



**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, March 26, 2024 \* 6:30 PM

**AGENDA**

**Planning and Zoning Board Members**

District 5 – Rainey Conduff, Chairman

District 1 – David Woods, VChair

District 2 – Christopher Shenefeld | District 3 – Randy Holihan | District 4 – 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 at the City Clerk's office or the city's website at [www.belleislefl.gov](http://www.belleislefl.gov).

1. **Call to Order and Confirmation of Quorum**
2. **Invocation and Pledge to Flag** – Board member Hobbs, District 7
3. **Approval of Minutes**
  - a. Approval of the January 3, 2024 meeting minutes
4. **Public Hearings**
  - a. PUBLIC HEARING #2024-02-017 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FOR A MAXIMUM BUILDING HEIGHT OF 40 FEET, INSTEAD OF THE STANDARD MAXIMUM BUILDING HEIGHT IN A R-1-AA ZONING DISTRICT OF 35 FEET, SUBMITTED BY APPLICANT JASON LEE, REPRESENTING PROPERTY OWNER GREG MEERBAUM, LOCATED AT 1916 HOFFNER AVENUE, BELLE ISLE, FL 32809, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-3648-00-220.
  - b. PUBLIC HEARING #2024-02-024 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM THE BUILDING SETBACKS REQUIREMENTS OF A R-1-AA ZONING DISTRICT, SUBMITTED BY APPLICANTS TIMOTHY SHIPE AS TRUSTEE OF THE GARY SHIPE TRUST DATED JANUARY 27, 1999 AND FRANK WILSON, LOCATED AT 1832 WIND HARBOR ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-260.
5. **Other Business**
6. **Adjournment**

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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**

Wednesday, January 3, 2024 \* 6:30 PM

**MINUTES**

The Belle Isle Planning & Zoning Board met on January 3, 2024, at 6:30 p.m. at the City Hall Chambers at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Board member Thompson  
Board member Shenefelt  
Board member Squires  
Board member Conduff

Absent was:

Board member Woods  
Board Member Holihan  
Board member Hobbs

Also present were City Manager Rick Rudometkin, Attorney Hilary Griffith, City Planner Raquel Lozano, and City Clerk Yolanda Quiceno.

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

Chairman Conduff opened the meeting at 6:30 p.m. and confirmed the quorum.

**2. Invocation and Pledge to Flag**

Chairman Conduff gave the invocation and led the pledge to the flag.

Mayor Fouraker expressed his gratitude to the Board for serving the residents of the City. He welcomed Rick Rudometkin to the City and gave a brief introduction to the years of experience of the Board and staff.

**3. Appointment of Chairman and Vice Chairman**

**Board member Shenefelt nominated Rainey Conduff as Chairman.  
Board member Squires seconded the motion, which passed unanimously.**

**Board member Shenefelt moved to nominate David Woods as Vice Chair.  
Chairman Conduff seconded the motion, which passed unanimously.**

**4. Approval of Minutes**

a. Approval of minutes – November 28, 2023  
**Board member Thompson moved to approve the November 28, 2023, minutes.  
Board member Shenefelt seconded the motion, which passed unanimously 4:0.**

**5. Public Hearings**

a. PUBLIC HEARING #2023-09-028 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-102 (A) (1), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A DETACHED METAL GARAGE TO BE BUILT ARCHITECTURALLY DIFFERENT FROM THE PRINCIPAL BUILDING WITH UNLIKE MATERIALS, SUBMITTED BY APPLICANT MARK ADAMS, LOCATED AT 3104 INDIAN DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #29-23-30-4389-03-040. (Continuation from Nov 28, 2023)

Chairman Conduff read Public Hearing 2023-09-028 by title.

Chairman Conduff opened for public comment.

- Mark Adams, a resident, spoke in favor of the proposed variance.
- Steven Lindas, who resides at 3106 Indian Drive, spoke in favor of the proposed variance.
- City Planner Lozano noted that the petition and Letter in favor of the variance were emailed to the Board.

There being no further comments, Chairman Conduff closed the public comment section.

City Planner Raquel Lozano presented the variance and said the applicant seeks to build a detached metal garage in the rear yard. Code Section states buildings detached from the principal building are architecturally similar to the principal building and of like materials. The house has an 8-10 ft setback behind the principal building and may not be visible from the road.

Based on the variance criteria, the Staff recommends that the Board not approve the requested variance to build a detached garage architecturally different from the principal building with unlike materials as there are no special conditions or circumstances of the land; the request is a self-created hardship. It does not meet the purpose and intent of the city code.

Board member Shenefelt stated that he appreciates neighbors not in opposition; however, the proposed variance does not comply with the code. The Board spoke on parking vehicles on an unpaved surface. City Planner noted that they cannot park vehicles outside the building. If they were conditioned to add a driveway, it would be on the opposite side of the building and may not meet the allowed impervious surface ratio. The applicant stated that the structure will be used for storage and not parked outside the building area.

Margaret Adams, residing at 3104 Indian Drive, stated they would be willing to add bushes to hide the back of the building.

**After the Board discussed it, Board member Squires moved, pursuant to Belle Isle Code Sec. 42-64 and 50-102 (A) (1), to approve the application for a detached metal garage to be built architecturally different from the principal building with unlike materials submitted by applicant Mark Adams located at 3104 Indian Drive, Belle Isle, FL 32812, also known as Orange County Tax Parcel ID #29-23-30-4389-03-040.**

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

Chairman Conduff stated that there is a 15-day waiting period for appeals before starting construction.

- b. PUBLIC HEARING #2023-11-026 – PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A FRONT BUILDING SETBACK OF 20 FEET FROM THE REQUIRED 30-FOOT FRONT BUILDING SETBACK, SUBMITTED BY APPLICANTS JON BERGMAN AND DANIELLE BROWNE BERGMAN, LOCATED AT 3606 QUANDO DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #20-23-30-1646-00-910.

Board member Thompson read Public Hearing 2023-11-026 by Title.  
City Planner Lozano stated that Public Hearing 2023-11-026 was pulled at the request of the applicant.

- c. PUBLIC HEARING #2023-11-033 - PURSUANT TO BELLE ISLE CODE SEC. 42-64, 50-73 (A), 54-3(D), AND 54-3(E), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO ALLOW A REAR BUILDING SETBACK OF 45 FEET AND 11 INCHES FROM THE REQUIRED 50-FOOT BUILDING SETBACK FROM THE 86.9

CONTOUR LINE (OR NORMAL HIGH-WATER ELEVATION) OF LAKE CONWAY, TO ALLOW STRUCTURAL ALTERATIONS TO AN EXISTING NONCONFORMING STRUCTURE AND TO ALLOW AN EXTENSION OF A NONCONFORMING STRUCTURE, SUBMITTED BY APPLICANTS NATHIN AND KRISTINE DAVENPORT, LOCATED AT 3433 CULLEN LAKE SHORE DRIVE, BELLE ISLE, FL 32812, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #17-23-30-4380-04-140.

Board member Shenefelt read Public Hearing 2023-11-033 by Title.

Nathin Davenport, residing at 3473 Cullen Lake Shore Drive, stated that his request is seeking to replace the currently covered porch due to a failing roof and excessive leaking. The porch was constructed in 2001 and does not extend past the house. The only way to correct the issue is to reconstruct the roof covering approximately 62' from the NHWE, which will not exceed the back of the house.

City Planner Lozano presented the variance and said the applicants inherited the existing rear porch area upon purchasing the property in 2019. The property survey shows the rear setback from the waterline is approximately 46 feet from the existing covered porch, and the setback from the porch to the seawall is 50 feet and 11 inches. The current porch area partially encroaches four feet within the designated setback from the normal high-water elevation of Lake Conway. The covered porch area aligns with the setback of the principal building. Under section 54-3(d) and (e), a nonconforming building or structure may be maintained and repaired so long as there are no structural changes, extensions, or enlargements to the site. The covered porch area shows signs of visible damage, as provided in the variance application, and the extent of damage is only determined once construction work commences.

Based on the variance criteria, Staff recommends that the Board approve the requested variances to allow a building setback of 45 feet and 11 inches from the required 50-foot setback of the normal-high water elevation of Lake Conway.

**After Board discussion, Board member Thompson moved, pursuant to Belle Isle Code Section 42-64 and 50-73 (A), to approve a front building setback of 20 feet from the required 30-foot front building setback, submitted by applicants Jon Bergman and Danielle Browne Bergman, located at 3606 Quando Drive, Belle Isle, FL 32812 also known as Orange County Tax Parcel ID #20-23-30-1646-00-910.**

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

Staff stated that there is a 15-day waiting period for appeals before starting construction. Due to the mold, Ms. Lozano said she would contact UES about an early start permit that may allow the applicant to start demolition during the 15-day waiting period.

**6. Other Business**

Live Local Update – City Planner

City Planner Lozano provided the Board with a Fact Sheet, provided by RVi, for review on the Live Local Act and how it affects the City for affordable housing. After some research, she found that the new law may affect larger cities with undeveloped land. She recommends staff outline administrative operating procedures to share with the Council for approval.

**Chairman Rainey recommended that staff create administrative procedures regarding the Live Local Act for Council approval. Comm Shenefelt seconded the motion, which passed unanimously.**

**7. Adjournment**

There being no further business, the meeting unanimously adjourned at 7:45 p.m.



MEMORANDUM

TO: Planning and Zoning Board
DATE: March 26, 2024
RE: Variance Application – 1916 Hoffner Avenue

PUBLIC HEARING #2024-02-017 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FOR A MAXIMUM BUILDING HEIGHT OF 40 FEET, INSTEAD OF THE STANDARD MAXIMUM BUILDING HEIGHT IN A R-1-AA ZONING DISTRICT OF 35 FEET, SUBMITTED BY APPLICANT JASON LEE, REPRESENTING PROPERTY OWNER GREG MEERBAUM, LOCATED AT 1916 HOFFNER AVENUE, BELLE ISLE, FL 32809, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-3648-00-220.

Background:

- 1. On February 14, 2024, the applicant submitted a variance application and the required paperwork.
2. Letters to the abutting property owners were mailed within 300 feet of the subject property on March 13, 2024.
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Sat., March 16, 2024.

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 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 AND 50-73 (A), TO APPROVE A MAXIMUM BUILDING HEIGHT OF 40 FEET, INSTEAD OF THE STANDARD MAXIMUM BUILDING HEIGHT IN A R-1-AA ZONING DISTRICT OF 35 FEET, SUBMITTED BY APPLICANT JASON LEE, REPRESENTING PROPERTY OWNER GREG MEERBAUM, LOCATED AT 1916 HOFFNER AVENUE, BELLE ISLE, FL 32809, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-3648-00-220.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE CODE SEC. 42-64 AND 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] A MAXIMUM BUILDING HEIGHT OF 40 FEET, INSTEAD OF THE STANDARD MAXIMUM BUILDING HEIGHT IN A R-1-AA ZONING DISTRICT OF 35 FEET, SUBMITTED BY APPLICANT JASON LEE, REPRESENTING PROPERTY OWNER GREG MEERBAUM, LOCATED AT 1916 HOFFNER AVENUE, BELLE ISLE, FL 32809, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-3648-00-220.

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

SUBSECTION (D), a literal enforcement of the provisions of the zoning ordinances would result in unnecessary hardship and that said hardship is created by special conditions and circumstances peculiar to the land, structure or building involved, including but not limited to dimensions, topography or soil conditions.
SUBSECTION (E), personal hardship is not being considered as grounds for a variance since the variance will continue to affect the character of the neighborhood after title to the property has passed and that the special conditions and circumstances were not created in order to circumvent the Code or for the purpose of obtaining a variance.
SUBSECTION (F), the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.
SUBSECTION (G), the granting of the variance will be in harmony with the general purpose and intent of the Code, will not be injurious to the neighborhood, will not be detrimental to the public welfare, and will not be contrary to the public interest.



# City of Belle Isle

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

a.

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 Jason Lee		OWNER Greg Meerbaum	
ADDRESS 815 Orienta Ave Ste 1040 Altamonte Springs		PROJECT ADDRESS 1916 Hoffner Ave	
CONTACT NUMBER 407.629.6711		OWNER'S CONTACT NUMBER 561.703.8865	
EMAIL jlee@mjsdesignersgroup.com		OWNER'S EMAIL Greg@coastalinvco.com	
PARCEL ID# 18-23-30-3648-00-220			
LAND USE CLASSIFICATION 0030- Vacant Water		ZONING DISTRICT R-1-AA	
SECTION OF THE CODE VARIANCE REQUESTED ON Sec. 42-64. - Variances.			
DETAILED VARIANCE REQUEST We are requesting a variance for 5' overall building height. This will make the building 40' in height at the highest peak.			
<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 <del>2024-01-008</del> 2024-02-017 DATE OF HEARING March 26 2024

**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



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**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.
- 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	Feb. 14. 24 Date Paid	1064 Check/Cash	 Rec'd By	2024-02-017
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**Variance and Special Exception Application**

### 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. <b>WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY?</b> <b>WHAT WOULD BE THE UNNECESSARY HARDSHIP?</b>
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. <b>HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?</b>
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. <b>CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY?</b> <b>LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.</b>
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. <b>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).</b>

**\*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.**

Good morning, City of Belle Isle,

We are seeking a Variance for 1916 Hoffner Ave, Orlando, FL 32809, for the overall building height. We would like to go from 35' to 40', so we are asking for a variance to cover the height at the front peaks of the building.

WHAT ARE THE SPECIAL CONDITIONS AND CIRCUMSTANCES UNIQUE TO YOUR PROPERTY?

Due to the slope of the site, the FFE for the house had to be raised to allow for grading & drainage around the proposed house.

WHAT WOULD BE THE UNNECESSARY HARDSHIP?

Sloping contour of the site.

HOW WERE THE SPECIAL CONDITIONS NOTED ABOVE CREATED?

Due to the slope of the site, the FFE for the house had to be raised to allow for grading & drainage around the proposed house. This caused the overall height of the house from grade to peak to be over the maximum height allowed.

CAN YOU ACCOMPLISH YOUR OBJECTIVE IN ANOTHER WAY?

Only by pushing the house down, which would cause drainage & ponding issues on the site. Due to the slope of the property, the house is currently at 5.4' above natural grade.

LIST ALTERNATIVES YOU HAVE CONSIDERED AND EVIDENCE AS TO WHY THEY ARE NOT FEASIBLE.

We have lowered the roof pitch to help reduce the overall peak roof height.

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).

This will not harm or interfere in any way with adequate light, air, access, use of adjacent property, density, compatibility with surrounding land uses, traffic control, or pedestrian safety.



# Property Record - 18-23-30-3648-00-220

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

## Property Summary as of 02/06/2024

### Property Name

1916 Hoffner Ave

### Names

Meerbaum Greg

### Municipality

BI - Belle Isle

### Property Use

0030 - Vacant Water

### Mailing Address

3129 Indian Dr  
Belle Isle, FL 32812-3702

### Physical Address

1916 Hoffner Ave  
Orlando, FL 32809



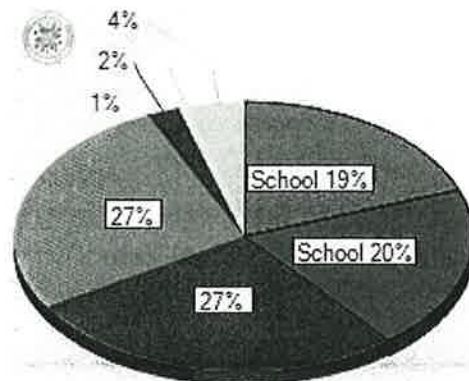
QR Code For Mobile Phone



1916 HOFFNER AVE, ORLANDO, FL 32809 5/14/2019 9:53 AM



302318364800220 08/28/2006



## Value and Taxes

### Historical Value and Tax Benefits

Tax Year Values	Land	Building(s)	Feature(s)	Market Value	Assessed Value
2023 <input checked="" type="checkbox"/> MKT	\$726,000	+ \$65,078	+ \$2,500 =	\$793,578 (11%)	\$793,578 (69%) <span style="border: 1px solid black; padding: 2px;">a.</span>
2022 <input checked="" type="checkbox"/> MKT	\$660,000	+ \$54,230	+ \$2,500 =	\$716,730 (19%)	\$468,812 (3.0%)
2021 <input checked="" type="checkbox"/> MKT	\$550,000	+ \$52,037	+ \$2,500 =	\$604,537 (13%)	\$455,157 (1.4%)
2020 <input checked="" type="checkbox"/> MKT	\$480,000	+ \$52,037	+ \$2,500 =	\$534,537	\$448,873

Tax Year Benefits	Original Homestead	Additional Hx	Other Exemptions	SOH Cap	Tax Savings
2023 <input checked="" type="checkbox"/>	n/a	n/a	n/a	n/a	\$0
2022 <input checked="" type="checkbox"/> \$ HX CAP	\$25,000	\$25,000	\$0	\$247,918	\$4,689
2021 <input checked="" type="checkbox"/> \$ HX CAP	\$25,000	\$25,000	\$0	\$149,380	\$3,137
2020 <input checked="" type="checkbox"/> \$ HX CAP	\$25,000	\$25,000	\$0	\$85,664	\$2,095

## 2023 Taxable Value and Certified Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	\$793,578	\$0	\$793,578	3.1730 (-1.28%)	\$2,518.02	19%
Public Schools: By Local Board	\$793,578	\$0	\$793,578	3.2480 (0.00%)	\$2,577.54	20%
Orange County (General)	\$793,578	\$0	\$793,578	4.4347 (0.00%)	\$3,519.28	27%
City Of Belle Isle	\$793,578	\$0	\$793,578	4.4018 (0.00%)	\$3,493.17	27%
Library - Operating Budget	\$793,578	\$0	\$793,578	0.3748 (0.00%)	\$297.43	2%
St Johns Water Management District	\$793,578	\$0	\$793,578	0.1793 (-9.17%)	\$142.29	1%
Lake Conway Mstu	\$793,578	\$0	\$793,578	0.5750 (40.00%)	\$456.31	4%
			<b>16.3866</b>		<b>\$13,004.04</b>	

## 2023 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
CITY OF BELLE ISLE	BELLE ISLE RES - GARBAGE - (407)851-7730	1.00	\$305.40	\$305.40
CITY OF BELLE ISLE	BELLE ISLE STRM - DRAINAGE - (407)851-7730	1.00	\$135.00	\$135.00
				<b>\$440.40</b>

## Property Features

### Property Description

C H HOFFNERS SUB F/37 LOTS 22 & 23 & LAND ON LAKE SIDE MEASURING 20 FT ON N & 71 FT ON S

### Total Land Area

61,330 sqft (+/-) | 1.41 acres (+/-) GIS Calculated

### Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0030 - Vacant Water	R-1-AA	1 LOT(S)	working...	working...	working...	working...

## Buildings

## Extra Features

Description	Date Built	Units	Unit Price	XFOB Value
BC3 - Boat Cover 3	12/29/2023	1 Unit(s)	working...	working...
BD3 - Boat Dock 3	12/29/2023	1 Unit(s)	working...	working...

## Sales

### Sales History

Sale Date	Sale Amount	Instrument #	Book/Page	Deed Code	Seller(s)	Buyer(s)	Vac/Imp
04/06/2023	\$1,160,000	20230204015 /		Trustee's Deed	Georgia Holley Odonnell Revocable Trust	Meerbaum Greg	Improved
04/01/1980	\$82,000	19801520718	03114 / 0233	Warranty Deed			Improved
06/01/1975	\$100	19750865255	02600 / 0822	Warranty Deed			Improved

### Similar Sales

Address	Sale Date	Sale Amount	\$/SQFT	Deed Code	Beds/Baths	Instrument #	Book/Page
17540 Lake Star Rd	01/18/2024	\$1,053,371	\$257	Special Warranty	5/4	20240044465 /	
731 Dennis Ave	01/10/2024	\$490,900	\$239	Warranty Deed	4/2	20240028879 /	
725 Dennis Ave	01/10/2024	\$488,900	\$238	Warranty Deed	4/2	20240028907 /	
6667 Heather Rd	01/04/2024	\$502,900	\$245	Warranty Deed	4/2	20240015168 /	
6655 Heather Rd	01/04/2024	\$506,900	\$256	Warranty Deed	4/3	20240015182 /	
719 Dennis Ave	01/04/2024	\$508,900	\$257	Warranty Deed	4/3	20240015792 /	
Kirby Smith Rd	01/02/2024	\$1,400,000		Warranty Deed	0/0	20240010071 /	
Mileham Dr	12/28/2023	\$25,000		Warranty Deed	0/0	20240009649 /	
713 Dennis Ave	12/22/2023	\$524,900	\$225	Warranty Deed	4/2	20240000162 /	
13617 Mcmillan Dr	12/21/2023	\$1,132,800	\$328	Warranty Deed	4/4	20240007417 /	

## Services for Location

### TPP Accounts At Location

Account	Market Value	Taxable Value
There are no TPP Accounts associated with this parcel.		

### Schools

Pershing School (Elementary)

Principal	Sanjay Brown
Office Phone	407.858.3160
Grades	2023:   2022: B   2019: C



Oak Ridge (High School)

**Principal**

Dennis Gonzalez

a.

**Office Phone**

407.852.3200

**Grades**

2023: | 2022: C | 2019: B

### Utilities/Services

**Electric**

Duke Energy

**Water**

Orlando Utilities  
Commission

**Recycling (Friday,  
Tuesday)**

Belle Isle

**Trash (Tuesday, Friday)**

Belle Isle

**Yard Waste (Monday)**

Belle Isle

### Elected Officials

State Senate

Linda Stewart

County Commissioner

Mayra Uribe

School Board Representative

Alicia Farrant

State Representative

Anna Eskamani

US Representative

Darren Soto

Orange County Property  
Appraiser

Amy Mercado

### Nearby Amenities (1 mile radius)

<b>ATMS</b>	1
<b>Banks &amp; Financial Institutions</b>	3
<b>Barber Shops</b>	1
<b>Beauty Salons</b>	4
<b>Child Daycare</b>	1
<b>Dentists Offices</b>	1
<b>Dry Cleaners</b>	1
<b>Gas Stations</b>	1
<b>Grocery Store</b>	1
<b>Nail Salons</b>	1
<b>Optometrists Offices</b>	1
<b>Restaurants</b>	10

### Market Stats

---

#### Sales Within Last 1 Year

	Sales Within Last 6 Months			Sales Between 6 Months To One Year				
	Count	Median	Average	Volume	Count	Median	Average	Volume
Single Family Residential	1	\$1,400,000	\$1,400,000	\$1,400,000				
		(\$496/SqFt)	(\$496/SqFt)					
Vacant Land					1	\$1,160,000	\$1,160,000	\$1,160,000

1916 Hoffner Ave.  
Orlando, FL 32809  
Northeast Corner  
(Front)





1916 Hoffner Ave.  
Orlando, FL 32809  
North Center (Front)





1916 Hoffner Ave.  
Orlando, FL 32809  
Northwest Corner  
(Front)





1916 Hoffner Ave.  
Orlando, FL 32809  
South Center  
(Rear)





1916 Hoffner Ave.  
Orlando, FL 32809  
Southeast Center  
(Rear)





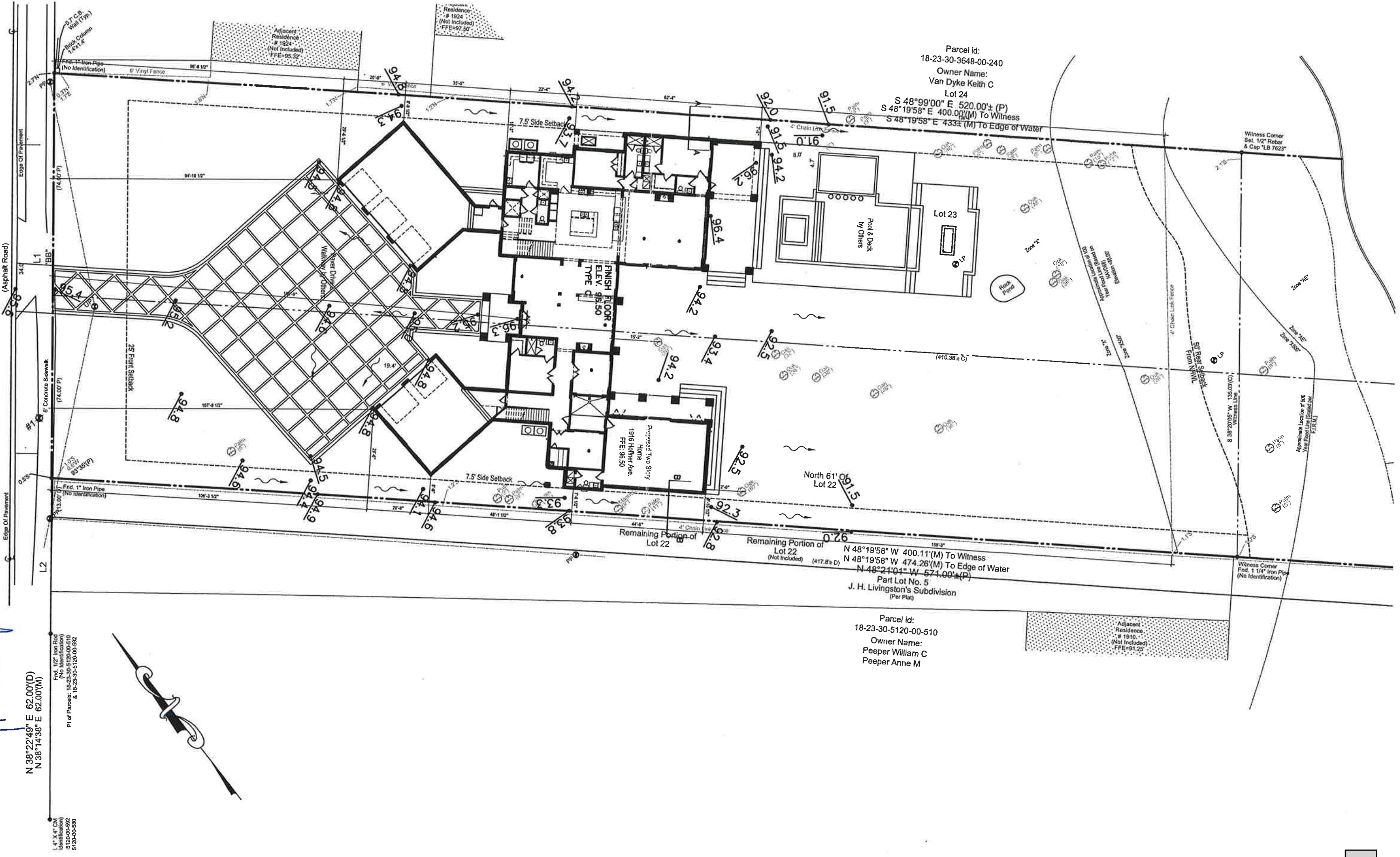
1916 Hoffner Ave.  
Orlando, FL 32809  
Southwest Center  
(Rear)





NOTE: NO FILL WILL BE PLACED AS TO  
CREATE WATER PONDING ON ADJACENT PROPERTIES  
ALL EXCESS CUT SHALL BE HAULED OFF-SITE AND NOT DISTRIBUTED ON-SITE

*Proposed Site Layout*  
*Waste Water House*  
*1" = 30'*



Parcel id:  
18-23-30-3648-00-240  
Owner Name:  
Van Dyke Keith C  
Lot 24  
S 48°19'58" E 520.00±(P)  
S 48°19'58" E 400.00±(M) To Witness  
S 48°19'58" E 433±(M) To Edge of Water

Parcel id:  
18-23-30-5120-00-510  
Owner Name:  
Peeper William C  
Peeper Anne M

Pi of Parcels:  
N 38°22'49" E 62.00'(D)  
N 38°14'38" E 62.00'(M)

4" x 4" CM Identification  
5120-00-510  
5120-00-510  
5120-00-510

Fnd. 1/2" Iron Rod  
(No Identification)  
18-23-30-5120-00-510  
18-23-30-5120-00-510



# CITY OF BELLE ISLE, Florida

## Planning and Zoning: Staff Report

March 18, 2024

Variance Request: **1916 Hoffner Avenue**

Application Request: Public Hearing #2024-02-017 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING AND ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FOR A MAXIMUM BUILDING HEIGHT OF 40 FEET, INSTEAD OF THE STANDARD MAXIMUM BUILDING HEIGHT IN A R-1-AA ZONING DISTRICT OF 35 FEET, SUBMITTED BY APPLICANT JASON LEE, REPRESENTING PROPERTY OWNER GREG MEERBAUM, LOCATED AT 1916 HOFFNER AVENUE, BELLE ISLE, FL 32809, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #18-23-30-3648-00-220.

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

### Background

The applicant seeks to build a new two-story single-family residence that exceeds the standard maximum building height of 35 to 40 feet. Under section 41-4, for Definitions and Rules of Construction, the code defines building height as “the vertical distance from the grade to the highest point of the roof, including all appurtenances.”

### Staff Recommendation

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

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

The literal enforcement of the code does not result in an unnecessary hardship for the applicant to build a new single-family residence in compliance with the City’s height requirement. An unnecessary hardship exists when compliance would unreasonably prevent or burden the homeowner from using the property for a permitted purpose.

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

The owner/applicant’s preference for the architectural design of a new single-family residence is a self-created hardship. A personal hardship is not an allowable basis for granting a variance approval; a hardship results from the conditions of the property or the structure.

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

The variance request makes reasonable use of the land, as the proposed structure meets all other zoning requirements for a new single-family residence. The applicant had revised the applicable building height sheets to their active building permit to detail the building height measurement from the finished floor to the roof's peak, including appurtenances, as 35 feet in height. The five-foot difference in height for the requested variance accounts for the natural elevations and sloping of the land from the finished floor of the proposed structure.

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

The proposed variance request is not in harmony with the purpose and intent of the land development code.

Based on the variance criteria of sections 42-64 (d), (e), and (g), City staff recommends that the Board not approve the requested variance to build a new single-family residence at a height of 40 feet from the natural grade. City staff have determined there are no special conditions or circumstances of the land, the request is a self-created hardship, and it does not meet the purpose and intent of the city code.

**Additional Notes**

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.





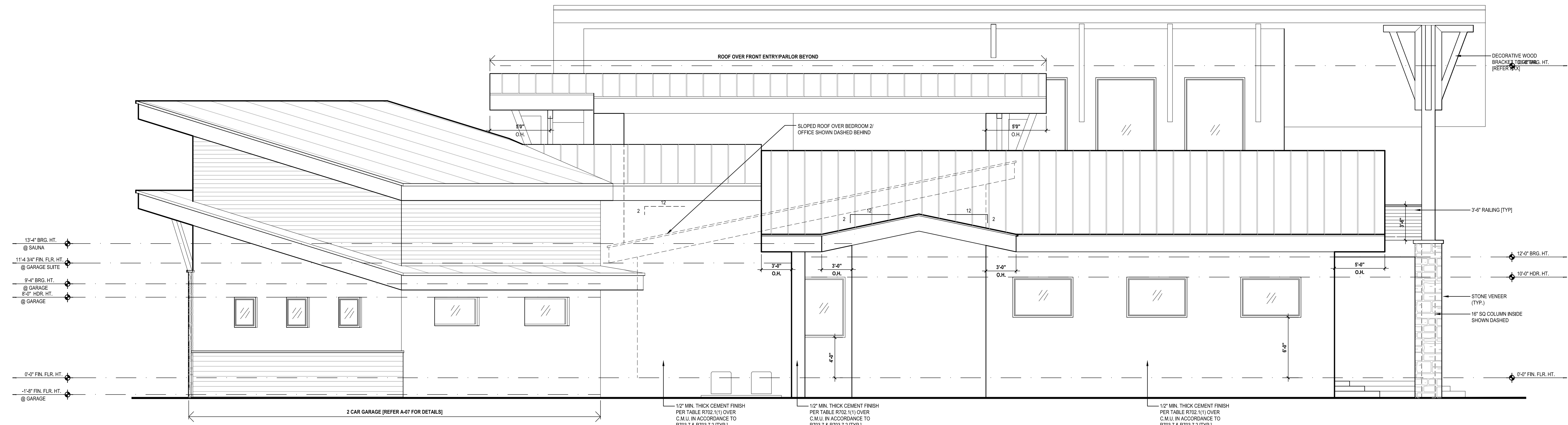




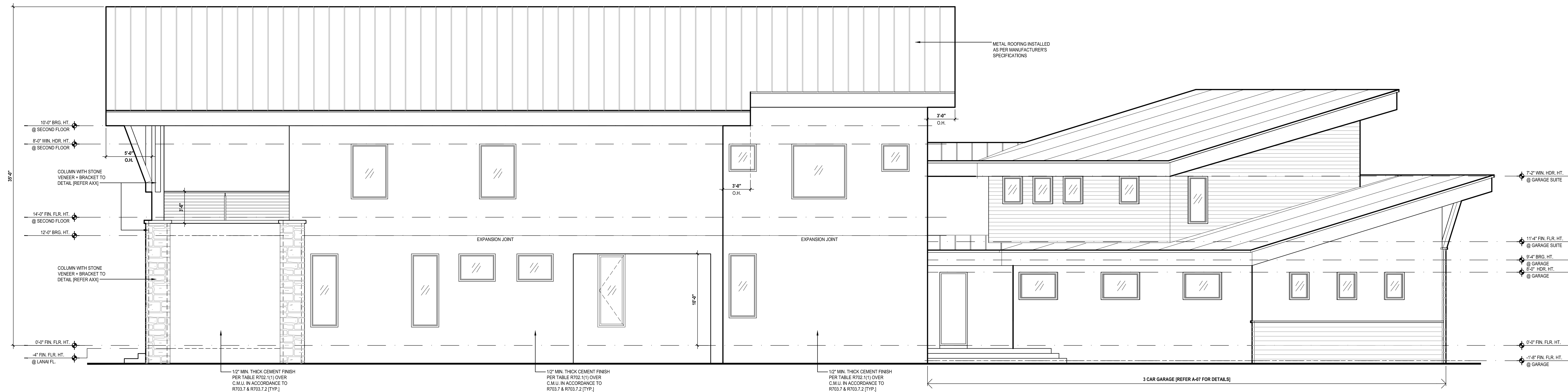




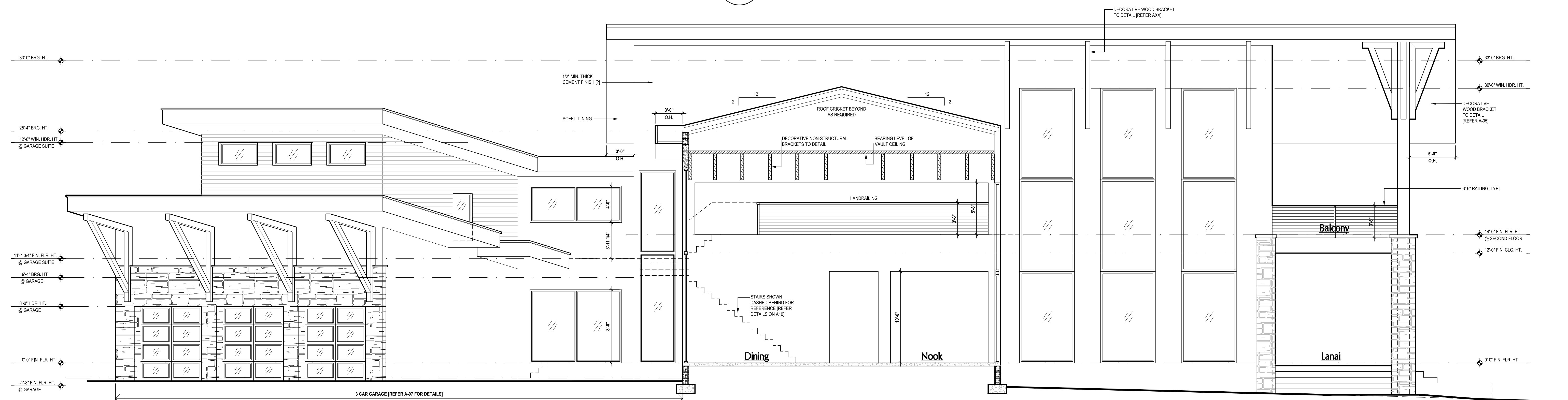




**EL4 Right Elevation**  
SCALE: 3/16" = 1'-0"



**EL5 Left Elevation**  
SCALE: 3/16" = 1'-0"



**B A-01 Building Section B**  
SCALE: 3/16" = 1'-0"

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RKE ENTERPRISES, LLC  
 Florida Reg. #47515  
 4707 Wild Turkey Rd.  
 Miami, FL 33254

MJS DESIGNERS, LLC  
 Florida Reg. #47515  
 4707 Wild Turkey Rd.  
 Miami, FL 33254

This team has been electronically signed by Edward Strunk, MJS DESIGNERS, LLC, and MJS ENTERPRISES, LLC. IDEAS ARE THE EXCLUSIVE INTELLECTUAL PROPERTY OF MJS, INC. ALL RIGHTS RESERVED.

815 Oriole Ave., Suite #1040  
 Altamonte Springs, FL 32701  
 Ph: (407) 629-6711  
 Fax: (407) 629-6776  
 www.mjsdesignersgroup.com

residential-commercial-architecture

**A I B D**

**GOBA**  
 GREATER ORLANDO BUILDERS ASSOCIATION

**Meerbaum House**  
 1916 Hoffner Ave.  
 Orlando, FL 32809

PROJECT: 23-0124  
 SCALE: AS NOTED  
 DRAWN BY: THE MJS TEAM  
 DESIGNED BY: MJS

ELEVATIONS  
**A-06**

REVISIONS  
 REVISION DATE  
 01/19/2024

ISSUE DATE 12/15/2023

MJS/STZ/T.H. Custom Clients/Meerbaum House (1916 Hoffner Ave.)/A-06 Elevations.dwg

Jan 10, 2024 12:58pm







MEMORANDUM

TO: Planning and Zoning Board

DATE: March 26, 2024

RE: Variance Application – 1832 Wind Harbor Road

PUBLIC HEARING #2024-02-024 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM THE BUILDING SETBACKS REQUIREMENTS OF A R-1-AA ZONING DISTRICT, SUBMITTED BY APPLICANTS TIMOTHY SHIPE AS TRUSTEE OF THE GARY SHIPE TRUST DATED JANUARY 27, 1999 AND FRANK WILSON, LOCATED AT 1832 WIND HARBOR ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-260.

Background:

1. On February 22, 2024, the applicant submitted a variance application and the required paperwork.
2. Letters to the abutting property owners were mailed within 300 feet of the subject property on March 13, 2024.
3. A Notice of Public Hearing legal advertisement was placed in the Orlando Sentinel on Sat., March 16, 2024.

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 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 AND 50-73 (A), **TO APPROVE** THE BUILDING SETBACKS REQUIREMENTS OF A R-1-AA ZONING DISTRICT AS FOLLOWS \_\_\_\_\_ SUBMITTED BY APPLICANTS TIMOTHY SHIPE AS TRUSTEE OF THE GARY SHIPE TRUST DATED JANUARY 27, 1999 AND FRANK WILSON, LOCATED AT 1832 WIND HARBOR ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-260.

SAMPLE MOTION TO DENY:

"I MOVE, PURSUANT TO BELLE ISLE CODE CODE SEC. 42-64 AND 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]* THE BUILDING SETBACKS REQUIREMENTS OF A R-1-AA ZONING DISTRICT SUBMITTED BY APPLICANTS TIMOTHY SHIPE AS TRUSTEE OF THE GARY SHIPE TRUST DATED JANUARY 27, 1999 AND FRANK WILSON, LOCATED AT 1832 WIND HARBOR ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-260.

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: Timothy Shipe & Frank Wilson	OWNER: Timothy Shipe, as trustee of the Gary Shipe Trust, dated January 27, 1999
ADDRESS: 7415 Lake Dr Orlando FL 32809	PROJECT ADDRESS: 1832 Wind Harbor Rd, Orlando, FL 32809
CONTACT NUMBER: 3001/321-303-6699 (Frank)	OWNER'S CONTACT NUMBER: 407 616 7111
EMAIL: Tim.shipe@icloud.com	OWNER'S EMAIL: barbsloski@mac.com
PARCEL ID#: 30-23-30-9330-00-260	
LAND USE CLASSIFICATION: B100 - Single-family	ZONING DISTRICT: B-1-AA
SECTION OF THE CODE VARIANCE REQUESTED ON: 50-73	

DETAILED VARIANCE REQUEST

Variance to build front & back porch/non living space, with a lesser setback than code allows for front & rear setback.

- 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.
- 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.
- 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.

APPLICANT'S SIGNATURE:	OWNER'S SIGNATURE: Timothy Shipe, as trustee
<input checked="" type="checkbox"/> VARIANCE	<input type="checkbox"/> SPECIAL EXCEPTION
<input type="checkbox"/> OTHER	P&Z CASE NUMBER: 2024-02 4024
	DATE OF HEARING: 3/26/2024

**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

GENERAL DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That I, GARY W. SHIPE, of Hamblen County, Tennessee, have made, constituted and appointed and by these presents do make, constitute and appoint TIMOTHY H. SHIPE of Orlando, Florida my true and lawful general attorney-in-fact, for me and in my name, place and stead to do all my personal business in my name, including but not limited to, all those powers enumerated in Tennessee Code Annotated §§34-6-109 and 34-6-108 (c), as such statutes are in effect on the date hereof and without regard to the fact that such statutes may be amended hereafter, as fully, completely and amply to all intents and purposes whatsoever, as I might or could do if acting personally. And I hereby ratify and confirm all lawful acts done by my said attorney-in-fact in virtue hereof.

I also appoint Timothy H. Shipe to be my deputy to have access to any safety deposit box which I may have with any bank or savings and loan association with the same power that I would have if personally present and I further authorize my deputy to execute any safe deposit box contract in my behalf as such deputy.

I do hereby agree that this power of attorney shall be and remain in full force and effect until by me revoked by written notice to anyone who may in good faith rely on same and recorded in the Register's Office for Hamblen County, Tennessee, if the original appointment has been so recorded.

This power of attorney is to be construed as a general durable power of attorney and the enumeration of various powers therein shall not be considered as a limitation of powers. Also, it is my intention that this power of attorney shall not be affected by my subsequent mental or physical debility or incapacity as provided for by Tennessee Code Annotated §34-6-101, et seq.

WITNESS my hand this 19 day of <sup>Dec. 2008</sup>~~June, 2007~~.

Gary W. Shipe  
GARY W. SHIPE

This Instrument Prepared By:

William O. Foutch, Jr.  
830 West First North Street, Morristown, Tennessee 37814

STATE OF TENNESSEE

COUNTY OF HAMBLEN

Personally appeared before me, the undersigned, a Notary Public in and for the State and County aforesaid, the within named bargainer, GARY W SHIPE, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that he executed the foregoing instrument for the purposes therein contained and expressed.

~~Dec.~~ <sup>2008</sup> WITNESS my hand and official seal at office in said County this 19 day of ~~June~~, <sup>2007</sup>.



Susan L. Carmichael.  
NOTARY PUBLIC

My commission expires: May 28 2012.

Raquel Lozano  
City of Belle Isle  
1600 Nela Avenue, Belle Isle, FL 32809  
Direct Line: 407-793-5348  
Office Line: 407-851-7730  
[Planner@BelleIsleFL.Gov](mailto:Planner@BelleIsleFL.Gov)

February 22, 2024

Re: New house at 1832 Wind Harbor Rd., Belle Isle, FL 32809  
Parcel ID# 30-23-30-9330-00-260, Land use: 0103 Single Family Class III, Zoning: R-1-AA.

Ms. Lozano,

This narrative letter is to give a brief description of the planned project for the above referenced address. The existing 2 story house is to be demolished and the site prepared for a new house. The existing house does not meet the current setbacks required by the City of Belle Isle. See Existing Site survey.

The proposed plan for constructing a new 2 story house will be built within the allowable setbacks set forth by the City of Belle Isle Land Development code, **Sec. 50-73. - Site and building requirements**. Due to the current setback requirements per The City of Belle Isle and the shape of the property, the new building envelope will only allow for 34.4 ft of depth in the mid-section of the property. We are able to fit a narrow house plan in this space, but this leaves little to no room for front and rear porches. We are asking for a variance to construct front and rear porches. This would be non-living square footage and will add a functional covered area in the front and rear. This will promote energy savings for heating and cooling, plus adds to the aesthetics of the property. We are asking to encroach a maximum of 8 feet into the front setback for the front porch. We are asking to encroach a maximum of 20 feet into the rear setback for the rear porch. See Proposed site plan.

The variances we are asking for are in keeping with the architectural style and size of houses in this neighborhood. We thank you for your consideration in advance.

Please call if you have any further questions.

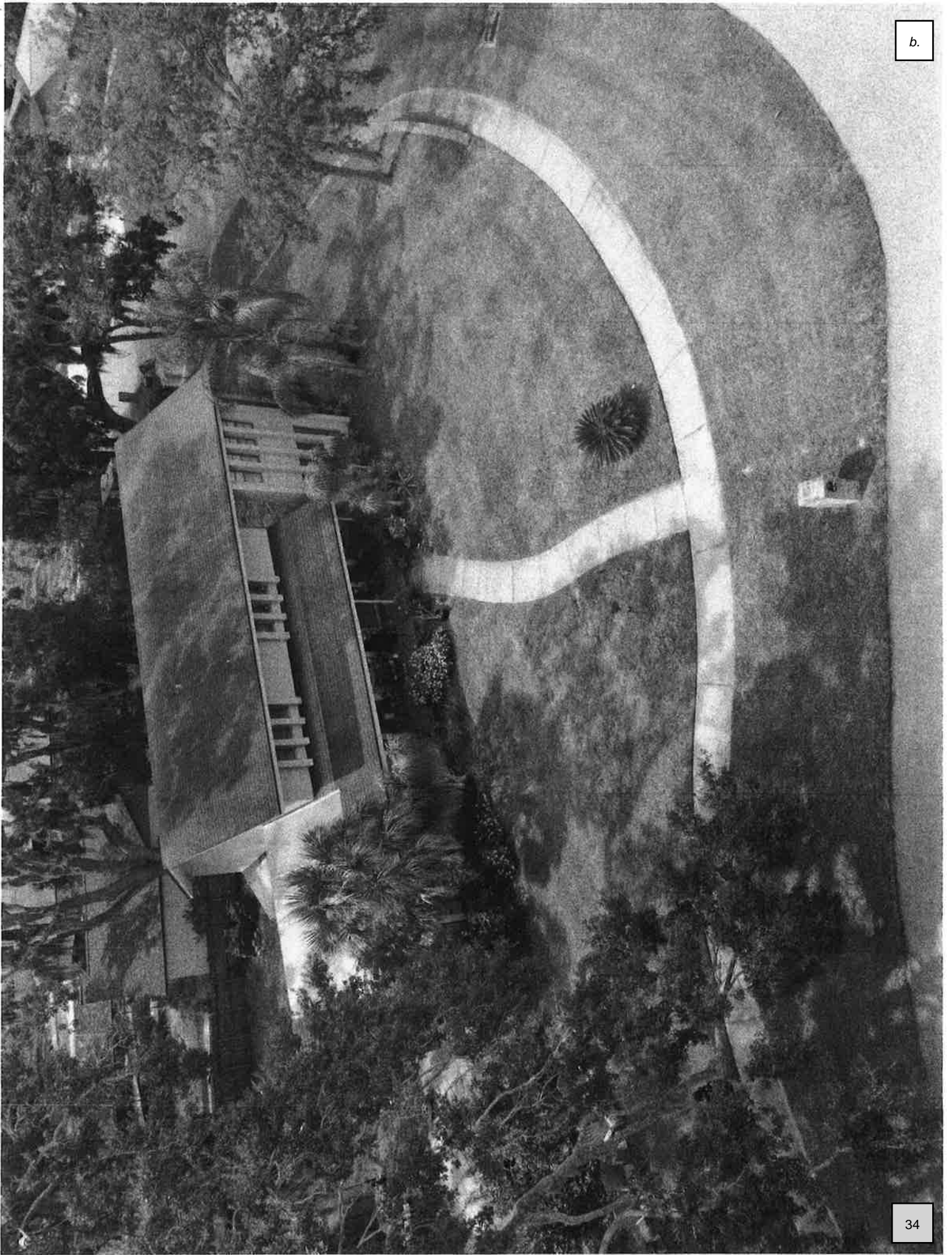
Sincerely,



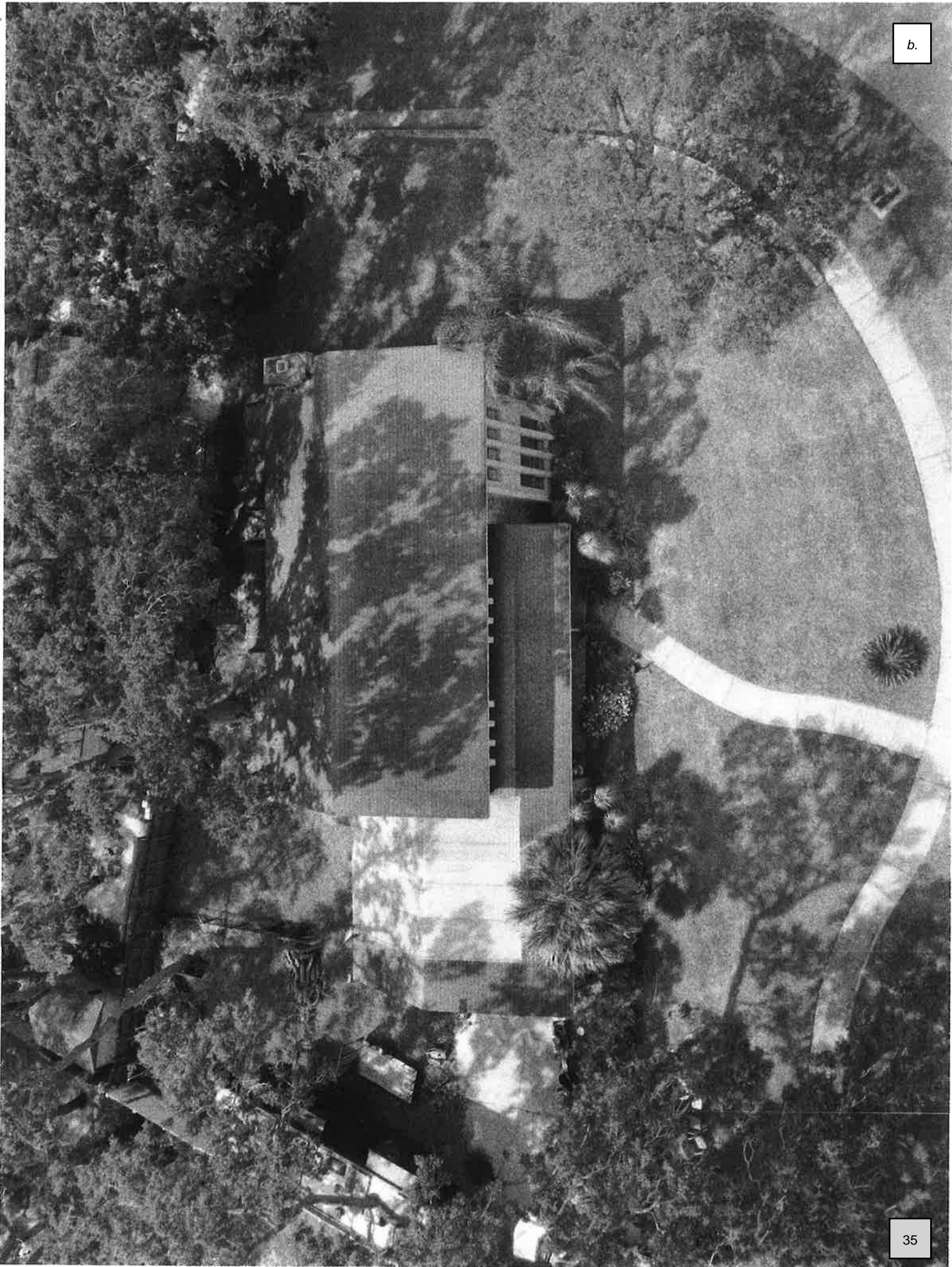
Frank Wilson



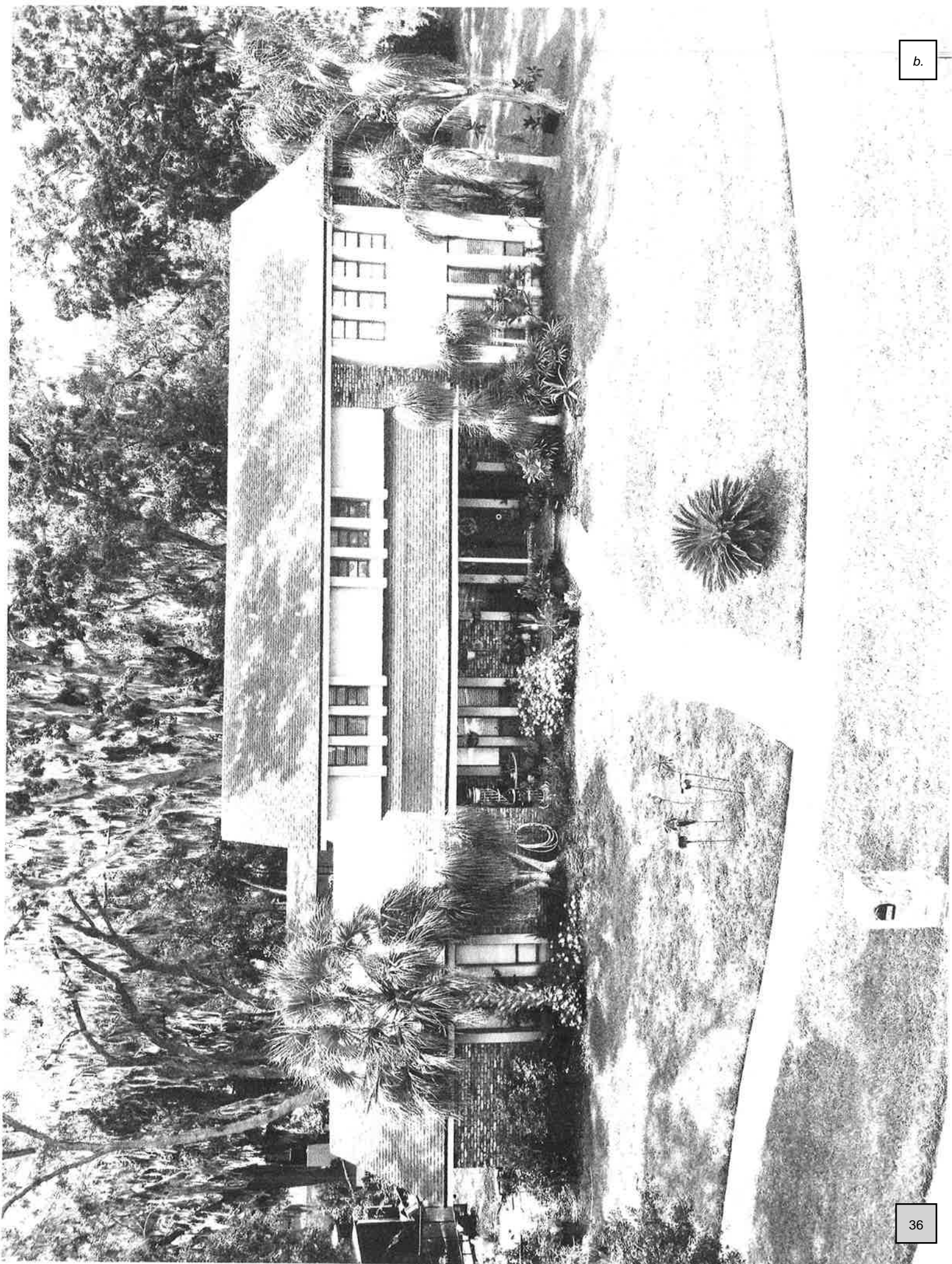
b.



b.

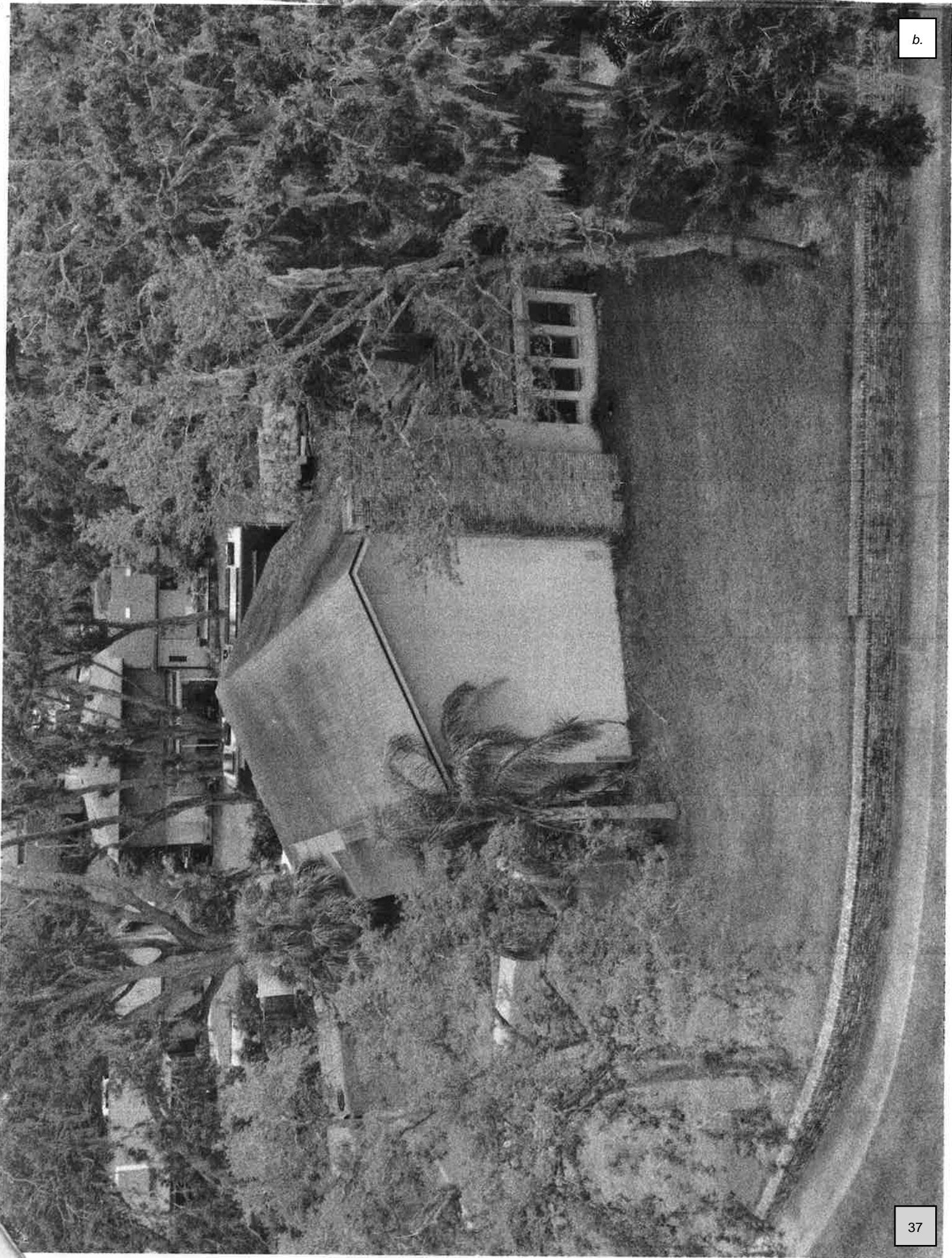








b.





# CITY OF BELLE ISLE, Florida

## Planning and Zoning: Staff Report

March 18, 2024

Variance Request: **1832 Wind Harbor Road**

Application Request: Public Hearing #2024-02-024 - PURSUANT TO BELLE ISLE CODE SEC. 42-64 AND 50-73 (A), THE CITY OF BELLE ISLE PLANNING & ZONING BOARD WILL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE FROM THE BUILDING SETBACKS REQUIREMENTS OF A R-1-AA ZONING DISTRICT, SUBMITTED BY APPLICANTS TIMOTHY SHIPE AS TRUSTEE OF THE GARY SHIPE TRUST DATED JANUARY 27, 1999 AND FRANK WILSON, LOCATED AT 1832 WIND HARBOR ROAD, BELLE ISLE, FL 32809 ALSO KNOWN AS ORANGE COUNTY TAX PARCEL ID #30-23-30-9330-00-260.

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

### Background

The applicant seeks to demolish and build a new single-family home within the designated building setbacks for an R-1-AA zoning district, according to section 50-73 (A). The property maintains a unique lot configuration, as it abuts Wind Harbor Road to the north and east. The property is at the street end of the cul-de-sac. The front-facing side of the existing single-family residence faces east. The sides of the residential building face north and south, and the rear yard faces west.

The applicant has provided two different site plans to show the existing single-family home setbacks, the proposed SFR and its building setbacks, and an outline of the applicable building setbacks for the lot. Please note: the applicant has applied the required building setbacks based on the structure’s orientation to the lot.

The designated yards and applicable building setbacks may be reviewed and determined by the Board.

### Staff Recommendation

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

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

The applicant seeks to build a new single-family residence eight feet within the designated 30-foot front yard setback and approximately twenty feet within the designated 35-foot rear setback to accommodate an attached, covered porch area. The porch areas do not affect the living areas of the proposed principal building. While the property maintains a unique lot configuration, the requested variances to build a

new single-family residence within the designated front and rear setback are not based on the special conditions or circumstances of the lot.

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

The request to build a front and rear covered porch area within eight feet of the designated front setback and 20 feet within the designated rear setback is self-created. The applicants have provided a site plan for the proposed single-family residence, demonstrating that the principal building's living area meets the code's designated building setbacks. The attached covered porch areas are optional and not required for the new house. The strict compliance with the city code does not prevent or burden the applicant from meeting the zoning district's designated building setbacks.

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

The variance request does not make reasonable use of the land and structure as the applicants seek to encroach within the front and rear building setbacks.

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

The variance request to allow a front building setback of 22 feet from the required 30-foot building and a rear building setback of 14.5 feet from the required 35-foot building setback will not be injurious to the neighborhood and will not be detrimental to the public welfare. The existing property and single-family structure provide limited backyard space.

Based on the variance criteria under section 42-64 (d-f), City staff recommends that the Board not approve the requested variances to allow a 22-foot front yard building setback from the required 30-foot setback and a 20-foot rear building setback from the required 35-foot setback.

Should the Board approve the requested variances for the front and rear building setbacks, City Staff recommends the following condition of approval:

- 1. At the recommendation of legal counsel, the applicant Timothy Shipe must update the property appraiser’s information through the County to show the owner as “Timothy Shipe as Trustee of the Gary Shipe Trust dated January 27, 1999.”
- 2. Under section 42-67, the code outlines time limits and extensions for variance cases. Pursuant to section 42-67(A), variance approvals are valid for six months after the Board’s decision or one year after issuance of the last issued permit necessary for the utilization of the variance. The Board may choose to assign a different time limit for the requested variances.

**Additional Notes**

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.



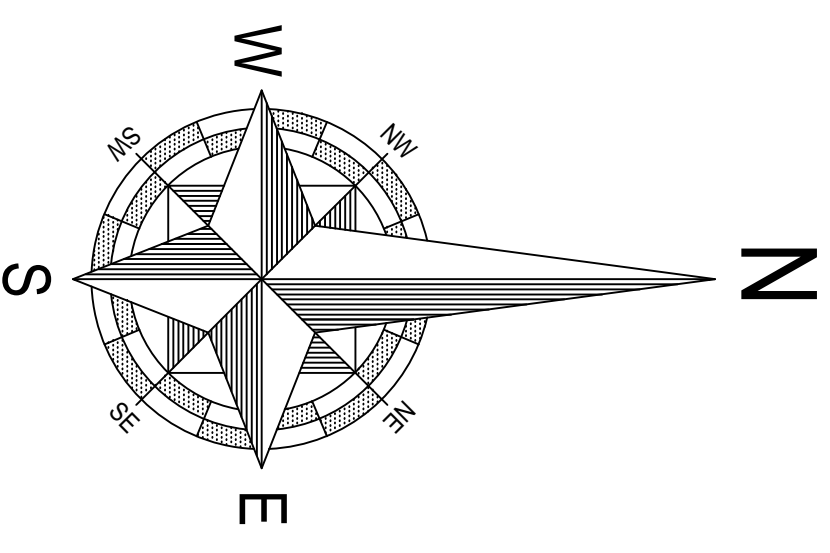
**C16**  
 R = 50.00'(P)  
 L = 108.26'(P)  
 Δ = 124°02'43"(P)  
 Chord Bearing =

**C17**  
 R = 25.00'(P)  
 L = 30.77'(P)  
 Δ = 70°31'43"(P)  
 Chord Bearing =

**C18**  
 R = 75.00'(P)  
 L = 70.05'(P)  
 Δ = 53°31'00"(P)  
 Chord Bearing =

**CA**  
 R = 50.00'(P)  
 L = 110.39'(P)  
 Δ = 126°29'51"(C)  
 Chord Bearing =

S 27°29'18" E(C) 88.32'(P) S 00°44'25" E(C) 28.87'(P) S 62°45'34" E(C) 67.53'(P) N 27°14'37" E 89.30'(C)  
 S 26°54'26" E 88.27'(M) S 00°45'49" E 28.92'(M) S 62°49'38" E 67.59'(M)



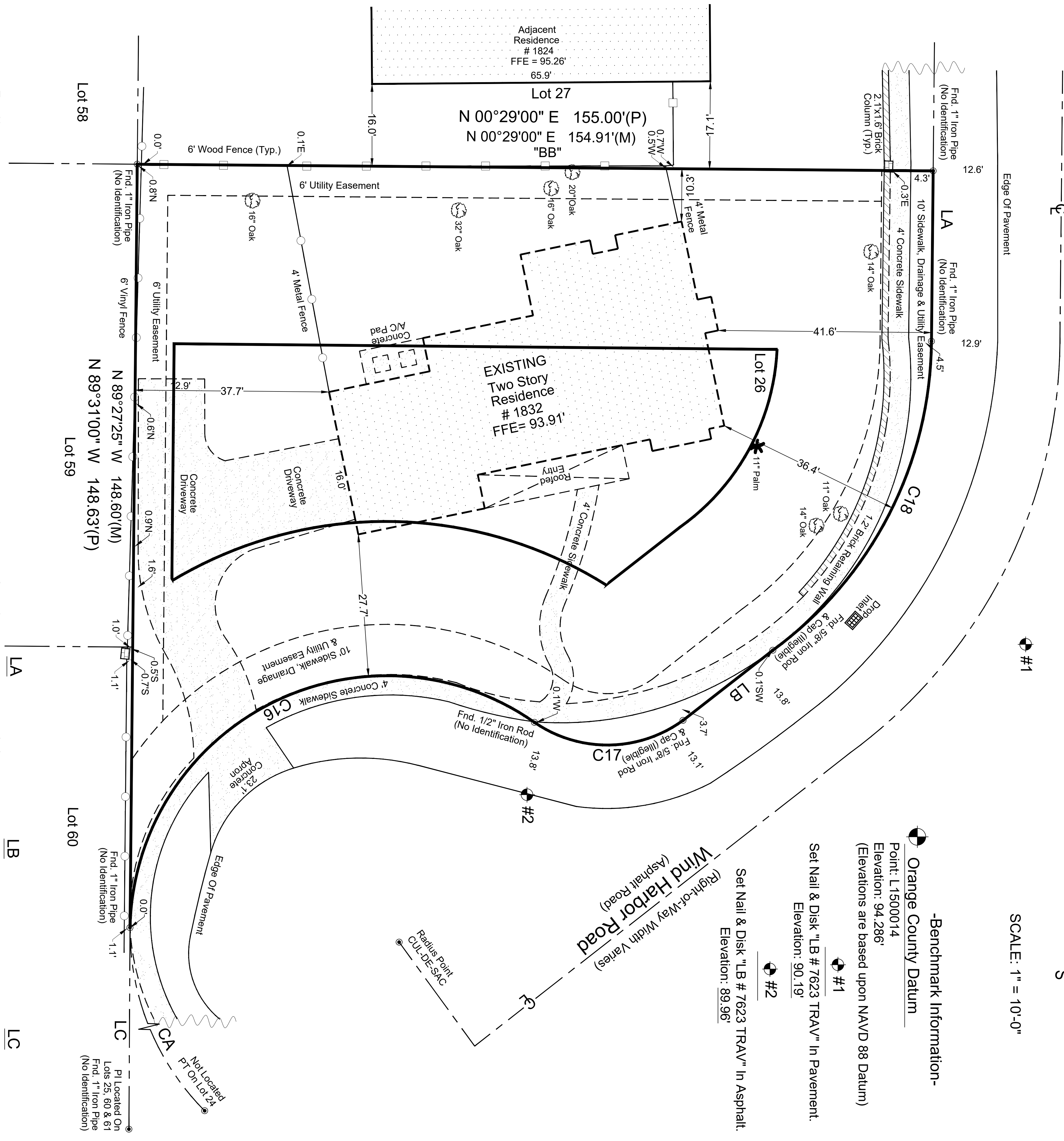
SCALE: 1" = 10'-0"

**Benchmark Information-**  
 Orange County Datum  
 Point: L1500014  
 Elevation: 94.286'  
 (Elevations are based upon NAVD 88 Datum)

#1  
 Set Nail & Disk "LB # 7623 TRAV" In Pavement.  
 Elevation: 90.19'

#2  
 Set Nail & Disk "LB # 7623 TRAV" In Asphalt.  
 Elevation: 89.96'

Wind Harbor Road  
 (Right-of-Way Width Varies)  
 (Asphalt Road)



**Tree Note:**  
 Palm - Denotes Tree Type  
 (18") - Diameter of Tree measured at Chest Height

**LA** S 89°31'00" E 33.17'(P) S 36°00'00" E 22.07'(P) N 89°31'00" W 39.37'(P)  
 S 89°25'43" E 33.17'(M) S 37°59'21" E 22.18'(M) N 89°41'19" W 39.25'(M)

**LB**

**LC** P/located On Lots 25, 60 & 61  
 Fnd. 1" Iron Pipe (No Identification)

