
NOTICE OF PUBLIC MEETING
August 25, 2020- 6:30 PM

CITY OF BELLE ISLE
PLANNING AND ZONING BOARD REGULAR SESSION

1. Approval of the July 28, 2020 minutes
2. Public Hearing Case #2020-08-003 - 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 fence with gates in the front yard of a residential property, submitted by applicant Clarence Hoenstine, located at 1903 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-5120-00-560
3. Public Hearing Case #2020-05-004 - Pursuant to Belle Isle Code Sec. 50-102 (A) (6), (7), and (d) (1) and Sec. 42-64, the Board shall consider and take action on a requested variance to allow a swimming pool, surrounding patio/deck, and screen enclosure to be located within the required setbacks from the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicant Jordan Mears located at 3526 Country Lakes Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-050
4. Public Hearing Case #2020-08-006 - Pursuant to Belle Isle Code Sec. 48-33 the Board shall consider and take action on a requested variance from Sec. 48-32 (A) (1) and Sec. 48-34 to allow an expansion of the dock to extend the roof of an existing nonconforming dock, allow replacement of pilings and decking on the nonconforming dock, and allow a variance from the required side setback for the existing dock, submitted by applicant Jeffrey Giles, located at 5842 Cove Drive, Belle Isle, FL 32812 also known as Parcel Number 20-23-30-1660-00-090
5. Public Hearing Case #2020-06-050 – Pursuant to Belle Isle Code Sec. 42-64 the Board shall consider and take action on a requested variance from Sec. 50-72 (a) (1) to allow a variance from the required number of parking spaces, take action on a requested variance from Sec. 50-73 (a) to allow a variance from the required building setbacks, and take action on a requested variance from Sec. 50-73 (d) (1), Sec. 50-76 (3) (b) (1) and Sec. 50-76 (5) (b), to allow for a reduced screening and buffer, submitted by applicant Hosanna Building Contractors, located at 5050 Conway Road, Belle Isle FL 32812, also known as Parcel # 17-23-30-0000-00-008
6. Public Hearing Case #2020-06-061 – Proposed Development Site Plan. Pursuant to Belle Isle Code Sec. 54-79 (f) (4), the Board shall review and take action on the proposed site plan, submitted by applicant Hosanna Building Contractors, located at 5050 Conway Road, Belle Isle, FL 32812, also known as Parcel # 17-23-30-0000-00-008

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.

You are invited to a Zoom webinar.

When: Aug 25, 2020 06:30 PM Eastern Time (US and Canada) / Topic: Planning & Zoning Virtual Conference

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/88560832671?pwd=ZlhCV0Z2M3lBMctNRzRQSW85SHNBQT09> - Passcode: 738318

Or Telephone: Dial (for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833

Webinar ID: 885 6083 2671 - Passcode: 738318



City of Belle Isle
Planning & Zoning Board Regular Session Minutes
July 28, 2020 – 6:30 pm

Dan Langley City Attorney	David Woods Vice-Chairman District 1	Chris Shenefelt District 2	OPEN District 3	Randy Holihan Chairman District 4	Rainey Lane District 5	Andrew Thompson District 6	Leonard Hobbs District 7
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On Tuesday, July 28, 2020, the Belle Isle Planning & Zoning Board met in a Zoom virtual conference at 6:30 pm in the Belle Isle City Hall Council Chambers <https://us02web.zoom.us/j/89554822389?pwd=c1JPQzhLTfhXVlNxbndzRVFGb1VmUT09> - Password: 447025.

Board members present were: Chairman Holihan, Board member Shenefelt, Board member Thompson, Board member Hobbs, and Board member Lane. Also present was Attorney Langley, City Planner April Fisher, and City Clerk Yolanda Quiceno. Absent was Board member Woods who was not able to log on to the Zoon conference.
Open Seat – District 3

1. Call to Order

Chairman Holihan called the meeting to order at 6:30 pm and opened with the Pledge of Allegiance.

2. APPROVAL OF THE MINUTES

Chairman Holihan called for a motion to approve the minutes of February 25, 2020.

Boardmember Lane motioned to approve the minutes as presented.

Boardmember Hobbs seconded the motion, which passed unanimously 5:0.

3. PUBLIC HEARING CASE #2020-07-004

PURSUANT TO BELLE ISLE CODE SEC. 42-63 AND SEC. 54-75 (C) (5) THE BOARD SHALL CONSIDER AND TAKE ACTION ON AN EXTENSION OF AND AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL EXCEPTION THAT ALLOWED CONVERSION OF A PREVIOUSLY PERMITTED STORAGE SHED TO BECOME WHAT THE LAND DEVELOPMENT CODE DEFINES AS A GUEST COTTAGE ON A SINGLE-FAMILY RESIDENTIAL PROPERTY WITH A PRIMARY DETACHED SINGLE-FAMILY DWELLING, SUBMITTED BY APPLICANT JOSH BROWN, LOCATED AT 2705 NELA AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 19-23-30-5888-03-060.

April Fisher reported that the applicant is seeking to correct the original plans submitted to the Board to add a shower/tub to the bathroom facilities to the structure. Although this may be considered a minor change, there are no staff / administrative provisions in the Code to approve permits that deviate from the original plans approved by the Board; therefore, it had to come back to the Board for consideration.

Mrs. Fisher stated that the building permits had not been issued due to the change in the plan requested by the applicant. The extension is required as the Code provides in Sec 42-67(a)(1) that the special exception approval expires six months after the Board approved the special exception of all permits necessary for the utilization of the special exception or variance have not been issued. The applicant has provided supporting documentation wit the revised site plan supplied in the packet.

Mr. John Brown said there was an error on the pans that were missed during the initial request resulting in a second hearing. He agrees with Mrs. Fisher's explanation.

Chairman Holihan called for public comment.

City Clerk stated that she had not received any comments, emails, or calls regarding the Public hearing. There being no public comment, Chairman Holihan closed public comment for Board discussion.

The Board discussed enforcement of special exceptions.

The applicant stated that he has no intention of renting or leasing the guest cottage.

Board member Shenefelt moved, the criteria of Section 42-63 and SEC 54-75(c)(5) of the Belle Isle Land Development Code having been met TO APPROVE the requested variance to allow an extension of and an amendment to a previously approved special exception that allowed conversion of a previously permitted storage shed to become what the Land Development Code defines as a guest cottage on a single-family residential property with a primary detached single-family dwelling, submitted by applicant Josh Brown, located at 2705 Nela Avenue, Belle Isle, FL 32809 also known as Parcel # 19-23-30-5888-03-060.

Board member Lane seconded the motion, which passed 5:0.

City Clerk reminded all Board members of the required Statement of Financial Interest deadline.

ADJOURNED

There being no further business, Chairman Holihan adjourned the meeting at 6:39 pm.

Yolanda Quiceno
City Clerk, CMC



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

August 14, 2020

Variance Application: 1903 Hoffner Avenue

Applicant Request: 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 FENCE WITH GATES IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY APPLICANT CLARENCE HOENSTINE, LOCATED AT 1903 HOFFNER AVENUE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL # 18-23-30-5120-00-560.

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 Six-foot fence with gates in the front yard. The code expressly prohibits fences or walls in the front yard of a property. A variance is required before the 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 security and preventing unwanted vehicle traffic are primary concerns for installing the fence with gates in the front yard, 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).

ITEM 4

MEMORANDUM

TO: Planning and Zoning Board

DATE: August 25, 2020

Public Hearing Case #2020-08-003 - 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 fence with gates in the front yard of a residential property, submitted by applicant Clarence Hoenstine, located at 1903 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-5120-00-560

Background:

1. On July 31, 2020, Clarence Hoenstine submitted a request, application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, August 15, 2020, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, August 13, 2020.

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, the criteria of Section 50-102 (B) (16) and Section 42-64 of the Belle Isle Land Development Code having been met **TO APPROVE** the requested variance to place a fence with gates in the front yard of a residential property, submitted by applicant Clarence Hoenstine, located at 1903 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-5120-00-560

SAMPLE MOTION TO DENY:

"I move, 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 Section 50-102 (B) (16) and Section 42-64, 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** the requested variance to place a fence with gates in the front yard of a residential property, submitted by applicant Clarence Hoenstine, located at 1903 Hoffner Avenue, Belle Isle, FL 32809 also known as Parcel # 18-23-30-5120-00-560

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

2.

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 7/31/2020 P&Z CASE #: 2020-08-003
☐ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER DATE OF HEARING: August 25, 2020

Applicant <u>Clarence Hoerstine</u>	Owner <u>Clarence & Debbie Hoerstine</u>
ADDRESS <u>1903 HOFFNER AVE, Belle Isle, FL</u>	
PHONE: <u>321-689-3346</u>	
PARCEL TAX ID #: <u>18-23-30-5120-00-560</u>	

LAND USE CLASSIFICATION: R-1-AA ZONING DISTRICT: _____

DETAILED VARIANCE REQUEST: Request placing Black Aluminum Universal spear top & Rail Fence on front property line along Hoffner Ave 6' height w/ 16' wide gate

SECTION OF CODE VARIANCE REQUESTED ON: _____

- 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.
 - Criteria. The board shall not approve an application for a variance from terms of the Land Development Code unless and until:
 - 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.
 - Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
 - 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.
 - 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.
 - 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.
 - It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - 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.

Chr received 8/5/2020 #462
Email to April 8/5/2020

City of Belle Isle

1600 Nela Ave.

Belle Isle, Fl. 32809

August 5, 2020

Variance Narrative

Requesting that you grant this front fence variance and fence permit for our home property at 1903 Hoffner Ave. By grantings this variance will allow us to secure our large 1.5 acre parcel and continue the same decorative Black Alumium fencing from the east side property parcel that was approved a few years ago. This placing of fencing accross the front with large gate set back would allow emergency access, but prevent unwanted vehicle traffic using our circle drive as a turn around.

Further by granting this varaiance will not affect topograpy or soil conditions because of a flat clear area of trees and landscape. This is a minimum variance that will make possible reasonable secure use of land.

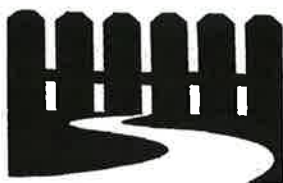
In closing, the variance will add to the residential look and harmony of Belle Isle and will not be detrimental to the public welfare or interest.

Sincerely,

Clarence and Debbie Hoenstine

321-689-3346





Byers Fence

386-457-2045

www.byersfence.com

Fence Quote

Date: 1/1

2.

Name: Clarence Hoenstine

Phone: 321 689-3346

Address: 1903 Hoffner Ave

City, State & Zip: Belle Isle, FL

E-Mail: cmhoenstine@gmail

Total Footage 416'

Type Aluminum Wood Chainlink Vinyl
Other _____

Style Universal Spear-Top 4 Rail

Height 6' Feet _____ Inches

Color Black Other _____

of Gates: 1 Gate Width 16'

Post Caps Pyramid Other _____

Comments: Gate Operator done by other

Fence Flow: ☒ with Ground Flow
☐ Level (Stepped)

Gate Option: ☐ Flat ☒ Arched

Hinges: ☐ Wood - Standard
☐ Wood - Self Closing

☐ PVC - Standard
☐ PVC - Self Closing

☒ Metal - Standard
☐ Metal - Self Closing

Latch Options: ☐ Wood - Thumb
☐ Maxima Deluxe

☐ PVC - Standard
☐ Key Lockable

☐ Metal - Thumb
☐ Key Lockable
☐ Magnetic Lockable

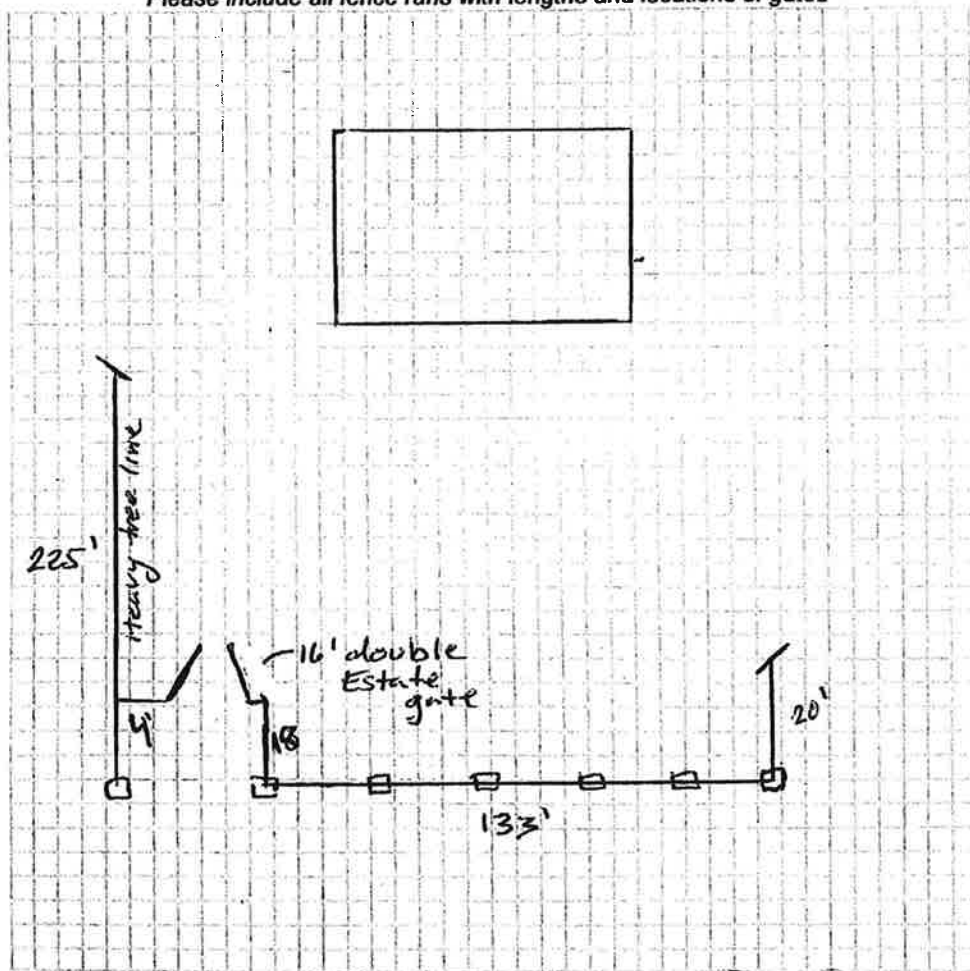
☐ Tear Out and Removal

☐ Pool Enclosure

☒ Permit Included

Notes: _____

Please include all fence runs with lengths and locations of gates



This quote is valid for 30 days.

Sign Here to Approve Layout: [Signature]

TOTAL: \$13,389.00

This quote is valid for 30 days. Price includes materials, tax, and normal installation unless specified otherwise. Licensed and Insured Contractor in Volusia, Seminole, Orange, Lake, and Osceola.

We are here to help. Any Questions? Please Call us at 386-457-2045
or email us at: wayne@byersfence.com and feel free to visit our website at: www.byersfence.com

WARRANTY DEED

INDIVID. TO INDIVID.

Return to: (enclosed self-addressed stamped envelope)
Name: FIRST SOUTHWESTERN TITLE COMPANY OF
FLORIDA
Address: 2250 LUCIEN WAY, STE. 200
MAITLAND, FL 32751

This Instrument Prepared by: MARK BENNETT, FOR
FIRST SOUTHWESTERN TITLE COMPANY OF FLORIDA
Address: 2250 Lucien Way
Maitland, FL 32751

Property Appraisers Parcel Identification (Folio) Number(s):
18-23-30-5120-00560
File #: 34953

SPACE ABOVE THIS LINE FOR RECORDING DATA

This Warranty Deed Made the 31st day of July A.D. 2002 by MICHAEL D. MEDLOCK AND SCOTT A. MEDLOCK AS CO-TRUSTEES OF THE MADGE H. MEDLOCK TRUST, PURSUANT TO TRUST AGREEMENT DATED JUNE 7, 1996 hereinafter called the grantor, to CLARENCE M. HOENSTINE AND DEBBIE A. HOENSTINE, HUSBAND AND WIFE whose post office address is 1903 HOFFNER AVE., ORLANDO, FLORIDA 32809 hereinafter called 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 \$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, State of Florida, viz:

From the extreme East corner of Lot 7, Lake Conway Views, according to the plat thereof as recorded in Plat Book J, Page 46, Public Records of Orange County, Florida, run North 38 degrees 25 minutes East along County Road known as Hoffner Avenue or Conway Road 132 feet; thence North 48 degrees West parallel to Northeasterly line of Lot 5 of J. H. Livingston's Subdivision, according to the Plat thereof as recorded in Plat Book B, Page 33, of the Public Records of Orange County, Florida, 546 feet more or less to 86.4 foot contour line as set out in deed from Trustees of Internal Improvement Fund, recorded in Deed Book 961, Page 375, Public Records of Orange County, Florida; thence Southwesterly along said contour line to a point North 48 degrees West of the POINT OF BEGINNING; thence South 48 degrees East parallel to Northeasterly line of said Lot 5 of J. H. Livingston's Subdivision and along the Northeasterly side line of Lot 7, of Lake Conway Views to the POINT OF BEGINNING, and all land lying between an extension of the side line of said property Northwesterly to the waters of Lake Conway; said lands being the Southwesterly 132 feet of the Northeasterly 167 feet of Lot 5 of J. H. Livingston's Subdivision extended Northwesterly to the waters of Lake Conway.

* ** This Deed is being recorded to correct that deed recorded in O.R. Book 6580, Pg 6979 for lack of * witness and notary acknowledgement. **

Subject To covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2002 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any,

Together, with all the tenements, hereditament 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, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons.

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

Signed, sealed and delivered in the presence of:

Witness as to Michael:

Kristen Reynolds
Printed Name:

Signature: MICHAEL D. MEDLOCK, CO-TRUSTEE

P.O. Address: 1439 ST. GOTTHARD AVE.
ANCHORAGE, ALASKA
99500



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

2.

Date: 7-31-2020

Permit # _____

Property Address 1903 Hoffner Ave. Belle Isle, FL ☒ 32809 ☐ 32812

Parcel ID # 18-23-30-5120-00-569 Job Cost (labor & material) \$ 13,389.00
To obtain this information, please visit <http://www.ocpafi.org/Searches/ParcelSearch.aspx>

Property Owners Name Clarence Hoenstine Phone 321-689-3346

Fence Company Name Byers Fence Phone 386-457-2045

Contractor Name Wayne Byers Phone same as above

Fence Dimensions: 400' w/ two 8' gates ☒ # of Gates 2 ☐ Gate Type(s) Estate gates

Construction Type: ☐ PVC ☐ Wood ☒ Other Aluminum Style: ☐ Privacy ☐ Picket ☒ Other Universal spear top / Rail

- 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 [Signature] ☒ Owner ☐ Agent

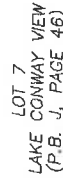
FOR BELLE ISLE USE ONLY

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 FOR / CERTIFIED TO: Clarence M. Hoenstine

TOP OF WATER ELEV.
84.0' (03-11-08)



* = PALM TREE (TYP)

11

LEGEND —

- RADIUS
- ARC LENGTH
- DELTA
- CHORD
- BEARING
- POINT ON LINE
- TYPICAL
- POINT OF REVERSE CURVATURE
- POINT OF COMPOUND CURVATURE
- POINT OF TANGENCY
- NON-RADIAL
- WITNESS POINT
- CALCULATED
- PERMANENT REFERENCE MONUMENT
- FINISHED FLOOR ELEVATION
- SETBACK LINE
- BENCHMARK
- BASE BEARING

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 473-027 FLORIDA STATUTES.

9. CERTIFICATE OF AUTHORIZATION No. 4596.

DATE _____
SPECIFIC PURPOSE SURVEY 03-11-08

APR 19 1964

JAMES W. SCOTT, R.L.S. # 4801
JOSEPH E. WILLIAMSON, R.L.S. # 6573

426-08



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

August 14, 2020

Variance Application: 3526 Country Lakes Drive

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (A) (6), (7), AND (D) (1) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A SWIMMING POOL, SURROUNDING PATIO/DECK, AND SCREEN ENCLOSURE TO BE LOCATED WITHIN THE REQUIRED SETBACKS FROM THE 86.9 CONTOUR LINE OR NORMAL HIGH WATER ELEVATION OF LAKE CONWAY, SUBMITTED BY APPLICANT JORDAN MEARS LOCATED AT 3526 COUNTRY LAKES DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #20-23-30-4980-00-050.

Existing Zoning/Use: Residential / Single-Family Home

This variance application seeks a variance as identified above.

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 application requests a variance from the 35-foot swimming pool setback from the Normal High Water Elevation. The special condition with the subject property is that the property is located on a canal and has a shorter backyard distance from the building to the Normal High Water Elevation than other similar properties.

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

The request for a variance is not self-created as the property lines were drawn prior to the property owner seeking to add the swimming pool.

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 application states that the swimming pool will encroach into the required setback by four feet.

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

The requested variance is in harmony with the general purpose and intent of the Land Development Code and therefore is not injurious to the neighborhood, nor detrimental to the public welfare, and will not be contrary to the public interest. This is because the swimming pool will be in line with abutting properties and does not negatively impact the view that neighbors have of the canal.

Staff provides a recommendation to approve the requested variance based on meeting each of the above criteria. The Land Development Code provides in Sec. 42-64 (1) h. that unless all criteria are met, a variance should not be approved.

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.

ITEM 5

MEMORANDUM

TO: Planning and Zoning Board

DATE: August 25, 2020

Public Hearing Case #2020-05-004 - Pursuant to Belle Isle Code Sec. 50-102 (A) (6), (7), and (d) (1) and Sec. 42-64, the Board shall consider and take action on a requested variance to allow a swimming pool, surrounding patio/deck, and screen enclosure to be located within the required setbacks from the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicant Jordan Mears located at 3526 Country Lakes Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-050

Background:

4. On May 7, 2020, Jordan Mears submitted a request, application and required paperwork.
5. A Notice of Public Hearing legal advertisement was placed in the Saturday, August 15, 2020, Orlando Sentinel.
6. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, August 13, 2020.

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, the criteria of Section 50-102 (A) (6), (7), and (d) (1) and Section 42-64 of the Belle Isle Land Development Code having been met **TO APPROVE** the requested variance to allow a swimming pool, surrounding patio/deck, and screen enclosure to be located within the required setbacks from the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicant Jordan Mears located at 3526 Country Lakes Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-050

SAMPLE MOTION TO DENY:

"I move, 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 Section 50-102 (A) (6), (7), and (d) (1) and Section 42-64, 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** the requested variance to allow a swimming pool, surrounding patio/deck, and screen enclosure to be located within the required setbacks from the 86.9 Contour Line or Normal High Water Elevation of Lake Conway, submitted by applicant Jordan Mears located at 3526 Country Lakes Drive, Belle Isle, FL 32812 also known as Parcel #20-23-30-4980-00-050

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: 5/7/2020 P&Z CASE #: 2020-05-004☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER DATE OF HEARING: August 25 2020

Applicant	<u>Jordan Mears</u>	Owner	<u>Jordan Mears</u>
ADDRESS	<u>3526 Country Lakes Drive Bell Isle FL 32812</u>		
PHONE:	<u>407 468 5377</u>		
PARCEL TAX ID #:	<u>20-23-30-4980-00-050</u>		

LAND USE CLASSIFICATION: Residential ZONING DISTRICT: RIAADETAILED VARIANCE REQUEST: My neighbor's pool is at the same dimensions. I would like to have the same rights as my neighbor next door.SECTION OF CODE VARIANCE REQUESTED ON: Set back normal high water.

- 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.

- 1. What are the special conditions and circumstances unique to your property? What would be the unnecessary hardship?**

"We live on a canal that would require us to build 35' from the highwater mark. With these conditions of the property the pool will exceed the required distance from the highwater mark. We would like to be granted the same privileges as our next door neighbors"

- 2. How are the special conditions noted above created?**

"We are in the planning stages and we would like to be granted preapproval for the pool as it is in the current design phase."

- 3. Can you accomplish your objective in another way? List alternatives you have considered and evidence as to why they are not feasible.**

"Building a family style pool would not be feasible constructing it from the current required distance of the highwater mark."

- 4. What effects will approval of the variance have on adjacent properties or the surrounding neighborhood?**

"Zero negative effects; we have prior approval from neighbors on both sides of our property line as well as the neighbor across the canal"



Addendum to Contract and Change Order Number

On this day, 3/23/20 the following changes are being made with respect to the contract dated 3/5/20, by and between Premier Pools of Central Florida, Inc. (Contractor) and JORDAN MEARS, (Owner/Purchaser).

All parties agree that this addendum shall become a binding part of the original contract and the cost described below shall be in addition to the original contract amount of \$54,600 (this amount includes any previous change orders) this brings the new amended total contract amount to \$57,500. Change Order cost shall be due and payable upon execution of this document.

Increase Pool Size, Safety Fence Size, Deck Drain, Granite, Bar Stool, \$2900
Tile, Interior for Variance/NO CHARGE for Variance Work

****This Charge Will Be Added to Dig Payment and
is Contingent Upon Variance Approval****

Total Sum of Changes \$2900

This Addendum & Change Order pricing amount will be honored for 48 business hours from date stated above. Addendum & Change Order must be signed and returned within that time frame. We are unable to honor verbal Change Order requests. In the event the Addendum & Change Order is wanted after the expiration of the 48 business hours, additional fees may be required due to the delay.

Owner Signature Date
Owner Name: JORDAN MEARS

Premier Pools of Central Florida, Inc.

Owner Signature Date
Name:

Tracie:Change Order Form 5/7/2020

Premier Pools of Central Florida

Jordan Mears

3526 Country Lakes Drive

Belle Isle, 32812

ISR Calculation

Lot Area = 13,031sqft

Existing Impervious

House/Garage Footprint 2768sqft

Finished Screened Porch 435sqft

Pads 12sqft

Driveway & Walk 701sqft

Stoop 18sqft

Total Existing Impervious 3934sqft

Proposed Impervious

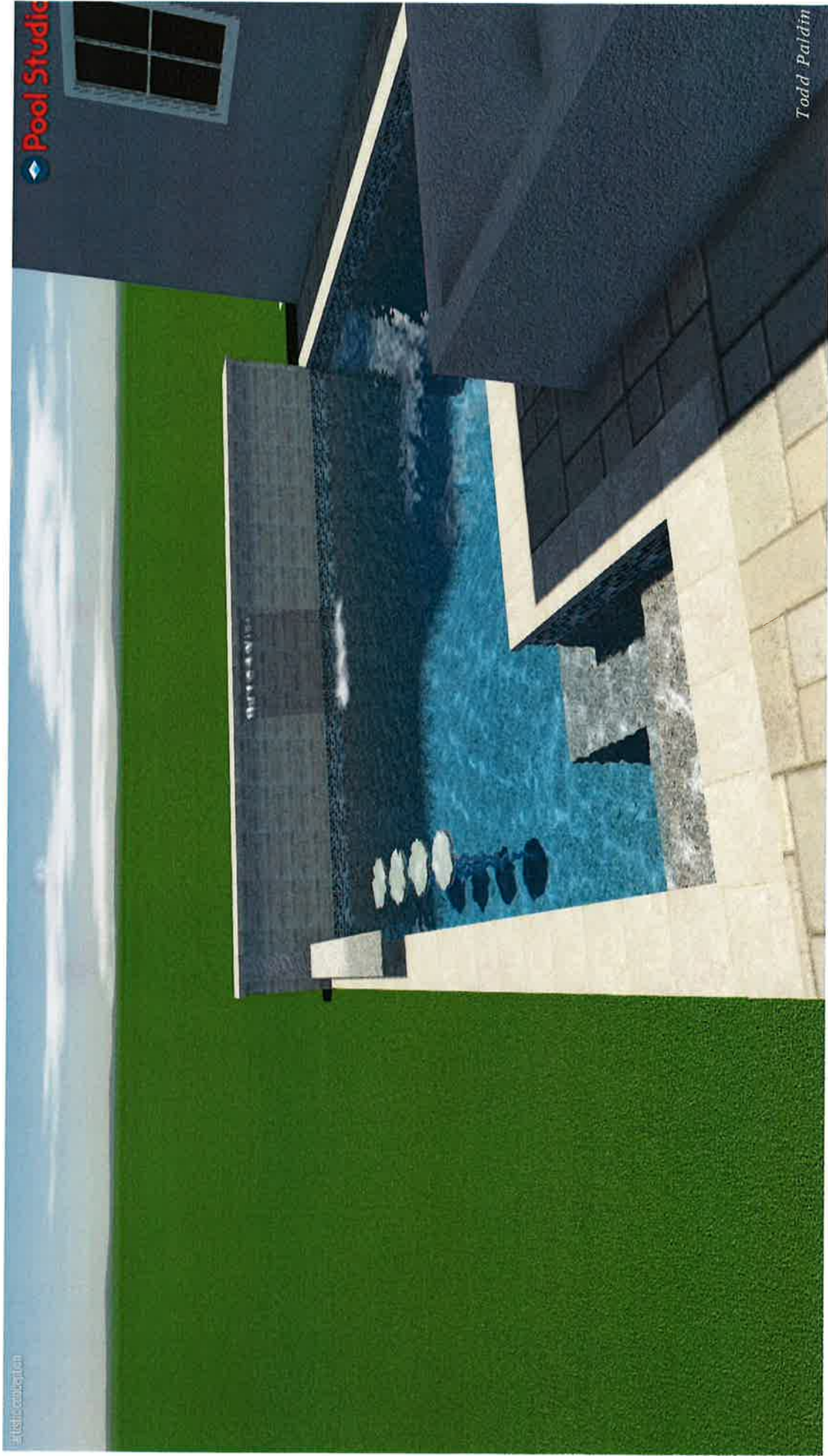
Pool Coping & Deck Only 335sqft

Equipment Pad 6sqft

Total Proposed NEW Impervious 341sqft

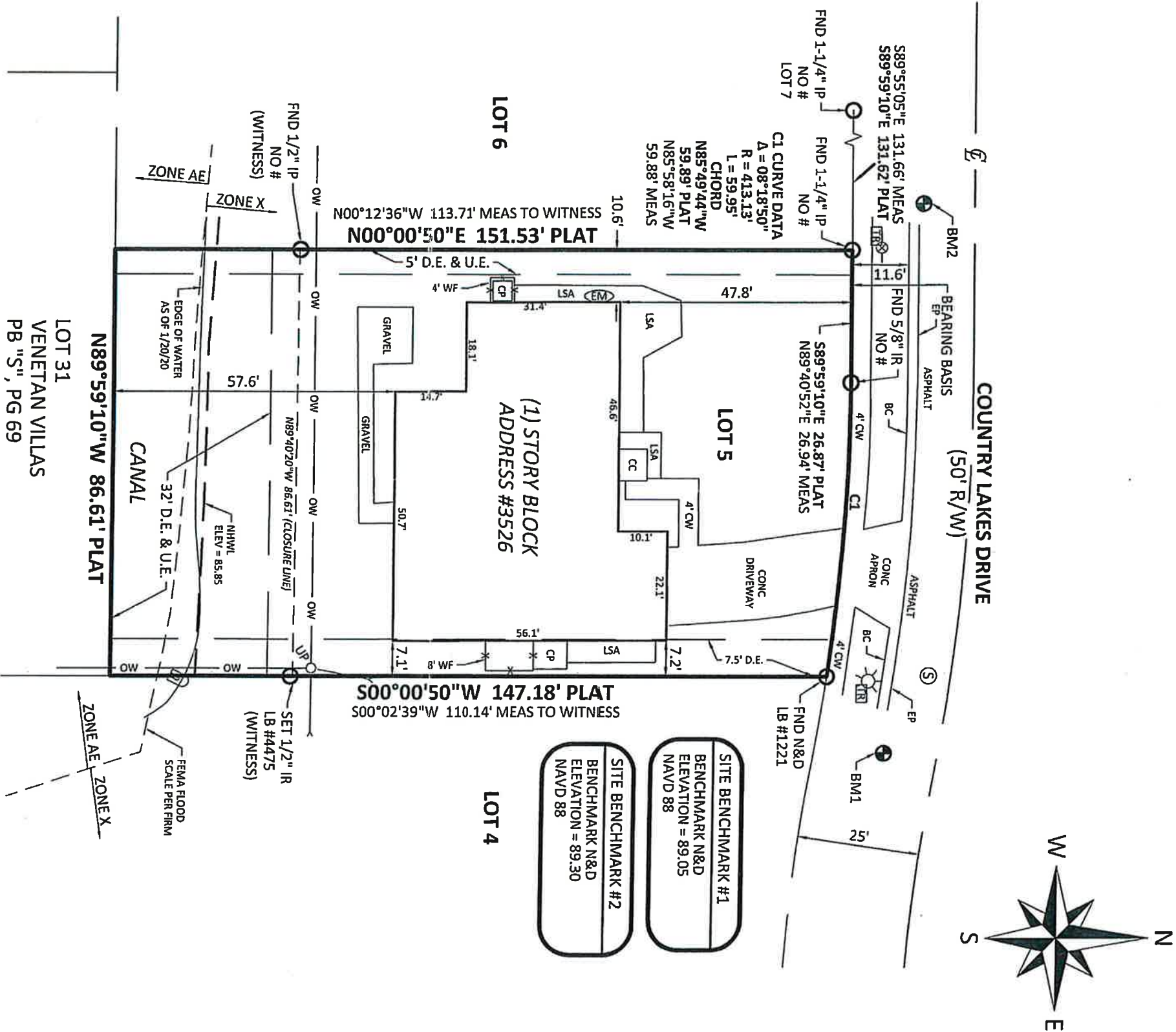
TOTAL PROPOSED NEW IMPERVIOUS 4,275sqft/32.8%





MAP OF SURVEY
DESCRIPTION

LOT 5, THE LANDINGS AT LAKE CONWAY, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE(S) 125 AND 126, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.



JOB # 52277	REVISIONS	BOUNDARY SURVEY CERTIFIED TO: JORDAN MEARS
CF# OC9-125 LOT 5		
ORIGINAL DATE: 1/20/20		
SCALE: 1" = 30'		
DRAWN BY: JPH		

ACCURIGHT

ACCURIGHT SURVEYS OF ORLANDO INC., LB 4475
2012 E. Robinson Street Orlando, Florida 32803
www.AccurightSurveys.net | ACCU@AccurightSurveys.net
PHONE: (407) 894-6314

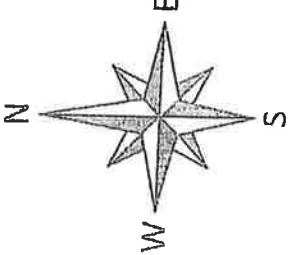
1/29/20
RONALD K. SMITH, PSM 5797
"THE DATE OF SIGNATURE DOES NOT REVISE OR SUPERSEDE THE ORIGINAL SURVEY DATE OR REVISION DATE."
"NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND SEAL OF THIS FLORIDA LICENSED SURVEYOR AND MAPPER," OR THE DIGITAL SEAL APPEARING ON THIS DOCUMENT WAS AUTHORIZED BY RONALD K. SMITH, PSM 5797.

- NOTES:
1. BEARING STRUCTURE IS BASED ON THE SOUTH R/W OF COUNTRY LAKES DRIVE BEING S89°59'10"E.
 2. THIS BUILDING/LOT LIES IN ZONE (S) "X" & "AE", BASED ON FLOOD INSURANCE RATE MAP NO. 12095CQ430F, COMMUNITY NO. 120181, CITY OF BELLE ISLE, ORANGE COUNTY, FLORIDA, EFFECTIVE 9/25/2009.
 3. THIS SURVEY REFLECTS ONLY MATTERS OF RECORD AS PROVIDED BY CLIENT.
 4. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED.
 5. BUILDING TIES SHOWN ON THIS SURVEY SHOULD NOT BE USED TO RECONSTRUCT PROPERTY LINES.
 6. THIS SURVEY IS VALID ONLY FOR THE PARTIES TO WHOM IT IS CERTIFIED.
 7. THIS SURVEY EXCEEDS THE ACCURACY REQUIREMENTS SET FORTH IN FLORIDA STATUTES.
 8. ELEVATIONS BASED ON ORANGE COUNTY BENCHMARK #1500029 HAVING AN ELEVATION OF 89.132 FEET, (NAVD 88).

LEGEND	LEGEND
TV - CABLE TV RISER	LB - LICENSED BUSINESS
CO - CENTERLINE	LP - LIGHT POLE
CO - CLEAN OUT	LS - LICENSED SURVEYOR
CBW - CONCRETE BLOCK WALL	LSA - LANDSCAPE AREA
CC - COVERED CONCRETE	MEAS - MEASURED
CLF - CHAIN LINK FENCE	MF - METAL FENCE
CM - CONCRETE MONUMENT	NAVD - NORTH AMERICAN
CONC - CONCRETE	NGVD - NATIONAL GEODETIC
CP - CONCRETE PAD	VERT - VERTICAL DATUM
CW - CENTRAL WALKWAY	NH&D - NORMAL HIGH WATER LINE
D&M - DESCRIBED & MEASURED	OW - OVERHEAD WIRE
DE - DRAINAGE EASEMENT	ORB - OFFICIAL RECORDS BOOK
DESC - DESCRIPTION	PA - PLAT & MEASURED
DOT - DOT MANHOLE	PC - PLAT BOOK
DOC# - DOCUMENT #	PG - PAGE
DW - DRIVEWAY	POB - POINT OF BEGINNING
EP - EDGE OF PAVEMENT	POC - POINT OF COMMENCEMENT
EB - ELECTRIC BOX	R - RADII
EL - ELEVATION	R/W - RIGHT OF WAY
ESMT - EASEMENT	TR - TELEPHONE RISER
FEE - FINISHED FLOOR ELEVATION	TYP - TYPICAL
FH - FIRE HYDRANT	UE - UTILITY EASEMENT
FIRM - FLOOD INSURANCE RATE MAP	UP - UTILITY POLE
FOUND - FOUND	WF - WATER VALVE
GUY - GUY WIRE ANCHOR	WF - WATER VALVE
IRON PIPE - IRON PIPE	WF - WATER VALVE
IRON ROD - IRON ROD	WF - WATER VALVE
ARC LENGTH - ARC LENGTH	WS - WOOD SHED

DESCRIPTION:

PAGE(S) 125 AND 126, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA



ACCURIGHT

1/29/20
Ronald K. Smith

"THE DATE OF SIGNATURE DOES NOT REVISE OR SUPERSEDE THE ORIGINAL SURVEY DATE OR REVISION DATE."

2. THIS BUILDING/LOT LIES IN ZONE (S) "X" & "AE", BASED ON FLOOD INSURANCE RATE MAP NO. 12085C030F, COMMUNITY NO. 120181, OF BELLE ISLE, ORANGE COUNTY, FLORIDA, EFFECTIVE 9/25/2009.

3. THIS SURVEY REFLECTS ONLY MATTERS OF RECORD AS PROVIDED BY CLIENT.

4. UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED.
5. BUILDING TIES SHOWN ON THIS SURVEY SHOULD NOT BE USED TO RECONSTRUCT PROPERTY LINES.
6. THIS SURVEY IS VALID ONLY FOR THE PARTIES TO WHOM IT IS CERTIFIED.
7. THIS SURVEY EXCEEDS THE ACCURACY REQUIREMENTS SET FORTH IN FLORIDA STATUTES.
8. ELEVATIONS BASED ON ORANGE COUNTY BENCHMARK #11500029 HAVING AN ELEVATION OF 89.132 FEET, (NAD83).

TV	CABLE TV RISER	LB	- LIGHT BUSINESS
CO	- CENTRELINE	LS	- LIGHT POLE
CEW	- CLEAN OUT	LSA	- LICENSED SURVEYOR
CC	- CONCRETE BLOCK WALL	LSA	- LANDSCAPE AREA
CLF	- COVERED CONCRETE	M&S	- MEASURED
CM	- CHAIN LINK FENCE	MF	- METAL FENCE
CMC	- CONCRETE MONUMENT	N&D	- NORTH AMERICAN
CONC	- CONCRETE	NV	- VERTICAL DATUM
COVD	- COVERED	NVD	- NATIONAL DATUM
CP	- CONCRETE PAD	NVH	- VERTICAL DATUM
CW	- CONCRETE WALKWAY	NVHVL	- NORMAL HIGH WATER LINE
DA	- CENTRAL ANGLE	NED	- NORTH EAST
DESM	- DESCRIBED & MEASURED	NK	- NORTH ARROW
DESC	- DRAINAGE EASEMENT	OW	- OVERLAP
DISC	- DESCRIPTION	ORB	- OFFICIAL RECORDS BOOK
DOT	- DOT MANHOLE	P2M	- PLAT & MEASURED
DOCK	- DRIVEWAY	PB	- PLAT BOOK
DP	- DRIVEWAY #1	PC	- POINT OF CURVATURE
ED	- EDGE OF PAVEMENT	PG	- PAGE
EB	- ELECTRIC BOX	POB	- POINT OF BEGINNING
EL	- ELECTRIC METER	POC	- POINT OF COMMENCEMENT
EM	- EASEMENT	R	- RADIUS
ESMT	- EASEMENT	RAW	- RIGHT OF WAY
FEE	- FINISHED FLOOR ELEVATION	TR	- TELEPHONE
FI	- FIRE HYDRANT	TRF	- TRANSFER
FIH	- FIRE HYDRANT	TP	- TYPICAL
FIRM	- FLOOD INSURANCE RATE MAP	UE	- UTILITY EASEMENT
FND	- FOUND	UIP	- UTILITY EASEMENT

LIC# CPC066822



The Difference is in the Details

Interior Color: Wet Edge TAHOE BLUE
Tile Selection: GW8M2348B9
Tile Grout Color: Natural Gray
Colored grout will fade & discolor & is not covered under warranty

Step Tile: Same

Step Tile Pattern: 2" Strips

Floor Head Color: SDX-Lt Gray

Deck Type: Flagstone Pavers

Deck Color: White Pewter

Deck Pattern: Random Heritage

Coping Type: 6"x12" Tumbled Travertine

Coping Color: Nordic Silver

Coping Grout Color: But Joint

Colorband Color: ----

Screen Type: ----

Screen Height: ----

Screen Color: ----

Fence Type: ----

Fence Color: ----

FIRE Bowl Type: ----

FIRE Bowl Color: ----

Stone / Cultured Stone Color: Silver Split Faced Travertine 2"x4"

Granite Spillway Color: Bar Top-Blue Pearl

Deco Tiles: ----

Mosaics: ----

FIRE PIT COLOR: ----

I have reviewed and I give my approval to proceed with the construction of this project.

X

Customer

Date

NAME: TODD PALDIN



Customer Initials:

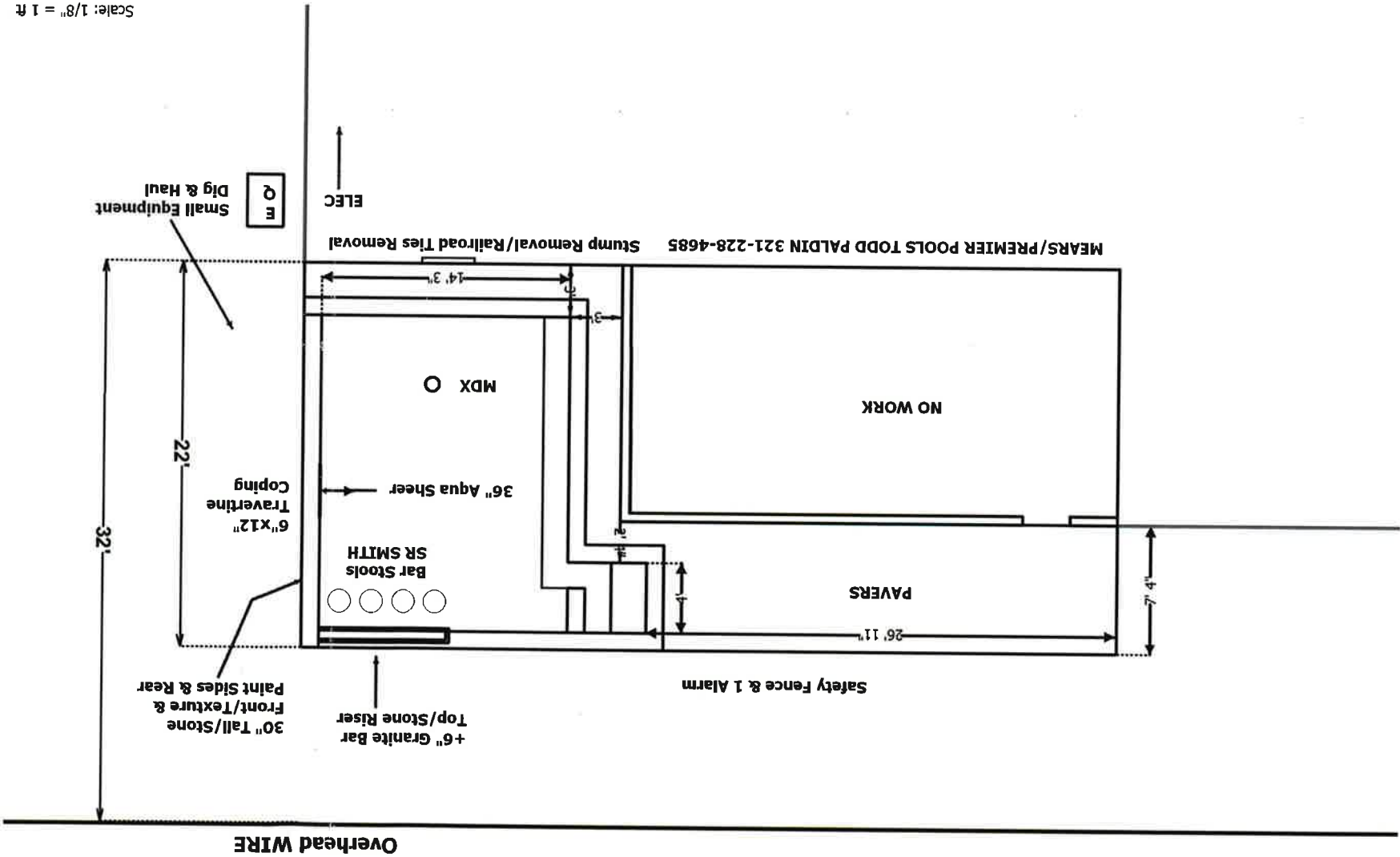
NAME: Jordan Mears

ADDRESS: 3526 Country Lakes Drive

CITY: Belle Isle

ZIP: 32812

Scale: 1/8" = 1 ft



August 14, 2020

Variance Application: 5842 COVE DRIVE

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 48-33 THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 48-32 (A) (1) AND SEC. 48-34 TO ALLOW AN EXPANSION OF THE DOCK TO EXTEND THE ROOF OF AN EXISTING NONCONFORMING DOCK, ALLOW REPLACEMENT OF PILINGS AND DECKING ON THE NONCONFORMING DOCK, AND ALLOW A VARIANCE FROM THE REQUIRED SIDE SETBACK FOR THE EXISTING DOCK, SUBMITTED BY APPLICANT JEFFREY GILES, LOCATED AT 5842 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL NUMBER 20-23-30-1660-00-090.

Zoning/ Existing Use: R-1-AA/ Single-family Residence

Review Comments

This application filed seeks a variance from the Code regarding meeting the minimum side setback for docks, repairing pilings/decking, and extending the roof of a nonconforming existing dock. The repair work and roof extension were completed prior to seeking these variance requests as well as prior to seeking a building permit for the work.

The property is currently developed with a primary single-family home and has an existing dock. The dock was built prior to the current code that requires a five-foot side yard setback. No building permit records are available for the existing dock.

Property Appraiser aeriels reveal that between 2017 and 2018, a new roof was put on the dock that enlarged the roof over what was previously there. Pictures provided to the City reveal several new pilings being installed more recently (please see the pictures attached).

Both a new roof that changed the original design and new pilings requires full dock permit review with plans. Sec. 48-34 of the Code prohibits changes such as these on a non-conforming dock unless it comes into conformity with current City regulations through a new permit application or the City's determination that the modifications decrease the nonconformity.

The applicant has provided supporting documentation addressing the variance criteria.

Sec. 48-33 (b) states that the board shall not approve an application for a dock variance unless and until each of the following criteria have been met:

- (1) The dock shall not create conditions hazardous to navigation nor any safety hazards;
- (2) The location and placement of the dock shall be compatible with other docks in the area, and the NHWC of the lake;
- (3) The current level of the lake shall not be a factor in deciding whether to approve or deny a variance;

(4) The application does not confer a special benefit to the landowner over and above the adjoining landowners and does not interfere with the rights of the adjoining property owner to enjoy reasonable use of their property; and

(5) The requirements of subsection 42-64(1), except for subsection 42-64 (1) d.

Staff Recommendations

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

- (1) The dock does not create conditions hazardous to navigation nor any safety hazards as proposed. Because it is an existing dock and the applicant is not seeking to increase the terminal platform, it is not creating a hazardous condition. If the applicant were seeking to increase the size of the terminal platform, it should be rebuilt to meet the side setback requirement.
- (2) The location and placement of the dock will be compatible with other docks in the area, and the NHWC of the lake as it does seek a similar pattern to other dock configurations and will not restrict canal navigation.
- (3) The current level of the lake is not a factor in request of the variance as it is not seeking to augment the lake level or gain additional dock length based on lake level.
- (4) The application does not confer a special benefit to the landowner over and above the adjoining landowners and does not interfere with the rights of the adjoining property owner to enjoy reasonable use of their property as it is consistent with other similar dock layouts on the lake in this neighborhood, and it will not impede boat travel as it is currently built.
- (5) The requirements of subsection 42-64(1), except for subsection 42-64(1)d are met:

a) Special Conditions and/ or Circumstances (Section 42-64 (1) d):
Per Sec. 48-33 (b) (5), this criterion is not applicable to consideration of a dock variance.

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

The request for a variance is not due to a self-created situation, as the application is seeking to repair an existing dock in the same configuration and extend the roof. The dock already sits closer than five feet to the side property line and this application does not create this condition.

c) 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 proposed repairs and roof addition do not increase an existing setback nonconformity.

d) 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 it seeks to repair an existing dock structure and not dredge or disturb the lake bottom. It is consistent with other similar dock configurations, and it will not impede boat travel as the configuration exists.

Based on consideration of these review criteria staff **recommends approval** of the requested variance application.

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 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.





ITEM 6

MEMORANDUM

TO: Planning and Zoning Board

DATE: August 25, 2020

Public Hearing Case #2020-08-006 - Pursuant to Belle Isle Code Sec. 48-33 the Board shall consider and take action on a requested variance from Sec. 48-32 (A) (1) and Sec. 48-34 to allow an expansion of the dock to extend the roof of an existing nonconforming dock, allow replacement of pilings and decking on the nonconforming dock, and allow a variance from the required side setback for the existing dock, submitted by applicant Jeffrey Giles, located at 5842 Cove Drive, Belle Isle, FL 32812 also known as Parcel Number 20-23-30-1660-00-090

Background:

7. On June 10, 2020, Jeffrey Giles submitted a request, application and required paperwork.
8. A Notice of Public Hearing legal advertisement was placed in the Saturday, August 15, 2020, Orlando Sentinel.
9. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, August 13, 2020.

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. 48-33, the criteria of Section 48-32 (A) (1) and Sec. 48-34 of the Belle Isle Land Development Code having been met **TO APPROVE** an expansion of the dock to extend the roof of an existing nonconforming dock, allow replacement of pilings and decking on the nonconforming dock, and allow a variance from the required side setback for the existing dock, submitted by applicant Jeffrey Giles, located at 5842 Cove Drive, Belle Isle, FL 32812 also known as Parcel Number 20-23-30-1660-00-090

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code Sec. 48-33, 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 Section 48-32 (A) (1) and Sec. 48-34, 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** an expansion of the dock to extend the roof of an existing nonconforming dock, allow replacement of pilings and decking on the nonconforming dock, and allow a variance from the required side setback for the existing dock, submitted by applicant Jeffrey Giles, located at 5842 Cove Drive, Belle Isle, FL 32812 also known as Parcel Number 20-23-30-1660-00-090

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: 6/10/2020
☐ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER
APPLICANT: JEFFREY GILES
ADDRESS: 5842 COVE DR
BELLE ISLE 32812
PHONE: 407 509 8309

P&Z CASE #: 2020-08-006
DATE OF HEARING: August 25 2020
OWNER: JEFFREY GILES
407 509 8309

PARCEL TAX ID #: 20 23 30 1660 00 090

LAND USE CLASSIFICATION: 0130-SFR-LF ZONING DISTRICT: _____

DETAILED VARIANCE REQUEST: EXISTING BOAT HOUSE / DOCK
CHANGING FOOTPRINT OF ROOF TO COVER PART
OF DECK. THERE IS A 5' SET BACK

SECTION OF CODE VARIANCE REQUESTED ON: _____

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 Jeffrey Giles

FOR OFFICE USE ONLY:

FEE: \$150.00

8/6/2020
Date Paid

19292508
Check/Cash

Hrp
Rec'd By

Determination _____

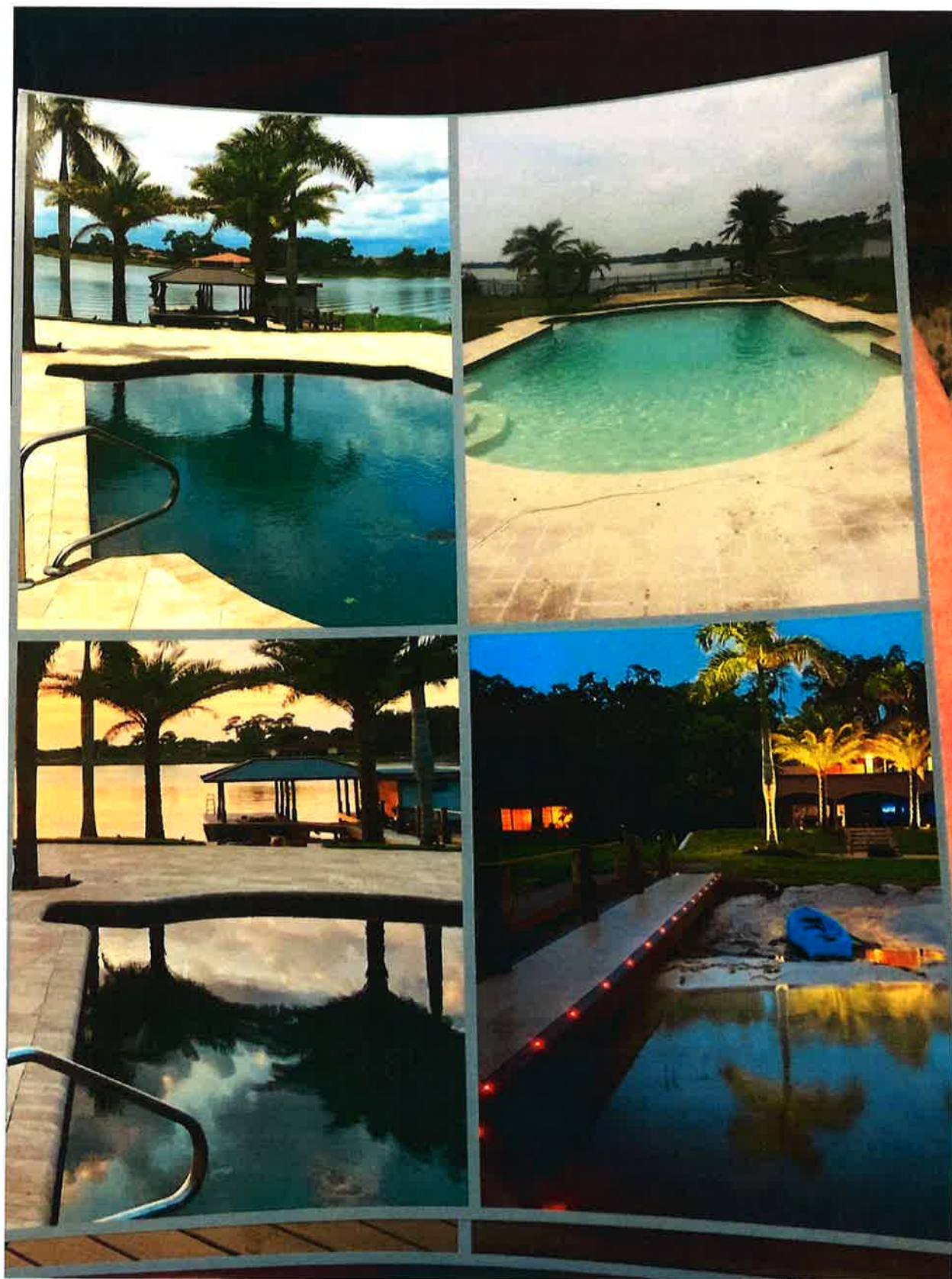
Appealed to City Council: ☐ Yes ☐ No

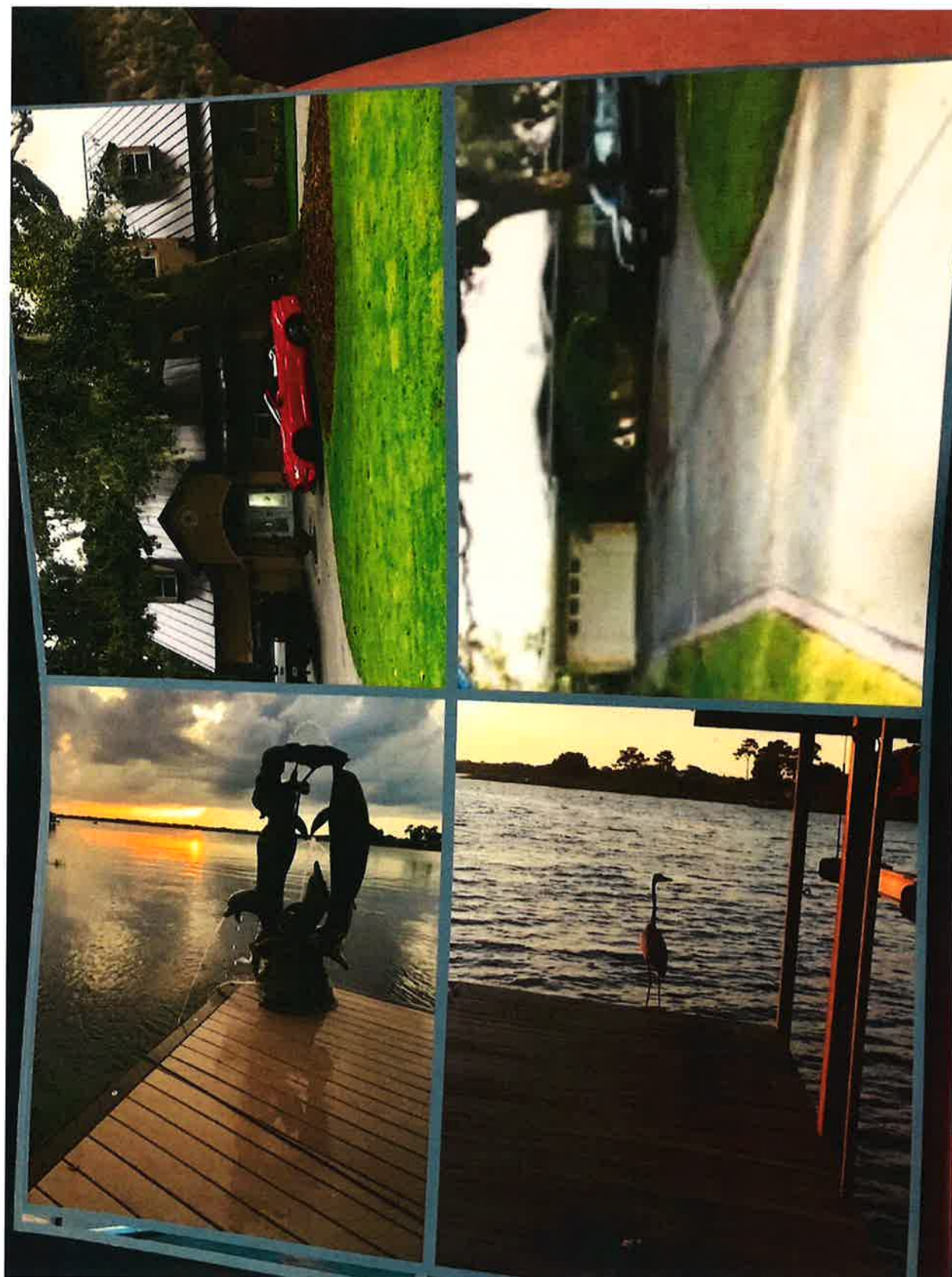
Council Action: _____

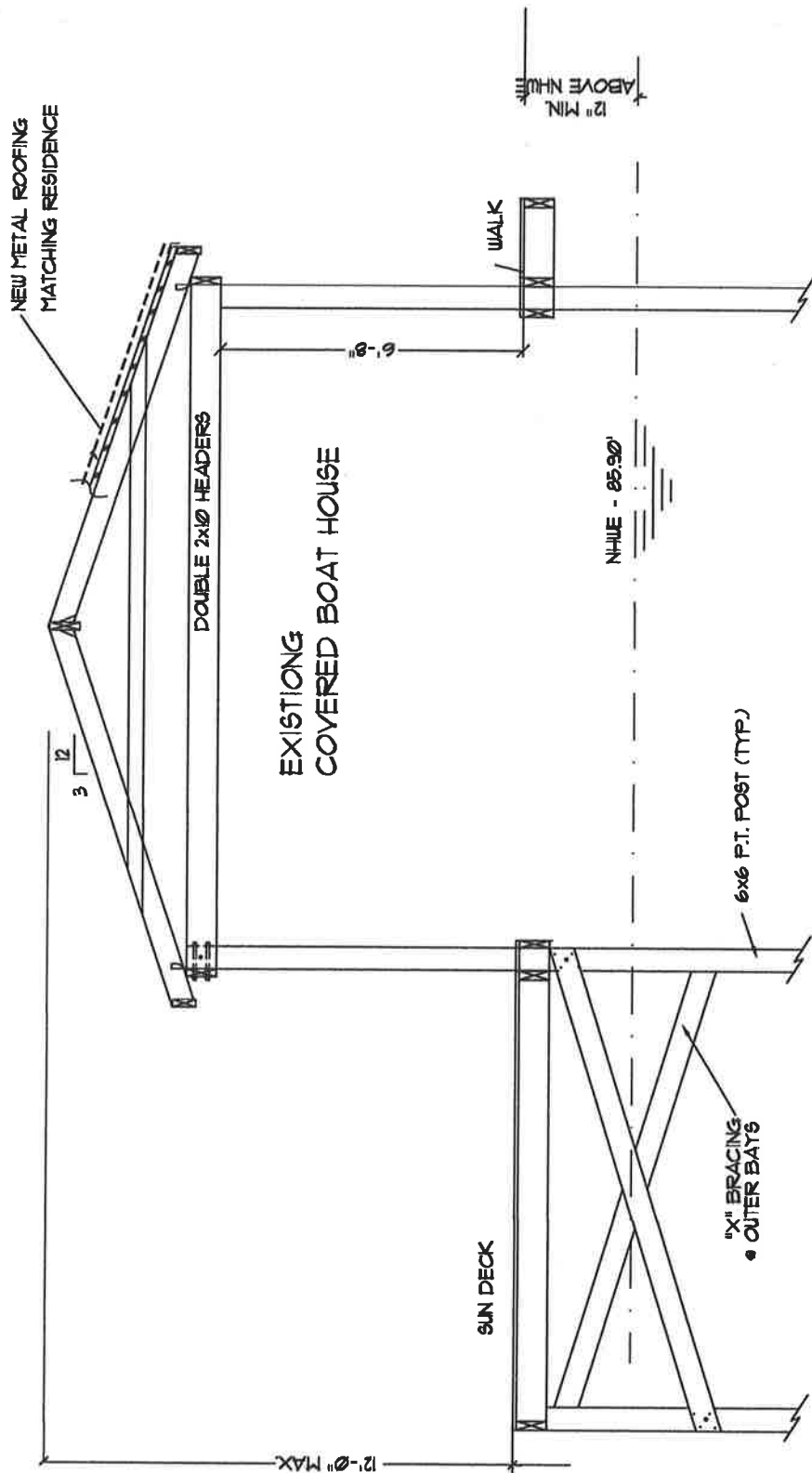
Variance Request - Application Supplement

<p>* Standards of Variance Justification</p>	<p>Section 42-64 of the Land Development Code (LDC) states that no application for 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>WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP? <i>The boat dock was an existing structure when we purchase our home. We wanted to cover a portion of the existing deck to provide some kind of shade. It would not be practical to constantly have to put up and take down a canopy everytime we wanted to have shade.</i></p>
<p>Not Self-Created Section 42-64 (1) e</p>	<p>HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED? <i>When boat dock was originally done, there was no cover over the deck area.</i></p>
<p>Minimum Possible Variance Section 42-64 (1) f</p>	<p>CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE. <i>Put a blue canopy over deck area. It would not be financially feasible as we would risk wind damage due to the frequent storms we have and not to mention the unappealing view for lake homeowners and my family.</i></p>
<p>Purpose and Intent Section 42-64 (1) f</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) <i>There are no negative effects as to the additional coverage over the deck. The positive effects are that not only does it add a nice look to our cove, it also adds an increase in property value.</i></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.







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This document was electronically signed and sealed by Pavol Stankay on the Date/Time stamp shown. Using a digital signature. Printed copies of this document must be signed and sealed and the signature must be verified on any electronic copies.

SECTION
 SCALE: N.T.S.

Stankay Engineering Group, Inc.
 Orlando, FL 32801, (407) 701-2145
 PAVOL STANKAY, P.E. # 28059

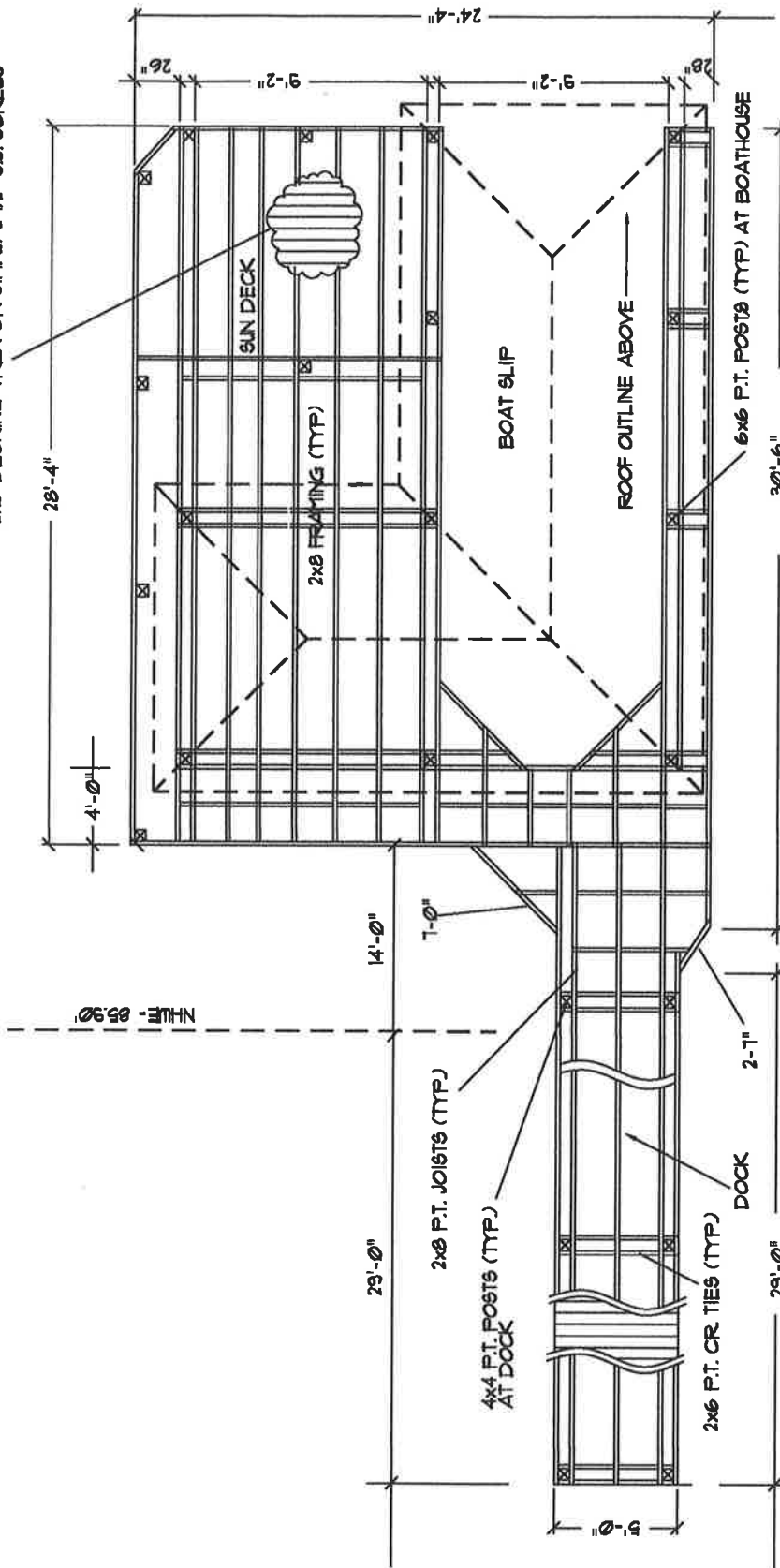
PROPOSED DECK & DOCK

J. GILES RESIDENCE

5842 COVE DRIVE
 ORLANDO, FL 32812

S.3

2x6 DECKING-TREX OR SIM. W/ 2 1/2" S.S. SCREWS



PLAN VIEW SCALE: N.T.S.

FRAMING NOTES:
FRAMING MATERIAL:
2 S.Y.F. MINIMUM
HIP ROOF 4/12 PITCH
2x8 P.T. RIDGE BEAM
2x6 P.T. RAFTERS @ 24" C/C
2x6 P.T. COLLAR BEAMS @ 48" C/C
2x8 P.T. HIP
5/8" T-I
1/4" ROOFING FELT
2x8 FT FACIA
ROOFING: SHINGLE (TO MATCH EXISTING)
(2) 2x10 P.T. HEADERS NAILLED & BOLTED TO 6x6 POSTS

WOOD TREATMENT:
FRAMING / DECKING LUMBER - ACQ
FASTENERS TO BE 3" S.S. SCREWS
6x6 P.T. POLES - CCA @ 20
1/2" GALV. CARRIAGE BOLTS @ EA.
HEADER/COLUMN
HEADER CONNECTION W/ (2) BOLTS @ EA. CONNECTION (TYP)
4 W/ (3) BOLTS @ CORNER POSTS
(1) BOLTS @ INTERMEDIATE POSTS
SIMPSON STRONG TIE (H25 @ EA. RAFTER/BEAM CONNECTION)



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SEG Stankay Engineering Group, Inc.
Orlando, FL 32807 (407) 101-2145
PAVOL STANKAY, P.E. # 29059

PROPOSED DECK & DOCK

J. GILES RESIDENCE

5842 COVE DRIVE

ORLANDO, FL 32812

S.1

Petition To Approve The Variance Request For The Giles Boat Dock

Petition Support: We are asking our neighbors to sign this petition to show support for approval of our variance Request for our boat dock.




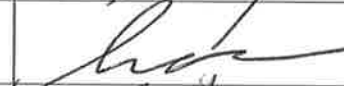
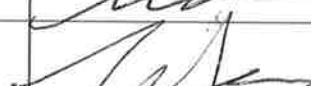
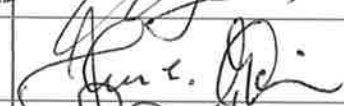

Action Petitioned For: We the undersigned approve of the variance request for the boat dock located at 5842 Cove Drive, Belle Isle, FL 32812

Date	Signature	Printed Name	Address
8-21-2020	Don F. Robinson	DON F. ROBINSON	5834 Cove Dr.
8-22-2020	Kim Chuslock	Kim Chuslock	5716 Cove Dr.
12 AUG 20	Jay Cary	JAY CARY	5870 COVE DR.
8-22-20	Genevieve Parise	GENEVIEVE PARISE	5908 COVE DR
8/22/2020	Ward Davis	WARD DAVIS	5912 Cove DR
8/22/2020	Wanda Dickson	WANDA DICKSON	5866 COVE DRIVE
8/22/2020	Amy Fowler	Amy Fowler	5824 Cove Dr.
8/22/2020	Matthew McCrell	Matthew McCrell	5805 Cove Drive
8/22/2020	Daniel Lupu	DANIEL LUPU	5817 COVE DR.
08/23/20	W. Hale Kelly	W. Hale Kelly	5839 Cove Dr.
8/23/20	S. Velazquez	S. VELAZQUEZ	5851 Cove
8-23-20	Bonnie Hutson	Bonnie Hutson	5833 Cove.
8-23-20	Laura Aldridge	Laura Aldridge	5871 Cove Drive
8-23-20	Pam Carter	Pam Carter	5901 Cove Dr.
8-23-20	Ken Martin	KEN MARTIN	5874 Cove Dr Belle Isle

Petition To Approve The Variance Request For The Giles Boat Dock

Petition Support: We are asking our neighbors to sign this petition to show support for approval of our variance Request for our boat dock.

Action Petitioned For: We the undersigned approve of the variance request for the boat dock located at 5842 Cove Drive, Belle Isle, FL 32812

Date	Signature	Printed Name	Address
8/23		Daniel Wood	5907 Cove Dr.
8/24		KYLE DAWES	5843 Cove Dr
8/24		Dherry Day	5765 Cove Dr
8/24		Stan Cheslock	5724 Cove Dr.
8/24		W. NASH Sitook	5700 Cove Dr.
8/24		John E. Giles	5820 Cove Dr.
8/24		DENNIS KELLY	5724 COVE DR.

August 14, 2020

Variance Application: 5050 Conway Road

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 42-64 THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 50-72 (A) (1) TO ALLOW A VARIANCE FROM THE REQUIRED NUMBER OF PARKING SPACES, TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 50-73 (A) TO ALLOW A VARIANCE FROM THE REQUIRED BUILDING SETBACKS, AND TAKE ACTION ON A REQUESTED VARIANCE FROM SEC. 50-73 (D) (1), SEC. 50-76 (3) (B) (1) AND SEC. 50-76 (5) (B), TO ALLOW FOR A REDUCED SCREENING AND BUFFER, SUBMITTED BY APPLICANT HOSANNA BUILDING CONTRACTORS, LOCATED AT 5050 CONWAY ROAD, BELLE ISLE FL 32812, ALSO KNOWN AS PARCEL # 17-23-30-0000-00-008.

Zoning/ Existing Use: C-1 commercial/ vacant gas station with convenience store

Review Comments

This variance application seeks a variance as identified above. The property is currently developed with a gas station/convenience store that is no longer in operation. The applicant is seeking to redevelop the site as a medical office and pharmacy, adding additional square-footage to the existing building. The site plan application seeks to deviate from the code in the areas that are the subject of this variance application. These variances must be approved prior to consideration of the site plan application.

The applicant has provided supporting documentation addressing the variance criteria.

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 existing buildings along the north property line are located five feet from the property line. The proposed addition is requesting to match this same building line. Parking is limited on the property and the applicant proposes to add spaces to mitigate impacts.

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

The request for a variance is not self-created as the application is seeking entitlements that match the existing building design. The parking space variance is based on the existing configuration of the parking lot layout and proposes to add additional spaces. Additionally, there is an existing shared parking agreement that the applicant has provided. With a five-

foot building setback established on the north property line, a 15-foot transitional buffer is not possible.

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 proposed addition matches the existing footprint and additional parking is provided.

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

The requested variances are in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood given that the existing buildings along the north property line are setback five feet.

Staff provides a recommendation to approve the requested variances based on the above information.

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.

ITEM 7

MEMORANDUM

TO: Planning and Zoning Board

DATE: August 25, 2020

Public Hearing Case #2020-06-050 – Pursuant to Belle Isle Code Sec. 42-64 the Board shall consider and take action on a requested variance from Sec. 50-72 (a) (1) to allow a variance from the required number of parking spaces, take action on a requested variance from Sec. 50-73 (a) to allow a variance from the required building setbacks, and take action on a requested variance from Sec. 50-73 (d) (1), Sec. 50-76 (3) (b) (1) and Sec. 50-76 (5) (b), to allow for a reduced screening and buffer, submitted by applicant Hosanna Building Contractors, located at 5050 Conway Road, Belle Isle FL 32812, also known as Parcel # 17-23-30-0000-00-008

Background:

1. On June 15, 2020, Hosanna Building Contractors submitted a request, application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, August 15, 2020, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, August 13, 2020.

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, the criteria of Section 42-64 of the Belle Isle Land Development Code having been met **TO APPROVE** the requested variance from Sec. 50-72 (a) (1) to allow a variance from the required number of parking spaces, take action on a requested variance;
Sec. 50-73 (a) to allow a variance from the required building setbacks, and take action on a requested variance;
Sec. 50-73 (d) (1), Sec. 50-76 (3) (b) (1) and Sec. 50-76 (5) (b), to allow for a reduced screening and buffer, submitted by applicant Hosanna Building Contractors, located at 5050 Conway Road, Belle Isle FL 32812, also known as Parcel # 17-23-30-0000-00-008

SAMPLE MOTION TO DENY:

"I move, 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 Section 42-64, 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** the requested variance Sec. 50-72 (a) (1) to allow a variance from the required number of parking spaces, take action on a requested variance; Sec. 50-73 (a) to allow a variance from the required building setbacks, and take action on a requested variance; Sec. 50-73 (d) (1), Sec. 50-76 (3) (b) (1) and Sec. 50-76 (5) (b), to allow for a reduced screening and buffer, submitted by applicant Hosanna Building Contractors, located at 5050 Conway Road, Belle Isle FL 32812, also known as Parcel # 17-23-30-0000-00-008

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.

ITEM 8

MEMORANDUM

TO: Planning and Zoning Board

DATE: August 25, 2020

Public Hearing Case #2020-06-061 – Proposed Development Site Plan. Pursuant to Belle Isle Code Sec. 54-79 (f) (4), the Board shall review and take action on the proposed site plan, submitted by applicant Hosanna Building Contractors, located at 5050 Conway Road, Belle Isle, FL 32812, also known as Parcel # 17-23-30-0000-00-008

Background:

1. On June 15, 2020, Hosanna Building Contractors submitted a request, application and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed in the Saturday, August 15, 2020, Orlando Sentinel.
3. Letters to the abutting property owners within 300 feet of the subject property were mailed on Thursday, August 13, 2020.

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. 54-79 (f) (4), **TO RECOMMEND APPROVAL** of the proposed site plan, submitted by applicant Hosanna Building Contractors, located at 5050 Conway Road, Belle Isle, FL 32812, also known as Parcel # 17-23-30-0000-00-008

SAMPLE MOTION TO DENY:

"I move, 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 Sec. 54-79 (f) (4), 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** the proposed site plan, submitted by applicant Hosanna Building Contractors, located at 5050 Conway Road, Belle Isle, FL 32812, also known as Parcel # 17-23-30-0000-00-008

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

SITE PLAN REVIEW 5
2020-06-061

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 6/15/2020

P&Z CASE #: 2020-06-050

☒ VARIANCE ☐ SPECIAL EXCEPTION ☐ OTHER

DATE OF HEARING:

APPLICANT: Hosanna Building Cont. OWNER: D-Land

ADDRESS: 278 Semoran Commerce PL 5050 Conway Rd
Apopka, FL 32703 Orlando, FL 32812

PHONE: 407-703-9870 630-667-4629

PARCEL TAX ID #: 17-23-30-0000-00-008

LAND USE CLASSIFICATION: 1110 ZONING DISTRICT: C-1

DETAILED VARIANCE REQUEST: Approval to increase size of the building, close off entrance to parking lot from Conway Rd, and address the parking spaces on SW side of property line.

SECTION OF CODE VARIANCE REQUESTED ON:

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

FOR OFFICE USE ONLY:

FEE: \$150.00

6/23/2020 #1079

Hkp

Date Paid

Check/Cash

Rec'd By

Determination

Appealed to City Council: ☐ Yes ☐ No

Council Action:

5050 Conway Road – Variance Request Application Supplement

Question: What are the special conditions and circumstances unique to your property? What would be the unnecessary hardship?

Answer: As our intention is to create a family and pharmacy medical facility, we would request that the following hardships be taken into consideration for variance approval:

1. Variance to increase the size of building, not sure if this is needed as we meet the setback requirements on the South and East side, we are connected to an existing building on the West side. The North side will be lined up with the plane of the existing building which is existing/non-conforming.
2. Variance to close of the entrance from Conway Rd.
3. Variance for North setback.
4. Variance for four additional parking spaces.
5. Variance for screening wall.

Question: How were the special conditions noted above created?

Answer: Special conditions are notes as follows:

1. Expansion of the building is creating the special condition.
2. Unknown as to the original design.
3. Unknown, this dates back 20-30 or more years. We have no information as to how this was approved by the building department. We would assume that the setbacks and codes were different and in compliance at the time of original construction.
4. The new occupancy calculations require 26 spaces and currently have 22, therefore creating the special condition.
5. Unknown, this dates back 20-30 or more years. We have no information as to how this was approved by the building department. We would assume that the setbacks and codes were different and in compliance at the time of original construction.

Question: Can you accomplish your objective in another way? List alternatives you have considered and evidence as to why they are not feasible.

Answer: Considerations are as follows:

1. There are no other considerations for increasing the size of the building as we need the added square footage to accommodate the new occupant needs. Our extension lines up with the existing building envelope on the North and South side.

2. There are no other considerations for closing off the entrance from Conway. Closing this entrance will create an opportunity for the parking that we need. It would also eliminate cars entering and crossing through our parking lot to enter/exit the ROW to the adjacent plaza.
3. The setback per Orange County code requirements for this district is 25' when butting up to a residential district. The East setback is 65', South setback is not applicable as there is existing parking, West setback abuts to an existing building. The variance request will be for the North setback which is currently at 5'8" (this matches the existing building plane). We do not have any other options but to request a variance since the conditions are existing.
4. As the survey shows, there are up to 8 parking spaces with a very small portion of the parking space that is not within our property lines. Our contention would be to utilize those parking spaces as they are not accessible without crossing our property line. There are no other considerations due to the layout of the parking lot and the lot lines, this is our only option.
5. We only have a 5'8" buffer, therefore we cannot do a screen wall and a 15' wide transitional buffer to meet the buffer requirements between residential and commercial properties. There are no other considerations due to existing conditions and adjacent property lines.

Question: 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.)

Answer: Effects are as follows:

1. We are bringing in a family medical practice and pharmacy which will enhance the neighborhood and drive more business to the adjacent tenants throughout the plaza..
2. We are making highly significant improvements to the property and the building which will make it much more attractive and will fit in with surrounding buildings.
3. The entrance and exit to the plaza will be more stabilized.

5050 Conway Road – Variance Request Comment Responses

- Comment: A landscaping plan meeting Belle Isle code requirements in Sec. 50-76. The landscaping will be required to be brought up to Code. If you are seeking a variance from this, it will need to be part of the application.
- Response: We are not seeking a variance for the landscaping, according to Belle Isle code requirements in Sec. 50-76, we meet the landscape requirements. The table for the landscaping that will be met has been added to the site plan. We will engage with a landscape architect for building department review (will include irrigation).
- Comment: ISR calculation information on the site plan and all setback information, max. building height and square footage existing/proposed building, any lighting proposed (please use a scale that is an Engineer's Scale instead of Architect's Scale).
- Response: All above information has been added to the site plan. We would like to request a variance for the North setback. The setback per Orange County code requirements for this district is 25' when butting up to a residential district. The East setback is 65', South setback is not applicable as there is existing parking, West setback butts up to an existing building. The variance request will be for the North setback which is currently at 5' (this is matching the existing building space).
- Comment: Parking space breakdown on the proposed site plan- number of required, number provided and specific requested variance from requirements.
- Response: Current parking per site plan is per City of Belle Isle code for medical and retail (pharmacy). Code requirement is broken down on the proposed site plan, we have are requesting a variance for four parking spaces. Code requires 26 spaces and we have 22.
- Comment: A copy of the shared parking agreement referenced in the Special Warranty Deed Exhibit A (page 3 of 3).
- Response: A copy of the shared parking agreement is enclosed with this submittal.
- Comment: Information on any correspondence with FDOT about closing the curb cut on the property since it is off State Road 15 (Conway Road).
- Response: Correspondence from FDOT is enclosed in this submittal. The permit process with take approx. 2 weeks per FDOT representative.
- Comment: There are also strict buffer requirements between residential and commercial. Please take a look at Sec. 50-73 (d) and Sec. 50-76 (3) (b) (1). If you are not meeting these requirements, your application will need to incorporate them into the variance request accordingly.

THIS DOCUMENT PREPARED
BY AND RETURN TO:

Christian S. Bruno, Esq.
Cozen O'Connor
Southeast Financial Center,
200 South Biscayne Blvd., 30th Floor
Miami, FL 33131

AGREEMENT

THIS AGREEMENT (this "Agreement") made this 4TH day of SEPTEMBER, 2019 (the "Effective Date"), by and between SJS BELLE ISLE COMMONS, LLC, a New Jersey limited liability company (hereinafter designated as "FIRST PARTY"), and SHAYONA OF ORLANDO LLC, a Florida limited liability company (hereinafter designated as "SECOND PARTY");

WITNESSETH:

WHEREAS, FIRST PARTY is the owner of Parcel 1, annexed hereto and incorporated herein by reference as Schedule 1, in Orange County, Florida; and

WHEREAS, SECOND PARTY is the owner of Parcel 2, annexed hereto and incorporated by reference as Schedule 2, in Orange County, Florida; and

WHEREAS, Leon Chira, predecessor-in-interest to ownership of Parcel 1 to FIRST PARTY and George C. Miller, Jr. and John W. Miller, individually and d/b/a Miller Brothers, predecessor-in-interest of Parcel 2 to SECOND PARTY, entered into that certain Agreement dated November 7, 1980 and recorded in Official Records Book 3158, page 106, Public Records of Orange County, Florida (the "Expired Agreement"), to which the Expired Agreement amended that certain Agreement as to Party Wall and Cross Parking and Use dated January 30, 1975 and recorded in O. R. Book 2599, page 1171, Public Records of Orange County, Florida, as

amended by that certain Amendment to Party Wall and Cross Parking and Use Agreement dated May 18, 1978 and recorded in O. R. Book 2895, page 6, Public Records of Orange County, Florida (together, the "Prior Agreements"); and

WHEREAS, the Expired Agreement terminated by its terms on December 31, 2005, but the parties hereto have continued to honor certain provisions contained in the Expired Agreement and the Prior Agreements; and

WHEREAS, the parties hereto now desire to terminate, release and relinquish all easements and other rights and interests created or reserved by virtue of the Expired Agreement and Prior Agreements in their entirety, and establish a new agreement between the parties, as set forth herein.

NOW, THEREFORE, in consideration of the sum of TEN DOLLARS (\$10.00), paid by FIRST PARTY to SECOND PARTY, and the promises and covenants contained herein, the parties hereto hereby covenant and agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein by this reference.
2. **Cross-Parking Rights.** Each of the parties hereto owns buildings within the northerly 70' of the property each owns, as more particularly described in Schedule 1 and Schedule 2 annexed hereto, respectively (the property upon which buildings are presently located shall be known and described herein as "Building Area"). The southerly 60' approximately of the property described herein as Schedule 1 and Schedule 2 annexed hereto, and the easterly 60' of Parcel 2 (all of which shall be referred to herein as "Common Area"), shall be developed and used as a Parking Area for the tenants and lessees of the parties hereto, and/or their customers and invitees, and each of the parties hereto grants a non-exclusive easement for cross-parking

purposes to the other party hereto and the lessees, successors and assigns of each, and the customers and invitees. It is understood and agreed that the southerly 60' of the property described in Schedule 1 and Schedule 2, approximately, shall be used for parking and driveway purposes, and the easterly 60' of the property described in Schedule 2, annexed hereto, shall be also utilized for parking and as a drive, and that this area shall be reserved as Common Area for parking and ingress and egress, on a non-exclusive basis by each of the parties hereto. Each of the parties shall be responsible for the repair and maintenance of the Common Area within the boundary of the particular parcel owned by each party and each party covenants and agrees that the invitees and customers of the parties hereto and their respective lessees, successors and assignees, shall have the use for parking and ingress and egress of all of the area designated as Common Area within the boundaries of the properties described in Schedule 1 and Schedule 2 annexed hereto.

3. **Party Wall Declaration.** The building constructed on Parcel 2 was constructed easterly of the westerly boundary of Parcel 2 so that the westerly wall constructed on Parcel 2 is not contiguous to the property line of Parcel 2. Accordingly, the westerly boundary of the present building owned by SECOND PARTY on Parcel 2 shall be considered to be the party wall (the "Party Wall") for the parties hereto, notwithstanding the exact location of such wall. FIRST PARTY shall have the right to use the westerly wall of the Party Wall, notwithstanding the exact location of such wall.

4. **Repairs to Party Wall.** FIRST PARTY shall promptly make repairs and/or replacements to the Party Wall due to damage arising or resulting from, or in any way related to, FIRST PARTY's use thereof, which includes, without limitation, damage caused by FIRST PARTY's agents, representatives, and/or contractors. SECOND PARTY shall promptly make

repairs and/or replacements to the Party Wall due to damage arising or resulting from, or in any way related to, SECOND PARTY's use thereof, which includes, without limitation, damage caused by SECOND PARTY's agents, representatives and/or contractors. In the event the Party Wall is damaged by fire or other casualty which is not attributable to either party hereto, then the parties hereto shall each be equally liable and responsible to pay one-half of the total costs for all necessary repairs and/or replacements to the Party Wall, and in that regard, the parties hereto mutually waive their respective rights of recovery against each other for loss or damage covered by any insurance policy now or hereafter existing for the benefit of the respective party, but only to the extent of the net insurance proceeds payable under such policy or policies. All such repairs and/or replacements, as required herein, shall be performed in good, workmanlike and lawful manner with like or better kind and quality.

5. **Mutual Indemnification Obligations as to Party Wall.** FIRST PARTY shall indemnify, defend and hold harmless SECOND PARTY from and against any and all liability and claims for damages arising or resulting from, or in any way related to, FIRST PARTY's use of the Party Wall, which includes, without limitation, any and all liability and claims for damages caused by FIRST PARTY's agents, representatives and/or contractors. SECOND PARTY shall indemnify, defend and hold harmless FIRST PARTY from and against any and all liability and claims for damages arising or resulting from, or in any way related to, SECOND PARTY's use of the Party Wall, which includes, without limitation, any and all liability and claims for damages caused by SECOND PARTY's agents, representatives and/or contractors.

6. **Covenants to Run With the Land.** This Agreement and the rights set forth herein shall be perpetual, run with the land and shall benefit the successors and assigns of the parties hereto.

7. **Termination of Expired Agreement and Prior Agreements.** The parties hereto hereby terminate, release and relinquish all easements and other rights and interests created or reserved by virtue of the Expired Agreement and Prior Agreements in their entirety, and the provisions thereof shall have no further effect as of the Effective Date of this Agreement.

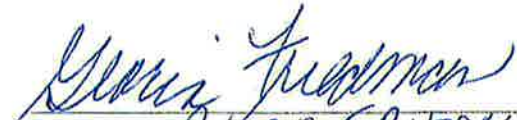
8. **Counterparts.** This Agreement may be executed in separate counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same agreement.

[THE REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

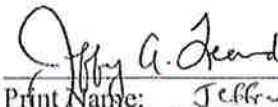
[*signature pages follow*]

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence: SJS BELLE ISLE COMMONS, LLC, a New Jersey limited liability company


Print Name: GLORIA FRIEDMAN


By: 
Stephen Cravitz, President


Print Name: Jeffrey A. LEONARD

SHAYONA OF ORLANDO LLC, a Florida limited liability company


Print Name: S. F. VAUGHN

By: 
Name: HARSHAD PATEL
Title: as manager


Print Name: TUSHAR PATEL

STATE OF New Jersey :
COUNTY OF Burlington : SS.
:

ON THIS, the 4th day of September, 2019, before me, the undersigned officer, a Notary Public, personally appeared Stephen Cravitz, who acknowledged himself to be the President of SJS Belle Isle Commons, LLC, for itself, its members, successors, assigns, and designees, and that he, as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

Dina M. Zornes
Notary Public

Dina M. Zornes
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires on April 11, 2022

STATE OF New Jersey :
COUNTY OF Burlington : SS.
:

ON THIS, the 4th day of September, 2019, before me, the undersigned officer, a Notary Public, personally appeared Stephen Cravitz, who acknowledged himself to be the President of SJS Belle Isle Commons, LLC, for itself, its members, successors, assigns, and designees, and that he, as such officer, being authorized to do so, executed the foregoing instrument for the purposes therein contained.

Dina M. Zornes
Notary Public

Dina M. Zornes
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires on April 11, 2022

SCHEDULE 1

PARCEL 1

From the Southeast corner of the Southwest 1/4 of the Southeast 1/4 of Section 17, Township 23 South, Range 30 East, run thence N. 00° 06' 24" E. along the centerline of Conway Road, a distance of 782.73 feet; thence S. 89° 50' 19" W. a distance of 53.00 feet to a Point on the West right-of-way line of said Conway Road, thence S. 00° 06' 24" W, along said right-of-way line a distance of 120.00 feet for a point of beginning; thence continue S. 00° 06' 24" W. a distance of 25.00 feet; thence S 89° 50' 19" W. a distance of 400.00 feet; thence N 00° 06' 24" E. a distance of 145.00 feet; thence N 89° 50' 19" E. a distance of 270.00 feet; thence S. 00° 06' 24" W. a distance of 120.00 feet; thence N. 89° 50' 19" E. a distance of 130.00 feet to the point of beginning.

SCHEDULE 2

PARCEL 2

From the NE corner of the NW 1/4 of the SE 1/4 of Section 17, Twp 23 South, Rng 30 East, run S 00° 06' 21" W along the E line of said NW 1/4 of the SE 1/4 a distance of 1338.57 ft. to the SE corner of said NW 1/4 of the SE 1/4; thence S 89° 50' 25" W along the S line of said NW 1/4 of the SE 1/4 a distance of 53 ft; run thence S 00° 06' 21" W a distance of 556 ft. to the Point of Beginning; from the Point of Beginning continue thence S 00° 06' 21" W a distance of 120 ft; thence S 89° 50' 19" W a distance of 130 ft; thence N 00° 06' 21" E a distance of 120 ft; thence N 89 50' 25" E 130 ft; to the Point of Beginning.

This instrument prepared by
and should be returned to:

SI Valbh, Esq.
Bogin Munns & Munns, PA
1000 Legion Place, 10th Floor
Orlando, FL 32801

Parcel ID #: 17-23-30-0000-00-008

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made and executed effective as of this 29th day of May, 2020, by **SHAYONA OF ORLANDO LLC**, a Florida limited liability company, whose address is 5050 S. Conway Road, Orlando, FL 32812 (hereinafter referred to as the "Grantor") to **D-LAND LLC**, a Florida limited liability company, whose address is 10273 Hart Branch Circle, Orlando, FL 32832 (hereinafter referred to as the "Grantee");

W I T N E S S E T H:

That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, the receipt and sufficiency of which are hereby acknowledged by these presents does grant, bargain, sell, alien, remise, release, convey, and confirm unto the Grantee those certain pieces, parcels or tracts of land situated in Orange County, Florida more particularly described as follows:

SEE ATTACHED EXHIBIT A, WHICH IS INCORPORATED HEREIN BY REFERENCE

TOGETHER WITH all improvements, tenements, hereditaments and appurtenances belonging or in any way appertaining to such real property (all of the foregoing being hereinafter referred to as the "Subject Property");

TO HAVE AND TO HOLD the Subject Property in fee simple forever; and the Grantor does hereby covenant with and warrant to the Grantee that the Grantor is lawfully seized of the Subject Property in fee simple; that the Grantor has good right and lawful authority to sell and convey the Subject Property; and that the Grantor fully warrants the title to the Subject Property and will defend the same against the lawful claims of all persons claiming by, through or under the Grantor, but against none other.


The Subject Property is not Grantor's homestead.

The conveyance made herein, however, is expressly made SUBJECT TO easements, restrictions and other matters of record, this reference to which shall not act to reimpose same, and taxes and assessments for the year 2020 and thereafter which are not yet due and payable.

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in manner and form sufficient to bind it as of the day and year first above written.

Signed, sealed and delivered

SHAYONA OF ORLANDO LLC


Name: TUSHAR PATEL

By: 
Print Name: HARSHAD PATEL


Name: S-I VALBH

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 29th day of May, 2020 by Harshad Patel, as Manager of Shayona of Orlando LLC, a Florida limited liability company. He is personally known to me or has produced FL Drivers License as identification.

[Notary Seal]


Notary Public



S-I VALBH
Name typed, printed or stamped
My Commission Expires: June 20, 2022

**EXHIBIT A
LEGAL DESCRIPTION**

From the Northeast corner of the Northwest 1/4 of the Southeast 1/4 of Section 17, Township 23 South, Range 30 East, Orange County, Florida, run South 00 degrees 06 minutes 21 seconds West, along the East line of said Northwest 1/4 of the Southeast 1/4, a distance of 1338.57 feet to the Southeast corner of the said Northwest 1/4 of the Southeast 1/4; thence South 89 degrees 50 minutes 25 seconds West, along the South line of the said Northwest 1/4 of the Southeast 1/4, a distance of 53.0 feet; thence run South 00 degrees 06 minutes 21 seconds West, a distance of 556.0 feet to the Point of Beginning; from said Point of Beginning, continue South 00 degrees 06 minutes 21 seconds West, a distance of 120.0 feet; thence South 89 degrees 50 minutes 19 seconds West, a distance of 130.0 feet; thence North 00 degrees 06 minutes 21 seconds East, a distance of 120.0 feet; thence North 89 degrees 50 minutes 25 seconds East, a distance of 130.0 feet to the Point of Beginning.

Together with an Agreement as to Party Wall and Cross Parking and Use Agreement recorded in Official Records Book 2599, Page 1171, then Amended and recorded in Official Records Book 2895, Page 6, and Official Records Book 3158, Page 106, and instrument #20190602974 of the Public Records of Orange County, Florida.

A. Settlement Statement

B. Type of Loan

<input type="radio"/> 1. FHA	<input type="radio"/> 2. FmHA	<input type="radio"/> 3. Conv. Unins.	6. File Number 2191361	7. Loan Number ID:	8. Mortg. Ins. Case Num.
<input type="radio"/> 4. V.A.	<input type="radio"/> 5. Conv. Ins.				

C. NOTE: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.

D. NAME OF BORROWER: D-Land LLC, a Florida limited liability company
Address of Borrower: 10273 Hart Branch Cir, Orlando, Florida 32832

E. NAME OF SELLER: Shayona of Orlando, a Florida limited liability company
Address of Seller: 6050 South Conway Road, Orlando, Florida 32812 TIN: 45-3075332

F. NAME OF LENDER:
Address of Lender:

G. PROPERTY LOCATION: 5050 Conway Rd., Orlando, Florida 32812

H. SETTLEMENT AGENT: Bogln, Munns & Munns, P.A. ORL
Place of Settlement: 1000 Legion Place, Suite 1000, Orlando, Florida 32801 TIN: 20-3886534
Phone: 407-578-1334

I. SETTLEMENT DATE: 5/29/20 DISBURSEMENT DATE: 5/29/20

J. Summary of borrower's transaction		K. Summary of seller's transaction	
100. Gross amount due from borrower:		400. Gross amount due to seller:	
101. Contract sales price	837,500.00	401. Contract sales price	837,500.00
102. Personal property		402. Personal property	
103. Settlement charges to borrower (Line 1400)	2,493.00	403.	
104.		404.	
105.		405.	
Adjustments for items paid by seller in advance:		Adjustments for items paid by seller in advance:	
106. City/town taxes		406. City/town taxes	
107. County taxes		407. County taxes	
108. Assessments		408. Assessments	
109. Non-Ad Valorem Taxes from 05/29/20 to 10/31/20	184.25	409. Non-Ad Valorem Taxes from 05/29/20 to 10/31/20	184.25
110.		410.	
111.		411.	
112.		412.	
120. Gross amount due from borrower:	840,167.25	420. Gross amount due to seller:	837,884.25
200. Amounts paid or in behalf of borrower:		500. Reductions in amount due to seller:	
201. Deposit or earnest money	325,000.00	501. Excess deposit (see instructions)	
202. Principal amount of new loan(s)		502. Settlement charges to seller (line 1400)	12,755.00
203. Existing loan(s) taken subject to		503. Existing loan(s) taken subject to	
204. Principal amount of second mortgage		504. Payoff of first mortgage loan	462,000.00
205.		505. Payoff of second mortgage loan	
206.		506. Deposits held by seller	
207. Principal amt of mortgage held by seller		507. Principal amt of mortgage held by seller	
208.		508.	
209.		509.	
Adjustments for items unpaid by seller:		Adjustments for items unpaid by seller:	
210. City/town taxes		510. City/town taxes	
211. County taxes from 01/01/20 to 05/29/20	2,184.12	511. County taxes from 01/01/20 to 05/29/20	2,184.12
212. Assessments		512. Assessments	
213.		513.	
214.		514.	
215.		515.	
216.		516.	
217.		517.	
218.		518.	
219.		519.	
220. Total paid by/for borrower:	327,184.12	520. Total reductions in amount due seller:	476,939.12
300. Cash at settlement from/to borrower:		600. Cash at settlement to/from seller:	
301. Gross amount due from borrower (line 120)	840,167.25	601. Gross amount due to seller (line 420)	837,884.25
302. Less amount paid by/for the borrower (line 220)	(327,184.12)	602. Less total reductions in amount due seller (line 520)	(476,939.12)
303. Cash (<input checked="" type="checkbox"/> From <input type="checkbox"/> To) Borrower:	512,983.13	603. Cash (<input checked="" type="checkbox"/> To <input type="checkbox"/> From) Seller:	360,745.13

Substitute Form 1099 Seller Statement: The information contained in blocks E, G, H, and I and on line 401 is important tax information and is being furnished to the IRS. If you are required to file a return, a negligence penalty or other sanction will be imposed on you if this item is required to be reported and the IRS determines that it has not been reported.

Seller instructions: If this real estate was your principal residence, file Form 2119, Sale or Exchange of Principal Residence, for any gain, with your tax return; for other transactions, complete the applicable parts of Form 4797, Form 6252 and/or Schedule D (Form 1040).

L. Settlement charges				Borrower POC	Seller POC	Paid from Borrower's Funds at Settlement	Paid from Seller's Funds at Settlement
700. Total Sales/Brokers Com. based on price	\$837,500.00 @	% =					
701.	% to						
702.	% to						
703. Commission paid at settlement							
704.	to						
800. Items payable in connection with loan:				Borrower POC	Seller POC		
801. Loan origination fee	% to						
802. Loan discount	% to						
803. Appraisal fee	to						
804. Credit report	to						
805. Lender's inspection fee	to						
806. Mortgage insurance application fee	to						
807. Assumption Fee	to						
808.	to						
809.	to						
810.	to						
811.	to						
900. Items required by lender to be paid in advance:				Borrower POC	Seller POC		
901. Interest from	to	@	/day				
902. Mortgage Insurance premium for	months to						
903. Hazard Insurance premium for	years to						
904. Flood insurance premium for	years to						
905.	years to						
1000. Reserves deposited with lender:				Borrower POC	Seller POC		
1001. Hazard Insurance	months @	per month					
1002. Mortgage Insurance	months @	per month					
1003. City property taxes	months @	per month					
1004. County property taxes	months @	per month					
1005. Annual assessments	months @	per month					
1006. Flood Insurance	months @	per month					
1007.	months @	per month					
1008.	months @	per month					
1009. Aggregate accounting adjustment							
1100. Title charges:				Borrower POC	Seller POC		
1101. Settlement or closing fee	to Bogin, Munns & Munns, P.A. ORL					500.00	500.00
1102. Abstract or title search	to Westcor Land Title Insurance Company						260.00
1103. Title examination	to						
1104. Title insurance binder	to						
1105. Document preparation	to						
1106. Notary fees	to						
1107. Attorney's Fees	to Bogin, Munns & Munns, P.A. ORL						1,750.00
(includes above item numbers:							
1108. Title Insurance	to Westcor Land Title Insurance Company/Bogin, Munns &						4,262.50
(includes above item numbers:							
1109. Lender's coverage (Premium):							
1110. Owner's coverage (Premium):	\$837,500.00 (\$4,262.50)						
1111. Endorse:							
1112.	to						
1113.	to						
1200. Government recording and transfer charges:							
1201. Recording fees	Deed \$18.50 Mortgage(s)	Releases				18.50	
1202. City/county tax/stamps	Deed Mortgage(s)						
1203. State tax/stamps	Deed \$5,862.50 Mortgage(s)						5,862.50
1204. E-Recording Fee	to Simplifile					4.50	
1205.	to						
1300. Additional settlement charges:				Borrower POC	Seller POC		
1301. Survey	to Atlantic Surveying Inc.					1,980.00	
1302. Pest Inspection	to						
1303. Lien Search	to Florida Municipal Lien Search						120.00
1304.	to						
1305.	to						
1306.	to						
1307.	to						
1308.	to						
1309.							
1400. Total settlement charges:							
(Enter on lines 103, Section J and 502, Section K)						2,483.00	12,755.00

HUD-1 SETTLEMENT STATEMENT ADDENDUM

File Number: 2191361

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a copy of the HUD-1 Settlement Statement.

Borrower(s)

D-Land LLC
a Florida limited liability company

By: 

An D. Dang
Manager

Seller(s)

Shayona of Orlando LLC
a Florida limited liability company

By: 

Harshad Patel
Managing Member

(Corporate Seal)

Settlement Agent

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused or will cause the funds to be disbursed in accordance with this statement.

Bogin, Munns & Munns P.A. ORL

By: 

Date: 5-29-2020

WARNING: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.

Brittany Porter

From: Saidallah, Sal <Sal.Saidallah@dot.state.fl.us>
Sent: Tuesday, July 07, 2020 3:10 PM
To: Brittany Porter
Cc: Kirts, Scott; Dean Blankenship
Subject: 5050 Conway Medical -FDOT Curb Modifications
Attachments: 2018 Driveway Permit Checklist - Cat B Higher.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Brittany,

Per our conversation on the phone today. As I advised you to submit a new driveway permit via OSP since the business will be pharmacy. I attached the driveway permit check list.

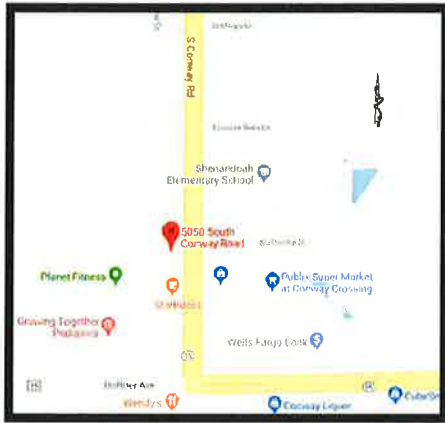
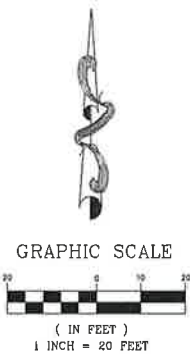
Thank you,

LEGAL DESCRIPTION:

FROM THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 17, TOWNSHIP 23 SOUTH, RANGE 30 EAST, ORANGE COUNTY, FLORIDA, RUN SOUTH 00 DEGREES 06 MINUTES 21 SECONDS WEST, ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 1338.57 FEET TO THE SOUTHEAST CORNER OF THE SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4; THENCE SOUTH 89 DEGREES 50 MINUTES 25 SECONDS WEST, ALONG THE SOUTH LINE OF THE SAID NORTHWEST 1/4 OF THE SOUTHEAST 1/4, A DISTANCE OF 53.0 FEET; THENCE RUN SOUTH 00 DEGREES 06 MINUTES 21 SECONDS WEST, A DISTANCE OF 556.0 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING, CONTINUE SOUTH 00 DEGREES 06 MINUTES 21 SECONDS WEST, A DISTANCE OF 120.0 FEET; THENCE SOUTH 89 DEGREES 50 MINUTES 19 SECONDS WEST, A DISTANCE OF 130.0 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 21 SECONDS EAST, A DISTANCE OF 120.0 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 25 SECONDS EAST, A DISTANCE OF 130.0 FEET TO THE POINT OF BEGINNING.

CONTAINING 15,600 SQUARE FEET (0.36 ACRES), MORE OR LESS.

POINT OF COMMENCEMENT
NE CORNER OF
NW1/4 OF SE1/4
SECTION 17-23S-30E



VICINITY MAP
NOT TO SCALE

- LEGEND AND ABBREVIATIONS:
- LIGHT POLE
 - △ TELEPHONE RISER
 - ⊠ WATER METER
 - ⊞ BACK FLOW PREVENTER
 - ⊙ UTILITY POLE
 - ⊙ BOLLARD
 - POST/COLUMN
 - ⊞ UTILITY VAULT
 - ⊙ SEWER VALVE
 - ⊙ MONITOR WELL
 - ⊙ AIR/VACUUM EQUIPMENT
 - ⊙ GAS ACCESS
 - ⊞ FLAT GRATE INLET
 - ⊙ SANITARY MANHOLE
 - ORB OFFICIAL RECORDS BOOK
 - PG PAGE OR PAGES
 - (D) PER DESCRIPTION

SCHEDULE B-II EXCEPTIONS:

- AGREEMENT AS TO PARTY WALL AND CROSS-PARKING AND USE RECORDED IN OFFICIAL RECORDS BOOK 2598, PAGE 1171, TOGETHER WITH AGREEMENTS RECORDED IN OFFICIAL RECORDS BOOK 2895, PAGE 6, AND OFFICIAL RECORDS BOOK 3158, PAGE 106, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA (NO LONGER AFFECTS--ACCORDING TO ORB 3158, PAGE 106, AGREEMENT AND CROSS-PARKING RIGHTS TERMINATED ON DECEMBER 31, 2005.)
- SEWER LINE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 2629, PAGE 1623, AND OFFICIAL RECORDS BOOK 2629, PAGE 1625, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (ADJACENT--GRAPHICALLY SHOWN HEREON)
- EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 3154, PAGE 971, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA. (ADJACENT--GRAPHICALLY SHOWN HEREON)

- SURVEYOR'S NOTES:
- BEARINGS SHOWN HEREON ARE ASSUMED BASED ON THE WEST RIGHT OF WAY LINE OF CONWAY ROAD, AS BEING 5000.22'E
 - THERE MAY BE EASEMENTS AND RESTRICTIONS OF RECORD AND/OR PRIVATE AGREEMENTS NOT FURNISHED TO THIS SURVEYOR OR SHOWN ON THIS BOUNDARY SURVEY THAT MAY AFFECT PROPERTY RIGHTS AND/OR LAND USE RIGHTS OF THE SUBJECT PROPERTY.
 - THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF AN INSURANCE TITLE COMMITMENT, PREPARED BY WESTCOR LAND TITLE INSURANCE COMPANY FILE NO. 2191361, DATED APRIL 17, 2019 AT 8:00AM.
 - THE LEGAL DESCRIPTION HEREON WAS PROVIDED BY SAID TITLE COMMITMENT.
 - THIS SURVEY WAS PERFORMED FOR THE SOLE AND EXCLUSIVE BENEFIT OF THE ENTITIES LISTED HEREON AND SHALL NOT BE RELIED UPON BY ANY OTHER ENTITY OR INDIVIDUAL WHOMSOEVER.
 - THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
 - SUBJECT PROPERTY SHOWN HEREON IS IN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN, ACCORDING TO FLOOD INSURANCE RATE MAP PANEL NUMBER 12086C0430F, EFFECTIVE SEPTEMBER 25, 2009. THE ABOVE STATEMENT IS FOR INFORMATION ONLY AND THIS SURVEYOR ASSUMES NO LIABILITY FOR THE CORRECTNESS OF THE CITED MAP(S). IN ADDITION, THE ABOVE STATEMENT DOES NOT REPRESENT THIS SURVEYOR'S OPINION OF THE PROBABILITY OF FLOODING.
 - PARKING SPACES: 9 REGULAR SPACES WITHIN SUBJECT BOUNDARY LINES AND 1 HANDICAP SPACE

TO D--LAND LLC, BOGIN, MUNNS & MUNNS, P.A.,
WESTCOR LAND TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-4, 7(c), 7(c), 8, 9, 11, 16 (NONE OBSERVED) AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON MAY 13, 2019.

DATE OF PLAT OR MAP: MAY 14, 2019

ALTA/NSPS LAND TITLE SURVEY
5050 CONWAY ROAD, ORLANDO, FL

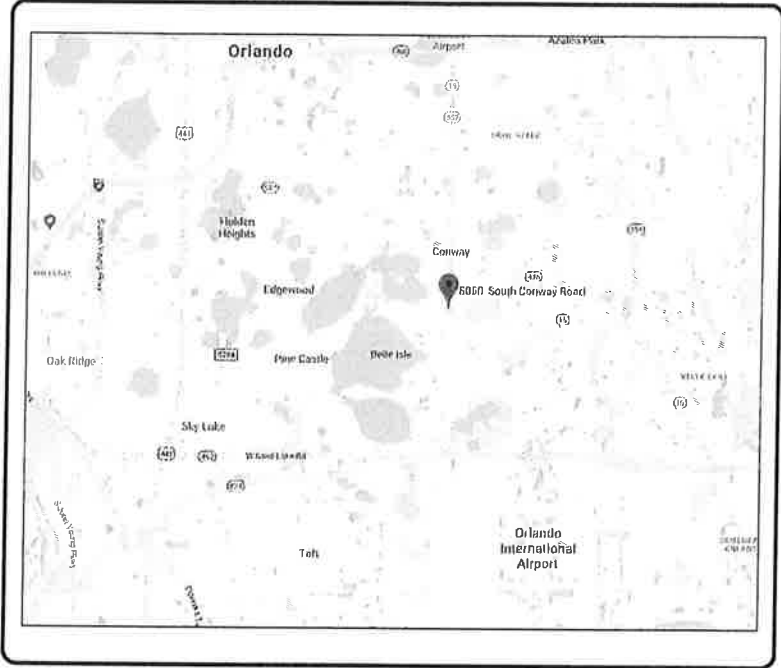
ATLANTIC SURVEYING

300 S. DILLARD STREET
WINTER HAVEN, FL 33880
(407) 656-4032/FAX (407) 656-4437
LE/R050

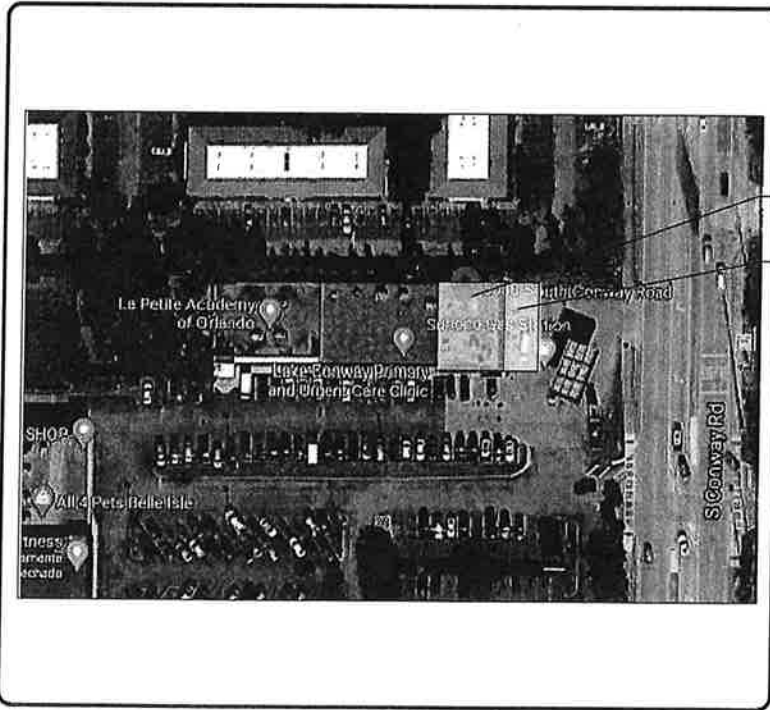
DATE: 5-14-19
SCALE: 1"=30'
CAL. BY: BAO
DRAWN BY: BAO
JOB NO. 119022

Revisions

CONWAY MEDICAL PLAZA



LOCATION MAP 



VICINITY MAP 

BUILDING CODE REFERENCE	FLORIDA BUILDING CODE - 2017 6th Edition	
INFORMATION DRAWINGS	SECTION 1606.1.7	FBC SECTION 1606
1. BASIC WIND SPEED	FLORIDA 140 MPH - 3 SECOND GUST	
2. WIND IMPORTANCE FACTOR	FACTOR II BUSINESS OCCUPANCY	
3. WIND EXPOSURE	FLORIDA WIND EXPOSURE B	
4. INTERNAL PRESSURE COEFFICIENT	BUILDING SIMPLE DIAPHRAM MEETING THE 7 SHAPE CRITERIA INTERNAL PRESSURE COEFFICIENT 0.18	
5. COMPONENTS & CLADDING	DESIGN WIND PRESSURE 32 PSF FOR COMPONENTS & CLADDING	
DESIGN WIND PRESSURE FOR OPENINGS + 29.4 PSF / -34.7 PSF FOR 36" WIDTH OPENING		
STREET ADDRESS 5050 CONWAY ROAD, ORLANDO, FLORIDA 32812		
PARCEL NUMBER 17-23-30-0000-00-008		
DOR USE CODE 1100-RETAIL CONV STORE		
JURISDICTION: ORANGE COUNTY		
CONSTRUCTION TYPE: CMU BLOCK		
EXISTING AREA: 2604sqft		ADDITION: 1240sqft AREA TOTAL: 3844sqft
DR. OFFICE AREA: 2666sqft		PHARMACY AREA: 1178sqft
OCCUPANCY: MERCANTILE		USE: C1
SCOPE OF WORK: SIDE ADDITION		

SHEET LEGEND

CV-01	CODES, SCOPE OF WORK, SHEET LEGEND, VICINITY MAP
A-01	EXISTING SITE PLAN
A-02	PROPOSED SITE PLAN
A-03	PROPOSED FOUNDATION PLAN
A-04	PROPOSED FLOOR PLAN
A-05	LIFE SAFETY PLAN
D-01	DETAILS
E-01	ELECTRICAL PLAN
E-02	CEILING LIGHT PLAN
M-01	MECHANICAL PLAN
P-01	PLUMBING PLAN

CODE INFORMATION

ADOPTED CODES FLORIDA BUILDING CODE- 2017 6th Edition	
BUILDING:	FLORIDA BUILDING CODE- 2017, EXISTING BUILDING
FIRE:	FLORIDA PREVENTION CODE- 2017
PLUMBING:	FLORIDA BUILDING CODE, PLUMBING- 2017
MECHANICAL:	FLORIDA BUILDING CODE, MECHANICAL- 2017
ELECTRICAL:	CHAPTER 27- NFPA 70, NATIONAL ELECTRIC CODE, 2017
ACCESSIBILITY:	2017 FLORIDA ACCESSIBILITY CODE FOR BLDG CONSTRUCTION
ENERGY:	FBC 2017 ENERGY EFFICIENCY FOR BLDG CONSTRUCTION



HOSANNA BUILDING CONTRACTORS
278 SEMORAN COMMERCE PLACE
APOPKA 32703
407.482.8332

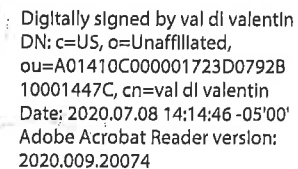
Val diValentin, Architect.
1844 Crestview Dr
Mount Dora FL 32757
AR 7114

5050 CONWAY ROAD,
ORLANDO, FLORIDA
32812



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ou=A01410C000001723D0792B10
001447c, cn=val di valentin

Accuracy Statement
1. This drawing has been electronically signed and



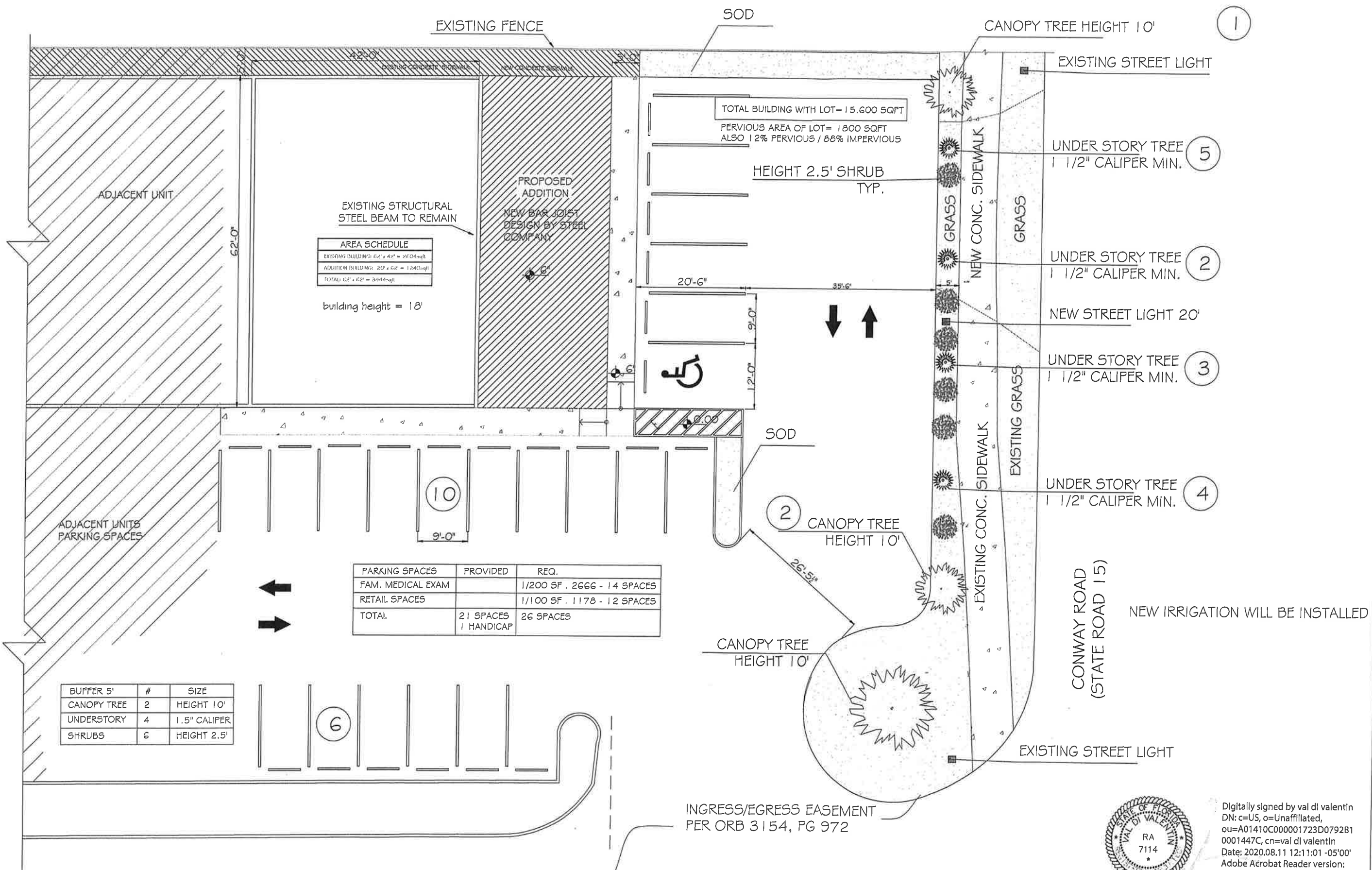
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EXISTING SITE PLAN



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Accuracy Statement
1. This drawing has been electronically signed and

August 14, 2020

Site Plan Review: 5050 Conway Road

Applicant Request: PROPOSED DEVELOPMENT SITE PLAN. PURSUANT TO BELLE ISLE CODE SEC. 54-79 (F) (4), THE BOARD SHALL REVIEW AND TAKE ACTION ON THE PROPOSED SITE PLAN, SUBMITTED BY APPLICANT HOSANNA BUILDING CONTRACTORS, LOCATED AT 5050 CONWAY ROAD, BELLE ISLE FL 32812, ALSO KNOWN AS PARCEL # 17-23-30-0000-00-008.

Existing Zoning/Use: Retail Commercial District (C-1)/ Vacant Gas Station with Convenience Store

Staff Application Review

The proposed site plan has been reviewed in preparation for the Planning and Zoning Board meeting on August 25, 2020. The proposed application is for redevelopment of a commercial building to include an addition for a pharmacy and medical office use. The property is located within the jurisdiction of the City of Belle Isle with a zoning designation of Retail Commercial District (C-1).

Sec. 54-79 of the City Code identifies requirements for the C-1 zoning district. Medical office and pharmacies are allowed as permitted uses. Site plan review and approval is required, however, by the Planning and Zoning Board before a building permit may be issued (Sec. 54-79 (f)(4)).

Staff Review

The proposed plan complies with the code (subject to granting of companion variance requests in this August 25, 2020 public hearing). The applicant has provided a site plan, landscaping plan, and a shared parking agreement that exists for the site.

There are additional conditions, however, that need to be considered by the Planning and Zoning Board in determining whether to approve the site plan application. These conditions are identified in the Staff Recommendations section below.

Staff Recommendations

For the Board's consideration, it is within the Board's purview to require conditions applicable to approval of a proposed site plan. Staff recommends that the following considerations as conditions to be placed upon an approval of the proposed site plan:

1. A separate dumpster permit shall be required as part of the building permit process if the current dumpster facilities are being replaced/changes or do not comply with code; or, the applicant may submit certification that the existing dumpster facilities comply with code.

2. The applicant seeks to close the existing curb cut abutting Conway Road, as indicated on the site plan. The applicant has provided a copy of communication with the FDOT indicating the procedure to effectuate this. As a condition of approval, the applicant must provide the approval from the FDOT to close the curb cut prior to receiving building permit approval.
3. A landscaping plan consistent with Sec. 50-76 shall be provided for review with the building permit application. This shall include an irrigation plan.
4. Stormwater management plans consistent with the requirement of Sec. 50-74 and Sec. 54-79 (f) (2) shall be provided for review with the building permit application.
5. A lighting plan with foot-candle information shall be required as part of the building permit application process, if new exterior lighting is proposed, to ensure no light pollution occurs onto adjacent residential properties.
6. A separate sign permit application is required.

With these conditions, staff recommends approval of the proposed hotel addition.

The Board may consider any of these conditions or apply others as deemed appropriate by the Board. Please note that if additional plans or agreements are requested, the Board may want to review these prior to granting approval of a site plan.

Upon approval of a site plan, it becomes part of the building permit and may be amended only by the Planning and Zoning Board.

Next Steps

The Board may approve the proposed site plan application as it is, approve with specific conditions, continue the application if additional information is being requested for consideration, or deny the application.

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