

CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Held in City Hall Chambers 1600 Nela Avenue, Belle Isle Held the 4th Tuesday of Every Month Tuesday, February 25, 2025 * 6:30 PM

AGENDA

Planning and Zoning Board Members

District 3 member – Randy Holihan, Chairman
Vice Chairman – District 4 member – Vinton Squires
District 1 member – OPEN | District 2 member – OPEN | District 5 member – Rainey Conduff
| District 6 member – Andrew Thompson | District 7 member – Dr. Leonard Hobbs

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

- 1. Call to Order and Confirmation of Quorum
- 2. Invocation and Pledge to Flag Board Member Hobbs, District 7
- 3. Approval of Minutes
- 4. Public Hearings
 - a. Planning and Zoning Case Number 2024-12-009: PURSUANT TO SECTION 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 48-32 (A) (3), 48-32 (A) (4), AND 48-32 (C) (2), TO ALLOW A DOCK TO EXCEED THE ALLOWABLE 14-FOOT MAXIMUM HEIGHT LIMIT BY AN ADDITIONAL THREE FEET, ALLOW A DOCK TO EXCEED THE MAXIMUM ALLOWABLE TERMINAL PLATFORM SIZE BY AN ADDITIONAL ONE HUNRED THIRTEEN SQUARE FEET, AND ALLOW A DOCK TO HAVE A FLAT ROOF AS AN ACTIVITY DECK, SUBMITTED BY APPLICANT PETER FLECK, ON BEHALF OF THE PROPERTY OWNER PAUL KUCK, LOCATED AT 5724 COVE DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1660-00-040.
 - Planning and Zoning Case Number 2024-12-010: PURSUANT TO SECTION 54-82 (E) AND 54-82 (F) (3), THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED SITE PLAN, SUBMITTED BY APPLICANT GARY DAVIS, ON BEHALF OF THE PROPERTY OWNER RMI HQ LLC, LOCATED AT JETPORT DRIVE AND 2300 JETPORT DRIVE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID #31-23-30-0000-00-027 AND #31-23-30-0000-00-029.
 - C. Planning and Zoning Case Number 2025-01-002: PURSUANT TO SECTION 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 48-32 (C) (1) TO ALLOW A DOCK AND WORK FOR AND ON A DOCK WITHIN A DRAINAGE AND UTILITY EASEMENT, SUBMITTED BY APPLICANT SHEILA CICHRA, ON BEHALF OF THE PROPERTY OWNER DANIEL JOSEPH MCCARTIN, LOCATED AT 3538 COUNTRY LAKES DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-4980-00-030.
 - d. Planning and Zoning Case Number 2025-01-028: PURSUANT TO SECTION 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 50-102 (A) (7) TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.
- 5. Other Business
 - Proposed Ordinance to Allow Residental Flag Lots on Non-Lakefront Properties
- 6. Adjournment

APPEALS: Please be advised that Section 286.0105, Florida Statutes, states that "if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, they will need a record of the proceedings, and that for such purpose, may need to ensure a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." A notice of appeal to the City Clerk should be submitted within fifteen (15) days after such recommendation or decision is made. "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting (Belle Isle's City Code Section 42-71). —Page 1 of 1

MEMORANDUM

TO: Planning and Zoning Board

DATE: February 25, 2025

RE: Variance Application – 5724 Cove Drive

Planning and Zoning Case Number 2024-12-009: PURSUANT TO SECTION 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 48-32 (A) (3), 48-32 (A) (4), AND 48-32 (C) (2), TO ALLOW A DOCK TO EXCEED THE ALLOWABLE 14-FOOT MAXIMUM HEIGHT LIMIT BY AN ADDITIONAL THREE FEET, ALLOW A DOCK TO EXCEED THE MAXIMUM ALLOWABLE TERMINAL PLATFORM SIZE BY AN ADDITIONAL ONE HUNRED THIRTEEN SQUARE FEET, AND ALLOW A DOCK TO HAVE A FLAT ROOF AS AN ACTIVITY DECK, SUBMITTED BY APPLICANT PETER FLECK, ON BEHALF OF THE PROPERTY OWNER PAUL KUCK, LOCATED AT 5724 COVE DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1660-00-040.

Background:

- 1. On December 5, 2024 the applicant submitted a Variance application and the required paperwork.
- On February 12, 2025, letters to the abutting property owners were mailed within 300 feet of the subject property, and a Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on February 15, 2025.

The Board may adopt all, some, or none of these determinations as part of its findings of fact and add any additional findings of fact presented at the public hearing. The Board must determine if the criteria outlined 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 48-33, 48-32(A(3) AND 48-32, TO ALLOW A DOCK TO EXCEED THE ALLOWABLE 14-FOOT MAXIMUM HEIGHT LIMIT BY AN ADDITIONAL THREE FEET, ALLOW A DOCK TO EXCEED THE MAXIMUM ALLOWABLE TERMINAL PLATFORM SIZE BY AN ADDITIONAL ONE HUNRED THIRTEEN SQUARE FEET, AND ALLOW A DOCK TO HAVE A FLAT ROOF AS AN ACTIVITY DECK, SUBMITTED BY APPLICANT PETER FLECK, ON BEHALF OF THE PROPERTY OWNER PAUL KUCK, LOCATED AT 5724 COVE DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1660-00-040.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE 48-33, 48-32(A(3) AND 48-32, HAVING NOT BEEN MET, TO DENY [use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone] TO ALLOW A DOCK TO EXCEED THE ALLOWABLE 14-FOOT MAXIMUM HEIGHT LIMIT BY AN ADDITIONAL THREE FEET, ALLOW A DOCK TO EXCEED THE MAXIMUM ALLOWABLE TERMINAL PLATFORM SIZE BY AN ADDITIONAL ONE HUNRED THIRTEEN SQUARE FEET, AND ALLOW A DOCK TO HAVE A FLAT ROOF AS AN ACTIVITY DECK, SUBMITTED BY APPLICANT PETER FLECK, ON BEHALF OF THE PROPERTY OWNER PAUL KUCK, LOCATED AT 5724 COVE DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1660-00-040.

Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

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, Florida Planning and Zoning: Staff Report

February 13, 2025

Variance Request:

5724 Cove Drive

Application Request: Planning and Zoning Case Number 2024-12-009: PURSUANT TO SECTION 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 48-32 (A) (3), 48-32 (A) (4), AND 48-32 (C) (2), TO ALLOW A DOCK TO EXCEED THE ALLOWABLE 14-FOOT MAXIMUM HEIGHT LIMIT BY AN ADDITIONAL THREE FEET, ALLOW A DOCK TO EXCEED THE MAXIMUM ALLOWABLE TERMINAL PLATFORM SIZE BY AN ADDITIONAL ONE HUNRED THIRTEEN SQUARE FEET, AND ALLOW A DOCK TO HAVE A FLAT ROOF AS AN ACTIVITY DECK, SUBMITTED BY APPLICANT PETER FLECK, ON BEHALF OF THE PROPERTY OWNER PAUL KUCK, LOCATED AT 5724 COVE DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1660-00-040.

Existing Zoning/Use: R-1-AA / Single-Family Home

Background

The applicant seeks to build a new dock 17 feet in height, measuring from the water line to the roof's peak, to exceed the maximum allowable terminal platform size by an additional 113 square feet to create an overall size of 1,113 square feet that includes the first level and second level's roof overhang dimensions, and create a flat roof feature to allow a sun deck area.

The application filed seeks a variance from the following Code requirements:

- 1. Section 48-32 (A) (3), Total Terminal Platform Area. The terminal platform of the dock collectively may not exceed the square footage of ten times the linear shoreline frontage for the first 75 feet of linear shoreline frontage and then five times the linear shoreline frontage for each foot in excess of 75 feet thereafter, and the total of each when combined shall not to exceed a maximum of 1,000 square feet. A maximum terminal platform area of 400 square feet shall be allowed for properties with less than 40 feet of linear shoreline frontage. The area for the docking and mooring of boats and other appurtenances is included in the terminal platform area calculation.
- 2. Section 48-32 (A) (4), Height. Except for floating docks, the minimum height of dock decks shall place them one foot above the NHWE of Lake Conway. The maximum height, which is to be measured from the top of the structure, shall be 14 feet above the NHWE of Lake Conway.

3. Section 48-32 (C) (2), No flat roofs. Minimum roof pitch (slope) is 2:12; maximum roof pitch (slope) is 5:12.

The property currently maintains a legally nonconforming, enclosed boat house. Under section 48-34 for dock maintenance, the city code requires that any new dock must adhere to the current regulations for zoning compliance.

Criteria for Dock Variance Cases

Pursuant to section 48-33, the board shall not approve an application for a 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 Recommendation

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

- (1) The requested variances for the dock height, terminal platform size, and flat roof feature do not create conditions hazardous to navigation nor any safety hazards as proposed. The applicant proposes to rebuild a new dock with a 14.6-foot southern side setback from the nearest side lot line and nearly a 60-foot side setback from the northern side lot line.
- (2) The location and placement of the dock shall be compatible with other docks in the area, and the NHWC of the lake. However, the proposed design of the new dock height, terminal platform size, and flat roof feature are incompatible with the other docks in the area.
- (3) The lake's current level is not a factor in the request of the variance requests as the three variance requests do not seek to augment the lake level or gain additional dock length based on the lake level.
- (4) The application confers a special benefit to the landowner over and above the adjoining landowners due to the proposed design features.
- (5) The requirements of subsection 42-64 (1), except for subsection 42-64 (1) (d):
 - A. Special Conditions and/or Circumstances (Section 42-64 (1) d):

 Per section 48-33 (b) (5), the criterion is not applicable for consideration of a dock variance.
 - B. Not Self-Created (Section 42-64 (1) e):

 The requested variances are self-created as the applicant seeks to demolish and rebuild a nonconforming boat dock contrary to the design standards established in the city land development code. A personal hardship is not grounds for a variance approval.
 - C. Minimum Possible Variance (Section 42-64 (1) f):

 The requested variance does not seek the minimal possible variance to make reasonable use of

the land as the applicant seeks to obtain multiple variances with significant design deviations than allotted by the city's current code requirements.

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

The requested variance does not negatively impact the adjacent properties or neighborhood. However, the project proposal is incompatible with the surrounding boat dock designs.

Based on consideration of the dock variance criteria, staff recommend that the Board deny the three requested variances for the proposed dock height, terminal platform size, and allow a flat roof per section 48-33(4) and section 48-33(5).

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.

City Code Requirements - Narrative Response

5724 Cove Drive, Belle Isle Florida

Application to Construct a Boat Dock

Here is a narrative letter which addresses the city code requirements per section 48-33 including subsection 42-64(1), except for subsection 42-64 (1) (D). The code language is provided with our response/comments followed in bold.

Section 48-33. - Dock variances.

- (a) In the event the applicant wishes to construct, expand, extend, or repair a dock, or conduct any other activity not meeting one or more of the criteria or requirements described in section 48-32, a variance application must be made for hearing by the city planning and zoning board. Application fees shall be in accordance with the city fee schedule.
- (b) The board shall not approve an application for a 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;

See attached site plan

(2) The location and placement of the dock shall be compatible with other docks in the area, and the NHWC of the lake;

See attached aerial photographs, survey, and site plan with the NHWE depicted.

The new dock is being placed essentially in the same location as the existing dock. This will avoid impacts to a large area of aquatic vegetation located on the shoreline at the shared boundary with 5716 Cove Drive (Kimberly Cheslock Revocable Trust). In addition, since the dock is being proposed in essentially the same location as the existing dock, this provides a larger buffer from the adjacent properties to the north and should minimize any impact of the additional height or use of the second story.

In the immediate vicinity the adjacent property owner (Paul Giles) who owns the property located at 5820 Cove Drive to the immediate south has signed a letter of concurrence (attached) for a setback waiver to allow the dock to be "clustered" with his dock. He has reviewed the plans and it is safe to assume he has no objection to the request for additional height or use of the second story.

(3) The current level of the lake shall not be a factor in deciding whether to approve or deny a variance;

Noted

(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

Noted

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

Section 42-64 (1) - Variances

The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.

- (1) *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.

Completed.

b. Notice of public hearing for the variance shall be given as required by the article for hearing before the board.

Completed.

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.

Public hearing scheduled for 02/25/25

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.

The property actually consists of two lots that have been combined. Per the Orange County Property Appraiser, the property description is as follows:

CONWAY GARDENS R/18 LOTS 4 & 5 & LAND TO 86.4 FT CONTOUR LINE. Since the property actually comprises two of the subdivision lots, a larger house was able to be constructed; therefore, the applicant is requesting a larger boat dock than allowed by Code to complement the home and facilitate a more spacious space for the homeowner's recreational use.

Although Belle Isle limits the dock height to 12 feet, Orange County recently updated its code to allow for a 15-foot roof height. The Orange County Environmental Protection Division (EPD) updated its dock code in 2022 due to feedback from contractors and citizens. We understand that this dock is on a

portion of the lake that is regulated by Belle Isle; however, other portions of the lake are regulated by EPD, and if this dock were located on a County-regulated portion of the lake, the applicant would not need a variance for the roof height or the design that includes a second-story. The dock would comply with the updated County Code. In addition, if the two lots were separately owned by different individuals, it's likely there would be two docks constructed (one on each lot), which when combined could be actually larger than the one proposed by the applicant.

In addition, the new dock is being placed essentially in the same location as the existing dock. This will avoid impacts to a large area of aquatic vegetation located on the shoreline at the shared boundary with 5716 Cove Drive (Kimberly Cheslock Revocable Trust). In addition, since the dock is being proposed in essentially the same location as the existing dock, this provides a larger buffer from the adjacent properties to the north and should minimize any impact of the additional height or use of the second story.

The adjacent property owner (Paul Giles) who owns the property located at 5820 Cove Drive to the immediate south has signed a letter of concurrence (attached) for a setback waiver to allow the dock to be "clustered" with his dock. He has reviewed the plans and it is safe to assume he has no objection to the request for additional height or use of the second story.

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.

This is a unique circumstance in which the subject site comprises two lots of the subdivision. The "character" of the subdivision has already been compromised due to the previous decision to allow for a combination of the lots for building a larger home. This request is unique, and approval of the applicant's variance request in no way will create a scenario for additional similar requests. There are no other homes that have been constructed on a combination of two lots.

f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

If the two lots were separately owned by different individuals, it's likely that two individual docks would be constructed (one on each lot), which when combined could be actually larger than the one proposed by the applicant. The design of the dock includes a second story to provide the maximum surface area for the applicant without creating an even larger footprint to provide both mooring areas and recreational areas for the property owner.

g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the

neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

The granting of the variance for Mr. Kuuk will not be detrimental to the public welfare and will not be contrary to the public interest. The dock will really have no impact of the public, with the exception of the immediate neighboring properties. The applicant is willing to offset any environmental impact to the lake that might be caused by the additional size by providing mitigation (in the form of mitigation credits at a state-approved mitigation bank or a one-time contribution to the City of Belle Isle conservation fund (or other funds designated by the City) to offset the shading impacts caused by the additional size of the dock. The amount of credits or conservation fund donation is to be determined by the City once approved. Based on a preliminary estimate utilizing the Uniform Mitigation Assessment Method (UMAM), the size of the impact, and the basin that the project is located in, we have calculated an estimate of about \$1500.

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

Noted.

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: 12-04-24 12/5/29 P&Z	CASE #: 2024-12-009			
✓VARIANCE □ SPECIAL EXCEPTION □ OTHER DATE OF HEAF	RING:			
Applicant Peter Fleck	Owner Paul Kuck			
ADDRESS 100 W Plant St, Winter Garden, FL 34787	5724 Cove Dr, Belle Isle, FL 32812			
PHONE: 407-724-1550	(407) 506-2706			
PARCEL TAX ID #:	20-23-30-1660-00-040			
LAND USE CLASSIFICATION: 0130 - Sfr - Lake Front ZONING DISTRICT: BI-R-1-AA				
DETAILED VARIANCE REQUEST: Boat dock terminal platform size, height, and addition of 2nd floor deck				
				
SECTION OF CODE VARIANCE REQUESTED ON: Sec. 48-32				

- 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.

a.

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

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

APPLICANT'S SIGNATURE			OWNER'S SIGNATURE		
FOR OFFICE USE ONLY:	FEE: \$300.00	12-5-24 Date Paid	<u>гер</u> +553672 Check/Cash	Rec'd By	
Determination					
Appealed to City Council: □ Ye	es □No	Council Action			

City of Belle Isle

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

ABOUT YOUR PUBLIC HEARING

The following information is provided to assist applicants in applying for a variance, special exception or use determination. Please familiarize yourself with the process by visiting

The City of Belle Isle's Planning and Zoning Board, which is comprised of seven (7) non-paid volunteer residents, meets on the fourth Tuesday of the month to hear various planning and zoning issues, including variances, special exceptions and use determinations. In recommending approval or denial of a request, the Board looks at each application individually to determine if the request meets the following criteria:

A written application for variance must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. The application **MUST** include:

- a. the \$300.00 filing fee,
- b. a completed application form,
- c. proof of ownership of the property, or, a notarized statement from the owner with the representative's information,
- d. 10 copies of a plot plan or survey showing all improvements to the property, 10 copies of a scale drawing of the planned construction, illustrated on the survey, and digital format for large scale documents is required.
- e. for boat dock variances, the survey must clearly illustrate the Normal High Water Line elevation (NHWL) of Lake Conway.
- f. A narrative addressing how the variance complies with the following:
 - 1) The literal enforcement of the provisions of the zoning ordinance 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.
 - 2) Personal hardship is not being considered as grounds for a variance, since the variance will continue to affect the Character of the neighborhood after the title to the property has passed, and that the special conditions and circumstances were not created in order to circumvent the zoning ordinance for the purpose of obtaining a variance.
 - 3) The variance is the minimum variance that will make possible reasonable use of the land, building or structure.
 - 4) The granting of the variance will be in harmony with the general purpose and intent of the zoning ordinances, will not be detrimental to the public welfare and will not be contrary to the public interest.

Applications submitted must meet all of the above criteria before the Board can grant a variance. The burden of proof is on the applicant to show compliance with the criteria.

A special exception addresses compatibility of uses, differing slightly from a variance. The approval of a special exception is dependent upon how the request affects the surrounding area. All uses allowed as special exceptions are listed within the individual zoning districts. Before the Board can approve a special exception, the request must meet all of the following criteria:

- A written application for special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
- The Board shall make a finding that it is empowered under the section of the zoning ordinance described in the application to grant the special exception, and that granting of the special exception will not adversely affect the public interest.
- It is determined that the public health, safety, comfort, order, convenience, prosperity, morals or general welfare is promoted, protected or improved.

General Information

- Certain conditions may be prescribed on the special exception or variance approved by the Board.
- 2. The applicant must be present at all hearings.
- 3. Decisions rendered by the Board do not become final until fifteen (15) days after the hearing. The fifteenday waiting period gives all aggrieved parties an opportunity to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where he or she feels the Planning and Zoning Board erred in their decision. An appeal hearing will then be held by Belle Isle's City Council.
- 4. Sec 42-67 Variances and special exceptions granted by the Board will become void if a permit necessary for utilization of the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

January 6, 2025

Raquel Lozano City Planner www.belleistefl.gov

RE: 5724 Cove Drive, Belle Isle Florida
Application to Construct a Boat Dock

Dear Ms. Lozano:

Please find our response/additional information (**presented in bold**) to the items/questions listed below in order to finish the staff review of our application for the construction of a dock (with several variances) at 5724 Cove Drive, on behalf of the property owner Mr. Paul Kuuk.

At this time we understand that the application is incomplete and that this information is required at least three weeks prior to the next scheduled Planning and Zoning public hearing on 25 February 2025. We also understand that some of this information is required for the legal notice and that it will be included in the staff report for the board to review:

A Narrative Letter, which addresses the city code requirements per section 48-33 including subsection 42-64(1), except for subsection 42-64 (1) (D). Here is a link to the code section: https://library.municode.com/fl/belle_isle/codes/code_of_ordinances?nodeId=SPBLADECO_CH48 ENRE_ARTIIDO_S48-33DOVA

Please see the attached narrative response (attached) to city code requirements per section 48-33 including subsection 42-64(1), except for subsection 42-64 (1) (D).

2. Proof of ownership. This information can be shown on the Orange County Property Appraiser's website.

Please see the Trustee Deed (attached).

Please address the following items to address the parameters of your request:

1. What is the overall square footage of the dock? The total square footage of the dock should be calculated at 1113 square feet. Although the dock has a proposed flat roof that will be used as an activity deck, and a roof overhang for shading and water displacement, the overall impact of this proposed dock to the lake (the aerial/pre-empted footprint) does not increase due to the addition of a second story. Although not specified in the code, we believe the intent of the code, when determining the impact of the dock on the resources within Belle Isle, is to look at the overall footprint over water, not to include the second story in the calculation of the square footage. The Orange County code and current guidance from the Orange County Environmental Protection Division (EPD) allows for a second story during permitting/construction of docks and they do not count any of it in the calculation of the dock's square footage.

The "Square Footage" building sheet notes that the 1st level of the terminal platform is 998 square feet but excludes the 2nd level roof and deck overhang. The request to exceed the city's maximum terminal platform

size must be specified. See previous response. If the second story floor is to be included in the calculation for the square footage, then the dock is 2226 square feet (1113 \times 2). The roof overhang is not included in this calculation.

2. Under section 48-32(A)(4), the city code measures the height of a boat dock structure from the water line to the roof's peak. This section also states that the minimum height of dock decks must be at least one foot above the normal high-water line. The provided "Left Elevation" sheet does not include the dock's overall height from the water line to the structure's peak. The request to exceed the city's maximum dock height must be specified.

Please see a revised elevation drawing.

3. Under section 48-32(A)(6)(A), the applicant must provide details showing the proposed dock extension compared to the neighboring docks within 300 feet of the site location. Please provide this information for zoning review, should a variance request from this requirement be necessary.

We do not believe a variance for 48-32(A)(6)(A) is required. The proposed dock only extends approximately five feet further than the existing dock, and it is no further out than other dicks ibn the lake. We have created an exhibit using an aerial photograph and measuring tools to depict the length of several adjacent docks and the proposed dock.

4. Please confirm the proposed roof overhang dimension for this dock. The "Dock Layout – 1st Level" plan sheet shows the roof overhang as two feet, and the "Left Elevation" sheet shows that the roof overhang as sixteen inches and two feet. Please clarify this information.

This was an error. The drawings have been corrected. The roof overhang is proposed at <u>two feet</u> for the entire dock.

We hope this information is sufficient to complete your review and move this request forward to the 25 February 2025 Belle Isle Planning and Zoning Commission meeting. If you should have any additional questions or need additional information, please feel free to reach out to me at 321-208-233 or n.thomas32927@gmail.com.

Thank you

Neal Thomas

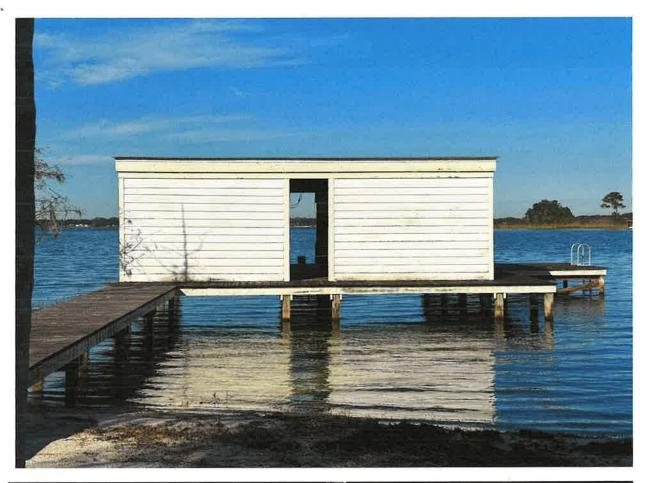
Q-ICE Builders

Weal Thomas

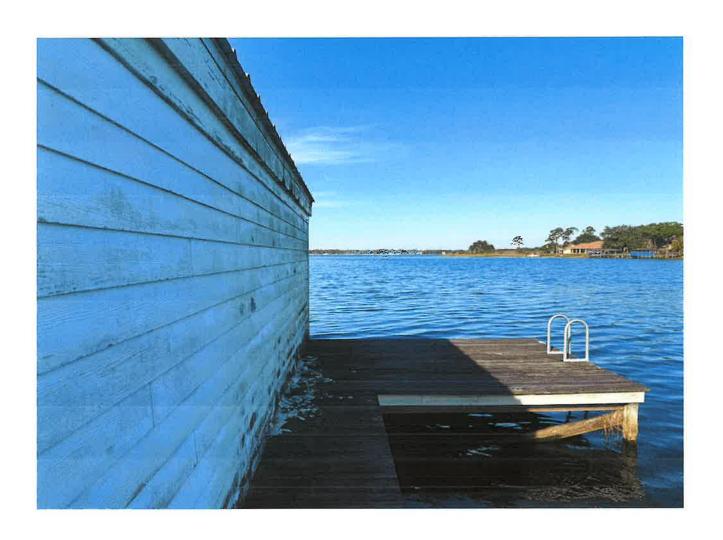
c. Paul Kuuk – pakuuk@regalboats.com

Peter Fleck, Q-ICE Builders; pkfleck@aol.com

Nick Adams, Q-ICE Builders; permitting@qicebuilders.com







DOCK PLANS

Paul Kuck

5724 Cove Dr.

Belle Isle, FL 32812

Prepared For:



Prepared By:

Robert DeWitt, Professional Engineer

DeWitt Engineering, LLC

"Think it through, then follow through."

10 Royal Tern Lane Palm Coast, FL, 32164

Florida License #44664

Boundary & Topographic Survey

Legal Description;
Lot 5 of CONWAY GARDENS, according to the Plat thereof, recorded in Plat Book R, page 18, Public Records of Orange County, Florida

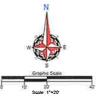
R, page 18, Public Records of Orange County, Florida,

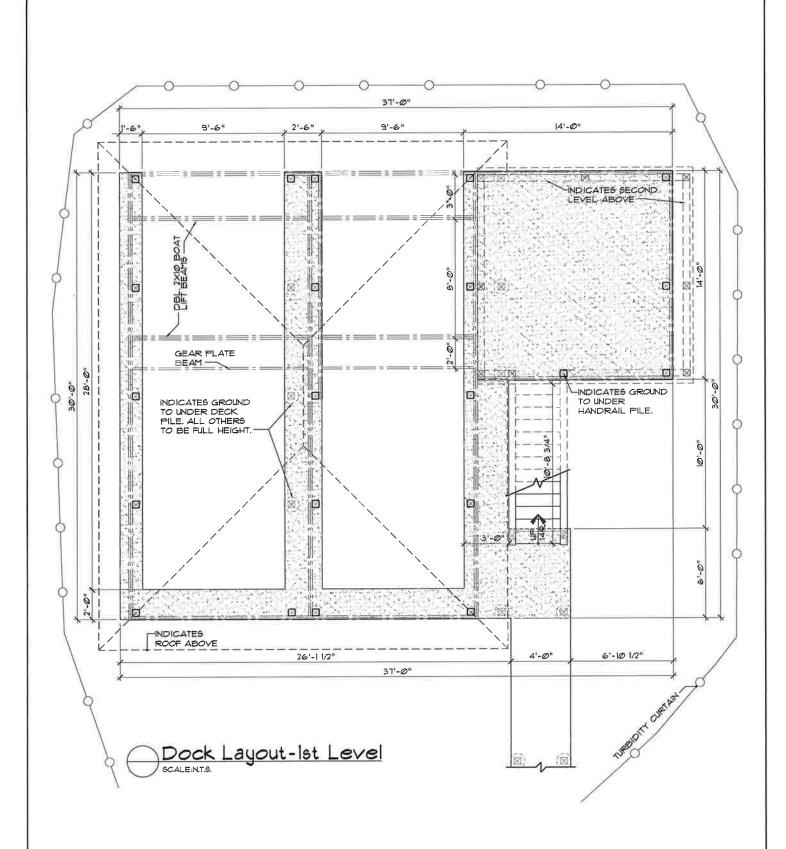
Also, the land lying between the prolongation of the side lines of said tot to the waters of Lake Conway, together with that property beginning at the point on the North line of Lot 5, CONWAY GARDENS, according to the Platt thereof recorded in Plat Book R, page 18, Public Records of Orange County, Florida, situated 235 feet North 78° 05° 15° West of the Northeast Comer of Said Lot 15 (said point) being the original ordinary high water mark of Lake Con way) running North 78° 05° 15° West along a prolongation of the North line of said Lot 5 a distance of 68 feet more or less to the 86.4 foot elevation contour line as designated by the Trustees of the Internal Improvement Fund of the State of Florida; thence Southerty along said contour line 72.3 feet more or less to a point of intersection with prolongation of the Southerty line of said Lot 5; thence South 68° 38° 41° East along the prolongation of the Southerty line of Lot 5, a distance of 67.8 feet more or less to a point on the Southerty line of Lot 5, a distance of 67.8 feet more or less to a point on the Southerty line of Lot 5, a distance of 67.8 feet more or less to a point on the Southerty line of Lot 5, and stone or 230.6 feet North 68° 38° 41° West of the Southeast corner of said Lot 5; thence Northerty along the original ordinary highwater mark of Lake Conway to the point of beginning, Lyring and being in Section 20. Township 23 South, Range 30 East, Orange County, Florida, AND, Lot 4 of Conway Gardens, according to the Plat thereof, recorded in Plat Book R, page 18, Public Records of Orange County, Florida, Also the land lying between the prolongation of the side lines of said to to the waters of Lake Conway.

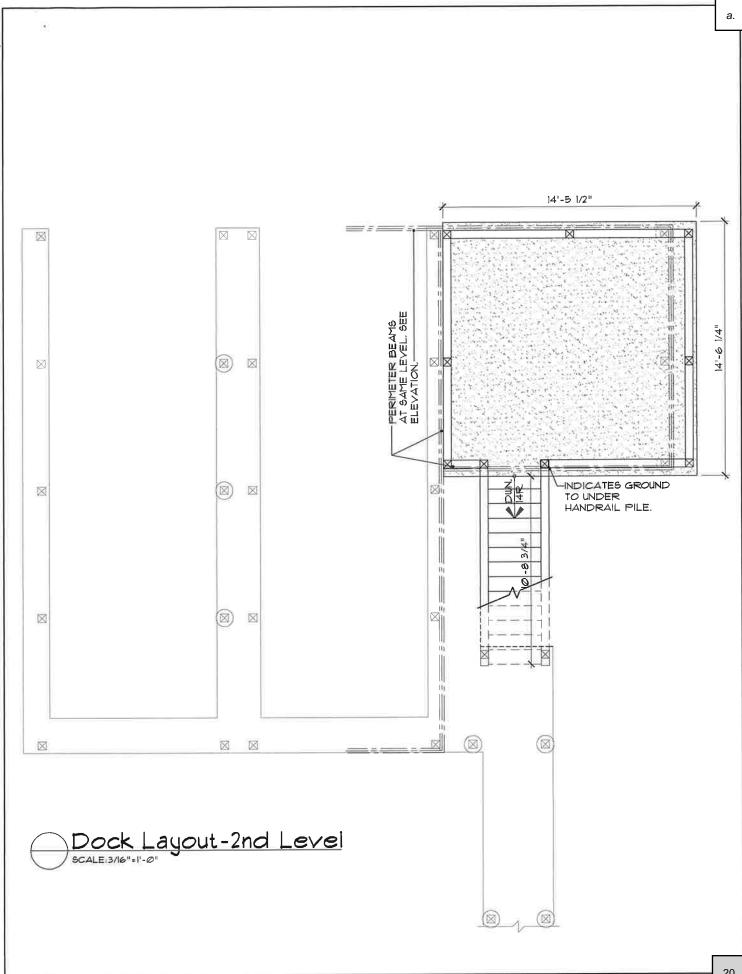
R.000 DISCLAMER
BY PERFORMING A STARCH WITH THE LOCAL CONFERENCE MUNICIPALITY OR WAYN FEMA GOV
THE PROPERTY APPEARS TO BE LOCATED IN ZONES X. AE 8.X500 THIS PROPERTY WAS

CERTIFIED TO JOSIAH BIDDLÉ

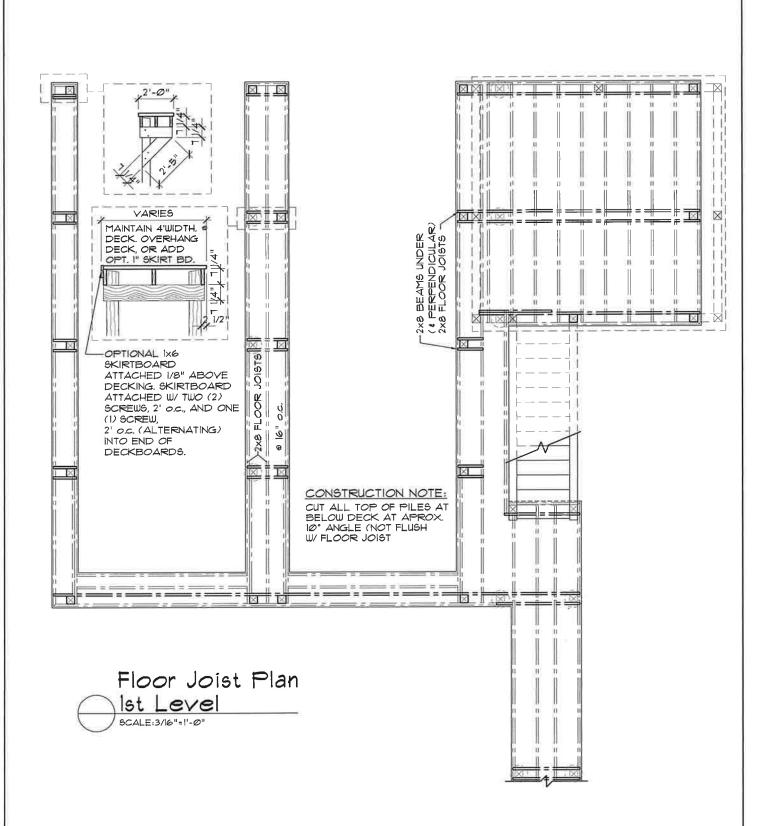




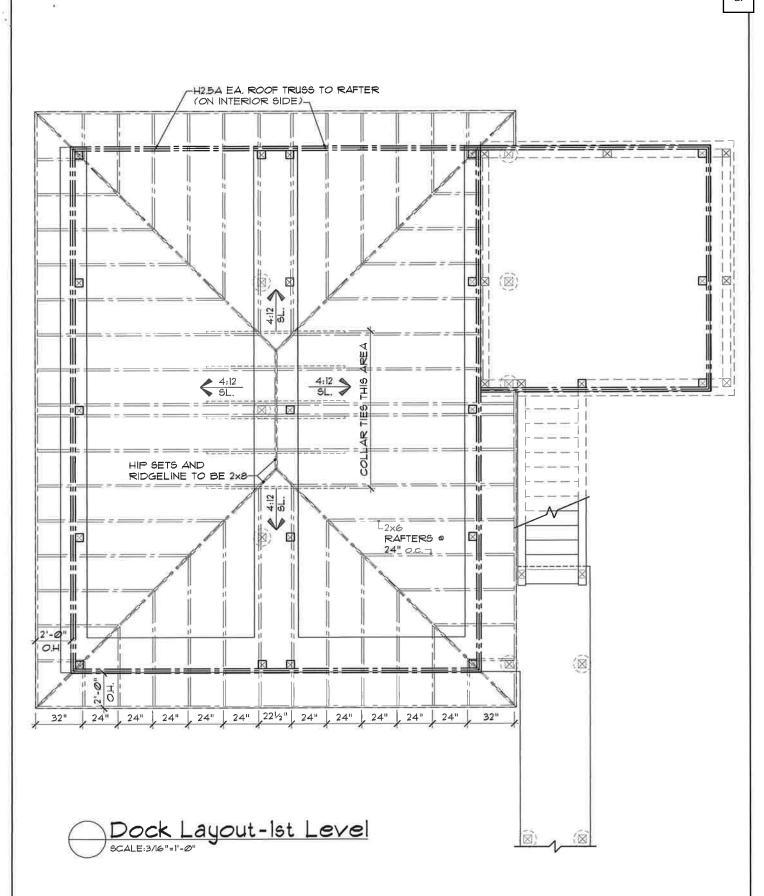


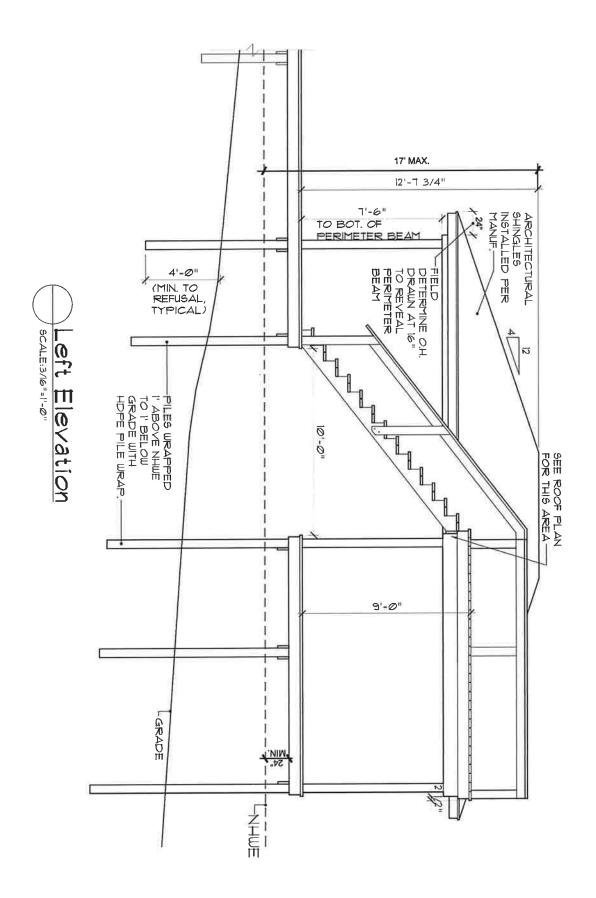


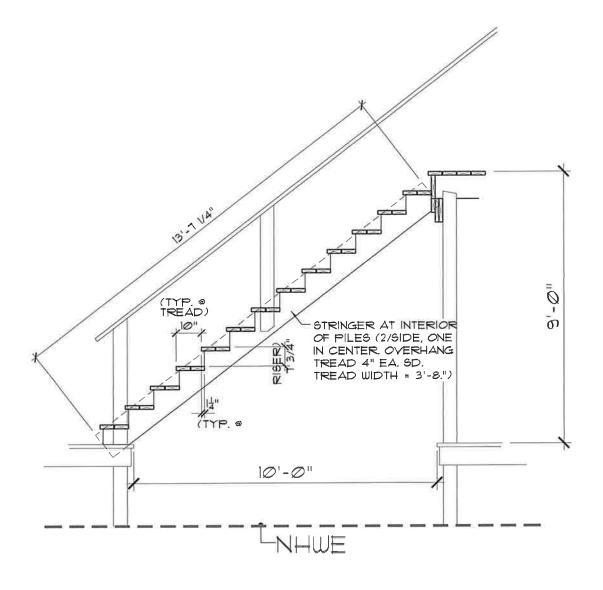




Floor Joist
Plan 2nd Level



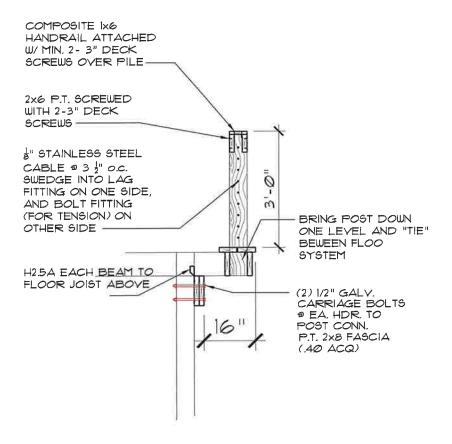


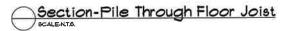


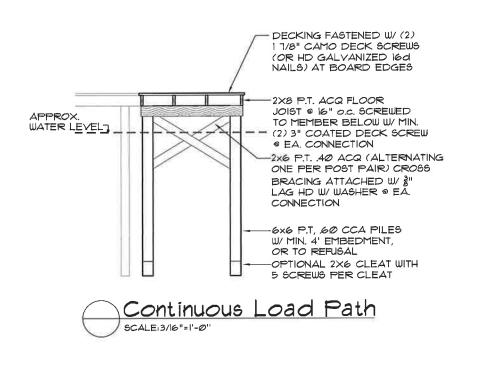
STAIRCASE CONSTRUCTION NOTES:

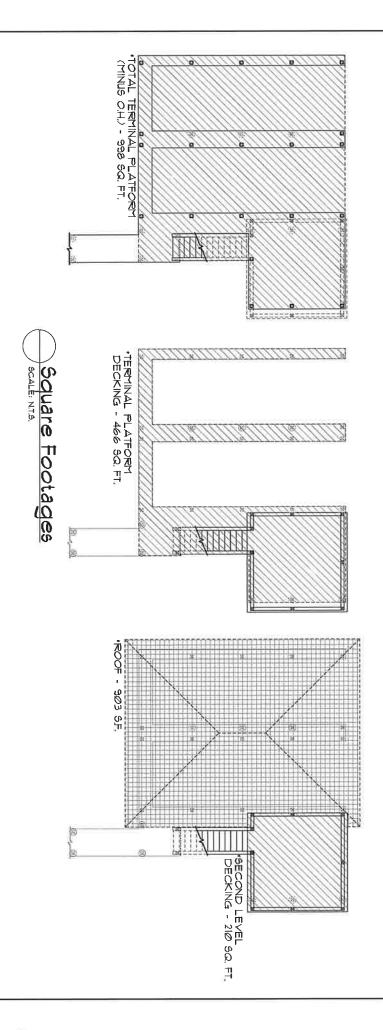
I. REQUIRED GUARDS SHALL NOT HAVE OPENINGS FROM THE WALKING SURFACE TO THE REQUIRED GUARD HEIGHT WHICH ALLOW PASSAGE OF A SPHERE 4" IN DIAMETER. 2. GUARDRAILS AND HANDRAILS SHALL RESIST A SINGLE CONCENTRATED LOAD OF NO LESS THAN 200 POUNDS APPLIED IN ANY DIRECTION AT ANY POINT ALONG THE TOP.











Design Standards

The following are general design standards. More stringent design standards may be noted on the plans.

General Requirements:

Reproductions of contract drawings by contractor in lieu of preparation of shop drawings signifies acceptance of information shown as correct and obligates himself to any expense, real or implied, arising from their use. A change to the structural drawings due to the acceptance of alternates and/or substitutes is the responsibility of the contractor and must be submitted to the engineer for approval. The general contractor and each subcontractor shall verify all existing conditions prior to the start of any work. All inconsistencies shall be reported to the designer and/or structural engineer, if needed. Should contractor construct the premises in a fashion not consistent with the plans prepared by the designer and/or structural engineer, or in any fashion, change the plans and drawing without the review and approval from the designer and/or structural engineer. Then designer and/or structural engineer shall bear no responsibility or liability for the construction of premises and accuracy of the drawings.

Design Code:

Florida Building Code 2023

The Aluminum Association, latest edition

ASCE 7-22

Galvanized Bolts:

All bolts shall be galvanized ASTM A572, grade 50 threaded round stock with a minimum yield stress of 50,000 psi.

Timber:

Design Loads:

Assumed Soil Bearning Pressure: 2000 psf

Ultimate Wind: 140 mph at 3 second gust (30 psf minimum)

Pursuant to Chapter 1609 LL (-Table 1607; WL-Section 1609)

Risk Category II (Table 1604.5)

Exposure Category: "D" (FBC 1609.4.3 & ASCE 7-16, Section 26.7.2)

Deck Live Load: 100 psf Guardrail: 50 plf and 200 lbs (concentrated load)

Dead Load: 10 psf Roof Live Load: 20 psf

Components and cladding, design wind pressures + 38psf/-38psf

Design in accordance with the National Design specification for wood construction, with loading in accordance with the Florida Building Code. All graded structural lumber shall be pressure treated and meet the following minimum requirements:

Minimum bending stress = 1250 psi (No. 1 Dense So. Pine)

Young Modulus = 1600 ksi

Maximum of 15% moisture content

Contractor may use Southern Yellow Pine No. 1 or U.O.N.

Lumber sizes shown are nominal sizes. Lumber shall be furnished in finished sizes meeting the requirement of the American Softwood Lumber Standard.

Design Standards

Structural Aluminum:

Conform to latest edition of Aluminum Association of Florida standard practice for aluminum design.

All aluminum shall be 6061-T6 (E=10,000 ksi; Fy = 35 ksi)

Concrete

Conform to ACI 318, latest edition and ACI 301

Compressive Ultimate Strength (Minimum at 28 days) shall be 3,000 psi

Exposed chamfer edges shall be 3/4"

Reinforcing Steel:

Conform to ACI 318 and 315, Latest edition All reinforcement steel shall be ASTM A615 Grade 60. Min footing cover 3" Smooth dowels & ties shall be ASTM A185

Structural Steel:

Conform to latest edition of AISC "Specification for structural steel building" and AISC "Code of standard practice for steel buildings and bridges".

All structural steel shall be ASTM A36, (E=29,000 ksi; Fy = 36 ksi) Splicing prohibited without prior approval as to location and type. Burning of holes in steel members is prohibited. Any member with burned holes must be replaced.

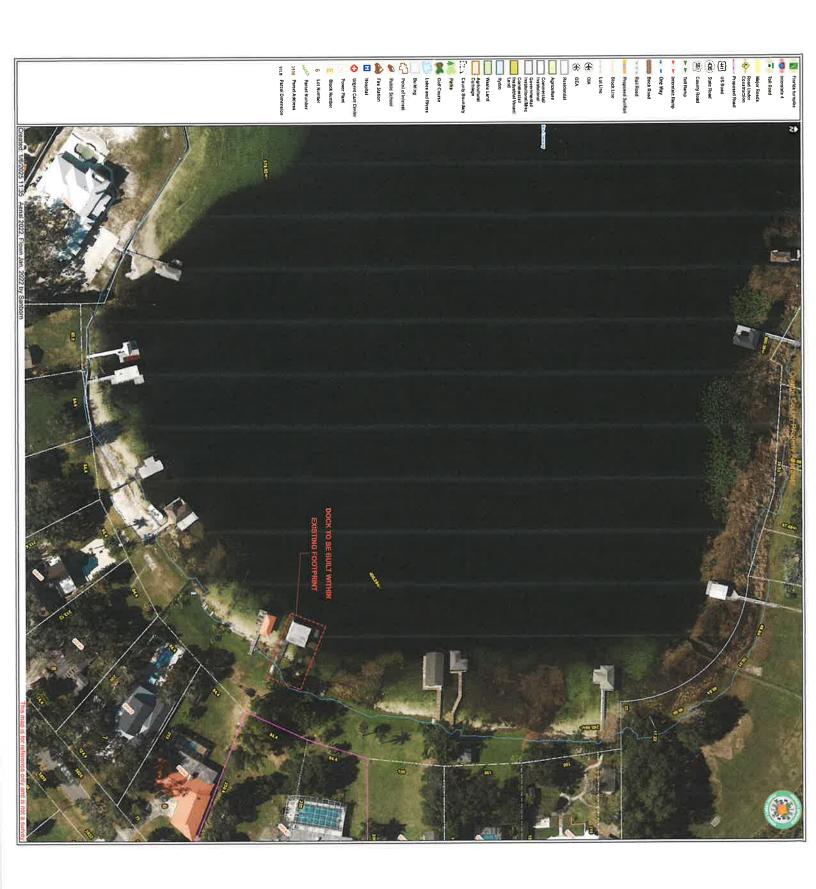
Welding:

Conformed to "code for welding in building construction" by the American Welding Society, latest edition.

Steel Weld IAW AWS D1.1 (latest edition) –E70XX electrodes Aluminum Weld IAW AWS D1.2 (lasts edition)-Filler Alloy 5356 or equal.

Connection welds to be sized for forces and reactions indicated. All steel welds shall be E70XX low hydrogen, 250 degrees min. Welds shall be full penetration welds at all points of contact

<u>Screws:</u> Use 3-6d Nails or 2-3" deck screws per T&G to secure to roof trusses.



LETTER OF CONCURRENCE FOR SETBACK WAIVER

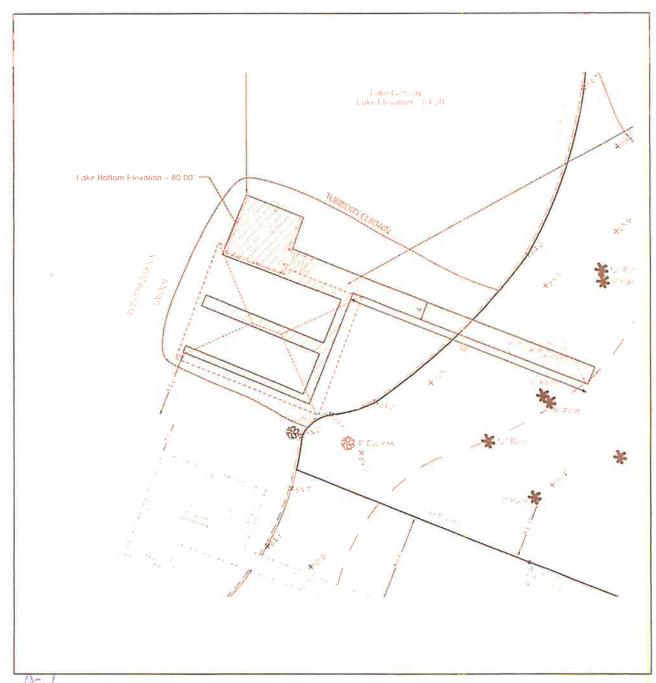
TO:	Paul Kuck	(owner/applicant)
	5724 Cove Dr.	(address of project)
	Belle Isle, FL 32812	-:
File No	D.;	
FROM	:John Giles	(adjacent property owner)
	5820 Cove Dr.	
	Belle Isle, FL 32812	- ' - '
Sectio	n 18-21.004(3)(d), Florida Administrative Code	e, provides:
brofee be res fro rip ad sh pre an fro that ne	cept as provided herein, all struct eakwaters, jetties and groins, and activities at inside the applicant's riparian rights line set back a minimum of 10 feet. Exception in the structure of the structures of less than 65 feet, where portions of arian lines less than 65 feet apart, or which jacent single-family parcels; utility lines; by oreline protection structures located along reviously authorized by the Board; structures by requirement for Board authorization; where the affected adjacent upland riparian at locating any portion of the structure of cessary to avoid or minimize adverse impacts	es must be set back a minimum of 25 nes. Marginal docks, however, must ptions to the setbacks are: private ated with a parcel that has a shoreline of such structures are located between nere such structure is shared by two pulkheads, seawalls, riprap or similar the shoreline; structures and activities and activities built or occurring prior to a letter of concurrence is obtained owner; or when the Board determines or activity within the setback area is set to natural resources.
I herel south South	/ east / west) of the facility or activity pro-	upland riparian property located to the (north / oposed to be constructed or conducted by as shown in the above referenced file (and on
		pject project will be located entirely within
the an	policant's riparian rights area, and I do not	object to the proposed structure or activity
being	located within the area required as a se	tback distance from the common riparian
rights	line, as required by Chapter 18-21.004(3)(c	d), F.A.C. This file shows the structure will be
locate	d entirely within the applicant's riparian rights	area and within 13 feet of the common
riparia	n rights line between our parcels.	
	the Old,	26 20,3024
	(Original signature of adjacent owner)	(Date signed)
	1 5 6	
	SIGHN ENGILES	=
	(Printed name of adjacent owner)	
This f	orm is not adopted by rule; therefore, any	letter of concurrence of similar content

(1/30/03)

may be accepted.

LETTER OF CONCURRENCE FOR SETBACK WAIVER

PAGE 2 – DRAWING, SKETCH, OR SURVEY OF PROPOSED DOCK LOCATION



(Initials of adjacent owner)

26 July 2024 (Date)

a.

DOC # 20230697132

12/04/2023 12:32 PM Page 1 of 3 Rec Fee: \$27.00

Rec Fee: \$27.00 Deed Doc Tax: \$1,691.90

Mortgage Doc Tax: \$0.00 Intangible Tax: \$0.00 Phil Diamond, Comptroller

Orange County, FL

Ret To: ERECORDING PARTNERS NETWORK



Prepared by Paula Williams, an employee of **First American Title Insurance Company** 7575 Dr. Phillips Blvd, Suite 140 Orlando, Florida 32819 (407)615-8550

Return to: Grantee

File No.: 13957-2786938

TRUSTEE'S DEED

THIS INDENTURE, executed on November 30, 2023, between

Kimberly S. Cheslock, unmarried, Individually and as Trustee of the Cheslock Family Trust, dated October 25, 2022

whose mailing address is: 12820 83rd St, Felismere, FL 32948-5661, party of the first part, and

Paul Kuck, a married man

whose mailing address is: 3525 Edlingham Ct, Orlando, FL 32812, party of the second part,

WITNESSETH: The party of the first part, for and in consideration of the sum of \$10.00 and other good and valuable consideration, receipt whereof is hereby acknowledged, by these presents does grant, bargain, release, convey and confirm to the party of the second part, their heirs and assigns, all that certain land situate in **Orange** County, **Florida**, to-wit:

Lot 5 of CONWAY GARDENS, according to the Plat thereof, recorded in Plat Book R, Page 18, Public Records of Orange County, Florida. Also, the land lying between the prolongation of the side lines of said lot to the waters of Lake Conway, together with that property beginning at the point on the North line of Lot 5, CONWAY GARDENS, according to the Plat thereof recorded in Plat Book R, Page 18, Public Records of Orange County, Florida, situated 235 feet North 78 Degrees 06' 16" West of the Northeast comer of said Lot 5 (said point being the original ordinary high water mark of Lake Conway) running North 78 Degrees 06' 16" West along a prolongation of the North line of said Lot 5 a distance of 68 feet more or less to the 86.4 foot elevation contour line as designated by the Trustees of the Internal Improvement Fund of the State of Florida; thence Southerly along said contour line 72.3 feet more or less to point of intersection with prolongation of the Southerly line of said Lot 5; thence South 68 Degrees 38' 41" East along the prolongation of the Southerly line of Lot 5, a distance of 67.8 feet more or less to a point on the Southerly line of said Lot 5, a distance of 230.6 feet North 68 Degrees 38' 41" West of the Southeast comer of said Lot 5; thence Northerly along the original ordinary highwater mark of Lake Conway to the point of beginning. Lying and being in Section 20, Township 23 South, Range 30 East, Orange County, Florida. AND: Lot 4 of CONWAY GARDENS, according to the Plat thereof, recorded in Plat Book R, Page 18, Public Records of Orange Comity, Florida. Also the land lying between the prolongation of the side lines of said lot to the waters of Lake Conway.

Parcel Identification Number: 20-23-30-1660-00-040

The land is not the homestead of the Grantor under the laws and constitution of the State of Florida and neither the Grantor nor any person(s) for whose support the Grantor is responsible reside on or adjacent to the land.

SUBJECT to covenants, restrictions, easements of record and taxes for the current year.

TRUSTEE, Kimberly S. Cheslock, has full power to sell, transfer, mortgage said real estate.

TOGETHER WITH all singular the tenements, hereditaments and appurtenances belonging to or in anywise appertaining to that real property.

AND the party of the first part does covenant to and with the party of the second part, their heirs and assigns, that in all things preliminary to and in and about the sale and this conveyance the Laws of Florida have been followed and complied with in all respects.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hand(s) and seal(s) the day and year first above written.

The Cheslock Family Trust, dated October 25, 2022

Kimberly S. Cheslock, Individually and as Trustee

Signed, sealed and delivered in the presence of these witnesses:

Witness Signature

Print Name: Paula Williams

Witness Signatu

Print Name:

State of County of The Foregoing Instrument Was Acknowledged before me by	means of Manhysical presence or F
online notarization, on 1129723, by Kimberly S Trustee of the Cheslock Family Trust, dated October 25, 202	5. Cheslock, Individually and as
Notary Public Paula Williams (Printed Name)	PAULA WILLIAMS Notary Public - State of Florida Commission # HH 281307 My Comm. Expires Jul 17, 2026 Bonded through National Notary Assn.
My Commission expires: Personally Known □ OR Produced Identification □ Type of Identification Produced a valid driver's license	{Notarial Seal}

Property Record - 20-23-30-1660-00-040

Orange County Property Appraiser • http://www.ocpafl.org

Property Summary as of 01/02/2025

Property Name

5724 Cove Dr

Names

Kuck Paul

Municipality

BI - Belle Isle

Property Use

0130 - Sfr - Lake Front

Mailing Address

3525 Edlingham Ct Belle Isle, FL 32812-2119

Physical Address

5724 Cove Dr Belle Isle, FL 32812

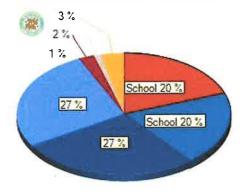




5724 COVE DR, BELLE ISLE, FL 32812 4/30/2024 12:34 PM



302320166000040 09/28/2006





5724 COVE DR, ORLANDO, FL 32812 7/17/2018 2:57 PM



Historical Value and Tax Benefits

Tax Ye	ar Values	Land]	Building(s)]	Feature(s)	Market Value	Assessed Value
2024	✓ MKT	\$790,900	+	\$338,081	+	\$64,800 = \$	51,193,781 (8.5%)	\$1,193,781 (8.5%)
2023	✓ MKT	\$719,000	+	\$316,339	+	\$64,800 = \$	51,100,139 (11%)	\$1,100,139 (11%)
2022	✓ MKT	\$654,000	+	\$268,739	+	\$64,800 =	\$987,539 (13%)	\$987,539 (37%)
2021	✓ MKT	\$545,000	+	\$260,861	+	\$64,800 =	\$870,661	\$721,342

Tax Year Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH Cap	Tax Savings
2024	n/a	n/a	n/a	n/a	\$0
2023	n/a	n/a	n/a	n/a	\$0
2022	n/a	n/a	n/a	n/a	\$0
2021 S HX CAP	\$25,000	\$25,000	\$5,500	\$149,319	\$3,227

2024 Taxable Value and Certified Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	\$1,193,781	\$0	\$1,193,781	3.2160 (1.36%)	\$3,839.20	20%
Public Schools: By Local Board	\$1,193,781	\$0	\$1,193,781	3.2480 (0.00%)	\$3,877.40	20%
Orange County (General)	\$1,193,781	\$0	\$1,193,781	4.4347 (0.00%)	\$5,294.06	27%
City Of Belle Isle	\$1,193,781	\$0	\$1,193,781	4.4018 (0.00%)	\$5,254.79	27%
Library - Operating Budget	\$1,193,781	\$0	\$1,193,781	0.3748 (0.00%)	\$447.43	2%
St Johns Water Management District	\$1,193,781	\$0	\$1,193,781	0.1793 (0.00%)	\$214.04	1%
Lake Conway Mstu	\$1,193,781	\$0	\$1,193,781	0.5750 (0.00%)	\$686.42	3%
•				16.4296	\$19,613.34	

2024 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF BELLE ISLE	BELLE ISLE STRM - DRAINAGE - (407)851-7730	1.00	\$140.00	\$140.00
CITY OF BELLE ISLE	BELLE ISLE RES - GARBAGE - (407)851-7730	1.00	\$305.40	\$305.40
				\$445.40

Tax Savings

2025 Estimated Gross Tax Total:	\$20,059.55
Your property taxes without exemptions would be	\$19,614.15
Your ad-valorem property tax with exemptions is -	- \$19,614.15
Providing You A Savings Of =	= \$0.00

Property Features

Property Description

CONWAY GARDENS R/18 LOTS 4 & 5 & LAND TO 86.4 FT CONTOUR LIN E

Total Land Area

47,995 sqft (+/-)

1.10 acres (+/-)

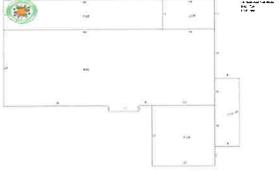
GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0130 - Sfr - Lake Front	BI-R-1-AA	1 Units	\$790,900.00	\$790,900	\$0.00	\$0

Buildings

Model Code	1 - Single Fam Residence	Subarea Description	Sqft	Value
Type Code	0103 - Single Fam Class Iii	BAS - Base Area	2178	working
Building Value	working	BAS - Base Area	728	working
Estimated New Cost	working	FEP - Finished E	638	working
Actual Year Built	1956	FGR - Finished G	506	working
Beds	7	UST - Unfinished	225	working
Baths	2.5	UOP - Unfinished	209	working
Floors	1	FOP - Finished O	308	working
Gross Area	4792 sqft	- ·		The said Lab Spike
Living Area	3544 sqft	(**)	119	2
Exterior Wall	Conc/Cindr		-	



Extra Features

Interior Wall

Plastered

Description	Date Built	Units	Unit Price	XFOB Value
BC3 - Boat Cover 3	01/01/1956	1 Unit(s)	\$6,000.00	\$6,000
FPL2 - Fireplace 2	01/01/1979	2 Unit(s)	\$2,500.00	\$5,000
PL3 - Pool 3	01/01/1956	1 Unit(s)	\$38,000.00	\$22,800
SCR3 - Scrn Enc 3	01/01/1956	1 Unit(s)	\$10,000.00	\$20,000
BD3 - Boat Dock 3	01/01/1997	1 Unit(s)	\$10,000.00	\$10,000
SCR1 - Scrn Enc 1	01/01/2001	1 Unit(s)	\$2,000.00	\$1,000

Sales

Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
11/30/2023	\$1,208,400	20230697131	/	Warranty Deed			Improved
11/29/2023	\$241,700	20230697132	/	Trustees Deed			Improved
06/13/2023	\$0	20230334555	/	Special Warranty Deed	ļ		Improved
05/20/2022	\$100	20220324079	/	Personal			Improved
	,			Representatives Deed			

Services for Location

5724 Cove Dr 1/2/25, 12:57 PM

TPP Accounts At Location

Business Name(s) Business Address Account **Market Value** Taxable Value

There are no TPP Accounts associated with this parcel.

Schools

Conway (Middle School)

Shenandoah (Elementary)

Oak Ridge (High School)

Utilities/Services

Electric Duke Energy

Orange County Water

Belle Isle Recycling (Friday, Tuesday)

Belle Isle Trash (Friday, Tuesday)

Belle Isle Yard Waste (Monday)

Elected Officials

Anna Eskamani State Representative

Mayra Uribe County Commissioner

Alicia Farrant School Board Representative

Linda Stewart State Senate Darren Soto

US Representative

Orange County Property Amy Mercado

Appraiser

MEMORANDUM

TO: Planning and Zoning Board

DATE: February 25, 2025

RE: Variance Application – 2300 Jetport Drive

Planning and Zoning Case Number 2024-12-010:

PURSUANT TO SECTIONS 54-82 (E) AND 54-82 (F) (3), THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED SITE PLAN SUBMITTED BY APPLICANT GARY DAVIS ON BEHALF OF THE PROPERTY OWNER RMI HQ LLC, LOCATED AT JETPORT DRIVE AND 2300 JETPORT DRIVE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID #31-23-30-0000-00-027 AND #31-23-30-0000-00-029.

Background:

1. On December 4, 2024, the applicant submitted a Variance application and the paperwork.

2. On February 12, 2025, letters to the abutting property owners were mailed within 300 feet of the subject property, and a Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on February 15, 2025.

The Board may adopt all, some, or none of these determinations as part of its findings of fact and add any additional findings of fact presented at the public hearing. The Board must determine if the criteria outlined 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 54-82 (E) AND 54-82 (F) (3), TO APPROVE A REQUESTED SITE PLAN SUBMITTED BY APPLICANT GARY DAVIS ON BEHALF OF THE PROPERTY OWNER RMI HQ LLC, LOCATED AT JETPORT DRIVE AND 2300 JETPORT DRIVE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID #31-23-30-0000-00-027 AND #31-23-30-0000-00-029.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE 54-82 (E) AND 54-82 (F) (3), HAVING NOT BEEN MET, TO DENY [use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone] A REQUESTED SITE PLAN SUBMITTED BY APPLICANT GARY DAVIS ON BEHALF OF THE PROPERTY OWNER RMI HQ LLC, LOCATED AT JETPORT DRIVE AND 2300 JETPORT DRIVE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID #31-23-30-0000-00-027 AND #31-23-30-0000-00-029.

Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

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, Florida

Planning and Zoning: Staff Report

February 13, 2025

Variance Request: Jetport and 2300 Jetport Drive

Application Request: Planning and Zoning Case Number 2024-12-010: PURSUANT TO SECTION 54-82 (E) AND 54-82 (F) (3), THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED SITE PLAN, SUBMITTED BY APPLICANT GARY DAVIS, ON BEHALF OF THE PROPERTY OWNER RMI HQ LLC, LOCATED AT JETPORT DRIVE AND 2300 JETPORT DRIVE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID #31-23-30-0000-00-027 AND #31-23-30-0000-00-029.

Existing Zoning/Use: I-2 / Industrial District

Background Information

In April 2023, the applicant and property owner presented a site plan to the City's Planning and Zoning Board to build a new boat-manufacturing facility and modify the existing infrastructure and onsite retention pond. The Board reviewed the case, and the site plan was approved.

In their recent submission, the applicant seeks to modify and relocate a portion of the existing stormwater pond to an adjacent property within the City of Orlando limits and attach a steel canopy on the north side of the existing Small Parts Building. The proposed canopy feature must abide by the applicable development standards detailed under section 54-82 (E) for zoning compliance, and the City of Orlando must administratively approve the relocation of the stormwater pond before the City of Belle Isle can issue a building permit for the scope of work.

For Industrial Districts within the City, section 54-82 (E) of the land development code prescribes that the performance standards outlined in chapter 50, article III for C-3 commercial sites also apply to industrial developments. Under section 50-73 (A), building setbacks for C-3 zoning districts must maintain a 25-foot front setback, a 20-foot rear setback, and a five-foot side setback from the property line.

The steel canopy's concept plan outlines the design's proposed location and square footage. In the applicant's Narrative Letter and Acknowledgment Letter, the applicant details that the proposed steel canopy will overlap the existing impervious area and provide a side setback greater than five feet. Due to the location of the canopy feature and the information provided by the applicant, the proposed improvement abides by the applicable building setbacks, does not exceed the maximum 50-foot height limit, and does not affect the property's impervious surface ratio.

The City's Planning Department contacted the City of Orlando to verify the zoning district and permittable allowances of the adjacent parcel for the proposed stormwater pond relocation. The City of Orlando confirmed that the Future Land Use (FLU) Map designation was approved to an Industrial Park zoning district in June 2023. The intent of the FLU and zoning change was to allow the development of a stormwater pond to expand the industrial uses to the north of the property. Since this parcel has been changed to allow Industrial development, master plan approval is needed from the City of Orlando for any improvements to the property, such as a stormwater pond, then going through permitting before construction.

Staff Recommendation

Based on the requirements for Industrial Districts under section 54-82, the City recommends approval of the proposed site plan, contingent upon the following conditions before issuance of a building permit:

- 1. The applicant must submit full detailed Construction Documents with clouds and delta's showing the changes made since the permit approved plans of April 2023.
- 2. The applicant must provide a cross-section and profile of the pipe connection, as shown in the application package, between the reduced pond and the new pond.
- 3. The applicant must submit a revised stormwater report to include the stormwater retention calculations for the stormwater retention volume needed per code and the amount provided.
- 4. A letter from South Florida Water Management District (SFWMD) approving the modification to the retention pond.
- 5. A letter from the City of Orlando for permit approval of the development on the lot located outside of Belle Isle's city limits.
- 6. The applicant must submit an updated site plan to document that no new impervious area will be added to the site without site plan approval from the Board, and an accurate building setback from the proposed canopy to the parcel's lot lines.
- 7. The applicant must submit a Lot Grading Plan during the building permit process for the retention pond location (shown on C-5.1).

Additional Notes

Please note that the Board may approve the proposed site plan 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 code 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.

City of Belle Isle



1600 Nela Avenue, Belle Isle, FL 32809 Tel 407-851-7730 * Fax 407-240-2222 * www.cityofbelleislefl.org

Zoning Review Application

Select Type: Flood Plans [] Air Balloons []
Site Plan [x] Banner []

Date: 12/4/2024	Review #								
Project Description Stormwater pond modification	and exterior canopy - see attached narrative								
Parcel ID# 31-23-30-0000-00-029 and 31-23-30-0000-00-027 To obtain this information please visit http://www.ocpafl.org/Searches/ParcelSearch.aspx									
Property Owners Name RMI HQ, LLC									
Phone 407-851-4360 Mobility Address of Structure 2300 Jetport Drive, Belle Estimated Value of Work \$60,000.00 Zone									
Contractor Name Gary Davis Com	pany Name Compass Development Management								
	nse No. CGC1516350								
with your Deed Restrictions.I hereby acknowledge that the above is correct and true, and agree	10 SETS 07-851-7730. Note, this Zoning Approval MAY or MAY NOT be in conflict to conform to the City of Belle Isle's Building Regulations, Codes and to the pre-damaged condition. I further acknowledge that the proposed								
Signature My Color	[] Owner [x] Agent								
FOR BELLE ISL ONLY Received FEE Chk# 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.								



December 4, 2024

City of Belle Isle Planning and Zoning 1600 Nela Avenue Belle Isle, FL 32809

RE: Zoning Review Application - Planning & Zoning Meeting Narrative

Property: 2300 Jetport Drive, Belle Isle, Florida 32809

Owner: RMI HQ, LLC

Parcel IDs: 31-23-30-0000-00-029 and 31-23-30-0000-00-027

Our application for P&Z review consists of two seperate requests;

1) Stormwater Pond Modification

Regal acquired an adjacent parcel of land and has received approval from South Florida Water Management District to relocate a portion of the previously permitted stormwater pond to that new parcel. The new parcel is located in the City of Orlando. The size of the stormwater pond that will remain in the City of Belle Isle will be reduced. (4) sheets have been provided that show the before and after pond modification.

2) Canopy on the north end of the Small Parts Building

Regal intends to constuct a 3,465 s.f. steel canopy on the north end of the existing Small Parts building. (10) sheets have been provided showing the location and construction detail of the canopy.

Respectfully,

Gary E. Davis, President

Compass Development Management, Inc.

State of Florida General Contractor

CGC1516350



February 9, 2025

City of Belle Isle Planning and Zoning 1600 Nela Avenue Belle Isle, FL 32809

RE: Planning & Zoning comments for Regal Marine, 2300 Jetport Drive, Belle Isle, Florida 32809 Parcel IDs: 31-23-30-0000-00-029 and 31-23-30-0000-00-027

We acknowledge having received comments from the City of Belle Isle and the City's engineers in response to our Planning and Zoning Board application for a Stormwater Pond Modification and a Canopy on the north end of the Small Parts Building. We have no concerns with the comments and we agree to provide all requested documentation with our construction permit application.

We are currently under review as application ENG2024-13024 with the City of Orlando to obtain a construction permit for the stormwater pond,

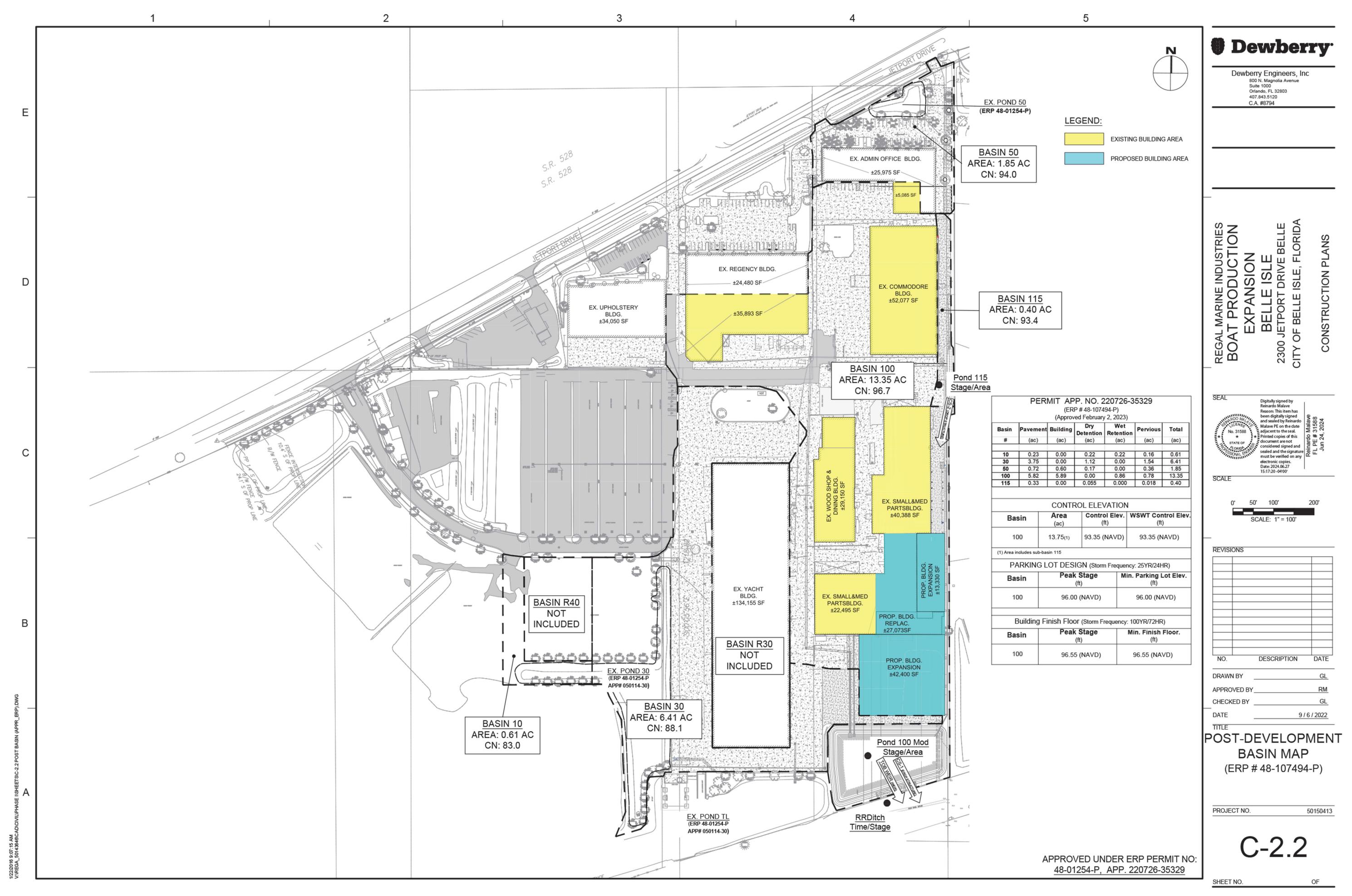
The proposed canopy will not increase the impervious surface as the area it will cover is already fully paved. Regarding proximity to required setbacks, the proposed canopy will be located over 700 feet from the nearest public sidewalk at Jetport Drive, and will be more than 50 feet away from the nearest side property line. A fully dimensioned site plan will be provided at the time of construction permit application.

Please let me know if you need any additional clarification. We look forward to attending the site plan hearing for the Regal Marine project at the February 25, 2025, Planning and Zoning Board meeting.

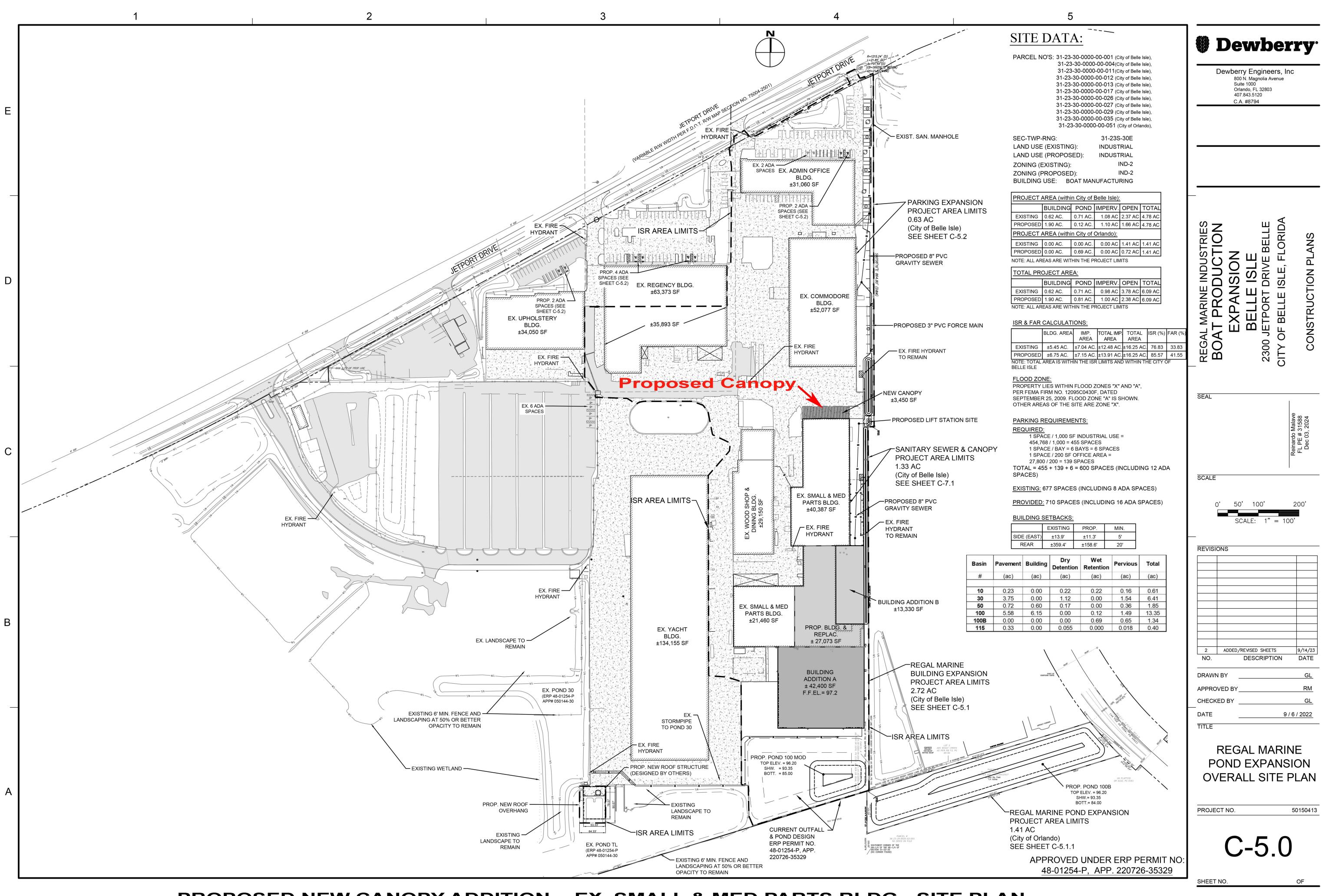
Respectfully,

Gary E. Davis

President, Compass Development Management, Inc. State Licensed General Contractor CGC1516350



POND AS ORIGINALLY APPROVED BY P&Z AND PERMITTED BY CITY OF BELLE ISLE
BELLE ISLE PLANNING & ZONING SUBMITTAL - PAGE 1 OF 4



PROPOSED NEW CANOPY ADDITION - EX. SMALL & MED PARTS BLDG - SITE PLAN

BELLE ISLE PLANNING & ZONING SUBMITTAL - PAGE 1 OF 10 (See Behlen Engineered Drawings - 9 sheets)

THERMAL BLOCKS:

LETTER

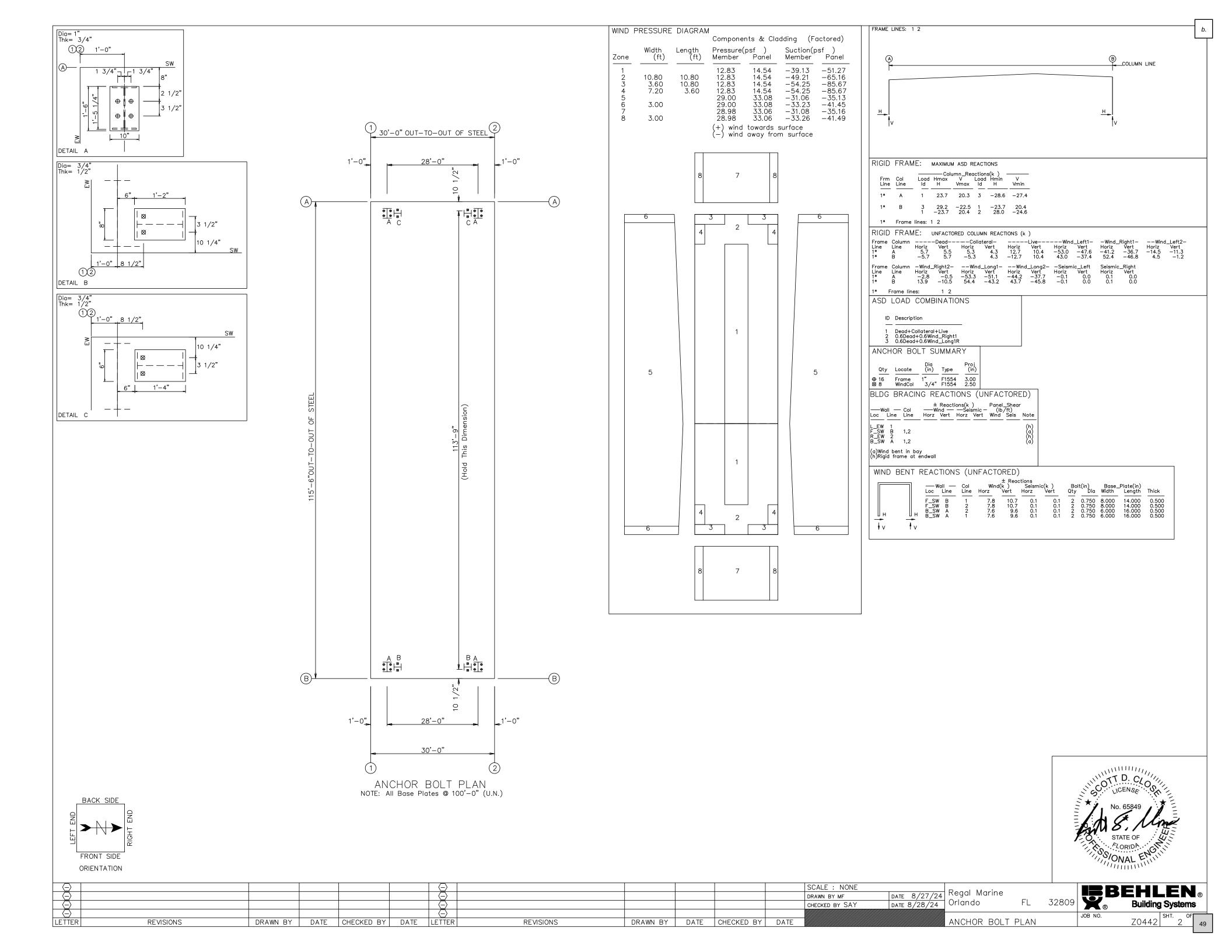
REVISIONS

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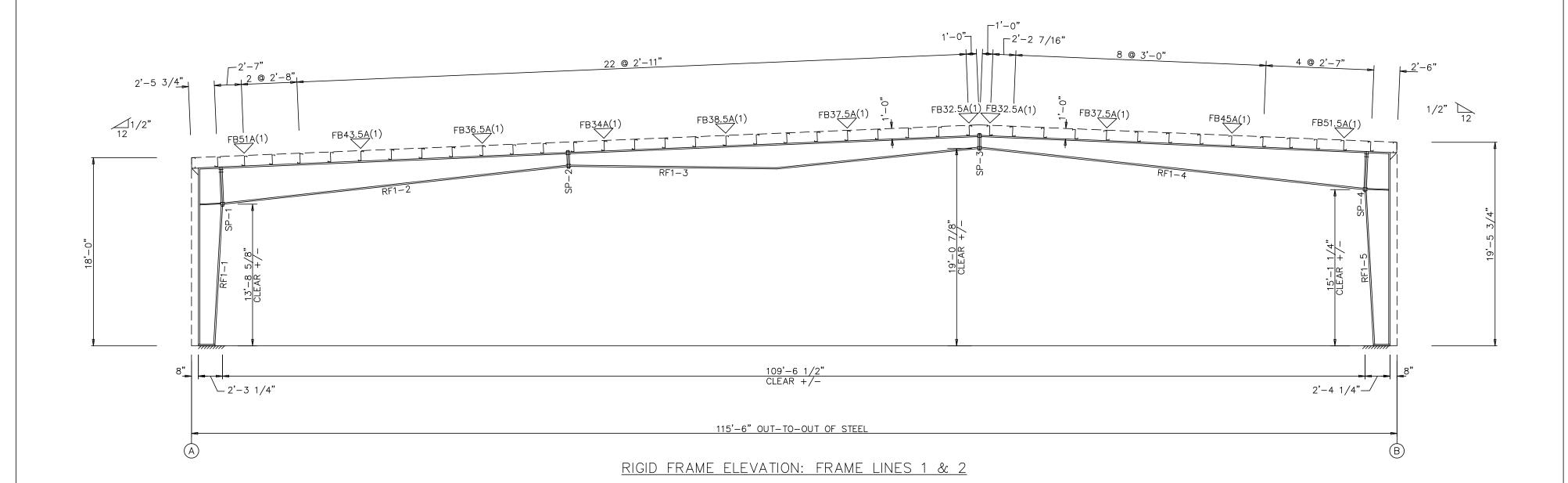
Z0442

GENERAL INFORMATION



SPLICE PLATE & BOLT TABLE Qty Top Bot Int Type Dia Length Width Thick Length SP-1 SP-2 SP-3 SP-4 0 A325 1.000 3.75 0 A325 0.750 2.50 0 A325 0.750 2.50 0 A325 1.250 4.00 3'-8 1/4" 1'-7 7/8" 1'-6 7/8" 3'-10 1/8"

FLANGE BRACES: Both Sides(U.N.)
FBxxA(1): xx=length(in)
A - L2X2X1/8



BOLT TIGHTENING METHOD:

RIGID FRAMES BY THIS MANUFACTURER ARE DESIGNED TO BE FASTENED USING A-325 HIGH STRENGTH BOLTS BY THE "SNUG-TIGHTENED" METHOD, AS DEFINED AND DESCRIBED IN THE RESEARCH COUNCIL ON STRUCTURAL CONNECTIONS SPECIFICATION (RCSC, 6-11-2020), SECTION 4.1, "SNUG-TIGHTENED JOINTS" (REFERENCE SECTION 8.1)

TT D. CLO CONTRACTOR

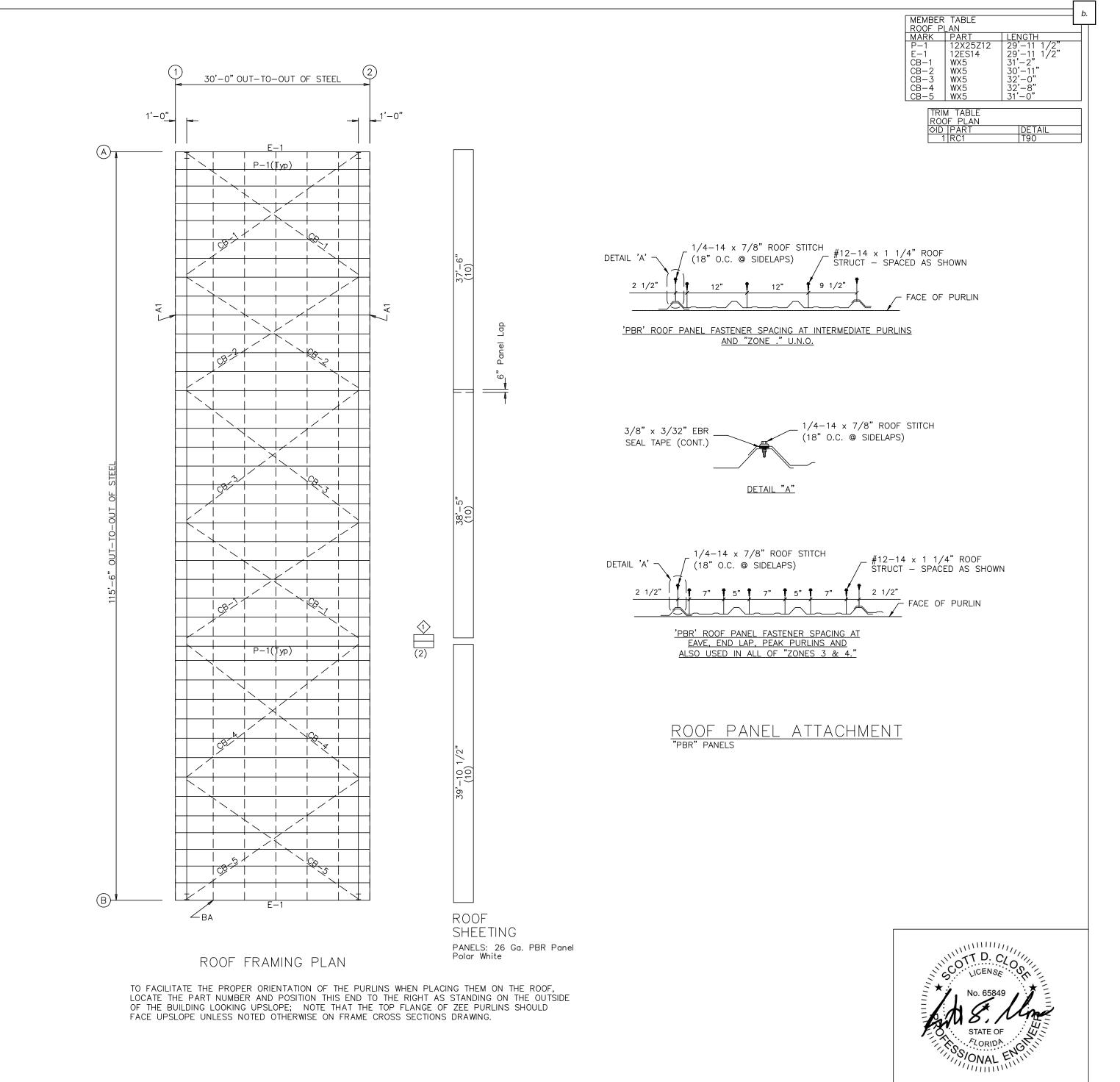
SONAL EN

ERECTION NOTES:

1. THE "APPLICABLE WALL PANEL ERECTION GUIDE" IS TO BE USED IN CONJUNCTION WITH THESE DRAWINGS TO DETERMINE COMPLETE ERECTION REQUIREMENTS.

2. ALL FLANGE BRACING MUST BE INSTALLED AT FRAME

LINES AS	SHOWN.									
\Box							SCALE : NONE	Daniel Marina		EHLEN ®
							DRAWN BY MF	DATE 8/27/24 Regal Marine	FI 32809	
							CHECKED BY SAY	DATE 8/28/24 Orlando	FL 32809	Building Systems
									JOB NO.	SHT. OF
LETTER	REVISIONS	DRAWN BY DATE (CHECKED BY DATE LETTE	REVISIONS	DRAWN BY DATE	CHECKED BY	DATE	RIGID FRAME	ELEVATION	Z0442 3 50



E DENOTES FIELD LOCATED ACCESSORY (SEE ACCESSORY SHEET)

C SCALE : NONE
C DRAWN BY MF DATE 8/27/24
C CHECKED BY SAY DATE 8/28/24

Orlando
C CHECKED BY SAY DATE 8/28/24

LETTER REVISIONS DRAWN BY DATE CHECKED BY DATE LETTER REVISIONS DRAWN BY DATE CHECKED BY DATE

REQUIMENTAL REVISIONS

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C Orlando
ROOF FRAMIN

FRONT SIDE

ORIENTATION

FL 32809 **BEHLEN**Building Systems

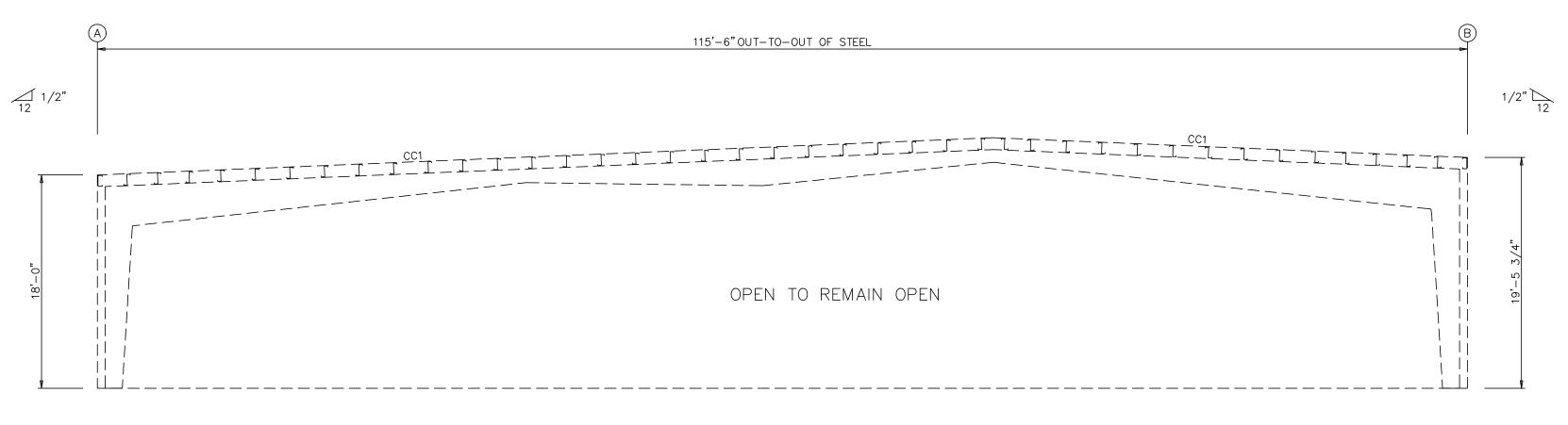
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ROOF FRAMING JOB NO. Z0442

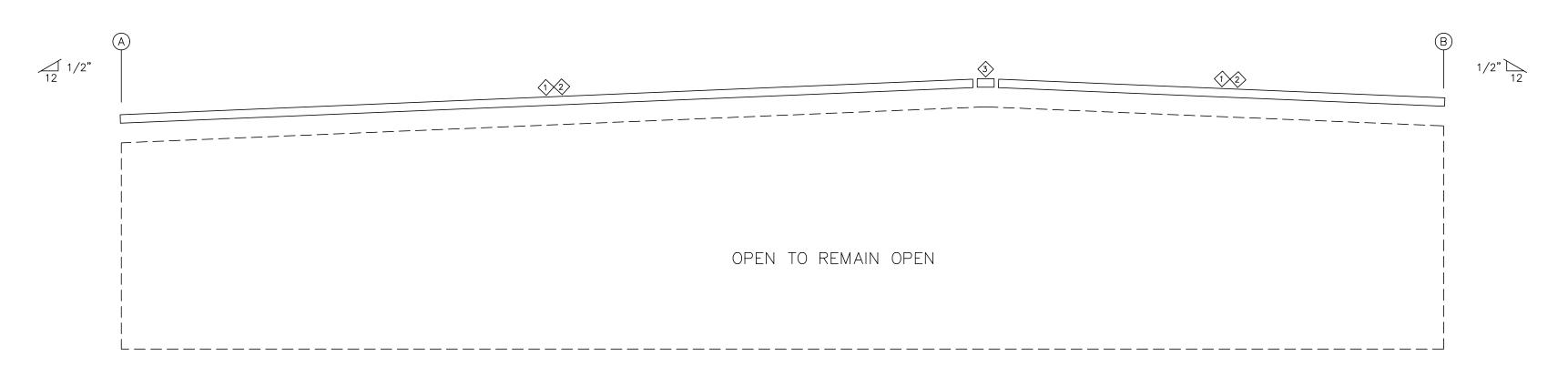
TRIM TABLE
FRAME LINE 1

◇ID | PART | DETAIL

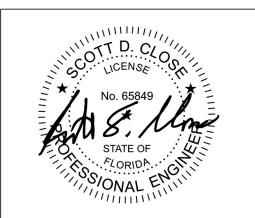
1 | RT1 | T82
2 | FT1 | T82
3 | PKB1



LEFT ENDWALL FRAMING: FRAME LINE 1



LEFT ENDWALL SHEETING & TRIM: FRAME LINE 1



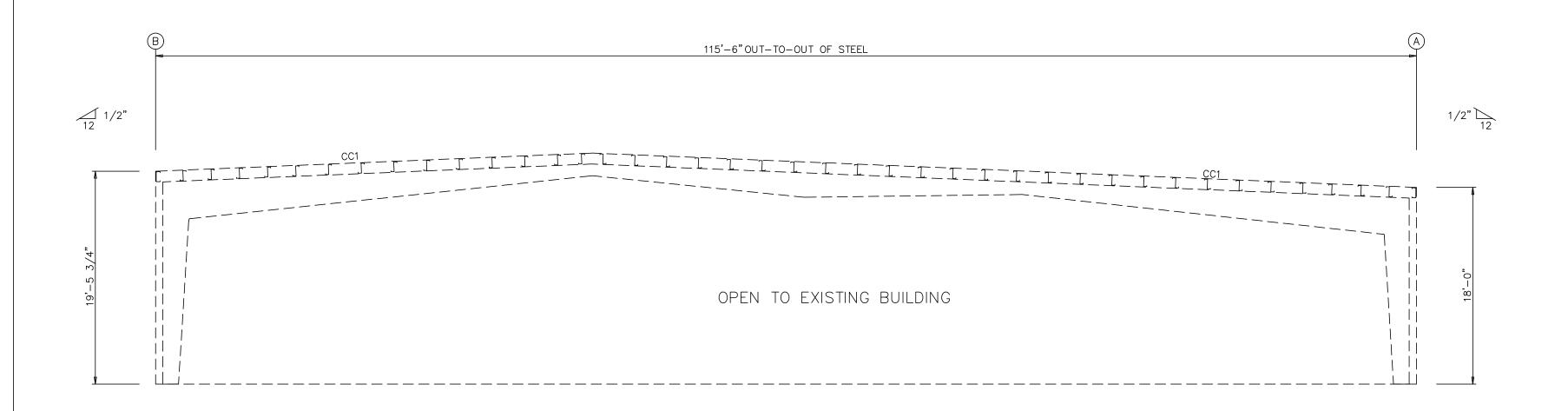
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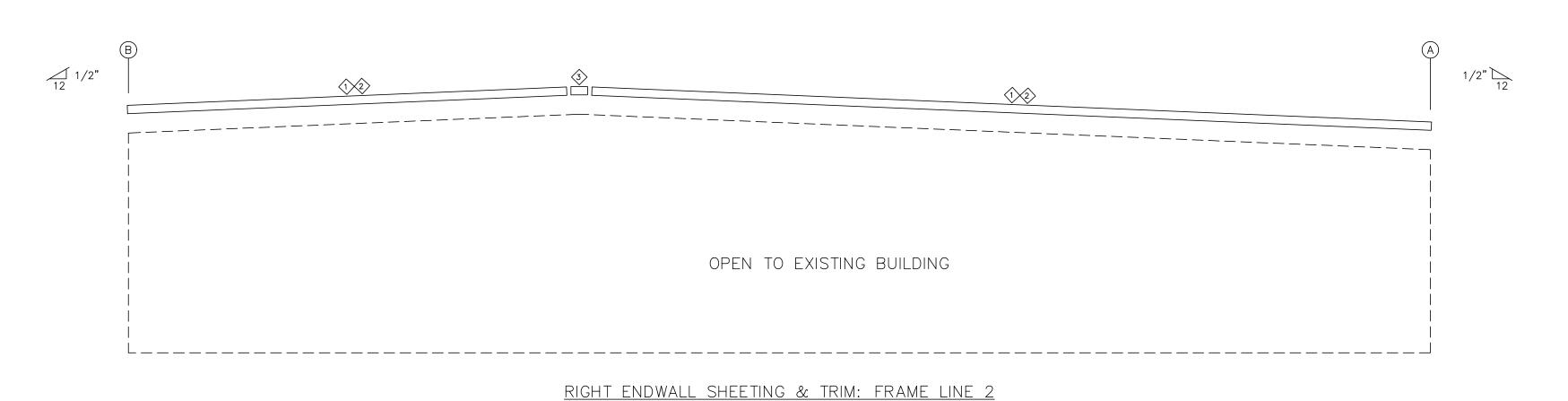
TRIM TABLE
FRAME LINE 2

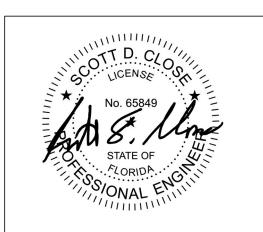
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1 | RT2 | T92
2 | FT1 | T92
3 | PKB1



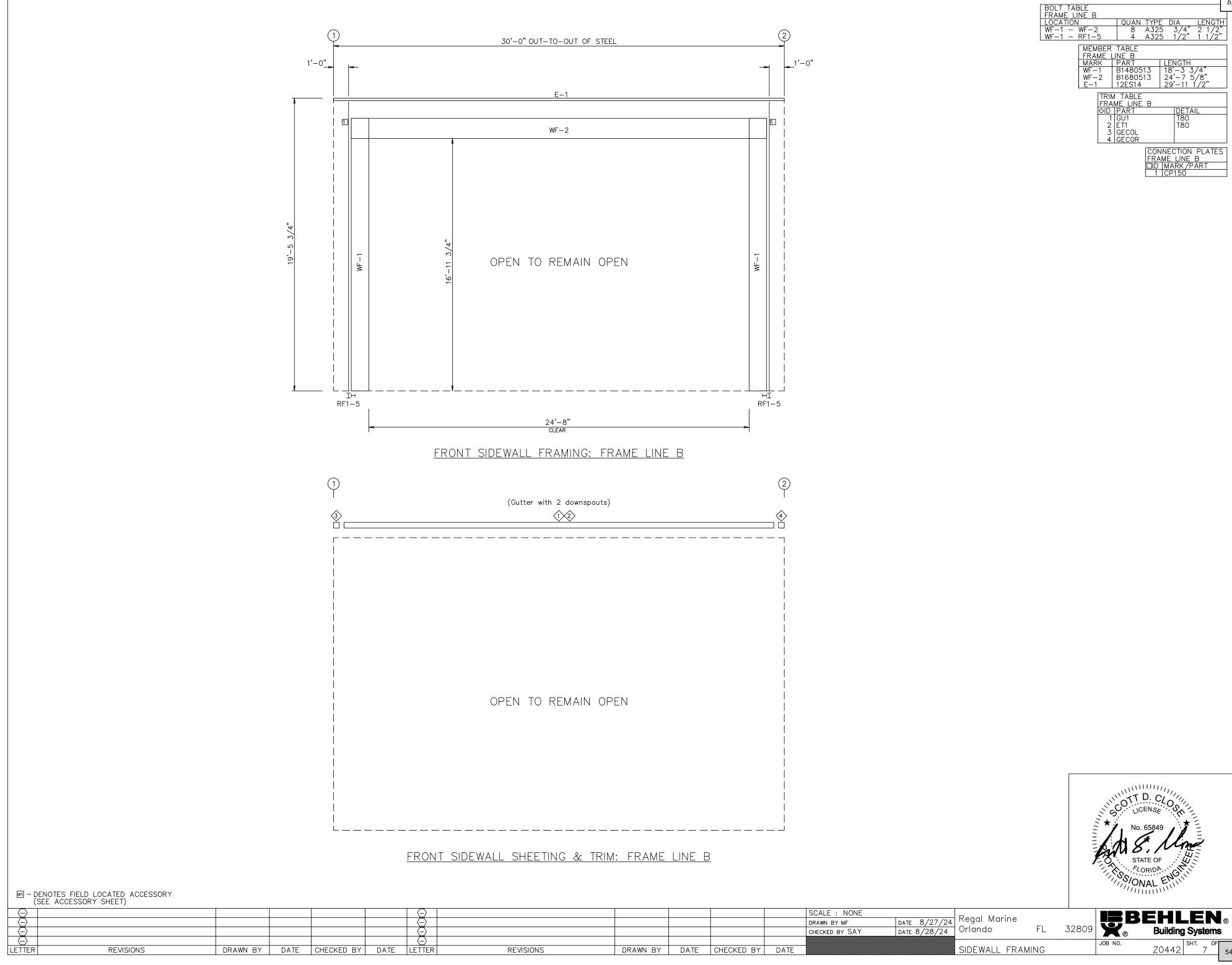
RIGHT ENDWALL FRAMING: FRAME LINE 2





LET! —	DENC	ILS FIE	LU L	JCATED	ACCESSORY	
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REVISIONS

REVISIONS

FL 32809 **BEHLEN** Building Systems

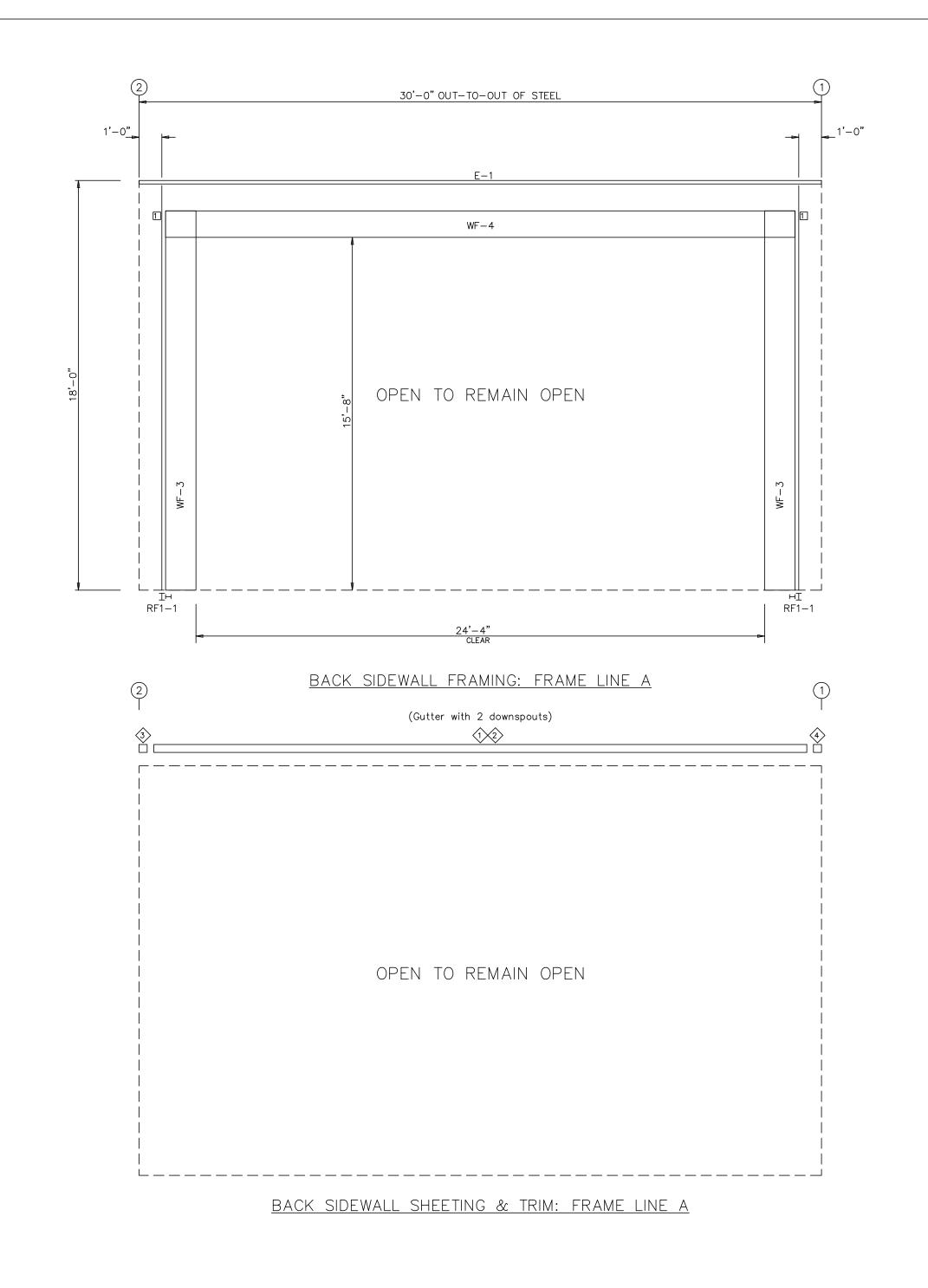
SIDEWALL FRAMING

Orlando

CHECKED BY SAY

DRAWN BY DATE CHECKED BY DATE

Z0442 SHT.



C. LICENSE ... ST.

BOLT TABLE FRAME LINE A LOCATION WF-3 - WF-4 WF-3 - RF1-1

MEMBER TABLE
FRAME LINE A

MARK | PART | LENGTH
WF-3 | B1660613 | 16'-10"
WF-4 | B1480513 | 24'-3 1/2"
E-1 | 12ES14 | 29'-11 1/2"

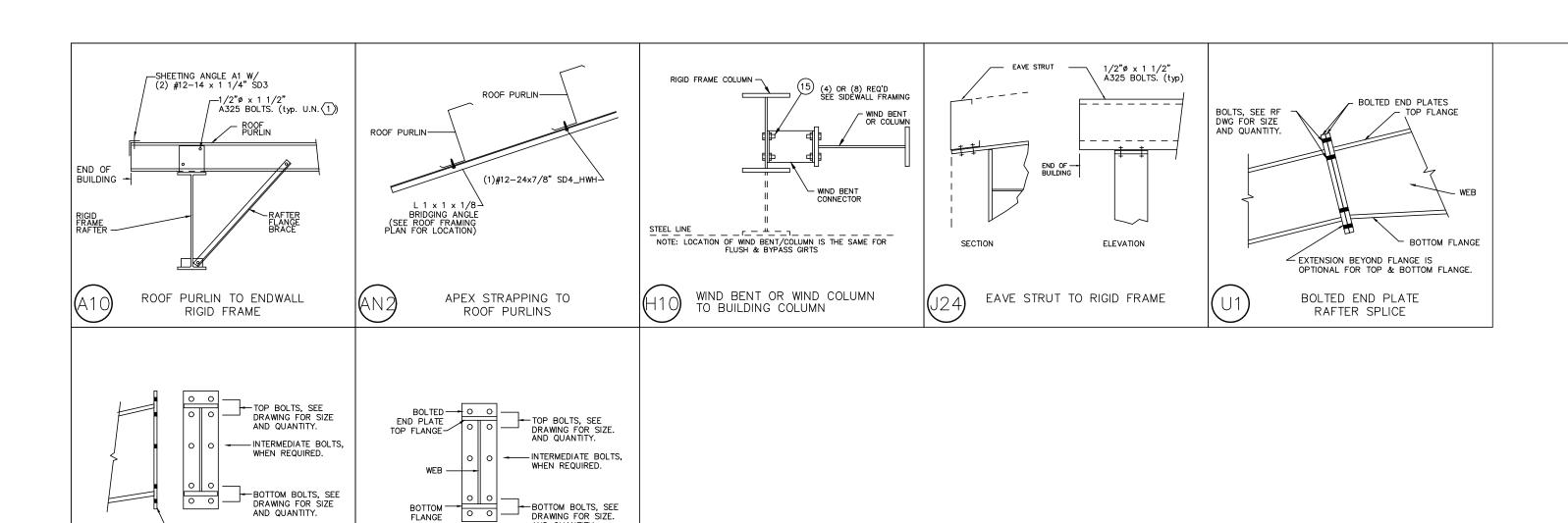
DETAIL T80 T80

CONNECTION PLATES
FRAME LINE A
DID MARK/PART
1 CP150

TRIM TABLE
FRAME LINE A
OID PART
1 GU1
2 ET1
3 GECOL
4 GECOR

□ – DENOTES FIELD LOCATED ACCESSORY
 (SEE ACCESSORY SHEET)

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ETTER

REVISIONS

FOR FLANGE BRACE LOCATIONS - SEE FRAME CROSS SECTION

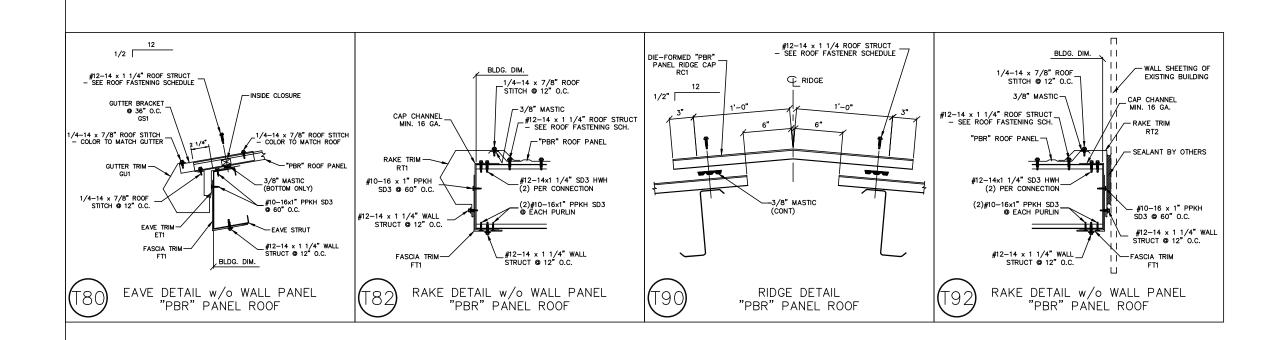
SOME FIELD DRILLING AND/OR FIELD CUTTING OF STEEL COMPONENTS MAY BE REQUIRED DURING THE ERECTION OF THIS

PURLIN LAPS MAY VARY IN LENGTH AND MAY NOT NECESSARILY BE THE SAME ON EACH SIDE OF THE FRAME

ABBREVIATIONS

HD = HEAD
SD = SELF DRILLING
ST = SELF TAPPING
SS = STAINLESS STEEL
PT = POINT
RD = ROUND
WW = WITH WASHER
NW = NO WASHER
FLT = FLAT
HVHX = HEAVY HEX
UNPL = UNPLATED
PLTD = PLATED
HWH = HEX WASHER HEAD
FL—TP = FLAT TOP
LG—LF = LONG LIFE
PHPS = PHILLIPS

ABBREVIATIONS



AND QUANTITY.

BOLTS FOR RAFTER TO

COLUMN CONNECTION

FASTENER SCHEDULE

(2) 3228285 SCREW 12 X 1 1/4 HWH SD NW

LOC. PART NUM.

DESCRIPTION

-EXTENSION BEYOND FLANGE IS OPTIONAL, AT TOP & BOTTOM.

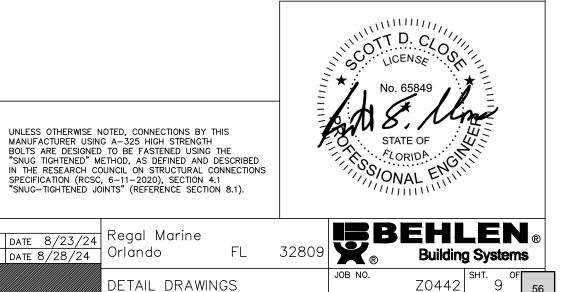
BOLTED END PLATE CONNECTION

AT BUILDING PEAK

LOC. PART NUM. DESCRIPTION

(1) AS NOTED ON RIGID FRAME ELEVATION
(2) 3228092 SCREW 1/4 X 7/8 FL-TP SD WW
(3) 3228280 SCREW 12 X 1 HWH SD NW
(4) 3228042 SCREW 12 X 1 1/4 FL-TP SD WW
(5) 3228040 SCREW 12 X 1 1/4 LG-LF SD WW
(6) 3128087 RIVET 1/8 X 1/4

(8) 3188333 BOLT 1/2 X 2 HVHX A325T GALV & NUT (1328191)
(9) 1328199 BOLT 5/8 X 2 1/4 HVHX A325T GALV & NUT (1328195)
(0) 1328187 BOLT 3/4 X 1 1/2 HVHX A325T GALV & NUT (1328192)
(1) 1328190 BOLT 3/4 X 2 1/2 HVHX A325T GALV & NUT (1328192)
(2) 3228094 SCREW 1/4 X 7/8 LG—LF SD WW FOR PBR ROOF 3228094 SCREW 1/4 X 7/8 LG—LF SD WW FOR SS ROOF
(3) 3228040 SCREW 12 X 1 1/4 LG—LF SD WW FOR PBR ROOF 3228040 SCREW 12 X 1 1/4 LG—LF SD WW FOR SS ROOF



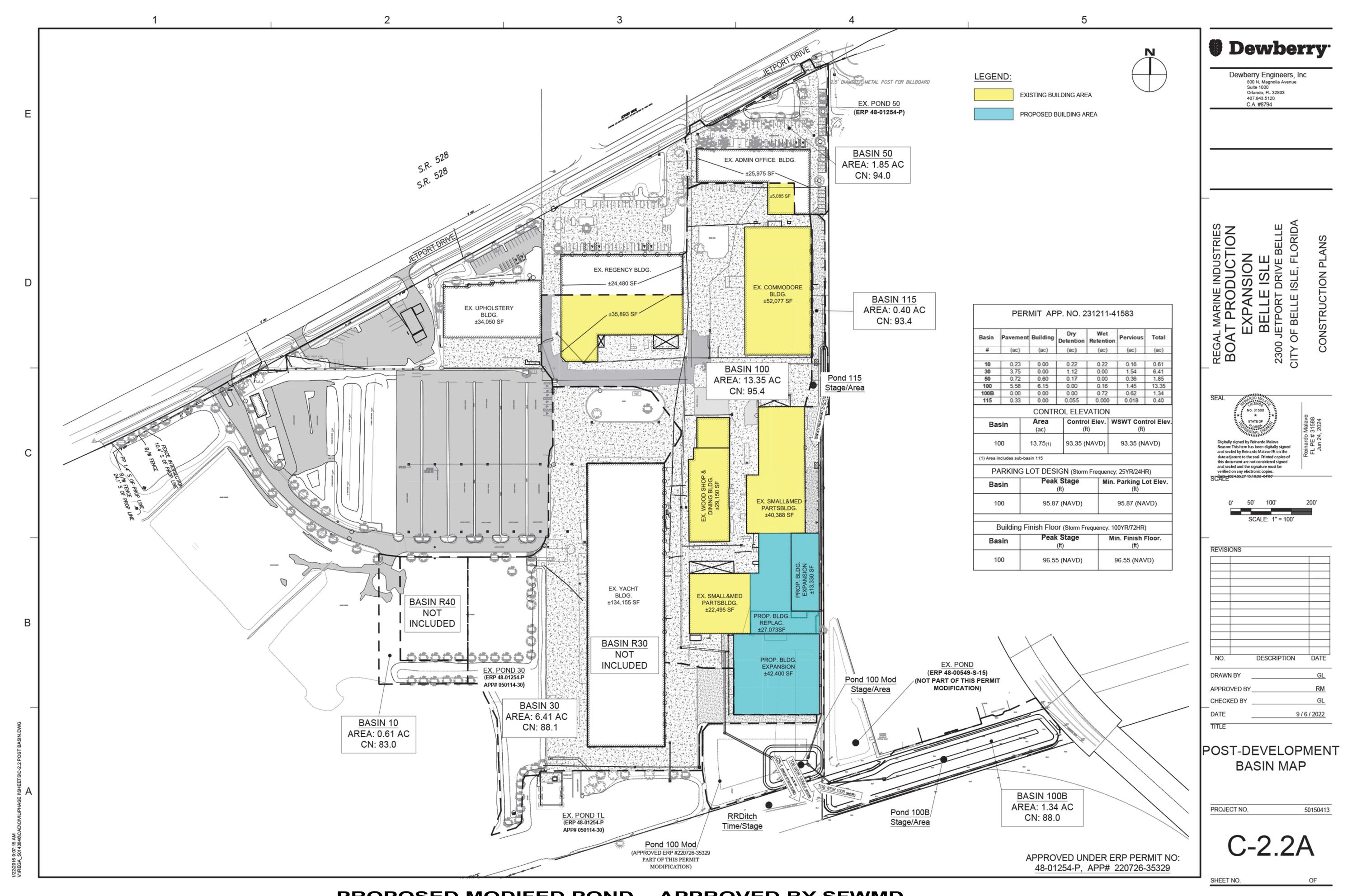
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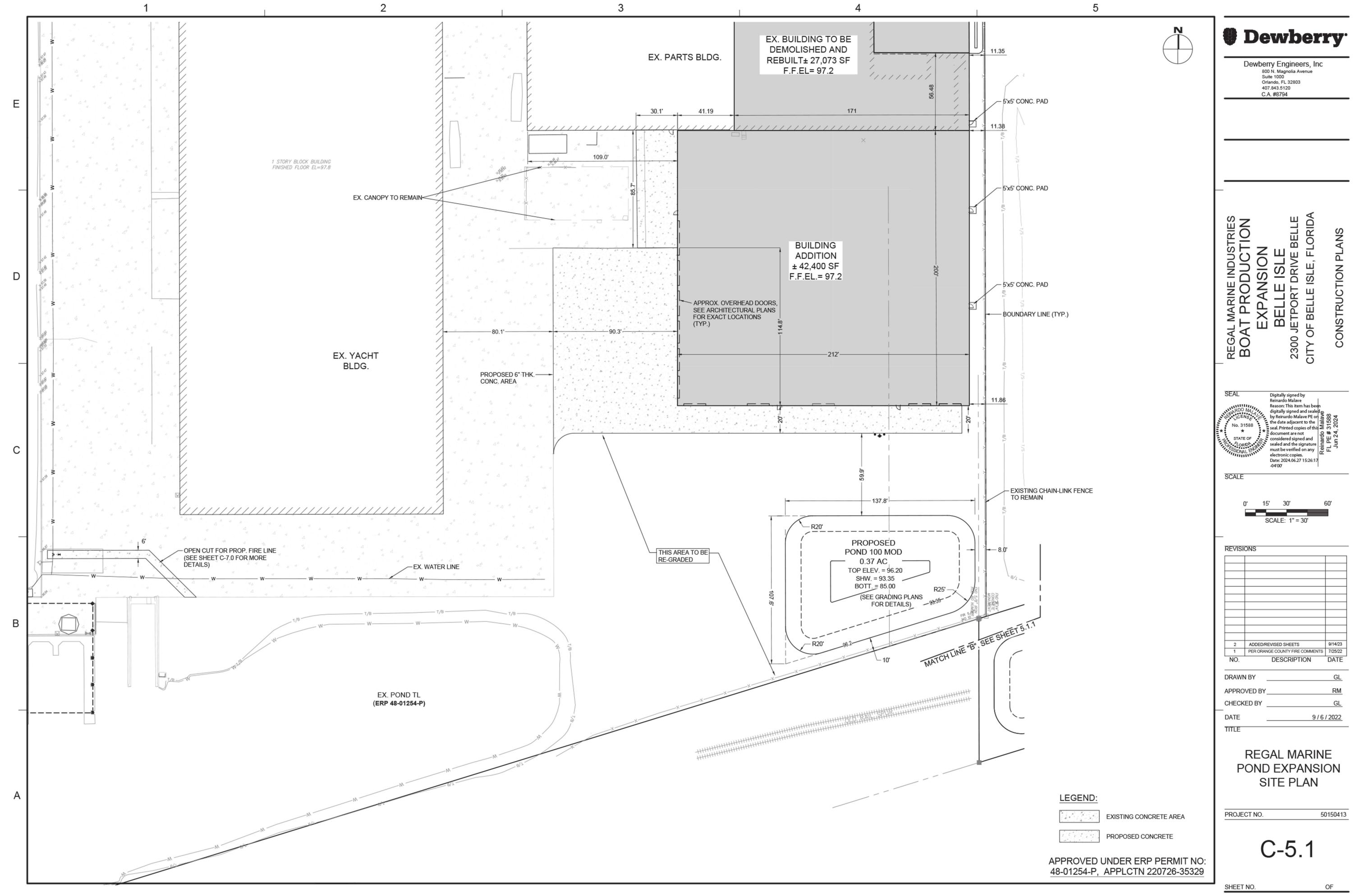
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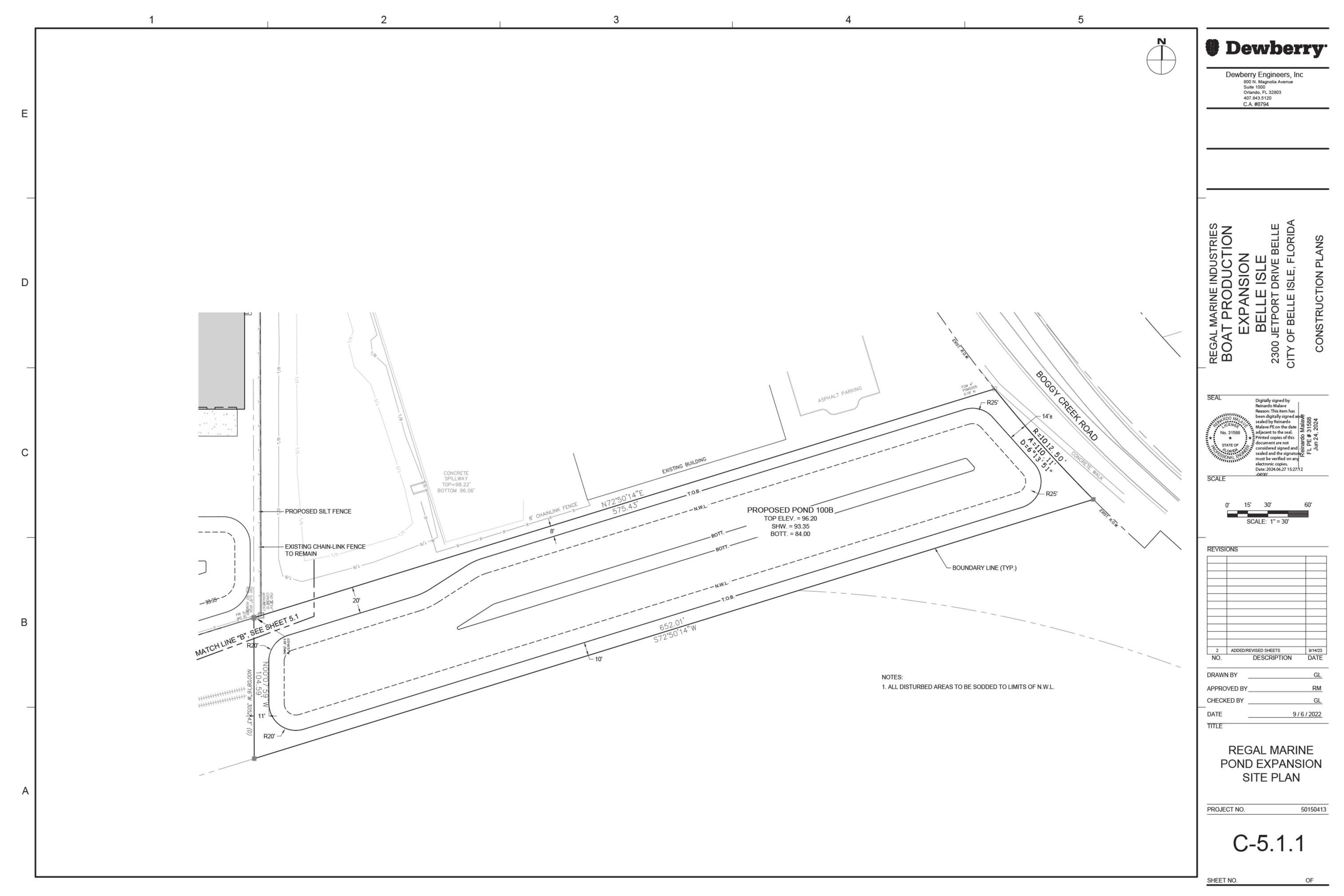
PROPOSED MODIFED POND - APPROVED BY SFWMD

BELLE ISLE PLANNING & ZONING SUBMITTAL - PAGE 2 OF 4



PROPOSED MODIFED POND - APPROVED BY SFWMD - PORTION IN CITY OF BELLE ISLE JURISDICTION

BELLE ISLE PLANNING & ZONING SUBMITTAL - PAGE 3 OF 4



PROPOSED MODIFED POND - APPROVED BY SFWMD - PORTION IN CITY OF ORLANDO JURISDICTION

BELLE ISLE PLANNING & ZONING SUBMITTAL - PAGE 4 OF 4

MEMORANDUM

TO: Planning and Zoning Board

DATE: February 25, 2025

RE: Variance Application – 3538 Country Lakes Drive

Planning and Zoning Case Number 2025-01-002:

PURSUANT TO SECTION 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 48-32 (C) (1) TO ALLOW A DOCK AND WORK FOR AND ON A DOCK WITHIN A DRAINAGE AND UTILITY EASEMENT, SUBMITTED BY APPLICANT SHEILA CICHRA, ON BEHALF OF THE PROPERTY OWNER DANIEL JOSEPH MCCARTIN, LOCATED AT 3538 COUNTRY LAKES DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-4980-00-030.

Background:

- 1. On January 2, 2025 the applicant submitted a Variance application and the required paperwork.
- 2. On February 12, 2025, letters to the abutting property owners were mailed within 300 feet of the subject property, and a Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on February 15, 2025.

The Board may adopt all, some, or none of these determinations as part of its findings of fact and add any additional findings of fact presented at the public hearing. The Board must determine if the criteria outlined 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.

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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, Florida Planning and Zoning: Staff Report

February 13, 2025

Variance Request: 3538 Country Lakes Drive

Application Request: Planning and Zoning Case Number 2025-01-002: PURSUANT TO SECTION 48-33, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 48-32 (C) (1) TO ALLOW A DOCK AND WORK FOR AND ON A DOCK WITHIN A DRAINAGE AND UTILITY EASEMENT, SUBMITTED BY APPLICANT SHEILA CICHRA, ON BEHALF OF THE PROPERTY OWNER DANIEL JOSEPH MCCARTIN, LOCATED AT 3538 COUNTRY LAKES DRIVE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-4980-00-030.

Existing Zoning/Use: R-1-AA / Single-Family Home

Background

The property owner submitted a boat dock permit to the City's Building Department for permit issuance. Under zoning review, city staff determined that the proposed dock would be located entirely within a dedicated 37-foot drainage and utility easement along the private property's rear lot line, projecting into the abutting canal channel. Under section 48-32 (C) (1), no dock or work for or on a dock shall be within areas that constitute easements for ingress, egress, or drainage held by individuals or the general public.

As a result, the applicant must seek variance approval from the Planning Board to build a dock along the canal front of the residential property. The subdivision plat for The Landings of Lake Conway details that the 37-foot drainage and utility easement is dedicated to the public, which provides that the local government has jurisdiction over the property and owns the easement. The City can require an easement encroachment agreement between the owner and the City to grant the variance sought as a condition of approval to allow the dock into and onto the easement.

City staff have also contacted Orange County's Public Works Department, as the County is responsible for maintaining Lake Conway and the connecting channels, to verify the existence of any underground infrastructure. As of February 13, 2025, Orange County's Chief Engineer with Orange County Stormwater Management, Daniel Negroni, confirmed that Stormwater Management has no infrastructure in the area.

City staff has requested the City Attorney create an easement agreement for the applicant to sign as a condition of approval for the requested variance, should the Board approve the requested variance to build a dock within the existing drainage and utility easement.

Criteria for Dock Variance Cases

Pursuant to section 48-33, the board shall not approve an application for a 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 Recommendation

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

- (1) The requested variance for the dock location does not create conditions hazardous to navigation nor any safety hazards as proposed. The applicant's submitted site plan notes that the proposed dock would maintain a 20-foot distance from an existing dock across the canal axis (center). The code requires a minimum navigable travel way of 15 feet width along the center of the canal between all docks and potential docks.
- (2) The proposed location and placement of the new dock would be compatible with the other docks in the area.
- (3) The lake's current level is not a factor in the requested variance as they do not seek to augment the lake level or gain additional dock length based on the lake level.
- (4) The application does not confer a special benefit to the landowner over and above the adjoining landowners. The requested variance 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 docks on the canal and will not impede boat travel in the canal as the configuration proposes.
- (5) The requirements of subsection 42-64 (1), except for subsection 42-64 (1) (d):
 - A. Special Conditions and/or Circumstances (Section 42-64 (1) d):
 Per section 48-33 (b) (5), the criterion is not applicable for consideration of a dock variance.
 - B. Not Self-Created (Section 42-64 (1) e): The requested variance is not self-created, as the applicant seeks to build a conforming boat dock per the design standards established in the city code.
 - C. Minimum Possible Variance (Section 42-64 (1) f): The requested variance seeks the minimal possible variance to make reasonable of the land as the applicant meets all other code requirements for constructing a boat dock.
 - D. Purpose and Intent (Section 42-64 (1) g): The requested variance could be construed to be in harmony with the general purpose and is compatible with the surrounding land uses as other residences.

Based on consideration of the review criteria, staff recommends approval of the requested variance application with the condition that the applicant signs and submits an easement agreement with the city for the request to build a permanent structure within the city's dedicated drainage and utility easement.

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.



City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809 Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov

Variance and Special Exception Application							
	41-72 AND Sec 42-64 Land Development Code						
APPLICANT Sheila Cichra	OWNER Dantel Mc Cartin						
ADDRESS 1002 Fort Mason Drive, Eustis, FL 32726	PROJECT ADDRESS 3538 Country Lakes Drive						
CONTACT NUMBER (407) 450-4241	OWNER'S CONTACT NUMBER (503) 358-2679						
sheilacichra@gmail.com	OWNER'S EMAIL pvtdan03@yahoo.com						
PARCEL ID# 20-23-30-4980-00-030							
LAND USE CLASSIFICATION 0131 - Sfr - Canal Front	ZONING DISTRICT BI-R-1-AA						
SECTION OF THE CODE VARIANCE REQUESTED ON 48-32 (C) (
DETAILED VARIANCE REQUEST							
Requesting permission to construct a dock	and seawall in an easement.						
The applicant hereby states that the property for which this	hearing is requested has not been the subject of a hearing						
requested user does not violate any deed restriction of the pi	quested in the application within nine (9) months. Further, the roperty.						
 By applying, I authorize City of Belle Isle employees and me 	embers of the P&Z Board to enter my property						
 during reasonable hours to inspect the area to which the app The applicant shall provide a minimum of ten (10) sets of thr 	lication applies.						
follows: at least one (1) picture of the front of the property a	and at least two photos (from different angles) of the						
specific area of the property to which the application applies.							
APPLICANTS SIGNATURE	OWNER'S SIGNATURE						
Millet	V Marin						
VARIANCE SPECIAL OTHER	P&Z CASE NUMBER DATE OF HEARING						
VARIANCE EXCEPTION OTHER	2025-01-002 02/28/2025						

Sec. 42-64. - Variances. The Board shall have the power to approve, conditionally approve or deny applications for a 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. 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.
- 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

Variance Criteria for a Boat Dock at 3538 Country Lakes Drive

This variance request is for permission to remove and rebuild a boat dock and seawall in a drainage and utility easement.

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.

This subdivision was platted in 1980 and there is a drainage and utility easement running along the shoreline of the canal. There are no utilities in the easement, but the Belle Isle ordinance – that was written long after the subdivision was platted – disallows docks to be constructed in an easement.

Without a variance, the property owner cannot rebuild their existing dock, which was severely storm damaged.

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.

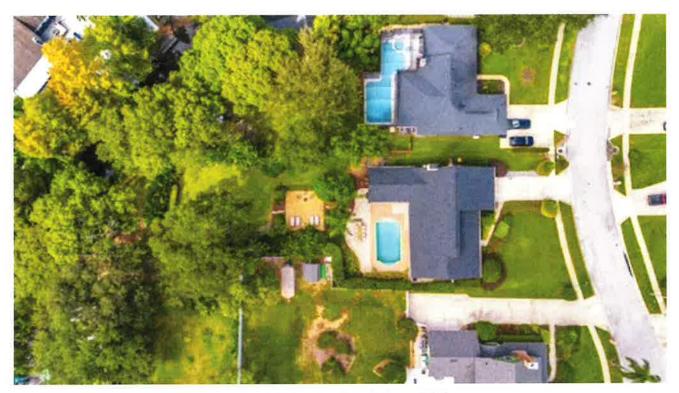
The existing dock was there decades before the owner purchased the property. No one knew about the easement until we applied for a permit to replace the dock.

f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

Since the code states that **no** dock work can be done in the easement, a variance is required, no matter what the size of the proposed dock.

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.

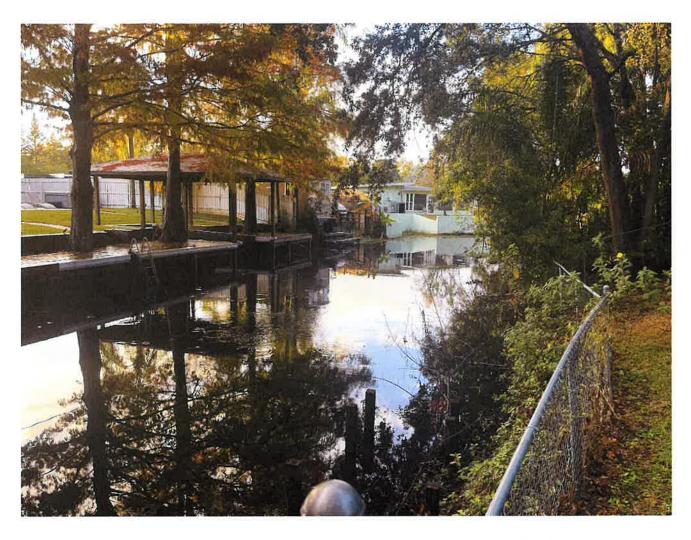
Approval of the variance will be in harmony with the neighborhood, since the adjacent parcels also have docks. The proposed dock meets all of the other ordinance criteria, except 48-32 (C)(1).



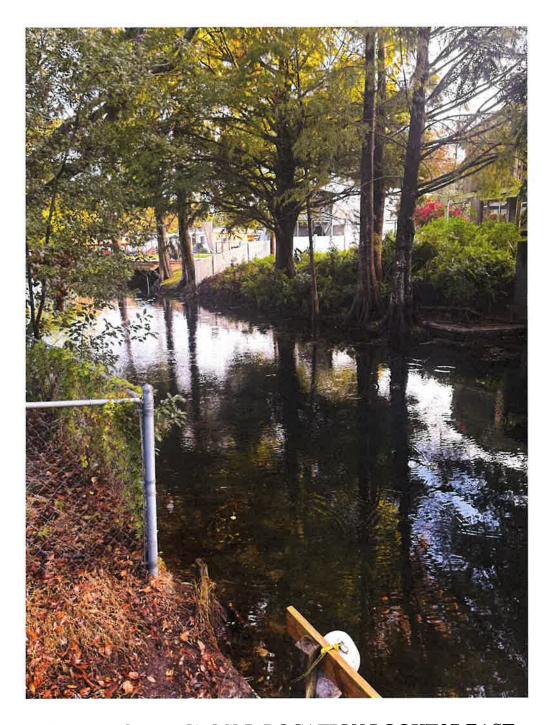
AERIAL PHOTOGRAPH



FRONT OF HOUSE



VIEW FROM PROPOSED LOCATION LOOKING WEST

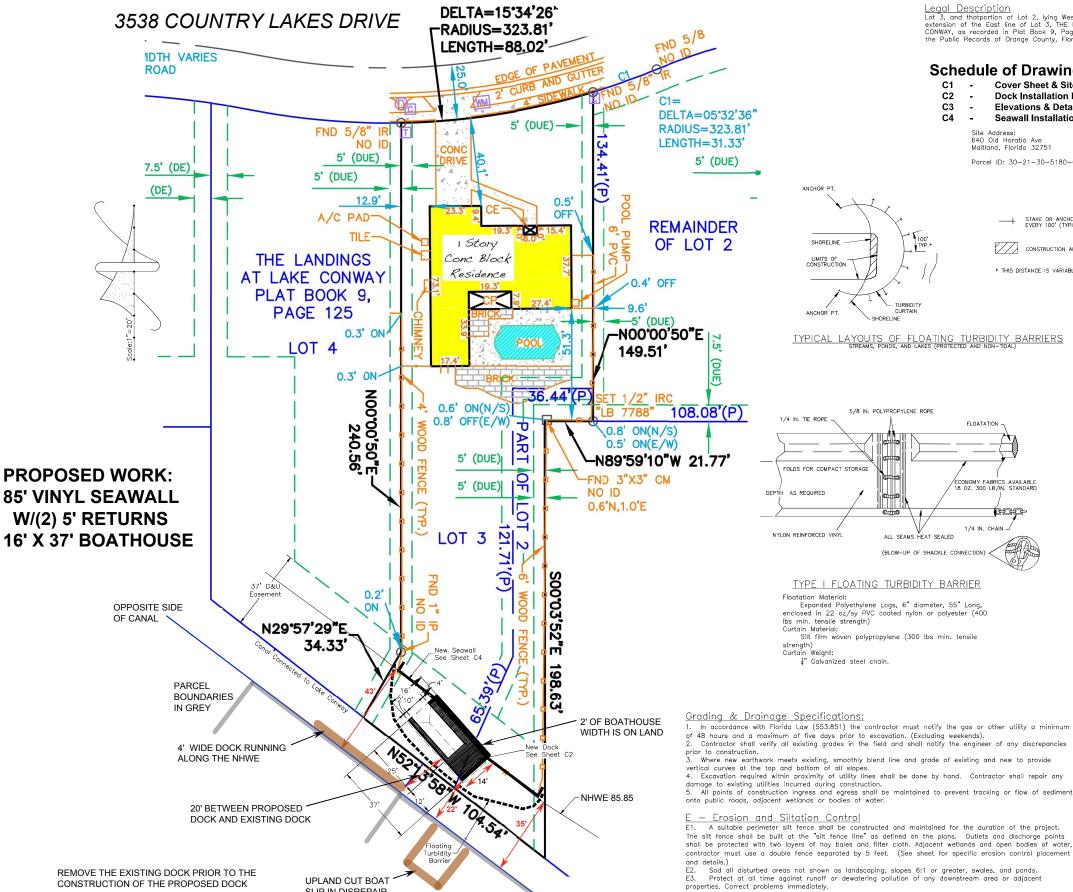


VIEW FROM PROPOSED LOCATION LOOKING EAST



VIEW OF PROPOSED LOCATION FROM ACROSS THE CANAL

MCCARTIN DOCK AND SEAWALL SITE PLAN



NHWE 85.85

CONSTRUCTION OF THE PROPOSED DOCK

SLIP IN DISREPAIR

Lot 3, and thatportion of Lot 2, lying Westerly of the Southerly extension of the East line of Lot 3, THE LANDINGS AT LAKE CONWAY, as recorded in Plot Book 9, Page 125 and 126 of the Public Records of Orange County, Florida.

Schedule of Drawings

Cover Sheet & Site Plan Dock Installation Plan

Elevations & Details Seawall Installation Plan

Parcel ID: 30-21-30-5180-00-060

STAKE OR ANCHOR EVERY 100' (TYPICAL)

CONSTRUCTION AREA

* THIS DISTANCE IS VARIABLE



Project Description
Install new private boat dock & seawall on an residential property.

Design Load Table

<u>Wind Design Data</u> Ultimate Wind Speed

Risk Category - 11 Wind Exposure Not Enclosed Exposure Class Int pressure Coeff 0.55+/-

Peak Wind Load - 35.99 psf

Project Data

General Information Total Site Area 0.46 Ac (20.170 sf)

Construction Data Construction Type: V Building Description: PT Wood & Shingle Roof

Applicable Codes Florida Building Code 2023

Wood Frame Construction Notes:
a. Design Parameters: per Load Table
b. Lumber exposed to weather or contacting concrete or steel shall be
pressure treated (PT)
c. All lumber in contact with concrete products shall be shielded by a

- d. All fasteners in contact with pressure treated lumber are to be hot dipped
- All tosteners in contact with pressure treated lumber are to be not dipped galvanized or stainless steel.

 All dimensions shall be field verified. The engineer and owner shall be notified immediately of any discrepancies from dimensions or field conditions noted herein.

 Elevation views are for visual reference only. Always refer to layout plans for specified measurements.

Anchor positions shall have a tolerance of $\pm\frac{1}{2}$ ". Written dimensions supercede scaled dimensions in all cases. Any dimensional discrepancies shall be brought to the attention of the engineer interestication.

Specifications and Notations:

These notes shall apply to all work in this set of drawings.

It will be the responsibility of the contractor(s) to insure that all required permits are obtained and are in hand at the job site prior to the commencement of construction. Contractors shall abide

and are in hand at the job site prior to the commencement of construction. Contractors shall abide by all conditions contained therein.

G3. Prior to commencement, the contractor shall provide a construction schedule for various site work elements so that site visits may be coordinated.

G4. The contractor shall immediately notify the engineer of any discrepancies found between the drawings and the field conditions prior to construction in the area impacted by the conflict.

G5. In accordance with Florida Law (553.851) the contractor must notify the gas or other utility a ninimum of 48 hours and a maximum of five days prior to excavation. (Excluding weekends). G10. All requirements and recommendations of inspection personnel other than the owner's shall be reported to the engineer/owner prior to implementation. Compensation will not be allowed for work

which is not authorized by the engineer/owner. G11. All work shall be open to and subject to inspection by authorized personnel of the utility companies, project engineer and regulatory agencies.

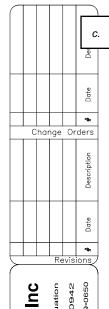
612. Contractor shall notify all appropriate utility companies and water management agencies of proposed start up. All work shall be in accordance with their requirements; including but not limited to water, sewer, drainage, power, telephone, Gas and cable TV companies.



c=US, st=Florida, I=Orlando, o=Unroe Engineering, Inc., cn=Darcy Unroe, email=Darcy@unroe engineering.com 2024.06.18 13:39:59 -04'00'

Darcy Unroe

THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY DARCY UNROE PE 60929 ON THE DATE ADJACENT TO THE SEAL PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES



Engineering, Unroe

Dock Site Ø et Ø Sh er Σ 0 The C

DP Drawn DP Checked Scale 1"=20" Date 6/18/24 File Dock-C1

Dwg. No. 70

MEMORANDUM

TO: Planning and Zoning Board

DATE: February 25, 2025

RE: Variance Application –6504 St Partin Place

Planning and Zoning Case Number 2025-01-028: PURSUANT TO SECTION 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 50-102 (A) (7) TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.

Background:

- 1. On January 27, 2025, the applicant submitted a Variance application and the required paperwork.
- 2. On February 12, 2025, letters to the abutting property owners were mailed within 300 feet of the subject property, and a Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on February 15, 2025.

The Board may adopt all, some, or none of these determinations as part of its findings of fact and add any additional findings of fact presented at the public hearing. The Board must determine if the criteria outlined in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I MOVE, PURSUANT TO BELLE ISLE CODE 50-73 (A) AND 42-64, TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE 50-102(A)(7) AND 42-64, HAVING NOT BEEN MET, TO DENY [use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone] TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.

Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

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.

MEMORANDUM

TO: Planning and Zoning Board

DATE: February 25, 2025

RE: Variance Application –6504 St Partin Place

Planning and Zoning Case Number 2025-01-028: PURSUANT TO SECTION 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 50-102 (A) (7) TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.

Background:

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- 2. On February 12, 2025, letters to the abutting property owners were mailed within 300 feet of the subject property, and a Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on February 15, 2025.

The Board may adopt all, some, or none of these determinations as part of its findings of fact and add any additional findings of fact presented at the public hearing. The Board must determine if the criteria outlined in Chapter 42, Article III, Section 42-64(1) of the Land Development Code have been met and approve, approve with conditions, or deny this request.

SAMPLE MOTION TO APPROVE:

"I MOVE, PURSUANT TO BELLE ISLE CODE 50-73 (A) AND 42-64, TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE 50-102(A)(7) AND 42-64, HAVING NOT BEEN MET, TO DENY [use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone] TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.

Or the Board can request that it be tabled to a date certain to allow for revisions as discussed.

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, Florida

Planning and Zoning: Staff Report

February 13, 2025

Variance Request: 6504 St Partin Place

Application Request: Planning and Zoning Case Number 2025-01-028: PURSUANT TO SECTION 42-64, THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD SHALL REVIEW AND TAKE ACTION ON A REQUESTED VARIANCE FROM SECTION 50-102 (A) (7) TO ALLOW AN IMPERVIOUS PAVER PATIO OR DECK SURFACE WITHIN 30 FEET OF LAKE CONWAY'S CONTOUR LINE WITH NO SETBACK FROM THE WATER'S EDGE, SUBMITTED BY APPLICANT JOHN WEST, LOCATED AT 6504 ST PARTIN PLACE, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID #20-23-30-1678-00-220.

Existing Zoning/Use: R-1-AA / Single-Family Home

Background

The applicant owns a unique property comprising of two separate residential parcels (Lots 22A and 22B) adjacent from one another on Saint Partin Place within The Landings of Lake Conway subdivision. Lot 22A is the primary residence located inland, and Lot 22B is situated along a canal channel and features an Orange County lift station.

Orange County Government has been working with the applicant to update the existing lift station to install new infrastructure to accommodate larger equipment and a concrete pad. Due to the extensive repair work at Lot 22B, the County brokered an agreement with the property owners to install a paver walkway extending from the edge of the right-of-way to the property owner's boat dock.

The applicant seeks to construct a paver walkway area along the perimeter of the new improvements to the lift station. Previously, the owner could gain immediate access from the right-of-way to their dock. After the lift station improvements, the County installed a large concrete pad on the private residence on the dedicated easement. A chain-link fence and vegetation now surround the upgraded lift station, which requires the owners to walk around the perimeter of the new enclosure to access their dock's walkway.

The city code does not define or outline zoning requirements for private walkways. However, under section 50-102 (A), the city code defines patio/deck as located at or above the ground level without a roof or walls. Based on the code's definition of a patio/deck, the proposed walkway qualifies as a patio/deck project. As such, pursuant to section 50-102 (A) (7), the zoning requirements for a patio/deck require a minimum setback of 30 feet to Lake Conway's normal high-water elevation line.

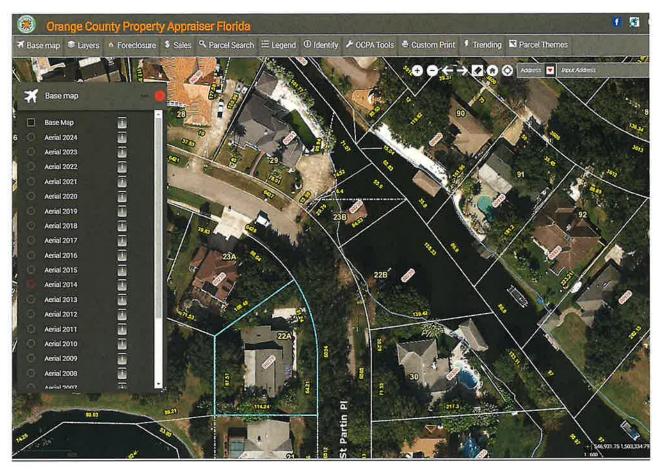
Based on the aerial views from Orange County Property Appraiser, multiple residential properties surrounding the applicant on the canal channel features deck/patio/impervious areas near and at the water line. Many of these properties have maintained a deck/patio/impervious area to or by the waterline for years. See attached images of Lot 22B and the surrounding canal front parcels. City staff

attempted to verify the existence of building and non-building permits for such improvements along or near the waterline. No documentation was discovered to show and support permit approval for the scope of work.

Source: Orange County Property Appraiser, Aerial 2024



Source: Orange County Property Appraiser, Aerial 2014



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 lot's configuration creates special conditions to allow the requested variance due to the two separate parcels and the easements featured on Lot 22B. The applicant has been working with the Orange County government to navigate the lift station improvements to the private property. During construction, the County removed a tree and vegetation and brought heavy machinery onsite to excavate, position the new equipment, and test the new system.

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

The requested variance to create an impervious walkway area to the water's edge is construed as necessary for the primary residents to gain safe access to and from the right-of-way to their dock.

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

The requested variance reasonably uses the land as the proposed walkway is four feet wide, extending directly from the right-of-way to the dock structure.

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

The requested variance does not affect the adjacent properties or the surrounding neighborhood. The requested variance could be construed to be in harmony with the general purpose of the Land Development Code given as it is not injurious to the neighborhood nor detrimental to the public welfare. It will not contradict the public interest as multiple houses in the neighborhood and adjacent houses across the canal channel possess impervious areas to the water's edge. See attached an aerial views from Orange County Property Appraiser.

Based on the variance criteria under section 42-64 (d-g), the Staff recommends that the Board approve the requested variance to allow an impervious paver patio/deck area to the edge of the property's water line.

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.



City of Belle Isle
1600 Nela Avenue, Belle Isle, FL 32809
Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov
Variance and Special Exception Application

Va			Exception Appl	
	City Code Chapter 42	, Art. II, Sec. 41-61 thru	41-72 AND Sec 42-64 Land Developme	ent Code
APPLICANTION	N West:	JR	OWNER JOHN W 1	WESTJR
ADDRESS 650L	1 St. Partin	n Place	PROJECT ADDRESS G 504 S	t, Partin Place
CONTACT NUMBER	407-948-3	3542	OWNER'S CONTACT NUMBER 40	
EMAIL JTR 4	PSIHO	2. com	OWNER'S EMAIL JJR @	PSIHQ. COM
PARCEL ID# 20-23-30-1678-00-220				
LAND USE CLASSIFICAT	KESTULL	itial	ZONING DISTRICT	
	VARIANCE REQUESTED	1	Variance Fee \$300	
50- RC	(A) - Se	thack	Special Exception	\$750
Ser #	Hanel	walk	J Zy ort	naterline
before the Planning requested user do By applying, I aut	ng and Zoning Board opes not violate any property of Be thorize the City of Be	of the kind and type re operty deed restriction lie isle employees as	nd members of the P&Z Board to	ine (9) months. Further, the
property during reasonable hours to inspect the area to which the application applies. The applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as				
follows: at least one (1) picture of the front of the property and at least two photos (from different angles) of the specific area of the property to which the application applies.				
APPLICANTS SIGNATO			OWNER'S SIGNATURE	\$2
VARIANCE	SPECIAL EXCEPTION	OTHER	P&Z CASE NUMBER 2025-01-028	DATE OF HEARING

VARIANCE

Sec. 42-64. - Variances. The Board shall have the power to approve, conditionally approve or deny applications for a 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. 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
- 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.



City of Belle Isle
1600 Nela Avenue, Belle Isle, FL 32809
Tel 407-851-7730 * Fax 407-240-2222 * www.belleislefl.gov
Variance and Special Exception Application

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

The Board shall find that the preceding requirements have been met by the applicant for a variance.
(2) Violations of conditions.

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

SPECIAL EXCEPTION

Applications submitted must meet all of the above criteria before the Board can grant a variance. The applicant bears the burden of proof that they comply with the criteria.

A special exception addresses the compatibility of uses, differing slightly from a variance. The approval of a special exception depends on how the request affects the surrounding area. All uses allowed as special exceptions are listed within the individual zoning districts. Before the Board can approve a special exception, the request must meet all of the following criteria:

- A written application for a special exception must be submitted to City Hall no later than 4:00 p.m. on the first Thursday of the previous month. (See Above)
- 2. The Board shall find that it is empowered under the section of the zoning ordinance described in the application to grant the special exception and that granting the special exception will not adversely affect the public interest.
- 3. It is determined that public health, safety, comfort, order, convenience, prosperity, morals, or general welfare is promoted, protected, or improved.

General Information

- Certain conditions may be prescribed on the special exception or variance approved by the Board.
- 2. The applicant must be present at all hearings.
- 3. Decisions rendered by the Board do not become final until fifteen (15) days after the hearing. The fifteen-day waiting period allows all aggrieved parties to appeal the decision. Any person filing an appeal will submit, within fifteen (15) days of the decision, a notice stating where they feel the Planning and Zoning Board erred in their decision. Belle Isle's City Council will then hold an appeal hearing.
- 4. Sec 42-61 thru 41-72—Variances and special exceptions granted by the Board will become void if a permit necessary for utilizing the variance or special exception is not issued within six (6) months of the date approved by the Planning and Zoning Board.

FOR OFFICE USE ONLY:

FEE:

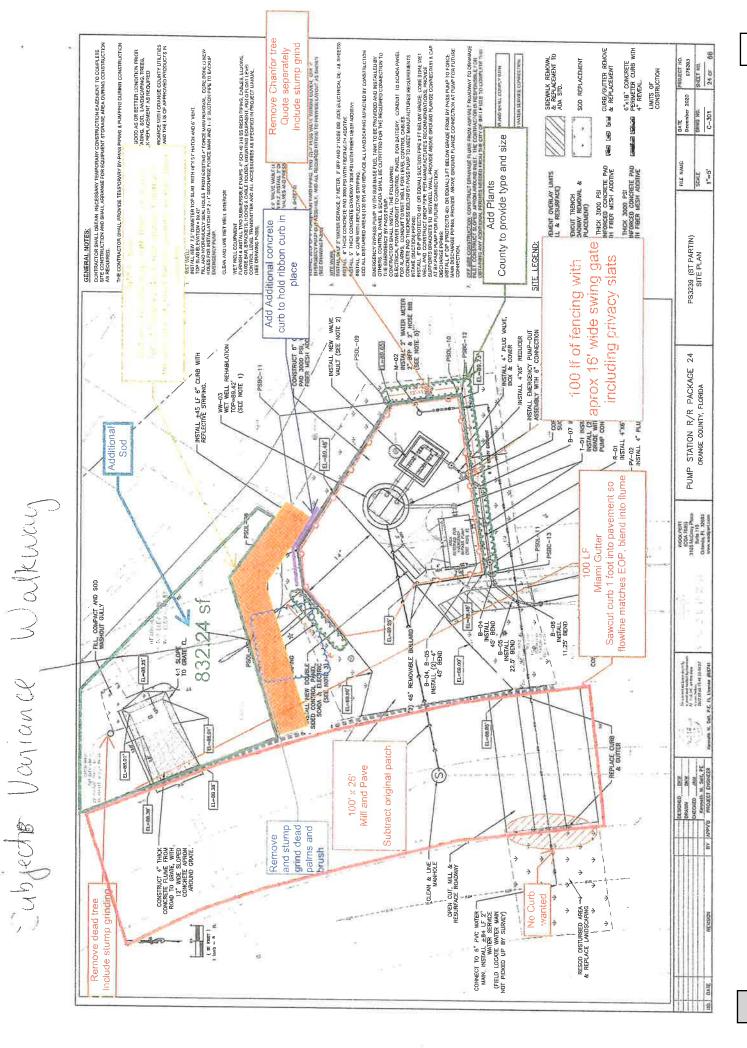
\$300 VARIANCE

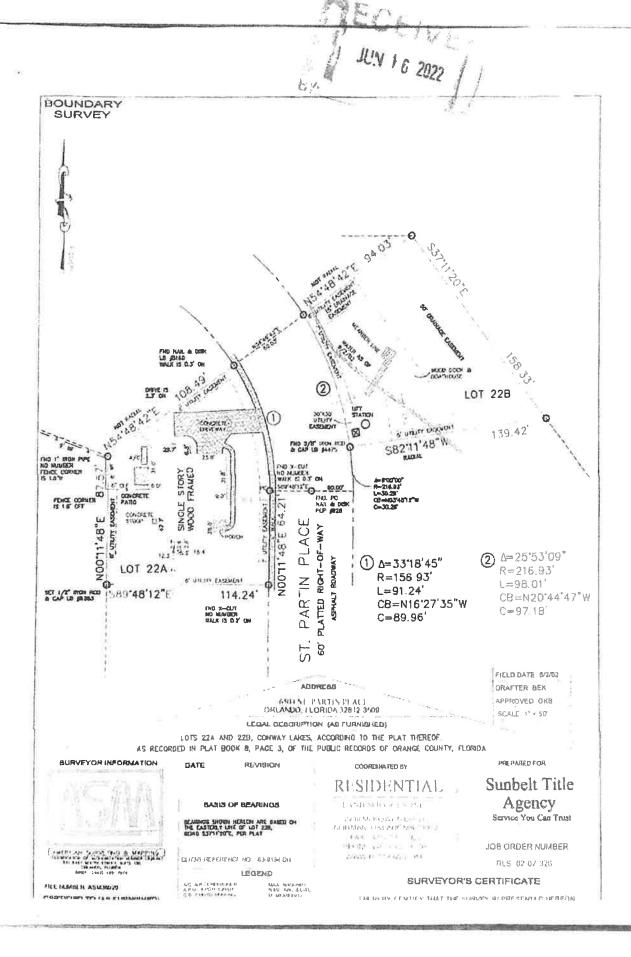
\$750 SPECIAL EXCEPTION

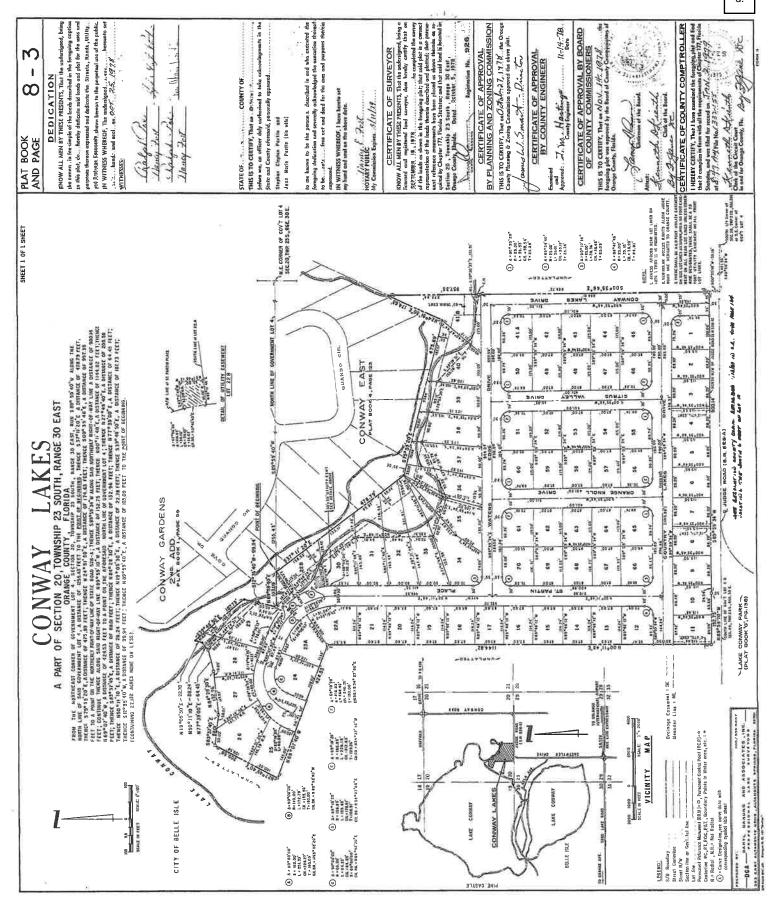
Date Paid

hack/Cash

Rec'd By







Property Record - 20-23-30-1678-00-220

Orange County Property Appraiser • http://www.ocpafl.org

Property Summary as of 01/26/2025

Property Name

6504 St Partin Pl

Names

West Jennifer R West John N Jr

Municipality

BI - Belle Isle ·

Property Use

0103 - Single Fam Class Iii

Mailing Address

6504 Saint Partin Pl Belle Isle, FL 32812-3509

Physical Address

6504 St Partin Pl Belle Isle, FL 32812



Phone

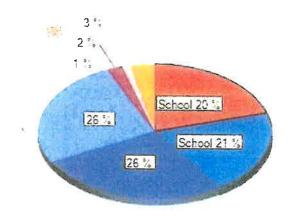


6504 ST PARTIN PL. BELLE ISLE, FL 32812 1/24/2023 11:50 AM





302320167800220 09/28/2006



Property Features

Property Description

27,348 sqft (+/-)

0.63 acres (+/-)

GIS Calculated

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0131 - Sfr - Canal Front	BI-R-1-AA	1 Units	working	working	working	working

Buildings

Model Code	1 - Single Fam Residence	Subarea Description	Sqft	Value
Type Code	0103 - Single Fam Class Iii	BAS - Base Area	2322	working
Building Value	working	FOP - Finished O	120	working
Estimated New Cost	working	FEP - Finished E	576	working
Actual Year Built	1980	FGR - Finished G	506	working
Beds	4	PTO - Patio	432	working
Baths	2.5	FUS - Finished U	898	working
Floors	2	FEP - Finished E	144	working
Gross Area	4998 sqft			
Living Area	3940 sqft	196		.50
Exterior Wall	Cb.Stucco		W II - W	
Interior Wall	Wood Panel	::		

Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
FPL2 - Fireplace 2	01/01/1980	1 Unit(s)	working	working
PT1 - Patio 1	01/01/1980	1 Unit(s)	working	working
BC3 - Boat Cover 3	01/01/1980	1 Unit(s)	working	working
BD3 - Boat Dock 3	01/01/2010	1 Unit(s)	working	working
PTNV - Patio No Value	01/01/2010	1 Unit(s)	working	working
PT1 - Patio 1	01/01/2017	1 Unit(s)	working	working
PL2 - Pool 2	01/01/2017	1 Unit(s)	working	working

Sales

Sales History

1/25/25

City of Belle Isle - Planning and Zoning Board Standards of Variance Justification - Section 42-64

Request for Variance - Installation of walkway to allow access to Dock within 30' of lake

Owner: John N West Jr & Jennifer Rae West

Address: 6504 St. Partin Place - Conway Lakes Subdivision

Parcel # 20-23-30-1678-00-220

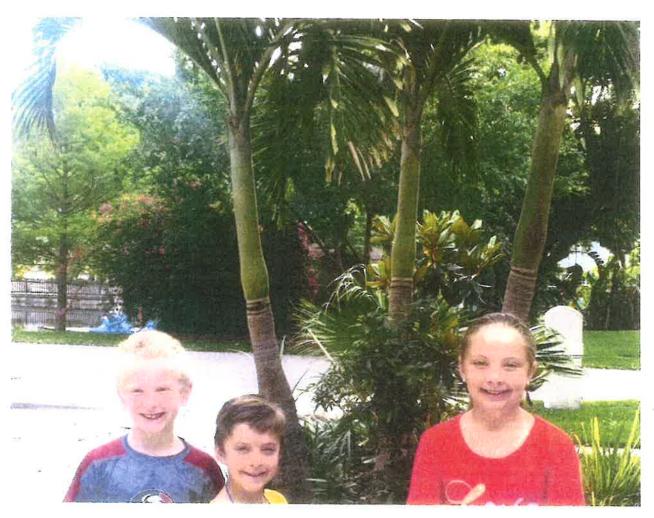
Section 42-64 (1) d - Special Conditions

I am owner and resident of 6504 St. Partin Place in the Conway Lakes & The Landing subdivision off Judge Rd. My lot parcel is made up of two separate pieces one with my house on it and the other across the street on the canal that leads into Lake Conway, with three utility easements on it. The developer included the lot to allow for lake access and have more lake lots and because it was not buildable due to the county lift station located on it.

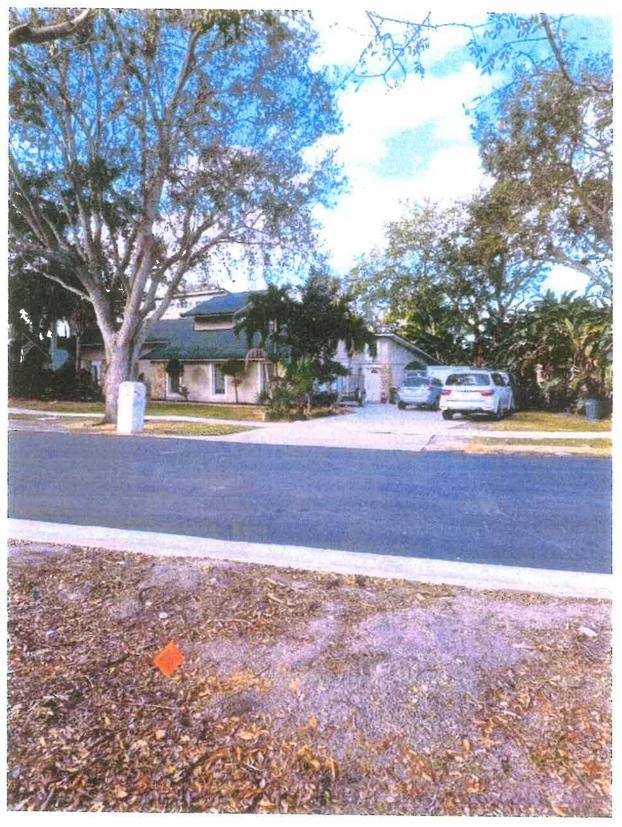
When I purchased the house in 2007 the lift station was very small and obscure, did not impede my access to the dock. There grass covering the space, no fences, no pumps or generator sets. It was simply a set of control panels next to a ground level 10' wide round concrete lid that covered the pumps in the ground. It was not industrial and if you were not looking for it you would not even notice it. Now we have an industrial facility right next to my dock.

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

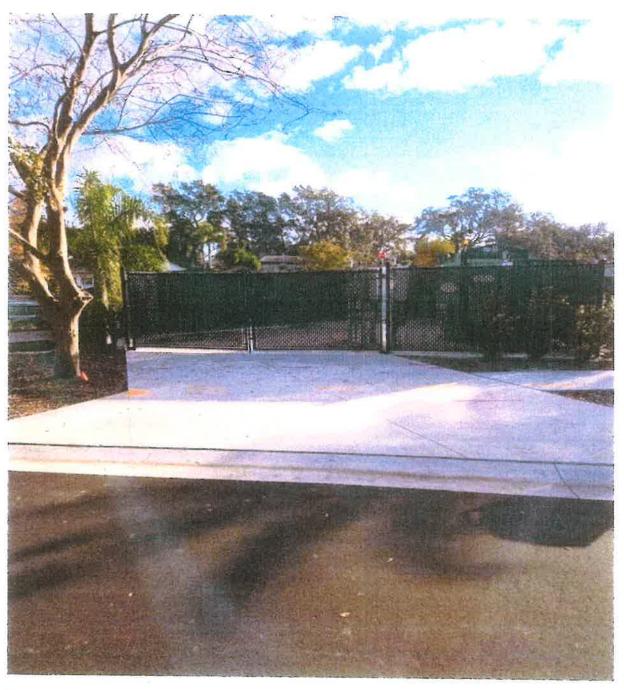
In 2023 the county announced plans to revamp the lift stations and they began the work on our property in 2024. The county did not inform us of the changes that were being made before hand, they did not attempt to work with us on the changes, and did not ask if the project was going to affect us. The changes included covering the entire space with concrete, adding new panels and controls, new pumps and underground work, adding a very large combination generator and pump system that is 7' tall and adding a chain link fence that wraps around the entire space. I cannot access my dock free and easy and in a safe manner due to the work the county has done.



See behind my kids the lot before the construction. This was in 2015. There was a huge bougainvillea, crepe myrtle and a enormous camphor tree that was all removed during the construction. If you look hard you can see some of the control panels for the lift station over the top of the mailbox over my daughters right shoulder.



My House 6504 St. Partin Place - Looking from where walkway will start.



The new lift station

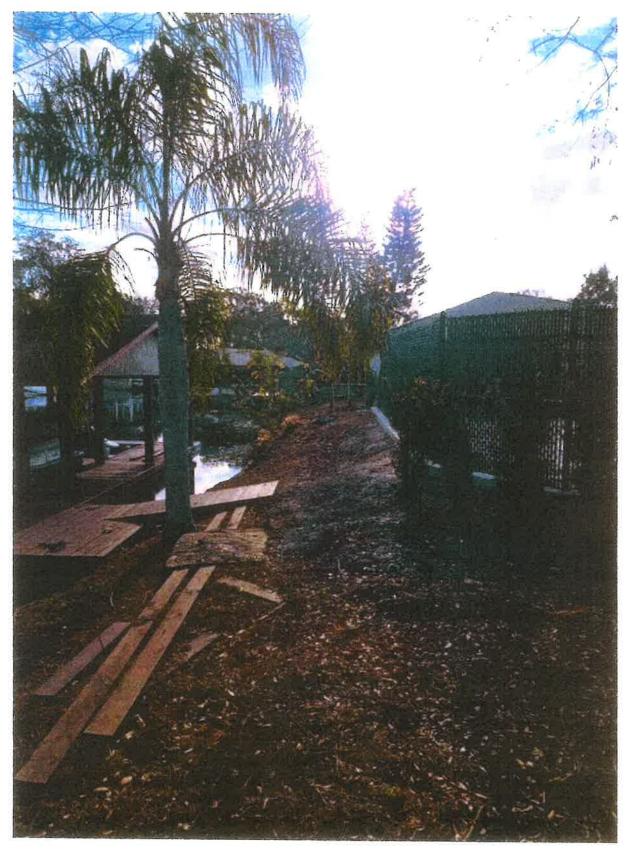
It was during the construction phase of the project that it became apparent to the county that this project was going to make access to my dock very difficult and dangerous at best due to the placement of the construction all the way to the edge of the easement, the height of the added concrete wall and footer, the slope of the area that was left that the

county did not take into consideration and the ability to keep the soil erosion from flowing into the lake and creating a separate problem.

Section 42-6+4 (1) f - Minimum Possible Variance

The county proposed providing a concrete base walkway with paver top from the street curb to the start of my dock walkway. This would be paid for by the county and installed by county approved contractor. There will be a handrail and the 4' wide walkway would allow for ADA compliance and ensure safety since the slope is so strong at this time. If we do not have the walkway added we will not be able to safely access our dock. This was not due to my actions, this was due to the county work and I do not have any ability to change this or make it different. I have to work with the county to get to a solution the will accommodate all. The county also understands that they have a responsibility to allow me free and easy access to my dock and property. The walkway seems to be the only way to allow this to happen as all other suggestions did not work.

During the construction phase the county also decided to add covering vegetation/shrubs around the outside of the fence to soften the look and make it more 'residential' but in doing so I was forced to agree to manage and maintain the shrubs because the city and county would not. I agreed to this but in order to do so I needed the ability to access the shrubs and the county agreed this walkway will help with this.



The grade of the access is very steep and will be steeper when backfilled and sod added



You can see the steepness of the grade and the need for the walkway.

Section 42-64 (1) g - Purpose and Intent

The installation of this walkway will not affect any of my neighbors and will not harm their adjacent properties and will in fact help with the aesthetics of the space, will make the area look cleaner, sharper and more in line with a neighborhood rather than an industrial site. The entrance to the walkway will be marked with private property signage, will have solar lighting for rails and walkway and will I feel soften the look of the space. The walkway will be away from any homes, (no homes are on that side) will run along the edge of the lift station and will help to keep the slope and soil from eroding into the lake. It will ensure free and easy access to my dock without risk of injury. Without it this will not be possible.

The walkway crosses a 6' easement that OUC has along the road, and the County is working with OUC to get permission for the walkway to go across the utility easement that is 6' from the road and runs along the lot. The county already has OUC moving a street light to accommodate the construction so this should be something that they will agree to. I understand that unless OUC provides the permission we will have to start the walkway 6' from the road. We hope this will not happen.

We ask that the Planning and Zoning board approve of our request and allow for the walkway to be installed. Please see pictures of the site and explanation of what is there.



The Walkway will run from here to the dock.



CITY OF BELLE ISLE, Florida

Planning and Zoning: Staff Report

February 13, 2025

Subject: Proposed City Ordinance to Allow Residential Flag Lots on Non-Lakefront Properties

Background:

On December 17th, 2024, the City Council reviewed two lot split cases for final determination as required by the land development code (section 50-33). One of the lot split cases sought to divide a 0.69-acre undeveloped property into two separate parcels to create one traditional lot and one flag lot located west of Matchett Road, between Idaho and Swann Avenue. Flag lots are typically configured to feature a narrow accessway from the right-of-way and drastically expands in lot width to accommodate the building envelope for a primary structure. See the photos below as reference to a flag lot configuration (Exhibit A), the location of the recent lot split case at 7306 Matchett Road (Exhibit B), and the proposed applicant's lot split request (Exhibit C).

Before 2020, the City's Planning Board and Council reviewed multiple lot split cases. In 2019, the City's land development code was updated to enable lot split approvals exclusively under the City Council's discretion (sec. 50-33), revise the definition of lot width (sec. 50-32), and prohibit variances for newly created lots that do not conform to all aspects of the City's code (sec. 50-33 and sec. 50-37). The City's current lot width definition requires that lot width be measured from the zoning district's designated front yard setback from the front lot line, or the Council may prescribe a front yard setback established at a greater distance than required by the applicable zoning district pursuant to a deed restriction granted by the property owner in favor of the City. In December 2024, the lot split case for 7306 Matchett Road was continued for further deliberation to April 15th, 2025, to allow the Planning Board to review and discuss the allowance of flag lots on non-lakefront properties.

After further research by staff, the Planning Department recommends that the Board deny all flag lots within the City as flag lots are inconsistent with the City's current land use pattern (except a cluster of properties along Hoffner Avenue and a number of lakefront lots). Additionally, multiple jurisdictions either expressly prohibit or limit the occurrence of flag lots by creating strict parameters for their allowance subject to unique circumstances. Florida municipalities that strictly prohibit flag lots include Clermont, Ocala, Palm Coast, Pinecrest, Plant City, and Lake County; meanwhile, Orange County, Orlando, Lake Mary, Sanford, Tampa, Winter Haven, and Winter Park provide restrictions for allowing newly created flag lots. Based on this information, the Planning Department does not recommend that the Board approve the attached ordinance to allow flag lots for non-lakefront lots within city limits.

Staff Recommendation:

Expressly prohibit all flag lots within the City. Should the Board recommend approval of the attached ordinance, the City recommends that the conditions for flag lots be created under special conditions and as application submissions for formal or informal subdivisions within the City limits.

Attachments:

Proposed Ordinance (Separate File)

Exhibit A: Flag Lot Example

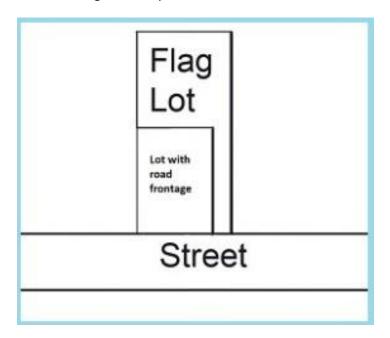


Exhibit B: Aerial View of 7306 Matchett Avenue (Source: Orange County Property Appraiser, 2024)

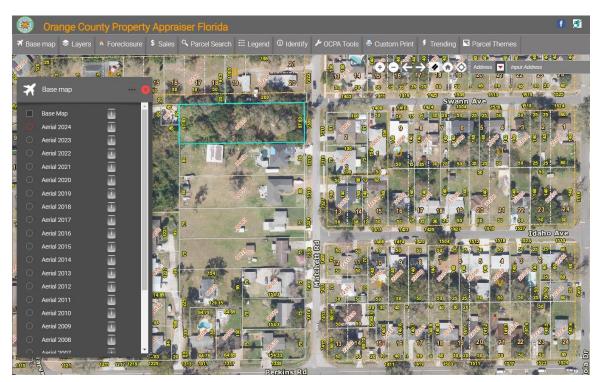
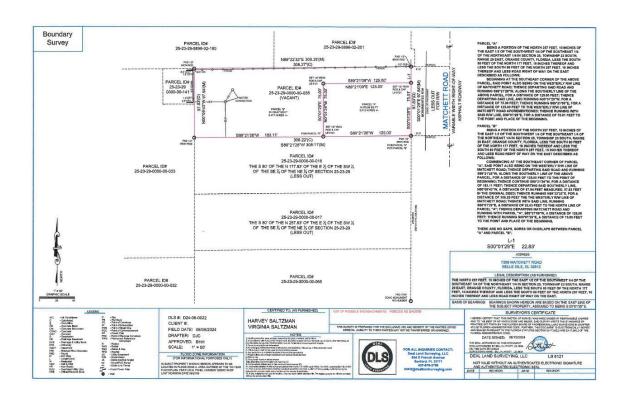


Exhibit C: Lot Split Proposal for a Flag Lot at 7306 Matchett Avenue



ORDINANCE NO. 25-

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 50, ARTICLE II, SECTIONS 50.32 AND 50.33 OF THE CITY CODE GOVERNING SUBDIVISION REGULATIONS TO PROHIBIT THE CREATION OF FLAG-SHAPED LOTS ON LAKEFRONT AND CANAL FRONT LOTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City has the authority under Section 2(b), Article VIII of the Florida Constitution, Section 166.021(1), Florida Statutes, and the City Charter to exercise any power for municipal purposes except where expressly prohibited by law; and

WHEREAS, the City Council finds it necessary to amend the City Code to clarify that the City does not permit the creation of new flag-shaped lots by lot split or subdivision of parcels adjacent to a lake or canal connected to a lake and otherwise discourages the creation of flag-shaped lots for all other parcels; and

WHEREAS, the City Council of the City of Belle Isle finds that this Ordinance is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Belle Isle, Florida, that:

SECTION 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. <u>City Code Amendment.</u> Sections 50.32 and 50.33 of the City Code of Ordinances are hereby amended as follows (words that are <u>stricken out</u> are deletions; words that are <u>underlined</u> are additions; provisions not included are not being amended):

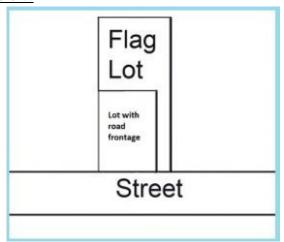
Sec. 50.32. Definitions

The following terms, phrases, words, and their derivations shall have the meaning given in this section. Words used in the present tense include the future tense; words in the plural tense include the singular tense and vice versa. The word "shall" is considered mandatory, and the word "may" is considered permissive.

Director means a city employee designated by the city manager to process the preliminary application and plat reviews pursuant to the provision of this article.

Flag-shaped lot describes the shape of a certain type of lot, where the ingress and egress to and from the public right-of-way is provided along the long narrow "flag pole" portion of the lot

with width less than the minimum lot width required in a zoning district and the remaining shape of the lot is generally rectangular in shape. A diagram showing an example of a flag-shaped lot is below:



Gross residential acre means an acre of land zoned and/or used for residential purposes, including, but not limited to, land which provides access or contributes to the amenities of residents of the subdivision such as streets, parks, and usable open spaces. Land devoted to nonresidential uses other than those listed above, including, but not limited to, environmentally sensitive lands, shall not be included as part of gross residential acreage.

Lot depth means the distance measured along a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line, or to the most distant point on the lot located on any other lot line if there is no rear lot line. In the event that the rear property line, or if there is no rear lot line then the most distant point on the lot located on any other line, is located fully or partially below the normal high water line of an abutting body of water, then lot depth shall be measured along a straight line drawn from the front property line and parallel to the side lot line(s) to the point on the normal high water line located closest to the front property line.

Lot split means the division of a lot or parcel that is not located within the boundaries of a planned unit development into no more than two parcels or lots and shall include any change in boundary lines between two parcels or lots.

Lot width means the distance between the side lot lines, along a line drawn parallel to the front lot line abutting the public right-of-way measured at a distance from the front lot line abutting the public right-of-way equal to the greater of: (i) the minimum front yard setback required for the applicable zoning district, and (ii) a front yard setback for a non-lakefront single-family residential lot established with city council approval at a greater distance than required by the applicable zoning district and that ensures a proper building setback from development on adjacent lots pursuant to a deed restriction granted by the property owner in favor of the city.

Net residential acre means an acre of land zoned and/or used for residential purposes and which does not include areas such as streets, parks, environmentally sensitive lands, and usable open spaces. Land devoted to nonresidential uses shall not be included as part of net residential acreage.

Tract mean any land in a subdivision which is designated as, but not limited to, recreation areas, water detention facilities, landscape buffers or conservation areas, and not meant for use as a residential or commercial lot.

Sec. 50.33. Procedures

(6) Lot split.

- a. Submission requirements. The applicant shall submit a survey and legal description both certified by a registered state surveyor of the property as it is to be divided, payment as set forth in this Land Development Code or as otherwise prescribed by the city council or city manager, and proof of ownership acceptable to the city.
- Requirements. With the prior approval of the city council, any lot or parcel not located within a planned unit development may be divided by lot split so long as the two resulting lots or parcels meet in every respect the Land Development Code's requirements for newly created lots or parcels. No lot or parcel nor any portion of any lot or parcel which has been created by a lot split shall be further divided by lot split. The creation of new flag-shaped lots is prohibited as a result of a lot split or subdivision of (i) any parcel adjacent to a lake or canal connected to a lake, or (ii) any parcel designated with a zoning category other than a singlefamily residential zoning category. The creation of new flag-shaped lot for nonlake front single-family residential lots and non-canal single-family residential front lots is discouraged but may be allowed in extraordinary circumstances with city council approval subject to (i) the creation of a deed restriction establishing a front yard setback along the public right-of-way at a greater distance than required by the applicable zoning district, and (ii) a determination that no traffic safety or vehicle access issues are being created. A lot split is not permitted if the parcel proposed to be subdivided has a non-conforming use or non-conforming structure(s) that will not be brought into compliance with the Land Development Code. No variance will be given for any lot split that results in a lot or parcel or <u>development</u> that does not conform in every respect to the Land Development Code's requirement for newly created lots or parcels. For example, no variance will be given for any lot split that results in a substandard lot or in the creation of a lakefront or canal front flag lot.
- c. *Notice*. A notice of no further lot split shall be fully executed by the owner of the property submitted for lot split which notice must be approved by the city and such notice shall be recorded in the public records of the county prior to the issuance of any building permit for lots or parcels created by lot split. The form of the notice shall be in recordable form and in substance substantially in accordance be with the following: "The property described on the attached Exhibit 1 was the subject of a lot split within the City of Belle Isle, Florida, and no further division of all or any portion of the property described on the attached Exhibit 1 by the lot split procedure in the City of Belle Isle shall be allowed. Further subdivision by other methods may or may not be allowed."

SECTION 3. <u>Severability.</u> If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. <u>Conflicts</u>. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 5. <u>Codification.</u> Section 2 of this Ordinance shall be incorporated into the Belle Isle City Code. Any section, paragraph number, subsection number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or City Code may be freely made.

SECTION 6. <u>Effective date</u>. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

FIRST READING:	·
SECOND READING:	·
ADOPTED this day of Florida.	, 2025, by the City Council of the City of Belle Isle,
riona.	CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA
ATTEST:	Mayor Nicholas Fouraker
Yolanda Quiceno City Clerk	

S:\DL\Clients\Belle Isle, City of\General B900-29001\Ordinance - Flag-Shaped Lots\Belle Isle Flag-Shaped Lot Ordinance 1-23-2025.docx