



## 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, April 22, 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](http://www.belleislefl.gov). Any person desiring to appeal a recommended action of the Board should observe the notice regarding appeals below. CAUTION: Untimely filing by any appellant shall result in an automatic denial of the appeal.

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag** – Board Member Dr. Hobbs, District 7
3. **Approval of Minutes**
  - a. Approval of the P&Z Board meeting minutes - February 25, 2025
  - b. March 25, 2025 - Meeting Canceled
4. **Public Hearings**
  - a. 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.
  - b. Planning and Zoning Case Number 2025-02-003: 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 50-73 (A) TO ALLOW AN ATTACHED CARPORT TO PROJECT INTO THE REQUIRED FRONT YARD BUILDING SETBACK AREA, SUBMITTED BY APPLICANT DAWN STOCKDALE, THE PROPERTY OWNER FOR THE PROPERTY LOCATED AT 7209 GONDOLA DRIVE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID # 25-23-29-5884-14-020.
  - c. Planning and Zoning Case Number 2025-02-007: 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 50-73 (A) AND SECTION 50-102 (A) (2) TO ALLOW AN ACCESSORY SHED TO SIT IN THE REQUIRED FRONT YARD BUILDING SETBACK AREA, AND FROM SECTION 50-102 (A) (4) (E) TO ALLOW MORE THAN TWO ACCESSORY BUILDINGS PER LOT, SUBMITTED BY APPLICANT DIRK REINERS, THE PROPERTY OWNER FOR THE PROPERTY LOCATED AT 5000 ST. DENIS COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 18-23-30-4388-04-030.
5. **Other Business**
6. **Adjournment**

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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



**CITY OF BELLE ISLE, FL**  
**PLANNING & ZONING BOARD MEETING**

Tuesday, January 28, 2025 \* 6:30 PM  
**MINUTES**

a.

The Belle Isle Planning & Zoning Board met on February 25, 2025, at 6:30 p.m. at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Holihan  
Board member Thompson  
Board member Squires

Absent was:

Board member Hobbs  
District 1 - OPEN  
District 2 - OPEN

Board member Conduff

City Manager Rick Rudometkin, Attorney Hilary Griffith, City Planner April Fisher, and City Clerk Yolanda Quiceno were also present.

**1. Call to Order and Confirmation of Quorum**

Vice Chairman Squires opened the meeting at 6:30 p.m., and the Clerk confirmed the quorum.

**2. Invocation and Pledge to Flag**

Board member Squires gave the invocation and led the pledge to the flag.

City Manager Rudometkin announced a change to the agenda. He announced that the Public Hearing 2025-01-002, 3538 Country Lakes Drive, has been withdrawn by the applicant.

**Board member Squires moved to approve the request and remove item 7c from the agenda.**

**Board member Lane seconded the motion, which passed unanimously.**

City Manager Rudometkin introduced City Planner April Fisher. He announced that Raquel Lozano is no longer with the City and is currently working with the City of Orlando.

**3. Approval of Minutes**

- a. Approval of the P&Z Board Meeting Minutes – January 28, 2025

**Board member Thompson moved to approve the minutes as presented.**

**Board member Lane seconded the motion, which passed unanimously.**

**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 HUNDRED 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.

City Manager Rudometkin read Public Hearing case number 2024-12-009 by title.

City Manager Rudometkin gave a summary of the variance and presented the staff report. He said 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. Pursuant to section 48-33, the board shall not approve an application for a variance unless the criteria have been met.

The Staff's evaluation on the variance criteria for the application was provided and 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).

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.

CM Rudometkin further stated that emails had been provided to the Board submitted by the public. Chairman Holihan noted for the record,

- In favor of the variance: Mathew McCloud 5805 Cove Drive, Nicholas Fouraker 5826 Cove Drive, and
- In Opposition of the variance: Karl Williams 5834 Cove Drive, and
- Letter of concurrence set back waiver from John Giles.

Peter Fleck and Neil Thomas, Q-Ice Builders, 10820 Wonder Lane, Windemere, Florida, said that traditionally, the City mirrors Orange County. The County changed their code in 2022 and was wondering if the City could take that into consideration. Some discrepancies arose from how the Code was interpreted, including the allowance of second-story docks and the inclusion of overhangs. Boats are becoming larger and taller, resulting in some of the required variances.

Board member Thompson asked if the applicant obtained permission from the adjacent neighbors and FDEP. He said yes. He asked for clarification on mitigating. Mr. Fleck stated that to mitigate the shading impact on a larger terminal platform, the designer employs a uniform assessment method, and the calculated functional loss determines the amount of mitigation required. Mr. Thompson said that because the lot was a combination of two lots, presumably, what would be the coverage area for the two docks proposed? Mr. Fleck said that had the lot not been separated, the code allows for 1,000 sqft per parcel, with a maximum of 2,000 sqft. A discussion ensued regarding FDEP requirements and State calculation regulations.

Board member Thompson asked if the top portion (proposed sundeck, 113 sq ft) had been calculated to include what would be directly on top of the terminal platform. Chairman Holihan said it is the area that covers the water. The top portion does not add to the square footage. The special benefit is that the dock is larger and higher and provides for a usable second floor. Mr. Fleck said the surrounding overhang caused the 113 ft overage. A discussion ensued regarding going over the required 1000 sq ft. Mr. Fleck noted that if they were to reduce the second-floor footprint to remove the overhang, it would be approximately 998 sq ft.

Chairman Holihan opened for public comment.

- John Giles, adjacent to the applicant residing at 5820 Cove Drive, spoke in favor of the variance request.
- Kristna Giles, adjacent to the applicant residing at 5820 Cove Drive, spoke in favor of the variance request. Ms. Giles said she is worried about safety and diving from the second-floor sun deck. Ms. Giles said she believes the proposed overhang should be allowed and approved by the Board.

There being no further comment, Chairman Holihan closed the public comment.

City Manager Rudometkin stated that the Code currently lacks the necessary mechanism to permit sun decks. The Board shared their concern with the approval of a second-floor sundeck.

**After discussion, Chairman Holihan moved 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,**
  - **DENY A DOCK TO EXCEED THE MAXIMUM ALLOWABLE TERMINAL PLATFORM SIZE BY AN ADDITIONAL ONE HUNDRED THIRTEEN SQUARE FEET,**
    - **SHOULD BE 998 SQ FT, AND**
  - **DENY 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.**

**Board member Squires seconded the motion, which passed 3:1 with Board member Thompson voting nay.**

City Manager Rudometkin stated that the Public has 15 days to appeal the Board's decision, and the applicant cannot start building before that time.

The applicant, Paul Kuck, had questions to clarify the minimum roof pitch and open stairs. City Manager Rudometkin stated that the Board had already made its motion and cannot reopen the Public Hearing; however, he may be able to clarify some concerns before the building permit is submitted.

- b. 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.

City Manager Rudometkin read Public Hearing case number 2024-12-010 by title.

City Manager Rudometkin gave a background summary of the variance and presented the staff report. 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. The staff recommendation is 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 the issuance of a building permit:

1. The applicant must submit complete, detailed Construction Documents with clouds and deltas showing the changes made since the permit was approved for the plans in 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 that includes the stormwater retention calculations for the stormwater retention volume required by 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 to 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, as shown on C-5.1.

Paul Kuck, the applicant, said the variance is a modification of the pond from the original approved plan. He noted that all other agencies have approved the plans.

Chairman Holihan opened for public comment. There being no comment, Chairman Holihan closed the public comment.

**BOARD MEMBER SQUIRES MOVED 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.**

**BOARD MEMBER THOMPSON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY 4:0.**

City Manager Rudometkin stated that the Public has 15 days to appeal the Board's decision, and the applicant cannot start building before that time.

- 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.

The item has been pulled from the agenda per the applicant's request.

- 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.

City Manager Rudometkin read Public Hearing case number 2025-01-028 by title. He stated that there is no representation for the applicant; however, he is familiar with the project and its nuances.

City Manager Rudometkin gave a summary of the variance and presented the staff report. The applicant owns a unique property comprising of two separate residential parcels (Lots 22A and 22B) adjacent to 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. Access to the applicant's boat dock has been restricted because Orange County has placed a lift station next to his property, which includes a driveway, pumps, and electrical components. The staff provided an image of the proposed walkway's location.

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 that 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 have impervious areas near the water's edge. See attached 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.

Chairman Holihan opened for public comment. There being no comment, Chairman Holihan closed the public comment.

**There being no discussion, BOARD MEMBER LANE MOVED 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.**

**BOARD MEMBER THOMPSON SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY 4:0.**

City Manager Rudometkin stated that the Public has 15 days to appeal the Board's decision, and the applicant cannot start building before that time.

## 5. Other Business

### a. Proposed Ordinance to Allow Residential Flag Lots on Non-Lakefront Properties

City Manager Rudometkin said the Staff and Council reviewed multiple lot split cases. 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 until 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). Should the Board recommend approval of the attached ordinance, the City recommends that conditions for flag lots be established under special circumstances and as part of application submissions for formal or informal subdivisions within the City limits.

City Manager Rudometkin reads the proposed ordinance change as follows,

“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 single-family residential zoning category. The creation of new flag-shaped lot for non-lake 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 of development 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.”

**After a brief discussion, Board Member Thompson moved to recommend the Ordinance as presented to the City Council for discussion and consideration. Board Member Lane seconded the motion, which passed unanimously 4:0.**

## 6. Adjournment

There being no further discussion, Chairman Holihan moved to adjourn, unanimously approved at 7:45 pm.

**April 15, 2025**

**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.

**Project Description and Background:**

This application is to allow a boat dock to sit within a drainage and utility easement. A previous staff report was prepared by the former planner, which is attached here. The current planning staff agrees with the findings in the report.

**Staff Recommendation:** Approve the requested variance to allow the dock to be located withing a drainage and utility easement, subject to the property owner executing an easement agreement with the City.

**Next Steps**

The Board may approve the variance application as it is, with specific conditions, continue the application if additional information is requested, or deny the application.

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

**Motion Examples:**

1. Approve the requested variance to allow a dock and work for and on a dock within a drainage and utility easement subject to the condition that the property owner execute an easement agreement with the City.
2. Deny the requested variance to allow a dock and work for and on a dock within a drainage and utility easement [specify which standards are not met] or,
3. Continue the requested variance to allow a dock and work for and on a dock within a drainage and utility easement pending additional information [specify information needed] from the applicant.





## 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.

## MEMORANDUM

**TO:** Planning and Zoning Board

**DATE:** April 22, 2025

**RE:** Variance Application – 3538 Country Lake 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 paperwork.
2. At the P&Z Board session on February 25, 2025, the Board moved for a continuance as requested by the applicant.
3. On April 11, 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 April 12, 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 42—64, 48-32(C)(1) TO APPROVE 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.

**SAMPLE MOTION TO DENY:** “I MOVE, PURSUANT TO BELLE ISLE CODE 42-64, 48-32(C)(1), **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 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.*

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

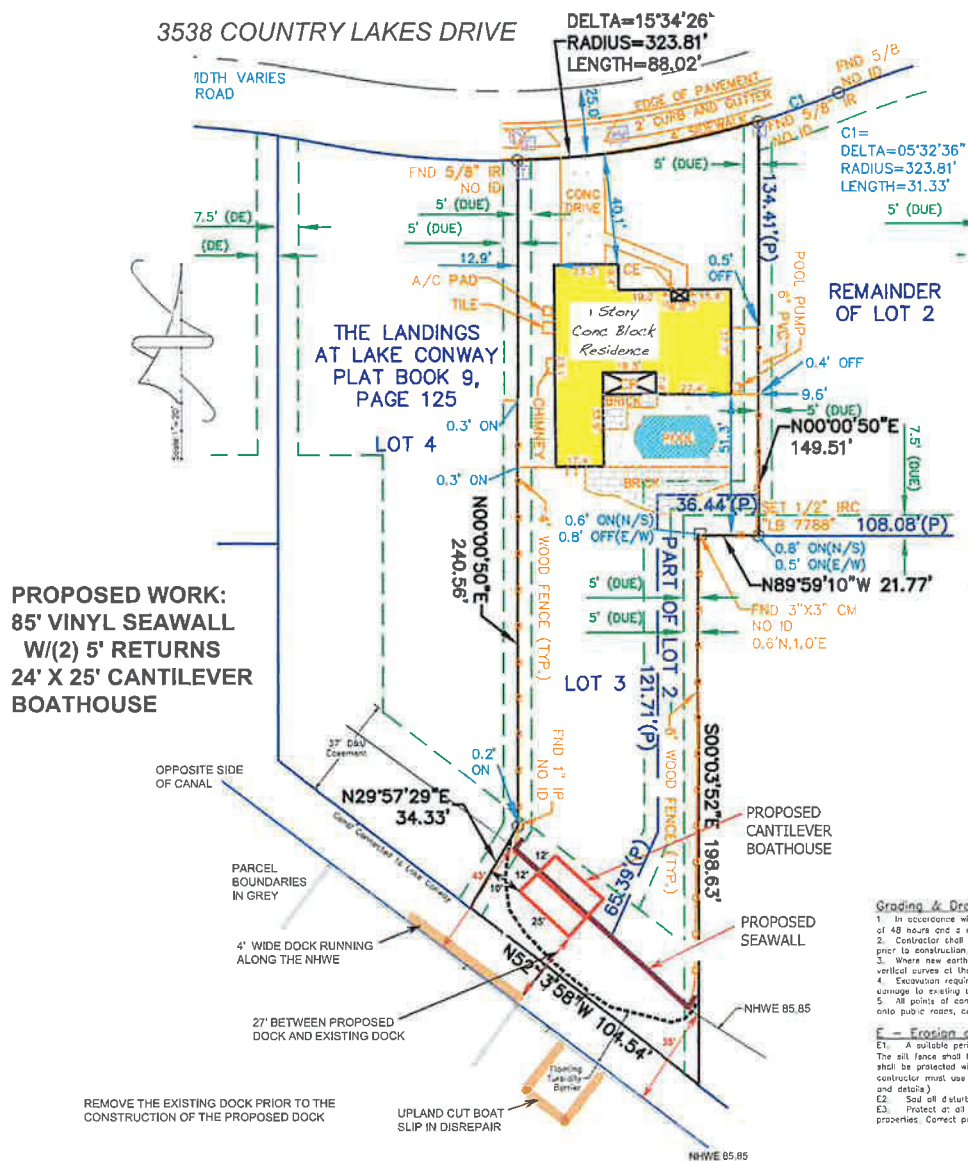
**SUBSECTION (D),** a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship, and that said hardship is created by special conditions and circumstances peculiar to the land, structure, or building involved, including but not limited to dimensions, topography, 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.

## MCCARTIN DOCK AND SEAWALL SITE PLAN



## Legal Description

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

### Schedule of Drawings

- C1 - Cover Sheet & Site Plan  
C2 - Dock Installation Plan  
C3 - Elevations & Details  
C4 - Seawall Installation Plan

Site Address:  
640 Old Horatio Ave  
Maitland, Florida 32751  
Parcel ID: 30-21-30-5180-60-065



### Project Description

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

## Design Load Table

<u>Floor Live Loads</u>	
Decks & Walkways	- 80 psf
Roofs	- 20 psf
<u>Wind Design Data</u>	
Ultimate Wind Speed	- 139 mph
Basic Wind Speed	- 100 mph
<u>Risk Category</u>	- II
Wind Exposure	- U
Exposure Class	- Not Enclo
Int. pressure Coeff	- 0.55 +/-
<u>Peak Wind Load</u>	- 35.00 psf

## Project Data

General Information  
Total Site Area: 0.46 Ac (20,170 sq ft)  
Width at NMM: 81.0 ft

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

Applicable Codes  
Florida Building Code 2023

## Wood Frame Construction, 7/12/2004

- a. Design Formwork: set, Load Table
- b. Lumber applied to weather or contacting concrete or steel shall be properly treated (CR)
- c. All lumber in contact with concrete products shall be sheathed by a suitable membrane
- d. All members in contact with pressure treated lumber are to be not dried, painted or oil-treated after.
- e. All members shall be marked CRAC. The engineer and owner shall be notified immediately of any discrepancies from dimensions of field.
- f. Elevation views are for visual reference only. Always refer to layout plans for specified measurements.
- g. Anchor positions shall be indicated with a tolerance of  $\pm 1"$ .
- h. Written dimensions supersede scaled dimensions in all cases. Any dimensional discrepancies shall be brought to the attention of the engineer before construction.

### Specifications and Notations:

General Notes:

- G1. These notes shall apply to all work in this set of drawings.  
G2. It will be the responsibility of the contractor(s) to insure that all required permits are obtained and all work at the job site complies with the requirements of all applicable laws, codes or city or conditions contained herein.  
G3. Prior to commencement, the contractor shall provide a construction schedule for various site activities and the start date may be the commencement of construction. Contractors shall comply with the schedule.  
G4. The contractor shall immediately notify the engineer if any discrepancies found between the drawings and the field conditions prior to continuation in the same impacted by the conflict.  
G5. The minimum tolerance for the surface of the road shall be as follows:  
Minimum depth of excavation - 6 inches  
Maximum depth of excavation - 18 inches  
Minimum of 48 hours and a maximum of five days prior to excavate. (Excluding weekends).  
G6. All requirements and recommendations of inspection personnel other than the owner's shall be fully incorporated into the project. Discrepancies. Compensation will not be allowed for work which is not authorized by the engineer/caller.  
G7. All work shall be open to and subject to inspection by authorized personnel of the utility department.  
G8. The contractor shall be responsible for obtaining all necessary permits from the appropriate authority.  
G9. Contractor shall notify all appropriate utility companies and water management agencies of proposed street cut. All work must be in accordance with their requirements, including but not limited to, safety, traffic control, etc.

**Grading & Drainage Specifications:**

1. In accordance with Florida Law (565.815) the contractor must notify the gas or other utility a minimum of 48 hours and a maximum of five days prior to excavation. (Excluding weekends).
2. Contractor shall verify all existing grades in the field and shall notify the engineer of any discrepancies prior to construction.
3. All excavations shall be excavated smoothly, be true line and grade of existing or as new to provide vertical curves of the top and bottom of all slopes.
4. Excavation required within proximity of utility lines shall be done by hand. Contractor shall repair any damage to existing utilities incurred during construction.
5. All excavations shall be properly shored and braced and shall be maintained to prevent tracking flow of sediment into public roads, adjacent residences or bodies of water.

## E – Erosion and Siltation Control

- E1. A suitable perimeter silt fence shall be constructed and maintained for the duration of the project. The silt fence shall be built at the "silt fence line" as defined on the plans. Outlets and discharge points shall be protected with two layers of hay bales and straw bales. Adjacent wetlands and open bodies of water, structures, must use a double fence separated by 5 feet. (See sheet for specific erosion control placement and details.)
- E2. Sod all disturbed areas not shown as landscaping, slopes 6:1 or greater, swales, and ponds.
- E3. Protect at all time against runoff or dewatering pollution of any downstream area or adjacent properties. Correct problems immediately.



Darcy Unroe  
c=US, st=Florida,  
l=Orlando, o=Unroe  
Engineering, Inc.,  
cn=Darcy Unroe,  
email=Darcy@unroe  
engineering.com  
2024,06,18 13:39:59  
-04'00'

THIS ITEM HAS BEEN OFFICIALLY SIGNED AND SEALED BY DARYL LANGE PE  
CRIMINAL JUSTICE IN THE UNITED STATES OF AMERICA  
PRINTED NAME OF THIS OFFICIAL IS: NO CONSIDERED SIGNED AND SEALED  
AND THE SIGNATURE MUST BE VERIFIED ON ALL FORTHCOMING COPIES

[illegible]

Unroe Engineering, Inc.

Civil Engineering/Planning/Scientific Evaluation  
P.O. Box 680942, Orlando, FL 32869-0942  
Accession Number: E-0006579 JEL: I40.7 J99-0650

# Cover Sheet & Site Plan

**The MCCARTIN Residence Dock**  
5530 Country Lakes Dr., Galle Isle, FL 32912

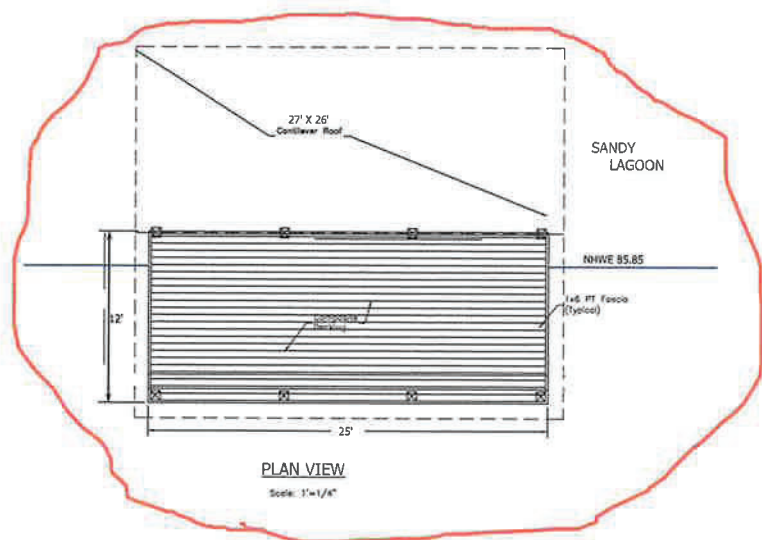
DP	Draw
DP	Check
1"=20'	Scale
0/10/24	Date
Bank-CI	File

Dwg. No.

C1

2 4





#### Deck Framing Specifications

**Engineering Plan**  
Framing Type: Conventional Hand Framed (Typ)  
**Piles**  
#2 Grade Dense Solid Pressure Treated 0.60 CCA  
**Deck & Under Level Framing**  
Girders & Joists shall be #2 Grade Type 1  
2x6 Pressure Treated 0.40 CCA  
Floor Decking  
1x6 Composite Decking

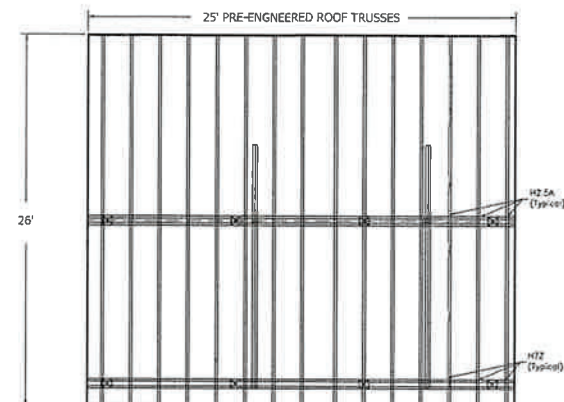
#### Structural Connections

Floor Frame to pile Connection  
#4-Bolt, Two Bolts

#### Roof Framing Specifications

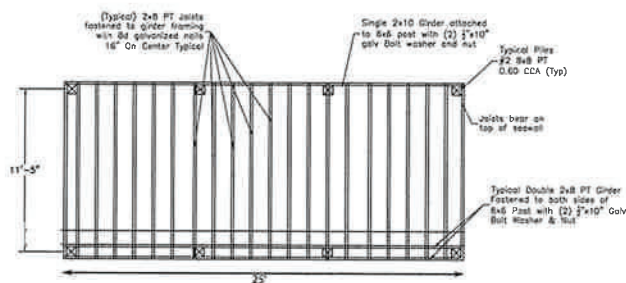
**Engineering Plan**  
#2 Grade Dense Solid Pressure Treated 0.60 CCA  
**Roofing**  
1x6 Solid Pressure Treated 0.40 CCA  
Roof Decking  
1x6 Plywood  
**Roofing**  
Roof Frame to Pile Connection  
#4-Bolt, Two Bolts  
Roofing to Pile Connections  
#4-Bolt, Two Bolts

**Engineering Plan**  
Conventional Hand Framed  
Roof Framing Type  
Pre-Engineered Trusses



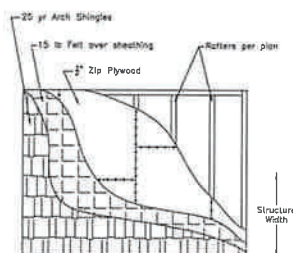
Roof Framing Plan

Scale: 1"=1/4"



Terminal Framing Plan

Scale: 1"=1/4"



Roof Layering Detail - Shingle Roof

Roofing, Plywooding, Sheathing, Decking & Structure (TYP) - Roof Sheathing Not Shown

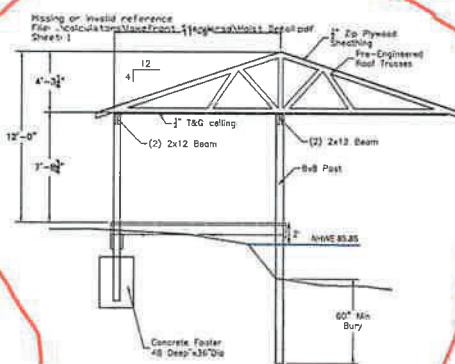
#### Nailing Zone Plan

#### Roof Sheathing Nailing Zone Legend

Zone 1 - Use 6d common nails 12" O.C.

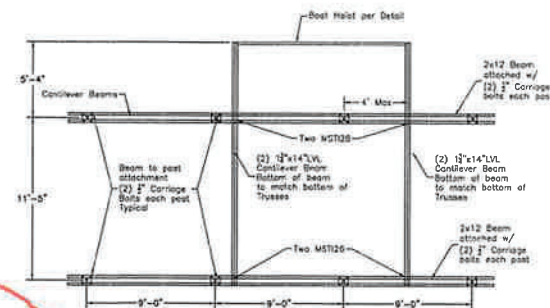
Zone 2 & 3 - Use 6d common nails 6" O.C.

For 1x6 T&G roof decking, use one nail per joint in all zones.



ELEVATION - CROSS SECTION

Scale: 1"=1/4"



Roof Beam Plan

Scale: 1"=1/4"

MCCARTIN BOAT DOCK PLAN VIEW & ELEVATION  
3538 COUNTRY LAKES DRIVE  
BELLE ISLE, FL 32812



a.



06/09/2014 11:07



a.



06/09/2014 11:08



**April 15, 2025**

**Variance Application: 7209 Gondola Drive**

**Planning and Zoning Case Number 2025-02-003:** 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 50-73 (A) TO ALLOW AN ATTACHED CARPORT TO PROJECT INTO THE REQUIRED FRONT YARD BUILDING SETBACK AREA, SUBMITTED BY APPLICANT DAWN STOCKDALE, THE PROPERTY OWNER FOR THE PROPERTY LOCATED AT 7209 GONDOLA DRIVE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID # 25-23-29-5884-14-020.

**Project Description and Background:**

This application is to allow an attached 2-car carport to be built that will project into the required front yard building setback approximately three feet. The property is an irregular shape as a triangle, there is an existing septic drain field in the side yard adjacent to the proposed carport location, and there is limited room for covered parking on the property.

**Staff Recommendation:** Approve the requested variance to allow an attached carport to project into the required front yard building setback consistent with the accompanying plan for this application.

An evaluation based on the variance criteria for the application is below.

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

This criterion is met by the fact that the lot is irregular shape as it is a triangle. This configuration provides limited side yard areas that are customary to other typical rectangular shaped lots.

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

This criterion is met as the irregular shape of the lot and location of the septic drain field confine opportunities for the carport location.

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

The requested variance is the minimum possible variance needed to accommodate the carport. The proposed carport is 24 feet by 19 feet. This is a standard size to accommodate 2 cars and have some space around the cars covered. Additionally, the carport will only extend into the front yard setback just enough to accommodate the existing septic drain field location.

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

The requested variance is in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood as it meets the supporting criteria above.

#### Next Steps

The Board may approve the variance application as it is, with specific conditions, continue the application if additional information is requested, or deny the application.

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

#### Motion Examples:

1. Approve the requested variance to allow an attached carport to project into the required front yard building setback consistent with the accompanying plan for this application.
2. Deny the requested variance to allow an attached carport to project into the required front yard building setback consistent with the accompanying plan for this application [specify which standards are not met] or,
3. Continue the requested variance to allow an attached carport to project into the required front yard building setback consistent with the accompanying plan for this application [specify information needed] from the applicant.

## MEMORANDUM

**TO:** Planning and Zoning Board

**DATE:** April 22, 2025

**RE:** Variance Application – 7209 Gondola Avenue

Planning and Zoning Case Number 2025-02-003: 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 50-73 (A) TO ALLOW AN ATTACHED CARPORT TO PROJECT INTO THE REQUIRED FRONT YARD BUILDING SETBACK AREA, SUBMITTED BY APPLICANT DAWN STOCKDALE, THE PROPERTY OWNER FOR THE PROPERTY LOCATED AT 7209 GONDOLA DRIVE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID # 25-23-29-5884-14-020.

### Background:

1. On February 5, 2025, the applicant submitted a Variance application and the paperwork.
2. On April 11, 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 April 12, 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 42—64, 50-73(A) TO APPROVE AN ATTACHED CARPORT TO PROJECT INTO THE REQUIRED FRONT YARD BUILDING SETBACK AREA, SUBMITTED BY APPLICANT DAWN STOCKDALE, THE PROPERTY OWNER FOR THE PROPERTY LOCATED AT 7209 GONDOLA DRIVE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID # 25-23-29-5884-14-020.

**SAMPLE MOTION TO DENY:** “I MOVE, PURSUANT TO BELLE ISLE CODE 42-64, 50-73(A), **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]* AN ATTACHED CARPORT TO PROJECT INTO THE REQUIRED FRONT YARD BUILDING SETBACK AREA, SUBMITTED BY APPLICANT DAWN STOCKDALE, THE PROPERTY OWNER FOR THE PROPERTY LOCATED AT 7209 GONDOLA DRIVE, BELLE ISLE, FLORIDA 32809, ALSO KNOWN AS PARCEL ID # 25-23-29-5884-14-020.

**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.



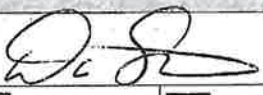
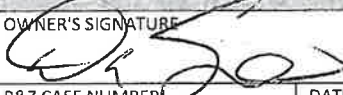
## City of Belle Isle

1600 Nela Avenue, Belle Isle, FL 32809

Tel 407-851-7730 \* Fax 407-240-2222 \* www.belleislefl.gov

### Variance and Special Exception Application

City Code Chapter 42, Art. II, Sec. 41-61 thru 41-72 AND Sec 42-64 Land Development Code

APPLICANT Dawn Stockdale	OWNER Dawn Stockdale
ADDRESS 7209 Gondola Dr	PROJECT ADDRESS 7209 Gondola Dr
CONTACT NUMBER 407-256-4853	OWNER'S CONTACT NUMBER 407-256-4853
EMAIL DawnStockdale71@gmail.com	OWNER'S EMAIL DawnStockdale71@gmail.com
PARCEL ID# 25-23-29-5884-14-020	
LAND USE CLASSIFICATION 0100 - Single Family	ZONING DISTRICT BI-R-1-A
SECTION OF THE CODE VARIANCE REQUESTED ON Code Section 50-102	
<b>DETAILED VARIANCE REQUEST</b> New 2-car carport to be built within front setback to avoid impacting existing septic system in the side yard. New carport will not match existing structure, as existing structure will undergo elevation improvements that will match the new carport.	
<ul style="list-style-type: none"> <li>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 nine (9) months. Further, the requested user does not violate any deed restriction of the property.</li> <li>By applying, I authorize City of Belle Isle employees and members of the P&amp;Z Board to enter my property during reasonable hours to inspect the area to which the application applies.</li> <li>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.</li> </ul>	
APPLICANTS SIGNATURE 	OWNER'S SIGNATURE 
<input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> SPECIAL EXCEPTION <input type="checkbox"/> OTHER	P&Z CASE NUMBER 2025-02-003 DATE OF HEARING 4/22/2025

**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 written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d—g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.

- Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing or the applicant's attorney shall appear before the board.
- It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
- It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land





City of Belle Isle  
 1600 Nela Avenue, Belle Isle, FL 32809  
 Tel 407-851-7730 \* Fax 407-240-2222 \* [www.belleislefl.gov](http://www.belleislefl.gov)  
**Variance and Special Exception Application**

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.

**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 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:

1. 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**

1. 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 utilization of 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

Date Paid

2/5/25

Check/Cash

4850


Rec'd by

JD

City of Belle Isle  
Planning and Zoning Board  
1600 Nela Ave.  
Belle Isle, FL 32809  
(407)851-7730

RE: Request for Variance Approval  
7209 Gondola Dr.  
Belle Isle, FL 32809

Dear Board Members,

ATTACHED 

The new proposed detached carport will impact the front setback by 3ft as reflected in the plot plan. This is the minimum variance due to the unique property layout (triangular) as well as the septic system in the side yard.

The uniqueness of this property is that it is a triangular lot, with most of the property located in the front of the house. The septic system and drain field are located on the south end of the house just behind the existing driveway and where the new carport will be located.

The home currently lacks covered parking, and being on the south end of the house, the automobiles are exposed to extreme heat and sun all day, which has damaged previous vehicles over time.

The proposed car port will not impact the neighbors in any way negatively. The property owner has limited options due to the uniqueness of this property and wishes to maintain integrity of the land while enhancing the property value.

Thank you for your consideration.



Dawn Stockdale  
Property Owner

7209 Gondola Dr, Belle Isle FL 32809

Front South



Front Center



South Side



South Side





Full View from North



View from  
south property line



Red = property line



Example of new car port and future improvements:



# Property Record - 25-23-29-5884-14-020

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

## Property Summary

<b>Property Name</b>	<b>Mailing Address</b>	<b>QR Code For Mobile Phone</b>
7209 Gondola Dr	7209 Gondola Dr	
<b>Names</b>	Belle Isle, FL 32809-6811	
Stockdale Dawn R		
Mcclain Kelly C		
<b>Municipality</b>	<b>Physical Address</b>	
BI - Belle Isle	7209 Gondola Dr	
<b>Property Use</b>	Belle Isle, FL 32809	
0103 - Single Fam Class III		



292325588414020 10/03/2006



## Value and Taxes

## Historical Value and Tax Benefits

Tax Year Values		Land	Building(s)	Feature(s)	Market Value	Assessed Value	
2024	<div><div><div>✓</div></div><div><div></div></div><div><div></div></div></div>	\$130,000	+	\$247,922	+	\$29,700 = \$407,622 (24%)	\$175,924 (3.0%)
2023	<div><div><div>✓</div></div><div><div></div></div><div><div></div></div></div>	\$110,000	+	\$189,764	+	\$30,200 = \$329,964 (15%)	\$170,800 (3.0%)
2022	<div><div><div>✓</div></div><div><div></div></div><div><div></div></div></div>	\$110,000	+	\$145,858	+	\$30,700 = \$286,558 (21%)	\$165,825 (3.0%)
2021	<div><div><div>✓</div></div><div><div></div></div><div><div></div></div></div>	\$100,000	+	\$116,959	+	\$20,640 = \$237,599	\$160,995

Tax Year Benefits		Original Homestead	Additional Hx	Other Exemptions	SOH Cap	Tax Savings
2024	<div><div><div>✓</div></div><div><div>\$</div></div><div><div>HX</div></div><div><div>CAP</div></div></div>	\$25,000	\$25,000	\$0	\$231,698	\$4,467
2023	<div><div><div>✓</div></div><div><div>\$</div></div><div><div>HX</div></div><div><div>CAP</div></div></div>	\$25,000	\$25,000	\$0	\$159,164	\$3,267
2022	<div><div><div>✓</div></div><div><div>\$</div></div><div><div>HX</div></div><div><div>CAP</div></div></div>	\$25,000	\$25,000	\$0	\$120,733	\$2,618
2021	<div><div><div>✓</div></div><div><div>\$</div></div><div><div>HX</div></div><div><div>CAP</div></div></div>	\$25,000	\$25,000	\$0	\$76,604	\$1,930

## 2024 Taxable Value and Certified Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	\$175,924	\$25,000	\$150,924	3.2160 (1.36%)	\$485.37	22 %
Public Schools: By Local Board	\$175,924	\$25,000	\$150,924	3.2480 (0.00%)	\$490.20	22 %
Orange County (General)	\$175,924	\$50,000	\$125,924	4.4347 (0.00%)	\$558.44	25 %
City Of Belle Isle	\$175,924	\$50,000	\$125,924	4.4018 (0.00%)	\$554.29	25 %
Library - Operating Budget	\$175,924	\$50,000	\$125,924	0.3748 (0.00%)	\$47.20	2 %
St Johns Water Management District	\$175,924	\$50,000	\$125,924	0.1793 (0.00%)	\$22.58	1 %
Lake Conway Mstu	\$175,924	\$50,000	\$125,924	0.5750 (0.00%)	\$72.41	3 %
				<b>16.4296</b>	<b>\$2,230.49</b>	

## 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
				<b>\$445.40</b>

## Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
FPL2 - Fireplace 2	01/01/1995	1 Unit(s)	\$2,500.00	\$2,500
AB1 - Accessory Building 1	01/01/1990	120 Square Feet	\$10.00	\$1,200
SHNV - Shed No Value	12/31/2008	1 Unit(s)	\$0.00	\$0
PT2 - Patio 2	12/31/2008	1 Unit(s)	\$2,000.00	\$2,000
SCR2 - Sern Enc 2	12/31/2011	1 Unit(s)	\$5,000.00	\$5,000
PL2 - Pool 2	12/31/2011	1 Unit(s)	\$25,000.00	\$19,000

## Sales

### Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
09/10/2015	\$100	20150480425	10982 / 3780	Quitclaim Deed	Stockdale Dawn R Mcclain Kelly C	Stockdale Dawn R Mcclain Kelly C	Improved
08/27/2003	\$56,500	20030543420	07111 / 4863	Warranty Deed	Stockdale Dawn R	Stockdale Dawn R Mcclain Kelly C	Improved
11/09/2001	\$45,200	20010523330	06393 / 4602	Quitclaim Deed	Stockdale Dawn R Mccauley Patricia A	Stockdale Dawn R	Improved
03/31/1998	\$94,500	19980131293	05453 / 4885	Warranty Deed	Davis Anneliese M	Stockdale Dawn R Mccauley Patricia A	Improved
06/01/1969	\$15,900	19690269534	01842 / 0623	Warranty Deed			Improved

# Property Features

## Property Description

NELA ISLE M/55 LOT 2 BLK N

## Total Land Area

13,790 sqft (+/-) | 0.32 acres (+/-) GIS Calculated

## Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0100 - Single Family	R-1-A	1 LOT(S)	\$130,000.00	\$130,000	\$0.00	\$130,000

## Buildings

Model Code	01 - Single Fam Residence	Subarea Description	Sqft	Value
Type Code	0103 - Single Fam Class III	BAS - Base Area	1552	\$294,927
Building Value	\$247,922	FEP - F/Enc Prch	336	\$44,657
Estimated New Cost	\$342,434	FOP - F/Opn Prch	60	\$2,850
Actual Year Built	1954			
Beds	3			
Baths	2.0			
Floors	1			
Gross Area	1948 sqft			
Living Area	1888 sqft			
Exterior Wall	Cb.Stucco			
Interior Wall	Plastered			

Boundary Survey

Legal Description:

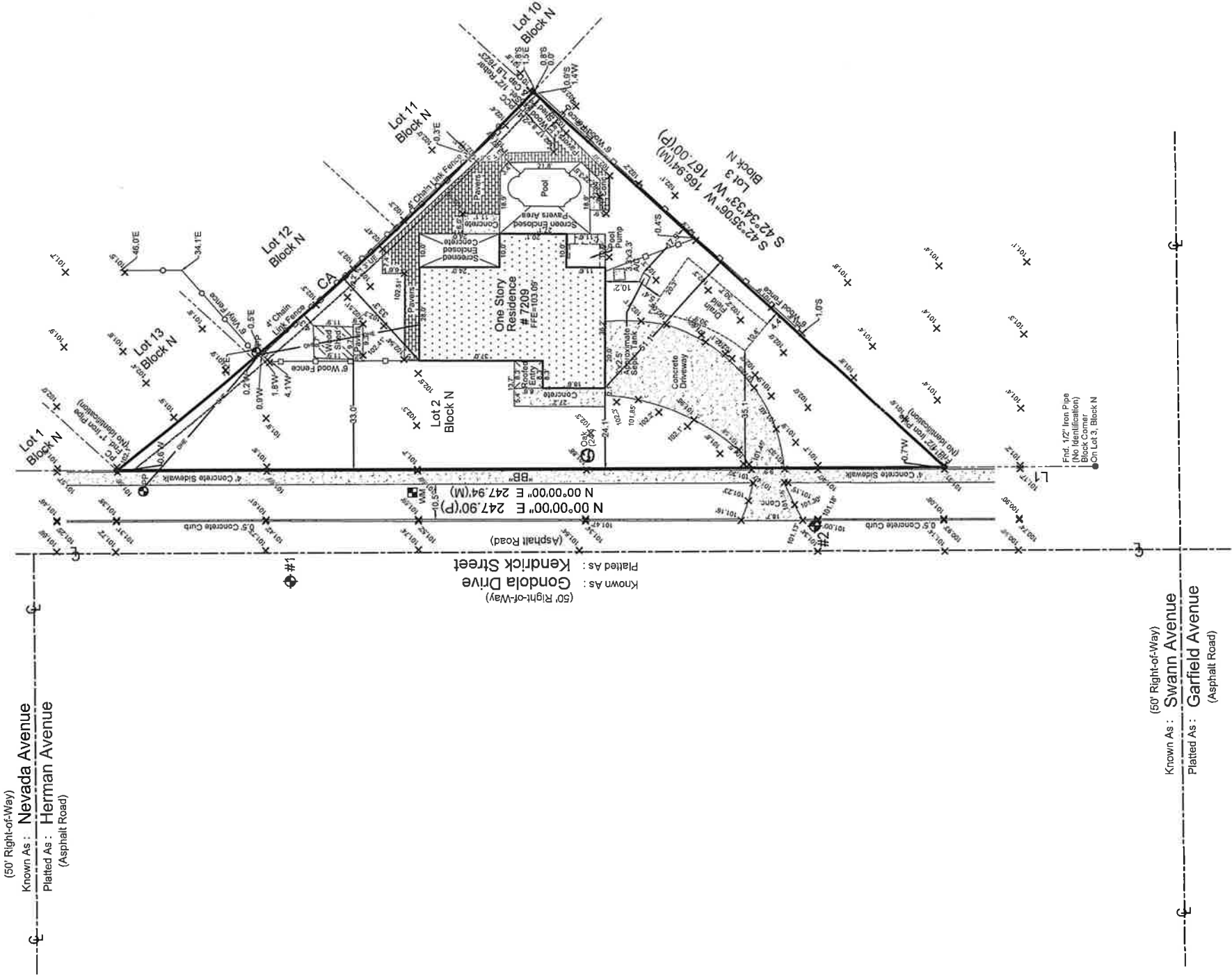
LOT 2, BLOCK N NELA ISLE ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK M, PAGE 55 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

Flood Disclaimer:  
BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN CITY OF BELLE ISLE, COMMUNITY NUMBER 120181, DATED 2009-09-25.

CERTIFIED TO:  
DAWN STOCKDALE

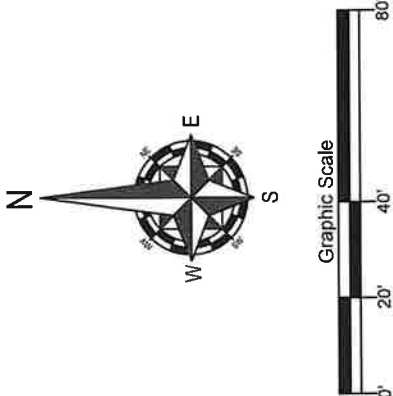
-Site Benchmark Information-  
#1  
Set Nail & Disk "LB 7623" in Asphalt  
Elevation: 101.53'  
#2  
Set Nail & Disk "LB 7623" in Asphalt  
Elevation: 101.03'  
-Benchmark Information-  
Florida Department of Transportation Datum  
(Elevations are based upon NAVD 88)

C1  
R= 11170.00'(P)  
L= 168.60'(P)  
Δ= 08°42'10"(C)  
Chord Bearing=  
S 42°07'39" E 168.44'(C)  
S 42°05'54" E 168.50'(M)  
L1  
45.00'(P)  
N 00°06'36" E 44.98'(M)



-Legend-  
- Overhead Utility Line

Tree Note:  
Oak - Denotes Tree Type  
(24") - Diameter of Tree measured at Chest Height



Field Date: 01/06/25	Date Completed: 01/09/25
Drawn By: SMT	File Number: IS-137946
<b>-Legend-</b>	
C - Calculated	PC - Point of Curvature
CB - Centerline Block	Pg - Page
CM - Concrete Monument	P.I. - Point of Intersection
Conc. - Concrete	P.O.B. - Point of Beginning
D - Description	P.O.L. - Point on Line
DE - Drainage Easement	PP - Power Pole
Emt. - Easement	PRM - Permanent Reference Monument
F.E.M.A. - Flood Emergency Management Agency	PT - Point of Tangency
FFL - Finished Floor Elevation	R - Radius
Found - Foundation	R&C - Rebar & Cap
IP - Iron Pipe	Rd. - Road
L - Length (Arc)	Rec. - Recovered
M - Measured	Rid. - Roofed
N.D. - Nail & Disk	Set - Set 1/2" Rebar @ 20"
NEL - NELA ISLE	Typ. - Typical
ORB - Official Records Book	UE - Utility Easement
P.B. - Plat Book	WM - Water Meter
-D- - Wood Fence	Δ - Delta (Central Angle)
	-O- - Chain Link Fence

-Notes-  
>Survey is Based upon the Legal Description Supplied by Client.  
>Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.  
>Subject to any Easements and/or Restrictions of Record.  
>Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".  
>Building Ties are NOT to be determined.  
>Fence Ownership is NOT determined.  
>Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.  
>Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.  
>Use of This Survey for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be construed to give ANY Rights or Benefits to Anyone Other than those Certified.  
>Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this Endeavor.  
Ireland & Associates Surveying, Inc. and the signing surveyor assume NO Liability for the Accuracy of this Determination.

I hereby Certify that this Boundary Survey of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Surveyed and that my Direction on the part of the Surveyor has been followed to the best of my ability and in accordance with the Standard of Practice for Land Surveying in the State of Florida in accordance with Chapter 54-17,052 Florida Administrative Codes, Pursuant to Section 472.027 Florida Statutes.

**Patrick K. Ireland**  
FOR THE FIRM  
Patrick K. Ireland & Associates Surveying, Inc.  
PSM/6637  
LB 7623  
This Survey is intended ONLY for the use of Said Certified Parties.  
This Survey NOT VALID UNLESS signed and Embossed with Surveyor's Seal.

800 Currency Circle Suite 1020  
Lake Mary, Florida 32746  
www.Irelandsurveying.com  
Office-407.678.3366 Fax-407.320.8165

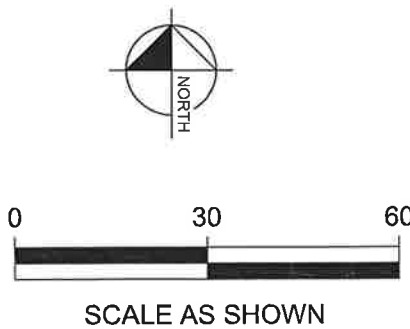
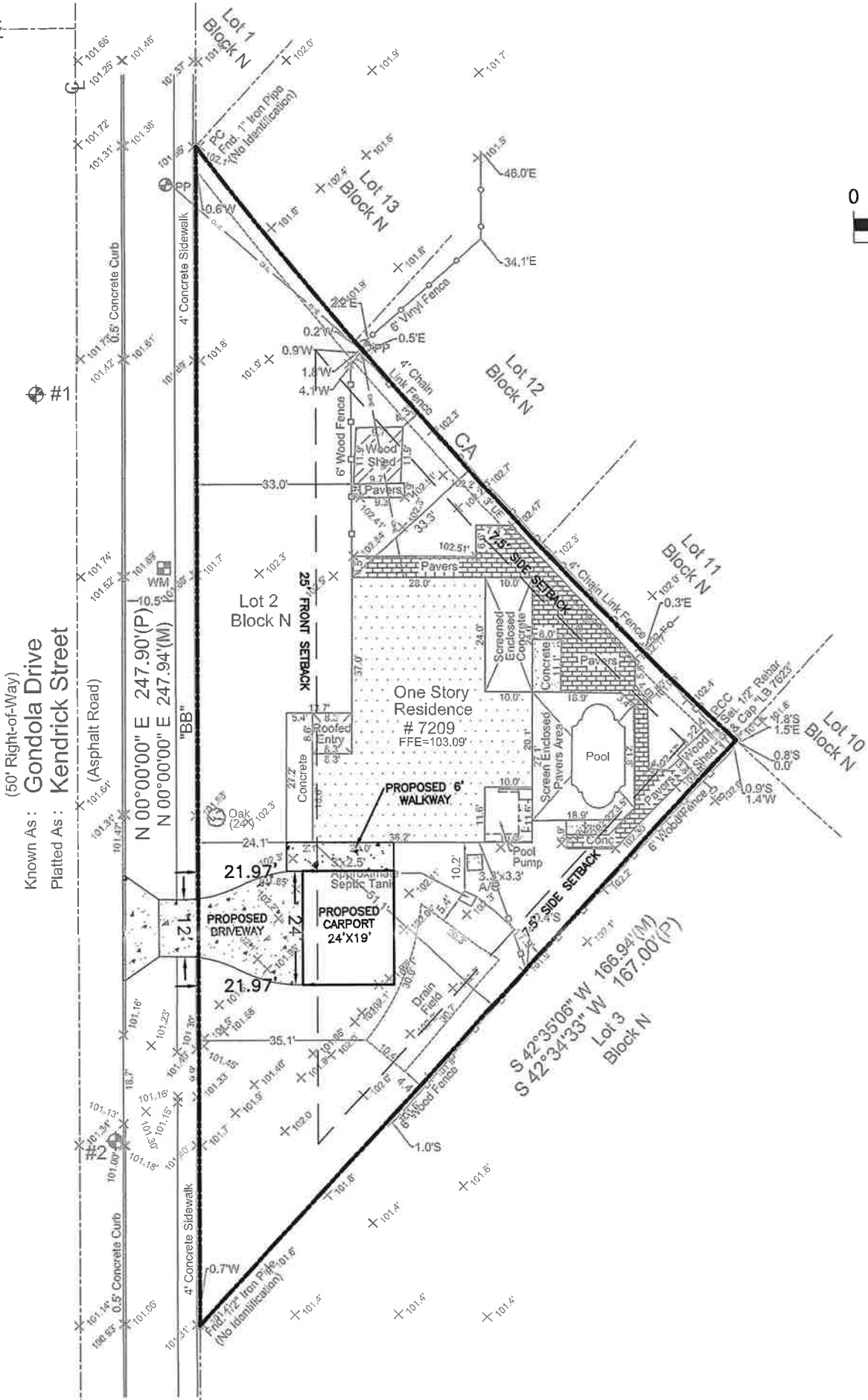
LOT AREA = 13,774.36 SF

ISR:  
EXISTING IMPERVIOUS = 3,126.89 SF  
PROPOSED IMPERVIOUS= 367 SF  
TOTAL IMPERVIOUS = 3,493.89 SF (25.36%)

(50' Right-of-Way)  
Known As : Nevada Avenue  
Platted As : Herman Avenue  
(Asphalt Road)

(50' Right-of-Way)  
Known As : Gondola Drive  
Platted As : Kendrick Street  
(Asphalt Road)

Attached garage by roofed  
passageway



CALL 48 HOURS BEFORE YOU DIG

IT'S THE LAW! DIAL 811

Know what's below. Call before you dig.

SUNSHINE STATE ONE CALL OF FLORIDA, INC.

PLOT PLAN		7209 GONDOLA DRIVE BELLE ISLE, FL CITY OF BELLE ISLE		FLORIDA	
DATE 12/24		PROJECT NO. 25000-24-700		SHEET 31 OF 3	
SCALE AS NOTED		DESIGNED BY N/A		DRAWN BY CSL	
DESIGNED BY CHAD S. LINN		FLORIDA REGISTRATION NUMBER: 57524		CHECKED BY SEAL	
LINN ENGINEERING & DESIGN, INC.		P.O. BOX 140024 ORLANDO, FL 32814 PHONE: 407-252-6433 clinn@linnengineering.com		b.	
DESIGN ENGINEER:		REVISIONS		DATE	
REVISED PER CITY COMMENTS		No.		b.	
03/2024 GTC					

**April 15, 2025**

**Variance Application: 5000 St. Denis Drive**

**Planning and Zoning Case Number 2025-02-007:** 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 50-73 (A) AND SECTION 50-102 (A) (2) TO ALLOW AN ACCESSORY SHED TO SIT IN THE REQUIRED FRONT YARD BUILDING SETBACK AREA, AND FROM SECTION 50-102 (A) (4) (E) TO ALLOW MORE THAN TWO ACCESSORY BUILDINGS PER LOT, SUBMITTED BY APPLICANT DIRK REINERS, THE PROPERTY OWNER FOR THE PROPERTY LOCATED AT 5000 ST. DENIS COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 18-23-30-4388-04-030.

**Project Description and Background:**

This application is to allow a shed to be located in the required front yard building setback area of a single-family lot. The property is an irregular shape as it is surrounded on three side by the lake. In essence, the portion of the front yard, where the proposed shed is to be located, functions like a side yard. It abuts the side yard of the next-door property.

Reviewing the application, staff determined that the additional variance to allow more than two accessory buildings is not required. There is only one other accessory building that meets the Land Development Code (LDC) definition for accessory, which is the pool pump house due to it being larger than 25 square feet in area. The irrigation pump house is only nine square feet in area, so it is not defined as an accessory building per LDC Sec. 50-102 (a) (1).

**Staff Recommendation:** Approve the requested variance to allow a shed to be located in the required front yard building setback area of a single-family lot consistent with the accompanying plan for this application.

An evaluation based on the variance criteria for the application is below.

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

This criterion is met by the fact that the lot is irregular shape as it is a surrounded by the lake on three sides. In essence, the portion of the front yard, where the proposed shed is to be located, functions like a side yard.

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

This criterion is met due to the irregular shape of the lot.



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

The requested variance is the minimum possible variance needed to accommodate the carport. The proposed shed meets the size and location requirements for a shed placed in a side yard.

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

The requested variance is in harmony with the general purpose and intent of the land development code and not injurious to the neighborhood as it meets the supporting criteria above.

### Next Steps

The Board may approve the variance application as it is, with specific conditions, continue the application if additional information is requested, or deny the application.

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

### Motion Examples:

1. Approve the requested variance to allow a shed to be located in the required front yard building setback area consistent with the accompanying plan for this application.
2. Deny the requested variance to allow a shed to be located in the required front yard building setback area consistent with the accompanying plan for this application [specify which standards are not met] or,
3. Continue the requested variance to allow a shed to be located in the required front yard building setback area consistent with the accompanying plan for this application. [specify information needed] from the applicant.

## MEMORANDUM

**TO:** Planning and Zoning Board

**DATE:** April 22, 2025

**RE:** Variance Application – 5000 St Denis Court

Planning and Zoning Case Number 2025-02-007: 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 50-73 (A) AND SECTION 50-102 (A) (2) TO ALLOW AN ACCESSORY SHED TO SIT IN THE REQUIRED FRONT YARD BUILDING SETBACK AREA, AND FROM SECTION 50-102 (A) (4) (E) TO ALLOW MORE THAN TWO ACCESSORY BUILDINGS PER LOT, SUBMITTED BY APPLICANT DIRK REINERS, THE PROPERTY OWNER FOR THE PROPERTY LOCATED AT 5000 ST. DENIS COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 18-23-30-4388-04-030.

### Background:

1. On February 6, 2025, the applicant submitted a Variance application and the paperwork.
2. On April 11, 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 April 12, 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 42—64, 50-73(A) AND 50-102 (A) (2), TO APPROVE AN ACCESSORY SHED TO SIT IN THE REQUIRED FRONT YARD BUILDING SETBACK AREA, AND FROM SECTION 50-102 (A) (4) (E) TO ALLOW MORE THAN TWO ACCESSORY BUILDINGS PER LOT, SUBMITTED BY APPLICANT DIRK REINERS, THE PROPERTY OWNER FOR THE PROPERTY LOCATED AT 5000 ST. DENIS COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 18-23-30-4388-04-030.

**SAMPLE MOTION TO DENY:** “I MOVE, PURSUANT TO BELLE ISLE CODE 42-64, 50-73(A), 50-102 (A) (2) AND 50-102 (A) (4) (E) , **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]* AN ACCESSORY SHED TO SIT IN THE REQUIRED FRONT YARD BUILDING SETBACK AREA, AND TO ALLOW MORE THAN TWO ACCESSORY BUILDINGS PER LOT, SUBMITTED BY APPLICANT DIRK REINERS, THE PROPERTY OWNER FOR THE PROPERTY LOCATED AT 5000 ST. DENIS COURT, BELLE ISLE, FLORIDA 32812, ALSO KNOWN AS PARCEL ID # 18-23-30-4388-04-030.

**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



1600 Nela Avenue, Belle Isle, FL 32809

Tel 407-851-7730 \* Fax 407-240-2222 \* www.belleislefl.gov

c.

## Variance and Special Exception Application

City Code Chapter 42, Art. II, Sec. 41-61 thru 41-72 AND Sec 42-64 Land Development Code

APPLICANT Dirk Reiners	OWNER Dirk Reiners & Carolina Cruz-Neira
ADDRESS 5000 St Denis Ct, Belle Isle 32812	PROJECT ADDRESS 5000 St Denis Ct, Belle Isle 32812
CONTACT NUMBER 337 326 3797	OWNER'S CONTACT NUMBER 337 326 3797
EMAIL dirk.reiners@gmail.com	OWNER'S EMAIL dirk.reiners@gmail.com
PARCEL ID# 18-23-30-4388-04-030	
LAND USE CLASSIFICATION Residential	ZONING DISTRICT R-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON 50-102 (a)(2), 50-102 (a)(4) e.	
DETAILED VARIANCE REQUEST See appendix A.	
<ul style="list-style-type: none"><li>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 nine (9) months. Further, the requested user does not violate any deed restriction of the property.</li><li>By applying, I authorize City of Belle Isle employees and members of the P&amp;Z Board to enter my property during reasonable hours to inspect the area to which the application applies.</li><li>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.</li></ul>	
APPLICANT'S SIGNATURE 	OWNER'S SIGNATURE 
<input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> SPECIAL EXCEPTION <input type="checkbox"/> OTHER	P&Z CASE NUMBER DATE OF HEARING

**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 written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d—g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.
- Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
- The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing or the applicant's attorney shall appear before the board.
- It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
- It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land



City of Belle Isle  
1600 Nela Avenue, Belle Isle, FL 32809  
Tel 407-851-7730 \* Fax 407-240-2222 \* [www.belleislefl.gov](http://www.belleislefl.gov)  
**Variance and Special Exception Application**

C.

- 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.
  - 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.

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

**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 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:

1. 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**

1. 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 utilization of 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**

Date Paid

Check/Cash

Rec'd By





## Appendix A

### Detailed Variance Request

We would like to replace an old and no longer functional shed on our property with a new one (see Figure 4 and Figure 5).

The specific layout and location of our property require us to request a variance for section 50-102 (a)(2) “Accessory buildings, garages, nonpermanent carports and screen enclosures shall be permitted in the side and rear yards only. No accessory buildings, garages, nonpermanent carports or screen enclosures shall be located in the front yard” and 50-102 (a)(4) e. “A maximum of two accessory buildings per lot or combination of lots”.

### Justification for 50-102 (a)(2)

Due to the specific layout of our property, placement in the ‘rear’ is much more visible and more disturbing to us, our neighbors, and the community, so we are requesting to allow placement in the ‘front’.

Our property lies on the canal between Little Lake Conway and Lake Conway (see Figure 1 left). As such it is surrounded on 3 sides by the lake. The fourth side, which is legally the front of the property as it faces the street, has a long driveway between the neighbors’ properties, so the actual front of the property is hidden behind fences from both neighbors (see Figure 1 right).



Figure 1: 5000 St. Denis and surrounding area; 5006 St. Denis and driveway to our property

The fence to the left side neighbor (5006 St. Denis Ct.) is a 6 ft tall solid fence that blocks the view to the street for all parts of our property, in addition to being hidden behind their actual house and their garage (see Figure 1 right and Figure 2).





Figure 2: View from the street (5006 St. Denis neighbor and our driveway); 5006 St. Denis Garage view from our driveway

The location we would like to propose for the shed is behind the garage and the fence (see Figure 3 top). It is the least visible location on the whole property, as it is hidden by the fence and the garage of 5006 St. Denis, which is the building in Figure 2 right. We will use a color scheme that matches our house (Terracotta roof and Cream siding), so that it integrates and blends into the view of the house from the street as much as possible. Given the height of the fence and the height of the shed, only the roof of the shed will be visible at all from the street, and only a small part that is not hidden by the neighbor’s house and garage.



Figure 3: Proposed shed location and rear yard views

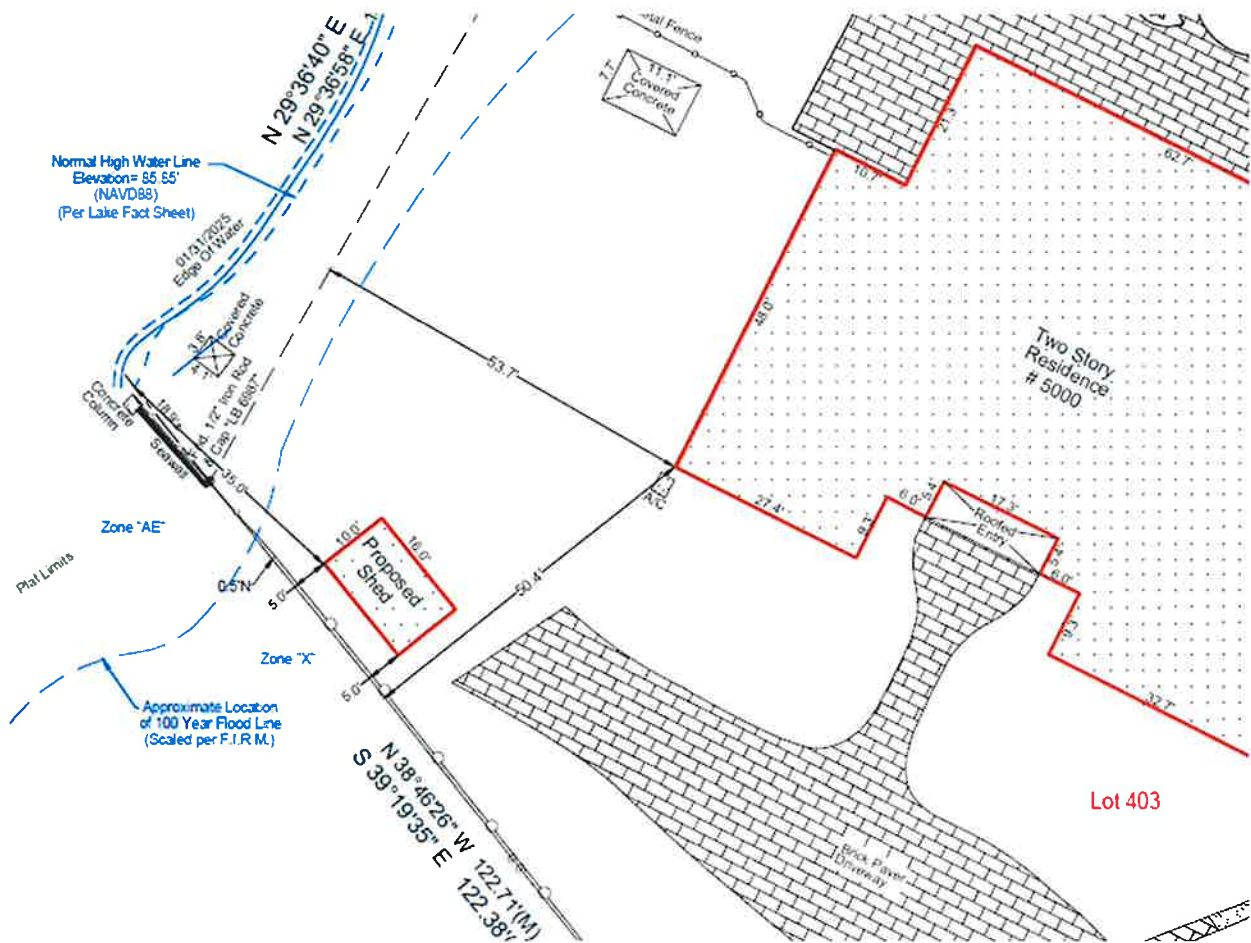


Figure 4: 2025 Survey with proposed shed location

The proposed location is indicated in the current survey (see Figure 4). It is 35' away from the Normal High Water Line, set back 5' from the lot line, the only utility building near that location and as such within regulations 50-102 (a)(4) a,b and c. See section Proposed building for other regulations.

The rest of the property looks more like Figure 3 bottom, which is nominally the rear of the property, but is a lot more open and exposed, especially to the lake. We think it would be much more disturbing and detrimental to the enjoyment of the lake and the community to put a shed here instead of the 'front'.

Therefore, we think it is in the best interests of the community to allow us to put the shed in the proposed location and we would humbly request for you to grant this variance.



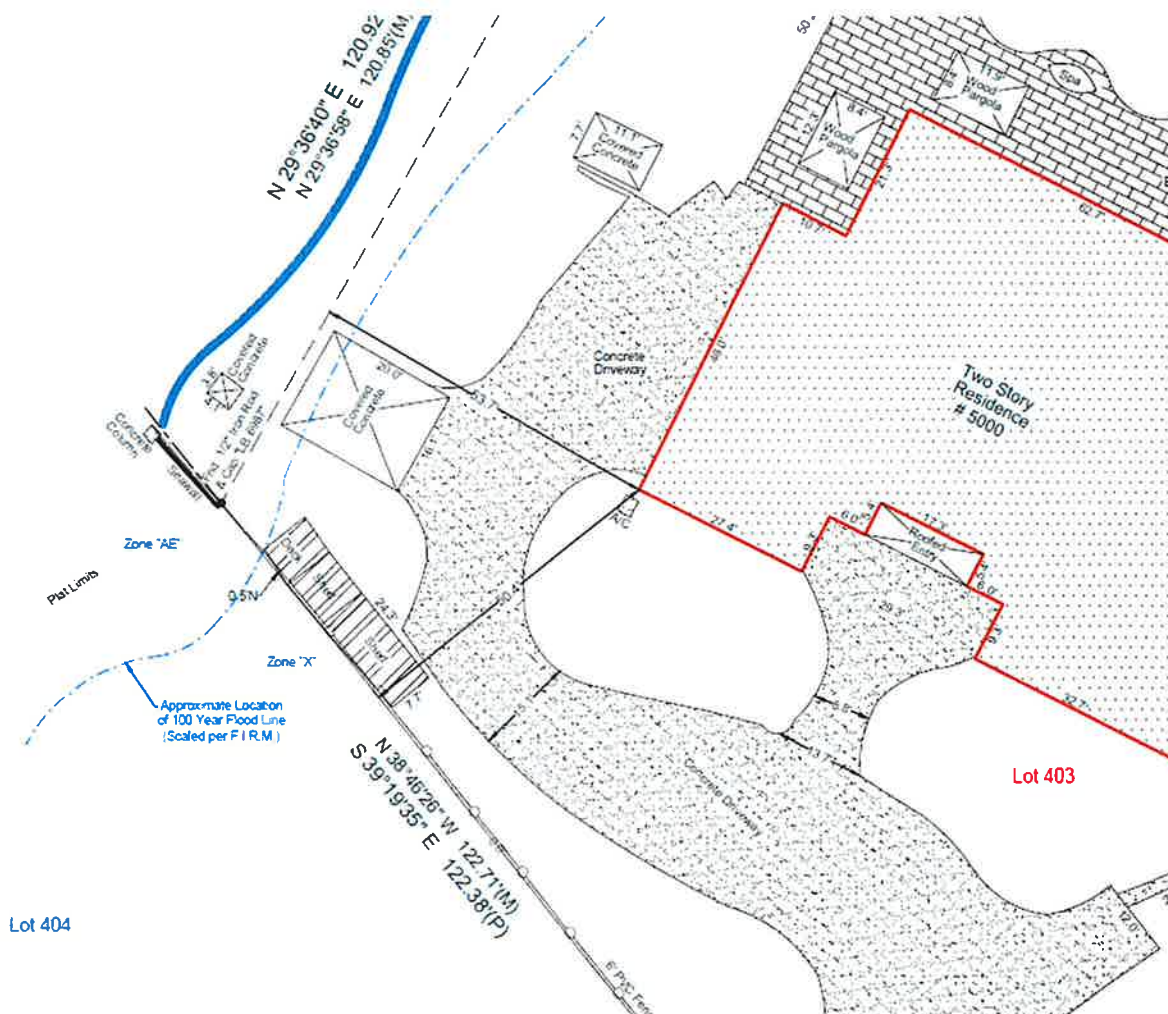


Figure 5: 2020 survey showing old utility buildings (the actual sheds, the carport, the pergolas and part of the driveway have since been removed, see 2025 survey in Figure 4)

### Justification for 50-102 (a)(4) e.

When we acquired the property in 2020 it came with a number of existing accessory buildings (see Figure 5), namely the two sheds in the front, a small irrigation pump house, a carport, a pool pump house and 2 pergolas. We have removed the sheds, the carport and the pergolas due to their bad shape and part of the concrete driveway for not being needed any more (see current survey in Figure 4), but we had to keep the irrigation pump and pool pump houses. They are by far the smallest of the accessory buildings on the property with the least visual impact of any of them, and we request permission for us to add the shed in the hidden location in order to add much needed storage space to the property.

Proposed building

The shed we are proposing to build is an off-the-shelf Superior Sheds 10x16 Bungalow shed (see Figure 6).

It has a height of 8’ and is therefore well under the 15’ allowed in 50-102 (a)(4) d and will mostly be hidden by the 6’ fence. We will match the color scheme for the house as closely as possible.

The 160 sqft footage puts it well within the 300 sqft allowed in 50-102 (a)(4) g. This building does not require a concrete pad. It will be anchored to the ground on pillars but with ground clearance to let water flow under it.

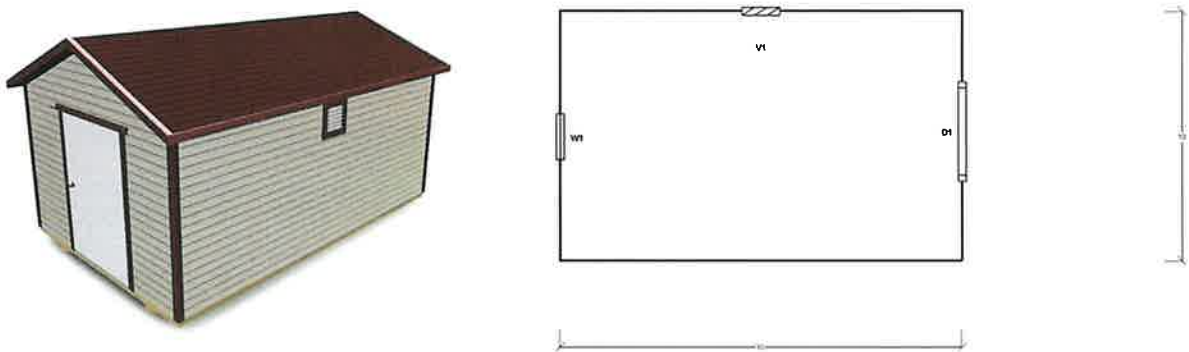


Figure 4 Superior Shed View and Plan

If you own and occupy property as your primary residence as of January 1, 2025, your deadline to file a 2025 exemption application is March 1, 2025.

Click Here To Apply for Homestead and Other Exemptions

Print Date: 01/31/2025 System Refresh Date: 01/28/2025

**5000 St Denis Ct** 18-23-30-4388-04-030

**Name(s):**  
CRUZ-NEIRA CAROLINA  
REINERS DIRK PETER

**Physical Street Address:**  
5000 St Denis Ct

**Property Use:**  
0130 - Sfr - Lake Front

**Mailing Address On File:**  
5000 Saint Denis Ct  
Belle Isle, FL 32812-1032  
[Incorrect Mailing Address?](#)

**Postal City and Zip:**  
Belle Isle, FL 32812

**Municipality:**  
Belle Isle

[View 2024 Property Record Card](#)

PROPERTY FEATURES

VALUES, EXEMPTIONS AND TAXES

SALES

MARKET STATS

Historical Value and Tax Benefits ⓘ

Tax Year Values		Land	Building(s)	Feature(s)	Market Value	%
2024		\$938,300	\$799,442	\$68,760	\$1,806,502	8.2%
2023		\$853,000	\$747,742	\$69,520	\$1,670,262	47.4%
2022		\$775,000	\$287,751	\$70,280	\$1,133,031	12.6%
2021		\$675,000	\$260,641	\$71,040	\$1,006,681	N/A

Tax Year Benefits		Original Homestead	Additional Hx	Other Exemptions
2024		\$25,000	\$25,000	\$0
2023		\$25,000	\$25,000	\$0
2022		\$25,000	\$25,000	\$0
2021		\$25,000	\$25,000	\$0

2024 Taxable Value and Certified Taxes ⓘ

Tax Year

2024

2023

2022

2021