



CITY OF BELLE ISLE, FL

PLANNING & ZONING BOARD MEETING - UPDATED

Held in City Hall Chambers 1600 Nela Ave Belle Isle FL

Held the 4th Tuesday of Every Month

Tuesday, October 25, 2022 * 6:30 PM

AGENDA

Planning and Zoning Board Members

District 5 member – Rainey Lane, Chairman

District 1 – David Woods, VChair

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

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

District 7 member – Dr. Leonard Hobbs

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

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag** – Board Member Hobbs
3. **Approval of Minutes**
 - a. Approval of July 26, 2022 meeting minutes
 - b. Approval of August 30, 2022 meeting minutes
 - c. September 27 meeting canceled
4. **Public Hearings**
 - a. 2022-09-003 - PURSUANT TO BELLE ISLE CODE SEC. 50-74 (C) (3) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW AN R-1-AA PROPERTY TO EXCEED THE 35% IMPERVIOUS SURFACE RATIO WITHOUT CREATING ONSITE RETENTION FOR STORM RUNOFF, SUBMITTED BY APPLICANT KELLY RUMMLER, LOCATED AT 1705 WIND HARBOR ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #30-23-30-9330-00-110.
 - b. 2022-10-011 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5) (A) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A LANDSCAPE WALL OF 32 INCHES IN HEIGHT IN THE FRONT YARD, SUBMITTED BY APPLICANT STEVE KNEIPP, LOCATED AT 6814 SEMINOLE DRIVE, BELLE ISLE, FL 32812, ALSO KNOWN AS PARCEL #29-23-30-4389-02-031.
5. **Other Business**
 - a. Discussion on low front yard walls by septic tank on a residential property
6. **Adjournment**

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



CITY OF BELLE ISLE, FL PLANNING & ZONING BOARD MEETING

Tuesday, July 26, 2022, * 6:30 PM

MINUTES

Planning and Zoning Board Members

District 5 member – Rainey Lane-Conduff, Chairman

District 1 – David Woods, VChair

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

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

District 7 member – Dr. Leonard Hobbs

The Belle Isle Planning & Zoning Board met on July 26, 2022, at 6:30 pm at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Lane -Conduff

Board member Statham

Board member Squires

Board member Shenefelt

Board member Hobbs

Absent was:

Board member Woods

Board member Thompson

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

1. Call to Order and Confirmation of Quorum

Chairman Lane-Conduff opened the meeting at 6:30 pm. The City Clerk confirmed the quorum.

2. Invocation and Pledge to Flag – Board member Hobbs, District 7

Board Member Hobbs gave the invocation and led the pledge to the flag.

Chairman Lane-Conduff moved to approve the absence of Board members Woods, Dr. Hobbs, and Thompson.

Board member Statham moved to excuse the absence.

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

3. Approval of Minutes

a. Approval of the June 26, 2022, meeting minutes

Board member Statham moved to approve the minutes as presented.

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

4. Public Hearings

a. PUBLIC HEARING 2022-06-029: PURSUANT TO BELLE ISLE CODE SEC. 42-64 and SEC. 48-32 (A) (1), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO HAVE A PRIVATE BOAT DOCK PERMITTED WITHIN THE FIVE FEET SIDE SETBACK OF THE NEIGHBORING DOCK, SUBMITTED BY APPLICANT BRENDAN SWEENEY, LOCATED AT 5842 COVE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 20-23-30-1660-00-090.

Board member Squires read Public Hearing 2022-06-029 by title.

Raquel Lozano, City Planner, gave an overview of the request and said the applicant seeks a variance from the Code regarding the minimum side setback requirement for boat docks on the property line. The proposed building plan would be within five feet of the neighboring dock. The dock at 5834 Cove Drive has a grandfathered, nonconforming dock already located within the five-foot setback of the property line. The applicant has provided documentation of the proposed boat dock building design. In the Narrative Letter, the applicant states they would meet all other Code considerations listed under the Design Criteria of Docks.

Considering the variance request criteria, the Staff does not recommend approval for the requested variance. The applicant does not satisfy the hardship test required for variance requests. If the Board does accept the variance request, I recommend that a minimum setback distance should be identified and implemented for safety considerations with the design of this structure. Another condition for this request should ensure the applicant has no open environmental complaints with the Orange County Environmental Protection Division. Any use of heavy equipment needs approval from Orange County EPD, and notice must be provided to Belle Isle City Hall.

Attorney Brendan Sweeney, representing the applicant Jeffrey Giles, said he had appeared in a prior hearing on the non-conforming dock. He advised his client that the boat dock should be removed and is seeking a variance for installing a new dock consistent with the adjacent homeowner. He stated concern about swimming within five feet of the shoreline. The Board asked if the pylons were removed, and Chairman Lane noted that the pylons were still there during her visit before this hearing.

The Board asked if the applicant had submitted supplemental renderings of a conforming boat dock. Attorney Sweeney said no, the applicant has not. However, he stated that the new plans are similar to what was there. The Board stated if possible, they would like to see the applicant show a reasonable effort that complies with the Land Development Code.

City Planner Lozano stated that the neighboring dock also has a 5-foot setback, which is grandfathered-in; however, if that homeowner decides to make any changes that affect the pylons or the dock's roof, he must conform to the current Code.

To clarify the current project, City Manager Francis said the packet shows a picture of the old dock, which the applicant removed without a permit. The applicant then built a new dock, which was enlarged and installed without a permit, and added electrical and plumbing. The City required that it be removed due to non-compliance and working without a permit from the City and Environmental Protection Department. The 5-foot setback is a minimum, and the applicant can accommodate the new plans to conform to the current Code. The applicant is looking for approval of a zero variance setback regardless of a small size dock.

Chairman Lane-Conduff opened for public comment.

Lorraine Williams, the homeowner, and Dale Robinson's daughter residing at 5834 Cove Drive said those two boat houses were always close despite the historical fact. It was still not touching, but it benefited both property owners. She is opposed to the variance for several reasons.

- Mr. Giles expanded the dock without a permit, made egregious incursions on her property, and had the boat docks touch each other.
- Mr. Giles never spoke to her or her father about the buildout and that the docks now are touching.
- It doesn't show any personal responsibility, trust, or integrity
- Minor damage was done to their existing boat dock without a remedy or communication
- This has created legal issues for current and future owners regarding access to, repair, and maintenance of either boat dock.

There is a history of unpermitted work, and Mr. Giles has a track record of invasion. He has not been a good steward of the environment and requests that the variance be denied.

After discussion, Board member Statham moved Sec. 42-64, the justifying criteria of the Belle Isle Land Development Code, and SEC. SEC. 48-32 (A) (1), having not been met, to deny a private boat dock permitted within the five-foot side setback of the neighboring dock submitted by applicant Brendan Sweeney located at 5842 Cove Drive, Belle Isle, FL 32812, also known as Parcel # 20-23-30-1660-00-090. Board member Shenefelt seconded the motion, which passed unanimously 4:0.

- b. PUBLIC HEARING 2022-06-030: PURSUANT TO BELLE ISLE CODE SEC. 42-64, SEC. 50-102 (B) (5) (A), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT YARD FENCE INSTALLATION OF 5 FEET IN HEIGHT WITH COLUMNS OF 6.8 FEET IN HEIGHT, SUBMITTED BY APPLICANT KENNETH GRANGER, LOCATED AT 7208 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-04-040.

Attorney Langley read Public Hearing 2022-06-030 by title.

City Planner Raquel Lozano said the applicant seeks a variance from Sec. 50-102 (B) (5) (A) to install a front yard fence with two concrete columns at 6.8 feet in height. The applicant has cited concerns for safety and privacy in their Narrative Letter as they are located adjacent to a public park. The proposed fence installation meets the standard height requirement per City Code, except for the two columns supporting the entrance gate. This request does not conflict with the characteristics of the neighborhood and upholds an established pattern by surrounding properties to have a front yard fence. The applicant would maintain conformance with the community aesthetic with the front yard fence installation. The Board, in granting an application for the variance, may consider as justifying the criteria the following:

1. A difference in grade between the property upon which the fence will be installed and the immediately adjacent property;
2. The height or construction material of already existing abutting walls or fences; and
3. Conditions existing upon or occupational use of adjacent property create the applicant's security need.

Based on the applicant's identification that privacy and security are primary considerations for installing the front yard fence, coupled with the existing abutting fence along the side of the property, Staff recommends approval of the requested variance.

Chairman Lane-Conduff opened for public comment.

Kenneth Grainger, the homeowner of 7208 Seminole Drive, said their request is for their family's and home's safety. They are the only home on Seminole without a fence, and this has caused privacy concerns. He doesn't see the neighbors having any challenges concerning the requested height. The 6.8-foot columns will be concrete with stone matching the home, 5-foot aluminum around the column, and an approximate 6-foot gate consistent with the other houses.

After discussion, Board member Vinton Squires moved pursuant to Belle Isle Sec. 42-64 of the Belle Isle Land Development Code, SEC. 50-102 (B) (5) (A), having been met to approve a front yard fence installation of 5 feet in height with columns of 6.8 feet in height, submitted by applicant Kenneth Granger, located at 7208 Seminole Drive, Belle Isle, FL 32812 also known as Parcel #29-23-30-4389-04-040.

Ms. Lozano said the applicant should wait for 15 days before any construction to allow for any appeals.

- c. PUBLIC HEARING 2022-07-031: PURSUANT TO BELLE ISLE CODE SEC. 42-64, SEC. 50-102 (B) (5) (A), THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT YARD FENCE INSTALLATION OF 24 INCHES IN HEIGHT, SUBMITTED BY APPLICANT URBAN PERCH, LOCATED AT 2520 HOMEWOOD DRIVE, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #19-23-30-5888-06-122.

Attorney Langley read Public Hearing 2022-07-031 by title.

City Planner Raquel Lozano said given the property's extensive work in remodeling and adding to the original building plan, the variance request satisfies the criteria as a special condition. The property initially had the drain field area and septic tank located in the rear but was relocated years ago to the front yard to meet building plans for an addition in the backyard. The unique circumstance of this variance request is self-created, as the property owner approved the relocated drain field and septic tank in recent years. The applicant has examined other options but faced hurdles to keeping the drain field and septic tank in the backyard, especially for maintaining the new cottage structure in the back and expanding the ongoing home renovations at the original site. The proposed low wall separates the designated driveway area from the relocated drain field and septic tank on site. This variance request primarily aims to protect the drain field and septic tank from vehicles.

Staff recommends approving the requested variance. The applicant proposed that the retaining wall be 16 to 24 inches tall. The Board may set the maximum height allowed to satisfy the applicant's request to contain the drain field area. By establishing a height requirement, the Board can ensure the front wall barrier does not exceed its intended use, nor would it drastically alter or deviate from the overall character of the neighborhood.

Chairman Lane-Conduff opened for public comment.

The homeowner, Mark Jones, spoke on behalf of his provided variance and said he is trying to keep a functional design and use the same home aesthetics. Pedro Rodriguez from Urban Perch clarified that the retaining wall is 24" and slopping down to 8" inches to allow for the raised dirt to the driveway.

After discussion, Board member Shenefelt moved Sec. 42-64 of the Belle Isle Land Development Code, SEC. 50-102 (B) (5) (A), having been met to approve a front yard fence installation of 24 inches in height, submitted by applicant Urban Perch, located at 2520 Homewood Drive, Belle Isle, FL 32809, also known as Parcel #19-23-30-5888-06-122.

Ms. Lozano said the applicant should wait for 15 days before any construction to allow for any appeals.

5. Other Business – n/a

6. Adjournment

There was no further business, so the meeting was unanimously adjourned at 7:20 pm.



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

Tuesday, August 30, 2022, * 6:30 pm
MINUTES

Planning and Zoning Board Members

District 5 member – Rainey Lane-Conduff, Chairman

District 1 – David Woods, VChair

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

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

District 7 member – Dr. Leonard Hobbs

The Belle Isle Planning & Zoning Board met on August 30, 2022, at 6:30 pm at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

- Board member Lane -Conduff
- Board member Woods
- Board member Hobbs
- Board member Squires
- Board member Thompson
- Board member Shenefelt

Absent was:

- Board member Statham

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

1. Call to Order and Confirmation of Quorum

Chairman Lane-Conduff opened the meeting at 6:30 pm. The City Clerk confirmed the quorum.

2. Invocation and Pledge to Flag – Board member Hobbs, District 7

Board Member Hobbs gave the invocation and led the pledge to the flag.

3. Discussion on Artificial Turf

Raquel Lozano, City Planner, presented incorporating the standards for using Artificial Turf in the City of Belle Isle. She stated that the city code does not currently outline requirements for residential landscaping standards. The City's landscape code intends to enhance the City's appearance, provide habitats for urban wildlife, improve air and water quality, mitigate heat and glare, and increase land values by providing landscaping as a capital asset; some of these objectives can be met with artificial turf. Recently, the Planning & Zoning Commission requested that the Belle Isle City Council place a six-month moratorium on artificial turf until a decision could be made regarding whether artificial turf should be allowed and included in the Land Development Code.

While artificial turf is not specifically prohibited in the Code, residents are installing synthetic grass because they believe if it is not stated in the Code, then it is acceptable. In the past, residents sought a lush, sub-tropical landscaping scheme for their property. However, the resources, time, and labor devoted toward maintaining lawns have given headway to alternative forms of residential landscaping. For example, non-living materials (such as rocks and mulch) are not explicitly mentioned in the Code and are thus limited in their placement and implementation on residential lots.

In providing this report, staff presented the following regulatory considerations and practices for allowing synthetic turf within residential districts of the City,

- Pros and Cons of artificial turf,
- Proposed establishing regulatory guidelines to determine design and material criteria.
- Address installation standards,
- Assess the permitting process for the inorganic product, and
- Set limitations on its usage to fit within the context of a sub-tropical environment.

Ms. Lozano noted should the Board not recommend artificial turf and that the Board should expressly prohibit the product use on residential lots in the Code. Residents with existing artificial turf must maintain it in good standing but cannot replace and expand upon its current use.

The Board discussed the following,

- Environmental impact (artificial turf is not a natural material and may create minimal toxic run-off)
- Residents/Homeowners have the freedom of choice to use the product
- Upkeep and maintenance
- Establish additional staff duties to review product and inspection process
- Prohibit in the Code and allow on a case-by-case basis by variance

After discussion, Comm Shenefelt moved to recommend to Council a 6-month moratorium to allow for staff to speak to other municipalities and find how they manage enforcement and presentation of a survey to residents to allow for public input.

Chairman Lane-Conduff seconded the motion, which passed unanimously.

4. Adjournment

There being no further business, the meeting was unanimously adjourned at 7:38 pm.

MEMORANDUM

TO: Planning and Zoning Board
DATE: October 25, 2022
RE: Variance Application – 1705 Wind Harbor Road

2022-09-003

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-74 (C) (3) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW AN R-1-AA PROPERTY TO EXCEED THE 35% IMPERVIOUS SURFACE RATIO WITHOUT CREATING ONSITE RETENTION FOR STORM RUNOFF, SUBMITTED BY APPLICANT KELLY RUMMLER, LOCATED AT 1705 WIND HARBOR ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #30-23-30-9330-00-110.

Background:

1. On September 1, 2022, the applicant, Kelly Rummler, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, October 15, 2022, in Orlando Sentinel.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on October 14, 2022.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings of fact that are presented at the public hearing. The Board will need to determine if the criteria 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 SEC. 50-74 (C) (3) AND SEC. 42-64 of the Belle Isle Land Development Code, having been met TO APPROVE A R-1-AA property to exceed the 35% impervious surface ratio without creating onsite retention for storm runoff, submitted by applicant Kelly Rummler, located at 1705 Wind Harbor Road, Belle Isle, FL 32809 also known as Parcel #30-23-30-9330-00-110.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code SEC. 50-74 (C) (3) AND SEC. 42-64, the justifying criteria of the Belle Isle Land Development Code, having NOT been met; *[use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone] TO DENY* A R-1-AA property to exceed the 35% impervious surface ratio without creating onsite retention for storm runoff, submitted by applicant Kelly Rummler, located at 1705 Wind Harbor Road, Belle Isle, FL 32809 also known as Parcel #30-23-30-9330-00-110.

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

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

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

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

City of Belle Isle

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

APPLICATION FOR VARIANCE / SPECIAL EXCEPTION

DATE: 09.01.22

P&Z CASE #: 2022-09-003

[x] VARIANCE [] SPECIAL EXCEPTION [] OTHER

DATE OF HEARING:

| | |
|---|---------------------------|
| Applicant Kelly F. Rummler | Owner Kelly F. Rummler |
| ADDRESS 1705 Wind Harbor Road Belle Isle, FL 32809 | |
| PHONE: 863-514-5371 | |
| PARCEL TAX ID #: 30-23-30-9330-00110 | |

LAND USE CLASSIFICATION: 0100-Single Family ZONING DISTRICT: R-1-AA

DETAILED VARIANCE REQUEST: Eliminate on site retention requirement or allow to be placed on front property swale due to driveway expansion. Please see application supplement.

SECTION OF CODE VARIANCE REQUESTED ON: Section 50-74 Impervious Surface Ratio of the City Code

- The applicant hereby states that the property for which this hearing is requested has not been the subject of a hearing before the Planning and Zoning Board of the kind and type requested in the application within a period of nine (9) months prior to the filing of the application. Further that the requested use does not violate any deed restriction of the property.
- By submitting the application, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property, during reasonable hours, to inspect the area of my property to which the application applies.
- Applicant shall provide a minimum of ten (10) sets of three (3) photographs in support of this application as follows: at least one (1) photograph of the front of the property and at least two photographs (from different angles) of the specific area of the property to which the application applies.
- Sec. 42-64. - Variances.** The board shall have the power to approve, conditionally approve or deny applications for variance from the terms of the Land Development Code.
 - Criteria. The board shall not approve an application for a variance from terms of the Land Development Code unless and until:
 - A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d—g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.
 - Notice of public hearing for the variance shall be given as required by the article for hearing before the board.
 - The public hearing on the application for the variance shall be held. The applicant, the applicant's agent as evidenced by a signed writing, or the applicant's attorney shall appear before the board.
 - It is determined that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
 - It has been determined that personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Land Development Code or for the purpose of obtaining a variance.
 - It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
 - It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.

Kelly F. Rummler
1705 Wind Harbor Rd.
Belle Isle, FL 32809

Variance Request – Application Supplement

Special Conditions and /or Circumstances

Section 42-64 (1) d

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

Eliminate on site retention requirement or allow to be placed on front property swale. Due to slope of land, placement would need to be downhill for retention. No place on property with the exception of the swale due to drain field.

Not Self-Created

Section 42-64 (1) e

How were the special conditions noted above created?

We are widening driveway to accommodate more cars. Due to the large street planter and the new addition of a 1'23" pole offset, there is no on street parking in front of our property. This makes an undue burden on neighbors due to us having to park in street, in front of their property.

Minimum Possible Variance

Section 42-64 (1) f

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

Considering property slope and drain field our alternative to asking for the elimination of the retention requirement is permission for use of swale.

Purpose and Intent

Section 42-64 (1) g

What effects will approval of the variance have on adjacent properties or the surrounding neighborhood?

Allowing the elimination of retention requirement or the use of swale will allow more cars to park in driveway eliminating street parking which is more dangerous and not as beautiful for the neighborhood.

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

(2) *Violations of conditions.*

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



 APPLICANT'S SIGNATURE



 OWNER'S SIGNATURE

FOR OFFICE USE ONLY:

FEE: \$300.00

9-1-2022
Date Paid

CK207
Check/Cash


Rec'd By

Determination _____

Appealed to City Council: Yes No

Council Action: _____







City of Belle Isle

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

a.

DRIVEWAY/PAVERS REVIEW APPLICATION

Date: 3/2/22 Permit # _____

I, the undersigned, hereby request permission for the construction of a Driveway(s) on City of Belle Isle right-of-way at the following location:
Parcel # 30-23-30-9330-00-110 To obtain this information please visit OrangeCountyfl.net

Inspection must be completed prior to the concrete pour.

Property Owners Name Joshua & Kelly Rummel Mobile 863-514-5172
 Property Address 1705 Wind Harbor Rd. Estimated Value of Work: 11,000
 Contractor Name Joseph Auer IV Company Name Booth's Cobblestones
 Phone 407-521-2823 License No. CBC059858

The Driveway/Sidewalk is to be constructed in the following manner:

The Driveway(s) will be constructed in accordance with the above requirements and those on the reverse side. The Applicant is responsible for construction and will also maintain the above described Driveway in a safe and adequate condition. The Applicant will save and keep the City of Belle Isle harmless from any and all damages, claims, or injuries that may occur by reason of this construction of said facility. **The Applicant binds and obliges himself to confirm to the above description and the attached survey/sketch. See Reverse side for specifications.**

JJ's Waste & Recycling is by legal contract the sole authorized provider of garbage, recycling, yard waste, and commercial garbage and construction debris collection and disposal services with the city limits of the City. Contractors, homeowners and commercial businesses may contact JJ's Waste & Recycling at 407-298-3932 to setup accounts for Commercial, Construction Roll Off, or other services needed. Rates are fixed by contract and are available at City Hall or from JJ's Waste & Recycling. The City enforces the contract through its code enforcement office. Failure to comply will result in a stop work order.

Signature Kelly Rummel Owner Agent

FOR BELLE ISLE USE ONLY
FEE \$30.00 Cash or Chk# _____ Recd _____

ZONING APPROVAL STAMP:

Impervious Surface Ratio Worksheet

Development Zoned A-1, A-2, R-1-AAA, R-1-AA, R-1-A, R-1 per Section 50-74 Impervious Surface Ratio of the City Code

- Total Lot Area (sqft) X 0.35 = Allowable Impervious Area (BASE).
Total Lot Area 19,568 X 0.35 =
Allowable Impervious Area (BASE) 5099
- Calculate the "proposed" impervious area on the lot. This includes the sum of all areas that do not allow direct percolation of rainwater. *Examples include house, pool, deck, driveway, accessory building, etc*
 - House 3,905
 - Driveway 1,228
 - Walkway 182
 - Accessory Buildings _____
 - Pool & Spa _____
 - Deck & Patio N/A
 - Other A/c pond 120

Actual Impervious Area (AIA) 5327
- If AIA is less than BASE, subtract AIA from BASE to determine the amount of impervious area that may be added without providing onsite retention.
- If AIA is greater than BASE, then onsite retention **must be provided.**

Assuming 7.5 inches of rainfall based on a 24hr 10 year Rain Event (TP40), the formula is:
(7.5 inches rainfall/12 Inches p/foot) X (result from line 4) = cubic feet of storage volume needed

145 cubic Ft
Storage to Be 30' x 10' x 12" deep
VARIANCE REQUESTED

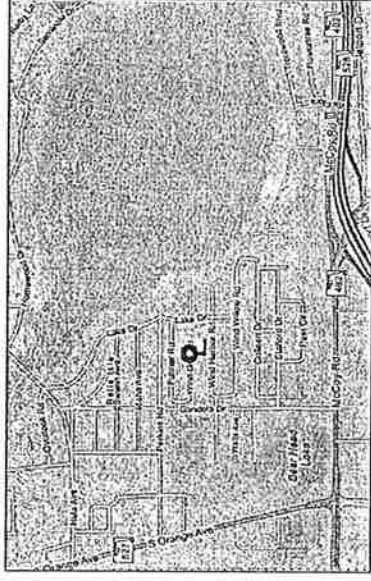
370 Waymont Court • Lake Mary, FL 32746 • Voice 407.688.7631 • Fax 407.688.7691 • sandpsurveying@gmail.com

Legal Description

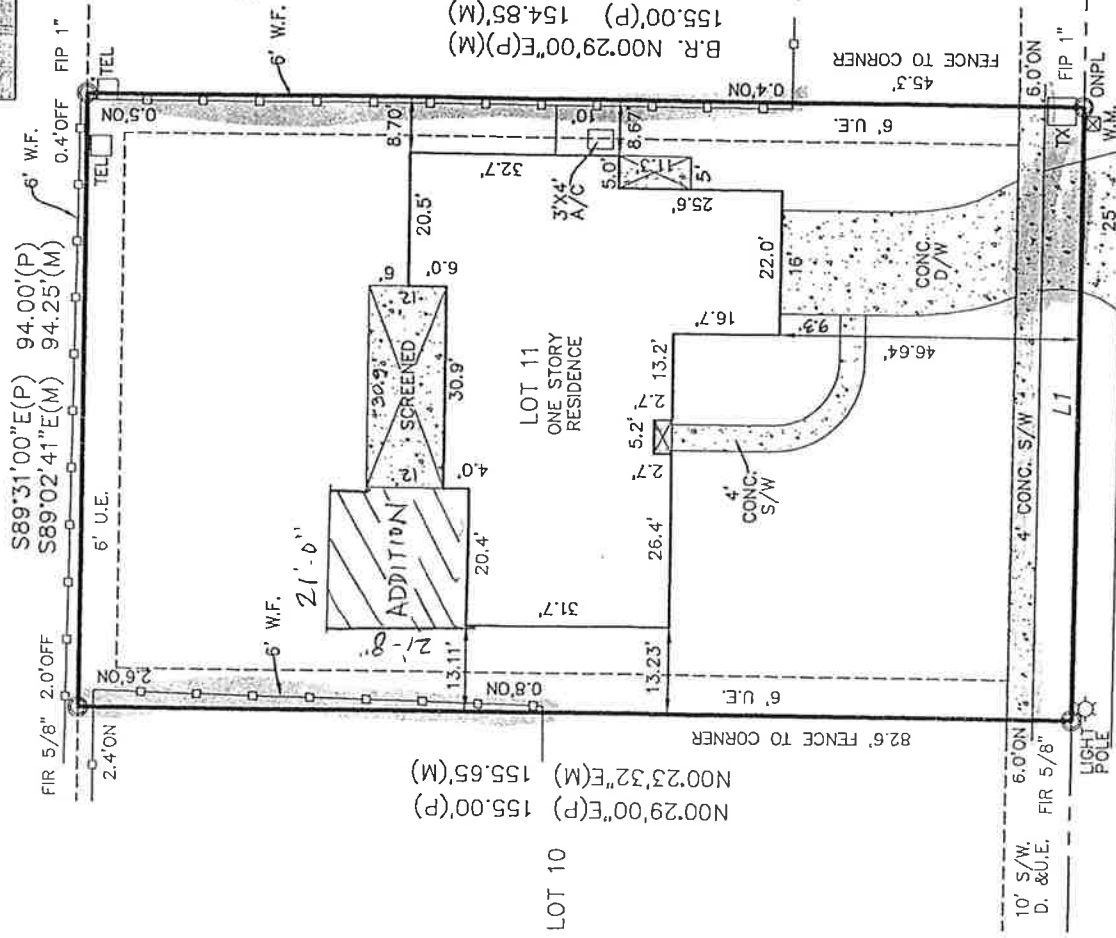
Lot 11, WIND HARBOR, according to the plat thereof, as recorded in Plat Book 7, Page(s) 60 through 61, of the Public Records of Orange County, FL.

Community number: 120181 Panel: 0430
 Suffix: F.F.I.R.M. Date: 9/25/2009 Flood Zone: X
 Date of field work: 9/29/2015 Completion Date: 10/1/2015

Certified to:
 Joshua Rummier; Kelly Rummier; Dominion Title Company; Chicago Title Insurance Company; CenterState Bank of Florida, N.A., its successors and/or assigns.



LOCATION SKETCH
NOT TO SCALE



I hereby acknowledge that I have reviewed and received a copy of this survey prior to finalizing the purchase of the Property and consent to all items shown on this survey. No title coverage shall exist for items shown or identified on this survey.

Substantive K.E. 11/11



SCALE: 1"=30'

| NUMBER | BEARING | DISTANCE |
|--------|--------------|----------|
| L1(P) | S 89°31'00"E | 94.00' |
| L1(M) | S 89°31'55"E | 94.00' |
| L2(P) | S 89°31'00"E | 94.00' |
| L2(M) | S 89°31'19"E | 93.55' |
| L3(P) | S 89°31'00"E | 94.00' |
| L3(M) | S 89°28'47"E | 93.81' |

37' ASPHALT
 WIND HARBOR ROAD
 50' R/W (IMPROVED)

Property Address:
 1705 Wind Harbor Road
 Belle Isle, FL 32809

Survey number: SL 159294

LEGEND

| | | | | | | | |
|-------|---------------------------|----------|-----------------------------|--------|------------------------------|--------|------------------------------|
| -0-0- | Wire Fence | D.H. | Drill Hole | P.R.M. | Permanent Reference Monument | P.R.M. | Permanent Reference Monument |
| -0-0- | Wood Fence | D.U.E. | Drainage & Utility Easement | P | Plat | P | Plat |
| -0-0- | Overhead Utilities | D.W. | Driveway | P.B. | Plat Book | P.B. | Plat Book |
| -0-0- | Power Pole | E.S.M.T. | Easement | P.E. | Pool Equipment | P.E. | Pool Equipment |
| -0-0- | Water Meter | E.O.P. | Edge of Pavement | P.O.B. | Point of Beginning | P.O.B. | Point of Beginning |
| -0-0- | Asphalt | E.O.W. | Edge of Water | P.O.C. | Point of Commencement | P.O.C. | Point of Commencement |
| -0-0- | Block Wall | ENCR | Encroachment | P.C. | Point of Curvature | P.C. | Point of Curvature |
| -0-0- | Brick/Pavers | XX.XX' | Existing Elevation | P.I. | Point of Intersection | P.I. | Point of Intersection |
| -0-0- | Concrete | FD | Field | P.R.C. | Point of Reverse Curvature | P.R.C. | Point of Reverse Curvature |
| -0-0- | Covered Area | FD N&D | Found Nail & Disk | P.T. | Point of Tangency | P.T. | Point of Tangency |
| -0-0- | Centerline | F.C.M. | Found Concrete Monument | P.O.L. | Point on Line | P.O.L. | Point on Line |
| -0-0- | Central Angle/Delta | F.I.P. | Found Iron Pipe | Rad | Radius (Radial) | Rad | Radius (Radial) |
| -0-0- | Line Break Not to Scale | F.I.R. | Found Iron Rod | R | Record | R | Record |
| -0-0- | Bearing Reference | L | Length | R/W | Right of Way | R/W | Right of Way |
| -0-0- | Bench Mark | L.B. | Licensed Business | S.I.R. | Set Iron Rod & Cap | S.I.R. | Set Iron Rod & Cap |
| -0-0- | Cable Riser | M | Field Measured | S/W | Sidewalk | S/W | Sidewalk |
| -0-0- | Calculated | M.H. | Mammoth | T/S/R | Township/Section/Range | T/S/R | Township/Section/Range |
| -0-0- | Chain Link Fence | N&D | Nail & Disk | TEL | Telephone Facilities | TEL | Telephone Facilities |
| -0-0- | Chord | N.R. | Non Radial | T.O.B. | Top of Bank | T.O.B. | Top of Bank |
| -0-0- | Chord Bearing | N.T.S. | Not To Scale | TX | Transformer | TX | Transformer |
| -0-0- | Concrete | O.R. | Official Records | TYP. | Typical | TYP. | Typical |
| -0-0- | Concrete Monument | O.R.B. | Official Records Book | U.E. | Utility Easement | U.E. | Utility Easement |
| -0-0- | Concrete Monument or Deed | PG. | Page | W.F. | Wood Fence | W.F. | Wood Fence |
| -0-0- | Deed Book | PV.M.T. | Pavement | W.C. | Witness Corner | W.C. | Witness Corner |
| -0-0- | Drainage Easement | P.C.P. | Permanent Control Point | | | | |

GENERAL NOTES

- Legal description provided by others.
- The lands shown hereon were not abstracted for easements or other recorded encumbrances not shown on the plat unless specifically noted.
- Underground portions of footings, foundations or other improvements were not located.
- Wall ties are to the face of the wall.
- Only visible encroachments located.
- No identification found on property corners unless noted.
- Dimensions shown are plat and measured unless otherwise noted.
- This is a **BOUNDARY SURVEY** unless otherwise noted. This survey meets all applicable accuracy requirements.
- Not valid unless sealed with the surving surveyor's embossed seal.
- Where plat or deed bearing is identical to measured, this shall serve as the basis of bearings, unless noted otherwise.
- All lines are not radial unless otherwise noted.
- Re-certification does not indicate an update.
- I hereby certify that this survey is a true and correct representation of a survey prepared under my direction.

SWEETBLOOM & PERBY

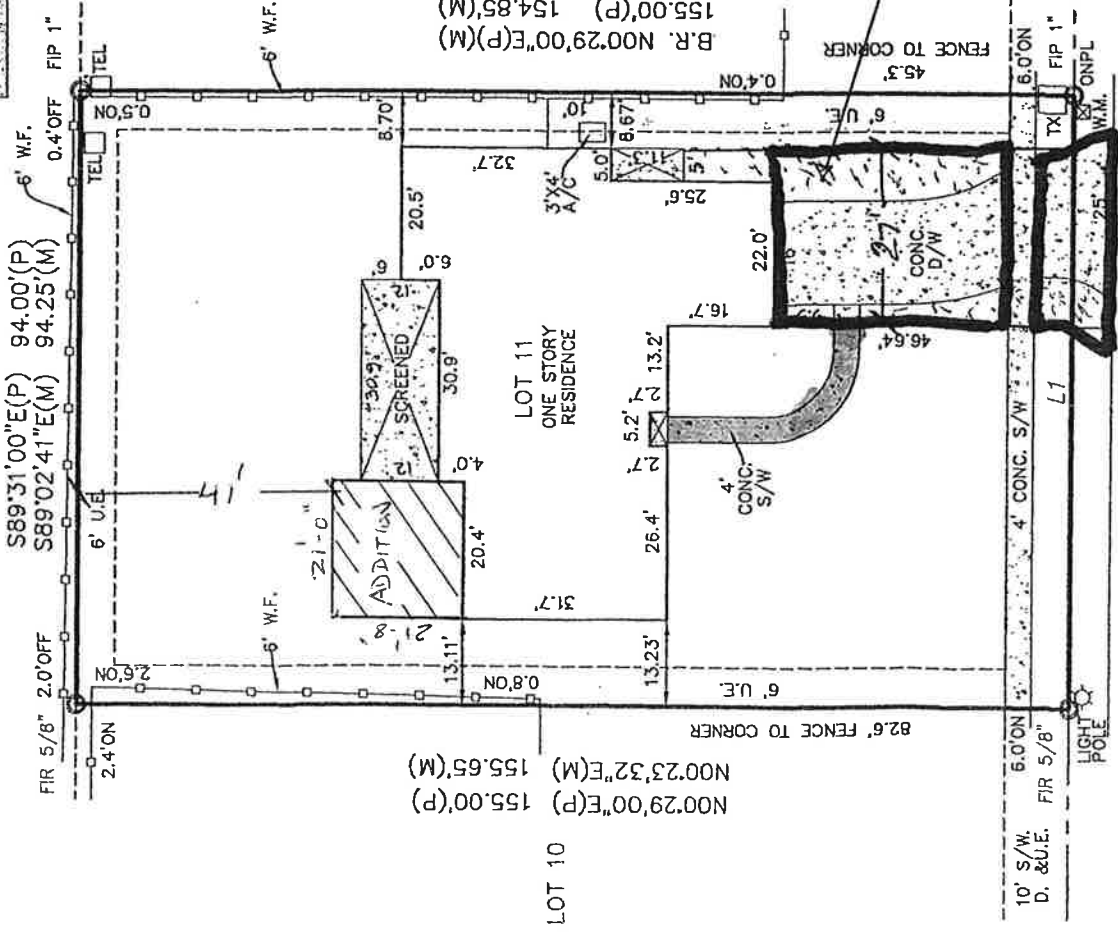
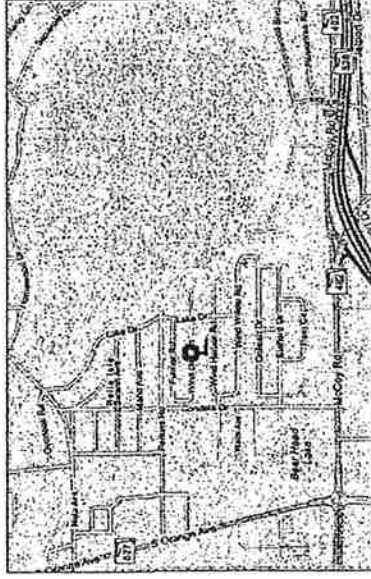
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37' ASPHALT
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 50' R/W (IMPROVED)

Property Address:
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 Belle Isle, FL 32809

Survey number: SL 159294

LEGEND

| | | | | | |
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| -OW- | Overhead Utilities | D/W | Driveway | P.B. | Plat Book |
| ⊕ | Power Pole | ESMT | Easement | P.E. | Pool Equipment |
| ⊕ | Water Meter | E.O.P. | Edge of Pavement | P.O.B. | Point of Beginning |
| ⊕ | Asphalt | E.O.W. | Edge of Water | P.O.C. | Point of Commencement |
| ⊕ | Block Wall | ENCR | Encroachment | P.C.C. | Point of Compound Curve |
| ⊕ | Brick/Pavers | XX-XX | Existing Elevation | P.C. | Point of Curvature |
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| ⊕ | Line Break Not to Scale | F.I.P. | Found Iron Pipe | Rad | Radius (Radial) |
| ⊕ | Air Conditioning | F.I.R. | Found Iron Rod | R | Record |
| ⊕ | Bearing Reference | L | Length | R/W | Right of Way |
| ⊕ | Bench Mark | L.B. | Licensed Business | S.I.R. | Set Iron Rod & Cap |
| ⊕ | B.M. | M | Manhole | T/S/W | Township/Section/Range |
| ⊕ | CATV | M.H. | Manhole | TEL | Telephone Facilities |
| ⊕ | Calculated | N&D | Nail & Disk | T.O.B. | Top of Bank |
| ⊕ | Chain Link Fence | N.R. | Not Radial | T.X | Transformer |
| ⊕ | Chord | N.T.S. | Not To Scale | T.Y.P. | Typical |
| ⊕ | Chord Bearing | O.R. | Official Records | U.E. | Utility Easement |
| ⊕ | Concrete Monument | O.R.B. | Official Records Book | W.F. | Wood Fence |
| ⊕ | Concrete Monument Description or Deed | P.G. | Page | W.C. | Witness Corner |
| ⊕ | Deed Book | P.V.M.T. | Pavement | | |
| ⊕ | Drainage Easement | P.C.P. | Permanent Control Point | | |

GENERAL NOTES

- Legal description provided by others.
- The lands shown herein were not abstracted for easements or other recorded encumbrances not shown on the plat unless specifically noted.
- Underground portions of footings, foundations or other improvements were not located.
- Wall ties are to the face of the wall.
- Only visible encroachments located.
- No identification found on property corners noted.
- Dimensions shown are plat and measured unless otherwise noted.
- This is a BOUNDARY SURVEY unless otherwise noted.
- Not valid unless sealed with the signing surveyors embossed seal.
- Where plat or deed bearing is identical to measured, this shall serve as the basis of bearings, unless noted otherwise.
- All lines are non-radial unless otherwise noted.
- Re-certification does not indicate an update. I hereby certify that this survey is a true and correct representation of a survey prepared under my direction.

- Unless otherwise noted, flood zone information provided by others.
- Septic tank and/or drainfield locations are approximate and MUST be verified by appropriate utility location companies.
- The closure of structures may not be precise due to building imperfections and decorative finishes.
- Pools and/or patios may be drawn as an approximation and not fully dimensioned due to irregular shape.
- Fence locations along property line may be exaggerated for clarity.
- The nature, extent or existence of riparian rights is not addressed herein.
- This survey meets all applicable accuracy requirements.
- This survey exceeds the Minimum Technical Standards promulgated by the Florida Board of Professional Land Surveyors, 5-17, of the Florida Administrative Code, Section 4730.027, Florida Statutes.



CITY OF BELLE ISLE, FL

Planning and Zoning: Staff Report

October 25, 2022

Variance Application: 1705 WIND HARBOR ROAD

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-74 (C) (3) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW AN R-1-AA PROPERTY TO EXCEED THE 35% IMPERVIOUS SURFACE RATIO WITHOUT CREATING ONSITE RETENTION FOR STORM RUNOFF, SUBMITTED BY APPLICANT KELLY RUMMLER, LOCATED AT 1705 WIND HARBOR ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS PARCEL #30-23-30-9330-00-110.

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

Staff Recommendations

Sec. 50-74 of the Code cites the assigned impervious surface ratio for all residential properties within Belle Isle. Further, Sec. 50-74 (c) (3) stipulates that the property owner is held responsible for providing water retention facilities for the runoff volume of rain created by the additional impervious area, which exceeds the base impervious ratio. The applicant seeks to expand their driveway area in the front yard, exceeding the base impervious area, without creating onsite retention.

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

1. Special Conditions and/or Circumstances (Sec. 42-64 (1) d):
At the end of their driveway, the property is located adjacent to a plant landscape, which has existed for over ten years. The elevation of this property is like the surrounding neighbors. As such, no special conditions and/or circumstances have been determined.

2. Not Self-Created (Sec. 42-64 (1) e):
The variance request is self-created as the application is seeking to exceed with base impervious ratio, which is allowed by code if onsite retention is created onto the lot to account for the rainfall that cannot percolate into the proposed impervious area.

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

The applicant does not explore other options to meet their objective, which is to accommodate additional cars in their driveway. While the front yard may not be a viable option to place a swale as a measure for onsite retention, the applicant can seek to install other forms of onsite retention in the backyard.

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

The requested variance could be injurious to the neighborhood as the additional storm runoff cannot percolate naturally through the permeable areas of the property. The general purpose and intent of the land development code of Sec. 54-70 are applied to all properties within the City regarding the impervious surface ratio.

Based on the applicant’s preference to expand their existing driveway to accommodate additional cars into their property, this objective does not meet the hardship test of a variance request. Considering these review criteria, the staff does not recommend approval of the requested variance.

Additional Notes

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

A decision by the Board may be appealed by any aggrieved person to the City Council according to Code Sec. 42-64.

MEMORANDUM

TO: Planning and Zoning Board
DATE: October 25, 2022
RE: Variance Application – 6814 Seminole Drive

2022-10-011

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5) (A) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A LANDSCAPE WALL OF 32 INCHES IN HEIGHT IN THE FRONT YARD, SUBMITTED BY APPLICANT STEVE KNEIPP, LOCATED AT 6814 SEMINOLE DRIVE, BELLE ISLE, FL 32812, ALSO KNOWN AS PARCEL #29-23-30-4389-02-031.

Background:

1. On October 6, 2022, the applicant, Steve Kneipp, submitted a request, application, and required paperwork.
2. A Notice of Public Hearing legal advertisement was placed on Saturday, October 15, 2022, in Orlando Sentinel.
3. Letters to the abutting property owners were mailed within 300 feet of the subject property on October 14, 2022.

The Board may adopt all, some, or none of these determinations as part of their findings-of-fact. The Board may also add any additional findings of fact that are presented at the public hearing. The Board will need to determine if the criteria 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 SEC. 50-102 (B) (5) (A) AND SEC. 42-64 of the Belle Isle Land Development Code, having been met TO APPROVE A LANDSCAPE WALL OF 32 INCHES IN HEIGHT IN THE FRONT YARD, SUBMITTED BY APPLICANT STEVE KNEIPP, LOCATED AT 6814 SEMINOLE DRIVE, BELLE ISLE, FL 32812, ALSO KNOWN AS PARCEL #29-23-30-4389-02-031.

SAMPLE MOTION TO DENY:

"I move, pursuant to Belle Isle Code SEC. 50-102 (B) (5) (A) AND SEC. 42-64, the justifying criteria of the Belle Isle Land Development Code, having NOT been met; *[use only if NONE of the justifying criteria have been met] the requirements of, Subsections: [state only the subsections below that are not satisfied] having NOT been met; [may be used in addition to above or alone] TO DENY* A LANDSCAPE WALL OF 32 INCHES IN HEIGHT IN THE FRONT YARD, SUBMITTED BY APPLICANT STEVE KNEIPP, LOCATED AT 6814 SEMINOLE DRIVE, BELLE ISLE, FL 32812, ALSO KNOWN AS PARCEL #29-23-30-4389-02-031..

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. 41-41 thru 41-72 AND Sec 42-64 Land Development Code | | | |
| APPLICANT Steve Kneipp | | OWNER Christopher George | |
| ADDRESS 2745 Citrus Tower Blvd Unit B Clermont FL 34711 | | PROJECT ADDRESS 6814 Seminole Dr Belle Isle, FL 32812 | |
| CONTACT NUMBER 407-402-1145 | | OWNER'S CONTACT NUMBER 407-227-7806 | |
| EMAIL steve@southeastshell.com | | OWNER'S EMAIL christopher.george@ushadvisors.com | |
| PARCEL ID# 29-23-30-4389-02-031 | | | |
| LAND USE CLASSIFICATION Residential | | ZONING DISTRICT R-1-AA | |
| SECTION OF THE CODE VARIANCE REQUESTED ON 50-102(b)(5)(a) | | | |
| <p>DETAILED VARIANCE REQUEST</p> <p>To allow a 4 tiered 18"x8" CMU low landscape wall in front of the single family residence structure. Landscape wall is needed due to the elevated grade on the right side of the property created from the drain field mound.</p> | | | |
| <p>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.</p> <p>By applying, I authorize City of Belle Isle employees and members of the P&Z Board to enter my property during reasonable hours to inspect the area to which the application applies.</p> <p>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.</p> | | | |
| 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. A written application for a variance is submitted to the city manager or the city manager's designee on a form provided by the city clerk setting forth all of the special conditions and circumstances that exist in favor of the granting of the variance and addressing the requirements of subsections (1)d-g of this section of the criteria set forth in this section. Upon submission of the properly completed application and the appropriate fee, the city manager or the city manager's designee shall refer the application to the board.

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



- Development Code or for the purpose of obtaining a variance.
- f. It is determined that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
- g. It is determined that the granting of the variance will be in harmony with the general purpose and intent of the Land Development Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.
- h. The board shall find that the preceding requirements have been met by the applicant for a variance.

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.

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 | <u>10-6-22</u> Date Paid | <u>13496</u> Check/Cash | <u>[Signature]</u> Rec'd By |
|------------------------------------|-----------------------------|----------------------------|--------------------------------|

Property Record - 29-23-30-4389-02-031

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

Property Summary as of 10/17/2022

Property Name

6814 Seminole Dr

Names

George Christopher James

Municipality

BI - Belle Isle

Property Use

0030 - Vacant Water

Mailing Address

437 Harbour Oaks Pointe Dr
Orlando, FL 32809-3013

Physical Address

6814 Seminole Dr
Orlando, FL 32812



QR Code For Mobile Phone



6814 SEMINOLE DR, BELLE ISLE, FL 32812 1/7/2022 10:16 AM

Property Features

Property Description

LAKE CONWAY PARK G/138 LOT 3 BLOCK B & A PORTION OF LAND BETWEEN THE EAST AND WEST PROPERTY LINES LOT 3 BLOCK B EXTENDED TO THE WATERS OF LAKE CONWAY DESC: COMM AT THE SW CORNER LOT 1 TH S81-46-00E 158.04 FT TO THE POB TH CONT S81-46-00E 73.32 FT TH S25-32-00W 180 FT TH N71-25-00W 70.52 FT TH N29-42-28E 166.73 FT TO THE POB



ABOUT YOUR PUBLIC HEARING

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

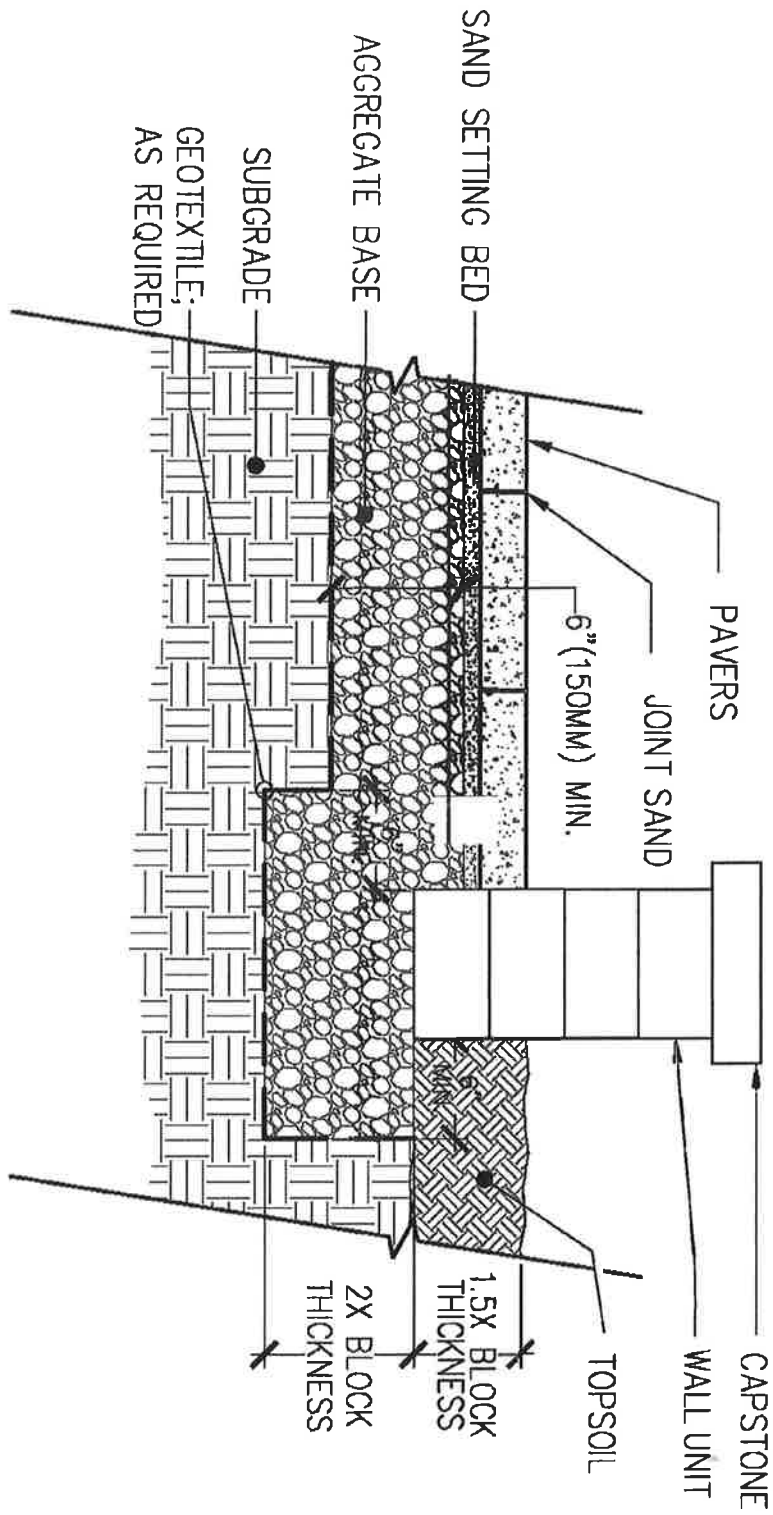
The City of Belle Isle's Planning and Zoning Board, which comprises seven (7) non-paid volunteer residents, meets on the fourth Tuesday of the month to hear various planning and zoning issues, including variances, special exceptions, and use determinations. In recommending approval or denial of a request,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

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

- a. the \$300 filing fee,
- b. a completed application form,
- c. proof of ownership of the property, or a notarized statement from the owner with the representative's information,
- d. Ten (10) copies of a plot plan or survey showing all improvements to the property, ten copies of a scale drawing of the planned construction, illustrated on the survey, and digital format for large-scale documents is required.
- e. For boat dock variances, the survey must clearly illustrate the Normal High Water Line elevation (NHWL) of Lake Conway.
- f. **A narrative addressing how the variance complies with the following:**

| | |
|---|---|
| *Standards of Variance Justification | Section 42-64 of the Land Development Code (LDC) states that no application for a Zoning Variance shall be approved unless the Planning and Zoning Board finds that all of the following standards are met. Please answer each bold-text question in a separate typed or a written document and submit it to the City as part of your variance request. |
| Special Conditions and/or Circumstances Section 42-64 (1) d | The applicant must prove that literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship. That 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. WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY? WHAT WOULD BE THE UNNECESSARY HARDSHIP? |
| Not-Self- Created Section 42-64 (1) e | The applicant must prove that the special conditions and circumstances do not result from the applicant's actions. A personal (self-created) hardship shall not justify a variance; i.e., when the applicant creates the alleged hardship, they are not entitled to relief by their conduct. HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED? |
| Minimum Possible Variance Section 42-64 (1) f | The applicant must prove that the zoning variance is the minimum variance that will make the reasonable use of the land, building, or structure possible. CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY? LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE. |
| Purpose and Intent Section 42-64 (1) g | The applicant must prove that approval of the zoning variance will be in harmony with the general purpose and intent of the Code, and such zoning variance will not be injurious to the neighborhood, not detrimental to public welfare, and not contrary to the public interest. WHAT EFFECTS WILL APPROVAL OF THE VARIANCE HAVE ON ADJACENT PROPERTIES OR THE SURROUNDING NEIGHBORHOOD? (FOR EXAMPLE, ADEQUATE LIGHT, AIR, ACCESS, USE OF ADJACENT PROPERTY, DENSITY, COMPATIBILITY WITH SURROUNDING LAND USES, TRAFFIC CONTROL, PEDESTRIAN SAFETY, ETC). |

***For a variance application from Sec. 50-102 (b) fences and walls, please also identify how you comply with the variance criteria identified in Sec. 50-102 (b) (16). Please note for a fence variance, and you do not have to comply with Sec. 42-64 (1) d and (1) f.**



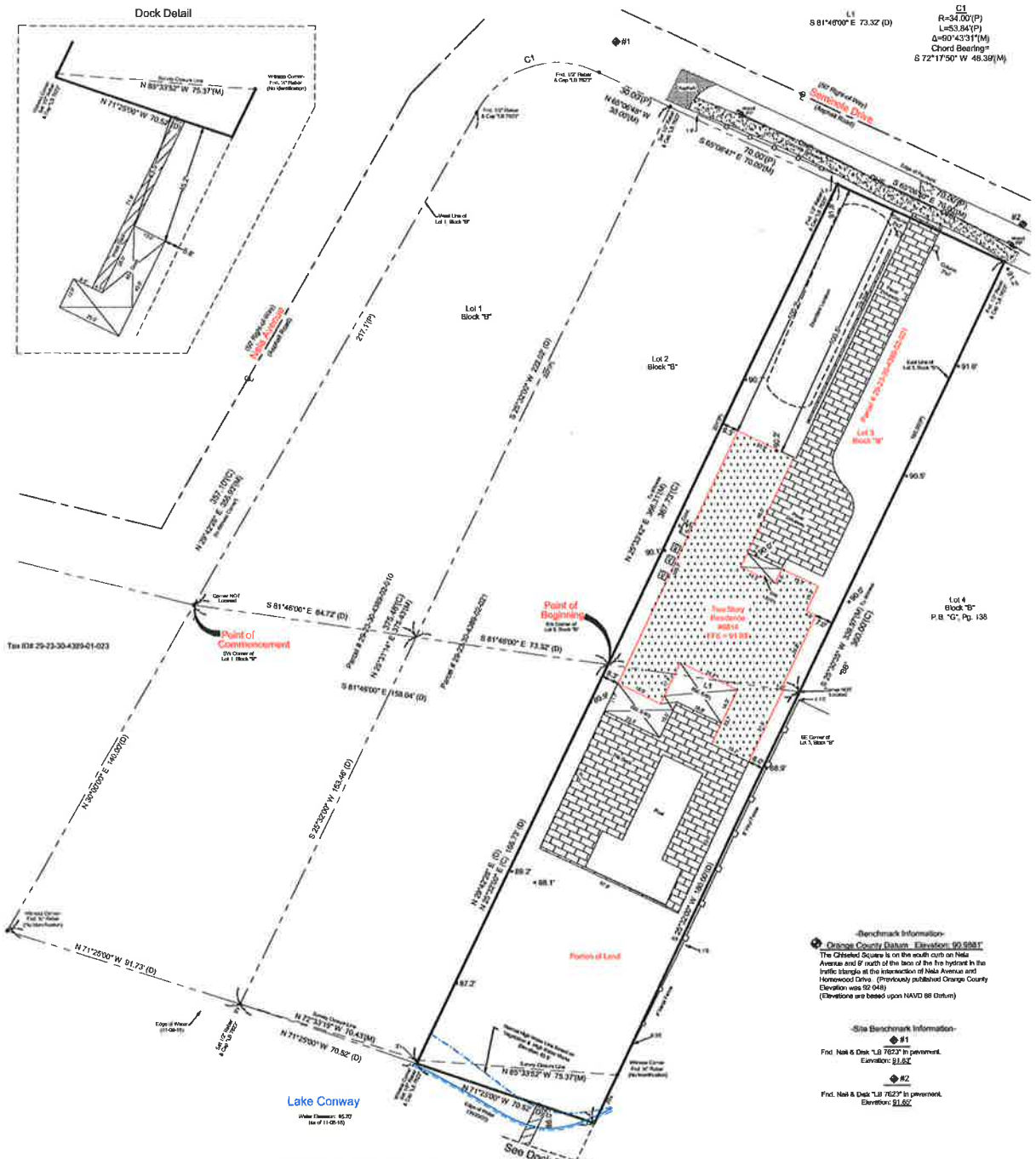
Boundary Survey

Legal Description:

Lot 3, Block B, Lake Conway Park, according to the Plat thereof as recorded in Plat Book G, Page 138, of the Public Records of Orange County, Florida, and the portion of land between the East and West property lines of said Lot 3, Block "B" extended to the waters of Lake Conway, being more particularly described as follows:
Commence from the Southwest corner of said Lot 1, Block "B" according to the Plat thereof as recorded in Plat Book G, Page 138, of the Public Records of Orange County, Florida, thence run S 81°46'00" E a distance of 158.04 feet to the Southwest corner of said Lot 3, Block "B" and the Point of Beginning; thence continue S 81°46'00" E a distance of 73.32 feet to the Southeast corner of said Lot 3, Block "B"; thence run S 25°32'00" W along the prolongation of the East line of Lot 3, Block "B" a distance of 180.00 feet to the waters of Lake Conway; thence run N 71°25'00" W a distance of 70.52 feet to a point on the prolongation of the West line of said Lot 3, Block "B"; thence run N 29°42'28" E along said West line of said Lot 3, Block "B" a distance of 166.73 feet to the Point of Beginning.

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE AE/X500/X. THIS PROPERTY WAS FOUND IN CITY OF BELLE ISLE, COMMUNITY NUMBER 120181, DATED 09/25/2008.

CERTIFIED TO: CHRISTOPHER GEORGE



Benchmark Information:
Orange County Datum - Elevation: 90.5881'
The Chained Square is on the south curb on Neil Avenue and if north of the base of the fire hydrant in the traffic triangle at the intersection of Neil Avenue and Homewood Drive. (Previously published Orange County Elevation was 90.948)
(Elevations are based upon NAVD 88 Datum)

Site Benchmark Information:
#1
Frd. Nail & Dsk. "L.B. 7623" in pavement.
Elevation: 81.82'
#2
Frd. Nail & Dsk. "L.B. 7623" in pavement.
Elevation: 81.82'

Revision: Final Survey - (09-01-22) - ADS
Revision: Foundation Survey - (07/12/21) - AWW
Revision: Updated Survey - (09/24/20) - ADS

Field Date: 11/02/18 Date Completed: 11/08/18
Drawn By: JR File Number: IS-53265

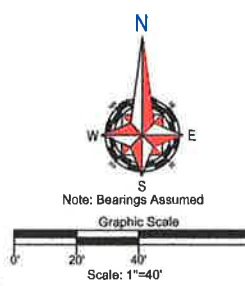
| Legend: | |
|----------|---------------------------------------|
| C | - Calculated |
| CB | - Centerline |
| CM | - Concrete Monument |
| Conc. | - Concrete |
| D | - Description |
| DE | - Drainage Easement |
| E | - Easement |
| F.E.M.A. | - Federal Emergency Management Agency |
| FFE | - Finished Floor Elevation |
| Fin. | - Finish |
| IP | - Iron Pipe |
| L | - Length (ft/in) |
| M | - Material |
| N&D | - Nail & Disk |
| N.R. | - Non-Record |
| ORS | - Official Records Book |
| P | - Plat |
| P.B. | - Plat Book |
| CP | - Wood Fence |
| PC | - Point of Curvature |
| Pg | - Page |
| PI | - Point of Intersection |
| P.O.B. | - Point of Beginning |
| P.O.L. | - Point on Line |
| PP | - Power Pole |
| PRM | - Permanent Reference Monument |
| PT | - Point of Tangency |
| R | - Radius |
| Rad | - Radial |
| R&C | - Retard & Cap |
| Rec | - Recovered |
| RES | - Resealed |
| Set | - Set 1/2" Rebar & Cap "L.B. 7623" |
| Typ | - Typical |
| UE | - Utility Easement |
| WM | - Water Meter |
| Δ | - Delta (Central Angle) |
| G | - Chain Link Fence |

Notes:
- Survey is Based upon the Legal Description Supplied by Client.
- Adjacent Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Mistakes.
- Subject to any Easements and/or Restrictions of Record.
- Bearing Data shown hereon, is Assumed and Based upon the Line Denoted with a "BD".
- Building Ties are NOT to be used to reconstruct Property Lines.
- Fence Ownership is NOT determined.
- Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
- Septic Tanks and/or Driveway 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 Herein is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Patterns and/or other information NOT HERE known by M&A given to the Surveying Company at the time of this Enclosure.
- 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 Skill as a Surveyor under my Oath on the Date Shown, Based on Information furnished to me as Noted and Confirms to the Standard of Practice for Land Surveying in the State of Florida in accordance with Chapter 45, Florida Administrative Code, Pursuant to Section 472.027 Florida Statutes.

Patrick K. Ireland (FOR THE FIRM)
Patrick K. Ireland, P.S. 9637, L.B. 7623
This Survey is intended for the use of Said Certified Parties. This Survey NOT VALID UNLESS SIGNED AND DATED WITH SURVEYOR'S SEAL.

Ireland & Associates Surveying, Inc.
800 Currency Cir, Suite 1020
Lake Mary, Florida 32746
www.IrelandSurveying.com
Office-407.678.3366 Fax-407.320.8165



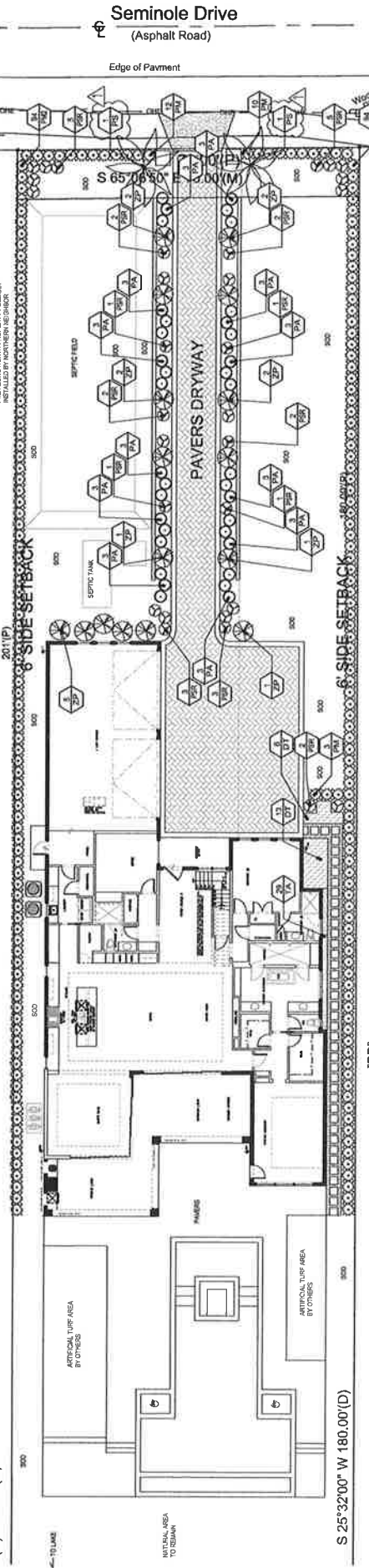
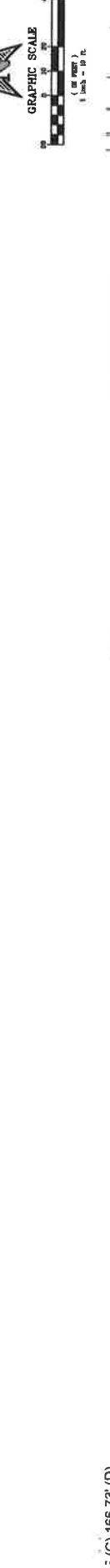
| REVISION | DATE | DATE | REVISION |
|-----------------|---------|------|----------|
| OWNER REVISIONS | 9/14/22 | | |

DATE: 5/14/23
 DRAWN BY: J.B.
 CHECKED BY:

PROJECT NO: 2022 017

LANDSCAPE PLAN

L-1



DATE: 5/14/23
 DRAWN BY: J.B.
 CHECKED BY:

PROJECT NO: 2022 017

LANDSCAPE PLAN

L-1

48 HOURS BEFORE YOU DIG
 IF YOU ARE THE HOMEOWNER, YOU MUST CALL 813-339-4279 #111
 IF YOU ARE A CONTRACTOR, YOU MUST CALL 813-339-4279 #111
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b.





b.





CITY OF BELLE ISLE, FL

Planning and Zoning: Staff Report

October 25, 2022

Variance Application: 6814 SEMINOLE DRIVE

Applicant Request: PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5) (A) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A LANDSCAPE WALL OF 32 INCHES IN HEIGHT IN THE FRONT YARD, SUBMITTED BY APPLICANT STEVE KNEIPP, LOCATED AT 6814 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL #29-23-30-4389-02-031.

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

Review Evaluation

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

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

The variance request meets a special condition due to the configuration of the lot and the approved building plans for the new single-family residence. The drain field and septic tank were placed in the front yard during the construction of the SFR.

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

The unique circumstance of this variance request is self-created, as the property owner and assigned building contractor approved the drain field and septic tank in the front yard.

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

The applicant has proposed to make the low front wall 16 to 32 inches in height, with the lowest portion of the wall extended towards the end of the driveway, before contacting the sidewalk. The height of the front yard wall is designed to contain the earth mound as it exists.

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

The low wall aims to contain the raised earth mound created by installing the drain field and septic tank. The low wall is less than three feet in height from the natural grade

level and does not present a negative impact on the surrounding neighbors. Regarding other properties located on Seminole Drive, the adjacent neighbors also have front yard fences.

Staff Recommendation

Staff provides a recommendation to approve the requested variance. The board may set the maximum height allowed to satisfy the applicant’s request for containing the drain field area. By establishing a height requirement, the board can ensure the front wall barrier does not exceed its intended use, nor would it drastically alter or deviate from the overall character of the neighborhood.

Additional Notes

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

A decision by the Board may be appealed by any aggrieved person to the City Council pursuant to Code Sec. 42-64.