



CITY OF BELLE ISLE, FL

PLANNING & ZONING BOARD MEETING

Held in City Hall Chambers 1600 Nela Ave Belle Isle FL

Held the 4th Tuesday of Every Month

Tuesday, February 22, 2022 * 6:30 PM

AGENDA

Planning and Zoning Board Members

District 5 member – Rainey Lane, Chairman

District 1 – David Woods, VChair

District 2 member – Christopher Shenefelt | District 3 member – Michael Statham

District 4 member – Vinton Squires | District 6 member – Andrew Thompson

District 7 member – Dr. Leonard Hobbs

Welcome to the City of Belle Isle Planning & Zoning meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofbelleislefl.org. Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. CAUTION: Untimely filing by any appellant shall result in an automatic denial of the appeal.

- 1. Call to Order and Confirmation of Quorum**
- 2. Invocation and Pledge to Flag – Board Member Squires - District 4**
- 3. Approval of Minutes**
 - [a.](#) Approval of Planning & Zoning meeting minutes - January 25, 2022
- 4. Public Hearings**
 - [a.](#) Public Hearing Case #2022-01-031- Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a fence in the front yard of a residential property, submitted by applicant Daniel E. Colpitts located at 2203 Hoffner Avenue, Orlando, FL 32809 also known as Parcel # 18-23-30-5120-00-360.
 - [b.](#) Public Hearing Case #2022-01-039- Pursuant to Belle Isle Code Sec. 50-102 (b) (7), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place a fence taller than four feet within 35 feet of the 86.9 Contour Line or Normal High Water Elevation of Lake Conway submitted by applicant Eric R. Wilson located at 5437 Pasadena Drive, Belle Isle, FL 32809 also known as Parcel #18-23-30-8858-00-020.
 - [c.](#) Public Hearing Case #2022-02-001 - Pursuant to Belle Isle Code Sec. 42-64 and Sec. 50-102 (a) (5) (f) the Board shall consider and take action on a requested variance to allow a detached garage with a covered porch larger than 600 square feet, submitted by applicants Nash and Cherie Shook, located at 5700 Cove Drive, Belle Isle, FL 32812 also known as Parcel # 20-23-30-1660-00-010.
- 5. Other Business**
- 6. Adjournment**

APPEALS: "If a person decides to appeal (Belle Isle's City Code Section 42-71) any decision made by the Board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need 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). A notice of appeal to the City Clerk should be submitted within fifteen (15) days after such recommendation or decision is made "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting. –Page 1 of 1



CITY OF BELLE ISLE, FL
PLANNING & ZONING BOARD MEETING
 Held in City Hall Chambers 1600 Nela Ave Belle Isle FL

MINUTES

The Belle Isle Planning & Zoning Board met in a special session on January 25, 2022, at 6:30 pm at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Lane
 Board member Squires
 Board member Woods
 Board member Shenefelt
 Board member Thompson

Absent was:

Board member Hobbs
 Board member Statham

Also present were City Manager Bob Francis, Attorney Dan Langley, and City Clerk Yolanda Quiceno.

1. Call to Order and Confirmation of Quorum

Chairman Lane called the meeting to order at 6:30 pm. The City Clerk confirmed the quorum.

2. Invocation and Pledge to Flag – Chairman Lane- District 5

3. New Business

a. Appointment of Vice-Chair

Board member Shenefelt moved to appoint Board member Woods as Vice-Chair.

Board member Woods seconded the motion, which passed unanimously 4:0.

4. Approval of Minutes

a. Approval of the Planning & Zoning Minutes - October 26, 2021

b. Approval of the Planning & Zoning Minutes - November 29, 2021

Board member Shenefelt moved to approve the minutes.

Board member Woods seconded the motion, which passed unanimously 4:0.

5. Public Hearings

- a. PUBLIC HEARING CASE #2022-01-006 PURSUANT TO BELLE ISLE CODE SEC. 48-33, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 48-32 (A)(2) AND SEC. 48-32 (A)(6)(A) TO EXTEND A PROPOSED DOCK RENOVATION AND REBUILD BY 20 FEET, WHICH MAY ALSO BE GREATER THAN 15 FEET LAKEWARD OF AN EXISTING DOCK THAT IS WITHIN 300 FEET OF THE PROPOSED DOCK; AND, A VARIANCE FROM SEC. 48-32 (C)(3) TO ALLOW FOR THE DOCK BOATHOUSE TO HAVE ENCLOSED SIDEWALLS, SUBMITTED BY APPLICANT SHEILA CICHRA, LOCATED AT 6319 GIBSON DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL NUMBER 24-23-29-0600-01-030.

Vice-Chair Woods read the variance by title.

Sheila Cichra, contractor, spoke on behalf of the homeowner. Ms. Cichra clarified some concerns on how the variance was presented as follows,

1. She provided a copy of an aerial photograph and said that the dock does not extend out of the allowable length.
2. The existing walls on the boathouse are not long and deep enough to cover the deck, and we would like to add hardiboard on the sides and the back of the original boathouse part only with a max height of 13' above NHWE and a minimum deck height 1' above NHWE.

Scott Gentry, homeowner, spoke on the history of his home, built-in 1941. He shared his security and privacy concerns being so close to the park.

Vice-Chair Woods said the layout shows a floor at the existing boathouse. Sheila Cichra said, yes, that is correct. The homeowner is moving the slip out to the lake to accommodate a boat because it is not deep enough. Chair Woods said the variance is creating an enclosed occupiable space, which is why enclosed docks are not allowed and going against the code requirements.

From a security standpoint, Vice-Chair Woods said enclosed docks create a situation to have criminals hide behind the walls without being seen. In addition, a cozy space will make a home for the otters. If privacy is the concern and four-foot fence may be an option. Mr. Woods said he did speak with the applicant before the hearing on reconsidering the wall height and lake water level.

Mr. Gentry said he is aware of the hazards; however, privacy is a concern and shared a different perspective on walls, security, and safety. He also added that other homes in the area are similar to his requests.

Board member Shenefelt asked if the wall would have the same footprint; however, the floor moved out in the lake. The applicant said yes. The wall height is going to be 6' 8".

Board member Thompson joined the meeting.

Chairman Lane opened for public comment.

- Randy Holihan residing at 2513 Trentwood, spoke in support of the variance. He noted that residents have expensive items on their docks, and the walls can be the best for security in securing the items.

Chairman Lane called for a motion.

Board member Shenefelt moved to approve the variance to keep the wall footprint and extending the dock out 20ft – with the understanding that the 20ft extension will not be walled in.

Board member Squires seconded the motion, which passed 4:1 with Vice Chairman Woods, nay.

Chairman Lane said there is a 15-day appeal waiting period before starting any construction

6. Other Business

City Manager Francis announced that April Fisher had submitted her resignation due to personal reasons. The City is currently searching for a Planner.

7. Adjournment

There being no further business, Chairman Lane called for a motion to adjourn the meeting, unanimously approved at 7:04 pm.

February 11, 2022

Variance Application: 2203 Hoffner Avenue

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT DANIEL E. COLPITTS LOCATED AT 2203 HOFFNER AVENUE, ORLANDO, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-5120-00-360.

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

This variance application seeks a variance from Sec. 50-102 (b) (5) (a) to allow a fence in the front yard of the property.

Security and safety have been an issue on the subject property. The applicant has provided information supporting the variance request with additional information about the security and safety issues encountered. Please see this information enclosed with this agenda item packet.

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.

Staff Recommendation

Based on the applicant's identification that security and safety are concerns, staff recommends approval of the requested variance. This is consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) which the Board may consider as justifying criteria according to the code.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

MEMORANDUM

TO: Planning and Zoning Board

DATE: February 22, 2022

PUBLIC HEARING CASE #2022-01-031- PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT DANIEL E. COLPITTS LOCATED AT 2203 HOFFNER AVENUE, ORLANDO, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-5120-00-360.

Background:

1. On January 26, 2022, the applicant, Daniel Colpitts, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, February 12, 2022, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on February 10, 2022.

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 in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64 of the Belle Isle Land Development Code having been met **TO APPROVE** A FENCE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT DANIEL E. COLPITTS LOCATED AT 2203 HOFFNER AVENUE, ORLANDO, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-5120-00-360.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, the justifying criteria of the Belle Isle Land Development Code, *having NOT been met; [use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED] having NOT been met; [may be used in addition to above or alone]* **TO DENY** A FENCE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT DANIEL E. COLPITTS LOCATED AT 2203 HOFFNER AVENUE, ORLANDO, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-5120-00-360.

SUBSECTION (D), a 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 or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

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: 1-26-22 P&Z CASE #: 2022-01-031☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER DATE OF HEARING: _____

Applicant <u>DANIEL E. COLPITTS</u>	Owner <u>Stanley Evans</u>
ADDRESS <u>2203 Hoffman Ave. 5014 Woodbriar Dr.</u>	<u>2203 Hoffman Ave</u>
PHONE: <u>561-704-7566 Belle Isle FL 32809</u>	<u>Belle Isle FL 32809</u>
PARCEL TAX ID #: <u>18-23-30-5120-00-360</u>	

LAND USE CLASSIFICATION: Residential ZONING DISTRICT: _____DETAILED VARIANCE REQUEST: 6 Ft. Tall Aluminum Fence in front of Home

I work at home, safety issue, people driving fast past house & texting. I need to feel safe. People coming up to my door, asking for money.

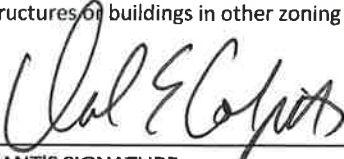
SECTION OF CODE VARIANCE REQUESTED ON: 50-102

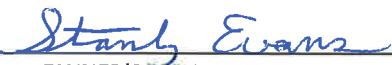
- The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the 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.
- **Sec. 42-64. - Variances.** The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.
 - o Criteria. The board shall not approve an application for a variance from terms of the Land Development Code unless and until:
 - a. A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d-g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.
 - b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
 - c. The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing, or the applicant's attorney shall appear before the board.
 - d. It is determined 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 or soil conditions.
 - e. It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land Development Code or for the purpose of obtaining a variance.
 - f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

The board shall find that the preceding requirements have been met by the applicant for a variance.

(2) Violations of conditions.

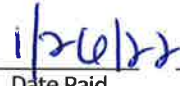
- a. In granting any variance, the board may prescribe appropriate conditions and safeguards to ensure compliance with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the discretion of the board, such variance may be revoked for violation of the condition and/or safeguards.
- b. The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of land, structures or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.


APPLICANT'S SIGNATURE

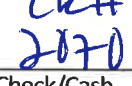

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:


FEE: \$300.00


Date Paid

ck#



Check/Cash



Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No

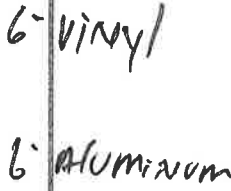
Council Action: _____

1. By not giving this variance, it would jeopardize my safety. We have had a few ^(Homeless) people knocking on our door asking for money, cars & trucks driving faster than they should, texting, driving over our yard.
2. Referring to Answer one please, And I work at home and want to feel safe.
3. There is only one place to put the fence in order to get in our driveway safely from Hoffner ave.
4. There are many homes along Hoffner Ave. with fences & gates in the front of their homes, for safety purposes.

Variance Request – Application Supplement

<p>*Standards of Variance Justification</p>	<p>Section 42-64 of the Land Development Code (LDC) states 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 or soil conditions.</p> <p>WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP?</p>
<p>Not Self-Created Section 42-64 (1) e</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. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?</p>
<p>Minimum Possible Variance Section 42-64 (1) f</p>	<p>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.</p>
<p>Purpose and Intent Section 42-64 (1) g</p>	<p>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.</p> <p>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)</p>

*For a variance application 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. 42-64 (1) d and (1) f.



Prepared By and Return To:
Celebration Title Group
950 Celebration Blvd, Ste. D
Celebration, FL 34747

Order No.: 2021CTG1107548

Property Appraiser's Parcel I.D. (folio) Number:
18-23-30-5120-00360

WARRANTY DEED

THIS WARRANTY DEED dated December 14, 2021, by Frederick Christensen, Jr. a/k/a Frederick L. Christensen, Jr, a single man, whose post office address is 14628 Avenue of the Rushes, Winter Garden, FL 34787 (the "Grantor"), to Patricia A Clever and Stanley Evans, husband and wife, whose post office address is 2203 Hoffner Ave, Belle Isle, FL 32809 (the "Grantee").

(Wherever used herein the terms "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 And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of ORANGE, State of Florida, viz:

Begin at a point on the Westerly Right-of-Way line of Conway Drive, said point being located at the intersection of the prolongation of the South line of Lot 70, Block "E", of VENETIAN GARDENS, according to Plat Book "L", Page 25, Public Records of Orange County, Florida, and the Westerly Right-of-Way line of Conway Drive, run thence Northwesterly and at right angles to Conway Drive 144.4 feet to a point on the 86.4 contour line as established by the U. S. Coastal Geodetic Survey Datum, thence Southwesterly along said 86.4 contour line 110.3 feet to a point, thence Southeasterly 135 feet to the Westerly boundary of Conway Drive, thence Northeasterly along the Westerly Right-of-Way line of Conway Drive 110 feet to a Point of Beginning.

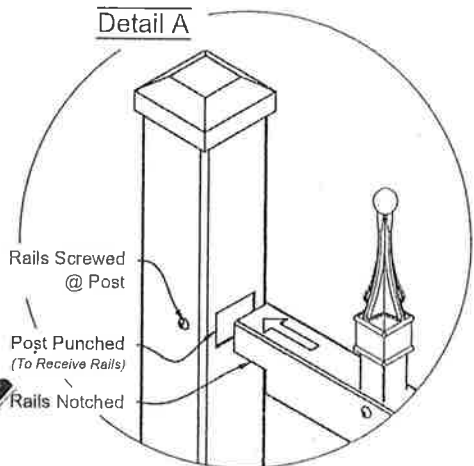
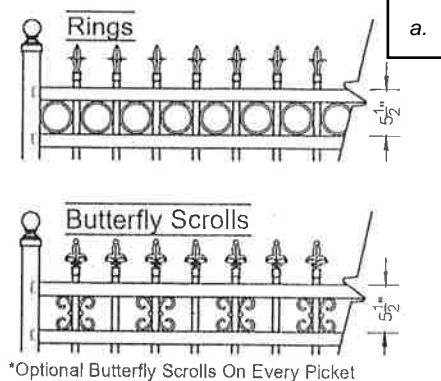
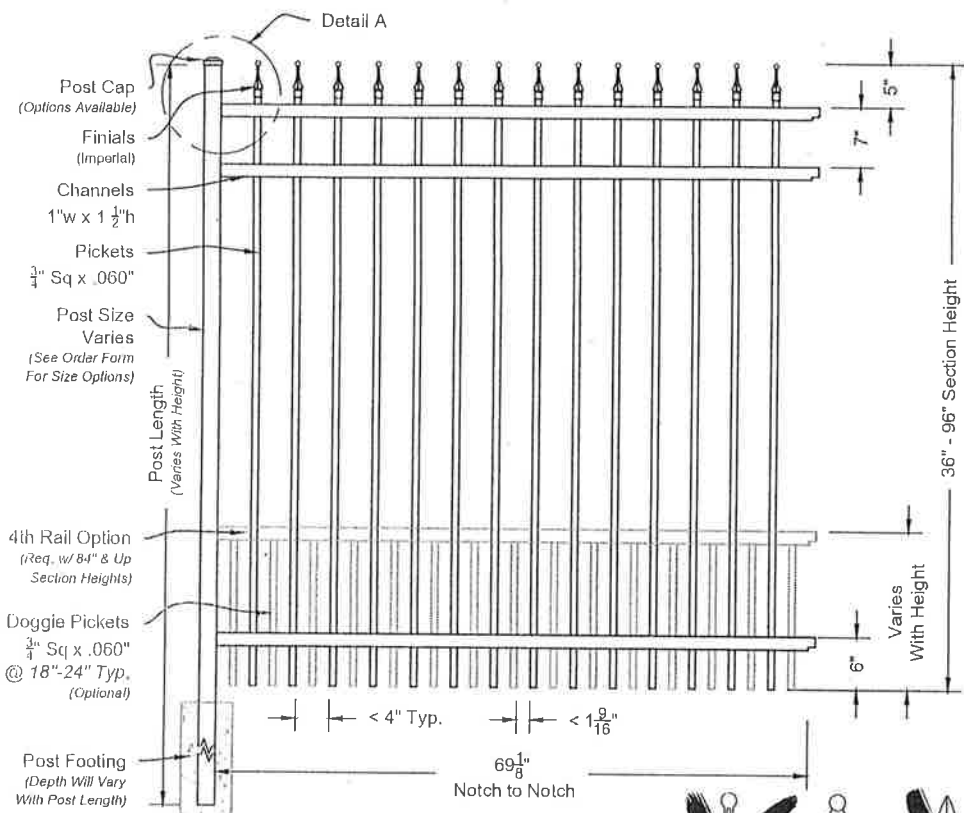
THE PROPERTY DESCRIBED ABOVE IS NOT THE HOMESTEAD OF THE GRANTOR NOR CONTIGUOUS TO THE HOMESTEAD OF THE GRANTOR AS DEFINED BY THE CONSTITUTION OF THE STATE OF FLORIDA.

Subject to easements, restrictions, reservations and limitations of record, if any.

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.

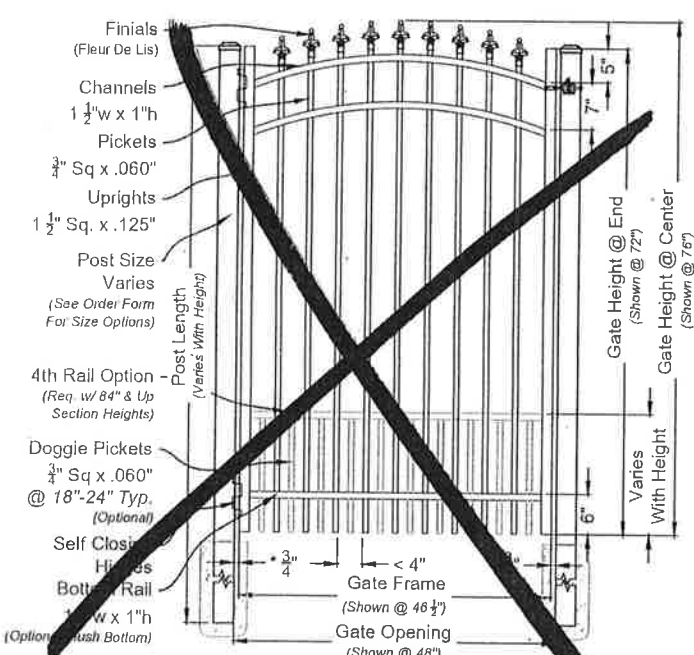
AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to 2021.



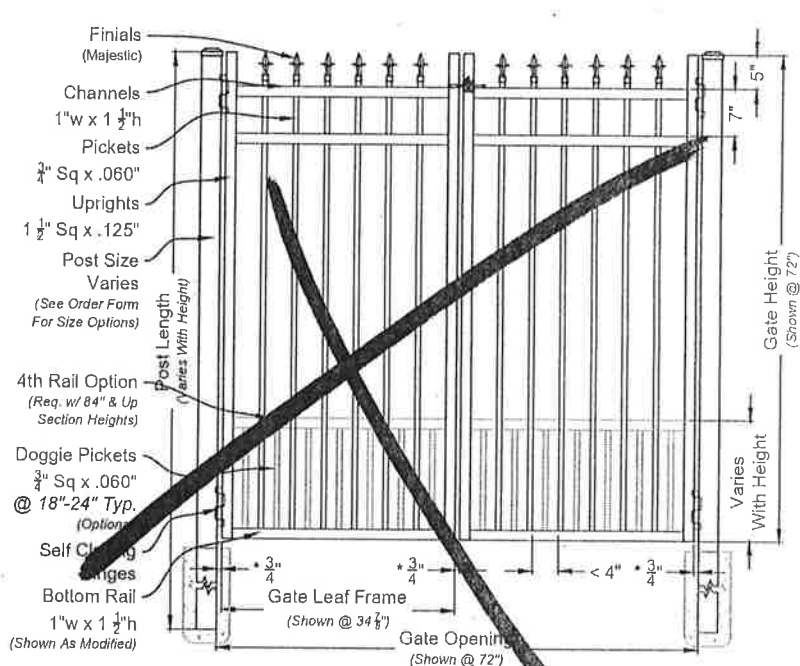
01 **Finials #600 6ft Fence Panel**
Shown As Commerical Series Scale: NTS



Matching Gate Options



02 **Finials Single Walk Gate**
#6003 Arched Rail Option Scale: NTS



03 **Finials Double Walk Gate**
#6600M Straight Rail Option Scale: NTS

Finials Fence & Gate
Commercial Series #600



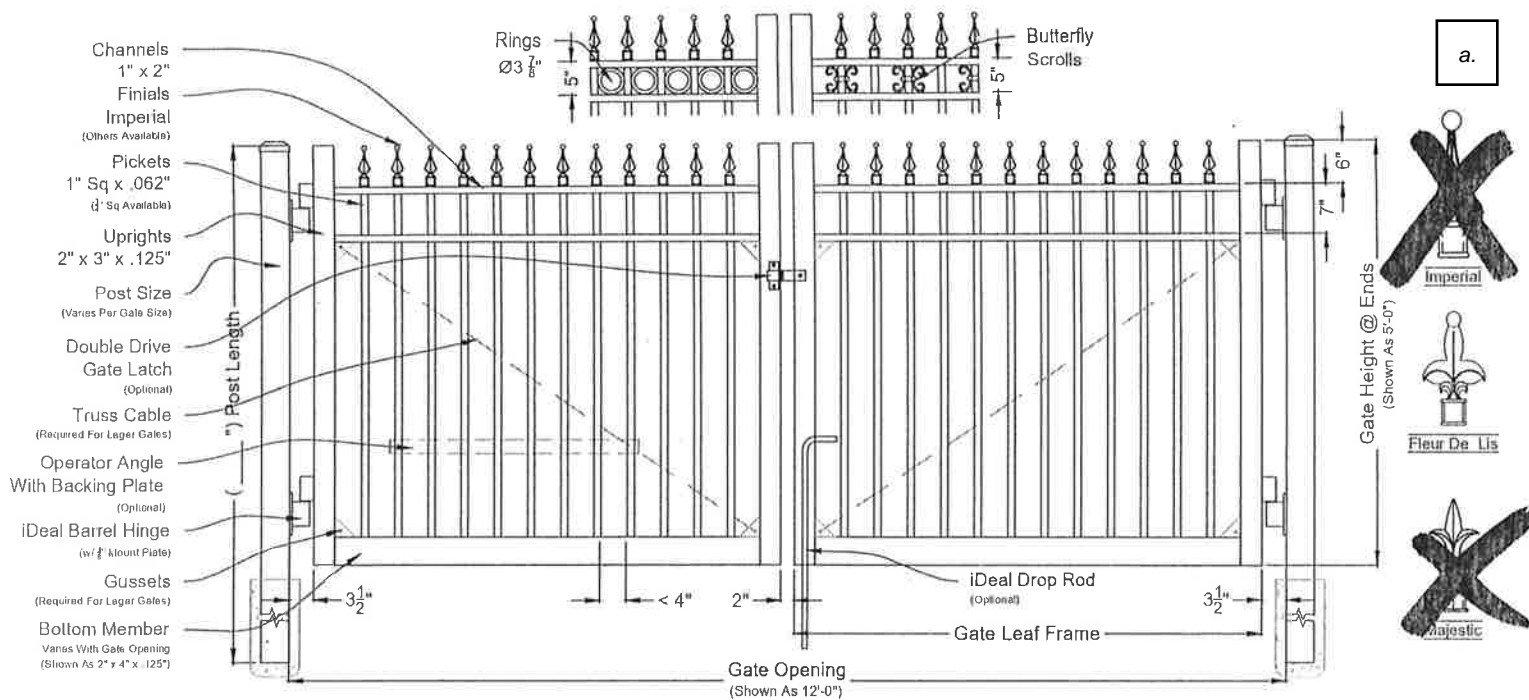
DRAWING NOTES:
Don't Scale From Drawings.
Please See Our Fence & Gate Style Sheet For Other Options.

*Other Optional Gate Hardware Available, But May Change The Hinge And Latch Clearances.

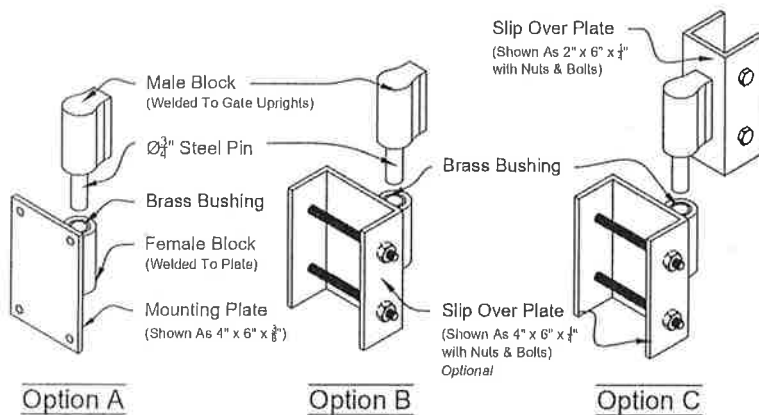
Com 600 Series
Fence & Gate
Details

Approved By: iDeal Aluminum Quote #:
Drawn By: JMixon Drawn Date: 26-Nov-13

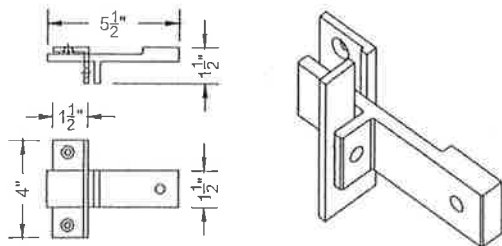
2000 Brunswick Lane Phone: 386.736.1700
Deland, FL 32724 Fax: 386.822.4956



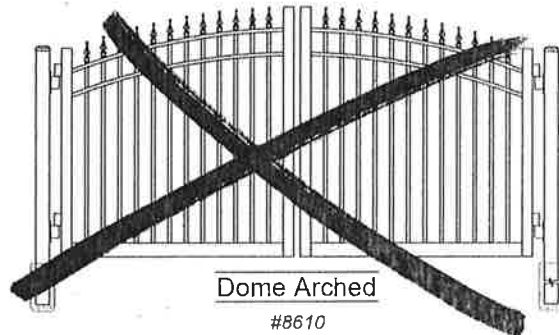
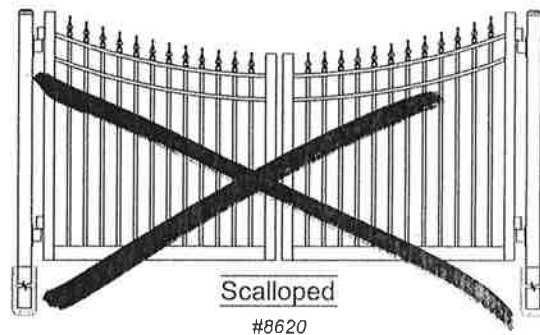
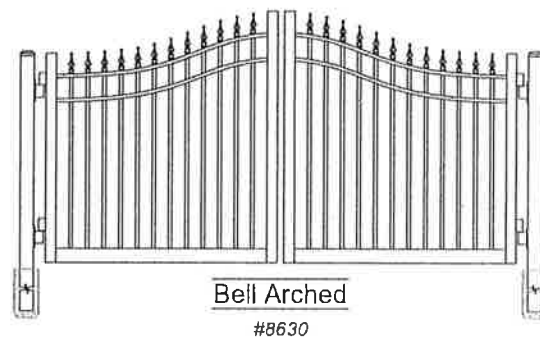
01 **Finials #8600 Double Swing Gate**
Shown As Standard (Industrial Series) Scale: NTS



02 **iDeal Barrel Hinge**
Custom To Fit Any Post Size Scale: NTS



03 **iDeal Double Drive Latch**
Fits 3/4\"/>



Finials Double Swing Estate Gate
Industrial

iDeal
aluminum
fence gates railing

DRAWING NOTES:
Don't Scale Drawings
Please See Our Estate Gate Style Sheet For
Other Options

Finials Series
Double Swing
Estate Gates

Approved By: **iDeal Aluminum** Quote #: _____
Drawn By: **JMixon** Drawn Date: **16-Feb-17**

3200 Parker Drive Phone: 386.736.1700
St Augustine, FL 32084 Fax: 386.822.4956

1 OF

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February 11, 2022

Variance Application: 5437 Pasadena Drive

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (7), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY SUBMITTED BY APPLICANT ERIC R. WILSON LOCATED AT 5437 PASADENA DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #18-23-30-8858-00-020.

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

This variance application seeks a variance from Sec. 50-102 (b) (7) to allow a six-foot high fence within 35 feet of the Normal High Water Elevation of Lake Conway to provide privacy and security.

The proposed fence is directly adjacent to the City of Belle Isle Venetian boat ramp . A variance is required before the proposed fence 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 there is a concern for privacy and security due to the proximity to the Venetian boat ramp, staff recommends approval of the requested variance. This is consistent with meeting the criteria established in Sec. 50-102 (b) (16) (3) which the Board may consider as justifying criteria according to the code.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met.

A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

MEMORANDUM

TO: Planning and Zoning Board

DATE: February 22, 2022

PUBLIC HEARING CASE #2022-01-039- PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (7), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE A FENCE TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY SUBMITTED BY APPLICANT ERIC R. WILSON LOCATED AT 5437 PASADENA DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #18-23-30-8858-00-020.

Background:

1. On January 31, 2022, the applicant, Eric Wislon, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, February 12, 2022, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on February 10, 2022.

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 in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code 50-102 (B) (7), SEC. 50-102 (B) (16) AND SEC. 42-64 of the Belle Isle Land Development Code having been met **TO APPROVE** A FENCE TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY SUBMITTED BY APPLICANT ERIC R. WILSON LOCATED AT 5437 PASADENA DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #18-23-30-8858-00-020.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code 50-102 (B) (7), SEC. 50-102 (B) (16) AND SEC. 42-64, the justifying criteria of the Belle Isle Land Development Code, having NOT been met; [use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED] having NOT been met; [may be used in addition to above or alone] **TO DENY** A FENCE TALLER THAN FOUR FEET WITHIN 35 FEET OF THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY SUBMITTED BY APPLICANT ERIC R. WILSON LOCATED AT 5437 PASADENA DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #18-23-30-8858-00-020.

SUBSECTION (D), a 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 or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 1/31/22

P&Z CASE #: 2022-01-039

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING: 2/22/2022

Applicant	<u>Eric R. Wilson</u>	Owner	<u>Eric + Suzanne Wilson</u>
ADDRESS	<u>5437 Pasadena Dr.</u>		
PHONE:	<u>954-298-5277</u>		
PARCEL TAX ID #:	<u>18-23-30-8858-00-020</u>		

LAND USE CLASSIFICATION: Residential ZONING DISTRICT: District # 2

DETAILED VARIANCE REQUEST: Would like to put up 6' Wooden Fence
on our Property 101' Linear Ft from the water. The Fence
will totally be on our property adjacent to City chain link fence to provide
privacy + security.

SECTION OF CODE VARIANCE REQUESTED ON: Sec 50-102 (b) 7

- 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.
- **Sec. 42-64. - Variances.** The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.
 - o Criteria. The board shall not approve an application for a variance from terms of the Land Development Code unless and until:
 - a. A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d-g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.
 - b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
 - c. The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing, or the applicant's attorney shall appear before the board.
 - d. It is determined 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 or soil conditions.
 - e. It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land Development Code or for the purpose of obtaining a variance.
 - f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

The board shall find that the preceding requirements have been met by the applicant for a variance.

b.

(2) *Violations of conditions.*

- a. In granting any variance, the board may prescribe appropriate conditions and safeguards to ensure compliance with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the discretion of the board, such variance may be revoked for violation of the condition and/or safeguards.
- b. The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of land, structures or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$300.00

waived
Date Paid

[Signature]
Check/Cash

1/31/22
Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No

Council Action: _____

Eric Wilson Variance Application:

b.

What are Special Conditions and Circumstances...?

Our home is located directly adjacent to the City Owned Venetian Boat Ramp. The Ramp is open to the Public each day from Dawn to Dusk. As you can imagine the traffic pattern can be large, especially on the weekends.

Although it is violation of the Ramp Rules, many times the Ramp is used as a Public gathering place for Parties etc. While other times it has become a location to drop passengers to load aboard wave runners and boats back and forth. For the matter we often have Uber Drop Offs stopping in front of our home dispatching passengers.

Other times the Ramp is used as a Public Dog Park where folks allow their dogs to carouse the Ramp areas without Leashes.

Sometimes, fortunately not always, the Ramp is used as a Public Toilet facility all of which is in plain view our home. Which Is unpleasant for my Family members to observe as you can imagine.

Conversely, many times we find people simply peering into our home from their perch upon their Boat, Vehicles, Trucks, etc. Or simply walking along the Ramp directly adjacent to our home.

All this invasion of privacy is uncomfortable as well and we feel challenges the Security of our home.

How were the Special Conditions created?

I think most folks in the Venetian area of Residential home would question why and how the City decided to put a Public Boat Ramp available to all (No restrictions for City Residents only) in the first place. Most of us also wonder why Permits could not be required which would be available only to City Residents. But the City essentially created this situation years ago.

Although there are Rules in place, it is impossible for the Police force to Patrol the Ramp always and we certainly welcome when they do. And, although we don't like it, being pro-active is not realistic.

When we purchased the lot to build our home we were told the Ramp was not used often and the traffic pattern was very light. We assumed that folks would be courteous and respect our Privacy. Unfortunately, we have found that neither of those things are true.

Alternatives to this Variance, are there any?

Unfortunately, unless the City decides to Close City Ramps or better restrict them (Keys to City Residents for example) it is unlikely this behavior will change.

What affects will this Variance have on adjacent Properties?

None, as the adjacent Property is the Ramp in question. The closest home is on the other side of the Ramp and is approximately 100 ft from that proposed Wooden Security Fence.



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809

Tel 407-851-7730 * Fax 407-240-2222 * www.cityofbelleislefl.org

Fence Permit Application

\$30.00 fee

b.

Date: 10/16/21

Permit # 2021-12-042

Property Address <u>5437 Pasadena Dr</u>		Belle Isle, FL <input checked="" type="checkbox"/> 32809 <input type="checkbox"/> 32812
Parcel ID # <u>18-23-30-8858-00-020</u>	Job Cost (labor & material) \$ <u>2650.00</u>	
To obtain this information, please visit http://www.ocpal.org/Searches/ParcelSearch.aspx		
Property Owners Name <u>Eric R Wilson</u>	Phone <u>954-298-5277</u>	
Fence Company Name <u>Seminole Fence Systems Inc.</u>	Phone <u>407-699-9959</u>	
Contractor Name <u>Terry Bachman</u>	Phone <u>407-699-9959</u>	

Fence Dimensions: 101 Linear Feet ☐ # of Gates 0 ☐ Gate Type(s) —

Construction Type: ☐ PVC ☒ Wood ☐ Other Style: ☒ Privacy ☐ Picket ☐ Other

- A survey, with placement of fence marked, must be attached to this application for review.
- A final inspection will be required to finalize permit. Instructions for scheduling will be on permit card.

I hereby acknowledge that the above is correct and true, and agree to conform to the City of Belle Isle's Building Regulations, Codes and Ordinances. I understand the erection of a fence must not obstruct any existing easements, including but not limited to drainage, utility, ingress and egress easements. If a sidewalk or street is damaged, I agree to restore same to the pre-damaged condition. I further acknowledge that the proposed construction does not violate any deed restrictions on the property.

Signature Terry Bachman

[] Owner ☒ Agent

FOR BELLE ISLE USE ONLY

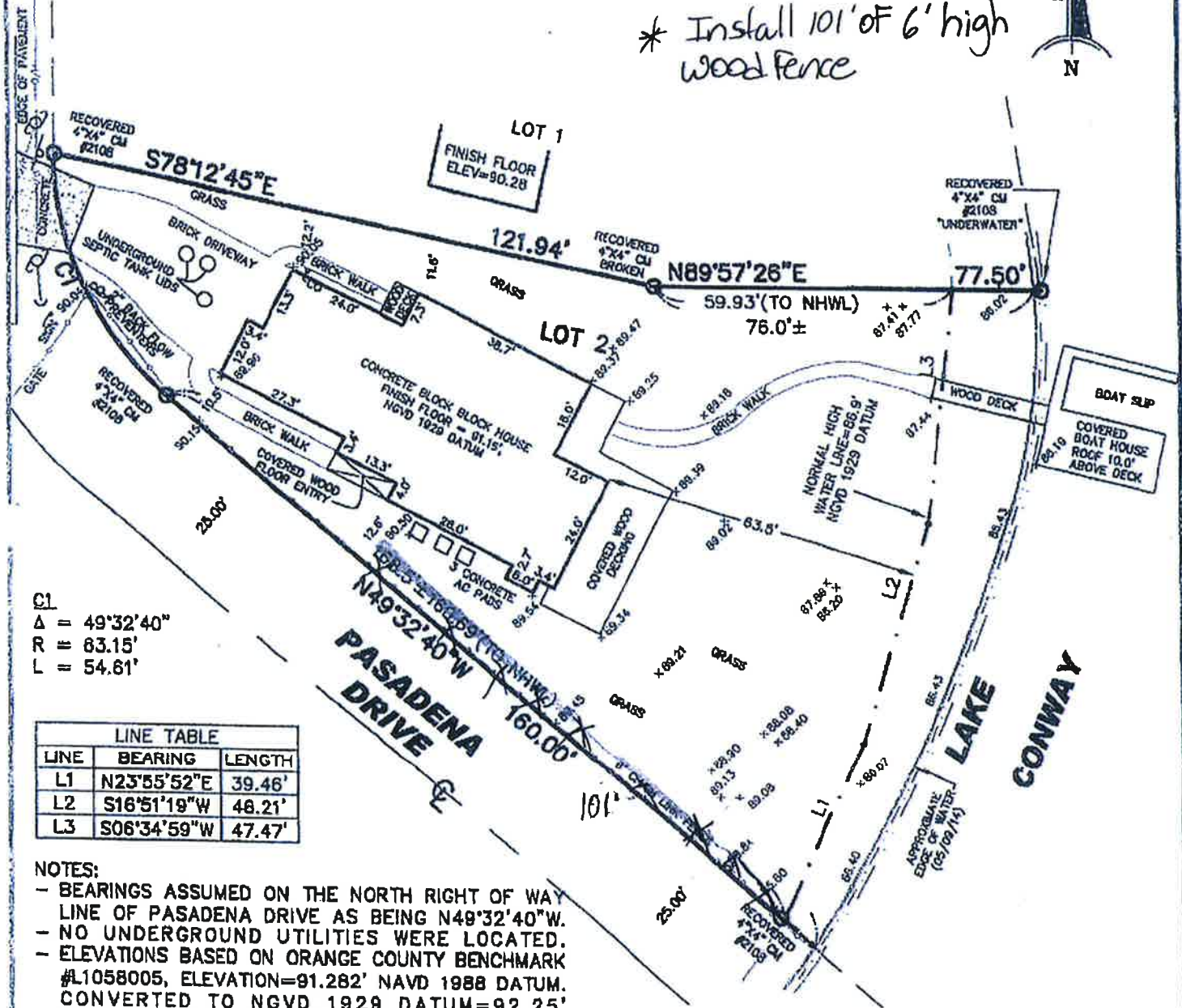
ZONING APPROVAL STAMP:

Republic Services is by legal contract the sole authorized provider of garbage, recycling, yard waste, and commercial garbage and construction debris collection and disposal services with the city limits of the City. Contractors, homeowners and commercial businesses may contact Republic Services at 407-293-8000 to setup accounts for Commercial, Construction Roll Off, or other services needed. Rates are fixed by contract and are available at City Hall or from Republic Services. The City enforces the contract through its code enforcement office. Failure to comply will result in a stop work order.

BOUNDARY SURVEY

DESCRIPTION: LOT 2, VENETIAN GARDENS REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 18, PAGE 66, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

* Install 101' of 6' high wood fence



C1
 $\Delta = 49^{\circ}32'40''$
 $R = 83.15'$
 $L = 54.61'$

LINE TABLE		
LINE	BEARING	LENGTH
L1	N23°55'52"E	39.46'
L2	S16°51'19"W	48.21'
L3	S06°34'59"W	47.47'

NOTES:

- BEARINGS ASSUMED ON THE NORTH RIGHT OF WAY LINE OF PASADENA DRIVE AS BEING N49°32'40"W.
- NO UNDERGROUND UTILITIES WERE LOCATED.
- ELEVATIONS BASED ON ORANGE COUNTY BENCHMARK #L1058005, ELEVATION=91.282' NAVD 1988 DATUM. CONVERTED TO NGVD 1929 DATUM=92.25'
- SURVEY ELEVATIONS SHOWN ARE NGVD 1929 DATUM.
- UPLAND AREA = 13,885 SQUARE FEET, 0.31 ACRES
- AREA BETWEEN NORMAL HIGH WATER LINE AND EDGE OF WATER = 1,887 SQUARE FEET, 0.04 ACRES

LEGEND

- SIGN
- UTILITY POLE
- O/H— OVERHEAD UTILITY LINE
- CO — CLEANOUT

JAMES R. SHANNON JR., P.L.S. #4871
 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

REVISED 03/03/2015 LOCATED STEM WALL
 REVISED 11/03/2015 FINAL SURVEY
 SHANNON SURVEYING, INC.
 499 NORTH S.R. 434 — SUITE 2155
 ALTAMONTE SPRINGS, FLORIDA, 32714
 (407) 774-8372 LB # 6898

DATE OF SURVEY: 05/08/2014

FIELD BY: J.S. SCALE: 1" = 30'

FILE NUMBER: P818-PC68-LOT2

Front of Property/Ramp side



Sides Of Property/Our side



February 11, 2022

Variance Application: 5700 Cove Drive

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND SEC. 50-102 (A) (5) (F) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DETACHED GARAGE WITH A COVERED PORCH LARGER THAN 600 SQUARE FEET, SUBMITTED BY APPLICANTS NASH AND CHERIE SHOOK, LOCATED AT 5700 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-1660-00-010.

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

This variance application seeks a variance from Sec. 50-102 (a) (5) (f) to allow a detached garage larger than 600 square feet.

The applicant has provided information supporting the variance request with additional information about the original design of the existing home and the character of the property they are trying to maintain through a rebuild of the existing detached garage. Please see this information enclosed with this agenda item packet.

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 proposed detached garage is seeking to keep in design with the original house and location of the existing detached garage on the property in order to reduce viewshed interruption of the lake and to not increase the height or footprint of the primary structure. The property is a larger corner lot that will not impact any viewshed of an adjacent parcel on the side of the proposed garage. The property owner is moving the garage closer to the house from the lake than the current garage sits, and it will meet all required setbacks.

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

The request for a variance is not self-created as the property owner is trying to maintain the original design of the home.

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

The requested variance is the minimum possible variance to

make reasonable use of the land. The property is a larger corner lot that will not impact any viewshed of an adjacent parcel on the side of the proposed garage. It does not seek a greater variance than what is required for modern use of a garage to park multiple vehicles.

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 given that the request is in keeping with the original design of the property, and therefore is not injurious to the neighborhood, nor detrimental to the public welfare, and will not be contrary to the public interest. Additionally, the garage is incorporating a covered porch wrapping around the garage that provides an opportunity to create a harmonious sitting area to enjoy the lake.

Staff provides a recommendation to approve the requested variance with the condition that the detached garage not be used for as an accessory dwelling unit and that the interior of the garage only be used for the purpose of parking and/or storing motor vehicles, boats, and/or recreational vehicles, and related items, and the building is architecturally similar to the principal building and of like materials, as consistent with Belle Isle Code.

Additional Notes

Please note that the Board may approve the proposed variance application as it is presented to them, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application, citing which variance criteria are not met. A decision by the Board may be appealed by an aggrieved person to the City Council pursuant to Code Sec. 42-71.

MEMORANDUM

TO: Planning and Zoning Board

DATE: February 22, 2022

PUBLIC HEARING CASE #2022-02-001 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND SEC. 50-102 (A) (5) (F) THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DETACHED GARAGE WITH A COVERED PORCH LARGER THAN 600 SQUARE FEET, SUBMITTED BY APPLICANTS NASH AND CHERIE SHOOK, LOCATED AT 5700 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-1660-00-010.

Background:

1. On February 1, 2022, the applicant, Nash and Cherie Shook, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, February 12, 2022, in Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on February 10, 2022.

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 in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I move, pursuant to Belle Isle Code **SEC. 42-64 AND SEC. 50-102 (A)(5)(F)** of the Belle Isle Land Development Code having been met **TO ALLOW A DETACHED GARAGE WITH A COVERED PORCH LARGER THAN 600 SQUARE FEET, SUBMITTED BY APPLICANTS NASH AND CHERIE SHOOK, LOCATED AT 5700 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-1660-00-010.**

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code **SEC. 42-64 AND SEC. 50-102 (A)(5)(F)**, the justifying criteria of the Belle Isle Land Development Code, *having NOT been met; [use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [STATE ONLY THE SUBSECTIONS BELOW THAT ARE NOT SATISFIED] having NOT been met; [may be used in addition to above or alone]* **TO DENY A DETACHED GARAGE WITH A COVERED PORCH LARGER THAN 600 SQUARE FEET, SUBMITTED BY APPLICANTS NASH AND CHERIE SHOOK, LOCATED AT 5700 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-1660-00-010.**

SUBSECTION (D), a 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 or soil conditions.

SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.

SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

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: FEBRUARY 1, 2022

P&Z CASE #:

2022-02-001☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING: _____

Applicant <u>NASH & CHERIE SHOOK</u>	Owner <u>WILLIAM NASH & CHERIE RENEE SHOOK</u>
ADDRESS <u>5700 COVE DRIVE</u>	<u>5700 COVE DRIVE, BELLE ISLE, FL</u>
PHONE: <u>407 497 8767</u>	
PARCEL TAX ID #: <u>20-23-30-1660-00-010</u>	

LAND USE CLASSIFICATION:

RESIDENTIAL

ZONING DISTRICT: _____

DETAILED VARIANCE REQUEST:

SEEKING A VARIANCE APPROVAL ON SIZE
(ADDITIONAL SQUARE FOOTAGE) OF NEW DETACHED GARAGE BUILDING
PERMIT

SECTION OF CODE VARIANCE REQUESTED ON:


SECTION 50-102(A)(5)


- 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.
- Sec. 42-64. - Variances. The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.
 - o Criteria. The board shall not approve an application for a variance from terms of the Land Development Code unless and until:
 - a. A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d—g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.
 - b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
 - c. The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing, or the applicant's attorney shall appear before the board.
 - d. It is determined 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 or soil conditions.
 - e. It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land Development Code or for the purpose of obtaining a variance.
 - f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

The board shall find that the preceding requirements have been met by the applicant for a variance.

(2) Violations of conditions.

- a. In granting any variance, the board may prescribe appropriate conditions and safeguards to ensure compliance with the Land Development Code. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Land Development Code and punishable in accordance with this article. At the discretion of the board, such variance may be revoked for violation of the condition and/or safeguards.
- b. The board may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed or both. Under no circumstances, except as permitted above, shall the board grant a variance to permit a use not generally or by special exception permitted in the zoning district involved, or any use expressly or by implication prohibited by the terms of the Land Development Code in the zoning district. No nonconforming use of neighboring lands, structures or buildings in the same zoning district, and no permitted use of land, structures or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.


APPLICANT'S SIGNATURE


OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$300.00

2/2/22

CK 2563

Hep

Date Paid

Check/Cash

Rec'd By

Determination _____

Appealed to City Council: ☐ Yes ☐ No Council Action: _____

Property: 5700 Cove Drive

Applicants: Nash & Cherie Shook

Garage: Variance Request – Application Supplement

1. Special Conditions and/or Circumstances

- a. Applicants are offering that the proposed garage dimensions are in the same spirit of what current day new lakefront residential construction is offering, which includes an expanded garage space footprint (whether attached or detached), i.e, 2+ car parking, adequate overhead space for household storage, a workshop area and room for lawn & garden equipment; it is our desire to have what is considered a standard practice in lakefront residential living.
- b. Our residence was built in 1951 and at a time when closets were not designed inside the bedrooms (none of our 4 bedrooms have closets inside the bedroom). There are closets but they are small and reflect an era where possessions of clothing, personal items, keepsakes, etc were different.
- c. Our residence is a single story home (so no attic space) with a crawl space (no storage there); the total square footage of closet/storage space in the residence is 107 square feet. Most every new home construction offers in excess of 400 square feet of closet and storage so we are hoping to compensate for the loss of residential storage space within our new detached garage footprint.
- d. Lot size of 5700 Cove Drive is bigger than most residential HOA lots (.62 acre) and contains extensive trees (19 palm trees; several large 60'-80' high oak trees), a large and lengthy hedge [15' high, 200' long] along southern property border, and enriched landscaping around the front and back of house, all of which requires storage of extensive lawn and garden equipment to maintain proper upkeep.
- e. Need to protect and provide safe storage of moveable outdoor items like patio furniture, mower(s), trailers (utility, boat and/or jet ski), kayaks, stand-up boards, in addition to above referenced lawn and garden equipment.
- f. The current garage footprint (total of 364 sq ft) is reflective of the standards from 1951 (single car garage) and is significantly inadequate for 21st century expectation and needs; it has a 7 ft height and rendered
- g. Minimizing needed storage space in the new garage may negatively impact future resell value and lack appeal from potential lakefront home buyers.
- h. Current parking and storage don't offer modern features for added security (locking, perimeter lighting) and provide opportunity for theft due to items being stored outside of a secured area (we were robbed in 2007; filed an Orange County police report).
- i. Current parking and storage are inadequate and also contributes to premature deterioration due to exposure to the weather elements which has required more frequent maintenance, repairs and replacement. It also diminishes equipment life expectancy of lakefront accessories.
- j. Applicants are attempting to keep with current new lakefront construction standards and avoid a potential reduced value of a lake front residence. living, create a considerable downside and appeal to reselling property to its potential value and ultimately impact taxable value.

2. Not Self-Created

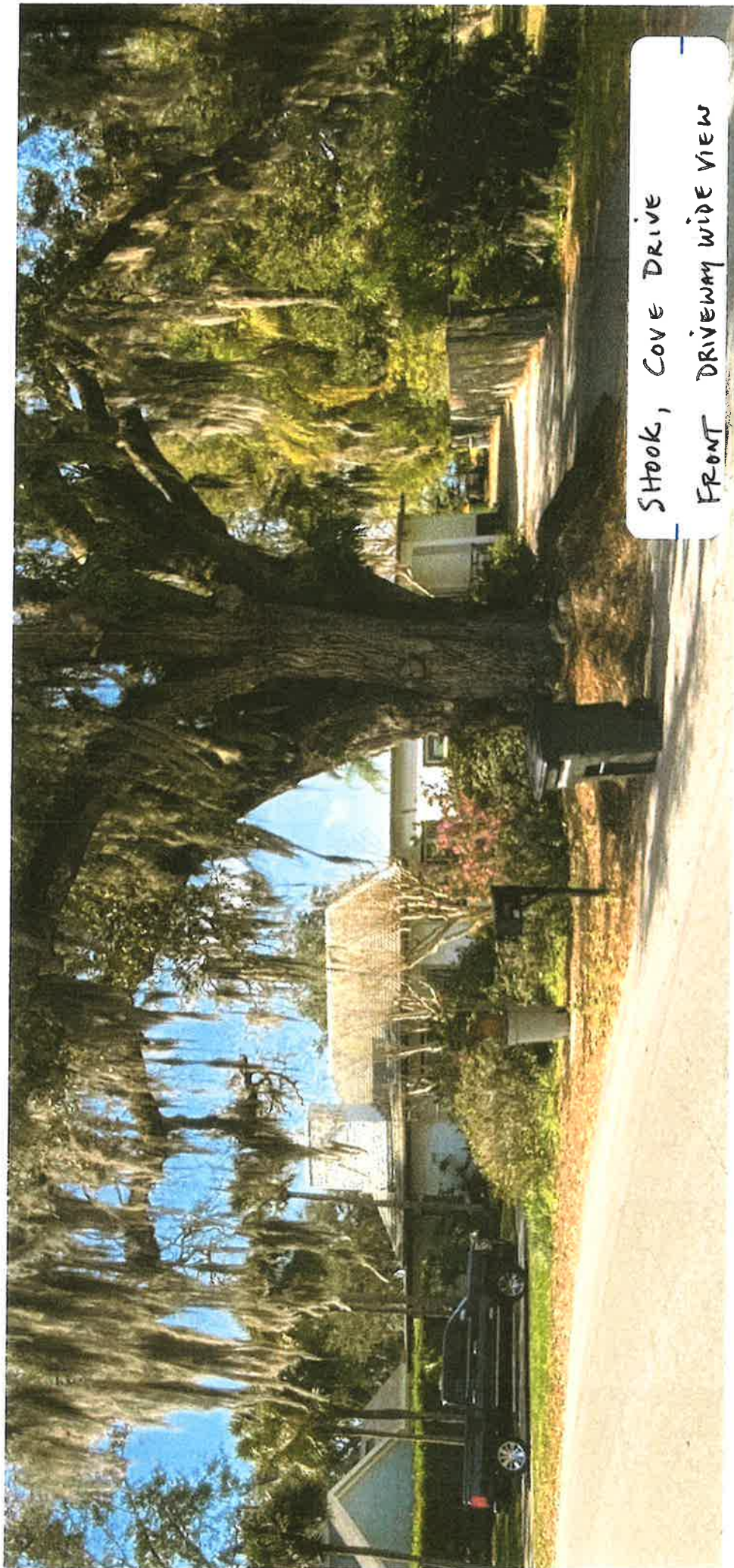
- a. The current garage structure is 354 square feet
- b. The original construction of 5700 Cove Drive residence and detached garage was in 1951 and guided by the building codes from that period.
- c. It was a single bay garage, constructed 70 feet due west of the residence (toward the lake) and to this day, this is the sole covered parking space available
- d. Previous owners of 5700 Cove Drive did not improve the detached garage which does not have functional windows, no electrical and entries and roofing continues to deteriorate.
- e. Due to its dimensions, we haven't been able to use for vehicle parking but as a make-shift workshop and storage of lawn and garden equipment.
- f. In 1951, most every homeowner only owned one vehicle. In today's multigenerational family residences, especially in lakefront residences there are at least 2 or 3 vehicles so parking, storage and security needs are much different.

3. Minimum Possible Variance

- a. Over last 7 years, applicants have started and stopped their pursuit to rebuild their garage primarily due to expense of previous versions and nearly 20 months of loss of income due to two job eliminations. There have been three different versions of garage plans, each time modifying (reducing) features, layout and square footage. This has come with considerable expense.
- b. In earlier versions (2012) the garage plans were designed using Orange County codes, hence the need to continually revise drawings.
- c. Applicants have considered modifying our plans (a fourth time) by attaching the garage to the residence but that adjusted site plan would create a more restricted lakefront view from within the residence; it would also crowd an already limited entry (driveway width) to the rear of the property and worst of all, negatively impact the natural orientation to drive in and park with north-facing garage doors (allowing adequate turn-around space).
- d. Attaching the garage to the residence also removes the original design of this mid-century modern home features which our intent was to attempt to be true to the original design and keep the garage in a separate, unattached building
- e. Applicants have considered modernizing the current garage but this option was cost prohibitive and would only offer 364 square feet of parking (which the roof height needed to be increased 2 feet) and storage to utilize. We took advice from two contractors who reviewed this option that also provided estimates (roughly +\$50,000) which would be a poor use of the funding.

4. Purpose and Intent

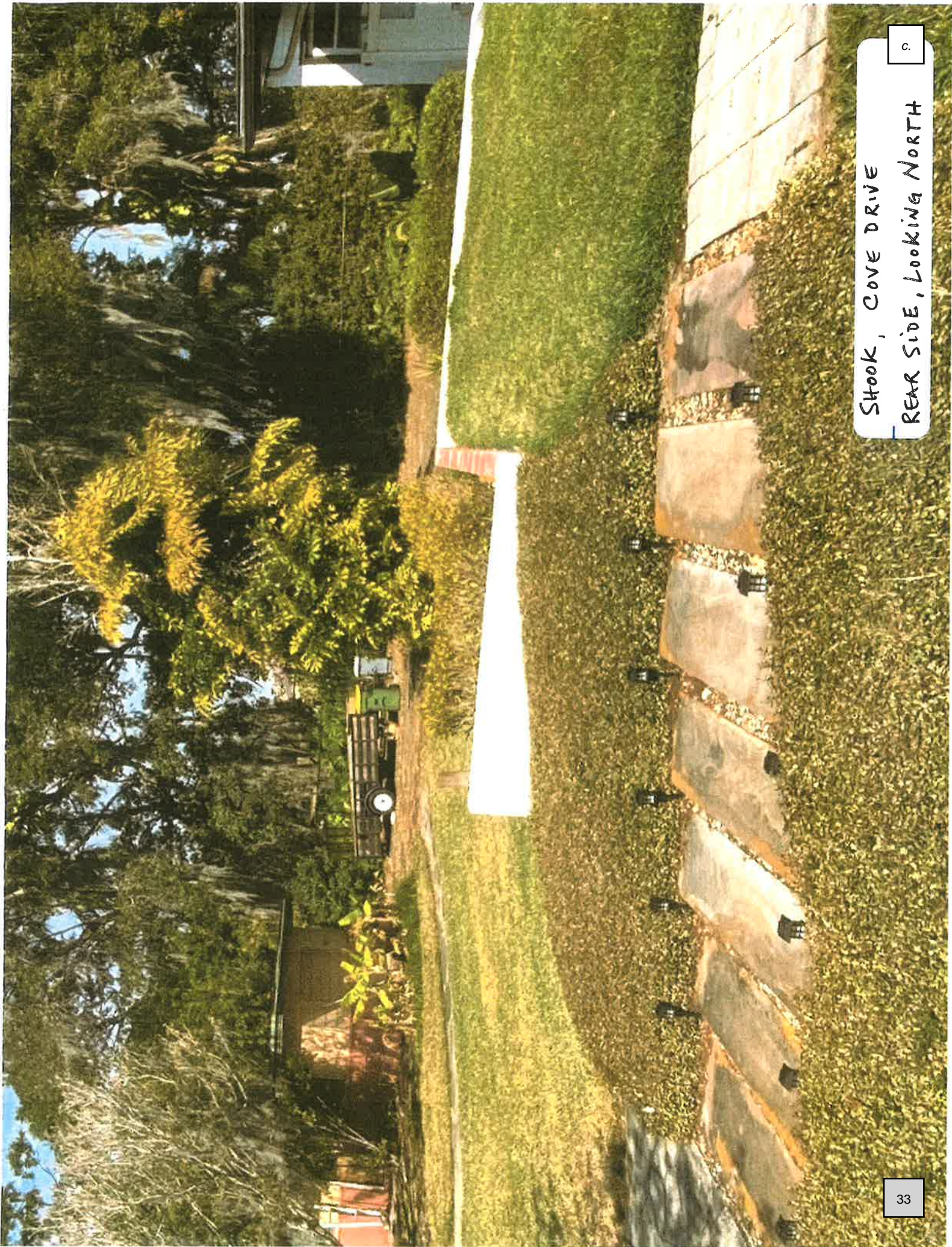
- a. The new garage is a single story, mid-century design to compliment and accentuate the primary residence.
- b. It is a deliberate attempt by the applicants to update the garage building to current expectations of size, convenience, security and features should this be a newly built residence.
- c. Because the new garage is out of view to passerby's an oversized impression would not be detected
- d. The intent to preserve the mid-century modern design elevates the likability of the residence, the desire of the property full features and would match, if not exceed the expectations of neighboring and future property owners



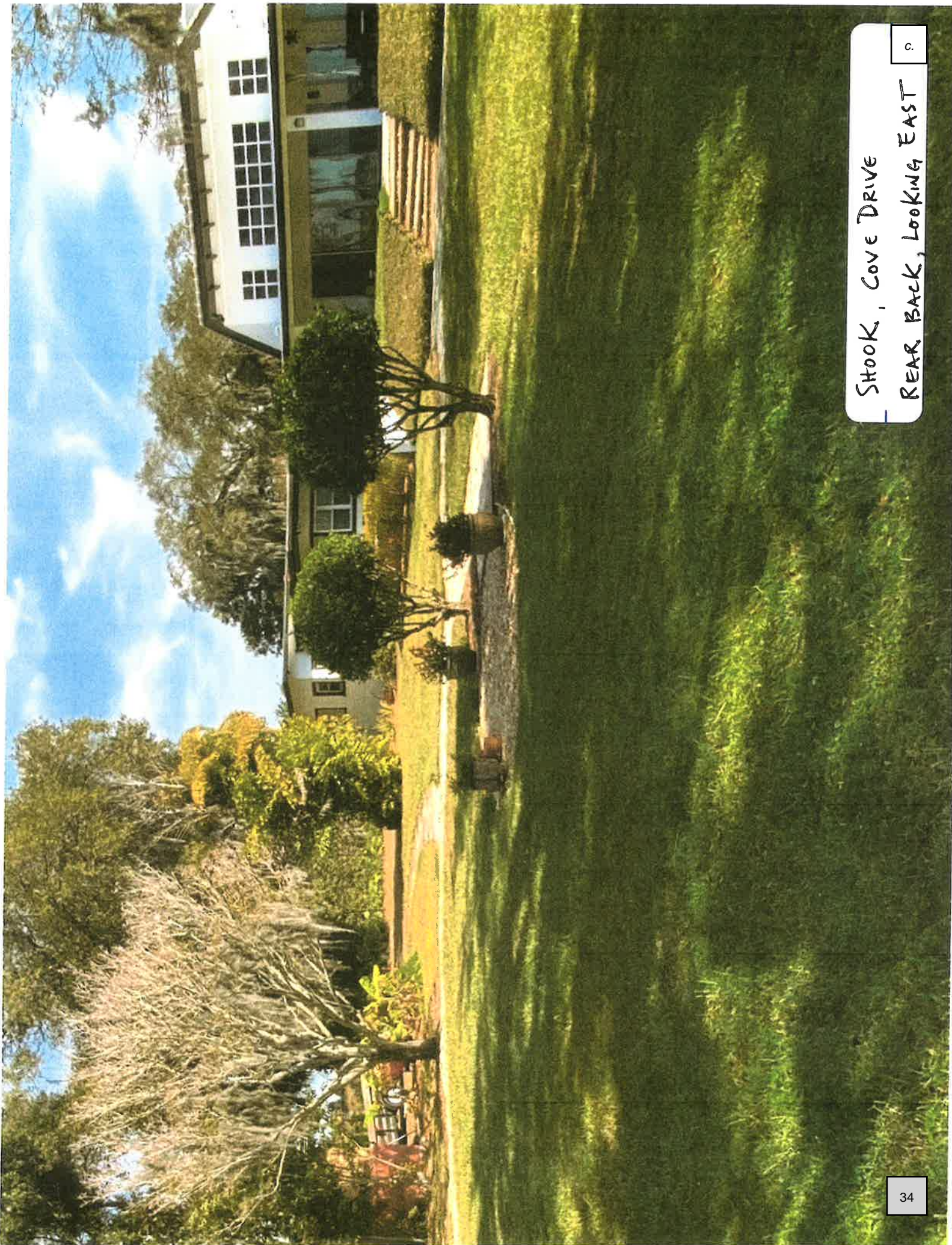
SHOOK, COVE DRIVE
FRONT DRIVEWAY WIDE VIEW



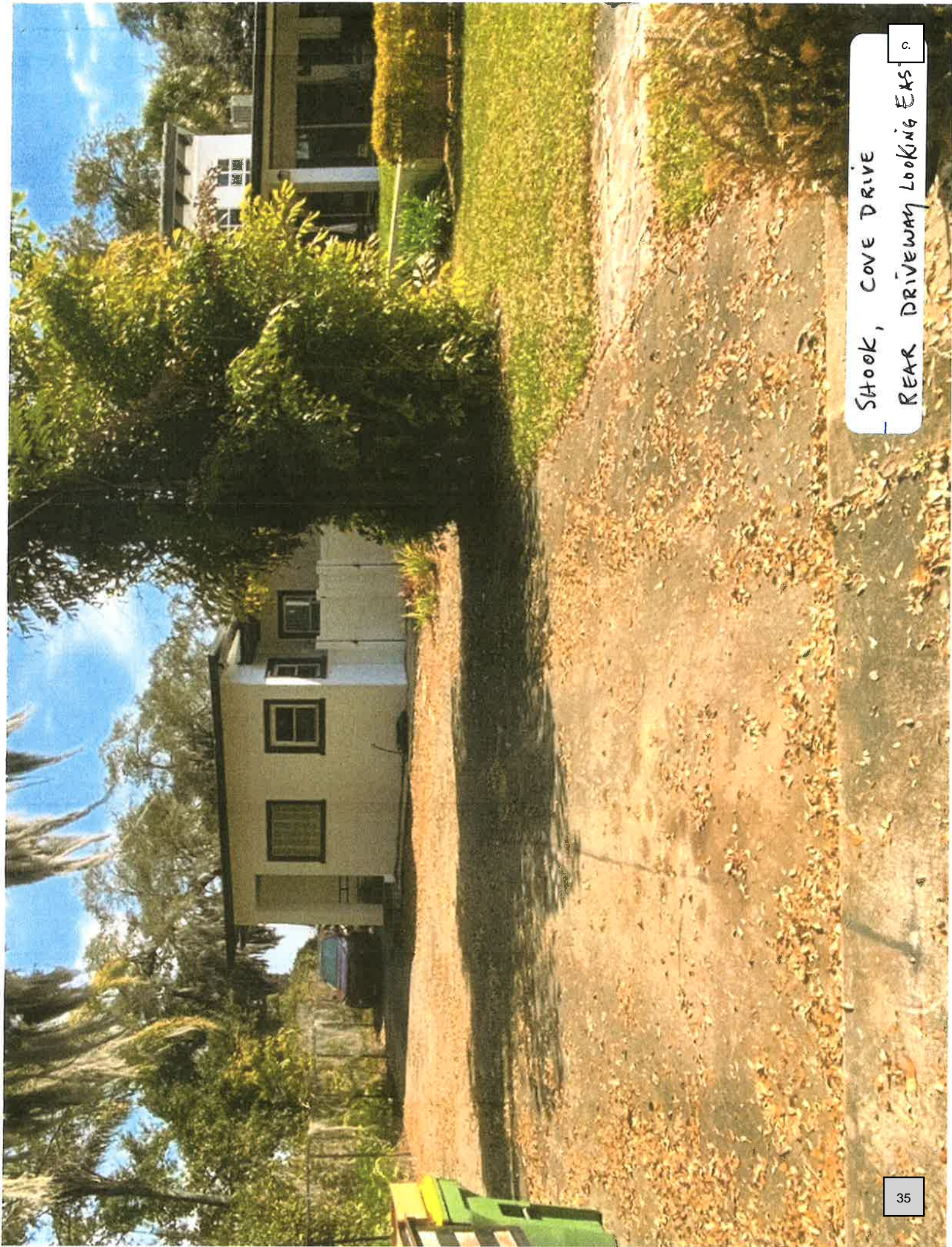
SHOOK, COVE DRIVE
- FRONT DRIVEWAY



SHOOK, COVE DRIVE
REAR SIDE, LOOKING NORTH



SHOOK, COVE DRIVE
REAR BACK, LOOKING EAST



SHOOK, COVE DRIVE

REAR DRIVEWAY LOOKING EAST

6

You MUST contact our office if you no longer reside on the property or if the property is rented or vacant.

This exemption receipt is not valid if the ownership or use of the property has changed as of January 1st. Any property owner who fails to notify the Property Appraiser of changes shall be subject to the penalties outlined in F.S. 196.011.

Parcel: 20-23-30-1660-00-010

Situs: 5700 COVE DR

Legal: CONWAY GARDENS R/18 LOT 1 & 30 FT STRIP ON N & LAND TO LAKE

Exemption: ADDITIONAL HOMESTEAD
HOMESTEAD

Amy Mercade
AMY MERCADO ORANGE COUNTY PROPERTY APPRAISER
FOR FURTHER INFORMATION CALL (407) 836-5044 or visit ocpafl.org

11/21



YOU MAY QUALIFY FOR ADDITIONAL EXEMPTIONS!

Please visit our website at ocpafl.org and click on EXEMPTIONS to find out more!

You may be eligible for Portability and other exemptions including:

- | | |
|---------------------------------------|-----------------------------------|
| Widow/Widower | Fallen Hero |
| Limited Income Senior | Military/Disabled Veterans |
| Limited Income Senior Plus | Combat Related Senior Veteran |
| Total & Permanent Civilian Disability | Total & Permanent First Responder |

Deadline to file for all 2022 exemptions is March 1, 2022

If you no longer qualify for the exemptions shown on this receipt, please contact our office immediately at 407-836-5044



Orange County Property Appraiser
200 S. Orange Avenue, Suite 1700
Orlando, Florida 32801-3438
RETURN SERVICE REQUESTED

FIRST-CLASS
U.S. MAIL
ORLANDO, FL
PERMIT NO. 133

Parcel: 20-23-30-1660-00-010



SHOOK WILLIAM N
SHOOK CHERIE R
5700 COVE DR
BELLE ISLE FL 32812-2817

THIS IS YOUR 2022 EXEMPTION RECEIPT CARD
Please Retain for Your Records

THIS IS YOUR 2022 EXEMPTION RECEIPT CARD
Please Retain for Your Records



Lot 1 and a strip of land 30 feet wide adjoining the entire North side of said Lot 1 and also the land lying between the prolongation of side lines of above described property to the waters edge of Lake Conway, CONWAY GARDENS, according to the plat thereof as recorded in Plat Book R, Page 18, of the Public Records of Orange County, Florida.

Community number: 120181 **Panel:** 0430
Suffix: F F.I.R.M. **Date:** 9/25/2009 **Flood Zone:** X & AE
Date of field work: 9/9/2015 **Completion Date:** 9/14/2015

*Certified to:
William N. Shook; Cherie R. Shook; Navy Federal Title Services;
Commonwealth Land Title Insurance Company; Navy Federal Credit
Union, its' successors and/or assigns.*

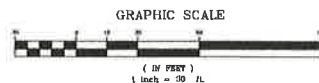
Property Address:
5700 Cove Drive
Orlando, FL 32812

Survey number: SL 158665



NOTES:
 Adjacent properties shown herein are per plat and/or from the best available sources. Brundoff & Perry Surveying, Inc. does not take responsibility for the reliability of this information.

In compliance with Florida Statute 50-17.062 (2)(c)(4) if the location of easement is or Right-of-Way of record other than those on record plat, as required, this information must be furnished to the surveyor and mapmaker.



SWORDLOFF & FERRY

[illegible][illegible]

GENERAL INQUIRY

1. How/when/where did you not indicate on system?
2. Under various circumstances, find some information provided by system.
3. Answer: the data of that particular location are accurate and AUST is verified by previous data, but location is not.
4. The data of that location is not accurate due to building imperfections and decorative finishes.
5. And/or other info may be drawn as an approximation of the data contained due to the nature of the data.
6. For clarity, building (and possibly the) is suggested for further.
7. 18. The data, location, and/or existence of a question is not addressed herein.
8. The survey may find applicable accuracy requirements, and/or may find or require the Minimum Tolerant Thresholds promulgated by the Florida Board of Professional Land Surveyors, 3015, of the Florida Administrative Code, Section 472.201, Florida Department of State, Division of Surveying, Planning and/or Standards.

Survey Data Report to be

HARRIS
Harris Civil Engineers, LLC
1200 E. Hickory Street
Suite 200
Orlando, Florida 32803

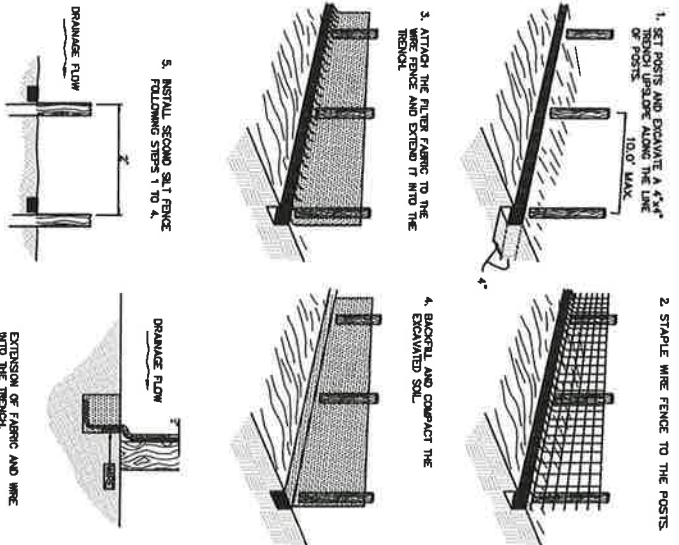
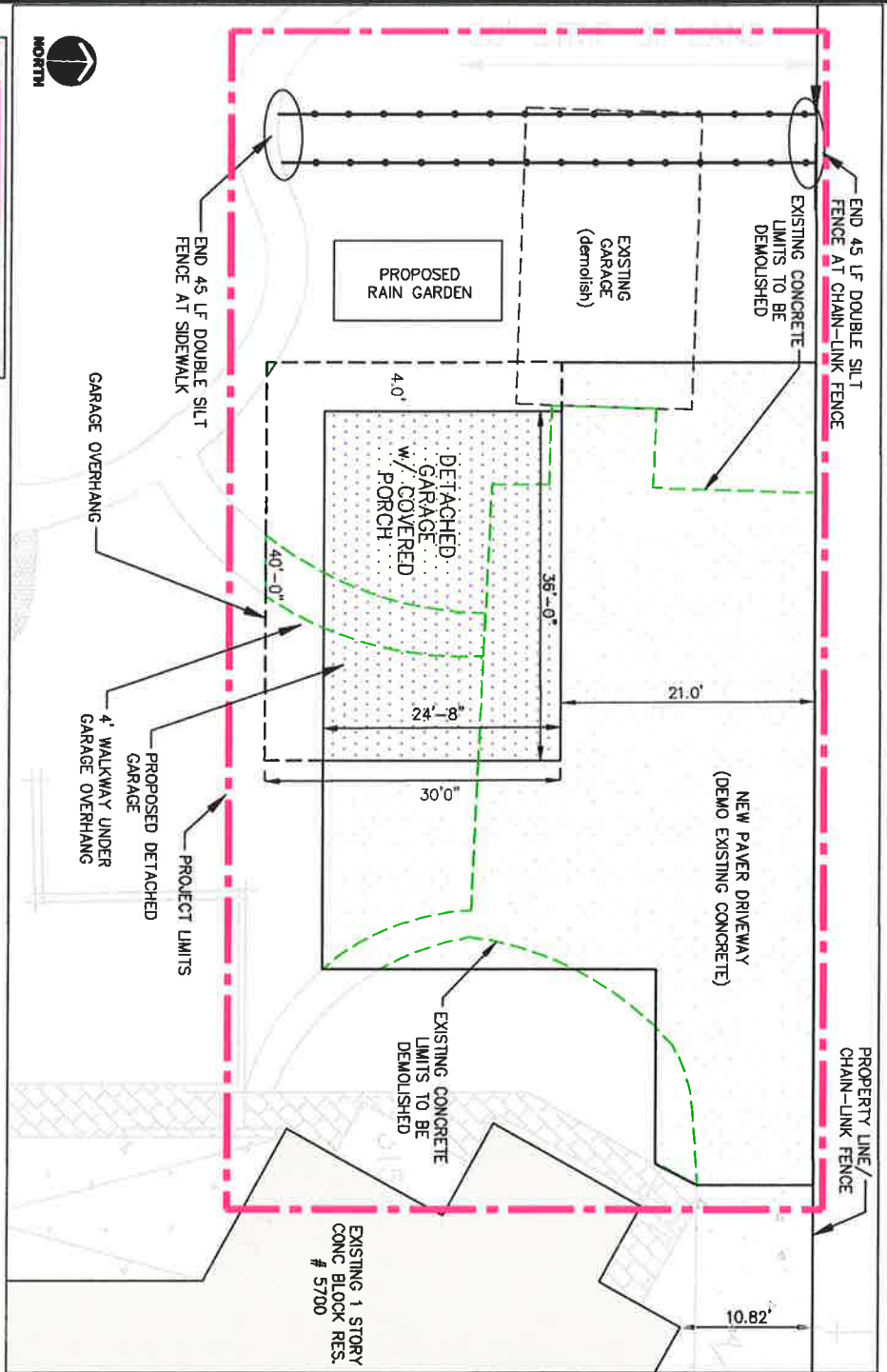
EXISTING PROPERTY - SEE INSET ON PLAN
FOR DETAIL.

PROPOSED SITE PLAN - DETACHED GARAGE

5700 Cove Drive

Belle Isle, Florida 32812

EXHIBIT
A



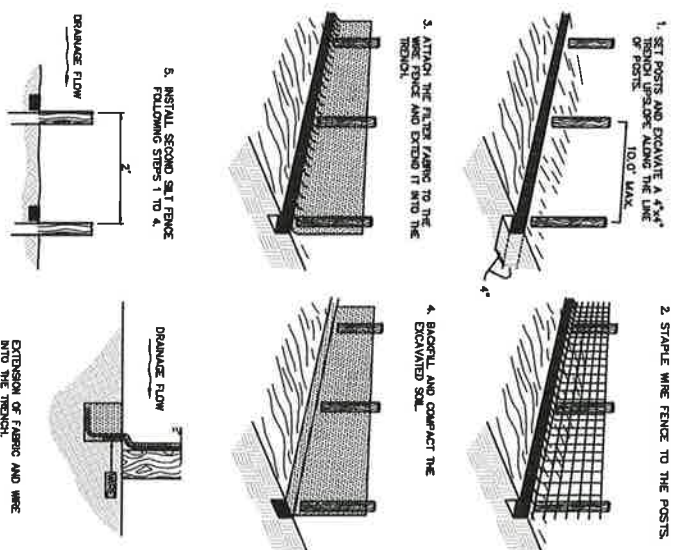
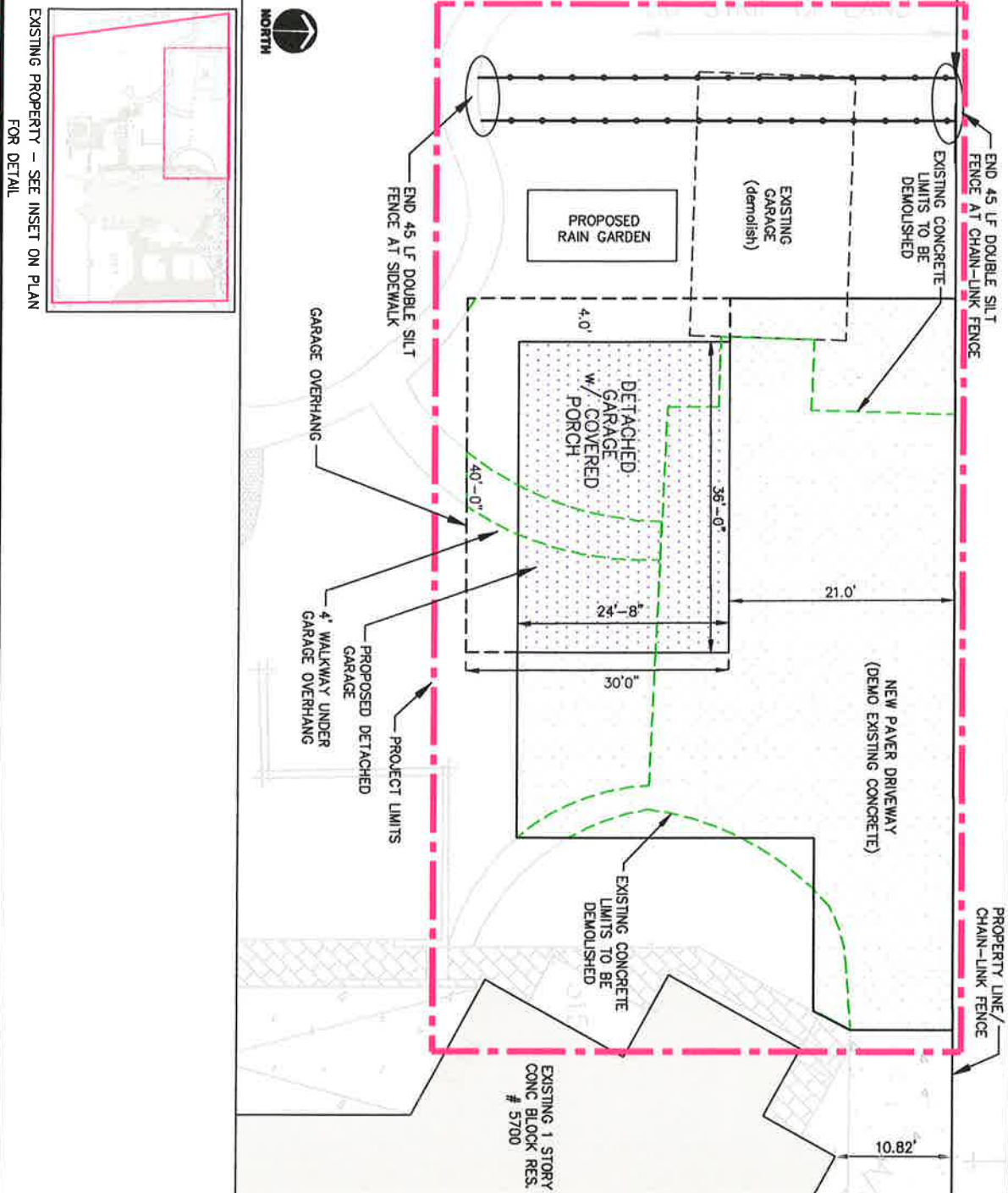
**SINGLE AND DOUBLE
SILT FENCE DETAIL**
ALL

PROPOSED SITE PLAN - DETACHED GARAGE

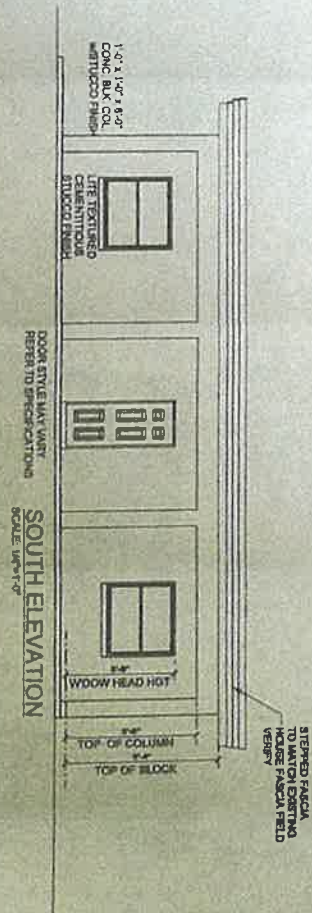
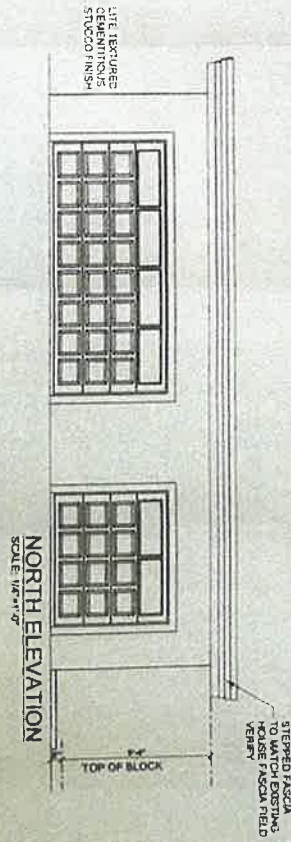
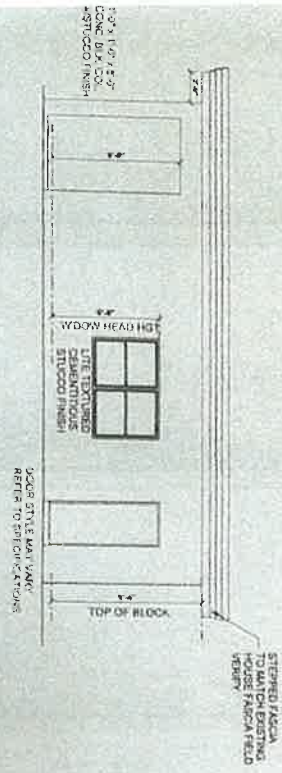
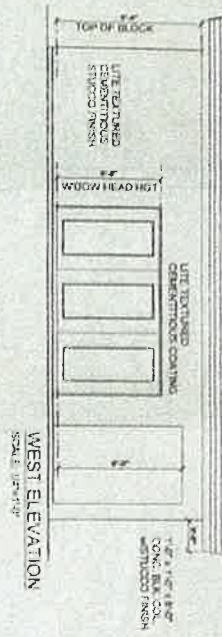
5700 Cove Drive

Belle Isle, Florida 32812

**EXHIBIT
A**



**SINGLE AND DOUBLE
BELT FENCE DETAIL**
N.E.
1
500



William Nash & Cherie Shook

DETACHED GARAGE

2017-8-22

February 23, 2021

CALCULATIONS FOR WIND LOADS HAVE BEEN MADE BY:
TOMAS PONCE MOCEPE
 207 MEDALLION PLACE CHARLOTTE, NC 28206
 PHONE (407) 484-0037
 AND ARE IN COMPLIANCE WITH THE 2015 FIA EDITION
 OF THE FLORIDA RESIDENTIAL BUILDING CODE
 NO CLAIM IS MADE TO THE AUTHORITY OF THESE PLANS
TOMAS PONCE
 FPE # 50068

DESIGN &
 BUILDING CONCEPTS, LLC

407-877-8854
 CH: 407-870-8974
 (charlotte)@gma