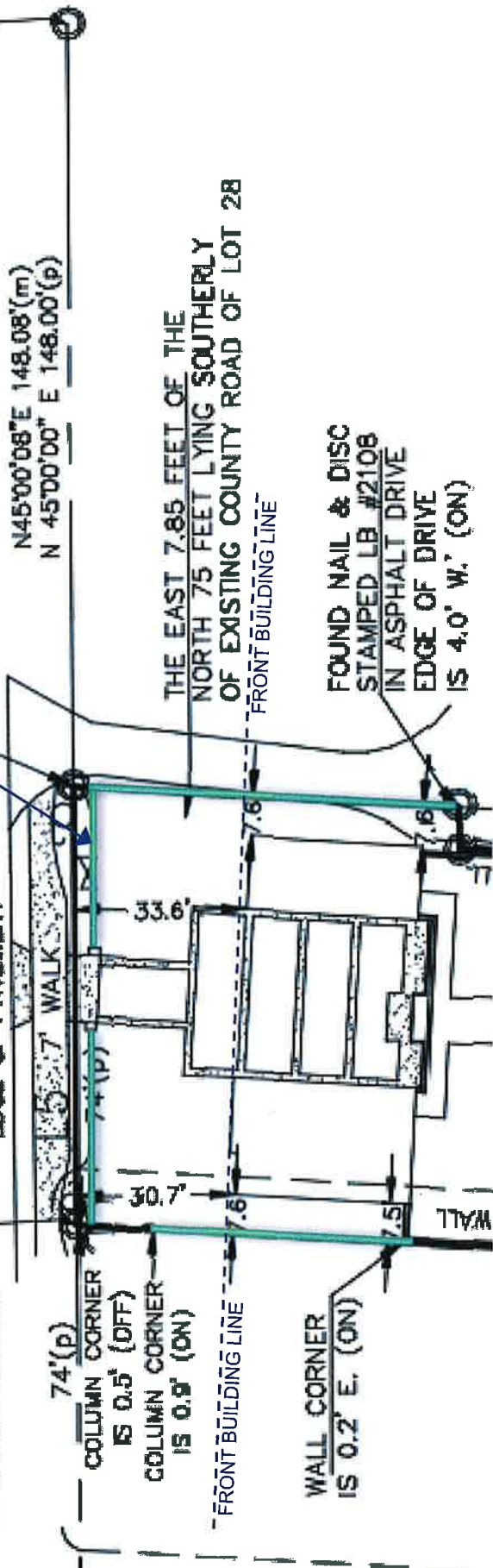
FRONT BUILDING LINE

WALL CORNER
IS 0.2' E. (ON)

THE EAST 7.85 FEET OF THE
NORTH 75 FEET LYING SOUTHERLY
OF EXISTING COUNTY ROAD OF LOT 28

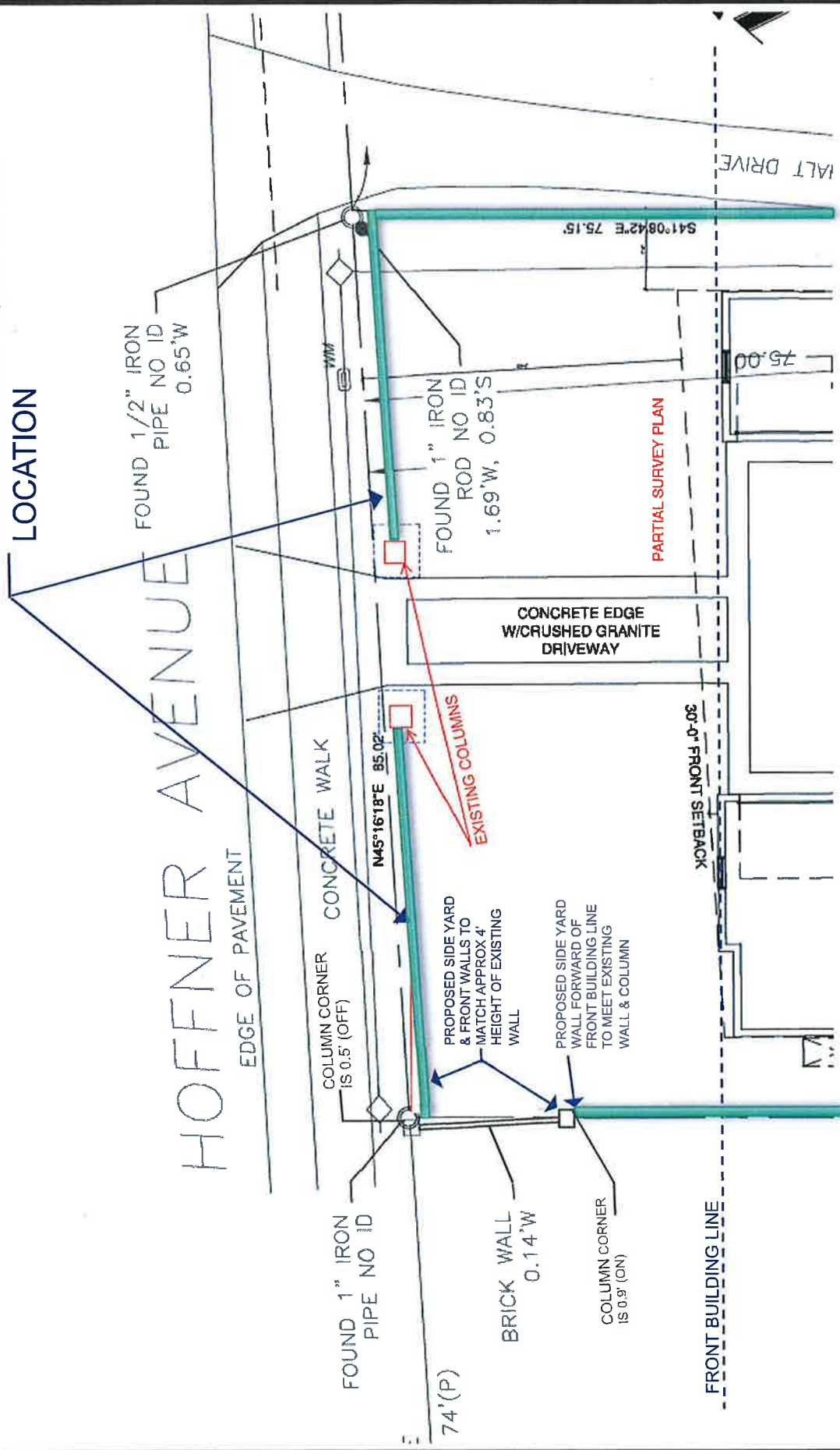
FRONT BUILDING LINE

FOUND NAIL & DISC
STAMPED LB #2108
IN ASPHALT DRIVE
EDGE OF DRIVE
IS 4.0' W. (ON)



PLAN OVERLAY ON SURVEY

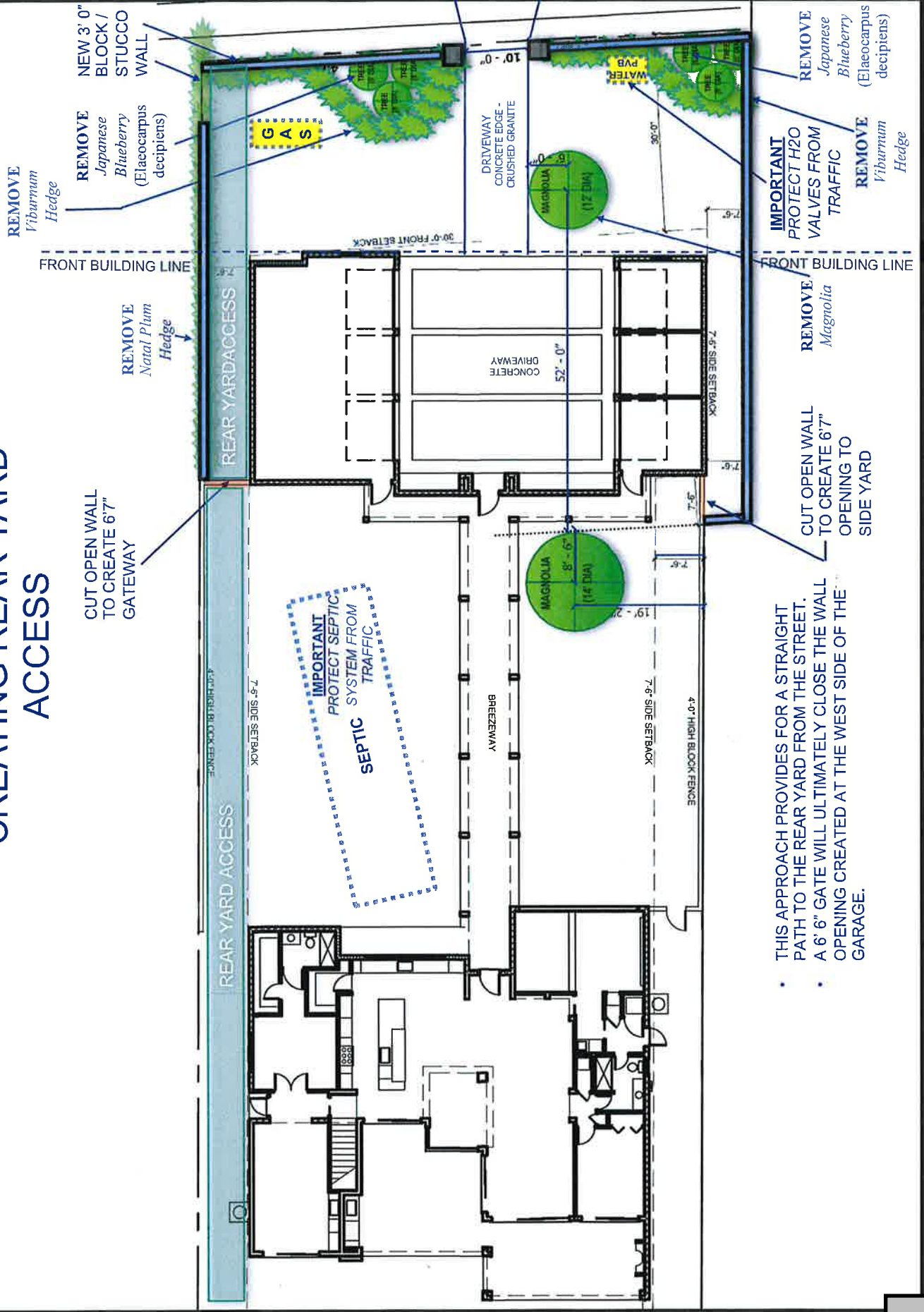
PROPOSED FRONT WALL LOCATION



- PROPOSED 4' HIGH SIDE YARD WALL WILL CONTINUE ALONG SIDE PROPERTY LINE TO MEET EXISTING 6' SIDE YARD COURTYARD WALL
- ALL WALLS TO BE CONCRETE BLOCK CONSTRUCTION WITH PAINTED STUCCO TO MATCH EXISTING WALLS AND STRUCTURES

REAR YARD ACCESS PLAN DETAIL

CREATING REAR YARD ACCESS



- THIS APPROACH PROVIDES FOR A STRAIGHT PATH TO THE REAR YARD FROM THE STREET.
- A 6' 6" GATE WILL ULTIMATELY CLOSE THE WALL OPENING CREATED AT THE WEST SIDE OF THE GARAGE.

ADJACENT PROPERTIES

EASTERN NEIGHBORING PROPERTIES



2036 HOFFNER AVE | 2022 HOFFNER AVE

WESTERN ADJACENT PROPERTIES



1938 HOFFNER AVE

OPPOSITE SIDE OF HOFFNER



1959 & 2005 HOFFNER AVE



April Fisher, AICP
fisherpds@outlook.com
407-494-8789

April 16, 2018

Rezoning Application: E. Wallace Street and Matchett Road (Please see the attached ordinance for a specific description.)

Applicant Request: This is a City owned property purchased in 2016. The City is initiating this application to rezone the property from single-family to an open space zoning designation.

Existing Zoning/Use: R-1-AA/ vacant

Review Comments

The City of Belle Isle purchased this property in 2016. It is vacant and has a single-family zoning district (R-1-AA) designation. The City will be using the property for public events with open space. City Council adopted Ordinance 2018-01, creating the Open Space Zoning District, in March 2018. An Open Space (OS) designation is a more appropriate zoning designation for the property.

Staff Recommendation

Staff recommends approval of the rezoning request and approval of Ordinance 2018-03.

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ORDINANCE 18-03

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA APPROVING THE REZONING APPLICATION OF THE CITY OF BELLE ISLE, PROPERTY OWNER/APPLICANT OF "LOT 2 WALLACE STREET" AND REZONING THAT CERTAIN PROPERTY LOCATED ON WALLACE STREET, BELLE ISLE, FLORIDA, IDENTIFIED IN THE ORANGE COUNTY TAX ROLLS WITH PARCEL NUMBER 24-23-29-8977-00-021 MORE PARTICULARLY DESCRIBED IN ORANGE COUNTY RECORDS, ORANGE COUNTY, FLORIDA, FROM SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) TO OPEN SPACE (OS); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Belle Isle, Florida (hereinafter "Property Owner/Applicant") has made application for the rezoning of City property located on E. Wallace Street, PARCEL NUMBERS 24-23-29-8977-00-021, more particularly described in Exhibit "A", Legal Description, (hereinafter "the Property") from SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) to OPEN SPACE (OS); and

WHEREAS, the City intends to use the property as open space for public events; and

WHEREAS, the Planning and Zoning Board of the City of Belle Isle has reviewed the proposed rezoning pursuant to Chapter 42, Section 42-65 of the Land Development Code of the Belle Isle Code of Ordinances, found it to be compatible with the surrounding areas and consistent with the density permitted under the City of Belle Isle Comprehensive Plan, and has recommended the rezoning be approved by the City Council; and

WHEREAS, the City Council has reviewed the proposed rezoning pursuant to Chapter 42, Section 42-65 of the Land Development Code of the Belle Isle Code of Ordinances and found it to be compatible with the surrounding areas and consistent with the density permitted under the City of Belle Isle Comprehensive Plan;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belle, Florida as follows:

1 **SECTION 1.** The property located on E. Wallace Street, Belle Isle, Florida, being more particularly described as
2 PARCEL NUMBER 24-23-29-8977-00-021 more particularly described in Exhibit "A", Legal Description, is
3 hereby rezoned from SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) to OPEN SPACE (OS).
4

5 **SECTION 2.** Severability. If any word, phrase, sentence, clause or other portion of this Ordinance is
6 determined to be invalid, void or unconstitutional, the remainder of this Ordinance shall remain in effect.
7

8 **SECTION 4.** Effective date. This Ordinance shall take effect immediately.
9

10 First Reading held this 1st day of May, 2018
11 Second Reading held this 15th day of May, 2018
12 Advertised for Second Reading on the 5th day of May 2018.
13
14
15

	YES	NO	ABSENT
16			
17			
18 Ed Gold	_____	_____	_____
19			
20 Anthony Carugno	_____	_____	_____
21			
22 Jeremy Weinsier	_____	_____	_____
23			
24 Mike Sims	_____	_____	_____
25			

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Harvey Readey

Jim Partin

Sue Nielsen

LYDIA PISANO, MAYOR

ATTEST:

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality

Kurt Ardaman, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, CITY CLERK of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 18-03 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____ 2018, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk

Exhibit "A"

ADDENDUM

Borrower: The City of Belle Isle	File No: 18-1139
Property Address: Lot 2 Wallace Street	Case No:
City: Belle Isle	State: FL
Lender: The City of Belle Isle	Zip: 32800

Legal Description
WALLER SUB 28/105 PART OF LOT 2 DESC AS BEG SW COR OF SAID LOT 2 TH RUN N00-07-50E 300 FT
S89-55-55E 350.92 FT S04-13-30W 300.39 FT S90-00-00W 338.47 FT TO POB

Addendum Page 1 of 1

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April Fisher, AICP
fisherpds@outlook.com
407-494-8789

April 16, 2018

Zoning Application: Amendment to the Land Development Code to create commercial planned development zoning standards

Applicant Request: City-initiated amendment to the Land Development Code to create commercial planned development zoning standards

Existing Zoning/Use: NA

Review Comments

The City of Belle Isle land development code currently has standards for residential planned development but not for commercial. It is in the best interest of the City to have development flexibility with both residential and commercial projects when deemed appropriate.

The amendments provide the mechanism to do this and remove language regarding residential densities that is part of the City's Comprehensive Plan and do not belong in the land development code. Having comprehensive plan language also in the land development code could create internal conflicts between the documents if the text of the Comprehensive Plan is amended.

Staff Recommendation

Staff recommends approval of the proposed Planned Development District amendments and Ordinance 2018-05.

1 **WHEREAS**, the City of Belle Isle Planning and Zoning Board, acting in its capacity as the Local Planning Agency,
2 at the April 24, 2018, public hearing, found the revised regulations to be consistent with the City of Belle Isle
3 Comprehensive Plan and recommended that the City Council adopt the revised planned development district
4 regulations; and

5
6 **WHEREAS**, the City Council held two (2) public hearings on May 1, 2018, and May 15, 2018, to receive public
7 comments, and considered the recommendation of the Planning and Zoning Board and the proposed planned
8 development district regulations; and

9
10 **WHEREAS**, the Board has found and determined that the adoption of the proposed revised planned
11 development district regulations will foster and preserve the public health, safety and welfare and aid in the
12 harmonious, orderly and progressive development of the City, and thus serve a valid public purpose.

13
14 **NOW, THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AS FOLLOWS,**

15 **Section 1. Recitals**

16 The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part
17 of this ordinance.

18
19 **Section 2. Land Development Code Amendment**

20 Chapter 54, Article III of the City Land Development Code Section 54-77 is hereby amended, as follows:

21 **Sec. 54-77. - Planned development district PD.**

22 (a) *Intent and purpose of district.* The intent and purposes of the planned development district are
23 as follows:
24
25

1 (1) To provide for planned residential or commercial development ~~communities~~, compatible with
2 surrounding areas, consistent with the density or intensity permitted under the comprehensive plan,
3 containing a variety of ~~residential~~ structures and diversity of building arrangements. Under no
4 circumstances does this district permit ~~residential~~ densities or intensities greater than that available
5 under the land use classification for that property.

6 (2) To allow diversification of uses, structures and open spaces in a manner compatible with existing
7 and permitted uses on abutting properties.

8 (3) To reduce improvement costs through a more efficient use of land and smaller networks of
9 utilities and streets than is possible through application of conventional zoning districts.

10 (4) To ensure that development will occur according to limitations of use, design, density, coverage
11 and phasing as set forth on an approved final development plan.

12 (5) To preserve the natural amenities and environmental assets of the land by encouraging the
13 preservation and improvement of scenic and functional open areas.

14 (6) To encourage an increase in the amount of usability of open space areas by permitting a more
15 economical and concentrated use of building areas than would be possible through conventional
16 ~~subdivision~~ development practices.

17 (7) To provide maximum opportunity for application of innovative concepts of site planning in the
18 creation of aesthetically pleasing ~~living~~ environments on properties of adequate size, shape and
19 location.

20 (b) *Definitions.* For the purposes of the planned development district, the following definitions shall
21 apply:

22 (1) *Open space* means the gross acreage exclusive of buildings, vehicular accessways and parking
23 areas.

(2) *Recreation space* means any open space having a minimum size of 10,000 square feet, a minimum average dimension of 100 feet and a minimum dimension of 50 feet, and improved for recreational use. Improved trails and paths may also qualify as recreation space.

(c) *Uses permitted.* The following uses shall be permitted in the planned development district if designated on an approved final development plan:

(1) Attached and detached single-family dwelling units.

(2) Attached multifamily dwelling units.

(3) Public areas ~~compatible to residential uses and limited to the use only, of the residences of the proposed district.~~

(4) Communication towers and antennas.

(5) Commercial uses consistent with the C-1 or C-2 zoning district.

(d) *Site development standards.* Site development standards in the planned development district shall be as follows:

~~(1) The criteria for establishing the densities and height of structures based upon land use classification are as follows:~~

Maximum Units per Net Acre		
Net Density (units/acre)	Maximum Height (feet)	Land Use Classification
3.5 or less	35	Low-Density Residential
3.6 to 5.5	35	Low-Density Residential
5.6 to 10.0	30	Medium-Density Residential
10.0 or more	30	High-Density Residential

1 {2} The following site development standards shall apply, unless specifically waived by finding of the
2 board and the council that the unique characteristics of the development in question make
3 unnecessary the application of one or more of these provisions in order to carry out the intent and
4 purposes of the planned development district:

5 a. The natural topography, soils and vegetation should be preserved and utilized, where possible,
6 through the careful location and design of circulation ways, buildings and structures, parking areas,
7 recreation areas, open space and drainage facilities. Removal of mature trees shall be compensated
8 through regulations in the tree section.

9 b. All planned development districts shall conform to chapter 50, article III, for landscaping, parking
10 and other development standards.

11 c. In residential planned developments, a A minimum of 25 percent of the gross area of the project
12 shall be designated for recreation and open space. Recreation areas shall include, by way of example
13 not by way of limitation, swimming pools, tennis courts, playgrounds and fitness courses. Open space
14 shall include, by way of example not by way of limitation, lakes, wetlands, fields, and picnic areas.
15 Open space shall not include areas required to meet setbacks, retention ponds and parking areas. All
16 recreation and open space areas used to meet the 25 percent shall be located in areas retained in
17 common ownership. Adequate provisions shall be made to eliminate problems of noise and lights to
18 adjacent property.

19 d. The proposed lighting, access points or activities resulting in high noise levels, and location or
20 arrangement of structures should not be detrimental to existing or future adjacent land uses or to the
21 existing or future development of the neighborhood.

22 e. Streets to be dedicated to the public shall be designed and built in accordance with the
23 appropriate sections of the subdivision regulations. Streets and driveways shall be constructed in
24 accordance with adopted road construction specifications and designed to provide for the free
25

1 movement and safety of vehicular traffic, and to provide safe, efficient and convenient access to land
2 uses within the development and to roadways adjacent to the development. The local, collector and
3 arterial street system must provide adequate access to the development, and properly accommodate
4 traffic generated by the development. Local streets shall provide access within the planned
5 development district in a manner that will discourage through traffic and provide for convenient
6 accessibility to parking areas serving each group of units.

7 f. Wherever practicable, vehicular and pedestrian passageways shall be separated. A system of
8 walkways and bicycle paths between buildings, common open spaces, recreation areas, community
9 facilities and parking areas shall be distinctively designed and adequately lighted where appropriate
10 for nighttime use.

11 g. Central water, sewage, and stormwater management systems, and utility lines and/or easements
12 shall be provided in accordance with the appropriate sections of the subdivision regulations.

13 h. All land shown on the final development plan as common open space, private parks and
14 recreation facilities shall be subject to deed restrictions which ensure the payment of future taxes and
15 the maintenance of areas and facilities for a safe, healthful and attractive living environment.

16 i. In order to protect the lakes and canals from destructive activities, no roadways, buildings or other
17 permanent structures shall be permitted within 50 feet of the normal high-water elevation (~~86.9~~) of
18 the lakes or canals. Nature walkways, benches and tables are not considered permanent for these
19 purposes.

20 (e) *Approval procedure.* The review and approval procedure for a planned development district shall
21 be as follows:

22 (1) *Preapplication conference.* The applicant shall confer with a panel of appropriate city
23 departments prior to submitting an application for a zoning change to the PD district. The conference
24 is intended to give the applicant an opportunity to discuss the proposed development and to benefit
25

1 from comment by city officials before undertaking the required work program. The panel shall include
2 the following: planning and development, city manager, mayor and administrative services personnel.
3 The city engineer and city attorney shall also be included on the panel. Other local governments
4 and/or state agencies may also be asked to serve on the panel on an as-needed basis. The planning
5 and development department shall coordinate the conference, and ensure all other departments and
6 the applicant are notified of the time and place of the conference.

7 (2) *Preliminary concept plan.* Applications for PD districts shall be accompanied by a preliminary
8 concept plan and supporting documents that properly present necessary basic data:

- 9 a. Location and size of entire proposed development.
- 10 b. Existing topographic character of the land.
- 11 c. Existing and proposed land use classifications.
- 12 d. Table showing existing and proposed use by type, density and building sizes.
- 13 e. Location of existing and proposed streets and roadways.
- 14 f. Identification of areas to be dedicated to the public.
- 15 g. Identification of areas for recreation and open space.
- 16 h. Typical examples of each building type proposed.
- 17 i. Location of proposed buildings.
- 18 j. Surrounding zoning.
- 19 k. Other information from the preapplication conference.

20 The applicant shall also identify the present ownership of all land included in the development, the
21 expected sequence of development, and define the objectives and intent of the PD district. The
22 concept plan should provide enough detail to enable all reviewers to understand the way in which the
23 proposed development will function.

1 Since the review of the concept plan is conducted in a similar manner as proposed subdivision plats,
2 the concept plan may serve as the preliminary plat when platting is required, so the review can be
3 done simultaneously.

4 (3) *Approval of preliminary concept plan and PD district.* The board and the council shall review the
5 PD district concept plan the same as a rezoning. Specifically, the notice requirement for a concept plan
6 shall adhere to the same public hearing requirements as a zoning change. If a PD district concept plan
7 is approved by the council, the city manager shall change the zoning map to designate the property as
8 PD district, and indicate the date of approval.

9 (4) *Development plan.* Within nine months after preliminary concept plan approval, the applicant
10 shall submit a development plan and supporting documents. The review is conducted in the same
11 manner as proposed subdivision plats. If platting is required, the final plat shall be submitted
12 simultaneously with the development plan. Development plans shall include the following
13 information:

14 a. Provisions for necessary improvements such as water, sewer, and drainage facilities as well as
15 systems for firefighting and street lighting.

16 b. The location and dimensions of all rights-of-way or easements for streets, pedestrian ways,
17 utilities, watercourses, and greenways, as well as proposed subdivision of land.

18 c. The relationship of building locations, arrangements, uses and heights to open areas, streets,
19 pedestrian ways, landscaping, property lines and adjacent uses.

20 d. Areas proposed to be conveyed, dedicated, or reserved for recreation and open space, and/or
21 public uses.

22 e. Covenants/restrictions, conditions, agreements, and grants which govern the use, maintenance,
23 and continued protection of the PD district and common areas.

1 f. Specified design standards applicable to various portions of the PD district as approved by the
2 council.

3 If the applicant fails to obtain approval of the development plan within one year after approval of the
4 concept plan, the zoning classification shall revert to its previous zoning classification. However, if the
5 previous zoning classification is not compatible with the existing and/or future land use classification
6 for that property, the city shall administratively rezone the property to an appropriate zoning
7 classification. The applicant may apply to the council once for an extension of this deadline for a time
8 period not to exceed one year.

9 (5) *Approval of the development plan.* The council shall review the development plan for substantial
10 compliance with the concept plan and other designated requirements. Upon approval by the council
11 at a public hearing, the city manager shall designate said approval and date on the official zoning map
12 for the PD district included in the approved development plan. After the effective date of such
13 approval, the use of land and the construction, modifications, or alterations of any buildings,
14 structures or other improvements within the planned development will be governed by the approved
15 development plan rather than other standards.

16 (6) *Amendments to concept or development plans.* Substantial proposed changes in requested uses,
17 densities, development sequences or other specifications of the concept or development plan may be
18 allowed only after a public hearing and an approval from the council based upon a recommendation of
19 the board. Any changes shall be noted on the official zoning map. Minor proposed changes,
20 alterations, or modifications that do not change the requested uses, densities, or development
21 sequences shall be reviewed and approved by the mayor based upon a recommendation of the
22 director of planning and development.

23 (7) *Construction requirements.* Approved development plans shall remain in full force and effect for
24 as long as the applicant carries on substantial, continuous development. The term "substantial" shall
25

1 mean that physical improvements are visible and continuous shall mean that the developer
2 commences construction in accordance with approved plans within 12 months of approval, and does
3 not cease development for a period longer than 60 days. The council shall have the authority to grant
4 an extension of this time period for up to 12 months, provided a written request is filed with the
5 mayor at least 30 days prior to the expiration of the time period. If the applicant either fails to carry on
6 substantial, continuous development or obtain an extension from the council within one year after
7 approval of the development plan, the zoning classification shall revert to its previous zoning
8 classification. If the previous zoning classification is not compatible with the existing and/or future
9 land use classification for that property, the department shall administratively rezone the property to
10 an appropriate zoning classification.

11 (8) *Breach of agreement.* An unapproved deviation from the accepted development plan shall in
12 addition to all other violations under the Land Development Code and Code of Ordinances constitute a
13 breach of agreement between the applicant and the city. Such deviation may cause the city to
14 suspend construction until such time as the deviations are corrected or the development plan is
15 appropriately modified by the applicant and approved by the council. Failure to correct unauthorized
16 deviations shall be cause for the development plans to be revoked. Construction shall cease and no
17 certificate of occupancy shall be issued until a modified development plan is approved or the
18 deviation is corrected.

19
20 **SECTION 3. Severability**

21 If any section, subsection, sentence, clause, phrase, word, provision or portion of this Ordinance is held by a
22 court of competent jurisdiction to be invalid, unlawful or unconstitutional, such shall not invalidate or impair
23 the validity, force or effect of any other section or portion of a section or subsection of this Ordinance.
24
25

1 **SECTION 4. Conflicts**

2 In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this
3 Ordinance controls to the extent of the conflict, as allowable under the law.

4 **SECTION 5. Codification**

5 This Ordinance shall be incorporated into the Land Development Code of the City of Belle Isle, Florida. Any
6 section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate
7 the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions,
8 alterations, and omissions not affecting the construction or meaning of this ordinance or the Land
9 Development Code may be freely made.

10
11 **SECTION 6. Effective date**

12 This Ordinance shall take effect immediately upon its final passage and adoption by the City Council of the City
13 of Belle Isle, Florida.

14
15 First Reading held this 1st day of May, 2018

16 Second Reading held this 15th day of May, 2018

17 Advertised for Second Reading on the 5th day of May 2018.

	YES	NO	ABSENT
18 19 20 Ed Gold	_____	_____	_____
21 22 Anthony Carugno	_____	_____	_____
23 24 Jeremy Weinsier	_____	_____	_____

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Mike Sims _____

Harvey Readey _____

Jim Partin _____

Sue Nielsen _____

LYDIA PISANO, MAYOR

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality

Kurt Ardaman, City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, **Yolanda Quiceno, CITY CLERK** of the City of Belle Isle do hereby certify that the above and foregoing document **ORDINANCE 18-05** was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____ 2018, at which session a quorum of its members were present.

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Yolanda Quiceno, CMC-City Clerk